A meeting of the Cumberland Local Planning Panel will be held at 11:30am via Zoom on Wednesday, 13 August 2025.

Business as below:

Yours faithfully

Peter J. Fitzgerald
General Manager

ORDER OF BUSINESS

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

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Item No: ELPP015/25

DEVELOPMENT APPLICATION - 1D AMY STREET, REGENTS PARK

Directorate: Environment and Planning
Responsible Officer: Executive Manager City Planning and Development

Application lodged	14 May 2025.
Applicant	Mr G Bakewell.
Owner	Cumberland City Council and Transport Asset Manager of New South Wales.
Application No.	DA2025/0270.
Description of Land	Regents Park Library 1D Amy Street Regents Park and Railway Lands being Lot 1 DP 434367 and Lot 31 DP 1221455.
Proposed Development	Addition of painted artworks on the eastern façade of the Regents Park Library and southern façade Regents Park Community Centre.
Site Area	1,430.2 square metres.
Zoning	Part RE1 Public Recreation and Part SP2 Infrastructure.
Disclosure of political donations and gifts	Nil disclosure.
Cost of works	$50,000.00.
Heritage	Site contains heritage item I233; subject buildings are not heritage items.
Principal Development Standards	Not applicable.
Issues	Nil

SUMMARY:

1. Development Application 2025/0270 was lodged on the 14 May 2025 for the addition of painted artworks on the eastern façade of the Regents Park Library and southern façade Regents Park Community Centre.

2. The application was publicly notified to occupants and owners of the adjoining properties for a period of 28 days between 2 June 2025 and 30 June 2025. In response, no submissions were received.

3. The application is referred to the Panel as the proposal is partly located on land that is owned by the Council.

4. The application is recommended approval subject to the conditions as recommended in the Council's assessment report.

REPORT:

Subject Site and Surrounding Area

The subject site currently contains the Regents Park Library and the Regents Park Community Centre. The development site also contains the Regents Park Railway Station which is situated on the western portion of the site. The parcel of land known as 1D Amy Street is community land.

The site forms part of the Regents Park Town Centre which comprises of various shops and commercial outlets. In particular, there are food and drink premises bordering the site to the east, a car park to the northeast and a railway station to the immediate west. Guilfoyle Park and associated parklands lie to the north of the site.

The location of the site is shown below edged in purple.



Figure 1 – Aerial view of subject site

A photo of the site taken from a recent site inspection is provided below.



Figure 3 - Street view of subject site (as seen from the east)

Site History

Council records show the library having an approval that is dated 26 July 1967. There are adequate records within the Council's files to demonstrate satisfactory use of the site as a library since 1970 for public use.

Description of The Development

Council has received a development application for the painting of artwork to the eastern wall of the Regents Park Library and the southern wall of the Regents Park Community Centre.

The painted artwork on the eastern wall of the library has dimensions of 5.99m in height and 19.6m in width. According to the artist, the artwork depicts 'connections of youth and growth of imagination through play and books'.

The painted artwork on the southern wall of the community centre has dimensions of 2.97m in height and 14.78m in width. According to the artist, the artwork brings elements of connection, lifestyle, interactions, culture and education through social games with a long-standing history within the community.

No other physical works are proposed to the buildings across the site.

Applicants Supporting Statement

The applicant has provided a Statement of Environmental Effects prepared by Graham Bakewell dated April 2025 and was received by Council on 14 May 2025 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.

External Referrals

Sydney Trains

The development application was referred to Sydney Trains for comment who raised no objection to the proposal.

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 Planning Policies (SEPPs)	Relevant Clause(s)	Compliance with Requirements
State Environmental Planning Policy (Biodiversity and Conservation) 2021.	Chapter 2 - Vegetation in non Rural Areas.	The development application does not include the removal of any trees across the site. It is construed that Chapter 2 will not apply in this instance given the type of work that is proposed. As such, no assessment is required under Chapter 2.
	Chapter 6 - Water Catchments. Sydney Harbour Catchment.	It is determined that given the location of the site, 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 provisions.
State Environmental Planning Policy (Resilience and Hazards) 2021.	Chapter 2 - Coastal Management.	The subject site is not identified as being within a coastal wetland or ‘land identified as “proximity area

		for coastal wetlands" or coastal management area.
State Environmental Planning Policy (Industry and Employment) 2021.	Chapter 3 Advertising and Signage.	**Part 3.2 Signage generally** *3.6 Granting of consent to signage* This part does not apply to the subject development as no advertisements (or identification signs) are proposed. The proposed development relates only to painting of artwork across the walls of two Council related buildings.
State Environmental Planning Policy (Sustainable Buildings) 2022.	Chapter 3 - Standards for non-residential development.	Chapter 3 of SEPP (Sustainable Buildings) 2022 does not apply to the development as the proposed development does not involve the erection, alteration or enlargement of a building and the development has a capital investment value of less than $10 million.
State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.	Part 2 - Exempt Development Codes. Sculptures and artworks.	The proposed development is not considered exempt development as the proposed painted artwork is not specified development under Clause 2.77. The artwork is not freestanding as it will be painted onto the wall.

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.

(a) Permissibility:

The proposed artwork will be painted onto the existing community facility and library.

The painted artwork is ancillary to these existing uses which are defined as follows:

The community facility is located wholly within the SP2 Infrastructure zone where a community facility is permissible with consent and defined as follows:

> ***community facility*** *means a building or place -*
>
> *(a) owned or controlled by a public authority or non-profit community organisation, and*

(b) used for the physical, social, cultural or intellectual development or welfare of the community, but does not include an educational establishment, hospital, retail premises, place of public worship or residential accommodation.

There are no concerns raised in relation to permissibility of the artwork across the community facility building.

The library is best defined as an "Information and educational facility". An information and educational facility is defined as:

information and education *facility means a building or place used for providing information or education to visitors, and the exhibition or display of items, and includes an art gallery, museum, library, visitor information centre and the like.*

"Infrastructure" zone where an "Information and educational facility" is a prohibited development

Council records, aerial photos and site inspections since 1970 demonstrates an operational library on site open for public use.

There are no concerns raised in relation to the permissibility of the artwork on that part of the building that is situated on land zoned RE1 Public Recreation.

On land that is zoned SP2 Infrastructure, existing use rights must be considered to achieve permissibility of the artwork. Council records show that the library has been operational on site since at least 1970 thus establishing existing use rights. Given the presence of existing use rights that could prevail across that part of the building on land zoned SP2 Infrastructure, the permissibility of the artwork is achieved.

Based on the above, the painted artwork is considered ancillary to the existing buildings on site and considered as being permissible with consent.

Cumberland LEP 2021 Compliance Table

Feature	Required	Compliance
4.3 Height of Buildings (no limit).	N/A	No change to the existing maximum height of building is proposed. It is noted that the proposed murals have a maximum height of 5.99 m.
4.4 Floor Space Ratio (no limit).	N/A	No change to the existing floor space ratio is proposed.

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

Council has received a Gateway Determination from the Department of Planning, Housing and Infrastructure for the Draft Woodville Road Corridor Planning Proposal. As part of this approval, public exhibition of the Draft Woodville Road Corridor Planning Proposal has commenced. The public exhibition was carried out between the 4 March 2025 to 17 April 2025.

The Draft Planning Proposal seeks to revitalise Woodville Road by amending planning controls in the Cumberland Local Environmental Plan (CLEP) 2021 for 31 sites located around the three (3) precincts of Woodville North, Merrylands East and Woodville South.

The subject application was received on 14 May 2025 and the site does not fall within the Draft Woodville Road Corridor. Therefore, no further consideration is required.

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

Cumberland Development Control Plan 2021

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

Although there are no controls directly relevant to the subject land zone or proposed development, the development has been assessed under Part C (Development in Business Zones) which contains controls most applicable in this context.

The proposed painted artwork complies in full when considered under the Cumberland Development Control Plan 2021.

Councils Regents Park Town Centre Public Domain Plan 2024

The Public Domain Plan encourages the development of public art that reflects the community spirit and one that reflects healthy, creative and culturally rich community at a focal point of the Regents Park Town Centre.

The proposed artwork across the community centre and library walls is consistent with the intention of the public domain plan for the Regents Park suburb and is supported by Council officers.

Council's Plan of Management "General Community Use" 2023

The Plan of Management "General Community Use" covers the site the subject of the works. In particular the development works sought are consistent with the following strategies established by the management plan:

- Improve the public domain, parks, heritage sites and streets to act as cultural spaces.

- Include a public art aspect to enhance the identity and visual amenity of public land and assist with placemaking, identity and connection.

A copy of the Plan of Management is found in.

Cumberland Community Facilities Strategy 2019 - 2029

A review of the Cumberland Community Facilities Strategy 2019 - 2029 was undertaken. The proposed development is consistent with 'Enhancing our existing community facilities' which encourages external upgrades that include public art.

Additionally, the proposed artwork is considered consistent with Strategy 1.1 of the Cumberland Cultural Plan 2019 - 2029 which seeks to improve street presentation, appearance and prominence of key facilities and includes public art.

As such, it is considered that the development is consistent with Council's long term management of the Council assets as per the relevant management plans and strategy.

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

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

Advertised (Website) ☒ Mail ☒ Sign ☒ Not Required ☐

In accordance with Council's Notification requirements contained within the Cumberland DCP 2021, the proposal was publicly notified for a period of 28 days between 2 June 2025 and 30 June 2025. The notification generated no submissions in respect of the proposal.

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

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

CUMBERLAND LOCAL INFRASTRUCTURE CONTRIBUTIONS PLAN

The development would not require the payment of contributions in accordance with Cumberland Local Infrastructure Contributions Plan.

HOUSING AND PRODUCTIVITY OF CONTRIBUTION (HPC)

In accordance with Schedule 2 of the HPC Order 2024, the proposed development is exempt from the HPC, as no additional gross floor area is proposed.

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

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. The objectors will also be notified in writing of the outcome.

REPORT RECOMMENDATION:

That Development Application 2025/0270 for the addition of painted artworks on the eastern façade of the Regents Park Library and southern façade Regents Park Community Centre on land at Regents Park Library 1D Amy Street and Railway Lands Regents Park be approved subject to conditions listed in the attached schedule.

ATTACHMENTS

1. Draft Notice of Determination ⇩
2. Architectural Plans ⇩
3. Cumberland LEP 2021 Assessment ⇩
4. Cumberland DCP Assessment ⇩

DOCUMENTS ASSOCIATED WITH REPORT ELPP015/25

Attachment 1

Draft Notice of Determination

CUMBERLAND CITY COUNCIL

DEVELOPMENT APPLICATION
DRAFT CONDITIONS OF CONSENT

Under the *Environmental Planning and Assessment Act, 1979*

Application No:	DA2025/0270
Applicant:	Mr G Bakewell 45 Prospect Street ERSKINEVILLE NSW 2043
Property Description:	Regents Park Library 1D Amy Street REGENTS PARK NSW 2143, Railway Lands REGENTS PARK NSW 2143 Lot 1 DP 434367, Lot 31 DP 1221455.
Development:	Addition of painted artworks on the eastern façade of the Regents Park Library and southern façade Regents Park Community Centre.
Determined by:	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. 2511, Drawing No. DA01, Issue A.	Site Plan	Graham Bakewell Architect	23 April 2025
Project No. 2511, Drawing No. DA02, Issue A.	Community Centre Plan	Graham Bakewell Architect	23 April 2025
Project No. 2511, Drawing No. DA03, Issue A.	Library Plan	Graham Bakewell Architect	23 April 2025
As stamped.	Waste Management Plan	-	-

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

3. **DAGCZ01 - Painting Hours**
Installation of the approved artwork 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.

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)

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

4. **DAOUA10 - Removal of Litter and Graffiti**
The owner/manager of the building shall ensure that the approved artwork is 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 artwork.

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

5. **DAOUZ01 – Use of artwork**
Artwork approved under this development consent shall be used as approved. No advertising is permitted.

(Reason: Environmental protection)

6. **DAOUZ02 – Prevention of glare**
Artwork approved under this development consent shall not cause glare that creates a nuisance and hazard for pedestrians and motorists.

(Reason: Environmental protection)

7. **DAOUZ03 - Artwork Maintenance**
The approved artwork shall be regularly maintained in a clean and presentable state at all times.

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

Advisory Notes

8. **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.

(Reason: Advisory)

9. **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.

(Reason: Advisory)

10. **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.

(Reason: Advisory)

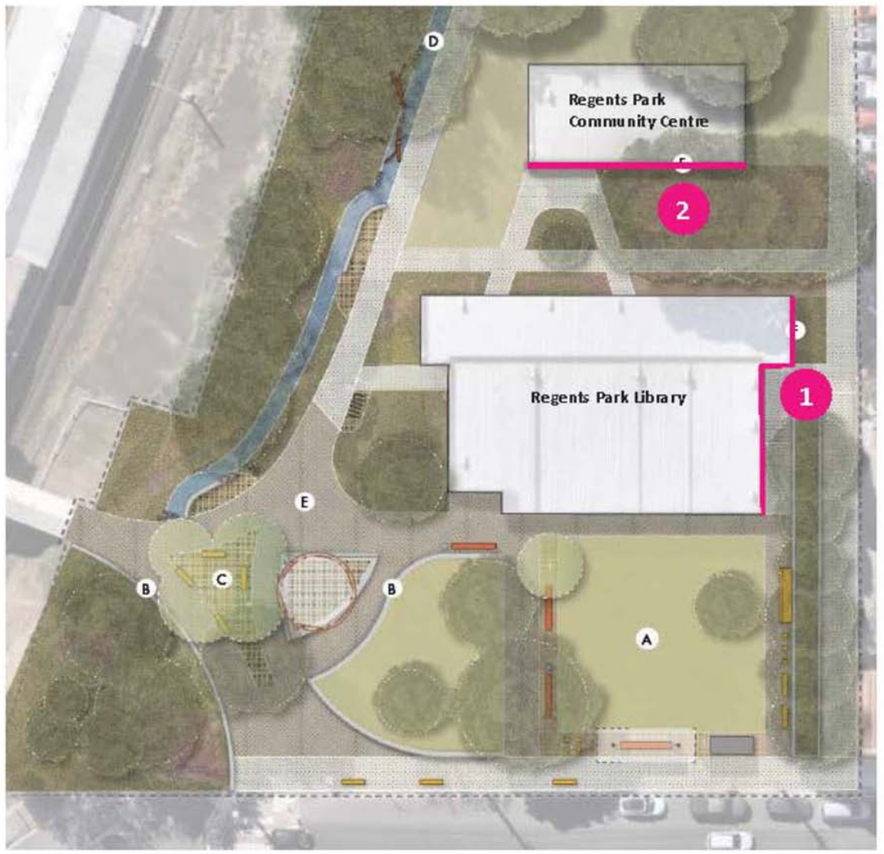
11. **DAANN13 - Work Health and Safety**
For information regarding, codes of practice and guidelines regarding demolition and construction work, visit the SafeWork NSW.

(Reason: Advisory)

DOCUMENTS ASSOCIATED WITH REPORT ELPP015/25

Attachment 2

Architectural Plans



1 Regents Park Library—Eastern Wall

2 Regents Park Community Centre—Southern Wall

A	Issue for DA Submission	23.04.25
issue		date

All dimensions and levels are to be checked on site prior to any fabrication or commencement of work. Any discrepancies to be referred to Architect prior to proceeding. Use written dimensions only, do not scale from drawings. All drawings are to be read in conjunction with the specification and consultant documents
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note

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architect

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New Wall Murals
Library & Community Centre
Amy Street
Regents Park NSW
project

Cumberland Council
client

Site Plan - Mural Locations
drawing

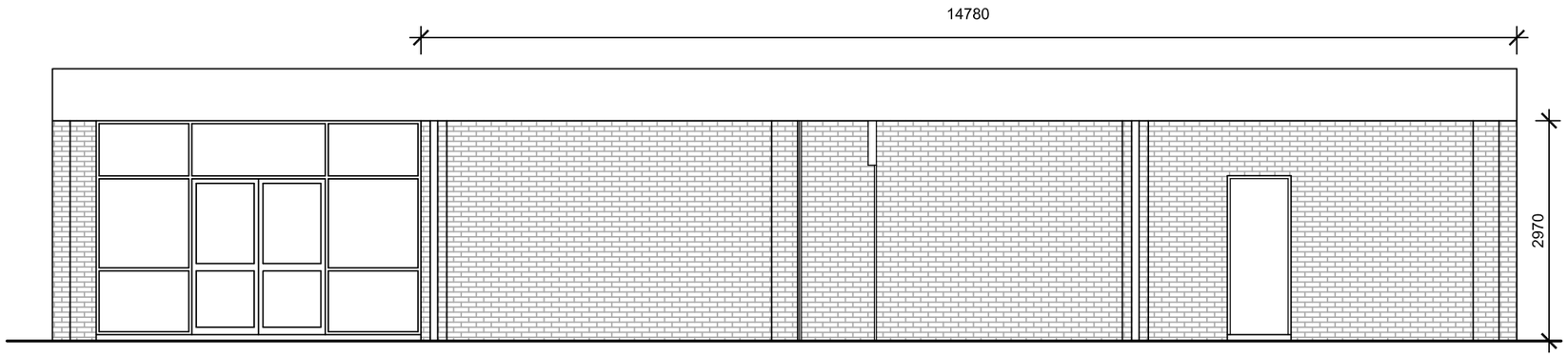
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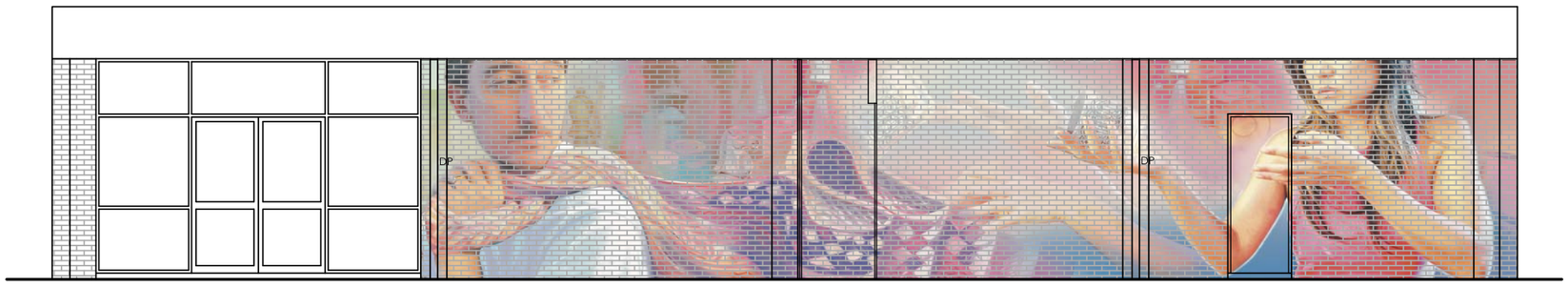
April 2025
date

north

DA01 | A
drawing no. | issue



1 / - EXISTING SOUTH ELEVATION



2 / - SOUTH ELEVATION WITH MURAL

A	Issue for DA Submission	23.04.25
issue		date

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Community Centre
drawing

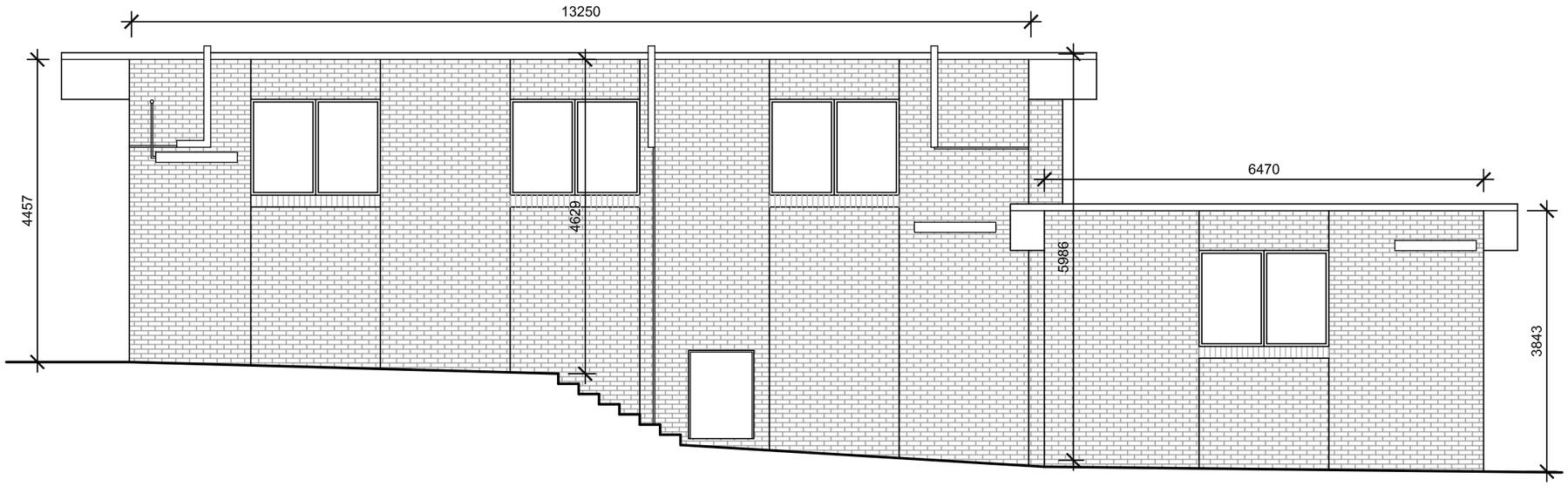
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project

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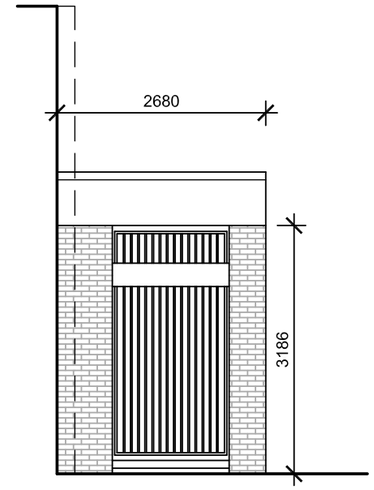
April 2025
date

north

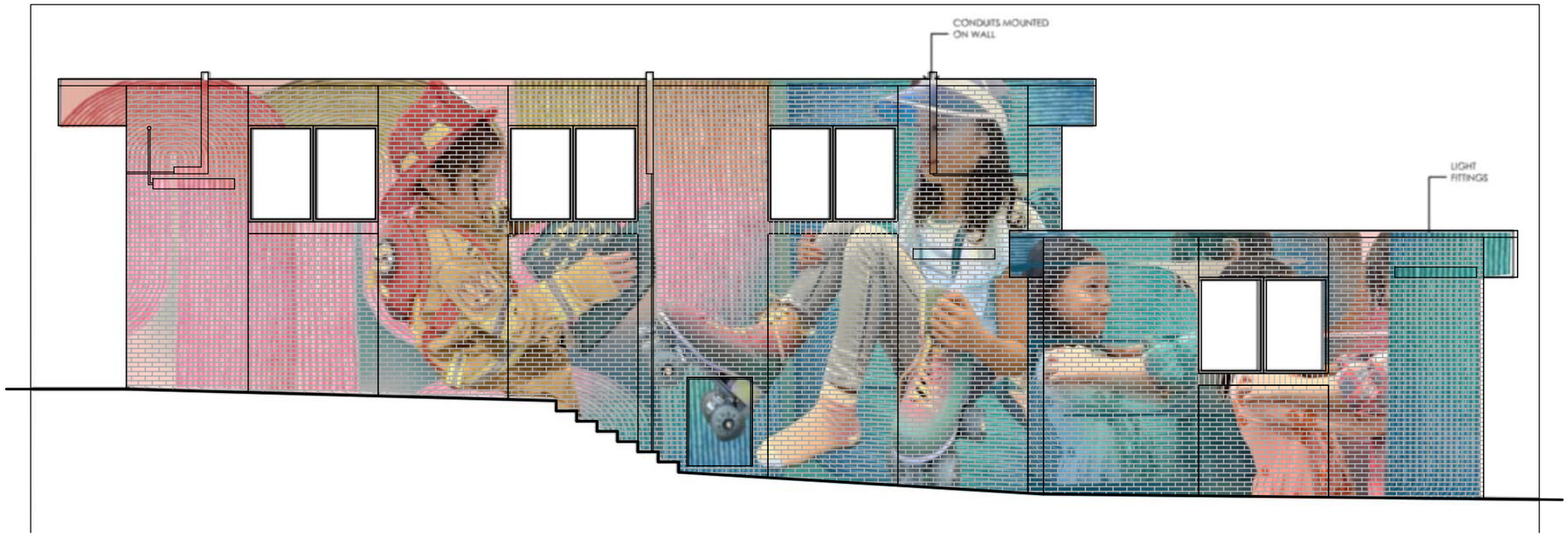
DA02 | A
drawing no. | issue



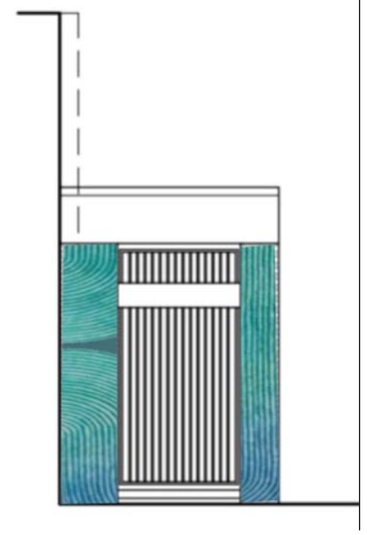
1 / - EXISTING EAST ELEVATION



2 / - EXISTING SOUTH ELEVATION



3 / - EAST ELEVATION WITH MURAL



4 / - SOUTH ELEVATION WITH MURAL

A	Issue for DA Submission	23.04.25
issue		date

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project

Cumberland Council
client

Library
drawing

2511
project

1:75 @ A3
scale

April 2025
date

north

DA03 | A
drawing no. | issue

DOCUMENTS ASSOCIATED WITH REPORT ELPP015/25

Attachment 3

Cumberland LEP 2021 Assessment

ATTACHMENT 3 - CUMBERLAND LOCAL ENVIRONMENTAL PLAN 2021
Assessment Table

DEVELOPMENT STANDARD	COMPLIANCE	DISCUSSION
1.2 Is the development consistent with the aims of the LEP?	Yes	Yes - The proposed development is consistent with the aims of the LEP. In particular, the proposed development is considered suitable to meet the needs of the community within an appropriate location, facilitates economic growth within the area and is considered to be development that is environmentally sustainable.
Is the development consistent with the Zone objectives?	Yes	The community centre and part of the library are located within the SP2 Infrastructure zone. The objectives of the SP2 Infrastructure zone are: • *To provide for infrastructure and related uses.* • *To prevent development that is not compatible with or that may detract from the provision of infrastructure.* For that part of the site located within the SP2 Infrastructure zone: • The new artwork does not prevent the development of future infrastructure across the site. • The artwork is considered as being compatible with the community building and library and is consistent with the relevant management plans that apply to the site. Part of the library is situated across land that is zoned RE1 (Public Recreation). The objectives of the RE1 Public Recreation zone are: • *To enable land to be used for public open space or recreational purposes.*

		• *To provide a range of recreational settings and activities and compatible land uses.* • *To protect and enhance the natural environment for recreational purposes.* For that part of the site located within the RE1 Public Recreation zone: The development of artwork across the library building will not: • Have adverse impact upon the adjoining public open space. • The recreational setting of the immediate or adjoining locality is retained. • The natural environment is retained. It is considered that the work is acceptable when reviewed against the relevant objectives of the zone. Furthermore, the management plans applicable to the site encourages the form of artwork shown. In addition, there is no negative impact upon the stated objectives of the zone.
Permissibility.	Yes	Permissibility of the artwork is achieved via the following. 1 - <u>For the community centre</u> The community centre is located on land zoned SP2 “Infrastructure”. A community facility is permitted with consent within the SP2 Infrastructure zone. Alterations and additions to a community centre is permitted with consent within the SP2 Infrastructure zone.

		This includes the development of murals across external walls. 2 - <u>For the library</u> • **For that part of the library located within the RE1 Public Recreation zone:** An information and educational facility is permitted with consent within the RE1 Public Recreation zone. Alterations and additions to an information and educational facility is permitted with consent within the RE1 Public Recreation zone. This includes the development of murals across external walls. • **For that part of the library located within the SP2 Infrastructure zone.** Existing Use Rights will need to be considered to extract permissibility. Existing use rights may apply to the library because Council records show an approval of the library dated 26 July 1967. There is adequate information contained within Council's files to demonstrate the presence of existing use rights for the library since 1970 and the library is still operational today. As such, permissibility is achieved via existing use rights in this case.
4.3 Height of Buildings.	N/A	No limit applies. No change to the existing maximum height of building is proposed. It is noted that the proposed artwork has a maximum height of 5.99m on the library which is satisfactory.

		The maximum height of the painted artwork on the community centre is 2.97m and is also satisfactory.
4.4 Floor Space Ratio	N/A	No change to the existing floor space ratio is proposed.
5.10 Heritage Conservation.	Yes	The site is not located within a heritage conservation zone and does not contain a heritage item. It is noted that Heritage Item I233 known commonly as 'Regents Park Railway Station Group' is partially located on the subject site. The painted artworks will not be painted onto this heritage item or any portion of the site mapped as containing a heritage item. The painted artwork will not cause any visual or material impact to the heritage items.
5.21 Flood Planning.	Yes	Although a portion of the site is identified on the flood planning map, the portion of the site subject to this proposal is not mapped as containing any flood affectation. Additionally, the proposal relates only to a painted artwork. No physical changed to the bulk or scale of the building are proposed that would cause any flooding impact.
6.7 Stormwater Management.	N/A	The proposed artwork will not impact the existing stormwater drainage of the site.
6.12 Urban Heat.	Yes	The proposed artwork sign is not anticipated to result in unreasonably increased urban heat.

DOCUMENTS ASSOCIATED WITH REPORT ELPP015/25

Attachment 4

Cumberland DCP Assessment

ATTACHMENT 4 - CUMBERLAND DEVELOPMENT CONTROL PLAN 2021
Assessment Table

Relevant Control		Compliance with Requirements	Consistency with Objectives
Part C - Development in Business Zones			
3.4 Public Art	C1. Public art is encouraged to be provided within the business centres, in accordance with Council's relevant adopted Policy.	Although located on SP2 and RE1 land, the proposed artworks are suitably located directly between the E1 Local Centre zone and the Regents Park Railway Station.	Complies.
	C2. Public art provided shall develop the cultural identity of the community and reflect the culture of the community.	The artworks contribute and develops the cultural identity of the Regents Park community.	Complies.
	C3. Artworks shall be integrated into the design of buildings and the landscape.	The proposed artworks are integrated directly into the existing buildings and landscape. The artwork will be painted directly onto the existing walls.	Complies.
3.5 Streetscapes	C4. Signage shall be minimised and coordinated to contribute to a more harmonious and pleasant character for the locality.	The artworks are painted directly onto the existing walls of the Regents Park Library and Community Centre. No signage is proposed.	Complies.
	C5. Require buildings at visually significant locations to be well designed and respond to the different characteristics of the streets the address.	The proposed artworks are well designed and suitably located to respond to the characteristics of the local centre.	Complies.
3.7 Façade design, shopfront and materials	C2. Building facades at street level along primary streets and public places consist of a minimum of 80% for windows/glazed areas and building and tenancy entries.	No change to the existing windows or glazed areas are proposed. The artwork will be painted directly onto the existing wall.	Complies.
	C14. Building materials and finishes complement the finishes predominating in the area. Different materials, colours or	The painted artwork proposed is considered to complement the finishes predominating in the area.	Complies.

	textures may be used to emphasise certain features of the building.		
	C17. Building finishes should not result in causing glare that creates a nuisance and hazard for pedestrians and motorists in the centre.	The proposed artwork is not anticipated to result in any glare.	Complies.
Part G8 - 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.	The existing waste arrangement on the site is considered acceptable. This proposal relates only to the installation of artwork signage. No additional waste is anticipated.	Complies.

Item No: ELPP016/25

DEVELOPMENT APPLICATION - 1 HILLARY STREET, GREYSTANES

Directorate: Environment and Planning
Responsible Officer: Executive Manager City Planning and Development

Application lodged	17 April 2025
Applicant	Mr S Boufrancis
Owner	Mr E A F Sarkis
Application No.	DA2025/0262
Description of Land	1 Hillary Street GREYSTANES NSW 2145, Lot 74 DP 226128
Proposed Development	Demolition of existing structures and construction of a two-storey detached dual occupancy with a swimming pool at the rear of each dwelling and Torrens title subdivision
Site Area	753.3 sqm
Zoning	R2 Low Density Residential Zone
Disclosure of political donations and gifts	Nil disclosure
Cost of works	$1,590,000
Heritage	No – Subject site is not Heritage Listed or within a Heritage Conservation Area
Principal Development Standards	*Minimum Lot Size for Dual Occupancy* Permissible: 550 sqm Proposed: 753.3 sqm *Building height* Permissible: 9m Proposed: 8m
Issues	Other non-compliances: secondary street front setback, side setback, orientation to the street and building separation.

SUMMARY:

1. Development Application No. DA2025/0262 was lodged on 17 April 2025 for the demolition of existing structures and construction of a two storey detached dual occupancy with a swimming pool at the rear of each dwelling and Torrens title subdivision.

2. The application was publicly notified to occupants and owners of the adjoining properties for a period of 14 days between 2 May 2025 and 16 May 2025. In response, one (1) submission was received.

3. There are no heritage items located on, or in the vicinity of the subject site, nor is the site located within a Heritage Conservation Area.

4. The variations are as follows:

Control	Required	Provided	% variation

Front Setback to the primary street	8.95m	Unit 1: 4.5m Unit 2: 5.7m	Unit 1: 49.7% Unit 2: 36.3%
Front Setback to the secondary streets.	2m	Unit 1: min.900mm setback to the western side boundary identified as Hillary St. Unit 2: 1m setback to the eastern side boundary identified as Braeside Road.	Unit 1: 55% Unit 2: 50%
First Floor Side Setback	1.775m	Unit 1: 900mm eastern side setback. Unit 2: 900mm western side setback.	Unit 1: 49.3%. Unit 2: 49.3%.
Separation between detached dual occupancy	3m	1.8	40%.

5. The application is referred to the Panel as the development for which the landowner is a councillor.

6. The application is recommended Approval subject to the conditions as recommended in the Council's assessment report.

REPORT:

Subject Site and Surrounding Area

The site is identified as Lot 74 in DP 226128 and is known as 1 Hillary Street, Greystanes.

The site is an irregular shaped corner allotment situated along the northern side of Terry Street, the eastern side of Hillary Street and the western side of Braeside Road. The subject site has a slope from the north-eastern corner to the south-western edge of the site of approximately 2.8m. The site dimensions are:

- 24.505m western frontage to Hillary Street.
- 5.71m splay corner at Terry Street and Hillary Street.
- 17.855m southern frontage to Terry Street.
- 39.24m eastern frontage to Braeside Street.
- 30.885m northern rear boundary.

This provides for a total site area of 753.3 sqm.

As shown within the photos provided below taken on 2 June 2025, the site is occupied by a single storey dwelling house, attached front awning and rear veranda, detached rear shed and associated structures including a vehicular crossover and driveway located along the western side boundary providing access from Terry Street. There is one (1) tree marked to be removed - Palm tree removal is exempt species and not assessed under this application. There is a Sydney Water pipeline traversing the site along the west and southern boundaries of the allotment. The locality is generally low density residential in character with local centre space (Greystanes Shopping Centre) to the south of the site which is zoned E1.

The location of the site is shown below edged in purple.



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

Description of The Development

Council has received a development application for the demolition of existing structures and construction of a two-storey detached dual occupancy with a swimming pool at the rear of each dwelling and Torrens title subdivision.

The proposal is detailed below:

Demolition:

- Demolition of existing single storey dwelling house and attached front and rear veranda.
- Demolition of rear detached shed.

Construction of a two-storey attached dual occupancy (262.5sqm GFA (unit 1) and 273sqm GFA (unit 2)) with each dwelling consisting of the following:

Ground Floor

- Single attached car garage.
- Separate vehicular crossover and driveway off Terry Street.
- Stairs to access first floor.
- Open planned kitchen / living / dining.
- Guest bedroom with ensuite.
- Bathroom.
- Laundry.
- Attached rear alfresco.
- In-ground pool.
- Detached outbuilding with bathroom and pool pump.

First Floor

- One (1) master bedroom with ensuite and walk-in-wardrobe.
- One (1) bedroom with ensuite.
- Three (3) stand-alone bedrooms.
- Balcony attached to the front façade (street facing balcony off Terry Street) with access via master bedroom.
- Bathroom.

- Sitting room.
- Stairs to access ground floor.

Other:

- Torrens title subdivision into two allotments.
    - Lot 1: 363.1 sqm.
    - Lot 2: 390.22 sqm.

History

Council holds no relevant history of the site.

Applicants Supporting Statement

The applicant has provided a Statement of Environmental Effects, prepared by Dvyne Design and dated April 2025 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.

External Referrals

Sydney Water

The development application was referred to Sydney Water for comment who has advised that the development proposal is satisfactory and therefore can be supported subject to recommended conditions of consent.

Planning Comments

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

State Environmental Planning Policies

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

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.	The proposal does not exceed the biodiversity offsets scheme threshold. Removal of trees is not proposed under this application.
	Chapter 6 - Water Catchments. Sydney Harbour Catchment.	It is determined that given 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.	This application does not propose any potentially hazardous or potentially offensive development.
	Chapter 4 - Remediation of Land. Part 4.6.	**1.** 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.
State Environmental Planning Policy (Transport and Infrastructure) 2021.	Chapter 2 - Infrastructure.	Does not trigger referral requirements under clause 2.48 of Transport and Infrastructure SEPP as no excavation within 2m of power poles and the development is considered to be outside 5m of electrical infrastructure. The development is not on or in proximity to a classified road or busy road that will impact the development regarding noise. The provisions of Clauses 2.119 and 2.120 do not apply in this instance.

		It is noted that there is a Sydney Water pipeline traversing the site along the west and southern boundaries of the allotment. A referral to Sydney Water was made. There were no objections received subject to conditions.
State Environmental Planning Policy (Sustainable Buildings) 2022	Chapter 2 Standards for residential Development - BASIX	BASIX Certificate number (Cert no. 1792288S and 1792287S – dated 17 April 2025) has been submitted. It is shown that the proposal will meet the required target for Water, Thermal Comfort and Energy. The BASIX Certificate is determined as being acceptable for approval.

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 a 'dual occupancy (detached). It is noted that dual occupancies within land zoned R2 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 Development Control Plans (EP&A Act s4.15 (1)(a)(iii))

The Cumberland Development Control Plan 2021 (CDCP) and the Low-Rise Housing Diversity Design Guide (the Design Guide) 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 and the Design Guide with the exception of the controls outlined below.

The following section highlights non-compliances with the CDCP and the Design Guide. The variations sought are considered satisfactory on merit in this instance the proposed development departs from the secondary street front setback control under Objective 2.1A-2, side setback control under Objective 2.1A-3, orientation to the street under Objective 2.1G-3 and building separation under Objective 2.1G-8.

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

Design Guide – 2.1A Building Envelopes

Front Setback

The objectives of the control are:

- The development provides a setback from the front boundary or public space that:
    - defines the street edge;
    - creates a clear threshold and transition from public to private space;
    - assists in achieving visual privacy to ground floor dwellings from the street;
    - contributes to the streetscape character and landscape; and
    - relates to the existing streetscape and setback pattern or the desired future streetscape pattern if different to the existing.

Objective 2.1A-2, Design Criteria 4 of the Guide states that where the DCP does not contain front setback controls, the average of the two closest dwelling houses or dual occupancies within 40m of the development should be used.

It is noted that Council considers Terry Street to be the primary street (based on the existing dwelling orientation), while Hillary Street and Braeside Road are considered as secondary streets.

The design guide requires that the minimum front setback be determined by the average front setback of the two closest dwellings. In this instance, the subject site is a unique corner allotment with three street frontages. Due to the site's arrangement relative to the surrounding streets, Council has considered four properties within a 40m radius to determine the average front setback required for the primary street. This approach is preferred to maintain consistency, recognizing that a merit-based decision is necessary due to the site’s uniqueness and the desire to maintain consistency with the surrounding area. The calculated average setback of the closest dwellings is 8.95m.

Unit 1 proposes a front setback of 4.5m, representing a shortfall of 4.45m or 49.7%.

Unit 2 proposes a front setback of 5.7m, representing a shortfall of 3.25m or 36.3%.

It should be noted that the front setback is measured from the outer face of the first-floor balcony, as defined under CLEP 2021.

In accordance with Objective 2.1A-2, the proposed front setbacks do not adversely impact neighbouring dwellings in terms of overshadowing or privacy. The front elevation is articulated to ensure a positive visual impact on the streetscape and compatibility with the surrounding environment. The site provides ample private open space and a large, uninterrupted landscaped area within the front setback, allowing for the planting of trees and other vegetation. The building is compatible with the spatial characteristics of the local area and enhances the visual character of the street through

articulation and materiality. Overall, the development is generally compliant with the DCP controls and design guide requirements. In this regard, it is considered the proposed front primary setback is consistent with the objective 2.1A-2 and acceptable on merit.

Objective 2.1A-2, Design Criteria 5 of the Guide states that where the DCP does not contain setback controls for secondary roads the following apply:

Lot Area (m^2)	Setback
0 - 900	2m
>900 - 1500	3m
>1500	5m

The subject site has a lot area of 753.3sqm. Therefore, a front setback being 2m is required to the secondary roads.

Unit 1 proposes an articulated façade with a min.900mm setback to the western side boundary identified as Hillary St. Shortfall of 1.1m more 0.55%.

Unit 2 proposes a 1m setback to the eastern side boundary identified as Braeside Road. Shortfall of 1m more 50%.

The proposed variation to the front setback is considered acceptable as it satisfies the objectives of the control despite the numerical non-compliance. The subject site is uniquely constrained by three street frontages, with generous council verges of approximately 3.8 metres along Hillary and Terry Streets and between 4.5 to 10 metres along Braeside Road. These wide verges provide a substantial buffer between the built form and the public domain, mitigating any potential impacts associated with the reduced setbacks.

The design includes articulated façades that define the street edge and establish a clear threshold between public and private space. Visual privacy to ground floor dwellings is maintained, and there is no unreasonable impact on neighbouring properties, as the encroachment occurs toward the public realm rather than adjoining private land. Furthermore, the proposal includes sufficient landscaping within both the front and rear setback areas, which contributes positively to the streetscape character and helps soften the building's visual presence. In this context, the reduced secondary street setbacks are considered to meet the intent of Objective 2.1A-2 and are supportable on merit.

Side Setback

The objective of the control is:

- *The development provides side boundary setbacks that reflects the character and separation of buildings within the surrounding area.*

Objective 2.1A-3, Design Criteria 10 of the Guide states that where the development control plan does not contain side setback controls, the following side setbacks apply for sites with lot width at the building line of less than 24m:

Height of building greater than 4.5m and less than 8.5m: (Building height (8m) - 4.5m) divided by 4 +0.9m = 1.775m

From the building height of 4.5m to 8.5m, Unit 1 proposes a 900mm eastern side setback on the first floor, resulting in a variation of 0.875m or 49.3%. Unit 2 proposes a 900mm western side setback on the first floor, resulting in a variation of 0.875m or 49.3%.

The proposed side setback complies at the ground floor of each unit, however, is non-compliant at the first floor.

Despite the numerical non-compliance, having a first-floor side setback 0.9m provides adequate separation between buildings. The first floor of both dwellings does not have any high use areas, such as living areas or balconies, or with large windows facing the side boundary. There is no adverse impact on privacy and solar amenity of adjoining neighbours' private open space anticipated. this regard, it is considered the proposed side setback is consistent with the objective 2.1A-3 and acceptable on merit.

Design Guide – 2.1G Orientation, Siting and Subdivision

The objective of the control is:

- *The built form, articulation and scale relates to the local character of the area and the context.*

Objective 2.1G-3, Design Criteria 43 of the Guide requires that each dwelling on a corner lot is to have a frontage to a different street.

The dual occupancy development is orientated to Terry Street, with both units facing the same street.

The proposed variation to Objective 2.1G-3 is considered acceptable as it responds appropriately to the site's unique context and satisfies the intent of the control. While the design criteria recommend that each dwelling on a corner lot address a different street, both proposed dwellings are oriented towards Terry Street. This arrangement is a direct response to the site's irregular shape and its three street frontages—Terry, Hillary, and Braeside—which present significant design constraints. Despite this, the proposal maintains a clear and legible transition between public and private space, and the built form responds sympathetically to the prevailing streetscape character and existing setback pattern. There are no adverse impacts on privacy or amenity. The generous council verges—approximately 3.8 metres along Hillary and Terry Streets and ranging from 4.5 to 10 metres along Braeside Road—provide a substantial buffer between the built form and the public domain, mitigating any perceived visual dominance. Enforcing strict compliance with this control on this site, which presents significant design constraints, would not result in a usable development that also complies with other planning controls. Overall, the proposal presents a well-considered design response that aligns with the character of the area and achieves the objective of 2.1G-3 on merit.

Design Guide – 2.1G Orientation, Siting and Subdivision

The objective of the control is:

- *Provide adequate separation between buildings to allow for landscape, provide visual separation and daylight access between buildings.*

Objective 2.1G-8, Design Criteria 50 of the Guide requires a minimum separation of 3m between two dwellings for detached dual occupancy.

A 1.8m separation is provided between the two units, proposing a variation of 1.2m or 40%. Despite the deviation, the subject lot has sufficient size to accommodate a detached dual occupancy, the proposal is consistent with prevailing subdivision patterns and continues to comply with minimum subdivision lot size and frontage. Landscaping has been provided between the dwelling. Privacy screens are provided along windows to ensure visual privacy is maintained between the two units. In this regard, it is considered the proposed subdivision is consistent with the objective 2.1G and acceptable on merit.

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

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

Advertised (Website) ☐ Mail ☒ Sign ☐ Not Required ☐

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 2 May 2025 and 16 May 2025. The notification generated one (1) submission in respect of the proposal. The issues raised in the public submissions are summarised and commented on as follows:

Figure 7 – Submissions summary table

Issue	Planner's Comment
Overflow of Sewerage at the sewage pit between property no.1 and no.3 Hillary.	Council's Development Engineer had reviewed the application and has no objections regarding overflow subject to conditions. Also, conditions for stormwater to be certified and controlled by the private certifier have been endorsed as part of this consent.

It is noted that the amended plans submitted include only minor changes to the materiality of the side elevations, with no alterations to the footprint of the dual occupancy development. Given the site's location on a corner with three street frontages, these changes do not directly adjoin any neighbouring dwellings. Consequently, the amendments have no adverse impact on adjoining properties. Furthermore, the revisions result in a design that presents a more sympathetic and visually appealing frontage to the street compared to the previous design. For these reasons, the proposed minor changes are considered unlikely to affect neighbouring residents and do not warrant further notification.

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

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

CUMBERLAND LOCAL INFRASTRUCTURE CONTRIBUTIONS PLANS 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 $20,000 would be payable prior to the issue of a Construction Certificate

HOUSING AND PRODUCTIVITY OF CONTRIBUTION (HPC)

In accordance with s7.24, s7.26 and s7.28 of the Environmental Planning and Assessment Act, 1979, the proposed development is subject to the payment of the Housing and Productivity Contribution (HPC).

A condition of consent has been imposed on the development consent in accordance with s7.28 of the EP&A Act 1979 requiring the payment of the HPC.

In accordance with s7.24, s7.26 and s7.28 of the Environmental Planning and Assessment Act, 1979, the proposed development is subject to the payment of the Housing and Productivity Contribution (HPC).

A condition of consent has been imposed on the development consent in accordance with s7.28 of the EP&A Act 1979 requiring the payment of the HPC of $10,783.17.

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*, Cumberland LEP 2021, Cumberland DCP 2021, and the Low Rise Housing Diversity Design Guide for Development Applications and is considered to be satisfactory for approval subject to the conditions of the development consent.

The proposed development is appropriately located within the R2 – Low Density Residential Zone under the relevant provisions of the Cumberland LEP, however variations in relation to the secondary street front setback, side setback, orientation and separation under the Low-Rise Housing Diversity Design Guide and CDCP 2021 are considered acceptable on merit.

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. The objectors will also be notified in writing of the outcome.

REPORT RECOMMENDATION:

1. **That Development Application No. DA2025/0262 for Demolition of existing structures and construction of a two storey detached dual occupancy with a swimming pool at the rear of each dwelling and Torrens title subdivision on**

land at 1 Hillary Street GREYSTANES 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 ⇩
2. Architectural Plans ⇩
3. Cumberland LEP Assessment Table ⇩
4. Cumberland DCP and Low Rise Housing Diversity Design Guide for Development Applications Assessment Table ⇩
5. Redacted Submission ⇩

DOCUMENTS ASSOCIATED WITH REPORT ELPP016/25

Attachment 1

Draft Notice of Determination

CUMBERLAND CITY COUNCIL

DEVELOPMENT APPLICATION
DRAFT CONDITIONS OF CONSENT

Under the *Environmental Planning and Assessment Act, 1979*

Application No:	DA2025/0262
Applicant:	Mr S Boufrancis Shop 1/23-27 Paton Street MERRYLANDS WEST NSW 2160
Property Description:	1 Hillary Street GREYSTANES NSW 2145, Lot 74 DP 226128
Development:	Demolition of existing structures and construction of a two storey detached dual occupancy with a swimming pool at the rear of each dwelling and Torrens title subdivision
Determined by:	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***
A01, Issue D	Site Plan	Dvyne Design	*July 2025*
A02, Issue D	Floor Plans	Dvyne Design	*July 2025*
A03, Issue D	Roof / Subdivision / BASIX	Dvyne Design	*July 2025*
A04, Issue D	Elevations	Dvyne Design	*July 2025*
A05, Issue D	Sections / Streetscape	Dvyne Design	*July 2025*
A06, Issue D	Landscape Plan	Dvyne Design	*July 2025*
A07, Issue B	Demolition Plan	Dvyne Design	April 2025
A08, Issue B	Schedule of Colour and External Finishes	Dvyne Design	April 2025
A012, Issue D	Hillary & Braeside RD Views	Dvyne Design	*July 2025*
Cert. No. 1792288S	BASIX Certificate	Dvyne Design	17 April 2025
Cert. No. 1792287S	BASIX Certificate	Dvyne Design	17 April 2025
-	Waste Management Plan	Dvyne Design	April 2025
	Sydney Water Correspondence	Sydney Water	
Revision A	Flood Report	M.M.Farah Civil/Structural Pty/Ltd	14 July 2025

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

3. **DAGCF01 - Surface Runoff**
Allowances shall be made for surface runoff from adjacent properties and to retain existing surface flow path systems through the site. Existing surface water flows from upstream properties shall not be diverted or treated in a manner that results in adverse effects for any other property.

(Reason: To prevent adjoining properties from being adversely affected by existing surface water flows

4. **DAGCF02 - Utility Services**
If the development causes damage to utility services or if it requires the adjustment or relocation of utility services, the applicant shall carry out works, at the applicant's expense, to the service/s to the satisfaction of the utility provider.

(Reason: To protect and ensure the ongoing integrity of utility infrastructure)

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

5. **DAPDB02 - Notice of Demolition**
At least five working days prior to the commencement of demolition work, notice must be given to 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; and
- The telephone number of the SafeWork NSW Hotline.

At least five working days prior to the commencement of demolition work, notice must be given to Council 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;
- A copy of the notification issued to adjoining residents including the date the notice was delivered;
- The licence number of the demolisher;
- If asbestos is to be demolished, the full name and licence number of the asbestos removalist/s;
- 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 must not commence until Council has inspected the site and is satisfied that all pre-demolition conditions have been satisfied.

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

6. **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 be maintained until works are completed.

(Reason: Public safety)

7. **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 a Council inspection contact Council's Customer Service on 8757 9000.

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)

8. **DAPDB09 - Tree Preservation**
All street trees and trees on private property that are protected under Council's Development Control Plan, shall be retained and protected in accordance with AS 4970 - 2009 'Protection of Trees on Development Sites' during demolition except where Council's prior written consent has been obtained.

(Reason: Tree Preservation and Protection)

9. **DAPDB12 - Sediment and Erosion Control measures**
Prior to the commencement of works, including demolition, 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, shall be constructed upstream of the proposed building works to divert run-off to a stable discharge area such as dense ground cover. This diversion drain is to be lined with turf or otherwise stabilised.
b) A sediment-trapping fence using a geotechnical fabric specifically designed for such purpose and installed to manufacturer's specifications is to be placed in suitable locations below the construction area to reduce impacts on waterways.
c) Vegetation and/or existing building structures will be cleared from the construction areas only with other areas to remain undisturbed.
d) Restricting vehicle access to one designated point and having the 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.

The above 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

10. **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 incorporating the following matters:

a) All stairs connecting to the Porch of Unit 1 shall be open-style to not impede overland flow.

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

11. **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)

12. **DACCA04 - Works within Boundary**
No portion of the works are to encroach beyond the boundaries of the subject property. Alternatively, documentary evidence that the owner of the adjoining property has no objection to the required works or access, is to be submitted to the Council or registered certifier prior to the issue of a Construction Certificate.

(Reason: To ensure protection of adjoining properties)

13. **DACCB01 - Damage Deposit for Council Infrastructure**
A damage deposit of $3,305.00 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)

14. 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)

15. 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 $20,000 as at the date of this consent but is subject to change by the consumer price index to the date of payment. A copy of the *Cumberland Local Infrastructure Contributions Plan 2020* can be viewed on Council's website

(Reason: To ensure compliance with Cumberland Local Infrastructure Contributions Plan)

16. DACCB05 - Fees to be paid to Council

Types of fees	**Amount**	**Payment timing**
Demolition Inspections	$604	Prior to commencement of works
Damage Deposit	$3,305.00	Prior to commencement of works
Sect. 7.11 Contributions	$20,000 + CPI	Prior to the issue of Construction Certificate
Kerb Crossing Bond (Related to Driveways)	$4,060.00 per crossing	Prior to the issue of Construction Certificate
Driveways Inspections	$444.00 per driveway	Prior to the issue of Construction Certificate
TOTAL	$32,917 + 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. Fees to be paid to Council will be determined at the time of payment in accordance with Council's adopted Fees and Charges Policy and may therefore exceed the fee amount quoted above.

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

(Reason: Statutory requirement and information)

17. DACCB06 - Photographic Record of Council Property - Damage Deposit

Prior to demolition commencing and prior to the 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)

18. DACCC01 - 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 Construction Certificate plans. 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.

(Reason: Public infrastructure)

19. 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.

(Reason: Public safety)

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

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

The drawings must be approved by Council in writing and all fees and charges paid.

Such design shall be:

a) Prepared and submitted in electronic format, undertaken by a consulting civil engineer,
b) Approved in writing by Council under section 138 of the *Roads Act 1993, prior to the issue of the Construction Certificate,*
c) All civil engineering works adjacent/near/outside the subject site are to be fully supervised by Council. A maintenance period of six 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 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, details of all public infrastructure created as part of the works, including certification that the design meets all relevant Australian Standards and Council specifications from an engineer with relevant industry experience.

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)

21. 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)

22. 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 CTMP. 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 CTMP.

The following matters must be addressed in the CTMP:

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)

23. DACCF03 - Landscape Plan - Dual Occupancy Development

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:

a) the location of all existing and proposed landscape features including materials to be used;
b) delineate and identify all trees to be retained, removed or transplanted;
c) existing and proposed finished ground levels;
d) top and bottom wall levels for both existing and proposed retaining walls and free standing walls;
e) proposed locations of stormwater pits and on site detention locations; and
f) 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. At least 50% of the tree and shrubs shall be species native to the region.

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 a combination of tree

planting for shade, mid height shrubs, lawn and ground covers.

(Reason: Landscape quality)

24. **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 engineering policies. The plan shall be submitted and approved by the Council or registered certifier.

Note: Where the proposed design extends within the public road area, separate approval under s.138 of the *Roads Act 1993* must be obtained from Council prior to the commencement of works.

(Reason: Stormwater management)

25. **DACCJ03 - Certification of the Stormwater Drainage System Design**
Prior to the issue of a Construction Certificate, the proposed stormwater design shall be certified by a qualified practising civil engineer as complying with Council's Development Control Plan and Australian Standard 3500.3:

(Reason: Adequate stormwater management)

26. **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 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)

27. **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. 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, to trespass or 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 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)

28. **DACCK05 - Salinity**
This site has been identified as having a potential salinity hazard. To prevent moisture / salinity from entering the built structure, appropriate construction measures are to be incorporated for all buildings. Details of the proposed methods of construction shall be included in the engineering plans submitted with the Construction Certificate application.

(Reason: Ensure appropriate construction methods are used)

29. **DACCK06 - Retaining Walls**
Retaining walls 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 the Construction Certificate application.

(Reason: To ensure safety and the proper design or retaining structures)

30. DACCK07 - Structural Engineer's Details
Structural engineer's details prepared and certified by a practising qualified structural engineer of all reinforced concrete and structural members shall be submitted with the Construction Certificate application to the Council or registered certifier.

(Reason: To ensure safety and the proper design or structural elements of the building)

31. 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, Subdivision Works Certificate or the commencement of works, whichever occurs first.

(Reason: Ensure services are not disturbed)

32. 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)

33. DACCN01 - Housing and Productivity Contribution (HPC)

a) The housing and productivity contribution (HPC) set out in the table below, but as adjusted in accordance with condition 32b), is required to be made:

Housing and productivity contribution	Amount
Housing and productivity contribution (base component)	$10,783.17
Total housing and productivity contribution	$10,783.17

b) The amount payable at the time of payment is the amount shown in condition 32a) as the total housing and productivity contribution adjusted by multiplying it by:

$$\frac{\textbf{\textit{highest PPI number}}}{\textbf{\textit{Consent PPI number}}}$$

where:
highest PPI number is the highest PPI number for a quarter following the June quarter 2023 and up to and including the 2nd last quarter before the quarter in which the payment is made,
and
consent PPI number is the PPI number last used to adjust HPC rates when consent was granted, and
June quarter 2023 and *PPI* have the meanings given in clause 22 (4) of the *Environmental Planning and Assessment (Housing and Productivity Contribution) Order 2023*.
If the amount adjusted in accordance with this condition is less than the amount at the time consent is granted, the higher amount must be paid instead.

c) The HPC must be paid before the issue first construction certificate in relation to the development, or before the commencement of any work authorised by this consent (if no construction certificate is required).

d) The HPC must be paid using the NSW planning portal (https://pp.planningportal.nsw.gov.au/).

(Reason: To facilitate the provision of regional infrastructure that supports and promotes housing and economic activity in a region).

34. DACCO03- Hydraulic Engineering Design Verification
Written verification from a suitably qualified and practising civil engineer with experience in flood

plain risk management shall be provided to the Council or registered certifier stating that construction certificate plans comply with the approved flood report (prepared by M.M.Farah Civil/Structural Pty/Ltd, Revision A, dated 14 July 2025) including any recommended flood mitigation measures and that the development will have no adverse impact on flood levels for adjoining properties. The Porch, Lounge, Internal Staircase and Driveway of Unit 1 shall be elevated on piers and open underneath and be complied in the Construction Certificate plans.

(Reason: To ensure a suitable design that will achieve reasonable levels of safety during flood events without impacting upon adjoining properties)

35. DACCO04- Flood Safety - Electrical Connections and Flood Sensitive Equipment

All new electrical connections and flood sensitive equipment must be located above a freeboard level of 0.5m above the 1% annual exceedance probability flood level.

(Reason: To provide reasonable levels of safety)

36. DACCZ01 - Vehicular Crossings, Redundant Vehicular Crossings and other Works

Before any new vehicular crossing, public footpath, kerb or guttering work is commenced, the applicant must lodge and have approved by the Council an 'Application for Private Construction of Vehicular Crossing and Road Works. In respect of driveway setbacks, a minimum 1.0m setback from the property boundary shall be provided.
(Reason: To ensure appropriate vehicular access, suitable street drainage and pedestrian amenity is achieved)

37. DACCZ02 - Flood Risk Management

Subject development shall comply with Council's current Flood Risk Management Policy (CFRMP). In this regard,

a) Supporting documents shall be prepared by a suitably qualified and practising Engineer with experience in floodplain risk management to ensure that the development complies with the controls for the medium flood risk precinct nominated in the Appendix (pages 6-7) of the CFRMP.
b) Supporting documents shall be submitted to and approved by the Registered Certifier.

(Reason: to reduce flood risk to the people and properties.)

38. DACCZ03 - Driveway Design

Driveway design shall comply with AS2890.1:2004. In this regard, detailed plans addressing the following shall be prepared by a suitably qualified and practising Engineer and submitted to and approved by the Registered Certifier:

a) Gradients and transitions shall comply with Clauses 2.5.3 and 2.6 of AS2890.1:2004. A detailed longitudinal section to a suitable scale along both edges of both driveways from the centreline of the road to the garages demonstrating compliance with this requirement shall be prepared.

NOTE: Boundary levels shall be obtained from Council's Engineering Team via an Application for Property Boundary Line Levels and these levels must be utilised in the driveway's design.

Detailed plans and Engineer's Certification demonstrating compliance with this condition shall be submitted to and approved by Registered Certifier.

(Reason: to ensure the driveway design complies with Australian Standard AS2890.1:2004.)

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

39. 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.
b) the person having the benefit of the development consent has:
   (i) appointed a principal certifier for the building work, and
   (ii) given at least 2 days' notice to the Council, and the principal certifier if not the Council, of the person's intention to commence the erection of the building, and
c) The principal certifier has, no later than 2 days before the building work commences:
   (i) notified the Council of his or her appointment, and
   (ii) notified the person having the benefit of the development consent of any critical stage inspections and other inspections that are to be carried out in respect of the

building work, and

d) The person carrying out the building work has notified the principal certifier that the person will carry out the building work as an owner-builder, if that is the case

e) The person having the benefit of the development consent, if not carrying out the work as an owner-builder, has:
   (i) appointed a principal contractor for the building work who must be the holder of a contractor licence if any residential building work is involved, and
   (ii) notified the principal certifier of such appointment, and
   (iii) unless that person is the principal contractor, notified the principal contractor of any critical stage inspections and other inspections that are to be carried out in respect of the building work.

(Reason: Statutory requirements)

40. 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);

c) 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:
     (i) The name and licence number of the principal contractor, and
     (ii) The name of the insurer by which the work is insured under Part 6 of the Home Building Act 1989.
   - In the case of work to be done by an owner-builder:
     (i) The name of the owner-builder, and
     (ii) 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)

41. DAPCA03 - Site Safety Fencing

Site fencing to a minimum height of 1.8m shall be erected before the commencement of any work and shall be maintained throughout the duration of works to exclude public access to the site.

(Reason: Statutory requirement and health and safety)

42. DAPCA04 - Principal Certifier Sign

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

a) shows the name, address and telephone number of the Principal Certifier;

b) 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.

c) 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)

43. 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)

44. 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)

45. 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)

46. DAPCZ01 - Public Drainage Infrastructure - Pre-Construction Dilapidation Report

Prior to the commencement of any construction works, an internal inspection of Council's stormwater conduit between the stormwater kerb inlet pits on Hillary Street and Terry Street to determine its structural and serviceability condition must be carried out by a suitably qualified and practising professional. A report detailing the date, time, distance/chainage (presented in metres) and defects shall accompany the submission. No works shall commence until approval is received by Cumberland Council's Manager Engineering and Building.

(Reason: Protection of Council assets.)

Conditions which must be satisfied during any development work

47. 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)

48. 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 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)

49. 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)

50. 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)

51. 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)

52. 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) 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 for the full width of the entrance area.
b) No blasting is to be carried out at any time during construction of the building.
c) Care must be taken during demolition/ excavation/ building/ construction to prevent any damage to adjoining buildings.
d) 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.
e) Any demolition and excess construction materials are to be recycled wherever practicable.
f) The disposal of construction and demolition waste must be in accordance with the requirements of the *Protection of the Environment Operations Act 1997*.
g) 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*.
h) All excavated material removed from the site shall be disposed of to an authorised waste disposal facility.
i) All non-recyclable demolition materials shall be disposed of at an approved waste disposal facility.
j) 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.
k) 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.

l) 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.
m) 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 protection to public spaces and prevent unauthorised access to the site)

53. DADWA10- Electricity and Telecommunication Connections - Secondary Dwellings and Dual Occupancies
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)

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

(Reason: Environmental Amenity)

55. 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 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)

56. 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:
a) 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
b) Sampling and analysis of the fill material shall be conducted in accordance with NSW EPA's *Sampling design guidelines (2022).*

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

57. 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. 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, 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)

58. 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. When lodging the 'Application for Road and Footpath Opening Permit' fees are payable in accordance with Council's adopted fees and charges.

Note: 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)

59. **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)

60. **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)

61. **DADWC02 - Compliance with the National Construction Code**
All building work must be carried out in accordance with the provisions of the National Construction Code.

(Reason: Prescribed statutory control)

62. **DADWC04 - Survey Report - Development of Two storeys or Less**
In order to ensure compliance with approved plans, a survey certificate to Australian Height Datum shall be prepared by a Registered Surveyor as follows:-

a) The level of the upper floor and its relationship to boundaries prior to the placement of structural elements.
b) The relationship of the building to the boundaries at completion.

Progress certificates in response to the above shall be produced to the Principal 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 portions of the building higher than approved levels or closer to boundaries that what was approved.

(Reason: To ensure compliance with approved plans)

63. **DADWC05 - Salinity**
The building and external walls are not to proceed past ground floor formwork/reinforcing level until such time as the Principal Certifier has confirmed that all required construction measures addressing salinity, as required by this consent and the accompanying Construction Certificate, have been carried out.

(Reason: To ensure required construction measures addressing salinity are carried out)

64. **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 so as not to exceed a background noise by more than 5dB(A) measured from any habitable room on an adjoining property.

(Reason: To ensure that air conditioning units associated with the development are appropriately located)

65. **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)

66. **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)

67. **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)

68. **DADWC19 - Sediment and Erosion Control measures**
During works, the following measures are to be implemented on the site to assist with sedimentation control during the construction phase of the project:

a) 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.
b) 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.
c) The installation of gutters, downpipes, and the connection of downpipes to the stormwater disposal system shall take place prior to the fixing of the roof cladding.

The above 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)

69. **DADWD01 - Notice of Demolition**
Demolition work is to be carried out by a licenced demolition contractor in accordance with AS 2601-2001 and may only be carried out between 7.00am to 5.00pm on Mondays to Saturdays, excluding public holidays. Jackhammers, rock breakers, heavy machinery and the like may not be used on Saturdays. No demolition work is to take place on Sundays or public holidays.

Within fourteen days of the completion of demolition works, the applicant must lodge with Council, all original weighbridge receipts issued by the receiving waste disposal facility.

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

70. **DADWD02 - Demolition - Asbestos**
For demolition works involving asbestos, 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 delineate and isolate the asbestos removal area and prevent public access are to be installed prior to the commencement of asbestos removal works and remain in place until works are completed. The type of barricading should reflect the level of risk.

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.

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

a) Work Health and Safety Act 2011 & Work Health and Safety Regulation 2017;
b) 'Code of Practice on how to safely remove asbestos' published by Safe Work Australia (dated July 2020); and
c) Safe Work Australia Code of Practice for the Management and Control of Asbestos in the Workplace [NOHSC:2018(2005)].

Re-occupation of a workplace must not occur until following the completion of asbestos removal work until a Licensed Asbestos Assessor or Competent Person independent from the asbestos removalist undertakes a clearance inspection and issues a clearance certificate.

Note: To find a licensed asbestos removalist please visit SafeWork NSW website.

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

71. DADWD03 - 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 National Construction Code in relation to any matter relevant to the development.

(Reason: Statutory requirement)

72. DADWD04 - 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 requirement)

73. DADWZ01 - Inspection of Overland Flow Path

The stormwater drainage and overland flowpath 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:
a) Initial inspection to discuss concept and site conditions/constraints prior to commencement of the construction of the overland flowpath.
b) Prior to landscaping and/or pouring concrete within the overland flowpath area.
c) Final Inspection.

(Reason: Protection and maintenance of Council assets)

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

74. **DAOCA01 - Occupation Certificate**

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. Before issuing an Occupation Certificate, the Principal Certifier must be satisfied that:

a) All required inspections, including applicable mandatory critical stage inspections, have been carried out; and

b) Any preconditions to the issue of the certificate required by a development consent have been met.

(Reason: Statutory requirement)

75. **DAOCA02 - Final Clearance**

A final clearance is to be obtained from the relevant energy service provider.

(Reason: To ensure power is available for the site)

76. **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)

77. **DAOCA04 - Structural Engineer's Certificate**

A certificate from the supervising structural engineer responsible for the design shall be submitted to the Principal Certifier certifying 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)

78. **DAOCA08 - Certification of Engineering Works**

Prior to the issue of an Occupation Certificate, the following documents must be submitted to the Principal Certifier.

a) Work as executed drawings prepared by a registered surveyor for completed engineering works.

b) Certification from a qualified practising professional engineer with Engineers Australia membership under the appropriate professional category, that the following matters have been constructed in accordance with the approved plans and conditions of consent:

- the stormwater drainage system;
- car parking provision;
- the dimension of parking spaces and any aisles and circulation ramps conform to AS2890.1;
- any related footpath works;
- any basement mechanical pump; and
- the proposed driveway and layback.

(Reason: Asset management)

79. **DAOCA10 - Provision of Street Numbers**

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

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

80. **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) construct a new vehicular crossing;
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)

81. **DAOCA12 - Concrete Footpath Repairs**
Cracked and damaged sections of the footpath shall be replaced with a new 1200mm wide concrete footpath along the frontage to Braeside Road.

Note: The above works will require the submission of an application to Council under s.138 of the *Roads Act 1993*.

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

82. **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 and side of the property.

Note: The above works will require the submission of an application to Council under s.138 of the *Roads Act 1993*.

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

83. **DAOCF01 - Landscape Works**
Prior to the issue of an Occupation Certificate all landscaping/tree planting works are to be completed to a professional standard in accordance with the approved landscape plan/s. Certification of completion of the landscape/tree planting works in accordance with the approved plans and relevant conditions of this consent from the landscape designer or a similarly qualified person, not being the installer of the works, is to be provided to the Principal Certifier.

(Reason: Landscape certification)

84. **DAOCF05 - Unpaved Verge Area**
The unpaved verge area shall be turfed.

(Reason: To ensure an appropriate streetscape outcome)

85. **DAOCG01 - Certification of the Constructed Stormwater Drainage System**
The constructed stormwater drainage system shall be certified by a qualified practising civil engineer as being in accordance with Council's Development Control Plan and engineering policies.

(Reason: Adequate stormwater management)

86. **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 system that advises the registered proprietor of their responsibility to maintain the 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 on-site stormwater detention system)

87. **DAOCH09 - Completion of Public Road Assets**
To ensure assets in the public road, including vehicular crossings, pedestrian footpaths, kerbing,

guttering and any roadworks are completed to a satisfactory level, an occupation certificate is not to be issued until such time as a satisfactory completion certificate has been obtained from Council's engineers.

(Reason: Satisfactory completion of assets in the public road)

88. DAOCH13 - Australia Post Guidelines

Letter boxes are to be provided for each occupancy within the development in accordance with the relevant Australia Post guidelines.

(Reason: To ensure compliance with mail delivery regulations)

89. DAOCI04 - Satisfaction of Hydraulic Requirements - Flood Affected Land

Written verification from a suitably qualified and practising civil engineer with experience in floodplain risk management shall be provided to the principal certifier stating that:

a) Requirements, recommendations and mitigation measures of the approved Flood Impact Assessment Report (prepared by M.M.Farah Civil/Structural Pty/Ltd, Revision A, dated 14 July 2025) have been implemented and complied with;
b) The Porch (including the connected stairs), Lounge, Internal Staircase and Driveway of Unit 1 are elevated on piers and open underneath; and
c) The completed development will have no adverse impact on adjoining properties, will not increase flood levels and will not extend land affected by flooding.

(Reason: To ensure works will not adversely affect neighbouring land and will not exacerbate localised flooding)

90. DAOCI05 - Work as Executed Plans - Flood Affected Land

Work as executed plans prepared by a registered surveyor shall be submitted to the principal certifier addressing adherence of the following building elements to the approved plans and conditions of this consent:

a) Pier locations;
b) Subfloor areas and clearance under the building;
c) Location, levels and sizes of pipes and pits;
d) Finished floor levels; and
e) Finished ground levels following completion of landscaping.

The work as executed plans shall be reviewed by a qualified civil or hydraulic engineer who is record updated overland flow paths and certify that overland flows will not adversely affect neighbouring land or extend areas affected by flooding as compared to the pre-development situation.

Any departures from approved plans or conditions are to be notified to the Council and, if required by the Council, rectified prior to the issue of the occupation certificate.

(Reason: To ensure works will not adversely affect neighbouring land and will not exacerbate localised flooding)

91. DAOCI12 - Positive Covenant - On Site Detention

A positive covenant shall be created under section 88B and/or section 88E of the Conveyancing Act 1919 to the satisfaction of Council requiring the ongoing retention, maintenance and repair of the on site detention system. The wording of the covenant shall be consistent with the council's standard terms as available on Council's website. Council shall be identified as the authority with power to release, vary or modify the covenant. The wording of the covenant shall be submitted to and approved by Council prior to lodgement for registration on the title of the land.

(Reason: To ensure proper upkeep and functionality of the on site detention system)

92. DAOCI13 - Restriction of the Use of Land - On Site Detention

A restriction on the use of land shall be created under section 88B and/or section 88E of the Conveyancing Act 1919 to the satisfaction of Council preventing alteration to the on site detention system without the prior approval of the Council. The wording of the restriction shall be consistent with the council's standard terms as available on Council's website. Council shall be identified as the authority with power to release, vary or modify the restriction. The document shall be submitted to Council for endorsement prior to lodgement for registration with the NSW Land Registry Services.

(Reason: To ensure the on site detention system is not altered so as to adversely affect functionality of the system)

93. **DAOCI14 - Positive Covenant - Overland Flowpath**
A positive covenant shall be created under section 88B and/or section 88E of the Conveyancing Act 1919 to the satisfaction of Council requiring the ongoing retention, maintenance and repair of the overland flowpath. The wording of the covenant shall be consistent with the council's standard terms as available on Council's website. Council shall be identified as the authority with power to release, vary or modify the covenant. The document shall be submitted to Council for endorsement prior to lodgement for registration with the NSW Land Registry Services.

(Reason: To ensure proper upkeep and functionality of the on overland flowpath)

94. **DAOCI15 - Restriction of the Use of Land - Overland Flowpath**
A restriction on the use of land shall be created under section 88B and/or section 88E of the Conveyancing Act 1919 to the satisfaction of Council preventing alteration to the flowpath represented by the 1% Annual Exceedance Probability flood level identified on the approved flood report without the prior approval of the Council. The wording of the restriction shall be consistent with the council's standard terms as available on Council's website. Council shall be identified as the authority with power to release, vary or modify the restriction. The document shall be submitted to Council for endorsement prior to lodgement for registration with the NSW Land Registry Services.

(Reason: To ensure the overland flowpath is not inhibited to help avoid adverse impacts for downstream land)

95. **DAOCZ01 - Structural Engineering Certificate for OSD System**
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 system 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)

96. **DAOCZ02 - 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)

97. **DAOCZ03 - Maintenance Schedule - OSD**
Prior to the issue of the occupation certificate, a maintenance schedule of the proposed on site detention facility shall be submitted to Council for approval with the stormwater work as executed plan. This maintenance schedule shall be registered as part of the positive covenant.

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

98. **DAOCZ04 - Public Drainage Infrastructure - Post Construction Dilapidation Report**
A report prepared by a suitably qualified and practising professional shall be submitted to and reviewed by Council upon completion of the construction works to ensure that Council's stormwater conduit between the stormwater kerb inlet pits on Hillary Street and Terry Street has not been affected by the development. The report shall detail the date, time and distance/chainage presented in metres. Any observed or likely damages shall be rectified at full cost by the applicant to the satisfaction of Cumberland Council's Manager Engineering and Building, prior to the issue of any occupation certificate.

(Reason: Protection of Council assets.)

99. **DAOCZ05 - Creation of Emergency Flood Evacuation Plan**
Emergency Flood evacuation measures and plan shall be prepared for evacuation of occupant to a safe refuge at a location higher than the PMF flood level, noting that the street around may be inundated with floodwaters and access to the road may be cut off during the 1% AEP and PMF flood event. Hence, the future occupants of the primary and secondary dwelling are advised to

seek refuge
on the first floor of the primary dwelling in the event of a flood unless otherwise advised by SES or other authorised emergency response personnel.

(Reason: ensure protection of person from flood.)

100. DAOCZ06 - Concrete Footpath – Terry Street
The existing footpath along the frontage to Terry Street shall be removed and replaced with a new footpath wholly within public land at the applicant's expense to Council's satisfaction.

(Reason: to ensure satisfactory pedestrian amenity)

101. DAOCZ07 - Concrete Footpath – Hillary Street
A new concrete footpath 1200mm wide shall be built along the frontage to Hillary Street at the applicant's expense to Council's satisfaction.

Note: The above works will require the submission of an application to Council under s.138 of the *Roads Act 1993*.

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

Conditions which must be satisfied prior to the issue of any Subdivision Certificate

102. DASCA04 - Application for Subdivision Certificate
An application for a Subdivision Certificate must be lodged with Council.

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.

(Reason: To comply with statutory requirements)

103. DASCA05 - 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.

(Reason: To comply with statutory requirements)

104. DASCB03 - Internal Boundary Easement/s
As part of the subdivision, easements are to be created for dividing walls, eaves, gutters and/or downpipes that encroach over internal boundaries.

(Reason: To allow future residents access to maintain dividing walls, eaves, gutters and downpipes)

105. DASCB04 - Easements - Subdivision
Prior to the issue of a Subdivision Certificate, easements must be created over the following:
a) the alignment of interallotment drainage lines.
b) the area required for on-site detention.
c) rights of carriageway within relevant allotment(s).

The easements and terms thereof must be created under the provisions of s.88B of the Conveyancing Act, 1919.

(Reason: To comply with approved development)

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

106. **DAOUC15 - Noise - Residential buildings**
The air conditioner/s/ swimming pool pump/ spa pump / mechanical ventilation systems/rainwater tank pumps must comply with the requirements of Protection of the Environment Operations (Noise Control) Regulation 2017 and shall not:

a) 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)

107. **DAOUC30 - Privacy**
All privacy measures shall be maintained throughout the lifetime of the development.

(Reason: Privacy)

108. **DAOUD02- Landscape Maintenance - General**
All open space areas are to be regularly maintained in a neat and tidy state. Lawn areas are to be kept mown and gardens weeded and mulched with any dead plants replaced. Property owners must maintain trees in a safe growing condition.

(Reason: Safety and landscape amenity)

109. **DAOUE01 - Registration of Final Plan with NSW Land Registry Services**
Upon issue of a Subdivision Certificate, the final plan of subdivision must be registered with the NSW Land Registry Services.

(Reason: Statutory requirement and information)

110. **DAOUH01 - Boundary Fencing for Flood Affected Land**
Fencing within the 100 year average recurrence interval flood level shall not impede overland flows. Measures such as the provision of louvres, open type pool fencing or a frangible screen must be incorporated for those areas below the 100 year average recurrence internal flood level.

(Reason: To ensure overland flow is maintained and that any localised flooding is not exacerbated)

111. **DAOUH08 - Flood Evacuation Procedures**
The approved flood evacuation plan, including identification of a refuge point, is to be displayed in a prominent position within the building.

(Reason: To promote flood safety awareness)

Advisory Notes

112. **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 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 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 Before You Dig service in advance of any construction or planning activities.

(Reason: Advisory)

113. **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.

(Reason: Advisory)

114. **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.

(Reason: Advisory)

115. **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.

(Reason: Advisory)

116. **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 or 4.56 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 unless and until a modified consent is issued.

(Reason: Advisory)

117. **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.

(Reason: Advisory)

118. **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.

(Reason: Advisory)

119. **DAANN12 - Works/Construction Zones**
All buildings on a development site, comprising of 3 or more storeys require approval of a 'Works Zone' from Council. The applicant must apply to Council and pay the applicable fee. Provision of a works zone is subject to approval by the Cumberland Traffic Committee. The length and duration of

a works zone will be determined by Council.

(Reason: Advisory)

120. **DAANN13 - Work Health and Safety**
For information regarding, codes of practice and guidelines regarding demolition and construction work, visit the SafeWork NSW.

(Reason: Advisory)

DOCUMENTS ASSOCIATED WITH REPORT ELPP016/25

Attachment 2

Architectural Plans

HILLARY STREET

TERRY STREET

BRAESIDE ROAD

APPROXIMATE T.N.
M.M. DP 226128

LOT 74
DP 226128
739.8m2 (by DP)
Approx. 753.3m2
(by Calc.)

LOT 69
DP 514943

LOT 70
DP 514943

LOT 91
DP 222466

No 1
SINGLE STOREY
BRICK

No 3
SINGLE STOREY
RENDERED

No 5
TWO STOREY
BRICK & RENDER

No 133
SINGLE STOREY
CLAD

IMPORTANT NOTE:

NO COVENANTS AND/OR RESTRICTIONS HAVE BEEN INVESTIGATED BY NEW SOUTH SURVEYS PTY LTD.

IMPORTANT NOTES:

1. This detail survey is not a "land survey" as defined by the Surveying and Spatial Information Act 2002. If any structure is to be erected upon the land then the boundary corners MUST be marked. This is a survey under CL9 of the Surveying & Spatial Information Regulation 2017
2. Any boundary lines depicted are approximate only and subject to registration of a plan of survey. An Identification Survey is recommended to investigate the position of any structures in relation to the boundary.
3. Underground services have not been surveyed. Only visible services are shown and are in approximate positions only. A "Dial Before You Dig" search MUST be made before any excavation and construction work can commence
4. Ridge and gutter heights on subject and adjoining properties are approximate only.
5. All tree canopies are shown to scale
6. Contours show indicative relief patterns only and are not to be used for level interpolation
7. These general notes should be stored with the supplied CAD drawing

www.dialbeforeyoudig.com.au
DIAL 1100 BEFORE YOU DIG

REGISTERED SURVEYOR
PAUL WILLIAM WILD ID:1603

AUSTRALIAN HEIGHT DATUM

ORIGIN: SSM 12017
RL: 59.25
SCIMS: 21/01/2025

DATE	REVISION	BY

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2.5 1.25 0 2.5 5 7.5 10 12.5
SCALE 1:125 @ A1

NOTE: ALL DIMENSIONS ARE IN METRES UNLESS SPECIFIED OTHERWISE

DRAWN:	PCJ
CHECKED	DH
SURVEYED	AS

NEW SOUTH SURVEYS
NEW SOUTH SURVEYS PTY. LTD.
Land & Engineering Surveyors
P.O. BOX 617 Granville NSW 2142
Mobile: 0405 416 914
Email: info@newsouthsurveys.com.au

CLIENT:	DVYNE DESIGN
PROJECT:	1 HILLARY STREET GREYSTANES TOPOGRAPHICAL SURVEY
SCALE:	1 : 125@ A1
DATE:	21/01/2025
DRAWING No:	124272

TOPSOIL STOCKPILE
Covered with Poythene Membrane.

WASTE BINS
12 cubic bin

15 TONNE EXCAVATOR

MATERIAL STORAGE AREA

KERB TURF FILTER

SEDIMENT FENCE

CRUSHED ROCK ON ENTRY

DELIVERY TRUCK PARKING

ESTIMATED TIME FOR DEMOLITION TO BE FINISHED IS APPROXIMATELY 1 WEEK

STREET **HILLARY**

STREET

TERRY

BRAESIDE **ROAD**

LOT 74
DP 226128
739.8m2 (by DP)
Approx. 753.3m2
(by Calc.)

LOT 69
DP 514943

LOT 70
DP 514943

No 5
TWO STOREY
BRICK & RENDER

No 3
SINGLE STOREY
RENDERED

APPROXIMATE T.N.
M.M. DP 226128

PROVIDE 1800MM HIGH SITE FENCING

PROVIDE 1800MM HIGH GATES FOR SECURITY AND LOCKING UP OF SITE AT THE END OF EVERY DAY.

15 TONNE EXCAVATOR TO BE USED TO DEMOLISH ALL EXISTING STRUCTURES AND LOAD UP THE STANDING TRUCK. WHEN TRUCK IS FULL IT WILL TRASPORT THE WASTE TO A SELECTED WASTE DESTINATION.

OUTLINE OF EXISTING STRUCTURES TO BE DEMOLISHED

PROVIDE CRUSHED ROCK ON ENTRY FOR LOOSE SPOIL FROM TRUCK TYRES.

PARKING OF BOGGIE TRUCK FOR LOADING OF WASTE MATERIALS

OUTLINE OF TREE TO BE REMOVED

CONCRETE TRAFFIC ISLAND

PEDESTRIAN CROSSING

VEHICLE CROSSING

PATH

CONCRETE

KERB

GUTTER

AWNING

GULLY

RIDGE

TOP WINDOW RL59.85 BOTTOM RL59.15

TOP WINDOW RL59.85 BOTTOM RL58.25

TELSTRA PIT

SWPIT

55.37 Top GRATE

56.31 Top GRATE 55.46 Inv

1 Demolition Plan
1 : 100

DEMOLTION WORK HOURS:
MONDAY - FRIDAY
7AM - 5PM

SEDIMENT CONTROL NOTES:
1- All EROSION AND SEDIMENT CONTROL MEASURES TO BE INSTALLED PRIOR TO SITE DISTURBANCE.
2- STRIPPING OF GRASS AND VEGETATION ETC. FROM SITE SHALL BE KEPT TO A MINIMUM.
3- ALL SEDIMENT CONTROL STRUCTURES TO BE INSPECTED AFTER EACH RAINFALL EVENT FOR AND ALL TRAPPED SEDIMENT TO STRUCTURAL DAMAGE BE REMOVED TA A NOMINATED STOCKPILE SITE.

GEOTEXTILE FILTER FABRIC
DISTURBED AREA
UNDISTURBED AREA
DIRECTION OF FLOW
TOE TRENCH TO BE BACK FILLED
POSTS DRIVEN 500-700 INTO GROUND.

SEDIMENT CONTROL DETAILS.
DETAIL B

Direction Of Flow
Posts Driven 500-700 min Ground.
WIRE MESH
DETAIL OF LAP
GEOTEXTILE FILTER FABRIC EMBEDED 200 INTO GROUND

SEDIMENT FENCE
0.2mm POLYTHENE MEMBRANE
100mm Dia
DIVERSION DRAIN AND BANK (WHERE POSSIBLE)

SOIL STOCK PILE
DETAIL A

dvyne design	SHOP 1, 23–27 PATON STREET, MERRYLANDS WEST, NSW 2160 (02) 9637 1111 jack@dvyne.com.au www.dvyne.com.au DESIGN I CONSTRUCT I CONSULT	JOB DESCRIPTION DUAL OCCUPANCY + POOLS AT 1 HILLARY STREET, GREYSTANES	DRAWING TITLE DEMOLITION PLAN CLIENT DETAILS EDDY SARKIS	DO NOT SCALE THE DRAWINGS, READ ALL DIMENSIONS SHOWN. ALL DIMENSIONS, NOTES ON ALL PLANS AND CONSENT DOCUMENTS MUST BE CHECKED AND VERIFIED BY THE CONTRACTOR PRIOR TO ANY COMMENCEMENT OF ANY BUILDING WORKS ON SITE, TO CLARIFY ANY DISCREPANCIES BETWEEN ALL PLAN DRAWINGS AND DOCUMENTATION RELEVANT TO THE PROPOSAL / SITE WORKS. GROUND LEVELS MAY VARY DUE TO SITE CONDITIONS. COPYRIGHT - THESE DRAWINGS REMAIN THE PROPERTY OF DVYNE DESIGN JT PTY LTD AND CAN NOT BE ALTERED OR REPRODUCED WITHOUT WRITTEN CONSENT.	DRAWN JB DATE APRIL 2025 CHECKED SARKIS SCALE 1 : 100 JOB NUMBER 24321-03 NUMBER IN SET A07 ISSUE B	ISSUE	AMENDMENT	BY	DATE
						A	CONCEPT PLANS	SB	DEC 24
						B	DA SUBMISSION	JB	APR 25

1 SITE / ANALYSIS / SEDIMENT CONTROL PLAN

SCALE 1:100

TOPSOIL STOCKPILE
Covered with Poythene Membrane.

MATERIAL STORAGE AREA

DELIVERY TRUCK PARKING

WASTE BINS
12 cubic bin

KERB TURF FILTER

SEDIMENT FENCE

DESIGN CALCS

UNIT 1.
1. GROUND FLOOR AREA = 125.9 SQM
2. FIRST FLOOR AREA = 134.91 SQM
3. TOTAL AREA = 260.81 SQM
4. PRIVATE OPEN SPACE = 51.85 SQM

UNIT 2.
1. GROUND FLOOR AREA = 131.43 SQM
2. FIRST FLOOR AREA = 140.51 SQM
3. TOTAL AREA = 271.94 SQM
4. PRIVATE OPEN SPACE = 56.13 SQM

SITE
SITE AREA = 753.3 SQM
TOTAL FLOOR AREA = 532.75 SQM
MAX SITE COVERAGE = 0.65 : 1 = 489.65 SQM
TOTAL SITE COVERAGE PROPOSED = 395.72 SQM = 0.52 : 1

LANDSCAPE
MINIMUM LANDSCAPE AREA REQUIRED = 0.20 : 1 = 150.66 SQM
TOTAL LANDSCAPE AREA PROPOSED = 151.23 SQM = 0.20 : 1

KEYS:

	WIND DIRECTIONS
	TREES TO BE REMOVED
	PRIVATE COURTYARDS
NOISE	POTENTIAL NOISE IMPACT TRAFFIC & NEIGHBOURING
ACCESS	SITE ACCESS
	VIEWS
	NORTHERN SUNLIGHT

NOTES

1. ALL RUN OFF AND SEDIMENT CONTROL STRUCTURES WILL BE MAINTAINED IN A FUNCTIONAL CONDITION
2. REVEGETATION WORKS- HAY MULCHING MUST USE STRAW THAT IS GUARANTEED WEED FREE AND A "DRYLAND" SEED MIXTURE IN ALL APPLICATIONS
3. AREAS NOT USED FOR BUILDING SHOULD BE RETAINED WITH VEGETATION
4. REVEGETATION ON RETAIN CUT AND FILLS AS SOON AS POSSIBLE DURING CONSTRUCTION

HILLARY STREET

TERRY STREET

BRAESIDE ROAD

LOT 74 DP 226128 739.8m2 (by DP) Approx. 753.3m2 (by Calc.)

LOT 70 DP 514943

LOT 69 DP 514943

No 5 TWO STOREY BRICK & RENDER

No 3 SINGLE STOREY RENDERED

WINTER WINDS

SUMMER BREEZES

SUMMER/WINTER WINDS

UNIT 1: LOUNGE 3.72 x 4.08; GUEST RM 3.0 x 3.66; ENS 1.2 x 2.66; WIP 1.5 x 3.4; KITCHEN 5.0 x 3.49; ISLAND BENCH; SWIMMING POOL 15 KL; PORCH FFL. 55415; ENTRY; GARAGE 5.5 x 3.6 FFL. 55325; L'DRY 1.5 x 3.2; WC 1.4 x 3.2; LIVING / DINING 9.1 x 5.0; ALFRESCO 3.5 x 5.0 FFL. 55415; PRIVATE OPEN SPACE = 51.85 SQM; POOL PUMP; FIREPLACE; CONCRETE DRIVEWAY; TURF; PATH

UNIT 2: PORCH FFL. 55415; LOUNGE 5.5 x 4.08; ENS 1.4 x 2.66; GUEST RM 3.3 x 3.6; WIP 1.5 x 3.6; KITCHEN 5.0 x 3.69; ISLAND BENCH; SWIMMING POOL 15 KL; ENTRY FFL. 55500; GARAGE 5.5 x 3.6 FFL. 55325; L'DRY 1.5 x 2.9; WC 1.3 x 2.9; LIVING / DINING 9.8 x 4.5; ALFRESCO 4.0 x 5.0 FFL. 55415; PRIVATE OPEN SPACE = 56.13 SQM; POOL PUMP; FIREPLACE; CONCRETE DRIVEWAY; 12 cubic bin; TURF

OUTLINE OF EXISTING STRUCTURES TO BE DEMOLISHED

OUTLINE OF TREE TO BE REMOVED

LOCATION OF HWS & AC UNIT AS PER BASIX REQUIREMENTS

CONCRETE TRAFFIC ISLAND

APPROXIMATE T.N. M.M. DP 226126

PEDESTRIAN CROSSING

VEHICLE CROSSING

TELSTRA PIT

SWPIT

KERB

GUTTER RL59.90

GULLY RL60.35

AWNING

RIDGE RL62.45

RIDGE RL61.45

RIDGE RL62.65

TOP WINDOW RL59.85 BOTTOM RL59.15

TOP WINDOW RL59.85 BOTTOM RL58.25

SEDIMENT CONTROL NOTES:
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3- ALL SEDIMENT CONTROL STRUCTURES TO BE INSPECTED AFTER EACH RAINFALL EVENT FOR AND ALL TRAPPED SEDIMENT TO STRUCTURAL DAMAGE BE REMOVED TA A NOMINATED STOCKPILE SITE.

GEOTEXTILE FILTER FABRIC; DISTURBED AREA; UNDISTURBED AREA; DIRECTION OF FLOW; TOE TRENCH TO BE BACK FILLED; POSTS DRIVEN 500-700 INTO GROUND; 500 min.; 200; 100

SEDIMENT CONTROL DETAILS.
DETAIL B

Direction Of Flow; disturbed Area.; 2000 MAX.; Posts Driven 500-700 into Ground.; WIRE MESH; DETAIL OF LAP; Undisturbed Area.; GEOTEXTILE FILTER FABRIC EMBEDED 200 INTO GROUND.

SEDIMENT FENCE; 0.2mm POLYTHENE MEMBRANE; 100mm Dip; DIVERSION DRAIN AND BANK (WHERE POSSIBLE)

SOIL STOCK PILE
DETAIL A

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DESIGN | CONSTRUCT | CONSULT

JOB DESCRIPTION
DUAL OCCUPANCY + POOLS
AT
1 HILLARY STREET, GREYSTANES

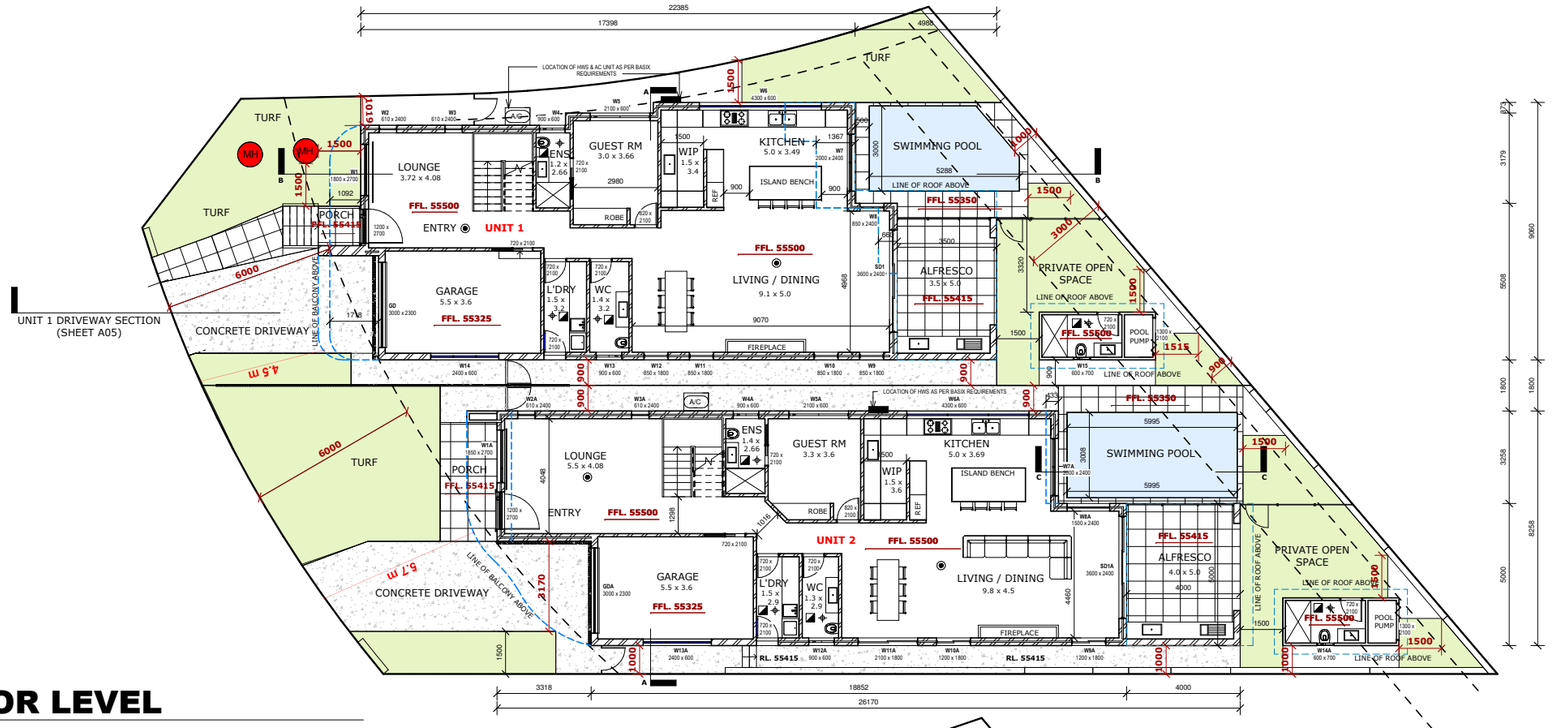
DRAWING TITLE
SITE PLAN

CLIENT DETAILS
EDDY SARKIS

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DATE	APRIL 2025
CHECKED	SARKIS
SCALE	1 : 100
JOB NUMBER	24321-03
NUMBER IN SET	A01
ISSUE	D

ISSUE	AMENDMENT	BY	DATE
A	CONCEPT PLANS	SB	DEC 24
B	DA SUBMISSION	JB	APR 25
C	ADDITIONAL INFORMATION	SB	MAY 25
D	ADDITIONAL INFORMATION	SB	JUL 25



1 GROUND FLOOR LEVEL

SCALE 1:100



2 FIRST FLOOR LEVEL

SCALE 1:100

IMPORTANT NOTE:
ALL DIMENSIONS AND NOTES ON ALL PLANS MUST BE CHECKED AND VERIFIED BY BUILDER AND / OR OWNER PRIOR TO COMMENCEMENT OF ANY BUILDING WORKS TO CLARIFY AND CONFIRM WITH DVYNE DESIGN P/L ANY DISCREPANCIES ON ALL DOCUMENTS AND PLANS PROVIDED FOR CONSTRUCTION. ANY WORK INDICATED ON THE PLAN BUT NOT IN THE SPECIFICATION OR VICE VERSA, AND ANY ITEM NOT SHOWN IN EITHER PLAN OR SPECIFICATION BUT WHICH IS OBVIOUSLY NECESSARY AS PART OF PROPER CONSTRUCTION AND / OR FINISH IS TO BE DONE AS PART OF THE CONTRACT. VARIATIONS TO PLANS SPECIFICATIONS MAY NOT BE MADE WITHOUT WRITTEN CONSENT OF THE OWNER. IT IS THE RESPONSIBILITY OF THE BUILDER / END USER TO VERIFY PLANS AND SPECIFICATIONS AS TO THEIR ACCURACY AND SUITABILITY AND ALL SITE WORKS MUST COMPLY WITH CURRENT BCA AND AUSTRALIAN STANDARDS. WINDOWS TO COMPLY WITH 3.9.2.5 OF THE BCA.

NOTE
1. all dimensions and notes on all drawings must be checked and verified by client/owner/builder prior to commencement of any building works on site, to clarify any discrepancies between all plans relevant to the proposal/site works.
2. bathrooms and ensuites doors are to be provided with removable hinges.
3. floor waste to all wet floor areas

LEGEND
- Smoke Alarm Clause 9.5.4 of Housing Provisions 2022
- Floor Waste
- Mechanical Ventilation Clause 10.6.2 of Housing Provisions 2022
- location of hot water system as per BASIX requirements
- A/C — location of air conditioning unit as per BASIX requirements
- RWT — location of rainwater tank as per BASIX requirements
- CLOTHESLINE — location of clothesline as per BASIX requirements

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DESIGN | CONSTRUCT | CONSULT

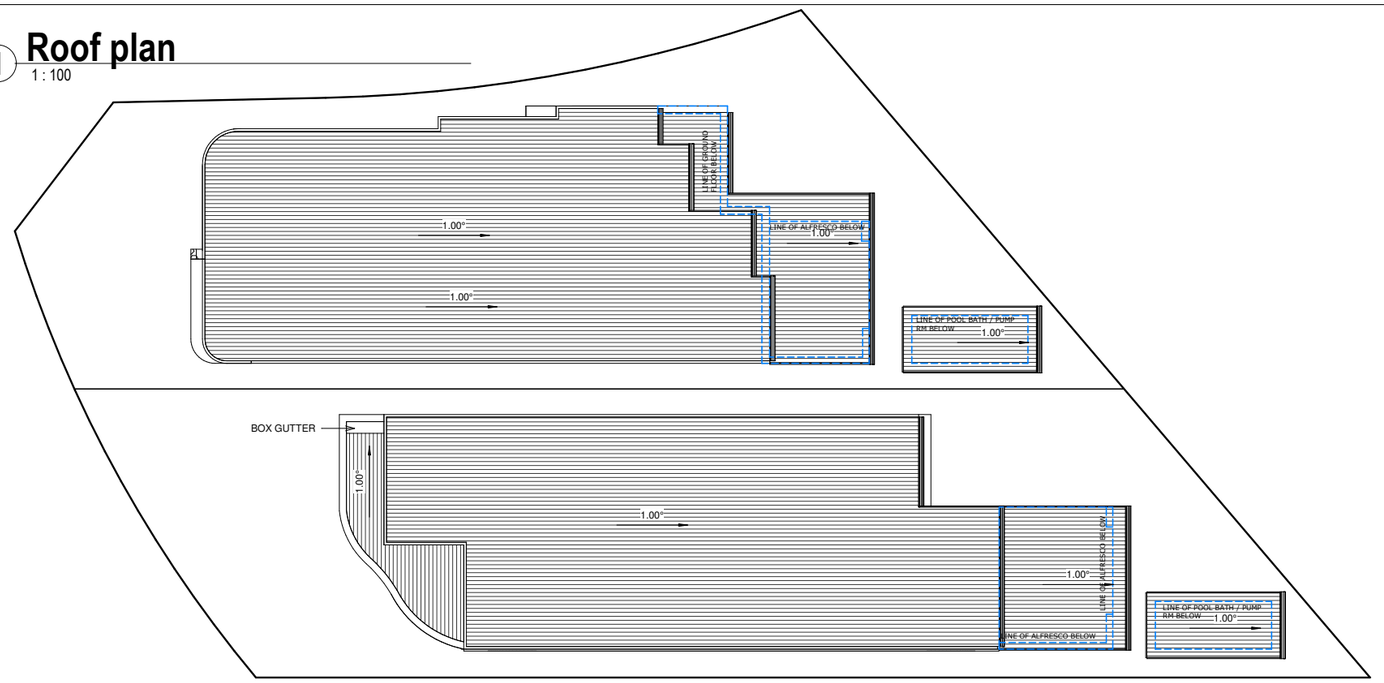
JOB DESCRIPTION	DRAWING TITLE
DUAL OCCUPANCY + POOLS	FLOOR PLANS
AT	CLIENT DETAILS
1 HILLARY STREET, GREYSTANES	EDDY SARKIS

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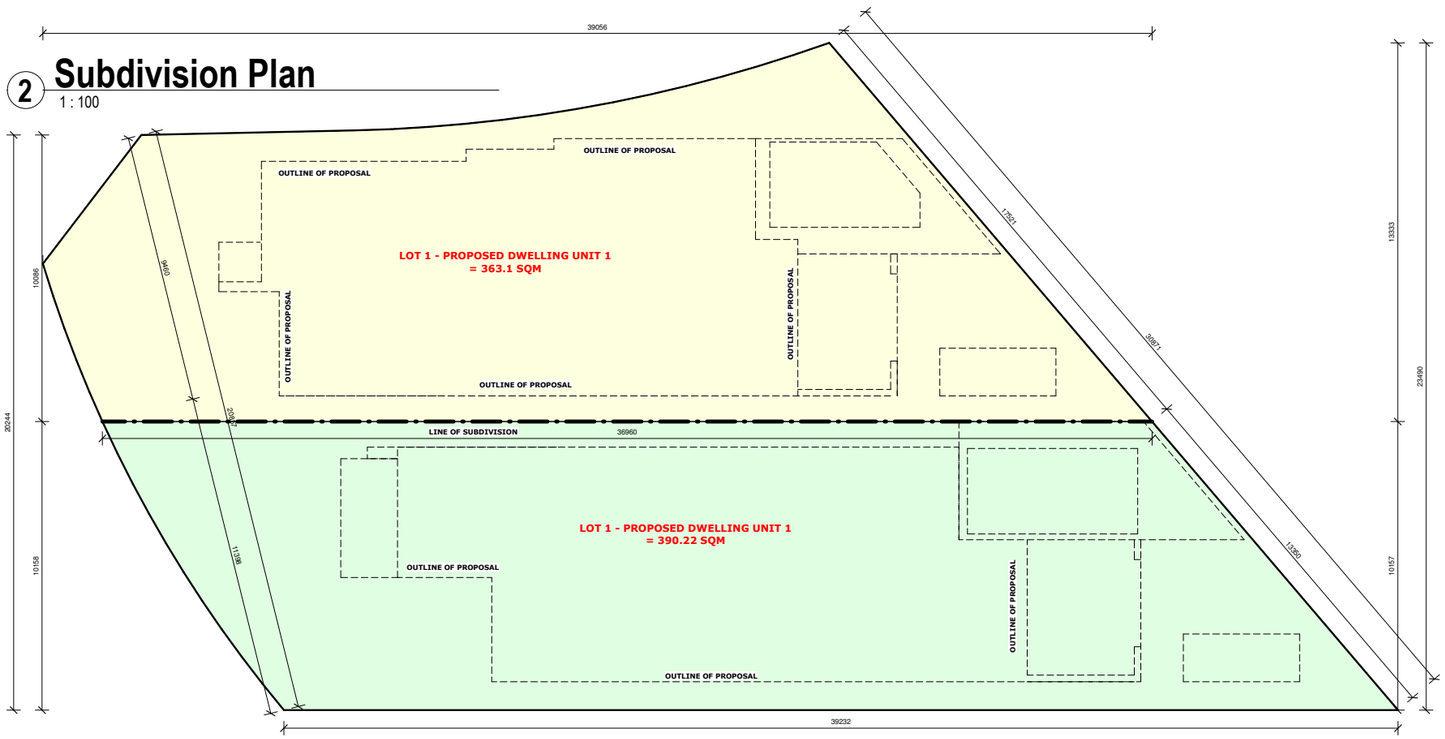
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DATE	APRIL 2025
CHECKED	SARKIS
SCALE	1 : 100
JOB NUMBER	24321-03
NUMBER IN SET	A02
ISSUE	D

ISSUE	AMENDMENT	BY	DATE
A	CONCEPT PLANS	SB	DEC 24
B	DA SUBMISSION	JB	APR 25
C	ADDITIONAL INFORMATION	SB	MAY 25
D	ADDITIONAL INFORMATION	SB	JUL 25

1 Roof plan
1 : 100



2 Subdivision Plan
1 : 100



Water Commitments	Show on DA plans	Show on CC/CDC plans & specs	Certifier check
Fixtures			
The applicant must install showerheads with a minimum rating of 4 star (> 4.5 but <= 6 L/min plus spray force and/or coverage tests) in all showers in the development.		✔	✔
The applicant must install a toilet flushing system with a minimum rating of 6 star in each toilet in the development.		✔	✔
The applicant must install taps with a minimum rating of 6 star in the kitchen in the development.		✔	
The applicant must install basin taps with a minimum rating of 6 star in each bathroom in the development.		✔	
Swimming Pool			
The swimming pool must not have a volume greater than 15 kilolitres.	✔	✔	
The swimming pool must be outdoors.	✔	✔	

Thermal Performance and Materials commitments	Show on DA plans	Show on CC/CDC plans & specs	Certifier check
Do-it-yourself Method			
General features			
The dwelling must be a Class 1 dwelling according to the National Construction Code, and must not have more than 2 storeys.	✔	✔	✔
The conditioned floor area of the dwelling must not exceed 300 square metres.	✔	✔	✔
The dwelling must not contain open mezzanine area exceeding 25 square metres.	✔	✔	✔
The dwelling must not contain third level habitable attic room.	✔	✔	✔
Floor, walls and ceiling/roof			
The applicant must construct the floor(s), walls, and ceiling/roof of the dwelling in accordance with the specifications listed in the table below.	✔	✔	✔
The applicant must adopt one of the options listed in the tables below to address thermal bridging in metal framed floor(s), walls and ceiling/roof of the dwelling.	✔	✔	✔
The applicant must show through receipts that the materials purchased for construction are consistent with the specifications listed in the tables below.			✔

Construction	Area - m²	Additional insulation required	Options to address thermal bridging	Other specifications
floor - concrete slab on ground, conventional slab.	126.01	nil,not specified	nil	
garage floor - concrete slab on ground.	18	none	nil	
external wall: cavity brick; frame: timber - H2 treated soft=wood.	all external walls	0.50 (or 1.20 including construction),fibreglass batts or roll	nil	wall colour: Medium (solar absorptance 0.48-0.7)

Construction	Area - m²	Additional insulation required	Options to address thermal bridging	Other specifications
internal wall shared with garage: single skin masonry; frame: timber - H2 treated soft=wood.	5	nil,fibreglass batts or roll	nil	
internal wall: single skin masonry; frame: timber - H2 treated soft=wood.	20	fibreglass batts or roll	nil	
ceiling and roof - flat ceiling / flat roof, framed - metal roof, timber - H2 treated soft=wood.	194.71	ceiling: 4.5 (up), roof: foil/ sarking; ceiling: fibreglass batts or roll; roof: foil/sarking	nil	roof colour: medium (solar absorptance 0.48-0.59); ceiling area fully insulated

Thermal Performance and Materials commitments	Show on DA plans	Show on CC/CDC plans & specs	Certifier check
Ceiling fans			
The applicant must install at least one ceiling fan in at least one daytime habitable space, such as living room.	✔	✔	✔
• The minimum number and diameter of ceiling fans in a daytime habitable space must be installed in accordance with the ABCB Housing Provisions (Part 13.5.2) of the National Construction Code.	✔	✔	✔

Thermal Performance and Materials commitments	Show on DA plans	Show on CC/CDC plans & specs	Certifier check
Glazed windows, doors and skylights			
The applicant must install the windows, glazed 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 glazed window and door.	✔	✔	✔
The dwelling may have 1 skylight (<0.7 square metres) which is not listed in the table.	✔	✔	✔
The following requirements must also be satisfied in relation to each window and glazed door:	✔	✔	✔
• The applicant must install windows and glazed doors in accordance with the height and width, frame and glazing types listed in the table.	✔	✔	✔
• Each window and glazed door must have a U- value no greater than that listed and a Solar Heat Gain Coefficient (SHGC) within the range listed. Total system U values and SHGC must be calculated in accordance with National Fenestration Rating Council (NFRC) conditions.		✔	✔
The applicant must install the skylights described in the table below, in accordance with the specifications listed in the table. Total skylight area must not exceed 3 square metres (the 3 square metre limit does not include the optional additional skylight of less than 0.7 square metres that does not have to be listed in the table).	✔	✔	✔

Energy Commitments	Show on DA plans	Show on CC/CDC plans & specs	Certifier check
The applicant must install a window and/or skylight in 6 bathroom(s)/toilet(s) in the development for natural lighting.	✔	✔	✔
Swimming pool			
The applicant must install the following heating system for the swimming pool in the development (or alternatively must not install any heating system for the swimming pool): solar only		✔	
The applicant must install the following pump for the swimming pool in the development, or a pump with a higher energy rating: multi-speed with a performance of 8 stars or higher.		✔	
Other			
The applicant must install a gas cooktop & electric oven in the kitchen of the dwelling.		✔	
The applicant must install a fixed outdoor clothes drying line as part of the development.		✔	

Energy Commitments	Show on DA plans	Show on CC/CDC plans & specs	Certifier check
Hot water			
The applicant must install the following hot water system in the development, or a system with a higher energy rating: gas boosted solar with a performance of more than 45 STCs.	✔	✔	✔
Cooling system			
The applicant must install the following cooling system, or a system with a higher energy rating, in at least 1 living area: 1-phase airconditioning - ducted; Energy rating: 5 star (average zone)		✔	✔
The applicant must install the following cooling system, or a system with a higher energy rating, in at least 1 bedroom: 1-phase airconditioning - ducted; Energy rating: 5 star (average zone)		✔	✔
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 airconditioning - ducted; Energy rating: 5 star (average zone)		✔	✔
The applicant must install the following heating system, or a system with a higher energy rating, in at least 1 bedroom: 1-phase airconditioning - ducted; Energy rating: 5 star (average zone)		✔	✔
Ventilation			
The applicant must install the following exhaust systems in the development:			
At least 1 Bathroom: individual fan, open to façade; Operation control: manual switch on/off		✔	✔
Kitchen: individual fan, open to façade; Operation control: manual switch on/off		✔	✔
Laundry: individual fan, open to façade; Operation control: manual switch on/off		✔	✔
Artificial lighting			
The applicant must ensure that a minimum of 80% of light fixtures are fitted with fluorescent, compact fluorescent, or light-emitting-diode (LED) lamps.		✔	✔
Natural lighting			
The applicant must install a window and/or skylight in the kitchen of the dwelling for natural lighting.	✔	✔	✔

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DESIGN | CONSTRUCT | CONSULT

JOB DESCRIPTION
DUAL OCCUPANCY + POOLS
AT
1 HILLARY STREET, GREYSTANES

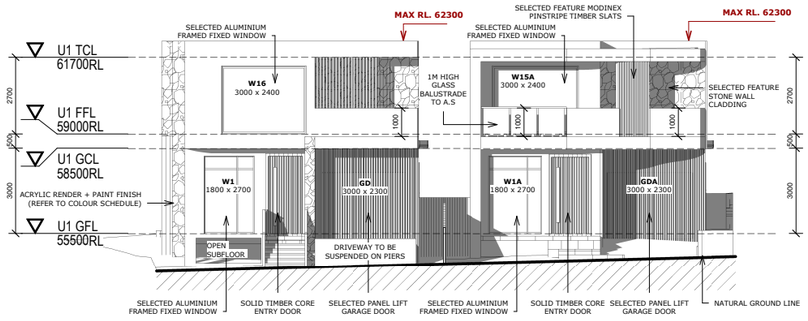
DRAWING TITLE
ROOF / SUBDIV. / BASIX

CLIENT DETAILS
EDDY SARKIS

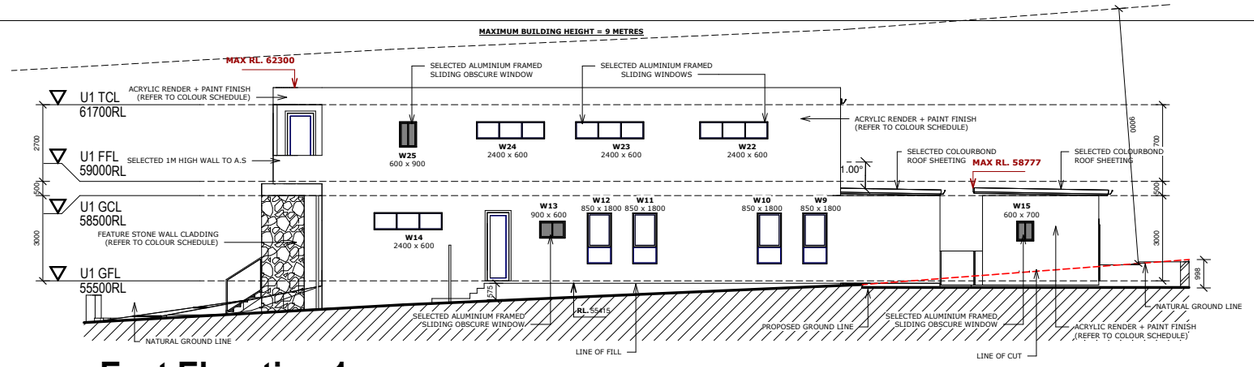
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DATE	APRIL 2025
CHECKED	SARKIS
SCALE	1 : 100
JOB NUMBER	24321-03
NUMBER IN SET	A03
ISSUE	D

