A meeting of the Cumberland Local Planning Panel will be held at 11:30am via Zoom on Wednesday, 10 December 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: ELPP030/25

DEVELOPMENT APPLICATION - 13 JAMIESON STREET, GRANVILLE

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

Application lodged	28 July 2025
Applicant	C Dib
Owner	St Raymond Charities of Hadchite INC
Application No.	DA2025/0506
Description of Land	13 Jamieson Street Granville, Lot 15 in Sec 1 DP 4013
Proposed Development	Alterations to the existing building including demolition of rear kitchen and relocation within building, internal works, replacement of front door, enlargement of rear building access and creation of bin access to lane way
Site Area	543 square metres
Zoning	E1 Local Centre Zone
Disclosure of political donations and gifts	Nil disclosure
Cost of works	$88,000
Heritage	Yes – The subject site is identified within a heritage conservation area identified as the 'Granville Conservation Area – Civic Precinct' (C3)
Principal Development Standards	Floor Space Ratio (FSR) Permissible: 0.8:1 Proposed: 0.92:1
Issues	Submissions FSR

SUMMARY:

1. Development Application No. DA2025/0506 was lodged on 28 July 2025 for Alterations to the existing building including demolition of rear kitchen and relocation within building, internal works, replacement of front door, enlargement of rear building access and creation of bin access to lane way.

2. The application was publicly notified to occupants and owners of the adjoining properties for a period of 14 days between 14 August 2025 and 28 August 2025. In response, 3 submissions were received.

3. On the 14th of October 2025, the applicant lodged amended plans and documents. The amended plans are not considered significant to warrant renotification.

4. The subject site is located within a heritage conservation area pursuant to Schedule 5, Part 2 of the Cumberland Local Environmental Plan 2021, and identified as the 'Granville Conservation Area-Civic Precinct' (C3).

5. The variations are as follows:

Control	Required	Provided	% variation
Clause 4.4 Cumberland Local Environmental Plan 2021. Floor Space Ratio.	0.8:1 (434.4 sqm) max permissible	0.92:1 (496.93sqm)	14.39%

6. The application is referred to the Panel as the proposal contravenes a development standard by more than 10%.

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

REPORT:

Subject Site and Surrounding Area

The site forms Lot 15 Sec 1 DP 4013 and is known as 13 Jamieson Street Granville. The site has an area of 543 square metres and has primary frontage to Jamieson Street, a secondary frontage to Hayat Lane and a rear frontage to Dean Street.

The subject property is currently being used as a community facility, which opened in 1924. The building has been operated by Saint Raymond Charities of Hadchit Association since 2000 and is now known as St Raymond of Hadchit Community Hall. The association provides services and support for the Hadchit community via charitable works both in Australia and abroad, which includes youth services, counselling and community gatherings.

The area surrounding the subject site consists predominantly of single dwellings and residential flat buildings. There is also a police station and a medical centre that are situated to the east of the subject property. Granville Railway Station is also in close proximity to the subject property.

The subject site is located within the Granville Conservation Area – Civic Precinct and is in the vicinity to a number of heritage listed properties. The heritage items are identified as follows:

- I51 (Circa 'Terrace Housing') and encompasses 6-14 Jamieson Street, Granville.
- I78 (Circa 'Single Storey Residences') and encompasses 62 Railway Parade, Granville.
- I79 (Circa 'Wendover') and encompasses 64 Railway Parade, Granville.

A site inspection of the premises carried out on 11 August 2025 confirmed that the site is currently occupied by a community facility.

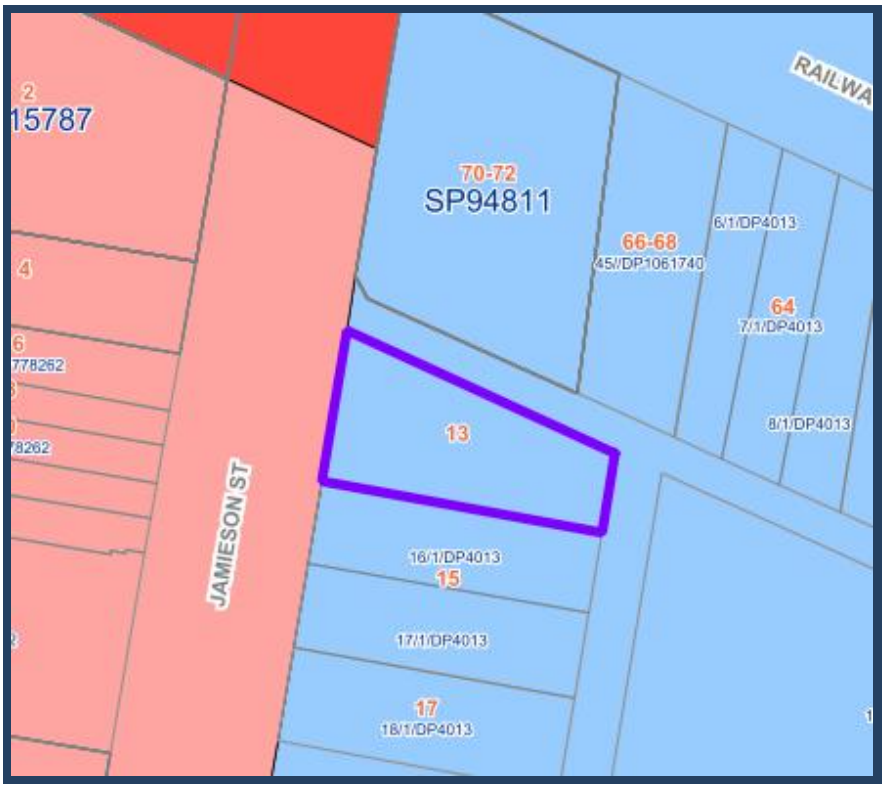


Figure 1 – Locality Plan of subject site



Figure 2 – Aerial view of subject site



Figure 3 – Street view of subject site



Figure 4 – Rear view of subject site

Description of The Development

Council has received a development application for alterations to the existing building including demolition of rear kitchen and relocation within building, internal works, replacement of front door, enlargement of rear building access and creation of bin access to lane way. The detailed breakdown of the proposal is shown below:

Demolition of the following:

- Demolition of the rear kitchen.
- Removal of a portion of the eastern facing wall to create a wall opening.
- Remove the existing entry door.
- Remove the existing office entry door from the reception area.
- Enlarge the existing door opening that provides access to the office room from the main hall.
- Remove of a portion of the existing northern facing wall of the existing bin room to create a wall opening.
- Demolish the existing slab associated with the bin room.

Construction of the following:

- Change of use of the existing office room into a kitchen with associated fit out works.
- Fill in the existing door opening that provided access from the reception area into the office.
- Installation of double-action doors that will provide access from the existing hall into the proposed kitchen.
- Creation of a new internal wall partition, which will reduce the floor area of the existing storage room so as to allow the creation of an office room.
- Lower the bin enclosure slab level to align with footpath.
- Install a louvred gate, which will provide access to the Laneway from the bin room. This aspect of the proposed development is not supported as the public area shall not be obstructed by physical structures at any time. Therefore, a condition shall be imposed requiring that the louvred gate be amended to either open inwards or be a sliding door.
- Construction of a concrete apron that is adjacent to both the bin room and the Laneway. This aspect of the proposed development is not supported as concrete aprons can only be utilized for vehicular access to the property. Therefore, a condition shall be imposed requiring that the concrete apron be deleted from the architectural plans.

- Installation of glazed folding doors on the eastern elevation of the building.
- Installation of glazed folding doors that will connect the reception area with the main hall.
- Construction of a new entry door.

No works are proposed to the first floor of the community facility.

Whilst the submitted operational plan of management lists the activities that are carried out within the community facility, religious activities will not be approved as a part of the development as community facilities are not permitted to be utilised as a place of public worship.

History

- DA/1216/2005 was approved by Parramatta City Council on 11 July 2006 for the construction of a new metal awning to the rear of the community hall.

Applicants Supporting Statement

The applicant provided a Statement of Environmental Effects prepared by spacedc dated July 2025 and was received by Council on 18 July 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

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.

Heritage

The development application was referred to Council's Heritage Committee for their information, no comments were received.

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.

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.	No tree removal is proposed.
	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.	The site has historically been utilised as a community facility. **1.** 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 (Precincts Central River City) 2021**	Chapter 6 – Urban Renewal Precincts	The proposed development is within the Central River City however, an assessment against this SEPP is not required as the development cost is less than $5 million and does not involve subdivision.
• **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 this development as the alterations, enlargement or extension of the existing building does not have a capital investment value of $10 million or more.

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 E1 Local Centre Zone

(a) Permissibility:

The proposed development is defined as a community facility and is permissible in the E1 Local Centre Zone with consent. The proposal is seeking consent for alterations to the existing building, there is no changes sought to the operation of the community facility.

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.

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 7.

Figure 5 – Cumberland LEP 2021 Compliance Table

DEVELOPMENT STANDARD	COMPLIANCE	DISCUSSION
4.3 Height 10m	N/A	The existing maximum building height of 13.4m is proposed to remain unchanged.
4.4 Floor Space Ratio 0.8:1	No	The FSR proposed is 0.92:1 (496.93 square metres). This is a 14.39% variation.
4.6 Exceptions to Development Standards	Yes	Refer to detailed assessment below.

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 for the floor space ratio under Clause 4.4 of the Cumberland Local Environmental Plan 2021.

FSR permissible under Clause 4.4 of the CLEP 2021	Existing GFA/FSR	Proposed GFA/FSR
0.8:1	521.97 square metres / 0.96:1	496.93 square metres / 0.92:1

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 states that the objectives of the development standard are achieved notwithstanding non-compliance with the standard, claiming that "*the proposal is consistent with the existing character and amenity of the area. The existing building was built a century ago and, in its original form, exceeds the current FSR standard. The proposal seeks to demolish a later addition to the building, reestablishing its original footprint. While the resulting FSR will still exceed the current standard, it will reduce the GFA bringing it closer to the current standard. The site sits within a*

conservation zone. The proposed demolition works will help restore the original heritage form of the building."

Planner's comments:

Compliance with the development standard is unreasonable or unnecessary as the proposed development complies with the objectives of clause 4.4 of the Cumberland Local Environmental Plan 2021 as the intensity of the development is being reduced by the proposed demolition of the existing kitchen at the rear of the development. The removal of the kitchen will reduce the FSR from 0.96:1 (521.97 square metres) to 0.92:1 (496.93 square metres). Additionally, the proposed reduction of the FSR will increase the conformance of the existing community building to the character of the 'Granville Conservation Area – Civic Precinct' as the existing kitchen is not compatible with the existing building.

***(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 applicant states that *"the proposal does not seek to exceed the standard by way of an increase to the existing gross floor area but seeks to reduce the gross floor area. As such, the proposal helps bring the development closer to the current standard. The site is within a conservation zone. The proposal seeks to remove an unsympathetic addition to the building, improving the building's heritage character."*

Planner's comments:

There are sufficient environmental planning grounds to justify the contravention of the development standard as the existing FSR of the subject site exceeds the permitted FSR for the site. The existing FSR is proposed to be reduced by the removal of the kitchen, which will reduce the FSR from 0.96:1 (521.97 square metres) to 0.92:1 (496.93 square metres), an overall reduction to the existing gross floor area of 25.01 square metres.

Furthermore, the proposed removal of the existing non-original kitchen room will reduce the bulk and scale of the community building and will increase the compatibility of the community building with the character of the 'Granville Civic Conservation Area – Civic Precinct'.

Conclusion:

As the applicant's justification has satisfied the test under clause 4.6, the application is capable of being approved, subject to a satisfactory merit assessment.

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 28 July 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 is relevant to the development proposal.

The development has been assessed using the following Parts:

- Part C – Development in Business Zones.
- Part E2 – Community Facilities.
- Part F2-2 – Granville Town Centre.
- Part G2 – Heritage.
- Part G8 – Waste Management.

The proposed development complies with the provisions of Council's Cumberland DCP 2021 and is considered acceptable from an environmental planning viewpoint. A comprehensive DCP assessment is contained in Attachment 6.

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 14 August 2025 and 28 August 2025. The notification generated 3 submissions in respect of the proposal. The issues raised in the public submissions are summarised and commented on in the table below.

Figure 7 – Submissions summary table

Issue	Planner's Comment
Concerned that the proposed new wall openings with glazed doors will provide expanded pathways for noise and will worsen the noise impacts in the surrounding area. Requests that conditions be imposed to mitigate the impact as much as possible.	An acoustic report and a plan of management have been submitted for Council's consideration. The acoustic report was reviewed by Council's Environmental Health Officer who raised no objection subject to conditions.
States that the existing community facility has generated adverse noise impacts over the past several years. These have included amplified music, acoustic instruments (drumming), and loud ambient noise from attendees, often extending beyond 10pm on Sunday to Thursday, and past midnight on Friday and Saturday.	The previous amenity issues that the community facility has generated are compliance matters and thus do not form part of the assessment of this Development Application. Nonetheless, in this Development Application, an acoustic report and an operational plan of management have been requested and been submitted. Both documents adequately detail how the amenity impacts (including noise) can be sufficiently mitigated so that the community facility will not result in adverse undue impacts on the adjoining residential neighbourhood.

I request that Council consider applying Cumberland DCP Part E2 – Community Facilities, Section 2.4 Operational Plan of Management which would go towards its objective - *to provide certainty for both the consent authority and the local community about the ongoing management practices to be employed by the proposed use to manage its impact upon the neighbourhood.*	An operational plan of management has been submitted, which adequately states how the community facility and the proposed alterations will be managed on an ongoing basis. Additionally, the operational plan of management also states the steps that will be taken to mitigate the acoustic impacts.

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 not require the payment of contributions in accordance with Cumberland Local Infrastructure Contributions Plan 2020.

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 the development is for alterations to an existing community facility, without an increase to the gross floor area.

DISCLOSURE OF POLITICAL DONATIONS AND GIFTS

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

CONCLUSION:

The proposed development is appropriately located within the E1 Local Centre Zone under the relevant provisions of the Cumberland LEP, however a variation in relation to the floor space ratio under the Cumberland LEP 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 floor space ratio development standard, pursuant to the Cumberland LEP 2021, be supported.**

2. **That Development Application No. DA2025/0506 for alterations to the existing building including demolition of rear kitchen and relocation within building, internal works, replacement of front door, enlargement of rear building access and creation of bin access to lane way on land at 13 Jamieson Street Granville 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 Request - FSR ⇩
4. Operational Plan of Management ⇩
5. Acoustic Report ⇩
6. Appendix A Cumberland LEP 2021 Assessment ⇩
7. Appendix B Cumberland DCP 2021 Assessment ⇩
8. Redacted Submissions ⇩

DOCUMENTS ASSOCIATED WITH REPORT ELPP030/25

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:	DA2025/0506
Applicant:	C Dib 11 Carroll Street LIDCOMBE NSW 2141
Property Description:	13 Jamieson Street GRANVILLE NSW 2142, Lot 15 Sec 1 DP 4013
Development:	Alterations to the existing building including demolition of rear kitchen and relocation within building, internal works, replacement of front door, enlargement of rear building access and creation of bin access to lane way
Determined by:	Cumberland Local Planning Panel

CONDITIONS OF CONSENT

General Conditions

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

(Reason: Advisory)

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

Reference/Dwg No	*Title/Description*	*Prepared By*	*Date/s*
Drawing No. 4, Issue B	Ground Floor Plan - Demolition	Spacedc	22/07/2025
Drawing No. 5, Issue C	Ground Floor Plan - Proposed	Spacedc	14/10/2025
Drawing No. 7, Issue B	Elevations - Demolition	Spacedc	22/07/2025
Drawing No. 8, Issue B	Elevations - Proposed	Spacedc	22/07/2025
Drawing No. 9, Issue B	Sections - Proposed	Spacedc	22/07/2025
Drawing No. 11, Issue B	Sediment Control Plan	Spacedc	22/07/2025
Report No. BA250835, Version A	Acoustic Assessment	Blackett Acoustics	October 2025
-	Operational Plan of Management (amended in red)	-	October 2025
-	Waste Management Plan	-	-

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

3. **DAGCZ01 – Terms of Approval**
The community facility is not to be utilised as a place of public worship at any time.

(Reason: Clarify the terms of approval)

Conditions Which Must be Satisfied Prior to the Commencement of Demolition

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. **DAPDB11 - Hazardous Materials Survey Required**
Prior to the commencement of any demolition works, a Hazardous Materials Survey Report must be prepared by a suitably qualified person (such as a certified Occupational Hygienist) and submitted to the satisfaction of the Council or registered certifier. The report must identify and record the type, location and extent of any hazardous materials on the site and make recommendations as to the safe management and/or removal to ensure the site is safe for demolition, construction and future use/occupation.

(Reason: To ensure controls are in place for hazardous materials)

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 louvered gate that is adjacent to the bin room shall be amended to either open inwards or be a sliding door.
b) The concrete apron that is adjacent to the bin room shall be deleted from the architectural plans.

(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. **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)

12. **DACCA04 - Works Within the 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 $4,958.00 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 encourage protection of Council infrastructure and to fund rectification works for damaged 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. DACCB05 - Fees to be paid to Council

Types of fees	Amount	Payment timing
Demolition Inspections	$604.00	Prior to CC
Damage Deposit	$4,958.00	Prior to CC
TOTAL	$5,562.00	

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: To assist in the appropriate assignment of costs for any damage to Maintain Council public assets)

17. DACCC02 - Protection or Management of Public Access

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 Road Occupancy Licence 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 designed by a qualified practising professional engineer with Engineers Australia membership for any excavation adjacent to adjoining properties or the road reserve.

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

19. 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 Blackett Acoustics dated October 2025 and referenced Report No BA250835 Version A.

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

Conditions Which Must be Satisfied Prior to the Commencement of any Development Work

20. 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)

21. 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)

Conditions Which Must be Satisfied During any Development Work

22. 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)

23. 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)

24. 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)

25. 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: Safety, amenity and protection of public infrastructure and the environment)

26. DADWA06 - Stamped Plans

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

(Reason: To ensure compliance with approved plans)

27. **DADWA07 - General Site Requirements during Demolition and Construction**

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

a) 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)

28. **DADWA13 - Compliance with Hazardous Materials Survey Report**

All of the recommendations for management and/or removal of hazardous materials on the site, as outlined in the Hazardous Materials Survey Report prepared prior to commencement of demolition works, must be complied with.

Prior to the Occupation Certificate being issued, a clearance certificate must be submitted to the Principal Certifier from a suitably qualified person (such as a certified Occupational Hygienist) confirming that all hazardous materials identified have been contained, managed or removed in accordance with the recommendations in the Hazardous Materials Survey Report, and that the site is safe for future occupation in accordance with the approved use.

(Reason: To ensure controls are in place for hazardous materials)

29. **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)

30. **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)

31. 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 prevent encroachment on other land)

32. 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)

33. 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)

34. 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)

35. 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)

36. 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)

37. 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)

Conditions Which Must be Satisfied Prior to the Issue of an Occupation Certificate

38. 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)

39. 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)

40. **DAOCA14 - Maintenance of Existing Drainage 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: To maintenance the existing drainage system in a satisfactory and functional state)

41. **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)

42. **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 Blackett Acoustics dated October 2025 and referenced Report No BA250835 Version A 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)

43. **DAOCG02 - Noise Limiter**
Prior to commencement of use:

a) all speakers associated with any amplification equipment are to be located entirely within the building;
b) all equipment and associated noise limiters shall be approved by a suitably qualified acoustic consultant, being a consultant who holds a current member grade of the Australian Acoustical Society, as being in accordance with the manufacturer's specification to ensure that resultant amplified sound complies with the entertainment noise emission criteria set out in this consent and any other relevant criteria identified in the approved acoustic report;
c) on setting the noise limiters an acoustic compliance report shall be prepared by the acoustic consultant identifying the limiter settings, a block diagram of the sound systems, identification of the type and location of speakers and measurement results. A copy of this report must be kept on the premises at all times and be made available upon the request of a Council officer.
d) the limiter and all post-limiter equipment including power amplifiers must be tamper proof and only be operable by the acoustic consultant and occupier.
e) There shall be no modifications to the sound system with respect to replacement amplifiers or speakers without recalibration of the limiter settings and recertification as set out in part (c) of this condition.

(Reason: To protect residential amenity)

Conditions Which Must be Satisfied During the Ongoing Use of the Development

44. **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)

45. **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)

46. DAOUA14 – Hours of Operation

The hours of operation are restricted to between:

- 9:00am – 9:00pm Mondays to Fridays; and
- 9:00am – 11pm Saturdays and Sundays.

(Reason: To minimise amenity impacts for nearby land)

47. DAOUA26 - Plan of Management

The use shall be operated and managed in accordance with the Plan of Management endorsed within condition 2 of this consent. In the event of any inconsistency, the conditions of this consent will prevail over the Plan of Management. The Plan of Management may not be amended without the approval of Council.

(Reason: To protect residential amenity)

48. 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).

Noise emissions from the development must not exceed the Rating Background Level (RBL) by more than 3dB(A) (LAeq,15 min) when measured within any habitable room of an affected residential premises or within any noise-sensitive commercial premises, with appropriate consideration of modifying factors in accordance with Fact Sheet C of the NPfI

(Reason: To protect residential amenity)

49. DAOUC16 - Entertainment Noise Emission Criteria

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

a) The LA10, 15 minute noise level emitted from the use must not exceed the background noise level (LA90, 15minute) in any octave band centre frequency (31.5 Hz to 8 kHz inclusive) by more than 5dB(A) between the hours of 7.00am and 12.00 midnight when assessed at the boundary of any affected residence.

b) The LA10, 15 minute noise level emitted from the use must not exceed the background noise level (LA90, 15 minute) in any octave band centre frequency (31.5 Hz to 8 kHz inclusive) between the hours of 12.00 midnight and 7.00am when assessed at the boundary of any affected residence.

c) Notwithstanding compliance with (a) and (b) above, noise from the use when assessed as an LA10, 15 minute enters any residential use through an internal to internal transmission path is not to exceed the existing internal LA90, 15 minute (from external sources excluding the use) in any octave band centre frequency (31.5 Hz to 8 kHz inclusive) when assessed within a habitable room at any affected residential use between the hours of 7am and 12midnight. Where the LA10, 15 minute noise level is below the threshold of hearing, Tf at any octave band centre frequency as defined in Table 1 of International Standard ISO 226 : 2003- Normal Equal-Loudness-Level Contours then the value of Tf corresponding to that octave band centre frequency shall be used instead.

d) Notwithstanding compliance with (a), (b) and (c) above, the noise from the use must not be audible within any habitable room in any residential use between the hours of 12.00 midnight and 7.00am.

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

(Reason: To protect residential amenity)

50. **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)

51. **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)

52. **DAOUC21 - No Preparation, Processing, or Handling of Food for Retail Sales**
This consent does not permit the preparation, processing or handling of any food intended for retail sales at the premises. Food items may be handled if the catered food is provided free of charge and is associated with the approved use.

(Reason: To protect food safety)

53. **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)

54. **DAOUF05 – Patron Behaviour**
Management of the premises must ensure that patrons leaving the premises do so in an orderly manner so as not to detrimentally affect the amenity of the neighbourhood.

(Reason: Amenity, health and safety)

55. **DAOUF06 - Protection of Neighbour Amenity at Closing**
An announcement shall be made at the cessation of the entertainment that patrons shall leave the premises and the vicinity quickly and quietly to avoid disturbance of the neighbourhood.

(Reason: Public interest)

56. **DAOUZ01 - Noise Amenity**
In the event of Council receiving complaints regarding excessive noise, 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)

57. **DAOUZ02 - Air Emissions - Amenity**
In the event of Council receiving complaints regarding excessive odour from the development, the person(s) in control of the premises shall at their own cost arrange for air quality assessment for the development and a report to be prepared by a suitably qualified person, which must be submitted to council. The report must provide recommendations for control measures to be implemented to prevent odour emissions from the site.

(Reason: To protect human health and the environment)

58. **DAOUZ03 – Noise Mitigation Measures**
The following measures shall be complied with at all times as per the Plan of Management endorsed within condition 2 of this consent:

a) The rear glazed door and the entry door may be kept open before 6pm only during events where no amplified music or speech systems are in use. Both doors are to be kept closed after 6pm. Both doors are to be kept closed during any event where amplified music or speech systems are in use.
b) The capacity of the premises shall not exceed 100 at any one time.

(Reason: To protect residential amenity)

Advisory Notes

59. **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.

60. **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.

61. **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.

62. **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.

63. **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.

64. **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.

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

66. **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.

DOCUMENTS ASSOCIATED WITH REPORT ELPP030/25

Attachment 2

Architectural Plans

13 JAMIESON STREET GRANVILLE
ALTERATIONS TO ST RAYMOND COMMUNITY HALL



LOCALITY PLAN (NTS)

	DRAWING	ISSUE
1	COVER SHEET	B
2	SITE ANALYSIS PLAN	B
3	GROUND FLOOR PLAN - EXISTING	B
4	GROUND FLOOR PLAN - DEMOLITION	B
5	GROUND FLOOR PLAN - PROPOSED	B
6	ELEVATIONS - EXISTING	B
7	ELEVATIONS - DEMOLITION	B
8	ELEVATIONS - PROPOSED	B
9	SECTIONS - PROPOSED	B
10	DRAINAGE PLAN - EXISTING	B
11	SEDIMENT CONTROL PLAN	B



LOCALITY PLAN (NTS)

spacedc
design. create.

11 Carroll Street
Lidcombe NSW 2141
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issue	date	description
B	22/07/2025	DA. COUNCIL RFI

DRAWING: **COVER SHEET**

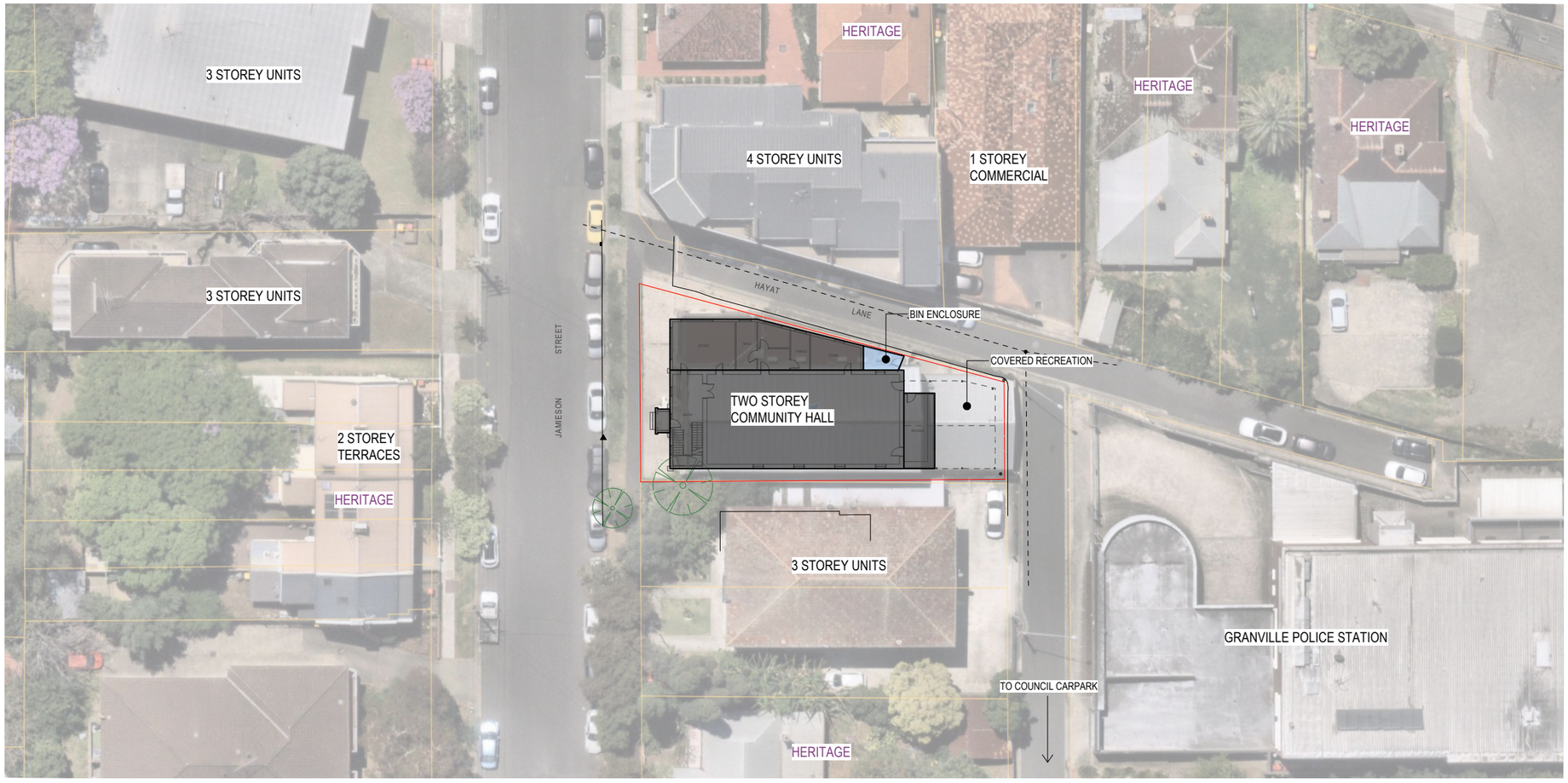
PROJECT: **ST RAYMOND COMMUNITY HALL**
13 JAMIESON STREET GRANVILLE

DATE: 22/07/2025

DRAWING No.: **1**

ISSUE: B

SCALE @ A3: -



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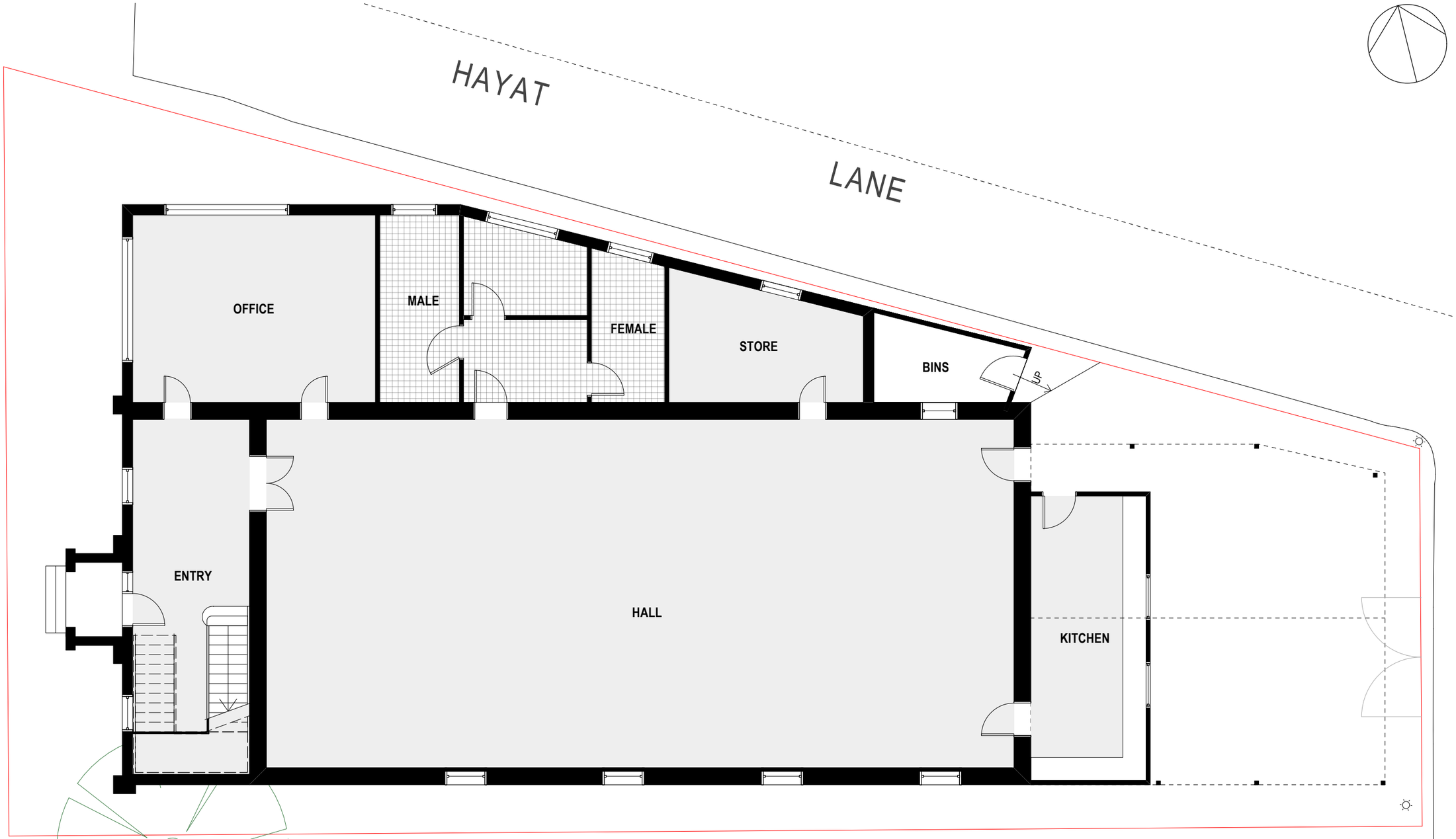
PROJECT
ST RAYMOND COMMUNITY HALL
13 JAMIESON STREET GRANVILLE

DATE 22/07/2025

DRAWING No. **2**

ISSUE B

SCALE @ A3 1:200



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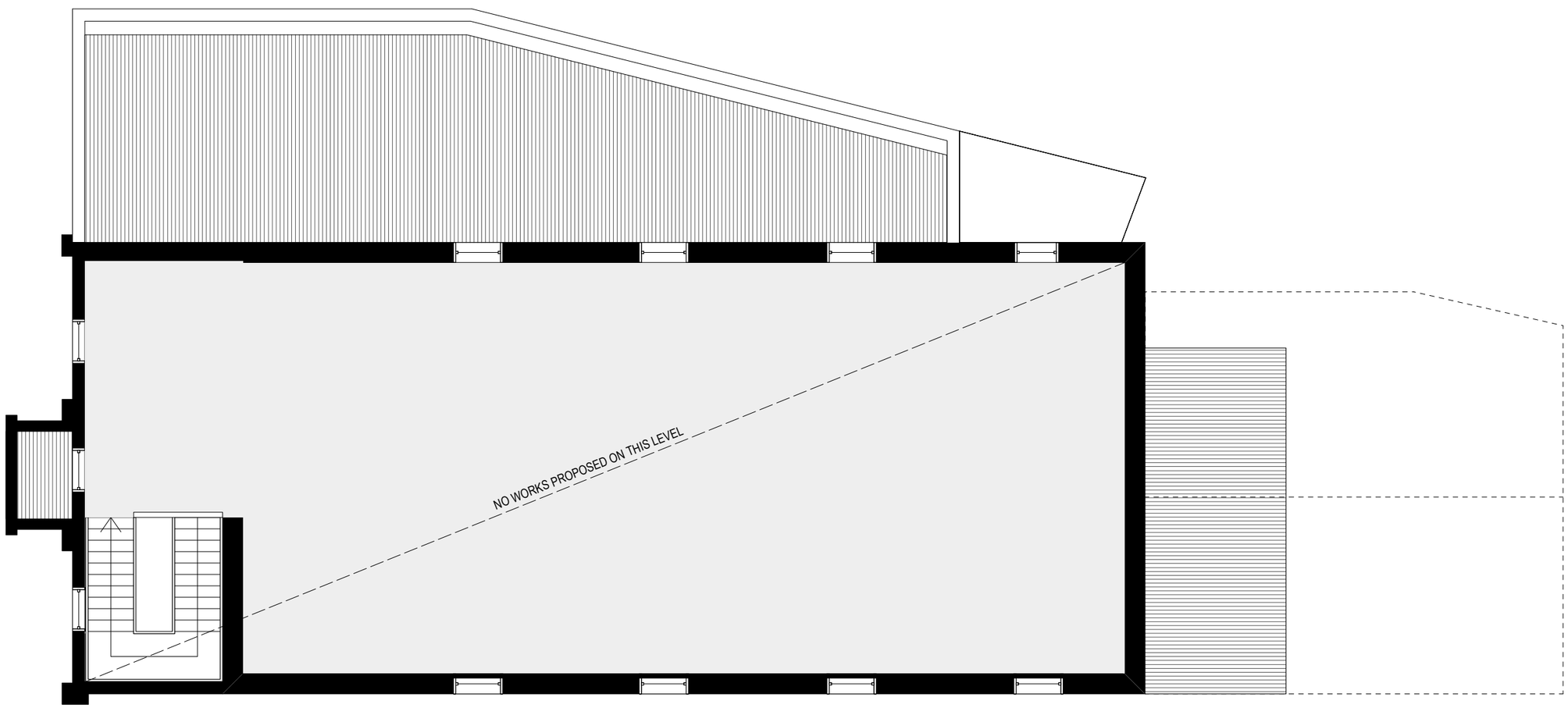
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ST RAYMOND COMMUNITY HALL
13 JAMIESON STREET GRANVILLE

DATE 22/07/2025

DRAWING No. **3**

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B	11/11/2025	ADD FIRST FLOOR PLAN + GFA CALCULATIONS

DRAWING
FIRST FLOOR PLAN - EXISTING

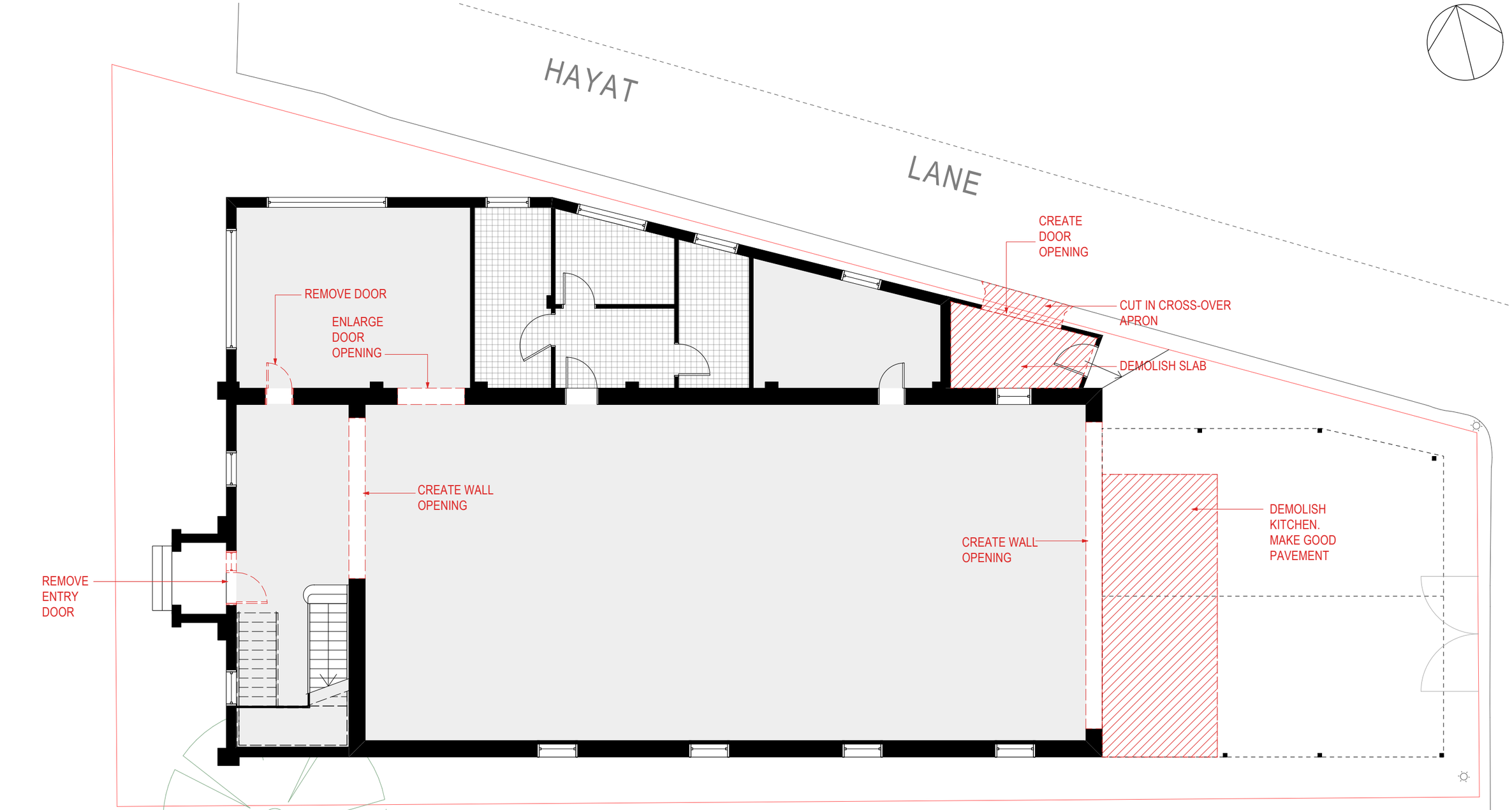
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13 JAMIESON STREET GRANVILLE

DATE 11/11/2025

DRAWING No. **3a**

ISSUE B

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B	22/07/2025	DA. COUNCIL RFI

DRAWING
GROUND FLOOR PLAN - DEMOLITION

PROJECT
ST RAYMOND COMMUNITY HALL
13 JAMIESON STREET GRANVILLE

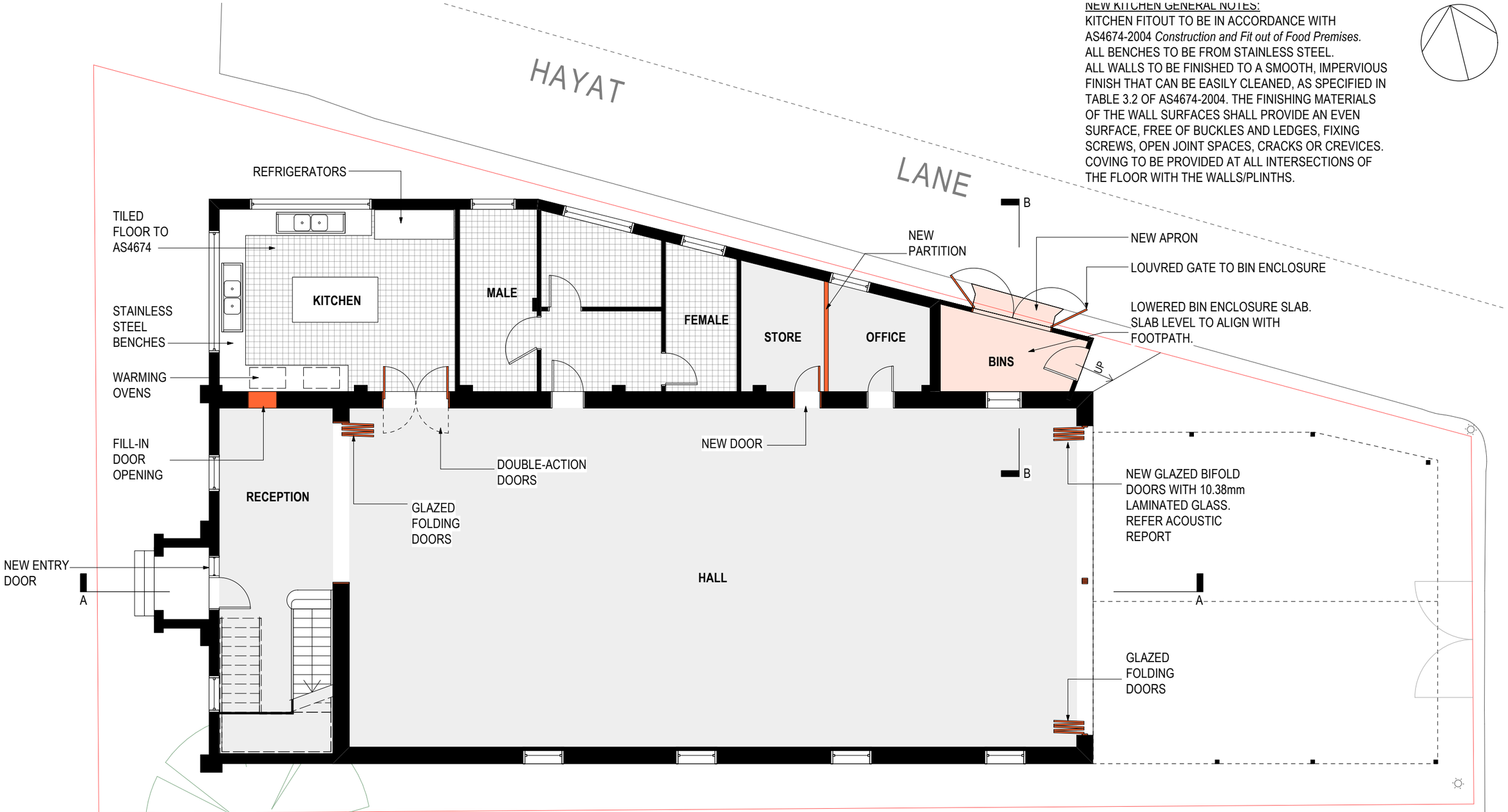
DATE 22/07/2025

DRAWING No. **4**

ISSUE B

SCALE @ A3 1:100

NEW KITCHEN GENERAL NOTES:
KITCHEN FITOUT TO BE IN ACCORDANCE WITH AS4674-2004 *Construction and Fit out of Food Premises.*
ALL BENCHES TO BE FROM STAINLESS STEEL.
ALL WALLS TO BE FINISHED TO A SMOOTH, IMPERVIOUS FINISH THAT CAN BE EASILY CLEANED, AS SPECIFIED IN TABLE 3.2 OF AS4674-2004. THE FINISHING MATERIALS OF THE WALL SURFACES SHALL PROVIDE AN EVEN SURFACE, FREE OF BUCKLES AND LEDGES, FIXING SCREWS, OPEN JOINT SPACES, CRACKS OR CREVICES. COVING TO BE PROVIDED AT ALL INTERSECTIONS OF THE FLOOR WITH THE WALLS/PLINTHS.



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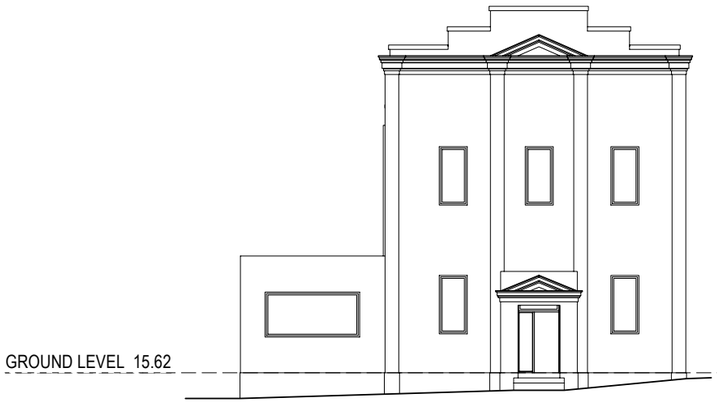
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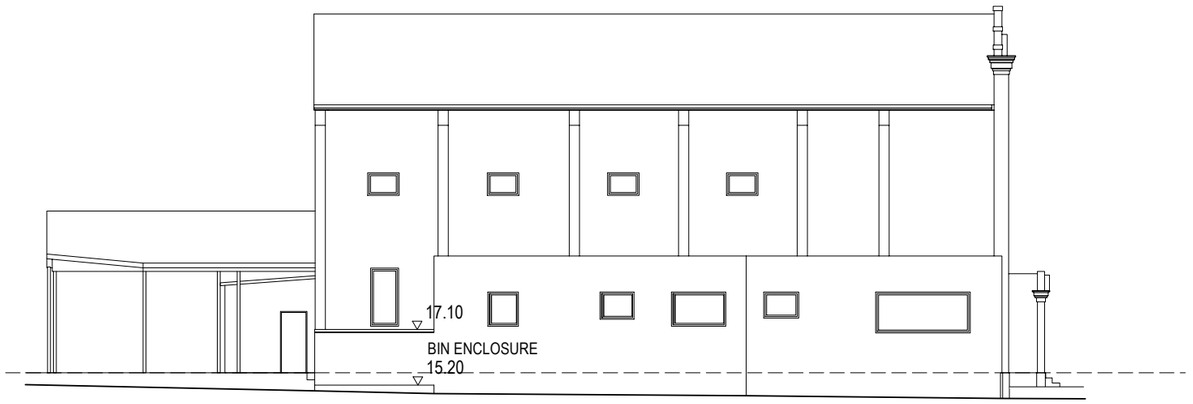
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GROUND FLOOR PLAN - PROPOSED

PROJECT
ST RAYMOND COMMUNITY HALL
13 JAMIESON STREET GRANVILLE

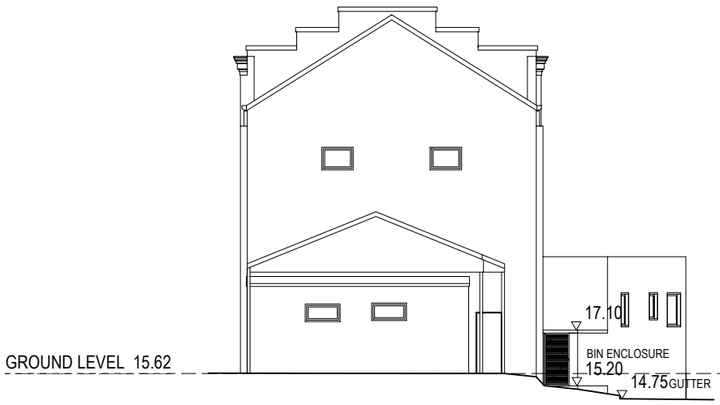
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ISSUE C
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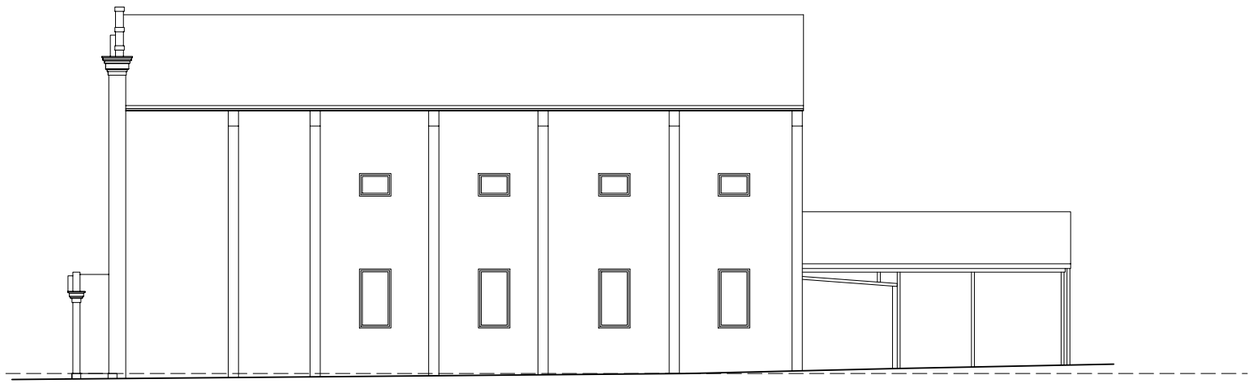
WEST ELEVATION
JAMIESON STREET FACADE



NORTH ELEVATION
HAYAT LANE FACADE



EAST ELEVATION



SOUTH ELEVATION

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DRAWING
ELEVATIONS - EXISTING

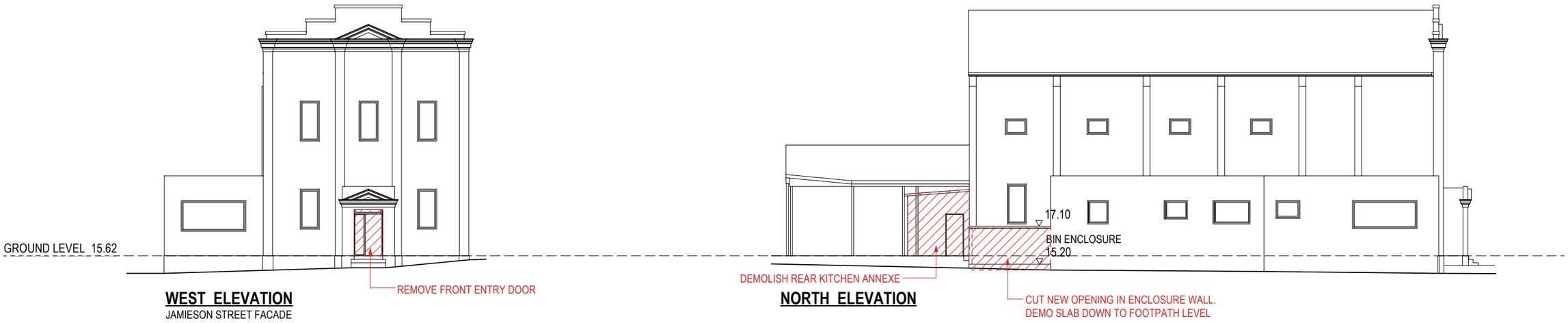
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ST RAYMOND COMMUNITY HALL
13 JAMIESON STREET GRANVILLE

DATE 22/07/2025

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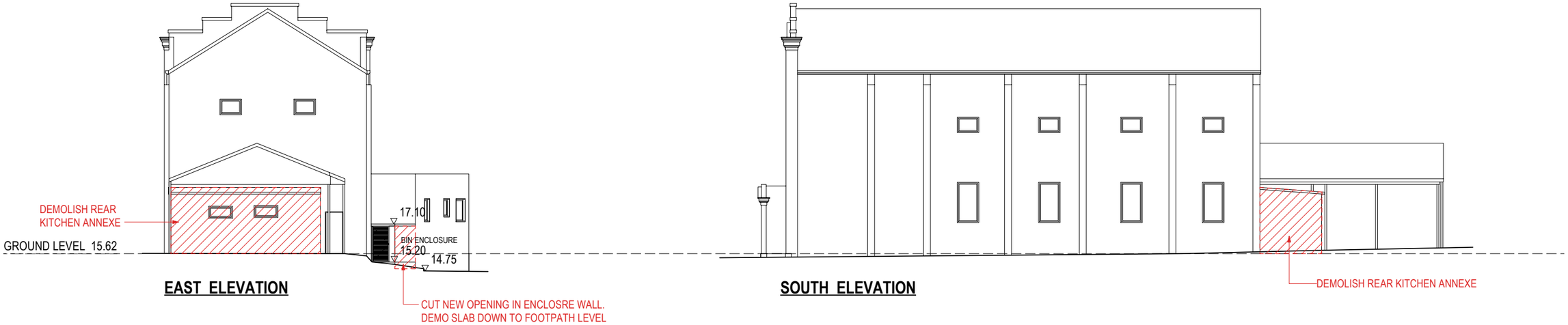
ISSUE B

SCALE @ A3 1:200



WEST ELEVATION
JAMIESON STREET FACADE

NORTH ELEVATION



EAST ELEVATION

SOUTH ELEVATION

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DRAWING
ELEVATIONS - DEMOLITION

PROJECT
ST RAYMOND COMMUNITY HALL
13 JAMIESON STREET GRANVILLE

DATE 22/07/2025

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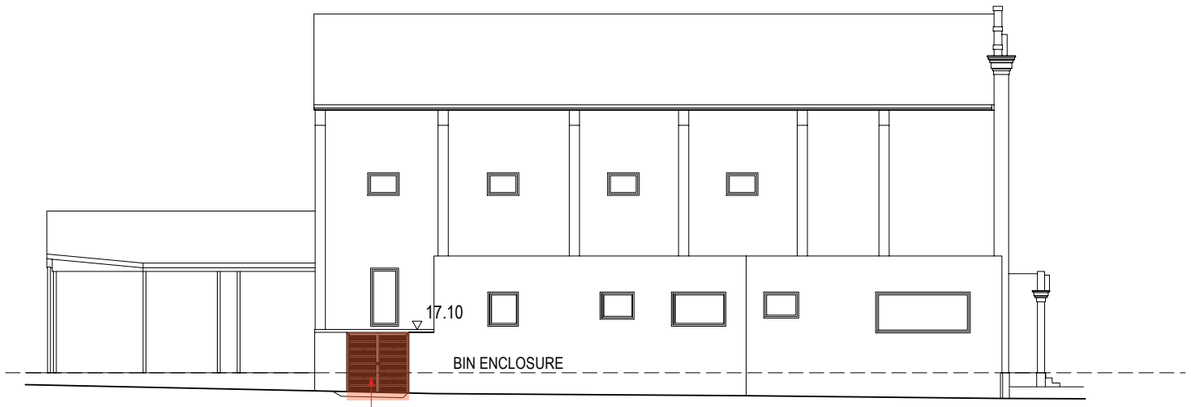
ISSUE B

SCALE @ A3 1:200

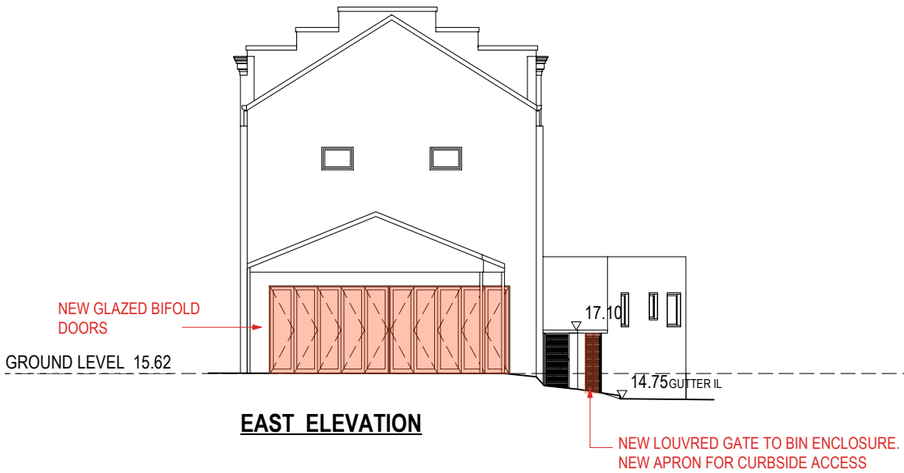
NEW WORKS



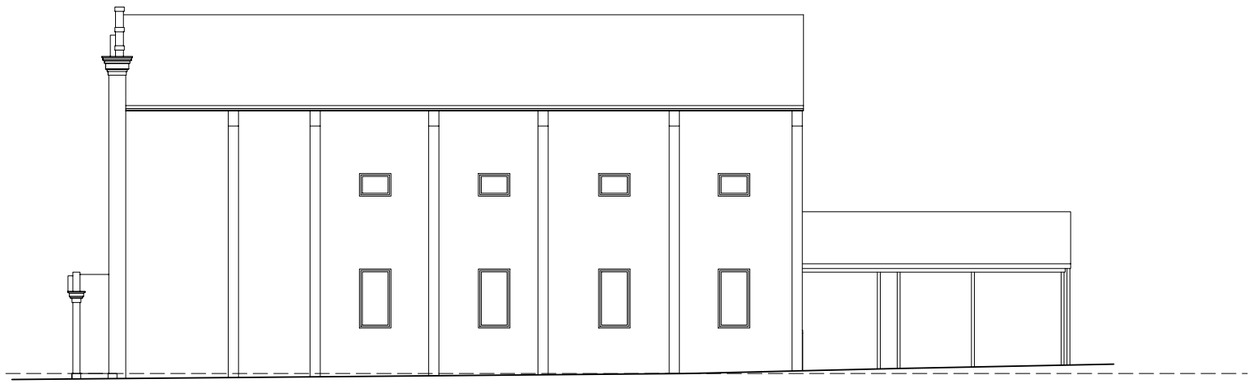
WEST ELEVATION
JAMIESON STREET FACADE



NORTH ELEVATION



EAST ELEVATION



SOUTH ELEVATION

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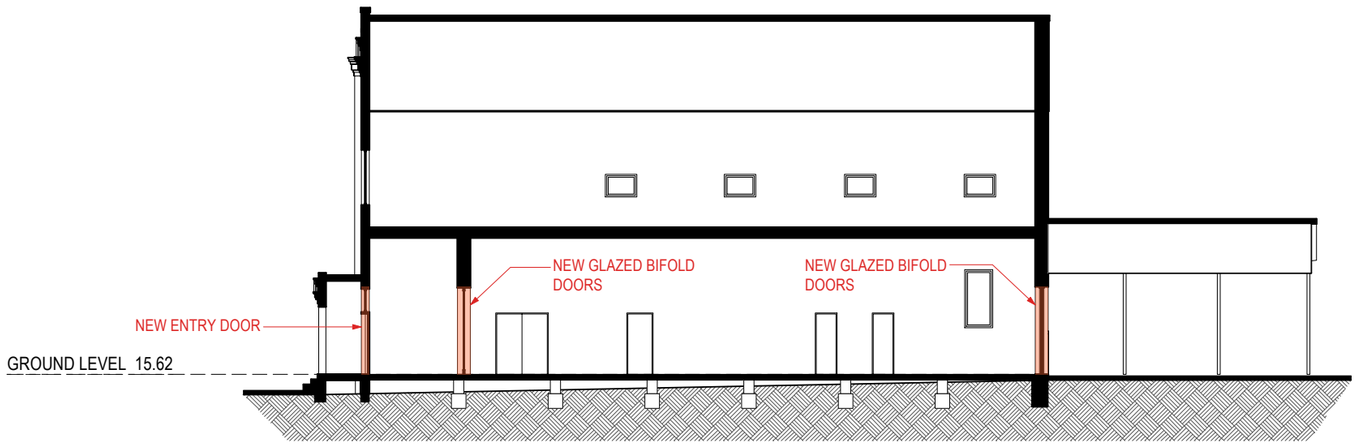
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B	22/07/2025	DA. COUNCIL RFI

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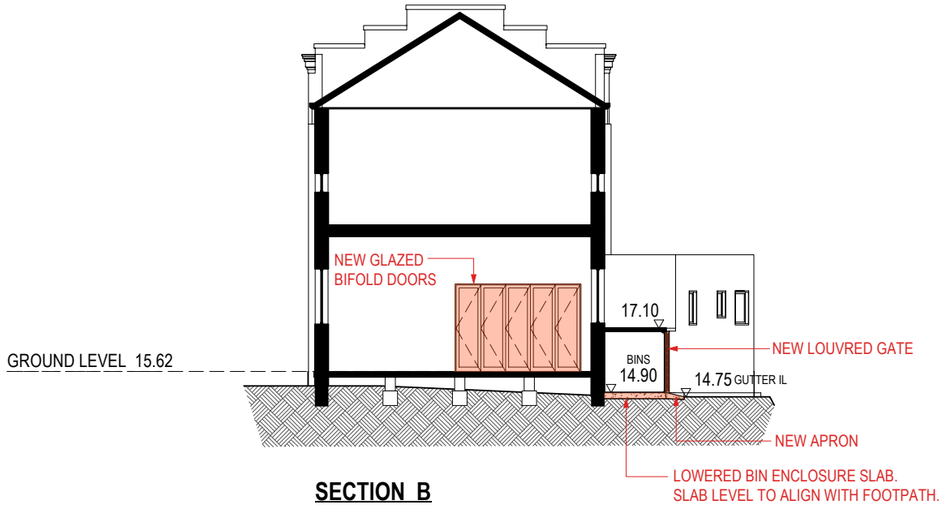
PROJECT
ST RAYMOND COMMUNITY HALL
13 JAMIESON STREET GRANVILLE

DATE 22/07/2025
DRAWING No. **8**
ISSUE B
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NEW WORKS



SECTION A



SECTION B

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SECTIONS - PROPOSED

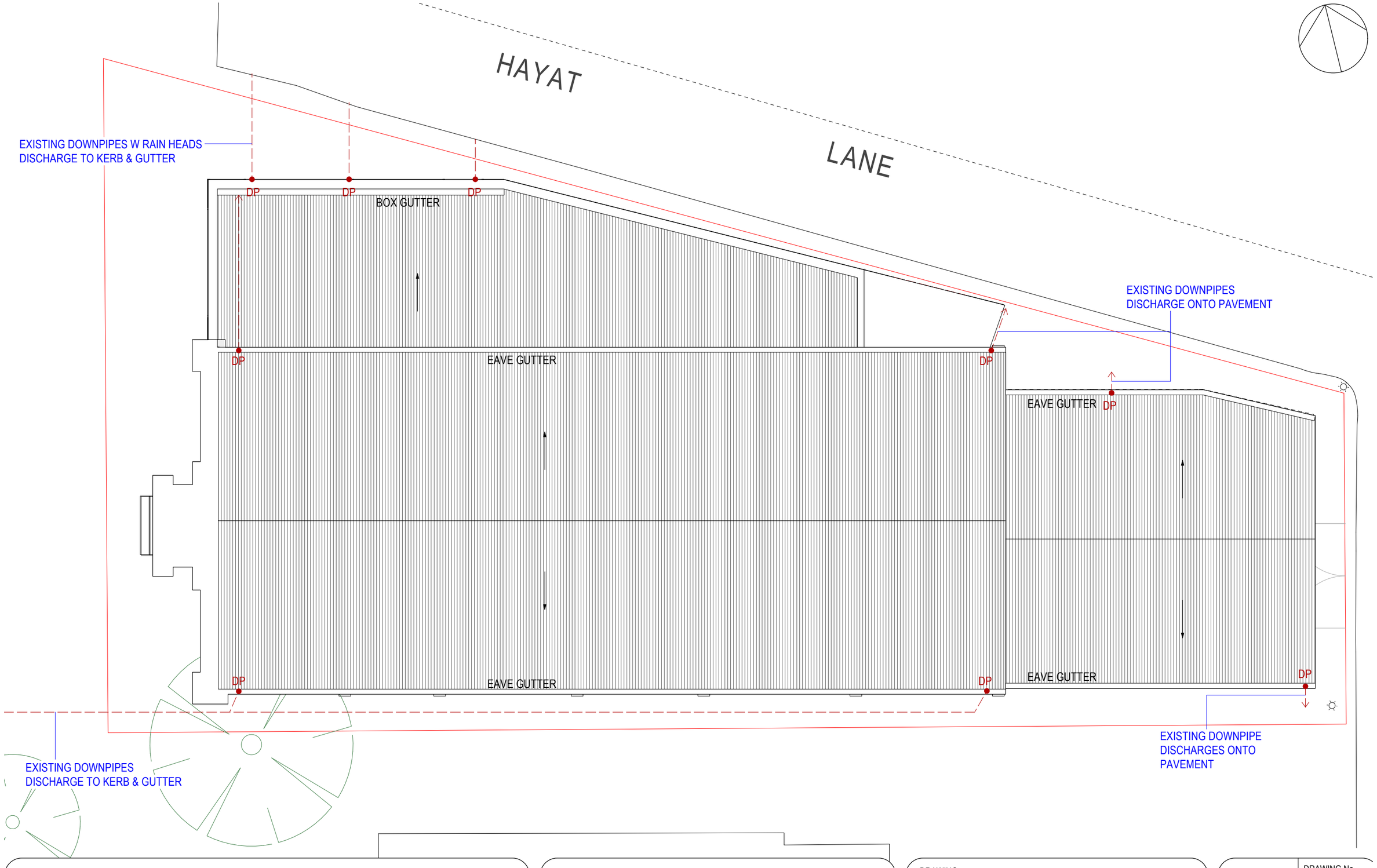
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ST RAYMOND COMMUNITY HALL
13 JAMIESON STREET GRANVILLE

DATE 22/07/2025

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ISSUE B

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DRAWING
DRAINAGE PLAN - EXISTING

PROJECT
ST RAYMOND COMMUNITY HALL
13 JAMIESON STREET GRANVILLE

DATE 22/07/2025

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ISSUE B

SCALE @ A3 1:100

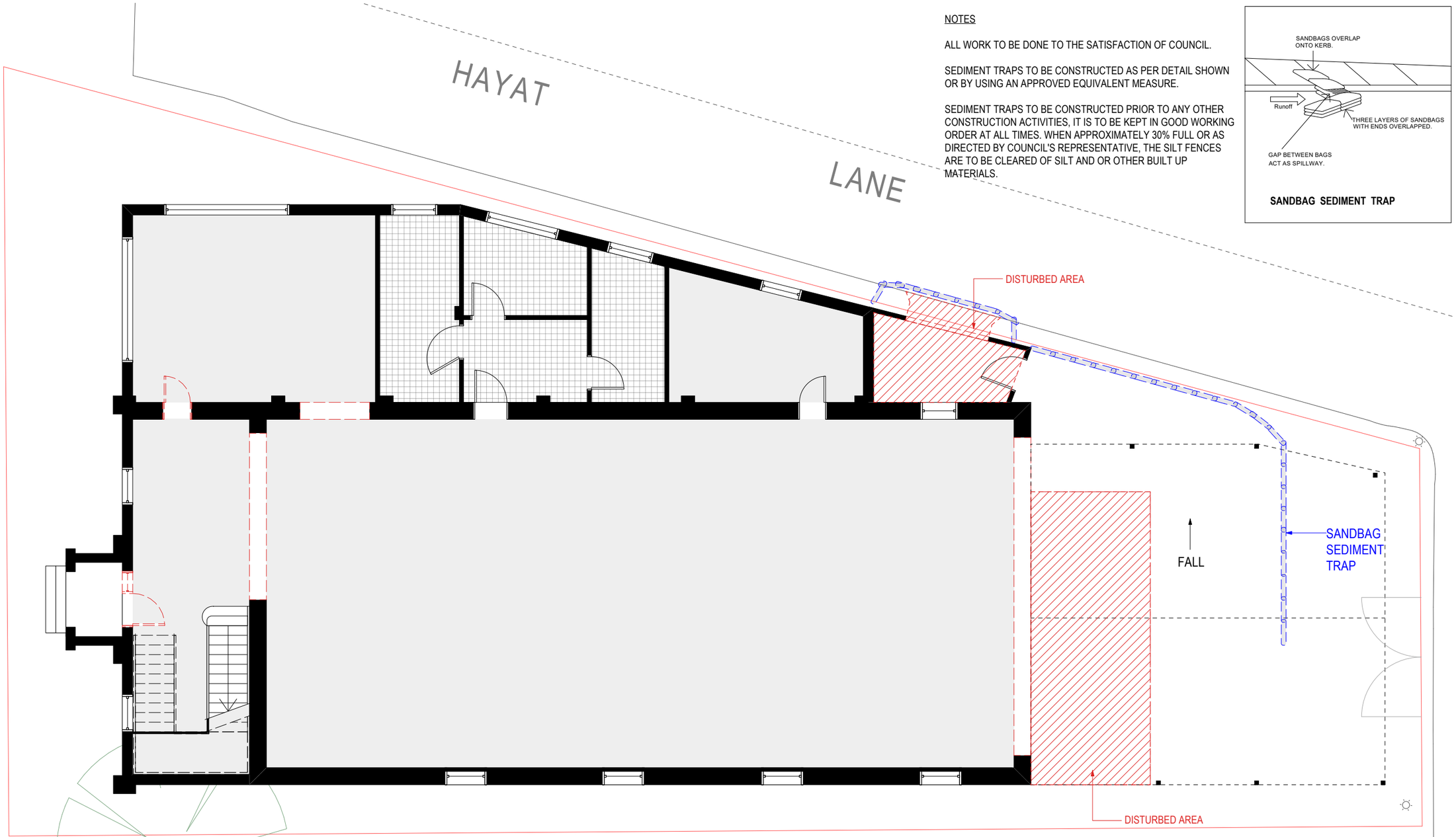
NOTES

ALL WORK TO BE DONE TO THE SATISFACTION OF COUNCIL.

SEDIMENT TRAPS TO BE CONSTRUCTED AS PER DETAIL SHOWN OR BY USING AN APPROVED EQUIVALENT MEASURE.

SEDIMENT TRAPS 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 AS DIRECTED BY COUNCIL'S REPRESENTATIVE, THE SILT FENCES ARE TO BE CLEARED OF SILT AND OR OTHER BUILT UP MATERIALS.

SANDBAG SEDIMENT TRAP



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SEDIMENT CONTROL PLAN

PROJECT
ST RAYMOND COMMUNITY HALL
13 JAMIESON STREET GRANVILLE

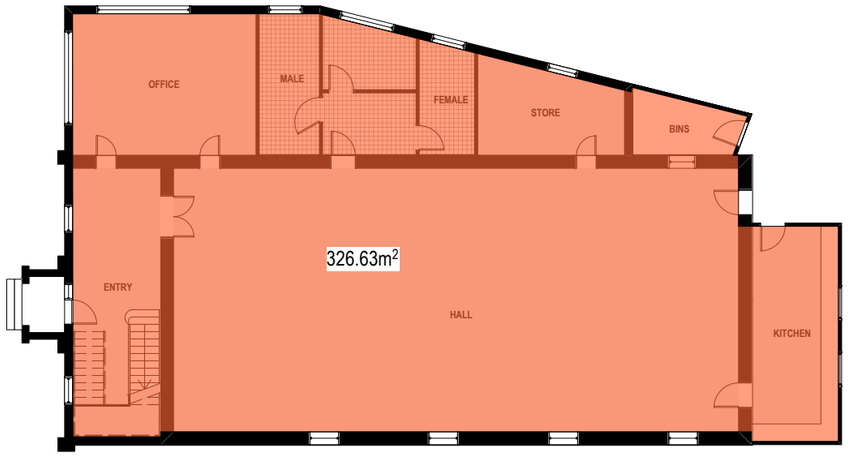
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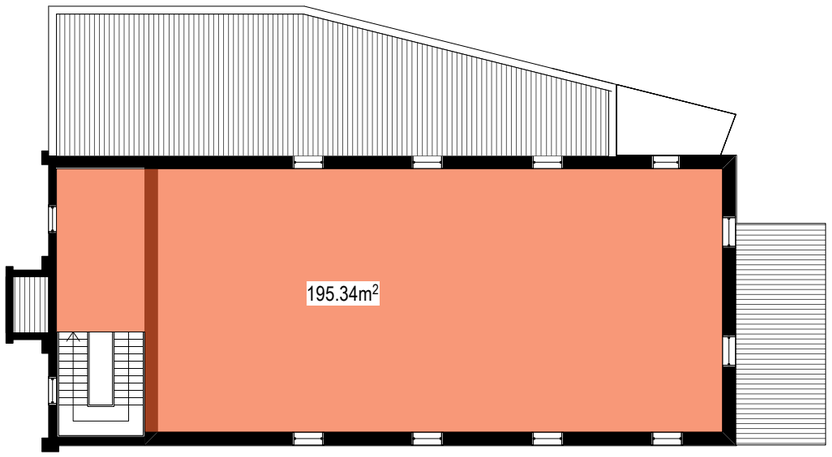
ISSUE B

SCALE @ A3 1:100

EXISTING PLANS



GROUND FLOOR



FIRST FLOOR

EXISTING GFA CALC

site area = 543m^2
FSR 0.8:1 = 434.4m^2

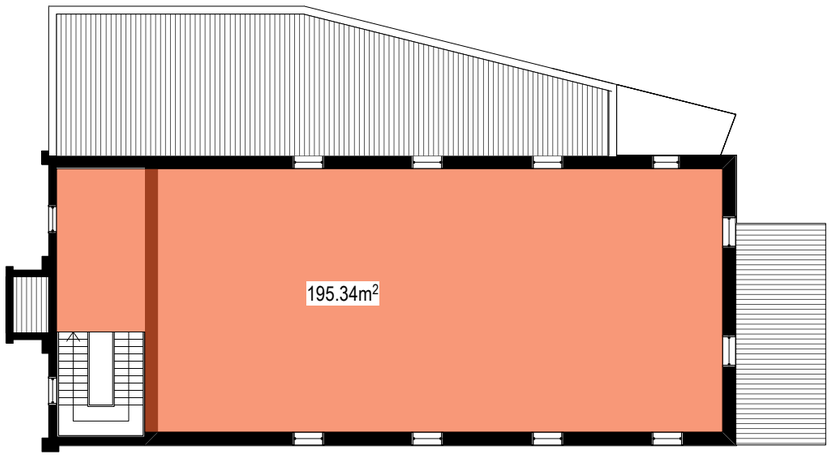
326.63m^2 +
195.34m^2
521.97m^2 (0.96:1)

variation = 87.57m^2 (20.16%)

PROPOSED PLANS



GROUND FLOOR



FIRST FLOOR

PROPOSED GFA CALC

site area = 543m^2
FSR 0.8:1 = 434.4m^2

301.59m^2 +
195.34m^2
496.93m^2 (0.92:1)

variation = 62.53m^2 (14.39%)

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D	11/11/2025	ADD FIRST FLOOR PLAN. ADD GFA CALCULATIONS

DRAWING
GFA CALCULATIONS

PROJECT
ST RAYMOND COMMUNITY HALL
13 JAMIESON STREET GRANVILLE

DATE 10/11/2025
DRAWING No. **12**
ISSUE D
SCALE @ A3 1:200

DOCUMENTS ASSOCIATED WITH REPORT ELPP030/25

Attachment 3

Clause 4.6 Variation Request - FSR

Clause 4.6 variation request

Request to vary Clause 4.4 in Cumberland Local Environmental Plan 2021

Lot 15 Sec 1 DP 4013 | 13 Jamieson Street GRANVILLE

November 2025

Site and proposed development

1. Describe the site

The subject site is legally described as Lot 15 Sec 1 in DP 4013 and is known as 13 Jamieson Street Granville. It is located within an E1 Local Centre zone and Granville Civic Precinct Conservation Area.

The site has primary frontage to Jamieson Street to the west and bound on the north and east boundaries by Hayat Lane. It is wedge shaped and has a total site area of 543m^2.

Improvements on the site include a two-storey brick community hall opened in 1924, with later additions of a single storey side annexe on the north, a single storey weatherboard annexe at the rear (east), a masonry bin enclosure on the north, and large rear awning structure.

