A meeting of the Cumberland Local Planning Panel will be held at 11:30 AM via Zoom on Wednesday, 13 May 2026.

Business as below:

Yours faithfully

Peter J. Fitzgerald
General Manager

ORDER OF BUSINESS

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

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Item No: ELPP014/26

DEVELOPMENT APPLICATION - 70 BURNETT STREET, MERRYLANDS

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

Application lodged	19 November 2025.
Applicant	Mr G Arida.
Owner	Khoury Holdings Pty Ltd.
Application No.	DA2025/0778.
Description of Land	70 Burnett Street Merrylands being Lot 109 in DP 5296.
Proposed Development	Demolition of existing structures and construction of a three storey boarding house consisting of 20 boarding rooms, a communal area and at grade parking.
Site Area	867.7 square metres.
Zoning	R3 – Medium Density Residential.
Disclosure of political donations and gifts	Nil disclosure
Cost of works	$2,232,045.57.
Heritage	No.
Principal Development Standards	**Floor Space Ratio** Permissible: 0.7:1 (607.46 sq m). Proposed: 0.7:1 (606.75 sq m). **Height of Building** Permissible: 9m. Proposed: 8.9m.
Issues	Setbacks and building separation.

SUMMARY:

1. Development Application 2025/0778 was lodged on Wednesday 19 November 2025 for the demolition of existing structures and construction of a three storey boarding house consisting of 20 boarding rooms, a communal area and at grade parking.

2. The application was publicly notified to occupants and owners of the adjoining properties for a period of 14 days, between 4 December 2025 and 18 December 2025. In response, no submissions were received.

3. On the 1 April 2026 the applicant submitted amended plans. The amended plans did not require re-notification as the environmental impact of the changes were determined as being insignificant.

4. The variations are as follows:

Control	Required	Provided	% variation
Side setback SEPP (Housing) 2021 Clause 25(2)(b)(i).	1.5m.	1.040m.	460mm or 30.7%.
Building separation SEPP (Housing) 2021 Section 25(2)(c).	6m to habitable openings.	South: 4.36m - 1.040m. North: 3m.	1.64m - 4.96m or 27.3% - 82.7%. 3m or 50%.

5. The application is referred to the Cumberland Local Planning Panel as the proposal as it contravenes a development standard by more than 10%.

6. The application is recommended for a deferred commencement approval subject to the conditions as recommended within the Council's assessment report.

REPORT:

Subject Site and Surrounding Area

The subject site is legally described as Lot 109 in DP 5296 and is commonly known as 70 Burnett Street, Merrylands. The site is located on the western side of Burnett Street and approximately 125m northwest from Merrylands Park / Tennis Courts / Swimming Centre and Merrylands Oval.

The site has the following dimensions:

- Northen (side) boundary 56.91 metres.
- Eastern (frontage) boundary 17.79 metres.
- Western (rear) boundary 17.79 metres.
- Southern (side) boundary 56.91 metres.

The site has an area of 867.7 square metres (as per surveyor's calculation). The site has a fall of approximately 2.1m from the rear to the front (3.7%).

The site currently contains a single-storey weatherboard building and a detached single fibro garage to the rear. The site is provided with a single vehicular crossover located at the Burnett Street frontage.

A Sydney Water sewer main traverses the front part of the site in a northeast to southwest direction.

The site is surrounded by single and two dwelling dwellings and dual occupancies. There is a recently constructed multi dwelling development situated at 80 Burnett Street which is close by. The area is generally under transition from low density

residential development to medium density residential development consistent with the current zoning.

The subject site is zoned R3 Medium Density Residential under the Cumberland Local Environmental Plan 2021.

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

Figure 1 - Locality Plan of subject site.

Site outline boarded in purple. Source: Council's Intramaps.

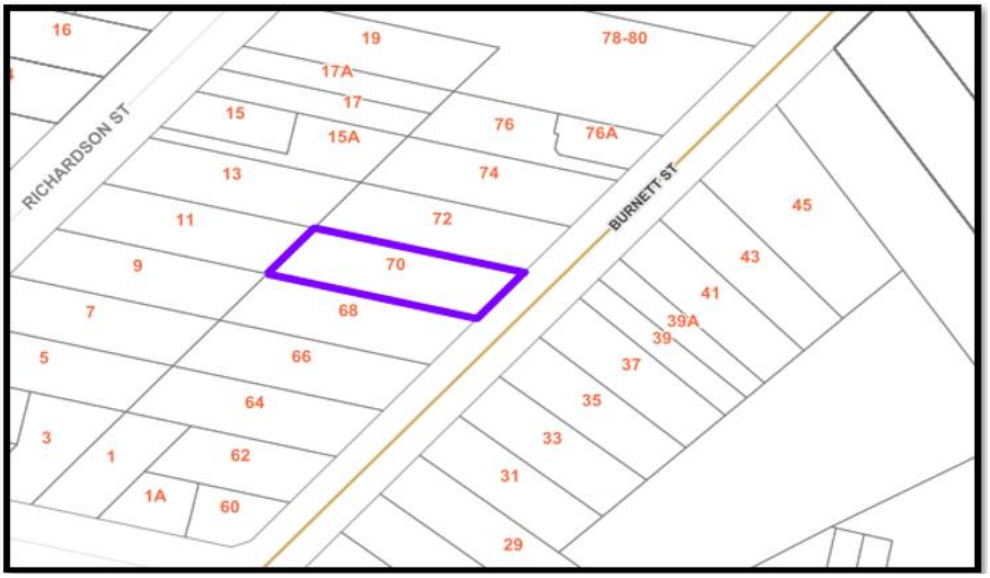


Figure 2 - Aerial view of subject site

Site outline boarded in yellow. Source: Nearmap dated 5 December 2026.



Figure 3 - Street view of subject site.

Site Inspection Photos. Photos taken 2nd December 2025



Description of The Development

Council has received a development application for the demolition of existing structures and construction of a three-storey boarding house consisting of 20 boarding rooms, a communal area and at grade parking.

The detailed breakdown of the proposal is described below:

Demolition works

- Demolition of existing building and ancillary on-site structures.

Tree removal

- Removal of 3 on-site trees.

Lower Ground level (RL 35.170)

- At-grade car parking for 4 vehicles including one (1) accessible space with a shared zoned.
- At grade motor bike parking for 3 bikes.
- Bike parking rack located at front of boarding house.
- Front concrete vehicle manoeuvring area.
- Pedestrian access ramp located south of the building entrance.
- Associated landscaped portion within front setback.

- 2 accessible single occupancy boarding rooms (B/H1 and B/H2) with room B/H1 nominated as being a carers room. Each boarding room contains a bed, couch, desk, wardrobe, kitchenette, bathroom and laundry.
- Communal area (Occupying 58 sq m).
- Building manager room with an area of 4 sq m.
- Services / plant equipment room which occupies an area of 7 sq m.
- Grassed area and landscaping to the rear / west of the building (RL surface level 36.55).
- Waste bin storage area located along the northern boundary.

Ground Floor (38.070)

- 10 single occupancy boarding rooms (numbered as B/H3 to B/H12).
- Each boarding room contains a bed, couch, desk, wardrobe, kitchenette, bathroom and laundry.
- Pedestrian access / walkway travel path with access steps to the rear west yard and access steps with access to lower ground and first floors.

Level 1 (41.00)

- 8 single occupancy boarding rooms (numbered as B/H13 to B/H20).
- Each boarding room contains a bed, couch, desk, wardrobe, kitchenette, bathroom and laundry.
- Pedestrian access / walkway travel path with access steps to ground floor.

Applicants Supporting Statement

The applicant has provided a Statement of Environmental Effects prepared by Little Developer C dated September 2025 and was received by Council on 19 November 2025 in support of the application.

Contact With Relevant Parties

The assessing officer has undertaken a site inspection of the subject site and surrounding properties and has been in regular contact with the applicant throughout the assessment process

Internal Referrals

Development Engineering

The development application was referred to Council's Development Engineer for comment who has advised that the development proposal is satisfactory subject to

deferred commencement conditions relating to the vehicle access, driveway compliance and parking space / manoeuvring compliance with Australian Standards.

Building Surveying

The development application was referred to Council's Building Surveyor for comment who has advised that the development proposal is satisfactory subject to conditions.

Environmental Health

The development application was referred to Council's Environmental Health Officer for comment who has advised that the development proposal is satisfactory subject to conditions.

Tree Management

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

Waste Management

The development application was referred to Council's Waste Management Officer for comment who has provided conditions. A condition has been imposed on the consent requiring the storage location of waste bins to be shown on plans and provided with an accessible path of travel to the kerb for collection.

External Referrals

Endeavour Energy

The development application was referred to Endeavour Energy for comments who has advised that the proposal is satisfactory subject to conditions.

Sydney Water

The development application was referred to Sydney Water for comments who has advised that the development proposal is satisfactory subject to conditions.

Planning Comments

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

State Environmental Planning Policies

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

State Environmental Planning Policies (SEPPs)	Relevant Clause(s)	Compliance with Requirements
• **State Environmental Planning Policy (Biodiversity and Conservation) 2021.**	Chapter 2 - Vegetation in non Rural Areas.	The development application includes the removal of 3 on-site trees. Council's Tree Management Officer reviewed the proposal and raised no concern with regard to the tree removal, subject to tree replacement conditions. The applicant has not provided the requested information. However, the applicant is not seeking to remove any significant trees, which hold any biodiversity or ecological values, on the site. The proposal does not trigger the provisions of Chapter 2.
	Chapter 6 - Water Catchments. Georges River Catchment.	The site is located within the Sydney Harbour Catchment area. 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 4 - Remediation of Land *Part 4.6 Contamination and remediation to be considered in determining development application*	Part 4.6 - Contamination and remediation to be considered in determining development application. <u>Comments</u> The site has been used historically for residential purposes. The site and surrounding sites are not specified on Council's mapping system as being subject to contamination. Council's Environmental Health Officer reviewed the proposal and

		raised no objections subject to conditions, should the consent be granted. The site is considered suitable to support the development. As such, it is considered that the development application is satisfactory under Part 4.6 of Chapter 4 of the State Policy.
• **State Environmental Planning Policy (Industry and Employment) 2021.**	Chapter 3 Advertising and Signage.	No signage is proposed as part of the development application and thus no assessment of signage is required.
• **State Environmental Planning Policy (Transport and Infrastructure) 2021.**	Chapter 2 - Infrastructure.	State Environmental Planning Policy (Transport and Infrastructure) 2021 is relevant to the development application as follows.
	Clause 2.48 *Division 5 Electricity transmission or distribution*	<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> Pursuant to section 2.48, there are associated works proposed to be carried out within 5m of an exposed overhead electricity power line and within the vicinity of an easement for electricity that benefits Endeavour Energy. The proposal was referred to Endeavour Energy who raised no objections subject to recommended conditions, should the consent be granted.
• **State Environmental Planning Policy (Sustainable Buildings) 2022**	Chapter 2 - Standards for residential development	A Section J report (Performance – Based Design Brief) has been submitted for the 20-room boarding house. It is shown that the proposal will meet the required target for Water, Thermal Comfort and Energy and is determined as being acceptable for approval.

• **State Environmental Planning Policy (Housing) 2021 (SEPP (Housing) 2021)**	Chapter 2 Affordable Housing - Part 2 Development for affordable housing *Division 2 Boarding houses*	Boarding houses are permissible under the provisions of State Environmental Planning Policy (Housing) 2021 and the Cumberland Local Environmental Plan 2021. Assessment of all relevant standards against this part of the State Environmental Planning Policy (Housing) 2021 has demonstrated that the proposal is generally compliant with most development standards with the exception of the building separation and setback controls. There are Clause 4.6 Variation requests to address the matters as discussed later in the report under "Clause 4.6 Variations" below. A comprehensive assessment against Housing SEPP is attached in Attachment 6 of this report.

(a) State Environmental Planning Policy (Housing) 2021

The application has been submitted under Part 2 Division 2 of the Housing SEPP 2021. It should be noted that the proposal complies with most of the provisions with the exception of building separation and side setbacks, as discussed below within the Clause 4.6 variation requests. The variations are considered acceptable from an environmental planning viewpoint. A comprehensive assessment against Housing SEPP is provided at Attachment 6 of the report.

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 R3 Medium Density Residential zone.

(a) Permissibility:

boarding house *means a building or place -*

(a) that provides residents with a principal place of residence for at least 3 months, and

(b) that contains shared facilities, such as a communal living room, bathroom, kitchen or laundry, and

(c) that contains rooms, some or all of which may have private kitchen and bathroom facilities, and

(d) used to provide affordable housing, and

(e) *if not carried out by or on behalf of the Land and Housing Corporation—managed* by a registered community housing provider, *but does not include backpackers' accommodation, co-living housing, a group home, hotel or motel accommodation, seniors housing or a serviced apartment.*

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

Figure 4 - Cumberland LEP 2021 Compliance Table

DEVELOPMENT STANDARD	COMPLIANCE	DISCUSSION
4.3 Height of Buildings Max. 9m	Yes	The maximum building height of the development is 8.9 metres.
4.4 Floor Space Ratio Max. 0.7:1	Yes	The total Gross Floor Area (GFA) of the development is 606.72 sq m which equates to a FSR of 0.7:1 on the 867.7 sq m site.
4.6 Exceptions to Development Standards	Yes	Refer to detailed assessment below.

Clause 4.6 Variations

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 to side setbacks under Division 2, Section 25(2)(b)(i) and building separation under Division 2, Section 25(2)(c) of the State Environmental Planning Policy (Housing) 2021.

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.

1. Clause 4.6 Variation to setbacks - Division 2, 25(b)(i)

The application seeks to vary the development standard for setbacks under Section 25(2)(b)(i) of the State Environmental Planning Policy (Housing) 2021.

Statutory Framework - Housing SEPP

Section 25 of the Housing SEPP sets out development standards applicable to boarding house developments. Section 25(2)(b)(i) provides that:

"The front, side and rear setbacks for the boarding house are not less than, for development on land in Zone R2 Low Density Residential or Zone R3 Medium Density Residential, the minimum setback requirements for multi dwelling housing under a relevant planning instrument."

Development Standard to be Varied

Clause 2.4A - Building Envelopes of the Low Rise Housing Diversity Design Guide prescribes the following setbacks for multi dwelling housing:

- Minimum side setback: 1.5 metres.
  Where development extends beyond 10 metres from the front building line, the minimum side setback is calculated as a 45 degree plane measured from 3 metres above the boundary.

The proposed development provides a minimum side setback of 1.04 metres to the south boundary. This results in a non-compliance of 0.46 metres from the minimum 1.5 metre requirement.

(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 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, as it does not result in any adverse environmental impact.
- The proposed development is in the public interest, as the objectives of the side setback standard are both achieved notwithstanding the non-compliance.
- The proposal will not result in any significant or adverse environmental or amenity impacts on adjacent properties nor 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.

This variation is highly localised and occurs along articulated sections of the building where there are no habitable room windows facing the adjoining boundaries.

Importantly, the departure from the numerical control does not result in the adverse outcomes the setback standard is intended to prevent. The development maintains:

- Adequate separation between buildings;
- Appropriate visual and acoustic privacy outcomes;
- Acceptable solar access to adjoining properties; and
- Substantial landscaped and deep soil areas that exceed minimum requirements.

The proposed variation to the side setback control is a result of the following factors:

- Boarding house development is not aligned with the intent of the control for setbacks, which relate to villas and townhouses which often provide rear courtyards within the side setbacks, and have dwellings with the side setback becoming their primary, rear outlook.
- The proposal is designed to maintain and manage amenity of the site and adjacent properties to the north and south.

Planners comment:

Strict compliance with the side setbacks in this instance is unnecessary as 1.04m complies with the minimum 0.9m side setbacks in the National Construction Code. Common developments within the medium density zone provide the minimum 0.9m setback, in which this current development is providing excess of that, being 1.04m.

The development is compliant with privacy and solar access to adjoining sites. No adverse impacts arise from the non-complaint side setback.

(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:

It is considered that there are sufficient environmental planning grounds to justify contravening side setback control. The development is considered to be consistent with the objectives of this control, being:

The development provides side boundary setbacks that reflect the character and form intent of the area where is characterised by the separation of buildings.

The proposed development is considered to be consistent with the objective of the side boundary setback control, which seeks to ensure that development maintains appropriate building separation reflective of local character and built form intent, and protects the amenity of adjoining properties.

While the proposal includes limited numeric variations to the prescribed side setback controls, the development nonetheless achieves the intent of the standard through its overall built form, site layout, articulation and amenity outcomes.

Character and Form of the Area

The surrounding context is characterised by a mix of detached dwellings, secondary dwellings with a desired future character of more medium-density residential development permitted under the applicable zoning and strategic planning framework. Building separation in this context is not uniform or consistent in numerical terms, but rather is achieved through a combination of setbacks, articulation, height modulation, landscaping and window placement.

The proposed development responds to this character by providing:

- Separation between buildings that is visually perceptible and legible at ground and upper levels;
- A built form that steps and articulates along the side boundary rather than presenting a continuous, unrelieved wall; and
- A scale and form that is consistent with contemporary medium-density development anticipated for the area but also acknowledges the unique typology of this type of development, differing from traditional town house or villa style development.

Building Separation and Spatial Outcomes

Despite the identified side setback variations, the development provides effective separation between buildings in practical and experiential terms. This is achieved by:

- Concentrating reduced setbacks in limited sections of the building envelope rather than along the full length of the side boundary;
- Avoiding the placement of primary habitable room windows directly addressing the side boundary in areas of reduced separation;
- Incorporating façade articulation and material changes to visually break up building mass; and
- Retaining side boundary areas capable of accommodating landscaping and visual relief.

As a result, the development avoids the appearance of excessive bulk or dominance when viewed from adjoining properties and maintains an appropriate sense of separation consistent with the character of the locality.

Amenity of Adjoining Properties

The objective of side setbacks is closely linked to protecting adjoining amenity, particularly in terms of privacy, outlook and sunlight access. In this regard, the proposal achieves the objective notwithstanding the numeric variations by:

- Using offset windows, high-level windows and privacy-treated glazing to avoid overlooking;
- Ensuring that reduced setbacks do not correspond with sensitive habitable room interfaces;
- Maintaining acceptable solar access to adjoining properties as demonstrated by the submitted shadow diagrams; and
- Locating the greater building mass away from the most sensitive side boundary conditions.

These measures ensure that the presence of the building does not result in unreasonable amenity impacts, and that the functional purpose of building separation is fulfilled.

Landscaping and Visual Permeability

The development further satisfies the intent of building separation by integrating landscaping and deep soil zones that contribute to spatial relief along the side boundary. Landscaping within and adjacent to the side setbacks softens the visual interface between buildings and reinforces the sense of separation anticipated by the control.

Importantly, the overall development provides landscaped area and deep soil provision in excess of minimum requirements, demonstrating that the side boundary condition is not dominated by built form and retains opportunities for vegetation and visual permeability.

Overall Assessment Against the Objective

The proposal is considered to be consistent with the objective of the side setback control. Although there are limited numerical departures from the minimum side setback control:

- Reflects the character and form intent of the area;
- Maintains meaningful separation between buildings;
- Reflects the nature of boarding house development, different to the villa and townhouse development that these controls seek to manage;
- Protects the amenity of adjoining properties; and
- Achieves the underlying purpose of the setback control through design quality rather than strict dimensional compliance.

The proposal therefore satisfies the objective of the control notwithstanding the identified setback variations.

Planner's comments:

The non-compliant side setback has no impacts to visual privacy to adjoining sites. The side setbacks comply with the minimum requirements for fire safety under the National Construction Code.

The minimum 20% landscaping required as per SEPP Housing has been satisfied.

The development is in character with the medium density land zone, proving a suitable form of affordable housing.

Solar access is compliant and considered acceptable.

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.

2. Clause 4.6 Variation to Building Separation - Division 2, 25(2)(c)

Section 25 of the Housing SEPP sets out development standards applicable to boarding house developments. Section 25(2)(c) provides that:

> *"(c) if the boarding house has at least 3 storeys—the building will comply with the minimum building separation distances specified in the Apartment Design Guide."*

Development Standard to be Varied, Section 3F of the ADG is extracted below:

Building height up to 12m (4 storeys) to provide 6m building separation to habitable rooms and balconies and 3m building separation to non-habitable rooms.

(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:

Based on this, with no habitable rooms facing the south, the minimum separation is 3 metres, and when shared equitably, the setback should be 1.5 metres. At the northern boundary, the building separation should be 6 metres and when shared equitably, the setback from the common boundary should be 3 metres. As such, only a portion of the stair and corridor at the southern end of the building being is within 1.5 metres of the boundary. The encroachment is less than 500mm. In this case, the side setback variation arises as a result of a marginal encroachment into the 1.5 metre setback required to achieve equitable building separation.

Importantly, the departure from the numerical control does not result in the adverse outcomes the building separation standard is intended to prevent. The development maintains:

- Adequate separation between buildings;
- Appropriate visual and acoustic privacy outcomes;

- Acceptable solar access to adjoining properties; and
- Substantial landscaped and deep soil areas that exceed minimum requirements.

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, as it does not result in any adverse environmental impact.
- The proposed development is in the public interest, as the objectives of the side setback standard are both achieved notwithstanding the non-compliance.
- The proposal will not result in any significant or adverse environmental or amenity impacts on adjacent properties nor 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.

Planner's comments:

Compliance with the 6m building separation in this instance is unnecessary as the development is seeking consent for a 3-storey boarding house, not a residential flat building. A residential flat building would typically see private open space balcony areas which are open and may cause privacy impacts to adjoining sites. The proposed boarding house is fully compliant with privacy to adjoining sites. The proposed side setbacks are common within the medium density locality. The site does not accommodate the width for the required length building separation as per the ADG.

(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:

It is considered that there are sufficient environmental planning grounds to justify contravening side setback control. The development is considered to be consistent with the objectives of this control, being:

The development provides side boundary setbacks that reflect the character and form intent of the area where is characterised by the separation of buildings.

The proposed development responds appropriately to the objectives of the Apartment Design Guide in relation to building separation by ensuring that side boundary setbacks reflect the intended character and built form outcomes of a medium density residential environment, notwithstanding limited area of variation to the building separation distances.

The development achieves effective separation between buildings through a combination of articulated building form, modulation of façade elements, and careful placement of windows and openings, rather than relying solely on uniform separation distances. Reduced building separation is confined to a very limited portion of the building and does not present as continuous or visually dominant built form along the boundary, thereby maintaining a clear perception of separation when viewed from adjoining properties and from the front and rear.

Importantly, the development avoids locating primary habitable room windows directly adjacent to the southern side boundary in the area of reduced separation, ensuring that privacy and sunlight access impacts are appropriately managed. When considered holistically, the development maintains the spatial intent of the ADG by preserving meaningful separation between buildings, limiting perceived bulk, and ensuring that the amenity of both future occupants and neighbouring properties is protected, consistent with the objectives of this standard.

Planner's comments:

The development is for a boarding house, rather than a residential flat building, and therefore, it is unreasonable to ask the boarding house development within the R3 medium density zone to provide 6m building separation. The setbacks provided comply with the National Construction Code.

The development does not impose adverse privacy concerns to adjoining sites. Privacy has been addressed through the provision of privacy screening, louvers, obscured glazing to windows and high windowsills.

Solar access to adjoining sites is considered acceptable.

The proposed boarding house is consistent with the character of the local medium density zone.

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 11 November 2025 and the site does not fall within the Draft Woodville Road Corridor. Therefore, no further consideration is required.

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

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

The development has been assessed using the following chapters:

Part B - Development in Residential Zones

Part B4 – Boarding Houses

Part G - Miscellaneous Development Controls

Part G3 - Traffic, Parking, Transport & Access (Vehicle) (Only where relevant).

Part G4 - Stormwater & Drainage.

Part G5 - Sustainability, Biodiversity & Environmental Management.

Part G7 - Tree Management & Landscaping.

Part G8 - Waste Management.

The development is found to generally comply with the relevant provisions. Where non-compliances occur, they are generally overridden by the provisions of the State Environmental Planning Policy (Housing) 2021 and State Environmental Planning Policy (Transport and Infrastructure) 2021. This is addressed at Attachment 8 for Panel consideration.

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

Figure 5 - Cumberland DCP 2021 - Compliance Table.

Clause	Control	Proposed	Complies
PartB4 - Boarding House 2.2 Character and amenity	C2. New boarding houses (including alterations and additions) shall comply with the building setback controls comparable to the predominant building type in the relevant zones as set out below in Table 8:	1.04m side setbacks to the north and south are proposed.	No - This is a 460mm / 30.7% variation.

	R3 Medium Density Residential - Multi dwelling housing Front setback: 3.5m Side setback: 1.5m Rear setback: 6m		

As indicated in the compliance table above, the proposed development departs from the setback provisions of Council's DCP.

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:

The proposed setback variation is considered minor. The proposed setback still complies with the requirements in the National Construction Code. The development still permits a compliant solar access design to the development and neighbouring properties. The development complies with all other development controls including height, floor space and landscape. The proposed building is not out of character with the R3 medium density residential land zone. Amenity and privacy to adjoining sites are not compromised as a result of the non-compliant setback.

Assessed on merit, the above building separation is considered acceptable.

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

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 CDCP, the proposal was publicly notified for a period of 14 days between 4 December 2025 and 18 December 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 of the EP&A Act, calculated on the cost of works. A total contribution of $130,646 would be payable prior to the issue of a Construction Certificate

HOUSING AND PRODUCTIVITY OF CONTRIBUTION (HPC)

In accordance with Schedule 2 of the HPC Order 2024, the proposed development is exempt from the HPC, as the development is for a boarding house which is considered affordable housing and is listed as an exempt development.

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 R3 Medium Density Residential zone under the relevant provisions of the State Environmental Planning Policy (Housing) 2021, Cumberland Local Environmental Plan 2021 and Cumberland Development Control Plan 2021. The proposal is consistent with statutory and non-statutory controls applying to the development, with the exception to side setbacks and building separation. Minor non-compliances with Council's controls have been discussed in the body of this report. The development is considered to perform adequately in terms of its relationship to its surrounding built and natural environment, particularly having regard to impacts on adjoining properties.

For these reasons, it is considered that the proposal is satisfactory having regard to the matters of consideration under Section 4.15 of the Environmental Planning and Assessment Act 1979, and the development may be approved as a deferred commencement consent 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 setbacks development standard to Division 2, 25(2)(b)(i) of State Environmental Planning Policy (Housing) 2021 be supported.**

2. **The Clause 4.6 variation request to contravene the development standard for building separation pursuant to Division 2, 25(2)(c) of State Environmental Planning Policy (Housing) 2021 be supported.**

3. **Development Application 2025/0778 for the demolition of existing structures and construction of a three-storey boarding house consisting of 20 boarding rooms, a communal area and at grade parking on land at 70 Burnett Street Merrylands be approved as a deferred commencement consent subject to conditions listed in Council's assessment report.**

ATTACHMENTS

1. Draft Notice of Determination ⇩
2. Architectural Plans ⇩
3. Landscape Plans ⇩
4. Clause 4.6 Variation Request - Setbacks ⇩
5. Clause 4.6 Variation Request - Building Separation ⇩
6. Appendix A - State Environmental Planning Policy Housing 2021 Assessment ⇩
7. Appendix B - Cumberland LEP 2021 Assessment ⇩
8. Appendix C - Cumberland DCP 2021 Assessment ⇩

DOCUMENTS ASSOCIATED WITH REPORT ELPP014/26

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:	DA2025/0778
Applicant:	Mr G Arida 14 William Street RYDE NSW 2112
Property Description:	70 Burnett Street Merrylands. Lot 109 DP 5296
Development:	Demolition of existing structures and construction of a three storey boarding house consisting of 20 boarding rooms, a communal area and at grade parking.
Determined by:	Cumberland Local Planning Panel.

CONDITIONS OF CONSENT

Deferred Commencement Conditions

1. **DADCA01 - Deferred Commencement Approval**
This is a 'Deferred Commencement Consent' under section 4.16(3) of the *Environmental Planning and Assessment Act 1979*. This consent does not become operative until the applicant has satisfied Council of the requirements listed in Schedule 'A' of this consent, and Council has advised in writing that those matters have been satisfactorily addressed. In accordance with s.4.53(6) of the Act, if the applicant fails to satisfy Council as to the matter/s specified in Schedule A within two years from the date of this consent, this consent lapses.

   (Reason: Statutory requirement)

2. **DADCZ01 - Traffic- Parking and Access**
Driveway and Parking layout are to ensure compliance with provisions of AS2890.1, Cumberland DCP 2021 including:

   a. Vehicular crossing levels shall match Council's footpath levels and the existing surface levels between the property boundary and the kerb shall be maintained.
   b. Driveway grades and transitions shall comply with AS2890.1:2004. A longitudinal section along the steepest part of the driveway demonstrating compliance shall be prepared.
   c. The vehicular crossing including the layback shall be designed in accordance with Council's DCP 2021, Council's engineering specifications and AS 2890.1:2004 and shall be reflected accordingly on the architectural plans.
   d. A suitable turning bay shall be provided on-site to ensure that a B99 vehicle can exit the site in a forward direction with a single manoeuvre, even when the car park is fully occupied.
   e. Sight distance to pedestrians shall be provided to ensure adequate visibility between vehicles leaving the property and pedestrian on the frontage road footpath in accordance with figure 3.3 in AS2890.1-2004.
   f. Design of parking aisles for manoeuvring shall comply with AS2890.1:2004. Where there is angle parking on one side of an aisle only and the other side is confined by vertical obstructions closer than 300mm to the nominal edge of the aisle, the aisle width shall be increase by 300 mm in accordance with clause 2.4.2(d) in AS2890.1:2004.
   g. Maximum gradients within parking modules shall comply with Clause 2.4.6 of AS2890.1:2004.
      i. Swept path clearances shall be free of obstructions.
      ii. The vehicular crossing shall be located 1.2 m away from the adjacent kerb lintel.
      iii. The driveway shall be located a minimum of 1 metre from the side property boundaries.

   (Reason: To comply with Council's Approval)

General Conditions.

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

(Reason: Advisory)

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

Reference/Dwg No	*Title/Description*	*Prepared By*	*Date/s*
A1-04, A1-07, A1-08, A1-09, A1-10, A1-11, A1-12, A1-13, A1-22, A1-23, A1-24, A1-25, A1-26, A1-27, A1-30, A1-31, A1-32, A1-33, all Revision B	Architectural plans	Deboke Visualisation	12/08/2025
A1-06, Revision A	Demolition Plan	Deboke Visualisation	04/11/2025
Drawing No. A1-37, Revision B,	Material Schedule	Deboke Visualisation	12/08/2025
Revision C, Sheet L-01	Landscape Plan	Eco Design	02/03/2026
Report No. BA250904, Version C	Acoustic Report	Blackett Acoustics	March 2026
Revision 1	Section JV3 Verification method Compliance Report	Certified Energy	05/03/2026
Report No. DA-25067, Issue C	Accessibility Compliance Report	Access Link Consulting	04/03/2026
Document Reference No. U251030	Floor Report	Uber Engineering	04/08/2025
Report No. 21-209a-02 (2025)	Arboricultural Impact Assessment	Adanced treescape Consulting	26/09/2025
-	Plan of Management	Little Developer Co	09/2025
-	Waste Management Plan	Deboke Associates	09/10/2025
-	Endeavour Energy Correspondence	Endeavour Energy	02/02/2026
-	Sydney Water Correspondence	Sydney Water	20/12/2025

For comprehension of approved levels, reference has been made to survey plan reference No. 11272-25 DET, prepared by Azimuth Surveyors, dated 4 November 2025.

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

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

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

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

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

Conditions Which Must be Satisfied Prior to the Commencement of Demolition.

7. **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)

8. **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)

9. **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)

10. **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)

11. **DAPDB10 - Demolition, Excavation, Construction Noise and Vibration Management Plan**
A site specific Noise Management Plan shall be developed and submitted to the Council or registered certifier prior to the commencement of any demolition, excavation and construction works on site. The Plan must be prepared by a suitably qualified Acoustic Consultant, being a consultant who holds a current member grade of the Australian Acoustical Society.

    The Plan must include but not be limited to the following:
    a) Identification of any noise sensitive receivers near to the site;
    b) A prediction as to the level of noise and vibration impact, including the likely number of high noise intrusive appliances/equipment likely to affect the nearest noise sensitive receivers;
    c) A statement outlining whether or not predicted noise levels will comply with the noise criteria stated in the NSW EPA Interim Construction Noise Guideline (2009). Where resultant site noise levels are likely to be in exceedance of noise criteria, then details of the following must be included in the plan:

- Duration and frequency of respite periods that will be afforded to the occupiers of neighbouring properties; and
- Details of any other noise mitigation measures that will be deployed on site to reduce noise impacts on the occupiers of neighbouring noise sensitive property to a minimum.

d) Confirmation of the level of community consultation that has or will be undertaken with the occupiers of the main adjoining noise sensitive properties likely to be most affected by site works and the operation of plant/machinery particularly during demolition and excavation phases;
e) Details of the noise and vibration monitoring that is to be undertaken during works;
f) The type of action will be undertaken following receipt of a complaint concerning offensive noise or vibration, including nomination of a site contact.

(Reason: Environmental and residential protection)

12. 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)

13. 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.

14. DACCA01 - Amendments to Approved Plans

Amended plans/documents shall be submitted to the Council or registered certifier prior to the issue of a Construction Certificate incorporating the following matters:

a) All acoustic boundary fencing (as per acoustic report recommendations) must be located within the property boundary.

b) A waste bin storage area (including an area for the storage of bulky waste) shall be provided behind the building line. The waste storage area shall be designed to be an open style structure and roofed / screened for amenity. Waste bins must demonstrate a suitable path of travel to the front kerb for collection.

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

15. **DACCA02 - Application for a Construction Certificate**
Construction work must not commence until a Construction Certificate has been obtained from Council or a registered certifier.

(Reason: Statutory requirement)

16. **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)

17. **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)

18. **DACCB01 - Damage Deposit for Council Infrastructure**
A damage deposit of $3,562.50 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)

19. **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)

20. **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 $130,646 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)

21. **DACCB05 - Fees to be paid to Council**

Types of fees	**Amount**	**Payment timing**
Demolition Inspections	$604	Prior to CC
Damage Deposit	$3,562.50	Prior to CC
Sect. 7.11 Contributions	$130,646 + CPI	Prior to CC
Construction Traffic Management Plan	$409	Prior to CC
Driveways Inspections	$444	Prior to CC
TOTAL	$135,665.50 + 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)

22. **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)

23. **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)

24. **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)

25. **DACCC05 - Hoardings**

A separate hoarding approval for the erection of a Class A (fence type) or Class B (overhead type) hoarding along the street frontage(s) must be obtained from Council. An erection of hoarding structure application form shall be submitted to Council along with payment of fees calculated under the Council's Schedule of Fees and Charges.

(Reason: Safety and information)

26. **DACCC07 - Driveway Design**

Detailed driveway plans prepared by a suitably qualified and practising engineer shall be submitted to and approved by the Council or registered certifier. The plans shall include a longitudinal section for each edge of the driveway / ramp from the centreline of the road to the parking spaces which demonstrates that grades and transitions comply with clauses 2.5.3 of AS2890.1:2004. Levels at the property boundary shall

accord to those obtained from Council via an *Application for Property Boundary Line Levels*.

(Reason: To ensure safe and suitable vehicular access)

27. 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)

28. 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)

29. 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)

30. DACCF03 - Landscape Plan

A landscape plan prepared by a qualified landscape architect or landscape designer to a scale of 1:100 or 1:200, is to be submitted with the Construction Certificate application to the satisfaction of the Council or registered certifier. The landscape plan is to accord with the approved Landscape Concept Plan/s and satisfy the relevant conditions of this consent. Certification from the landscape architect or landscape designer that the landscape plan complies with this Development Consent is to be submitted to the Council or registered certifier prior to the issue/release of the Construction Certificate.

The plan must include the following information:

a) the location of all existing and proposed landscape features including materials to be used;

b) delineate and identify all trees to be retained, removed or transplanted;
c) existing and proposed finished ground levels;
d) top and bottom wall levels for both existing and proposed retaining walls and free standing walls;
e) proposed locations of stormwater pits and on site detention locations; and
f) detailed plant schedule which includes proposed species listed by botanical (genus and species) and common names, quantities of each species, pot sizes and the estimated size at maturity. At least 50% of the tree and shrubs shall be species native to the region.

Consideration within the design shall be given to the scale of planting in proportion to the proposed development, consistency with the existing landscape character of the area, potential views, solar access and privacy for neighbouring development. The plan shall propose a combination of tree planting for shade, mid height shrubs, lawn and ground covers.

(Reason: Landscape quality)

31. **DACCF04 - On Slab Landscaping**
The on slab landscaping shown on the approved landscaping plan is to be designed to include a minimum soil depth of 650mm for shrubs and trees and 300mm for grass and ground covers. Adequate drainage and a permanent, automatic irrigation system shall be provided conforming to Sydney Water's requirements. Details shall be submitted with the Construction Certificate application to demonstrate compliance with this condition.

(Reason: To ensure the site landscaping thrives)

32. **DACCF08 - Tree Planting**
At least one tree with a mature height of 5m is to be provided within the front setback area and at least one tree with a mature height of 8m is to be provided within the rear yard. Minimum standards for soil areas and depths are to be in accordance with the following table:

Tree Size	Height	Spread	Min Soil Area	Min Soil depth
Large trees	>12m	>8m	10 x 10	1.2m
Medium trees	8-12m	4-8m	6 x 6m	1.0m

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

33. **DACCF09 - Sight Distance**
To maintain sight distance to pedestrians, all fencing and landscaping within 2.0m of the driveway at the street front boundary shall have a maximum height of 1.0m and 50% transparency above a height of 0.5m. All solid posts higher than 0.5m shall have a maximum width of 350mm and a minimum spacing of 1.2m. Details showing compliance are to be submitted to the Council or registered certifier prior to the issue of a Construction Certificate.

(Reason: Safety)

34. **DACCG01 - Available Visitor Car Parking Signage**
A sign shall be erected in a suitable location on the property near the driveway entrance indicating where visitor parking is available on the site. Details shall be submitted to the satisfaction of Council or registered certifier prior to the issue of the Construction Certificate.

(Reason: To promote the availability of visitor parking and minimise impacts on the availability of street parking)

35. **DACCG05 - Off Street Car Parking - General**
A minimum of 4 off-street car parking spaces suitably line marked in accordance with the approved plans shall be provided. Each space shall have minimum dimensions in accordance with Australian/New Zealand Standard AS/NZS 2890.1:2004.

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

(Reason: Parking and access)

36. **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 1.5m within the site, or within a splay 1.5m by 1.5m 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)

37. **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)

38. **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)

39. **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)

40. **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 support for neighbouring buildings)

41. **DACCK01 - Dilapidation Report**
A dilapidation report prepared by a suitably qualified practising engineer shall be prepared for any adjoining or nearby property that may be subject to potential damage as a result of any works being undertaken on the site pursuant to this development consent. The dilapidation reports must be submitted to the owner/s of the affected property/ies and the Council or registered certifier prior to the issue of a Construction Certificate. All costs shall be borne by the applicant/person acting on the consent.

Please note:

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

(Reason: To ensure there is an adequate record of the state of neighbouring properties)

42. **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)

43. **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)

44. **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)

45. **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 March 2026 reference Version C.

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

46. **DACCL06- Waste Storage Area**
A designated waste and recyclable storage room must be provided on the premises in accordance with the following requirements:

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

A detailed plan showing the design and location of the waste storage room must be submitted to Council or registered certifier with the Construction Certificate application.

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

47. **DACCM03 - Mechanical Ventilation - Certification of Compliance**
Details of any mechanical ventilation and / or air handling system must be prepared by a suitably qualified person and certified in accordance with clause A2.2 (a) (iii) of the National Construction Code, to the satisfaction of the Council or registered certifier prior to the issue of a Construction Certificate. The system must be certified as complying with AS1668.1 and 2 - 2012 The Use of Ventilation and Air-Conditioning in Buildings - Mechanical Ventilation in Buildings and relevant Australian Standards.

(Reason: To ensure adequate mechanical ventilation is provided)

48. **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)

49. **DACCO02- Flooding Floor Levels**
Floor levels shall comply with the Council's flood advice letter (Ref: EC2025/0715 and Dated 15 July 2025). 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)

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

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

(Reason: To provide reasonable levels of safety)

51. DACCO05- Parking and Access

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)

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

52. 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)

53. 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)

54. 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)

55. 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)

56. 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)

57. 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
Eucalyptus spp. X1 **(T8)**	13 Richardson Street, Merrylands
Mangifera indica x2 **(T3-4)**	68 Burnett Street, Merrylands

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)

Conditions Which Must be Satisfied During any Development Work

58. **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)

59. **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)

60. **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)

61. **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))

62. **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)

63. **DADWA07 - General Site Requirements during Demolition and Construction**
All of the following are to be satisfied/complied with during demolition, construction and any other site works:
    a) A single entrance is permitted to service the site for demolition and construction. The footway and nature strip at the service entrance must be planked out with close boarded, hardwood

timber footpath protection pads. The pad shall cover the entire width of the footpath for the full width of the entrance area.

b) Care must be taken during demolition/ excavation/ building/ construction to prevent any damage to adjoining buildings.
c) Adjoining owner property rights and the need for owner's permission must be observed at all times, including the entering onto land for the purpose of undertaking works.
d) Any demolition and excess construction materials are to be recycled wherever practicable.
e) The disposal of construction and demolition waste must be in accordance with the requirements of the *Protection of the Environment Operations Act 1997*.
f) All waste on the site is to be stored, handled and disposed of in such a manner as to not create air pollution (including odour), offensive noise or pollution of land and/or water as defined by the *Protection of the Environment Operations Act 1997*.
g) All excavated material removed from the site shall be disposed of to an authorised waste disposal facility.
h) All non-recyclable demolition materials shall be disposed of at an approved waste disposal facility.
i) All materials on site or being delivered to the site are to generally be contained within the site. The requirements of the *Protection of the Environment Operations Act 1997* must be complied with when placing/stockpiling loose material, disposing of concrete waste, or other activities likely to pollute drains or water courses.
j) Any materials stored on site must be stored out of view or in such a manner so as not to cause unsightliness when viewed from nearby lands or roadways.
k) Building operations such as brick cutting, washing tools or paint brushes, and mixing mortar shall not be performed on the roadway or public footway or any other locations which could lead to the discharge of materials into the stormwater drainage system.
l) All site waters during excavation and construction must be contained on site in an approved manner to avoid pollutants entering into waterways or Council's stormwater drainage system.

(Reason: To ensure protection to public spaces and prevent unauthorised access to the site)

64. **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)

65. **DADWA12 - Compliance with the Noise Management Plan**
All demolition, excavation and construction works carried must be carried out in accordance with the approved Noise Management Plan.

(Reason: To protect residential amenity)

66. **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)

67. **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)

68. **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)

69. **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)

70. **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)

71. **DADWB08 - Removal of Trees**
The following trees are approved for removal:

Species	Location
Mangifera indica x1 (T2)	Within subject site
Plumeria actinophylla x1 (T5)	Within subject site
M. paniculata X1 (T6)	Within subject site

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

72. **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)

73. **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)

74. **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)

75. **DADWC08 - Anti-Graffiti Coatings**
The external fabric of the building shall utilise anti-graffiti coatings.

(Reason: To minimise the opportunity for graffiti)

76. **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)

77. **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)

78. **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)

79. **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)

80. **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)

81. **DADWC25 - Accessible Parking Spaces**
All accessible parking spaces and shared zones, inclusive of bollards, must be provided in accordance with AS2890.6:2022.

(Reason: To ensure provision of parking suitable to driver needs)

82. 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)

83. 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)

84. 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)

85. DADWD05 - Inspections for Building Work - Critical Stages (Classes 2, 3 or 4)

The following critical stage inspections must be carried out:

a) after the commencement of the excavation for, and before the placement of, the first footing;
b) 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 the junction of any internal fire-resisting construction bounding a sole-occupancy unit, and any other building element required to resist internal fire spread,

inspection of a minimum of 30% of sole-occupancy units on each storey of the building containing sole-occupancy units;

d) Prior to covering of waterproofing in any wet areas, for a minimum of 10% of rooms with wet areas within a building;

e) Prior to covering any stormwater drainage connections; and

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

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

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

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

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

(Reason: Statutory requirement)

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

86. 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)

87. 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)

88. 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)

89. 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: To ensure the building is constructed in a structurally sound manner)

90. DAOCA08 - Certification of Engineering Works

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

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

b) Certification from a qualified practising professional engineer with Engineers Australia membership under the appropriate professional category, that the following matters have been constructed in accordance with the approved plans and conditions of consent:
- the stormwater drainage system;
- car parking provision;
- the dimension of parking spaces and any aisles and circulation ramps conform to AS2890.1;
- any related footpath works;
- any basement mechanical pump; and
- the proposed driveway and layback.

(Reason: Asset management)

91. 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)

92. DAOCA11 - Civil Works on the Footway

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

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

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

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

93. 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 approved acoustic report prepared by Blackett Acoustics dated March 2026 reference Version C, 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)

94. 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)

95. 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)

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

(Reason: To ensure an appropriate streetscape outcome)

97. 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)

98. DAOCH03 - OSD Identification Plate
Prior to the issue of an Occupation Certificate, the applicant shall install an identification plate near or on the control structure of the on-site stormwater detention system that advises the registered proprietor of their responsibility to maintain the facility and to not tamper with it in any manner without the written consent of Council. The wording and plate shall be in accordance with Council's requirements.

(Reason: To promote the ongoing maintenance of the on-site stormwater detention system)

99. DAOCH13 - Australia Post Guidelines
Letter boxes are to be provided for each occupancy within the development in accordance with the relevant Australia Post guidelines.

(Reason: To ensure compliance with mail delivery regulations)

100. 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)

101. DAOCJ01- Flood Evacuation Plan
The Occupation Certificate shall not be issued until such time as a flood evacuation plan has been prepared. The plan must identify a safe refuge point at a location higher than the probable maximum flood level, noting that the locality may be inundated with floodwaters with road or footpath areas cut off during the 1% annual exceedance probability and probable maximum flood events.

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

102. DAOCZ01 - Restriction as to User
Before the issue of an occupation certificate a restriction must be registered, in accordance with the *Conveyancing Act 1919*, section 88E, against the title of the property relating to the development, which will ensure that:

a) The boarding house must be used for affordable housing; and
b) The boarding house must be managed by a registered community housing provider in accordance with the plan of management.

Evidence of an agreement with a registered community housing provider for the management of the boarding house must be given to the Registrar of Community Housing, including the name of the registered community housing provider.

Evidence that the requirements of paragraphs a) and b) have been met must be given to Council.

(Reason: Statutory requirement)

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

103. **DAOUA26 - Plan of Management**
The use shall be operated and managed in accordance with the Plan of Management, prepared by Little Developer Co, dated September 2025. In the event of any inconsistency, the conditions of this consent will prevail over the Plan of Management. The Plan of Management may not be amended without the approval of Council.

(Reason: To protect residential amenity)

104. **DAOUA27 - Boarding House - Use & Operation**
The construction and operation of the boarding house shall comply with all applicable legislation requirements including those under:
a) *Local Government (General) Regulation 2005 under the Local Government Act 1993*;
b) *Public Health Act 2010*;
c) *Boarding Houses Act 2012*;
d) *Boarding Houses Regulation 2013*; and
e) *Environmental Planning and Assessment Regulation 2021* s.83(3).

(Reason: Statutory compliance)

105. **DAOUA28 - Maximum number of Boarding Rooms and Lodgers**
The maximum number of occupants (including an on site manager) shall not exceed 20 at any time.

(Reason: To clarify the terms of the approval)

106. **DAOUA29 - Registration of Boarding House (Boarding House Act 2012)**
The boarding house must be registered with NSW Fair Trading within 28 days of commencing operation.

(Reason: Registration and notification to relevant authorities)

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

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

108. **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)

109. **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)

110. **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)

111. DAOUC15 - Noise - Residential buildings

The air conditioner / 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)

112. 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)

113. DAOUC19- Waste Management Plan

The storage, handling and disposal of waste and recyclable materials generated on the premises must be carried out in accordance with the approved Waste Management Plan prepared by Deboke Associates, dated 9 October 2025. Any changes to the Waste Management Plan shall be approved by Council.

(Reason: To protect the environment)

114. DAOUC30 - Privacy

All privacy measures shall be maintained throughout the lifetime of the development.

(Reason: Privacy)

115. 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)

116. DAOUE02 - Visitor Parking Restriction

Visitor parking spaces must not be allocated, sold or leased to an owner, occupier or any other person or entity. In any strata subdivision, visitor parking spaces must be retained within the common property.

(Reason: Compliance)

117. DAOUE03 - Parking

At least 4 car parking spaces numbered and line marked in accordance with the approved plans are to be made available at all times for vehicles associated with the occupation/use of the premise.

(Reason: Access to required car parking spaces)

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

(Reason: Traffic and pedestrian safety)

119. **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)

120. **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)

121. **DAOUCZ01 - Use of Boarding House**
The boarding house must be used for affordable housing in perpetuity and managed by a registered community housing provider.

Notice of a change in the registered community housing provider who manages the boarding house must be given to the Registrar of Community Housing and Council no later than 3 months after the change and notice of a change to the plan of management. A copy must be given to Council no later than 3 months after the change.

The registered community housing provider who manages the boarding house must apply the Affordable Housing Guidelines.

(Reason: Statutory requirement)

122. **DAOUZ02 - Waste Bins**
Any bins presented on the kerbside for collection must be returned behind the boundary line within 24 hours after servicing.

(Reason: So that bins are returned to the normal storage areas and not left out on the street or kerbside long after services are provided presenting as an obstacle and safety risk).

123. **DAOUZ02 – Bulky Waste**
That any bulky waste items should not be presented on the kerbside more than 24 hours prior to the scheduled clean up collection day.

(Reason: That bulky items don't accrue on the kerbside or be added to by others more than 24 hours ahead of the scheduled service).

Advisory Notes

124. **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.

125. **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.

126. 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.

127. 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.

128. 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.

129. 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.

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

131. 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.

132. 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.

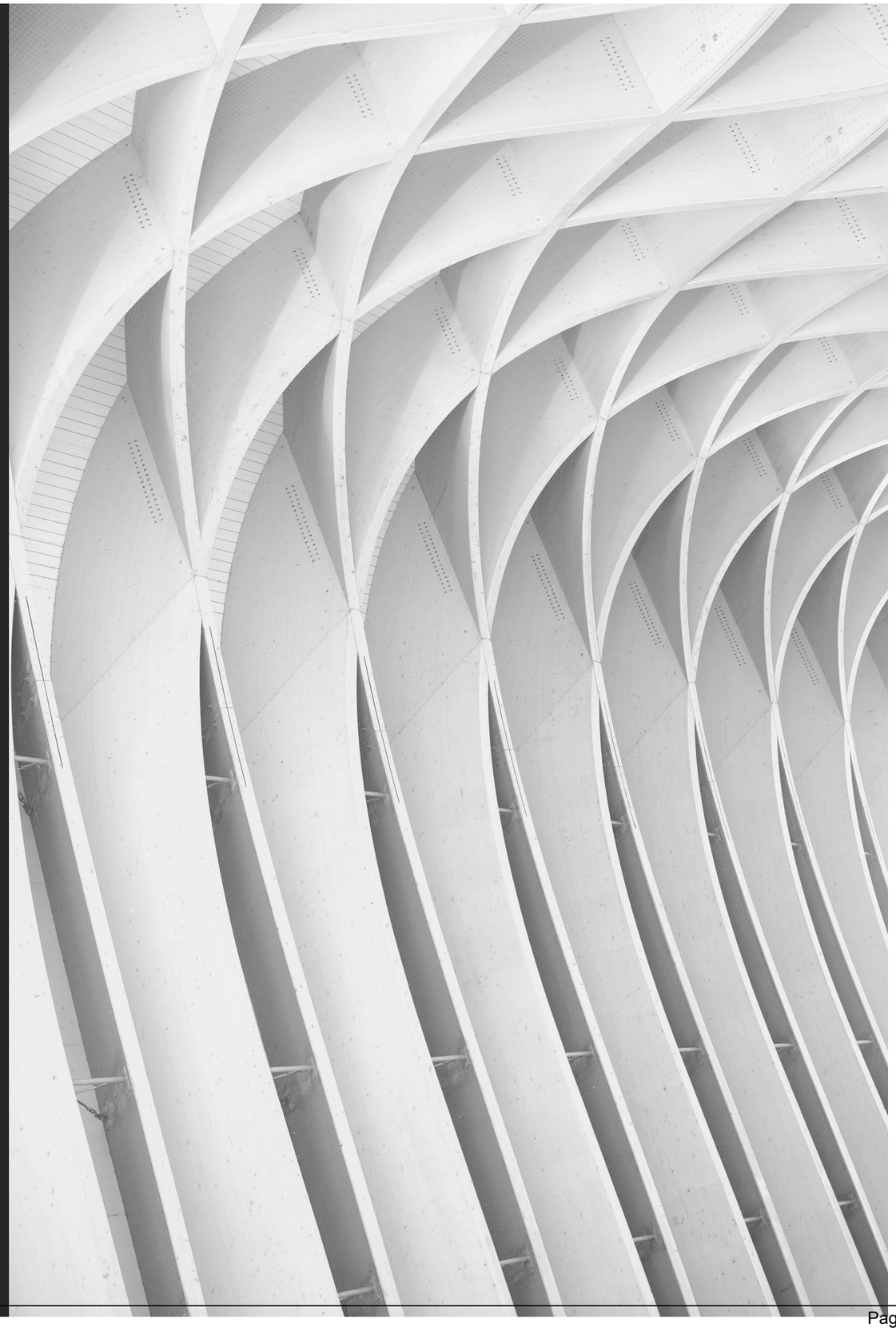
If demolition is associated with the erection of or extension to an existing building, then demolition must not commence prior to the issue of a Construction Certificate.

DOCUMENTS ASSOCIATED WITH REPORT ELPP014/26

Attachment 2

Architectural Plans

deboke
VISUALISATION



PROJECT NUMBER

25005

PROJECT TITLE

PROPOSED BOARDING HOME
70 BURNETT STREET MERRYLANDS NSW 2160

PROPOSED BOARDING HOME

70 BURNETT STREET MERRYLANDS NSW 2160
LOT 109/DP5296 | CUMBERLAND CITY COUNCIL

25005

COMPLIANCE TABLE

	ITEM		PROPOSED	STANDARD	COMPLIANCE
A	NUMBER OF ROOMS				
		STUDIO (1 Bedroom Unit)	20 ROOMS	-	-
		COMMUNAL LIVING AREAS	1	-	-
B	SITE AREA		867.821 m²	-	-
C	SETBACK				
		LGF FRONT	11.805 m	5 m	YES
		LGF REAR	15.840 m	6 m	YES
		LGF SIDE	1.650 m / 2.390	4 m	YES
		GF FRONT	6 m	-	
		GF REAR	6 m	-	
		GF SIDE	4.890 m / 2.390 m	-	
		FF FRONT	12.035 m	-	
		FF REAR	6 m	-	
		FF SIDE	4.890 m / 2.390 m	-	
D		GROSS FLOOR AREA		-	
		LOWER GROUND FLOOR	141 m²	-	
		GROUND FLOOR	257 m²	-	
		FIRST FLOOR	206 m²		
E	FSR			0.7 : 1	YES
F	HEIGHT		8.8 m	9 m	YES
G	LANDSCAPE AREA		370 m²	-	YES
I	COMMON AREA		59 m²	-	YES
J	CAR PARKING			-	
		STUDIO (1 Bedroom Unit)	5 SPACES	0.2 SPACE PER UNIT	YES
		TOTAL CAR SPACES	5 SPACES		YES

DRAWING LIST

DRAWING NO.	DRAWING NAME
A1 - 00	COVER PAGE
A1 - 01	COMPLIANCE TABLE
A1 - 02	SITE ANALYSIS
A1 - 03	SITE PLAN
A1 - 04	DEMOLITION PLAN
A1 - 05	FLOOR PLAN - GROUND FLOOR (GF)
A1 - 06	FLOOR PLAN - FIRST FLOOR (FF)
A1 - 07	FLOOR PLAN - SECOND FLOOR (SF)
A1 - 08	ROOF PLAN - (RP)
A1 - 09	TYPICAL ROOM PLAN
A1 - 10	ELEVATIONS
A1 - 11	ELEVATIONS
A1 - 12	SECTIONS
A1 - 13	GFA CALCULATIONS
A1 - 14	LANDSCAPE CALCULATION
A1 - 15	SHADOW DIAGRAM
A1 - 16	RENDER
A1 - 17	EXTERNAL RENDER
A1 - 18	EXTERNAL RENDER
A1 - 19	EXTERNAL RENDER
A1 - 20	EXTERNAL RENDER
A1 - 21	DOORS SCHEDULE
A1 - 22	WINDOWS SCHEDULE
A1 - 23	WINDOWS SCHEDULE ELEVATIONS
A1 - 24	WINDOWS SCHEDULE ELEVATIONS
A1 - 25	SCHDULES OF EXTERNAL COLOURS AND FINISHES

A1-02

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PROJECT NUMBER
25005

PROJECT TITLE
PROPOSED BOARDING HOME
70 BURNETT STREET MERRYLANDS NSW 2160

FOR DA APPROVAL

DRAWING TITLE
COMPLIANCE TABLE

DRAWING NUMBER
A1-02

SCALE @ A1

DATE OF ISSUE	REVISION	DRAWN BY	CHECKED BY
12/08/2025	B	GA	GA

Revision	Description	Date	Design	Author
A	CONCEPTUAL DESIGN	23/06/2025	GA	GA
B	CONSULTANT COORDINATION	08/07/2025	GA	GA

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A1-03

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PROJECT NUMBER
25005

PROJECT TITLE
PROPOSED BOARDING HOME
70 BURNETT STREET MERRYLANDS NSW 2160

FOR DA APPROVAL

DRAWING TITLE
CONTEXT PLAN

DATE OF ISSUE	REVISION	DRAWN BY	CHECKED BY
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DRAWING NUMBER
A1-03

SCALE @ A1

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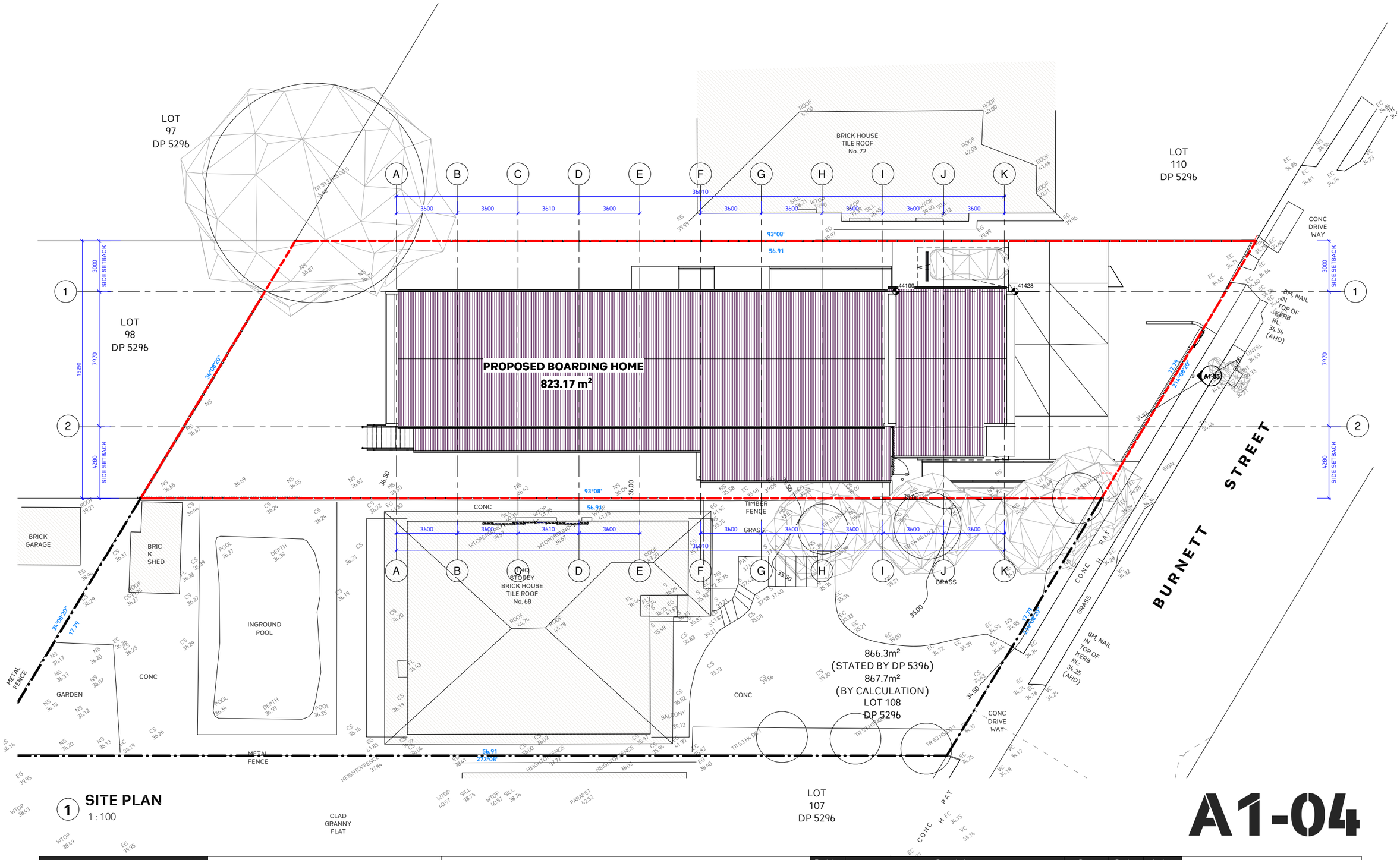

1 **SITE PLAN**
1 : 100

A1-04

PROJECT NUMBER **25005**	**FOR DA APPROVAL**	DRAWING NUMBER **A1-04**		
PROJECT TITLE **PROPOSED BOARDING HOME 70 BURNETT STREET MERRYLANDS NSW 2160**	DRAWING TITLE **SITE PLAN**	SCALE @ A1 **1 : 100**		
	DATE OF ISSUE **12/08/2025**	REVISION **B**	DRAWN BY **GA**	CHECKED BY **GA**

Revision	Description	Date	Design	Author
A	CONCEPTUAL DESIGN	23/06/2025	GA	GA
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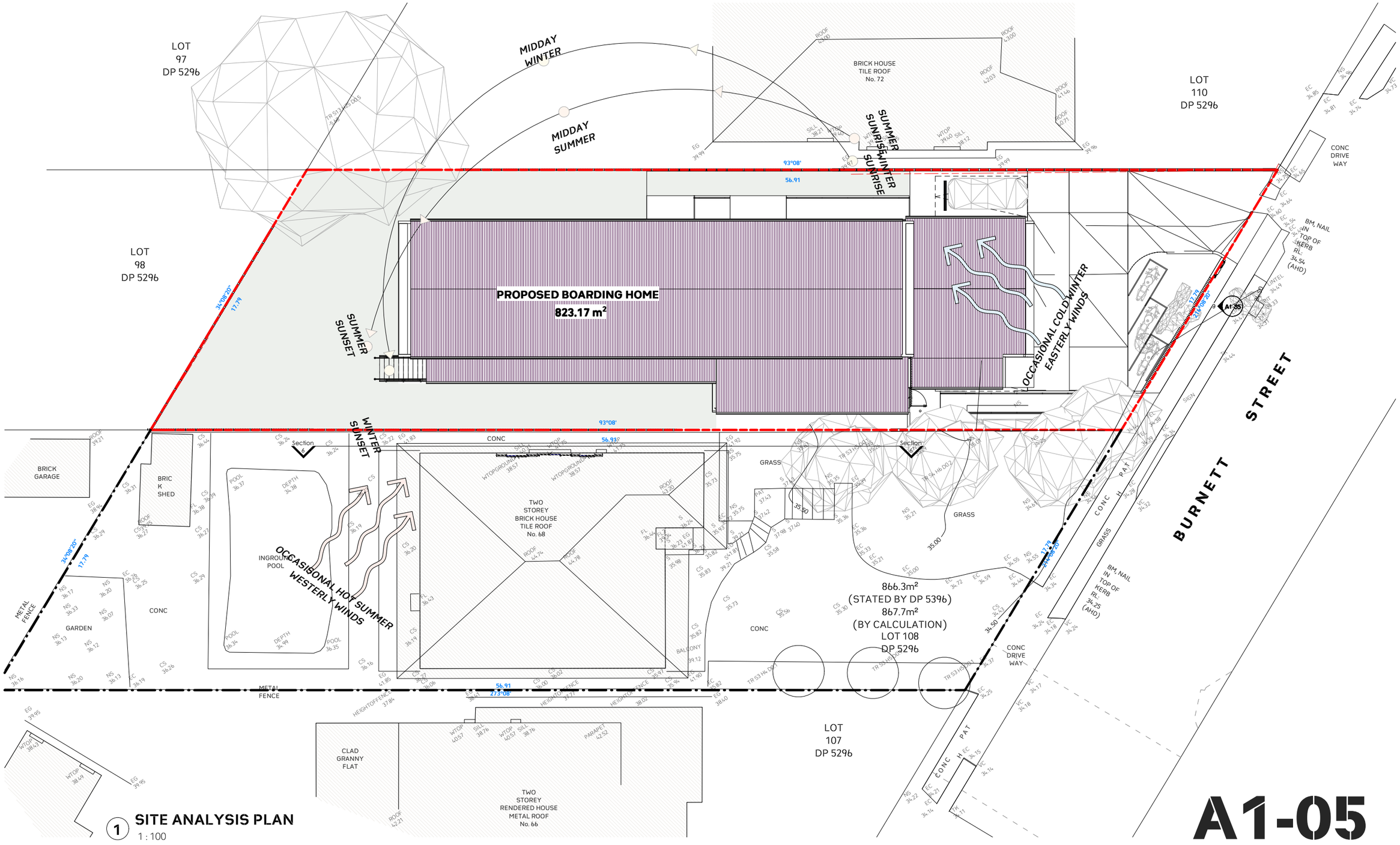

1 **SITE ANALYSIS PLAN**
1 : 100

A1-05

PROJECT NUMBER	**25005**		
PROJECT TITLE	**PROPOSED BOARDING HOME** **70 BURNETT STREET MERRYLANDS NSW 2160**		
FOR DA APPROVAL		DRAWING NUMBER	**A1-05**
DRAWING TITLE	**SITE ANALYSIS**	SCALE @ A1	**1 : 100**
DATE OF ISSUE	**12/08/2025**	REVISION	**B**
DRAWN BY	**GA**	CHECKED BY	**GA**

Revision	Description	Date	Design	Author
A	CONCEPTUAL DESIGN	23/06/2025	GA	GA
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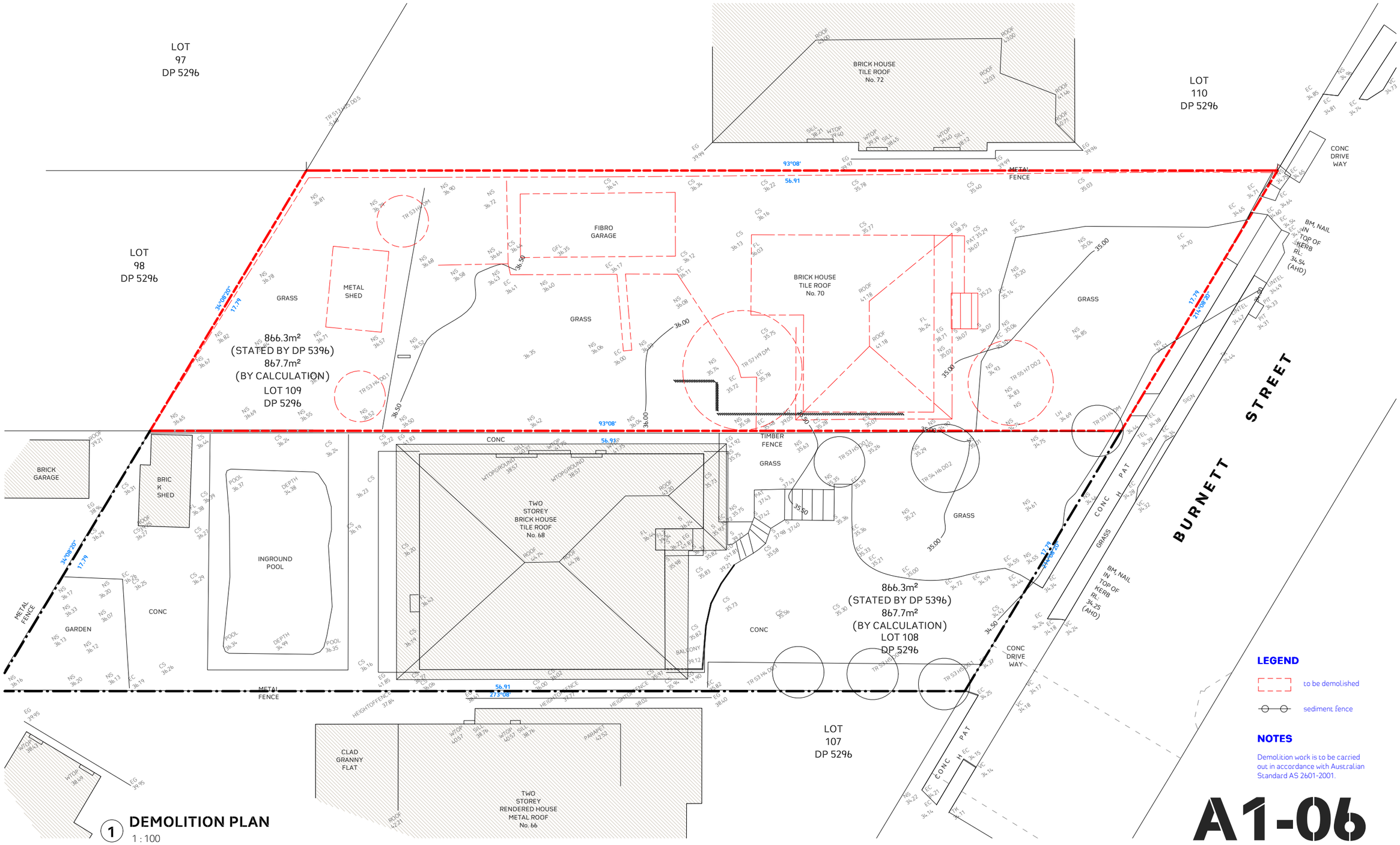

1 **DEMOLITION PLAN**
1 : 100

LEGEND

to be demolished

sediment fence

NOTES

Demolition work is to be carried out in accordance with Australian Standard AS 2601-2001.

A1-06

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PROJECT NUMBER
25005

PROJECT TITLE
PROPOSED BOARDING HOME
70 BURNETT STREET MERRYLANDS NSW 2160

FOR DA APPROVAL

DRAWING TITLE
DEMOLITION PLAN

DATE OF ISSUE	REVISION	DRAWN BY	CHECKED BY
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DRAWING NUMBER
A1-06

SCALE @ A1
As indicated

Revision	Description	Date	Design	Author
A	CONCEPTUAL DESIGN	23/06/2025	GA	GA

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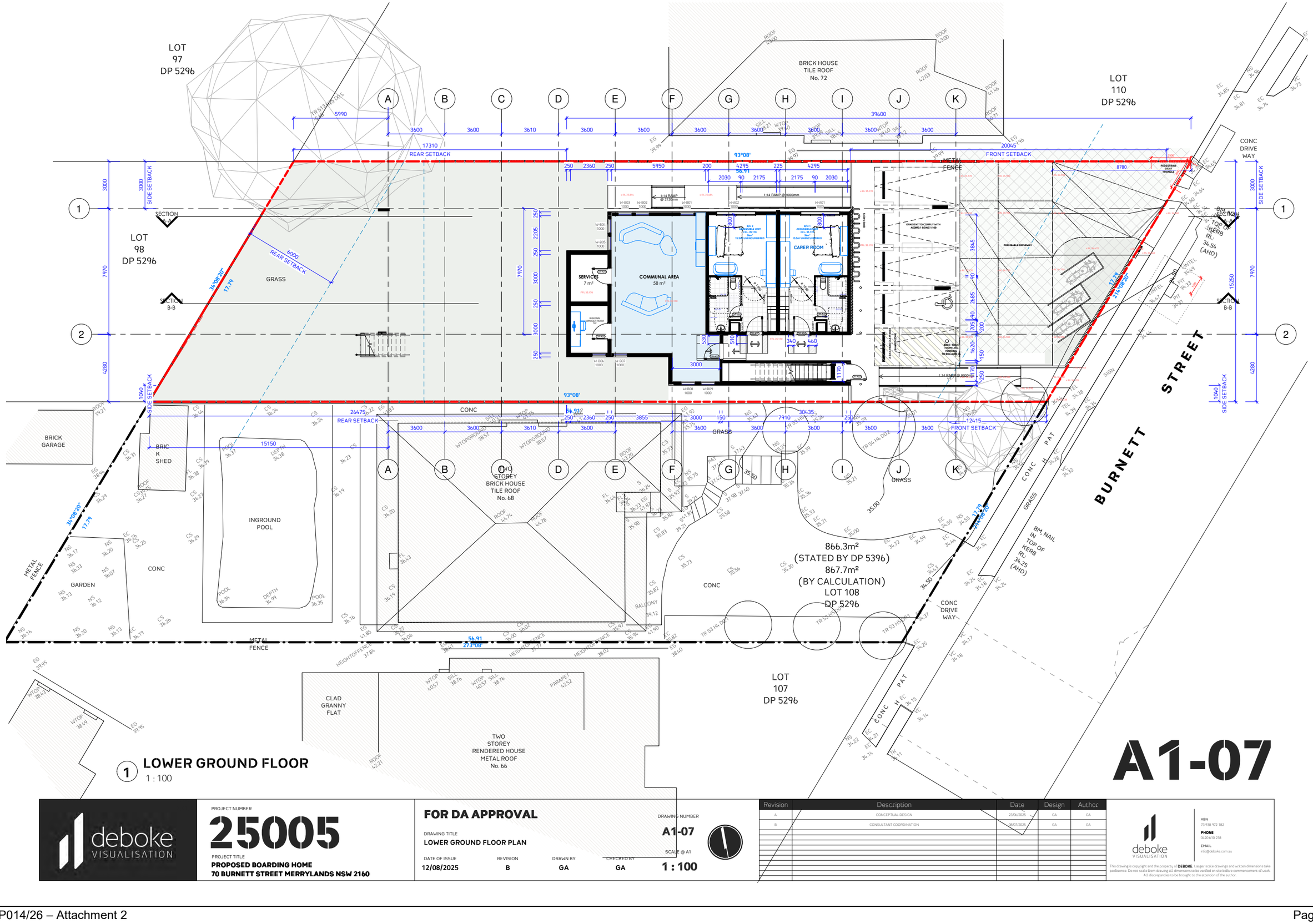

1 LOWER GROUND FLOOR
1 : 100

A1-07

deboke VISUALISATION

PROJECT NUMBER
25005

PROJECT TITLE
PROPOSED BOARDING HOME
70 BURNETT STREET MERRYLANDS NSW 2160

FOR DA APPROVAL

DRAWING TITLE
LOWER GROUND FLOOR PLAN

DRAWING NUMBER
A1-07

SCALE @ A1
1 : 100

DATE OF ISSUE	REVISION	DRAWN BY	CHECKED BY
12/08/2025	B	GA	GA

Revision	Description	Date	Design	Author
A	CONCEPTUAL DESIGN	23/06/2025	GA	GA
B	CONSULTANT COORDINATION	08/07/2025	GA	GA

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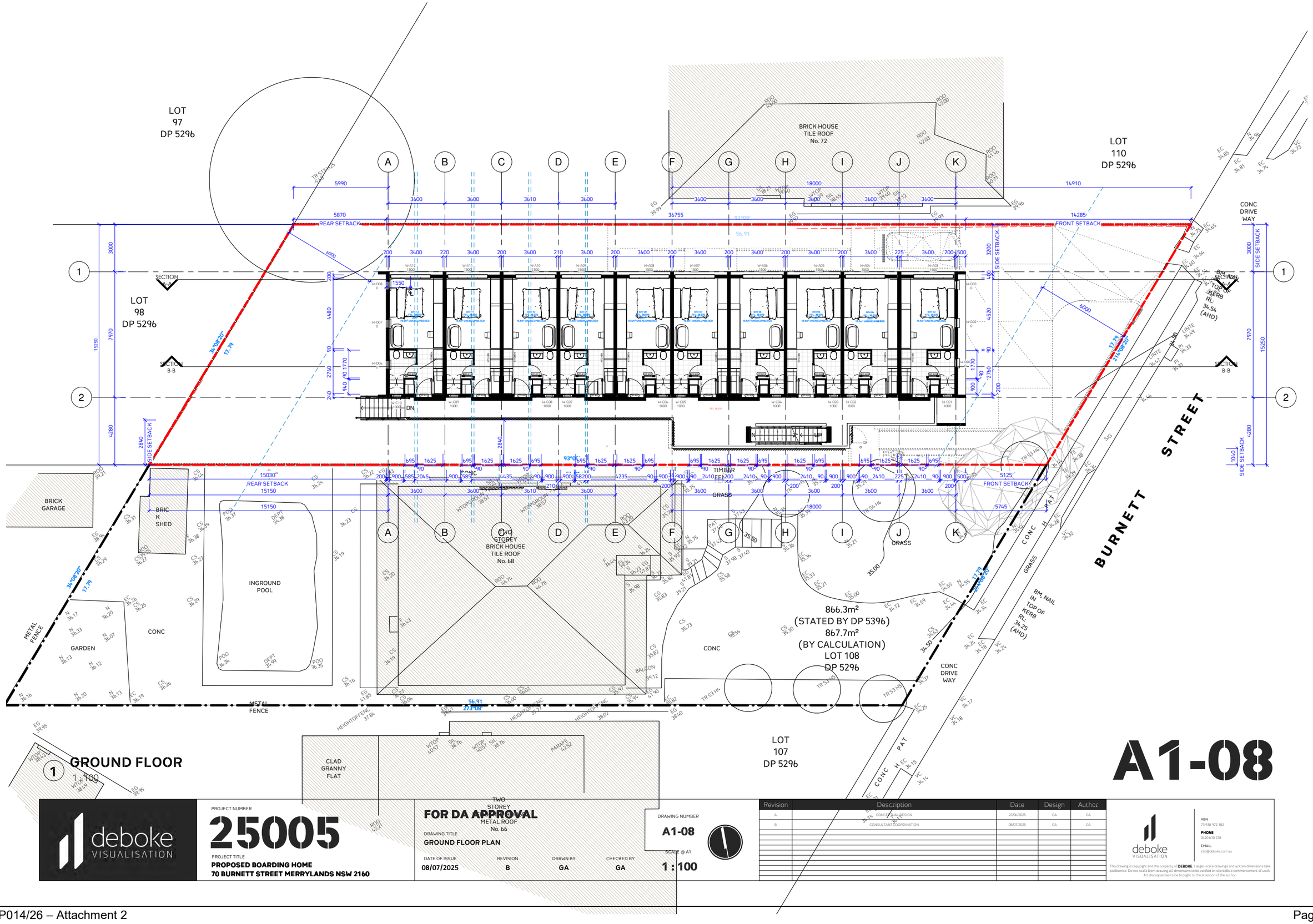

A1-08

PROJECT NUMBER	25005
PROJECT TITLE	PROPOSED BOARDING HOME 70 BURNETT STREET MERRYLANDS NSW 2160
FOR DA APPROVAL	
DRAWING TITLE	GROUND FLOOR PLAN
DRAWING NUMBER	A1-08
SCALE @ A1	1 : 100
DATE OF ISSUE	08/07/2025
REVISION	B
DRAWN BY	GA
CHECKED BY	GA

Revision	Description	Date	Design	Author
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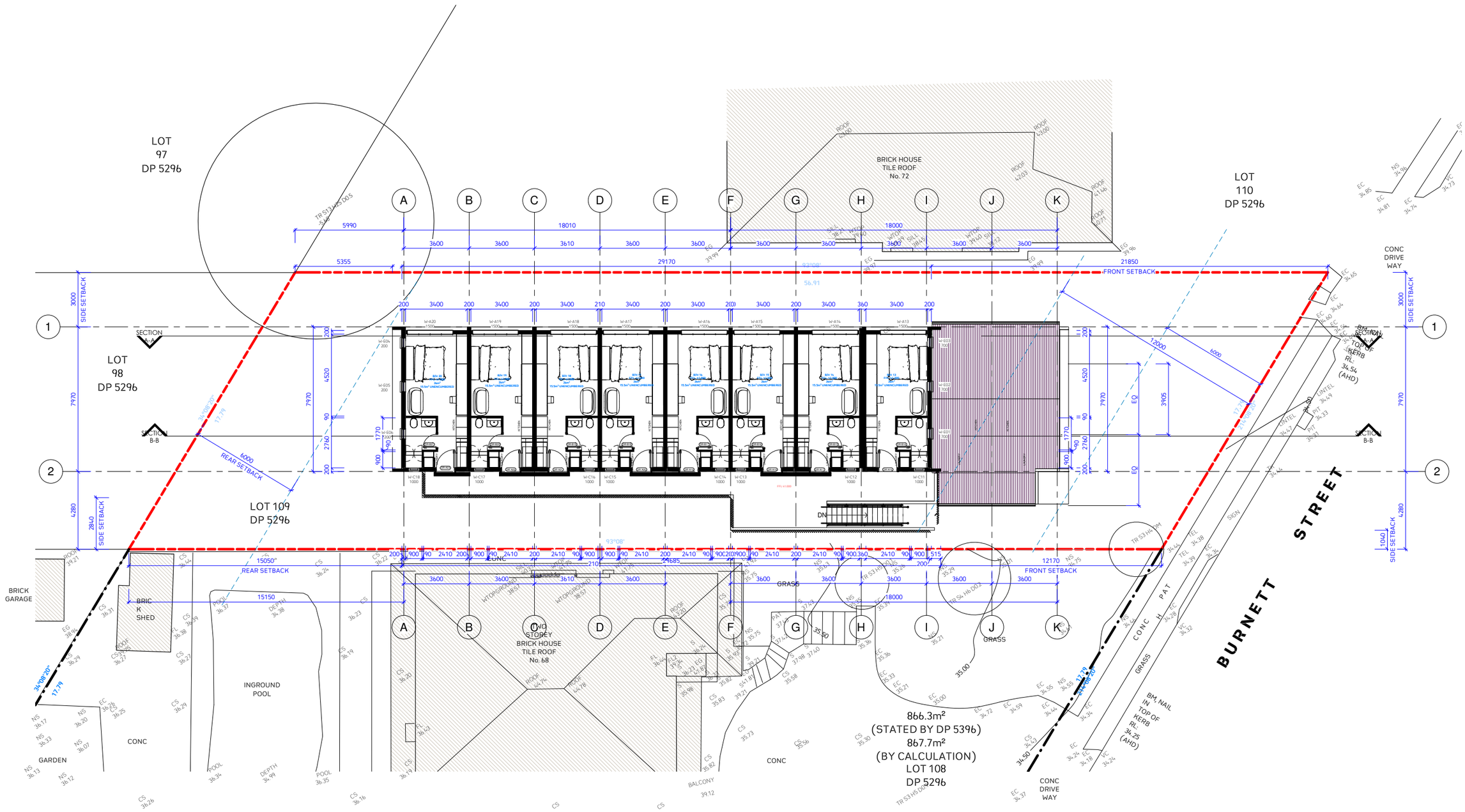

1 FIRST FLOOR
1 : 100

A1-09

PROJECT NUMBER	**25005**		
PROJECT TITLE	**PROPOSED BOARDING HOME** **70 BURNETT STREET MERRYLANDS NSW 2160**		
FOR DA APPROVAL		DRAWING NUMBER	**A1-09**
DRAWING TITLE	**FIRST FOOR PLAN**	SCALE @ A1	**1 : 100**
DATE OF ISSUE	**12/08/2025**	REVISION	**B**
DRAWN BY	**GA**	CHECKED BY	**GA**

Revision	Description	Date	Design	Author
A	CONCEPTUAL DESIGN	23/06/2025	GA	GA
B	CONSULTANT COORDINATION	08/07/2025	GA	GA

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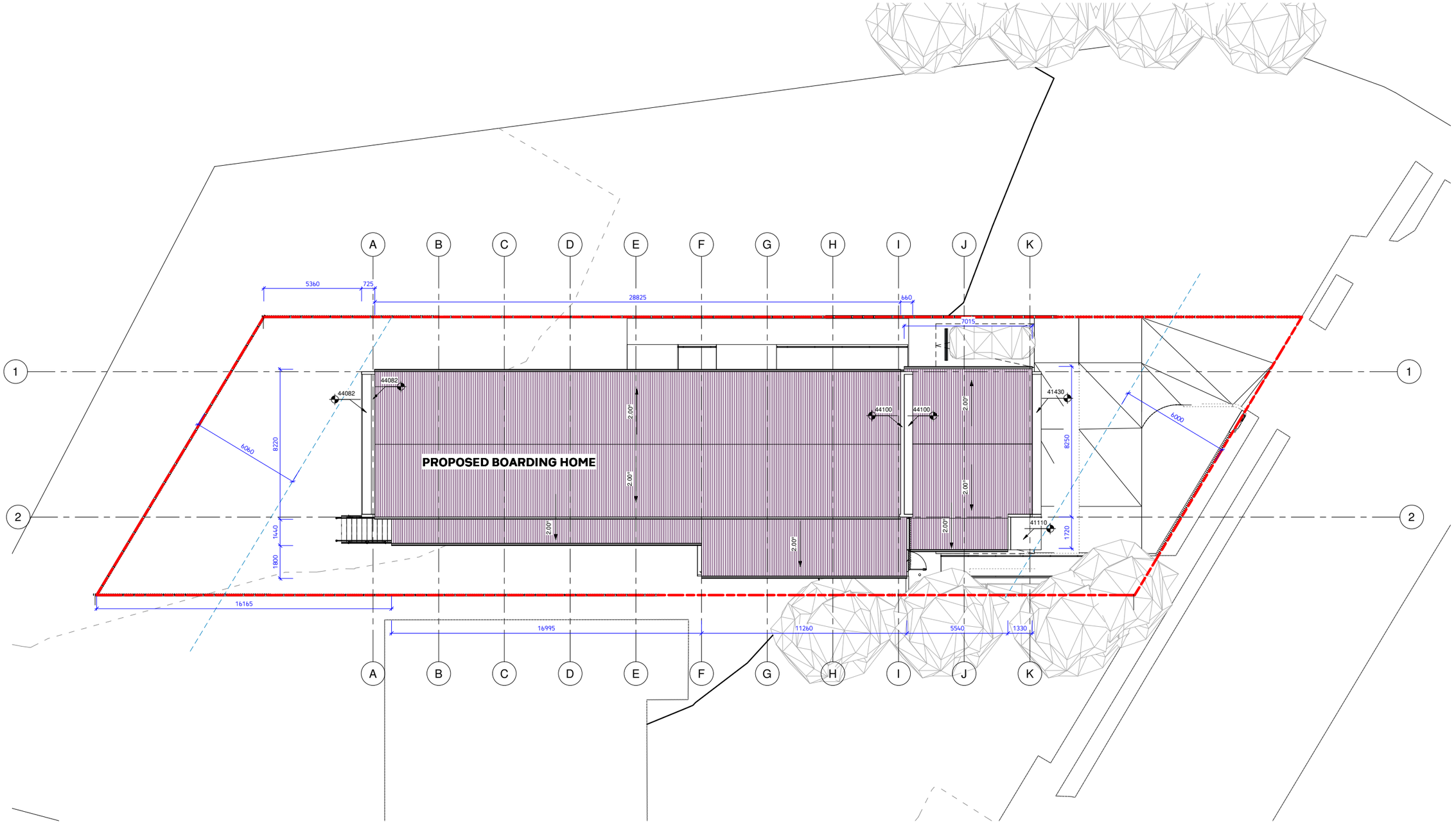

1 ROOF PLAN
1 : 100

A1-10

deboke VISUALISATION

PROJECT NUMBER
25005

PROJECT TITLE
PROPOSED BOARDING HOME
70 BURNETT STREET MERRYLANDS NSW 2160

FOR DA APPROVAL

DRAWING TITLE
ROOF PLAN

DATE OF ISSUE	REVISION	DRAWN BY	CHECKED BY
12/08/2025	B	GA	GA

DRAWING NUMBER
A1-10

SCALE @ A1
1 : 100

Revision	Description	Date	Design	Author
A	CONCEPTUAL DESIGN	23/06/2025	GA	GA
B	CONSULTANT COORDINATION	08/07/2025	GA	GA

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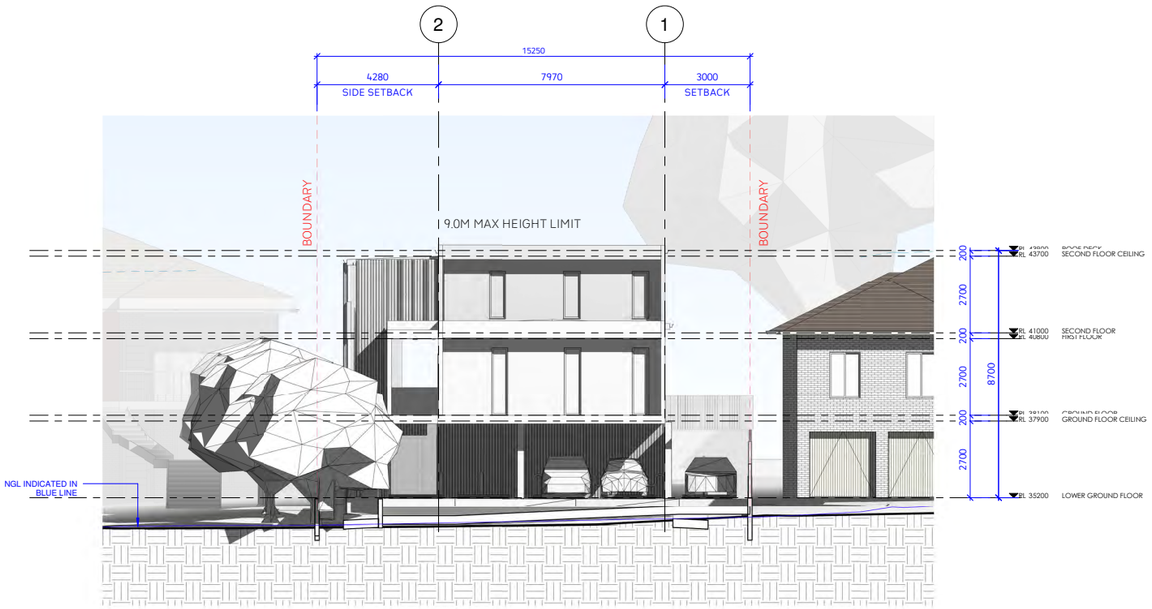
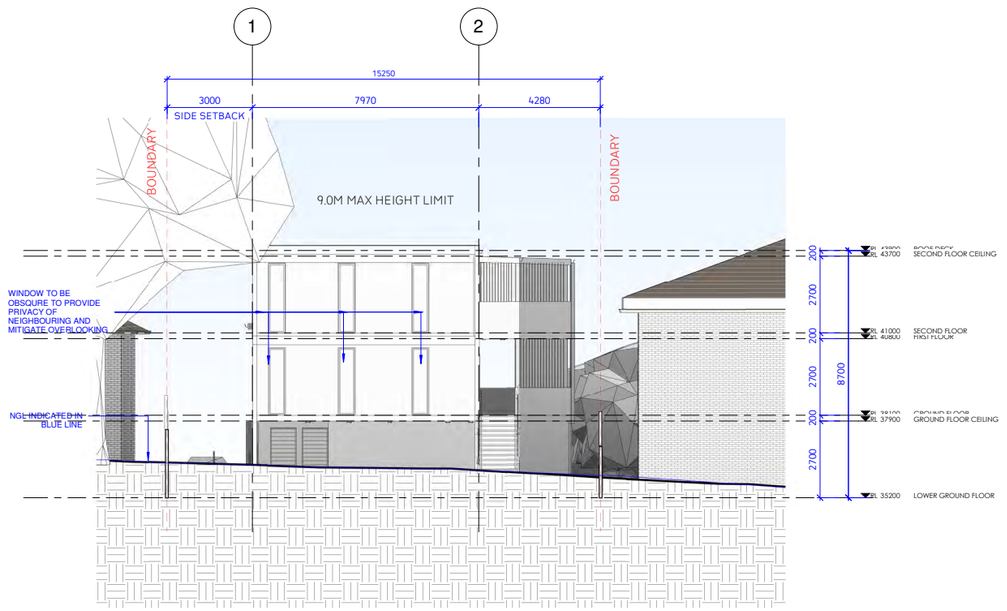


1 EAST ELEVATION
1 : 100



2 WEST ELEVATION
1 : 100

A1-11

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PROJECT NUMBER
25005
PROJECT TITLE
PROPOSED BOARDING HOME
70 BURNETT STREET MERRYLANDS NSW 2160

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DRAWING TITLE
ELEVATIONS

DRAWING NUMBER
A1-11

DATE OF ISSUE	REVISION	DRAWN BY	CHECKED BY	SCALE @ A1
12/08/2025	B	GA	GA	1 : 100

Revision	Description	Date	Design	Author
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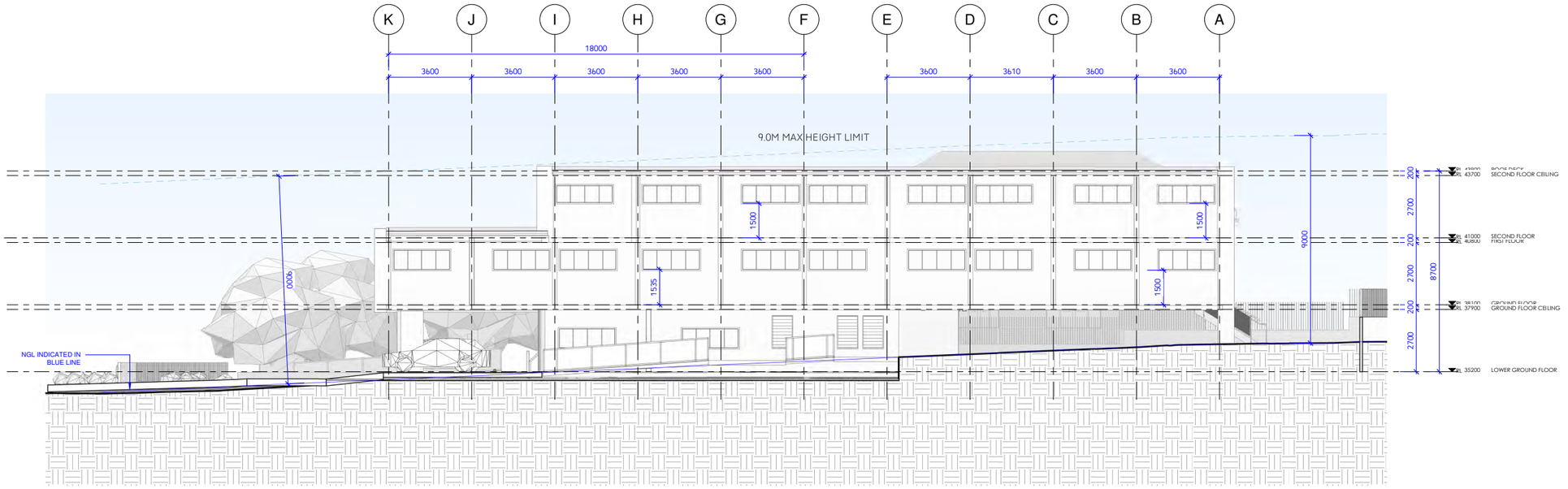

1 NORTH ELEVATION
1 : 100



2 SOUTH ELEVATION
1 : 100

A1-12

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PROJECT NUMBER
25005

PROJECT TITLE
PROPOSED BOARDING HOME
70 BURNETT STREET MERRYLANDS NSW 2160

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DRAWING TITLE
ELEVATIONS

DRAWING NUMBER
A1-12

DATE OF ISSUE	REVISION	DRAWN BY	CHECKED BY	SCALE @ A1
12/08/2025	B	GA	GA	1 : 100

Revision	Description	Date	Design	Author
A	CONCEPTUAL DESIGN	23/06/2025	GA	GA
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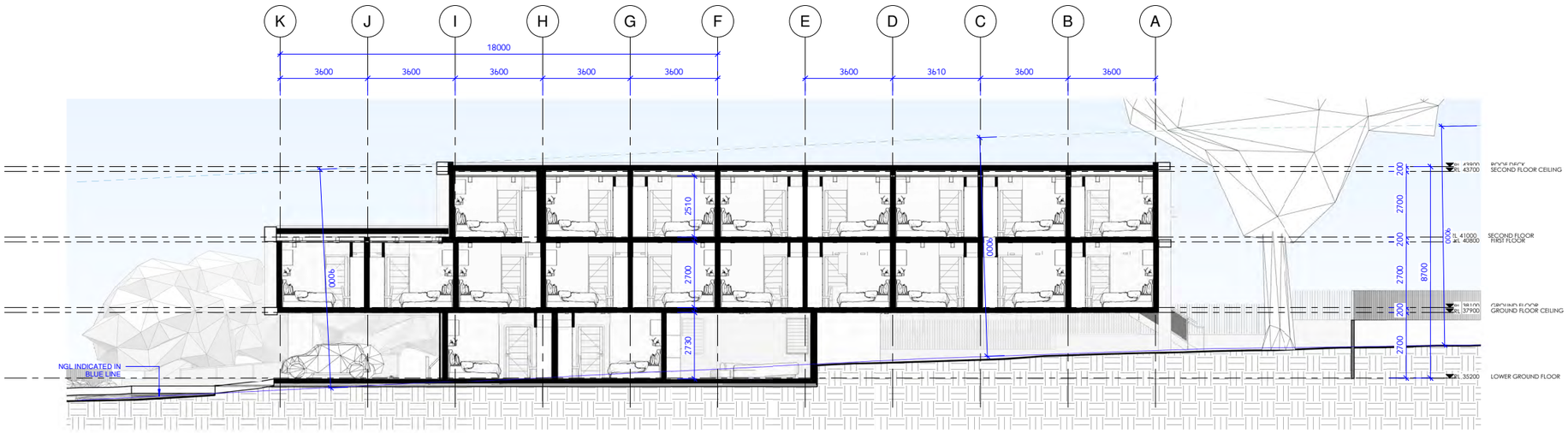
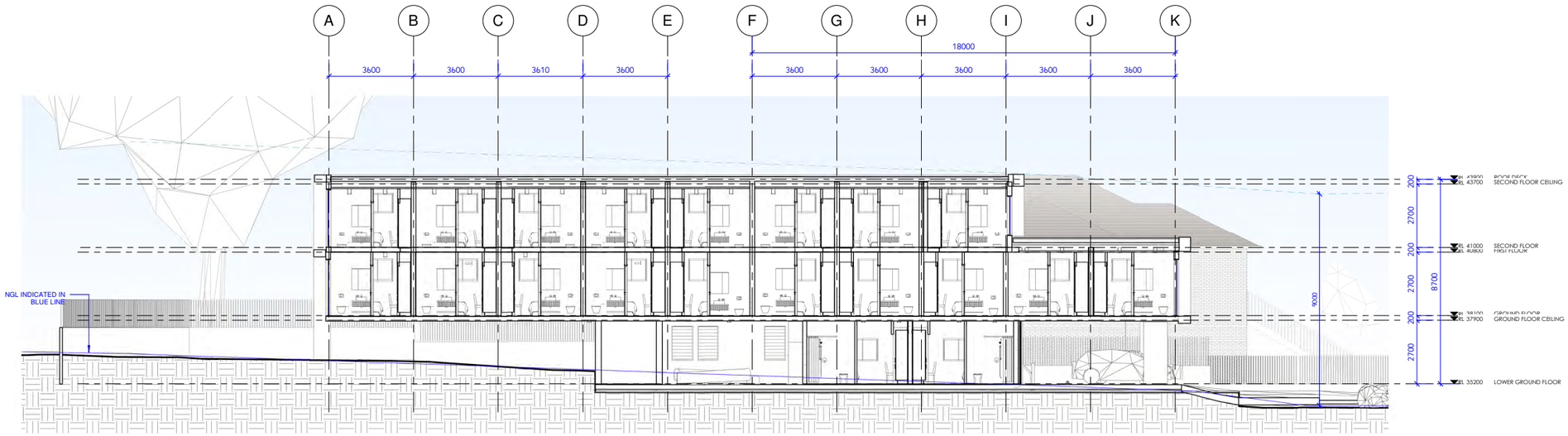


1 SECTION A-A
1 : 100



2 SECTION B-B
1 : 100

A1-13

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PROJECT NUMBER
25005
PROJECT TITLE
PROPOSED BOARDING HOME
70 BURNETT STREET MERRYLANDS NSW 2160

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DRAWING TITLE
SECTIONS

DRAWING NUMBER
A1-13

DATE OF ISSUE	REVISION	DRAWN BY	CHECKED BY	SCALE @ A1
12/08/2025	B	GA	GA	1 : 100

Revision	Description	Date	Design	Author
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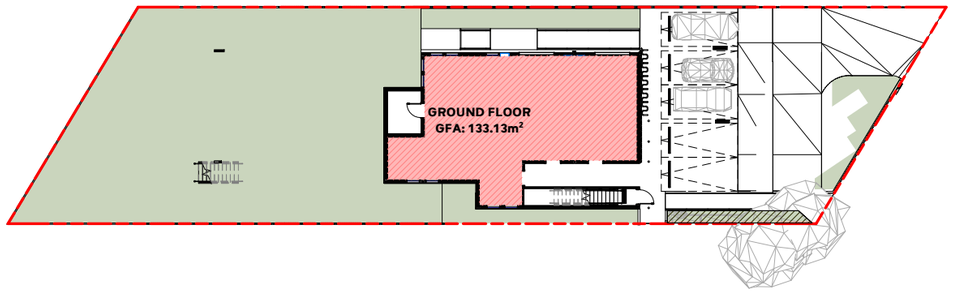
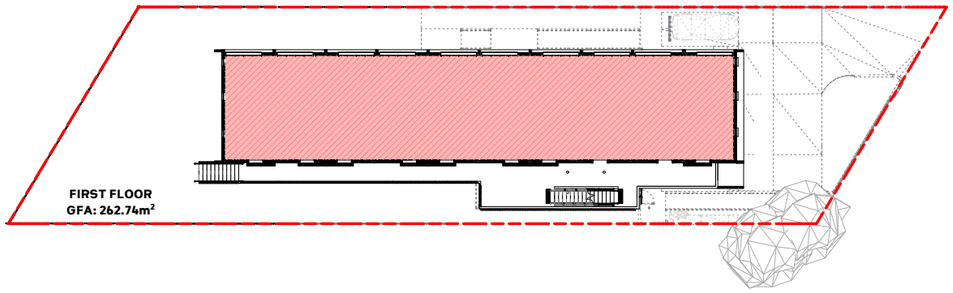
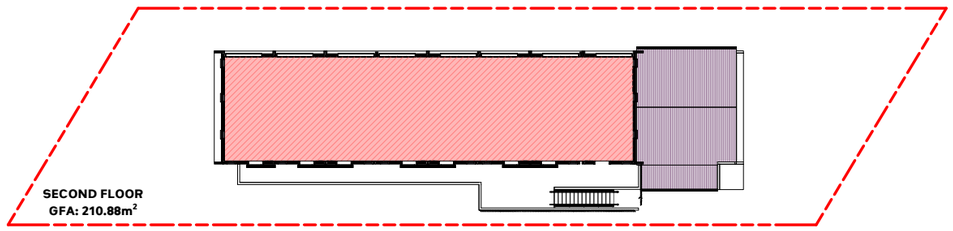


1 GF GFA CALCULATION PLAN
1 : 200



2 FF GFA CALCULATION PLAN
1 : 200



3 SF GFA CALCULATION PLAN
1 : 200

LEGEND

GFA

GFA CALCULATION

GROUND FLOOR PLAN	-	133.67 m²
FIRST FLOOR PLAN	-	259.15 m²
SECOND FLOOR PLAN	-	207.92 m²
TOTAL PROPOSED GFA	-	**606.75m²**

LOT AREA : 867.821m²
FSR: 0.7:1
MAX GFA: 607.4m²

A1-19

deboke VISUALISATION

PROJECT NUMBER
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DRAWING TITLE
GFA CALCULATIONS

DATE OF ISSUE: **12/08/2025**
REVISION: **B**
DRAWN BY: **GA**
CHECKED BY: **GA**

DRAWING NUMBER: **A1-19**
SCALE @ A1: **As indicated**

Revision	Description	Date	Design	Author
A	CONCEPTUAL DESIGN	23/06/2025	GA	GA
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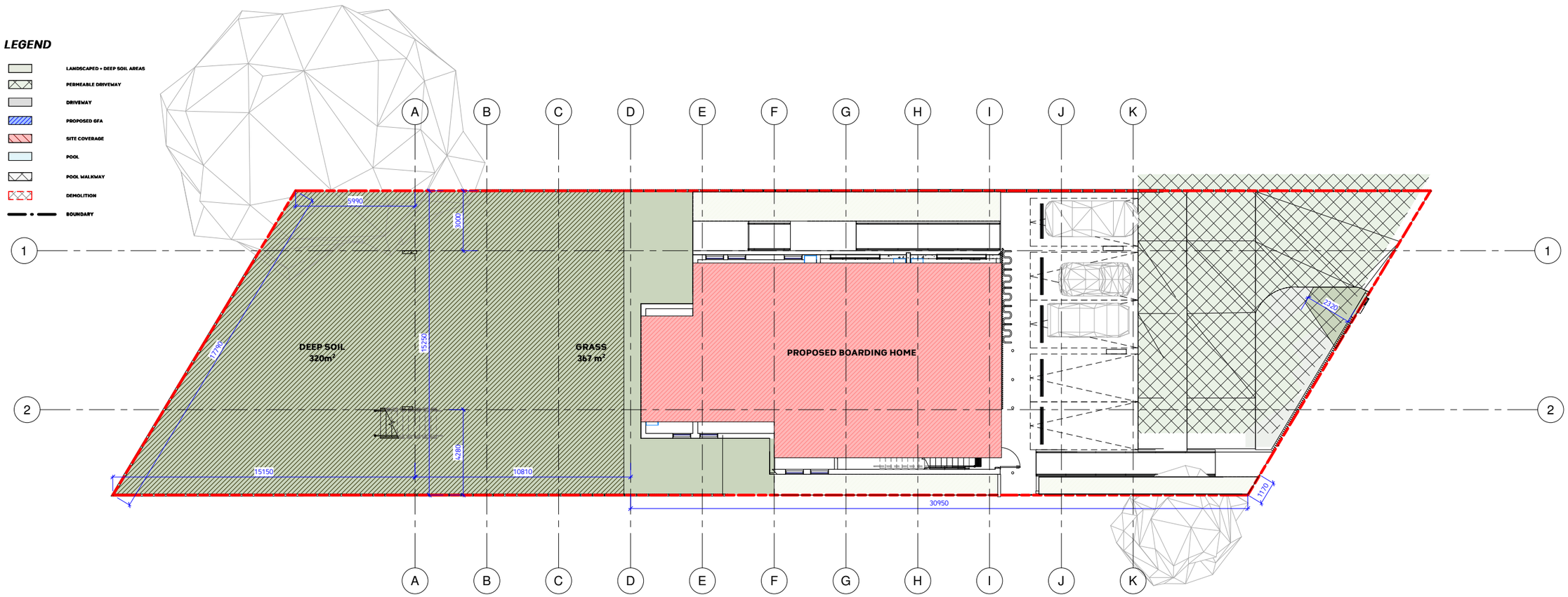

LANDSCAPING CALCULATIONS

INDICATES LANDSCAPED AREA
INDICATES DEEP SOIL AREA
LANDSCAPING NOT INCLUDED IN CALCULATION

SITE AREA: 867.821 m²

REQUIRED TOTAL MIN. LANDSCAPING: **347.13m²** (40%)

REQUIRED DEEPSOIL: 260.35m² (30%)

SITE AREA: 867.821 m²

PROPOSED TOTAL LANDSCAPING: 370**m²** (42.6%)