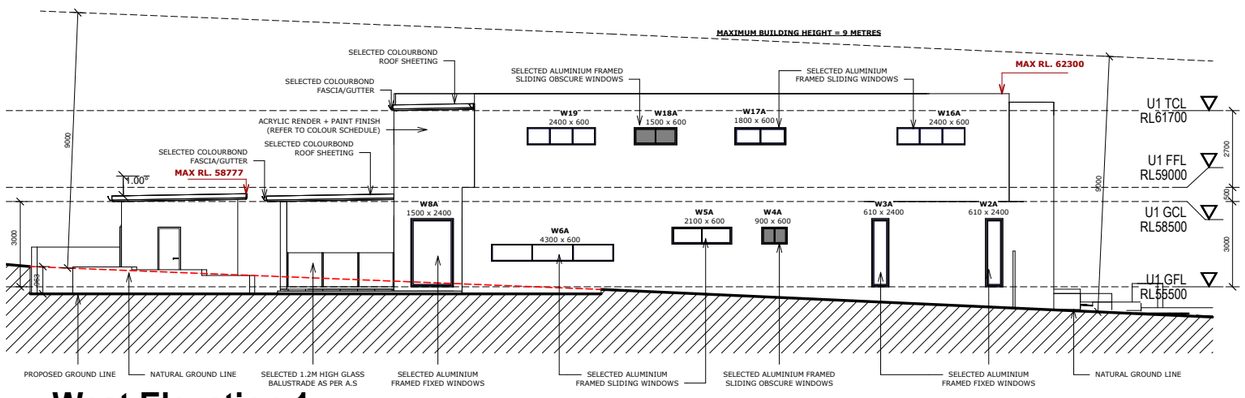
ISSUE	AMENDMENT	BY	DATE
A	CONCEPT PLANS	SB	DEC 24
B	DA SUBMISSION	JB	APR 25
C	ADDITIONAL INFORMATION	SB	MAY 25
D	ADDITIONAL INFORMATION	SB	JUL 25



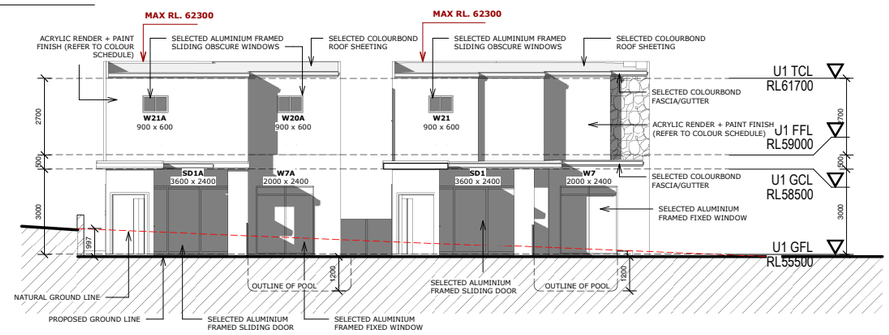
1 South Elevation
1 : 100



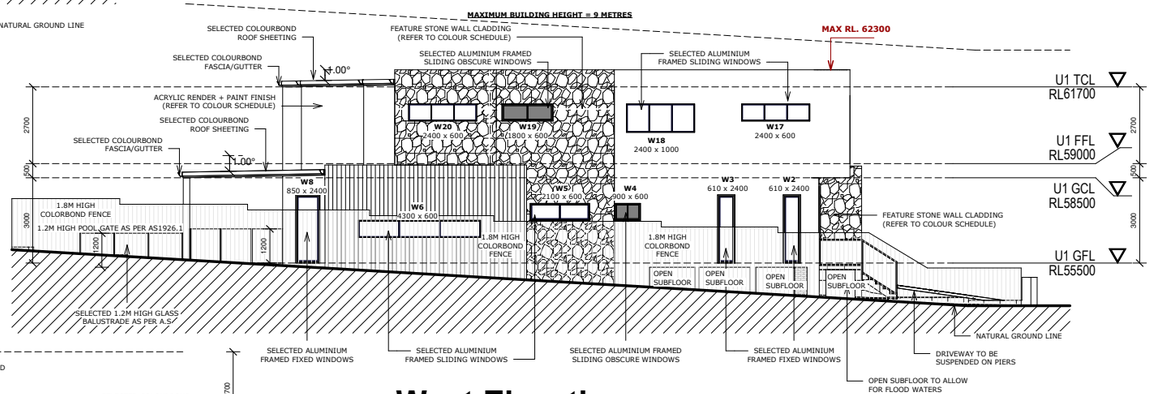
6 East Elevation 1
1 : 100



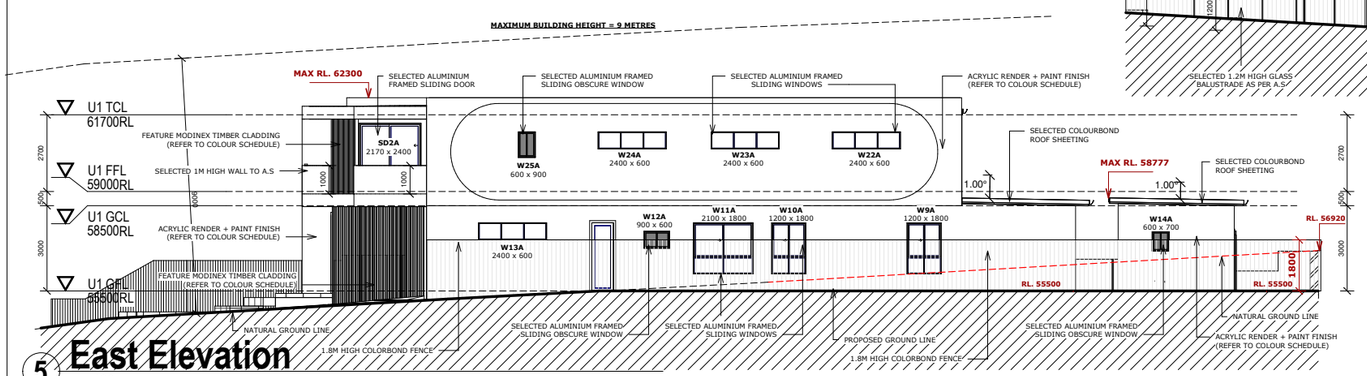
3 West Elevation 1
1 : 100



4 North Elevation
1 : 100

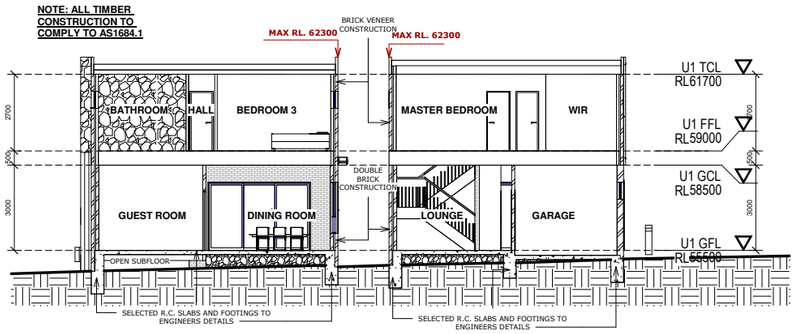


2 West Elevation
1 : 100

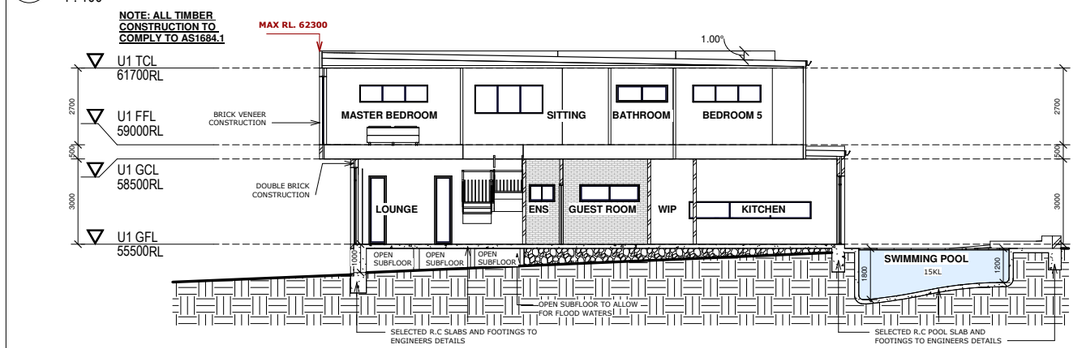


5 East Elevation
1 : 100

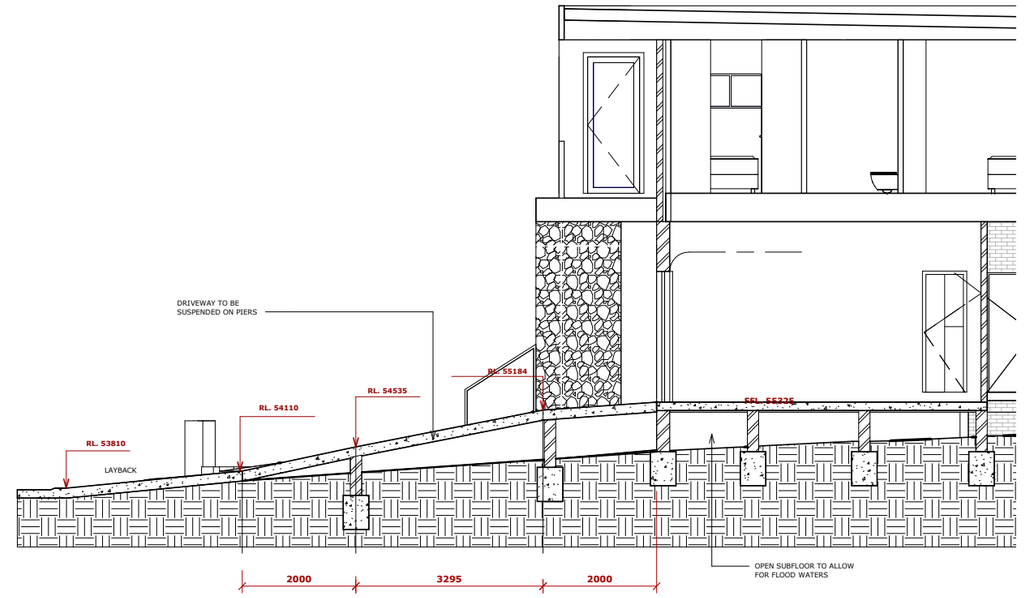
SHOP 1, 23–27 PATON STREET, MERRYLANDS WEST, NSW 2160 (02) 9637 1111 jack@dvyne.com.au www.dvyne.com.au DESIGN | CONSTRUCT | CONSULT	JOB DESCRIPTION DUAL OCCUPANCY + POOLS AT 1 HILLARY STREET, GREYSTANES	DRAWING TITLE ELEVATIONS CLIENT DETAILS EDDY SARKIS	DO NOT SCALE THE DRAWINGS, READ ALL DIMENSIONS SHOWN. ALL DIMENSIONS, NOTES ON ALL PLANS AND CONSENT DOCUMENTS MUST BE CHECKED AND VERIFIED BY THE CONTRACTOR PRIOR TO ANY COMMENCEMENT OF ANY BUILDING WORKS ON SITE. TO CLARIFY ANY DISCREPANCIES BETWEEN ALL PLAN DRAWINGS AND DOCUMENTATION RELEVANT TO THE PROPOSAL / SITE WORKS, GROUND LEVELS MAY VARY DUE TO SITE CONDITIONS. COPYRIGHT - THESE DRAWINGS REMAIN THE PROPERTY OF DVYNE DESIGN JT PTY LTD AND CAN NOT BE ALTERED OR REPRODUCED WITHOUT WRITTEN CONSENT.	DRAWN JB DATE APRIL 2025 CHECKED SARKIS SCALE 1 : 100 JOB NUMBER 24321-03 NUMBER IN SET A04 ISSUE D	ISSUE A B C D	AMENDMENT CONCEPT PLANS DA SUBMISSION ADDITIONAL INFORMATION ADDITIONAL INFORMATION	BY SB JB SB SB	DATE DEC 24 APR 25 MAY 25 JUL 25



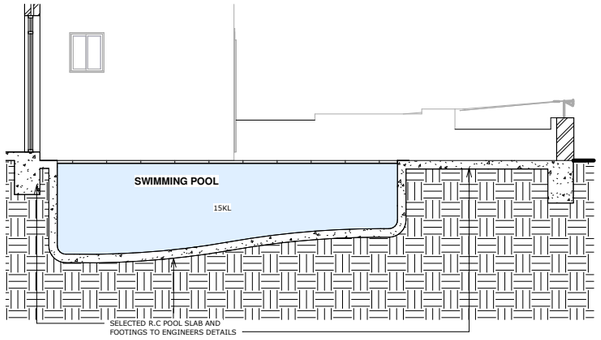
2 Section A-A
1 : 100



3 Section B-B
1 : 100



1 UNIT 1 DRIVEWAY
1 : 50

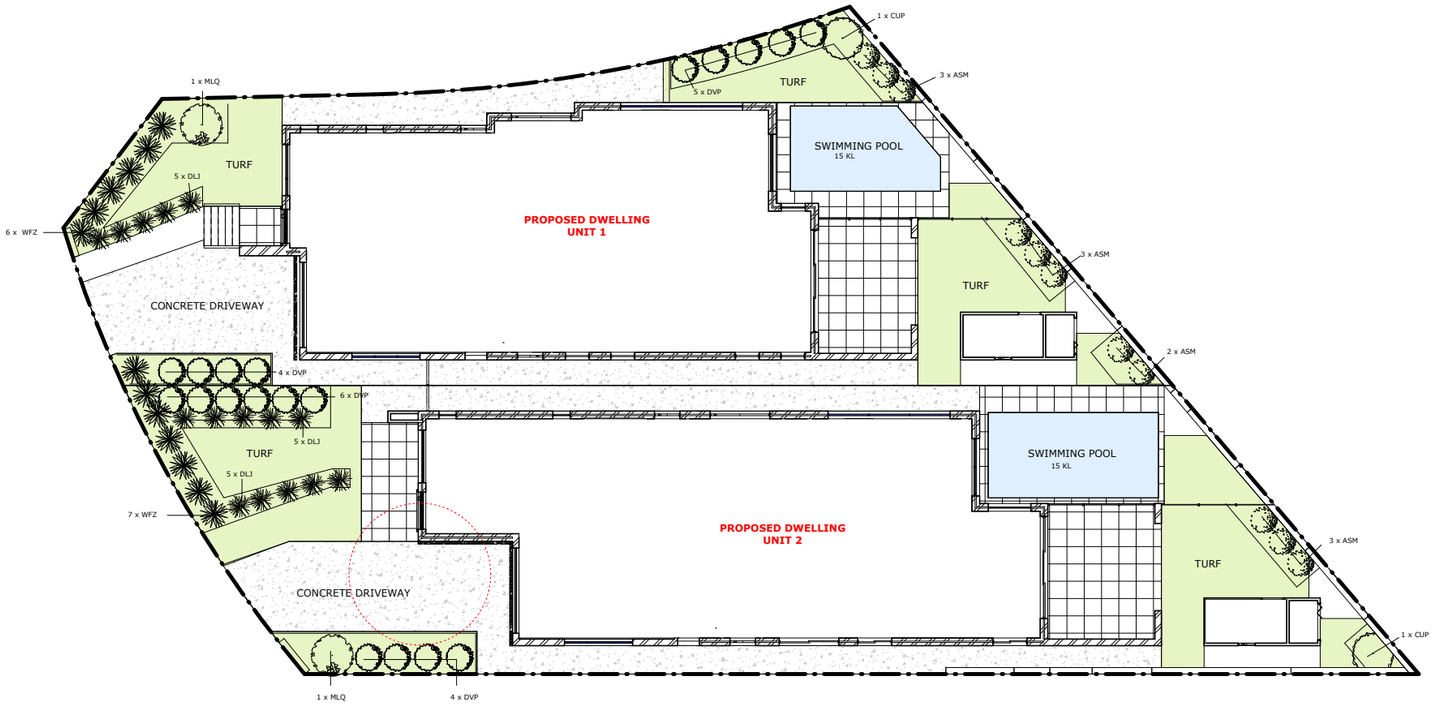


4 Section C-C
1 : 50

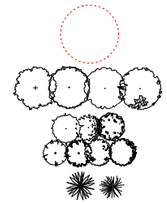


5 Streetscape
1 : 100

dvyne design	SHOP 1, 23–27 PATON STREET, MERRYLANDS WEST, NSW 2160 (02) 9637 1111 jack@dvyne.com.au www.dvyne.com.au DESIGN | CONSTRUCT | CONSULT	JOB DESCRIPTION DUAL OCCUPANCY + POOLS AT 1 HILLARY STREET, GREYSTANES	DRAWING TITLE SECTIONS / STREETSCAPE CLIENT DETAILS EDDY SARKIS	DO NOT SCALE THE DRAWINGS, READ ALL DIMENSIONS SHOWN. ALL DIMENSIONS, NOTES ON ALL PLANS AND CONSENT DOCUMENTS MUST BE CHECKED AND VERIFIED BY THE CONTRACTOR PRIOR TO ANY COMMENCEMENT OF ANY BUILDING WORKS ON SITE, TO CLARIFY ANY DISCREPANCIES BETWEEN ALL PLAN DRAWINGS AND DOCUMENTATION RELEVANT TO THE PROPOSAL / SITE WORKS. GROUND LEVELS MAY VARY DUE TO SITE CONDITIONS. COPYRIGHT - THESE DRAWINGS REMAIN THE PROPERTY OF DVYNE DESIGN JT PTY LTD AND CAN NOT BE ALTERED OR REPRODUCED WITHOUT WRITTEN CONSENT.	DRAWN JB DATE APRIL 2025 CHECKED SARKIS SCALE 1 : 100 JOB NUMBER 24321-03 NUMBER IN SET A05 ISSUE D	ISSUE A B C D	AMENDMENT CONCEPT PLANS DA SUBMISSION ADDITIONAL INFORMATION ADDITIONAL INFORMATION	BY SB JB SB SB	DATE DEC 24 APR 25 MAY 25 JUL 25



LEGEND



- **EXISTING TREES TO BE REMOVED**
- **PROPOSED TREES** (REFER TO PLANT SCHEDULE)
- **LARGE SHRUBS SCREEN PLANTING** (VARIABLE HEIGHT 2.0M TO 3.0m)
- **FEATURE PLANTS** (ARCHITECTURAL PLANTING TYPES TO COMPLIMENT VISUAL SCALE)
- **TURF AREAS** (REFER TO TURFING DETAIL AND SPECIFICATION)
- **COLOURED CONCRETE PAVEMENT** (SELECTED FINISH AS SPECIFIED)
- **TILING** (TILING TO ARCHITECTS SPECIFICATION OR CLIENT SELECTION.)
- **PROPERTY BOUNDARY LINE**
- **TIMBER EDGING** (100mm x 25mm H4 TREATED PINE TO ALL GARDEN BED AREAS ADJOINING TURF OR GRAVEL SURFACES)
- **MASONRY WALLS** (CONSTRUCTION AND FINISH TO ARCHITECT AND/OR ENGINEERS SPECIFICATION)

GENERAL NOTES

1. LEVEL DATUM AHD, ORIGIN OF LEVELS, REFER TO SURVEY PLAN.
2. THESE DRAWINGS ARE TO BE READ IN CONJUNCTION WITH THE ARCHITECTURAL AND OTHER ASSOCIATED ENGINEERING PLANS.
3. ALL WORK IS TO BE CARRIED OUT IN ACCORDANCE WITH THE DRAWINGS AND/OR WRITTEN SPECIFICATIONS.
4. DO NOT SCALE FROM THESE DRAWINGS. ALL DIMENSIONS ARE TO BE CHECKED ON SITE PRIOR TO THE COMMENCEMENT OF ANY WORK. ALL DIMENSIONS ARE IN MILLIMETRES UNLESS OTHERWISE STATED. IT IS THE CONTRACTOR'S RESPONSIBILITY TO VERIFY ALL DIMENSIONS AND LEVELS ON SITE.
5. THE CONTRACTOR SHALL AT ALL TIMES IMPLEMENT ADEQUATE EROSION AND SEDIMENT CONTROL MEASURES
6. THE POSITION OF SERVICES SHOWN IS APPROXIMATE ONLY AND HAS BEEN PLOTTED FROM SURVEY INFORMATION SUPPLIED. THE POSITION AND TYPE OF SERVICES MUST BE CONFIRMED PRIOR TO THE COMMENCEMENT OF WORK.
7. THE BOUNDARIES HAVE NOT BEEN SURVEYED. IMPROVEMENTS AND FEATURES SHOWN ON OR NEAR THE BOUNDARIES ARE INDICATIVE ONLY AND FURTHER SURVEY WORK TO CONFIRM BOUNDARY POSITIONS SHOULD BE UNDERTAKEN PRIOR TO THE COMMENCEMENT OF ANYCONSTRUCTION WORKS.
8. ANY DISCREPANCIES WITH THESE DRAWINGS AND/OR WRITTEN SPECIFICATIONS ARE TO BE REPORTED TO THE DESIGN CONSULTANT OR PROJECT MANAGER IMMEDIATELY FOR A DECISION PRIOR TO THE COMMENCEMENT OF ANY WORKS.

PLANT SCHEDULE - GROUND FLOOR

CODE	BOTANIC NAME	COMMON NAME	QTY	SIZE	MATURE HT
MLQ	MELALEUCA QUINQUENERVIA	BROAD LEAF PAPERBARK	2	45 L	10.0m
CUP	CUPANIOPSIS ANARCARDIOIDES	TUCKEROO	2	45 L	8.0m
ASM	ACMENA SMITHII MINOR	LILLYPILLY	11	300mm	3.0m
WFZ	WESTRINGIA FRUTICOSA 'ZENA'	DWARF WESTRINGIA	13	200mm	0.9m
DVP	DODONAEA VISCOSA 'PURPUREA'	HOP BUSH	19	300mm	2.0m
DLJ	DIANELLA CAERULEA 'LITTLE JESS'	FLAX LILY	15	150mm	0.4m

LANDSCAPE NOTES

DA APPROVED LANDSCAPE PLAN'S ARE REQUIRED TO BE CONSTRUCTED AS APPROVED TO OBTAIN OCCUPANCY CERTIFICATE. PERMEABLE AREAS MAY BE INDICATED TO ACHIEVE SITE COVERAGE RESTRICTIONS & SHOULD BE CONSTRUCTED AS DRAWN ON THIS PLAN.

THIS PLAN HAS BEEN PREPARED IN ACCORDANCE WITH LOCAL COUNCIL GUIDELINES AND BASIX REQUIREMENTS. PROPOSED PLANTING CONSISTS MAINLY OF INDIGENOUS, COMMERCIALLY AVAILABLE PLANT SPECIES SELECTED FROM LOCAL GOVERNMENT PREFERRED PLANTING LISTS, BASIX LOCAL PLANT LIST AND SYDNEY WATER PLANT SELECTOR.

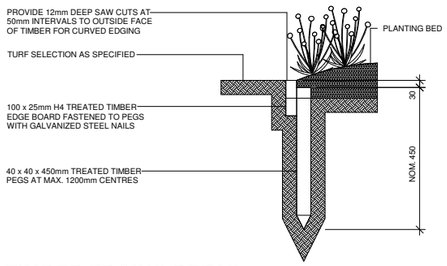
THESE DRAWINGS ARE TO BE READ IN CONJUNCTION WITH THE FOLLOWING DOCUMENTS AND/OR SPECIFICATIONS:

1. ARCHITECTURAL PLANS AS PREPARED BY DVYNE DESIGN.

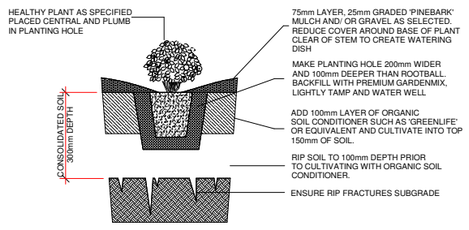
2. OTHER ASSOCIATED SURVEY, HYDRAULIC, STRUCTURAL AND/OR, CIVIL ENGINEERING PLANS.

LANDSCAPE MAINTANENCE PLAN

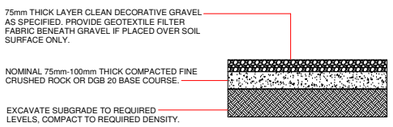
1. Watering of plants on site
2. Irrigation system may be implemented
3. Integrated plant management
4. Mulching
5. Pruning
6. Staking and guying
7. Turf mowing
8. Litter control
9. Weeding for pest management
10. Fertilization



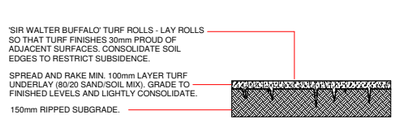
TIMBER EDGING DETAIL



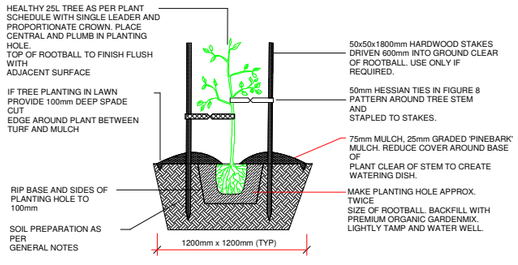
SHRUB PLANTING ON GRADE DETAIL



DECORATIVE GRAVEL DETAIL



TURFING DETAIL



TREE PLANTING ON GRADE DETAIL

1 Landscape Plan

1 : 100

dvyne design
SHOP 1, 23-27 PATON STREET,
MERRYLANDS WEST, NSW 2160
(02) 9637 1111
jack@dvyne.com.au
www.dvyne.com.au
DESIGN | CONSTRUCT | CONSULT

JOB DESCRIPTION	DRAWING TITLE
DUAL OCCUPANCY + POOLS AT 1 HILLARY STREET, GREYSTANES	LANDSCAPE PLAN
CLIENT DETAILS	
EDDY SARKIS	

DO NOT SCALE THE DRAWINGS. READ ALL DIMENSIONS SHOWN. ALL DIMENSIONS, NOTES ON ALL PLANS AND CONSENT DOCUMENTS MUST BE CHECKED AND VERIFIED BY THE CONTRACTOR PRIOR TO ANY COMMENCEMENT OF ANY BUILDING WORKS ON SITE. TO CLARIFY ANY DISCREPANCIES BETWEEN ALL PLAN DRAWINGS AND DOCUMENTATION RELEVANT TO THE PROPOSAL / SITE WORKS. GROUND LEVELS MAY VARY DUE TO SITE CONDITIONS. COPYRIGHT - THESE DRAWINGS REMAIN THE PROPERTY OF DVYNE DESIGN JT PTY LTD AND CAN NOT BE ALTERED OR REPRODUCED WITHOUT WRITTEN CONSENT.

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DATE	APRIL 2025
CHECKED	SARKIS
SCALE	1 : 100
JOB NUMBER	24321-03
NUMBER IN SET	A06
ISSUE	B

ISSUE	AMENDMENT	BY	DATE
A	CONCEPT PLANS	SB	DEC 24
B	DA SUBMISSION	JB	APR 25
C	ADDITIONAL INFORMATION	SB	MAY 25









HILLARY STREET STREETSCAPE

BRAESIDE ROAD STREETSCAPE

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jack@dvyne.com.au
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JOB DESCRIPTION	DRAWING TITLE
DUAL OCCUPANCY + POOLS AT 1 HILLARY STREET, GREYSTANES	HILLARY & BRAESIDE RD VIEWS
CLIENT DETAILS	
EDDY SARKIS	

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DRAWN	JB
DATE	APRIL 2025
CHECKED	SARKIS
SCALE	1 : 100
JOB NUMBER	24321-03
NUMBER IN SET	A12
ISSUE	D

ISSUE	AMENDMENT	BY	DATE
A	CONCEPT PLANS	SB	DEC 24
B	DA SUBMISSION	JB	APR 25
C	ADDITIONAL INFORMATION	SB	MAY 25
D	ADDITIONAL INFORMATION	SB	JUL 25

SCHEDULE OF COLOUR AND EXTERNAL FINISHES



ACRYLIC RENDER + PAINT FINISH - DULUX VIVID WHITE (OR SIMILAR)



FEATURE STONE CLADDING - ASPEN WHITE STONE (OR SIMILAR)



MODINEX PINSTRIPE TIMBER CLADDING (OR SIMILAR)



FEATURE TIMBER SLATS - GREY (OR SIMILAR)



ALUMINIUM FRAMING - BLACK ALUMINIUM (OR SIMILAR)



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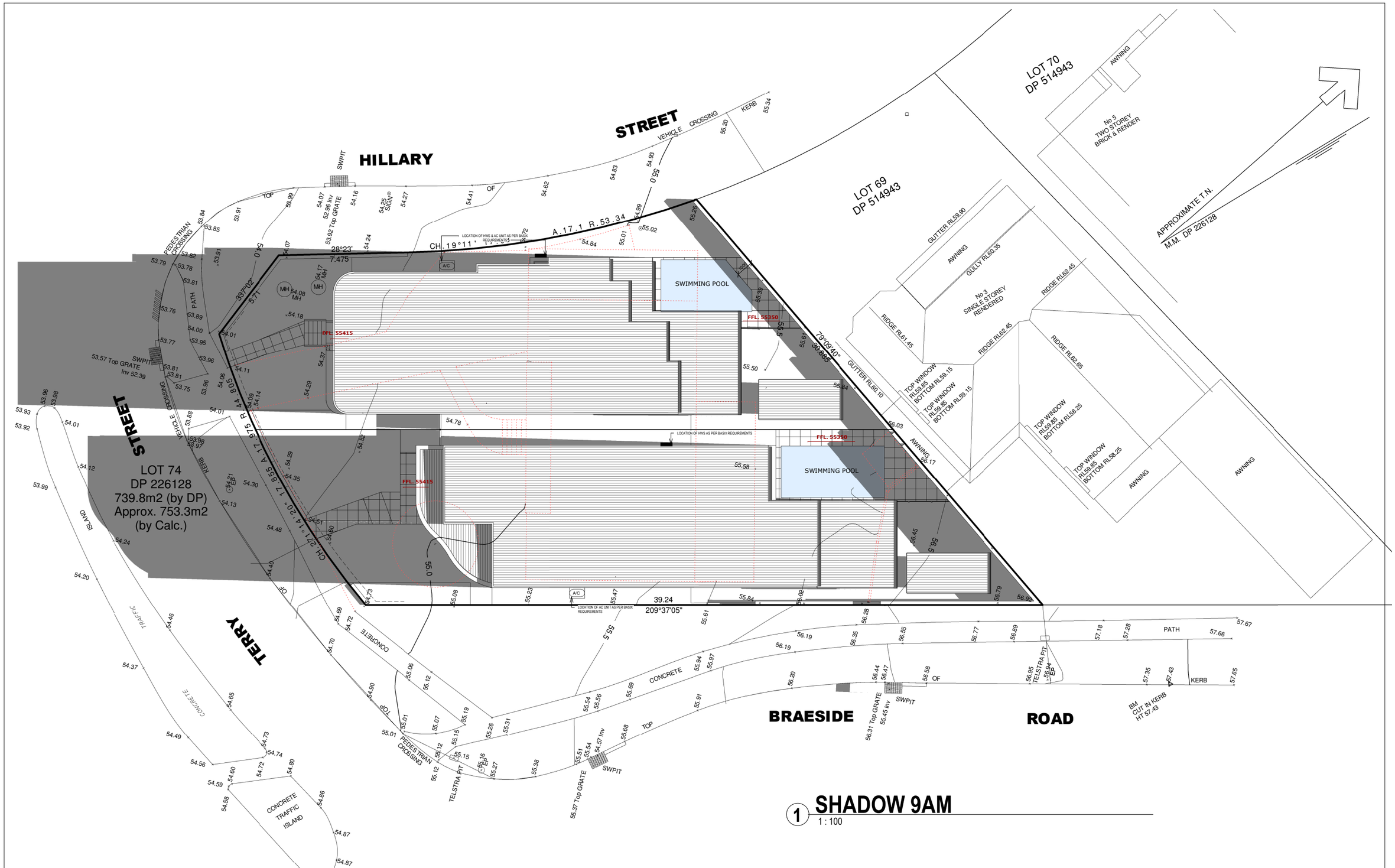
JOB DESCRIPTION	DRAWING TITLE	GENERAL NOTES
DUAL OCCUPANCY + POOLS at 1 HILLARY STREET, GREYSTANES	SCHEDULE OF COLOUR AND EXTERNAL FINISHES CLIENT DETAILS EDDY SARKIS	DO NOT SCALE THE DRAWINGS, READ ALL DIMENSIONS SHOWN. ALL DIMENSIONS, NOTES ON ALL PLANS AND CONSENT DOCUMENTS MUST BE CHECKED AND VERIFIED BY THE CONTRACTOR PRIOR TO ANY COMMENCEMENT OF ANY BUILDING WORKS ON SITE, TO CLARIFY ANY DISCREPANCIES BETWEEN ALL PLAN DRAWINGS AND DOCUMENTATION RELEVANT TO THE PROPOSAL / SITE WORKS. GROUND LEVELS MAY VARY DUE TO SITE CONDITIONS.

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DATE	APRIL 2025
CHECKED	SARKIS
SCALE	
JOB NUMBER	24321-03
NUMBER IN SET	A08
ISSUE	B

NORTH

ISSUE	AMMENDMENT	BY	DATE
A	CONCEPT PLANS	SB	DEC 24
B	DA SUBMISSION	JB	APR 25



1 SHADOW 9AM
1 : 100

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MERRYLANDS WEST, NSW 2160
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www.dvyne.com.au
DESIGN | CONSTRUCT | CONSULT

JOB DESCRIPTION
DUAL OCCUPANCY + POOLS
AT
1 HILLARY STREET, GREYSTANES

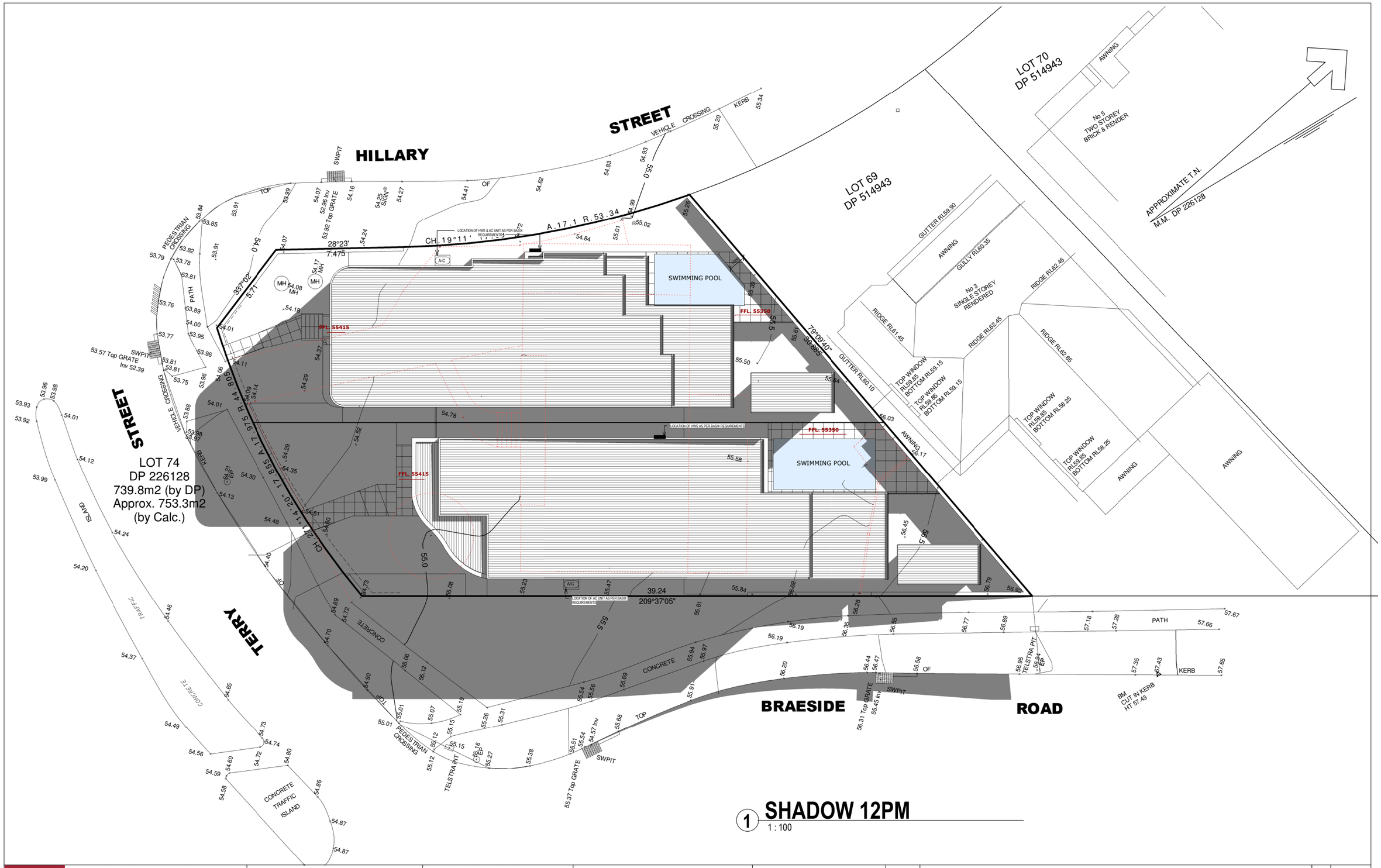
DRAWING TITLE
SHADOW DIAGRAM 9AM

CLIENT DETAILS
EDDY SARKIS

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DRAWN	JB
DATE	APRIL 2025
CHECKED	SARKIS
SCALE	1 : 100
JOB NUMBER	24321-03
NUMBER IN SET	A09
ISSUE	B

ISSUE	AMENDMENT	BY	DATE
A	CONCEPT PLANS	SB	DEC 24
B	DA SUBMISSION	JB	APR 25



1 SHADOW 12PM
1 : 100

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jack@dvyne.com.au
www.dvyne.com.au
DESIGN | CONSTRUCT | CONSULT

JOB DESCRIPTION
DUAL OCCUPANCY + POOLS
AT
1 HILLARY STREET, GREYSTANES

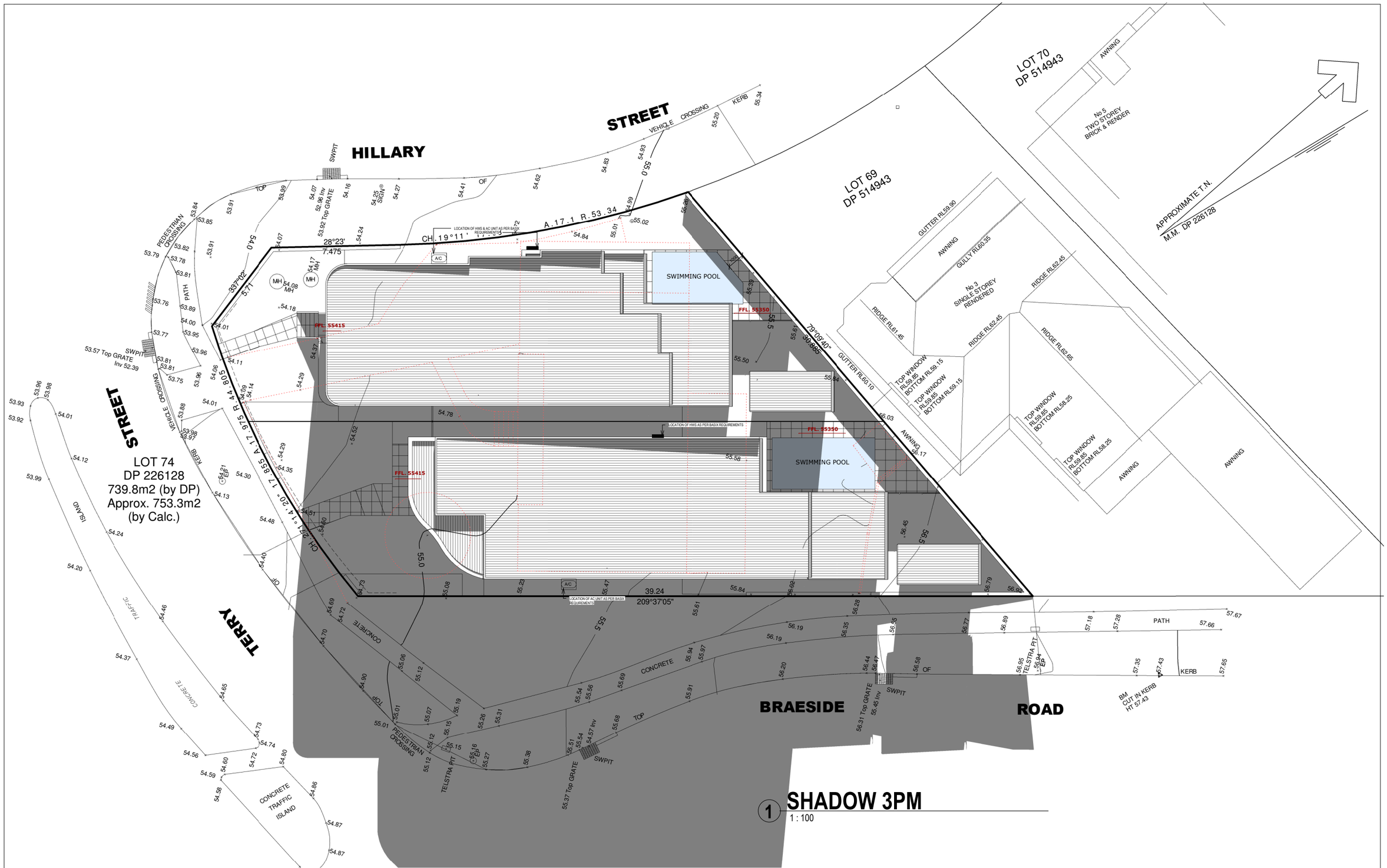
DRAWING TITLE
SHADOW DIAGRAM 12PM

CLIENT DETAILS
EDDY SARKIS

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DRAWN	JB
DATE	APRIL 2025
CHECKED	SARKIS
SCALE	1 : 100
JOB NUMBER	24321-03
NUMBER IN SET	A10
ISSUE	B

ISSUE	AMENDMENT	BY	DATE
A	CONCEPT PLANS	SB	DEC 24
B	DA SUBMISSION	JB	APR 25


HILLARY STREET
TERRY STREET
BRAESIDE ROAD
LOT 74
DP 226128
739.8m2 (by DP)
Approx. 753.3m2
(by Calc.)
LOT 69
DP 514943
LOT 70
DP 514943
No 5
TWO STOREY
BRICK & RENDER
No 3
SINGLE STOREY
RENDERED
APPROXIMATE T.N.
M.M. DP 226128
SWIMMING POOL
SWIMMING POOL
FFL. 55415
FFL. 55350
FFL. 55350
FFL. 55415
LOCATION OF HWS & AC UNIT AS PER BASIX REQUIREMENTS
LOCATION OF HWS AS PER BASIX REQUIREMENTS
LOCATION OF AC UNIT AS PER BASIX REQUIREMENTS
A/C
A/C
A/C

BASIX™ Certificate

Building Sustainability Index
www.planningportal.nsw.gov.au/development-and-assessment/basix

Single Dwelling

Certificate number: 1792288S

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.planningportal.nsw.gov.au/definitions

Secretary
Date of issue: Thursday, 17 April 2025
To be valid, this certificate must be submitted with a development application or lodged with a complying development certificate application within 3 months of the date of issue.

Project summary	
Project name	24321 - UNIT 1
Street address	1 HILLARY Street GREYSTANES 2145
Local Government Area	Cumberland Council
Plan type and plan number	Deposited Plan DP226128
Lot no.	74
Section no.	-
Project type	dwelling house (detached)
No. of bedrooms	6

Project score			
Water	✔	40	Target 40
Thermal Performance	✔	Pass	Target Pass
Energy	✔	71	Target 70
Materials	✔	22	Target n/a

Certificate Prepared by
Name / Company Name: DVYNE DESIGN JT PTY LTD
ABN (if applicable):

Description of project

Project address	
Project name	24321 - UNIT 1
Street address	1 HILLARY Street GREYSTANES 2145
Local Government Area	Cumberland Council
Plan type and plan number	Deposited Plan DP226128
Lot no.	74
Section no.	-

Project type	
Project type	dwelling house (detached)
No. of bedrooms	6

Site details	
Site area (m²)	363
Roof area (m²)	195
Conditioned floor area (m²)	225.24
Unconditioned floor area (m²)	35.57
Total area of garden and lawn (m²)	50
Roof area of the existing dwelling (m²)	0

Assessor details and thermal loads	
NatHERS assessor number	n/a
NatHERS certificate number	n/a
Climate zone	n/a
Area adjusted cooling load (MJ/m².year)	n/a
Area adjusted heating load (MJ/m².year)	n/a

Project score		
Water	✔ 40	Target 40
Thermal Performance	✔ Pass	Target Pass
Energy	✔ 71	Target 70
Materials	✔ 22	Target n/a

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.

Water Commitments	Show on DA plans	Show on CC/CDC plans & specs	Certifier check
Fixtures			
The applicant must install showerheads with a minimum rating of 4 star (> 4.5 but <= 6 L/min plus spray force and/or coverage tests) in all showers in the development.		✔	✔
The applicant must install a toilet flushing system with a minimum rating of 6 star in each toilet in the development.		✔	✔
The applicant must install taps with a minimum rating of 6 star in the kitchen in the development.		✔	
The applicant must install basin taps with a minimum rating of 6 star in each bathroom in the development.		✔	
Swimming Pool			
The swimming pool must not have a volume greater than 15 kilolitres.	✔	✔	
The swimming pool must be outdoors.	✔	✔	

Thermal Performance and Materials commitments	Show on DA plans	Show on CC/CDC plans & specs	Certifier check
Do-it-yourself Method			
General features			
The dwelling must be a Class 1 dwelling according to the National Construction Code, and must not have more than 2 storeys.	✔	✔	✔
The conditioned floor area of the dwelling must not exceed 300 square metres.	✔	✔	✔
The dwelling must not contain open mezzanine area exceeding 25 square metres.	✔	✔	✔
The dwelling must not contain third level habitable attic room.	✔	✔	✔
Floor, walls and ceiling/roof			
The applicant must construct the floor(s), walls, and ceiling/roof of the dwelling in accordance with the specifications listed in the table below.	✔	✔	✔
The applicant must adopt one of the options listed in the tables below to address thermal bridging in metal framed floor(s), walls and ceiling/roof of the dwelling.	✔	✔	✔
The applicant must show through receipts that the materials purchased for construction are consistent with the specifications listed in the tables below.			✔

Construction	Area - m²	Additional insulation required	Options to address thermal bridging	Other specifications
floor - concrete slab on ground, conventional slab.	126.01	nil;not specified	nil	
garage floor - concrete slab on ground.	18	none	nil	
external wall: cavity brick; frame: timber - H2 treated softwood.	all external walls	0.50 (or 1.20 including construction);fibreglass batts or roll	nil	wall colour: Medium (solar absorptance 0.48-0.7)

Construction	Area - m²	Additional insulation required	Options to address thermal bridging	Other specifications
internal wall shared with garage: single skin masonry; frame: timber - H2 treated softwood.	5	nil;fibreglass batts or roll	nil	
internal wall: single skin masonry; frame: timber - H2 treated softwood.	20	fibreglass batts or roll	nil	
ceiling and roof - flat ceiling / flat roof, framed - metal roof, timber - H2 treated softwood.	194.71	ceiling: 4.5 (up), roof: foil/ sarking ;ceiling: fibreglass batts or roll; roof: foil/sarking.	nil	roof colour: medium (solar absorptance 0.48-0.59); ceiling area fully insulated

Note	• Insulation specified in this Certificate must be installed in accordance with the ABCB Housing Provisions (Part 13.2.2) of the National Construction Code.
Note	• If the additional ceiling insulation listed in the table above is greater than R3.0, refer to the ABCB Housing Provisions (Part 13.2.3 (6)) of the National Construction Code.
Note	• In some climate zones, insulation should be installed with due consideration of condensation and associated interaction with adjoining building materials.
Note	• Thermal breaks must be installed in metal framed walls and applicable roofs in accordance with the ABCB Housing Provisions of the National Construction Code.

Thermal Performance and Materials commitments	Show on DA plans	Show on CC/CDC plans & specs	Certifier check
Ceiling fans			
The applicant must install at least one ceiling fan in at least one daytime habitable space, such as living room.	✔	✔	✔
• The minimum number and diameter of ceiling fans in a daytime habitable space must be installed in accordance with the ABCB Housing Provisions (Part 13.5.2) of the National Construction Code .	✔	✔	✔

Thermal Performance and Materials commitments	Show on DA plans	Show on CC/CDC plans & specs	Certifier check
Glazed windows, doors and skylights			
The applicant must install the windows, glazed 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 glazed window and door.	✔	✔	✔
The dwelling may have 1 skylight (<0.7 square metres) which is not listed in the table.	✔	✔	✔
The following requirements must also be satisfied in relation to each window and glazed door:	✔	✔	✔
• The applicant must install windows and glazed doors in accordance with the height and width, frame and glazing types listed in the table.	✔	✔	✔
• Each window and glazed door must have a U- value no greater than that listed and a Solar Heat Gain Coefficient (SHGC) within the range listed. Total system U values and SHGC must be calculated in accordance with National Fenestration Rating Council (NFRC) conditions.		✔	✔
The applicant must install the skylights described in the table below, in accordance with the specifications listed in the table. Total skylight area must not exceed 3 square metres (the 3 square metre limit does not include the optional additional skylight of less than 0.7 square metres that does not have to be listed in the table).	✔	✔	✔

Glazed window/door no.	Maximum height (mm)	Maximum width (mm)	Frame and glass specification	Shading device (Dimension within 10%)	Overshadowing
North facing					
W07	2400.00	2700.00	aluminium, single glazed (U-value: <=6.5, SHGC: 0.60 - 0.74)	none	not overshadowed
W21	600.00	900.00	aluminium, single glazed (U-value: <=6.5, SHGC: 0.60 - 0.74)	none	not overshadowed
SD1	2400.00	3600.00	aluminium, single glazed (U-value: <=6.5, SHGC: 0.60 - 0.74)	verandah 3500 mm, 3000 mm above base of window or glazed door	not overshadowed
East facing					

Glazed window/door no.	Maximum height (mm)	Maximum width (mm)	Frame and glass specification	Shading device (Dimension within 10%)	Overshadowing
W09	1800.00	850.00	aluminium, single glazed (U-value: <=6.5, SHGC: 0.60 - 0.74)	none	not overshadowed
W10	1800.00	850.00	aluminium, single glazed (U-value: <=6.5, SHGC: 0.60 - 0.74)	none	not overshadowed
W11	1800.00	850.00	aluminium, single glazed (U-value: <=6.5, SHGC: 0.60 - 0.74)	none	not overshadowed
W12	1800.00	850.00	aluminium, single glazed (U-value: <=6.5, SHGC: 0.60 - 0.74)	none	not overshadowed
W13	600.00	900.00	aluminium, single glazed (U-value: <=6.5, SHGC: 0.60 - 0.74)	none	not overshadowed
W14	600.00	2400.00	aluminium, single glazed (U-value: <=6.5, SHGC: 0.60 - 0.74)	none	not overshadowed
W15	700.00	600.00	aluminium, single glazed (U-value: <=6.5, SHGC: 0.60 - 0.74)	none	not overshadowed
W22	600.00	2400.00	aluminium, single glazed (U-value: <=6.5, SHGC: 0.60 - 0.74)	none	not overshadowed
W23	600.00	2400.00	aluminium, single glazed (U-value: <=6.5, SHGC: 0.60 - 0.74)	none	not overshadowed
W24	600.00	2400.00	aluminium, single glazed (U-value: <=6.5, SHGC: 0.60 - 0.74)	none	not overshadowed
W25	900.00	600.00	aluminium, single glazed (U-value: <=6.5, SHGC: 0.60 - 0.74)	none	not overshadowed
South facing					

Glazed window/door no.	Maximum height (mm)	Maximum width (mm)	Frame and glass specification	Shading device (Dimension within 10%)	Overshadowing
W01	2700.00	1800.00	aluminium, single glazed (U-value: <=6.5, SHGC: 0.60 - 0.74)	solid overhang 300 mm, 1000 mm above head of window or glazed door	not overshadowed
W16	2400.00	3000.00	aluminium, single glazed (U-value: <=6.5, SHGC: 0.60 - 0.74)	none	not overshadowed
West facing					
W02	2400.00	610.00	aluminium, single glazed (U-value: <=6.5, SHGC: 0.60 - 0.74)	none	not overshadowed
W03	2400.00	610.00	aluminium, single glazed (U-value: <=6.5, SHGC: 0.60 - 0.74)	none	not overshadowed
W04	600.00	900.00	aluminium, single glazed (U-value: <=6.5, SHGC: 0.60 - 0.74)	none	not overshadowed
W05	600.00	2100.00	aluminium, single glazed (U-value: <=6.5, SHGC: 0.60 - 0.74)	none	not overshadowed
W06	600.00	4300.00	aluminium, single glazed (U-value: <=6.5, SHGC: 0.60 - 0.74)	none	not overshadowed
W08	2400.00	850.00	aluminium, single glazed (U-value: <=6.5, SHGC: 0.60 - 0.74)	none	not overshadowed
W17	600.00	2400.00	aluminium, single glazed (U-value: <=6.5, SHGC: 0.60 - 0.74)	none	not overshadowed
W18	1000.00	2400.00	aluminium, single glazed (U-value: <=6.5, SHGC: 0.60 - 0.74)	none	not overshadowed
W19	600.00	1800.00	aluminium, single glazed (U-value: <=6.5, SHGC: 0.60 - 0.74)	none	not overshadowed

Glazed window/door no.	Maximum height (mm)	Maximum width (mm)	Frame and glass specification	Shading device (Dimension within 10%)	Overshadowing
W20	600.00	2400.00	aluminium, single glazed (U-value: <=6.5, SHGC: 0.60 - 0.74)	none	not overshadowed

Energy Commitments	Show on DA plans	Show on CC/CDC plans & specs	Certifier check
Hot water			
The applicant must install the following hot water system in the development, or a system with a higher energy rating: gas boosted solar with a performance of more than 45 STCs.	✔	✔	✔
Cooling system			
The applicant must install the following cooling system, or a system with a higher energy rating, in at least 1 living area: 1-phase airconditioning - ducted; Energy rating: 5 star (average zone)		✔	✔
The applicant must install the following cooling system, or a system with a higher energy rating, in at least 1 bedroom: 1-phase airconditioning - ducted; Energy rating: 5 star (average zone)		✔	✔
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 airconditioning - ducted; Energy rating: 5 star (average zone)		✔	✔
The applicant must install the following heating system, or a system with a higher energy rating, in at least 1 bedroom: 1-phase airconditioning - ducted; Energy rating: 5 star (average zone)		✔	✔
Ventilation			
The applicant must install the following exhaust systems in the development:			
At least 1 Bathroom: individual fan, open to façade; Operation control: manual switch on/off		✔	✔
Kitchen: individual fan, open to façade; Operation control: manual switch on/off		✔	✔
Laundry: individual fan, open to façade; Operation control: manual switch on/off		✔	✔
Artificial lighting			
The applicant must ensure that a minimum of 80% of light fixtures are fitted with fluorescent, compact fluorescent, or light-emitting-diode (LED) lamps.		✔	✔
Natural lighting			
The applicant must install a window and/or skylight in the kitchen of the dwelling for natural lighting.	✔	✔	✔

Energy Commitments	Show on DA plans	Show on CC/CDC plans & specs	Certifier check
The applicant must install a window and/or skylight in 6 bathroom(s)/toilet(s) in the development for natural lighting.	✔	✔	✔
Swimming pool			
The applicant must install the following heating system for the swimming pool in the development (or alternatively must not install any heating system for the swimming pool): solar only		✔	
The applicant must install the following pump for the swimming pool in the development, or a pump with a higher energy rating: multi-speed with a performance of 8 stars or higher.		✔	
Other			
The applicant must install a gas cooktop & electric oven in the kitchen of the dwelling.		✔	
The applicant must install a fixed outdoor clothes drying line as part of the development.		✔	

Legend
In these commitments, "applicant" means the person carrying out the development.
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).
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.
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 (either interim or final) for the development may be issued.

BASIX™ Certificate

Building Sustainability Index
www.planningportal.nsw.gov.au/development-and-assessment/basix

Single Dwelling

Certificate number: 1792287S

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.planningportal.nsw.gov.au/definitions

Secretary
Date of issue: Thursday, 17 April 2025
To be valid, this certificate must be submitted with a development application or lodged with a complying development certificate application within 3 months of the date of issue.

Project summary	
Project name	24321 - UNIT 2
Street address	1 HILLARY Street GREYSTANES 2145
Local Government Area	Cumberland Council
Plan type and plan number	Deposited Plan DP226128
Lot no.	74
Section no.	-
Project type	dwelling house (detached)
No. of bedrooms	6

Project score		
Water	✔ 40	Target 40
Thermal Performance	✔ Pass	Target Pass
Energy	✔ 71	Target 70
Materials	✔ 21	Target n/a

Certificate Prepared by
Name / Company Name: DVYNE DESIGN JT PTY LTD
ABN (if applicable):

Description of project

Project address	
Project name	24321 - UNIT 2
Street address	1 HILLARY Street GREYSTANES 2145
Local Government Area	Cumberland Council
Plan type and plan number	Deposited Plan DP226128
Lot no.	74
Section no.	-

Project type	
Project type	dwelling house (detached)
No. of bedrooms	6

Site details	
Site area (m²)	390
Roof area (m²)	201
Conditioned floor area (m²)	236.37
Unconditioned floor area (m²)	35.57
Total area of garden and lawn (m²)	50
Roof area of the existing dwelling (m²)	0

Assessor details and thermal loads	
NatHERS assessor number	n/a
NatHERS certificate number	n/a
Climate zone	n/a
Area adjusted cooling load (MJ/m².year)	n/a
Area adjusted heating load (MJ/m².year)	n/a

Project score		
Water	✔ 40	Target 40
Thermal Performance	✔ Pass	Target Pass
Energy	✔ 71	Target 70
Materials	✔ 21	Target n/a

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.

Water Commitments	Show on DA plans	Show on CC/CDC plans & specs	Certifier check
Fixtures			
The applicant must install showerheads with a minimum rating of 4 star (> 4.5 but <= 6 L/min plus spray force and/or coverage tests) in all showers in the development.		✔	✔
The applicant must install a toilet flushing system with a minimum rating of 6 star in each toilet in the development.		✔	✔
The applicant must install taps with a minimum rating of 6 star in the kitchen in the development.		✔	
The applicant must install basin taps with a minimum rating of 6 star in each bathroom in the development.		✔	
Swimming Pool			
The swimming pool must not have a volume greater than 15 kilolitres.	✔	✔	
The swimming pool must be outdoors.	✔	✔	

Thermal Performance and Materials commitments	Show on DA plans	Show on CC/CDC plans & specs	Certifier check
Do-it-yourself Method			
General features			
The dwelling must be a Class 1 dwelling according to the National Construction Code, and must not have more than 2 storeys.	✔	✔	✔
The conditioned floor area of the dwelling must not exceed 300 square metres.	✔	✔	✔
The dwelling must not contain open mezzanine area exceeding 25 square metres.	✔	✔	✔
The dwelling must not contain third level habitable attic room.	✔	✔	✔
Floor, walls and ceiling/roof			
The applicant must construct the floor(s), walls, and ceiling/roof of the dwelling in accordance with the specifications listed in the table below.	✔	✔	✔
The applicant must adopt one of the options listed in the tables below to address thermal bridging in metal framed floor(s), walls and ceiling/roof of the dwelling.	✔	✔	✔
The applicant must show through receipts that the materials purchased for construction are consistent with the specifications listed in the tables below.			✔

Construction	Area - m²	Additional insulation required	Options to address thermal bridging	Other specifications
floor - concrete slab on ground, conventional slab.	126.01	nil;not specified	nil	
garage floor - concrete slab on ground.	18	none	nil	
external wall: cavity brick; frame: timber - H2 treated softwood.	all external walls	0.50 (or 1.20 including construction);fibreglass batts or roll	nil	wall colour: Medium (solar absorptance 0.48-0.7)

Construction	Area - m²	Additional insulation required	Options to address thermal bridging	Other specifications
internal wall shared with garage: single skin masonry; frame: timber - H2 treated softwood.	5	nil;fibreglass batts or roll	nil	
internal wall: single skin masonry; frame: timber - H2 treated softwood.	20	fibreglass batts or roll	nil	
ceiling and roof - flat ceiling / flat roof, framed - metal roof, timber - H2 treated softwood.	194.71	ceiling: 4.5 (up), roof: foil/ sarking ;ceiling: fibreglass batts or roll; roof: foil/sarking.	nil	roof colour: medium (solar absorptance 0.48-0.59); ceiling area fully insulated

Note	• Insulation specified in this Certificate must be installed in accordance with the ABCB Housing Provisions (Part 13.2.2) of the National Construction Code.
Note	• If the additional ceiling insulation listed in the table above is greater than R3.0, refer to the ABCB Housing Provisions (Part 13.2.3 (6)) of the National Construction Code.
Note	• In some climate zones, insulation should be installed with due consideration of condensation and associated interaction with adjoining building materials.
Note	• Thermal breaks must be installed in metal framed walls and applicable roofs in accordance with the ABCB Housing Provisions of the National Construction Code.

Thermal Performance and Materials commitments	Show on DA plans	Show on CC/CDC plans & specs	Certifier check
Ceiling fans			
The applicant must install at least one ceiling fan in at least one daytime habitable space, such as living room.	✔	✔	✔
• The minimum number and diameter of ceiling fans in a daytime habitable space must be installed in accordance with the ABCB Housing Provisions (Part 13.5.2) of the National Construction Code .	✔	✔	✔

Thermal Performance and Materials commitments	Show on DA plans	Show on CC/CDC plans & specs	Certifier check
Glazed windows, doors and skylights			
The applicant must install the windows, glazed 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 glazed window and door.	✔	✔	✔
The dwelling may have 1 skylight (<0.7 square metres) which is not listed in the table.	✔	✔	✔
The following requirements must also be satisfied in relation to each window and glazed door:	✔	✔	✔
• The applicant must install windows and glazed doors in accordance with the height and width, frame and glazing types listed in the table.	✔	✔	✔
• Each window and glazed door must have a U- value no greater than that listed and a Solar Heat Gain Coefficient (SHGC) within the range listed. Total system U values and SHGC must be calculated in accordance with National Fenestration Rating Council (NFRC) conditions.		✔	✔
The applicant must install the skylights described in the table below, in accordance with the specifications listed in the table. Total skylight area must not exceed 3 square metres (the 3 square metre limit does not include the optional additional skylight of less than 0.7 square metres that does not have to be listed in the table).	✔	✔	✔

Glazed window/door no.	Maximum height (mm)	Maximum width (mm)	Frame and glass specification	Shading device (Dimension within 10%)	Overshadowing
North facing					
W7A	2400.00	2700.00	aluminium, single glazed (U-value: <=6.5, SHGC: 0.60 - 0.74)	none	not overshadowed
W21A	600.00	900.00	aluminium, single glazed (U-value: <=6.5, SHGC: 0.60 - 0.74)	none	not overshadowed
SD1A	2400.00	3600.00	aluminium, single glazed (U-value: <=6.5, SHGC: 0.60 - 0.74)	verandah 3500 mm, 3000 mm above base of window or glazed door	not overshadowed
W20A	600.00	900.00	aluminium, single glazed (U-value: <=6.5, SHGC: 0.60 - 0.74)	none	not overshadowed

Glazed window/door no.	Maximum height (mm)	Maximum width (mm)	Frame and glass specification	Shading device (Dimension within 10%)	Overshadowing
East facing					
W9A	1800.00	1200.00	aluminium, single glazed (U-value: <=6.5, SHGC: 0.60 - 0.74)	none	not overshadowed
W10A	1800.00	1200.00	aluminium, single glazed (U-value: <=6.5, SHGC: 0.60 - 0.74)	none	not overshadowed
W11A	1800.00	2100.00	aluminium, single glazed (U-value: <=6.5, SHGC: 0.60 - 0.74)	none	not overshadowed
W12A	600.00	900.00	aluminium, single glazed (U-value: <=6.5, SHGC: 0.60 - 0.74)	none	not overshadowed
W13A	600.00	2400.00	aluminium, single glazed (U-value: <=6.5, SHGC: 0.60 - 0.74)	none	not overshadowed
W14A	700.00	600.00	aluminium, single glazed (U-value: <=6.5, SHGC: 0.60 - 0.74)	none	not overshadowed
SD2A	2400.00	2170.00	aluminium, single glazed (U-value: <=6.5, SHGC: 0.60 - 0.74)	none	not overshadowed
W22A	600.00	2400.00	aluminium, single glazed (U-value: <=6.5, SHGC: 0.60 - 0.74)	none	not overshadowed
W23A	600.00	2400.00	aluminium, single glazed (U-value: <=6.5, SHGC: 0.60 - 0.74)	none	not overshadowed
W24A	600.00	2400.00	aluminium, single glazed (U-value: <=6.5, SHGC: 0.60 - 0.74)	none	not overshadowed
W25A	900.00	600.00	aluminium, single glazed (U-value: <=6.5, SHGC: 0.60 - 0.74)	none	not overshadowed

Glazed window/door no.	Maximum height (mm)	Maximum width (mm)	Frame and glass specification	Shading device (Dimension within 10%)	Overshadowing
South facing					
W1A	2700.00	1800.00	aluminium, single glazed (U-value: <=6.5, SHGC: 0.60 - 0.74)	solid overhang 300 mm, 1000 mm above head of window or glazed door	not overshadowed
W15A	2400.00	3000.00	aluminium, single glazed (U-value: <=6.5, SHGC: 0.60 - 0.74)	none	not overshadowed
West facing					
W2A	2400.00	610.00	aluminium, single glazed (U-value: <=6.5, SHGC: 0.60 - 0.74)	none	not overshadowed
W3A	2400.00	610.00	aluminium, single glazed (U-value: <=6.5, SHGC: 0.60 - 0.74)	none	not overshadowed
W4A	600.00	900.00	aluminium, single glazed (U-value: <=6.5, SHGC: 0.60 - 0.74)	none	not overshadowed
W5A	600.00	2100.00	aluminium, single glazed (U-value: <=6.5, SHGC: 0.60 - 0.74)	none	not overshadowed
W6A	600.00	4300.00	aluminium, single glazed (U-value: <=6.5, SHGC: 0.60 - 0.74)	none	not overshadowed
W8A	2400.00	1500.00	aluminium, single glazed (U-value: <=6.5, SHGC: 0.60 - 0.74)	none	not overshadowed
W16A	600.00	2400.00	aluminium, single glazed (U-value: <=6.5, SHGC: 0.60 - 0.74)	none	not overshadowed
W17A	600.00	1800.00	aluminium, single glazed (U-value: <=6.5, SHGC: 0.60 - 0.74)	none	not overshadowed

Glazed window/door no.	Maximum height (mm)	Maximum width (mm)	Frame and glass specification	Shading device (Dimension within 10%)	Overshadowing
W18A	600.00	1500.00	aluminium, single glazed (U-value: <=6.5, SHGC: 0.60 - 0.74)	none	not overshadowed
W19A	600.00	2400.00	aluminium, single glazed (U-value: <=6.5, SHGC: 0.60 - 0.74)	none	not overshadowed

Energy Commitments	Show on DA plans	Show on CC/CDC plans & specs	Certifier check
Hot water			
The applicant must install the following hot water system in the development, or a system with a higher energy rating: gas boosted solar with a performance of more than 45 STCs.	✔	✔	✔
Cooling system			
The applicant must install the following cooling system, or a system with a higher energy rating, in at least 1 living area: 1-phase airconditioning - ducted; Energy rating: 5 star (average zone)		✔	✔
The applicant must install the following cooling system, or a system with a higher energy rating, in at least 1 bedroom: 1-phase airconditioning - ducted; Energy rating: 5 star (average zone)		✔	✔
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 airconditioning - ducted; Energy rating: 5 star (average zone)		✔	✔
The applicant must install the following heating system, or a system with a higher energy rating, in at least 1 bedroom: 1-phase airconditioning - ducted; Energy rating: 5 star (average zone)		✔	✔
Ventilation			
The applicant must install the following exhaust systems in the development:			
At least 1 Bathroom: individual fan, open to façade; Operation control: manual switch on/off		✔	✔
Kitchen: individual fan, open to façade; Operation control: manual switch on/off		✔	✔
Laundry: individual fan, open to façade; Operation control: manual switch on/off		✔	✔
Artificial lighting			
The applicant must ensure that a minimum of 80% of light fixtures are fitted with fluorescent, compact fluorescent, or light-emitting-diode (LED) lamps.		✔	✔
Natural lighting			
The applicant must install a window and/or skylight in the kitchen of the dwelling for natural lighting.	✔	✔	✔

Energy Commitments	Show on DA plans	Show on CC/CDC plans & specs	Certifier check
The applicant must install a window and/or skylight in 6 bathroom(s)/toilet(s) in the development for natural lighting.	✔	✔	✔
Swimming pool			
The applicant must install the following heating system for the swimming pool in the development (or alternatively must not install any heating system for the swimming pool): solar only		✔	
The applicant must install the following pump for the swimming pool in the development, or a pump with a higher energy rating: multi-speed with a performance of 8 stars or higher.		✔	
Other			
The applicant must install a gas cooktop & electric oven in the kitchen of the dwelling.		✔	
The applicant must install a fixed outdoor clothes drying line as part of the development.		✔	

Legend
In these commitments, "applicant" means the person carrying out the development.
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).
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.
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 (either interim or final) for the development may be issued.

dvyne design

WASTE MANAGEMENT PLAN

DEMOLITION + CONSTRUCTION

As a condition of consent, the applicable sections of this table must be completed and submitted to the Principal Certifying Authority.

Completing this table will assist you in identifying the type of waste that will be generated and in advising the Principal Certifying Authority how you intend to reuse, recycle or dispose of the waste.

The information provided on the form (and your plans) will be assessed against the objectives of the DCP.

OUTLINE OF PROPOSAL

Site Address	No. 1 HILLARY STREET, GREYSTANES
Applicants Name + Address	Dvyne Design & Construction
Phone	9637 1111
Buildings + Other Structures on the Site	single storey brick dwelling
Brief Description of Proposal	Construction of a detached dual-Occupancy with 2 swimming pools

The details provided on this form are the intentions for managing waste relating to this project.

SIGNATURE OF APPLICANT: **DATE: April 2025**

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.

Perhaps the first thing that applicants should consider is whether 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-site.

In other words, to move from the attitude of "trashing the building" to "total recycling on-site". This could require a number of colour-coded or clearly labelled bins on-site (rather than one size fits all).

The following table should be completed by applicants proposing any demolition work.

The following details should be shown on your plans:

- **Location of on-site storage space for materials (for re-use) and containers for recycling and disposal. (Note the placement of waste containers is not permitted on footpaths, nature strips or roadways).**
    - **Containers are to be located so as to not disrupt site works, or have a detrimental effect on sediment, erosion controls and tree protection areas.**
    - **Containers to be maintained in a satisfactory condition while present in the site.**

- **Vehicle access to the site and to storage and container areas.**
    - **Timing of the removal of containers is only to be carried out during permitted construction hours**
    - **Containers and all waste are to be removed prior to final inspection and occupation.**

- **A separate container is to be provided for the disposal of putrescible waste, such as lunch room and food scraps.**
- **The provision of tip fee or recycling processor's receipts will be required by council upon completion of work.**

DEMOLITION STAGE ONE

MATERIALS ON SITE		**DESTINATION**		
		REUSE AND RECYCLING		**DISPOSAL**
Type of Material	**Estimated Volume (m³) Or Area (m²)**	**ON-SITE Specify proposed reuse or on-site recycling methods**	**OFF-SITE Specify contractor and recycling outlet**	**Specify contractor and landfill site**
Excavation Material	1.5 m³	N/A	N/A	N/A
Green Waste	1 m³	N/A	N/A	combined demolition and excavation to take green waste to tree and mulch waste management located at riverstone.
Bricks	20 m³	N/A	A.S.A.P waste bins located at 15 Marsh Street, Granville.	N/A
Concrete	50 m³	N/A	combined demolition and excavation to take concrete to concrete recyclers (Group) PTY LTD (Camelia)	N/A
Asbestos Cement Roof and Wall Cladding	10 m³	N/A	N/A	Combined demolition and excavation to take asbestos to Sita environmental Group landfill located at Kemps Creek.

DEMOLITION STAGE ONE continued

MATERIALS ON SITE		DESTINATION		
		REUSE AND RECYCLING		DISPOSAL
Type of Material	**Estimated Volume (m³) Or Area (m²)**	**ON-SITE Specify proposed reuse or on-site recycling methods**	**OFF-SITE Specify contractor and recycling outlet**	**Specify contractor and landfill site**
Timber	5 m³	N/A	N/A	Combined demolition and excavation to take plasterboard to Brandown landfill site.
Plasterboard	5 m³	N/A	N/A	Combined demolition and excavation to take plasterboard to Brandown landfill site.
Metals	0.5 m³	N/A	A.S.A.P waste bins located at 15 Marsh Street, Granville.	N/A
Tiles	25 m³	N/A	A.S.A.P waste bins located at 15 Marsh Street, Granville.	N/A
Other* Specify: Plastics	1 m³	N/A	A.S.A.P waste bins located at 15 Marsh Street, Granville.	N/A

Note*: Section labelled "other" includes mixed materials on the site including residual waste. Each material to be specified.

SECTION TWO

CONSTRUCTION STAGE

POTENTIAL FOR WASTE MINIMISATION DURING CONSTRUCTION STAGE

You should consider the following measures that may also save resources and minimise waste at the construction stage.

- **Purchasing policy. Considering measures such as:**
  - **Ordering the right quantities of materials, prefabrication of materials where possible**

- **Reusing framework**
- **Minimising site disturbance, limiting unnecessary excavation**
- **Careful source separation of off-cuts to facilitate re-use, resale or efficient recycling**
- **Coordination / sequencing of various trades**

CONSTRUCTION STAGE TWO

MATERIALS ON SITE		**DESTINATION**		
		REUSE AND RECYCLING		**DISPOSAL**
Type of Material	**Estimated Volume (m³) Or Area (m²)**	**ON-SITE Specify proposed reuse or on-site recycling methods**	**OFF-SITE Specify contractor and recycling outlet**	**Specify contractor and landfill site**
Excavation Material	250 m³	Reuse as fill under slab section.	N/A	combined demolition and excavation to take green waste to tree and mulch waste management located at riverstone.
Green Waste	20 m³	N/A	N/A	combined demolition and excavation to take green waste to tree and mulch waste management located at riverstone.
Bricks	5 m³	N/A	A.S.A.P wastes and recyclers located at 15 Marsh Street, Granville.	N/A
Concrete	1.5 m³	N/A	A.S.A.P wastes and recyclers located at 15 Marsh Street, Granville.	N/A

CONSTRUCTION STAGE TWO continued

MATERIALS ON SITE		DESTINATION		
		REUSE AND RECYCLING		DISPOSAL
Type of Material	**Estimated Volume (m³) Or Area (m²)**	**ON-SITE Specify proposed reuse or on-site recycling methods**	**OFF-SITE Specify contractor and recycling outlet**	**Specify contractor and landfill site**
Timber	3 m³	N/A	A.S.A.P wastes and recyclers located at 15 Marsh Street, Granville.	N/A
Plasterboard	2.5 m³	N/A	A.S.A.P wastes and recyclers located at 15 Marsh Street, Granville.	N/A
Metals	5 m³	N/A	A.S.A.P wastes and recyclers located at 15 Marsh Street, Granville.	N/A
Tiles	1.5 m³	N/A	A.S.A.P wastes and recyclers located at 15 Marsh Street, Granville.	N/A
Other* Specify: Plastics	0.5 m³	N/A	A.S.A.P wastes and recyclers located at 15 Marsh Street, Granville.	N/A

Note*: Section labelled "other" includes mixed materials on the site including residual waste. Each material to be specified.

Describe how you intend to ensure ongoing management of waste on-site
(e.g lease conditions, caretaker / manager on-site).

The main contractor / builder must employ a caretaker on site at all times. He shall make sure that any construction waste be put into relevant location and keep the site at all times clean and free from any dangerous wastes (cut meatal / tiles) to ensure that a safe workplace. Also he shall maintain water / soil erosion management as required.

DOCUMENTS ASSOCIATED WITH REPORT ELPP016/25

Attachment 3

Cumberland LEP Assessment Table

Cumberland Local Environmental Planning 2021

Cumberland Local Environmental Plan 2021 (CLEP 2021)	
Is the development consistent with the aims of the LEP?	Yes – The proposal maintains consistency with the aims of the LEP to provide for a range of development in appropriate location to meet community needs.
Is the development consistent with the Zone objectives?	Yes – The proposal being a double storey dual occupancy is permissible in R2 zone, it is consistent with the zone objective to provide for the housing needs of the community within a low-density residential environment.
Minimum Lot size	Yes – The minimum lot size for subdivision is 450sqm. However, as the subdivision relates to a dual occupancy, the proposed subdivision can be supported, as per Clause 4.1A(2)(a) of the CLEP.
Exceptions to minimum subdivision lot sizes for certain residential development	Yes – As per Clause 4.1A(2)(a), Torrens title subdivision for a dual occupancy development can be supported despite the development not meeting the minimum lot size requirement. In this case, Torrens title subdivision of the proposed dual occupancy is supported.
Minimum Lot Size for Dual Occupancy and semi-detached dwellings is 550m^2	Yes – Total site area of the subject site is 753.3 (by calculation) in accordance with the survey plan.
Height of Buildings – 9m	Yes – Building height complies at a maximum height of 8m.
Floor space ratio (FSR) – No FSR in R2 Zone	N/A – No FSR applies for development in the R2 zone.
Heritage Conservation	N/A - Not a Heritage Item or in a Heritage Conservation Area.
Flood Planning	Yes – The subject site is considered a flood affected lot. Council's Development Engineer has reviewed the application and has no objections subject to conditions imposed as part of this consent.
Acid Sulphate Soils	N/A – Not affected by Acid Sulphate Soils.
Earthworks	Yes – Cut and fill proposed due to slight sloping of the land. Proposed earthworks

	are considered reasonable and is not envisaged to have additional impacts.
Essential Services	Yes – Suitable Conditions are recommended for adequate arrangements for the supply of water, electricity, management of sewage stormwater drainage and vehicular access.
Biodiversity	N/A - The site is not identified as containing any flora or fauna with any biodiversity significance.
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.
Stormwater management	Yes - The application has been accompanied with a stormwater management plan. Each unit proposed rainwater tanks which discharge to kerb outlet. Accordingly, standard conditions are recommended to require a registered certifier to approve the stormwater concept plan which must comply with CDCP 2021 controls.
Urban Heat	Yes – It is considered proposed schedule of colors and external finishes is not envisaged to impact solar heat on surrounding land. Proposed eaves and rear alfresco provide shelter from the sun. Cross ventilation will minimize the release of heat in the direction of private open space and the public domain.

DOCUMENTS ASSOCIATED WITH REPORT ELPP016/25

Attachment 4

Cumberland DCP and Low Rise Housing Diversity Design Guide for Development Applications Assessment Table

Cumberland DCP 2021 and the Design Guide

Low Rise Housing Diversity Design Guide

<table>
<tr><th colspan="2">Relevant Control</th><th>Compliance with Requirements</th><th>Consistency Objectives</th></tr>
<tr><td colspan="4">2.1A Building Envelopes</td></tr>
<tr><td>Objective 2.1A-1</td><td>Height - Maximum permissible building height as per CLEP 2021.

- Two (2) storeys maximum (excluding basement).
- For detached Dual Occupancy, dwelling at rear single storey max height 5.4m.</td><td>Yes – Two storey proposed, with a maximum building height of 8m.</td><td>Yes</td></tr>
<tr><td>Objective 2.1A-2</td><td>- Where existing dwelling houses or dual occupancies are within 40m of the development - average of the two closest dwelling houses or dual occupancies.
- Secondary roads the following apply:
<table><tr><th>Lot Area (m^2)</th><th>Setback</th></tr><tr><td>0 - 900</td><td>2m</td></tr><tr><td>>900 - 1500</td><td>3m</td></tr><tr><td>>1500</td><td>5m</td></tr></table>
Where no existing dwelling or dual occupancy within 40m then:
<table><tr><th>Lot Area (m^2)</th><th>Setback</th></tr><tr><td>0 - 900</td><td>4m</td></tr><tr><td>>900 - 1500</td><td>6.5m</td></tr><tr><td>>1500</td><td>10m</td></tr></table></td><td>The subject site is considered a unique corner allotment with three street frontages. Due to the arrangement of the site to the surrounding streets, council has considered 4 properties within a 40m radius of the site to determine the average front setback required for the primary street.

It is noted that Council considers Terry Street to be the primary street (as per existing dwelling orientation), and Hillary Street and Braeside Road to be the secondary streets.

An average of the closet dwellings being 8.95m (see below) is required and the proposal provides a 4.5m front setback to unit 1 and 5.7m front</td><td>Yes - Considered acceptable on merit. Refer to discussion above.</td></tr>
</table>

		setback to unit 2 (measured from the outside face of the first-floor balcony as per LEP). **Adjoining properties:** **No. 3 Hillary St - 9.7m** **No. 5 Hillary St - 7.1m** **No. 144 Braeside St - 9m** **No. 146 Braeside St - 10m** **The low-rise guide requires that setbacks to secondary roads be 2m where the lot area is between 0-900sqm. The proposal does not comply with this.** - **Unit 1: min.900mm to the western side boundary identified as Hillary St.** - **Unit 2: 1m to the eastern side boundary identified as Braeside Road.** **Also, the proposal continues to create a clear threshold and transition from public to private space, is sympathetic to the existing streetscape and existing setback pattern and does not negatively add to increased privacy concerns.** **The proposed variation is deemed acceptable as discussed in the content of the report.**	

<table>
<tr><td></td><td>Setback from a boundary with a parallel road: 3m, unless in the case of a dual occupancy(detached), 1 of the dwellings in the dual occupancy faces the parallel road, in which case the setback is to be the same as a primary road.</td><td>N/A – The subject site does not adjoin a parallel road.</td><td>N/A</td></tr>
<tr><td></td><td>Setback from classified road: 9m.</td><td>N/A – Subject site does not adjoin a classified road.</td><td>N/A</td></tr>
<tr><td></td><td>Setback from public reserve: 3m.</td><td>N/A – Subject site does not have a frontage to public reserve.</td><td>N/A</td></tr>
<tr><td>Objective 2.1A-3</td><td>Side setback in accordance with table below:
<table>
<tr><th>Lot width at Building line (m)</th><th>Building height at any height</th><th>Minimum required setback from each side boundary</th></tr>
<tr><td rowspan="2">0 – 24</td><td>0m – 4.5m</td><td>900mm</td></tr>
<tr><td>>4.5m – 8.5m</td><td>= (building height – 4.5m) ÷ 4 + 0.9m</td></tr>
<tr><td rowspan="2">>24 – 36</td><td>0m – 4.5m</td><td>1.5m</td></tr>
<tr><td>>4.5m – 8.5m</td><td>= (building height – 4.5m) ÷ 4 + 1.5m</td></tr>
<tr><td>>36</td><td>0m – 8.5m</td><td>2.5m</td></tr>
</table></td><td>Yes. A ground floor side setback of 900mm is required. The proposal is for:
- Unit 1: min.900mm to the western side boundary identified as Hillary St, 900mm to the eastern side boundary.
- Unit 2: 1m to the eastern side boundary identified as Braeside Road, 900mm to the western side boundary.

No. A first floor side setback of 1.8 (8 – 4.5) / 4 + 0.9) is required.

The proposal is for:
- Unit 1: min.900mm to the western side boundary identified as Hillary St, 900mm to the eastern side boundary.
- Unit 2: 1m to the eastern side</td><td>Yes - Considered acceptable on merit. Refer to discussion above.</td></tr>
</table>

<table>
<tr><td></td><td></td><td>boundary identified as Braeside Road, 900mm to the western side boundary.
The proposed variation is deemed acceptable as discussed in the content of the report.</td><td></td></tr>
<tr><td>Objective 2.1A-4</td><td>Rear Setbacks<table><tr><th>Lot Area (m²)</th><th>Building height</th><th>Minimum required setback from rear boundary</th></tr><tr><td rowspan="2">0 – 900</td><td>0m – 4.5m</td><td>3m</td></tr><tr><td>>4.5m</td><td>8m</td></tr><tr><td rowspan="2">>900 - 1500</td><td>0m – 4.5m</td><td>5m</td></tr><tr><td>>4.5m</td><td>12m</td></tr><tr><td rowspan="2">>1500</td><td>0m – 4.5m</td><td>10m</td></tr><tr><td>>4.5m</td><td>15m</td></tr></table></td><td>Yes.
Ground floor: 3m rear setback.
First floor: 8m rear setback.</td><td></td></tr>
<tr><td colspan="4">2.1C Landscaped Area</td></tr>
<tr><td rowspan="4">Objective 2.1C-1</td><td>20% min 30sqm</td><td>Yes. The proposal provides 155.7sqm (20.7%) of total landscaped area.</td><td>Yes</td></tr>
<tr><td>Minimum dimensions of any area included in the landscaped area calculation is 1.5 metres.</td><td>Yes. A minimum dimension of 1.5m is included in the calculated landscaped area.</td><td>Yes</td></tr>
<tr><td>Minimum 25% forward of the building line be landscaped.</td><td>Yes. The proposal provides adequate landscaped area forward of the building line.</td><td>Yes</td></tr>
<tr><td>Minimum 50% of the required landscaping to be located behind the building line.</td><td>Yes. The proposal meets the nominated landscaping requirements of total landscaping located behind the building line.</td><td>Yes</td></tr>
</table>

Objective 2.1C-2	Ongoing maintenance plan to be provided as part of the landscape plan. Tree planting of a particular size or species the following is to be provided: - Front: 1 tree with mature height of 5m if primary road setback is greater than 3m. - Rear: 1 tree with mature height of 8m.	This requirement is covered as a condition of consent.	Yes
Objective 2.1C-3	Mature trees are to be retained, particularly those along the boundary, (except those where approval is granted by Council for their removal).	N/A. No existing significant landscaping features.	N/A
	Landscape features including trees and rock outcrops are to be retained where they contribute to the streetscape character or are located within the rear setback.	N/A. No existing significant landscaping features.	N/A
Objective 2.1C-4	The landscape plan proposes a combination of tree planting, for shade, mid height shrubs, lawn and ground covers.	This requirement is covered as a condition of consent.	Yes
	The landscape plan indicates that at least 50% of the overall number of trees and shrubs are species native to the region.	This requirement is covered as a condition of consent.	Yes
2.1D Local Character and Context			
Objective 2.1D-1	Provide a description in the Design Verification Statement how the built form of the development contributes to the character of the local area, using the guidance in Section 3D Local Character and Context.	Yes. A suitable statement has been provided and demonstrates that the built form contributes to the local character and is in harmony with the surrounding context.	Yes

2.1E Public Domain Interface			
Objective 2.1E-1	The front door of each dwelling is to be directly visible from the public street.	Yes. The front door of each dwelling is directly visible from the public street via Terry Street.	Yes
	Windows from habitable rooms are to overlook the public domain.	Yes. Windows from habitable rooms of both units adequately overlook the public domain and allows for passive surveillance.	Yes
Objective 2.1E-2	Private courtyards within the front setback are located within the articulation zones and / or behind the required front building line.	N/A. No private courtyards within the front setback proposed.	N/A
	Front Fences: - Visually permeable (no more than 50% solid). - Average height no greater than 1.2 metres. - Consistent with character with other front fencing within the street. - Not to be constructed of solid metal panels or unfinished timber palings.	N/A. No front fence proposed.	N/A
	High solid walls are only used to shield the dwelling from the noise of classified roads. The walls are to have a maximum height of 2.1m and be setback at least 1.5m from the property boundary. Landscape planting is to be provided between the wall and the boundary, with a mature height of at least 1.5m.	N/A. No high solid walls proposed.	N/A
	Retaining walls greater than 600mm within the front setback are softened by planting for a minimum depth of 600mm on the low side of the retaining wall.	N/A. No retaining walls proposed within the front setback. It is noted that planting along the boundary is proposed to soften the way the development addresses all streets.	N/A

Objective 2.1E-3	Where the development adjoins public parks, open space, bushland, or is a corner site, the design positively addresses this interface using any of the following design solutions: - Habitable room windows facing the public domain. - Street access, pedestrian paths and building entries. - Paths, low fences and planting that clearly delineate between communal/ private open space and the adjoining public open space. - Walls fronting the public spaces are to have openings not less than 25% of the surface area of the wall.	Yes. Subject site is corner allotment fronting three streets. The development addresses the two secondary streets with the use of interesting materiality, habitable rooms with associated windows facing the streets and planting along the boundary to show separation between public and private space.	Yes
2.1F Pedestrian and Vehicle Circulation			
Objective 2.1F-1	Vehicle circulation complies with AS2890.1.	Yes. The proposal is considered appropriate.	Yes
	Where on street parking is currently available in front of the development, the proposed driveways are located so that at least one car space remains.	Yes. Appropriate design.	Yes
	Vehicular crossing is to have a maximum width of 3.5m for single and 6m for double at the street boundary.	Yes. Single width vehicular crossing located on the primary street is max 3m wide.	Yes
2.1G Orientation, Siting and Subdivision			
Objective 2.1G-2	Subdivision pattern to be consistent with the prevailing lot sizes and be a minimum of 200sqm each and min 5m frontage.	Yes. Subdivision pattern is consistent with prevailing patterns. Lot 1 has a frontage of 10.086m and an area of 363.1sqm. Lot 2 has a frontage of 10.158m and an area of 390.22 sqm.	Yes

Objective 2.1G-1	Minimum frontage: 15m attached. 18m detached.	Yes. Detached dual occupancy requires 18m frontage. The subject site has a existing primary frontage of 24.505m western frontage to Hillary Street. .	Yes
Objective 2.1G-3	The dwelling frontage is to be at least 5m.	Yes. As per the subdivision plan, each lot exceeds the minimum frontage requirements.	Yes
	Each dwelling on a corner lot is to have a frontage to a different street.	**No. Each dwelling does not front a different street.** **The dual occupancy development is orientated to terry street.** **Also, the proposal continues to create a clear threshold and transition from public to private space, is sympathetic to the existing streetscape and existing setback pattern and does not negatively add to increased privacy concerns.** **The proposed variation is deemed acceptable as discussed in the content of the report.**	**Yes - Considered acceptable on merit. Refer to discussion above.**
Objective 2.1G-5	Dwellings are located to step with the topography.	Yes. The dwellings are designed to respond sympathetically to the natural topography of the site, generally stepping in line with the slope of the land.	Yes

		It is acknowledged that a significant cut has been made in the far eastern rear portion of the site, near Braeside Road, to accommodate the rear portions of the development. This level of excavation has been undertaken to enable the creation of functional and usable spaces. The extent of cut is considered acceptable in this instance as it has been designed to minimise visual impact from the public domain, does not adversely alter the existing drainage patterns, and presents no concern from an engineering or flooding perspective. Additionally, appropriate retaining and site stabilisation measures will be implemented to ensure long-term structural and environmental stability.	
	Unless a dwelling is over a basement, the ground floor is not more than 1.3m above ground level, and no more than 1m below ground level.	Yes. The proposal does not exceed the nominated requirements. The development projects into the ground by approximately 800mm in certain areas; however, this is considered an approach to allow the dwellings to align more effectively with the predominate natural slope along the front portion of the site and to minimise visual bulk when viewed from adjoining properties and the public domain.	Yes

Objective 2.1G-7	All lots must have access to reticulated water, sewer, electricity, telecommunications and where available, gas.	Yes. This requirement is covered as a condition of consent.	Yes
Objective 2.1G-8	For a dual occupancy (detached) the minimum separation between two dwellings that is 3m.	**No. Separation of 1.8m proposed.** **Max shortfall of 1.2m or 40%.** **The proposed variation is deemed acceptable as discussed in the content of the report.**	**Yes - Considered acceptable on merit. Refer to discussion above.**
2.1H Solar and Daylight Access			
Objective 2.1H-1	A living room **or** principal private open space in each dwelling is to receive a minimum of 3 hours direct sunlight between 9 am and 3 pm on the winter solstice (June 21). *Note: Direct sunlight is achieved when 1m² of direct sunlight on the glass is received for at least 15 minutes. To satisfy 3 hours direct sunlight, 12 periods of 15 minutes will need to be achieved, however the periods do not need to be consecutive.*	Yes. Proposed properties will receive a minimum of 3 hours of sunlight in mid-winter to the primary living areas and to POS.	Yes
Objective 2.1H-2	Daylight may not be borrowed from other rooms, except where a room has a frontage to a classified road.	N/A. No borrowed sunlight from other rooms.	N/A
	No part of a habitable room is more than 8m from a window.	Yes. Both dwellings meet the nominated requirements.	Yes
	No part of a kitchen work surface is more than 6m from a window or skylight.	Yes. Both dwellings meet the nominated requirements.	Yes

	Courtyards are to: - Be fully open to the sky; and - Have a minimum dimension of one third of the perimeter wall height, and an area of 4m².	N/A. No courtyards proposed as part of this application.	N/A
	A window is visible from 75% of the floor area of a habitable room.	Yes. Both dwellings meet the nominated requirements.	Yes
2.1I Natural Ventilation			
Objective 2.1I-1	All habitable rooms are naturally ventilated.	Yes. All habitable rooms feature windows and are naturally ventilated.	Yes
	Each dwelling is naturally cross ventilated.	Yes. Each dwelling is naturally cross ventilated.	Yes
2.1J Ceiling Height	Minimum ceiling heights are: - 2.7m to ground floor habitable rooms. - 2.7m to upper-level living rooms. - 2.4m to upper-level habitable rooms (excluding living rooms). The ceiling height is measured from finished floor level to finished ceiling level.	Yes. A floor to ceiling height of 3m is proposed on the ground floor and 2.7m on the first floor of both dwellings.	Yes
2.1K Dwelling Size and Layout			
Objective 2.1K-1	Dwellings are to have the following minimum internal floor areas: **Bedrooms** **Area** 1 bed 65m² 2 bed 90m² 3+ bed 115m²	Yes – Each unit proposed 6 bedrooms and 3 bathrooms therefore a minimum internal area of 161 sqm is required. 115 sqm + 5 sqm + 5 sqm + 12 sqm + 12 sqm + 12 sqm = 161 sqm. A total internal floor area of 262.5sqm for unit 1 and 273sqm for unit 2	Yes

	The minimum internal areas outlined above only include one bathroom. The minimum area of each additional bathroom is 5m² added onto the minimum dwelling area.	Yes. The proposal remains compliant with the internal floor area control with additional bathroom on the first floor.	Yes
	The minimum area of any additional bedroom is 12m². The area of each additional bedroom is then added to the minimum internal for area contained in Design Criteria 60.	Yes. 5 bedrooms on first floor and 1 on ground floor. Additional floor area is included in the calculation.	Yes
	Kitchens are not part of a circulation space, such as a hallway.	Yes. Kitchens are not part of a circulation space.	Yes
Objective 2.1K-2	One bedroom has a minimum area of 10m², excluding wardrobe space.	Yes. The proposed bedrooms meet the nominated requirements.	Yes
	Bedrooms have a minimum length and width of 3m, excluding wardrobe space.	Yes. Proposed bedrooms have a minimum wall length and width of 3m.	Yes
	Combined living and dining rooms have a minimum area of: **Bedrooms** / **Area** 1 and 2 bed / 24m² 3+ bed / 28m²	Yes. Combined family and dining rooms of each dwelling meet the nominated requirements.	Yes
	Living room or lounge rooms are to have a minimum length and width of 4m, excluding fixtures.	Yes. Living rooms exceed the nominated requirements.	Yes
2.1L Principal Private Open Spaces			
Objective 2.1L-1	The area of principal private open space provided for each dwelling is at least 16m² with a minimum length and width of 3m.	Yes. The proposal provides an area greater than 16sqm of PPOS with a minimum width greater than 3m for each dwelling in the form of an alfresco and lawn area.	Yes
Objective 2.1L-2	The principal private open space is located behind the front building line.	Yes. PPOS is located in the rear setback behind the front building line.	Yes

	The principal private open space is located adjacent to the living room, dining room or kitchen to extend the living space.	Yes. PPOS is directly accessible via the living areas.	Yes
	25% of the private open space is to be covered to provide shade and protection from rain.	Yes. POS meets the nominated requirements – shaded alfresco and lawn area.	Yes
2.1M Storage			
Objective 2.1M-1	In addition to storage in kitchens and bedrooms, the following storage with a minimum dimension of 500mm is provided: **Bedrooms** / **Area** 1 bed / $6m^2$ 2 bed / $8m^2$ 3+ bed / $10m^2$	Yes. Both units provide adequate storage opportunity meeting the minimum requirements.	Yes
	At least 50% of the required storage is located inside the dwelling.	Yes. Storage is located inside each dwelling.	Yes
	Storage not located in dwellings is secure and clearly allocated to specific dwellings, if in a common area.	N/A. Storage is located inside each dwelling.	Yes
2.1N Car and Bicycle Parking			
Objective 2.1N-1	One space per dwelling is to be provided.	Yes. 1 parking space being a single garage is provided at each dwelling.	Yes
	Car parking spaces and circulation are to comply with AS 2890.1:2004.	Yes. Car parking spaces and circulation comply with the nominated requirements.	Yes
Objective 2.1N-2	Covered space is to be provided for the secure storage of at least 1 bicycle per dwelling.	Yes. Proposed garage size is capable to provide bicycle storage.	Yes
Objective 2.1N-3	Where a driveway is adjacent to an existing tree, it is either outside the drip line or complies	N/A. No removal of trees as part of this DA.	N/A

<table>
<tr><td></td><td>with the recommendations in a report prepared by a qualified arborist.</td><td></td><td></td></tr>
<tr><td></td><td>The setback of a car space from a primary, secondary or parallel road is to be at least:
<table><tr><th>Setback of Dwelling from Road</th><th>Minimum Of-Street Parking Setback from Road</th></tr><tr><td>< 4.5m</td><td>5.5m</td></tr><tr><td>4.5m or more</td><td>1m behind the building line</td></tr></table></td><td>Yes – Each units' garage is minimum 1m behind building wall.</td><td>Yes</td></tr>
<tr><td></td><td>The maximum width of all garage doors facing a primary, secondary or parallel road:
<table><tr><th>Lot width</th><th>Maximum width of Garage Door Width Openings</th></tr><tr><td>12m – 15m</td><td>3.2m</td></tr><tr><td>>15m – 20m</td><td>6m</td></tr><tr><td>>20m</td><td>9.2m</td></tr><tr><td>>25m</td><td>12m</td></tr></table>
Note: Lot width refers to the completed Torrens title lot or in the case of a strata subdivision being the development site.</td><td>Yes – Each unit garage door width complies at 3m.</td><td>Yes</td></tr>
<tr><td colspan="4">2.1O Visual Privacy</td></tr>
<tr><td>Objective 2.1O-1</td><td>Orientate living room windows, primary private open space to the street front or rear.</td><td>Yes. Living room windows and PPOS located at the rear and the side for both dwellings.</td><td>Yes</td></tr>
<tr><td></td><td>At least one window for each habitable room is provided without the need for a privacy screen.</td><td>Yes. This is Satisfactory</td><td>Yes</td></tr>
</table>

<table>
<tr>
<td></td>
<td>A privacy screen is required when:

<table>
<tr><th>Distance from Boundary</th><th>Finished Floor Level Above Ground Level (Existing)</th></tr>
<tr><td><3m</td><td>1m – 3m</td></tr>
<tr><td><6m</td><td>>3m</td></tr>
</table>

<table>
<tr><th>Distance from windows in Dwelling on same lot</th><th>Finished Floor Level Above Ground Level (Existing)</th></tr>
<tr><td><3m</td><td>1m – 3m</td></tr>
<tr><td><6m</td><td>>3m</td></tr>
</table>

Note: *This does not apply to a habitable room with a floor level not more than 1m above ground level (existing), bedroom windows that have an area less than 2m² or windows that have a frontage to a road or public open space.*</td>
<td>Yes. Windows are suitable size and raised above FFL to avoid overlooking impacts. In this regard, privacy screening is not required.

UNIT 1

<u>North</u>

Rear Facing – Ground floor and first floor are suitably setback from boundary with 1.8m boundary fencing to block ground floor views. First floor windows have 1.5m sill height and have obscure glazing - No privacy concerns.

<u>East</u>

Ground floor and first windows are suitably sized and positioned (sill height greater than 1.5m above FFL), to avoid overlooking. Also, a 1.8m boundary fence will block ground floor direct views - No privacy concerns.

<u>South</u>

Street Facing – No privacy screening required.

<u>West</u>

Street Facing – No privacy screening required.

UNIT 2

<u>North</u>

Rear Facing – Ground floor and first floor are suitably</td>
<td>Yes</td>
</tr>
</table>

<table>
<tr><td></td><td></td><td>setback from boundary with 1.8m boundary fencing to blook ground floor views. First floor windows have 1.5m sill height and have obscure glazing - No privacy concerns.

<u>East</u>

Street Facing – No privacy screening required.

<u>South</u>

Street Facing – No privacy screening required.

<u>West</u>

Ground floor and first windows are suitably sized and positioned (sill height greater than 1.5m above FFL), to avoid overlooking. Also, a 1.8m boundary fence will block ground floor direct views - No privacy concerns.</td><td></td></tr>
<tr><td></td><td>A privacy screen is required at the edge of that part of a terrace, deck, balcony or veranda that is parallel or faces towards a side or rear boundary.

<table><tr><th>Distance from boundary</th><th>Finished Floor Level Above Ground Level (Existing)</th></tr><tr><td><3m</td><td>1m – 3m</td></tr><tr><td><6m</td><td>>3m</td></tr></table>
<table><tr><th>Distance from Windows in</th><th>Finished Floor Level Above</th></tr></table></td><td>N/A. First floor Street facing balconies are not required to be fitted with privacy screening, however are proposed with battens to block views.

Ground floor alfresco are not raised above NGL, however are suitably setback from the boundary, to avoid overlooking into adjoining properties.</td><td>N/A</td></tr>
</table>

	Dwelling on Same Lot / **Ground Level (Existing)** <3m / 1m – 3m <6m / >3m ***Note:*** *This does not apply to a terrace, deck, balcony or patio that has an area less than 3m² or has a frontage to a road or public open space.*		
Objective 2.1O-2	Where privacy screens are provided to windows, they must not cover part of the window required to meet the minimum daylight or solar access requirements or restrict ventilation.	N/A. Not required.	N/A
2.1P Acoustic Privacy			
Objective 2.1P-1	Electrical, mechanical, hydraulic and air conditioning equipment is housed so that it does not create an 'offensive noise' as defined in the Protection of the Environment Operations Act 1997 either within or at the boundaries of any property at any time of the day.	Yes. The proposal is not predicted to produce noise above that expected of residential dwellings. Standard conditions of consent have been imposed to ensure that noise produced complies with the requirements of Protection of the Environment Operations (Noise Control) Regulation 2017.	Yes
2.1Q Noise and Pollution			
Objective 2.1Q-1	Dwellings that are within 100m of a classified road or 80m from a rail corridor are to have LAeq measures not exceeding: - In any bedroom: 35dB(A) between 10pm-7am. - Anywhere else in the building (other than a kitchen, garage, bathroom or	N/A. The dwellings are not within 100m of a classified road or 80m from a rail corridor.	N/A

	hallway): 40dB(A) at any time. This is achieved by: - Providing a full noise assessment prepared by a qualified acoustic engineer; and - Complying with relevant noise control treatment for sleeping areas and other habitable rooms in Appendix C of RMS Development Near Rail Corridors and Busy Roads - Interim Guideline.		
2.1R Architectural Form and Roof Design			
Objective 2.1R-1	Provide in the Design Verification Statement a description as to how the architectural form reduces the visual bulk and provides a cohesive design response.	Yes. Suitable Statement submitted.	Yes
Objective 2.1R-2	Provide in the Design Verification Statement how the roof design integrates harmoniously with the overall building form.	Yes. Suitable Statement submitted.	Yes
	Skylights and ventilation systems are integrated into the roof design.	N/A. Skylights are not proposed.	N/A
2.1S Visual Appearance and Articulation			
Objective 2.1S-1	Provide in the Design Verification Statement a description as to how the aesthetics and articulation contribute to the character of the local area.	Yes. Submitted.	Yes
	The development may have a primary road articulation zone that extends up to 1.5m forward of the minimum required setback from the primary road and a secondary road	Yes. It is noted that articulation zone is considered as part of front setback, refer to Objective 2.1A-2.	Yes

	articulation zone that extends up to 1m forward of the minimum required setback from the secondary road. The following elements can be located in the articulation zone: - An entry feature or portico. - A balcony, deck, pergola, terrace or verandah. - A window box treatment. - A bay window or similar feature. - An awning or other feature over a window. - A sun shading feature. - An eave.		
2.1T Pools and Detached Development			
Objective 2.1T-1	Swimming pools and spas are to have a maximum height above ground level (existing): - At the water line – 1.2m, - At the top of the coping - 1.4m, and - Where the coping is more than 300mm wide – 600mm.	Yes. Swimming pools are setback a minimum of 1m from the closest property boundaries. The swimming pool at top of water line is 50mm below NGL existing.	Yes
	Swimming pools and spas are to be located in the rear yard with a minimum setback of 1m from any side or rear boundary. The setback of a swimming pool from a secondary road must be consistent with the setback of a dwelling house from the secondary road boundary.	Yes. Swimming pool is located in the rear yard of both units and is located a 1m from the closest boundary.	Yes
	The swimming pool pump must be located in an enclosure that is sound proofed.	This requirement is covered as a condition of consent. It is noted that as per the proposed plans, the pump is located in a outbuilding pump room.	Yes

Objective 2.1T-2	For outbuilding controls see B1 2.20 of the CDCP.	Yes – Pool Pump and bathroom. See controls.	Yes
2.3U Energy Efficiency			
Objective 2.3U-1	Provide an outdoor area for clothes drying that can accommodate at least 16 lineal metres of clothes line for each dwelling.	Yes – satisfactory – adequate clothes drying area provided to each unit.	Yes
	Any clothes drying area is screened from public and communal areas.	Yes – Clothes drying area is behind boundary fence.	Yes
2.3V Water Management and Conservation			
Objectives Objective 2.3V-1	A stormwater system must: - Comply with requirements in the DCP that applies to the land. - Be approved (if required) under s.68 of the Local Government Act 1993.	Yes – Condition imposed for stormwater plans to be endorsed by an accredited certifier prior to the issue of the construction certificate to ensure compliance with Cumberland DCP.	Yes, subject to condition.
	Detention tanks are to be located under paved areas, driveways or in basements.		
2.1W Waste Management			
Objective 2.1W-1	Provide storage space for the type and number of bins designated in council's waste policy.	Yes - Adequate space is provided for waste storage behind the front building line.	Yes
	Despite any requirements in council's waste policy, on-site waste vehicle access is not required. ***Note:*** *The waste collection point is typically located on the footpath*.	Yes – Not required.	Yes
Objective 2.1W-2	Storage areas for rubbish and recycling bins are to be provided: - Within garages;	Yes – Adequate space is provided behind the building line.	Yes

	- In a screened enclosure that is part of the overall building design; or - In the basement car park.		

Cumberland DCP 2021 – Part A2, B1, B2, and G

Relevant Control		Compliance with Requirements	Consistency Objectives
PART A2 - SUBDIVISION			
2.1 Design and landscaping for subdivision	C1. In determining the suitability or otherwise of any subdivision application, consideration of the following matters will be taken into account: • slope and orientation of land; • opportunities for solar and daylight access to future development; • design of roads, access ways and individual site access; • retention of special qualities or features of a site, such as trees and views; • availability of utilities; • evacuation controls; • provision of adequate site drainage; and • provision of public open space.	Yes. The subject site is generally considered suitable in relation to subdivision as proposed. Subdivision will occur after development of the dual occupancy has been built.	Yes
	C2. Avoid rear fences directly fronting public roads.	N/A	N/A
	C3. The provision of an easement of support will be required to cover all embankments that extend into the lots if the batters are steeper than 5 to 1.	N/A	N/A
	C4. Provide space for a retaining wall within the newly created allotment boundaries where required as a result of topography, new road	N/A. No retaining walls proposed.	N/A

	construction and/or impact on existing allotments.		
2.2 Services	C1. Easements required by Council for the purpose of subdivision may include those necessary for utility services. The width of the easement is to be determined by the service authority.	N/A. No easement proposed.	N/A
	C2. The design, construction and location of utility services shall conform to Council's stormwater standards and work specifications for subdivision and developments and the specific standards of the relevant servicing authority.	Yes. Condition imposed for services and utilities for the purpose of the newly created allotment.	Yes
	C3. Design road corridors and other accessways to take into account existing services to avoid any unnecessary alterations or diversions.	N/A. No new road proposed.	N/A
	C4. Where possible, coordinate compatible public utility services in common trenching to minimise cost.	N/A	N/A
	C5. Areas affected by construction works are to be reinstated to appropriate grades, covered with 100mm of topsoil and turf	Yes – Condition imposed for verge area to be turfed.	Yes
	C6. For subdivision requiring a new low voltage electricity supply, reticulate via an underground supply system.	Yes – Condition imposed for electricity supply.	Yes
	C7. Provide an adequate reticulation water supply system from water supply mains for domestic supply and firefighting purposes.	Yes – General conditions relating to water supply to be applied.	Yes
	C8. Arrange sewerage reticulation to allow the whole of each new allotment to be serviced by gravity drainage.	Yes – General conditions to apply relating to sewer and	Yes

		Sydney water requirements.	
2.3 General residential	C1. Allotment orientation should ensure that living and private open space areas of any dwelling can be orientated to the north and that dwellings can be positioned so that the possible overshadowing impact on existing or future adjoining buildings can be minimised.	Yes – Solar access complies in accordance with Low Rise Housing Diversity Design Guide and CDCP 2021 Part B2.	Yes
	C2. Allotments shall be design and configured to: • minimise boundary retaining walls; • minimise potential overlooking; and • maintain solar access, where slopes face south.	Yes – No retaining walls proposed or required. Privacy impacts and Solar access comply in accordance with the assessment above.	Yes
Part B1 – Dwelling Houses and Secondary Dwellings			
2.20 Outbuildings	Area: 25m^2 (max combined)	Yes. Unit 1: 5.9sqm Unit 2: 5.8sqm Total gross floor area calculated for both bathroom/pool pump outbuildings is 11.7sqm.	Yes
	Max ceiling height of outbuildings: - shed – 2.4m. - gazebos, cabanas, garages – 2.7m. Max overall height is 4.8m.	Yes. Floor to ceiling height of 3m, with a maximum building height of 3.5m.	Yes
	<u>Setbacks:</u> - Behind building lin.e - Min 900mm from side/rear boundary	Yes. The outbuilding is located in the rear of each proposed lot and are setback a minimum of 900mm from the eastern side boundary and 900mm	Yes

	- External wall cannot extend greater than 50% of rear boundary. - Where adjoining properties contain an outbuilding on the property line, it may be appropriate for an outbuilding to be built along the shared party wall.	from the northern rear boundary.	
	Outbuildings shall be positioned to optimise private open space.	Yes. Outbuilding positioned in the rear along the north-eastern side boundary and does not impede onto POS for the dwellings.	Yes
Part B2 – Low Rise Medium Density Development			
2. Relationship with Design Guide	Multi Dwelling Housing or dual occupancies in Cumberland City to be assessed in accordance with the Principles, Objectives and Design Criteria of the *Low Rise Housing Diversity Design Guide*.	Yes – This development is assessed under the provisions of the Low-Rise Housing Diversity Design Guide. Full assessment is provided in Attachment B.	Yes
3.1 Site Frontage	Minimum frontage: 15m attached 18m detached	Yes. Detached dual occupancy requires 18m frontage. The subject site has a existing primary frontage of 24.505m western frontage to Hillary Street. It is noted that the subject site is considered a unique corner allotment with three street frontages. For the purposes of assessment of this application Council	Yes

		considers Terry Street to be the primary street (as per existing dwelling orientation to this street), and Hillary Street and Braeside Road to be the secondary streets.	
3.2 Overshadowing	C1. Development is to be designed and sited to minimise the extent of shadows that it casts on: • private open space of adjoining dwellings; • public open space such as bushland reserves and parkland; • solar collectors of adjoining development; and habitable rooms in adjoining developments.	Yes – The proposal complies with CLEP height control and provides adequate first floor side setback to minimise overshadowing. All overshadowing falls to the street and doesn't affect adjoining dwellings.	Yes
	C2. Adjoining properties are to receive a minimum of 3 hours sunlight to at least one main living area, and to at least 50% of the private open space between 8am and 4pm on 21 June. Where existing development currently receives less sunlight than this requirement, this should not be unreasonably reduced.	Yes – Adjoining properties are to receive a minimum of 3 hours sunlight to at least one main living area, and to at least 50% of the private open space between 8am and 4pm on 21 June.	Yes
3.3 Site Layout	Multi dwelling housing units can face an internal roadway where amenity is maintained between units in terms of building separation, visual privacy, and solar access.	N/A – No internal roadway.	N/A
3.4 Landscaping	The total landscaped area for a low rise medium density development shall be a minimum of 20% of total site area (or a minimum of 30 m2 per dwelling).	Refer to Objective 2.1C-1 in assessment table above. 20% compliance is achieved.	Yes
Part G3 - Traffic, 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 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.	Yes – One garage space provided for each unit.	Yes
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.	N/A – Frontage exceeds 15m overall.	N/A
	C2. A maximum of 2 driveway crossovers shall be permitted for residential properties with a residential frontage of 15m or more.	Yes – One driveway crossover proposed to each unit.	Yes
	C3. Single vehicle driveways shall be a maximum width of 3.5 metres along the front property boundary.	Yes – Unit 1 crossing complies at a width of 2.8m. Unit 2 complies at 3m.	Yes
	C4. Driveways which service a double garage shall be a maximum width of 6m.	N/A	N/A
	C5. All new driveways shall be located a minimum of 1 metre from the side property boundaries.	Yes – Unit 1 driveway has a eastern side setback of 1.1m Unit 2 driveway has a eastern side setback of 1.5m.	Yes

	C6. Where rear access is available, driveway access shall be located at the rear of the site.	N/A – No rear access available.	N/A
	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 – This requirement is covered as a condition of consent.	Yes
	C8. The maximum gradient for a driveway shall be 20% or 1:5 (with appropriate transitions). However, in extreme circumstances, gradients up to 25% or 1:4 (with appropriate transitions) may be considered by Council, subject to individual merit.	Yes – Satisfactory.	Yes
	C9. Minimum clearance of 1.2 metres shall be provided to structures, such as power poles, service pits and drainage pits.	Yes – Each driveway provides adequate clearances to structures.	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 on-street car parking.	Yes – Satisfactory.	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 – Satisfactory.	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 – Satisfactory.	Yes
4.3 Basement parking	A basement car park is not proposed. As such, it considered unnecessary to produce Part 4.3 of the assessment table.		
Part G4 - Stormwater & 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.	Yes – Condition imposed for stormwater plans to be endorsed by an accredited certifier prior to the issue of the construction certificate to ensure compliance with Cumberland DCP.	Yes, 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 – Subject site is considered a flood control lot. Council's Development Engineer has reviewed the application and has no objections subject to conditions.	Yes
2.7 Water Sensitive Urban Design, water quality and water re-use	C3. All other developments shall provide appropriate water sensitive treatments.	Yes – Development must comply with approved BASIX certificate.	Yes
Part G5 - Sustainability, Biodiversity & Environmental Management			
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,	Yes – Cross ventilation is satisfactory, through utilising window, door,	Yes

	cross ventilation and other such measures.	and balcony openings.	
Part G7 - Tree Management & Landscaping			
2.1 Preservation of trees	• C2. SEPP (Vegetation in Non-Rural Areas) 2017 applies to all trees and vegetation defined as any woody perennial plant that is 4m or greater in height, measured from the base of the tree at ground level to the highest point of live foliage.	N/A. No major trees located on site. Palm tree removal is exempt species – Not assessed under this application.	N/A
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.	Yes – Any consent issued will require implementation of adequate protection measures.	Yes
	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.	Yes – Subject to conditions pertaining to tree protection measures development will comply with AS 4970.	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	Yes – Landscape plan has been provided. Accordingly, no objections have been raised, subject to conditions of consent.	Yes

	and show sufficient detail to enable construction.		
Part G8 – Waste Management			
3.3 Residential	C1. The waste service requirements for residential developments shall comply with Table 2.	Yes – Adequate areas provided behind building line.	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

DOCUMENTS ASSOCIATED WITH REPORT ELPP016/25

Attachment 5

Redacted Submission

From:
Sent: Tue, 13 May 2025 13:00:42 +1000
To: "Records Department" <council@cumberland.nsw.gov.au>
Subject: [EXTERNAL] FW: DA2025/0262

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.

Dear Sir, You have all my contacts as I pay rates. If you want to contact me ring or . But just note that I have informed you of the situation. It is up to you now. No more computer-generated replies, please.

Regards,

From:
Sent: Tuesday, 13 May 2025 12:41 PM
To: 'council@cumberland.nsw.gov.au' <council@cumberland.nsw.gov.au>
Subject: DA2025/0262

Dear Mr Bhavisha Sheth, Thank you for your notice of 30th April re-application as above. May I bring to your notice that between the dividing line of properties No there is a sewerage pit that occasionally overflows, I am sure that both you and Water Works are aware of it. So before you start digging please take note so we will not have the same problems with the property when the excavated too close to the fences.