2. Describe the proposed development

It is proposed to:

1. Demolish the rear (east) annexe which currently contains kitchen facilities and move the kitchen facilities closer to the building's entry foyer.
2. Create a new large opening in the rear elevation to accommodate glazed doors to improve connection of the hall interior with the rear undercover area.
3. Drop the level of the north-facing bin enclosure and create a new opening facing Hayat Lane so that bins can be wheeled directly out to the curb side via a new cross-over apron.
4. Create a new large opening in the wall connecting the entry foyer to the main hall to accommodate glazed doors, improving the amenity of the foyer
5. Remove the main entry door and replace to improve the cosmetic appearance of the building entry.
6. Other minor internal changes to improve the internal functioning of the building.

There is no change of use proposed, with only a reconfiguring of existing approved activities within the building.

Planning instrument, development standard and proposed variation

3. What is the environmental planning instrument/s you are seeking to vary?

Cumberland Local Environmental Plan 2021

4. What is the site's zoning?

E1 Local Centre

5. *Identify the development standard to be varied.*

It is proposed to vary *Floor space ratio*, Clause 4.4(2). The objectives of the clause are:

> *(a) to establish a maximum floor space ratio to enable appropriate development density,*
>
> *(b) to ensure that development intensity reflects its locality.*

6. *Identify the type of development standard.*

This is a numeric standard.

7. *What is the numeric value of the development standard in the environmental planning instrument?*

The numeric value of the development standard is specified in subclause 2:

> *The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map*

The Floor Space Ratio Map indicates the site has a FSR control of 0.8:1.

8. *What is the difference between the existing and proposed numeric values? What is the percentage variation (between the proposal and the environmental planning instrument)?*

The existing development has a GFA of 521.97m^2, representing a FSR of 0.96:1.

The proposed demolition works will result in a reduction of gross floor area by 25.04m^2, reducing the GFA to 496.93m^2, representing a FSR of 0.92:1

The proposal therefore exceeds the control by 62.53m^2, or 14.39%

9. *Visual representation of the proposed variation*



EXISTING GFA CALC

site area = 543m^2
FSR 0.8:1 = 434.4m^2

326.63m^2 +
195.34m^2
521.97m^2 (0.96:1)

variation = 87.57m^2 (20.16%)



PROPOSED GFA CALC

site area = 543m^2
FSR 0.8:1 = 434.4m^2

301.59m^2 +
195.34m^2
496.93m^2 (0.92:1)

variation = 62.53m^2 (14.39%)

Justification for the proposed variation

10. How is compliance with the development standard unreasonable or unnecessary in the circumstances of this particular case?

The objectives of the development standard is achieved notwithstanding the non-compliance. An assessment of the proposal against the Clause 4.4 objectives is provided below:

(a) to establish a maximum floor space ratio to enable appropriate development density,

The proposal is consistent with the existing character and amenity of the area. The existing building was built a century ago and, in it's original form, exceeds the current FSR standard. The proposal seeks to demolish a later addition to the building, reestablishing it's original footprint. While the resulting FSR will still exceed the current standard, it will reduce the GFA bringing it closer to the current standard.

(b) to ensure that development intensity reflects its locality.

The site sits within a conservation zone. The proposed demolition works will help restore the original heritage form of the building

11. Are there sufficient environmental planning grounds to justify contravening the development standard?

The proposal does not seek to exceed the standard by way of an increase to the existing gross floor area but seeks to reduce the gross floor area. As such, the proposal helps bring the development closer to the current standard.

The site is within a conservation zone. The proposal seeks to remove an unsympathetic addition to the building, improving the building's heritage character.

DOCUMENTS ASSOCIATED WITH REPORT ELPP030/25

Attachment 4

Operational Plan of Management

Operational Plan of Management

St Raymond of Hadchit Community Hall

13 Jamieson Street Granville

October 2025



Contents

1. Introduction
2. Background information
3. Administration
   3.1 Management Committee
   3.2 Centre manager
   3.3 Staff
4. Activities & areas
   4.1 Schedule
   4.2 Rear courtyard
5. Noise control
   5.1Rear courtyard
   5.2 Rear glazed doors
   5.3 Front entry door
6. Traffic
   6.1 Visitors
   6.2 Waste collection
   6.3 Deliveries
7. Complaints handling
8. 7.1 Policy
9. 7.2 Contact
10. 7.3 Complaint Handling Procedure
11. 7.4 Notification

Appendix

1. Introduction

This Plan of Management (POM) provides the instructions necessary for all staff and managers to administer the routine functions of the Centre. Furthermore, this POM is to clearly identify to council the operation of the Centre and its activities.

We will make such provisions as is considered necessary for the following:

a) Educating all users of the Centre;
b) Managing various activities such as study circles and prayer service;
c) Managing noise including measures recommended;
d) Managing transport including parking;
e) Managing complaints.

2. Background information

The building has been operated by Saint Raymond Charities of Hadchit Association ("the Association") since 2000 and is now known as *St Raymond of Hadchit Community Hall*. The association provides services and support for the Hadchit community through charitable works, both in Australia and abroad, including religious services, youth services, counselling and community gatherings.

3. Administration

3.1 Management Committee

The Management Committee (board members) aims to manage the affairs of the centre. Part of the role is to select appropriate Centre Manager, Staff and Traffic marshals. Further, they will review and make recommendations detailed in this plan including complaints handling, centre activities, noise control and traffic management.

3.2 Centre Manager

The role of the Centre Manager is to ensure all staff are adequately equipped to complete the day to day activities of the centre in compliance with any specific Council approval conditions and this operational manual. The Centre Manager must have a thorough understanding of the Council conditions and this operational manual.

3.3 Staff

Staff will be allocated to the following roles and tasks; all staff must understand the Council conditions and this operational manual:

- Instructors: educating both youth and adults.
- Counselling: Provision of pastoral care and community welfare.
- Administration: Managing all accounts and day to day operation.
- Activities Administrator: Ensuring the centre sound system and air-conditioning are operating in accordance with the council conditions of consent.
- Managing the attendees at the centre: Ensuring all attendees participate in scheduled activities in a safe and orderly manner.
- Community Liaison Officer: Complaint manager and community awareness initiatives including letter box drops and residential meetings.
- Traffic marshals: managing cars entering and exiting the centre and the flow of traffic through surrounding streets.

4. Activities & areas

4.1 Schedule

While there is no fixed schedule for activities within the hall, this section describes the core operations conducted, hours of operation and numbers of users, based on existing historical use of the hall.

General hours of operation:

- Monday to Friday: 9am–9pm
- Saturday & Sunday: 9am–11pm

Frequent activities

Activity:	Church gatherings
Frequency:	Various times throughout the week
Number of visitors:	20-50
Description:	quiet gathering of visitors seated inside
Music played:	no music
PA system used:	sermon/lecture delivered over PA (internal only)

Activity:	Condolence services
Frequency:	Ad hoc upon death of a community member. Held Weekdays 6pm–9pm
Number of visitors:	20-50
Description:	quiet gathering of visitors seated inside
Music played:	no
PA system used:	no

Activity:	Men’s monthly social gathering
Frequency:	Monthly (Wednesday or Thursday night, 5pm-11pm)
Number of visitors:	20-50
Description:	visitors seated inside with up to 10 men seated outside while food is cooked on BBQ
Music played:	no
PA system used:	no

Holidays and special events

Activity:	Community BBQs/Community gatherings
Frequency:	Religious holidays/quarterly
Number of visitors:	up to 100
Description:	visitors mostly seated inside, up to 20 seated outside
Music played:	yes (internal only)
PA system used:	yes (internal only)

Activity:	Mercy meals
Frequency:	Quarterly
Number of visitors:	up to 100
Description:	quiet gathering of visitors seated inside, up to 20 seated outside
Music played:	no
PA system used:	sermon/lecture delivered over PA (internal only)

Activity:	Birthday parties & private hire events
Frequency:	Depending on hire demand. Up to monthly.
Number of visitors:	up to 100
Description:	Up to 100 visitors seated inside, up to 20 seated outside.
Music played:	yes (internal only)
PA system used:	yes (internal only)

4.2 Rear courtyard

The courtyard is an integral area to the centre's operations, to facilitate social mingling once services have finished in a controlled environment. The area is a transition zone, not an overspill area. At similar centres in Sydney, it is observed that this type of social mingling occurs either on the street causing traffic and disturbing the neighbours, or in the carpark disturbing traffic around the site. The courtyard is located to the rear of the hall forcing all attendees to travel through it to return to their cars in the nearby car park whilst encouraging the attendees to mingle in it rather than on the street or carpark.

The courtyard is also utilised as a space for some limited outdoor seating for attendees who wish to take a break from internal activities and for smokers. BBQs are also conducted in this space before cooked food is taken inside.

No amplified music or speech systems are to be used in this area.

5. Noise control

The following 3 areas are identified as being potential sources of noise disturbance to neighbouring residences:

1. The rear courtyard
2. The rear glazed doors
3. The front entry door

The following noise mitigation measures are to be practiced:

5.1 Rear courtyard

No amplified music or speech systems are to be used in this area. Users are to be reminded of the importance of respecting the neighbours and keeping voices and noise to a minimum.

5.2 Rear glazed doors

The doors may be kept open before 6pm only during events where no amplified music or speech systems are in use. Doors are to be kept closed after 6pm.

The doors are to be kept closed during any event where amplified music or speech systems are in use, including during the day.

5.3 Front entry door

The doors may be kept open before 6pm only during events where no amplified music or speech systems are in use. Doors are to be kept closed after 6pm.

The doors are to be kept closed during any event where amplified music or speech systems are in use, including during the day.

6. Traffic control

6.1 Visitors

The centre is managed by the Centre Manager who directs all personnel onsite and ensures they are upholding the operation plan. This includes traffic marshals who will help manage the movement of cars around the site.

For large events there will be two (2) staff/traffic marshals present on Jamieson Street 20 minutes prior and 20 minutes after the service to manage the traffic flow and assist in parking cars around the site correctly. All visitors will be encouraged to utilise the nearby public car park. Visitors will be made aware of the presence of this car park on any invitations or other promotional materials.



Nearby public car park.

6.2 Waste collection

Regular waste collection services will continue weekly. Bins are to be kept locked inside the designated bin enclosure until collection day. The bin enclosure is to be kept clean – with weekly maintenance checks.

6.3 Deliveries

Deliveries are generally accepted:

Weekdays between 10am–4pm
Small vans and utility vehicles
Loading via rear access driveway

7.0 Complaints handling

7.1 Policy

The Association recognises that people are free to raise complaints and have them resolved in a manner that is fair, sensitive and prompt. The Association recognises complaints as a feedback mechanism to improve the organisation's practices, policies and procedures.

In particular, the Association:

- Will encourage complaints to be raised at an early stage.
- Will handle complaints promptly and advise complainants of appropriate timeframes at all stages of the process.
- Will treat complaints seriously and sensitively.
- Complaints will be handled with procedural fairness.

All information will be treated with due confidentiality.

7.2 Contact

The Community Liaison Officer will have the overall responsibility of all complaints handling system, this role will be set once the DA has been approved. The neighbours will be notified in writing of the name and contact details of the complaint handling personnel.

The Complaint Action Form and Complaint Register are provided in the attached appendices.

7.3 Complaint Handling Procedure

The complaints handling process will be as follows:

- Once a complaint is raised, the Association will request the complainant put it in writing using a complaint standard template. This will be available on the notice board.
- The Complaints Manager will review and lodge their complaint on a register which will be circulated immediately to the Centre manager and staff. The complaint register will be available in the administration area.
- The Complaint Manager will further investigate the nature of the complaint and with the Centre Manger and Staff find a reasonable solution.
- The complaint and its solution will be presented to the committee for final approval.
- Once the committee approves the complaint and solution the outcomes are promptly implemented.

- The Complainant will be contact to advise them of the outcome.
- Once complaints are resolved, all complaint action forms will be stored away.
- At no point management are allowed to release personal details.

7.4 Notification

Part of the community engagement, the community liaison officer will be required to provide letter box drop off to the neighbouring residents of the coming scheduled activities. The typical information provided in the letter will the name of scheduled activity, description, start date/time, end date/time, expected number of attendees, number of staff and community liaison officer contact details.

APPENDIX – COMPLAINT ACTION FORM & COMPLAINTS REGISTER

Complaint Action Form

Name: _____ Date: _____

Email: _____ Phone No: _____

Complaint description:

_____

_____

_____

_____

_____

Location: _____

Date of event/incident: _____ Time of event/incident: _____

Signature:

Note: This form will be treated with complete privacy and no personal details shall be released.

Office Use Only

Complaint No: _____ *Urgency: _____

Received by: _____ Assigned to: _____

Initial assessment:

_____

_____

_____

Action required:

_____

_____

_____

Notification to Complainant: Yes / No Completion/Action Date: _____

Signature:

* Urgency level: Very High, High, Medium, Low, Noted

Complaints Register

Complaint No.	Date	Summary	Assigned To	Date Resolved

DOCUMENTS ASSOCIATED WITH REPORT ELPP030/25

Attachment 5

Acoustic Report

Blackett Acoustics
Noise & Vibration Consultants

COMMUNITY HALL
13 JAMIESON STREET, GRANVILLE
DEVELOPMENT APPLICATION
ACOUSTIC ASSESSMENT

Report No BA250835
Version A

October 2025

Prepared for

Mr Ricky Raad

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Appendix A – Noise Logger Graphs

GLOSSARY

Most environments are affected by environmental noise which continuously varies, largely as a result of road traffic. To describe the overall noise environment, a number of noise descriptors have been developed and these involve statistical and other analysis of the varying noise over sampling periods, typically taken as 15 minutes. These descriptors, which are demonstrated in the graph below, are defined below.

Maximum Noise Level (L_{Amax}) – The maximum noise level over a sample period is the maximum level, measured on fast response, during the sample period.

L_{A1} – The L_{A1} level is the noise level which is exceeded for 1% of the sample period. During the sample period, the noise level is below the L_{A1} level for 99% of the time.

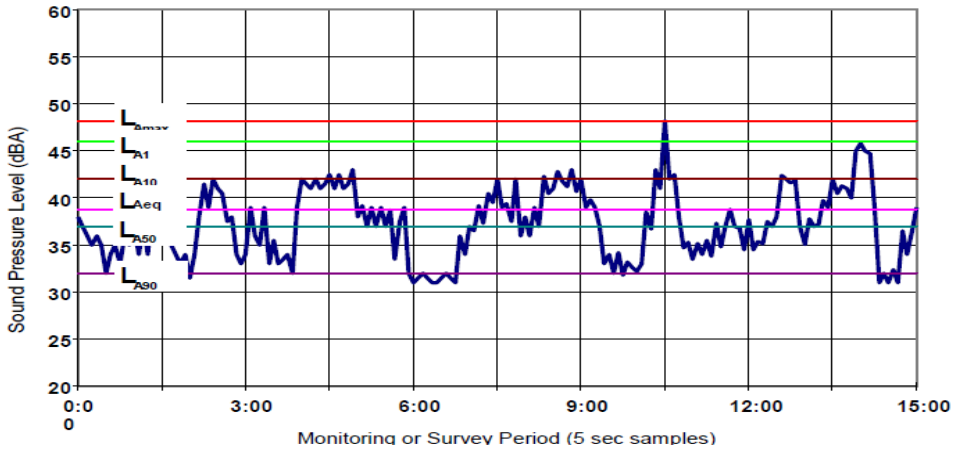
L_{A10} – The L_{A10} level is the noise level which is exceeded for 10% of the sample period. During the sample period, the noise level is below the L_{A10} level for 90% of the time. The L_{A10} is a common noise descriptor for environmental noise and road traffic noise.

L_{Aeq} – The equivalent continuous sound level (L_{Aeq}) is the energy average of the varying noise over the sample period and is equivalent to the level of a constant noise which contains the same energy as the varying noise environment. This measure is also a common measure of environmental noise and road traffic noise.

L_{A90} – The L_{A90} level is the noise level which is exceeded for 90% of the sample period. During the sample period, the noise level is below the L_{A90} level for 10% of the time. This measure is commonly referred to as the background noise level.

ABL – The Assessment Background Level is the single figure background level representing each assessment period (daytime, evening and night time) for each day. It is determined by calculating the 10th percentile (lowest 10th percent) background level (L_{A90}) for each period.

RBL – The Rating Background Level for each period is the median value of the ABL values for the period over all of the days measured. There is therefore an RBL value for each period – daytime, evening and night time.



1 INTRODUCTION

Blackett Acoustics has been engaged to conduct a Development Application (DA) Acoustic Assessment for the proposed community hall in Granville.

This report has been prepared to support the DA to be lodged with the Cumberland City Council. Furthermore, this assessment has been based on:

- Site inspections.
- Measurement of existing background noise levels in the locality.
- The prediction of noise emission levels from the proposed operation of the community hall to the immediate surroundings.

2 SITE AND PROJECT DESCRIPTION

The Project Site is located at 13 Jamieson Street, Granville (see Figure 2-1 for location). Surrounding residential locations are potentially affected by noise from the operation of external mechanical plant and chatter noise egress from the indoor and outdoor areas. The existing building has masonry perimeter walls and glazing areas with standard 4mm glass installed.

The proposal is to operate as a community hall with a maximum capacity to accommodate up to 100 visitors with most activities occurring within the indoor and outdoor areas. The typical activities are as follows.

Condolence Services (ad hoc upon death of a community member)

- **Time** – Between 6.00pm and 9.00pm.
- **No. of visitors** – 20-50 visitors.
- **Description** – Quiet gathering of visitors seated inside with no music or use of PA System.

Men's Night

- **Time** – Between 5.00pm and 11.00pm.
- **No. of visitors** – 20-50 visitors.
- **Description** – Visitors seated inside with up to 10 men seated in outdoor area while food is cooked on BBQ. No music or use of PA System in the outdoor area.

Church Gatherings

- **Time** – Between 9.00am and 9.00pm.
- **No. of visitors** – 20-50 visitors.
- **Description** – Quiet gathering of visitors seated inside with no music and sermon/lecture delivered over PA system.

Community BBQs/Community gatherings

- **Time** – Between 9.00am and 10.00pm.
- **No. of visitors** – Up to 100 visitors.
- **Description** – Quiet gathering of visitors seated in the indoor area with background music and announcements over PA system within the indoor area only.

Funeral services or Mercy Meals

- **Time** – Between 9.00am and 9.00pm.
- **No. of visitors** – up to 100 visitors
- **Description** – Quiet gathering of visitors seated in the indoor area with no music and sermon/lecture delivered over PA system. Up to 10 visitors seated in the outdoor area **without music and use of PA system**.

Birthday Parties & Private Hire Events

- **Time** – Between 9.00am and 11.00pm.
- **No. of visitors** – up to 100 visitors.
- **Description** – Visitors mostly seated in the indoor area with background music and use the of PA system. Up to 10 visitors seated in the outdoor area **without music and use of PA system**.

All of the above-listed activities will mostly be confined within the building and some gatherings with a maximum capacity of 10 visitors in the outdoor area. There will be restriction of loud music or public address systems to be used at any time. The community hall will operate 7 days a week from 9.00am to 11.00pm.

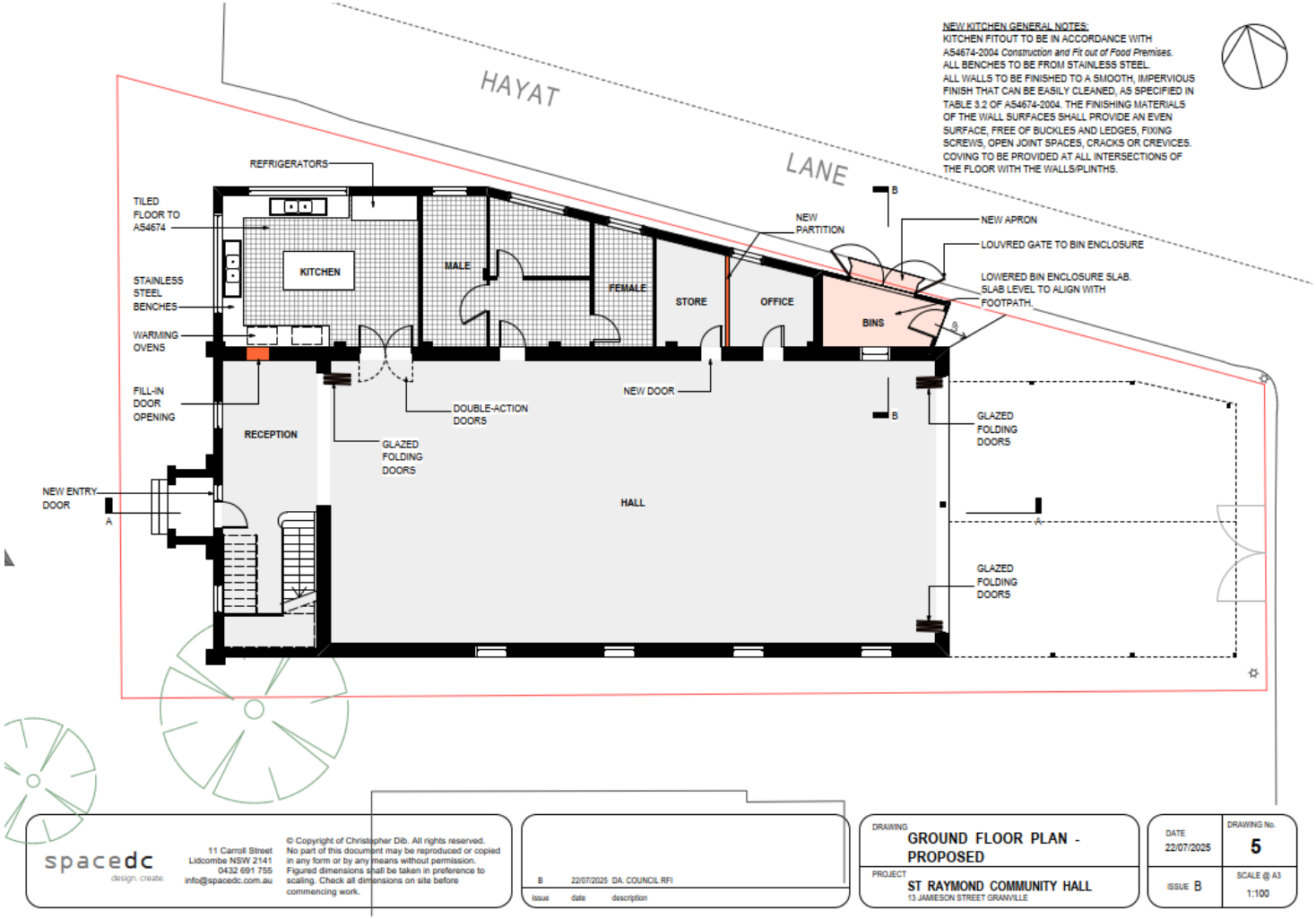
There are existing air-conditioning outdoor condenser units installed on the façade fronting Hayat Lane and does not require an increase in the number of outdoor air-conditioner condensers at the time of assessment.

Figure 2-2 presents the proposed layout of the community hall.

Figure 2-1 Locality Map



Figure 2-2 Proposed Layout of 13 Jamieson Street, Granville



3 EXISTING ACOUSTIC ENVIRONMENT

Unattended noise monitoring equipment consisted of an Infobyte Environmental Noise Logger was deployed by Blackett Acoustics to establish the existing external ambient noise level. The monitoring period was from Tuesday, 16 September 2025 to Monday, 22 September 2025. The noise logger was setup at the rear of Project Site as shown in Figure 2-1. There are existing air-conditioning outdoor condenser units next to the deployed noise logger; However, the air-conditioning units were not in used during the entire monitoring period.

All noise measurement instrumentation used in the survey was designed to comply with the requirements of AS 1259.2-1990 *"Acoustics – Sound Level Meters. Part 2: Integrating – Averaging"* and carried appropriate and current calibration certificates.

The calibration of the logger was checked prior to, and after the measurement survey and the variation in calibration was found not to exceed 0.5dB. The noise logger was set to record statistical noise descriptors in continuous 15-minute sampling periods for the duration of its deployment.

Table 3-1 presents the relevant time period background noise levels recorded during survey period.

Table 3-1 Measured Background Noise Levels – dBA

Location	Measured Rating Background Levels (RBL)		
	Daytime	Evening	Night Time
13 Jamieson Street, Granville	45	45	41

Daytime (7.00am-6.00pm), Evening (6.00pm-10.00pm) and Night time (10.00pm-7.00am).

4 CUMBERLAND CITY COUNCIL'S NOISE REQUIREMENTS

The Cumberland City Council's Development Control Plan (Cumberland DCP – Part C) provide additional planning and design guidelines to support the aims and objectives of the Cumberland City Local Environmental Plan LEP. The provisions of the Cumberland DCP include general controls for acoustic privacy.

Relevantly, Part C of the Cumberland DCP requires the operation of commercial or industrial development not to unreasonably diminish the amenity of nearby residential uses from noise intrusion. The relevant sections of the Cumberland DCP are presented below.

Acoustic privacy

C3. Conflicts between noise, outlook and views are to be resolved by using design measures, such as double glazing, operable screened balconies and continuous walls to ground level courtyards, where they do not conflict with streetscape or other amenity requirements.

C4. Where commercial/office uses and residential uses are located adjacent to each other, air conditioning units, buildings entries and the design and layout of areas serving after hours uses shall be located and designed to minimise any acoustic conflicts.

C5. Developments shall be designed to minimise the impact of noise associated with uses whose hours may extend outside of normal business hours, including restaurants and cafes. Operation includes loading/unloading of goods/materials, and the use of plant and equipment at a proposed commercial premise.

C6. Mixed use developments shall be designed to locate driveways, carports or garages away from bedrooms.

C7. Mechanical plant must be visually and acoustically isolated from residential uses.

C8. New development shall comply with the provisions of the relevant acts, regulations, environmental planning instruments, Australian Standards and guidelines as applicable for noise, vibration and quality assurance. This includes:

- *Development Near Rail Corridors and Busy Roads, NSW Department of Planning, December 2008 – Interim Guidelines;*
- *NSW Noise Policy for Industry;*
- *Interim Guideline for the Assessment of Noise from Rail Infrastructure Projects;* and
- *NSW Road Noise Policy.*

The EPA's Noise Policy for Industry (NPfI) provides a process for determining the "project noise trigger levels" which establishes a benchmark or objective for assessing a noise generating development proposal. While it is not intended for use as a mandatory requirement, the project noise trigger level is a level that, if exceeded, would indicate a potential noise impact on the community, and so 'trigger' a management response; for example, further investigation of mitigation measures. The project noise trigger level, feasible and reasonable mitigation, and consideration of residual noise impacts are used together to assess noise impact and manage the noise from a proposal or site.

The project noise trigger levels are the more stringent of the "project intrusiveness noise levels" and the "project amenity noise levels". The project noise trigger levels are assessed at the reasonably most-affected point on or within the residential

property boundary or, if that is more than 30 metres from the residence, at the reasonably most-affected point within 30 metres of the residence, but not closer than 3 metres to a reflective surface and at a height of between 1.2–1.5 metres above ground level.

4.1 Project Intrusiveness Noise Levels

The intrusiveness of a noise source may generally be considered acceptable if the level of noise from the source (represented by the L_{Aeq} descriptor), measured over a 15-minute period, does not exceed the RBL by more than 5dBA when beyond a minimum threshold. This intrusiveness noise level seeks to limit the degree of change a new noise source introduces to an existing environment. Based on the established background noise levels in Section 3, Table 4-1 presents the project intrusiveness noise levels.

Table 4-1 Project Intrusiveness Noise Level – dBA

Established $L_{Aeq,15min}$ Intrusiveness Noise Levels		
Daytime	**Evening**	**Night Time**
50	50	46

Daytime (7.00am-6.00pm), Evening (6.00pm-10.00pm) and Night time (10.00pm-7.00am).

The noise criteria in presented Table 4-1 are only applicable to residential receiver locations.

4.2 Project Amenity Noise Levels

To limit continuing increases in noise levels from application of the intrusiveness level alone, the ambient noise level within an area from *all industrial noise sources* combined should remain below the recommended amenity noise levels specified in NPfI where feasible and reasonable.

The NPfI recommend amenity noise levels for various receiver types and times of day to protect against noise impacts such as speech interference, community annoyance and some sleep disturbance. The recommended amenity noise levels represent the objective for total industrial noise at a receiver location, whereas the project amenity noise level represents the objective for noise from a single industrial development at a receiver location. Table 4-2 presents the NPfI amenity noise levels.

Table 4-2 NPfI Amenity Noise Levels

Receiver	Noise Amenity Area	Time of Day	Recommended Amenity Noise Level $L_{Aeq,period}$ (dBA)
Residential	Rural	Day	50
		Evening	45
		Night	40
	Suburban	Day	55
		Evening	45
		Night	40
	Urban	Day	60
		Evening	50
		Night	45
Hotels, motels, caretakers' quarters, holiday accommodation, permanent resident caravan parks	See column 4	See column 4	5dBA above the recommended amenity noise level for a residence for the relevant noise amenity area and time of day
School classroom – internal	All	Noisiest 1-hour period when in use	35
Hospital ward - Internal Hospital ward - External	All All	Noisiest 1-hour period when in use	35 50
Place of worship – internal	All	When in use	40
Areas specifically reserved for passive recreation (e.g. national park)	All	When in use	50
Active recreation area (e.g. school playground)	All	When in use	55
Commercial premises	All	When in use	65
Industrial premises	All	When in use	70
Industrial interface (applicable only to residential noise amenity areas)	All	All	Add 5dBA to recommended noise amenity area

To ensure that industrial noise levels (existing plus new) remain within the recommended amenity noise levels for an area, a **project amenity noise level** applies for each new source of industrial noise as follows:

> *Project amenity noise level for industrial developments = recommended amenity noise levels (outlined in Table 4-3) minus 5dBA.*

The following exceptions to the above method to derive the project amenity noise level apply:

1. In areas with high traffic noise levels.
2. In proposed developments in major industrial clusters
3. Where the resultant project amenity noise level is 10dB or more, lower than the existing industrial noise level. In this case the project amenity noise levels can be set at 10dB below existing industrial noise levels if it can be demonstrated that existing industrial noise levels are unlikely to reduce over time.
4. Where cumulative industrial noise is not a necessary consideration because no other industries are present in the area, or likely to be introduced into the area in the future. In such cases the relevant amenity noise level is assigned as the project amenity noise level for the development.

Based on the surrounding environment of this Project, cumulative industrial noise is not a necessary consideration because no other industries are present in the area, or likely to be introduced into the area in the future.

Due to the different averaging periods for the $L_{Aeq,15min}$ and $L_{Aeq,period}$ noise descriptors, the numerical values of project intrusiveness and amenity noise levels cannot be directly compared when assessing the amount of noise incident upon a receiver, or to identify which noise levels are more stringent.

To standardise the time periods for the intrusiveness and amenity noise levels, NPfI assumed that the $L_{Aeq,15min}$ will be taken to be equal to the project amenity noise level of $L_{Aeq,period}$ plus 3dB.

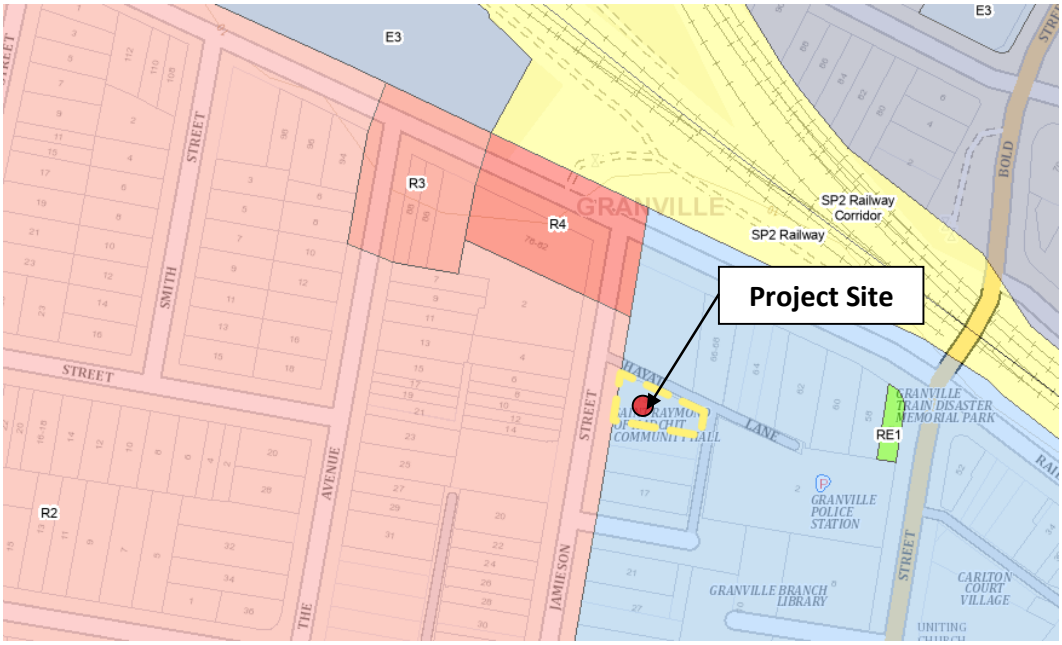
The NPfI provides guidance on assigning residential receiver noise categories. For ease of reference, Table 4-3 presents a summary of the typical background noise levels and descriptions of each category extracted from the NPfI.

Table 4-3 Determining of Which of the Residential Receiver Categories Applies

Receiver Category	Typical Existing Background Noise Levels	Description
Rural Residential (RU1, RU2, RU4, R5, E4)	Daytime RBL < 40dBA Evening RBL < 35dBA Night RBL < 30dBA	Rural – an area with an acoustical environment that is dominated by natural sounds, having little or no road traffic noise and generally characterised by low background noise levels. Settlement patterns would be typically sparse. Note: Where background noise levels are higher than those presented in column 3 due to existing industry or intensive agricultural activities, the selection of a higher noise amenity area should be considered.
Suburban Residential (RU5, RU6, R2, R3, E2, E3)	Daytime RBL < 45dBA Evening RBL < 40dBA Night RBL < 35dBA	Suburban – an area that has local traffic with characteristically intermittent traffic flows or with some limited commerce or industry. This area often has the following characteristic: evening ambient noise levels defined by the natural environment and human activity.
Urban Residential (R1, R4, B1, B2, B4)	Daytime RBL > 45dBA Evening RBL > 40dBA Night RBL > 35dBA	Urban – an area with an acoustical environment that: • is dominated by 'urban hum' or industrial source noise, where urban hum means the aggregate sound of many unidentifiable, mostly traffic and/or industrial related sound sources. • has through-traffic with characteristically heavy and continuous traffic flows during peak periods. • is near commercial districts or industrial districts • has any combination of the above.

Figure 4-1 presents the land use zoning map obtained from NSW Planning Portal which indicates the zoning category of the surrounding noise sensitive receivers.

Figure 4-1 Zoning Map



Based on the information in Figure 4-1, the surrounding receiver locations will be under the category of "urban" residential receivers and the established project amenity noise levels for the surrounding noise sensitive receiver locations are presented in Table 4-4.

Table 4-4 Project Amenity Noise Levels – dBA

Receiver	Established $L_{Aeq,15min}$ Amenity Noise Levels		
	Daytime	Evening	Night-Time
Urban Residential	58	48	48*
Commercial Premises	63 (when in use)		

As per EPA's Practice Note on Determining the Noise Policy for Industry Noise Amenity Category for Residential Receivers, night-time amenity level is taken to be the same as evening amenity level on the basis that ambient and background noise levels during the early night shoulder period between 10.00pm and 11.00pm near the residential receivers would generally reduce steadily before midnight as anthropogenic activities decreases.

4.3 Project Noise Trigger Levels

Based on intrusiveness and project amenity noise levels determined in Table 4-1 and Table 4-4 respectively, the project noise trigger level is the lower (that is, the most stringent) value of the intrusiveness and amenity noise levels. Therefore, the project trigger noise levels are presented in Table 4-5.

Table 4-5 Project Noise Trigger Levels – dBA

Receiver	Established $L_{Aeq,15min}$ Amenity Noise Levels		
	Daytime	Evening	Night-Time
Urban Residential	50	48	46
Commercial Premises	63 (when in use)		

5 POTENTIAL NOISE SOURCES

Main potential noise sources emanating from the operation of the proposed community hall include:

- Mechanical plant noise emission levels.
- Noise emission associated with background music and visitor noise from indoor and outdoor areas.

Blackett Acoustics has conducted previous noise measurements at other establishments such as restaurants, function halls and community halls to establish the typical background music levels. The typical internal L_{Aeq} noise levels are in the range of 74-77dBA. This is consistent with the published internal L_{Aeq} noise levels for background music by the Association of Australasian Acoustical Consultants (AAAC).

Table 5-1 presents the typical internal reverberant noise levels from background and foreground music.

Table 5-1 Typical Internal Reverberant Noise Levels from Background Music

Type	Internal Level (L_{Aeq})	Comment
Background Music	67-74dBA	Allows for conversation at normal vocal effort at 600mm separation.
	70-77dBA	Allows for conversation at raised vocal effort at 600mm separation.
Foreground	85-90dBA	Minimum level patrons expect amplified music to be played at when the music is meant to be the dominating soundscape (i.e. levels below this would be considered not loud enough.) Typical night club level at the start of the night.

There are 6 existing air-conditioning outdoor condenser units installed on the façade fronting Hayat Lane. Figure 5-1 presents an aerial showing the existing air-conditioning outdoor condenser units.

Figure 5-1 Existing Air-conditioning Outdoor Condenser Units



The make, model number and sound power levels of the existing air-conditioning outdoor condenser units are presented in Table 5-1.

Table 5-1 SWL of Existing Air-conditioning Outdoor Condenser Units – dBA

Make	Model	No. of Units	L_{Aeq} Sound Power Level (SWL) Per Unit
Daikin	RQ71L	4	59
Daikin	RQ200KY1	1	65
Daikin	RQ250KY1	1	68

Table 5-2 presents a summary of the noise level based on each type of vocal effort.

Table 5-2 Typical Sound Power Level (SWL) – dBA

Vocal Effort	L_{Aeq} Sound Power Level (SWL) Per Person	
	Male	Female
Speech Level (Casual)	61	58
Speech Level (Normal)	66	64
Speech Level (Raised)	75	72
Speech Level (Loud)	84	85
Speech Level (Shout)	97	90

In order to establish a conservative assessment, Blackett Acoustics recommends adopting a higher limit of background music levels (L_{Aeq} of 77dBA) to allow for conversations at **raised vocal effort**.

6 ASSESSMENT OF OPERATIONAL NOISE

In order to assess the potential noise impact to the surrounding noise sensitive commercial receivers, it is necessary to predict the typical noise levels associated with the operation of community centre during the proposed operating hours.

Based on the typical activities, the worst-case noise emission activity will occur during birthday parties and private hire events. Such parties and events are anticipated to end by 11.00pm with up to 100 visitors.

Visitors are mostly seated in indoor with background music and use of PA system for announcements. A maximum of 10 visitors is allowed to be seated in the outdoor area. No background music or use of PA system is proposed within the outdoor area.

In order to minimise the potential noise impact to the surrounding, the proposed glazed folding doors to the rear of the building is to be installed with 10.38mm laminated glass. This will provide a minimum reduction rating $R_w + C_{tr}$ of 33 (R_w: 36, C_{tr}: -3). **The folding doors are recommended to be closed during all activities during the evening and night time periods (from 6.00pm to 7.00am).**

For noise modelling and assessment purposes, only the typical worst-case scenario for community hall during any 15 minutes period will be considered. The following scenario and assumptions have been considered.

- The existing perimeter walls of the proposed community hall consist of typical masonry wall construction will have a R_w rating of 50.
- The glazed areas such as windows and sliding doors are 4mm standard glazing and will have a minimum reduction rating $R_w + C_{tr}$ of 28 (R_w: 31, C_{tr}: -3).
- Rear folding doors with 10.38mm laminated glass with a minimum reduction rating $R_w + C_{tr}$ of 33 (R_w: 36, C_{tr}: -3) to remain closed during time of event.
- Background music within the indoor area is assumed to be L_{Aeq} of 77dBA.
- Male speech level (raised) has been considered as a typical worst case during the process of celebrations and having conversation with background music within the indoor area.
- One in two visitors in conversation for indoor area (half of 90 visitors). SWL L_{Aeq} of 92dBA to be used for the purpose of this assessment.
- Male speech level (normal) has been considered as a typical worst case during the process of conversation without background music within the outdoor area.
- One in two visitors in conversation for outdoor area (half of 10 visitors). SWL L_{Aeq} of 73dBA to be used for the purpose of this assessment.

- A total of 6 air-conditioning outdoor condenser units in constant operation during the entire 15 minutes period. 4 units at SWL L_{Aeq} of 59dBA per unit, 1 unit at SWL of 65dBA per unit and 1 unit at SWL of 68dBA per unit have been considered for the purpose of this assessment.
- $L_{Aeq,15min}$ sound pressure levels from noise sources to identified noise sensitive receivers have been calculated.

Site related noise emissions were modeled using the ISO9613-2 algorithms implemented in the "CadnaA" acoustic noise prediction software. Factors that have been taken into consideration in noise modeling are:

- screening effects from adjacent buildings
- building envelope locations
- ground topography
- noise attenuation due to geometric spreading
- ground absorption

Figure 6-1 presents a 3D view showing the relative position of the noise emission points used for the purpose of noise predictions to the surrounding noise sensitive receivers.

Table 6-1 presents the predicted external $L_{Aeq,15mins}$ noise levels during the daytime, evening and night time period that may be expected at the nearest identified noise sensitive receivers surrounding during typical worst-case activity at the community hall.

Figure 6-1 3D View of Noise Source to the Surrounds

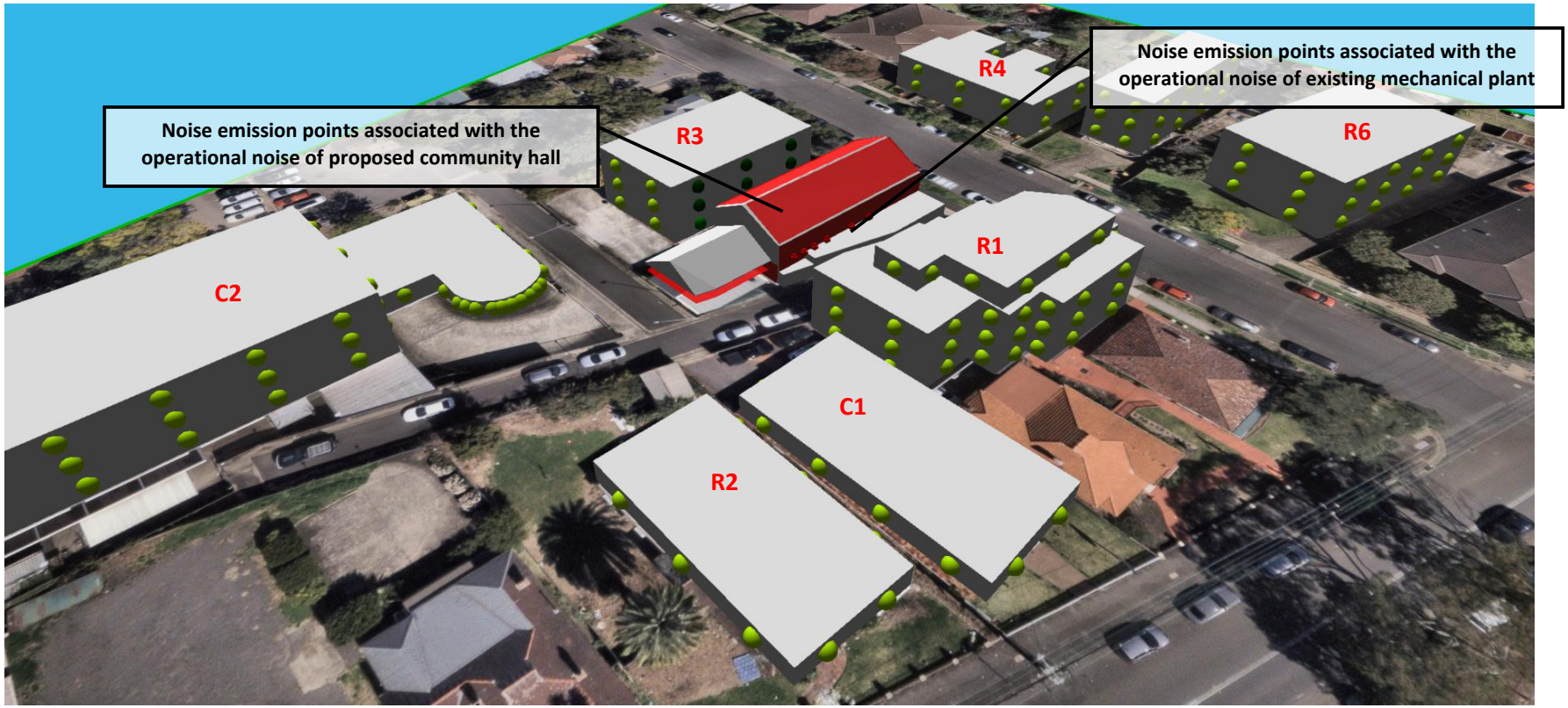


Table 6-1 Predicted External $L_{Aeq,15min}$ Noise Levels at Surrounding Noise Sensitve Receivers – dBA

Receiver	Established $L_{Aeq,15min}$ Project Noise Trigger Levels			Predicted $L_{Aeq,15min}$ Noise Levels
	Daytime	Evening	Night Time	
R1	50	48	46	43
R2				32
R3				42
R4				29
R5				29
R6				28
C1	63 (when in use)			36
C2				28

Daytime (7.00am-6.00pm), Evening (6.00pm-10.00pm) and Night time (10.00pm-7.00am).

Based on the results presented in Table 6-1, typical worst-case activities associated with the proposed community hall are predicted **to achieve compliance with established relevant time period PNTLs** on all occasions at all surrounding noise sensitive receiver locations.

7 CONCLUSION

Blackett Acoustics has assessed the potential noise impact from the proposed community hall at 13 Jamieson Street, Granville.

Operator unattended ambient noise monitoring was conducted to establish existing background noise levels.

Noise predictions to the surrounding noise sensitive receivers were based on typical worst-case activities involving up to 100 visitors within indoor area. Background music and use of PA systems are to be restricted to indoor areas only at all times. There will be no playing of music and use of PA systems in the outdoor areas. The folding doors are to remain closed at all times during typical worst-case activities. The community hall will operate from 9.00am to 11.00pm.

Based on the predicted noise levels presented in Table 6-1, it can be established that all relevant time period PNTLs can be achieved on all occasions.

Compliance with established PNTLs will not cause the emission of “offensive noise” as defined in the Protection of the Environment Operations Act 1997. The proposed operation is unlikely to cause any adverse reactions to the surrounds.

Note

All materials specified by Blackett Acoustics have been selected solely on the basis of acoustic performance. Any other properties of these materials, such as fire rating, chemical properties etc. should be checked with the suppliers or other specialised bodies for fitness for a given purpose.

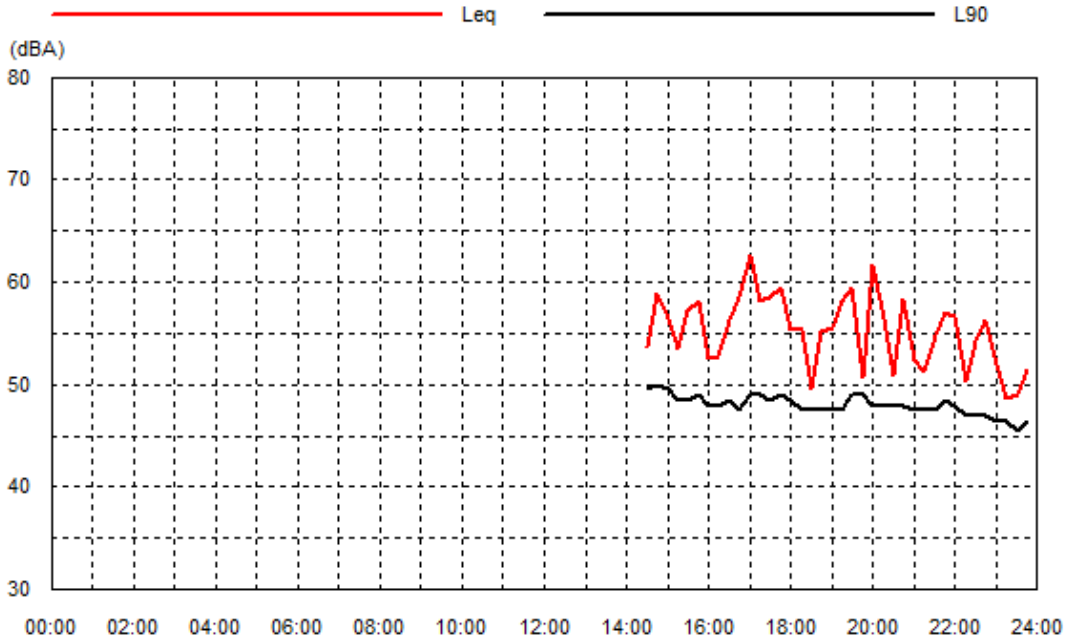
Version	Status	Issue Date	Approved by
A	Final	14 October 2025	Jimi Ang

Appendix A

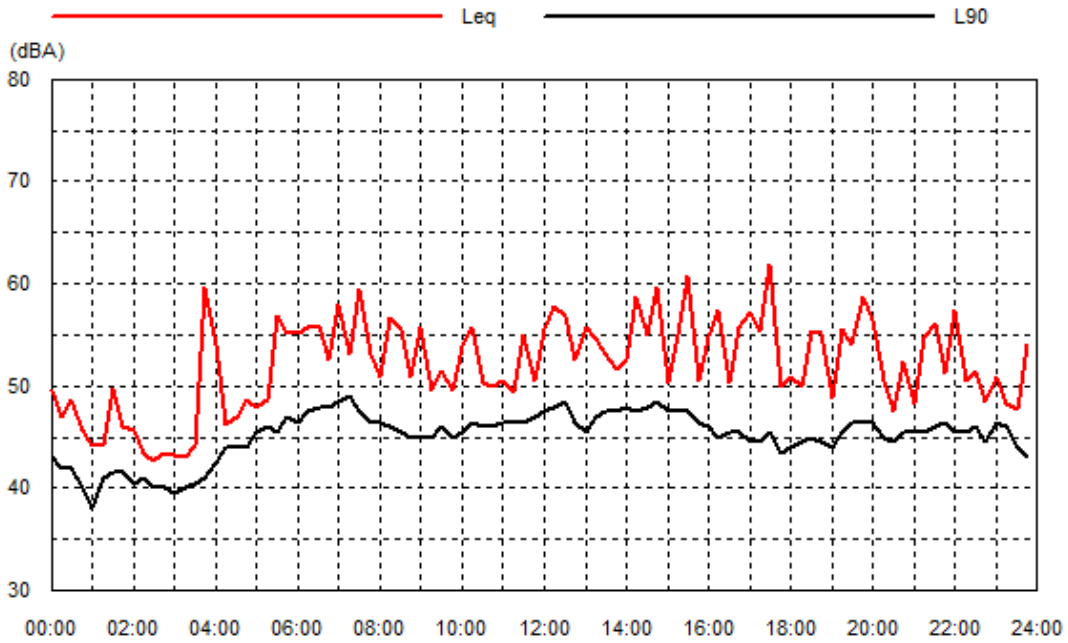
Noise Logger Graphs

Location: 13 Jamieson Street, Granville
Data shaded: extraneous noise

Tue 16 Sep 25



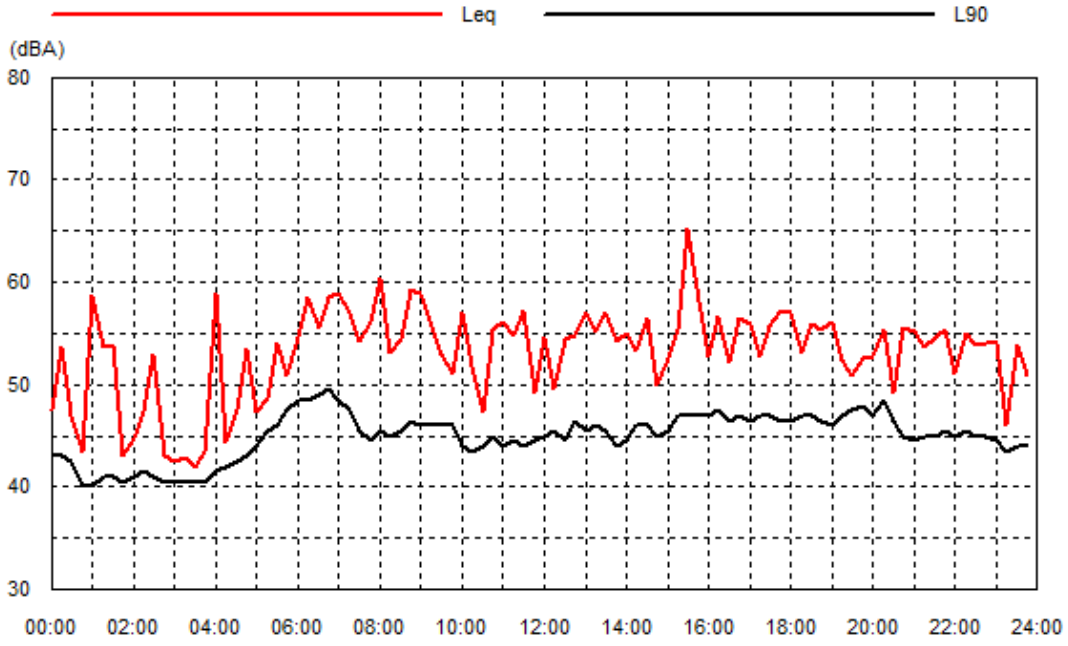
Wed 17 Sep 25



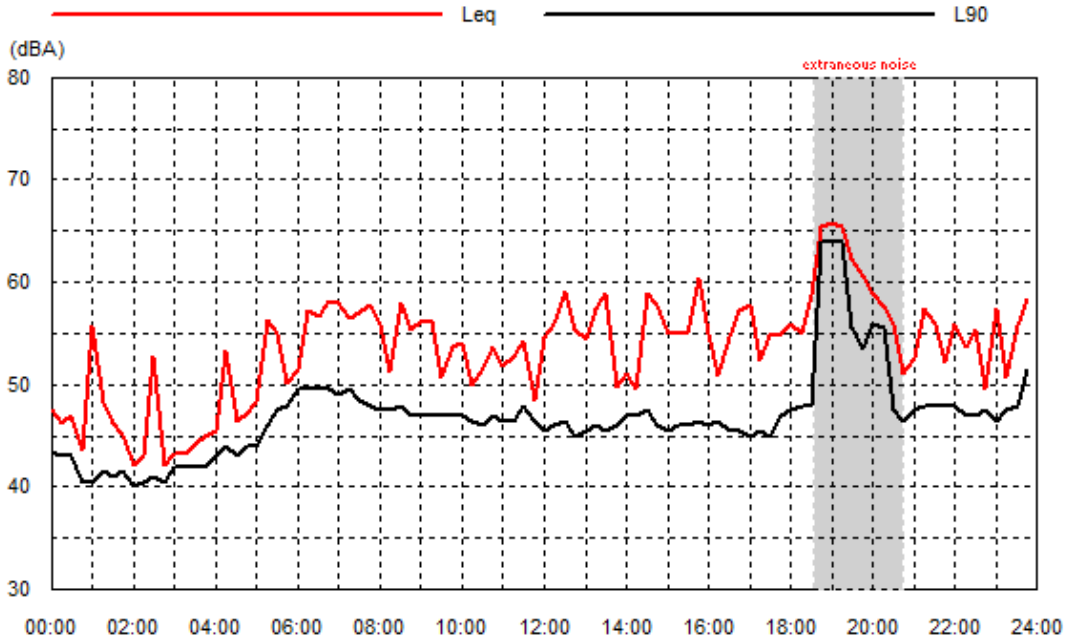
Location: 13 Jamieson Street, Granville

Data shaded: extraneous noise

Thu 18 Sep 25



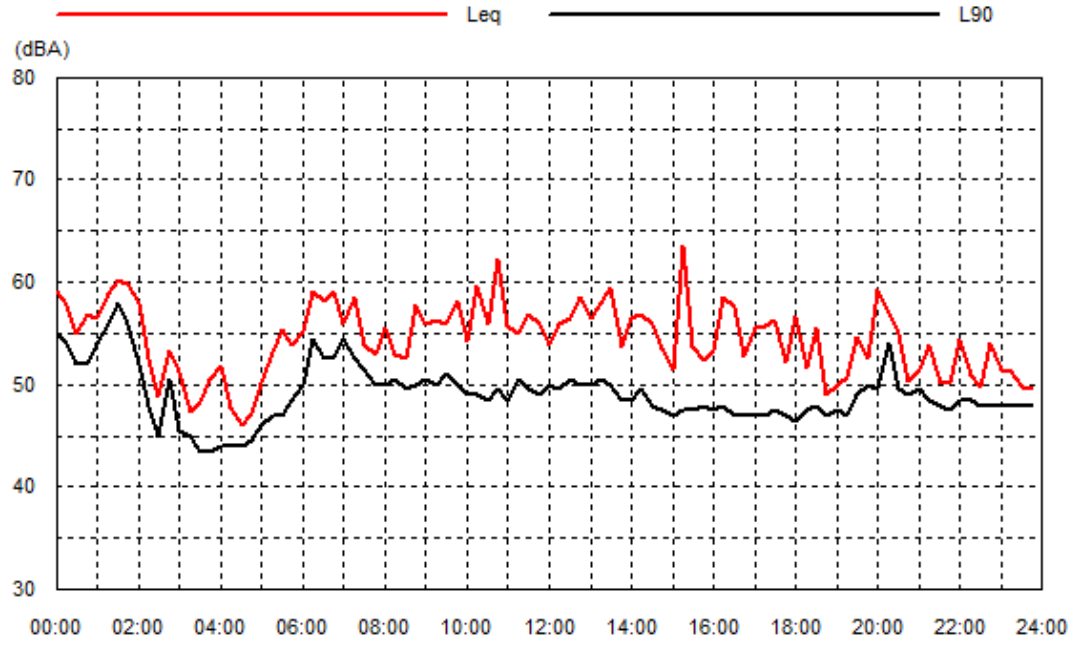
Fri 19 Sep 25



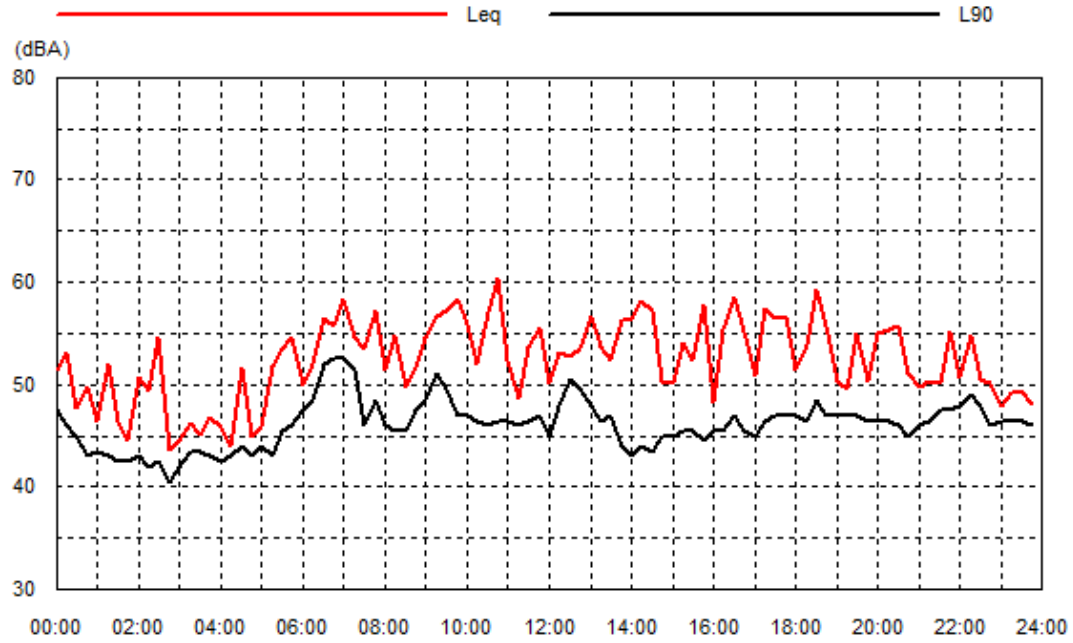
Location: 13 Jamieson Street, Granville

Data shaded: extraneous noise

Sat 20 Sep 25

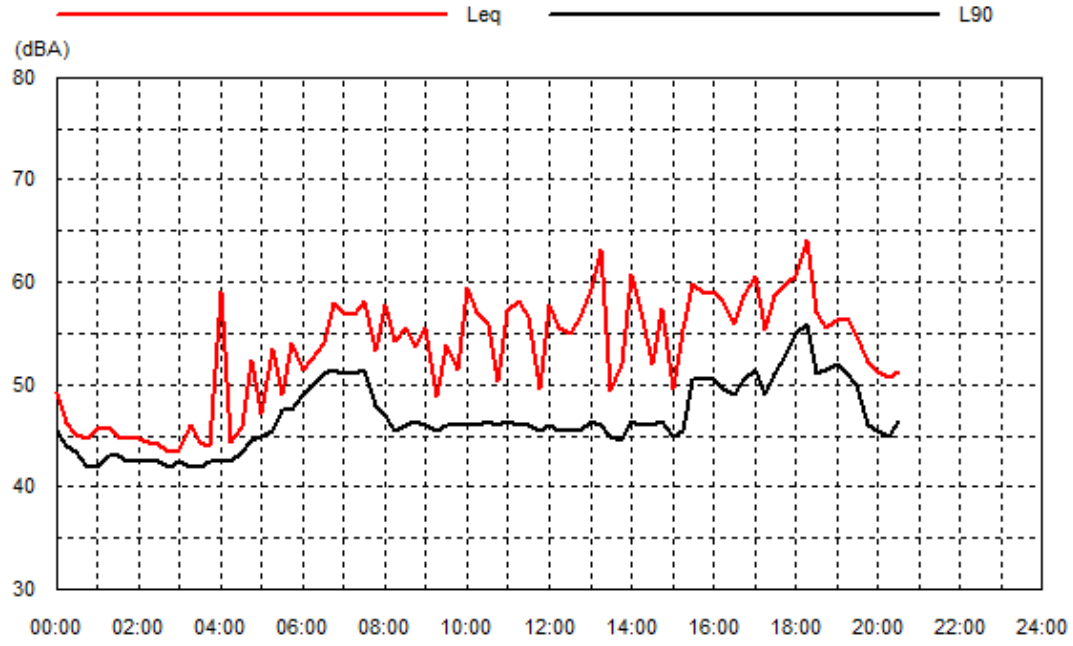


Sun 21 Sep 25



Location: 13 Jamieson Street, Granville

Data shaded: extraneous noise
Mon 22 Sep 25



DOCUMENTS ASSOCIATED WITH REPORT ELPP030/25

Attachment 6

Appendix A Cumberland LEP 2021 Assessment

APPENDIX A

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 proposed development complies with the aims of the Cumberland Local Environmental Plan 2021.	Yes
2.3 Zone Objectives and Land Use Table	The objectives of the E1 Local Centre Zone are: • *To provide a range of retail, business and community uses that serve the needs of people who live in, work in or visit the area.* • *To encourage investment in local commercial development that generates employment opportunities and economic growth.* • *To enable residential development that contributes to a vibrant and active local centre and is consistent with the Council's strategic planning for residential development in the area.* • *To encourage business, retail, community and other non-residential land uses on the ground floor of buildings.* • *To promote active street frontages on the ground floor of buildings that attract pedestrian traffic and that facilitate active and vibrant centres with inviting public domain areas.* Comment: The proposed development will provide additional investment in a local development that will generate additional employment opportunities and provide economic growth. Therefore, the proposed development complies with Objective 2 of the E1 Local Centre Zone.	Yes

2.7 Demolition requires development consent	Demolition is proposed as a part of this development application.	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 maximum building height of the existing community facility is not changing.	N/A
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 0.8:1 (434.4 square metres) FSR does not comply at 0.92:1 or 496.93 square metres.	No
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 (a) that there are sufficient environmental planning grounds to justify contravening the development standard. Comment: A written request in accordance with Clause 4.6 of CLEP 2021 to vary the building height development standard was submitted. The exceedance in the floor space ratio is supported in this instance, having regard to the circumstances of the case. Refer to the discussion in the body of the report.	Yes
5.10 Heritage Conservation	The site is identified is within a Heritage Conservation Area identified as C3 (Circa "Granville Conservation Area—Civic Precinct"). The proposed development improves the character of the heritage conservation area as the rear kitchen room, which does not conform to the character of the community building and the HCA is proposed to be demolished. Therefore, the bulk and scale of the existing building is being reduced and thus enhances the character of the HCA. Additionally, the proposed external alterations to the original structure of the community facility does not impede on the significance of the heritage conservation area as these external alterations are not adjacent to the primary street frontage with the exception of the replacement of the entry door, which will improve the aesthetic appearance of the building.	Yes

	The subject site is also adjacent to several heritage items, which are the following: • I51 (Circa "Terrace Housing") and encompasses 6-14 Jamieson Street, Granville. • I78 (Circa "Single Storey Residences") and encompasses 64 Railway Parade, Granville. • I79 (Circa "Wendover") and encompasses 64 Railway Parade, Granville. The proposed development will not impede on the heritage significance of the heritage item as the rear kitchen room, which does not conform to the existing community building is proposed to be removed. The removal of the kitchen room will reduce the bulk and scale of the existing building, which will reduce the impact on the heritage items adjacent to the rear of the building. The heritage item that is adjacent to the building's western elevation will not be adversely impacted as the only works proposed on the western elevation is the replacement of the entry door.	
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	N/A

	surrounding area is impacted by flooding or coastal erosion. Comment: The site is not impacted by flooding.	
6.1 Acid Sulphate Soils	Development is not impacted by Class 5 acid sulphate soils. However, no earthworks are proposed.	Yes
6.2 Earthworks	No earthworks are proposed.	N/A
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. Comment: The site has access to existing essential services.	N/A
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 will not adversely increase urban heat effects.	Yes

	The proposed development is considered to be satisfactory with regard to the provisions of this clause.	

DOCUMENTS ASSOCIATED WITH REPORT ELPP030/25

Attachment 7

Appendix B Cumberland DCP 2021 Assessment

APPENDIX B

Cumberland Development Control Plan 2021

Relevant Control		Compliance with Requirements	Consistency Objectives
Part C – Development in Business Zones			
3.11 Visual and Acoustic Privacy	C1. New development shall be located and oriented to maximise visual privacy between buildings on site and adjacent buildings, by providing adequate building setbacks and separation.	Complies – the proposed alterations do not adversely affect visual privacy between buildings. Additionally, the setbacks are to remain unchanged.	Yes
	C3. Conflicts between noise, outlook and views are to be resolved by using design measures, such as double glazing, operable screened balconies and continuous walls to ground level courtyards, where they do not conflict with streetscape or other amenity requirements.	Complies – the proposed development has been reviewed by the Environmental Health Team who have considered it to be acceptable, subject to conditions.	Yes, subject to conditions.
	C5. Developments shall be designed to minimise the impact of noise associated with uses whose hours may extend outside of normal business hours, including restaurants and cafes. Operation includes loading/unloading of goods/materials, and the use of plant and equipment at a proposed commercial premise.	Complies – the proposed development has been designed to minimise the noise impact.	Yes
	C8. New development shall comply with the provisions of the relevant acts, regulations, environmental planning instruments, Australian Standards and guidelines as applicable for noise, vibration and quality assurance. This includes: • *Development Near Rail Corridors and Busy Road Roads, NSW Department of Planning, December 2008 – Interim Guidelines;* • *NSW Noise Policy for Industry;* • *Interim Guideline for the Assessment of Noise from Rail Infrastructure Projects; and* • *NSW Road Noise Policy.*	Complies – the proposed development has been reviewed by the Environmental Health Team who have considered it to be acceptable, subject to conditions.	Yes, subject to conditions.

3.12 Hours of Operation	C1. Where no existing hours of operation or conditions exist, the retail and/or commercial development are to operate within the following hours: • 6.00 am to 10.00 pm Monday to Saturday and 9.00 am to 6.00 pm on a Sunday or a public holiday; or • 7.00 am to 9.00 pm Monday to Saturday and no operation on a Sunday or a public holiday, for development adjoining or is opposite a residential lot within a residential zone.	Whilst the plan of management (POM) nominates that the hours of operation are 9:00am to 9:00pm Monday to Sunday and 9:00am to 11:00pm on Sundays and Saturdays, the POM states that the hours of operation are based on the existing historical use of the hall. No changes to the existing hours of operation are proposed. Nonetheless, a condition shall be imposed, which shall limit the hours of operation to be between 9:00am to 9:00pm Monday to Sunday and 9:00am to 11:00pm on Sundays and Saturdays.	Yes, acceptable on merit
	C2. For hours extending outside the times identified in C1, applicants must demonstrate that noise, amenity and light impacts and crime prevention factors have been considered and addressed, through the submission of the following reports for assessment: •acoustic report (Note: for developments in town centres where there is no residential development within close proximity of the development site, Council may consider waiving the need for an acoustic report for hours of operation up to midnight); •Crime Prevention Through Environmental Design (CPTED) report; and • Plan of Management.	An acoustic report and a plan of management have been submitted. Both have been reviewed by Council's Environmental Health Officer and has considered them to be acceptable, subject to conditions. Additionally, a CPTED report is not required in this instance given that the proposed development is for alterations to the existing community facility.	Yes, subject to conditions
3.14 Natural Ventilation	C1. Natural ventilation is incorporated into the building design.	Complies – natural ventilation is incorporated into the proposed alterations to the community facility building.	Yes
3.20 Safety and Security	C1. Development shall address and be consistent with Council's policy on Crime Prevention Through Environmental Design (CPTED principles). The CPTED analysis is to consider the key CPTED principles	Complies – the proposed development is generally compliant with Council's CPTED principles.	Yes

	and address relevant controls set out in this section.		
Part E – Other Land Use Based Development Controls			
Part E2 – Community facilities			
2.1 Bulk and scale	C1. Community facilities are to be designed and landscaped in a manner that enhances the quality and visual amenity of the streetscape and are sensitive to the streetscape character, adjacent uses and buildings as well as views.	Complies – the proposed amendments to the existing community facility will enhance the visual amenity of the streetscape as a reduction in the building envelope is proposed.	Yes
	C2. The front entrance of all community facilities shall be in clear view of the street.	Complies – the front entrance is visible from the street.	Yes
2.4 Operational Plan of Management	C1. A development application for the purposes of establishing a new community facility or intensification of an existing community facility or conversion/adaptation of existing buildings to a community facility must include an Operational Plan of Management. This will be used both for the assessment of the application as well as a means to manage the ongoing operation of the proposed premises through the conditions of development consent.	Complies – an operational management plan has been submitted.	Yes
	C2. This Operational Plan of Management must include, but is not limited to, the following information for each proposed use: • a list of the types of community purposes (e.g. community colleges, senior citizens groups, youth groups and the like) the building may be used for outside the regular services, including how often and how many people it will attract; • a list of the type of organisations that may let or use the building and for what purposes, including how often and how many people it will attract; • an explanation of the measures that will be utilised to manage parking and	Complies – the operational management plan states that the following community uses are proposed: • Church Gatherings ○ 20-50 visitors. ○ Various times throughout the week. **Note**: This activity will not form part of the consent as community facilities are not permitted to be used as a place of public worship. Therefore, a condition shall be imposed stating that the community facility will not	Yes, subject to conditions

	local traffic when a special event is scheduled and measures to minimise potential for coinciding traffic peaks between scheduled events; • an explanation of the measures that will be utilised to mitigate noise impacts during main events and crowd control; and • contact persons who will be responsible for managing and responding to community feedback and complaints. This is to be updated periodically.	be used as a place of public worship. • Condolence services ○ 20-50 visitors. ○ This even is ad hoc upon death of a community member and will only be held on weekdays between 6pm and 9pm. • Men's monthly social gathering ○ 20-50 visitors ○ Will be held monthly on either Wednesday or Thursday night between 5pm and 11pm. • Community BBQ's/Community gatherings ○ Up to 100 visitors. ○ Will be head on religious holidays/quarterly. • Mercy meals ○ Up to 100 visitors. ○ Will be held quarterly. • Birthday parties and private hire events ○ Up to 100 visitors. ○ Will be held depending on hire demand up to monthly. Complies – the plan of management states that the building is being operated by Saint Raymond Charities of Hadchit Association. The association provides services and support for the Hadchit community. Complies – the plan of management states that for	

		large events, two traffic marshals will be utilised for the management of vehicles entering and exiting the centre as well as the management of the flow of traffic through surrounding streets. Additionally, the plan of management states that visitors will be encouraged to utilise the nearby public car park and visitors will be made aware of this carpark on invitations or other promotional materials. Complies – the plan of management states the noise mitigations measures that will be implemented to mitigate the noise impacts, which are the following: • No amplified music or speech systems are to be used in the rear courtyard. Users will be reminded of the importance of respecting the neighbours and keeping noise to a minimum. • The rear glazed doors and the entry door may be kept open before 6pm if no amplified music or speech systems are in use, otherwise they must be closed. • The rear glazed doors and the entry door must be closed after 6pm. Complies – the plan of management states that the community liaison officer will have overall responsibility for the management of complaints. States that the neighbours will be notified in writing of the name and contact details of the	

		complaint handling personnel. The plan of management also provides a compliant action form and a complaint register in the appendices.	
Part F2 – Business Site Specific			
Part F2-2 Granville Town Centre			
2.1 Setbacks	Front Setbacks Front building setbacks are to be in accordance with Figure 2 and any additional controls set out below: • for development in the B2 Local Centre zone, south of the railway line, setbacks shown in Figure 2 apply to the first 3 storeys of development. Remaining storeys are to be setback an additional 3 metres. Balconies are not to encroach the upper level set back area. • for development in the B4 Mixed Use zone, south of the railway line, setbacks shown in Figure 2 apply to the first 2 storeys of development. Remaining storeys are to be set back an additional 3 metres. Balconies are not to encroach the upper level setback area. • for development in the B4 Mixed Use Zone with frontage to Mary, Jamieson and Carlton Streets, the front setback to be between 5 and 9 metres. • for development in the R4 High Density Housing Zone, south of the railway line, setbacks shown in Figure 2 apply to the first 4 storeys of development. Remaining storeys are to be set back an additional 3 metres. Balconies may encroach the upper level setback (levels 5 and 6 only) for a maximum depth of 1 metre.	N/A – the existing front setback is to remain unchanged.	N/A
	C2. Side and rear building setbacks are to be in accordance with Figure 2 and the below controls:	N/A – the existing side and rear setbacks are to remain unchanged.	N/A

	Rear Setbacks B2 Local Centre Zone C3. A zero rear setback is allowable for development in the B2 Local Centre Zone.	N/A – the existing rear setback is to remain unchanged.	N/A
	3 metre wide lanes C14. For privacy of buildings up to 4 storeys a minimum 3 metre setback to the lane is required for non-habitable rooms and a minimum 4.5 metre setback to the lane is required for habitable rooms.	N/A – the existing side setback is to remain unchanged.	N/A
	C17. Building setbacks to existing and desired laneways should be designed to activate the laneway while still allowing for the servicing needs of development.	N/A – the existing side and rear setbacks are to remain unchanged.	N/A
Part G – Miscellaneous Development Controls			
Part G2 – Heritage			
2.1 Development requirements for environmental heritage	C1. Contributory items are required to be retained.	N/A – the subject property is not a heritage item.	N/A
	C2. Non-contributory items not identified are not required to be retained.	N/A – the subject property is not a heritage item.	N/A
2.3 Specific development controls for Heritage Conservation Areas	C2. When undertaking conservation or maintenance works on a building within a conservation area, the materials, colours and maintenance techniques used should be appropriate to the style and age and the context of the building.	Complies – the proposed alterations are appropriate to the style and age of the building.	Yes
	C4. The design of the building detailing, such as windows or doors, should be in keeping with the age and style of the building and to the overall character of the conservation area.	Complies – the proposed front door and the rear glazed folding doors will keep with the age and style of the building and the overall conservation area.	Yes
	C10. Where any alterations, additions or extensions are proposed to a building within a conservation area, these should: • be carefully designed to continue the specific scale and form of the building and the overall character of the conservation area;	Complies – the proposed alterations conform to the scale and form of the building. Additionally, the removal of a portion of the building that does not conform to the character of the existing building is also proposed.	Yes

	• consider the accurate reinstatement of building features and other works shown in historical photographs; • avoid painting, rendering or re-skinning of original brick walls; and • make use of pavilions or skillion extensions.		
	C10. Additions or extensions to buildings within a conservation area should be located away from the street frontage and side boundaries and are to be designed to complement the materiality, scale, form, style of the building and character of the conservation area.	N/A – no additions or extensions to the existing building's building envelope are proposed.	N/A
	C17. New development should make reference to, and be sympathetic to the predominant: • height; • scale; • roof form, line and pitch; • proportion; • setbacks; • design details, (including parapets, verandahs, awnings and string courses); and • features of adjoining development and or any adjacent conservation areas.	Complies – no changes are proposed to the existing building's height. roof form, front and side setbacks. Complies – the building envelope is proposed to reduce at the rear via the removal of the existing rear kitchen.	Yes
	C18. 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.	Complies – the proposed development is compatible with the adjoining heritage items in terms of scale and massing as the existing building envelope is being reduced via the removal of the existing kitchen room, which does not conform to the original structure.	Yes
	C19. Buildings located within the Fullagar Road Heritage Conservation Area, Toohey's Palm Estate Group Heritage Conservation Area, Granville Civic and Granville Residential Conservation Areas, and Blaxcell Conservation Area shall retain their original materials, features and detailing where appropriate and	Complies – the subject property is within the Granville Civic Conservation Area. The proposed development will retain its original materials and detailing. A heritage impact statement has been submitted.	Yes

	practical and support by a heritage impact statement.		
2.4 Specific controls for development in the vicinity of a heritage item	C2. 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.	Complies – the proposed development has been designed to have regard to the environmental and built context of the existing streetscape character of the area as well as to the adjoining heritage items.	Yes
	C3. New development should make reference to, and be sympathetic to the predominant: • height; • scale; • roof form, line and pitch; • proportion; • setbacks; • design details, (including parapets, verandahs, awnings and string courses); and features of adjoining development and or any adjacent heritage items.	Complies – no changes are proposed to the existing building's height. roof form, front, side and rear setbacks. Complies – the building envelope is proposed to be reduced at the rear via the removal of the existing rear kitchen, which does not conform to the original structure.	Yes
	C4. 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.	Complies – the proposed development is compatible with the adjoining heritage items in terms of scale and massing as the existing building envelope is being reduced.	Yes
	C6. Window and door openings, building lines and building massing of new development should also be designed in the context of its adjoining development.	The existing front door is proposed to be replaced however, the door opening dimensions will remain unchanged.	Yes
	C7. Where a particular heritage character predominates within a street, the design of new development should be compatible with this heritage character.	Complies – the proposed alterations will not alter the existing heritage character as the only alteration proposed on the western elevation is the replacement of the front door.	Yes
	C8. 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	Complies – the setbacks are proposed to remain unchanged.	Yes

	dominate any adjoining heritage items.		
	C10. 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.	Complies – the subject property is not adjoining significant heritage features.	Yes
	C11. The siting of new development should not affect the structure of, or otherwise cause physical damage to, any heritage item.	Complies – the proposed alterations will not cause physical damage to any adjoining heritage items.	Yes
	C12. 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.	Complies – the proposed development will not adversely impact adjoining heritage items in terms of solar access, views or landscaping.	Yes
	C13. The design of the street elevation should be relatively uncomplicated and consist of simple forms that do not visually compete with the heritage item.	Complies – the proposed alterations will not visually compete with any heritage items as the only alteration proposed on the streetscape elevation is the replacement of the entry door.	Yes
	C14. New development adjoining/adjacent to a heritage item should avoid incorporating large unbroken wall areas.	Complies – not proposed.	Yes
	C15. 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.	Complies – the proposed development will not increase the building envelope of the existing building.	Yes
	C17. Where new development is proposed adjoining a heritage item or conservation area, the development should incorporate the use of colours and materials that are recessive so that they do not visually dominate the heritage item. Darker colours and simple facade treatments can assist in minimising the visual impact of new	Complies – no alterations to the existing colours and materials of the existing building are proposed.	Yes

	development on adjoining heritage items.		
2.5 Specific conservation area controls (2.5.2 Granville Civic and Residential Precincts)	C10. Development should complement heritage without imitation so that the new work does not compete with historic buildings in the area or detract from the area's visual consistency and amenity.	Complies – the proposed alterations will complement to the heritage conservation area and will not detract from the area's visual consistency and amenity.	Yes
	C12. Additions to the side of an existing building are not permissible where they would prevent side driveway access to rear garages/carports.	N/A – not proposed.	N/A
	C15. Brick walls are not to be repainted or reskinned.	N/A – not proposed.	N/A
Part G8 – Waste Management			
3.1 Demolition and Construction	C1. All materials that arise from demolition and construction shall comply with a Waste Management Plan (WMP) before recycling or disposal. Note: The WMP shall provide details of on-site storage, volume or area estimates and information about reuse, recycling and disposal options for all waste produced on-site, including excavation materials.	Yes – a Waste Management Plan has been submitted, which adequately details how waste will be managed during the demolition and construction works.	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 – Adequate areas provided behind building line.	Yes
3.5 Bin transfer requirements	C1. Waste and recycling bins shall be positioned in locations that permit easy, direct and convenient access for users of the facility and permit easy transfer of bins to the collection point.	Yes – the existing location of the bin room is maintained for waste collection.	Yes

DOCUMENTS ASSOCIATED WITH REPORT ELPP030/25

Attachment 8

Redacted Submissions

From:
Sent: Thu, 28 Aug 2025 07:50:33 +1000
To: "Records Department" <council@cumberland.nsw.gov.au>
Subject: [EXTERNAL] RE: DA2025/0506 Submission in Response to Proposed Development

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 Development Assessment Team,

I write to make a submission on Development Application DA2025/0506 at 13 Jamieson Street, Granville NSW 2142.