PROPOSED DEEPSOIL: 320 m² (37%)
PROPOSED FORWARD OF BUILDING LINE: 9.75m²
PROPOSED BEHIND OF BUILDING LINE: 388m²

1 LANDSCAPE CALCULATION PLAN
1 : 100

A1-20

deboke VISUALISATION

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70 BURNETT STREET MERRYLANDS NSW 2160

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DRAWING TITLE
LANDSCAPE CALCULATION

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DRAWING NUMBER **A1-20**
SCALE @ A1 **1 : 100**

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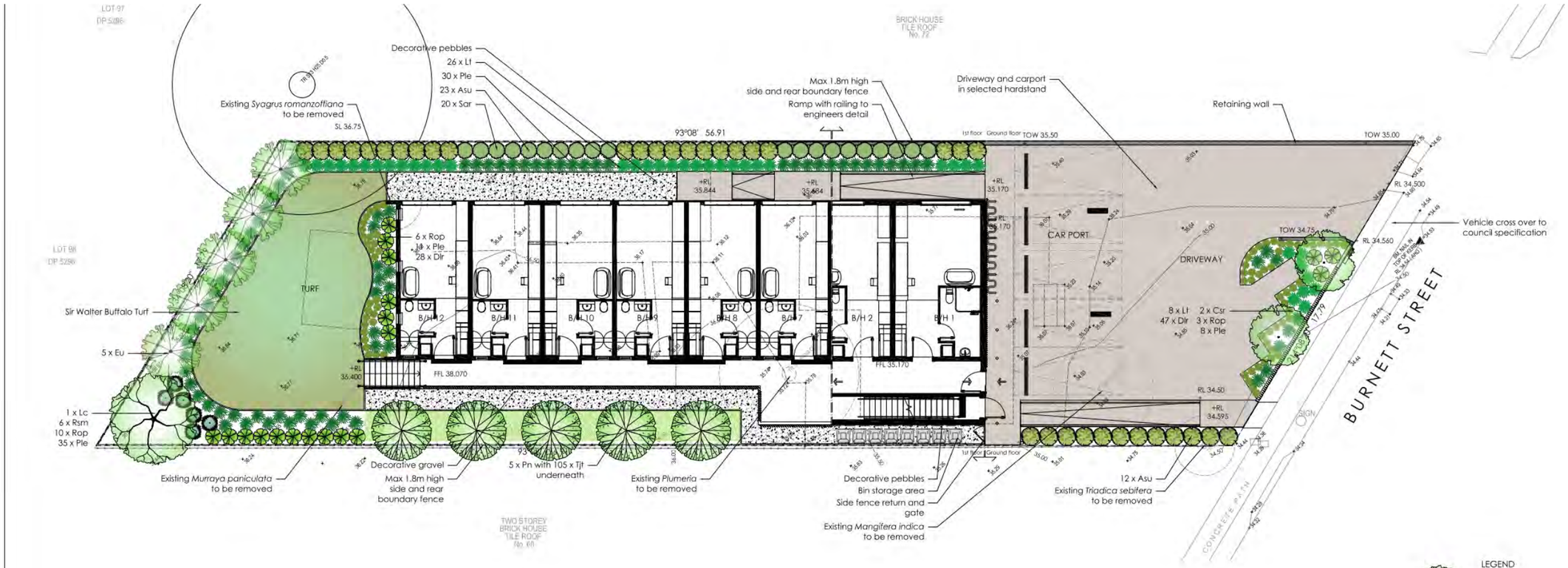
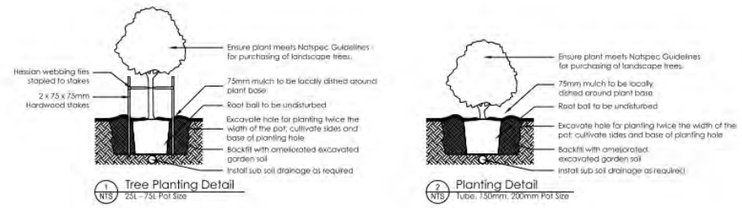
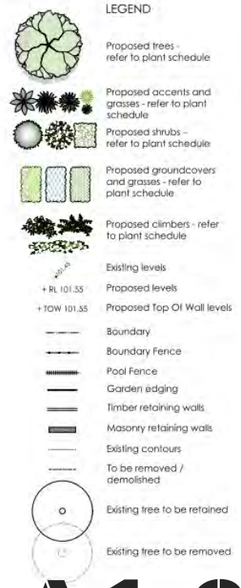






PLANT SCHEDULE **Prepared by ecodesign Pty Ltd**

SYMBOL	BOTANICAL NAME	COMMON NAME	QUANTITY	POT SIZE	MATURE SIZE
Asu	Acmena smithii 'Sublime'	Sublime Lillypilly	12	200mm	5m
Csr	Corymbia 'Summer Red'	Red Flowering Gum	2	75L	5m
Dlr	Dianella revoluta 'Little Rev'	Dwarf Blue Flax Lily	75	150mm	0.3m
Eu	Elaeocarpus eumundii	Eumundi Quondong	5	75L	8m
Lc	Lophostemon confertus	Brush Box	1	75L	14m
Lt	Lomandra 'Tanika'	Fine-leafed Mat Rush	34	150mm	0.5m
Ple	Poa labillardieri 'Eskdale'	Blue Tussock Grass	84	150mm	0.6m
Pn	Pyrus nivalis	Snow Pear	5	75L	6m
Rop	Raphiolepis 'Oriental Pearl'	Oriental Pearl Raphiolepis	19	300mm	1m
Rsm	Raphiolepis 'Snow Maiden'	Snow Maiden Raphiolepis	6	300mm	1m
Sar	Syzygium australe 'Resilience'	Lilly pilly	20	200mm	4m
Tjt	Trachelospermum jasminoides 'Tricolor	Star Jasmine	105	150mm	0.3m



LANDSCAPE
1 : 20

A1-21

deboke VISUALISATION

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25005
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PROPOSED BOARDING HOME
70 BURNETT STREET MERRYLANDS NSW 2160

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DRAWING TITLE
LANDSCAPE PLAN

DATE OF ISSUE	REVISION	DRAWN BY	CHECKED BY
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DRAWING NUMBER
A1-21
SCALE @ A1
1 : 20

Revision	Description	Date	Design	Author
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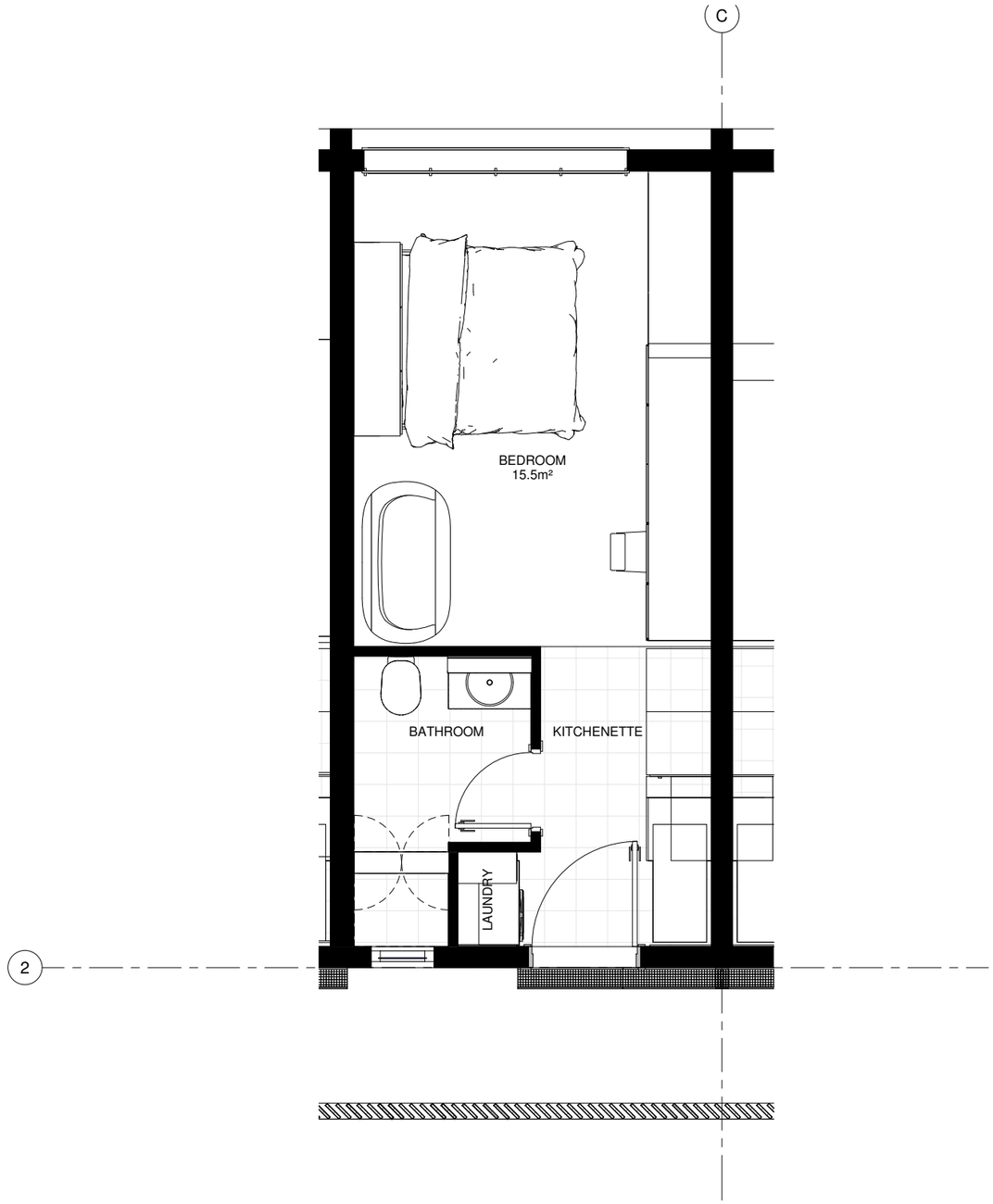

1 **TYPICAL ROOM PLAN**
1 : 25

A1-22

deboke VISUALISATION

PROJECT NUMBER
25005
PROJECT TITLE
PROPOSED BOARDING HOME
70 BURNETT STREET MERRYLANDS NSW 2160

FOR DA APPROVAL

DRAWING TITLE
TYPICAL ROOM PLAN

DRAWING NUMBER
A1-22

DATE OF ISSUE	REVISION	DRAWN BY	CHECKED BY	SCALE @ A1
12/08/2025	B	GA	GA	1 : 25

Revision	Description	Date	Design	Author
A	CONCEPTUAL DESIGN	23/06/2025	GA	GA
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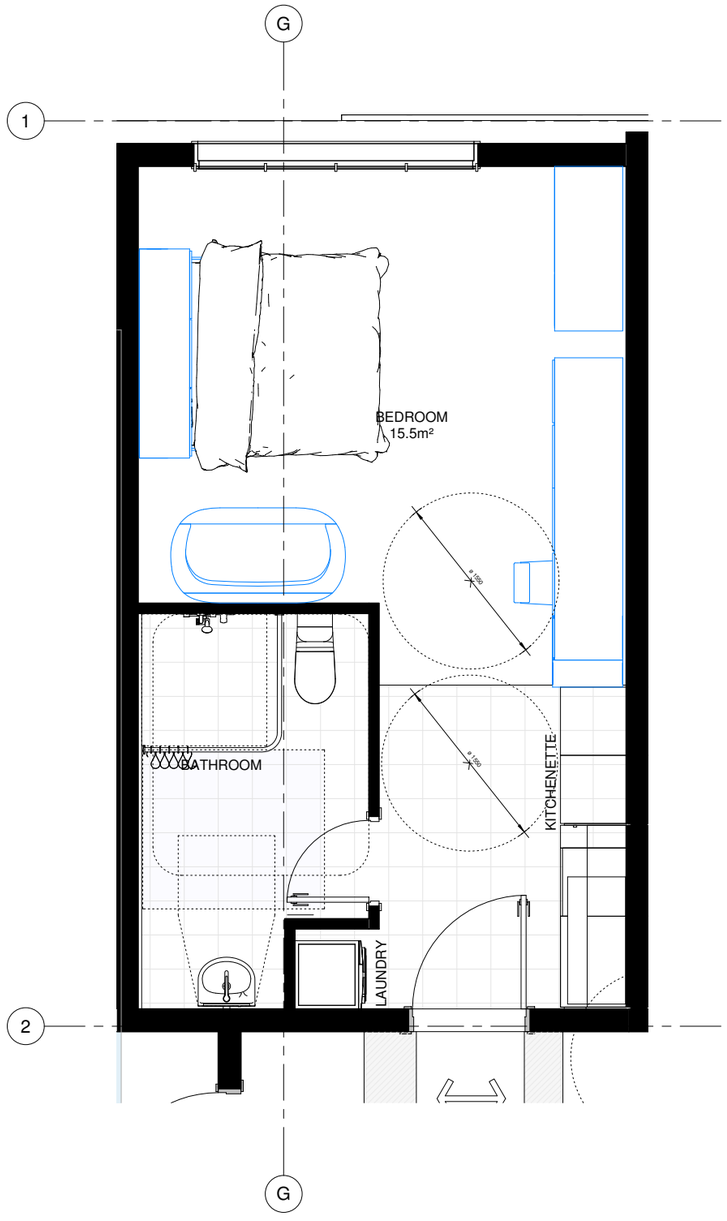

1 TYPICAL ACCESSIBLE UNIT
1 : 25

A1-23

deboke VISUALISATION

PROJECT NUMBER
25005
PROJECT TITLE
PROPOSED BOARDING HOME
70 BURNETT STREET MERRYLANDS NSW 2160

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DRAWING TITLE
TYPICAL ACCESSIBLE ROOM PLAN

DATE OF ISSUE	REVISION	DRAWN BY	CHECKED BY
12/08/2025	B	GA	GA

DRAWING NUMBER
A1-23
SCALE @ A1
1 : 25

Revision	Description	Date	Design	Author
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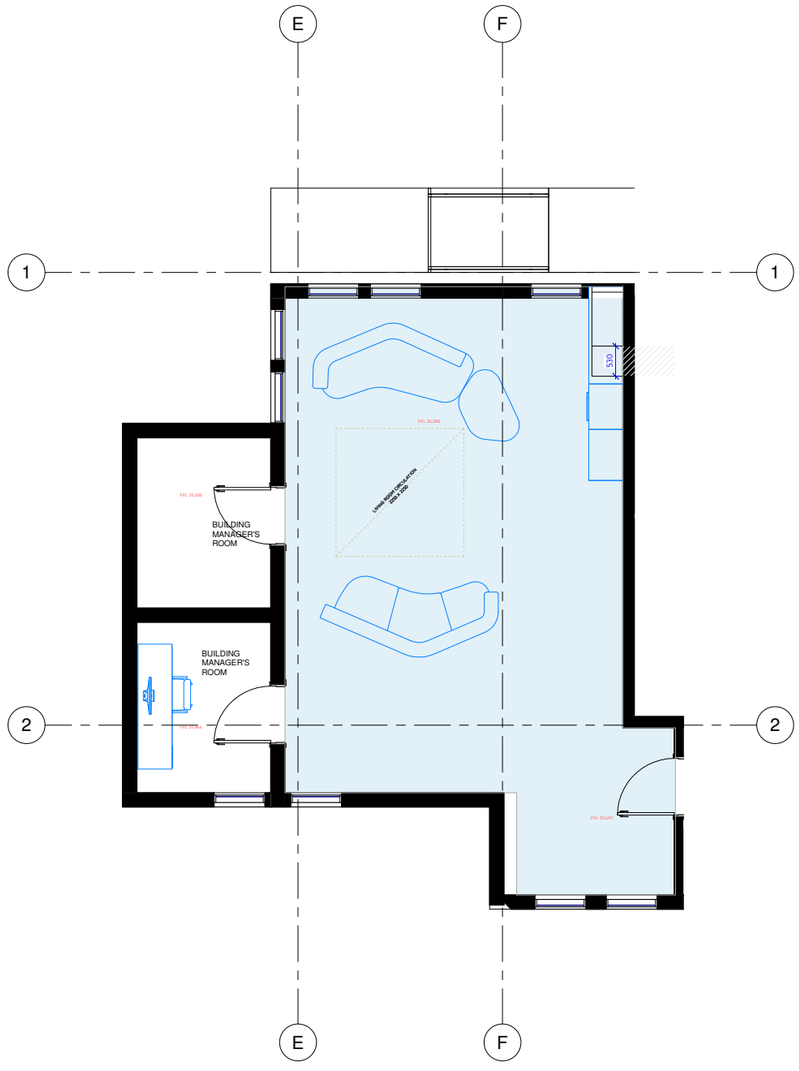

1 COMMUNAL AREA PLAN
1 : 50

A1-24

deboke VISUALISATION

PROJECT NUMBER
25005
PROJECT TITLE
PROPOSED BOARDING HOME
70 BURNETT STREET MERRYLANDS NSW 2160

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DRAWING TITLE
COMMUNAL AREA PLAN

DRAWING NUMBER
A1-24

DATE OF ISSUE	REVISION	DRAWN BY	CHECKED BY	SCALE @ A1
12/08/2025	B	GA	GA	1 : 50

Revision	Description	Date	Design	Author
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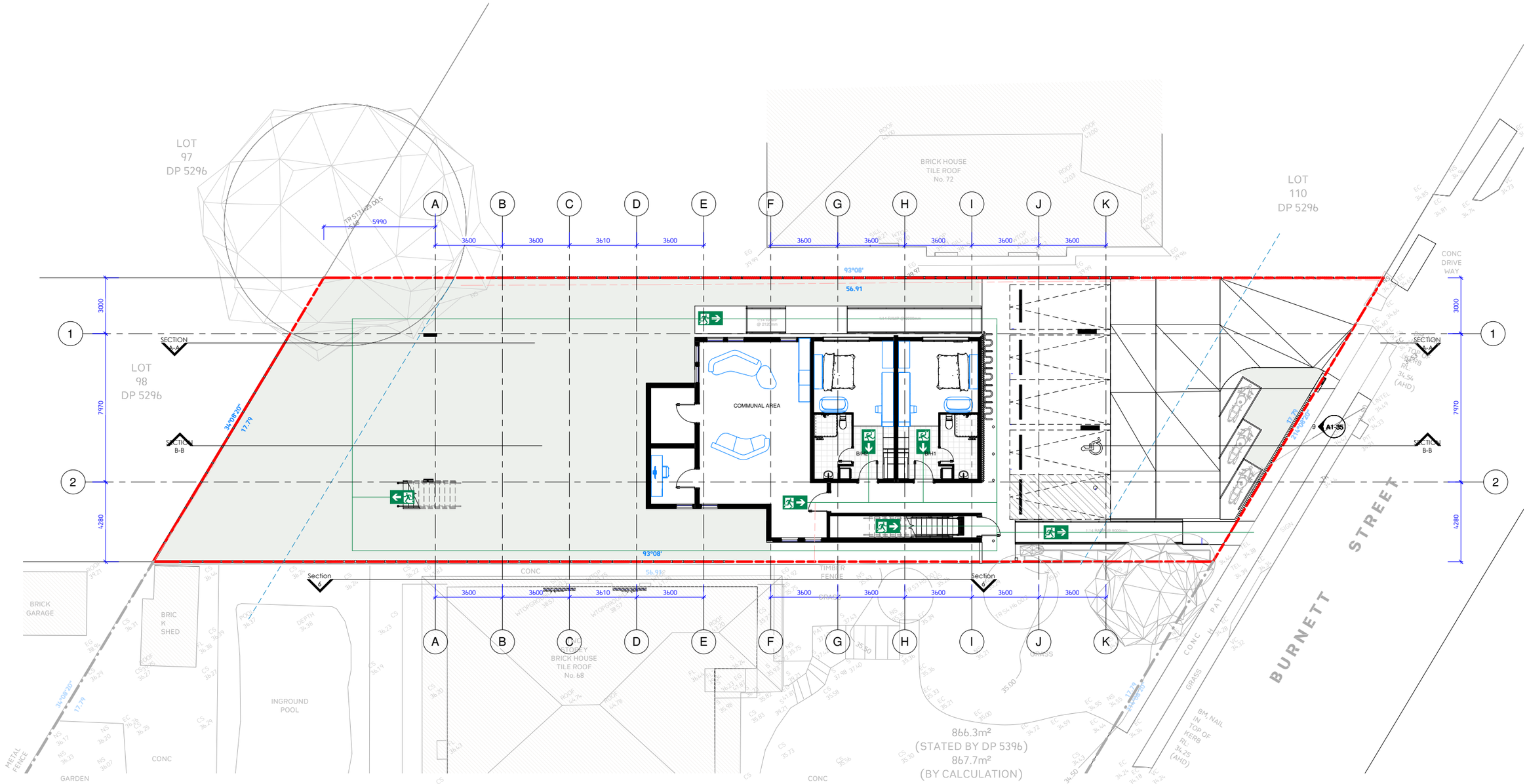

1 EVACUATION PLAN LOWER GROUND FLOOR

1 : 100

A1-25

deboke VISUALISATION

PROJECT NUMBER **25005**

PROJECT TITLE
PROPOSED BOARDING HOME
70 BURNETT STREET MERRYLANDS NSW 2160

FOR DA APPROVAL

DRAWING TITLE
EVACUATION PLAN LOWER GROUND FLOOR

DATE OF ISSUE	REVISION	DRAWN BY	CHECKED BY
12/08/25	B	GA	GA

DRAWING NUMBER **A1-25**

SCALE @ A1 **1 : 100**

Revision	Description	Date	Design	Author
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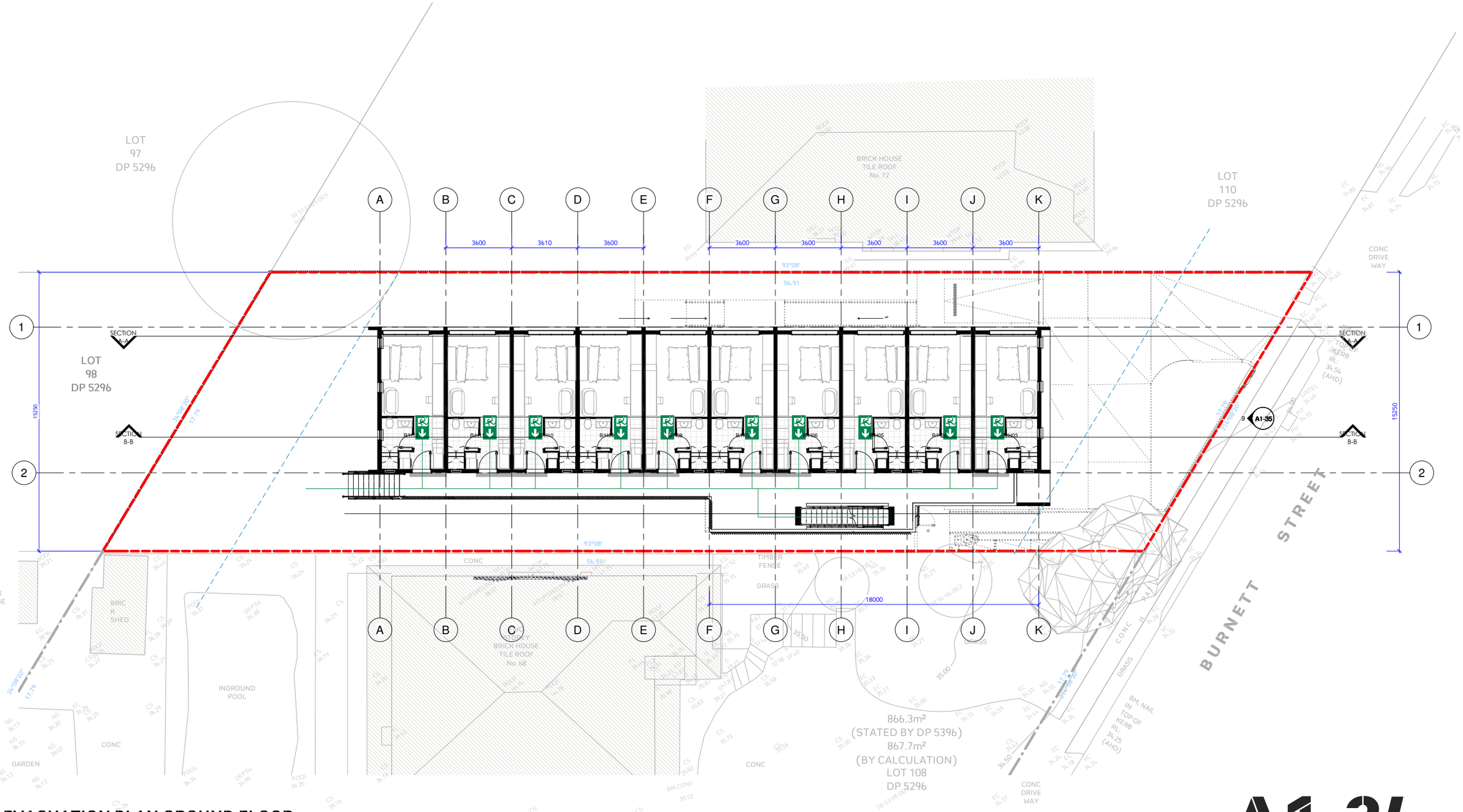

1 EVACUATION PLAN GROUND FLOOR

1 : 100

A1-26

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PROJECT NUMBER **25005**

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PROPOSED BOARDING HOME
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DRAWING TITLE
EVACUATION PLAN GROUND FLOOR

DATE OF ISSUE	REVISION	DRAWN BY	CHECKED BY
12/08/25	B	GA	GA

DRAWING NUMBER **A1-26**

SCALE @ A1 **1 : 100**

Revision	Description	Date	Design	Author
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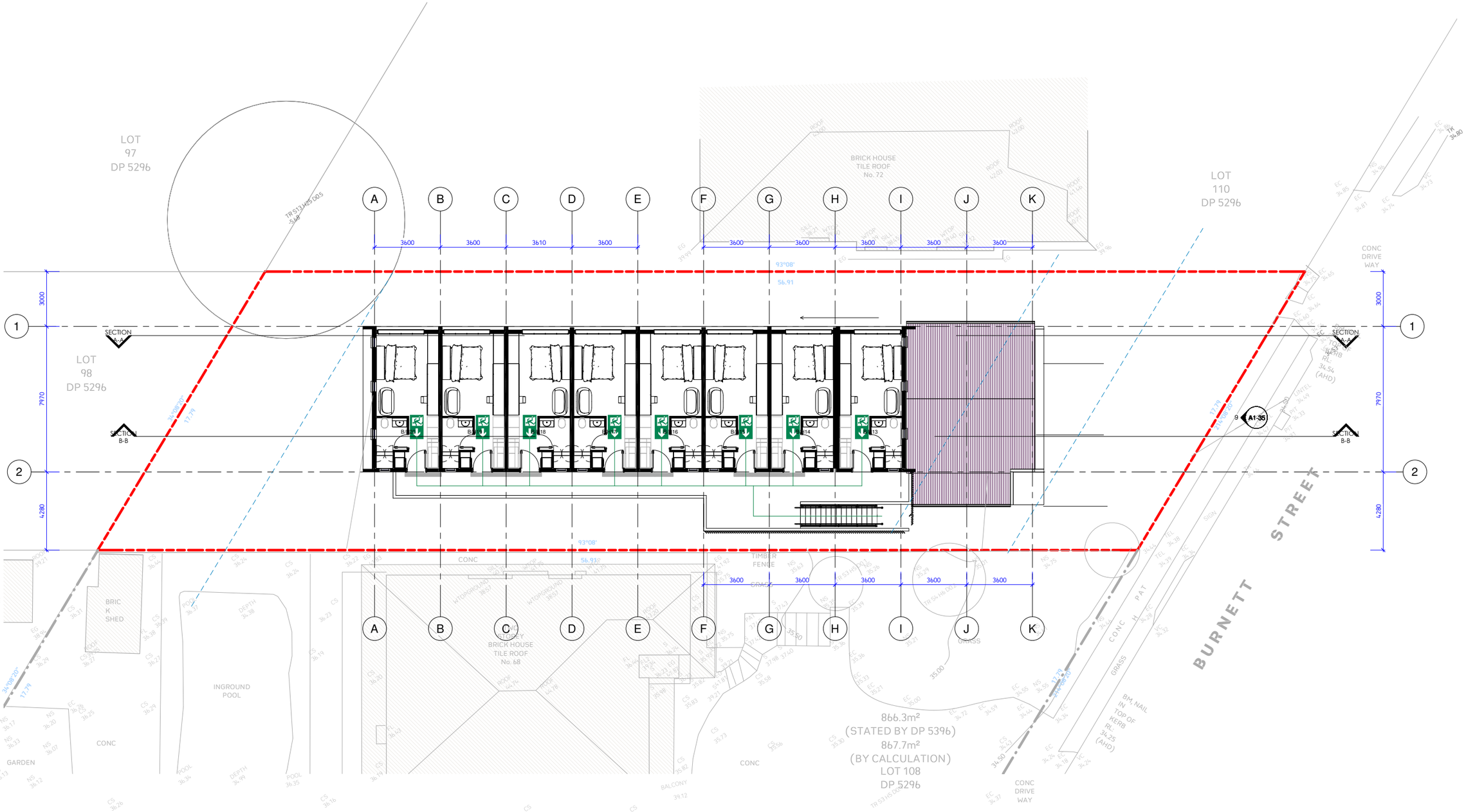

1 EVACUATION PLAN FIRST FLOOR

1 : 100

A1-27

deboke VISUALISATION

PROJECT NUMBER
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PROJECT TITLE
PROPOSED BOARDING HOME
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DRAWING TITLE
EVACUATION PLAN FIRST FLOOR

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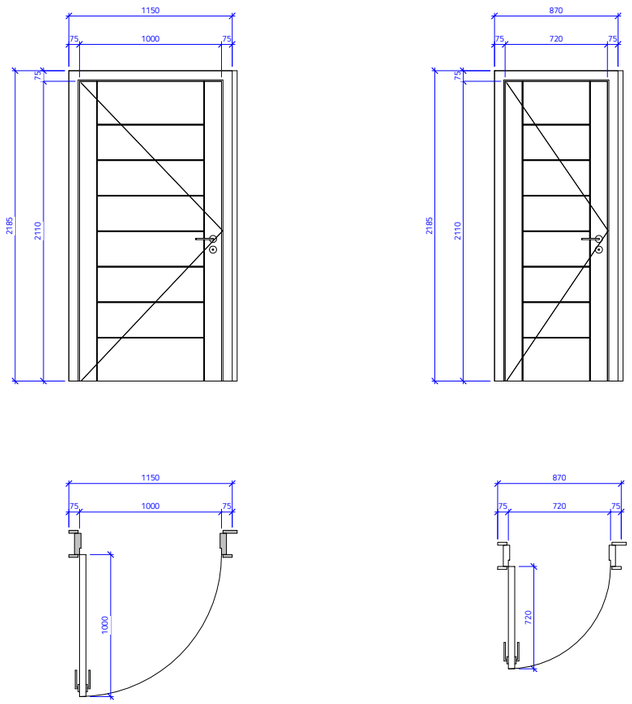

DOOR TYPE A
EXTERNAL FLUSH DOOR

DESCRIPTION	SWING DOOR (DR-A00)
FINISH	BLACK OLIVE
MECHANISM	INTERNAL DOOR HINGE
OPENING/ HINGE SIDE	OPEN OUT HINGE SIDE REFER TO PLANS
FRAME TYPE	TIMBER FRAME
FLY SCREEN	N/A
QUANTITY	23

DOOR TYPE B
INTERNAL FLUSH DOOR

DESCRIPTION	SWING DOOR (DR-B00)
FINISH	BLACK OLIVE
MECHANISM	INTERNAL DOOR HINGE
OPENING/ HINGE SIDE	OPEN OUT HINGE SIDE REFER TO PLANS
FRAME TYPE	TIMBER FRAME
FLY SCREEN	N/A
QUANTITY	21

DOORS SCHEDULE
1 : 20

A1-30

deboke VISUALISATION

PROJECT NUMBER
25005

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70 BURNETT STREET MERRYLANDS NSW 2160

FOR DA APPROVAL

DRAWING TITLE
DOORS SCHEDULE

DRAWING NUMBER
A1-30

SCALE @ A1
1 : 20

DATE OF ISSUE	REVISION	DRAWN BY	CHECKED BY
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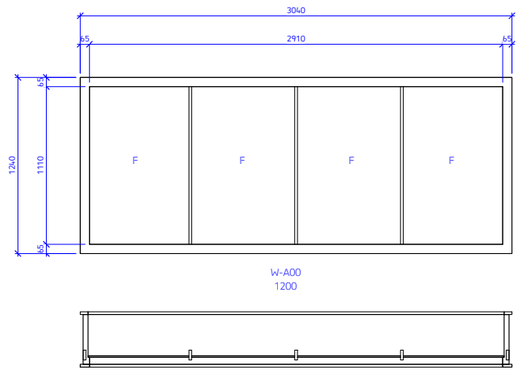
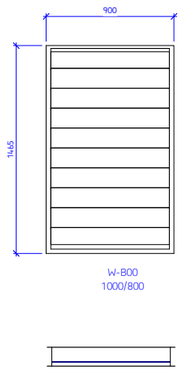


W-A00
1200

WINDOW TYPE A
ALUMINUM FIXED WINDOW

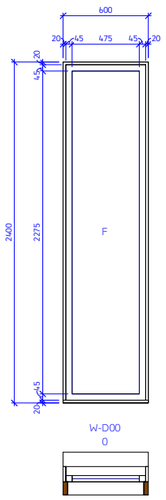
DESCRIPTION	W-A00
FINISH	BLACK STEEL
DIMENSION	1240x3040mm
FRAME TYPE	ALUMINUM
QUANTITY	20



W-B00
1000/800

WINDOW TYPE B
ALUMINUM LOUVRE WINDOW

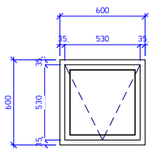
DESCRIPTION	W-B00
FINISH	BLACK STEEL
DIMENSION	1465x900mm
FRAME TYPE	ALUMINUM
QUANTITY	05



W-D00
0

WINDOW TYPE D
ALUMINUM FIXED WINDOW

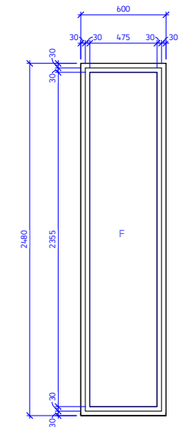
DESCRIPTION	W-D00
FINISH	BLACK STEEL
DIMENSION	2400x600mm
FRAME TYPE	ALUMINUM
QUANTITY	06



W-C00
1000

WINDOW TYPE C
AUTOMATIC ALUMINUM AWNING WINDOW

DESCRIPTION	W-C00
FINISH	BLACK STEEL
DIMENSION	600x600mm
FRAME TYPE	ALUMINUM
QUANTITY	18



W-E00
700/200

WINDOW TYPE E
ALUMINUM FIXED WINDOW

DESCRIPTION	W-E00
FINISH	BLACK STEEL
DIMENSION	2480x600mm
FRAME TYPE	ALUMINUM
QUANTITY	06

WINDOWS SCHEDULE
1 : 20

A1-31

deboke VISUALISATION

PROJECT NUMBER
25005

PROJECT TITLE
PROPOSED BOARDING HOME
70 BURNETT STREET MERRYLANDS NSW 2160

FOR DA APPROVAL

DRAWING TITLE
WINDOWS SCHEDULE

DRAWING NUMBER
A1-31

SCALE @ A1
1 : 20

DATE OF ISSUE	REVISION	DRAWN BY	CHECKED BY
12/08/2025	B	GA	GA

Revision	Description	Date	Design	Author
A	CONCEPTUAL DESIGN	23/06/2025	GA	GA
B	CONSULTANT COORDINATION	08/07/2025	GA	GA

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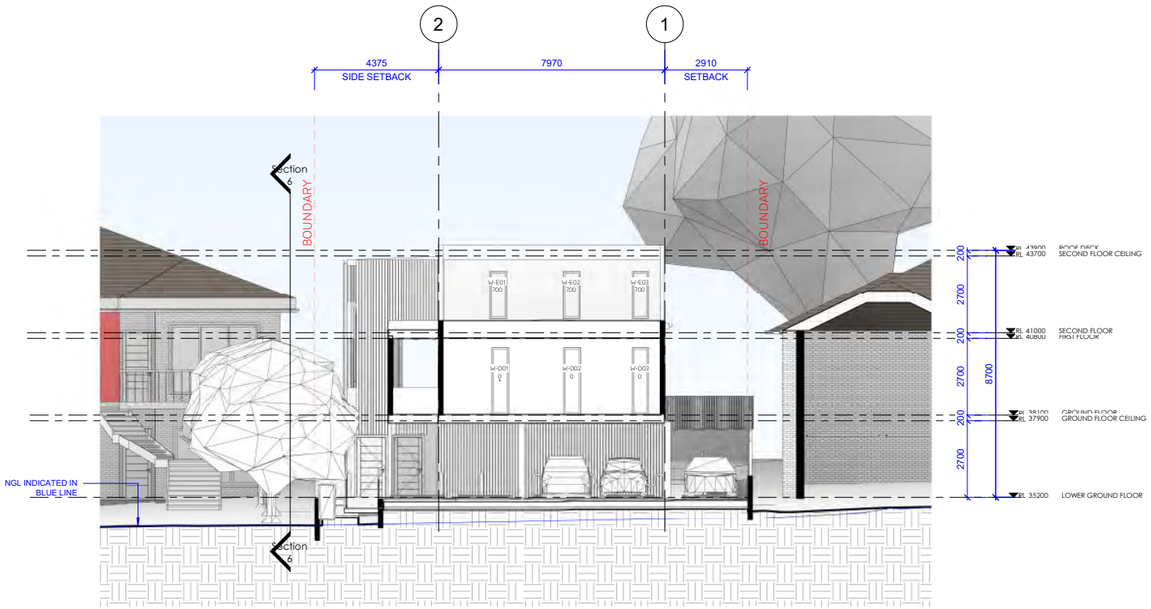
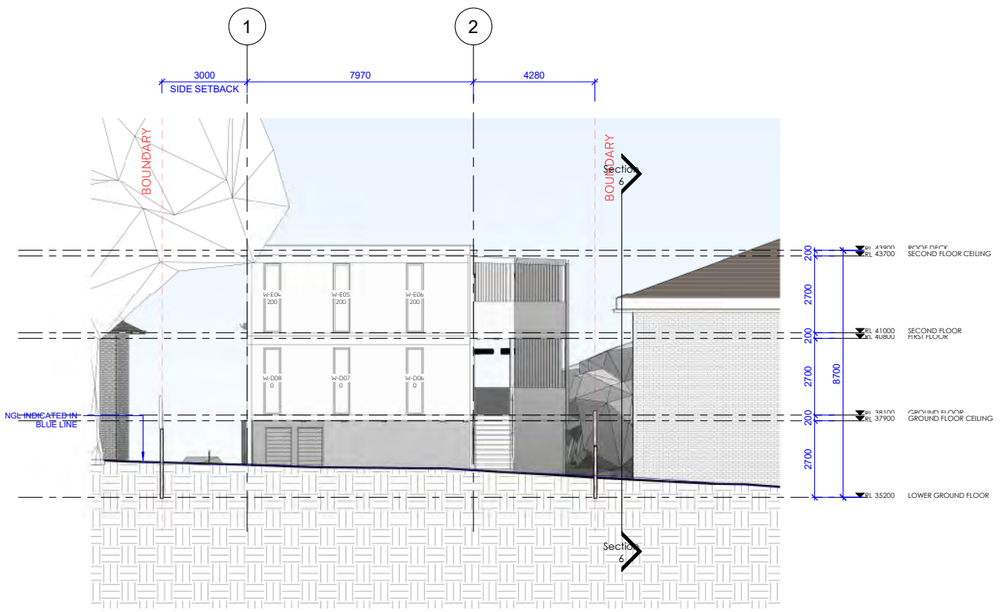


1 WINDOWS SCHEDULE - EAST ELEVATION

1 : 100



2 WINDOWS SCHEDULE - WEST ELEVATION

1 : 100

A1-32

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PROJECT NUMBER
25005
PROJECT TITLE
PROPOSED BOARDING HOME
70 BURNETT STREET MERRYLANDS NSW 2160

FOR DA APPROVAL

DRAWING TITLE
WINDOWS SCHEDULE ELEVATIONS

DRAWING NUMBER
A1-32

DATE OF ISSUE	REVISION	DRAWN BY	CHECKED BY	SCALE @ A1
12/08/2025	B	GA	GA	**1 : 100**

Revision	Description	Date	Design	Author
A	CONCEPTUAL DESIGN	23/06/2025	GA	GA
B	CONSULTANT COORDINATION	08/07/2025	GA	GA

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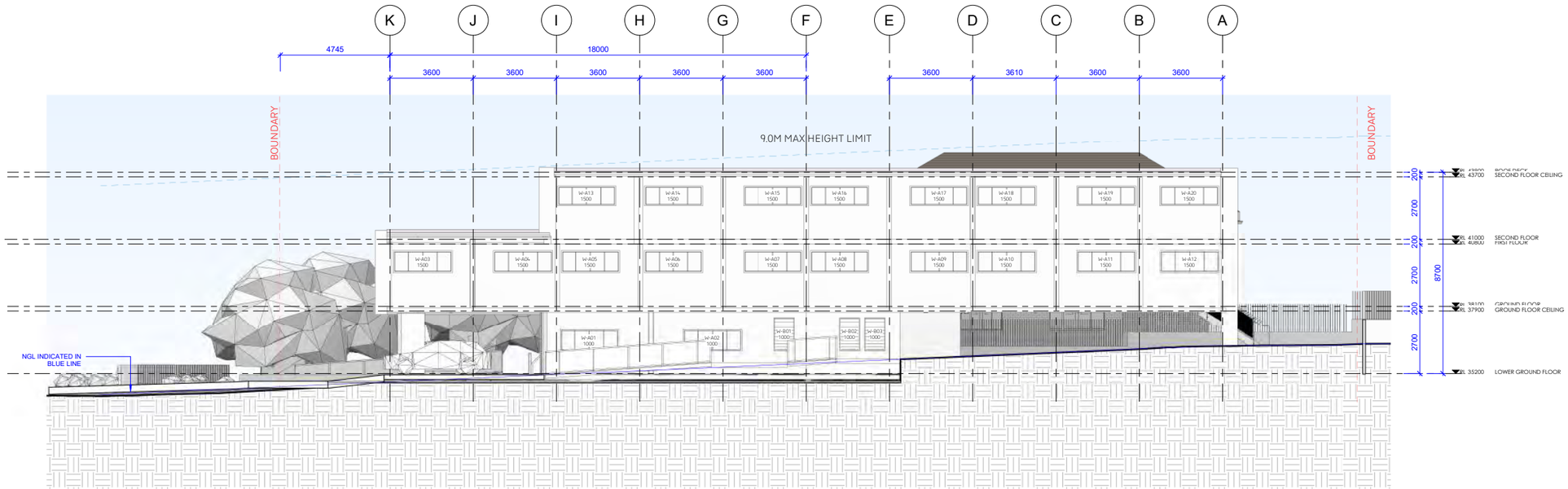
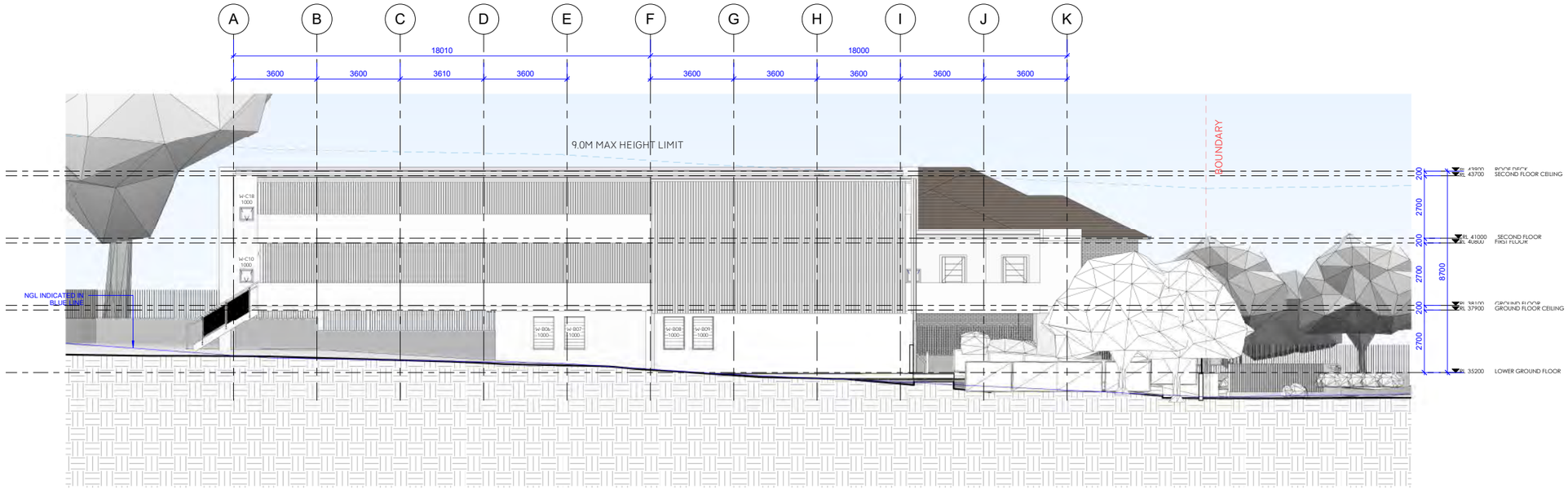


1 WINDOWS SCHEDULE - NORTH ELEVATION
1 : 100



2 WINDOWS SCHEDULE - SOUTH ELEVATION
1 : 100

A1-33

deboke VISUALISATION

PROJECT NUMBER
25005

PROJECT TITLE
PROPOSED BOARDING HOME
70 BURNETT STREET MERRYLANDS NSW 2160

FOR DA APPROVAL

DRAWING TITLE
WINDOWS SCHEDULE ELEVATIONS

DRAWING NUMBER
A1-33

DATE OF ISSUE	REVISION	DRAWN BY	CHECKED BY	SCALE @ A1
12/08/2025	B	GA	GA	**1 : 100**

Revision	Description	Date	Design	Author
A	CONCEPTUAL DESIGN	23/06/2025	GA	GA
B	CONSULTANT COORDINATION	08/07/2025	GA	GA

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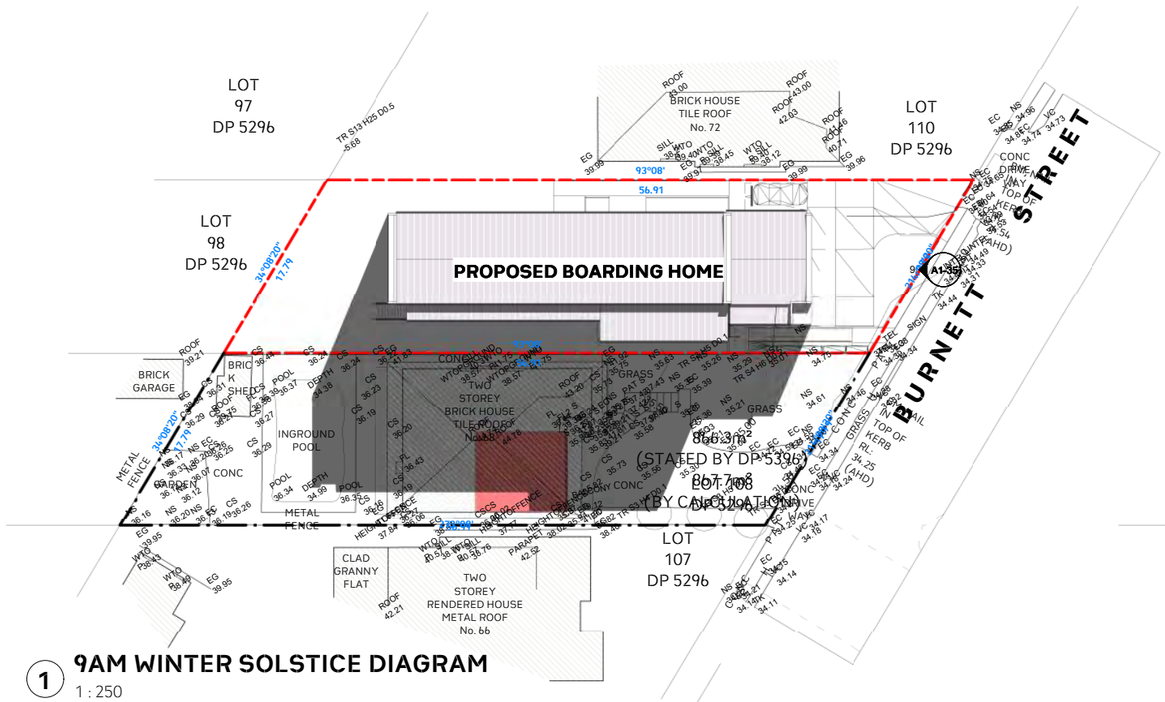
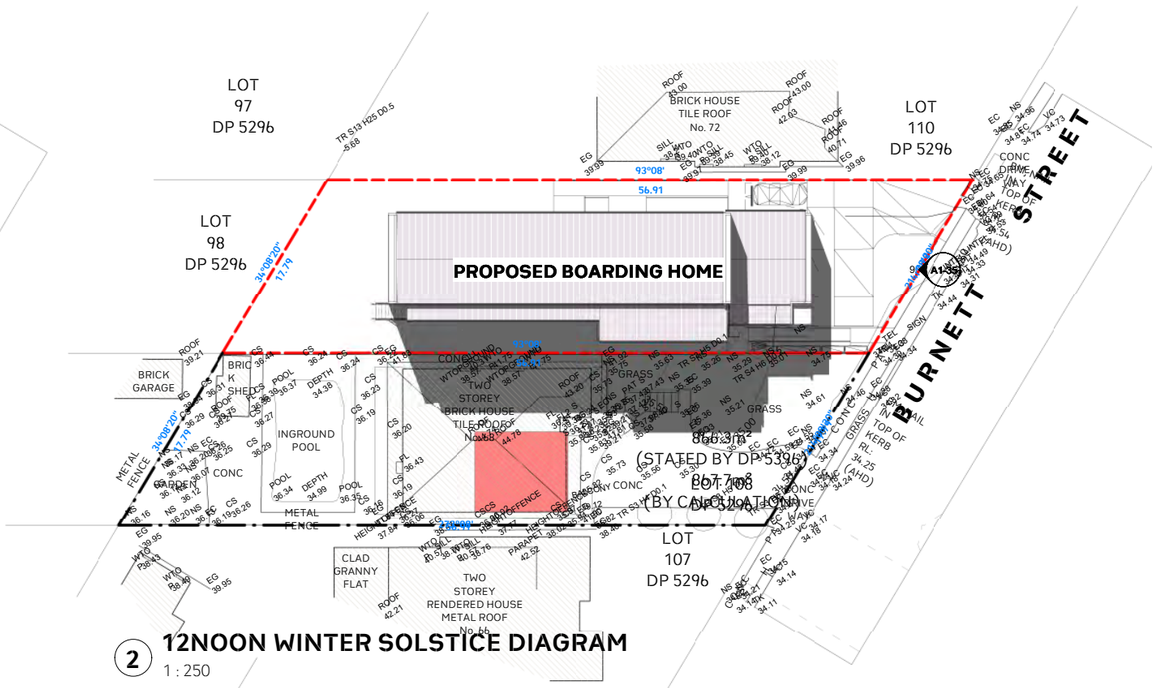
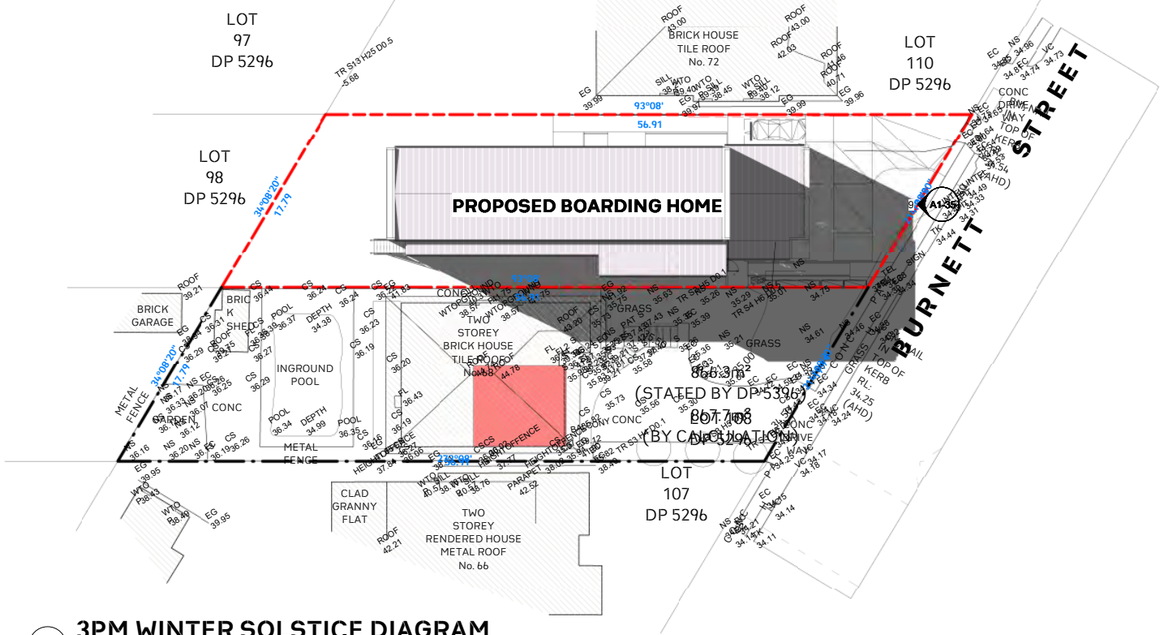


1 **9AM WINTER SOLSTICE DIAGRAM**
1 : 250



2 **12NOON WINTER SOLSTICE DIAGRAM**
1 : 250



3 **3PM WINTER SOLSTICE DIAGRAM**
1 : 250

LEGEND

LIVING ROOM

A1-34

deboke VISUALISATION

PROJECT NUMBER **25005**

PROJECT TITLE
PROPOSED BOARDING HOME
70 BURNETT STREET MERRYLANDS NSW 2160

FOR DA APPROVAL

DRAWING TITLE
SHADOW DIAGRAM

DATE OF ISSUE: 12/08/2025 | REVISION: B | DRAWN BY: GA | CHECKED BY: GA

DRAWING NUMBER: **A1-34**

SCALE @ **As indicated**

Revision	Description	Date	Design	Author
A	CONCEPTUAL DESIGN	23/06/2025	GA	GA
B	CONSULTANT COORDINATION	08/07/2025	GA	GA

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1 68 BURNETT EASTERN 8AM SHADOW ANALYSIS
1 : 150



2 68 BURNETT EASTERN 9AM SHADOW ANALYSIS
1 : 150



3 68 BURNETT EASTERN 10AM SHADOW ANALYSIS
1 : 150



4 68 BURNETT EASTERN 11AM SHADOW ANALYSIS
1 : 150



5 68 BURNETT EASTERN 12PM SHADOW ANALYSIS
1 : 150



6 68 BURNETT EASTERN 1PM SHADOW ANALYSIS
1 : 150



7 68 BURNETT EASTERN 2PM SHADOW ANALYSIS
1 : 150



8 68 BURNETT EASTERN 3PM SHADOW ANALYSIS
1 : 150



9 68 BURNETT EASTERN 4PM SHADOW ANALYSIS
1 : 150

LEGEND

LIVING ROOM

A1-35

deboke VISUALISATION

PROJECT NUMBER
25005

PROJECT TITLE
PROPOSED BOARDING HOME
70 BURNETT STREET MERRYLANDS NSW 2160

FOR DA APPROVAL

DRAWING TITLE
SHADOW DIAGRAMS 2

DRAWING NUMBER
A1-35

DATE OF ISSUE	REVISION	DRAWN BY	CHECKED BY	SCALE @
12/08/2025	B	GA	GA	**As indicated**

Revision	Description	Date	Design	Author
A	CONCEPTUAL DESIGN	23/06/2025	GA	GA
B	CONSULTANT COORDINATION	08/07/2025	GA	GA

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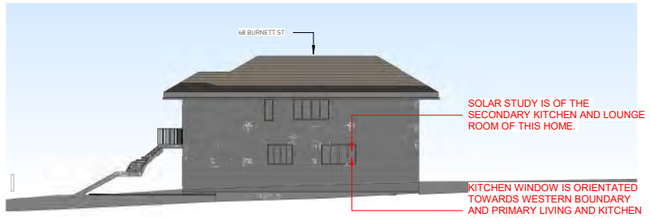
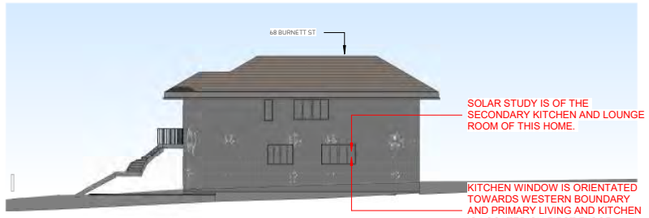
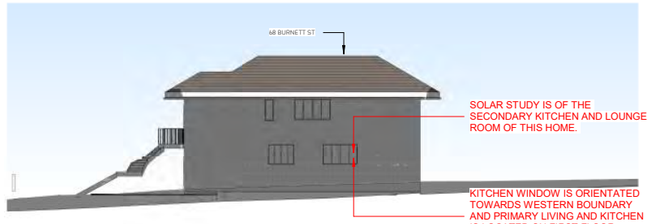


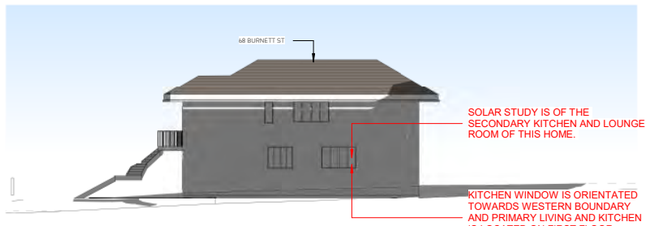
10 SHADOW ELEVATION 8AM



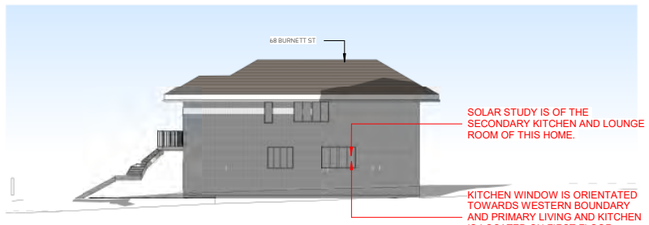
2 SHADOW ELEVATION 9AM



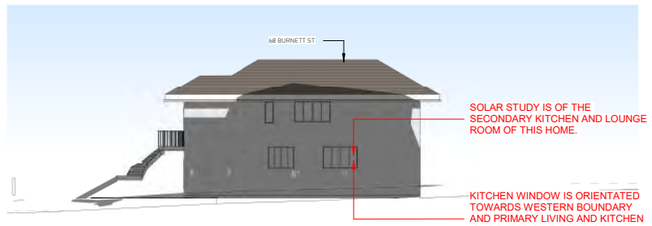
3 SHADOW ELEVATION 10AM



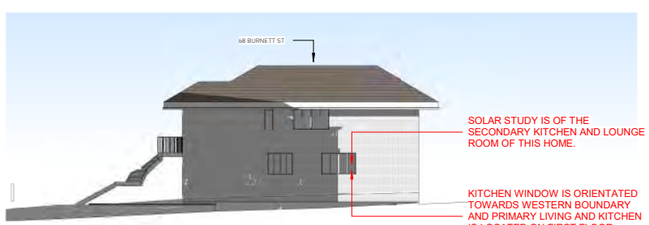
4 SHADOW ELEVATION 11AM



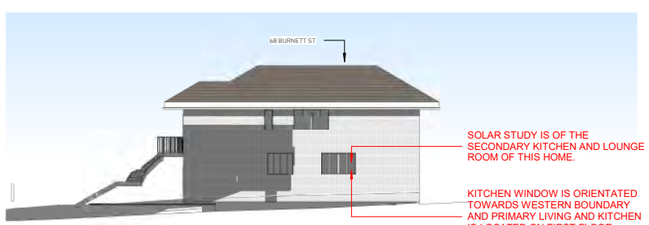
5 SHADOW ELEVATION 12PM



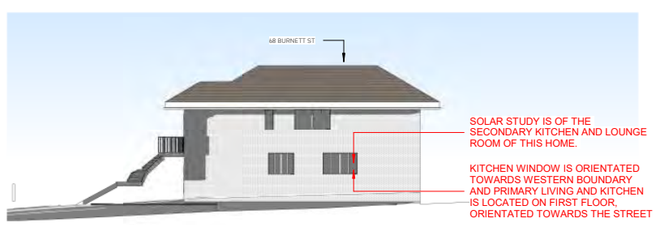
6 SHADOW ELEVATION 1PM



7 SHADOW ELEVATION 2PM



8 SHADOW ELEVATION 3PM



9 SHADOW ELEVATION 4PM

A1-36

deboke VISUALISATION

PROJECT NUMBER
25005
PROJECT TITLE
PROPOSED BOARDING HOME
70 BURNETT STREET MERRYLANDS NSW 2160

FOR DA APPROVAL

DRAWING TITLE
SHADOW DIAGRAMS 3

DRAWING NUMBER
A1-36

DATE OF ISSUE	REVISION	DRAWN BY	CHECKED BY	SCALE @
12/08/2025	B	GA	GA	A1

Revision	Description	Date	Design	Author
A	CONCEPTUAL DESIGN	23/06/2025	GA	GA
B	CONSULTANT COORDINATION	08/07/2025	GA	GA

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1 SHADOW ANALYSIS AXO 8AM



2 SHADOW ANALYSIS AXO 9AM



3 SHADOW ANALYSIS AXO 10AM



4 SHADOW ANALYSIS AXO 11AM



5 SHADOW ANALYSIS AXO 12PM



6 SHADOW ANALYSIS AXO 1PM



7 SHADOW ANALYSIS AXO 2PM



8 SHADOW ANALYSIS AXO 3PM



9 SHADOW ANALYSIS AXO 4PM

A1-37

deboke VISUALISATION

PROJECT NUMBER
25005
PROJECT TITLE
PROPOSED BOARDING HOME
70 BURNETT STREET MERRYLANDS NSW 2160

FOR DA APPROVAL

DRAWING TITLE
SHADOW DIAGRAMS 4

DRAWING NUMBER
A1-37

SCALE @
A1

DATE OF ISSUE	REVISION	DRAWN BY	CHECKED BY
10/27/25		GA	GA

Revision	Description	Date	Design	Author

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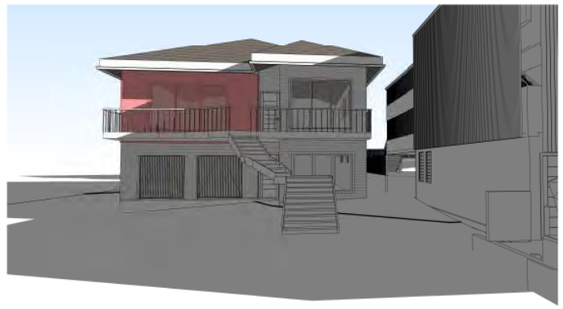
1 SHADOW 8AM



2 SHADOW 9AM



3 SHADOW 10AM



4 SHADOW 11AM



5 SHADOW 12PM



6 SHADOW 1PM



7 SHADOW 2PM



8 SHADOW 3PM



9 SHADOW 4PM

A1-38

deboke VISUALISATION

PROJECT NUMBER
25005

PROJECT TITLE
PROPOSED BOARDING HOME
70 BURNETT STREET MERRYLANDS NSW 2160

FOR DA APPROVAL

DRAWING TITLE
SHADOW DIAGRAMS 5

DRAWING NUMBER
A1-38

DATE OF ISSUE: 11/04/25
REVISION:
DRAWN BY: GA
CHECKED BY: GA
SCALE @ A1

Revision	Description	Date	Design	Author

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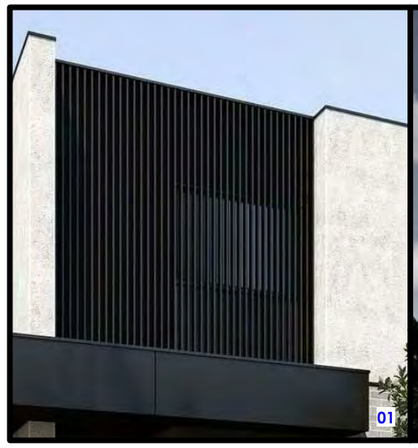







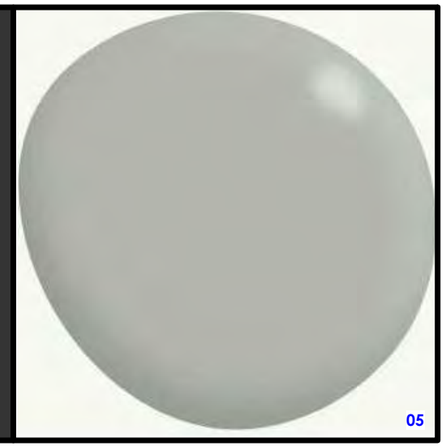

PROPOSED

SCHEDULE OF MATERIALS AND FINISHES - EXTERNAL

* ALL SUBJECT TO AVAILABILITY

REFERENCE	ELEMENT	MATERIAL	FINISH / SPECIFICATION
01	EXTERNAL WALL FINISH	ALUMINIUM SLATS	POWDER COATED DULUX MONUMENT OR SIMILAR
02	EXTERNAL WALL FINISH	EXTERIOR FACADE PANELS	LIGHT GREY PROCELAIN TILE OR SIMILAR
03	EXTERNAL WALL FINISH	WHITE RENDER	DULUX VIVID WHITE COLOR OR SIMILAR
04	EXTERNAL WALL FINISH	GREY RENDER	DULUX KLAVIER OR SIMILAR
05	ROOF	COLOURBOND	DULUX SHALE GREY OR SIMILAR

A1-39

deboke VISUALISATION

PROJECT NUMBER
25005
PROJECT TITLE
PROPOSED BOARDING HOME
70 BURNETT STREET MERRYLANDS NSW 2160

FOR DA APPROVAL

DRAWING TITLE
MATERIALS SCHEDULE

DRAWING NUMBER
A1-39

DATE OF ISSUE	REVISION	DRAWN BY	CHECKED BY	SCALE @ A1
12/08/2025	B	GA	GA	

Revision	Description	Date	Design	Author
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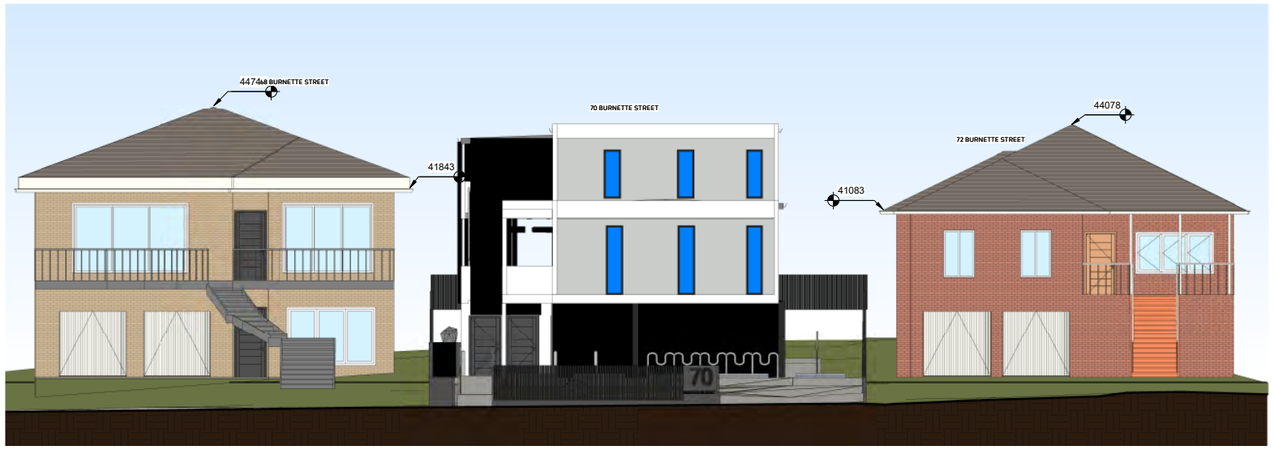

1 STREET ELEVATION - 68 - 72 BURNETT STREET
1 : 100

A1-41

deboke VISUALISATION

PROJECT NUMBER
25005
PROJECT TITLE
PROPOSED BOARDING HOME
70 BURNETT STREET MERRYLANDS NSW 2160

FOR DA APPROVAL

DRAWING TITLE
STREETSCAPE ELEVATION

DRAWING NUMBER
A1-41

DATE OF ISSUE	REVISION	DRAWN BY	CHECKED BY	SCALE @ A1
12/08/2025	B	GA	GA	**1 : 100**

Revision	Description	Date	Design	Author
A	CONCEPTUAL DESIGN	23/06/2025	GA	GA
B	CONSULTANT COORDINATION	08/07/2025	GA	GA

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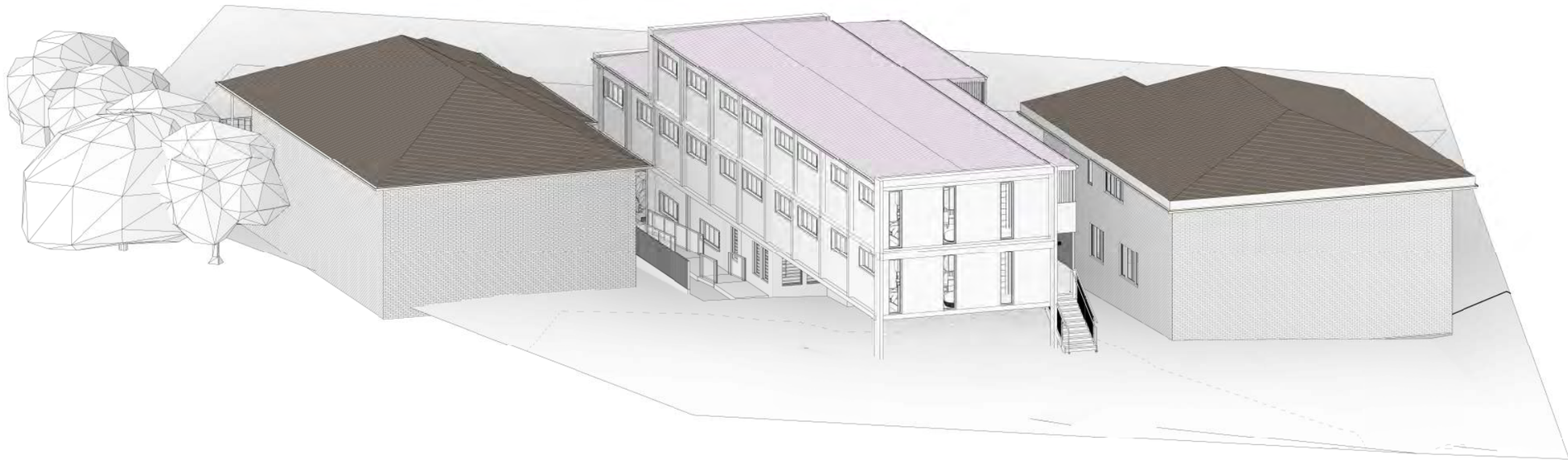

A1-350

deboke VISUALISATION

PROJECT NUMBER
25005
PROJECT TITLE
PROPOSED BOARDING HOME
70 BURNETT STREET MERRYLANDS NSW 2160

DRAFT

DRAWING TITLE
3D VIEWS

DATE OF ISSUE
11/03/25

REVISION

DRAWN BY
GA

CHECKED BY
GA

DRAWING NUMBER
A1-350

SCALE @
A1

Revision	Description	Date	Design	Author

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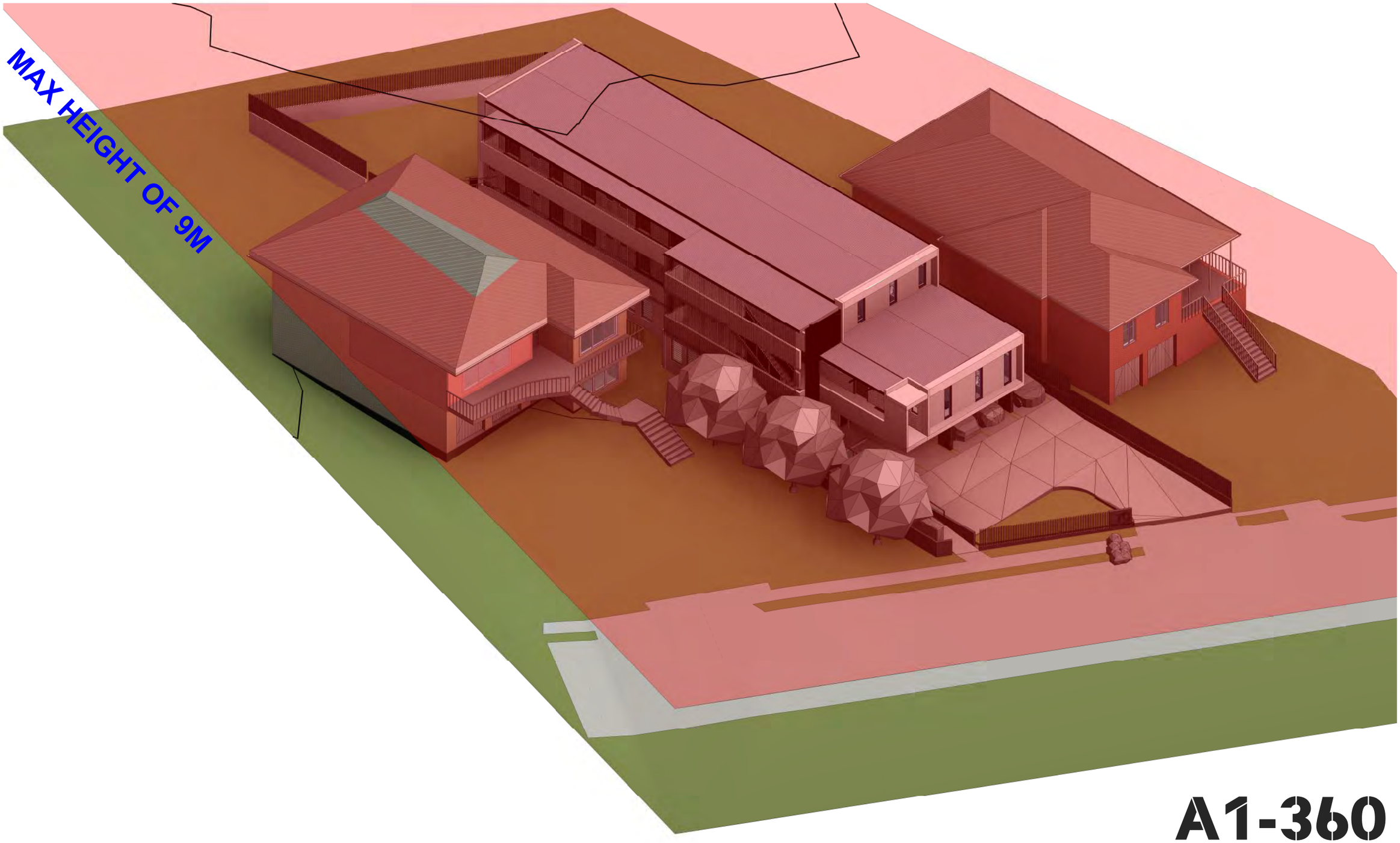

A1-360

deboke VISUALISATION

PROJECT NUMBER
25005

PROJECT TITLE
PROPOSED BOARDING HOME
70 BURNETT STREET MERRYLANDS NSW 2160

FOR DA APPROVAL

DRAWING TITLE
BUILDING HEIGHT AXO

DRAWING NUMBER
A1-360

SCALE @
A1

DATE OF ISSUE	REVISION	DRAWN BY	CHECKED BY
12/08/2025	B	GA	GA

Revision	Description	Date	Design	Author
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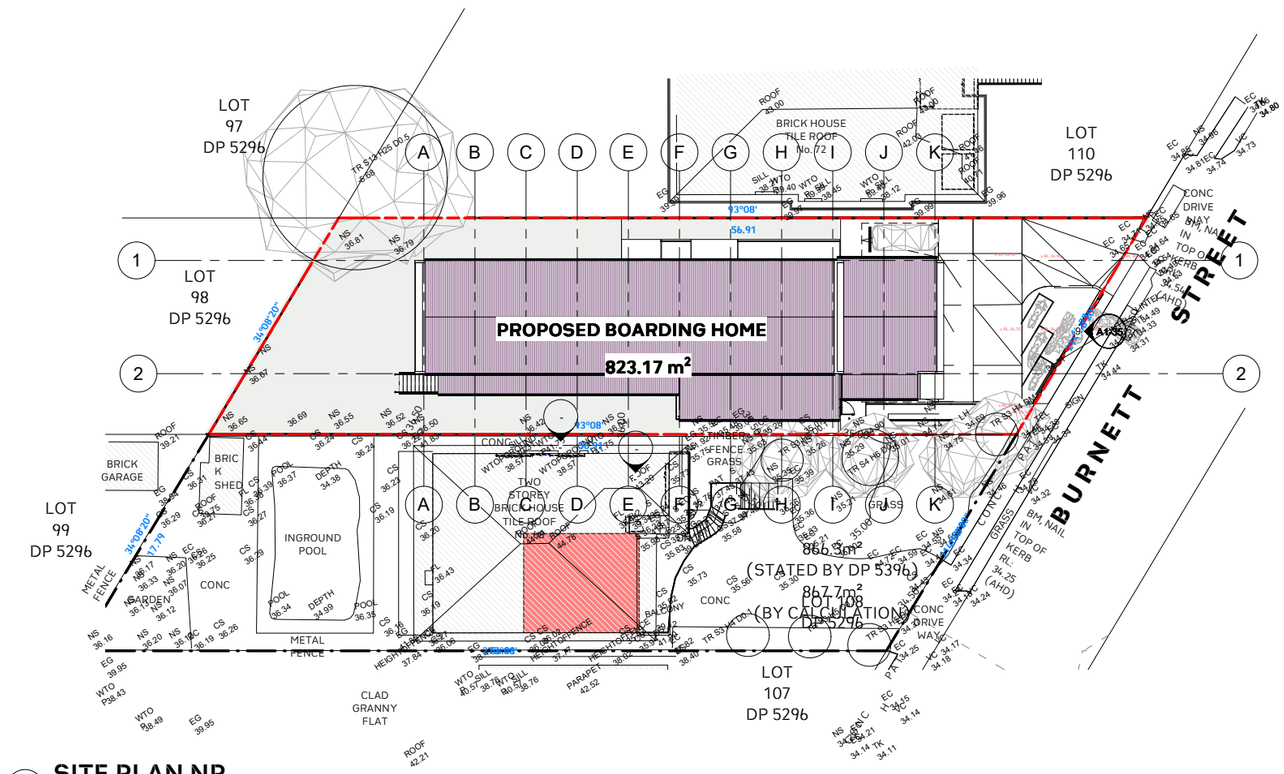

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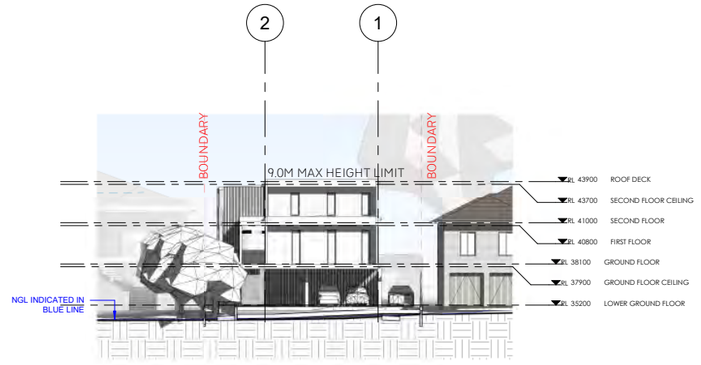

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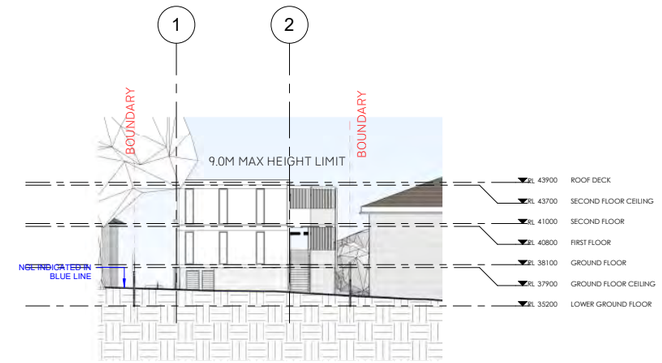

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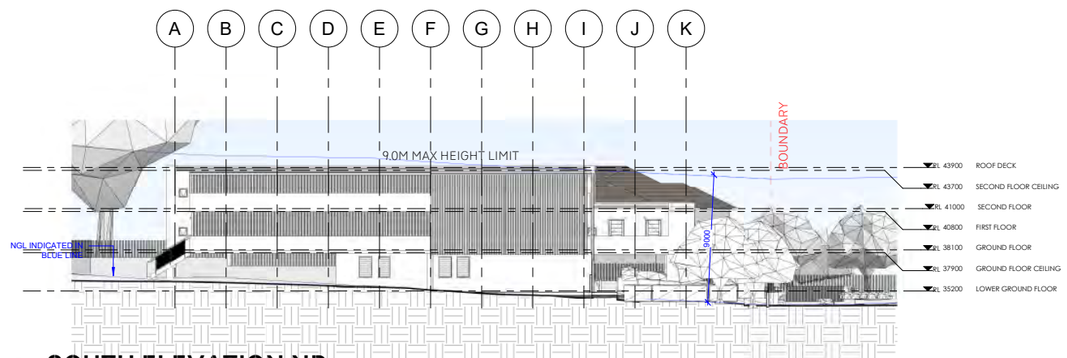

4 SOUTH ELEVATION NP
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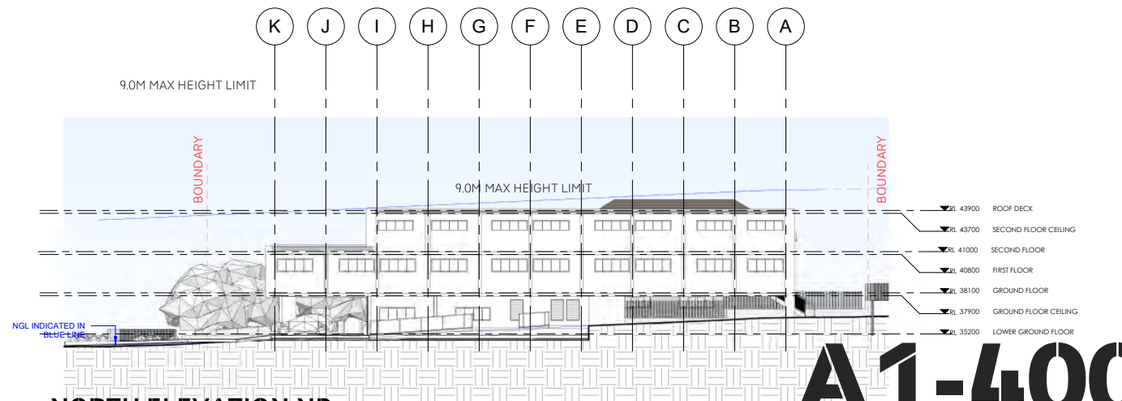

3 NORTH ELEVATION NP
1 : 200

A1-400

deboke VISUALISATION

PROJECT NUMBER
25005
PROJECT TITLE
PROPOSED BOARDING HOME
70 BURNETT STREET MERRYLANDS NSW 2160

FOR DA APPROVAL

DRAWING TITLE
NOTIFICATION PLAN

DATE OF ISSUE	REVISION	DRAWN BY	CHECKED BY
12/08/25	B	GA	GA

DRAWING NUMBER
A1-400
SCALE @ A1
1 : 200

Revision	Description	Date	Design	Author
A	CONCEPTUAL DESIGN	23/06/2025	GA	GA
B	CONSULTANT COORDINATION	08/07/2025	GA	GA

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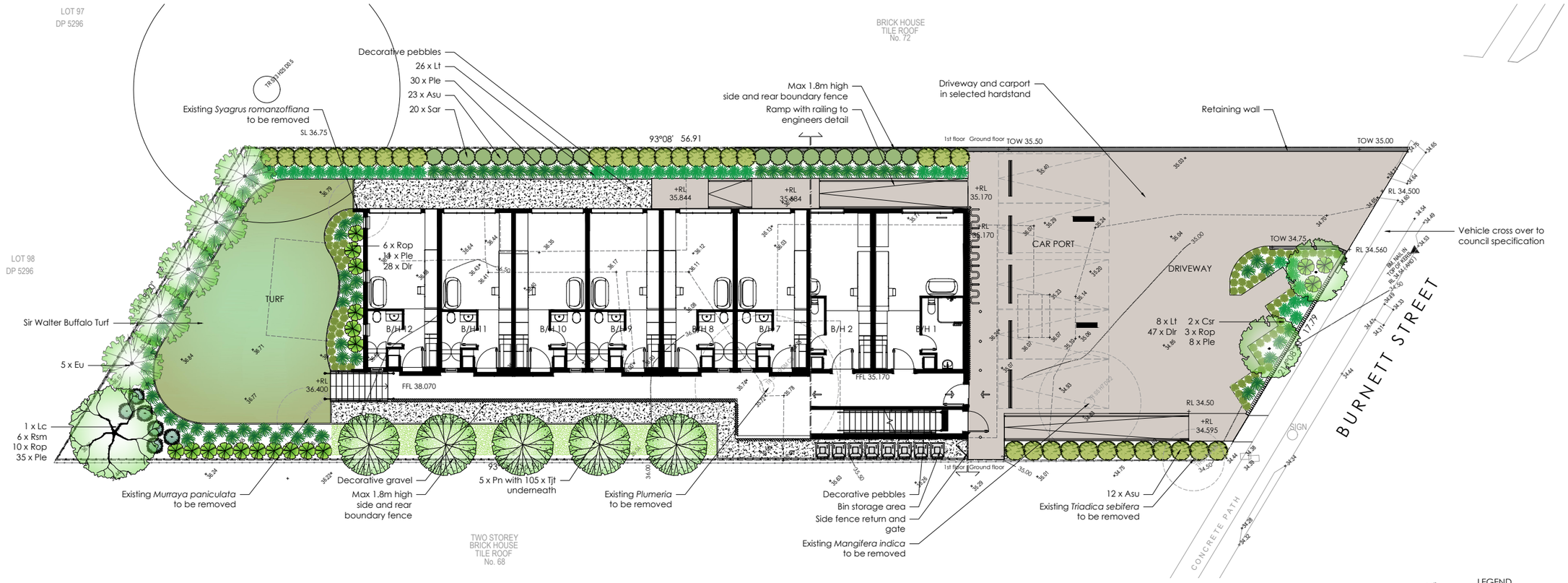
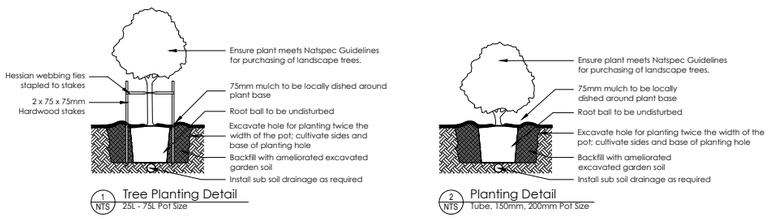
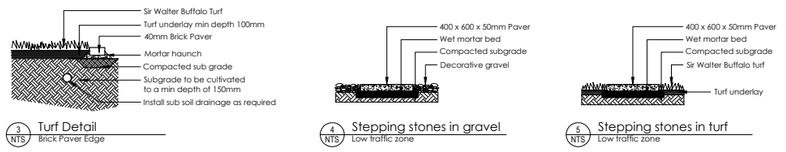
DOCUMENTS ASSOCIATED WITH REPORT ELPP014/26

Attachment 3

Landscape Plans







PLANT SCHEDULE Prepared by ecodesign Pty Ltd

SYMBOL	BOTANICAL NAME	COMMON NAME	QUANTITY	POT SIZE	MATURE SIZE
Asu	Acmena smithii 'Sublime'	Sublime Lillypilly	12	200mm	5m
Csr	Corymbia 'Summer Red'	Red Flowering Gum	2	75L	5m
Dlr	Dianella rev oluta 'Little Rev '	Dwarf Blue Flax Lily	75	150mm	0.3m
Eu	Elaeocarpus eumundii	Eumundi Quondong	5	75L	8m
Lc	Lophostemon confertus	Brush Box	1	75L	14m
Lt	Lomandra 'Tanika'	Fine-leafed Mat Rush	34	150mm	0.5m
Ple	Poa labillardieri 'Eskdale'	Blue Tussock Grass	84	150mm	0.6m
Pn	Pyrus niv alis	Snow Pear	5	75L	6m
Rop	Raphiolepis 'Oriental Pearl'	Oriental Pearl Raphiolepis	19	300mm	1m
Rsm	Raphiolepis 'Snow Maiden'	Snow Maiden Raphiolepis	6	300mm	1m
Sar	Syzygium australe 'Resilience'	Lilly pilly	20	200mm	4m
Tjt	Trachelospermum jasminoides 'Tricolor	Star Jasmine	105	150mm	0.3m

LEGEND

- Proposed trees - refer to plant schedule
- Proposed accents and grasses - refer to plant schedule
- Proposed shrubs - refer to plant schedule
- Proposed groundcovers and grasses - refer to plant schedule
- Proposed climbers - refer to plant schedule
- 410.45 Existing levels
- + RL 101.55 Proposed levels
- + TOW 101.55 Proposed Top Of Wall levels
- Boundary
- Boundary Fence
- Pool Fence
- Garden edging
- Timber retaining walls
- Masonry retaining walls
- Existing contours
- To be removed / demolished
- Existing tree to be retained
- Existing tree to be removed

REVISION	DESCRIPTION	DRAWN	CHECK	DATE
A	SUBMITTED TO CLIENT FOR COMMENT	KA	AS	09-07-25
B	SUBMITTED TO CLIENT FOR COMMENT	KA	AS	29-07-25
C	SUBMITTED TO CLIENT FOR COMMENT	KA	AS	02-03-26

ecodesign outdoor living environments
po box 8136 baulkham hills nsw 2153
unit 61, 5 glockmore road castle hill nsw 2154
02 9680 7712
www.ecodesign.com.au
Member of Australian Institute of Landscape Architects

1. Do not scale from drawings
2. Verify all measurements on site
3. Notify ecodesign of any inconsistencies
5. Drawing remains the property of ecodesign
6. All work to comply with relevant Australian Standards or Building Code of Australia
7. All work to be performed by a suitably qualified
8. For application purposes only - NOT FOR CONSTRUCTION

CLIENT: **DEBOKE VISUALISATION**

ADDRESS: **70 BURNETT STREET, MERRYLANDS**

PROJECT: NEW RESIDENCE
DRAWING: LANDSCAPE PLAN
SCALE: 1:100 @ A1 | SIZE: DA | SHEET: L - 01
DRAWN: KA | CHECK: AS | DATE: 02-03-26 | REVISION: C

DOCUMENTS ASSOCIATED WITH REPORT ELPP014/26

Attachment 4

Clause 4.6 Variation Request - Setbacks

30 March 2026

Little Developer Co.
camille@littledeveloperco.com.au

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

Attention: Emma Di Rita, Senior Development Planner

RE: Application to vary the side setback under Clause 25(2)(b)(i), which reference the Part 2.4 of the Low Rise Design Guidelines

Dear Council,

This letter has been prepared by Little Developer Co. on behalf of Deboke Associates. The letter requests that Cumberland Council grant consent to the proposed development application for a proposed boarding house development at 70 Burnett Street, despite the proposed development contravening Clause 25(2)(b)(i) of the Housing SEPP, which requires compliance with the relevant side setback standards for multi-dwelling housing, as articulated in Part 2.4 of the Low Rise Housing Design Guidelines.

The proposed development complies with all applicable development standards relating to maximum building height, front setbacks, rear setbacks, floor space ratio, landscaped area and deep soil provisions. The only departures relate to limited portions of the side setbacks, as well as a departure from the building separation standard (subject to a separate Clause 4.6 Variation Request).

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, as it does not result in any adverse environmental impact.
- The proposed development is in the public interest, as the objectives of the side setback standard are both achieved notwithstanding the non-compliance.
- The proposal will not result in any significant or adverse environmental or amenity impacts on adjacent properties nor 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.

LITTLE DEVELOPERCo.

1. INTRODUCTION

The site is legally described as Lot 109 in DP 5296 and has an area of approximately 867.8m^2. It is located on the western side of Burnett Street within the Cumberland City Council local government area.

The site is proposed to be developed, with the existing dwelling to be demolished. Surrounding development comprises a mix of detached dwellings, secondary dwellings and more recent medium density forms reflecting planned housing transition within the locality and consistent with the R3 zone.

The Development Application seeks approval for a boarding house development arranged over three levels, providing 20 studio rooms together with communal facilities, landscaping, deep soil zones and on-site parking.

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 the side setbacks proposed as part of this development.

Clause 4.6 of the Cumberland Local Environmental Plan 2021 (CLEP) provides 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**.

<u>Statutory Framework – Housing SEPP</u>

Clause 25 of the Housing SEPP sets out development standards applicable to boarding house developments. Clause 25(2)(b)(i) provides that:

"The front, side and rear setbacks for the boarding house are not less than, for development on land in Zone R2 Low Density Residential or Zone R3 Medium Density Residential, the minimum setback requirements for multi dwelling housing under a relevant planning instrument."

Accordingly, the relevant benchmark for assessing setbacks for the proposed boarding house is the minimum setback controls applicable to multi dwelling housing under Clause 2.4A – Building Envelopes of the Low Rise Housing Diversity Design Guide.

Development Standard to be Varied

Clause 2.4A – Building Envelopes of the Low Rise Housing Diversity Design Guide prescribes the following setbacks for multi dwelling housing:

- Minimum front setback to the primary road: 3.5 metres
- Minimum rear setback: 6.0 metres
- Minimum side setback: 1.5 metres
- Where development extends beyond 10 metres from the front building line, the minimum side setback is calculated as a 45 degree plane measured from 3 metres above the boundary.

The proposed building has a maximum height of 9.0 metres. Accordingly, where applicable, the required side setback is 1.5 metres and up to 6 metres beyond 10 metres of building length.

Assessment of compliance

Front Setback
No variation is sought to the front setback, and exceeds 3.5 metres at all locations.

Rear Setback
The proposed rear setback is a minimum of 6 metres. No variation is sought to the rear setback.

Side Setbacks – Base Standard (1.5 metres)
The proposed development provides side setbacks ranging between approximately 1.04 metres and 7.97 metres along the site boundaries.

A minor non-compliance occurs where a minimum setback of approximately 1.04 metres is provided, resulting in a shortfall of approximately 0.46 metres from the minimum 1.5 metre requirement.

This variation is highly localised and occurs along articulated sections of the building where there are no habitable room windows facing the adjoining boundaries.

Side Setbacks – rear portion of building
The development extends beyond 10 metres from the front building line and exceeds 6.0 metres in height. Accordingly, the Housing SEPP, via Clause 2.4A of the Design Guide, requires a minimum side setback ranging from 1.5 metres to 6 metres beyond 10 metres.

In several locations, side setbacks of between approximately 1.04 metres and 2.84 metres.

These side setbacks therefore do not comply with Clause 25(2)(b)(i) of the Housing SEPP, as the minimum setback requirements for multi dwelling housing are not achieved in full.

Notwithstanding, these controls are not suited to the context, given its R3 zoning and current suburban lot layout, which is not conducive to providing setbacks of this scale.

2. JUSTIFICATION FOR EXCEPTION TO THE STANDARDS

Clause 4.6 Exceptions to development standards of the CLEP provides Council with a degree of flexibility in applying development standards – in this case applying the side setback standards set out in the Low Rise Design Guidelines, subject to addressing the relevant matters under Clause 4.6.

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 proposed development represents a circumstance for which flexibility is expressly contemplated by Clause 4.6. The numerical non-compliance with the side setback controls arises from the application of the multi-dwelling housing envelope controls to a boarding house development, via Clause 25(2)(b)(i) of the Housing SEPP.

While the Housing SEPP deliberately aligns boarding house setbacks with multi-dwelling housing standards, it is well established that such standards are not intended to be applied inflexibly where the planning outcomes they seek are nonetheless achieved.

In this case, the side setback variation arises as a result of:

- The depth of the development exceeding 10 metres from the front building line;
- The operation of the *height minus three metres / 45-degree plane* rule; and
- A design response that prioritises building articulation, urban form moderation, neighbouring amenity and privacy and internal amenity, rather than maximising site coverage.

Importantly, the departure from the numerical control does not result in the adverse outcomes the setback standard is intended to prevent. The development maintains:

- Adequate separation between buildings;
- Appropriate visual and acoustic privacy outcomes;
- Acceptable solar access to adjoining properties; and
- Substantial landscaped and deep soil areas that exceed minimum requirements.

The application of strict compliance in this instance would remove the ability to accommodate a well-resolved built form on a permissible site and would function as an inflexible constraint rather than a facilitative control. Granting flexibility in these circumstances is consistent with the intent of Clause 4.6, which acknowledges that development standards may not account for all site-specific conditions or development typologies, particularly in this instance where the controls relate to a different building typology due to the lack of built form controls in any other EPI specific to this residential building type.

Accordingly, approval of the variation would represent an appropriate and measured exercise of flexibility, rather than an erosion of the development standard.

Allowing flexibility in the application of the side setback controls in this instance results in demonstrably better planning outcomes when compared with a strictly compliant alternative.

The proposed development achieves the objectives of the Housing SEPP and the planning framework by:

- Delivering a permissible form of diverse housing in an accessible location;
- Responding to the scale and desired future character of the surrounding medium-density zoning;
- Providing high levels of residential amenity for future occupants; and
- Maintaining reasonable amenity for adjoining residential properties.

A strictly compliant scheme would necessitate either:

- A more monolithic building envelope with reduced articulation;
- Reduced internal amenity and functional setbacks to other boundaries; or
- A less efficient and less responsive building form that undermines architectural quality.

By contrast, the proposed design:

- Concentrates massing away from sensitive interfaces;
- Uses articulation, façade modulation and window placement to control impacts such as privacy;
- Retains generous front and rear setbacks beyond minimum requirements;

- Achieves landscaped area and deep soil provisions well in excess of minimum controls.

The flexibility sought therefore enables a superior overall outcome, both in terms of urban design quality and environmental performance. The proposal better satisfies the strategic objectives of the Housing SEPP, which are directed toward facilitating well-designed boarding house development in appropriate locations, rather than enforcing rigid numerical compliance at the expense of planning merit, noting that these controls do not strictly relate to this building form and residential typology.

In this regard, the variation advances the purpose of Clause 4.6 by allowing a contextually appropriate and publicly beneficial development outcome to be realised.

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 side setback control. The development is considered to be consistent with the objectives of this control, being:

> *The development provides side boundary setbacks that reflect the character and form intent of the area where is characterised by the separation of buildings.*

The proposed development is considered to be consistent with the objective of the side boundary setback control, which seeks to ensure that development maintains appropriate building separation reflective of local character and built form intent, and protects the amenity of adjoining properties.

While the proposal includes limited numeric variations to the prescribed side setback controls, the development nonetheless achieves the *intent* of the standard through its overall built form, site layout, articulation and amenity outcomes.

Character and Form of the Area
The surrounding context is characterised by a mix of detached dwellings, secondary dwellings with a desired future character of more medium-density residential development permitted under the applicable zoning and strategic planning framework. Building separation in this context is not uniform or consistent in numerical terms, but rather is achieved through a combination of setbacks, articulation, height modulation, landscaping and window placement. The proposed development responds to this character by providing:

- Separation between buildings that is visually perceptible and legible at ground and upper levels;
- A built form that steps and articulates along the side boundary rather than presenting a continuous, unrelieved wall; and
- A scale and form that is consistent with contemporary medium-density development anticipated for the area, but also acknowledges the unique typology of this type of development, differing from traditional town house or villa style development.

Building Separation and Spatial Outcomes
Despite the identified side setback variations, the development provides effective separation between buildings in practical and experiential terms. This is achieved by:

- Concentrating reduced setbacks in limited sections of the building envelope rather than along the full length of the side boundary;
- Avoiding the placement of primary habitable room windows directly addressing the side boundary in areas of reduced separation;
- Incorporating façade articulation and material changes to visually break up building mass; and
- Retaining side boundary areas capable of accommodating landscaping and visual relief.

As a result, the development avoids the appearance of excessive bulk or dominance when viewed from adjoining properties and maintains an appropriate sense of separation consistent with the character of the locality.

Amenity of Adjoining Properties
The objective of side setbacks is closely linked to protecting adjoining amenity, particularly in terms of privacy, outlook and sunlight access. In this regard, the proposal achieves the objective notwithstanding the numeric variations by:

- Using offset windows, high-level windows and privacy-treated glazing to avoid overlooking;
- Ensuring that reduced setbacks do not correspond with sensitive habitable room interfaces;
- Maintaining acceptable solar access to adjoining properties as demonstrated by the submitted shadow diagrams; and
- Locating the greater building mass away from the most sensitive side boundary conditions.

These measures ensure that the presence of the building does not result in unreasonable amenity impacts, and that the functional purpose of building separation is fulfilled.

Landscaping and Visual Permeability
The development further satisfies the intent of building separation by integrating landscaping and deep soil zones that contribute to spatial relief along the side boundary. Landscaping within and adjacent to the side setbacks softens the visual interface between buildings and reinforces the sense of separation anticipated by the control.

Importantly, the overall development provides landscaped area and deep soil provision in excess of minimum requirements, demonstrating that the side boundary condition is not dominated by built form and retains opportunities for vegetation and visual permeability.

Overall Assessment Against the Objective
The proposal is considered to be consistent with the objective of the side setback control. Although there are limited numerical departures from the minimum side setback control:

- Reflects the character and form intent of the area;
- Maintains meaningful separation between buildings;
- Reflects the nature of boarding house development, different to the villa and townhouse development that these controls seek to manage;
- Protects the amenity of adjoining properties; and
- Achieves the underlying purpose of the setback control through design quality rather than strict dimensional compliance.

The proposal therefore satisfies the objective of the control notwithstanding the identified setback variations.

Clause 4.6(4)(a)(ii) – the public interest

The proposed development is considered to be in the public interest because it is consistent with the desired future character of this locality, and provides diverse housing as permissible in this zone. Furthermore, the proposal is appropriately designed to ensure there is no additional significant or adverse impacts on the locality or adjacent properties.

<u>Objectives of the R3 Medium Density Residential zone</u>

The site is identified within the R3 Medium Density Residential zone under the CLEP. The objectives of the R3 zone are addressed below:

- *To provide for the housing needs of the community within a medium density residential environment.*

- *To provide a variety of housing types within a medium density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To ensure that non-residential land uses are located in a setting that minimises impacts on the amenity of a medium density residential environment.*
- *To encourage residential development that maintains the amenity of the surrounding area.*

The proposed development is consistent with the objectives of the R3 Medium Density Residential zone under the CLEP and represents an appropriate and well-considered response to the intended planning outcomes for the zone.

The development provides additional housing capacity within an established residential area, enabling efficient use of land that is well located relative to existing services, transport infrastructure and community facilities. By delivering a boarding house form of development, the proposal contributes to meeting the housing needs of the community by providing accommodation that supports a diverse range of residents, including single-person households and those seeking smaller, more affordable living arrangements within a medium density residential environment.

Boarding houses are expressly anticipated within the medium density residential zone and in State planning policies as a means of diversifying housing supply and responding to changing household structures.

The proposed development broadens the mix of available housing in the locality beyond traditional detached dwellings, supporting housing choice and flexibility while remaining consistent with the scale, form and residential character envisaged for the zone.

Finally, the proposal encourages residential development that maintains the amenity of the surrounding area by achieving appropriate scale, built form and separation from adjoining properties. The development demonstrates sensitivity to neighbouring dwellings through the retention of generous front and rear setbacks, considered side boundary treatment, high levels of landscaping and deep soil provision, and design measures that ensure privacy and solar access are preserved. Collectively, these elements ensure that the development contributes positively to the residential character of the area while delivering improved housing outcomes consistent with the objectives of the Cumberland LEP.

2.3 Procedural Requirements

The procedural requirements of Clause 4.6 of CLEP 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".*

The provisions of the Housing SEPP are not expressively excluded from the operation of Clause 4.6.

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 standard. In this instance, compliance with the minimum side setback standard is considered unnecessary as the proposal will not alter the existing character of the locality or detrimentally impact the amenity of adjoining residents, noting that this typology does not align with the intent of the controls, geared towards townhouse and villa style 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. JUSTIFICATION FOR SIDE SETBACK VARIATION RATIO VARIATION

The site is identified within the *R3 Medium Density Residential* zoning under the CLEP.

The proposed variation to the side setback control is a result of the following factors:

- Boarding house development is not aligned with the intent of the control for setbacks, which relate to villas and townhouses which often provide rear courtyards within the side setbacks, and have dwellings with the side setback becoming their primary, rear outlook.
- The proposal is designed to maintain and manage amenity of the site and adjacent properties to the north and south.

4. THE LAND AND ENVIRONMENT COURT PRINCIPLES/TESTS

Initial Action Pty Ltd v Woollahra Municipal Council (2018) NSWLEC 118 is discussed below at **Section 4.1** and addresses the correct approach to consider Clause 4.6 requests.

Two landmark cases articulate the Court's view on reasonable arguments for, and assessment of, requests for exceptions to development standards. These are discussed further below at **Section 4.2** and **Section 4.3**.

4.1 Initial Action Pty Ltd v Woollahra Municipal Council (2018) NSWLEC 118

The procedural requirements of Clause 4.6 of Cumberland LEP 2021 are addressed below.

In his decision in *Initial Action Pty Ltd v Woollahra Municipal Council (2018) NSWLEC 118*, Chief Justice Preston clarified the correct interpretation of Clause 4.6 requests with regard to Cl 4.6 (4)(a)(i) and (ii). A Cl 4.6 requests must:

- Adequately address the matters required by subclause (3) – that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case (Cl 4.6(3)(a)), and that there are sufficient environmental planning grounds to justify contravening the development standard (Cl 4.6(3)(b)); and

- Demonstrate that the proposed development will be in the public interest because it is consistent with the objectives of the development standard (in this case, Cl. 4.4 Floor space ratio) and land use zone objectives (in this case, R2 Low Density Residential) (Cl 4.6 (4)(a)(ii)).

These matters are addressed below.

With respect to the subject site, compliance with the minimum side setback standard is considered unnecessary in this case because the proposed development complies with the standard, whilst recognising that the housing typology differs from the intent of the control. The objectives of the development standards are addressed at **Section 2.2** above. Refer also to the five tests under *Wehbe v Pittwater Council* at **Section 4.2** below.

The development is considered to have sufficient environmental planning grounds given the development complies with the objectives of the development standards (addressed at **Section 2.2** above) and has no adverse environmental impacts. There are no additions to the built form, density or height.

The development will be in the public interest because it raises no inconsistencies with the objectives of the R3 Medium Density Residential zone and complies with the objectives of the development standard. The proposed development is a permissible development and has been designed to minimise any conflict with the adjoining properties such as overshadowing, privacy, sunlight impacts and view impacts. Refer to **Section 2.2** above.

The case also identifies that the outcome of the breach to a development standard does not necessarily need to be a neutral or better outcome, if the relevant environmental planning grounds to assess it against don't require such.

With regard to bulk and scale, overshadowing, visual impact, and privacy the objective of the development standard is to contribute to the desired character of the R3 Medium Density Residential zone, and maintain amenity in the local area.