Regards,

Item No: ELPP017/25

DEVELOPMENT APPLICATION - 30 LANSDOWNE STREET, MERRYLANDS

Directorate: Environment and Planning
Responsible Officer: Executive Manager City Planning and Development

Application lodged	17 April 2025
Applicant	Mr C Chau
Owner	Mr S R Frangi & Mrs C Frangi
Application No.	DA2025/0193
Description of Land	30 Lansdowne Street MERRYLANDS NSW 2160, Lot 21 in DP 881750
Proposed Development	Construction of a secondary dwelling with an attached single garage
Site Area	557.4m^2
Zoning	R2 - Low Density Residential Zone
Disclosure of political donations and gifts	Nil disclosure
Cost of works	$127,920.00
Heritage	Heritage Listed (Item No. I203)
Principal Development Standards	Number of parking provisions for detached secondary dwelling under SEPP (Housing) 2021 Number of existing parking: Nil (0) Number of proposed parking: One (1)
Issues	Variation to Clause 53(2)(b) of State Environmental Planning Policy (Housing) 2021 / Submissions

SUMMARY:

1. Development Application No. DA2025/0193 was lodged on 17 April 2025 for the Construction of a secondary dwelling with an attached single garage.

2. The application was publicly notified to occupants and owners of the adjoining properties for a period of 14 days between 1 May 2025 and 15 May 2025. In response, one (1) submission was received during this period.

3. The existing house at 30 Lansdowne Street, Merrylands, is a heritage item of local significance known as Item No. I203. It holds historical importance due to its association with the 1881 subdivision of the 'Brookvale Estate,' which occurred following the opening of the Merrylands Railway Station and contributed to the area's development for residential housing and small-scale farming. The residence is a highly intact example of a Federation cottage, distinguished by fine detailing to the roof and verandah, and holds aesthetic significance as a representative example of the style

4. The subject application has been assessed against the relevant provisions of the Environmental Planning and Assessment Act 1979, the State Environmental Planning Policy (Housing) 2021 (SEPP Housing 2021), the Cumberland Local Environmental Plan 2021(CLEP 2021), and the Cumberland Development Control Plan 2021 (CDCP 2021).

5. Clause 53(2)(b) of the Statement of Environmental Planning Policy (Housing) 2021 stipulates that the number of parking spaces provided on the site is the same as the number of parking spaces provided on the site immediately before the development is carried out. The proposed seeks approval for the construction of a secondary dwelling with an attached single garage. It should be noted that are nil existing parking spaces on site.

6. The variations are as follows:

Control	**Required**	**Provided**	**% variation**
Number of parking spaces on site (Clause 53(2)(b) State Environmental Planning Policy (Housing) 2021)	Same as existing (nil)	One (1) parking space	100%
Deep soil zone along rear boundary - Part B1, Section 2.7, Control 4	50% of the rear boundary	Nil (0) landscaping along rear boundary.	100%.

7. The application is referred to the Panel as the proposal contravenes a development standard by more than 10%. (Clause 53(2)(b) of the Statement of Environmental Planning Policy Housing (2021))

8. The application is recommended for Approval subject to the conditions as recommended in Council's assessment report.

REPORT:

Subject Site and Surrounding Area

The site is identified as Lot 21 in DP 881750 and is known as 30 Lansdowne Street, Merrylands. The site has an area of 557.4m2 (by DP) and a frontage to Lansdowne Street of 15.24m. The site has a fall of approximately 0.68m from rear to front.

A site inspection of the premises carried out on 29 April 2025 confirmed that the site is currently occupied by a single storey clad house with a metal roof and ancillary attached and detached structures including a detached weatherboard shed at the rear. The site contains no significant trees.

The existing house is identified as a heritage item of local significance known as Item No. constructed around 1910. It holds historical importance due to its association with the 1881 subdivision of the 'Brookvale Estate,' which occurred following the opening of the Merrylands Railway Station and contributed to the area's development for residential housing and small-scale farming. The residence is a highly intact example

of a Federation cottage, distinguished by fine detailing to the roof and verandah, and holds aesthetic significance as a representative example of the style.

The submitted Heritage Impact Statement prepared by Maelan Pty Ltd Cultural Heritage Consultancy, dated 24 February 2025 describes the statement of significance as follows:

> *"The original dwelling at 30 Lansdowne Street Merrylands was a Federation Arts and Craft cottage, dating back to 1910. It is of local significance for its historic, aesthetic and representative values, retaining its aesthetic significance as a highly intact Federation cottage with fine detailing to the roof and verandah"*

The existing developments adjoining the site include single storey dwelling houses adjoining to the east and west, and a block of six (6) two (2) storey town house developments adjoining to the south of the site. The area consists of predominantly low-density residential buildings, inclusive of one and two storey dwelling and dual occupancy developments.

The location of the site is shown below:



Figure 1 – Zoning of the subject site (Source: IntraMaps)



Figure 2 – Aerial view of subject site (Source: IntraMaps)



Figure 3 and 4 – Street view of subject site (Site Inspection conducted on 08/07/2025)

Description of The Development

Council has received a development application for the construction of a secondary dwelling with an attached single garage. The detailed breakdown of the proposal is shown below:

- Construction of a single storey detached secondary dwelling comprised of the following:
    - Open plan living, kitchen and dining area;
    - Two (2) bedrooms (standalone);

- Bathroom/laundry; and
- Porch area.

- Construction of a single garage attached to the proposed secondary dwelling
- Construction of associated driveway

History

Application No.	Proposal	Status	Date
DA2021/0076	Demolition of an existing garage, alterations and additions to existing dwelling	Approved	12 May 2021

Applicants Supporting Statement

The applicant has provided a Statement of Environmental Effects dated 10th of January 2025 in support of the application.

The applicant has also submitted a Clause 4.6 statement prepared by Civic Town Planning, Revision 3, dated 20 June 2025 in support of the application. The applicant has submitted a Clause 4.6 variation request for a deviation to Clause 53(2)(b) of the State Environmental Planning Policy (Housing) 2021.

Contact With Relevant Parties

The assessing officer has undertaken a site inspection of the subject site and surrounding properties on 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 can be supported subject to recommended conditions of consent involving compliance with stormwater and driveway requirements.

Heritage Committee

The development application was referred to Council's Heritage Committee who did not raise any objections to the proposal.

External Referrals

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

Planning Comments

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

State Environmental Planning Policies

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

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	The development application does not include the removal of any trees.
	Chapter 6 - Water Catchments Sydney Harbour Catchment	It is determined that given 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 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 4 - Remediation of Land Part 4.6	**2.** The subject site has historically been used for residential purposes. Council is satisfied that the site is suitable for the proposed development. **3.** 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 (Sustainable Buildings) 2022	Chapter 2 Standards for residential Development - BASIX	BASIX Certificate number 1784426S, issued 20 February 2025 has been submitted. It is shown that the proposal will meet the required target for Water, Thermal Comfort and Energy. The BASIX Certificate is determined as being acceptable for approval.

State Environmental Planning Policy (Housing) 2021

The application has been submitted under Chapter 3 Part 1 Division 2 of the SEPP (Housing) 2021. The proposal generally complies with the key planning controls contained within Policy, with the exception of Clause 53(b)(2), which states that "the

number of parking spaces provided on the site is the same as the number of parking spaces provided on the site immediately before the development is carried out."

Notwithstanding the variation noted above, the proposed development is considered acceptable from an environmental planning viewpoint. A comprehensive assessment against SEPP (Housing) 2021 and a discussion of the clause 4.6 request is provided below.

Relevant Clause	Planning Commentary	Compliance
50 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.	Subject site located within the R2 Low Density Residential zone. 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. A condition of consent has been imposed for no separating fences to be erected between the primary and secondary dwellings on the subject site.	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	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

environmental planning instrument, and		
Subclause 2(c) The total floor area of the secondary dwelling is— (i) >60 m2 or (ii) the greater floor area permitted in another EPI	Proposed internal floor area of the secondary dwelling is 60m².	Yes
53(2)(a) For a detached secondary dwelling—a minimum site area of 450m^2,	Total site area of 557.4m^2 by title.	Yes
53(2)(b) The number of parking spaces provided on the site is the same as the number of parking spaces provided on the site immediately before the development is carried out.	The application proposes the construction of a secondary dwelling with an attached single garage and is therefore increasing the number of existing parking spaces on site. 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 – see Clause 4.6 discussion below.

Local Environmental Plans

Cumberland Local Environmental Plan 2021

The provision of the CLEP 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 subject site is zoned R2 Low Density Residential. The proposal is for the demolition of existing structures and construction of a two-storey dwelling and the erection of a 'secondary dwelling' which is a prohibited land use under the CLEP 2021. However, pursuant to Clause 50 of State Environmental Planning Policy (Housing) 2021 the following applies:

> "… 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 within this division of the SEPP, a residential zone includes the R2 Low Density

Residential Zone. A dwelling house is a permissible land use within the R2 zone under the CLEP 2021. In this regard, a secondary dwelling is permissible with consent within the R2 zoned land under the provisions of the SEPP (Housing) 2021.

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 CLEP 2021 assessment is contained in Attachment 5.

(b) Clause 4.6 – Variation to Clause 53(2)(b) of SEPP (Housing) 2021 – Number of parking spaces

Clause 4.6 aims to achieve better design outcomes for and from development by allowing an appropriate degree of flexibility to development standards if particular circumstances are satisfied.

The application seeks to vary the development standard under section 53(2)(b) of State Environmental Planning Policy (Housing) 2021 which requires that the number of parking spaces provided on site is to be the same as the number of parking spaces provided on the site immediately before the development is carried out. The application proposes the construction of a secondary dwelling with an attached single garage and is therefore increasing the number of existing parking spaces on site, resulting in a variation of 100% to the development standard.

Consent may only be granted upon the consent authority being satisfied that the applicant has demonstrated in a document submitted with the application that (a) compliance with the development standard is unreasonable or unnecessary in the circumstances and (b) there are sufficient environmental planning grounds to justify the contravention of the development standard.

(a) compliance with the development standard is unreasonable or unnecessary in the circumstances.

The decision of Wehbe v Pittwater Council (2007) 156 LGERA 446; [2007] NSWLEC 827, affirmed in Initial Action Pty Ltd v Woollahra Municipal Council [2018] NSWLEC 118 set out five common and non-exhaustive ways in which an applicant might demonstrate that compliance with a development standard is unreasonable or unnecessary. They were that:

(i) the objectives of the development standard are achieved notwithstanding non-compliance with the standard.

(ii) the underlying objective or purpose is not relevant to the development with the consequence that compliance is unnecessary.

(iii) the underlying objective or purpose would be defeated or thwarted if compliance was required with the consequence that compliance is unreasonable.

(iv) the development standard has been virtually abandoned or destroyed by the Council's decisions in granting development consents that depart from the standard and hence compliance with the standard is unnecessary and unreasonable.

(v) the zoning of the particular land on which the development is proposed to be carried out was unreasonable or inappropriate so that the development standard, which was appropriate for that zoning, was also unreasonable or unnecessary as it applied to that land and that compliance with the standard in the circumstances of the case would also be unreasonable or unnecessary.

Applicant's justification:

The applicant relies on the principles established in Wehbe v Pittwater Council [2007], specifically Tests 1, 2, and 3, in support of the submitted proposal.

1. *Wehbe Test 1 – "The objectives of the development standard are achieved notwithstanding non-compliance with the standard."*

   The applicant contends that the primary objective of this clause is to establish specific development standards for secondary dwellings, which, when met, prevent consent authorities from imposing more stringent requirements, particularly in relation to car parking.

   The clause does not aim to maintain a fixed number of car parking spaces but rather to ensure that, if the existing number of spaces on a site is retained, the Council cannot require additional parking or reject the proposal based on non-compliance with Development Control Plan (DCP) parking standards.

   However, if a development results in a reduction of existing car parking (e.g., by converting or demolishing a garage), the Council may then exercise its discretion to apply minimum parking requirements and potentially refuse the application due to inadequate parking.

   Importantly, compliance with the clause is still achieved even if additional car parking is provided.

2. *Wehbe Test 2 – "The underlying objective or purpose of the standard is not relevant to the development and therefore compliance is unnecessary."*

   The applicant further contends that the objective of the parking standard is to prevent councils from imposing additional parking requirements when existing parking levels are maintained. Since the current application proposes additional parking, the standard's purpose does not apply in this context. Therefore, compliance with the standard is unnecessary.

3. *Wehbe Test 3 – "The underlying objective or purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable."*

   Finally, the applicant submits that Council's interpretation of the clause is inconsistent with its underlying purpose. Requiring strict compliance in the present circumstances would undermine the objective of the clause, rendering it ineffective. Therefore, enforcing the standard in this case is unreasonable.

Planner's comments:

The proposed development is consistent with objectives of the Housing SEPP 2021, which are broad principles which seek to promote diverse housing types, address the needs of vulnerable community members, provide residents with a reasonable level of amenity, encourage housing in well-serviced locations, minimise environmental and climate impacts, ensure design compatibility that enhances the local area, support short-term rental accommodation, and prevent the loss of existing affordable rental housing. Furthermore, the proposal generally complies with the Cumberland Local Environmental Plan 2021, the Cumberland Development Control Plan 2021 (with the exception of landscaping requirements) and the State Environmental Planning Policy (Housing) 2021, notwithstanding the exception noted under Clause 53(2)(b).

The relevant variation concerns the provision of parking on the site. While neither the Cumberland Development Control Plan 2021 nor the State Environmental Planning Policy (Housing) 2021 explicitly prescribe parking requirements for secondary dwellings, Part B1 of the CDCP 2021 mandates that at least one covered parking space be provided on-site for applications associated with new dwellings.

It is considered that the proposal is consistent with the desired low-density character of the area. The proposal provides sufficient 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 amenity requirements of the relevant planning instruments. If the development were made to comply there would be no significant improvement with respect to the amenity within the development or surrounding neighbours. In this regard, Council considers compliance to be unnecessary in the circumstances of the case.

(b) there are sufficient environmental planning grounds to justify the contravention of the development standard.

In respect of there being sufficient environmental planning grounds to justify the contravention of the development standard, Initial Action found that although the phrase 'environmental planning' is not defined, it would refer to grounds that relate to the subject matter, scope and purpose of the Environmental Planning and Assessment Act 1979, including the objects in s.1.3. To be sufficient, the environmental planning grounds advanced in the written request must justify the contravention of the development standard, not simply promote the benefits of carrying out the development as a whole Four2Five Pty Ltd v Ashfield Council [2015] NSWCA 248.

Applicant's justification:

The request demonstrates that there are sufficient environmental planning grounds to justify the variation of the development standard in this case. The underlying objective of the relevant clause is not to limit the number of car parking spaces, but rather to prevent Council from imposing additional parking requirements when the existing level of on-site parking is maintained. Only where a proposal reduces existing parking does Council have the discretion to apply further requirements or refuse the application.

In this instance, the inclusion of a garage does not reduce parking provision but instead enhances it by providing a sheltered and secure space for residents. The garage does not compromise compliance with other development controls, nor does it adversely impact the visual presentation of the secondary dwelling. On the contrary, it contributes to a more balanced built form.

Finally, the development is consistent with the applicable standards of both the LEP and DCP, indicating compliance from both a performance-based and prescriptive planning perspective.

Planner's comments:

Strict compliance with Clause 53(2)(b) of the State Environmental Planning Policy (Housing) 2021 in relation to the provision of a secondary dwelling is considered both unreasonable and unnecessary in the context of the subject application. The proposed development aligns with the key principles of the Housing SEPP and satisfies the objectives applicable to R2 Low Density Residential zoned land.

Having regard to the nature of the proposed works and the pattern of similar development within the locality, the proposal is deemed appropriate in its context. The variation to the development standard concerning on-site parking provision is acceptable on environmental planning grounds, and the applicant's written justification is well founded.

Conclusion

Council is satisfied that the applicant's written request has appropriately addressed the requirements set out under Clause 4.6(3). Furthermore, Council is satisfied that the proposed development is in the public interest as it demonstrates consistency with both the objectives of the development standard in question and the objectives of the R2 Low Density Residential zone in which the development is situated.

Having assessed the application on its individual merits, Council officers are of the view that the justification provided in support of the variation is reasonable and well founded. Accordingly, the proposed variation to Clause 53(2)(b), relating to the number of on-site parking spaces, 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))

Council has received a Gateway Determination from the Department of Planning, Housing and Infrastructure for the Draft Woodville Road Corridor Planning Proposal. As part of this approval, public exhibition of the Draft Woodville Road Corridor Planning Proposal has commenced. The public exhibition was carried out between the 4 March 2025 to 17 April 2025.

The Draft Planning Proposal seeks to revitalise Woodville Road by amending planning controls in the Cumberland Local Environmental Plan (CLEP) 2021 for 31 sites located around the three (3) precincts of Woodville North, Merrylands East and Woodville South.

The subject application was received on 17 April 2025 and the site does not fall within the Draft Woodville Road Corridor and therefore no further consideration is required.

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

The Cumberland Development Control Plan 2021 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 Attachment 6.

The development has been assessed using the following chapters:

- Part B1 – Dwelling Houses and Secondary Dwellings
- Part G3 – Traffic, Parking, Transport and Access (Vehicle)
- Part G4 – Stormwater and Drainage
- Part G5 – Sustainability, Biodiversity and Environmental Management
- Part G7 – Tree Management and Landscaping
- Part G8 – Waste Management

The following highlights a non-compliance with the CDCP 2021, which relates primarily to the number of parking requirements. The variations sought is considered satisfactory on merit in this instance:

Figure 5 – Cumberland DCP 2021 - Compliance Table

Control		**Proposed**	**Complies**
Deep soil zone along rear boundary - Part B1, Section 2.7, Control 4	The majority of the deep soil zone shall be provided as a consolidated area at the rear of a dwelling house to provide for continuous area of deep soil and *vegetation and shall extend across at least 50% of the rear boundary.*	No – Required 50% of the rear boundary to have landscaping extended across = 7.62m required Proposed continuous area of deep soil = nil along the rear boundary Variation of the full 7.62m or 100%.	No, 100% variation acceptable on merit. Please see variation discussion below.

As indicated in the compliance table above, the proposal does not fully comply with the minimum requirement for deep soil zones along the rear boundary, as stipulated in Part B1, Section 2.7, Control 4 of the Cumberland Development Control Plan 2021. This control mandates that the majority of the deep soil zone be provided as a consolidated area at the rear of a dwelling house, extending across at least 50% of the rear boundary, to ensure a continuous area of deep soil and vegetation.

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

Part B1 – Dwelling Houses and Secondary Dwellings, Section 2.7 Landscaping, Control 4

- ***Objective 1:*** *Maintain and enhance the existing streetscape and landscaped character of the residential neighbourhoods*

- ***Objective 2:*** *Provide adequate opportunities for water infiltration and tall trees to grow and to spread, so as to create a canopy effect.*

- ***Objective 3:*** *Ensure that the landscaped area provided for a dwelling house has good solar access, optimises usability, privacy, accessibility, neighbours' amenity and provides a central uninhibited area for passive and active recreation.*

Section 2.7 of the CDCP states that the majority of the deep soil zone shall be provided as a consolidated area at the rear of a dwelling house to provide for continuous area of deep soil and vegetation and shall extend across at least 50% of the rear boundary. There is nil area proposed as deep soil area within the rear, this contravenes the second part of the control relating to landscaping provided along the length of rear boundary. Noting that a minimum of 7.62m (50%) of continuous deep soil area along the rear is required, resulting in a departure or variation of 100% to the development control.

Irrespective of this departure, it is considered that the proposal performs adequately from an environmental planning viewpoint and may be supported as adequate deep soil has been provided between the primary dwelling, secondary dwelling, and adjoining dwellings. It is considered that enforcing compliance with this requirement would not substantially enhance the site's capacity to mitigate stormwater runoff. Further, it is worthy to note that the proposal still demonstrates full compliance with the numerical controls for site coverage, deep soil and landscaping and private open space. The proposal also maintains consistency with the landscaping objectives and is not considered to diminish the overall residential amenity afforded to the principal dwelling or the adjoining developments.

Furthermore, the proposed landscaped area complies with all other controls outlined in 2.7 Landscaping and is not envisaged to deter from the objectives of 2.7 Landscaping as it maintains the landscaped character of the surrounding developments and provides opportunity for water infiltration and vegetation to grow. Furthermore, no impact to the amenity of adjoining sites is envisaged. The proposed development complies with other relevant provisions of the Cumberland Development Control Plan 2021 and is considered acceptable from an environmental planning viewpoint.

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))

Advertised (Website) ☐ Mail ☒ Sign ☐ Not Required ☐

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 1 May 2025 and 15 May 2025. The notification generated one (1) submission in respect of the proposal with nil disclosing a political donation or gift. The issues raised in the public submissions are summarised and commented on as follows:

Figure 6 – Submissions summary table

Issue	Planner's Comment
Rear Setback	The proposed development has been assessed against Council's setback requirements and is fully compliant. Both the side and rear setbacks meet the minimum requirement of 900mm. In particular, the rear (southern) setback of 900mm from the boundary to the proposed structures complies with council's requirements. This demonstrates consistency with applicable planning controls and provides appropriate separation between the development and adjoining properties.
Building Height and Overshadowing	In accordance with Council's planning controls, adjoining properties are to receive a minimum of three (3) hours of direct sunlight to at least one living area and a minimum of 50% of their principal private open space between 8:00am and 4:00pm on 21 June. Where existing developments receive less than the required solar access, this access should not be unreasonably reduced by new development.

	The proposed development comprises a single-storey detached secondary dwelling and a single garage, with a maximum building height of 4.46 metres (RL 24.23), which is below the roof height of the existing primary dwelling. The development is sited at the rear of the property and maintains compliant setbacks under the applicable planning controls. Due to the single-storey nature of the proposed structure and its modest building height, overshadowing impacts are anticipated to be negligible. The proposal fully complies with the relevant building height and setback provisions as outlined in the planning instruments and detailed throughout this report and in Attachments 5 and 6. Accordingly, Council is satisfied that the extent of any overshadowing will be minimal, and that the development appropriately maintains solar access to adjoining properties.

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 PLANS 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 $11,025.00 would be payable prior to the issue of a Construction Certificate.

HOUSING AND PRODUCTIVITY OF CONTRIBUTION (HPC)

In accordance with the HPC Order, the proposed development is exempt from paying a contribution as it does not generate additional infrastructure demand and is solely for the construction of a secondary dwelling with an attached single garage.

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*, Statement Environmental Planning Policy (Housing) 2021, Cumberland Local Environmental Plan 2021 and Cumberland Development Control Plan 2021 and is considered to be satisfactory for approval subject to the conditions of the development consent.

The proposed development is appropriately located within the R2 – Low Density Residential Zone under the relevant provisions of the Cumberland LEP 2021, however a variation in relation to the number of parking spaces on site under 53(2)(b) of the Statement Environmental Planning Policy (Housing) 2021 is sought.

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

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

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. The objectors will also be notified in writing of the outcome.

REPORT RECOMMENDATION:

1. **That the Clause 4.6 variation request to contravene the parking space requirement under Clause 53(2)(b) development standard, pursuant to the SEPP (Housing) 2021, be supported.**

2. **Development Application No. DA2025/0193 for Construction of a secondary dwelling with an attached single garage on land at 30 Lansdowne Street MERRYLANDS NSW 2160 be Approved subject to conditions listed in the attached schedule.**

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

ATTACHMENTS

1. Draft Notice of Determination ⇩
2. Architectural Plans ⇩

3. Clause 4.6 Variation ⇩
4. Statement of Heritage Impact ⇩
5. Cumberland LEP Assessment ⇩
6. Cumberland DCP Assessment ⇩
7. Submission ⇩

DOCUMENTS ASSOCIATED WITH REPORT ELPP017/25

Attachment 1

Draft Notice of Determination

CUMBERLAND CITY COUNCIL

DEVELOPMENT APPLICATION
DRAFT CONDITIONS OF CONSENT

Under the *Environmental Planning and Assessment Act, 1979*

Application No:	DA2025/0193
Applicant:	Mr C Chau 39 Anselm Street STRATHFIELD SOUTH NSW 2136
Property Description:	30 Lansdowne Street MERRYLANDS NSW 2160 Lot 21 in DP 881750
Development:	Construction of a secondary dwelling with an attached single garage
Determined by:	Local Planning Panel

CONDITIONS OF CONSENT

General Conditions

1. **DAGCA01- General**

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

(Reason: Advisory)

2. **DAGCA02 - Approved Plans and Supporting Documents**

The development must be carried out in accordance with the following endorsed plans and documents, except as otherwise provided by the conditions of this consent.

Reference/Dwg No	***Title/Description***	***Prepared By***	***Date/s***
Dwg No. A01	Site Plan (As amended in red by council)	Michael K Chen Architecture (MKCA)	6/26/2025
Dwg No. A02	Ground Floor Plan (As amended in red by council)	Michael K Chen Architecture (MKCA)	6/26/2025
Dwg No. A03	Roof Plan (As amended in red by council)	Michael K Chen Architecture (MKCA)	6/26/2025
Dwg No. A04	Elevation Plan (East and West)	Michael K Chen Architecture (MKCA)	6/26/2025
Dwg No. A05	Elevation Plan (North and South) and section Plans (As amended in red by council)	Michael K Chen Architecture (MKCA)	6/26/2025
Dwg No. A06	Erosion and Sediment Control Plan	Michael K Chen Architecture (MKCA)	6/26/2025
Dwg No. A09	Schedule of External Colours and Finishes	Michael K Chen Architecture (MKCA)	6/26/2025
Dwg No. A10	Landscape Plan (As amended in red by council)	Michael K Chen Architecture (MKCA)	6/26/2025
Cert. No. 1784426S	BASIX Certificate	Elam Eco Design	20 February 2025
-	Waste Management Plan	-	Submitted to council: 18 June 2025

-	Heritage Impact Statement	Maelan Pty Limited Cultural Heritage Consultancy	24 February 2025

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

3. **DAGCD10 - Rainwater Tank Location**
Above ground rainwater tanks shall be located behind the front building line and are to be screened if visible from the street.

(Reason: Streetscape)

4. **DAGCF01 - Surface Runoff**
Allowances shall be made for surface runoff from adjacent properties and to retain existing surface flow path systems through the site. Existing surface water flows from upstream properties shall not be diverted or treated in a manner that results in adverse effects for any other property.

(Reason: To prevent adjoining properties from being adversely affected by existing surface water flows

5. **DAGCF02 - Utility Services**
If the development causes damage to utility services or if it requires the adjustment or relocation of utility services, the applicant shall carry out works, at the applicant's expense, to the service/s to the satisfaction of the utility provider.

(Reason: To protect and ensure the ongoing integrity of utility infrastructure)

6. **DAGCZ01 - Tree Preservation**
All street trees and trees on private property that are protected under Council's Development Control Plan, shall be retained and protected in accordance with AS 4970 - 2009 'Protection of Trees on Development Sites' during works except where Council's prior written consent has been obtained.

(Reason: Tree Preservation and Protection)

7. **DAGCZ02 - External Materials**
No existing external brickwork or fibro building in relation to the primary dwelling is to be rendered.

(Reason: To maintain heritage significance)

8. **DAGCZ03 - Impacts to the heritage item**

a) The proposed works as approved under this application must be carried out in accordance with the endorsed plans and documents, and

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.

(Reason: To protect heritage significance)

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

9. 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 incorporating the following matters:

a) The proposed driveway width at the boundary shall be 3 metres and shall be offset 1 metre from the side boundary.

b) A sightline clearance triangular area as per AS2890.1 -2004 shall be provided within the subject site at the property boundary to provide satisfactory sight lines clearance area. Any objects or structures/walls within clearance area shall not exceed the height of 600mm above the finished driveway surface.

c) A concrete apron shall be constructed for the small section of the garage door that is not currently connected to the driveway. This apron must align flush with the width of the garage opening, and provide a continuous, smooth transition from the proposed driveway.

d) The proposed northern and southern elevation plan shall be relabelled correctly.

All relevant plans must be updated to incorporate the above requirements.

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

10. 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)

11. 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)

12. DACCB01 - Damage Deposit for Council Infrastructure

A damage deposit of $2,340.00 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)

13. 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)

14. 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 $11,025.00 as at the date of this consent but is subject to change by the consumer price index to the date of payment. A copy of the *Cumberland Local Infrastructure Contributions Plan 2020* can be viewed on Council's website

(Reason: To ensure compliance with Cumberland Local Infrastructure Contributions Plan)

15. DACCB05 - Fees to be paid to Council

Types of fees	Amount	Payment timing
Damage Deposit	$2,340.00	Prior to CC
Sect. 7.11 Contributions	$11,025.00 + CPI	Prior to CC
Kerb Crossing Bond (Related to Driveways)	$4,060.00	Prior to CC
Driveways Inspections	$444.00	When required
TOTAL	$17,869.00 + 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. Fees to be paid to Council will be determined at the time of payment in accordance with Council's adopted Fees and Charges Policy and may therefore exceed the fee amount quoted above.

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

(Reason: Statutory requirement and information)

16. DACCB06 - Photographic Record of Council Property - Damage Deposit

Prior to works commencing and prior to the 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 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)

17. DACCC02 - Protection of Public Places

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

If the work involved in the 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.

(Reason: Public safety)

18. 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 like.
c) The proposed areas within the site to be used for a builder's site office and amenities, the storage of excavated material, construction materials and waste containers during the construction period.
d) 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 qualified civil engineer.

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

19. **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)

20. **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 engineering policies. The plan shall be submitted and approved by the Council or registered certifier.

Note: Where the proposed design extends within the public road area, separate approval under s.138 of the *Roads Act 1993* must be obtained from Council prior to the commencement of works.

(Reason: Stormwater management)

21. **DACCJ03 - Certification of the Stormwater Drainage System Design**
Prior to the issue of a Construction Certificate, the proposed stormwater design shall be certified by a qualified practising civil engineer as complying with Council's Development Control Plan and Australian Standard 3500.3:

(Reason: Adequate stormwater management)

22. **DACCJ04 - Construction or Redirection of a Stormwater Drainage System**
No line of natural drainage or any stormwater drainage channel, pipeline, pit or any other drainage infrastructure shall be filled in, relocated, diverted or otherwise unless so shown on approved development application plans.

(Reason: Adequate stormwater management)

23. **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 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)

24. **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 the Construction Certificate application.

(Reason: To ensure safety and the proper design or retaining structures)

25. **DACCK07 - Structural Engineer's Details**
Structural engineer's details prepared and certified by a practising qualified structural engineer of all reinforced concrete and structural members shall be submitted with the Construction Certificate application to the Council or registered certifier.

(Reason: To ensure safety and the proper design or structural elements of the building)

26. **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, Subdivision Works Certificate or the commencement of works, whichever occurs first.

(Reason: Ensure services are not disturbed)

27. 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)

28. DACCZ01 - 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)

29. DACCZ02 - Vehicular Crossings, Redundant Vehicular Crossings and other Works

Before any new vehicular crossing, public footpath, kerb or guttering work is commenced, the applicant must lodge and have approved by the Council an 'Application for Private Construction of Vehicular Crossing and Road Works. In respect of driveway setbacks, a minimum 1.0m setback from the property boundary shall be provided.

Before finalisation of the footpath and driveway design with the Construction Certificate application an 'Application for Property Boundary Line Levels' shall be lodged with council. An 'Application for Property Boundary Line Levels' fees are payable in accordance with Council's adopted fees and charges.

(Reason: To ensure appropriate vehicular access, suitable street drainage and pedestrian amenity is achieved)

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

30. 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.

b) the person having the benefit of the development consent has:
   (i) appointed a principal certifier for the building work, and
   (ii) given at least 2 days' notice to the Council, and the principal certifier if not the Council, of the person's intention to commence the erection of the building, and

c) The principal certifier has, no later than 2 days before the building work commences:
   (i) notified the Council of his or her appointment, and
   (ii) notified the person having the benefit of the development consent of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and

d) The person carrying out the building work has notified the principal certifier that the person will carry out the building work as an owner-builder, if that is the case

e) The person having the benefit of the development consent, if not carrying out the work as an owner-builder, has:
   (i) appointed a principal contractor for the building work who must be the holder of a contractor licence if any residential building work is involved, and
   (ii) notified the principal certifier of such appointment, and
   (iii) unless that person is the principal contractor, notified the principal contractor of any critical stage inspections and other inspections that are to be carried out in respect of the building work.

(Reason: Statutory requirements)

31. 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);

c) 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:
     (i) The name and licence number of the principal contractor, and
     (ii) The name of the insurer by which the work is insured under Part 6 of the Home Building Act 1989.
   - In the case of work to be done by an owner-builder:
     (i) The name of the owner-builder, and
     (ii) 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)

32. DAPCA03 - Site Safety Fencing

Site fencing to a minimum height of 1.8m shall be erected before the commencement of any work and shall be maintained throughout the duration of works to exclude public access to the site.

(Reason: Statutory requirement and health and safety)

33. **DAPCA04 - Principal Certifier Sign**

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

a) shows the name, address and telephone number of the Principal Certifier;
b) 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.
c) 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)

34. **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)

35. **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

36. 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)

37. DADWA02 - Dust Control

Where applicable, the following are to be satisfied/complied with during 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 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 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)

38. 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 excavation and building works.

(Reason: Health and amenity)

39. 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)

40. 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)

41. **DADWA07 - General Site Requirements during Construction**

All of the following are to be satisfied/complied with during 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 for the full width of the entrance area.
b) No blasting is to be carried out at any time during construction of the building.
c) Care must be taken during excavation/ building/ construction to prevent any damage to adjoining buildings.
d) 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.
e) Any excess construction materials are to be recycled wherever practicable.
f) The disposal of construction waste must be in accordance with the requirements of the *Protection of the Environment Operations Act 1997*.
g) 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*.
h) All excavated material removed from the site shall be disposed of to an authorised waste disposal facility.
i) All non-recyclable materials shall be disposed of at an approved waste disposal facility.
j) 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.
k) 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.
l) 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.
m) 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 protection to public spaces and prevent unauthorised access to the site)

42. **DADWA10- Electricity and Telecommunication Connections - Secondary Dwellings and Dual Occupancies**

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)

43. **DADWA11 - Communication Cabling**

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

(Reason: Environmental Amenity)

44. **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 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)

45. **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:

a) 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

b) Sampling and analysis of the fill material shall be conducted in accordance with NSW EPA's *Sampling design guidelines (2022).*

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

46. DADWA17 - Notification of New Contamination Evidence

Any new information which comes to light during site preparation, remediation 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. 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, 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)

47. 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 of 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. When lodging the 'Application for Road and Footpath Opening Permit' fees are payable in accordance with Council's adopted fees and charges.

Note: 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)

48. 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)

49. 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)

50. DADWC02 - Compliance with the National Construction Code

All building work must be carried out in accordance with the provisions of the National Construction Code.

(Reason: Prescribed statutory control)

51. DADWC04 - Survey Report - Development of Two storeys or Less

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

a) The level of the upper floor and its relationship to boundaries prior to the placement of structural elements.
b) The relationship of the building to the boundaries at completion.

Progress certificates in response to the above shall be produced to the Principal 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 portions of the building higher than approved levels or closer to boundaries that what was approved.

(Reason: To ensure compliance with approved plans)

52. 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 so as not to exceed a background noise by more than 5dB(A) measured from any habitable room on an adjoining property.

(Reason: To ensure that air conditioning units associated with the development are appropriately located)

53. 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)

54. DADWC16 - Waste Management

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

(Reason: Compliance with approval)

55. DADWC19 - Sediment and Erosion Control measures

During works, the following measures are to be implemented on the site to assist with sedimentation control during the construction phase of the project:

a) 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.
b) 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.
c) The installation of gutters, downpipes, and the connection of downpipes to the stormwater disposal system shall take place prior to the fixing of the roof cladding.

The above 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)

56. DADWD03 - 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 National Construction Code in relation to any matter relevant to the development.

(Reason: Statutory requirement)

57. DADWD04 - 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 requirement)

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

58. **DAOCA01 - Occupation Certificate**
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. Before issuing an Occupation Certificate, the Principal Certifier must be satisfied that:

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

(Reason: Statutory requirement)

59. **DAOCA02 - Final Clearance**
A final clearance is to be obtained from the relevant energy service provider.

(Reason: To ensure power is available for the site)

60. **DAOCA04 - Structural Engineer's Certificate**
A certificate from the supervising structural engineer responsible for the design shall be submitted to the Principal Certifier certifying 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)

61. **DAOCA08 - Certification of Engineering Works**
Prior to the issue of an Occupation Certificate, the following documents must be submitted to the Principal Certifier.

a) Work as executed drawings prepared by a registered surveyor for completed engineering works.
b) Certification from a qualified practising professional engineer with Engineers Australia membership under the appropriate professional category, that the following matters have been constructed in accordance with the approved plans and conditions of consent:
    - the stormwater drainage system;
    - car parking provision; and
    - the dimension of parking spaces

(Reason: Asset management)

62. **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) construct a new vehicular crossing;
b) 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)

63. **DAOCA13 - Construction of Concrete Kerb and Gutter**
Standard rollback concrete kerb and gutter shall be constructed to replace the damaged sections across the full length adjacent to the front of the property.

Note: The above works will require the submission of an application to Council under s.138 of the *Roads Act 1993*.

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

64. **DAOCF01 - Landscape Works**
Prior to the issue of an Occupation Certificate all landscaping/tree planting works are to be completed to a professional standard in accordance with the approved landscape plan/s. Certification of completion of the landscape/tree planting works in accordance with the approved plans and relevant conditions of this consent from the landscape designer or a similarly qualified person, not being the installer of the works, is to be provided to the Principal Certifier.

(Reason: Landscape certification)

65. **DAOCF05 - Unpaved Verge Area**
The unpaved verge area shall be turfed.

(Reason: To ensure an appropriate streetscape outcome)

66. **DAOCG01 - Certification of the Constructed Stormwater Drainage System**
The constructed stormwater drainage system shall be certified by a qualified practising civil engineer as being in accordance with Council's Development Control Plan and engineering policies.

(Reason: Adequate stormwater management)

67. **DAOCH09 - Completion of Public Road Assets**
To ensure assets in the public road, including vehicular crossings, pedestrian footpaths, kerbing, guttering and any roadworks are completed to a satisfactory level, an occupation certificate is not to be issued until such time as a satisfactory completion certificate has been obtained from Council's engineers.

(Reason: Satisfactory completion of assets in the public road)

68. **DAOCH14 - Telecommunications/ TV Antennae**
No more than one telecommunications / TV antenna is to be installed to the building. Satellite dishes, telecommunications antenna and other ancillary facilities shall be located away from the primary street frontage and incorporated into the overall building design.

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

69. **DAOCZ01 - Vehicular access**
Prior to issue of occupation certificate, the principal certifier shall be ensured that the following requirements are complied.

a) The proposed driveway width at the boundary shall be 3 metres and shall be offset 1 metre from the side boundary.

b) All new walls adjacent to vehicular crossings must not exceed a height of 600mm above the internal driveway level for a distance of 1.5m within the site, or within a splay 1.5m by 1.5m to provide satisfactory sight lines clearance. Details showing compliance are to be submitted to the Council or registered certifier prior to the issue of an Occupation Certificate.

(Reason: Compliance with the vehicle access, and parking requirements).

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

70. **DAOUA33 - Use of the buildings/structures**
The buildings/structures subject to this development consent shall not be used unless all conditions of this consent have been met.

(Reason: To ensure the development complies with the applicable statutory and planning controls)

71. **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:

a) 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)

72. **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)

73. **DAOUD02- Landscape Maintenance - General**
All open space areas are to be regularly maintained in a neat and tidy state. Lawn areas are to be kept mown and gardens weeded and mulched with any dead plants replaced. Property owners must maintain trees in a safe growing condition.

(Reason: Safety and landscape amenity)

74. **DAOUZ01 - Use of Detached Garage**
The approved garage is not permitted to be used as a separate domicile or for any habitable purpose at any time. The garage shall be used in conjunction with the primary dwelling.

(Reason: To ensure the development complies with the applicable statutory and planning controls)

Advisory Notes

75. 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 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 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 Before You Dig service in advance of any construction or planning activities.

(Reason: Advisory)

76. 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.

(Reason: Advisory)

77. 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.

(Reason: Advisory)

78. 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.

(Reason: Advisory)

79. 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 or 4.56 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 unless and until a modified consent is issued.

(Reason: Advisory)

80. 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.

(Reason: Advisory)

81. **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.

(Reason: Advisory)

82. **DAANN13 - Work Health and Safety**
For information regarding, codes of practice and guidelines regarding construction work, visit the SafeWork NSW.

(Reason: Advisory)

83. **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.

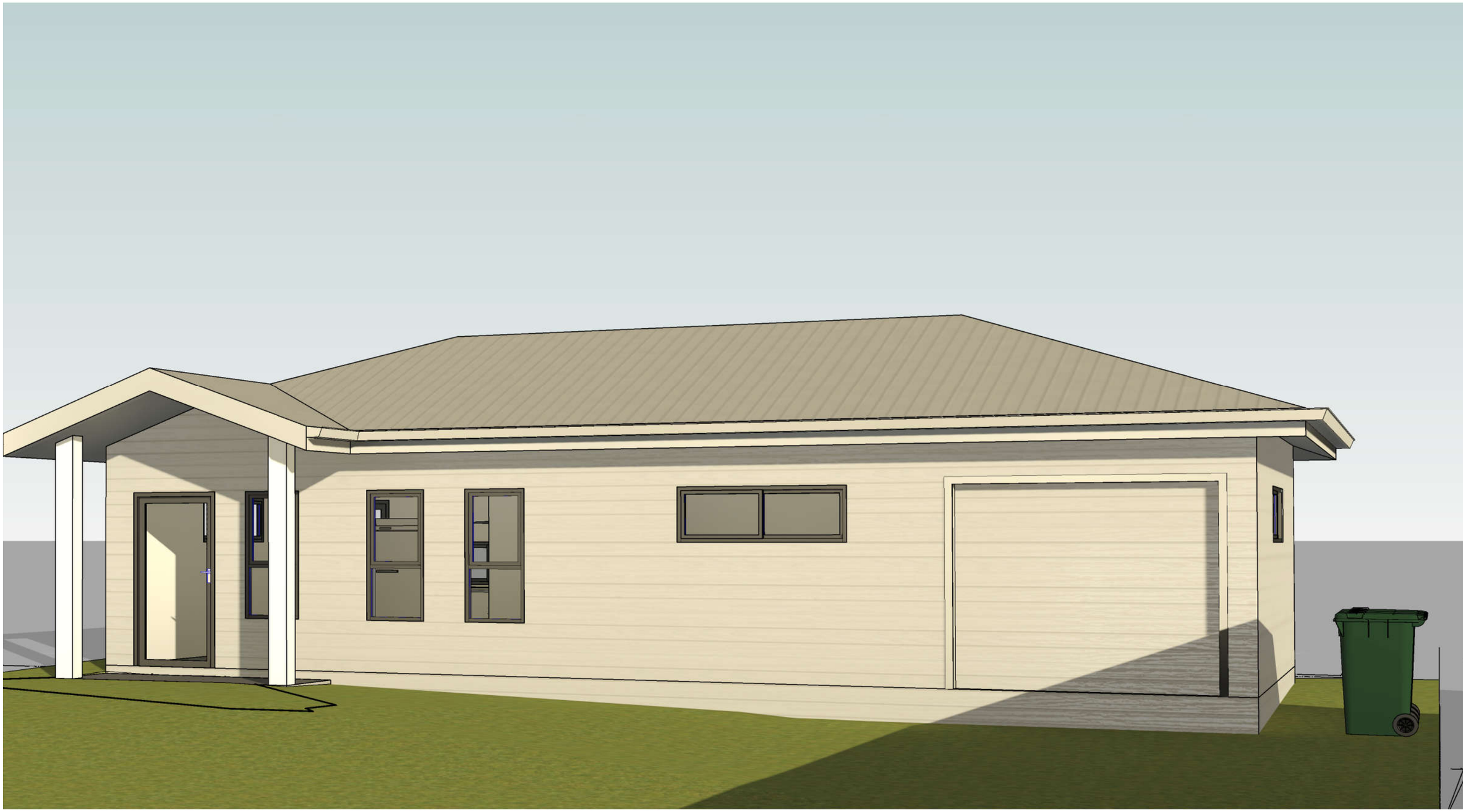
(Reason: Information)

DOCUMENTS ASSOCIATED WITH REPORT ELPP017/25

Attachment 2

Architectural Plans

PROPOSED SECONDARY DWELLING
AT LOT 21/ DP881750 - NO. 30 LANSDOWNE STREET, MERRYLANDS NSW 2160



ISSUE	DATE	AMENDMENT

VERIFY ALL DIMENSIONS AND LEVELS ON SITE. REPORT ANY DISCREPANCIES PRIOR TO THE COMMENCEMENT OF WORK AND DO NOT SCALE FROM DRAWINGS.
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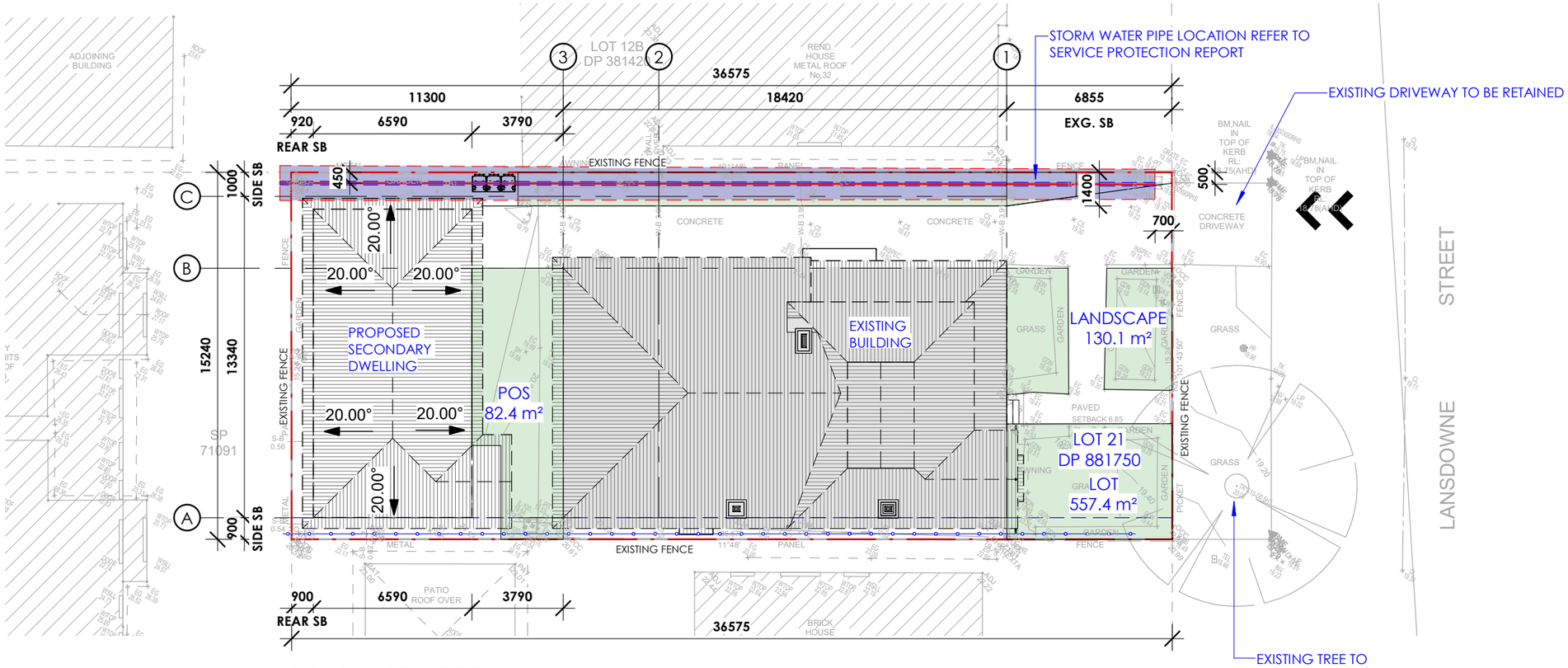
NOMINATED ARCHITECT - C M CHAU
REGISTRATION NUMBER 10669

www.mkcastudio.com.au
Email: mike@mkcastudio.com.au
PO BOX 4071, STRATHFIELD SOUTH NSW 2136

PROJECT
PROPOSED SECONDARY DWELLING
ADDRESS
LOT 21/ DP881750 - NO. 30 Lansdowne Street, Merrylands NSW 2160

SHEET SIZE: A3
SCALE
DATE 6/26/2025 1:35:35 PM

SHEET NAME 3D ILLUSTRATION
DRAWING NUMBER **A00**
ISSUE NO.



1 PROPOSED SITE PLAN
1 : 200

SITE AREA = 557.4 m²	**PROPOSAL**	**CONTROL**	**COMPLIANCE**
EXISTING AREA	157.8 m²		
PROPOSED SECONDARY DWELLING	60.0 m²		
TOTAL FLOOR AREA	**217.8 m²**		
SITE COVERAGE	**309.4 m²**	**334.4 m²**	**YES**
LANDSCAPE	130.1 m²	**20% = 111.48 m²**	**YES**

ISSUE DATE AMENDMENT

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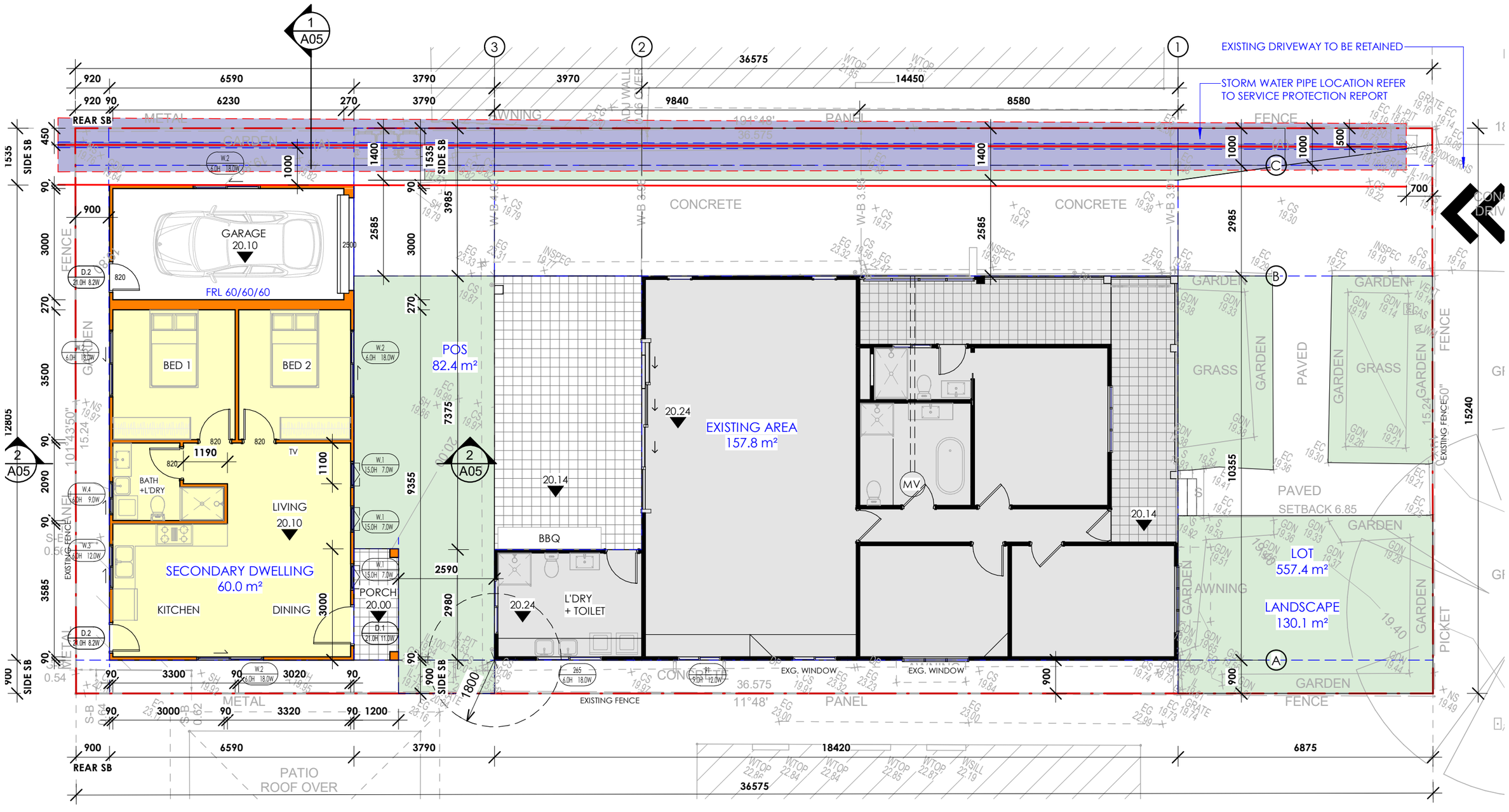
NOMINATED ARCHITECT - C M CHAU
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Email: mike@mkcastudio.com.au
PO BOX 4071, STRATHFIELD SOUTH NSW 2136

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SHEET SIZE: A3
SCALE 1 : 200
DATE 6/26/2025 1:35:36 PM

NORTH

SHEET NAME PROPOSED SITE PLAN
DRAWING NUMBER **A01**
ISSUE NO.



LEGEND

EXISTING WALL		EXISTING AREA	
NEW WALL		EXTENDING AREA	
DEMOLITION WALL		LANDSCAPE	
		PRIVATE OPEN SPACE	

NOTE: NEW DOORS & WINDOWS ARE TAGGED ON PLANS

1 PROPOSED GROUND PLAN
1 : 100

ISSUE	DATE	AMENDMENT

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PROJECT
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ADDRESS
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SHEET SIZE: A3
SCALE As indicated
DATE 6/26/2025 1:35:38 PM

NORTH

SHEET NAME: PROPOSED GROUND FLOOR PLAN
DRAWING NUMBER: **A02**
ISSUE NO.

EXISTING DRIVEWAY TO BE RETAINED
EXISTING TREE TO BE RETAINED
PROPOSED SECONDARY DWELLING
EXISTING BUILDING
POS 82.4 m²
LANDSCAPE 130.1 m²
LOT 21 DP 881750
LOT 557.4 m²
PATIO ROOF OVER
BRICK HOUSE
PAVED SETBACK 6.85
REAR SB
SIDE SB
EXISTING FENCE
METAL
PANEL
FENCE
AWNING
CONCRETE
GRASS
GARDEN
PAVED
PICKET
36575
11300
18420
6855
EXG. SB
6590
3790
920
900
1000
15240
13340
191°48'
11°48'
20.00°

1 PROPOSED ROOF PLAN
1 : 100

ISSUE	DATE	AMENDMENT

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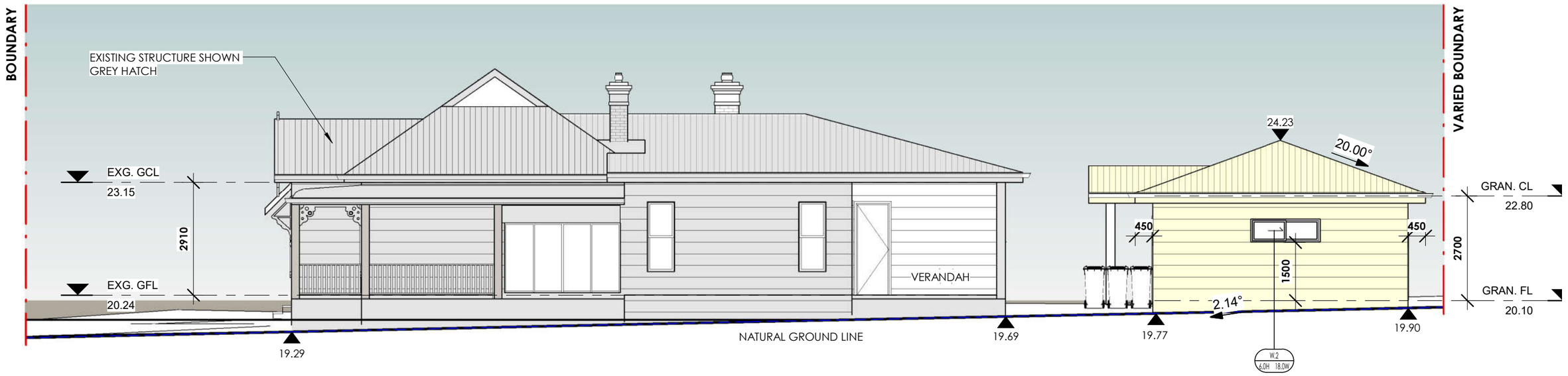
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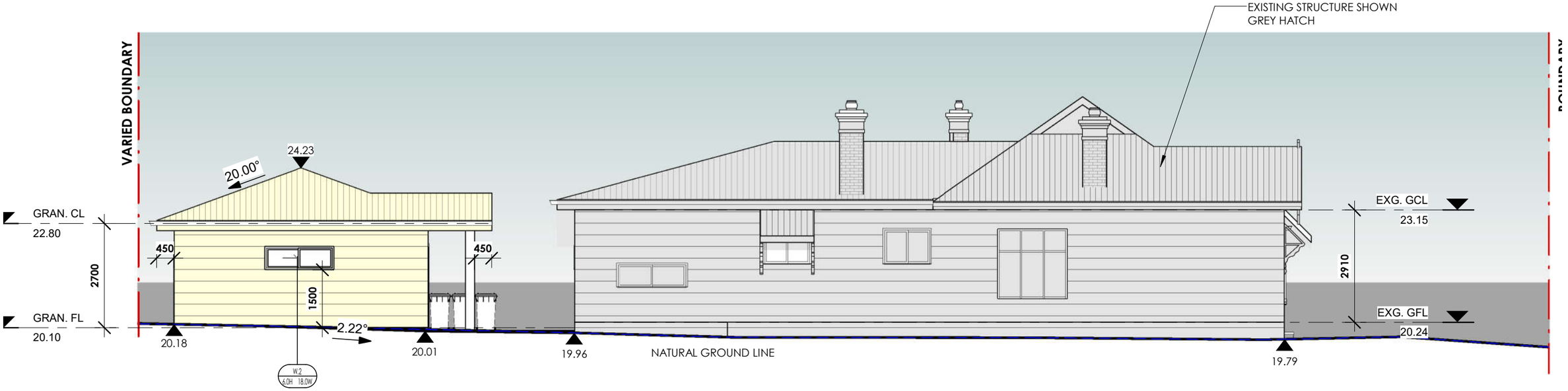
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NORTH

SHEET NAME PROPOSED ROOF PLAN
DRAWING NUMBER **A03**
ISSUE NO.



1 PROPOSED WEST ELEVATION
1 : 100



2 PROPOSED EAST ELEVATION
1 : 100

EXISTING AREA

EXTENDING AREA

ISSUE	DATE	AMENDMENT

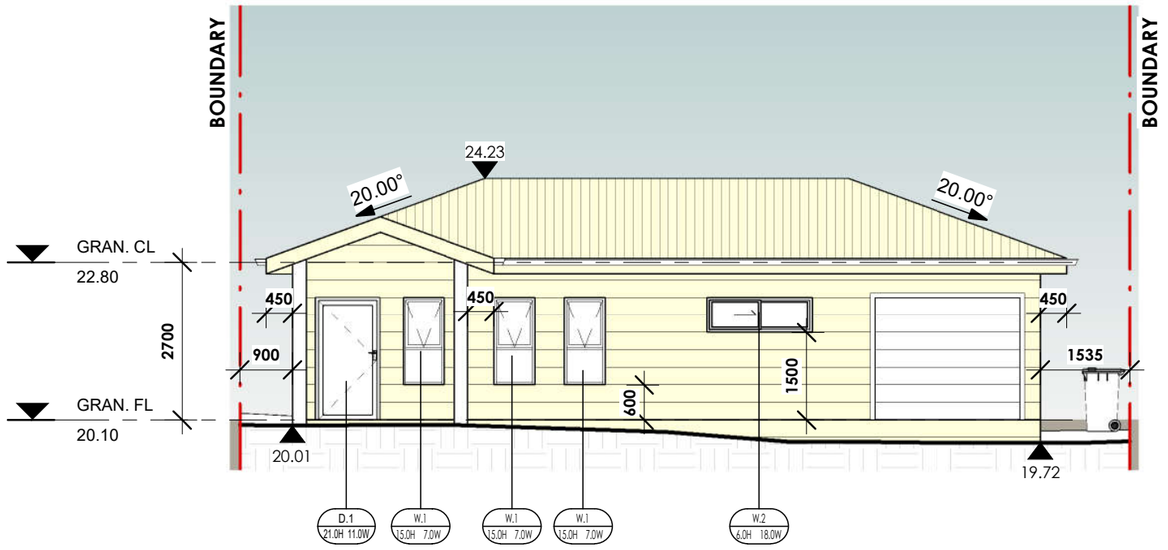
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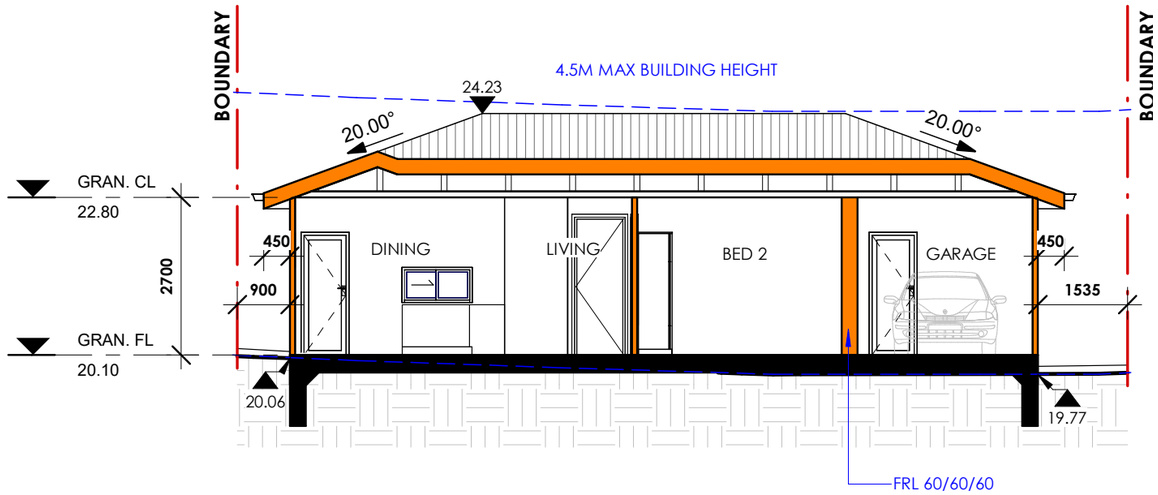
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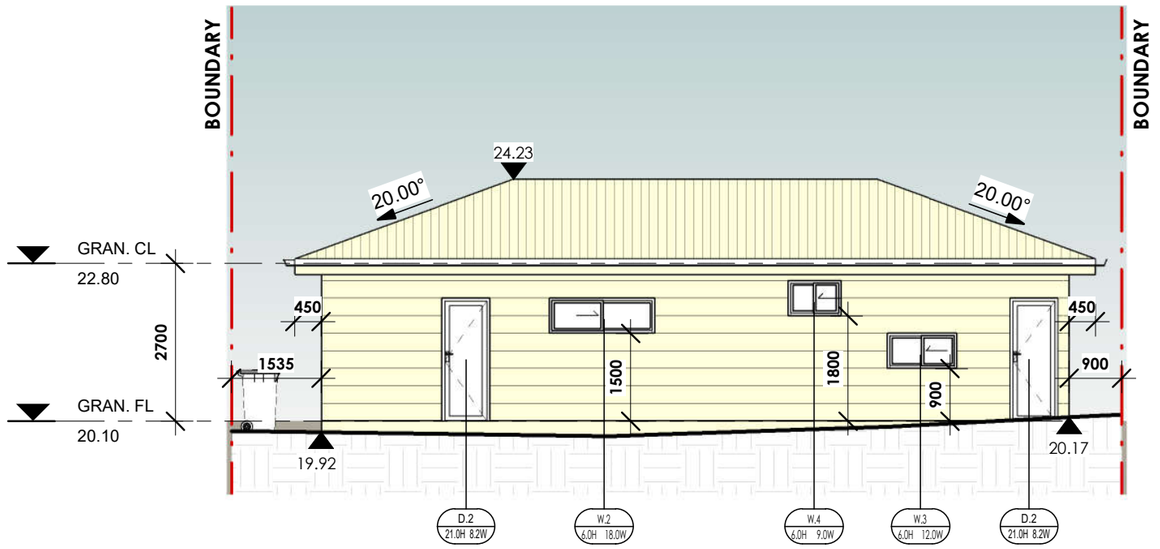
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DRAWING NUMBER: **A04**
ISSUE NO.



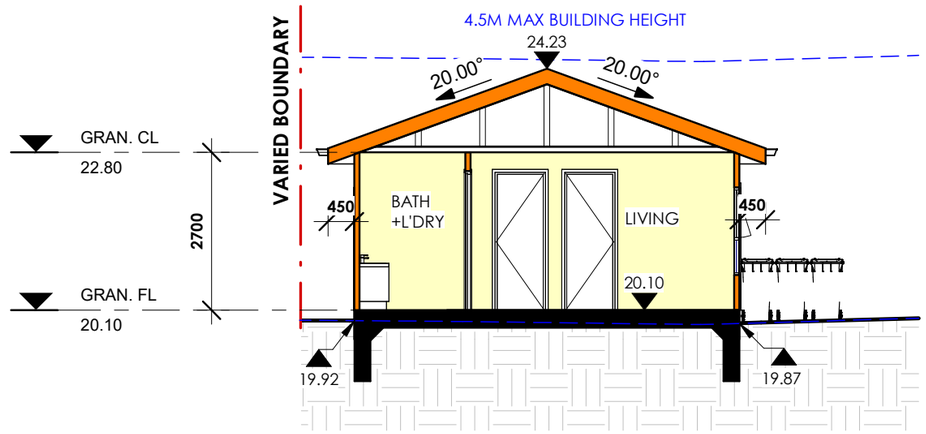
① PROPOSED SOUTH ELEVATION
1 : 100



③ PROPOSED SECTION 1-1
1 : 100



② PROPOSED NORTH ELEVATION
1 : 100



④ PROPOSED SECTION 2-2
1 : 100

EXISTING AREA

EXTENDING AREA

ISSUE	DATE	AMENDMENT

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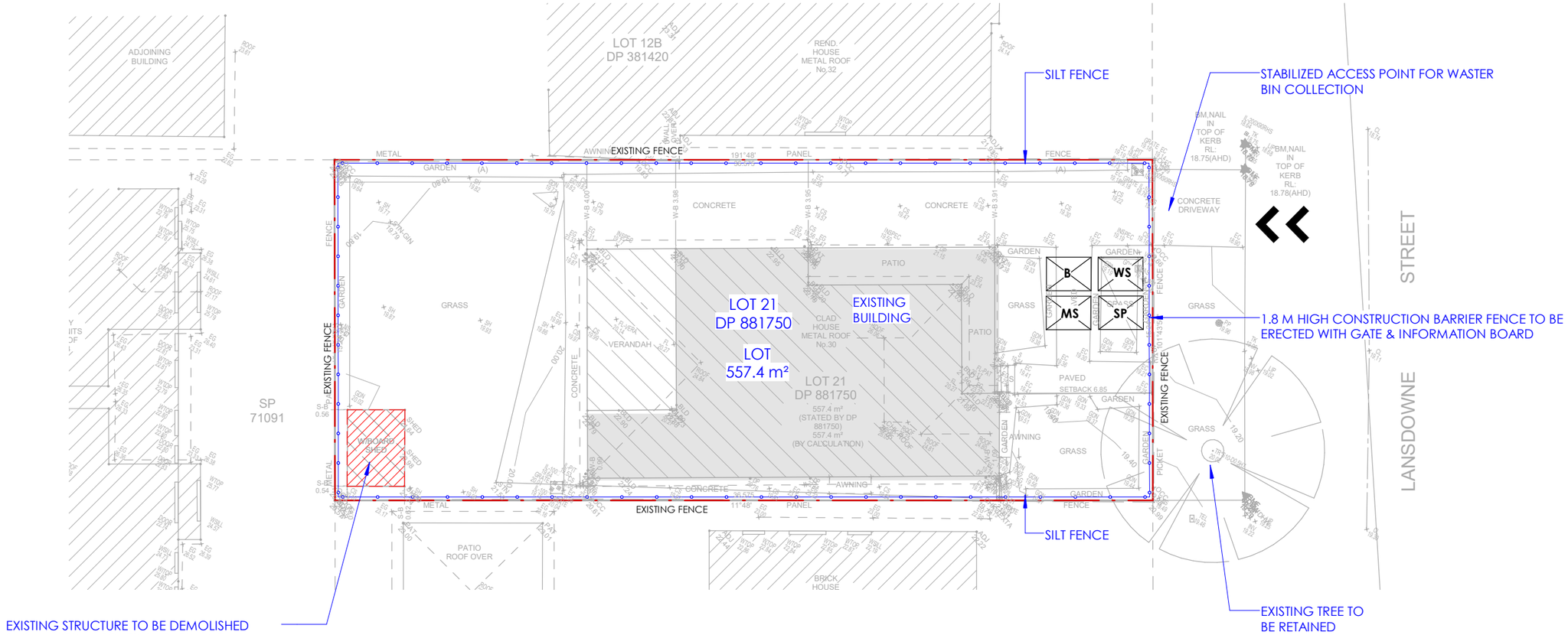
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SHEET NAME PROPOSED ELEVATIONS, SECTIONS
DRAWING NUMBER **A05**
ISSUE NO.



1 EROSION AND SEDIMENT CONTROL PLAN
1 : 200

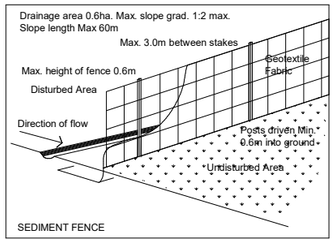
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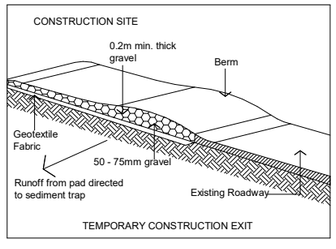
EXISTING WALL

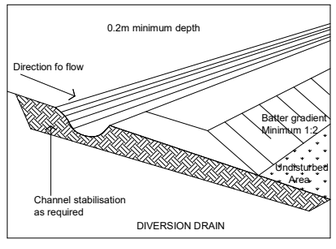
NEW WALL

DEMOLITION WALL

NOTE: NEW DOORS & WINDOWS ARE TAGGED ON PLANS







GENERAL LEGEND

SILT FENCE

STOCKPILE (SP)

MATERIAL STORAGE (MS)

WASTE STORAGE & RECYCLING AREA (WS)

GARBAGE BIN (B)

ACCESS FOR VEHICLES

ISSUE	DATE	AMENDMENT

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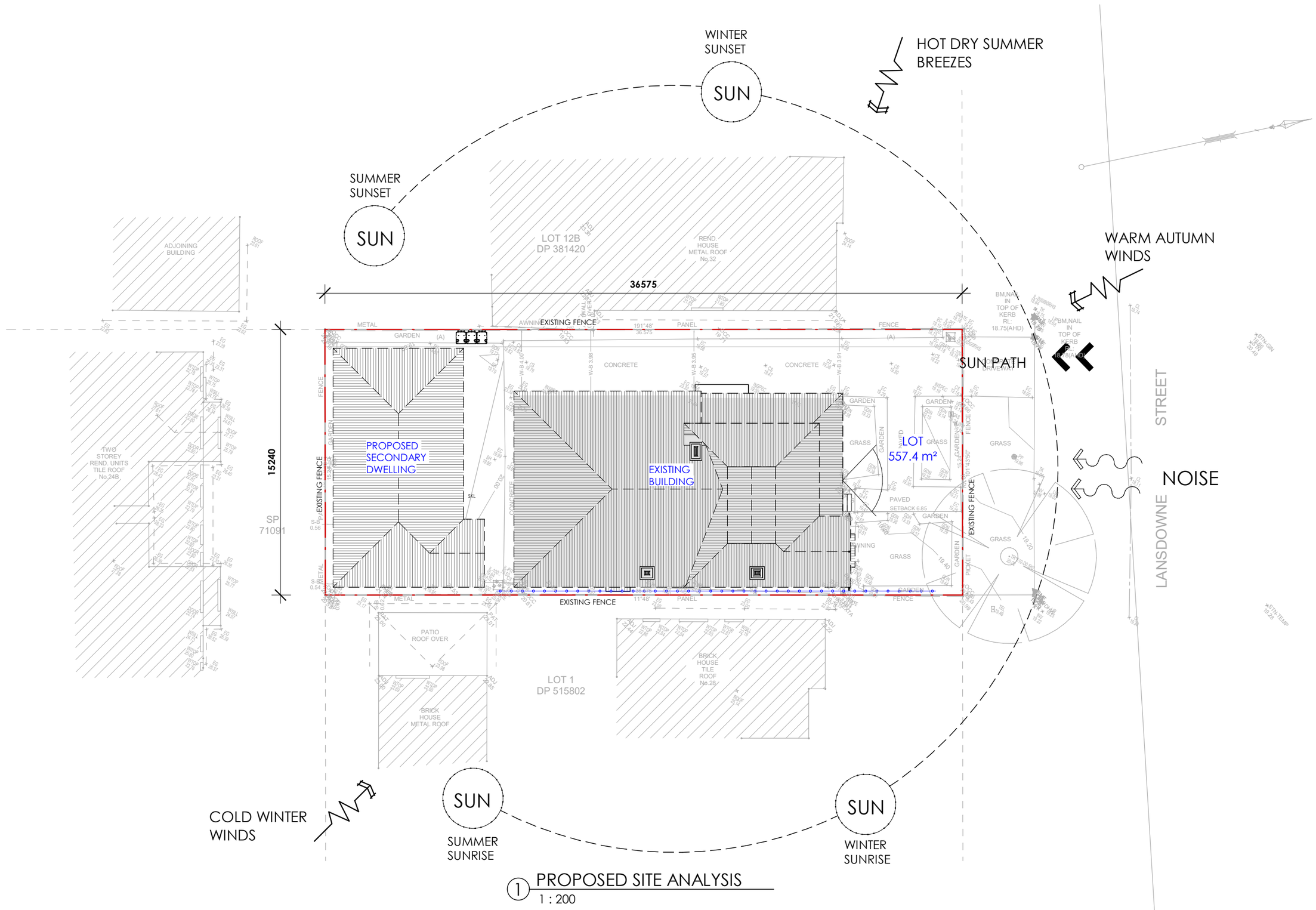
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ADDRESS
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NORTH

SHEET NAME: EROSION AND SEDIMENT CONTROL PLAN
DRAWING NUMBER: **A06**
ISSUE NO.



1 PROPOSED SITE ANALYSIS
1 : 200

ISSUE	DATE	AMENDMENT

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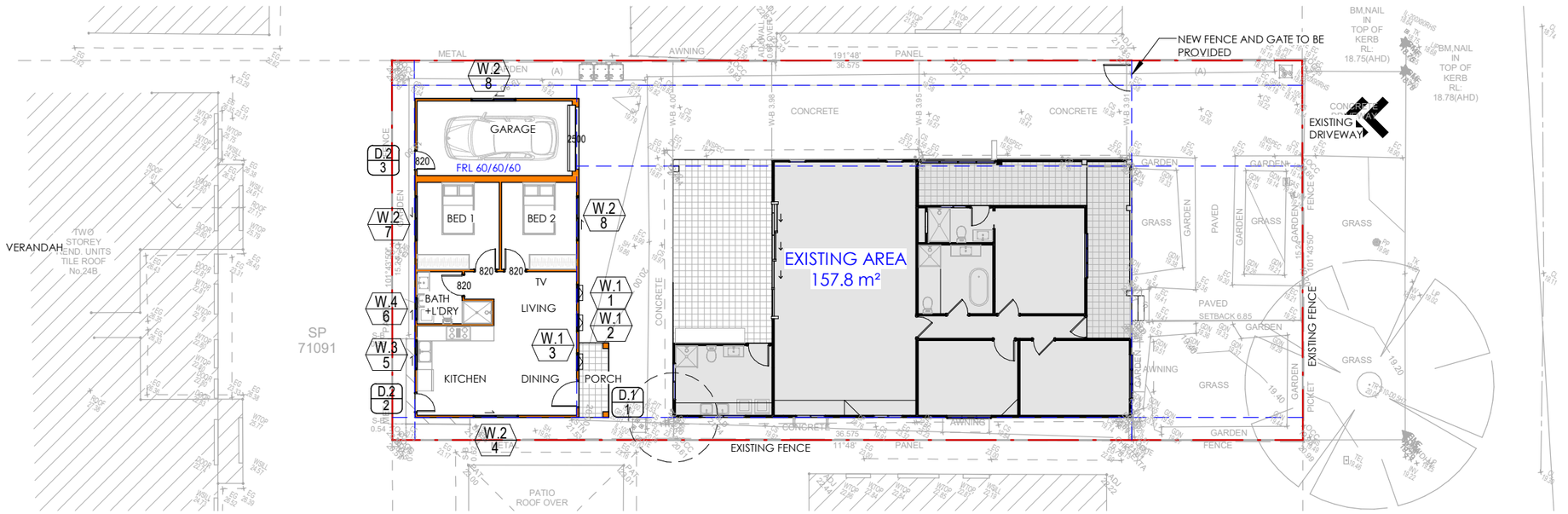
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DATE 6/26/2025 1:35:41 PM

NORTH

SHEET NAME: PROPOSED SITE ANALYSIS
DRAWING NUMBER: **A07**
ISSUE NO.



① PROPOSED DOOR & WINDOW SCHEDULES

1 : 200

Door Schedule

Mark	Type Mark	Type	Height	Width	Level	Frame Material	Comments
1	D.1	SINGLE DOOR - 2100H 1100W	2100	1100	GRAN. FL	ALUMINIUM FRAMED WINDOW	
2	D.2	SINGLE DOOR - 2100H 820W	2100	820	GRAN. FL	ALUMINIUM FRAMED WINDOW	
3	D.2	SINGLE DOOR - 2100H 820W	2100	820	GRAN. FL	ALUMINIUM FRAMED WINDOW	

Window Schedule

Mark	Type Mark	Type	Height	Width	Sill Height	Level	Frame Material	Comments
1	W.1	AWNING - 1500H 700W	1500	700	600	GRAN. FL	ALUMINIUM FRAMED WINDOW	
2	W.1	AWNING - 1500H 700W	1500	700	600	GRAN. FL	ALUMINIUM FRAMED WINDOW	
3	W.1	AWNING - 1500H 700W	1500	700	600	GRAN. FL	ALUMINIUM FRAMED WINDOW	
4	W.2	SLIDING - 600H 1800W	600	1800	1500	GRAN. FL	ALUMINIUM FRAMED WINDOW	
5	W.3	SLIDING - 600H 1200W	600	1200	900	GRAN. FL	ALUMINIUM FRAMED WINDOW	
6	W.4	SLIDING - 600H 900W	600	900	1800	GRAN. FL	ALUMINIUM FRAMED WINDOW	
7	W.2	SLIDING - 600H 1800W	600	1800	1500	GRAN. FL	ALUMINIUM FRAMED WINDOW	
8	W.2	SLIDING - 600H 1800W	600	1800	1500	GRAN. FL	ALUMINIUM FRAMED WINDOW	

ISSUE	DATE	AMENDMENT

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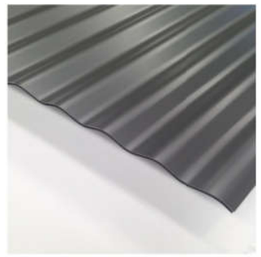
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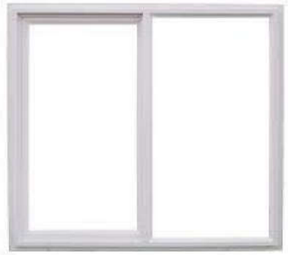
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SHEET NAME: PROPOSED DOOR & WINDOW SCHEDULES
DRAWING NUMBER: **A08**
ISSUE NO.

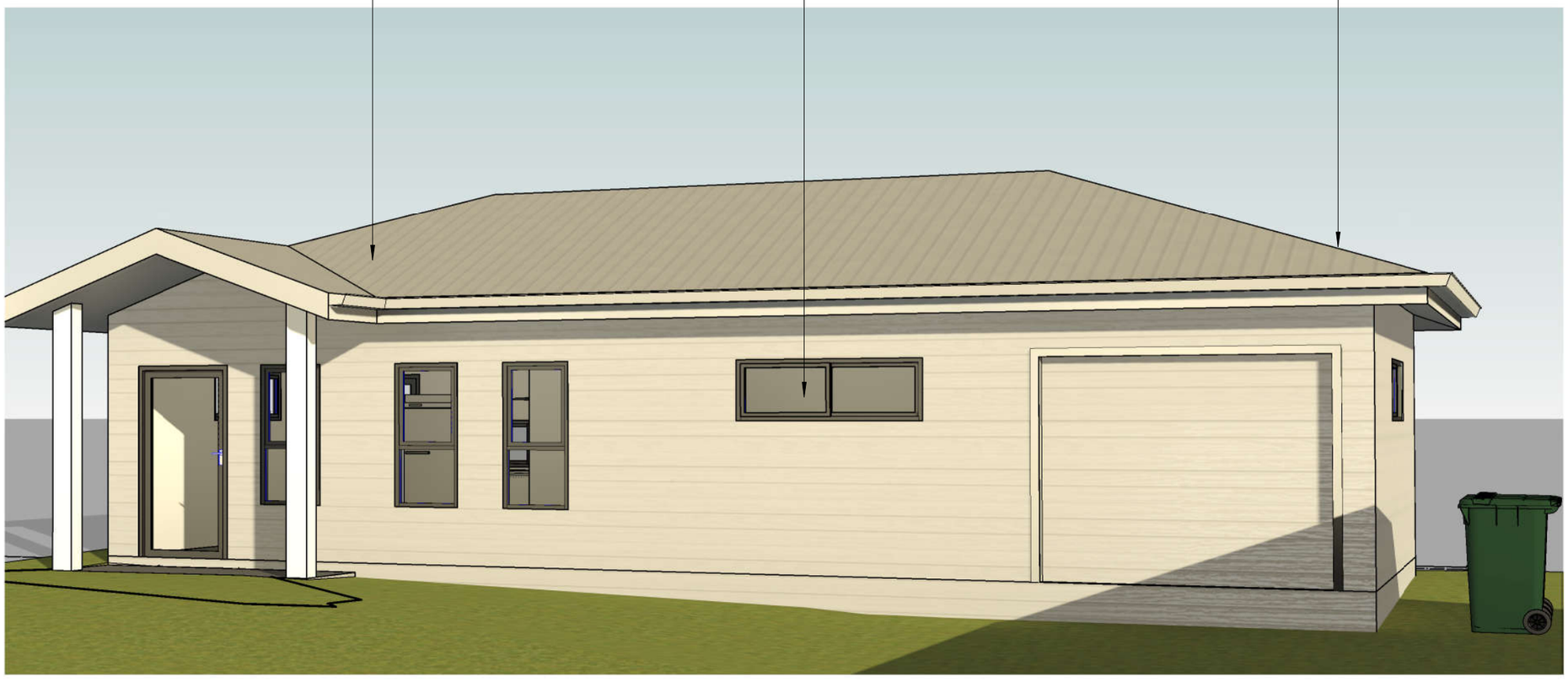


BORAL
COLORBOND ROOF SHEET
OR EQUIVALENT



STEGBAR
ALU. SLIDING DOORS/ WINDOWS
OR EQUIVALENT

COLORBOND



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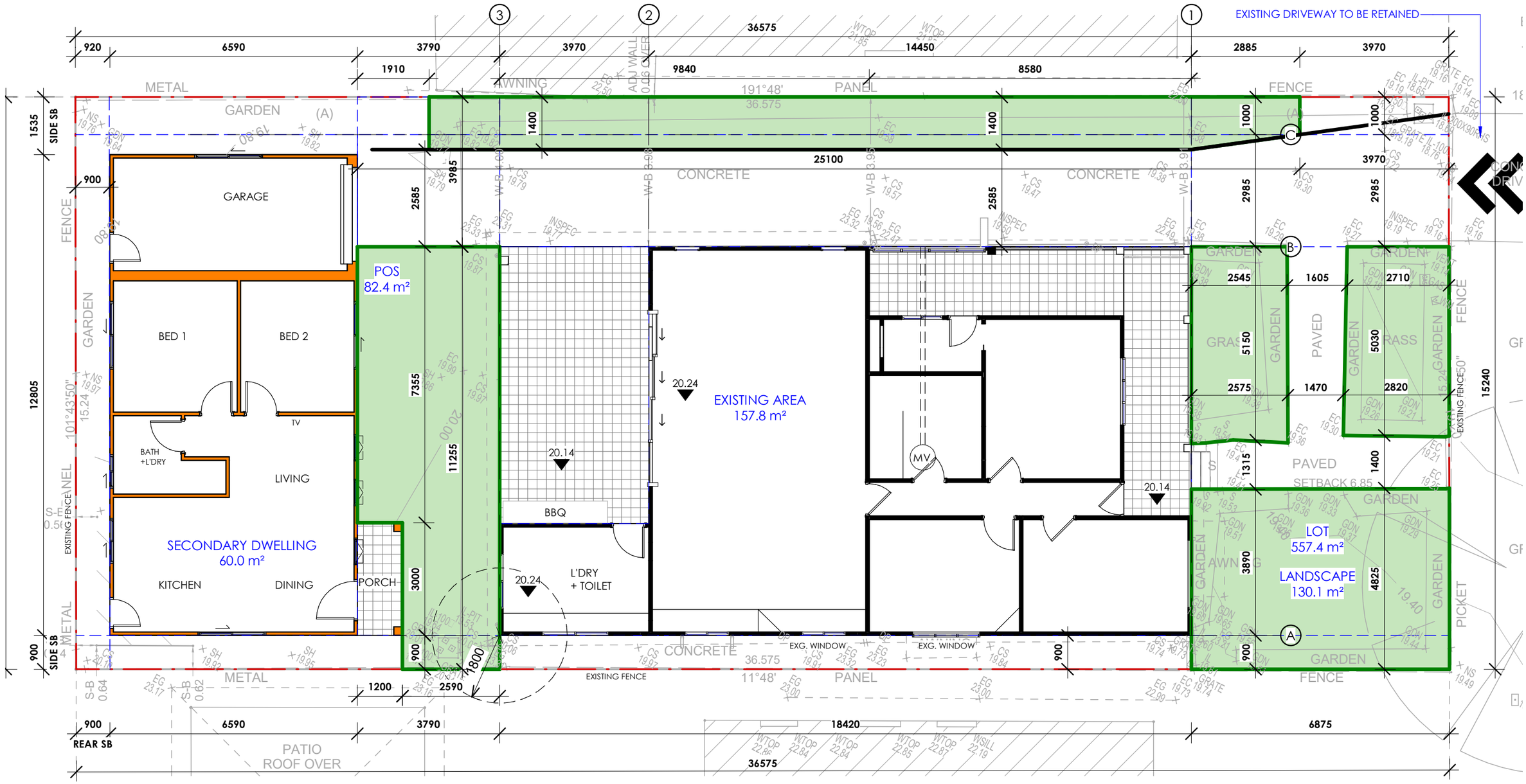
NOMINATED ARCHITECT - C M CHAU
REGISTRATION NUMBER 10669

www.mkcastudio.com.au
Email: mike@mkcastudio.com.au
PO BOX 4071, STRATHFIELD SOUTH NSW 2136

PROJECT
PROPOSED SECONDARY DWELLING
ADDRESS
LOT 21/ DP881750 - NO. 30 Lansdowne Street, Merrylands NSW 2160

SHEET SIZE: A3
SCALE
DATE
6/26/2025
1:35:43 PM

SHEET NAME MATERIALS
DRAWING NUMBER **A09**
ISSUE NO.



1 LANDSCAPE CALCULATION PLAN
1 : 100

ISSUE	DATE	AMENDMENT

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PROJECT
PROPOSED SECONDARY DWELLING
ADDRESS
LOT 21/ DP881750 - NO. 30 Lansdowne Street, Merrylands NSW 2160

SHEET SIZE: A3
SCALE 1 : 100
DATE 6/26/2025 1:35:44 PM

NORTH

SHEET NAME: LANDSCAPE CALCULATION PLAN
DRAWING NUMBER: **A10**
ISSUE NO.

DOCUMENTS ASSOCIATED WITH REPORT ELPP017/25

Attachment 3

Clause 4.6 Variation

REQUEST TO VARY DEVELOPMENT STANDARD

30 LANSDOWNE STREET MERRYLANDS



CIVIC TOWN PLANNING

Project Details

Project: Erection of a detached secondary dwelling

Property: Lot 21, DP 881750, No. 30 Lansdowne Street, Merrylands NSW 2160

LGA: Cumberland

Client: MKCA Studio

Document Control

Date	Purpose	Issue	Author	Reviewed
13.03.25	Draft for Review	1	MS	MS
17.06.25	Amendments	2	MS	MS
20.06.25	Amendments	3	MS	MS

Signed:



Mark Stephenson
UNSW BTP (Hons)

Date: 20 June 2025

Author

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mail@civictp.com.au

ABN: 62 494 302 604

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This report has been prepared with due care and diligence by Civic Town Planning and the statements and opinions provided in this report are given in good faith and in the reasonable belief that they are correct and not misleading, subject to the limitations above. The preparation and submission of this report does not guarantee approval from the consent authority.

1.0 Introduction

This Clause 4.6 report has been prepared to accompany a Development Application submitted to Cumberland Council for the erection of a detached secondary dwelling to the rear of an existing dwelling located on Lot 21, DP 881750, also known as No. 30 Lansdowne Street, Merrylands.

The site is zoned R2 Low Density Residential under the Cumberland LEP 2021. The proposed erection of a secondary dwelling is permitted within the R2 zone pursuant to Chapter 3 of SEPP (Housing) 2021.

Clause 53 of SEPP Housing contains two non-discretionary development standards, that if complied with, prevents Council from requiring more onerous standards relating to those matters. Clause 53 is replicated in full below:

> ***53 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 a secondary dwelling that, if complied with, prevent the consent authority from requiring more onerous standards for the matters.*
>
> ***Note—***
> *See the Act, section 4.15(3), which does not prevent development consent being granted if a non-discretionary development standard is not complied with.*
>
> *(2) The following are non-discretionary development standards in relation to the carrying out of development to which this Part applies—*
> *(a) for a detached secondary dwelling—a minimum site area of 450m^2,*
> *(b) the number of parking spaces provided on the site is the same as the number of parking spaces provided on the site immediately before the development is carried out.*

With respect, it is considered that Council has incorrectly interpreted this standard by stating that car parking cannot be increased. That is not the intent of the development standard. The objective of this standard is to ensure *"that, if complied with, prevent the consent authority from requiring more onerous standards for the matters".*

The Object of Clause 53 operates to prohibit Council from imposing a more onerous requirement if (2)(a) or (2)(b) are met. For (2)(a), this would mean that, if the site has an area of at least 450m2, then Council could not require the site to have an area greater than 450m² and could not refuse the application based on site area not being adequate. However, Council has the discretion to approve the development on a lot with an area less than 450m².

For (2)(b), this would mean that, if the number of spaces remains the same, then Council could not require the provision of more spaces, even if Council's DCP requires more. However, Council has the discretion to still approve the development even if less parking is provided. Council certainly has the discretion to approve the development in the event that more car parking is proposed, as is the case in the current application. This is achieved through the **'Note'**, which provides Council with discretion to approve the development even if the standard is not complied with, and this is facilitated through the application of Clause 4.6.

Accordingly, a Clause 4.6 request has been prepared for Council's consideration to allow more parking than is technically required.

2.0 Variation to Development Standard

Clause 4.6 provides a mechanism for Councils to be flexible in the application of planning controls where applications do not comply with a certain development standard, and it can be suitably demonstrated that compliance in the circumstances is unreasonable or unnecessary.

Clause 4.6 of the Cumberland LEP 2021 is replicated below:

4.6 Exceptions to development standards

(1) The objectives of this clause are as follows—
(a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,
(b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.

(2) Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.

(3) Development consent must not be granted for development that contravenes a development standard unless the consent authority is satisfied the applicant has demonstrated that—
(a) compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and
(b) there are sufficient environmental planning grounds to justify contravening the development standard.

Note—
The Environmental Planning and Assessment Regulation 2021 requires a development application for development that proposes to contravene a development standard to be accompanied by a document setting out the grounds on which the applicant seeks to demonstrate the matters in paragraphs (a) and (b).

(4) The consent authority must keep a record of its assessment carried out under subclause (3).

(5) (Repealed)

(6) Development consent must not be granted under this clause for a subdivision of land in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots, Zone RU6 Transition, Zone R5 Large Lot Residential, Zone E2 Environmental Conservation, Zone E3 Environmental Management or Zone E4 Environmental Living if—

(a) the subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or
(b) the subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard.

(7) (Repealed)

(8) This clause does not allow development consent to be granted for development that would contravene any of the following—
(a) a development standard for complying development,
(b) a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 applies or for the land on which such a building is situated,
(c) clause 5.4.
(caa) clause 5.5.

Provided below is a written request seeking a variation to Clause 53(2)(b) of State Environmental Planning Policy (Housing) 2021. Clause 53 operates to restrict Council from applying more onerous stands in the event that the subject development complies with those standards. In this case, if:

(b) the number of parking spaces provided on the site is the same as the number of parking spaces provided on the site immediately before the development is carried out.

Clause 4.6(2) relevantly provides that a development standard in any environmental planning instrument may be varied, unless it is expressly excluded from the operation of Clause 4.6, which is not the case in this instance.

As noted above, Council is provided with the discretion to approve the development in the event that the development standard is not complied with, and this is via the application of Clause 4.6.

This written request follows the format as provided in *Appendix 3: Application Form to vary a development standard* contained within *Varying Development Standards: A Guide* prepared by the NSW Department of Planning and Infrastructure, dated August 2011.

2.1 Request to vary Development Standard

1. What is the name of the environmental planning instrument that applies to the land?

State Environmental Planning Policy (Housing) 2021

2. What is the zoning of the land?

R2 Low Density Residential

3. What are the objectives of the zone?

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

4. What is the development standard being varied? e.g. FSR, height, lot size

Number of car parking spaces

5. Under what clause is the development standard listed in the environmental planning instrument?

Clause 53(2)(b)

6. What are the objectives of the development standard?

(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.

7. What is the numeric value of the development standard in the environmental planning instrument?

- There is no numerical value stated.

8. What is the proposed numeric value of the development standard in your development application?

- 1 additional parking space

9. What is the percentage variation (between your proposal and the environmental planning instrument)?

- 100%

10. How is strict compliance with the development standard unreasonable or unnecessary in this particular case?

The Land and Environment Court has set a 5 part test to determine whether an objection is well founded:

1. the objectives of the standard are achieved notwithstanding non-compliance with the standard;

The objective of this clause is again replicated below:

(2) 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.

The objective of this clause is not to ensure that the number of car parking spaces remain the same. It is to ensure that, if the number of car spaces currently on site is maintained, then Council is unable to impose a more onerous requirement (such as the provision of additional parking to satisfy a DCP control), and is not able to able to refuse the development based on non-compliant car parking.

In other words, the development should not cause the number of car parking spaces to be reduced (for example, through the demolition of a garage to facilitate the secondary dwelling, or the conversion of a garage to a secondary dwelling). If car parking is affected by the proposal, only then does Council have the discretion to impose a minimum car parking requirement (such as required in a DCP), and then also has the discretion to refuse the application based on inadequate or insufficient parking.

The object of this clause is nonetheless achieved even with an additional car space provided.

2. the underlying objective or purpose of the standard is not relevant to the development and therefore compliance is unnecessary;

As noted above, the purpose of the clause is not to restrict the provision of additional parking, it is to ensure that, if the current level of parking is maintained, then Council cannot impose a more onerous requirement (such as a DCP requirement or otherwise).

The purpose of the standard is irrelevant in this case, because the application proposes additional parking, and thus compliance with the standard is unnecessary.

3. the underlying object or purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable;.

The manner in which Council is interpreting this clause means that the underlying objective is hindered. Compliance with the standard, as interpreted by Council, is unreasonable and unnecessary, any lacks any planning purpose.

4. ***the development standard has been virtually abandoned or destroyed by the council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable;***

   Not applicable in this case

5. ***the compliance with the development standard is unreasonable or inappropriate due to existing use of the land and current environmental character of the particular parcel of land. That is, the particular parcel of land shown should not have been included in the zone.***

   Not applicable in this case

11. How would strict compliance hinder the attainment of the objects specified in Section 5(a)(i) and (ii) of the EP&A Act.

Clause 1.3 replaces Section 5 of the EP&A Act, and specifies the objects of this Act as follows:

(a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,
(b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,
(c) to promote the orderly and economic use and development of land,
(d) to promote the delivery and maintenance of affordable housing,
(e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,
(f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),
(g) to promote good design and amenity of the built environment,
(h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,
(i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,
(j) to provide increased opportunity for community participation in environmental planning and assessment.

Should the offending clause be incorrectly applied in this case, then objective (c) would be hindered as it is contended that the proposal promotes the orderly and economic use of the land, regardless of the number of additional parking spaces proposed.

Note: If more than one development standard is varied, an application will be needed for each variation (eg FSR and height).

There are no other variations proposed.

12. Is the development standard a performance based control? Give details.

No

13. Would strict compliance with the standard, in your particular case, be unreasonable or unnecessary? Why?

Yes, refer to discussion under point 10.

14. Are there sufficient environmental planning grounds to justify contravening the development standard? Give details.

This request provides that there are sufficient environmental planning grounds to justify varying the standard in this particular instance, as provided below:

- The objective of this clause is not to ensure that the number of car parking spaces remain the same. It is to ensure that, if the number of car spaces currently on site is maintained, then Council is unable to impose a more onerous requirement (such as the provision of additional parking to satisfy a DCP control) and is unable to refuse the development based on non-compliant car parking.

  In other words, the development should not cause the number of car parking spaces to be reduced (for example, through the demolition of a garage to facilitate the secondary dwelling, or the conversion of a garage to a secondary dwelling). If car parking is affected by the proposal, only then does Council have the discretion to impose a minimum car parking requirement (such as required in a DCP) and has the discretion to then refuse the application based on inadequate or insufficient parking.

- There is absolutely no reason why Council should be restricting the provision of additional car parking in this situation. The provision of a garage space provides the occupants of the dwelling or the secondary dwelling a secure place to park their car that is also sheltered from the elements.

- The provision of a garaged parking space does not interfere with the proposal's ability to comply with other development controls, such as landscaping and private open space.

- The garage does not adversely affect the presentation of the secondary dwelling. Whilst subjective, it is considered that the garage provides for a more balanced façade than would otherwise be achieved with a smaller building footprint without the garage.

- It is noted that the development complies with the relevant development standards in the LEP and the DCP, which would indicate that the development is appropriate from both a performance and a prescriptive perspective.

3.0 Conclusion

This Clause 4.6 report has been prepared to accompany a Development Application submitted to Cumberland Council for the erection of a detached secondary dwelling to rear of an existing dwelling located on Lot 21, DP 881750, also known as No. 30 Lansdowne Street, Merrylands.

The report provides a written request to vary a development standard, specifically Clause 53(2)(b) of State Environmental Planning Policy (Housing) 2021, which aims to ensure that, if the number of car spaces currently on site is maintained, then Council is unable to impose a more onerous requirement, and is not able to able to refuse the development based on non-compliant car parking.

Council's interpretation of this clause is incorrect, and this interpretation hinders the attainment of the clause's primary objective, which is clearly stated in the clause:

> *The object of this section is to identify development standards….that, if complied with, prevent the consent authority from requiring more onerous standards for the matters.*

There is absolutely no reason why Council should be restricting the provision of additional car parking in this situation, which provides a garage allowing secure parking sheltered from the elements. Council's request in this instance is unnecessary and unreasonable.

It is respectfully asked that Council support the Clause 4.6 written request to vary the development standard and approve the application as submitted.

DOCUMENTS ASSOCIATED WITH REPORT ELPP017/25

Attachment 4

Statement of Heritage Impact

STATEMENT OF HERITAGE IMPACT

30 Lansdowne Street Merrylands



Maelan Pty Limited
Cultural Heritage Consultancy

9 Douglas Haig Street
Oatley NSW 2223
Tel. 0403 053 900
Email. Cerigo212@gmail.com

1.0 INTRODUCTION

1.1 This Statement of Heritage Impact has been prepared in support of a development application for the construction of a secondary dwelling (granny flat) and attached garage at the rear of an existing allotment at 30 Lansdowne Street, Merrylands.

1.2 The existing dwelling at 30 Lansdowne Street Merrylands is a heritage item listed in Schedule 5 of the Cumberland Local Environment Plan 2021.

1.3 Cumberland City Council as the relevant consent authority requires a heritage impact statement for development adjacent to a heritage item.

1.4 This Statement of Heritage Impact is to be read in conjunction with the architectural plans dated 5 December 2024 prepared by C M Chau, registered architect and the Statement of Environmental Effects by Civic Town Planning dated 10 January 2025.

1.5 It is also informed by a Heritage Impact Statement by Ian Rufus dated January 2021 which was lodged in support of a development application (DA 2021/0076) for the demolition of the then existing garage and alterations and additions to the existing dwelling on the site.

2.0 AUTHORSHIP

2.1 The assessment of potential heritage impact has been undertaken by George Vardas BA. LLB., cultural heritage consultant.

3.0 METHODOLOGY

3.1 This Statement of Heritage Impact has been prepared in accordance with the standard guidelines of the NSW Heritage Manual prepared by the NSW Heritage Office and Burra Charter of Australia ICOMOS and its Guidelines for Assessment of Cultural Significance.

3.2 Its main objective is to determine the suitability of the proposed secondary dwelling and the heritage impact of the proposal having regard to the heritage controls of Cumberland City Council.

4.0 RELEVANT PLANNING INSTRUMENTS AND CONTROLS

4.1 The relevant planning instruments and controls are the Cumberland Local Environmental Plan 2021 (LEP) and the Cumberland Development Control Plan 2021 (DCP).

Cumberland Local Environmental Plan 2021

4.2 Clause 5.10(1) of Part 5 of the LEP provides that the heritage conservation objectives 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.

4.3 Clause 5.10(2)(e) relevantly stipulates that development consent is required for erecting a building on land on which a heritage item is located.

4.4 Clause 5.10(4) provides that the consent authority must, before granting consent under this clause in respect of a heritage item, consider the effect of the proposed development on the heritage significance of the item concerned.

4.5 The consent authority may, before granting consent to any development on land on which a heritage item is located 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 concerned: Clause 5.10(5).

Cumberland Development Control Plan 2021

4.6 The relevant development objectives and controls are contained in "Part G2 Heritage" of the Cumberland DCP and essentially require that new dwellings on sites occupied by a heritage item shall be designed and constructed in a manner that does not detract from the historic significance of that item.

5.0 SITE LOCATION AND CONTEXT

5.1 The subject site, known as 30 Lansdowne Street Merrylands (Lot 21 in DP 881750) is depicted in the LPI Spatial Information eXchange (SIX) image below:



5.2 The original cottage at 30 Lansdowne Street Merrylands was built in around 1910 and was a highly intact Federation timber cottage, having fine exterior detailing, making it a good representative example.

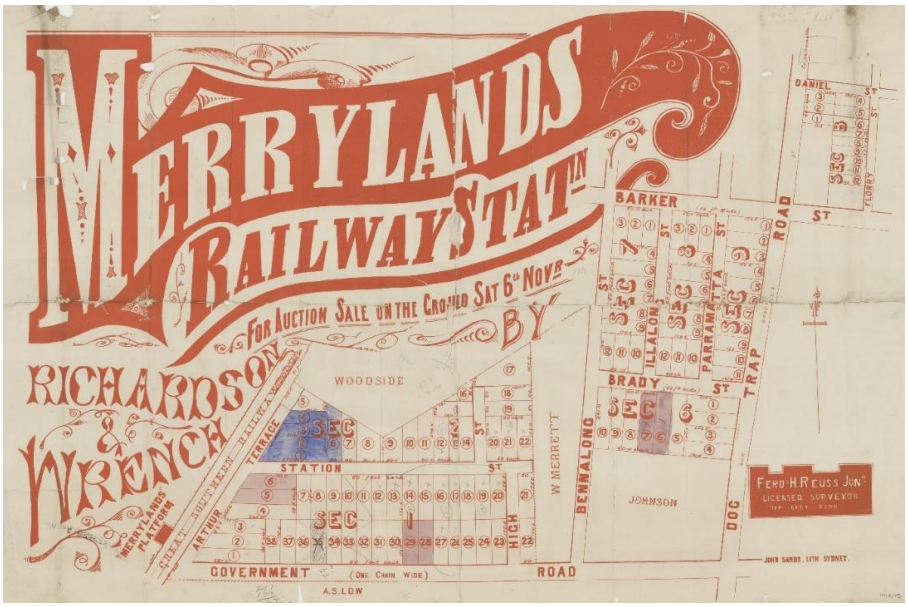


5.3 The cottage is a heritage listed item as defined by Schedule 5 of the Cumberland LEP 2021 and is referred to as "Brookvale Cottage".

5.4 It is not located within a Heritage Conservation Area nor is it located in the vicinity of any heritage listed items.

6.0 HISTORY OF 30 LANSDOWNE STREET MERRYLANDS

6.1 The suburb of Merrylands was named after the English home of politician and explorer Arthur Todd Holroyd who acquired land in the area in 1855. The area of Merrylands was largely agricultural and remained sparsely populated until the 1880s.[1]

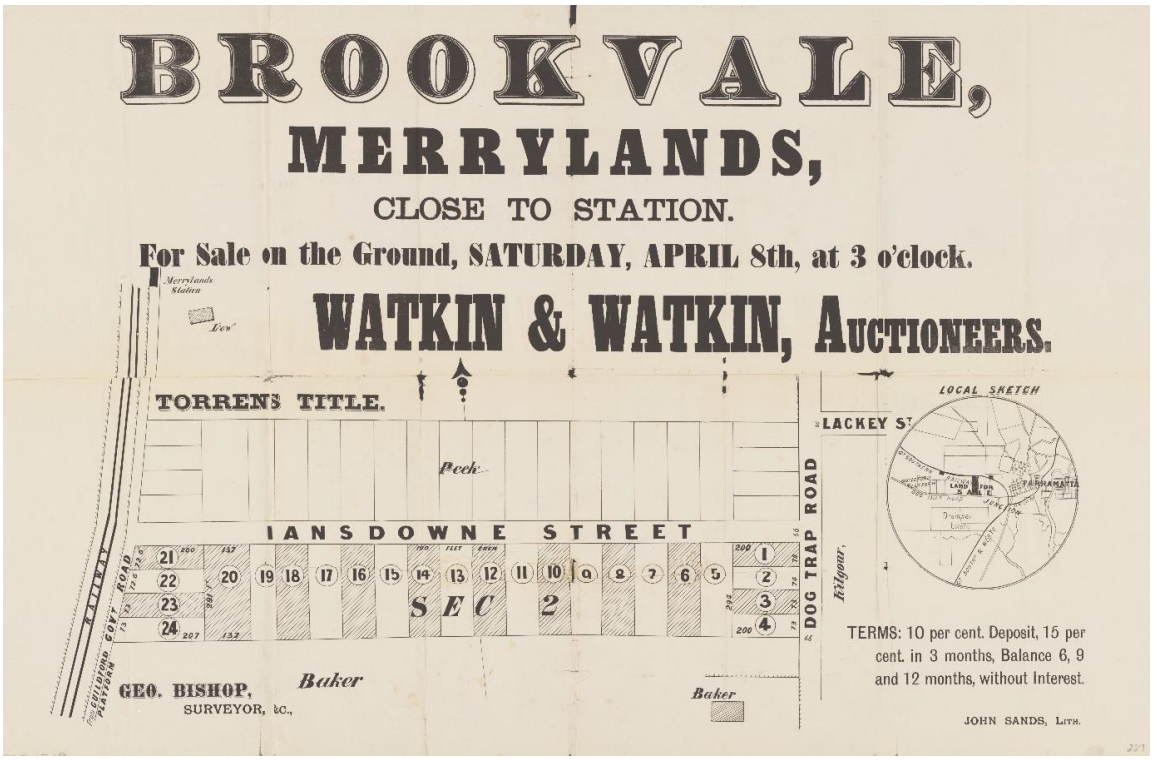


Merrylands Railway Station sale plan – 1880. 1880018 - Z/SP/M14/18 – SLNSW6

[1] Heritage Study 2020 – Extent Heritage Pty Ltd

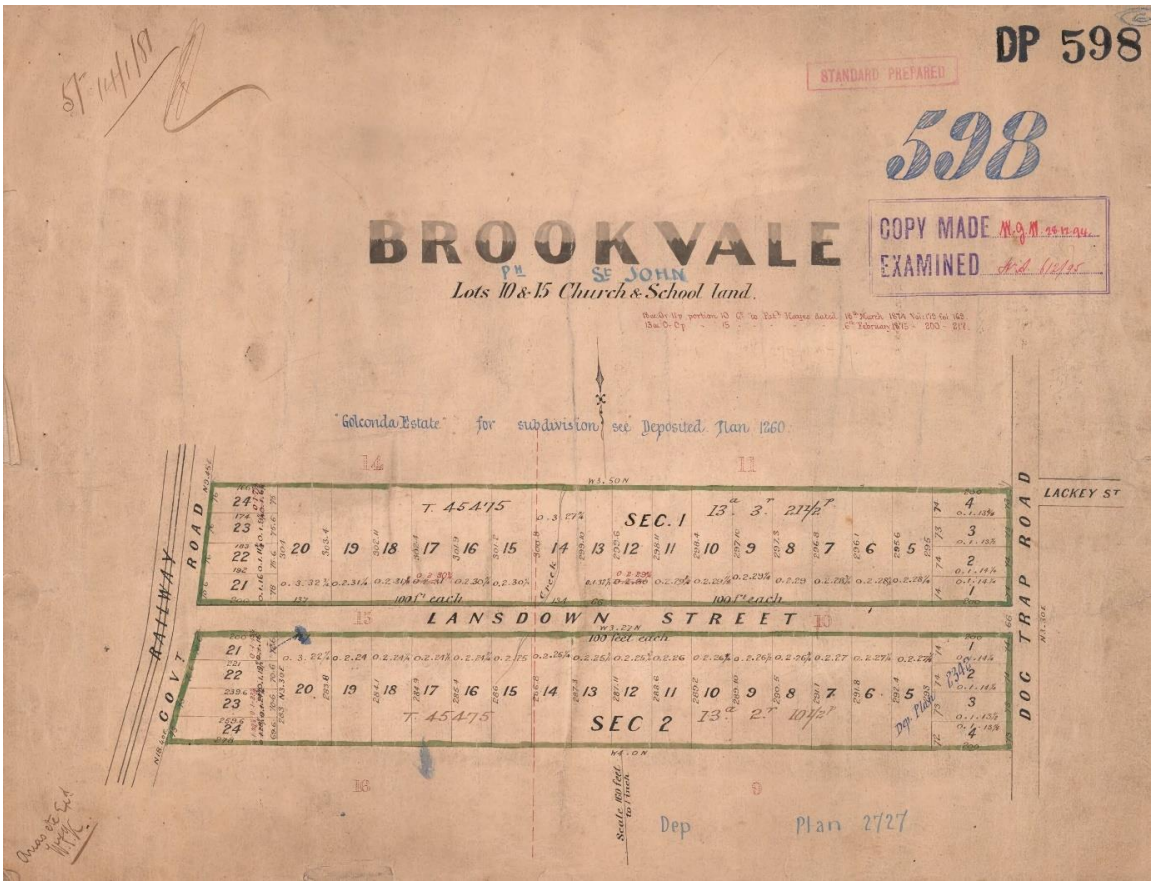
6.2 With the opening of the Merrylands railway station in 1878, there was a surge in land speculation. The first housing subdivisions near the railway line were released in the 1880s.

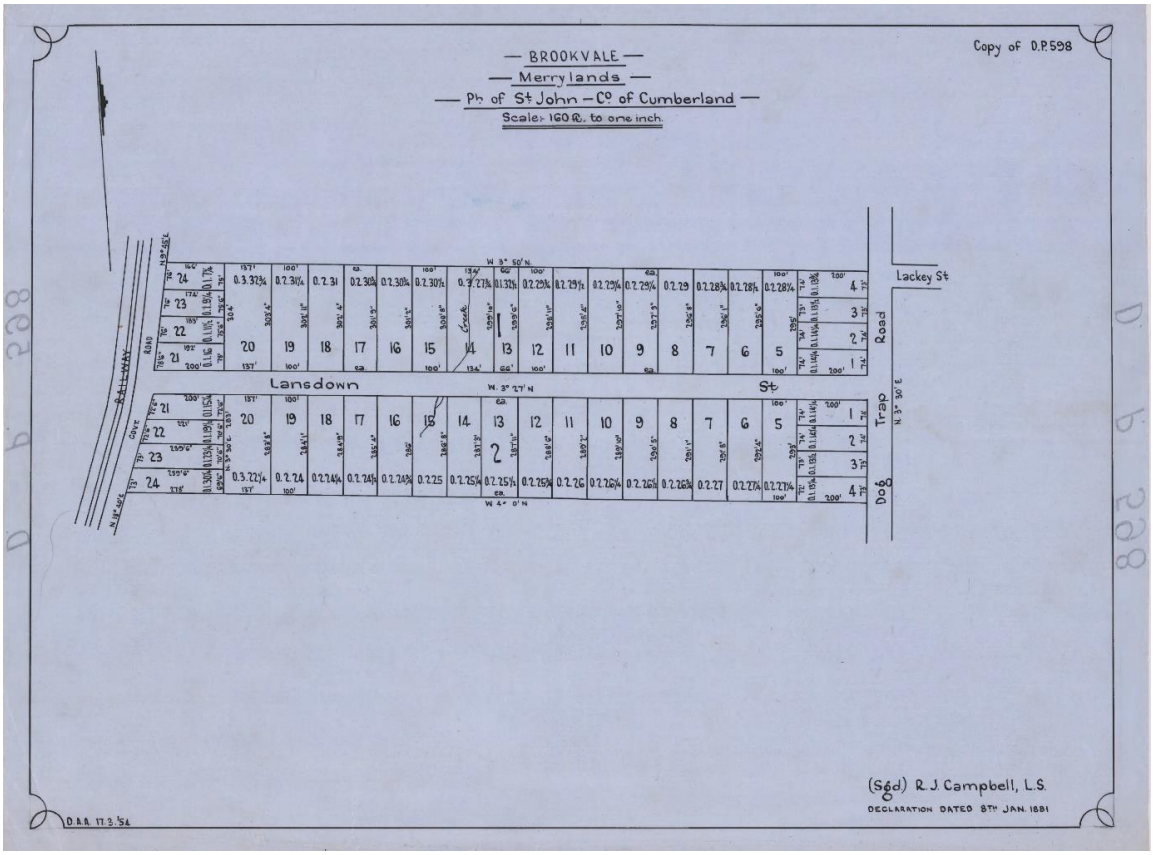
6.3 The land on which the subject property is situated was subdivided in circa 1881 as 'Brookvale Estate' in 100 feet wide allotments with the sale by auction of lots in Lansdowne Street conducted in 1882.



Brookvale subdivision, Merrylands - Lansdowne St, Dog Trap Rd, 1882 –SLNSW053 - Z/SP/M14/527

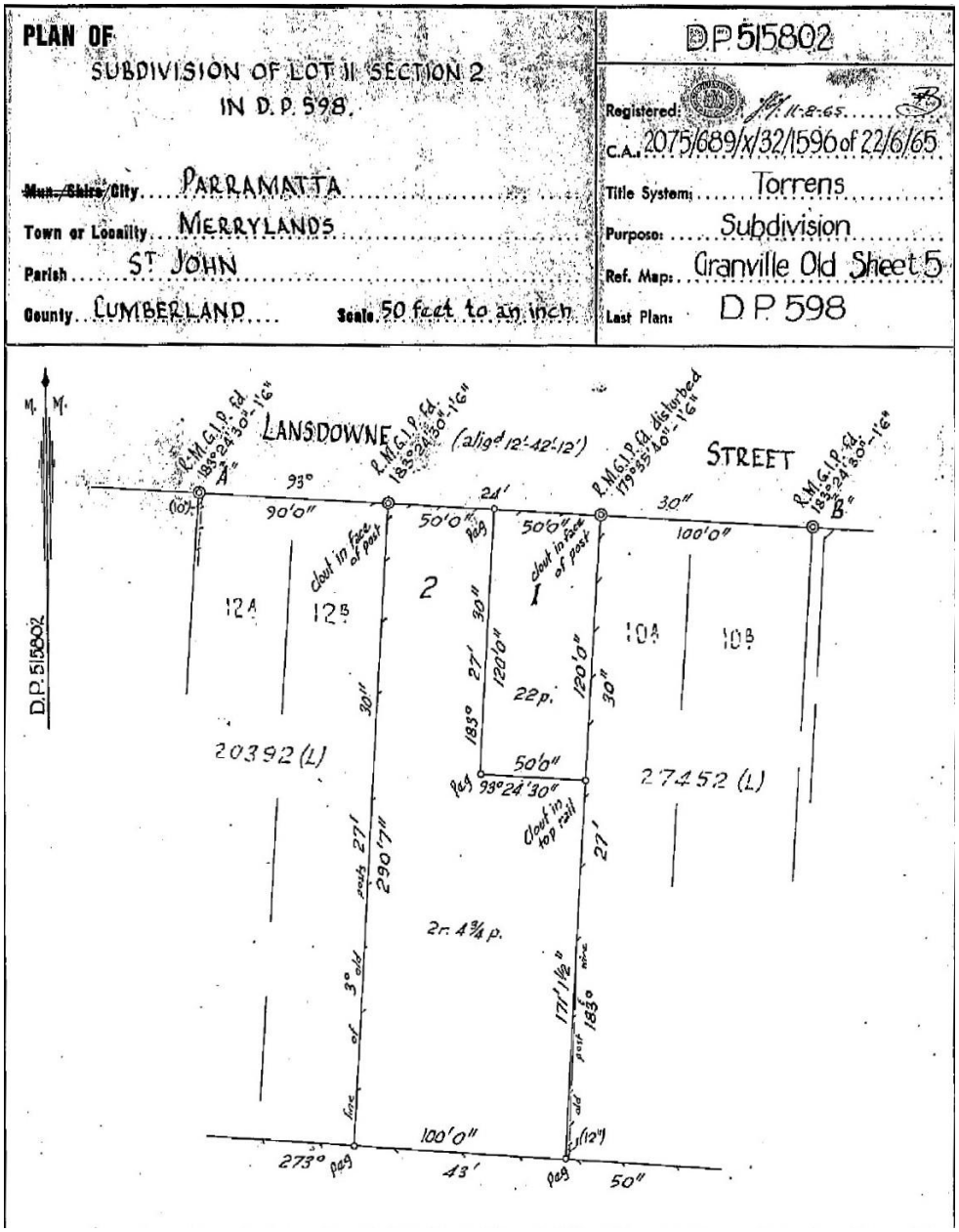
6.4 Deposited Plan 598 was registered in 1881 and the subject site formed part of Lot 11 in Section 2, although the street was recorded as Lansdown (sic).