I am the owner and resident of neighbouring the subject property. I have lived at this address since around 2018 and, during this time, I have regularly experienced significant noise impacts from community functions held at 13 Jamieson Street. These have included amplified music, acoustic instruments (drumming), and loud ambient noise from attendees, often extending beyond 10pm on Sunday to Thursday, and past midnight on Friday and Saturday. Many of these incidents have been reported to NSW Police and to Council and should be documented in Council's own records.

While I do not object to all aspects of this development application, I strongly object to the specific alterations that will exacerbate existing noise impacts. In particular:

- Western end – proposed new wall opening ('Create Wall Opening' Drawing No. 4).
- Eastern end – proposed large opening with glazed doors connecting the hall interior to the rear undercover area (p.9, Statement of Environmental Effects).

These modifications will provide expanded pathways for noise to escape the building and will worsen the already offensive noise impacts experienced by myself and neighbouring residents. This is particularly concerning as the front door of the building is already commonly left open during community functions, providing no noise protection. The proposed new wall opening at the Eastern end will exacerbate noise impacts emanating from the Eastern end of the building which is directly opposite my home.

I contend that the noise impacts from this property at present meet the POEO Act definition of offensive noise, and any alterations that increase the escape of sound are inappropriate. I request that Council in its consideration of this Development Application respond with conditions appropriate to mitigate impacts on neighbourhood amenity.

With reference to a similar application, DA2021/0139 at 4–6 Blaxcell Street, Granville, I request that Council apply conditions on DA2025/0506 no less intensive than those imposed in that approval, particularly in relation to noise attenuation, public interest, protection of residential amenity, and environmental amenity. These included:

- DACCL05 – Compliance with Acoustic Report
- DACCZ04 – Amended plans to be submitted to Council (re Acoustic Report)
- DAOCB04 – Acoustic Verification Report
- DAOCG02 – Noise Limiter

- DAOUC16 – Entertainment Noise Emission Criteria
- DAOUC18 – No speakers or amplified sound equipment outside
- DAOUF02 – Control of Noise
- DAOUF05 – Patron behaviour – Security staff
- DAOUF06 – Protection of neighbour amenity at closing.

- It is also relevant to note that despite best intentions of Council and NSW Police to protect community interests, noise impacts from this property have never been consistently or completely addressed by either Council or NSW Police. I have personally engaged with former Mayors Cummings, and Mayor Lake and a range of Council staff over a five to seven year period and have been unable to find ongoing satisfaction on the issue of offensive noise from this property.

  I request that Council refuse or condition any alterations that would worsen noise impacts, and apply robust management and compliance conditions no less than the strength of those in DA2021/0139.

  Finally, I request that Council consider applying Cumberland DCP Part E2 – Community Facilities, Section 2.4 Operational Plan of Management which would go towards its objective - *to provide certainty for both the consent authority and the local community about the ongoing management practices to be employed by the proposed use to manage its impact upon the neighbourhood.*

  Thank you for considering this submission.

  Yours sincerely,

RE: DA2025/0506 Submission in Response to Proposed Development

Dear Development Assessment Team,

I write to make a submission on Development Application DA2025/0506 at 13 Jamieson Street, Granville NSW 2142.

I am the owner and resident of located immediately West of the subject property. I have lived at this address since 2015 and, during this time, I have regularly experienced significant noise impacts from community functions held at 13 Jamieson Street. These have included amplified music, acoustic instruments (drumming), and loud ambient noise from attendees, often extending beyond 10pm on Sunday to Thursday, and past midnight on Friday and Saturday. Many of these incidents have been reported to NSW Police and to Council and should be documented in Council's own records.

While I do not object to all aspects of this development application, I strongly object to the specific alterations that will exacerbate existing noise impacts. In particular:

- Western end – proposed new wall opening ('Create Wall Opening' Drawing No. 4).
- Eastern end – proposed large opening with glazed doors connecting the hall interior to the rear undercover area (p.9, Statement of Environmental Effects).

These modifications will provide expanded pathways for noise to escape the building and will worsen the already offensive noise impacts experienced by myself and neighbouring residents. This is particularly concerning as the front door of the building is already commonly left open during community functions, providing no noise protection. The proposed new wall opening at the Western end will exacerbate noise impacts emanating from the Western side of the building which is directly opposite my home.

I contend that the noise impacts from this property at present meet the POEO Act definition of offensive noise, and any alterations that increase the escape of sound are inappropriate. I request that Council in its consideration of this Development Application respond with conditions appropriate to mitigate impacts on neighbourhood amenity.

With reference to a similar application, DA2021/0139 at 4–6 Blaxcell Street, Granville, I request that Council apply conditions on DA2025/0506 no less intensive than those imposed in that approval, particularly in relation to noise attenuation, public interest, protection of residential amenity, and environmental amenity. These included:

- DACCL05 – Compliance with Acoustic Report
- DACCZ04 – Amended plans to be submitted to Council (re Acoustic Report)
- DAOCB04 – Acoustic Verification Report
- DAOCG02 – Noise Limiter
- DAOUC16 – Entertainment Noise Emission Criteria
- DAOUC18 – No speakers or amplified sound equipment outside
- DAOUF02 – Control of Noise

- DAOUF05 – Patron behaviour – Security staff
- DAOUF06 – Protection of neighbour amenity at closing

It is also relevant to note that despite more than ten years of noise impacts from this property, limited action of any consistency has been taken by the property owner/manager to address noise issue. Despite best intentions of Council and NSW Police to protect community interests, noise impacts from this property have never been consistently or completely addressed by either Council or NSW Police.

To this point, I request in consideration of this Application that Council carefully consider the prior DA2005/1216. Specifically, note that a community submission made by owner of adjoining property expressed concerns regarding crowd noise from egress, and the potential for noise from amplified music in that area. The Assessment response (then City of Parramatta) indicated "unreasonable noise will still be within the domain of Council and the NSW Police to be able to enforce noise mitigation measures in the event of adverse noise being emitted from the site. Access to the area below the awning shall be permitted only until 10pm Sundays to Thursdays and until Midnight on Friday and Saturday nights. In addition, no amplified music shall be played within this area at any time."

To this point, I note that I have notified Council in May and August, of two instances (29 May, and 30 July 2025) where venue users breached conditions of DA2005/1216 (rear awning) through the use of amplified live music in the rear awning area, and egress/use well outside the times permitted by these conditions. No further action has been taken that I am aware of.

In practice, Council and NSW Police noise mitigation measures in response to adverse noise have proven insufficient in managing consistent offensive noise – venue users may generate adverse noise and undertake the activities that breach DA conditions without regard for neighbourhood amenity, and without concern of enforcement action being applied.

I state this not to bring compliance matters to bear in this submission but to emphasise the importance of applying a range of conditions that practically and proactively prevent noise impacts, such as requiring an Acoustic Report, implementation of its recommendations, and strong ongoing noise attenuation measures.

I therefore request that Council refuse or condition any alterations that would worsen noise impacts, and apply robust management and compliance conditions no less than the strength of those in DA2021/0139.

Finally, I request that Council consider applying Cumberland DCP Part E2 – Community Facilities, Section 2.4 Operational Plan of Management which would go towards its objective - *to provide certainty for both the consent authority and the local community about the ongoing management practices to be employed by the proposed use to manage its impact upon the neighbourhood*.

Thank you for considering this submission.

Yours sincerely,

From:

28 August 2025

RE: DA2025/0506 Submission in Response to Proposed Development

Dear Development Assessment Team,

I write to make a submission on Development Application DA2025/0506 at 13 Jamieson Street, Granville NSW 2142.

I am the owner and resident of neighbouring the subject property. I have lived at this address since around 2009 and, during this time, I have regularly experienced significant noise impacts from community functions held at 13 Jamieson Street. These have included amplified music, acoustic instruments (drumming), and loud ambient noise from attendees, often extending beyond 10pm on Sunday to Thursday, and past midnight on Friday and Saturday. Many of these incidents have been reported to NSW Police and to Council and should be documented in Council's own records.

While I do not object to all aspects of this development application, I strongly object to the specific alterations that will exacerbate existing noise impacts. In particular:

- Western end – proposed new wall opening ('Create Wall Opening' Drawing No. 4).
- Eastern end – proposed large opening with glazed doors connecting the hall interior to the rear undercover area (p.9, Statement of Environmental Effects).

These modifications will provide expanded pathways for noise to escape the building and will worsen the already offensive noise impacts experienced by myself and neighbouring residents. This is particularly concerning as the front door of the building is already commonly left open during community functions, providing no noise protection. The proposed new wall opening at the Western end will exacerbate noise impacts emanating from the Western end of the building which is directly opposite my home.

I contend that the noise impacts from this property at present meet the POEO Act definition of offensive noise, and any alterations that increase the escape of sound are inappropriate. I request that Council in its consideration of this Development Application respond with conditions appropriate to mitigate impacts on neighbourhood amenity.

With reference to a similar application, DA2021/0139 at 4–6 Blaxcell Street, Granville, I request that Council apply conditions on DA2025/0506 no less intensive than those imposed in that approval, particularly in relation to noise attenuation, public interest, protection of residential amenity, and environmental amenity. These included:

- DACCL05 – Compliance with Acoustic Report
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- DAOCG02 – Noise Limiter
- DAOUC16 – Entertainment Noise Emission Criteria
- DAOUC18 – No speakers or amplified sound equipment outside

- DAOUF02 – Control of Noise
- DAOUF05 – Patron behaviour – Security staff
- DAOUF06 – Protection of neighbour amenity at closing

I request that Council refuse or condition any alterations that would worsen noise impacts, and apply robust management and compliance conditions no less than the strength of those in DA2021/0139.

Finally, I request that Council consider applying Cumberland DCP Part E2 – Community Facilities, Section 2.4 Operational Plan of Management which would go towards its objective - *to provide certainty for both the consent authority and the local community about the ongoing management practices to be employed by the proposed use to manage its impact upon the neighbourhood.*

Thank you for considering this submission.

Yours sincerely,

Item No: ELPP031/25

DEVELOPMENT APPLICATION - 2-10 VICTORIA STREET EAST, LIDCOMBE

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

Application lodged	20 June 2025.
Applicant	S Issa.
Owner	Gabriss Pty Ltd and Cumberland City Council.
Application No.	DA2025/0421.
Description of Land	2-10 Victoria Street East Lidcombe and Victoria Street East Lidcombe being Lot C in DP 384900 and Part Lot 1 in DP 1161392.
Proposed Development	Demolition of existing structures, relocation of Council's stormwater channel and construction of two-storey industrial warehouse development containing 18 units with ancillary offices, a neighbourhood shop, at-grade car parking spaces and associated landscaping and stormwater works.
Site Area	7,204 sqm.
Zoning	E4- General Industry.
Disclosure of political donations and gifts	Nil disclosure
Cost of works	$12,098,324.00.
Heritage	The subject site is not an item of heritage significance, or within a conservation area. The subject site is in the vicinity of an archaeological site under the State Heritage List (item no. I00718) and Schedule 5 of the Cumberland LEP 2021 (item no. A00718) located at Rookwood Cemetery and Necropolis, Rookwood.
Principal Development Standards	Floor Space Ratio Permissible: 1.0:1. Proposed: 0.67:1. Height of Building Permissible: (No height limit applicable).
Additional Local Provisions	Limited development on foreshore area.
Issues	- Foreshore Building Line.

SUMMARY:

1. Development Application No. DA2025/0421 was lodged on 20 June 2025 for the demolition of existing structures, relocation of Council's stormwater channel and construction of two-storey industrial warehouses containing 18 units with ancillary offices, a retail tenancy, at-grade car parking spaces and associated landscaping and stormwater works.

2. The application was publicly notified to occupants and owners of the adjoining properties for a period of 14 days between 3 July 2025 and 17 July 2025, re-advertised for 28 days between 24 July 2025 and 21 August 2025 and then between 7 November 2025 and 14 November 2025. In response, no submissions were received.

3. On 9 October 2025 and 27 October 2025, the applicant lodged amended plans and documents. The amended plans did not require re-notification as the changes were not considered significant to warrant renotification.

4. The subject site is not listed as a heritage item or located within the heritage conservation area within the Cumberland Local Environmental Plan 2021. The subject site is in the vicinity of an archaeological site under the State Heritage List (item no. I00718) and Schedule 5 of the Cumberland LEP 2021 (item no. A00718) located at Rookwood Cemetery and Necropolis, Rookwood.

5. The variations are as follows:

Control	Required	Provided	% variation
Cumberland Local Environmental Plan 2021 Cl 6.3 Limited development on foreshore area.	No construction within foreshore area.	Construction within the foreshore area.	100%
Cumberland Development Control Plan 2021. Sub-part 2.7, C5. Landscape area. Part D Development in Industrial Zones	15%	12.5%	16.77%
Cumberland Development Control Plan 2021. Sub-part 2.6, C4. Setback to Haslams Creek. Part G4 Stormwater and Drainage	10m	Nil	100%

6. The application is referred to the Panel as the proposal is considered to be a conflict of interest as it is occurring on land partly owned by Cumberland City Council.

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

REPORT:

Subject Site and Surrounding Area

The site is known as Nos. 2-10 Victoria Street East, Lidcombe and Part Victoria Street East, Lidcombe and has the legal description of Lot C in DP 384900 and Part Lot 1 in DP 1161392 (being the area between Lot C of DP 384900). The subject site is a corner 'regular' shaped lot with a total area of 7,204 sqm, a street frontage of 86.05m to Victoria Street East and 83.73m to East Street. The site is zoned E4- General Industrial under the Cumberland Local Environmental Plan 2021 (CLEP 2021).

The site currently comprises part two, part three storey industrial warehouse which contains several industrial units occupied by different businesses. Council's stormwater channel bisects the site in a southeast to northwestern direction. The site is generally covered by hardstand areas with some landscaping along the northern and eastern boundaries. Existing vehicle access is provided along the northern boundary of the site from Victoria Street East.

The site is affected by flooding associated with the channel. The existing industrial warehouse on site is constructed over this stormwater channel. It is noted that Sydney Water sewer main line traverses though the site.

The surrounding land uses of the site are predominantly industrial, residential and retail uses. The subject site and properties immediately adjoining the subject site to the north and west are predominantly industrial uses. Adjoining the site, directly to the west is a two storey industrial warehouse and factory units. To the south of the site is SP2 – Infrastructure zone land which comprises of various buildings, landscaped areas and car parking. Rookwood Cemetery and Necropolis (State Heritage Item) is located in the immediate vicinity of the subject site to the east of East Street. Low density residential developments lie further south and west of the subject site.

The site is shown below edged in purple below.

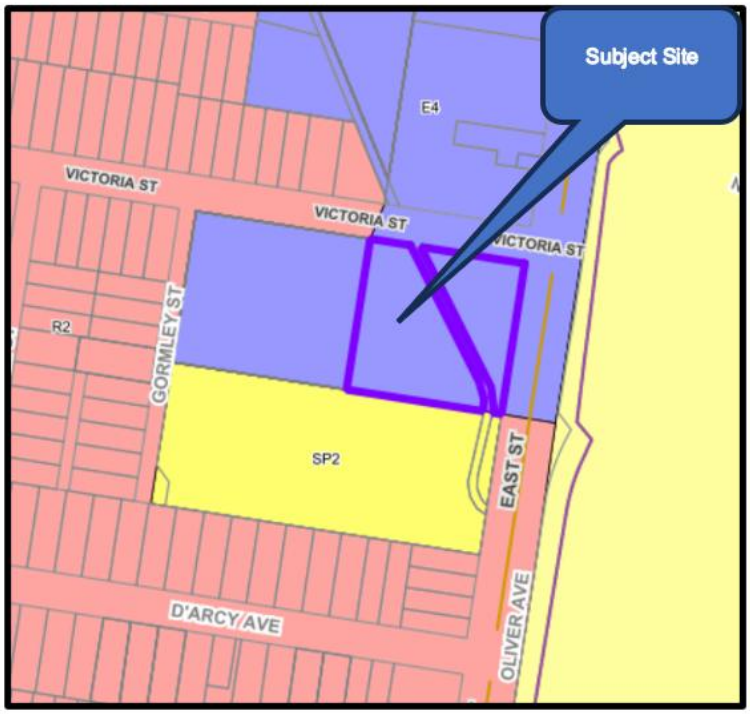


Figure 1 – Locality Plan of subject site

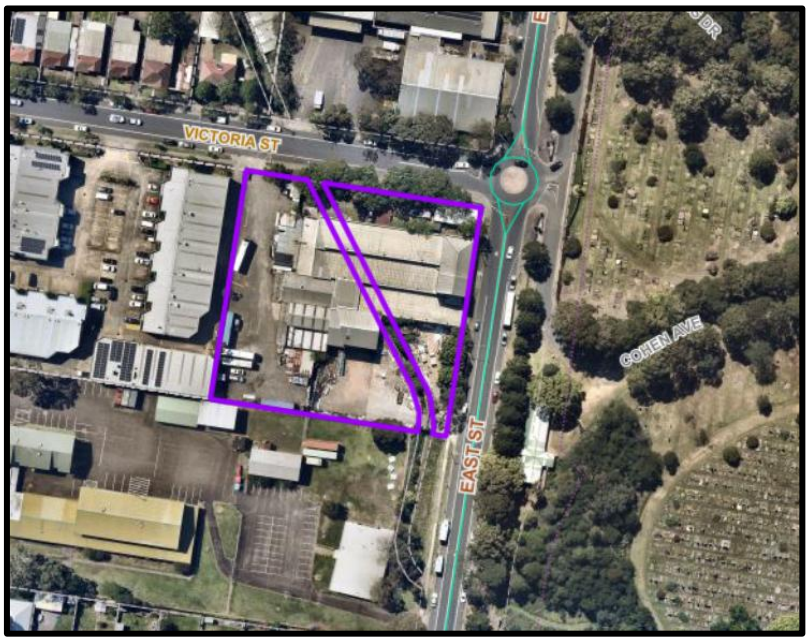


Figure 2 – Aerial view of subject site



Street view of subject site with the existing stormwater channel

Description of The Development

Council has received a development application for the demolition of existing structures, relocation of Council's stormwater channel and construction of two-storey industrial units containing 18 units with ancillary offices, a retail tenancy, at-grade car parking spaces and associated landscaping and stormwater works.

The detailed breakdown of the proposal is provided below:

Demolition

The proposal involves the demolition of all existing structures on the site and removal of 23 existing trees.

Construction

- Two storey 18 industrial units' ranging in size from 121 sqm to 309 sqm.

  Each unit comprises of individual garage door allowing truck access, bathroom and waste bin area.

- A single storey neighbourhood shop with an area of 80 sqm;

- At grade parking for 36 car parking spaces.

- Loading dock and loading bays within each unit

- Ancillary offices at Mezzanine level.

Landscape works

Perimeter landscaping along Victoria Street East and East Street frontages including trees and shrubs.

Stormwater works

- Relocation of existing stormwater channel around the development site along the perimeter of both streets and associated stormwater works.

Access

- Access to the site is provided from East Street featuring a 2-way entry/exit driveway along the southern end.

Hours of Operation

Industrial:

- Mondays to Saturdays 7:00am - 6:00pm.

Neighbourhood shop:

- Mondays to Saturdays 7:00am - 6:00pm.

  Sundays 7:00am - 2:00pm.

Note: The proposed development will be delivered in two stages of works, comprising:

- Stage 1: Replacement of the existing stormwater channel with a new channel that will be re-routed around the site's eastern and northern boundaries and any associated demolition works and tree removal.

- Stage 2: Demolition of and remaining existing structures, construction of the building and associated works.

Appropriate conditions have been recommended to ensure both stages are coordinated and undertaken in accordance with the approved plans.

History

PL2024/0059: Prelodgement Meeting was held on the 4 November 2024 for demolition of existing buildings, bridge and deck and construction of three (3) industrial buildings comprising of 18 warehouse units with ancillary office space and 38 at-grade car parking spaces.

Planning Proposal for Reclassification of the land

PP-2022-2668: Planning Proposal was granted a Gateway Determination on the 11 July 2023 seeking to reclassify a Council owned drainage easement from community

to operational land which affects the subject site and the adjoining land at 49 East Street, Lidcombe.

The subject land (Lot 1 DP 1161392) is used for drainage purposes and comprises a narrow strip of land approximately 5 metres wide passing through 2-10 Victoria Street East and 49 East Street, Lidcombe. The land is part of the Rookwood Stormwater Channel, a stormwater drainage system established in 1915. The channel is largely open for approximately 96 of the overall 152 metre length from Victoria Street East to East Street.



Figure 3- Aerial view of the subject site affected

Council has provided its consent for the applicant to lodge the subject development application and to undertake the proposed re-routing of the stormwater drainage infrastructure along the eastern and northern boundaries of the site. This consent enables the necessary realignment of the existing drainage channel to facilitate the orderly redevelopment of the land while ensuring the continued operation of Council's drainage network.

Applicants Supporting Statement

The applicant has provided a Statement of Environmental Effects prepared by Planning Ingenuity dated 16 June 2025 and was accepted by Council on 20 June 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 development proposal is satisfactory from a flooding and stormwater management perspective 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.

Tree Management

The development application was referred to Council's Tree Management Officer for comment who has advised that the proposal is satisfactory 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

Ausgrid

Ausgrid has raised no concern with the proposal subject to the inclusion of conditions in any consent for the development to ensure the proposed driveways and any other works do not interfere with existing underground cables located in the vicinity of the development and that available electricity services are adequate for the development.

Sydney Water

In accordance with Section 78 of the Sydney Water Act 1994, the development was referred to Sydney Water for comment. Sydney Water has raised no objection to the proposal subject to conditions.

Jemena

In accordance with Clause 2.77 of the SEPP (Transport and Infrastructure) 2021, the development was referred to Jemena for comment given a trunk natural gas pipeline traverses through the road corridor along East Street. Jemena has 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 Policy (Biodiversity and Conservation) 2021.**	Chapter 2 - Vegetation in non Rural Areas.	The proposed development includes the removal of twenty-three (23) existing trees. It is identified that the species are not significant and such work does not raise any significant issues. There are no objections to the removal of the trees. Council's Tree Management Officer has assessed the plans and the submitted arborist report and has no objections to the removal of the trees subject to conditions.
	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. The proposed development will not cause adverse impacts to the sensitive natural environments within the catchment area. 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, land within a "proximity area for coastal wetlands," or land within a designated coastal management area under the SEPP (Resilience and Hazards) 2021. However, the site contains a stormwater channel forming part of

		Haslams Creek and is located within the Foreshore Area, as identified on the Cumberland LEP Foreshore Building Line Map. The proposed development encroaches into the foreshore building line. Notwithstanding, the existing watercourse traversing the site will be diverted into a new channel. The proposed development, while adopting a modified layout from the existing building footprint, will result in improved water quality and quantity outcomes. A detailed flood study has been submitted in support of the application, and it is considered that the proposal will not result in any adverse impacts within the catchment.
	Chapter 3 Hazardous and offensive development	The proposed development is not considered to be hazardous or offensive development.
	Chapter 4 - Remediation of Land. Part 4.6.	Part 4.6 - Contamination and remediation to be considered in determining development application. <u>Comments</u> A Detailed Site Investigation (DSI) prepared by Foundation Earth Sciences was submitted to support the proposal. A Hazardous Building Materials Survey report has also been prepared by Foundation Earth Sciences and submitted under separate cover. The report identifies that the building materials currently on the site need to be appropriately removed during the demolition of the existing buildings on the site. The report states that the site can be made suitable for the proposed development subject to conditions in relation to unexpected finds protocol and waste classification.

		Council's Environmental Health Officer has reviewed the report and considered the proposal to be satisfactory in accordance with the provisions of this chapter. 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 3 – Standards for non-residential development	Chapter 3 of SEPP (Sustainable Buildings) 2022 applies to this development as the alterations, enlargement or extension of the existing building have a capital investment value of $11,524,383 (over $10 million). The proposal has satisfactorily addressed the requirements of Clause 3.2 of the Sustainable Buildings SEPP. The application includes commitments to efficient building systems, water-sensitive design, and the use of low-emission construction materials. Council is satisfied that the development responds appropriately to the objectives of the clause and contributes to improved environmental performance.
• **State Environmental Planning Policy (Industry and Employment) 2021.**	Chapter 3 Advertising and Signage.	No signage is proposed as part of the subject development application.
• **State Environmental Planning Policy (Transport and Infrastructure) 2021.**	Chapter 2 - Infrastructure.	Where relevant, appropriate referrals have been undertaken to service authorities.
	Clause 2.48	<u>Chapter 2 - Infrastructure</u>. Determination of development applications (Subpart (2) - Give written notice to electricity providers and take account of responses received within 21 days. <u>Comment</u> The development application was referred to Ausgrid for comment who raised no issue with the

		proposal subject to the inclusion of conditions into any consent for the development to ensure the proposed driveways and any other construction activities do not interfere with existing underground cables located in the vicinity of the development and the available electricity services are adequate for the development.
	Clause 2.77	The site also lies within the zone of influence of Australian Pipeline and Gas Association (APGA). In this regard, the proposed development was also referred to the relevant gas authority (Jemena) pursuant to Clause 2.77 of the SEPP. The proposal is considered satisfactory, and no objection was raised.
	Clause 2.119	Not applicable. The site does not have a frontage to a classified road.

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, with the exception of the Limited Development on Foreshore Area noncompliance, the development generally satisfies the relevant provisions of the Cumberland Local Environmental Plan 2021 and the objectives of the E4 – General Industrial zone.

(a) Permissibility:

The proposed development comprises 'industrial units' which will primarily be used for general and light industrial uses and a 'neighbourhood shop' which are permitted with consent under the E4 – General Industrial Zone.

- *General industry* is defined as a building or place (other than a heavy industry or light industry) that is used to carry out an industrial activity.

  Note.
  General industries are a type of *industry*—see the definition of that term in this Dictionary.

- *light industry* means a building or place used to carry out an industrial activity that does not interfere with the amenity of the neighbourhood by reason of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or otherwise, and includes any of the following—

(a) high technology industry,

(b) home industry,

(c) artisan food and drink industry,

(d) creative industry.

Note:
Light industries are a type of *industry*—see the definition of that term in this Dictionary.

- *neighbourhood shop* means premises used for the purposes of selling general merchandise such as foodstuffs, personal care products, newspapers and the like to provide for the day-to-day needs of people who live or work in the local area, but does not include neighbourhood supermarkets or restricted premises.

  Note.
  See clause 5.4 for controls relating to the retail floor area of neighbourhood shops.
  Neighbourhood shops are a type of shop—see the definition of that term in this Dictionary.

The proposed development including both industrial units promotes businesses and provides employment uses and is a use which is compatible with the surrounding uses. The proposal will also ensure a more effect and viable use of land for industrial uses, providing new employment opportunities whilst having minimal effect on other land uses and providing a single shop space to meet the needs of businesses and workers. The development is consistent with the objectives of the E4 – General Industrial Zone.

The relevant matters to be considered under CLEP 2021 and the applicable clauses for the proposed development are summarised below. A comprehensive CLEP 2021 assessment is contained in Attachment 6.

Cumberland LEP 2021 Compliance Table

DEVELOPMENT STANDARD	COMPLIANCE	DISCUSSION
4.3 Height of Buildings.	N/A.	While no height control applies to the site under the provisions of the Cumberland Local Environmental Plan 2021, the proposed two-storey industrial building with a maximum building height of 13.9 metres achieves an appropriate built form that is consistent with the prevailing scale, bulk and height of development in the surrounding industrial precinct.

4.4 Floor Space Ratio - 1:1	Proposed FSR = 0.67:1.	Yes.
4.6 Exceptions to Development Standards	N/A.	Refer to discussion below.
6.3 Limited Development on Foreshore Area	No.	Refer to discussion below.

Clause 6.3 – Limited Development on Foreshore Area

The subject development application seeks to vary clause 6.3 for 'Limited development on foreshore area' of the Cumberland Local Environmental Plan (CLEP) 2021. Clause 6.3 restricts development within the foreshore area unless it is compatible with the natural, scenic and environmental qualities of the area and will not adversely affect the environmental functions of the foreshore.

The proposal involves works within the foreshore area as identified on the Foreshore Building Line Map under the CLEP 2021 below. These works include the relocation and realignment of the existing stormwater channel traversing the site, which triggers encroachment into the foreshore area. This is necessary to accommodate the proposed industrial development while maintaining stormwater conveyance capacity and improving site layout and functionality.

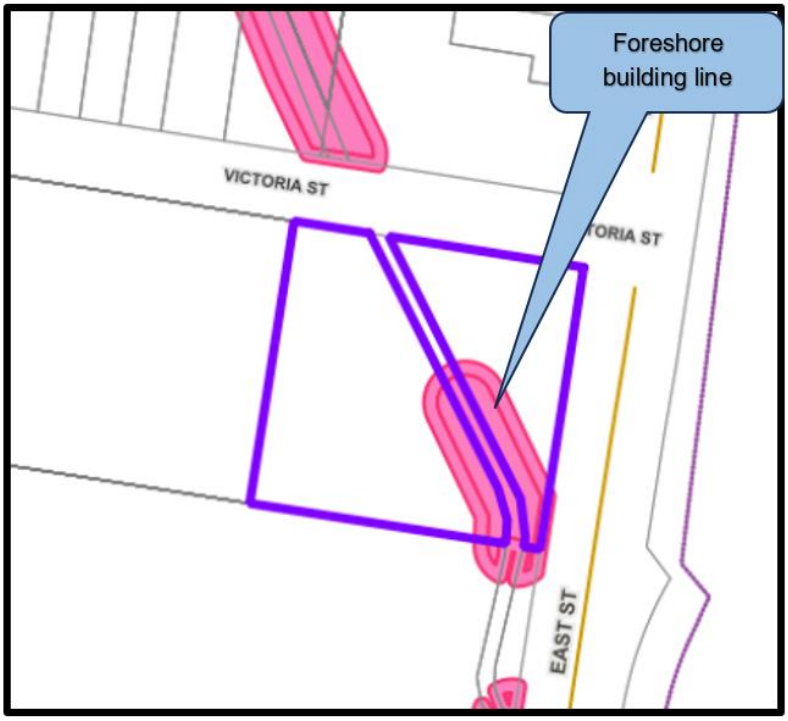


Figure 3- Foreshore building line

Assessment of the Variation - Objectives and Matters for Consideration

(1) The objective of this clause is to ensure that development in the foreshore area will not—

(a) impact on natural foreshore processes, or

(b) affect the significance and amenity of the area.

Comments:

- The "foreshore area" within the site comprises an existing concrete stormwater channel that is non-tidal, lacks riparian vegetation, and does not exhibit any scenic or ecological qualities.

- Relocating the stormwater channel to allow for the site to be developable will have no environmental impacts nor will it impact on natural foreshore processes. The proposal will not result in adverse impacts on the area and is considered consistent with the objectives of the foreshore building line control.

- The proposed design contributes to a good overall site layout and built form outcome, and meets the objectives of the clause.

Assessment of whether the Council is satisfied with matters for consideration under Clause 6.3(4)

Clause 6.3(4) – Assessment criteria

	Criteria	**Comments**
a	Contribution to zone objectives.	The proposal meets the objectives of the E4 General Industrial zone by facilitating redevelopment while maintaining functional stormwater infrastructure. The works allow future industrial use without compromising environmental values of the foreshore corridor.
b	Appearance compatibility with surrounding area.	The proposed development is not inconsistent with the character for the locality generally. The proposed design contributes to a good overall site layout and built form outcome. The proposal will facilitate redevelopment of an underutilised, flood-affected site and contribute to improved urban design outcomes consistent with the scale and form anticipated within the locality.
c	Environmental harm.	The proposed works within the foreshore area will not cause environmental harm such as pollution or siltation of the waterway. No significant adverse effects on surrounding fauna, flora, wetlands or marine habitats are expected.
d	Congestion/conflict along open space/waterway.	The site is industrial and there is no public open space or high-use waterway in the immediate vicinity. Notwithstanding, the proposal does not introduce structures that would interfere with any existing movement patterns. All works are contained within the site

		and do not alter public access or pedestrian routes.
e	Opportunities for continuous public access.	The proposal does not reduce current limited access along the foreshore. Public access to the foreshore remains unchanged, and no structures or landscaping elements are proposed that would restrict movement along any existing public pathways. Future opportunities for access along the corridor remain feasible.
f	Heritage/aesthetic significance of the land and the surrounding area.	The development does not impact any identified historic, cultural, archaeological, scientific, social or architectural heritage within the site. However, it is noted that Rookwood Cemetery – State listed heritage item is located in proximity to the site. The proposed built form is modest in scale and consistent with surrounding development patterns in the urban context. Given the separation between the site and the cemetery, combined with the absence of direct physical or visual impacts, the proposal is not expected to diminish the heritage or aesthetic values of Rookwood Cemetery or its broader landscape significance.
g	Extensions/rebuilding impact	Not applicable. No existing building is being altered or rebuilt.
h	Sea level rise/flooding patterns.	The proposed works including the relocation of the stormwater channel have been reviewed by Council's Engineering section and are considered acceptable with respect to flooding and stormwater management. Floor levels and channel design are appropriate to mitigate future risks and consistent with Council's requirements.

Conclusion

Council is satisfied that the proposal satisfactorily addresses the objectives and matters for consideration of Clause 6.3(4). Natural foreshore processes are protected and enhanced, and the significance and amenity of the area are maintained. Environmental, hydrological, and visual impacts are appropriately managed, and the development is considered acceptable within the foreshore area.

It is the view of Council Officers that having considered the application on its merit, the variation to clause 6.3 is considered acceptable in this instance.

Applicability of Clause 4.6

Clause 4.6 Exceptions to Development Standards is not considered required in this instance as Clause 6.3 does not contain numerical or measurable development standards. It establishes qualitative objectives and matters for consideration, which are assessed on merit. Furthermore, matters for consideration under Clause 6.3(4) is considered satisfactory.

Nevertheless, the applicant has submitted a Clause 4.6 justification, which has been reviewed and is discussed below.

Clause 4.6 - Exceptions to development standards

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.

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 Counci*l (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 *Wehbe v Pittwater Council* (2007) NSW LEC 827, claiming the following:

> *(2) The objective of this clause is to ensure that development in the foreshore area will not—*
>
> *(a) impact on natural foreshore processes, or*
>
> *(b) affect the significance and amenity of the area.*

- *Objective (a) To ensure that development in the foreshore area will not impact on natural foreshore processes.*

  The 'foreshore area' within the subject site currently consist of a stormwater channel with no scenic qualities, is non-tidal, and contains no riparian vegetation. In this regard, relocating the stormwater channel to allow for the site to be developable will have no environmental impacts nor will it impact on natural foreshore processes.

  The proposal is therefore consistent with objective (a), despite the breach of the development standard.

- *Objective (b) To ensure that development in the foreshore area will not affect the significance and amenity of the area.*

  The proposed construction within the 'foreshore area' and relocation of the existing stormwater channel will not give way to any new amenity impacts to the area. The watercourse is in a culvert and has no scenic qualities.

  The proposal is therefore consistent with objective (b), despite the breach of the development standard.

Planner's comments:

- The "foreshore area" within the site comprises an existing concrete stormwater channel that is non-tidal, lacks riparian vegetation, and does not exhibit any scenic qualities.

- The proposal will not result in adverse environmental or visual impacts and is considered consistent with the objectives of the foreshore building line control.

- The proposed design contributes to a good overall site layout and built form outcome, meets the objectives of the standard, and therefore strict compliance is considered unnecessary in this instance.

The applicant's justification is therefore considered to be well founded.

(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:

1 *The proposed variation results will result in a construction within the existing foreshore which can be considered acceptable on due to specific environment features, such as the watercourse is in a culvert and has no scenic qualities, the water course is non-tidal and there is no MHWM and the watercourse contains no riparian vegetation and planning controls do not seek to reinstate a riparian vegetation corridor.*

2 *The proposed works within the foreshore will not cause environmental harm such as pollution or siltation of the waterway, adverse impact upon flora and fauna, adverse impact on surrounding uses, or adverse impact upon drainage patterns.*

3 *Requiring full compliance with the development standard would require the proposed development to be significantly limited in its development potential in order to protect 'foreshore area' with no environmental qualities.*

4 *The proposed works within the foreshore do not bring with it a form of development on the site that is greater than anticipated by the controls or inconsistent with the character for the locality generally. The overall built form is reflective of the scale and form reasonably anticipated within the locality and zoning.*

5 *The proposed development meets the objectives of the development standard and meets the objectives of the E4 General Industrial zone because:*

- *The proposal will enable the provision of both industrial and warehouse uses close to major transport modes including rail and road (such as the M4 Motorway and the Enfield Intermodal).*
- *The proposed works ensures that the subject site continues to be an efficient and viable use of land for industrial uses.*
- *The proposed development does not have any significant impacts on other land uses, particularly residential land uses.*
- *It will create employment opportunities (direct and indirect) within the Cumberland LGA.*
- *The proposal will allow for the provision of one retail space in order to provide facilities and services to meet the needs of businesses and workers.*

As outlined above, it is considered that in many respects, the proposal will provide for a better planning outcome than a strictly compliant development. At the very least, there are sufficient environmental planning grounds to justify contravening the development standard in the circumstances of this case, as required in Clause 4.6(3)(b).

Planner's comments:

Council is satisfied that there are sufficient environmental planning grounds to justify the contravention of the development standard, having regard to the following:

- The site is constrained by an existing Council stormwater channel that forms part of Haslams Creek and is identified within the Foreshore Building Line area.
- The watercourse is contained within a culvert, is non-tidal, and lacks scenic or ecological qualities, with no riparian vegetation present.
- The works will not result in any adverse environmental impacts such as pollution, siltation, or disturbance to natural habitats.
- Full compliance with the foreshore development standard would unreasonably constrain the redevelopment potential of the site without achieving any measurable environmental or visual benefit.
- The proposal will facilitate redevelopment of an underutilised, flood-affected site and contribute to improved urban design outcomes consistent with the scale and form anticipated within the locality.
- The proposed works including the relocation of the stormwater channel have been reviewed by Council's Engineering section and are considered acceptable with respect to flooding and stormwater management.
- The variation therefore provides sufficient environmental planning grounds consistent with the objectives of the Environmental Planning and Assessment Act 1979.

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 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 foreshore area development standard is considered acceptable in this instance.

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

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 June 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 is relevant to the development proposal.

The development has been assessed using the following chapters:

- Part D – Development in Industrial Zones.
- Part G1 – Advertising and Signage.
- Part G3 – Traffic, Parking, Transport and Access.
- Part G4 – Stormwater and Drainage.
- Part G5 – Sustainability, Biodiversity and Environmental Management.
- Part G7 – Tree Management and Landscaping.
- Part G8 – Waste Management.

A comprehensive assessment and compliance table is contained in Attachment 7. The development is found to comply with the relevant provisions except for the following:

Control	Required	Provided	% variation
Sub-part 2.7, C5. Landscape area. Part D Development in Industrial Zones Cumberland Development Control Plan 2021.	15% (1,080.6 sqm).	12.5% (899.3 sqm).	16.77%
Sub-part 2.6, C4 Setback to Haslams Creek Part G4 Stormwater and Drainage Cumberland	10m	0	100%

Development Control Plan 2021.			

As indicated in the compliance table above, the proposed development departs from the landscape provision and setback to Haslams Creek of the Cumberland Development Control Plan 2021.

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

Sub-part 2.7, Public Domain Improvements (C5) Part D Development in Industrial Zones

The objectives for this control are:

O1 Improve the visual quality and amenity of industrial development through effective landscape treatment of individual sites and to achieve high levels of amenity for employees, including passive/recreational use.

O3. Design landscaping to enhance streetscape character and contribute to urban heat management.

Applicant's Response:

This non-compliance is a result of specific site constraints including the provision of a stormwater channel which traverses the site.

Despite the non-compliance identified above, the proposal has been designed to improve the public domain and satisfy the objectives for Part 2.7 of Chapter D – Development in Industrial Zones of the CDCP 2021 as follows:

1. *The proposed development will provide a minimum five metre setback to both street frontages which will be entirely landscaped except for where the relocated stormwater channel will be relocated. This will allow for the provision of landscaping to improve amenity for employees as well as improving the visual quality of the development when viewed from the public domain.*

2. *The provision of landscaping at East Street and Victoria Street East will complement pedestrian and cycle movement networks located at these frontages.*

3. *Additionally, the provision of landscaping to these street frontages will enhance the streetscape character to both East Street and Victoria Street East and contribute to urban heat management.*

Despite the shortfall in landscaping, the proposed development will ensure that the landscaped character of the site is enhanced. Accordingly, the proposal is considered to satisfy the relevant objectives and performance criteria stipulated under Part 2.7 of Chapter D of the CDCP 2021 and Clause 4.15(3A) of the EPA Act provides flexibility in the application of DCP controls if a reasonable alternative solution is provided. The proposal is a reasonable alternative solution and worthy of Council's support.

Planning comment

Landscaping objectives and controls for industrial development aim to ensure an attractive streetscape, mitigate visual bulk, and enhance environmental performance of the industrial developments.

The variation is considered acceptable having regard to the site constraints, including the presence and relocation of the existing stormwater channel that traverses the site. These physical constraints limit the available area for deep soil planting without impacting essential stormwater infrastructure and site functionality.

Despite the numerical shortfall, the proposed landscaping achieves the objectives of the DCP by:

- Providing a continuous landscape strip along the Victoria Street frontage, incorporating canopy trees and low-level planting that softens the built form;
- Integrating landscape elements within setbacks adjoining the relocated stormwater channel to enhance environmental and visual outcomes;
- Contributing to stormwater quality, erosion control, and overall site amenity; and
- Maintaining a landscape presentation consistent with other industrial developments in the locality.

Based on the above, the variation of 12.75% to the landscape area is considered acceptable in this instance.

Sub-part 2.6, Flood Risk Management (C4) Part G4 Stormwater and Drainage

The objectives for this control are:

O1. To ensure the proponents of development and the community in general are aware of the potential flood hazard and consequent risk and liability associated with the use and development of flood liable land.

O2. To manage flood liable land in an economically, environmentally and socially sustainable manner.

O3. To allow development in the floodplain which reflects the sensitivity of the proposed development to the flood hazard, and subject to appropriate design and siting controls, to ensure that the particular consequences that could still arise from flooding remain acceptable having regard to the State Government's Flood Policy and the likely expectations of the community.

O4. To deal equitably and consistently with applications for development on land affected by potential floods, in accordance with the principles contained in the Floodplain Development Manual (NSW Government), and Council's Flood Risk Management Policy.

Applicant's Response:

As the subject site contains a stormwater channel which forms part of the Haslams Creek, a 10m setback should be provided in accordance with the stormwater channel to satisfy this control. The proposed development however does not provide a setback to the existing stormwater channel, nor does it provide a 10m setback to the proposed realigned stormwater channel. It is also noted that the site is located adjacent to a non-tidal part of Haslams Creek and as such there is no MHWM to the waterway.

Despite the non-compliance identified above, the proposal has been designed to ensure that flooding and risk associated with flooding is appropriately addressed, satisfying the objectives of Part 2.6 of Chapter G4 – Stormwater and Drainage of the CDCP 2021. Specifically:

1. *The subject site has been designed to respond appropriately to its flood constraints and hazards.*

2. *By continuing to allow development of the subject site without the constraints of the 10m setback, allows for the subject site to provide economic and social benefits to the local community whilst providing improvements to environmental constraints such as flooding when compared to the existing subject site, of which a building is constructed over a stormwater channel.*

3. *The proposed development is unlikely to have adverse impacts with regards to flooding due to appropriate design features, siting, and relocation of the stormwater channel.*

4. *The proposed development has been designed in accordance with the Floodplain Development Manual (NSW Government) and Council's Flood Risk Management Policy.*

5. *The proposed development has been designed to appropriately address social, economic and* ecological as well as flooding constrains and opportunities.

Accordingly, the proposal is considered to satisfy the relevant objectives and performance criteria stipulated under Part 2.6 of Chapter G4 – Stormwater and Drainage of the CDCP 2021.

Planning comment

Council's DCP (Section 2.6, Part G4) requires a minimum 10 metre setback from Haslams Creek to provide adequate flood conveyance, maintenance access, and protection of the riparian corridor. The proposal seeks a variation to this control as the existing stormwater channel traversing the site is proposed to be relocated to facilitate the development.

The site is flood affected, and the realigned channel has been designed in consultation with Council's Engineering section and is supported in principle. Appropriate flood mitigation measures have been incorporated to ensure that the development will not result in adverse flooding impacts on the site or adjoining properties.

Given the constrained nature of the site and the presence of existing drainage infrastructure, strict compliance with the 10 metre setback requirement is considered unreasonable. The variation is acceptable as the proposal maintains the flood conveyance function of the channel, appropriately responds to the site's flood-affected characteristics, and achieves the underlying intent of Section 2.6, Part G4 of the DCP.

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 is affected by flooding associated with the adjoining stormwater channel; however, detailed flood and stormwater assessments have been undertaken and reviewed by Council's Engineering Section who raised no objections. No other natural hazards are identified, and the proposal is considered suitable in the context of the site and 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 3 July 2025 and 17 July 2025, re-advertised for 28 days between 24 July 2025 and 21 August 2025 and then between 7 November 2025 and 14 November 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 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. If the development is approved, a total contribution of $123,559.00 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 (Industry and Employment) 2021 and State Environmental Planning Policy (Transport and Infrastructure) 2021, Cumberland Local Environmental Plan 2021, Cumberland Development Control Plan 2021 and is satisfactory for approval subject to conditions.

The proposed development is appropriately located within the E4 – General Industrial Zone under the relevant provisions of the CLEP 2021. The proposal is generally consistent with most of the statutory and non-statutory controls applying to the development. Minor non-compliances with Council's controls have been discussed in the body of this report. Having regard to the assessment of the proposal from a merit perspective, the Panel may be satisfied that the development has been responsibly designed and provides a built form consistent with and appropriate to the desired future character of the site. Hence the development, irrespective of the identified departures, 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 Limited Development on Foreshore Area provision, pursuant to the Cumberland LEP 2021, be supported.**

2. **That Development Application No. DA2025/0421 for demolition of existing structures, relocation of Council's stormwater channel and construction of two-storey industrial warehouse development containing 18 units with ancillary offices, a neighbourhood shop, at-grade car parking spaces and associated landscaping and stormwater works on land at 2-10 Victoria Street East Lidcombe and Part Victoria Street East Lidcombe be approved subject to conditions listed in the Council's assessment report.**

ATTACHMENTS

1. Draft Notice of Determination ⇩
2. Architectural Plans ⇩
3. Landscape Plans ⇩
4. Stormwater Plans ⇩
5. Clause 4.6 Variation Request - Foreshore Area ⇩
6. Appendix A Cumberland LEP 2021 Assessment ⇩
7. Appendix B Cumberland DCP 2021 Assessment ⇩

DOCUMENTS ASSOCIATED WITH REPORT ELPP031/25

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:	DA2025/0421
Applicant:	S Issa 31 Greens Avenue OATLANDS NSW 2117
Property Description:	2-10 Victoria Street East & Victoria Street East Lidcombe Lot C in DP 384900 and Lot 1 in DP 1161392.
Development:	Demolition of existing structures, relocation of Council's stormwater channel and construction of two-storey industrial warehouses containing 18 units with ancillary offices, a retail tenancy, at-grade car parking spaces and associated landscaping and stormwater works
Determined by:	Cumberland Local Planning Panel.

CONDITIONS OF CONSENT

General Conditions

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

(Reason: Advisory)

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

Reference/Dwg No	***Title/Description***	***Prepared By***	***Date/s***
Architectural Plans, Job Number 2020-059			
DA-0003, Issue I	Demolition Plan	Urban Link Architects	08/10/2025
DA-0100, Issue I	Sub Ground Floor Plan		
DA-0101, Issue I	Ground Floor/Site Plan		
DA-0102, Issue I	Mezzanine Level		
DA-0103, Issue I	Roof Plan		
DA-0104, Issue I	Detail Plan		
DA-0201, Issue I	Elevations		
DA-0202, Issue I	Elevations		
DA-0203, Issue I	Internal Elevations		
DA-0204, Issue I	Internal Elevations		
DA-0301, Issue I	Sections		
DA-901, Issue I	Finishes 1		
Landscape Plans:			
L/00, Issue B	Cover Sheet	A Total Concept Landscape Architects	08/10/2025
L/01, Issue B	Proposed landscape Plan		
L/02, Issue B	Landscape Details & Specification		
Stormwater Plans, Job Number 20200440:			
Sheet 01, S01-SW100, Issue C	Cover Sheet & Drawing Index	S & G Consultants Pty Ltd	27-10-2025

Sheet 02, S01-SW101, Issue C	Notes & Legend		27-10-2025
Sheet 03, S01-SW201, Issue C	Erosion & Sediment Control Plan & Details	S & G Consultants Pty Ltd	27-10-2025
Sheet 04, S01-SW301, Issue C	Stormwater Concept Design Ground Floor Plan		27-10-2025
Sheet 05, S01-SW302, Issue C	Stormwater Concept Design Roof Plan		27-10-2025
Sheet 06, S01-SW303, Issue C	Stormwater Concept Design - Sub-Floor Plan		27-10-2025
Sheet 07, S01-SW401, Issue C	Stormwater Concept Design Details Sheet 01 Of 02		27-10-2025
Sheet 08, S01-SW402, Issue C	Stormwater Concept Design Details Sheet 02 Of 02		27-10-2025
Sheet 09, S01-SW501, Issue C	Stormwater Grading Design Music Catchment Plan & Details		27-10-2025
Other Documents			
E3279- 2, Issue 2	Detailed Site Investigation	Foundation Earth Sciences	26-05-2025
E3279- 3	Hazardous Material Survey	Foundation Earth Sciences	11-03-2025
R250211R1, Issue 3	Noise impact assessment	Rodney Stevens Acoustics	28-10-2025
Ref: 19481-Access-1/bl | 8, Issue 1	Access Report	EBS Consultants	07/02/2025
-	Tree Protection Plan	Abacus Tree Services	29-09-2025
-	Root Mapping Report	Arbor Express	06-10-2025
Ref 24307	Traffic And Parking Assessment Report	Varga Traffic Planning Pty Ltd	03-06- 2025
Ref _ 24216	Waste Management Plan	Dickens Solutions	June 2025
CNR-103395	Correspondence	Ausgrid	02-07-2025
A-103394	Correspondence	Sydney Water	30-06-2025
A-110155	Correspondence	Jemena	03-11-2025

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

3. **DAGCZ01-Staging of development works.**
This development consent is issued for a two-stage development, comprising:

- **Stage 1:** Relocation of Public Infrastructure (Stormwater Drainage channel)

  Works involving replacement of the existing channel with a new channel that will be re-routed around the site's eastern and northern boundaries and any associated demolition works, tree removal.

- **Stage 2:** Works involving demolition of existing structures, construction of the building and any associated works *(subject to satisfactorily completion of stage 1 works).*

Note: Stage 2 building works must not commence until Stage 1 stormwater relocation works have been completed and certified to the satisfaction of Council.

STAGE 1- RELOCATION OF PUBLIC INFRASTRUCTURE (STORMWATER DRAINAGE CHANNEL)

Conditions Which Must be Satisfied Prior to the Commencement of Demolition

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. DAPDB11 - Hazardous Materials Survey Required

Prior to the commencement of any demolition works, a Hazardous Materials Survey Report must be prepared by a suitably qualified person (such as a certified Occupational Hygienist) and submitted to the satisfaction of the Council or registered certifier. The report must identify and record the type, location and extent of any hazardous materials on the site and make recommendations as to the safe management and/or removal to ensure the site is safe for demolition, construction and future use/occupation.

(Reason: To ensure controls are in place for hazardous materials)

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)

10. DAPDB13 - Sediment and Erosion Control Plan - Large Sites

A Soil and Water Management Plan (also known as an Erosion and Sediment Control Plan) shall be prepared according to the Landcom's Managing Urban Stormwater: Soils and Construction – Volume 1, commonly known as the 'Blue Book'. A copy of the plan must be kept on-site at all times and made available to Council officers on request.

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

11. DAPDZ01 Existing Public Stormwater Drainage Channel

The existing stormwater public drainage channel shall not be demolished until the proposed construction of new culvert has been completed and commissioned.

(Reason: To ensure continuation of functionality of the drainage system)

Conditions Which Must be Satisfied Prior to the Issue of a Construction Certificate

12. DACCZ01 - Compliance with the Council's Requirements

Prior to issue of any Construction Certificate following matters shall be addressed to the satisfaction of Council.

a). Amended Stormwater Plan incorporating following matters shall be submitted and approved to the satisfaction of Council.

i) The proposed culvert shall continue downstream up to the kerb line on Victoria Street East and then the tapering shall occur after the kerb line within the road.

ii) Details of the proposed Box culvert showing the layout (location) of tapering start and the end to connect into the existing pipeline.

iii) Drawing showing the culvert tapering details to the existing pipeline downstream.

iv) Details of the proposed culvert at the upstream end (starting) and the connection details.

b). Amended flood report shall be submitted to the satisfaction of council's requirements on account of the effect of narrow outlet (due to tapering of the proposed culvert into the pipe) demonstrating that the measure to minimise the downstream flooding impact to acceptable tolerance by

providing mechanism of controlled flow outlet at the upstream, or downstream end of the proposed new channel /culvert.

c). Prior to preparation of amended report/flood model, consultation with Council shall be undertaken.

d). The report shall also provide the following in a Tabular format.

i) Channel /culvert flow, overland flow, and the flow through the pipe under the road (Victoria street) and respective velocity.

ii). The above information shall be provided for 5%AEP, 1%AEP and PMF flood event for pre development and post-development scenarios.

e). Electronic copy of the flood models adopted shall also be submitted.

f). The structure shall be built on pier to provide void and clear opening at the subfloor to allow free and unobstructed flow of flood water. In this regard,

i). Appropriate swale shall be provided to allow smooth flow of the floodwater through the subfloor area.

ii) Drawings showing the layout plan with the spot levels, and the sectional details:- a) longitudinal section of the flow path up to the connection to the channel/culvert, along the centreline/middle and either sides/edges, and b) cross-sectional details across the flow path at the upstream side of the subfloor (beginning),, downstream side (close to Victoria Street) and at least two sections at the middle section of the sub floor area showing the original natural ground levels, and the finished floor levels shall be provided.

(Reason: Compliance with Council's infrastructure requirements).

13. DACCA02 - Application for a Construction Certificate
Construction work must not commence until a Construction Certificate has been obtained from Council or a registered certifier. If Council is not the certifier then concurrence shall be obtained from Council prior to the issue of any Construction Certificate.

(Reason: Statutory requirement)

14. DACCA04 - Works Within the 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)

15. DACCB01 - Damage Deposit for Council Infrastructure
A damage deposit of **$21,375.00.00** 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 encourage protection of Council infrastructure and to fund rectification works for damaged Council infrastructure)

16. 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)

17. 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 **$123,559.00** 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)

18. DACCB05 - Fees to be paid to Council

Types of fees	Amount	Payment timing
Damage Deposit	$21,375.00	Prior to CC.
Sect. 7.12 Contributions	$123,559.00 + CPI	Prior to CC
Assessment of Construction Traffic Management Plan	$409.00	Prior to CC
TOTAL	**$145,343.00**+ CPI where applicable	Prior to CC

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)

19. 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: To assist in the appropriate assignment of costs for any damage to maintain Council public assets)

20. DACCC02 - Protection or Management of Public Access

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 Road Occupancy Licence by Council.

(Reason: Public safety)

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 designed by a qualified practising professional engineer with Engineers Australia membership for any excavation adjacent to adjoining properties or the road reserve.

(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. 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)

24. DACCI04- Site Cranes

Site crane/s and hoist/s must comply with all relevant parts of Australian Standards 1418, 2549 and 2550. Cranes must not swing or hoist over any public place unless approval has been obtained for such under section 68 of the *Local Government Act 1993*.

(Reason: Safety and statutory compliance)

25. 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)

26. 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)

27. 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 Rodney Stevens Acoustics reference R250211R3 dated 28 October 2025.

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

28. DACCN01 - Housing and Productivity Contribution (HPC)

Before the issue of the Construction Certificate the housing and productivity contribution (HPC) set out in the table below is required to be made.

Housing and productivity contribution	Amount
Housing and productivity contribution (base component)	$77,784.44
Total housing and productivity contribution	**$77,784.44**

The HPC must be paid using the NSW planning portal.

At the time of payment, the amount of the HPC is to be adjusted in accordance with the *Environmental Planning and Assessment (Housing and Productivity Contributions) Order 2024* (**HPC Order**).

The HPC may be made wholly or partly as a non-monetary contribution (apart from any transport project component) if the Minister administering *the Environmental Planning and Assessment Act 1979* agrees.

The HPC is not required to be made to the extent that a planning agreement excludes the application of Subdivision 4 of Division 7.1 of the *Environmental Planning and Assessment Act 1979* to the development, or the HPC Order exempts the development from the contribution.

(Reason: To require contributions towards the provision of regional infrastructure)

Conditions Which Must be Satisfied Prior to the Commencement of any Development Work

29. 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)

30. 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)

31. 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)

32. 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)

33. 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)

34. 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	SRZ
Lophostemon confertus – Brushbox (T7)	Council nature strip	2	1.5
Lophostemon confertus – Brushbox (T13)	Council nature strip	2	1.5
Ficus hillii – Hills fig *(T14)*	Council nature strip	2	1.5
Lophostemon confertus – Brushbox (T15)	Council nature strip	2	1.5
Lophostemon confertus – Brushbox (T18)	Council nature strip	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)

35. DAPCD01 - Council Drainage Assets - Dilapidation Report

CCTV footage shall be submitted to Council to identify the pre-construction state of the Council's stormwater infrastructure. The footage shall extend 10m upstream of upstream end connection (start of the proposed diversion) and 10m downstream of the downstream side connection into existing public drainage pipe line. The footage shall have a date stamp, time and distance/chainage presented in metres. A written report detailing distance from the origin and the observed asset condition must accompany the footage.

(Reason: Protection of Council assets)

36. 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)

37. DAPCZ01 – 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 utility service/s to the satisfaction of the utility service provider.

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

Conditions Which Must be Satisfied During any Development Work

38. 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)

39. 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)

40. 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)

41. DADWA04 - Acid Sulfate Soils

Any excavation works carried out on site shall be closely monitored to ensure no signs of potential or actual acid sulfate soil are observed. Indicators may include grey to greenish blue clays, unusual gold-yellow mottling or 'rotten egg' odours. If any of these indicators are observed, excavation of the site shall stop immediately, the Principal Certifier is to be notified and a suitably qualified environmental scientist shall be contracted to further assess the site.

(Reason: Environmental protection)

42. 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: Safety, amenity and protection of public infrastructure and the environment))

43. 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)

44. DADWA07 - General Site Requirements during any 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.
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)

45. DADWA13 - Compliance with Hazardous Materials Survey Report

All of the recommendations for management and/or removal of hazardous materials on the site, as outlined in the Hazardous Materials Survey Report prepared prior to commencement of demolition works, must be complied with.

Prior to the Occupation Certificate being issued, a clearance certificate must be submitted to the Principal Certifier from a suitably qualified person (such as a certified Occupational Hygienist) confirming that all hazardous materials identified have been contained, managed or removed in accordance with the recommendations in the Hazardous Materials Survey Report, and that the site is safe for future occupation in accordance with the approved use.

(Reason: To ensure controls are in place for hazardous materials)

46. 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)

47. 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)

48. 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)

49. 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 l 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)

50. 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)

51. 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)

52. DADWB08 - Removal of Trees

The following trees are approved for removal:

Species	Location
Ulmus parvifolia – Chinese elm x5 (T8,911,12 &16)	Within subject site
Ficus hillii – Hills fig x3 (T17,24,25)	Within subject site
Pittosporum undulatum - Sweet pittosporum x1 (T26)	Within subject site
Eucalyptus nicholii – Narrow leafed peppermint gum x1 (T28)	Within subject site

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

53. DADWC01 - Obstruction/Temporary Occupation of the Public Road/Footpath Area

The road inclusive of footpath area is not to be occupied by building plant such as cranes and cement trucks, building materials, waste materials, waste bins, toilets and the like unless prior approval for such is obtained from the Council (or in the case of a classified road, from Transport for NSW) in the form of a Road Occupancy Licence.

(Reason: To ensure suitable and safe functioning of public road areas)

54. 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)

55. 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 prevent encroachment on other land)

56. 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)

57. 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)

58. 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, down pipes, and the connection of down pipes 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)

59. 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)

60. 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)

61. 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)

93. 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;
b) Prior to covering any stormwater drainage connections; and
c) 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)

94. DADWZ01 - Supervision of the Works (Relocation of Public Stormwater Drainage Channel)

The new stormwater culvert construction works including modification and connection to the existing public stormwater drainage system shall be carried out in accordance with the specification, policy and guidelines of council. The construction work shall be carried out under the supervision/ inspection as required by the Manager, Engineering and Building Section. In this regard,

a). The applicant shall liaise/ consult with council for the required specification and supervision work arrangement.

b). Documentary evidence of compliance with the Council's specifications shall be obtained prior to proceeding to the subsequent stages of construction, encompassing that required by Council's Manager Engineering and Building.

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

Note: A private certifier or register certifier cannot be engaged to undertake the supervision.

(Reason: To protect Council's asset and maintain quality)

Conditions Which Must be Satisfied Prior to the Issue of Certificate of Compliance (Occupation Certificate)

95. DAOCZ01 - Easement Registration

Prior to the issue of a Certificate of Compliance, the following drainage easement(s) must be created. over the following:

a) Public drainage easement over the newly relocated stormwater drainage culvert covering the box culvert and the adjoining strip of land shall be created benefitting Council. The width of the drainage easement shall be at least the width of the culvert structure measured between the extreme outer edges of the structure plus 1m on either side section or as required by the Council whichever is the larger but not less than 5.5m.

The easement and terms thereof must be created under the provisions of s88B of the Conveyancing Act, 1919.

(Reason: To protection of Council's asset)

96. DAOCZ02 - Decommissioning of the Redundant Section of the Council's Existing Stormwater Channel and Removal from Existing Location

After construction of the new culvert and testing the functionality to the satisfaction of Council, the redundant section of the existing stormwater drainage channel shall be decommissioned and removed entirely from the existing location. (If there is any easement along the existing pipeline, then the easement must be released with the consent from the Council's property transaction unit).

(Reason: Management of Council asset)

97. DAOCZ03 – Satisfactory Completion of Civil Works

To ensure relocation of public stormwater drainage infrastructure are completed to a satisfactory level, a certificate of compliance shall be obtained from Council's Engineering and Building Section upon completion of the relocation work and decommissioning of the of the redundant section of the public drainage pipeline, and the associated works to the satisfaction of the Manager, Engineering and Building Section.

(Reason: Satisfactory completion of relocation of public assets)

98. DAOCA03- Section 73 Compliance Certificate

A section 73 Compliance Certificate under the *Sydney Water Act 1994* must be obtained prior to the issue of the Certificate of Compliance. 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)

99. DAOCA04 - Structural Engineer's Certificate

A certificate from the structural engineer shall be submitted to the Council certifying that all foundation works / reinforced concrete / structural members have been carried out / erected in accordance with the engineering requirements and the relevant standards / codes.

(Reason: Structural certification)

100. DAOCA08 - Certification of Engineering Works

Prior to the issue of a Certificate of Compliance, the following documents must be submitted to the

Council or Principal Certifier.

a) Work as executed drawings prepared by a registered surveyor for completed engineering works. The Work-As-Executed plan shall include the following:

- the relocated stormwater drainage system (box culvert).
- tapering and connection details at the upstream end and downstream end and any associated structures.

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 relocated stormwater drainage system (box culvert).
- tapering and connection at the upstream end and downstream end.
- capacity of the conduit at the convert, tapering and downstream existing public drainage pipeline with respect to the approved design capacity.

(Reason: Asset management)

101. DAOCI03 - Impacts to Council's Drainage Assets

CCTV footage shall be submitted to Council upon completion of construction works to identify whether the Council's stormwater infrastructure has suffered any damage. The footage shall extend 10m upstream of upstream end connection (start of the diversion) and 10m downstream of the downstream side connection into existing public drainage pipeline. The footage shall have a date stamp, time and distance/chainage presented in metres. A written report detailing distance from the origin and the observed asset condition must accompany the footage. Any observed or likely damage shall be rectified at full cost by the applicant to the satisfaction of Cumberland Council's Executive Manager Development and Building. Upon Council being satisfied as to the integrity of drainage infrastructure, a clearance letter will be issued.

(Reason: Protection of Council assets)

STAGE 2 – WORKS RELATED TO ERECTION OF THE BUILDING

Stage 2 works must not commence until all Stage 1 works have been completed and certified to the satisfaction of Council.

Conditions Which Must be Satisfied Prior to the Commencement of Demolition

102. 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)

103. 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)

104. 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)

105. 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)

106. DAPDB11 - Hazardous Materials Survey Required

Prior to the commencement of any demolition works, a Hazardous Materials Survey Report must be prepared by a suitably qualified person (such as a certified Occupational Hygienist) and submitted to

the satisfaction of the Council or registered certifier. The report must identify and record the type, location and extent of any hazardous materials on the site and make recommendations as to the safe management and/or removal to ensure the site is safe for demolition, construction and future use/occupation.

(Reason: To ensure controls are in place for hazardous materials)

107. 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)

108. DAPDB13 - Sediment and Erosion Control Plan - Large Sites

A Soil and Water Management Plan (also known as an Erosion and Sediment Control Plan) shall be prepared according to the Landcom's Managing Urban Stormwater: Soils and Construction – Volume 1, commonly known as the 'Blue Book'. A copy of the plan must be kept on-site at all times and made available to Council officers on request.

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

Conditions Which Must be Satisfied Prior to the Issue of a Construction Certificate

109. 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:

Following matters shall be addressed in amended stormwater plan.

a. The number of PSorb filtration cartridges shall be updated to 12 numbers as per the sectional details.

b. The filtration outflow shall be directed into overflow chamber bypassing the HED control chamber and the OSD orifice size adjusted/reduced accordingly to maintain the total permissible site discharge.

c. The HED weir shall be 200mm lower than the top water level (i.e. aa RL19.60m) to account for the depth of flow over the HED weir.

d. A 200mm wide grated drain shall be provided across the driveway at the property boundary.

The architectural plan, and the landscape plan shall be consistent with the amended stormwater plan addressing the above issues and submitted to the registered certifier prior to issue of the Construction

Certificate. A copy of the Construction Certificate approved document shall be submitted to Council for record.

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

110. 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)

111. 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)

112. DACCA04 - Works Within the 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)

113. DACCZ02 - Bond for Registration of Positive Covenant and Restriction for OSD System and Stormwater Quality Treatment System Overland Flow Path
The applicant shall lodge with Council a **$7,700.00** cash bond to cover the registration of a Positive Covenant and Restriction as to User over the On-site Detention system, overland flow path, and Stormwater quality treatment system for proposed development. This bond is refundable upon the submission of proof of registration of the Restriction on Use and Positive Covenant with the NSW Land Registry Services.

(Reason: To ensure compliance with the requirements).

114. 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)

115. DACCB05 - Fees to be paid to Council

Types of fees	**Amount**	**Payment timing**
Assessment of Construction Traffic Management Plan	$409.00	Prior to CC
Cash Bond (to cover the registration of a Positive Covenant and Restriction as to User over the On-site Detention system, overland flow path, and stormwater quality treatment system)	$7,700	Prior to CC
TOTAL	**$8,109.00**+ CPI where applicable	Prior to CC

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)

116. DACCC01 - Footpath and Driveway 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 and driveway 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 crosses the driveway.
b) The levels of the driveway at the property boundary shall incorporate a cross-fall equivalent to the general longitudinal grade of the street.
c) The approved boundary line levels are to be incorporated in plans and submitted for approval under section 138 of the Roads Act 1993.

(Reason: To ensure appropriate vehicular access that has regard to prevailing topography and that preserves safe pedestrian access)

117. DACCC02 - Protection or Management of Public Access

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 Road Occupancy Licence by Council.

(Reason: Public safety)

118. 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 designed by a qualified practising professional engineer with Engineers Australia membership for any excavation adjacent to adjoining properties or the road reserve.

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

119. 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)

120. DACCE04 - Loading Bay and Access

The loading bay layout and design shall comply with AS2890.2:2018 based upon a Medium Rigid vehicle. In this regard, detailed plans prepared by a suitably qualified and practising engineer shall be submitted to and approved by the Council or registered certifier that demonstrate:

a) Car park ramp grades and transitions complying with sections 3.3.3 and 3.3.4 of AS2890.2:2018. A detailed longitudinal section along both edges of the ramps in the car park from the centreline of the road to the car park demonstrating compliance with this requirement shall be provided.

b) A minimum headroom clearance in accordance with table 4.1 of AS2890.2-2018 shall be provided in all areas of the car park that are to be accessed by the largest vehicle entering the property.

c) The width of the circulation roadway and ramps shall comply with section 3.3.1 of AS2890.2:2018.

d) Loading bay dimensions shall comply with table 4.1 of AS2890.2:2018.

(Reason: To ensure the car park layout and design complies with AS2890.2:2018)

121. DACCE06 - Vehicular Access and Manoeuvring

Internal traffic management devices comprising of a stop sign / give way sign / traffic convex mirrors / one way traffic directional arrows traffic signal system etc. shall be installed at relevant location as necessary.

(Reason: To improve traffic circulation and safety)

122. 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)

123. DACCG02 - Bicycle Storage Provision

Provision for bicycles parking / storage shall be in accordance with the provisions of the Cumberland Development Control Plan. Details shall be submitted with the Construction Certificate application.

(Reason: To ensure that bicycle parking is provided on site in accordance with the Cumberland Development Control Plan)

124. DACCG03 - Off Street Car Parking

36 car spaces (including one accessible car space) shall be provided on the development site.

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.

Visitor spaces shall be clearly line marked and/or sign posted and shall only be used by visitors to the site.

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: To ensure satisfactory parking and access)

125. 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 wide x 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)

126. 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)

127. 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: To avoid unplanned and potentially adverse effects on the Streetscape)

128. DACCI04- Site Cranes
Site crane/s and hoist/s must comply with all relevant parts of Australian Standards 1418, 2549 and 2550. Cranes must not swing or hoist over any public place unless approval has been obtained for such under section 68 of the *Local Government Act 1993*.

(Reason: Safety and statutory compliance)

129. 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 AS/NZS3500.3.

(Reason: Adequate stormwater management)

130. DACCJ05 - Grated Drain
A grated trench drain shall be provided across the street boundary. 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/NZS3500.3.

The above information must be indicated on all relevant drawings submitted with the Construction Certificate application.

(Reason: To mitigate the impacts of stormwater)

131. 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)

132. 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)

133. 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)

134. DACCL01 - Electricity Substation
Documentary evidence of compliance with design requirements of the relevant energy authority is to be provided to the Council or registered certifier prior to the issue of a Construction Certificate.

(Reason: Where substations are proposed and required, to ensure that the final design accounts for any requirements of the energy authority)

135. 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 Rodney Stevens Acoustics reference R250211R3 dated 28 October 2025.

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

136. DACCO01- Structural Elements in the Vicinity of Public Drainage Infrastructure
Structural support elements adjacent to an easement, public drainage pipe or natural water course, must be founded outside the zone of influence, being a 45° line measured upwards from the invert level of the pipe or natural watercourse to the ground surface. Details of the design, prepared by a structural engineer, are to be submitted to the Council or registered certifier.

(Reason: To protect the integrity of drainage infrastructure and to ensure proper building foundations)

137. DACCO02- Floor Levels
Floor levels shall comply with the Council's flood advice letter and approved Architectural Plans including submitted Flood Impact Study Report prepared by SGC reference number 20200440-L04_flood_study dated 27/10/2025 and/or any subsequent amended flood Impact study report approved by Council by way of providing a minimum floor level for all habitable areas of 20.4m AHD, being 0.5m above the 1% annual exceedance probability flood level at the upstream side of the structure for all habitable areas and a minimum floor level for non-habitable areas 0.15m above the flood level. 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)

138. DACCO03 - Civil Engineering Design Verification
Written verification from suitably qualified and practising civil engineer shall be provided to the Council or registered certifier stating that construction certificate plans comply with the approved flood report including any recommended flood mitigation measures (such as sub floor design) 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)

139. 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)

140. DACCO05- Parking and Access

Parking layouts, driveways, internal ramps, turning areas and parking spaces are to ensure compliance with applicable provisions of AS2890.1 including:

a) Circulation roadways and ramp widths shall comply with section 2.5.2.
b) Circulation ramp grades and transitions are to comply with section 2.5.3. A longitudinal section along the steepest side the ramp demonstrating compliance shall be prepared.
c) Kerbs shall be at least 300mm wide and 150mm high to either side of a ramp.
d) Pedestrian sight distances are to be provided in accordance with section 3.2.4.
e) 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.
f) 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, or if the site is affected by the 1% annual exceedance probability flood, then then crest shall be greater of 100mm higher than the top of the road side kerb at the upstream side of the driveway or 150mm above the 1% level at all points.
g) Directional arrows for internal circulation shall be prominently displayed. The entry/exit driveway shall be line marked.
h) Width of the circulation roadway and ramps shall comply with Clause 2.5 of AS2890.1:2004.
i) Any amendments to the levels within the road reserve shall be submitted to and approved by Council's Engineering Team. All works required within the road reserve are to be designed and built by the applicant to the satisfaction of Council. All costs shall be borne by the applicant.