4.2 Wehbe v Pittwater Council (2007) NSW LEC 827

In his decision in *Wehbe v Pittwater Council (2007) NSW LEC 827*, Chief Justice Preston expressed the view that there are five different ways in which an applicant might demonstrate that compliance with a development standard is unreasonable or unnecessary. The five tests are considered in the table below.

i. The objectives of the standards are achieved notwithstanding non-compliance with the standard	The proposed development complies with the objectives of the standard. The objectives of the standard are addressed at **Section 2.2** above.
i. The underlying objectives or purposes of the standard are not relevant to the development and therefore compliance is unnecessary	The underlying objectives of the standard are relevant to the development. However, as provided in this request, compliance with the standard is considered unnecessary in this case.
i. The underlying object of purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable	The underlying object or purpose of the standards would not be defeated or thwarted if compliance was required as the proposal is not of the building typology envisaged by these controls.
v. The development standards have been virtually abandoned or destroyed by the Council's own actions in granting consents departing from the standards and hence compliance with the standard is unnecessary and unreasonable; and	This exception to development standards request does not rely on this reason, however it is noted that the control is based on a DCP standard which references a state design guideline for multi-dwelling housing, not boarding housing.

v. The zoning of the particular land is unreasonable or inappropriate so that a development standard appropriate for that zoning is also unreasonable and unnecessary as it applies to the land and compliance with the standard would be unreasonable or unnecessary. That is, the particular parcel of land should not have been included in the particular zone.	This exception to development standards request does not rely on this reason.

4.3 Winten Developments Pty Ltd v North Sydney Council (2001) NSWLEC 46

The exception to development standard request is assessed below against the accepted test for the assessment of development standard variation established by Winten Developments Pty Ltd v North Sydney Council (2001) NSWLEC 46.

a) Are the planning controls in question a development standard?	Yes, the side setback reference is a development standard set out in the Housing SEPP, which references Council's controls, which then reference the Design Guidelines.
b) What is the underlying object or purpose of the standards?	The objectives of the standard are addressed at **Section 2.2** above.
c) Is compliance with the development standards unnecessary or unreasonable in the circumstances of the case?	**Sections 2** and **3** demonstrate that compliance is unnecessary and unreasonable.
d) Is compliance with the development standards consistent with the aims of the Policy (to provide flexibility in the application of development standards); and, in particular, does compliance with the development standards tend to hinder the attainment of the objects specified in Section 5(a)(i) and (ii) of the Environmental Planning and Assessment Act 1979?	As demonstrated at **Section 2**, compliance with the standards would be inconsistent with the objectives of Clause 4.6 and would hinder the attainment of the objects of the Act as discussed in **Sections 2, 3** and **4** of this request.
e) Is the objection well founded?	The objection is well founded on the grounds that the non-compliance: • Has been demonstrated not to raise any issues of State or regional planning significance; • Achieves the objects of the EP&A Act and will provide no negative social, economic or environmental impacts to the Cumberland local area; • Enables a development that maintains the prevailing low rise character of the local area.

LITTLE DEVELOPERCo.

5. SUMMARY

The development proposes to vary the side setback control referenced through Council's DCP and the Housing SEPP, noting that the control is developed for multi-dwelling housing, rather than a boarding house typology.

The proposed development, will not be out of character with the desired future character of the zone, as it does not add any additional bulk, scale or density beyond what is achievable.

Additionally, the expected impacts of the proposed development are not adverse.

It is therefore considered that the departure from the side setback control at 70 Burnett 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 0415710123 should you wish to discuss this assessment in detail, or email info@littledeveloperco.com.au.

Kind regards



Camille Lattouf
Urban Planner & Director

DOCUMENTS ASSOCIATED WITH REPORT ELPP014/26

Attachment 5

Clause 4.6 Variation Request - Building Separation

30 March 2026

Little Developer Co.
camille@littledeveloperco.com.au

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

Attention: Emma Di Rita, Senior Development Planner

RE: Application to vary the side setback under Clause 25(2)(c), which reference the Apartment Design Guide (ADG)

Dear Council,

This letter has been prepared by Little Developer Co. on behalf of Deboke Associates. The letter requests that Cumberland Council grant consent to the proposed development application for a proposed boarding house development at 70 Burnett Street, despite the proposed development contravening Clause 25(c) of the Housing SEPP, which requires compliance with the building separation standards of the ADG.

The proposed development complies with all applicable development standards relating to maximum building height, front setbacks, rear setbacks, floor space ratio, landscaped area and deep soil provisions. The only departures relate to limited portions of the side setbacks (subject to a separate Clause 4.6 Variation Request), as well as the departure from the building separation standard, subject of this variation request.

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, as it does not result in any adverse environmental impact.
- The proposed development is in the public interest, as the objectives of the building separation standards are achieved notwithstanding the non-compliance.
- The proposal will not result in any significant or adverse environmental or amenity impacts on adjacent properties nor 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 is legally described as Lot 109 in DP 5296 and has an area of approximately 867.8m^2. It is located on the western side of Burnett Street within the Cumberland City Council local government area.

The site is proposed to be developed, with the existing dwelling to be demolished. Surrounding development comprises a mix of detached dwellings, secondary dwellings and more recent medium density forms reflecting planned housing transition within the locality and consistent with the R3 zone.

The Development Application seeks approval for a boarding house development arranged over three levels, providing 20 studio rooms together with communal facilities, landscaping, deep soil zones and on-site parking.

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 the building separation proposed as part of this development.

Clause 4.6 of the Cumberland Local Environmental Plan 2021 (CLEP) provides 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**.

Statutory Framework – Housing SEPP

Clause 25 of the Housing SEPP sets out development standards applicable to boarding house developments. Clause 25(2)(c) provides that:

"(c) if the boarding house has at least 3 storeys—the building will comply with the minimum building separation distances specified in the Apartment Design Guide."

Accordingly, the relevant benchmark for assessing separation for the proposed boarding house to adjoining properties is the ADG.

Development Standard to be Varied

Section 3F of the ADG is extracted below:

Objective 3F-1

Adequate building separation distances are shared equitably between neighbouring sites, to achieve reasonable levels of external and internal visual privacy

Design criteria

1. Separation between windows and balconies is provided to ensure visual privacy is achieved. Minimum required separation distances from buildings to the side and rear boundaries are as follows:

Building height	Habitable rooms and balconies	Non-habitable rooms
up to 12m (4 storeys)	6m	3m
up to 25m (5-8 storeys)	9m	4.5m
over 25m (9+ storeys)	12m	6m

Note: Separation distances between buildings on the same site should combine required building separations depending on the type of room (see figure 3F.2)

Gallery access circulation should be treated as habitable space when measuring privacy separation distances between neighbouring properties

Design guidance

Generally one step in the built form as the height increases due to building separations is desirable. Additional steps should be careful not to cause a 'ziggurat' appearance

For residential buildings next to commercial buildings, separation distances should be measured as follows:

- for retail, office spaces and commercial balconies use the habitable room distances
- for service and plant areas use the non-habitable room distances

New development should be located and oriented to maximise visual privacy between buildings on site and for neighbouring buildings. Design solutions include:

- site layout and building orientation to minimise privacy impacts (see also section 3B Orientation)
- on sloping sites, apartments on different levels have appropriate visual separation distances (see figure 3F.4)

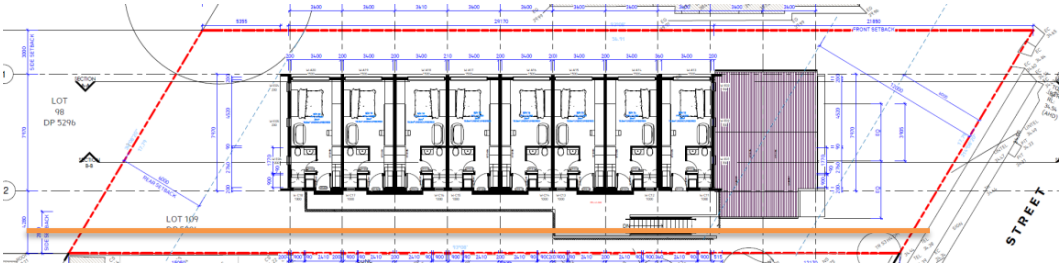
Apartment buildings should have an increased separation distance of 3m (in addition to the requirements set out in design criteria 1) when adjacent to a different zone that permits lower density residential development to provide for a transition in scale and increased landscaping (figure 3F.5)

Direct lines of sight should be avoided for windows and balconies across corners

No separation is required between blank walls

Based on this, with no habitable rooms facing the south, the minimum separation is 3 metres, and when shared equitably, the setback should be 1.5 metres. At the northern boundary, the building separation should be 6 metres, and when shared equitably, the setback from the common boundary should be 3 metres.

As such, only a portion of the stair and corridor at the southern end of the building being within 1.5 metres of the boundary, as shown in the image below. The encouragement is less than 500mm.



2. JUSTIFICATION FOR EXCEPTION TO THE STANDARDS

Clause 4.6 Exceptions to development standards of the CLEP provides Council with a degree of flexibility in applying development standards – in this case applying the ADG Building Separation standards, subject to addressing the relevant matters under Clause 4.6.

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 proposed development represents a circumstance for which flexibility is expressly contemplated by Clause 4.6. The numerical non-compliance with the building separation controls arises from the placement of circulation areas marginally within the building separation area, noting that this control is strictly for residential flat buildings, however is applied as a guide to boarding house development.

While the Housing SEPP deliberately aligns boarding house building separation with ADG standards, it is well established that such standards are not intended

to be applied inflexibly where the planning outcomes they seek are nonetheless achieved.

In this case, the side setback variation arises as a result of a marginal encroachment into the 1.5 metre setback required to achieve equitable building separation.

Importantly, the departure from the numerical control does not result in the adverse outcomes the building separation standard is intended to prevent. The development maintains:

- Adequate separation between buildings;
- Appropriate visual and acoustic privacy outcomes;
- Acceptable solar access to adjoining properties; and
- Substantial landscaped and deep soil areas that exceed minimum requirements.

The application of strict compliance in this instance would remove the ability to accommodate a well-resolved built form on a permissible site and would function as an inflexible constraint rather than a facilitative control. Granting flexibility in these circumstances is consistent with the intent of Clause 4.6, which acknowledges that development standards may not account for all site-specific conditions or development typologies, particularly in this instance where the controls relate to a different building typology due to the lack of built form controls in any other EPI specific to this residential building type.

Accordingly, approval of the variation would represent an appropriate and measured exercise of flexibility, rather than an erosion of the development standard. This is how it is intended for the ADG standards to be applied.

Allowing flexibility in the application of the building separation setback controls in this instance results in demonstrably better planning outcomes when compared with a strictly compliant alternative.

The proposed development achieves the objectives of the Housing SEPP and the planning framework by:

- Delivering a permissible form of diverse housing in an accessible location;
- Responding to the scale and desired future character of the surrounding medium-density zoning;
- Providing high levels of residential amenity for future occupants; and
- Maintaining reasonable amenity for adjoining residential properties.

A strictly compliant scheme would necessitate either:

- A more monolithic building envelope with reduced articulation;
- Reduced internal amenity and functional setbacks to other boundaries; or
- A less efficient and less responsive building form that undermines architectural quality.

By contrast, the proposed design:

- Concentrates massing away from sensitive interfaces;
- Uses articulation, façade modulation and window placement to control impacts such as privacy;
- Retains generous front and rear setbacks beyond minimum requirements;
- Achieves landscaped area and deep soil provisions well in excess of minimum controls;
- Other than a minor portion of the building, would otherwise fully achieve the building separation standards by applying the principle of equitable sharing of distances from common boundaries.

The flexibility sought therefore enables a superior overall outcome, both in terms of urban design quality and environmental performance. The proposal better satisfies the strategic objectives of the Housing SEPP, which are directed toward facilitating well-designed boarding house development in appropriate locations, rather than enforcing rigid numerical compliance at the expense of planning merit, noting that these controls do not strictly relate to this building form and residential typology. This is also the intent of how the ADG is to be applied.

In this regard, the variation advances the purpose of Clause 4.6 by allowing a contextually appropriate and publicly beneficial development outcome to be realised.

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 side setback control. The development is considered to be consistent with the objectives of this control, being:

> *The development provides side boundary setbacks that reflect the character and form intent of the area where is characterised by the separation of buildings.*

The proposed development responds appropriately to the objectives of the Apartment Design Guide in relation to building separation by ensuring that side boundary setbacks reflect the intended character and built form outcomes of a medium-density residential environment, notwithstanding limited area of variation to the building separation distances.

The development achieves effective separation between buildings through a combination of articulated building form, modulation of façade elements, and careful placement of windows and openings, rather than relying solely on uniform separation distances. Reduced building separation is confined to a very limited portion of the building and does not present as continuous or visually dominant built form along the boundary, thereby maintaining a clear perception of separation when viewed from adjoining properties and from the front and rear.

Importantly, the development avoids locating primary habitable room windows directly adjacent to the southern side boundary in the area of reduced separation, ensuring that privacy and sunlight access impacts are appropriately managed. When considered holistically, the development maintains the spatial intent of the ADG by preserving meaningful separation between buildings, limiting perceived bulk, and ensuring that the amenity of both future occupants and neighbouring properties is protected, consistent with the objectives of this standard.

Clause 4.6(4)(a)(ii) – the public interest

The proposed development is considered to be in the public interest because it is consistent with the desired future character of this locality, and provides diverse housing as permissible in this zone. Furthermore, the proposal is appropriately designed to ensure there is no additional significant or adverse impacts on the locality or adjacent properties.

<u>Objectives of the R3 Medium Density Residential zone</u>

The site is identified within the R3 Medium Density Residential zone under the CLEP. The objectives of the R3 zone are addressed below:

- *To provide for the housing needs of the community within a medium density residential environment.*
- *To provide a variety of housing types within a medium density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To ensure that non-residential land uses are located in a setting that minimises impacts on the amenity of a medium density residential environment.*

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

The proposed development is consistent with the objectives of the R3 Medium Density Residential zone under the CLEP and represents an appropriate and well-considered response to the intended planning outcomes for the zone.

The development provides additional housing capacity within an established residential area, enabling efficient use of land that is well located relative to existing services, transport infrastructure and community facilities. By delivering a boarding house form of development, the proposal contributes to meeting the housing needs of the community by providing accommodation that supports a diverse range of residents, including single-person households and those seeking smaller, more affordable living arrangements within a medium density residential environment.

Boarding houses are expressly anticipated within the medium density residential zone and in State planning policies as a means of diversifying housing supply and responding to changing household structures.

The proposed development broadens the mix of available housing in the locality beyond traditional detached dwellings, supporting housing choice and flexibility while remaining consistent with the scale, form and residential character envisaged for the zone.

Finally, the proposal encourages residential development that maintains the amenity of the surrounding area by achieving appropriate scale, built form and separation from adjoining properties. The development demonstrates sensitivity to neighbouring dwellings through the retention of generous front and rear setbacks, considered side boundary treatment, high levels of landscaping and deep soil provision, and design measures that ensure privacy and solar access are preserved. Collectively, these elements ensure that the development contributes positively to the residential character of the area while delivering improved housing outcomes consistent with the objectives of the Cumberland LEP.

2.3 Procedural Requirements

The procedural requirements of Clause 4.6 of CLEP 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".*

The provisions of the Housing SEPP are not expressively excluded from the operation of Clause 4.6.

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 standard. In this instance, compliance with the minimum building separation standard is considered unnecessary as the proposal will not alter the desired future character of the locality or detrimentally impact the amenity of adjoining residents. 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. JUSTIFICATION FOR SIDE SETBACK VARIATION RATIO VARIATION

The site is identified within the *R3 Medium Density Residential* zoning under the CLEP.

The proposed variation to the building separation control is a result of the following factors:

- The departure is minor and only facilitates an area for stair and circulation.
- The proposal is designed to maintain and manage amenity of the site and the adjacent property to the south.

4. THE LAND AND ENVIRONMENT COURT PRINCIPLES/TESTS

Initial Action Pty Ltd v Woollahra Municipal Council (2018) NSWLEC 118 is discussed below at **Section 4.1** and addresses the correct approach to consider Clause 4.6 requests.

Two landmark cases articulate the Court's view on reasonable arguments for, and assessment of, requests for exceptions to development standards. These are discussed further below at **Section 4.2** and **Section 4.3**.

4.1 Initial Action Pty Ltd v Woollahra Municipal Council (2018) NSWLEC 118

The procedural requirements of Clause 4.6 of Cumberland LEP 2021 are addressed below.

In his decision in *Initial Action Pty Ltd v Woollahra Municipal Council (2018) NSWLEC 118*, Chief Justice Preston clarified the correct interpretation of Clause 4.6 requests with regard to Cl 4.6 (4)(a)(i) and (ii). A Cl 4.6 requests must:

- Adequately address the matters required by subclause (3) – that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case (Cl 4.6(3)(a)), and that there are sufficient environmental planning grounds to justify contravening the development standard (Cl 4.6(3)(b)); and

- Demonstrate that the proposed development will be in the public interest because it is consistent with the objectives of the development standard (in this case, Cl. 4.4 Floor space ratio) and land use zone objectives (in this case, R2 Low Density Residential) (Cl 4.6 (4)(a)(ii)).

These matters are addressed below.

With respect to the subject site, compliance with the minimum building separation standard is considered unnecessary in this case because the proposed development complies with the overall objective of the ADG with respect to building separation. The objectives of the development standards are addressed at **Section 2.2** above. Refer also to the five tests under *Wehbe v Pittwater Council* at **Section 4.2** below.

The development is considered to have sufficient environmental planning grounds given the development complies with the objectives of the development standards (addressed at **Section 2.2** above) and has no adverse environmental impacts. There are no additions to the built form, density or height.

The development will be in the public interest because it raises no inconsistencies with the objectives of the R3 Medium Density Residential zone and complies with the objectives of the development standard. The proposed development is a permissible development and has been designed to minimise any conflict with the adjoining properties such as overshadowing, privacy, sunlight impacts and view impacts. Refer to **Section 2.2** above.

The case also identifies that the outcome of the breach to a development standard does not necessarily need to be a neutral or better outcome, if the relevant environmental planning grounds to assess it against don't require such.

With regard to bulk and scale, overshadowing, visual impact, and privacy the objective of the development standard is to contribute to the desired character of the R3 Medium Density Residential zone, and maintain amenity in the local area.

4.2 Wehbe v Pittwater Council (2007) NSW LEC 827

In his decision in *Wehbe v Pittwater Council (2007) NSW LEC 827*, Chief Justice Preston expressed the view that there are five different ways in which an applicant might demonstrate that compliance with a development standard is unreasonable or unnecessary. The five tests are considered in the table below.

i. The objectives of the standards are achieved notwithstanding non-compliance with the standard	The proposed development complies with the objectives of the standard. The objectives of the standard are addressed at **Section 2.2** above.
i. The underlying objectives or purposes of the standard are not relevant to the development and therefore compliance is unnecessary	The underlying objectives of the standard are relevant to the development. However, as provided in this request, compliance with the standard is considered unnecessary in this case.
i. The underlying object of purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable	The underlying object or purpose of the standards would not be defeated or thwarted if compliance was required as the ADG is intended to be applied as a performance guideline, rather than a prescriptive numerical measure.
v. The development standards have been virtually abandoned or destroyed by the Council's own actions in granting consents departing from the standards and hence compliance with the standard is unnecessary and unreasonable; and	This exception to development standards request does not rely on this reason.
v. The zoning of the particular land is unreasonable or inappropriate so that a development standard appropriate for that zoning is also unreasonable and unnecessary as it applies to the land and compliance with the standard would be unreasonable or unnecessary. That is, the particular parcel of land should not have been included in the particular zone.	This exception to development standards request does not rely on this reason.

4.3 Winten Developments Pty Ltd v North Sydney Council (2001) NSWLEC 46

The exception to development standard request is assessed below against the accepted test for the assessment of development standard variation established by Winten Developments Pty Ltd v North Sydney Council (2001) NSWLEC 46.

a) Are the planning controls in question a development standard?	Yes, the building separation reference is a development standard set out in the Housing SEPP, which references the ADG.
b) What is the underlying object or purpose of the standards?	The objectives of the standard are addressed at **Section 2.2** above.
c) Is compliance with the development standards unnecessary or unreasonable in the circumstances of the case?	**Sections 2** and **3** demonstrate that compliance is unnecessary and unreasonable.
d) Is compliance with the development standards consistent with the aims of the Policy (to provide flexibility in the application of development standards); and, in particular, does compliance with the development standards tend to hinder the attainment of the objects specified in Section 5(a)(i) and (ii) of the Environmental Planning and Assessment Act 1979?	As demonstrated at **Section 2**, compliance with the standards would be inconsistent with the objectives of Clause 4.6 and would hinder the attainment of the objects of the Act as discussed in **Sections 2, 3** and **4** of this request.
e) Is the objection well founded?	The objection is well founded on the grounds that the non-compliance: • Has been demonstrated not to raise any issues of State or regional planning significance; • Achieves the objects of the EP&A Act and will provide no negative social, economic or environmental impacts to the Cumberland local area; • Enables a development that maintains the prevailing low rise character of the local area.

LITTLE DEVELOPERCo.

5. SUMMARY

The development proposes to vary the minimum ADG building separation control referenced through the Housing SEPP, noting that the control is intended to be a performance guideline rather than a strict numerical control.

The proposed development, will not be out of character with the desired future character of the zone, as it does not add any additional bulk, scale or density beyond what is achievable.

Additionally, the expected impacts of the proposed development are not adverse.

It is therefore considered that the departure from building separation control at 70 Burnett 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 0415710123 should you wish to discuss this assessment in detail, or email info@littledeveloperco.com.au.

Kind regards



Camille Lattouf
Urban Planner & Director

DOCUMENTS ASSOCIATED WITH REPORT ELPP014/26

Attachment 6

Appendix A - State Environmental Planning Policy Housing 2021 Assessment

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APPENDIX A
State Environmental Planning Policy Housing 2021 Compliance Table
Chapter 2 – Affordable Housing
Table of requirements

Division 2 – Boarding Houses	Discussion	Compliance Yes or No
23 Boarding houses permitted with consent (1) Development for the purposes of boarding houses may be carried out with consent on land on which development for the purposes of boarding houses is permitted with consent under another environmental planning instrument.	The subject site is zoned R3 Medium Density Residential. Pursuant to the Cumberland Local Environmental Plan 2021, a boarding houses is a permissible land use within the zone.	Yes
24 Non-discretionary development standards—the Act, s 4.15 (1) The object of this section is to identify development standards for particular matters relating to development for the purposes of boarding houses that, if complied with, prevent the consent authority from requiring more onerous standards for the matters. Note— See the Act, section 4.15(3), which does not prevent development consent being granted if a non-discretionary development standard is not complied with.	Noted.	Noted.
(2) The following are non-discretionary development standards in relation to the carrying out of development to which this Division applies— (a) for development in a zone in which residential flat buildings or shop top housing are permitted—a floor space ratio that is not more than— (i) the maximum permissible floor space ratio for residential accommodation on the land, and (ii) an additional 30% of the maximum permissible floor space ratio if the additional floor space is used only for the purposes of the boarding house,	Residential flat buildings and shop top housing are not permitted in the R3 Medium Density Residential zone under the Cumberland LEP 2021.	N/A
(b) if paragraph (a) does not apply—a floor space ratio that is not more than	The FSR applicable for the subject site under the CLEP 2021 is 0.7:1.	Yes

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the maximum permissible floor space ratio for residential accommodation on the land,	The proposal achieves a FSR of 0.7:1.	
(c) for development on land in Zone R2 Low Density Residential or Zone R3 Medium Density Residential—the minimum landscaping requirements for multi dwelling housing under a relevant planning instrument,	R3 zoned land – 20% of landscaping is required under the CDCP 2021. The proposal achieves 207.8 sq m of landscaped area, equating to 24% of the site area.	Yes
(d) at least 3 hours of direct solar access provided between 9am and 3pm at mid-winter in at least 1 communal living area,	The communal living area has north and west facing openings and will receive a minimum of 3 hours of solar access between 12pm and 3pm.	Yes
(e) for a boarding house containing 6 boarding rooms— (i) a total of at least 30m2 of communal living area, and (ii) minimum dimensions of 3m for each communal living area,	N/A	N/A
(f) for a boarding house containing more than 6 boarding rooms— (i) a total of at least 30m2 of communal living area plus at least a further 2m2 for each boarding room in excess of 6 boarding rooms, and (ii) minimum dimensions of 3m for each communal living area,	The proposal contains 20 boarding rooms. The following communal living area is required: 30 sq m + (14x 2 sq m) = 58 sqm. The proposal provides a communal living area measuring 58 sq m, at a minimum of 3m wide dimension.	Yes
(g) communal open spaces— (i) with a total area of at least 20% of the site area, and (ii) each with minimum dimensions of 3m, (h) if a relevant planning instrument does not specify a requirement for a lower number of parking spaces—at least the following number of parking spaces— (i) for development on land within an accessible area—0.2 parking spaces for each boarding room, (ii) otherwise—0.5 parking spaces for each boarding room,	20% of site area = 173.54 sq m The rear communal open space area equates to 350 sq m (40%) with a minimum dimension of 5.7m. The subject site is located within an accessible area and requires 0.2 car spaces for each boarding room: 0.2 x 20 = 4 car spaces required. 4 car parking spaces (including 1 accessible space) have been provided for, which is compliant with this provision.	Yes

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(i) if a relevant planning instrument specifies a requirement for a lower number of parking spaces—the lower number specified in the relevant planning instrument.	** refer to below assessment highlighting how the site is located in an accessible area. N/A	
25 Standards for boarding houses (1) Development consent must not be granted under this Division unless the consent authority is satisfied that— (a) no boarding room will have a gross floor area, excluding an area, if any, used for the purposes of private kitchen or bathroom facilities, of more than 25m2, and	All rooms, including the accessible boarding rooms, have an area of less than 25 sq m excluding the area used for the purposes of private kitchen or bathroom facilities.	Yes
(b) no boarding room will be occupied by more than 2 adult residents, and	Each boarding room can accommodate a maximum of 1 adult residents.	Yes
(c) adequate bathroom, kitchen and laundry facilities will be available within the boarding house for the use of each resident, and	Each boarding room is provided with a private bathroom, kitchen and laundry facilities.	Yes
(d) for a boarding house on land in Zone R2 Low Density Residential or an equivalent land use zone—the boarding house will not have more than 12 boarding rooms, and	N/A	N/A
(e) for a boarding house on land in a business zone—no part of the ground floor of the boarding house that fronts a street will be used for residential purposes unless another environmental planning instrument permits the use, and	N/A	N/A
(f) for a boarding house containing at least 6 boarding rooms—the boarding house will have at least 1 communal living area, and	The proposed boarding house contains 20 boarding rooms and one communal living area located on the lower ground floor.	Yes
(g) the minimum lot size for the boarding house is not less than— (i) for development on land in Zone R2 Low Density Residential—600m2, or	The site is zoned R3 and has a site area of 867.7 sq m.	Yes

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(ii) for development on other land—800m2. (iii)(Repealed)		
(h) each boarding room has a floor area, excluding an area, if any, used for the purposes of private kitchen or bathroom facilities, of at least the following— (i) for a boarding room intended to be used by a single resident—12m2, (ii) otherwise—16m2, and (iii)the boarding house will include adequate bicycle and motorcycle parking spaces.	Each room accommodates 1 resident and has a floor area exceeding 12 sq m (excluded the areas used for a private kitchen and bathroom). There are no requirements for motorcycle parking. Notwithstanding, the development proposes 3 motorcycle spaces in the front setback, which is deemed acceptable for the 20 boarding rooms. Bicycle wrack has been provided for in the front setback, which is considered adequate to accommodate anticipated demand.	Yes Yes
(2) Development consent must not be granted under this Division unless the consent authority considers whether— (a) the design of the boarding house will be compatible with— (i) the desirable elements of the character of the local area, or (ii) for precincts undergoing transition—the desired future character of the precinct, and (b) the front, side and rear setbacks for the boarding house are not less than— **(i)** for development on land in Zone R2 Low Density Residential or Zone **R3 Medium Density**	The proposed boarding house is within a R3 Medium Density Residential zone. The locality is predominantly residential in nature with a mixture of single and two storey developments. Due to Burnett Street being a busy road with only 1 lane each way, majority of the residential dwellings along Burnett Street have additional parking within the front setback areas. Additional hardstand area is also present to dwellings along Burnett Street for safe vehicular manoeuvring, entering and exiting sites in a forward direction. The proposed boarding house is consistent with the controls that are applicable to multi-dwelling housing development which is consistent with the desired future character of the locality and supports the future designed outcome for the locality. Council's DCP is silent on setbacks required for multi dwelling housing, and therefore the Low Rise Housing Diversity	Yes No, refer to Clause 4.6 variation discussion in

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Residential—the minimum setback requirements for multi dwelling housing under a relevant planning instrument, (ii) for development on land in Zone R4 High Density Residential—the minimum setback requirements for residential flat buildings under a relevant planning instrument,	Design Guide part 2.4 is relied upon for multi dwelling setbacks, as follows: *Front setback – 3.5m* *Side setback – 1.5m* *Where development extends beyond 10 metres from the front building line, the minimum side setback is calculated as a 45 degree plane measured from 3 metres above the boundary.* *Rear setback – 6m* The development provides a front setback of 12.415m to 20.045m, compliant with the minimum requirement of 3.5m. A minimum side setback of 1.04m to the southern boundary has been provided. This is 460mm (30.7%) short of the required 1.5m side setback required. In this regard, the applicant has submitted a clause 4.6 variation request. A minimum rear setback of 6m is maintained.	body of assessment report
(c) if the boarding house has at least 3 storeys—the building will comply with the minimum building separation distances specified in the Apartment Design Guide. (d) (e) (Repealed)	The proposed boarding house is 3 stories and does not comply with the building separation requirement as per the ADG. In this regard a Clause 4.6 variation requestion has been submitted. Refer to discussion in main body of assessment report.	No, refer to Clause 4.6 variation discussion in body of assessment report
(3) This section does not apply to development for the purposes of minor alterations or additions to an existing boarding house.	Noted. This section is applicable to the proposed development as it is for the construction of a new boarding house.	Yes
26 Must be used for affordable housing in perpetuity (1) Development consent must not be granted under this Division unless the consent authority is satisfied that from the date of the issue of the occupation certificate and continuing in perpetuity— (a) the boarding house will be used for affordable housing, and	A condition is imposed to ensure compliance with this Clause. The details of the registered community housing provider have been provided as part of the application. A condition is imposed ensuring compliance with this Clause prior to the issue of the Occupation Certificate.	Yes

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(b) the boarding house will be managed by a registered community housing provider. (2) Subsection (1) does not apply to development carried out by or on behalf of the Aboriginal Housing Office or the Land and Housing Corporation.	The proposal is not development carried out by or on behalf of the Aboriginal Housing Office or the Land and Housing Corporation.	N/A
27 Subdivision of boarding houses not permitted Development consent must not be granted for the subdivision of a boarding house.	No subdivision is proposed as part of the subject application.	N/A

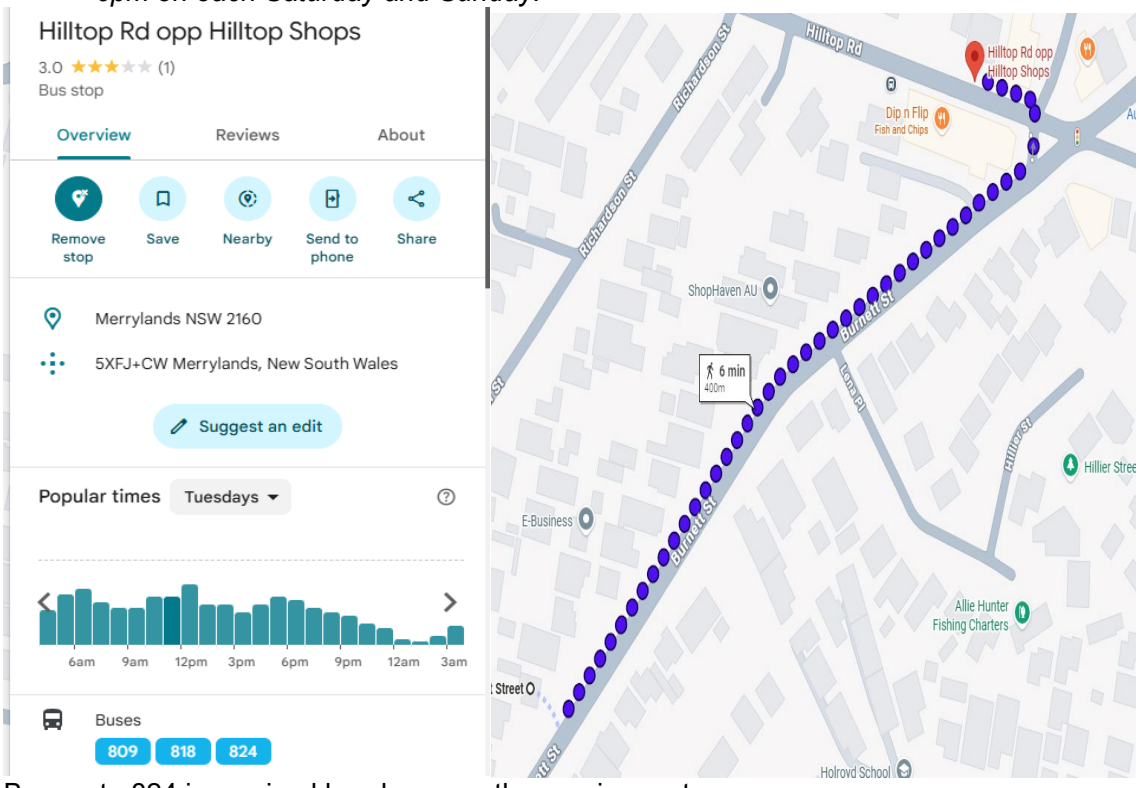
** *Accessible area*

An accessible area is defined in the Housing SEPP as:

- *land within 800m walking distance of a public entrance to a railway, metro or light rail station, or - for a light rail station with no entrance—a platform of the light rail station, or - a public entrance to a wharf from which a Sydney Ferries ferry service operates or*

- *400m walking distance of a bus stop used by a regular bus service, within the meaning of the Passenger Transport Act 1990, that has at least 1 bus per hour servicing the bus stop between*

- *6am and 9pm each day from Monday to Friday, both days inclusive, and - 8am and 6pm on each Saturday and Sunday.*



Bus route 824 is serviced hourly as per the requirements.
400m walk to a bus stop located on Hilltop Road. Serviced by us route 824.

DOCUMENTS ASSOCIATED WITH REPORT ELPP014/26

Attachment 7

Appendix B - Cumberland LEP 2021 Assessment

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Appendix B
Cumberland Local Environmental Plan 2021

Clause	Comments	Compliance
2.7 Demolition requires development consent	Demolition works are proposed.	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 height of a building is not to exceed 9 metres. The proposal achieves a maximum height of 8.9 metres and is compliant.	Yes
4.4 Floor Space Ratio	(2) The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map. Comment: The maximum floor space ratio (FSR) for a building on the site shall not exceed 0.7:1. The total GFA of the proposed development is 606.72 sq m, which equates to a FSR of 0.7:1 on the 867.7 sq m site. FSR complies at 0.7:1 or 606.72 sq m.	Yes
4.6 Exception to development standards	(3) Development consent must not be granted for development that contravenes a development standard unless the consent authority had considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating: (a) That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and (b) That there are sufficient environmental planning grounds to justify contravening the development standard. Comment: A written request in accordance with Clause 4.6 of CLEP 2021 to vary the side setbacks and building separation required for boarding houses as per SEPP Housing 2021 was submitted. Both Clause 4.6 variation requests have been deemed satisfactory and are discussed in the body of the main 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. The clause.	N/A
5.21 Flood planning	(2) Development consent must not be granted to development on land the consent authority considers to be within the flood planning area unless the consent authority is satisfied the development— (a) is compatible with the flood function and behaviour on the land, and (b) will not adversely affect flood behaviour in a way that results in detrimental increases in the potential flood affectation of other development or properties, and (c) will not adversely affect the safe occupation and efficient evacuation of people or exceed the capacity of existing evacuation routes for the surrounding area in the event of a flood, and (d) incorporates appropriate measures to manage risk to life in the event of a flood, and (e) will not adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of riverbanks or watercourses. (3) In deciding whether to grant development consent on land to which this clause applies, the consent authority must consider the following matters— (a) the impact of the development on projected changes to flood behaviour as a result of climate change, (b) the intended design and scale of buildings resulting from the development, (c) whether the development incorporates measures to minimise the risk to life and ensure the safe evacuation of people in the event of a flood, (d) the potential to modify, relocate or remove buildings resulting from development if the surrounding area is impacted by flooding or coastal erosion. <u>Comment:</u> The subject site is identified as a floor affected lot. Council's Development Engineer has raised no objection to the development ton this basis subject to conditions.	Yes
6.1 Acid Sulphate Soils	Development is not impacted by Class 5 acid sulphate soils.	Yes
6.2 Earthworks	The proposed earthworks will not have a detriment	Yes

	ion effect on existing drainage patterns or soil stability. The proposal will not affect the amenity of adjoining properties. The proposal is satisfactory subject to compliance with standard conditions.	
6.4 Essential Services	(1) Development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the proposed development are available or that adequate arrangements have been made to make them available when required: a) the supply of water, b) the supply of electricity, c) the disposal and management of sewage, d) stormwater drainage or on-site conservation, e) suitable vehicular access. 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 (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: Council's Development Engineer has assessed the submitted stormwater concept and has raised no objection to the proposal subject to conditions.	Yes
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. <u>Comment:</u> The design of the development is satisfactory as the building facades are well articulated providing passive shading and abundant landscaping and trees within the front, side and rear boundaries to minimise urban heat.	

DOCUMENTS ASSOCIATED WITH REPORT ELPP014/26

Attachment 8

Appendix C - Cumberland DCP 2021 Assessment

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APPENDIX C
CUMBERLAND DEVELOPMENT CONTROL PLAN 2021 ASSESSMENT

Relevant Control		Compliance with Requirements	Consistency Objectives
Part B – Development in Residential Zones			
Part B4 – Boarding houses			
2.2 Character and amenity	C1. The design of a boarding house is to be compatible with the character of the local area.	The proposal seeks a 3 storey boarding house with associated at grade parking. The design is considered consistent with the local area and future character of the precinct which is predominantly zoned R3 – Medium Density Residential. The locality is predominantly residential in nature with a mixture of single and two storey developments. Due to Burnett Street being a busy road with only 1 lane each way, majority of the residential dwellings along Burnett Street have additional parking within the front setback areas. Additional hardstand area is also present to dwellings along Burnett Street for safe vehicular manoeuvring, entering and exiting sites in a forward direction. The proposed boarding house is consistent with the controls that are applicable to multi-dwelling housing development which is consistent with the desired future character of the locality and supports the future designed outcome for the locality.	Yes
	C2. New boarding houses (including alterations and additions) shall comply with the building setback controls comparable to the predominant building type in the	The proposal achieves the following setbacks: Front setback: 3.5m	No, addressed through clause 4.6 reports

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	relevant zones as set out below in Table 8: R3 Medium Density Residential – Multi dwelling housing Front setback: 3.5m Side setback: 1.5m Rear setback: 6m	Minimum side setback: 1.04m Minimum rear setback: 6m The subject site is within the R3 zone and is consistent with the setback controls for multi-dwelling housing.	amended SEPP Housing
2.3 Operational management	C1. All boarding houses are to have a managing agent, contactable 24 hours per day, 7 days per week. If a boarding house has capacity to accommodate 20 or more lodgers, it is required that there be an on-site resident manager. The on-site resident manager must be 18 years of age or over.	Yes - The boarding house will accommodate 20 lodgers and an onsite mangers room has been made available on the lower ground floor. There is also a builder managers office on the lower ground floor.	Yes
	C2. The name and contact details of the on-site manager or managing agent is to be provided externally at the front entrance of the boarding house and internally within the communal living area.	Can be conditioned in any consent.	Yes, subject to conditions.
	C3. A Plan of Management must accompany a development application for any new boarding house or alterations/and or additions to an existing boarding house.	The submitted Plan of Management is satisfactory.	Yes
	C4. 'House Rules' must be prepared as part of the Plan of Management. The approved House Rules must be clearly displayed within each bedroom and within the communal living area of the boarding house.	Can be conditioned in any consent.	Yes, subject to conditions.
	C5. An Emergency Evacuation Plan must be prepared as part of the Plan of Management detailing the evacuation procedures in the event of the emergency, provision of resident log book, identifying the assembly point and detailing how residents will be made aware of the procedures contained within the Plan.	Yes – evacuation plans has been submitted and endorsed as part of the approval.	Yes
	C6. A list of contact details must be clearly displayed within the common area including the contact details for: the managing agent; emergency services including fire,	Can be conditioned in any consent.	Yes, subject to conditions.



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	ambulance and police; utilities such as gas, electricity and water, and any approved emergency repair persons, such as a plumber and electrician.		
	C9. Secure storage facilities must be provided with a minimum capacity of 1m² per person. This space must be lockable.	Sufficient storage is provided in each room.	Yes
	Internal communal living area C10. Living areas are to have a minimum dimension of 4m.	The communal living space on the lower ground floor has a minimum dimension of 6m and is compliant with the requirements detailed in the SEPP (Housing).	Yes
	C11. Communal living area/s must be located on the ground floor and are to be located near commonly used spaces or adjacent to the communal outdoor open space.	The communal living area is located on the lower ground floor of the development and is accessible by all residents.	Yes
	C12. Communal living area/s should have a northerly aspect, where possible, and should be located where they will have a minimal impact on adjoining properties in terms of noise generation and visual privacy.	The communal living area is located at the rear of the premises and has an northern and western orientation and has an interface with the rear communal open space at the rear of the property. It does not face neighbouring properties and will therefore pose minimal noise and visual impacts.	Yes
	C13. Consideration should be given to ensure that bedrooms adjoining the living area/s are protected from excessive noise.	Party wall between the bedroom and communal living area is sufficient. Only impacting 1 boarding room.	Yes
	Laundry facility requirements C14. 1 automatic washing machine for the first 12 residents plus 1 automatic washing machine for every additional 12 residents thereafter or part thereof.	Each boarding room is provided with adequate laundry facilities, including a washing machine.	Yes
	C15. 1 domestic dryer for first 12 residents plus 1 domestic dryer for every additional 12 residents thereafter or part thereof.	As above.	Yes
	C16. 1 large laundry tub with running hot and cold water for up to 12 residents and 1 additional tub for	As above.	Yes

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	premises that contain more than 12 residents.		
	Location of clothes drying facilities C17. Drying areas must not be visible from the street, or any public place.	Can be addressed through a condition of consent.	Yes
	C18. Drying areas shall be located to maximise solar access.	Can be addressed through a condition of consent.	Yes
	C19. Clothes drying and laundry facilities shall be wheelchair accessible.	Can be addressed through a condition of consent.	Yes
2.4 Visual privacy	C1. Placement of windows and other openings should not result in direct overlooking of adjoining residential uses. Where overlooking may occur, use of highlight windows, window screening or other privacy measures should be provided.	Yes – amended plans detail the northern elevation of the proposed boarding house contains windowsill with a minimum 1.5m, preventing any potential overlooking to adjoining sites. The lower ground floor windows and ramps are not significantly elevated and do not create overlooking concerns. Boundary fencing will be sufficient in this regard. The southern elevation has been fitted with privacy screens (external horizontal louvers) which prevent any over-looking to adjoining sites. The rear western elevation has windows fitted with obscured glazing to prevent overlooking. There is also sufficient separation from lower ground floor steps to avoid overlooking onto neighbour properties. Subject to the above, the development will not pose direct overlooking into the neighbouring property.	Yes
	C2. Landscape screening should be provided within outdoor communal areas to minimise overlooking of adjoining properties.	Provided.	Yes



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	C3. The main entrance of the boarding house should be provided within the front (street) elevation to address the street and to minimise potential privacy impacts upon neighbouring properties.	Achieved.	Yes
2.5 General design	C1. Boarding houses must provide the following facilities within each building: bedrooms; • laundry facilities; • adequate communal kitchen facilities and dining area (one per floor for multi storey boarding houses) where individual kitchenettes are not provided within the boarding rooms; • individual ensuite and/or adequate communal bathroom facilities; • communal living area (one per floor for boarding houses more than three storeys in height); • communal garbage storage and recycling facilities; • communal outdoor open space area; and • on-site boarding house manager (where 20 or more lodgers).	Boarding managers accommodation has been provided for. An off site manager that is contactable 24 hours 7 days a week is proposed which is considered acceptable. The boarding house is otherwise compliant with this control.	Yes
	C2. Flyscreens are to be provided to all openable windows and doors.	Can be conditioned in any consent.	Yes, subject to conditions.
	C3. At least one phone must be provided within each communal area to allow residents to contact emergency services.	Can be conditioned in any consent.	Yes, subject to conditions.
	C4. A safety switch must be fitted to all electrical meter box/es.	Can be conditioned in any consent.	Yes, subject to conditions.
	C5. A maximum of one television antenna is to be provided per boarding house.	Can be conditioned in any consent.	Yes, subject to conditions.
2.6 Acoustics	C1. Boarding house design should attempt to locate bedrooms away from significant internal and external noise sources.	The boarding rooms are considered appropriately designed to minimise acoustic impacts.	Yes
	C2. During the design of a boarding house consideration must be given to the potential acoustic impact upon adjoining neighbours. The	Council's Environmental Health Officer has assessed the submitted "DA Acoustic Assessment" submitted for	Yes

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	following noise minimisation measures should be considered at the design stage: • offsetting the location of windows in respect to the location of windows on neighbouring properties; • appropriate building separation and setbacks to neighbouring properties; • sensitive location of communal outdoor areas away from main living areas or bedroom windows of any adjoining dwelling; • the use of screen fencing or acoustic barriers as a noise buffer to external noise sources; • incorporation of double glazing for windows; and • locate similar building uses (such as bedrooms or bathrooms) back to back internally within the building, to minimise internal noise transmission.	the development and considers the proposal to be satisfactory with regard to the acoustic amenity of surrounding properties. The recommendations outlined in the acoustic assessment is recommended to be included as part of the approved documents in any approval of the development.	
2.7 Car parking	C1. Car parking will comply with the provisions set out in Part G3 of this DCP.	Refer to Part G assessment below.	
Part G – Miscellaneous Development Controls			
Part G3 – Traffic, parking, transport and access (vehicle)			
3 Parking rates	Boarding house 0.5 space / room Bicycle parking: As per State Environmental Planning Policy (Affordable Rental Housing) 2009	<u>Car parking</u> 20 boarding rooms requires 10 parking spaces. 4 onsite parking spaces are provided in a basement level. It is noted however the parking requirements of SEPP Housing takes precedence and require a compliance with a lesser rate being 0.2 parking spaces for each boarding room (4 parking spaces). The provision of 4 spaces more than satisfies this requirement.	Yes

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		Bicycle parking SEPP Housing requires the provision of bicycle parking to be "adequate". Bicycle racks accommodating bicycles is proposed at the ground level. This is considered adequate to serve the development.	
4.1 Development in residential zones	*Parking and site access* C1. Parking rates shall comply with the minimum parking rates in Section 3 of this Part of the DCP.	Achieved.	Yes
	Driveways C1. Only one driveway crossover shall be permitted per residential property where the property frontage is less than 15m.	One driveway proposed. A deferred commencement consent has been imposed requiring driveway compliance with Council's standards.	Yes, subject to a deferred commencement consent condition.
	C2. A maximum of 2 driveway crossovers shall be permitted for residential properties with a residential frontage of 15m or more.	One driveway is provided.	Yes
	C3. Single vehicle driveways shall be a maximum width of 3.5 metres along the front property boundary.	The driveway has a maximum width of 3m. For 2-way movements (entering and exiting in a forward direction), a minimum width of 5.5m is required. In this regard, a deferred commencement consent has been imposed requiring driveway compliance with Council's standards.	Yes, subject to a deferred commencement consent condition.
	C5. All new driveways shall be located a minimum of 1 metre from the side property boundaries.	2m setback provided to the northern side boundary. In this regard, a deferred commencement consent has been imposed requiring driveway compliance with Council's standards.	Yes, subject to a deferred commencement consent condition.
	C6. Where rear access is available, driveway access shall be located at the rear of the site.	The site does not have a rear access.	N/A

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	C7. Driveways servicing car parking including manoeuvring areas to the parking bays shall comply with AS 2890 – Parking Facilities unless otherwise specified by Council.	Yes, subject to a deferred commencement consent condition.	Yes, subject to a deferred commence ment consent condition.
	C8. The maximum gradient for a driveway shall be 20% or 1:5 (with appropriate transitions). However, in extreme circumstances, gradients up to 25% or 1:4 (with appropriate transitions) may be considered by Council, subject to individual merit.	Yes, subject to a deferred commencement consent condition.	Yes, subject to a deferred commence ment consent condition.
	C9. Minimum clearance of 1.2 metres shall be provided to structures, such as power poles, service pits and drainage pits.	No existing services within 1.2m of the proposed driveway.	Yes
	C10. Vehicular access points and parking areas are to be: • easily accessible and recognisable to motorists; • located to minimise traffic hazards; and • located to minimise the loss of on-street car parking.	Yes, subject to a deferred commencement consent condition.	Yes, subject to a deferred commence ment consent condition.
	C11. The area between the driveway and the property boundary shall be suitably landscaped to minimise the visual impacts of vehicular access points and to maximise the visual quality of the streetscape.	The northern side setback of the driveway does not have landscaping of this area cannot be undertaken. The visual impact of the development will be adequately minimised by the proposed landscaping within the front setback area and along the northern side of the proposed driveway.	Yes
	C12. Driveways shall be designed and constructed in materials to avoid glare and large expanses of plain concrete, whilst ensuring the driveway colour does not detract from the development and character of the street.	Can be conditioned in any consent.	Yes, subject to conditions.
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	The stormwater plan submitted with the application has been assessed by Council's	Yes, subject to conditions.

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	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.	Development Engineering department and considered satisfactory, subject to conditions.	
2.6 Flood risk management	C1. The proposed development does not result in any increased risk to human life and does not increase the potential flood affectation on other development or properties.	The subject site is identified as being a flood affected lot. The flood study and stormwater plans were reviewed by Council's Development Engineer and considered satisfactory, subject to conditions.	Yes, subject to conditions.
2.7 Water Sensitive Urban Design, water quality and water re-use	*Water reuse* C5. For all developments (excluding single dwellings and dual occupancies), rainwater tanks or a water reuse device shall be incorporated into the stormwater drainage system with a minimum storage size of 5,000 litres (for site area less than 1500 sq m) and 10,000 litres (for site area greater than 1500 sq m).	A rainwater tank is provided for the development. An Ecological Sustainable Design report was submitted as part of the application. The report concludes that the proposed development achieves the sustainability requirements contained within CDCP 2021.	Yes
	Erosion and sediment control C7. All runoff from surrounding land is diverted away from the area disturbed and polluted runoff is retained on-site.	An erosion and sediment control plan has been provided and endorsed as part of the Development Consent. Standard conditions are also recommended to be imposed to ensure adequate erosion and sediment control measures are taken during the demolition and construction phase of the development.	Yes, subject to conditions.
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;	The proposal includes the removal of 3 trees on the site. The tree removal has been assessed by Council's Landscape officer and considered satisfactory.	Yes

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	• 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.		
2.2 Tree management and proposed development	C1. All proposals and development works shall comply with Australian Standard 4970-2009 'Protection of Trees on Development Sites'.	A condition is imposed to ensure compliance with this control.	Yes
	C2. 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.	The existing tree along Burnett Road is to be retained as part of the development. Suitable conditions have been imposed to ensure these trees are protected.	Yes
	C3. Development proposals must consider existing trees situated on adjacent properties with adequate setbacks to any works and protection measures stipulated in accordance with AS4970-2009 to ensure their long-term survival.	The proposal will not impact on existing tress on adjacent properties.	Yes
	C4. The location of vehicular driveways in relation to existing trees is to consider impact on, and distance from, that tree.	The existing street trees will not be impacted by the proposed driveway. Suitable conditions are imposed to ensure they are adequately protected.	Yes
	C5. Development shall not impact trees on public land.	Satisfactory.	Yes
	C6. Trees assessed as having medium or high landscape significance retention value should be retained, with adequate setbacks to any development works to ensure their long-term survival.	No significant trees proposed to be removed.	Yes
	C7. Council may require an Arborist Report and/or Tree Protection Plan, to be prepared in accordance with Council's Submission Requirements for Consulting Arborists' Impact Assessment Report document, and submitted with development applications	An arborist report was submitted.	Yes

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	when any existing trees are to be retained.		
2.3 Landscaping	C1. Where a landscape plan is required, it shall be prepared by an appropriately qualified person such as an experienced Landscape Architect/Landscape Designer. The landscape plan shall be prepared at a minimum scale of 1:100, be fully documented with the inclusion of a plant schedule and show sufficient detail to enable construction.	The landscape plan submitted with the application has been assessed by Council's Tree Management officer and considered satisfactory.	Yes
	C2. For existing trees that are approved to be removed by Council as part of a proposed development, the following tree replacement offset planting is required: • for existing trees removed that are a height of between 4m-9m, a 1:1 replacement offset applies; and • for existing trees removed that are a height greater than 10m, a 2:1 replacement offset applies. The preference is for offset planting to be undertaken on the property related to the development application. Any alternate locations are to be considered on merit by Council, with reference to applicable strategies and plans.	Suitable tree planting is proposed as part of the subject application.	Yes
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.	A waste management plan was submitted as part of the application and is considered satisfactory.	Yes
3.2 Commercial development	C1. The number of bins required and size of storage area will be calculated against the current standard NSW commercial waste generation rates are those	Can be conditioned in any consent.	Yes, subject to conditions.

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	established by the Combined Sydney Region of Councils set out in Table 1 below. *Boarding house/guesthouse:* Waste generation: 60L/occupant/week Recycling generation: 20L/occupant/week		
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.	A condition will be imposed requiring waste bins to be located behind the building line, unseen from the street and the care taker must manoeuvre the bins to the front kerb for collection on dedicated collection day.	Yes, subject to a condition

Item No: ELPP015/26

DEVELOPMENT APPLICATION - 9 SHERWOOD ROAD, MERRYLANDS WEST

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

Application lodged	Thursday 9 October 2025.
Applicant	The Trustee for the Hezlett Investment Trust.
Owner	Hezlett Group Pty Ltd.
Application No.	DA2025/0688.
Description of Land	9 Sherwood Road Merrylands West being Lot 1 in DP 1280481.
Proposed Development	Amending development application to DA 2016/164/1 for the addition of one (1) storey each to Buildings A and B and two (2) storeys to Building C and increase the number of apartments from 90 to 117 including affordable housing apartments pursuant to State Environmental Planning Policy (Housing) 2021, reconfiguration of the ground floor retail tenancies, basement and at-grade parking and a reduction of four (4) car parking spaces.
Site Area	3,734.7 square metres.
Zoning	E1 Local centre pursuant to the Cumberland Local Environmental Plan 2021.
Disclosure of political donations and gifts	Nil disclosure.
Cost of works	$8,136,904.
Heritage	Site not listed as a heritage item under the Cumberland Local Environmental Plan 2021.
Principal Development Standards	**Height of Buildings** Permissible under CLEP 2021: - Part 23 metres (East side). - Part 17 metres (West side). SEPP (Housing) 2021 Section 16(1) permits additional 30%: - 23 + 6.9 = 29.9 metres (East side). - 17 + 5.1 = 22.1 metres (West side). Proposed height Block A - 22.23 metres (West side). Proposed height Block B - 20.1 metres (West side). Proposed height Block C - 30.18 metres (East side). **Floor Space Ratio** Permissible under CLEP 2021: - Part 2.4:1 (Former Lot 101).

	- Part 2.2:1 (Former Lot 1 & 2). SEPP (Housing) 2021 Section 16(3) permits additional 30%: 2.4:1 + 30% = 3.12:1 or 1,757.1 sq m (Former Lot 101). 2.2:1 + 30% = 2.86:1 or 9,070.2 sq m (Former Lot 1 and 2). Applicant seeking to use the full extent of 30%, as 15% affordable housing is provided. *Applicant's calculation* Former Lot 101 (north area) - 1,756.3 sq m or 3.119:1. Affordable housing - 273.24 sq m or 15.55%. Former Lot 1 and 2 area - 8,907.4 sq m or 2.808:1. Affordable housing - 1,343.8 sq m or 15.08%. *Council's calculation* Former Lot 101 (north area) - 1,756.3 sq m or 3.119:1. Affordable housing - 269 sq m or 15.3%. Former Lot 1 and 2 area - 8,907.4 sq m or 2.808:1. Affordable housing - 1,340.7 sq m or 15.05%. **Landscaping SEPP (Housing) 2021** Required - 30% of site area or 1,120.4 sq m. Proposed - 17.98% or 671.85 sq m. **Ceiling Height SEPP (Housing) 2021** Required - 3.3 metres for first storey. Proposed - 2.9 metres for first storey.
Issues	Height. Landscaping. Floor to ceiling height. Size of balconies. Width of living rooms. Depth of habitable rooms.

SUMMARY:

1. Development application 2025/0688 was lodged on Thursday 9 October 2025 being an amending development application to development consent 2016/164/1 for the addition of one storey to Buildings A and B and two storeys to Building C and increase the number of apartments from 90 to 117 including affordable housing apartments pursuant to State Environmental Planning Policy (Housing) 2021,

reconfiguration of the ground floor retail tenancies, basement and at grade parking and a reduction of four car parking spaces.

2. The development application was publicly notified to occupants and owners of the adjoining properties for a period of fourteen (14) days between Thursday 23 October 2025 and Thursday 6 November 2025. In response, Council received one submission.

3. Amended plans were submitted on Monday 16 February 2026 addressing the issues raised in correspondence issued. This included the addition of one additional affordable housing apartment. Amended plans did not need to be renotified as no significant changes occurred to the development that would have warranted re-notification.

4. The variations are as follows:

Control	Required	Provided	% variation
Building Height Section 16(3) SEPP (Housing) 2021.	Part 22.1 metres (West side). Part 29.9 metres (East side).	Proposed height Block A - 22.23 metres (West side). Proposed height Block C - 30.18 metres (East side).	130 mm or 0.584%. 280 mm or 0.92%.
Minimum landscaping Section 19(2)(b)(ii). SEPP (Housing) 2021.	30% of site area or 1,120.4 sq m.	17.98% or 671.85 sq m.	448.5 sq m or 40%.
Ceiling height Section 148(2)(c) - Non discretionary development standard. SEPP (Housing) 2021.	Ceiling heights 3.3 metres in mixed use zones for ground and first floors.	2.9 metres first floor Blocks A and C and ground and first floor Block B.	400 mm or 12.1%.
Part 4D-2 - Maximum habitable room depth to a window. Apartment Design Guide	8 m.	8.4m.	400 mm or 5%.
Part 4D-3 - Width of living rooms. Apartment Design Guide	4 metres for 2 and 3 bedroom apartments.	Building C 2 bedroom apartments living room widths - 3.4 metres.	600 mm or 17.6%.
Part E-1 - Size of balconies. Apartment Design Guide	1 bed 8 sq m. 2 bed 10 sq m. 3 bed 12 sq m.	Balconies of 2 bed apartments (As small as 9.3 sq m).	0.7 sq m or 7%.

Adaptable Housing Part 2.1 (Control C1) Chapter B5 - Adaptable Housing and Housing Mix (CDCP 2021).	For more than 20 dwellings - 20% of development. Required 24 dwellings.	18 apartments or 15.38%.	6 or 25%.
Housing Mix Part 2.2 (Control C2) Chapter B5 - Adaptable Housing and Housing Mix (CDCP 2021).	10% to be 3 bedroom apartments. Need 12.	8 apartments or 6.8%.	4 or 33.3%.

5. The application is referred to the Panel as the development is identified as being regionally significant development pursuant to Schedule 6 of the State Environmental Planning Policy (Planning Systems) 2021 incorporating affordable housing that exceeds $5 million in value. Furthermore, as per Part 15, Division 1, Section 275 of the Environmental Planning and Assessment Regulation 2021, the determination of the development application (DA) must be exercised by the Cumberland Local Planning Panel.

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

REPORT:

Subject Site and Surrounding Area

The site comprises one allotment of land being Lot 1 in DP 1280481 which is the amalgamation of three former allotments being:

- Lot 101 in DP 789369.
- Lots 1 and 2 in DP 616486.

This is known as number 9 Sherwood Road Merrylands West and the site is within zone E1 Local Centre pursuant to the Cumberland Local Environmental Plan 2021. The site dimensions are:

- Sherwood Road - 47.5 metres.
- Coolibah Street - 33.2 metres.
- North and south boundaries or depth is 95.68 metres.

The site occupies an area of 3,734.7 square metres.

The primary frontage is Sherwood Road (East) while the secondary frontage is Coolibah Street (West).

At the present time, the site is vacant land that has been excavated. The site is cordoned off from public access due to the works that have already been undertaken.

Generally, a shopping or commercial precinct exists within the locality which is split into two by the intersection of Sherwood Road with Merrylands Road. Land uses within the locality includes:

- A Hotel (Coolibah Hotel) and bottle shop including a car park to the south at 25 Sherwood Road.
- A mobile phone tower to the south within the Coolibah Hotel site.
- A McDonalds fast food retail outlet at 27 Sherwood Road to the south.
- Small scale retail and commercial outlets to the north.
- A full line IGA supermarket and car park to the northwest which adjoins the site at 530 Merrylands Road.
- A service station situated on the corner of Merrylands Road with Sherwood Road at 506 Merrylands Road.
- Various other shops, commercial premises and residential land uses close by.

A Sydney Water sewer main traverses diagonally through the site in a north to south direction which will require redirection as part of the works to be undertaken.

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



Figure 1 - Aerial view of subject site.



Figure 2 - Zoning map of the site.

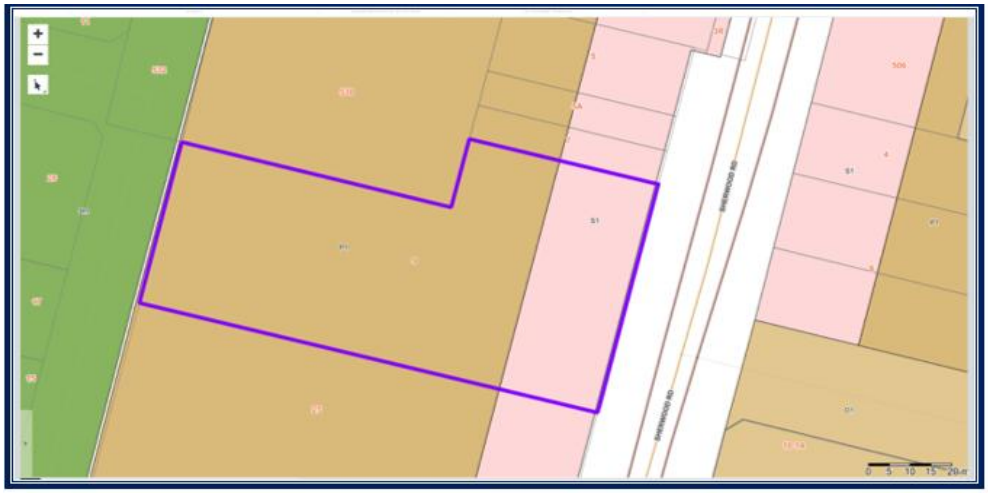

Figure 3 - Building height map.

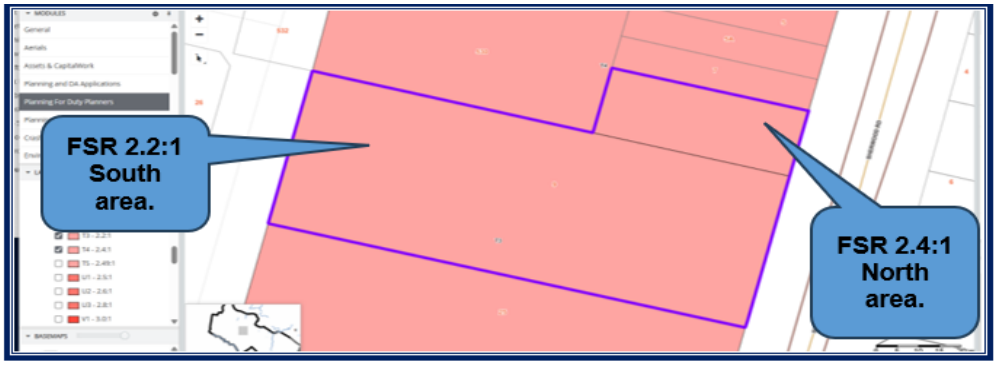

Figure 4 - Floor space ratio map.




Figure 5 - Photos of the site looking west from Sherwood Road.

Description of The Development

Development application 2025/0688 is an amending development application to the approved development under Development Consent 2016/164/1 and associated modifications granted being a shop top housing development.

The applicant is seeking to amend the above consent and subsequent modifications with the following amendments:

a) Undertake alterations and additions to the approved development which includes the delivery of a part five / part six and part nine storey shop top housing development comprising of 117 residential apartments, applying the 30% bonus for building height and floor space ratio of State Environmental Planning Policy (Housing) 2021 for infill affordable housing development.

b) Construct an additional storey to the rear building which comprises Blocks A and B. As a result, Block A and B will be 1 storey higher being part 5 and part 6 storeys in height instead of Part 4 and part 5 storeys in height.

c) Construct an additional two storeys into the front of the development facing Sherwood Road being Block C. As a result, Block C will be 2 storeys higher being 9 storeys in height instead of 7 storeys in height when viewed directly from Sherwood Road and looking west.

d) Incorporate 19 affordable apartments into the development pursuant to State Environmental Planning Policy (Housing) 2021 with all the affordable apartments located within Building C on Levels 3, 4, 5, 6 and 8.

e) Reconfigure the ground floor retail tenancies and alterations to the basement car park including a reduction of four car parking spaces.

A comparison is drawn between the most recent modification application and the current proposal as shown within the table below.

Feature	Most recent modification MOD 2020/0414	New proposal	Comment
Retail floor area	4 Shops offering 425.4 sq m.	4 shops offering 352.44 sq m of floor area.	Decrease of 72.96 sq m.
Number of apartments	90 apartments divided into: 12 x 1 beds. 71 x 2 beds. 7 x 3 beds.	117 apartments divided into: 13 x 1 bed. 96 x 2 bed. 8 x 3 bed.	Increase of + 1. + 25. + 1. 18 x 2 bed and 1 x 1 bed affordable housing.
Car parking	145 spaces.	141 spaces.	Decrease of 4 spaces.
Height in metres.	Block A - 18.45 m. Block B - 17.65 m. Block C - 23.29 m.	Block A - 22.23 m. Block B - 20.1 m. Block C - 30.18 m.	+ 3.78 m. + 2.45 m. + 6.89 m.
Common open space (Rooftop)	737 sq m.	805.69 sq m	An extra 68.69 sq m.

Minor changes are occurring throughout the approved development which is related to the primary changes sought. Generally, the form of the approved development remains intact.

History

The following development consents and associated modification applications have been approved for the site:

a) Development Application 2016/164/1 which was for the demolition of existing structures, consolidation of 3 lots into 1 lot, construction of a part 5 / part 7 storey shop top housing development comprising 86 residential units, 6 retail tenancies and basement and at grade parking accommodating 175 car parking spaces (Approved by the Sydney West Joint Regional Planning Panel on Thursday 21 December 2017).

b) Modification Application 2020/0414 which was a Section 4.55(2) application for alterations and additions to an approved mixed use development, including the removal of three retail tenancies, introduction of ten additional residential units (inclusive of an additional floor level above building B), reduction in parking and changes to the design of the building, including the provision of additional communal area, windows and blade walls (Approved Tuesday 2 November 2021).

   This was initially refused by the Sydney Central City Planning Panel but following a Class 1 Appeal to the Land and Environment Court, the application was subsequently approved as:

"Demolition of existing structures, consolidation of 3 lots, the construction of a part 5 / part 7 storey shop top housing development comprising 90 residential units, 4 retail tenancies and basement parking for 145 cars".

c) Modification Application 2021/0195 which was a Section 4.55(1A) modification for various changes to the approved shop top housing development including redesign and relocation of the substation fronting Coolibah Street and alignment of Unit 3 on the level 2 balcony with the building façade (Approved under delegated authority on Monday 21 July 2021).

Site demolition works and excavation works were undertaken during late 2020 and into 2021 although further construction works have ceased. The original development consent is activated given the amount of works already undertaken across the site.

Applicants Supporting Statement

The applicant has provided a Statement of Environmental Effects prepared by Think Planners and dated Thursday 25 August 2025 which was received as part of the development application submission to support the application.

Contact With Relevant Parties

The assessing officer has undertaken a site inspection of the subject site and surrounding properties and has been in regular contact with the applicant throughout the assessment process.

Internal Referrals

Development Engineering

The development application was referred to Council's Development Engineer for comment who has advised that the development proposal is satisfactory subject to conditions.

Environmental Health

The development application was referred to Council's Environmental Health Officer for comment who has advised that the proposal is satisfactory subject to conditions.

Tree Management

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

Waste Management

The development application was referred to Council's Waste Management Officer for comment who has provided conditions addressing waste management controls.

Design Excellence Panel

The development application was reported to the Design Excellence Panel on Monday 8 December 2025 for discussion. This occurred because Building C which fronts onto Sherwood Road exceeds a height of 25 metres.

The Cumberland Design Excellence Panel raised some concerns with the development and offered design solutions to several of the issues raised.

Following from the comments provided by the Panel, the applicant has provided a response to each matter raised. The Panels comments, the applicant's response and Council's planning comments are attached to the assessment report at Attachment 10 and 11 for Panel consideration.

External Referrals

Endeavour Energy

The development application was referred to Endeavour Energy and as per the comments received, the development sought is supported subject to conditions.

Sydney Water Corporation

The development application was referred to Sydney Water Corporation and as per the comments received, the development sought is supported subject to conditions.

New South Wales Police (Merrylands Police)

The development application was referred to New South Wales Police although Council received no comment. It is concluded that no objections are raised in relation to crime and safety matters.

Planning Comments

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

State Environmental Planning Policies

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

State Environmental Planning Policies (SEPPs)	Relevant Clause(s)	Compliance with Requirements
• **State Environmental Planning Policy (Biodiversity and Conservation) 2021.**	Chapter 2 - Vegetation in non Rural Areas.	The development application does not include the removal of any trees within the site. The site has been excavated and all previous vegetation and trees removed.

		As such, no consideration of tree removal is required under Chapter 2.
	Chapter 6 - Water Catchments. Sydney Harbour Catchment.	It is determined that given the location of the site, a detailed assessment is not required given that there is no direct impact upon the catchment and no direct impact upon watercourses. As such, the development is acceptable under the provisions 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 being within a coastal wetland area or 'land identified as "proximity area for coastal wetlands" or coastal management area.
	Chapter 4 - Remediation of Land. Part 4.6.	Part 4.6 - Contamination and remediation to be considered in determining development application. <u>Comments</u> The matter addressing land contamination was addressed under Development Consent 2016/164/1. The site has since been excavated and is now a large vacant site awaiting the commencement of construction works. There are no further contamination issues identified given the recent history of what has occurred. As such, it is considered that the development application is satisfactory under Part 4.6 of Chapter 4 of the State Policy.
• **State Environmental Planning Policy (Transport and Infrastructure) 2021.**	Chapter 2 - Infrastructure.	State Environmental Planning Policy (Transport and Infrastructure) 2021 is relevant to the development application as follows.

	Division 4 - Electricity Generating Works or Solar Energy Systems. Clause 2.41 - Exempt Development.	A future solar energy system is suggested for part of the rooftop of the development. This is exempt development and no further assessment is required.
	Clause 2.48	*Chapter 2 - Infrastructure*. Determination of development applications Subpart (2) - Give written notice to electricity providers and take account of responses received within 21 days. Comment The development application has been passed before Endeavour Energy for comment. Generally, the development application is supported subject to conditions as relevant for the development. It is identified that an electricity substation situated along the Coolibah Street frontage was approved as part of the previous modification application (2020/0414). There are no changes to the location or size of the electricity substation.
	Clause 2.119	*a) Clause 2.119 - Frontage to classified road* The application is subject to clause 2.119 of the SEPP as the site has frontage to one Classified Regional Road. Further to this, there is another Classified Road to the north being Merrylands Road. Both Sherwood Road and Merrylands Road intersect at a major intersection controlled by traffic signals. The development application does not need to be referred to Transport

		for New South Wales because no increases in car parking numbers is occurring. Generally, there is a reduction of four car parking spaces within the development which is supported. The development application is satisfactory when considered under the Clause.
	Clause 2.122	*b) Section 2.122 - Traffic generating development* *c) For developments incorporating 75 or more dwellings.* The application is subject to clause 2.122 as the proposal triggers the requirements for traffic generating developments listed in Schedule 3 of the SEPP. However, the comments provided above under Clause 2.119 are relevant to Clause 2.122. No referral to Transport for New South Wales is required.
• **State Environmental Planning Policy (Planning System) 2021**	Schedule 6.	Development of a type that is listed in Schedule 6 of Planning System SEPP is defined as 'regionally significant development'. The Environmental Planning and Assessment Amendment (Regionally Significant Development) Regulation 2025 published on Monday 15 December 2025 and commenced on Friday 16 January 2026 amended section 275 of the Environmental Planning and Assessment Regulation 2021 to prescribe that the determination of a development application (DA), the function of Sydney district or regional planning panel must be exercised by the council of the area if a local planning panel has been

		constituted. In this case, the Cumberland Local Planning Panel. The proposed development constitutes 'Regionally Significant Development' as the cost of delivering the affordable housing has Capital Investment Value (CIV) of $5,342,689 which exceeds the $5 million threshold. While Council is responsible for the assessment of the development application, determination of the application will be made by the Cumberland Local Planning Panel.
• **State Environmental Planning Policy (Sustainable Buildings) 2022** **D1**	Chapter 2 Standards for residential Development - BASIX.	BASIX Certificate number 722281M-06 has been submitted. It is shown that the proposal will meet the required target for Water, Thermal Comfort and Energy. The BASIX Certificate is determined as being acceptable for approval.
• **State Environmental Planning Policy (Housing) 2021**	Chapter 2 Affordable Housing. Division 1 - Infill Affordable Housing.	**Chapter 2 (Division 1 - Infill Affordable Housing)** The development application is seeking to use the provisions of Chapter 2 Affordable Housing being Division 1 Infill Affordable Housing (Section 15 - 21). There are two issues that requires further attention as follows: • Section 16(3) - Building Height. • Section 19 - Non discretionary development standards being subsection 19(2)(b)(ii) addressing landscaping (At g*rade and podium level*). There are Clause 4.6 Variation requests to address the matters as discussed later in the report under 'Clause 4.6 Variations'. The detailed assessment is provided at Attachment 6.

• **State Environmental Planning Policy (Housing) 2021**	Chapter 4 - Design of residential apartment development	The proposed development comprises shop top housing. An assessment against the relevant provisions of Chapter 4 of the SEPP (Housing) 2021 and the Apartment Design Guide (ADG) was undertaken. Further discussion is required in relation to the following provisions: • Section 148(2)(c) Non discretionary standard in relation to ceiling height. The following parts of the Apartment Design Guide are relevant: • Part 4D-1 - Habitable room depths. • Part 4D-3 Width of living rooms. • Part 4E-1 -Size of balconies. The matters are discussed below in detail. The detailed assessment table is contained at Attachment 7.

(a) State Environmental Planning Policy (Housing) 2021

Chapter 2 Affordable Housing Division 1 'Infill Affordable Housing' is relevant to the development application. The development is compliant with most of the provisions that are relevant except for the following:

Section 16 - Affordable Housing Requirements for Additional Floor Space Ratio. This relates to Subsection (3) specific to height.

In relation to Subsection (3), a corresponding increase of 30% of height is permitted. The permitted height limit of:

- 23 metres may increase to 29.9 metres.
- 17 metres may increase to 22.1 metres.

Proposed height Block A exhibits a height of 22.23 metres while Block C exhibits a height of 30.18 metres. The variation is 130 mm or 0.584% and 280 mm or 0.92% respectively.

This is addressed below in detail because the applicant has submitted a Clause 4.6 Variation request to the height variation sought.

Section 19 - Non - discretionary development standards for Subsection 2(b). A minimum landscaped area that is the lesser of:

(i) 35 square metres per dwelling or.

(ii) 30% of the site area.

In this case, (ii) will apply.

The landscaping at grade level and across the podium is not subject to significant change and is largely approved. The landscaping across that grade level / podium level occupies 671.85 square metres or 17.98% whereas 1,120.4 square metres or 30% is required.

This is addressed below in detail because the applicant has lodged a Clause 4.6 Variation request to Subsection 19(2)(b)(ii) landscaping at grade (30% of the site area).

This is addressed below in detail because the applicant has submitted a Clause 4.6 Variation request to the height variation sought.

(b) State Environmental Planning Policy (Housing) 2021 (SEPP (Housing) 2021) - Chapter 4 Design of residential apartment development

Chapter 4 of SEPP (Housing) 2021 applies to the development as the building is 3 storeys or more and contains more than 4 dwellings. A design statement addressing the design quality principles prescribed by Chapter 4 SEPP (Housing) 2021 was prepared by the project architect. Integral to Chapter 4 of SEPP (Housing) 2021 is the Apartment Design Guide (ADG) which sets benchmarks for the appearance, acceptable impacts and residential amenity of the development.

Following a detailed assessment of the proposal against the provisions of Chapter 4 of SEPP (Housing 2021) and the ADG, the proposal is generally considered compliant with the exception of the following.

- Section 148(2)(c) Non-discretionary development standard - Ceiling heights 3.3 metres in mixed use zones for ground and first floor apartments.
- Part 4D-2 - Habitable room depths not to exceed 8 metres from a window.
- Part 4D-3 - Width of living rooms for 2 bedroom apartments to be 4 metres.
- Part E-1 - Size of balconies for two bedroom apartments to be 10 square metres in area.

The matter concerning the non-discretionary development standard of Section 148(2)(c) is addressed separately below given that a Clause 4.6 Variation request is required and needs to be satisfied. The matters concerning the non-compliances with the Apartment Design Guide is addressed as follows.

1 - Part 4D-2 - Maximum habitable room depth to a window.

The variation of 400 mm or 5% is limited to the rear wall of kitchens being the benchtops and the location of the fridge / freezer units. The variation is considered as being relatively minor and not impacting upon residential amenity.

2 - Part 4D-3 - Width of living rooms.

The variation occurs within the Building C two bedroom apartments in which the width of living areas is 600 mm less than the minimum requirements. The variation of 17.6% is replicated throughout the approved floors of the building.

It should be noted that the new floors are being inserted into Levels 5 and 6 of the development of Building C and the additional floors effectively replicate the approved floors and position of dividing walls between apartments.

Further, the affected apartments have minimum areas of 75 to 79 square metres which is slightly larger than the minimum floor area of 70 square metres. As such, the width of the living areas does not translate to a loss of residential amenity within the respective apartments. This issue does not arise for the new apartments within Buildings A and B.

3 - Part E-1 - Size of balconies.

The balconies for many of the 2 bedroom apartments within Building A, B and C are undersized by up to 0.7 of 1 square metre or 7%. Similar to the argument provided above Part 4D-3 - Width of living rooms, the new floors replicate the approved floors and position and layout of apartments above and below. This includes the size and position of balconies, setbacks and orientation.

The variation is considered minor and consistent with the existing approval.

A comprehensive assessment against State Environmental Planning Policy (Housing) 2021 being Chapter 4 and the Apartment Design Guide is contained in Attachment 6 and 7 for Panel consideration.

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 ‘shop top housing’ development which is permissible with consent within the E1 Local Centre zone. Shop top housing is defined as:

> ***shop top housing*** *means one or more dwellings located above the ground floor of a building, where at least the ground floor is used for commercial premises or health services facilities.*

Note.

Shop top housing is a type of ***residential accommodation****—see the definition of that term in this Dictionary*.

The relevant matters to be considered under Cumberland Local Environmental Plan 2021 and the applicable clauses for the proposed development are summarised below. A comprehensive LEP assessment is contained in Attachment 8.

DEVELOPMENT STANDARD	COMPLIANCE	DISCUSSION
4.3 Height of Buildings Permissible under CLEP 2021 - Part 23 metres (East side). - Part 17 metres (West side). SEPP (Housing) 2021 Section 16 permits additional 30%: - 23 + 6.9 = 29.9 metres. - 17 + 5.1 = 22.1 metres.	No	SEPP (Housing) 2021 Overrides the LEP but a variation to the SEPP which is addressed throughout the report. Proposed height Block A - 22.23 metres. Proposed height Block B - 20.1 metres. Proposed height Block C - 30.18 metres.
4.4 Floor Space Ratio Permissible under CLEP 2021: - Part 2.4:1 (Former Lot 101). - Part 2.2:1 (Former Lot 1 & 2). SEPP (Housing) 2021 Section 16 permits additional 30%: **2.4:1 + 30% = 3.12:1 or 1,757.1 sq m (Former Lot 101).** **2.2:1 + 30% = 2.86:1 or 9,070.2 sq m (Former Lot 1 and 2).** Applicant seeking to use the full extent of 30% as 15% affordable housing is being provided.	No	*Applicant's calculation* Former Lot 101 (north area) - 1,756.3 sq m or 3.119:1. Affordable housing - 273.24 sq m or 15.55.%. Former Lot 1 and 2 area - 8,907.4 sq m or 2.808:1. Affordable housing - 1,343.8 sq m or 15.08%. *Council's calculation* Former Lot 101 (north area) - 1,756.3 sq m or 3.119:1. Affordable housing - 269 sq m or 15.3%. Former Lot 1 and 2 area - 8,907.4 sq m or 2.808:1. Affordable housing - 1,340.7 sq m or 15.05%.
4.6 Exceptions to Development Standards		Refer to detailed assessment below.

1 - Clause 4.6 - Variation to Building height Section 16(3) SEPP Housing 2021

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 building height being 130 mm or 0.584% for Building A (West side) and 280 mm or 0.92% for Building C (East side) under Section 16(3) SEPP (Housing) 2021.

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 proposal will be in keeping with the character of new apartments delivered in the area that apply the infill affordable housing height provisions of the Housing SEPP 2021. It is notable that the provision of additional rental housing supply and affordable housing supply is a critical need within the community, with this proposal providing substantial public benefit.

Further, the proposal has been designed so that no habitable floor area exceeds the height standard, with the variation being limited to lift overrun and roof slab and largely a function of carrying through the prior departure that applied to the proposal.

The objectives of the height development standard, drawn from the LEP given the lack of specific objectives under the Housing SEPP are stated as:

a) to establish a maximum height of buildings to enable appropriate development density,

b) to ensure that the height of buildings is compatible with the character of the locality,

c) to minimise the visual impact of development,

d) to ensure sufficient solar access and privacy for neighbouring properties.

Despite the height breach, the proposal remains consistent with the objectives of the clause as noted below.

Objective of Clause 4.3	***Response***
(a) To establish maximum building heights to achieve appropriate density.	*The proposal complies with uplifted FSR controls under SEPP (Housing) 2021. Density outcomes are governed by compliant GFA. The minor height exceedance does not generate additional floor space beyond that permitted under the uplift provisions. The objective of controlling density is therefore achieved.*
(b) To ensure that the height of buildings is compatible with the character of the locality.	*The site is located within the Merrylands Town Centre context, characterised by multi-storey residential and mixed-use buildings. The amendment is vertical only and does not alter setbacks, podium scale or street wall presentation. The minor exceedance is visually negligible and does not alter perceived building scale. Compatibility with local character is maintained.*
(c) To minimise the visual impact of development.	*The exceedance is largely confined to lift overrun and roof slab elements that are centrally located and visually recessive. A variation of 130–280mm at the upper parapet level is imperceptible from the public domain. The development maintains articulation, modulation and established massing. Visual impact is not increased in any meaningful way.*
(d) To ensure sufficient solar access and privacy for neighbouring properties.	*Updated shadow diagrams confirm no unreasonable additional overshadowing compared to the approved development. The height breach is centrally located and does not extend towards boundaries. No material additional privacy impacts arise. Solar and privacy performance remain acceptable.*

The objectives of the height development standard are therefore achieved notwithstanding the minor non-compliance.

Strict compliance would not yield any measurable improvement in density control, character outcomes, visual impact, solar access or privacy. Accordingly, compliance with the standard is unreasonable or unnecessary in the circumstances.

Planning comments:

It is agreed that the height variation does not cross through habitable floor areas of either Building A, B and C and that the variation is minor in extent and not perceptible to the streetscape. The majority of the development is compliant with the height standards and additional floor space ratio is not generated by the variation identified. The application is providing affordable housing within proximity of public transport and close to services such as a supermarket and the nearby Merrylands Town Centre.

***(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:

Flood-Responsive Design

The site is flood-affected and subject to Council flood controls requiring finished floor levels to incorporate freeboard above the 1% AEP flood level.

The ground floor and podium levels are therefore elevated to ensure flood resilience and occupant safety. This necessary elevation of the building datum contributes to the overall building height and marginally increases the roof level relative to natural ground.

Requiring strict compliance with the uplifted height limit would necessitate a reduction in floor-to-ceiling heights or structural slab depth, thereby compromising internal amenity and design integrity in order to offset flood-induced height.

The minor exceedance is therefore a direct and reasonable consequence of responsible flood planning and should not be penalised.

Accessibility and Building Code Requirements

The exceedance primarily relates to lift overrun and associated structural elements.

Lift overrun heights are governed by functional and safety requirements under the Building Code of Australia and accessibility standards. They are not discretionary architectural embellishments. Reducing lift overrun height to achieve numeric compliance would compromise accessibility outcomes or require redesign of vertical transport systems.

The planning system should not require suboptimal accessibility design to achieve strict numeric compliance where the exceedance is negligible in visual terms.

Affordable Housing Incentive Framework

The proposal provides 19 affordable rental dwellings (15% of total yield) managed by a registered Community Housing Provider. The SEPP (Housing) 2021 height uplift is expressly intended to facilitate affordable housing delivery in appropriate locations.

The minor exceedance arises in the context of applying that incentive and refining an already approved building envelope to deliver affordable housing.

The environmental planning ground is therefore directly tied to State housing policy objectives, including:

- Promoting the delivery of affordable housing.
- Encouraging infill development in serviced centres.
- Making efficient use of existing infrastructure.

The variation enables achievement of these objectives without generating adverse environmental impacts.

Established Built Form Context

The site already benefits from an approved multi-storey shop top housing envelope.

The amendment does not introduce a fundamentally different building typology, footprint or massing. The proposal builds logically upon the approved envelope and applies State-endorsed uplift provisions.

The height exceedance is proportionate and consistent with the evolving town centre character.

Absence of Adverse Environmental Impacts

The minor height exceedance:

- Does not materially alter overshadowing patterns.
- Does not generate additional overlooking impacts.
- Does not expand the building footprint.
- Does not increase FSR beyond compliant levels.

- Does not alter traffic generation beyond the uplift framework.

The absence of adverse environmental impact is a legitimate environmental planning ground, as recognised in Initial Action. Taken together, these matters constitute clear and sufficient environmental planning grounds that are specific to the site and directly related to the nature of the noncompliance.

Overall, the minor departure enables a suitable design outcome, consistent with the following Objective of the Environmental Planning and Assessment Act 1979:

(g) to promote good design and amenity of the built environment,

Therefore, the current proposal is a preferred outcome from an environmental planning perspective and demonstrates that there is merit in varying the height control to achieve a better design response on the site which demonstrates sufficient environmental planning grounds to support the departure.

Planning comments:

The development satisfactorily addresses overland flow paths and levels are satisfactory. The variation relates to limited parts of the topmost roof level and or lift overrun and not habitable floor area. For the most part, the development is compliant.

It is agreed that an affordable housing content is supplied that reaches 15% of the total floor area across the development and compliant with both floor space ratio controls applicable to the site.

The site already benefits from an approved multi storey shop top housing envelope which is not altered. Further, the consent is active given the works already undertaken across the site.

The minor height exceedance does not have adverse shadow impacts across the immediate locality with all shadows falling across a car park.

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.

2 - Clause 4.6 - Variation to landscaping Section 19(2)(e) - SEPP (Housing) 2021

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 Section 19(2)(e) of SEPP (Housing) 2021.

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 Approved Development Baseline

This proposal is an amending development application not a new DA for an undeveloped site. The approved development established:

- The building footprint.
- The podium configuration.
- Basement extent.
- Ground level landscape distribution.

The amendment does not increase the building footprint, expand the basement, or reduce landscaped area.

The 17.98% landscaped provision is identical to the approved outcome. The shortfall to 30% is therefore a historical condition of the approved built form, not a new planning anomaly created by the amendment.

Requiring strict compliance would necessitate removal or redesign of part of the approved building envelope - an outcome disproportionate to the limited numeric variation and beyond the proper scope of an amending application.

No Increase in Site Coverage

The amendment is vertical only. It does not:

- Increase ground coverage.
- Reduce deep soil.
- Encroach further into landscaped zones.
- Introduce new hardstand areas.

The landscaping performance of the site remains unchanged from the approved consent.

Landscaping Function and Performance

The landscaped areas provided:

- Contribute to stormwater management.
- Provide visual relief within the town centre context.
- Support communal and private open space.
- Enhance streetscape quality.

The numeric departure does not result in qualitative landscape deficiency.

The purpose of the landscaped area control - to prevent excessive overdevelopment is satisfied.

The objectives of the standard are achieved notwithstanding non-compliance with the standard. There is no specific objective to the standard, rather a single objective to the division, and this is considered below for completeness. The objective of this division is to facilitate the delivery of new in-fill affordable housing to meet the needs of very low, low and moderate income households.

The proposal provides a total of additional units for dedication as affordable housing. This meets the objective of the division, and therefore the technical departure from the landscaped area is considered appropriate, noting again that the departure is a function of the prior consent.

Planning comments:

The development application is an amending application to seek a bonus on floor space ratio and building height for providing affordable housing to the development. The application does not alter the building footprints, the podium level and basement car park to any significant degree.

The landscaping is identical to what is already approved. The shortfall is a historic condition to the approved built form rather than being a new planning anomaly created by the amendment. To address the shortfall, the podium level would need to be fully redesigned which falls outside the scope of the current development application.

(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 non-compliance is entirely inherited from the approved development. The amendment does not aggravate the landscaped shortfall.

The planning system does not require wholesale redesign of an approved building envelope where an amendment does not worsen environmental impacts. This is a site-specific and approval-specific planning ground directly related to the noncompliance.

Absence of Environmental Impact

The 17.98% landscaped provision has already been assessed and approved. The amendment does not:

- Increase overshadowing.
- Reduce privacy.
- Affect drainage outcomes.
- Compromise adjoining development potential.
- Increase traffic impacts.

Housing SEPP Policy Objectives

The proposal delivers 19 affordable rental dwellings (15%). Strict compliance with the 30% landscaped requirement would:

- Require removal of approved built form.
- Undermine affordable housing delivery.
- Produce limited environmental gain relative to the disruption required.

The variation supports the broader objective of facilitating infill affordable housing in appropriate locations.

Proportionality

The development still achieves nearly 18% landscaped area, representing over 60% compliance with the quantitative requirement.

In a town centre mixed-use context, this represents a substantial landscaping outcome. The scale of the variation is modest and proportionate. Overall, the minor departure enables a better design outcome, consistent with the following Objectives of the Environmental Planning and Assessment Act 1979:

(d) to promote the delivery and maintenance of affordable housing,

(g) to promote good design and amenity of the built environment,

Therefore, the current proposal demonstrates that there is merit in varying the landscaped area standard to deliver affordable rental housing and achieve a better design response on the site which demonstrates sufficient environmental planning grounds to support the departure.

Planning comments:

The landscaping is generally approved. Minor changes are not significant and it is agreed that the development does not result in:

- Adverse shadow or privacy issues.
- Affect drainage outcomes.
- Compromise the development potential of adjoining allotments of land.
- Increase traffic impact to what is already approved.

To achieve compliance, the development would need to be redesigned which is outside the scope of the development application.

The development application supports the inclusion of affordable housing close to services.

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.

3 - Clause 4.6 - Variation to the floor to ceiling height (Clause 148(2)(c) - SEPP (Housing) 2021

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 Section 148(2)(c) of SEPP (Housing) 2021 for floor to ceiling height.

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 proposed 2.9m floor-to-ceiling height provides generous internal volume and comfortably exceeds minimum habitable room heights required under the Apartment Design Guide and Building Code of Australia.

A 2.9m ceiling height does not result in substandard internal amenity, cramped conditions, or reduced liveability. The planning objective of ensuring appropriate internal residential amenity is therefore achieved.

Street Interface and Activation

The 3.3m requirement is most relevant in circumstances where residential uses directly address the street and form the public domain interface.

In this development, the ground floor comprises commercial tenancies which provide activation, visual interest and pedestrian engagement. The Level 1 residential floor is elevated above this commercial layer and does not perform a street activation role. Strict compliance with the 3.3m requirement would not materially improve public domain outcomes.

Adaptability

A 3.3m ceiling height may also support potential future conversion of ground floors to non-residential uses. In this case, the commercial interface is already provided at ground level. The Level 1 residential floor is structurally and functionally integrated as residential accommodation and is not intended to be adaptable to commercial use.

The adaptability rationale underpinning the standard is therefore not engaged.

Consequence of Strict Compliance

If strict compliance were required, the building height would need to increase by 400mm to achieve this. This would:

- Increase overall building height.
- Exacerbate the height variation under Clause 4.3 of CLEP 2021.
- Introduce additional bulk.
- Deliver negligible improvement to internal amenity.

In practical terms, strict compliance would produce a less coherent planning outcome when assessed holistically. Compliance with Clause 148(2)(c) is therefore unreasonable and unnecessary in the circumstances. This is particularly the case because the departure is a historical one that is not reduced by this Amending DA.

Planning comments:

The variation is limited to:

- Building A - First floor.
- Building B - Ground and first floor.
- Building C - First floor.

The approved floor to floor heights are 3 metres which has been increased to 3.1 metres being a 100 mm increase. In addition, the floor to ceiling height is increased to 2.9 metres. This is compliant with the Building Code of Australia. The applicant has elected to increase the floor to ceiling heights to improve residential amenity. This is an historic variation, but the variation is reduced in this application. This should be supported in this instance.

An increase in the floor to ceiling height would increase the overall height of the development and exacerbate the height variation observed.

(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:

Amending Development Application Context

This proposal is an Amending Development Application to an approved shop top housing development. The approved development established:

- Basement levels.
- A ground floor commercial slab.
- A defined podium configuration.
- Structural slab depths and transfer beams.

The present amendment does not alter the fundamental structural relationship between these elements.

The variation arises from the established podium configuration and structural grid endorsed under the original consent. The amendment does not aggravate or deepen any structural constraint; rather, it maintains consistency with the approved envelope while delivering additional affordable housing.

Requiring strict compliance would necessitate structural redesign and increased building height - outcomes disproportionate to a 400mm variation. The approved development baseline is therefore a relevant environmental planning consideration.

Flood-Responsive Design

The site is subject to flood planning controls requiring elevated finished floor levels and freeboard above the 1% AEP flood level.

The ground floor commercial and podium levels are elevated accordingly.

This flood-responsive design raises the overall building datum and influences vertical relationships between levels.

Maintaining a 3.3m ceiling height at Level 1 would further increase overall building height and compound height variation issues. The 2.9m ceiling height represents a balanced and proportionate design response to flood constraints.

Absence of Environmental Impact

The 400mm shortfall:

- Does not alter external building bulk.
- Does not change overshadowing patterns.
- Does not affect privacy.
- Does not alter streetscape presentation.
- Does not impact traffic generation.

The absence of adverse environmental impact is a legitimate environmental planning ground as recognised in Initial Action.

Proportionality

Although numerically expressed as a 12.12% departure, the proposal still provides a 2.9m ceiling height - a dimension consistent with high quality contemporary apartment design.

The departure is confined to a single level and does not represent a systemic reduction in amenity across the building. The scale of the variation is proportionate to the structural and flood-related constraints affecting the site. Taken together, these matters constitute clear and sufficient environmental planning grounds that are specific to the site and directly related to the nature of the noncompliance.

Overall, the minor departure enables a suitable design outcome, consistent with the following Objects of the Environmental Planning and Assessment Act 1979:

Planning comments:

This an amending development application to an approved shop top housing development which has already established the basement levels, first floor levels, the ground floor commercial slab, the podium and slab depths. The changes sought do not alter the structural relationships between the elements. The variation was created

under the original development consent. In this application, the variation is reduced which should be supported.

A partial redesign of the development would be required to address the matter which lies outside the scope of the development application. However, the applicant has increased the floor to ceiling heights by 100 mm which improves internal amenity. This in turn reduces the impact of the historical variation that has occurred.

Any further increases in the floor to ceiling heights would lift the entire development higher thus impacting upon the overall height and creating greater variations to the height control.

The variation is confined to a limited part of the development.

There are no adverse environmental impacts created by the variation.

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 been undertaken. The public exhibition was carried out between Tuesday 4 March 2025 and Thursday 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 Thursday 9 October 2025 and the site does not fall within the Draft Woodville Road Corridor. Therefore, no further consideration is required.

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

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

The development has been assessed using the following chapters:

a) **Part B - Development in Residential Zones**

- Part B3 Residential Flat Buildings.
- Part B5 Adaptable Housing and Housing Mix.

b) Part C - Development in Business Zones

c) Part F4-2 Mays Hill, Finlayson and Sherwood Road Transitway Precinct

d) Part G - Miscellaneous Development Controls

- Part G3 Traffic, Parking, Transport and Access (Vehicle).
- Part G5 Sustainability, Biodiversity and Environmental Management.
- Part G6 Telecommunication Towers.
- Part G7 Tree Management and Landscaping.
- Part G8 Waste Management.

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

Provision	Requirement	Provided	Compliance Yes/No
Adaptable Housing Part 2.1 (Control C1) Chapter B5 - Adaptable Housing and Housing Mix.	More than 20 dwellings 20% of development. Require 24 dwellings	18 apartments or 15.38%.	6 or 25%.
Housing Mix Part 2.2 (Control C2) Chapter B5 - Adaptable Housing and Housing Mix.	10% to be 3 bedroom apartments.	8 apartments.	4 or 33.3%.

Part 2.1 (Control C1) - Adaptable Housing

The development should be providing at least 24 apartments that are adaptable, however only 18 are considered to achieve such status. The variation is 25%. In support of this:

- The original consent provided 13 adaptable apartments or 14.4%.
- The amending application provides for 18 adaptable apartments or 15.38%. This is an increase in percentage terms when considered against the earlier approval granted but still a variation overall to the planning control. Given the increase in percentage terms, this may be supported.

Part 2.2 (Control C2) - Housing Mix

The development is being earmarked as a mix of normal housing and affordable housing and thus the following is proposed:

- 13 x 1 bedroom apartments or 11.1%.
- 96 x 2 bedroom apartments or 82.1%.
- 8 x 3 bedroom apartments or 6.8%.

As part of the previous consent, the number of three bedroom apartments totalled 7 or 7.7%. A minor reduction of 0.9% is observed but the development provides for 19 affordable housing apartments which provide for a greater range of housing within the development. As such, the variation may be supported.

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 fourteen (14) days between Thursday 23 October 2025 and Thursday 6 November 2025. During the notification period, Council received one submission which occurred after the notification period had been completed. Under Schedule 1, Part 1, Division 3, Section 15(3) of the Environmental Planning and Assessment Act 1979, is not a submission for the purposes of the Act, the regulations or and environmental planning instrument. However, Section 15(4) does not prevent the Council from

consider the submission. In this instance, Council has considered the submission and is addressed in detail below.

Issue	Response
The original development application was found to be blocking the mobile phone tower and we were working on a possible tower extension. The amended application is proposing to place an additional two floors onto the building which will make the matter worse This will impact upon the tower. We would like to discuss this further with Council.	As part of the RFI letter issued, the issue of the mobile phone tower was addressed and the applicant was asked to provide an electromagnetic pulse report addressing this. This has been submitted and reviewed by relevant engineer's experienced in electromagnetic pulse related matters. Comments have been provided and it is identified that the primary issue is the building blocking signal strength. Council officers have since become aware that the applicant is working with the owner of the tower to formulate a resolution which includes a probable relocation of the tower through a commercial agreement. As such, any agreement between private parties is outside the scope of the development application.

Amended plans were submitted on Monday 16 February 2026 addressing the issues raised following the issue of correspondence. This included the addition of one additional affordable housing apartment. Amended plans did not need to be renotified as no significant changes occurred to the development that would have warranted re-notification.

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

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

CUMBERLAND LOCAL INFRASTRUCTURE CONTRIBUTIONS PLANS 2020

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

In accordance with the Contribution Plan a contribution is payable, pursuant to Section 7.11 of the Environmental Planning & Assessment Act 1979 which is calculated on the cost of works. The contribution amount is $168,090 which is 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 (Housing) 2021, the Cumberland Local Environmental Plan 2021 and the Cumberland Development Control Plan 2021 and is considered to be satisfactory for approval subject to conditions.

The proposed development is appropriately located within the E1 Local Centre zone under the relevant provisions of the Cumberland Local Environmental Plan 2021, however variations in relation building height, landscaping and floor to ceiling height under State Environmental Planning Policy (Housing) 2021 are sought.

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 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 Building Height development standard pursuant to Section 16(3) of State Environmental Planning Policy (Housing) 2021 be supported.**

2. **Clause 4.6 variation request to contravene the landscape provision development standard pursuant to Section 19(2)(e) of State Environmental Planning Policy (Housing) 2021 be supported.**

3. **Clause 4.6 variation request to contravene the floor to ceiling height provision development standard pursuant to Section 148(2)(c) of State Environmental Planning Policy (Housing) 2021 be supported.**

4. **Development Application 2025/0688 being an amending Development Application to DA2016/164/1 for the addition of one (1) storey each to Buildings A and B and two (2) storeys to Building C, increase in the total number of apartments from 90 to 117 including affordable housing apartments pursuant to State Environmental Planning Policy (Housing) 2021, reconfiguration of the ground floor retail tenancies, basement and at-grade parking and a reduction of four (4) car parking spaces. on land at 9 Sherwood Road Merrylands West be approved subject to conditions.**

5. **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 and Landscape Plans ⇩
3. Clause 4.6 Variation Request for Building Height ⇩
4. Clause 4.6 Variation Request for Landscaping ⇩
5. Clause 4.6 Variation Request for the floor to ceiling height ⇩
6. Appendix A - Affordable Rental Housing Assessment Table ⇩
7. Appendix B - Apartment Design Guide Assessment Table ⇩
8. Appendix C - Cumberland Local Environmental Plan 2021 Assessment Table ⇩
9. Appendix D - Cumberland Development Control Plan 2021 Assessment Table ⇩
10. Appendix E - Design Excellence Panel Minutes ⇩
11. Appendix F - Applicants Response to Design Excellence Panel comments ⇩
12. Plans approved under Modification Consent 2020/0414 ⇩
13. Redacted Submission ⇩

DOCUMENTS ASSOCIATED WITH REPORT ELPP015/26

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:	DA2025/0688
Applicant:	E Maroun PO Box 3980 PARRAMATTA NSW 2124
Property Description:	9 Sherwood Road Merrylands West. Lot 1 DP 1280481.
Development:	Amending Development Application to DA2016/164/1 for the addition of one (1) storey each to Buildings A and B and two (2) storeys to Building C, increase in the total number of apartments from 90 to 117 including affordable units pursuant to State Environmental Planning Policy (Housing) 2021, reconfiguration of the ground floor retail tenancies, basement and at-grade parking, and reduction of four (4) car parking spaces.
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.

Drawing	Title	Issue	Date	Prepared By
Drawing Number 000	BASIX Report	C	18/12/2025	Architex
Drawing Number 001	BASIX Report	C	18/12/2025	Architex
Drawing Number 002	BASIX Report	C	18/12/2025	Architex
DA 05	Basement Level 1	E	18/12/2025	Architex
DA 06	Level 1	E	18/12/2025	Architex
DA 07	Level 2	E	18/12/2025	Architex
DA 08	Level 3	E	18/12/2025	Architex
DA 09	Level 4	E	18/12/2025	Architex
DA 10	Level 5 (Exist Blocks A/B/C Level 4 copies up	E	18/12/2025	Architex
DA 11	Level 6 (Previous Block AB Level 5) and (Exist Block C Level 4 copied up)	E	18/12/2025	Architex
DA 12	Level 7 (Previous Block C Level 5) and Block A/B Roof Terrace	E	18/12/2025	Architex
DA 13	Level 8 (Previous Block C Level 6)	E	18/12/2025	Architex
DA 14	Level 9 (Previous Block C Level 7)	E	18/12/2025	Architex

DA 15	Level 10 (Previous Block C Level 8)	E	18/12/2025	Architex
DA 16	Roof Level (Block C)	E	18/12/2025	Architex
DA 17	Section Through Blocks A/B/C	E	18/12/2025	Architex
DA 21	Block A and B East and South Elevations	E	18/12/2025	Architex
DA 22	Block A and B West and North Elevations	E	18/12/2025	Architex
DA 23	Block C East Elevation	E	18/12/2025	Architex
DA 24	Block C West Elevation	E	18/12/2025	Architex
DA 25	Block C North and South Elevations	E	18/12/2025	Architex
SW001	Stormwater Layout Plan Cover Sheet	A	13/02/2026	Capital Engineering Consultants
SW010	Stormwater Layout Plan Basement Floor Plan Notes and Details (1/2)	A	13/02/2026	Capital Engineering Consultants
SW011	Stormwater Layout Plan Basement Floor Plan, Notes and Details (2/2)	A	13/02/2026	Capital Engineering Consultants
SW020	Stormwater Layout Plan Level 1 Floor Plan, Notes and Details (1/2)	A	13/02/2026	Capital Engineering Consultants
SW021	Stormwater Layout Plan Level 1 Floor Plan, Notes and Details (2/2)	A	13/02/2026	Capital Engineering Consultants
SW030	Stormwater Layout Plan Level 2 Floor Plan, Notes and Details (1/2)	A	13/02/2026	Capital Engineering Consultants
SW031	Stormwater Layout Plan Level 2 Floor Plan, Notes and Details (2/2)	A	13/02/2026	Capital Engineering Consultants
SW032	Stormwater Layout Plan Site Catchment Plan	A	13/02/2026	Capital Engineering Consultants
SW033	Stormwater Layout Plan OSD Tank Plan and Section Details	A	13/02/2026	Capital Engineering Consultants
SW034	Stormwater Layout Plan RWT Plan and Section Details	A	13/02/2026	Capital Engineering Consultants
ER0001	Stormwater Layout Plan Erosion and Sediment Control Plan, Notes and Details (1/3)	A	13/02/2026	Capital Engineering Consultants
ER0002	Stormwater Layout Plan Erosion and Sediment Control Plan, Notes and Details (2/3)	A	13/02/2026	Capital Engineering Consultants
ER0003	Stormwater Layout Plan Erosion and Sediment Control Plan, Notes and Details (3/3)	A	13/02/2026	Capital Engineering Consultants
1297.GD.01	Landscape Plan Level 1 Area 1	1	1/2/2026	Greenland Design Landscape

				Architects
1297.GD.02	Landscape Plan Level 2 Blocks A and B	1	1/2/2026	Greenland Design Landscape Architects
1297.GD.03	Landscape Plan Level 2 Block C	1	1/2/2026	Greenland Design Landscape Architects
1297.GD.04	Landscape Plan Level 3 Blocks A and B	1	1/2/2026	Greenland Design Landscape Architects
1297.GD.05	Landscape Plan Level 3 Block C	1	1/2/2026	Greenland Design Landscape Architects
1297.GD.06	Landscape Plan Level 7	1	1/2/2026	Greenland Design Landscape Architects
1297.GD.07	Landscape Details and Specification	1	1/2/2026	Greenland Design Landscape Architects
Reference 7255-3.1R	Acoustic Impact Assessment Report		12 February 2026	Day Design Pty Ltd
	Electromagnetic Field Assessment	V1	26 September 2026	Noel Child
	BASIX Assessment Report	4	24/9/2025	ESD Synergy Pty Ltd
	BASIX Certificate	72228 1M-06	24 September 2025	ESD Synergy Pty Ltd
	Correspondence		17 December 2020 22 October 2025	Endeavour Energy
0012224740	NatHERS Certificate		24 September 2025	ESD Synergy Pty Ltd
REF25090	Waste Management Plan		September 2025	Dickens Solutions

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

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

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

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

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

5. DAGCZ01 - Modification of Development Consent 2016/164/1, Modification Application 2021/0195 and Modification Application 2020/0414

Development consent 2025/0668 relating to 9 Sherwood Road Merrylands West amends and changes various aspects of development consent 2016/164/1 and Modification Application 2021/0195 and Modification Application 2020/0414.