DP 598
STANDARD PREPARED
598
BROOKVALE
Pm St JOHN
Lots 10 & 15 Church & School land.
COPY MADE
EXAMINED
Golconda Estate for subdivision see Deposited Plan 1260
T. 45475
SEC. 1
13a. 3r. 27½p.
LANSDOWN STREET
100 feet each
T. 45475
SEC 2
13a. 2r. 10½p.
LACKEY ST
DOG TRAP ROAD
GOVT ROAD
RAILWAY
Dep Plan 2727

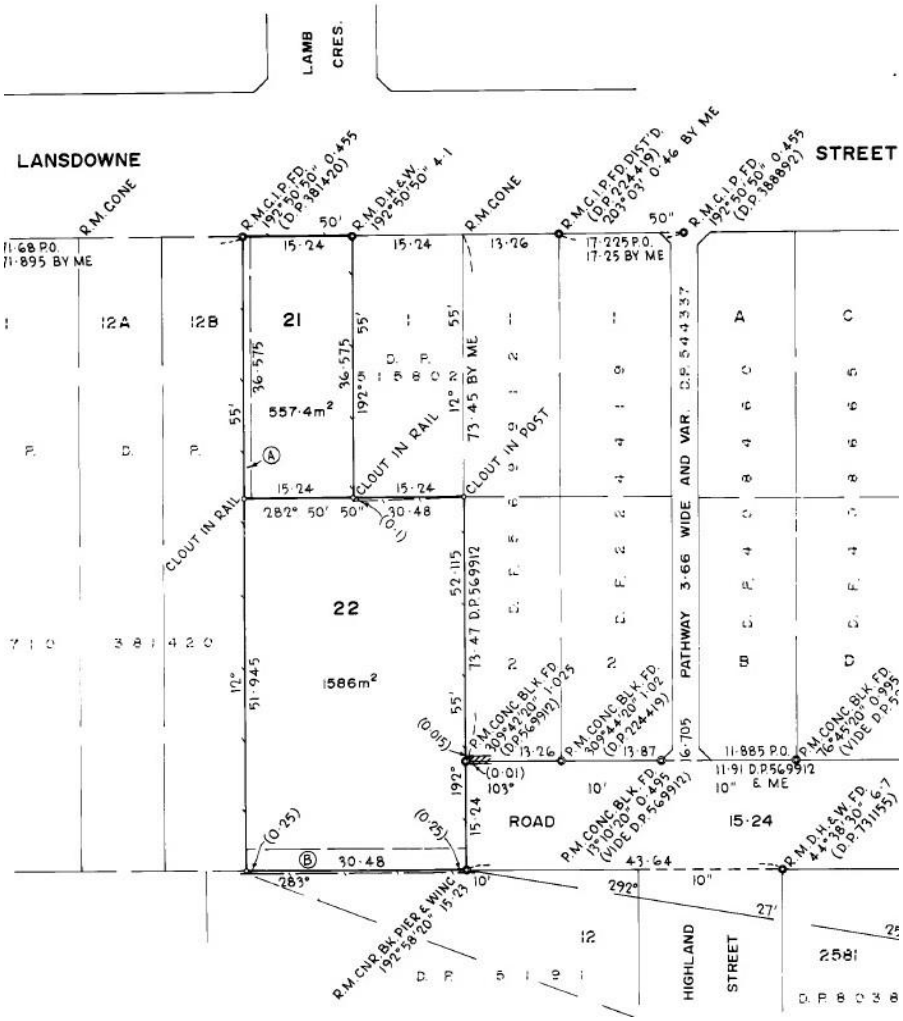

— BROOKVALE —
— Merrylands —
— Ph of St John — Co of Cumberland —
Scale 160 ft. to one inch.
Copy of D.P.598
Lansdown St
Lackey St
Road
Trap
Dog
(Sgd) R. J. Campbell, L.S.
DECLARATION DATED 8TH JAN. 1881

6.5 The original timber and corrugated iron clad cottage was built around 1910.

6.6 In 1965 Lot 11 in DP 598 was subdivided into two separate lots, one being Lot 2 in the newly-created DP515802.



6.7 In 1998 a further subdivision of Lot 2 in DP 515802 resulted in the creation of Lot 21 in DP 881750 upon which the existing residence at 30 Lansdowne Street Merrylands stands.



Statement of Significance

6.8 The original dwelling at 30 Lansdowne Street Merrylands was a Federation Arts and Craft cottage, dating back to 1910. It is of local significance for its historic, aesthetic and representative values, retaining its aesthetic significance as a highly intact Federation cottage with fine detailing to the roof and verandah.

6.9 According to the original heritage listing for the site:

6.10 The item is a single storey Federation cottage with rusticated weatherboard walls and a corrugated iron roof. The roofscape is a gablet with a projecting gable to the front. It is clad in corroded corrugated iron. The timber barge board is highly decorative and includes a cross bar and a finial. There are two tall brick chimneys with two rows of saw-tooth bricks below the step and tall terracotta pots. A verandah extends across the front to the projecting gable with a return to west side.

The verandah has a bullnose roof clad with corrugated iron supported on square tapered timber posts with scrolled valance between posts on the front side. The western edge of the verandah is infilled with timber panels and timber framed windows. The windows are timber framed casements with three multicoloured glazed panes along the base. They have scrolled timber undersills and reeded timber architraves. The window on the projecting gable has a timber shingled skillion awning supported by ladder brackets and turned posts. The front door has a transom light above a glazed square upper pane and three recessed vertical timber panels below lock rail.

6.11 In 2021, a development application was lodged to effect a major renovation given that it presented in a highly decayed state and required extensive repair work to be carried out.





6.12 The 2021 development approval allowed for the demolition of the existing garage at the rear of the site and the addition of a rear attached patio as well as a new laundry and bathroom at the rear of the dwelling, together with extensive renovations. External modifications were to be carried out to the façade of the dwelling. A new colorbond roof would be installed over the extended part with the replacement of the existing skillion roof, behind the pitched roof. Internal modifications to the building included the removal of internal walls for the existing dining room, kitchen, laundry and bathroom to create a new open living/dining room and kitchen as well as other minor design changes.

6.13 The development applicant (the then and current owner) was directed to carry out the restoration works in a manner to ensure that the heritage foundations and significance of the site were preserved.

6.14 Extensive work was required to conserve the fabric of the property. The original chimneys were retained. The original verandah was partially reopened to reveal most of the original verandah and partial return. All the existing original timber doors and windows were retained, as well as the detailing on the openings and verandahs.

6.15 The superb transformation of the once severely decayed dwelling to its current appearance as a Federation cottage with Arts and Craft architectural influences has enhanced the heritage significance of the dwelling and the property, as captured in the photographic montage below:





Federation Arts and Craft streetscape enhanced





Rear of the dwelling: before and after





Internal kitchen makeover





Rear yard following demolition of old garage

7.0 CURRENT STATUS OF HERITAGE ITEM

7.1 Built as a Federation Arts and Craft style cottage, many of its original features had been lost as a result of the ravages of time until the current owner undertook a masterful restoration with careful attention to detail and high-quality workmanship and finishes.

7.2 The dwelling externally now demonstrates a high integrity.

7.3 Its architectural features include an asymmetrical facade and street facing gable, weatherboard walls, conspicuous roof form, tall face brick chimneys with terracotta chimney pots, casement windows, bullnosed profile verandah roofing and elegant timber gable finial which underscore the restored cottage's picturesque Arts and Craft expression. [2]

7.4 The old garage to the rear of the allotment was demolished as a result of the 2021 development approval. That garage had negligible historical significance to the site.



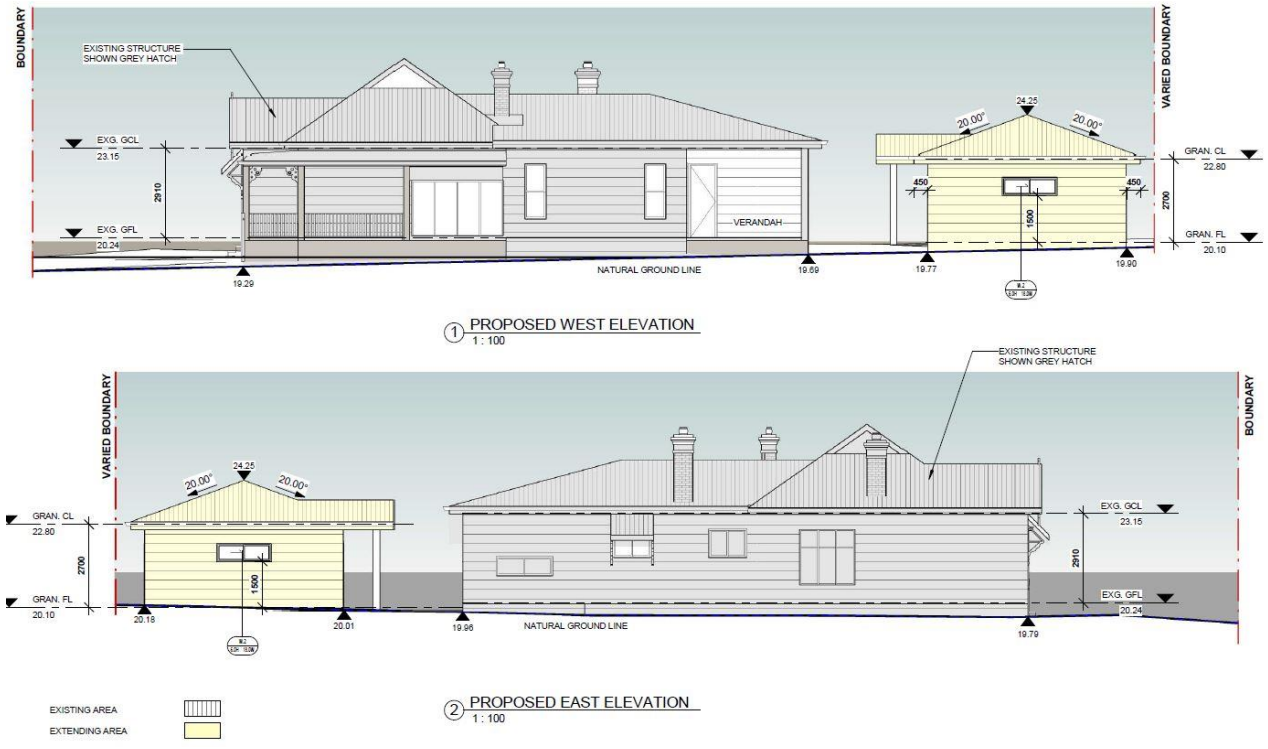
[2] Richard Apperly et al, A Pictorial Guide to Identifying Australian Architecture: Styles and Terms from 1788 to the Present (Sydney, NSW, Angus & Robertson Sydney, 1989), p. 142.

8.0 PROPOSED SECONDARY DWELLING - HERITAGE ASSESSMENT

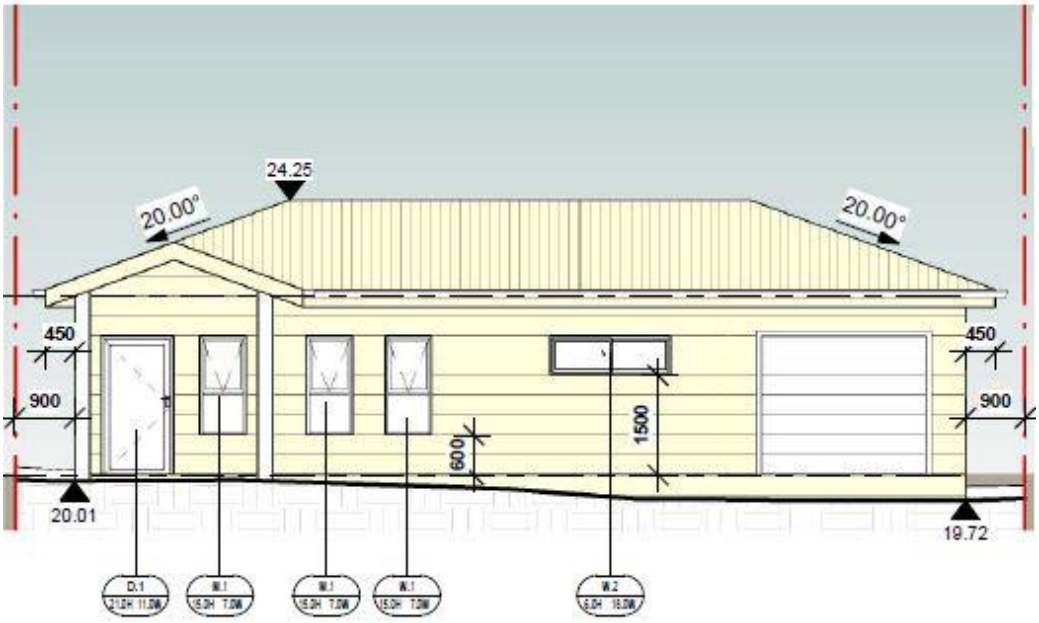
8.1 The object of this Heritage Impact Statement is to assess the impact of the proposed construction of a 2 bedroom, single storey contemporary style secondary dwelling (granny flat) with kitchen, bathroom and living area and an attached single car garage at the rear of an existing allotment at 30 Lansdowne Street, Merrylands being a heritage site.

8.2 The existing heritage item has been extensively renovated as outlined above.

8.3 The proposed east-west elevations of the proposed development depicting the existing dwelling and the proposed secondary dwelling and garage are reproduced below:



8.4 The pertinent north south elevations are reproduced below:



① PROPOSED SOUTH ELEVATION
1 : 100



② PROPOSED NORTH ELEVATION
1 : 100

8.5 The proposed palette for the cladding, roof and windows incorporates the following colours and compatible modern materials to complement the period and style of the heritage item (as restored):

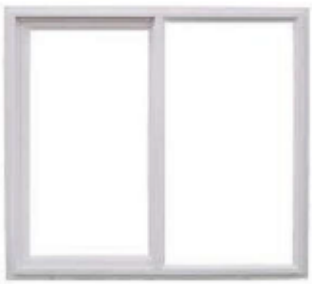


BORAL
COLORBOND ROOF SHEET
OR EQUIVALENT

Colorbond roofing to match roofing on heritage item



Dulux Beige Royal Half weatherboard cladding



Natural white windows and doors

8.6 The proposed secondary dwelling might increase the density of development to the site but is consistent with the density of other dwellings in the near vicinity, with secondary dwellings located on both of the adjoining properties on Lansdowne Street and medium density development to the rear at Highland Street, as captured below. As such it maintains the pattern of development.



8.7 The view from the rear of the existing dwelling of the secondary dwelling constructed on the allotment at 28A Lansdowne Street is captured below:



8.8 The rear yard where the proposed second dwelling and garage is to be constructed is presently overlooked by the substantial medium density development at 24-24B Highland Street Merrylands.



8.9 The existing vegetation and landscaping will be retained and will not be affected by the proposed secondary dwelling.

8.10 The proposed secondary dwelling and garage will be located to the rear of the site and set away from the existing heritage listed dwelling and will not be visible along Lansdowne Street, especially behind the existing driveway gate.



8.11 The detached and separated secondary dwelling will be secondary in size and scale and will be subservient to the principle heritage dwelling.

8.12 As a result, the presentation of the restored heritage item remains the same and the secondary dwelling will have no adverse impact on the ability to understand and interpret the heritage significance of the front dwelling.

8.13 In terms of the relevant Cumberland DCP objectives and controls, the location of the proposed secondary dwelling and garage will minimise any adverse impacts on the setting of the heritage item.

9.0 CONCLUSIONS

9.1 The proposed secondary dwelling, together with attached garage, situated wholly to the rear is considered to be a sympathetic solution on the site whilst maintaining the heritage integrity and significance of the exceptionally-restored Federation cottage.

9.2 There is no change to the original dwelling to the site from the proposed works.

9.3 The presentation of the heritage listed dwelling along Lansdowne Street will therefore not be affected.

9.4 The proposed secondary dwelling will result in less impact to the historical significance of the site when compared to the existing surrounding development.

9.5 The proposed secondary dwelling will incorporate similar or complementary finishes, materials and colours to the principal dwelling.

9.6 The original and now restored heritage item to the site will still be legible and still be able to be read and effectively interpreted.

9.7 The proposal is therefore able to be supported on heritage grounds.

Dated: 24 February 2025

George Vardas

References

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R E Apperly, Sydney Houses 1914-1939 (M. Arch Degree Thesis, UNSW, 1972)

R. Boyd, Australia's Home: Its Origins, Builders and Occupiers (Melbourne University Press, Melbourne, 1987)

L. Burchell, Recognising House Styles 1880s -1990s

J.M. Freeland, Architecture in Australia: A History (Penguin Books, Melbourne, 1968)

I. Rufus, Heritage Impact Statement – 30 Lansdowne Street Merrylands (January 2021)

M. Stapleton and I Stapleton, Australian House Styles (Flannel Flower Press, 1997)

Cumberland LGA Comprehensive Heritage Study (Extent Heritage Advisors, 2020/2021)

Design in Context: Guidelines for Infill Development in the Historic Environment (NSW Heritage Office, 2005) https://www.environment.nsw.gov.au/-/media/OEH/Corporate-Site/Documents/Heritage/design-in-context-guidelines-for-infill-development-historic-environment.pdf

Interpreting Heritage Places and Items: Guidelines (NSW Heritage Office, 2005)

DOCUMENTS ASSOCIATED WITH REPORT ELPP017/25

Attachment 5

Cumberland LEP Assessment

ATTACHMENT 4 – Cumberland Local Environmental Plan 2021 Compliance Table

Cumberland Local Environmental Plan 2021 (CLEP 2021)		
Clause	**Compliance**	**Comment**
Clause 1.2 Aims of Plan Is the development consistent with the aims of the LEP?	Yes	The development proposal is consistent with the aims of the Cumberland Local Environmental Plan 2021 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 and preserves the natural and built environments within Cumberland's Local Government Area and does not result in adverse amenity impacts to neighbouring properties.
Clause 2.3 Zone objectives and Land Use Table Is the development consistent with the Zone objectives?	Yes	The subject site is zoned R2 Low Density Residential. The proposal is for the construction of a secondary dwelling with an attached single garage. The erection of a *'secondary dwelling'* which is a prohibited land use under the CLEP 2021. Pursuant to Clause 50 of the State Environmental Planning Policy (Housing) 2021, secondary dwellings are permissible 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. Dwelling houses are permissible with consent within the R2 zoned land under the CLEP 2021, as such under the provisions of the SEPP (Housing) 2021 secondary dwellings are also permissible within the R2 zone.
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 4.3 Height of Buildings	Yes	In accordance with the Height of Buildings Map accompanying CLEP 2021, a maximum 9m building height is permitted for the subject site. The proposed building height complies at 4.46m (RL 24.23) and is below the roof level of the existing primary dwelling within the site.
Clause 4.4 Floor space ratio (FSR)	N/A	No FSR is applicable for development within the R2 zone. The proposed bulk and scale of the proposal is considered acceptable.
Clause 5.10 Heritage Conservation	Yes	The existing cottage house is identified as a heritage item of local significance known as Item No. I219 under Cumberland Local Environmental Plan 2021.

		The existing cottage constructed around 1910, holds historical importance due to its association with the 1881 subdivision of the 'Brookvale Estate,' which occurred following the opening of the Merrylands Railway Station and contributed to the area's development for residential housing and small-scale farming. The residence is a highly intact example of a Federation cottage, distinguished by fine detailing to the roof and verandah, and holds aesthetic significance as a representative example of the style. The submitted Heritage Impact Statement prepared by Maelan Pty Ltd Cultural Heritage Consultancy, dated 24 February 2025 describes the statement of significance as follows: "The original dwelling at 30 Lansdowne Street Merrylands was a Federation Arts and Craft cottage, dating back to 1910. It is of local significance for its historic, aesthetic and representative values, retaining its aesthetic significance as a highly intact Federation cottage with fine detailing to the roof and verandah". The proposed application seeks the construction of a secondary dwelling with an attached single garage at the rear of the site. The proposal is not visible from the streetscape and does not detract from the characteristics of the existing cottage. It is noted that the CLEP 2021 inventory solely categorises the existing cottage as being of heritage significance.
Clause 5.21 Flood Planning	N/A	The subject site is not mapped as a flood-controlled lot.
Clause 6.1 Acid Sulphate Soils	Yes	Class 5 acid sulphate soils affect the site. Suitable earthwork-related conditions are imposed under the Development consent to ensure the objectives of this clause are maintained.
Clause 6.2 Earthworks	Yes	Excavation works for the purpose of the footings are proposed. 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. Suitable earthwork-related conditions are imposed under the Development consent.
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 have been submitted with the application. Standard conditions have been imposed to ensure stormwater is suitably managed.
Clause 6.12 Urban Heat	Yes	The proposed schedule of colours 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 minimise 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 ELPP017/25

Attachment 6

Cumberland DCP Assessment

ATTACHMENT 5 – Cumberland Development Control Plan 2021 Compliance Table

Relevant Control		Compliance with Requirements	Consistency Objectives
Part B – Development in Residential Zones			
Part B1 – Dwelling Houses and Secondary Dwellings			
2.6 Site Coverage	- 450m^2 or less - max 70% - **451m^2 or greater - max 65%**	Yes – Site coverage = 221.4m^2 or 39.7%.	Yes
	The non-built upon areas shall be landscaped and/or deep soil and provide for POS.	Yes – The plans submitted demonstrate compliance with this control.	Yes
2.7 Landscaping	- 450m^2 or less - min 15% - **451m^2 or greater - min 20%**	Yes – Landscaped area with minimum width of 1m x 1m = 121.6m^2 or 21.8%.	Yes
	The landscaped area shall be a deep soil zone.	Yes – The plans submitted demonstrate compliance with this control.	Yes
	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.	No – Rear boundary length: 15.24m 50% of the rear boundary = 7.62m Proposed continuous area of deep soil = nil This is a variation of 7.62m or 100%. Rear landscaped area acceptable on merit – further discussion within body of the report.	Yes, this is accepted on merit as discussed in the body of the report
	Deep soil zone minimum width of 1 metre.	Yes – The plans submitted demonstrate compliance with this control.	Yes
2.8 – Private Open Space	POS must be provided at ground level and located side and rear of dwelling.	Yes – Proposed POS located at ground level to the rear of the dwelling.	Yes
	<u>POS Area</u>: - 450m^2 or less - min 30m^2. - 451m^2 or greater - min 50m^2. - Dimensions of 4 metre in any direction. Note: 3 metres can be considered on lots 450m^2 or less. - POS directly accessible from living area.	Yes – POS = 53.4m^2 directly accessible from living area.	Yes
	POS be bounded by buildings, fencing or other screening devices. Incorporate dense landscaping that restricts views to a height of 1.8m.	Yes – The plans submitted demonstrate compliance with this control.	Yes
	Additional POS should be provided in form of balcony or the like. Subject to site conditions and privacy considerations.	Yes – The plans submitted demonstrate compliance with this control.	Yes
	POS areas face north, east or west to maximum amenity.	Yes – The plans submitted demonstrate compliance with this control.	Yes

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.	Yes – The proposed development is located at the rear of the site and is single storey. Minimal solar impacts are anticipated to the neighbouring dwellings or primary dwelling due to the single storey height of the secondary dwelling, the neighbouring sites and the existing primary dwelling will maintain 50% sunlight to POS between 8am and 4pm on 21 June and 3hrs of sunlight to one or more living areas of neighbouring dwellings in mid-winter 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 buffers to insulate the dwelling house from winter winds. Garages may also useful as buffers on the southern and western sides.	Yes – The plans submitted demonstrate compliance with this control.	Yes
	Internal layout be designed with bathrooms, laundries and kitchens sited in a position that allows natural ventilation of the room through an openable window.	Yes – The plans submitted demonstrate compliance with this control.	Yes
2.15 Rainwater tanks	- Above ground not to be located in front setback. - Suitably screen and not visible from street.	Yes – Plans comply with requirements of the BASIX certificate. Conditions imposed requiring rainwater tank to be suitably located.	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.	Yes – Proposed dwelling is designed to be integrated with the natural topography of the land.	Yes
	Fill: - 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.	Yes – No significant fill proposed within the building footprint. Maximum fill of 300mm proposed. No fill more than 300mm proposed within 900mm of the side or rear boundaries.	Yes
	Cut: - Max 1m (excluding basements);	Yes – No significant cut proposed within the building	Yes

	- 450mm within 900mm of side/rear boundaries;	footprint. Maximum cut of 335mm proposed. Cut measuring more than 450mm is not proposed within 900mm of the side or rear boundaries.	
	Cut and fill must not impact on neighbouring amenity or result in a significant loss of mature trees.	Yes – The proposed cut and fill does not impact on neighbouring amenity, nor does it result in a significant loss of mature trees.	Yes
2.21 Secondary dwellings	<u>Design and appearance</u>: - 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. - Comply with DCP.	Not Applicable – No existing outbuildings are located within the site.	N/A
	Site Area: Min 380m^2	Yes – Total site area is 557.4m^2 (by Calc. and DP).	Yes
	Height: 2 storeys and must not be higher than principal dwelling.	Yes – Single (1) storey secondary dwelling 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.	Not Applicable – The subject site does not face a laneway.	N/A
	<u>Setbacks</u>: - 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 provides the following setbacks: • Eastern side: 900mm • Western side: 4.625m to the secondary dwelling wall/ 1.535m to the attached garage wall. • Southern (rear) setback: 900mm	Yes
	<u>Dwelling and bedroom size:</u> - Secondary dwelling not less then 25m^2 - Minimum bedroom size, not less than 8m^2	Yes – The proposed secondary dwelling has an internal floor area of 60m^2 (excluding the patio). Proposed Bedroom 1 has an internal floor area of 11.4 m^2; bedroom 2 has an internal floor area of 10.5m^2.	Yes

	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 living area proposes north facing windows/openings. 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 12m^2 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, face the primary dwelling not a neighbour, are servicing low use areas, or are not located in a room with an elevated finished floor level. No privacy concerns are anticipated. Proposed secondary dwelling is single storey, therefore there is no first floor. No balcony proposed, no elevated outdoor area.	Yes
	Site coverage: - **450m^2 or less – max 70%** - 451m^2 or greater – max 65%	Yes – Site coverage = 221.4m^2 or 39.7%.	Yes
	Deep Soil Zone: - **450m^2 or less – min 15%** - 451m^2 or greater – min 20%	Yes – Deep soil area with minimum width of 1m x 1m = 121.6m^2 or 21.8%. .	Yes
	Secondary dwelling must contain it's own kitchen, bathroom, living and bedroom. A common laundry can be provided.	Yes – The proposed secondary dwelling includes a kitchen, bathroom/laundry room, family/living area, and two (2) 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	Yes

		internal boundary fencing is erected.	
Part G - Miscellaneous Development Controls			
Part G2 - Heritage			
2.1 Development requirements for environmental heritage	Contributory items are required to be retained.	Yes – The proposed development does not result in the removal of contributory items within the heritage item.	Yes
	Council may waive the need for applicants to submit a Heritage Impact Statement as may be required under the LEP, if it deems the development and its potential impacts are minor in nature.	Yes – Heritage impact statement is provided. As per heritage consultant, the proposal does not impose any adverse effects to the heritage item.	Yes
2.2 Conservation and development works on heritage items	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.	Yes – Proposed secondary dwelling and garage is detached from the heritage item and located at the rear of the site. The proposal is not envisaged to deter from the existing heritage item or general vicinity. The proposed brick façade and tiled roof compliment the heritage significance and are appropriate to the style and age of the heritage item.	Yes
	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.	Yes – The proposed garage and secondary dwelling are located at the rear of the site and is not visible from the street. The proposed schedule of colours and finishes do not detract from the visual importance of the heritage item and are appropriate to the style of the existing cottage.	Yes
	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.	Yes – Proposed additions are located towards the rear of the site and will not be predominantly visible from the street due to the existing dwelling façade design. The proposal is designed to harmoniously integrate with the existing scale, character, and ambiance of the streetscape, as well as the architectural style of the heritage item. This is achieved through the careful selection of architectural style, colours, and finishes. These elements are chosen to complement the original materials used in the primary dwelling and reflect the distinctive characteristics of the streetscape.	Yes

	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.	Yes – Visual dominance of the heritage item is maintained. The proposed secondary dwelling and garage are detached from the heritage item and located at the rear of the site and will not be predominantly visible from the street.	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.	Yes – The proposed single garage is within the rear of the subject site and will not be predominantly visible from the street due to the existing street. The proposed development is not anticipated to detract from the significance of the heritage item.	Yes
	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.	Not Applicable – Not required for residential development.	N/A
General conservation and maintenance works	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.	Yes – Suitable conditions have been imposed to ensure 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 cottage which is listed as a Heritage Item.	Yes
	Original face brick should generally not be rendered as it removes and covers over the original colours and textures of the building.	Not Applicable – No works proposed to existing cottage which is listed as a Heritage Item.	N/A
	New roofing materials should match or be sympathetic in style and colour to the appearance of original materials	Not Applicable – No works proposed to existing cottage which is listed as a Heritage Item.	N/A
	When undertaking works on a heritage item, the design of building detailing such as windows or doors, should be in keeping with the age and style of the heritage item. Where original design features of heritage items, such as bullnosed verandahs, have been removed, these should be replaced where possible as they are important	Not Applicable – No works proposed to existing cottage which is listed as a Heritage Item.	N/A

	to the design and appearance of the building and generally serve a useful function.		
	Where original gates and fences still remain as part of a heritage property, these should be retained. Where this is not possible, the use of replacement fences and gates should be in a style appropriate to the design and style of the building.	Not Applicable – No changes to existing fencing proposed.	N/A
	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	Not Applicable – No extension to heritage item proposed.	N/A
Residential alterations and extensions	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.	Not Applicable – No works involving alterations or additions to the existing cottage which is listed as a Heritage Item.	N/A
	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.	Not Applicable – No extension proposed to the existing cottage which is listed as a Heritage Item.	N/A
	Rear second storey additions should use recessive colours and should not visually dominate the existing building to the front.	Not Applicable – No second storey addition proposed.	N/A
	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.	Not Applicable – No roof extension proposed. The proposed roof of the detached structures are consistent with the existing roof of the primary dwelling in terms of its form, pitch, eaves and ridge height.	N/A
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	Yes – Proposed detached secondary dwelling and single garage is sympathetic to the heritage item.	Yes

	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.		
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.	Yes – Proposed single garage is detached from the heritage item and located within the rear of the subject site. The proposed garage and will not be predominantly visible from the street. The proposed development is not anticipated to detract from the significance of the heritage item.	Yes
	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.	Yes – Proposed detached single garage is located towards the rear of the primary dwelling. It is adequately setback and complies with front, side and rear setback controls.	Yes
	Where possible, solid garages should be set back from the front, side and rear of the property boundary.	Yes – See above.	Yes
	Garage or carport designs should use design detailing, materials and colours that refer to, and are compatible with, the original building.	Yes – Garage is setback from the original building and the proposed materials will not deter from the heritage significance.	Yes
Landscaping and gardens	The siting of buildings should retain any significant trees and gardens identified on the site.	Yes – No existing trees proposed for removal within the subject site.	Yes
Curtilage development	Where proposing development within the curtilage of a heritage item, the new development should be designed so that the heritage item retains its visual prominence.	Yes – No changes are proposed to the existing cottage which is listed as a Heritage Item. The proposed detached secondary dwelling and garage will not impact on the visual prominence of the heritage item.	Yes
	The colours and materials used within the new development shall be recessive and complement the colours and materials of the heritage item.	Yes – Proposed development is within the rear of the subject site and will not impact on the visual prominence of the cottage which is of historic significance. The proposed external materials and finishes are not envisaged to deter from existing characteristics and sympathetic in style and colour to the appearance of original	Yes

		materials utilised for the heritage item. It is noted that no changes to the front façade are proposed.	
	Where new development is proposed within the curtilage of a heritage item, a reasonable "buffer" space should be provided between the original building and the new development.	Yes – Proposed development is within the rear of the subject site and will not impact on the visual prominence of the cottage which is of historic significance	Yes
	Significant gardens should be retained as part of any works within a curtilage, where possible.	N/A – No existing significant gardens within the subject site.	N/A
	New development within the curtilage should not adversely impact upon the significant fabric of a heritage item.	Yes – Proposed detached secondary dwelling and single garage located to the rear of the existing cottage of heritage significance and will not impact the significant fabric of the heritage item.	Yes
	The height of new buildings shall not exceed that of the original heritage building.	Yes – Proposed height of the detached secondary dwelling and garage will not exceed height of the heritage item.	Yes
	The new development shall be massed so that lower-scale buildings act as a transition between the new and the old.	Yes – Proposed detached secondary dwelling and garage provide a suitable transition between new and old.	Yes
	New development within the curtilage of a heritage item should not block the sight lines from public areas to the original building.	Yes – Proposed development is located within the rear of the site and will not affect the sight line of the heritage item.	Yes
	Retention of the original streetscape facades is required, with extensions or redevelopment to be located to the rear of the property.	Yes – Original streetscape façade is retained. Proposed development located towards the rear of the site.	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.	Yes – The proposed detached secondary dwelling and garage are not visible from the streetscape and will not deter from the heritage item in regard to design, bulk and scale. The proposal is in line with the relevant controls concerning height, bulk and scale and reinforces the established character of the heritage item through appropriate built form and design sympathetic in style and colour to the appearance of original materials utilised for the heritage item.	Yes
	Colours and materials should be carefully selected so that they do not visually dominate,	Yes – The proposed external materials and finishes are not envisaged to deter from	Yes

	or overly contrast with, that of the existing heritage item. New development shall utilise compatible colour schemes and materials with the original building.	existing characteristics and sympathetic in style and colour to the appearance of original materials utilised for the existing cottage.	
	For development involving churches or schools, the removal of more recent structures is considered acceptable where it is demonstrated that they are not critical to the heritage significance of the property.	Not Applicable – Development does not involve churches or schools.	N/A
	New development should be located to the side or rear of the heritage item and the original building should visually dominate.	Yes – Proposal is located towards the rear of the heritage item.	Yes
	Development should not impact upon the sight lines from public areas to the original building.	Yes – Development does not impact sight lines of heritage item from the street frontage.	Yes
	Development should minimise any changes to the significant fabric of the building and, in particular, to the streetscape appearance of the heritage item.	Yes – Development is not considered to alter the fabric of the existing heritage item.	Yes
	Signage, lighting, materials and colours used should be unobtrusive and compatible with the overall style and design of the building.	Yes – Suitable schedule of colours and materials proposed and will not deter from the existing design of the dwelling from the front façade.	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.	Yes – The proposed detached secondary dwelling and single garage is located to the rear of the heritage item. The proposal does not detract from the historic significance of the cottage.	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.	Yes – The proposal has minimal impact on the streetscape. The proposed garage and secondary dwelling are located at the rear of the site and are not visible from the street. The proposed schedule of colours and finishes do not detract from the visual importance of the heritage item and are appropriate to the style of the existing cottage.	Yes
	New development should make reference to, and be sympathetic to the predominant: • height. • scale.	Yes – The proposed detached secondary dwelling and garage are not visible from the streetscape and will not deter from the heritage item in regard to design, bulk and scale. The	Yes

	• roof form, line and pitch. • proportion. • setbacks. • design details (including parapets, verandahs, awnings and string courses); and, • features of adjoining development and of any adjacent heritage items.	proposal is in line with the relevant controls concerning height, bulk and scale and reinforces the established character of the heritage item through appropriate built form and design sympathetic in style and colour to the appearance of original materials utilised for the heritage item.	
	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.	Yes – Proposed detached secondary dwelling and single garage are located towards the rear of the site and will not be predominantly visible from the street. The proposal is designed to harmoniously integrate with the existing scale, character, and ambiance of the streetscape, as well as the architectural style of the heritage item. This is achieved through the careful selection of architectural style, colours, and finishes. These elements are chosen to complement the original materials used in the primary dwelling and reflect the distinctive characteristics of the streetscape.	Yes
	Window and door openings, building lines and building massing of new development should also be designed in the context of its adjoining development	Yes – Proposed detached secondary dwelling and garage are appropriately designed.	Yes
	Where a particular heritage character predominates within a street, the design of new development should be compatible with this heritage character.	Not Applicable – No particular heritage character exists within Lansdowne Street.	N/A
	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.	Yes – The proposed detached single garage is located towards the rear of the subject site. The proposed development will not impact on the visual prominence of the cottage which is of historic significance. The proposed development is adequately setback and complies with front, side and rear setback controls.	Yes

	Where a new development is proposed adjoining a significant heritage feature, new development should continue the primary orientation and should provide an appropriate entry design and setback treatment along that frontage.	Yes – The proposal has minimal impact on the streetscape. The proposed garage and secondary dwelling are located at the rear of the site and are not visible from the street. It is noted that no changes to the front façade or streetscape elevation is proposed.	Yes
	The siting of new development should not affect the structure of, or otherwise cause physical damage to, any heritage item.	Yes – Suitable conditions have been imposed to ensure 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 cottage which is listed as a Heritage Item.	Yes
	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.	Yes – Proposed development is located within the rear of the site and will not affect the sight line, significant fabric or amenity including landscaping and solar access associated with the existing heritage item.	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.	Yes – The proposal has minimal impact on the streetscape. The proposed garage and secondary dwelling are located at the rear of the site and are not visible from the street. It is noted that no changes to the front façade or streetscape elevation is proposed.	Yes
	New development adjoining/adjacent to a heritage item should avoid incorporating large unbroken wall areas	Yes – No large wall proposed to visually impact the heritage item.	Yes
	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.	Not Applicable – The proposal is not larger than the surrounding development.	N/A
	Landscaping should be used to minimise the visual appearance of large wall areas in new development adjoining a heritage item.	Yes – No large walls proposed which will visually impact the heritage item. Appropriate landscape design proposed.	Yes
	Where new development is proposed adjoining a heritage item or conservation area, the	Yes – Proposed detached secondary dwelling and single garage are located towards the	Yes

		compliance with AS/NZS 2890.1:2004, an additional condition has been imposed for the construction of a concrete apron only for the small section of the garage door that is not currently connected to the driveway. This apron must: • Align flush with the width of the garage opening; and • Provide a continuous, smooth transition from the proposed driveway.	
	Hardstand parking space only permitted within front setback where no rear access is available and where the front setback is 6 metres.	Not Applicable – No hardstand parking spaces proposed on the site.	N/A
4.2 Garages and carports	Garages shall not be a dominant feature of the dwelling house façade. The garage must be subservient in scale to the dwelling house and integrated and compatible with the overall design of the dwelling house in terms of height, form, materials, detailing and colour.	Yes – Proposed detached garage is located at the rear of the subject site and is not visible from the street. Proposal is compatible with the overall design of the primary dwelling in regard to design, bulk and scale.	Yes
	Where garaging is provided as part of the dwelling frontage, it must be integrated into the design of the dwelling house to minimise visual impact.	N/A – The proposed garage is located behind the primary dwelling within the rear yard and will not have a negative visual impact.	N/A
	Detached garages and car parking structures shall be constructed using materials, colours and roof pitch that are similar and complementary to the main dwelling house.	Yes – Suitable Schedule of external colours and materials submitted as part of the application.	Yes
	Garages and carports at grade are to be set back a minimum of 1 metre behind the front wall of the dwelling house.	Yes – Ample setback provided. Proposed detached garage is located to the rear of the subject site.	Yes
	The roofs of garages and car parking structures should be constructed of low reflective materials.	Yes – The proposed roof of the garage is of low reflective materials.	Yes
	Parking spaces within an enclosed garage shall have minimum dimensions of 3 metres width x 5.4 metres length clear of walls and columns per vehicle.	Yes – Proposed single parking spaces with dimensions of 3m x 6.230m proposed.	Yes
	Single garage doors shall be a maximum of 3.5m and double garage doors shall be a maximum of 5.5 metres wide.	Yes – Single garage door proposed with a width of 2.5m.	Yes
	Garage doors shall not exceed 50% of the width of the street elevation.	Yes – Proposed 2.5m wide garage door does not exceed 50% the width of the street elevation.	Yes
	The size of any garage shall be no more than a maximum of 50m2. If the proposed garage is	Yes – The proposed garage has an internal floor area of 18.7m^2.	Yes

	to be greater than 50m2, any area in excess of this will be considered to be gross floor area.		
	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.	Not Applicable – No proposed carport structure or existing carport structure located within the site.	N/A

Part G4 - Stormwater & Drainage			
2.2 Method of stormwater disposal from the site	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.	Yes – This requirement is covered as a condition of consent.	Yes
Part G5 - Sustainability, Biodiversity & Environmental Management			
2.5 Biodiversity	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.	Not Applicable – No tree removal proposed.	N/A
2.6 Energy efficiency and renewables	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 Management & Landscaping			
2.1 Preservation of trees	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.	Not Applicable – No tree removal proposed.	N/A
2.3 Landscaping	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 – Sufficient Landscape plan provided.	Yes
Part G8 – Waste Management			
Demolition and Construction			
3.1 Demolition and Construction	All materials that arise from demolition and construction shall comply with a Waste Management Plan (WMP) before recycling or disposal.	Yes – A waste management plan has been submitted with the subject application and endorsed as part of the development consent.	Yes

3.3 Residential	The waste service requirements for residential developments shall comply with Table 2.	Yes – Adequate space for bin storage available on site.	Yes
3.1 Asbestos	A building constructed before 1987 may contain asbestos. Businesses are licensed to undertake asbestos removal work under the *Occupational Health and Safety Regulation 2001*. (refer to *Working with Asbestos: Guide 2008 (ISBN 0 7310 5159 9)* published by the WorkCover Authority).	Yes – This requirement is covered as a condition of consent	Yes
3.6 Collection area requirements	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

DOCUMENTS ASSOCIATED WITH REPORT ELPP017/25

Attachment 7

Submission

Mariam Abbas

From:
Sent: Wednesday, 14 May 2025 9:57 PM
To: Records Department
Subject: [EXTERNAL] Submission to application No DA2025/0193

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.

Dear Mr Bhavisha Sheth,

We have some queries regarding the application DA2025/0193 for 30 Lansdowne street Merrylands.

We thought the rule for secondary dwelling is 3 meters from the back fence, why would this proposed plan be allowed to build so close to the back fence?
Also in the plan we could not tell how higher above the ground the secondary dwelling will be, our guess is 2.7m plus the height of the roof, Our concerned is it's too close to the fence and we hardly get any sunlight on our side during the afternoon to dry our clothes if they are building too high.

What are your suggestions?

Kind regards,

Item No: ELPP018/25

DEVELOPMENT APPLICATION - 6 BURY ROAD, GUILDFORD

Directorate: Environment and Planning
Responsible Officer: Executive Manager City Planning and Development

Application lodged	20 March 2025
Applicant	Mr H Jamal
Owner	Mr H Jamal
Application No.	DA2025/0176
Description of Land	6 Bury Road GUILDFORD NSW 2161, Lot D DP 22967
Proposed Development	Construction of a secondary dwelling, garage, and studio
Site Area	819.00 m^2
Zoning	R2 Low Density Residential Zone
Disclosure of political donations and gifts	Nil disclosure
Cost of works	$221,436.95.00
Heritage	N/A. Not a Heritage Listed or Heritage Conservation Area.
Principal Development Standards	Parking spaces Permissible: "the number of parking spaces provided on the site is the same" Proposed: Increase of one (1) parking space or 100% variation
Issue(s)	Outbuilding size

SUMMARY:

1. Development Application No. DA2025/0176 was lodged on 20 March 2025 for the Construction of a secondary dwelling, garage and studio.

2. The application was publicly notified to occupants and owners of the adjoining properties for a period of 14 days between 26 March 2025 and 9 April 2025. In response, no submissions were received.

3. There is no heritage items located on, or in the vicinity of the subject site, nor is the site located within a Heritage Conservation Area.

4. The variations are as follows:

Control	Required	Provided	% variation
Parking Space SEPP (Housing) 2021, Clause 53(2)(b)	Retained	One (1) additional parking space	One (1) parking space or 100%
Outbuilding size	25m^2	28.2m^2	3.2m^2 or 12.8%

CDCP, 2.20 Outbuilding, Control C1			

5. The application is referred to the Panel as the proposal contravenes a development standard by more than 10%. (Clause 53(2)(b) of the Statement of Environmental Planning Policy – Housing (2021)).

6. The application is recommended Approval subject to the conditions as recommended in the Council's assessment report.

REPORT:

Subject Site and Surrounding Area

The site forms Lot D DP 22967and is known as 6 Bury Road GUILDFORD NSW 2161. The site has an area of 819m2, a frontage of 14.63m to the western side of Bury Road, a rear boundary of 14.63m and a depth of 56m. The site has falls approximately 1.65m from the front to rear.

A site inspection of the premises was carried out on 19 May 2025, and it was confirmed that the site is currently occupied by a single storey dwelling towards the front of the lot and two (2) detached metal sheds. A power pole is located at the front of the property adjacent to the existing driveway. The existing developments adjoining the site include single storey developments on either side. Guildford Station is located approximately 450m west of the subject site. Guildford Park is located approximately 410m north-west of the subject site.

The subject site and surrounding area is zoned R2 Low Density Residential under the provisions of the Cumberland Local Environmental Plan 2021. The site is located in an established residential area comprising mainly single dwellings and dual occupancy developments which are characteristic of the low-density residential environment.



Figure 1: Zoning of the subject site, which is outlined in yellow (Source: NSW Planning Portal Spatial Viewer).



Figure 2: Aerial view of the locality and the subject site, which is outlined in blue (Source: NearMap).



Figure 3: Site inspection photo of the street frontage of the subject site (Inspected date: 19 May 2025).



Figure 4: Existing two (2) detached sheds located towards the rear of the (Inspected date: 19 May 2025).

Description of The Development

Council is in receipt of a development application that was accepted on 20 March 2025 for the construction of a secondary dwelling, garage and studio. The proposal is detailed below:

Demolition:

- Existing detached shed

Construction:

Primary dwelling:

- Detached garage (adjacent to the secondary dwelling)

Secondary dwelling:

- Walk in pantry, kitchen, dining, living, two (2) bedrooms, bathroom, and outdoor alfresco.

Studio:

- Detached studio with bathroom and outdoor patio.

Note: A condition of consent will be imposed on the development consent to ensure that the detached studio is used in accordance with the definition of a detached studio as stipulated in Clause 1.5 of the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 which stipulates the following;

detached studio *means a habitable building that is used for purposes ancillary to a dwelling house such as a home office, entertainment area, art studio or guest room and -*

(a) is established in conjunction with a dwelling house, and

(b) is on the same lot of land as the dwelling house, and

(c) is separate from the dwelling house, and

(d) is not used as a separate dwelling house, and

(e) does not contain any cooking facilities.

In this regard, conditions will stipulate that the detached studio will be used in conjunction with the existing dwelling house and not be used as a separate domicile. This will include wordings as to not include any cooking facilities within the confines of the studio.

History

Application No.	Proposal	Status	Date
RDA2022/0651	Road Approval - Vehicular Crossings - Private Contractor - 6 Bury Rd Guildford NSW 2161	Approved – Awaiting Final Inspection	02 June 2022

Applicants Supporting Statement

The applicant has provided a Statement of Environmental Effects prepared by think planners dated 11 October 2024 and was received by Council on 13 March 2024 in support of the application.

The applicant has also submitted a Clause 4.6 statement, project no. 107-2025 prepared by George Nehme from Pivotal Planning was received by Council on 17 May 2025 in support of the application. The variation request is in relation to the number of parking spaces provided on site 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

Development Engineering

The development application was referred to Council's Development Engineering department for comment who has raised no objections, subject to conditions of consent inclusive of engineering certification, stormwater, drainage, and flooding requirements.

Building Surveying

The development application was referred to Council's Building Surveyor for comment who has advised that the proposal is satisfactory. Should the application be approved, conditions of consent have been recommended for compliance with the NCC.

Tree Management

The development application was referred to Council's Tree Management Officer for comment who has advised that the proposal is satisfactory. Should the application be approved, conditions of consent have been recommended for the retention, protection and preservation of trees and landscaped areas.

External Referrals

Sydney Water

An external referral was made to Sydney Water (Sydney Water Act Clause 78). Accordingly, Sydney Water has raised no objections, subject to recommended conditions of consent should the application be supported.

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 Planning Policies (SEPPs)	Relevant Clause(s)	Compliance with Requirements
State Environmental Planning Policy (Biodiversity and Conservation) 2021	Chapter 2 - Vegetation in non Rural Areas.	Yes. The development application does not include the removal of trees. A referral was made to Council's Landscaping and Tree department who has raised no objections to the proposed development, subject to conditions of consent. The proposal does not exceed the biodiversity offsets scheme threshold.

		Therefore, the proposed vegetation removal is considered acceptable.
	Chapter 6 - Water Catchments. Sydney Harbour Catchment	Yes. The proposed development raises no issues as no impact on the catchment is envisaged. It is determined that given 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.	N/A. 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	N/A. Development is not potentially hazardous or potentially offensive development.
	Chapter 4 - Remediation of Land. Part 4.6.	Yes. Part 4.6 - Contamination and remediation to be considered in determining development application. **4.** 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. **5.** 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 (Sustainable Buildings) 2022	Chapter 2 Standards for residential Development - BASIX	Yes. BASIX Certificate number (Cert. No. 1779236S and A1779243 dated 02 January 2025) has been submitted. It is shown that the proposal will meet the required target for Water, Thermal Comfort and Energy. The BASIX Certificate is determined as being acceptable for approval. Note: The detached studio building has been treated as an alteration and addition to the existing dwelling house. Considering that the development does not classify as a separate BASIX affected

		building as per the relevant definitions of *BASIX development* and *BASIX building* as defied under Schedule 7 of the Environmental Planning and Assessment Regulations 2021. This is because the studio in itself cannot be considered a dwelling, and therefore a single dwelling BASIX would be unsuitable in this instance.
State Environmental Planning Policy (Transport and Infrastructure) 2021	Chapter 2 - Infrastructure.	Yes. State Environmental Planning Policy (Transport and Infrastructure) 2021 is relevant to the development application as follows. *Cl2.48 Determination of development applications—other development* No penetration of ground is proposed within 2m of an underground electricity power line, or an electricity distribution pole. Subject site does not contain any relevant easements, is close to an electricity substation or is within 5m of an exposed overhead electricity power line. *Division 15 Railways* Subject site is located approx. 450m east of Guildford Station. However proposed development is not envisaged to be impacted by noise or vibration as development is not in close proximity to the railway.

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)(b) which states “the number of parking spaces provided on the site is the same as the number of parking spaces provided on the site immediately before the development is carried out.”.

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
50 Application of Part	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*	Yes

	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. Given that the site is zoned R2 under CLEP 2021 and dwelling houses are permissible with consent under the R2 zone. In this regard, a secondary dwelling is permissible under the provisions of SEPP (Housing) 2021.	
51 A secondary dwelling cannot be subdivided from the subject lot	Subdivision has been 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	This proposal consists of one (1) secondary dwelling. No changes proposed to the existing one (1) dwelling on site.	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 Cumberland LEP does not impose a maximum floor space ratio / floor area for a dwelling house (or any land use). No other environmental planning instrument sets a maximum floor space ratio or floor area.	N/A
Subclause 2(c) The total floor area of the secondary dwelling is— (i) >60 m2 or (ii) the greater floor area permitted in another EPI	Proposed secondary dwelling for is 52.8m².	Yes
53(2)(a) Site area minimum of 450m²	The site is subject to a minimum site area of 450m^2. The site area is 819m^2 in accordance with the provided survey plan. This is compliance with the minimum site area requirement.	Yes

53(2)(b) Same number of parking spaces as before	No existing covered parking spaces onsite. Proposal involves one covered garage. This is an increase of one (1) parking space or a variation of 100%. 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 to vary the parking spaces required for secondary dwellings. Please see Clause 4.6 variation discussion below. Accordingly, the application is recommended for approval.	**Yes. See Clause 4.6 discussion below.**

Clause 4.6 – Variation to Clause 53(2)(b) – Parking spaces

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 number of parking spaces provided on site as outlined under Clause 53(2)(b) of State Environmental Planning Policy (Housing) 2021. The Clause states "states "the number of parking spaces provided on the site is the same as the number of parking spaces provided on the site immediately before the development is carried out.". The subject site currently has no covered onsite parking (i.e., nil parking spaces). The proposal involves one (1) covered parking space in the form of a detached garage. It is noted that this is located at the end of the existing hardstand area and is to be located in replacement of the existing shed structure. This is a variation of one (1) additional parking space or 100% increase to the parking space development standard.

Consent may only be granted upon the consent authority being satisfied that the applicant has demonstrated in a document submitted with the application that (a) compliance with the development standard is unreasonable or unnecessary in the circumstances and (b) there are sufficient environmental planning grounds to justify the contravention of the development 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, and Moskovich v Waverley Council [2016] NSWLEC 1015 to justify the variation. An assessment and detailed discussion is provided.

a) **compliance with the development standard is unreasonable or unnecessary in the circumstances.**

The decision of *Wehbe v Pittwater Council (2007)* 156 LGERA 446; [2007] NSWLEC 827, affirmed in *Initial Action Pty Ltd v Woollahra Municipal Council [*2018] NSWLEC

118 set out five common and non-exhaustive ways in which an applicant might demonstrate that compliance with a development standard is unreasonable or unnecessary. They were that:

(i) the objectives of the development standard are achieved notwithstanding non-compliance with the standard.

(ii) the underlying objective or purpose is not relevant to the development with the consequence that compliance is unnecessary.

(iii) the underlying objective or purpose would be defeated or thwarted if compliance was required with the consequence that compliance is unreasonable.

(iv) the development standard has been virtually abandoned or destroyed by the Council's decisions in granting development consents that depart from the standard and hence compliance with the standard is unnecessary and unreasonable.

(v) the zoning of the particular land on which the development is proposed to be carried out was unreasonable or inappropriate so that the development standard, which was appropriate for that zoning, was also unreasonable or unnecessary as it applied to that land and that compliance with the standard in the circumstances of the case would also be unreasonable or unnecessary.

Applicant's justification:

The applicant relies on the case law established in Wehbe v Pittwater Council (2007) NSW LEC (i.e., the objectives of the development standard are achieved notwithstanding non-compliance with the standard), claiming that the proposed variation to the parking space will enable a diverse range of housing types, is able to accommodate the needs of the vulnerable people of the society by providing a housing option that accommodates affordable rent, and provided a suitable level of amenity for future residents. The provided written justification further states the proposed secondary dwelling does not diminish the character of the locality and the provision of an enclosed garage, is consistent with the expected built form for a dwelling house in an R2 Low Density Residential zone, evidenced by the CDCP 2021 which enables the provision of a maximum of 2 covered parking spaces per dwelling house. Therefore, the development is consistent with principles of the SEPP (Housing) 2021 and zone objectives. Strict compliance with the parking space development standard is considered to be unreasonable and unnecessary in the circumstances as outlined from the Wehbe v Pittwater Council case law. Development will not have adverse environmental, or amenity impacts and will provide a positive outcome with minimal impact on surrounding development.

Planner's comment:

The applicant has provided sound justification stating that the proposal is consistent with the desired low-density character of the area. Council considers the proposed development is consistent with the principles of the SEPP (Housing) 2021, in which it is considered to encourage diverse housing types, housing to meet the needs of the community, provide residents with reasonable level of amenity, promotes the delivery

of housing in suitably serviced areas, minimise climate and environmental impacts, ensure design is compatible and enhances the locality, and supports short term rental accommodation.

The proposed development is considered to be consistent with the principles of the SEPP (Housing) 2021 and suitable for the locality as the site meets other development controls such as landscaping, and site coverage requirements. The development is adequately designed and aligns with the existing streetscape characteristics. The proposed development (i.e., a secondary dwelling, garage and studio) does not result in adverse environmental or the amenity impacts of surrounding properties.

The relevant departure to the development standard relates to the parking spaces associated with the site. Although a numerical non-compliance has been proposed, the development is not envisaged to depart from the principles outlined in the SEPP (Housing) 2021. The proposed secondary dwelling and additional detached garage will promote and contribute positively to the eclectic mix of housing diversity along Bury Road.

b) there are sufficient environmental planning grounds to justify the contravention of the development standard.

In respect of there being sufficient environmental planning grounds to justify the contravention of the development standard, Initial Action found that although the phrase 'environmental planning' is not defined, it would refer to grounds that relate to the subject matter, scope and purpose of the Environmental Planning and Assessment Act 1979, including the objects in s.1.3. To be sufficient, the environmental planning grounds advanced in the written request must justify the contravention of the development standard, not simply promote the benefits of carrying out the development as a whole Four2Five Pty Ltd v Ashfield Council [2015] NSWCA 248.

Applicant's justification:

There are sufficient environmental planning grounds to support a variation of the development standard, hence the parking space requirement should be approached with an element of flexibility as follows:

- The development has been designed to minimise impacts where practicable on neighbouring properties and likely future adjoining properties.

- Strict compliance with the parking standard would result in no material-built form benefits and loss of resident amenity, as the difference between a compliant built form and the one proposed is that no covered parking can be provided. This is an inferior outcome and not in line with the envisaged built form and structures expected for a dwelling in an R2 zone.

- The variation is the difference between having a covered car space and not having one. It is considered enabling the provision of a covered car space for the site is a superior planning outcome and in line with the envisaged built form of the R2 zone.

The written justification further states that for the reasons stated above it is evident that strict enforcement of the parking requirement would result in an unreasonable burden on the development to achieve compliance. It is evident that there are no identifiable amenity impacts as a consequence of the non-compliance.

Planner's comment:

The applicant has adequately addressed that there are sufficient environmental planning grounds to justify contravening the development standard. Sufficient environmental planning grounds have been provided by the application to justify and address clause 4.6(3)(b). Justification includes that the existing parking arrangement (i.e., no covered parking space currently on site) although non-complaint with the parking space development standard, is able to facilitate both a secondary dwelling and a detached garage. This is consistent with the desired future character of the area, it provides consistency with existing and emerging development in the area, and it is unlikely to result in adverse environmental impacts to neighbouring development in regard to solar access, acoustic and privacy. The proposed secondary dwelling and detached garage being sited at the rear, does not present an excessive bulk or scale to the street, and the proposal complies with the building height development standard and majority of the built form and amenity provisions of the CDCP 2021.

Under the CDCP 2021 the minimum parking required for dwelling house is "minimum 1 covered space". The site currently has no covered parking spaces. Council's controls have envisaged a lot with a dwelling house is suitable to provide covered parking space within the local government area hence the proposed variation is acceptable on merit. It is considered non-compliance with the required parking spaces is not discernible from the public domain and will not impact neighbours' amenity as the additional parking space and secondary dwelling will be located towards the rear.

Furthermore, the proposal complies with height, building mass, POS, landscaping, site coverage and solar access, strict application of the parking space development standard is not necessary. The development is considered appropriate given the proposed works and similar developments in the locality. The variation to the parking space development standard is considered acceptable on environmental planning grounds and the applicant's written justification is well founded.

Conclusion

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

It is the view of Council officers that justification provided is satisfactory and having considered the application on its merit, the exception to the parking space development standard is therefore considered acceptable in this instance.

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 a 'secondary dwelling'. It is noted secondary dwellings are permissible by virtue of the State Environmental Planning Policy (Housing) 2021 which 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; which overrides the LEP in the event of any inconsistency.

In this regard, the development is permissible in the prescribed land use zone in accordance with the SEPP Housing 2021.

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))

Council has received a Gateway Determination from the Department of Planning, Housing and Infrastructure for the Draft Woodville Road Corridor Planning Proposal. As part of this approval, public exhibition of the Draft Woodville Road Corridor Planning Proposal has commenced. The public exhibition was carried out between the 4 March 2025 to 17 April 2025.

The Draft Planning Proposal seeks to revitalise Woodville Road by amending planning controls in the Cumberland Local Environmental Plan (CLEP) 2021 for 31 sites located around the three (3) precincts of Woodville North, Merrylands East and Woodville South.

The subject application was received on 20 March 2025 and the site does not fall within the Draft Woodville Road Corridor and therefore no further consideration is required.

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

The Cumberland Development Control Plan 2021 (CDCP) is relevant to the development proposal. The proposal complies with the requirements of the CDCP with the exception of the following, which are considered acceptable on merit as discussed below. A comprehensive assessment and compliance table is contained in Appendix B.

The development has been assessed using the following chapters:

- Part B1 – Dwelling Houses and Secondary Dwellings
- Part G – Miscellaneous Development Controls

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

Cumberland Development Control Plan 2021

2.20 Outbuilding

Area

Pertaining to CDCP 2021, Control C1 of 2.20 Outbuilding controls states "The total combined amount of enclosed floor space (with roof and walls) for outbuildings shall not exceed 25m2". Proposed outbuilding consists of a detached garage. The area of the detached garage is 28.2m2. This is a total variation of 3.2m2 or 12.8%.

The proposed variation is not considered unreasonable or excessive in bulk and scale as it is located behind the building line and within the rear setback. The proposed development of a detached garage will not dominate the streetscape characteristics, will maintain visual and acoustic privacy, and general amenity of adjoining properties. Furthermore, landscaping, existing trees, and private open space areas will be maintained. Accordingly, this variation is acceptable on merit.

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))

Advertised (Website) ☐ Mail ☒ Sign ☐ Not Required ☐

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 26 March 2025 and 9 April 2025. No submissions were received in respect of the proposed development.

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

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

CUMBERLAND LOCAL INFRASTRUCTURE CONTRIBUTIONS PLANS 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 the EP&A Act, calculated on the cost of works. A total contribution of $11,025.00 would be payable prior to the issue of a Construction Certificate

HOUSING AND PRODUCTIVITY OF CONTRIBUTION (HPC)

In accordance with Schedule 2 of the HPC Order 2024, the proposed development is exempt from the HPC, as development does not include a proposed lot, proposed strata lot or proposed dwelling site for a purpose outlined under subclause (1) of Schedule 2 of the Order. Proposal is for the construction of a secondary dwelling, garage and studio.

DISCLOSURE OF POLITICAL DONATIONS AND GIFTS

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

CONCLUSION:

The development application has been assessed in accordance with the relevant requirements of the Environmental Planning and Assessment Act 1979, SEPP (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.

The proposed development is appropriately located within the R2 – Low Density Residential Zone under the relevant provisions of the Cumberland LEP 2021, however variations in relation to the to the parking space requirement under the SEPP Housing 2021 and outbuilding area under Cumberland DCP 2021 is sought.

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

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

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. The objectors will also be notified in writing of the outcome.

REPORT RECOMMENDATION:

1. **That the Clause 4.6 variation request to contravene the parking space requirement for a secondary dwelling development standard, pursuant to the State Environmental Planning Policy (Housing) 2021, be supported.**

2. **That Development Application No. DA2025/0176 for Construction of a secondary dwelling, garage and studio on land at 6 Bury Road GUILDFORD NSW 2161 be Approved subject to conditions listed in the attached schedule.**

ATTACHMENTS

1. Draft Notice of Determination ⇩
2. Architectural Plans ⇩
3. Clause 4.6 Variation Request - Parking space(s) ⇩
4. Cumberland LEP Assessment Table ⇩
5. Cumberland DCP 2021 Assessment ⇩

DOCUMENTS ASSOCIATED WITH REPORT ELPP018/25

Attachment 1

Draft Notice of Determination

CUMBERLAND CITY COUNCIL

DEVELOPMENT APPLICATION
DRAFT NOTICE OF DETERMINATION

Under the *Environmental Planning and Assessment Act, 1979*

Application No:	DA2025/0176
Applicant:	Mr H Jamal 6 Bury Road GUILDFORD NSW 2161
Property Description:	6 Bury Road GUILDFORD NSW 2161, Lot D DP 22967
Development:	Construction of a secondary dwelling, garage and studio
Determined by:	Local Planning Panel

DRAFT NOTICE OF DETERMINATION

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***
Job No. 936, Drawing No. 2, Issue A	Site Plan	Sight Building Design	13/05/2025
Job No. 936, Drawing No. 3, Issue A	Ground Floor Plan	Sight Building Design	13/05/2025
Job No. 936, Drawing No. 4, Issue A	Elevations (A)	Sight Building Design	13/05/2025
Job No. 936, Drawing No. 5, Issue A	Elevations (B)	Sight Building Design	13/05/2025
Job No. 936, Drawing No. 6, Issue A	Section A-A	Sight Building Design	13/05/2025
Job No. 936, Drawing No. 10, Issue A	Erosion and Sediment Control Plan	Sight Building Design	13/05/2025
Job No. 936, Drawing No. 11, Issue A	Landscape Plan	Sight Building Design	13/05/2025
-	Schedule of External Colours and Finishes	Sight Building Design	30/08/2024
Cert. No. 1779236S	BASIX Certificate	Mr Samir Sight Building Design Sallit	Issued on 02 January 2025
Cert. No. A1779243	BASIX Certificate	Mr Samir Sight Building Design Sallit	Issued on 02 January 2025
-	Waste Management Plan	-	30/11/2024
Report reference No. 250131, Revision A	Overland Flood impact Assessment	Amir Entezami from SDS Engineering	27/02/2025

	Report		
Ref CNR-80109	Correspondence and all conditions contained therein	Sydney Water Corporation	8 April 2025

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

3. DAGCF02 - Utility Services

If the development causes damage to utility services or if it requires the adjustment or relocation of utility services, the applicant shall carry out works, at the applicant's expense, to the service/s to the satisfaction of the utility provider.

(Reason: To protect and ensure the ongoing integrity of utility infrastructure)

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

4. **DAPDB02 - Notice of Demolition**

At least five working days prior to the commencement of demolition work, notice must be given to 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; and
- The telephone number of the SafeWork NSW Hotline.

At least five working days prior to the commencement of demolition work, notice must be given to Council 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;
- A copy of the notification issued to adjoining residents including the date the notice was delivered;
- The licence number of the demolisher;
- If asbestos is to be demolished, the full name and licence number of the asbestos removalist/s;
- 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 must not commence until Council has inspected the site and is satisfied that all pre-demolition conditions have been satisfied.

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

5. **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 be maintained until works are completed.

(Reason: Public safety)

6. **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 a Council inspection contact Council's Customer Service on 8757 9000.

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)

7. **DAPDB09 - Tree Preservation**

All street trees and trees on private property that are protected under Council's Development Control Plan, shall be retained and protected in accordance with AS 4970 - 2009 'Protection of Trees on Development Sites' during demolition except where Council's prior written consent has been obtained.

(Reason: Tree Preservation and Protection)

8. **DAPDB12 - Sediment and Erosion Control measures**

Prior to the commencement of works, including demolition, 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, shall be constructed upstream of the proposed building works to divert run-off to a stable discharge area such as dense ground cover. This diversion drain is to be lined with turf or otherwise stabilised.

b) A sediment-trapping fence using a geotechnical fabric specifically designed for such purpose and installed to manufacturer's specifications is to be placed in suitable locations below the

construction area to reduce impacts on waterways.

c) Vegetation and/or existing building structures will be cleared from the construction areas only with other areas to remain undisturbed.

d) Restricting vehicle access to one designated point and having the 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.

The above 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

9. 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 incorporating the following matters:

a. The rear elevated patio located on the ground floor studio is to incorporate fixed privacy screens at full width on the southern elevation with a minimum height of 1.5m as measured from finished floor level. Privacy screening is to provide a maximum area of 25% openings or minimum of 75% obscured and is to be permanently fixed and made of durable materials.

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

10. 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)

11. 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)

12. DACCB01 - Damage Deposit for Council Infrastructure

A damage deposit of $2,340.00 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)

13. 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)

14. 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 $11,025.00 as at the date of this consent but is subject to change by the consumer price index to the date of payment. A copy of the *Cumberland Local Infrastructure Contributions Plan 2020* can be viewed on Council's website

(Reason: To ensure compliance with Cumberland Local Infrastructure Contributions Plan)

15. DACCB05 - Fees to be paid to Council

Types of fees	**Amount**
Demolition Inspections	$302 x 2 = $604
Damage Bond – Building Construction	$2,340.00
Sect. 7.11 Contributions	$11,025.00 + CPI
TOTAL	$13,969.00 + 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. Fees to be paid to Council will be determined at the time of payment in accordance with Council's adopted Fees and Charges Policy and may therefore exceed the fee amount quoted above.

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

(Reason: Statutory requirement and information)

16. DACCB06 - Photographic Record of Council Property - Damage Deposit

Prior to demolition commencing and prior to the 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)

17. DACCC02 - Protection of Public Places

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

If the work involved in the demolition or construction of a building is likely to disrupt or obstruct pedestrian or vehicular traffic in a public place, or 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.

(Reason: Public safety)

18. 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 like.
c) The proposed areas within the site to be used for a builder's site office and amenities, the storage of excavated material, construction materials and waste containers during the construction period.
d) 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 qualified civil engineer.

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

19. 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)

20. **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 engineering policies. The plan shall be submitted and approved by the Council or registered certifier.

Note: Where the proposed design extends within the public road area, separate approval under s.138 of the *Roads Act 1993* must be obtained from Council prior to the commencement of works.

(Reason: Stormwater management)

21. **DACCJ03 - Certification of the Stormwater Drainage System Design**
Prior to the issue of a Construction Certificate, the proposed stormwater design shall be certified by a qualified practising civil engineer as complying with Council's Development Control Plan and Australian Standard 3500.3:

(Reason: Adequate stormwater management)

22. **DACCJ06 - Silt Arrestors and Gross Pollutant Traps**
Silt and gross pollutant traps shall be fitted in all stormwater pits, designed in accordance with Council's Development Control Plan and to the satisfaction of the Council or registered certifier. Details are to be submitted with the Construction Certificate application.

(Reason: Environmental protection)

23. **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 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)

24. **DACCK07 - Structural Engineer's Details**
Structural engineer's details prepared and certified by a practising qualified structural engineer of all reinforced concrete and structural members shall be submitted with the Construction Certificate application to the Council or registered certifier.

(Reason: To ensure safety and the proper design or structural elements of the building)

25. **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, Subdivision Works Certificate or the commencement of works, whichever occurs first.

(Reason: Ensure services are not disturbed)

26. **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)

27. **DACCO02- Flooding Floor Levels**
Floor levels shall comply with the Council's flood advice letter and approved flood study i.e. Overland Flood Impact Assessment Report prepared by SDS Engineering Pty Ltd.; Report reference number, 250131, Revision number "A", dated 27/02/2025, by way of providing a minimum floor level for all habitable areas of 25.50mAHD for secondary dwelling and 25.60mAHD for the Studio as pre the

requirement of the flood impact assessment report, being **0.5m** above the flood level at the upstream side of the structure for all habitable areas and a minimum floor level for non habitable areas of RL25.05mAHD for garage and 25.15mAHD for the rear alfresco as per the requirement of the flood impact assessment report, being **0.15m** above the flood level at the upstream side of the structure. Detailed plans showing the compliance are to be submitted with the construction certificate application.

(Reason: To provide acceptable levels of safety in the event of flooding)

28. **DACCO03 - Hydraulic Engineering Design Verification**
Written verification from suitably qualified Flood engineer shall be provided to the Council or registered certifier stating that construction certificate plans comply with the approved flood reports including any recommended flood mitigation measures and that the development will have no adverse impact on flood levels for adjoining properties.

(Reason: To ensure a suitable design that will achieve reasonable levels of safety during flood events without impacting upon adjoining properties)

29. **DACCO04- Flood Safety - Electrical Connections and Flood Sensitive Equipment**
All new electrical connections and flood sensitive equipment must be located above a freeboard level of 0.5m above the 1 % annual exceedance probability flood level.

(Reason: To provide reasonable levels of safety)

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

30. 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.

b) the person having the benefit of the development consent has:
   (i) appointed a principal certifier for the building work, and
   (ii) given at least 2 days' notice to the Council, and the principal certifier if not the Council, of the person's intention to commence the erection of the building, and

c) The principal certifier has, no later than 2 days before the building work commences:
   (i) notified the Council of his or her appointment, and
   (ii) notified the person having the benefit of the development consent of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and

d) The person carrying out the building work has notified the principal certifier that the person will carry out the building work as an owner-builder, if that is the case

e) The person having the benefit of the development consent, if not carrying out the work as an owner-builder, has:
   (i) appointed a principal contractor for the building work who must be the holder of a contractor licence if any residential building work is involved, and
   (ii) notified the principal certifier of such appointment, and
   (iii) unless that person is the principal contractor, notified the principal contractor of any critical stage inspections and other inspections that are to be carried out in respect of the building work.

(Reason: Statutory requirements)

31. 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);

c) 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:
     (i) The name and licence number of the principal contractor, and
     (ii) The name of the insurer by which the work is insured under Part 6 of the Home Building Act 1989.
   - In the case of work to be done by an owner-builder:
     (i) The name of the owner-builder, and
     (ii) 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)

32. DAPCA03 - Site Safety Fencing

Site fencing to a minimum height of 1.8m shall be erected before the commencement of any work and shall be maintained throughout the duration of works to exclude public access to the site.

(Reason: Statutory requirement and health and safety)

33. **DAPCA04 - Principal Certifier Sign**

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

a) shows the name, address and telephone number of the Principal Certifier;
b) 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.
c) 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)

34. **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)

35. **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)

36. **DAPCZ01 - Protection of Footpath paving, Kerb and Gutter**

Protection must be provided for Council footpath paving, kerb and gutter. 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 during any development work

37. 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)

38. 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 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)

39. 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)

40. 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)

41. 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)

42. **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) 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 for the full width of the entrance area.
b) No blasting is to be carried out at any time during construction of the building.
c) Care must be taken during demolition/ excavation/ building/ construction to prevent any damage to adjoining buildings.
d) 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.
e) Any demolition and excess construction materials are to be recycled wherever practicable.
f) The disposal of construction and demolition waste must be in accordance with the requirements of the *Protection of the Environment Operations Act 1997*.
g) 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*.
h) All excavated material removed from the site shall be disposed of to an authorised waste disposal facility.
i) All non-recyclable demolition materials shall be disposed of at an approved waste disposal facility.
j) 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.
k) 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.
l) 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.
m) 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 protection to public spaces and prevent unauthorised access to the site)

43. **DADWA10- Electricity and Telecommunication Connections - Secondary Dwellings**

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)

44. **DADWA11 - Communication Cabling**

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

(Reason: Environmental Amenity)

45. **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 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)

46. **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. 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, 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)

47. 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. When lodging the 'Application for Road and Footpath Opening Permit' fees are payable in accordance with Council's adopted fees and charges.

Note: 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)

48. 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)

49. 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)

50. DADWC02 - Compliance with the National Construction Code

All building work must be carried out in accordance with the provisions of the National Construction Code.

(Reason: Prescribed statutory control)

51. DADWC04 - Survey Report - Development of Two storeys or Less

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

a) The level of the upper floor and its relationship to boundaries prior to the placement of structural elements.
b) The relationship of the building to the boundaries at completion.

Progress certificates in response to the above shall be produced to the Principal 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 portions of the building higher than approved levels or closer to boundaries that what was approved.

(Reason: To ensure compliance with approved plans)

52. 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 so as not to exceed a background noise by more than 5dB(A) measured from any habitable room on an adjoining property.

(Reason: To ensure that air conditioning units associated with the development are appropriately

located)

53. **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)

54. **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)

55. **DADWC19 - Sediment and Erosion Control measures**
During works, the following measures are to be implemented on the site to assist with sedimentation control during the construction phase of the project:

a) 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.
b) 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.
c) The installation of gutters, downpipes, and the connection of downpipes to the stormwater disposal system shall take place prior to the fixing of the roof cladding.

The above 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)

56. **DADWD01 - Notice of Demolition**
Demolition work is to be carried out by a licenced demolition contractor in accordance with AS 2601-2001 and may only be carried out between 7.00am to 5.00pm on Mondays to Saturdays, excluding public holidays. Jackhammers, rock breakers, heavy machinery and the like may not be used on Saturdays. No demolition work is to take place on Sundays or public holidays.

Within fourteen days of the completion of demolition works, the applicant must lodge with Council, all original weighbridge receipts issued by the receiving waste disposal facility.

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

57. **DADWD02 - Demolition - Asbestos**
For demolition works involving asbestos, 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 delineate and isolate the asbestos removal area and prevent public access are to be installed prior to the commencement of asbestos removal works and remain in place until works are completed. The type of barricading should reflect the level of risk.

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.

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

a) Work Health and Safety Act 2011 & Work Health and Safety Regulation 2017;
b) 'Code of Practice on how to safely remove asbestos' published by Safe Work Australia (dated July 2020); and
c) Safe Work Australia Code of Practice for the Management and Control of Asbestos in the Workplace [NOHSC:2018(2005)].

Re-occupation of a workplace must not occur until following the completion of asbestos removal work until a Licensed Asbestos Assessor or Competent Person independent from the asbestos removalist undertakes a clearance inspection and issues a clearance certificate.

Note: To find a licensed asbestos removalist please visit SafeWork NSW website.

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

58. DADWD03 - 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 National Construction Code in relation to any matter relevant to the development.

(Reason: Statutory requirement)

59. DADWD04 - 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 requirement)

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

60. **DAOCA01 - Occupation Certificate**
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. Before issuing an Occupation Certificate, the Principal Certifier must be satisfied that:

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

(Reason: Statutory requirement)

61. **DAOCA04 - Structural Engineer's Certificate**
A certificate from the supervising structural engineer responsible for the design shall be submitted to the Principal Certifier certifying 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)

62. **DAOCA08 - Certification of Engineering Works**
Prior to the issue of an Occupation Certificate, the following documents must be submitted to the Principal Certifier.

a) Work as executed drawings prepared by a registered surveyor for completed engineering works.
b) Certification from a qualified practising professional engineer with Engineers Australia membership under the appropriate professional category, that the following matters have been constructed in accordance with the approved plans and conditions of consent:
    - the stormwater drainage system;

(Reason: Asset management)

63. **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.

Note: The above works will require the submission of an application to Council under s.138 of the *Roads Act 1993*.

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

64. **DAOCA14 - Drainage System - Maintenance of Existing system**
Where elements of the existing drainage system are to be utilised, the existing drainage system shall be maintained clear of silt and accumulated debris.

Certification from a licenced plumber or a person of equivalent or greater experience or qualification shall be provided to confirm that the system is in good working order and has the capacity to deal with additional flows from the development.

(Reason: Maintenance and environment)

65. **DAOCF05 - Unpaved Verge Area**
The unpaved verge area shall be turfed.

(Reason: To ensure an appropriate streetscape outcome)

66. **DAOCG01 - Certification of the Constructed Stormwater Drainage System**
The constructed stormwater drainage system shall be certified by a qualified practising civil engineer as being in accordance with Council's Development Control Plan and engineering policies.

(Reason: Adequate stormwater management)

67. **DAOCI04 - Satisfaction of Hydraulic Requirements - Flood Affected Land**
Written verification from a suitably qualified hydraulic engineer shall be provided to the principal certifier stating that:

a) Requirements, recommendations and mitigation measures of the Flood Impact Assessment Report have been implemented and complied with;
b) The habitable and non-habitable areas floor level comply with the minimum floor level and freeboard requirements; and
c) The completed development will have no adverse impact on adjoining properties, will not increase flood levels and will not extend land affected by flooding.

(Reason: To ensure works will not adversely affect neighbouring land and will not exacerbate localised flooding)

68. **DAOCI05 - Work as Executed Plans - Flood Affected Land**
Work as executed plans prepared by a registered surveyor shall be submitted to the principal certifier addressing adherence of the following building elements to the approved plans and conditions of this consent:

a) Pier locations;
b) Subfloor areas and clearance under the building;
c) Location, levels and sizes of pipes and pits;
d) Finished floor levels; and
e) Finished ground levels following completion of landscaping.

The work as executed plans shall be reviewed by a qualified civil or hydraulic engineer who is to record updated overland flow paths and certify that overland flows will not adversely affect neighbouring land or extend areas affected by flooding as compared to the pre-development situation.

Any departures from approved plans or conditions are to be notified to the Council and, if required by the Council, rectified prior to the issue of the occupation certificate.

(Reason: To ensure works will not adversely affect neighbouring land and will not exacerbate localised flooding)

69. **DAOCZ01 - Emergency Flood evacuation plan**
As the site is identified as being affected by the Probable Maximum Flood (PMF) event, an Emergency Flood evacuation measures and plan shall be prepared for evacuation of occupant to a safe refuge at a location higher than the PMF flood level whether on-sited or off site. A copy of the report and the plan shall be submitted to council for record.

(Reason: ensure protection of person from flood.)

70. **DAOCZ05 - Certification of the Stormwater Connection Works**
Certificate of compliance from the Sydney Water, stating that the connection work into the Sydney water channel has been appropriately completed in accordance with specification and to the satisfaction of the Sydney water.

(Reason: Adequate stormwater management)

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

71. **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:

a) 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)

72. **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)

73. **DAOUC32 - Use of Studio**

The approved studio is not permitted to be used as a separate domicile at any time. In this regard the studio shall never be separately inhabited or 'rented' out as a separate dwelling from the primary dwelling on the site. The studio must not contain cooking facilities.

(Reason: To comply with the approved development)

74. **DAOUD02- Landscape Maintenance - General**

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

(Reason: Safety and landscape amenity)

75. **DAOUH02 - Floodway Clearance**

The open subfloor beneath the front, rear and side part of the building must be kept clear for the flow of floodwater. No materials and objects are to be stored in the subfloor area that will impede flows or cause expansion of flood affected areas.

(Reason: To protect the flood storage area)

76. **DAOUH07 - Free Flow of Flood Water**

No enclosure or storage of items is to take place in or around sub floor areas of the building for that part of the site affected by overland flows or mainstream flooding.

(Reason: To not impede or block the flow of water and to prevent damage to property)

Advisory Notes

77. 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 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 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 Before You Dig service in advance of any construction or planning activities.

(Reason: Advisory)

78. 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.

(Reason: Advisory)

79. 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.

(Reason: Advisory)

80. 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.

(Reason: Advisory)

81. 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 or 4.56 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 unless and until a modified consent is issued.

(Reason: Advisory)

82. 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.

(Reason: Advisory)

83. **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.

(Reason: Advisory)

84. **DAANN12 - Works/Construction Zones**
All buildings on a development site, comprising of 3 or more storeys require approval of a 'Works Zone' from Council. The applicant must apply to Council and pay the applicable fee. Provision of a works zone is subject to approval by the Cumberland Traffic Committee. The length and duration of a works zone will be determined by Council.

(Reason: Advisory)

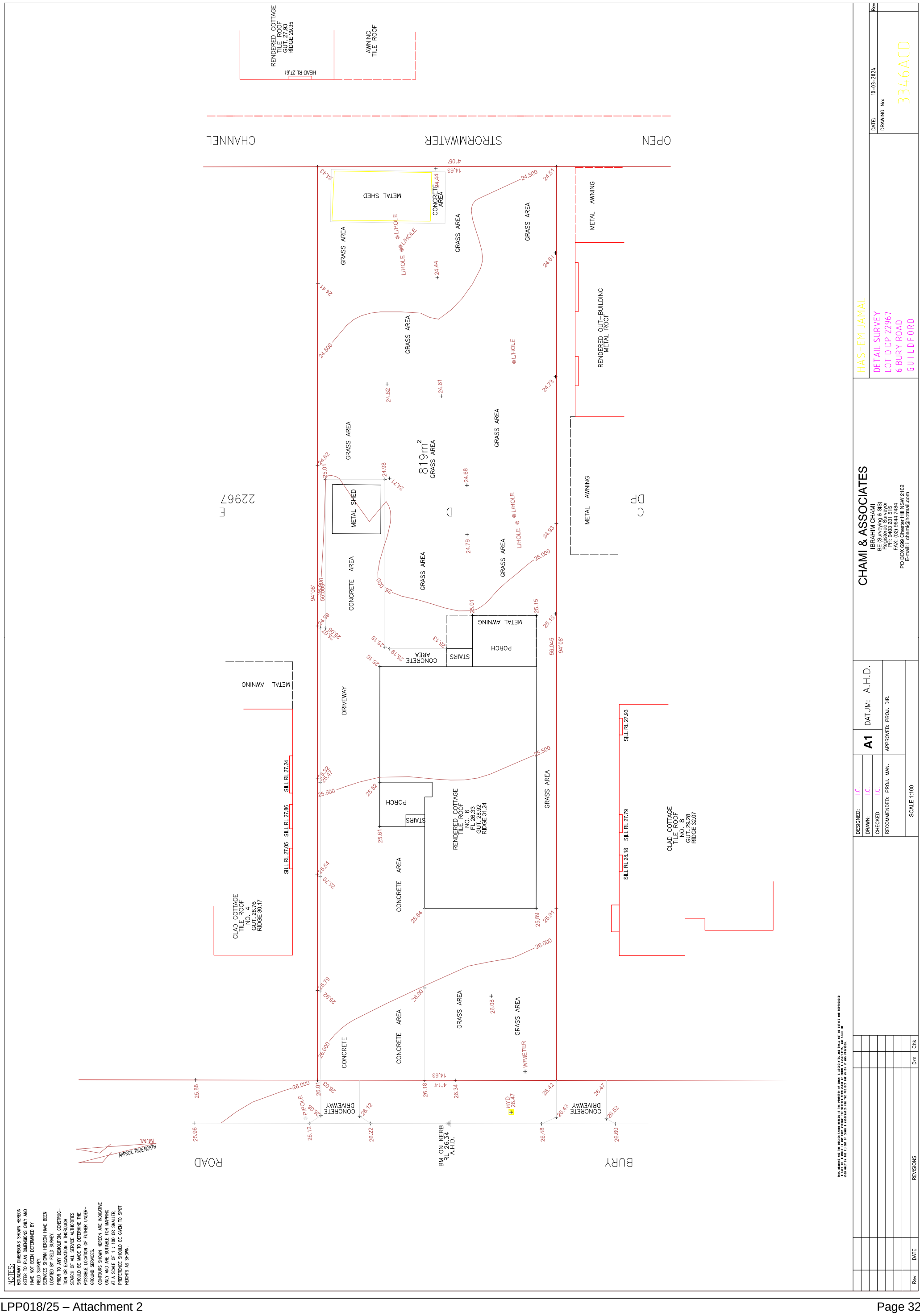
85. **DAANN13 - Work Health and Safety**
For information regarding, codes of practice and guidelines regarding demolition and construction work, visit the SafeWork NSW.

(Reason: Advisory)

DOCUMENTS ASSOCIATED WITH REPORT ELPP018/25

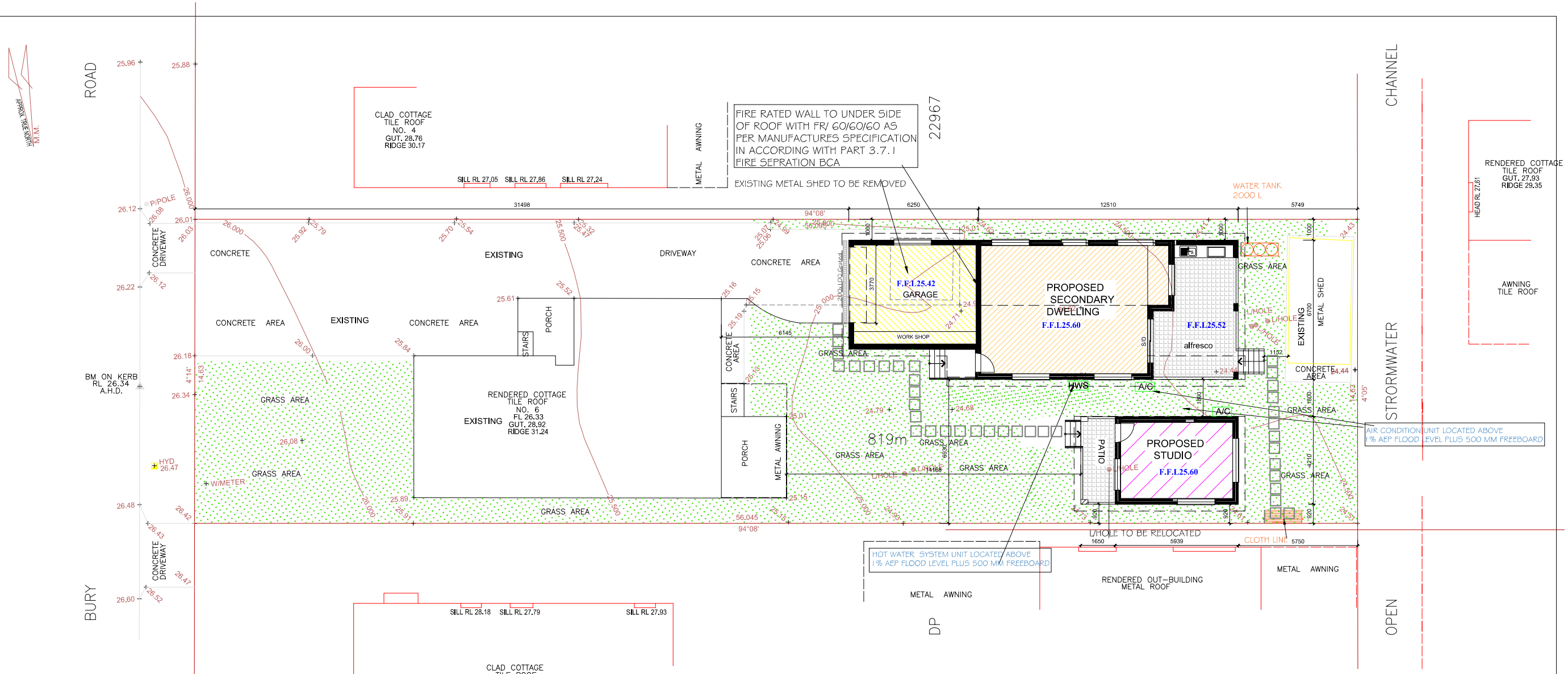
Attachment 2

Architectural Plans



NOTES:
BOUNDARY DIMENSIONS SHOWN HEREON REFER TO PLAN DIMENSIONS ONLY AND HAVE NOT BEEN DETERMINED BY FIELD SURVEY.
SERVICES SHOWN HEREON HAVE BEEN LOCATED BY FIELD SURVEY.
PRIOR TO ANY DEMOLITION, CONSTRUCTION OR EXCAVATION A THOROUGH SEARCH OF ALL SERVICE AUTHORITIES SHOULD BE MADE TO DETERMINE THE POSSIBLE LOCATION OF FUTHER UNDERGROUND SERVICES.
CONTOURS SHOWN HEREON ARE INDICATIVE ONLY AND ARE SUITABLE FOR MAPPING AT A SCALE OF 1 : 100 OR SMALLER. PREFERENCE SHOULD BE GIVEN TO SPOT HEIGHTS AS SHOWN.

THIS DRAWING AND THE DESIGN SHOWN HEREON IS THE PROPERTY OF CHAMI & ASSOCIATES AND SHALL NOT BE COPIED NOR REPRODUCED IN PART OR IN WHOLE, IN ANY FORM WITHOUT THE WRITTEN PERMISSION OF CHAMI & ASSOCIATES, AND SHALL BE RETURNED AT THE REQUEST OF CHAMI & ASSOCIATES NOW OR WHEN IT HAS FINISHED.



SITE PLAN 1/100

DESIGN CALCULATION:

- SITE AREA: 819 m2
- EXISTING HOUSE (LIVING AREA): 121 m2
- EXISTING REAR SHED = 18 m2
- PROPOSED SECONDARY DWELLING (GRANNY FLAT) = 60 m2
- PROPOSED ALFRESCO = 23.13 m2
- PROPOSED GARAGE = 32.81 m2
- PROPOSED STUDIO = 25 m2
- PROPOSED FRONT PATIO(STUDIO= 6.94 m2
- PRIVATE OPEN SPACE FOR HOUSE + SECOND DWELLING =185 m2
- LANDSCAPE AREA = 260 m2 = 31.74% OF THE SITE AREA
- SITE COVERAGE INCLUDE HOUSE GRANNY FLAT+STUDIO 298 m2=36.39 % OF SITE AREA

Note:

-Any new electrical connections and flood sensitive equipment shall be located above the 1% AEP flood level plus 500 mm freeboard.

- Wet Areas to be waterproofed according to clause 10.2 of NCC

SIGHT BUILDING DESIGN
Sam. Sallit (B. Arch.)
MEMBER OF THE ROYAL AUSTRALIAN INSTITUTE OF ARCHITECT
REGISTERED DESIGN & BUILDING PRACTITIONER (SERVICE NSW)
(Tel - fax) 9637 1491 Mob: 0410 316 294
31 Farnell Street, Merrylands 2160 marsam2@outlook.com.au

JOB DESCRIPTION	DRAWING TITLE
PROPOSED SECONDARY DWELLING (GRANNY FLAT)+ GARAGE + STUDIO	SITE PLAN
AT : NO: 6 BURY ROAD, GUILDFORD, NSW LOT D D.P. 22967	CLIENT NAME: MR. HASHEM JAMAL 0406860080

NOTES

- ALL WORK ADDITIONS ARE TO BE CONSIDERD PART OF THIS AMENDED PLAN
- ALL GROUND LINES ARE APPROXIMATE ONLY, AND ARE TO BE VERIFIED ON SITE.
- THE BUILDER IS RESPONSIBLE FOR THE CORRECTINGS OF ALL PLANS AND DIMENSIONS.
- THE BUILDER HAS TO CHECK ALL DIMENSIONS PRIOR TO COMMENCMENT OF WORK.
- STORM WATER IS EXISTING CONNECTED TO EXISTING DRAINAGE
- DONT SCALE.
- SMOKE ALARMS ARE TO BE INSTALLED IN ACCORDANCE WITH AS3786-1993. ALARMS ARE TO BE POSTIONED ON THE CELING AND SET BACK A MINIMUM DISTANCE OF 300mm FROM ANY WALL.
- WET AREAS ARE TO BE WATERPROOFED IN ACCORDANCE WITH AS3740 WATERPROOFING OF WET AREAS WITHIN RESIDENTIAL BUILDINGSE

DRAWN	SS
DATE	30/08/2024
CHECKED	SS
SCALE	1/100
JOB NUMBER	936
NUMBER IN SET	2
ISSUE	

NORTH

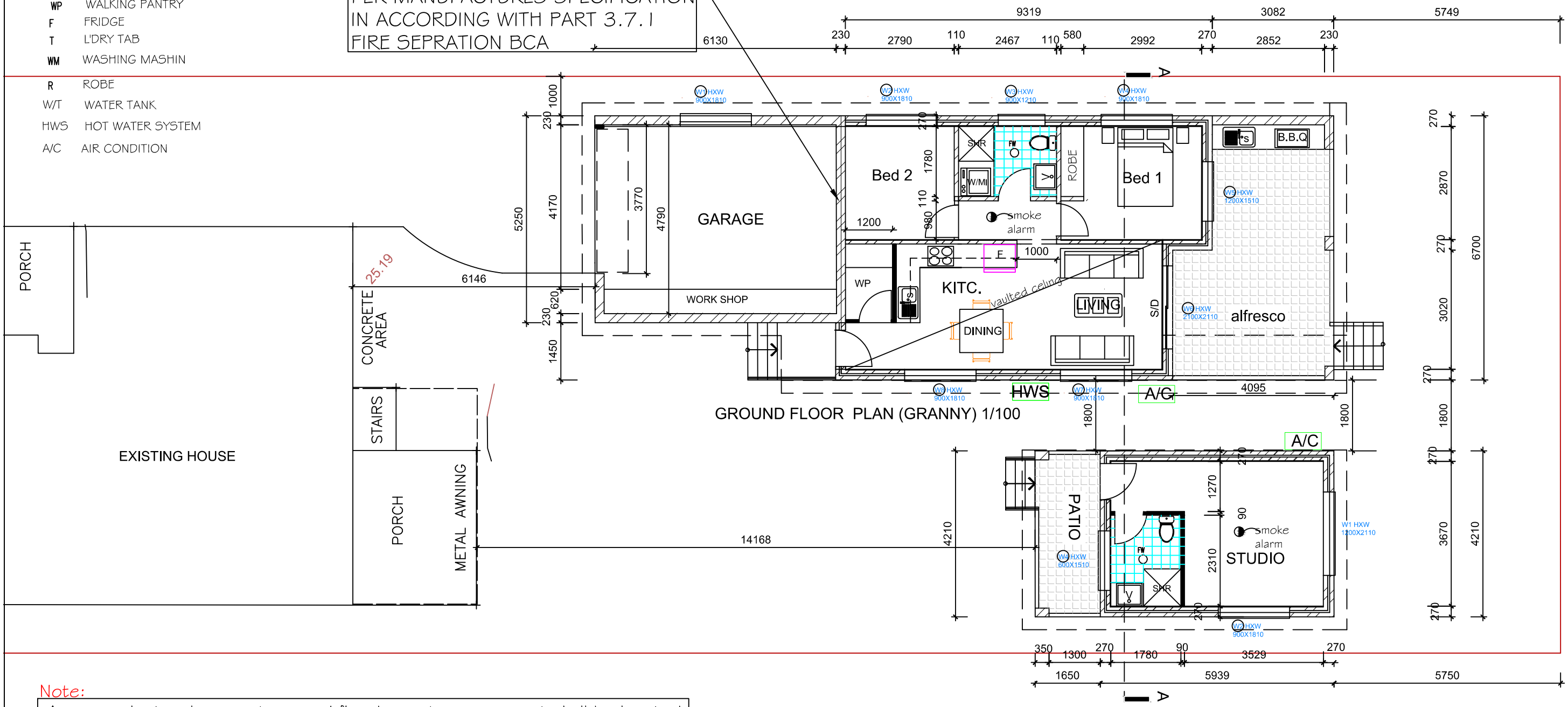
ISSUE	AMENDMENT	BY	DATE
*A	Revise 1	C	13/05/2025

CUMBERLAND CITY COUNCIL
Cumberland Local Planning Panel Meeting
13 August 2025

LEGENED :

- FW — FLOOR WASTE
- SMOKE ALARM
- S/D — SLIDING DOOR
- WP — WALKING PANTRY
- F — FRIDGE
- T — L'DRY TAB
- WM — WASHING MASHIN
- R — ROBE
- W/T — WATER TANK
- HWS — HOT WATER SYSTEM
- A/C — AIR CONDITION

FIRE RATED WALL TO UNDER SIDE OF ROOF WITH FR/ 60/60/60 AS PER MANUFACTURES SPECIFICATION IN ACCORDING WITH PART 3.7.1 FIRE SEPRATION BCA



GROUND FLOOR PLAN (GRANNY) 1/100

GROUND FLOOR PLAN (STUDIO) 1/100

Note:

-Any new electrical connections and flood sensitive equipment shall be located above the 1% AEP flood level plus 500 mm freeboard.

- Wet Areas to be waterproofed according to clause 10.2 of NCC

SIGHT BUILDING DESIGN
Sam. Sallit (B. Arch.)
MEMBER OF THE ROYAL AUSTRALIAN INSTITUTE OF ARCHITECT
REGISTERED DESIGN & BUILDING PRACTITIONER (SERVICE NSW)
(Tel - fax) 9637 1491 Mob: 0410 316 294
31 Farnell Street, Merrylands 2160 marsam2@outlook.com.au

JOB DESCRIPTION	DRAWING TITLE
PROPOSED SECONDARY DWELLING (GRANNY FLAT)+ GARAGE + STUDIO	GROUND FLOOR PLAN
AT : NO: 6 BURY ROAD, GUILDFORD, NSW LOT D D.P. 22967	CLIENT NAME: MR. HASHEM JAMAL 0406860080

NOTES

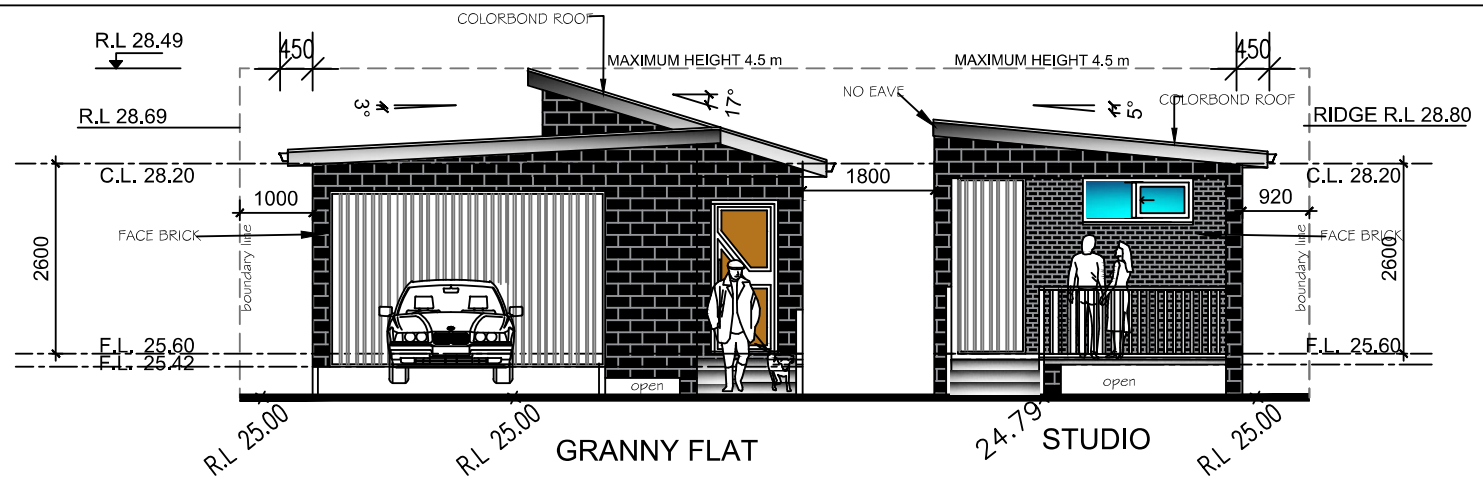
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- ALL GROUND LINES ARE APPROXIMATE ONLY, AND ARE TO BE VERIFIED ON SITE.
- THE BUILDER IS RESPONSIBLE FOR THE CORRECTINGS OF ALL PLANS AND DIMENSIONS.
- THE BUILDER HAS TO CHECK ALL DIMENSIONS PRIOR TO COMMENCMENT OF WORK.
- STORM WATER IS EXISTING CONNECTED TO EXISTING DRAINAGE
- DONT SCALE.
- SMOKE ALARMS ARE TO BE INSTALLED IN ACCORDANCE WITH AS3786-1993. ALARMS ARE TO BE POSTIONED ON THE CELING AND SET BACK A MINIMUM DISTANCE OF 300mm FROM ANY WALL.
- WET AREAS ARE TO BE WATERPROOFED IN ACCORDANCE WITH AS3740 WATERPROOFING OF WET AREAS WITHIN RESIDENTIAL BUILDINGSE

DRAWN	SS
DATE	30/08/2024
CHECKED	SS
SCALE	1/100
JOB NUMBER	936
NUMBER IN SET	3
ISSUE	

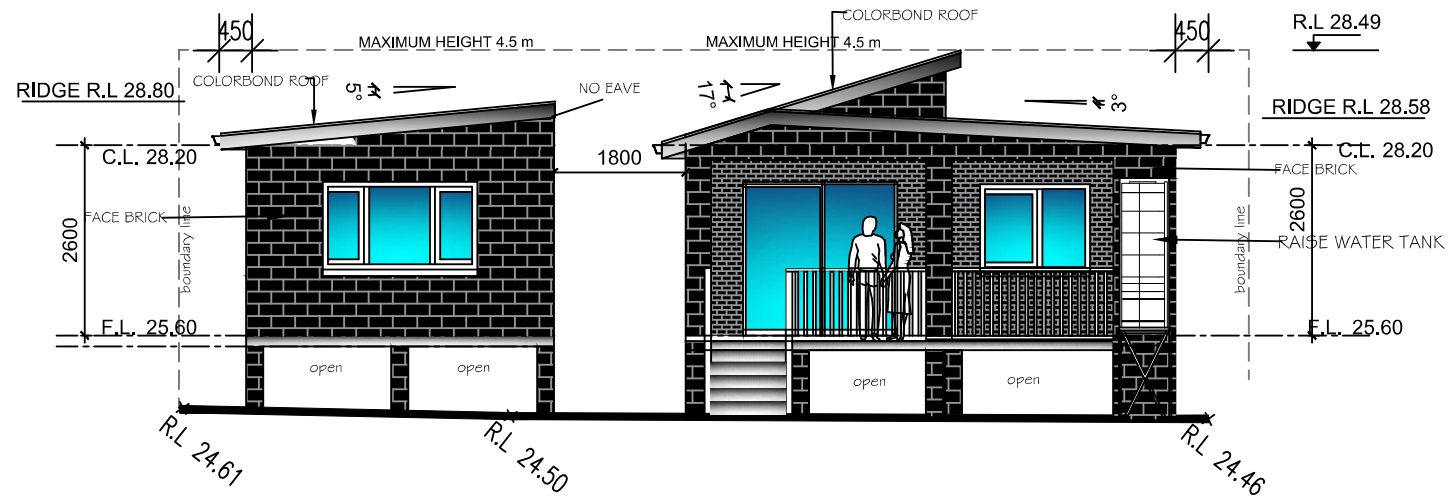
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ISSUE	AMENDMENT	BY	DATE
*A	Revise 1	C	13/05/2025

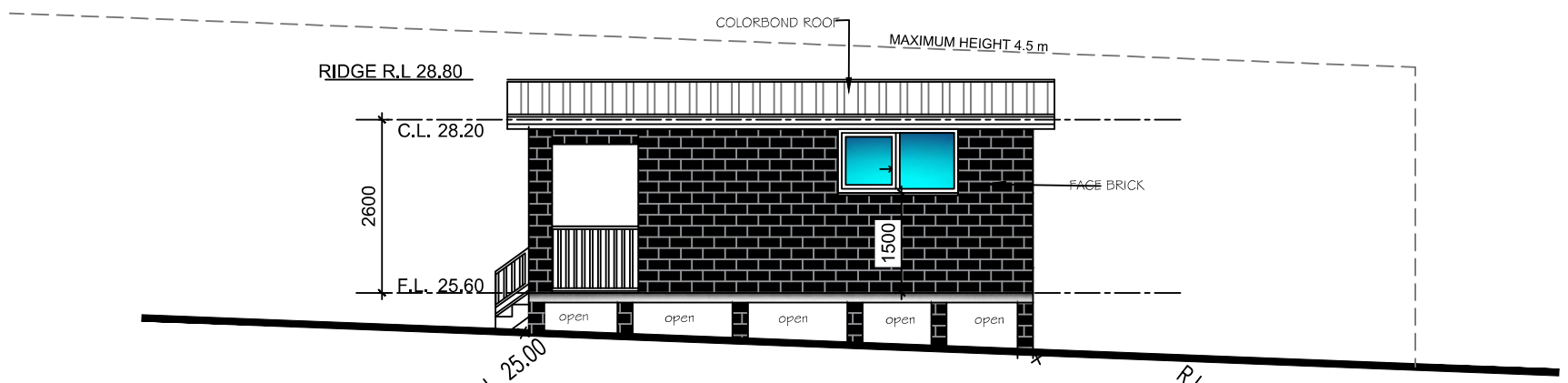
Cumberland Local Planning Panel Meeting
13 August 2025



West Elevation (GRANNY+ STUDIO) 1/100



West Elevation (granny+ studio) 1/100



South Elevation (Studio) 1/100

SIGHT BUILDING DESIGN
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31 Farnell Street, Merrylands 2160 marsam2@outlook.com.au

JOB DESCRIPTION	DRAWING TITLE
PROPOSED SECONDARY DWELLING (GRANNY FLAT) + GARAGE +STUDIO	ELEVATIONS (A)
AT : NO: 6 BURY ROAD, GUILDFORD, NSW LOT D D.P. 22967	CLIENT NAME MR. HASHEM JAMAL 0406860080

NOTES

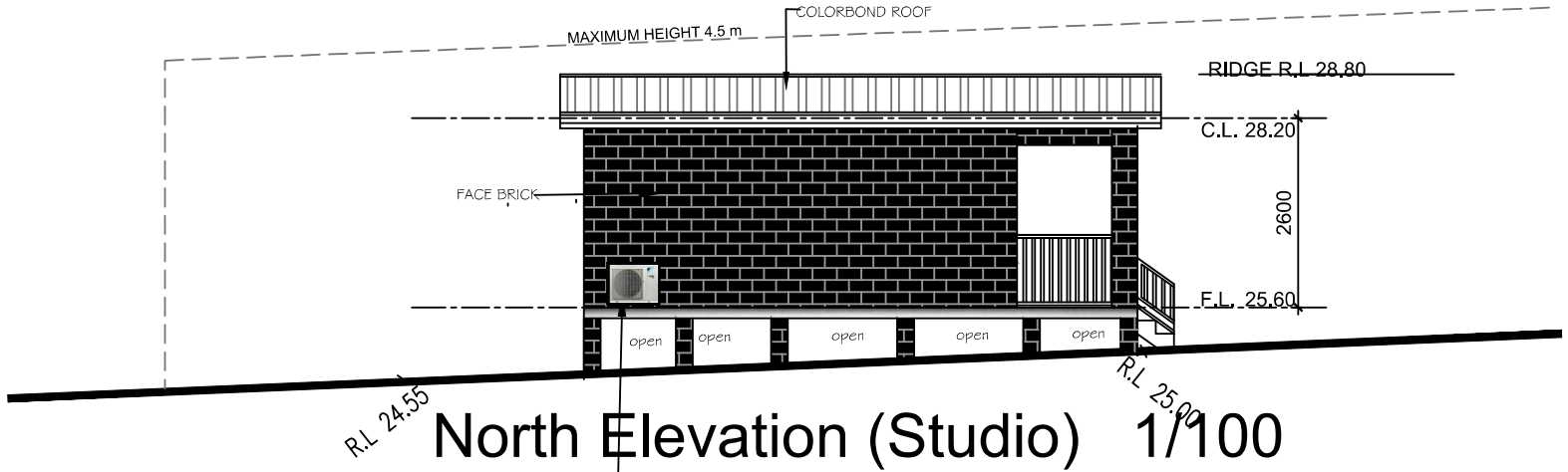
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DRAWN	SS
DATE	30/08/2024
CHECKED	SS
SCALE	1/100
JOB NUMBER	936
NUMBER IN SET	4
ISSUE	

NORTH

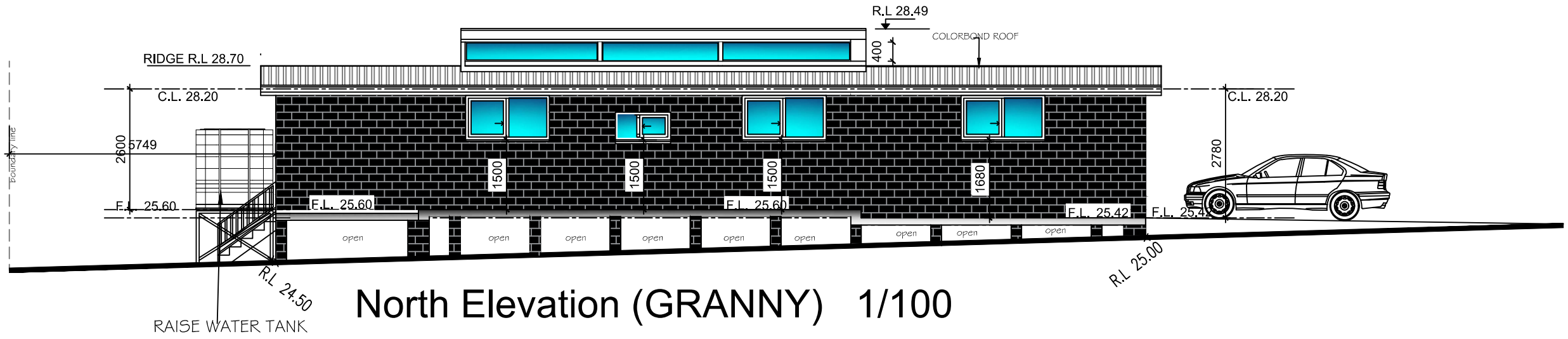
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ISSUE	AMENDMENT	BY	DATE
*A	Revise 1	C	13/05/2025

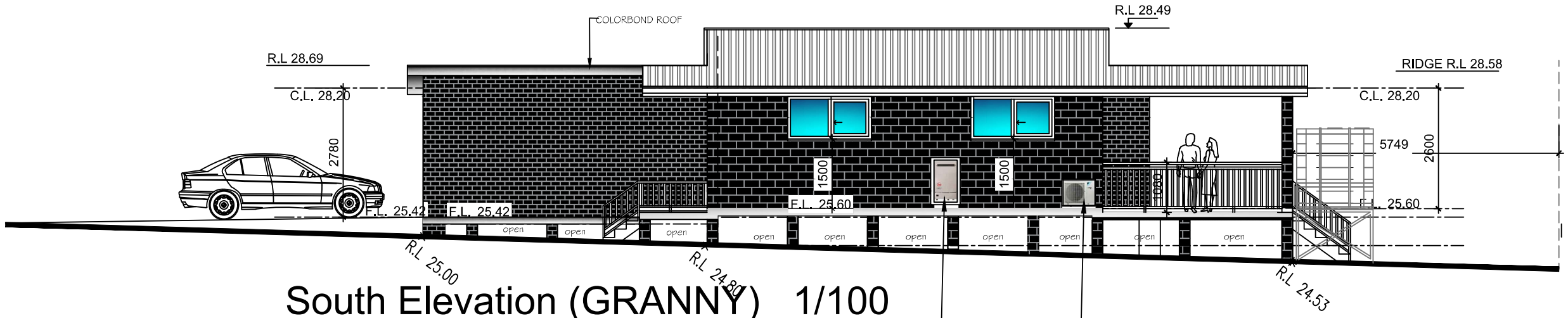


North Elevation (Studio) 1/100

AIR CONDITION UNIT LOCATED ABOVE
1 % AEP FLOOD LEVEL PLUS 500 MM FREEBOARD



North Elevation (GRANNY) 1/100



South Elevation (GRANNY) 1/100

HOT WATER SYSTEM UNIT LOCATED ABOVE 1 % AEP FLOOD LEVEL PLUS 500 MM FREEBOARD

AIR CONDITION UNIT LOCATED ABOVE 1 % AEP FLOOD LEVEL PLUS 500 MM FREEBOARD

SIGHT BUILDING DESIGN
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31 Farnell Street, Merrylands 2160 marsam2@outlook.com.au

JOB DESCRIPTION	DRAWING TITLE
PROPOSED SECONDARY DWELLING (GRANNY FLAT)+ GARAGE + STUDIO	ELEVATIONS (B)
AT : NO: 6 BURY ROAD, GUILDFORD, NSW LOT D D.P. 22967	CLIENT NAME: MR. HASHEM JAMAL 0406860080

NOTES

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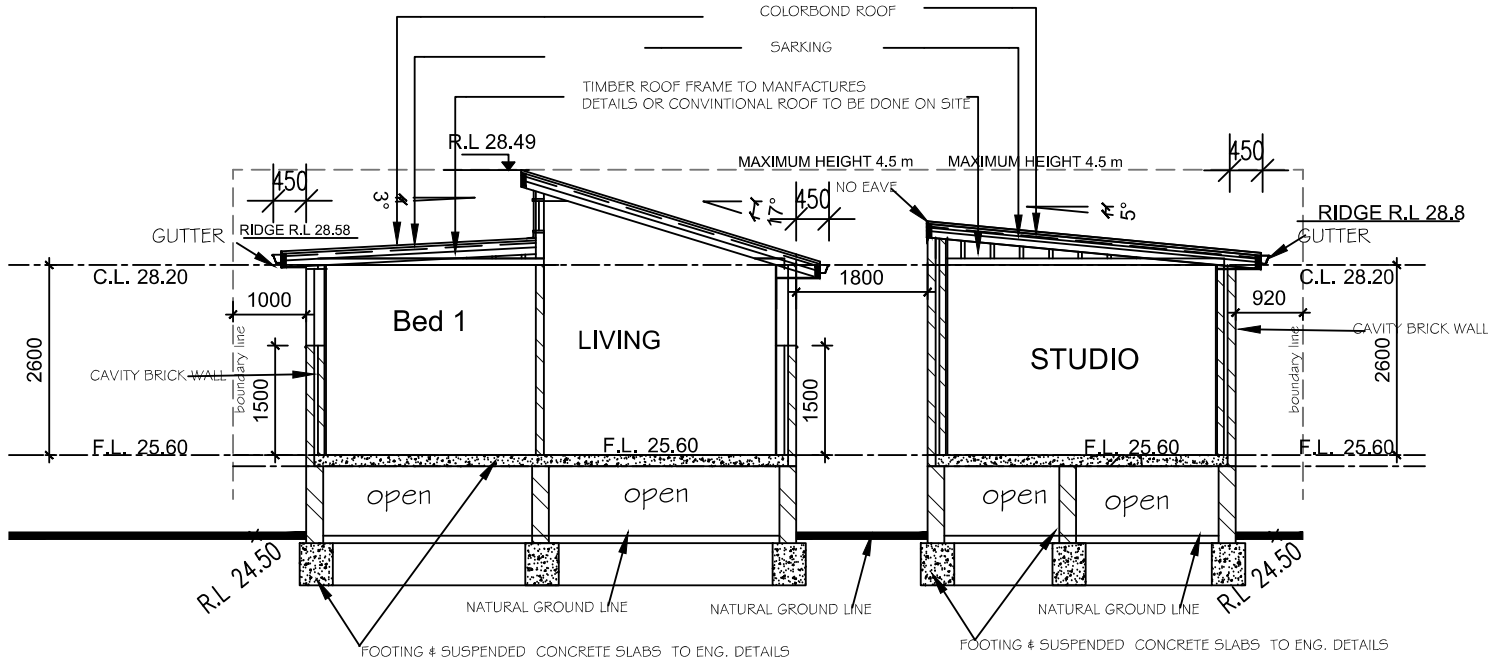
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DATE	30/08/2024
CHECKED	SS
SCALE	1/100
JOB NUMBER	936
NUMBER IN SET	5
ISSUE	

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ISSUE	AMENDMENT	BY	DATE
*A	Revise 1	C	13/05/2025

Cumberland Local Planning Panel Meeting
13 August 2025



GRANNY FLAT

SECTION A- A (GRANNY FLAT) 1/100

STUDIO

SECTION A- A (STUDIO)

SIGHT BUILDING DESIGN
Sam. Sallit (B. Arch.)
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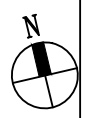
JOB DESCRIPTION	DRAWING TITLE
PROPOSED SECONDARY DWELLING (GRANNY FLAT)+ GARAGE + STUDIO	SECTION A-A
AT : NO: 6 BURY ROAD, GUILDFORD, NSW LOT D D.P. 22967	CLIENT NAME: MR. HASHEM JAMAL 0406860080

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DRAWN	SS
DATE	30/08/2024
CHECKED	SS
SCALE	1/100
JOB NUMBER	936
NUMBER IN SET	6
ISSUE	

NORTH



ISSUE	AMENDMENT	BY	DATE
*A	Revise 1	C	13/05/2025

BASIX® Certificate

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

Single Dwelling

Certificate number: 1779236S

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: Thursday, 02 January 2025
To be valid, this certificate must be submitted with a development application or lodged with a complying development certificate application within 3 months of the date of issue.