Details demonstrating compliance with this condition are to be submitted to and approved by the Council or registered certifier.

(Reason: To ensure satisfactory vehicle access and parking)

141. DACCO07- Splay Corner

No structure or landscaping shall be located within a 4 m x 4m splay at the corner of East Street and Victoria Street East. Plans submitted with the Construction Certificate application are to be consistent with this requirement.

(Reason: To ensure acceptable vehicular and pedestrian safety)

142. DACCO08 - Stormwater Disposal

Stormwater runoff from the development shall be collected and piped by gravity flow to public stormwater drainage channel/culvert within the property after undergoing water quality treatment and flow control generally in accordance with the drawing No. S01-SW30, sheet 4, 7 and 8, Revision "C", dated 27/10/2025 and any subsequent modification subject to the following amendments:

The stormwater system shall address the following matters.

a) 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.

b) The outlet pipe from the pit on to the public stormwater drainage system (box culvert) shall be in a falling gradient of 1% towards the channel and in the direction of flow of drainage system.

c) Any markup requirements/issues annotated in red on the stormwater plan shall also be incorporated.

(Reason: To ensure effective and appropriate disposal of stormwater)

143. 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 as water sensitive urban design measures 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 the 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)

144. DACCO13- Water Sensitive Urban Design

Water sensitive urban design measures shall be incorporated as a part of site stormwater management to ensure appropriate water quality treatment for stormwater runoff. Details of the measures are to be submitted to the Council or registered certifier for approval with the Construction Certificate application and shall include:

a) MUSIC modelling, submitted in electronic format, inclusive of input parameters and output results that demonstrate achievements of load reduction targets for pollutants nominated at Table 5 of part G4, section 2.5 of the Cumberland Development Control Plan. Removal efficiency parameters must be consistent with the manufacturer's pollutant removal efficiency.

b) All surface runoff from impervious areas including the roof, car parking area, driveway and roads being directed to water quality treatment systems.

c) A first flush system sized to accommodate a one in three months storm event that directs high concentrated pollutants within site runoff to the treatment system.

(Reason: To ensure improvement of stormwater quality, improve waterway health and to develop and maintain ecologically sustainable waterways)

145. DACCO14 - Stormwater Drainage into Creek or Channel

The disposal of stormwater into the adjacent channel is subject to further approval by Council under s.68 of the Local Government Act 1993. The application for approval shall be accompanied by details of proposed disposal measures.

(Reason: Protection and maintenance of infrastructure and the natural environment)

146. DACCO15 - Flood Risk Management

The development shall comply with Council's Flood Risk Management Policy. Supporting documents prepared by a suitably qualified and practising engineer with experience in floodplain risk management that demonstrate compliance with the controls of the flood risk precinct nominated at pages 6-7 of the policy shall be submitted to and approved by the Council or registered certifier.

(Reason: To mitigate risks from flooding)

Conditions Which Must be Satisfied Prior to the Commencement of any Development Work

147. 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)

148. 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)

149. 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)

150. 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)

151. 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)

152. 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	SRZ
Lophostemon confertus – Brushbox (T7)	Council nature strip	2	1.5
Lophostemon confertus – Brushbox (T13)	Council nature strip	2	1.5

Ficus hillii – Hills fig *(T14)*	Council nature strip	2	1.5
Lophostemon confertus – Brushbox (T15)	Council nature strip	2	1.5
Lophostemon confertus – Brushbox (T18)	Council nature strip	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)

153. DAPCD01 - Council Drainage Assets - Dilapidation Report

CCTV footage shall be submitted to Council to identify the pre-construction state of the Council's stormwater infrastructure. The footage shall extend 10m upstream and 10m downstream of the property boundaries. The footage shall have a date stamp, time and distance/chainage presented in metres. A written report detailing distance from the origin and the observed asset condition must accompany the footage.

(Reason: Protection of Council assets)

154. 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)

155. DAPCZ01 – 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 utility service/s to the satisfaction of the utility service provider.

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

Conditions Which Must be Satisfied During any Development Work

156. 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)

157. 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)

158. 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)

159. DADWA04 - Acid Sulfate Soils

Any excavation works carried out on site shall be closely monitored to ensure no signs of potential or actual acid sulfate soil are observed. Indicators may include grey to greenish blue clays, unusual gold-yellow mottling or 'rotten egg' odours. If any of these indicators are observed, excavation of the site shall stop immediately, the Principal Certifier is to be notified and a suitably qualified environmental scientist shall be contracted to further assess the site.

(Reason: Environmental protection)

160. 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: Safety, amenity and protection of public infrastructure and the environment))

161. 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)

162. DADWA07 - General Site Requirements during any 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.
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)

163. DADWA09 - Electricity and Telecommunication Connections
All power connection to the development shall be installed underground.

(Reason: To avoid visual clutter that detracts from the streetscape)

164. DADWA13 - Compliance with Hazardous Materials Survey Report
All of the recommendations for management and/or removal of hazardous materials on the site, as outlined in the Hazardous Materials Survey Report prepared prior to commencement of demolition works, must be complied with.

Prior to the Occupation Certificate being issued, a clearance certificate must be submitted to the Principal Certifier from a suitably qualified person (such as a certified Occupational Hygienist) confirming that all hazardous materials identified have been contained, managed or removed in accordance with the recommendations in the Hazardous Materials Survey Report, and that the site is safe for future occupation in accordance with the approved use.

(Reason: To ensure controls are in place for hazardous materials)

165. 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)

166. 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)

167. 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)

168. 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 I 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)

169. 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)

170. 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)

171. DADWC01 - Obstruction/Temporary Occupation of the Public Road/Footpath Area

The road inclusive of footpath area is not to be occupied by building plant such as cranes and cement trucks, building materials, waste materials, waste bins, toilets and the like unless prior approval for such is obtained from the Council (or in the case of a classified road, from Transport for NSW) in the form of a Road Occupancy Licence.

(Reason: To ensure suitable and safe functioning of public road areas)

172. 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)

173. 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 prevent encroachment on other land)

174. 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)

175. 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)

176. 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, down pipes, and the connection of down pipes 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)

177. DADWC21 - Stormwater Connection to Public Drainage System Within the Property
Connection to the Council drain within the site is to take place in accordance with the approval obtained under section 68 of the Local Government Act 1993. Inspections undertaken with a member of Council's engineering section are to take place at the following stages:

a) Initial inspection to discuss the concept and site conditions I constraints prior to commencement of works.
b) After the excavation of culvert/ pipeline trenches.
c) After the laying of all conduits prior to backfilling.
d) After the formwork for any pits prior to pouring concrete.
e) After the completion of all pits and connection points.

A minimum of 48 hours' notice shall be given to Council to inspect works. Inspections may be arranged by telephoning Council's engineering section during office hours. Work is not to proceed until the works are inspected and approved by Council. Fees are payable in accordance with Council's adopted fees and charges for the s.68 application and inspections.

(Reason: To ensure the proper construction and integrity of Council's stormwater assets)

178. 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)

179. 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)

180. 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)

93. DADWD06- Critical Stage Inspections for Building Work (Classes 5, 6, 7, 8 or 9)

The following critical stage inspections must be carried out:

d) 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;
e) Prior to covering any stormwater drainage connections; and

f) After the building work has been completed and prior to any Occupation Certificate being issued in relation to the building.

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

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

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

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

(Reason: Statutory requirement)

181. DADWD07 - Overland Flow Path Inspections

The stormwater drainage and/or overland flowpath works shall be inspected during construction, by a suitably qualified and practising civil engineer. Documentary evidence of compliance with part G4 of the Cumberland Development Control Plan, Council's Flood Risk Management Policy and the approved flood report shall be obtained prior to proceeding to the subsequent stages of construction, encompassing the following key stages:

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

(Reason: To protect and maintain overland flowpath)

Conditions Which Must be Satisfied Prior to the Issue of an Occupation Certificate

182. 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)

183. 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)

184. DAOCA03- Section 73 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)

185. 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; and
- the proposed driveway and layback.

(Reason: Asset management)

186. DAOCA11 - Civil Works on the Footway

The following works are to be carried out at the applicant's expense and to Council's satisfaction prior to the issue of any Occupation Certificate:

a) reconstruct the existing public drainage pit/pipe system.
b) construct a new vehicular crossing.
c) 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)

187. DAOCA13 - Construction of Concrete Kerb and Gutter

A 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)

188. DAOCA15 - Concrete Footpath

A 1200mm wide concrete footpath shall be provided along the frontage to East Street and Victoria Street.

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)

189. DAOCA17 - Wheel Stops
Wheel stops shall be provided as required by, and in accordance with, AS2890.1 :2004.

(Reason: To prevent cars from colliding with other structures

190. 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 Rodney Stevens Acoustics reference R250211R3 and dated 28 October 2025 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)

191. DAOCD01- Fire Safety Certificate
A final Fire Safety Certificate shall be obtained in accordance with part 11 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 prior to the issue of the Occupation Certificate for the building.

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

(Reason: Fire safety)

192. 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)

193. 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)

194. 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)

195. DAOCH04 - Evidence of Consolidation
The existing allotments shall be consolidated into a single lot. Evidence that the plan of consolidation has been registered must be provided to the Principal Certifier prior to the issue of the Occupation Certificate.

(Reason: Information)

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

guttering, connection on to the public stormwater drainage system within the subject site 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)

197. DAOCH10 - Splay Corner

To ensure satisfactory sight distances, prior to the issue of an Occupation Certificate, a 4m x 4m splay at the corner of Victoria Street East and East Street shall be provided.

(Reason: Facilitate splay corner)

198. DAOCH19 - 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)

199. DAOCH20 - 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)

200. DAOCH21 - Installation of Confined Spaces Sign and Step Irons

Step irons at 300mm centres and a confined spaces sign shall be provided to each access point of any on site detention / pump out tank.

(Reason: To ensure safe access)

201. DAOCI03 - Impacts to Council's Drainage Assets

CCTV footage shall be submitted to Council upon completion of construction works to identify whether the Council's stormwater infrastructure has suffered any damage. The footage shall extend 10m upstream and 10m downstream of the connection point into public drainage system. The footage shall have a date stamp, time and distance/chainage presented in metres. A written report detailing distance from the origin and the observed asset condition must accompany the footage. Any observed or likely damage shall be rectified at full cost by the applicant to the satisfaction of Cumberland Council's Executive Manager Development and Building. Upon Council being satisfied as to the integrity of drainage infrastructure, a clearance letter will be issued.

(Reason: Protection of Council assets)

202. DAOCI04 - Satisfaction of Flood Requirements - Flood Affected land

Written verification from a suitably qualified flood 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.

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)

203. 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 and landscaping 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)

204. DAOCI10 - Positive Covenant - Stormwater Quality Improvement Device

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 stormwater quality improvement device/so Council shall be identified as the authority with power to release, vary or modify the covenant. The wording of the covenant shall be consistent with the Council's standard terms as available on Council's website. 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 stormwater quality improvement device/s)

205. DAOCI12 - Positive Covenant - On Site Detention

A positive covenant shall be created under section 888 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 consistent with the Council's standard terms as available on Council's website. 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-site detention system)

206. 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 consistent with the Council's standard terms as available on Council's website. 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)

207. 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. Council shall be identified as the authority with power to release, vary or modify the covenant. The wording of the covenant shall be consistent with the Council's standard terms as available on Council's website. 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)

208. 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, 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 consistent with the Council's standard terms as available on Council's website. 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)

209. DAOCZ04 - Restriction of the Use of land - Stormwater Quality Improvement Device

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 stormwater quality improvement device(s) 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 stormwater quality improvement device(s) is not altered so as to adversely affect functionality of the system)

210. DAOCZ05 - 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.

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

Conditions Which Must be Satisfied During the Ongoing Use of the Development

211. DAOUA08 - Waste & Recycling Collection

Garbage and recycling must not be placed on the kerbside for collection more than one hour before the scheduled collection time. Bins and containers are to be removed from the kerbside as soon as practicable following collection and returned to the designated waste storage area.

The garbage and recyclable storage and bins must be adequate to contain the volume and type of garbage and recyclable matter generated on the premises between collection times. All garbage and recyclable matter must be enclosed in the waste bins with lids completely closed at all times.

(Reason: To minimise amenity and streetscape impacts)

212. 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)

213. 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)

214. DAOUA14 - Hours of Business Operation
The hours of operation are restricted to between:

Industrial:
- Mondays to Saturdays: 7:00am - 6:00pm.

Neighbourhood shop:
- Mondays to Saturdays: 7:00am - 6:00pm.
- Sundays : 7:00am - 2:00pm.

(Reason: To minimise amenity impacts for nearby land)

215. 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)

216. 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)

217. DAOUA21 - Offices - Ancillary Use
No part of the premises may be used as offices or for any other commercial activity, including a showroom or display area, except where such facility is ancillary and subordinate to the principal use of the premises. The proportion of floor space of the building used for offices or showrooms and the like, must not be increased above that shown on the approved plan.

(Reason: To ensure compliance with approved use)

218. DAOUB01 - Annual Fire Safety Statement
Pursuant to section 88 of the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*, the owner of the building shall furnish Council with an Annual Fire Safety Statement prepared by an accredited practitioner (fire safety). The Annual Fire Safety Statement shall be issued within 12 months of the date on which an annual fire safety statement was previously given, or if a Fire Safety Certificate has been issued within the previous 12 months, within 12 months after the Fire Safety Certificate was issued.

A copy of the Annual Fire Safety Statement shall also be:
a) Forwarded to the Commissioner of Fire and Rescue NSW; and
b) Prominently displayed in the building.

(Reason: Fire safety)

219. DAOUC01 - Chemical Storage
All chemicals, paints and other liquids shall be stored in approved receptacles in an area that is bunded or has a spill containment system that will minimise the risk of pollution from liquid spills and leaks. Where applicable the construction of bunds must comply with the requirements of:
a) Australian Standard AS 1940-2004: The Storage and Handling of Flammable and Combustible Liquids; and
b) Australian Standard AS 4452:1997: The Storage and Handling of Toxic Substances.

(Reason: Environmental protection)

220. DAOUC02 - Control of Litter
The occupant or person in control of the premises must take all practicable steps to ensure that the area of public footpath or public area adjacent to the premises is maintained in a clean and tidy condition.

(Reason: Environmental health)

221. **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)

222. **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)

223. **DAOUC13 - Storage/Display of Goods/Machinery**
No goods or machinery can be placed outside the confines of the property.

(Reason: Health and safety)

224. **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)

225. **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. Any changes to the Waste Management Plan shall be approved by Council.

(Reason: To protect the environment)

226. **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)

227. **DAOUE03 - Parking**
At least 36 car parking spaces (including one accessible car space) 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)

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

(Reason: Traffic and pedestrian safety)

229. **DAOUH01 - Boundary Fencing for Flood Affected Land**
Fencing within the 1 % annual exceedance probability flood level shall not impede overland flows.

Measures such as the provision of open type pool fencing or a frangible screen must be incorporated for those areas below the 1 % annual exceedance probability flood level.

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

230. DAOUH02 - Floodway Clearance
The open subfloor beneath 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)

231. DAOUH04 - Vehicle Size Limit
The largest vehicle delivering to the premises shall be limited to a medium rigid vehicle as defined in Australian Standard AS2890.2:2018.

(Reason: To ensure 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).

232. 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)

233. 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)

234. DAOUH09 - Flood Evacuation Plan
The flood evacuation plan shall be displayed in a prominent position that identifies an evacuation route to a refuge point above the probable maximum flood level.

(Reason: To promote occupant awareness of safe locations during a flood event)

235. DAOUH10 - Stormwater Quality Treatment Devices
All installed stormwater quality treatment devices shall be maintained in a good operating order.

(Reason: To minimise pollution of stormwater leaving the site)

Advisory Notes

236. 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.

237. 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.

238. 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.

239. 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.

240. 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.

241. 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.

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

243. 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.

DOCUMENTS ASSOCIATED WITH REPORT ELPP031/25

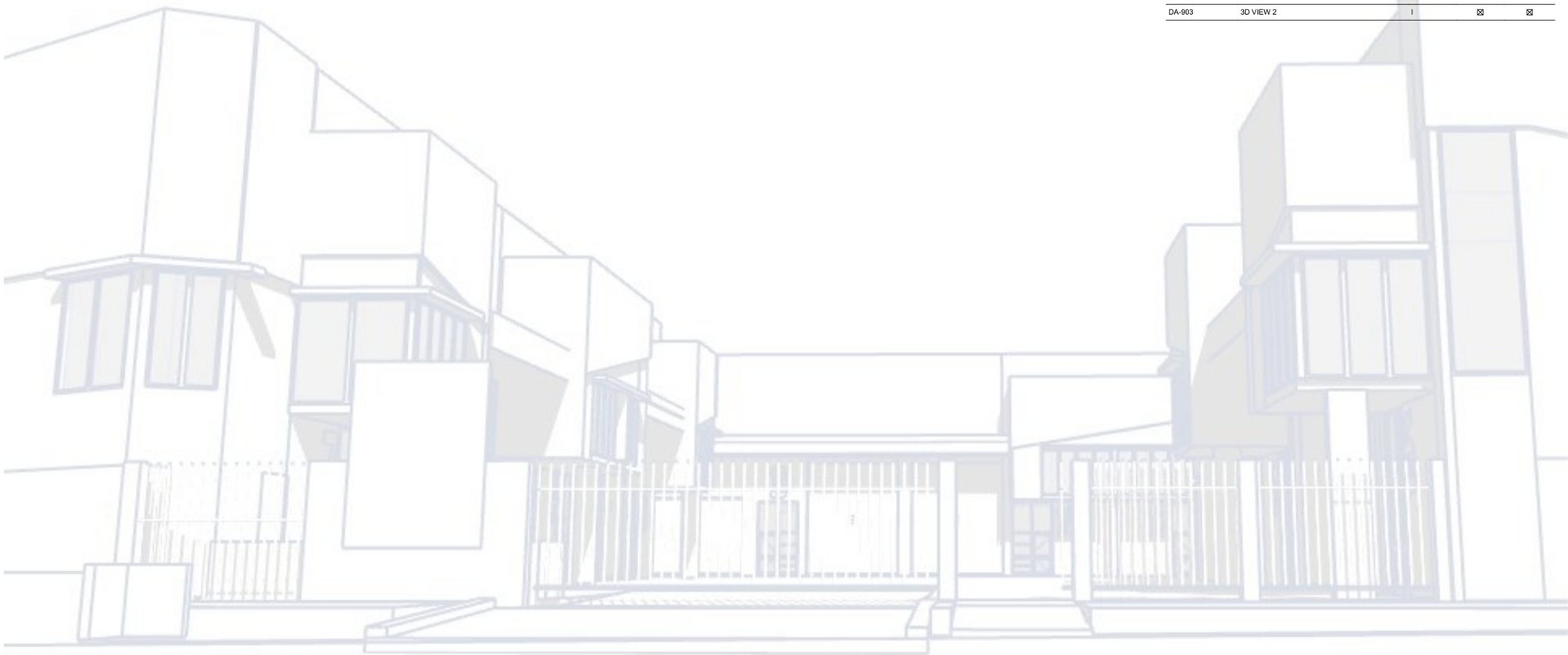
Attachment 2

Architectural Plans

Page No.	Title	REV	Issued	Published
DA-0000	COVER	I	☒	☒
DA-0001	CALCULATIONS	I	☒	☒
DA-0002	SITE LOCATION & ANALYSIS	I	☒	☒
DA-0003	DEMOLITION PLAN	I	☒	☒
DA-0004	SHADOW DIAGRAMS	I	☒	☒
DA-0100	SUB GROUND FLOOR	I	☒	☒
DA-0101	GROUND FLOOR / SITE	I	☒	☒
DA-0102	MEZZANINE LEVEL	I	☒	☒
DA-0103	ROOF	I	☒	☒
DA-0104	DETAIL PLAN	I	☒	☒
DA-0201	ELEVATIONS	I	☒	☒
DA-0202	ELEVATIONS	I	☒	☒
DA-0203	INTERNAL ELEVATIONS	I	☒	☒
DA-0204	INTERNAL ELEVATIONS	I	☒	☒
DA-0301	SECTIONS	I	☒	☒
DA-901	FINISHES 1	I	☒	☒
DA-902	3D VIEW 1	I	☒	☒
DA-903	3D VIEW 2	I	☒	☒

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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.
3. CONTRACTOR TO CHECK UNDERGROUND SERVICES BEFORE COMMENCING WORKS BY CONTACTING DIAL BEFORE YOU DIG. IF DIAL BEFORE YOU DIG INFORMATION IS PROVIDED WITH THIS DOCUMENTATION IT SHALL BE ASSUMED NOT TO BE CURRENT AND CONTRACTOR SHALL MAKE THEIR OWN ENQUIRES.



Rev	Description	Date	Appr'd
I	DA SUBMISSION	08/10/2025	
H	DA SUBMISSION	11/04/2025	
G	DA SUBMISSION	10/03/2025	
F	PRE DA UPDATE	17/01/2025	
E	PRE DA UPDATE	16/01/2025	
D	PRE DA UPDATE	19/12/2024	
C	FOR PRE DA	26/09/2024	
B	FOR COORDINATION	09/09/2024	

Project
WAREHOUSES AND ANCILLARY OFFICES
2-10 Victoria St East
Lidcombe NSW 2141 -

URBAN LINK ARCHITECTS
Business Address: Suite 204, 180-186 Burwood Rd, Burwood
Phone Number: +61 2 9745 2014

Nominated Architects:
Georges Jreije Reg no 10993

Drawing Title
SITE
COVER

Scale
@A1 Sheet Size

Project Number
2020-059

Drawing Number
DA-0000

Revision
I

Status

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Summary

SITE AREA

7,206 m²

FSR

0.65 : 1

GROSS FLOOR AREA

4,716 m²

Warehouse	*3,905.00 m²*
Office	*811.00 m²*
Retail	*80.00 m²*

TOTAL CARPARKING

36

Warehouse	*13.0*
Office	*22.0*

Compliance

CONTROL		REQUIREMENT		PROPOSED	COMPLIES
DCP - Floor Space Ratio		1.00 : 1	MAX	0.65 : 1	✓
DCP - Gross Floor Area		7,206.0 m²	MAX	4,716.0 m²	✓
Building Height		0<	MAX	13.90 m	✓
Carparking					
	Warehouse	12.8	MIN	13.0	✓
	Office	20.3	MIN	22.0	✓
	Retail	1.0		1.0	
	Total	35.0	MIN	36.0	✓
DCP - Front Setback		5.00 m	MIN	5.60 m	✓
DCP - Rear Setback		0.00 m	MIN	0.00 m	✓
DCP - Side Setback		0.00 m	MIN	0.00 m	✓
Landscaping 15%		1,081.0 m²	MIN	919.0 m²	✗

Detailed Calculations

GROSS FLOOR AREA

Unit	Warehouse Ground			Office Mezzanine	Total	CARPARKING REQ: Warehouse	CARPARKING REQ: Office	CARPARKING REQ: Total	CARPARKING PROVIDED
1	269.0 m²			46.0 m²	*315.0 m²*	0.9	1.2		2
2	250.0 m²			45.0 m²	*295.0 m²*	0.8	1.1		2
3	123.0 m²			45.0 m²	*168.0 m²*	0.4	1.1		2
4	121.0 m²			45.0 m²	*166.0 m²*	0.4	1.1		2
5	173.0 m²			45.0 m²	*218.0 m²*	0.6	1.1		2
6	272.0 m²			46.0 m²	*318.0 m²*	0.9	1.2		2
7	193.0 m²			52.0 m²	*245.0 m²*	0.6	1.3		2
8	179.0 m²			45.0 m²	*224.0 m²*	0.6	1.1		2
9	179.0 m²			45.0 m²	*224.0 m²*	0.6	1.1		2
10	178.0 m²			45.0 m²	*223.0 m²*	0.6	1.1		2
11	218.0 m²			41.0 m²	*259.0 m²*	0.7	1.0		2
12	309.0 m²			43.0 m²	*352.0 m²*	1.0	1.1		2
13	243.0 m²			42.0 m²	*285.0 m²*	0.8	1.1		2
14	224.0 m²			45.0 m²	*269.0 m²*	0.7	1.1		2
15	224.0 m²			45.0 m²	*269.0 m²*	0.7	1.1		2
16	224.0 m²			45.0 m²	*269.0 m²*	0.7	1.1		2
17	224.0 m²			45.0 m²	*269.0 m²*	0.7	1.1		2
18	222.0 m²			46.0 m²	*268.0 m²*	0.7	1.2		1
RET 1	80.0 m²			0.0 m²	*80.0 m²*		0.0		1
	3,905.0 m²	0.0 m²	0.0 m²	811.0 m²		12.8	20.3	0.0	36
		3,905.0 m²		*811.0 m²*	***4,716.0 m²***				

NOTES

1. Warehouse Parking: When using Development Control Plan rates, carparking spaces are calculated based on 1/300m2.
2. Ancillary Office Parking: When using Development Control Plan rates, carparking spaces are calculated based on 1/40m2

Rev	Description	Date	Appl'd
I	DA SUBMISSION	08/10/2025	
G	DA SUBMISSION	10/03/2025	
F	PRE DA UPDATE	17/01/2025	
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D	PRE DA UPDATE	19/12/2024	
C	FOR PRE DA	26/09/2024	
B	FOR COORDINATION	09/09/2024	

Project
WAREHOUSES AND ANCILLARY OFFICES
2-10 Victoria St East
Lidcombe NSW 2141 -

URBAN LINK ARCHITECTS
Business Address: Suite 204, 180-186 Burwood Rd, Burwood
Phone Number: +61 2 9745 2014

Nominated Architects:
Georges Jreije Reg no 10993

Drawing Title
SITE
CALCULATIONS

Scale
@A1 Sheet Size

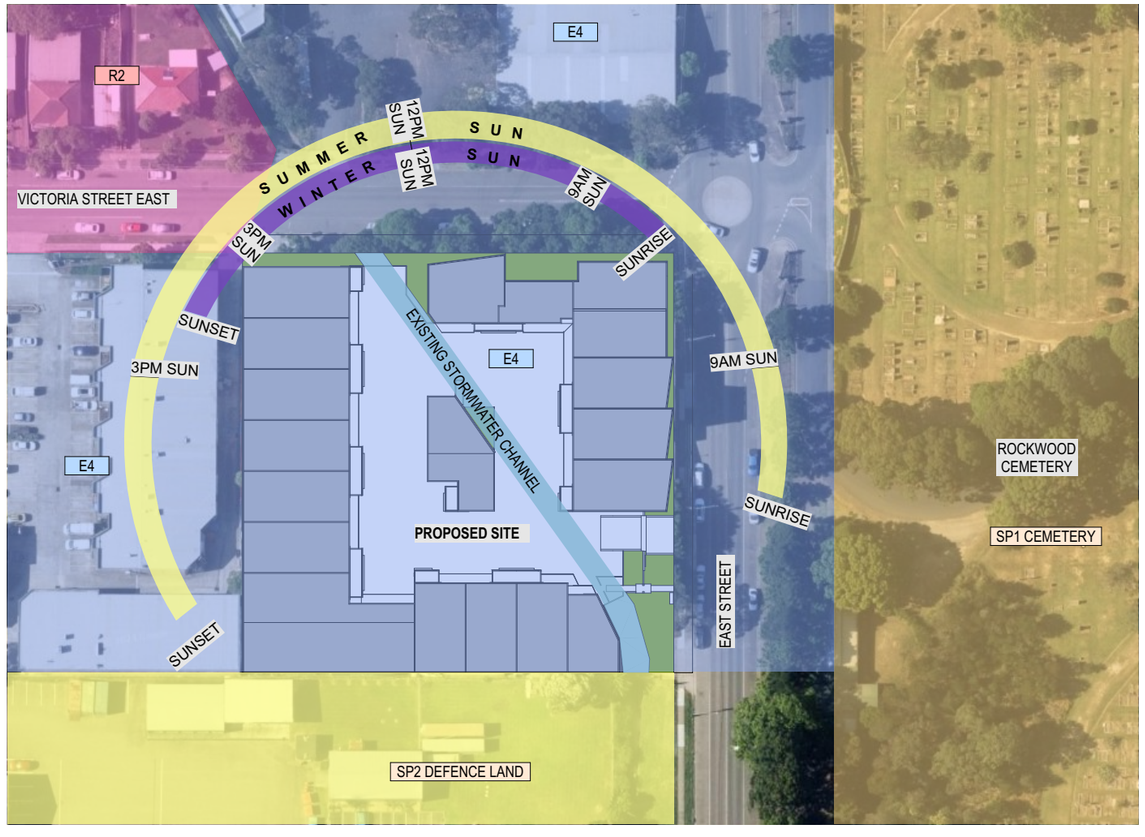
Project Number **2020-059**
Drawing Number **DA-0001**
Revision **I**
Status

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LOCATION PLAN



SITE ANALYSIS, CONTEXT & ZONING PLAN

Rev	Description	Date	App'd
I	DA SUBMISSION	08/10/2025	
G	DA SUBMISSION	10/03/2025	
F	PRE DA UPDATE	17/01/2025	
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Project
WAREHOUSES AND ANCILLARY OFFICES
2-10 Victoria St East
Lidcombe NSW 2141 -

URBAN LINK ARCHITECTS
Business Address: Suite 204, 180-186 Burwood Rd, Burwood
Phone Number: +61 2 9745 2014

Nominated Architects:
Georges Jreije Reg no 10993

Drawing Title
SITE
SITE LOCATION & ANALYSIS

Scale
@A1 Sheet Size

Project Number **2020-059**
Drawing Number **DA-0002**
Revision **I**
Status

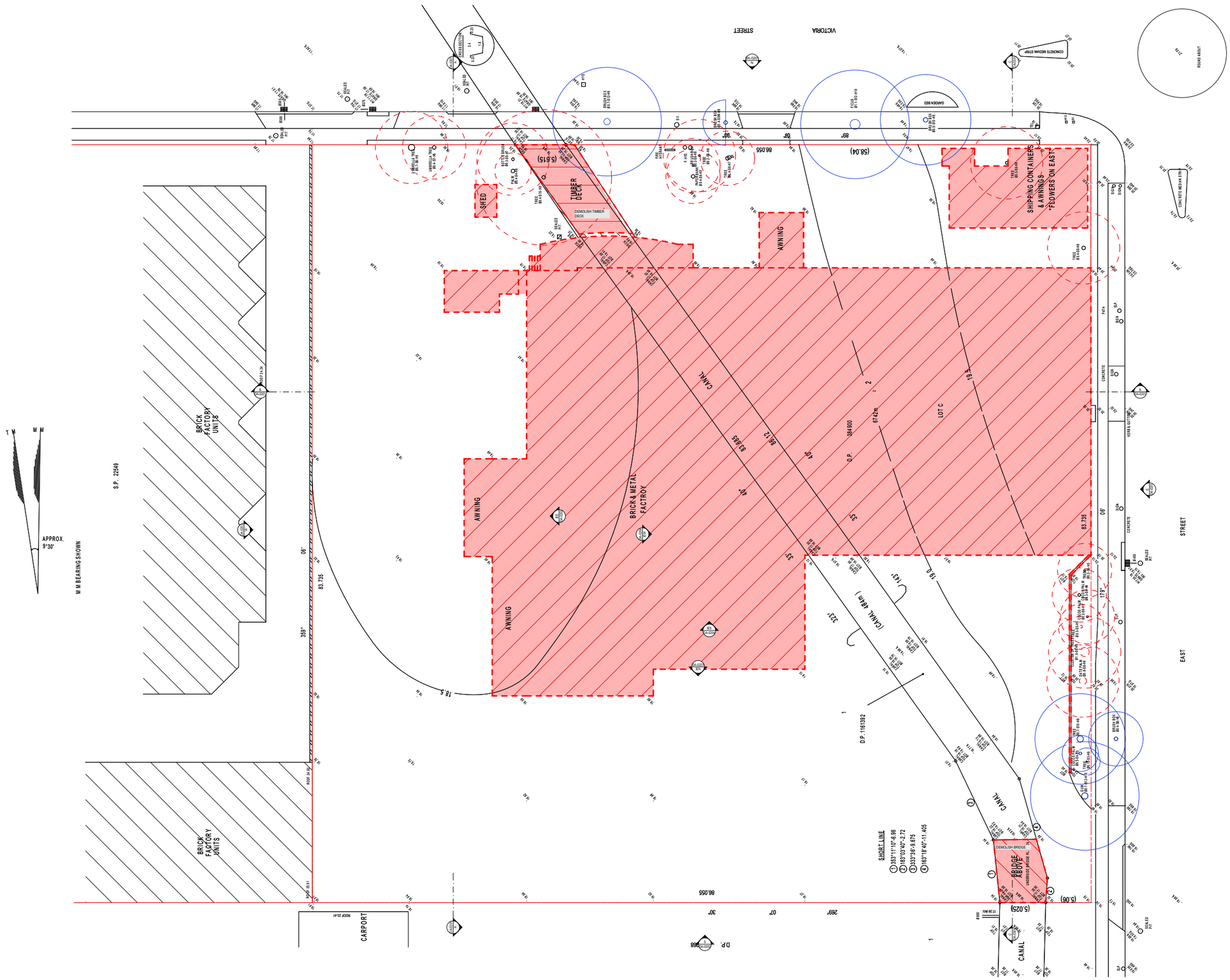
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LEGEND

- EXISTING BUILDINGS & SITE WORKS TO BE DEMOLISHED.
- EXISTING TREES TO BE REMOVED
- EXISITNG TREES TO BE RETAINED

NOTE:
REFER TO ARBORICULTURAL IMPACT ASSESSMENT PREPARED BY *Abacus Tree Services* - FOR TREES TO BE REMOVED & RETAINED



Rev	Description	Date	App'd
I	DA SUBMISSION	08/10/2025	
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Project
WAREHOUSES AND ANCILLARY OFFICES
2-10 Victoria St East
Lidcombe NSW 2141 -

URBAN LINK ARCHITECTS
Business Address: Suite 204, 180-186 Burwood Rd, Burwood
Phone Number: +61 2 9745 2014

Nominated Architects:
Georges Jreije Reg no 10993

Drawing Title
SITE
DEMOLITION PLAN

Scale
1:200 @A1 Sheet Size

Project Number **2020-059**
Drawing Number **DA-0003**
Revision **I**
Status

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Shadow Study 21 June at 0900h



Shadow Study 21 June at 1200h



Shadow Study 21 June at 1500h

PROPOSED SHADOW

Rev	Description	Date	App'd
I	DA SUBMISSION	08/10/2025	
H	DA SUBMISSION	11/04/2025	

Project
WAREHOUSES AND ANCILLARY OFFICES
2-10 Victoria St East
Lidcombe NSW 2141 -

URBAN LINK ARCHITECTS
Business Address: Suite 204, 180-186 Burwood Rd, Burwood
Phone Number: +61 2 9745 2014

Nominated Architects:
Georges Jreije Reg no 10993

Drawing Title
SITE
SHADOW DIAGRAMS

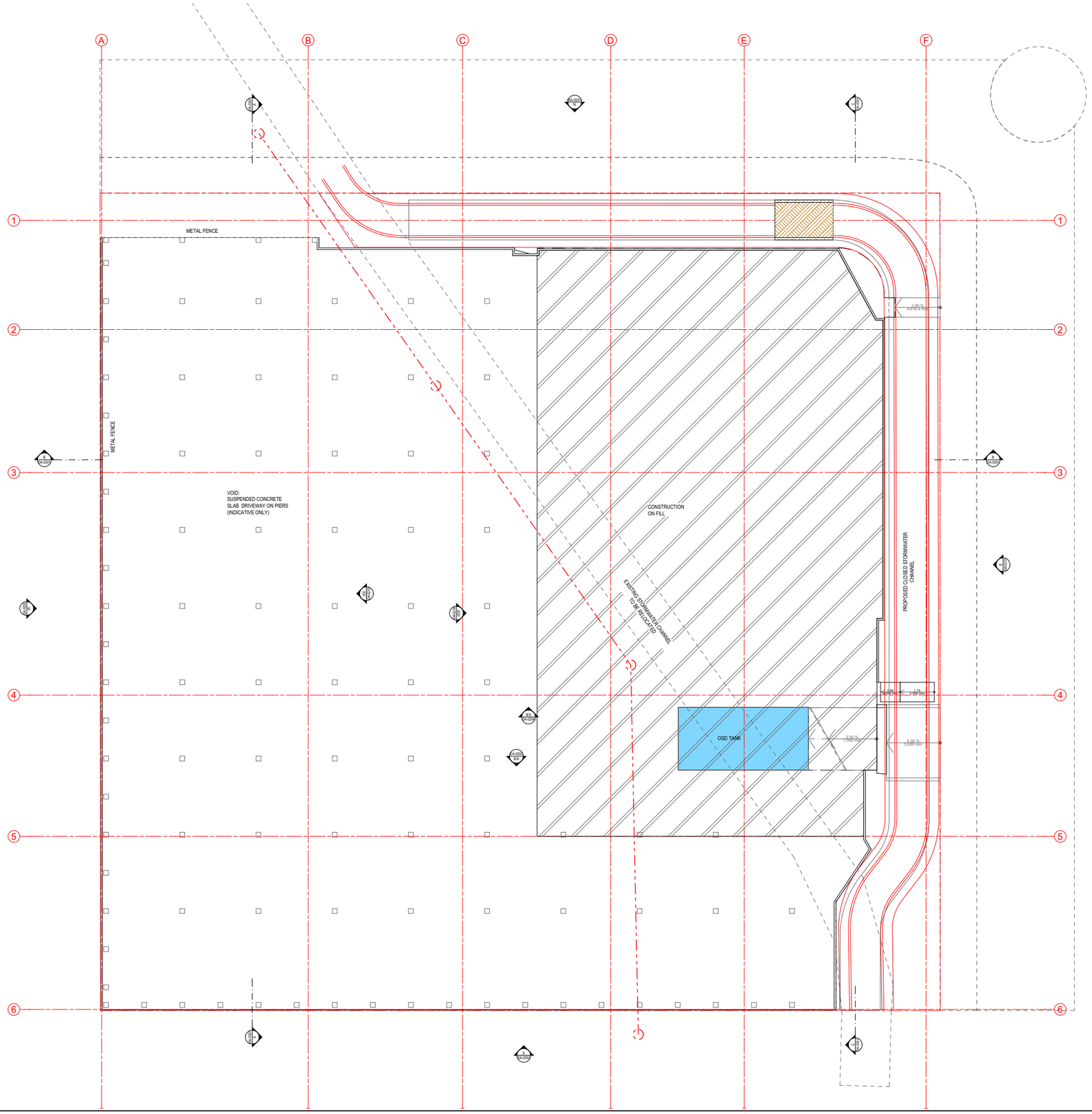
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Project Number	Drawing Number	Revision
2020-059	**DA-0004**	**I**

Status

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Project
WAREHOUSES AND ANCILLARY OFFICES
2-10 Victoria St East
Lidcombe NSW 2141 -

URBAN LINK ARCHITECTS
Business Address: Suite 204, 180-186 Burwood Rd, Burwood
Phone Number: +61 2 9745 2014

Nominated Architects:
Georges Jreije Reg no 10993

Drawing Title
FLOOR PLANS
SUB GROUND FLOOR

Scale
1:200 @A1 Sheet Size

Project Number
2020-059

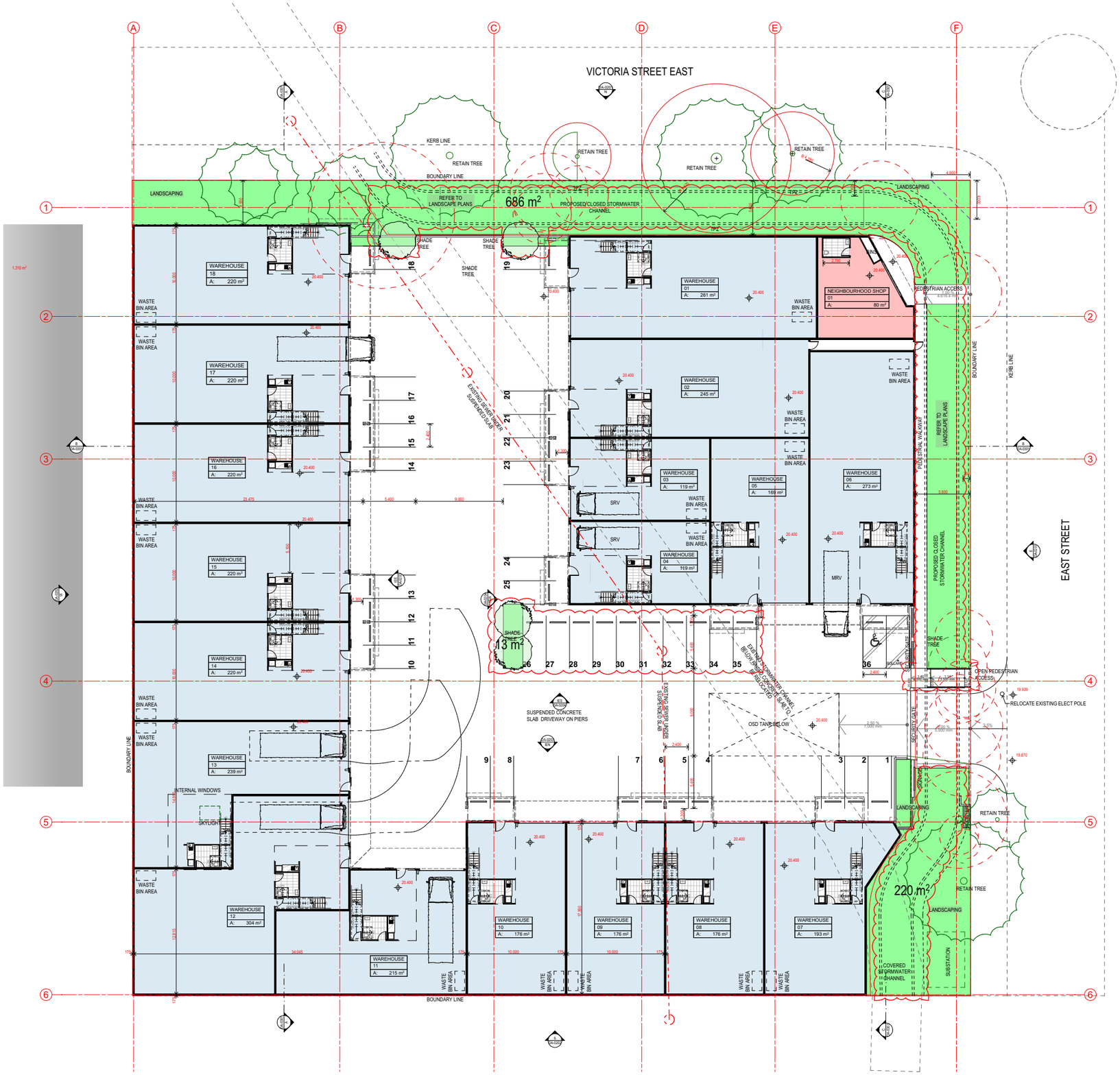
Drawing Number
DA-0100

Revision
I

Status

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Project
WAREHOUSES AND ANCILLARY OFFICES
2-10 Victoria St East
Lidcombe NSW 2141 -

URBAN LINK ARCHITECTS
Business Address: Suite 204, 180-186 Burwood Rd, Burwood
Phone Number: +61 2 9745 2014

Nominated Architects:
Georges Jreije Reg no 10993

Drawing Title
FLOOR PLANS
GROUND FLOOR / SITE

Scale
1:200 @A1 Sheet Size

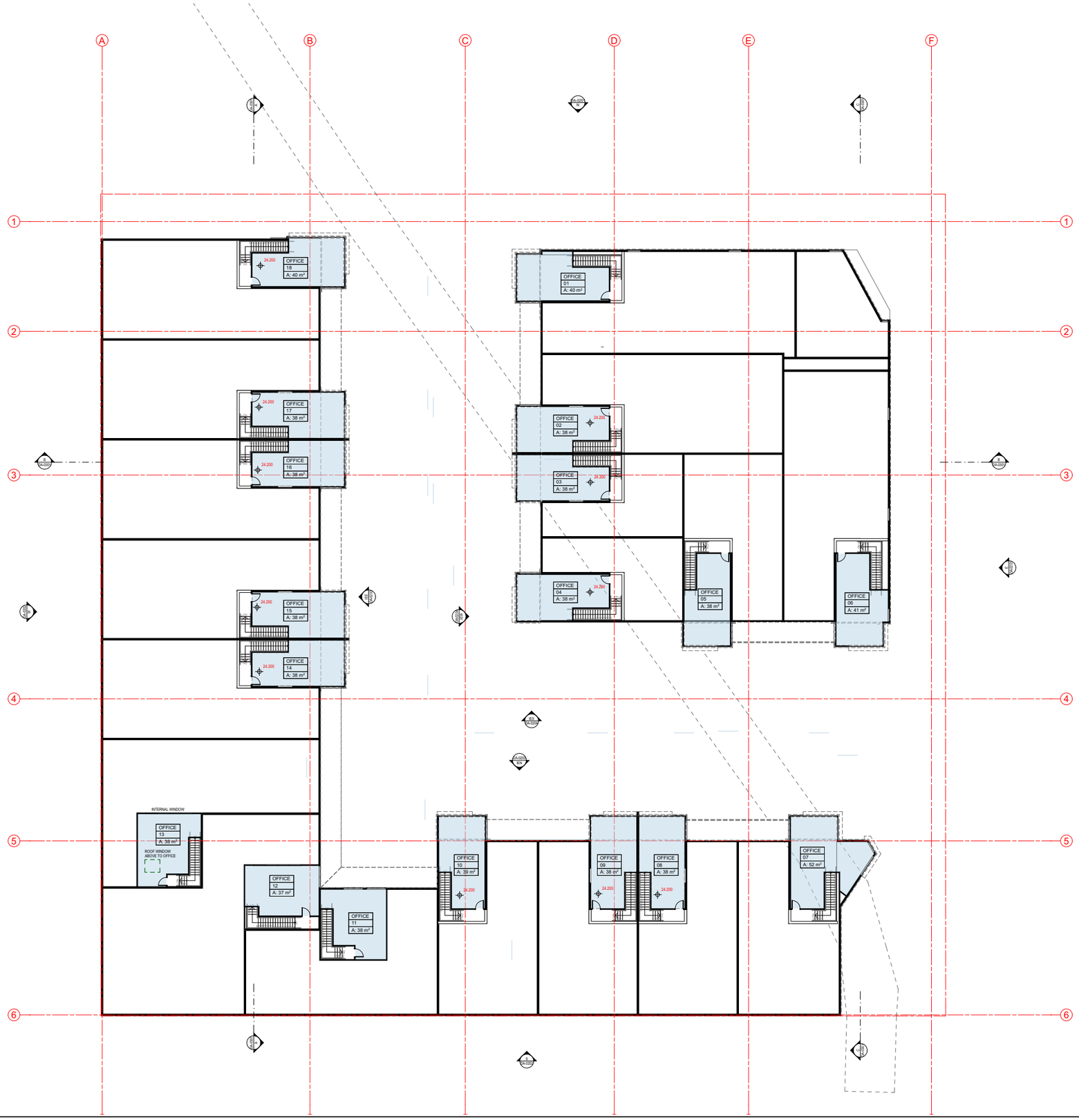
Project Number
2020-059
Status

Drawing Number
DA-0101

Revision

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Project
WAREHOUSES AND ANCILLARY OFFICES
2-10 Victoria St East
Lidcombe NSW 2141 -

URBAN LINK ARCHITECTS
Business Address: Suite 204, 180-186 Burwood Rd, Burwood
Phone Number: +61 2 9745 2014

Nominated Architects:
Georges Jreije Reg no 10993

Drawing Title
FLOOR PLANS
MEZZANINE LEVEL

Scale
1:200 @A1 Sheet Size

Project Number
2020-059

Drawing Number
DA-0102

Revision
I

Status

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Project
WAREHOUSES AND ANCILLARY OFFICES
2-10 Victoria St East
Lidcombe NSW 2141 -

URBAN LINK ARCHITECTS
Business Address: Suite 204, 180-186 Burwood Rd, Burwood
Phone Number: +61 2 9745 2014

Nominated Architects:
Georges Jreije Reg no 10993

Drawing Title
FLOOR PLANS
ROOF

Scale
1:200 @A1 Sheet Size

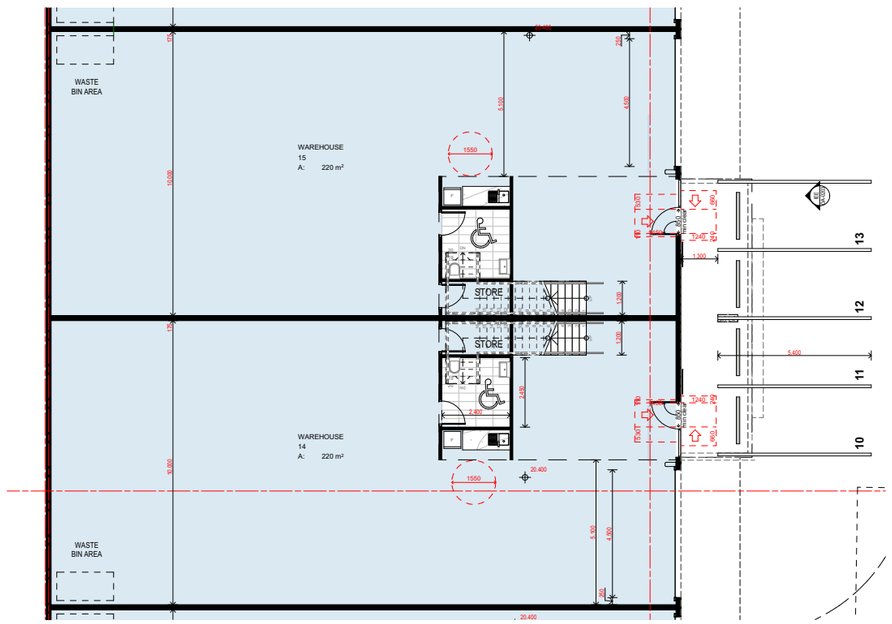
Project Number
2020-059
Status

Drawing Number
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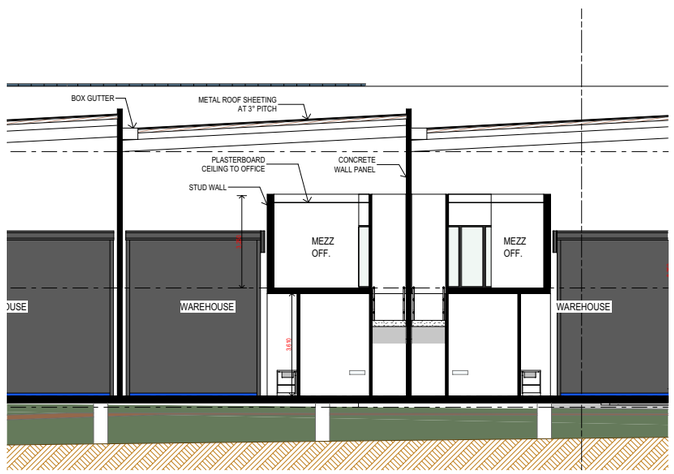
Revision
I

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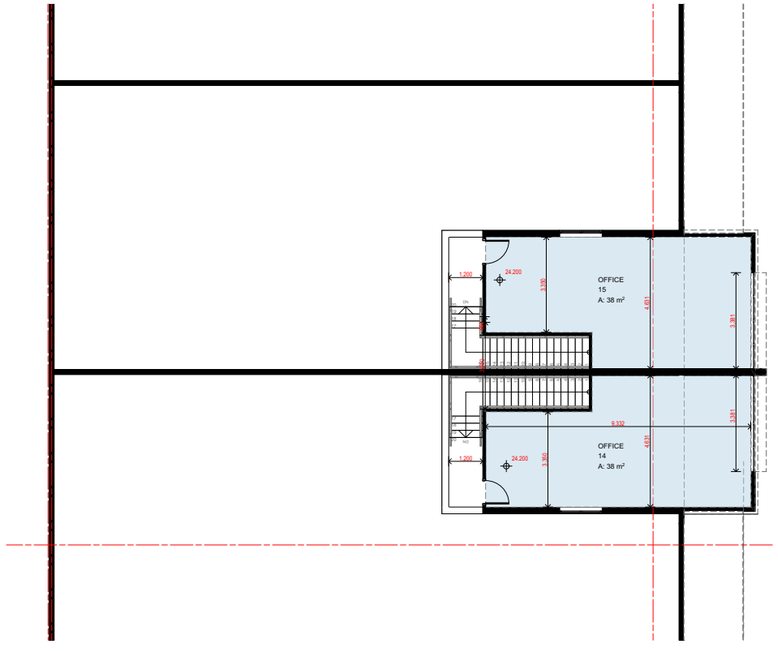
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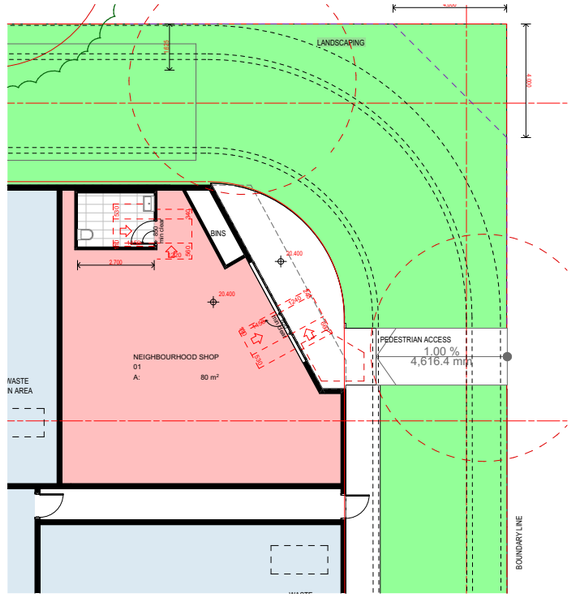
GROUND FLOOR TYPICAL DETAIL
1:100



TYPICAL SECTION
1:100



MEZZANINE TYPICAL DETAIL
1:100



GROUND FLOOR RETAIL LAYOUT
1:100

Rev	Description	Date	App'd
I	DA SUBMISSION	08/10/2025	
G	DA SUBMISSION	10/03/2025	
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C	FOR PRE DA	26/09/2024	
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Project
WAREHOUSES AND ANCILLARY OFFICES
2-10 Victoria St East
Lidcombe NSW 2141 -

URBAN LINK ARCHITECTS
Business Address: Suite 204, 180-186 Burwood Rd, Burwood
Phone Number: +61 2 9745 2014

Nominated Architects:
Georges Jreije Reg no 10993

Drawing Title
FLOOR PLANS
DETAIL PLAN

Scale
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Project Number
2020-059

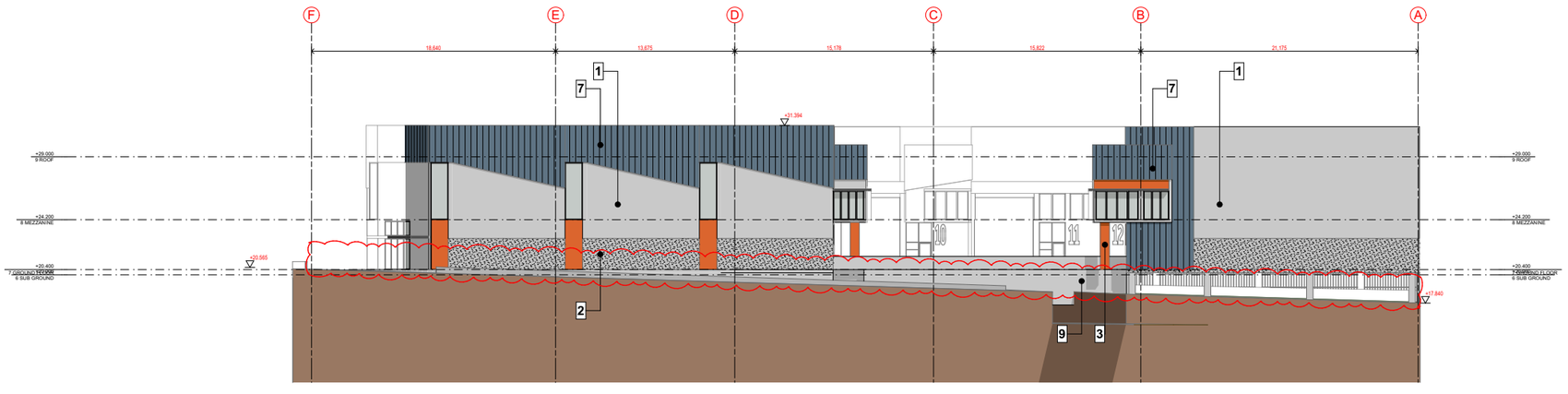
Drawing Number
DA-0104

Revision
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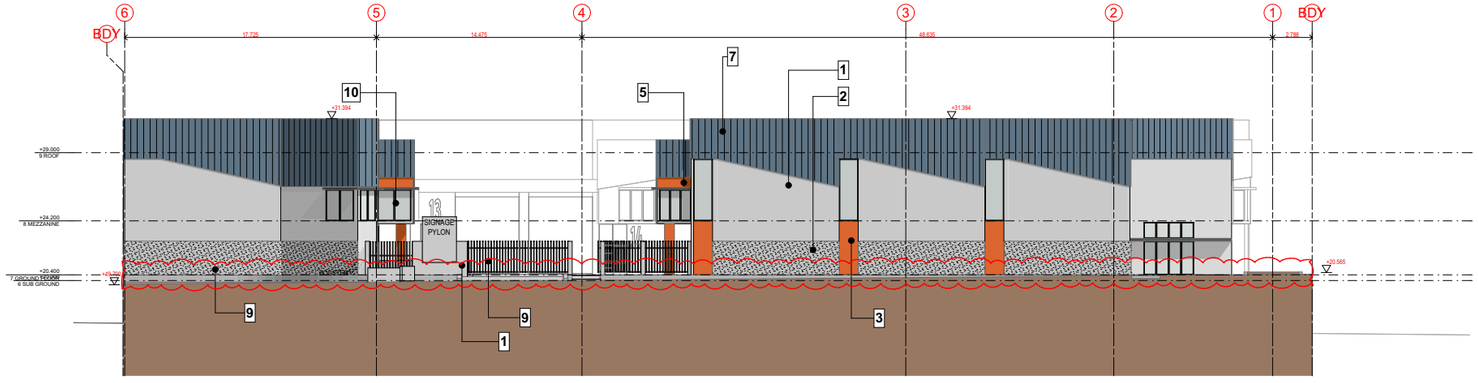
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NORTH ELEVATION
1:200



EAST ELEVATION
1:200

MATERIAL & FINISHES SCHEDULE

1	CONCRETE (PAINT FINISH - "DULUX" SILVER TEA SET)	3A	CONCRETE (PAINT FINISH - "DULUX" COLORBOND DEEP OCEAN)	4	FIBER CEMENT CLADDING (PAINT FINISH - "DULUX" SILVER TEA SET)	7	COLORBOND WALL CLADDING "LYSAGHT" - LONGLINE 305 (COLOUR - DEEP OCEAN)
2	TEXTURED CONCRETE (PAINT FINISH - "DULUX" SILVER TEA SET)			5	FIBER CEMENT CLADDING (PAINT FINISH - "DULUX" BRIGHT DELIGHT)	8	COLORBOND ROOF SHEETING "LYSAGHT" - KLIP-LOK 700 HI-STRENGTH (COLOUR - SHALE GREY)
3	CONCRETE (PAINT FINISH - "DULUX" BRIGHT DELIGHT)			6	FIBER CEMENT CLADDING (PAINT FINISH - "DULUX" MONUMENT)	9	METAL FENCING (COLOUR - "DULUX" MONUMENT)

10	ALUMINIUM WINDOW FRAME (POWDERCOAT FINISH - "DULUX" MONUMENT) WINDOW GLAZING - TINTED	11	SIGNAGE (BUILDING No.) COLOUR "DULUX" - BRIGHT DELIGHT
12	ROLLER DOOR (COLOUR "DULUX" - MONUMENT)		

External Finishes Legend
1:200

Rev	Description	Date	App'd
I	DA SUBMISSION	08/10/2025	
G	DA SUBMISSION	10/03/2025	
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A	FOR COORDINATION	02/09/2024	

Project
WAREHOUSES AND ANCILLARY OFFICES
2-10 Victoria St East
Lidcombe NSW 2141 -

URBAN LINK ARCHITECTS
Business Address: Suite 204, 180-186 Burwood Rd, Burwood
Phone Number: +61 2 9745 2014

Nominated Architects:
Georges Jreije Reg no 10993

Drawing Title
ELEVATIONS
ELEVATIONS

Scale
1:200 @A1 Sheet Size

Project Number
2020-059

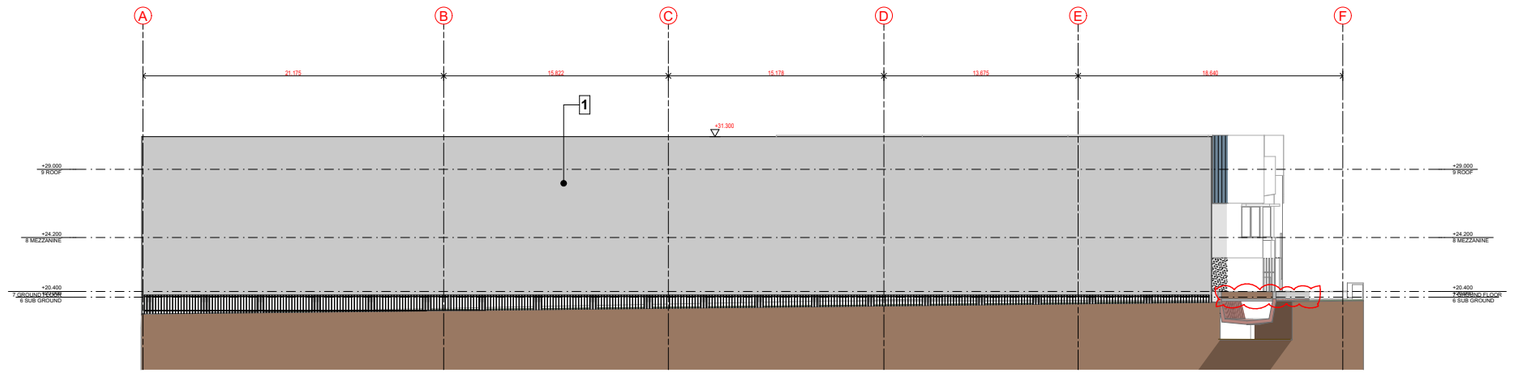
Drawing Number
DA-0201

Revision
I

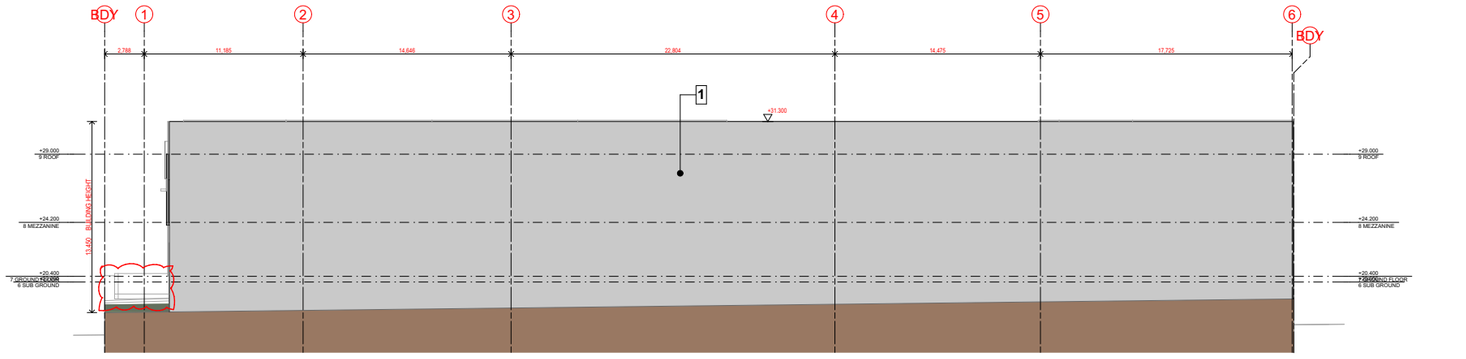
Status

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SOUTH ELEVATION
1:200



WEST ELEVATION
1:200

MATERIAL & FINISHES SCHEDULE

1	CONCRETE (PAINT FINISH - "DULUX" SILVER TEA SET)	3A	CONCRETE (PAINT FINISH - "DULUX" COLORBOND DEEP OCEAN)	4	FIBER CEMENT CLADDING (PAINT FINISH - "DULUX" SILVER TEA SET)	7	COLORBOND WALL CLADDING "LYSAGHT" - LONGLINE 305 (COLOUR - DEEP OCEAN)	10	ALUMINIUM WINDOW FRAME (POWDERCOAT FINISH - "DULUX" MONUMENT) WINDOW GLAZING - TINTED
2	TEXTURED CONCRETE (PAINT FINISH - "DULUX" SILVER TEA SET)			5	FIBER CEMENT CLADDING (PAINT FINISH - "DULUX" BRIGHT DELIGHT)	8	COLORBOND ROOF SHEETING "LYSAGHT" - KLIP-LOK 700 HI-STRENGTH (COLOUR - SHALE GREY)	11	SIGNAGE (BUILDING No.) COLOUR "DULUX" - BRIGHT DELIGHT
3	CONCRETE (PAINT FINISH - "DULUX" BRIGHT DELIGHT)			6	FIBER CEMENT CLADDING (PAINT FINISH - "DULUX" MONUMENT)	9	METAL FENCING (COLOUR - "DULUX" MONUMENT)	12	ROLLER DOOR (COLOUR "DULUX" - MONUMENT)

External Finishes Legend
1:200

Rev	Description	Date	App'd
I	DA SUBMISSION	08/10/2025	
G	DA SUBMISSION	10/03/2025	
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Project
WAREHOUSES AND ANCILLARY OFFICES
2-10 Victoria St East
Lidcombe NSW 2141 -

URBAN LINK ARCHITECTS
Business Address: Suite 204, 180-186 Burwood Rd, Burwood
Phone Number: +61 2 9745 2014

Nominated Architects:
Georges Jreije Reg no 10993

Drawing Title
ELEVATIONS
ELEVATIONS

Scale
1:200 @A1 Sheet Size

Project Number
2020-059

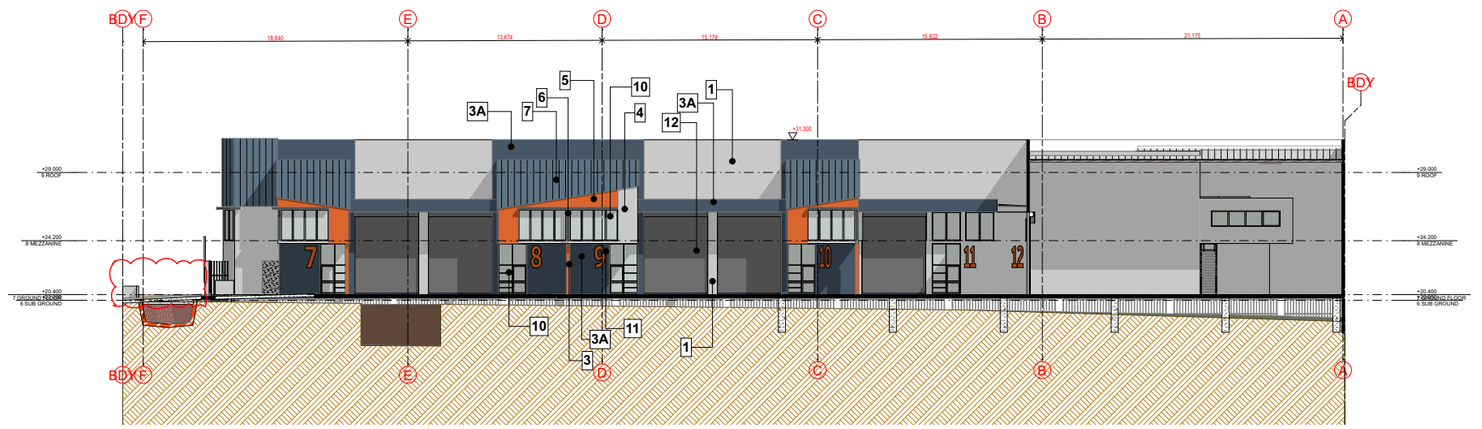
Drawing Number
DA-0202

Revision
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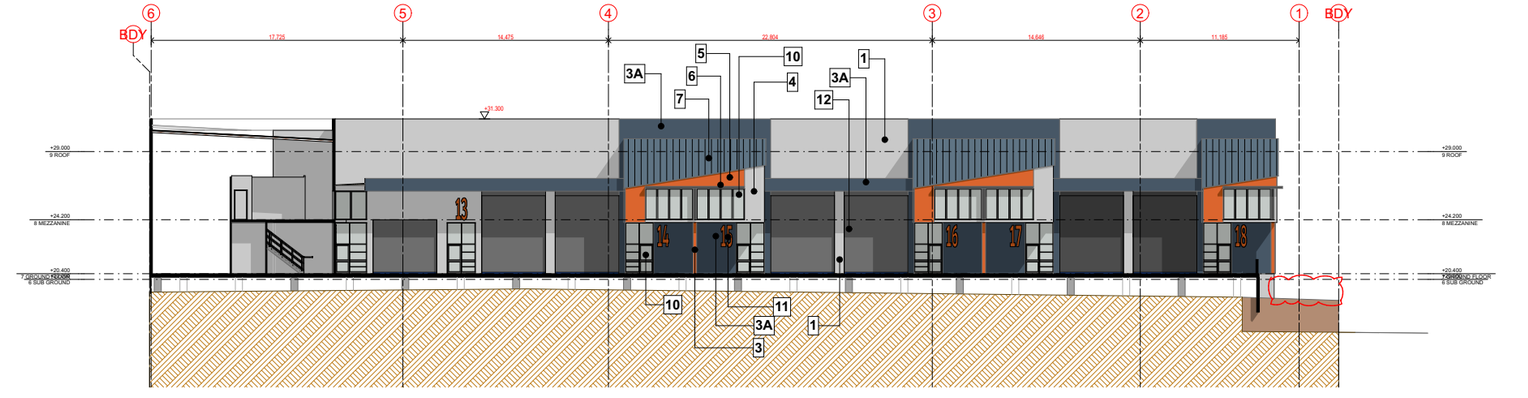
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INTERNAL NORTH ELEVATION
1:200



INTERNAL EAST ELEVATION
1:200

MATERIAL & FINISHES SCHEDULE

1	CONCRETE (PAINT FINISH - "DULUX" SILVER TEA SET)	3A	CONCRETE (PAINT FINISH - "DULUX" COLORBOND DEEP OCEAN)	4	FIBER CEMENT CLADDING (PAINT FINISH - "DULUX" SILVER TEA SET)	7	COLORBOND WALL CLADDING "LYSAGHT" - LONGLINE 305 (COLOUR - DEEP OCEAN)
2	TEXTURED CONCRETE (PAINT FINISH - "DULUX" SILVER TEA SET)			5	FIBER CEMENT CLADDING (PAINT FINISH - "DULUX" BRIGHT DELIGHT)	8	COLORBOND ROOF SHEETING "LYSAGHT" - KLIP-LOK 700 HI-STRENGTH (COLOUR - SHALE GREY)
3	CONCRETE (PAINT FINISH - "DULUX" BRIGHT DELIGHT)			6	FIBER CEMENT CLADDING (PAINT FINISH - "DULUX" MONUMENT)	9	METAL FENCING (COLOUR - "DULUX" MONUMENT)

10	ALUMINIUM WINDOW FRAME (POWDERCOAT FINISH - "DULUX" MONUMENT) WINDOW GLAZING - TINTED
11	SIGNAGE (BUILDING No.) COLOUR "DULUX" - BRIGHT DELIGHT
12	ROLLER DOOR (COLOUR "DULUX" - MONUMENT)

External Finishes Legend
1:200

Rev	Description	Date	Appd
I	DA SUBMISSION	08/10/2025	
G	DA SUBMISSION	10/03/2025	
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E	PRE DA UPDATE	16/01/2025	
D	PRE DA UPDATE	19/12/2024	
C	FOR PRE DA	26/09/2024	
B	FOR COORDINATION	09/09/2024	

Project
WAREHOUSES AND ANCILLARY OFFICES
2-10 Victoria St East
Lidcombe NSW 2141 -

URBAN LINK ARCHITECTS
Business Address: Suite 204, 180-186 Burwood Rd, Burwood
Phone Number: +61 2 9745 2014

Nominated Architects:
Georges Jreije Reg no 10993

Drawing Title
ELEVATIONS
INTERNAL ELEVATIONS

Scale
1:200 @A1 Sheet Size

Project Number
2020-059

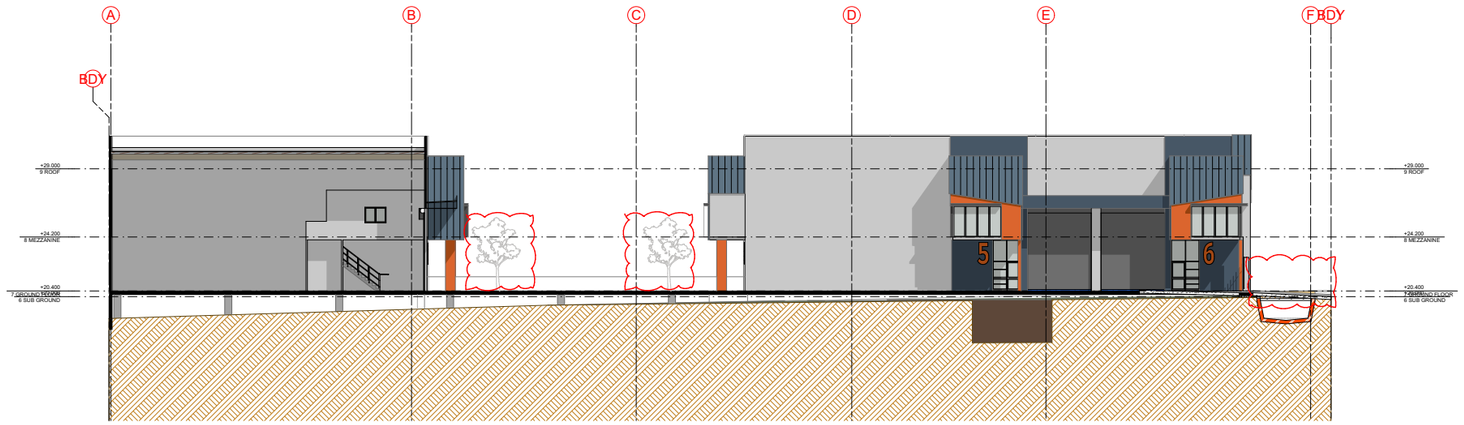
Drawing Number
DA-0203

Revision
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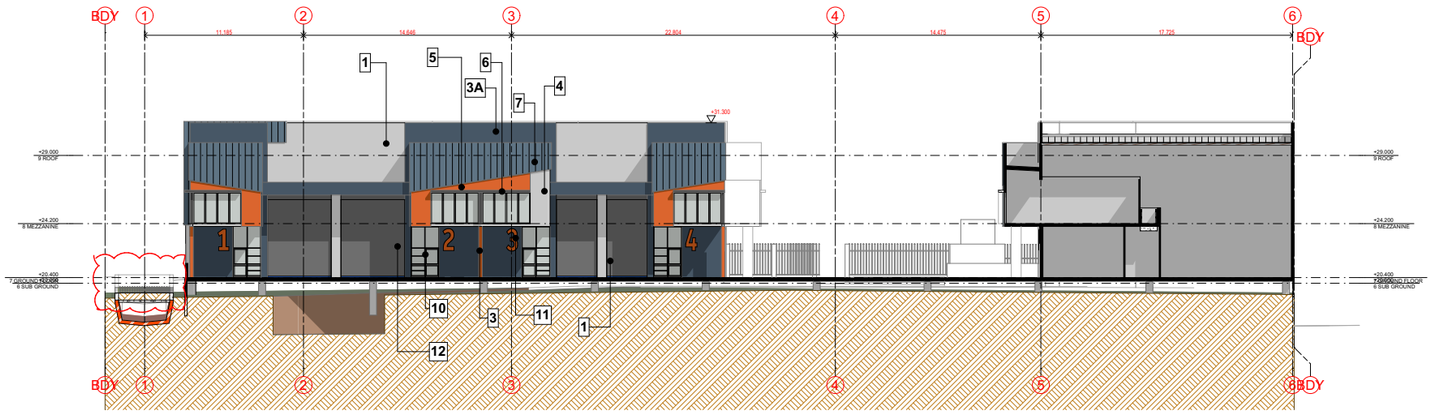
Status

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Notes
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INTERNAL SOUTH ELEVATION
1:200



INTERNAL WEST ELEVATION
1:200

MATERIAL & FINISHES SCHEDULE

1	CONCRETE (PAINT FINISH - "DULUX" SILVER TEA SET)	3A	CONCRETE (PAINT FINISH - "DULUX" COLORBOND DEEP OCEAN)	4	FIBER CEMENT CLADDING (PAINT FINISH - "DULUX" SILVER TEA SET)	7	COLORBOND WALL CLADDING "LYSAGHT" - LONGLINE 305 (COLOUR - DEEP OCEAN)	10	ALUMINIUM WINDOW FRAME (POWDERCOAT FINISH - "DULUX" MONUMENT) WINDOW GLAZING - TINTED
2	TEXTURED CONCRETE (PAINT FINISH - "DULUX" SILVER TEA SET)			5	FIBER CEMENT CLADDING (PAINT FINISH - "DULUX" BRIGHT DELIGHT)	8	COLORBOND ROOF SHEETING "LYSAGHT" - KLIP-LOK 700 HI-STRENGTH (COLOUR - SHALE GREY)	11	SIGNAGE (BUILDING No.) COLOUR "DULUX" - BRIGHT DELIGHT
3	CONCRETE (PAINT FINISH - "DULUX" BRIGHT DELIGHT)			6	FIBER CEMENT CLADDING (PAINT FINISH - "DULUX" MONUMENT)	9	METAL FENCING (COLOUR - "DULUX" MONUMENT)	12	ROLLER DOOR (COLOUR "DULUX" - MONUMENT)