Pursuant to Section 4.17(1)(b) of the Environmental Planning and Assessment Act 1979, development consent 2016/164/1 and Modification Application 2021/0195 and Modification Application 2020/0414 must be modified in the following manner:

The approved documentation specified in Condition 2 of Modification Consent 2020/0414 is amended to read as follows:

Drawing	Title	Issue	Date	Prepared By
DA 01	Basement Level 1	GG	7/9/2021	Architex
DA 02	Level 1	II	7/9/2021	Architex
DA 03	Level 2	II	14/9/2021	Architex
DA 04	Level 3	EE	7/9/2021	Architex
DA 05	Level 4	EE	7/9/2021	Architex
DA 06	Level 5	FF	14//9/2021	Architex
DA 07	Level 6	FF	14/9/2021	Architex
DA 08	Levels 7 and 8	DD	30/6/2021	Architex
DA 09	Roof Level	EE	7/9/2021	Architex
DA 10	East Elevation	EE	14/9/2021	Architex
DA 11	West Elevation	EE	7/9/2021	Architex
DA 12	North - South Elevations	EE	7/9/2021	Architex
DA 13	Site Elevations	EE	7/9/2021	Architex
DA 13a	Site Elevations 2	EE	7/9/2021	Architex
DA 13b	Building Height Details	EE	7/9/2021	Architex
DA 14	Site Sections	EE	7/9/2021	Architex
DA 15	Adaptable Unit Layouts	A	3/5/2016	Architex
DA 16	Unit Layouts	L	8/9/2017	Architex
DA 17	Unit Layouts	A	3/5/2016	Architex
DA 18	Unit Layouts	F	12/1/2017	Architex
DA 23	Demolition Plan	A	3/5/2016	Architex
DA 24	Ramp Details	C	7/9/2021	Architex
DA 24a	Driveway Section and Site Details	A	7/9/2021	Architex
DA 25	Waste Management Plan and Mailbox Details	J	17/8/2021	Architex
DA 35	Sections - Sewer Pipe Clearance	T	9/3/2020	Architex
DA 36	Sections Sewer Pipe / Shaft Detail	T	9/3/2020	Architex
DA 40	Substation Details	HH	17/8/2021	Architex
DA 41	Substation Details 2	FF	22/4/2021	Architex

Engineering Plans (Job No 152022016DA)

Drawing	Title	Issue	Date	Prepared By
15202-01/B	Erosion and Sediment Control Plan	B	19/12/2016	ING Consulting Engineers
15202-02/B	Basement Plan	B	19/12/2016	ING Consulting Engineers
15202-03/B	Level 1 Floor Plan	B	19/12/2016	ING Consulting Engineers
15202-04/B	Level 2 Floor Plan	B	19/12/2016	ING Consulting

				Engineers
15202-05/B	Level 3 Floor Plan	B	19/12/2016	ING Consulting Engineers
15202-06/B	Level 4 Floor Plan	B	19/12/2016	ING Consulting Engineers
15202-07/B	Level 5 Floor Plan	B	19/12/2016	ING Consulting Engineers
15202-08/B	Level 6 Floor Plan	B	19/12/2016	ING Consulting Engineers
15202-09/B	Level 7 and 8 Floor Plan	B	19/12/2016	ING Consulting Engineers
15202-10/B	Roof Plan	B	19/12/2016	ING Consulting Engineers
15202-11/B	Notes and Details	B	19/12/2016	ING Consulting Engineers
15202-12/B	Notes and Details 2	B	19/12/2016	ING Consulting Engineers
	Councils OSD No 2017-068			

Landscape Plans

Drawing	Title	Issue	Date	Prepared By
1297.L.01	Landscape Plan Level 2 Area 1	F	14/9/2021	Greenland Design
1297.L.02	Landscape Plan Level 2 Area 2	F	14/9/2021	Greenland Design
1297.L.03	Landscape Plan Level 3 Planters	F	14/9/2021	Greenland Design
1297.L.04	Landscape Plan Level 4	F	14/9/2021	Greenland Design
1297.L.05	Landscape Plan Level 6	F	14/9/2021	Greenland Design
1297.L.06	Landscape Details and Specification	F	14/9/2021	Greenland Design

Documentation

- Stage 2 Detailed Site Investigation, prepared by SLR Global Environmental Solution, Report No 610.16797-R01, dated 7 October 2016.
- Acoustic Impact Assessment Report prepared by Day Design Pty Ltd, report reference 7255-1.1R, dated 8 September 2021.
- Traffic and Parking Assessment prepared by Mc Laren Traffic Engineering, Reference Number 16086.01FA, dated 4 May 2016 and addendum report prepared by Mc Laren Traffic Engineering, Reference No 16511.01FA dated 13 January 2017.
- Supplementary Letter of Advice prepared by Mc Laren Traffic Engineering, Reference No 210416.11FB, dated 9 September 2021.
- Electromagnetic Field Assessment prepared by NG Child and Associates, Project Ref CA/21/153-2001, Version 1, dated 13 September 2021.
- Waste Management Plan prepared by Dickens Solutions, Ref-20180, dated September 2021.
- Schedule of External Colours and Finishes filed with the Land and Environment Court on 20 September 2021.
- BASIX Certificate No 722281M-05 dated 1 October 2021.
- Correspondence by Endeavour Energy dated 17 December 2020 and dated 22 October 2025.

- Correspondence prepared by Roads and Maritime Services, Ref SYD16/0067/02, dated 12 April 2017 and all conditions contained therein, and

- Correspondence prepared by NSW Police, Holroyd LAC, Reference No, D/2016/244136, dated 9 June 2016 and all conditions contained therein.

Note - For inconsistencies that arise in respect of the ramp design or other features between engineering drawings and architectural drawings, the architectural plans prevail.

As amended by the following plans approved by Development Consent 2025/0688.

Drawing	Title	Issue	Date	Prepared By
Drawing Number 000	**BASIX Report**	**C**	**18/12/2025**	**Architex**
Drawing Number 001	**BASIX Report**	**C**	**18/12/2025**	**Architex**
Drawing Number 002	**BASIX Report**	**C**	**18/12/2025**	**Architex**
DA 05	**Basement Level 1**	**E**	**18/12/2025**	**Architex**
DA 06	**Level 1**	**E**	**18/12/2025**	**Architex**
DA 07	**Level 2**	**E**	**18/12/2025**	**Architex**
DA 08	**Level 3**	**E**	**18/12/2025**	**Architex**
DA 09	**Level 4**	**E**	**18/12/2025**	**Architex**
DA 10	**Level 5 (Exist Blocks A/B/C Level 4 copies up**	**E**	**18/12/2025**	**Architex**
DA 11	**Level 6 (Previous Block AB Level 5) and (Exist Block C Level 4 copied up)**	**E**	**18/12/2025**	**Architex**
DA 12	**Level 7 (Previous Block C Level 5) and Block A/B Roof Terrace**	**E**	**18/12/2025**	**Architex**
DA 13	**Level 8 (Previous Block C Level 6)**	**E**	**18/12/2025**	**Architex**
DA 14	**Level 9 (Previous Block C Level 7)**	**E**	**18/12/2025**	**Architex**
DA 15	**Level 10 (Previous Block C Level 8)**	**E**	**18/12/2025**	**Architex**
DA 16	**Roof Level (Block C)**	**E**	**18/12/2025**	**Architex**
DA 17	**Section Through Blocks A/B/C**	**E**	**18/12/2025**	**Architex**
DA 21	**Block A and B East and South Elevations**	**E**	**18/12/2025**	**Architex**
DA 22	**Block A and B West and North Elevations**	**E**	**18/12/2025**	**Architex**
DA 23	**Block C East Elevation**	**E**	**18/12/2025**	**Architex**
DA 24	**Block C West Elevation**	**E**	**18/12/2025**	**Architex**
DA 25	**Block C North and South Elevations**	**E**	**18/12/2025**	**Architex**
SW001	**Stormwater Layout Plan Cover Sheet**	**A**	**13/2/2026**	**Capital Engineering Consultants**
SW010	**Stormwater Layout Plan Basement Floor Plan Notes and Details (1/2)**	**A**	**13/2/2026**	**Capital Engineering Consultants**
SW011	**Stormwater Layout Plan Basement Floor**	**A**	**13/2/2026**	**Capital Engineering**

	Plan Notes and Details (2/2)			Consultants
SW020	Stormwater Layout Plan Level 1 Floor Plan. Notes and Details (1/2/)	A	13/2/2026	Capital Engineering Consultants
SW021	Stormwater Layout Plan Level 1 Floor Plan. Notes and Details (2/2/)	A	13/2/2026	Capital Engineering Consultants
SW030	Stormwater Layout Plan Level 2 Floor Plan, Notes and Details (1/2/)	A	13/2/2026	Capital Engineering Consultants
SW031	Stormwater Layout Plan Level 2 Floor Plan, Notes and Details (2/2/)	A	13/2/2026	Capital Engineering Consultants
SW032	Stormwater Layout Plan Site Catchment Plan	A	13/2/2026	Capital Engineering Consultants
SW033	Stormwater Layout Plan OSD Tank Plan and Section Details	A	13/2/2026	Capital Engineering Consultants
SW034	Stormwater Layout Plan RWT Plan and Section Details	A	13/2/2026	Capital Engineering Consultants
EF0001	Stormwater Layout Plan Erosion and Sediment Control Plan, Notes and Details (1/3)	A	13/2/2026	Capital Engineering Consultants
ER0002	Stormwater Layout Plan Erosion and Sediment Control Plan, Notes and Details (2/3)	A	13/2/2026	Capital Engineering Consultants
ER0003	Stormwater Layout Plan Erosion and Sediment Control Plan, Notes and Details (3/3)	A	13/2/2026	Capital Engineering Consultants
1297.GD.01	Landscape Plan Level 1	1	1/2/2026	Greenland Design Landscape Architects
1297.GD.02	Landscape Plan Level 2 Blocks A and B	1	1/2/2026	Greenland Design Landscape Architects
1297.GD.03	Landscape Plan Level 2 Block C 1	1	1/2/2026	Greenland Design Landscape Architects
1297.GD.04	Landscape Plan Level 3 Blocks A and B	1	1/2/2026	Greenland Design Landscape Architects
1297.GD.05	Landscape Plan	1	1/2/2026	Greenland

	Level 3 Block C 1			**Design Landscape Architects**
1297.GD.06	**Landscape Plan Level 7**	**1**	**1/2/2026**	**Greenland Design Landscape Architects**
1297.GD.07	**Landscape Details and Specification**	**1**	**1/2/2026**	**Greenland Design Landscape Architects**
Reference 7255-3.1R	**Acoustic Impact Assessment Report**		**12 February 2026**	**Day Design Pty Ltd**
	Electromagnetic Field Assessment	**V 1**	**26 January 2026**	**Noel Child**
	BASIX Assessment Report	**4**	**24/9/2025**	**ESD Synergy Pty Ltd**
	BASIX Certificate	**722281 M-06**	**24 September 2025**	**ESD Synergy Pty Ltd**
	Correspondence		**17 December 2020 22 October 2025**	**Endeavour Energy**
0012224740	**NatHERS Certificate**		**24 September 2025**	**ESD Synergy Pty Ltd**
REF25090	**Waste Management Plan**		**September 2025**	**Dickens Solutions**

[**Approved documentation for MOD 2020/0414 dated 2 November 2021 as amended by DA 2025/0668**]

[Condition 2 of MOD2020/0414 is amended by this Development Consent DA2025/0688]

27. Amended Plans

The following amendments are to be incorporated into the consent plans:

- The proposal is to provide ~~***14***~~ ***18*** separate adaptable apartments.
- The site is to be serviced by Small Rigid Vehicle (SRV) vehicles for the retail loading / waste collection activities and by a Medium Rigid Vehicle (MRV) for the commercial loading / waste collection activities. The SRV and MRV type dimensions (except for the MRV height) are in accordance with AS2890.2-2018.
- The elevations for Block A shall be amended to reflect the façade changes proposed as per the photomontage submitted to Council on 9 November 2017.
- Tubular metal fencing shall be installed along the full length and on the northern edge of the garden bed adjoining the three north facing clerestory windows/skylights on building B rooftop level/level 6 to prevent public access.
- The approved Stormwater plans must be updated to be consistent with the approved landscape and architectural plans.
- The area directly to the west of retail 4 and north of the pedestrian link shall be provided with security gate to allow access only by residents for use as a communal open space area.

[Condition 27 of MOD2020/0414 is amended by this Development Consent DA20254/0688]

27B. Loading Bay Standards

Loading bay facilities must comply with ~~***Holroyd Development Control 2013***~~ ***Cumberland Development Control Plan 2021*** and the Australian/New Zealand Standard AS/NZS 2890.2-2018 - Off-street commercial vehicle facilities. In this regard,

a. Separation between residential parking and service areas (loading/ unloading areas) shall be

provided. ~~***as per clause C19 in part D of the Holroyd Development Control Plan 2013***~~.

b. The loading bay shall be designed as per section 4 in AS2890.2:2018.

c. Headroom clearance within loading bay shall comply with the intended usage. A minimum 4.0m headroom shall apply for the travel and manoeuvring areas traversed by the adopted maximum service vehicle size (similar to an MRV but with a lesser headroom requirement). The adopted maximum service vehicle size to be provided by the applicant with reference to a formal agreement between the applicant and service vehicle provider with vehicle specifications included. A minimum height of 3.5m shall apply for the travel and manoeuvring areas traversed by the SRV service vehicle size for the retail loading / unloading area.

Details demonstrating compliance with this condition are to be submitted to and approved by the Council or registered certifier prior to the issue of a construction certificate.

[Condition 27B of MOD2020/0414 is amended by this Development Consent DA20254/0688]

36. Compliance with Acoustic Report

Prior to the issue of a Construction Certificate, the construction drawings and construction methodology must be assessed and certified by a suitably qualified acoustic consultant to be in accordance with any requirements and recommendations of the approved acoustic report prepared by Day Design Pty Ltd report reference ~~***7255-1.1R***~~ ***7255-3.1R*****,** dated ~~***8 September 2021***~~ ***12 February 2026***.

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

[Condition 36 of MOD2020/0414 is modified by this Development Consent DA2025/0688]

108. Acoustic Measures

The recommendations provided within the Noise Impact Assessment prepared by Day Design Pty Ltd report reference ~~***7255-1.1R***~~ ***7255-3.1R,*** dated ~~***8 September 2021***~~ ***12 February 2026*** shall be implemented.

[Condition 108 of MOD2020/0414 is modified by this Development Consent DA2025/0688]

145. Acoustic Verification Report

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

~~Acoustic Verification Report~~

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

(a) All recommendations contained in the DA acoustic report prepared by Day Design Pty Ltd report reference ~~***7255-1.1R***~~ ***7255-3.1R***, dated ~~8 September 2021~~ ***12 February 2026*** have been implemented, and

(b) The project specific noise criteria established in the DA acoustic report and any other noise and vibration criteria specified in this consent are being complied with.

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

[Condition 145 of MOD2020/0414 is modified by this Development Consent DA2025/0688]

174. Traffic and Parking

At least ~~***145***~~ 136 car parking spaces (including ~~***14***~~ ***18*** accessible car spaces for residential use) numbered and line marked in accordance with the endorsed plan, are to be made available at all times for residents, employees and visitors' vehicles only in conjunction with the occupation of the

building/premises.

[Condition 174 of MOD2020/0414 is modified by this Development Consent DA2025/0688]

205. Compliance with Acoustic Report - Ongoing Use

All recommendations contained in the DA acoustic report prepared by Day Design Pty Ltd report reference ~~***7255-1.1R***~~ ***7255-1.3R*****,** dated ~~***8 September 2021***~~ ***12 February 2026*** relating to use and/or management of the site must be implemented and complied with.

[Condition 205 of MOD2020/0414 is modified by this Development Consent DA2025/0688]

6. DAGCZ02 - Relationship with Development Consent 2016/164/1, MOD2021/0195 and MOD2020/0414

This consent is to be read in conjunction with Development Consent 2016/164/1, MOD2021/0195 and MOD2020/0414. Where there is an inconsistency between this consent and the above mentioned consents, then consent to DA 2025/0688 shall prevail to the extent of the inconsistency.

The modification of development consent 2016/164/1, MOD2021/0195 and MOD2020/0414 related to 9 Sherwood Road must be given in the manner prescribed by Section 4.17(5) of the Environmental Planning and Assessment Act 1979 and Clause 67 of the Environmental Planning and Assessment Regulation, 2021.

(Reason: To ensure consistency between Development Consent 2016/164/1, MOD2021/0195 and MOD2020/0414 and Development Consent 2025/0688.)

Conditions Which Must be Satisfied Prior to the Commencement of Demolition.

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. DAPDB10 - Construction Noise and Vibration Management Plan

A site specific Noise Management Plan shall be developed and submitted to the Council or registered certifier prior to the commencement of construction works on site. The Plan must be prepared by a suitably qualified Acoustic Consultant, being a consultant who holds a current member grade of the Australian Acoustical Society.

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

a) Identification of any noise sensitive receivers near to the site;
b) A prediction as to the level of noise and vibration impact, including the likely number of high noise intrusive appliances/equipment likely to affect the nearest noise sensitive receivers;
c) A statement outlining whether or not predicted noise levels will comply with the noise criteria stated in the NSW EPA Interim Construction Noise Guideline (2009). Where resultant site noise levels are likely to be in exceedance of noise criteria, then details of the following must be included in the plan:
    - Duration and frequency of respite periods that will be afforded to the occupiers of neighbouring properties; and
    - Details of any other noise mitigation measures that will be deployed on site to reduce noise impacts on the occupiers of neighbouring noise sensitive property to a minimum.
d) Confirmation of the level of community consultation that has or will be undertaken with the occupiers of the main adjoining noise sensitive properties likely to be most affected by site works and the operation of plant/machinery particularly during demolition and excavation phases;
e) Details of the noise and vibration monitoring that is to be undertaken during works;
f) The type of action will be undertaken following receipt of a complaint concerning offensive noise or vibration, including nomination of a site contact.

(Reason: Environmental and residential protection)

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 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.
b) Vegetation and/or existing building structures will be cleared from the construction areas only with other areas to remain undisturbed.
c) Restricting vehicle access to one designated point and having the driveways adequately covered at all times with blue metal or the like.
d) 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)

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

11. **DACCA01 - Amendments to Approved Plans**
Amended plans/documents shall be submitted to the Council or registered certifier prior to the issue of a Construction Certificate incorporating the following matters:

a) All the commercial parking spaces shall be designed as 2.6m wide visitor parking spaces.
b) Commercial staff parking spaces 10, 18, 19 and 20 shall be modified as commercial visitor parking spaces.
c) Convex mirror shall be provided to improve the sight distance for the parking spaces where the sight distance is restricted by wall or other obstructions.
d) Installation of an EV charging system within the basement car park for charging electric vehicles including conduits, cabling and relevant metering systems.

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

12. **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)

13. **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)

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. DACCB02 -Payment of Bonds, Fees and Long Service Levy

The Council or registered certifier is to ensure and obtain written proof prior to the issue of a Construction Certificate that all bonds, fees and contributions as required by this consent have been paid to the applicable authority. This includes payment of a long service levy as required under part 5 of the *Building and Construction Industry Long Service Payments Act 1986*.

(Reason: To ensure that the applicable bonds, fees and levies are paid)

16. 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:

- **DA 2025/0688 - $168,090.**
- **MOD 2020/0414 -** $**1,268,928.**

The above figures are subject to change by the consumer price index to the date of payment.

A copy of the *Cumberland Local Infrastructure Contributions Plan 2020* can be viewed on Council's website.

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

17. DACCB05 - Fees to be paid to Council

Types of fees	**Amount**	**Payment timing**
Sect. 7.11 Contributions	$168,090 + CPI and **$1,268,928 + CPI (MOD 2020/0414)**	Prior to the issue of the Construction Certificate.
Construction Traffic management plan	$409	Prior to the issue of the Construction Certificate.
TOTAL	$1,437,427 + CPI	

Payment of the above fees shall be paid to Council in accordance with timing stipulated above. Please note that other fees and charges may be applicable to the proposal. Fees to be paid to Council will be determined at the time of payment in accordance with Council's adopted Fees and Charges Policy and may therefore exceed the fee amount quoted above.

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

(Reason: Statutory requirement and information)

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

Prior to demolition commencing and prior to the issue of a Construction Certificate, the applicant shall submit to Council a full photographic record of the condition of Council's assets (i.e. road pavement, kerb and guttering, footway, stormwater drainage, etc.) adjacent to the subject site.

The purpose of the photographic record is to establish any pre-existing damage to Council's assets to ensure that you are not liable for any re-instatement works associated with that damage. However, if in the opinion of Council, the existing damage has worsened or any new damage arose during the course of demolition or construction work, Council may require either part or full re-instatement of its assets.

Failure to provide a full photographic record described above, is likely to render the applicant liable to rectify all damages unless satisfactory proof can be provided that the damage was pre-existing.

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

19. 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)

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. DACCC05 - Hoardings

A separate hoarding approval for the erection of a Class A (fence type) or Class B (overhead type) hoarding along the street frontage(s) must be obtained from Council. An erection of hoarding structure application form shall be submitted to Council along with payment of fees calculated under the Council's Schedule of Fees and Charges.

(Reason: Safety and information)

22. DACCC07 - Driveway Design

Detailed driveway plans prepared by a suitably qualified and practising engineer shall be submitted to and approved by the Council or registered certifier. The plans shall include a longitudinal section for each edge of the driveway / ramp from the centreline of the road to the parking spaces which demonstrates that grades and transitions comply with clauses 2.5.3 and 2.6 of AS2890.1:2004.

Levels at the property boundary shall accord to those obtained from Council via an *Application for Property Boundary Line Levels*.

(Reason: To ensure safe and suitable vehicular access)

23. 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)

24. 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)

25. 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)

26. DACCF04 - On Slab Landscaping

The on slab landscaping shown on the approved landscaping plan is to be designed to include a minimum soil depth of 650mm for shrubs and trees and 300mm for grass and ground covers. Adequate drainage and a permanent, automatic irrigation system shall be provided conforming to Sydney Water's requirements. Details shall be submitted with the Construction Certificate application to demonstrate compliance with this condition.

(Reason: To ensure the site landscaping thrives)

27. DACCF08 - Tree Planting

At least one tree with a mature height of 5m is to be provided within the front setback area and at least one tree with a mature height of 8m is to be provided within the rear yard. Minimum standards for soil areas and depths are to be in accordance with the following table:

Tree Size	Height	Spread	Min Soil Area	Min Soil depth
Large trees	>12m	>8m	10 x 10	1.2m
Medium trees	8-12m	4-8m	6 x 6m	1.0m

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

28. DACCG01 - Available Visitor Car Parking Signage

A sign shall be erected in a suitable location on the property near the driveway entrance indicating where visitor parking is available on the site. Details shall be submitted to the satisfaction of Council or registered certifier prior to the issue of the Construction Certificate.

(Reason: To promote the availability of visitor parking and minimise impacts on the availability of street parking)

29. **DACCG03 - Off Street Car Parking - Multiple Use Buildings**
A minimum of 136 spaces shall be provided on the development site, comprising of at least:

- Minimum 117 spaces for residential occupants;
- Minimum 10 visitor spaces (Residential);
- Minimum 9 spaces business/commercial/retail premises spaces;

(Note: *The figures accounts for the conditions requiring commercial parking spaces to be 2.6 metres in width and any changes that may be required to achieve this*).

All car spaces shall be allocated and marked according to this requirement.

If the development is to be strata subdivided, the car park layout must reflect the above allocation.

Each car parking space shall have minimum dimensions in accordance with the relevant Australian Standard/New Zealand Standard AS/NZS 2890.1:2004 and be provided on-site in accordance with the approved plans.

The parking bays shall be delineated by line marking.

Visitor spaces shall be clearly line marked and/or signposted 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)

30. **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 1.5m within the site, or within a splay 1.5m by 1.5m 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)

31. **DACCG09 - Speed Hump and Stop Sign on Exit**
The applicant shall install a stop sign and a speed hump at the exit from the site. The stop sign must be accompanied by the associated line marking and the speed hump shall be setback 1.5m from the front boundary. The devices shall be designed and constructed in accordance with the provision of Australian Standard 2890.1:2004. The building plans shall indicate compliance with this requirement prior to the issue of a Construction certificate.

(Reason: Traffic safety and management)

32. **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.)

33. **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)

34. **DACCJ07 - Installation of Temporary Ground Anchors**
Where ground anchors are proposed for the protection of Council's land or assets such as utility services, footpaths, kerb and gutter and other ancillary infrastructure, a separate application form for temporary ground anchors shall be submitted with payment of the relevant fees and charges prior to the issue of a Construction Certificate. For Council to favourably consider anchors, a statement from a qualified structural or geotechnical engineer should be submitted with the application demonstrating there is no practical viable alternative method of stabilisation.

(Reason: Protection of Council assets)

35. **DACCJ11 - Excavations Extending Below the Base of Footings of Adjoining Development**
Where excavations extend below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation must preserve and protect the building from damage and, if necessary, underpin and support the adjoining building in an approved manner. The person causing the excavation must give the owner of the adjoining property at least seven days' written notice of its intention to excavate below the level of the base of the footing. The person must also furnish the adjoining property owner with particulars of the proposed work.

(Reason: To ensure support for neighbouring buildings)

36. **DACCK01 - Dilapidation Report**
A dilapidation report prepared by a suitably qualified practising engineer shall be prepared for any adjoining or nearby property that may be subject to potential damage as a result of any works being undertaken on the site pursuant to this development consent. The dilapidation reports must be submitted to the owner/s of the affected property/ies and the Council or registered certifier prior to the issue of a Construction Certificate. All costs shall be borne by the applicant/person acting on the consent.

Please note:

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

(Reason: To ensure there is an adequate record of the state of neighbouring properties)

37. **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)

38. **DACCL04- Residential Car Wash Bay**
A car wash bay is to be provided on the premises for use by residents for car cleaning and washing activities. This area is to be suitably designed and located to ensure rainwater is excluded. All wastewater from the bay must be discharged to the sewer in accordance with a Trade Waste Agreement with Sydney Water. This may require the installation of a pre-treatment device.

Details are to be submitted to the Council or registered certifier with the Construction Certificate application.

(Reason: To protect the environment)

39. **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 Day Design Pty Ltd, dated 12 February 2026 referenced 7255-3.1R.

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

40. **DACCL08 - Waste Storage Facilities and Management Strategy (Mixed Use Development)**

Designated waste and recyclable storage facilities must be provided within the premises in accordance with the following requirements:

a) The waste storage room/s must be fully enclosed, suitably sized to contain all waste and recyclable material generated on the premises, adequately ventilated and constructed with a concrete floor and concrete or cement rendered walls;
b) The waste storage facilities including collection bays and storage rooms must be easily accessible for the collection and disposal of all waste and recyclable material;
c) The floor must be graded and drain to sewer in accordance with Sydney Water requirements;
d) A hot and cold water hose cock shall be provided within the room; and
e) If there is a mix of residential and commercial uses on site, then separate storage rooms complying with the above requirements must be provided for each.

A detailed waste and recycling management strategy including plans and specifications showing the design and location of all waste/recycling storage rooms and the site collection approach including any required waste/recycling collection bays must be submitted to the Council or registered certifier prior to the issue of the Construction Certificate.

(Reason: To protect the environment and ensure waste is adequately contained and able to be easily collected)

41. **DACCM09 - Vehicle Washing**

This vehicle washing area is to be suitably designed and located to ensure all wastewater is appropriately discharged to the sewer, in accordance with a Trade Waste Agreement with Sydney Water. This may require the installation of a pre-treatment device.

The means of disposal shall comply with the EPA's Environment Protection Manual for Authorised Officers: Technical Section (Car Washing Waste) and the EPA's Managing Urban Stormwater: treatment techniques.

The following requirements must be incorporated into the car wash bay design/operation:

a) Have a water supply cut out system/ fail-safe mechanisms provided to ensure that mechanical failure; drainage blockage or lack of maintenance cannot result in wastewater surcharge into the stormwater system.
b) Be designed to ensure that over spray, drift of water or detergent does not cause a nuisance to persons, vehicles, residences, other buildings, neighbouring properties or the environment.
c) Must not under any circumstances allow spillages and wastewater to be discharged to the stormwater system or surrounding environment.

Details of the above are to be submitted for approval with the Construction Certificate application.

(Reason: To protect the environment)

42. **DACCM10 - Future use of Mixed-Use Building for Commercial Tenancy**

The building design must incorporate measures to enable the installation of appropriate mechanical ventilation systems that comply with relevant Australian Standards including AS1668 and are capable of accommodating any exhaust/ventilation requirements for ground floor commercial units in particular food premises. In the event that a food premises requires a mechanical exhaust system for charcoal cooking purposes, separate consent is required as additional filtration systems and odour assessment will be necessary.

(Reason: Ensure that future commercial tenancies can meet legislative requirements for mechanical ventilation)

43. **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)	$86,497.39
Total housing and productivity contribution	$86,497.39

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)

44. **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)

45. **DACCO06 - Basement Pump Out Drainage System**

The basement carpark shall incorporate a pump out drainage system. Plans for the system prepared by a qualified civil or hydraulic engineer shall be provided to the Council or registered certifier that demonstrate:

a) The catchment area of the driveway no exceeding 60m².
b) A sump with dimensions 1m by 1m and depth 300mm.
c) Provision of tank storage volume based upon the 100 year average recurrence interval storm event for a 90 minute storm duration, with further provision within the car park area to accommodate the 100 year average recurrence interval even based upon a 12 hour storm duration.
d) Provision of dual submersible pump units where each have a discharge rate equal to the 100

year average recurrence interval for a 5 minute storm duration.

e) The water level and location for the collection of water, outside of the tank storage. The collection / storage area may be co-located with car parking and access aisles. Any other use, including storage for units within the building must be located at least 100mm above the water level of the collection area.

f) Measures to be enacted that immediately alert the owners of the building that a pump failure has occurred, including in scenarios when the building may be unoccupied.

(Reason: To ensure the basement is not affected by water inundation that may pose safety risks)

46. DACCO08- Stormwater Disposal

Stormwater runoff from the development shall be collected and piped by gravity flow to Council's stormwater system in Coolibah Street generally in accordance with the drawing No SW001 to SW034 Issue A, prepared by Capital Engineering Consultants and dated 13/2/2026.

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

47. 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 low 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.

48. 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)

49. 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)

50. 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)

51. 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)

52. 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)

53. 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)

54. **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 works commencing, the applicant must submit a Road and Footpath Opening Permit application that is accompanied by detailed plans. Written approval must be obtained from the appropriate road authority under the *Roads Act 1993* for any works in the road reserve prior to the commencement of works.

Where the work is likely to have an impact on the operation of an arterial road then a Road Occupancy Licence must be obtained from the relevant road authority. The application should be lodged at least 10 days prior to the planned commencement date. When lodging the 'Application for Road Occupancy Licence' fees are payable in accordance with Council's adopted fees and charges.

(Reason: Protection of Public Assets and information)

Conditions Which Must be Satisfied During any Development Work.

55. **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)

56. **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)

57. **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)

58. **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)

59. DADWA07 - General Site Requirements during Demolition and Construction

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

a) A single entrance is permitted to service the site for demolition and construction. The footway and nature strip at the service entrance must be planked out with close boarded, hardwood timber footpath protection pads. The pad shall cover the entire width of the footpath for the full width of the entrance area.
b) Care must be taken during demolition/ excavation/ building/ construction to prevent any damage to adjoining buildings.
c) Adjoining owner property rights and the need for owner's permission must be observed at all times, including the entering onto land for the purpose of undertaking works.
d) Any demolition and excess construction materials are to be recycled wherever practicable.
e) The disposal of construction and demolition waste must be in accordance with the requirements of the *Protection of the Environment Operations Act 1997*.
f) All waste on the site is to be stored, handled and disposed of in such a manner as to not create air pollution (including odour), offensive noise or pollution of land and/or water as defined by the *Protection of the Environment Operations Act 1997*.
g) All excavated material removed from the site shall be disposed of to an authorised waste disposal facility.
h) All non-recyclable demolition materials shall be disposed of at an approved waste disposal facility.
i) All materials on site or being delivered to the site are to generally be contained within the site. The requirements of the *Protection of the Environment Operations Act 1997* must be complied with when placing/stockpiling loose material, disposing of concrete waste, or other activities likely to pollute drains or water courses.
j) Any materials stored on site must be stored out of view or in such a manner so as not to cause unsightliness when viewed from nearby lands or roadways.
k) Building operations such as brick cutting, washing tools or paint brushes, and mixing mortar shall not be performed on the roadway or public footway or any other locations which could lead to the discharge of materials into the stormwater drainage system.
l) All site waters during excavation and construction must be contained on site in an approved manner to avoid pollutants entering into waterways or Council's stormwater drainage system.

(Reason: To ensure protection to public spaces and prevent unauthorised access to the site)

60. 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)

61. DADWA12 - Compliance with the Noise Management Plan

All demolition, excavation and construction works carried must be carried out in accordance with the approved Noise Management Plan.

(Reason: To protect residential amenity)

62. 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)

63. **DADWA19 - Excavation Pump-out**
Water that has accumulated in any excavation is not to be pumped into any stormwater disposal system unless the prior approval of Council is obtained. The analytical results of any discharge must comply with relevant EPA and ANZECC standards for water quality and be made available to Council upon request. Any water to be discharged to Council's stormwater system shall not contain a concentration of suspended sediment exceeding 50mg/L, shall have a pH of between 6.5-8.0 and shall comply with the ANZECC Guidelines for Fresh and Marine Water Quality and the NSW Department of Housing, Managing Urban Stormwater - Soils and Construction 2004.

Water testing shall be carried out by a suitably qualified environmental scientist. Water that does not comply with the above standards shall not be discharged to the stormwater system, and shall be disposed of using alternative approved means.

Results of water testing shall be provided to Council or, if a validation report is required, within that report. Where water is disposed of by alternate means, details of the off-site disposal shall be provided to Council or, if a validation report is required, included within that report.

Note: Other options for the disposal of excavation pump-out water include disposal to sewer with prior approval from Sydney Water, or off-site disposal by a liquid waste transporter for treatment/disposal to an appropriate waste treatment/processing facility.

(Reason: Environmental amenity)

64. **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)

65. **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)

66. **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)

67. **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)

68. **DADWC03 - Progress Survey - Development Over Two Storeys**
In order to ensure compliance with approved plans, a survey certificate, prepared to Australian Height Datum, shall be prepared by a Registered Surveyor showing the following:

a) The completed level of the excavation and its relationship to the boundaries at the completion of excavation and prior to the placement of any footings;
b) The level of ground floor level form work and its relationship to boundaries prior to the placement of concrete at the ground floor level;
c) The principal level of the formwork and the intended relationship of the completed works to the boundary for every second floor level above ground floor level (i.e. levels 2, 4, 6 etc of the building) prior to the placement of concrete;
d) The level of the highest point of the building and its relationship to the boundary prior to roofing; and
e) The relationship of the building to the boundaries at completion.

Progress certificates in response to points (a) through to (e) 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 setback closer to boundaries that what was approved.

(Reason: To ensure compliance with approved plans)

69. **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)

70. **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)

71. **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)

72. **DADWC16 - Waste Management**
Requirements of the approved Waste Management Plan shall be complied with during site preparation and throughout the construction phases of the development.

(Reason: Compliance with approval)

73. **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)

74. **DADWC20 - Dewatering**

If it becomes necessary to undertake dewatering activities at the site, prior to the commencement of dewatering, the following actions must be completed to the satisfaction of the Principal Certifier:

a) Any required approval to dewater must be obtained from Water NSW and adhered to, with a copy of the approval to be kept on site at all times and made available to the Principal Certifier and the Council upon request.

b) A Dewatering Management Plan (DMP) must be prepared by a qualified water quality expert with a copy submitted to Council. The DMP must:

- State why de-watering is necessary and confirm any required approvals;
- Clearly state that the DMP will be used as the basis for approval to enable connection and discharge to the stormwater system;
- Detail the proposed dewatering technique;
- Outline the anticipated dewatering flow rate and total dewatering duration;
- Detail the controls (e.g. settling tank, turbidity curtain etc) and the method of discharge to ensure compliance with any conditions of approval and requirements of the *Protection of the Environment Operations Act 1997*;
- Explain the measures and techniques to monitor and record groundwater and tailwater quality, water discharges, and monitoring results. Groundwater must be discharged directly to the nearest stormwater pit and not spread over any road or footpath areas. Safe passage for pedestrians must be maintained;
- Provide a contingency plan in case of an emergency situation;
- Provide details of water quality analysis and testing that has been undertaken by a NATA accredited laboratory, and demonstrate compliance against relevant water quality criteria including the Australian and New Zealand Guidelines for Fresh and Marine Water Quality (ANZECC/ARMCANZ 2018). Where the ANZECC/ARMAC 2018 guidelines are silent on any elements or chemicals identified in testing, the water discharge is to comply with relevant endorsed guidelines and recommendations issued by the NSW EPA. The DMP must state that further analysis will be undertaken prior to connection to Council's stormwater system;
- State that the release of water into Council's stormwater system is to halt immediately where water quality does not meet discharge criteria identified above;
- State that the water quality monitoring will be certified by an experienced water quality expert.
- State that water quality parameters will be tested bi-weekly.

(Reason: To minimise/prevent impacts on waterways)

75. **DADWC23 - Pump Out Drainage System**

An alarm system comprising of a basement pump-out failure warning sign together with a flashing strobe light and siren are to be installed at a clearly visible location at the entrance to the basement.

Measures identified with the Construction Certificate application for alerting owners of the building that a pump failure has occurred are to be implemented.

(Reason: To ensure safe conditions associated with the collection and pumping of water within the basement)

76. **DADWC25 - Accessible Parking Spaces**

All accessible parking spaces and shared zones, inclusive of bollards, must be provided in accordance with AS2890.6:2022.

(Reason: To ensure provision of parking suitable to driver needs)

77. **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)

78. **DADWD05 - Inspections for Building Work - Critical Stages (Classes 2, 3 or 4)**

The following critical stage inspections must be carried out:

a) after the commencement of the excavation for, and before the placement of, the first footing;
b) 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 the junction of any internal fire-resisting construction bounding a sole-occupancy unit, and any other building element required to resist internal fire spread, inspection of a minimum of 30% of sole-occupancy units on each storey of the building containing sole-occupancy units;
d) Prior to covering of waterproofing in any wet areas, for a minimum of 10% of rooms with wet areas within a building;
e) Prior to covering any stormwater drainage connections; and
f) After the building work has been completed and prior to any Occupation Certificate being issued in relation to the building.

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

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

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

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

(Reason: Statutory requirement)

79. **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.

80. 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)

81. 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)

82. 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: To ensure the building is constructed in a structurally sound manner)

83. DAOCA06 - Adaptable Housing

A signed checklist as per Appendix A of AS4299-1995 confirming that apartments numbered 03, 13, 15, 16, 18, 24, 26, 27, 29, 35, 37, 38, 40, 45, 47, 48, 49 and 51 have achieved the required level of adaptability (Adaptable Class "A" or "B") shall be submitted to the Principal Certifier prior to the issue of an Occupation Certificate.

(Reason: To ensure the units are constructed in accordance with the required level of adaptability)

84. DAOCA08 - Certification of Engineering Works

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

a) Work as executed drawings prepared by a registered surveyor for completed engineering works.
b) Certification from a qualified practising professional engineer with Engineers Australia membership under the appropriate professional category, that the following matters have been constructed in accordance with the approved plans and conditions of consent:
    - the stormwater drainage system;
    - car parking provision;
    - the dimension of parking spaces and any aisles and circulation ramps conform to AS2890.1;
    - any related footpath works;
    - any basement mechanical pump; and
    - the proposed driveway and layback.

(Reason: Asset management)

85. 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)

86. **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 footpath along the full frontage of the site;
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)

87. **DAOCA15 - Concrete Footpath**
A concrete footpath shall be provided along the frontage to Sherwood Road and Coolibah Street as per Council requirements to match what is existing.

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)

88. **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

89. **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)

90. **DAOCB03 - Installation requirements for Water Cooling Systems**
Prior to issue of any Occupation Certificate, the Principal Certifier shall be satisfied that the cooling water system:

a) has been installed in accordance with AS/NZS 3666.1:2011;
b) discharges all drainage and liquid discharge into a waste water system, not being the stormwater system;
c) provides for chemical storage in a suitable covered location that cannot result in chemicals spilling into stormwater systems; and
d) has been notified to Council.

(Reason: To ensure compliance with health standards for infection control)

91. **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 Day Design Pty Ltd dated 12 February 2026, reference 7255-3.1R 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)

92. **DAOCB06 - Monitoring of Field Parameters**
Results of the monitoring of field parameters such as soil, groundwater, surface water, dust or noise measurements shall be made available to Council on request throughout the remediation and

construction works.

(Reason: To ensure Council is informed as to monitoring of field parameters in the event of an incident)

93. **DAOCC02 - Affordable Housing - Restriction as to User and Positive Covenants**
For a period of at least 15 years from the date of the issue of the Occupation Certificate:

a) Units 1, 2, 3, 4, 5, 6, 7, 8 (Level 3 of Building C), 9, 10, 11, 12 (Level 4 of Building C), 17, 18, 19, 20 (Level 5 of Building C), 25, 28 (Level 6 of Building C) and 47 (Level 8 of Building C) must be used for the purpose of affordable housing as defined in Section 13(1) of *State Environmental Planning Policy (Housing) 2021*; and
b) All accommodation that is used for affordable housing shall be managed by a registered community housing provider. Details of the registered community housing provider agreement shall be provided to Council prior to occupation of the premises.

A restriction as to user shall be registered on the title to the property under section 88E of the *Conveyancing Act* prior to the issue of an Occupation Certificate, to give effect to part (a) of this condition. Such restriction shall not be revoked or modified without the approval of Council.

The rental amount of the affordable units is to meet the requirement of Section 13(1) of *State Environmental Planning Policy (Housing) 2021*.

(Reason: Ensure compliance with State Environmental Planning Policy (Housing) 2021)

94. **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)

95. **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)

96. **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)

97. **DAOCH03 - OSD Identification Plate**
Prior to the issue of an Occupation Certificate, the applicant shall install an identification plate near or on the control structure of the on-site stormwater detention system that advises the registered proprietor of their responsibility to maintain the facility and to not tamper with it in any manner without the written consent of Council. The wording and plate shall be in accordance with Council's requirements.

(Reason: To promote the ongoing maintenance of the on-site stormwater detention system)

98. **DAOCH07 - De-stressing or Removal of Rock Anchors**
Upon the completion of works and prior to the issue of an Occupation Certificate, a qualified structural or geotechnical engineer shall certify that the rock anchors have been completely de-stressed or removed without damage to Council's assets or to existing utility services.

(Reason: Protection of public asset)

99. **DAOCH12 - Prospective Owners/Tenants - Ineligibility for Parking Permits**
No owners, residents, tenants/occupiers of the development are or will be eligible to participate in any existing or proposed Council on-street parking permit scheme. The owner of the property and/or any managing agent appointed by the owner to sell or lease premises within the property shall ensure that all prospective purchasers and/or tenants are advised in writing that no on-street parking permits will be issued by Council.

(Reason: To ensure that residents are aware on-site parking is available and no parking permit will be issued)

100. **DAOCH13 - Australia Post Guidelines**
Letter boxes are to be provided for each occupancy within the development in accordance with the relevant Australia Post guidelines.

(Reason: To ensure compliance with mail delivery regulations)

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

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

102. **DAOCH17 - Street Numbering of Lots and Units**
Numbering of units/properties shall be prominently displayed at the front of the property and shall be maintained in accordance with the property numbers allocated by Council.

(Reason: Identification of property for emergency services and mail deliveries)

103. **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)

104. **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)

105. **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)

106. DAOCI12 - Positive Covenant - On Site Detention

A positive covenant shall be created under section 88B and/or section 88E of the *Conveyancing Act 1919* to the satisfaction of Council requiring the ongoing retention, maintenance and repair of the on site detention system. Council shall be identified as the authority with power to release, vary or modify the covenant. The wording of the covenant shall be 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)

107. 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)

108. DAOCJ01- Flood Evacuation Plan

The Occupation Certificate shall not be issued until such time as a flood evacuation plan has been prepared. The plan must identify a safe refuge point at a location higher than the probable maximum flood level, noting that the locality may be inundated with floodwaters with road or footpath areas cut off during the 1% annual exceedance probability and probable maximum flood events.

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

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

109. 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)

110. DAOUA30 - Use for In-fill Affordable Housing

Units 1, 2, 3, 4, 5, 6, 7, 8 (Level 3 of Building C), 9, 10, 11, 12 (Level 4 of Building C), 17, 18, 19, 20 (Level 5 of Building C), 25, 28 (Level 6 of Building C) and 47 (Level 8 of Building C) must be used for the purpose of affordable housing under *State Environmental Planning Policy (Housing) 2021* and managed by a registered community housing provider for a period of at least 15 years from the date of the issue of the Occupation Certificate.

Any notice of a change in the registered community housing provider who manages the affordable housing component must be given to the Registrar of Community Housing and the consent authority no later than 3 months after the change.

The registered community housing provider who manages the affordable housing component must apply the Affordable Housing Guidelines.

(Reason: To ensure compliance with s.21 of State Environmental Planning Policy (Housing) 2021 and s.82 of the Environmental Planning and Assessment Regulation 2021)

111. 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)

112. DAOUC15 - Noise - Residential buildings
The air conditioners / 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)

113. 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)

114. DAOUG05 - General standards for Warm Water and Cooling Water Systems
All warm water and cooling water systems installed at the premises must be notified to Council and comply with the relevant requirements of the *Public Health Act 2010, Public Health Regulation 2022*, and relevant parts of AS 3666 Air handling and water systems of buildings - Microbial control.

(Reason: To ensure compliance with health standards for infection control)

115. DAOUH04 - Delivery Vehicle Size Limit
The largest vehicle delivering to the premises shall be in accordance with condition 27 of Modification consent 2020/0414 being:

- Small rigid vehicle for the retail loading / waste collection.
- Medium rigid vehicle for the commercial loading and waste collection.

The small rigid vehicle and medium rigid vehicle type dimensions are to be in accordance with Australian Standard AS2890.2:2018.

(Reason: To ensure delivery vehicles accessing the site reflect design limitations of the development and do not unduly obstruct of interfere with site access and local traffic movement)

116. 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)

117. 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)

118. DAOUZ01 - Bin collection

All bins presented on the kerbside or at the front of house for collection must be returned behind the boundary line within 24 hours after servicing.

(Reason: To ensure bins are returned to the storage areas and not left out on the street or kerbside long after services are provided).

119. DAOUZ02 - Bulky waste collection

That any bulky waste items should not be presented on the kerbside more than 24 hours prior to the scheduled clean up collection day.

(Reason: To ensure that bulky waste items do not accrue on the kerbside more than 24 hours ahead of the scheduled service).

Advisory Notes

120. 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.

121. 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.

122. 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.

123. 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.

124. 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.

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

126. 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.

127. 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 ELPP015/26

Attachment 2

Architectural Plans and Landscape Plans

CONCEPTUAL

PROPOSED SHOP TOP HOUSING DEVELOPMENT

JOB NO. 2220

SECTION 4.55

SITE AREA

LOT 1
Site Area = 3,171.4 sq m
Floor Area = 6,814.84 sq m
F.S.R = 2.15:1

LOT 101
Site Area = 563.0 sq m
Floor Area = 1,384.08 sq m
F.S.R = 2.45:1

TOTAL Private Common Open Space Area	=	1,179.26 sq m (31.5%)
TOTAL Public Open Space Area	=	992.45 sq m (26.57%)
TOTAL Landscaped Area	=	921.65 sq m (24.26%)

F.S.R CALCULATIONS

	Lot 1 Area = 3,171.4 sq.m	Lot 101 Area = 563.0 sq.m
Level 1	163.78 sq.m	
Level 2	1,192.46 sq.m	94.65 sq.m
Level 3	1,405.5 sq.m	225.11 sq.m
Level 4	1,405.5 sq.m	225.11 sq.m
Level 5	1,358.6 sq.m	225.11 sq.m
Level 6	433.0 sq.m	204.7 sq.m
Level 7	428.0 sq.m	204.7 sq.m
Level 8	428.0 sq.m	204.7 sq.m
Proposed GFA	**6,814.84 sq.m**	**1,384.08 sq.m**
Proposed FSR	**2.15:1**	**2.45:1**

UNIT BREAKDOWN

	1 Bed	2 Bed	2 Bed + Study	3 bed	TOTAL	Commercial
Level 1						1
Level 2	1	3		5	9	3
Level 3	1	16	1	1	19	
Level 4	1	16	1	1	19	
Level 5	3	16			19	
Level 6	2	6			8	
Level 7	2	6			8	
Level 8	2	6			8	
TOTAL	**12**	**69**	**2**	**7**	**90**	**4**
%	13.4%	76.7%	2.2%	7.7%		

Adaptable Units - 02, 03, 11, 15, 18, 22, 26, 29, 32, 33, 34, 37, 40
TOTAL = 13 units

RETAIL AREAS

Retail 1	62.40 sq.m
Retail 2	103.28 sq.m
Retail 3	165.10 sq.m
Retail 4	94.65 sq.m
Proposed GFA	**425.43 sq.m**

SOLAR ACCESS & CROSS VENTILATION

Description	Total
Number of Units with living areas receiving 2 hours minimum solar access on 21st June	78 (86.6%)
Number of Units with 0 solar access	9 (10%)
Number of Units with cross ventilation	71 (78.8%)

APPROVED CALCULATIONS - PRE AFFORDABLE HOUSING & ADDITIONAL UNITS

PROPOSED CALCULATIONS - WITH AFFORDABLE HOUSING & ADDITIONAL UNITS

CUMBERLAND CITY COUNCIL DA2025/0688 - 10 NOVEMBER 2025

1 - Planning Issue
(a) Floor Space Ratio
Permissible under CLEP 2021:
Part 2.4:1 (Former Lot 101).
Part 2.2:1 (Former Lot 1 & 2).

SEPP (Housing) 2021 Clause 16 permits additional 30%:
2.4:1 + 30% = 3.12:1 or 1,757.1 sq m (Former Lot 101).
2.2:1 + 30% = 2.86:1 or 9,070.2 sq m (Former Lot 1 and 2).

NEW SITE AREA

LOT 1
Site Area = 3,171.4 sq m
Floor Area = 8,907.41 sq m
F.S.R = 2.80:1

LOT 101
Site Area = 563.0 sq m
Floor Area = 1,756.31 sq m
F.S.R = 3.12:1

TOTAL Private Common Open Space Area	=	1,179.26 sq m (31.5%)
TOTAL Public Open Space Area	=	1044.42 sq m (26.57%)
TOTAL Landscaped Area	=	921.65 sq m (24.26%)

NEW F.S.R CALCULATIONS

	Lot 1 Area = 3,171.4 sq.m	Lot 101 Area = 563.0 sq.m
Level 1 (contains Retail 1 + Residential Lobby+ Bin Storage) #"Bin Store adjoining Retail 1 included as it is not below ground and within grade to external street level"	148.16 sq.m	
Level 2 (contains Retail 2,3,4 + Residential Lobby)	1,252.85 sq.m	41.00 sq.m
Level 3	1,438.99 sq.m	222.84 sq.m
Level 4	1,438.99 sq.m	222.84 sq.m
Level 5 (exist Blocks A/B/C level 4 copied up)	1,438.99 sq.m	222.84 sq.m
LEVEL 6 (previous BLOCK AB Level 5) + (exist BLOCK C Level 4 copied up)	922.78 sq.m + 472.20 sq.m + 1,394.98 sq.m	222.84 sq.m
LEVEL 7 (previous Block C Level 5)	472.20 sq.m	222.84sq.m
LEVEL 8 (previous Level 6)	440.75 sq.m	200.37 sq.m
LEVEL 9 (previous Level 7)	440.75 sq.m	200.37 sq.m
LEVEL 10 (previous Level 8)	440.75 sq.m	200.37 sq.m
Proposed GFA	**8,907.41 sq.m**	**1,756.31 sq.m**
Proposed FSR	**2.80:1**	**3.12:1**

*combined sqm Levels 2 - 10 (Lot 1) = 8768.74 sqm
*combined sqm Levels 2 - 10 (Lot 101) = 1756.91 sqm

NEW UNIT BREAKDOWN

	1 Bed	2 Bed	2 Bed + Study	3 bed	TOTAL	Commercial	Assigned Additional Non Affordable Housing Units LOT 1	Assigned Additional Non Affordable Housing Units LOT 101	Assigned Affordable Housing Units LOT 1	Assigned Affordable Housing Units LOT 101
Level 1						1				
Level 2	1	3		5	9	3				
Level 3	1	16	1	1	19				6	2
Level 4	1	16	1	1	19				4	1
Level 5 (exist Blocks A/B/C Level 4 copied up)	3	16			19		13	2	4	
Level 6 (previous BLOCK AB Level 5) + (exist BLOCK C Level 4 copied up)	3	8 + 8 + 3			19		4	2	2	
Level 7 (previous Block C Level 5)		16			8					
Level 8 (previous Block C Level 6)	2	6			8					
Level 9 (previous Block C Level 7)	2	6			8					
Level 10 (previous Block C Level 8)	2	6			8					
TOTAL	**13**	**93**	**3**	**8**	**117**	**4**	11		19	
%	11.0%	79.5%	2.5%	7.0%						

Adaptable Units - 03, 13, 15, 16, 18, 24, 26, 27, 29, 35, 37, 38, 40, 45, 47, 48, 49, 51
TOTAL = 18 units

NEW RETAIL AREAS

Retail 1	57.64 sq.m
Retail 2	172.00 sq.m
Retail 3	81.80 sq.m
Retail 4	41.00 sq.m
Proposed GFA	**352.44 sq.m**

NEW SOLAR ACCESS & CROSS VENTILATION

Description	Total
Number of Units with living areas receiving 2 hours minimum solar access on 21st June (additional 7 Units as per Block A/B level 4 copied up to form new level 5) + (additional 16 Units as per Block C level 4 copied up to form new level 5 & 6)	101 (86.3%)
Number of Units with 0 solar access (additional 3 Units as per Block A/B level 4 copied up to form new level 5)	12 (9.75%)
Number of Units with cross ventilation (additional 8 Units as per Block A/B level 4 copied up to form new level 5) + (additional 16 Units as per Block C level 4 copied up to form new level 5 & 6)	89 (76.0%)

VENTILATION LEGEND	
NON-CROSS VENTILATED	28
CROSS VENTILATED	89

LEGEND
- AMENDED RETAIL AREA
- AFFORDABLE HOUSING
- ADDITIONAL LEVELS AND ASSOCIATED CALCULATIONS UPDATED

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ARCHITEX

CONCEPTUAL

PROPOSED SHOP TOP HOUSING DEVELOPMENT

JOB NO. 2220

SECTION 4.55

SPACE PROVISIONS

	Residents car spaces	Residents Adaptable car spaces	Visitors car spaces	Commercial Parking for Business/Retail Premises/Tenancies	**TOTAL CAR SPACES**	Storage spaces	Loading Bays	Bicycle Parking
Basement 1	71	11	0	0	82	45	0	46
Level 1	10	2	18	33	63	24	2	24
PROPOSED TOTAL.	**94**		**18**	**33**	**145**	**69**	**2**	**70**

APPROVED CALCULATIONS - PRE AFFORDABLE HOUSING & ADDITIONAL UNITS

PROPOSED CALCULATIONS - WITH AFFORDABLE HOUSING & ADDITIONAL UNITS

NEW SPACE PROVISIONS

	Residents Car spaces	**Residents Adaptable car spaces**	PREVIOUS Visitors car spaces: Appropiated for Affordable Housing car spaces	PREVIOUS Visitors car spaces: Appropiated for Non- Affordable Housing car spaces **(Extra Residents) (Car Spaces)**	Commercial Parking for Business/Retail Premises/Tenancies	**TOTAL CAR SPACES**	Storage spaces	Loading Bays	Bicycle Parking
Basement 1	76	8			0	84	40	0	51
Level 1	6	10	10	10	21	57	50	2	05
PROPOSED TOTAL.	**120**				**21**	**141**	**90**	**2**	**56**

UNIT & BED BREAKDOWN AFFORDABLE UNITS

(Blocks C)	Lot Designation	1 Bed	2 Bed	2 Bed + Study	3 bed	TOTAL
Level 3	LOT 1		6			6
	LOT 101		2			2
Level 4	LOT 1		4			4
Level 5	LOT 1		4			4
Level 6	LOT 1		2			2
Level 8	LOT 101		1			1
TOTAL			19			19

PARKING BREAKDOWN AFFORDABLE UNITS

	1 Bed	2 Bed	2 Bed + Study	3 bed	TOTAL
Level 3 & PARTIAL Levels 4,5 & 6	0 (0.4 parking spaces)	19 (0.5 parking spaces)	0 (0.5 parking spaces)		
PARKING REQUIREMENTS TOTAL	0	10	0		10

UNIT & BED BREAKDOWN (Extra Residents) (NON AFFORDABLE UNITS)

	Lot Designation	1 Bed	2 Bed	2 Bed + Study	3 bed	TOTAL
Level 5 (exist Blocks A/B/C Level 4 copied up)	LOT 1	1	10	1	1	13
	LOT 101		2			2
Level 6 (exist BLOCK C Level 4 copied up)	LOT 1		4			4
	LOT 101		2			2
TOTAL		1	18	1	1	21

PARKING BREAKDOWN (Extra Residents) NON AFFORDABLE UNITS

LOT 1 & LOT 101	1 Bed	2 Bed	2 Bed + Study	3 bed	TOTAL
Level 5 (exist Blocks A/B/C Level 4 copied up)	1 (0.5 parking spaces)	14 (1 parking spaces)	1 (1 parking spaces)	1 (1.5 parking spaces)	
Level 6 (exist BLOCK C Level 4 copied up)	(0.5 parking spaces)	8 (1 parking spaces)			
PARKING REQUIREMENTS TOTAL	1	22	1	1	25

LEGEND

- AMENDED RETAIL AREA
- AFFORDABLE HOUSING
- ADDITIONAL LEVELS AND ASSOCIATED CALCULATIONS UPDATED

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ARCHITEX

CONCEPTUAL

PROPOSED SHOP TOP HOUSING DEVELOPMENT

JOB NO.
2220

SECTION 4.55

PROPOSED CALCULATIONS - WITH AFFORDABLE HOUSING & ADDITIONAL UNITS

Unit Schedule

Number	Name	Area	Level	Comments
UNIT-1	2 Bed	83.0 m²	Level 2	V
UNIT-2	1 Bed	54.3 m²	Level 2	
UNIT-3	2 Bed	80.3 m²	Level 2	
UNIT-4	2 Bed	76.5 m²	Level 2	V
UNIT-5	3 Bed	93.0 m²	Level 2	V
UNIT-6	3 Bed	103.4 m²	Level 2	NT
UNIT-7	3 Bed	91.7 m²	Level 2	V
UNIT-8	3 Bed	98.5 m²	Level 2	V
UNIT-9	3 Bed	104.7 m²	Level 2	NT
UNIT-10	2 Bed + Study	75.9 m²	Level 3	
UNIT-11	1 Bed	50.3 m²	Level 3	
UNIT-12	2 Bed	77.2 m²	Level 3	
UNIT-13	2 Bed	77.0 m²	Level 3	
UNIT-14	3 Bed	93.0 m²	Level 3	
UNIT-15	2 Bed	76.1 m²	Level 3	
UNIT-16	2 Bed	76.4 m²	Level 3	
UNIT-17	2 Bed	84.1 m²	Level 3	
UNIT-18	2 Bed	79.5 m²	Level 3	
UNIT-19	2 Bed	76.7 m²	Level 3	
UNIT-20	2 Bed	77.3 m²	Level 3	
UNIT_1	2 Bed	76.1 m²	Level 3 (Block C)	Affordable
UNIT_2	2 Bed	77.3 m²	Level 3 (Block C)	Affordable
UNIT_3	2 Bed	75.5 m²	Level 3 (Block C)	Affordable
UNIT_4	2 Bed	75.1 m²	Level 3 (Block C)	Affordable
UNIT_5	2 Bed	76.9 m²	Level 3 (Block C)	Affordable
UNIT_6	2 Bed	74.7 m²	Level 3 (Block C)	Affordable
UNIT_7	2 Bed	76.3 m²	Level 3 (Block C)	Affordable
UNIT_8	2 Bed	78.8 m²	Level 3 (Block C)	Affordable
UNIT-21	2 Bed + Study	75.9 m²	Level 4	

Unit Schedule

Number	Name	Area	Level	Comments
UNIT-22	1 Bed	50.3 m²	Level 4	
UNIT-23	2 Bed	77.2 m²	Level 4	
UNIT-24	2 Bed	77.0 m²	Level 4	
UNIT-25	3 Bed	93.0 m²	Level 4	
UNIT-26	2 Bed	76.1 m²	Level 4	
UNIT-27	2 Bed	76.4 m²	Level 4	
UNIT-28	2 Bed	84.1 m²	Level 4	
UNIT-29	2 Bed	79.5 m²	Level 4	
UNIT-30	2 Bed	76.7 m²	Level 4	
UNIT-31	2 Bed	77.3 m²	Level 4	
UNIT_9	2 Bed	76.1 m²	Level 4 (Block C)	Affordable
UNIT_10	2 Bed	77.3 m²	Level 4 (Block C)	Affordable
UNIT_11	2 Bed	75.5 m²	Level 4 (Block C)	Affordable
UNIT_12	2 Bed	75.1 m²	Level 4 (Block C)	Affordable
UNIT_13	2 Bed	76.7 m²	Level 4 (Block C)	
UNIT_14	2 Bed	74.7 m²	Level 4 (Block C)	
UNIT_15	2 Bed	76.3 m²	Level 4 (Block C)	
UNIT_16	2 Bed	78.8 m²	Level 4 (Block C)	
UNIT-32	2 Bed + Study	76.1 m²	Level 5	
UNIT-33	1 Bed	50.3 m²	Level 5	
UNIT-34	2 Bed	77.2 m²	Level 5	
UNIT-35	2 Bed	77.0 m²	Level 5	
UNIT-36	3 Bed	93.7 m²	Level 5	
UNIT-37	2 Bed	76.1 m²	Level 5	
UNIT-38	2 Bed	76.4 m²	Level 5	
UNIT-39	2 Bed	84.2 m²	Level 5	
UNIT-40	2 Bed	79.5 m²	Level 5	
UNIT-41	2 Bed	76.9 m²	Level 5	
UNIT-42	2 Bed	77.3 m²	Level 5	

Unit Schedule

Number	Name	Area	Level	Comments
UNIT_17	2 Bed	76.1 m²	Level 5 (Block C)	Affordable
UNIT_18	2 Bed	77.3 m²	Level 5 (Block C)	Affordable
UNIT_19	2 Bed	75.5 m²	Level 5 (Block C)	Affordable
UNIT_20	2 Bed	75.1 m²	Level 5 (Block C)	Affordable
UNIT_21	2 Bed	76.9 m²	Level 5 (Block C)	
UNIT_22	2 Bed	74.7 m²	Level 5 (Block C)	
UNIT_23	2 Bed	76.3 m²	Level 5 (Block C)	
UNIT_24	2 Bed	78.8 m²	Level 5 (Block C)	
UNIT-43	1 Bed	53.6 m²	Level 6.	
UNIT-44	1 Bed	50.6 m²	Level 6.	
UNIT-45	1 Bed	66.1 m²	Level 6.	
UNIT-46	2 Bed	77.3 m²	Level 6.	
UNIT-47	2 Bed	79.9 m²	Level 6.	
UNIT-48	2 Bed	76.1 m²	Level 6.	
UNIT-49	2 Bed	76.4 m²	Level 6.	
UNIT-50	2 Bed	84.1 m²	Level 6.	
UNIT-51	2 Bed	79.5 m²	Level 6.	
UNIT-52	2 Bed	76.7 m²	Level 6.	
UNIT-53	2 Bed	77.1 m²	Level 6.	
UNIT_25	2 Bed	76.1 m²	Level 6 (Block C)	Affordable
UNIT_26	2 Bed	77.3 m²	Level 6 (Block C)	
UNIT_27	2 Bed	75.5 m²	Level 6 (Block C)	
UNIT_28	2 Bed	75.1 m²	Level 6 (Block C)	Affordable
UNIT_29	2 Bed	76.9 m²	Level 6 (Block C)	
UNIT_30	2 Bed	74.7 m²	Level 6 (Block C)	
UNIT_31	2 Bed	76.3 m²	Level 6 (Block C)	
UNIT_32	2 Bed	79.9 m²	Level 6 (Block C)	
UNIT_33	2 Bed	76.1 m²	Level 7 (Block C)	
UNIT_34	2 Bed	77.3 m²	Level 7 (Block C)	

Unit Schedule

Number	Name	Area	Level	Comments
UNIT_35	2 Bed	75.5 m²	Level 7 (Block C)	
UNIT_36	2 Bed	75.1 m²	Level 7 (Block C)	
UNIT_37	2 Bed	76.9 m²	Level 7 (Block C)	
UNIT_38	2 Bed	74.7 m²	Level 7 (Block C)	
UNIT_39	2 Bed	76.3 m²	Level 7 (Block C)	
UNIT_40	2 Bed	78.9 m²	Level 7 (Block C)	
UNIT_41	2 Bed	74.8 m²	Level 8 (Block C)	
UNIT_42	1 Bed	50.6 m²	Level 8 (Block C)	
UNIT_43	2 Bed	78.2 m²	Level 8 (Block C)	
UNIT_44	2 Bed	74.8 m²	Level 8 (Block C)	
UNIT_45	2 Bed	78.5 m²	Level 8 (Block C)	
UNIT_46	2 Bed	74.7 m²	Level 8 (Block C)	
UNIT_47	1 Bed	50.4 m²	Level 8 (Block C)	Affordable
UNIT_48	2 Bed	77.1 m²	Level 8 (Block C)	
UNIT_49	2 Bed	74.8 m²	Level 9 (Block C)	
UNIT_50	1 Bed	50.6 m²	Level 9 (Block C)	
UNIT_51	2 Bed	78.2 m²	Level 9 (Block C)	
UNIT_52	2 Bed	74.8 m²	Level 9 (Block C)	
UNIT_53	2 Bed	78.5 m²	Level 9 (Block C)	
UNIT_54	2 Bed	74.7 m²	Level 9 (Block C)	
UNIT_55	1 Bed	50.2 m²	Level 9 (Block C)	
UNIT_56	2 Bed	77.1 m²	Level 9 (Block C)	
UNIT_57	2 Bed	74.8 m²	Level 10 (Block C)	
UNIT_58	1 Bed	50.6 m²	Level 10 (Block C)	
UNIT_59	2 Bed	78.2 m²	Level 10 (Block C)	
UNIT_60	2 Bed	74.8 m²	Level 10 (Block C)	
UNIT_61	2 Bed	78.5 m²	Level 10 (Block C)	
UNIT_62	2 Bed	74.7 m²	Level 10 (Block C)	
UNIT_63	1 Bed	50.2 m²	Level 10 (Block C)	
UNIT_64	2 Bed	77.1 m²	Level 10 (Block C)	

Grand total: 117

Unit Bedroom Type Breakdown - 1 Bed

Level	Name	Count
Level 2	1 Bed	1
Level 3	1 Bed	1
Level 4	1 Bed	1
Level 5	1 Bed	1
Level 6.	1 Bed	1
Level 6.	1 Bed	1
Level 6.	1 Bed	1
Level 8 (Block C)	1 Bed	1
Level 8 (Block C)	1 Bed	1
Level 9 (Block C)	1 Bed	1
Level 9 (Block C)	1 Bed	1
Level 10 (Block C)	1 Bed	1
Level 10 (Block C)	1 Bed	1

Grand total: 13

Unit Bedroom Type Breakdown - 2 Bed

Level	Name	Count
Level 2	2 Bed	1
Level 2	2 Bed	1
Level 2	2 Bed	1
Level 3	2 Bed	1
Level 3	2 Bed	1
Level 3	2 Bed	1
Level 3	2 Bed	1
Level 3	2 Bed	1
Level 3	2 Bed	1
Level 3	2 Bed	1
Level 3 (Block C)	2 Bed	1
Level 3 (Block C)	2 Bed	1
Level 3 (Block C)	2 Bed	1
Level 3 (Block C)	2 Bed	1
Level 3 (Block C)	2 Bed	1
Level 3 (Block C)	2 Bed	1
Level 3 (Block C)	2 Bed	1
Level 3 (Block C)	2 Bed	1
Level 4	2 Bed	1
Level 4	2 Bed	1
Level 4	2 Bed	1
Level 4	2 Bed	1
Level 4	2 Bed	1

Unit Bedroom Type Breakdown - 2 Bed

Level	Name	Count
Level 4	2 Bed	1
Level 4	2 Bed	1
Level 4	2 Bed	1
Level 4 (Block C)	2 Bed	1
Level 4 (Block C)	2 Bed	1
Level 4 (Block C)	2 Bed	1
Level 4 (Block C)	2 Bed	1
Level 4 (Block C)	2 Bed	1
Level 4 (Block C)	2 Bed	1
Level 4 (Block C)	2 Bed	1
Level 5	2 Bed	1
Level 5	2 Bed	1
Level 5	2 Bed	1
Level 5	2 Bed	1
Level 5	2 Bed	1
Level 5	2 Bed	1
Level 5	2 Bed	1
Level 5	2 Bed	1
Level 5 (Block C)	2 Bed	1
Level 5 (Block C)	2 Bed	1
Level 5 (Block C)	2 Bed	1
Level 5 (Block C)	2 Bed	1
Level 5 (Block C)	2 Bed	1

Unit Bedroom Type Breakdown - 2 Bed

Level	Name	Count
Level 5 (Block C)	2 Bed	1
Level 5 (Block C)	2 Bed	1
Level 5 (Block C)	2 Bed	1
Level 6.	2 Bed	1
Level 6.	2 Bed	1
Level 6.	2 Bed	1
Level 6.	2 Bed	1
Level 6.	2 Bed	1
Level 6.	2 Bed	1
Level 6.	2 Bed	1
Level 6 (Block C)	2 Bed	1
Level 6 (Block C)	2 Bed	1
Level 6 (Block C)	2 Bed	1
Level 6 (Block C)	2 Bed	1
Level 6 (Block C)	2 Bed	1
Level 6 (Block C)	2 Bed	1
Level 6 (Block C)	2 Bed	1
Level 6 (Block C)	2 Bed	1
Level 7 (Block C)	2 Bed	1
Level 7 (Block C)	2 Bed	1
Level 7 (Block C)	2 Bed	1
Level 7 (Block C)	2 Bed	1
Level 7 (Block C)	2 Bed	1

Unit Bedroom Type Breakdown - 2 Bed

Level	Name	Count
Level 7 (Block C)	2 Bed	1
Level 7 (Block C)	2 Bed	1
Level 7 (Block C)	2 Bed	1
Level 8 (Block C)	2 Bed	1
Level 8 (Block C)	2 Bed	1
Level 8 (Block C)	2 Bed	1
Level 8 (Block C)	2 Bed	1
Level 8 (Block C)	2 Bed	1
Level 8 (Block C)	2 Bed	1
Level 8 (Block C)	2 Bed	1
Level 9 (Block C)	2 Bed	1
Level 9 (Block C)	2 Bed	1
Level 9 (Block C)	2 Bed	1
Level 9 (Block C)	2 Bed	1
Level 9 (Block C)	2 Bed	1
Level 9 (Block C)	2 Bed	1
Level 9 (Block C)	2 Bed	1
Level 10 (Block C)	2 Bed	1
Level 10 (Block C)	2 Bed	1
Level 10 (Block C)	2 Bed	1
Level 10 (Block C)	2 Bed	1
Level 10 (Block C)	2 Bed	1

Grand total: 93

Unit Bedroom Type Breakdown - 2 Bed + Study

Level	Name	Count
Level 3	2 Bed + Study	1
Level 4	2 Bed + Study	1
Level 5	2 Bed + Study	1

Grand total: 3

Unit Bedroom Type Breakdown - 3 Bed

Level	Name	Count
Level 2	3 Bed	1
Level 2	3 Bed	1
Level 2	3 Bed	1
Level 2	3 Bed	1
Level 2	3 Bed	1
Level 3	3 Bed	1
Level 4	3 Bed	1
Level 5	3 Bed	1

Grand total: 8

LEGEND

AMENDED RETAIL AREA

AFFORDABLE HOUSING

ADDITIONAL LEVELS AND ASSOCIATED CALCULATIONS UPDATED

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ARCHITEX

CONCEPTUAL
PROPOSED SHOP TOP HOUSING DEVELOPMENT

SECTION 4.55

JOB NO.
2220

NEW SITE AREA

LOT 1		
Site Area	= 3,171.4 sq m	
Floor Area	= 8,907.41 sq m	
F.S.R	= 2.80:1	
LOT 101		
Site Area	= 563.0 sq m	
Floor Area	= 1,756.31 sq m	
F.S.R	= 3.12:1	
TOTAL Private Common Open Space Area	=	1,179.26 sq m (31.5%)
TOTAL Public Open Space Area	=	1044.42 sq m (26.57%)
TOTAL Landscaped Area	=	921.65 sq m (24.26%)

NEW F.S.R CALCULATIONS

	Lot 1 Area = 3,171.4 sq.m	Lot 101 Area = 563.0 sq.m
Level 1 (contains Retail 1 + Residential Lobby+ Bin Storage) #"Bin Store adjoining Retail 1 included as it is not below ground and within grade to external street level"	148.16 sq.m	
Level 2 (contains Retail 2,3,4 + Residential Lobby)	1,252.85 sq.m	41.00 sq.m
Level 3	1,438.99 sq.m	222.84 sq.m
Level 4	1,438.99 sq.m	222.84 sq.m
Level 5 (exist Blocks A/B/C level 4 copied up)	1,438.99 sq.m	222.84 sq.m
LEVEL 6 (previous BLOCK AB Level 5) + (exist BLOCK C Level 4 copied up)	922.78 sq.m + 472.20 sq.m + 1,394.98 sq.m	222.84 sq.m
LEVEL 7 (previous Block C Level 5)	472.20 sq.m	222.84sq.m
LEVEL 8 (previous Level 6)	440.75 sq.m	200.37 sq.m
LEVEL 9 (previous Level 7)	440.75 sq.m	200.37 sq.m
LEVEL 10 (previous Level 8)	440.75 sq.m	200.37 sq.m
Proposed GFA	**8,907.41 sq.m**	**1,756.31 sq.m**
Proposed FSR	**2.80:1**	**3.12:1**

*combined sqm Levels 2 - 10 (Lot 1) = 8768.74 sqm
*combined sqm Levels 2 - 10 (Lot 101) = 1756.91 sqm

SITE AREA
COMBINED SITE AREA of both LOTS = 3734.4 SQM

COMBINED GFA OF OUR BUILDINGS (after levels added)
LOT 1 GFA = 8907.41 SQM +
LOT 101 GFA = 1,756.31 SQM +
COMBINED GFA = 10663.72 SQM *"16.57sqm less than maximum New Control Gross Floor Area"*

ADDITIONAL HOUSING CALCULATIONS
TOTAL NUMBER OF EXTRA UNITS = 27 UNITS
(LEVEL 5 BLOCK A & B) = 11 UNITS
(LEVEL 5 BLOCK C) = 8 UNITS
(LEVEL 6 BLOCK C) = 8 UNITS

TOTAL NUMBER OF ALL UNITS AFTER ADDITION OF EXTRA FLOOR LEVELS = 117 UNITS
APPROVED UNITS = 90 UNITS
ADDITIONAL UNITS = 27 UNITS

SHERWOOD ROAD RETAIL(COMMERCIAL) CALCULATIONS
Previous GFA of Retail Areas 2 & 3 & 4 Residential Lobby = 417.624 SQM
NEW GFA of Retail Areas 2 & 3 & 4 Residential Lobby = 340.206 SQM

YIELD CALCULATIONS

LOT 1
SITE AREA = 3,171.40 sqm
FSR CONTROL FOR THIS PROJECT = 2:20:1
NEW CONTROL FSR (existing FSR of 2.20 + 30%) = 2.86 :1

TOTAL ALLOWED GFA
REGULAR = 6977.08 SQM FSR CONTROL 2:20
ADDITIONAL 30% = 2093.12 SQM
TOTAL = 9070.2 SQM FSR CONTROL 2:86

PROPOSED GFA PERCENTAGE
LEVEL 1 RETAIL / LOBBY/BIN STORE = (LEVEL 1) 148.16 SQM (contains Retail 1 + Residential Lobby+ Bin Storage) #"Bin Store adjoining Retail 1 included as it is not below ground and within grade to external street level"
LEVEL 2, 3 RETAIL / LOBBY / ACC. TOILET / COM. ROOM = (LEVEL 2) 363.50 SQM
NON AFFORDABLE = (LEVEL 2) 889.35 SQM
NON AFFORDABLE = (LEVEL 3) 966.79 SQM
NON AFFORDABLE = (LEVEL 4) 1,093.83 SQM
NON AFFORDABLE = (LEVEL 5) 1,093.83 SQM (excludes Units 17-20)
NON AFFORDABLE = (LEVEL 6) 1221.32 SQM (excludes Units 25,28)
NON AFFORDABLE = (LEVEL 7) 473.26 SQM
NON AFFORDABLE = (LEVEL 8) 440.75 SQM
NON AFFORDABLE = (LEVEL 9) 443.09 SQM
NON AFFORDABLE = (LEVEL 10) 443.09 SQM
TOTAL NON AFFORDABLE HOUSING PERCENTAGE = 7069.01 SQM (80%)
AFFORDABLE = (LEVEL 3) 472.30 SQM
AFFORDABLE = (LEVEL 4) 349.23 SQM
AFFORDABLE = (LEVEL 5) 348.17 SQM (Units 17-20)
AFFORDABLE = (LEVEL 6) 174.31 SQM (Units 25,28)
TOTAL AFFORDABLE HOUSING PERCENTAGE = 1344.01 SQM (15%)
LEVEL 2,3 RETAIL / LOBBY / ACCESSIBLE BATHROOMS PERCENTAGE = 363.50 SQM (3.5%)
LEVEL 1 RETAIL/LOBBY/BIN STORE PERCENTAGE = 148.16 SQM (1.5%)

*combined sqm Levels 2 - 10 (Lot 1) = 8887.39 sqm

TOTAL ALLOWED GFA = 9070.20 SQM
TOTAL PROPOSED GFA = 8907.41 SQM
DIFFERENCE UNDER = 162.79 SQM

LOT 101
SITE AREA = 563.0 sqm
FSR CONTROL FOR THIS PROJECT = 2.4 :1
NEW CONTROL FSR (existing FSR of 2.20 + 30%) = 3.12 :1

TOTAL ALLOWED GFA
REGULAR = 1229.97 SQM FSR CONTROL 2.4:1
ADDITIONAL 30% = 527.13 SQM FSR CONTROL 3.12 :1
TOTAL = 1757.1 SQM

PROPOSED GFA PERCENTAGE
LEVEL 2 RETAIL = (LEVEL 2) 41.0 SQM
NON AFFORDABLE = (LEVEL 4) 222.84 SQM
NON AFFORDABLE = (LEVEL 5) 222.84 SQM
NON AFFORDABLE = (LEVEL 6) 222.84 SQM
NON AFFORDABLE = (LEVEL 7) 222.84 SQM
NON AFFORDABLE = (LEVEL 8) 149.28 SQM
NON AFFORDABLE = (LEVEL 9) 200.37 SQM
NON AFFORDABLE = (LEVEL 10) 200.37 SQM
TOTAL NON AFFORDABLE HOUSING PERCENTAGE = 1441.38SQM (82%)
AFFORDABLE = (LEVEL 3) 222.84 SQM
AFFORDABLE = (LEVEL 8) 50.4 SQM
TOTAL AFFORDABLE HOUSING PERCENTAGE = 273.24 SQM (15.5%)
LEVEL 2 RETAIL PERCENTAGE = 41.0 SQM (2%)

*combined sqm Levels 2 - 10 (Lot 101) = 1756.31 sqm

TOTAL ALLOWED GFA = 1757.10 SQM
TOTAL PROPOSED GFA = 1756.31 SQM
DIFFERENCE UNDER = 00.79 SQM

Address: 9 Sherwood Road, Merrylands
Client: .

4/17-19 Alberta Street
Sydney, NSW 2000

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Mijasu Pty Ltd t/as Architex
ABN: 633 834 401

ARCHITEX

BASIX™ Certificate

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

Multi Dwelling

Certificate number: 722281M_06

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

This certificate is a revision of certificate number 722281M lodged with the consent authority or certifier on 05 May 2016 with application DA/164/2016.

It is the responsibility of the applicant to verify with the consent authority that the original, or any revised certificate, complies with the requirements of Schedule 1 Clause 2A, 4A or 6A of the Environment Planning and Assessment Regulation 2000

Secretary
Date of issue: Wednesday, 24 September 2025
To be valid, this certificate must be lodged within 3 months of the date of issue.

When submitting this BASIX certificate with a development application or complying development certificate application, it must be accompanied by NatHERS certificate 0012224740.

Project summary	
Project name	9-11 Sherwood Road, Merrylands_06
Street address	9-11 SHERWOOD ROAD MERRYLANDS 2160
Local Government Area	Holroyd City Council
Plan type and plan number	Deposited Plan 548919
Lot no.	1
Section no.	-
No. of residential flat buildings	3
No. of units in residential flat buildings	117
No. of multi-dwelling houses	0
No. of single dwelling houses	0

Project score		
Water	✔ 40	Target 40
Thermal Comfort	✔ Pass	Target Pass
Energy	✔ 23	Target 20

Certificate Prepared by
Name / Company Name: ESD SYNERGY PTY LTD
ABN (if applicable): 17165174685

Description of project

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

Common areas of unit building - Block A

Common area	Floor area (m²)	Common area	Floor area (m²)
Lift car (No. 1)	0.00	Ground floor lobby type BlkA	41.00

Common areas of unit building - Block B

Common area	Floor area (m²)	Common area	Floor area (m²)
Lift car (No. 2)	0.00	Ground floor lobby type BlkB	37.10

Common areas of unit building - Block C

Common area	Floor area (m²)	Common area	Floor area (m²)
Lift car (No. 3)	0.00	Ground floor lobby type BlkC	35.00

Common areas of the development (non-building specific)

Common area	Floor area (m²)	Common area	Floor area (m²)	Common area	Floor area (m²)
Car park area (No. 1)	5812.14	Lift car (No. 4)	0.00	Lift car (No. 5)	0.00
Switch room (No. 1)	23.00	Garbage room (No. 1)	150.90	Plant or service room (No. 1)	21.50
Hallway/lobby type (No. 1)	802.20				

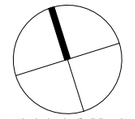
Fixtures						Appliances		Individual pool				Individual spa		
Dwelling no.	All shower-heads	All toilet flushing systems	All kitchen taps	All bathroom taps	HW recirculation or diversion	All clothes washers	All dish-washers	Volume (max volume)	Pool cover	Pool location	Pool shaded	Volume (max volume)	Spa cover	Spa shaded
All dwellings	3 star (> 6 but <= 7.5 L/min)	4 star	4 star	4 star	-	not specified	4 star	-	-	-	-	-	-	-

Alternative water source								
Dwelling no.	Alternative water supply systems	Size	Configuration	Landscape connection	Toilet connection [s]	Laundry connection	Pool top-up	Spa top-up
All dwellings	No alternative water supply	-	-	-	-	-	-	-

(ii) Energy	Show on DA plans	Show on CC/CDC plans & specs	Certifier check
(a) The applicant must comply with the commitments listed below in carrying out the development of a dwelling listed in a table below.			
(b) The applicant must install each hot water system specified for the dwelling in the table below, so that the dwelling's hot water is supplied by that system. If the table specifies a central hot water system for the dwelling, then the applicant must connect that central system to the dwelling, so that the dwelling's hot water is supplied by that central system.	✔	✔	✔
(c) The applicant must install, in each bathroom, kitchen and laundry of the dwelling, the ventilation system specified for that room in the table below. Each such ventilation system must have the operation control specified for it in the table.		✔	✔
(d) The applicant must install the cooling and heating system/s specified for the dwelling under the "Living areas" and "Bedroom areas" headings of the "Cooling" and "Heating" columns in the table below, in/for at least 1 living/bedroom area of the dwelling. If no cooling or heating system is specified in the table for "Living areas" or "Bedroom areas", then no systems may be installed in any such areas. If the term "zoned" is specified beside an air conditioning system, then the system must provide for day/night zoning between living areas and bedrooms.		✔	✔
(e) This commitment applies to each room or area of the dwelling which is referred to in a heading to the "Artificial lighting" column of the table below (but only to the extent specified for that room or area). The applicant must ensure that the "primary type of artificial lighting" for each such room in the dwelling is fluorescent lighting or light emitting diode (LED) lighting. If the term "dedicated" is specified for a particular room or area, then the light fittings in that room or area must only be capable of being used for fluorescent lighting or light emitting diode (LED) lighting.		✔	✔
(f) This commitment applies to each room or area of the dwelling which is referred to in a heading to the "Natural lighting" column of the table below (but only to the extent specified for that room or area). The applicant must ensure that each such room or area is fitted with a window and/or skylight.	✔	✔	✔

1:100
0 m 1 2m 5m

True Northpoint



Do not scale, check and verify all dimensions before comencing new work, ground levels may vary due to site conditions. If descrepancies are found on Site with the drawings, please contact Architect immediately.

Description of project

Project address	
Project name	9-11 Sherwood Road, Merrylands_06
Street address	9-11 SHERWOOD ROAD MERRYLANDS 2160
Local Government Area	Holroyd City Council
Plan type and plan number	Deposited Plan 548919
Lot no.	1
Section no.	-

Project type	
No. of residential flat buildings	3
No. of units in residential flat buildings	117
No. of multi-dwelling houses	0
No. of single dwelling houses	0

Site details	
Site area (m²)	3734.4
Roof area (m²)	3414
Non-residential floor area (m²)	578.01
Residential car spaces	120
Non-residential car spaces	21

Common area landscape	
Common area lawn (m²)	0.00
Common area garden (m²)	797.62
Area of indigenous or low water use species (m²)	0.00

Assessor details and thermal loads	
Assessor number	20754
Certificate number	0012224740
Climate zone	56

Project score		
Water	✔ 40	Target 40
Thermal Comfort	✔ Pass	Target Pass
Energy	✔ 23	Target 20

Schedule of BASIX commitments

1. Commitments for Residential flat buildings -Block A
   (a) Dwellings
      (i) Water
      (ii) Energy
      (iii) Thermal Comfort
   (b) Common areas and central systems/facilities
      (i) Water
      (ii) Energy

2. Commitments for Residential flat buildings -Block B
   (a) Dwellings
      (i) Water
      (ii) Energy
      (iii) Thermal Comfort
   (b) Common areas and central systems/facilities
      (i) Water
      (ii) Energy

3. Commitments for Residential flat buildings -Block C
   (a) Dwellings
      (i) Water
      (ii) Energy
      (iii) Thermal Comfort
   (b) Common areas and central systems/facilities
      (i) Water
      (ii) Energy

(ii) Energy	Show on DA plans	Show on CC/CDC plans & specs	Certifier check
(g) This commitment applies if the applicant installs a water heating system for the dwelling's pool or spa. The applicant must:			
(aa) install the system specified for the pool in the "Individual Pool" column of the table below (or alternatively must not install any system for the pool). If specified, the applicant must install a timer, to control the pool's pump; and		✔	
(bb) install the system specified for the spa in the "Individual Spa" column of the table below (or alternatively must not install any system for the spa). If specified, the applicant must install a timer to control the spa's pump.		✔	
(h) The applicant must install in the dwelling:			
(aa) the kitchen cook-top and oven specified for that dwelling in the "Appliances & other efficiency measures" column of the table below;		✔	
(bb) each appliance for which a rating is specified for that dwelling in the "Appliances & other efficiency measures" column of the table, and ensure that the appliance has that minimum rating; and		✔	✔
(cc) any clothes drying line specified for the dwelling in the "Appliances & other efficiency measures" column of the table.		✔	
(i) If specified in the table, the applicant must carry out the development so that each refrigerator space in the dwelling is "well ventilated".		✔	

	Hot water	Bathroom ventilation system		Kitchen ventilation system		Laundry ventilation system	
Dwelling no.	Hot water system	Each bathroom	Operation control	Each kitchen	Operation control	Each laundry	Operation control
All dwellings	electric instantaneous	individual fan, ducted to façade or roof	manual switch on/off	individual fan, ducted to façade or roof	manual switch on/off	individual fan, ducted to façade or roof	manual switch on/off

	Cooling		Heating			Artificial lighting				Natural lighting	
Dwelling no.	living areas	bedroom areas	living areas	bedroom areas	No. of bedrooms &/or study	No. of living &/or dining rooms	Each kitchen	All bathrooms/ toilets	Each laundry	All hallways	No. of bathrooms &/or toilets	Main kitchen
32, 33	1-phase airconditioning EER 3.5 - 4.0	1-phase airconditioning EER 3.5 - 4.0	1-phase airconditioning EER 3.5 - 4.0	1-phase airconditioning EER 3.5 - 4.0	1(dedicated)	1(dedicated)	yes(dedicated)	yes(dedicated)	yes(dedicated)	yes(dedicated)	1	no
1, 10, 14, 25, 5	1-phase airconditioning	1-phase airconditioning	1-phase airconditioning	1-phase airconditioning EER 3.5 - 4.0	3(dedicated)	1(dedicated)	yes(dedicated)	yes(dedicated)	yes(dedicated)	yes(dedicated)	0	no

Description of project

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

Residential flat buildings - Block A, 25 dwellings, 7 storeys above ground

Dwelling no.	No. of bedrooms	Conditioned Floor area (m²)	Unconditioned Floor area (m²)	Area of garden & lawn (m²)	Indigenous species (min area m²)
1	2	84.4	0.00	0.00	0.00
13	2	81.2	0.00	0.00	0.00
22	1	53.2	0.00	0.00	0.00
3	2	81.5	0.00	0.00	0.00
35	2	81.2	0.00	0.00	0.00
44	1	48.2	5.4	0	0
5	3	95.00	0.00	0.00	0.00
10	2	78.1	0.00	0.00	0.00
14	3	99	0.00	0.00	0.00
23	2	80.8	0.00	0.00	0.00
32	1	78.1	0.00	0.00	0.00
36	2	99.8	0.00	0.00	0.00
45	2	88.7	0	0	0
11	1	53.2	0.00	0.00	0.00
2	1	54.8	0.00	0.00	0.00
24	2	81.2	0.00	0.00	0.00
33	1	53.2	0.00	0.00	0.00
4	2	77	0.00	0.00	0.00
46	2	81.2	0	0	0
12	2	80.8	5.60	0.00	0.00
21	2	75.30	0.00	0.00	0.00
25	3	99	0.00	0.00	0.00
34	1	80.8	0.00	0.00	0.00
43	2	98.6	0	0	0
47	2	85.3	0	0	0

Residential flat buildings - Block B, 28 dwellings, 7 storeys above ground

Dwelling no.	No. of bedrooms	Conditioned Floor area (m²)	Unconditioned Floor area (m²)	Area of garden & lawn (m²)	Indigenous species (min area m²)
15	2	79.8	0.00	0.00	0.00
19	2	79.9	0.00	0.00	0.00
28	2	88.4	0.00	0.00	0.00
37	2	79.8	0.00	0.00	0.00
41	2	79.9	0.00	0.00	0.00
50	2	88.4	0	0	0
16	2	80.5	0.00	0.00	0.00
20	2	79.6	0.00	0.00	0.00
29	2	82.20	0.00	0.00	0.00
38	2	80.5	0.00	0.00	0.00
42	2	79.6	0.00	0.00	0.00
51	2	82.2	0	0	0
17	2	88.4	0.00	0.00	0.00
26	2	79.8	0.00	0.00	0.00
30	2	79.9	0.00	0.00	0.00
39	2	88.4	0.00	0.00	0.00
48	2	79.8	0	0	0
52	2	79.9	0	0	0
18	2	82.2	0.00	0.00	0.00
27	2	80.5	0.00	0.00	0.00
31	2	79.6	0.00	0.00	0.00
40	2	82.2	0.00	0.00	0.00
49	2	80.5	0	0	0
53	2	79.6	0	0	0

Residential flat buildings - Block C, 64 dwellings, 9 storeys above ground

Dwelling no.	No. of bedrooms	Conditioned Floor area (m²)	Unconditioned Floor area (m²)	Area of garden & lawn (m²)	Indigenous species (min area m²)
1	2	80.4	0.00	0.00	0.00
13	2	80.6	5.60	0.00	0.00
17	2	80.4	0.00	0.00	0.00
20	2	79.8	5.30	0.00	0.00
24	2	83.3	0.00	0.00	0.00
28	2	79.8	0	0.00	0.00
31	1	81.7	0.00	0.00	0.00
35	2	80.8	0.00	0.00	0.00
39	1	81.7	0.00	0.00	0.00
42	1	53.2	0.00	0.00	0.00
46	2	79.8	0.00	0.00	0.00
5	2	80.6	5.60	0.00	0.00
53	2	81.3	0	0	0
57	2	77.7	0	0	0
60	2	77.9	0	0	0
64	2	81.5	0	0	0
10	2	82	0.00	0.00	0.00
14	2	79.8	0.00	0.00	0.00
18	2	82	0.00	0.00	0.00
21	2	80.6	5.60	0.00	0.00
25	2	80.4	0.00	0.00	0.00
29	2	80.6	0	0.00	0.00
32	2	83.3	0.00	0.00	0.00
36	2	79.8	5.30	0.00	0.00
4	2	79.8	5.30	0.00	0.00
43	2	81.7	0.00	0.00	0.00
47	1	50.60	0.00	0.00	0.00
50	1	53.2	0	0	0
54	2	79.8	0	0	0
58	1	53.2	0	0	0
61	2	81.3	0	0	0
7	2	81.7	0.00	0.00	0.00
11	2	80.8	0.00	0.00	0.00
15	2	81.7	0.00	0.00	0.00
19	2	80.8	0.00	0.00	0.00
22	2	79.8	0.00	0.00	0.00
26	1	82	0.00	0.00	0.00
3	2	80.8	0.00	0.00	0.00
33	2	80.4	0.00	0.00	0.00
37	2	80.6	5.60	0.00	0.00
40	2	83.3	0.00	0.00	0.00
44	2	77.9	5.30	0.00	0.00
48	2	81.5	0.00	0.00	0.00
51	2	81.7	0	0	0
55	1	51.8	0	0	0
59	2	81.7	0	0	0
62	2	79.8	0	0	0
8	2	83.3	0.00	0.00	0.00
12	2	79.8	5.30	0.00	0.00
16	2	83.3	0.00	0.00	0.00
2	2	82	0.00	0.00	0.00
23	2	81.7	0.00	0.00	0.00
27	2	80.8	0.00	0.00	0.00
30	2	79.8	0.00	0.00	0.00
34	1	82	0.00	0.00	0.00
38	2	79.8	0.00	0.00	0.00
41	2	77.7	0.00	0.00	0.00
45	2	81.3	5.60	0.00	0.00
49	2	77.7	0	0	0
52	2	77.9	0	0	0
56	2	81.5	0	0	0
6	2	79.8	0.00	0.00	0.00
63	1	51.8	0	0	0
9	2	80.4	0.00	0.00	0.00
9	3	103.5	0.00	0.00	0.00

4. Commitments for multi-dwelling houses

5. Commitments for single dwelling houses

6. Commitments for common areas and central systems/facilities for the development (non-building specific)
   (b) Common areas and central systems/facilities
      (i) Water
      (ii) Energy

Cooling			Heating			Artificial lighting				Natural lighting	
Dwelling no.	living areas	bedroom areas	living areas	bedroom areas	No. of bedrooms &/or study	No. of living &/or dining rooms	Each kitchen	All bathrooms/ toilets	Each laundry	All hallways	No. of bathrooms &/or toilets	Main kitchen
	EER 3.5 - 4.0	EER 3.5 - 4.0	EER 3.5 - 4.0									
11, 2, 22, 34, 44	1-phase airconditioning EER 3.5 - 4.0	1-phase airconditioning EER 3.5 - 4.0	1-phase airconditioning EER 3.5 - 4.0	1-phase airconditioning EER 3.5 - 4.0	1(dedicated)	1(dedicated)	yes(dedicated)	yes(dedicated)	yes(dedicated)	yes(dedicated)	0	no
All other dwellings	1-phase airconditioning EER 3.5 - 4.0	1-phase airconditioning EER 3.5 - 4.0	1-phase airconditioning EER 3.5 - 4.0	1-phase airconditioning EER 3.5 - 4.0	2(dedicated)	1(dedicated)	yes(dedicated)	yes(dedicated)	yes(dedicated)	yes(dedicated)	0	no

	Individual pool		Individual spa		Appliances other efficiency measures						
Dwelling no.	Pool heating system	Timer	Spa heating system	Timer	Kitchen cooktop/ oven	Refrigerator	Well ventilated fridge space	Dishwasher	Clothes washer	Clothes dryer	Indoor or sheltered clothes drying line	Private outdoor or unsheltered clothes drying line
43, 44, 45, 46, 47	-	-	-	-	-	electric cooktop & electric oven	4 star (new rating)	yes	3.5 star	3 star	2.5 star	yes	no
All other dwellings	-	-	-	-	-	electric cooktop & electric oven	4 star (new rating)	yes	3.5 star	3 star	2.5 star	yes	no

(iii) Thermal Comfort	Show on DA plans	Show on CC/CDC plans specs	Certifier check
(a) The applicant must attach the certificate referred to under "Assessor details" on the front page of this BASIX certificate (the "Assessor Certificate") to the development application and construction certificate application for the proposed development (or, if the applicant is applying for a complying development certificate for the proposed development, to that application). The applicant must also attach the Assessor Certificate to the application for a final occupation certificate for the proposed development.			
(b) The Assessor Certificate must have been issued by an Accredited Assessor in accordance with the Thermal Comfort Protocol.			
(c) The details of the proposed development on the Assessor Certificate must be consistent with the details shown in this BASIX Certificate, including the details shown in the "Thermal Loads" table below.			

Issue	Issue description	Date
C	SECTION 4.55 DRAWINGS	18-12-25
B	SECTION 4.55 DRAWINGS	03-12-25
A	SECTION 4.55 DRAWINGS	05-09-25

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Project
PROPOSED SHOP TOP HOUSING DEVELOPMENT

Project Address
9 Sherwood Road, Merrylands

Client
.

Title
BASIX Report

PRELIMENARY

Drawn	Scale	Checked
Author		VA
Job No	Drawing No.	Issue
2220	.000	C

Schedule of BASIX commitments

The commitments set out below regulate how the proposed development is to be carriedout. It is a condition of any development consent granted, or complying development certificate issued, for the proposed development, that BASIX commitments be complied with.