Project summary	
Project name	6 BURY ROAD, GUILDFORD - Granny Flat
Street address	6 BURY Road GUILDFORD 2161
Local Government Area	Cumberland Council
Plan type and plan number	Deposited Plan DP22967
Lot no.	D
Section no.	-
Project type	dwelling house (detached) - secondary dwelling
No. of bedrooms	2

Project score		
Water	✔ 41	Target 40
Thermal Performance	✔ Pass	Target Pass
Energy	✔ 71	Target 68
Materials	✔ -73	Target n/a

Description of project

Project address	
Project name	6 BURY ROAD, GUILDFORD - Granny Flat
Street address	6 BURY Road GUILDFORD 2161
Local Government Area	Cumberland Council
Plan type and plan number	Deposited Plan DP22967
Lot no.	D
Section no.	-
Project type	
Project type	dwelling house (detached) - secondary dwelling
No. of bedrooms	2
Site details	
Site area (m²)	819
Roof area (m²)	130
Conditioned floor area (m²)	57.0
Unconditioned floor area (m²)	7.0
Total area of garden and lawn (m²)	260
Roof area of the existing dwelling (m²)	132
Number of bedrooms in the existing dwelling	3

Assessor details and thermal loads	
Assessor number	n/a
Certificate number	n/a
Climate zone	n/a
Area adjusted cooling load (MJ/m².year)	n/a
Area adjusted heating load (MJ/m².year)	n/a

Project score		
Water	✔ 41	Target 40
Thermal Performance	✔ Pass	Target Pass
Energy	✔ 71	Target 68
Materials	✔ -73	Target n/a

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.

Water Commitments	Show on DA plans	Show on CC/CDC plans & specs	Certifier check
Landscape			
The applicant must plant indigenous or low water use species of vegetation throughout 20 square metres of the site.	✔	✔	
Fixtures			
The applicant must install showerheads with a minimum rating of 4 star (> 4.5 but <= 6 L/min plus spray force and/or coverage tests) in all showers in the development.		✔	✔
The applicant must install a toilet flushing system with a minimum rating of 5 star in each toilet in the development.		✔	✔
The applicant must install taps with a minimum rating of 5 star in the kitchen in the development.		✔	
The applicant must install basin taps with a minimum rating of 5 star in each bathroom in the development.		✔	
Alternative water			
Rainwater tank			
The applicant must install a rainwater tank of at least 2000 litres on the site. This rainwater tank must meet, and be installed in accordance with, the requirements of all applicable regulatory authorities.	✔	✔	✔
The applicant must configure the rainwater tank to collect rain runoff from at least 130 square metres of the roof area of the development (excluding the area of the roof which drains to any stormwater tank or private dam).		✔	✔
The applicant must connect the rainwater tank to:			
• all toilets in the development		✔	✔
• the cold water tap that supplies each clothes washer in the development		✔	✔
• at least one outdoor tap in the development (Note: NSW Health does not recommend that rainwater be used for human consumption in areas with potable water supply.)		✔	✔

Thermal Performance and Materials commitments	Show on DA plans	Show on CC/CDC plans & specs	Certifier check
Do-it-yourself Method			
General features			
The dwelling must be a Class 1 dwelling according to the National Construction Code, and must not have more than 2 storeys.	✔	✔	✔
The conditioned floor area of the dwelling must not exceed 300 square metres.	✔	✔	✔
The dwelling must not contain open mezzanine area exceeding 25 square metres.	✔	✔	✔
The dwelling must not contain third level habitable attic room.	✔	✔	✔
Floor, walls and ceiling/roof			
The applicant must construct the floor(s), walls, and ceiling/roof of the dwelling in accordance with the specifications listed in the table below.	✔	✔	✔
The applicant must adopt one of the options listed in the tables below to address thermal bridging in metal framed floor(s), walls and ceiling/roof of the dwelling.	✔	✔	✔
The applicant must show through receipts that the materials purchased for construction are consistent with the specifications listed in the tables below.			✔

Construction	Area - m²	Additional insulation required	Options to address thermal bridging	Other specifications
floor - suspended floor above enclosed subfloor, concrete - suspended; frame: no frame.	60	nil;none	nil	subfloor wall insulation: None
garage floor - concrete - suspended; frame: no frame.	32.81	none	nil	
external wall: cavity brick; frame: no frame.	all external walls	0.50 (or 1.20 including construction);foil-foam composite board + reflective foil in the cavity	nil	wall colour: Medium (solar absorptance 0.48-0.7)
internal wall shared with garage: single skin masonry; frame: no frame.	14	nil;none	nil	
internal wall: single skin masonry; frame: no frame.	39	rockwool batts, roll or pump-in	nil	
internal wall: plasterboard; frame: timber - H2 treated softwood.	8.5	rockwool batts, roll or pump-in	nil	
ceiling and roof - flat ceiling / flat roof, framed - metal roof, timber - H2 treated softwood.	130	ceiling: 5.8 (up), roof: foil backed blanket ;ceiling: rockwool batts, roll or pump-in; roof: foil backed blanket.	nil	roof colour: medium (solar absorptance 0.48-0.59); 1.5 to 2.0% of ceiling area uninsulated

Note	• Insulation specified in this Certificate must be installed in accordance with the ABCB Housing Provisions (Part 13.2.2) of the National Construction Code.
Note	• If the additional ceiling insulation listed in the table above is greater than R3.0, refer to the ABCB Housing Provisions (Part 13.2.3 (6)) of the National Construction Code.
Note	• In some climate zones, insulation should be installed with due consideration of condensation and associated interaction with adjoining building materials.
Note	• Thermal breaks must be installed in metal framed walls and applicable roofs in accordance with the ABCB Housing Provisions of the National Construction Code.

Thermal Performance and Materials commitments	Show on DA plans	Show on CC/CDC plans & specs	Certifier check
Ceiling fans			
The applicant must install at least one ceiling fan in at least one daytime habitable space, such as living room.	✔	✔	✔
• The minimum number and diameter of ceiling fans in a daytime habitable space must be installed in accordance with the ABCB Housing Provisions (Part 13.5.2) of the National Construction Code .	✔	✔	✔

Thermal Performance and Materials commitments	Show on DA plans	Show on CC/CDC plans & specs	Certifier check
Glazed windows, doors and skylights			
The applicant must install the windows, glazed 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 glazed window and door.	✔	✔	✔
The dwelling may have 1 skylight (<0.7 square metres) which is not listed in the table.	✔	✔	✔
The following requirements must also be satisfied in relation to each window and glazed door:	✔	✔	✔
• The applicant must install windows and glazed doors in accordance with the height and width, frame and glazing types listed in the table.	✔	✔	✔
• Each window and glazed door must have a U- value no greater than that listed and a Solar Heat Gain Coefficient (SHGC) within the range listed. Total system U values and SHGC must be calculated in accordance with National Fenestration Rating Council (NFRC) conditions.		✔	✔
• Vertical external louvres and blinds must fully shade the glazed window or door beside which they are situated when fully drawn or closed.	✔	✔	✔
The applicant must install the skylights described in the table below, in accordance with the specifications listed in the table. Total skylight area must not exceed 3 square metres (the 3 square metre limit does not include the optional additional skylight of less than 0.7 square metres that does not have to be listed in the table).	✔	✔	✔

Glazed window/door no.	Maximum height (mm)	Maximum width (mm)	Frame and glass specification	Shading device (Dimension within 10%)	Overshadowing
North facing					
W01	900.00	1810.00	aluminium, single glazed (U-value: <=3.5, SHGC: 0.74 - 0.90)	eave 450 mm, 0 mm above head of window or glazed door	not overshadowed
W02	900.00	1810.00	aluminium, single glazed (U-value: <=3.5, SHGC: 0.74 - 0.90)	eave 450 mm, 0 mm above head of window or glazed door	not overshadowed
W03	900.00	1810.00	aluminium, single glazed (U-value: <=3.5, SHGC: 0.74 - 0.90)	eave 450 mm, 0 mm above head of window or glazed door	not overshadowed
W04	900.00	1810.00	aluminium, single glazed (U-value: <=3.5, SHGC: 0.74 - 0.90)	eave 450 mm, 0 mm above head of window or glazed door	not overshadowed
East facing					
W05	1200.00	1510.00	aluminium, single glazed (U-value: <=3.5, SHGC: 0.74 - 0.90)	verandah 3080 mm, 2600 mm above base of window or glazed door	not overshadowed
W06	2100.00	2110.00	aluminium, double glazed (U-value: <=4.5, SHGC: 0.60 - 0.74)	external louvre/vertical blind (adjustable)	not overshadowed
South facing					
W07	900.00	1810.00	aluminium, single glazed (U-value: <=3.5, SHGC: 0.74 - 0.90)	none	not overshadowed
W08	900.00	1810.00	aluminium, single glazed (U-value: <=3.5, SHGC: 0.74 - 0.90)	none	not overshadowed

Energy Commitments	Show on DA plans	Show on CC/CDC plans & specs	Certifier check
Hot water			
The applicant must install the following hot water system in the development, or a system with a higher energy rating: electric heat pump with a performance of 31 to 35 STCs or better.	✔	✔	✔
Cooling system			
The applicant must install the following cooling system, or a system with a higher energy rating, in at least 1 living area: 1-phase airconditioning - ducted; Energy rating: EER 3.0 - 3.5		✔	✔
The applicant must install the following cooling system, or a system with a higher energy rating, in at least 1 bedroom: 1-phase airconditioning - ducted; Energy rating: EER 3.0 - 3.5		✔	✔
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 airconditioning - ducted; Energy rating: EER 3.0 - 3.5		✔	✔
The applicant must install the following heating system, or a system with a higher energy rating, in at least 1 bedroom: 1-phase airconditioning - ducted; Energy rating: EER 3.0 - 3.5		✔	✔
Ventilation			
The applicant must install the following exhaust systems in the development:			
At least 1 Bathroom: individual fan, open to façade; Operation control: manual switch on/off		✔	✔
Kitchen: individual fan, ducted to façade or roof; Operation control: manual switch on/off		✔	✔
Laundry: individual fan, open to façade; Operation control: manual switch on/off		✔	✔
Artificial lighting			
The applicant must ensure that a minimum of 80% of light fixtures are fitted with fluorescent, compact fluorescent, or light-emitting-diode (LED) lamps.		✔	✔
Natural lighting			
The applicant must install a window and/or skylight in 1 bathroom(s)/toilet(s) in the development for natural lighting.	✔	✔	✔
Other			
The applicant must install a fixed outdoor clothes drying line as part of the development.		✔	

SIGHT BUILDING DESIGN
Sam. Sallit (B. Arch.)
MEMBER OF THE ROYAL AUSTRALIAN INSTITUTE OF ARCHITECT
REGISTERED DESIGN & BUILDING PRACTITIONER (SERVICE NSW)
(Tel - fax) 9637 1491 Mob: 0410 316 294
31 Farnell Street, Merrylands 2160 marsam2@outlook.com.au

JOB DESCRIPTION	DRAWING TITLE
PROPOSED SECONDARY DWELLING (GRANNY FLAT)+ GARAGE + STUDIO	Basix Commitments (Granny Flat)
AT : NO: 6 BURY ROAD, GUILDFORD, NSW LOT D D.P. 22967	CLIENT NAME: MR. HASHEM JAMAL 0406860080

NOTES
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DRAWN	SS
DATE	30/08/2024
CHECKED	SS
SCALE	NTS
JOB NUMBER	936
NUMBER IN SET	7
ISSUE	

NORTH

ISSUE	AMENDMENT	BY	DATE

BASIX® Certificate

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

Alterations and Additions

Certificate number: A1779243

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: Thursday, 02 January 2025
To be valid, this certificate must be lodged within 3 months of the date of issue.

NSW GOVERNMENT

Project address	
Project name	6 BURY ROAD, GUILDFORD - Studio
Street address	6 BURY Road GUILDFORD 2161
Local Government Area	Cumberland Council
Plan type and number	Deposited Plan DP22967
Lot number	D
Section number	-
Project type	
Dwelling type	Dwelling house (detached)
Type of alteration and addition	The estimated development cost for my renovation work is $50,000 or more, and does not include a pool (and/or spa).
N/A	N/A
Certificate Prepared by (please complete before submitting to Council or PCA)	
Name / Company Name: Mr Samir Sight Building Design Sallit	
ABN (if applicable):	

Fixtures and systems	Show on DA Plans	Show on CC/CDC Plans & specs	Certifier Check
Lighting			
The applicant must ensure a minimum of 40% of new or altered light fixtures are fitted with fluorescent, compact fluorescent, or light-emitting-diode (LED) lamps.		✔	✔
Fixtures			
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.		✔	✔
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.		✔	

Construction	Show on DA Plans	Show on CC/CDC Plans & specs	Certifier Check
Insulation requirements			
The applicant must construct the new or altered construction (floor(s), walls, and ceilings/roofs) in accordance with the specifications listed in the table below, except that a) additional insulation is not required where the area of new construction is less than 2m2, b) insulation specified is not required for parts of altered construction where insulation already exists.	✔	✔	✔

Construction	Additional insulation required (R-value)	Other specifications
suspended floor with open subfloor: concrete (R0.6).	R1.4 (down) (or R2.00 including construction)	N/A
external wall: cavity brick	nil	
flat ceiling, flat roof: framed	ceiling: R2.98 (up), roof: thermocellular reflective	medium (solar absorptance 0.475 - 0.70)

Construction	Show on DA Plans	Show on CC/CDC Plans & specs	Certifier Check
Insulation requirements			
The applicant must construct the new or altered construction (floor(s), walls, and ceilings/roofs) in accordance with the specifications listed in the table below, except that a) additional insulation is not required where the area of new construction is less than 2m2, b) insulation specified is not required for parts of altered construction where insulation already exists.	✔	✔	✔

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external wall: cavity brick	nil	
flat ceiling, flat roof: framed	ceiling: R2.98 (up), roof: thermocellular reflective	medium (solar absorptance 0.475 - 0.70)

Glazing requirements	Show on DA Plans	Show on CC/CDC Plans & specs	Certifier Check
Windows and glazed doors			
The applicant must install the windows, glazed doors and shading devices, in accordance with the specifications listed in the table below. Relevant overshadowing specifications must be satisfied for each window and glazed door.	✔	✔	✔
The following requirements must also be satisfied in relation to each window and glazed door:		✔	✔
Each window or glazed door with standard aluminium or timber frames and single clear or toned glass may either match the description, or, have a U-value and a Solar Heat Gain Coefficient (SHGC) no greater than that listed in the table below. Total system U-values and SHGCs must be calculated in accordance with National Fenestration Rating Council (NFRC) conditions.		✔	✔
For projections described in millimetres, the leading edge of each eave, pergola, verandah, balcony or awning must be no more than 500 mm above the head of the window or glazed door and no more than 2400 mm above the sill.	✔	✔	✔
Pergolas with polycarbonate roof or similar translucent material must have a shading coefficient of less than 0.35.		✔	✔
External louvres and blinds must fully shade the window or glazed door beside which they are situated when fully drawn or closed.		✔	✔
Pergolas with fixed battens must have battens parallel to the window or glazed door above which they are situated, unless the pergola also shades a perpendicular window. The spacing between battens must not be more than 50 mm.		✔	✔

Window/door number	Orientation	Area of glass including frame (m2)	Overshadowing height (m)	Overshadowing distance (m)	Shading device	Frame and glass type
W1	E	2.53	0	0	external louvre/blind (adjustable)	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)
W2	S	1.62	0	0	eave/ verandah/ pergola/balcony >=450 mm	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)
W3	W	0.9	0	0	eave/ verandah/ pergola/balcony >=900 mm	standard aluminium, single toned, (or U-value: 7.57, SHGC: 0.57)

SIGHT BUILDING DESIGN
Sam. Sallit (B. Arch.)
MEMBER OF THE ROYAL AUSTRALIAN INSTITUTE OF ARCHITECT
REGISTERED DESIGN & BUILDING PRACTITIONER (SERVICE NSW)
(Tel - fax) 9637 1491 Mob: 0410 316 294
31 Farnell Street, Merrylands 2160 marsam2@outlook.com.au

JOB DESCRIPTION
PROPOSED SECONDARY DWELLING (GRANNY FLAT)+ GARAGE + STUDIO
AT :
NO: 6 BURY ROAD, GUILDFORD, NSW
LOT D D.P. 22967

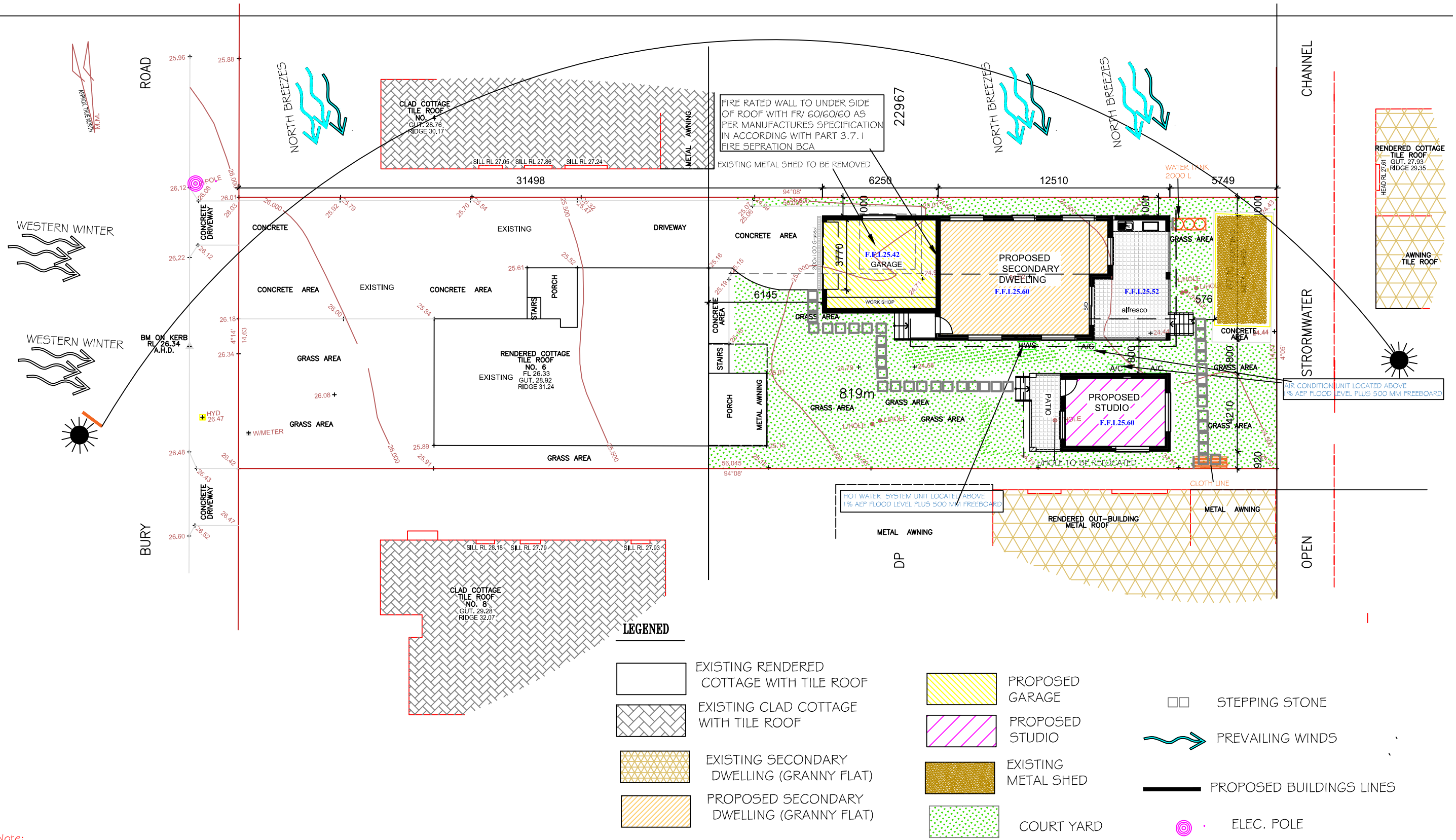
DRAWING TITLE
Basix Commitments (Studio)
CLIENT NAME
MR. HASHEM JAMAL
0406860080

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- DONT SCALE.
- SMOKE ALARMS ARE TO BE INSTALLED IN ACCORDANCE WITH AS3786-1993. ALARMS ARE TO BE POSTIONED ON THE CELING AND SET BACK A MINIMUM DISTANCE OF 300mm FROM ANY WALL.
- WET AREAS ARE TO BE WATERPROOFED IN ACCORDANCE WITH AS3740 WATERPROOFING OF WET AREAS WITHIN RESIDENTIAL BUILDINGSE

DRAWN	SS
DATE	30/08/2024
CHECKED	SS
SCALE	1/100
JOB NUMBER	NTS
NUMBER IN SET	8
ISSUE	

NORTH

ISSUE	AMENDMENT	BY	DATE



Note:
-Any new electrical connections and flood sensitive equipment shall be located above the 1% AEP flood level plus 500 mm freeboard.

- Wet Areas to be waterproofed according to clause 10.2 of NCC

SITE ANALYSIS 1/200

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31 Farnell Street, Merrylands 2160 marsam2@outlook.com.au

JOB DESCRIPTION	DRAWING TITLE
PROPOSED SECONDARY DWELLING (GRANNY FLAT)+ GARAGE + STUDIO	SITE ANALYSIS
AT : NO: 6 BURY ROAD, GUILDFORD, NSW LOT D D.P. 22967	CLIENT NAME: MR. HASHEM JAMAL 0406860080

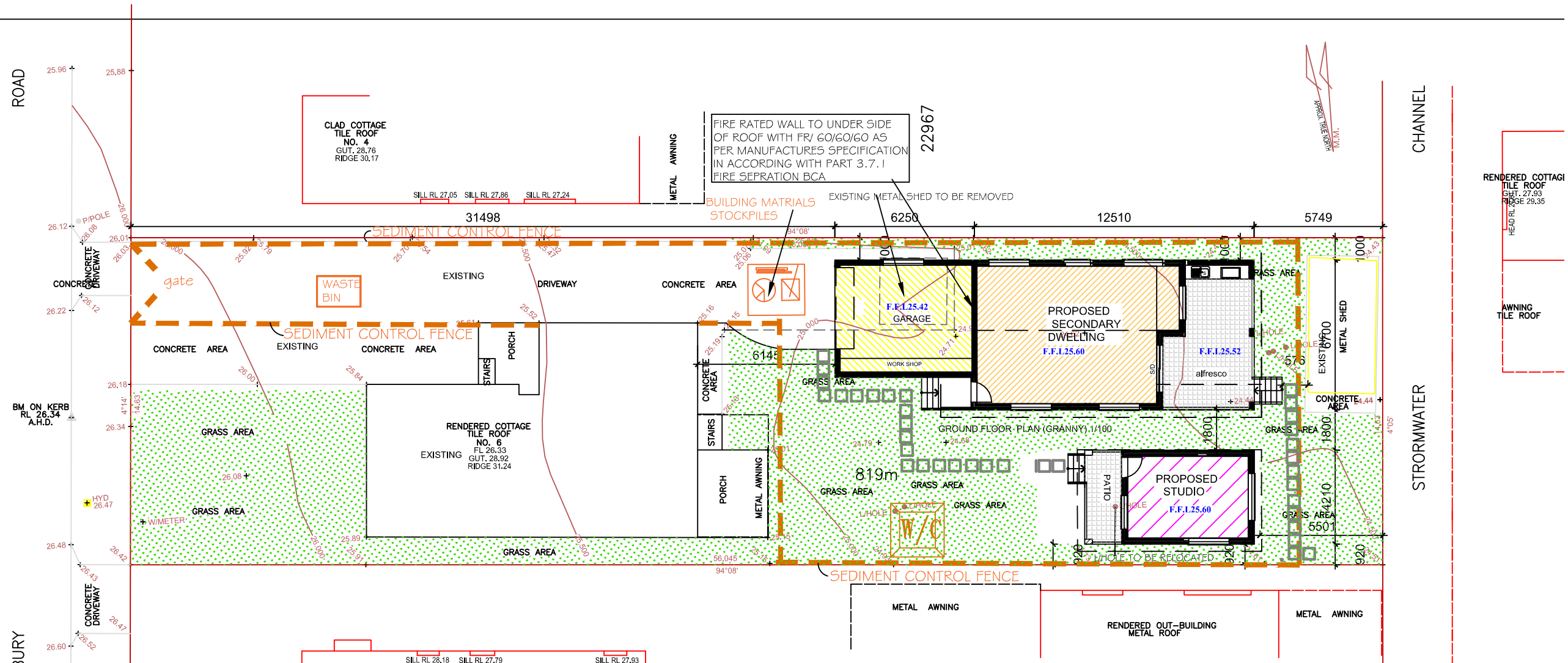
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DRAWN	SS
DATE	30/08/2024
CHECKED	SS
SCALE	1/200
JOB NUMBER	936
NUMBER IN SET	9
ISSUE	

NORTH: N

ISSUE	AMENDMENT	BY	DATE
*A	Revise 1	C	13/05/2025

Cumberland Local Planning Panel Meeting
13 August 2025



EROSION & SEDIMENT CONTROL PLAN 1/200

EROSION NOTES:

1– ALL ERROSION AND SEDIMENT CONTROL MEASURES TO BE INSPECTED AND MAINTAINED DAILY BY SITE MANAGER.

2– MINIMISE DISTURED AREAS.

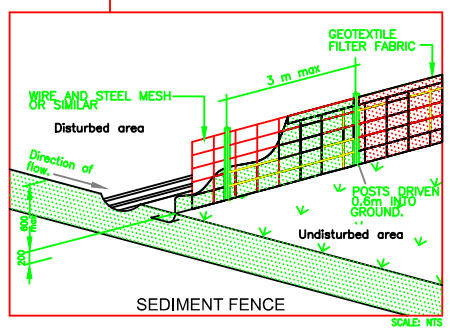
3– ALL STOCKPILES TO BE CLEAR FROM DRAINS, GUTTERS AND FOOTPATHS.

4– DRAINAGE TO BE CONECTED TO STORM WATER SYSTEM AS SOON AS POSSIBLE.

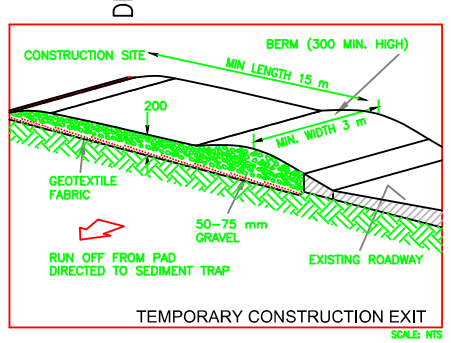
5– ROAD AND FOOTPATH TO BE SWEPT DAILY.

6– NO MATRIALS TO BE STORED ON FOOTPATH.

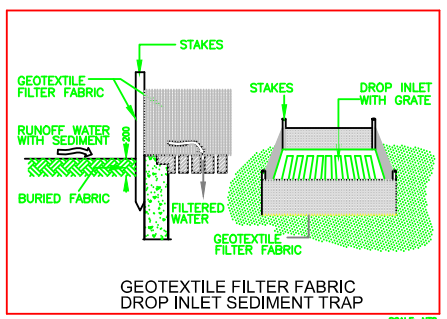
7– SILT FENCE TO BE CONSTRUCTED AS PER DETAIL SHOWN OR BY USING AN APPROVED EQUIVALENT MEASURE. THE SILT FENCE IS TO BE CONSTRUCTED PRIOR TO ANY OTHER CONSTRUCTION ACTIVITIES. IT IS TO BE KEPT IN GOOD WORKING ORDER AT ALL TIMES. WHEN APPROXIMATELY 30% FULL OR DIRECTED BY COUNCIL'S REPRESENTATIVE. THE SILT FENCES ARE TO BE CLEARED OF SILT AND OTHER BUILT UP MATRIALS.



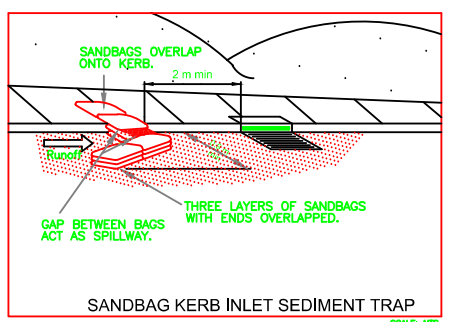
SEDIMENT FENCE
SCALE: NTS



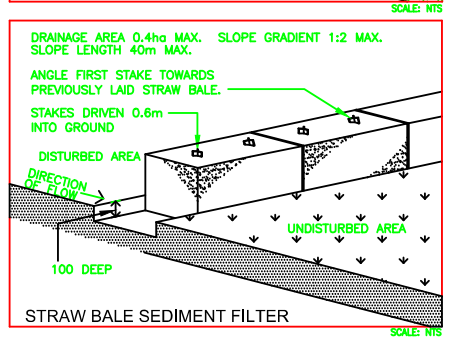
TEMPORARY CONSTRUCTION EXIT
SCALE: NTS



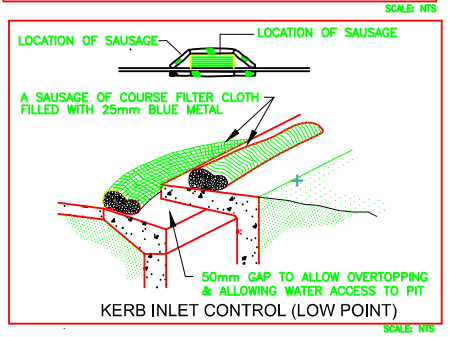
GEOTEXTILE FILTER FABRIC DROP INLET SEDIMENT TRAP
SCALE: NTS



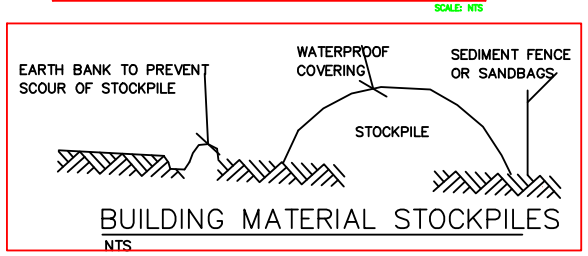
SANDBAG KERB INLET SEDIMENT TRAP
SCALE: NTS



STRAW BALE SEDIMENT FILTER
SCALE: NTS



KERB INLET CONTROL (LOW POINT)
SCALE: NTS



BUILDING MATERIAL STOCKPILES
NTS

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31 Farnell Street, Merrylands 2160 marsam2@outlook.au

JOB DESCRIPTION	DRAWING TITLE
PROPOSED SECONDARY DWELLING (GRANNY FLAT)+ GARAGE + STUDIO	EROSION & SEDIMENT CONTROL PLAN
AT : NO: 6 BURY ROAD, GUILDFORD, NSW LOT D D.P. 22967	CLIENT NAME: MR. HASHEM JAMAL 0406860080

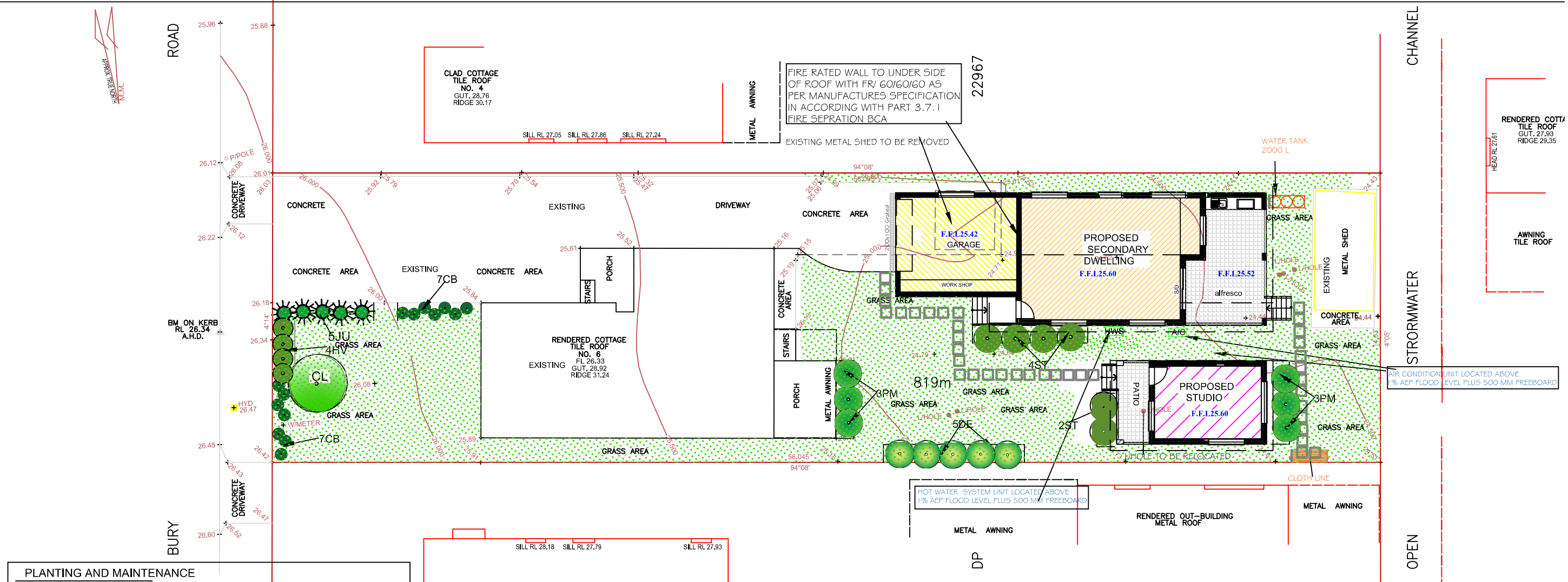
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DRAWN	SS
DATE	30/08/2024
CHECKED	SS
SCALE	1/200
JOB NUMBER	936
NUMBER IN SET	10
ISSUE	

NORTH: N

ISSUE	AMENDMENT	BY	DATE
*A	Revise 1	C	13/05/2025

CUMBERLAND CITY COUNCIL
Cumberland Local Planning Panel Meeting 13 August 2025



LANDSCAPE PLAN 1/200

PLANTING AND MAINTENANCE

–PLANTING MIX:
Imported planting mix to planting beds is to comprise an approved sol mix of:
* 60 % soil mix (75% coars sand and 25% blacksoil)
* 10 % Mushroom compost
* 10 % composted sawdust
* 10 % pine bark f hes
* 10 % compost manure

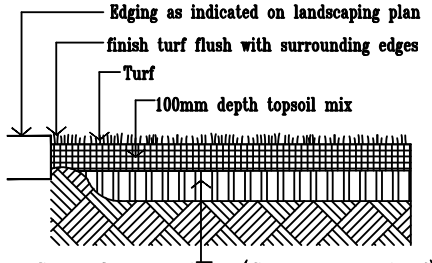
–Mulch:
* Mulch shall Hardwood chip mulch free from exotic plant matrial

–Plant Matrial:
* All plants shall be free of fungus and insect damage, all plants shall be healthy, well sahped, not soft or force grown ant not root bound

–Turfed areas:
* All new turfed areas are to be selected weed free Soft Leaf Buffalo. Turf shall be laid neatly with staggered joins, flush with adjacent surfaces and have even runing falls to all drainage points.

–Maintenance/Plant Establishment:
* landscping contractors to provide 13 weeks for maintenace/ plante stablishment peirod. casrry out recurrent works of amaintenance nature including, but not limited to ,watering, mowing , weeding, rubbish removal, fertilising, pest and disease control, returfing, staking, and tying, replanting, cultivatng, pruning, hedge, clippin, top dressing, and keep the site neat & tidy.

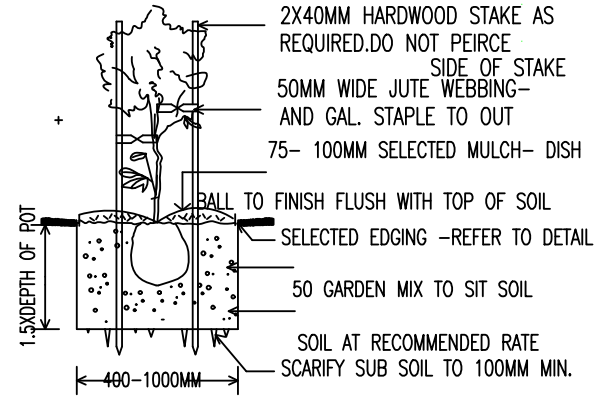
code	Botanical Name	Common Name	Mature Height m	Mature Spread m	Q	size/liter	Native
Trees							
CL	Callistemon spp	Bottle brush	3–5 m	2–3.5	1	45 L	N
Shrubs							
DE	Doryanthes exceisa	Gymea Lily	1.2–2m	1.2–2	5	200mm	N
ST	Syzygium australe 'Tiny Trev'	Tiny Trev	0.8–1m	0.6–0.8	6	200mm	N
PM	PHILOTHECA MYOPOROIDES	(WAX FLOWER)*	1 m	1 - 2	6	200mm	N
Native Grasses /Groundcovers							
HV	Hardenbergia violacea"Meema"	False Sarsaparilla	0.75–0.9	1.2–2	4	150mm	N
JU	Juncus usitatus	Common Rush	0.9–1.5	0.6–0.9	5	150mm	N
CB	CAREX 'BLUE CASCADE'	(BLUE SEDGE)*	0.3m	0.8	14	150mm	N
Notes	– All plants to be planted into mulched garden beds. – THE TREE WITHIN FRONT SETBACK TO LOCATED WITHIN A 2X2m GARDEN BED CLEAR OF BUILT STRUCURES AND PAVING						



Ground prepration (Grass area- turf)
Detail: Not To Scale

LEGEND

- Turf — excavate/grade all areas to be turfed to 120mm below required finished levels
- Cloth line
- Proposed tree planting — STEPING STONE
- Planting areas — Ensure that mass planting areas have been excavated to 300 300 below finished levels



25 – 75 litre Typical Tree planting
Detail: Not To Scale

SIGHT BUILDING DESIGN
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JOB DESCRIPTION	
PROPOSED SECONDARY DWELLING (GRANNY FLAT)+ GARAGE + STUDIO	
AT : NO: 6 BURY ROAD, GUILDFORD, NSW	LOT D D.P. 22967

DRAWING TITLE
LANDSCAPE PLAN
CLIENT NAME
MR. HASHEM JAMAL 0406860080

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DRAWN	SS
DATE	30/08/2024
CHECKED	SS
SCALE	1/200
JOB NUMBER	936
NUMBER IN SET	11
ISSUE	

NORTH

ISSUE	AMENDMENT	BY	DATE
*A	Revise 1	C	13/05/2025

Cumberland Local Planning Panel Meeting 13 August 2025

DOCUMENTS ASSOCIATED WITH REPORT ELPP018/25

Attachment 3

Clause 4.6 Variation Request - Parking space(s)

[redacted]

CLAUSE 4.6 – VARIATION REQUEST
6 BURY ROAD GUILDFORD

Proposal: construction of a detached secondary dwelling, garage and studio



May 2025

Prepared by:
George Nehme – Director
0450 606 056
george@pplanning.com.au

Project Number: 107-2025
Client: Sight Building Design

Revision: A

ACN: 653 323 703

1) Summary

The proposal seeks consent for the construction of a detached secondary dwelling, garage and studio at 6 Bury Road Guildford, legally known as Lot D DP 22967.

A Clause 4.6 Exception to Development Standard has been prepared in relation to the proposed variation to Clause 53(2)(b) of the State Environmental Planning Policy (Housing) 2021 (SEPP Housing 2021) as it relates to the number of parking spaces for the development of a secondary dwelling. Clause 53 of the SEPP Housing 2021 states;

53 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 a secondary dwelling that, if 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 Part applies—

(a) for a detached secondary dwelling—a minimum site area of 450m^2,

(b) the number of parking spaces provided on the site is the same as the number of parking spaces provided on the site immediately before the development is carried out.

Clause 53(2)(b), requires any redevelopment of a site for the purposes of a secondary dwelling is not to provide additional parking and is to retain the number of parking spaces as it were prior to the redevelopment. In the current state of the site the allotment has a hardstand driveway and concrete area open to the air that can cater for a number of hardstand parking spaces. The proposal involves the construction of a garage attached to the proposed secondary dwelling, that has a internal dimension of 4.79m x 5.9m, excluding workshop area along the southern elevation of the garage. This enables the provision of one additional car space on site in the proposed covered garage.

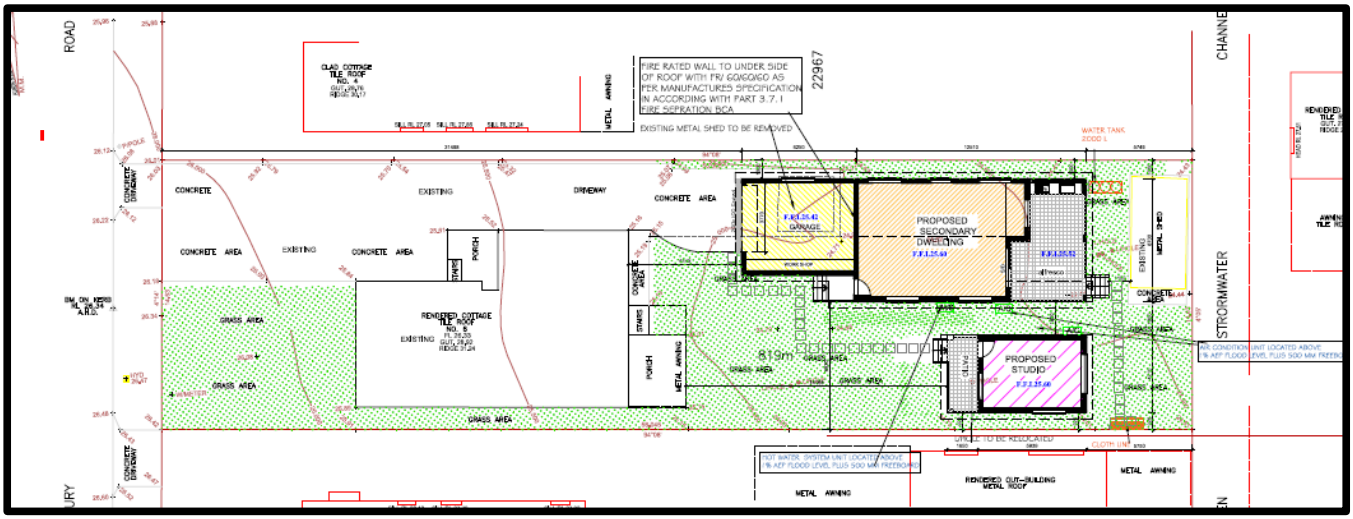


Figure 1: Extract from Architectural Plans indicating location of secondary dwelling/garage and studio

The Clause 4.6 Variation, has been prepared in accordance with the relevant statutory standards and reference to the relevant case law applicable at the time of preparation of this variation request.

2) What is the name of the Planning Instrument Being Varied?

State Environmental Planning Policy (Housing) 2021 (SEPP Housing 2021)

3) Zoning of the Site and Consistency objectives of the Zone

The subject site is zoned R2 – Low Density Residential pursuant to the CLEP 2021. The objectives of the R2-Low Density Residential Zone are outlined 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.*

Comment: The proposed development is consistent with the objectives of the R2 zoning in that it enables a development that will provide for the housing needs of the community within low-density residential environment. The secondary dwelling has been designed and located to ensure the amenity of the future occupants of the secondary dwelling, the principle dwelling and the surrounding residents is maintained. The proposal has been designed to enable adequate solar access to the living areas of the secondary dwelling by locating the living area at the east end of the dwelling.

The proposed secondary dwelling has been located in an appropriate location at the rear yard to ensure the POS and deep zones of the site is maintained. Adequate separation between the primary dwelling and secondary dwelling and studio is maintained to alleviate privacy impacts between buildings on the site. The proposed secondary dwelling is single storey in height and thus alleviates privacy and overshadowing impacts on adjoining dwellings or the principal dwelling.

It is also important to note the proposed development does not generate any additional non-compliances to applicable development standards and maintains compliance with the relevant site coverage, setbacks and landscaping and deep soil controls. This further establishes consistency with the objectives of the R2 zoning in that the proposed development maintains and does not diminish the existing developed landscaped setting of the surrounding environment.

The development will provide for an enclosed parking area in the form of garage, which currently does not exist on site. Whilst the development provides an additional parking space, contrary to control 53(2)(b), the development enables the provision of a covered car space within a garage, which enables an undercover, weather protected structure for parking of vehicles on site, which is an improved safety and design outcome. The provision of a aa covered garage is common place with residential housing within the LGA. The provision of the car space is consistent with the envisaged built form outcome for residential dwellings.

The proposal aligns with the minimum requirements of the Cumberland DCP Part G, which enables the provision of a minimum of 1 covered car space/dwelling house and a maximum of 2 spaces. The proposal provides for a garage that enables 1 covered car space, thus aligning with the requirements of the DCP.

4) Application of the objectives and relevant Clauses of Clause 4.6 of the CLEP 2021
In the detailed assessment of the variation to Clause 53 of the Housing SEPP 2021, consideration has been given to the objectives and relevant clauses of Clause 4.6 of the CLEP 2021 which stipulates the following;

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

(a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,
(b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.

Comment: The assessment of the merits of the parking variation as detailed in the report will outline the reasoning as to why the application of a degree of flexibility to the parking standard is warranted in this instance. The report will also demonstrate that on merit a degree of flexibility is warranted in this case

(2) Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.

Comment: As stated previously this request has been prepared to enable the support of a variation to clause 53 of the SEPP Housing 2021. Clause 53 is not a development standard that is expressly excluded from the operation of Clause 4.6.

(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.

Comment: This request has been prepared to demonstrate compliance with the parking development standard is unreasonable or unnecessary in the circumstances of the case and that there are sufficient planning grounds to justify contravening the development standard.

5) Consideration of the NSW Land and Environmental Court: Case Law

a) Wehbe v Pittwater Council [2007] NSWLEC 827

The decision of Justice Preston in Wehbe v Pittwater Council [2007] expanded the findings of Winten v North Sydney Council [2001] and established a five (5) part test for consent authorities to consider when assessing an application to vary a development standard in order to determine whether noncompliance with the development standard is well founded.

The five (5) different ways in which an objection may be well founded are as follows:

- *The objectives of the standard are achieved notwithstanding non-compliance with the standard;*
- *The underlying objective or purpose of the standard not relevant to the development and therefore compliance is unnecessary;*
- *The underlying objective or purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable;*
- *The development standard has been virtually abandoned or destroyed by the Council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and reasonable;*
- *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.*

b) Randwick City Council v Micaul Holdings Pty Ltd [2016] NSW LEC 7

In Randwick City Council v Micaul Holdings Pty Ltd [2016] NSW LEC 7 Preston CJ noted at paragraph 7 that development consent cannot be granted for development that contravenes a development standard unless the consent authority:

- *"Considers the cl 4.6 objections (the requirement in cl 4.6(3)); and*
- *Was satisfied that, first, the cl 4.6 objections adequately addressed the matters required to be demonstrated by cl 4.6(3) (the requirement in cl 4.6(4)(a)(i)) and, second, the development will be in the*

public interest because it is consistent with the objectives of the height standard and the FSR standard and the objectives for development within the R3 zone in which the development is proposed to be carried out (the requirement in cl 4.6(4)(a)(ii))".

Comment: Preston CJ noted at paragraph 39 that "the [consent authority] does not have to be directly satisfied that compliance with each development standard is unreasonable or unnecessary in the circumstances of the case, but only indirectly by being satisfied that the applicant's written request has adequately addressed the matter in subclause (3)(a) that compliance with each development standard is unreasonable or unnecessary". In this respect, he also noted that in assessing whether compliance with the development standards was unreasonable or unnecessary an established test is consistency with the objectives of the standard and the absence of environmental harm.

Based on the assessment against the objectives of the zone and objectives of the development standard being varied namely Clause 53 of the SEPP Housing 2021 it can be concluded that in accordance with the above judgement compliance with the relevant development standard is unreasonable and unnecessary in this instance.

c) Moskovich v Waverley Council [2016] NSWLEC 1015

Commissioner Tour reflected on the recent decisions considering Four2Five and said:

- *"Clause 4.6(3)(a) is similar to clause 6 of SEPP 1 and the Wehbe ways of establishing compliance are equally appropriate [at 50]. One of the most common ways is because the objectives of the development standard are achieved – as per Preston CJ in Wehbe at 42-43.*
- *Whereas clause 4.6(4)(a)(ii) has different wording and is focused on consistency with objectives of a standard. One is achieving, the other is consistency. Consequently, a consideration of consistency with the objectives of the standard required under clause 4.6(4)(a)(ii)) to determine whether noncompliance with the standard would be in the public interest is different to consideration of achievement of the objectives of the standard under clause 4.6(3). The latter being more onerous requires additional considerations such as the matters outlined in Wehbe at 70-76. Such as consideration of whether the proposed development would achieve the objectives of the standard to an equal or better degree than a development that complied with the standard.*
- *Establishing compliance with the standard is unnecessary or unreasonable in 4.6(3)(a) may also be based on "tests" 2-5 in Wehbe either instead of achieving the objectives of the standard (Wehbe test 1) or in addition to that test. The list in Wehbe is not exhaustive but is a summary of the case law as to how "unreasonable or unnecessary" has been addressed to the meet the requirements of SEPP 1.*
- *It is best if the written request also addresses the considerations in the granting of concurrence under clause 4.6(5)".*

6) How is compliance with the development standard unreasonable or unnecessary in the circumstances of this particular case?

The NSW Land and Environment Court in Four2Five Pty LTD v Ashfield Council [2015] NSWLEC 90, considered how this question may be answered and referred to the earlier Court decision in Wehbe v Pittwater Council [2007] NSWLEC 827.

The court provided five tests as follows;

Comment: In applying the principles established in the NSW Land and Environment Court judgements outlined in Section 6, compliance with the parking development standard is considered unreasonable or unnecessary as:

Returning to Clause 4.6(3)(a), in Wehbe V Pittwater Council (2007) NSW LEC 827 Preston CJ sets out ways of establishing that compliance with a development standard is unreasonable or unnecessary. It states, inter alia:

"An objection under State Environmental Planning Policy (SEPP) 1 may be well founded and be consistent with the aims set out in clause 3 of the Policy in a variety of ways. The most commonly invoked way is to

establish that compliance with the development standard is unreasonable or unnecessary because the objectives of the development standard are achieved notwithstanding non-compliance with the standard."

The judgement goes on to state that:

"The rationale is that development standards are not ends in themselves but means of achieving ends. The ends are environmental or planning objectives. Compliance with a development standard is fixed as the usual means by which the relevant environmental or planning objective is able to be achieved. However, if the proposed development proffers an alternative means of achieving the objective strict compliance with the standard would be unnecessary (it is achieved anyway) and unreasonable (no purpose would be served)."

However, in Four2Five v Ashfield Council [2015] NSWLEC 90 the Land and Environment Court said that whether something was 'unreasonable or unnecessary' is now addressed specifically in Clause 4.6(4)(a)(ii), with separate attention required to the question of whether compliance is unreasonable or unnecessary. Accordingly, while the objectives of the standard are achieved despite non-compliance with the standard, this request goes further. It seeks to demonstrate that requiring strict adherence to the standard would be 'unreasonable or unnecessary' for reasons that are additional to mere consistency with the development standard.

Preston CJ in the judgement then expressed the view that there are 5 different ways in which an objection may be well founded, and that approval of the objection may be consistent with the aims of the policy, as follows (with emphasis placed on number 1 for the purposes of this Clause 4.6 variation [our underline]):

1. *The objectives of the standard are achieved notwithstanding non-compliance with the standard;*
2. *The underlying objective or purpose of the standard is not relevant to the development and therefore compliance is unnecessary;*
3. *The underlying object of purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable;*
4. *The development standard has been virtually abandoned or destroyed by the Council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable;*
5. *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 that would be unreasonable or unnecessary. That is, the particular parcel of land should not have been included in the particular zone.*

Additionally, in an analogous context, in Botany Bay City Council v Saab Corp [2011] NSWCA 308 Court of Appeal said that a requirement may be unreasonable when 'the severity of the burden placed on the applicant is disproportionate to the consequences attributable to the proposed development'. In support of this point:

- The proposed parking variation will provide an outcome that accommodates a single covered garage, as opposed to having a site with no covered parking as envisaged by the DCP and an expected outcome for residential dwellings in an R2 zone. Based on the built form outcome and the existing and surrounding character, it is considered strict enforcement of this clause will result in the provision of no undercover parking area, which is contrary to the intent of a built form of this nature in the R2 zone, where there is an expectation of a covered garage. It is considered the limitation of the provision of a covered parking area and maintaining the parking situation on site, is considered an inferior planning outcome, and the burden on the site with no covered parking space, creates an adverse amenity issue for the residents of the site, if only hardstand parking spaces are maintained.
- It is considered that when it can be demonstrated a development of a secondary dwelling with a garage can be accommodated on this site that complies with the relevant development standards applicable including height, FSR and the relevant controls of the DCP including POS, landscaping, site coverage and solar access, strict application of the parking standard is not necessary.
- The relevant standard relating to parking does not have an object of the development standard to be considered under the SEPP. To address this matter, it is considered appropriate to consider the

principles of the Housing SEPP 2021. The principles of the Housing SEPP 2021 and how the development is consistent with the principles is discussed below;

(a) enabling the development of diverse housing types, including purpose-built rental housing,

Comment: Enabling this variation would accommodate a diverse range of housing types with the secondary dwelling addition to the site in association with the principal dwelling. The secondary dwelling can be used as for low-cost rental housing or be utilised as a separate dwelling to the primary dwelling.

(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,

Comment: The proposed secondary dwelling can accommodate the needs of the vulnerable people of the society by providing a housing option that accommodates affordable rent. The provision of a garage enables an area for weather proof covered parking, which is an expected built form on site containing a dwelling house in an R2 zone.

(c) ensuring new housing development provides residents with a reasonable level of amenity,

Comment: The proposed secondary dwelling has been designed to enable a suitable level of amenity for future residents, including appropriately sized and located living areas with an area over 20sqm and 2 bedrooms with minimum areas of 8sqm.

(d) promoting the planning and delivery of housing in locations where it will make good use of existing and planned infrastructure and services,

Comment: The proposed secondary dwelling is located in an area that is well serviced by existing infrastructure and services.

(e) minimising adverse climate and environmental impacts of new housing development,

Comment: The proposed development is accompanied by a BASIX certificate that demonstrates the appropriate environmental measures have been incorporated in accordance with SEPP BASIX 2004.

(f) reinforcing the importance of designing housing in a way that reflects and enhances its locality,

Comment: The proposed secondary dwelling with the garage has been designed to minimise amenity impacts on surrounding residents and is well located a fair distance away from the street well screened by the existing dwelling. The proposed secondary dwelling does not diminish the character of the locality and the provision of an enclosed garage, is consistent with the expected built form for a dwelling house in an R zone, evidenced by the DCP which enables the provision of a maximum of 2 covered spaces/dwelling house.

(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,

Comment: The proposed development enables the secondary dwelling to be used as a short term or long-term rental accommodation option that is affordable.

(h) mitigating the loss of existing affordable rental housing.

Comment: The proposal does not reduce existing affordable housing and in fact adds to the existing affordable housing stock.

Given that compliance with the zone objectives is achieved and that the building complies with the remaining principal development standards of the SEPP Housing 2021 and the CLEP 2021 and the DCP applying to the land, insistence on strict compliance with the parking control is considered to be unreasonable and unnecessary in the circumstances and presents as an inferior planning outcome in this instance.

The proposal is compliant with the relevant principles of the SEPP and will have no adverse environmental or amenity impacts. The proposal is therefore justified on environmental planning grounds. For the reasons above, the proposed parking variation is consistent with the requirements of Cause 4.6(3) of the Local Environmental Plan (LEP).

On this basis, the requirements of Clause 4.6(3) are satisfied.

The proposal will provide a residential development with superior amenity outcome. This is achieved by well-planned and functional built form. This will provide significant high-quality amenity to the current and future occupants of the building with minimal impact on surrounding development.

There would be no broader environmental planning benefit achieved in requiring compliance.

Accordingly, for the reasons stated above, we respectfully request that Council permit the variation to the parking development standard.

7) Does the proposal provide sufficient environmental planning grounds to justify contravening the development standard?

The proposed variation does not result in any significant adverse environmental impacts. There are sufficient environmental planning grounds to support a variation of the development standard, as outlined below:

“Having regard to Clause 4.6(3)(b) and the need to demonstrate that there are sufficient environmental planning grounds to justify contravening the development standard, as discussed above it is considered that there is an absence of significant impacts of the proposed non-compliance on the amenity of future building occupants, on area character and on neighbouring properties. The assessment of this numerical non-compliance is guided by the decision of the *NSW LEC Four2Five Pty Ltd v Ashfield Council [2015] NSWLEC 90* whereby Justice Pain ratified the decision of Commissioner Pearson.

On planning grounds and to satisfy that the proposal meets objective 1(b) of Clause 4.6 in that allowing flexibility in the particular circumstances of this development will achieve a better outcome for and from development, it is considered that the current proposal will facilitate greater amenity for future residents on a site that is highly suited for such purpose, particularly when the variation will enable the provision of a covered garage area.

It is contended that if it can be demonstrated that a secondary dwelling that complies with the relevant development standards in the SEPP Housing 2021, CLEP 2021 and controls in the Cumberland DCP, the parking requirement should be approached with an element of flexibility. Strictly enforcing the parking requirement will not achieve a better design outcome as the subject site currently has no covered car space area. The variation to the standard will enable the provision of a covered garage, which provides a better amenity and safety outcome for future residents.

There are sufficient environmental planning grounds to justify the variation of the parking control, particularly given that:

- The development has been designed to minimise impacts where practicable on neighbouring properties and likely future adjoining properties;
- Strict compliance with the parking standard would result in no material-built form benefits and loss of resident amenity, as the difference between a compliant built form and the one proposed is that no covered parking can be provided. This is an inferior outcome and not in line with the envisaged built form and structures expected for a dwelling in an R2 zone.

- The variation under this 4.6 is the difference between having a covered car space and not having one. It is considered enabling the provision of a covered car space for the site is a superior planning outcome and in line with the envisaged built form of the R2 zone.

For the reasons stated above it is evident that strict enforcement of the parking requirement would result in an unreasonable burden on the development to achieve compliance. It is evident that there are no identifiable amenity impacts as a consequence of the non-compliance.

8) Will the proposed variation be in the public interest?

The proposed variation to the parking control satisfies the objectives of the relevant R2- Low Density zone by providing a residential development that is consistent with the existing built form established. The proposal is also consistent with the principles of the SEPP Housing 2021 to which applies to the proposal. There are sufficient environmental planning grounds established in this case that demonstrates the variation to Clause 53 remains within the public interest.

9) Public Benefit of Maintaining the Standard

It is considered that the public benefit will not be undermined by varying the standard. The proposal provides a secondary dwelling, that can either be used as low-cost rental housing or a separate living area to the main dwelling. The proposed use is in keeping with the desired land uses and objectives of the R2 Low-Density Residential zone.

Given the site's orientation, location and context it is considered that the site is well suited for development. The site takes advantage of the northerly aspect of the site by locating the living areas at the eastern end of the building.

The variation of the parking will have an improved benefit for the residents of the site, by providing a covered garage that is weather proof and can be screened from the public domain.

10) Conclusion

For the above reasons the proposal is considered to adequately satisfy the objectives of the R2 Low Density Residential Zone and the principles of the SEPP Housing 2021. The extent of the variation has been adequately justified and would result in a negligible planning impact. Furthermore, strict numerical compliance would not result in a better design outcome or material significant reduction of impacts. It is therefore considered that the variation to the parking is considered worthy of support in this instance and is within the public interest.

Having evaluated the likely impacts arising from this non-compliance, it has been demonstrated that the objectives of Clause 4.6 of the CLEP 2021 are satisfied as the breach of the standard does not create any adverse environmental impacts.

The provision of an additional parking space does not restrict the development from providing for a secondary dwelling that allows the site to remain compliant with key development controls of the CLEP 2021 and CDCP 2021, such as floor space ratio, building height, size of the secondary dwelling, private open space, landscaping, and solar access.

Consequently, strict compliance with this development standard is unreasonable and unnecessary in this particular case and the use of Clause 4.6 of the CLEP 2021 to vary this development control is appropriate in this instance.

It is considered that there are sufficient environmental planning grounds to vary the standard, as a variation will result in a better environmental planning outcome.

Based on the above, it is sensible to conclude that strict compliance with the development standard is not necessary and that a better outcome is achieved for this development by allowing flexibility in the application.

DOCUMENTS ASSOCIATED WITH REPORT ELPP018/25

Attachment 4

Cumberland LEP Assessment Table

Cumberland Local Environmental Plan 2021 Assessment Table

Cumberland Local Environmental Plan 2021 (CLEP 2021)	
Is the development consistent with the aims of the LEP?	Yes, development proposal maintains consistent with the aims of the LEP.
Is development permitted?	Yes, an outbuilding is permissible with consent within the R2 zone. Please note secondary dwellings are permitted in the R2 zone under Statement Environmental Planning Policy (Housing) 2021.
Is the development consistent with the Zone objectives?	Yes, development proposal is consistent with the R2 zone objectives.
Minimum Lot size	N/A. No subdivision proposed.
Exceptions to minimum subdivision lot sizes for certain residential development	N/A. The proposal does not involve any changes to the existing lot size.
Minimum Lot Size for Dual Occupancy and semi-detached dwellings is 550m^2	N/A. The proposal does not involve any changes to the existing lot size.
Height of Buildings – 9m	Yes. Proposed maximum building height for the secondary dwelling is 4.5m.
Floor space ratio (FSR) – No FSR in R2 Zone	N/A. No FSR in R2 Zone.
Heritage Conservation	N/A. Not a Heritage Item or in a Heritage Conservation Area.
Flood Planning	Yes. Subject site is mapped as being flood affected. Accordingly, a referral was made to Council's development engineering department who have raised no objections to the development, subject to conditions of consent.
Acid Sulphate Soils	Yes. Subject site is classified as Class 5. The proposed works are not within 500m of adjacent class 4 land that is below 5m AHD and therefore is therefore unlikely to lower the water table below 1m AHD on adjacent Class 4 land. All proposed works will occur above the natural ground level and is not envisaged to disturb, expose, or drain acid sulfate soils.

Earthworks	Yes. Cut and fill proposed due to slight sloping of the land. Proposed earthworks are considered reasonable and is not envisaged to have additional impacts. Furthermore, excavation works are not expected to disrupt and or detrimental effect the drainage patterns and soil stability on the site and in the locality.
Salinity	N/A. The site falls within Guildford and is not identified as being affected by salinity.
Essential Services	Yes. Suitable Conditions are recommended for adequate arrangements for the supply of water, electricity, management of sewage stormwater drainage and vehicular access.
Biodiversity	N/A. The site is not identified as containing any flora or fauna with any biodiversity significance.
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.
Stormwater management	Yes. The application has been accompanied with a stormwater management plan. Standard conditions are recommended to compliance with CDCP 2021 controls.
Urban Heat	Yes. Schedule of external materials and finishes is satisfactory. Proposed awnings and eaves provide shading from the sun. Cross ventilation will minimise the release of heat in the direction of private open space and the public domain. Significant green infrastructure is being maintained and no impacts to the existing tree canopy identified. It is worthy to note proposal will meet the required target for Water, Thermal Comfort and Energy as the BASIX Certificate is determined as being acceptable for approval.

DOCUMENTS ASSOCIATED WITH REPORT ELPP018/25

Attachment 5

Cumberland DCP 2021 Assessment

Cumberland DCP 2021 Assessment
Part B1 Dwelling Houses and Secondary Dwellings

Relevant Control		Compliance with Requirements	Consistency Objectives
Part B – Development in Residential Zones			
Part B1 – Dwelling Houses and Secondary Dwellings			
2.1 Setbacks	Min. 6 metre front setback Dwellings shall align with the street	N/A. No changes proposed to the primary dwelling. Primary dwelling to remain as per existing.	N/A
2.4 - Streetscape	Dwelling entry must face the street Windows and doors in balanced manner and must respond to orientation and internal room use. Blank, minimally or poor articulated walls are not acceptable.	Yes. The plans submitted demonstrate compliance with this. Proposed secondary dwelling and outbuildings are located behind the building line and will not be visually predominant.	Yes
2.5 – Building Materials	*New dwellings alts & adds etc* - Materials must be durable, of quality and be consistent and compatible with streetscape and character of locality. Materials and colours must reduce appearance of bulk. *Alts & adds* – Materials must be compatible with the streetscape and character of its locality. Materials and colours must integrate with original structure.	Yes. Schedule of materials and colours are compatible with the streetscape.	Yes
2.6 Site Coverage	- 450m^2 or less – max 70% - 451m^2 or greater – max 65%	Yes. Site area – 819m² Max 65% – 532.35m² Proposed site coverage - 238.7m²	Yes
	The non-built upon areas shall be landscaped and/or deep soil and provide for POS.	Yes. Non-built areas provide appropriate landscaping, deep soil opportunities and private open space.	Yes
2.7 Landscaping	- 450m^2 or less – min 15% - 451m^2 or greater – min 20%	Yes. Site area – 819 m² Min 20% – 163.8m² Proposed landscaped area - 293.2m² or 35.8%	Yes

	The landscaped area shall be a deep soil zone.	Yes. Proposed landscaped area provides a deep soil zone.	Yes
	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	Yes. Majority of deep soil is located at the rear and will extend over 50% of the rear boundary.	Yes
	Deep soil zone minimum width of 1 metre.	Yes. Plans submitted demonstrate compliance with this.	Yes
	Landscape area above structures shall not be considered deep soil zone.	Yes. This control has been applied to the assessment.	Yes
2.8 – Private Open Space	POS must be provided at ground level and located side and rear of dwelling.	Yes. POS on the ground floor is located towards the side and rear of the dwelling.	Yes
	POS Area: - 450m^2 or less – min 30m^2 - 451m^2 or greater – min 50m^2 - Dimensions of 4 metre in any direction. Note: 3 metres can be considered on lots 450m^2 or less. - POS directly accessible from living area	Yes. Proposed POS area greater than 50 m^2 (approx. 161.1m^2 provided). Minimum dimension of POS 4m in both direction is provided and will be directly accessible from the ground floor family and living room area.	Yes
	POS be bounded by buildings, fencing or other screening devices. Incorporate dense landscaping that restricts views to a height of 1.8m.	Yes. The plans submitted demonstrate compliance with this. POS is bounded by proposed 1.8m boundary fence.	Yes
	Additional POS should be provided in form of balcony or the like. Subject to site conditions and privacy considerations.	N/A. No POS proposed above ground.	Yes
	POS areas face north, east or west to maximum amenity.	Yes. Proposed POS is located south-west and is considered to appropriately compliment amenities.	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.	Yes. *Principle dwelling:* No changes to the primary dwelling proposed. *Garage:* Window 1 to garage on the northern elevation has a sill height of 1.68m and is to a	Yes

		non-habitable room. No privacy impacts are identified. *Secondary dwelling:* As stated in the assessment table below, under *2.21 Secondary dwellings* direct views from proposed secondary dwelling windows, into adjoining properties are not present and will be slightly obstructed by the boundary fence. *Studio:* *South elevation* Window W2 to studio has a sill height of 1.5m. No privacy impacts identified. Patio is raised 0.7m above the NGL. It is recommended as a condition of consent to provide appropriate privacy conditions to a sill height of 1.5m on the southern elevation. *East elevation* W1 to studio will face the eastern/rear boundary and is adequately setback 5.7m. No privacy impacts identified.	
	Windows to be located to not provide direct or close view into windows of habitable rooms and POS of adjoining dwellings.	Yes. As stated above, proposed windows will not have direct views into habitable rooms and POS of adjoining properties.	Yes
	Any direct views shall be obscured by: - Existing dense vegetation or new planting; - Fixed obscure glazed or highlight window type; and/or, - Elevated outdoor areas screening to be provided with a maximum area of 25% openings and permanently with durable material.	Yes. As stated above, the proposal will be located on the ground floor and direct views will be obstructed by the boundary fence, obscured window design and privacy screening.	Yes

	Building design elements and landscaping be designed to increase visual privacy.	Yes. Existing 1.8m boundary fences on the side and rear is considered to obstruct direct views from the ground level.	Yes
	Windows of living rooms within 9 metres of adjoining living windows be offset.	N/A. Proposed living room windows face the rear of the site.	N/A
	Acoustic Privacy: Where site adjoins busy road, non-habitable rooms shall be located in noise affected side of dwelling. Each opening must include treatment and design solutions should be sought to minimise external acoustic impact.	N/A. Bury Road is not identified as classified road.	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.	Yes. This requirement is covered as a condition of consent	Yes
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.	Yes. A minimum of 3 hours of sunlight to the proposed and existing living areas of the subject site and adjoining dwellings will be maintained. A minimum of 50% of sunlight to POS will be received by the subject site and adjoining properties. *Subject site* No changes proposed to primary dwelling. Solar access to private open space is not envisaged to be unreasonable reduced due to being a single storey development located within the rear setback. *4 and 8 Bury Road* Adjoining sites to the north and south will retain majority of solar access to living areas and POS. Solar access to living areas and POS is not envisaged to be unreasonably	Yes

		reduced due to being a single storey development. Additional shadows casts are considered reasonable as the proposal is for a one storey development. Furthermore, the proposal complies with	
	Habitable room windows have sufficient head and sill height to allow sun penetration into room.	Yes. Window heights to the living and bedroom of the proposed dwelling will allow sun penetration into habitable rooms.	Yes
	Where practical, living areas, kitchens and family be located north and non-habitable rooms be orientated south or west.	Yes. Proposed family and kitchen area are located towards the north of the subject site.	Yes
	Increase building setbacks to maximise solar access and minimise overshadowing on adjoining properties.	Yes. The development provides compliant front, side, and rear setbacks. This has been considered in the assessment above. An increased building setback will not be required as overshadowing is considered reasonable and complies with Council's controls.	Yes
	<u>Solar Collectors</u>: - 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. 3m^2 north facing roof space on adjoining properties for potential solar panel installation with unimpeded solar access between 8am to 4pm in mid-winter.	Yes. Upon site inspection it was determined that there are solar collectors at 4 and 8 Bury Road. The proposal is considered to retain all solar access to existing adjoining solar collectors due to being a single storey development. The proposed development will retain a minimum of 3m2 north facing roof space on adjoining properties.	Yes
2.12 Cross Ventilation	Rooms with high fixed ventilation openings such as bathrooms and laundries be situated south to act as buffers to insulate the dwelling house	Yes. The plans submitted demonstrate compliance with this.	Yes

	from winter winds. Garages may also useful as buffers on the southern and western sides.	Proposed window openings for bathrooms and laundries are high and located towards the eastern boundary. Due to the site's orientation, it will not be practical to propose high windows on the south as it will face the street frontage. Proposed garage is located on the south-eastern boundary of the subject site and could provide a buffer from winds.	
	Internal layout be designed with bathrooms, laundries and kitchens sited in a position that allows natural ventilation of the room through an openable window.	Yes. The plans submitted demonstrate compliance with this. Proposed internal configuration will allow natural ventilation throughout the dwelling.	Yes
2.13 Ancillary site facilities	A maximum of 1 TV antenna to each dwelling	Yes. This requirement is covered as a condition of consent.	Yes
	Satellite dishes, antennas and other facilities shall be located away from primary street frontages and incorporated into design	Yes. This requirement is covered as a condition of consent.	Yes
	Mailbox be provided centrally and close to major street entry.	Yes. This requirement is covered as a condition of consent.	Yes
	Locate air conditioning unit at rear or side of dwelling.	Yes. This requirement is covered as a condition of consent.	Yes
2.15 Rainwater tanks	- Above ground not to be located in front setback - Suitably screen and not visible from street.	Yes. This requirement is covered as a condition of consent.	Yes
2.16 Safety and security	- Visible entrances oriented to street. Habitable room window facing the public domain. - Dwelling houses on battleaxe lots shall be designed with clear and uninterrupted sight lines to entrances. - Blank walls along street frontages are prohibited	Yes. The plans submitted demonstrate compliance with this. Proposed patios towards the street frontage will improve entrance visibility from the street. Bedrooms windows face the public domain.	Yes

	- Secondary entries to dwelling houses may be provided off rear lanes		
	- Roller shutters are discouraged where it faces street or public domain - Security grills should compliment architectural features - Landscaping that may provide concealment opportunities for potential intruders shall be avoided.	Yes. This requirement is covered as a condition of consent.	Yes
	<u>Ownership</u> - Each property shall be clearly identified by street number, which is visible from a car on the street. - Property lines and private areas should be defined through building materials, fencing and landscaping.	Yes. This requirement is covered as a condition of consent.	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	Yes. The plans submitted demonstrate compliance with this. The site slopes from the frontage to the rear. The proposal has appropriately designed the development to follow the natural topography of the land. No fill proposed, secondary dwelling is proposed to be built wholly above the NGL. Cut proposed only for the building foundation.	Yes
	<u>Fill</u>: - 300mm fill permitted within 900mm of side/rear boundaries. - Fill, 600mm or greater, is to be contained within the building envelope. - Where fill is more than 150mm deep shall not exceed 50% of landscaped area.	N/A. No fill proposed. Concrete slab is proposed to be built on top of the nature ground level.	N/A

	Cut: - Max 1m (excluding basements); - 450mm within 900mm of side/rear boundaries;	Yes. Maximum cut within the building envelope is 600mm in accordance with Section A-A. This has been proposed for the dropped edge beams have been proposed.	Yes
	Cut and fill must not impact on neighbouring amenity or result in a significant loss of mature trees.	Yes. Proposed cut and fill will not affect privacy and amenities of the development and surrounding dwellings. No loss of significant mature trees present.	Yes
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.	Yes. Proposed roofed single garage adjacent to the dwelling.	Yes
2.19 Garages and carports Note: Garage and carports will comply with the provisions set out in Part G3 of this DCP. These controls are as follows:	Driveways: - Single crossover per lot where lot has <15m frontage - Two crossovers permitted where frontage is >15m - Single driveway max 3.5m, double max 6m - Driveway setback 1m from side boundary. - Where rear access is available, access shall be provided at rear. - Max 1.2m from structures (power poles and pits)	N/A. No driveways proposed. Driveway to remain as per existing.	N/A
	Driveways and Manoeuvring areas to comply with AS2890.1	Yes. This requirement is covered as a condition of consent	Yes
	Garages: - Garages must not dominate façade and setback 1 metre behind façade. - Max 2 single garages or 1 double garage located on front façade. Triple or more garages prohibited. - Minimum parking dimensions 3m x 5.4m.	Yes. Proposed double garage is setback 1m behind the building façade and is not predominant in nature. Parking dimensions are 5.9m x 4.8m which complies with the minimum parking dimensions. Garage doors 3.7m m x 2.3 m. Garage doors will not exceed	Yes

	- Single garage doors max 3.5m in width and 5.5m wide for double. - Garage doors not to exceed 50% width of street elevation.	50% width from the street elevation.	

2.20 Outbuildings	**C1.** Area: 25m^2 (max combined)	**No. Maximum area of outbuilding is 28.2m^2 inclusive of garage.** **This is a variation of 3.2m^2 or 12.8%. Please see variation discussion.**	**Yes, please see variation discussion within the report.**
	C3 and C4. Max ceiling height of outbuildings: - shed – 2.4m - gazebos, cabanas, garages – 2.7m Max overall height is 4.8m	Yes. Maximum height of outbuildings is 4.1m to the garage.	Yes
	C5, C6, and C7. Setbacks: - Behind building line - Min 900mm from side/rear boundary - External wall cannot extend greater than 50% of rear boundary. - Where adjoining properties contain an outbuilding on the property line, it may be appropriate for an outbuilding to be built along the shared party wall.	Yes. Outbuilding is behind the building line. Please see the following proposed setbacks: - Garage: 1m northern side setback, and 18.2m rear setback. External wall does not extend greater than 50% of the rear boundary.	Yes
	C8. Outbuildings shall be positioned to optimise private open space.	Yes. POS is positioned between the primary dwelling and outbuilding. Furthermore, the development complies with Council's POS requirements.	Yes

Studio Note: Studios are assessed on merit.	Yes. Studios are assessed on merit based on similar controls within the Cumberland DCP. The proposal involves a studio, a bathroom, and patio. Proposed studio has a maximum height of 4.3m, area of 20m^2, 0.9m southern side setback, and 5.7m rear setback. The studio is setback behind the building line and is not excessive in bulk and scale. The proposal continues to comply with POS, site coverage, landscaping, solar access, and setback controls. Proposed detached studio compliments the principle dwelling in regard to the construction, design and materials. Hence, the proposed studio is acceptable on merit.

	Privacy assessment *South elevation* Window W2 to studio has a sill height of 1.5m. No privacy impacts identified. Patio is raised 0.7m above the NGL. It is recommended as a condition of consent to provide appropriate privacy conditions to a sill height of 1.5m on the southern elevation. *East elevation* W1 to studio will face the eastern/rear boundary and is adequately setback 5.7m. No privacy impacts identified.

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. - Comply with DCP.	N/A. Existing metal shed to be removed.	N/A
	Site Area: Min 380m^2	Yes. The subjected site has an area of 819 m^2.	Yes
	Height: 2 storeys and must not be higher than principal dwelling.	Yes. 1 storey proposed.	Yes
	Attics prohibited.	Yes. No attic is proposed.	Yes
	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 2.6m	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	Yes. The single storey secondary dwelling has a	Yes

	- Side: 900mm single storey/1.5m for 2 storeys - Rear Setback: 900mm single storey/3m for 2 storey	side setback of 1m and rear setback of 5.7m.	
	<u>Dwelling and bedroom size:</u> - Secondary dwelling not less then 25m^2 - Minimum bedroom size, not less than 8m^2	Yes. The secondary dwelling has an internal floor area of 52.8m^2 (excluding the patio). Bedroom 1 is 9.3m^2 Bedroom 2 is 8.2m^2	Yes
	<u>Orientation:</u> - 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 living area faces the south however solar access is received through northern windows located on the roof. Bedrooms are facing South. 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
	<u>Privacy:</u> - 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 12m^2 and not be located along side elevations.	Yes. <u>*Secondary dwelling:*</u> *North elevation (side with bedrooms)* Window W2 to bedrooms 2 has a sill height of 1.5m. Bedroom is considered to be a low-use room. No privacy impacts identified. Window W3 to bathroom is to a non-habitable room. No privacy impacts identified. Window W4 to bedroom 1 has a sill height of 1.5m. Bedroom is considered to be a low-use room. No privacy impacts identified. *East elevation (rear)*	Yes

		Proposed windows on the eastern elevation will face the rear of the site. Windows are significantly setback from the rear boundary (i.e., setback a minimum of 8.8m). No privacy impacts identified *South elevation (side)* Proposed window W8 to dining room has a sill height of 1.5m. Window is significantly setback 6.9m from the southern boundary. No privacy impacts identified Proposed window W7 to living room has a sill height of 1.5m. Window is significantly setback 6.9m from the southern boundary. No privacy impacts identified *Elevated rear alfresco* The alfresco is raised a maximum of 1.2m above the NGL. The alfresco opening is significantly setback 6.9m from the southern boundary. Furthermore, the proposed studio will also obstruct direct views. No privacy impacts identified. The proposed secondary dwelling has complaint side and rear setbacks. Direct views will be obstructed by the boundary fence. No balcony proposed.	
	<u>Site coverage</u>: - 450m^2 or less – max 70% - 451m^2 or greater – max 65%	Yes. Site area – 819m^2 Max 65% – 532.35m^2	Yes

		Proposed site coverage - 238.7m²	
	Deep Soil Zone: - 450m² or less – min 15% - 451m² or greater – min 20%	Yes. Site area – 819 m² Min 20% – 163.8m² Proposed landscaped area - 293.2m² or 35.8%	Yes
	Secondary dwelling must contain it's own kitchen, bathroom, living and bedroom. A common laundry can be provided.	Yes. Proposed secondary dwelling includes a kitchen, bathroom, family/living area and two bedrooms. Laundry room has been incorporated into the bathroom.	Yes
	Landscaped Area: - POS to be shared and not separated via internal boundary fencing. - POS provided at ground level.	Yes. POS at ground level is to be shared with the principal dwelling. No internal boundary fence is proposed.	Yes

Part G - General Controls			
Part G3 - Traffic, Parking, Transport and 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 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.	Yes. Single garage provided to new dwelling.	Yes
Part G4 - Stormwater and 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:	Yes. Satisfactory, subject to compliance with conditions of consent.	Yes, subject 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 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. Subject site is flood affected. Accordingly, a referral was made to Council's development engineering department who has raised no objections subject to conditions of consent.	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.	Yes. Please see above.	Yes
	C8. The proposed development shall comply with Council's Flood Risk Management Policy.	Yes. Please see above.	Yes
2.7 Water Sensitive Urban Design, water quality and water re-use	C3. All other developments shall provide appropriate water sensitive treatments.	Yes. Development must comply with approved BASIX certificate.	Yes
Part G5 - Sustainability, Biodiversity and Environmental Management			
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. Cross ventilation is satisfactory, through utilising window, door, and balcony openings.	Yes
Part G7 - Tree Management and 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;	Yes. Relevant tree retention, protection and replacement conditions to be imposed.	Yes

	• 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.		
	C2. SEPP (Vegetation in Non-Rural Areas) 2017 applies to all trees and vegetation defined as any woody perennial plant that is 4m or greater in height, measured from the base of the tree at ground level to the highest point of live foliage.	Yes. Noted.	Yes
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.	Yes. Any consent issued will require implementation of adequate protection measures.	Yes
	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.	Yes. Subject to conditions pertaining to tree protection measures development will comply with AS 4970.	Yes, subject to conditions of consent
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	Yes. Landscape plan has been provided. Accordingly, referral was made to Council's landscaping officer who has raised no objections subject to conditions of consent.	Yes

	and show sufficient detail to enable construction.		
Part G8 – Waste Management			
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
	C6. All developments must ensure separate residential and commercial bin storage areas, which shall be located behind the primary building line and adequately screened.	Yes. Bin storage is located behind the primary building line.	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: ELPP019/25

DEVELOPMENT APPLICATION - 3 CENTENARY ROAD, MERRYLANDS

Directorate: Environment and Planning
Responsible Officer: Executive Manager City Planning and Development

Application lodged	28 November 2024.
Applicant	E Nader.
Owner	Centenary RD Holdings Pty Ltd.
Application No.	DA2024/0682.
Description of Land	3 Centenary Road MERRYLANDS. Lot 1 DP 658190, Lot 1 DP 658191, Lot E DP 345321, Lot 1 DP 658192.
Proposed Development	Construction of a two storey mixed use development comprising of a 120 place centre-based childcare facility and an indoor recreation facility (swim school) on the ground floor with a capacity of 20 children with associated basement car park.
Site Area	1701.6 square metres (pre-land dedication). 1640 square metres (post land dedication).
Zoning	R4 High Density Residential.
Disclosure of political donations and gifts	Nil disclosure.
Cost of works	$6,120,754.00. *The Centre based child centre has a cost of work (excl. GST) of $4,729,674 and therefore is below the $5 million threshold and does not trigger Schedule 6 of the State Environmental Planning Policy (Planning Systems) 2021.*
Heritage	Not applicable. The subject site is not heritage listed nor in a Heritage Conservation Area.
Principal Development Standards	**Minimum Lot Size** Permissible: 900 square metres. Proposed: 1701.6 square metres pre-land dedication. 1640 square metres post land dedication. **FSR** Permissible: 1.5:1. Proposed: Applicant states FSR complies at 902 square metres 0.53:1 Council states FSR is 1.068:1 based on a gross floor area of 1,817.1 square metres including the outdoor play areas given the height of the acoustic barriers being 1.8 metres (minimum).

	Height of Building Permissible: Part 15 metres and Part 21 metres. Proposed: 9.981 metres at the highest point.
Issues	Submissions. Car parking.

SUMMARY:

1. Development Application 2024/0682 was lodged on the 28 November 2024 for the construction of a two storey mixed use development comprising a 124 place centre-based childcare facility and an indoor recreation facility (swim school) on the ground floor with a capacity of 20 children with associated basement car park.

2. The application was publicly notified to occupants and owners of the adjoining properties for a period of 14 days between 23 January 2025 and 6 February 2025. In response, two submissions (from the same author) were received.

3. On the 26th of June 2025, the applicant provided amended plans that reduced the centre-based childcare facility placement from 124 to 120 and 37 car spaces to 35. The amended plans did not require re-notification as the environmental impact of the change is less than the original plans.

4. The variations are as follows:

Control	Required	Provided	% variation
Sub-part 4.1, C1 and Section 3, Table 1. Part G3 Traffic, Parking, Transport & Access (Vehicle) Chapter Cumberland Development Control Plan 2021 (CDCP 2021) and Child Care Planning Guideline.	40	35	12.5%

5. The application is referred to the Panel as the proposal is considered to be a sensitive development as the developer has offered to enter into a planning agreement.

6. The application is recommended approval subject to the conditions as recommended within the Council's assessment report.

REPORT:

Subject Site and Surrounding Area

The site forms Lot 1 DP 658190, Lot 1 DP 658191, Lot E DP 345321 and Lot 1 DP 658192 and is known as 3 Centenary Road Merrylands. The site has an area of 1,701.6 square metres The subject site is irregular in shape with the primary street frontage to

Centenary Road (western boundary) of 30.195m and secondary street frontage to Merrylands Road (southern boundary) of 31.47m excluding the splay corner.

The subject site is located within the Sherwood Transitway Precinct and on the northeastern corner of the intersection of Centenary Road and Merrylands Road. The development has frontage to a transitway on Centenary Road. The transitway is a classified road under the care and control of Transport for New South Wales (TfNSW).

A site inspection of the premises carried out on 22 January 2025 identified that the site is currently cleared of any structures.

The existing developments adjoining the site include single and two storey detached residential dwellings to the north, east and west. There are also residential flat buildings within the vicinity of the subject site. A service station is located on the southern side of Merrylands Road. The E1 Local Centre zone lies to the southwest of the adjoining intersection in which there is a KFC outlet, an IGA supermarket and a variety of other retail, food and drink premises and businesses.

The location of the site is shown below.



Figure 1 – Locality Plan of subject site

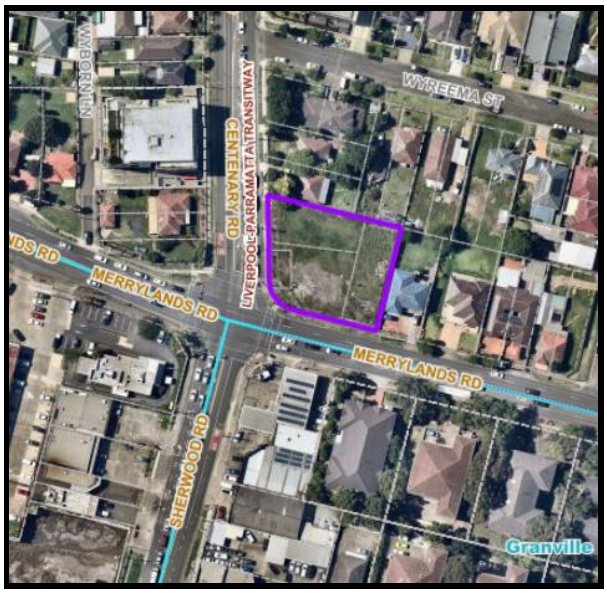


Figure 2 – Aerial view of subject site



Figure 3 – Street view of subject site - View from corner of Merrylands Road and Centenary Road.

Description of The Development

Development application 2024/0682 was lodged on the 28 November 2024 seeking approval for the construction of a two storey mixed use development comprising of a 120 place centre-based childcare facility and an indoor recreation facility (swim school) on the ground floor with a capacity of 20 children with associated basement car park. The detailed breakdown of the proposal is shown below:

Basement Level (servicing the centre-based childcare facility and indoor recreation facility):

- 35 car parking spaces inclusive of 1 accessible car parking.
    - 5 swimming pool user car parking spaces.
    - 30 childcare parking spaces

- 6 bicycle parking spaces.
- 1 turning bay.
- Waste storage room and bin loading bay.
- Vehicular access ramp to Merrylands Road.
- 3 x stairs and 1 x lift access to upper levels.

Ground Level (servicing the centre-based childcare facility and an indoor recreation facility):

- Primary pedestrian footpath from Merrylands Road frontage to the share entry lobby.
- Secondary pedestrian footpath off Centenary Road to access stairs to the basement level and upper levels.
- Dual vehicular access and new crossover at the Merrylands Road frontage.
- Stairs and lift access to upper and basement levels.
- Landscaped area within the front and side setback areas.

Indoor recreation facility (Ground level):

- Entry door from the share lobby to the indoor recreation facility.
- Indoor swimming pool 4m wide x 12m long.
- 6 x seating benches around the swimming pool.
- Lifeguard duty area.
- Office.
- Storage room.
- Reception area.
- Bathroom.
- 2 x change room with shower facilities.
- 1 x accessible toilet with shower facilities.
- Pump room, pool equipment and additional storage area.

Centre-based childcare centre (Ground Level):

- Office.

- Admin and reception area.
- Staff toilet.
- Accessible toilet.
- Laundry area.
- 2 x pigeonhole cupboards.
- Bottle preparation room.
- Children's bathroom.
- Indoor play area for 20 x 0-2 year old children with craft sink, storage area, cot room and access to outdoor play area.
- Indoor play area for 30 x 2-3 year old children with craft sink and access to outdoor play area.
- Outdoor storage rooms.
- 1.8m high acoustic barrier around the outdoor play area being 2m setback from the northern and eastern adjoining properties.
- 2.4m high acoustic barrier along the eastern side of the outdoor play area facing the Centenary Road frontage.

Centre-based childcare centre (First Floor):

- Stairs and lift access to lower levels.
- Kitchen.
- Staff room.
- 2 x toilets including 1 accessible toilet.
- Indoor play area for 30 x 3-4 year old children with craft area, pigeonhole cupboard, children's bathroom and access to outdoor play area.
- Indoor play area for 40 x 4-6 year old children with craft area, 2 x pigeonhole cupboards, children's bathroom and access to outdoor play area.
- 2 x outdoor storage areas.
- Outdoor play area with access to children's bathroom.
- 1.8m high acoustic barrier around the first floor outdoor play.

Hours of operation:

- Childcare centre: Monday to Friday 7:00am - 6:00pm and closed on Saturday, Sunday and Public Holidays.
- Indoor recreation facility (swimming pool): Monday to Sunday 9:00am - 7:00pm.

Staff:

- Childcare centre: minimum 23 x staff comprising:
    - 19 x full-time educators.
    - 1 x admin.
    - 1 x chef.
    - 1 x assistance chef.
    - 1-2 causal educators to cover meal breaks.
- Indoor recreation facility (swimming pool):
    - 2 staff.

Child capacity:

- Centre-based childcare facility will have a maximum capacity for 120 children.
- Indoor recreation facility (swimming pool) will have a maximum capacity for 20 children per 30 minute intervals with 20 minute break between classes for changeover.

No signage is proposed as part of this application.

History

Application No.	Proposal	Determination	Date
DA2004/939/1	Demolition of service station buildings and removal of storage tanks.	Approved	10/05/2005
DA2006/465/1	Construction of a car wash facility and associated café.	Approved	15/11/2007
DA2010/479/1	Construction of a car wash facility and associated mechanical workshop.	Approved Deferred Commencement	20/4/2011
M2010/479/2	S96(1A) modification to extend time frame to satisfy Schedule A.	Approved	13/9/2011
DA2014/530/1	Consolidation of 4 lots into 1 lot, construction of a 6 storey residential flat building	Withdrawn	06/05/2015

	comprising 38 units above basement parking accommodating 44 carparking spaces.		
DA2015/478/1	Consolidation of 4 lots into 1 lot, construction of a 6 storey residential flat building comprising 38 units. above 2 levels of basement parking accommodating 45 carparking spaces.	Approved	04/05/2016
PL2022/0039	Construction of a 100 place childcare facility over basement car parking for 25 vehicles.	Minutes issued	19/07/2022
DA2023/0135	Construction of a part 2 storey and part 3 storey mixed-use development comprising of a 125 place multi-level centre-based childcare facility, ground floor indoor swimming pool (recreation facility) over basement car parking level for 38 vehicles with vehicular access from Merrylands Road, 1.8m-2.4m high acoustic barriers and associated site, landscaping and stormwater works.	Refused	18/03/2024
REV2024/0008	Section 8.3 review of determination for the new part 2 storey and part 3 storey centre-based childcare facility for 124 children with indoor recreation facility (swim school) for 20 children over basement parking for 37 vehicles.	Refused	10/09/2024

Applicants Supporting Statement

The applicant has provided a Statement of Environmental Effects prepared by Think Planners dated 21 May 2025 and was received by Council on 23 May 2025 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 Senior Development Engineer for comment who has advised that the proposal is satisfactory and therefore can be supported subject to recommended conditions of consent.

Environmental Health

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

Planning Systems

Council officers reported the applicant's Letter of Offer to enter into a Planning Agreement to the Council for endorsement. At its meeting of 30 July 2025, the Council provided in-principal endorsement of the letter of offer provided by the applicant.

The Planning Agreement in accordance with the Letter of Offer would require the developer to dedicate 61.6 square metres (approx) of their site at no cost to Council. The land is identified within the Cumberland Development Control Plan (DCP) 2021 Part F4-2 Mays Hill, Finlayson and Sherwood Transitway Precinct, for the purpose of providing public domain improvements.

In accordance with section 7.7(3) of the Environmental Planning and Assessment Act 1979, prior to the release of a Construction Certificate, a planning agreement must be entered into that is consistent with the offer to enter into a planning agreement. An appropriate condition has been included in the draft consent to ensure compliance.

Tree Management

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

Waste Management

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

External Referrals

Transport for NSW (TfNSW)

The development application was referred to TfNSW pursuant to clause 2.122 of the State Environmental Planning Policy (Transport and Infrastructure) 2021. TfNSW in its correspondence dated 8 January 2025 advised that:

- "The development has frontage to Centenary Road and Merrylands Road, which are unclassified regional roads under the care and control of Council.
- The development has frontage to a transitway on Centenary Road. The transitway is a classified road under the care and control of TfNSW.
- The development proposes the removal of redundant vehicular crossings on Merrylands Road and Centenary Road, the reinstatement of kerb and gutter to match existing, and the construction of a new vehicular crossing within proximity to the Traffic Control Signals (TCS) of Merrylands Road and Centenary Road.

In this regard, the new development must not compromise the effect and ongoing operation and function of the transitway or the Merrylands Road/Centenary Road TCS". As such, TfNSW has reviewed the submitted DA and recommended two conditions in relation to the development must provide left-turn signage within the driveway facing the exiting lane and any public domain works within the vicinity of the signalised intersection of Merrylands Road/Centenary Road that require modification to the existing Traffic Control Signal plan will need to be reviewed and approved by TfNSW under section 87 (4) of the Roads Act, 1993.

This will be conditioned accordingly.

Endeavour Energy

The development application was referred to Endeavour Energy pursuant to s2.48 of the SEPP (Transport and Infrastructure) 2021. Endeavour Energy in its correspondence of 20 December 2024 did not raise any objections to the proposal, 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 Planning Policies (SEPPs)	Relevant Clause(s)	Compliance with Requirements
State Environmental Planning Policy (Biodiversity and Conservation) 2021.	Chapter 2 - Vegetation in Non Rural Areas.	The site is void of any significant trees. Council's Senior Tree Management Officer has reviewed the application and raised no objections subject to conditions. A detailed assessment is not required in this instance.
	Chapter 6 - Water Catchments. Sydney Harbour Catchment.	It is determined that given the location of the site, 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 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 4 - Remediation of Land. Part 4.6.	Part 4.6 - Contamination and remediation to be considered in determining development application. <u>Comments</u> Council's Environmental Health Officer reviewed the proposal and has advised that the application can be supported in that the site can be made suitable for its intended use following remediation subject to conditions in that: *A combined Preliminary and Detailed Site Investigation has been provided for the development site and a report prepared by Neo Consulting with reference N6746 Dated 1st of December 2022.* 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 (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.	State Environmental Planning Policy (Transport and Infrastructure) 2021 is relevant to the development application as follows.
	Clause 2.48	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: **6.** The development application was referred to Endeavour Energy for assessment. As per their correspondence of the 20 December 2024 did not raise any objections to the proposal, subject to conditions previously provided.
	Clause 2.119	The application is subject to clause 2.119 of the SEPP as the site has frontage to a classified road. The transitway is a classified road under the care and control of TfNSW. The matter has been addressed above under “External Referrals”. Subject to conditions, the proposed development is compliant and consistent with the outcomes expected by Transport for New South Wales.
	Chapter 3 - Education Establishments and Child Care Facilities.	A detailed assessment is undertaken of Chapter 3 Educational Establishments and Child Care Facilities in Attachment 7.
State Environmental Planning Policy (Sustainable Buildings) 2022	Chapter 3 – Standards for non-residential development	Chapter 3 of SEPP (Sustainable Buildings) 2022 applies to this development as the new building has an estimated cost of more than $5 million.

		3.2 Development consent for non-residential development *(1) In deciding whether to grant development consent to non-residential development, the consent authority must consider whether the development is designed to enable the following:* *(a) the minimisation of waste from associated demolition and construction, including by the choice and reuse of building materials,* The Waste Management Plan makes provision for the re-use of materials wherever possible. *(b) a reduction in peak demand for electricity, including through the use of energy efficient technology,* The building can be designed to comply with energy efficient technology. *(c) a reduction in the reliance on artificial lighting and mechanical heating and cooling through passive design,* The building provides doors and windows which provide for natural light and allows for cross ventilation. *(d) the generation and storage of renewable energy,* There is sufficient space on the roof for future installation of solar panels or photovoltaic cells. *(e) the metering and monitoring of energy consumption,*

		The development can implement metering and monitoring systems that monitor energy consumption. *(f) the minimisation of the consumption of potable water.* This can be implemented with water saving devices and appliances. The landscape plans show for an automated irrigation system.

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 R4 High Density Residential Zone.

(a) Permissibility:

The proposed development is defined as a 'Centre-based childcare facility' and 'Recreational facility (indoor)' is permissible in the R4 High Density Residential zone with consent.

Centre-based childcare facility is defined as:

centre-based childcare 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 childcare,

(iii) out-of-school-hours care (including vacation care),

(iv) preschool care, or

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

Note.

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

but does not include—

(c) a building or place used for home-based childcare or school-based childcare, or

(d) an office of a family day care service (within the meanings of the Children (Education and Care Services) National Law (NSW)), or

(e) a babysitting, playgroup or child-minding service that is organised informally by the parents of the children concerned, or

(f) a child-minding service that is provided in connection with a recreational or commercial facility (such as a gymnasium) to care for children while the children's parents are using the facility, or

(g) a service that is concerned primarily with providing lessons or coaching in, or providing for participation in, a cultural, recreational, religious or sporting activity, or providing private tutoring, or

(h) a child-minding service that is provided by or in a health services facility, but only if the service is established, registered or licensed as part of the institution operating in the facility.

Note-

Centre-based childcare facilities are a type of ***early education and care facility****—see the definition of that term in this Dictionary.*

A recreation facility (indoor) is defined as:

recreation facility (indoor) *means a building or place used predominantly for indoor recreation, whether or not operated for the purposes of gain, including a squash court, indoor swimming pool, gymnasium, table tennis centre, health studio, bowling alley, ice rink or any other building or place of a like character used for indoor recreation, but does not include an entertainment facility, a recreation facility (major) or a registered club.*

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 Attachment 8.

Figure 4 - Cumberland LEP 2021 Compliance Table

DEVELOPMENT STANDARD	COMPLIANCE	DISCUSSION
Clause 4.1 Permissible: 900 square metres.	Yes	The combined site area is 1,701.6 square metres pre land dedication and 1,640 square metres post land dedication.
Clause 4.3 Height of Buildings	Yes	9.981 metres at the highest point.

Part 15 metres and Part 21 metres		
Clause 4.4 Floor Space Ratio 1.5:1	Yes	Applicant states - FSR complies at 902 square metres 0.53:1. Council states - FSR is 1.068:1 based on a gross floor area of 1,817.1 square metres including the outdoor play areas given the height of the acoustic barriers being 1.8 metres (minimum).

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

Council has received a Gateway Determination from the Department of Planning, Housing and Infrastructure for the Draft Woodville Road Corridor Planning Proposal. As part of this approval, public exhibition of the Draft Woodville Road Corridor Planning Proposal has commenced. The public exhibition was carried out between the 4 March 2025 and the 17 April 2025.

The Draft Planning Proposal seeks to revitalise Woodville Road by amending planning controls in the Cumberland Local Environmental Plan (CLEP) 2021 for 31 sites located around the three (3) precincts of Woodville North, Merrylands East and Woodville South.

The subject application was received on 28 November 2024 and the site does not fall within the Draft Woodville Road Corridor. Therefore, no further consideration is required.

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:

- Part A - Introduction and General Controls.
- Part E - Other Land Use Based Development Controls.
- Part F4.2 - Mays Hill, Finlayson and Sherwood Transitway Precinct.
- Part G - Miscellaneous Development Controls.

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

Figure 5 - Cumberland DCP 2021 - Compliance Table.

Control	Required	Provided	% variation

Sub-part 4.1, C1 and Section 3, Table 1. Part G3 Traffic, Parking, Transport & Access (Vehicle) Chapter Cumberland Development Control Plan 2021 (CDCP 2021) and Child Care Planning Guideline.	40	35	12.5%

As indicated in the compliance table above, the proposed development departs from the car parking provisions of the Cumberland Development Control Plan 2021 and Child Care Planning Guideline.

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

Subpart 4.1, C1 and Section 3, Table 1.

The car parking rates are based on:

- Part G Part G of the Cumberland DCP is used for the car parking requirements; and
- Child Care Planning Guideline.

The proposal requires the following car parking based on the proposed two uses:

Recreation facility (indoor): 4.5 spaces to 7.5 spaces per 100sqm GFA

- 223.3sqm / 100sqm * 4.5 spaces = 10 spaces.

Childcare facility: 1 space per 4 children

- 120 children / 4 = 30 spaces.

Therefore, the proposal requires a total of 40 car spaces, the basement accommodates for 35 car spaces a shortfall of 5 car spaces or variation of 12.5%.

The application is accompanied with a Traffic and Parking Statement that concludes the proposal is acceptable based on a First Principles assessment. The swim school is proposed to operate with the following management/class procedure:

- *During peak childcare centre pick-up and drop-off periods (7am to 9am and 4pm to 6pm):*
    - *Two (2) staff members.*
    - *Four (4) students in a class.*

- *30-minute long classes.*
- *At least 20-minutes between class times (i.e. 20-minutes between the end of one class and the beginning of the next class).*

- *Outside peak childcare centre pick-up and drop-off periods:*
  - *Two (2) staff members.*
  - *Ten (10) students in a class.*
  - *30-minute long classes.*
  - *At least 20-minutes between class times (i.e. 20-minutes between the end of one class and the beginning of the next class).*

With the above considerations the following assumptions have been adopted to derive a peak parking requirement:

- *During peak childcare centre pick-up and drop-off periods (7am to 9am and 4pm to 6pm):*
  - *1 car parking space per 2 staff (1 space).*
  - *1 car parking space per student (4 spaces).*
  - *10-minutes for a student to change before class.*
  - *10-minutes for a student to change after class.*

- *Outside peak childcare centre pick-up and drop-off periods:*
  - *1 car parking space per 2 staff (1 space).*
  - *1 car parking space per student (10 spaces).*
  - *10-minutes for a student to change before class.*
  - *10-minutes for a student to change after class.*
  - *A reliance on 50% of the available childcare centre parent car parking spaces (6 spaces).*

The proposal can accommodate 30 car spaces to service the child care and 5 dedicated car parking spaces which will cater for swim school during the peak child care centre pick-up and drop-off period and outside the peak child care centre pick-up and drop-off period the swim school would demand a total of 11 car parking spaces (5 pool parking spaces and 6 child care centre spaces) which can reasonably be accommodated on-site. A Plan of Management (PoM)has been provided for the childcare facility and one for the swim school.

The PoM for the swim school outlines the class numbers and staff numbers as per the Traffic and Parking Statement. This will also be verified with a condition of consent to ensure compliance and management of the swim school.

A comprehensive Cumberland DCP 2021 assessment is contained in Attachment 9.

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))

The developer has offered to enter into a planning agreement associated with the subject development application for public domain improvements.

Council has considered the offer at its meeting of 30th of July 2025 and resolved to endorse in principle the letter of offer regarding the dedication of land for the purpose of constructing a shared footpath and to dedicate a portion of their site that includes the shared footpath.

In accordance with section 7.7(3) of the Environmental Planning and Assessment Act 1979, prior to the release of a Construction Certificate, a planning agreement must be entered into that is consistent with the offer to enter into a planning agreement, this will form part of any consent issued for this 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))

Advertised (Website) ☒ Mail ☒ Sign ☒ Not Required ☐

In accordance with Council's Notification requirements contained within Cumberland Development Control Plan the proposal was publicly notified for a period of 14 days between 23 January 2025 and 6 February 2025. The notification generated 2 submissions (from the same author) in respect of the proposal with none disclosing a political donation or gift. The amended plans received on the 26th of June 2025 did not require re-notification as the environmental impact is insignificant.

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

Figure 6 – Submissions summary table

Issue	Planner's Comment
Site zoned R4 High Density Residential -not mixed-use development.	Despite the R4 High Density Residential zone, the two land uses are both permissible with the within zone. Objective 3 of the R4 zone allows for land uses that provide facilities to meet the day to day needs of residents. The proposed centre based childcare facility and swim school meets this objective.
Concerns that the pool inclusions / facilities are inadequate for up to 20 children and their parents	The proposed Plan of Management confirms that the swimming pool will be restricted to a maximum 2 staff and 10 children in each class with 20 minute breaks between classes with the exception of the morning drop-off and afternoon pick-up peak hours of the childcare centre. This will be limited to 2 staff and 4 children in each class.
Concerns with pool operation and 10 minute turn around timeframe in its attempt to cope with traffic and parking issues.	The proposal allocates 20 minutes between classes. This is adequate time to allow for students to change and leave the centre before the arrival of the students attending the following class.
Site and location is unsuitable for a centre-based child care facility.	The application was referred to Transport for New South Wales (TfNSW) for comment. No objections were raised to the proposal subject to conditions addressing the need for a left turn signage within the driveway facing the exit lane being provided and public domain works within the vicinity of the signalised intersection requiring TfNSW approval.
Traffic issues.	The application is accompanied by a traffic and parking assessment report that has been found to be satisfactory by Council's Senior Development Engineer.
Inadequate car parking and drop off/pickup facilities within the site.	The car parking has been discussed in more detail under the heading of Development Control Plan of this report and considered acceptable to support by Council officers.
No suitable evacuation route and assembly area.	The application is accompanied by an emergency plan that addresses various procedures and emergency situations including fire, explosion or gas leak,

	medical, bomb threat and or a vehicle collision. The evacuation plan is assessed as being acceptable to support.
The site is opposite a hazardous industry.	As stated above, the application is accompanied by an emergency plan that details procedures in the event of a fire, explosion or gas leak at the petrol station.
Other concerns with the pool facilities: • *Do the change room facilities cater for individuals and cultures that may require more privacy?* • *What is the proposed cut off age for 'children' at this site, noting Council's 'Learn to Swim'* • *Programs at the nearby Merrylands Swim Centre has classes for all ages, babies to adults.* • *Will teenagers or adults who want to learn to swim be excluded – yet it's older migrants who unfortunately have the highest drowning rates?* • *Are those with a disability catered for in this swim facility?*	The Plan of Management refers for age groups ranging from 0-100. The change rooms are individual rooms which are considered to provide sufficient privacy for all individuals and cultures.

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 PLANS 2020

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

In accordance with the Contribution Plan a contribution is payable, pursuant to Section 7.12 of the EP&A Act, calculated on the cost of works. A total contribution of $61,733.00 would be payable prior to the issue of a Construction Certificate

HOUSING AND PRODUCTIVITY OF CONTRIBUTION (HPC)

In accordance with s7.24, s7.26 and s7.28 of the Environmental Planning and Assessment Act, 1979, the proposed development is subject to the payment of the Housing and Productivity Contribution (HPC).

A condition of consent has been imposed on the development consent in accordance with s7.28 of the EP&A Act 1979 requiring the payment of the HPC.

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 (Resilience and Hazards) 2021, State Environmental Planning Policy (Transport and Infrastructure) 2021, State Environmental Planning Policy (Sustainable Buildings) 2022, Cumberland Local Environmental Plan 2021 and Cumberland Development Control Plan and is considered to be satisfactory subject to conditions.

The proposed development is appropriately located within the R4 High 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. A minor non-compliance with Council's controls has been discussed in the body of this report. The development is considered to perform adequately in terms of its relationship to its surrounding built and natural environment, particularly having regard to impacts on adjoining properties.

For these reasons, it is considered that the proposal is satisfactory having regard to the matters of consideration under Section 4.15 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. The objectors will also be notified in writing of the outcome.

REPORT RECOMMENDATION:

1. That Development Application 2024/0682 for construction of a two storey mixed use development comprising of a 120 place centre-based child care facility and an indoor recreation facility (swim school) on the ground floor with a capacity of 20 children with associated basement car park on land at 3 Centenary Road, MERRYLANDS be approved 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 ⇩
2. Architectural Plans ⇩
3. Landscape Plans ⇩
4. Stormwater Plans ⇩
5. Plan of Management ⇩
6. Submissions ⇩
7. State Environmental Planning Policy (Transport and Infrastructure) 2021, Chapter 3 assessment table ⇩
8. Cumberland LEP 2021 Assessment ⇩
9. Cumberland DCP 2021 Assessment ⇩

DOCUMENTS ASSOCIATED WITH REPORT ELPP019/25

Attachment 1

Draft Notice of Determination

CUMBERLAND CITY COUNCIL

DEVELOPMENT APPLICATION
DRAFT CONDITIONS OF CONSENT

Under the *Environmental Planning and Assessment Act, 1979*

Application No:	DA2024/0682
Applicant:	E Nader 21/103 George Street PARRAMATTA NSW 2150
Property Description:	3 Centenary Road MERRYLANDS NSW 2160, Lot 1 DP 658190, Lot 1 DP 658191, Lot E DP 345321, Lot 1 DP 658192
Development:	Construction of a two storey mixed use development comprising of a 120 place centre-based child care facility and an indoor recreation facility (swim school) on the ground floor with a capacity of 20 children with associated basement car park
Determined by:	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*
DA-0301 Rev F As amended in red and yellow.	Floor Plans - Basement 01	Urban Link	01/05/2025
DA-0202 Rev F	Site Plan	Urban Link	01/05/2025
DA-0302 Rev F	Ground Floor Plan	Urban Link	01/05/2025
DA-0303 Rev F	First Floor Plan	Urban Link	01/05/2025
DA-0304 Rev F	Roof Plan	Urban Link	01/05/2025
DA-0401 Rev F	Elevations 01	Urban Link	01/05/2025
DA-0402 Rev F	Elevations 02	Urban Link	01/05/2025
DA-0501 Rev F As amended in red and yellow.	Sections	Urban Link	01/05/2025
DA-502 Rev F	Sections (Pool)	Urban Link	01/05/2025
DA-606 Rev F	Finishes Schedule	Urban Link	01/05/2025
LPDA23-139 Sheet 1 Issue F	Hardscape Plan/GF	Conzept landscape Architects	15/11/2023
LPDA23-139 Sheet 2 Rev F	Landscape Plan/GF	Conzept landscape Architects	15/11/2023
LPDA23-139 Sheet 3 Rev F	Landscape Plan/L1	Conzept landscape Architects	15/11/2023
LPDA23-139 Sheet 4 Rev F	Details & Specifications	Conzept landscape Architects	15/11/2023

LPDA23-139 Sheet 5 Rev F	Details	Conzept landscape Architects	15/11/2023
LPDA23-139 Sheet 6 Rev F	Details	Conzept landscape Architects	15/11/2023
D00 Rev E	Cover sheet, legend and drawing schedule	Amity Engineers	11/09/2024
D05 Rev E	Erosion and Sediment Control Plan	Amity Engineers	11/09/2024
D06 Rev E	Erosion and Sediment Control Details	Amity Engineers	11/09/2024
D10 Rev E	Stormwater drainage plan - Basement level	Amity Engineers	11/09/2024
D11 Rev E As amended in red and yellow.	Stormwater drainage plan - Ground level	Amity Engineers	11/09/2024
D20 Rev E	Stormwater Drainage Details - Sheet 1	Amity Engineers	11/09/2024
D21 Rev E	Stormwater Drainage Details - Sheet 2	Amity Engineers	11/09/2024
D22 Rev E As amended in red and yellow.	Stormwater Drainage Details - Sheet 3	Amity Engineers	11/09/2024
Project ID 20221198.1 Rev 2	Childcare Centre Acoustic Assessment	Acoustic Logic	6/11/2023
Job Number 22101495 Final -001	Air Quality Assessment	Todoroski Air Sciences	23/02/2023
-	Arboricutural Impact Appraisal and Method Statement	Naturally Trees	11 April 2024
-	Demolition and Construction Waste Management Plan	Waste Audit	November 2023
-	Operational Waste Management Plan	Waste Audit	November 2023
N6746 Version 002	Preliminary and Detailed Site Investigation	Neo Consulting	1 December 2022
Version 1.0	Emergency Plan	Workplace Emergency Management	18 April 2024
Report E23069 GA	Geotechnical Investigation Report	eiaustralia	12 August 2016
-	Plan of Management	-	21 May 2025
-	Plan of Management (Swimming pool)	Think Planners	21 May 2025
CNR-55446, CNR-69376 and CNR-77163	-	Endeavour Energy	20 December 2024

For comprehension of approved levels, reference has been made to survey plan reference No. 223032 prepared by Frankham Engineering Surveys dated 6/3/2023.

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

3. **DAGCF01 - Surface Runoff**
Allowances shall be made for surface runoff from adjacent properties and to retain existing surface flow path systems through the site. Existing surface water flows from upstream properties shall not be diverted or treated in a manner that results in adverse effects for any other property.

(Reason: To prevent adjoining properties from being adversely affected by existing surface water flows

4. **DAGCF02 - Utility Services**
If the development causes damage to utility services or if it requires the adjustment or relocation of utility services, the applicant shall carry out works, at the applicant's expense, to the service/s to the satisfaction of the utility provider.

(Reason: To protect and ensure the ongoing integrity of utility infrastructure)

5. **DAGCZ01 - Transport for NSW Requirements**
The proposed development shall not compromise the effect and ongoing operation and function of the transitway or the Merrylands Road/Centenary Road Traffic Control Signals (TCS). In this regards, following requirements shall be complied with.

a. The development must provide left-turn signage within the driveway facing the exiting lane.

b. Any public domain works within the vicinity of the signalised intersection of Merrylands Road/Centenary Road that require modification to the existing Traffic Control Signal plan will need to be reviewed and approved by TfNSW under section 87 (4) of the Roads Act, 1993.