External Finishes Legend
1:200

Rev	Description	Date	Appl'd
I	DA SUBMISSION	08/10/2025	
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Project
WAREHOUSES AND ANCILLARY OFFICES
2-10 Victoria St East
Lidcombe NSW 2141 -

URBAN LINK ARCHITECTS
Business Address: Suite 204, 180-186 Burwood Rd, Burwood
Phone Number: +61 2 9745 2014

Nominated Architects:
Georges Jreije Reg no 10993

Drawing Title
ELEVATIONS
INTERNAL ELEVATIONS

Scale
1:200 @A1 Sheet Size

Project Number
2020-059

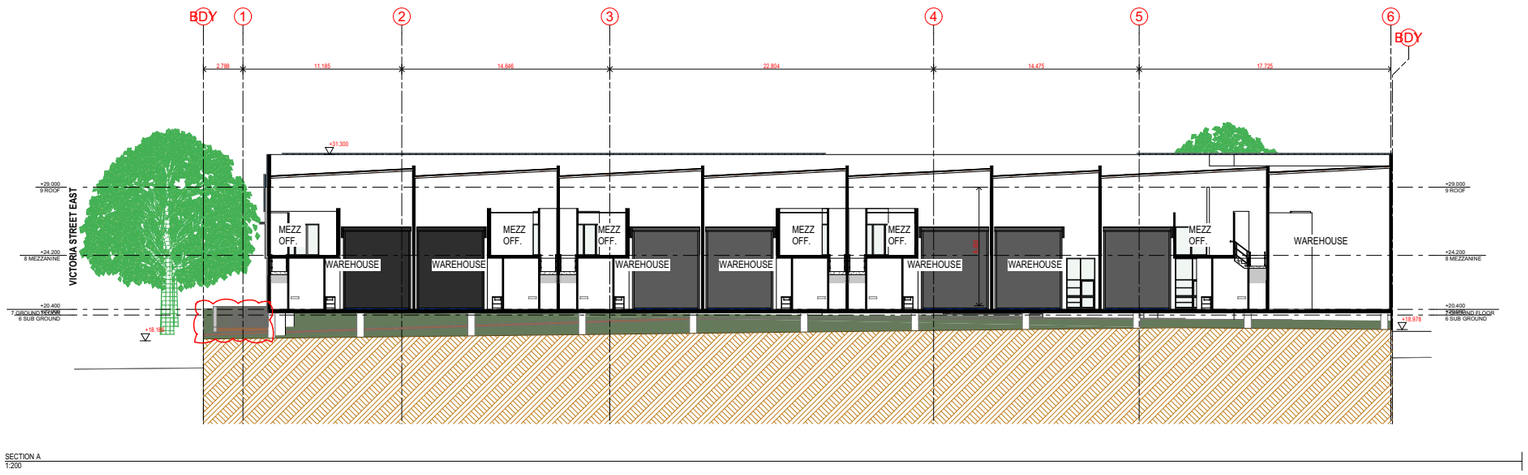
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Revision
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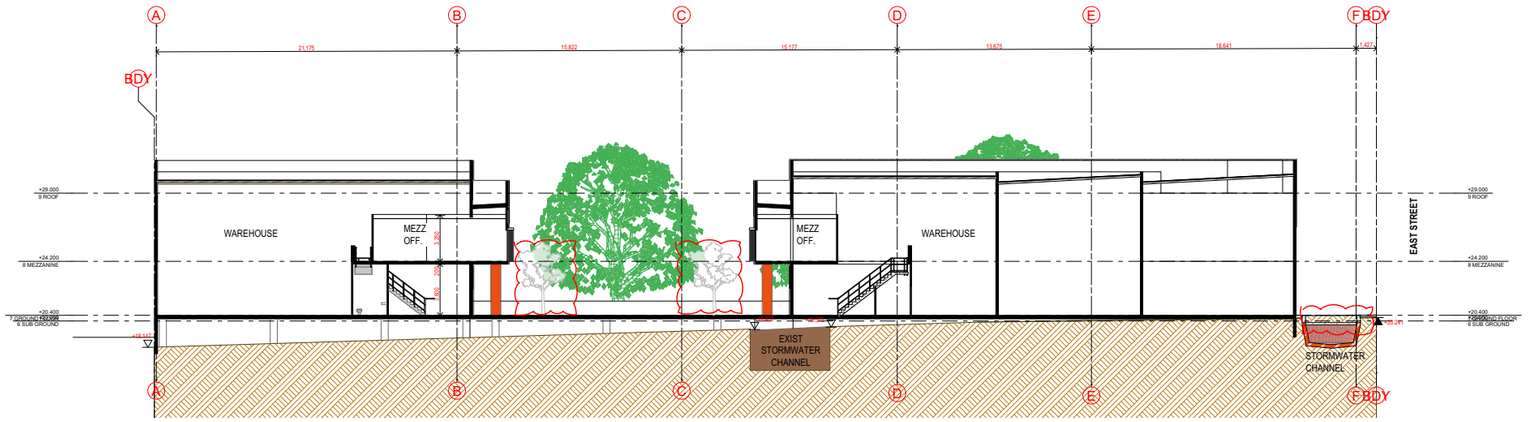
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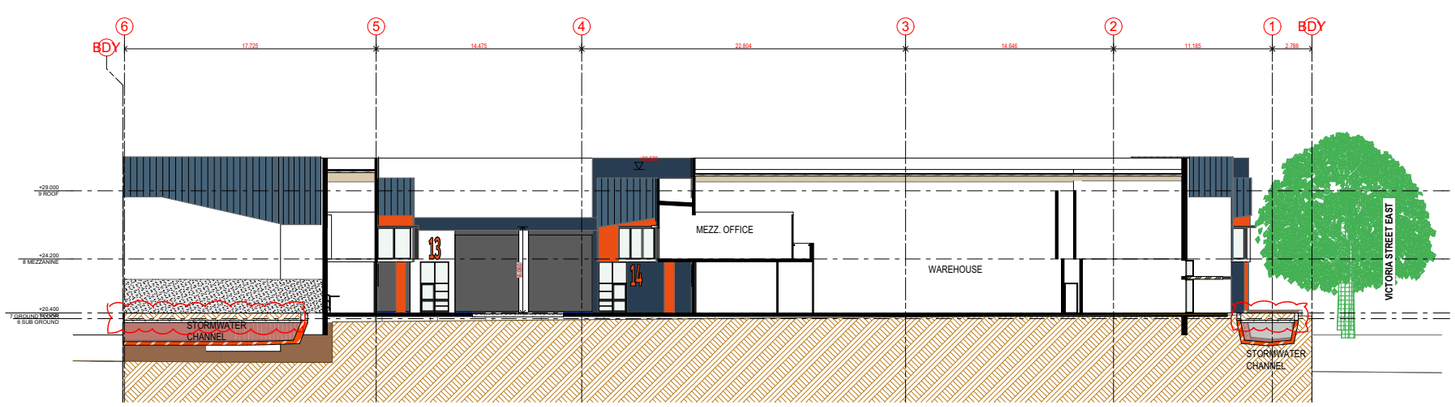
Notes
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SECTION A
1:200



SECTION B
1:200



SECTION C
1:200

Rev	Description	Date	App'd
I	DA SUBMISSION	08/10/2025	
G	DA SUBMISSION	10/03/2025	
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B	FOR COORDINATION	09/09/2024	
A	FOR COORDINATION	02/09/2024	

Project
WAREHOUSES AND ANCILLARY OFFICES
2-10 Victoria St East
Lidcombe NSW 2141 -

URBAN LINK ARCHITECTS
Business Address: Suite 204, 180-186 Burwood Rd, Burwood
Phone Number: +61 2 9745 2014

Nominated Architects:
Georges Jreije Reg no 10993

Drawing Title
SECTIONS
SECTIONS

Scale
1:200 @A1 Sheet Size

Project Number
2020-059

Drawing Number
DA-0301

Revision
I

Status

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INTERNAL DRIVEWAY FINISHES

MATERIAL & FINISHES SCHEDULE

1	CONCRETE (PAINT FINISH - "DULUX" SILVER TEA SET)	3A	CONCRETE (PAINT FINISH - "DULUX" COLORBOND DEEP OCEAN)	4	FIBER CEMENT CLADDING (PAINT FINISH - "DULUX" SILVER TEA SET)	7	COLORBOND WALL CLADDING "LYSAGHT" - LONGLINE 305 (COLOUR - DEEP OCEAN)	10	ALUMINIUM WINDOW FRAME (POWDERCOAT FINISH - "DULUX" MONUMENT) WINDOW GLAZING - TINTED
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External Finishes Legend
1:200

Rev	Description	Date	App'd
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D	PRE DA UPDATE	19/12/2024	
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Project
WAREHOUSES AND ANCILLARY OFFICES
2-10 Victoria St East
Lidcombe NSW 2141 -

URBAN LINK ARCHITECTS
Business Address: Suite 204, 180-186 Burwood Rd, Burwood
Phone Number: +61 2 9745 2014

Nominated Architects:
Georges Jreije Reg no 10993

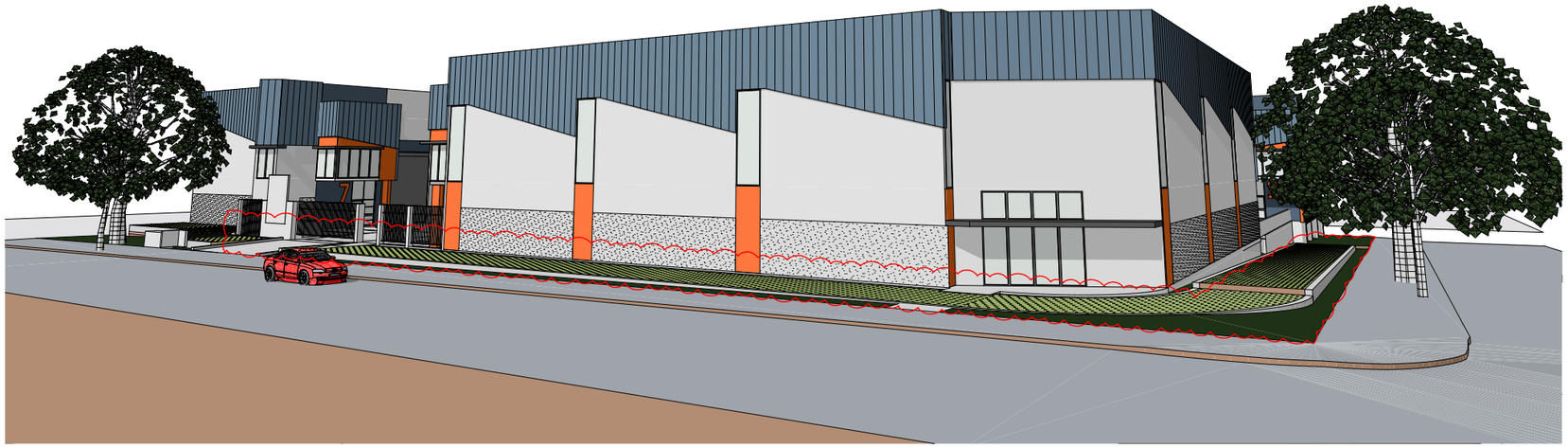
Drawing Title
EXTERNAL FINISHES
FINISHES 1

Scale
@A1 Sheet Size

Project Number **2020-059**
Drawing Number **DA-901**
Revision **I**
Status

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NE Corner View



INTERNAL DRIVEWAY VIEW

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Project
WAREHOUSES AND ANCILLARY OFFICES
2-10 Victoria St East
Lidcombe NSW 2141 -

URBAN LINK ARCHITECTS
Business Address: Suite 204, 180-186 Burwood Rd, Burwood
Phone Number: +61 2 9745 2014

Nominated Architects:
Georges Jreije Reg no 10993

Drawing Title
EXTERNAL FINISHES
3D VIEW 1

Scale
@A1 Sheet Size

Project Number
2020-059

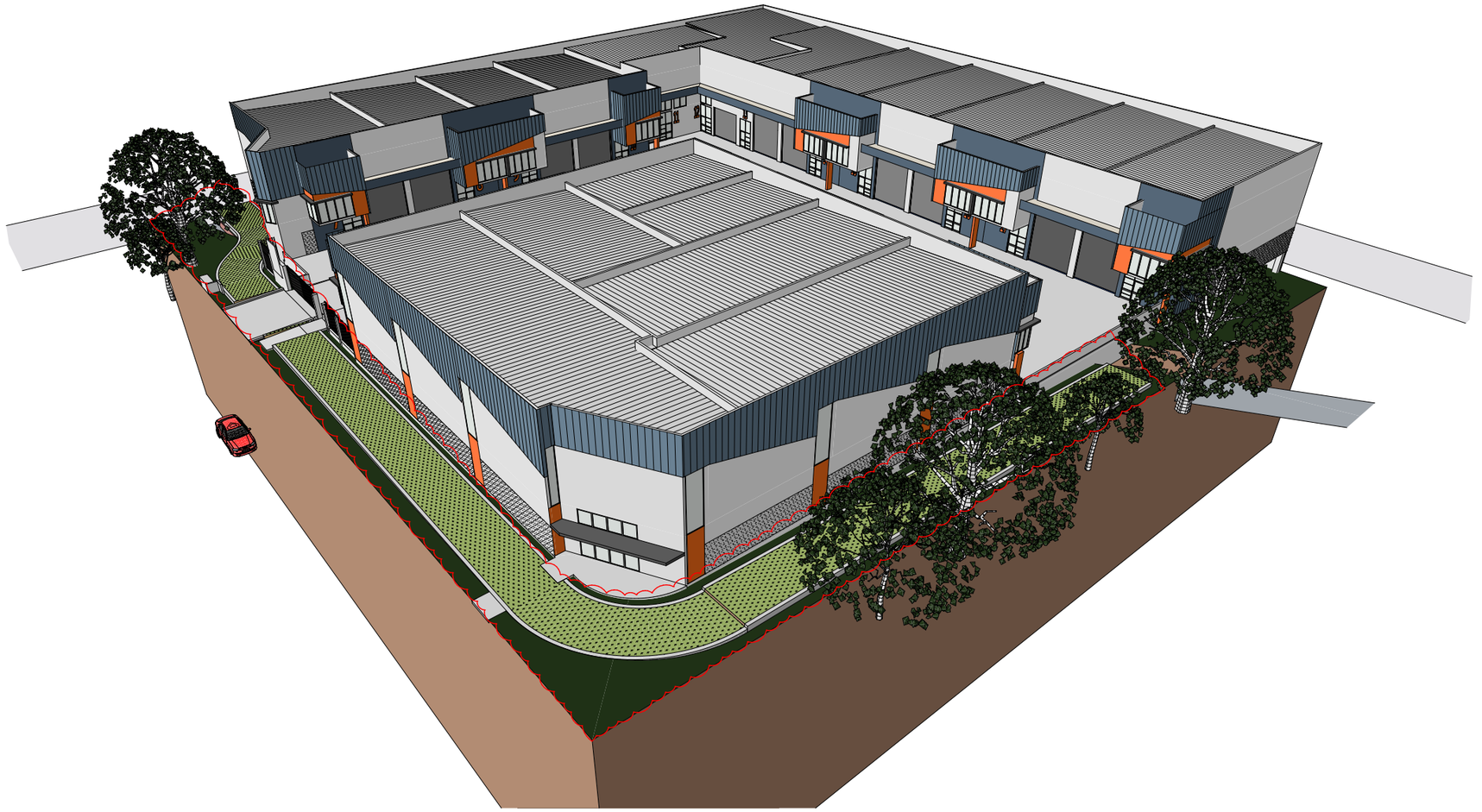
Drawing Number
DA-902

Revision
I

Status

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BIRDS EYE VIEW

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C	FOR PRE DA	26/09/2024	
B	FOR COORDINATION	09/09/2024	
A	FOR COORDINATION	02/09/2024	

Project
WAREHOUSES AND ANCILLARY OFFICES
2-10 Victoria St East
Lidcombe NSW 2141 -

URBAN LINK ARCHITECTS
Business Address: Suite 204, 180-186 Burwood Rd, Burwood
Phone Number: +61 2 9745 2014

Nominated Architects:
Georges Jreije Reg no 10993

Drawing Title
EXTERNAL FINISHES
3D VIEW 2

Scale
@A1 Sheet Size

Project Number
2020-059

Drawing Number
DA-903

Revision
I

Status

DOCUMENTS ASSOCIATED WITH REPORT ELPP031/25

Attachment 3

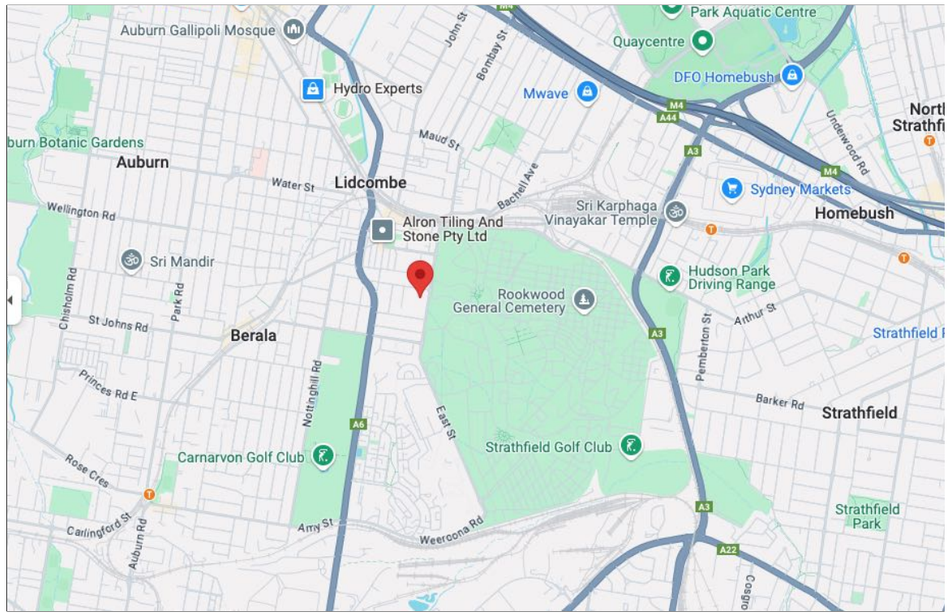
Landscape Plans

FOR DEVELOPMENT APPLICATION
LANDSCAPE PLANS

2-10 VICTORIA ST EAST LIDCOMBE

DRAWING LIST

SHEET NO.	SHEET TITLE	REVISION	DATE
L/00	COVER SHEET	B	08.10.25
L/01	PROPOSED LANDSCAPE PLAN	B	08.10.25
L/02	LANDSCAPE DETAILS & SPECIFICATION	B	08.10.25



LOCATION PLAN - 2-10 VICTORIA ST EAST LIDCOMBE (SOURCE: GOOGLE MAPS)

PLANTING SCHEDULE

Latin Name	Common Name	Quantity	Scheduled Size	Spread	Height
Angophora costata	Sydney Red Gum	2	75lt	8000	15000
Ceratopetalum gummiferum	New South Wales Christmas Bush	7	75lt	3000	6000
Cupaniopsis anacardioides	Tuckeroo	3	75lt	6000	8000
Dianella longifolia	Blueberry Lily	180	140mm	650	800
Dianella revoluta	Mauve Flax Lily	99	140mm	650	500
Goodenia hederacea	Ivy Goodenia	79	140mm	800	80
Grevillea 'Moonlight'	Grevillea	6	200mm	1500	3000
Grevillea buxifolia	Grey Spider Flower	20	200mm	2000	2000
Lomandra longifolia	Spiny-headed Mat-rush	117	140mm	750	800
Philodrendron 'Xanadu'	Xanadu	16	200mm	1000	1000
Phormium tenax 'Flamin'	NZ Flax	3	200mm	1200	1000
Tristaniopsis laurina 'Luscious'	Water Gum	6	75lt	4000	5000

NOTE:

REFER ARCHITECTURAL DOCUMENTATION PREPARED BY URBAN LINK
REFER STORMWATER DOCUMENTATION PREPARED BY S&G CONSULTANTS
REFER ARBORIST AND TREE PROTECTION PLAN REPORT PREPARED BY BRADLEY MAGUS
REFER SURVEY PREPARED BY W. BUXTON PTY LTD



AERIAL PHOTO - 2-10 VICTORIA ST EAST LIDCOMBE (SOURCE: VEXCEL VIEWER)

B	8/10/25	Issue for DA as per Council RFI	VD
A	12/6/25	Issue for DA	CV

Notes::
1. All dimensions and levels shall be verified by Contractor on site prior to commencement of work.
2. All detailing of drainage to paved areas shall be by others.
3. All levels shall be determined by others and approved on site by client.
4. Extent, height and position of all retaining walls shall be determined by others and approved on site by client.
5. Do not scale from drawings.
6. If in doubt contact the Landscape Architect.
7. All boundaries shall be surveyed prior to commencement of construction works.
8. This plan is for DA purposes only. It has not been detailed for construction.
9. All dimensions, levels and boundaries are nominal only.
10. This design shall not be copied, utilised or reproduced in any way without prior written permission of A Total Concept

URBAN LINK ARCHITECTS

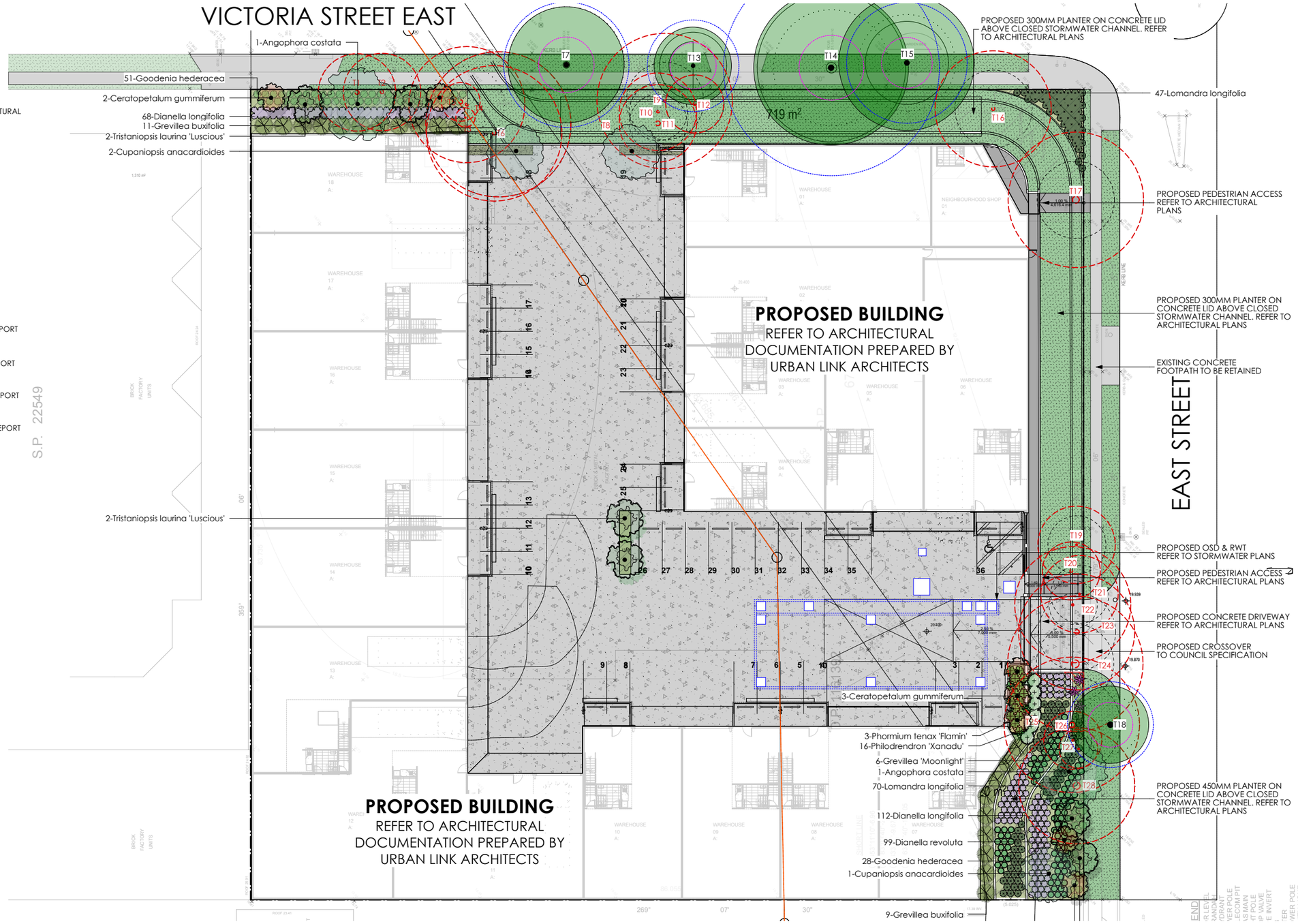
Drawing: Cover Sheet
Address: 2-10 Victoria St East Lidcombe
Project: Warehouses and Ancillary Offices
Client: Gabryss

A Total Concept Landscape Architects & Swimming Pool Designers
65 West Street, North Sydney NSW 2060
T: (02) 9957 5122 E: design@atotalconcept.com.au
www.atotalconcept.com.au
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Status: SCALE - NTS @ A1
Drawn By: AP | Dwg Date: 21/01/25
Checked By: KR | Plot Date: 21/01/25
CAD File Name: 2-10 Victoria Street Lidcombe V3.vwx
Project No.
Drawing No. L/00 Rev # B
OF 3

LEGEND:

- EXSITING LEVELS. REFER SURVEY
- CADASTRAL BOUNDARY
- PROPOSED PEDESTRIAN ACCESS. REFER TO ARCHITECTURAL PLANS
- PROPOSED CONCRETE AREA REFER TO ARCHITECTURAL PLANS
- PROPOSED DRIVEWAY CROSSOVER TO COUNCIL SPECIFICATION
- PROPOSED GARDEN AREA
- PROPOSED LAWN AREA
- APPROXIMATE LINE OF EXISTING SEWER
- PROPOSED DRAINAGE PIT TO STORMWATER ENGINEER'S DETAIL. REFER STORMWATER PLANS
- PROPOSED OSD & RWT TO STORMWATER ENGINEER'S DETAIL. REFER STORMWATER PLANS
- EXISTING TREE TO BE RETAINED. REFER TO ARBORIST REPORT
- TREE PROTECTION ZONE (TPZ). REFER TO ARBORIST REPORT
- STRUCTURAL ROOT ZONE (SRZ). REFER TO ARBORIST REPORT
- EXISTING TREE TO BE REMOVED. REFER TO ARBORIST REPORT
- SIGHT LINES



NOTE:

- PROVIDE ADEQUATE SOIL DEPTH TO ALL GARDEN AREAS
- ENSURE ADEQUATE DRAINAGE AT THE BASE OF ALL GARDENS TO PREVENT PONDING

NOTE:

REFER ARCHITECTURAL DOCUMENTATION PREPARED BY URBAN LINK
REFER STORMWATER DOCUMENTATION PREPARED BY S&G CONSULTANTS
REFER ARBORIST AND TREE PROTECTION PLAN REPORT PREPARED BY BRADLEY MAGUS
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B	8/10/25	Issue for DA as per Council RFI	VD
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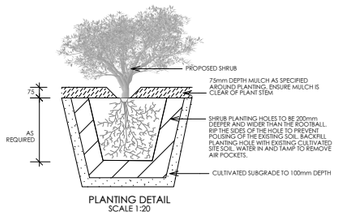
URBAN LINK ARCHITECTS

Drawing: Proposed Landscape Plan
Address: 2-10 Victoria St East Lidcombe
Project: Warehouses and Ancillary Offices
Client: Gabryss

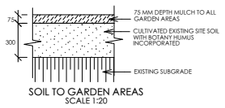
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Status
SCALE - 1:200 @ A1
Project No.
Drawing No. L/01 B Rev #
Drawn By CV Dwg Date: 03.02.21
Checked By KR Plot Date: 9/10/25
CAD File Name 2-10 Victoria Street Lidcombe V3.vwx

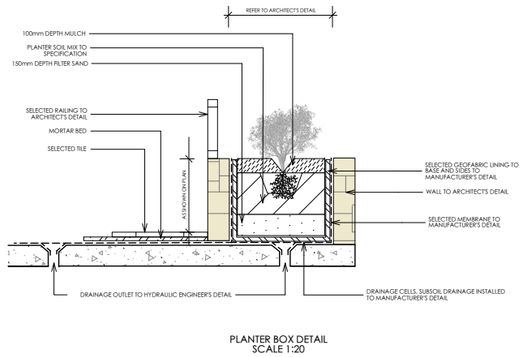
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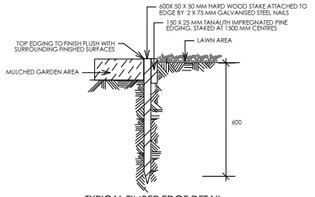
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SCALE 1:20



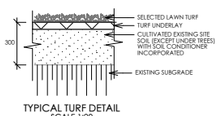
SOIL TO GARDEN AREAS
SCALE 1:20



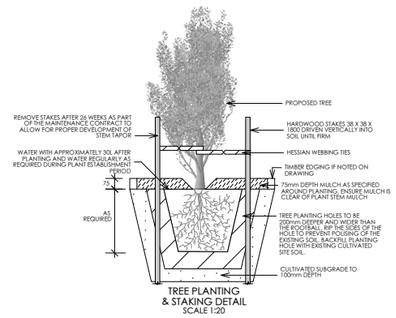
PLANTER BOX DETAIL
SCALE 1:20



TYPICAL TIMBER EDGE DETAIL
SCALE 1:10
DO NOT SCALE



TYPICAL TURF DETAIL
SCALE 1:20



TREE PLANTING
& STAKING DETAIL
SCALE 1:20

OUTLINE LANDSCAPE SPECIFICATION

Preparation by Builder: Builder shall remove all existing concrete pathways, fences, footings, walls etc. not notated to be retained and complete all necessary excavation work prior to commencement on site by Landscape Contractor (Contractor). Builder shall also install new retaining walls, kerbs, layback kerb, crossover, pathways etc. and make good all existing kerbs, gutters etc. as necessary and to approval of Council. Builder shall ensure that a minimum 450mm of topsoil in garden areas and a minimum 150mm of topsoil in lawn areas exists. Should required depths not exist Builder shall contact Landscape Architect and ask for instructions prior to completion of excavation works.
Excavate as necessary, then fill with approved site topsoil to allow for minimum 500mm soil depth in garden areas and 150mm soil depth in lawn areas and to gain required shapes & levels. Ensure all garden and lawn areas drain satisfactorily. All levels & surface drainage shall be determined by others & approved on site by Head Contractor. Note: Approved imported topsoil mix may be utilised if there is insufficient site topsoil available. State in Tender a m3 rate for additional imported topsoil and the quantities of both site topsoil and imported topsoil allowed for in Tender.
Initial Preparation: Verify all dimensions & levels on site prior to commencement. Do not scale from drawings. Locate all underground & above ground services & ensure no damage occurs to them throughout contract. Spray approved weedicide to all proposed lawn & garden areas to manufacturer's directions. Remove existing concrete pathways, footings, walls etc. not notated to be retained & weeds from site. Levels indicated on Plan are nominal only and are derived from Architectural Plans & Drawings by others. Final structural integrity of all items shall be the sole responsibility of Landscape Contractor.
Tree Protection: Trees to be retained shall be protected during site works and construction by the erection of solid barricades to the specification of Council. Storage of machinery or materials beneath canopy of trees to be retained shall not be permitted. Changes to soil level and cultivation of soil beneath canopy of trees to be retained shall not be permitted unless under direct supervision of Landscape Architect. Existing trees shall be pruned to Landscape Architects onsite instructions.
Soil Preparation: Cultivate to depth of 300mm all proposed lawn & garden areas incorporating minimum 100mm depth of organic clay breaker into existing site soil. Do not cultivate beneath existing trees to be retained. In areas where fill is required gain required shapes & levels using a premium grade soil mix. In areas where excavation is required (if in clay) over excavate as required to to allow for installation of 500mm depth of premium grade topsoil mix to garden areas and 300mm depth of premium grade topsoil mix to lawn areas. Undertake all required action to ensure that no rootballs of proposed plants sit in clay wells and that all garden areas and lawn areas drain satisfactorily. Note it is intended that wherever possible existing levels shall not be altered through garden and lawn areas. It is the Contractors responsibility to ensure that the end result of the project is that all lawn and garden areas drain sufficiently (both surface & subsurface), are at required finished levels and have sufficient soil depths to enable lawn and plants to thrive and grow. Should alternative works to those specified be required to achieve the above result, Contractor shall inform Builder at time of Tender and request instructions.
Lawn Edging and Stepping Stones:(i) 125 x 25mm approved tanalith impregnated pine edging shall be installed, to lines as indicated on plan and staked with approved stakes at maximum 1500mm centres at ends and changes of direction; stakes shall be nailed to edging with approved galvanised steel nails. Top of edging shall finish flush with surrounding surfaces. Top of stakes shall finish 25mm below top of edging.**(ii)**Contractor shall install approved bricks on edge on a minimum 100mm deep x 90mm wide concrete footing with brick tor set in, to lines nominated on plan as brick edging. Bricks shall be laid with a nominal 10mm wide approved coloured mortar joint. Bricks needing to be cut shall be done so with clean sharp cuts. Top of edging shall finish flush with surrounding finished surfaces. Approved sandstone stepping stones shall be positioned as indicated on plan on a 25mm river sand bed. Approved sandstone stepping stones shall be positioned as indicated on plan on a 25mm river sand bed.
Retaining Walls: Positions, detail and heights of retaining walls shall be by others.
Planting: Purchase plants from an approved nursery. Plants to be healthy & true to type & species. Set out plants to positions indicated on plan. Following approval, plant holes shall be dug approximately twice width and to 100mm deeper than plant rootballs that they are to receive. Base and sides of hole shall be further loosened. Fertiliser, followed by 100mm depth of topsoil mix shall then be placed into base of hole and lightly consolidated. Base of hole shall then be watered. Remove plant container and install plant into hole. Rootball shall be backfilled with surrounding topsoil and topsoil firmed into place. An approved shallow dish shall be formed to contain water around base of stem. Base of stem of plant shall finish flush with finished soil level. Once installed plant shall be thoroughly watered and maintained for the duration of the Contract.
Staking: All trees shall be staked using 2 x 38mm x 38mm x 2000mm long hardwood stakes per plant and with hessian webbing ties installed to Landscape Architect's on site instructions.
Mulching: Install 75mm depth of 25mm diameter hardwood mulch to all garden areas, coving mulch down around all plant stems & to finish flush with adjacent surfaces.
Turfing: Prepare for, level & lay cultivated Palmetto Buffulo turves to all areas nominated on plan as being lawn. Roll, water, fertilise, mow & maintain lawns as necessary until completion of maintenance period. At same time make good all existing lawn areas using same lawn type. Lawns in shade shall be over sown with an approved seed mix. Allow to retrim and returf councils nature strip as required.
Fencing: Retain all existing fences unless advised otherwise by builder. Install timber paling fences to heights indicated on Plan.
Paving: Areas to be paved shall be excavated or filled to allow for installation of bedding materials. Levels and falls shall be as per Plan. Surface drainage on paving shall be towards grated drains with all drains connected to stormwater system and installed by Builder.
Irrigation: Contractor shall supply and install an approved fully automatic, vandal resistant, computerised irrigation system to all garden and lawn areas, excluding council nature strip. Entire system shall be to approval of Water Board and shall utilise pop-up sprinklers and electronic controllers. Contractor shall be responsible to ensure that system is able to satisfactorily operate on available water pressure. Power supply for use by irrigation system shall be provided to an approved location near southwest corner of residence by others and shall consist of an approved weatherproof G.P.O. The irrigation system controller shall be housed in an approved waterproof cabinet mounted to external wall of residence.
Clotheslines: Contractor shall allow for all necessary labour and materials and shall install clotheslines to positions as indicated on plan to manufacturer's instructions to approval of Landscape Architect. Clothesline type shall be equal to 'Hills Foldaline'.
Completion: Prior to practical completion remove from site all unwanted debris occurring from work. Satisfy Council that all landscaping work has been undertaken in strict accordance with Councils landscape codes & guidelines.

OUTLINE 12 MONTH LANDSCAPE MAINTENANCE PLAN

Maintenance Period: A twelve month maintenance period shall be undertaken by owner or owners representative as set out herein. Owner shall have care and maintenance of all work specified under this Contract and shall rectify any defective work for a period of 52 weeks following Practical Completion of Landscape Works. This period shall be herein known as the Maintenance Period. Work shall also include for the care and maintenance of all existing vegetation to be retained and proposed vegetation. Site shall be attended at least weekly and as otherwise required. The following works shall be undertaken during the Maintenance Period.
(a) Recurrent works Undertake recurrent works throughout the Maintenance Period. These works shall include but are not limited to watering, weeding, fertilising, pest and disease control, returfing, staking and tying, replanting, cultivation, pruning, aerating, renovating, top dressing and the like.
(b) Watering Regularly water all plants and lawn areas to maintain optimal growing conditions. Contractor shall adjust the water quantity utilised with regard to climatic conditions prevalent at the time.
(c) Replacements Immediately replace plants which die or fail to thrive (at discretion of Landscape Architect) with plants of same species or variety and of same size and quality unless otherwise specified. Plant replacement shall be at Contractors expense, unless replacement is required due to vandalism or theft, which shall be determined by Landscape Architect. Required replacement of plants due to vandalism or theft shall be undertaken by Contractor and shall be paid for by Client at an agreed predetermined rate.
(d) Mulched surfaces Maintain mulched surfaces in clean, tidy, weed-free condition and shall reinstate mulch as necessary to maintain specified depths.
(e) Stakes & ties Adjust and/or replace stakes and ties as required. Remove stakes and ties at end of Maintenance Period if directed by Landscape Architect.
(f) Lawn areas Lawn areas shall be mown at regular intervals to ensure non heading of lawn with a fine-cutting mulching mower and clippings left on lawn to mulch and self-fertilise lawn areas. Primary cut after laying of lawn by others shall be determined on site taking into consideration season, watering and growth rate of lawn. Following the primary cut all lawns shall be regularly mown as required to ensure a healthy lawn and a neat appearance. Care shall always be taken to ensure that no clippings are left on surrounding roads or garden areas after mowing. Replace lawn areas that fail to thrive at discretion of Landscape Architect. All new and made good lawn areas shall be barricaded off from pedestrian traffic by use of star pickets and brightly coloured plastic safety mesh until establishment of lawn. Barricades shall be removed upon establishment of lawn area.
(g) Weeding Remove by hand, or by carefully supervised use of weedicide, any weed growth that may occur throughout Maintenance Period. This work shall be executed at weekly intervals so that all lawn and garden areas may be observed in a weed-free condition.
(h) Pruning Prune new and existing plants (excluding existing trees) as necessary to maintain dense foliage conditions. Any rogue branches, or branches overhanging or obstructing pathways, roads, doorways, etc., shall be removed by approved horticultural methods.
(i) Spraying Spraying for insect, fungal and disease attack shall be undertaken as required and in accordance with spray manufacturers recommendations at intervals taking into account the season of year during which landscape works are to be implemented.
(j) Tree Care Should any existing trees be damaged during construction works immediately engage an experienced arboriculturist and then undertake any rectification work recommended by arboriculturist.

B	8/10/25	Issue for DA as per Council RFI	VD	
A	12/6/25	Issue for DA	CV	

Notes::
1. All dimensions and levels shall be verified by Contractor on site prior to commencement of work.
2. All detailing of drainage to paved areas shall be by others.
3. All levels shall be determined by others and approved on site by client.
4. Extent, height and position of all retaining walls shall be determined by others and approved on site by client.
5. Do not scale from drawings.
6. If in doubt contact the Landscape Architect.
7. All boundaries shall be surveyed prior to commencement of construction works.
8. This plan is for DA purposes only. It has not been detailed for construction.
9. All dimensions, levels and boundaries are nominal only.
10. This design shall not be copied, reused or reproduced in any way without prior written permission of A Total Concept

URBAN LINK ARCHITECTS

Drawing: Landscape Details & Specification
Address: 2-10 Victoria St East Lidcombe
Project: Warehouses and Ancillary Offices
Client: Gabryss

A Total Concept Landscape Architects & Swimming Pool Designers
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atc a total concept

Status: SCALE As noted @ A1
Drawn By: AP | Dwg Date: 21/01/25
Checked By: KR | Plot Date: 21/01/25
CAD File Name: 2-10 Victoria Street Lidcombe V3.vwx
Project No.
Drawing No. L/02 Rev # B
OF 3

DOCUMENTS ASSOCIATED WITH REPORT ELPP031/25

Attachment 4

Stormwater Plans

COUNCIL REF:_____

2-10 VICTORIA STREET, LIDCOMBE
STORMWATER CONCEPT DESIGN



LOCALITY PLAN
NOT TO SCALE
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DRAWING INDEX			
SHEET No.	DWG. No.	DRAWING TITLE	REV.
01	S01-SW100	COVER SHEET & DRAWING INDEX	C
02	S01-SW101	NOTES & LEGEND	C
03	S01-SW201	EROSION & SEDIMENT CONTROL PLAN & DETAILS	C
04	S01-SW301	STORMWATER CONCEPT DESIGN GROUND FLOOR PLAN	C
05	S01-SW302	STORMWATER CONCEPT DESIGN ROOF PLAN	C
06	S01-SW303	STORMWATER CONCEPT DESIGN - SUB-FLOOR PLAN	C
07	S01-SW401	STORMWATER CONCEPT DESIGN DETAILS SHEET 01 OF 02	C
08	S01-SW402	STORMWATER CONCEPT DESIGN DETAILS SHEET 02 OF 02	C
09	S01-SW501	STORMWATER GRADING DESIGN MUSIC CATCHMENT PLAN & DETAILS	C

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ARCHITECT

URBAN LINK ARCHITECTS

CLIENT

GABRYSS

LGA

CUMBERLAND CITY COUNCIL

Project No. 20200440 Drawing No. S01-SW100 Revision No. C

ISSUED FOR DA
NOT FOR CONSTRUCTION

Plotted:Monday, 27 October 2025 1:42:32 PM By PLANROC File Name:Z:\Production\20200204402-2-10 Victoria Street, Lidcombe\Civil\out\S01-SW DA\20200440_S01-SW100.dwg

SITEWORKS LEGEND

SWD	STORMWATER LINE
RW RW	STORMWATER LINE TO RAINWATER TANK
SS SS SS	SUBSOIL LINE
SWRM SWRM	STORMWATER RISING MAIN
S S	AUTHORITY SEWER LINE
W W	AUTHORITY WATER LINE
G G	AUTHORITY GAS LINE
OH OH	AUTHORITY OVER HEAD ELECTRICITY LINE
E E	AUTHORITY UNDERGROUND ELECTRICITY LINE
T T	AUTHORITY COMMS LINE
	GRATED SURFACE INLET PIT
	GRATED SURFACE INLET PIT WITH ENVIROPOD INSERT
	JUNCTION PIT
	GRATED TRENCH DRAIN
RWO	RAINWATER OUTLET
CO	CLEAR OUT POINT
DDO	DISH DRAIN OUTLET
PD	PLANTER DRAIN
	DOWNPIPE DROP
DP	DOWNPIPE
	WARNING LIGHT
00.00	FINISH SURFACE LEVEL

ABBREVIATIONS:

Ø or DIA	DIAMETER
CO	CLEAR OUT
DDO	DISH DRAIN OUTLET
DP	DOWNPIPE
e	EXISTING
FFL	FINISHED FLOOR LEVEL
GTD	GRATED TRENCH DRAIN
GSIP	GRATED SURFACE INLET PIT
IL	INVERT LEVEL
KIP	KERB INLET PIT
NGL	NATURAL GROUND LEVEL
OFP	OVERLAND FLOWPATH
OSD	ON-SITE DETENTION
RCP	REINFORCED CONCRETE PIPE
RL	REDUCED LEVEL
RWT	RAINWATER TANK
SW	STORMWATER
SWP	STORMWATER PIT
SWRM	STORMWATER RISING MAIN
SWS	STORMWATER SUMP
TOK	TOP OF KERB
TOW	TOP OF WALL
UPVC	

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GENERAL

G1. ALL WORK SHALL BE CARRIED OUT IN ACCORDANCE WITH COUNCIL'S REQUIREMENTS, BUILDING CODE OF AUSTRALIA, NSW CODE OF PRACTICE AND THE TO THE RELEVANT SERVICE CODES.

G2. THESE DRAWINGS SHALL BE READ IN CONJUNCTION WITH ALL ARCHITECTURAL AND OTHER CONSULTANTS' DRAWINGS AND SPECIFICATIONS AND WITH SUCH OTHER WRITTEN INSTRUCTIONS AS MAY BE ISSUED DURING THE COURSE OF THE CONTRACT. ALL DISCREPANCIES SHALL BE REFERRED TO THE SUPERINTENDENT FOR DECISION BEFORE PROCEEDING WITH THE WORK.

G3. ALL DIMENSIONS SHOWN ON THE DRAWINGS ARE IN MILLIMETERS (U.N.O.). DIMENSIONS SHALL NOT BE OBTAINED BY SCALING OF THESE DRAWINGS. USE FIGURED DIMENSIONS ONLY.

G4. BENCHMARKS HAVE BEEN ESTABLISHED WHERE INDICATED ON THE DRAWINGS. ALL LEVELS ARE TO AUSTRALIAN HEIGHT DATUM (A.H.D.). THE CONTRACTOR SHALL UNDERTAKE ALL NECESSARY SURVEY WORK TO ENSURE THAT THE WORKS ARE CONSTRUCTED TO DESIGN LINE AND LEVEL.

G5. SETTING OUT DIMENSIONS AND LEVELS SHOWN ON THE DRAWINGS SHALL BE VERIFIED BY THE CONTRACTOR.

G6. ALL MATERIALS SHALL BE IN ACCORDANCE WITH THE REQUIREMENTS OF THE RELEVANT SZZ CODES AND THE BY-LAWS AND ORDINANCES OF THE RELEVANT BUILDING AUTHORITIES.

G7. IT IS THE CONTRACTOR'S RESPONSIBILITY TO PROVIDE ALL SAFETY FENCES, WARNING SIGNS, TRAFFIC DIVERSIONS AND THE LIKE DURING CONSTRUCTION. ALL WORKS TO COMPLY WITH WORK HEALTH AND SAFETY REQUIREMENTS AND OTHER RELEVANT AUTHORITY SAFETY REQUIREMENTS.

G8. NO TREES SHALL BE REMOVED, CUTBACK OR RELOCATED WITHOUT THE WRITTEN INSTRUCTION FROM THE SUPERINTENDENT.

G9. WHERE NEW WORKS ABUT EXISTING THE CONTRACTOR SHALL ENSURE THAT A SMOOTH EVEN PROFILE, FREE FROM ABRUPT CHANGES IS OBTAINED.

G10. ALL WORKS SHALL BE CARRIED OUT IN ACCORDANCE WITH THE DETAILS SHOWN ON THE DRAWINGS AND THESE SPECIFICATIONS.

G11. DESIGN LEVELS GIVEN ARE TO FINISHED SURFACE LEVEL AND INCLUSIVE OF TOPSOIL. (TOPSOIL DEPTH VARIES).

G12. THE CONTRACTOR SHALL ARRANGE ALL SURVEY SETOUT TO BE CARRIED OUT BY A N.A.T.A. REGISTERED SURVEYOR.

G13. CARE IS TO BE TAKEN WHEN EXCAVATING NEAR EXISTING SERVICES. NO MECHANICAL EXCAVATIONS ARE TO BE UNDERTAKEN OVER TELECOMMUNICATIONS OR ELECTRICAL SERVICES. HAND EXCAVATE IN THESE AREAS.

G14. THE LOCATIONS OF UNDERGROUND SERVICES SHOWN ON THE DRAWING HAVE BEEN PLOTTED FROM DIAGRAMS PROVIDED BY SERVICE AUTHORITIES. THIS INFORMATION HAS BEEN PREPARED SOLELY FOR THE AUTHORITIES OWN USE AND MAY NOT NECESSARILY BE UPDATED OR ACCURATE.

G15. THE POSITION OF SERVICES AS RECORDED BY THE AUTHORITY AT THE TIME OF INSTALLATION MAY NOT REFLECT CHANGES IN THE PHYSICAL ENVIRONMENT SUBSEQUENT TO INSTALLATION.

G16. S&G CONSULTANTS DOES NOT GUARANTEE THAT THE SERVICES INFORMATION SHOWN ON THE DRAWING SHOWS MORE THAN THE PRESENCE OR ABSENCE OF SERVICES, AND WILL ACCEPT NO LIABILITY FOR INACCURACIES IN THE SERVICES INFORMATION SHOWN FROM ANY CAUSE WHATSOEVER.

G17. IT IS THE CONTRACTOR'S RESPONSIBILITY TO OBTAIN FROM THE UTILITY SERVICES AUTHORITIES A CURRENT COPY OF UNDERGROUND SERVICES SEARCH FOR THE LOCATION OF ALL EXISTING SERVICES PRIOR TO COMMENCEMENT OF ANY WORK AND NOTIFY ANY CONFLICT WITH THE DRAWINGS IMMEDIATELY. CLEARANCE SHALL BE OBTAINED FROM THE RELEVANT REGULATORY AUTHORITY. CONTRACTOR TO KEEP COPY OF UNDERGROUND SERVICES SEARCH ON SITE AT ALL TIMES. ANY DAMAGES TO SERVICES OR SERVICES ADJUSTMENTS SHALL BE CARRIED OUT BY THE CONTRACTOR OR RELEVANT AUTHORITY AT THE CONTRACTOR'S EXPENSE.

G18. VISIT THE SITE BEFORE SUBMITTING THE FINAL TENDER PRICE TO ASSESS 'ON SITE' CONDITIONS. FAILURE TO DO SO WILL FORFEIT ANY CLAIM FOR NOT BEING AWARE OF CONDITIONS AFFECTING THE TENDER.

G19. THE CONTRACTOR SHALL PREPARE ACCURATE WORK-AS-EXECUTED DRAWINGS FOLLOWING THE COMPLETION OF ALL WORKS.

G20. IT IS THE CONTRACTOR'S RESPONSIBILITY TO HAVE IN PLACE & MAINTAIN TRAFFIC FACILITIES AT ALL TIMES DURING CONSTRUCTION.

G21. CONTRACTOR TO PROVIDE WORKSHOP COORDINATED DRAWINGS PRIOR TO COMMENCING WORKS ON SITE. WORKSHOP DRAWINGS TO BE REVIEWED AND APPROVED BY DESIGN ENGINEER.

STORMWATER

S1. ALL WORK SHALL BE CARRIED OUT IN ACCORDANCE AS3500.3-2003: 'STORMWATER DRAINAGE'.

S2. FOR STORMWATER DRAINAGE PIPES THAT EXCEED 1:5 GRADE, REINFORCED CONCRETE ANCHOR BLOCKS SHALL BE INSTALLED. ANCHOR BLOCKS TO BE CONSTRUCTED TO SPECIFICATIONS SET OUT IN AS3500.3-2018 SECTION 8.10.

S3. EXISTING SERVICES SHOWN IN APPROXIMATE LOCATIONS ONLY. CONFIRM EXACT LOCATIONS ON SITE PRIOR TO COMMENCING WORK.

S4. COORDINATE THE INSTALLATION OF NEW SERVICES WITH ALL NEW & EXISTING SERVICES & STRUCTURAL PROVISIONS AS DETERMINED ON SITE.

S5. ALL PIPEWORK TO BE SUPPORTED IN ACCORDANCE WITH AS3500.3-2018.

S6. ALL PIPEWORK IS TO BE TESTED IN ACCORDANCE WITH THE REQUIREMENTS AS SET DOWN IN AS3500.3-2003. ALL IN-GROUND PIPEWORK TO BE INSPECTED BY THE SUPERINTENDENT UNDER TEST CONDITIONS PRIOR TO BACKFILLING. BACKFILLING AND BEDDING TO AS3500.3-2018.

S7. PIPES SHALL BE TRUE TO GRADES SHOWN AND ALIGNED SO THAT THE CENTRE OF THE INLET PIPE INTERSECTS WITH THE CENTRE OF THE OUTLET PIPE AT THE DOWNSTREAM FACE OF THE PIT.

S8. BED ALL PIPES FIRMLY AND EVENLY WITH IMPORTED FILL ONLY. THICKNESS OF BEDDING LAYER SHALL BE 75mm IN SOIL AND 200mm IN ROCK.

S9. LAY AND JOINT ALL PIPES IN ACCORDANCE WITH THE MANUFACTURER'S RECOMMENDATIONS AND AS3725-2007:'DESIGN FOR INSTALLATION OF BURIED CONCRETE PIPES.

S10. ALLOW TO TEST ALL PIPES AND PITS TO LOCAL AUTHORITY'S REQUIREMENTS.

S11. EXCAVATE TRENCHES AND STOCKPILE ALL MATERIAL FOR INSPECTION WITH REGARD TO REUSE FOR TRENCH BACKFILL. REMAINING MATERIAL TO BE REMOVED FROM SITE.

S12. BACKFILL PIPES WITH IMPORTED FILL. PROVIDE 200mm SIDE SUPPORT AND 150mm OVERLAY ABOVE PIPE CROWN. TRENCH FILL ABOVE THE EMBEDMENT ZONE TO THE UNDERSIDE OF THE ROAD PAVEMENT OR THE FOOTWAY SHALL BE AS FOLLOW:

UNDER ROADWAY
TRENCH FILL MATERIAL SHALL CONSIST OF IMPORTED FILL AS SPECIFIED HEREIN OF EITHER HIGH GRADE COMPACTION SAND OR APPROVED CRUSHED ROAD GRAVEL CONFORMING TO RMS QA SPECIFICATION 3051 OR SIMILAR.

OTHER THAN ROADWAY
TRENCH MATERIAL EXCAVATED SHALL CONSIST OF SELECT FILL AS SPECIFIED HEREIN AND SHALL NOT CONTAIN MORE THAN 20% OF STONES OF SIZE BETWEEN 25mm AND 75mm AND NONE LARGER THAN 75mm. PRIOR TO USE OF THE EXCAVATED MATERIAL IT SHALL BE INSPECTED AND APPROVED BY THE ENGINEER.

S13. COMPACT BEDDING. EMBEDMENT AND TRENCH FILL MATERIALS AS FOLLOW:
EMBEDMENT:
FOR GRANULAR FILL MATERIAL (NON-COHESIVE SOIL) e.g. COARSE AGGREGATE FILL, THE DENSITY INDEX (ID) SHALL BE NOT LESS THAN 70%.

TRENCH FILL:
FOR GRANULAR MATERIAL (NON COHESIVE SOILS). THE DENSITY INDEX (ID) SHALL BE NOT LESS THAN 70%. FOR NON-GRANULAR FILL MATERIAL (COHESIVE SOILS). THE DRY DENSITY RATIO (RD) SHALL BE NOT LESS THAN 95%.

S14. EXISTING SERVICES
UTILITY INFORMATION SHOWN ON THE PLANS IS NOT INTENDED TO DEPICT MORE THAN THE PRESENCE OF ANY SERVICES. ACTUAL LOCATIONS SHOULD BE VERIFIED BY HAND EXCAVATION PRIOR TO CONSTRUCTION.

S15. THE CONTRACTOR SHALL ALLOW FOR THE CAPPING OFF, EXCAVATION AND REMOVAL (IF REQUIRED) OF ALL EXISTING SERVICES IN AREAS AFFECTED BY THE WORKS.

S16. THE CONTRACTOR SHALL ENSURE THAT SERVICES TO ALL BUILDINGS NOT AFFECTED BY THE WORKS ARE NOT DISRUPTED AT ALL TIMES. THE CONTRACTOR SHALL CONSTRUCT TEMPORARY SERVICES TO MAINTAIN EXISTING SUPPLY TO BUILDINGS REMAINING WHERE REQUIRED. ONCE THE WORKS ARE COMPLETE AND COMMISSIONED THE CONTRACTOR SHALL REMOVE ALL SUCH TEMPORARY SERVICES AND MAKE GOOD ALL DISTURBED AREAS.

S17. DRAINAGE PIPES
EXISTING PIPES WHICH FORM NO PART OF THE DRAINAGE SYSTEM SHALL BE REMOVED OR SEALED AS INDICATED ON THE PLANS. PIPES UP TO 300mm DIAMETER SHALL BE SEWER GRADE uPVC WITH SOLVENT WELDED JOINTS (U.N.O.). ALL PIPE JUNCTIONS AND TAPERS SHALL BE VIA PURPOSE MADE FITTINGS.

S18. WHERE DOWNPIPES PASS UNDER FLOOR SLABS, SEWER GRADE uPVC WITH RUBBER RING JOINTS ARE TO BE USED.

S19. MINIMUM GRADE TO DRAINAGE PIPES TO BE 1% (U.N.O.), MIN. SIZE 100mm DIAMETER (U.N.O.).

STORMWATER (CONTINUED)

S20. PIPES EQUAL TO AND LARGER THAN 375mm DIAMETER TO BE REINFORCED CONCRETE RUBBER RING JOINTED TYPE (CLASS 2) MANUFACTURED TO AS4058 (U.N.O.).

S21. PIPE INSTALLATION UNDER TRAFFICABLE AREAS SHALL BE IN ACCORDANCE WITH CONCRETE PIPE ASSOCIATION OF AUSTRALIA PUBLICATION "CONCRETE PIPE SELECTION & INSTALLATION" TYPE HS3 SUPPORT.

S22. EQUIVALENT STRENGTH FRC PIPES MAY BE USED SUBJECT TO AUTHORITY APPROVAL.

S23. MINIMUM PIPE COVER TO BE 600mm UNDER TRAFFICABLE AREAS AND 300mm ELSEWHERE (U.N.O.).

S24. CONTRACTOR TO SUPPLY AND INSTALL ALL FITTINGS AND SPECIALS INCLUDING VARIOUS PIPE ADAPTORS TO ENSURE PROPER CONNECTION BETWEEN DISSIMILAR PIPEWORK.

S25. PROVIDE CLEANING EYES TO ALL DOWNPIPES NOT DIRECTLY CONNECTED TO PITS.

S26. STORMWATER DRAINAGE CONNECTIONS TO COUNCIL'S SYSTEM SHALL BE TO THE REQUIREMENTS AND THE SATISFACTION OF LOCAL COUNCIL.

S27. DRAINAGE PITS
PITS DEEPER THAN 1200mm TO BE FITTED WITH STEP IRONS AT 300 CENTRES TO AS1657-2013:'FIXED PLATFORMS, WALKWAYS, STAIRWAYS AND LADDERS - DESIGN, CONSTRUCTION AND INSTALLATION'.

S28. ALL EXPOSED EDGES TO BE ROUNDED WITH 20mm RADIUS, OR CHAMFERED 20mm x 20mm.

S29. PIT REINFORCEMENT - MESH SL82 LAP TO BE 400mm MIN. CLEAR COVER 40 MIN. CAST AGAINST BLINDING OR FORMWORK. CORNER RETURNS MAY BE FABRIC OR EQUIVALENT BARS.

S30. BENCHING TO BE HALF OUTGOING PIPE DEPTH. CONCRETE FOR BENCHING TO BE 20MPa MASS CONCRETE.

S31. APPROVED PRECAST PITS MAY BE USED.

S32. 100mm DIAMETER HOLE FOR SUBSOIL DRAINAGE OUTLET TO BE LOCATED 100mm ABOVE INVERT OF ALL INLET PIPES. SUBSOIL DRAINAGE TO EXTEND FOR A DISTANCE OF 3m UPSTREAM OF PIT (AT EACH INLET TRENCH) WITH THE UPSTREAM END SEALED.

S33. ALL CONNECTIONS TO EXISTING DRAINAGE PITS SHALL BE MADE IN TRADESMAN-LIKE MANNER AND THE INTERNAL WALL OF THE PIT AT THE POINT OF ENTRY SHALL BE CEMENT RENDERED TO ENSURE A SMOOTH FINISH.

S34. PIT GRATE, FRAMES AND SOLID COVERS SHALL BE CLASS B IN NON TRAFFIC AREAS AND CLASS D IN TRAFFICABLE AREAS IN ACCORDANCE WITH AS3996.

S35. ALL GRATES SHALL BE PROVIDED WITH A LOCKING CLIP.

S36. MAXIMUM FRONT ENTRY PIPE:-
STRAIGHT ENTRY - Ø750
SKEW ENTRY 45° - Ø525

S37. PIT GRATING TO BE GALVANISED STEEL TYPE 'WELDLOK' OR APPROVED EQUIVALENT.

S38. SUBSOIL DRAINAGE
SUBSOIL PIPES SHALL BE LAID AT A MIN GRADE OF 0.5% (U.N.O.).

S39. ADDITIONAL SUBSOIL DRAINAGE SHALL BE LAID TO SUIT SITE CONDITIONS AND GROUNDWATER PRESENCE AS DIRECTED.

S40. SUBSOIL PIPES SHALL BE LAID BEHIND KERBS IN CUT AREAS OF THE SITE.

S41. SUBSOIL DRAINAGE SHALL CONSIST OF A SLOTTED 100mm DIAMETER PLASTIC PIPE WRAPPED IN GEOTEXTILE AND PLACED A MINIMUM OF 600mm BELOW THE SUBGRADE LEVEL AND COVERED WITH 500mm OF 20mm GRAVEL. PROVIDE A MINIMUM OF 150mm GRAVEL AROUND SUBSOIL PIPE. TRENCH TO BE LINED WITH GEOTEXTILE FABRIC TYPE BIDIM A24.

S42. GRATES TO PITS IN FOOTPATH AREAS SHALL BE HEEL SAFE COMPLYING WITH THE DISABLED ACCESS CODE.

S43. CONTRACTOR TO PROVIDE WORKSHOP COORDINATED DRAWINGS PRIOR TO COMMENCING WORKS ON SITE. WORKSHOP DRAWINGS TO BE REVIEWED AND APPROVED BY DESIGN ENGINEER.

S44. ALL EXTERNAL AREA TO HAVE A MINIMUM 1% FALL TO OUTLETS PROVIDED.

S45. PROVIDE OVERFLOWS TO ALL AREAS TO ARCHITECT'S SPECIFICATIONS.

S46. ALL RAINWATER OUTLETS TO OPEN AREAS SHALL BE SPS TRUFLO TYPE TIA100F UNLESS NOTED OTHERWISE. DO NOT INSTALL BALCONY OUTLETS OR SIMILAR IN AREAS SUBJECT TO DIRECT RAINFALL.

S47. ALL PVC PIPES TO HAVE EXPANSION JOINTS IN ACCORDANCE WITH AS/NZS2032.

S48. CONNECT ALL TUNDISHES FROM MECHANICAL A/C UNITS INTO STORMWATER ONLY IF ACCEPTABLE BY THE LOCAL COUNCIL BUILDER TO VERIFY AND OBTAIN CONSENT.

S49. ALL GRATED TRENCH DRAINS IN FRONT OF FIRE EXIT DOORS TO BE SET 100mm AWAY FROM DOOR (TYPICAL).

EROSION CONTROL

EC1. BEFORE EARTHWORKS CAN COMMENCE THE EROSION & SEDIMENT CONTROL MEASURES MUST BE IN PLACE.

EC2. DURING THE CONSTRUCTION PERIOD, THESE CONTROL MEASURES WILL NEED TO BE INSPECTED & MAINTAINED REGULARLY, ESPECIALLY AFTER STORM EVENTS, BY THE CONTRACTOR.

EC3. ALL WORK IS TO BE CARRIED OUT TO PREVENT EROSION, CONTAMINATION & SEDIMENTATION OF THE STORAGE SITE, SURROUNDING AREAS & DRAINAGE SYSTEMS.

EC4. MINIMIZE DISTURBED AREA COVERED WITH NATURAL VEGETATION. ONLY THOSE AREAS DIRECTLY REQUIRED FOR CONSTRUCTION ARE TO BE DISTURBED.

EC5. INSTALL EROSION/SEDIMENT CONTROL MEASURES PRIOR TO COMMENCEMENT OF CONSTRUCTION OR EXCAVATION OPERATIONS.

EC6. PROVIDE SILT FENCE/STRAW BAIL BARRIERS TO THE LOW SIDE OF ALL EXPOSED EARTH EXCAVATIONS. TIE SEDIMENT FENCING MATERIAL TO CYCLONE WIRE SECURITY FENCE. SEDIMENT CONTROL FABRIC SHALL BE AN APPROVED MATERIAL (EG. HUMES PROPEX SILT STOP) STANDING 300mm ABOVE GROUND & EXTENDING 150mm BELOW GROUND.

EC7. ISOLATE EXISTING STORMWATER PITS WITH STRAW BALES OR SILT TRAPS TO FILTER ALL INCOMING FLOWS.

EC8. DO NOT STOCKPILE EXCAVATED MATERIAL ON THE ROAD WAY.

EC9. DIVERT CLEAN WATER FROM UNDISTURBED AREAS AROUND THE WORKING AREAS.

EC10. CONSTRUCTION ENTRY/EXIT SHALL BE VIA THE LOCATION NOTED ON THE DRAWING. CONTRACTOR SHALL ENSURE ALL DROPPABLE SOIL & SEDIMENT IS REMOVED PRIOR TO CONSTRUCTION TRAFFIC EXITING SITE. CONTRACTOR SHALL ENSURE ALL CONSTRUCTION TRAFFIC ENTERING AND LEAVING THE SITE DO SO IN A FORWARD DIRECTION.

EC11. TREAT THE STORMWATER RUNOFF WITH SUSPENDED SOLIDS SO THE DISCHARGE WATER QUALITY TO COUNCIL STORMWATER DRAINAGE SYSTEM HAS A MAXIMUM CONCENTRATION OF SUSPENDED SOLIDS THAT DOES NOT EXCEED 50 MILLIGRAMS PER LITRE IN ACCORDANCE WITH THE PROTECTION OF THE ENVIRONMENT OPERATION ACT (POEO 1997) AND SHALL BE APPROVED BY LOCAL COUNCIL

EC12. ADOPT TEMPORARY MEASURES AS MAY BE NECCESSARY FOR EROSION & SEDIMENT CONTROL, INCLUDING BUT NOT LIMITED TO THE FOLLOWING:
DRAINS: TEMPORARY DRAINS AND CATCH DRAINS. SPREADER BANKS OR OTHER
STRUCTURES: TO DISPERSE CONCENTRATED RUNOFF.
SILT TRAPS: CONSTRUCTION AND MAINTENANCE OF SILT TRAPS TO PREVENT DISCHARGE OF SCOURED MATERIAL TO DOWNSTREAM AREAS.

EC13. AFTER RAIN, INSPECT, CLEAN, AND REPAIR IF REQUIRED, TEMPORARY EROSION & SEDIMENT CONTROL MEASURES.

EC14. REMOVE TEMPORARY EROSION &SEDIMENT CONTROL MEASURES WHEN THEY ARE NO LONGER REQUIRED.

EC15. COMPLY WITH THE REQUIREMENTS OF LANDCOM'S MANAGING URBAN STORMWATER SOIL AND CONSTRUCTION 'THE BLUE BOOK' LATEST EDITION.

EC16. THE EROSION & SEDIMENT CONTROL PLAN PROVIDED IS ONLY INDICATIVE. THE CONTRACTOR SHOULD PREPARE A DETAILED ESCP SUITABLE FOR THE SPECIFIC SITE CONDITIONS.

C	ISSUE FOR APPROVAL	SH	27.10.25	02	
B	REVISED ISSUE FOR DA	SH	09.10.25	02	
A	ISSUED FOR DA	SH	05.06.25	02	
P01	PRELIMINARY	SH	04.06.25	01	
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Issuer internal sequence and revision history
1-preliminary 2-development application 3-construction certificate
4-tender 5-construction 6-other

Reference Coordination Drawing

Discipline	Drawing Title and Number	Date	Rev.
ARCH			
STRUCT			
MECH			
ELEC			
HYD			
FIRE			
LANDS			
CIVIL			
SURVEY			

Quality Control

DRAWN -	DATE 27.10.25
CHECKED -	DATE 27.10.25
DESIGNED -	DATE 27.10.25
VERIFIED -	DATE 27.10.25
APPROVED -	DATE 27.10.25

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Scales

Client: GABRYSS

Architect: URBAN LINK ARCHITECTS

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PROJECT
2-10 VICTORIA STREET,
LIDCOMBE
STORMWATER CONCEPT DESIGN

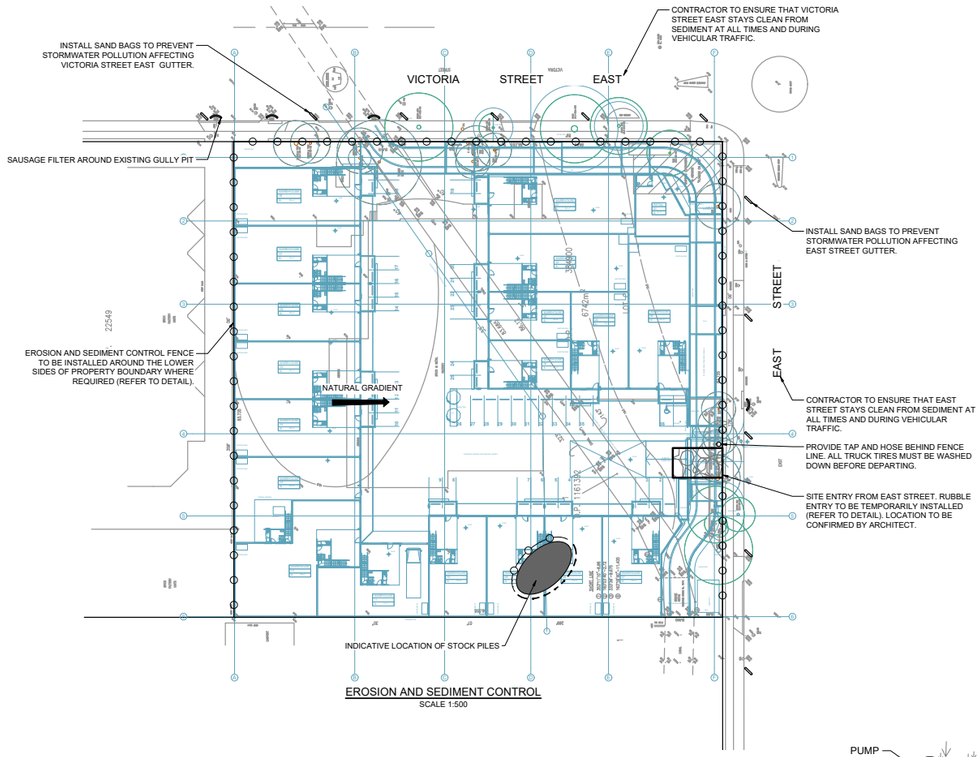
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	A.H.D.	02

Status: ISSUED FOR DA
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Drawing Title: NOTES & LEGEND

Project No.	Set No. - Drg No.	Revision No.
20200440	S01-SW101	C

A1 Plotted Monday, 27 October 2025 1:45:34 PM By PLUMBSGC File Name Z:\Projects\prj2020\20200440 2-10 Victoria Street, Lidcombe\Civil\cad\s01-SW.DWG\20200440_S01-SW101.dwg



EROSION AND SEDIMENT CONTROL
SCALE 1:500

GENERAL NOTES

1. THIS PLAN IS A CONCEPT PLAN ONLY FOR STORMWATER DISPOSAL & EROSION CONTROL. IT IS NOT SUITABLE FOR CONSTRUCTION. THIS PLAN SHOULD BE ADAPTED BY THE BUILDER DURING DEMOLITION, EXCAVATION & CONSTRUCTION PHASES TO ENSURE ADEQUATE PERFORMANCE.
2. ALL DRAINAGE LAYOUT & DETAILS ARE DIAGRAMMATIC & INDICATIVE ONLY. ACTUAL LOCATION, SIZES, LEVELS & GRADES MAY ALTER WHEN DETAIL DESIGN WORKS ARE DOCUMENTED.

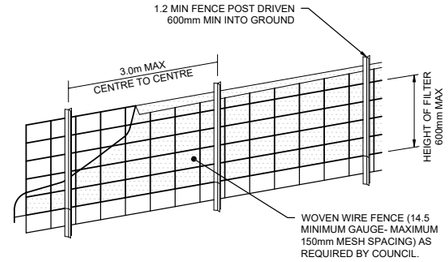
GEOTEXTILE INLET FILTER

GEOTEXTILE INLET FILTER IS PLACED IN EVERY PIT WITHIN THE SITE TO ENSURE THE RUNOFF WATER DURING CONSTUCTION NOT ENTER THE PITS.

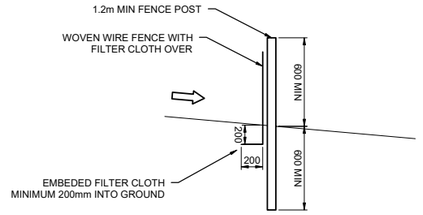
CLAY SOILS

A SYSTEM SHALL BE INSTALLED TO EITHER:

1. TRANSPORT STORMWATER RUNOFF WITH SUSPENDED SOLIDS FROM SITE VIA PUMP TRUCKS.
2. TREAT THE STORMWATER RUNOFF WITH SUSPENDED SOLIDS SO THE DISCHARGE WATER QUALITY TO COUNCIL STORMWATER DRAINAGE SYSTEM HAS A MAXIMUM CONCENTRATION OF SUSPENDED SOLIDS THAT DOES NOT EXCEED 50 MILLIGRAMS PER LITRE IN ACCORDANCE WITH THE PROTECTION OF THE ENVIRONMENT OPERATION ACT (POEO 1997) AND SHALL BE APPROVED BY LOCAL COUNCIL.



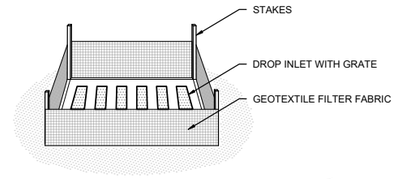
DIAGRAMMATIC VIEW

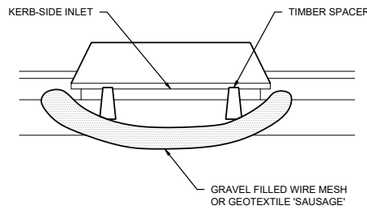


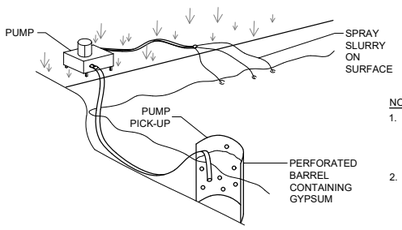
TYPICAL SECTION

SEDIMENT FENCE

NOT TO SCALE

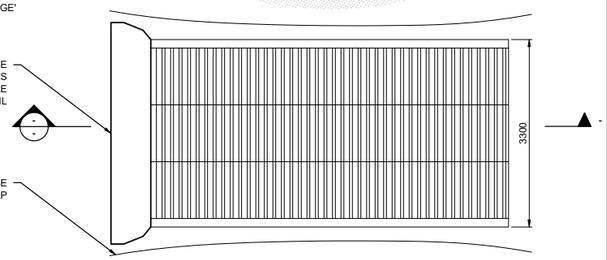






FLOCCULATION DETAIL
NOT TO SCALE

NOTE:
1. FLOCCULATION TO BE USED IF WATER IS NOT CLEAR (ie. SEDIMENT GREATER THAN 50 mg/L) PRIOR TO DISCHARGING FROM TEMPORARY PUMP OUT
2. FOR RATES & AGENTS SEE APPENDIX E OF NEW SOUTH WALES DEPARTMENT OF HOUSING "MANAGING URBAN STORMWATER SOILS & CONSTRUCTION".



PLAN VIEW

CONSTRUCTION NOTES

FABRICATE A SLEEVE MADE FROM GEOTEXTILE OR WIRE MESH LONGER THAT THE LENGTH OF THE INLET PIT

FILL THE SLEEVE WITH 25mm TO 50mm GRAVEL

FORM AN ELLIPTICAL CROSS-SECTION OF THE KERB INLET LEAVING A 100mm GAP AT THE TOP TO ACT AS AN EMERGENCY SPILLWAY

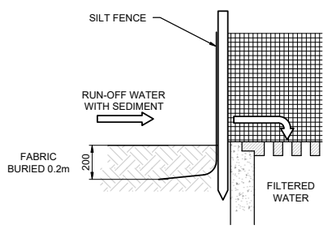
MAINTAIN THE OPENING WITH SPACER BLOCKS

FORM A SEAL WITH THE KERBING AND PREVENT SEDIMENT BYPASSING THE FILTER

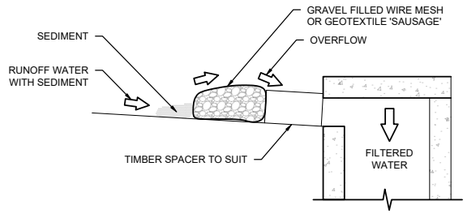
FIT TO ALL KERB INLETS AT SAG POINTS

EROSION & SEDIMENTATION CONTROL NOTES

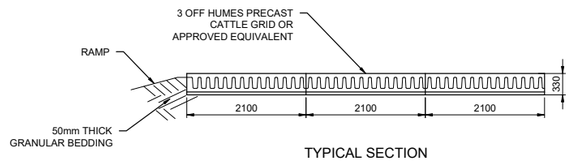
1. CONTRACTOR SHALL PROVIDE SEDIMENT FENCING MATERIAL DURING CONSTRUCTION TO THE LOW SIDE OF THE WORKS. TIE SEDIMENT FENCING MATERIAL TO CYCLONE WIRE SECURITY FENCE. SEDIMENT CONTROL FABRIC SHALL BE AN APPROVED MATERIAL (EG. HUMES PROPEX SILT STOP) STANDING 300mm ABOVE GROUND & EXTENDING 150mm BELOW GROUND.
2. EXISTING DRAINS LOCATED WITHIN THE SITE SHALL ALSO BE ISOLATED BY SEDIMENT FENCING MATERIAL.
3. NO PARKING OR STOCKPILING OF MATERIALS IS PERMITTED ON THE LOWER SIDE OF THE SEDIMENT FENCE.
4. GRASS VERGES SHALL BE MAINTAINED AS MUCH AS PRACTICAL TO PROVIDE A BUFFER ZONE TO THE CONSTRUCTION SITE.
5. CONSTRUCTION ENTRY/EXIT SHALL BE VIA THE LOCATION NOTED ON THE DRAWING. CONTRACTOR SHALL ENSURE ALL DROPPABLE SOIL & SEDIMENT IS REMOVED PRIOR TO CONSTRUCTION TRAFFIC EXITING SITE. CONTRACTOR SHALL ENSURE ALL CONSTRUCTION TRAFFIC ENTERING & LEAVING THE SITE DO SO IN A FORWARD DIRECTION.