1. Commitments for Residential flat buildings -Block A

(a) Dwellings

(i) Water	Show on DA plans	Show on CC/CDC plans & specs	Certifier check
(a) The applicant must comply with the commitments listed below in carrying out the development of a dwelling listed in a table below.			
(b) The applicant must plant indigenous or low water use species of vegetation throughout the area of land specified for the dwelling in the "Indigenous species" column of the table below, as private landscaping for that dwelling. (This area of indigenous vegetation is to be contained within the "Area of garden and lawn" for the dwelling specified in the "Description of Project" table).	✔	✔	
(c) If a rating is specified in the table below for a fixture or appliance to be installed in the dwelling, the applicant must ensure that each such fixture and appliance meets the rating specified for it.		✔	✔
(d) The applicant must install an on demand hot water recirculation system which regulates all hot water use throughout the dwelling, where indicated for a dwelling in the "HW recirculation or diversion" column of the table below.		✔	✔
(e) The applicant must install:			
(aa) a hot water diversion system to all showers, kitchen sinks and all basins in the dwelling, where indicated for a dwelling in the "HW recirculation or diversion" column of the table below; and		✔	✔
(bb) a separate diversion tank (or tanks) connected to the hot water diversion systems of at least 100 litres. The applicant must connect the hot water diversion tank to all toilets in the dwelling.		✔	✔
(e) The applicant must not install a private swimming pool or spa for the dwelling, with a volume exceeding that specified for it in the table below.	✔	✔	
(f) If specified in the table, that pool or spa (or both) must have a pool cover or shading (or both).		✔	
(g) The pool or spa must be located as specified in the table.	✔	✔	
(h) The applicant must install, for the dwelling, each alternative water supply system, with the specified size, listed for that dwelling in the table below. Each system must be configured to collect run-off from the areas specified (excluding any area which supplies any other alternative water supply system), and to divert overflow as specified. Each system must be connected as specified.	✔	✔	✔

(iii) Thermal Comfort	Show on DA plans	Show on CC/CDC plans specs	Certifier check
(d) The applicant must show on the plans accompanying the development application for the proposed development, all matters which the Thermal Comfort Protocol requires to be shown on those plans. Those plans must bear a stamp of endorsement from the Accredited Assessor, to certify that this is the case.	✔		
(e) The applicant must show on the plans accompanying the application for a construction certificate (or complying development certificate, if applicable), all thermal performance specifications set out in the Assessor Certificate, and all aspects of the proposed development which were used to calculate those specifications.		✔	
(f) The applicant must construct the development in accordance with all thermal performance specifications set out in the Assessor Certificate, and in accordance with those aspects of the development application or application for a complying development certificate which were used to calculate those specifications.		✔	✔
(g) Where there is an in-slab heating or cooling system, the applicant must:	✔	✔	✔
(aa) Install insulation with an R-value of not less than 1.0 around the vertical edges of the perimeter of the slab; or			
(bb) On a suspended floor, install insulation with an R-value of not less than 1.0 underneath the slab and around the vertical edges of the perimeter of the slab.			
(h) The applicant must construct the floors and walls of the development in accordance with the specifications listed in the table below.	✔	✔	✔

Thermal loads		
Dwelling no.	Area adjusted heating load (in MJ/m²/yr)	Area adjusted cooling load (in MJ/m²/yr)
1	46.5	13.5
10	24.5	28.1
11	17.2	44.6
12	7.9	14.9
13	10.4	19.6
14	33.1	9.3
2	22.6	36.8
21	29	20.6
22	22.3	39.3
23	10.9	12.2
24	13.6	16.2
25	38.7	8.80
3	16.2	9.8
32	24.3	16.9

Thermal loads		
Dwelling no.	Area adjusted heating load (in MJ/m²/yr)	Area adjusted cooling load (in MJ/m²/yr)
33	20.9	36.5
34	9.6	12
35	14.3	18.2
36	32.6	8.5
4	25.8	9.2
43	43.3	49
44	33	45.8
45	17.8	9.5
46	25	20.5
47	54.5	11.5
All other dwellings	52.6	7.7

Alternative water source								
Dwelling no.	Alternative water supply systems	Size	Configuration	Landscape connection	Toilet connection (s)	Laundry connection	Pool top-up	Spa top-up
All dwellings	No alternative water supply	-	-	-	-	-	-	-

(ii) Energy	Show on DA plans	Show on CC/CDC plans & specs	Certifier check
(a) The applicant must comply with the commitments listed below in carrying out the development of a dwelling listed in a table below.			
(b) The applicant must install each hot water system specified for the dwelling in the table below, so that the dwelling's hot water is supplied by that system. If the table specifies a central hot water system for the dwelling, then the applicant must connect that central system to the dwelling, so that the dwelling's hot water is supplied by that central system.	✔	✔	✔
(c) The applicant must install, in each bathroom, kitchen and laundry of the dwelling, the ventilation system specified for that room in the table below. Each such ventilation system must have the operation control specified for it in the table.		✔	✔
(d) The applicant must install the cooling and heating system/s specified for the dwelling under the "Living areas" and "Bedroom areas" headings of the "Cooling" and "Heating" columns in the table below, in/for at least 1 living/bedroom area of the dwelling. If no cooling or heating system is specified in the table for "Living areas" or "Bedroom areas", then no systems may be installed in any such areas. If the term "zoned" is specified beside an air conditioning system, then the system must provide for day/night zoning between living areas and bedrooms.		✔	✔
(e) This commitment applies to each room or area of the dwelling which is referred to in a heading to the "Artificial lighting" column of the table below (but only to the extent specified for that room or area). The applicant must ensure that the "primary type of artificial lighting" for each such room in the dwelling is fluorescent lighting or light emitting diode (LED) lighting. If the term "dedicated" is specified for a particular room or area, then the light fittings in that room or area must only be capable of being used for fluorescent lighting or light emitting diode (LED) lighting.		✔	✔
(f) This commitment applies to each room or area of the dwelling which is referred to in a heading to the "Natural lighting" column of the table below (but only to the extent specified for that room or area). The applicant must ensure that each such room or area is fitted with a window and/or skylight.	✔	✔	✔
(g) This commitment applies if the applicant installs a water heating system for the dwelling's pool or spa. The applicant must:			
(aa) install the system specified for the pool in the "Individual Pool" column of the table below (or alternatively must not install any system for the pool). If specified, the applicant must install a timer, to control the pool's pump; and		✔	
(bb) install the system specified for the spa in the "Individual Spa" column of the table below (or alternatively must not install any system for the spa). If specified, the applicant must install a timer to control the spa's pump.		✔	
(h) The applicant must install in the dwelling:			

(b) Common areas and central systems/facilities

(i) Water	Show on DA plans	Show on CC/CDC plans & specs	Certifier check
(a) If, in carrying out the development, the applicant installs a showerhead, toilet, tap or clothes washer into a common area, then that item must meet the specifications listed for it in the table.		✔	✔
(b) The applicant must install (or ensure that the development is serviced by) the alternative water supply system(s) specified in the "Central systems" column of the table below. In each case, the system must be sized, be configured, and be connected, as specified in the table.	✔	✔	✔
(c) A swimming pool or spa listed in the table must not have a volume (in kLs) greater than that specified for the pool or spa in the table.	✔	✔	
(d) A pool or spa listed in the table must have a cover or shading if specified for the pool or spa in the table.		✔	
(e) The applicant must install each fire sprinkler system listed in the table so that the system is configured as specified in the table.		✔	✔
(f) The applicant must ensure that the central cooling system for a cooling tower is configured as specified in the table.		✔	✔

Common area	Showerheads rating	Toilets rating	Taps rating	Clothes washers rating
All common areas	3 star (> 7.5 but <= 9 L/min)	4 star	4 star	no common laundry facility

(ii) Energy	Show on DA plans	Show on CC/CDC plans & specs	Certifier check
(a) If, in carrying out the development, the applicant installs a ventilation system to service a common area specified in the table below, then that ventilation system must be of the type specified for that common area, and must meet the efficiency measure specified.		✔	✔
(b) In carrying out the development, the applicant must install, as the "primary type of artificial lighting" for each common area specified in the table below, the lighting specified for that common area. This lighting must meet the efficiency measure specified. The applicant must also install a centralised lighting control system or Building Management System (BMS) for the common area, where specified.		✔	✔
(c) The applicant must install the systems and fixtures specified in the "Central energy systems" column of the table below. In each case, the system or fixture must be of the type, and meet the specifications, listed for it in the table.	✔	✔	✔

(ii) Energy	Show on DA plans	Show on CC/CDC plans & specs	Certifier check
(aa) the kitchen cook-top and oven specified for that dwelling in the "Appliances & other efficiency measures" column of the table below;		✔	
(bb) each appliance for which a rating is specified for that dwelling in the "Appliances & other efficiency measures" column of the table, and ensure that the appliance has that minimum rating; and		✔	✔
(cc) any clothes drying line specified for the dwelling in the "Appliances & other efficiency measures" column of the table.		✔	
(i) If specified in the table, the applicant must carry out the development so that each refrigerator space in the dwelling is "well ventilated".		✔	

	Hot water	Bathroom ventilation system		Kitchen ventilation system		Laundry ventilation system	
Dwelling no.	Hot water system	Each bathroom	Operation control	Each kitchen	Operation control	Each laundry	Operation control
All dwellings	electric instantaneous	individual fan, ducted to façade or roof	manual switch on/off	individual fan, ducted to façade or roof	manual switch on/off	individual fan, ducted to façade or roof	manual switch on/off

	Cooling		Heating		Artificial lighting					Natural lighting	
Dwelling no.	living areas	bedroom areas	living areas	bedroom areas	No. of bedrooms &/or study	No. of living &/or dining rooms	Each kitchen	All bathrooms/ toilets	Each laundry	All hallways	No. of bathrooms &/or toilets	Main kitchen
6, 7, 8, 9	1-phase airconditioning EER 3.5 - 4.0	1-phase airconditioning EER 3.5 - 4.0	1-phase airconditioning EER 3.5 - 4.0	1-phase airconditioning EER 3.5 - 4.0	3(dedicated)	1(dedicated)	yes(dedicated)	yes(dedicated)	yes(dedicated)	yes(dedicated)	0	no
All other dwellings	1-phase airconditioning EER 3.5 - 4.0	1-phase airconditioning EER 3.5 - 4.0	1-phase airconditioning EER 3.5 - 4.0	1-phase airconditioning EER 3.5 - 4.0	2(dedicated)	1(dedicated)	yes(dedicated)	yes(dedicated)	yes(dedicated)	yes(dedicated)	0	no

Common area ventilation system					Common area lighting	
Common area	Ventilation system type	Ventilation efficiency measure	Primary type of artificial lighting	Lighting efficiency measure	Lighting control system/ BMS
Lift car (No. 1)	-	-	light-emitting diode	connected to lift call button	no
Ground floor lobby type B&A	ventilation supply only	time clock or BMS controlled	light-emitting diode	time clock and motion sensors	no

Central energy systems	Type	Specification
Lift (No. 1)	gearless traction with V V V F motor	Number of levels (including basement): 8

	Individual pool		Individual spa		Appliances other efficiency measures						
Dwelling no.	Pool heating system	Timer	Spa heating system	Timer	Kitchen cooktop/ oven	Refrigerator	Well ventilated fridge space	Dishwasher	Clothes washer	Clothes dryer	Indoor or sheltered clothes drying line	Private outdoor or unsheltered clothes drying line
48, 49, 50, 51, 52, 53	-	-	-	-	electric cooktop & electric oven	4 star (new rating)	yes	3.5 star	3 star	2.5 star	yes	no
All other dwellings	-	-	-	-	electric cooktop & electric oven	4 star (new rating)	yes	3.5 star	3 star	2.5 star	yes	no

(iii) Thermal Comfort	Show on DA plans	Show on CC/CDC plans specs	Certifier check
(a) The applicant must attach the certificate referred to under "Assessor details" on the front page of this BASIX certificate (the "Assessor Certificate") to the development application and construction certificate application for the proposed development (or, if the applicant is applying for a comp/ying development certificate for the proposed development, to that application). The applicant must also attach the Assessor Certificate to the application for a final occupation certificate for the proposed development.			
(b) The Assessor Certificate must have been issued by an Accredited Assessor in accordance with the Thermal Comfort Protocol.			
(c) The details of the proposed development on the Assessor Certificate must be consistent with the details shown in this BASIX Certificate, including the details shown in the "Thermal Loads" table below.			
(d) The applicant must show on the plans accompanying the development application for the proposed development, all matters which the Thermal Comfort Protocol requires to be shown on those plans. Those plans must bear a stamp of endorsement from the Accredited Assessor, to certify that this is the case.	✔		
(e) The applicant must show on the plans accompanying the application for a construction certificate (or comp/ying development certificate, if applicable), all thermal performance specifications set out in the Assessor Certificate, and all aspects of the proposed development which were used to calculate those specifications.		✔	
(f) The applicant must construct the development in accordance with all thermal performance specifications set out in the Assessor Certificate, and in accordance with those aspects of the development application or application for a comp/ying development certificate which were used to calculate those specifications.		✔	✔
(g) Where there is an in-slab heating or cooling system, the applicant must:	✔	✔	✔
(aa) Install insulation with an R-value of not less than 1.0 around the vertical edges of the perimeter of the slab; or			
(bb) On a suspended floor, install insulation with an R-value of not less than 1.0 underneath the slab and around the vertical edges of the perimeter of the slab.			
(h) The applicant must construct the floors and walls of the development in accordance with the specifications listed in the table below.	✔	✔	✔

3. Commitments for Residential flat buildings -Block C

(a) Dwellings

(i) Water	Show on DA plans	Show on CC/CDC plans & specs	Certifier check
(a) The applicant must comply with the commitments listed below in carrying out the development of a dwelling listed in a table below.			
(b) The applicant must plant indigenous or low water use species of vegetation throughout the area of land specified for the dwelling in the "Indigenous species" column of the table below, as private landscaping for that dwelling. (This area of indigenous vegetation is to be contained within the "Area of garden and lawn" for the dwelling specified in the "Description of Project" table).	✔	✔	
(c) If a rating is specified in the table below for a fixture or appliance to be installed in the dwelling, the applicant must ensure that each such fixture and appliance meets the rating specified for it.		✔	✔
(d) The applicant must install an on demand hot water recirculation system which regulates all hot water use throughout the dwelling, where indicated for a dwelling in the "HW recirculation or diversion" column of the table below.		✔	✔
(e) The applicant must install:			
(aa) a hot water diversion system to all showers, kitchen sinks and all basins in the dwelling, where indicated for a dwelling in the "HW recirculation or diversion" column of the table below; and		✔	✔
(bb) a separate diversion tank (or tanks) connected to the hot water diversion systems of at least 100 litres. The applicant must connect the hot water diversion tank to all toilets in the dwelling.		✔	✔
(e) The applicant must not install a private swimming pool or spa for the dwelling, with a volume exceeding that specified for it in the table below.	✔	✔	
(f) If specified in the table, that pool or spa (or both) must have a pool cover or shading (or both).		✔	
(g) The pool or spa must be located as specified in the table.	✔	✔	
(h) The applicant must install, for the dwelling, each alternative water supply system, with the specified size, listed for that dwelling in the table below. Each system must be configured to collect run-off from the areas specified (excluding any area which supplies any other alternative water supply system), and to divert overflow as specified. Each system must be connected as specified.	✔	✔	✔

Fixtures						Appliances		Individual pool				Individual spa		
Dwelling no.	All shower-heads	All toilet flushing systems	All kitchen taps	All bathroom taps	HW recirculation or diversion	All clothes washers	All dish-washers	Volume (max volume)	Pool cover	Pool location	Pool shaded	Volume (max volume)	Spa cover	Spa shaded
All dwellings	3 star (> 6 but <= 7.5 L/min)	4 star	4 star	4 star	-	not specified	4 star	-	-	-	-	-	-	-

2. Commitments for Residential flat buildings -Block B

(a) Dwellings

(i) Water	Show on DA plans	Show on CC/CDC plans & specs	Certifier check
(a) The applicant must comply with the commitments listed below in carrying out the development of a dwelling listed in a table below.			
(b) The applicant must plant indigenous or low water use species of vegetation throughout the area of land specified for the dwelling in the "Indigenous species" column of the table below, as private landscaping for that dwelling. (This area of indigenous vegetation is to be contained within the "Area of garden and lawn" for the dwelling specified in the "Description of Project" table).	✔	✔	
(c) If a rating is specified in the table below for a fixture or appliance to be installed in the dwelling, the applicant must ensure that each such fixture and appliance meets the rating specified for it.		✔	✔
(d) The applicant must install an on demand hot water recirculation system which regulates all hot water use throughout the dwelling, where indicated for a dwelling in the "HW recirculation or diversion" column of the table below.		✔	✔
(e) The applicant must install:			
(aa) a hot water diversion system to all showers, kitchen sinks and all basins in the dwelling, where indicated for a dwelling in the "HW recirculation or diversion" column of the table below; and		✔	✔
(bb) a separate diversion tank (or tanks) connected to the hot water diversion systems of at least 100 litres. The applicant must connect the hot water diversion tank to all toilets in the dwelling.		✔	✔
(e) The applicant must not install a private swimming pool or spa for the dwelling, with a volume exceeding that specified for it in the table below.	✔	✔	
(f) If specified in the table, that pool or spa (or both) must have a pool cover or shading (or both).		✔	
(g) The pool or spa must be located as specified in the table.	✔	✔	
(h) The applicant must install, for the dwelling, each alternative water supply system, with the specified size, listed for that dwelling in the table below. Each system must be configured to collect run-off from the areas specified (excluding any area which supplies any other alternative water supply system), and to divert overflow as specified. Each system must be connected as specified.	✔	✔	✔

Fixtures						Appliances		Individual pool				Individual spa		
Dwelling no.	All shower-heads	All toilet flushing systems	All kitchen taps	All bathroom taps	HW recirculation or diversion	All clothes washers	All dish-washers	Volume (max volume)	Pool cover	Pool location	Pool shaded	Volume (max volume)	Spa cover	Spa shaded
All dwellings	3 star (> 6 but <= 7.5 L/min)	4 star	4 star	4 star	-	not specified	4 star	-	-	-	-	-	-	-

Thermal loads		
Dwelling no.	Area adjusted heating load (in MJ/m²/yr)	Area adjusted cooling load (in MJ/m²/yr)
15	28.1	16.4
16	5	17.9
17	22.6	13.3
18	52.8	16.7
19	35.4	10.8
20	61.3	10.3
26	10.7	16.5
27	7.8	16.3
28	16.8	10.7
29	54.1	16.7
30	41.7	10.2
31	49.5	10.1
37	11.3	16.5
38	8.3	16.1
39	16.6	11.1
40	52.3	17.4
41	42.8	10.1
42	50.6	10.1
48	21.9	17.9
49	18.6	17.5
50	26	12.7
51	61.1	10.4
52	55.8	11.1
53	63	10.1
6	18.3	12.2
7	17.7	9.9
8	49.4	8
All other dwellings	58.8	8.5

Common area ventilation system					Common area lighting	
Common area	Ventilation system type	Ventilation efficiency measure	Primary type of artificial lighting	Lighting efficiency measure	Lighting control system/ BMS
Lift car (No. 2)	-	-	light-emitting diode	connected to lift call button	no
Ground floor lobby type B&B	ventilation supply only	time clock or BMS controlled	light-emitting diode	time clock and motion sensors	no

Central energy systems	Type	Specification
Lift (No. 2)	gearless traction with V V V F motor	Number of levels (including basement): 8

Alternative water source								
Dwelling no.	Alternative water supply systems	Size	Configuration	Landscape connection	Toilet connection (s)	Laundry connection	Pool top-up	Spa top-up
All dwellings	No alternative water supply	-	-	-	-	-	-	-

(ii) Energy	Show on DA plans	Show on CC/CDC plans & specs	Certifier check
(a) The applicant must comply with the commitments listed below in carrying out the development of a dwelling listed in a table below.			
(b) The applicant must install each hot water system specified for the dwelling in the table below, so that the dwelling's hot water is supplied by that system. If the table specifies a central hot water system for the dwelling, then the applicant must connect that central system to the dwelling, so that the dwelling's hot water is supplied by that central system.	✔	✔	✔
(c) The applicant must install, in each bathroom, kitchen and laundry of the dwelling, the ventilation system specified for that room in the table below. Each such ventilation system must have the operation control specified for it in the table.		✔	✔
(d) The applicant must install the cooling and heating system/s specified for the dwelling under the "Living areas" and "Bedroom areas" headings of the "Cooling" and "Heating" columns in the table below, in/for at least 1 living/bedroom area of the dwelling. If no cooling or heating system is specified in the table for "Living areas" or "Bedroom areas", then no systems may be installed in any such areas. If the term "zoned" is specified beside an air conditioning system, then the system must provide for day/night zoning between living areas and bedrooms.		✔	✔
(e) This commitment applies to each room or area of the dwelling which is referred to in a heading to the "Artificial lighting" column of the table below (but only to the extent specified for that room or area). The applicant must ensure that the "primary type of artificial lighting" for each such room in the dwelling is fluorescent lighting or light emitting diode (LED) lighting. If the term "dedicated" is specified for a particular room or area, then the light fittings in that room or area must only be capable of being used for fluorescent lighting or light emitting diode (LED) lighting.		✔	✔
(f) This commitment applies to each room or area of the dwelling which is referred to in a heading to the "Natural lighting" column of the table below (but only to the extent specified for that room or area). The applicant must ensure that each such room or area is fitted with a window and/or skylight.	✔	✔	✔
(g) This commitment applies if the applicant installs a water heating system for the dwelling's pool or spa. The applicant must:			
(aa) install the system specified for the pool in the "Individual Pool" column of the table below (or alternatively must not install any system for the pool). If specified, the applicant must install a timer, to control the pool's pump; and		✔	
(bb) install the system specified for the spa in the "Individual Spa" column of the table below (or alternatively must not install any system for the spa). If specified, the applicant must install a timer to control the spa's pump.		✔	
(h) The applicant must install in the dwelling:			

(b) Common areas and central systems/facilities

(i) Water	Show on DA plans	Show on CC/CDC plans & specs	Certifier check
(a) If, in carrying out the development, the applicant installs a showerhead, toilet, tap or clothes washer into a common area, then that item must meet the specifications listed for it in the table.		✔	✔
(b) The applicant must install (or ensure that the development is serviced by) the alternative water supply system(s) specified in the "Central systems" column of the table below. In each case, the system must be sized, be configured, and be connected, as specified in the table.	✔	✔	✔
(c) A swimming pool or spa listed in the table must not have a volume (in kLs) greater than that specified for the pool or spa in the table.	✔	✔	
(d) A pool or spa listed in the table must have a cover or shading if specified for the pool or spa in the table.		✔	
(e) The applicant must install each fire sprinkler system listed in the table so that the system is configured as specified in the table.		✔	✔
(f) The applicant must ensure that the central cooling system for a cooling tower is configured as specified in the table.		✔	✔

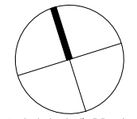
Common area	Showerheads rating	Toilets rating	Taps rating	Clothes washers rating
All common areas	3 star (> 7.5 but <= 9 L/min)	4 star	4 star	no common laundry facility

(ii) Energy	Show on DA plans	Show on CC/CDC plans & specs	Certifier check
(a) If, in carrying out the development, the applicant installs a ventilation system to service a common area specified in the table below, then that ventilation system must be of the type specified for that common area, and must meet the efficiency measure specified.		✔	✔
(b) In carrying out the development, the applicant must install, as the "primary type of artificial lighting" for each common area specified in the table below, the lighting specified for that common area. This lighting must meet the efficiency measure specified. The applicant must also install a centralised lighting control system or Building Management System (BMS) for the common area, where specified.		✔	✔
(c) The applicant must install the systems and fixtures specified in the "Central energy systems" column of the table below. In each case, the system or fixture must be of the type, and meet the specifications, listed for it in the table.	✔	✔	✔

1:100

0 m 1 2m 5m

True Northpoint



Do not scale, check and verify all dimensions before comencing new work, ground levels may vary due to site conditions. If descrepancies are found on Site with the drawings, please contact Architect immediately.

Issue	Issue description	Date
C	SECTION 4.55 DRAWINGS	18-12-25
B	SECTION 4.55 DRAWINGS	03-12-25
A	SECTION 4.55 DRAWINGS	05-09-25

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Nominated Architect:
Victor Oliver Alcami
Reg No. 9785

Mijasu Pty Ltd
T/As Architex
ABN: 633 834 401

Project
PROPOSED SHOP TOP HOUSING DEVELOPMENT

Project Address
9 Sherwood Road, Merrylands

Client
.

Title
BASIX Report

PRELIMENARY

Drawn	Scale	Checked
Author		VA
Job No	Drawing No.	Issue
2220	.001	C

(ii) Energy	Show on DA plans	Show on CC/CDC plans & specs	Certifier check
(aa) the kitchen cook-top and oven specified for that dwelling in the "Appliances & other efficiency measures" column of the table below;		✔	
(bb) each appliance for which a rating is specified for that dwelling in the "Appliances & other efficiency measures" column of the table, and ensure that the appliance has that minimum rating; and		✔	✔
(cc) any clothes drying line specified for the dwelling in the "Appliances & other efficiency measures" column of the table.		✔	
(i) If specified in the table, the applicant must carry out the development so that each refrigerator space in the dwelling is "well ventilated".		✔	

	Hot water	Bathroom ventilation system		Kitchen ventilation system		Laundry ventilation system	
Dwelling no.	Hot water system	Each bathroom	Operation control	Each kitchen	Operation control	Each laundry	Operation control
All dwellings	electric instantaneous	individual fan, ducted to façade or roof	manual switch on/off	individual fan, ducted to façade or roof	manual switch on/off	individual fan, ducted to façade or roof	manual switch on/off

	Cooling	Heating		Artificial lighting						Natural lighting	
Dwelling no.	living areas	bedroom areas	living areas	bedroom areas	No. of bedrooms &/or study	No. of living &/or diningrooms	Each kitchen	All bathrooms/ toilets	Each laundry	All hallways	No. of bathrooms &/or toilets	Main kitchen
44, 45	1-phase airconditioning EER 3.5 - 4.0	1-phase airconditioning EER 3.5 - 4.0	1-phase airconditioning EER 3.5 - 4.0	1-phase airconditioning / EER 3.5 - 4.0	2(dedicated)	1(dedicated)	yes(dedicated)	yes(dedicated)	yes(dedicated)	yes(dedicated)	1	yes
42, 47, 58, 63	1-phase airconditioning EER 3.5 - 4.0	1-phase airconditioning EER 3.5 - 4.0	1-phase airconditioning EER 3.5 - 4.0	1-phase airconditioning / EER 3.5 - 4.0	1(dedicated)	1(dedicated)	yes(dedicated)	yes(dedicated)	yes(dedicated)	yes(dedicated)	0	yes
26, 31, 34, 39, 50, 55	1-phase airconditioning EER 3.5 - 4.0	1-phase airconditioning EER 3.5 - 4.0	1-phase airconditioning EER 3.5 - 4.0	1-phase airconditioning / EER 3.5 - 4.0	1(dedicated)	1(dedicated)	yes(dedicated)	yes(dedicated)	yes(dedicated)	yes(dedicated)	0	no

Thermal loads	
Dwelling no.	Area adjusted heating load (in MJ/m²/yr) / Area adjusted cooling load (in MJ/m²/yr)
45	27.8 / 15.4
46	17.2 / 10.8
47	28.4 / 26.7
48	21.3 / 28.7
49	25.8 / 20.4
5	47.6 / 15.1
50	31.5 / 28.1
51	30.4 / 13.8
52	27.8 / 9.4
53	28.2 / 15.5
54	17.5 / 10.5
55	30 / 29
56	22.3 / 21.1
57	32.6 / 18.7
58	34.6 / 29.9
59	30.4 / 18.4
6	24.2 / 14.4
60	37.1 / 14
61	37.3 / 24.6
62	29 / 15.4
63	39.1 / 33.1
64	29 / 17
7	24.4 / 14.5
8	44.4 / 13.3
All other dwellings	10.2 / 13

(ii) Energy	Show on DA plans	Show on CC/CDC plans & specs	Certifier check
(a) If, in carrying out the development, the applicant installs a ventilation system to service a common area specified in the table below, then that ventilation system must be of the type specified for that common area, and must meet the efficiency measure specified.		✔	✔
(b) In carrying out the development, the applicant must install, as the "primary type of artificial lighting" for each common area specified in the table below, the lighting specified for that common area. This lighting must meet the efficiency measure specified. The applicant must also install a centralised lighting control system or Building Management System (BMS) for the common area, where specified.		✔	✔
(c) The applicant must install the systems and fixtures specified in the "Central energy systems" column of the table below. In each case, the system or fixture must be of the type, and meet the specifications, listed for it in the table.	✔	✔	✔

Common area ventilation system			Common area lighting	
Common area	Ventilation system type	Ventilation efficiency measure	Primary type of artificial lighting	Lighting efficiency measure	Lighting control system/ BMS
Car park area (No. 1)	ventilation (supply + exhaust)	carbon monoxide monitor + VSD fan	light-emitting diode	motion sensors	no
Lift car (No. 4)	-	-	light-emitting diode	connected to lift call button	no
Lift car (No. 5)	-	-	light-emitting diode	connected to lift call button	no
Switch room (No. 1)	ventilation supply only	thermostatically controlled	fluorescent	manual on / manual off	no
Garbage room (No. 1)	ventilation exhaust only	-	fluorescent	manual on / manual off	no
Plant or service room (No. 1)	ventilation supply only	thermostatically controlled	fluorescent	manual on / manual off	no
Hallway/lobby type (No. 1)	ventilation supply only	time clock or BMS controlled	light-emitting diode	time clock and motion sensors	no

Central energy systems	Type	Specification
Lift (No. 4)	gearless traction with V V V F motor	Number of levels (including basement): 3
Lift (No. 5)	gearless traction with V V V F motor	Number of levels (including basement): 11
Alternative energy supply	Photovoltaic system	Rated electrical output (min): 0 peak kW
Other	-	-

	Cooling	Heating		Artificial lighting						Natural lighting	
Dwelling no.	living areas	bedroom areas	living areas	bedroom areas	No. of bedrooms &/or study	No. of living &/or diningrooms	Each kitchen	All bathrooms/ toilets	Each laundry	All hallways	No. of bathrooms &/or toilets	Main kitchen
12, 13, 20, 21, 28, 29, 36, 37, 4, 5	1-phase airconditioning EER 3.5 - 4.0	1-phase airconditioning EER 3.5 - 4.0	1-phase airconditioning EER 3.5 - 4.0	1-phase airconditioning / EER 3.5 - 4.0	2(dedicated)	1(dedicated)	yes(dedicated)	yes(dedicated)	yes(dedicated)	yes(dedicated)	1	no
41, 43, 46, 48, 57, 59, 60, 61, 62, 64	1-phase airconditioning EER 3.5 - 4.0	1-phase airconditioning EER 3.5 - 4.0	1-phase airconditioning EER 3.5 - 4.0	1-phase airconditioning / EER 3.5 - 4.0	2(dedicated)	1(dedicated)	yes(dedicated)	yes(dedicated)	yes(dedicated)	yes(dedicated)	0	yes
All other dwellings	1-phase airconditioning EER 3.5 - 4.0	1-phase airconditioning EER 3.5 - 4.0	1-phase airconditioning EER 3.5 - 4.0	1-phase airconditioning / EER 3.5 - 4.0	2(dedicated)	1(dedicated)	yes(dedicated)	yes(dedicated)	yes(dedicated)	yes(dedicated)	0	no

	Individual pool		Individual spa		Appliances other efficiency measures						
Dwelling no.	Pool heating system	Timer	Spa heating system	Timer	Kitchen cooktop/ oven	Refrigerator	Well ventilated fridge space	Dishwasher	Clothes washer	Clothes dryer	Indoor or sheltered clothes drying line	Private outdoor or unsheltered clothes drying line
49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64	-	-	-	-	electric cooktop & electric oven	4 star (new rating)	yes	3.5 star	3 star	2.5 star	yes	no
All other dwellings	-	-	-	-	electric cooktop & electric oven	4 star (new rating)	yes	3.5 star	3 star	2.5 star	yes	no

(b) Common areas and central systems/facilities

(i) Water	Show on DA plans	Show on CC/CDC plans & specs	Certifier check
(a) If, in carrying out the development, the applicant installs a showerhead, toilet, tap or clothes washer into a common area, then that item must meet the specifications listed for it in the table.		✔	✔
(b) The applicant must install (or ensure that the development is serviced by) the alternative water supply system(s) specified in the "Central systems" column of the table below. In each case, the system must be sized, be configured, and be connected, as specified in the table.	✔	✔	✔
(c) A swimming pool or spa listed in the table must not have a volume (in kL) greater than that specified for the pool or spa in the table.	✔	✔	
(d) A pool or spa listed in the table must have a cover or shading if specified for the pool or spa in the table.		✔	
(e) The applicant must install each fire sprinkler system listed in the table so that the system is configured as specified in the table.		✔	✔
(f) The applicant must ensure that the central cooling system for a cooling tower is configured as specified in the table.		✔	✔

Common area	Showerheads rating	Toilets rating	Taps rating	Clothes washers rating
All common areas	3 star (> 7.5 but <= 9 L/min)	4 star	4 star	no common laundry facility

(ii) Energy	Show on DA plans	Show on CC/CDC plans & specs	Certifier check
(a) If, in carrying out the development, the applicant installs a ventilation system to service a common area specified in the table below, then that ventilation system must be of the type specified for that common area, and must meet the efficiency measure specified.		✔	✔
(b) In carrying out the development, the applicant must install, as the "primary type of artificial lighting" for each common area specified in the table below, the lighting specified for that common area. This lighting must meet the efficiency measure specified. The applicant must also install a centralised lighting control system or Building Management System (BMS) for the common area, where specified.		✔	✔
(c) The applicant must install the systems and fixtures specified in the "Central energy systems" column of the table below. In each case, the system or fixture must be of the type, and meet the specifications, listed for it in the table.	✔	✔	✔

Notes

1. In these commitments, "applicant" means the person carrying out the development.
2. The applicant must identify each dwelling, building and common area listed in this certificate, on the plans accompanying any development application, and on the plans and specifications accompanying the application for a construction certificate / complying development certificate, for the proposed development, using the same identifying letter or reference as is given to that dwelling, building or common area in this certificate.
3. This note applies if the proposed development involves the erection of a building for both residential and non-residential purposes (or the change of use of a building for both residential and non-residential purposes). Commitments in this certificate which are specified to apply to a "common area" of a building or the development, apply only to that part of the building or development to be used for residential purposes.
4. If this certificate lists a central system as a commitment for a dwelling or building, and that system will also service any other dwelling or building within the development, then that system need only be installed once (even if it is separately listed as a commitment for that other dwelling or building).
5. If a star or other rating is specified in a commitment, this is a minimum rating.
6. All alternative water systems to be installed under these commitments (if any), must be installed in accordance with the requirements of all applicable regulatory authorities. NOTE: NSW Health does not recommend that stormwater, recycled water or private dam water be used to irrigate edible plants which are consumed raw, or that rainwater be used for human consumption in areas with potable water supply.

Legend

1. Commitments identified with a "✔" in the "Show on DA plans" column must be shown on the plans accompanying the development application for the proposed development (if a development application is to be lodged for the proposed development).
2. Commitments identified with a "✔" in the "Show on CC/CDC plans and specs" column must be shown in the plans and specifications accompanying the application for a construction certificate / complying development certificate for the proposed development.
3. Commitments identified with a "✔" in the "Certifier check" column must be certified by a certifying authority as having been fulfilled. (Note: a certifying authority must not issue an occupation certificate (either interim or final) for a building listed in this certificate, or for any part of such a building, unless it is satisfied that each of the commitments whose fulfilment it is required to monitor in relation to the building or part, has been fulfilled).

(iii) Thermal Comfort	Show on DA plans	Show on CC/CDC plans specs	Certifier check
(a) The applicant must attach the certificate referred to under "Assessor details" on the front page of this BASIX certificate (the "Assessor Certificate") to the development application and construction certificate application for the proposed development (or, if the applicant is applying for a complying development certificate for the proposed development, to that application). The applicant must also attach the Assessor Certificate to the application for a final occupation certificate for the proposed development.			
(b) The Assessor Certificate must have been issued by an Accredited Assessor in accordance with the Thermal Comfort Protocol.			
(c) The details of the proposed development on the Assessor Certificate must be consistent with the details shown in this BASIX Certificate, including the details shown in the "Thermal Loads" table below.			
(d) The applicant must show on the plans accompanying the development application for the proposed development, all matters which the Thermal Comfort Protocol requires to be shown on those plans. Those plans must bear a stamp of endorsement from the Accredited Assessor, to certify that this is the case.	✔		
(e) The applicant must show on the plans accompanying the application for a construction certificate (or complying development certificate, if applicable), all thermal performance specifications set out in the Assessor Certificate, and all aspects of the proposed development which were used to calculate those specifications.		✔	
(f) The applicant must construct the development in accordance with all thermal performance specifications set out in the Assessor Certificate, and in accordance with those aspects of the development application or application for a complying development certificate which were used to calculate those specifications.		✔	✔
(g) Where there is an in-slab heating or cooling system, the applicant must:	✔	✔	✔
(aa) Install insulation with an R-value of not less than 1.0 around the vertical edges of the perimeter of the slab; or			
(bb) On a suspended floor, install insulation with an R-value of not less than 1.0 underneath the slab and around the vertical edges of the perimeter of the slab.			
(h) The applicant must construct the floors and walls of the development in accordance with the specifications listed in the table below.	✔	✔	✔

Thermal loads	
Dwelling no.	Area adjusted heating load (in MJ/m²/yr) / Area adjusted cooling load (in MJ/m²/yr)
1	47.8 / 12
10	23.4 / 14.8
11	30.9 / 19.4
12	30.6 / 9.7
13	21.6 / 18.8
14	10.7 / 14.2
15	14.6 / 14.8
16	21.3 / 13.8

Common area ventilation system			Common area lighting		
Common area	Ventilation system type	Ventilation efficiency measure	Primary type of artificial lighting	Lighting efficiency measure	Lighting control system/ BMS
Lift car (No. 3)	-	-	light-emitting diode	connected to lift call button	no
Ground floor lobby type B&C	ventilation supply only	time clock or BMS controlled	light-emitting diode	time clock and motion sensors	no

Central energy systems	Type	Specification
Lift (No. 3)	gearless traction with V V V F motor	Number of levels (including basement): 11

Thermal loads	
Dwelling no.	Area adjusted heating load (in MJ/m²/yr) / Area adjusted cooling load (in MJ/m²/yr)
17	14.6 / 11.2
18	29 / 12.2
19	32.7 / 17.1
2	24.4 / 14.7
20	34.1 / 8.4
21	26.9 / 16.8
22	14.4 / 10.7
23	19.6 / 11.8
24	26.8 / 10.8
25	15.3 / 11.2
26	29.9 / 12.2
27	29.1 / 17.2
28	30.3 / 8.8
29	29.90 / 16.10
3	53.8 / 18.5
30	15 / 10.6
31	20.4 / 12
32	27.7 / 10.5
33	22 / 11.4
34	25.7 / 11.6
35	28.1 / 16.4
36	28.5 / 9.5
37	27.3 / 20.3
38	15.4 / 10.9
39	22.5 / 12
4	62 / 9.2
40	24.5 / 10.7
41	20.7 / 27.3
42	29.9 / 28
43	31.7 / 13.4
44	31.5 / 9.6

6. Commitments for common areas and central systems/facilities for the development (non-building specific)

(b) Common areas and central systems/facilities

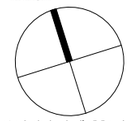
(i) Water	Show on DA plans	Show on CC/CDC plans & specs	Certifier check
(a) If, in carrying out the development, the applicant installs a showerhead, toilet, tap or clothes washer into a common area, then that item must meet the specifications listed for it in the table.		✔	✔
(b) The applicant must install (or ensure that the development is serviced by) the alternative water supply system(s) specified in the "Central systems" column of the table below. In each case, the system must be sized, be configured, and be connected, as specified in the table.	✔	✔	✔
(c) A swimming pool or spa listed in the table must not have a volume (in kLs) greater than that specified for the pool or spa in the table.	✔	✔	
(d) A pool or spa listed in the table must have a cover or shading if specified for the pool or spa in the table.		✔	
(e) The applicant must install each fire sprinkler system listed in the table so that the system is configured as specified in the table.		✔	✔
(f) The applicant must ensure that the central cooling system for a cooling tower is configured as specified in the table.		✔	✔

Common area	Showerheads rating	Toilets rating	Taps rating	Clothes washers rating
All common areas	3 star (> 7.5 but <= 9 L/min)	4 star	4 star	no common laundry facility

Central systems	Size	Configuration	Connection (to allow for...)
Central water tank - rainwater or stormwater (No. 1)	10000.00	To collect run-off from at least: - 200.00 square metres of roof area of buildings in the development - 0.00 square metres of impervious area in the development - 0.00 square metres of garden/lawn area in the development - 0.00 square metres of planter box area in the development (excluding, in each case, any area which drains to, or supplies, any other alternative water supply system).	- irrigation of 797.62 square metres of common landscaped area on the site - car washing in 1 car washing bays on the site

1:100

0 m 1 2m 5m



Do not scale, check and verify all dimensions before comencing new work, ground levels may vary due to site conditions. If descrepancies are found on Site with the drawings, please contact Architect immediately.

Issue	Issue description	Date
C	SECTION 4.55 DRAWINGS	18-12-25
B	SECTION 4.55 DRAWINGS	03-12-25
A	SECTION 4.55 DRAWINGS	05-09-25

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Nominated Architect:
Victor Oliver Alcami
Reg No. 9785

Mijasu Pty Ltd
T/As Architex
ABN: 633 834 401

PRELIMENARY

Project
PROPOSED SHOP TOP HOUSING DEVELOPMENT

Project Address
9 Sherwood Road, Merrylands

Client
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Title
BASIX Report

Drawn	Scale	Checked
Author		VA
Job No	Drawing No.	Issue
2220	.002	C

STORAGE SCHEDULE-1BED	
Room: Number	Storage in Unit (Vol)
Level 2	
UNIT-2	3.2 m³
Level 3	
UNIT-11	3.2 m³
Level 4	
UNIT-22	3.2 m³
Level 5	
UNIT-33	3.2 m³
Level 6	
UNIT-43	6.7 m³
UNIT-44	4.5 m³
UNIT-45	4.2 m³
Level 8 (Block C)	
UNIT_42	6.3 m³
UNIT_47	3.2 m³
Level 9 (Block C)	
UNIT_50	6.3 m³
UNIT_55	3.2 m³
Level 10 (Block C)	
UNIT_58	6.3 m³
UNIT_63	3.3 m³

TOTAL 1BED UNITS: 13
TOTAL STORAGE PROVIDED IN UNIT: 04
STORAGES REQ IN BASEMENT: 09

STORAGE SCHEDULE - 2BED	
Room: Number	Storage in Unit (Vol)
Level 2	
UNIT-1	8.0 m³
UNIT-3	4.8 m³
UNIT-4	6.0 m³
Level 3	
UNIT-10	9.1 m³
UNIT-12	8.0 m³
UNIT-13	4.7 m³
UNIT-15	5.6 m³
UNIT-16	8.0 m³
UNIT-17	4.6 m³
UNIT-18	5.2 m³
UNIT-19	8.2 m³
UNIT-20	8.0 m³
Level 3 (Block C)	
UNIT_1	5.6 m³
UNIT_2	8.2 m³
UNIT_3	8.0 m³
UNIT_4	5.9 m³
UNIT_5	5.9 m³
UNIT_6	7.4 m³
UNIT_7	8.1 m³
UNIT_8	5.1 m³
Level 4	
UNIT-21	9.1 m³
UNIT-23	8.0 m³
UNIT-24	4.7 m³
UNIT-26	5.6 m³
UNIT-27	6.9 m³
UNIT-28	3.5 m³
UNIT-29	3.4 m³
UNIT-30	8.5 m³
UNIT-31	6.9 m³
Level 4 (Block C)	
UNIT_9	3.9 m³
UNIT_10	8.0 m³
UNIT_11	5.1 m³
UNIT_12	6.0 m³
UNIT_13	5.9 m³
UNIT_14	7.5 m³
UNIT_15	8.1 m³

STORAGE SCHEDULE - 2BED	
Room: Number	Storage in Unit (Vol)
UNIT_16	6.2 m³
Level 5	
UNIT-32	9.1 m³
UNIT-34	8.0 m³
UNIT-35	4.7 m³
UNIT-37	5.6 m³
UNIT-38	6.9 m³
UNIT-39	4.6 m³
UNIT-40	5.2 m³
UNIT-41	8.2 m³
UNIT-42	6.9 m³
Level 5 (Block C)	
UNIT_17	4.0 m³
UNIT_18	8.2 m³
UNIT_19	8.0 m³
UNIT_20	5.9 m³
UNIT_21	5.9 m³
UNIT_22	7.6 m³
UNIT_23	8.3 m³
UNIT_24	4.7 m³
Level 6	
UNIT-46	4.7 m³
UNIT-47	8.0 m³
UNIT-48	5.6 m³
UNIT-49	6.9 m³
UNIT-50	4.6 m³
UNIT-51	5.2 m³
UNIT-52	8.2 m³
UNIT-53	6.9 m³
Level 6 (Block C)	
UNIT_25	4.1 m³
UNIT_26	8.2 m³
UNIT_27	8.0 m³
UNIT_28	5.9 m³
UNIT_29	5.9 m³
UNIT_30	7.5 m³
UNIT_31	9.2 m³
UNIT_32	4.7 m³
Level 7 (Block C)	
UNIT_33	5.1 m³

STORAGE SCHEDULE - 2BED	
Room: Number	Storage in Unit (Vol)
UNIT_34	8.2 m³
UNIT_35	8.0 m³
UNIT_36	5.9 m³
UNIT_37	5.9 m³
UNIT_38	7.5 m³
UNIT_39	9.6 m³
UNIT_40	4.7 m³
Level 8 (Block C)	
UNIT_41	5.9 m³
UNIT_43	8.0 m³
UNIT_44	5.8 m³
UNIT_45	6.4 m³
UNIT_46	7.6 m³
UNIT_48	5.5 m³
Level 9 (Block C)	
UNIT_49	5.9 m³
UNIT_51	8.0 m³
UNIT_52	5.8 m³
UNIT_53	5.9 m³
UNIT_54	7.6 m³
UNIT_56	5.5 m³
Level 10 (Block C)	
UNIT_57	5.9 m³
UNIT_59	8.0 m³
UNIT_60	5.8 m³
UNIT_61	5.9 m³
UNIT_62	7.6 m³
UNIT_64	5.5 m³

TOTAL 2BED UNITS: 96
ALL STORAGE PROVIDED IN UNIT: 38
STORAGES REQ IN BASEMENT: 58

STORAGE SCHEDULE - 3BED	
Room: Number	Storage in Unit (Vol)
Level 2	
UNIT-5	10.2 m³
UNIT-6	5.5 m³
UNIT-7	6.2 m³
UNIT-8	6.4 m³
UNIT-9	6.3 m³
Level 3	
UNIT-14	10.2 m³
Level 4	
UNIT-25	10.2 m³
Level 5	
UNIT-36	10.2 m³

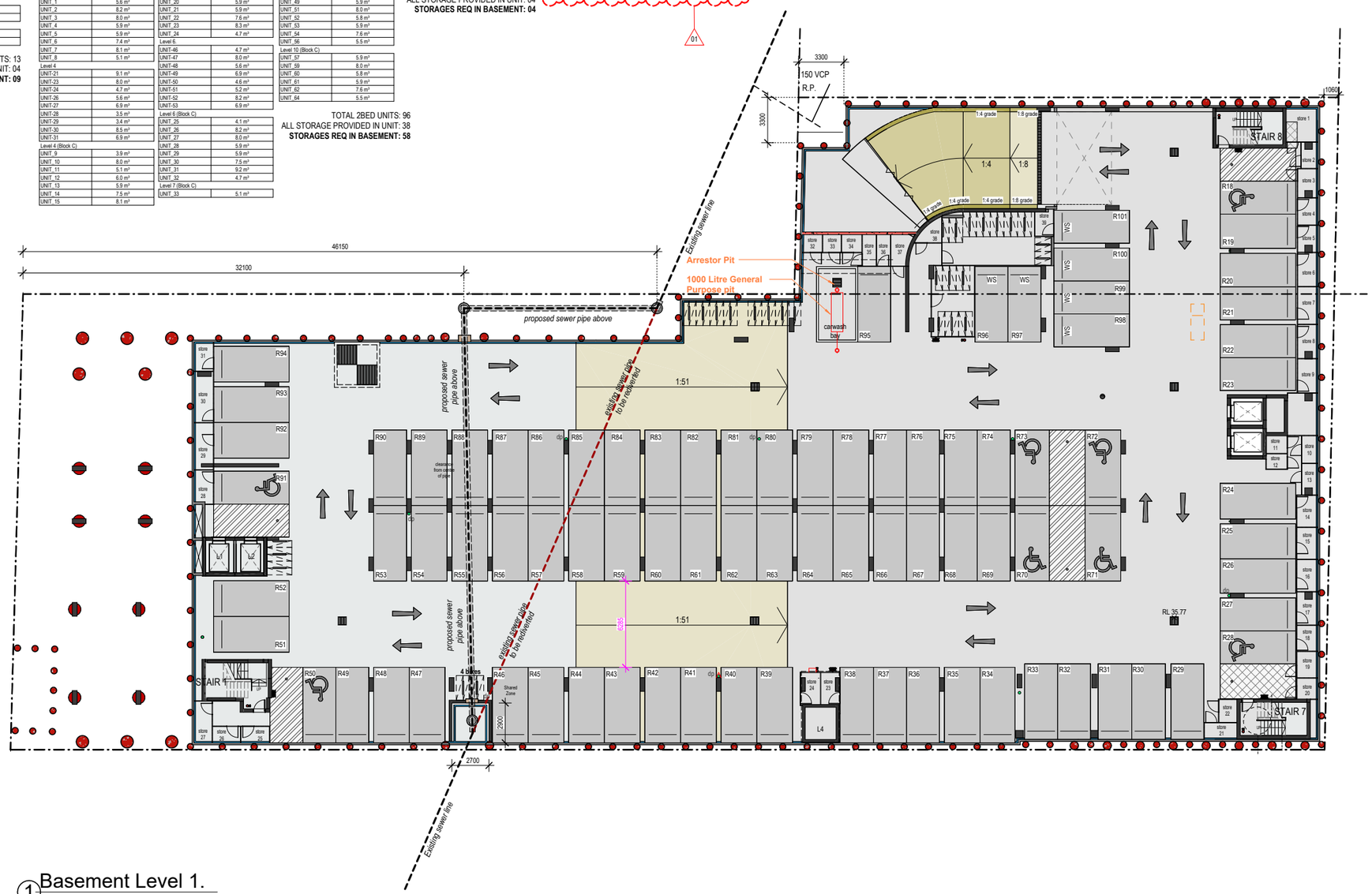
TOTAL 3BED UNITS: 08
ALL STORAGE PROVIDED IN UNIT: 04
STORAGES REQ IN BASEMENT: 04

TOTAL STORAGE IN PARKING AREA REQUIRED : 71
STORAGES IN BASEMENT LEVEL 1: 39
STORAGES IN LEVEL 1: 41
TOTAL STORAGES IN PARKING AREA PROVIDED: 90

TOTAL RESIDENTIAL BIKE PARKING REQUIRED: 40
BIKE PARKING IN BASEMENT LEVEL 1: 51
BIKE PARKING IN LEVEL 1: 9
TOTAL RESIDENTIAL BIKE PARKING PROVIDED: 60

TOTAL COMMERCIAL BIKE PARKING REQUIRED: 01
BIKE PARKING IN BASEMENT LEVEL 1: 00
BIKE PARKING IN LEVEL 1: 10
TOTAL COMMERCIAL BIKE PARKING PROVIDED: 10

01



1 Basement Level 1.
1:300 @A3

1:100
0 m 1 2m 5m

True Northpoint

Do not scale, check and verify all dimensions before comencing new work, ground levels may vary due to site conditions. If descrepancies are found on Site with the drawings, please contact Architect immediately.

LEGEND

- AMENDED RETAIL AREA
- AFFORDABLE HOUSING
- ADDITIONAL LEVELS AND ASSOCIATED CALCULATIONS UPDATED

NUMBER	MODIFICATION DETAILS
01	Updated table

Issue	Issue description	Date
E	SECTION 4.55 DRAWINGS	18-12-25
D	SECTION 4.55 DRAWINGS	12-12-25
C	SECTION 4.55 DRAWINGS	03-12-25
B	SECTION 4.55 DRAWINGS	05-09-25
A	SECTION 4.55 DRAWINGS - FOR REVIEW	05-08-25

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Nominated Architect:
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Reg No. 9785
Mijasu Pty Ltd
T/As Architex
ABN: 633 834 401

Project
PROPOSED SHOP TOP HOUSING DEVELOPMENT

Project Address
9 Sherwood Road, Merrylands

Client
.

Title
Basement Level 1

Drawn	Scale	Checked
Author	As indicated	VA
Job No	Drawing No.	Issue
2220	.5	E

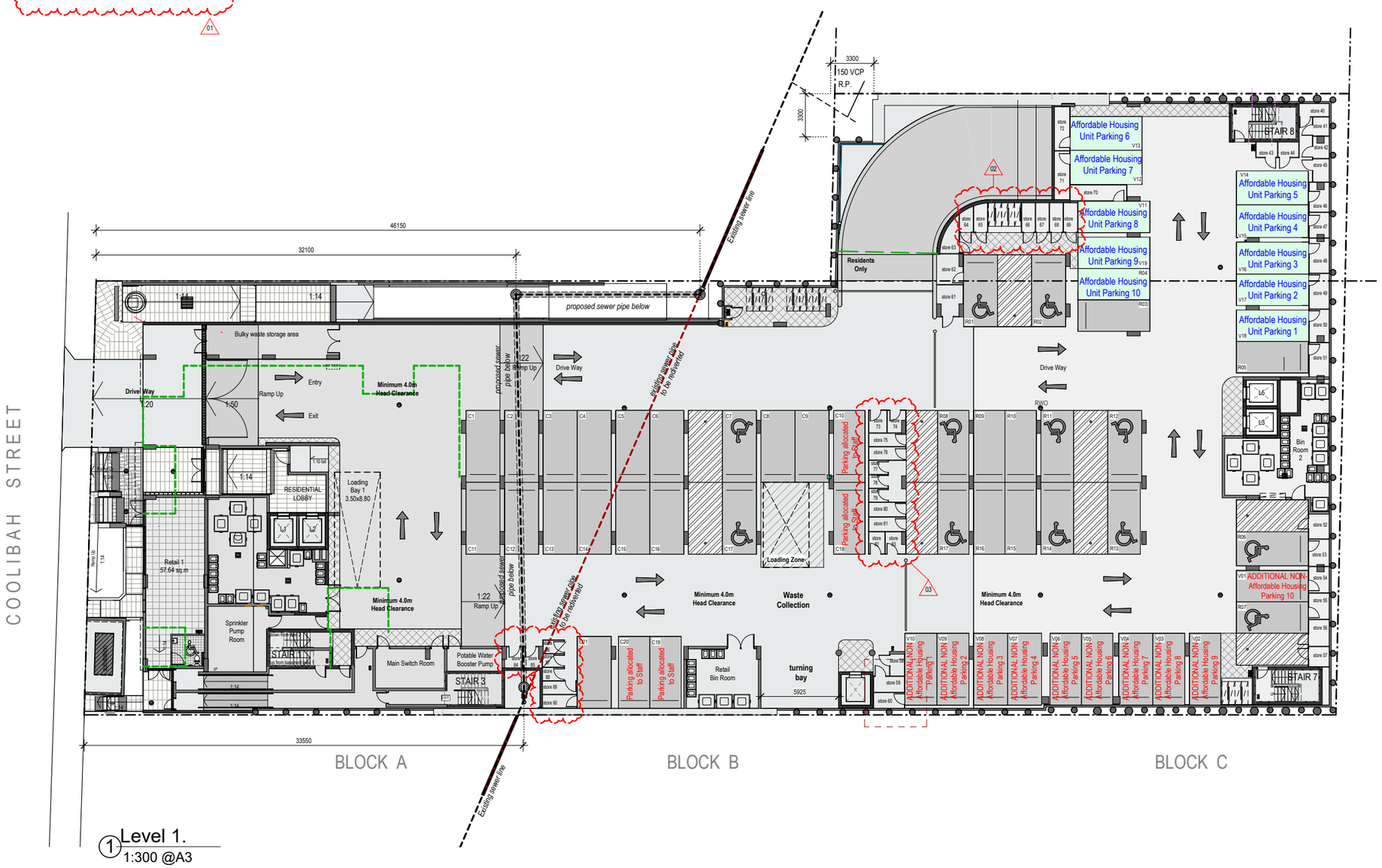
PRELIMENARY

TOTAL STORAGE IN PARKING AREA REQUIRED : 71
STORAGES IN BASEMENT LEVEL 1: 39
STORAGES IN LEVEL 1: 41
TOTAL STORAGES IN PARKING AREA PROVIDED: 90

TOTAL RESIDENTIAL BIKE PARKING REQUIRED: 40
BIKE PARKING IN BASEMENT LEVEL 1: 51
BIKE PARKING IN LEVEL 1: 9
TOTAL RESIDENTIAL BIKE PARKING PROVIDED: 60

TOTAL COMMERCIAL BIKE PARKING REQUIRED: 01
BIKE PARKING IN BASEMENT LEVEL 1: 00
BIKE PARKING IN LEVEL 1: 10
TOTAL COMMERCIAL BIKE PARKING PROVIDED: 10

01



1 Level 1.
1:300 @A3

1:100
0 m 1 2m 5m

True Northpoint

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LEGEND

- AMENDED RETAIL AREA
- AFFORDABLE HOUSING
- ADDITIONAL LEVELS AND ASSOCIATED CALCULATIONS UPDATED

NUMBER	MODIFICATION DETAILS
01	Updated table
02	Storages and bike parking modified
03	Bike parking removed. New Storages added

Issue	Issue description	Date
E	SECTION 4.55 DRAWINGS	18-12-25
D	SECTION 4.55 DRAWINGS	12-12-25
C	SECTION 4.55 DRAWINGS	03-12-25
B	SECTION 4.55 DRAWINGS	05-09-25
A	SECTION 4.55 DRAWINGS - FOR REVIEW	05-08-25

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Project
PROPOSED SHOP TOP HOUSING DEVELOPMENT

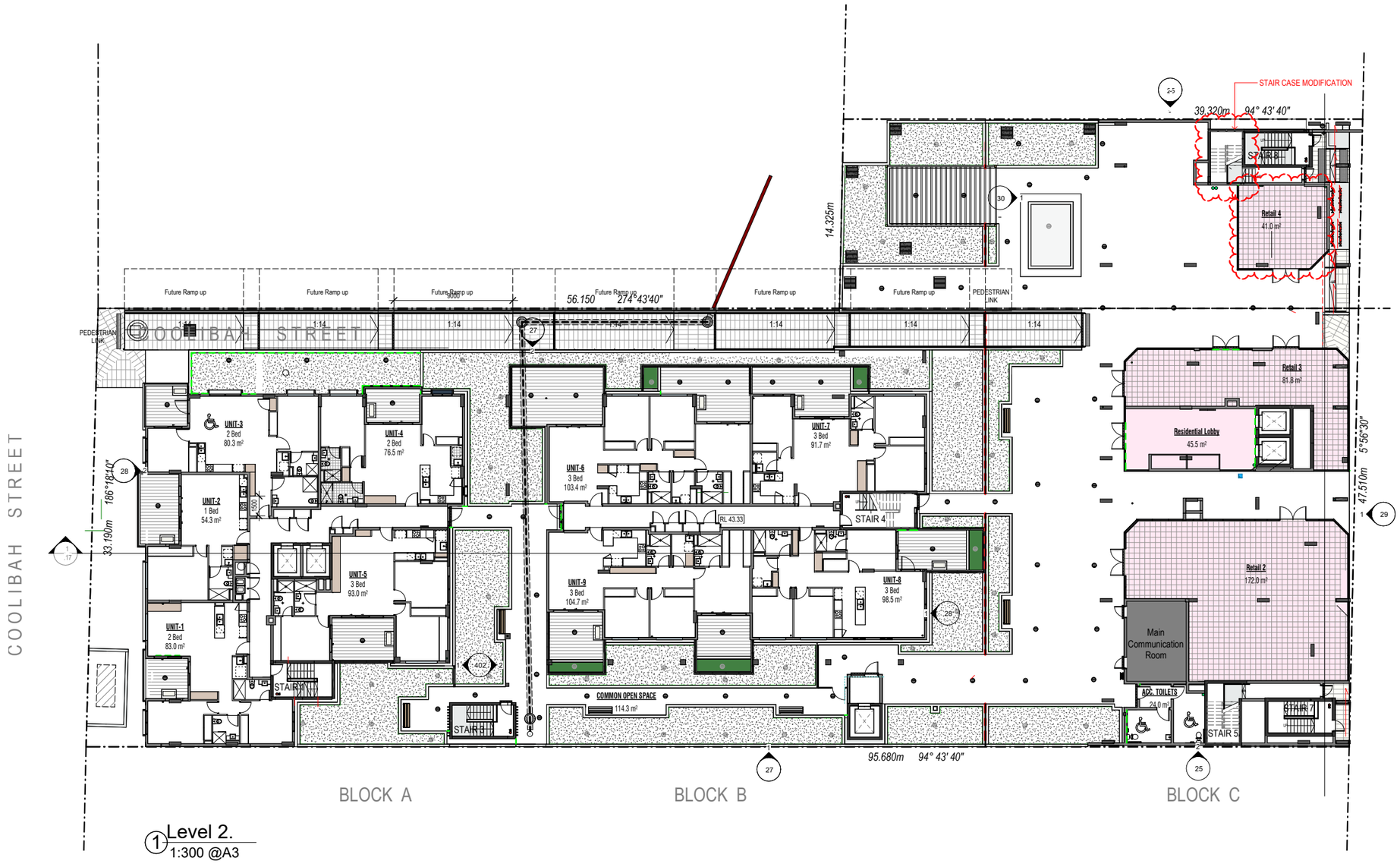
Project Address
9 Sherwood Road, Merrylands

Client
.

Title
Level 1

Drawn	Scale	Checked
Author	As indicated	VA
Job No	Drawing No.	Issue
2220	.6	E

PRELIMINARY



1 Level 2.
1:300 @A3

1:100
0 m 1 2m 5m

True Northpoint

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LEGEND

- AMENDED RETAIL AREA
- AFFORDABLE HOUSING
- ADDITIONAL LEVELS AND ASSOCIATED CALCULATIONS UPDATED

NOTE:
- ALL THE WALLS, WINDOWS AND DOORS IN THE RESIDENTIAL CORRIDOR IN BUILDING BLOCK A, B AND C REQUIRED TO BE SMOKE PROOF.
Smoke-proof walls complying with Spec 11, cl. S11C2 at intervals of not more than 40 m are required.
Doors required to be smoke-proof must provide a smoke reservoir by not extending within 400 mm of the underside of the floor above or an imperforate false ceiling that will prevent the free passage of smoke.

Issue	Issue description	Date
E	SECTION 4.55 DRAWINGS	18-12-25
D	SECTION 4.55 DRAWINGS	12-12-25
C	SECTION 4.55 DRAWINGS	03-12-25
B	SECTION 4.55 DRAWINGS	05-09-25
A	SECTION 4.55 DRAWINGS - FOR REVIEW	05-08-25

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ABN: 633 834 401

Project
PROPOSED SHOP TOP HOUSING DEVELOPMENT

Project Address
9 Sherwood Road, Merrylands

Client
.

Title
Level 2

Drawn	Scale	Checked
Author	As indicated	VA
Job No	Drawing No.	Issue
2220	.7	E

PRELIMENARY

1:100
0 m 1 2m 5m

True Northpoint

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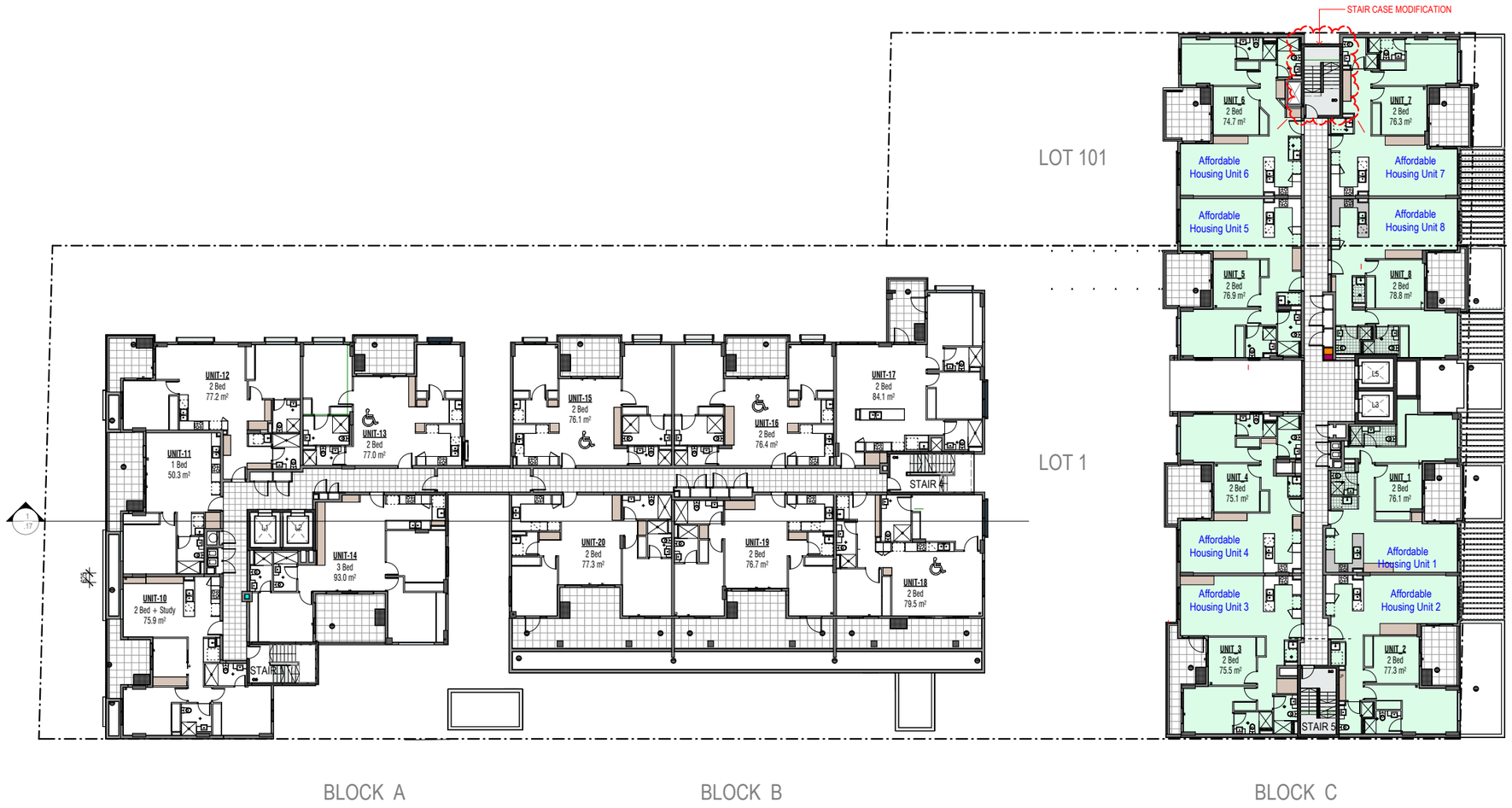

1 Level 3.
1:300 @A3

LEGEND

- AMENDED RETAIL AREA
- AFFORDABLE HOUSING
- ADDITIONAL LEVELS AND ASSOCIATED CALCULATIONS UPDATED

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Smoke-proof walls complying with Spec 11, cl. S11C2 at intervals of not more than 40 m are required.
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Issue	Issue description	Date
E	SECTION 4.55 DRAWINGS	18-12-25
D	SECTION 4.55 DRAWINGS	12-12-25
C	SECTION 4.55 DRAWINGS	03-12-25
B	SECTION 4.55 DRAWINGS	05-09-25
A	SECTION 4.55 DRAWINGS - FOR REVIEW	05-08-25

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ABN: 633 834 401

Project
PROPOSED SHOP TOP HOUSING DEVELOPMENT

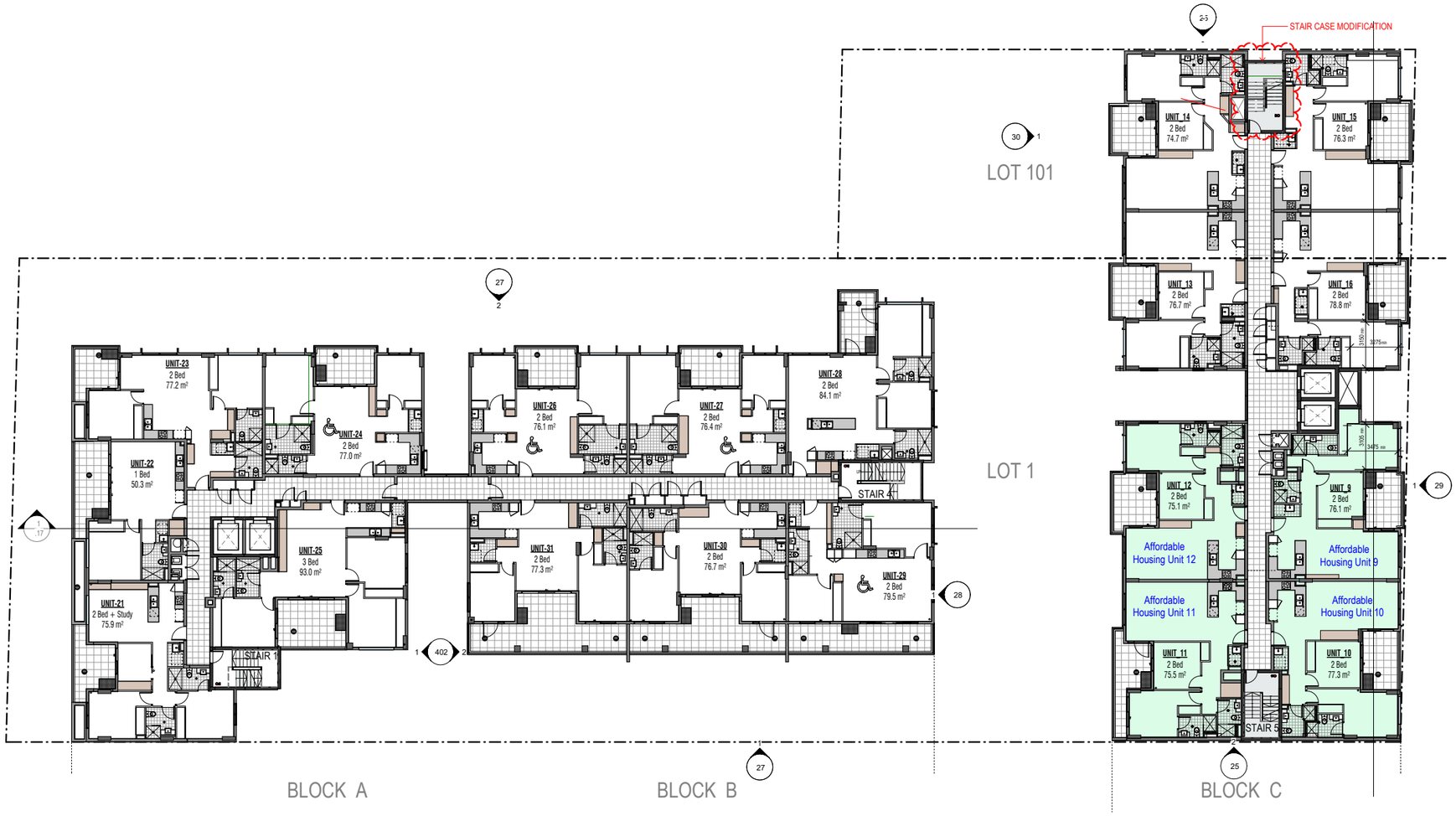
Project Address
9 Sherwood Road, Merrylands

Client
.

Title
Level 3

Drawn	Scale	Checked
DB	As indicated	VA
Job No	Drawing No.	Issue
2220	.8	E

PRELIMENARY



1 Level 4,
1:300 @A3

1:100
0 m 1 2m 5m

True Northpoint

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Issue	Issue description	Date
E	SECTION 4.55 DRAWINGS	18-12-25
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Project
PROPOSED SHOP TOP HOUSING DEVELOPMENT

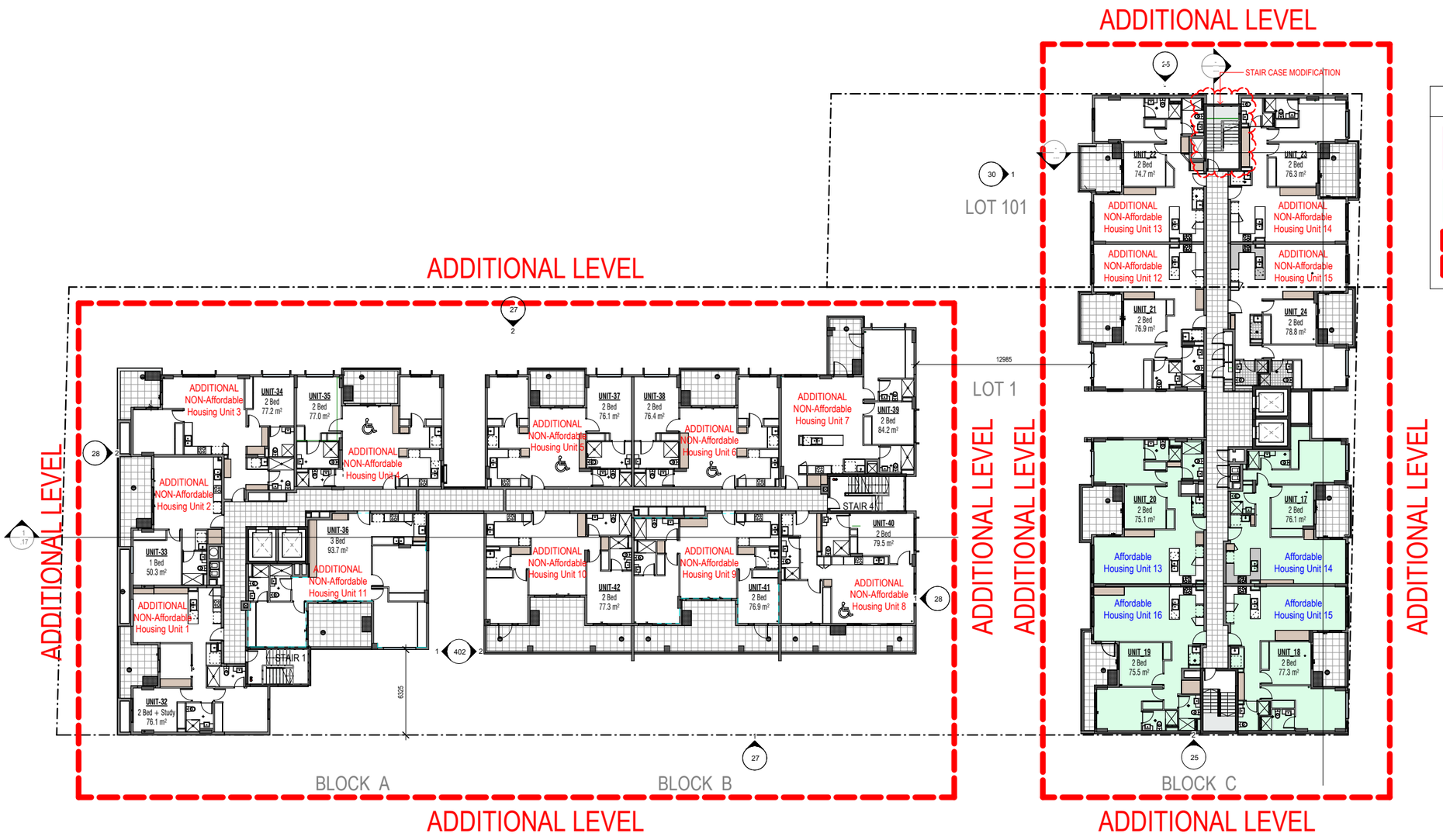
Project Address
9 Sherwood Road, Merrylands

Client
.

Title
Level 4

Drawn	Scale	Checked
DB	1 : 150	VA
Job No	Drawing No.	Issue
2220	.9	E

PRELIMENARY



1 Level 5.
1:300 @A3

1:100
0 m 1 2m 5m

True Northpoint

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LEGEND

- AMENDED RETAIL AREA
- AFFORDABLE HOUSING
- ADDITIONAL LEVELS AND ASSOCIATED CALCULATIONS UPDATED

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E	SECTION 4.55 DRAWINGS	18-12-25
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A	SECTION 4.55 DRAWINGS - FOR REVIEW	05-08-25

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Project
PROPOSED SHOP TOP HOUSING DEVELOPMENT

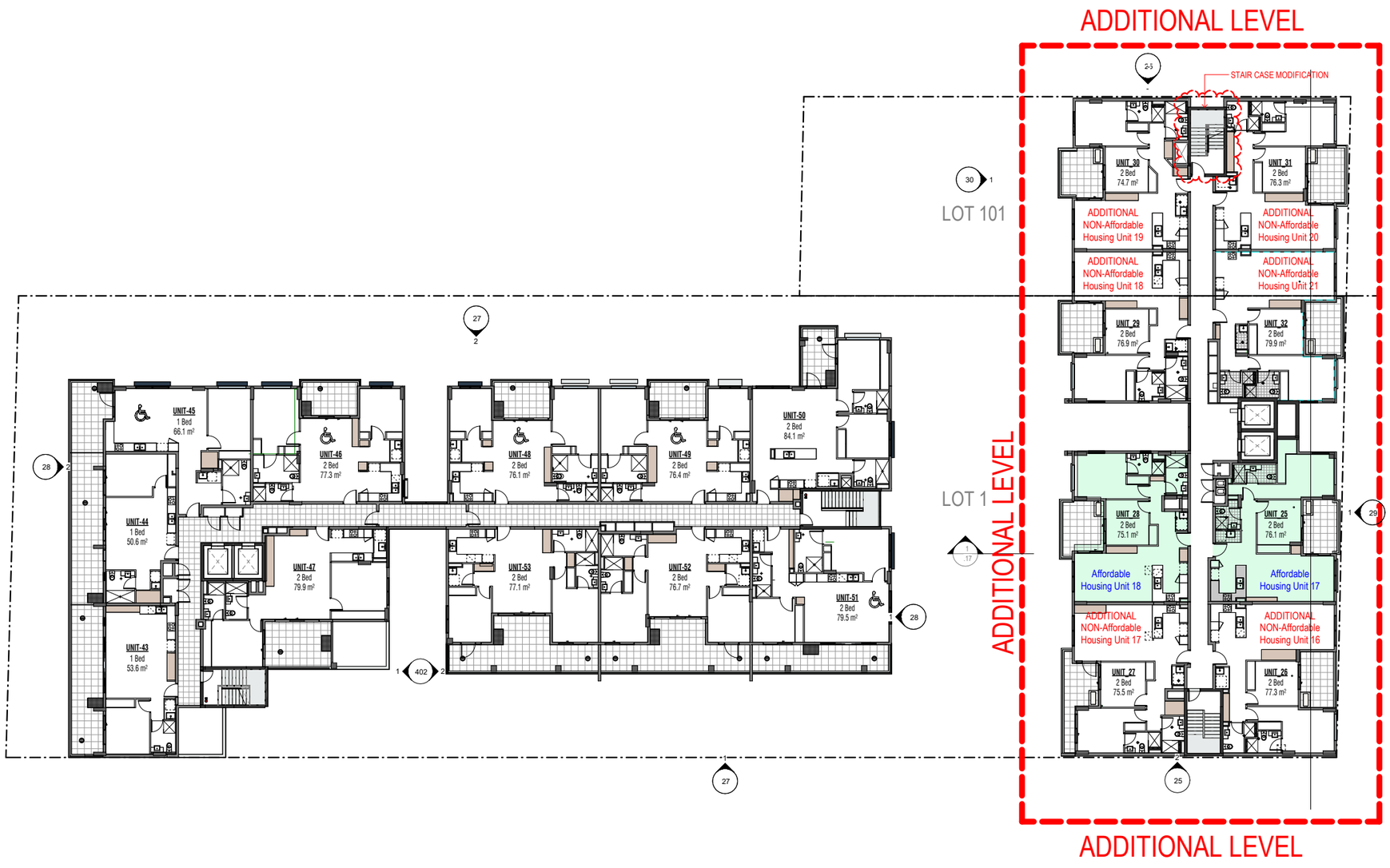
Project Address
9 Sherwood Road, Merrylands

Client
.

Title
Level 5 (exist Blocks A/B/C Level 4 copied up)

Drawn	Scale	Checked
DB	As indicated	VA
Job No	Drawing No.	Issue
2220	.10	E

PRELIMENARY



1:100
0 m 1 2m 5m

True Northpoint

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LEGEND

- AMENDED RETAIL AREA
- AFFORDABLE HOUSING
- ADDITIONAL LEVELS AND ASSOCIATED CALCULATIONS UPDATED

NOTE:
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Issue	Issue description	Date
E	SECTION 4.55 DRAWINGS	18-12-25
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B	SECTION 4.55 DRAWINGS	05-09-25
A	SECTION 4.55 DRAWINGS - FOR REVIEW	05-08-25

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Project
PROPOSED SHOP TOP HOUSING DEVELOPMENT

Project Address
9 Sherwood Road, Merrylands

Client
.

Title
Level 6 (previous BLOCK AB Level 5) & (exist BLOCK C Level 4 copied up)

Drawn	Scale	Checked
DB	As indicated	JB
Job No	Drawing No.	Issue
2220	.11	E

PRELIMENARY

1 Level 6 (Block C)..

1:100
0 m 1 2m 5m

True Northpoint

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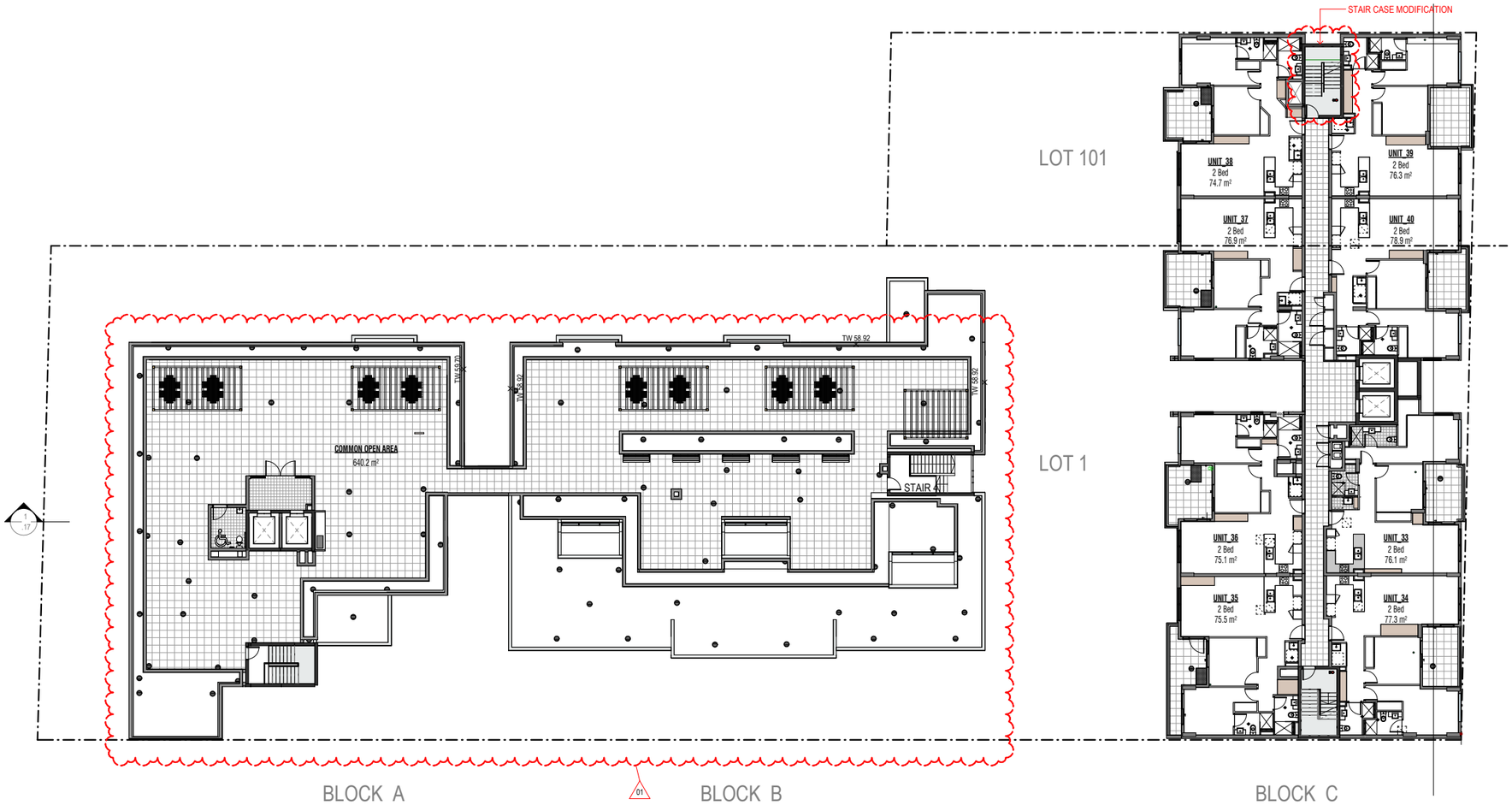

1 Roof Terrace Level - Level 7.
1:300 @A3

NOTE:
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Issue	Issue description	Date
E	SECTION 4.55 DRAWINGS	18-12-25
D	SECTION 4.55 DRAWINGS	12-12-25
C	SECTION 4.55 DRAWINGS	03-12-25
B	SECTION 4.55 DRAWINGS	05-09-25
A	SECTION 4.55 DRAWINGS - FOR REVIEW	05-08-25

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Project
PROPOSED SHOP TOP HOUSING DEVELOPMENT

Project Address
9 Sherwood Road, Merrylands

Client
.

Title
Level 7 (previous Block C Level 5) & Block A/B Roof Terrace

Drawn	Scale	Checked
DB	1 : 150	VA
Job No	Drawing No.	Issue
2220	.12	E

PRELIMENARY

NUMBER	MODIFICATION DETAILS
01	Revised Common Open Space

1:100
0 m 1 2m 5m

True Northpoint

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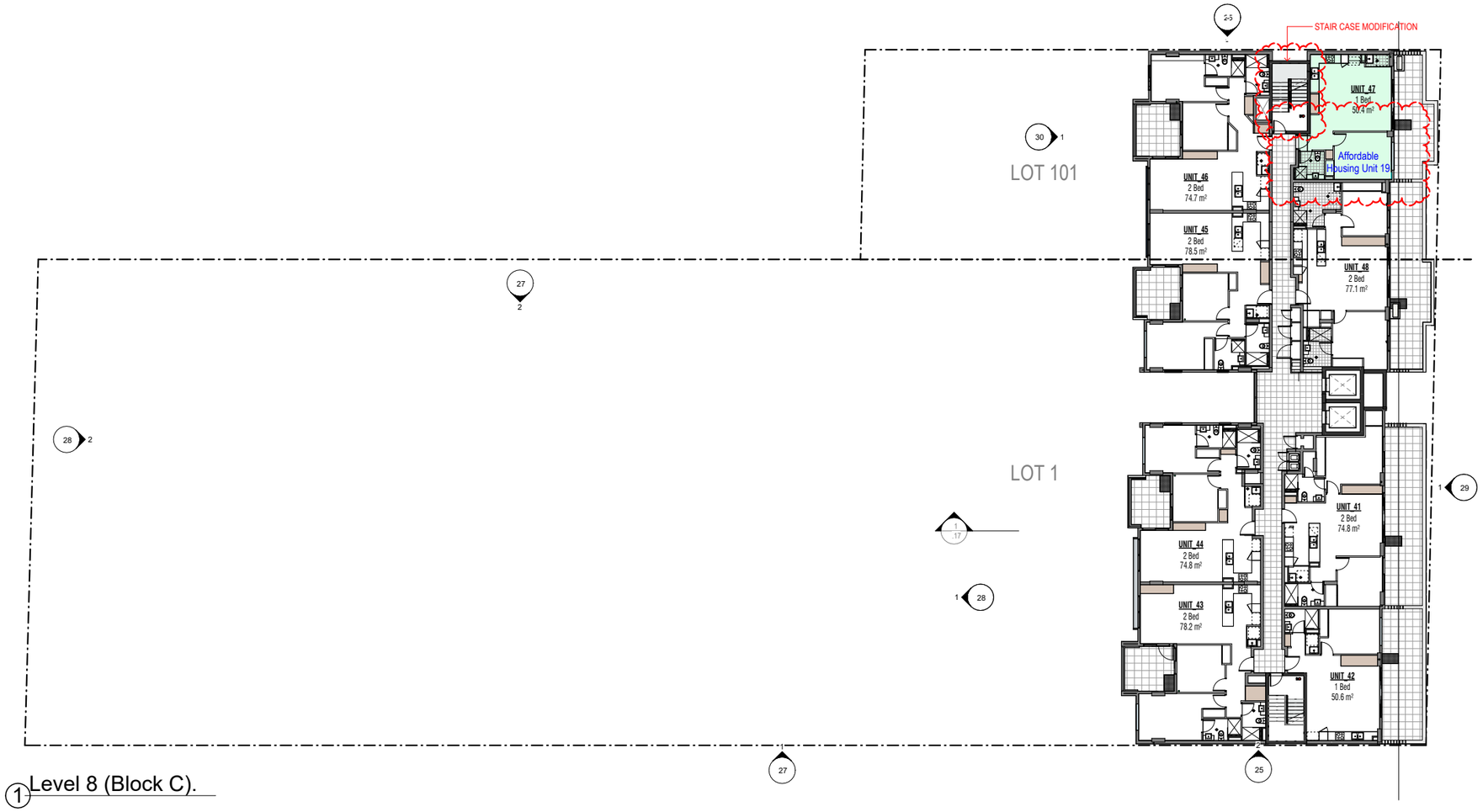

1 Level 8 (Block C).

LEGEND

- AMENDED RETAIL AREA
- AFFORDABLE HOUSING
- ADDITIONAL LEVELS AND ASSOCIATED CALCULATIONS UPDATED

NOTE:
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Issue	Issue description	Date
E	SECTION 4.55 DRAWINGS	18-12-25
D	SECTION 4.55 DRAWINGS	12-12-25
C	SECTION 4.55 DRAWINGS	03-12-25
B	SECTION 4.55 DRAWINGS	05-09-25
A	SECTION 4.55 DRAWINGS - FOR REVIEW	05-08-25

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Project
PROPOSED SHOP TOP HOUSING DEVELOPMENT

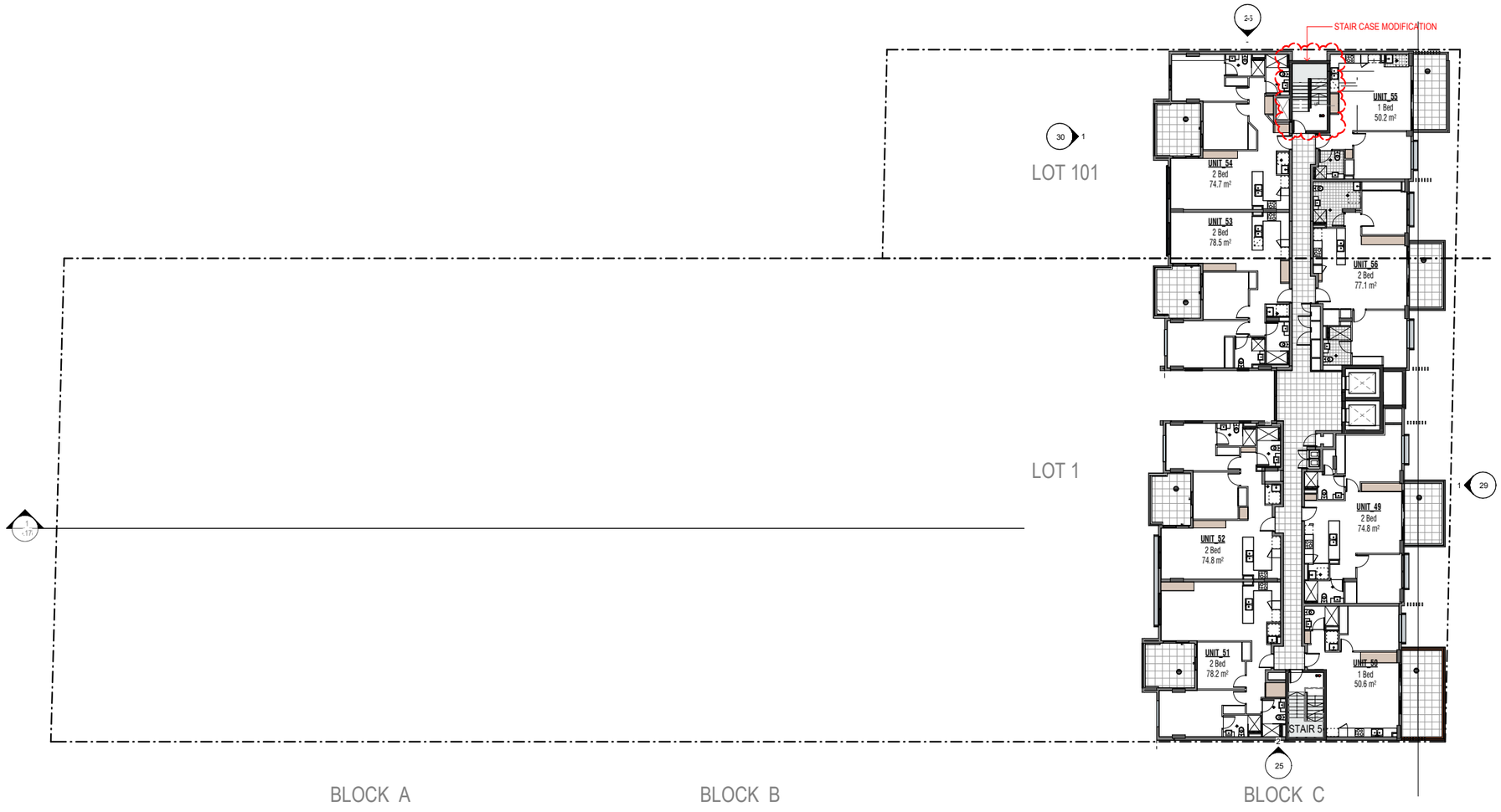
Project Address
9 Sherwood Road, Merrylands

Client
.

Title
Level 8 (previous Block C Level 6)

Drawn	Scale	Checked
DB	As indicated	VA
Job No	Drawing No.	Issue
2220	.13	E

PRELIMENARY



1:100
0 m 1 2m 5m

True Northpoint

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LEGEND

- AMENDED RETAIL AREA
- AFFORDABLE HOUSING
- ADDITIONAL LEVELS AND ASSOCIATED CALCULATIONS UPDATED

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Issue	Issue description	Date
E	SECTION 4.55 DRAWINGS	18-12-25
D	SECTION 4.55 DRAWINGS	12-12-25
C	SECTION 4.55 DRAWINGS	03-12-25
B	SECTION 4.55 DRAWINGS	05-09-25
A	SECTION 4.55 DRAWINGS - FOR REVIEW	05-08-25

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ABN: 633 834 401

Project
PROPOSED SHOP TOP HOUSING DEVELOPMENT

Project Address
9 Sherwood Road, Merrylands

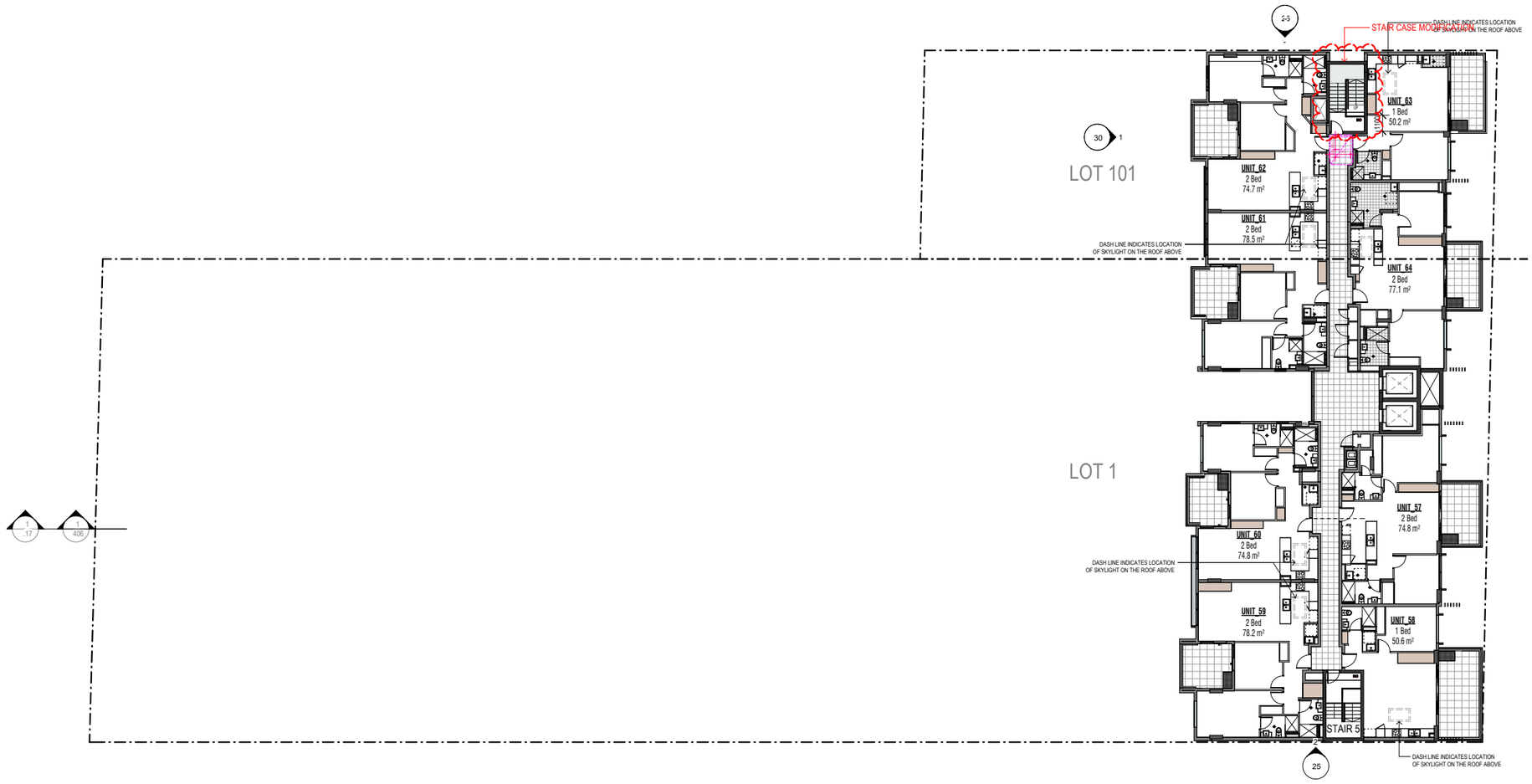
Client
.

Title
Level 9 (previous Block C Level 7)

Drawn	Scale	Checked
DB	As indicated	VA
Job No	Drawing No.	Issue
2220	.14	E

PRELIMENARY

1 Level 9 (Block C).
1:300 @A3



1:100
0 m 1 2m 5m

True Northpoint

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LEGEND

- AMENDED RETAIL AREA
- AFFORDABLE HOUSING
- ADDITIONAL LEVELS AND ASSOCIATED CALCULATIONS UPDATED

NOTE:
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Smoke-proof walls complying with Spec 11, cl. S11C2 at intervals of not more than 40 m are required.
Doors required to be smoke-proof must provide a smoke reservoir by not extending within 400 mm of the underside of the floor above or an imperforate false ceiling that will prevent the free passage of smoke.

Issue	Issue description	Date
E	SECTION 4.55 DRAWINGS	18-12-25
D	SECTION 4.55 DRAWINGS	12-12-25
C	SECTION 4.55 DRAWINGS	03-12-25
B	SECTION 4.55 DRAWINGS	05-09-25
A	SECTION 4.55 DRAWINGS - FOR REVIEW	05-08-25

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Mijasu Pty Ltd
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ABN: 633 834 401

Project
PROPOSED SHOP TOP HOUSING DEVELOPMENT

Project Address
9 Sherwood Road, Merrylands

Client
.

Title
Level 10 (previous Block C Level 8)

Drawn	Scale	Checked
DB	As indicated	VA
Job No	Drawing No.	Issue
2220	.15	E

PRELIMENARY

1 Level 10 (Block C).
1:300 @A3

1:100
0 m 1 2m 5m

True Northpoint

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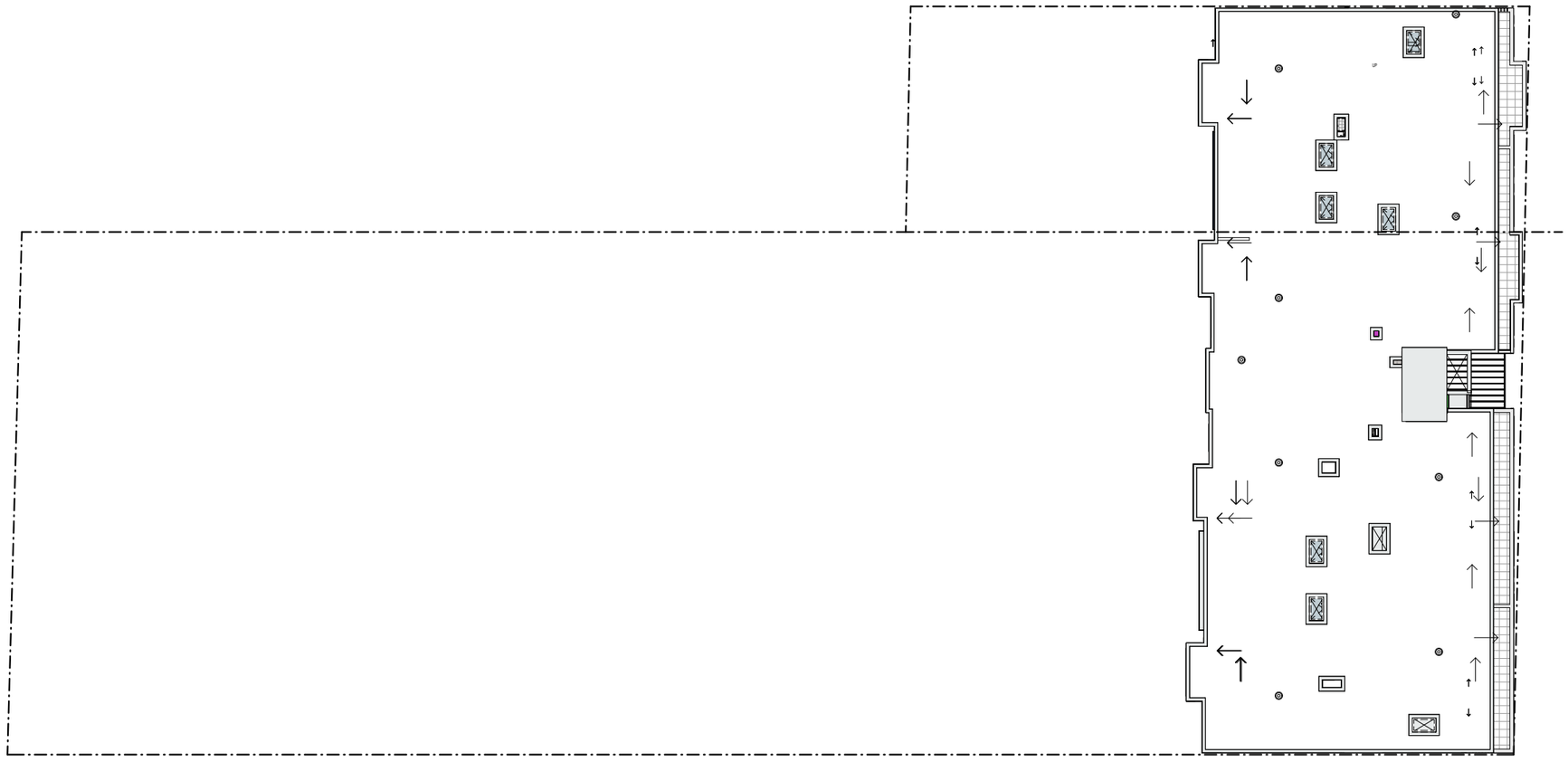

1 Roof Level (Block C).
1:300 @A3

Issue	Issue description	Date
E	SECTION 4.55 DRAWINGS	18-12-25
D	SECTION 4.55 DRAWINGS	12-12-25
C	SECTION 4.55 DRAWINGS	03-12-25
B	SECTION 4.55 DRAWINGS	05-09-25
A	SECTION 4.55 DRAWINGS - FOR REVIEW	05-08-25

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Project
PROPOSED SHOP TOP HOUSING DEVELOPMENT

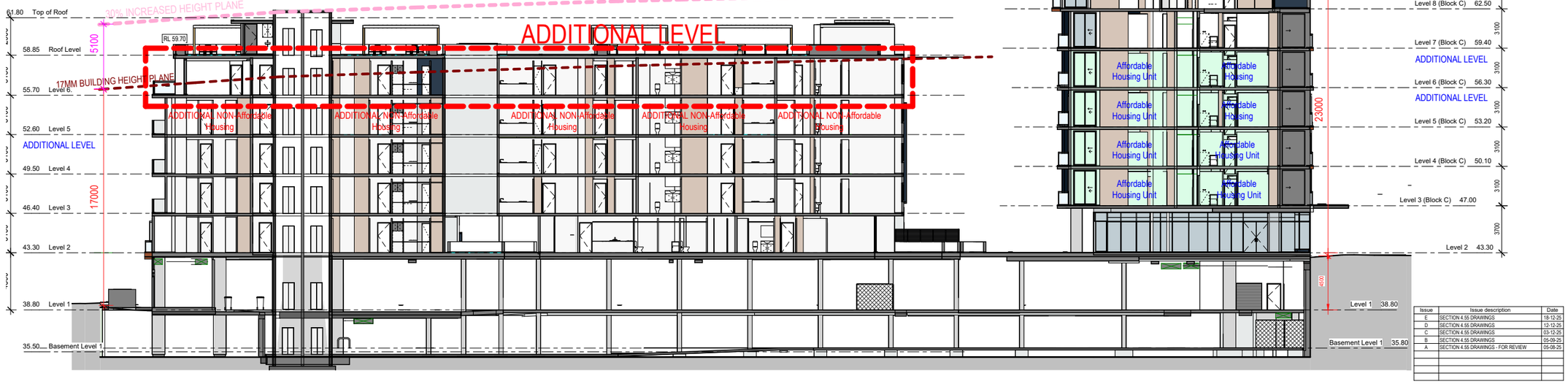
Project Address
9 Sherwood Road, Merrylands

Client
.

Title
Roof Level (Block C)

Drawn	Scale	Checked
DB	1 : 150	VA
Job No	Drawing No.	Issue
2220	.16	E

PRELIMENARY



1:100
0 m 1 2m 5m

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1 Block A/B - Section.
1:200 @A3

LEGEND

- AMENDED RETAIL AREA
- AFFORDABLE HOUSING
- ADDITIONAL LEVELS AND ASSOCIATED CALCULATIONS UPDATED

Issue	Issue description	Date
E	SECTION 4.55 DRAWINGS	18-12-25
D	SECTION 4.55 DRAWINGS	12-12-25
C	SECTION 4.55 DRAWINGS	03-12-25
B	SECTION 4.55 DRAWINGS	05-09-25
A	SECTION 4.55 DRAWINGS - FOR REVIEW	05-08-25

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Nominated Architect:
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Reg No. 9785

Mijasu Pty Ltd
T/As Architex
ABN: 633 834 401

Project
PROPOSED SHOP TOP HOUSING DEVELOPMENT

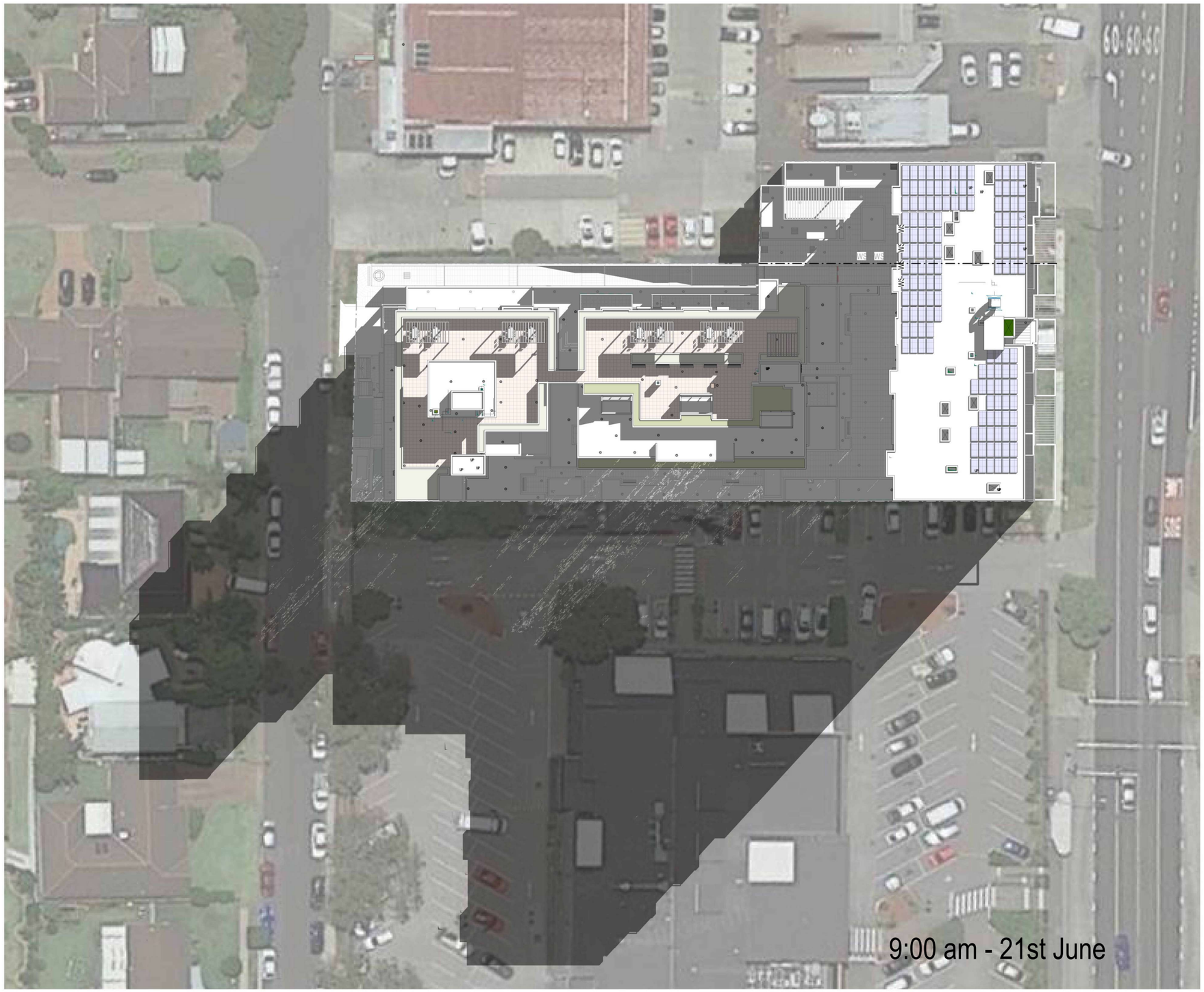
Project Address
9 Sherwood Road, Merrylands

Client
.

Title
Section through Blocks A / B / C

Drawn	Scale	Checked
DB	As indicated	VA
Job No	Drawing No.	Issue
2220	.17	E

PRELIMENARY



1:100
0 m 1 2m 5m

True Northpoint

Do not scale, check and verify all dimensions before comencing new work, ground levels may vary due to site conditions. If descrepancies are found on Site with the drawings, please contact Architect immediately.

Issue	Issue description	Date
E	SECTION 4.55 DRAWINGS	18-12-25
D	SECTION 4.55 DRAWINGS	12-12-25
C	SECTION 4.55 DRAWINGS	03-12-25
B	SECTION 4.55 DRAWINGS	05-09-25
A	SECTION 4.55 DRAWINGS - FOR REVIEW	05-08-25

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Project
PROPOSED SHOP TOP HOUSING DEVELOPMENT

Project Address
9 Sherwood Road, Merrylands

Client
.

Title
Revised Shadow Diagram 9 am - 21st June

Drawn	Scale	Checked
DB	1 : 250	VA
Job No	Drawing No.	Issue
2220	..18	E

PRELIMENARY



1:100
0 m 1 2m 5m

True Northpoint

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Issue	Issue description	Date
E	SECTION 4.55 DRAWINGS	18-12-25
D	SECTION 4.55 DRAWINGS	12-12-25
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A	SECTION 4.55 DRAWINGS - FOR REVIEW	05-08-25

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Project
PROPOSED SHOP TOP HOUSING DEVELOPMENT

Project Address
9 Sherwood Road, Merrylands

Client
.

Title
Revised Shadow diagram 12 noon - 21st June

Drawn	Scale	Checked
DB	1 : 250	VA
Job No	**Drawing No.**	**Issue**
2220	..19	E

PRELIMENARY



1:100
0 m 1 2m 5m

True Northpoint

Do not scale, check and verify all dimensions before comencing new work, ground levels may vary due to site conditions. If descrepancies are found on Site with the drawings, please contact Architect immediately.

Issue	Issue description	Date
E	SECTION 4.55 DRAWINGS	18-12-25
D	SECTION 4.55 DRAWINGS	12-12-25
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B	SECTION 4.55 DRAWINGS	05-09-25
A	SECTION 4.55 DRAWINGS - FOR REVIEW	05-08-25

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Project
PROPOSED SHOP TOP HOUSING DEVELOPMENT

Project Address
9 Sherwood Road, Merrylands

Client
.

Title
Revised Shadow Diagram 3 pm - 21st June

Drawn	Scale	Checked
DB	1 : 250	VA
Job No	Drawing No.	Issue
2220	..20	E

PRELIMENARY



1 Block A/B - East Elevation



2 Block A/B - South Elevation

1:100
0 m 1 2m 5m

True Northpoint

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Issue	Issue description	Date
E	SECTION 4.55 DRAWINGS	18-12-25
D	SECTION 4.55 DRAWINGS	12-12-25
C	SECTION 4.55 DRAWINGS	03-12-25
B	SECTION 4.55 DRAWINGS	05-09-25
A	SECTION 4.55 DRAWINGS - FOR REVIEW	05-08-25

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Project
PROPOSED SHOP TOP HOUSING DEVELOPMENT

Project Address
9 Sherwood Road, Merrylands

Client
.

Title
Block A & B East & South Elevations

Drawn	Scale	Checked
DB	1 : 100	VA
Job No	Drawing No.	Issue
2220	.21	E

PRELIMENARY



1 Block A/B - West Elevation - Coolibah St



2 Block A/B - North Elevation

1:100
0 m 1 2m 5m

True Northpoint

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Issue	Issue description	Date
E	SECTION 4.55 DRAWINGS	18-12-25
D	SECTION 4.55 DRAWINGS	12-12-25
C	SECTION 4.55 DRAWINGS	03-12-25
B	SECTION 4.55 DRAWINGS	05-09-25
A	SECTION 4.55 DRAWINGS - FOR REVIEW	05-08-25

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Project
PROPOSED SHOP TOP HOUSING DEVELOPMENT

Project Address
9 Sherwood Road, Merrylands

Client
.

Title
Block A & B West & North Elevations

Drawn	Scale	Checked
DB	1 : 100	VA
Job No	Drawing No.	Issue
2220	.22	E

PRELIMENARY

1:100
0 m 1 2m 5m

True Northpoint

Do not scale, check and verify all dimensions before comencing new work, ground levels may vary due to site conditions. If descrepancies are found on Site with the drawings, please contact Architect immediately.



1 Block C - East Elevation - Sherwood Rd

Issue	Issue description	Date
E	SECTION 4.55 DRAWINGS	18-12-25
D	SECTION 4.55 DRAWINGS	12-12-25
C	SECTION 4.55 DRAWINGS	03-12-25
B	SECTION 4.55 DRAWINGS	05-09-25
A	SECTION 4.55 DRAWINGS - FOR REVIEW	05-08-25

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Project
PROPOSED SHOP TOP HOUSING DEVELOPMENT

Project Address
9 Sherwood Road, Merrylands

Client
.

Title
Block C - East Elevation

Drawn	Scale	Checked
DN	1 : 100	VA
Job No	Drawing No.	Issue
2220	.23	E

PRELIMENARY

1:100
0 m 1 2m 5m

True Northpoint

Do not scale, check and verify all dimensions before comencing new work, ground levels may vary due to site conditions. If descrepancies are found on Site with the drawings, please contact Architect immediately.



2 Block C - West Elevation

Issue	Issue description	Date
E	SECTION 4.55 DRAWINGS	18-12-25
D	SECTION 4.55 DRAWINGS	12-12-25
C	SECTION 4.55 DRAWINGS	03-12-25
B	SECTION 4.55 DRAWINGS	05-09-25
A	SECTION 4.55 DRAWINGS - FOR REVIEW	05-08-25

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Project
PROPOSED SHOP TOP HOUSING DEVELOPMENT

Project Address
9 Sherwood Road, Merrylands

Client
.