(Reason: To ensure compliance with requirements of Transport for NSW)

6. **DAGCZ02 - Compliance with Terms of the Voluntary Planning Agreement (VPA)**
The developer shall comply in full with the terms as specified in the executed 'Planning Agreement for 3 Centenary Road, Merrylands'.

(Reason: To comply with the terms of the executed VPA)

7. **DAGCZ03 - Signage**
This consent does not grant approval to any signage, business indemnification signs or building identification signage. A separate application seeking consent shall be obtained for any signage unless the signs are exempt pursuant to the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

(Reason: To clarify the terms of approval)

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

8. **DAPDB09 - Tree Preservation**
All street trees and trees on private property that are protected under Council's Development Control Plan, shall be retained and protected in accordance with AS 4970 - 2009 'Protection of Trees on Development Sites' during demolition except where Council's prior written consent has been obtained.

(Reason: Tree Preservation and Protection)

9. **DAPDB12 - Sediment and Erosion Control Measures**
Prior to the commencement of works, including demolition, 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, shall be constructed upstream of the proposed building works to divert run-off to a stable discharge area such as dense ground cover. This diversion drain is to be lined with turf or otherwise stabilised.
b) A sediment-trapping fence using a geotechnical fabric specifically designed for such purpose and installed to manufacturer's specifications is to be placed in suitable locations below the construction area to reduce impacts on waterways.
c) Vegetation and/or existing building structures will be cleared from the construction areas only with other areas to remain undisturbed.
d) Restricting vehicle access to one designated point and having the 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.

The above 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

10. 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 incorporating and addressing the following matters:

Stormwater

a) The On-site Detention (OSD) system shall be designed taking account of tailwater level of 38.75mAHD i.e. 1%AEPflood level at the point of discharge into council pipe.

Vehicular Access and Manoeuvring

b) The maximum gradient of the ramp to the basement shall not exceed 15.4% to be able to use by the Small Rigid Vehicles (SRVs) exceed 15.4%. Appropriate measures shall be employed to render the ramp compliant for access/use by the SRVs. If justification to be provided as alternative measure, it must be appropriate and prepared in accordance with the Section 3.3.3.3 of AS2890.2-2018. The justification must be supported by a site-specific vehicle performance assessment as required under Section 3.3.3.3 of AS2890.2-2018.

c) The rate of change of gradient of the ramp to the basement must not exceed 8.3% over the length of 4m to be able for use by the SRVs' as per section 3.3.4 of AS2890.2 2018. The provision of transition length of 2m, and the maximum rate of change of gradient exceeding 8.3% are non-compliant to the requirements.

Appropriate measures shall be employed in accordance with the Section 3.3.4 of AS2890.2 2018.

d) The headroom clearance over the finished surface of the driveway/ramp at the lowest hanging object or structure (i.e. roller shutter door box) shall not be less than 2.2m for light vehicles. In order the heavy vehicles such as delivery trucks or waste collection trucks, suitable to access the ramp and the basement, minimum head room clearance requirement shall be complied for the largest vehicle along the circulation path up to the loading/unloading bay for provided vehicle. Appropriate measures shall be employed to comply with this requirement. The compliance with the minimum headroom clearance shall be demonstrated by the long sectional profiles.

The requirements be complied with appropriate measures.

e) All relevant plans (stormwater plan, the architectural plans etc.) shall be amended addressing the above issues and submitted to the registered certifier prior to issue of the construction certificate. A copy of the CC approved document shall be submitted to council for record.

Plan of Management

f) The Plan of Management for the centre-based child care centre and swim school shall be amended to reflect 35 car parking spaces consistent with the endorsed plans in condition number 2 of this consent.

g) The Plan of Management for the centre-based child care centre shall be amended to reflect

no more than 120 child care placements.

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

11. 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)

12. 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)

13. DACCA04 - Works within Boundary
No portion of the works are to encroach beyond the boundaries of the subject property. Alternatively, documentary evidence that the owner of the adjoining property has no objection to the required works or access, is to be submitted to the Council or registered certifier prior to the issue of a Construction Certificate.

(Reason: To ensure protection of adjoining properties)

14. DACCB01 - Damage Deposit for Council Infrastructure
A damage deposit of **$14,940.00** 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)

15. 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)

16. DACCB04 - Section 7.12 Contribution
Prior to the issue of a Construction Certificate, a monetary contribution imposed under section 7.12 of *the Environmental Planning and Assessment Act 1979 and Cumberland Local Infrastructure Contributions Plan 2020* is to be paid to Council. The amount of contribution is calculated at $61,733.00 as at the date of this consent but is subject to change by the consumer price index to the date of payment. A copy of the *Cumberland Local Infrastructure Contributions Plan 2020* can be viewed on Council's website

(Reason: To ensure compliance with Cumberland Local Infrastructure Contributions Plan)

17. DACCB05 - Fees to be paid to Council

Types of fees	Amount	Payment timing
Damage Deposit	$14,940.00	Prior to CC
Sect. 7.12 Contributions	$61,733 + CPI	Prior to CC
Stormwater Bond (For registration of a Positive Covenant and Restriction)	$7700.00	Prior to CC

Construction Traffic Management Plan	$409.00	Prior to CC
Kerb Crossing Bond (Related to Driveways)	$6970.00	Prior to CC
Driveways Inspections	$881.00	Prior to CC
TOTAL	$92,633.00 + 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. Fees to be paid to Council will be determined at the time of payment in accordance with Council's adopted Fees and Charges Policy and may therefore exceed the fee amount quoted above.

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

(Reason: Statutory requirement and information)

18. DACCB06 - Photographic Record of Council Property - Damage Deposit

Prior to demolition commencing and prior to the 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)

19. 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.

(Reason: Public safety)

20. 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. An erection of hoarding structure 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.

(Reason: Safety & information)

21. 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 like.
c) The proposed areas within the site to be used for a builder's site office and amenities, the

storage of excavated material, construction materials and waste containers during the construction period.

d) 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 qualified civil engineer.

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

22. 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 CTMP. 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 CTMP.

The following matters must be addressed in the CTMP:

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)

23. 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)

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

35 car spaces shall be provided on the development site, comprising of at least:

- 30 spaces for the centre based child care centre (including 1 accessible space);
- 5 spaces for the swim school;

All car spaces shall be allocated and marked according to this requirement.

If the development is to be strata subdivided, the car park layout must reflect the above allocation.

Each car parking space shall have minimum dimensions in accordance with the relevant Australian Standard/New Zealand Standard AS/NZS 2890.1:2004 and be provided on-site in accordance with the approved plans.

The parking bays shall be delineated by line marking.

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

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

The above details shall be submitted to and approved by the Council or registered certifier prior to the issue of the Construction Certificate.

(Reason: Parking and access)

25. DACCG05 - Off Street Car Parking - General
A minimum of 35 off-street car parking 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 Council or registered certifier prior to the issue of a Construction Certificate showing compliance with this condition.

(Reason: Parking and access)

26. DACCG07 - Maintaining Sight Lines
All new walls adjacent to vehicular crossings must not exceed a height of 600mm above the internal driveway level for a distance of 2.5m within the site, or within a splay 2m by 2.5m deep to provide satisfactory sight lines. Details showing compliance are to be submitted to the Council or registered certifier prior to the issue of a Construction Certificate.

(Reason: Safety)

27. DACCG11 - Stop Signs
Appropriate sign(s) shall be provided and maintained within the site at the point(s) of vehicular egress to signal that drivers must stop before proceeding onto any public road.

(Reason: Adequate access and egress)

28. DACCI01 - S7.4 Planning Agreement
In accordance with section 7.7(3) of the *Environmental Planning and Assessment Act 1979*, prior to the release of a Construction Certificate, a planning agreement must be entered into that is consistent with the offer to enter into a planning agreement dated 2nd of May 2025.

(Reason: To ensure compliance with the terms of the section 7.4 Agreement)

29. 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)

30. 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 engineering policies. The plan shall be submitted and approved by the Council or registered certifier.

Note: Where the proposed design extends within the public road area, separate approval under s.138 of the *Roads Act 1993* must be obtained from Council prior to the commencement of works.

(Reason: Stormwater management)

31. DACCJ03 - Certification of the Stormwater Drainage System Design
Prior to the issue of a Construction Certificate, the proposed stormwater design shall be certified by a qualified practising civil engineer as complying with Council's Development Control Plan and Australian Standard 3500.3:

(Reason: Adequate stormwater management)

32. DACCJ05- Grated Drain across the Driveway Ramp
A grated trench drain shall be provided across the driveway at the upstream end, and at the

downstream end (base) of the driveway ramp as shown on the stormwater plan. Unless otherwise designed by a qualified civil engineer, the dimensions of the trench grate shall not be less than 200mm wide by 150mm deep at the shallow end and shall 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 submitted with the Construction Certificate application.

(Reason: Environmental protection)

33. DACCJ06 - Silt Arrestors and Gross Pollutant Traps

Silt and gross pollutant traps shall be fitted in all stormwater pits, designed in accordance with Council's Development Control Plan and to the satisfaction of the Council or registered certifier. Details are to be submitted with the Construction Certificate application.

(Reason: Environmental protection)

34. DACCJ10 - Engineering Design - Basement Excavation

The following engineering details and design documentation shall be submitted to the Council or registered certifier prior to the issuing of a Construction Certificate:-

a) Documentary evidence prepared by a suitably qualified professional geotechnical engineer 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 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.
c) Driven type piles/shoring must not be provided unless a geotechnical engineer's report is submitted which states that damage will 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. Details of any approved anchors are to be provided to the Principal Certifier prior to the commencement of any excavation or building works.

(Reason: Ensure the method of excavation is suitable and to prevent damage occurring to adjoining premises)

35. 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 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)

36. 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. 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, to trespass or 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 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)

37. DACCK05 - Salinity

This site has been identified as having a potential salinity hazard. To prevent moisture / salinity from entering the built structure, appropriate construction measures are to be incorporated for all buildings. Details of the proposed methods of construction shall be included in the engineering plans submitted with the Construction Certificate application.

(Reason: Ensure appropriate construction methods are used)

38. 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 the Construction Certificate application.

(Reason: To ensure safety and the proper design or retaining structures)

39. DACCK07 - Structural Engineer's Details

Structural engineer's details prepared and certified by a practising qualified structural engineer of all reinforced concrete and structural members shall be submitted with the Construction Certificate application to the Council or registered certifier.

(Reason: To ensure safety and the proper design or structural elements of the building)

40. 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, Subdivision Works Certificate or the commencement of works, whichever occurs first.

(Reason: Ensure services are not disturbed)

41. 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)

42. 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, being a consultant who holds a current member grade of the Australian Acoustic Society, as being in accordance with any requirements and recommendations of the approved acoustic report prepared by Acoustic Logic and dated 06/11/2023 and referenced 20221198.3/3103A/R0/HD
and Acoustic report response prepared by Acoustic Logic dated 06/11/2023 and referenced 20221198.1/0611A/R2/HD Rev 2.

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

43. DACCL06- Waste Storage Area

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

a) The area must be fully enclosed, suitably sized to contain all waste and recyclable material generated by the premises, adequately ventilated and constructed with a concrete floor and

concrete or cement rendered walls;
b) The floor must be graded and drain to sewer in accordance with Sydney Water requirements; and
c) A hot and cold water 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 with the Construction Certificate application.

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

44. DACCM01 - Food Premises - Detailed Plans

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

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

45. DACCM02 - Food Premises - Waste Storage Area

To ensure the adequate storage and collection of waste from the food premises, all garbage and recyclable materials emanating from the premises must be stored in a designated enclosed waste storage area. The waste storage area must be designed and constructed in accordance with AS 4674 - Design, Construction and Fit-out of Food Premises, Australia New Zealand Food Standards Code 3.2.3 - Food Premises and Equipment and must be:

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

Detailed plans and specifications for the construction of the waste storage area must be submitted to and approved by the Council or registered certifier prior to the issue of the Construction Certificate.

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

46. 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, 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)

47. DACCN01 - Housing and Productivity Contribution (HPC)

a) The housing and productivity contribution (HPC) set out in the table below, but as adjusted in accordance with condition 47b), is required to be made:

Housing and productivity contribution	Amount
Housing and productivity contribution (base component)	$51,559.75

Total housing and productivity contribution	**$51,559.75**

b) The amount payable at the time of payment is the amount shown in condition 47a) as the total housing and productivity contribution adjusted by multiplying it by:

$$\frac{\textbf{\textit{highest PPI number}}}{\textbf{\textit{Consent PPI number}}}$$

where:
highest PPI number is the highest PPI number for a quarter following the June quarter 2023 and up to and including the 2nd last quarter before the quarter in which the payment is made,
and
consent PPI number is the PPI number last used to adjust HPC rates when consent was granted, and
June quarter 2023 and *PPI* have the meanings given in clause 22 (4) of the *Environmental Planning and Assessment (Housing and Productivity Contribution) Order 2024*.
If the amount adjusted in accordance with this condition is less than the amount at the time consent is granted, the higher amount must be paid instead.

c) The HPC must be paid before the issue first construction certificate in relation to the development, or before the commencement of any work authorised by this consent (if no construction certificate is required).

d) The HPC must be paid using the NSW planning portal (https://pp.planningportal.nsw.gov.au/).

(Reason: To facilitate the provision of regional infrastructure that supports and promotes housing and economic activity in a region).

48. **DACCO02- Flooding Floor Levels**
Floor levels shall comply with the Council's flood advice letter and/or submitted Flood Impact Assessment Report prepared by Amity Engineers; Report reference number 220521-FRM, Revision number "E", dated 26/08/2024 by way of providing a minimum floor level for all habitable areas of RL41.5mAHD, being 0.5m above the flood level at the upstream side of the structure for all habitable areas, and a crest level of RL41.35m across the driveway as shown on the floor plan, and a minimum floor level for non habitable areas of 41.05mAHD, being 0.15m above the flood level at the upstream side of the structure. Detailed plans showing the compliance are to be submitted with the construction certificate application.

(Reason: To provide acceptable levels of safety in the event of flooding)

49. **DACCO03- Hydraulic Engineering Design Verification**
Written verification from suitably qualified hydraulic engineer shall be provided to the Council or registered certifier stating that construction certificate plans comply with the approved flood report and flood level control including any recommended flood mitigation measures and that the development will have no adverse impact on flood levels for adjoining properties.

(Reason: To ensure a suitable design that will achieve reasonable levels of safety during flood events without impacting upon adjoining properties)

50. **DACCO04- Flood Safety - Electrical Connections and Flood Sensitive Equipment**
All new electrical connections and flood sensitive equipment must be located above a freeboard level of 0.5m above the 1% annual exceedance probability flood level.

(Reason: To provide reasonable levels of safety)

51. **DACCO05- Parking and Access**
Any minor variations adopted for structural plans submitted with the construction certificate application as compared to the approved development application plans in respect of the parking layout, driveway, internal ramp, turning areas, parking spaces and / or loading bay are to ensure compliance with applicable provisions of AS2890 including:
a) Circulation ramp widths, ramp grades and transitions are to comply with section 2.5.2 and

section 2.5.3 of AS2890.1-2004. A longitudinal section along the inner edge (steepest side) of the ramp demonstrating compliance shall be prepared. In addition, the ramp gradients, the rate of change of gradients and the transition length requirements shall be suitable for the largest heavy vehicle, such as the waste/garbage collection truck, delivery trucks etc. that services the subject development.

b) Kerbs shall be at least 300mm wide and 150mm high to either side of a ramp.
c) Pedestrian sight distances are to be provided in accordance with section 3.2.4.
d) Headroom clearance measured from the floor to the underside of any ceiling, beam, ventilation duct, service conduit, open door or other structure shall a minimum of 2.5m in the location of accessible parking spaces and 2.2m elsewhere.
e) A crest at least 100mm higher than the top of the road side kerb at the upstream side of the driveway shall be provided within the driveway area.
f) Directional arrows for internal circulation shall be prominently displayed. The entry/exit driveway shall be line marked.

Details demonstrating compliance with this condition are to be submitted to and approved by the Council or registered certifier. If no variations from the approved development application plans are proposed as part of the construction certificate application, no further details demonstrating compliance are required. .

(Reason: To ensure satisfactory vehicle access and parking remains in the event of any minor changes being incorporated with construction certificate plans from development consent plans for slab width or the like, and to ensure stormwater from the street does not enter the basement)

52. DACCO06- Pump Out Drainage System

The basement carpark shall incorporate a pump out drainage system. Plans for the system prepared by a qualified civil or hydraulic engineer shall be provided to the Council or registered certifier that demonstrate:

a) The catchment area that drains to the pump out system. This area is to be limited to the driveway ramp and is not to exceed the lesser of 60m² or 5% of the basement area.
b) Provision of tank storage volume based upon the 100 year average recurrence interval storm event for a 90 minute storm duration, with further provision within the car park area to accommodate the 100 year average recurrence interval even based upon a 12 hour storm duration.
c) Provision of dual submersible pump units where each have a discharge rate equal to the 100 year average recurrence interval for a 5 minute storm duration.
d) The water level and location for the collection of water, outside of the tank storage. The collection / storage area may be co-located with car parking and access aisles. Any other use, including storage for units within the building must be located at least 100mm above the water level of the collection area.
e) Measures to be enacted that immediately alert the owners of the building that a pump failure has occurred, including in scenarios when the building may be unoccupied.

(Reason: To ensure the basement is not affected by water inundation that may pose safety risks)

53. DACCO08- Stormwater Disposal

Stormwater runoff from the development shall be collected and piped by gravity flow to the Kerb & Gutter on Centenary Road, generally in accordance with the drawing No. 220521-D159 SW1, SW2, Revision number “E”, dated 11/09/2024 subject to the following amendments:

a) The On-site Detention (OSD) system shall be designed taking account of tailwater level of 38.75mAHD as per the submitted flood study report i.e. 1%AEPflood level at the point of discharge onto kerb & gutter.
b) The roof gutter and downpipe system shall be designed to convey the 5-minute duration 1%AEP storm event into the On-Site Detention (OSD) system with no gutter overflows.
c) The area bypassing the OSD system shall not exceed 15% of the site area.
d) The existing overland runoff from the upstream neighbouring property (if any) shall not be obstructed. It shall be collected and safely disposed onto the street/ public drainage system bypassing the site on-site detention system.
e) The outlet pipe from the last boundary pit shall be in a falling gradient of 1% towards the Kerb and gutter/ kerb inlet pit and in the direction of flow of street drainage system.
f) All the surface collection pits within the driveway and the basement, shall be fitted with the water quality filtration baskets. In addition, the runoff collected by the grated drains across the driveway and basement ramp also shall pass through the filtration basket.

g) Any markup requirements/issues annotated in red on the stormwater plan shall also be addressed.

(Reason: To ensure effective and appropriate disposal of stormwater)

54. DACCO09- Stormwater Management

Detailed drainage plans must be submitted along with certification from a qualified civil engineer that:

a) The submitted design, including any associated components such On Site Detention System design, basement pump-out system, and the sump, are in accordance with the requirements of AS 3500.3 - Stormwater drainage.

b) To the extent that any variations to AS 3500.3 are sought, certification that the design is in accordance with the requirements of Cumberland Development Control Plan.

c) The submitted design is consistent with the approved architectural and landscape plans and any amendments to those plans required by conditions of this consent.

(Reason: To ensure that the design of the stormwater management system conforms to the Council's Development Control Plan and applicable standards)

55. DACCO11- Adequacy of On Site Detention

The volume and discharge rates of the on site detention system are to match those in the development application approved plans. If any additional hard surfaces or level changes are proposed with the Construction Certificate application, the volume and discharge rate must be amended accordingly to comply with the Upper Parramatta River Catchment Trust "On-Site Detention Handbook.

A silt arrestor pit with a trash rack is to be provided at the point of discharge from the OSD system to prevent gross pollutants entering the public drainage system. All access grates for the OSD shall be at least 900mm x 900mm. Details demonstrating conformity with this condition are to be submitted with the Construction Certificate application.

(Reason: To ensure that implementation of the on site detention system reflects any minor variations from the development application and achieves its functional purpose)

56. DACCZ01 - Bond for Registration of Positive Covenant and Restriction for OSD System

The applicant shall lodge with Council a $7,700.00 cash bond to cover the registration of a Positive Covenant and Restriction on the use for the On-Site Detention system maintenance. This bond is refundable upon the submission of proof of registration of the Restriction on Use and Positive Covenant with the Land Registry Services (LRS) NSW.

(Reason: To ensure compliance with the requirements).

57. DACCZ02 - No - Right Turn Entry and Exit from the Site.

Right turn entry into the subject site and exit from the subject site on to Merrylands Road shall be prohibited. In this regard, appropriate "No Right Turn" sign shall be installed at the end of the exit lane within the site.

(Reason: Traffic control and minimise impact on the road)

58. DACCZ03 - Internal Vehicular Circulation Management System

Appropriate internal traffic circulation and management system comprising of line marking and signs on the pavement, traffic sign, convex traffic mirrors at each 90-degree bend/turns, etc. shall be designed and installed at each critical location where the turning is required, and/or line of sight is critical.

(Reason: To improve traffic circulation and safety)

59. DACCZ04 - Overflow/Spill from the Swimming Pool not to be Connected into Stormwater System

The stormwater runoff from the swimming pool platform including the spill around the pool platform area and the emergency pool water overflow shall be connected into the sewer system in accordance and compliance with the requirements of Sydney Water. Connection into the stormwater system of such flow is strictly prohibited and no such flow shall be connected into the stormwater system.

The drawings including the construction and connection details shall be submitted to the satisfaction of Sydney Water for approval. No connection works shall commence until the approval is obtained.

Upon completion of the work, a certificate of compliance from Sydney Water shall be obtained and submitted to Principal Certifying Authority and a copy forwarded to Council for record and sign off.

(Reason: To ensure that the spills and overflow flow from the swimming pool will comply with requirements)

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

60. 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.
b) the person having the benefit of the development consent has:
   (i) appointed a principal certifier for the building work, and
   (ii) given at least 2 days' notice to the Council, and the principal certifier if not the Council, of the person's intention to commence the erection of the building, and
c) The principal certifier has, no later than 2 days before the building work commences:
   (i) notified the Council of his or her appointment, and
   (ii) notified the person having the benefit of the development consent of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and
d) The person carrying out the building work has notified the principal certifier that the person will carry out the building work as an owner-builder, if that is the case
e) The person having the benefit of the development consent, if not carrying out the work as an owner-builder, has:
   (i) appointed a principal contractor for the building work who must be the holder of a contractor licence if any residential building work is involved, and
   (ii) notified the principal certifier of such appointment, and
   (iii) unless that person is the principal contractor, notified the principal contractor of any critical stage inspections and other inspections that are to be carried out in respect of the building work.

(Reason: Statutory requirements)

61. DAPCA03 - Site Safety Fencing

Site fencing to a minimum height of 1.8m shall be erected before the commencement of any work and shall be maintained throughout the duration of works to exclude public access to the site.

(Reason: Statutory requirement and health and safety)

62. DAPCA04 - Principal Certifier Sign

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

a) shows the name, address and telephone number of the Principal Certifier;
b) 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.
c) 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)

63. 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)

64. 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)

65. 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)

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

Before any new vehicular crossing, public footpath, kerb or guttering work is commenced, the applicant must lodge and have approved by the Council an 'Application for Private Construction of Vehicular Crossing and Road Works. In respect of driveway setbacks, a minimum 1.0m setback from the property eastern side boundary shall be provided.

(Reason: To ensure appropriate vehicular access, suitable street drainage and pedestrian amenity is achieved)

67. DAPCB03 - Protection of Landscape Features

To limit the potential for damage to the following tree/s to be retained, the area beneath their canopies must be fenced prior to the commencement of demolition, excavation or building works.

Species	Location	TPZ (M)	SRZ (M)
Syagrus rommanzoffiana	5 Centenary Road, Merrylands	1	N/A
Celtis spp.	475 Merrylands Road, Merrylands	2	1.5

The fencing must extend as per the measurements in the above table beyond the trees' trunk, be at least 1.8m high, be kept in place until the completion of the building works and be marked by appropriate signage notifying site workers that the tree is to be retained and protected.

All areas within the perimeter of the safety fencing shall be covered with woodchip mulch to a depth of 100mm (or where steep grades prevent this, the area shall be protected with a suitable material) to facilitate moisture levels. Adequate soil moisture must be maintained during the course of the

construction works through the implementation of a permanent or temporary automatic drip irrigation system.

(Reason: Protection of trees to be retained)

68. 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)

69. DAPCD02 - 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. When lodging the 'Application for Road Occupancy Licence' fees are payable in accordance with Council's adopted fees and charges.

(Reason: Protection of Public Assets and information)

Conditions which must be satisfied during any development work

70. 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)

71. 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 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)

72. **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)

73. **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)

74. **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)

75. **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) 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 for the full width of the entrance area.
b) Care must be taken during demolition/ excavation/ building/ construction to prevent any damage to adjoining buildings.
c) 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.
d) Any demolition and excess construction materials are to be recycled wherever practicable.
e) The disposal of construction and demolition waste must be in accordance with the requirements of the *Protection of the Environment Operations Act 1997*.
f) 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*.
g) All excavated material removed from the site shall be disposed of to an authorised waste disposal facility.
h) All non-recyclable demolition materials shall be disposed of at an approved waste disposal facility.
i) 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.
j) 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.
k) 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.
l) 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 protection to public spaces and prevent unauthorised access to the site)

76. **DADWA09 - Electricity and Telecommunication Connections**
All power connection to the development shall be installed underground.

(Reason: To avoid visual clutter)

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

(Reason: Environmental Amenity)

78. **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 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)

79. **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:

a) 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
b) Sampling and analysis of the fill material shall be conducted in accordance with NSW EPA's *Sampling design guidelines (2022).*

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

80. **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. 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, 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)

81. **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)

82. 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 of 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. When lodging the 'Application for Road and Footpath Opening Permit' fees are payable in accordance with Council's adopted fees and charges.

Note: 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)

83. 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 to ensure tree protection conditions of this consent and recommendations of the endorsed arborist report are complied with throughout the duration of development works. 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 to record the following information:

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

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

84. 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)

85. 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)

86. DADWC02 - Compliance with the National Construction Code

All building work must be carried out in accordance with the provisions of the National Construction Code.

(Reason: Prescribed statutory control)

87. DADWC04 - Survey Report - Development of Two storeys or Less

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

a) The level of the upper floor and its relationship to boundaries prior to the placement of

structural elements.

b) The relationship of the building to the boundaries at completion.

Progress certificates in response to the above shall be produced to the Principal 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 portions of the building higher than approved levels or closer to boundaries that what was approved.

(Reason: To ensure compliance with approved plans)

88. DADWC05 - Salinity

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

(Reason: To ensure required construction measures addressing salinity are carried out)

89. 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)

90. 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)

91. DADWC12 - 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.

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

92. DADWC13 - Lighting

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

(Reason: Protect amenity of surrounding area)

93. DADWC14 - Liquid Trade Waste

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 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: Ensure that liquid trade waste is suitably disposed and does not affect the environment/food safety)

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. **DADWC19 - Sediment and Erosion Control Measures**

During works, the following measures are to be implemented on the site to assist with sedimentation control during the construction phase of the project:

a) 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.

b) 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.

c) The installation of gutters, downpipes, and the connection of downpipes to the stormwater disposal system shall take place prior to the fixing of the roof cladding.

The above 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)

97. **DADWC20 - Dewatering**

If it becomes necessary to undertake dewatering activities at the site, prior to the commencement of dewatering, the following actions must be completed to the satisfaction of the Principal Certifier:

a) Any required approval to dewater must be obtained from Water NSW and adhered to, with a copy of the approval to be kept on site at all times and made available to the Principal Certifier and the Council upon request.

b) A Dewatering Management Plan (DMP) must be prepared by a qualified water quality expert with a copy submitted to Council. The DMP must:

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

(Reason: To minimise/prevent impacts on waterways)

98. **DADWD03 - 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 National Construction Code in relation to any matter relevant to the development.

(Reason: Statutory requirement)

99. **DADWD06- 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 requirement)

100. **DADWZ01 - Inspection of On-Site Detention System Works**

The stormwater drainage and On-Site Detention system within the subject site shall be inspected during construction, by a suitably qualified Civil Engineer. Documentary evidence of compliance with Council's specifications shall be obtained prior to proceeding to the subsequent stages of construction, encompassing not less than the following key stages:

a) Initial inspection to discuss concept and site conditions/constraints prior to commencement of the construction of the pollution control devices.

b) After completion of storage but prior to installation of fittings (e.g., Screens etc.)

c) Final Inspection.

(Reason: To ensure work complies with the design standard and maintain quality of works)

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

101. **DAOCA01 - Occupation Certificate**

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. Before issuing an Occupation Certificate, the Principal Certifier must be satisfied that:

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

(Reason: Statutory requirement)

102. 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 development)

103. DAOCA04 - Structural Engineer's Certificate

A certificate from the supervising structural engineer responsible for the design shall be submitted to the Principal Certifier certifying 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)

104. DAOCA07 - Notification of Food Business

Prior to the commencement of the use of the premises, the proprietor of the food business must give written notification, in the approved form, to 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.

(Reason: Registration and notification to relevant authorities)

105. DAOCA08 - Certification of Engineering Works

Prior to the issue of an Occupation Certificate, the following documents must be submitted to the Principal Certifier.

a) Work as executed drawings prepared by a registered surveyor for completed engineering works together with the following documents:

- The "As-built" On-Site Detention (OSD) storage volumes are to be prepared based on the as build floor levels.
- OSD WAE Survey certification form and WAE dimensions form (Refer to UPRCT Handbook).
- Approved verses installed On-site Detention (OSD) Design Calculation summary Sheet certified by a qualified practicing Hydraulic Engineer.
- Certificate of Hydraulic Compliance from a qualified drainage / hydraulic engineer (refer to UPRCT Handbook). The person issuing Hydraulic certificate shall ensure that all the works have been completed and comply with the approved plans.
- Structural Engineer's Certificate for the OSD tank structure, basement pump out tank structure, OSD basin (retaining) wall certifying structural stability of the structure and the OSD basin wall leak proof capability etc.

b) Certification from a qualified practising professional engineer with Engineers Australia membership under the appropriate professional category, that the following matters have been constructed in accordance with the approved plans and conditions of consent:

- the stormwater drainage system;
- car parking provision;
- the dimension of parking spaces and any aisles and circulation ramps conform to AS2890.1;
- any related footpath works;

- any basement mechanical pump; and
- the proposed driveway and layback.

(Reason: Asset management)

106. 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) construct a new vehicular crossing.
b) 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)

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 and side of the property.

Note: The above works will require the submission of an application to Council under s.138 of the *Roads Act 1993*.

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

108. DAOCA15 - Concrete Footpath
A 1200mm wide concrete footpath shall be provided along the frontage to Centenary Road and Merrylands Road.

Note: The above works will require the submission of an application to Council under s.138 of the Roads Act 1993.

(Reason: To ensure satisfactory pedestrian amenity)

109. DAOCB01 - Mechanical Ventilation - Compliance
Prior to issue of an Occupation Certificate, certification must be provided that the mechanical ventilation system has been designed, installed and is operating in accordance with the *National Construction Code 2019*.

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

110. DAOCB04 - Acoustic Verification Report
Prior to the issue of the Occupation Certificate, a suitably qualified acoustic consultant, being a consultant who holds current member grade of the Australian Acoustical Society, must prepare an acoustic verification report to the satisfaction of the Principal Certifier that confirms the following:

a) All recommendations contained in the DA acoustic report prepared by Acoustic report response prepared by Acoustic Logic and dated 06/11/2023 and referenced 20221198.3/3103A/R0/HD and Acoustic report response prepared by Acoustic Logic dated 06/11/2023 and referenced 20221198.1/0611A/R2/HD Rev 2 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.

(Reason: To protect residential amenity)

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. **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;
b) 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;
c) 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 that groups of babies can be quickly evacuated.

(Reason: Safety)

113. **DAOCF01 - Landscape Works**
Prior to the issue of an Occupation Certificate all landscaping/tree planting works are to be completed to a professional standard in accordance with the approved landscape plan/s. Certification of completion of the landscape/tree planting works in accordance with the approved plans and relevant conditions of this consent from the landscape designer or a similarly qualified person, not being the installer of the works, is to be provided to the Principal Certifier.

(Reason: Landscape certification)

114. **DAOCG01 - Certification of the Constructed Stormwater Drainage System**
The constructed stormwater drainage system shall be certified by a qualified practising civil engineer as being in accordance with Council's Development Control Plan and engineering policies.

(Reason: Adequate stormwater management)

115. **DAOCH03 - OSD Identification Plate**
Prior to the issue of an Occupation Certificate, the applicant shall install an OSD identification plate near or on the control structure of the on-site stormwater detention system that advises the registered proprietor of their responsibility to maintain the 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 on-site stormwater detention system)

116. **DAOCH09 - Completion of Public Road Assets**
To ensure assets in the public road, including vehicular crossings, pedestrian footpaths, kerbing, guttering, connection onto kerb and gutter on Centenary Road and any roadworks are completed to a satisfactory level, an occupation certificate is not to be issued until such time as a satisfactory completion certificate has been obtained from Council's engineers.

(Reason: Satisfactory completion of assets in the public road)

117. **DAOCH14 - Telecommunications/ TV Antennae**
No more than one telecommunications / TV antenna is to be installed to the building. Satellite dishes, telecommunications antenna and other ancillary facilities shall be located away from the primary street frontage and incorporated into the overall building design.

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

118. **DAOCI04 - Satisfaction of Hydraulic Requirements - Flood Affected Land**
Written verification from a suitably qualified hydraulic engineer shall be provided to the principal certifier stating that:

a) Requirements, recommendations and mitigation measures of the Flood Impact Assessment

Report have been implemented and complied with;

b) The habitable and non-habitable areas floor level complies with the minimum floor level and freeboard requirements; and

c) The completed development will have no adverse impact on adjoining properties, will not increase flood levels and will not extend land affected by flooding.

(Reason: To ensure works will not adversely affect neighbouring land and will not exacerbate localised flooding)

119. DAOCI12 - Positive Covenant - On Site Detention

A positive covenant shall be created under section 88B and/or section 88E of the Conveyancing Act 1919 to the satisfaction of Council requiring the ongoing retention, maintenance and repair of the on site detention system. Council shall be identified as the authority with power to release, vary or modify the covenant. The wording of the covenant shall be submitted to and approved by Council prior to lodgement for registration on the title of the land.

(Reason: To ensure proper upkeep and functionality of the on site detention system)

120. DAOCI13 - Restriction of the Use of Land - On Site Detention

A restriction on the use of land shall be created under section 88B and/or section 88E of the Conveyancing Act 1919 to the satisfaction of Council preventing alteration to the on site detention system without the prior approval of the Council. Council shall be identified as the authority with power to release, vary or modify the restriction. The wording of the restriction shall be submitted to and approved by Council prior to lodgement for registration on the title of the land.

(Reason: To ensure the On Site Detention system is not altered so as to adversely affect functionality of the system)

121. DAOCZ01 - Vehicular Access and Parking Requirements

Prior to issue of occupation certificate, the principal certifier shall be ensured that the following requirements are complied.

a) A 2m wide x 2.5m deep sight line clearance triangular area shall be provided on the Left hand side of the exit lane of the driveway/ramp at the property boundary. The triangular sight line clearance area shall be clear of any planting or landscaping and other objects that exceeds a height of 600mm from the finished surface level of the driveway/ramp.

b) The entry / exit lane at the entrance of the driveways shall be indicated with appropriate signage, line marking, and one-way traffic directional arrows on the pavement of each lane to avoid traffic conflict at the entry/exit locations.

c) Traffic signal controlling the access priority for the ramp to the basement shall be installed together with a car waiting bay at the basement.

d) Convex traffic mirrors shall be installed at every 90-degree bend/turning location and wherever the line of sight is obstructed and not clear.

(Reason: Compliance with requirements of traffic, vehicle access, and parking requirements)

122. DAOCZ02 - Construction/Reconstruction Kerb Ramps

The construction or reconstruction of the kerb ramps and associated works at the corner of Centenary Road and Merrylands Road. These works shall be carried out by a licensed construction contractor at the applicant's expense and shall be in accordance with Council's standard drawing SD 8101 and issued level sheets.

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

123. DAOCZ03 - Emergency Flood Evacuation Plan

As the sited is identified as being affected by the Probable Maximum Flood (PMF) event, an Emergency Flood evacuation measures and plan shall be prepared for evacuation of occupant to a safe refuge at a location higher than the PMF flood level whether on-sited or off site. A copy of the report and plan shall be submitted to council for record.

(Reason: To ensure protection of person from flood)

124. **DAOCZ04 - On-Site Stormwater Detention Area Warning Sign**
The applicant shall provide an OSD area warning sign within the above ground basin. Content of the sign is to be in accordance with appendix C of the 3rd edition of the Upper Parramatta River Catchment Trust Handbook.

(Reason: To provide warning that stormwater may rise and cause ponding)

125. **DAOCZ05 - On Site Detention System Maintenance Schedule**
A suitably qualified and practising civil engineer shall prepare a maintenance schedule for the on-site detention system in a manner similar to the example provided at figure B.2.3 of the 3rd edition of the Upper Parramatta River Catchment Trust Handbook. The schedule shall include a sketch plan of the components forming the on site detention system.

(Reason: To ensure owners are aware of maintenance requirements of the system)

126. **DAOCZ06 - Waste Site Safety Assessment**
An initial site safety assessment shall be prepared prior to the issue of the occupation certificate and shall be which considerers as a minimum the presentation of bins on the kerbside. The risk assessment should consider the placement of bins, cars, trucks, and people including children on the kerbside together at times when garbage trucks may be attempting to provide collection services. The risk assessment should also consider how a smaller ridged vehicle appointed to collect waste at the basement level will manoeuvre safely in the basement and come out in a forward direction.

The assessment should apply appropriate controls that can be initially applied and then reviewed periodically as required by the NSW Work Health and Safety Act during the ongoing operational phase of the development.

(Reason: Safety)

127. **DAOCZ07 - Satisfaction of terms of Voluntary Planning Agreement**
Written correspondence from Council's Executive Manager City Planning and Development is to be obtained and provided to the Principal Certifying Authority prior to the issue of any Occupation Certificate to confirm that the works detailed in the executed 'Planning Agreement for 3 Centenary Road, Merrylands' have been completed in accordance with the terms of the VPA.

(Reason: To ensure compliance with the terms of the executed VPA)

128. **DAOCZ08 - Footpath dedication**
Prior to the issue of any Occupation Certificate, confirmation in the form of a clearance letter shall be obtained from Cumberland City Council's Manager Engineering and Building with respect to the land dedication for the footpath as required by the executed planning agreement.

(Reason: To ensure land dedication as required by the executed VPA)

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

129. **DAOUA06 - Trading Outside the Building**
At no time may any signs, sound amplification equipment, or goods for sale or display be placed in outdoor areas without the prior consent of Council.

(Reason: Safety and amenity)

130. **DAOUA07 - Deliveries**
To minimise noise disturbance for the surrounding area, no deliveries are to occur before 7:00am or after 6:00pm on weekdays and no deliveries on weekends and public holidays.

(Reason: To control noise impacts)

131. **DAOUA08 - Waste & Recycling Collection**
Any garbage and recycling bins presented on the kerbside are to be removed from the kerbside

within 24 hours following collection and returned to the designated waste storage area.

(Reason: To minimise amenity and streetscape impacts)

132. **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 on request.

(Reason: Ensure arrangements are in place for collection of business/trade commercial waste and recyclables)

133. **DAOUA11 - Flashing Lights**
No flashing, moving or intermittent lighting, visible from any public place may be installed on the premises or directed towards any external sign.

(Reason: Environmental protection)

134. **DAOUA14 - Hours of Business Operation**
The hours of operation are restricted to between:

Centre based child care:
Monday to Friday 7:00am to 6:00pm
Saturday, Sunday and Public Holidays Closed

Indoor Recreation Facility (Swim School):
Monday to Sunday 9:00am to 7:00pm

(Reason: To minimise amenity impacts for nearby land)

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

(Reason: Environmental amenity)

136. **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)

137. **DAOUA26 - Plan of Management**
The child care centre shall be operated and managed in accordance with the Plan of Management, prepared by unnamed and dated 21 May 2025.

The Indoor Recreation Facility (swim school) shall be operated and managed in accordance with the Plan of Management, prepared by Think Planners dated 21 May 2025.

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)

138. **DAOUC04 - Air Emissions**
The use of the premises shall not give rise to air pollution or an offensive odour within the meaning of the *Protection of the Environment Operations Act 1997*.

(Reason: To protect human health and the environment)

139. **DAOUC05 - Dangerous Goods/Hazardous Chemical Storage**
The storage of dangerous goods and hazardous chemicals at the premises shall comply with

SafeWork NSW requirements.

(Reason: To protect human health and the environment)

140. DAOUC08 - Spill Kit Required

Sufficient supplies of appropriate absorbent materials shall be kept on site to recover any liquid spills. Liquid spills shall be cleaned up using dry methods, by placing absorbent material on the spill, and sweeping or shovelling the material into a secure bin. Absorbent materials used to clean up spills shall be disposed of to an appropriately licensed waste facility.

(Reason: To protect the environment)

141. 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 NPfI must be carried out in accordance with the long-term methodology in Fact Sheet B of the NPfI.

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.
Consideration must be given to any annoying characteristics of the noise in accordance with Fact Sheet C of the NPfI.

(Reason: To protect residential amenity)

142. DAOUC17 - Structure Borne Noise

Structure borne noise emitted from the development must not exceed the following criteria when measured inside any separate sensitive noise receiver at any time:

a) Residential receivers: LA1, Slow 15 minute ≤ LA90, 15 minute + 0 dB(A)
b) Commercial receivers: LA1, Slow 15 minute ≤ LA90, 15 minute + 3 dB(A)

(Reason: To protect residential amenity)

143. 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)

144. 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 prepared by Waste Audit, dated November 2023. Any changes to the Waste Management Plan shall be approved by Council.

(Reason: To protect the environment)

145. DAOUC26 - Swimming Pool/Spa

The approved swimming pool/spa must comply with the *Swimming Pools Act 1992* and relevant standards, as follows:

a) The swimming pool shall be provided with a swimming pool barrier in accordance with the Australian Standards 1926.212, *Swimming Pools Act 1992* and *Swimming Pools Regulation 2018*;
b) The swimming pool must be registered on the NSW Government Swimming Pool Register and evidence shall be provided to the Principal Certifier demonstrating that the pool has been inspected and registered;
c) A pool safety warning notice in accordance with the requirements of the *Swimming Pools Act 1992* is to be erected in a position in the vicinity of the swimming pool prior to a final inspection being carried out and the pool being used. The sign is to be maintained in that

position thereafter.

(Reason: Statutory requirement)

146. **DAOUC28 - Liquid Trade Waste**
Liquid trade waste materials from the food premises are to be disposed of in accordance with the requirements of Sydney Water.

(Reason: To ensure compliance with health standards)

147. **DAOUD02- Landscape Maintenance - General**
All open space areas are to be regularly maintained in a neat and tidy state. Lawn areas are to be kept mown and gardens weeded and mulched with any dead plants replaced. Property owners must maintain trees in a safe growing condition.

(Reason: Safety and landscape amenity)

148. **DAOUE03 - Parking**
At least 35 car parking spaces numbered and line marked in accordance with the approved plans 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)

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

(Reason: Traffic and pedestrian safety)

150. **DAOUF02 - Control of Noise**
A clearly visible sign shall be placed immediately adjacent to the entry/exit doors indicating that patrons are to leave the vicinity of the premises in a manner that does not disturb the quiet and good order of the neighbourhood.

(Reason: Public interest)

151. **DAOUG03 - Centre-based Child Care Facility**
The centre must operate at all times in accordance with the terms of the separate approval and/or licence obtained from the Department of Education.

(Reason: Clarify approved use)

152. **DAOUG04 - Approved Child Capacity**
Approval is granted for a maximum child placement of 120 children.

Staff rates and child to staff ratio shall be in accordance with the Education and Care Service National Regulations.

(Reason: Clarify the terms of the approved use)

153. **DAOUH04 - Delivery Vehicle Size Limit**
The largest vehicle delivering to the premises shall be limited to a small rigid vehicle as defined in Australian Standard AS2890.2:2018.

(Reason: To ensure delivery vehicles accessing the site reflect design limitations of the development and do not unduly obstruct of interfere with on site access and local traffic movement)

154. **DAOUH08 - Flood Evacuation Procedures**
The approved flood evacuation plan, including identification of a refuge point, is to be displayed in a prominent position within the building.

(Reason: To promote flood safety awareness)

155. **DAOUZ01 - Annual Maintenance Inspection of OSD System**
An annual maintenance inspection summary of the OSD system, with associated certification shall be carried out as per the maintenance schedule. In this regard,

- All critical inspections shall be carried out by a qualified person.
- A maintenance logbook shall be maintained as per the approved maintenance schedule on site and be readily available for inspection by Council.

(Reason: To ensure the OSD system facility are in good working order)

156. **DAOUZ02 - Car Parking Space for Childcare Use**
All the car parking spaces allocated for the childcare centre for use by parent/visitors for drop off and pick up of children must continue to be made available for the use by parent/ visitors for children drop off and pick up during the peak hours.

(Reason: To facilitate parking spaces for children drop off and pickup)

157. **DAOUZ03 - Commercial Waste Service Collection**
Any commercial waste service contractors appointed to collect waste from the site should only conduct services between Monday to Friday and between the hours of 6am and 6pm

(Reason: Amenity)

158. **DAOUZ04 - Bin and Bulky Waste**
Should bins and bulky waste be presented by the kerb they shall not block driveways, bus stops or be presented for collection in a location that is less than 3 metres from a street corner or significant street curve or blind spot.

(Reason: Safety)

159. **DAOUZ05 - Noise Amenity**
In the event of Council receiving justified noise complaints, the person(s) in control of the premises shall at their own cost, engage a suitably qualified acoustic consultant to undertake a noise assessment in accordance with the requirements of the NSW EPA Noise Policy for Industry 2017 (NPfI). The assessment must include background noise monitoring for the purpose of ensuring compliance with the NPfI must be carried out in accordance with the long-term methodology in Fact Sheet B of the NPfI and make recommendations on how any identified noise impacts can be addressed. These recommendations must then be implemented by the site operator in a timely manner.

(Reason: To protect neighbourhood amenity and minimise noise disturbance)

160. **DAOUZ06 - Odour Amenity**
In the event of Council's Authorised Officers receiving justified offensive odour complaints from nearby residential receivers resulting from operation of the premises related to this consent, the site operator shall, at their own expense, engage a suitably qualified consultant to undertake an odour assessment to ensure air discharges do not cause odour nuisance (as defined by the *Protection of the Environment Operations Act 1997*) to nearby uses.

(Reason: To protect neighbourhood amenity)

Advisory Notes

161. **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 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 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 Before You Dig service in advance of any construction or planning activities.

(Reason: Advisory)

162. 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.

(Reason: Advisory)

163. 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.

(Reason: Advisory)

164. 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 unless and until a modified consent is issued.

(Reason: Advisory)

165. DAANN09 - Review of Determination

In accordance with the provisions of section 8.2 of the *Environmental Planning and Assessment Act 1979*, you can request 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.

(Reason: Advisory)

166. DAANN10 - Right of Appeal

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

(Reason: Advisory)

167. **DAANN13 - Work Health and Safety**
For information regarding, codes of practice and guidelines regarding demolition and construction work, visit the SafeWork NSW.

(Reason: Advisory)

168. **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: Advisory)

169. **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 ELPP019/25

Attachment 2

Architectural Plans

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Notes
1. CONTRACTOR MUST VERIFY ALL DIMENSIONS ON SITE BEFORE COMMENCING WORK OR PREPARING SHOP DRAWINGS.
2. DO NOT SCALE DRAWINGS.
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DRAWING SCHEDULE		
LAYOUT ID	LAYOUT NAME	REVISION
DA-0101	COVER	F
DA-0201	SITE LOCATION & ANALYSIS	F
DA-0202	SITE PLAN	F
DA-0301	BASEMENT 01	F
DA-0302	GROUND FLOOR PLAN	F
DA-0303	FIRST FLOOR PLAN	F
DA-0304	ROOF PLAN	F
DA-0401	ELEVATIONS 01	F
DA-0402	ELEVATIONS 02	F
DA-0403	STREETSCAPE ANALYSIS	F
DA-0501	SECTIONS	F
DA-0502	SECTIONS (POOL)	F
DA-0601	GFA DIAGRAMS	F
DA-0602	UNENCUMBERED AREA	F
DA-0603	SHADOW DIAGRAMS	F
DA-0604	VIEW FROM THE SUN	F
DA-0605	DEMOLITION PLAN	F
DA-0606	FINISHES SCHEDULE	F

QUALIFIED STAFF TO CHILDREN RATIO (SEPP)				
		REQUIRED	PROPOSED	COMPLIES
0-2 year olds - 1/4 Children	20	5	5	YES
2-3 year olds - 1/5 Children	30	6	7	YES
3-6 year olds - 1/10 Children	70	7	7	YES
Total	120	18	19	YES

PARKING REQUIREMENT (SEPP)				
		REQUIRED	PROPOSED	COMPLIES
1/4 Children	120	30	30	YES
	Total	30	30	

AREAS				
		REQUIRED	PROPOSED	COMPLIES
0-2 Years				
Indoor Area (3.25m²/ child)	20	65.00 m²	68.9 m²	YES
Outdoor Area (7m² / child)		140.0 m²	141.0 m²	
2-3 Years				
Indoor Area (3.25m²/ child)	30	97.50 m²	113.6 m²	YES
Outdoor Area (7m² / child)		210.0 m²	239.0 m²	
3-6 Years				
Indoor Area (3.25m²/ child)	70	227.5 m²	235.3 m²	YES
Outdoor Area (7m²/ child)		490.0 m²	501.0 m²	

LANDSCAPE (AFTER ROAD WIDENING)				
		REQUIRED	PROPOSED	COMPLIES
Landscape (25%)		410.0 m²	471.0 m²	YES
min 50% front setback	*234.7 m²*	117.4 m²	160.1 m²	*YES*

STORAGE				
		REQUIRED	PROPOSED	COMPLIES
Indoor Storage (0.2m³)	120	24 m³	58 m³	YES
Outdoor Storage (0.3m³)		36 m³	43 m³	YES

UNCUMBERED AREAS			
	REQUIRED	PROPOSED	COMPLIES
Outdoor Area	868.0 m²	881.0 m²	YES
Indoor Area	403.0 m²	417.8 m²	YES

GFA CALCULATIONS (AFTER ROAD WIDENING)	
Site Area (new lot)	1,640.0 m²
Allowed GFA	2,952.0 m²
Allowed FSR	1.80 : 1
Proposed GFA	902.0 m²
Proposed FSR	0.55 : 1

TOTAL GFA	
GROUND	560.0 m²
FIRST	342.0 m²
TOTAL	902.0 m²

Rev	Description	Date	App'd
F	DA AMENDMENTS	01/05/2025	GJ
E	FOR DA SUBMISSION	10/09/2024	GJ
D	AMENDMENTS	17/04/2024	GJ
C	AS PER RFI	09/11/2023	ZB
B	AS PER COUNCIL	04/04/2023	ZB
A	FOR DA SUBMISSION	16/02/2023	ZB

Project
CHILDCARE CENTRE

3 Centenary Road,
Merrylands NSW 2170 Australia

URBAN LINK
Business Address: Suite 204, 180-186 Burwood Rd, Burwood NSW 2134
Postal Address: PO BOX 2223 Burwood North NSW 2134
Phone Number: +61 29745 2014

Nominated Architects:
Georges Jreije Reg no 10993

Drawing Title
COVER SHEET
COVER

Checked/Approved
GJ

Scale
NTS
@A3 Sheet Size

Project Number
2022-027

Drawing Number Revision
DA-0101 F

Status
DEVELOPMENT APPLICATION

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Nominated Architects:
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Drawing Title
SITE
SITE LOCATION & ANALYSIS

Checked/Approved
GJ

Scale

@A3 Sheet Size

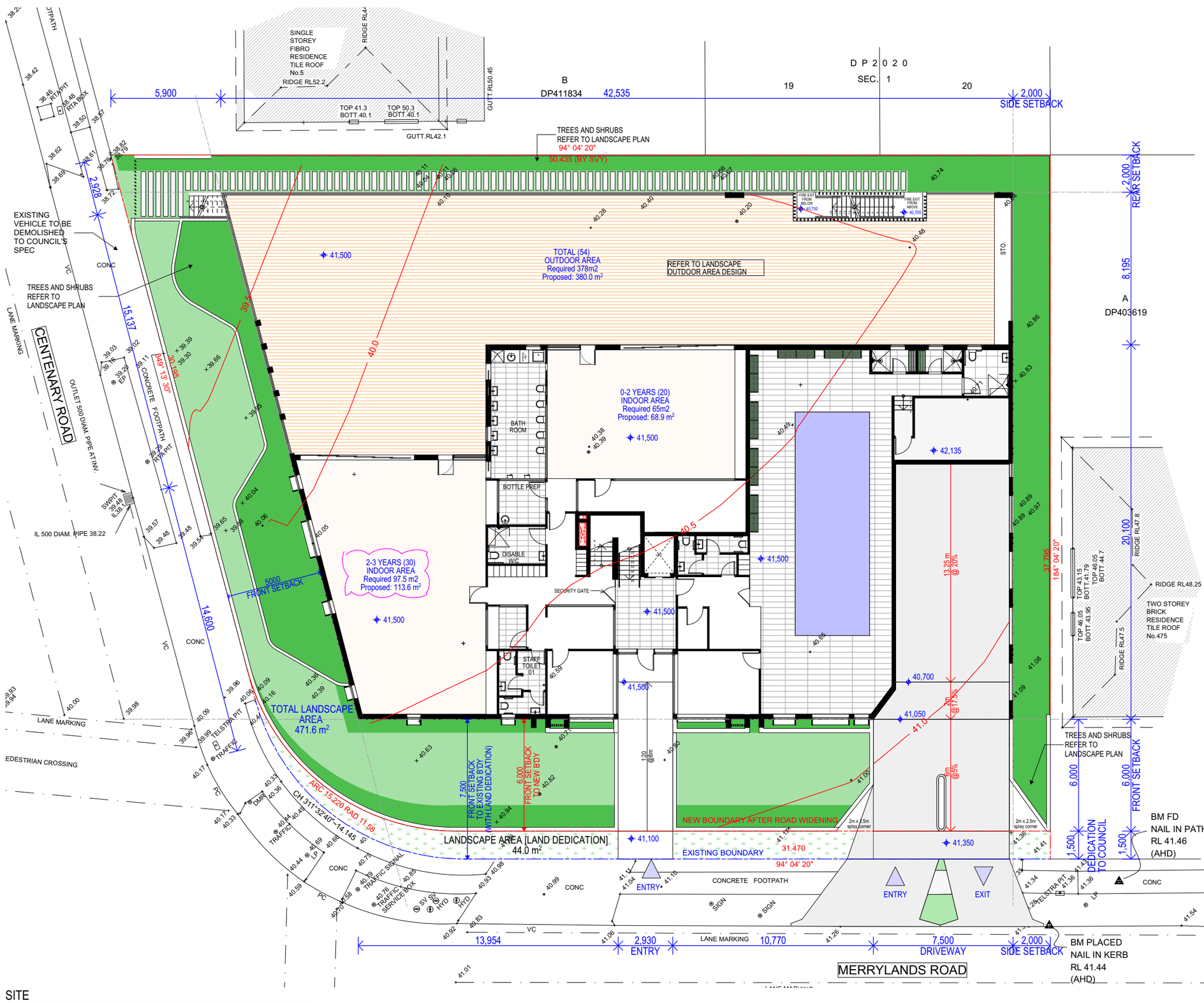
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2022-027

Drawing Number Revision
DA-0201 F

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TREES AND SHRUBS
REFER TO LANDSCAPE PLAN

1,000

SCALE 1:50

FENCE SECTION
THE HEIGH OF FENCE VARIES FROM 0.5M TO 1M
PLEASE REFER TO DA-0402

SITE
SCALE 1:200

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Phone Number: +61 29745 2014

Nominated Architects:
Georges Jreije Reg no 10993

Drawing Title
SITE
SITE PLAN

Checked/Approved
GJ

Scale
1:200
@A3 Sheet Size

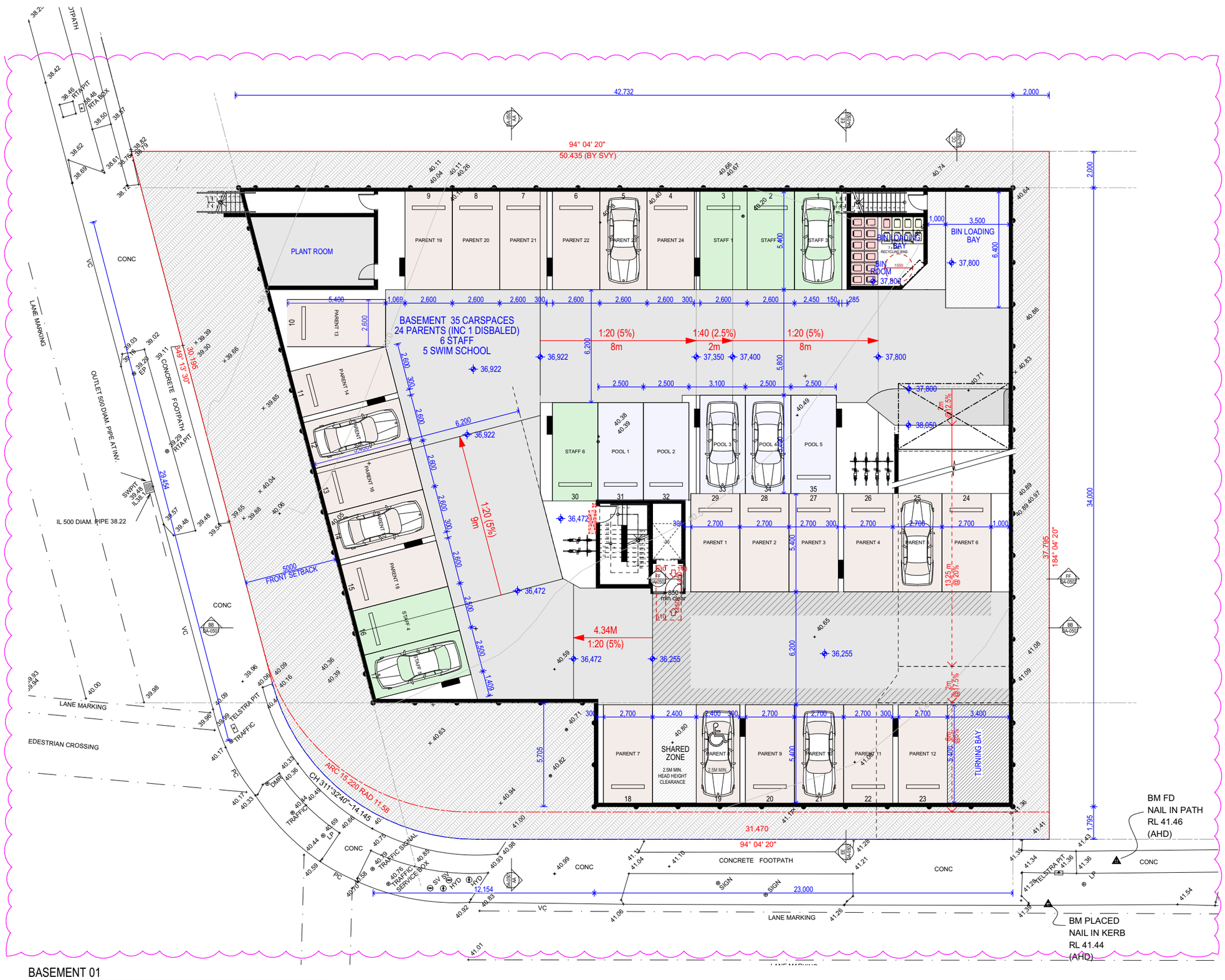
Project Number
2022-027

Drawing Number Revision
DA-0202 F

Status
DEVELOPMENT APPLICATION

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BASEMENT 01
SCALE 1:200

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F	DA AMENDMENTS	01/05/2025	GJ
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D	AMENDMENTS	17/04/2024	GJ
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Phone Number: +61 29745 2014

Nominated Architects:
Georges Jreije Reg no 10993

Drawing Title
FLOOR PLANS
BASEMENT 01

Checked/Approved
GJ

Scale
1:200
@A3 Sheet Size

Project Number
2022-027

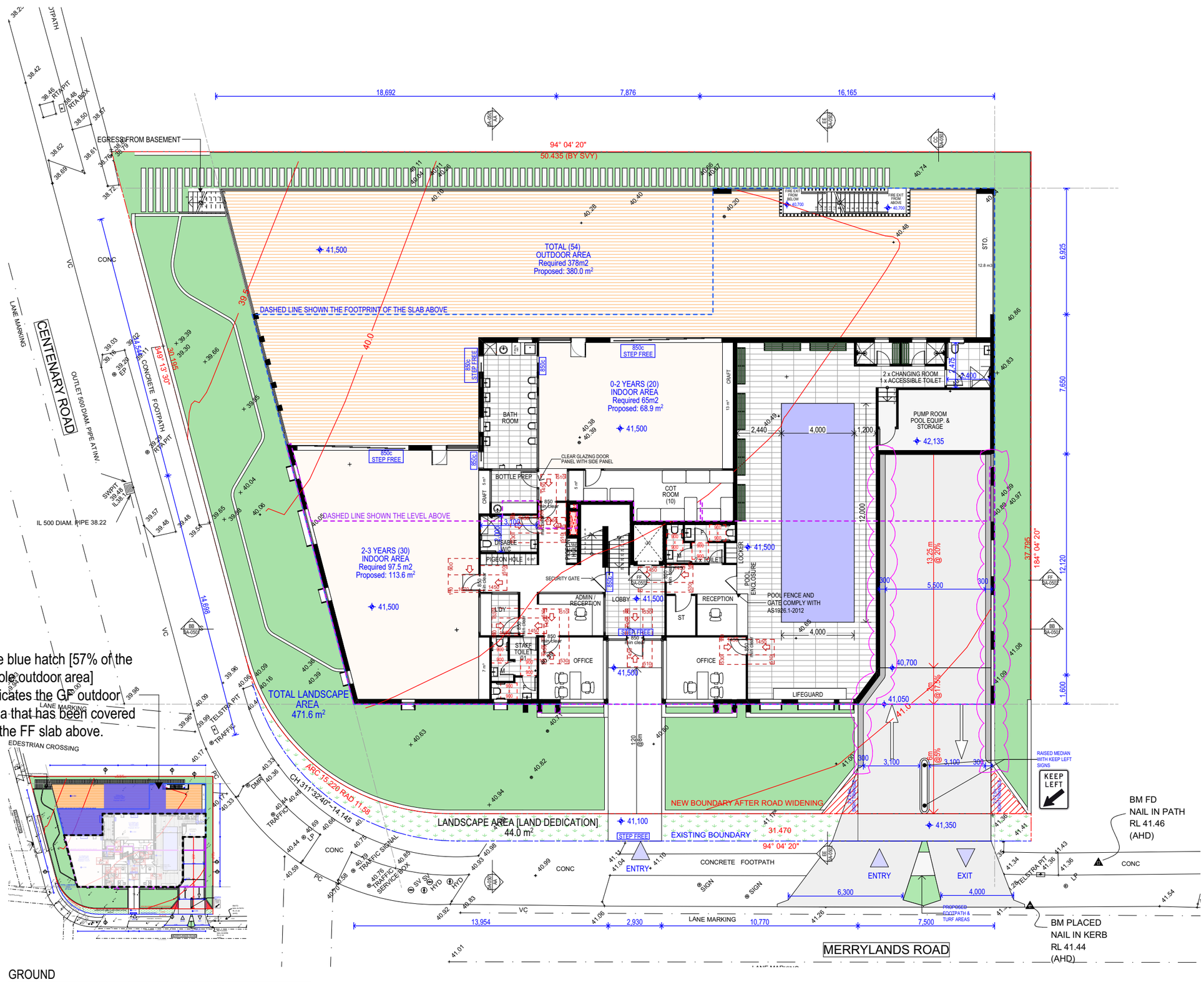
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DA-0301 F

Status
DEVELOPMENT APPLICATION

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DIAL BEFORE YOU DIG 1100



The blue hatch [57% of the whole outdoor area] indicates the GF outdoor area that has been covered by the FF slab above.

GROUND
SCALE 1:200

Rev	Description	Date	App'd
F	DA AMENDMENTS	01/05/2025	GJ
E	FOR DA SUBMISSION	10/09/2024	GJ
D	AMENDMENTS	17/04/2024	GJ
C	AS PER RFI	09/11/2023	ZB
B	AS PER COUNCIL	04/04/2023	ZB
A	FOR DA SUBMISSION	16/02/2023	ZB

Project
CHILDCARE CENTRE

3 Centenary Road,
Merrylands NSW 2170 Australia

URBAN LINK
Business Address: Suite 204, 180-186 Burwood Rd, Burwood NSW 2134
Postal Address: PO BOX 2223 Burwood North NSW 2134
Phone Number: +61 29745 2014

Nominated Architects:
Georges Jreije Reg no 10993

Drawing Title
FLOOR PLANS
GROUND FLOOR PLAN

Checked/Approved
GJ

Scale
1:200, 1:1000
@A3 Sheet Size

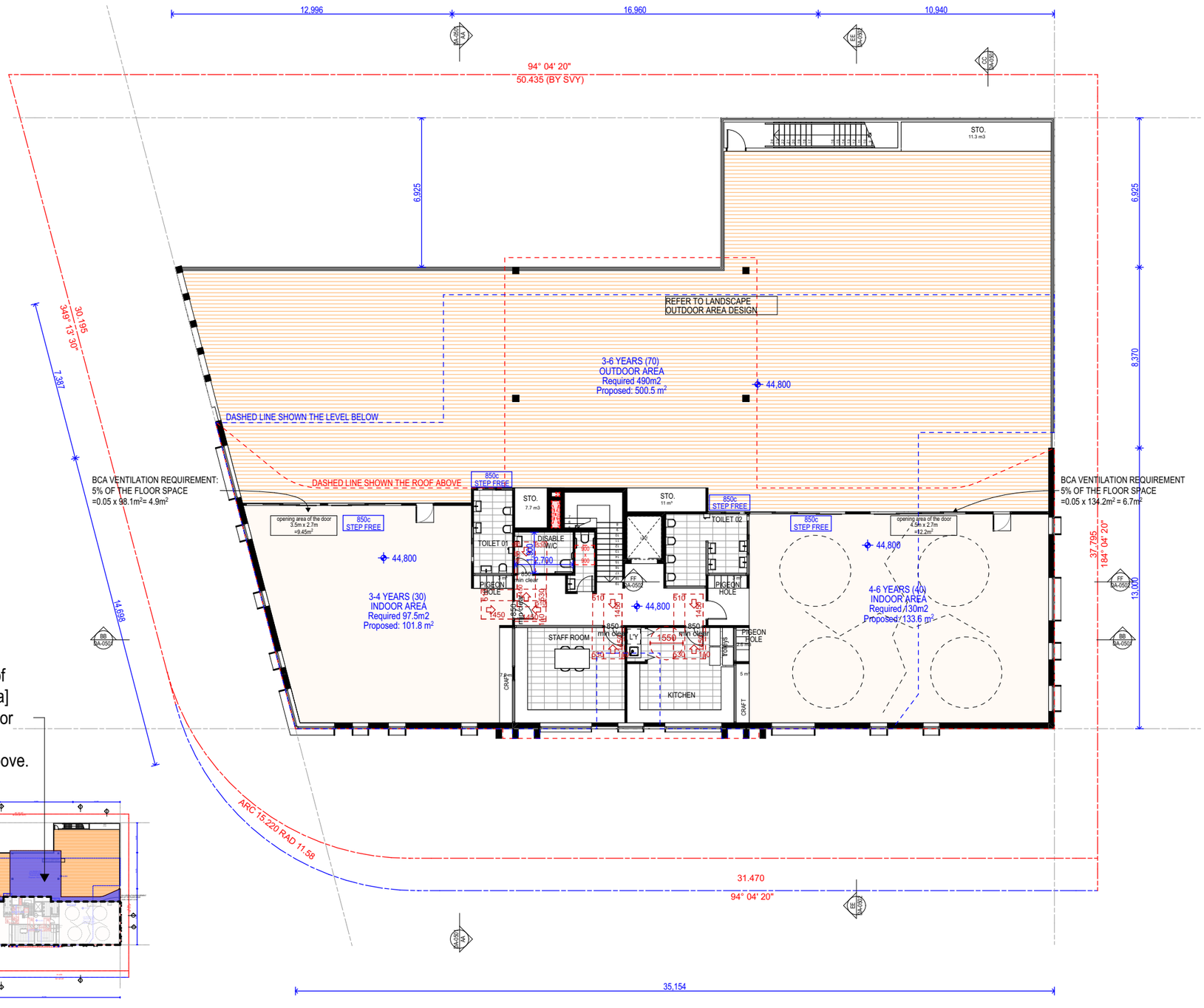
Project Number
2022-027

Drawing Number Revision
DA-0302 F

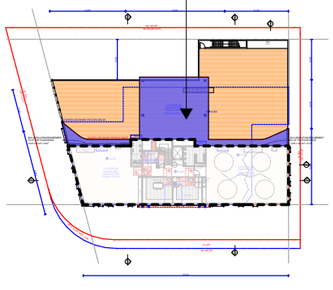
Status
DEVELOPMENT APPLICATION

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The blue hatch [30% of the whole outdoor area] indicates the FF outdoor area that has been covered by the roof above.



FF
SCALE 1:200

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F	DA AMENDMENTS	01/05/2025	GJ
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B	AS PER COUNCIL	04/04/2023	ZB
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CHILDCARE CENTRE

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Merrylands NSW 2170 Australia

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Nominated Architects:
Georges Jreije Reg no 10993

Drawing Title
FLOOR PLANS
FIRST FLOOR PLAN

Checked/Approved
GJ

Scale
1:200, 1:1000
@A3 Sheet Size

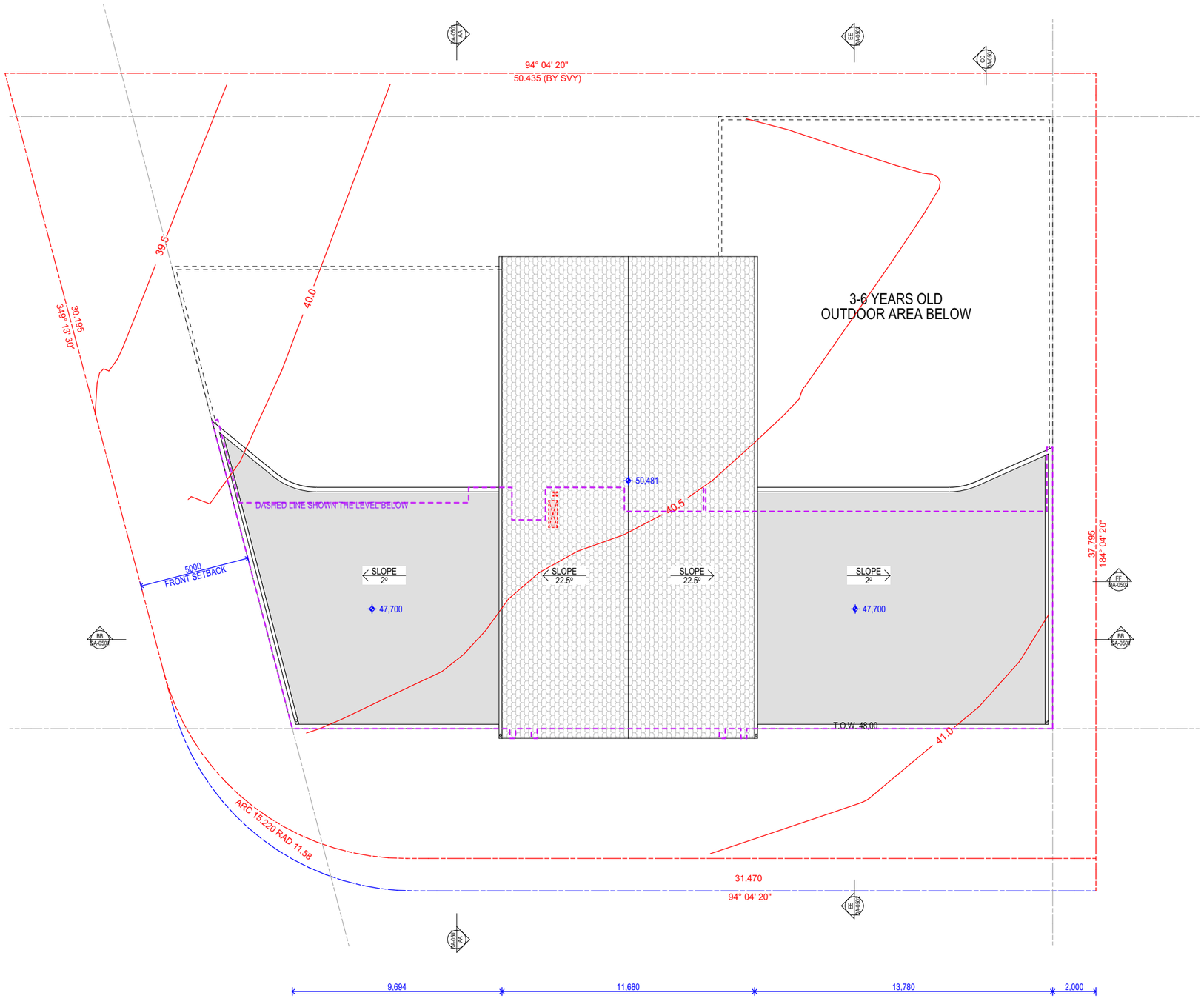
Project Number
2022-027

Drawing Number Revision
DA-0303 F

Status
DEVELOPMENT APPLICATION

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ROOF
SCALE 1:200

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CHILDCARE CENTRE

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Phone Number: +61 29745 2014

Nominated Architects:
Georges Jreije Reg no 10993

Drawing Title
FLOOR PLANS
ROOF PLAN

Checked/Approved
GJ

Scale
1:200
@A3 Sheet Size

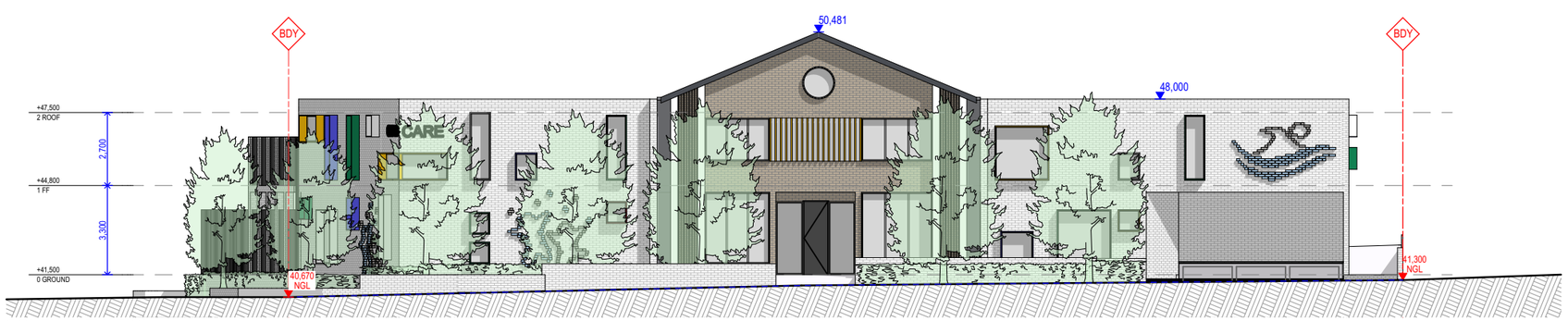
Project Number
2022-027

Drawing Number Revision
DA-0304 F

Status
DEVELOPMENT APPLICATION

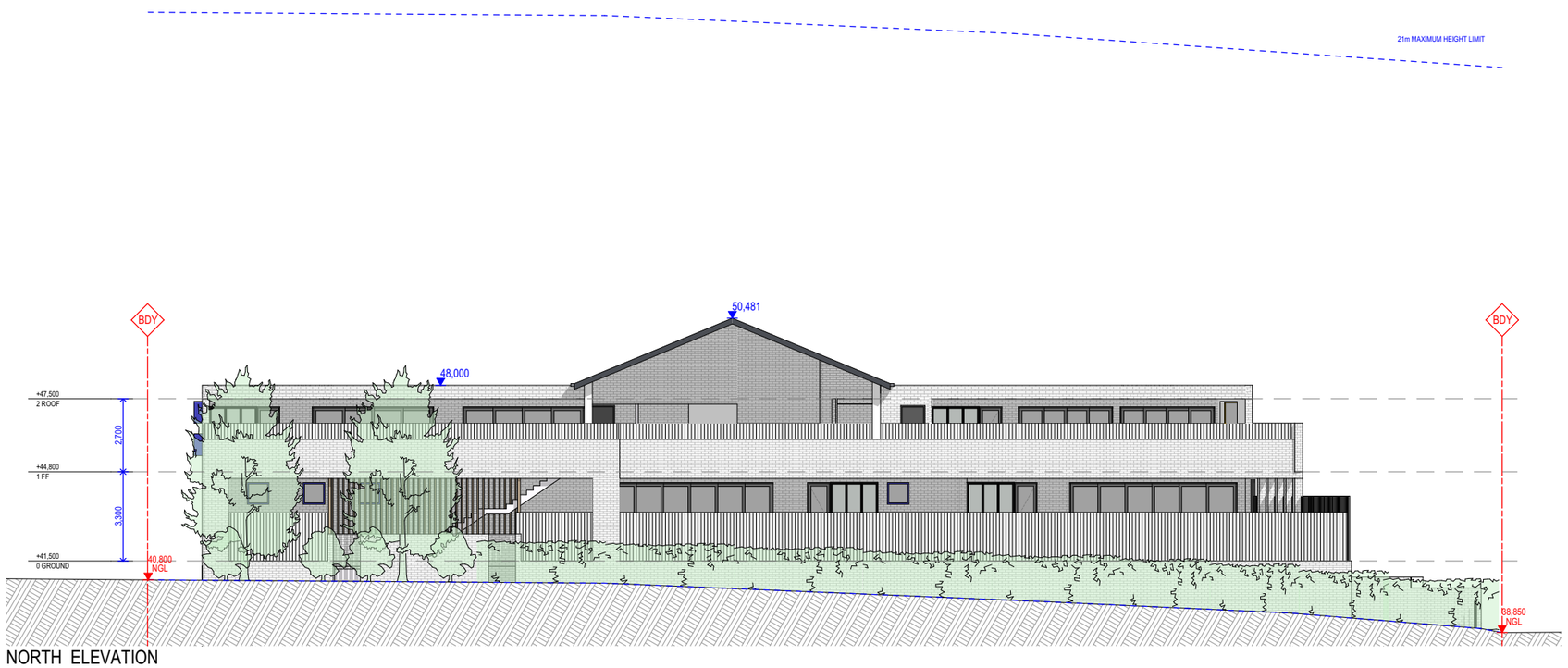
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SOUTH ELEVATION

SCALE 1:200



NORTH ELEVATION

SCALE 1:200

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CHILDCARE CENTRE

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Phone Number: +61 29745 2014

Nominated Architects:
Georges Jreije Reg no 10993

Drawing Title
ELEVATIONS
ELEVATIONS 01

Checked/Approved
GJ

Scale
1:200
@A3 Sheet Size

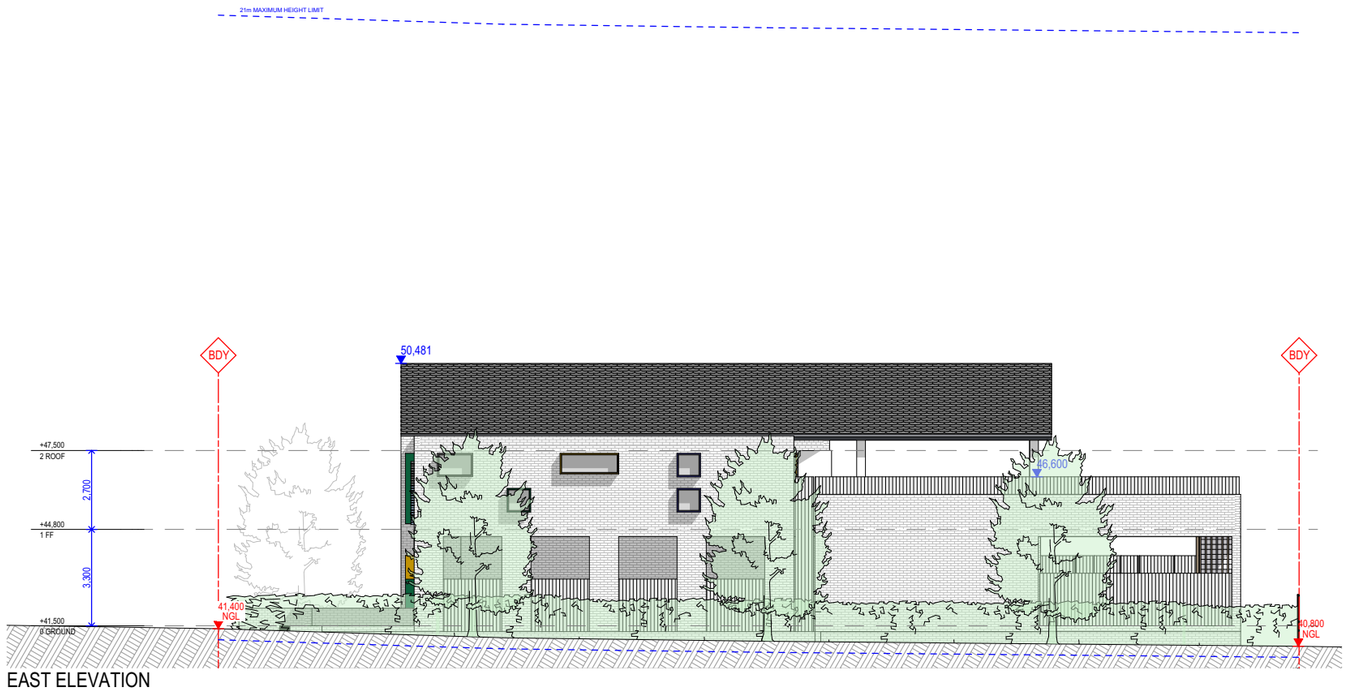
Project Number
2022-027

Drawing Number Revision
DA-0401 F

Status
DEVELOPMENT APPLICATION

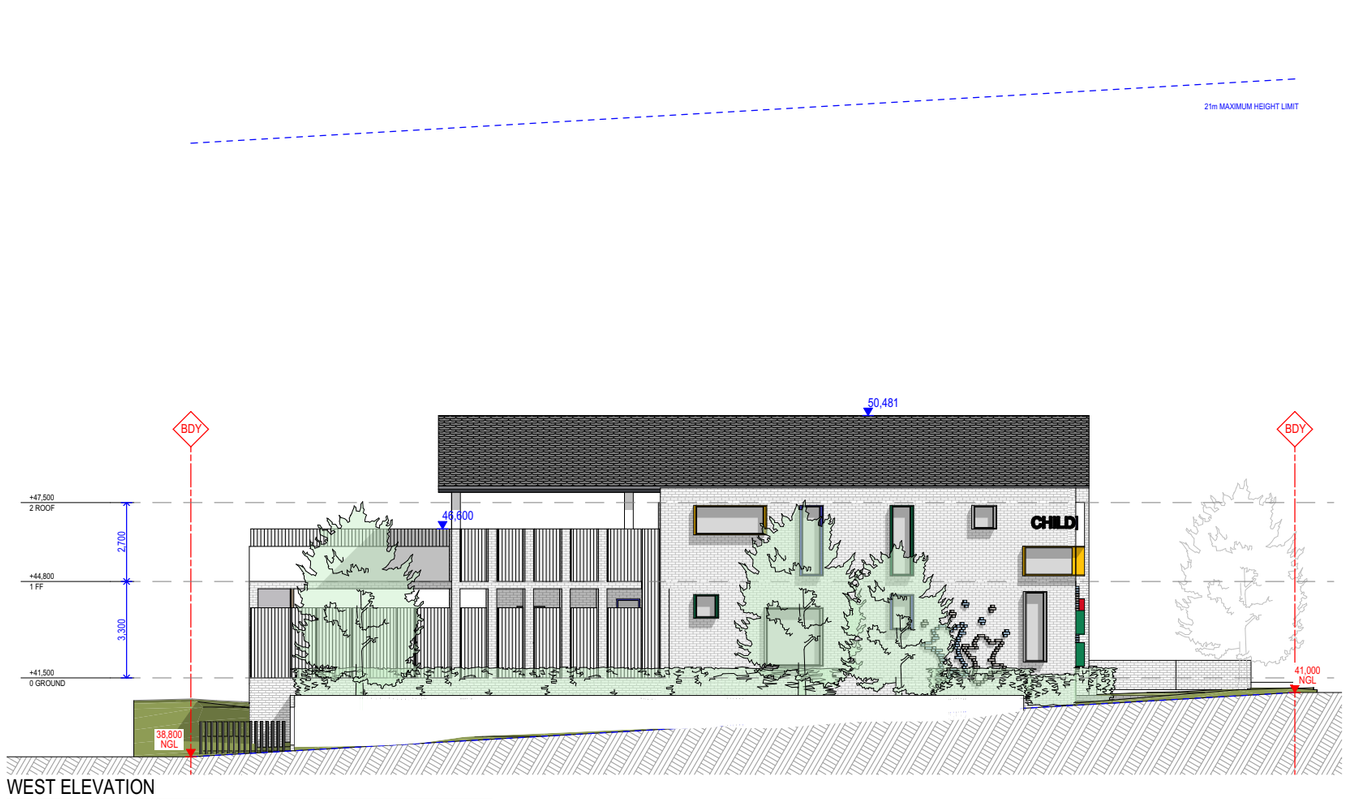
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EAST ELEVATION

SCALE 1:200



WEST ELEVATION

SCALE 1:200

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CHILDCARE CENTRE

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Phone Number: +61 29745 2014

Nominated Architects:
Georges Jreije Reg no 10993

Drawing Title
ELEVATIONS
ELEVATIONS 02

Checked/Approved
GJ

Scale
1:200
@A3 Sheet Size

Project Number
2022-027

Drawing Number Revision
DA-0402 F

Status
DEVELOPMENT APPLICATION

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STREETSCAPE 01

SCALE 1:200



STREETSCAPE 02

SCALE 1:200

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Merrylands NSW 2170 Australia

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Phone Number: +61 29745 2014

Nominated Architects:
Georges Jreije Reg no 10993

Drawing Title
ELEVATIONS
STREETSCAPE ANALYSIS

Checked/Approved
GJ

Scale
1:200, 1:100
@A3 Sheet Size

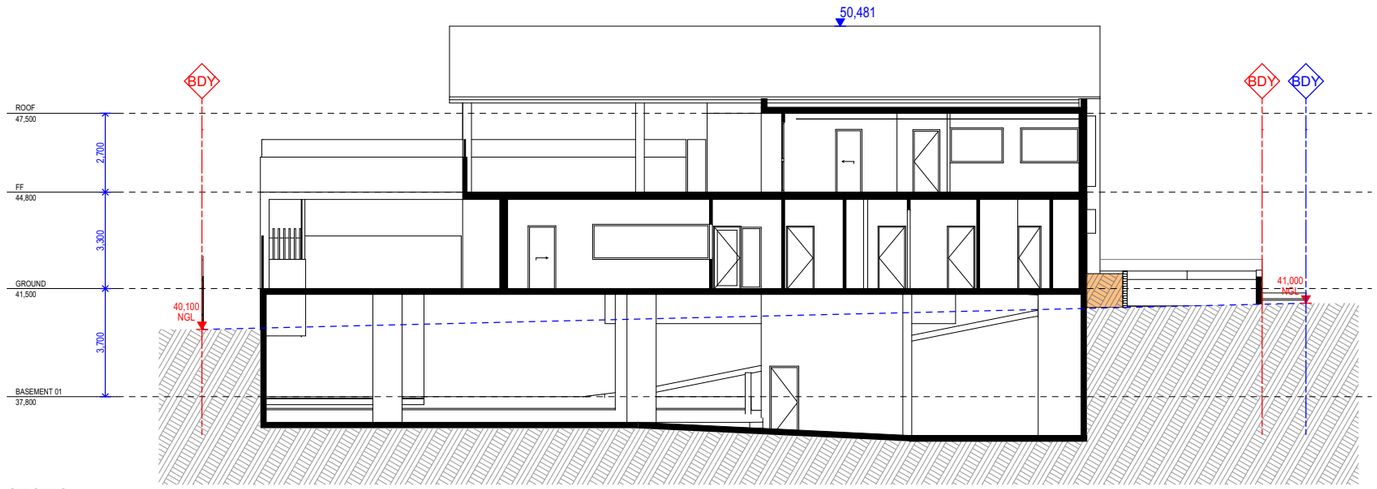
Project Number
2022-027

Drawing Number Revision
DA-0403 F

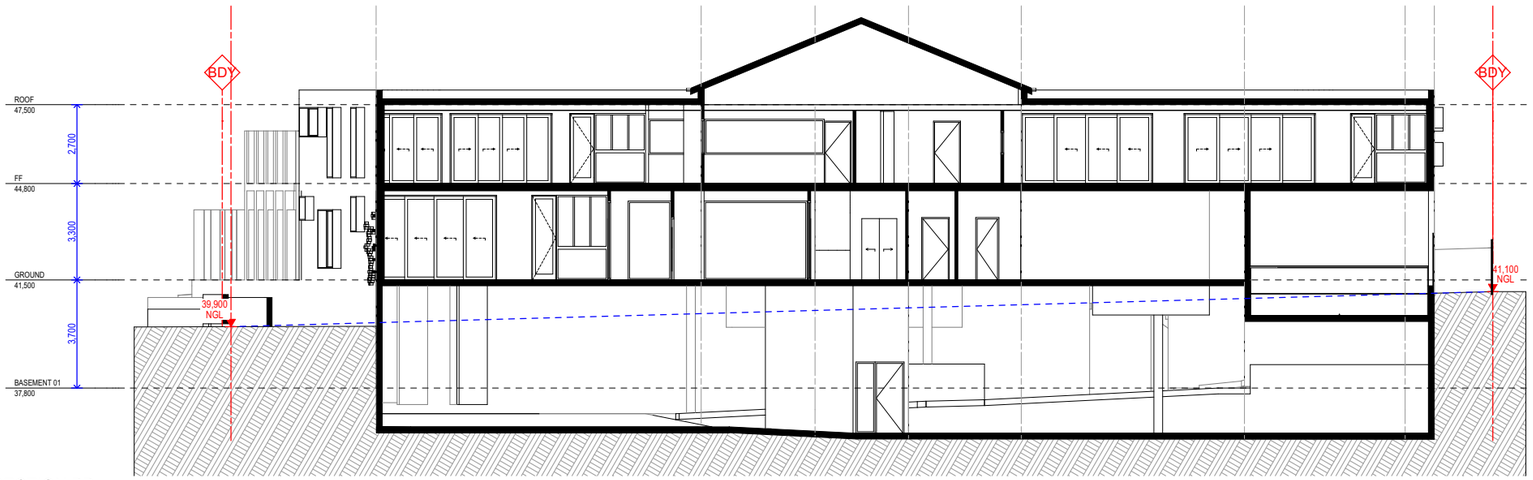
Status
DEVELOPMENT APPLICATION

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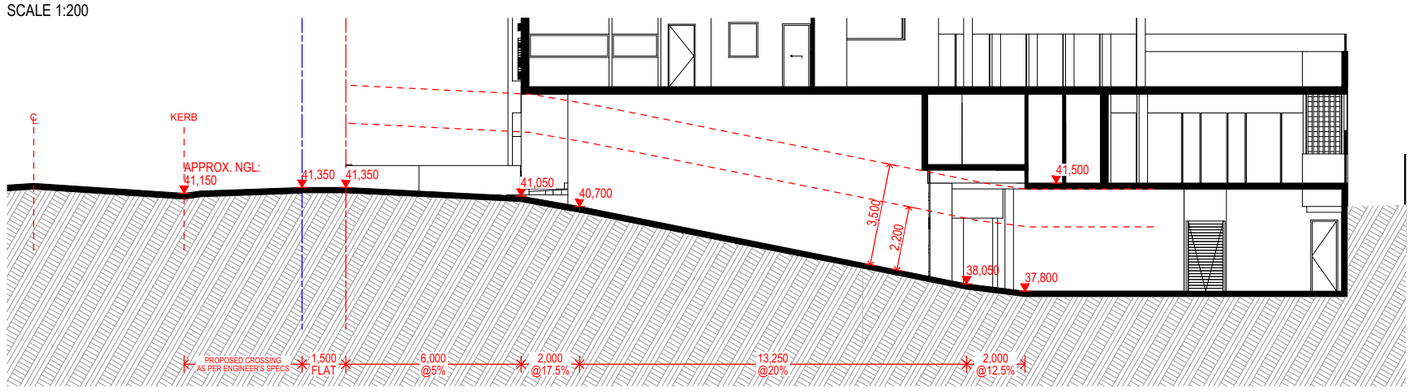
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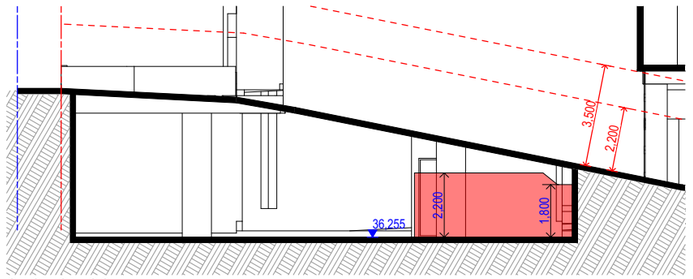
SECTION AA
SCALE 1:200



SECTION BB
SCALE 1:200



SECTION CC (RAMP DETAIL)
SCALE 1:200



SECTION CC
SCALE 1:200

Rev	Description	Date	App'd
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Project
CHILDCARE CENTRE

3 Centenary Road,
Merrylands NSW 2170 Australia

URBAN LINK
Business Address: Suite 204, 180-186 Burwood Rd, Burwood NSW 2134
Postal Address: PO BOX 2223 Burwood North NSW 2134
Phone Number: +61 29745 2014

Nominated Architects:
Georges Jreije Reg no 10993

Drawing Title
SECTIONS
SECTIONS

Checked/Approved
GJ

Scale
1:200
@A3 Sheet Size

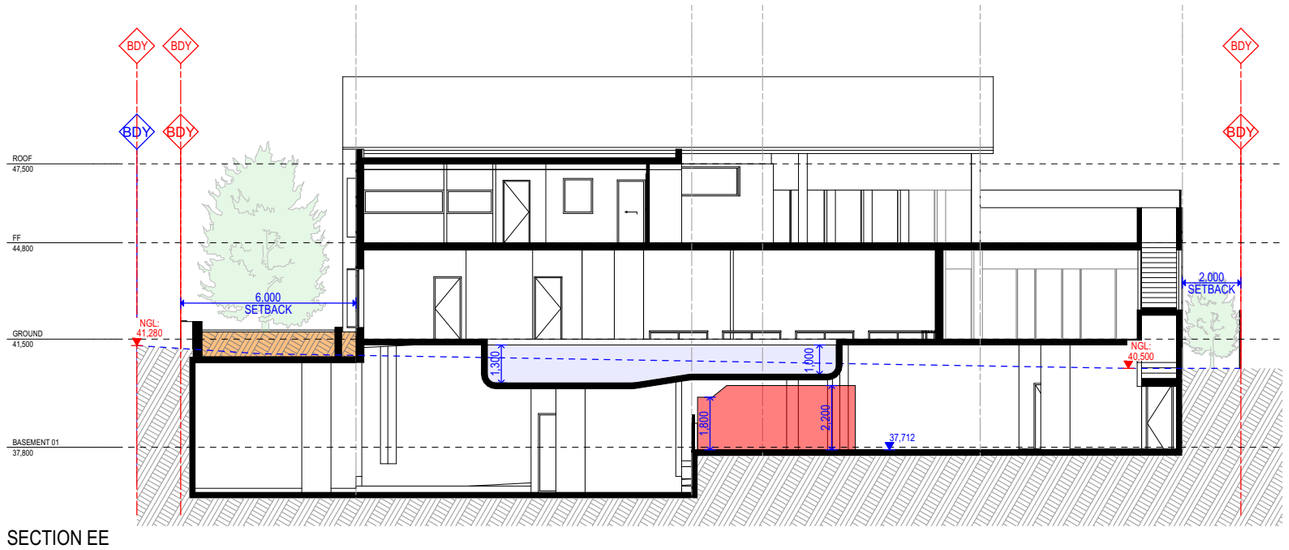
Project Number
2022-027

Drawing Number Revision
DA-0501 F

Status
DEVELOPMENT APPLICATION

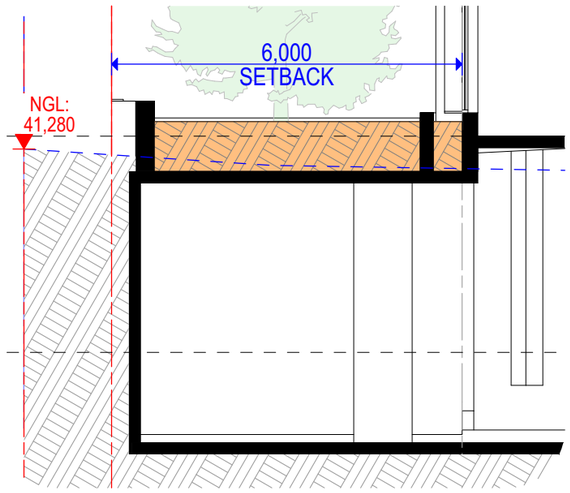
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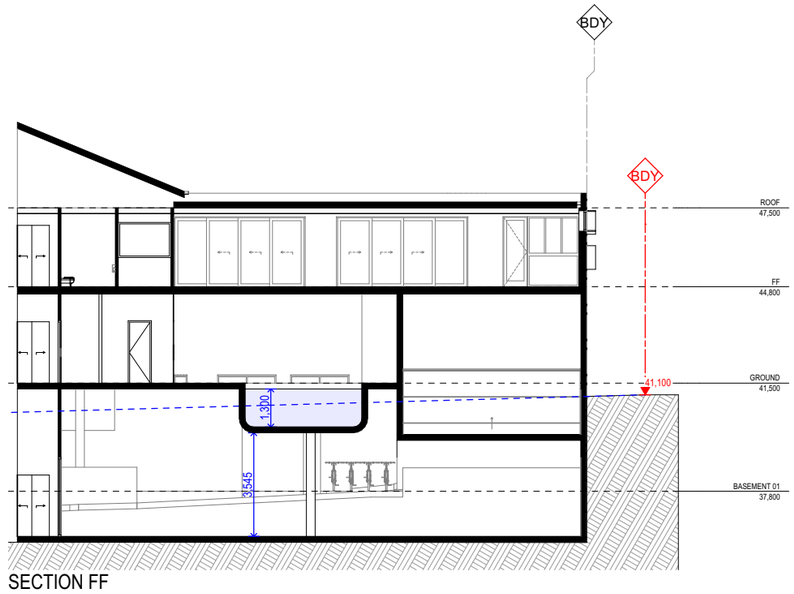
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SECTION EE

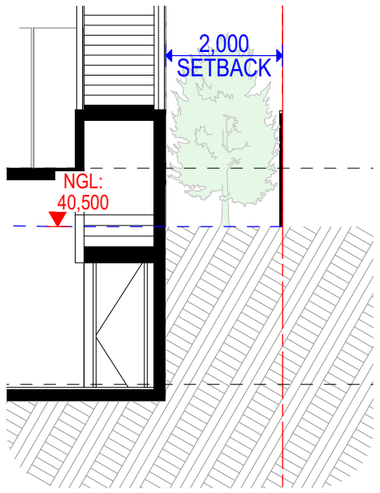
SCALE 1:200





SECTION FF

SCALE 1:200



Rev	Description	Date	App'd
F	DA AMENDMENTS	01/05/2025	GJ
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Project
CHILDCARE CENTRE

3 Centenary Road,
Merrylands NSW 2170 Australia

URBAN LINK
Business Address: Suite 204, 180-186 Burwood Rd, Burwood NSW 2134
Postal Address: PO BOX 2223 Burwood North NSW 2134
Phone Number: +61 29745 2014

Nominated Architects:
Georges Jreije Reg no 10993

Drawing Title
SECTIONS
SECTIONS (POOL)

Checked/Approved
GJ

Scale
1:200, 1:100
@A3 Sheet Size

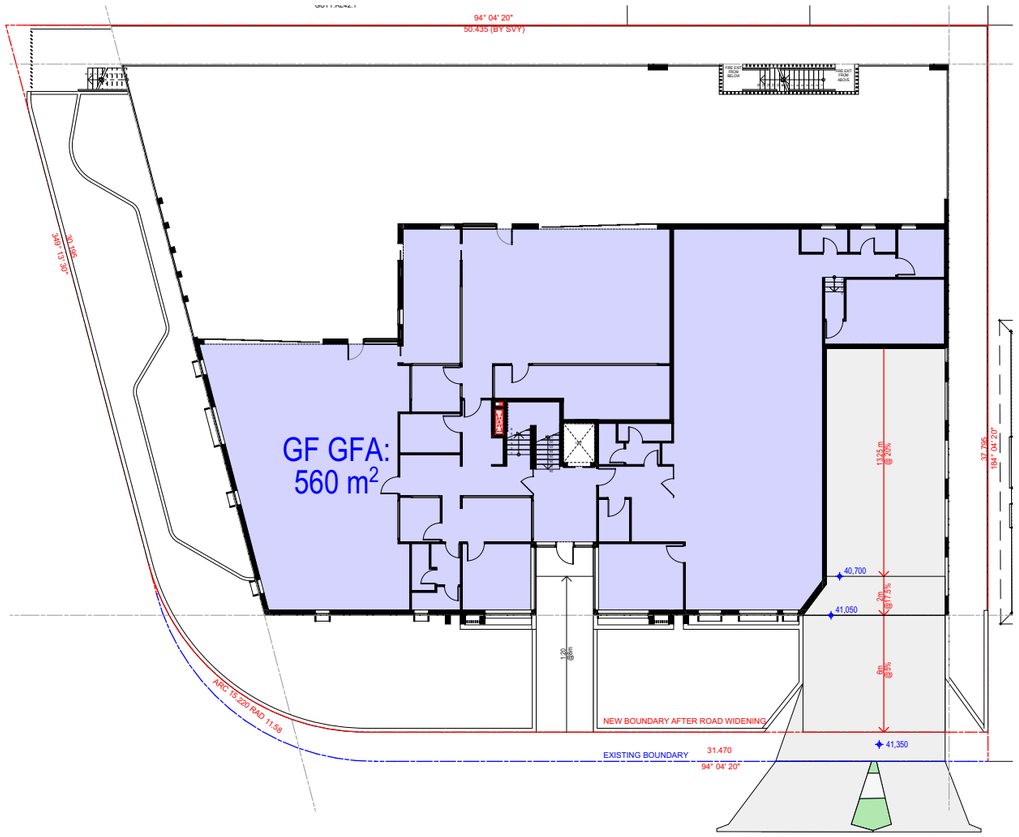
Project Number
2022-027

Drawing Number Revision
DA-0502 F

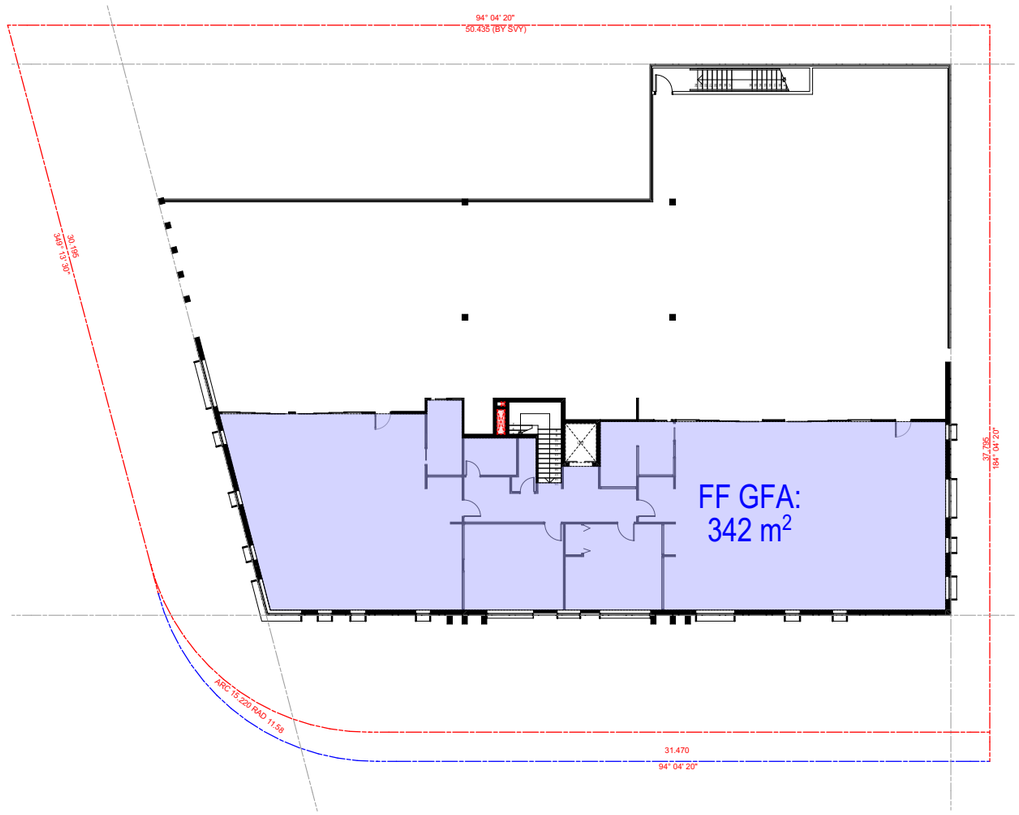
Status
DEVELOPMENT APPLICATION

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GROUND
SCALE 1:300



FF
SCALE 1:300

GFA CALCULATIONS (EXISTING LOT)	
Site Area (old lot)	1,696.6 m²
Allowed GFA	3,053.9 m²
Allowed FSR	1.80 : 1
Proposed GFA	902.0 m²
Proposed FSR	0.53 : 1

TOTAL GFA	
GROUND	560.0 m²
FIRST	342.0 m²
TOTAL	902.0 m²

GFA CALCULATIONS (AFTER ROAD WIDENING)	
Site Area (new lot)	1,640.0 m²
Allowed GFA	2,952.0 m²
Allowed FSR	1.80 : 1
Proposed GFA	902.0 m²
Proposed FSR	0.55 : 1

TOTAL GFA	
GROUND	560.0 m²
FIRST	342.0 m²
TOTAL	902.0 m²

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CHILDCARE CENTRE

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Nominated Architects:
Georges Jreije Reg no 10993

Drawing Title
COMPLIANCE
GFA DIAGRAMS

Checked/Approved
GJ

Scale
1:300, 1:0.81
@A3 Sheet Size

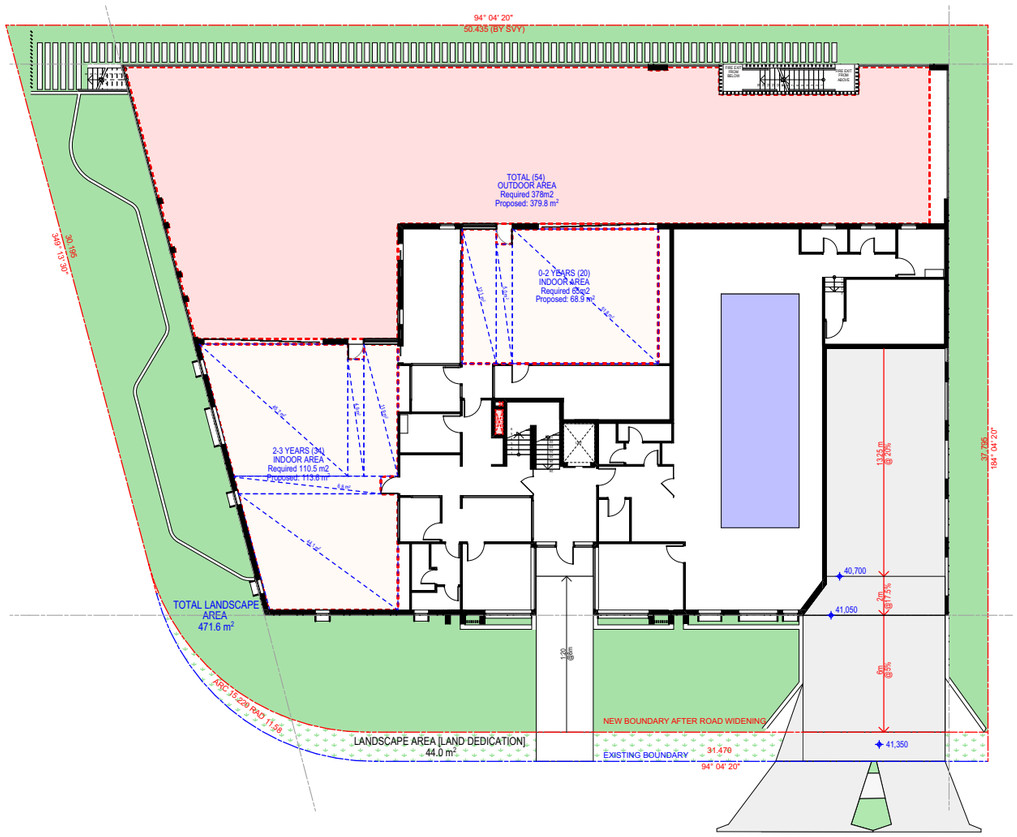
Project Number
2022-027

Drawing Number Revision
DA-0601 F

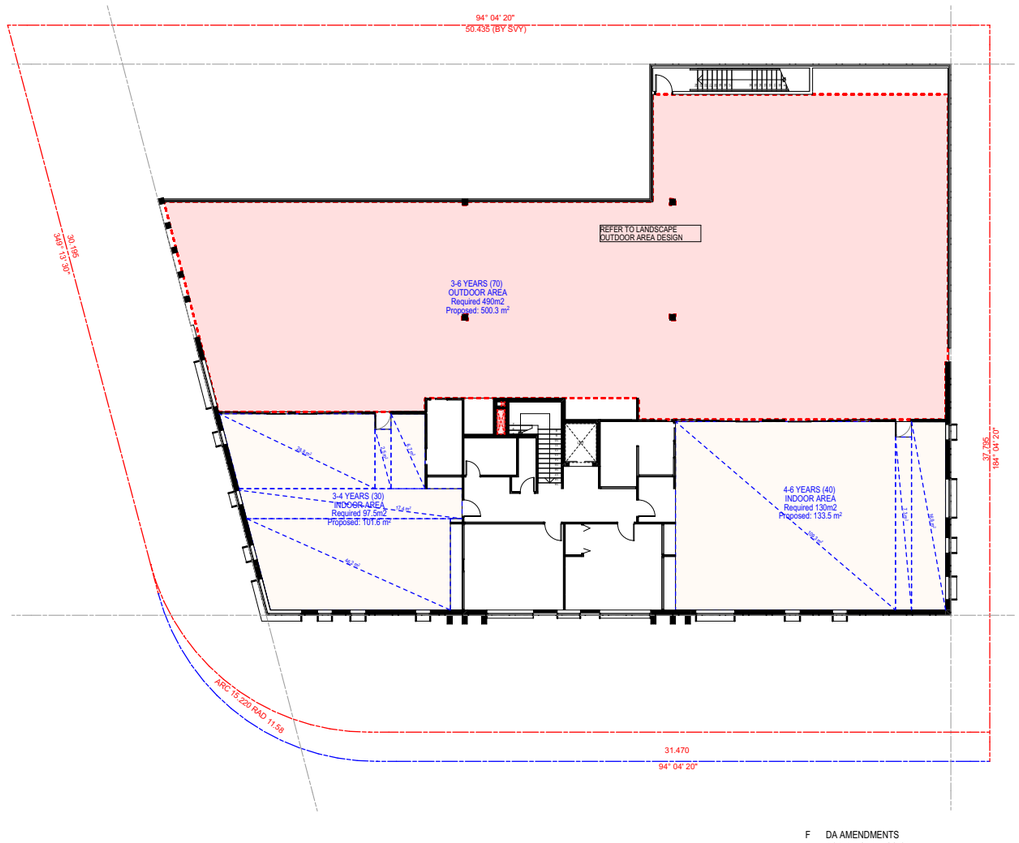
Status
DEVELOPMENT APPLICATION

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GROUND
SCALE 1:300



FF
SCALE 1:300

UNCUMBERED AREAS

	REQUIRED	PROPOSED	COMPLIES
Outdoor Area	840.0 m²	881.0 m²	YES
Indoor Area	390.0 m²	417.8 m²	YES

LANDSCAPE (AFTER ROAD WIDENING)

		REQUIRED	PROPOSED	COMPLIES
Landscape (25%)		410.0 m²	471.0 m²	YES
min 50% front setback	*234.7 m²*	117.4 m²	160.1 m²	*YES*

LANDSCAPE (EXISTING LOT)

		REQUIRED	PROPOSED	COMPLIES
Landscape (25%)		424.2 m²	516.7 m²	YES
min 50% front setback	*295.3 m²*	147.7 m²	204.9 m²	*YES*

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CHILDCARE CENTRE

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Nominated Architects:
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Drawing Title
COMPLIANCE
UNENCUMBERED AREA

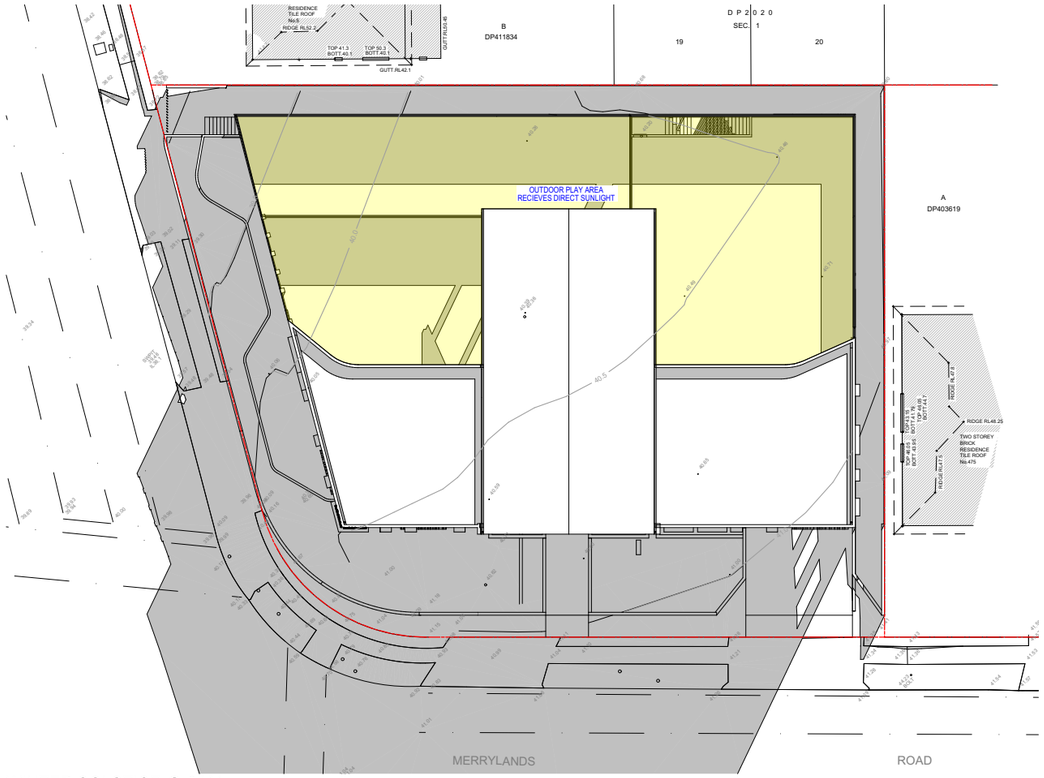
Checked/Approved
GJ

Scale
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@A3 Sheet Size

Project Number
2022-027

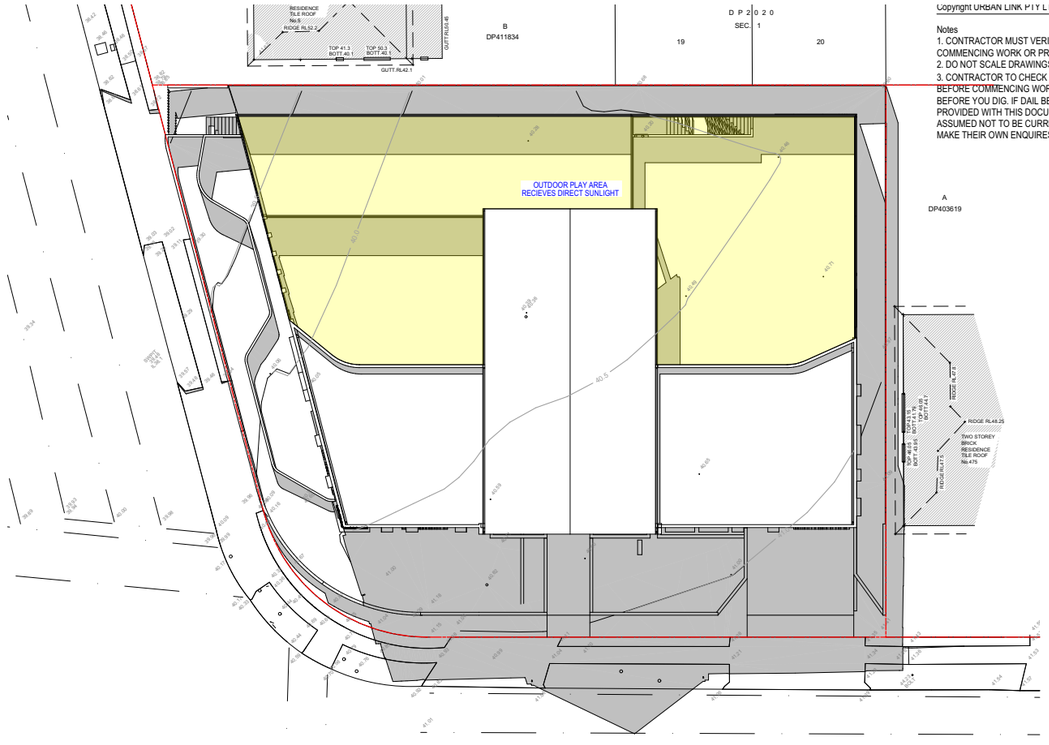
Drawing Number Revision
DA-0602 F

Status
DEVELOPMENT APPLICATION



WINTER SOLSTICE @ 9AM

SCALE 1:400



WINTER SOLSTICE @ 12PM

SCALE 1:400



WINTER SOLSTICE @ 3PM

SCALE 1:400

OUTLINE OF PROPOSED SHADOW

OUTDOOR PLAY AREA
[RECEIVING DIRECT SUNLIGHT]