GEOTEXTILE INLET FILTER
NOT TO SCALE



GRAVEL INLET FILTER (SAUSAGE)
NOT TO SCALE



TYPICAL SECTION

'CATTLE GRID' ALTERNATIVE
TEMPORARY CONSTRUCTION EXIT - NOT TO SCALE

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B	REVISED ISSUE FOR DA	SH	09.10.25	02	
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ARCH			
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LANDS			
CIVIL			
SURVEY			

Quality Control

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CHECKED -	DATE 27.10.25
DESIGNED -	DATE 27.10.25
VERIFIED -	DATE 27.10.25
APPROVED -	DATE 27.10.25

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Scales
0m 5 10 15 20 25
SCALE 1:500 ON ORIGINAL SIZE

Client
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Architect
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STORMWATER CONCEPT DESIGN

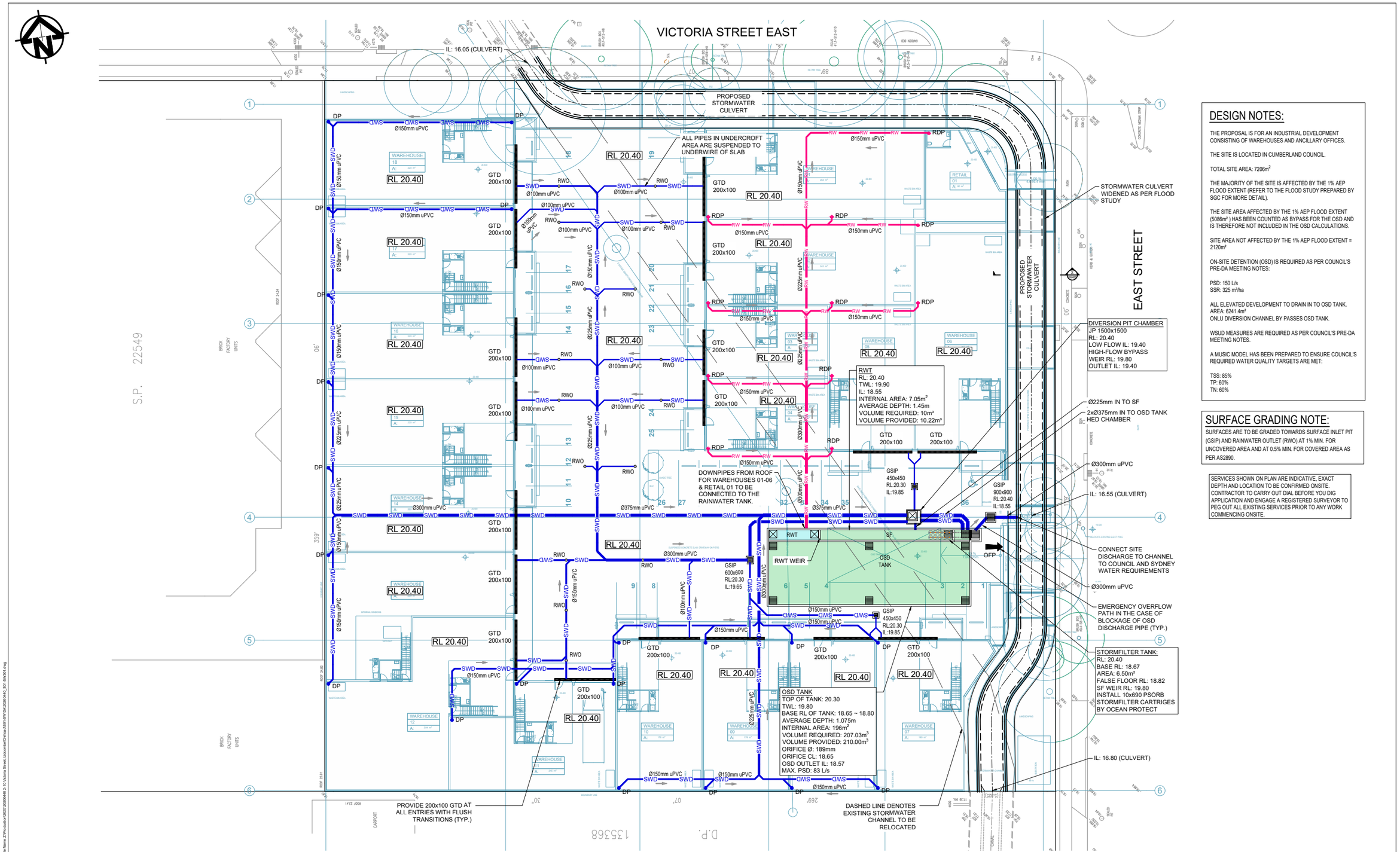
Grid	Datum	Sheet
	A.H.D.	03

Status: ISSUED FOR DA
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Drawing Title
EROSION & SEDIMENT CONTROL PLAN & DETAILS

Project No.	Set No. - Drg No.	Revision No.
20200440	S01-SW201	C

A1 Plotted Monday, 27 October 2025 1:42:27 PM By PRJANISIC File Name: Z:\Production\2020\20200440 2-10 Victoria Street, Lidcombe\Civil\sd\S01-SW DA\20200440_S01-SW201.dwg



DESIGN NOTES:

THE PROPOSAL IS FOR AN INDUSTRIAL DEVELOPMENT CONSISTING OF WAREHOUSES AND ANCILLARY OFFICES.

THE SITE IS LOCATED IN CUMBERLAND COUNCIL.

TOTAL SITE AREA: 7206m²

THE MAJORITY OF THE SITE IS AFFECTED BY THE 1% AEP FLOOD EXTENT (REFER TO THE FLOOD STUDY PREPARED BY SGC FOR MORE DETAIL).

THE SITE AREA AFFECTED BY THE 1% AEP FLOOD EXTENT (5086m²) HAS BEEN COUNTED AS BYPASS FOR THE OSD AND IS THEREFORE NOT INCLUDED IN THE OSD CALCULATIONS.

SITE AREA NOT AFFECTED BY THE 1% AEP FLOOD EXTENT = 2120m²

ON-SITE DETENTION (OSD) IS REQUIRED AS PER COUNCIL'S PRE-DA MEETING NOTES:

PSD: 150 L/s
SSR: 325 m³/ha

ALL ELEVATED DEVELOPMENT TO DRAIN IN TO OSD TANK.
AREA: 6241.4m²
ONLU DIVERSION CHANNEL BY PASSES OSD TANK.

WSUD MEASURES ARE REQUIRED AS PER COUNCIL'S PRE-DA MEETING NOTES.

A MUSIC MODEL HAS BEEN PREPARED TO ENSURE COUNCIL'S REQUIRED WATER QUALITY TARGETS ARE MET:

TSS: 85%
TP: 60%
TN: 60%

SURFACE GRADING NOTE:

SURFACES ARE TO BE GRADED TOWARDS SURFACE INLET PIT (GSIP) AND RAINWATER OUTLET (RWO) AT 1% MIN. FOR UNCOVERED AREA AND AT 0.5% MIN. FOR COVERED AREA AS PER AS2890.

SERVICES SHOWN ON PLAN ARE INDICATIVE, EXACT DEPTH AND LOCATION TO BE CONFIRMED ONSITE. CONTRACTOR TO CARRY OUT DIAL BEFORE YOU DIG APPLICATION AND ENGAGE A REGISTERED SURVEYOR TO PEG OUT ALL EXISTING SERVICES PRIOR TO ANY WORK COMMENCING ONSITE.

C	ISSUE FOR APPROVAL	SH	27.10.25	02
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A	ISSUED FOR DA	SH	05.06.25	02
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SCALE 1:200 ON ORIGINAL SIZE

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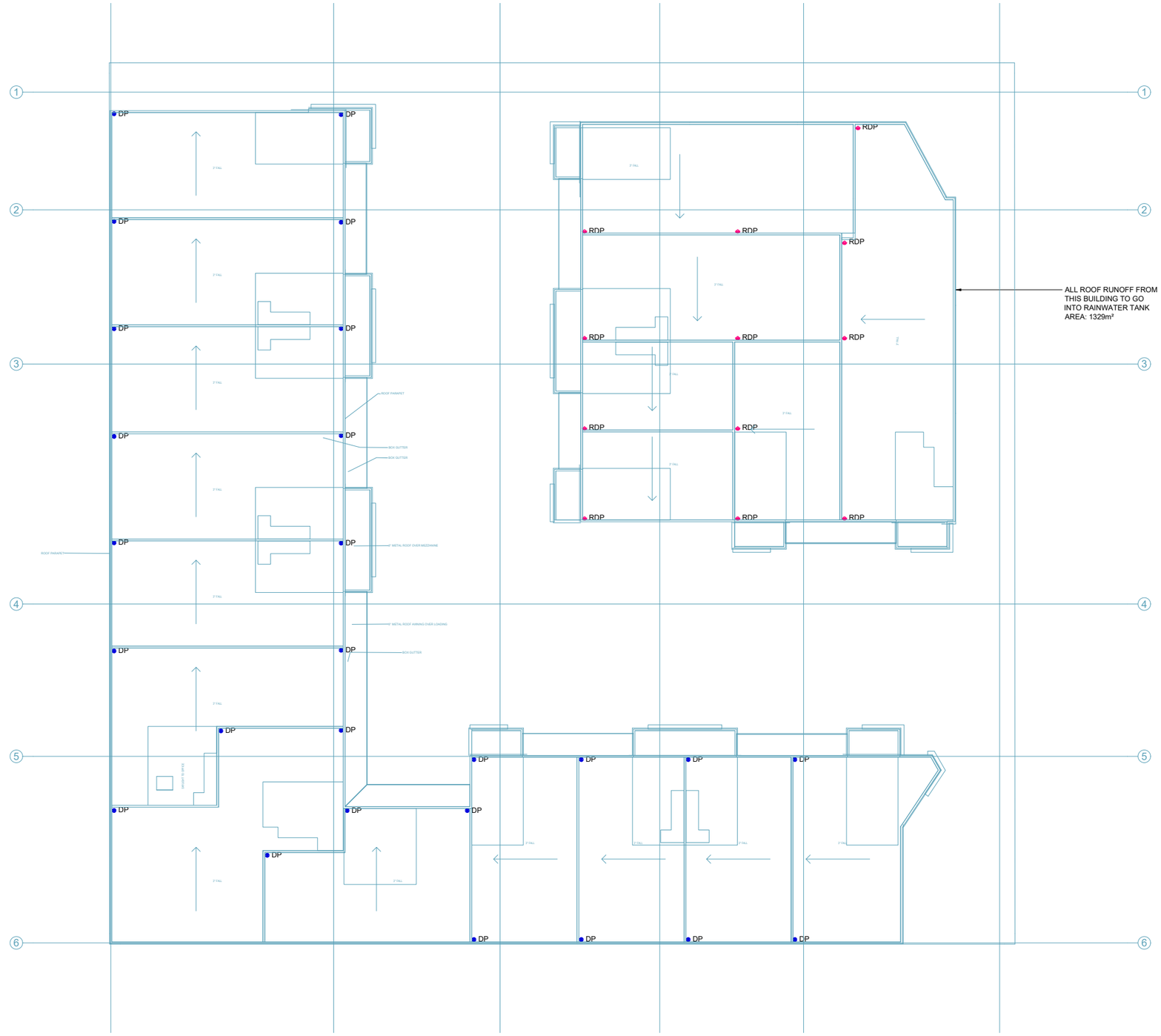
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Status: ISSUED FOR DA
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Drawing Title
STORMWATER CONCEPT DESIGN
GROUND FLOOR PLAN

Project No.	Set No. - Drg No.	Revision No.
20200440	S01-SW301	C

A1 Plotted:Monday, 27 October 2025 1:42:39 PM By PULIANSGC File Name Z:\Projects\2020\20200440\2-10 Victoria Street, Lidcombe\Cad\sw\S01-SW DA\20200440_S01-SW301.dwg



Issue	Last revision title	By	Date	Status
C	ISSUE FOR APPROVAL	SH	27.10.25	02
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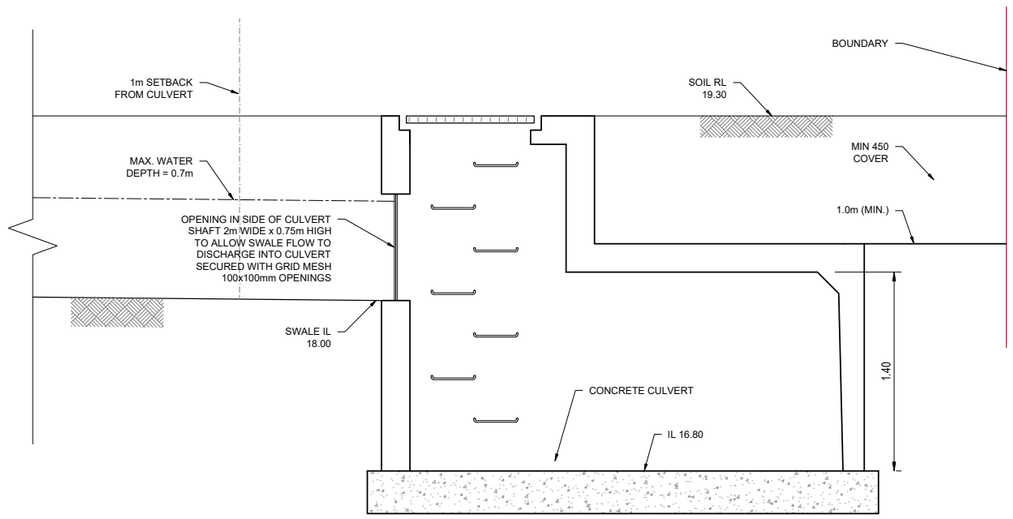
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Drawing Title
STORMWATER CONCEPT DESIGN
ROOF PLAN

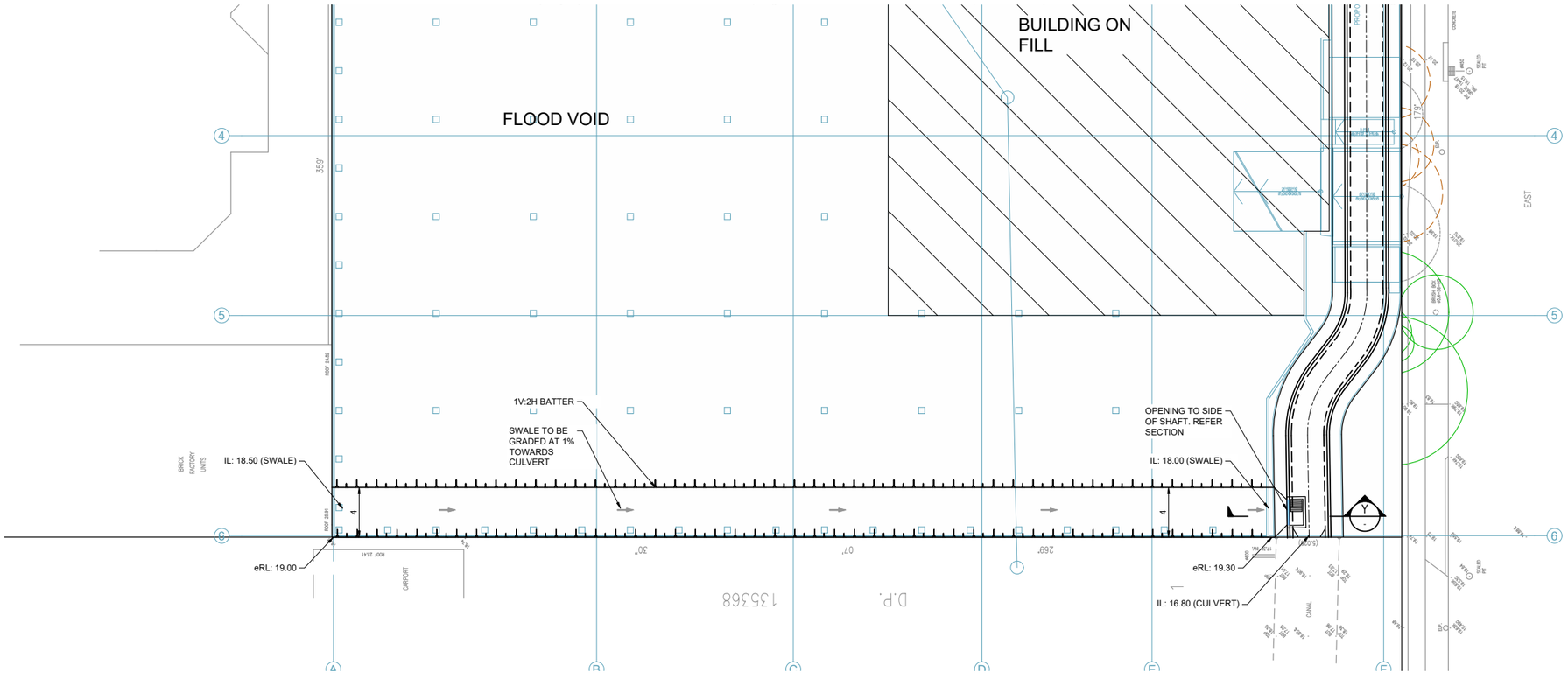
Project No.	Set No. - Drg No.	Revision No.
20200440	S01-SW302	C

A1 Plotted Monday, 27 October 2025 1:42:41 PM By PLUANSGC File Name Z:\Pro\Sub\sort\2020\20200440\2-10 Victoria Street, Lidcombe\Civil\sd\S01-SW SW\20200440_S01-SW302.dwg



SECTION Y

CONNECTION OF SWALE TO CULVERT
SCALE 1: 20



C	ISSUE FOR APPROVAL	SH	27.10.25	01	
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LIDCOMBE
STORMWATER CONCEPT DESIGN

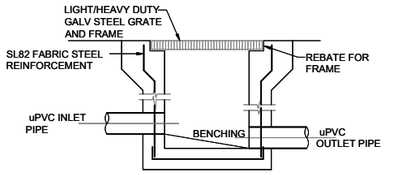
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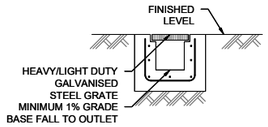
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Project No.	Set No. - Drg No.	Revision No.
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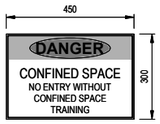
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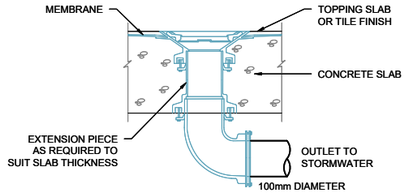
STORMWATER PIT
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GRATED TRENCH DRAIN
N.T.S.

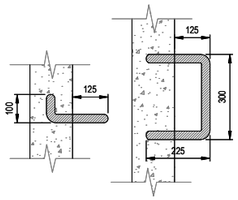


CONFINED SPACE SIGN
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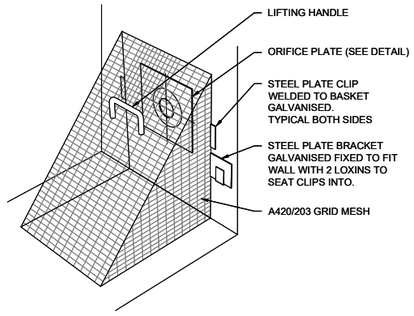


RAINWATER OUTLET
N.T.S.

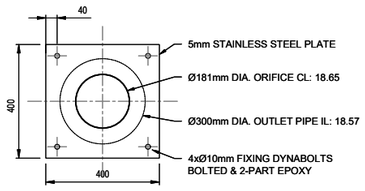
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ORIFICE REDUCED FROM 189mm TO 181mm



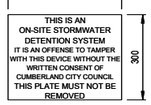
STEP IRONS
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DEBRIS SCREEN
N.T.S.



OSD ORIFICE PLATE
N.T.S.

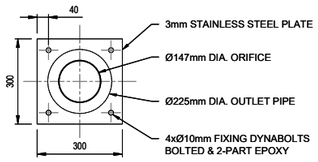


OSD SIGN
N.T.S.

CUMBERLAND COUNCIL - OSD CALCULATIONS

Project: Proposed MIXED USE Development — Lot No.
Location: 2-10 Victoria Street, Lidcombe — DP No.
Phone: 02 88834239

OSD Catchment	UPRCT		UPRCT - Drowned
Site Area	0.6241		0.00000
Basic Storage Volume	202.83		0.00
Basic Discharge	93.62		0.00
Area of Site to Storage	0.624	100%	0.00000
Percentage of Site	.		0.00
Storage per ha of contributing area	325.00		0.00
Volume/PSD Adjustment	132.95		0.05
PSD for site	82.915		0.000
Maximum Head to Orifice Centre	1.15		0.00
Calculated Orifice Diameter	0.189		
Maximum discharge	82.982		0.000
Head for high early discharge	1.050		0.000
High Early Discharge	79.292	96%	0.000
Mean Discharge	81.137		0.000
Average Discharge per Hectare	130.006		0.000
Final Site Storage Ratio	332		0
Site Storage Volume	207.03		0.00
Volume Provided	210.00	101%	0.00
Checked By:	Sam Haddad		
Date Checked:	4-Jun-25		



SF LOW FLOW ORIFICE PLATE
N.T.S.

SITEWORKS LEGEND

- SWD — STORMWATER LINE
- RW — RW — STORMWATER LINE TO RAINWATER TANK
- OF — OF — RAINWATER TANK OVERFLOW PIPE
- SS — SS — SUBSOIL LINE
- SWRM — SWRM — STORMWATER RISING MAIN
- S — S — AUTHORITY SEWER LINE
- W — W — AUTHORITY WATER LINE
- G — G — AUTHORITY GAS LINE
- OH — OH — AUTHORITY OVER HEAD ELECTRICITY LINE
- E — E — AUTHORITY UNDERGROUND ELECTRICITY LINE
- T — T — AUTHORITY COMMS LINE
- GRATED SURFACE INLET PIT
- GRATED SURFACE INLET PIT WITH ENVIROPOD INSERT
- JUNCTION PIT
- GRATED TRENCH DRAIN
- RWO — RAINWATER OUTLET
- CO — CLEAR OUT POINT
- DDO — DISH DRAIN OUTLET
- PD — PLANTER DRAIN
- DOWNPIPE DROP
- DP — DOWNPIPE
- WARNING LIGHT
- 00.00 — FINISH SURFACE LEVEL

ABBREVIATIONS:

Ø or DIA	DIAMETER
CO	CLEAR OUT
DDO	DISH DRAIN OUTLET
DP	DOWNPIPE
e	EXISTING
FFL	FINISHED FLOOR LEVEL
GTD	GRATED TRENCH DRAIN
GSIP	GRATED SURFACE INLET PIT
IL	INVERT LEVEL
KIP	KERB INLET PIT
NGL	NATURAL GROUND LEVEL
OFP	OVERLAND FLOWPATH
OSD	ON-SITE DETENTION
RCP	REINFORCED CONCRETE PIPE
RL	REDUCED LEVEL
RWT	RAINWATER TANK
SW	STORMWATER
SWP	STORMWATER PIT
SWRM	STORMWATER RISING MAIN
SWS	STORMWATER SUMP
TOK	TOP OF KERB
TOW	TOP OF WALL
UPVC	

C	ISSUE FOR APPROVAL	SH	27.10.25	02	
B	REVISED ISSUE FOR DA	SH	09.10.25	02	
A	ISSUED FOR DA	SH	05.06.25	02	
P01	PRELIMINARY	SH	04.06.25	01	
Issue	Last revision title	By	Date	Status	

Issuer internal sequence and revision history
1-preliminary 2-development application 3-construction certificate 4-tender 5-construction 6-other

Reference Coordination Drawing

Discipline	Drawing Title and Number	Date	Rev.
ARCH			
STRUCT			
MECH			
ELEC			
HYD			
FIRE			
LANDS			
CIVIL			
SURVEY			

Quality Control

DRAWN -	DATE 27.10.25
CHECKED -	DATE 27.10.25
DESIGNED -	DATE 27.10.25
VERIFIED -	DATE 27.10.25
APPROVED -	DATE 27.10.25

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Scales

Client: GABRYSS

Architect: URBAN LINK ARCHITECTS

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A.B.N. 21 118 222 530

PROJECT
2-10 VICTORIA STREET,
LIDCOMBE
STORMWATER CONCEPT DESIGN

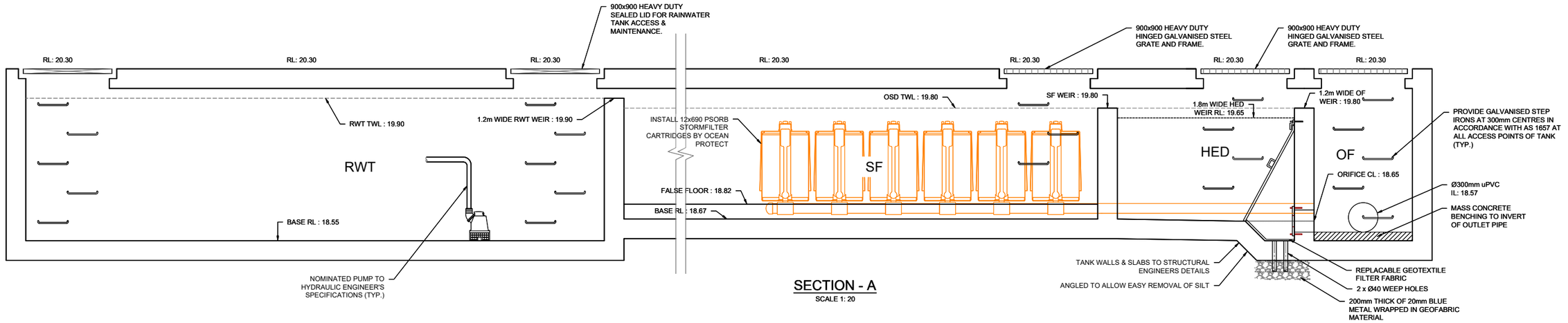
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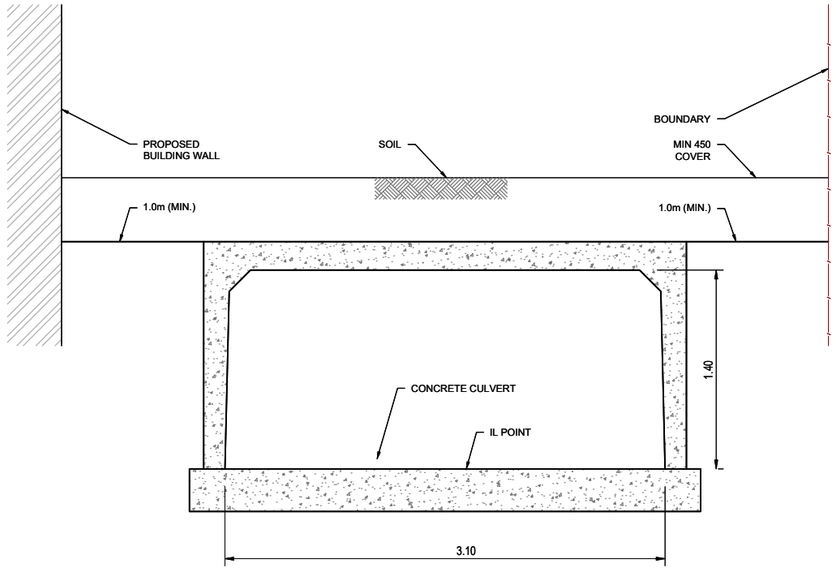
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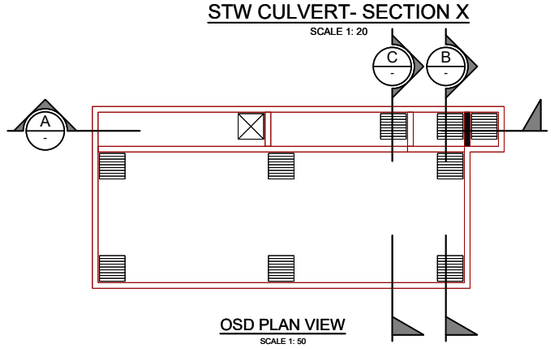
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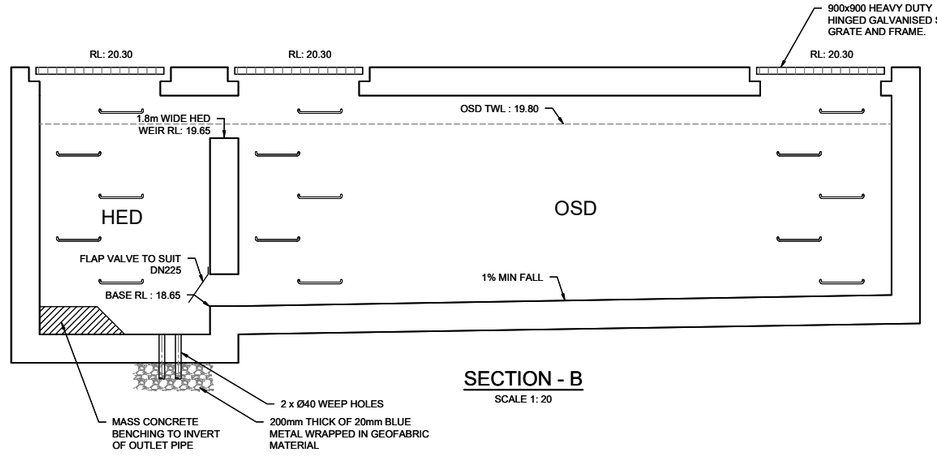
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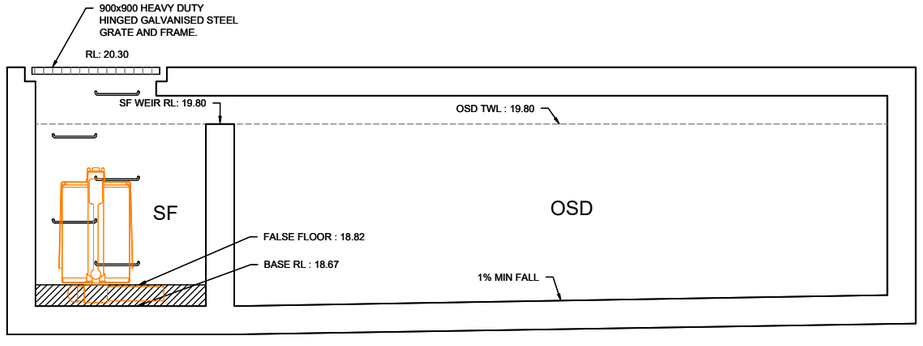
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SCALE 1: 20



OSD PLAN VIEW
SCALE 1: 50



SECTION - B
SCALE 1: 20



SECTION - C
SCALE 1: 20

C	ISSUE FOR APPROVAL	SH	27.10.25	02
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A	ISSUED FOR DA	SH	05.06.25	02
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ARCH			
STRUCT			
MECH			
ELEC			
HYD			
FIRE			
LANDS			
CIVIL			
SURVEY			

Quality Control

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CHECKED -	DATE 27.10.25
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APPROVED -	DATE 27.10.25

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Architect: URBAN LINK ARCHITECTS

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PROJECT
2-10 VICTORIA STREET,
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STORMWATER CONCEPT DESIGN

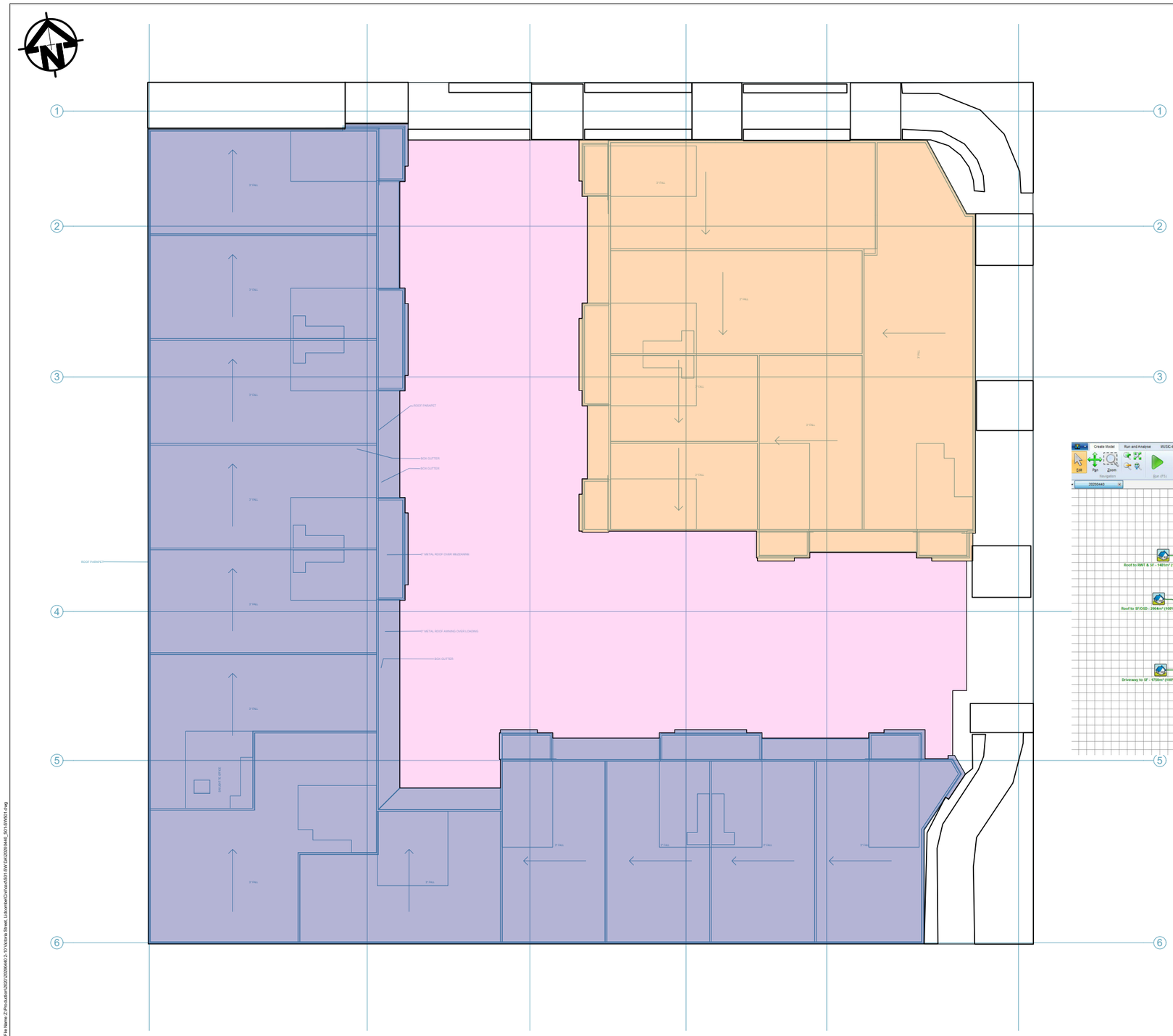
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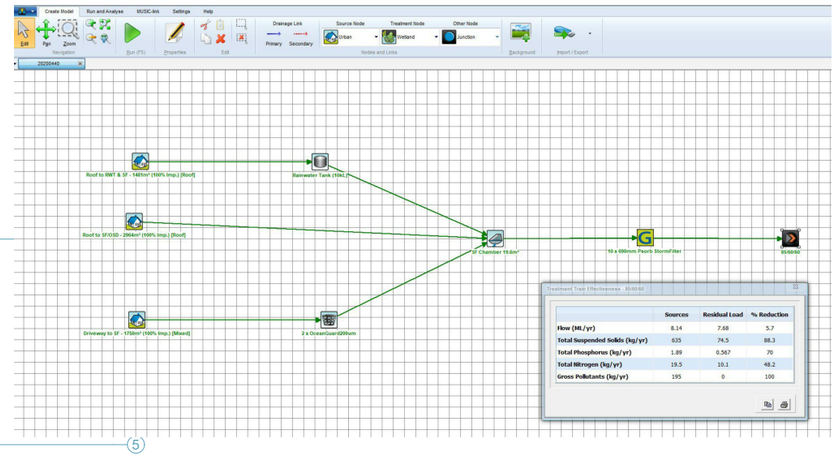
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LEGEND

- ROOF AREA TO RWT & SF (100% IMPERVIOUS) AREA: 1481m^2
- DRIVEWAY AREA TO SF (100% IMPERVIOUS) AREA: 1750m^2
- ROOF AREA TO SF (100% IMPERVIOUS) AREA: 2964m^2



C	ISSUE FOR APPROVAL	SH	27.10.25	02
B	REVISED ISSUE FOR DA	SH	09.10.25	02
A	ISSUED FOR DA	SH	05.06.25	02
P01	PRELIMINARY	SH	04.06.25	01
Issue	Last revision title	By	Date	Status

Issuer internal sequence and revision history
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Reference Coordination Drawing			
Discipline	Drawing Title and Number	Date	Rev.
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STRUCT			
MECH			
ELEC			
HYD			
FIRE			
LANDS			
CIVIL			
SURVEY			

Quality Control	
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Scales
0m 2 4 6 8 10
SCALE 1:200 ON ORIGINAL SIZE

Client
GABRYSS

Architect
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PROJECT
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LIDCOMBE
STORMWATER CONCEPT DESIGN

Grid	Datum	Sheet
	A.H.D.	09

Status
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Drawing Title
STORMWATER GRADING DESIGN
MUSIC CATCHMENT
PLAN & DETAILS

Project No.	Set No. - Drg No.	Revision No.
20200440	S01-SW501	C

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DOCUMENTS ASSOCIATED WITH REPORT ELPP031/25

Attachment 5

Clause 4.6 Variation Request - Foreshore Area

ANNEXURE B

Clause 4.6 Variation -
Foreshore Building Line



CLAUSE 4.6 VARIATION STATEMENT – FORESHORE BUILDING LINE (CLAUSE 6.3)

1. INTRODUCTION

This Variation Statement has been prepared in accordance with Clause 4.6 of the Cumberland Local Environmental Planning Plan 2021 (CLEP 2021) to accompany the proposed development. The application seeks consent for the '*Demolition of existing buildings and the construction of new industrial warehouse development comprising of 18 industrial units, a retail tenancy and car parking for 36 vehicles*' at Nos. 2-10 Victoria Street East, Lidcombe ('the site').

This Clause 4.6 Written Request for Exception to a Development Standard has been prepared in accordance with the NSW Department of Planning and Environment's "Guide to Varying Development Standards" (November 2023) and relevant decisions in the New South Wales Land and Environment Court (the Court). In particular, it is noted that the requirements of Clause 4.6(4) have been deleted which remove the need for the consent authority to be satisfied that the proposed development will be in the public interest because it is consistent with the objectives of the standard and the zone.

The following two Court judgments provide a clear outline of the matters required to be addressed under Clause 4.6, including the structure of such requests:

- *Brigham v Canterbury-Bankstown Council* [2018] NSWLEC 1406; and
- *Initial Action Pty Ltd v Woollahra Municipal Council* [2018] NSWLEC 118.

The Court has established principles that are to be addressed in relation to whether a variation to a development standard should be approved by a consent authority. The relevant tests to be considered are set out in the judgement of Justice Lloyd in *Winten Property Group Ltd v North Sydney Council [2001] 130 LGERA 79*. The relevant tests were revisited by Chief Justice Preston in the decision of *Wehbe v Pittwater Council [2007] NSW LEC 827 (Wehbe)*. Although the Winton Property Group and Wehbe judgment refer to variations to development standards submitted under State Environmental Planning Policy 1 – Development Standards (SEPP 1) the principles and tests contained therein remain applicable to a variation request under Clause 4.6 in the NSW Standard Instrument as confirmed by the Court in the following judgments:

- *Four2Five Pty Ltd v Ashfield Council* [2015] NSWLEC 1009 (Four2Five);
- *Micaul Holdings Pty Limited v Randwick City Council* [2015] NSWLEC 1386;
- *Al Maha Pty Ltd v Huajun Investments Pty Ltd* [2018] NSWCA 245;
- *Baron Corporation Pty Limited v Council of the City of Sydney* [2019] NSWLEC 61;
- *Rebel MH Neutral Bay Pty Ltd v North Sydney Council* [2018] NSWLEC 191;
- *SJD DB2 Pty Ltd v Woollahra Municipal Council* [2020] NSWLEC 1112;
- *Woollahra Municipal Council v SJD DB2 Pty Limited* [2020] NSWLEC 115.

It is important to note at the outset that clause 4.6 of the LEP "is as much a part of [the LEP] as the clauses with development standards. Planning is not other than orderly simply because there is reliance on cl 4.6 for an appropriate planning outcome." (*SJD DB2 Pty Ltd v Woollahra Municipal Council* [2020] NSWLEC 1112 at [73]).

In our opinion, the variation achieves the objectives of the development standard and has demonstrated there are sufficient environmental planning grounds to justify contravening the development standard.

2. THE DEVELOPMENT STANDARD

Clause 6.3 (3) of CLEP 2021 relates to the limited development within the Foreshore Area, being the portion of the site between the Foreshore Building Line and the MHWM. The relevant LEP map identifies the subject site as having a Foreshore Building Line that traverses the site.

The foreshore area is defined as:

> *Foreshore Area means the land between the foreshore building line and the mean high water mark of the nearest bay or river.*

The location of the foreshore building line is shown in **Figure 1** below.

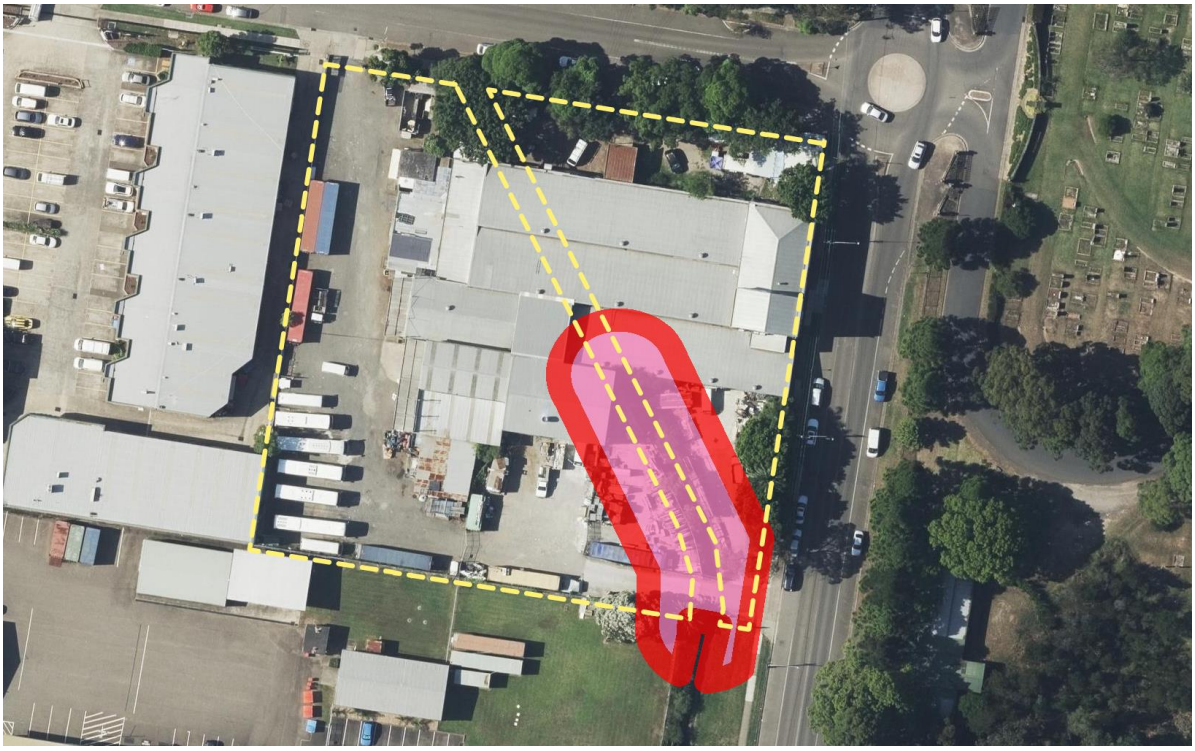


Figure 1 Map of the subject site with the foreshore building line indicated in red (site outline dashed in yellow)

Clause 6.3(3) limits development within the foreshore area to the following:

> *(3) Development consent must not be granted for development on land to which this clause applies except for the following purposes—*
>
> *(a) the extension, alteration or rebuilding of an existing building wholly or partly in the foreshore area,*
>
> *(b) the erection of a building in the foreshore area, if the levels, depth or other exceptional features of the site make it appropriate to do so,*
>
> *(c) boat sheds, sea retaining walls, wharves, slipways, jetties, waterway access stairs, swimming pools, fences, cycleways, walking trails, picnic facilities or other recreation facilities (outdoors).*

(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.

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 C2 Environmental Conservation, Zone C3 Environmental Management or Zone C4 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.

The development standards in Clause 6.3 are not “expressly excluded” from the operation of Clause 4.6.

Objective 1(a) of Clause 4.6 is satisfied by the discretion granted to a consent authority by virtue of Subclause 4.6(2) and the limitations to that discretion contained in Subclauses (3) to (8). This submission will address the requirements of Subclause 4.6(3) in order to demonstrate to Council that the exception sought is consistent with the exercise of “an appropriate degree of flexibility” in applying the development standard and is therefore consistent with objective 1(a). In this regard, the extent of the discretion afforded by Subclause 4.6(2) is not numerically limited, in contrast with the development standards referred to in, Subclause 4.6(6).

Objective 1(b) of Clause 4.6 is addressed later in this request.

5. THAT COMPLIANCE WITH THE DEVELOPMENT STANDARD IS UNREASONABLE OR UNNECESSARY IN THE CIRCUMSTANCES OF THE CASE (CLAUSE 4.6(3)(a))

Of relevance 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 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)."*

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.*

Relevantly, in *Initial Action Pty Ltd v Woollahra Municipal Council [2018] NSWLEC 118* (paragraph 16), Preston CJ makes reference to *Wehbe* and states:

> *"…Although that was said in the context of an objection under State Environmental Planning Policy No 1 – Development Standards to compliance with a development standard, the discussion is equally applicable to a written request under cl 4.6 demonstrating that compliance with a development standard is unreasonable or unnecessary."*

Clause 4.6(3)(a) requires that the written request to vary a development standard demonstrate that compliance with the development standard is unnecessary or unreasonable in the circumstances of the case.

The objectives and relevant provisions of Clause 6.3 of CLEP 2021 are as follows, inter alia:

> *(1) The objective of this clause is to ensure that development in the foreshore area will not—*
>
> *(a) impact on natural foreshore processes, or*
>
> *(b) affect the significance and amenity of the area.*

To address the requirements of Subclause 4.6(4)(a)(ii), the objectives of Clause 6.3 are addressed in turn below.

Objective (a) To ensure that development in the foreshore area will not impact on natural foreshore processes.

The 'foreshore area' within the subject site currently consist of a stormwater channel with no scenic qualities, is non-tidal, and contains no riparian vegetation. In this regard, relocating the stormwater channel to allow for the site to be developable will have no environmental impacts nor will it impact on natural foreshore processes.

The proposal is therefore consistent with objective (a), despite the breach of the development standard.

Objective (b) To ensure that development in the foreshore area will not affect the significance and amenity of the area.

The proposed construction within the 'foreshore area' and relocation of the existing stormwater channel will not give way to any new amenity impacts to the area.

The proposal is therefore consistent with objective (b), despite the breach of the development standard.

On this basis, the requirements of Clause 4.6(3)(a) are satisfied. Notably, under Clause 4.6(3)(b) a consent authority must now be satisfied that there are sufficient planning grounds for the contravention of a development standard. Clause 4.6(3)(b) is addressed in Section 6 below.

6. SUFFICIENT ENVIRONMENTAL PLANNING GROUNDS (CLAUSE 4.6(3)(B))

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. Specifically, Preston CJ in *Initial Action Pty Ltd v Woollahra Municipal Council [2018] NSWLEC 118* (paragraph 24) states:

> *The environmental planning grounds relied on in the written request under cl 4.6 must be "sufficient". There are two respects in which the written request needs to be "sufficient". First, the environmental planning grounds advanced in the written request must be sufficient "to justify contravening the development standard". The focus of cl 4.6(3)(b) is on the aspect or element of the development that contravenes the development standard, not on the development as a whole, and why that contravention is justified on environmental planning grounds. 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: see Four2Five Pty Ltd v Ashfield Council [2015] NSWCA 248 at [15]. Second, the written request must demonstrate that there are sufficient environmental planning grounds to justify contravening the development standard so as to enable the consent authority to be satisfied under cl 4.6(4)(a)(i) that the written request has adequately addressed this matter: see Four2Five Pty Ltd v Ashfield Council [2015] NSWLEC 90 at [31].*

The assessment of this numerical non-compliance is also guided by the decisions of the NSW LEC in *Four2Five Pty Ltd v Ashfield Council* [2015] NSWLEC 90 whereby Justice Pain ratified the decision of Commissioner Pearson. On the above basis, the following environmental planning grounds are submitted to justify contravening the foreshore area:

1. The proposed variation results will result in a construction within the existing foreshore which can be considered acceptable on due to specific environment features, such as the watercourse is in a culvert and has no scenic qualities, the water course is non-tidal and there is no MHWM and the watercourse contains no riparian vegetation and planning controls do not seek to reinstate a riparian vegetation corridor.
2. The proposed works within the foreshore will not cause environmental harm such as pollution or siltation of the waterway, adverse impact upon flora and fauna, adverse impact on surrounding uses, or adverse impact upon drainage patterns.
3. Requiring full compliance with the development standard would require the proposed development to be significantly limited in its development potential in order to protect 'foreshore area' with no environmental qualities. Insistence on full compliance with the development standard will not bring about any positive benefits for the amenity of adjoining properties and will hinder social and economic benefits offered by the proposed development.
4. The proposed works within the foreshore do not bring with it a form of development on the site that is greater than anticipated by the controls or inconsistent with the character for the locality generally. The overall built form is reflective of the scale and form reasonably anticipated within the locality and zoning.
5. The proposed development meets the objectives of the development standard and meets the objectives of the E4 General Industrial zone because:
    a. The proposal will enable the provision of both industrial and warehouse uses close to major transport modes including rail and road (such as the M4 Motorway and the Enfield Intermodal).
    b. The proposed works ensures that the subject site continues to be an efficient and viable use of land for industrial uses.
    c. The proposed development does not have any significant impacts on other land uses, particularly residential land uses.
    d. It will create employment opportunities (direct and indirect) within the Cumberland LGA.
    e. The proposal will allow for the provision of one retail space in order to provide facilities and services to meet the needs of businesses and workers.
6. The proposed development achieves the objects in Section 1.3 of the EP&A Act, specifically:
    a. The proposal promotes the orderly and economic use and development of land through the redevelopment of an underutilised site for residential uses (1.3(c));
    b. The proposed developed promotes good design and amenity of the built environment through a well-considered design which is responsive to its setting and context (1.3(g)).

The above environmental planning grounds are not general propositions. They are unique circumstances to the proposed development, particularly the topography of the site. The variation allows improved landscaping and amenity within the foreshore area while avoiding and minimising impacts upon landform, having only positive outcomes for the character of the locality including site as viewed from the foreshore.

It is noted that in *Initial Action Pty Ltd v Woollahra Municipal Council [2018] NSWLEC 118,* Preston CJ clarified what items a Clause 4.6 does and does not need to satisfy. Importantly, there does not need to be a "better" planning outcome:

> *86. The second way is in an error because it finds no basis in cl 4.6. Clause 4.6 does not directly or indirectly establish a test that the non-compliant development should have a neutral or beneficial effect relative to a*

compliant development. This test is also inconsistent with objective (d) of the height development standard in cl 4.3(1) of minimising the impacts of new development on adjoining or nearby properties from disruption of views or visual intrusion. Compliance with the height development standard might be unreasonable or unnecessary if the non-compliant development achieves this objective of minimising view loss or visual intrusion. It is not necessary, contrary to what the Commissioner held, that the non-compliant development have no view loss or less view loss than a compliant development.

87. The second matter was in cl 4.6(3)(b). I find that the Commissioner applied the wrong test in considering this matter by requiring that the development, which contravened the height development standard, result in a "better environmental planning outcome for the site" relative to a development that complies with the height development standard (in [141] and [142] of the judgment). Clause 4.6 does not directly or indirectly establish this test. The requirement in cl 4.6(3)(b) is that there are sufficient environmental planning grounds to justify contravening the development standard, not that the development that contravenes the development standard have a better environmental planning outcome than a development that complies with the development standard.

As outlined above, it is considered that in many respects, the proposal will provide for a better planning outcome than a strictly compliant development. At the very least, there are sufficient environmental planning grounds to justify contravening the development standard in the circumstances of this case, as required in Clause 4.6(3)(b).

7. CONCLUSION

This written request has been prepared in relation to the proposed variation to the limited development on foreshore area development standard contained in CLEP 2021.

Despite the non-compliance with the foreshore area development standard, the proposed works within the foreshore area are acceptable due to unique site feature and is anticipated by the planning controls under the CLEP and CDCP.

The proposal provides well considered works within the foreshore that will not impact upon natural foreshore processes, while also contributing to the amenity of the site for future users of the site. Furthermore, the proposed development will not have an adverse impact on the amenity of adjoining properties.

The request explains that it is unreasonable and unnecessary to require strict compliance with the foreshore area development standard. In addition, this request demonstrates that there are sufficient site-specific environmental planning grounds to justify the variation. On that basis, the request to vary Clause 6.3 of CLEP 2021 should be upheld.

DOCUMENTS ASSOCIATED WITH REPORT ELPP031/25

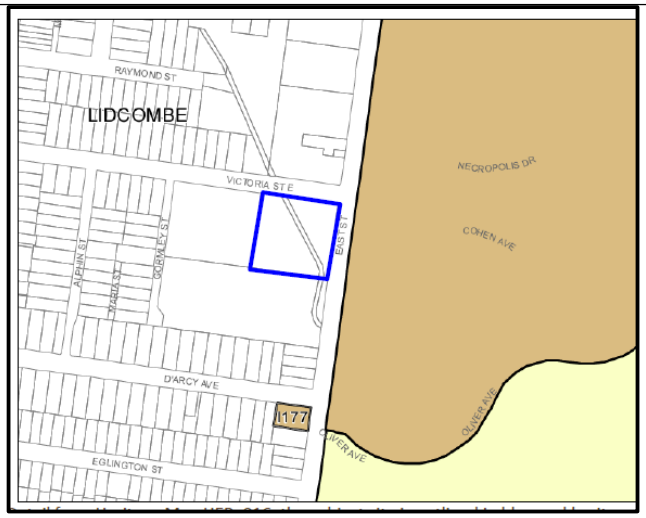
Attachment 6

Appendix A Cumberland LEP 2021 Assessment

APPENDIX A
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 proposed development is consistent with the aims of the LEP as it promotes the orderly and sustainable use of land within an established urban area. The development provides an employment-generating use that contributes to the local economy, supports the efficient use of existing infrastructure and services, and delivers a land use that is compatible with the surrounding industrial and context.	Yes.
2.3 Zone Objectives and Land Use Table	The objectives of the E4 – General Industrial zone are: • To provide a range of industrial, warehouse, logistics and related land uses. • To ensure the efficient and viable use of land for industrial uses. • To minimise any adverse effect of industry on other land uses. • To encourage employment opportunities. • To enable limited non-industrial land uses that provide facilities and services to meet the needs of businesses and workers. Comment: The proposed development satisfies the objectives of the E4 General Industrial Zone by facilitating an appropriate form of industrial and related development that supports employment opportunities, contributes to the local economy, and maintains the functional and operational character of the industrial area.	Yes.
2.6 Subdivision-consent requirements	Subdivision is not proposed under this application.	N/A.
2.7 Demolition requires development consent	The proposal seeks demolition works on site to facilitate the proposed alterations and additions.	Yes.

4.3 Height of Buildings	N/A. While no height control applies to the site under the provisions of the Cumberland Local Environmental Plan 2021, the proposed two-storey industrial building with a proposed height of 13.9m achieves an appropriate built form that is consistent with the prevailing scale, bulk and height of development in the surrounding industrial precinct.	N/A.
4.4 Floor Space Ratio	Required: 1:1 Proposed: 0.67:1 Site area = 7,204 sqm Permitted GFA = 7,204 sqm. Proposed GFA = 4,796 sqm.	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 (a) that there are sufficient environmental planning grounds to justify contravening the development standard. <u>Comment:</u> The subject development application seeks to vary clause 6.3 for 'Limited development on foreshore area' of the Cumberland Local Environmental Plan (CLEP) 2021. Clause 4.6 Exceptions to Development Standards is not considered required in this instance as Clause 6.3 does not contain numerical or measurable development standards. It establishes qualitative objectives and matters for consideration, which are assessed on merit. Furthermore, matters for consideration under Clause 6.3(4) is considered satisfactory. Nevertheless, the applicant has submitted a Clause 4.6 justification, which has been reviewed and is supported in this instance, having regard to the circumstances of the case. Refer to the discussion in the body of the report.	Yes.
5.10 Heritage Conservation	The site is not identified as a heritage listed item and is not located within a heritage conservation area. The subject site is not listed as a heritage item or located within the heritage conservation area within the Cumberland Local Environmental Plan 2021. The subject site is in the immediate vicinity of an archaeological site under the State Heritage List (item no. I00718) and Schedule 5 of the Cumberland LEP (item no. A00718 located at Rookwood Cemetery and Necropolis, Rookwood as shown below.	Yes.

	 A Statement of Heritage Impact prepared by Heritage 21 has been submitted which concludes that the proposed development will not adversely affect the significance of the adjoining heritage item. The proposed design including the overall mass, scale and form along with the materials preserve the existing industrial character of the site. Further, the proposed development provides an appropriate setback from the street, with new landscaped areas along the frontage offering physical and visual separation from the adjoining heritage item. These elements are sympathetic to the existing streetscape and appropriate to the site's context. Overall, the development presents compatibly within its surroundings and is not considered to have any adverse impact on the heritage significance of the item.	
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—	Yes, subject to conditions.

	(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: The development site is identified as a flood control lot. A detailed flood and stormwater management assessment has been submitted, demonstrating that the proposal appropriately responds to the site's flood characteristics and incorporates suitable mitigation measures to ensure safety and minimise property damage. The application has been reviewed by Council's engineering section and is considered acceptable in terms of flood risk management. Accordingly, the proposal satisfies the objectives of Clause 5.21, as it is compatible with the flood hazard of the land, does not increase flood risk to other properties, and provides for the effective management of flood-related impacts.	
6.1 Acid Sulphate Soils	Development is not impacted by acid sulphate soils.	N/A
6.2 Earthworks	The proposed earthworks will not have a detrimental effect on existing drainage patterns or soil stability. The proposal will not affect the amenity of adjoining properties. The extent of earthworks required to facilitate the development is minor and is therefore considered acceptable. The extent of earthworks is considered reasonable and necessary to achieve appropriate site levels, stormwater management, and building design outcomes. The works are not expected to result in any adverse impacts on adjoining properties, drainage patterns, or environmental features. Council's engineering section has reviewed the proposal and raised no objections. The proposal is satisfactory subject to compliance with standard conditions.	Yes
6.3 Limited Development on Foreshore Area	Development consent must not be granted for development on land to which this clause applies except for the following purposes— (a) the extension, alteration or rebuilding of an existing building wholly or partly in the foreshore area, (b) the erection of a building in the foreshore area, if the levels, depth or other exceptional features of the site make it appropriate to do so, (c) boat sheds, sea retaining walls, wharves, slipways, jetties, waterway access stairs, swimming pools, fences, cycleways, walking trails, picnic facilities or other recreation facilities (outdoors).	Yes.

	(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 will contribute to achieving the objectives for the zone in which the land is located, and (b) the appearance of any proposed structure, from both the waterway and adjacent foreshore areas, will be compatible with the surrounding area, and (c) the development will not cause environmental harm such as— (i) pollution or siltation of the waterway, or (ii) an adverse effect on surrounding uses, marine habitat, wetland areas, fauna and flora habitats, or (iii) an adverse effect on drainage patterns, and (d) the development will not cause congestion or generate conflict between people using open space areas or the waterway, and (e) opportunities to provide continuous public access along the foreshore and to the waterway will not be compromised, and (f) the historic, scientific, cultural, social, archaeological, architectural, natural or aesthetic significance of the land on which the development is to be carried out and of surrounding land will be maintained, and (g) for development for the extension, alteration or rebuilding of an existing building wholly or partly in the foreshore area, the alteration or rebuilding will not have an adverse impact on the amenity or aesthetic appearance of the foreshore. Comment: Part of the subject site is located within the Foreshore Area on the Foreshore Building Line Map. Refer to discussion in the body of the report.	
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. Comment: 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	Yes

	(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. Comment: The development application was referred to Council's Development Engineer for comment who has advised that the development proposal is satisfactory subject to conditions.	
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 landscaping and the materials are considered to be suitable to eliminate solar heat. The proposed development is considered to be satisfactory with regard to the provisions of this clause.	Yes

DOCUMENTS ASSOCIATED WITH REPORT ELPP031/25

Attachment 7

Appendix B Cumberland DCP 2021 Assessment

Cumberland Local Planning Panel

Appendix B
Cumberland Development Control Plan 2021 Assessment

Relevant Control		Compliance with Requirements	Consistency Objectives
Part A3 Site Amalgamation and isolated sites			
Various descriptive considerations		Site amalgamation of the lots is feasible through a condition of consent should the application be recommended for approval.	Yes.
Part D – Development in Industrial Zones			
2.1 Setbacks & Streetscape Character	*General*		
	C1. Landscape all front setbacks to provide a high quality streetscape.	The front setback area along both street frontages will be landscaped with the exception to the proposed new driveway.	Yes
	C2. Front setback areas shall not be used for storage or display of goods or excessive signage, loading/unloading or large areas of car parking.	Yes, front setback not proposed to be used for storage of goods or excessive signage or loading/unloading. The car parking proposed on the ground level is aligned with the building line and the front setback area is proposed for the new driveway and landscaped area.	Yes
	C3. Ensure landscaping setbacks comprise soft landscaping and deep soil zones only.	Landscaping setbacks will comprise of soft landscaping and deep sol zones with exception to areas needed for the relocated stormwater channel as well as pedestrian and vehicular crossovers.	Yes.
	C5. Where an industrial development adjoins a residential zone, appropriate buffer mechanisms shall be provided to ensure that: • neighbourhood residential amenity is maintained; • the primary buildings and structures on the industrial land are visually separated from neighbouring residential dwellings; and • overshadowing does not occur (see solar access below).	Site does not adjoin any public space or residential zoned land.	N/A
	Front setbacks		
	C7. Front setbacks are to be 5m. Where the prevailing building setbacks within the street are significantly different, consideration will be given to an alternative setback.	The proposed development is minimum 5 metres setback from the street frontage.	Yes
	Side and rear setbacks		
	C8. Buildings may be built on a nil side or rear setback, except where a setback is required to screen buildings from: • public places; • adjoining residential properties; • other sensitive land uses; • where rear access is required; and	Yes. Nil side and rear setback. The subject site adjoins to other industrial developments and does not adjoin to the M4 Motorway.	Yes

	• where land adjoins the M4 Motorway. In such circumstances, a 4.5m landscape setback is required.		
	C9. Development adjacent to Duck River shall provide a 5m easement for public access within the foreshore building line area along Duck River. This easement shall be established under a Section 88B instrument and shall be registered with NSW Land Registry Services.	Not applicable. The subject site is not adjacent to Duck River.	Not applicable.
	Setbacks for specific street frontages		
	C10. The building lines set out in Table 2 apply to the principal street frontage of land zoned General Industrial IN1 and Light Industrial IN2 within Cumberland City. They are based on a conversion from the previous imperial measures into metric. Required: 5m	Yes - A setback of 5m is proposed along the primary street frontage being East Street.	Yes
2.2 Siting & building design	C1. Use non-industrial aspects of a development (e.g. offices) to address the street.	Where possible proposed offices of the new industrial building and neighbourhood shop face the street frontage.	Yes
	C2. Avoid long blank walls of warehouse units, by providing articulation to the façade or division of massing, especially on street frontages.	Not proposing any long blank walls to the front building façade.	Yes.
	C3. Entries to buildings should be clearly visible to pedestrians and motorists and be integrated into the form of the building.	Building entrances face street frontage.	Yes
	C4. Architecturally express the structure of the building externally to address the primary street frontage and minimise use of reflective glass or large blocks of one material	Building design is satisfactory.	Yes.
	C5. Articulate entrances, office components and stairwells to create rhythm along facades to minimise the appearance of bulk and scale.	Front façade of the building articulated by windows, entrance and roller door.	Yes
	C6. Introduce a mix of materials, and incorporate horizontal and vertical modulation, including windows in appropriate proportions and configurations.	Materials and finishes are satisfactory.	Yes
	C7. New development on corner sites is to address both street frontages in terms of façade treatment, fenestration and articulation of elevations, to achieve a high standard of environmental design.	The proposed development addresses both street frontages in terms of façade treatment, fenestration and articulation of elevations.	Yes.
	C8. Roof ventilation, exhaust towers, mechanical plant and the like should be located so as not to be readily visible from any public or residential area.	No mechanical plant or exhaust are proposed on the rooftop area.	N/A
	C9. All rooftop or exposed structures including lift motor rooms, plant rooms, together with air conditioning, ventilation and exhaust systems, are to be integrated into the building design in		

	order to ensure interesting and high-quality appearance.		
2.3 External Materials	C1. Lighter colours shall be used on external walls of the building to reduce heat gain in summer, especially for building facades facing east, west and north.	Various building materials and finishing colour proposed.	N/A
	C2. Roofs and walls shall be well insulated in office components of buildings to reduce winter heat loss and summer heat gain.	Standard condition applies.	Yes.
2.4 Solar Access	C1. Where a site adjoins or is opposite to a residential property and the proposed structures are over 6m in height, shadow diagrams based on a survey of the site and adjoining development shall be provided. These diagrams shall demonstrate the impact on adjoining residential properties or public domain for 8am, 12noon and 4pm at 21 June.	Not applicable. The subject site adjoins to other industrial developments on all sides.	N/A
	C4. Buildings shall be oriented towards the north so that they make best use of solar access to lower heating and cooling costs.	The proposed buildings are orientated north where possible.	Yes
2.5 Road design & construction	C1. Ensure that new roads are constructed with kerb and gutter and are sealed from gutter to gutter. Construction is to be of a standard not less than Council's standard specification for heavy duty roads.	The proposal does not involve construction of a new roadway.	N/A
2.6 Pedestrian & cyclist facilities	C1. Pedestrian access to private land shall be provided as part of the internal circulation network.	Satisfactory.	Yes.
	C2. Bicycle parking is to be provided as specified in AS 2890.3 - Bicycle Parking Facilities.	Standard condition will be imposed to ensure the bicycle parking space will comply with the relevant standard.	Yes - condition to comply.
2.7 Public domain improvements	C1. All areas not built-upon shall be landscaped to soften the impact of buildings and car parking areas.	Yes, good quality landscaping provided within front setbacks.	Yes
	C2. Landscaping within setback areas shall be of a similar scale to buildings. All landscaped areas shall be separated from vehicular areas by means of a kerb or other effective physical barriers.	Proposed landscaped area within the front setback is of similar scale to the adjoining properties.	Yes
	C3. Fencing shall be integrated as part of the landscaping theme so as to minimise visual impacts and to provide associated site security.	Fencing has been integrated as part of the landscaping theme as to minimise visual impacts and to provide associated site security.	Yes.
	C5. A minimum of 15% of the site shall be provided and maintained as soft landscaping, with lawns, trees, shrubs, for aesthetic purposes and the enjoyment of workers of the site.	Required:15% (1,080.6 sqm) Proposed: 12.5% (899.3 sqm). Refer to assessment in the body of the report.	No - but acceptable on merit.
2.8 Biodiversity	C1. Landscape plant species used in the public domain shall be	Satisfactory subject to condition.	Yes.

	predominantly native, including local indigenous species.		
	C2. Plant species that are drought tolerant or will require minimal watering once established shall be used.		
	C3. Water-conserving landscape practices shall be applied where possible, including soil amendment, mulch, irrigation zoning, limited turf areas, planting in relation to microclimate, water scheduling, and selection of plants with water needs that match site rainfall and drainage conditions.		
2.9 Storage areas	C1. Storage areas and other potentially unsightly areas shall be screened from adjacent properties.	No external storage areas are proposed.	Yes
2.10 Safety & security	C1. Provide details on measures to be undertaken to safeguard workers, clients and the general public. Such details are to include: • security personnel; • lighting of access ways and car parking areas, particularly in respect of isolated premises; • security doors; • 'active' uses presented to the street to promote surveillance and safety; • premises clearly numbered, with the number clearly visible from the street; • avoid the use of isolated back lanes and poorly lit areas; and • any landscaping that is proposed must not obstruct the visibility from public areas of entrances and exits.	Landscaped area forward of the building line will not obstruct the entrance of the building on site. Further, the proposed development will include measures including security doors, lighting, clear and visible numbering etc.	Yes.
	C2. A crime risk assessment against the Crime Prevention and the Assessment of Development Applications" Guidelines is to be undertaken for larger developments. The recommendations of the assessment shall be used to inform the design and operation of the development.	Proposed industrial warehouse only.	Not applicable.
2.11 Fencing	C1. Fencing shall be integrated as part of the landscaping theme, so as to minimise visual impacts and to provide associated site security. C2.Ensure all fencing along the principal street frontage is an open/permeable style, incorporating pickets, slats, palings or the like. C3. Fencing along the street frontage shall be a maximum height of 1.8m and incorporated with appropriate landscaping.	A front fence of 1.8m high is proposed which is considered satisfactory subject to condition.	Yes.
2.12 Operational management	*Hours of operation*		
	C1. Where an industrial site is located adjoining or adjacent to, or within 200m of residential development, or where in the opinion of Council, truck movements associated with the	Proposed hours are: Industrial: - Mondays to Saturdays 7:00am - 6:00pm.	Yes

	industry will intrude on residential streets, hours of operation shall generally be restricted to 7am to 6pm Monday to Saturday with no work on Sundays.	Neighbourhood shop: - Mondays to Saturdays 7:00am - 6:00pm. - Sundays 7:00am - 2:00pm. An acoustic report has been submitted with the application which has been reviewed by Council's Environmental Health section and is considered satisfactory subject to conditions.	
	Hazardous good and chemicals		
	C4. Where a development involves the storage and/or use of dangerous goods, full details of the quantities and types of goods and chemicals are to be submitted with the development application, together with the storage locations, mediums and the use intended for the goods and chemicals.	Not proposing any storage of hazardous goods and chemicals on site.	N/A
	Environmental Management Plan		
	C6. An Environmental Management Plan (EMP) shall be submitted with the application if the development is considered to pose a high risk of adverse environmental impacts. The plan should detail how all environmental impacts will be controlled and/or managed within the site during ongoing operation of the development. Depending on the extent and nature of the proposal under consideration, this could include but may not be limited to: • noise and vibration control; • surface water management and stormwater protection; • trade waste arrangements (if applicable); • control and treatment of air emissions; • dust and erosion control (including stockpiles, if applicable); • waste management, including handling of potentially contaminated material; • identification of relevant person/s on site who are responsible for control strategies, including their position title and contact details; and • details of complaints handling arrangements.	The subject site is not identified to pose a high risk of adverse environmental impacts.	Yes
	Noise		
	C7. Sources of noise, such as plant equipment and machinery, shall be sited away from adjoining properties as far as practicable and, where necessary, screened by walls or other acoustical treatment.	All plants and machinery will operate within the enclosed buildings and the noise impact to the adjoining properties is considered to be minimal.	N/A
	C8. Operations are to be conducted so as to avoid unreasonable noise and	As above.	N/A

	interference to adjoining development, particularly residential development.		
	C9. Operations are to be undertaken in accordance with licences and guidelines from relevant authorities.	Standard conditions apply.	Yes.
	Staff amenities		
	C10. Provide a high level of staff facilities and recreation space including as a minimum: • indoor and outdoor breakout/communal space; • kitchen; and end of trip facilities.	Kitchen and amenity facilities are provided on site.	Yes.
	Plan of Management		
	C11. A plan of management is required to be prepared for the development. The plan is to bring together other plans related to the development and identified in this DCP, and to provide a framework for the management of complaints. A review mechanism shall also be provided to ensure the effectiveness of the plan of management and to refine the plan as required. The plan of management shall be made to available to Council or other relevant authority at any time if requested.	Separate development applications will be sought for the individual units to be fitted and used where not applicable by the Exempt and Complying Codes SEPP 2008. These development applications will provide a POM for each business.	Yes.
2.13 Environmental management	*Air Quality*		
	C1. Details of any equipment, processes and air pollution control or monitoring equipment shall be submitted to Council with a development application including an assessment of air quality according to EPA standards.	The proposal has been reviewed by Council's EHU and it is considered satisfactory.	Yes
	Waste		
	C2. An on-going waste management plan is required to be submitted with the application to detail how all solid and liquid wastes handled on site will be managed. The plan may include, but is not limited to, details on: • all waste storage areas (including internal and external areas/rooms); • waste collection arrangements, including collection location and times/frequency; • measures to prevent potential pollution from waste storage/handling activities on site; • any trade waste arrangements; and • measures for dealing with contaminated and/or hazardous waste.	A waste management plan has been submitted to address the on-going waste management of the proposed warehouse and is deemed satisfactory.	Yes
	C3. Garbage storage areas shall be designed so as to: • be readily serviced within the confines of the site with minimum impact on adjoining uses; • incorporate ventilation measures; and	As shown on the architectural plans, garbage storage areas are provided to each industrial unit and where possible, will be confined to the unit, will incorporate ventilation	Yes.

	have suitable access to water to maintain waste storage areas.	measures, and have suitable access to water.	
	Contamination		
	C4. An assessment is to be made by the applicant under SEPP No. 55 – Remediation of Land (or equivalent) as to whether the subject land is contaminated prior to the submission of a development application.	A Detailed Site Investigation (DSI) prepared by Foundation Earth Sciences was submitted to support the proposal. Council's Environmental Health Officer has reviewed the report and considered the proposal to be satisfactory in accordance with the provisions of this chapter.	Yes.
	C5. All underground petroleum storage systems (UPSS) must be designed, installed and operated in accordance with the Protection of the Environment (Underground Petroleum Storage Systems) Regulation 2019 (the Regulation) and guideline to the Regulation published by the NSW EPA.	No UPSS proposed as part of this development application.	N/A
	Sustainability and energy efficiency		
	C8. Improve the efficiency of hot water systems by: • providing solar powered hot water systems where possible. Solar and heat pump systems must be eligible for at least 24 Renewable Energy Certificates (RECs) and domestic type gas systems must have a minimum 3.5 star energy efficiency rating; • insulating hot water systems; and • installing water saving devices, such as flow regulators, 3 stars Water Efficiency Labelling and Standards Scheme (WELS Scheme) rated shower heads, dual flush toilets and tap aerators	Standard condition applies accordingly.	Yes.
	C9. An Energy Efficiency Report from a suitably qualified consultant that demonstrates a commitment to achieve no less than 4 stars under the Australian Building Greenhouse Rating Scheme or equivalent must be provided for all commercial and industrial development with a construction cost of over $5 million.	A NABERs Report has been prepared which is deemed acceptable in place of an Energy Efficiency Report.	Yes.
	C10. The amount of exposed glazing to the eastern and western facades of buildings shall be minimised.	Satisfactory.	Yes.
	C11. Building design shall minimise reliance on existing energy supplies through the use of renewable energy sources including incorporation of photovoltaic cells, wind turbines, battery storage and solar hot water wherever practicable.	Where possible, the proposed development includes the provision of energy supplies through the use of renewable energy sources.	Yes.
	Water pollution and stormwater management		
	C12. For industrial developments such as mechanical repair workshops and	Not proposing a mechanical workshop, garages and	Yes

	garages, pollution control monitoring equipment, e.g. retention pits, traps, or bunding shall be used to control the discharge of pollutants into the stormwater system.	pollution control monitoring equipment.	
	C13. If the premises are subject to licence under the Protection of the Environment Operations Act 1997, development is to comply with any conditions of such licence that form part of any building approval.	Not proposing a licensed development.	N/A
2.14 Loading requirements	Refer to Part G3 of this DCP for loading requirements	Application has been referred to the Development Engineer who confirmed the proposal is considered acceptable subject to conditions.	Yes.
2.15 Car parking design	Refer to Part G3 of this DCP for car parking design controls.		
2.16 Traffic and transport management plan	Refer to Part G3 of this DCP for Traffic and Transport Management Plan requirements.		
Part G - Miscellaneous Development 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** Warehouse: 3905 sqm @1/300 sqm = = 13 spaces Retail & Office: 80 + 811 sqm = 891 sqm @ 1/40 = 22.3 spaces Total spaces required = 35.3 car spaces	Proposed = 36 car spaces.	Yes.
4.5 Development in industrial zone	C1. Parking rates shall comply with the minimum parking rates for cars and bicycles in Section 3 of this Part of the DCP.	As above.	Yes
	C2. On-site parking is to be designed so that large expanses of bland concrete paving in the car parking and driveway areas are avoided.	Satisfactory.	Yes
	C3. Car parking areas, particularly large areas shall be landscaped so as to break up large expanses of paving. Landscaping shall be required around the perimeter and within large carparks.		
	C5. A traffic and transport management plan is to be prepared for the development. The plan is to include, at	A traffic report has been prepared and reviewed by Council's Engineering section.	Yes

	a minimum, details on the following items: • type of transport used for the development, including operations, staff and visitors; • frequency and duration of movements, including operations, staff and visitors; • size of the largest vehicle accessing the site; • internal management arrangements for vehicle movements, parking and access; • potential scope for public transport, walking and cycling access and facilities for staff and visitors on the site; • management arrangements should traffic and transport impacts flow outside the site where the development is located; and • review mechanisms to confirm the effectiveness of the plan and to refine the plan as required.		
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.	Each individual unit has been provided with loading bay. The proposal has been reviewed by Council's Engineering section and it is considered satisfactory subject to conditions.	Yes.
	C2. Loading/unloading areas shall be provided in accordance with applicable provisions of Australian Standard (AS 2890).		
	C3. Provide separation between parking and service areas (i.e. loading/unloading areas).		
	C4. Locate and design service areas to facilitate convenient and safe usage.		
	C5. Loading docks shall be located so as to not: • interfere with visitor and employee parking spaces; • interfere with pedestrians or vehicle circulation and access; and • result in delivery vehicles queuing on any public road, footway, laneway or service road.		
	C6. A minimum of one loading space shall be provided internally within each industrial unit.		
	C7. Loading areas shall be designed for the largest size vehicle accessing the site.		
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.	An on-site detention tank is proposed for the development. The proposal has been reviewed by Council's Engineering Section and considered 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	Yes – site is identified as a flood control lot. The proposal has been reviewed by Council's Engineering Section	Yes

	potential flood affectation on other development or properties.	and considered satisfactory subject to conditions.	
	C4. A 15m setback from the mean high water mark applies to properties fronting Duck River to the east and 10m to Haslams Creek.	The subject site will contain a relocated stormwater channel that forms part of Haslams Creek. Accordingly, in accordance with the relevant control, a 10m setback should be provided to this stormwater channel. The proposal seeks a variation to this control, which is considered acceptable on merits. Refer to discussion in the assessment report.	No but considered acceptable on merit.
	C6. The proposal shall not have a significant detrimental impact on: • water quality; • native bushland vegetation; • riparian vegetation; • estuaries, wetlands, lakes or other water bodies; • aquatic and terrestrial ecosystems; • indigenous flora and fauna; or • fluvial geomorphology.	Satisfactory.	Yes
	C8. The proposed development shall comply with Council's Flood Risk Management Policy.	The proposed development complies with Council's Flood Risk Management Policy.	Yes
	C9. Site specific flood studies shall comply with Council's standard requirements.	A detailed flood study report has been prepared for the proposed development.	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 2,500 square metres, or more in area must be supported by a Water Sensitive Urban Design Strategy, prepared by a qualified civil engineer with suitable experience.	Satisfactory subject to conditions.	Yes.
	C3. All other developments shall provide appropriate water sensitive treatments.	Noted.	Yes.
	Water quality		
	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.	Council's Senior Development Engineer did not raise any objections to the proposal.	Yes.
	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 5,000L (for site area less than 1,500 square metres) and 10,000L (for site area greater than 1,500 square metres).	Council's Senior Development Engineer did not raise any objections to the proposal.	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.		
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.	Satisfactory, subject to conditions.	Yes.
	C2. Groundwater is to be recharged, where possible, while still protecting and/or enhancing groundwater quality, using water sensitive urban design.	Noted.	Yes.
	C3. Protection measures for groundwater are to be proportional to the risk the development poses. Where the potential risk to groundwater is high, a separate Groundwater Impact and Management Report will be required.	Noted.	Yes.
	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.	Satisfactory, subject to conditions if approval was being recommended.	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.	Refer to Resilience and Hazards SEPP 2021 assessment.	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.		
2.5 Biodiversity	C1. Development is to be sited and designed to minimise the impact on indigenous flora and fauna, including canopy trees and understorey vegetation, and on remnant native ground cover species.	Trees identified for removal from the site does not contains any biodiversity value as discussed in the Biodiversity and Conservation SEPP 2021.	Yes.