Title
Block C - West Elevation

Drawn	Scale	Checked
DN	1 : 100	VA
Job No	Drawing No.	Issue
2220	.24	E

PRELIMENARY

1:100
0 m 1 2m 5m

True Northpoint

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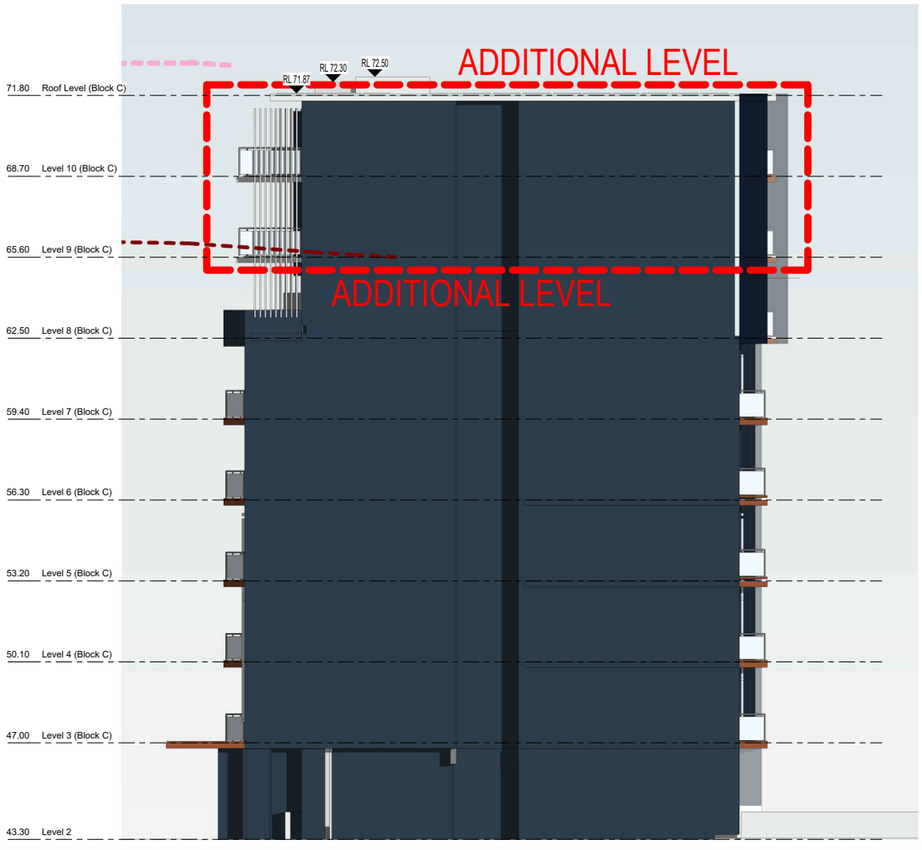
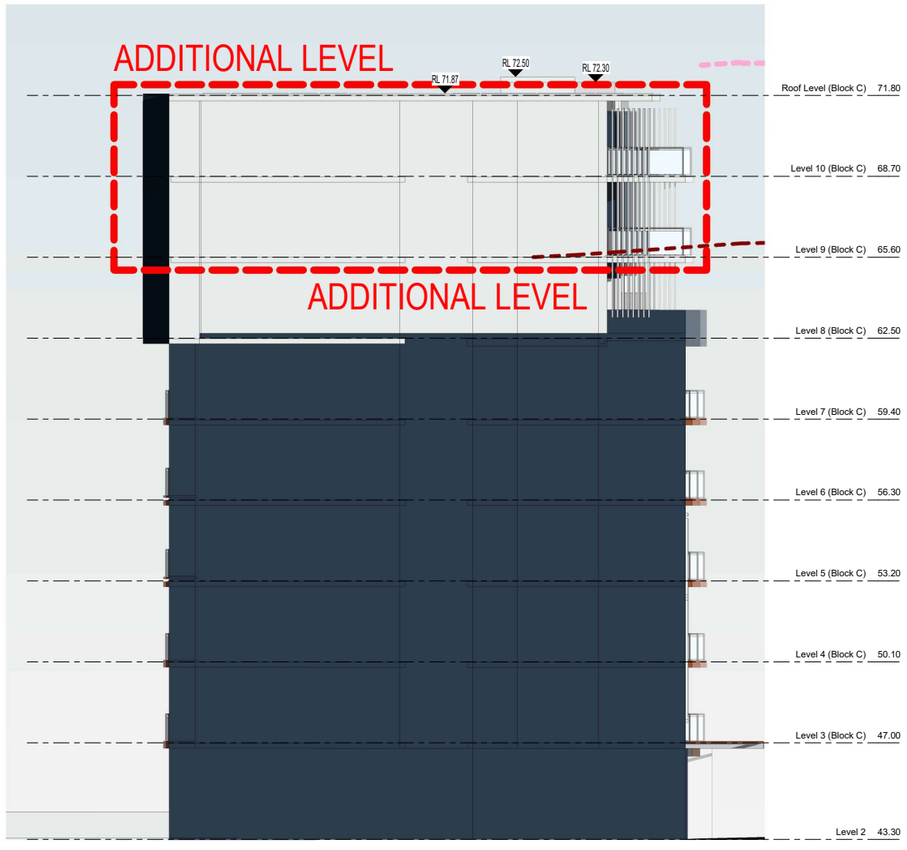


1 Block C - North Elevation



2 Block C - South Elevation

Issue	Issue description	Date
E	SECTION 4.55 DRAWINGS	18-12-25
D	SECTION 4.55 DRAWINGS	12-12-25
C	SECTION 4.55 DRAWINGS	03-12-25
B	SECTION 4.55 DRAWINGS	05-09-25
A	SECTION 4.55 DRAWINGS - FOR REVIEW	05-08-25

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Project
PROPOSED SHOP TOP HOUSING DEVELOPMENT

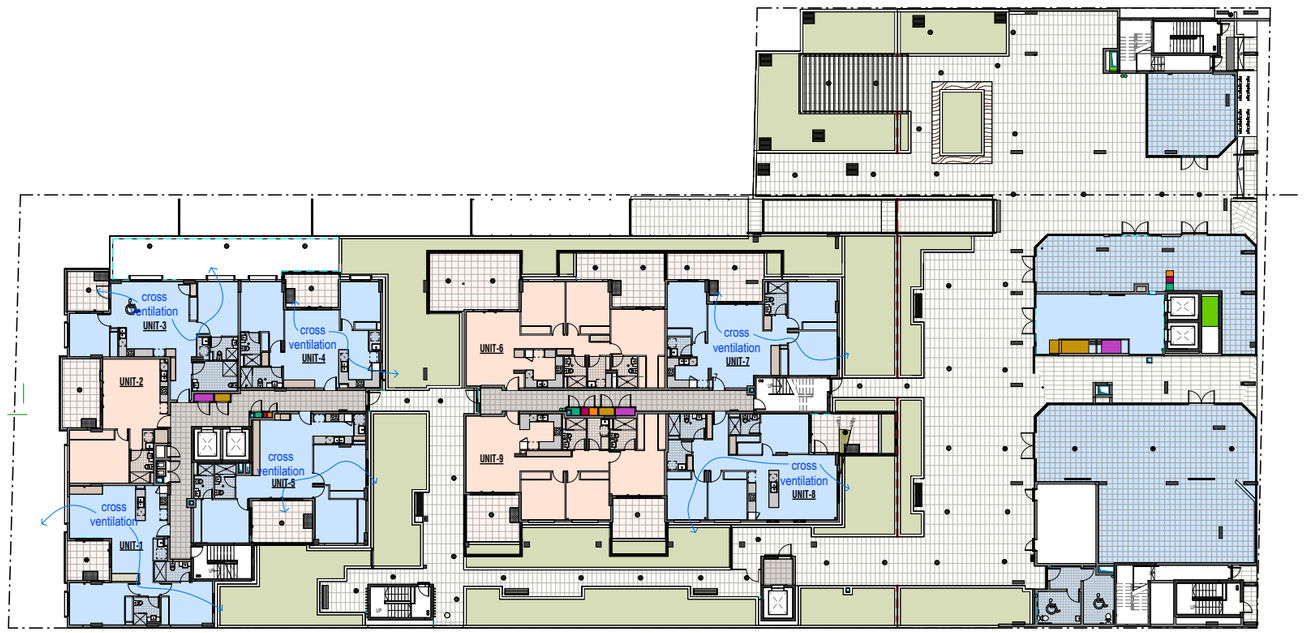
Project Address
9 Sherwood Road, Merrylands

Client
.

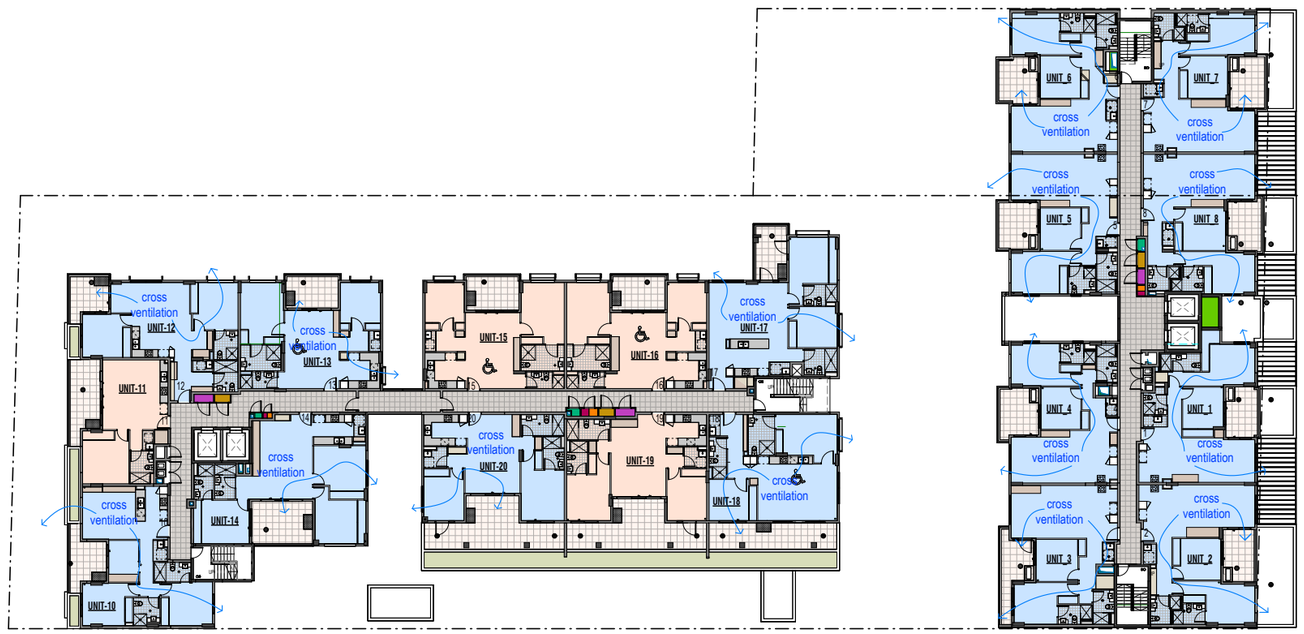
Title
Block C - North & South Elevations

Drawn	Scale	Checked
DN	1 : 100	VA
Job No	Drawing No.	Issue
2220	.25	E

PRELIMENARY



1 Level 2 - Ventilation



2 Level 3 - Ventilation

VENTILATION LEGEND

NON-CROSS VENTILATED

CROSS VENTILATED

Level 2 Cross Flow Ventilation

UNIT #

Level 2
UNIT-7
UNIT-3
UNIT-4
UNIT-6
UNIT-5
UNIT-7
UNIT-8
UNIT-2
UNIT-9
UNIT-1

Level 3 Cross Flow Ventilation

UNIT #

Level 3
UNIT-13
UNIT-14
UNIT-15
UNIT-12
UNIT-20
UNIT-17
UNIT-16
UNIT-11
UNIT-19
UNIT-18
UNIT-10
Level 3 (Block C)
UNIT 1
UNIT 2
UNIT 3
UNIT 4
UNIT 5
UNIT 6
UNIT 7
UNIT 8
UNIT 9
UNIT 4
UNIT 5

1:100
0 m 1 2m 5m

True Northpoint

Do not scale, check and verify all dimensions before comencing new work, ground levels may vary due to site conditions. If descrepancies are found on Site with the drawings, please contact Architect immediately.

TOTAL COUNT CROSSFLOW

	CROSSFLOW	NO CROSSFLOW
LEVEL 2	6	3
LEVEL 3	15	4
LEVEL 4	15	4
LEVEL 5	14	5
LEVEL 6	13	6
LEVEL 7	8	0
LEVEL 8	6	2
LEVEL 9	6	2
LEVEL 10	6	2
TOTAL	89	28

NOTE:
- ALL THE WALLS, WINDOWS AND DOORS IN THE RESIDENTIAL CORRIDOR IN BUILDING BLOCK A, B AND C REQUIRED TO BE SMOKE PROOF.
Smoke-proof walls complying with Spec 11, cl. S11C2 at intervals of not more than 40 m are required.
Doors required to be smoke-proof must provide a smoke reservoir by not extending within 400 mm of the underside of the floor above or an imperforate false ceiling that will prevent the free passage of smoke.

Issue	Issue description	Date
C	SECTION 4.55 DRAWINGS	18-12-25
B	SECTION 4.55 DRAWINGS	12-12-25
A	SECTION 4.55 DRAWINGS	03-12-25

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Project
PROPOSED SHOP TOP HOUSING DEVELOPMENT

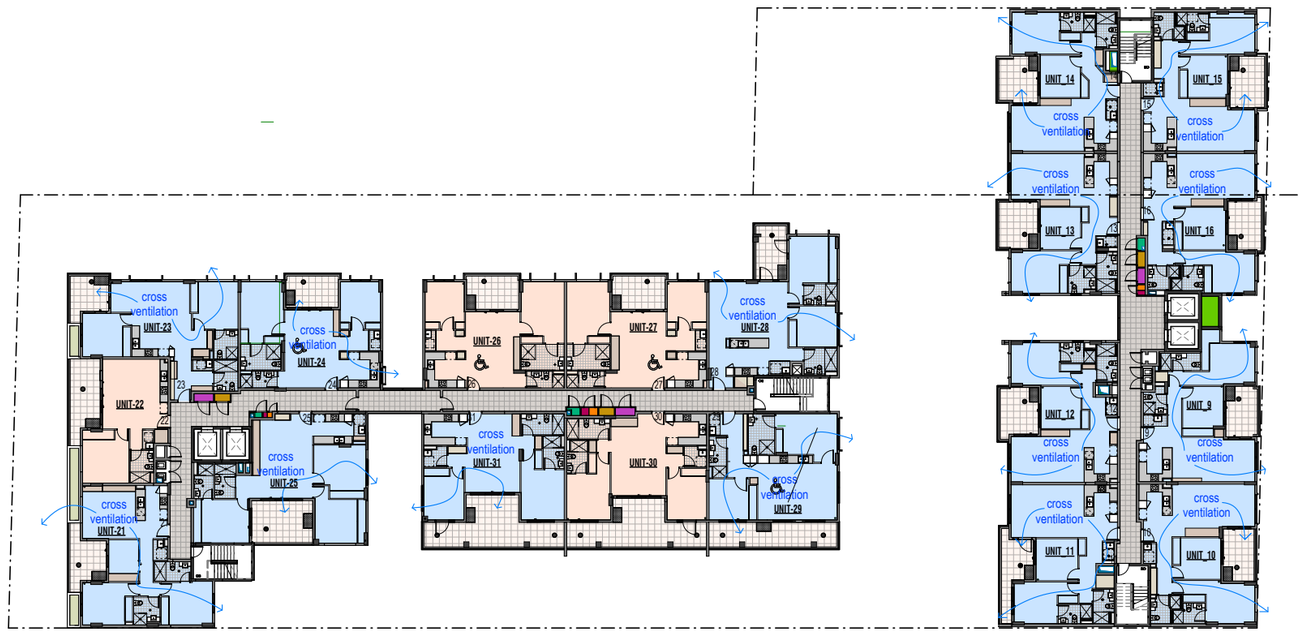
Project Address
9 Sherwood Road, Merrylands

Client
.

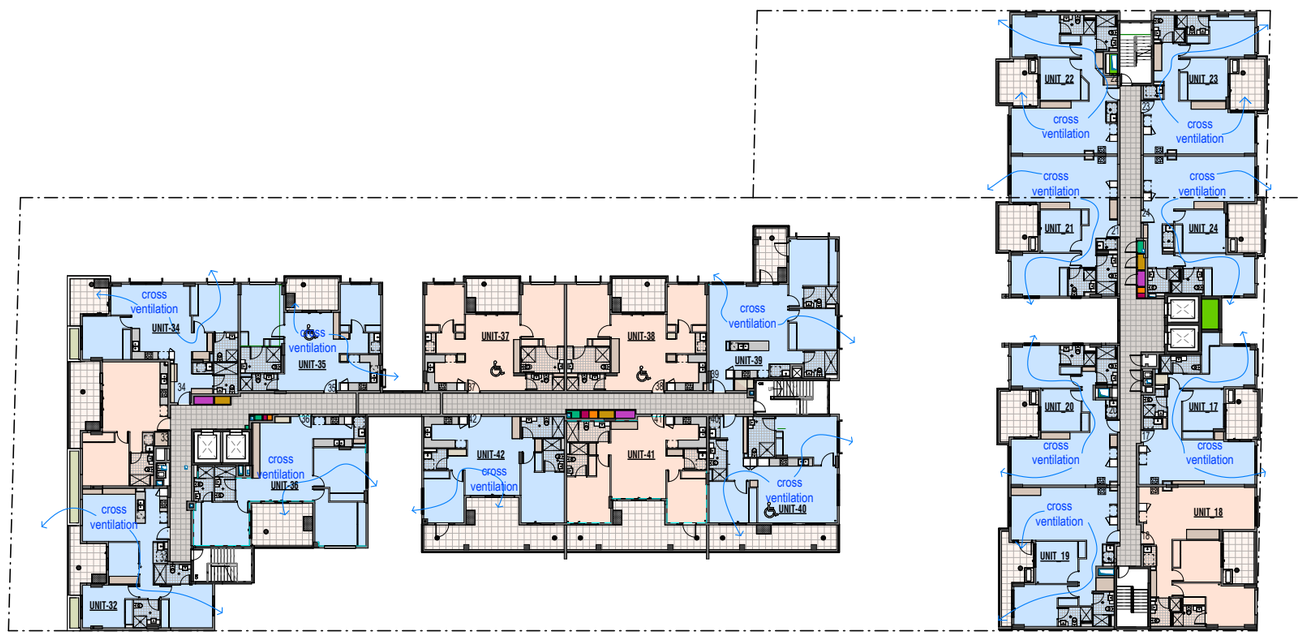
Title
Ventilation Sheet 1

PRELIMENARY

Drawn	Scale	Checked
Author	As indicated	VA
Job No	Drawing No.	Issue
2220	31	C



1 Level 4 - Ventilation



2 Level 5 - Ventilation

VENTILATION LEGEND

NON-CROSS VENTILATED

CROSS VENTILATED

Level 4 Cross Flow Ventilation
UNIT #

Level 4
UNIT-23
UNIT-24
UNIT-22
UNIT-25
UNIT-21
UNIT-26
UNIT-27
UNIT-28
UNIT-31
UNIT-30
UNIT-29
Level 4 (Block C)
UNIT_14
UNIT_15
UNIT_13
UNIT_16
UNIT_12
UNIT_9
UNIT_11
UNIT_10

Level 5 Cross Flow Ventilation
UNIT #

Level 5
UNIT-34
UNIT-35
UNIT-36
UNIT-32
UNIT-37
UNIT-38
UNIT-39
UNIT-42
UNIT-41
UNIT-40
Level 5 (Block C)
UNIT_22
UNIT_23
UNIT_21
UNIT_24
UNIT_20
UNIT_17
UNIT_19
UNIT_18

1:100
0 m 1 2m 5m

True Northpoint

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TOTAL COUNT CROSSFLOW

	CROSSFLOW	NO CROSSFLOW
LEVEL 2	6	3
LEVEL 3	15	4
LEVEL 4	15	4
LEVEL 5	14	5
LEVEL 6	13	6
LEVEL 7	8	0
LEVEL 8	6	2
LEVEL 9	6	2
LEVEL 10	6	2
TOTAL	89	28

NOTE:
- ALL THE WALLS, WINDOWS AND DOORS IN THE RESIDENTIAL CORRIDOR IN BUILDING BLOCK A, B AND C REQUIRED TO BE SMOKE PROOF.
Smoke-proof walls complying with Spec 11, cl. S11C2 at intervals of not more than 40 m are required.
Doors required to be smoke-proof must provide a smoke reservoir by not extending within 400 mm of the underside of the floor above or an imperforate false ceiling that will prevent the free passage of smoke.

Issue	Issue description	Date
C	SECTION 4.55 DRAWINGS	18-12-25
B	SECTION 4.55 DRAWINGS	12-12-25
A	SECTION 4.55 DRAWINGS	03-12-25

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Project
PROPOSED SHOP TOP HOUSING DEVELOPMENT

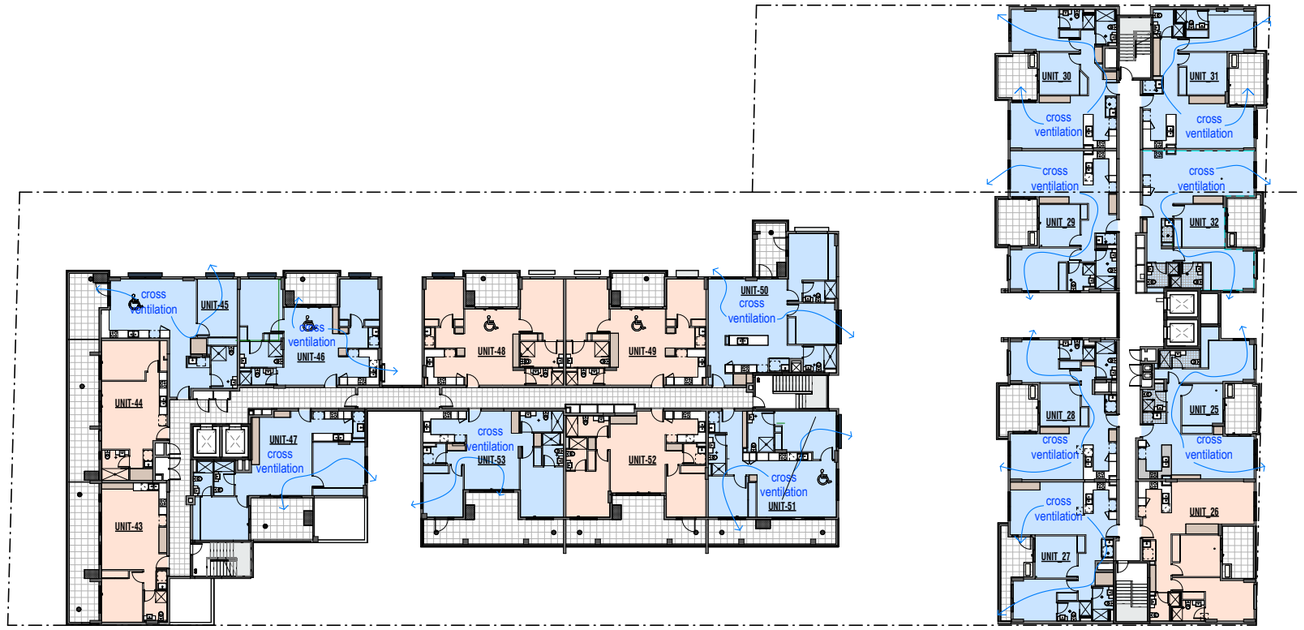
Project Address
9 Sherwood Road, Merrylands

Client
.

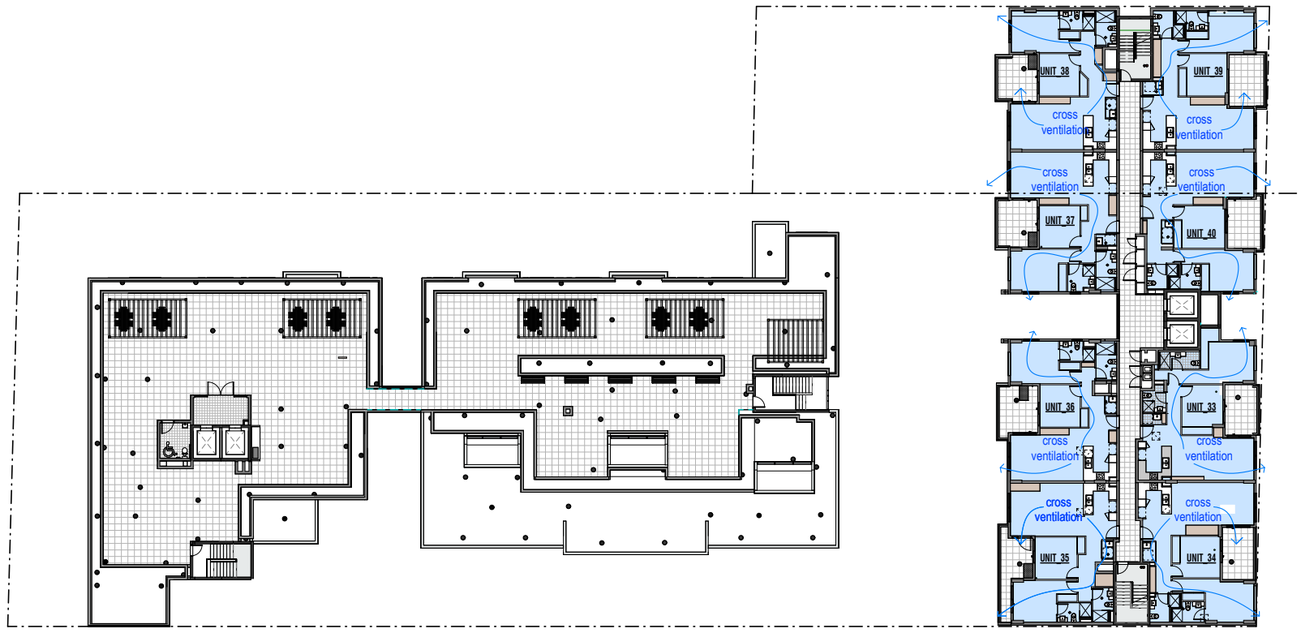
Title
Ventilation Sheet 2

PRELIMENARY

Drawn	Scale	Checked
Author	As indicated	VA
Job No	Drawing No.	Issue
2220	32	C



1 Level 6 - Ventilation



2 Level 7 - Ventilation
1:300 @A3

VENTILATION LEGEND

NON-CROSS VENTILATED

CROSS VENTILATED

Level 6 Cross Flow Ventilation
UNIT #

Level 7 Cross Flow Ventilation
UNIT #

1:100
0 m 1 2m 5m

True Northpoint

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TOTAL COUNT CROSSFLOW

	CROSSFLOW	NO CROSSFLOW
LEVEL 2	6	3
LEVEL 3	15	4
LEVEL 4	15	4
LEVEL 5	14	5
LEVEL 6	13	6
LEVEL 7	8	0
LEVEL 8	6	2
LEVEL 9	6	2
LEVEL 10	6	2
TOTAL	89	28

NOTE:
- ALL THE WALLS, WINDOWS AND DOORS IN THE RESIDENTIAL CORRIDOR IN BUILDING BLOCK A, B AND C REQUIRED TO BE SMOKE PROOF.
Smoke-proof walls complying with Spec 11, cl. S11C2 at intervals of not more than 40 m are required.
Doors required to be smoke-proof must provide a smoke reservoir by not extending within 400 mm of the underside of the floor above or an imperforate false ceiling that will prevent the free passage of smoke.

Issue	Issue description	Date
C	SECTION 4.55 DRAWINGS	18-12-25
B	SECTION 4.55 DRAWINGS	12-12-25
A	SECTION 4.55 DRAWINGS	03-12-25

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Project
PROPOSED SHOP TOP HOUSING DEVELOPMENT

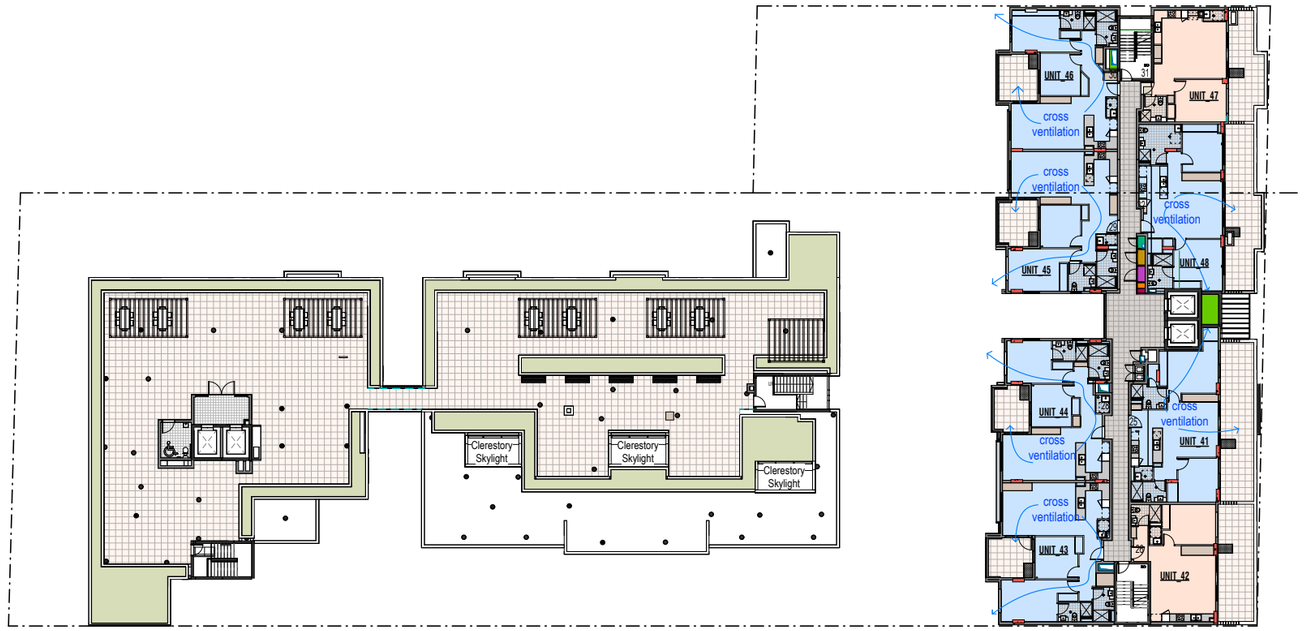
Project Address
9 Sherwood Road, Merrylands

Client
.

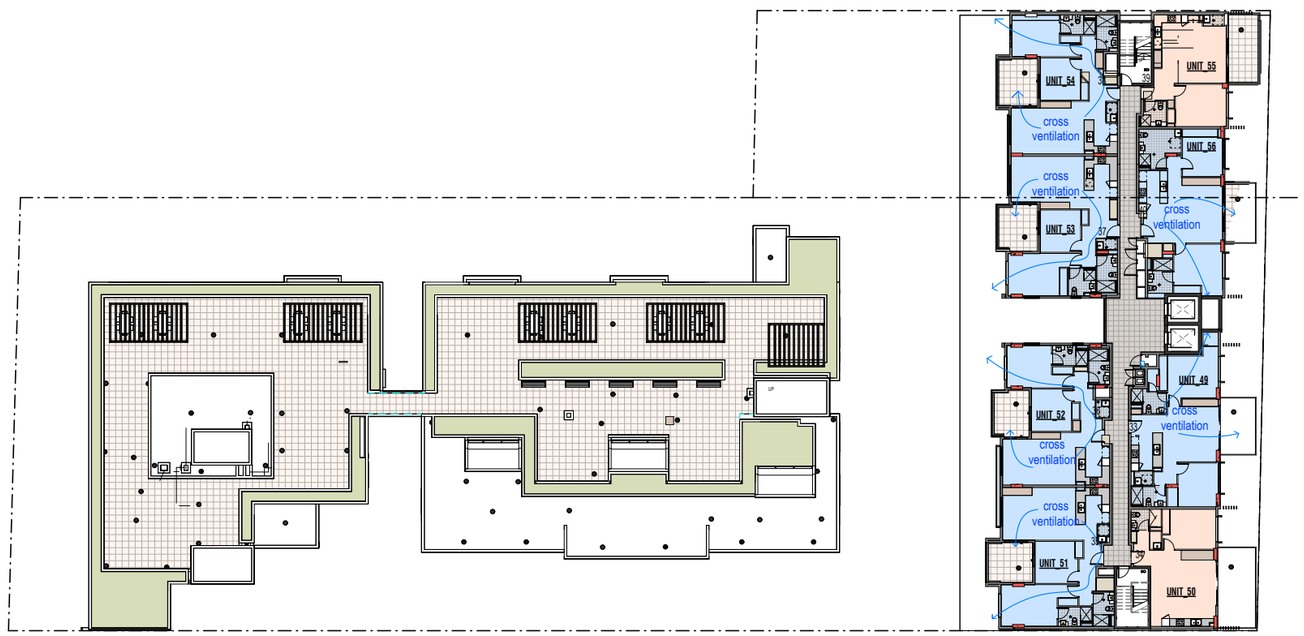
Title
Ventilation Sheet 3

PRELIMENARY

Drawn	Scale	Checked
Author	As indicated	VA
Job No	Drawing No.	Issue
2220	33	C



1 Level 8 - Ventilation



2 Level 9 - Ventilation

VENTILATION LEGEND

NON-CROSS VENTILATED

CROSS VENTILATED

Level 8 Cross Flow Ventilation
UNIT #
Level 8 (Block C)
UNIT 45
UNIT 44
UNIT 46
UNIT 48
UNIT 46
UNIT 41
UNIT 43
UNIT 47

Level 9 Cross Flow Ventilation
UNIT #
Level 9 (Block C)
UNIT 54
UNIT 52
UNIT 49
UNIT 53
UNIT 56
UNIT 51
UNIT 50
UNIT 55

1:100
0 m 1 2m 5m

True Northpoint

Do not scale, check and verify all dimensions before comencing new work, ground levels may vary due to site conditions. If descrepancies are found on Site with the drawings, please contact Architect immediately.

TOTAL COUNT CROSSFLOW

	CROSSFLOW	NO CROSSFLOW
LEVEL 2	6	3
LEVEL 3	15	4
LEVEL 4	15	4
LEVEL 5	14	5
LEVEL 6	13	6
LEVEL 7	8	0
LEVEL 8	6	2
LEVEL 9	6	2
LEVEL 10	6	2
TOTAL	89	28

NOTE:
- ALL THE WALLS, WINDOWS AND DOORS IN THE RESIDENTIAL CORRIDOR IN BUILDING BLOCK A, B AND C REQUIRED TO BE SMOKE PROOF.
Smoke-proof walls complying with Spec 11, cl. S11C2 at intervals of not more than 40 m are required.
Doors required to be smoke-proof must provide a smoke reservoir by not extending within 400 mm of the underside of the floor above or an imperforate false ceiling that will prevent the free passage of smoke.

Issue	Issue description	Date
C	SECTION 4.55 DRAWINGS	18-12-25
B	SECTION 4.55 DRAWINGS	12-12-25
A	SECTION 4.55 DRAWINGS	03-12-25

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Project
PROPOSED SHOP TOP HOUSING DEVELOPMENT

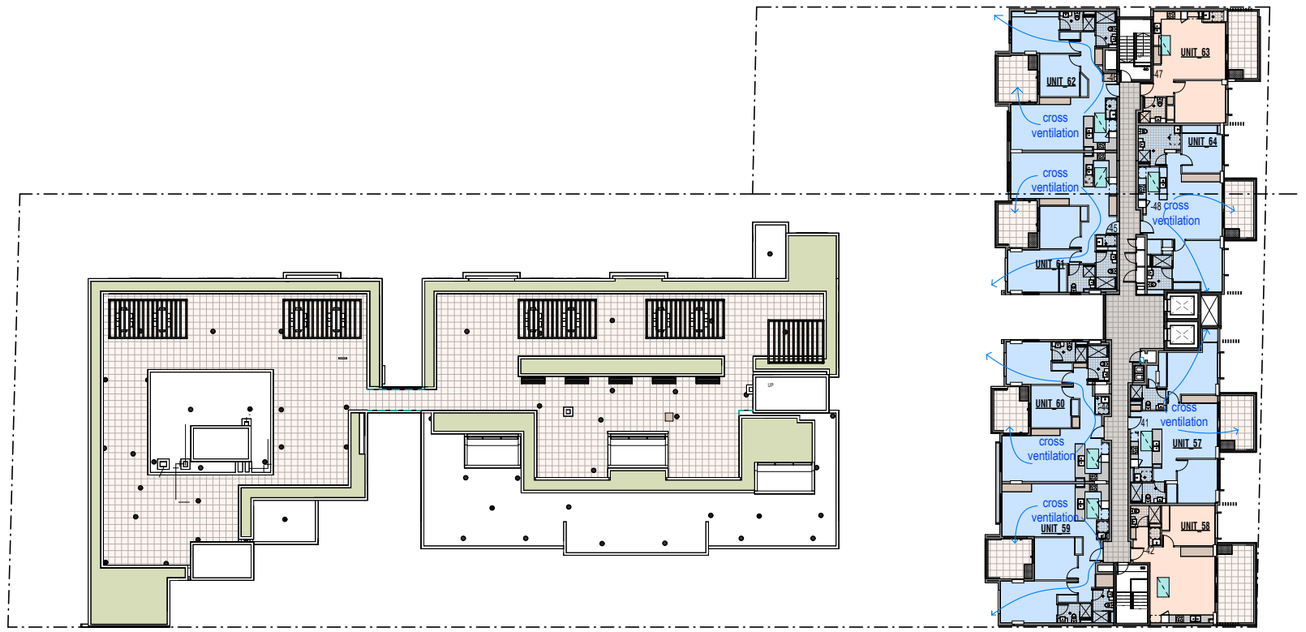
Project Address
9 Sherwood Road, Merrylands

Client
.

Title
Ventilation Sheet 4

PRELIMINARY

Drawn	Scale	Checked
Author	As indicated	VA
Job No	Drawing No.	Issue
2220	34	C



NOTE: ALL THE UNITS IN LEVEL 10 ARE CONSIDERED TO BE CROSS-VENTILATED IN CONSIDERATION OF OBJECTIVE 4B-3 FROM ADG

1 Level 10 - Ventilation

VENTILATION LEGEND

NON-CROSS VENTILATED

CROSS VENTILATED

Level 10 Cross Flow Ventilation

UNIT #

Level 10 (Block C)

UNIT 58
UNIT 60
UNIT 57
UNIT 61
UNIT 64
UNIT 62
UNIT 63
UNIT 59

1:100

0 m 1 2m 5m

True Northpoint

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TOTAL COUNT CROSSFLOW

	CROSSFLOW	NO CROSSFLOW
LEVEL 2	6	3
LEVEL 3	15	4
LEVEL 4	15	4
LEVEL 5	14	5
LEVEL 6	13	6
LEVEL 7	8	0
LEVEL 8	6	2
LEVEL 9	6	2
LEVEL 10	6	2
TOTAL	89	28

NOTE:
- ALL THE WALLS, WINDOWS AND DOORS IN THE RESIDENTIAL CORRIDOR IN BUILDING BLOCK A, B AND C REQUIRED TO BE SMOKE PROOF.
Smoke-proof walls complying with Spec 11, cl. S11C2 at intervals of not more than 40 m are required.
Doors required to be smoke-proof must provide a smoke reservoir by not extending within 400 mm of the underside of the floor above or an imperforate false ceiling that will prevent the free passage of smoke.

Issue	Issue description	Date
C	SECTION 4.55 DRAWINGS	18-12-25
B	SECTION 4.55 DRAWINGS	12-12-25
A	SECTION 4.55 DRAWINGS	03-12-25

ARCHITEX

4/17-19 Alberta Street
Sydney, NSW 2000

T +61 2 9633 5888
email@architex.com.au
www.architex.com.au

Nominated Architect:
Victor Oliver Alcami
Reg No. 9785

Mijasu Pty Ltd
T/As Architex
ABN: 633 834 401

Project
PROPOSED SHOP TOP HOUSING DEVELOPMENT

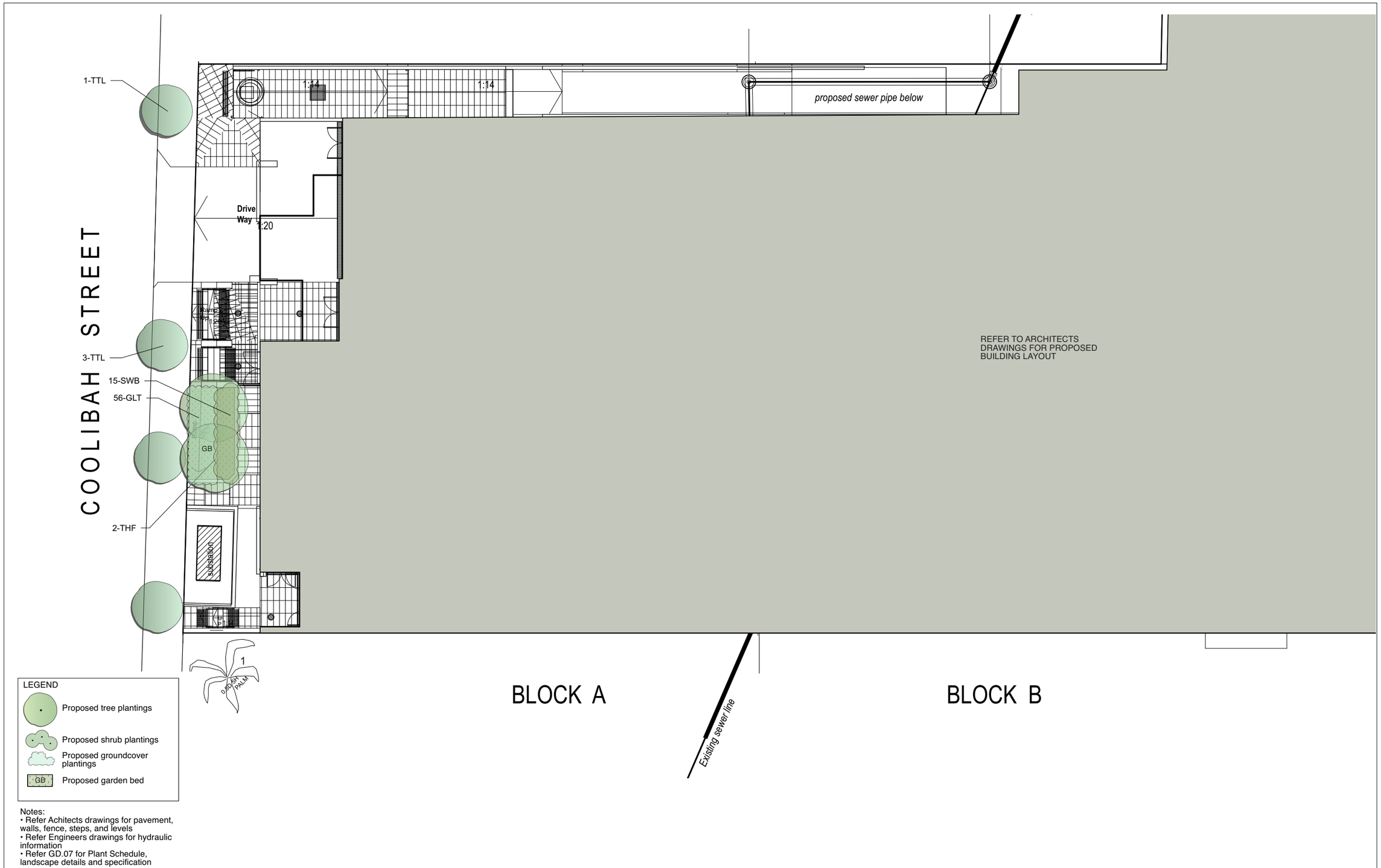
Project Address
9 Sherwood Road, Merrylands

Client
.

Title
Ventilation Sheet 5

Drawn	Scale	Checked
Author	As indicated	VA
Job No	Drawing No.	Issue
2220	35	C

PRELIMENARY



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4. Read in conjunction with the specifications
5. Read in conjunction with all associated drawings

ISSUE	AMENDMENT	DRAWN	DATE
A	FOR S4.55	CL	01.02.26

DESIGNED: GD
DRAWN: CL

PREPARED FOR: *NUCORP CONSTRUCTION PTY LTD*

PREPARED BY:
GREENLAND DESIGN Landscape Architects
Greenland Design Pty Ltd
ABN 73 139 152 855
Registered Landsc. Architect: Bao Ly
Cecil Hills NSW 2171
T: 0403 164 198
E: gd@greenlanddesign.com.au

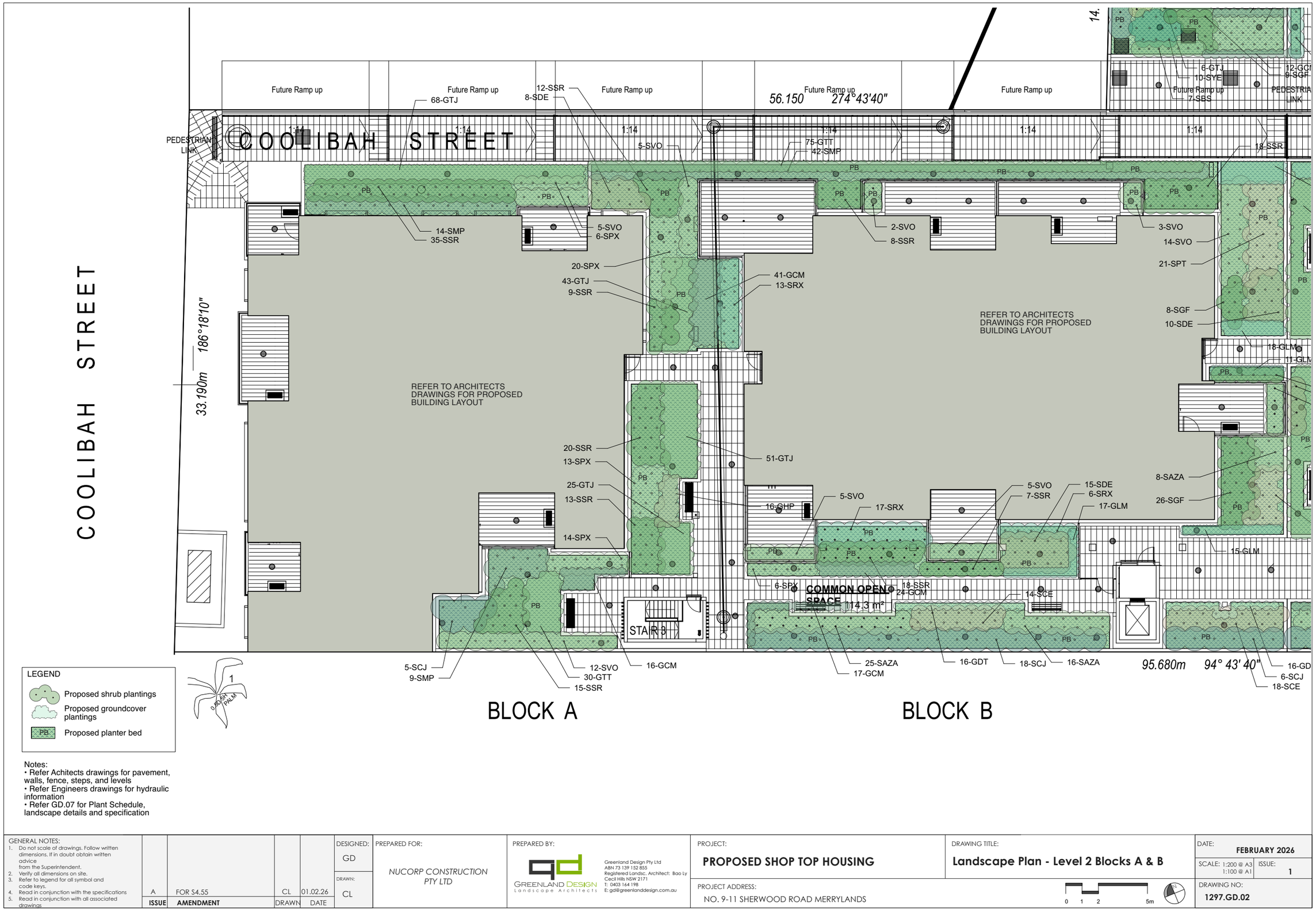
PROJECT: **PROPOSED SHOP TOP HOUSING**

PROJECT ADDRESS: NO. 9-11 SHERWOOD ROAD MERRYLANDS

DRAWING TITLE: **Landscape Plan - Level 1**

0 1 2 5m

DATE: **FEBRUARY 2026**
SCALE: 1:200 @ A3, 1:100 @ A1
ISSUE: 1
DRAWING NO: **1297.GD.01**



LEGEND

- Proposed shrub plantings
- Proposed groundcover plantings
- PB — Proposed planter bed

Notes:
- Refer Achitects drawings for pavement, walls, fence, steps, and levels
- Refer Engineers drawings for hydraulic information
- Refer GD.07 for Plant Schedule, landscape details and specification

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ISSUE	AMENDMENT	DRAWN	DATE
A	FOR S4.55	CL	01.02.26

DESIGNED: GD
DRAWN: CL

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PROJECT: **PROPOSED SHOP TOP HOUSING**

PROJECT ADDRESS: NO. 9-11 SHERWOOD ROAD MERRYLANDS

DRAWING TITLE: **Landscape Plan - Level 2 Blocks A & B**

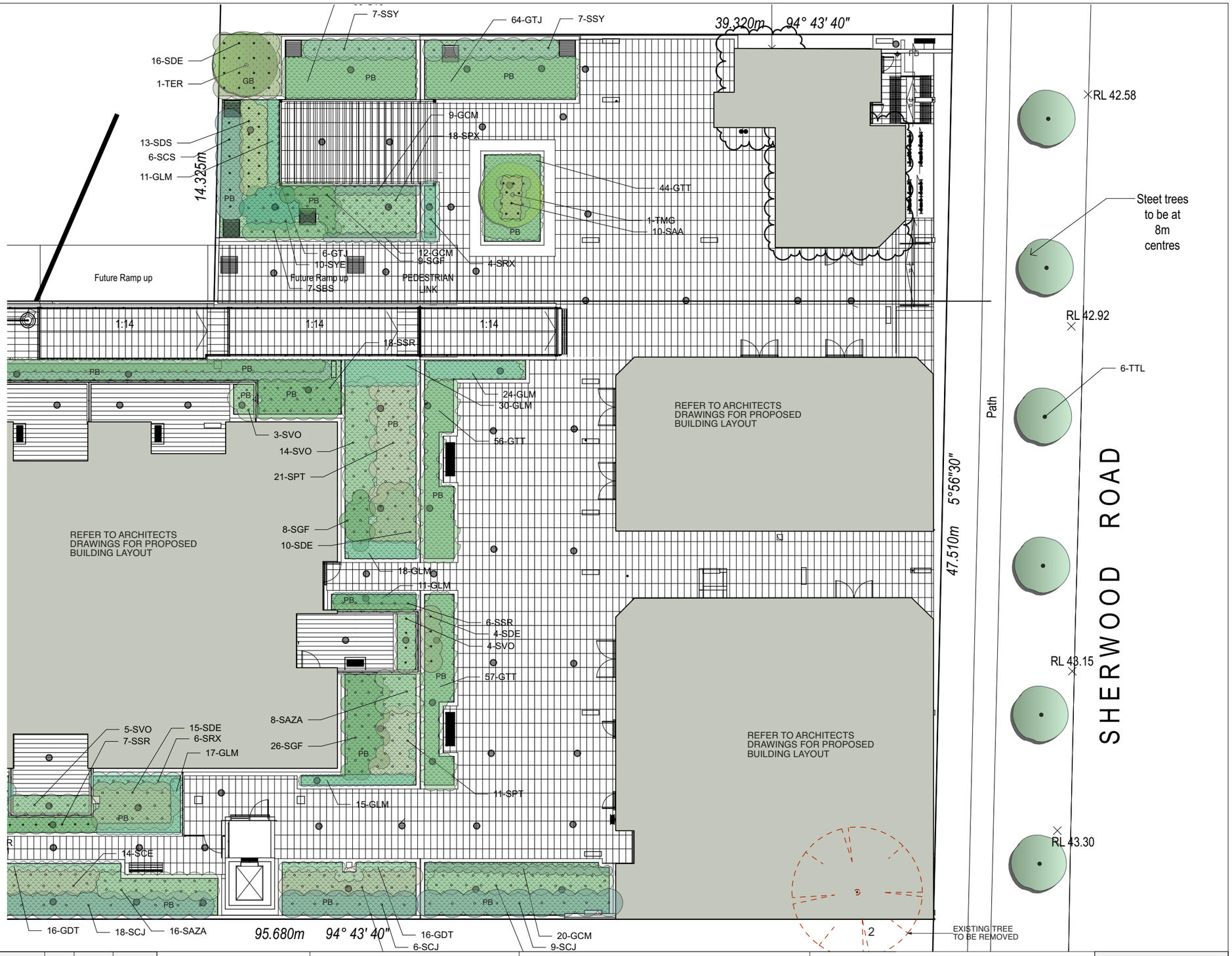
0 1 2 5m

DATE: **FEBRUARY 2026**
SCALE: 1:200 @ A3, 1:100 @ A1
ISSUE: 1
DRAWING NO: **1297.GD.02**

LEGEND

- Proposed tree plantings
- Proposed shrub plantings
- Proposed groundcover plantings
- PB — Proposed planter bed

Notes:
- Refer Achitects drawings for pavement, walls, fence, steps, and levels
- Refer Engineers drawings for hydraulic information
- Refer L.04 for Plant Schedule, landscape details and specification



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ISSUE	AMENDMENT	DRAWN	DATE
A	FOR S4.55	CL	01.02.26

DESIGNED: GD
DRAWN: CL

PREPARED FOR: *NUCORP CONSTRUCTION PTY LTD*

PREPARED BY:
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Greenland Design Pty Ltd
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E: gd@greenlanddesign.com.au

PROJECT: **PROPOSED SHOP TOP HOUSING**

PROJECT ADDRESS: NO. 9-11 SHERWOOD ROAD MERRYLANDS

DRAWING TITLE: **Landscape Plan - Level 2 Block C**

0 1 2 5m

DATE: **FEBRUARY 2026**
SCALE: 1:200 @ A3, 1:100 @ A1
ISSUE: 1
DRAWING NO: **1297.GD.03**

LEGEND

- Proposed shrub plantings
- Proposed groundcover plantings
- PB — Proposed planter bed

Notes:
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- Refer Engineers drawings for hydraulic information
- Refer GD.07 for Plant Schedule, landscape details and specification



BLOCK A

BLOCK B

GENERAL NOTES:
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ISSUE	AMENDMENT	DRAWN	DATE
A	FOR S4.55	CL	01.02.26

DESIGNED: GD
DRAWN: CL

PREPARED FOR: *NUCORP CONSTRUCTION PTY LTD*

PREPARED BY:
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Greenland Design Pty Ltd
ABN 73 139 152 855
Registered Landsc. Architect: Bao Ly
Cecil Hills NSW 2171
T: 0403 164 198
E: gd@greenlanddesign.com.au

PROJECT: **PROPOSED SHOP TOP HOUSING**

PROJECT ADDRESS: NO. 9-11 SHERWOOD ROAD MERRYLANDS

DRAWING TITLE: **Landscape Plan - Level 3 Blocks A & B**

0 1 2 5m

DATE: **FEBRUARY 2026**
SCALE: 1:200 @ A3, 1:100 @ A1
ISSUE: 1
DRAWING NO: **1297.GD.04**

LEGEND

- Proposed shrub plantings
- Proposed groundcover plantings
- PB — Proposed planter bed

Notes:
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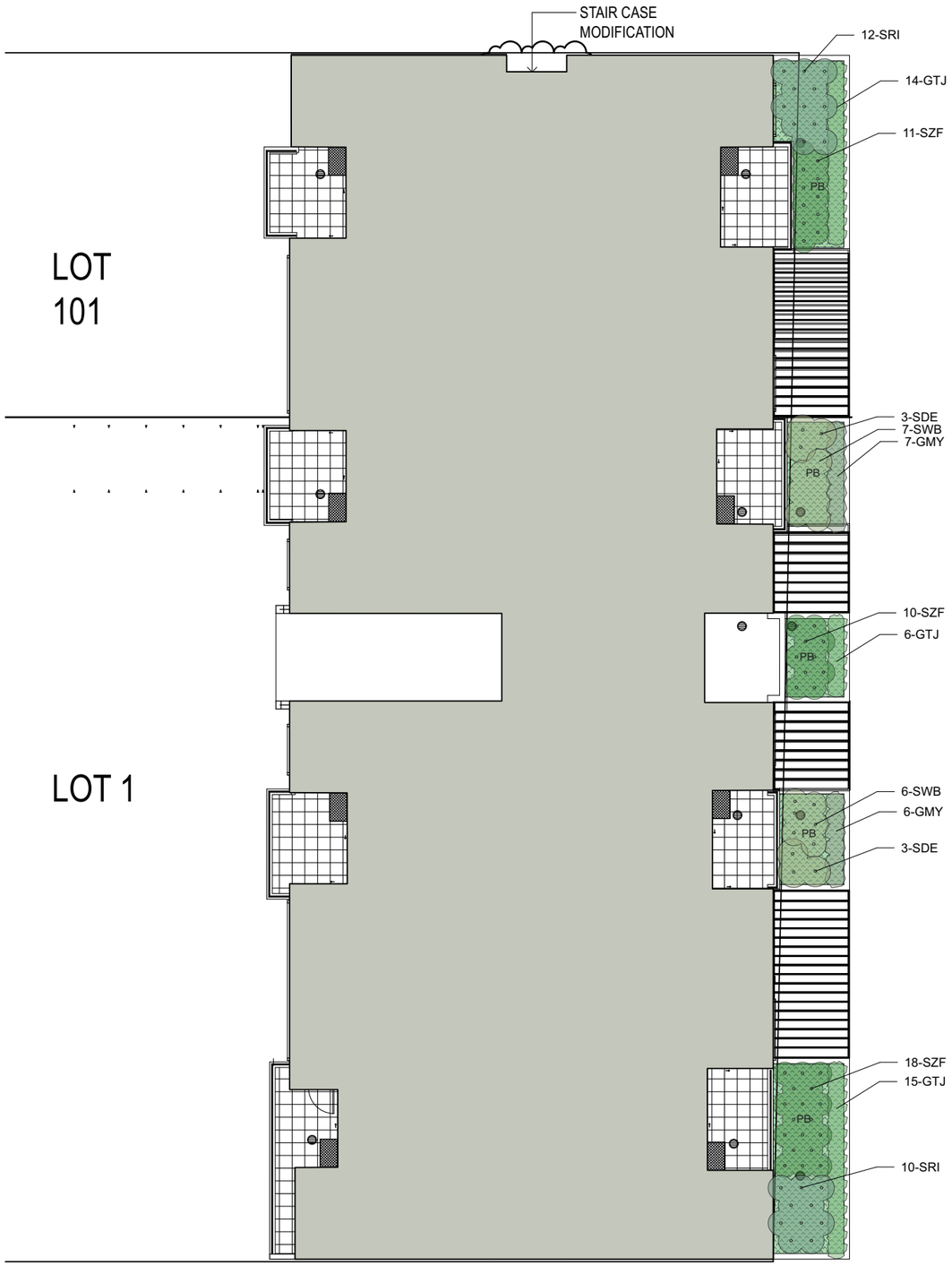
- Refer Engineers drawings for hydraulic information
- Refer GD.07 for Plant Schedule, landscape details and specification



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ISSUE	AMENDMENT	DRAWN	DATE
A	FOR S4.55	CL	01.02.26

DESIGNED: GD
DRAWN: CL

PREPARED FOR:
NUCORP CONSTRUCTION PTY LTD

PREPARED BY:
GREENLAND DESIGN Landscape Architects
Greenland Design Pty Ltd
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PROJECT:
PROPOSED SHOP TOP HOUSING

PROJECT ADDRESS:
NO. 9-11 SHERWOOD ROAD MERRYLANDS

DRAWING TITLE:
Landscape Plan - Level 3 Block C

0 1 2 5m

DATE: **FEBRUARY 2026**
SCALE: 1:200 @ A3, 1:100 @ A1
ISSUE: **1**
DRAWING NO: **1297.GD.05**

LEGEND

- Proposed shrub plantings
- Proposed groundcover plantings
- PB — Proposed planter bed

Notes:
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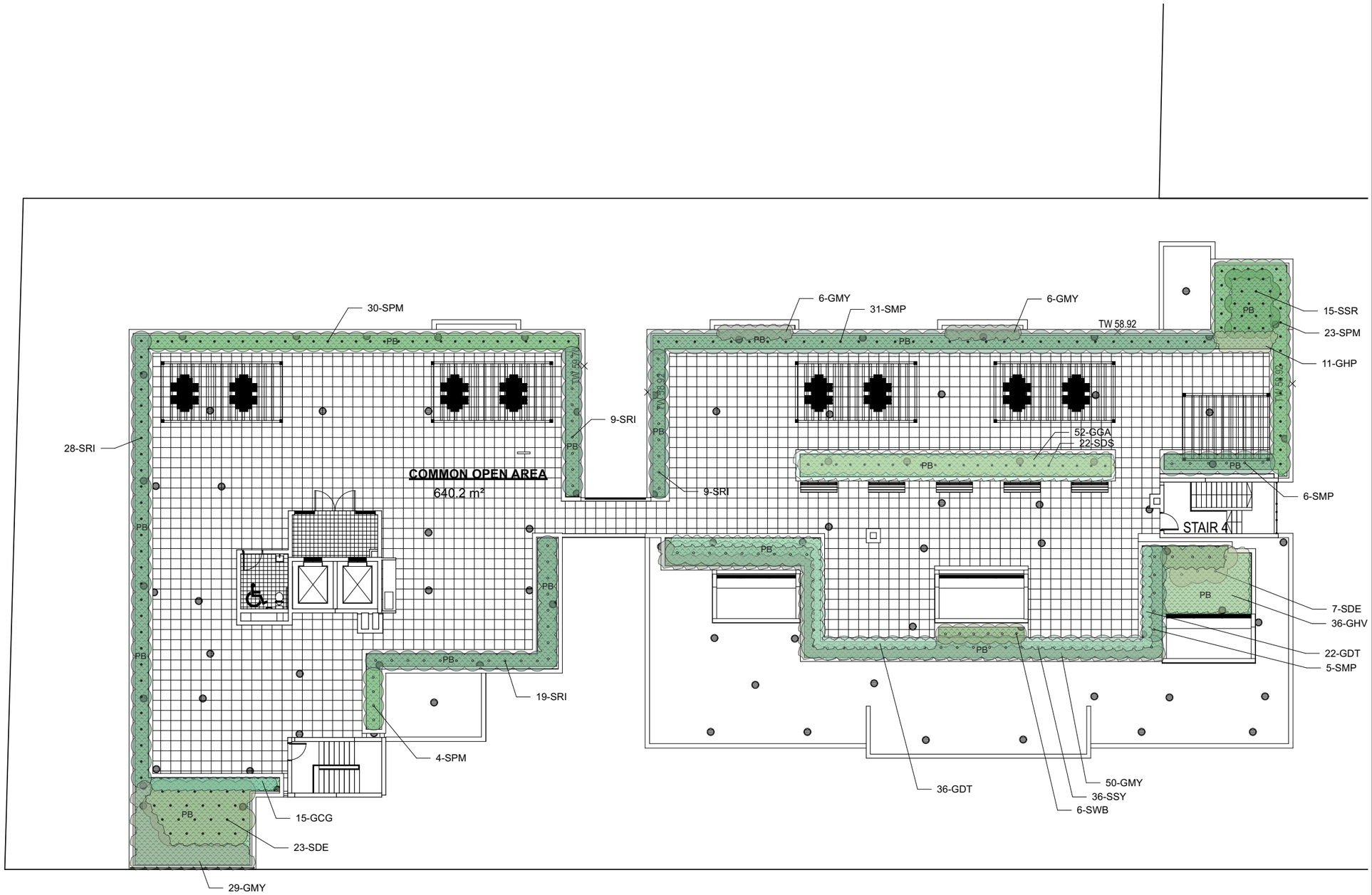
- Refer Engineers drawings for hydraulic information
- Refer GD.07 for Plant Schedule, landscape details and specification



BLOCK A

BLOCK B

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ISSUE	AMENDMENT	DRAWN	DATE
A	FOR S4.55	CL	01.02.26

DESIGNED: GD
DRAWN: CL

PREPARED FOR: *NUCORP CONSTRUCTION PTY LTD*

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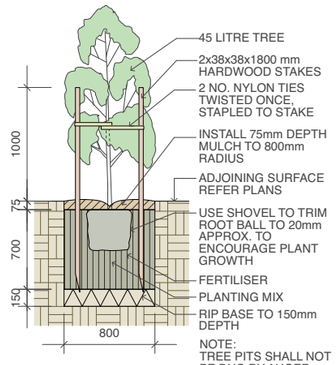
PROJECT: **PROPOSED SHOP TOP HOUSING**

PROJECT ADDRESS: NO. 9-11 SHERWOOD ROAD MERRYLANDS

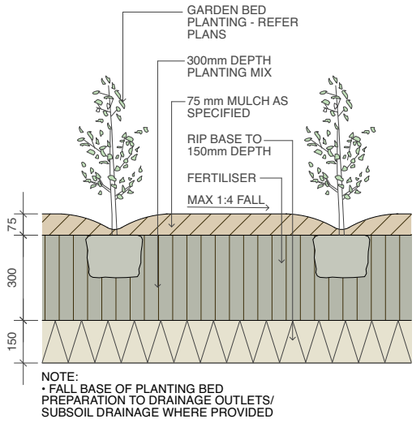
DRAWING TITLE: **Landscape Plan - Level 7**

0 1 2 5m

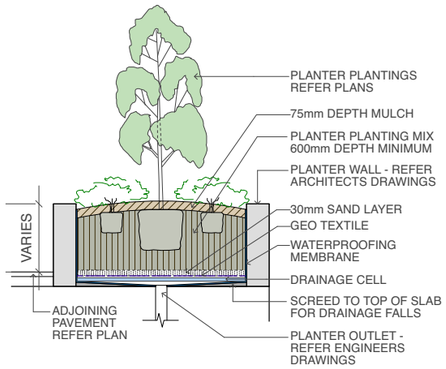
DATE: **FEBRUARY 2026**
SCALE: 1:200 @ A3, 1:100 @ A1
ISSUE: 1
DRAWING NO: **1297.GD.06**



1 45 Litre Tree Planting
scale 1:25



2 Planting Bed Detail
scale 1:10



3 Planter Bed On Slab
scale 1:25

Plant Schedule

ID	Qty	Common Name	Botanical Name	Size	Mature Height	Mature Spread
Trees						
TER	1	Blueberry Ash	Elaeocarpus reticulatus	45Litre	6 - 8m	3.5 - 6m
THF	2	Native Frangipani	Hymenosporum flavum	45Litre	8 - 12m	3.0 - 4m
TMG	1	Little Gem Southern Magnolia	Magnolia grandiflora 'Little Gem'	45Litre	4 - 6m	2.0 - 3.5m
TTL	10	Water Gum	Tristaniopsis laurina 'Luscious'	45Litre	6 - 8m	3.5 - 6m
Shrubs						
SAA	10	Century Plant	Agave attenuata	200mm	0.75 - 0.9m	0.6 - 0.9m
SAZA	73	Alba Magna	Azalea 'Alba Magna'	200mm	1.0 - 1.5m	1.0 - 1.5m
SBS	55	Common Boxwood	Buxus sempervirens	200mm	1 - 1.5m	0.9 - 1.2m
SCE	32	Evening Glow Mirror Plant	Coprosma 'Evening Glow'	200mm	0.9 - 1.5m	0.9 - 1.2m
SCJ	38	Camellia	Camellia japonica	200mm	3 - 5m	3.5 - 6m
SCS	6	Sasanqua Camellia	Camellia sasanqua	200mm	3 - 5m	3.5 - 6m
SDE	89	Gymea Lily	Doryanthes excelsa	200mm	1.2 - 2m	1.2 - 2.0m
SDS	35	Duranta Gold	Duranta 'Sheenas Gold'	200mm	0.8 - 1.2m	0.9 - 1.2m
SGF	43	Florida Gardenia	Gardenia augusta 'Florida'	200mm	0.8 - 1.0m	0.9 - 1.2m
SMP	107	Orange Jessamine	Murraya paniculata	200mm	1.5 - 3m	3.5 - 6m
SPM	57	Miss Muffet	Pittosporum tobira 'Miss Muffet'	200mm	0.8 - 1.0m	1.2 - 1.5m
SPT	45	New Zealand Flax	Phormium tenax 'Flamin'	200mm	0.6-0.9m	0.8 - 1.0m
SPX	77	Philodendron	Philodendron xanadu	200mm	0.6 - 0.8m	0.7 - 1.0m
SRI	87	Indian Hawthorn	Rhaphiolepis indica 'Oriental Pearl'	200mm	0.9 - 1.5m	1.2 - 2.0m
SRX	40	Broad Leaf Lady Palm	Rhapis excelsa	200mm	1.5m	0.8 - 1.0m
SSR	176	Bird Of Paradise	Strelitzia reginae var juncea	200mm	0.9 - 1.5m	0.9 - 1.2m
SSY	50	Cascade Lilly Pilly	Syzygium 'Cascade'	200mm	2 - 3m	1.2 - 2.0m
SVO	55	Dense Form Viburnum	Viburnum odoratissmum 'Dense Form'	200mm	3 - 4m	2 - 3m
SWB	34	Blue Gem	Westringia 'Blue Gem'	200mm	0.8 - 1.0m	0.9 - 1.2m
SYE	40	Spineless Yucca	Yucca elephantipes	200mm	2.0 - 3.0m	0.8 - 1.2m
SZF	39	Cardboard Plant	Zamina furfuracea	200mm	0.75 - 0.9m	0.6 - 0.9m
Ground Covers						
GHP	27	Licorice Plant	Helichrysum petiolare 'Limelight'	150mm	0.3 - 0.45m	0.6 - 0.9m
GCM	139	Bush Lily	Clivia miniata	150mm	0.45 - 0.6m	0.3 - 0.6m
GDR	84	Dichondra 'Silver Falls'	Dichondra repens 'Silver Falls'	150mm	0.0 - 0.3m	0.9 - 1.2m
GCG	15	Pigface	Carpobrotus glaucescens	150mm	0.0 - 0.3m	1.2 - 2.0m
GHV	36	False Sarsaparilla	Hardenbergia violacea "Meema"	150mm	0.75 - 0.9m	1.2 - 2.0m
GGA	52	Treasure Flower	Gazania spp.	150mm	0.0 - 0.3m	varies with age
GLT	56	Spiny-headed mat rush	Lomandra longifolia 'Tanika'	150mm	0.45 - 0.6m	0.6 - 0.9m
GLM	154	Giant Lily Turf	Liriope muscari 'Evergreen Giant'	150mm	0.0 - 0.3m	0.0 - 0.3m
GDT	90	Flax Lily	Dianella tasmanica 'Tasred'	150mm	0.6 - 0.7m	0.4 - 0.6m
GTJ	348	Star Jasmine	Trachelospermum jasminoides	150mm	0.3 - 0.6m	1 - 4m
GTT	262	Tricolour Star Jasmine	Trachelospermum 'Tricolour'	150mm	0.3 - 0.6m	1 - 4m
GMY	104	Carpet Spreading Myoporum	Myoporum parvifolium ' Yareena'	150mm	0.45 - 0.6m	0.9 - 1.2m

SPECIFICATION NOTES

PLANTING MATERIALS
Planting Mix:
Imported planting mix to planting beds is to comprise an approved soil mix of:
- 60% Soil mix (75% coarse sand and 25% blacksoil)
- 10% Mushroom compost
- 10% Composted sawdust
- 10% Pine bark fines
- 10% Composted manure

Planter Mix:
Planter mix shall be Peat and Planter Mix as supplied by Australian Native Landscape Pty Ltd (ph (02) 9450 1444 or approved equivalent.

Planter Drainage Cell:
Planter drainage cell shall be VersiCell as supplied by Elmich Australia Pty Ltd (ph (02) 9648 2073 or approved equivalent.

Mulch:
Mulch to planter bed:
Mulch shall mean hardwood mulch (25mm grade), free from material derived from Privet, Willow, Poplar, Coral trees, or other noxious weeds. Any mulch exceeding the 25mm grade shall be rejected / removed from the site. Graded hardwood mulch to be supplied by Australian Native Landscapes Pty Ltd Phone (02) 9450 1444, or approved equivalent.

Spread mulch so that after settling, it is:
- smooth and evenly graded between design surface levels;
- flush with adjacent finished levels;
- of the required depths (75mm); and
- sloped towards the base of plant stems in plantation beds, but not in contact with the stem (not closer than 50mm in the case of gravel mulches).

Place after the preparation of the planting bed, planting and all other work.

Plant Material:
All plant material must be true to the species. No substitutes will be allowed. All plants shall be free of fungus and insect damage. All plants shall be healthy, well shaped, not soft or force grown and not root bound.

Tured areas:
All new turfed make good areas if required are to be selected weed free Soft Leaf Buffalo. Turf shall be laid neatly butted with staggered joins, flush with adjacent surfaces and have even running falls to all drainage points.

All new turfed area shall have a minimum 150mm depth of weed free top soil, placed and levelled prior to turfing.

Excavating for Spot Planting
To planting areas, excavate a hole for each plant large enough to provide not less than twice the depth and twice the diameter than the root ball of species to be planted.
Staking
Use durable hardwood, straight, free from knots or twists, pointed at one end. Drive stakes into the ground a minimum one third of their length, avoiding damage to the root system.
- 45 Litre trees in 2 x 38x38x1800mm Hardwood Stake with double Nylon tie TIES: Provide a 50mm wide Nylon webbing tie per stake, fixed securely to the stakes, one tie at half the height of the main stem and the other as necessary to stabilise the plant.

MAINTENANCE / PLANT ESTABLISHMENT
Maintenance shall apply to all hard and soft landscape materials installed prior to the "handover" and acceptance by Principles Representative and the Site Superintendent. The maintenance period shall convenience at the granting of practical completion and shall extend for 12 months.

Maintenance shall consist of the following works:
- Follow a daily watering programme to be approved by Superintendent. Water all plants individually, twice per week or when necessary to ensure constant plant growth. Water all turf and native grassed areas, twice per week.
- Apply appropriate weed control sprays and hand weed as required to maintain planting areas, native grassing bed areas, turfed areas, paved areas, and tree pits in turf free of weed or rogue grass growth.
- Regularly tidy and top up mulch and trim edges to prevent spill over onto paved / grassed areas.
- Spray to control pests and diseases.
- Replace plants, which fail with plants of a similar size and quality as originally specified to approval of Superintendent. Costs of replacement shall be the responsibility of the Contractor. Replacement planting will be undertaken within 2 weeks of identification of dead material or instruction be the Superintendent.
- Report any incidence of plants stolen or destroyed by vandalism.
- Adjust stakes and ties to plants as necessary. Ensure that strangulation of plants does not occur.
- Prune and shape plants as directed or where necessary.
- Make good any defects or faults arising out of defective workmanship or materials.
- Fertilise lawn areas to maintain healthy growth.
- Make good any erosion or soil subsidence, which may occur including soft areas in pathways.
- Mow lawn to maintain neat healthy growth.
- A final inspection shall be made by the Superintendent before handover. Any items requiring rectification shall be repaired before the works are finally approved, and retention moneys released.

NOTE:
- All finished levels are to be verified by Contractor on site.
- All landscape works be in strict accordance with Council's landscape code and guidelines
- This plan to be used in conjunction with all other submitted architectural, hydraulics and engineering drawing where applicable.

IRRIGATION SYSTEM AND REQUIREMENTS
DESCRIPTION OF WORKS
The scope of works in this section comprises the design and specification (*for comment by Superintendent*), supply, and installation of fully automated commercial drip irrigation system to all landscaped areas and to Councils requirements.

The general location and extent of the areas to be irrigated is as shown on plans and includes:
i. Planter bed areas to be irrigated by "Techline" dripline at 750mm intervals, capable of delivering 20mm / week.
ii. Garden bed areas to be irrigated by "Techline" dripline at 750mm intervals, capable of delivering 20mm / week.
iii. Turfed areas to be irrigated by "Uniram" dripline at 500mm intervals, capable of delivering 30mm / week.

The Contractor shall provide shop drawings and materials and equipment specifications for comment by the Superintendent. Notwithstanding comments on the irrigation design being provided by the Superintendent responsibility for the technical design, operation and adequacy of performance of the irrigation system will remain with the Contractor.

The irrigation works shall include all mechanical, hydraulic requirements to the performances required and includes but is not limited to the following:
- Design of dripline irrigation system and related hydraulic / electrical works for approval by the relevant authorities and for comment by the Superintendent.
- Attainment of all relevant authority approvals and inspections.
- Connection to water service
- Construction and testing of new irrigation pipework
- Instruction of operators.
- Maintenance of continuity of use, repair and/or replacement of utility services affected by the installation of the irrigation system.
- Excavation, shoring, dewatering and backfilling in all classes of material.
- Modification of existing structures commissioning of all works constructed under this project.
- All other works necessary for the required performance of the irrigation system.
- Excavation & backfill
- Maintenance period of 12 months.
- A minimum warranty period of 12 months for parts and labour on pumps, control system components and irrigation components.
- Visit site once a month during the warranty period to check the and monitor performance of the equipment and operators.

FEES PERMITS AND APPROVALS
The Contractor shall be responsible for securing all necessary inspections and approvals. Before commencement of any works on the site the Contractor shall obtain approval from the Superintendent for the works to proceed and submit the necessary notification forms to all authorities having jurisdiction. These shall include but are not limited to the following:

Connection Fees & Inspection Fees	-Water Authority
Document Inspection Fees	- Water Authority
Service Connection Charges	- Water Authority

The Contractor shall pay all fees, permits, royalties, deposits, and charges and shall produce documentary evidence to the Superintendent upon request.

EXISTING FACILITIES, ULTILITIES AND SERVICES
The Contractor's attention is drawn to the existence of utility services within the works site. The Contractor shall be fully responsible for ascertaining exact locations and levels of services or consumer mains which may be encountered during the course of the works. The Contractor shall liaise and consult with services authorities as required during the course of the project.

Any damage to services or infrastructure facilities caused by any actions of the Contractor shall be repaired entirely to the satisfaction of the owner of such services and costs incurred shall be borne solely by the Contractor.

When a service must be interrupted to enable the carrying out of works under this contract such interruption shall be at a time agreed with the responsible authority or owner and the Superintendent. The Contractor shall organise and be responsible for all necessary notifications and approvals required.

Costs of relocation diversion, temporary removal and replacement of any service shall be borne by the Contractor.

DRIPLINE SYSTEM
Fully automated commercial grade "Techline" and "Uniram" dripline system or approved equivalent to be installed as per manufacturers specification and recommendations.

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4. Read in conjunction with the specifications
5. Read in conjunction with all associated drawings

ISSUE	AMENDMENT	DRAWN	DATE
A	FOR S4.55	CL	01.02.26

DESIGNED: GD
DRAWN: CL

PREPARED FOR: *NUCORP CONSTRUCTION PTY LTD*

PREPARED BY:
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Greenland Design Pty Ltd
ABN 73 139 152 855
Registered Landsc. Architect: Bao Ly
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E: gd@greenlanddesign.com.au

PROJECT: **PROPOSED SHOP TOP HOUSING**
PROJECT ADDRESS: NO. 9-11 SHERWOOD ROAD MERRYLANDS

DRAWING TITLE: **Landscape Details and Specification**

DATE: **FEBRUARY 2026**
SCALE: 1:200 @ A3, 1:100 @ A1
ISSUE: **1**
DRAWING NO: **1297.GD.07**

DOCUMENTS ASSOCIATED WITH REPORT ELPP015/26

Attachment 3

Clause 4.6 Variation Request for Building Height

Clause 4.6 Variation Request

BUILDING HEIGHT

9-11 SHERWOOD ROAD, MERRYLANDS

AMENDING DA

3 MARCH 2026



CONTENTS

CLAUSE 4.6 VARIATION- BUILDING HEIGHT 3

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RELEVANT CASE LAW 8
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SUFFICIENT ENVIRONMENTAL PLANNING GROUNDS & DESIGN RESPONSE 12
CONCLUSION 14

CLAUSE 4.6 VARIATION- BUILDING HEIGHT

This Cl.4.6 supports an **amending DA** to make alterations and additions to an approved mixed use development at 9-11 Sherwood Road, Merrylands.

This written request is made pursuant to Clause 4.6 of the Cumberland Local Environmental Plan 2021 (CLEP 2021) to vary the development standard contained in Clause 4.3 (Height of Buildings).

The request accompanies an Amending Development Application to DA2016/164/1 for land at 9–11 Sherwood Road, Merrylands West.

The approved development comprises shop top housing with basement parking and ground floor commercial premises. The current application seeks to amend that approval by:

- Adding one additional storey to Buildings A and B;
- Adding two additional storeys to Building C;
- Increasing dwelling yield from 90 to 117 apartments;
- Delivering 19 affordable rental dwellings (15%) under SEPP (Housing) 2021.

The proposal utilises the 30% height incentive available under Clause 16 of SEPP (Housing) 2021. Notwithstanding application of that uplift, minor exceedances of the height standard remain.

This written request demonstrates that:

1. Compliance with the development standard is unreasonable or unnecessary in the circumstances; and
2. There are sufficient environmental planning grounds to justify the contravention

BUILDING HEIGHT & THE DEPARTURE

The Development Standard

Clause 4.3(2) of CLEP 2021 prescribes a maximum building height of:

- 23 metres on the eastern portion of the site; and
- 17 metres on the western portion of the site.

Pursuant to Clause 16(3) of SEPP (Housing) 2021, development that provides at least 15% affordable housing may exceed the height development standard by 30%.

Accordingly, the maximum permissible building heights applicable to the subject site are:

- 29.9 metres (23m + 30%); and
- 22.1 metres (17m + 30%).

Extent of Non-Compliance

The uplifted maximum permissible building heights applicable to the subject site are:

- **29.9 metres** (23m + 30%) for the eastern portion; and
- **22.1 metres** (17m + 30%) for the western portion.

The amended architectural drawings demonstrate the following exceedances beyond the uplifted height plane:

Building A (22.1m applicable height)

- Maximum proposed height: **22.23m**
- Numeric exceedance: **0.13m (130mm)**
- Percentage exceedance over uplifted standard:
- **0.13 ÷ 22.1 = 0.59%**

This represents a **sub-1% departure** from the uplifted height control.

For context only, relative to the base 17m LEP control, the building utilises the 30% uplift and remains within that incentive framework except for the minor 130mm projection described above.

Building C (29.9m applicable height)

- Maximum proposed height (primary parapet): **29.2m**

  (within uplifted height)

- Localised maximum roof element (lift overrun / roof slab): up to approximately **30.18m** (based on RL comparison)

- Numeric exceedance above uplifted height:

- **280mm** (at highest isolated point)

- Percentage exceedance over uplifted standard:

- **0.28m ÷ 29.9 = 0.92%**

The primary habitable envelope of Building C remains either compliant or marginally non-compliant in the order of approximately **280mm**, being:

- 0.280m above 29.9m

- Percentage exceedance:

- **0.28 ÷ 29.9 = 0.92%**

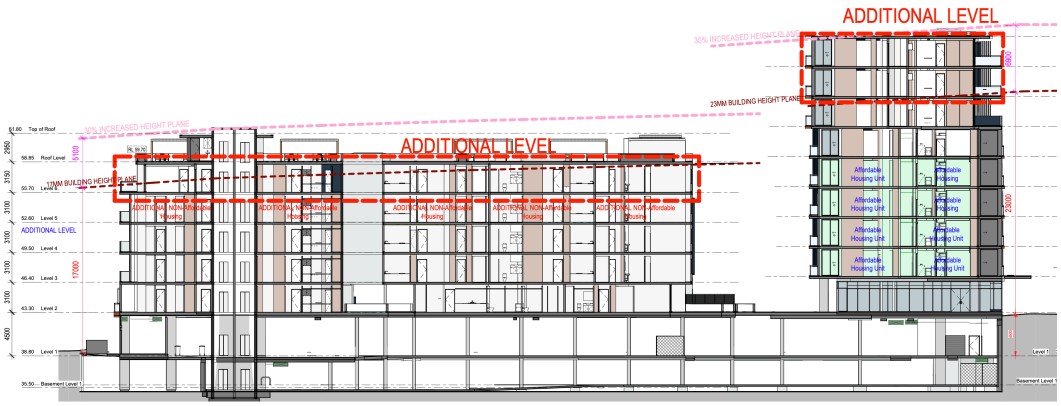
Accordingly:

- The principal built form exceedance is less than **1%**.

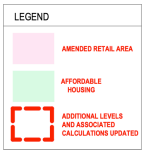
- No additional storey beyond that contemplated by the SEPP uplift is created.

The majority of habitable floor area remains within the uplifted height envelope. The exceedance arises from structural and functional requirements rather than an attempt to intensify development.

The extent of breach is shown on the section extracts below.



1 Block A/B - Section.
1:200 @A3



CLAUSE 4.6 OF THE LEP

Section 4.15(3) of the Environmental Planning and Assessment Act 1979 gives power to utilise Clause 4.6 of the Cumberland LEP 2021 to vary a provision of SEPP Housing 2021 noting it sets out:

(3) If an environmental planning instrument or a regulation contains non-discretionary development standards and development the subject of a development application does not comply with those standards—
(a) subsection (2) does not apply and the discretion of the consent authority under this section and section 4.16 is not limited as referred to in that subsection, and
(b) a provision of an environmental planning instrument that allows flexibility in the application of a development standard may be applied to the non-discretionary development standard.
Note.
The application of non-discretionary development standards to complying development is dealt with in section 4.28(3) and (4).

This is the case with this proposal and Clause 4.6 can be utilised.

Clause 4.6 of Cumberland LEP 2021 provides that development consent may be granted for development even though the development would contravene a development standard. The objectives of clause 4.6 are:

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.

The operative provisions of the clause are as follows:

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.

This document has been prepared in accordance with section 35B of the *Environmental Planning and Assessment Regulation 2021* to address the above requirements.

The key tests or requirements arising under clause 4.6 are as follows:

- 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.

An earlier version of clause 4.6, prior to its amendment on 1 November 2023, contained an additional requirement that the development be "in the public interest", including because it is "consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out".

This requirement is no longer expressly relevant to clause 4.6 variation requests.

RELEVANT CASE LAW

Clause 4.6(3)(a) emphasises the need for the proponent to demonstrate how the relevant development standard is unreasonable or unnecessary in the circumstances. The ways in which compliance with a development standard may be held to be "unreasonable or unnecessary" are well established. In Wehbe v Pittwater Council [2007] NSWLEC 827 (Wehbe), Preston CJ provided a non-exhaustive list through which an applicant might establish that compliance with a development standard is unreasonable or unnecessary.

While Wehbe related to objections made pursuant to State Environmental Planning Policy No. 1 – Development Standards (SEPP 1), in *Initial Action Pty Limited v Woollahra Municipal Council* [2018] NSWLEC 118 (Initial Action) the Court held that the common ways of demonstrating that compliance with a development standard is unreasonable or unnecessary as outlined in Wehbe are equally applicable to clause 4.6. Further, in *Initial Action* the Court confirmed that it is not necessary for a non-compliant scheme to be a better or neutral outcome and that an absence of impact is a way of demonstrating consistency with the objectives of a development standard. Therefore, this must be considered when evaluating the merit of the building height departure. The five common methods for demonstrating that compliance with a development standard is unreasonable or unnecessary as outlined in Wehbe are:

1) Demonstrating that the objectives of the development standard is achieved, despite the noncompliance [42]

2) Establishing that the underlying objective or purpose is not relevant and compliance is therefore unnecessary [45]

3) Showing that the underlying objective or purpose would be defeated or thwarted if compliance required, confirming that compliance is unreasonable [46]

4) Establishing that the standard has been virtually abandoned or destroyed through council's own actions. Therefore given council's granting of consents that depart from the standard, compliance is unnecessary and unreasonable [47]

5) Demonstrating that the zoning of the land is unreasonable or in appropriate, meaning that compliance with the development standard is also unreasonable or unnecessary [48]

Of the five common methods above, this Cl.4.6 applies Method 1 of Wehbe.

In addition a recent judgement in *Initial Action Pty Ltd v Woollahra Municipal Council (2018) NSWLEC 118* confirmed that it is not necessary for a non-compliant scheme to be a better or neutral outcome and that an absence of impact Is a way of demonstrating consistency with the objectives of a development standard. Therefore this must be considered when evaluating the merit of the building height departure.

CLAUSE 4.6(3) - COMPLIANCE UNREASONABLE AND UNNECESSARY

In accordance with the provisions of Cl.4.6(3)(a) it is considered that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case as:

- **The underlying objectives of the control are achieved.**

At the proposed heights the apartment building with lift overrun, it is similar to others nearby within the town centre.

The proposal will be in keeping with the character of new apartments delivered in the area that apply the infill affordable housing height provisions of the Housing SEPP 2021. It is notable that the provision of additional rental housing supply and affordable housing supply is a critical need within the community, with this proposal providing substantial public benefit.

Further, the proposal has been designed so that no habitable floor area exceeds the height standard, with the variation being limited to lift overrun and roof slab- and largely a function of carrying through the prior departure that applied to the proposal.

In Wehbe it was set out that compliance can be considered unreasonable or unnecessary where:

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

It is considered that this approach can be followed in this instance. The objectives of the Height development standard, drawn from the LEP given the lack of specific objectives under the Housing SEPP, are stated as:

a) *to establish a maximum height of buildings to enable appropriate development density,*
b) *to ensure that the height of buildings is compatible with the character of the locality,*
c) *to minimise the visual impact of development,*
d) *to ensure sufficient solar access and privacy for neighbouring properties.*

Despite the height breach, the proposal remaining consistent with the objectives of the clause as noted below.

Objective of Clause 4.3	Response
(a) To establish maximum building heights to achieve appropriate density.	The proposal complies with uplifted FSR controls under SEPP (Housing) 2021. Density outcomes are governed by compliant GFA. The minor height exceedance does not generate additional floor space beyond that permitted under the uplift provisions. The objective of controlling density is therefore achieved.
(b) To ensure that the height of buildings is compatible with the character of the locality.	The site is located within the Merrylands Town Centre context, characterised by multi-storey residential and mixed-use buildings. The amendment is vertical only and does not alter setbacks, podium scale or street wall presentation. The minor exceedance (130–280mm at parapet level) is visually negligible and does not alter perceived building scale. Compatibility with local character is maintained.
(c) To minimise the visual impact of development.	The exceedance is largely confined to lift overrun and roof slab elements that are centrally located and visually recessive. A variation of 130–280mm at the upper parapet level is imperceptible from the public domain. The development maintains articulation, modulation and established massing. Visual impact is not increased in any meaningful way.
(d) To ensure sufficient solar access and privacy for neighbouring properties.	Updated shadow diagrams confirm no unreasonable additional overshadowing compared to the approved development. The height breach is centrally located and does not extend towards boundaries. No material additional privacy impacts arise. Solar and privacy performance remain acceptable.

The objectives of the height development standard are therefore achieved notwithstanding the minor non-compliance.

Strict compliance would not yield any measurable improvement in density control, character outcomes, visual impact, solar access or privacy.

Accordingly, compliance with the standard is unreasonable or unnecessary in the circumstances.

SUFFICIENT ENVIRONMENTAL PLANNING GROUNDS & DESIGN RESPONSE

In Initial Action, Preston CJ observed that in order for there to be "sufficient" environmental planning grounds to justify a written request under clause 4.6 to contravene a development standard, the focus must be on the aspect or element of the development that contravenes the development standard, not on the development as a whole.

The following points demonstrate that sufficiently environmental planning grounds exist to justify contravening the height development standard and further demonstrates that the height departure does not give rise to any environmental impacts. Council can be satisfied that the proposal is an appropriate design response for the subject site for the following reasons:

4.1 Flood-Responsive Design
The site is flood-affected and subject to Council flood controls requiring finished floor levels to incorporate freeboard above the 1% AEP flood level.

The ground floor and podium levels are therefore elevated to ensure flood resilience and occupant safety. This necessary elevation of the building datum contributes to the overall building height and marginally increases the roof level relative to natural ground.

Requiring strict compliance with the uplifted height limit would necessitate a reduction in floor-to-ceiling heights or structural slab depth, thereby compromising internal amenity and design integrity in order to offset flood-induced height.

The minor exceedance is therefore a direct and reasonable consequence of responsible flood planning and should not be penalised.

4.2 Accessibility and Building Code Requirements
The exceedance primarily relates to lift overrun and associated structural elements. Lift overrun heights are governed by functional and safety requirements under the Building Code of Australia and accessibility standards. They are not discretionary architectural embellishments.

Reducing lift overrun height to achieve numeric compliance would compromise accessibility outcomes or require redesign of vertical transport systems.

The planning system should not require suboptimal accessibility design to achieve strict numeric compliance where the exceedance is negligible in visual terms.

4.3 Affordable Housing Incentive Framework

The proposal provides 19 affordable rental dwellings (15% of total yield) managed by a registered Community Housing Provider.

The SEPP (Housing) 2021 height uplift is expressly intended to facilitate affordable housing delivery in appropriate locations.
The minor exceedance arises in the context of applying that incentive and refining an already approved building envelope to deliver affordable housing.

The environmental planning ground is therefore directly tied to State housing policy objectives, including:

- Promoting the delivery of affordable housing;
- Encouraging infill development in serviced centres;
- Making efficient use of existing infrastructure.

The variation enables achievement of these objectives without generating adverse environmental impacts.

4.4 Established Built Form Context

The site already benefits from an approved multi-storey shop top housing envelope.

The amendment does not introduce a fundamentally different building typology, footprint or massing.

The proposal builds logically upon the approved envelope and applies State-endorsed uplift provisions.
The height exceedance is proportionate and consistent with the evolving town centre character.

4.5 Absence of Adverse Environmental Impacts

The minor height exceedance:

- Does not materially alter overshadowing patterns;
- Does not generate additional overlooking impacts;
- Does not expand the building footprint;
- Does not increase FSR beyond compliant levels;
- Does not alter traffic generation beyond the uplift framework.

The absence of adverse environmental impact is a legitimate environmental planning ground, as recognised in Initial Action.

Taken together, these matters constitute clear and sufficient environmental planning grounds that are specific to the site and directly related to the nature of the non-compliance.

Overall, the minor departure enables a suitabel design outcome, consistent with the following Objects of the Environmental Planning and Assessment Act 1979:

(g) to promote good design and amenity of the built environment,

Therefore, the current proposal is a preferred outcome from an environmental planning perspective and demonstrates that there is merit in varying the height control to achieve a better design response on the site which demonstrates sufficient environmental planning grounds to support the departure.

CONCLUSION

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

The design response aligns with the intent of the control and provides for an appropriate transition to the adjoining properties.

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

.

DOCUMENTS ASSOCIATED WITH REPORT ELPP015/26

Attachment 4

Clause 4.6 Variation Request for Landscaping

Clause 4.6 Variation to the Landscaped area requirement SEPP (Housing) 2021

9-11 SHERWOOD ROAD, MERRYLANDS

AMENDING DA

3 MARCH 2026



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CLAUSE 4.6 VARIATION REQUEST

INTRODUCTION

This written request is made pursuant to Clause 4.6 of the Cumberland Local Environmental Plan 2021 (CLEP 2021) to vary the non-discretionary development standard contained in Clause 19(2)(b)(ii) of the State Environmental Planning Policy (Housing) 2021 (Housing SEPP).

The request accompanies an **Amending Development Application** to DA2016/164/1 for land at 9–11 Sherwood Road, Merrylands West.

The approved development comprises shop top housing with basement parking and ground floor commercial premises.

The current amendment:

- Adds additional residential levels,
- Delivers 19 affordable rental dwellings (15%),
- Utilises the 30% FSR and height incentives under the Housing SEPP.

The amendment does **not** alter the approved building footprint, podium extent or ground level configuration.

The landscaped area non-compliance arises solely from the application of Clause 19 of the Housing SEPP to an already approved built form.

PLANNING INSTRUMENT TO BE VARIED

This Clause 4.6 Variation Request seeks to vary *State Environmental Planning Policy (Housing) 2021*

Under the Cumberland LEP 2021, the site is zoned E2 noting shop top housing is permitted in the zone, in-fill affordable housing are also permitted with consent via Chapter 2 Division 1 and Part 4 of the Housing SEPP 2021.

DEVELOPMENT STANDARD TO BE VARIED

The Clause 4.6 Variation Request relates to the minimum landscaped area requirement of Cl.19(2)(b)(ii) of *State Environmental Planning Policy (Housing) 2021*. This is a numeric non-discretionary development standard that stipulates a minimum landscaped area, being the lesser amount of 35m^2 per dwelling or 30% of the site area. An extract of the clause states:

> ***19 Non-discretionary development standards—the Act, s 4.15***
>
> *2) The following are non-discretionary development standards in relation to the residential development to which this division applies—*
>
> *b) a minimum landscaped area that is the lesser of:*
>
> *i) 35m^2 per dwelling, or*
>
> *ii) 30% of the site area,*

The total site area is 3,737.4m² and accordingly the required landscaped area under the 30% standard is:

- 3,737.4m² × 30% = 1,121.22m²

The amended proposal provides 671.85m² of landscaped area, representing 17.98% of the site area.

3. Extent of Non-Compliance

Required landscaped area:

- **1,121.22m² (30%)**

Proposed landscaped area:

- **671.85m² (17.98%)**

Numeric shortfall:

- **448.15m²**

- Proportional shortfall relative to required landscaped quantum: 448.15÷ 1,121.22 = **40% below the required landscaped area**

Conversely, the development achieves:

- **60% of the required landscaped area**

It is critical to note:

- The 921.65m² of landscaping is identical to that approved under the existing consent.
- The amendment does not reduce landscaped area by even 1m².
- The shortfall is not caused by additional ground coverage or footprint expansion.
- The amendment is vertical in nature.

The departure arises because the Housing SEPP imposes a 30% landscaped area requirement that was not applicable when the original development was approved.

OBJECTIVES OF THE STANDARD

Cl.15A includes a single objective that applies to the infill affordable housing division of the Housing SEPP 2021. The objective is:

The objective of this division is to facilitate the delivery of new in-fill affordable housing to meet the needs of very low, low and moderate income households.

The object of Cl.19 is as follows:

(1) The object of this section is to identify development standards for particular matters relating to development for the purposes of in-fill affordable housing that, if complied with, prevent the consent authority from requiring more onerous standards for the matters.

Neither objective within Cl.15 nor Cl.19 has a particular reference to the internal area of an apartment. It is noted that Cl.19 provides an administrative task in advising a consent authority that if identified standards are complied with, then a more onerous standard cannot be applied.

There is no specific objective for landscape area, other than identifying the non-discretionary standard at Cl.2(b).

JUSTIFICATION OF THE PROPOSED VARIATION

CL.4.6 OF THE LEP

Clause 4.6 of Cumberland LEP 2021 provides that development consent may be granted for development even though the development would contravene a development standard. The objectives of clause 4.6 are:

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.

The operative provisions of the clause are as follows:

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.*

This document has been prepared in accordance with section 35B of the *Environmental Planning and Assessment Regulation 2021* to address the above requirements.

The key tests or requirements arising under clause 4.6 are as follows:

- 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.

An earlier version of clause 4.6, prior to its amendment on 1 November 2023, contained an additional requirement that the development be "in the public interest", including because it is "consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out".

This requirement is no longer expressly relevant to clause 4.6 variation requests.

RELEVANT CASE LAW

Clause 4.6(3)(a) emphasises the need for the proponent to demonstrate how the relevant development standard is unreasonable or unnecessary in the circumstances. The ways in which compliance with a development standard may be held to be "unreasonable or unnecessary" are well established. In Wehbe v Pittwater Council [2007] NSWLEC 827 (Wehbe), Preston CJ provided a non-exhaustive list through which an applicant might establish that compliance with a development standard is unreasonable or unnecessary.

While Wehbe related to objections made pursuant to State Environmental Planning Policy No. 1 – Development Standards (SEPP 1), in *Initial Action Pty Limited v Woollahra Municipal Council* [2018] NSWLEC 118 (Initial Action) the Court held that the common ways of demonstrating that compliance with a development standard is unreasonable or unnecessary as outlined in Wehbe are equally applicable to clause 4.6.

Further, in *Initial Action* the Court 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 landscape departure. The five common methods for demonstrating that compliance with a development standard is unreasonable or unnecessary as outlined in Wehbe are:

1) Demonstrating that the objectives of the development standard is achieved, despite the noncompliance [42]

2) Establishing that the underlying objective or purpose is not relevant and compliance is therefore unnecessary [45]

3) Showing that the underlying objective or purpose would be defeated or thwarted if compliance required, confirming that compliance is unreasonable [46]

4) Establishing that the standard has been virtually abandoned or destroyed through council's own actions. Therefore given council's granting of consents that depart from the standard, compliance is unnecessary and unreasonable [47]

5) Demonstrating that the zoning of the land is unreasonable or in appropriate, meaning that compliance with the development standard is also unreasonable or unnecessary [48]

In addition a recent 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 landscape departure.

This Cl.4.6 Request applies principle 1 of Wehbe.

CLAUSE 4.6(3) - COMPLIANCE UNREASONABLE AND UNNECESSARY

In accordance with the provisions of Cl.4.6(3)(a) it is considered that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case based on the following:

Clause 19 does not articulate a specific objective for landscaped area beyond identifying the standard. The broader objective of the Infill Affordable Housing Division (Clause 15A) is:

To facilitate the delivery of new in-fill affordable housing to meet the needs of very low, low and moderate income households.

The landscaped area requirement functions as a quantitative safeguard against overdevelopment. In this case, that purpose is achieved notwithstanding the numeric shortfall.

(a) The Approved Development Baseline

This proposal is an **Amending Development Application**, not a new DA for an undeveloped site.

The approved development established:

- The building footprint;
- The podium configuration;
- Basement extent;
- Ground level landscape distribution.

The amendment does not increase the building footprint, expand the basement, or reduce landscaped area.

The 17.98% landscaped provision is identical to the approved outcome.

The shortfall to the 30% is therefore a historical condition of the approved built form, not a new planning anomaly created by the amendment.

Requiring strict compliance would necessitate removal or redesign of part of the approved building envelope — an outcome disproportionate to the limited numeric variation and beyond the proper scope of an amending application.

(b) No Increase in Site Coverage

The amendment is vertical only.

It does not:

- Increase ground coverage;
- Reduce deep soil;
- Encroach further into landscaped zones;
- Introduce new hardstand areas.

The landscaping performance of the site remains unchanged from the approved consent.

(c) Landscaping Function and Performance

The landscaped areas provided:

- Contribute to stormwater management;
- Provide visual relief within the town centre context;
- Support communal and private open space;
- Enhance streetscape quality.

The numeric departure does not result in qualitative landscape deficiency.

The purpose of the landscaped area control — to prevent excessive overdevelopment — is satisfied.

In Wehbe it was set out that compliance can be considered unreasonable or unnecessary where:

> *The objectives of the standard are achieved notwithstanding non-compliance with the standard*

There is no specific objective to the standard, rather a single objective to the division, and this is considered below for completeness.

Objectives	Discussion
The objective of this division is to facilitate the delivery of new in-fill affordable housing to meet the needs of very low, low and moderate income households.	The proposal provides a total of additional units for dedication as affordable housing. This meets the objective of the division, and therefore the technical departure from the landscaped area is considered appropriate, noting again that the departure is a function of the prior consent.

As outlined above the proposal remains consistent with the underlying objectives of the control and as such compliance is considered unnecessary or unreasonable.

SUFFICIENT ENVIRONMENTAL PLANNING GROUNDS & DESIGN RESPONSE

In Initial Action, Preston CJ observed that in order for there to be "sufficient" environmental planning grounds to justify a written request under clause 4.6 to contravene a development standard, the focus must be on the aspect or element of the development that contravenes the development standard, not on the development as a whole.

The following points demonstrate that sufficiently environmental planning grounds exist to justify contravening the landscaped area development standard and further demonstrates that the landscaped area departure does not give rise to any environmental impacts. Council can be satisfied that the proposal is an appropriate design response for the subject site for the following reasons:

(a) Amending DA Context and Non-Aggravation

The non-compliance is entirely inherited from the approved development.

The amendment does not aggravate the landscaped shortfall.

The planning system does not require wholesale redesign of an approved building envelope where an amendment does not worsen environmental impacts.

This is a site-specific and approval-specific planning ground directly related to the non-compliance.

(b) Absence of Environmental Impact

The 17.98% landscaped provision has already been assessed and approved.

The amendment does not:

- Increase overshadowing;

- Reduce privacy;
- Affect drainage outcomes;
- Compromise adjoining development potential;
- Increase traffic impacts.

The absence of adverse environmental impact is recognised in *Initial Action Pty Ltd v Woollahra Municipal Council* [2018] NSWLEC 118 as a legitimate environmental planning ground.

(c) Housing SEPP Policy Objectives

The proposal delivers 19 affordable rental dwellings (15%).

Strict compliance with the 30% landscaped requirement would:

- Require removal of approved built form;
- Undermine affordable housing delivery;
- Produce limited environmental gain relative to the disruption required.

The variation supports the broader objective of facilitating infill affordable housing in appropriate locations.

(d) Proportionality

The development still achieves **nearly 18% landscaped area**, representing over **60% compliance** with the quantitative requirement.

In a town centre mixed-use context, this represents a substantial landscaping outcome.

The scale of the variation is modest and proportionate.

Overall, the minor departure enables a better design outcome, consistent with the following Objects of the Environmental Planning and Assessment Act 1979:

> *(d) to promote the delivery and maintenance of affordable housing,*
>
> *(g) to promote good design and amenity of the built environment,*

Therefore, the current proposal demonstrates that there is merit in varying the landscaped area standard to deliver affordable rental housing and achieve a better design response on the site which demonstrates sufficient environmental planning grounds to support the departure.

CONCLUSION

This written request demonstrates that:

- The objectives underlying Clause 19(2)(b)(ii) are achieved notwithstanding the numeric shortfall;
- The non-compliance is a continuation of an approved baseline and is not aggravated by the amendment;
- There are sufficient environmental planning grounds specific to the 448.15m² shortfall;
- No adverse environmental impacts arise from the variation.

The consent authority may therefore be satisfied that the requirements of Clause 4.6 of CLEP 2021 have been met and grant consent notwithstanding the minor departure from the landscaped area standard.

DOCUMENTS ASSOCIATED WITH REPORT ELPP015/26

Attachment 5

Clause 4.6 Variation Request for the floor to ceiling height

Clause 4.6 Variation Request

CEILING HEIGHT

9-11 SHERWOOD ROAD, MERRYLANDS

AMENDING DA

3 MARCH 2026



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CLAUSE 4.6 VARIATION- CEILING HEIGHT

This written request is made pursuant to Clause 4.6 of the Cumberland Local Environmental Plan 2021 (CLEP 2021) to vary the non-discretionary development standard contained in Clause 148(2)(c) of the State Environmental Planning Policy (Housing) 2021 (Housing SEPP).

The request accompanies an Amending Development Application to DA2016/164/1 for the redevelopment of 9–11 Sherwood Road, Merrylands West.

The approved development comprises shop top housing with:

- Ground floor commercial tenancies,
- A residential podium above,
- Basement parking beneath.

The current amendment introduces additional residential storeys above the established podium and delivers 19 affordable rental dwellings (15%) in accordance with SEPP (Housing) 2021.

It is noted that the variation is limited to the first floor of Building A, the ground floor and first floor of Building B, and the first floor of Building C.

The departure is largely historical in the sense that the prior approval for the site adopted reduced floor to ceiling heights and this proposal marginally increases them beyond what was previously approved.

This written request demonstrates that:

1. Compliance with the development standard is unreasonable or unnecessary in the circumstances; and
2. There are sufficient environmental planning grounds to justify the contravention

THE RELEVANCE OF THE APPROVED DEVELOPMENT BASELINE

This application is not a new development application for a vacant site. It is an **Amending Development Application** to an approved shop top housing development under DA2016/164/1.

The approved development established:

- A podium configuration;
- Basement and structural slab depths;
- Flood-responsive ground floor levels;
- Defined building envelopes and vertical relationships.

The present amendment builds upon that established approval framework.