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2. DO NOT SCALE DRAWINGS.
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DIAL BEFORE YOU DIG 1100

Rev	Description	Date	App'd
F	DA AMENDMENTS	01/05/2025	GJ
E	FOR DA SUBMISSION	10/09/2024	GJ
D	AMENDMENTS	17/04/2024	GJ
C	AS PER RFI	09/11/2023	ZB
B	AS PER COUNCIL	04/04/2023	ZB
A	FOR DA SUBMISSION	16/02/2023	ZB

Project
CHILDCARE CENTRE

3 Centenary Road,
Merrylands NSW 2170 Australia

URBAN LINK
Business Address: Suite 204, 180-186 Burwood Rd, Burwood NSW 2134
Postal Address: PO BOX 2223 Burwood North NSW 2134
Phone Number: +61 29745 2014

Nominated Architects:
Georges Jreije Reg no 10993

Drawing Title
COMPLIANCE
SHADOW DIAGRAMS

Checked/Approved
GJ

Scale
1:400
@A3 Sheet Size

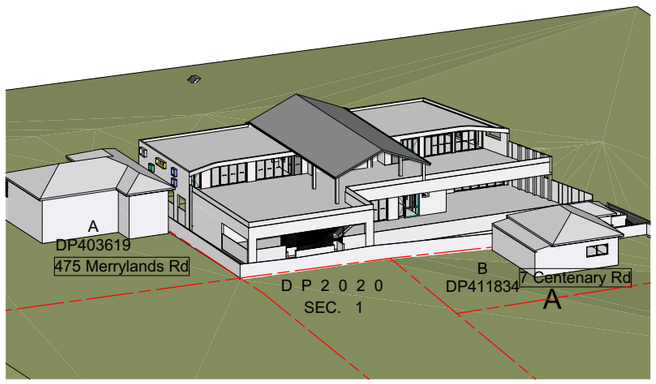
Project Number
2022-027

Drawing Number Revision
DA-0603 F

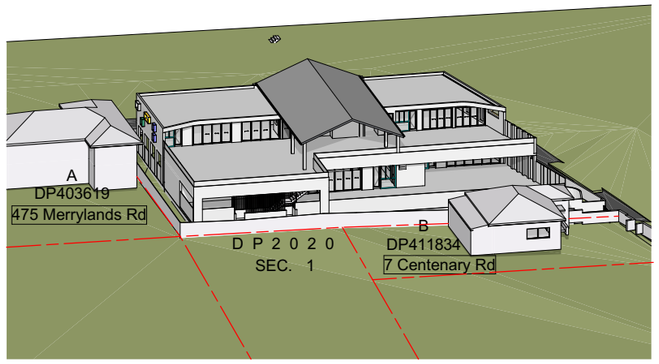
Status
DEVELOPMENT APPLICATION

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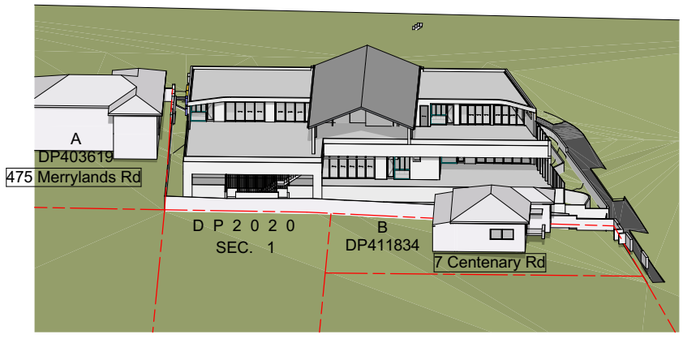
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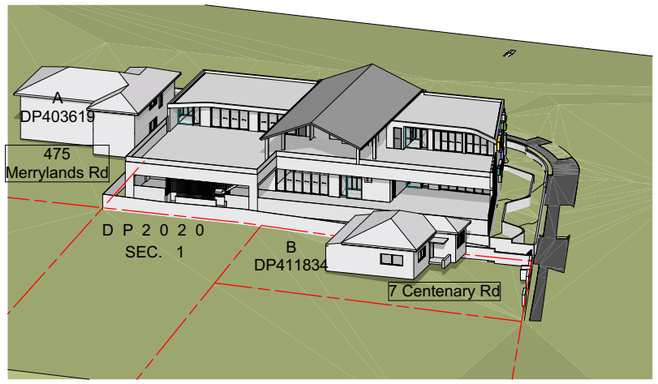
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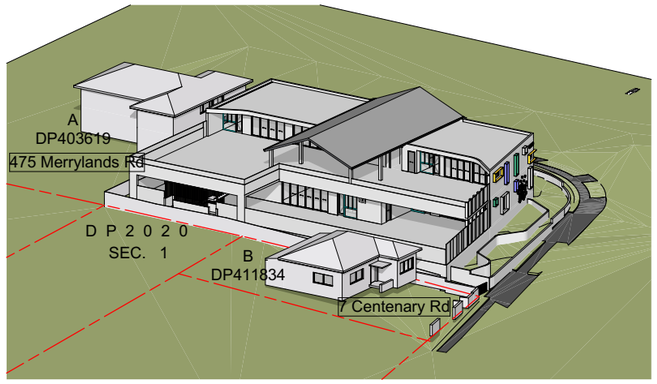
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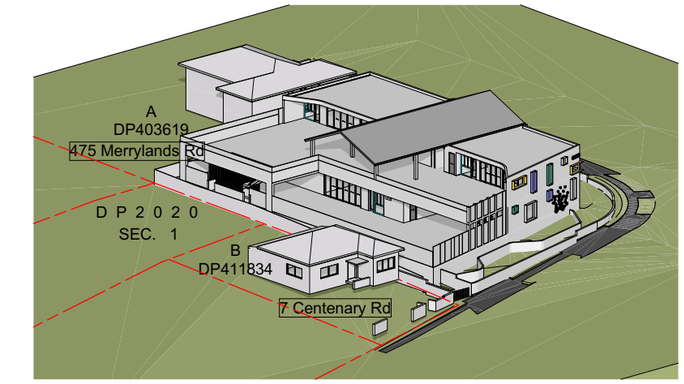
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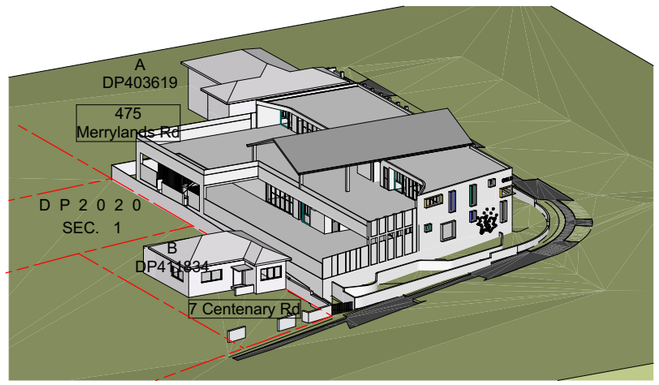
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1 VFTS-1PM 1:650



1 VFTS-2PM 1:650



1 VFTS-3PM 1:650

OUTDOOR PLAY AREA
[RECEIVING DIRECT SUNLIGHT]

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Drawing Title
COMPLIANCE
VIEW FROM THE SUN

Checked/Approved
GJ

Scale
1:650
@A3 Sheet Size

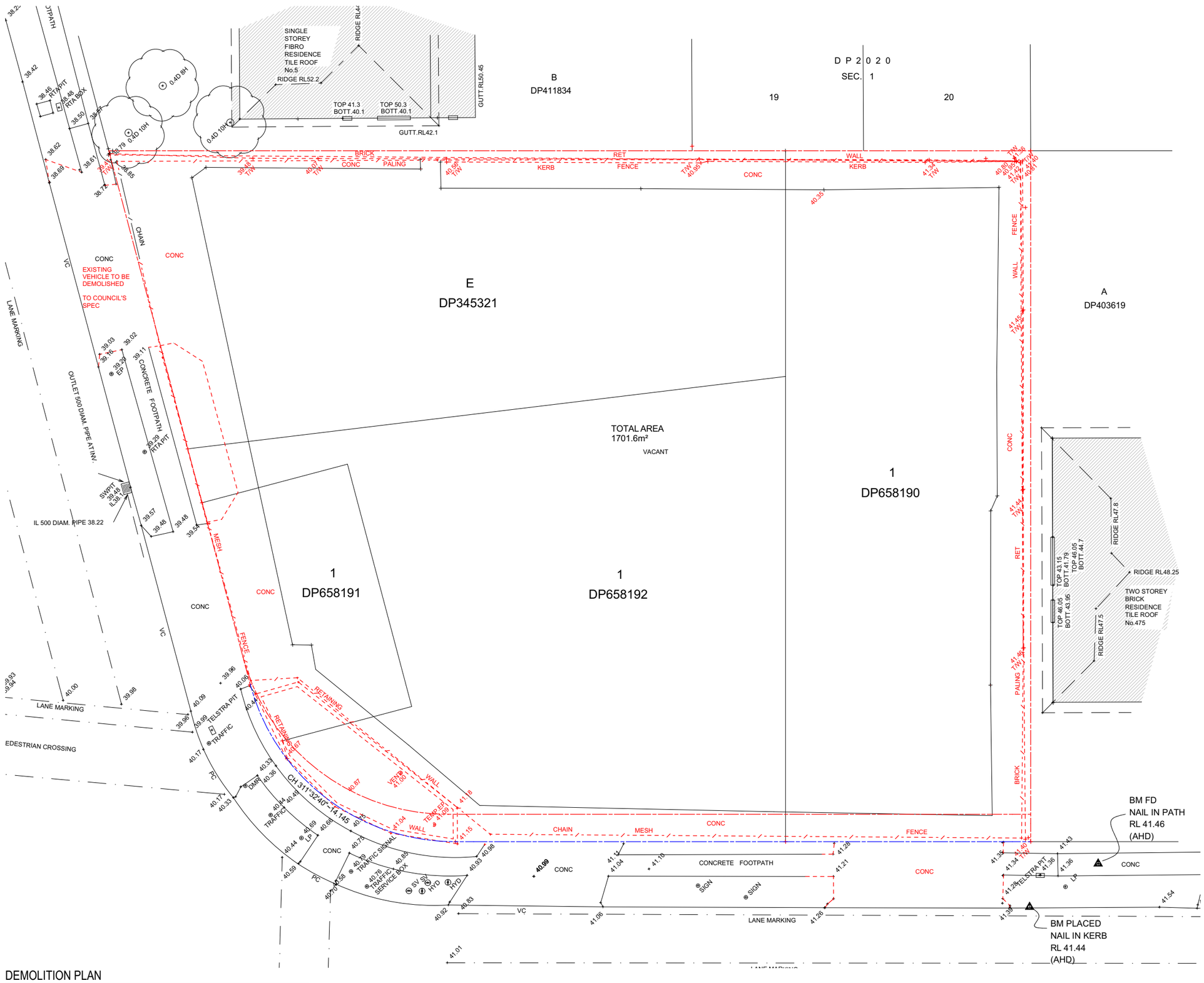
Project Number
2022-027

Drawing Number Revision
DA-0604 F

Status
DEVELOPMENT APPLICATION

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DEMOLITION PLAN
SCALE 1:200

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F	DA AMENDMENTS	01/05/2025	GJ
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Drawing Title
COMPLIANCE
DEMOLITION PLAN

Checked/Approved
GJ

Scale
1:200
@A3 Sheet Size

Project Number
2022-027

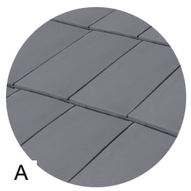
Drawing Number Revision
DA-0605 F

Status
DEVELOPMENT APPLICATION

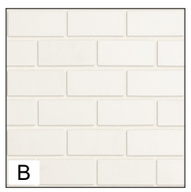


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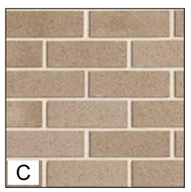
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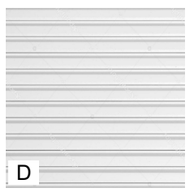
A
MONIER ROOF TILES
NULLARBOR RAVINE
OR SIMILAR



B
BRICK- PGH
MORADA BLANCO
OR SIMILAR



C
BRICK- PGH
VELOUR MINERAL
OR SIMILAR



D
WHITE COLORBOND
OR SIMILAR

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Drawing Title
COMPLIANCE
FINISHES SCHEDULE

Checked/Approved
GJ

Scale
1:2.29, 1:1.88
@A3 Sheet Size

Project Number
2022-027

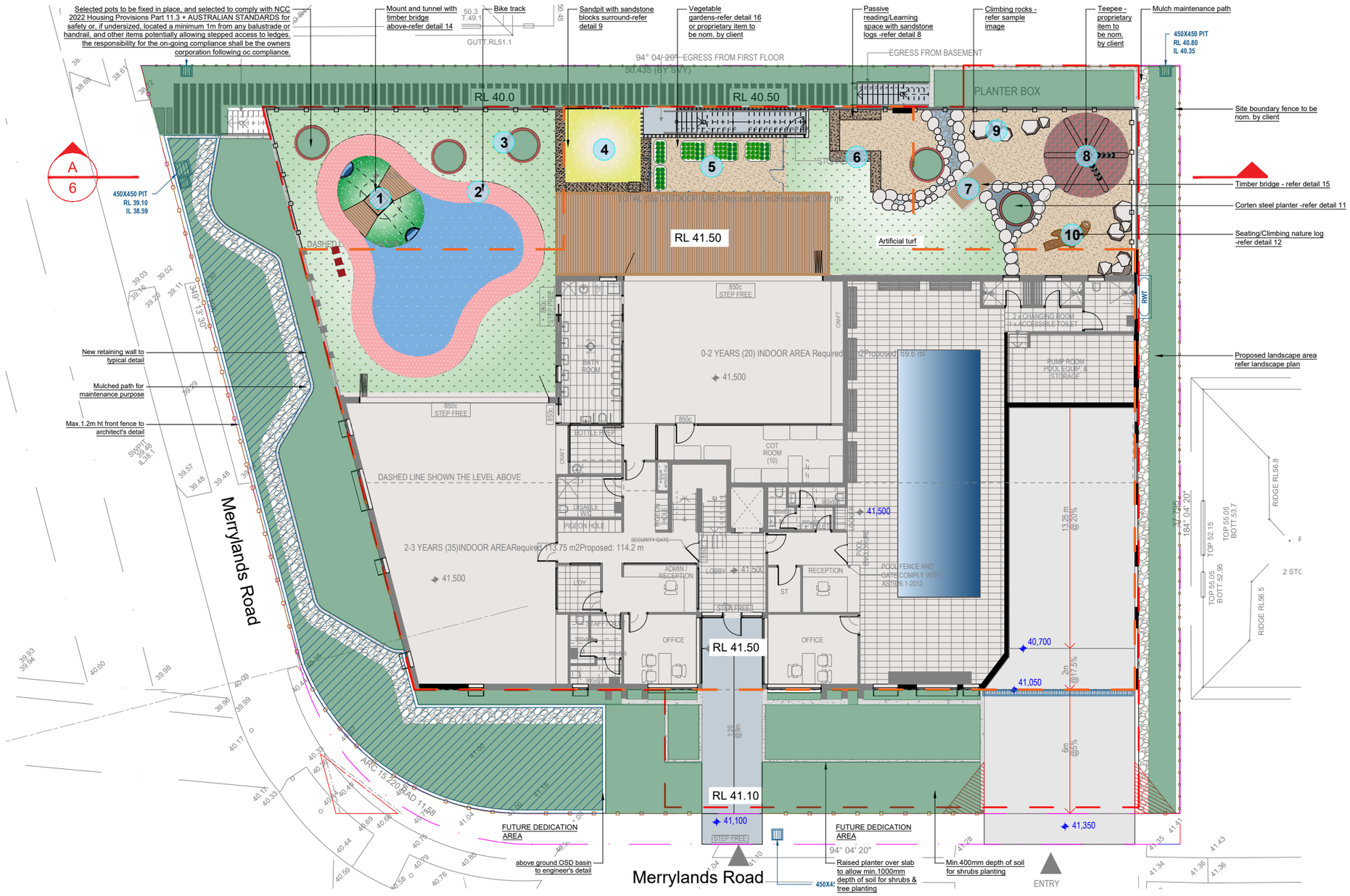
Drawing Number Revision
DA-0606 F

Status
DEVELOPMENT APPLICATION

DOCUMENTS ASSOCIATED WITH REPORT ELPP019/25

Attachment 3

Landscape Plans



LOCATION PLAN

Scale: NTS



OTHER LANDSCAPE ITEMS

- Link edge garden edging detail - refer detail 5
- Turf area
- Artificial turf - refer detail 7
- Rubberized softfall - refer detail 7
- Deco granite paving - refer detail 20
- Timber bridge - refer detail 13
- Non-floatable gravel path for maintenance purpose
- Retaining / raised planter wall - refer detail 6
- Apply safety balustrade where is necessary
- Safety fence - style & colour to be nom. by client
- Site boundary fence to be nom. by client
- Max. 1.2m ht front fence - colour and style to architect's detail
- Corten steel planter-refer detail 11
- Sandpit -refer detail 9
- Sandstone blocks- refer detail 8
- Vegetable gardens-refer detail 16 or proprietary item to be nom. by client
- Natural Seating/ Climbing log -refer detail 12
- Mound & Tunnel with timber ramp above -refer detail 14
- Recharge station-refer sample image, proprietary item to be nom. by client
- Teepee - proprietary item to be nom. by client
- Shade Cloth- refer detail 17,to be installed in accordance with manufacturer's specification
- Climbing rocks - refer sample image

SAMPLE IMAGES

Images are diagrammatic only, and final planting species may vary, as determined by Council Approval


1 MOUNT & TUNNEL


2 BIKE TRACK


3 CORTEN STEEL PLANTER


4 SAND PIT


5 VEGETABLE GARDENS


6 PASSIVE LEARNING/READING SPACE


7 TIMBER BRIDGE


8 TEEPEE


9 CLIMBING ROCK


10 NATURAL CLIMBER/SEATING LOGS

DRAWING SCHEDULE

SHEET #	DRAWING TITLE	REV.
/1	HARDSCAPE PLAN/GF	F
/2	LANDSCAPE PLAN/GF	F
/3	LANDSCAPE PLAN/L1	F
/4	DETAILS & SPECIFICATION	F
/5	DETAILS	F
/6	DETAILS	F

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Australian Institute of Landscape Architects — ALA Associate

www.dialbeforeyoudig.com.au DIAL 1100 BEFORE YOU DIG

ARCHITECT: URBAN LINK

LANDSCAPE ARCHITECT: Conzept Landscape Architects
Suit 101, 506 Miller Street, CAMMERAY NSW 2062
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COUNCIL: CUMBERLAND
CLIENT: CENTENARY HOLDINGS PTY

REV	DATE	NOTATION/AMENDMENT
A	16.12.22	Concept plan prepared for review
B	11.01.23	Drafted DA plan prepared for review
C	17.01.23	Co-ordinated with stormwater plan
D	01.02.23	Issued for DA
E	06.11.23	Co-ordinated with architectural plan & council's comments
F	15.11.23	For submission

PROJECT: PROPOSED CHILDCARE DEVELOPMENT
3 CENTENARY ROAD, MERRYLANDS

Bar Scale 0 2 4 6 8 10m

TITLE: HARDSCAPE PLAN/GF
STATUS: DEVELOPMENT APPLICATION
SCALE: 1:100 @ A1
DATE: NOV 2023
DWG.No: LPDA23-139
SHEET: 1
ISSUE: F
DRAWN: C.D/K.Z
CHECKED: R.F

LEGEND & SCHEDULE

NOTES:
1. ALL FINAL PLANT QUANTITIES INDICATED ON PLANS SHALL BE CHECKED AND VERIFIED BY SUCCESSFUL LANDSCAPE CONTRACTOR.
2. ANY PLANT SUBSTITUTES REQUIRED DUE TO UNAVAILABILITY SHALL BE RECOMMENDED BY THE LANDSCAPE CONTRACTOR TO BEST MATCH SUBSTITUTED PLANTS AND APPROVED PRIOR TO PURCHASING BY THE LANDSCAPE ARCHITECT.
3. WORKS CERTIFIED FOR FINAL OCCUPANCY CERTIFICATE ARE TO MATCH APPROVED LANDSCAPE PLANS.
4. LANDSCAPE CONTRACTOR SHALL LOCATE AND AVOID SITE STORM WATER & DRAINAGE SERVICES. LOCATE TREES A MINIMUM 1.25M FROM PITS
5. ALL PLANTING AROUND EXISTING TREES SHALL BE ADJUSTED TO AVOID DAMAGE AND CLASHING WITH SURFACE ROOTS
6. THE NATURE STRIP (STREET FRONTAGE) FOR THE SITE IS PUBLIC LAND, AND ONLY AUTHORIZED WORKS MAY OCCUR HERE. EXISTING CONDITIONS SUCH AS STREET TREES, COUNCIL PLANTING ETC SHALL BE RETAINED AND PROTECTED DURING CONSTRUCTION. UNLESS SPECIFIC APPROVAL HAS BEEN GRANTED FOR NEW WORK IN THIS AREA.
7. ALL TREES TO BE SOURCED IN ACCORDANCE WITH TESTS AND MEASUREMENTS CONTAINED WITHIN AS 2303-2015 - TREE STOCK FOR LANDSCAPE USE

TREES

Botanical Name: *Waterhousia floribunda*
Common Name: *Weeping Lilly Pilly* (Native)
Pot size: 75Lt
Mature H x S: 10m x 6m
Qty Required: 4

Botanical Name: *Elaeocarpus reticulatus*
Common Name: Blueberry Ash (Native)
Pot size: 100Lt
Mature H x S: 8-10m x 6-7m
Qty Required: 3

Botanical Name: *Tristaniopsis laurina 'Luscious'*
Common Name: Watergum (Native)
Pot size: 75Lt
Mature H x S: 5-8m x 3-5m
Qty Required: 1

Botanical Name: *Lagerstroemia indica*
Common Name: Crepe myrtle (Exotic)
Pot size: 75Lt
Mature H x S: 8m x 5m
Qty Required: 1

Botanical Name: *Magnolia 'Little Gem'*
Common Name: Magnolia Little Gem (Exotic)
Pot size: 75Lt
Mature H x S: 4.5m x 1.5-2m
Qty Required: 4

Botanical Name: *Banksia integrifolia*
Common Name: Coastal Banksia (Native)
Pot size: 75Lt
Mature H x S: 6-8m x 4-5m
Qty Required: 2

Botanical Name: *Melaleauca linariifolia*
Common Name: Snow in Summer (Native)
Pot size: 75Lt
Mature H x S: 6-8m x 4-6m
Qty Required: 2

Botanical Name: *Backhousia myrtifolia*
Common Name: Grey Myrtle (Native)
Pot size: 75Lt
Mature H x S: 4-6m x 2-4m
Qty Required: 3

SHRUBS & SCREEN PLANTING

Botanical Name: *Gardenia augusta 'True love'*
Common Name: Gardenia (Exotic)
Pot size: 300mm
Mature H x S: 1m x 1m
Qty Required: 13

Botanical Name: *Callistemon 'Macarthur'*
Common Name: Macarthur Bottlebrush (Native)
Pot size: 200mm
Mature H x S: 1.8m x 1.5m
Qty Required: 5

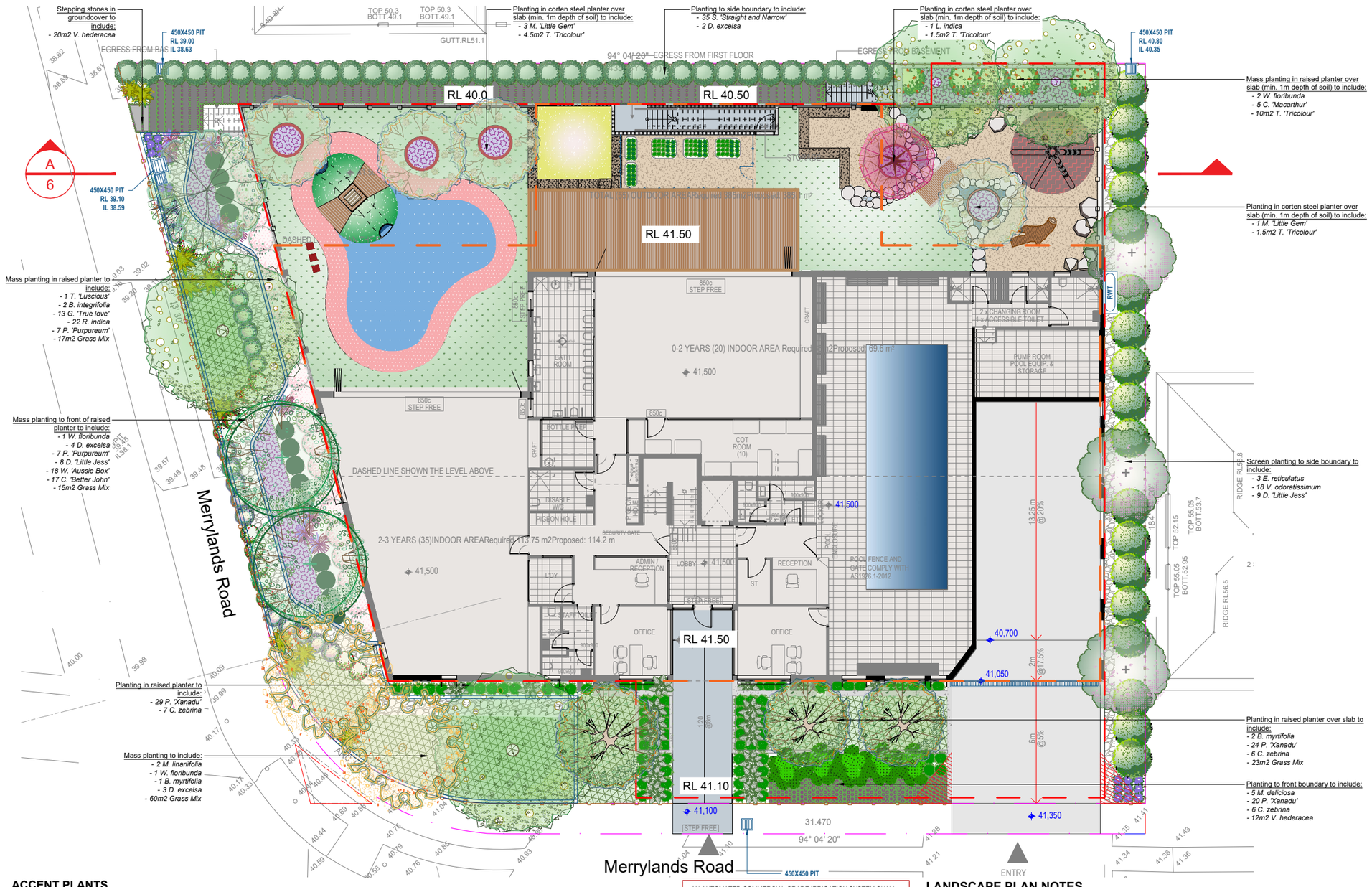
Botanical Name: *Viburnum odoratissimum*
Common Name: Sweet Viburnum (Exotic)
Pot size: 200mm
Mature H x S: 3m x 2m
Qty Required: 18

Botanical Name: *Rhaphiolepis indica*
Common Name: Indian Hawthorn (Exotic)
Pot size: 200mm
Mature H x S: 1.5m x 1.8m
Qty Required: 22

Botanical Name: *Syzygium australe 'Straight and Narrow'*
Common Name: Straight and Narrow Lilly Pilly (Native)
Pot size: 200mm
Mature H x S: 6-8m x 1-1.5m
Qty Required: 35

Botanical Name: *Callistemon 'Better John'*
Common Name: Better John Bottlebrush (Native)
Pot size: 200mm
Mature H x S: 1m x 0.9m
Qty Required: 17

Botanical Name: *Westringia 'Aussie Box'*
Common Name: Westringia Aussie Box (Native)
Pot size: 200mm
Mature H x S: 0.9m x 0.9m
Qty Required: 18



ACCENT PLANTS

Botanical Name: *Phormium tenax 'Purpureum'*
Common Name: New Zealand Flax (Exotic)
Pot size: 300mm
Mature H x S: 0.9m x 0.9m
Qty Required: 9

Botanical Name: *Doryanthes excelsa*
Common Name: Gymea Lily (Native)
Pot size: 300mm
Mature H x S: 1.1m x 1m
Qty Required: 10

Botanical Name: *Calathea zebrina*
Common Name: Zebra plant (Exotic)
Pot size: 300mm
Mature H x S: 1m x 0.6m
Qty Required: 19

Botanical Name: *Philodendron 'Xanadu'*
Common Name: Xanadu Plant (Exotic)
Pot size: 200mm
Mature H x S: 0.7m x 0.7m
Qty Required: 73

Botanical Name: *Monstera deliciosa*
Common Name: *Ceriman (Exotic)*
Pot size: 300mm
Mature H x S: 1.5m x 2m
Qty Required: 5

GROUNDCOVERS & GRASSES

Botanical Name: *Dianella 'Little Jess'*
Common Name: Little Jess Flax Lily (Native)
Pot size: 140mm
Mature H x S: 0.4m x 0.4m
Qty Required: 17

Botanical Name: *Trachelospermum 'Tricolour'*
Common Name: Tricolour Jasmine (Exotic)
Pot size: 140mm
Mature H x S: 0.2m x spreading
Qty Required: 5/m2 (**17.5m2 total**)

Botanical Name: *Viola hederacea*
Common Name: Sweet Violet (Native)
Pot size: 140mm
Mature H x S: 0.2m x spreading
Qty Required: 9/m2 (**32m2 total**)

BIO-DETENTION BASIN GRASS MIX

Carex appressa
Poa 'Eskdale'
Dianella revoluta
Juncus amabilis
Isolepis inundata

Pot size: Tube stock
Mature H x S: 0.8m x 0.75m
Qty Required: 7/m2 (**115m2 total**)

Refer detail 21:Planting Matrix

AN AUTOMATED COMMERCIAL GRADE IRRIGATION SYSTEM SHALL BE PROFESSIONALLY INSTALLED TO ALL GARDEN AREAS, INCLUDING RAISED PLANTERS, UPPER FLOOR PLANTERS AND GARDENS IN NATURAL GROUND. THE SYSTEM SHALL BE DESIGNED AND INSTALLED IN LINE WITH THE IRRIGATION PERFORMANCE SPECIFICATION, BY A LICENCED CONTRACTOR OR LANDSCAPER. THE LICENCED CONTRACTOR SHALL PREPARE AN 'AS BUILT' PLAN OF THE SYSTEM TO THE SUPERINTENDENT FOR STRATA RECORDS, FOR FUTURE MAINTENANCE.

DRAINAGE PITS AND DRAINAGE LINES SHOULD BE LOCATED WITHIN GARDEN AREAS TO ALLOW FOR SITE DRAINAGE WHILE MINIMISING IMPACT ON THE PROPOSED PLANTING SCHEME.
WHERE POSSIBLE, PITS AND LINEWORK SHOULD BE LOCATED AT THE EDGE OF LANDSCAPE STRIPS TO AVOID PRECLUDING PLANTING CENTRALLY IN GARDEN AREAS. WHERE PITS AND LINEWORK OCCUR WITHIN GARDEN BEDS, THE LANDSCAPE CONTRACTOR SHALL TAKE ALL PRECAUTIONS TO AVOID DAMAGING STORM WATER WHEN PLANTING SHRUBS AND TREES. LANDSCAPE CONTRACTORS SHALL NOT ALTER THE FORM OF SWALES DESIGNED TO DIRECT OVERLAND FLOW.

LANDSCAPE PLAN NOTES

This plan should be read in conjunction with the architectural and hydraulics plans. Work specific to these plans should be prepared in accordance to these plans, including specification and details prior to the installation of landscaping, and should not be altered or compromised during landscape construction. **Retaining wall details to engineers design.**
Elements such as drainage swales may be incorporated in garden bed areas (using non-floatable mulch) without compromising the capacity or form.

This plan has been prepared for Development Application approval only, not for construction.

This plan has been prepared with reference to ***Cumberland*** Landscaping Guidelines & requirements. Planting proposed using commercially available plant species selected from local planting lists and the BASIX local plant list and from Sydney Waters "Plant Selector" web site one-drip rated native plants ***(acceptable for BASIX planting)***.

The Design & location of new letter boxes shall be in accordance with Australia Post's "Requirements for Delivery of Mail to Residential Premises" published Feb '97. All noxious weeds listed in Councils weed lists & located on the site shall be continually removed & suppressed. Reinstate all boundary fencing in poor condition with Council approved 1.8m fencing to rear of building line, rake to 1m forward of BL. Pollution, sediment & erosion control devices as specified shall be in place, and maintained for the duration of the construction period. Proposed excavation near existing established trees to be supervised by arborist.

DA. approved landscape plan's are required to be constructed as approved to obtain occupancy certificate. ***Permeable areas may be indicated to achieve site coverage restrictions & should be constructed as drawn on this plan.***

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Australian Institute of Landscape Architects AILA Associate

ARCHITECT: URBAN LINK

LANDSCAPE ARCHITECT: Conzept Landscape Architects
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Mob: 0413 861 351
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enquiries@conzept.net.au

COUNCIL: CUMBERLAND
CLIENT: CENTENARY HOLDINGS PTY

REV	DATE	NOTATION/AMENDMENT
A	16.12.22	Concept plan prepared for review
B	11.01.23	Drafted DA plan prepared for review
C	17.01.23	Co-ordinated with stormwater plan
D	01.02.23	Issued for DA
E	06.11.23	Co-ordinated with architectural plan & council's comments
F	15.11.23	For submission

PROJECT: PROPOSED CHILDCARE DEVELOPMENT
3 CENTENARY ROAD, MERRYLANDS

Bar Scale
0 2 4 6 8 10m

TITLE: LANDSCAPE PLAN/GF
STATUS: DEVELOPMENT APPLICATION
SCALE: 1:100 @A1
DATE: NOV 2023
DWG No: LPDA23-139
SHEET: 2
ISSUE: F
DRAWN: C.D/K.Z
CHECKED: R.F

LEGEND & SCHEDULE

NOTES:
1. ALL FINAL PLANT QUANTITIES INDICATED ON PLANS SHALL BE CHECKED AND VERIFIED BY SUCCESSFUL LANDSCAPE CONTRACTOR.
2. ANY PLANT SUBSTITUTES REQUIRED DUE TO UNAVAILABILITY SHALL BE RECOMMENDED BY THE LANDSCAPE CONTRACTOR TO BEST MATCH SUBSTITUTED PLANTS AND APPROVED PRIOR TO PURCHASING BY THE LANDSCAPE ARCHITECT.
3. WORKS CERTIFIED FOR FINAL OCCUPANCY CERTIFICATE ARE TO MATCH APPROVED LANDSCAPE PLANS.
4. LANDSCAPE CONTRACTOR SHALL LOCATE AND AVOID SITE STORM WATER & DRAINAGE SERVICES. LOCATE TREES A MINIMUM 1.25M FROM PITS
5. ALL PLANTING AROUND EXISTING TREES SHALL BE ADJUSTED TO AVOID DAMAGE AND CLASHING WITH SURFACE ROOTS
6. THE NATURE STRIP (STREET FRONTAGE) FOR THE SITE IS PUBLIC LAND, AND ONLY AUTHORIZED WORKS MAY OCCUR HERE. EXISTING CONDITIONS SUCH AS STREET TREES, COUNCIL PLANTING ETC SHALL BE RETAINED AND PROTECTED DURING CONSTRUCTION, UNLESS SPECIFIC APPROVAL HAS BEEN GRANTED FOR NEW WORK IN THIS AREA.
7. ALL TREES TO BE SOURCED IN ACCORDANCE WITH TESTS AND MEASUREMENTS CONTAINED WITHIN AS 2303-2015 - TREE STOCK FOR LANDSCAPE USE

GARDEN SCALE AND FEARUTE TREES

Botanical Name: *Magnolia 'Little Gem'*
Common Name: Magnolia Little Gem (Exotic)
Pot size: 45Lt
Mature H x S: 4.5m x 1.5-2m
Qty Required: 3

SHRUBS

Botanical Name: *Westringia 'Aussie Box'*
Common Name: Westringia Aussie Box (Native)
Pot size: 200mm
Mature H x S: 0.9m x 0.9m
Qty Required: 1

GROUNDCOVERS & GRASSES

Botanical Name: *Trachelospermum 'Tricolour'*
Common Name: Tricolour Jasmine (Exotic)
Pot size: 140mm
Mature H x S: 0.2m x spreading
Qty Required: 5/m2 **(6m2 total)**

SAMPLE IMAGES

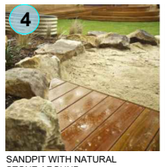
Images are diagrammatic only, and final planting species may vary, as determined by Council Approval


CUBBY HOUSE


Aarons cubby house


PERFORMANCE DECKING STAGE


SANDSTONE LOG SEATINGS


SANDPIT WITH NATURAL STONE AROUND


MUD KITCHEN


SHADE SAIL



Play gas station



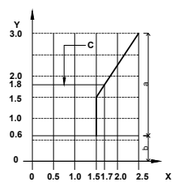


DIAGRAM 1: IMPACT AREA
AS 4685.1 (OR CURRENT VERSION)

If 0 ≤ y < 0.6 then x ≤ 1.5 (in meters)
If 0.6 ≤ y ≤ 1.5 then x = 1.5 (in meters)
If y>1.5, then x = 1.7
LEGEND
y = free height of fall
x = minimum dimension of impact area
a = impact attenuating surface with requirements (4.2.8.5.2)
b = surface provided in accordance with 4.2.8.5.3
c = maximum free height of fall and impact area for Supervised Early Childhood Services (SECS)

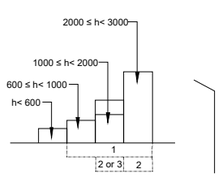


DIAGRAM 3: NOT EASILY ACCESSIBLE EQUIPMENT
AS 4685.1 (OR CURRENT VERSION)

KEY
1 Surfacing in accordance with 4.2.8.5
2 Barriers required
3 Guardrail required

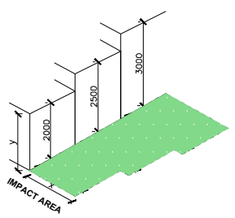


DIAGRAM 2: FALLING SPACE
AS 4685.1 (OR CURRENT VERSION)

CHILDCARE / PLAYGROUND SAFETYFALL ZONES (As Published by KIDSAFE NSW)

1. Playground equipment that measures 600mm or more above ground level requires a falling space and impact area.
2. Surfaces must have proof of testing in accordance with AS/NZS 4422
3. The maximum height of platforms in Education and Care Services is 1800mm
4. For static equipment items with platforms 600-1500mm above the ground, the falling space and impact area is 1500mm
5. A falling space/impact area of 1.7m is required for the maximum 1.8m platform height in SECS
6. Slides - Falling space and impact areas are required to be provided surrounding slides elevated more than 600mm above the playing surface
7. Equipment less than 600mm above ground level must be provided with an impact area of less than 1500mm. Kidsafe NSW recommends a circulation zone of 1000mm is provided surrounding low equipment items that are designed for climbing rocking or jumping.
8. The maximum fall height for moveable equipment is 1.5m (at the highest foot support and/or platform)
9. A minimum falling space and impact area of 1.5m is required for equipment items that measure 600mm or more above the ground.

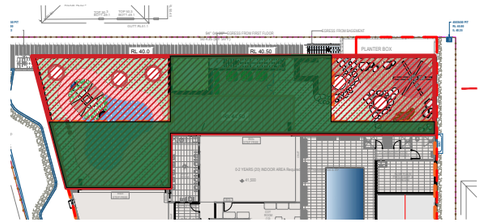
OUTDOOR PLAY AREA CALCULATIONS

REQUIRED OUTDOOR PLAY AREA TO GF: **385m²**
(7m² per child, 55 children in total)

PROPOSED OUTDOOR PLAY AREA TO GF: **385.1m²**
(Compliant)

REQUIRED OUTDOOR SHADE AREA(GF): **115.5-231.1m² (30%-60%)**

PROPOSED OUTDOOR SHADE AREA: **219.5m² (57.0%)**
(COMPLIANT)

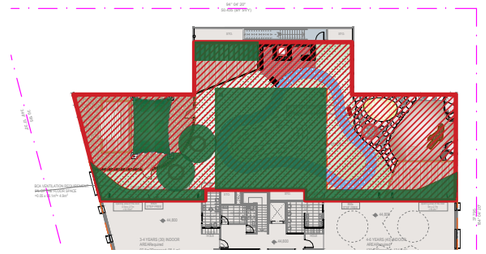


REQUIRED OUTDOOR PLAY AREA TO L1: **490m²**
(7m² per child, 70 children in total)

PROPOSED OUTDOOR PLAY AREA TO L1: **515.4m²**
(Compliant)

REQUIRED OUTDOOR SHADE AREA(L1): **154.6-309.2m² (30%-60%)**

PROPOSED OUTDOOR SHADE AREA: **217.5m² (42.2%)**
(COMPLIANT)



OUTDOOR PLAY AREA OUTDOOR SHADE AREA

AN AUTOMATED COMMERCIAL GRADE IRRIGATION SYSTEM SHALL BE PROFESSIONALLY INSTALLED TO ALL GARDEN AREAS, INCLUDING RAISED PLANTERS, UPPER FLOOR PLANTERS AND GARDENS IN NATURAL GROUND. THE SYSTEM SHALL BE DESIGNED AND INSTALLED IN LINE WITH THE IRRIGATION PERFORMANCE SPECIFICATION, BY A LICENCED CONTRACTOR OR LANDSCAPER. THE LICENCED CONTRACTOR SHALL PREPARE AN 'AS BUILT' PLAN OF THE SYSTEM TO THE SUPERINTENDENT FOR STRATA RECORDS, FOR FUTURE MAINTENANCE.

LANDSCAPE PLAN NOTES

This plan should be read in conjunction with the architectural and hydraulics plans. Work specific to these plans should be prepared in accordance to these plans, including specification and details prior to the installation of landscaping, and should not be altered or compromised during landscape construction. **Retaining wall details to engineers design.**
Elements such as drainage swales may be incorporated in garden bed areas (using non-floatable mulch) without compromising the capacity or form.

This plan has been prepared for Development Application approval only, not for construction.

This plan has been prepared with reference to ***XXXXXX*** Landscaping Guidelines & requirements. Planting proposed using commercially available plant species selected from local planting lists and the BASIX local plant list and from Sydney Waters "Plant Selector" web site one-drip rated native plants ***(acceptable for BASIX planting)***.

The Design & location of new letter boxes shall be in accordance with Australia Post's "Requirements for Delivery of Mail to Residential Premises" published Feb '97. All noxious weeds listed in Councils weed lists & located on the site shall be continually removed & suppressed. Reinstate all boundary fencing in poor condition with Council approved 1.8m fencing to rear of building line, rake to 1m forward of BL. Pollution, sediment & erosion control devices as specified shall be in place, and maintained for the duration of the construction period. Proposed excavation near existing established trees to be supervised by arborist.

XXXXXX approved landscape plan's are required to be constructed as approved to obtain occupancy certificate. ***Permeable areas may be indicated to achieve site coverage restrictions & should be constructed as drawn on this plan.***

GENERAL NOTE:
Figured dimensions take preference to scale readings. Verify all dimensions on site. PDF'd plans may vary slightly in Scale but that indicated on plans. Report any discrepancies to the Landscape Architect before proceeding with the work.
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If this Status of this drawing is not signed off For Construction it may be subject to change, alteration or amendment at the discretion of our office.
If so, Conzept is not liable for any loss, damage, harm or injury whether special, consequential, direct or indirect, suffered by you or any other person as a result of your use of this drawing for construction purposes.
These plans and associated IP remain the property of Sulphurwood Enterprises (T/A Conzept) until such time as all agreed payments are made in full. We retain the right to withdraw this information from the assessment process if such payments are not made following the notification period.

Australian Institute of Landscape Architects AILA Associate

www.dialbeforeyoudig.com.au DIAL1100 BEFORE YOU DIG

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enquiries@conzept.net.au

COUNCIL: CUMBERLAND
CLIENT: CENTENARY HOLDINGS PTY

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PROJECT: PROPOSED CHILDCARE DEVELOPMENT
3 CENTENARY ROAD, MERRYLANDS

Bar Scale 0 2 4 6 8 10m

TITLE: LANDSCAPE PLAN/L1
STATUS: DEVELOPMENT APPLICATION
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DATE: NOV 2023
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DRAWN: C.D/K.Z
CHECKED: R.F

LANDSCAPE WORK SPECIFICATION

PRELIMINARIES

1.01 GENERAL

The following general conditions should be considered prior to the commencement of landscape works:

- The landscape plans should be read in conjunction with the architectural plans, project arborist's assessment, hydraulic plans, service plans and survey prepared for the proposed development.
- All services including existing drainage should be accurately located prior to the commencement of landscape installation. Any proposed tree planting which falls close to services will be relocated on site under the instruction of the landscape architect.
- Installation of conduit for required irrigation, electrical and other services shall be completed prior to the commencement of hardscape works and hardstand pours.
- All outdoor lighting specified by architect or client to be installed by qualified electrician
- Anomalies that occur in these plans should be brought to our immediate attention.
- Where an Australian Standard applies for any landscape material testing or installation technique, that standard shall be followed.

1.02 PROTECTION OF ADJACENT FINISHES

The Contractor shall take all precautions to prevent damage to all or any adjacent finishes by providing adequate protection to these areas / surfaces prior to the commencement of the Works

1.03 PROTECTION OF EXISTING TREES

Existing trees identified to be retained shall be done in accordance with **(AS)4970-Protection of trees on development sites** as well as in accordance with the tree protection measures prepared by project arborist.

Where general works are occurring around such trees, or pruning is required, a qualified Arborist shall be engaged to oversee such works and manage tree health.
Existing trees designated on the drawing for retention shall be protected at all times during the construction period. Any soil within the drip-line of existing trees shall be excavated and removed by hand only. No stockpiling shall occur within the root zone of existing trees to be retained.

Any roots larger in diameter than 50mm shall only be severed under instruction by a qualified arborist. Roots smaller than 50mm diameter shall be cut cleanly with a saw.

Temporary fencing shall be installed around the base of all trees to be retained prior to the commencement of landscape works. Where possible this fencing will be located around the drip line of these trees, or a minimum of 3m from the trunk. The fencing shall be maintained for the full construction period.

1.04 EROSION & POLLUTION CONTROL

The Contractor shall take all proper precautions to prevent the erosion of soil from the subject site. The contractor shall install erosion & sediment control barriers and as required by council, and maintain these barriers throughout the construction period. Note that the sediment control measures adopted should reflect the soil type and erosion characteristics of the site.

Erosion & pollution control measures shall incorporate the following:
- Construction of a sediment trap at the vehicle access point to the subject site.
- Sediment fencing using a geotextile filter fabric in the location indicated on the erosion control plan or as instructed on site by the landscape architect.
- Earth banks to prevent scour of stockpiles
- Sandbag kerb sediment traps
- Straw bale & geotextile sediment filter.
- Exposed banks shall be pegged with an approved Jute matting in preparation for mass planting

Refer to "Sitewise Reference Kit" as prepared by DLWC & WSROC (1997) for construction techniques

SOIL WORKS

2.01 MATERIALS

Specified Soil Conditioner (Generally to improve site soil)
The specified soil conditioner for site top-soil improvement shall be an organic mix, equal to "Botany Humus", as supplied by ANL. Note that for sites where soil testing indicates toxins or extremes in pH, or soils that are extremely poor, allow to excavate and supply 300mm of imported soil mix.

New gardens & proposed Planting
New garden and planting areas shall consist of a 50/50 mix of clean site soil (refer d) below) and imported "Organic Garden Mix" as supplied by ANL or approved equal. All mixes are to comply with AS 4419 Soils for landscaping & garden use, & AS 4454 Composts, Soil conditioners & mulches.

Specified Soil Mix - Turf
The specified soil mix for all turf areas shall be a min 75mm layer of imported soil mix consisting of 80% washed river sand (reasonably coarse), and 20% composted organic matter equivalent to mushroom compost or soil conditioner, or other approved lawn top dress.

Site Topsoil
Site topsoil is to be clean and free of unwanted matter such as gravel, clay lumps, grass, weeds, tree roots, sticks, rubbish and plastics, and any deleterious materials and materials toxic to plants. The topsoil must have a pH of between 5.5 and 7. Use 100% imported soil mix when site when site topsoil runs out.

2.02 INSTALLATION (TO GARDEN OUTSIDE OF TREE PROTECTION ZONES OF TREES RECOMMENDED TO BY RETAINED)
Note: No level changes (Cut or Fill), soil ripping within the Tree Protection Zones of trees to be retained
a) Testing
All testing is to be conducted in accordance with AS 1289 Methods for testing soils for engineering purposes. Site soil shall be given a pH test prior to modifying to ensure conditions are appropriate for planting as stated above. Tests shall be taken in several areas where planting is proposed, and the pH shall be adjusted accordingly with sulphur or lime to suit.

Note that a soil test conducted by the "Sydney Soil Lab" or approved equal shall be prepared for all commercial, industrial and multi-unit residential sites. The successful landscape contractor shall implement the recommendations of this test.

b) Set Out of Individual Trees & Mass Planting Areas
All individual tree planting positions and areas designated for mass planting shall be set out with stakes or another form of marking, ready for inspection and approval. Locate all services.

c) Establishing Subgrade Levels outside of tree protection zones of trees to be retained
Subgrade levels are defined as the finished base levels prior to the placement of the specified material (i.e. soil conditioner). The following subgrade levels shall apply:
- Mass Planting Beds - 300mm below existing levels with specified imported soil mix.
- Turf areas - 100mm below finished surface level.

Note that all subgrades shall consist of a relatively free draining natural material, consisting of site topsoil placed previously by the Civil Contractor. No builders waste material shall be acceptable.

d) Subgrade Cultivation
Cultivate all subgrades to a minimum depth of 100mm in all planting beds and all turf areas, ensuring a thorough breakup of the subgrade into a reasonably coarse tilth. Grade subgrades to provide falls to surface and subsurface drains, prior to the placement of the final specified soil mix.

e) Drainage Works
Install surface and subsurface drainage where required and as detailed on the drawing. Drain subsurface drains to outlets provided, with a minimum fall of 1:100 to outlets and / or service pits.

f) Placement and Preparation of Specified Soil Conditioner & Mixes.
- Trees in turf & beds - Holes shall be twice as wide as root ball and minimum 100mm deeper - backfill hole with 50/50 mix of clean site soil and imported "Organic Garden Mix" as supplied by ANL or approved equal.
- Mass Planting Beds - Install specified soil conditioner to a compacted depth of 100mm

Place the specified soil conditioner to the required compacted depth and use a rotary hoe to thoroughly mix the conditioner into the top 300mm of garden bed soil. Ensure thorough mixing and the preparation of a reasonably fine tilth and good growing medium in preparation for planting.
- Turf Areas - Install specified soil mix to a minimum compacted depth of 75mm.

Place the specified soil mix to the required compacted depth and grade to required finished soil levels, in preparation for planting and turfing.

PLANTING

3.01 MATERIALS

a) Quality and Size of Plant Material
All trees supplied above a 25L container size must be grown and planted in accordance with **AS 2303:2018 'TREE STOCK FOR LANDSCAPE USE'** Certification that trees have been grown to AS 2303:2018 is to be provided upon request of Council's Tree Management Officer.
Above - Ground Assessment:
The following plant quality assessment criteria should be followed:
Plant true to type, Good vigour and health, free from pest & disease, free from injury, self-supporting, good stem taper, has been pruned correctly, is apically dominant, has even crown symmetry, free from included bark & stem junctions, even trunk position in pot, good stem structure
Below - Ground Assessment:
Good root division & direction, rootball occupancy, rootball depth, height of crown, non-suckering For further explanation and description of these assessment criteria, refer to Ross Clark's book.
All Plant material shall be to the type and size specified. No substitutions of plant material shall be permitted without written prior approval by the Landscape Architect. No plant shall be accepted which does not conform to the standards listed above.

b) Stakes and Ties
Provide min. 3 No. Stakes and ties to all plants identified as trees in the plant schedule. Stakes shall be sound, unpainted, straight hardwood, free of knots and pointed at one end. They shall be 1800mm x 50mm x 50mm Hardwood timber, or as per council specification where is available. Ties shall be 50mm wide hessian webbing material.

c) Fertilisers
Fertilisers shall be approved slow release fertilisers suitable for the proposed planting types. Note that for native plants, specifically Proteaceae family plants including Grevillea species, low phosphorus fertilizers shall be used.

d) Mulch
Mulch for general planter bed shall be an approved equal to "FOREST FINE" as supplied by ANL. Mulch shall be completely free from any soil, weeds, rubbish or other debris. Mulch for bio-retention/rain garden area where is required shall be non-floatable materials that could include crushed rock, gravel, coarse river sand, scoria or river pebbles. 4-7mm screenings or similar.

e) Turf
Turf for project site shall be soft leaf Buffalo or Zoysia macrantha 'Nana' or equivalent unless stated otherwise), free from any weeds and other grasses, and be in a healthy growing condition. Re-turfing to nature strip where is required shall use species that match existing on street.

3.02 INSTALLATION

a) Setting Out
All planting set out shall be in strict accordance with the drawings, or as directed. Note that proposed tree planting located near services should be adjusted at this stage. Notify Landscape Architect for inspection for approval prior to planting.

b) Planting
All plant material shall be planted as soon after delivery as possible. Planting holes for trees shall be excavated as detailed and specified. Plant containers shall be removed and discarded, and the outer roots gently teased from the soil mass. Immediately set plant in hole and backfill with specified soil mix, incorporating the approved quantity of fertiliser for each plant type. Ensure that plants are set plumb vertically and root balls set to the consolidated finished grades detailed on the drawings. Compact the backfilled soil and saturate by hand watering to expel any remaining air pockets immediately after planting.

c) Staking and Tying
Staking and tying shall be in strict accordance with the drawings and shall occur immediately following plant placement and soil backfilling. All plants identified as "Trees" on the planting schedule shall be staked with a min. 3 stakes.

d) Mulching
Mulch for general planter bed shall be an approved equal to "Forest Fine" as supplied by ANL. Mulch shall be completely free from any soil, weeds, rubbish or other debris. Mulch for bio-retention/rain garden area where is required shall be non-floatable materials that could include crushed rock, gravel, scoria or river pebbles. 4-7mm screenings or similar.

e) Turfing
Moisten soil prior to the turf being laid. Turf shall be neatly butt jointed and true to grade to finish flush with adjacent surfaces. Incorporate a lawn fertilizer and thoroughly water in. Keep turf moist until roots have taken and sods/rolls cannot be lifted. Keep all traffic off turf until this has occurred. Allow for top dressing of all turf areas. All turf shall be rolled immediately following installation.

f) Aluminium Link Edge garden edging
The Contractor shall install Aluminium garden edging similar equivalent to Link Edge as detailed on the drawings, to all mass planting beds adjoining turf or gravel mulched areas, and where required. The resultant edge shall be true to line and flush with adjacent surfaces.

g) Earth retaining structure
All walls which form part of drainage works must be built as detailed by the hydraulic engineer. All walls exceeding 800mm shall be of **not** timber construction materials, construction details to be provided by a qualified engineer. Install wall to suit site levels and to manufacture's specification.

HARDSCAPE WORKS

4.01 GENERAL

The Contractor shall undertake the installation of all hardscape works as detailed on the drawing. Where hardscape materials of construction and finishes not specified on plan, refer to Architect & engineers' drawing. Proprietary items refers to approved manufacturers details & specification. Shop drawings to be provided by product supplier, consultants, or fabricator.

Australian Standards shall be adhered to in relation to all concrete, masonry & metal work. Some details are typical and may vary on site. All hardscape works shall be setout as per the drawings, and inspected and approved by the Landscape Architect prior to installation. All workmanship shall be of the highest standard. Any queries or problems that arise from hardscape variations should be bought to the attention of the Landscape Architect.
Your attention is directed to any obligations or responsibilities under the Dividing Fences Act, 1991 in respect of adjoining property owner/s which may arise from this application. Any enquiries in this regard may be made to the Crown Lands Division on (02) 8836 5332.

4.02 Timber structures - Bridges, Handrails & relavent play elements
Supply and install the scheduled items in accordance with the manufacturer's recommendations. Provide all footings and fixings required for the items to be stable and in accordance with applicable codes and standards. All timber play equipment will adhere to relevant Australian Standards AS4685.1:2021. The maximum allowable free height of fall (FHOF) limits of any component of play equipment to comply with AS4685.

4.03 Sandstone log seating
Supply and install natural rounded sandstone boulders for seating where shown on the drawings and size as specified. All stone edges shall have 50mm rounded edges to eliminate sharp sections. Boulders shall be hard sandstone and flat top rounded in shape.

4.04 Stone boulders, rock pebbles for dry creek
Selected rounded boulders, rocks & pebbles smooth all sharp edging as specified on drawing.

4.05 Softfall material
Soft fall material shall be from an approved supplier in accordance with AS4685.0:2017 and AS4422:2016. All certified softfall will be tested to a fall height no less than 1600mm for consistency across the centres and irrespective of the height of equipment. Certificate of compliance shall be provided by builder for all softfall areas.Loose soft fall material shall be in depth of minimum 300mm of an approved bark or chip type as specified. Sand undersurfacing shall be in depth of minimum 500mm. Supplier of undersurfacing is to provide compliance certificate stating compliance to the Australian Standards.

4.06 Garden retaining walls, Fences, Steps, TGSI
Construct retaining walls, fences, steps, TGSI as shown on plan, as per engineer's details and to adhere to the relevant Australian Standards. Ground surface indicators including TGSI tactile, step nosings to comply with engineer specifications or relevant construction standards.

IRRIGATION WORKS

5.01 GENERAL (PERFORMANCE SPECIFICATION)

New irrigation systems to planting areas shall be a Commercial Grade Irrigation System conforming to all relevant Australian standards, including AS 3500 & the Electrical Safety Act 2002, Workplace Health & Safety Act 2011, & the latest Sydney Water Code

An automated drip-irrigation system is to be installed to all gardens, planters and lawn areas in accordance with the approved Irrigation Design. This system shall be designed and installed by a qualified and licensed irrigation specialist, to the highest industry standards and to maximise the efficient usage of water.
The Installer is required to obtain all approvals necessary for the completion of works in accordance with the Laws of Australia, Laws of the State of NSW, Cumberland Council By-Laws and Ordinances.

Drawings:
- The Landscape Contractor nominated Licensed Irrigation Specialist shall provide irrigation drawings for approval upon engagement.

Design Requirements:
- The irrigation system shall be installed prior to all planting works. It shall incorporate a commercially available irrigation system, with sub-surface dripper lines to irrigate all gardens, planters and lawn areas.
- It shall incorporate a suitable back flow prevention device for the scale of works, an in-line filter, check valves, and suitable high and low density poly hose fittings and PVC piping to achieve flow rates suitable for specified planting.
- The irrigation application rate shall not exceed the infiltration rate of the soil or creates run-off.
- The landscape contractor shall check the existing pressure available from the ring mains and size irrigation piping to suit. Supply shall be from local hose cock where available.
- All piping and fittings shall be buried 50mm below the finished soil levels in garden and lawn areas, and secured in position at 500mm centres with galv wire pins.
- Size of pipes shall be selected to ensure the working pressure at the end of the line does not decrease by more than 5%.

Services Co-ordination:
- Co-ordination required by Landscape Contractor or Project Manager to provide required conduit, pipe work and penetration through slabs and planter walls for water and power provisions.
- The Landscape Contractor shall be engaged with the Irrigation Specialist to co-ordinate with the Project Manager to identify the preferred service and conduit locations.
- Project Manager and Landscape Contractor to establish area suitable for irrigation control system with required area, power provision and water supply.

Testing & Defects:
Upon completion of installation, the system shall be tested, including:
- Main Line Pressure Test: The main line is pressurised to test for leaks. All valves are shut and the pressure is taken over a determined length of time.
- Dripper Pressure Test: Measurement at flushing valves are taken and the pressure gauged to make sure it conforms to the manufacturer recommendations. The inlet pressure is then tested under the same conditions to check it does not exceed 300Kpa.
- All components are to be satisfactorily functional and operational prior to approval. Should any defect develop, or the capacity or efficiency of the system decline during the agreed maintenance system, then these faults shall be immediately rectified.

Warranty :
- A full 12 month warranty shall be included to cover labour and all parts.

Further Documentation:
- On request, a detailed irrigation performance specification report can be issued.

CONSOLIDATION AND MAINTENANCE

6.01 GENERAL

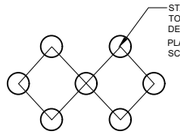
The consolidation and maintenance period shall be either :
- 6 months beginning from the approved completion of the specified construction work (Practical Completion)
- as agreed to in the landscape contractors contractual obligations.
- or as specified by Council in the Determination.

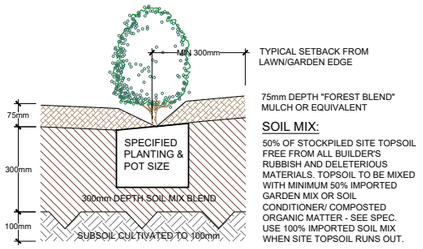
A qualified landscape maintenance contractor shall undertake the required landscape maintenance works. Consolidation and maintenance shall mean the care and maintenance of Contracted works by accepted landscaping or horticultural practices, ensuring that all plants are in optimum growing conditions and appearance at all times, as well as rectifying any defects that become apparent in the contracted works.

This shall include, but not be limited to, the following items where and as required:
- Watering all planting and lawn areas / irrigation maintenance.
- Clearing litter and other debris from landscaped areas.
- Removing weeds, pruning and general plant maintenance.
- Replacement of damaged, stolen or unhealthy plants.
- Make good areas of soil subsidence or erosion.
- Topping up of mulched areas.
- Spray / treatment for Insect and disease control.
- Fertilizing with approved fertilizers at correct rates.
- Mowing lawns & trimming edges each 14 days in summer or 18 days in winter
- Adjusting ties to Stakes
- Maintenance of all paving, retaining and hardscape elements.

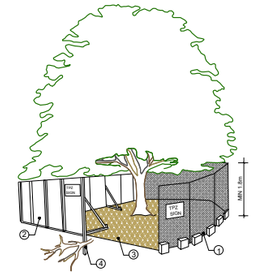
On the completion of the maintenance period, the landscape works shall be inspected and at the satisfaction of the superintendent or landscape architect, the responsibility will be signed over to the client.

6.02 O&M MANUALS, AS-BUILT DRAWINGS, TENDER SUBMISSION REQUIREMENTS etc,
Proprietary elements including playground equipments, services, surface material products, irrigation systems etc shall be maintained in accordance with supplier's operational manual & warranty.
Tender submission and as-built drawings to be provided by qualified personnel.





SOIL MIX:
50% OF STOCKPILED SITE TOPSOIL FREE FROM ALL BUILDER'S RUBBISH AND DELETERIOUS MATERIALS. TOPSOIL TO BE MIXED WITH MINIMUM 50% IMPORTED GARDEN MIX OR SOIL CONDITIONER/ COMPOSTED ORGANIC MATTER - SEE SPEC. USE 100% IMPORTED SOIL MIX WHEN SITE TOPSOIL RUNS OUT.



1. CHAIN WIRE MESH PANELS WITH SHADE CLOTH (IF REQUIRED) ATTACHED, HELD IN PLACE WITH CONCRETE FEET

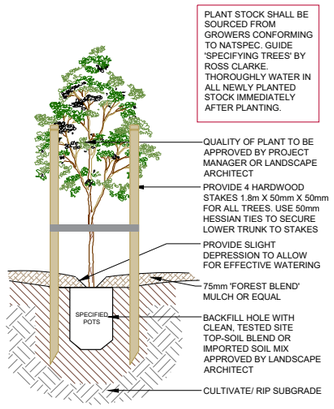
2. ALTERNATIVE PLYWOOD OR WOODEN PALING FENCE PANELS. THE FENCING MATERIAL ALSO PREVENTS BUILDING MATERIALS OR SOIL ENTERING THE TPZ

3. MULCH INSTALLATION ACROSS SURFACE OF TPZ (AT THE DISCRETION OF THE PROJECT ARBORIST). NO EXCAVATION, CONSTRUCTION ACTIVITY, GRADE CHANGES, SURFACE TREATMENT OR STORAGE OF MATERIALS OF ANY KIND IS PERMITTED WITHIN THE TPZ

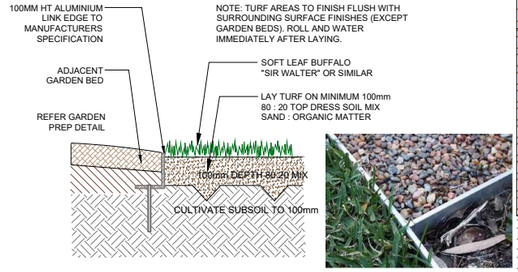
4. BRACING IS PERMISSIBLE WITHIN THE TPZ. INSTALLATION OF SUPPORTS TO AVOID DAMAGING ROOTS

PROVIDE FENCING AS DETAILED TO ALL TREES PROPOSED TO BE RETAINED ON THE SUBJECT SITE. FENCING TO BE LOCATED TO THE DRIP LINE OF TREES OR AS INDICATED ON PLANS OR DIRECTED ON-SITE BY ARBORIST. NO STOCKPILING WITHIN FENCE PERIMETERS.

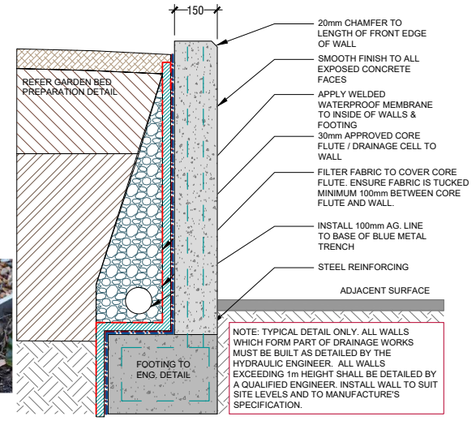
1:MASS PLANTING SETOUT
N.T.S



2:TYPICAL GARDEN PREPARATION
SCALE 1:10



3:TREE PROTECTION ZONE
N.T.S

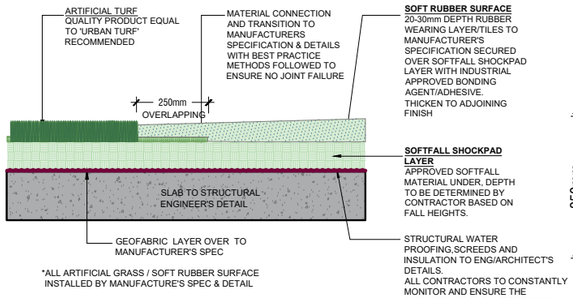


NOTE: TYPICAL DETAIL ONLY. ALL WALLS WHICH FORM PART OF DRAINAGE WORKS MUST BE BUILT AS DETAILED BY THE HYDRAULIC ENGINEER. ALL WALLS EXCEEDING 1m HEIGHT SHALL BE DETAILED BY A QUALIFIED ENGINEER. INSTALL WALL TO SUIT SITE LEVELS AND TO MANUFACTURE'S SPECIFICATION.

4: TREE PLANTING
SCALE: 1:10

5: LINK EDGE GARDEN EDGING DETAIL
SCALE: 1:10

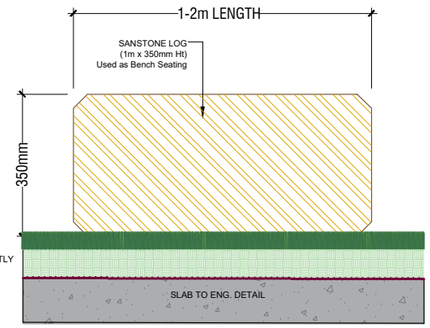
6. TYPICAL IN SITU RETAINING WALL DETAIL
SCALE 1:10



*ALL ARTIFICIAL GRASS / SOFT RUBBER SURFACE INSTALLED BY MANUFACTURE'S SPEC & DETAIL

ALL SURFACING DEVELOPMENT TO COMPLY WITH ***AS 4685.1:2021(OR CURRENT VERSION), PLAYGROUND EQUIPMENT AND SURFACING*** AND ***AS/NZ 4422 PLAYGROUND SURFACING – SPECIFICATIONS, REQUIREMENTS AND TEST METHOD.***

7: TYPICAL RUBBERISED SOFTFALL AND SYNTHETIC TURF ON SLAB
SCALE: 1:10



8:SANDSTONE BLOCK SEATING DETAIL
SCALE 1:10

GENERAL NOTE:
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AILA Associates

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COUNCIL
CUMBERLAND

CLIENT
CENTENARY HOLDINGS PTY

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PROJECT:
PROPOSED CHILDCARE DEVELOPMENT
3 CENTENARY ROAD,
MERRYLANDS

TITLE:
DETAILS & SPECIFICATION

STATUS:
DEVELOPMENT APPLICATION

SCALE:
AS SHOWN

DATE:
NOV 2023

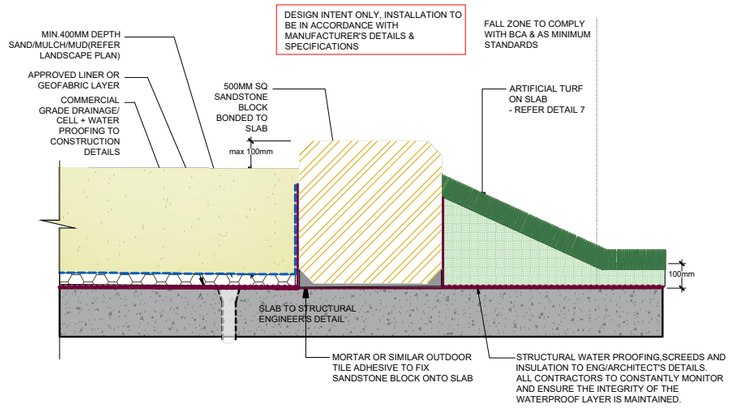
DWG.No:
LPDA23-139

SHEET:
4

ISSUE:
F

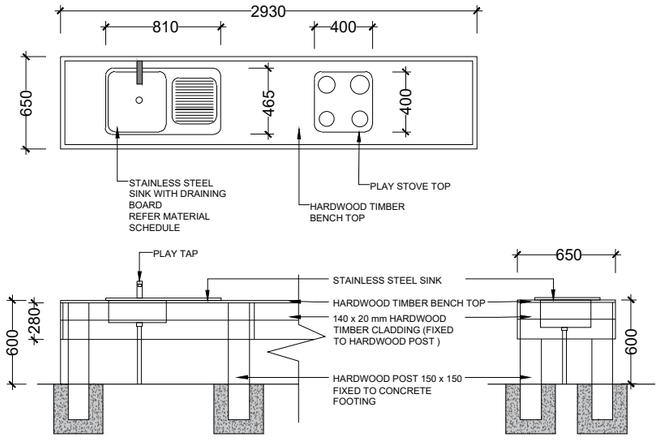
DRAWN:
C.D/K.Z

CHECKED:
R.F



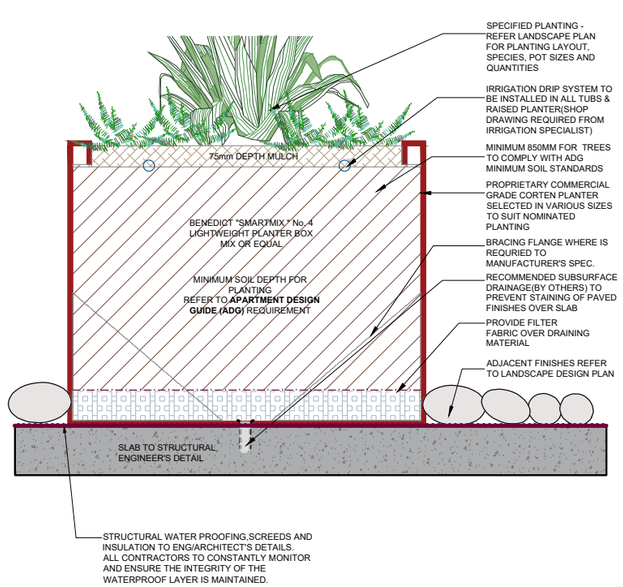
9. SANDSTONE BLOCK RETAINING WALL OVER SLAB

SCALE: 1:10



10: MUD KITCHEN

SCALE 1:20

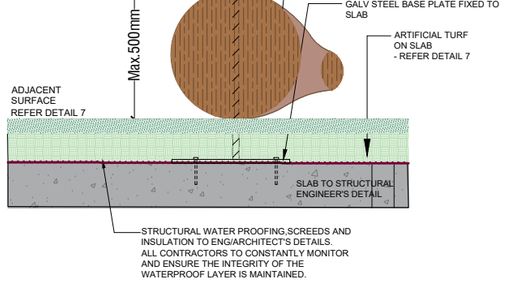




DESIGN INTENT IMAGES

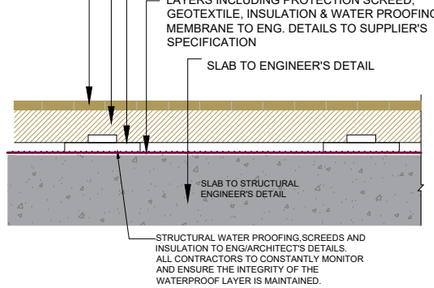
11.CORTEN STEEL PLANTER OVER SLAB

SCALE: 1:10



12. SEATING/BALANCE LOG DETAIL

SCALE: 1:10

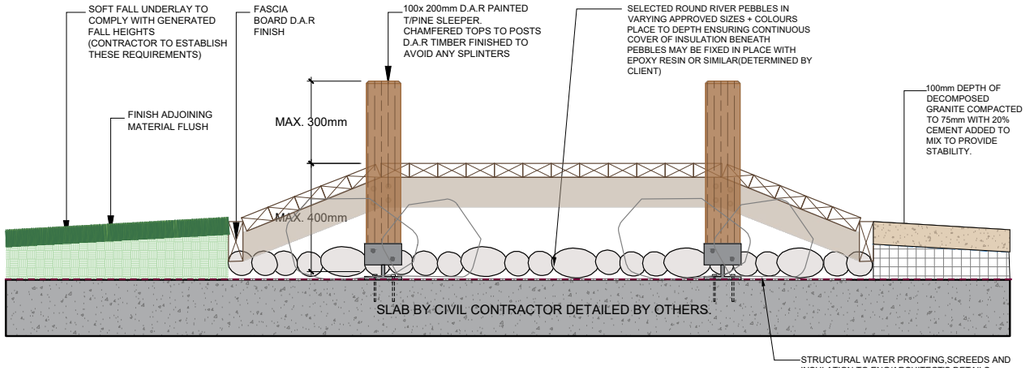




SpiraPave® providing support for timber decking

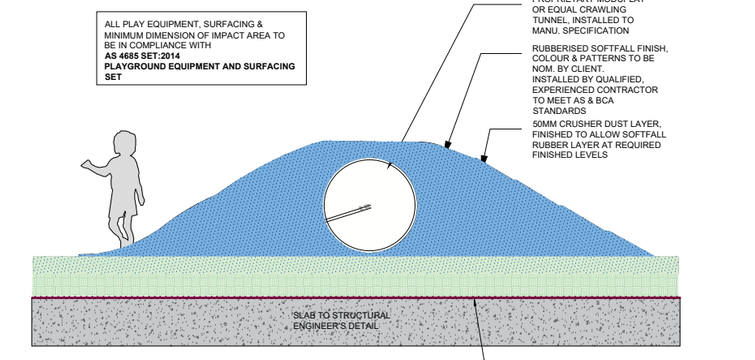
13. TIMBER DECKING DETAIL

SCALE 1:20



15: TIMBER FOOTBRIDGE ABOVE DRY CREEK BED

N.T.S



14. MOUND & TUNNEL

SCALE: 1:20





Size: 385mm ht, 1200x600mm
Number: 2



Size: 385mm ht, 1200x1000mm
Number: 2

Birdies 385mm Woodland Grey 9 In 1 Modular Raised Garden Bed from Bunnings Warehouse
https://www.bunnings.com.au/birdies-385mm-woodland-grey-9-in-1-modular-raised-garden-bed_p3321555

16. RAISED VEGETABLE GARDEN BED

SCALE: 1:20

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ALWAYS use mechanical methods of excavation within the zone of influence
ALWAYS use hand tools when working within the zone of influence
ALWAYS assume that all services are live
ALWAYS call 1100 before you dig
ALA Associate

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3 CENTENARY ROAD, MERRYLANDS

TITLE: DETAILS

STATUS: DEVELOPMENT APPLICATION

SCALE: AS SHOWN

DATE: NOV 2023

DWG.No: LPDA23-139

SHEET: 5

ISSUE: F

DRAWN: C.D/K.Z

CHECKED: R.F

SHADE CLOTHE AREAS ARE SHOWN DIAGRAMMATICALLY, AND SHALL BE DESIGNED AND DETAILED BY THE RELEVANT TRADE / CONTRACTOR TO COMPLY WITH SHADE, SAFETY AND STRUCTURAL REQUIREMENTS, CODES AND STANDARDS WITH FUTURE SHOP-DRAWINGS

FENCESCREEN SPECIFICATIONS

PROPERTIES	RESULTS
Tensile Strength	25 kN per ft
Nominal Break Strength	750 lbs per ft
Nominal Weight	525 g/m²
Cyclonic Pull Rate	197
Compression of UV Inhibitor	10% Impact ASTM D 4355 / 10% Equator OR 3000
Flamability Rate	25.4° C
Water Shed Wastage	95%

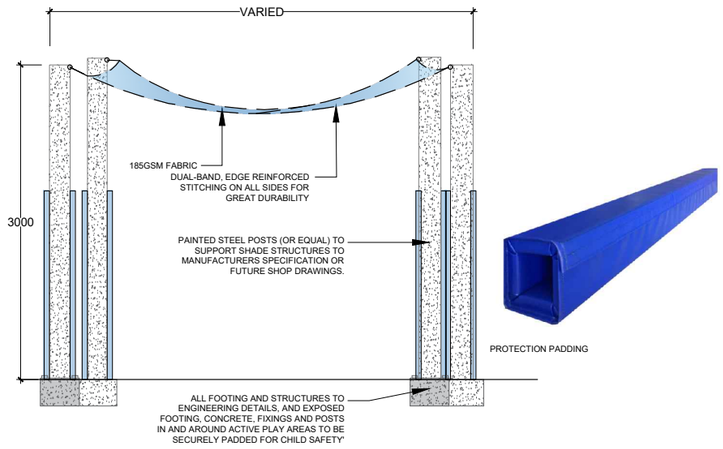
Attachment Arrangement

M1 Shade Sail | B1 Carabiner | B2 Turnbuckle | B3 Fastlink | B4 Nylon Cord

1 2 3 4 5

NOTE:
- INSTALL PER MANUFACTURERS RECOMMENDATIONS.
- REFER TO STRUCTURAL PLANS FOR ALL FOOTING SIZES.

ALL SHADE CLOTH INSTALLATION WILL REQUIRE SHOP/TECHNICAL DRAWINGS FOR CONSTRUCTION PREPARED BY OTHERS



17.SHADE CLOTH DETAIL

SCALE: N.T.S



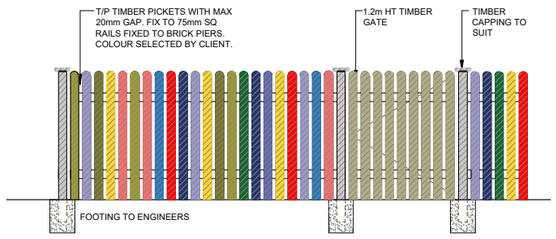
AARONS BUNGALOW CUBBY HOUSE

DIMENSION:
2.3m(W) x 2.6m(L) x 2.1m(H)

REFER:
https://www.aaronsoutdoor.com.au/cubbies-playgrounds/cubbies/

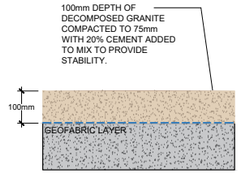
18. AARONS CUBBY HOUSE

POST CENTERS AT MAX 1.6m



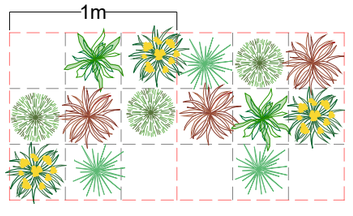
19. 1.2m HT TIMBER PICKET FENCE

SCALE 1:20



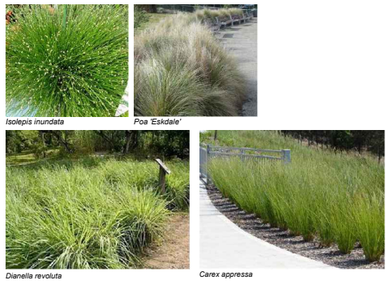
20: DECO GRANITE ON SLAB

SCALE: 1:10



Grass Mix:

KEY	Botanical Name
	Carex appressa
	Poa 'Eskdale'
	Dianella revoluta
	Juncus amabilis
	Isolepis inundata



21: BIO-DETENTION BASIN GRASS MIX PLANTING MATRIX

N.T.S



SECTION A-A

SCALE: 1:70

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DWG.No: LPDA23-139
SHEET: 6
ISSUE: F
DRAWN: C.D/K.Z
CHECKED: R.F

DOCUMENTS ASSOCIATED WITH REPORT ELPP019/25

Attachment 4

Stormwater Plans

BEFORE YOU DIG www.byda.com.au

STORMWATER MANAGEMENT PLANS

FOR

3 CENTENARY ROAD, MERRYLANDS NSW 2170



LOCALITY PLAN
N.T.S.

DRAWING SCHEDULE	
DRAWING No.	DRAWING TITLE
D00	COVER SHEET, LEGEND & DRAWING SCHEDULE
D05	EROSION AND SEDIMENT CONTROL PLAN
D06	EROSION AND SEDIMENT CONTROL DETAILS
D10	STORMWATER DRAINAGE PLAN - BASEMENT LEVEL
D11	STORMWATER DRAINAGE PLAN - GROUND LEVEL
D20	STORMWATER DRAINAGE DETAILS SHEET 1
D21	STORMWATER DRAINAGE DETAILS SHEET 2
D22	STORMWATER DRAINAGE DETAILS SHEET 3

NOTES

1. ALL LINES ARE TO BE MIN. 100ØUPVC @ MIN 1.0% GRADE UNLESS NOTED OTHERWISE.
2. IT IS THE CONTRACTORS RESPONSIBILITY TO LOCATE & LEVEL ALL EXISTING SERVICES PRIOR TO THE COMMENCEMENT OF ANY EARTHWORKS. ALL DESIGN LEVELS SHOWN ON PLAN SHALL BE VERIFIED ON SITE PRIOR TO THE COMMENCEMENT OF ANY WORK.
3. ALL PIPES TO HAVE MIN 200mm COVER IF LOCATED WITHIN PROPERTY.
4. ALL PITS IN DRIVEWAYS BE HEAVY DUTY GRATES. DIRECT SURFACE FLOW TO ALL GRATED SURFACE INLET PITS.
5. ALL WORK DO BE DONE IN ACCORDANCE WITH AS/NZ 3500.3.2:1998 AND COUNCIL SPECIFICATIONS.
6. LOCATION OF DOWNPIPES & FLOOR WASTES ARE INDICATIVE ONLY. DOWNPIPE & FLOOR WASTE SIZE, LOCATION & QUANTITY TO BE DETERMINED BY BUILDER & IN ACCORDANCE WITH RELEVANT AUSTRALIAN STANDARDS.
7. THIS PLAN IS TO BE READ IN CONJUNCTION WITH THE ARCHITECTURAL, LANDSCAPE AND STRUCTURAL PLANS.
8. ANY DISCREPANCIES OR OMISSIONS SHALL BE REFERRED TO THE DESIGN ENGINEER FOR RESOLUTION.
9. ALL PITS OR GRATES IN TRAFFICABLE AREAS TO BE HEAVY DUTY.
10. ALL GUTTERS WILL BE FITTED WITH LEAF GUARDS AND SHOULD BE INSPECTED AND CLEANED TO ENSURE LEAF LITTER CANNOT ENTER THE DOWNPIPES
11. PROVIDE EMERGENCY OVERFLOW TO ALL PLANTER BOX AND BALCONIES.
12. ALL PITS WITH DEPTH MORE THAN 1M MUST HAVE IRON STEPS.
13. PROVIDE STORMWATER GRATE 200Wx200D AT THE BASE OF ALL MECHANICAL SHAFTS AND UNCOVERED STAIRS OR OPENINGS.
14. ENSURE ALL DRAINAGE WORKS ARE AWAY FROM TREE ROOTS

REV	DESCRIPTION	DFT	ENG	DATE
E	ISSUED FOR DA APPROVAL	BJF	WAW	11/09/2024
D	ISSUED FOR DA APPROVAL	BJF	WAW	06/11/2023
C	ISSUED FOR DA APPROVAL	BJF	WAW	01/02/2023
B	ISSUED FOR DA APPROVAL	BJF	WAW	01/02/2023
A	ISSUED FOR DA APPROVAL	AM	WAW	30/01/2023

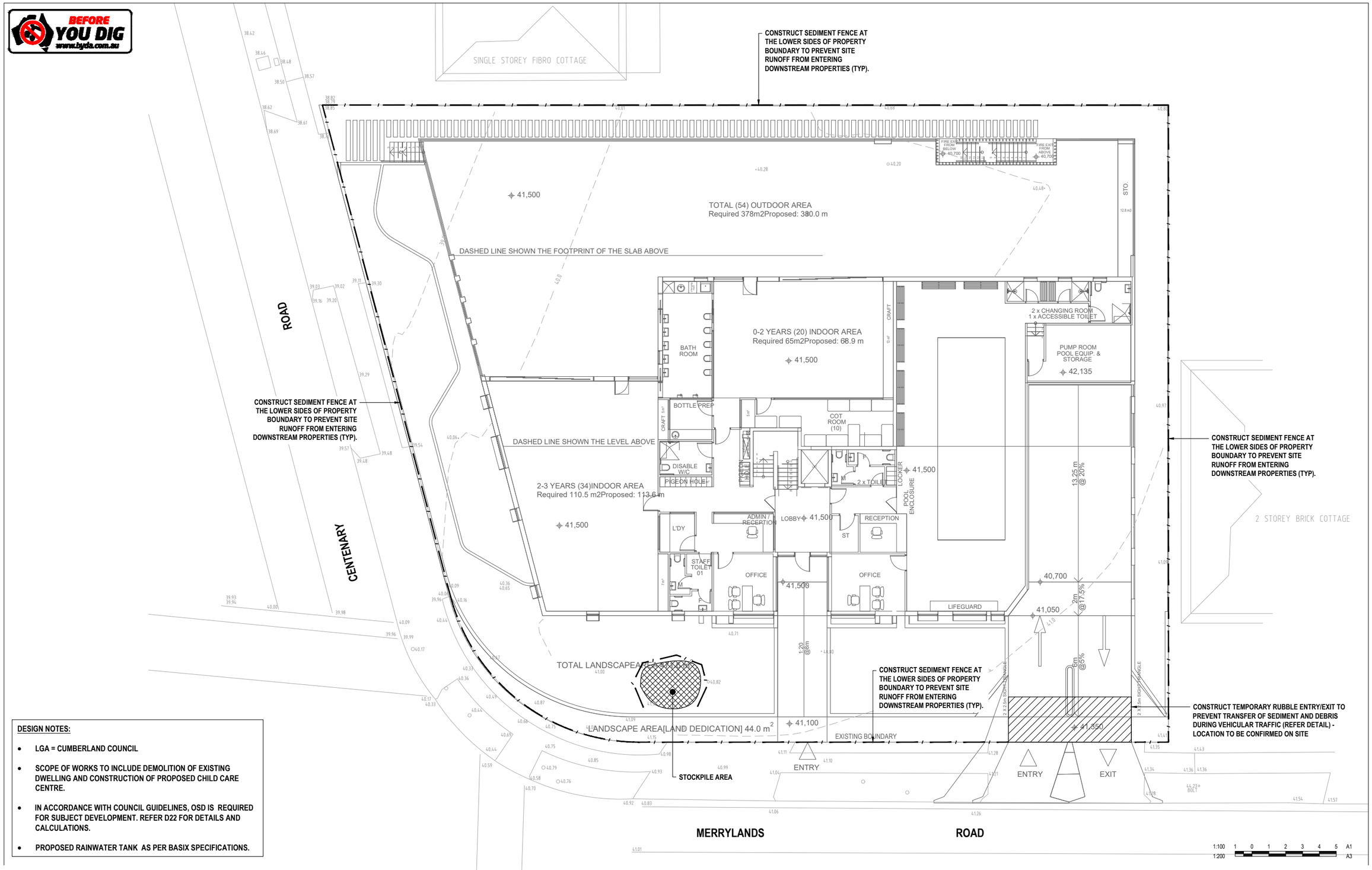
ARCHITECT
URBAN LINK
Business Address: Level 10, 11-15 Deane Street, Burwood NSW 2134
Postal Address: PO BOX 2223 Burwood North NSW 2134
Phone Number: +61 29745 2014
Nominated Architects:
Ziad Boumelhem Reg no 8008

AMITY ENGINEERS
Email - info@amityengineers.com.au
Phone - 0424 496 059

SHEET SUBJECT
COVER SHEET, LEGEND & DRAWING SCHEDULE

PROJECT
PROPOSED CHILD CARE CENTRE
3 CENTENARY ROAD,
MERRYLANDS NSW 2170

DRAFTED	ENGINEERED	CHECKED
BJF	WAW	JCL
JOB No	220521	
AUTHORISED	DWG No	REV
JACKY CHEE HONG LEE	D00	E



DESIGN NOTES:

- LGA = CUMBERLAND COUNCIL
- SCOPE OF WORKS TO INCLUDE DEMOLITION OF EXISTING DWELLING AND CONSTRUCTION OF PROPOSED CHILD CARE CENTRE.
- IN ACCORDANCE WITH COUNCIL GUIDELINES, OSD IS REQUIRED FOR SUBJECT DEVELOPMENT. REFER D22 FOR DETAILS AND CALCULATIONS.
- PROPOSED RAINWATER TANK AS PER BASIX SPECIFICATIONS.

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B	ISSUED FOR DA APPROVAL	BJF	WAW	01/02/2023
A	ISSUED FOR DA APPROVAL	AM	WAW	30/01/2023

ARCHITECT
URBAN LINK
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Nominated Architects:
Ziad Boumelhem Reg no 8008

AMITY ENGINEERS
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Phone - 0424 496 059

SHEET SUBJECT
EROSION AND SEDIMENT CONTROL PLAN

PROJECT
PROPOSED CHILD CARE CENTRE
3 CENTENARY ROAD,
MERRYLANDS NSW 2170

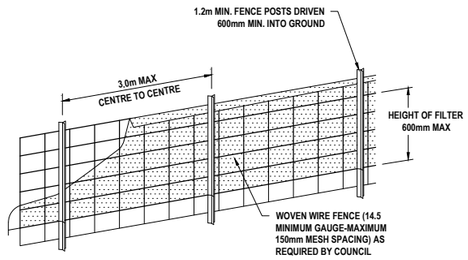
DRAFTED	ENGINEERED	CHECKED
BJF	WAW	JCL
JOB No	220521	
AUTHORISED	DWG No	REV
JACKY CHEE HONG LEE	D05	E

EROSION & SEDIMENT CONTROL PLAN

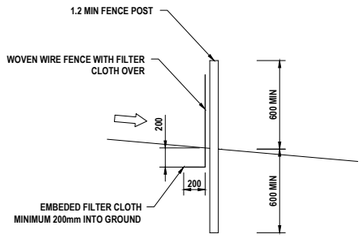
SCALE: 1:100

NOTES:

1. THIS PLAN IS TO BE READ IN CONJUNCTION WITH THE ENGINEERING PLANS AND ANY OTHER PLANS OR WRITTEN INSTRUCTIONS THAT MAY BE ISSUED AND RELATING TO THE DEVELOPMENT AT THE SUBJECT SITE
2. THE CONTRACTOR MUST ENSURE THAT ALL SOIL AND WATER MANAGEMENT WORKS ARE LOCATED AS INSTRUCTED IN THIS SPECIFICATION
3. ALL BUILDERS AND SUB-CONTRACTORS SHALL BE INFORMED OF THEIR RESPONSIBILITIES IN MINIMIZING THE POTENTIAL FOR SOIL EROSION AND POLLUTION TO DOWN SLOPE LANDS AND WATERWAYS
4. DURING WINDY CONDITIONS, LARGE, UNPROTECTED AREAS SHALL BE KEPT MOIST (NOT WET) BY SPRINKLING WITH WATER TO KEEP DUST UNDER CONTROL
5. FINAL SITE LANDSCAPING SHALL BE UNDERTAKEN AS SOON AS POSSIBLE AND WITHIN 20 WORKING DAYS FROM COMPLETION OF CONSTRUCTION ACTIVITIES
6. WATER WILL BE PREVENTED FROM ENTERING THE PERMANENT DRAINAGE SYSTEM UNLESS IT IS RELATIVELY SEDIMENT FREE BY FILTERING THROUGH AN APPROVED STRUCTURE
7. TEMPORARY SOIL AND WATER MANAGEMENT STRUCTURES SHALL BE REMOVED ONLY AFTER THE LANDS THEY ARE PROTECTING HAVE BEEN REHABILITATED
8. EROSION AND SEDIMENT CONTROL MEASURES SHALL BE INSPECTED AFTER RAINFALL EVENTS TO ENSURE THEY HAVE OPERATED EFFECTIVELY AND REMAIN IN WORKING CONDITION
9. THE ENTRANCE SHALL BE MAINTAINED IN A CONDITION WHICH PREVENTS TACKING OR FLOWING OF SEDIMENT ONTO PUBLIC RIGHTS OF WAY. THIS MAY REQUIRE PERIODIC TOP DRESSING WITHIN ADDITIONAL GRAVEL AS CONDITIONS DEMAND AND REPAIR AND/OR CLEANOUT OF ANY MEASURES USED TO TRAP SEDIMENT. ALL SEDIMENT SPILLED, DROPPED, WASHED OR TRACKED ONTO PUBLIC RIGHTS OF WAY MUST BE REMOVED IMMEDIATELY
10. PROVIDE SILT FENCE/HAY BALE BARRIERS TO THE LOW SIDE OF ALL EXPOSED EARTH EXCAVATIONS (TYPICAL)
11. ISOLATE EXISTING STORMWATER PITS WITH HAY BALES TO FILTER ALL INCOMING FLOWS
12. DO NOT STOCK PILE EXCAVATED MATERIAL ON THE ROAD WAY

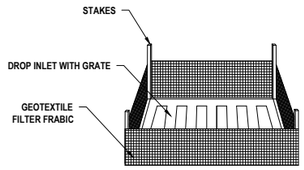


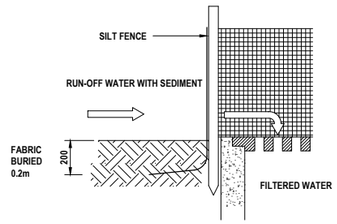
DIAGRAMMATIC VIEW



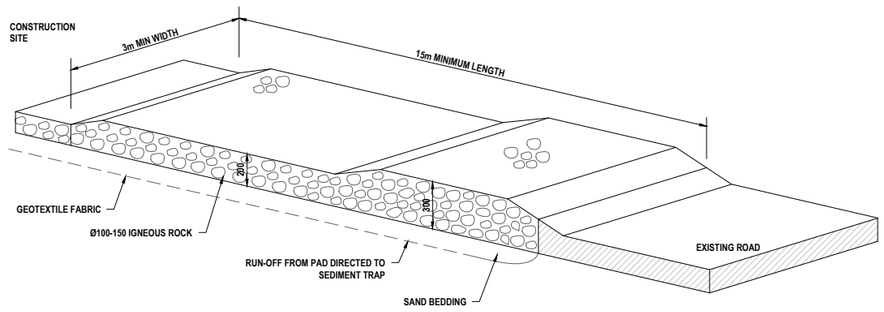
TYPICAL SECTION

1 - SEDIMENT FENCE DETAIL
NOT TO SCALE

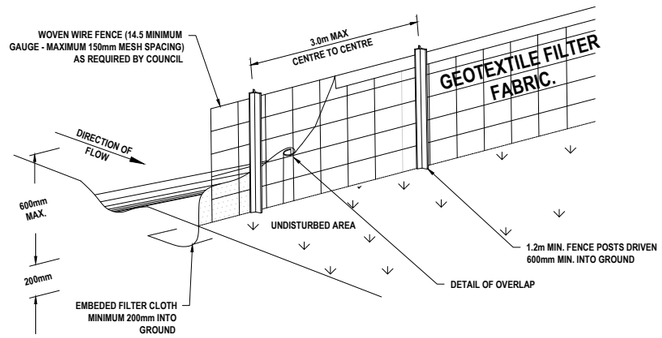




2 - SUMP SEDIMENT TRAP DETAIL
NOT TO SCALE



3 - TEMPORARY CONSTRUCTION EXIT
NOT TO SCALE



4 - SEDIMENT FENCE
NOT TO SCALE

1:100 1 0 1 2 3 4 5 A1
1:200 A3

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SHEET SUBJECT
EROSION AND SEDIMENT CONTROL DETAILS

PROJECT
PROPOSED CHILD CARE CENTRE
3 CENTENARY ROAD,
MERRYLANDS NSW 2170

DRAFTED	ENGINEERED	CHECKED
BJF	WAW	JCL

JOB No 220521

AUTHORISED	DWG No	REV
JACKY CHEE HONG LEE	D06	E

BEFORE YOU DIG www.byda.com.au

NOTES

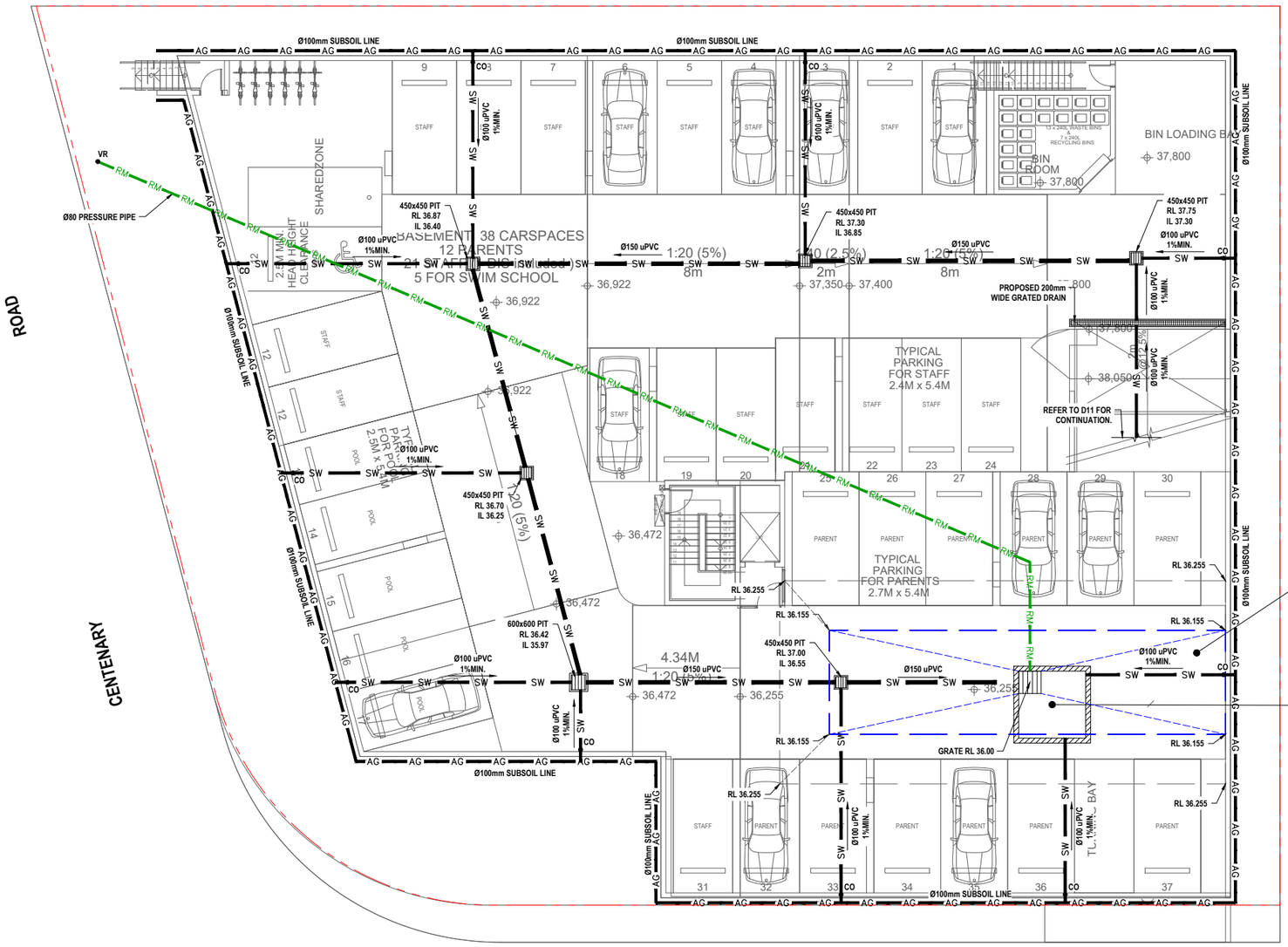
1. ALL LINES ARE TO BE MIN. 100ØUPVC @ MIN 1.0% GRADE UNLESS NOTED OTHERWISE.
2. IT IS THE CONTRACTORS RESPONSIBILITY TO LOCATE & LEVEL ALL EXISTING SERVICES PRIOR TO THE COMMENCEMENT OF ANY EARTHWORKS. ALL DESIGN LEVELS SHOWN ON PLAN SHALL BE VERIFIED ON SITE PRIOR TO THE COMMENCEMENT OF ANY WORK.
3. ALL PIPES TO HAVE MIN 200mm COVER IF LOCATED WITHIN PROPERTY.
4. ALL PITS IN DRIVEWAYS BE HEAVY DUTY GRATES. DIRECT SURFACE FLOW TO ALL GRATED SURFACE INLET PITS.
5. ALL WORK DO BE DONE IN ACCORDANCE WITH AS/NZ 3500.3.2:1998 AND COUNCIL SPECIFICATIONS.
6. LOCATION OF DOWNPIPES & FLOOR WASTES ARE INDICATIVE ONLY. DOWNPIPE & FLOOR WASTE SIZE, LOCATION & QUANTITY TO BE DETERMINED BY BUILDER & IN ACCORDANCE WITH RELEVANT AUSTRALIAN STANDARDS.
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11. EXISTING STORMWATER DRAINAGE TO BE UTILISED WHERE CONTRACTOR SEE FIT.

SYMBOLS

RL	PIT SURFACE LEVEL
IL	INVERT LEVEL
TK	TOP OF KERB
SW	STORMWATER DRAINAGE PIPE
RWT	DOWNPIPE TO RAINWATER TANK
OF	OVERFLOW PIPE FROM RAINWATER TANK
AG	Ø100 SUBSOIL PIPE
RM	RISING MAIN
	EXISTING DRAINAGE
FW	FLOOR WASTE 150X150
FW	FLOOR WASTE 150Ø
RWO	RAINWATER OUTLET 300Ø
DP	DOWN PIPE
CO	CLEAN OUT
IO	INSPECTION OPENING
VD	VERTICAL DROP
VR	VERTICAL RISER
	CONCRETE COVER JUNCTION PIT
	GRATED INLET PIT
	WIDE GRATED DRAIN

DESIGN NOTES:

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1:100 1:200 — 0 1 2 3 4 5 — A1 A3

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SHEET SUBJECT
STORMWATER DRAINAGE PLAN BASEMENT LEVEL

PROJECT
PROPOSED CHILD CARE CENTRE
3 CENTENARY ROAD, MERRYLANDS NSW 2170

DRAFTED	ENGINEERED	CHECKED
BJF	WAW	JCL

JOB No **220521**

AUTHORISED	DWG No	REV
JACKY CHEE HONG LEE	D10	E

BEFORE YOU DIG www.byda.com.au

NOTES

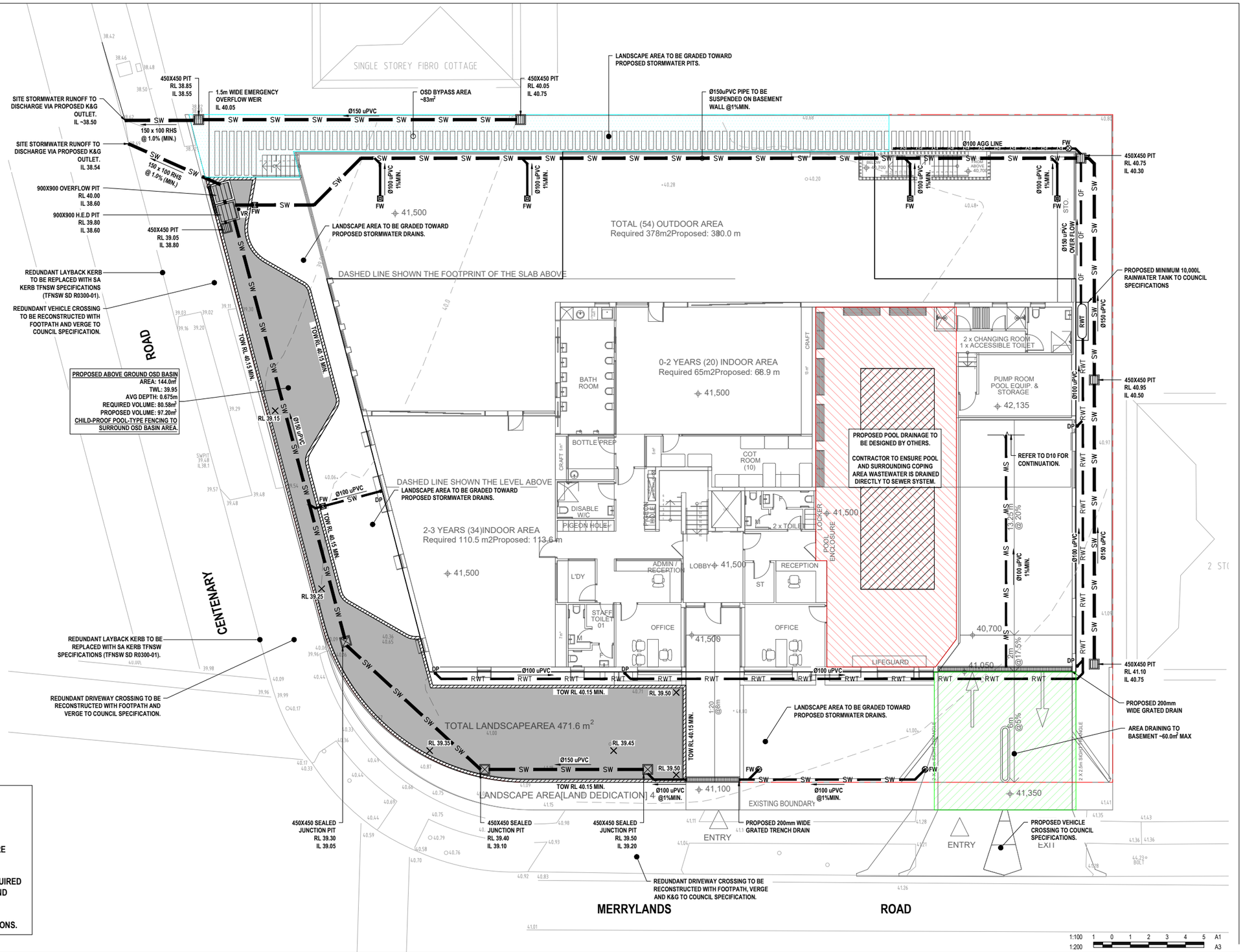
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SHEET SUBJECT
STORMWATER DRAINAGE PLAN GROUND LEVEL

PROJECT
PROPOSED CHILD CARE CENTRE
3 CENTENARY ROAD, MERRYLANDS NSW 2170

DRAFTED	ENGINEERED	CHECKED
BJF	WAW	JCL

JOB No **220521**

AUTHORISED	DWG No	REV
JACKY CHEE HONG LEE	D11	E

WARNING
PUMP OUT SYSTEM
FAILURE IN BASEMENT
WHEN LIGHT IS FLASHING
AND SIREN SOUNDING

COLOURS :
WARNING - RED
BORDER AND OTHER - BLACK

NOTES:

SIGN SHALL BE PLACED IN A CLEAR AND VISIBLE LOCATION WHERE VEHICLES ENTER THE BASEMENT.

A SUITABLE ALARM SYSTEM POSITIONED AT ENTRANCE OF BASEMENT CARPARK TO PROVIDE A FLOOD WARNING IN CASE OF PUMP FAILURE (TO COUNCILS SPEC).

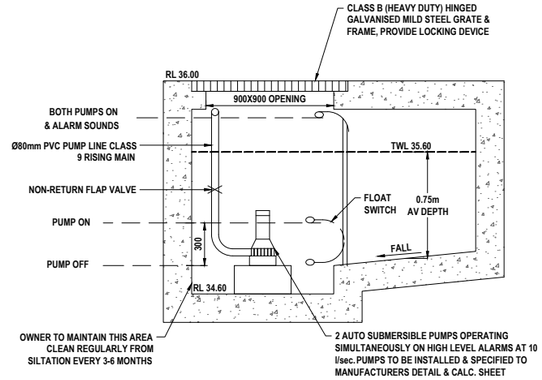
DANGER
CONFINED SPACE
NO ENTRY WITHOUT
CONFINED SPACE
TRAINING

HEIGHT 150mm

WIDTH 200mm

COLOURS:
"DANGER" AND BACKGROUND - WHITE
ELLIPTICAL AREA - RED
RECTANGLE CONTAINING ELIPSE - BLACK
OTHER LETTERING AND BORDER - BLACK

MATERIALS:
POLYPROPYLENE



TYPICAL SECTION THROUGH PUMP PIT
NOT TO SCALE
PUMP WELL VOLUME 5.47m³

PUMP WELL DETAILS

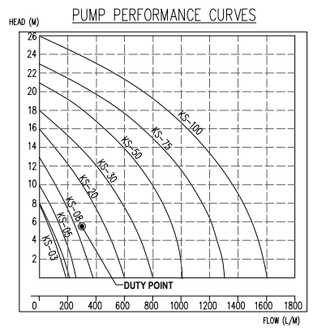
AREA DRAINING TO SUMP = 60.0m²

UNDERGROUND STORAGE
SUMP SIZE BASED ON 100 YEAR 90MIN STORM, I = 44.60 mm/hr,
Q=CIA/3600= 1 x 44.60 x 60/3600 = 0.743 L/sec
VOLUME REQUIRED = 0.743 x (90x60) = 4012 L = 4.02m³
STORAGE PROVIDED 2.7 x 2.7x 0.75 = 5.47m³

ABOVE GROUND STORAGE
SUMP SIZE BASED ON 100 YEAR 12 HOUR STORM, I = 14.70 mm/hr
Q=CIA/3600= 1 x 60.0 x 14.70/3600 = 0.245L/sec
VOLUME REQUIRED = 0.245 x (12x60x60) = 10584L = 10.60m³
= 10.6 - 5.47
= 5.13m³
STORAGE PROVIDED = (67.20 x 0.077) + 5.47 = 10.64m³

PUMP OUT RATE BASED ON 100YR 5MIN STORM, I = 205 mm/hr
Q = CIA/3600 = 1 x 205 x 60.0/3600 = 3.417 L/sec
Q = 5.0 L/sec (AS 3500 MIN.)

DUAL KS-20 PUMP OR EQUIVALENT TO BE INSTALLED IN SUMP AND CONNECTED TO CONTROL PANEL WHICH WILL ALLOW FOR THE PUMPS TO OPERATE SIMULTANEOUSLY ON HIGHLEVEL ALARMS AT 5.0 l/sec (PER PUMP) AT 5.45m HEAD

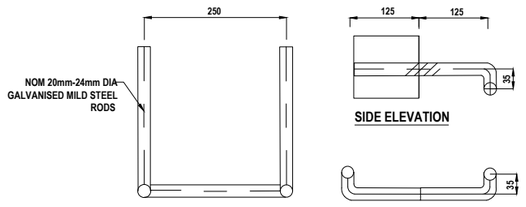


PUMP SPECIFICATIONS: STANDARD PUMP-OUT NOTES

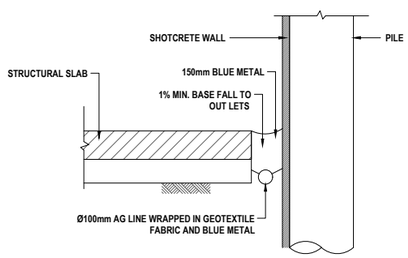
THE PUMP-OUT SYSTEM IS DESIGNED TO WORK IN THE FOLLOWING MANNER -

1. THE PUMPS SHALL BE PROGRAMMED TO WORK ALTERNATELY SO AS TO ALLOW BOTH PUMPS TO HAVE EQUAL OPERATION LOAD & PUMP LIFE.
2. A LOW LEVEL FLOAT SHALL BE PROVIDED TO ENSURE THAT THE MINIMUM REQUIRED WATER LEVEL IS MAINTAINED WITHIN THE SUMP AREA OF THE BELOW GROUND TANK. IN THIS REGARD THIS FLOAT WILL FUNCTION AS AN OFF SWITCH FOR THE PUMPS.
3. A SECOND FLOAT SHALL BE PROVIDED AT A HIGHER LEVEL, APPROXIMATELY 300mm ABOVE THE MINIMUM WATER LEVEL, WHEREBY ONE OF THE PUMPS WILL OPERATE & DRAIN THE TANK TO THE LEVEL OF THE LOW LEVEL FLOAT.
4. A THIRD FLOAT SHALL BE PROVIDED AT A HIGH LEVEL, WHICH IS APPROXIMATELY THE ROOF LEVEL OF THE BELOW GROUND TANK. THIS FLOAT SHOULD START THE OTHER PUMP THAT IS NOT OPERATING & ACTIVATE THE ALARM.
5. AN ALARM SYSTEM SHALL BE PROVIDED WITH A FLASHING STROBE LIGHT & A PUMP FAILURE WARNING SIGN WHICH ARE TO BE LOCATED AT THE DRIVEWAY ENTRANCE TO THE BASEMENT LEVEL. THE ALARM SYSTEM SHALL BE PROVIDED WITH A BATTERY BACK-UP IN CASE OF POWER FAILURE.