2.6 Energy efficiency and renewables	C1. New development shall implement energy efficient design and promote renewable energy sources through the inclusion of solar panels, skylights, cross ventilation and other such measures.	This is achieved where required.	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.
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 AS4970-2009 to ensure their long-term survival.	Council's Senior Tree Management Officer raised no issue with the proposed landscape plan on the site. Conditions of development consent can be imposed should the application be supported by Council.	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.	Not applicable.	N/A.
	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 is submitted and reviewed by Council's Senior Tree Management Officer.	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 concept plan prepared by a suitably qualified professional was submitted.	Yes
Part G8 – Waste Management			
3.2 Commercial	*Bin requirements*		
	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.	The application was referred to Council's Waste Management Officer who has advised that the development proposal is satisfactory and therefore can be supported subject to recommended	Yes

		conditions of consent should the application to be supported by Council.	
	Bin storage area requirements		
	C5. Waste and recycling bin storage areas must be constructed in accordance with the requirements of the Building Code of Australia (BCA).	Complies.	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.6. All developments must ensure separate residential and commercial bin storage areas, which shall be located behind the primary building line and adequately screened.	The proposed development provides adequate waste bin areas and bin rooms to accommodate generated waste.	Yes.
	Bulk waste storage area requirements		
	C28. Low rise medium density housing and residential flat building developments must provide a bulky household waste storage area and needs to be that is located adjacent to the communal bin storage area.	Bulky waste storage room is within the basement to avoid any visual impact.	Yes
3.5 Bin transfer requirements	C1. Waste and recycling bins shall be positioned in locations that permit easy, direct and convenient access for users of the facility and permit easy transfer of bins to the collection point.	The bin storage area is located within each industrial unit.	Yes.
3.7 Collection vehicle requirements	C1. All proposed developments will need to accommodate a Heavy Rigid Vehicle (HRV) for all waste collection.	This requirement has been reviewed by Council's Development Engineer and Waste Management Officer who raised no objections, subject to conditions.	Yes
	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.		

Item No: ELPP032/25

DEVELOPMENT APPLICATION - 24 MARANOA STREET, AUBURN

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

Application lodged	9 September 2025
Applicant	C Chahine
Owner	Mr R Aouf
Application No.	DA2025/0589
Description of Land	24 Maranoa Street AUBURN NSW 2144, Lot 152 DP 8105
Proposed Development	Alterations and additions to the existing detached garage and conversion into a secondary dwelling pursuant to the State Environmental Planning Policy (Housing) 2021.
Site Area	490.5sqm
Zoning	R2 Low Density Residential Zone
Disclosure of political donations and gifts	Nil disclosure
Cost of works	$35,000.00
Heritage	No – Not a Heritage Listed or Heritage Conservation Area
Principal Development Standards	Number of parking provisions for detached secondary dwelling under SEPP (Housing) 2021 Number of existing parking: One (1) Number of proposed parking: Zero (0)
Issues	Variation to Clause 53(2)(b) of State Environmental Planning Policy (Housing) 2021 – Loss of car parking

SUMMARY:

1. Development Application No. DA2025/0589 was lodged on 9 September 2025 for the Alterations and additions to the existing detached garage and conversion into a secondary dwelling pursuant to the State Environmental Planning Policy (Housing) 2021.

2. The application was publicly notified to occupants and owners of the adjoining properties for a period of 14 days between 17 September 2025 and 1 October 2025. In response, no submissions were received.

3. There is no heritage items located on the subject site, nor is the site located within a Heritage Conservation Area.

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 State Environmental Planning Policy Housing (2021) (Housing SEPP) 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 proposal seeks approval for alterations and additions of existing single garage and conversion to a secondary dwelling under Housing SEPP 2021. It should be noted that one approved parking space currently exists on site, however unauthorised works have been conducted to convert the existing garage to a secondary dwelling.

6. The variations are as follows:

Control	Required	Provided	% variation
Parking Rate – Part G3, Section 4.1, Control 1 *(Cumberland Development Control Plan 2021)*	Parking rates shall comply with the minimum parking rates in Section 3 of this Part of the DCP. Section 3 nominates minimum 1 covered space / dwelling house	0	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 State Environmental Planning Policy Housing (2021))

8. 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 152 DP 8105 and is known as 24 Maranoa Street Auburn. The site has an area of 490.5sqm and has a frontage to Maranoa Street of 12.190m. The site has a fall of approximately 0.53m from rear to front.

A site inspection of the premises carried out on 24 September 2025 confirmed that the site is currently occupied by a single storey dwelling house, a detached garage which is being used as an unauthorised secondary dwelling with associated driveway. No trees are proposed to be removed as part of the proposed application. Sydney water sewer line traverses the site at the rear.

Immediately surrounding the site and within vicinity to the subject site are single (1) storey residential dwellings on either side. The area is generally low density residential in character.

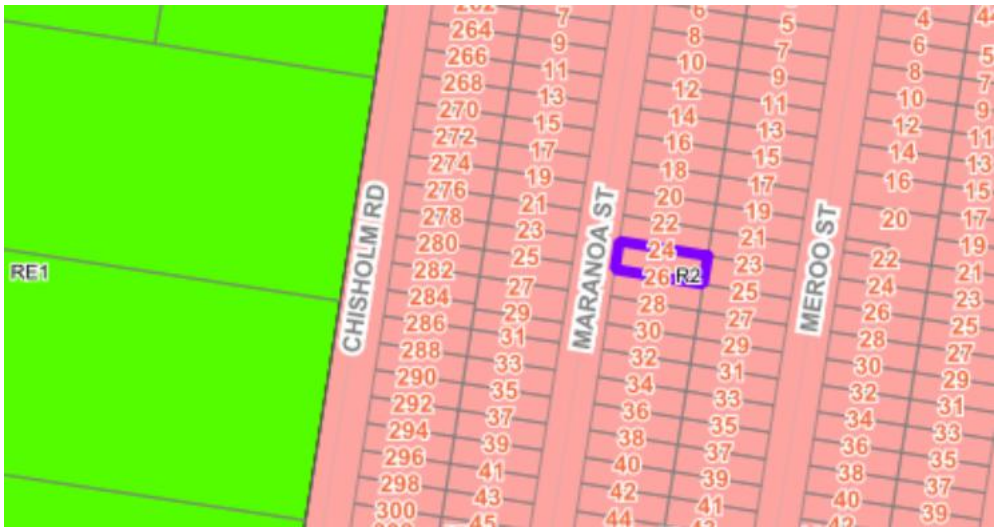


Figure 1 – Locality Plan of subject site



Figure 2 – Aerial view of subject site



Figure 3 – Street view of subject site and the existing garage at the rear

Description of The Development

Council has received a development application seeking approval for alterations and additions to the existing detached garage and use as a secondary dwelling, pursuant to the State Environmental Planning Policy (Housing) 2021. The detailed breakdown of the proposal is shown below:

Demolition:

- Partial demolition of the existing garage

Construction of

- A detached secondary dwelling with an internal floor area of 59sqm consisting of bathroom and laundry, open style living and kitchen area, two (2) bedrooms and study.

History

- Building Permit No. 931/58 for a Garage was approved on 21 May 1958.
- On 27 January, ON2022/1740 was issued for notice of intention to give and order. It has been noted that unauthorised development has taken place as follows:
    - The habitable use of the detached fibro garage as a secondary dwelling.
    - Alterations and additions within the detached fibro garage comprising of a kitchen, bathroom, living room and bedroom.
- DA2023/0434 for Alterations and additions to the existing detached garage and use as a secondary dwelling, pursuant to the State Environmental Planning Policy (Housing) 2021 and an attached carport was withdrawn on 4 April 2025.

Applicants Supporting Statement

The applicant has provided a Statement of Environmental Effects prepared by Morf Architecture, Rev B, dated November 2025 and a Clause 4.6 Variation Statement prepared by Think Planners dated February 2024.

Contact With Relevant Parties

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

Internal Referrals

Building Surveying

The development application was referred to Council's Building Surveyor for comment who has advised that the proposal is satisfactory subject to obtaining a Building Information Certificate for parts of the building pertaining to the northern and eastern building walls, the kitchen and bathroom, and therefore can be supported subject to recommended conditions of consent.

External Referrals

The development application was referred to Sydney Water for comments who has advised that the proposal is satisfactory 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.	N/A – No vegetation removal is proposed.
	Chapter 6 - Water Catchments. Sydney Harbour Catchment	N/A – 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 4 - Remediation of Land. Part 4.6.	Yes – A review of Council's files has revealed that the site has been historically used for residential purposes and there is no evidence to suggest that the site is contaminated or used for potentially contaminating activities. As such, it is considered that the development application is satisfactory under Part 4.6 of Chapter 4 of the State Policy.
State Environmental Planning Policy	Chapter 2 Standards for residential Development -BASIX	BASIX Certificate number 1805778S dated 25 July 2025 has been submitted. It is shown that the

(Sustainable Buildings) 2022		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 (Transport and Infrastructure) 2021.	Chapter 2 - Infrastructure.	N/A – Maranoa Street is not identified as a classified road, and no power poles are proposed to be relocated or are impacted by the proposed development.
State Environmental Planning Policy (Housing) 2021 Secondary Dwellings (Chp. 3 Pt. 1 Div. 1 & 2)	A secondary dwelling is permitted on the R2 or R3 land-use zones only.	Yes – Proposal consists of a secondary dwelling within a R2 zone.
	A secondary dwelling cannot be subdivided from the subject lot.	Yes – No subdivision proposed as part of this application
	Only one (1) primary dwelling and only one (1) secondary dwelling is permitted on the subject land.	Yes – One (1) existing primary dwelling and one (1) proposed secondary dwelling.
	The maximum permissible floor area for a secondary dwelling is sixty (60) square metres.	Yes – Total internal floor area of 59sqm.
	Site area minimum of 450 sq m.	Yes – Total site area of 490.5sqm.
	Same number of parking spaces as before.	No - The proposal includes the conversion of a garage into a secondary dwelling. Therefore, the number of parking spaces provided on the site is not the same as the number of parking spaces provided on the site immediately before the development is carried out.

(a) State Environmental Planning Policy (Housing) 2021

The application has been submitted under Part 1 Division 2 of the Housing SEPP. It should be noted that the proposal complies with the key planning controls contained within the Housing SEPP, 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 and a comprehensive

assessment against SEPP (Housing) 2021 and a discussion of the clause 4.6 request is provided below.

Relevant Clause(s)	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.	The subject site is zoned the R2 Low Density Residential. This Part applies to development for the purposes of a secondary dwelling on land in a residential zone if development for the purposes of a dwelling house is permissible on the land under another environmental planning instrument. As per the definitions of this division of the SEPP, a residential zone includes R2 Low Density Residential Zone. The site is zoned R2 low density under the CLEP 2021 and dwelling houses are permissible. In this regard, permissibility of a secondary dwelling is established 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. As a result of site inspections, it is noted that an internal boundary fence is already constructed within the site dividing the secondary dwelling from the principal dwelling. 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	This proposal consists of (1) existing primary dwelling and one (1) proposed secondary dwelling at the rear.	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	The site is on land zoned R2 Low Density Residential. No FSR is applicable in land zoned R2 under the Cumberland Local Environmental Plan CLEP 2021.	Yes

on the land under another 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	The total floor area of the proposed secondary dwelling is calculated to be 59sqm.	Yes
53(2)(a) for a detached secondary dwelling—a minimum site area of 450m^2,	The development site has a total site area of 490.5sqm in accordance with the submitted survey plan.	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 approved car park space is a single garage, while the proposal does not provide any carpark space. It has been noted that the existing driveway does not comply with AS2890.1:2004 and lacks sufficient width to service a garage or carport at the rear. Therefore, the proposed development will result in the loss of one parking space. Please refer to detailed discussion below for Clause 4.6 variation to number of car parking spaces on site.	No – Refer to Clause 4.6 discussion below.

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 and is not permissible under the Cumberland Local Environmental Plan on R2 zone with consent. 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. Given that dwelling houses are permissible in the R2 zone under the CLEP 2021, the secondary dwelling is therefore permissible with

consent within the R2 zoned land as established under the overriding provisions of the SEPP (Housing) 2021.

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

(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 prescribed 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 approved on-site car park space is currently a single garage. The proposed conversion involves transforming the existing approved single garage into a secondary dwelling. This eliminates the only available on-site carpark space. Furthermore, the non-compliance is compounded by the insufficient driveway width preventing the establishment of a replacement garage or carport at the rear which results in a variation that represents a 100% reduction in the required parking 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 states that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case as the underlying objectives of the control, and the objectives of the zone, are achieved despite the non-compliance to the numerical development standard as set out above, which satisfies Wehbe Test 1.

In addition, Cumberland DCP identifies that a minimum of 1 parking space is required for a dwelling and does not contain any additional requirements for a secondary dwelling. The existing dwelling in reality contains no usable parking space given the 2.069m width of the driveway that would prevent most cars from accessing the garage.

Planner's comments:

The proposed development is consistent with the objectives of the Housing SEPP 2021, which seek to promote diverse housing types, address the needs of vulnerable members of the community, 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 locality, support short-term rental accommodation, and prevent the loss of existing affordable rental housing. The proposed secondary dwelling also complies with the Cumberland Local Environmental Plan 2021, the Cumberland Development Control Plan 2021 (with the exception of the provision of covered parking spaces, discussed below), and Clauses 52 and 53 of State Environmental Planning Policy (Housing) 2021.

The development is suitable for the locality, as the site area satisfies the relevant controls for minimum lot size, landscaping, and site coverage. The design and built form is compatible with the surrounding low-density residential character. As the secondary dwelling is located at the rear of the site, the proposal will not generate adverse environmental or amenity impacts for neighbouring properties, nor will it contribute to a perception of overdevelopment along Maranoa Road.

The non-compliance relates solely to the provision of parking on the site. Neither the Housing SEPP 2021 nor the CDCP 2021 prescribe parking requirements for secondary dwellings. The existing driveway, with a width of 2.069 metres measured from the boundary to the principal dwelling wall, does not meet the 3-metre requirement under Australian Standard AS2890.1:2004 for B85-class vehicles. This constraint restricts safe manoeuvring and limits the functionality of any garage or parking space at the rear. Achieving compliance would require substantial alterations to the existing principal dwelling, which fall outside the scope of this application. The area in front of the proposed secondary dwelling is also unsuitable for parking, as doing so would conflict with Council's requirement prohibiting structures forward of the building line.

In this regard, strict compliance with the parking control is not considered necessary, as the variation will not result in adverse amenity or environmental impacts. The proposal remains consistent with the objectives of the Housing SEPP 2021 and the CDCP 2021.

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

Applicant's justification:

The applicant states that there are sufficient environmental planning grounds to support the variation, as the proposal facilitates the delivery of an additional affordable residential accommodation in an accessible area, The development largely converts an existing outbuilding which is an appropriate adaptive use of building and increases the sustainability of the development, environmental conditions of the site are largely unchanged as the proposal largely utilises the footprint of the existing outbuilding; The removal of a theoretical parking space does not result in any significantly greater impact to the adjoining land and the departure enables the continued use of the land for residential purposes which is consistent with the objectives of the R2 zone.

Planner's comments:

The variation Clause 53(2)(b) of the *State Environmental Planning Policy (Housing) 2021* in relation to the provision of unchanged parking for a secondary dwelling development standard is considered acceptable on environmental planning grounds and the Applicant's written justification is well founded. 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.

Conclusion:

As the applicant's justification has satisfied the test under clause 4.6, the application is capable of being approved, subject to a satisfactory merit assessment.

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 09 September 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 C.

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 4 – Cumberland DCP 2021 - Compliance Table.

Clause	Control	Proposed	Complies
Parking Rate – Part G3, Section 4.1, Control 1	Parking rates shall comply with the minimum parking rates in Section 3 of this Part of the DCP. Section 3 nominates minimum 1 covered space / dwelling house	No covered space for the principal dwelling provided. This is a 100% variation. Please see variation discussion below.	No, 100% variation acceptable on merit. Please see variation discussion below.

As indicated in the compliance table above, the proposed development departs from the control 1 under provisions of Council's DCP Part G3, Section 4.1.

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:

<u>Part G3 – Traffic, Parking, Transport and Access (Vehicle), Section 4.1 Parking and Site Access</u>

Objective 1: Minimise visual and environmental impacts of car parking and access.

Control 1 of the CDCP 2021 which requires minimum 1 covered space per dwelling house.

The existing driveway width of 2.069 metres, measured from the boundary to the principal dwelling wall, does not satisfy the 3 metres required under Australian Standard AS2890.1:2004 for B85 class vehicles. This constraint limits safe manoeuvring and the functionality of any garage or car space at the rear. Achieving compliance would require significant alterations to the existing principal dwelling, which are outside the scope of this application. The area in front of the proposed secondary dwelling is also unsuitable for parking, as it would contravene Council's requirement to approve structures in front of the building line. Consequently, achieving compliance with this control is not feasible. The proposed variations will ultimately keep the functionality of the development.

In conclusion, the variation is considered reasonable and will not compromise the overall amenity of the development or the surrounding area.

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 Development Control Plan 2021, the proposal was publicly notified for a period of 14 days between 17 September 2025 and 1 October 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 or of the EP&A Act, calculated on the cost of works. A total contribution of $11,261.00 would be payable prior to the issue of a Construction Certificate.

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.

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. **That Development Application No. DA2025/0589 for Alterations and additions to the existing detached garage and conversion into a secondary dwelling pursuant to the State Environmental Planning Policy (Housing) 2021. on land at 24 Maranoa Street AUBURN NSW 2144 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 ⇩
4. Appendix A Cumberland LEP 2021 Assessment ⇩
5. Appendix B Cumberland DCP 2021 Assessment ⇩

DOCUMENTS ASSOCIATED WITH REPORT ELPP032/25

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:	DA2025/0589
Applicant:	C Chahine 24 Maranoa Street AUBURN NSW 2144
Property Description:	24 Maranoa Street AUBURN NSW 2144, Lot 152 DP 8105
Development:	Alterations and additions to the existing detached garage and conversion into a secondary dwelling pursuant to the State Environmental Planning Policy (Housing) 2021.
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 1000, Issue C	Site / Landscape Plan	MORF Architecutre	15/02/2024
DA 1001, Issue C	Demolition & Sediment Control		
DA 2001, Issue D	Proposed Floor Plan & Roof	MORF Architecutre	08/03/2024
DA 4000, Issue D	North, East, West, South Elevation & Section AA		11/11/2025
-	External Materials and Finishes Schedule	-	-
Cert. No. 1805778S	BASIX Certificate	Shady Chahine	25/07/2025
-	Waste Management Plan	-	-
DA2025/0589	Sydney Water Correspondence	Sydney Water	02/10/2025

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

Conditions Which Must be Satisfied Prior to the Commencement of Demolition

3. **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)

4. **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)

5. **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)

6. **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)

7. **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

8. **DACCA02 - Application for a Construction Certificate**
Construction work must not commence until a Construction Certificate has been obtained from Council or a registered certifier.

(Reason: Statutory requirement)

9. **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)

10. **DACCA05 - *Building Information Certificate to be Obtained**
Prior to the issue of a Construction Certificate, a Building Information Certificate under section 6.25 of the Environmental Planning and Assessment Act 1979 shall be obtained from Cumberland Council within 90 days of the date of the Notice of Determination of this Development Consent in respect of the following unauthorised works on the site;

a) Parts of the secondary dwelling to be retained as indicted on the approved plans.

Provide a BCA complying report from a person with (unrestricted and accreditation registered) with NSW office of Fair-trading) detailing all non- compliances with the current requirements of Sections 2 & Section 3 of the National Construction Code Series, and (Acceptable Standards of Domestic Construction- NSW) .

The report must also address the need to carry out works in accordance to the Report's recommendations prior to issuing Building Information Certificate.

Note: A Construction Certificate is required for any future building works onsite arising from this Development Consent. An Occupation Certificate is required for the occupation of the premises subject to this Development Consent.

(Reason: To ensure that a Building Information Certificate is obtained)

11. **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)

12. 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)

13. 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 $ 11,261.00 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)

14. DACCB05 - Fees to be paid to Council

Types of fees	**Amount**	**Payment timing**
Demolition Inspections	$604	Prior to commencement of work
Damage Deposit	$2,340.00	Prior to commencement of work
Sect. 7.11 Contributions	$11,261 + CPI	Prior to the issue of the Construction Certificate
TOTAL	$14,205 + 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)

15. 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)

16. 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)

17. 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)

18. 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)

19. 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)

20. 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)

21. 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)

22. 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)

23. 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)

24. 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)

Conditions Which Must be Satisfied Prior to the Commencement of any Development Work

25. 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)

26. 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)

27. 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)

28. 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)

29. 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)

30. 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)

31. DAPCC01 - Salinity

The applicant must advise the relevant public utility authorities of any potential salinity problems that have been identified, to ensure their services are designed to take into consideration the effects of saline soils on their installations.

(Reason: To ensure utility authorities design relevant utilities in consideration of the saline soils)

Conditions Which Must be Satisfied During any Development Work

32. 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)

33. 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)

34. 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)

35. 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)

36. 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)

37. DADWA11 - Communication Cabling

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

(Reason: Environmental Amenity)

38. 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)

39. 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)

40. 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)

41. 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)

42. **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)

43. **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)

44. **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)

45. **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 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)

46. **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)

47. **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)

48. **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)

49. 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)

50. 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)

51. 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)

52. 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)

53. 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 an Occupation Certificate

54. **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)

55. **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)

56. **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)

57. **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)

58. **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)

59. 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)

Conditions Which Must be Satisfied During the Ongoing Use of the Development

60. 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)

61. 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)

62. 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)

Advisory Notes

63. 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)

64. 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)

65. 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)

66. 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)

67. 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)

68. 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)

69. 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)

70. 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)

71. **DAANN13 - Work Health and Safety**

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

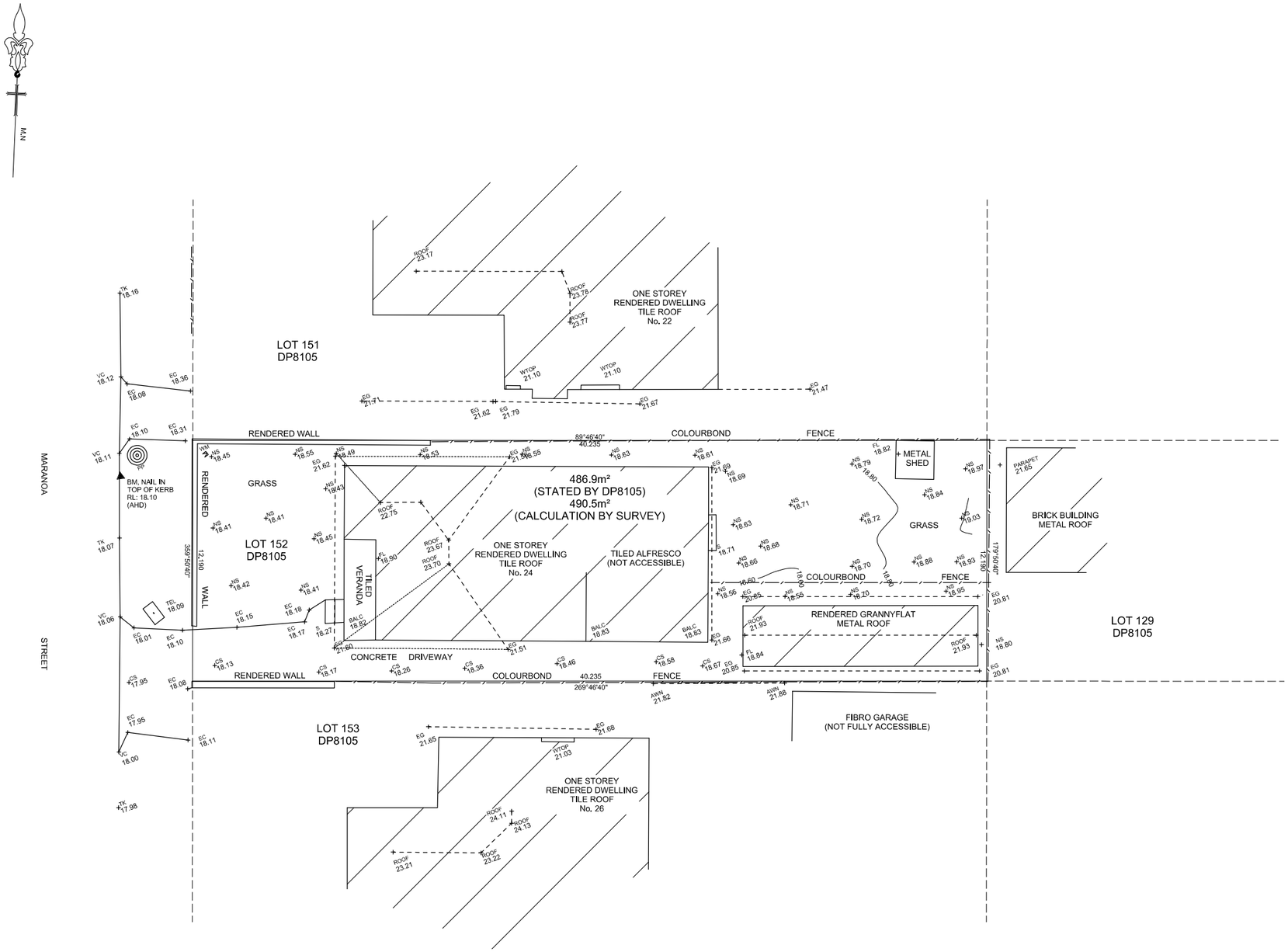
(Reason: Advisory)

DOCUMENTS ASSOCIATED WITH REPORT ELPP032/25

Attachment 2

Architectural Plans

A1



NOTES:

THIS DETAIL AND LEVEL SURVEY AND THE INFORMATION CONTAINED WITHIN REMAIN THE
PROPERTY OF AZMIUTH SURVEYORS. THIS DETAIL AND LEVEL SURVEY MUST NOT BE COPIED IN WHOLE OR PART. IT IS NOT TO BE USED FOR ANY PURPOSE OTHER THAN FOR
WHICH IT HAS BEEN PREPARED. THIS PLAN HAS BEEN PREPARED FOR THE SOLE USE OF
THE INSTRUCTING PARTY AND ANY REPRODUCTION, DISTRIBUTION OR ALTERATION
WITHOUT THE WRITTEN CONSENT OF AZIMUTH SURVEYORS IS STRICTLY PROHIBITED.

NOTES:

A) THIS SURVEY IS FOR CONTOUR PURPOSES ONLY. THE BOUNDARIES OF THE SUBJECT PROPERTY HAVE NOT BEEN LOCATED BY AZIMUTH SURVEYORS AND THE POSITION SHOWN IS APPROXIMATE ONLY.

B) SHOULD THE DIMENSIONS BE CRITICAL TO THE DESIGN AND/OR CONSTRUCTION OF
THE PROPOSED DEVELOPMENT OR ANY FINANCIAL DECISIONS PERTAINING TO IT THEN
WE RECOMMEND THAT AN IDENTIFICATION SURVEY IS TO BE CARRIED OUT.

C) SERVICES SHOWN HAVE BEEN DERIVED FROM VISUAL EVIDENCE APPARENT
AT THE TIME OF SURVEY. SERVICES MAY EXIST WHICH ARE NOT SHOWN. THE RELEVANT SERVICE AUTHORITY SHOULD BE CONTACTED TO
VERIFY THE EXISTENCE AND POSITION OF SERVICES PRIOR TO THE
COMMENCEMENT OF ANY CONSTRUCTION OR EXCAVATION.

D) DETAIL ON THIS PLAN HAS BEEN LOCATED FOR PLOTTING PURPOSES ONLY.

E) DIAMETER, HEIGHT & SPREAD OF TREES ARE APPROXIMATE ONLY.

F) LEVELS SHOWN ARE OF AUSTRALIAN HEIGHT DATUM.

G) ONLY USE STATED DIMENSIONS. DO NOT SCALE.

H) THESE NOTES FORM PART OF THIS PLAN AND CANNOT BE REMOVED.

I) TERMS OF ANY COVENANTS AND/OR RESTRICTIONS HAVE NOT BEEN INVESTIGATED
BY AZIMUTH SURVEYORS

LEGEND:

ADJ	ADJOINING BUILDING
AHD	AUSTRALIAN HEIGHT DATUM
BM	BENCH MARK
BB	BEAM BOTTOM LEVEL
BT	BEAM TOP LEVEL
TEL	TELSTRA PIT
CONC	CONCRETE
CS	CONCRETE SURFACE
EC	EDGE OF CONCRETE
D/H/S	DIAMETER/HEIGHT/SPREAD
D	DOOR
E-G	EAVE & GUTTER
FL	FLOOR LEVEL
PP	POWER POLE
GDN	GARDEN
NS	NATURAL SURFACE
PP	POWER POLE
RL	REDUCED LEVEL
S	STEPS
SV	STOP VALE
SILL	WINDOW SILL
TK	TOP OF KERB
TOP	TOP OF WINDOW
SV	STOP VALVE
VC	VEHICLE CROSSING
W	WINDOW
WM	WATER METER

DATUM:	AHD	SURVEYED BY:	NF
SURVEY DATE:	24.05.2025	DRAWN BY:	AA
DATE DRAWN:	27.05.2025	SCALE:	1:100
REFERENCE:	2546-23 DET	SHEET:	1 OF 1

DETAIL SURVEY OF
LOT 152 IN DP 8105 LOCATED AT
24 MARANOA STREET, AUBURN

AZIMUTH SURVEYORS PTY LTD
ABN: 78 643 558 972
A: 11 MARION ST BANKSTOWN 2200
M: 0419 901 200
E: info@azimuthsurveyors.com.au



24 MARANOA ST , AUBIURN NSW

RETAIN USE , ALTS & ADDS TO SECONDARY DWELLING

MORF



LOCATION MAP - 24 MARANOA STREET , AUBURN NSW

SITE AREA CALCULATION S

SITE AREA : 670.30 m^2

EX . TOTAL BUILDING FOOTPRINT : 158 .75 m^2
EX . SITE COVERAGE : 25.81 %
EX . TOTAL GROSS FLOOR AREA : 158 .75 m^2

EX . LANDSCAPED AREA : 345.40 m^2 (56.9 %)
PRIVATE OPEN SPACE : Min. 6m x 6m

PROPOSED GARAGE GFA : 59.94 m^2
PROPOSED SITE COVERAGE : 32 80%

PROPOSED TOTAL GROSS FLOOR AREA : 218 .69 m^2
FSR : 0.32:6

NEW LANDSCAPED AREA : 201 .09 m^2 (30.00%)
PRIVATE OPEN SPACE : Min. 6m x 6m

ROSION AND SEDIMENTATION CONTROL NOTES:

BUILDER SHALL PROVIDE SEDIMENT FENCING MATERIAL DURING CONSTRUCTION TO THE LOW DE BOUNDARIES.TIE SEDIMENT FENCING MATERIAL TO CYCLONE WIRE SECURITY FENCE. EDIMENT CONTROL FABRIC SHALL BE AN APPROVED MATERIAL (Eg. HUMES PROPEX SILT STOP) TANDING 300min. ABOVE GROUND AND EXTENDING 200 BELOW GROUND AND TO EXTENT NOTED.

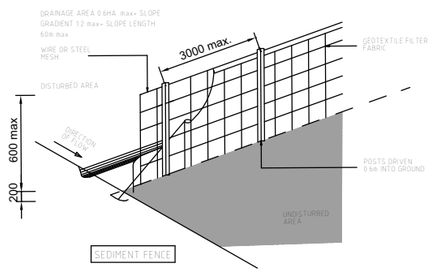
EXISTING AND NEW DRAINS LOCATED WITHIN THE SITE SHALL ALSO BE ISOLATED BY SEDIMENT NCING MATERIAL UNTIL PAVEMENTS COMPLETED.

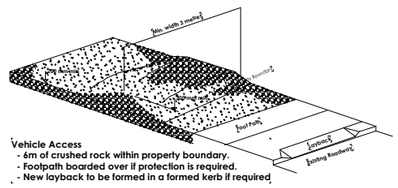
NO PARKING OR STOCK PILING OF MATERIALS IS PERMITTED ON THE LOWER SIDE OF THE EDIMENT FENCE.

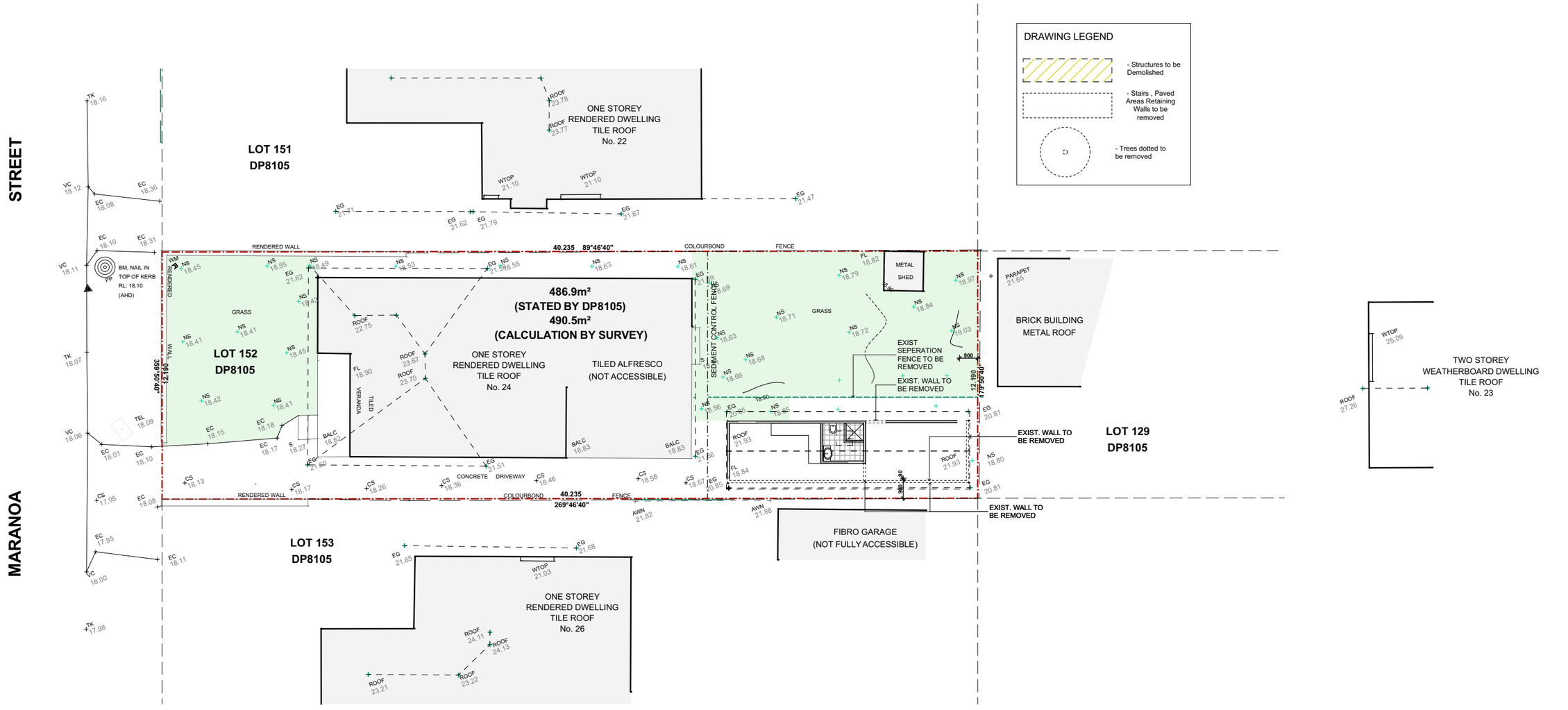
GRASS VERGES SHALL BE MAINTAINED AS MUCH AS PRACTICAL TO PROVIDE A BUFFER ZONE O THE CONSTRUCTION SITE.

ROOF DRAINAGE IS TO BE CONNECTED TO THE STORMWATER SYSTEM AS SOON AS PRACTICAL.

CONSTRUCTION ENTRY / EXIT SHALL BE AS PER DETAIL. BUILDER SHALL ENSURE ALL ROPPABLE SOIL AND SEDIMENT IS REMOVED PRIOR TO CONSTRUCTION TRAFFIC EXITING SITE. UILDER SHALL ENSURE ALL CONSTRUCTION TRAFFIC ENTERING AND LEAVING THE SITE, DO SO, A FORWARD DIRECTION.







2. DEMOLITION & SEDIMENT CONTROL
1:200

DATE	DESCRIPTION	ISSUE
11/03/2023	ISSUE FOR APPROVAL	A
18/01/2024	ISSUE FOR APPROVAL	B
15/02/2024	ISSUE FOR APPROVAL	C

ADDRESS	24 MARANOA ST , AUBIURN NSW
PROJECT	RETAIN USE , ALTS & ADDS TO SECONDARY DWELLING
LGA	CUMBERLAND COUNCIL
STAGE	FOR CLIENT APPROVAL
CLIENT	CONFIDENTIAL
DESIGNED BY	MORF ARCHITECTURE
DRAWN BY	C.C
CHECKED BY	C.C

NORTH

DRAWING TITLE
CONSTRUCTION MANAGEMENT PLAN / SOIL-WATER PLAN, Lot 6077 Wirraga Street, Bungarribee (RevE - 20.02.15), DEMOLITION & SEDIMENT CONTROL

DRAWING NO DA 1001

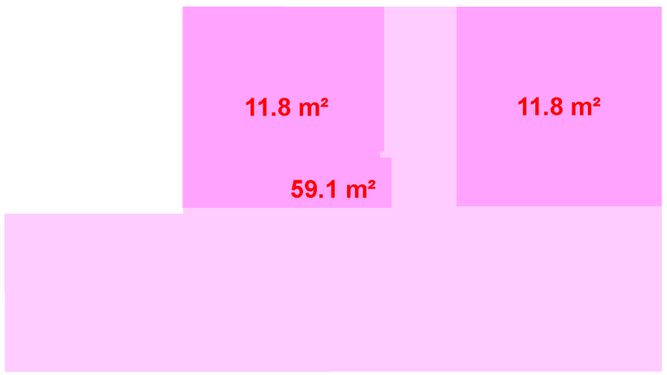
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NOTES

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MORF


11.8 m²
11.8 m²
59.1 m²

24 Maranoa Street , Auburn NSW -

ERECTION OF A SECONDARY DWELLING

EXTERNAL MATERIALS AND FINISHES SCHEDULE

 - DARK SOLAR ABSORBANCE COLORBOND ROOF

 - COMMERCIAL GLAZING TO ALL EXTERNAL WINDOWS / AND GLAZED DOORS

 - RENDER & PAINT FINISH TO EXTERNAL SURFACES AS NOTED .

BASIX™ Certificate

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

Single Dwelling

Certificate number: 1805778S

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: Friday, 25 July 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	24 Maranoa Street , Auburn NSW
Street address	24 MARANOA Street AUBURN 2144
Local Government Area	Cumberland Council
Plan type and plan number	Deposited Plan DP8105
Lot no.	152
Section no.	-
Project type	dwelling house (detached) - secondary dwelling
No. of bedrooms	3

Project score		
Water	✔ 47	Target 40
Thermal Performance	✔ Pass	Target Pass
Energy	✔ 73	Target 68
Materials	✔ 19	Target n/a

Certificate Prepared by
Name / Company Name: SHADY CHAHINE
ABN (if applicable):

Description of project

Project address	
Project name	24 Maranoa Street , Auburn NSW
Street address	24 MARANOA Street AUBURN 2144
Local Government Area	Cumberland Council
Plan type and plan number	Deposited Plan DP8105
Lot no.	152
Section no.	-

Project type	
Project type	dwelling house (detached) - secondary dwelling
No. of bedrooms	3

Site details	
Site area (m²)	486
Roof area (m²)	80
Conditioned floor area (m²)	55.0
Unconditioned floor area (m²)	5.0
Total area of garden and lawn (m²)	30
Roof area of the existing dwelling (m²)	150
Number of bedrooms in the existing dwelling	3

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	✔	47	Target 40
Thermal Performance	✔	Pass	Target Pass
Energy	✔	73	Target 68
Materials	✔	19	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 30 square metres of the site.	✔	✔	
Fixtures			
The applicant must install showerheads with a minimum rating of 3 star (> 7.5 but <= 9 L/min) 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.		✔	
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 80 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		✔	✔
• 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 - concrete slab on ground, conventional slab.	60	nil;not specified	nil	
external wall: framed (fibre cement sheet or boards); frame: timber - H2 treated softwood.	all external walls	3.00 (or 3.50 including construction);fibreglass batts or roll + reflective foil in the cavity	nil	wall colour: Medium (solar absorptance 0.48-0.7)
internal wall: plasterboard; frame: timber - H2 treated softwood.	70	fibreglass batts or roll	nil	

Construction	Area - m²	Additional insulation required	Options to address thermal bridging	Other specifications
ceiling and roof - flat ceiling / pitched roof, framed - metal roof, timber - untreated softwood.	80	ceiling: 5 (up), roof: foil backed blanket ;ceiling: fibreglass batts or roll; roof: foil backed blanket.	nil	roof space ventilation: wind-driven ventilator(s) + eave vents; roof colour: medium (solar absorptance 0.6-0.7); 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 applicant must install at least one ceiling fan in each bedroom.	✔	✔	✔
• 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).	✔	✔	✔

Skylight no.	Maximum area (m²)	Skylight specification	Shading device
S01	2.00	aluminium, single clear (U: <=7.3, SHGC: 0.75 - 0.83)	no shading

Glazed window/door no.	Maximum height (mm)	Maximum width (mm)	Frame and glass specification	Shading device (Dimension within 10%)	Overshadowing
North facing					
W01	1200.00	900.00	aluminium, single glazed (U-value: <=2.5, SHGC: 0.18 - 0.22)	eave 350 mm, 350 mm above head 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
W02	600.00	1800.00	aluminium, single glazed (U-value: <=2.5, SHGC: 0.18 - 0.22)	eave 350 mm, 350 mm above head of window or glazed door	not overshadowed
South facing					
W03	600.00	1800.00	aluminium, single glazed (U-value: <=2.5, SHGC: 0.18 - 0.22)	eave 350 mm, 350 mm above head of window or glazed door	not overshadowed
West facing					
W04	600.00	1800.00	aluminium, single glazed (U-value: <=2.5, SHGC: 0.18 - 0.22)	eave 350 mm, 350 mm above head of window or glazed door	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 instantaneous with a performance of 7 stars.	✔	✔	✔
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: 10 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: 10 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: 10 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: 10 star (average zone)		✔	✔
Ventilation			
The applicant must install the following exhaust systems in the development:			
At least 1 Bathroom: individual fan, ducted to façade or roof; Operation control: manual switch on/off		✔	✔
Kitchen: individual fan, ducted to façade or roof; Operation control: manual switch on/off		✔	✔
Laundry: individual fan, ducted to façade or roof; 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 1 bathroom(s)/toilet(s) in the development for natural lighting.	✔	✔	✔
Other			
The applicant must install a gas cooktop & gas oven in the kitchen of the dwelling.		✔	
The applicant must install a fixed outdoor clothes drying line as part of the development.		✔	
The applicant must install a fixed indoor or sheltered 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.

WASTE MANAGEMENT PLAN

DEMOLITION, CONSTRUCTION AND USE OF PREMISES

The applicable sections of this table must be completed and submitted with your Development Application.

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

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

If space is insufficient in the table please provide attachments.

Out line of Proposal

Site Address: 24 Maranoa Street , Auburn NSW
Applicant's name and address: Morf Architecture

Phone: 0416108417 Fax:

Buildings and other structures currently on the site: _____

Single Dwelling to be retained

Brief Description of Proposal:

Erection of a Secondary Dwelling

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

Signature of Applicant : Date:

SECTION ONE – DEMOLITION

This is the stage with the greatest potential for waste minimization, particularly in Sydney where there are high levels of development, relatively high tipping charges and where alternative quarry materials are located on the outskirts.

Applicants should consider if it is possible to re-use existing buildings, or parts thereof, for the proposed use.

With careful on-site sorting and storage and by staging work programs, it is possible ro re-use many materials, either on-site or off. Instead of simply pulling down a building, waste management encourages the practice of recycling on site. This could require a number of colour-coded or clearly labled bins on-site rather than one size fits all.

- Location of on-site storage space for materials (for re-use) and containers for recycling and disposal.
- Vehicle access to the site and to storage and container areas.

Continued Over Page

Demolition Stage 1
Demolish the garage only

Materials On-Site		DESTINATION		
		RE-USE AND RECYCLING		DISPOSAL
Type of Material	Estimated Volume (m^3) or Area (m^2)	**ON-SITE** • Specify proposed reuse or on-site recycling methods.	OFF-SITE • Specify contractor and recycling outlet.	• Specify contractor and landfill site.
Excavation Material	0.2m3	On-site 25sqm	To be reused on site For all planter beds	
Green Waste	0.1	On site 20sqm	To be reused on site For all planter beds	
Bricks	0.5	On site Nil		
Concrete	0	20sqm	Recycled to Sita Tip	Sita Tip
Timber – Hardwood/pine	0.5m3	On site 30sqm	Recycled to Sita Tip	Sita Tip
Plasterboard	0.3m2	On Site 20sqm	Recycled to Sita Tip	Sita Tip
Metals – Zincalum	0.2m3	On Site Nil		
Tiles and door fitting (incl. roof tile)	0.5m2	On Site Nil		

Kitchen cupboard, sink & stove	0.3m2	On Site Nil		
Bathtub vanity and closet pan	0.2 m2	On Site Nil		
Asbestos	-			

Note: Details of site area to be used for on-site separation, treatment and storage (including weather protection) should be provided on the plan drawings accompanying your application.

SECTION TWO – CONSTRUCTION AND USE

Section 2(a) – Potential for Waste Minimisation During Construction Stage

The following measures should be considered when looking to save resources and minimise waste at the construction stage.

- Purchasing Policy – considering measures such as ordering the right quantities of materials and prefabrication of materials where possible;
- Reusing formwork;
- Minimising site disturbance, limiting unnecessary excavation;
- Careful source separation of off-cuts to facilitate re-use, resale or efficient recycling; and
- Co-ordination/sequencing of various trades.

The following details should be shown on your plans.

- Location of temporary storage space within each dwelling unit;
- Location of Waste Storage and recycling Area(s), per dwelling unit or located communally onsite. In the latter case this could be a Garbage and Recycling room;
- Details of design for Waste Storage and Recycling Area(s) or Garbage and Recycling Room(s) and any conveyance of volume reduction equipment; and
- Location of communal composting area.

Section 2(b) – Design Of Facilities

The following details should be shown on your plans:

- Location of Waste Storage and Recycling Area(s) per unit or located communally on-site;
- Details of design of Waste Storage and Recycling Area(s);
- Where appropriate, design details of Garbage and Recycling Room(s); • Access for vehicles.

Every building shall be provided with a Waste Storage and recycling Area which is flexible in size and layout to cater for future changes in use. The size is to be calculated on the basis of waste generation rates and proposed bin sizes.

Section 2(c) – On-going Management

This section will enable you to describe how you intend to ensure on-going management of waste on-site (e.g. lease conditions, care-taker/manager on-site).

Materials On-Site	**DESTINATION**

Construction - Stage 2(a)

		RE-USE AND RECYCLING		DISPOSAL
Type of Material	Estimated Volume (m^3) or Area (m^2)	**ON-SITE** • Specify proposed reuse or on-site recycling methods.	OFF-SITE • Specify contractor and recycling outlet.	• Specify contractor and landfill site.
Excavation Material	0.5m2	To Be Reused on site	On Site Reuse	Onsite
Green Waste	0.1m2	To Be Reused on site	On Site Reuse	Onsite
Bricks	0.5m2	NIL	NIL	NIL
Concrete	0.1m2	To be recycled of site	Sita Tip	Sita Tip
Timber – Oregon Pine Timber pallets Particle board finishes	0.5m3	To be recycled of site	Sita Tip	Sita Tip
Plasterboard	1m2	To be recycled of site	Sita Tip	Sita Tip
Metals – Copper Aluminum	0.5m3	To be recycled of site	Sita Tip	Sita Tip
Other – Electrical fittings Reject trade-ins PVC Plastic	0.1m2	To be recycled of site	Sita Tip	Sita Tip

Note: Details of site area to be used for on-site separation, treatment and storage (including weather protection) should be provided on the plan drawings accompanying your application.

Design of Facilities – Stage 2(b)

TYPE OF WASTE TO BE GENERATED	EXPECTED VOLUME PER WEEK	PROPSED ON-SITE STORAGE AND TREATMENT FACILITIES	DESTINATION
Please specify. For example: glass, paper, food waste, off cuts etc.		For example: • Waste storage & recycling area • Garbage chute • On-site composting • Compaction equipment	• Recycling • Disposal • Specify Contractor
A.Recyclables:- 1.Home paper and cardboard waste. 2.Glass, aluminum and plastic (bottles). B.Non-recycables:- 1.Foodscraps etc. 2.Other plastics (eg wrapping). 3.Unrecycabel waste.		A. 240 Liter Recycle storage bins for paper, cardboard, glass, plastic and aluminum. B. 240 liter Storage bins	Paper/cupboard to recyclers Glass/aluminum & plastic to collected by council appointed contractor To be collected by Council appointed contractors

Note: Details of on-site waste management facilities should be provided on the plan drawings accompanying your application.

On-going Management – Stage 2(c)

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

1. The Builder will prepare an Environmental Management System addressing home waste and recycling. This will include expectations and achievable objects for sorting and separating waste. Also a regular waste audit.

2. The waste storage and recycling area will be located as approved location by Council
3. The builder will be responsible for transferring materials to the Area and the Body Corporate responsible for keeping the area clean and tidy.

Thank you for the information.

Sydney WATER

2 October 2025 **Our reference**: N/A

Rachelle Succar
Cumberland Council
rachelle.succar@cumberland.nsw.gov.au

RE: Development Application DA2025/0589 at 24 Maranoa Street, Auburn

Thank you for notifying Sydney Water of DA2025/0589 at 24 Maranoa Street, Auburn, which proposes to alterations and additions to the existing secondary dwelling with a GFA of less than or equal to 60m^2. Sydney Water has reviewed the application based on the information supplied and provides the following Sydney Water requirements to assist in understanding the servicing needs of the proposed development.

Sydney Water position:	**Condition of Consent applies**
Condition of Consent which applies:	**Building Plan Approval required** See **Attachment 1** for recommended wording for Sydney Water conditions to be included in the consent letter.
Additional comments:	N/A
Other information:	This advice is not formal approval of our servicing requirements. Detailed requirements will be provided once the development is referred to Sydney Water for further applications. The *Sydney Water Development Application Information Sheet (for proponent)* enclosed contains details on how to make further applications to Sydney Water and further information on Infrastructure Contributions. A copy of this should be provided to the proponent in conjunction with the development consent.

If you require any further information, please contact the Growth Analytics Team at urbangrowth@sydneywater.com.au.

Yours sincerely,

Growth Analytics Team
Growth and Development, Water and Environment Services
Sydney Water, 1 Smith Street, Parramatta NSW 2150

Attachment 1 – Recommended Development Conditions

Prior to the issue of a Construction Certificate/Complying Development Certificate:

Building Plan Approval (including Tree Planting Guidelines)

The plans must be approved by Sydney Water prior to demolition, excavation or construction works commencing. This allows Sydney Water to determine if sewer, water or stormwater mains or easements will be affected by any part of your development. Any amendments to plans will require re-approval. Please go to Sydney Water Tap in® to apply.

Sydney Water recommends developers apply for a Building Plan Approval early as to reduce unnecessary delays to further referrals or development timescales.

Tree Planting

Certain tree species placed in proximity to Sydney Water's underground assets have the potential to inflict damage through invasive root penetration and soil destabilisation. Section 46 of the Sydney Water Act specifies what might occur when there is interference or damage to our assets caused by trees.

For any trees proposed or planted that may cause destruction of, damage to or interference with our work and are in breach of the Sydney Water Act 1994, Sydney Water may issue an order to remove that tree or directly remove it and seek recovery for all loss and associated compensation for the removal.

For guidance on types of trees that can cause damage or interference with our assets see Sydney Water webpage Wastewater blockages. For guidance on how to plant trees near our assets, see Diagram 5 – Planting Trees within Sydney Water's Technical guidelines – Building over and adjacent to pipe assets.

Sydney Water Corporation ABN 49 776 225 038
1 Smith Street, Parramatta, NSW 2150 | PO Box 399, Parramatta, NSW 2124
Telephone 13 20 92 **Media (24/7)** 8849 5151 **sydneywater.com.au**

DOCUMENTS ASSOCIATED WITH REPORT ELPP032/25

Attachment 3

Clause 4.6 Variation Request

Clause 4.6 Variation

CARPARKING PROVSION

24 MARANOA STREET, AUBURN

FEBRUARY 2024



QUALITY ASSURANCE	
PROJECT:	Clause 4.6 – Parking Provision- Secondary Dwelling
ADDRESS:	24 Maranoa Street, Auburn
LOT/DP:	Lot 152 in DP8105
COUNCIL:	Cumberland Council
AUTHOR:	Think Planners Pty Ltd

Document Management				
Date	Purpose of Issue	Revision	Reviewed	Authorised
15 February 2024	Co-ordination	Draft	BD	BD
16 February 2024	Lodgement Issue	Final	BD	BD

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CLAUSE 4.6 DEPARTURE

BACKGROUND TO THE BREACH

This Clause 4.6 variation has been prepared in support of a development application for alterations and additions to the existing detached garage and use as a secondary dwelling.

Clause 53(2b) of the Housing SEPP contains a non-discretionary development standard that states:

(*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.*

Council has identified that the development technically varies this control as the existing garage will no longer be able to accommodate a car.

Given that the pathway that accesses the former garage is only 2.06m wide, it is debatable whether the garage was capable of accommodating a vehicle given the wall of the dwelling and boundary fencing and noting that a driveway is typically a minimum 3m in width as required by Part A section 2.3 of the Cumberland DCP. However it is technically possible that a small car such as Toyota Corolla with careful driving and possibly its mirrors folded in could likely have accessed the garage if driven carefully.

As illustrated by the real estate diagram overleaf (that unfortunately incorrectly plots the location of the garage) the garage had an internal depth of 7.2m and was potentially capable of containing one car.



Figure 1: Real Estate site Plan illustrating dimesion of garage (Source Real Estate.com)

Given the issue identified a Clause 4.6 variation has been prepared to deal with this issue noting

THE PARKING DEVELOPMENT STANDARD

Clause 53(2b) of the Housing SEPP contain a non-discretionary development standard that states:

> *(2) The following are non-discretionary development standards in relation to the carrying out of development to which this Part applies—*
>
> *(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.*

Section 4.15(3), of the Environmental Planning Act confirms that non-compliance with a non-discretionary standard does not prevent development consent being granted

VARIATION TO THE STANDARD ASOCIATED WITH THE DEVELOPMENT

As the garage was capable of accommodating a single vehicle, there will be a loss of one vehicle parking space as part of this development.

The breach arises in order to assist with providing additional self contained residential accommodation on the site through the substantial reuse of existing buildings.

RELEVANT CASE LAW

There are a number of Land and Environment Court cases including *Four 2 Five v Ashfield* and *Micaul Holdings Pty Ltd v Randwick City Council* and *Moskovich v Waverley Council,* as well as *Zhang v Council of the City of Ryde*. In addition a judgement in *Initial Action Pty Ltd v Woollahra Municipal Council (2018) NSWLEC 118* confirmed that it is not necessary for a non-compliant scheme to be a better or neutral outcome and that an absence of impact Is a way of demonstrating consistency with the objectives of a development standard. Therefore this must be considered when evaluating the merit of the FSR departure.

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

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

Accordingly, the key tests or requirements arising from the above judgements is that:

- The consent authority be satisfied the proposed development will be in the public interest because it is "*consistent with*" the objectives of the development standard and zone is not a requirement to "*achieve*" those objectives. It is a requirement that the development be compatible with the objectives, rather than having to 'achieve' the objectives.

- Establishing that 'compliance with the standard is unreasonable or unnecessary in the circumstances of the case' does not always require the applicant to show that the relevant objectives of the standard are achieved by the proposal (Wehbe "test" 1). Other methods are available as per the previous 5 tests applying to SEPP 1, set out in Wehbe v Pittwater.

- There are planning grounds to warrant the departure, and these planning grounds are clearly articulated as reasons in arriving at a decision.

- The proposal is required to be in 'the public interest'.

In relation to the current proposal the keys are:

- Demonstrating that the development remains consistent with the objectives of the maximum FSR control and on that basis that compliance is unreasonable or unnecessary;
- Demonstrating consistency with the R2 zoning;
- Establishing compliance is unreasonable and unnecessary;
- Demonstrating there are sufficient environmental planning grounds to justify varying the standard; and
- Satisfying the relevant provisions of Clause 4.6.

ADDRESS OF CLAUSE 4.6 PROVISIONS

Clause 4.6 of the Cumberland Local Environmental Plan 2021 provides that development consent may be granted for development even though the development would contravene a development standard. This is provided that the relevant provisions of the clause are addressed, in particular subclause 3. An extract from the LEP is provided below:

(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 to 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, and
(b) there are sufficient environmental planning grounds to justify the contravention of 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)

Clause 4.6 does not restrain the consent authority's discretion as to the numerical extent of the departure from the development standard. Each of the relevant provisions of Clause 4.6 are addressed in turn below.

CLAUSE 4.6(3)(A) - COMPLIANCE UNREASONABLE AND UNNECESSARY

Compliance with the development standard is unreasonable or unnecessary in the circumstances of the case as the underlying objectives of the control, and the objectives of the zone, are achieved despite the non-compliance to the numerical development standard as set out above, which satisfies Wehbe Test 1.

The objective of the clause is stated as:

> *(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.*

It is also noted that Cumberland DCP identifies that a minimum of 1 parking space is required for a dwelling and does not contain any additional requirements for a secondary dwelling.

Notwithstanding the numerical departure the development is considered to be consistent with the objective of the clause as:

- The existing dwelling in reality only contains one parking space given the 2.069m width of the driveway that would prevent most cars from accessing the garage;

- The provision of one carparking space for the development is compliant with the requirements of Cumberland DCP 2021;

- The site is within 1.4km walking distance of Berala Station and 200m of bus stops with regular services to Parramatta and Bankstown. Given this the development site is accessible and future residents would likely utilise the extensive public transport in the immediate area for some journeys; and

- The site is not located within an area of high on-street parking demand and there is opportunity for any overflow vehicles to park on the street without unduly impacting on the amenity of adjoining or nearby properties.

The above discussion demonstrates that compliance with the standard is unnecessary and unreasonable in the circumstances of the case.

CLAUSE 4.6(3)(B) – SUFFICIENT ENVIRONMENTAL PLANNING GROUNDS

Pain J held in *Four2Five vs Ashfield Council* [2015] NSWLEC 90 that to satisfy clause 4.6(3)(b), a clause 4.6 variation must do more than demonstrate that the development meets the objectives of the development standard and the zone – it must also

demonstrate that there are other environmental planning grounds that justify contravening the development standard, being grounds that are specific to the site.

Pursuant to clause 4.6(3)(b) of the LEP, there are sufficient environmental planning grounds to justify the variation to the FSR development standard.

- The development will assist in providing additional affordable residential accommodation in an accessible area;

- The development will assist with providing an additional dwelling in area well serviced by infrastructure and facilities. This will assist with addressing Australia current shortage of housing;

- The development largely converts an existing outbuilding which is an appropriate adaptive use of building and increases the sustainability of the development;

- environmental conditions of the site are largely unchanged as the proposal largely utilises the footprint of the exiting outbuilding; The removal of a theoretical parking space does not result in any significantly greater impact to the adjoining land; and

- The departure enables the continued use of the land for residential purposes that is within proximity to schools, public reserves, public transportation, and major arterial roads.

In addition, the proposal is consistent with the objectives of the R2 zone, insofar as the development is not antipathetic to the zone objectives (per *Schaffer Corporation v Hawkesbury City Council (1992) 77 LGRA 21).* The zone objectives are outlined below and discussed in turn.

- *• To provide for the housing needs of the community within a low density residential environment.*
- *• To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *• To encourage residential development that maintains the amenity of the surrounding area.*
- *• To ensure that non-residential land uses are located in a setting that minimises impacts on the amenity of a low-density residential environment.*

The proposal, despite the loss of parking remains consistent with the objectives as set out in the following analysis against each objective –

Objective - To provide for the housing needs of the community

The proposal contributes to the retention of housing supply that will serve the communities demand for accommodation. The proposal facilitates the provision of a new dwelling and a secondary dwelling that supports ageing in place and co-living with extended family.

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

The proposal contributes to the provision of housing supply that will serve the communities demand for residential accommodation and create demand for facilities and services in the area.

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

The development sensitively responds to the sites opportunities and does not unduly impact upon the amenity of adjoining properties.

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

This objective is not applicable to this development

The above points demonstrate suitable environmental planning grounds exist to justify contravening the development standard around the removal of existing parking spaces and further demonstrates that the removal does not give rise to any environmental impacts, and therefore the proposal is an appropriate design response for the subject site.

CONCLUSION

Strict compliance with the prescriptive parking requirement is unreasonable and unnecessary in the context of the proposal and its circumstances.

The proposed development is in the public interest because it is consistent with the objectives of the development standard (Cl 4.4) and the objectives of the R2 zone and the proposal demonstrates sufficient environmental planning grounds to warrant support of the departure.

The proposed development meets the underlying intent of the control and is a compatible form of development that does not result in unreasonable environmental amenity impacts.

The proposal will not have any adverse effect on the surrounding locality, which will be characterised by residential development of similar parking provision. The proposal promotes the economic use and development of the land consistent with its zone and purpose.

The variation is well founded and demonstrates the relevant matters set out under Clause 4.6 having regard to the provisions of Clause 4.6 and recent case law and taking into account the absence of adverse environmental, social or economic impacts, it is requested that Council and the planning panel (if necessary) support the development proposal.

DOCUMENTS ASSOCIATED WITH REPORT ELPP032/25

Attachment 4

Appendix A Cumberland LEP 2021 Assessment

Appendix A – Cumberland Local Environmental Plan

Cumberland Local Environmental Plan 2021 (CLEP 2021)	
Is the development consistent with the aims of the LEP?	Yes – The proposed development is consistent with the aims of the CLEP 2021.
Is the development consistent with the Zone objectives?	Yes – The site is Zoned R2 where secondary dwellings are a permissible form of development under SEPP (Housing) 2021
Minimum Lot size.	N/A – No subdivision is proposed for this application.
Exceptions to minimum subdivision lot sizes for certain residential development.	N/A – No subdivision is proposed for this application.
Height of Buildings - 9m.	Yes - Building height complies at 3.4m (RL 21.940)
Floor space ratio (FSR) – No FSR in R2 Zone	N/A – No FSR requirement in R2.
Heritage Conservation.	N/A - Not a Heritage Item or in a Heritage Conservation Area.
Flood Planning.	N/A – The site is not impacted by flooding.
Acid Sulphate Soils.	Yes - Class 5. However, the proposed earthworks for footing and foundation of the proposed development are minor and does not involve in any excavation works more than 2 metres below the natural ground surface and therefore is unlikely to lower the water table. In this regard, there is there is no impact, and an acid sulphate soils management plan is not required.
Earthworks.	Yes – Excavation for the purpose of footings and foundation for the proposed secondary dwelling is required. 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.
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 – Council records indicates that the site is no affected by or in close proximity to any remnant Native Vegetation.
Riparian land and watercourses.	N/A - Council's records indicates that the site is not affected by or in close proximity to riparian Lands and watercourses.
Stormwater management.	Yes – Stormwater is to drain into existing stormwater system on site. Relevant conditions imposed.
Urban Heat.	Yes – Sufficient landscaping surface and setbacks are proposed to minimise urban heat.
Salinity	N/A – Council records indicates that the site is not affected by salinity.

DOCUMENTS ASSOCIATED WITH REPORT ELPP032/25

Attachment 5

Appendix B Cumberland DCP 2021 Assessment

Appendix B – 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%**	Complies – Proposed site coverage is 33.1% (162.2sqm)	Yes
	The non-built upon areas shall be landscaped and/or deep soil and provide for POS.	Complies – The non-built upon areas are adequately landscaped and provide sufficient space for POS.	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 = 143.3sqm or 29.2%.	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.	Complies – The proposal complies with the minimum landscaping requirement within the rear setback of the site.	Yes
	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.	Complies – POS is located at ground level within the rear setback of the site in the form of the grassed area.	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.	Complies – 78.9sqm POS provided with a width greater than 4x4m. This 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.	Complies – POS is sufficiently oriented and maximises residential amenity.	Yes
2.11 Solar Access	<u>Subject and adjoining property</u>: - 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	Yes

		living areas of neighbouring dwellings in mid-winter between 8am and 4pm on 21 June.	
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.	Complies – The site is relatively flat and minor cut and fill proposed to facilitate the construction within the building envelope. The proposed cut and fill is unlikely to impact on the overland flow of the site.	Yes
	<u>Fill</u>: - 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.	Complies – No fill proposed within 900mm of the boundary.	Yes
	<u>Cut</u>: - Max 1m (excluding basements); - 450mm within 900mm of side/rear boundaries;	Complies – Max 250mm cut proposed within the building envelope. No cut proposed within 900mm for the rear/side boundaries.	Yes
	Cut and fill must not impact on neighbouring amenity or result in a significant loss of mature trees.	Complies – The proposed cut and fill is minor and is unlikely to impact the neighbouring amenity. No mature tree exists within the vicinity of the construction site.	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.	Yes

		Secondary dwelling is located behind the building line.	
	Where outbuilding converted to secondary dwelling: - Comply with BCA/NCC. - Comply with DCP.	Yes – The application proposes alterations and additions to an existing garage (outbuilding) and its conversion into a secondary dwelling. Appropriate conditions imposed requiring a BIC to be obtained.	Yes
	Site Area: Min 380m^2	Yes – Total site area is 490.5sqm (calculation by survey)	Yes
	Height: 2 storeys and must not be higher than principal dwelling.	Yes – Single (1) storey secondary dwelling proposed.	Yes
	Attics prohibited.	Not Applicable – No attic is proposed.	N/A
	Floor to ceiling height: Not less than 2.4m and not greater than 2.7m.	Yes – A max ceiling to floor height of 2.7m and minimum 2.5 is proposed.	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
	Setbacks: - Secondary street (Corner site): 3m - Side: 900mm single storey/1.5m for 2 storeys - Rear Setback: 900mm single storey/3m for 2 storey	Yes – The proposed secondary dwelling provides the following setbacks: • Western side: 900mm • Eastern side: 4.8m • Southern (rear) setback: 900mm	Yes
	Dwelling and bedroom size: - 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 59sqm. Proposed Bedroom 1 has an internal floor area of 11.8sqm; bedroom 2 has an internal floor area of 11.8sqm.	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 east facing windows/openings. POS has a 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.	Yes - North Elevation: Window associated with bedroom 1 (W2) has a sill height of 1.4m above FFL and faces into shared POS - No privacy concern to adjoining property. East Elevation: Proposed living is elevated a maximum of 30mm above NGL and is 8.2m from the eastern boundary. Suitably setback and 1.8m side boundary fence provides sufficient privacy screen. - No privacy concern to adjoining property.	Yes

	- First floor balconies max 12m^2 and not be located along side elevations.	South Elevation: Window associated with bedroom 2 (W3) has a sill height of 1.4m above FFL - No privacy concern to adjoining property. West Elevation: Proposed living is elevated a maximum of 30mm above NGL and is 8.2m from the eastern boundary. Suitably setback and 1.8m side boundary fence provides sufficient privacy screen. - No privacy concern to adjoining property.	
	Site coverage: - **450m^2 or less – max 70%** - 451m^2 or greater – max 65%	Complies – Proposed site coverage is 33.1% (162.2sqm)	Yes
	Deep Soil Zone: - **450m^2 or less – min 15%** - 451m^2 or greater – min 20%	Yes – Landscaped area with minimum width of 1m x 1m = 143.3sqm or 29.2%.	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, study 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 internal boundary fencing is erected.	Yes
Part G - Miscellaneous Development Controls			
Part G3 – TRAFFIC, PARKING, TRANSPORT AND ACCESS (VEHICLE)			
3. Parking Rates	- 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.	**No** – No covered space is provided for the principal dwelling house. The proposed variation is approximately 100%. The variation is acceptable on merit basis as discussed in body of the report.	Yes, this is accepted on merit as discussed in the body of the report
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	Not Applicable – No tree removal proposed.	N/A

	remnant native ground cover species.		
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

Item No: ELPP033/25

DEVELOPMENT APPLICATION - 28 REID STREET, MERRYLANDS

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

Application lodged	11 August 2025
Applicant	Perras Design Group Pty Ltd
Owner	S L Leung
Application No.	DA2025/0556
Description of Land	28 Reid Street, Merrylands NSW 2160, Lot 9 Sec 4 DP 1118
Proposed Development	Demolition of existing concreted area and construction of a detached secondary dwelling pursuant to the State Environmental Planning Policy (Housing)
Site Area	385.7sqm
Zoning	R2 Low Density Residential
Disclosure of political donations and gifts	Nil disclosure
Cost of works	$123,486.00
Heritage	There is no heritage items located on, or in the vicinity of the subject site, nor is the site is located within a Heritage Conservation Area.
Principal Development Standards	Minimum site area for detached secondary dwelling under SEPP (Housing) 2021 Permissible: 450sqm Proposed site area: 385.7sqm
Issues	Variation to Clause 53(2)(a)

SUMMARY:

1. Development Application No. DA2025/0556 was lodged on 11 August 2025 seeking approval for the demolition of existing concreted area and construction of a detached secondary dwelling pursuant to the State Environmental Planning Policy (Housing).

2. The application was publicly notified to occupants and owners of the adjoining properties for a period of 14 days between 14 August 2025 and 28 August 2025. In response, no submissions were received.

3. 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).

4. Clause 53(2)(a) of the Statement of Environmental Planning Policy Housing (2021) states that for a detached secondary dwelling, a minimum site area of 450sqm is required. The subject site area is 385.7sqm.

5. The variation are as follows:

Control	Required	Provided	% variation
Minimum Lot Size *State Environmental Planning Policy (Housing) 2021*	450sqm	385.7sqm	14.3%
Width of deep soil zone at rear boundary *2.7 Landscaping (Cumberland DCP 2021)*	6.096m	Zero	100%
Bedroom size *2.21 Secondary dwellings (Cumberland DCP 2021)*	8sqm	7.2sqm	10%

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

7. 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 9 in Sec 4, DP 1118 and is known as 28 Reid Street Merrylands NSW 2160. The site has an area of 385.7sqm and has a frontage to Reid Street of 12.192m. The site has a fall of approximately 0.53m from west to east.

A site inspection of the premises carried out on 10 September 2025 and satellite images confirm that the site is currently occupied by a single dwelling and a detached shed. The existing developments adjoining the site include a detached single storey dwelling to the west and east. The surrounding area is generally residential in character, comprising a mix of single and two-storey dwellings.

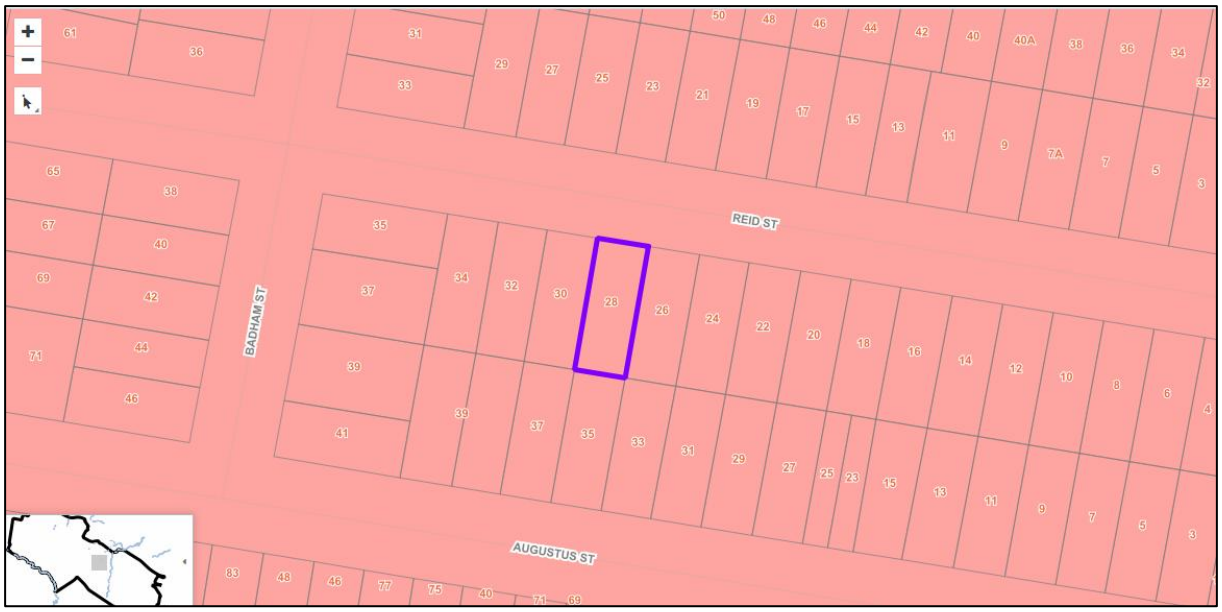




Figure 2: Aerial Map (Source: IntraMaps)



Figure 3 and 4: Street view of Reid Street, Rear yard (Source: site inspection)

Description of The Development

Development application DA2025/0556 was lodged on 11 August 2025 seeking approval for the demolition of existing concreted area and construction of a detached secondary dwelling. The detailed breakdown of the proposal is shown below:

Demolition:

- Existing concreted path area along the eastern side of existing dwelling:

Construction:

- A detached single storey secondary dwelling comprising of two bedrooms (ensuite master bedroom1 and bedroom 2 as a standalone bedroom), bathroom/laundry, and an open plan kitchen/ living/ dining area.