Importantly:

- The amendment does not increase the extent of the non-compliance.
- The amendment does not reduce landscaped area below the previously approved percentage.
- The amendment does not introduce additional ground-level encroachment.
- The amendment does not worsen the ceiling height condition established by the podium structure.

The departure is therefore not a new planning anomaly created by the amendment. It is a continuation of a built form condition already endorsed by the consent authority.

In this context, strict compliance would require a fundamental redesign of an already approved structural and podium framework — which is neither the purpose of an amending application nor a proportionate planning response.

The Court has recognised in numerous cases that where an approved building envelope has been established, and an amendment does not materially worsen a non-compliance, that context is a relevant planning consideration in assessing whether compliance is unreasonable or unnecessary.

The present variation must therefore be assessed against the approved baseline, not against a hypothetical undeveloped site.

THE DEPARTURE

The Development Standard

Clause 148(2)(c) of the Housing SEPP provides:

Residential accommodation must have a minimum floor-to-ceiling height of 3.3 metres at ground floor level.

This is identified as a non-discretionary development standard.

The planning intent of this provision is generally understood to:

- Promote high-quality internal amenity at ground level;
- Support adaptable or flexible use of ground floors where appropriate;
- Encourage active and generous street interfaces in residential buildings;
- Improve visual and spatial quality of developments addressing the public domain.

It is noted that the variation is limited to the first floor of Building A, the ground floor and first floor of Building B, and the first floor of Building C.

The departure is largely historical in the sense that the prior approval for the site adopted reduced floor to ceiling heights and this proposal marginally increases them beyond what was previously approved.

Extent of Non-Compliance

The amended architectural plans confirm:

- Required minimum height: **3.3 metres**
- Proposed Level floor-to-ceiling height: **2.9 metres**

Numeric shortfall:

- **400 millimetres**

Percentage variation:

- 0.4 ÷ 3.3 = **12.12% below the prescribed minimum**

It is noted that the variation is limited to the first floor of Building A, the ground floor and first floor of Building B, and the first floor of Building C. This variation is carried through from the prior approval for the site.

All upper residential levels achieve compliant ceiling heights.

It is important to clarify the physical context:

- The “ground floor” of the building is commercial.
- The Level 1 residential floor is elevated above the street and separated from the public domain by the commercial podium.
- The Level 1 dwellings do not perform a street activation role.

The variation is therefore confined to residential accommodation located above an activated commercial base.

CLAUSE 4.6 OF THE LEP

Section 4.15(3) of the Environmental Planning and Assessment Act 1979 gives power to utilise Clause 4.6 of the Cumberland LEP 2021 to vary a provision of SEPP Housing 2021 noting it sets out:

(3) If an environmental planning instrument or a regulation contains non-discretionary development standards and development the subject of a development application does not comply with those standards—
(a) subsection (2) does not apply and the discretion of the consent authority under this section and section 4.16 is not limited as referred to in that subsection, and
(b) a provision of an environmental planning instrument that allows flexibility in the application of a development standard may be applied to the non-discretionary development standard.
Note.
The application of non-discretionary development standards to complying development is dealt with in section 4.28(3) and (4).

This is the case with this proposal and Clause 4.6 can be utilised.

Clause 4.6 of Cumberland LEP 2021 provides that development consent may be granted for development even though the development would contravene a development standard. The objectives of clause 4.6 are:

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.

The operative provisions of the clause are as follows:

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.

This document has been prepared in accordance with section 35B of the *Environmental Planning and Assessment Regulation 2021* to address the above requirements.

The key tests or requirements arising under clause 4.6 are as follows:

- 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.

An earlier version of clause 4.6, prior to its amendment on 1 November 2023, contained an additional requirement that the development be "in the public interest", including because it is "consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out".

This requirement is no longer expressly relevant to clause 4.6 variation requests.

RELEVANT CASE LAW

Clause 4.6(3)(a) emphasises the need for the proponent to demonstrate how the relevant development standard is unreasonable or unnecessary in the circumstances. The ways in which compliance with a development standard may be held to be "unreasonable or unnecessary" are well established. In Wehbe v Pittwater Council [2007] NSWLEC 827 (Wehbe), Preston CJ provided a non-exhaustive list through which an applicant might establish that compliance with a development standard is unreasonable or unnecessary.

While Wehbe related to objections made pursuant to State Environmental Planning Policy No. 1 – Development Standards (SEPP 1), in *Initial Action Pty Limited v Woollahra Municipal Council* [2018] NSWLEC 118 (Initial Action) the Court held that the common ways of demonstrating that compliance with a development standard is unreasonable or unnecessary as outlined in Wehbe are equally applicable to clause 4.6. Further, in *Initial Action* the Court confirmed that it is not necessary for a non-compliant scheme to be a better or neutral outcome and that an absence of impact is a way of demonstrating consistency with the objectives of a development standard. Therefore, this must be considered when evaluating the merit of the building height departure. The five common methods for demonstrating that compliance with a development standard is unreasonable or unnecessary as outlined in Wehbe are:

1) Demonstrating that the objectives of the development standard is achieved, despite the noncompliance [42]

2) Establishing that the underlying objective or purpose is not relevant and compliance is therefore unnecessary [45]

3) Showing that the underlying objective or purpose would be defeated or thwarted if compliance required, confirming that compliance is unreasonable [46]

4) Establishing that the standard has been virtually abandoned or destroyed through council's own actions. Therefore given council's granting of consents that depart from the standard, compliance is unnecessary and unreasonable [47]

5) Demonstrating that the zoning of the land is unreasonable or in appropriate, meaning that compliance with the development standard is also unreasonable or unnecessary [48]

Of the five common methods above, this Cl.4.6 applies Method 1 of Wehbe.

In addition a recent judgement in *Initial Action Pty Ltd v Woollahra Municipal Council (2018) NSWLEC 118* confirmed that it is not necessary for a non-compliant scheme to be a better or neutral outcome and that an absence of impact Is a way of demonstrating consistency with the objectives of a development standard. Therefore this must be considered when evaluating the merit of the building height departure.

CLAUSE 4.6(3) - COMPLIANCE UNREASONABLE AND UNNECESSARY

This request relies on the principle articulated in *Wehbe v Pittwater Council* [2007] NSWLEC 827 and affirmed in *Initial Action Pty Ltd v Woollahra Municipal Council* [2018] NSWLEC 118 — namely that compliance with a development standard is unreasonable or unnecessary where the objectives of the standard are achieved notwithstanding non-compliance.

Although Clause 148 does not expressly articulate objectives specific to the ceiling height requirement, the purpose of the 3.3m provision may reasonably be inferred from its context within the Housing SEPP.

Internal Amenity

The proposed 2.9m floor-to-ceiling height provides generous internal volume and comfortably exceeds minimum habitable room heights required under the Apartment Design Guide and Building Code of Australia.

A 2.9m ceiling height does not result in substandard internal amenity, cramped conditions, or reduced liveability.

The planning objective of ensuring appropriate internal residential amenity is therefore achieved.

Street Interface and Activation

The 3.3m requirement is most relevant in circumstances where residential uses directly address the street and form the public domain interface.

In this development, the ground floor comprises commercial tenancies which provide activation, visual interest and pedestrian engagement.

The Level 1 residential floor is elevated above this commercial layer and does not perform a street activation role.

Strict compliance with the 3.3m requirement would not materially improve public domain outcomes.

Adaptability

A 3.3m ceiling height may also support potential future conversion of ground floors to non-residential uses.

In this case, the commercial interface is already provided at ground level.

The Level 1 residential floor is structurally and functionally integrated as residential accommodation and is not intended to be adaptable to commercial use.

The adaptability rationale underpinning the standard is therefore not engaged.

Consequence of Strict Compliance

If strict compliance were required, the building height would need to increase by 400mm to achieve this.

This would:

- Increase overall building height,
- Exacerbate the height variation under Clause 4.3 of CLEP 2021,
- Introduce additional bulk,
- Deliver negligible improvement to internal amenity.

In practical terms, strict compliance would produce a less coherent planning outcome when assessed holistically.

Compliance with Clause 148(2)(c) is therefore unreasonable and unnecessary in the circumstances.

This is particularly the case because the departure is a historical one that is not reduced by this Amending DA.

SUFFICIENT ENVIRONMENTAL PLANNING GROUNDS & DESIGN RESPONSE

In Initial Action, Preston CJ observed that in order for there to be "sufficient" environmental planning grounds to justify a written request under clause 4.6 to contravene a development standard, the focus must be on the aspect or element of the development that contravenes the development standard, not on the development as a whole.

The following points demonstrate that sufficiently environmental planning grounds exist to justify contravening the ceiling height development standard and further demonstrates that the height departure does not give rise to any environmental impacts. Council can be satisfied that the proposal is an appropriate design response for the subject site for the following reasons:

(a) Amending Development Application Context
This proposal is an **Amending Development Application** to an approved shop top housing development.

The approved development established:

- Basement levels,
- A ground floor commercial slab,
- A defined podium configuration,
- Structural slab depths and transfer beams.

The present amendment does not alter the fundamental structural relationship between these elements.

The variation arises from the established podium configuration and structural grid endorsed under the original consent.

The amendment does not aggravate or deepen any structural constraint; rather, it maintains consistency with the approved envelope while delivering additional affordable housing.

Requiring strict compliance would necessitate structural redesign and increased building height — outcomes disproportionate to a 400mm variation.

The approved development baseline is therefore a relevant environmental planning consideration.

(b) Flood-Responsive Design
The site is subject to flood planning controls requiring elevated finished floor levels and freeboard above the 1% AEP flood level.

The ground floor commercial and podium levels are elevated accordingly.

This flood-responsive design raises the overall building datum and influences vertical relationships between levels.

Maintaining a 3.3m ceiling height at Level 1 would further increase overall building height and compound height variation issues.

The 2.9m ceiling height represents a balanced and proportionate design response to flood constraints.

(c) Absence of Environmental Impact
The 400mm shortfall:

- Does not alter external building bulk,
- Does not change overshadowing patterns,
- Does not affect privacy,
- Does not alter streetscape presentation,
- Does not impact traffic generation.

The absence of adverse environmental impact is a legitimate environmental planning ground as recognised in *Initial Action*.

(d) Proportionality
Although numerically expressed as a 12.12% departure, the proposal still provides a 2.9m ceiling height — a dimension consistent with high-quality contemporary apartment design.
The departure is confined to a single level and does not represent a systemic reduction in amenity across the building.
The scale of the variation is proportionate to the structural and flood-related constraints affecting the site.

Taken together, these matters constitute clear and sufficient environmental planning grounds that are specific to the site and directly related to the nature of the non-compliance.

Overall, the minor departure enables a suitable design outcome, consistent with the following Objects of the Environmental Planning and Assessment Act 1979:

(g) to promote good design and amenity of the built environment,

CONCLUSION

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

The design response aligns with the intent of the control and provides for an appropriate transition to the adjoining properties.

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

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DOCUMENTS ASSOCIATED WITH REPORT ELPP015/26

Attachment 6

Appendix A - Affordable Rental Housing Assessment Table

Appendix A

State Environmental Planning Policy (Housing) 2021
Division 1 - Infill Affordable Housing

Division 1 Infill affordable housing	Discussion	Compliance Yes or No
15A Objective of division The objective of this division is to facilitate the delivery of new in-fill affordable housing to meet the needs of very low, low and moderate income households.	The development will be compliant with Division 1 in which nineteen (19) affordable rental apartments will be delivered.	Yes
15C Development to which division applies (1) This division applies to development that includes residential development if— (a) the development is permitted with consent under Chapter 3, Part 4 or another environmental planning instrument, and (b) the affordable housing component is at least 10%, and (c) all or part of the development is carried out— **(i) for development on land in the Six Cities Region, other than in the City of Shoalhaven local government area—in an accessible area,** or (ii) for development on other land—within 800m walking distance of land in a relevant zone or an equivalent land use zone. (2) Affordable housing provided as part of development because of a requirement under another environmental planning instrument or a planning agreement within the meaning of the Act, Division 7.1 is not counted towards the affordable housing component under this division.	The development site is located on land that is within zone E1 Local Centre pursuant to the Cumberland Local Environmental Plan 2021. The development is best defined as shop top housing which is permitted with consent within the Cumberland Local Environmental Plan 2021. The affordable rental housing component exceeds the minimum 10% of the floor area of the building for each respective floor space ratio provision applicable to the site. The site is located within the Six Cities Region (Sydney) and within an accessible area. The site is within 400 metres of five bus stops being the centre of a small commercial centre where bus services are readily available including one at the front of the site facing Sherwood Road. There are five bus stops available on the north to south routes and east to west routes with services as frequent as 30 minutes to 50 minutes on	Yes Yes

*(3) In this section— **relevant zone** means the following—* *a) Zone E1 Local Centre,* *b) Zone MU1 Mixed Use,* *c) Zone B1 Neighbourhood Centre,* *d) Zone B2 Local Centre,* e) *Zone B4 Mixed Use.*	weekdays reducing to at least one per hour on weekends. It should be noted that the 806 Bus service is available every 30 minutes on weekdays consistent with the locational requirements of the SEPP. Other bus services augment this. Further, numerous inspections undertaken including drive by inspections has identified two buses in service within the vicinity in quick succession on several days per week. The applicant's statement regarding bus services is supported.	
16 Affordable housing requirements for additional floor space ratio (1) The maximum floor space ratio for development that includes residential development to which this division applies is the maximum permissible floor space ratio for the land plus an additional floor space ratio of up to 30%, based on the minimum affordable housing component calculated in accordance with subsection (2). (2) The minimum affordable housing component, which must be at least 10%, is calculated as follows— (3) If the development includes residential flat buildings or shop top housing, the maximum building height for a building used for residential flat buildings or shop top housing is the maximum permissible building height for the land plus an additional building height that is the same percentage as the additional floor space ratio permitted under subsection (1).	Section 16 allows for increases providing an appropriate level of affordable rental housing is achieved within the development. In this regard: • A minimum 10% of floor space must be allocated as affordable rental housing. • This in turn allows for a 10% bonus floor space ratio. The applicant is establishing 19 affordable housing apartments within the development. **The applicant calculates**: • Former Lot 101 being the northern part of the site 273.24 sq m or 15.5%. • Former Lot 1 and 2 being the remainder of the site 1,343.8 sq m or 15.08%. **Council calculates**: • Former Lot 101 being the northern part of the site 269 sq m or 15.3%.	Yes for floor space ratio for affordable rental housing.

Example— *Development that is eligible for 20% additional floor space ratio because the development includes a 10% affordable housing component, as calculated under subsection (2), is also eligible for 20% additional building height if the development involves residential flat buildings or shop top housing.* (4) This section does not apply to development on land for which there is no maximum permissible floor space ratio.	• Former Lot 1 and 2 being the remainder of the site 1,340.7 sq m or 15.05%. Floor space ratio - Former Lot 101 (Former northern lot). A floor space ratio of 3.119:1 is calculated. With the 30% bonus, a floor space ratio of 3.12 is permitted. Floor space ratio - Former Lots 1 and 2 (Remainder of the site). A floor space ratio of 2.808 is calculated. With the 30% bonus, a floor space ratio of 2.86:1 is permitted. <u>Height</u> A corresponding increase in permitted height is also permitted being 30%. In this regard, the permitted height limit of: • **23 metres** (East side) becomes 29.9 metres. • **17 metres** (West side) becomes 22.1 metres. **<u>Under Subsection 3</u>**. Proposed height: • Building A - 22.23 metres. • Building B - 20.1 metres. • Building C - 30.18 metres. A height variation is identified for Building A which is calculated at 130 mm. A height variation is identified for Building C which is calculated at 280 mm.	No for height. This is addressed within the primary assessment support and

	A Clause 4.6 variation request is lodged for the minor height variations identified.	considered acceptable.
17 Additional floor space ratio for relevant authorities and registered community housing providers (1) This section applies to residential development to which this division applies that is carried out— (a) by or on behalf of a relevant authority or registered community housing provider, and (b) on land with a maximum permissible floor space ratio of 2:1 or less. (2) The maximum floor space ratio for the development is— (a) the maximum floor space ratio calculated in accordance with section 16, or (b) the maximum floor space ratio calculated in accordance with subsection (3). (3) The maximum floor space ratio for subsection (2)(b) is the maximum permissible floor space ratio for the land plus an additional floor space ratio of— (a) if the affordable housing component is at least 50%—0.5:1, or (b) if the affordable housing component is between 20% and 50%—Y:1, where— affordable housing component additional floor space ratio (as a percentage) ***AH*** is the affordable housing component. ***Y*** is AH / 100. (4) If development to which this section applies uses the maximum	Section 17 will not apply to the development application as the applicant is not lodged on behalf of a relevant authority or registered community provider.	N/A

floor space ratio under subsection (2)(a), section 16(3) also applies to the development.		
18 Affordable housing requirements for additional building height (1) This section applies to development that includes residential development to which this division applies if the development— (a) includes residential flat buildings or shop top housing, and (b) does not use the additional floor space ratio permitted under section 16. (2) The maximum building height for a building used for residential flat buildings or shop top housing is the maximum permissible building height for the land plus an additional building height of up to 30%, based on a minimum affordable housing component calculated in accordance with subsection (3). (3) The minimum affordable housing component, which must be at least 10%, is calculated as follows— affordable housing component = additional building height (as a percentage) divided by 2.	The applicant is using the provisions of Section 16 for the additional floor space ratio and subsequent increase in building height. As such, Section 18 does not need to apply as Section 16 is covering the increases that are sought.	N/A
19 Non-discretionary development standards—the Act, s 4.15 **(Relevant subparts are highlighted)** (1) The object of this section is to identify development standards for particular matters relating to residential development under this division that, if complied with, prevent the consent authority from requiring more onerous standards for the matters. **Note—** See the Act, section 4.15(3), which does not prevent development		

consent being granted if a non-discretionary development standard is not complied with. **(2) The following are non-discretionary development standards in relation to the residential development to which this division applies—**		
(a) a minimum site area of 450m2,	The development is situated on a site of 3,734.7 square metres within the Merrylands West or Sherwood Road commercial centre that is zoned E1 Local Centre.	No - Subject to a Clause 4.6 Variation and considered acceptable.
(b) a minimum landscaped area that is the lesser of— (i) 35m2 per dwelling, or **(ii) 30% of the site area,**	There is limited landscaping at grade situated close to the Sherwood Street frontage. The area is calculated at 284.2 square metres or 7.6%. Across the broader podium level, there is 671.85 square metres of landscaping or 17.98%. A Clause 4.6 Variation request has been submitted addressing the variation.	
(c) a deep soil zone on at least 15% of the site area, where— (i) each deep soil zone has minimum dimensions of 3m, and (ii) if practicable, at least 65% of the deep soil zone is located at the rear of the site, (d) living rooms and private open spaces in at least 70% of the dwellings receive at least 3 hours of direct solar access between 9am and 3pm at mid-winter,	Subsection (c) and (d) will not apply given the wording of Subclause 3 below).	N/A

(e) the following number of parking spaces for dwellings used for affordable housing— **(i) for each dwelling containing 1 bedroom—at least 0.4 parking spaces,** **(ii) for each dwelling containing 2 bedrooms—at least 0.5 parking spaces,** **(iii) for each dwelling containing at least 3 bedrooms— at least 1 parking space,** **(f) the following number of parking spaces for dwellings not used for affordable housing—** **(i) for each dwelling containing 1 bedroom—at least 0.5 parking spaces,** **(ii) for each dwelling containing 2 bedrooms—at least 1 parking space,** **(iii) for each dwelling containing at least 3 bedrooms—at least 1.5 parking spaces,** **(g) the minimum internal area, if any, specified in the Apartment Design Guide for the type of residential development,** (h) for development for the purposes of dual occupancies, manor houses or multi dwelling housing (terraces)—the minimum floor area specified in the Low Rise Housing Diversity Design Guide, (i) if paragraphs (g) and (h) do not apply, the following minimum floor areas— (i) for each dwelling containing 1 bedroom—65m2,	**<u>Car parking</u>** • For 18 x 2 bedroom apartments = 9 spaces. • For 1 x 1 bedroom apartment = 0.4 of 1 space. Total 9.4 spaces or rounded upwards to 10 spaces. **For the remainder of the apartments** • 12 x 1 bed = 6 spaces. • 78 x 2 bed = 78 spaces. • 8 x 3 bed = 12 spaces. Total 96 spaces. An additional 9 spaces are required to support the four retail suites. The applicant is allocating 21 spaces. It is identified that the surplus of spaces is less than that initially approved. It is possible that a minor loss may occur due to the Council engineers insisting on all commercial car parking spaces to be 2.6 metres in width. This would reduce the surplus further. A condition is provided that requires a minimum of 9 commercial spaces and a maximum of 14 spaces which would account for any loss that could potentially occur to achieve this. It is also clear that compliance would still be achieved. Total is 115 spaces. A surplus of 26 spaces exists. The plans show 10 visitor car parking spaces and thus the surplus is reduced to 16.	Yes under Section 19(2)(e). Yes

(ii) for each dwelling containing 2 bedrooms—90m2, (iii) for each dwelling containing at least 3 bedrooms—115m2 plus 12m2 for each bedroom in addition to 3 bedrooms. **(3) Subsection (2)(c) and (d) do not apply to development to which Chapter 4 applies.**	The above implies that 11 apartments have no car parking spaces. The remaining spaces are capable of being allocated to those remaining apartments which will ensure that all apartments are offered a car parking space. **<u>Internal living spaces</u>** These are compliant with the Apartment Design Guide. It is identified that Subsection 2(c) and (d) will not apply to the development given location. Reference is made to Clause 19(3) as highlighted and thus no assessment is required.	Noted as part of the assessment.
20 Design requirements (1) Development consent must not be granted to development for the purposes of dual occupancies, manor houses or multi dwelling housing (terraces) under this division unless the consent authority has considered the Low Rise Housing Diversity Design Guide, to the extent to which the guide is not inconsistent with this policy.	Subsection (1) does not apply to this application as there are no dual occupancies, manor houses or multi dwelling housing (terraces) proposed. The proposal is subject to assessment under Chapter 4 of the SEPP Housing 2021.	N/A
(2) Subsection (1) does not apply to development to which Chapter 4 applies. (3) Development consent must not be granted to development under this division unless the consent authority has considered whether the design of the residential development is compatible with— (a) the desirable elements of the character of the local area, or (b) for precincts undergoing transition—the desired future character of the precinct.	The development is referred to the Design Excellence Panel. The Panel raised various issues and offered solutions to these. The applicant has answered these in a satisfactory manner. The Design Excellence discussion forms part of the assessment report for Panel consideration.	Yes

21 Must be used for affordable housing for at least 15 years (1) Development consent must not be granted to development under this division unless the consent authority is satisfied that for a period of at least 15 years commencing on the day an occupation certificate is issued for the development— (a) the development will include the affordable housing component required for the development under section 16, 17 or 18, and (b) the affordable housing component will be managed by a registered community housing provider. (2) This section does not apply to development carried out by or on behalf of the Aboriginal Housing Office or the Land and Housing Corporation.	This is addressed as a condition attached to the recommendation for Panel consideration. The affordable rental apartments will be managed by Mission Australia according to the applicant's statement of Friday 13 February 2026.	Yes To condition.
22 Subdivision permitted with consent Land on which development has been carried out under this division maybe subdivided with development consent.	No Strata Title subdivision is proposed as part of the development application.	N/A

State Environmental Planning Policy Housing 2021
Chapter 4 - Design of Residential Apartment Development
Table of requirements

Design of Residential Apartment Development	Discussion	Compliance Yes or No
142 Aims of the chapter (1) The aim of this chapter is to improve the design of residential apartment development in New South Wales for the following purposes— (a) to ensure residential apartment development contributes to the sustainable development of New South Wales by—	Compliance is mostly achieved following a detailed assessment of the building complex using the Apartment Design Guide.	Yes

(i) providing socially and environmentally sustainable housing, and (ii) being a long-term asset to the neighbourhood, and (iii) achieving the urban planning policies for local and regional areas. (b) to achieve better built form and aesthetics of buildings, streetscapes and public spaces, (c) to maximise the amenity, safety and security of the residents of residential apartment development and the community, (d) to better satisfy the increasing demand for residential apartment development, considering— (i) the changing social and demographic profile of the community, and (ii) the needs of a wide range of people, including persons with disability, children and seniors, (e) to contribute to the provision of a variety of dwelling types to meet population growth, (f) to support housing affordability, (g) to minimise the consumption of energy from non-renewable resources, to conserve the environment and to reduce greenhouse gas emissions, (h) to facilitate the timely and efficient assessment of development applications to which this chapter applies.		
144 Application of chapter (1) In this policy, development to which this chapter applies is referred to as ***residential apartment development***.	Section 144 is noted. Given the form of development that is proposed, Section 144 will be applicable to the development application.	Yes

(2) This chapter applies to the following— (a) development for the purposes of residential flat buildings, (b) development for the purposes of shop top housing, (c) mixed use development with a residential accommodation component that does not include boarding houses or co-living housing, unless a local environmental plan provides that mixed use development including boarding houses or co-living housing is residential apartment development for this chapter. (3) This chapter applies to development only if— (a) the development consists of— (i) the erection of a new building, or (ii) the substantial redevelopment or substantial refurbishment of an existing building, or (iii) the conversion of an existing building, and (b) the building is at least 3 storeys, not including underground car parking storeys, and (c) the building contains at least 4 dwellings. (4) If particular development comprises development for the purposes specified in subsection (2) and development for other purposes, this chapter applies only to the part of the development for the purposes specified in subsection (2). (5) This chapter does not apply to development that involves only a class 1a or 1b building within the meaning of the *Building Code of Australia*.		

(6) To avoid doubt, development to which Chapter 2, Part 2, Division 1, 5 or 6 applies may also be residential apartment development under this chapter. *(7) In this section—**underground car parking storey** means a storey used for car parking that is—* *(a) below ground level (existing), or* *(b) less than 1.2m above ground level (existing).*		
145 Referral to design review panel for development applications **(**1) This section applies to a development application for residential apartment development, other than State significant development. (2) Before determining the development application, the consent authority must refer the application to the design review panel for the local government area in which the development will be carried out for advice on the quality of the design of the development. (3) This section does not apply if— (a) a design review panel has not been constituted for the local government area in which the development will be carried out, or (b) a competitive design process has been held. (4) In this section— *competitive design process* means a design competition held in accordance with the *Design Competition Guidelines* published by the Department in September 2023.	The development application was reported to the Design Excellence Panel on Monday 8 December 2025 for discussion. This occurred because Building C exceeds a height of 25 metres. The Cumberland Design Excellence Panel raised several matters for consideration and advice was offered. The applicant has addressed the issues raised. The Panel's comments are attached to the assessment report at Attachment 10 for Panel consideration. The applicant's comments are provided at Attachment 11 for Panel consideration.	Yes
147 Determination of development applications and modification applications for residential apartment development	The Apartment Design Guide has been considered as part of the assessment process.	Yes Satisfactory. Any variations are readily addressed

(1) Development consent must not be granted to residential apartment development, and a development consent for residential apartment development must not be modified, unless the consent authority has considered the following— (a) the quality of the design of the development, evaluated in accordance with the design principles for residential apartment development set out in Schedule 9, (b) the Apartment Design Guide, (c) any advice received from a design review panel within 14 days after the consent authority referred the development application or modification application to the panel. (2) The 14-day period referred to in subsection (1)(c) does not increase or otherwise affect the period in which a development application or modification application must be determined by the consent authority. (3) To avoid doubt, subsection (1)(b) does not require a consent authority to require compliance with design criteria specified in the Apartment Design Guide. (4) Subsection (1)(c) does not apply to State significant development.		within the assessment report.
148 Non-discretionary development standards for residential apartment development—the Act, s 4.15 (1) The object of this section is to identify development standards for particular matters relating to residential apartment development that, if complied with, prevent the consent authority from requiring more onerous standards for the matters.		

Note— See the Act, section 4.15(3), which does not prevent development consent being granted if a non-discretionary development standard is not complied with. (2) The following are non-discretionary development standards— (a) the car parking for the building must be equal to, or greater than, the recommended minimum amount of car parking specified in Part 3J of the Apartment Design Guide,	**Car parking** • For 18 x 2 bedroom apartments = 9 spaces. • For 1 x 1 bedroom apartment = 0.4 of 1 space. Total 9.4 spaces or rounded upwards to 10 spaces. **For the remainder of the apartments** • 12 x 1 bed = 6 spaces. • 78 x 2 bed = 78 spaces. • 8 x 3 bed = 12 spaces. Total 96 spaces. An additional 9 spaces are required to support the four retail suites. The applicant is allocating 21 spaces. It is identified that the surplus of spaces is less than that initially approved. It is possible that a minor loss may occur due to the Council engineers insisting on all commercial car parking spaces to be 2.6 metres in width. This would reduce the surplus further. A condition is provided that requires a minimum of 9 commercial spaces and a maximum of 14 spaces which would account for any loss that could potentially occur to achieve this. It is also clear that compliance would still be achieved.	Yes

	Total is 115 spaces. A surplus of 26 spaces exists. The plans show 10 visitor car parking spaces and thus the surplus is reduced to 16. The above implies that 11 apartments have no car parking spaces. The remaining spaces are capable of being allocated to those remaining apartments which will ensure that all apartments are offered a car parking space.	
(b) the internal area for each apartment must be equal to, or greater than, the recommended minimum internal area for the apartment type specified in Part 4D of the Apartment Design Guide, (c) the ceiling heights for the building must be equal to, or greater than, the recommended minimum ceiling heights specified in Part 4C of the Apartment Design Guide.	<u>Size of apartments</u> The size of the apartments are equal to or greater than the minimum floor areas specified by the Apartment Design Guide. <u>Ceiling heights</u> The floor to ceiling heights proposed are 2.9 metres which is based on a slab thickness of 200 mm (3.1 metres floor to floor heights). The first floor of Block A and C and the ground and first floor of Block B is not 3.3 metres in height which results in a variation of as much as 400 mm. The applicant has lodged a Clause 4.6 Variation request for Panel consideration which is considered acceptable.	Yes No Clause 4.6 Variation request lodged and considered acceptable.
149 Apartment Design Guide prevails over development control plans (1) A requirement, standard or control for residential apartment development that is specified in a development	This is noted and has been used as part of the assessment process.	Noted.

control plan and relates to the following matters has no effect if the Apartment Design Guide also specifies a requirement, standard or control in relation to the same matter— a) visual privacy, b) solar and daylight access, c) common circulation and spaces, d) apartment size and layout, e) ceiling heights, f) private open space and balconies, g) natural ventilation, h) storage. (2) This section applies regardless of when the development control plan was made.		
Schedule 9 **Design Principles for residential apartment development.**		
1 Context and neighbourhood character (1) Good design responds and contributes to its context, which is the key natural and built features of an area, their relationship and the character they create when combined and also includes social, economic, health and environmental conditions. (2) Responding to context involves identifying the desirable elements of an area's existing or future character. (3) Well designed buildings respond to and enhance the qualities and identity of the area including the adjacent sites, streetscape and neighbourhood. (4) Consideration of local context is important for all sites, including sites in the following areas— (a) established areas, (b) areas undergoing change, (c) areas identified for change.	The proposed development will be taller than adjoining developments. The relevant planning instruments allow for such a building given location to the railway station. The additional floors across the development are generally consistent with the approved design. The built form, layout, approved floorplates and appearance remains similar except that one additional floor is added to Buildings A and B and two additional floors are added to Building C. The built form is acceptable and building material colours are satisfactory to reduce urban heat effects.	Yes

2 Built form and scale (1) Good design achieves a scale, bulk and height appropriate to the existing or desired future character of the street and surrounding buildings. (2) Good design also achieves an appropriate built form for a site and the building's purpose in terms of the following— a) building alignments and proportions, b) building type, c) building articulation, d) the manipulation of building elements. (3) Appropriate built form— a) defines the public domain, and b) contributes to the character of streetscapes and parks, including their views and vistas, and c) provides internal amenity and outlook.	The height of the building surpasses the LEP controls of 17 metres and 23 metres respectively. An affordable housing component is attached to the development. The streetscape appearances remain largely the same as that approved. The ground level concourse and associated connections to specific nodes within the site remain intact or not subject to any change. The pedestrian walkway thoroughfare linking Sherwood Road (East) with Coolibah Street (West) is retained. Building materials to be used for the development remain the same. The commercial ground floor level of Building C facing Sherwood Road remains distinct from the floors above. The first five residential storeys of Building C as modified achieve a solid heavier streetscape appearance while the upper 3 floors have a lighter less robust appearance which is relatively similar to the approval granted. For Buildings A and B, other than the additional floor level proposed, a similar style appearance is retained.	Yes
3 Density 1) Good design achieves a high level of amenity for residents and each	At least 15% of the development must be dedicated as affordable housing which is achieved.	Yes

apartment, resulting in a density appropriate to the site and its context. 2) Appropriate densities are consistent with the area's existing or projected population. 3) Appropriate densities are sustained by the following— a) existing or proposed infrastructure, b) public transport, c) access to jobs, d) community facilities, e) the environment.	In addition: • All apartments have adequate floor areas. • Individual rooms are appropriate and large enough for their respective uses.	
4 Sustainability (1) Good design combines positive environmental, social and economic outcomes. (2) Good sustainable design includes— (a) use of natural cross ventilation and sunlight for the amenity and liveability of residents, and (b) passive thermal design for ventilation, heating and cooling, which reduces reliance on technology and operation costs. (3) Good sustainable design also includes the following— a) recycling and reuse of materials and waste, b) use of sustainable materials, c) deep soil zones for groundwater recharge and vegetation.	Solar penetration is achieved for over 87% of the apartments and at least 89 of the apartments are cross ventilated. All lift foyers and common corridors feature a glazed opening to allow natural light to enter into such areas. Other sustainable design initiatives include: • Landscape design which includes low water usage plants. • Capture of stormwater for irrigation and reuse for all communal open spaces.	Yes
5 Landscape (1) Good design recognises that landscape and buildings operate together as an integrated and sustainable system, resulting in development with good amenity.	The landscape design incorporates various native, low-water-usage plants, contributing to both environmental sustainability and an aesthetically pleasing outdoor environment.	Yes

(2) A positive image and contextual fit of well designed development is achieved by contributing to the landscape character of the streetscape and neighbourhood. (3) Good landscape design enhances the development's environmental performance by retaining positive natural features that contribute to the following— (a) the local context, (b) co-ordinating water and soil management, (c) solar access, (d) micro-climate, (e) tree canopy, (f) habitat values, (g) preserving green networks. (4) Good landscape design optimises the following— (a) usability, (b) privacy and opportunities for social interaction, (c) equitable access, (d) respect for neighbours' amenity. (5) Good landscape design provides for practical establishment and long term management.	Most of the landscaping as approved is retained.	
6 Amenity (1) Good design positively influences internal and external amenity for residents and neighbours. (2) Good amenity contributes to positive living environments and resident well-being. (3) Good amenity combines the following— a) appropriate room dimensions and shapes, b) access to sunlight, c) natural ventilation,	The development incorporates the following: • At least 87% of the apartments achieve solar penetration between the hours of 9am-3pm during the winter solstice. • At least 89 of the apartments achieve a crossflow ventilation. • Daylight and natural ventilation to lift lobbies and corridors is achieved due to	Yes

d) outlook, e) visual and acoustic privacy, f) storage, g) indoor and outdoor space, h) efficient layouts and service areas, **i)** ease of access for all age groups and degrees of mobility.	the openings provided (Generally retained). • Landscaping is provided or retained across the ground level of the development. • At least 18 apartments or 15.3% are adaptable. • Direct and legible access from the primary street frontage is provided (As approved).	
7 Safety (1) Good design optimises safety and security within the development and the public domain. (2) Good design provides for quality public and private spaces that are clearly defined and fit for the intended purpose. (3) Opportunities to maximise passive surveillance of public and communal areas promote safety. (4) A positive relationship between public and private spaces is achieved through clearly defined secure access points and well lit and visible areas that are easily maintained and appropriate to the location and purpose.	The proposal adheres to the best practice principles delineated in the Apartment Design Guide emphasising a commitment to creating spaces that prioritise safety and security. This includes: • There are two entry paths from Sherwood Road which are highly visible from the road (Retained). • The approved pedestrian link connecting the two east and west roads is retained. • Throughout the development, there are apartments overlooking both street frontages which provides an appropriate level of casual surveillance (Retained). • An intercom point is provided at the main entry of each building.	Yes
8 Housing diversity and social interaction (1) Good design achieves a mix of apartment sizes, providing housing choice for different demographics, living needs and household budgets.	This is achieved. The development provides for: • 13 x 1 bed. • 96 x 2 bed. • 8 x 3 bed.	Yes

(2) Well designed residential apartment development responds to social context by providing housing and facilities to suit the existing and future social mix. (3) Good design involves practical and flexible features, including— a) different types of communal spaces for a broad range of people, and b) opportunities for social interaction among residents.	For a total of 117 apartments. Of this, at least 18 apartments for adaptable housing are provided. Further, 19 affordable housing apartments are to be provided. The development includes essential facilities, notably a common open space on the ground level and the rooftop area.	
9 Aesthetics (1) Good design achieves a built form that has good proportions and a balanced composition of elements, reflecting the internal layout and structure. (2) Good design uses a variety of materials, colours and textures. (3) The visual appearance of well designed residential apartment development responds to the existing or future local context, particularly desirable elements and repetitions of the streetscape.	Satisfactory. Building materials and colours to remain the same as that approved.	Yes

DOCUMENTS ASSOCIATED WITH REPORT ELPP015/26

Attachment 7

Appendix B - Apartment Design Guide Assessment Table

Appendix B
Apartment Design Guide - Compliance Table

SEPP 65 Apartment Design Guide				
No.	**Required/Permitted**		**Comment**	**Comply**
Part 3 - Siting the Development				
3A	**Site Analysis**			
3A-1	*Site analysis illustrates that design decisions have been based on opportunities and constraints of the site conditions and their relationship to the surrounding context.*			Yes
3B	**Orientation**			
3B-1	*Building types and layouts respond to the streetscape and site while optimising solar access within the development.*			Yes
3B-2	*Overshadowing of neighbouring properties is minimised during mid-winter.* <u>Commentary</u> A shadow impact is identified to the south with the shadows falling wholly across: • A car park associated with the Coolibah Hotel. • The northern wall of the hotel Including the TAB, a lounge and bar. • Function centre. Generally, shadows are acceptable given the land use of the site with most of the shadows falling across the car park areas throughout the day.			Yes
3C	**Public Domain Interface**			
3C-1	*Transition between private and public domain is achieved without compromising safety and security.*			Yes Generally, no change to the transition. Minor adjustments do not change the outcomes achieved.
3C-2	*Amenity of the public domain is retained and enhanced.*			Yes
3D	**Communal and Public Open Space**			
3D-1	*An adequate area of communal open space is provided to enhance residential amenity and to provide opportunities for landscaping.*			
	Design Criteria	Communal open space has a minimum area equal to 25% of the site.	Site area 3,734.7 square metres = Require 933.67 square metres.	No Acceptable on the grounds that no loss is

<table>
<tr><td></td><td></td><td></td><td>At least 737 sq m was approved.

The common open space is calculated at 805.69 sq m which is slightly more than that approved within the original consent being 737 square metres.</td><td>occurring and that there is slightly more common open space than that approved.</td></tr>
<tr><td></td><td></td><td>Developments achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9am and 3pm on 21 June.</td><td>This is achieved especially across the rooftop common area.</td><td></td></tr>
<tr><td>3D-2</td><td colspan="3">Communal open space is designed to allow for a range of activities, respond to site conditions and be attractive and inviting.</td><td>Yes
Achieved.</td></tr>
<tr><td>3D-3</td><td colspan="3">Communal open space is designed to maximise safety.</td><td>Yes</td></tr>
<tr><td>3D-4</td><td colspan="3">Public open space, where provided, is responsive to the existing pattern and uses of the neighbourhood.

<u>Comment</u>

Public will be using the concourse area being that are situated between the shops and the apartments. For the most part, the area is retained although altered.</td><td>Yes</td></tr>
<tr><td>3E</td><td colspan="4">Deep Soil Zones</td></tr>
<tr><td>3E-1</td><td colspan="3">Deep soil zones provide areas on the site that allow for and support healthy plant and tree growth. They improve residential amenity and promote management of air and water quality.</td><td>No deep soil zone is approved.

No change to the approval.</td></tr>
<tr><td></td><td>Design Criteria</td><td colspan="2">Deep soil zones are to meet the following minimum requirements:

<table>
<tr><th>Site area</th><th>Minimum dimensions</th><th>Deep soil zone (% of site area)</th></tr>
<tr><td>less than 650 sqm.</td><td>-</td><td rowspan="4">7%</td></tr>
<tr><td>650 sq m - 1,500 sqm.</td><td>3m</td></tr>
<tr><td>greater than 1,500 sqm.</td><td>6m</td></tr>
<tr><td>greater than 1,500 sqm</td><td></td></tr>
</table>
</td><td>No deep soil zone approved.

No change to the approval.</td></tr>
</table>

<table>
<tr><td></td><td></td><td>with significant existing tree cover.</td><td></td><td></td><td></td></tr>
<tr><td>3F</td><td colspan="4">Visual Privacy</td></tr>
<tr><td>3F-1</td><td colspan="3">Adequate building separation distances are shared equitably between neighbouring sites, to achieve reasonable levels of external and internal visual privacy.</td><td>Yes</td></tr>
<tr><td></td><td>Design Criteria</td><td colspan="2">Separation between windows and balconies is provided to ensure visual privacy is achieved. Minimum required separation distances from buildings to the side and rear boundaries are as follows:

<table>
<tr><th></th><th>Habitable rooms and balconies</th><th>Non- habitable rooms</th></tr>
<tr><td>up to 12m (4 storeys)</td><td>6m</td><td>3m</td></tr>
<tr><td>up to 25m (5-8 storeys)</td><td>9m</td><td>4.5m</td></tr>
<tr><td>over 25m (9+ storeys)</td><td>12m</td><td>6m</td></tr>
</table>

Separation distances between buildings on the same site should combine required building separations depending on the type of room (see Figure 3F.2).

Gallery access circulation should be treated as habitable space when measuring privacy separation distances between neighbouring properties.

<u>Commentary</u>

All setbacks are approved with no change observed.

The additional floors retain the approved setbacks and general floor plates.

As such, no detailed assessment is required given this finding.

Further, the setback between Building B and C is also not varied.</td><td>All setbacks as per the Development consent.</td></tr>
<tr><td>3G</td><td colspan="4">Pedestrian Access and Entries</td></tr>
<tr><td>3G-1</td><td colspan="3">Building entries and pedestrian access connects to and addresses the public domain.</td><td>Yes</td></tr>
<tr><td>3G-2</td><td colspan="3">Access, entries and pathways are accessible and easy to identify.</td><td>Yes

No change identified.</td></tr>
</table>

3G-3	*Large sites provide pedestrian links for access to streets and connection to destinations.* Commentary A pedestrian link is provided through the site connecting Sherwood Road with Coolibah Street. This is approved and retained.		Yes
3H	**Vehicle Access**		
3H-1	*Vehicle access points are designed and located to achieve safety, minimise conflicts between pedestrians and vehicles and create high quality streetscapes.*		Yes
3J	**Bicycle and Car Parking**		
3J-1	*Car parking is provided based on proximity to public transport in metropolitan Sydney and centres in regional areas.*		Yes
	Design Criteria	For development in the following locations: • on sites that are within 800 metres of a railway station or light rail stop in the Sydney Metropolitan Area; or • on land zoned, and sites within 400 metres of land zoned, B3 Commercial Core, B4 Mixed Use or equivalent in a nominated regional centre; the minimum car parking requirement for residents and visitors is set out in the Guide to Traffic Generating Developments, or the car parking requirement prescribed by the relevant council, whichever is less.	Noted
		The site is located more than 800 metres from a railway station and thus the Council controls apply. However, Chapter 2 of State Environmental Panning Policy (Housing) 2021 also applies due to the provision of affordable rental housing into the development. This will override Council's stated car parking controls. The car parking needs for a development must be provided off street. **Commentary** Note: The provisions of SEPP (Housing) 2021 will override the controls. The following provisions are relevant: **Affordable rental housing** • 18 x 2 beds = 9 spaces required.	Yes

		• 1 x 1 bed = 0.4 space required. Total 9.4 or best rounded upwards to 10 spaces. **For the remainder of the development at 98 apartments**. • 12 x 1 bed = 6 spaces. • 78 x 2 bed = 78 spaces. • 8 x 3 bed = 12 spaces. Total 96 spaces. An additional 9 spaces are required to support the four retail suites. The applicant is allocating 21 spaces for the retail suits which is an excess of the minimum number required. It is noted that the most recent consent issued allowed for 31 spaces to support the shops that occupied 425.4 square metres. The surplus of spaces was 20. This is now reduced to 12 and thus the surplus is reduced. This is supported. It is possible that a minor loss may occur due to the Council engineers insisting on all commercial car parking spaces to be 2.6 metres in width. This would reduce the surplus further. A condition is provided that requires a minimum of 9 commercial spaces and a maximum of 14 spaces which would account for any loss that could potentially occur to achieve this. It is also clear that compliance would still be achieved. **Total needed is 115 spaces.** A surplus of 26 spaces exists. There is an option for visitor parking which is available to lessen the surplus. It is noted that an updated plan shows 10 visitor car parking spaces which is supported. This reduces the surplus to 16 spaces. Given that there are 117 apartments and 106 car spaces that are required, it appears that 11 apartments are not allocated a car parking	

		space. The remaining 16 spaces may be allocated amongst those remaining apartments. On this ground the surplus would be removed. Overall, car parking is satisfactory subject to an appropriate condition.		
3J-2	*Parking and facilities are provided for other modes of transport.* Bikes - 68 spaces. No motorbike spaces were approved within the basement car park.			Yes - Only for bikes.
3J-3	*Car park design and access is safe and secure.*			Yes
3J-4	*Visual and environmental impacts of underground car parking are minimised.* <u>Commentary</u> Satisfactory - No change sought.			Yes
3J-5	*Visual and environmental impacts of on-grade car parking are minimised.*			All car parking is below the primary building.
3J-6	*Visual and environmental impacts of above ground enclosed car parking are minimised.*			Car park location not subject to any change.
Part 4 - Designing the Building				
4A	Solar and daylight access.			
4A-1	*To optimise the number of apartments receiving sunlight to habitable rooms, primary windows and private open space.*			
	Design Criteria	Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9 am and 3 pm at mid winter in the Sydney Metropolitan Area and in the Newcastle and Wollongong local government areas.	Yes - 15 of 117 apartments will not receive 2 hours of sunlight at the winter solstice being 12.8%.	
		A maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid winter.	At least 15 apartments will not receive any sunlight being 12.8%.	
4A-2	*Daylight access is maximised where sunlight is limited.*			Yes
4A-3	*Design incorporates shading and glare control, particularly for warmer months.*			Yes

<table>
<tr><td>4B</td><td colspan="3">Natural Ventilation</td></tr>
<tr><td>4B-1</td><td colspan="2">All habitable rooms are naturally ventilated.</td><td>Yes</td></tr>
<tr><td>4B-2</td><td colspan="2">The layout and design of single aspect apartments maximises natural ventilation.</td><td>Yes</td></tr>
<tr><td>4B-3</td><td colspan="3">The number of apartments with natural cross ventilation is maximised to create a comfortable indoor environment for residents.</td></tr>
<tr><td></td><td>Design Criteria</td><td>At least 60% of apartments are naturally cross ventilated in the first nine storeys of the building. Apartments at ten storeys or greater are deemed to be cross ventilated only if any enclosure of the balconies at these levels allows adequate natural ventilation and cannot be fully enclosed.</td><td>The plans indicate 89 apartments (76%) which is considered accurate.</td></tr>
<tr><td></td><td></td><td>Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line.</td><td>Yes

No change to the approval granted.</td></tr>
<tr><td>4C</td><td colspan="3">Ceiling heights</td></tr>
<tr><td>4C-1</td><td colspan="3">Ceiling height achieves sufficient natural ventilation and daylight access</td></tr>
<tr><td></td><td>Design Criteria</td><td>Measured from finished floor level to finished ceiling level, minimum ceiling heights are:

<table>
<tr><th colspan="2">Minimum ceiling height for apartment and mixed use buildings</th></tr>
<tr><td>Habitable rooms</td><td>2.7m.</td></tr>
<tr><td>Non-habitable</td><td>2.4m.</td></tr>
<tr><td>For 2 storey apartments</td><td>2.7m for main living area floor.
2.4m for second floor, where its area does not exceed 50% of the apartment area.</td></tr>
<tr><td>Attic spaces</td><td>1.8m at edge of room with a 30 degree minimum ceiling slope.</td></tr>
<tr><td>If located in mixed used areas</td><td>3.3m for ground and first floor to promote future flexibility of use.</td></tr>
</table>
</td><td>No - Improvement of 100 mm from the most recent modification issued.

Floor to floor heights are 3.1 metres.

When compared to the most recent approved plans, the floor to floor heights have been increased by 100 mm from 3 metres to 3.1 metres.

The floor to ceilings heights are 2.9 metres accounting for the floor slab thickness of 200 mm.

First residential floor (Building A, B and C) - 3.1 metres is proposed. This is an increase of 100 mm from the approval granted under the most recent modification consent.

A variation of 400 mm exists for the first floor of Buildings A and</td></tr>
</table>

<table>
<tr><td></td><td></td><td></td><td>C and the ground floor and first floor of Building B. While still a variation being 400 mm, this is less than the most recent modification issued being 500 mm.

For Building C facing Sherwood Road, the floor to ceiling height of the commercial floor level is 3.5 metres.

A Clause 4.6 Variation request is lodged addressing the relevant variation which is addressed within the primary assessment report.</td></tr>
<tr><td>4C-2</td><td colspan="2">Ceiling height increases the sense of space in apartments and provides for well proportioned rooms.</td><td>Yes</td></tr>
<tr><td>4C-3</td><td colspan="2">Ceiling heights contribute to the flexibility of building use over the life of the building.</td><td>Yes</td></tr>
<tr><td>4D</td><td colspan="3">Apartment size and layout</td></tr>
<tr><td>4D-1</td><td colspan="3">The layout of rooms within an apartment is functional, well organised and provides a high standard of amenity.</td></tr>
<tr><td></td><td>Design Criteria</td><td>Apartments are required to have the following minimum internal areas:

<table><tr><th>Apartment size</th><th>Minimum Internal Area</th></tr><tr><td>Studio</td><td>35m^2</td></tr><tr><td>1 bedroom</td><td>50m^2</td></tr><tr><td>2 bedroom</td><td>70m^2</td></tr><tr><td>3 bedroom</td><td>90m^2</td></tr></table>
The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal area by 5m2 each.

A fourth bedroom and further additional bedrooms increase the minimum internal area by 12 sq m each.</td><td>1 bed apartment = Minimum 50.2 sq m to 66.1 sq m.
2 bed apartments = Minimum 74.7 sq m to 84.2 sq m.
3 bed apartments Minimum 91.7 sq m to 104.7 sq m.

Yes</td></tr>
<tr><td></td><td></td><td>Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room. Daylight and air may</td><td>Yes</td></tr>
</table>

		not be borrowed from other rooms.	
4D-2	*Environmental performance of the apartment is maximised*		
	Design Criteria	Habitable room depths are limited to a maximum of 2.5 x the ceiling height.	Open plan layouts are being used.
		In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8m from a window.	The maximum habitable room depth reaches to 8.4 metres which is similar to the approved apartments above and below. The variation is limited to the kitchen benchtops and fridge / freezer storage area which does not create adverse internal amenity. Note: Variation is 400 mm or 5%.
4D-3	*Apartment layouts are designed to accommodate a variety of household activities and needs.*		
	Design Criteria	Master bedrooms have a minimum area of 10m2 and other bedrooms 9m2 (excluding wardrobe space).	Yes Achieved for the new apartments. Generally, the new bedrooms are similar to those already approved.
		Bedrooms have a minimum dimension of 3m (excluding wardrobe space).	Yes
		Living rooms or combined living/dining rooms have a minimum width of: • 3.6m for studio and 1 bedroom apartments. 4m for 2 and 3 bedroom apartments.	There are living rooms within Building C that do not reach 4 metres in width. In this regard, several of these are approved at 3.4 metres in width. The new apartments across Levels 5 and 6 follow the footprint of those approved above and below. The variation is 17.6%. While a variation is identified, the variation is not made worse for the new apartments.

<table>
<tr><td></td><td></td><td></td><td>The living areas for the new apartments are the same as those already approved.

<u>Note</u>: This only affects the apartments within Building C.</td></tr>
<tr><td></td><td></td><td>The width of cross-over or cross-through apartments are at least 4m internally to avoid deep narrow apartment layouts.</td><td>There are no cross over apartments within the development.</td></tr>
<tr><td>4E</td><td colspan="3">Private open space and balconies</td></tr>
<tr><td>4E-1</td><td colspan="3">Apartments provide appropriately sized private open space and balconies to enhance residential amenity.</td></tr>
<tr><td></td><td>Design Criteria</td><td>All apartments are required to have primary balconies as follows:

<table>
<tr><th>Dwelling Type</th><th>Minimum Area</th><th>Minimum Depth</th></tr>
<tr><td>Studio</td><td>4m^2</td><td>-</td></tr>
<tr><td>1 bedroom</td><td>8m^2</td><td>2m</td></tr>
<tr><td>2 bedroom</td><td>10m^2</td><td>2m</td></tr>
<tr><td>3+ bedroom</td><td>12m^2</td><td>2.4m</td></tr>
</table>
The minimum balcony depth to be counted as contributing to the balcony area is 1m.</td><td>There are balconies within the new part of the development that are undersized by 0.7 of 1 square metres or 7%.

It is noted that this is approved for other balconies within the development.

While a variation is identified, the variation is not made worse for the new apartments.

<u>Note</u>: The new floors follow the footprint of the approved floors of the development across Buildings A, B and C.</td></tr>
<tr><td></td><td></td><td>For apartments at ground level or on a podium or similar structure, a private open space is provided instead of a balcony. It must have a minimum area of 15 sq m and a minimum depth of 3m.</td><td>Where possible and feasible, the apartments across the ground level are provided with open space areas that reach at least 15 square metres in area which is similar to the approval granted.

While minor alterations have occurred to several of the courtyards, the size of the courtyards are consistent with the</td></tr>
</table>

<table>
<tr><td></td><td></td><td colspan="2">existing approval.</td></tr>
<tr><td>4E-2</td><td colspan="2">Primary private open space and balconies are appropriately located to enhance liveability for residents.</td><td>Yes</td></tr>
<tr><td>4E-3</td><td colspan="2">Private open space and balcony design is integrated into and contributes to the overall architectural form and detail of the building.</td><td>Yes</td></tr>
<tr><td>4E-4</td><td colspan="2">Private open space and balcony design maximises safety.</td><td>Yes</td></tr>
<tr><td>4F</td><td colspan="3">Common circulation and spaces</td></tr>
<tr><td>4F-1</td><td colspan="3">Common circulation spaces achieve good amenity and properly service the number of apartments.</td></tr>
<tr><td></td><td>Design Criteria</td><td>The maximum number of apartments off a circulation core on a single level is eight.

Where design criteria 1 is not achieved, no more than 12 apartments should be provided off a circulation core on a single level.</td><td>The maximum number of apartments off a corridor is 8.

Yes</td></tr>
<tr><td></td><td></td><td>For buildings of 10 storeys and over, the maximum number of apartments sharing a single lift is 40.</td><td>Yes.

There are two lifts servicing each floor of Buildings A and B and a separate set of lifts servicing all the floors of Building C (Two further lifts) for a total of four lifts.

There is a fifth lift servicing the basement car park with Level 2 providing suitable access between the car park levels and the level 2 concourse area.</td></tr>
<tr><td>4F-2</td><td colspan="2">Common circulation spaces promote safety and provide for social interaction between residents.</td><td>Yes</td></tr>
<tr><td>4G</td><td colspan="3">Storage</td></tr>
<tr><td>4G-1</td><td colspan="3">Adequate, well designed storage is provided in each apartment.</td></tr>
<tr><td></td><td>Design Criteria</td><td>In addition to storage in kitchens, bathrooms and bedrooms, the following storage is provided:

<table><tr><th>Dwelling type</th><th>Storage size volume</th></tr><tr><td>Studio apartments</td><td>4m^3</td></tr><tr><td>1 bedroom apartments</td><td>6m^3</td></tr><tr><td>2 bedroom apartments</td><td>8m^3</td></tr><tr><td>3+ bedroom</td><td>10m^3</td></tr></table></td><td>Storage is provided within each apartment.

It is identified that only 69 storage rooms were approved as part of the most recent modification issued. This covered 76.6% of the total number of apartments within the development.

The new set of plans only supply 90 storage rooms within</td></tr>
</table>

		apartments At least 50% of the required storage is to be located within the apartment.	the development. This equates to 76.9% of the total number of apartments provided with storage areas. The number of storage cages as a percentage of the total number of apartments provided with such features has not reduced.
4G-2	*Additional storage is conveniently located, accessible and nominated for individual apartments.*		Yes Within each apartment.
4H	**Acoustic privacy**		
4H-1	*Noise transfer is minimised through the siting of buildings and building layout.*		Yes
4H-2	*Noise impacts are mitigated within apartments through layout and acoustic treatments.*		Yes
4J	**Noise and pollution**		
4J-1	*In noisy or hostile environments the impacts of external noise and pollution are minimised through the careful siting and layout of buildings.* <u>Commentary</u> Sherwood Road carries a high volume of traffic. The apartments facing east or Sherwood Road are retained within their approved location. There are additional apartments facing Sherwood Road but they follow the floorplates of the approved apartments. An acoustic report has been approved for the project addressing acoustic matters. The report prepared by Day Design Pty Ltd and dated 8 September 2021 would be adequate in addressing noise impacts internal and external to the development.		Yes
4J-2	*Appropriate noise shielding or attenuation techniques for the building design, construction and choice of materials are used to mitigate noise transmission.*		Yes
4K	**Apartment Mix**		
4K-1	*A range of apartment types and sizes is provided to cater for different household types now and into the future.* This includes an affordable housing component which further improves the housing mix available being 18 x 2 bedroom apartments and 1 x 1 bedroom apartment. The new total housing mix is:		Yes

	• 13 x 1 bedroom apartments. • 96 x 2 bedroom apartments. • 8 x 3 bedroom apartments.	
4K-2	*The apartment mix is distributed to suitable locations within the building.*	Yes
4L	**Ground Floor Apartments**	
4L-1	*Street frontage activity is maximised where ground floor apartments are located* There are no apartments situated within the ground floor of the development that face either Sherwood Road (East) or Coolibah Street (West). All apartments facing the two roads are elevated one storey above the ground level.	Satisfactory
4L-2	*Design of ground floor apartments delivers amenity and safety for residents.*	N/A
4M	**Facades**	
4M-1	*Building facades provide visual interest along the street while respecting the character of the local area.*	Satisfactory.
4M-2	*Building functions are expressed by the façade.*	Yes
4N	**Roof Design**	
4N-1	*Roof treatments are integrated into the building design and positively respond to the street.*	Yes Similar to the approval granted.
4N-2	*Opportunities to use roof space for residential accommodation and open space are maximised.* <u>Commentary</u> The rooftop common area across Buildings A and B is retained.	Yes Achieved for Buildings A and B.
4N-3	*Roof design incorporates sustainability features.* <u>Commentary</u> Buildings A and B is provided with landscaped elements including planter boxes to allow for rooftop gardens. The degree of planting is retained.	Yes
4O	**Landscape Design**	
4O-1	*Landscape design is viable and sustainable.*	Yes
4O-2	*Landscape design contributes to the streetscape and amenity.*	Yes
4P	**Planting on Structures**	
4P-1	*Appropriate soil profiles are provided.*	Yes As approved.
4P-2	*Plant growth is optimised with appropriate selection and*	Yes

	maintenance.	As approved.
4P-3	*Planting on structures contributes to the quality and amenity of communal and public open spaces.*	Yes As approved.
4Q	**Universal Design**	
4Q-1	*Universal design features are included in apartment design to promote flexible housing for all community members.* <u>*Commentary*</u> There will be 19 affordable housing apartments within the development. There will be 18 adaptable housing apartments within the development (15.3%). Previous 13 apartments or 14.4% as adaptable.	Yes Increase with an increase in percentages.
4Q-2	*A variety of apartments with adaptable designs are provided.*	Yes
4Q-3	*Apartment layouts are flexible and accommodate a range of lifestyle needs.*	Yes
4R	**Adaptive Reuse**	
4R-1	*New additions to existing buildings are contemporary and complementary and enhance an area's identity and sense of place.*	N/A
4R-2	Adapted buildings provide residential amenity while not precluding future adaptive reuse. <u>Commentary</u> There are 18 adaptable apartments proposed totalling 15.3% of the total number.	Yes
4S	**Mixed Use**	
4S-1	*Mixed use developments are provided in appropriate locations and provide active street frontages that encourage pedestrian movement.*	Yes As approved but minor alterations.
4S-2	*Residential levels of the building are integrated within the development, and safety and amenity is maximised for residents.*	Yes
4T	**Awnings and Signage**	
4T-1	*Awnings are well located and complement and integrate with the building design.* An awning is approved for the private footpath area facing Sherwood Road (The awning is contained within the development site and not overhanging onto the public road reserve). No change is proposed.	Yes As approved.
4T-2	*Signage responds to the context and desired streetscape character.*	N/A

4U	**Energy Efficiency**	
4U-1	*Development incorporates passive environmental design*	Yes
4U-2	*Development incorporates passive solar design to optimise heat storage in winter and reduce heat transfer in summer.*	Yes
4U-3	*Adequate natural ventilation minimises the need for mechanical ventilation.*	Yes
4V	**Water Management and Conservation**	
4V-1	*Potable water use is minimised.*	Yes
4V-2	*Urban stormwater is treated on site before being discharged to receiving waters.*	Yes
4V-3	*Flood management systems are integrated into site design.*	The site is not subject to flooding.
4W	**Waste Management**	
4W-1	*Waste storage facilities are designed to minimise impacts on the streetscape, building entry and amenity of residents.* <u>Commentary</u> Minor changes are occurring to the approved waste bin stores within the basement car park. Generally, the waste bin stores are satisfactory.	Satisfactory.
4W-2	*Domestic waste is minimised by providing safe and convenient source separation and recycling.*	Yes
4X	**Building Maintenance**	
4X-1	*Building design detail provides protection from weathering.*	Yes
4X-2	*Systems and access enable ease of maintenance.*	Yes
4X-3	*Material selection reduces ongoing maintenance costs.*	Yes

DOCUMENTS ASSOCIATED WITH REPORT ELPP015/26

Attachment 8

Appendix C - Cumberland Local Environmental Plan 2021 Assessment Table

Appendix C
Cumberland Local Environmental Plan 2021
Assessment Table

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.* <u>Comment:</u> The applicant is providing one additional floor level into Buildings A and B and two additional floor levels into Building C. There is also an affordable housing component attached to the development under the relevant provisions of State Environmental Planning Policy “Housing” 2021. The development is not compliant with all the relevant controls of the Cumberland Local Environmental Plan. However, it is consistent with the broader aim of encouraging affordable housing close to town centres and railway stations or transport nodes. <u>Note</u>: While there is no railway station close by, there are 5 bus stops within close proximity of the site that provides connection to the larger town centres such as Merrylands.	Yes

	The development is broadly consistent with the relevant provisions of State Environmental Planning Policy (Housing) 2021 which overrides the local planning controls in relation to building height and floor space ratio and considered acceptable.	
2.3 Zone Objectives and Land Use Table. **Permissibility** E1 Local Centre zone.	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: Generally, the whole development is consistent with all five of the stated objectives. **Permitted with consent** Amusement centres; Boarding houses; Centre-based child care facilities; Commercial premises; Community facilities; Entertainment facilities; Function centres; Group homes; Home industries; Hostels; Hotel or motel accommodation; Information and education facilities; Local distribution premises; Medical centres; Oyster aquaculture; Places of public worship; Public administration buildings; Recreation facilities (indoor); Respite day care centres; Service stations; **Shop top housing**; Tank-based aquaculture; Veterinary hospitals; Any other development not specified in item 2 or 4.	Yes Permissibility established via shop top housing.

	Commentary The development is defined as shop top housing which is permitted with consent within the E1 Local Centre zone. Shop top housing is defined as: ***shop top housing*** *means one or more dwellings located above the ground floor of a building, where at least the ground floor is used for commercial premises or health services facilities.* ***Note.*** *Shop top housing is a type of* ***residential accommodation****—see the definition of that term in this Dictionary.*	
2.6 Subdivision-consent requirements.	Subdivision is not proposed under this application.	N/A
2.7 Demolition requires development consent.	All previous buildings across the site have already been demolished. No demolition work is sought.	N/A
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: **Permissible under CLEP 2021** - Part 23 metres (East side). - Part 17 metres (West side). SEPP (Housing) 2021 Clause 16 permits additional 30%: - 23 + 6.9 = 29.9 metres. - 17 + 5.1 = 22.1 metres. Proposed height Block A - 22.23 metres. Proposed height Block B - 20.1 metres. Proposed height Block C - 30.18 metres. A height variation is identified for Building A (Calculated at 130 mm).	No under CLEP 2021. SEPP (Housing) 2021 overrides the local control. Clause 4.6 Variation request is lodged.

	A height variation is identified for Building C (Calculated at 280 mm). A Cause 4.6 Variation request is lodged for the height variation for Building A and C in this instance.	
4.4 Floor Space Ratio.	**Maximum permissible:** **Permissible under CLEP 2021**: - Part 2.4:1 (Former Lot 101). - Part 2.2:1 (Former Lot 1 & 2). SEPP (Housing) 2021 Clause 16 permits additional 30%: **2.4:1 + 30% = 3.12:1 or 1,757.1 sq m (Former Lot 101).** **2.2:1 + 30% = 2.86:1 or 9,070.2 sq m (Former Lot 1 and 2).** Applicant seeking to use the full extent of the 30% being 15% affordable rental housing. *Applicant's calculation* Former Lot 101 (north area) - 1,756.3 sq m or 3.119:1. Affordable rental housing - 273.24 sq or 15.55%. Former Lot 1 and 2 area - 8,907.4 sq m or 2.808:1. Affordable rental housing - 1,343.8 sq or 15.08%. *Council's calculation* Former Lot 101 (north area) - 1,756.3 sq m or 3.119:1. Affordable rental housing - 269 sq m or 15.3%. Former Lot 1 and 2 area - 8,907 sq m or 2.808:1. Affordable rental housing - 1,340.7 sq m or 15.05%. *(Applicants calculation is tested. Minor variations with affordable rental housing but compliance achieved).*	SEPP (Housing) 2021 overrides the local control. 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>Clause 4.6 Variations</u> 1 - <u>Building Height</u> A written request in accordance with Clause 4.6 of the CLEP 2021 to vary the development standard at Section 16 of State Environmental Planning Policy (Housing) 2021 for building height is submitted. The Clause 4.6 Variation is determined as being acceptable as described within the primary report. 2 - <u>Landscaping</u> A written request in accordance with Clause 4.6 of the CLEP 2021 to vary the development standard at Section 19(2) (b)(ii) of State Environmental Planning Policy (Housing) 2021 for landscaping is submitted. The Clause 4.6 Variation is determined as being acceptable as described within the primary report. 3 - <u>Floor to ceiling height</u> A written request in accordance with Clause 4.6 of the CLEP 2021 to vary the non discretionary development standard at Section 148(2)(c) of State Environmental Planning Policy (Housing) 2021 for ceiling height is submitted.	Yes

	The Clause 4.6 Variation is determined as being acceptable as described within the primary report.	
5.10 Heritage Conservation	The site is not identified as being a heritage listed item and is not located within a heritage conservation area. Further, there are no heritage listed items adjacent or adjoining to the site. No assessment of the clause is required.	Yes
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	Yes

	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: Part of the site is identified as being affected by minor flooding or overland flow but not to an extent in which the development potential across the site area will be impacted. It should be noted that the form of the development is already approved with excavation works completed. Council's Development Engineer review the proposal and did not raise any objections to the development in relation to site flooding.	
6.1 Acid Sulphate Soils	The land is not rated for acid sulphate soils. Generally given location atop of a low rise hill, acid sulphate soils are unlikely to be encountered across the site.	Yes
6.2 Earthworks	Earthworks have been conducted across the site. The site is cordoned off from public access due to the excavation already undertaken.	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. Comment: The matter addressing essential services is addressed under the original development consent.	Yes

6.7 Stormwater management	(2) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development— (a) is designed to maximise the use of water permeable surfaces on the land having regard to the soil characteristics affecting on-site infiltration of water, and (b) includes, if practicable, on-site stormwater retention for use as an alternative supply to mains water, groundwater or river water, and (c) avoids significant adverse impacts of stormwater runoff on adjoining properties, native bushland and receiving waters, or if the impact cannot be reasonably avoided, minimises and mitigates the impact. <u>Comment:</u> Council's engineers have determined that stormwater drainage is satisfactory or capable of being satisfactory subject to conditions.	Yes
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	Yes

	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. <u>Comment:</u> The form of the development remains unchanged and the approved building material and colours remain largely the same as those already approved.	
6.13 Ground floor development in zones E1, E2 and MU1	(2) This clause applies to land in the following zones: (a) Zone E1 Local Centre, (b) Zone E2 Commercial Centre, (c) Zone MU1 Mixed Use. (3) Development consent must not be granted to development for the purposes of commercial premises, mixed use development that includes commercial premises or a change of use of a building to commercial premises on land to which this clause applies unless the consent authority is satisfied that the ground floor of the building: (a) will not be used for the purposes of residential accommodation or serviced apartments, and (b) will not be used for a car park or to provide ancillary car parking spaces, and (c) will provide for uses and building design elements that encourage interaction between the inside of the building and the external public areas adjoining the building. (4) Subclause (3)(b) does not apply to a site that— **(a) is greater than 60 metres in depth from all street frontages, or** (b) has a gradient steeper than 15%, measured from boundary to boundary, or (c) is owned by a public authority and is to be used as a public or commuter car park. <u>Comments</u>	Yes Satisfactory given the approval that already exists.

	There is a car park on Level 1 which when viewed from Coolibah Street, is at grade level. This was approved under the primary consent and excavation work for this is complete. There are minor alterations occurring to the car park level but essentially, the approved outcome for the car park level remains intact. Notwithstanding this, Subclause (4)(a) which relates to (3)(b) could be applied. The site is greater than 60 metres in depth from Sherwood Road and when measured from Coolibah Street, the site is more than 60 metres deep (Measured at 95.68 metres). Given this, it could be argued that the Clause need not apply in this instance. Either way, the approval of the car park in the form as shown and with minimal change sought, the car park as shown is acceptable.	
6.14 Design Excellence	1) The objective of this clause is to ensure that development to which this clause applies exhibits the highest standard of architectural and urban design as part of the built environment. (2) This clause applies to development involving the construction of a new building, or external alterations to an existing building, that will result in— (a) a building that is greater than 30 metres in height on land shown as “Area 1” on the Design Excellence Map, or (b) a building that is greater than 55 metres in height on land shown as “Area 2” on the Design Excellence Map or (c) a building that is on land shown as “Area 3” on the Design Excellence Map. (3) Development consent must not be granted to development to which this clause applies unless the consent authority considers that the development exhibits design excellence.	Yes

	(4) In considering whether the development exhibits design excellence, the consent authority must consider the following matters— (a) whether the development has been endorsed by the Cumberland Design Excellence Panel as exhibiting design excellence, (b) whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved, (c) whether the form and external appearance of the development will improve the quality and amenity of the public domain, (d) whether the development detrimentally impacts on view corridors, (e) how the development addresses the following matters— (i) the suitability of the land for development, (ii) existing and proposed uses and use mix, (iii) heritage issues and streetscape constraints, (iv) the location of any proposed tower, having regard to the need to achieve an acceptable relationship with other existing or proposed towers on the same site or on a neighbouring site in terms of separation, setbacks, amenity and urban form, (v) bulk, massing and modulation of buildings, (vi) street frontage heights, (vii) environmental impacts such as sustainable design, overshadowing, wind and reflectivity, (viii) the achievement of the principles of ecologically sustainable development, (ix) pedestrian, cycle, vehicular and service access and circulation requirements, (x) the impact on, and proposed improvements to, the public domain. <u>Comments:</u>	

	Given location, Clause 6.14 will not apply to the development. In this regard, the site is not located within Area 1, 2 or 3 as outlined by Subclause 2. The development has been passed before the Design Excellence Panel on the grounds that Building C achieves a height of greater than 25 metres. The Panel has raised various issues for the applicant to address and provided comments to improve the outcomes offered. The applicant has addressed the concerns raised as described within Attachment 10 attached to the report.	

DOCUMENTS ASSOCIATED WITH REPORT ELPP015/26

Attachment 9

Appendix D - Cumberland Development Control Plan 2021 Assessment Table

Appendix D
CDCP 2021 Compliance Table
Part B3 - Residential Flat Buildings

Relevant Control		Compliance with Requirements	Consistency Objectives
Part B - Development in Residential Zones			
Part B3 - Residential Flat Buildings			
2.1 & 2.2 Relationship to ADG & Development controls.	ADG takes precedence over DCP, where there are inconsistencies between the controls, the ADG prevails. C1. For residential flat buildings controls on: • site analysis; • orientation; • public domain interface; • communal and public open space; • deep soil zones; • visual privacy; • pedestrian access and entries; • vehicle access; • bicycle and car parking; • solar and daylight access; • natural ventilation; • ceiling heights; • apartment size and layout; • private open space and balconies; • common circulation and spaces; • storage; • acoustic privacy; • noise and pollution; • apartment mix; • ground floor apartments; • façades; • roof design; • landscape design; • planting on structures; • universal design; • adaptive reuse; • mixed use; • awnings and signage; • energy efficiency;	This is noted. The Apartment Design Guide has been used for the assessment. It is determined that a high degree of compliance is achieved.	Yes

<table>
<tr><td></td><td>

- water management and conservation;
- waste management; and
- building maintenance.

Refer to SEPP 65 and the ADG compliance table below.

</td><td></td><td></td></tr>
<tr><td>3.1 Building envelope</td><td>

C2. Residential flat building development shall be provided in accordance with Table 7 for RFB Setbacks.

<table>
<tr><td>Front setbacks (min)</td><td>No less than 6m or correspond with the existing prevalent building setback or with emerging setbacks in areas undergoing transition.</td></tr>
<tr><td>Secondary street setbacks (min)</td><td>2m for laneways and 4m for other roads</td></tr>
<tr><td>Side setback (min)</td><td>3m</td></tr>
<tr><td>Rear setback (min)</td><td>Up to four storeys: 20% the length of the site, or 6m, whichever is greater Five storeys or more: 30% the length of the site</td></tr>
<tr><td>Site area</td><td>1,000 sq m.</td></tr>
<tr><td>Street frontage</td><td>24m.</td></tr>
</table>

</td><td>

The site lies within the zone E1 Local Centre and within a small commercial centre.

A nil setback is approved for the Sherwood Road frontage.

The approved street setback from Sherwood Road is retained.

No change.

The rear setback of 3.8 metres is not subject to change.

The site area provision and site width are compliant.

</td><td>

Yes

Yes

Yes
Yes

</td></tr>
<tr><td></td><td>C3. For residential flat building not captured by SEPP 65, the development is also to achieve the objectives and design criteria of the ADG.</td><td>The development is captured by the Apartment Design Guide.

The development is consistent with most of the provisions of the Apartment Design Guide.</td><td>Yes</td></tr>
</table>

3.2 Basement design	C1. Basement walls shall be located directly under building walls, wherever practicable.	A basement car park is approved. While limited changes are occurring to the basement car park, the overall layout of that part of the development is mostly retained.	Yes
	C2. A dilapidation report shall be prepared for all development that is adjacent to sites which build to the boundary.	This will be required for any consent to be issued.	To condition.
	C3. Where practicable, basement walls not located on the side boundary shall have minimum setback of 1.2m from the side boundary to allow planting.	A basement car park is approved. There are no changes to the setbacks of the approved basement from the property boundaries.	Yes
	C4. Basement walls visible above ground level shall be appropriately finished (such as face brickwork and/or render) and appear as part of the building.	There are basement side walls situated at or above grade level across the northern and southern property boundaries. These are approved and no change is proposed. No basement walls are visible at street level.	No Already approved and no change is proposed. Acceptable in this instance.
3.3 Car parking	C1. Refer to Part G3 of this DCP, or section 3J-1 of the ADG for car parking provision requirements.	This is noted with car parking calculated in accordance with the relevant provisions of State Environmental Planning Policy (Housing) 2021.	Noted.
Relevant Control		**Compliance with Requirements**	**Consistency Objectives**
Part B - Development in Residential Zones			
Part B5 - Adaptable Housing and Housing Mix			
Part 2.1 Control C1	Adaptable housing More than 20 dwellings per development - At least 20% adaptable housing to be provided within the development.	A minimum of 18 dwellings out of 117 are adaptable being 15.38%. The previous number was 13 apartments or 14.4%.	No In percentage terms, an increase is identified which is supported.

Part 2.2 Housing Mix Control C2	If an equal mix cannot be provided, a minimum 10% of the dwellings shall be three plus bedroom dwellings.	The development is being earmarked as a mix of normal housing and affordable housing and thus the following is proposed: • 13 x 1 bedroom apartments. • 96 x 2 bedroom apartments. • 8 x 3 bedroom apartments. There are 19 affordable housing apartments within the development. The housing mix sought varies from that suggested by Part 2.2. It is considered reasonable to allow the mix given the form of housing proposed.	No but Satisfactory.
Part G - Miscellaneous Development Controls			
Part G3 - Traffic, Parking, Transport & Access (Vehicle) (Only where relevant)			
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.	The site is located more than 800 metres from a railway station and thus the Council controls would apply. However, Chapter 2 of State Environmental Panning Policy (Housing) 2021 also applies due to the provision of affordable rental housing into the development. This will override Council's stated car parking controls. The car parking needs for a development must be provided off street. **Commentary**	Yes

		Note: The provisions of SEPP (Housing) 2021 overrides the controls as follows. The following provisions are relevant: **Affordable rental housing** 18 x 2 beds = 9 spaces required. 1 x 1 bed = 0.4 space required. No visitor parking required. **Total 9.4 or rounded to 10 spaces**. **For the remainder of the development at 98 apartments**. 12 x 1 bed = 6 spaces. 78 x 2 bed = 78 spaces. 8 x 3 bed = 12 spaces. Total 96 spaces. An additional 9 spaces are required to support the four retail suites. The applicant is allocating 21 spaces for the use which is an excess of the minimum number required. The most recent consent issued allowed for 31 spaces to support the shops that occupied 425.4 square metres. The	

		surplus of spaces was 20. This is now reduced to 12 and thus the surplus is reduced. This is supported. It is possible that a minor loss may occur due to the Council engineers insisting on all commercial car parking spaces to be 2.6 metres in width. This would reduce the surplus further. A condition is provided that requires a minimum of 9 commercial spaces and a maximum of 14 spaces which would account for any loss that could potentially occur to achieve this. It is also clear that compliance would still be achieved. **Total is 115 spaces.** A surplus of 26 spaces exists. There is an option for visitor parking which is available to lessen the surplus. It is noted that an updated plan shows 10 visitor car parking spaces which is supported. This reduces the surplus to 16 spaces. There are 117 apartments and 106 car spaces that are required. It appears	

		that 11 apartments are not allocated a car parking space. The remaining 16 spaces may be allocated amongst those remaining apartments. On this ground the surplus would be removed. Overall, car parking is satisfactory subject to an appropriate condition.	
4.3 Basement parking	C1. Basement garages and driveways shall be permitted in accordance with the relevant Australian Standards. Where slope conditions require a basement, the area of the basement shall not significantly exceed the area required to meet the car parking and access requirements for the development.	The basement car park is generally consistent with the existing approval granted. Minor alterations are identified across both car park levels but overall, the approved layout is mostly retained.	Yes
	C2. Basement parking shall be located within the building footprint.	The car park provided is generally within the building footprint.	Yes No change.
	C3. Basement parking shall not unreasonably increase the bulk and scale of development.	The built form and streetscape appearance of the car park / basement is approved and satisfactory.	Yes
	C4. Basement parking shall provide, where required, a pump out drainage system according to Council's engineering requirements.	Satisfactory.	Yes
	C5. Basement parking shall not affect the privacy of adjacent residential development.	The degree of privacy is satisfactory.	Yes
	C6. Basement parking manoeuvring shall ensure that vehicles can enter and exit in a forward direction.	Vehicle manoeuvring is assessed as being satisfactory.	Yes

	C7. Basement access/ramp design shall comply with ramp requirements specified in AS2890.	Satisfactory.	Yes
Parking	C10. Parking rates shall comply with the minimum parking rates in Section 3 of this Part of the DCP.	The provisions of SEPP (Housing) 2021 will override the Council controls.	Complies.
	C11. On-site parking is to be accommodated within a basement wherever possible.	Satisfactory and generally consistent with the earlier approval granted.	Yes
	C12. Consolidate basement parking areas under building footprints to maximise the area available for landscaping.	The development is provided with one car park with vehicle access wholly from Coolibah Street (Rear access).	Yes
	C13. On-site parking is to be suitably screened from view of an active or main street frontage.	This is achieved.	Yes
	C14. Parking areas shall be designed to ensure pedestrian amenity and safety.	This is achieved.	Yes
	C15. Natural ventilation is to be facilitated to basement and sub-basement car parking areas, wherever possible, and with regard to any flooding issues.	This is achieved.	Yes
	C16. Ventilation grilles and structures shall be integrated into the façade and landscape design, should not be provided at active frontage and should not be near windows of habitable rooms and open space areas.	This is not required given the design solution approved.	N/A
	C17. Safe and secure access is to be provided from on-site parking for building users, including direct access from parking to lobbies.	This is achieved.	Yes
	C18. Marked pedestrian pathways with clear lines of sight and safe lighting shall be provided.	This is achieved.	Yes

	C19. Private car parking within mixed use developments must be clearly identified and separated from commercial car parking.	Satisfactory. The lower basement level is only available to residents. The upper basement level is arranged in such a manner so that: • The parking for the commercial land uses is located within the centre of the basement. • The residential parking area is located towards the Sherwood Road frontage of the site.	Yes
	C20. Visitor parking shall be clearly identified and shall not be provided in the form of stacked/ tandem parking.	Visitor parking is provided on basement level 1.	Yes
Part G4 - Stormwater & Drainage			
2.2 Method of stormwater disposal from the site	C1. All stormwater collecting as a result of the carrying out of development under this DCP must be directed by a gravity fed or charged system to: (a) a public drainage system, or (b) an inter-allotment drainage system, or (c) an on-site disposal system.	Stormwater drainage is assessed as being acceptable or capable of being satisfactory for the site.	Yes To condition as suggested by the engineer.
2.6 Flood Risk Management	C1. The proposed development does not result in any increased risk to human life and does not increase the potential flood affectation on other development or properties.	This is achieved.	Yes
2.7 Water Sensitive Urban Design, water quality and water re-use	Water Sensitive Urban Design (WSUD) C1. All development applications for sites of 2,500m2, or more in area must be supported by a Water Sensitive Urban	As approved. No change is proposed.	Yes

	Design Strategy, prepared by a qualified civil engineer with suitable experience.		
	C2. Development for the subdivision of sites of 2,500m2 or more in area must achieve the stormwater flow targets in the Water Sensitive Urban Design Strategy, unless public water quality and flow structures downstream of the site allow these targets to be met. Details of compliance must be included in the Water Sensitive Urban Design Strategy supporting the development application.	As approved. No change is proposed.	Yes
	C3. All other developments shall provide appropriate water sensitive treatments.	Not applicable for the development site.	N/A
	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.	As approved. No change.	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 5,000 litres (for site area less than 1500m2) and 10,000 litres (for site area greater than 1500m2).	As approved. No change proposed.	Yes
	C10. The ESCP shall be in accordance with the standards outlined in Managing Urban Stormwater: Soils and Construction by the NSW Department of Housing.	Satisfactory.	Yes

Part G5 - Sustainability, Biodiversity & Environmental Management			
2.1 Groundwater	C1. Operating practices and technology, including dewatering, shall not contaminate groundwater or adversely impact on adjoining properties and infrastructure. Any dewatering activities may require concurrence from the NSW Government. Any application to discharge ground and surface water to Council's stormwater system must be accompanied by a Dewatering Management Plan.	It is expected that groundwater will not be encountered. As approved.	Matter addressed as part of the original consent issued.
	C2. Groundwater is to be recharged, where possible, while still protecting and/or enhancing groundwater quality, using water sensitive urban design.	The site has already been excavated. A recent site inspection shows no evidence of groundwater being intercepted.	N/A
	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.	Not applicable to the development application.	N/A
	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.	Not applicable to the development application.	N/A

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.	The matter concerning land contamination is addressed under the original development consent 2016/164/1 approved by the Sydney West Joint Regional Planning Panel on Thursday 21 December 2017. No change. Note: The site has since been excavated ready for construction work to commence.	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.	The comment provided above in Control C1 is relevant to Control C2.	Yes
2.5 Biodiversity	C1. Development is to be sited and designed to minimise the impact on indigenous flora and fauna, including canopy trees and understorey vegetation, and on remnant native ground cover species.	This will not apply to the development application.	N/A
2.6 Energy efficiency and renewables	C1. New development shall implement energy efficient design and promote renewable energy sources through the inclusion of solar panels, skylights, cross ventilation and other such measures.	This is achieved.	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.	This is noted only.	Noted
	C2. SEPP (Vegetation in Non-Rural Areas) 2017 applies to all trees and vegetation defined as any woody perennial plant that is 4m or greater in height, measured from the base of the tree at ground level to the highest point of live foliage.	There are no trees to be removed from the site under the development application.	Satisfactory.
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.	All the trees across the site have been removed.	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 on the grounds that no trees exist on site.	Yes The site has been excavated ready for construction work.
	C7. Council may require an Arborist Report and/or Tree Protection Plan, to be prepared in accordance with Council's Submission	Not required. An assessment of the report and site conditions demonstrate that the trees on site	N/A

	Requirements for Consulting Arborists' Impact Assessment Report document and submitted with development applications when any existing trees are to be retained.	may be removed as the trees do not have value for the locality.	
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.	Satisfactory.	Yes
Part G8 - Waste Management			
3.2 Commercial development	C1. The number of bins required and size of storage area will be calculated against the current standard NSW commercial waste generation rates are those established by the Combined Sydney Region of Councils set out in Table 1.	Satisfactory.	Yes
3.3 Residential	C1. The waste service requirements for residential developments shall comply with Table 2.	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.	This is achieved.	Yes
	C28. Low rise medium density housing and residential flat building developments must provide a bulky household waste storage area and needs to be that is located adjacent to the communal bin storage area. The area must be designed to accommodate	This is achieved.	Yes

	storage of unwanted bulky household waste such as mattresses, furniture, cardboards, appliances and other goods to be collected by Council's waste collection service.		
3.4 Waste chute and service room requirements	C1. Residential flat buildings containing 4 or more storeys require a system for the transportation of waste from each floor level to the waste and recycling collection room(s). This is in the form of a waste chute system.	A waste chute system is provided to all the levels of the development.	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.	Compliance is achieved.	Yes
3.6 Collection area requirements	C1. All developments must allocate a suitable collection point for collection of waste and recycling bins from either inside the development (on-site) or from kerbside (off-site).	Waste collection will be occurring from within the site. No change to the approval.	Yes
3.7 Collection vehicle requirements	C1. All proposed developments will need to accommodate a Heavy Rigid Vehicle (HRV) for all waste collection.	No change to the approval.	Yes

CDCP 2021 Compliance Table
Development in Business Zones

Relevant Control		Compliance with Requirements	Consistency Objectives
Part C - Development in Business Zones			
2 Relationship with SEPP 65 and Apartment Design Guide	The residential apartment component of shop top housing developments in the Cumberland City LGA will be assessed in accordance with the ADG. The ADG takes precedence over a DCP. Therefore, the DCP provisions do not repeat or seek to vary any controls under the ADG.	This has been undertaken.	Noted

	Where there are inconsistencies between the controls set out in this DCP and the ADG, the ADG shall prevail. Refer to SEPP 65 and the ADG compliance table below.		
3.1 Lot size and frontage	C1. Unless otherwise stated as site specific controls in this DCP, the minimum lot frontage for shop top housing development within Zone B2 Local Centre and Zone B4 Mixed Use shall be: • up to 3 storeys: 20m; and • 4 storeys or greater: 30m.	The size and width of the lot the development is occurring upon is not subject to any change.	Yes As approved.
	C2. Lot size and frontage shall provide an appropriate site configuration that achieves: • adequate car parking area and manoeuvring for vehicles in accordance with AS2890. • ground level frontage that is activated and not dominated by access apertures to car parking areas; and • the required setbacks and building separation set out by this DCP or the Apartment Design Guide.	Compliance is achieved. The shops facing Sherwood Road are retained within their approved setting.	No change to the approval.
	C3. Council may require the consolidation of more than 1 existing land holding to be undertaken in order to meet all the requirements of this development control plan.	All three lots that formed the land parcel have been amalgamated to facilitate the development.	Yes
	C4. Commercial development is not permitted on battleaxe lots.	Noted.	This is not occurring.
	C5. In instances where lot amalgamation in order to meet the requirements of this DCP cannot be achieved, refer to Part A3 of this DCP.	Noted. The provisions do not need to apply to the development site.	Noted.
3.2 Setbacks and separation	C1. Front Setback: Nil (except for B1 Neighbourhood Centre zoned land). A greater setback may be required to align with the predominant street setback.	There are no changes to the Sherwood Road and Coolibah Street setbacks.	Yes As approved.

	C2. For B2 and B4 zones, or unless otherwise stated in site specific controls within this DCP, a street wall height (i.e. podium height) of 3 storeys with a zero setback to the street is required.	The site is located within the E1 Local Centre zone. The podium height is not subject to any change.	Yes No change.
	C3. A minimum 3m setback shall be provided for levels above the street wall height for the podium	This will not apply because the Mays Hill, Finlayson & Sherwood Road Transitway Precinct provisions of Part 6.5 (Control C1) override the stated control. A nil street setback is encouraged for the Sherwood Road frontage.	No change proposed.
	C4. Levels above street wall height are to be setback to ensure visual separation. This may be achieved through upper level setbacks, material variances and/or horizontal recesses.	As suggested above within Control C3, the stated street setbacks from Sherwood Road is governed by Part 6.5 (Control C1) of the Mays Hill, Finlayson & Sherwood Road Transitway Precinct provisions.	Yes No change proposed.
	C5. Council may require alternative street wall heights and setbacks where compatibility with the existing prevailing built form within the immediate context can be demonstrated or is necessary.	Noted.	Noted.
	C6. Where a site adjoins any residential zone (and not separated by a road), the side setback shall be a minimum of 3m.	The site does not adjoin residential zoned land.	N/A
	C7. Rear Setback: 15% of site length where boundary adjoins a residential development or a residential zone.	Control C7 will not apply to the development site.	N/A
3.3 Landscaping and open space	C1. Landscape reinforces the architectural character of the street and positively contributes to maintaining a consistent streetscape character.	The approved landscaping is retained.	Yes
	C2. Landscaping is to form an integral part of the overall design concept.	The approved landscaping is retained.	Yes

	C3. At grade 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 car parks.	Car parking is enclosed within a basement structure. There are no car parking areas exposed at grade.	N/A
	C4. In open parking areas, 1 shade tree per 10 spaces shall be planted within the parking area.	Control C4 will not apply to the development application.	N/A
	C5. Fencing shall be integrated as part of the landscaping theme so as to minimise visual impacts and to provide associated site security.	No fencing proposed or approved.	No change proposed.
	C6. Paving and other hard surfaces shall be consistent with architectural elements.	Satisfactory.	Yes
	C7. For developments with communal open space, a garden, maintenance and storage area are to be provided, which is efficient and convenient to use and is connected to water for irrigation and drainage.	Satisfactory.	Yes
	C8. Street trees shall be planted at a rate of 1 tree per 10 lineal metres of street frontage, even in cases where a site has more than 1 street frontage, excluding frontage to laneways.	No street trees are proposed or required as part of this application. Such matters have been addressed as part of the original development application and associated consent issued.	Yes
	C9. Street tree planning shall be consistent with the relevant Public Domain Plan, strategy, plan, guideline or policy.	The approved outcomes under Development Consent 2016/164/1 are retained.	Yes
	C10. Significant existing street trees shall be conserved. Where there is an absence of existing street trees, additional trees shall be planted to ensure that the existing streetscape is maintained and enhanced.	The approved outcomes under Development Consent 2016/164/1 are retained.	Yes
	C11. Vehicular driveways shall be located a minimum of 3m from the outside edge of the trunk measured 1m above the	Noted.	The position of the driveway is not subject to change.

	existing ground level of any street tree to be retained.		
	C12. Services shall be located to preserve significant trees.	As approved.	Yes
	C13. At the time of planting, street trees shall have a minimum container size of 200 litres and a minimum height of 3.5m, subject to species availability.	As approved.	Yes
	C14. Where buildings are setback from the street, the resulting open space shall provide usable open space for pedestrians.	Control C14 will not apply to the development application.	N/A
	C15. Open space areas are to be paved in a manner to match existing paving or to suit the architectural treatment of the proposed development.	Development consent 2016/164/1 addresses the material finishes of the external concourse area between Buildings A and B.	No change is sought.
3.5 Streetscapes	C1. New shopfronts shall be constructed in materials which complement the existing or emerging character of the area.	Generally, the form of the shopfronts along Sherwood Road remains the same. The form of the rear shop facing Coolibah Street is retained.	Yes
	C2. Development shall provide direct access between the footpath and the shop.	Existing approval granted - Retained.	Yes
	C3. Security bars, and roller shutters are not permitted; however, transparent security grilles of lightweight material may be used.	No such screens are proposed.	Yes
	C4. Signage shall be minimised and coordinated to contribute to a more harmonious and pleasant character for the locality.	No signage is proposed as part of the development application.	N/A
	C5. Require buildings at visually significant locations to be well designed and respond to the different characteristics of the streets the address.	The form of the development remains the same except that one additional floor is proposed for Building A and B and two additional floors proposed for Building C.	Yes
	C6. Development on corner sites will be required to	The site is not situated on a street corner.	N/A

	accommodate a splay corner to facilitate improved traffic conditions.		
	C7. Buildings on corners must address both frontages to the street and/or public realm to: • articulate street corners by massing and building articulation, to add variety and interest to the street. • present each frontage of a corner building as a main street frontage, reflect the architecture, hierarchy and characteristics of the streets they address, and align and reflect the corner conditions; and • development on corner sites will require land to be dedicated to accommodate a splay corner to facilitate improved traffic conditions.	The site is not situated on a street corner.	N/A
3.6 Building use	C1. Ground floor uses in business zones are to comprise non-residential uses.	As approved. No change.	Yes
3.7 Façade design, shopfront and materials	C1. Facade proportions and vertical and horizontal emphasis shall be appropriate to the scale of development and its interaction with the streetscape. Vertical emphasis shall be incorporated above awnings.	Satisfactory.	Yes
	C2. Building facades at street level along primary streets and public places consist of a minimum of 80% for windows/glazed areas and building and tenancy entries.	Satisfactory (Similar to the approval granted).	Yes
	C3. Visible light reflectivity from building materials used on the facades of new buildings shall not exceed 20%.	Satisfactory (Similar to the approval granted).	Yes
	C4. Building services, such as drainage pipes, shall be coordinated and integrated with overall façade and balcony design.	Satisfactory (Similar to the approval granted).	Yes
	C5. Ventilation louvres and carpark entry doors shall be	Satisfactory (Similar to the approval granted).	Yes

	integrated with the design of the overall façade.		
	C6. Security devices fitted to building entrances and windows shall be transparent to allow for natural surveillance, and made of light weight material.	Satisfactory (Similar to the approval granted).	Yes
	C7. The ground floor level must have active uses facing streets and public open spaces.	Satisfactory (Similar to the approval granted).	Yes
	C8. Retail outlets and restaurants are located at the street frontage on the ground level.	Satisfactory (Similar to the approval granted). The Sherwood Road frontage retains its active street presence.	Yes
	C9. Where possible, offices should be located at first floor level or above.	There are no offices approved on the first storey of the development.	N/A No change proposed.
	C10. A separate and defined entry shall be provided for each use within a mixed use development.	Satisfactory (Similar to the approval granted).	Yes
	C11. Street and tenancy numbers shall be located on shopfronts and awnings and shall be clearly visible from the street.	Satisfactory (Similar to the approval granted).	Yes
	C12. Solid roller shutters and security bars, either internal or external, that block out or obscure windows or entrances, are not permitted.	No solid roller shutter doors are proposed for any shopfront facing east or west.	Yes
	C13. High quality design, construction and materials shall be implemented to ensure the building has a long life and requires low maintenance.	Satisfactory (Similar to the approval granted).	Yes
	C14. Building materials and finishes complement the finishes predominating in the area. Different materials, colours or textures may be used to emphasise certain features of the building.	Satisfactory (Similar to the approval granted).	Yes
	C15. New buildings shall incorporate a mix of solid (i.e. masonry concrete) and glazed materials, consistent with the character of buildings in the	Satisfactory (Similar to the approval granted).	Yes

	locality. Active street frontages are to maximise the use of glazing.		
	C16. All street frontage windows located at ground floor level are to be clear glazing.	Satisfactory (Similar to the approval granted).	Yes
	C17. Building finishes should not result in causing glare that creates a nuisance and hazard for pedestrians and motorists in the centre.	Satisfactory (Similar to the approval granted).	Yes
	C18. For advertising on shopfronts, refer to Part G1 of this DCP	No signage is proposed.	N/A
3.8 Ceiling height	C1. The minimum finished floor level (FFL) to finished ceiling level (FCL) in a commercial building, or the commercial component of a building, shall be as follows: • 3.5m for ground level (regardless of the type of development); and • 3.3m for all commercial/retail levels above ground level.	The floor to ceiling height of the ground floor is 3.5 metres accounting for the slab thickness of 200 mm. The floor to ceiling height of the rear tenancy is 4.3 metres. There are no commercial tenancies across any of the upper levels of the development.	Yes
	C2. Refer to the ADG for minimum ceiling heights for all residential levels above ground floor in mixed use developments.	This has been undertaken.	Noted and undertaken.
3.9 Roof design	C1. Roof design shall be integrated into the overall building design.	This is achieved and similar to the original approval.	Yes
	C2. Design of the roof shall achieve the following: • concealment of lift overruns and service plants. • presentation of an interesting skyline. • enhancing views from adjoining developments and public places; and • complement the scale of the building and surrounding development.	Satisfactory (Similar to the approval granted).	Yes
	C3. Roof forms shall not be designed to add to the	Satisfactory (Similar to the approval granted).	Yes

	perceived height and bulk of the building.		
	C4. Landscaped and communal open space areas on flat roofs shall incorporate shade structures and wind screens.	Pergolas are approved across seating areas of the rooftop common open space area of Building A and B.	Yes As approved.
	C5. Communal open space, lift overruns and service plants shall be setback from the building edge so as to be concealed.	Satisfactory (Similar to the approval granted).	Yes
	C6. Roof design is to respond to the orientation of the site, through using eaves and skillion roofs to respond to sun access.	Satisfactory (Similar to the approval granted).	Yes
	C7. Consideration should be given to facilitating the use of roofs for sustainable functions, such as: • installing rainwater tanks for water conservation. • orient and angle roof surfaces suitable for photovoltaic applications; and • allow for future innovative design solutions such as water features or green roofs.	Satisfactory (Similar to the approval granted).	Yes
3.10 Awnings	C1. Continuous awnings are required to be provided to all active street frontages (except laneways).	The approved awning facing Sherwood Road is not subject to any change.	Yes As approved.
	C2. Awnings generally: • should be flat. • must be a minimum 2.4m deep; are to be setback up to 1.2m from kerb to allow for clearance of street furniture, trees, and other public amenity elements. • have a minimum soffit height of 3.2m; and • have slim vertical fascias and/or eaves not to exceed 300mm.	The approved awning facing Sherwood Road is not subject to any change.	Yes As approved.

	C3. Awnings on street corner buildings shall wrap around corners.	The site is not located on a street corner.	N/A
	C4. Awning design must match building facades and be complementary to those of adjoining buildings and maintain continuity.	The approved awning facing Sherwood Road is not subject to any change.	Yes
	C5. Canvas blinds along the street edge are not permitted.	Not proposed.	N/A
	C6. Awnings are to be located over all building entries to indicate entry points.	The approved awning facing Sherwood Road is not subject to any change.	Yes
	C7. In the event of separated buildings, awnings should be complementary to each other in regards to size, design and location.	Not applicable.	N/A
	C8. Awning design shall have consideration of growth pattern of mature trees. Cut outs or offsets in awnings for trees and light poles are not acceptable.	The approved awning facing Sherwood Road is not subject to any change.	Yes
	C9. Lighting fixtures shall be recessed into the design, with all wiring and conduits to be concealed.	No change.	Yes
	C10. The drainage from stormwater from awnings shall not be visible from the footpath and it is to be concealed or recessed into the ground floor frontage of the building.	The approved awning facing Sherwood Road is not subject to any change.	Yes
	C11. Street awnings which appear as horizontal elements along the façade of the building shall be provided as part of all new development.	The approved awning facing Sherwood Road is not subject to any change.	Yes
	C12. Awnings shall provide weather protection and must not be perforated.	As approved.	Yes
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.	Satisfactory - No change to setbacks is occurring.	Yes
	C2. Residential components of mixed use developments are to comply with the controls in Part	This is noted.	Yes

	B of this DCP and the Apartment Design Guide (as applicable).		
	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.	No change to the approval is identified.	Yes
	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.	Satisfactory.	Yes
	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.	Satisfactory.	Yes
	C6. Mixed use developments shall be designed to locate driveways, carports or garages away from bedrooms.	No change to the approval is identified. The driveway access to the development is from Coolibah Street at the rear.	Yes
	C7. Mechanical plant must be visually and acoustically isolated from residential uses.	As approved. No change.	No change
	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:	An updated acoustic report has been submitted with the development application which makes recommendations for addressing noise impacts.	Yes Subject to conditions.

	• 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.	Appropriate conditions are provided by Environment and Health addressing acoustic matters.	
	C9. Where a site adjoins a school, place of public worship or public open space, the building design will: • incorporate an appropriate transition in scale and character along the site boundary(s); and • present an appropriately detailed facade and landscaping in the context of the adjoining land use. This interface shall be identified in the site analysis plan and reflected in building design.	The site does not adjoin any educational establishment or place of public worship.	N/A
	C10. The potential for overlooking of playing areas of schools shall be minimised by siting, orientation or screening.	Not applicable.	N/A
	C11. Fencing along boundaries shared with public open space shall have a minimum transparency of 50%.	Not applicable.	N/A
	C12. Sight lines from adjacent development to public open space shall be maintained and/or enhanced. Direct, secure private access to public open space is encouraged.	Not applicable.	N/A
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	Matters of hours of operation are not relevant to the development application. Such matters will be addressed as part of the fit out and use of	N/A

	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.	individual tenancies within the development.	
	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.	This will not apply to the development application.	N/A
3.13 Solar access	C1. Developments shall be designed to maximise northern aspects for residential and commercial uses.	Compliance is achieved.	Yes
	C2. The living rooms and private open spaces for at least 70% of dwellings on neighbouring sites shall receive a minimum of 3 hours of direct sunlight between 8am and 4pm in midwinter.	The site to the south comprises a car park and a hotel associated with the Coolibah Hotel. Most of the shadowing impacts an open car park and not residents.	Yes
	C3. A minimum of 50% of public open spaces and a minimum of 40% of school playground areas are to receive 3 hours of	Control C3 is not relevant to the development application.	N/A

	daylight between 9am and 3pm in mid-winter.		
	C4. Developments shall be designed to control shading and glare.	Satisfactory.	Yes
	C5. Shadow diagrams (plan and elevation) shall accompany development applications for buildings, to demonstrate that the proposal will not reduce sunlight to less than 3 hours between 8am and 4pm on 21 June.	The shadows generated by the development will fall across the car park owned and operated by the Coolibah Hotel which is a tavern. There are no adverse shadow impacts upon residential properties to the south.	Yes
3.14 Natural ventilation	C1. Natural ventilation is incorporated into the building design.	Satisfactory.	Yes
	C2. Orient buildings to maximise prevailing breezes.	As approved.	No change to the approval.
3.15 Building maintenance	C1. Windows shall be designed to enable cleaning from inside the building.	The new apartments are consistent with those already approved. It will be possible to clean the primary windows as required.	Yes
	C2. Durable materials, which are easily cleaned and graffiti resistant, are to be selected.	The building materials to be used for the development remain the same as the approval.	Yes
	C3. Building maintenance systems are to be incorporated and integrated into the design of the building form, roof and façade.	As approved.	Yes
3.16 Energy efficiency	C1. Improve the control of mechanical space heating and cooling by designing heating/ cooling systems to target only those spaces which require heating or cooling, not the whole building.	As approved.	Yes
	C2. Improve the efficiency of hot water systems by: • encouraging the use of solar powered hot water systems. Solar and heat pump systems must be eligible for at least 24 Renewable	Energy efficiency is covered by the BASIX Certificate. The Certificate suggests 40 and 23 for Water and Energy which is a pass mark.	Yes

	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.		
	C3. Reduce reliance on artificial lighting and design lighting systems to target only those spaces which require lighting at any particular 'off-peak' time, not the whole building.	The BASIX Certificate suggests compliance with the stated water and energy requirements.	Yes
	C4. Incorporate a timing system to automatically control the use of lighting throughout the building.	"As above".	Yes
	C5. All non-residential development Class 5-9 will need to comply with the Building Code of Australia energy efficiency provisions.	"As above".	Yes
	C6. 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 NatHERS Energy Efficiency statement provided demonstrates that the development achieves a 5.5 Star Rating.	Yes
3.17 Water efficiency	C1. New developments shall connect to recycled water if serviced by a dual reticulation system for permitted non potable uses, such as toilet flushing, irrigation, car washing, firefighting and other suitable purposes.	The site is not serviced with a recycled water system.	N/A
	C2. Where a property is not serviced by a dual reticulation	As approved.	No change.

	system, development shall include an onsite rainwater harvesting system or an onsite reusable water resource for permitted non potable uses, such as toilet flushing, irrigation, car washing, firefighting and other suitable purposes. Rainwater tanks shall be installed as part of all new development in accordance with the following: • the rainwater tank shall comply with the relevant Australian Standards. • the rainwater tank shall be constructed, treated or finished in a non-reflective material that blends in with the overall tones and colours of the subject and surrounding development. • rainwater tanks shall be permitted in basements provided that the tank meets applicable Australian Standards. • the suitability of any type of rainwater tanks erected within the setback area of development shall be assessed on an individual case by case basis. Rainwater tanks shall not be located within the front setback; and • the overflow from rainwater tanks shall discharge to the site stormwater disposal system. For details, refer to the Stormwater Drainage Part G4 of this DCP.		
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 and address	No change is sought in terms of crime prevention and safety.	Yes

	relevant controls set out in this section.		
	C2. Buildings (including openings) adjacent to streets or public spaces shall be designed to overlook and allow passive surveillance over the public domain and common areas (i.e. lobbies and foyers, hallways, recreation areas and carparks).	This is achieved and retained.	Yes
	C3. The main entry to a building should face the street.	The primary entrance of the building faces Sherwood Road as approved.	As approved.
	C4. All entrances and exits shall be made clearly visible from the public realm or communal open space to which they face.	Compliance is achieved.	As approved.
	C5. Landscaping and plantings are to be designed to provide uninterrupted sight lines and avoid opportunities for concealment.	The landscaping at grade is retained.	As approved.
	C6. Building entrances, exits, urban public spaces and other main pedestrian routes of travel are required to be appropriately illuminated to minimise shadows and concealment of spaces.	Compliance is achieved.	As approved.
	C7. Hidden recesses along or off pedestrian access routes within car parks shall be avoided.	Compliance is achieved.	As approved.
	C8. CCTV security monitoring of a high definition quality is to be provided.	No change to the approval is sought.	As approved.
	C9. Blind or dark alcoves near lifts and stairwells, at the entrance and within carparks along corridors and walkways are not permitted.	No change to the approval is sought.	As approved.
	C10. Secure entries shall be provided to all entrances to private areas, including car parks and internal courtyards.	No change to the approval is sought.	
	C11. Commercial uses must be separated from residential uses in mixed use developments where access (e.g. lifts) is shared.	The development application retains the separation modes.	As approved.