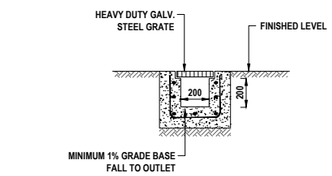
Type	Output		Outlet		Rated Head Capacity		Maximum Head	Maximum Capacity	Weigh	Dimension		
	HP	kW	mm	Inch	M	LPM	M	LPM	Kg	L(mm)	W(mm)	H(mm)
KS-03	1/3	0.25	40	1 1/2"	3	130	8	180	9	188	141	305
KS-04	1/2	0.4	50	2"	5	150	8	220	11	208	140	359
KS-05	1/2	0.4	50	2"	5	160	10	260	14	230	156	375
KS-08	1	0.75	50	2"	6	240	13	380	21	290	180	425
KS-20	2	1.5	80	3"	10	300	16	600	31	278	182	475
KS-30	3	2.2	80	3"	10	500	18	800	42	390	250	450
KS-50	5	3.7	100	4"	10	800	21	1100	48	450	240	530
KS-75	7 1/2	5.6	100	4"	15	800	23	1300	60	550	310	590
KS-100	10	7.5	150	6"	18	900	25	1600	70	550	310	610



DETAIL
STEP IRONS
1:5
NOTE: INSTALL WHERE PITS ARE DEEPER THAN 1000



SPOON DRAIN DETAILS
SCALE 1:20



GRATED TRENCH DRAIN DETAIL
SCALE 1:20

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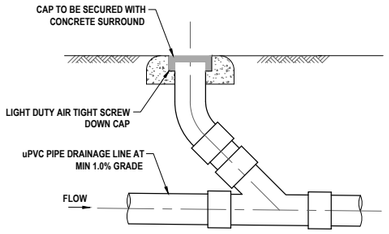
SHEET SUBJECT
STORMWATER DRAINAGE DETAILS SHEET 1

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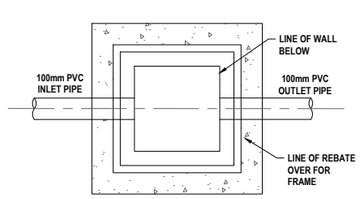


TYPICAL CLEANING EYE DETAIL
NOT TO SCALE

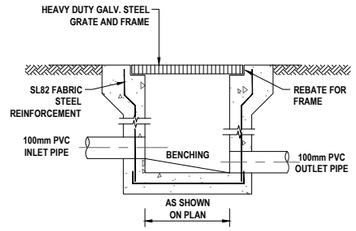


LEGEND:
BACKGROUND IS YELLOW
TEXT IS WHITE ON BLACK BACKGROUND

RAINWATER SIGN DETAIL
NOT TO SCALE

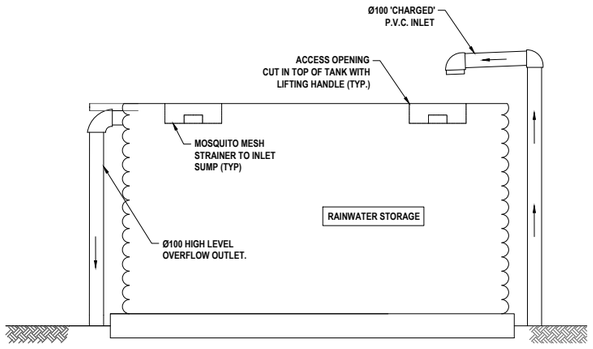


PLAN WITHOUT GRATE

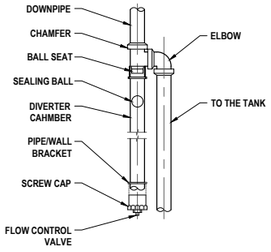


SECTION

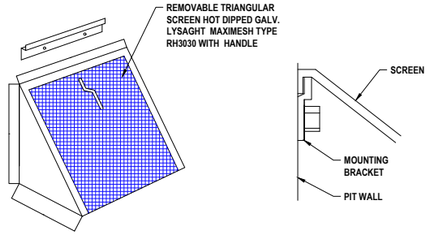
STORMWATER PIT DETAIL
NOT TO SCALE



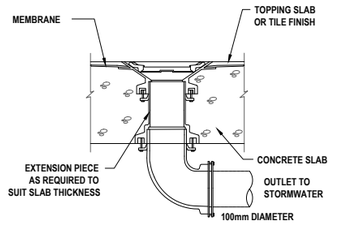
TYPICAL RAINWATER TANK DETAIL
NOT TO SCALE



FIRST FLUSH DETAIL
NOT TO SCALE



MULTI PURPOSE FILTER SCREEN
NOT TO SCALE



FLOOR WASTE OUTLET
NOT TO SCALE

REV	DESCRIPTION	DFT	ENG	DATE
E	ISSUED FOR DA APPROVAL	BJF	WAW	11/09/2024
D	ISSUED FOR DA APPROVAL	BJF	WAW	06/11/2023
C	ISSUED FOR DA APPROVAL	BJF	WAW	01/02/2023
B	ISSUED FOR DA APPROVAL	BJF	WAW	01/02/2023
A	ISSUED FOR DA APPROVAL	AM	WAW	30/01/2023

ARCHITECT
URBAN LINK
Business Address: Level 10, 11-15 Deane Street, Burwood NSW 2134
Postal Address: PO BOX 2223 Burwood North NSW 2134
Phone Number: +61 29745 2014
Nominated Architects:
Ziad Boumelhem Reg no 8008

AMITY ENGINEERS
Email - info@amityengineers.com.au
Phone - 0424 496 059

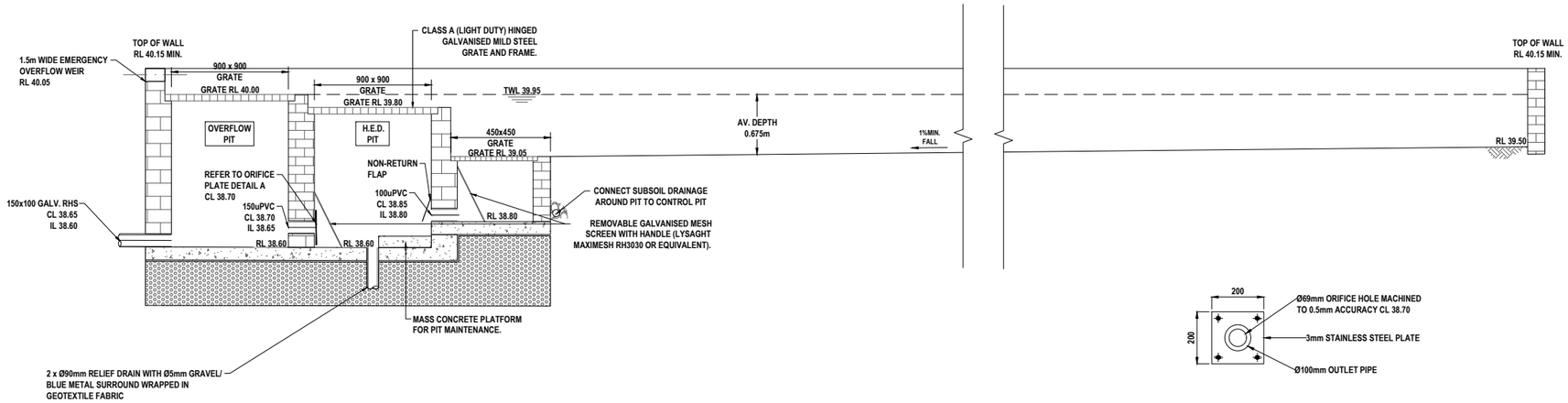
SHEET SUBJECT
STORMWATER DRAINAGE DETAILS SHEET 2

PROJECT
PROPOSED CHILD CARE CENTRE
3 CENTENARY ROAD,
MERRYLANDS NSW 2170

DRAFTED	ENGINEERED	CHECKED
BJF	WAW	JCL

JOB No 220521

AUTHORISED	DWG No	REV
JACKY CHEE HONG LEE	D21	E



D10 **TYPICAL ON-SITE DETENTION DETAIL**
SCALE : NTS

ORIFICE PLATE ELEVATION - A
SCALE 1:10

DRAINS MODEL SUMMARY		
AEP	PRE	POST
20%	35L/s	10L/s
10%	46L/s	10L/s
5%	56L/s	11 L/s
1%	70L/s	11 L/s

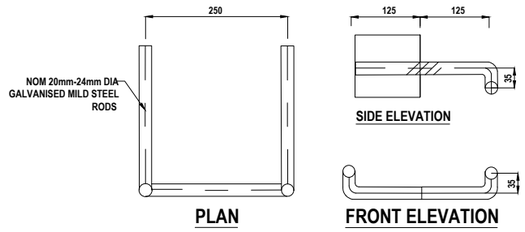
TFNSW SITE RUNOFF SUMMARY



COLOURS:

"DANGER" AND BACKGROUND	WHITE
ELLIPTICAL AREA	RED
RECTANGLE CONTAINING ELIPSE	BLACK
OTHER LETTERING AND BORDER	BLACK

MATERIALS:
POLYPROPYLENE



DETAIL
STEP IRONS
1:5
NOTE: INSTALL WHERE PITS ARE DEEPER THAN 1000

CITY OF PARRAMATTA COUNCIL
On-Site Detention Calculation Sheet

Project:	Childcare Centre
Location:	3 Centenary Road, Merrylands (Cumberland LGA)
Designer:	B.F.

OSD Area: Front Lot		Parra River Sth Side			
PSD for site	470				
SSD for site	80			Drowned	
Site Area		0.1640		0.1640	
Basic Storage Volume		77.08		77.08	
Basic Discharge		13.12		13.12	
Area of Site to Storage		0.156	95%	0.156	95%
Percentage of Site		94.94		94.94	
Storage per ha of contributing area		495.05		495.05	
Volume/PSD Adjustment		74.65		74.65	
PSD for site		11.61		11.61	
Maximum Head to Orifice Centre		1.250		1.200	
Calculated Orifice Diameter		0.069		0.069	
Maximum discharge		11.611		11.383	
Head for high early discharge		1.100		1.050	
High Early Discharge		10.892	94%	10.648	92%
Mean Discharge		11.251		11.015	
Average Discharge per Hectare		72.262		70.748	
Depth of flow over weir		0.158		0.158	
Final Site Storage Ratio		510		518	
Site Storage Volume		79.34		80.58	
Volume Provided		97.20	123%	97.200	121%

Checked By:	J.L
Date Checked:	09-Sep-24
OSD Plan Number:	D11

3 CENTENARY ROAD			
		HED	TWL
1%AEP FLOOD	38.75	39.8	39.95
Orifice	38.7		
MAX	38.75		

REV	DESCRIPTION	DFT	ENG	DATE
E	ISSUED FOR DA APPROVAL	BJF	WAW	11/09/2024
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Ziad Boumelhem Reg no 8008

AMITY ENGINEERS
Email - info@amityengineers.com.au
Phone - 0424 496 059

SHEET SUBJECT
STORMWATER DRAINAGE DETAILS SHEET 3

PROJECT
PROPOSED CHILD CARE CENTRE
3 CENTENARY ROAD,
MERRYLANDS NSW 2170

DRAFTED	ENGINEERED	CHECKED
BJF	WAW	JCL

JOB No **220521**

AUTHORISED	DWG No	REV
JACKY CHEE HONG LEE	D22	E

DOCUMENTS ASSOCIATED WITH REPORT ELPP019/25

Attachment 5

Plan of Management

Plan of Management

MIXED USE DEVELOPMENT: CHILD CARE & SWIM SCHOOL
3 CENTENARY ROAD, MERRYLANDS

Mixed Use Development
Date: 21 May 2025

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PLAN OF MANAGEMENT OVERVIEW

This Plan of Management has been prepared for the operation and management of a child care facility within a Mixed Use Development at 3 Centenary Road, Merrylands.

The proposal incorporates a two (2) storey mixed use building comprising of child care facility, and a swim school with basement parking. It is noted that a separate plan of management has been prepared for the swim school, and is provided with this application.

The Child Care Facility is located at the ground and first floor with a dedicated single entry from the shared lobby area that connects to Merrylands Road.

The Child Care Facility accommodates a total of 124 child care placements and will operate 7am to 6pm Monday to Friday with a 30 minute shoulder period for staff arrivals and departures.

The development proposes a total of 38 car parking spaces within a basement level with the following breakdown:

- 21 x staff parking spaces (including 1 accessible space);
- 12 x parent spaces; and
- 5 x swimming pool spaces.

This Plan of Management identifies appropriate strategies and procedures to address operational elements of the facility.

A plan of management is an accepted concept in environmental law and can be used in a range of circumstances. This plan of management assists in addressing a better understanding of the proposal and the way in which it is proposed to operate.

This Plan of Management will require ongoing revision to reflect operational needs and may need to be updated to reflect any DA conditions of consent imposed by Council.

CHILD CARE CENTRE OPERATION

Licensing and Approvals

The centre will not commence operation until the necessary licences have been issued by the relevant authorities.

The centre will be operated strictly in accordance with the relevant licence conditions and regulations including (but not limited to) the *Children (Education and Care Services) National Law (NSW)* and *Education and Care Services National Regulations*.

The Child Care Facility accommodates a total of 124 child care placements and will operate 7am to 6pm Monday to Friday.

The various age groupings of the children are as follows:

- 20 children in the 0-2 year bracket;
- 34 children in the 2-3 year bracket
- 70 children in the 3-5 year bracket;

Educator Ratios and Educators on Site

Staff ratios at the centre will be in accordance with the Education and Care Services National law and the Education and Care Services National Regulations 2011.

Educators within the centre will be employed to ensure that minimum qualification requirements are met through the employment of trained Educators.

Staffing arrangements are proposed to align with the provisions of the Education and Care Services National Regulation as follows:

Age Group & Children Number	Educator Ratio	Staff Required	Educators Provided
0-2 years: 20	1 per 4	5	5
2-3 years: 34	1 per 5	6.8	7
3-5 years: 70	1 per 10	7	7
Total		**19 Educators**	**19 Educators**

On the basis of the above there are a total of 19 educators required and it is noted that this will exclude any person associated with the administration of the centre and any staff associated with food preparation.

Given the size of the centre the proposal will require the following additional staff members:

- 1 Full time Centre Director/Administration;
- 1 Full Time Cook and 1 part time assistant in the serving of meals
- 1-2 casual educators to cover meal breaks.

Therefor the total staffing includes:

- 1 Full Time Director/Administration
- 1 Full Time Cook and 1 part time assistant in the serving of meals.
- 19 Full Time Educators and 1-2 casual educators to cover meal breaks

WASTE MINIMISATION

Menus are to be planned to minimise food waste. Where possible, food waste will be recycled as compost used in the gardens and as an integral part of the process of promoting on-site sorting and storage of waste products pending re-use or collection with the aim of maximising re-use and minimising disposal.

In addition to careful menu planning and composting kitchen and green waste, the centre will use recyclable materials such as paper, plastics etc for the use of children's creative/cognitive box construction.

Each play space will have its own storage for re-usable material. This is our way of providing on-going management for waste handling and minimisation in the premise by making it part of the daily life of the centre. Further, this process helps towards promoting and minimising waste and fostering the principles of ecologically sustainable development (ESD) involving the community.

Loading and Deliveries

Minor deliveries associated with the child care facility will be adequately undertaken by light commercial vehicles such as vans, utility vehicles and the like (i.e. B99 vehicles). Such servicing activities are proposed to be accommodated within the single loading spaces on-site.

All delivery and servicing are to be undertaken between 10:00am and 2:00pm, thereby being outside of the peak child set-down / pick-up periods of the centre.

Laundry Arrangements

Laundry services will be provided on site for the washing/drying of centre linen such as tea towels, face washers and bibs. The sheets used for sleep/rest time will be provided by the parent and send home for laundering at home. Any wet/soiled clothing or cloth nappies belonging to children will also be send home for laundering at child's home.

EMERGENCY PLAN

A detailed Emergency Plan and Evacuation Diagram have been prepared for the application by Workplace Emergency Management. Please refer to the plan and diagrams for details.

DAILY PROGRAMMES AND ROUTINES

Daily Programme and Routine for Ages 0-2 Years

For children aged 0-2 years, we follow individual routines based on family input.

This routine is extremely flexible to allow for this to occur. Given the nature of the 0-2 children age group they are to play separately to the 3-5 age group and generally at the same time as the 2-3 year old age group.

Daily Programme and Routine for Ages 2 – 3 Years

The below program is the general program for the 2-3 year old's. It is noted that outdoor play can occur concurrently with other children in the 0-2 year old age group based on the recommendation of the acoustic report. The outdoor play times are shown in GREEN in the below program noting all children can play outside at the same time.

The general daily programme and routine is set out below.

7am- 8am	Centre Opens – children indoors free play with breakfast offered
8am-10am	Free Indoor/Outdoor Play as per the program above. Children have choice to be indoors or outdoors.
10:00-10:30	Packing away followed by Music & movement
10:30-11.00	Free play indoors - Nappy changing & preparing beds
11:00-11.30	Lunch time
11:30-1.00	Rest time/Quiet activities for the children who do not sleep
1:00-3.00	Free play indoor with a planned group movement based activity includes progressive afternoon tea
3.00 – 4.00	Free Indoor/Outdoor Play as per the program above. Children have choice to be indoors or outdoors.
4.00- 5:00	Free indoor/outdoor play with progressive late snack
6:00	Centre Closes.

Daily Programme and Routine for Ages 3-5 Years

The below program is the general program for the 3-5 year old's. The outdoor play times are shown in GREEN in the below program noting all children can play outside at the same time.

7am – 8am	Centre Opens – flexible indoor with progressive breakfast.
8:00-10.00	Free Indoor & Outdoor from 9am includes small groups-Education such as (Talk about child's interests, weekly topics, story time, literacy, numeracy, days of the week. Progressive morning tea.
10:00-11.00	Flexible indoor including planned curriculum activities
11:00-11.30	Planned group movement/music
11:30-12	Self-help skills – prepare beds for sleepers - Lunch time
12:00-1	Rest time/Quiet activities for the children who do not sleep
1:00-3.00	Free play indoor/outdoor with a planned group movement based activity includes progressive afternoon tea. Children have choice to be indoors or outdoors.
3.00 – 4.00	Free Indoor Play as per the program above.
4.00- 5:00	Free indoor/outdoor play with progressive late snack
5.00 – 6.00	Combined groups for indoor free play

NOISE MANAGEMENT

The following procedures are to be adopted in relation to the management of noise;

- The childcare centre is to operate as per the relevant recommendations of the approved Acoustic Report which states as follows:

6.1.3 Outdoor Play Areas

The outdoor play noise has been predicted based on the following information and assumptions:

- Acoustic barrier systems are installed as detailed within Section 7.2.2.
- Total outdoor playtime is unlimited, and noise levels are assessed to background + 5dB(A) (as per AAAC guidelines).
- All 125 children are in the outdoor play areas and are engaged in active play.
- All outdoor children are evenly distributed throughout the nominated spaces.

6.1.4 Indoor Play Areas

Noise emissions from indoor play areas are based on the following information and assumptions:

- The spatially averaged sound pressure level generated inside each of the internal play areas is 75dB(A)L_{eq} based on measurements taken by this office at similar sites. This noise level represents a high intensity of use and would only be applicable during loud group activities. Quieter group activities (such as group reading) would be subject to a significantly lower level of noise.
- All children are using the indoor activity areas at any given time and approximately distributed as described in the architectural drawings.
- All operable windows and doors are open

- Windows and doors are to be closed during hours of operation except for when children are playing outside.
- No music is to be played outdoors.
- Time out of doors is an essential component of the child's experience of the centre. When children are in flexible indoor/outdoor play, each group will be fully supervised at all times.
- The maximum number of children in the various play areas is to follow the below to identify their outdoor play grouping as per the program below.
- Centre management recognizes the importance of ensuring all educators and carers are properly trained.
- Children who are making excessive noise outdoors- screaming and loud crying- who cannot be settled are to be taken inside to calm them.

- In-house training will include familiarisation with the procedures in the operation of the centre.
- Staff will be instructed to engage the children in educational play and activities that children find mentally and physically stimulating at all times.
- Centre management will maintain a log of any, and all complaints received.
- Centre management will endeavour to respond to any noise complaint at the time of the event and record such events in a daily log.
- A laminated copy of the noise management plan will be displayed in the foyer.
- All educators are required to read the noise management plan.

MECHANISM FOR CONVEYING POLICIES & UPDATES TO PARENTS

- The centre operations are documented in our policies and procedures.
- These policies and procedures make up many volumes. All educators and carers must read the policies and procedures and confirm in writing that they have done so. The policies and procedures are discussed at staff meetings and continually updated and redistributed as they are amended.
- Policies are also located in the front foyer for all families and visitors to have access to at all times.
- Centre policies are reviewed throughout the year on a monthly basis following a schedule. All revised policies are mentioned in the centres monthly newsletter and displayed in the front foyer for the families to be updated and advised of any changes that have been made.

PARENTS COMPLAINTS HANDLING PROCEDURE

As per regulation 173 of the Education and Care Services National Regulations the name and telephone number of the person at the education and care service to whom complaints may be addressed will be displayed at the entry to the service. The contact details of the regulatory authority will also be displayed here.

Minor Complaints:

Parents are encouraged to discuss minor concerns with the room leader or service nominated supervisor as soon as possible. These will be recorded in a complaint register and addressed with relevant people. Parent will be advised of the outcome.

Serious Complaints:

The nominated supervisor will:

- listen to the family's view of what has happened
- clarify and confirm the grievance, documenting all the facts prior to the investigation
- encourage and support the family to seek a balanced understanding of the issue
- discuss possible resolutions available to the family. These would include external support options
- encourage and assist the family to determine a preferred way of solving the issue
- record the meeting, confirming the details with the family at the end of the meeting
- maintain confidentiality at all times
- refer families (as necessary) to Service policies that may assist in resolving the grievance.

If the grievance cannot be resolved, it is to be referred to the Approved provider who will investigate further:

- if appropriate, collect relevant written evidence. This evidence will be treated in strict confidence and will be held in a secure place
- should it be necessary to interview relevant people concerning the grievance, their involvement should be kept to the minimum necessary to establish the facts
- third parties providing evidence must also be made aware that the matter is to be kept confidential.

Should the grievance be lodged against another person(s), these person(s) will be interviewed separately and impartially. Individuals must be given the opportunity to respond fully to the allegations and may have another person present, as a support person, if they wish. If after investigation, it is concluded that the grievance is substantiated:

- both parties will be told of the decision and the reason for it
- immediate and appropriate steps will be taken to prevent the grievance from recurring
- if after investigation, it is concluded that the grievance is not substantiated both parties will be notified of the decision and the reason
- the family will be informed that if they are not satisfied with any decision relating to the grievance procedure that they should consult with an external body for further advice such as the Regulatory Authority.
- if the grievance is of a serious nature, the Nominated Supervisor is responsible to inform the Regulatory Authority.

POLICY & PROCEDURURAL ASPECTS

The following provisions of the National Quality Standard are relevant and will be adhered to:

QA4

4.2 Educators, coordinators and educators are respectful and ethical.
4.2.1 Professional standards guide practice, interactions and relationships.
4.2.2 Educators and coordinators work collaboratively and affirm, challenge, support and learn from others to further develop their skills.
4.2.3 Interactions convey mutual respect, equity and recognition of each other's strengths and skills.

QA7

7.2.3 An effective self-assessment and quality improvement process is in place.
7.3.2 Administrative systems are established and maintained to ensure the effective operation of the service.
7.3.5 Service practices are based on effectively documented policies and procedures that are available at the service and reviewed regularly.

The following provisions of the Education and Care Services National Regulations are to be complied with:

- 31- Condition on service approval-QIP
- 55-56- QIP
- 168- education and care services must have policies and procedures

- 170- policies and procedures to be followed
- 171- policies and procedures to be kept available
- 172- Notification of change to policies and procedures affecting ability to family.

POLICY & PROCEDURURAL IMPLEMENTATION

Our centre believes that reflection and evaluation is an important aspect of quality improvement.

Reviewing the centres practices and strategies will ensure that we continually strive to improve our service to families and the children in our care. To this end, we have implemented the strategies below.

Policies and procedures will be made available to families, located in the service.
Educators will ensure that families can have access to policies and procedures, this gives both families and educators opportunities to suggest elements the need improving.

For educators and management this will occur: -

- At meetings
- At the policy review points
- Family meetings
- Newsletters
- Parent educator meetings

Who is affected by this policy: -

- Children
- Families
- Educators/Staff
- Management

SECURITY MEASURES

The centre will have the following security measures in place: -

- Surrounding child proof fences and gates, security cameras and CCTV.

The relevant legislative provisions outlined below are also to be complied with.

QA2

2.3.2 Every precaution is taken to protect children from harm and any hazards likely to cause injury.
2.3.4 Educators, coordinators and staff members are aware of their roles to respond to every child at risk of abuse or neglect.

National Regulations

84 Awareness of child protection law
99 Children leaving the education and care service premises
158 Children's attendance record to be kept by approved provider

Aim

The aim of this policy is to ensure that delivery and collection procedures are consistent with the safety of children. Children are delivered and collected from the centre by an authorised person only.

Implementation

The nominated supervisor, educators, staff will adhere to the following procedures at all times to ensure the safety of children.

Children and families will not be allowed to enter the service before opening hours.
We encourage you to drop children off before 10.30am, as we program daily for children and a late drop off may make it difficult to effectively include children in learning stories/daily journals.
If your child is going to be away on the day for any reason, please inform the centre via email.

ARRIVAL PROCEDURES

- All children are to be bought into the centre by an adult to an educator;
- Parent are required to make contact with educators when collecting their child;
- All children must be signed in by their parent or person who delivers them to the centre. If for any reason they are unable to sign, the nominated supervisor may sign them in;
- An educator will greet and receive the child;
- A locker or shelf space will be available for the child’s belongings.

DEPARTURE PROCEDURES

- All children must be signed in by their parent or person who delivers them to the centre. If for any reason they are
- All children must be signed out by their parent or person who collects the child;
- Children can only be collected by a parent, authorised nominee who information is located on enrolment;
- It is the parent's responsibility to ensure their information is regularly updated;
- No child will be released into the care of unauthorised persons;
- Educators will always ensure the safety of the child first, if a person become aggressive or violent Educators may not release the child and ring the police on 000;
- Nominated supervisor will make sure that the child's records are kept up to date;
- No child will be released into the care of anyone not known to the educators

Parent must give prior notice when: -

- The person collecting the child is someone other than those mentioned on enrolment;
- There is a variation in the persons picking up of the child;
- If educators do not recognize the person by face, they may need to provide a form of identification (license);
- If the person collecting the child appears to be intoxicated, or under the influence of drugs, educators are to bring the matter to the persons attention before releasing the child;
- Signing in & out is a condition of your child's enrolment at the centre
- Two educators verify and initial the open and close sign in sheets of the day;
- Individuals visiting the premises must sign in and out of the centre (visitors);

If a child has not been collected by the time, we are due to close the service, the Nominated supervisor will: -

- Attempt to contact the parents, authorised person;
- Leave a voice-mail and call again;
- Wait a few minutes and attempt to re dial, if the person has yet not arrived, ring the protection hotline for guidance before ringing emergency services (000)

The review will be conducted by: -

- Management;
- Families;
- Employees.

SUPERVISION OF CHILDREN

Activities

Outdoor activities vary from day to day and are dependent upon the weather and program. They include: -

- Ball games
- Team play
- Free Play
- Water-based play
- Sand play
- Balancing and climbing games
- Gross motor skills

The maximum number of children outside is reflect in table 2 above in relation to the noise management measures.

Monitoring process for outdoor play is the same as for indoor.

Supervision of Children

The following legislation is to be followed with regard to supervision.

NQS
QA2
2.3.2 Every reasonable precaution is taken to protect children from harm and any hazards or injury
4.1.1 Educator to child ratios requirements are maintained at all times.
5.2.3 The dignity and rights of every child are maintained at all times

National regulations

168- Policies & procedures are required in relation to health & safety

Implementation

The service defines ‘supervision’ as actively watching and attending their environment. Educators should avoid carrying out activities that will draw attention away from supervision. The supervision policy is committed to: -

- Complying with education and care services
- ensuring that children are supervised at all times
- considering the design and arrangement of children's environments

- guiding educators to make decisions about when children's play needs to be interrupted
- identifying high risk experiences and developing strategies, depending on the age and development of children.

The procedures relating to the supervision policy are laminated, clearly labelled and displayed for everyone to read: -

- Supervision procedures & practices are made easy to read and interpret
- The service will consider obtaining information in community languages
- The centre will have a supervision plan.

Procedure

Supervision is one of the most important care giving strategies and skills required by educators to develop and master. Listening and watching is an active combination of supervising. Children learn about who they are, how they react in situations, and discover interests. There are vital skills to develop as they assist staff to predict children's play patterns.

Positioning of educators

- It is important carers are able to move around effortlessly and view play areas from different angles
- Carers should be close enough to children to intervene promptly and prevent injury;
- Educators should ensure that students are being considered when coordinating supervision.

Listening when children play

- Listening is important and different sounds can alert educators to potential risks.

Knowledge of the environment and its potential risks

- Please refer to the maintenance policy

Setting up of the environment

- It is important that the design and layout should be safe enough to allow adults to freely interact.

Promoting play and learning experiences

- Supervision can ensure that children’s play is enjoyable, and their learning opportunities are promoted.

Risk management strategies

- Please refer to the services OH&S policy

Children's arrival & departure

- To ensure only authorised-persons collect children from the centre
- Upon enrolment and first starting day a parent is shown where to sign the child in & out

In relation to parents

- Parents or authorised persons MUST be responsible for the supervision of children not enrolled at the centre
- Parent must ensure that staff are aware of their child's arrival/departure
- Parent must hand the child over personally to staff/educators

In relation to staff

- Educators are to ensure that no child will exit the centre without a parent or authorised person
- While on duty, educators have a first priority to ensure safety of children

Nappy changes & toileting

- Please refer to the policy (toileting, nappy change)

Transporting children

- Please refer to the services OH&S policy

Protective behaviours & practices

- Staff, students, carers are role models
- Children learn through example and modelling to teach children

Staff professional development opportunities

- The service aims to maintain and strengthen the skills and knowledge of educators in relation to active supervision.

think planners

Plan of Management

RECREATION FACILITY (SWIMMING POOL)

3 CENTENARY ROAD, MERRYLANDS

21 MAY 2025



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QUALITY ASSURANCE

QUALITY ASSURANCE	
PROJECT:	*Plan of Management – Recreational Facility (Swimming Pool)*
ADDRESS:	*3 Centenary Road, Merrylands*
COUNCIL:	*Cumberland Council*
AUTHOR:	*Think Planners Pty Ltd*

Document Management				
Date	Purpose of Issue	Rev	Reviewed	Authorised
21 May 2025	Final Issue	Final	SR	JW

OVERVIEW OF THE BROADER PROPOSAL AND SWIMMING POOL

The development incorporates a two (2) storey mixed use building comprising of a child care centre and separate indoor recreational facility (swimming pool) over a shared basement carpark at 3 Centenary Road, Merrylands. The key features of the development are:

Land Uses

- Child Care Centre at the ground and first floor with a dedicated single entry from the shared lobby area that connects to Merrylands Road. This will operate 7am to 6pm Monday to Friday.

- An indoor recreational facility (swimming pool) is situated at the ground floor and is accessed via the shared lobby with the child care centre and access to the pool will be limited to a swipe card system by members and staff to limit any access to this level other than for users and staff of the pool. The pool will operate 9am to 7pm. Restricted class sizes will occur during the peak drop-off and pick up of the child care centre as follows:

    - Between 7am and 9am and 4pm and 6pm there will be 2 staff and 4 children in each class and outside of these hours there will be 2 staff and 10 students in each class.
    - The classes will generally run in 30 minute intervals with 20 minute breaks between classes to enable for changeover and for the children to get ready before/after swimming.

Parking

- Basement parking for 38 vehicles, being allocated as follows during the peak operating periods- being 7am to 9am and 4pm to 6pm:
    - 33 Child Care Staff Spaces
    - 5 swimming pool spaces

- Basement parking for 38 vehicles, being allocated as follows during the non- peak operating periods- i.e. other than 7am to 9am and 4pm to 6pm:
    - 27 Child Care Staff Spaces
    - 11 swimming pool spaces

ADDRESS

The site is legally known as: Lot 1 DP 658190, Lot 1 DP 658191, Lot 1 DP 658192 and Lot E DP 345321, but is commonly known as 3 Centenary Road, Merrylands.

The site is illustrated by the aerial map extract provided below.

Figure 1: Aerial Map Extract of Subject Site (Six Maps).



- Subject Site

TRAFFIC AND PARKING MANAGEMENT

The following procedures are to be adopted:

- Basement parking for 38 vehicles, being allocated as follows during the peak operating periods- being 7am to 9am and 4pm to 6pm:
  - 33 Child Care Staff Spaces
  - 5 swimming pool spaces

- Basement parking for 38 vehicles, being allocated as follows during the non- peak operating periods- i.e. other than 7am to 9am and 4pm to 6pm:
  - 27 Child Care Staff Spaces
  - 11 swimming pool spaces

- All parking associated with each proposed land use are to be clearly identified with clear sign posted spaces for each of the uses;
- Basement parking designed to permit vehicles to enter and exit the site car parking area in a forward direction at all times;
- The disabled car spaces must be used by people with a valid disability permit;
- The pedestrian walkway connecting the car parking spaces to be kept clear at all times;
- No double parking is permitted in the car parking aisle;
- The security door at the entrance to the car park should remain open during childcare centre operating hours and then closed after hours associated with the swimming pool.
- The car parking area is not to be used for storage purposes, thereby reducing the number of available car spaces;
- In regard to the child care facility, the arrivals and departure times for children are staggered to minimize congestion in the car park and
- Staff, parents and carers associated with the child care facility and swimming pool must be encouraged to report improper use of the car parking area to the center's manager;
- This traffic & parking management plan must be issued to all new parents, staff associated with the child care facility, and the staff and enrolled students for the swimming pool (issued to their guardian) with a copy to be included on the center's website;
- This traffic & parking management plan is to be regularly reviewed & amended as deemed necessarily.

LEGISLATIVE FRAMEWORK FOR THE SWIMMING POOL

The Public Health Act 2010 and the Public Health Regulation 2022 outlines the minimum water quality and monitoring requirements for public swimming pools and spa pools and the responsibilities of the pool operators.

The Regulation is supported by the **NSW Guidelines for Public Swimming Pools and Spa Pools -draft 2022** (the Guideline), which recommend public pools are managed using a swimming pool risk management plan, especially if using an alternative source of water such as rainwater.

Section 1.3 Water specific risk management of the Guideline outlines the components to include in a risk management plan:

- staff roles, responsibilities competencies and training requirements
- a description of the facility, source water and its treatment systems
- water quality targets and treatment objectives
- hazard identification, risk assessment and identification of control measures
- operational and verification monitoring
- incident response procedures
- data recording and reporting.

GOALS OF THIS PLAN OF MANAGEMENT

The goals of this Plan of Management are to:

Outline how the proposed development will comply with the Public Health Act 2010 and Public Health Regulation 2022 and guidelines for demonstrating efficiency of pool and spa sanitisers including by providing:
(a) Details of dosing system and location of dosing equipment.
(b) Temperature of water and how water is to be heated.
(c) Type of disinfection system in use.
(d) Details of water testing equipment and methods.
(e) Details of how the premises will be ventilated to minimise the production of chloramines and condensation, in accordance with the Building Code of Australia and AS1668.
(f) Details of the disposal of any wastewater associated with the pool.
(g) Construction and design of surrounding areas, toilets, showers and change rooms to facilitate easy cleaning.

MANAGEMENT PLAN

OPERATOR

The operator of the facility cannot be confirmed until the DA is approved and at this time the POM will be updated to reflect the operator.

OPERATIONAL DETAILS

The facility is situated at the ground floor and is accessed via the shared lobby with the child care centre and access to the facility will be limited to a swipe card system by members and staff to limit any access to this level other than for users and staff of the facility. The facility will operate 9am to 7pm. Restricted class sizes will occur during the peak drop-off and pick up of the child care centre as follows:

- Between 7am and 9am and 4pm and 6pm there will be 2 staff and 4 children in each class and outside of these hours there will be 2 staff and 10 students in each class.
- The classes will generally run in 30 minute intervals with 20 minute breaks between classes to enable for changeover and for the children to get ready before/after swimming.

The age group of intended patrons is from 0-100.

A detailed timetable of classes will be provided after DA approval, once an operator is appointed.

MEASURES TO MINIMISE UNREASONABLE IMPACTS ON ADJOINING PROPERTIES

The following procedures are to be adopted in relation to the management of noise impacts to adjoining properties;

- Signs should be erected at appropriate, prominent locations, to advise the following:
  - that staff and patrons converse at a low volume;
  - that gates are not slammed.
- Children who are loudly crying should be comforted by staff/parents.

- No excessively loud music should be played at any time.
- In-house training will include familiarization with the procedures in the operation of the centre.
- The facility management will maintain a log of any, and all complaints received.
- The facility management will endeavor to respond to any noise complaint at the time of the event and record such events in a daily log.
- A laminated copy of the noise management plan will be displayed in the foyer.
- All staff are required to read the noise management plan.

SAFETY AND SECURITY MEASURES

Safety and security measures including first aid, rescue, maintenance, cleanliness, hygiene and emergency procedures are outlined individually below.

SECURITY MEASURES

The facility will have the following security measures in place: -

- Surrounding pool safe fences and gates to prevent children from entering the pool unattended.
- Security cameras and CCTV.
- The facility is situated at the ground floor and is accessed via the shared lobby with the child care centre and access to the facility will be limited to a swipe card system by members and staff to limit any access to this level other than for users and staff of the facility. The entry point will be attended by a staff member to manage new members and one-off customers.
- An incidents register is to be kept and reviewed to ensure security measures are updated to respond to incidences if necessary.

FIRST AID

When the pool has patrons, at least one member of staff must have a first aid qualification.

All First Aid equipment must be ready for any emergency and contain the following:

- Sign posted and current First Aid Kit.
- Cardio Pulmonary Resuscitation (CPR) sign that can be read from a distance of 3m.
- Spinal board and straps
- Electrical power point.
- Automated External Defibrillator.

The First Aid Kit must be regularly restocked by the Manager

HEART START DEFIBRILLATOR

Mobile defibrillator equipment is to be available for adults and children. Use of equipment will require appropriate training and manufacturers guidelines are to be followed e.g. pink Infant/Child key is required if the patient is under 25kg or 8 years old. Defibrillators are to be checked daily to ensure the green light is blinking. Batteries to be changed every 4 years or as per used by date. Pads need replacing after use and or before used by date.

RESCUE EQUIPMENT

Rescue equipment and its locations are to be advised at the induction to all workers and Rescue equipment is to include:

- Rescue tubes; and
- Throwing rope or similar

MAINTENANCE AND SERVICING

It is the responsibility of all workers / approved supervisors and users to report all hazards to the manager which includes defects, safety issues and maintenance requirements as soon as they are identified.

Any reporting is to be contained in an electronic log.

Once reporting of a hazard, a Pool worker to inspect the item/area to ensure the hazard is isolated and sign posted.

The manager is to employ the services of professional maintenance companies to undertake regular maintenance of the building. The maintenance companies are to enter the premises regularly and complete all maintenance required.

Any damage of internal or external property is repaired immediately together with all wear and tear items.

PEST CONTROL ARRANGEMENTS

Cleaning will also include regular inspections for vermin control and pest control services will be arranged by manager on a regular basis.

FIRE SAFETY

A Fire Safety Evacuation Plan will be prepared and attached to this Plan of Management prior to commencement of operations of the recreation facility. The plan will contain pictorial instructions detailing evacuation steps in the case of an emergency. The plan is to include evacuation routes, assembly points, and a plan of action once a fire alarm has been activated. The Fire Safety Evacuation Plan is to be prominently located in each room and in the common area.
The phone numbers of appropriate contacts will be prominently displayed throughout the premises e.g., NSW Police, Security Company, NSW Fire and Rescue, NSW Ambulance Service and other local emergency assistance services.

EMERGENCY CONTACTS AND PROCEDURES

The phone numbers of appropriate contacts will be prominently displayed throughout the premises (foyer and common room) e.g., NSW Police, Security Company, NSW Fire and Rescue, NSW Ambulance Service and other local emergency assistance services. Phone numbers are also to be provided for appropriate support infrastructure service providers such as Telstra, Electrical Authority, Water Authority, local Council, etc.

CLEANING

Floors need to be hosed, mopped, washed or scrubbed at least once each day.

Keeping cleaning products out of the pool water is challenging. Pool surrounds should therefore only be cleaned by washing and scrubbing with pool water, or with chemical cleaners specifically formulated for pool-side use.

On the sides of the pool, deposits of dirt just above the water line are to be cleaned off with a scourer, using sodium bicarbonate solution. Goggles and gloves should be worn.

CONFLICT RESOLUTION

Complaints from the community and between pool user/staff are to be noted in an Incident Diary with details of the complaint and the action taken to address the complaint. The task of the manager is to ensure that all neighbourhood and internal complaints are recorded, and management responses documented. A Management Diary and an Incident Register is to be kept.

The manager/ will listen to complaints or respond to correspondence and detail procedures to the persons complaining as to how the facility intends to minimise any further impact in the future on neighbours or between users or staff.

The procedures detailed in this Plan of Management are designed to minimise complaints. The site manager is to deal with empathy and respect to any person making a complaint.

EDUCATION AND SIGNAGE FOR PATRONS

To promote healthy swimming behaviours amongst staff and patrons, signage is an important aspect of public education, with key messages to be displayed in the entrance foyer and amenities

Patrons are be asked to assist in maintaining a healthy swimming environment through signage. Key messages to feature on signs include:

• Do not use this pool if you have diarrhoea.
• Do not swallow pool water.
• Practice good hygiene—shower before swimming and wash hands after using the toilets.
• Take children to the toilets regularly.
• Do not change nappies beside the pool.

In additional signage is to be provided in the vicinity of the pools to indicate:

- No Diving into the pool;
- Walking throughout the recreation facility is required;
- Supervision of children is be undertaken by Guardians

SOLID FAECES PROCEDURES

If solid faecal matter is identified in either of the pools the following should occur:

- All pool users should be asked to exit the pool.
- As much solid material as possible should be immediately removed from the pool, with a fine mesh scoop. If necessary, the immediate area should be vacuumed and the waste directed to the sewer
- Vacuum equipment and scoop should be cleaned and disinfected before reuse.
- If the pool is a low volume pool, such as a paddling pool, consider closing and draining the pool.
- The Pool must be closed, drained and cleaned, as the faecal matter will have dispersed.
- Once the solid matter has been removed, check that chlorine levels and water clarity are within regulatory limits. The affected area may be reopened, after allowing ten minutes contact time with the disinfectant.
- Log the incident and the action taken.

LOOSE FAECES PROCEDURES

If loose faecal matter is identified in either of the pools the following should occur:

- All pool users should be asked to exit the pool.
- If there are multiple pools connected to the same filter as the contaminated pool, all pools will have to be cleared of people.
- As much solid material as possible should be immediately removed from the pool, with a fine mesh scoop. If necessary, the immediate area should be vacuumed and the waste directed to the sewer
- Vacuum equipment and scoop should be cleaned and disinfected before reuse.
- If the pool is a low volume pool, such as a paddling pool, consider closing and draining the pool.
- The Pool must be closed, drained and cleaned, as the faecal matter will have dispersed.
- Once the matter has been removed, check that chlorine levels and water clarity are within regulatory limits. The affected area may be reopened, after allowing ten minutes contact time with the disinfectant.
- Log the incident and the action taken.

WATER SOURCE

All water to be utilised for the facility is to be sourced from the Sydney Water Supply. Water from any on-site water retention system is not to be utilised to fill the pools.

TEMPERATURE OF WATER AND HOW WATER IS TO BE HEATED.

The Temperature of the water is to not exceed 38 degrees Celsius. Water will be heated by electricity or gas.

TYPE OF DISINFECTION SYSTEM

The pools are to be fitted with an automated or a continuous metered disinfectant dosing system

The pool is to be disinfected with chlorine or bromine by staff

The pH level of the water must be:

- In the case of a chlorine disinfected pool – between 7.0 and 7.8, and
- In the case of a bromine disinfected pool – between 7.0 and 8.0

The disinfectant level and the pH level of the water in a bromine or chlorine disinfected pool with a continuous metred disinfectant dosing system will be tested manually once each day before the pool open for use and also to be recorded each day before the pool opens for use by the public and once during the period in which the pool is being used by staff

Furthermore, the disinfection level and the pH level of the water in a pool is to be tested more frequently if the occupier of the premises at which the pool is situated considers it necessary, taking into account the number of people swimming in the pool at a particular time, the hours of operation of the pool, the depth of the pool and the effect of sunlight on disinfectant levels

The alkalinity of the water is to be between 80 mg/L and 200 mg/L with the alkalinity of the water to be tested by staff once each day

If liquid chlorine (sodium hypochlorite) is used as a disinfectant in the pool or a carbon dioxide-based pH control is used, then alkalinity is to only be tested once a month only. Ozone can be used in the circulation system of the pool but must not be present in the pool and if ozone is used in the circulation system of the pool, the pool will be tested once a week for the presence of ozone.

Cyanuric acid can be used in an chlorine disinfected pool, however the concentration of cyanuric acid in the water must be tested once a week and must not exceed 50 mg/L. A record is to be made and kept for at least 6 months of the results of any testing undertaking as per Schedule 1 of the Public Health Regulations 2022 utilising a log similar to the following:

Daily Sample Log Sheet

Date		Public swimming pools and spa pools	<Name of your public pool>	Opening time:	Closing time:

Time	Free chlorine mg/L	Total chlorine mg/L	Combined chlorine mg/L	pH	Temp °C	Total alkalinity	Cyanuric acid	Calcium hardness	Water clarity NTU	Condition of facility	Filters operating	Are results compliant?	Corrective actions required	Signed by

Water Balance

for example, Langelier Saturation Index (LSI)

LSI = pH + TF + AF + CF – 12.1

	pH	Temperature factor	Alkalinity factor	Calcium factor	LSI result	Performed by
Factor						

Close out

Name		Position	
Signed		Date	

Supervisor		Signed:	Date:

Final details are to be determined at the construction certificate stage and this is indicative only.

WATER TESTING EQUIPMENT AND METHODS.

A commercial pool water testing machine such as a Water Spin Touch machine or similar will be utilised to test water at least twice daily.

An extract of the brochure for this machine is provided below:

WATERLINK SPIN TOUCH

WaterLink® Spin Touch™
The WaterLink® Spin Touch™ photometer does all your pool and spa water testing for you wherever you need it—in the field or in the store! Each sealed reagent disk contains the precise amount of reagent needed to run a complete series of tests in just 30 or 60 seconds. Simply fill a reagent disk with a water sample, place it in the meter, tap "start", and all your vital tests are done automatically.

In the field, the results are displayed on the touchscreen, then can be transferred to DataMate® Web software* to be instantly analyzed, providing step-by-step treatment instructions on your mobile device and test history storage in the cloud.
In the store, the Spin Touch™ is run directly from your computer using DataMate® Web. The results are displayed right on your monitor with all records being kept in the cloud. *Commercial Facility Pool & Spa Management* using pHlozone Commercial Facility Pool & Spa Management Software.

Designed for Service Techs, Pool Operators and Retail Professionals.

Reliable Results
- Virtually Eliminates User-Error
- Pre-Measured Reagents and Pre-Measured Sample
- Exact Reaction Time and Auto-Blanking
- Meter Calibration Check System

Auto-Record Keeping
- Stores Test Dates, Times, Results
- Upload to Cloud, Download to Computer.

Stand-Alone or Cloud Ready!
- No Computer, Smartphone, or Tablet Needed
- Touchscreen Operation
- Communicate Through Bluetooth® or USB

Calibration of equipment used for testing and pool maintenance is to occur in accordance with the requirements of the associated manual

Records of water testing results are to be kept onsite for recording the water

monitoring results. Results are to be kept for a minimum of 6 months after testing

POOL VENTILATION

The recreation facility is to be ventilated to minimise the production of chloramines and condensation. Ventilation is to be in accordance with the National Construction Code of Australia and AS1668 that sets out the requirements for mechanical air-handling to ventilate buildings and car parks, and for ventilation based on the need to control odours, particulates and specific gases.

WASTEWATER ASSOCIATED WITH THE POOL.

All waste water from the pools is to be disposed of into the Sydney Water Sewer.

DAILY CHECKLIST

A daily inspection is to be carried out by pool staff utilising a checklist similar to that provided on the following page.:

Premises Name: _____
Local Council: _____
Address:_____
Type of Premises: _____
Occupier: _____
Date:_____/_____/_____ Time:_____ am/pm
PHU:_____ File No: _____

DETAILS	Pool 1: _	Pool 2: _	Pool 3: _
Pool Type	Diving / Olympic / Training / Toddler / Zero / Slide / Spa	Diving / Olympic / Training / Toddler / Zero / Slide / Spa	Diving / Olympic / Training / Toddler / Zero / Slide / Spa
Indoor / Outdoor	Indoor / Outdoor	Indoor / Outdoor	Indoor / Outdoor
Circulation System	Separate / Combined	Separate / Combined	Separate / Combined
Disinfectant Type	Chlorine / Bromine	Chlorine / Bromine	Chlorine / Bromine
Dosing	Metered / Automatic / None	Metered / Automatic / None	Metered / Automatic / None
Auxiliary System	UV Light / Ozone / Ionic / Cyanurate / Other / None	UV Light / Ozone / Ionic / Cyanurate / Other / None	UV Light / Ozone / Ionic / Cyanurate / Other / None
Test Kit Method	Colorimetric / Photometric	Colorimetric / Photometric	Colorimetric / Photometric
Testing Frequency			
Log Book	Complete / Current / Poor	Complete / Current / Poor	Complete / Current / Poor
Bathing Load (Prev. hour)	Light / Medium / Heavy	Light / Medium / Heavy	Light / Medium / Heavy
Clarity	Sparkling / Clear / Cloudy / Debris	Sparkling / Clear / Cloudy / Debris	Sparkling / Clear / Cloudy / Debris
Pool Wall	Clean / Dirty / Greasy	Clean / Dirty / Greasy	Clean / Dirty / Greasy
Concourse Drainage	Separate to pool	Separate to pool	Separate to pool
Incident Response Plans / Kits			
CHEMISTRY			
Free Chlorine or Bromine mg/L			
Total Chlorine mg/L			
Combined Chlorine mg/L			

pH			
Total Alkalinity mg/L			
Temperature °C			
Cyanuric acid mg/L			
Ozone mg/L			
Maintenance	good / poor	good / poor	good / poor
Breakpoint practiced	Y / N / shock dosed	Y / N / shock dosed	Y / N / shock dosed

Chemistry: Pass / Fail **Risk to public health: Y / N**

Comments:

_____

_____

_____

_____

CONSTRUCTION AND DESIGN OF SURROUNDING AREAS, TOILETS, SHOWERS AND CHANGE ROOMS

The ancillary toilets showers and change rooms are to be constructed of materials such as tiles or polished concrete floors to allow for appropriate cleansing.

These areas are to be cleaned at least daily.

REVIEWING THIS POM & COMPLAINTS REGISTER

This Plan Of Management is to be reviewed by the Pool operator annually to ensure its effectiveness and to address any on-going concerns as they arise.

The owner/operator will maintain a "Complaints Book" recording details of any incident that occurs (including the time of the incident), a description of the incident and any actions taken by the management of the Centre in response to the incident. All complaints must include the details of the person reporting the incident including a contact phone number so that management may follow up any complaint. The option will be given to a Complainant as to whether a complaint is confidential or non-confidential.

An "*Incident*" includes:

- any breach of this Plan; or
- any complaint by any person about the operation of the facility.

The owner/operator must investigate any incident within 5 working days and the Complainant will receive a response within 10 working days detailing what action has been taken (if any action is deemed necessary) in order to address the complaint or concern.

The Complaints Book must be updated within 24 hours of any incident. The owner/operator must review and initial and date all entries made in the Complaints Book in his/her absence whenever he/she is next at the facility.

The Complaints Book must be made available to Council officers for inspection upon request.

The operator must review the Complaints Book regularly and where appropriate amend this Plan so as to eliminate the possibility of the incident recurring or to minimise the impacts of the incident should it recur.

The approved provider will also schedule at least 2 community meetings per year that will be open to anyone wishing to attend. The purpose of these meetings will be to allow any concerns to be raised and aims to develop positive relationships within the community.

DOCUMENTS ASSOCIATED WITH REPORT ELPP019/25

Attachment 6

Submissions

From:
Sent: Monday, 27 January 2025 1:52 PM
To: Haroula Michael; Records Department
Cc: Clr Steve Christou; Clr Ola Hamed; Clr Joseph Rahme; Clr Diane Colman; Clr Nadima Kafrouni-Saba; Clr Eddy Sarkis; Clr Enver Yasar; Clr Steve Yang; Clr Helen Hughes; Clr Glenn Elmore; Clr Paul Garrard; Clr Ahmed Ouf; Clr Suman Saha; Clr Michael Zaiter; Clr Sujan Selventhiran; Daniel Cavallo; Siva Sivakumar; Soma Somaskanthan
Subject: [EXTERNAL] Submission – Objections / Concerns / Questions - DA2024/0682 3 Centenary Road Merrylands
Attachments: 2025 Centenary Road submission.docx

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.

Attention: Haroula Michael

Submission – Objections / Concerns / Questions - DA2024/0682 3 Centenary Road Merrylands

Description: Commercial - Retail - Office - Construction of a two storey mixed use development comprising of a 124 place centre-based child care facility and an indoor recreation facility (swim school) on the ground floor with a capacity of 20 children with associated basement car park

This is the 3rd application lodged for a child care facility and swim centre at this site – the 1st two being refused by Council (DA2023/0135 and REV2024/0008).

And so I'm surprised to see yet another DA has been lodged for 3 Centenary Road – that still proposes a 124 place child-care facility and a 20-child swim school – when the site characteristics cannot be altered, and few appropriate modifications have been made!

And so I'm obliged to lodge a 3rd submission for this site – please refer the attached word document.

My objections / concerns are summarised below.

The site is zoned for R4 High Density Residential – not mixed-use development – yet the proposal contains no residential units at all – only a child care centre and swim centre – a concern when the site is adjacent to a Transitway, and other major bus routes – and Council and the State Government are aiming to have high density housing where good transport infrastructure is already in place.

(I can only think there is more profit in building a child care and swim facility – than in a residential flat building - seeing as DA2015/478/1 - approved 4/5/2016 - proposing a 6-storey residential flat building comprising 38 units above 2 levels of basement parking accommodating 45 carparking spaces – was never progressed!)

Concerns the pool inclusions and facilities are inadequate for 20 children and their parents – are 3 change rooms sufficient - do the change room facilities cater for individuals and cultures that may require more privacy - what is the proposed cut off age for 'children' at this site - will teenagers or adults who want to learn to swim be excluded, yet it's older migrants who unfortunately have the highest drowning rates? Are those with a disability catered for in this swim facility?

Concerns re proposed pool operation - the 10-minute turnaround timeframe for 20 'children' is unrealistic in its attempt to cope with the traffic and parking issues.

The site and location is unsuitable for a centre-based child care facility - it's bounded by 2 classified roads (Merrylands Road and Centenary Road) - which have higher speed limits, are frequented by heavy vehicle users and have no on-street parking facilities.

Traffic issues will be compounded - the McLaren Traffic and Parking Impact Assessment confirms the signalised intersection of Merrylands Road and Centenary Road is already at capacity – and the Ridge Street / Merrylands Road intersection is operating under an even worse level of service than the Merrylands Road / Centenary Road intersection!

Inadequate car parking and drop-off/pick up facilities are within the site – staff and visitor parking, the drop-off of 124 children (5 years old and under) and swim lessons for up to 20 children cannot be accommodated through the proposed provision of shared parking spaces in a basement car park that contains only 38 car spaces, and has only one turning bay - and there is insufficient on-street parking available in surrounding streets.

Please note: P.6 & 17 of the new SEE states access to the basement car park is now via Centenary Road – not Merrylands Road - yet all the plans still reflect the entry is via Merrylands Road!

There is no suitable evacuation route and evacuation assembly area on the busy intersection of Merrylands Road and Centenary Road for 124 children (5 years and under), plus teachers, parents and 20 swim school children – with no assembly location listed in the documents at all!

The site is opposite a hazardous industry – a service station.

As said above, I expand on these concerns and objections in the attached word document - and I look forward to Council's response.

Kind regards,

Submission – Objections / Concerns / Questions - DA2024/0682 3 Centenary Road Merrylands
Description: Commercial - Retail - Office - Construction of a two storey mixed use development comprising of a 124 place centre-based child care facility and an indoor recreation facility (swim school) on the ground floor with a capacity of 20 children with associated basement car park

This is the 3rd application lodged for a child care facility and swim centre at this site – the 1st two being refused by Council (DA2023/0135 and REV2024/0008).

And so I'm surprised to see yet another DA has been lodged for 3 Centenary Road – that still proposes a 124 place child-care facility and a 20-child swim school – when the site characteristics cannot be altered, and few appropriate modifications have been made!

And so I'm obliged to lodge a 3rd submission – and my concerns and objections are detailed below.

The site is zoned for R4 High Density Residential – not mixed-use development
The DA description states this is for a 'commercial – retail – office' development – yet the land use zone for this site is 'R4 High Density Residential' – the main objective of this designated zone being to provide for the housing needs of the community, with a focus on high density – particularly near major transport nodes.

- This site is on the route of the Parramatta-Liverpool Transitway, and other major bus routes - yet there is not one residential unit proposed in this DA – even though the current housing crisis and lack of housing stock is reported almost daily in the media – and the State and Federal governments have set new housing targets – with the State Government even changing planning controls for sites close to transport hubs, trying to increase our housing stock.

As this proposal includes no residential units **at all** – and by simply containing only a child care centre and swim centre – it's inconsistent with Council's R4 High Density Residential zone objectives.

(I can only think there is more profit in building a child care and swim facility – than in a residential flat building - seeing as DA2015/478/1 (approved 4/5/2016) that proposed a 6 storey residential flat building - comprising of 38 units above 2 levels of basement parking - accommodating 45 carparking spaces – was never progressed!)

Concerns that the pool inclusions / facilities are inadequate for up to 20 children and their parents
According to the Statement of Environmental Effects (the SEE), the swim area will only contain:

- 2 toilets
- 3 changing rooms with showers (1 changing room includes a WC)

Will this be adequate with an intended changeover of 4 to 10 swim students and their parents every 30 minutes – with the changeover period being estimated at only taking 10 minutes before and after each class?

I use the change rooms at Coulter Swim Centre at Northmead and although this is a much larger indoor pool, I can't imagine how 10 children and their parents will change over every half hour in 10 minutes – particularly when such limited facilities are provided.

- Have the designated controls for swim centres been met?

Coulter's has a huge outdoor parking lot, at ground level – with communal change rooms as well as individual change rooms – yet this proposal seems to contain only 3 individual change rooms – and the SEE (to meet and cope with parking and traffic demands) expects each child to finish their class,

get showered, toileted, towelled dry and dressed - and back to the car via the lift – all in only 10 minutes – when there are only 3 changerooms?

- This is surely unrealistic! And I'm surprised to read in one of Council's assessment reports regarding this site that Council's Building Service has reviewed the proposal and raised no objection to the number of change rooms for the proposed swimming pool.

Children don't operate like reliable clockwork – and nor do parents in today's world of varying and conflicting demands and pressures, including unpredictable traffic hold-ups - making it impossible to turn up exactly 10 minutes before swim class starts!

- This 10-minute turnaround timeframe for the 'children' seems unrealistic in its attempt to cope with the traffic and parking issues – but if it's deemed to be acceptable, can Council please check that it's possible with only 3 change room.

Other concerns with the pool facilities:

- Do the change room facilities cater for individuals and cultures that may require more privacy?
- What is the proposed cut off age for 'children' at this site, noting Council's 'Learn to Swim' Programs at the nearby Merrylands Swim Centre has classes for all ages, babies to adults.
- Will teenagers or adults who want to learn to swim be excluded – yet it's older migrants who unfortunately have the highest drowning rates?
- Are those with a disability catered for in this swim facility?

Concerns re proposed pool operation - the 10-minute turnaround timeframe for 20 'children' is unrealistic in its attempt to cope with the traffic and parking issues

The Executive Summary in the SEE references the indoor swimming pool that will be used as a learn to swim pool - with a capacity of 20 children - and details different patron numbers for the pool:

- Between 7am and 9am and 4pm and 6pm there will be 2 staff and 4 children in each class and outside of these hours there will be 2 staff and 10 students in each class.
- The classes will generally run in 30 minute intervals with 20 minute breaks between classes to enable for changeover and for the children to get ready before/after swimming.
- The swim school will operate from 9am to 7pm.
- The operating capacity of the swim school has been staggered from the operating time of the child care facility to reduce traffic congestion.

I question:

- Will the number of patrons really be strictly limited and restricted as outlined above - when the pool can apparently accommodate 20 children?
- Will the pool patron changeover run as smoothly as McLaren's calculations in their Traffic and Parking Impact Assessment – that allows for each child to change in only 10 minutes before and after class – particularly when there are only 3 change rooms?

As said above, I use the change rooms at Coulter Swim Centre at Northmead. And by the time children get out of the pool, maybe use the toilet and shower – are then dried and dressed by their parent (with both communal and private change areas being provided at Coulter's) – and then they all make their way to the huge outdoor parking lot (which is at ground level) – and perhaps have a chat on the way - this doesn't all take place in 10 minutes!

- Contrary to the statements in the SEE, it's likely there will be overlap between the 10 exiting children and their parents – and the next set of 10 incoming swimmers and their parents.

However, McLaren's Traffic and Parking Impact Assessment (and p.71 of the SEE) positively assert the swim school will only need a total of 11 car parking spaces - and this can be provided through 5 dedicated pool parking spaces and the use of 6 child care centre staff spaces.

But I question McLaren's assumptions – and ask Officers to check if this small number of car spaces is sufficient to meet the demand for parking at the cross-over period, at the beginning and end of each class. (There could still be 10 'swim centre' cars on site – when the next 10 children arrive in 10 cars with their parents).

- Children and parents don't run to clockwork
- And with the traffic problems outlined below, it will be impossible to ensure parents and children turn up (and leave) exactly 10 minutes before and after each swim session!
- The proposed share car parking operation is untenable for the proposed mixed-use development.

Concerns re traffic
Please note: I regularly frequent the Merrylands Road / Centenary Road and Sherwood Road intersections in peak hour – as well as the Merrylands Road / Ridge Street intersection in peak hour – and can readily confirm that there are already traffic jams and delays that occur at these intersections. Firsthand experience indicates and confirms there is no spare capacity!

- Any extra congestion needs to be carefully considered and managed.
- Should a 'no right turn' be installed – for the west flowing traffic on Merrylands Road that currently can turn into Ridge Street?

I note at the pre-lodgement meeting, proposed vehicular access off Centenary Road was discussed - and as this will require approval from Transport for NSW prior to the determination of any development application - Council recommended early engagement with Transport for NSW at the early design stage for this centre-based child care facility.

- So it's very concerning to read on p.6 & 17 of the new SEE – that access to the basement level is now to be **via Centenary Road -** yet the site plans all still reflect the basement entry is **via Merrylands Road – there has been no update to the plans!**
  All very confusing… and it does raise concerns about the accuracy of the SEE and the McLaren traffic report – and the proper progression of this DA proposal!

And I also ask Council to check that the correct information and modelling is provided to Transport for NSW – as I do wonder how Transport for NSW supposedly had no concerns regarding any traffic impacts regarding the proposed development.

(Please refer my observations and comments below – that supports McLaren's assertion that the intersection is at capacity in peak hours – as I'm concerned that the current consensus maybe that the few extra vehicles added to this site can't make an already bad situation much worse – and thus the extra vehicles associated with the proposed development can simply be ignored!)

<u>Sherwood Road / Merrylands Road / Centenary Road intersection</u>
The McLaren report actually confirms the signalised intersection of Merrylands Road and Centenary Road is already at capacity under existing conditions, with both the AM & PM peak hour periods experiencing lengthy delays and lacking any spare capacity.

But then the report simply concludes that the proposed new child care and swim facility will make little difference to the traffic issues!

- But if the intersections are already at capacity, additional traffic cannot simply be ignored!

From firsthand experience, cars approaching the Merrylands Road intersection along Sherwood Road, filter into one lane to cross into Centenary Road, but are often banked back to McDonald's, even Paton Street – as the traffic flow is restricted by the bus lane - and cars using the righthand filter lane into Merrylands Road can be banked back into the one lane that crosses over Merrylands Road into Centenary Road.

Cars turning right into Merrylands Road – and those going straight ahead into Centenary Road – can be all forced to queue in the same lane – with the T-way pedestrian set of lights located outside the Coolabah Hotel also impacting traffic flow. Huge bottlenecks can result.

Merrylands Road / Ridge Street intersection

The McLaren report flags the Ridge Street / Merrylands Road intersection is operating under an even worse level of service than the Merrylands Road / Centenary Road intersection!

And I can report firsthand that traffic waiting to turn right into Ridge Street from Merrylands Road can block vehicles trying to approach the Merrylands Road / Centenary Road intersection and traffic lights. Worse still, this blockage can stop / delay vehicles accessing the righthand turn arrow at the Merrylands Road / Centenary Road intersection in a timely fashion.

And somehow or other, McLaren 'guesses' that 25% of the cars accessing the new development will enter via Ridge Street – refer figure 5 on P.16 of the McLaren's report.

- On what basis / how does McLaren 'assume' 25% of the flow will enter via Ridge Street?

Please note: The photomontage at the beginning and end of the Architectural Plans showing the Merrylands Road / Centenary Road intersection is most misleading – and dishonest. The photomontage doesn't include any of the traffic signals at the intersection – and I don't think I've ever seen only one car crossing the intersection!

Likewise, the photos on P. 8, 11, 12 & 13 of the SEE are equally misleading and dishonest. Hardly a vehicle is in sight! It would be far more transparent and ethical to take the photos on a Friday afternoon during peak hour!

Likewise, photograph 6 on p.13 that shows Sherwood Road to the south of the subject site – it should (more accurately) reveal traffic banked-up, past where the eye can see, perhaps back to Paton Street, past the Coolabah Hotel and McDonald's entrances – and it would reveal the one traffic lane and the righthand filter lane maybe clogging the one traffic lane - and it would show the problem of the dedicated bus lane also becoming the left-hand turning lane at the signalised intersection.

Inadequate car parking and drop-off/pick up facilities

Staff and visitor parking, the drop-off of 124 children and swim lessons for up to 20 children cannot be accommodated through the proposed provision of shared parking spaces in a basement car park that contains only 38 car spaces, and has only one turning bay:

- There is inadequate car parking and drop-off/pick up areas within the site
- The proposed shared car parking spaces arrangement is untenable and inadequate for the mixed-use development
- There is no on-street car parking available in Merrylands Road or Sherwood Road
- There is insufficient availability for on-street parking in Wyreema Street and Ridge Street

I do realise that in this current proposal McLaren's has provided a response to Council's concerns re the parking provision and swept path manoeuvring – but I ask Council to check their update and 'explanations'.

I ask this because the Applicant offers 38 car parking spaces, and Council states 41 or 42 are required – depending on which one – or even which part - of the various reports is read.

I also am further unsure of the accuracy of the current application - because p.6 & 17 the SEE state: *Access to the basement level is via a double width vehicle crossover, driveway and graded ramp situated to the south-western portion of the site* ***via Centenary Road.***

- Yet all the plans still reflect the entry is via Merrylands Road – not Centenary Road - so all very concerning!

In the latest SEE, it's proposed the basement car parking area will accommodate a total of 38 car parking spaces with a breakdown of 33 to the child care centre and 5 to the pool (p.72) and the following breakdown (p.6):

- 21 x staff parking spaces (including 1 accessible space)
- 12 x parent spaces
- 5 x swimming pool spaces

The previous SEE had a breakdown of:

- 12 car parking spaces for child care centre parents / visitors
- 20 car parking spaces for child care centre staff
- 4 car parking spaces for swim school parents / visitors
- 1 car parking space for swim school staff
- 1 accessible car parking space

Are 12 car parking spaces sufficient to cope with the drop-off of 124 children – and visitors?

- I fail to see how 12 car parking spaces are sufficient to facilitate and enable the drop-off of 124 children to a centre located on a busy intersection – and ask Officers to again assess this.
  Please note: The children are proposed to be **5 years old or less** – and will surely need to be taken by their parent or carer to their specific areas.
  It's not as though the child can be dropped in the basement and expected to use the lift – or make their way to their designated area!

I note (according to the SEE, p.70) a first principles assessment was undertaken to determine the car parking requirements for the swim school and it was determined the proposed swim school would demand a total of 5 dedicated car parking spaces during the peak child care centre pick-up and drop-off period. Apparently outside the peak child care centre pickup and drop-off period, the swim school would demand a total of 11 car parking spaces which the McLaren report says can be accommodated on-site through the 5 pool parking spaces and 6 child care centre staff spaces!

- I ask Council to check these calculations:
  - Surely the number of child care staff will not fluctuate much during the average day, and thus their parking spaces **cannot be shared** with the swim centre?
  - Is 1 car parking space for swim school staff adequate when there is to be 2 swim teachers?
  - I wonder if the pool patronage changeover will run as smoothly as McLaren's calculations?
    (Only 3 change rooms are proposed – and each child has been calculated as exiting the pool, maybe taking a shower and bathroom break before getting dry and dressed – and then accessing the car park via a lift - all in 10 minutes!
    This timeframe seems unrealistic).

It's surely inevitable there will be overlap between the 10 exiting children and their parents – and the next set of 10 swimmers.

- I ask Council to check if 5 and 11 car parking spaces are sufficient to meet the peak and off-peak demand for parking at the cross-over period, at the beginning and end of each swim session.
  Children and parents (and traffic) don't run to tidy schedules – as observed at the swim centre at Northmead!
- Are the share car parking arrangements and spaces proposed adequate for this proposed mixed-use development?

McLaren's report and the applicant's Architectural Plans reveal there is to be one turning bay located in the basement car park - so that vehicles can enter and exit the site in a forward direction.

- I ask if one turning bay is adequate to accommodate the drop-off and pick-up of 124 children attending the child care facility – as well as the 4 swim centre patrons attending the half-hourly swim lessons running during peak hour traffic?
- I cannot fathom how all the cars involved in these drop-offs and pick-ups can all enter the basement car park and turnaround, using one turning bay located at the far end of the car park.
- Will a queue start to form on Centenary Road - in the bus lane, that also occupies the lefthand filter lane for vehicles turning left onto Merrylands Road?
- Will a queue start to form on Merrylands Road if cars have to wait to enter the basement car park – if the basement entry is in Merrylands Road?

My all-encompassing question to Council Officers – for a site that will operate from 7am-7pm:

- Can staff parking, the drop-off of 124 children and swim lessons for up to 20 children be accommodated through the proposed provision of a basement car park that contains only 38 car spaces, and has only one turning bay – and will be located on an intersection that already is operating at capacity (the Merrylands Road / Centenary Road and Sherwood Road intersection?)

No suitable evacuation route and evacuation assembly area is available – with no location for the assembly area listed in the documents on exhibition!
There is no suitable evacuation route and assembly area available for the 124 children (5years and under), plus teachers, parents and 20 swim school children – that are intended to occupy the proposed child care centre and children's swim centre.

Centenary Road and Merrylands Road are classified state roads – and the narrow pedestrian footpaths on Merrylands Road or the adjoining Centenary Road Transitway, along with major traffic signalisation with busy high-speed traffic - fails to provide a suitable evacuation location for such a large number of very young children (and accompanying adults) - during an emergency situation. Both roads have high traffic and heavy vehicle volumes that will put children in potential risk and could be run over by vehicles approaching along the roads.

- That the site cannot provide a suitable evacuation location for children during an emergency situation presents a major safety hazard / risk.

Please note: The applicant's Evacuation Plan and Evacuation Diagram don't even seem to designate any place for an evacuation assembly area! And no location seems to be listed in the SEE!

The site is opposite a hazardous industry – a service station
Council has repeatedly said in its reports that a site located immediately opposite a service station is inappropriate – as it will incur safety hazards to a child care centre.

I look forward to Council's response to my objections and concerns listed above.

Kind regards,

DOCUMENTS ASSOCIATED WITH REPORT ELPP019/25

Attachment 7

State Environmental Planning Policy (Transport and Infrastructure) 2021, Chapter 3 assessment table

Template - Child Care Planning Guideline

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

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

Part 2 - Design quality principles

The design quality principles establish the broad design context guide of all new proposals for childcare 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.

Principles	Comment
Principle 1 - Context.	The proposal is reflective of the general character of the locality being a high density residential in nature. The proposal is considered to satisfy the objectives of the Cumberland LEP 2021 in terms of height as well as permissible land use. The context of the building is appropriate for its location given the future desired character defined by the Cumberland LEP 2021. The design generally achieves an appropriate built form for the site and the building's purpose in terms of building alignments, proportions, type and the manipulation of building elements to ensure reasonable spatial separation is established between existing neighbouring residential buildings and E1 Local Centre to the south-west of the site.
Principle 2 - Built form.	The design generally achieves an appropriate built form for the site and the building's purpose in terms of building alignments, proportions, type and the manipulation of building elements to ensure reasonable spatial separation is established between existing neighbouring residential buildings.
Principle 3 - Adaptive learning spaces.	Covered outdoor learning and play spaces have been created which are accessible to encourage the use of outdoor areas.

Principle 4 - Sustainability.	Cross ventilation is achieved with doors and windows is opposite walls to the building. The windows to play areas will allow views to the external areas. Appropriate shade within play areas is achieved for the children.
Principle 5 - Landscape.	A landscape plan has been submitted and assessed as being satisfactory. The proposed landscaping at ground level will provide suitable visual amenity for the future building's occupants and suitable landscape setting for the streetscape is also proposed.
Principle 6 - Amenity.	Generally, the proposal is satisfactory and supported. It is determined that internal and external amenity is satisfactory. The centre provides all appropriate services and amenities including lift access connecting the basement with the ground and first floor.
Principle 7 - Safety.	The building architecturally addresses the street. The building can be directly accessed via Merrylands Road and a security gate is located at the admin/reception area of the child care centre. There is also access from the basement via a lift.

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 development application for a childcare facility. Childcare facilities can be developed in a broad range of locations and need to be flexible in how they respond to the requirements and challenges this brings.

Criteria	Comments	Compliance
3.1 Site selection and location.		

C1. For proposed developments in or adjacent to a residential zone, particularly if that zone is for low density residential uses consider:		
• the setbacks and siting of buildings within the residential context.	The acoustic and privacy impacts are satisfactory for the locality.	Yes
• visual amenity impacts (e.g. additional building bulk and overshadowing, local character).	The development provides 2 metre setbacks along the north and eastern boundary and 5 metres from Centenary Road, a 6 metre setback is proposed from Merrylands Road.	Yes
• traffic and parking impacts of the proposal on residential amenity and road safety.	Given the location of the site, privacy and shadowing are not considered to be issues.	Yes
	The development provides for an adequate supply of onsite car parking to support the centre.	Yes
C2. When selecting a site, ensure that:	The subject site is zoned R4 High Density Residential zone under the CLEP 2021. The proposed development is permissible within the zone and considered as being acceptable to the locality.	Yes
• the location and surrounding uses are compatible with the proposed development or use.		
• the site is environmentally safe including risks such as flooding, land slip, bushfires, coastal hazards.	The site is considered environmentally safe through compliance with conditions and compliance with the plan of management, and detailed site investigation report.	
• 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. • where the proposal is to occupy or retrofit an existing premises, the interior and exterior spaces are suitable for the proposed use. Where the proposal relates to any heritage item, the development should retain its historic character and conserve significant fabric, setting or layout of the item. • there are suitable and safe drop off and pick up 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.		
C3. A childcare facility should be located: • near compatible social uses such as schools and other educational establishments, parks and other public open space, community facilities, places of public worship. • 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.	To the west of the site along Centenary Road is the Liverpool-Parramatta Transitway. To the south-west of the site in an E1 Local Centre.	Yes
C4. A childcare facility should be located to avoid risks to children, staff or visitors and adverse environmental conditions arising from: • proximity to: - heavy or hazardous industry, waste transfer depots or landfill sites. - Liquefied Petroleum Gas (LPG) tanks or service stations. - water cooling and water warming systems. - odour (and other air pollutant) generating uses and sources or sites which, due to prevailing land use zoning, may in future accommodate noise or odour generating uses. - extractive industries, intensive agriculture,	To the south of the site is a petrol station that also contains four aboveground LPG tanks with a total capacity of less than 8 kilolitres. The Emergency Plan prepared by Workplace Emergency Management has been updated to provide procedures around if an incident was to occur at the petrol station involving fire, explosion or gas leak.	Yes

agricultural spraying activities. any other identified environmental hazard or risk relevant to the site and/ or existing buildings within the site.		
3.2 Local character, streetscape and the public domain interface.		
C5. The proposed development should: • 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.	It is considered that the development remains compatible with the existing character of the locality being a two-storey mixed use development being a childcare centre and swim school with basement level within the R4 High Density Residential zone.	Yes
• use landscaping to positively contribute to the streetscape and neighbouring and neighbourhood amenity.	It is considered that the landscaping proposed will continue to contribute positively to the visual amenity of the site and locality particularly to reduce visual impacts to adjoining properties.	Yes
• integrate car parking into the building and site landscaping design in residential areas.	All car parking is provided within a basement car park. The car park is consistent	Yes

	with the required planning controls.	
• in R2 Low Density Residential zones, limit outdoor play space to the ground level to reduce impacts on amenity from acoustic fences/barriers onto adjoining residence, except when good design solutions can be achieved.	Not applicable, the subject site is zoned R4 High Density Residential.	N/A
C6. 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.	The provisions stated are complied with.	Yes
C7 On sites with multiple buildings and/or entries, pedestrian entries and spaces associated with the child care facility should be differentiated to improve legibility for visitors and children by changes in materials, plant species and colours.	The building also includes a swim school to be run separately from the centre based child care centre. The lift access from the basement to the ground floor and entry from Merrylands Road into the lobby area is accessible by both uses. The two uses provide two entries once entry is made in the main lobby area.	Yes
C8 Where development adjoins public parks, open space or bushland, the facility should provide an appealing	The provisions are not relevant.	N/A

streetscape frontage by adopting some of the following design solutions: • clearly defined street access, pedestrian paths and building entries. • low fences and planting which delineate communal/private open space from adjoining public open space. • minimal use of blank walls and high fences.		
C9. Front fences and walls within the front setback should be constructed of visually permeable materials and treatments. Where the site is listed as a heritage item, adjacent to a heritage item or within a conservation area front fencing should be designed in accordance with local heritage provisions.	The applicant is showing a 0.683mm to 1000mm high solid brick fence alongside the Merrylands Road property boundary and a sold brick fence of a height between 0.865mm to 1153mm along Centenary Road. The wall is considered acceptable.	Yes
C10. High solid acoustic fencing may be used when shielding the facility from noise on classified roads. The walls should be setback from the property boundary with screen landscaping of a similar height between the wall and the **boundary.**	An acoustic report has been provided that provides recommendations for fencing, particularly around the outdoor play area. This will prevent noise to adjoining properties from children playing and will also shield noise from the busy intersection.	N/A
3.3 Building orientation, envelope and design.		
C11. Orient a development on a site and design the building layout to: • ensure visual privacy and minimise potential noise and overlooking impacts on neighbours by: - facing doors and windows away from private open	The design, internal room arrangement, height, material sheet, position of windows and means of vehicle entry and exit are considered satisfactory.	Yes

space, living rooms and bedrooms in adjoining residential properties. - placing play equipment away from common boundaries with residential properties. - locating outdoor play areas away from residential dwellings and other sensitive uses.		
• optimise solar access to internal and external play areas. • avoid overshadowing of adjoining residential properties. • minimise cut and fill.	There are no concerns raised in relation to shadowing or solar access and privacy to adjoining properties.	Yes
• ensure buildings along the street frontage define the street by facing it. • ensure where a childcare facility is located above ground level, outdoor play areas are protected from wind and other climatic conditions.	The position of the play areas supporting the centre are satisfactory.	Yes
C12. The following matters may be considered to minimise the impacts of the proposal on local character: • building height should be consistent with other buildings in the locality. • building height should respond to the scale and character of the street.	The overall height of building at it highest is 9.981 metres and is satisfactory to the locality. The site has two building height requirements being 21 m and 15 m, the proposal is well below these requirements.	Yes
• setbacks should allow for adequate privacy for neighbours and children at the proposed childcare facility.	Front and side setbacks are considered acceptable and consistent with the CDCP 2021.	Yes

• setbacks should provide adequate access for building maintenance. • setbacks to the street should be consistent with the existing character. Where a Local Environmental Plan or Development Control Plan do not specify a floor space ratio for the R2 Low Density Residential zone, a floor space ratio of 0.5:1 is to apply to a childcare facility in the R2 zone.	This is achieved. A street setback of 6 metres from Merrylands Road. The setback is acceptable for the locality. The site is zoned R4 High Density Residential, this control does not apply.	Yes Compliance is achieved. N/A
C13. 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.	The centre based childcare centre facility is to be setback 6 metres from Merrylands Road and 5 metres from Centenary Road which is generally satisfactory.	Yes
C14. On land in a residential zone, side and rear boundary setbacks should observe the prevailing setbacks required for a dwelling house.	This is achieved. In this regard: • The eastern side setback is 2,000 mm. • The northern side setback is 2,000 mm. The proposed setbacks are satisfactory.	Yes
C15. Entry to the facility should be limited to one secure point which is: • located to allow ease of access, particularly for pedestrians. • directly accessible from the street where possible. • directly visible from the street frontage.	Entry is via Merrylands Road and is directly accessible from the street and also via a lift from the basement level.	Yes

• easily monitored through natural or camera surveillance. • not accessed through an outdoor play area. • in a mixed-use development, clearly defined and separate from entrances to other uses in the building.	The child care centre and swim school share the same entry lobby area, however each use has its own separate entry from the lobby area.	
C16. 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 prams 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. ***Note:*** *The National Construction Code and the Disability (Access to Premises - Buildings) Standards 2010 set out the requirements for access to buildings for people with disabilities.*	Entry from the street is directly off Merrylands Road, there is a continuous pathway/and a 1:8 ramp.	Yes
3.4 Landscaping.		
C17. Appropriate planting should be provided along the boundary integrated with fencing. Screen planting should not be included in calculations of unencumbered outdoor space. Use the existing	Proposed landscaping is considered satisfactory.	Yes

landscape where feasible to provide a high quality landscaped area by: • reflecting and reinforcing the local context. • incorporating natural features of the site, such as trees, rocky outcrops and vegetation communities into landscaping.	Screen planting proposed along the common boundaries is provided.	Yes
C18. Incorporate car parking into the landscape design of the site by: • planting shade trees in large car parking areas to create a cool outdoor environment and reduce summer heat radiating into buildings. • taking into account streetscape, local character, pedestrian safety and context when siting car parking areas within the front setback. • using low level landscaping to soften and screen parking areas. into landscaping.	The car park basement area is situated underground within a basement. There are no concerns in relation to car parking. There is no at grade car parking proposed for the centre.	Yes
3.5 Visual and acoustic privacy.		
C19 Open balconies in mixed use developments should not overlook facilities nor overhang outdoor play spaces.	The swim school will not be able to overlook into the child care centre.	Yes.
C20. Minimise direct overlooking of indoor rooms and outdoor play spaces from public areas through: • appropriate site and building layout. • suitably locating pathways, windows and doors.	The centre has been designed to ensure visual privacy is maintained between properties. Visual privacy is generally considered to be satisfactory.	Yes

• permanent screening and landscape design.		
C21 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.	Satisfactory outcomes are achieved. In this regard, the position of windows, accessways, first floor terraces are satisfactory and offer no privacy issues.	Yes
C22. A new development, or development that includes alterations to more than 50 per cent of the existing floor area, and is located adjacent to residential accommodation should: • provide an acoustic fence along any boundary where the adjoining property contains a residential use. An acoustic fence is one that is a solid, gap free fence. • ensure that mechanical plant or equipment is screened by solid, gap free material and constructed to reduce noise levels e.g. acoustic fence, building, or enclosure.	The acoustic report submitted for consideration and reviewed by Council's Senior Environmental Health Officer and considered to be satisfactory.	Yes
C23. A suitably qualified acoustic professional should prepare an acoustic report which will cover the 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.	The acoustic report accompanied with the proposal is adequate.	Yes

• determine the appropriate height of any acoustic fence to enable the noise criteria to be met.		
3.6 Noise and air pollution.		
C24. Adopt design solutions to minimise the impacts of noise, such as: • creating physical separation between buildings and the noise source. • orienting the facility perpendicular to the noise source and where possible 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 sound insulation or absorption properties, such as solid balcony balustrades, external screens and soffits. • locating cot rooms, sleeping areas and play areas away from external noise sources.	The site is not located along a classified road. The acoustic report provides recommendations to minimise traffic noise inside the building. The applicant is using a mix of solid and glazed materials for the building. The materials to be used are consistent with the stated outcome of this Part. The proposed cot rooms are located more centrally in the building and will not be adversely impacted by noise.	Yes Yes Yes
C25 An acoustic report should identify appropriate noise levels for sleeping areas and other non-play areas and examine impacts and noise attenuation measures where a child care facility is proposed in any of the following locations: • on industrial zoned land. • where the ANEF contour is between 20 and 25.	The site is not situated on land close to any known airport. As stated earlier, an acoustic report has been provided and found to be satisfactory by Council's Senior Environmental Health Officer, subject to conditions.	Yes

• along a railway or mass transit corridor, as defined by State Environmental Planning Policy (Infrastructure) 2007. • on a major or busy road. • other land that is impacted by substantial external noise.		
C26 Locate child care facilities on sites which avoid or minimise the potential impact of external sources of air pollution such as major roads and industrial development.	The subject site is located on the corner of Merrylands Road and Centenary Road, a classified road.	Yes
C27 A suitably qualified air quality professional should prepare an air quality assessment report to demonstrate that proposed child care facilities close to major roads or industrial developments can meet air quality standards in accordance with relevant legislation and guidelines. The air quality assessment report should evaluate design considerations to minimise air pollution such as: • creating an appropriate separation distance between the facility and the pollution source. The location of play areas, sleeping areas and outdoor areas should be as far as practicable from the major source of air pollution. • using landscaping to act as a filter for air pollution generated by traffic and industry. Landscaping has the added benefit of improving aesthetics and minimising visual intrusion from an adjacent roadway. • incorporating ventilation design into the design of the facility.	An air quality assessment has been undertaken. The report concludes that air quality is acceptable and no adverse impacts above the criteria will arise once developed. Council's Senior Environmental Health Officer raised no objections subject to conditions.	Yes
3.7 Hours of operation.		

C28. Hours of operation where the predominant land use is residential should be confined to the core hours of 7.00am to 7.00pm weekdays. The hours of operation of the proposed child care facility may be extended if it adjoins or is adjacent to non-residential land uses.	The applicant expects the centre to operate Monday to Friday 7 am to 6 pm with a maximum of 19 staff.	Yes
C29 Within mixed use areas or predominantly commercial areas, the hours of operation for each child care facility should be assessed with respect to its compatibility with adjoining and co-located land uses.	The hours of operation proposed for the locality accounting for location within a mixed use development are assessed as being acceptable. In this regard: The hours of operation range from 7 am to 6 pm Monday to Friday. No hours of operations are proposed across weekends or public holidays for the child care centre.	Yes
3.8 Traffic, parking and pedestrian circulation.		
C30. Off street car parking should be provided at the rates for child care facilities specified in a Development Control Plan that applies to the land. Where a Development Control Plan does not specify car parking rates, off street car parking should be provided at the following rates: Within 400 metres of a railway or Metro station within Greater Sydney: • 1 space per 10 children. • 1 space per 2 staff. In other areas: 1 space per 4 children	The centre will require at least 30 car parking spaces to support 120 children The applicant has shown 30 car parking spaces situated within a basement car park to support the centre which is adequate.	Yes

Staff parking may be stack or tandem parking with no more than 2 spaces in each tandem space.		
C31 In commercial or industrial zones and mixed use developments, on street parking may only be considered where there are no conflicts with adjoining uses, that is, no high levels of vehicle movement or potential conflicts with trucks and large vehicles.	Not applicable.	N/A
C32. A Traffic and Parking Study should be prepared to support the proposal to quantify potential impacts on the surrounding land uses, to optimise the safety and convenience of the parking area(s) and demonstrate how impacts on amenity will be minimised. The study should also address any proposed variations to parking rates and demonstrate that: • the amenity of the surrounding area will not be affected. • there will be no impacts on the safe operation of the surrounding road network.	The application is accompanied by a Parking and Traffic Impact Assessment, which has been assessed by Council's engineering department and considered to be satisfactory.	Yes
C33 Alternate vehicular access should be provided where child care facilities are on sites fronting: • a classified road. • roads which carry freight traffic or transport dangerous goods or hazardous materials. The alternate access must have regard to: • the prevailing traffic conditions. • pedestrian and vehicle safety including bicycle movements. • the likely impact of the development on traffic.	Vehicular access is a Merrylands Road and considered satisfactory. TfNSW did not raise any objections to vehicular access into the site.	Yes

C34 Child care facilities proposed within cul-de-sacs or via narrow lanes or roads should ensure that safe access can be provided to and from the site, and to and from the wider locality in times of emergency.	The centre is not situated within a cul de sac. The provision is not relevant to the development application.	N/A
C35. The following design solutions may be incorporated into a development to help provide a safe pedestrian environment: • separate pedestrian access from the car park to the facility. • defined pedestrian crossings and 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. • 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 pedestrian access is separate from vehicular access and considered to be appropriate for the centre.	Yes
C36 Mixed use developments should include:	The proposal provides one level of basement that adequately provides the	Yes

• driveway access, manoeuvring areas and parking areas for the facility that are separate to parking and manoeuvring areas used by trucks. • drop off and pick up zones that are exclusively available for use during the facility's operating hours with spaces clearly marked accordingly, close to the main entrance and preferably at the same floor level. Alternatively, direct access should avoid crossing driveways or manoeuvring areas used by vehicles accessing other parts of the site. • parking that is separate from other uses, located and grouped together and conveniently located near the entrance or access point to the facility.	number of car parking to service the child care centre.	
C37. Car parking design should: • include a child safe fence to separate car parking areas from the building entrance and play areas. • provide clearly marked accessible parking as close as possible to the primary entrance to the building in accordance with appropriate Australian Standards. • include wheelchair and pram accessible parking.	Basement car parking layout is considered satisfactory to support the centre.	Yes

Part 4 - Applying the National Regulations
Assessment sheet

Criteria	Comments		Compliance
4.1 Indoor space requirements			
(Regulation 107) • Min. 3.25sqm of unencumbered indoor space	**Required:** 120 x 3.25sqm = 309sqm. Break down to each indoor play area: **Room 1** -30 x 3.25sqm = 97.5sqm. **Room 2** -20 x 3.25sqm = 65sqm. **Room 3** -30 x 3.25sqm = 97.5sqm. **Room 4** -40 x 3.25sqm = 130sqm.	**Proposed:** 417.9sqm. 113.6sqm. 68.9sqm. 101.8sqm. 133.6sqm.	Yes Yes Yes Yes Yes
• Min. 0.3m³ per child of external storage	120 x 0.3m³ = 36m³	42.8m³	Yes
• Min. 0.2m³ per child of internal storage	120 x 0.2m³ = 24m³	37.2m³	Yes
4.2 Laundry and hygiene facilities			
(Regulation 106) On-site laundry facilities should contain: • a washer or washers capable of dealing with the heavy requirements of the centre • a dryer • laundry sinks • adequate storage for soiled items prior to cleaning.	An onsite laundry is provided on the ground floor.		Yes
4.3 Toilet and hygiene facilities			
(Regulation 109) Toilet and hygiene facilities should be designed to maintain the amenity and dignity of the occupants. Design considerations could include: • junior toilet pans, low level sinks and hand drying facilities for children	Sufficient toilets, pans and sinks are provided on site.		Yes

• 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		
4.4 Ventilation and natural 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. 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.	All play areas are provided with sufficient direct and indirect daylighting.	Yes
4.5 Administrative space		
(Regulation 111) A service must provide adequate area or areas for the purposes of conducting the administrative functions of the service, consulting with parents of children and conducting private conversations.	Provided adjacent to the reception area is a separate office area.	Yes
4.6 Nappy change facilities		
(Regulation 112) Child care facilities must provide for children who wear nappies, including appropriate hygienic	Provided in room 1 and 2 that service 0-2- and 2–3-year-olds.	Yes

facilities for nappy changing and bathing. All nappy changing facilities should be designed and located in an area that prevents unsupervised access by children. Child care facilities must also comply with the requirements for nappy changing and bathing facilities that are contained in the ***National Construction Code*.**		
4.7 Premises designed to facilitate supervision		
(Regulation 115) A centre-based service must ensure that the rooms and facilities within the premises (including toilets, nappy change facilities, indoor and outdoor activity rooms and play spaces) are designed to facilitate supervision of children at all times, having regard to the need to maintain their rights and dignity. Child care facilities must also comply with any requirements regarding the ability to facilitate supervision that are contained in the ***National Construction Code*.**	The architectural plans indicate that these facilities are provided with toilets, nappy change facilities, indoor and outdoor activity rooms and play spaces and are also able to facilitate supervision.	Yes
4.8 Emergency and evacuation procedures		
(Regulation 97 & 168) Regulation 168 sets out the list of procedures that a care service must have, including procedures for emergency and evacuation. Regulation 97 sets out the detail for what those procedures must cover including: • instructions for what must be done in the event of an emergency • an emergency and evacuation floor plan, a copy of which is displayed in a prominent position near each exit • a risk assessment to identify potential emergencies that are relevant to the service.	Yes - an emergency evacuation plan has been provided with the development application and is satisfactory.	Yes
4.9 Outdoor space requirements		
(Regulation 108) Min. 7m^2 of unencumbered outdoor space per child.	840sqm of outdoor space is required for 120 children. 878.5sqm is provided and excludes door swings and stairs.	Yes

Where a covered space such as a veranda is to be included in outdoor space it should: • be open on at least one third of its perimeter • have a clear height of 2.1m • have a wall height of less than 1.4m where a wall with an opening forms the perimeter • have adequate flooring and roofing • be designed to provide adequate protection from the elements		
4.10 Natural environment		
(Regulation 113) The approved provider of a centre-based service must ensure that the outdoor spaces allow children to explore and experience the natural environment.	This is compliant.	Yes
4.11 Shade		
(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% of the ground area, with no more than 60% 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% of the outdoor play area • have evenly distributed shade structures over different activity spaces.	The proposed outdoor area achieves year round solar access. The outdoor areas provide areas for shade and protection from ultraviolet radiation.	Yes
4.12 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	Achieved.	Yes

under cannot go through, over or under it.		
4.13 Soil Assessment		
(Regulation 25) To ensure consistency between the development consent and the service approval application, a soil assessment should be undertaken as part of the development application process. Where children will have access to soil the regulatory authority requires a preliminary investigation of the soil.	Council's Environmental Health Officer has stated that the contamination is satisfactory. This has been addressed in the main body of the report.	Yes
Division 3 Additional ongoing requirements		
274 Swimming pools *(1) The approved provider of a centre-based education and care service (other than a school-based service) in New South Wales for children preschool age or under must ensure that there is no swimming pool on the service premises unless the swimming pool existed on the premises before 6 November 1996.*	The swimming pool is separated from the centre based child care centre, although they share a lift and lobby area, they are separated in different parts of the building. The swimming pool is to function independently as a swim school (indoor recreation area).	Yes

DOCUMENTS ASSOCIATED WITH REPORT ELPP019/25

Attachment 8

Cumberland LEP 2021 Assessment

Cumberland Local Environmental Plan 2021

Clause	Comments	Compliance
1.2 Aims of Plan	The particular aims of this Plan are as follows: (aa) to protect and promote the use and development of land for arts and cultural activity, including music and other performance arts, (a) to provide a comprehensive planning framework for the sustainable development of land in Cumberland, (b) to provide for a range of land uses and development in appropriate locations to meet community needs, (c) to facilitate economic growth and employment opportunities within Cumberland, (d) to conserve and maintain the natural, built and cultural heritage of Cumberland, (e) to provide for community facilities and services in Cumberland to meet the needs of residents, workers and visitors, (f) to promote development that is environmentally sustainable. Comment: The proposal meets aims b, c and e of the CLEP 2021.	Yes
2.3 Zone Objectives and Land Use Table	The objectives of the R4 High Density Residential zone are: • *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.* • *To encourage residential development that maintains the amenity of the surrounding area.* Comment: The proposal meets objectives 3 and 4 by providing a land use that provides facilities and a service to meet the day to day needs of residents. The location of the site is north of an E1 local centre and R4 High Density Residential zone to the north and east of the subject site and is considered in appropriate setting for the subject use.	Yes
2.6 Subdivision-consent requirements	Subdivision is not proposed under this application.	N/A
2.7 Demolition requires	The site is cleared of any structures.	N/A

development consent		
4.1 Minimum subdivision lot size	*(1) The objectives of this clause are as follows—* *(a) to ensure that new lots are able to accommodate development that is consistent with development controls including adequate areas for vehicle and pedestrian access, private open space and landscaping,* *(b) to prevent fragmentation of land that would preclude the achievement of the land uses or development desired in a given locality,* *(c) to ensure that new subdivisions reflect characteristic lot sizes and patterns of the area.* *(2) This clause applies to a subdivision of any land shown on the Lot Size Map that requires development consent and that is carried out after the commencement of this Plan.* *(3) The size of any lot resulting from a subdivision of land to which this clause applies is not to be less than the minimum size shown on the Lot Size Map in relation to that land.* Comment: The combined site area is 1701.6 square metres pre land dedication and 1640 square metres post land dedication.	Yes
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. Comment: The subject site has two building heights. Part 21 metres towards the eastern side of the site and part 15metres to the west. The proposed development has a maximum height of 9.981 metres.	Yes
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. Comment: The maximum floor space ratio (FSR) for a building on the site shall not exceed 1.5:1. Applicant says FSR complies at 902 square metres 0.53:1. Council says the FSR is 1.068:1 based on a gross floor area of 1,817.1 square metres including the outdoor play areas given the height of the acoustic barriers being 1.8 metres (minimum).	Yes
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: (g) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and	N/A

	(a) that there are sufficient environmental planning grounds to justify contravening the development standard. Comment: The subjection application does not seek to vary any development standards.	
5.10 Heritage Conservation	The site is not identified as a heritage listed item and is not located within a heritage conservation area.	N/A
5.21 Flood planning	(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 development— (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 environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of riverbanks or watercourses. (3) In deciding whether to grant development consent on land to which this clause applies, the consent authority must consider the following matters— (a) the impact of the development on projected changes to flood behaviour as a result of climate 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. Comment: Council's Senior Development Engineer reviewed the proposal and did not raise any objections subject to conditions.	Yes, subject to conditions.
6.1 Acid Sulphate Soils	The subject site is not identified as having Acid Sulphate Soils.	N/A
6.2 Earthworks	The proposed earthworks will not have a detriment ion effect on existing drainage patterns or soil stability. The proposal will not affect the amenity of adjoining properties. The proposal is satisfactory subject to	Yes

	compliance with standard conditions.	
6.4 Essential Services	(1) Development consent must not be granted to development unless 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 made to make them available when required: a) the supply of water, b) the supply of electricity, c) the disposal and management of sewage, d) stormwater drainage or on-site conservation, e) suitable vehicular access. <u>Comment:</u> These matters can be addressed by the imposition of conditions in any approval of the development.	Yes
6.7 Stormwater management	(2) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development— (a) is designed to maximise the use of water permeable surfaces on the land having regard to the soil characteristics affecting on-site infiltration of water, and (b) includes, if practicable, on-site stormwater retention for use as an alternative supply to mains water, groundwater or river water, and (c) avoids significant adverse impacts of stormwater runoff on adjoining properties, native bushland and receiving waters, or if the impact cannot be reasonably avoided, minimises and mitigates the impact. <u>Comment:</u>	Yes
6.9 Salinity	(3) Development consent must not be granted to development on land to which this clause applies unless the consent authority has considered the following— (d) whether the development is likely to have an adverse impact on salinity processes on the land, (e) whether salinity is likely to have an impact on the development, (f) appropriate measures proposed to avoid, minimise or mitigate the impacts of the development. (4) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that— (a) the development is designed, sited and will be managed to avoid a significant adverse environmental impact, or (b) if a significant adverse environmental impact cannot be avoided—the development is designed, sited and will be managed to minimise the impact, or (c) if a significant adverse environmental impact cannot be minimised—the development will be managed to mitigate the impact.	Yes

	Comment: The site is identified as affected by 'potential moderate salinity land'. The proposed works are not considered to have an adverse impact on salinity.	
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 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. Comment: The proposed development is considered to be satisfactory with regard to the provisions of this clause.	Yes

DOCUMENTS ASSOCIATED WITH REPORT ELPP019/25

Attachment 9

Cumberland DCP 2021 Assessment

CDCP 2021 Compliance Table

Relevant Control		Comment/s	Compliance
Part A – General Controls			
Part A2 – Subdivision			
2.4 Residential flat building, multi-dwelling development and mixed use development	C1. Development sites involving more than one lot shall be consolidated.	Noted. This will be conditioned as the development site is made up of four lots.	Yes
	C2. Plans of Consolidation shall be submitted to, and registered with, the office of the NSW Land and Property Management Authority. Proof of registration shall be produced prior to release of the Occupation Certificate.	Noted.	Noted
	C3. Adjoining parcels of land not included in the development site shall be capable of being economically developed and not result in site isolation.	No site isolation will result from this proposal.	Yes
	C4. The community title or strata title subdivision of a residential flat building shall be in accordance with the approved development application plans, particularly in regard to the allocation of private open space, communal open space and car parking spaces. C6. Council will allow the strata subdivision of residential flat buildings subject to compliance with all other related controls contained in this DCP.	Not applicable.	N/A
	C5. Proposed allotments, which contain existing buildings and development, shall comply with site coverage and other controls contained within this Part.	Noted, no existing buildings on site.	N/A
	C6. Council will allow the strata subdivision of residential flat buildings subject to compliance with all other related controls contained in this DCP.	Not applicable.	N/A
	C7. A minimum width of 6m shall be provided for all carriageways on access roads. If parallel on-street parking is to be provided,	Not applicable.	N/A

	an additional width of 2.5m is required per vehicle per side.		
Part B – Development in Residential Zones			
Part B3 – Residential Flat Buildings			
2.1 & 2.2 Relationship to SEPP 65/NSW ADG & Development controls	ADG takes precedence over DCP, where there are inconsistencies between the controls, the ADG prevails. C1. For residential flat buildings controls on: • site analysis; • orientation; • public domain interface; • communal and public open space; • deep soil zones; • visual privacy; • pedestrian access and entries; • vehicle access; • bicycle and car parking; • solar and daylight access; • natural ventilation; • ceiling heights; • apartment size and layout; • private open space and balconies; • common circulation and spaces; • storage; • acoustic privacy; • noise and pollution; • apartment mix; • ground floor apartments; • façades; • roof design; • landscape design; • planting on structures; • universal design; • adaptive reuse; • mixed use; • awnings and signage; • energy efficiency; • water management and conservation; • waste management; and • building maintenance. Refer to SEPP 65 and the ADG compliance table below.	Not applicable, the development is not for residential accommodation.	N/A

<table>
<tr><td>3.1 Building envelope</td><td>C2. Residential flat building development shall be provided in accordance with Table 7 for RFB Setbacks.

<table><tr><td>Front setbacks (min)</td><td>No less than 6m or correspond with the existing prevalent building setback or with emerging setbacks in areas undergoing transition</td></tr><tr><td>Secondary street setbacks (min)</td><td>2m for laneways and 4m for other roads</td></tr><tr><td>Side setback (min)</td><td>3m</td></tr><tr><td>Rear setback (min)</td><td>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</td></tr><tr><td>Site area</td><td>1,000m²</td></tr><tr><td>Street frontage</td><td>24m</td></tr></table></td><td>Although the development is not a residential flat building, the building envelopes proposed as part of this application is considered satisfactory for an R4 High Density Residential zone.

The front setback from centenary Road is proposed at 6metres from the new boundary line (after land dedication) and 5 metres from the secondary road. The building is setback 2 metres from the northern and eastern boundaries.</td><td>Yes</td></tr>
<tr><td></td><td>C3. For residential flat building not captured by SEPP 65, the development is also to achieve the objectives and design criteria of the ADG.</td><td>Not applicable.</td><td>N/A</td></tr>
<tr><td>3.2 Basement design</td><td>C1. Basement walls shall be located directly under building walls, wherever practicable.</td><td>The basement is located directly beneath the building.</td><td>Yes</td></tr>
<tr><td></td><td>C2. A dilapidation report shall be prepared for all development that is adjacent to sites which build to the boundary.</td><td>Noted. This will for part of the conditions of consent.</td><td>Yes, via a condition of consent.</td></tr>
</table>

	C3. Where practicable, basement walls not located on the side boundary shall have minimum setback of 1.2m from the side boundary to allow planting.	The basements are located 2metres from the boundaries.	Yes
	C4. Basement walls visible above ground level shall be appropriately finished (such as face brickwork and/or render) and appear as part of the building.	Not applicable, the basement walls do not protrude above the ground level.	N/A
3.3 Car parking	C1. Refer to Part G3 of this DCP, or section 3J-1 of the ADG for car parking provision requirements.	This is discussed under Paet G3 and the main body of the report.	Supported on merit.
Part E – Other Land Use Based Development Controls			
Part E1 – Centre 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.	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.	Achieved.	Yes
	O3. Ensure the amenity of adjoining neighbours is retained and is not detrimentally affected by noise emissions from the site.	This is achieved.	Yes
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.	The building is setback 2 metres from the north and east boundaries.	Yes
	C2. The front and rear setback shall comply with the relevant building envelope controls for the established built form of the locality and zone.	The building is setback 7.5 metres from existing boundary and 6metres from the new boundary line (post -land dedication). The western side of the building is setbacks 5 metres from Centenary Road.	Yes
	C3. The front setback shall reflect the existing streetscape	The proposal provides for landscaping along	Yes

	and desired future character of the locality.	Merrylands Road and Centenary Road frontages.	
	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.	Satisfactory.	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.	Satisfactory. The front setback comprising of landscape area and vehicle access ramp to the basement car park and pedestrian entrance to the front of the building.	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.	Noted. Refer to Part G3 for discussion.	Noted.
Part F4 –Special Precincts			
F4-2 Mays Hill, Finlayson & Sherwood Road Transitway Precinct			
5. Sherwood Transitway Precinct			
6.1 Precinct Objectives	Maintain objectives envisaged for the precinct.	Achieved.	Yes
6.2 Site consolidation	C1. Amalgamation of lots in accordance with Figure 20 is required for redevelopment.  *Figure 20: Lot Amalgamation Plan*	The proposed site amalgamation is consistent with the lot amalgamation plan, and an addition of additional lot towards the eastern side of the site (outlined in red).	Yes

	C2. The minimum lot frontage for all development in the Sherwood Precinct shall be 30m.	The frontage to Merrylands Road is 31.47 metres and to 30.195 metres to Centenary Road.	Yes
	C3. Where amalgamation cannot be achieved, the following information must be submitted with any development application: • two written valuations indicating the value of the remaining sites that were to be developed in conjunction with the applicants properties. These are to be undertaken by two independent valuers registered with the Australian Valuers Institute; and • evidence that a reasonable offer has been made to the owner(s) of the affected sites to purchase and valuation reports.	Not applicable.	N/A
	C4. Where amalgamation (as required) is not achieved, the applicants must show that the remaining sites, which are not included in the consolidation, will still be able to achieve the development outcome prescribed in this part of the Cumberland DCP 2021, including achieving the required vehicular access, basement parking and built form.	Not applicable.	N/A
	C5. Sites must not be left such that they are physically unable to develop in accordance with the prescribed built form outcomes outlined in this DCP. *Note: Potential value can include, (but is not limited to) the land locked site developed jointly with adjoining properties, or on its own, under Cumberland LEP 2021 and this plan. A reasonable offer shall be a fair market value, and include for all expenses that would be incurred by the owner in the sale of the land locked site. Council will accept as documentary evidence a copy of*	No sites will be left such that they are not physically unable to be developed in accordance with the DCP.	Yes

	a written offer delivered by registered mail to the affected owner(s) and dated no more than 3 months prior to the date of lodgement of the development application.		
6.3 Private access ways, vehicular entries and land dedication	C1. Where possible, buildings fronting Sherwood, Centenary or Merrylands Roads, must be provide vehicular access from the rear or side, via laneways or secondary roads.	The subject site is located on the corner of Centenary and Merrylands Road. There are other opportunities for vehicular access into the site. Therefore, the proposed vehicular access is via Merrylands Road, the application was referred to TfNSW who did not raise any objections, subject to conditions.	Yes
	C2. Dedication of land at all corners of the intersection of Sherwood Road and Merrylands Road and Centenary Road for public domain improvements is required in accordance with Figure 21 for development.	At its meeting of 30 July 2025, the Council provided in-principle endorsement of the letter of offer provided by the applicant. The Planning Agreement in accordance with the Letter of Offer would require the developer to dedicate 61.6 square metres (approx) of their site at no cost to Council. The land is identified in the Cumberland Development Control Plan (DCP) 2021 Part F4-2 Mays Hill, Finlayson and Sherwood Transitway Precinct, for the purpose of providing public domain improvements.	Yes
	C3. A 12m connecting laneway between Merrylands Road and Coolibah Street is required in accordance with Figure 21.	Not applicable to subject site.	N/A
	C4. Vehicular access is to be designed in accordance with relevant objectives and controls for vehicular access in Part G.	Achieved.	Yes

6.4 Building height	C1. The maximum height for development within the Sherwood Transitway Precinct is detailed within the Cumberland Local Environmental Plan 2021.	The height limit for the subject site is part 21 metres and part 15 metres. The development has a height of 9.981 metres at its highest point.	Yes
	C2. The maximum building storey limits are detailed in Figure 22.	The subject site has a part 6 storey limit and part 4 storeys. The proposed development is 2 storeys and is compliant.	Yes
	C3. Street wall height, setbacks and minimum floor to ceiling heights are referenced in Parts B and C of this DCP.	No street wall heights apply to the site. The subject site is in an R4 High Density Residential zone and therefore as a guide the Apartment Design Guide (ADG) was used to assist in guiding the ceiling heights for the proposal. The ground floor (GF) has a FFL to FCL of 3 metres. ADG specifies 3.3metres for the GF The first floor (FF) has a FFL to FCL of 2.7 metres and 3.3 to the FF in a mixed use development. The Child care planning guideline specifies that the ceiling height should meet the minimum requirements of the National Construction Code, it is compliance can be achieved.	N/A Yes
6.5 Building setbacks and separation	C1. Setbacks shall be in accordance with Figure 23.	The proposal has been designed to provide 5m setback from Centenary Road frontage and 7.5m setback from the existing Merrylands Road frontage which is in accordance with Figure 23. The side setbacks are consistent	Yes

		with the childcare centre controls of the CDCP.	
	C2. Development along Sherwood Road is to be built to the boundary of adjoining properties to form a continuous street edge. *Note: Side setbacks, unless indicated otherwise in Figure 23 are to be in accordance with setbacks indicated in Part B or Part C of this plan.*	Noted. The side setbacks are consistent with the childcare centre controls of the CDCP.	Yes
Part G – General Controls			
Part G3 – Traffic, 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 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.	Car parking rates applies as below: - Child care facility: 1 space per 4 children - Recreation facility (indoor): 4.5 spaces to 7.5 spaces per 100sqm GFA Accordingly, the proposal requires a minimum of 40 spaces to service the proposed mixed-use development on site with the following breakdown: - 120 children / 4 = 30 spaces. - 223.3sqm / 100sqm * 4.5 spaces = 10 spaces. Therefore, the proposal requires as total of 40 car spaces. The architectural plans indicated that the proposed basement car park level is designed to accommodate a maximum 35 vehicles.	No. Acceptable on merit, refer to the main body of the report for discussion.
4.3 Basement parking	C1. Basement garages and driveways shall be permitted in accordance with the relevant Australian Standards. Where slope conditions require a	Satisfactory.	Yes

	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 within the building footprint.	The basement parking is generally with the building footprint and is acceptable.	Yes
	C3. Basement parking shall not unreasonably increase the bulk and scale of development.	Satisfactory.	Yes
	C4. Basement parking shall provide, where required, a pump out drainage system according to Council's engineering requirements.	Satisfactory.	Yes
	C5. Basement parking shall not affect the privacy of adjacent residential development.	The basement will not result in any privacy impacts to adjoining residential development.	Yes
	C6. Basement parking manoeuvring shall ensure that vehicles can enter and exit in a forward direction.	Satisfactory, subject to conditions.	Yes
	C7. Basement access/ramp design shall comply with ramp requirements specified in AS2890.	Satisfactory, subject to conditions.	Yes
4.6 Loading requirements for commercial and industrial development	C1. Loading bays for trucks and commercial vehicles shall be provided in accordance with Table 2.	A bin loading bay is shown on the plans and is satisfactory.	Yes
	C2. Loading/unloading areas shall be provided in accordance with applicable provisions of Australian Standard (AS 2890).	Satisfactory.	Yes
	C3. Provide separation between parking and service areas (i.e. loading/unloading areas).	Satisfactory.	Yes
	C4. Locate and design service areas to facilitate convenient and safe usage.	Achieved.	Yes
	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	A loading dock is not required for the subject application.	N/A

	• result in delivery vehicles queuing on any public road, footway, laneway or service road.		
	C6. A minimum of one loading space shall be provided internally within each industrial unit.	Not applicable for this application.	N/A
	C7. Loading areas shall be designed for the largest size vehicle accessing the site.	Satisfactory, designed for a Small Rigid Vehicle (SRV).	Yes
Part G4 – Stormwater & 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.	Satisfactory.	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.	Council's Senior Development Engineer reviewed the application and raised no objections 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 from that part of the site adjoining the waterway.	Satisfactory.	Yes
	C8. The proposed development shall comply with Council's Flood Risk Management Policy.	Council's Senior Development Engineer reviewed the application and raised no objections subject to conditions.	Yes
2.7 Water Sensitive Urban Design, water quality and water re-use	Water Sensitive Urban Design (WSUD) C1. All development applications for sites of 2,500m2, or more in area must be supported by a Water Sensitive Urban Design Strategy, prepared by a qualified civil engineer with suitable experience.	The site is less than 2500 square metres.	N/A
	C3. All other developments shall provide appropriate water sensitive treatments.	Achieved.	Yes
	Water quality	Satisfactory.	Yes

	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.		
	Water reuse C5. For all developments (excluding single dwellings and dual occupancies), rainwater tanks or a water reuse device shall be incorporated into the stormwater drainage system with a minimum storage size of 5,000 litres (for site area less than 1500m2) and 10,000 litres (for site area greater than 1500m2).	Satisfactory.	Yes
	C10. The ESCP shall be in accordance with the standards outlined in Managing Urban Stormwater: Soils and Construction by the NSW Department of Housing.	Satisfactory.	Yes
Part G5 – Sustainability, Biodiversity & Environmental 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.	Noted.	Noted.
	C2. Groundwater is to be recharged, where possible, while still protecting and/or enhancing groundwater quality, using water sensitive urban design.	Noted.	Noted
	C3. Protection measures for groundwater are to be proportional to the risk the development poses. Where the potential risk to groundwater is	A condition shall be imposed regarding any dewatering that may arise once excavation begins.	Yes, via a condition of consent.

	high, a separate Groundwater Impact and Management Report will be required.		
	C4. The applicant must demonstrate that there will be no adverse impacts on surrounding or adjacent properties, infrastructure or groundwater dependant ecosystems as a result of: • changes in the behaviour of groundwater created by the method of construction chosen; and/or • changes to the behaviour of groundwater of the surrounding area, created by the nature of the constructed form and groundwater management system used.	A geotechnical report was submitted with the application. A condition shall be imposed regarding dewatering.	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.	Council's Environmental Health Officer has reviewed the application and raised no objections subject to conditions.	Yes
	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.	Council's Environmental Health Officer has reviewed the application and raised no objections subject to conditions.	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	The subject site is cleared of any significant vegetation. The proposal will not have any impact on indigenous flora and	Yes

	on remnant native ground cover species.	fauna, including canopy trees and understorey vegetation, and on remnant native ground cover species. Furthermore, Council's Senior Tree management officer did not raise any objections to the proposal, subject to conditions.	
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.	Satisfactory.	Yes
Part G7 – Tree 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.	Noted.	Noted.
	C2. SEPP (Vegetation in Non-Rural Areas) 2017 applies to all trees and vegetation defined as any woody perennial plant that is 4m or greater in height, measured from the base of the tree at ground level to the highest point of live foliage.	The site is void of any significant trees. Council's Senior Tree Management Officer has reviewed the application and raised no objections subject to conditions. The proposal does not exceed the biodiversity offsets scheme threshold. Therefore, the proposed vegetation removal is considered acceptable.	Yes

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.	Noted. No trees on site to be retained.	N/A
	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.	Council's Senior Tree Management Officer did not raise any objections. A condition has been imposed requiring the protection of trees on adjoining properties being 5 Centenary Road and 475 Merrylands Road.	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.	An arborist report has been submitted with the application.	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.	A landscape plan prepared by a landscape architect has been provided with the application and is satisfactory.	Yes
Part G8 – 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.	Satisfactory. The bins will be collected from the basement area as shown in the Operational Waste Management Plan.	Yes
3.5 Bin transfer requirements	C1. Waste and recycling bins shall be positioned in locations that permit easy, direct and	Satisfactory.	Yes

	convenient access for users of the facility and permit easy transfer of bins to the collection point.		
	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.	Not applicable.	N/A
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).	A suitable area within the basement is nominated for the bin waste collection.	Yes
3.7 Collection vehicle requirements	C1. All proposed developments will need to accommodate a Heavy Rigid Vehicle (HRV) for all waste collection.	Refer to C9 below for comment.	N/A
	C2. Proposed developments that require a waste collection vehicle to enter the site for the collection of waste, a swept path analysis for a 10.5m HRV with a height clearance of 4.5m must be clearly demonstrated in the Architectural Plans, Waste Management Plan, and Traffic and Transport Management Plan. If a hook lift bin is to be used, the height clearance will increase and greater height clearance will be required.	Refer to C9 below for comment.	N/A
	C9. Should there be a case for a smaller rigid garbage collection vehicle to be used consideration will be given to alternative building design requirements. In these circumstances, supporting documentation is to be provided with the development application.	The proposal would be serviced by a private contractor for the waste and recycling. The collection will be carried out within the basement using a Small Rigid Vehicle (SRV).	Yes