Site History

No relevant historical record of development on site found in Council's system.

Applicants Supporting Statement

The applicant has provided a Statement of Environmental Effects prepared by Perras Design and was received by Council on 6 August 2025 in support of the application. Further, Clause 4.6 Variation Statement prepared by Perras Design dated October 2025 was received by Council on 20 October 2025 in support of the application. The variation requests are in relation to the minimum lot size for a secondary dwelling under the SEPP (Housing) 2021.

Contact With Relevant Parties

The assessing officer has undertaken a site inspection of the subject site and surrounding properties on 10 September 2025 and has been in regular contact with the applicant throughout the assessment process.

Internal Referral

The application was not required to be referred internally for comments.

External Referral

The application was externally referred to Sydney Water Corporation on 13 August 2025. Sydney Water Corporation responded on 02 September 2025 with no objections 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.	N/A – No tree removal proposed, and the subject site does not hold any biodiversity or ecological values. Hence, the proposal does not trigger the provision of chapter 2.
	Chapter 6 - Water Catchments. Sydney Harbour Catchment	Yes – It is determined that given the location of the site/development, 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 3	N/A – This application does not propose any potentially hazardous or potentially offensive development.
	Chapter 4 - Remediation of Land. Part 4.6.	Yes – 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.

State Environmental Planning Policy (Sustainable Buildings) 2022	Chapter 2 Standards for residential Development - BASIX	BASIX Certificate number (1807181S dated 05 August 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 (Transport and Infrastructure) 2021.	Chapter 2 - Infrastructure Clause 2.48	N/A – The proposed development is not within 2m of an underground electricity power line or an electricity distribution pole.
	Clause 2.77	N/A – The subject site is not within a pipeline corridor.
	Clause 2.98	N/A – The subject site is not adjacent to railway corridor.
	Clause 2.119	N/A – The subject site does not front a classified road. Therefore, no concern is raised regarding impact of road noise.
State Environmental Planning Policy (Housing) 2021	Chapter 6 – Low and mid rise housing.	N/A – The proposal does not fall within the Low and Mid Rise Housing area.

State Environmental Planning Policy (Housing) 2021

The application has been submitted under Chapter 3 Part 1 Division 2 of the SEPP (Housing) 2021. It should be noted that the proposal generally complies with the key planning controls contained within the SEPP (Housing) 2021, with the exception of Clause 53(2)(a) which states that for a detached secondary dwelling the development must have a minimum site area of 450sqm.

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 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.	Yes

	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 not been proposed as part of this application.	N/A
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.	Yes – One existing single storey dwelling and one secondary dwelling are proposed.	Yes
Subclause 2(b) The total floor area of the principal dwelling and the secondary dwelling is no more than the maximum floor area permitted for a dwelling house on the land under another environmental planning instrument, and	The site is on land zone R2 Low Density Residential. No FSR is applicable in land zoned R2 under the Cumberland Local Environmental Plan CLEP 2021.	Yes
Subclause 2(c) The total floor area of the secondary dwelling is— (i) >60 sqm or (ii) the greater floor area permitted in another EPI	Yes – Internal floor area complies at 60 sqm.	Yes
53(2)(a). Site area minimum of 450sqm	The site is subject to a minimum site area of 450sqm. The proposed development has a site area of 385.7sqm, which is deficient in area by 64.3sqm equating to a 14.3% variation. A written request to vary the development standard was submitted in accordance with clause 4.6(3)(a) and (b) of the Cumberland Local	No – Please see Clause 4.6 discussion below.

	Environmental Plan 2021. Please see Clause 4.6 variation discussion below.	
53(2)(b). Same number of parking spaces as before.	Yes – There is no change to existing number of car parking spaces on the site. It is noted that the existing car park space is on the driveway.	Yes

The proposed development generally complies with the Environmental Planning Instrument. See Appendix A for a detailed assessment of the proposal under this plan.

Cumberland Local Environmental Plan 2021

The provisions of the Cumberland Local Environmental Plan 2021 are 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 Zoning.

(a) Permissibility:

The proposed development is defined as a residential accommodation. The Cumberland Local Environmental Plan 2021 does not permit secondary dwelling in an R2 Low Density Residential Zone. However, SEPP (Housing) 2021 is applicable to the proposed development thus permissible with consent in the R2 Low Density Residential Zone.

Residential accommodation means *a building or place used predominantly as a place of residence, and includes any of the following: attached dwellings, boarding houses, co-living housing, dual occupancies, dwelling houses, group homes, hostels, multi dwelling housing, residential flat buildings, rural workers' dwellings, secondary dwellings, semi-detached dwellings, seniors housing, shop top housing, but does not include tourist and visitor accommodation or caravan parks*

The proposed development complies with the Cumberland Local Environmental Plan in full. See Appendix C for a detailed assessment of the proposal under this plan.

(b) Clause 4.6 – Exceptions to development standards

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 at Clause 53(2)(a) non-discretionary development standards – the Act, s4.15 of the State Environmental Planning Policy (Housing) 2021 in relation to providing a minimum site area of 450sqm for a detached secondary dwelling. The subject site has an area of 385.7sqm which deviates from the standard by 64.3sqm equating to a 14.3% variation.

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:

a. The proposed development is considered to satisfy the objectives of the development standard by providing additional affordable residential accommodation.

b. It is considered that the proposed non-compliances with the minimum lot area does not result in any unreasonable impact and is appropriate for the orderly and economic use of the land.

c. This proposal seeks to propose construction of a secondary dwelling on the lot which is already compliant with the minimum lot size of 380m² prescribed within Cumberland Development Control Plan 2021.

d. The exceedance of the minimum lot size does not result in any significantly greater impact to the adjoining properties such as overshadowing and overlooking.

e. The departure enables the continued use of the land for residential purposes that is within proximity to shops, public transportation, public reserves, schools and major classified roads.

f. The proposed development will not result in loss to any 'significant' views as a result of the breach of the standard.

The proposed development is considered to satisfy the objectives of the development standard by providing additional residential accommodation. The environmental planning benefits that are facilitated by the variation of the minimum lot size relate to construction of a secondary dwelling and the achievement of the desired future character of the locality. It enables the provision of a generous street setback and the creation of a modest residential dwelling. The proposed development contains a secondary dwelling will not impact the site functionality as dwellings are permitted within the R2 zone and the proposal will not result in any adverse impact on the streetscape presentation.

Planner's Comment:

The likely intent of the development standard at clause 53(2)(a) is to ensure overdevelopment does not occur and residents of the subject development and surrounding sites are provided with a satisfactory level of amenity. It is considered that the proposal is consistent with the desired low-density character of the area. The proposal provides a height, bulk and scale that is generally consistent with the relevant planning instruments, and the correlation between the building height and density is considered appropriate. As demonstrated in the attached assessment tables, the development is compliant with the building mass, and amenity requirements of the relevant planning instruments. If the development were made to comply there would be no significant improvement with respect to the abovementioned characteristics. In this regard, Council considers compliance to be unnecessary in the circumstances of the case.

(b) 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 breach of the standard allows for a development that is consistent with the desired future character of the area which is going through a transition. It is consistent in the transition of perceived site area; and

a. The proposed development is compatible with the existing development and surrounding site patterns of development in the locality.

b. The proposed development will contribute to additional affordable housing supply and not impact the surroundings' amenities.

c. The environmental planning benefits that are facilitated by the variation of the minimum lot size relate to construction of a secondary dwelling and the achievement of the desired future character of the locality.

Therefore, for the reasons outlined, it is considered that there are site specific reasons to demonstrate that there are sufficient environmental planning grounds to justify contravention to the development standard.

Planner's Comment:

Council considers that the development will protect the amenity of residents within the development and the adjoining properties, subject to conditions of consent to incorporate privacy measures to certain windows and the proposed 0.4m cut is permitted within 900mm of the western side boundary. The bulk and scale of the development is such that surrounding properties will receive sufficient solar amenity.

Council's DCP controls consider a lot of 380sqm to be of suitable size to accommodate a secondary dwelling. This is a specific control contained in the CDCP, Part B, Section 2.21, C7 which states "The minimum site area for a detached secondary dwelling shall not be less than 380sqm."

Council considers the applicants justification to be well founded and the subject site area is 385.7sqm, to accommodate the proposed secondary dwelling. On this basis, it is considered that there are sufficient environmental planning grounds to vary the standard.

Conclusion:

Council is satisfied that the applicant's written request has adequately addressed the matters required to be demonstrated by clause 4.6 subclause (3). Council is further satisfied that the proposed development will be in the public interest 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 that the justification provided is satisfactory and having considered the application on its merit, the exception to Clause 53(2)(a) in relation to minimum site area 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))

The subject site of the proposed development does not fall within the Draft Woodville Road Corridor Planning Proposal that is currently on public exhibition from 4 March to 17 April 2025. In this instance, no further consideration is required under this part.

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 11 August 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 is the relevant development control plan to consider which 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 in attachment.

The proposed development complies with the provisions of Council's Cumberland DCP 2021 with the exception of that outlined below.

The following highlights a non-compliance with the CDCP, which relates primarily to width of deep soil zone across at least 50% of the rear boundary and bedroom size of the secondary dwelling. The variations sought are considered satisfactory on merit in this instance.

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

2.7 Landscaping – Control C4. Width of deep soil zone across at least 50% of the rear boundary

The CDCP 2021, Part B1, Clause 2.7, Control 4 requires that the majority of the deep soil zone to 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.

Majority of deep soil zone is located in the rear yard. However, there is no deep soil zone proposed at the rear boundary, resulting in a **variation of 100%**.

To comply with this control, the development needs to achieve a deep soil area extending across a minimum of 6.096m which is half of the designated rear boundary (being 50% of the length of the rear boundary). Irrespective of this departure, it is considered that the proposal performs adequately from an environmental planning viewpoint and may be supported as sufficient deep soil zone has been provided between the principal and secondary dwelling.

Although there is no deep soil zone at rear boundary, 49.5sqm of deep soil zone has been provided behind the building line and 48.8sqm of existing landscaping is to be retained within the front setback, and an overall amount of 98.3 sqm (25.5% of the site area) of deep soil zone is proposed. The proposed location of the deep soil zone is considered acceptable as it provides a continuous area of deep soil and vegetation and is accessible to both the primary and secondary dwelling.

The proposed landscaped area complies with all other controls outlined in 2.7 Landscaping and is not envisaged to deter from the objectives as it maintains the landscaped character of the surrounding developments and provides opportunity for water infiltration and vegetation to grow. The proposed development complies with other relevant provisions of the Cumberland Development Control Plan 2021 and is considered acceptable on merit in this instance.

2.21 Secondary dwellings – Control C14. Bedroom size

The CDCP 2021, Part B1, Clause 2.21, Control 14 requires that the size of a bedroom of a secondary dwelling shall not be less than 8sqm.

The proposed bedroom 1 complies with the nominated requirement while bedroom 2 has a size of 7.2sqm (excluding wardrobe), resulting in a shortfall of 0.8 sqm or 10% variation.

Despite the numerical non-compliance, the proposed bedroom size is considered to be compliant with the objectives of the control for rooms to be functional and has a sufficient size for the intended use, in addition, a built in wardrobe has been provided that has been excluded from the calculation. In this regard, the variation is considered 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 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 DCP 2021, the proposal was publicly notified for a period of 14 days

between 14 August 2025 and 28 August 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 PLAN 2020

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

In accordance with the Contribution Plan a contribution is payable, pursuant to Section 7.11 of the EP&A Act, calculated on the cost of works. A total contribution of $11,261.00 would be payable prior to the issue of a Construction Certificate.

HOUSING AND PRODUCTIVITY CONTRIBUTION (HPC)

In accordance with Clause (2) of Schedule 2 of the HPC Order 2024, the proposed development is exempt from the HPC, as the development is for the demolition of existing structures and construction of a secondary dwelling, no subdivision 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*, State Environmental Planning Policy (Housing) 2021, Cumberland LEP 2021, and Cumberland DCP 2021 for Development Applications and is considered to be satisfactory for approval subject to the conditions of the development consent.

Having regard to the assessment of the proposal from a merit perspective, Council is satisfied that the applicant have provided a sufficient Clause 4.6 variation in relation to the minimum site area.

The proposed development is appropriately located within the R2 – Low Density Residential Zone under the relevant provisions of the Cumberland LEP 2021. Variation to width of deep soil zone across at least 50% of the rear boundary and bedroom size of secondary dwelling under CDCP 2021 is considered acceptable on merit.

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

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

CONSULTATION:

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

FINANCIAL IMPLICATIONS:

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

POLICY IMPLICATIONS:

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

COMMUNICATION / PUBLICATIONS:

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

REPORT RECOMMENDATION:

1. That the Clause 4.6 variation request to vary Clause 53(2)(a) development standard, pursuant to the SEPP (Housing) 2021, be supported.

2. Development Application No. DA2025/0556 for Demolition of existing concreted area and construction of a detached secondary dwelling on land at 28 Reid Street Merrylands NSW 2160 be Approved subject to conditions listed in the attached schedule.

ATTACHMENTS

1. Draft Notice of Determination ⇩
2. Architectural Plans ⇩
3. Appendix A Cumberland LEP 2021 Assessment ⇩
4. Appendix B Cumberland DCP 2021 Assessment ⇩
5. Clause 4.6 Variation Request ⇩

DOCUMENTS ASSOCIATED WITH REPORT ELPP033/25

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:	DA2025/0556
Applicant:	Perras Design Group Pty Ltd 6/92 Bathurst Street LIVERPOOL NSW 2170
Property Description:	28 Reid Street MERRYLANDS NSW 2160, Lot 9 Sec 4 DP 1118
Development:	Demolition of existing concreted area and construction of a detached secondary dwelling pursuant to the State Environmental Planning Policy (Housing)
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*
Job Number 2545, Number in set 2, Issue B,	Site and Sediment Control Plan	Perras Design Group	August 2025
Job Number 2545, Number in set 3, Issue B,	Ground Floor Plan	Perras Design Group	August 2025
Job Number 2545, Number in set 4, Issue B,	Section A-A	Perras Design Group	August 2025
Job Number 2545, Number in set 5, Issue B,	Elevations	Perras Design Group	August 2025
Job Number 2545, Number in set 8, Issue B,	Landscape Plan	Perras Design Group	August 2025
Job Number 2545, Number in set 1, Issue B,	Demolition Plan	Perras Design Group	August 2025
Job Number 2545, Number in set 7, Issue B,	Colour Schedule/3D Renders	Perras Design Group	August 2025
Cert. No. (1807181S)	BASIX Certificate	Five Star NatHERS	05 August 2025
-	Waste Management Plan	Perras Design Group	August 2025
CNR-85630 (NSW Planning Portal)	Sydney Water Correspondence and conditions	Sydney Water	29 August 2025

For comprehension of approved levels, reference has been made to survey plan drawing No. 25546-1-A prepared by Auswide Surveying Pty Ltd dated 21 April 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 flow

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. **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)

6. **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

7. **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)

8. **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)

9. **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)

10. **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)

11. **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 $11,261.00 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)

12. **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	$11,261.00 + CPI	Prior to CC
TOTAL	$13,601.00 + CPI	Prior to CC

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)

13. **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)

14. **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)

15.
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)

16. **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)

17. **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)

18. **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)

19. **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)

20. **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)

21. **DACCL02 - Telecommunications**
If the development likely to disturb or impact upon telecommunications infrastructure like pits etc, 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)

22. **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)

Conditions Which Must be Satisfied Prior to the Commencement of any Development Work

23. 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)

24. 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)

25. 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)

26. 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)

27. 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)

28. 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)

29. DAPCC01 - Salinity

The applicant must advise the relevant public utility authorities of any potential salinity problems that have been identified, to ensure their services are designed to take into consideration the effects of saline soils on their installations.

(Reason: To ensure utility authorities design relevant utilities in consideration of the saline soils)

Conditions Which Must be Satisfied During any Development Work

30. 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)

31. 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)

32. 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)

33. 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)

34. 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)

35. 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)

36. DADWA10 - Electricity and Telecommunication Connections - Secondary Dwelling

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)

37. DADWA11 - Communication Cabling

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

(Reason: Environmental Amenity)

38. 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)

39. 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)

40. **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)

41. **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)

42. **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)

43. **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)

44. **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)

45. **DADWC04 - Survey Report** 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 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)

46. **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)

47. **DADWC06- Air Conditioning Units for Low 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)

48. **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)

49. **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)

50. **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)

51. **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)

52. **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)

53. **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)

54. **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 an Occupation Certificate

55. **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)

56. **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)

57. **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)

58. **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)

59. **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)

60. **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)

DAOCA14 - Maintenance of Existing Drainage System

61. **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)

Conditions Which Must be Satisfied During the Ongoing Use of the Development

62. **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)

63. **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)

64. **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)

Advisory Notes

65. DAANN01 - Dial Before You Dig

Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets 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)

66. DAANN02 - Telecommunications Act 1997 (Commonwealth)

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

(Reason: Advisory)

67. 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)

68. 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)

69. DAANN09 - Review of Determination

In accordance with the provisions of section 8.2 of the *Environmental Planning and Assessment Act 1979*, you can request 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)

70. DAANN10 - Right of Appeal

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

(Reason: Advisory)

71. **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)

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

(Reason: Advisory)

73. **DAANN16 - Compliance with Disability Discrimination Act**
This approval does not necessarily protect or guarantee against a possible claim of discrimination (intentional or unintentional) under the *Disability Discrimination Act 1992*, and the applicant/owner is advised to investigate their liability under that Act.

(Reason: Advisory)

DOCUMENTS ASSOCIATED WITH REPORT ELPP033/25

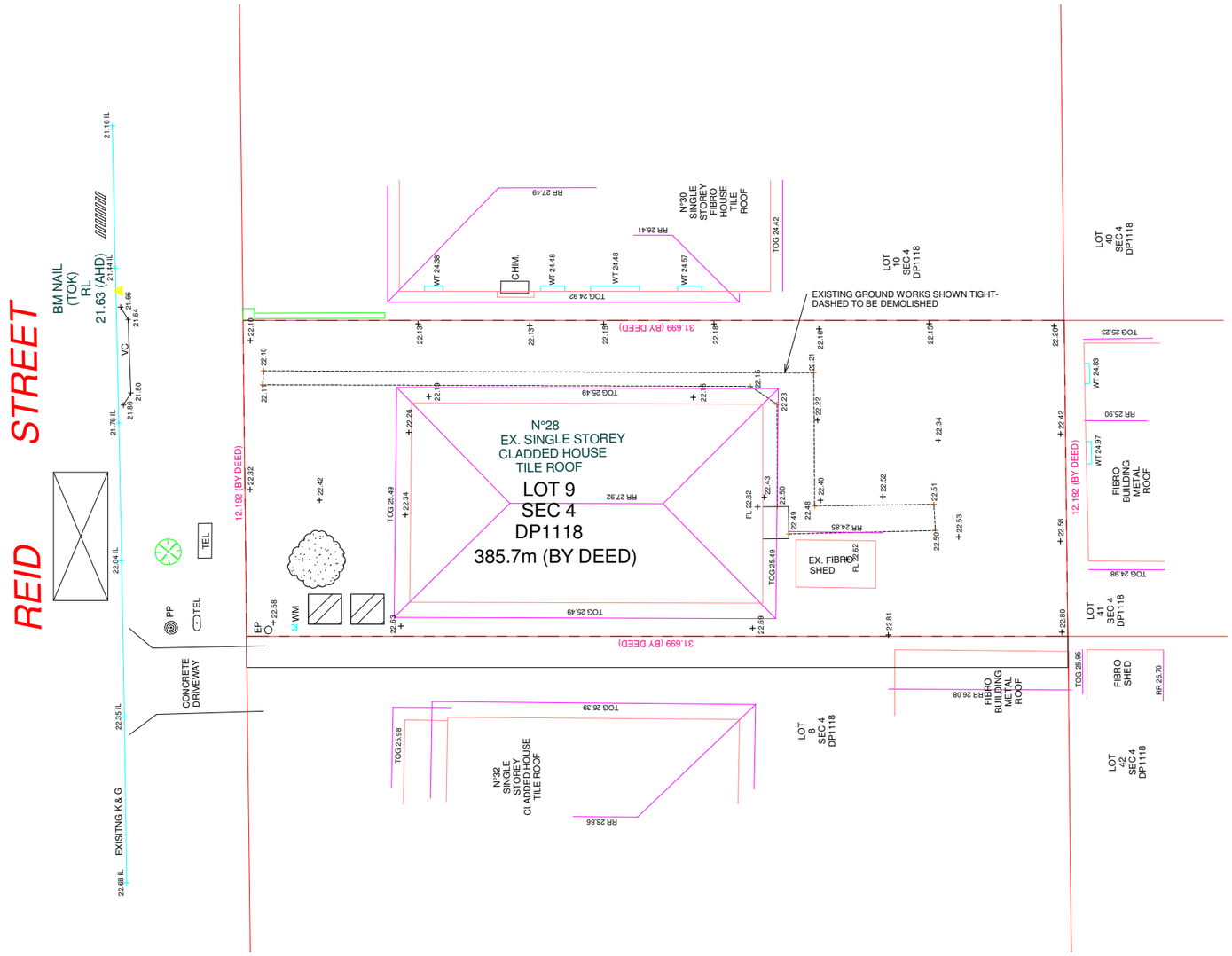
Attachment 2

Architectural Plans

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 PERRAS DESIGN GROUP 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 RESPONSIBILTY 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



DEMOLITION PLAN
SCALE 1:200

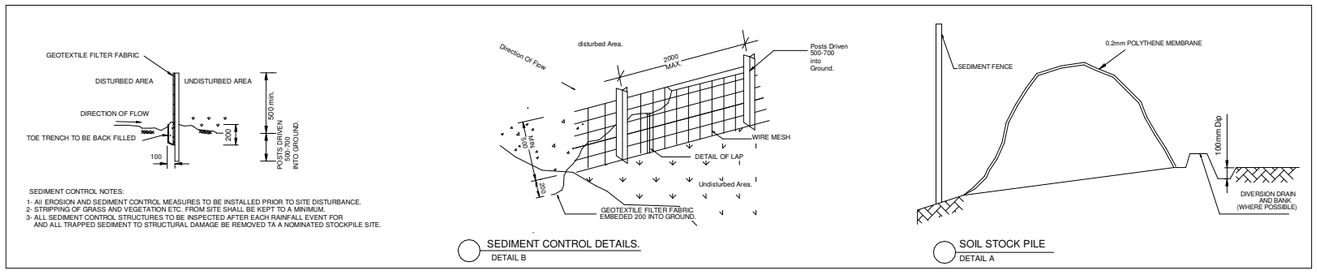


LEGEND

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

- TOPSOIL STOCKPILE Covered with Poythene Membrane.
- MATERIAL STORAGE AREA
- DELIVERY TRUCK PARKING
- WASTE BINS (12 cubic bin)
- KERB TURF FILTER
- SEDIMENT FENCE



PLANS BY...
perras design group

Suite 6, 92 Bathurst Street,
Liverpool NSW 2170
Office - (02) 8005 1000

www.perrasdesigngroup.com.au

PETER PERRAS - DIRECTOR - Mobile 0414 507 259

Registered Design Practitioner Body Corporate DEP0003999
~~Registered Design Practitioner DEP0001985 (All Classes)~~
Accredited BDA Aust 6639

ACCREDITED BUILDING DESIGNER

JOB DESCRIPTION	DRAWING TITLE
GRANNY FLAT	DEMOLITION PLAN
AT	CLIENT DETAILS
28 Reid Street Merrylands	Ronica Leung

GENERAL NOTES

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.

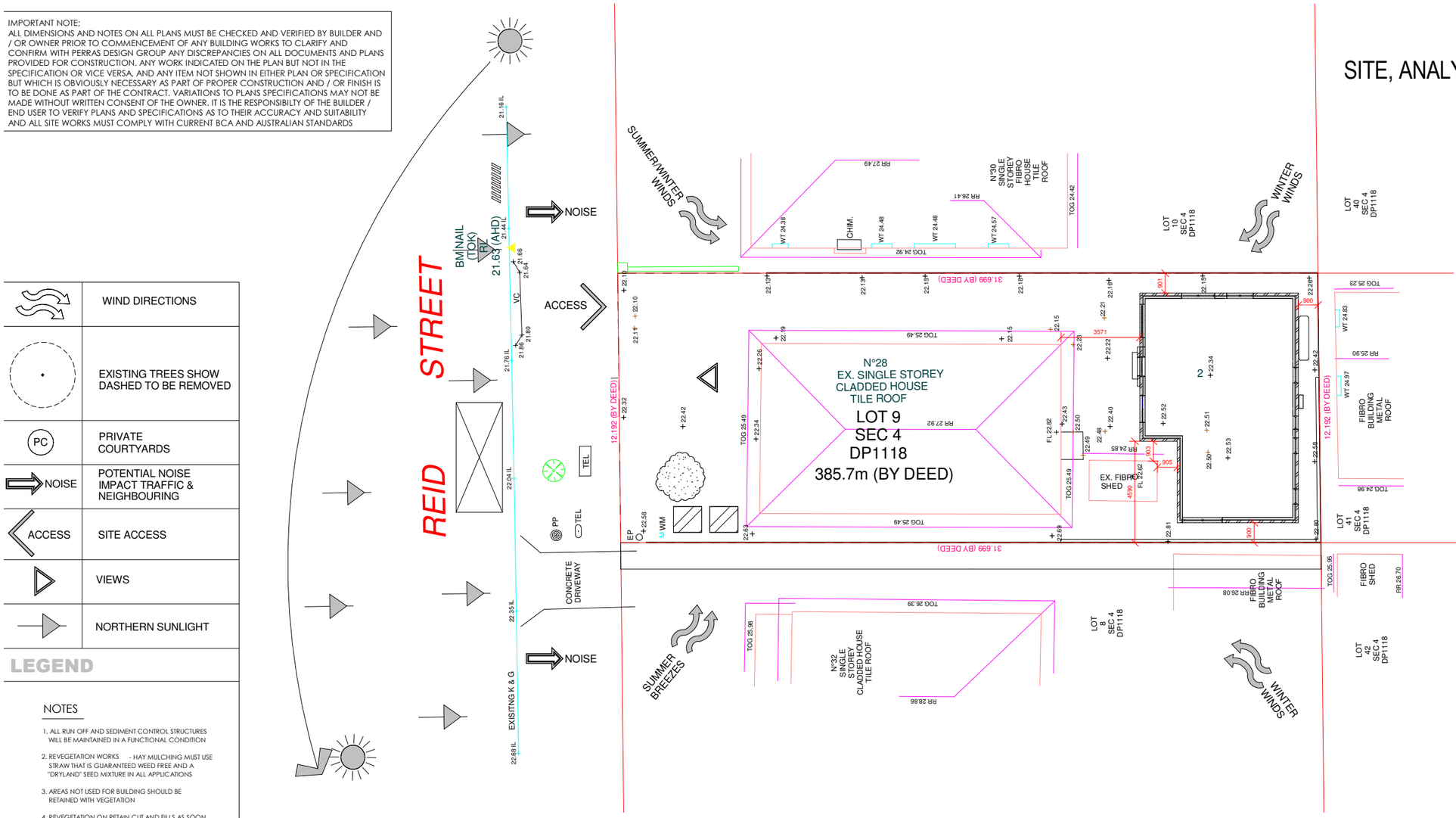
COPYRIGHT:
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DRAWN	M.N
DATE	AUG.25
CHECKED	P.PERRAS
SCALE	1:200@A3
JOB NUMBER	2545
NUMBER IN SET	1

REV.NO.	AMENDMENT	BY	DATE
A	FOR CLIENT APPROVAL	P.P	JUN
B	DA COUNCIL SUBMISSION	P.P	AUG

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 PERRAS DESIGN GROUP 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

SITE, ANALYSIS & SEDIMENT CONTROL PLANS
SCALE 1:200



WIND DIRECTIONS

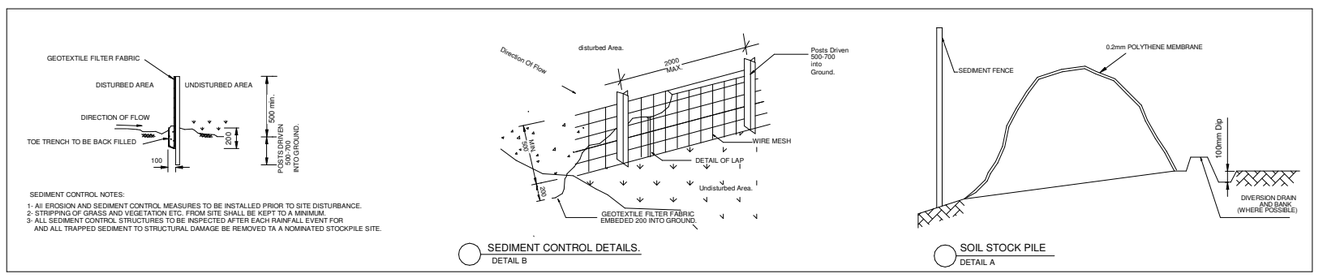
	EXISTING TREES SHOW DASHED TO BE REMOVED
PC	PRIVATE COURTYARDS
NOISE	POTENTIAL NOISE IMPACT TRAFFIC & NEIGHBOURING
ACCESS	SITE ACCESS
	VIEWS
	NORTHERN SUNLIGHT

LEGEND

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

- TOPSOIL STOCKPILE Covered with Poythene Membrane.
- MATERIAL STORAGE AREA
- DELIVERY TRUCK PARKING
- WASTE BINS (12 cubic bin)
- KERB TURF FILTER
- SEDIMENT FENCE



CUMBERLAND COUNCIL:
SITE AREA 385.7SQM
CONTROLS: (SEPP 2021) = 60SQM
DCP CONTROL: P.O.S = 30.0SQM LANDSCAPE = 57.855SQM SITE COVERAGE = 269.99SQM
ACHEIVED: SECONDARY DWELLING = 60.0SQM EXISTING HOUSE = 105SQM TOTAL AREA = 165SQM SITE COVERAGE = 179SQM LANDSCAPE = 93SQM P.O.S = 47SQM

PLANS BY...
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Liverpool NSW 2170
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PETER PERRAS - DIRECTOR - Mobile 0414 507 259
Registered Design Practitioner Body Corporate DEP0003999
Registered Design Practitioner DEP0001985 (All Classes)
Accredited BDA Aust 4439

ACCREDITED BUILDING DESIGNER

JOB DESCRIPTION	DRAWING TITLE
GRANNY FLAT	SITE, ANALYSIS & SEDIMENT CONTROL PLANS
AT	CLIENT DETAILS
28 Reid Street Merrylands	Ronica Leung

GENERAL NOTES

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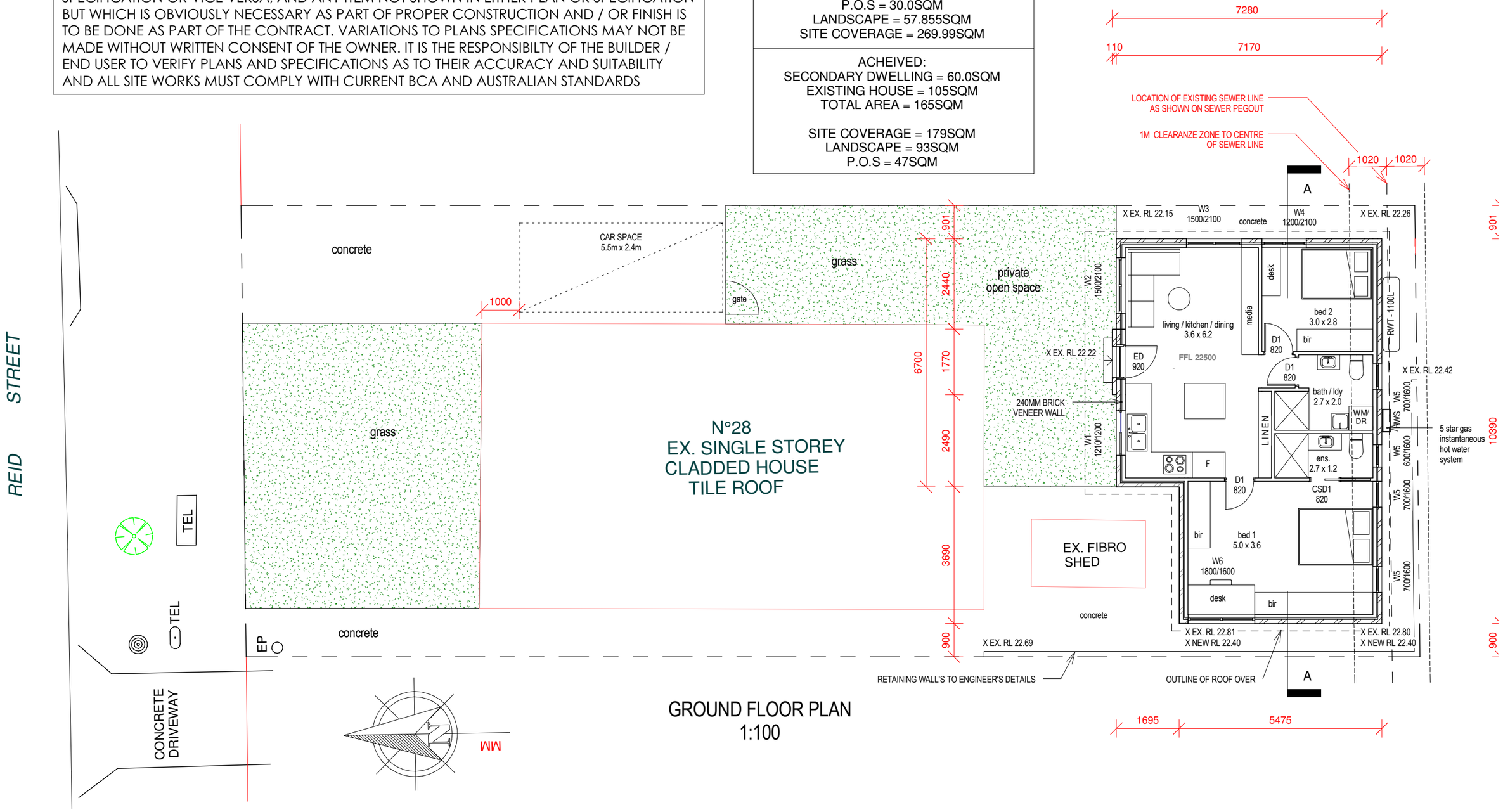
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JOB NUMBER	2545
NUMBER IN SET	2

REV.NO.	AMENDMENT	BY	DATE
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B	DA COUNCIL SUBMISSION	P.P	AUG

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GROUND FLOOR PLAN
1:100

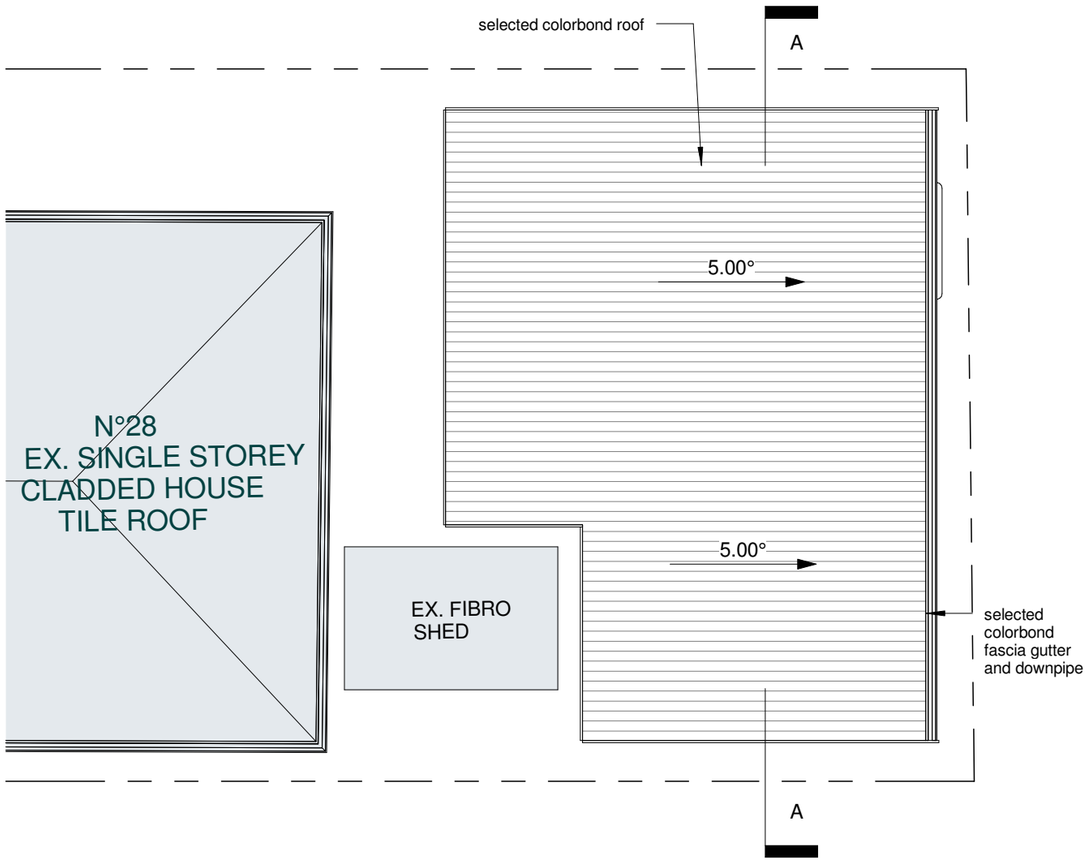
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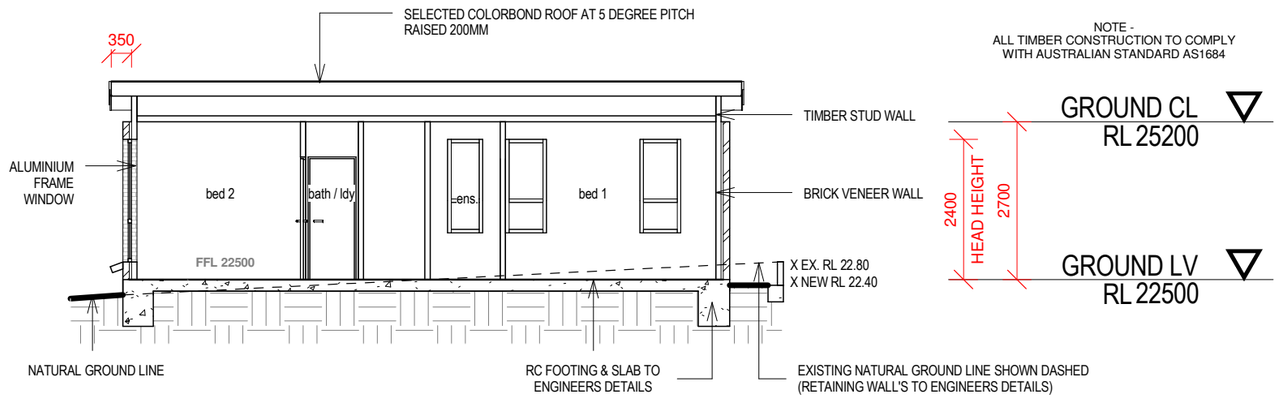
JOB DESCRIPTION	DRAWING TITLE	GENERAL NOTES
GRANNY FLAT AT 28 Reid Street Merrylands	GROUND FLOOR PLAN CLIENT DETAILS Ronica Leung	DO NOT SCALE THE DRAWINGS, READ ALL DIMENSIONS SHOWN. ALL DIMENSIONS, NOTES ON ALL PLANS AND CONSENT DOCUMENTS MUST BE CHECKED AND VERIFIED BY THE CONTRACTOR PRIOR TO ANY 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 PETER PERRAS, DIRECTOR OF PERRAS DESIGN GROUP PTY LTD. ABN 35 614 757 550 AND CAN NOT BE ALTERED OR

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SCALE	1:100@A3				
JOB NUMBER	2545				
NUMBER IN SET	3				



ROOF PLAN
SCALE 1:100

IMPORTANT NOTE;
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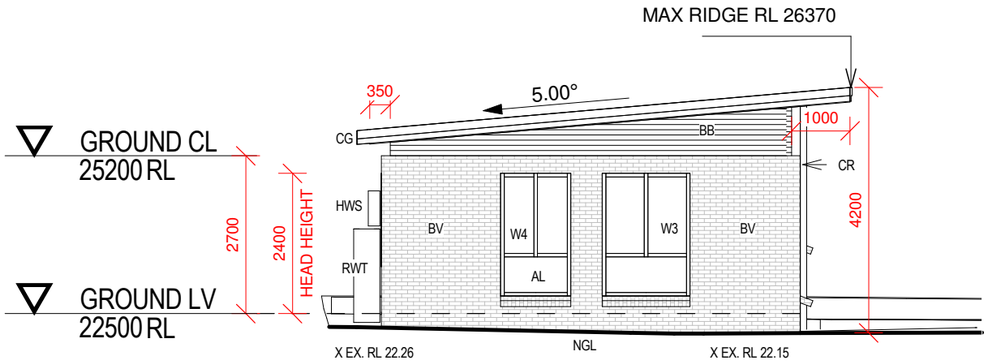


SECTION A-A
SCALE 1:100

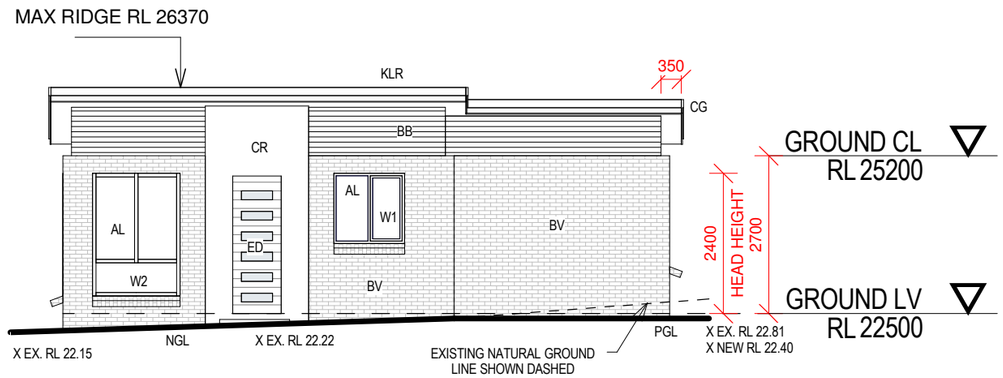
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JOB DESCRIPTION	DRAWING TITLE	GENERAL NOTES
GRANNY FLAT	ROOF PLAN & SECTION A-A	DO NOT SCALE THE DRAWINGS, READ ALL DIMENSIONS SHOWN. ALL DIMENSIONS, NOTES ON ALL PLANS AND CONSENT DOCUMENTS MUST BE CHECKED AND VERIFIED BY THE CONTRACTOR PRIOR TO ANY 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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28 Reid Street Merrylands	Ronica Leung	

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JOB NUMBER	2545				
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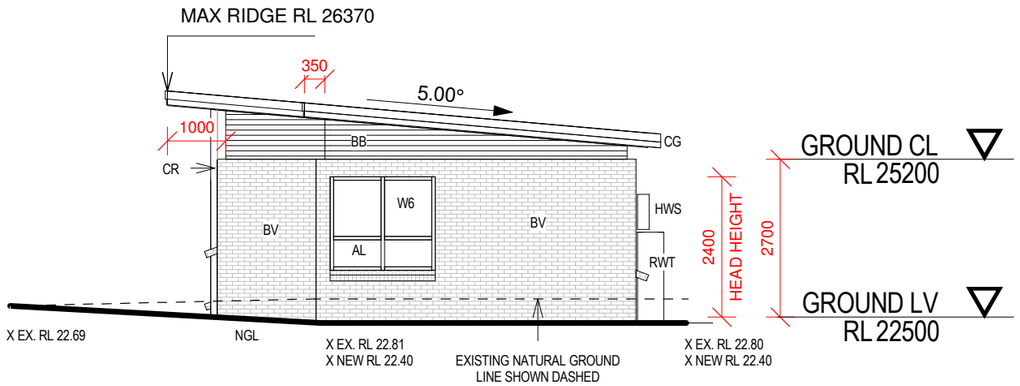


EAST ELEVATION
SCALE 1:100

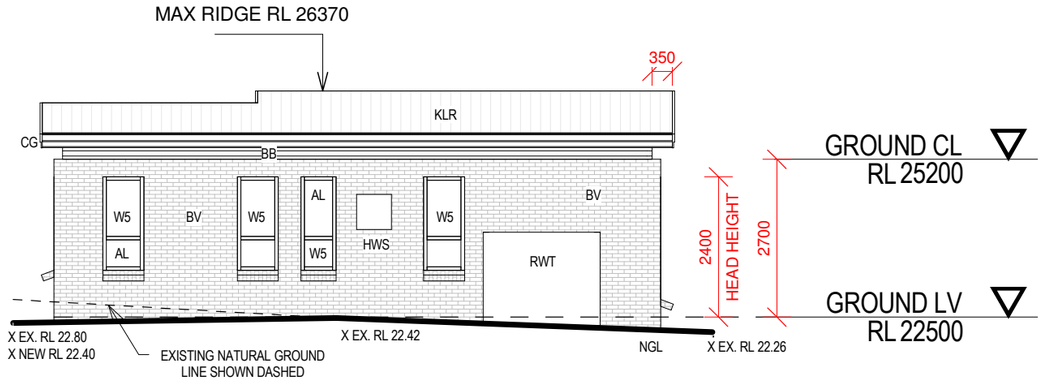


NORTH ELEVATION
SCALE 1:100

L E G E N D:
KLR - SLECTED COLORBOND ROOF
CG - COLORBOND FASCIA, GUTTER & DOWN PIPES
BV - BRICK VENEER WALL WITH FACE BRICK FINISH
BB - BLUEBOARD WITH HORIZONTAL CLADDING & PAINT FINISH TYPE 2
CR - BRICK COLUMN WITH CEMENT RENDER & PAINT FINISH TYPE 1
AL - ALUMINIUM FRAMED WINDOWS, DOORS AND SLIDING DOORS
NGL - NATURAL GROUND LINE
PGL - PROPOSED GROUND LINE
RWT - RAIN WATER TANK (see basix certificate)
HWS - HOT WATER SYSTEM (see basix certificate)
ED - SELECTED SOLID CORE ENTRY DOOR



WEST ELEVATION
SCALE 1:100



SOUTH ELEVATION
SCALE 1:100

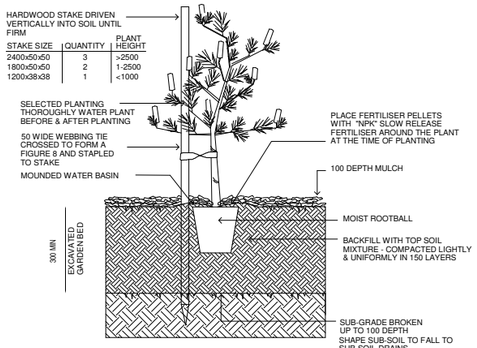
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AT	CLIENT DETAILS	
28 Reid Street Merrylands	Ronica Leung	

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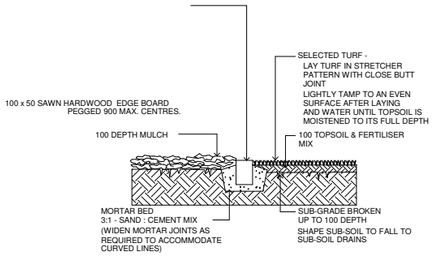
LEGENDS

- CONCRETE SURFACE
- NEW LANDSCAPED AREA
- PROPOSED DRIVEWAY & LAYBACK
- MULCH
- 1.8METER HIGH SIDE & REAR AND SECONDARY FRONT FENCE
- 1.2METER HIGH SIDE AND SECONDARY FRONT FENCE
- SIDE GATES



2. TREE & SHRUB PLANTING IN GARDEN BED

NOTE :
DO NOT PLANT IN UNSUITABLE WEATHER CONDITIONS SUCH AS EXTREME HEAT, COLD, WIND OR RAIN
CLAY SOIL IS TO BE TREATED WITH CLAY BREAKER AND ORGANIC COMPOST



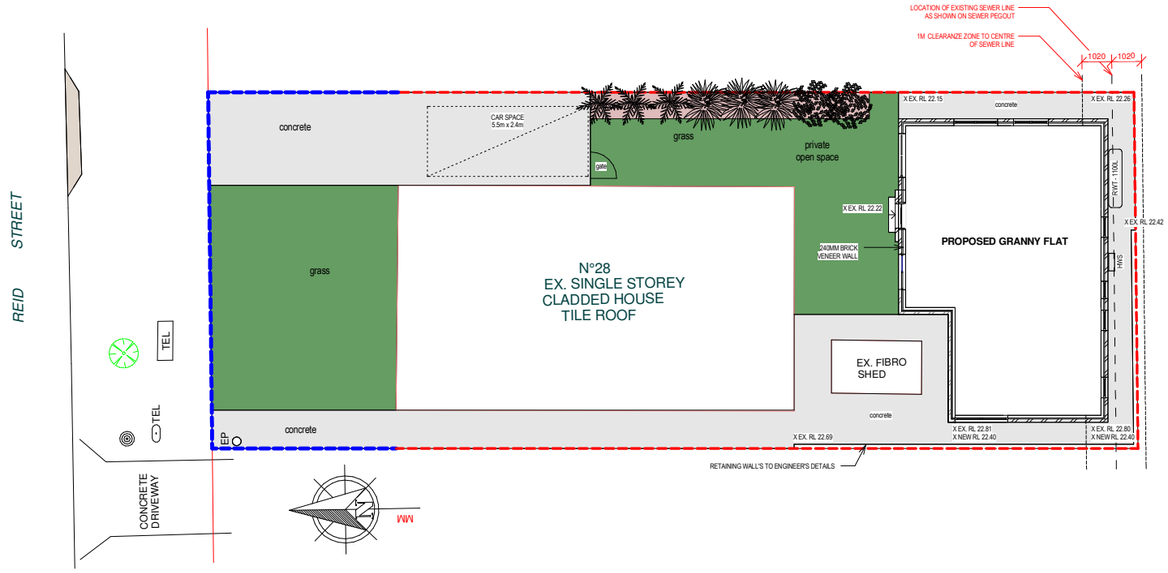
1. TURF & GARDEN EDGE DETAIL

NOTE :
ALIGNMENT OF BRICK EDGE SHALL BE EVEN & FREE FROM DIPS AND HUMPS.

LEGENDS

SHRUBS

		HEIGHT	SIZE	NUMBER
TC	Nandina nana 'Dwarf Nandina'	0.5 meter	3 Liter	3
TB	Nandina domestica 'Moon Bay	0.5 meter	2 liter	2
TA	Hebe 'Pretty in Pink'	0.5 meter	3 liter	3
T1	Willow Bottle Brush	To 10mx5m	45 liter	0
TD	Purple Twining Pea	To 2mx1m	6 liter	0



Driveways are to be of concrete (sealed/painted, exposed aggregate or raw concrete. Stenciled concrete is not permitted). Mid to light colours for the driveway are encouraged to reduce the effect of heat absorption and provide a cooler traffic-able surafce.

RETAINING WALL
Consideration must be given to prevent undermining of neighbouring properties in circumstances when proposing construction of additional retaining walls, or undertaking construction works adjacent to existing retaining walls. Proposals must be reviewed by a qualified building surveyor and must adhere to specific requirements of the Building Code of Australia

Retaining Walls:
Any proposed retaining walls that visible from the street should no greater than 500mm in height with a minimum setback of 500mm from title boundary. Where further retaining is required, walls must be stepped at least 500mm apart with planting in between.

All retaining walls which are visible from the street must be in treated/stained timber, concrete, masonry or painted render and finished to match house facde colours unless otherwise approved by Mirvac Design Review Panel.

Note: All fencing and retaining walls must be completed with the construction of your home.

STREET TREES

Street trees shall be the species nominated or alternative species as set out by th local authority in development consent documents

Street trees shall be 45 litre container size and shall be planted in beds prepared a planter beds as speciefied on this drawings, minimum 1000mmx1000mm with spad edge all round.

Street Trees to be double staked and tied.

Prior to Preparing beds for street trees verify the location of all footpath services with all relevant authorities and, where necessary, relocate trees such that servic are not distrubed, excavation and cultivation works aacociated with preparation fo street trees shall be carried out by hand to minimize any potenial damage to any existing installations not located through site inspection.

Footpath service covers and pavement, and existing turf all are to be protected fro damage during contstruction

Turf repair shall be in the same grass species as existing

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LANDSCAPE PLAN
SCALE 1:200

PLANS BY...
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ACCREDITED BUILDING DESIGNER

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AT	CLIENT DETAILS
28 Reid Street Merrylands	Ronica Leung

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DOCUMENTS ASSOCIATED WITH REPORT ELPP033/25

Attachment 3

Appendix A Cumberland LEP 2021 Assessment

APPENDIX A
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 proposed development being demolition of existing concreted area and construction of a detached secondary dwelling pursuant to SEPP (Housing) 2021 is consistent with the aims of plan in providing for housing needs to the community within appropriate location.	Yes
2.3 Zone Objectives and Land Use Table	The subject site is zoned R2 Low Density Residential Zone. The objectives of the Low Density Residential zone are: • 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 being demolition of existing concreted area and construction of a detached secondary dwelling pursuant to SEPP (Housing) 2021 achieves the aims of the zone by providing for the housing needs of the community while maintaining the amenities of the surrounding areas.	Yes
2.6 Subdivision-consent requirements	Subdivision is not proposed.	N/A

2.7 Demolition requires development consent	Demolition forms part of the development consent.	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. Maximum permissible building height is 9m. Comment: Building height complies at 4.2m (max RL 26.37) for proposed secondary dwelling. No change proposed to the existing principal dwelling.	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: No FSR applies for development in the R2 zone.	N/A
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 (a) that there are sufficient environmental planning grounds to justify contravening the development standard. Comment: Yes – A written request in accordance with Clause 4.6 of CLEP 2021 to vary minimum lot size for a secondary dwelling under the SEPP (Housing) 2021 was submitted. The exception to minimum lot size is supported in this instance, having regard to the circumstances of the case. Refer to the discussion in the body of the DA assessment report.	Yes
5.10 Heritage Conservation	The site is not identified as a heritage listed item and is not located within a heritage conservation area. It should be noted that there is a heritage item located on the other side of the street, item number I221, Victorian Cottage at 25 Reid Street, Merrylands. Given that the subject application is limited to a secondary dwelling at rear of the site, no adverse impact to the heritage item is anticipated.	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	N/A

	(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. <u>Comment:</u> Council's records indicates that the site is not affected by flooding.	
6.1 Acid Sulphate Soils	Development is identified as Class 5, but no impact anticipated as no major excavation is proposed.	N/A
6.2 Earthworks	Cut is proposed within 900mm of the western side boundary. The excavation works are not expected to disrupt and or detrimental effect the drainage patterns and soil stability on the site and in the locality.	Yes
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> Yes – Suitable Conditions are recommended for adequate arrangements for the supply of water, electricity, management of sewage stormwater drainage and vehicular access.	Yes, subject to conditions
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—	Yes, subject to conditions

	(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. Comment: The site has a fall of approximately 0.53m from west to east. The proposed stormwater system is to be connected to existing system which discharge to kerb outlet. Suitable conditions imposed to ensure compliance with the relevant section of the Cumberland Development Control Plan 2021.	
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. Comment: No salinity identified.	N/A
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	Yes

	(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 external colours and materials and landscaping areas provided are considered to be suitable to mitigate urban heat.	

DOCUMENTS ASSOCIATED WITH REPORT ELPP033/25

Attachment 4

Appendix B Cumberland DCP 2021 Assessment

APPENDIX B
Cumberland DCP 2021 Analysis

Relevant Control		Compliance with Requirements	Consistency with 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 change to principal dwelling. Refer to **2.21 Secondary dwellings.**	N/A
	Balconies, porticos, entrances may protrude max 900mm.		
	Min. 900mm side setback.		
	Rear Setbacks - Min. 8 metres.		
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 – The proposed use of brick veneer and grey cladding and paint finishes are compatible with the with the surrounding local character.	Yes
2.6 Site Coverage	- 450sqm or less - max 70% - 451sqm or greater - max 65%	Yes – Max: 385.7sqm x 70% = 269.99sqm The proposed site coverage complies at 178.4sqm (46.25%) - Existing dwelling: 104.6sqm - Existing Shed: 5.6sqm - Secondary dwelling: 68.2sqm	Yes
	The non-built upon areas shall be landscaped and/or deep soil and provide for POS.	Yes – The majority of the non-built upon areas are landscape/deep soil area providing for POS, except for the existing driveway and hard surface/concrete areas.	Yes
2.7 Landscaping	- 450sqm or less - min 15% - 451sqm or greater - min 20%	Yes – Min: 385.7sqm x 15% = 57.86sqm It complies at 98.3sqm (25.49%) - Front: 48.8sqm - Rear: 49.5sqm	Yes
	The landscaped area shall be a deep soil zone.	Yes – Deep soil zone has been proposed as part of the landscape area.	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 – Majority of deep soil zone is located at rear in a continuous area. However, there is no existing/ proposed deep soil zone across the rear site	Yes,complies on merit basis

		boundary. The required width of deep soil zone at rear boundary is 6.096m (50% of rear boundary). Zero landscaping proposed resulting in a shortfall of **6.096m** or **100%** variation. Refer to the variation discussion in the body of the assessment report.	
	Deep soil zone minimum width of 1 metre.	Yes – Landscaping area with dimension less than 1m is excluded from the deep soil calculation.	Yes
	Landscape area above structures shall not be considered deep soil zone.	N/A – No landscape proposed above structures.	N/A
2.8 – Private Open Space	POS must be provided at ground level and located side and rear of dwelling.	Yes – POS provided at side and rear of principal dwelling on ground level.	Yes
	POS Area: - 450sqm or less - min 30sqm. - 451sqm or greater - min 50sqm. - Dimensions of 4 metre in any direction. Note: 3 metres can be considered on lots 450sqm or less. - POS directly accessible from living area.	Yes – POS at rear yard complies at 49.6sqm with dimension exceeding 3x3m. The proposed POS is directly accessible from the proposed open plan living area of the secondary dwelling.	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. The rear yard is bounded by existing boundary fences.	Yes
	Additional POS should be provided in form of balcony or the like. Subject to site conditions and privacy considerations.	N/A – No additional POS proposed.	N/A
	POS areas face north, east or west to maximum amenity.	Yes – POS open to north, west and east.	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 – South (rear) No visual privacy concern raised at bedroom and bathroom/ ensuite windows (W5) at secondary dwelling being a low intensity use rooms or non-habitable rooms. North No concern raised at northern elevation of the secondary dwelling facing the rear of the principal dwelling and POS. West (side) No concern at the bedroom window (W6) being a low intensity use room. East (side)	Yes

		No concern at bedroom (W4) being low use room. The living area window (W3) has a sill height of 0.4m above the finished floor level, direct views will be obstructed by existing boundary fence.	
	Windows to living rooms and main bedrooms shall be located to face the front and rear of the site.	Yes – Living area windows and main bedroom windows primarily faces the front or rear. Additional windows proposed along the side elevations, given that the proposed slab is not significantly raised, direct views will be obstructed by existing boundary fence.	Yes
	Bay windows and corner be located on front façade or on ground floor at the rear. Must not provide direct views onto adjoining private open space.	N/A – Not proposed.	N/A
	Windows to be located to not provide direct or close view into windows of habitable rooms and POS of adjoining dwellings.	Yes – Sufficient building setbacks provided. Windows are appropriately located to ensure visual privacy amenity of the subject site and adjoining neighbours.	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 – No elevation outdoor area proposed.	Yes
	Building design elements and landscaping be designed to increase visual privacy.	Yes – Rooms and openings are appropriately located to ensure visual privacy.	Yes
	Windows of living rooms within 9 metres of adjoining living windows be offset.	Yes – Sufficient setbacks provided.	Yes
	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 – Not adjoining busy roads.	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
2.15 Rainwater tanks	- Above ground not to be located in front setback. - Suitably screen and not visible from street.	Yes – The proposed rainwater tank is located within southern rear setback.	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. Subject site falls from west to east, cut is proposed within building envelope and within western side setback. The proposed earthworks are not expected to disrupt and or detrimental effect the drainage patterns and soil stability on the site and in the locality.	Yes
	Fill: - 300mm fill permitted within 900mm of side/rear boundaries. - 600mm or greater fill within buildings envelope. - Where fill is more than 150mm deep shall not exceed 50% of landscaped area.	N/A – No fill proposed outside of building envelope.	N/A
	Cut: - Max 1m (excluding basements); - 450mm within 900mm of side/rear boundaries;	Yes – Max cut of 0.4m is proposed within building envelope and 0.9m of western side boundary.	Yes
	Cut and fill must not impact on neighbouring amenity or result in a significant loss of mature trees.	Yes – The proposed cut 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.	N/A – No change to existing driveway and off-street parking arrangement.	N/A
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 proposed secondary dwelling is located at the rear of the site behind the principal dwelling, therefore would not detract from the visual amenity of the development on the site and surrounding locality while complimenting the principal dwelling.	Yes
	Conversions of existing outbuildings will only be considered where: • The building meets the standards required by the Building Code of Australia (BCA); and • The principal dwelling house complies with the provisions of this DCP including, but not limited to, landscaping, setback, and parking requirements.	N/A – not converted.	N/A
	Site Area: Min 380sqm	Yes – The site has an area of 385.7 sqm.	Yes

	Height: 2 storeys and must not be higher than principal dwelling.	Yes – The proposed secondary dwelling is single storey.	Yes
	Attics prohibited.	N/A – No attic proposed.	N/A
	Floor to ceiling height: Not less than 2.4m and not greater than 2.7m.	Yes – The proposed secondary dwelling has an internal floor to ceiling height of 2.7m.	Yes
	Where located above a garage facing a laneway, is permitted to be 1 storey above the garage.	N/A – The subject site does not face a laneway.	N/A
	Setbacks: - Secondary street (Corner site): 3m. - Side: 900mm single storey/1.5m for 2 storeys. - Rear Setback: 900mm single storey/3m for 2 storey.	Yes – Side and rear setbacks comply at 0.9m.	Yes
	Dwelling and bedroom size: - Secondary dwelling not less then 25sqm. - Minimum bedroom size, not less than 8sqm.	No - The proposed secondary dwelling complies with an internal floor area of 60 sqm. Size of bedroom 1 complies at 16.1sqm. The proposed bedroom 2 has a floor area of 7.2sqm, a shortfall of **0.8sqm** or **10%** variation proposed. Refer to the discussion in the body of the assessment report.	Yes, complies on merit basis
	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 – Living area faces north and east. The proposed POS is shared between the principal and secondary dwelling.	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 12sqm and not be located along side elevations.	Yes - There are no living windows of adjoining properties within 9m to the proposed secondary dwelling living room windows. No balcony proposed.	Yes.
	Site coverage: - 450m^2 or less – max 70%. - 451m^2 or greater – max 65%.	Yes – Complies. Refer to **2.6 Site Coverage**	Yes
	Deep Soil Zone:	Yes – Complies.	Yes

	- 450m^2 or less – min 15%. - 451m^2 or greater – min 20%.	Refer to **2.7 Landscaping**	
	Secondary dwelling must contain it's own kitchen, bathroom, living and bedroom. A common laundry can be provided.	Yes – The proposed secondary dwelling consists of an open plan kitchen/dining/living area, two bedrooms, and a combined laundry and bathroom.	Yes
	Landscaped Area: - POS to be shared and not separated via internal boundary fencing. - POS provided at ground level.	Yes – POS is shared between the principle dwelling and the proposed secondary dwelling with no internal boundary fence proposed. A condition of development consent will be imposed to ensure that internal fencing is prohibited throughout the life of the development.	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: (a) a public drainage system, or (b) an inter-allotment drainage system, or (c) an on-site disposal system.	Yes – Site slope from front to rear, proposed stormwater disposal is to be connected to existing system and discharge to kerb. Suitable condition imposed	Yes, subject to conditions
2.6 Flood Risk Management	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.	N/A – Council records indicates that the site is not flood affected.	N/A
Part G5 - Sustainability, Biodiversity and Environmental Management			
2.5 Biodiversity	C1. Development is to be sited and designed to minimise the impact on indigenous flora and fauna, including canopy trees and understorey vegetation, and on remnant native ground cover species.	Yes – No significant vegetations are proposed to be removed.	Yes
2.6 Energy efficiency and renewables	C1. New development shall implement energy efficient design and promote renewable energy sources through the inclusion of solar panels, skylights, cross ventilation and other such measures.	Yes – Development is to comply with BASIX requirement.	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; • 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	Yes – No significant vegetations are proposed to be removed.	Yes

	• to increase direct sunlight onto solar panels or pool heating apparatus.		
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 – As above.	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.		
	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.	N/A – An arborist report is not required.	N/A
2.3 Landscaping	C1. Where a landscape plan is required, it shall be prepared by an appropriately qualified person such as an experienced Landscape Architect/Landscape Designer. The landscape plan shall be prepared at a minimum scale of 1:100, be fully documented with the inclusion of a plant schedule and show sufficient detail to enable construction.	Yes – Landscape plan provided.	Yes
Part G8 – Waste Management			
3.3 Residential	C1. The waste service requirements for residential developments shall comply with Table 2.	Yes – Satisfactory.	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 – Adequate areas provided behind building line.	Yes
3.5 Bin transfer requirements	C1. Waste and recycling bins shall be positioned in locations that permit easy, direct and convenient access for users of the facility and permit easy transfer of bins to the collection point.	Yes – Adequate areas provided.	Yes

DOCUMENTS ASSOCIATED WITH REPORT ELPP033/25

Attachment 5

Clause 4.6 Variation Request

PLANS BY...
perras design group

CLAUSE 4.6 VARIATION

Proposal:

PROPOSED DEMOLITION OF CERTAIN EXISTING STRUCTURES & CONSTRUCTION OF A DETACHED SECONDARY DWELLNG

Council District:

CUMBERLAND CITY COUNCIL

Address:

NO. 28 Reid Street Merrylands

Client:

Ronica Leung

Date:

OCTOBER 2025

Our Reference:

DA – 2545-01

erras Design Group Pty Ltd ABN 35 614 757 550
ddress: Suite 6, 92 Bathurst Street Liverpool NSW 2170
tudio: (02) 8005 1000 Mobile: 0414 507 259
mail: peter@perrasgdesignroup.com.au Website: www.perrasdesigngroup.com.au

RE: Application to vary the minimum lot size control under Clause 53(2)(a) of the State Environmental Planning Policy (Housing) 2021

Dear Chen,

This letter has been prepared by Perras Design Group. The letter requests that Cumberland Council grant consent to the proposed development application for a secondary dwelling at the proposed 28 Reid Street Merrylands, despite the proposed development contravening the minimum lot size of 450sqm for a secondary dwelling under Clause 53(2)(a) of the *State Environmental Planning Policy (Housing) 2021*.

The request is considered to be reasonable and justifies that compliance with the standard is unnecessary on the grounds that:

- There are sufficient environmental grounds to justify the contravention of the development standards, namely the consistency with the relevant controls under the Cumberland Development Control Plan, which suggest a secondary dwelling is permissible on a lot size of 385.7sqm.
- The proposed development is in the public interest, as the objectives of the land use zone and the standards are both achieved notwithstanding the non- compliance.
- The proposal will not result in any significant or adverse environmental or amenity impacts on the surrounding area.
- The request satisfies the tests set by the Land and Environment Court for the justification and assessment of variations to development standards.

1. INTRODUCTION

The site consists of a single lot at 28 Reid Street Merrylands in the Cumberland Council Local Government Area (LGA). The site has an area of 385.7m2, and is legally identified as Lot No.9, Sec 4, Deposited Plan 1118.

This Clause 4.6 variation request accompanies a development application made pursuant to Section 4.12 of the Environmental Planning and Assessment Act 1979 (EP&A Act) for demolition and construction of a secondary dwelling on the subject site.

Clause 4.6 of the Cumberland LEP 2021 provides Cumberland Council with a degree of flexibility in applying the standards to the proposed development, subject to a written request by the applicant justifying any contraventions and demonstrating that compliance is unreasonable or unnecessary in the circumstance of the case. In addition, the Land and Environment Court, in *Wehbe v Pittwater Council (2007) NSW LEC 827, Winten Developments Pty Ltd v North Sydney Council (2001) NSW LEC 46 and Initial Action Pty Ltd v Woollahra Municipal Council (2018) NSWLEC 118* has articulated principles and tests regarding the justification for, and assessment of, exceptions to development standards. The proposed development is assessed against the established principles at **Section 4**.

Minimum lot size

The Housing SEPP sets a minimum lot size of 450sqm for secondary dwelling development. The subject site has an area of 385.7 sqm, which is above the minimum 380sqm required for a secondary dwelling under the Cumberland DCP. This equates to a variation of the SEPP of 14.3%, or 64.3sqm, noting however compliance with Council's own controls set out in Part B of the Cumberland DCP.

2. JUSTIFICATION FOR EXCEPTION TO THE STANDARDS

Clause 4.6 Exceptions to development standards of the Cumberland LEP 2021 provides Council with a degree of flexibility in applying development standards, including those set out in other planning instruments – in this case, being vary the minimum lot size control under Clause 53(2)(a) of the State Environmental Planning Policy (Housing) 2021. Council may approve this variation (Clause 4.6(1)) provided that: the standards are not excluded

from this discretion (Clause 4.6(2)); particular planning outcomes are achieved (Clause 4.6(3)); and that certain procedural requirements are met (Clauses 4.6(4)).

Each of these matters is addressed below.

2.1 Consistency with Objectives of the Clause

Clause 4.6(1) states:

"The objectives of this clause are as follows:

a) To provide an appropriate degree of flexibility in applying certain development standards to particular development,

b) to achieve better outcomes for and from development by allowing flexibility

in particular circumstances."

The non-compliance with the Housing SEPP Minimum Lot Size control for secondary dwellings is driven by the goal of achieving an appropriate housing outcome that is supported by Council through the adopted DCP. The proposed development aims to achieve the objects of the EP&A Act, including:

- Object of the EP&A Act to promote the orderly and economic use and development of land through the provision of housing in an appropriately zoned location,
- Object of the EP&A Act to promote good design and amenity of the built environment,
- Deliver more housing consistent with the Priorities of the Cumberland Council and its local housing strategy,
- Achieving the objectives of the *Greater Sydney Region Plan 2018* and the *Central City District Plan* regarding the provision of housing supply, choice, and affordability in the right locations.

Despite the non-compliance with the standard, the proposed development will have a negligible impact on the surrounding development with respect to overshadowing, views, visual impact, and privacy due to the appropriate and considerate design of the secondary dwelling.

2.2 Matters for consideration

In deciding whether or not to grant consent, Council is required to satisfy itself that the request for the variation demonstrates that:

- There are sufficient environmental planning grounds to justify contravening the development standard (Clause 4.6(3)(b)); and
- The proposed development is in the public interest and consistent with the objectives of the standard and the zone in which the development is proposed to be carried out (Clause 4.6(4)(a)(ii)).

The clauses are addressed below.

Clause 4.6(3)(b) – Environmental planning grounds

It is considered that there are sufficient environmental planning grounds to justify contravening the Minimum Lot Size development standard under the Housing SEPP. The development is considered to be consistent with the objectives of this control, being:

(1) The object of this section is to identify development standards for particular matters relating to development for the purposes of a secondary dwelling that, if complied with, prevent the consent authority from requiring more onerous standards for the matters.

In this instance, Cumberland Council does not provide any more onerous standards, but rather has a Development Control Plan provision (Part B, Clause 2.21, C7, Cumberland DCP 2021) which permits secondary

dwellings that are detached on lots that are at least 380sqm. The proposed lot size is consistent with this control, and therefore Council's intent for where secondary dwellings are appropriate.

Clause 4.6(4)(a)(ii) – the public interest

The proposed development is considered to be in the public interest because it is increasing the supply of affordable, secondary housing in a well established location with good connectivity to services, transport and employment.

Furthermore, the proposal is appropriately designed to ensure minimal significant or adverse impacts on the locality or adjacent properties. The proposal achieves the relevant controls under the Cumberland DCP 2021, and is therefore consistent with the relevant housing strategies and complies with the objectives of the Clause. Below are the relevant objectives under the DCP and the zone.

Objectives for secondary dwelling controls under the DCP

- *Ensure a secondary dwelling is integrated with the design of the principal dwelling house, and is subservient in size, scale and nature to the principal dwelling house.*
- *Ensure secondary dwellings does not detract from the amenity of adjoining neighbours.*
- *Ensure that room sizes within secondary dwellings are functional, of sufficient size and cater for the intended use of the secondary dwelling.*

As shown by the architectural drawings, the proposed secondary dwelling design is appropriately integrated into the property, and is of a scale, size and design that is subservient and secondary to the existing primary dwelling. The proposal does not detract from the amenity of neighbours, including with respect to privacy and solar access. The functionality of the proposed development is not compromised by this non-compliance.

Objectives of the R2 Low Density Residential zone

The site is identified within the R2 Low Density Residential zone under the Cumberland LEP 2021. The objectives of the R2 zone are addressed below:

- *To provide for the housing needs of the community within a low density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To encourage residential development that maintains the amenity of the surrounding area.*
- *To ensure that non-residential land uses are located in a setting that minimises impacts on the amenity of a low-density residential environment.*

The proposed development is for the purpose of a secondary dwelling, which is consistent with the suburban, low density development usually permitted within the *R2 Low Density Residential zone*.

The proposed development, and lot size non-compliance, raises no inconsistencies with the objectives of the R2 zone given it proposes a permissible land use, will contribute to the provision of local, affordable rental housing. It will not result in any conflict with the adjoining properties such as overshadowing, privacy, solar impacts and view impacts. Furthermore, the proposal is not visible from the streetscape. It does not detract from the character of the urban fabric.

2.3 Procedural Requirements

The procedural requirements of Clause 4.6 of Cumberland LEP 2021 are addressed below.

Clause 4.6(2)

Clause 4.6(2) states that *"this clause does not apply to a development standard*

that is expressly excluded from the operation of this clause".

Clause 53(2) of the Housing SEPP is not expressively excluded from the operation of Clause 4.6 under the Cumberland LEP 2021.

Clause 4.6(3)

Clause 4.6 (3) requires a *"written request from the applicant that seeks to justify the contravention of the development standard" that justifies "compliance with the development standard is unreasonable or unnecessary in the circumstances of the case".*

This Clause 4.6 variation provides a written request to contravene the Housing SEPP Minimum Lot Size development standard. In this instance, compliance with the lot size standard is considered unnecessary as the proposal is complementary to the existing character of the locality, and is permissible under Council's own controls. The impacts of the proposed development are not greater than an otherwise strictly complying development. Therefore, it is considered that the proposed variation is not a major departure from the controls or the desired development outcome envisaged by the planning controls.

Clause 4.6(4)(b)

Clause 4.6(4)(b) stipulates that Council must not grant consent to any variation unless the concurrence of the Secretary has been obtained.

Planning Circular no PS08–003 Variations to development standards (dated 9 May 2008) provides that the concurrence of the Secretary of the Department of Planning and Environment can be assumed where Councils have adopted Clause

4.6 of the Standard Instrument. As such, the final requirement identified above can be assumed to be satisfied.

3. SUMMARY

The development proposes to vary the minimum lot size prescribed for Secondary Dwellings under the Housing SEPP, resulting in a lot size that is over by 14.3% (64.3sqm) less than the minimum lot size.

- The Development Control Plan clearly encourages detached secondary dwellings on lots greater than 380 sqm in area.
- Council has approved other secondary dwellings on lots less than 380sqm, including at 62 Bridge Street, Westmead, 42 Chiswick Road, Auburn and 8 Hunt Street, Guildford West,
- & has also approved on lots less than 450sqm including 52 Stuart Street Granville & 5 Cumberland Road Auburn.

The proposed development, will not be out of character with surrounding dual dwellings and will be in context with the existing and future character of the area.

Additionally, the expected impacts of the proposed development on surrounding dwellings will not be noticeably different when compared to the impacts of a scheme under the Housing SEPP.

It is therefore considered that the short fall in the min. lot area of 450sqm required under the SEPP at 28 Reid Street Merrylands is permitted under *Clause 4.6 Exceptions to development standards* and it is requested Council grant development consent.

Please feel free to contact the undersigned on 0414507259 should you wish to discuss this assessment in detail, or email peter@perrasdesigngroup.com.au.

Summary

The proposal described above complies with all of the Council's technical design requirements and town planning objectives and will have no significant adverse impact on any other adjoining or nearby properties.

The site can adequately accommodate the proposed attached duplex with secondary dwelling which will fit into the locality, and will satisfy the Council's present and future planning objectives and controls for the site and the overall precinct.

Therefore, the local council Merrylands precinct could reasonably approve the building certificate in the manner and form submitted.

We look forward to Council's advice.

Kind regards
Peter Perras
Director
Registered Design Practitioner DEP0001985 (All Classes)
Accredited BDA Aust 6639
M.BDAA 7488.21