	C12. Commercial and retail servicing, loading and parking facilities shall be separated from residential, access, servicing and parking.	As approved.	Yes
	C13. Entrances to upper level residential apartments are to be separated from commercial / ground floor entrances to provide security and identifiable addresses.	This is retained.	Yes As approved.
	C14. Shared pedestrian entries to buildings shall be lockable.	As approved.	Yes
	C15. Clear sightlines are to be provided from building entrances, foyers and lobbies into the public realm.	As approved.	Yes
	C16. Loading docks and service entry in the vicinity of main entry areas shall be secured outside business hours.	The loading bay is not subject to significant change.	Yes
	C17. Access to a loading dock, car parking or other restricted areas in a building shall only be available to occupants or users via a large security door with an intercom, code, or card lock system.	As approved.	Yes
	C18. Access from car parks to dwellings should be direct and safe for resident's day and night.	The internal lifts are retained for such access.	Yes
	C19. Security grilles shall: • be at least 70% visually permeable. • not encroach or project over Council's footpaths; and • be made from durable, graffiti-resistant materials.	No security grills are proposed across any of the shopfronts facing the two roads.	N/A
	C20. Security bars are not permitted.	The plans show no security bars for any of the approved ground floor shops.	Noted
	C21. For at risk premises, security measures such as alarms, appropriate lighting and security patrols shall be included.	This is not required for the development site.	N/A
	C22. Adequate lighting shall be provided within a development,	The pedestrian link connecting Sherwood	Yes

	such as pedestrian routes and accessways, common areas and communal open space, car parking areas, all entries and under awnings. Timers and motion sensors may be implemented where appropriate to reduce energy consumption.	Road with Coolibah Street is retained as per the approval. The link is not affected by the changes sought.	
	C23. Pedestrian walkways and car parking shall be direct, clearly defined, visible and provided with adequate lighting, particularly those used at night.	Approved with minimal change proposed.	Yes
	C24. Lighting shall be provided to highlight the architectural features of a building and enhance the identity and safety of the public domain but does not floodlight the façade and avoids shadows.	Satisfactory.	Yes
	C25. Illumination in carparks and building entrances should draw attention to the spaces to increase perceived safety.	As approved.	Yes
	C26. Lighting shall not interfere with the amenity of residents or affect the safety of motorists. Excessive lighting shall not be permitted.	As approved.	Yes
	C27. Site planning shall provide clear definition of territory and ownership of all private, semi-public and public places.	As approved.	Yes
	C28. Demarcate safe routes for pedestrians in car parking areas, using floor markings, ceiling lights and dedicated pedestrian paths.	As approved.	Yes
3.21 Pedestrian access and building entry	C1. The design of buildings shall comply with Australian Standards for Access and Mobility.	As approved. The lifts servicing the development are retained.	No change.
	C2. Access to public areas of buildings shall not have unnecessary barriers or obstructions including uneven and slippery surfaces, steep stairs and ramps, narrow doorways, paths and corridors.	This is achieved.	As approved.
	C3. Developments must provide continuous paths of	This is achieved.	As approved.

	travel from all public roads and spaces, as well as unimpeded internal access.		
	C4. Separate entries from the street are to be provided for cars, pedestrians, multiple uses (commercial and residential) and ground floor apartments.	This is achieved.	As approved and no change identified.
	C5. Entries and associated circulation space is to be of an adequate size to allow movement of furniture.	This is achieved.	As approved.
	C6. Provision of mailboxes for residential units shall be incorporated within the foyer area of the entrance to the residential component of the mixed use developments.	The development is provided with a communication room where such matters are handled. This is the former meter room. The applicant has added in a suitable location which was previously missing.	Yes
3.22 Pedestrian links, arcades, laneways and new streets	Part 3.22 will not apply to the development given that no arcade is approved or proposed. The provisions are not considered on the grounds that no arcade works are proposed.		

Part F4-2
Mays Hill, Finlayson & Sherwood Road Transitway Precinct

F4-2 Mays Hill, Finlayson & Sherwood Road Transitway Precinct			
2. Mays Hill Transitway Precinct			
	The provisions of Part 2 (Subparts 2.2, 2.3, 2.4, 2.5, 2.6, 2.7 and 2.8 do not apply to the development site and are thus not reproduced for the assessment purpose.		
3. Finlayson Transitway Precinct			
	The provisions of Part 3 (Subparts 4.1, 4.2, 4.3, 4.4 and 4.5 do not apply to the development site and are thus not reproduced for the assessment purpose.		
***5. Sherwood Transitway Precinct* (The stated provisions do apply to the site)**			
6.1 Precinct Objectives	Maintain objectives envisaged for the precinct.	Compliance with the objectives are maintained. No change from the original approval.	Yes
6.2 Site consolidation	C1. Amalgamation of lots in accordance with Figure 20 is required for redevelopment	The three lots that formed the site being former Lots 101, 1 and 2 have been amalgamated into one lot	Yes Compliance is achieved.

		to facilitate the development.	
	C2. The minimum lot frontage for all development in the Sherwood Precinct shall be 30m.	Compliance is achieved.	No change on the approval granted.
	C3. Where amalgamation cannot be achieved, the following information must be submitted with any development application: • two written valuations indicating the value of the remaining sites that were to be developed in conjunction with the applicant's properties. These are to be undertaken by two independent valuers registered with the Australian Valuers Institute; and • evidence that a reasonable offer has been made to the owner(s) of the affected sites to purchase and valuation reports.	Control C3 will not apply as there are no site amalgamation issues to address.	N/A
	C4. Where amalgamation (as required) is not achieved, the applicants must show that the remaining sites, which are not included in the consolidation, will still be able to achieve the development outcome prescribed in this part of the Cumberland DCP 2021, including achieving the required vehicular access, basement parking and built form.	Control C4 will not apply as there are no site amalgamation issues to address.	N/A
	C5. Sites must not be left such that they are physically unable to develop in accordance with the prescribed built form outcomes outlined in this DCP. *Note: Potential value can include, (but is not limited to) the land locked site developed jointly with adjoining properties, or on its own, under*	Satisfactory - There are no issues in relation to sites being isolated.	N/A

	Cumberland LEP 2021 and this plan. *A reasonable offer shall be a fair market value and include for all expenses that would be incurred by the owner in the sale of the land locked site.* *Council will accept as documentary evidence a copy of a written offer delivered by registered mail to the affected owner(s) and dated no more than 3 months prior to the date of lodgement of the development application.*		
6.3 Private access ways, vehicular entries and land dedication	C1. Where possible, buildings fronting Sherwood, Centenary or Merrylands Roads, must provide vehicular access from the rear or side, via laneways or secondary roads.	This is achieved. No change to the approval granted. Vehicle access is from Coolibah Street being the rear.	Yes
	C2. Dedication of land at all corners of the intersection of Sherwood Road and Merrylands Road and Centenary Road for public domain improvements is required in accordance with Figure 21 for development.	This is not relevant for the development application.	Noted but not relevant.
	C3. A 12m connecting laneway between Merrylands Road and Coolibah Street is required in accordance with Figure 21.	The connecting laneway as approved is retained. The laneway connects Sherwood Road with Coolibah Street.	Yes Retained and consistent with the approval granted.
	C4. Vehicular access is to be designed in accordance with relevant objectives and controls for vehicular access in Part G.	Compliance is achieved.	Yes
6.4 Building height	C1. The maximum height for development within the Sherwood Transitway Precinct is detailed within the Cumberland Local Environmental Plan 2021.	State Environmental Planning Policy (Housing) 2021 now overrides the local planning controls. The applicant has two height issues to address and mainly for Buildings A and C.	No under SEPP (Housing) 2021. Clause 4.6 Variation request may be supported.

		A Clause 4.6 Variation request for both height variations is lodged for assessment and determined as being acceptable.	
	C2. The maximum building storey limits are detailed in Figure 22.	6 storeys facing Sherwood Road. 4 storeys facing Coolibah Street. State Environmental Planning Policy (Housing) 2021 now overrides the local planning controls.	No SEPP (Housing) 2021 governs the building height.
	C3. Street wall height, setbacks and minimum floor to ceiling heights are referenced in Parts B and C of this DCP.	Street wall heights and setbacks are retained as per the approval granted.	Satisfactory. No change.
6.5 Building setbacks and separation	C1. Setbacks shall be in accordance with Figure 23.	Street setback from Sherwood Road "0" metres. This is retained. Street setback from Coolibah Street 3 metres. This is retained.	Yes No change to the approval granted.
	C2. Development along Sherwood Road is to be built to the boundary of adjoining properties to form a continuous street edge. *Note: Side setbacks, unless indicated otherwise in Figure 23 are to be in accordance with setbacks indicated in Part B or Part C of this plan.*	Side setbacks are not altered.	Yes Consistent with the approval granted.

Part G6 Telecommunication Towers

Part G6 is only considered because the approved building lies close to a Telstra monopole tower. Where relevant, the table addresses this constraint.

Only the relevant portions are considered

Part G - General Controls.			
Part G6 - Telecommunication Towers.			
Health and Safety	C1 - Telecommunication carriers will be required to demonstrate that the development will not cause	The development is approved within 10 metres of a Telstra mobile phone base	Satisfactory in this instance.

	a level of electromagnetic radiation as measured cumulatively across all sources of more than the relevant Australian exposure standard at ground level within 300m of the proposed transmitting facility.	tower which is situated to the south. The tower has a maximum height of 41 metres. The tower is subject to ARPANSA approved environmental radio-frequency (RF) and electromagnetic energy (EME) compliance reporting and associated certification. The applicant has provided an update electromagnetic radiation report addressing the proximity of the tower to the development. The report concludes that the electromagnetic emissions are acceptable. Notwithstanding this, the phone tower will have an impact onto the tower and a line of sight issue is identified. Council officers have since become aware that the applicant is working with the owner of the tower to formulate a resolution which includes a probable relocation of the tower through a commercial agreement. As such, any agreement between private parties is outside the scope of the development application and Council cannot interfere with.	

	C2 - Comply with industry standards recognised by Australian Communications Authority (ACA) as a standard for use in that industry	The comments provided above in C1 are relevant to this Part.	Yes
	C3 - A telecommunications facility must be designed, installed and operated so that the maximum human exposure levels to radiofrequency emissions comply with Radiation Protection Standard - Maximum Exposure Levels to Radiofrequency Fields.	This is achieved.	Yes
	C11 - Do not locate a tower within 6m of any property boundary within a residential zone, to minimise visual impact	The existing tower or monopole is not located within 6 metres of any property zoned residential but the tower is located at least 10 metres from the approved building. Control C11 does have relevance. An updated electromagnetic radiation report has been submitted and prepared by Noel Child. That report has been referred to the owner of the tower (As requested) and referred to the engineers who understand the background and radiation emissions for such towers. The primary issue is a line of sight matter. Council officers have since become aware that the applicant is working with the owner of the tower to formulate a	Satisfactory.

		resolution which includes a probable relocation of the tower through a commercial agreement. As such, any agreement between private parties is outside the scope of the development application and Council cannot interfere with.	
	C12 - Do not locate a tower within 6m of any residential building, to minimise visual impact.	The tower or monopole is located approximately 10 metres from the approved building. The comments provided above under Control C11 are relevant to this Part.	Technical Yes.

DOCUMENTS ASSOCIATED WITH REPORT ELPP015/26

Attachment 10

Appendix E - Design Excellence Panel Minutes

CUMBERLAND COUNCIL

CUMBERLAND DESIGN EXCELLENCE PANEL

MEETING MINUTES

DATE OF MEETING	08/12/2025
MEETING LOCATION	Online
PROPERTY ADDRESS	9 Sherwood Road Merrylands West being Lot 1 in DP 1280481
FILE No.	DA2025/0688
PANEL MEMBERS	Krista McMaster, Sandor Duzs, Clare Johnston
APOLOGIES	Nil
ATTENDEES	
- **COUNCIL STAFF**	Haroula Michael – Executive Planner Michael Lawani – Coordinator Major Development Assessment Esra Calim – Coordinator Planning Operations
- **APPLICANTS**	Estphan Maroun
DECLARATION OF INTEREST	Nil disclosed
REASONS FOR CONSIDERATION BY CDEP	The development is referred to the Design Excellence Panel on the grounds that part of the development exceeds a height of 25 metres when measured from the natural ground level.
APPLICANT PRESENTER	Adam Joseph and Victor
BACKGROUND/PREVIOUS MEETINGS/SITE MEETINGS	The initial DA and modifications were not referred to the DEP as they did not exceed 25m in height. A pre lodgement application was referred to the DEP on 04/04/2025 where feedback for improvements to the design were given.

GENERAL INFORMATION

The Cumberland Design Excellence Panel (the Panel) comments are provided to assist both the applicant in improving the design quality of the proposal, and Cumberland Council in its consideration of the application.

The nine design quality principles provided in SEPP65 Apartment Design Guidelines (ADG) are generally used as a datum to formulate the Panel's Report, notwithstanding that SEPP65 may not directly apply to the application.

The absence of a comment related directly to any of the principles noted does not necessarily imply that the Panel considers the particular matter has been satisfactorily addressed.

PROPOSAL

Amending development application to development consent 2016/164/1 for the addition of one storey to Buildings A and B and two storeys to Building C. Increase in the number of apartments from 90 to 117 including 18 affordable apartments pursuant to State Environmental Planning Policy (Housing) 2021, reconfiguration of the ground floor retail tenancies, basement and at grade parking and a reduction of four car parking spaces.

PANEL COMMENTS

The Panel recognise that this development is subject to an approved DA and as such, elements of the proposed development that remain the same may not be subject to review by the Panel.

The Cumberland Design Excellence Panel Policy notes that the scope of the Panel in considering whether the development exhibits design excellence, should have regard to the following matters which have been covered in this report.

i. *Whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved.*
ii. *Whether the form and external appearance of the development will improve the quality and amenity of the public domain.*
iii. *Whether the development detrimentally impacts on view corridors.*
iv. *How the development addresses the following matters:*

    a) *The suitability of the land for development;*
    b) *Existing and proposed uses and use mix;*
    c) *Heritage issues and streetscape constraints;*
    d) *The location of any tower proposed, having regard to the need to achieve an acceptable relationship with other towers (existing or proposed) on the same site or on neighbouring sites in terms of separation, setbacks, amenity and urban form;*
    e) *Bulk, massing and modulation of buildings;*
    f) *Street frontage heights;*
    g) *Environmental impacts such as sustainable design, overshadowing, wind and reflectivity;*
    h) *The achievement of the principles of ecologically sustainable development;*
    i) *Pedestrian, cycle, vehicular and service access and circulation requirements; and*
    j) *The impact on, and any proposed improvements to, the public domain.*

As an advisory Panel that provides expert design feedback to promote improved design quality and better built form, the Panel have made comment on the proposal as a whole with a view to ensuring improved outcomes for the community, the developer and future residents of the development.

Summary of Proposed Modifications to approved DA

- Retail reduced by 90m2
- Residential mix skewed towards 2 bed apartments
- Addition of 18 x 2 bed affordable housing units
- Height of buildings increased - Block A +3.78m, Block B +2.45m, Block C +6.81m

- Usable common open space provision reduced by approximately 54m2

Height of Buildings

- Proposed height Block A - 22.23m, permissible 22.1m
- Proposed height Block B - Complies
- Proposed height Block C - 29.2 metres. However, one cut away drawing shows a structure rising 900mm above to 30.1 metres which appears inconsistent with the plan set. Amendments required to reach compliance.

FSR

- FSR calculations and provision of affordable housing uplift to be discussed with Council to resolve discrepancies in the applicant calculations

Relationship to context

- The documentation is presented in isolation with no context. It is not possible to understand the proposed form and its relationship to surroundings. The Panel recommend including neighbouring buildings across all drawings in plan, section and elevation.
- No perspective views or photomontages have been attached to the documentation.
- The street level plans are not clear – it is difficult to understand the design intention.

Landscape

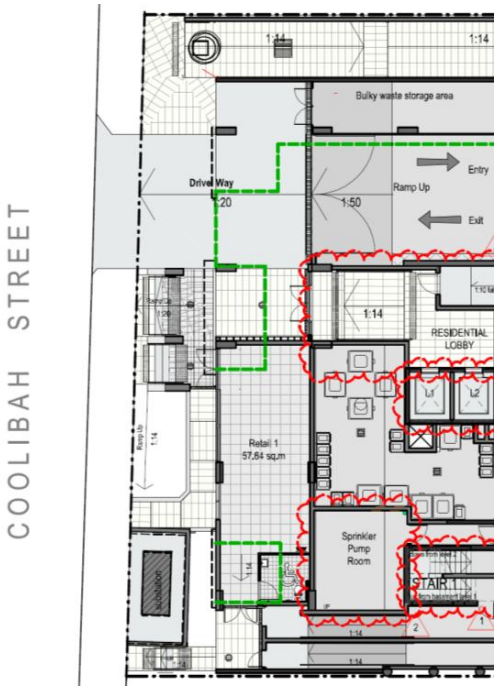
- Best practice design principles for urban environments would allow for a deep soil zone on site to help to mitigate heat and storm water. Part 3E of the Apartment Design Guide requires a provision on 7% of the site as deep soil zone. The existing DA proposes 0% of the site to deep soil and was approved despite non-compliance with this development standard.
- Section 19(2)(b) of SEPP (Housing) 2021 to the relevant provisions for at grade landscaping which is calculated at 15% or 560.7 square metres. The applicant is encouraged to provide landscape improvements where possible. If this cannot be delivered on site, contributions to street based public domain are encouraged in consultation with Council (see street interface comments)

Apartment amenity

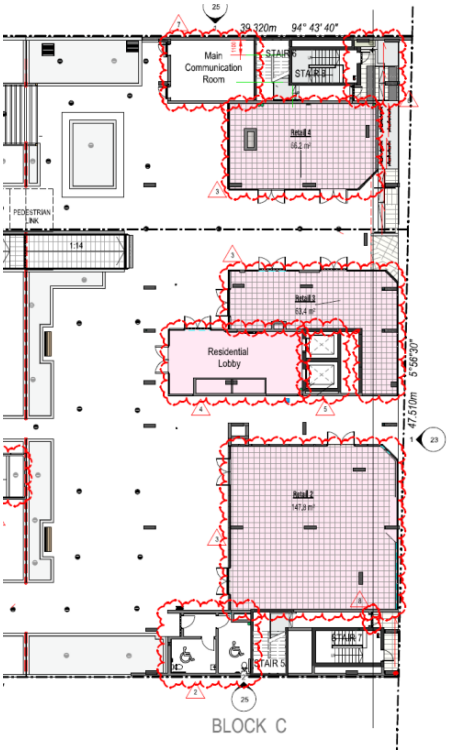
- Review all balconies to ensure compliance with minimum standards set out in ADG Part 4E.
- The ceiling height for the building must be equal to, or greater than, the recommended minimum ceiling heights specified in Part 4C of the ADG. The proposal provides a floor to ceiling height of 2.7metres on the first floor, whereas a 3.3 metres floor to ceiling is required by the ADG, this results in a 600 mm non-compliance. This is not supported by the Panel and must be revised to meet compliance. Any carry-on effects to the building height must remain within height limits.
- Bike parking to be numbered on the plan to ensure compliance of the provision. Bike parking areas are best collocated with proximity to the parking entry/lift cores for easy access.
- Provide detail on the intended use of the shared residential amenity to ensure variety and functionality.

Street Interface

- Greater detail required on all boundary levels to ensure safe and accessible street interface can be achieved.
- Current proposed interface to Coolibah Street requires ramping and stepping up from residential lobbies and retail to the street, creating conditions which are hidden from street view and potentially dangerous. This condition must be addressed to improve public safety.
- At Coolibah Street the retail tenancy is small, with poor sightlines from the street and unclear connections to loading and servicing.
- At Sherwood Road there is no detail on how the proposal meets the existing fall of the footpath (see image below). It is difficult to see this as a viable offer for retail/commercial tenants. Requires review to increase the quality of the offer and its potential contribution to the liveliness of the street.



- Insufficient detail provided on proposed interface with Sherwood Road. Drawings appear incomplete.
- The applicant should provide greater detail on intended public domain upgrades, including:
    - Add the footpath to ground floor and site plans, sections and elevations
    - Workshop proposed upgrades with Council ahead of lodgement
    - Propose awnings to protect the footpath
    - Propose street trees
    - Proposed street furniture
- The through site link proposed is an extremely poor example of public domain design - in its current form, it is not-supported by the Panel. The proposed connection is not visible from the street, there is no detail provided on its management, lighting, surveillance or hours of use. If realised this would likely be an unsafe part of the neighbourhood that might encourage undesirable activity.
- In the DEP the applicant mentioned there is a requirement to provide a through site connection to a future supermarket. The applicant is encouraged to engage with Council to confirm this requirement is still needed. If it is, collaborative re-design is recommended.



- No detail provided on proposed materiality for the building. The Panel is unable to support the materiality strategy without sufficient detail.

Servicing

- Intention to divert the sewer pipe that crosses the site is noted. Early engagement with relevant approval authorities required with agreement on proposed redirection to support amendments.
- Seek input from qualified traffic consultant as proof of concept for loading strategy. Swept paths look to be very tight. Please include a traffic strategy which identifies the vehicle class designed to and the number of predicted truck movements per day.
- Fire egress strategy seems to be unnecessarily over-complicated.
- Storage / bicycle storage strategy to be reviewed.
- Detail required on waste strategy. There is no provision for garbage rooms on residential floors.
- Detail with regard to the proposed substation is required.

Sustainability

- To achieve design excellence, the development must incorporate clearly defined and achievable sustainability commitments to minimise its impact on the environment. Consideration should be given to adopting a sustainability tool to measure the performance of the development such as Greenstar, Living Building Challenge or an appropriate equivalent.

  As a minimum the proposal should aim to include the following in order to achieve design excellence:

  - Passive solar design principles incorporated, including appropriate shading to glazing.
  - An uplift above minimum BASIX requirements.
  - Inclusion of ceiling fans to all living areas and bedrooms.
  - Solar Panels and/or batteries for energy generation and management.
  - No gas.
  - Capacity for EV charging.
  - A 100% renewable energy contract for the development.
  - More than ADG minimums for solar and cross-ventilation performance.
  - High levels of insulation and air-tightness, coupled with a breathable façade.
  - Extensive landscaping and allowance for a continuous tree canopy.
  - Reductions in embodied energy via use of sustainable materials.

- A minimum of one substantial building element designed for disassembly at end of life.

A more detailed comments in relation to the project are summarised in the following table:

A. DESIGN EXCELLENCE	
Whether a high level of architectural design, materials and detailing appropriate to the building type and location will be achieved	Not enough detail provided; Panel unable to support materiality strategy without sufficient detail.
Whether the form and external appearance of the proposed development will improve the quality and amenity of the public domain	Not enough information provided – however based on the GF plan there are concerns about the amenity of the public domain Through site link design not supported; lack of detail on public domain upgrades, street furniture, awnings, and street trees. Extensive landscaping and tree canopy recommended.
Whether the proposed development detrimentally overshadows an area shown distinctively coloured and numbered on the sun plane protection map	No specific overshadowing analysis provided, but increased building heights are likely to impact overshadowing.
B. HOW THE DEVELOPMENT ADDRESSES THE FOLLOWING	
Suitability of the land for development	The location is a suitable for development of this type. The architectural response (including height, FSR and floor plan) are not supported based on the design documentation reviewed.
Existing and proposed uses and land mix	Changes to the proposal since the DA was approved include retail reduced by 90m^2; residential mix skewed towards 2-bed apartments; addition of 18 x 2-bed affordable housing units. Usable common open space provision reduced by approximately 54m2 and heights of Buildings A and C have increased beyond the permissible heights. Whilst the proposal is for increased apartment numbers, the amenity for residents has been reduced.
Heritage issues and streetscape constraints	No heritage issues noted; streetscape constraints include unclear street level plans and poor retail interface at Coolibah Street and Sherwood Road.
The location of any tower proposed, having regard to the need to achieve an acceptable relationship with other towers (existing or proposed) on the same site or neighbouring sites in terms of separation, setbacks, amenity and urban form.	Documentation lacks context; neighbouring buildings not shown in plans, sections, or elevations. Panel recommends including these for context.
Bulk massing and modulation of buildings	Building heights increased: Block A +3.78m (proposed 22.23m, permissible 22.1m), Block B +2.45m (complies), Block C +6.81m (proposed 29.2m, one drawing shows

	30.1m, amendments required). Usable common open space reduced by ~54m^2.
Street frontage height	Greater detail required on boundary levels; interface to Coolibah Street and Sherwood Road needs improvement for safety and accessibility.
Environmental impacts such as sustainable design, overshadowing, wind and reflectivity	Sustainability measures are not described. The Panel recommend: solar panels, EV charging, no gas, high insulation, renewable energy contract, above minimum BASIX, passive solar design, cross-ventilation, and reduced embodied energy.
The achievement of the principles of ecologically sustainable development	See above; proposal should adopt a sustainability tool (e.g., Greenstar, Living Building Challenge).
Pedestrian, cycle, vehicular, and service access, circulation and requirements	Bike parking to be numbered and collocated for access; loading strategy needs traffic consultant input; fire egress strategy over-complicated; storage/bicycle storage to be reviewed; waste strategy lacking garbage rooms on residential floors; detail required on substation and sewer diversion.
Impact on, and any proposed improvements to, the public domain	Insufficient detail on public domain upgrades; footpath, street furniture, and trees to be added; through site link design not supported; collaborative redesign with Council recommended for supermarket connection.
Key issues, further comments and recommendations	Landscape provision below best practice; deep soil zone not provided (0% vs required 7%). At-grade landscaping required (15% or 560.7m^2).

RECOMMENDATION

The Panel agrees that the proposed development does not achieve the principles set out in the City of Cumberland Design Excellence Policy.
Significant amendments are required based on the listed comments and recommendations. Noting that there is an existing DA approval, the design documented in this application presents significant concerns which need to be addressed including;

- Design of the east-west pedestrian link
- Interface with adjoining properties
- Interface with public domain
- After hours security
- CPTED compliance
- ADG compliance

DOCUMENTS ASSOCIATED WITH REPORT ELPP015/26

Attachment 11

Appendix F - Applicants Response to Design Excellence Panel comments

Appendix F
Design Excellence Panel Minutes and Applicants discussion

Issue raised by the Panel

1 - Height of Buildings

- Proposed height Block A - 22.23m, permissible 22.1m.
- Proposed height Block B - Complies.
- Proposed height Block C - 29.2 metres. However, one cut away drawing shows a structure rising 900mm above to 30.1 metres which appears inconsistent with the plan set.

Amendments required to reach compliance.

Applicant's response

Architectural documentation has been reviewed and refined. Block A has been adjusted to ensure full compliance with the maximum building height permitted under SEPP (Housing) 2021 uplift provisions other than a very minor exceedance that is addressed in a Clause 4.6 request.

The 30.1m reference relates to a documentation anomaly associated with parapet/plant notation. All drawings have been reconciled and corrected. The maximum architectural height remains within the permissible uplift envelope (29.9m).

The overall communal open space provision (1,179.26 sq m / 31.5% of site area) remains consistent with the approved DA. The referenced reduction relates to minor internal circulation reconfiguration and does not materially reduce functional communal space.

Planning comment

The errors previously made within the plan set have been corrected. The height is now correct and an appropriate Clause 4.6 Variation request for height is now lodged to support the development application.

The variations are relatively minor in extent as outlined within the primary report for Panel consideration.

The common open space is calculated at 805.69 square metres which is an increase on the most recent consent which is supported. The applicant's higher figure of 1,179.26 square metres accounts for large inaccessible planter boxes situated across parts of the podium level that form privacy screens. This is acknowledged but when discounting this area, the real figure is slightly over 800 square metres which is supported.

Issue raised by the Panel

2 - FSR

- FSR calculations and provision of affordable housing uplift to be discussed with Council to resolve discrepancies in the applicant calculations.

Applicant's response

FSR has been recalculated in accordance with CLEP 2021 and SEPP (Housing) 2021 bonus provisions. The amended FSR remains within permissible uplift limits. Detailed FSR tables have been provided for Council's review. There are now 19 affordable units.

The proposal provides 15% of total GFA as affordable housing for a 15-year period, consistent with SEPP (Housing) 2021 requirements. Affordable units are integrated within Blocks C and Lot 101.

Planning comment

The floor space ratio issue has been resolved following a complete review and through the provision of an extra affordable housing apartment within the development. It was always recognised that the appropriate solution was the addition of extra affordable housing apartments across certain portions of the development within the area floor space ratio controls. The issue is addressed and compliance is now achieved.

Issue raised by the Panel

3 - Relationship to context

- The documentation is presented in isolation with no context. It is not possible to understand the proposed form and its relationship to surroundings. The Panel recommend including neighbouring buildings across all drawings in plan, section and elevation.
- No perspective views or photomontages have been attached to the documentation.
- The street level plans are not clear - it is difficult to understand the design intention.

Applicant's response

The amending DA contains sufficient information in terms of context noting existing relationships do not meaningfully change.

Additional streetscape elevations and 3D massing views have been prepared to demonstrate the relationship of the additional storeys to the surrounding built form.

Ground floor plans have been redrafted to clearly show boundary levels, retail interfaces, footpath relationships and pedestrian circulation. However, it is noted that these are largely unchanged from the prior approval.

The approved podium footprint, setbacks and street wall conditions remain unchanged.

The amendment does not alter the ground plane built form.

Planning comment

The information supplied by the applicant is accurate. The concept of the approved development remains the same. The approved podium footprint, setbacks and street wall conditions remain the same.

The context of the locality has not changed and the additional height has no appreciable impact upon adjoining sites.

It is noted that a mobile phone tower is situated close by but Council is now fully aware that the applicant and owner are in discussion with a view of signing a contract in due course to assist in its relocation.

Issue raised by the Panel

4 - Landscape

- Best practice design principles for urban environments would allow for a deep soil zone on site to help to mitigate heat and storm water. Part 3E of the Apartment Design Guide requires a provision on 7% of the site as deep soil zone. The existing DA proposes 0% of the site to deep soil and was approved despite non-compliance with this development standard.
- Section 19(2)(b) of SEPP (Housing) 2021 to the relevant provisions for at grade landscaping which is calculated at 15% or 560.7 square metres. The applicant is encouraged to provide landscape improvements where possible. If this cannot be delivered on site, contributions to street based public domain are encouraged in consultation with Council (see street interface comments)

Applicant's response

The approved DA established a podium condition with no deep soil. This amending DA does not alter site coverage or reduce landscaping. The proposal does not worsen the previously approved condition.

Total landscaped area remains as per the prior approval. The proposal does not alter this and a Clause 4.6 is provided for the historical shortfall.

Additional planter reinforcement and streetscape planting have been reviewed. Landscape quantum remains unchanged from the approved scheme but the rooftop COS is enhanced with greater area.

Planning comment

The development is approved in this format and the site has already been excavated for development works to commence. The development application does not alter site coverage or reduce the amount of landscaping provided across the site.

A variation to landscaping is identified and a Clause 4.6 Variation request is provided. The shortfall is part of an historic approval granted.

Landscaping is generally consistent with the approval granted and common areas are satisfactory.

Issue raised by the Panel

5 - Apartment amenity

- Review all balconies to ensure compliance with minimum standards set out in ADG Part 4E.
- The ceiling height for the building must be equal to, or greater than, the recommended minimum ceiling heights specified in Part 4C of the ADG. The proposal provides a floor to ceiling height of 2.7metres on the first floor, whereas a 3.3 metres floor to ceiling is required by the ADG, this results in a 600 mm non-compliance. This is not supported by the Panel and must be revised to meet compliance. Any carry-on effects to the building height must remain within height limits.
- Bike parking to be numbered on the plan to ensure compliance of the provision. Bike parking areas are best collocated with proximity to the parking entry/lift cores for easy access.
- Provide detail on the intended use of the shared residential amenity to ensure variety and functionality.

Applicant's response

All balconies have been reviewed against ADG Part 4E minimum area and depth standards. Compliance has been confirmed.

The reference relates to retail interface areas. Residential ceiling heights comply with ADG Part 4C. Retail tenancy ceiling heights are consistent with commercial requirements under DCP and NCC standards.

Bicycle parking spaces are now clearly numbered and located adjacent to lift cores and basement entry points for ease of access.

Communal open space plans now identify seating areas, landscaped zones, BBQ facilities and passive recreation areas to demonstrate functionality.

Apartment amenity standards are maintained or improved relative to the approved DA.

Cross-ventilation performance has increased.

Planning comment

All balconies have been reviewed against ADG Part 4E minimum area and depth standards. There is a small number of balconies within Building A, B and V that are undersized by up to 0.7 of 1 square metre or 7%. The additional floors replicate the approved floors and position and layout of apartments above and below. This includes size and position of balconies. The variation is considered minor and not impacting residential amenity to any significant degree.

The floor to ceiling heights of each apartment is compliant with the Building Code of Australia. A Clause 4.6 Variation request for the floor to ceiling heights of the Level 1 departments is required and considered acceptable given the historic nature of the variation presented. It is considered reasonable to support this given the circumstances that prevail.

The bike parking areas are satisfactory.

The common open space provides appropriate amenity and features to ensure their use.

Cross ventilation is satisfactory.

Issue raised by the Panel

6 - Street Interface

- Greater detail required on all boundary levels to ensure safe and accessible street interface can be achieved.
- Current proposed interface to Coolibah Street requires ramping and stepping up from residential lobbies and retail to the street, creating conditions which are hidden from street view and potentially dangerous. This condition must be addressed to improve public safety.
- At Coolibah Street the retail tenancy is small, with poor sightlines from the street and unclear connections to loading and servicing.
- At Sherwood Road there is no detail on how the proposal meets the existing fall of the footpath (see image below). It is difficult to see this as a viable offer for retail/commercial tenants. Requires review to increase the quality of the offer and its potential contribution to the liveliness of the street.
- Insufficient detail provided on proposed interface with Sherwood Road. Drawings appear incomplete.
- The applicant should provide greater detail on intended public domain upgrades, including:
    - Add the footpath to ground floor and site plans, sections and elevations.
    - Workshop proposed upgrades with Council ahead of lodgement.
    - Propose awnings to protect the footpath.
    - Propose street trees.
    - Proposed street furniture.
- The through site link proposed is an extremely poor example of public domain design - in its current form, it is not supported by the Panel. The

proposed connection is not visible from the street, there is no detail provided on its management, lighting, surveillance or hours of use. If realised this would likely be an unsafe part of the neighbourhood that might encourage undesirable activity.

- In the DEP, the applicant mentioned there is a requirement to provide a through site connection to a future supermarket. The applicant is encouraged to engage with Council to confirm this requirement is still needed. If it is, collaborative re-design is recommended.
- No detail provided on proposed materiality for the building. The Panel is unable to support the materiality strategy without sufficient detail.

Applicant's response

The proposal retains the existing access arrangements in this respect noting it is an Amending DA and relates to the upper most levels.

Retail tenancies have been rationalised to improve visibility and entry clarity from Sherwood Road.

Public domain treatment schedule provided including footpath alignment, awnings, street tree planting and integration with Council's streetscape strategy was previously considered in the prior approval.

The through-site link was a component of the approved DA and remains unchanged in location and width.

CPTED was previously considered in the prior approval with the design of this area and this is largely not changing.

A supermarket is not proposed in this scheme.

Planning comment

The development application retains all existing access arrangements, levels and general layout. The development application supports minor alterations across parts of the ground level or podium level and with bulk of the changes limited to the additional floors sought. Furthermore:

- The Coolibah Street retail tenancy is not affected by the development application.
- The public domain is not affected by the development application.
- An awning approved for the Sherwood Road frontage is not affected by the changes sought.
- The site link is approved and not subject to any change.
- A supermarket is not proposed as part of the development application.

Issue raised by the Panel

7 - Servicing

- Intention to divert the sewer pipe that crosses the site is noted. Early engagement with relevant approval authorities required with agreement on proposed redirection to support amendments.
- Seek input from qualified traffic consultant as proof of concept for loading strategy. Swept paths look to be very tight. Please include a traffic strategy which identifies the vehicle class designed to and the number of predicted truck movements per day.
- Fire egress strategy seems to be unnecessarily over-complicated.
- Storage / bicycle storage strategy to be reviewed.
- Detail required on waste strategy. There is no provision for garbage rooms on residential floors.
- Detail with regard to the proposed substation is required.

Applicant's response

Hydraulic engineers have commenced coordination with Sydney Water. Final approvals to be secured at Construction Certificate stage.

Updated Traffic Impact Assessment includes vehicle class analysis and swept path diagrams confirming serviceability.

Fire engineer has reviewed and rationalised egress strategy where feasible while maintaining NCC compliance.

Updated Waste Management Plan confirms dedicated residential waste storage areas consistent with the approved DA.

Electrical engineering documentation has been provided confirming compliant substation location and access arrangements.

Planning comment

The applicant's response in relation to the Sydney Water sewer main is noted. The sewer main is addressed through conditions numbered 5 and 110 of Modification consent 2020/0414.

Council engineers have raised no objection to the changes and additions sought subject to conditions.

The applicant's response in relation to fire safety is noted. Conditions are provided addressing National Construction Codes and fire safety.

Waste removal is satisfactory.

The substation is not subject to the development application. It is approved and not changing.

Issue raised by the Panel

8 - Sustainability

- To achieve design excellence, the development must incorporate clearly defined and achievable sustainability commitments to minimise its impact on the environment. Consideration should be given to adopting a sustainability tool to measure the performance of the development such as Greenstar, Living Building Challenge or an appropriate equivalent.

  As a minimum the proposal should aim to include the following in order to achieve design excellence:

  - Passive solar design principles incorporated, including appropriate shading to glazing.
  - An uplift above minimum BASIX requirements.
  - Inclusion of ceiling fans to all living areas and bedrooms.
  - Solar Panels and/or batteries for energy generation and management.
  - No gas.
  - Capacity for EV charging.
  - A 100% renewable energy contract for the development.
  - More than ADG minimums for solar and cross-ventilation performance.
  - High levels of insulation and airtightness coupled with a breathable façade.
  - Extensive landscaping and allowance for a continuous tree canopy.
  - Reductions in embodied energy via use of sustainable materials.
  - A minimum of one substantial building element designed for disassembly at end of life.

Applicant's response

Noted - BASIX is provided.

Orientation retained; shading devices incorporated.

BASIX certificate exceeds minimum requirements. This is likely to have a capacity of 20 kw.

Rooftop photovoltaic system incorporated.

This comment is noted however the proposal is an amending DA and meets BASIX requirements.

Provision for EV charging infrastructure in basement is available. The building will need to incorporate updated EV ready provisions. This focuses on installing the necessary electrical infrastructure such as conduits, cabling pathways and adequate distribution capacity. We will provide:

- *Appropriate cable pathways are provided to all parking bays:*
- *Switchboard capacity is adequate for the future load.*
- *Provision is made for load management systems.*
- *Metering and embedded network considerations are incorporated into the design.*

Planning comment

The BASIX Certificate demonstrates compliance with the water and energy provisions although it is noted that a score of 23 for “Energy” use is slightly better than the minimum score of 20 required.

The orientation of apartments is satisfactory.

The applicant has advised that a rooftop photovoltaic system will be installed across the roof of the development (Most likely Building C) based upon a concept shown on the shadow diagrams. This is satisfactory and likely to be exempt development. It is noted that the applicant is willing to accept a condition requiring a minimum 20 kw system to be installed for the development which is acceptable.

A condition may be added to the recommendation addressing EV charging infrastructure given that the applicant is willing to install such a system into the basement car park area.

DOCUMENTS ASSOCIATED WITH REPORT ELPP015/26

Attachment 12

Plans approved under Modification Consent 2020/0414

SECTION 4.55

PROPOSED SHOP TOP HOUSING DEVELOPMENT

SITE AREA

LOT 1
Site Area = 3,171.4 sq m
Floor Area = 6,814.84 sq m
F.S.R = 2.15:1

LOT 101
Site Area = 563.2 sq m
Floor Area = 1,384.08 sq m
F.S.R = 2.45:1

TOTAL Private Common Open Space Area	=	1,179.26 sq m (31.5%)
TOTAL Public Open Space Area	=	992.45 sq m (26.57%)
TOTAL Landscaped Area	=	921.65 sq m (24.26%)

F.S.R CALCULATIONS

	Lot 1 Area = 3,171.4 sq.m	Lot 101 Area = 563.2 sq.m
Level 1	163.78 sq.m	
Level 2	1,192.46 sq.m	94.65 sq.m
Level 3	1,405.5 sq.m	225.11 sq.m
Level 4	1,405.5 sq.m	225.11 sq.m
Level 5	1,358.6 sq.m	225.11 sq.m
Level 6	433.0 sq.m	204.7 sq.m
Level 7	428.0 sq.m	204.7 sq.m
Level 8	428.0 sq.m	204.7 sq.m
Proposed GFA	6,814.84 sq.m	1,384.08 sq.m
Proposed FSR	2.15:1	2.45:1

RETAIL AREAS

Retail 1	62.40 sq.m
Retail 2	103.28 sq.m
Retail 3	165.10 sq.m
Retail 4	94.65 sq.m
Proposed GFA	425.43 sq.m

SPACE PROVISIONS

	Residents car spaces	Residents Adaptable car spaces	Visitors car spaces	Commercial Parking for Business/Retail Premises/Tenancies	TOTAL CAR SPACES	Storage spaces	Loading Bays	Bicycle Parking
Basement 1	71	11	0	0	82	45	0	46
Level 1	10	2	18	33	63	24	2	24
PROPOSED TOTAL.	94		18	33	145	69	2	70

SOLAR ACCESS & CROSS VENTILATION

Description	Total
Number of Units with living areas receiving 2 hours minimum solar access on 21st June	78 (86.6%)
Number of Units with 0 solar access	9 (10%)
Number of Units with cross ventilation	71 (78.8%)

UNIT BREAKDOWN

	1 Bed	2 Bed	2 Bed + Study	3 bed	TOTAL	Commercial
Level 1						1
Level 2	1	3		5	9	3
Level 3	1	16	1	1	19	
Level 4	1	16	1	1	19	
Level 5	3	16			19	
Level 6	2	6			8	
Level 7	2	6			8	
Level 8	2	6			8	
TOTAL	12	69	2	7	90	4
%	13.4%	76.7%	2.2%	7.7%		

Adaptable Units - 02, 03, 11, 15, 18, 22, 26, 29, 32, 33, 34, 37, 40
TOTAL = 13 units

ISSUE GG - AMENDMENTS - 30.06.21
1. Site Calculations & Unit Breakdown Amended as a result of the Units being removed from Level 6 Block B
2. Car parking provision amended

ISSUE HH - AMENDMENTS - 17.08.21
1. Site Calculations amended.
2. FSR Calculations amended.
3. Solar Access Calculation amended.
4. Car parking provision amended

ISSUE II - AMENDMENTS - 07.09.21
1. Site Calculations amended.
2. FSR Calculations amended.
3. Solar Access Calculation amended.
4. Car parking provision amended
5. Retail Areas amended
6. Drawing 24a - Driveway Section & Site Details added.

ISSUE JJ - AMENDMENTS - 14.09.21
1. Site Calculations amended.
2. Retail Areas amended
3. FSR Calculations amended.
4. Clerestory Skylight Solar Details Drawing Added

DRAWING LIST

.	00	Site Analysis	
.	01	Basement Level 1	1:400 @A3
.	02	Level 1	1:400 @A3
.	03	Level 2	1:400 @A3
.	04	Level 3	1:400 @A3
.	05	Level 4	1:400 @A3
	06	Level 5	1:400 @A3
.	07	Level 6	1:400 @A3
.	08	Level 7 & 8	1:400 @A3
.	09	Roof Level	1:400 @A3
.	10	East Elevation Sherwood Road	1:200 @A3
.	11	West Elevation Coolibah Street	1:200 @A3
.	12	North - South Elevations	1:400 @A3
.	13	Site Elevations	1:200 @A3
	13a	Site Elevations 2	1:200 @A3
	13b	Building Height Details	1:200 @A3
.	14	Site Sections	1:400 @A3
.	15	Units Layouts	1:100 @A3
.	16	Units Layouts	1:100 @A3
.	17	Units Layouts	1:100 @A3
.	18	Units layouts	1:100 @A3
.	19	Shadow Diagram 9 am - 21st June	1:500 @A3
.	20	Shadow diagram 12 noon - 21st June	1:500 @A3
.	21	Shadow Diagram 3 pm - 21st June	1:500 @A3
.	22	Prelim Model Images and Building Height Plane	Varies
.	23	Demolition Plan	1:400 @A3
.	24	Ramp Details	1:100 @A3
	24a	Driveway Section & Site Details	Varies
.	25	Waste Management Plan & Mailbox Details	Varies
.	26	FSR Calculation Diagrams	1:1000 @A3
.	27	3D Shadow Diagrams - Coolibah Hotel	Varies
.	28	Solar Access - Level 2	1:400 @A3
.	29	Solar Access - Level 3	1:400 @A3
.	30	Solar Access - Level 4	1:400 @A3
.	31	Solar Access - Level 5	1:400 @A3
	31a	Clerestory Skylight Solar Details	1:50 @A3
.	32	Solar Access - Level 6	1:400 @A3
.	33	Solar Access - Level 7	1:400 @A3
.	34	Solar Access - Level 8	1:400 @A3
.	35	Sections - Sewer Pipe Clearance	1:100 @A3
.	36	Section - Sewer Pipe/Shaft Detail	1:50 @A3
	37	Massing 3D - Approved vs Proposed	Varies
	38	Private Common & Public Open Space Diagram	1:400 @A3
	39	3D Building Height Plane	1:400 @A3
	40	Substation Details	1:100 @A3
	41	Substation Details 2	1:100 @A3



9 Sherwood Road, Merrylands

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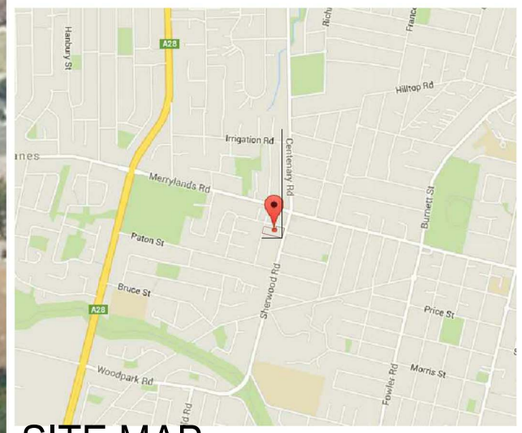
ryleton pty ltd t/as architex
abn 32 003 315 142

0 m 1 2m 5m



SITE ANALYSIS
1:500



SITE MAP
not to scale

Issue	Issue description	Date
A	Development Application	03-05-16

architex
Hyecorp pty ltd trading as Architex
abn 32 003 315 142
Level 3, 7K Parkes Street
Parramatta NSW 2150
T : 9633 5888
M : 0418 402 919
email@architex.com.au
www.architex.com.au

SECTION 4.55

Project
PROPOSED SHOP TOP HOUSING DEVELOPMENT

Project Address
9 Sherwood Road, Merrylands

Client
.

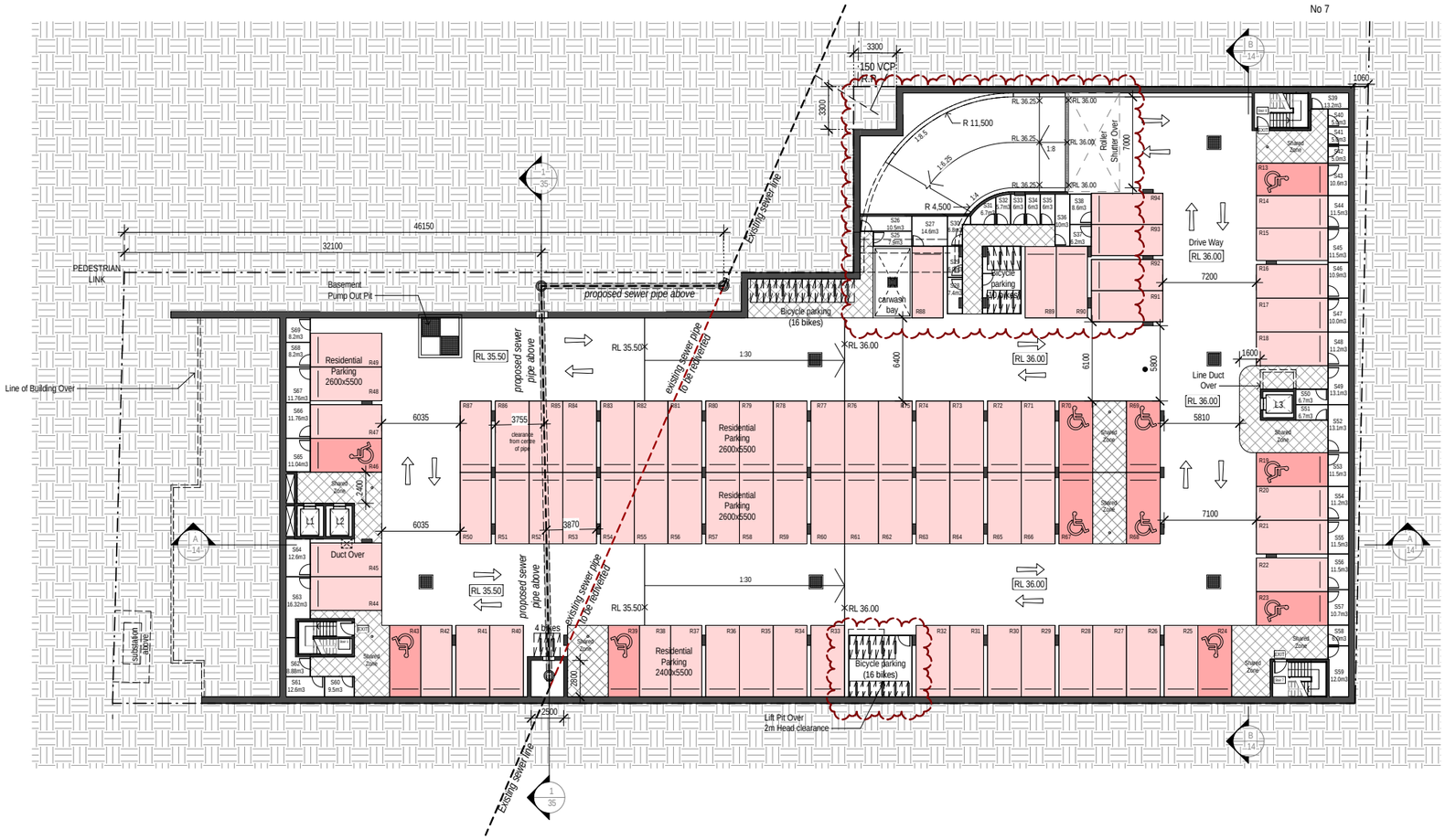
Title
Site Analysis

Drawn	Scale	Checked
Author	1 : 500	Checker
Job No	Drawing No.	Issue
2220	.00	A

CUMBERLAND CITY COUNCIL

THESE PLANS WERE APPROVED BY THE LAND AND ENVIRONMENT COURT UNDER CONSENT ORDER NO. 2021/00103440

DATED 2 November 2021



1 Basement Level 1

1:400 @A3

R Residential Parking Spaces 2600x5500mm

V Residential Visitor Parking Spaces 2600x5500mm

C Commercial Parking for Business/Retail Premises/Tenancies 2600x5500mm

0 m 2 4m 10m

True Northpoint

Do not scale, check and verify all dimensions before commencing new work, ground levels may vary due to site conditions.

Note:
Storage areas to be provided with an alarm system.

PREVIOUS AMENDMENTS
1. Parking Allocation Amended
ISSUE EE - AMENDMENTS - 30.06.21
1. Lift 1 extend to Basement Level 1 2. Bicycle Parking relocated to Basement Level 1 from Level 1
ISSUE FF - AMENDMENTS - 17.08.21
1. Lifts 4 & 5 relocated. 2. Bicycle Parking and storage amended. 3. Ramp widened.
ISSUE GG - AMENDMENTS - 07.09.21
1. Lifts 4 & 5 relocated. 2. Bicycle Parking and storage amended. 3. Ramp widened.

SERVICES LEGEND

- Services Duct
- Car Park / Kitchen Exhaust (penetration)
- Electrical Cupboard
- Communications Cupboard / Services
- Gas & Cold Water Cupboard / Services

Issue	Issue description	Date
GG	Amendments to address Council Issues	07.09.21
FF	Amendments to address Council Issues	17.08.21
EE	Residential Units on Block B Level 6 removed, Lift 1 Extended to Basement Level 1, Commercial Plaza to lift & Pedestrian Path added to Level 1, Bin Store details added on every level + General Amendments	30.06.21
DD	Amendments to address Traffic Comments	17.02.21
CC	Amendments to address Traffic Comments, Floor Levels Amended & Neighbouring building seperation information added	16.02.21

architex
Ryleton pty ltd t/as Architex 5888
abn 32 003 315 142
Level 3, 7K Parkes Street
Parramatta NSW 2150
Nominated Architect:
T : 02 9633
M : 0418 402 919
email@architex.com.au
www.architex.com.au
Robert Del Pizzo
NSW Reg. No. 3972

Project
PROPOSED SHOP TOP HOUSING DEVELOPMENT

Project Address
9 Sherwood Road, Merrylands

Client
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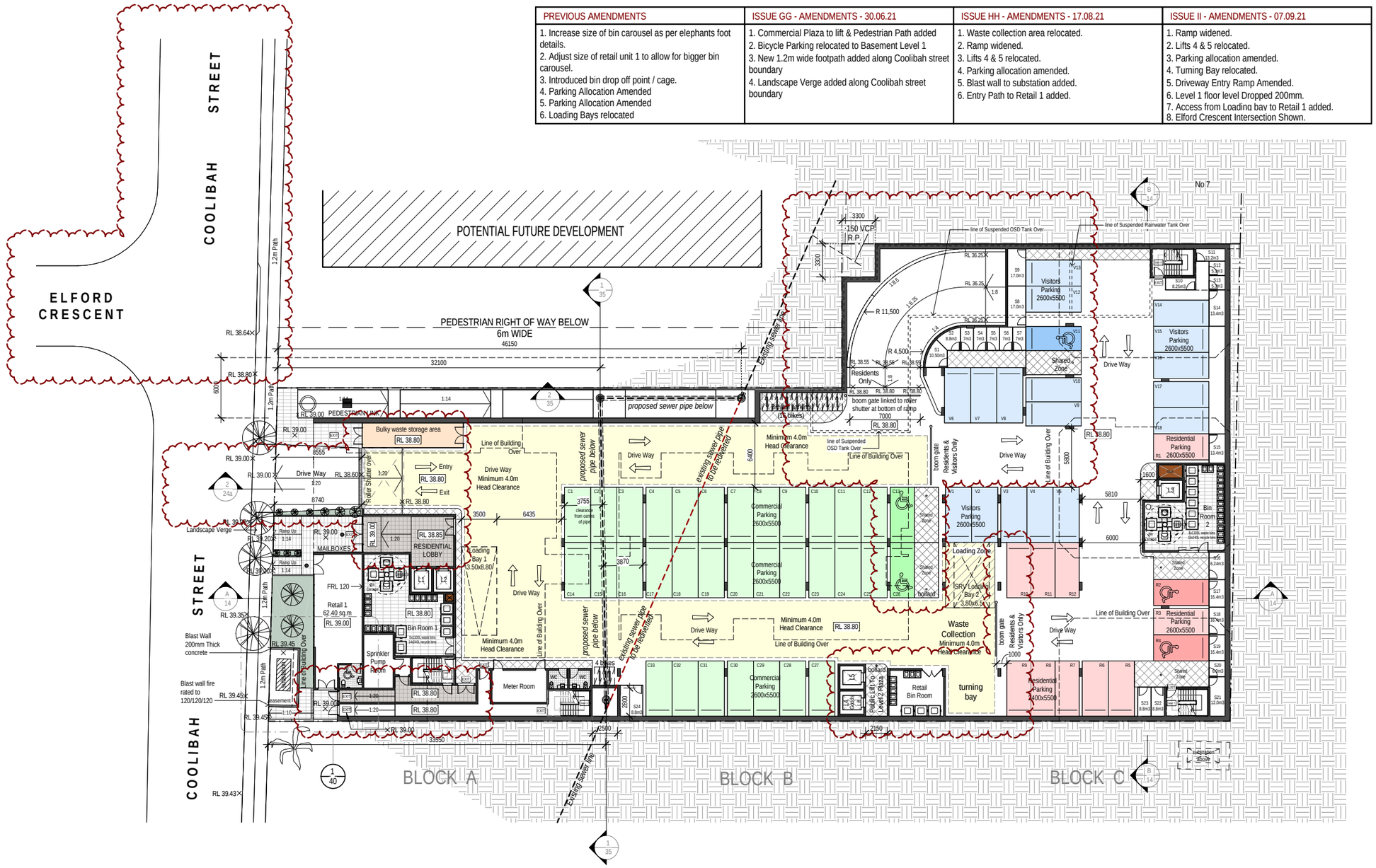
Title
Basement Level 1

Drawn	Scale	Checked
AS	1:400 @A3	
Job No	Drawing No.	Issue
2220	.01	GG

SECTION 4.55

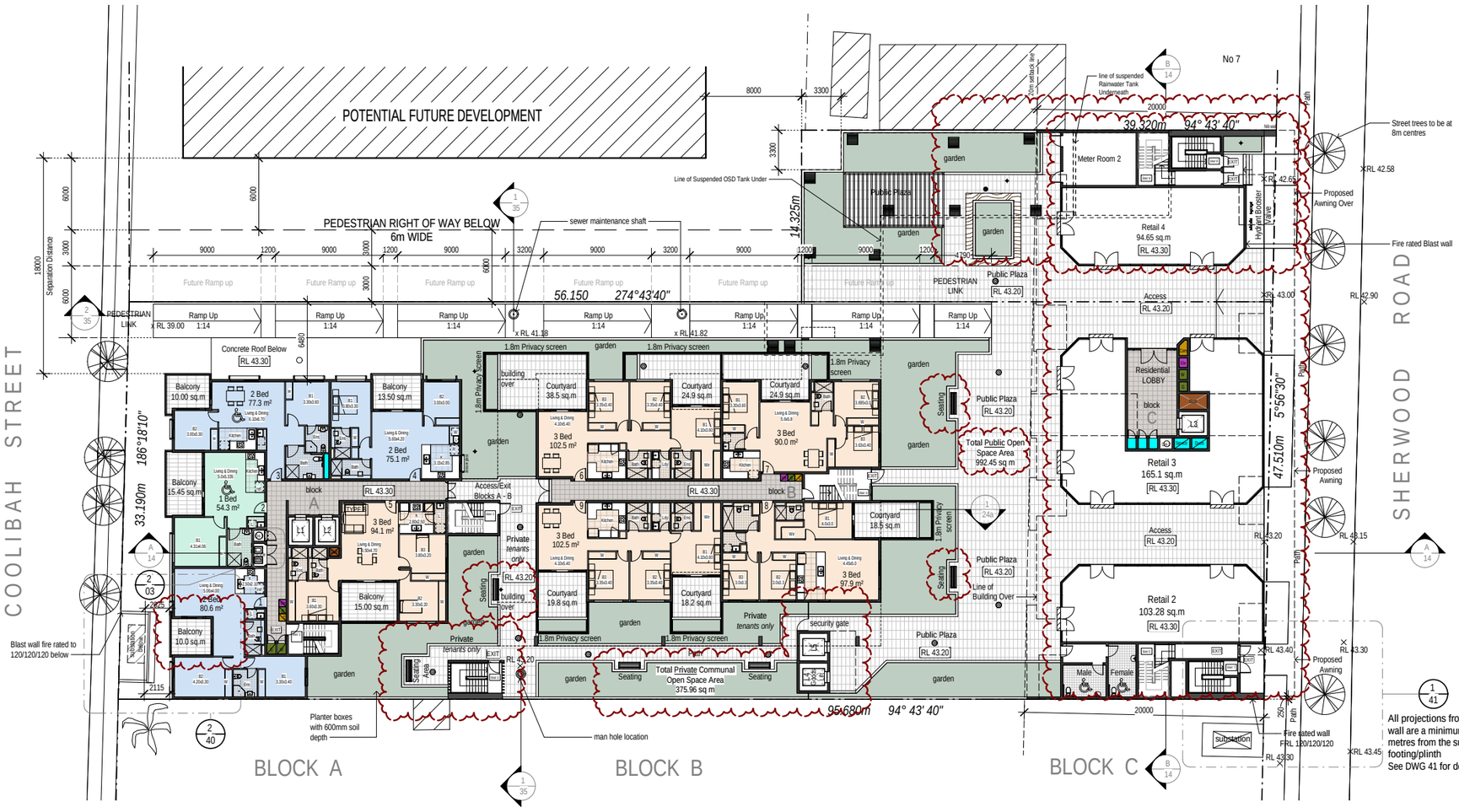
PREVIOUS AMENDMENTS	ISSUE GG - AMENDMENTS - 30.06.21	ISSUE HH - AMENDMENTS - 17.08.21	ISSUE II - AMENDMENTS - 07.09.21
1. Increase size of bin carousel as per elephants foot details. 2. Adjust size of retail unit 1 to allow for bigger bin carousel. 3. Introduced bin drop off point / cage. 4. Parking Allocation Amended 5. Parking Allocation Amended 6. Loading Bays relocated	1. Commercial Plaza to lift & Pedestrian Path added 2. Bicycle Parking relocated to Basement Level 1 3. New 1.2m wide footpath added along Coolibah street boundary 4. Landscape Verge added along Coolibah street boundary	1. Waste collection area relocated. 2. Ramp widened. 3. Lifts 4 & 5 relocated. 4. Parking allocation amended. 5. Blast wall to substation added. 6. Entry Path to Retail 1 added.	1. Ramp widened. 2. Lifts 4 & 5 relocated. 3. Parking allocation amended. 4. Turning Bay relocated. 5. Driveway Entry Ramp Amended. 6. Level 1 floor level Dropped 200mm. 7. Access from Loading bay to Retail 1 added. 8. Elford Crescent Intersection Shown.


ELFORD CRESCENT
COOLIBAH STREET
COOLIBAH STREET
POTENTIAL FUTURE DEVELOPMENT
PEDESTRIAN RIGHT OF WAY BELOW
6m WIDE
46150
32100
1.2m Path
RL 38.64
RL 38.80
RL 39.00
RL 39.00
RL 39.00
RL 39.00
RL 39.20
RL 39.20
RL 39.35
RL 39.45
RL 39.45
RL 39.45
RL 39.43
RL 38.60
RL 38.80
RL 38.85
RL 39.00
RL 38.80
RL 38.80
RL 38.80

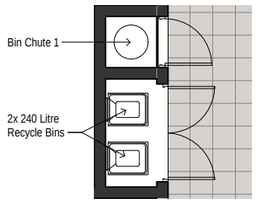
CUMBERLAND CITY COUNCIL

THESE PLANS WERE APPROVED BY THE LAND AND ENVIRONMENT COURT UNDER CONSENT ORDER NO. 2021/00103440

DATED 2 November 2021



1 Level 2
1:400 @A3



2 Level 2 Block A - Bin Store Details
1:100 @A3

PREVIOUS AMENDMENTS	ISSUE FF - AMENDMENTS - 30.06.21	ISSUE HH - AMENDMENTS - 07.09.21
1. Move Building A+B back to be in 6.0m setback 2. Corner units in Block A+B amended. 3. Privacy screen removed from bedrooms and balconies. 4. Glass louvre windows added for improvements to cross ventilation to all Buildings. 5. Windows added for improvements to cross ventilation in Block C. 6. Blade walls reduced to improve Solar access. 7. 6.0m setbacks shown on all plans. 8. Substation Relocated 9. Block B Units Amended 10. Service Ducts Added 11. Lifts 4 & 5 Amended 12. Floor Levels Amended	1. Courtyards to Units in Block B amended 2. Didsabled Male & Female bathrooms added 3. Retail 2 Amended 4. Fire rated Wall & Awning notes added along Sherwood Road Boundary 5. Bin Store Detail added 6. Gas + Water cupboard relocated	1. Lifts 4 & 5 relocated. 2. Security Gate added to seperate Private Communal open space & Public open space. 3. Retail Areas Amended. 4. Outdoor Seating Areas added. 5. Unit 1 Balcony Amended.
	ISSUE GG - AMENDMENTS - 17.08.21	**ISSUE II - AMENDMENTS - 14.09.21**
	1. Lifts 4 & 5 relocated. 2. Blast wall to substation added. 3. Courtyards to Block B amended. 4. Unit 1 amended.	1. Retail 4 Amended. 2. Meter room 2 added. 3. Hydrant Booster Valve Assembly added.

0 m 2 4m 10m

True Northpoint

Do not scale, check and verify all dimensions before commencing new work, ground levels may vary due to site conditions.

Note:
Storage areas to be provided with an alarm system.

Note:
Mailboxes to be provided with tubular key locks

1 Bedroom
2 Bedroom
3 Bedroom

SERVICES LEGEND
Services Duct
Car Park / Kitchen Exhaust (penetration)
Electrical Cupboard
Communications Cupboard / Services
Gas & Cold Water Cupboard / Services

Issue	Issue description	Date
II	Amendments to address Council Issues	14.09.21
HH	Amendments to address Council Issues	07.09.21
GG	Amendments to address Council Issues	17.08.21
FF	Residential Units on Block B Level 6 removed, Lift 1 Extended to Basement Level 1, Commercial Plaza to lift & Pedestrian Path added to Level 1, Bin Store details added on every level + General Amendments	30.06.21
EE	Substation Details Amended + Awning to sherwood Road Amended	22.04.21
DD	Substation Details Added	19.04.21

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Robert Del Pizzo
NSW Reg. No. 3972

SECTION 4.55

Project
PROPOSED SHOP TOP HOUSING DEVELOPMENT

Project Address
9 Sherwood Road, Merrylands

Client
.

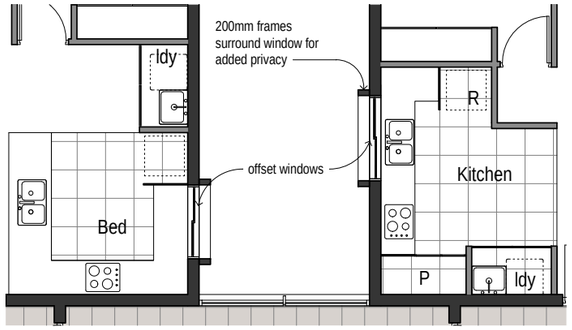
Title
Level 2

Drawn	Scale	Checked
AS	1:400 @A3	
Job No	Drawing No.	Issue
2220	.03	II

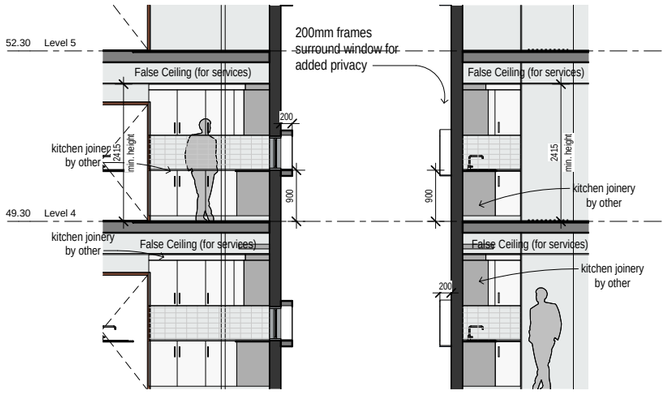
CUMBERLAND CITY COUNCIL

THESE PLANS WERE APPROVED BY THE LAND AND ENVIRONMENT COURT UNDER CONSENT ORDER NO. 2021/00103440

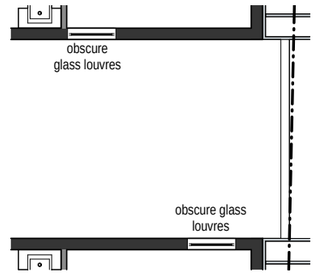
DATED 2 November 2021



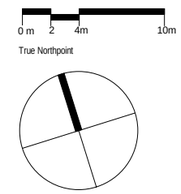
3 Typical Kitchen Windows offset
1 : 50



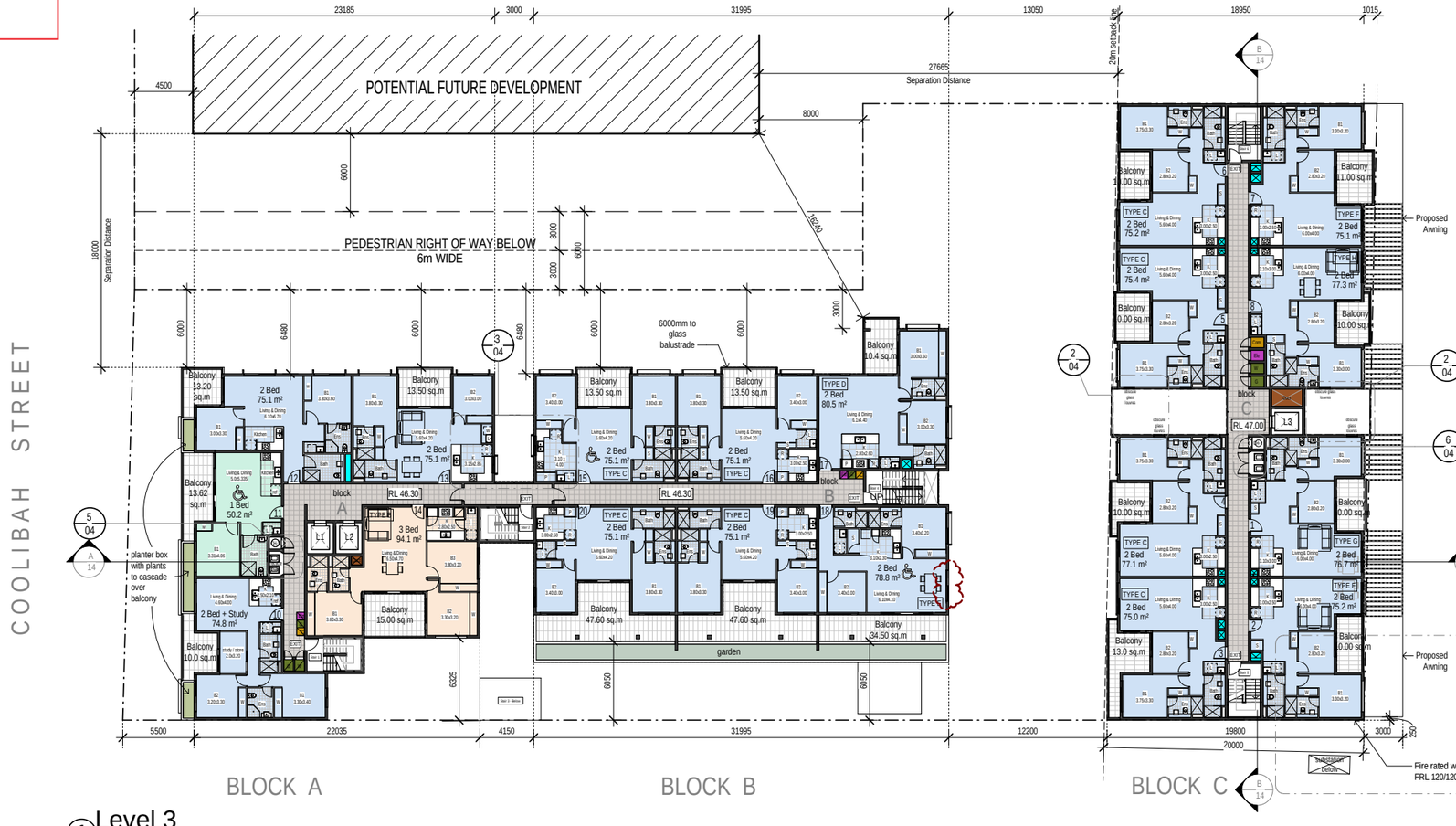
4 Typical section through Kitchens
1 : 50



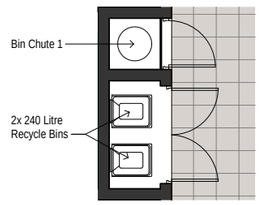
2 Typical Windows offset
1 : 50



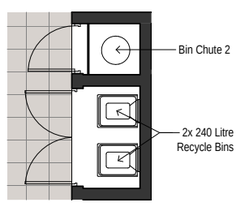
Do not scale, check and verify all dimensions before commencing new work, ground levels may vary due to site conditions.



1 Level 3
1:400 @A3



5 Level 3 Block A - Bin Store Details
1 : 50
1:100 @A3



6 Level 3 Block C - Bin Store Details
1:100 @A3

1 Bedroom
2 Bedroom
3 Bedroom

SERVICES LEGEND
Services Duct
Car Park / Kitchen Exhaust (penetration)
Electrical Cupboard
Communications Cupboard / Services
Gas & Cold Water Cupboard / Services

Issue	Issue description	Date
EE	Amendments to address Council Issues	07.09.21
DD	Residential Units on Block B Level 6 removed, Lift 1 Extended to Basement Level 1, Commercial Plaza to lift & Pedestrian Path added to Level 1, Bin Store details added on every level + General Amendments	30.06.21
CC	Amendments to address Traffic Comments, Floor Levels Amended & Neighbouring building seperation information added	16.02.21
BB	Amendments to address Traffic Comments	19.01.21

PREVIOUS AMENDMENTS	ISSUE DD - AMENDMENTS - 30.06.21
1. Move Building A+B back to be in 6.0m setback 2. Corner units in Block A+B amended. 3. Privacy screen removed from bedrooms and balconies. 4. Glass louvre windows added for improvements to cross ventilation to all Buildings. 5. Windows added for improvements to cross ventilation in Block C. 6. Blade walls reduced to improve Solar access. 7. 6.0m setbacks shown on all plans. 8. Service Ducts Added 9. Floor Levels Amended 10. Substation Relocated	1. Bin Store Details added 2. Gas + Water cupboard relocated **ISSUE EE - AMENDMENTS - 07.09.21** 1. Windows added to Unit 18 - Level 3 & Unit 29 - Level 4.

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Robert Del Pizzo
NSW Reg. No. 3972

SECTION 4.55

Project
PROPOSED SHOP TOP HOUSING DEVELOPMENT

Project Address
9 Sherwood Road, Merrylands

Client
.

Title
Level 3

Drawn	Scale	Checked
AS	1:400 @A3	
Job No	Drawing No.	Issue
2220	.04	EE

CUMBERLAND CITY COUNCIL

THESE PLANS WERE APPROVED BY THE LAND AND ENVIRONMENT COURT UNDER CONSENT ORDER NO. 2021/00103440

DATED 2 November 2021

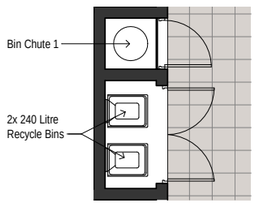
0 m 2 4m 10m

True Northpoint

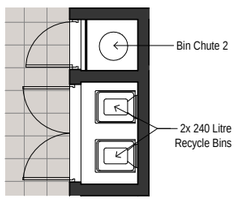
Do not scale, check and verify all dimensions before commencing new work, ground levels may vary due to site conditions.



1 Level 4
1:400 @A3



2 Level 4 Block A - Bin Store Details
1:100 @A3



3 Level 4 Block C - Bin Store Details
1:100 @A3

- 1 Bedroom
- 2 Bedroom
- 3 Bedroom

SERVICES LEGEND

- Services Duct
- Car Park / Kitchen Exhaust (penetration)
- Electrical Cupboard
- Communications Cupboard / Services
- Gas & Cold Water Cupboard / Services

Issue	Issue description	Date
EE	Amendments to address Council Issues	07.09.21
DD	Residential Units on Block B Level 6 removed, Lift 1 Extended to Basement Level 1, Commercial Plaza to lift & Pedestrian Path added to Level 1, Bin Store details added on every level + General Amendments	30.06.21
CC	Amendments to address Traffic Comments, Floor Levels Amended & Neighbouring building seperation information added	16.02.21
BB	Amendments to address Traffic Comments	19.01.21

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www.architex.com.au
Robert Del Pizzo
NSW Reg. No. 3972

PREVIOUS AMENDMENTS

1. Move Building A+B back to be in 6.0m setback
2. Corner units in Block A+B amended.
3. Privacy screen removed from bedrooms and balconies.
4. Glass louvre windows added for improvements to cross ventilation to all Buildings.
5. Windows added for improvements to cross ventilation in Block C.
6. Blade walls reduced to improve Solar access.
7. 6.0m setbacks shown on all plans.
8. Service Ducts Added
9. Floor Levels Amended
10. Substation Relocated

ISSUE DD - AMENDMENTS - 30.06.21

1. Bin Store Details added
2. Gas + Water cupboard relocated

ISSUE EE - AMENDMENTS - 07.09.21

1. Windows added to Unit 18 - Level 3 & Unit 29 - Level 4.

SECTION 4.55

Project
PROPOSED SHOP TOP HOUSING DEVELOPMENT

Project Address
9 Sherwood Road, Merrylands

Client
.

Title
Level 4

Drawn	Scale	Checked
AS	1:400 @A3	
Job No	Drawing No.	Issue
2220	.05	EE

CUMBERLAND CITY COUNCIL

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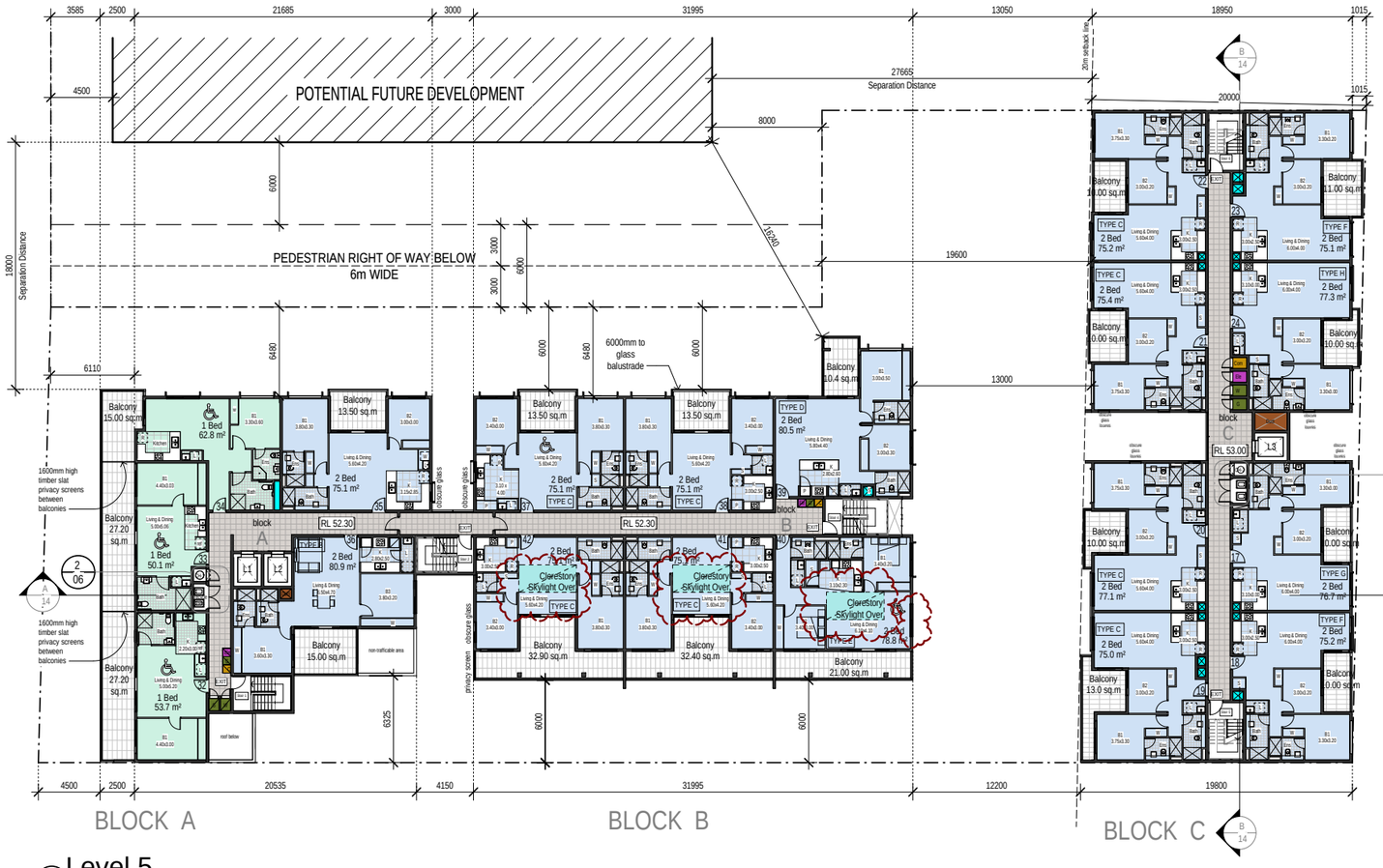
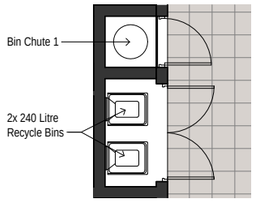
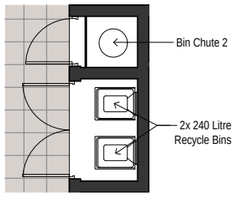
DATED 2 November 2021



1 Level 5
1:400 @A3



2 Level 5 Block A - Bin Store Details
1:100 @A3



3 Level 5 Block C - Bin Store Details
1:100 @A3

PREVIOUS AMENDMENTS	ISSUE DD - AMENDMENTS - 30.06.21
1. Move Building A+B back to be in 6.0m setback 2. Corner units in Block A+B amended. 3. Privacy screen removed from bedrooms and balconies. 4. Glass louvre windows added for improvements to cross ventilation to all Buildings. 5. Windows added for improvements to cross ventilation in Block C. 6. Blade walls reduced to improve Solar access. 7. 6.0m setbacks shown on all plans. 8. Service Ducts Added 9. Floor Levels Amended	1. Bin Store Details added 2. Gas + Water cupboard relocated 3. Skylights relocated to level 5 Block B Units as a result of the Units being removed from Level 6 Block B **ISSUE EE - AMENDMENTS - 07.09.21** 1. Window Added to Unit 40. 2. Clerestory Skylights added to Units 40, 41 & 42. **ISSUE FF - AMENDMENTS - 14.09.21** 1. Clerestory Skylights Amended.

0 m 2 4m 10m

True Northpoint

Do not scale, check and verify all dimensions before commencing new work, ground levels may vary due to site conditions.

1 Bedroom
2 Bedroom
3 Bedroom
Clerestory Skylight Over - 4200 x 2000

SERVICES LEGEND
Services Duct
Car Park / Kitchen Exhaust (penetration)
Electrical Cupboard
Communications Cupboard / Services
Gas & Cold Water Cupboard / Services

Issue	Issue description	Date
FF	Amendments to address Council Issues	14.09.21
EE	Amendments to address Council Issues	07.09.21
DD	Residential Units on Block B Level 6 removed, Lift 1 Extended to Basement Level 1, Commercial Plaza to lift & Pedestrian Path added to Level 1, Bin Store details added on every level + General Amendments	30.06.21
CC	Amendments to address Traffic Comments, Floor Levels Amended & Neighbouring building seperation information added	16.02.21
BB	Amendments to address Traffic Comments	19.01.21

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Project
PROPOSED SHOP TOP HOUSING DEVELOPMENT

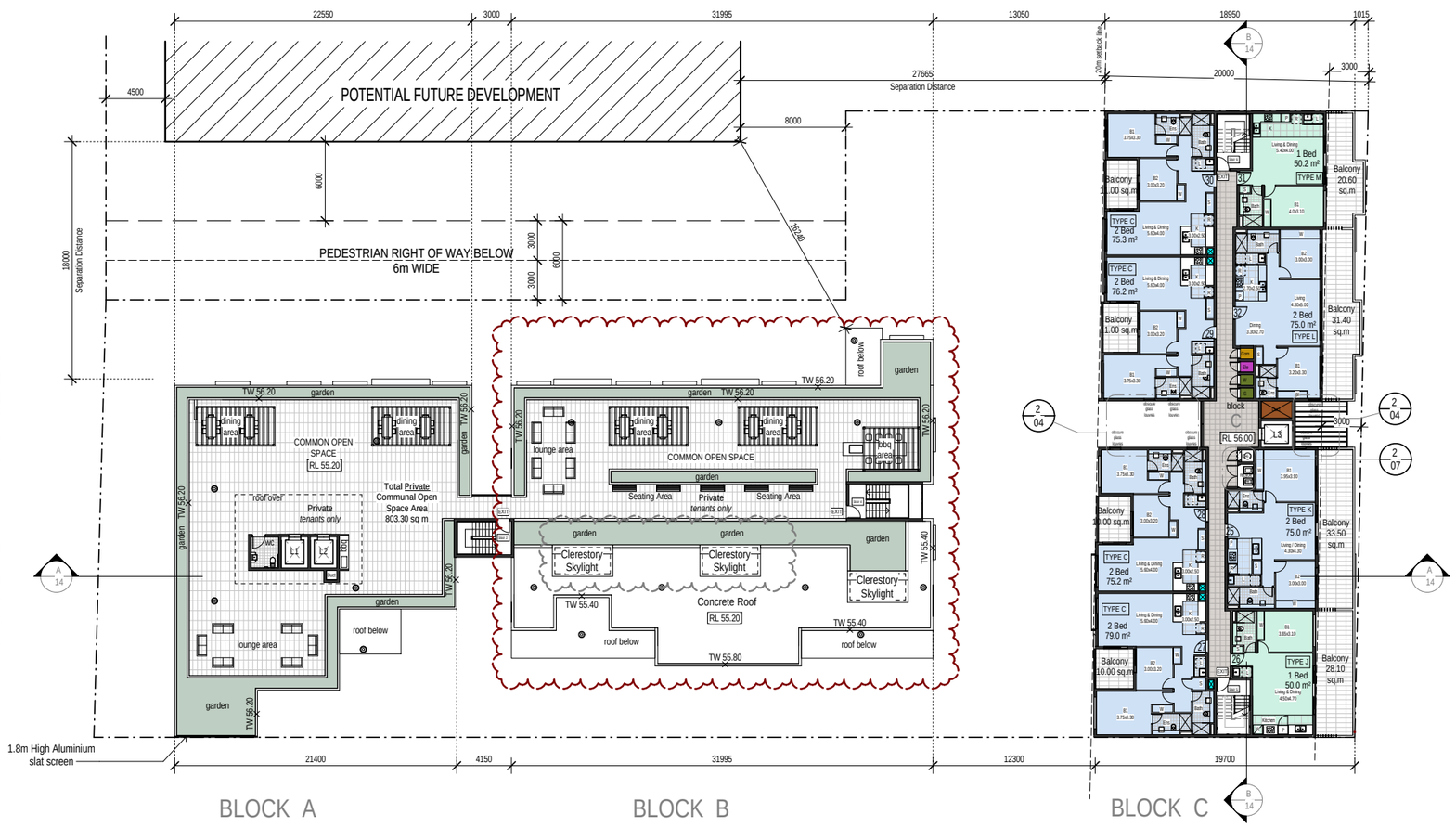
Project Address
9 Sherwood Road, Merrylands

Client
.

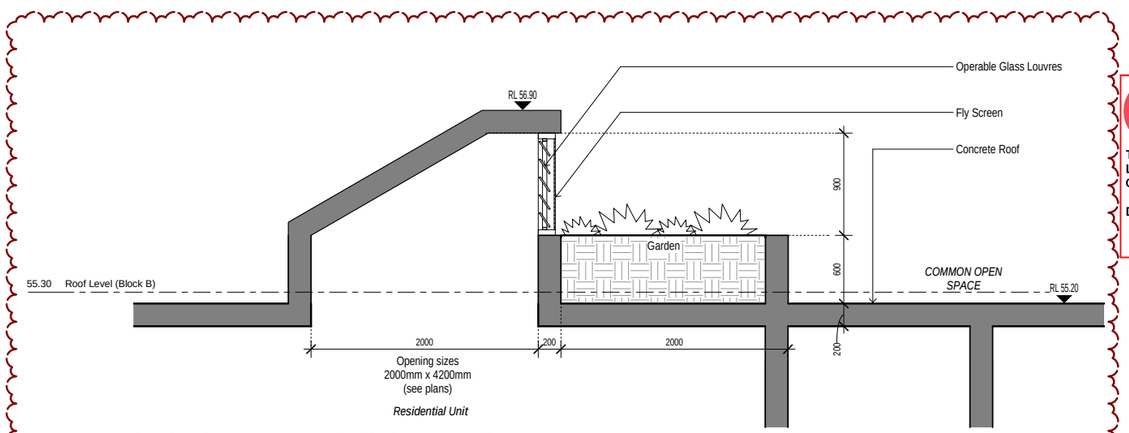
Title
Level 5

Drawn	Scale	Checked
AS	1:400 @A3	
Job No	Drawing No.	Issue
2220	06	FF

SECTION 4.55



1 Level 6
1:400 @A3

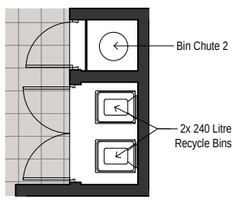


3 Typical Clerestory Skylight Detail
1:100 @A3

CUMBERLAND CITY COUNCIL

THESE PLANS WERE APPROVED BY THE LAND AND ENVIRONMENT COURT UNDER CONSENT ORDER NO. 2021/00103440

DATED 2 November 2021



2 Level 6 Block C - Bin Store Details
1:100 @A3

PREVIOUS AMENDMENTS	ISSUE DD - AMENDMENTS - 30.06.21
1. Move Building A+B back to be in 6.0m setback 2. Corner units in Block A+B amended. 3. Privacy screen removed from bedrooms and balconies. 4. Glass louvre windows added for improvements to cross ventilation to all Buildings. 5. Windows added for improvements to cross ventilation in Block C. 6. Blade walls reduced to improve Solar access. 7. 6.0m setbacks shown on all plans. 8. Units Added To Block B Level 6. 9. Common Open space added to Block A Roof 10. Service Ducts Added 11. Floor Levels Amended	1. Residential Units on Block B Level 6 removed 2. Bin Store Details added **ISSUE EE - AMENDMENTS - 07.09.21** 1. Rooftop Communal Open space extended over northside of Block B. 2. Clerestory Skylights added to Units below. 3. Clerestory Skylights detail added. **ISSUE FF - AMENDMENTS - 14.09.21** 1. Clerestory Skylights Amended.

SECTION 4.55

0 m 2 4m 10m

True Northpoint

Do not scale, check and verify all dimensions before commencing new work, ground levels may vary due to site conditions.

1 Bedroom
2 Bedroom
3 Bedroom

SERVICES LEGEND
- Services Duct
- Car Park / Kitchen Exhaust (penetration)
- Electrical Cupboard
- Communications Cupboard / Services
- Gas & Cold Water Cupboard / Services

Issue	Issue descrption	Date
FF	Amendments to address Council Issues	14.09.21
EE	Amendments to address Council Issues	07.09.21
DD	Residential Units on Block B Level 6 removed, Lift 1 Extended to Basement Level 1, Commercial Plaza to lift & Pedestrian Path added to Level 1, Bin Store details added on every level + General Amendments	30.06.21
CC	Amendments to address Traffic Comments, Floor Levels Amended & Neighbouring building seperation information added	16.02.21
BB	Amendments to address Traffic Comments	19.01.21

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NSW Reg. No. 3972

Project
PROPOSED SHOP TOP HOUSING DEVELOPMENT

Project Address
9 Sherwood Road, Merrylands

Client
.

Title
Level 6

Drawn	Scale	Checked
AS	1:400 @A3	
Job No	Drawing No.	Issue
2220	.07	FF

CUMBERLAND CITY COUNCIL

THESE PLANS WERE APPROVED BY THE LAND AND ENVIRONMENT COURT UNDER CONSENT ORDER NO. 2021/00103440

DATED 2 November 2021

0 m 2 4m 10m

True Northpoint

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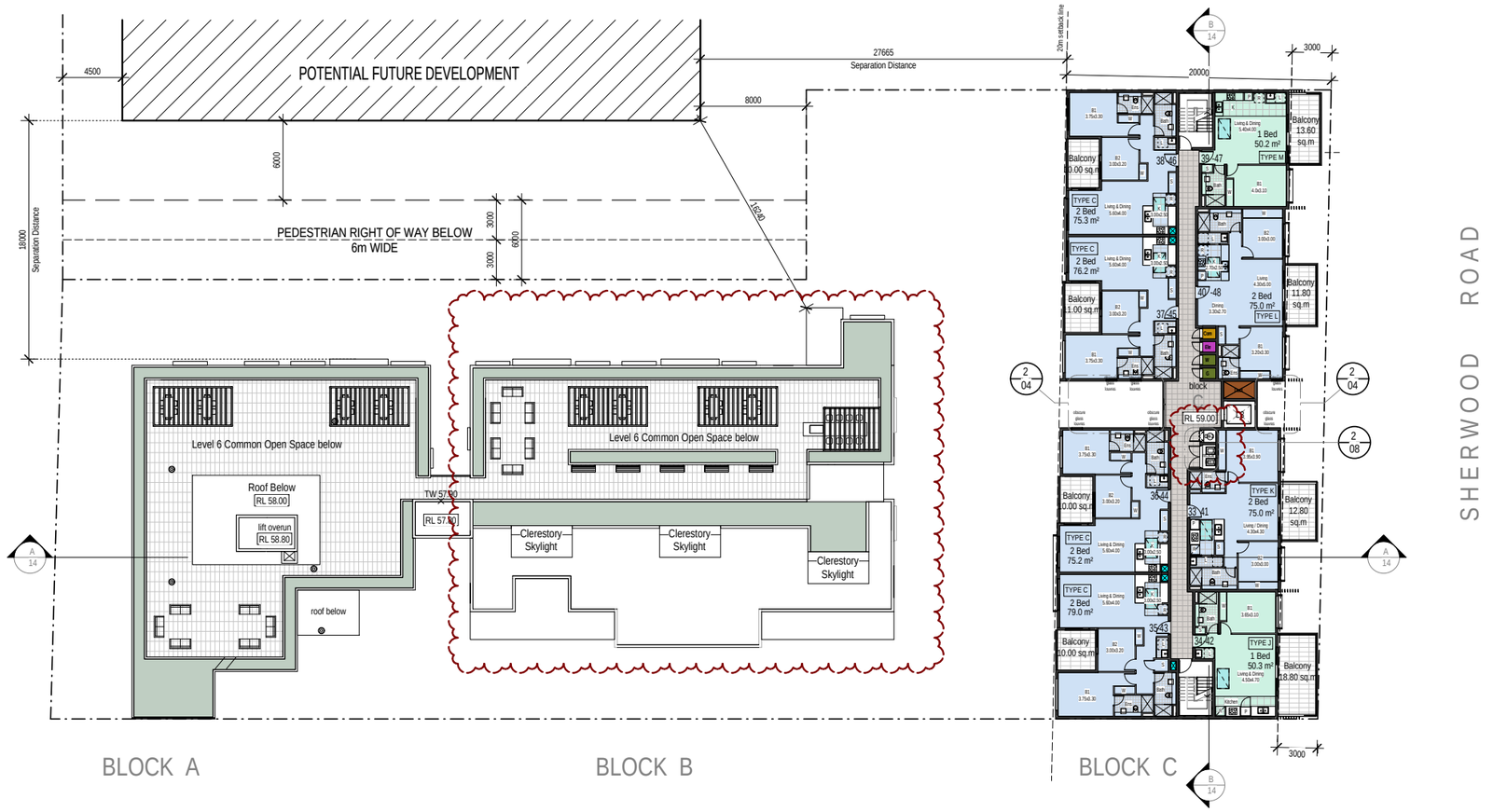


1 Bedroom

2 Bedroom

3 Bedroom

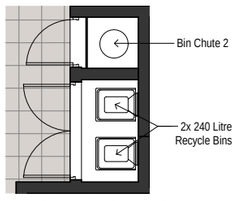
Skylight Over - 900 x 1500 (Level 8 Only)

SERVICES LEGEND

- Services Duct
- Car Park / Kitchen Exhaust (penetration)
- Electrical Cupboard
- Communications Cupboard / Services
- Gas & Cold Water Cupboard / Services

Issue	Issue descrption	Date
DD	Residential Units on Block B Level 6 removed, Lift 1 Extended to Basement Level 1, Commercial Plaza to lift & Pedestrian Path added to Level 1, Bin Store details added on every level + General Amendments	30.06.21
CC	Amendments to address Traffic Comments, Floor Levels Amended & Neighbouring building seperation information added	16.02.21
BB	Amendments to address Traffic Comments	19.01.21

1 LEVELS 7 & 8 (Block C)
1:400 @A3



2 Level 7-8 Block C - Bin Store Details
1:100 @A3

PREVIOUS AMENDMENTS	ISSUE DD - AMENDMENTS - 30.06.21
1. Move Building A+B back to be in 6.0m setback 2. Corner units in Block A+B amended. 3. Privacy screen removed from bedrooms and balconies. 4. Glass louvre windows added for improvements to cross ventilation to all Buildings. 5. Windows added for improvements to cross ventilation in Block C. 6. Blade walls reduced to improve Solar access. 7. 6.0m setbacks shown on all plans. 8. Common Open space added to Block A Roof 9. Service Ducts Added 10. Floor Levels Amended	1. Residential Units on Block B Level 6 removed 2. Bin Store Details added

SECTION 4.55

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Robert Del Pizzo
NSW Reg. No. 3972

Project
PROPOSED SHOP TOP HOUSING DEVELOPMENT

Project Address
9 Sherwood Road, Merrylands

Client
.

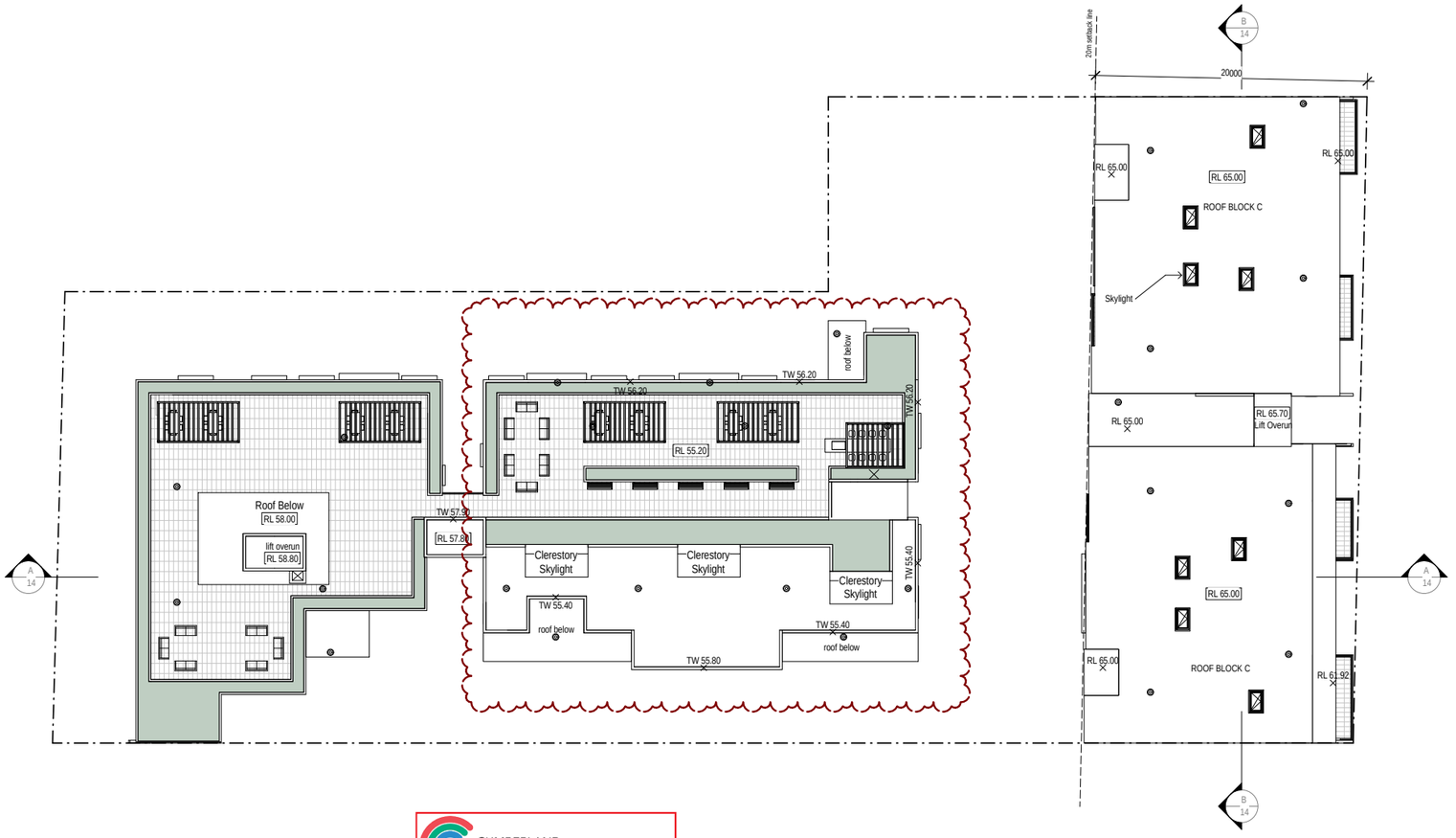
Title
Level 7 & 8

Drawn	Scale	Checked
AS	1:400 @A3	
Job No	Drawing No.	Issue
2220	.08	DD

0 m 2 4m 10m

True Northpoint

Do not scale, check and verify all dimensions before comencing new work, ground levels may vary due to site conditions.



CUMBERLAND CITY COUNCIL

THESE PLANS WERE APPROVED BY THE LAND AND ENVIRONMENT COURT UNDER CONSENT ORDER NO. 2021/00103440

DATED 2 November 2021

1 Roof Level (Block C)
1:400 @A3

Issue	Issue description	Date
EE	Amendments to address Council Issues	07.09.21
DD	Residential Units on Block B Level 6 removed, Lift 1 Extended to Basement Level 1, Commercial Plaza to lift & Pedestrian Path added to Level 1, Bin Store details added on every level + General Amendments	30.06.21
CC	Amendments to address Traffic Comments, Floor Levels Amended & Neighbouring building seperation information added	16.02.21
BB	Amendments to address Traffic Comments	19.01.21

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www.architex.com.au

PREVIOUS AMENDMENTS	ISSUE DD - AMENDMENTS - 30.06.21
1. Move Building A+B back to be in 6.0m setback 2. Corner units in Block A+B amended. 3. Privacy screen removed from bedrooms and balconies. 4. Glass louvre windows added for improvements to cross ventilation to all Buildings. 5. Windows added for improvements to cross ventilation in Block C. 6. Blade walls reduced to improve Solar access. 7. 6.0m setbacks shown on all plans. 8. Floor Levels Amended	1. Block B Roof level amended as a result of Residential Units on Block B Level 6 being removed **ISSUE EE - AMENDMENTS - 07.09.21** 1. Block B Roof level amended as a result of the extension of the Rooftop communal open space.

SECTION 4.55

Project
PROPOSED SHOP TOP HOUSING DEVELOPMENT

Project Address
9 Sherwood Road, Merrylands

Client
.

Title
Roof Level

Drawn	Scale	Checked
AS	1:400 @A3	
Job No	**Drawing No.**	**Issue**
2220	.09	EE

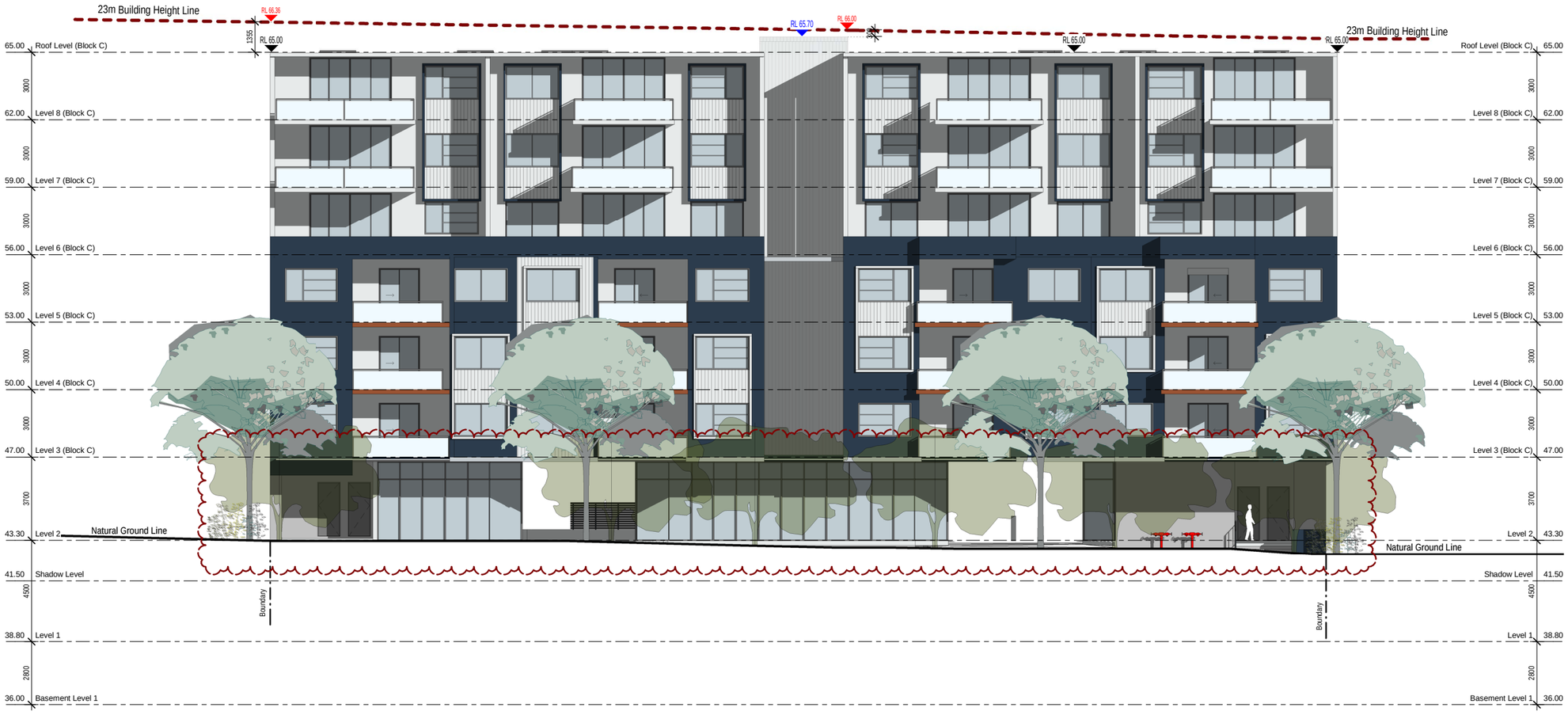
0 m 2 4m 10m

CUMBERLAND CITY COUNCIL

THESE PLANS WERE APPROVED BY THE LAND AND ENVIRONMENT COURT UNDER CONSENT ORDER NO. 2021/00103440

DATED 2 November 2021

BLOCK C



1 East Elevation - Sherwood Rd

1:200 @A3

PREVIOUS AMENDMENTS	ISSUE DD - AMENDMENTS - 07.09.21
1. Move Building A+B back to be in 6.0m setback 2. Corner units in Block A+B amended. 3. Privacy screen removed from bedrooms and balconies. 4. Glass louvre windows added for improvements to cross ventilation to all Buildings. 5. Windows added for improvements to cross ventilation in Block C. 6. Blade walls reduced to improve Solar access. 7. 6.0m setbacks shown on all plans. 8. Substation Relocated	1. Retail Areas Amended **ISSUE EE - AMENDMENTS - 14.09.21** 1. Retail 4 Amended. 2. Hydrant Booster Valve assebly added.

Building Height Legend

- RL# Building Height - Habitable Area
- RL# Building Height - Non Habitable Area
- RL# Building Height Plane/Line

SECTION 4.55

Issue	Issue descrption	Date
EE	Amendments to address Council Issues	14.09.21
DD	Amendments to address Council Issues	07.09.21
E	Parking + Balcony amendments	21-12-16
CC	Amendments to address Traffic Comments, Floor Levels Amended & Neighbouring building seperation information added	16.02.21
C	C.O.S added on Block B roof	12-10-16
BB	Amendments to address Traffic Comments	19.01.21

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Project
PROPOSED SHOP TOP HOUSING DEVELOPMENT

Project Address
9 Sherwood Road, Merrylands

Client
.

Title
East Elevation
Sherwood Road

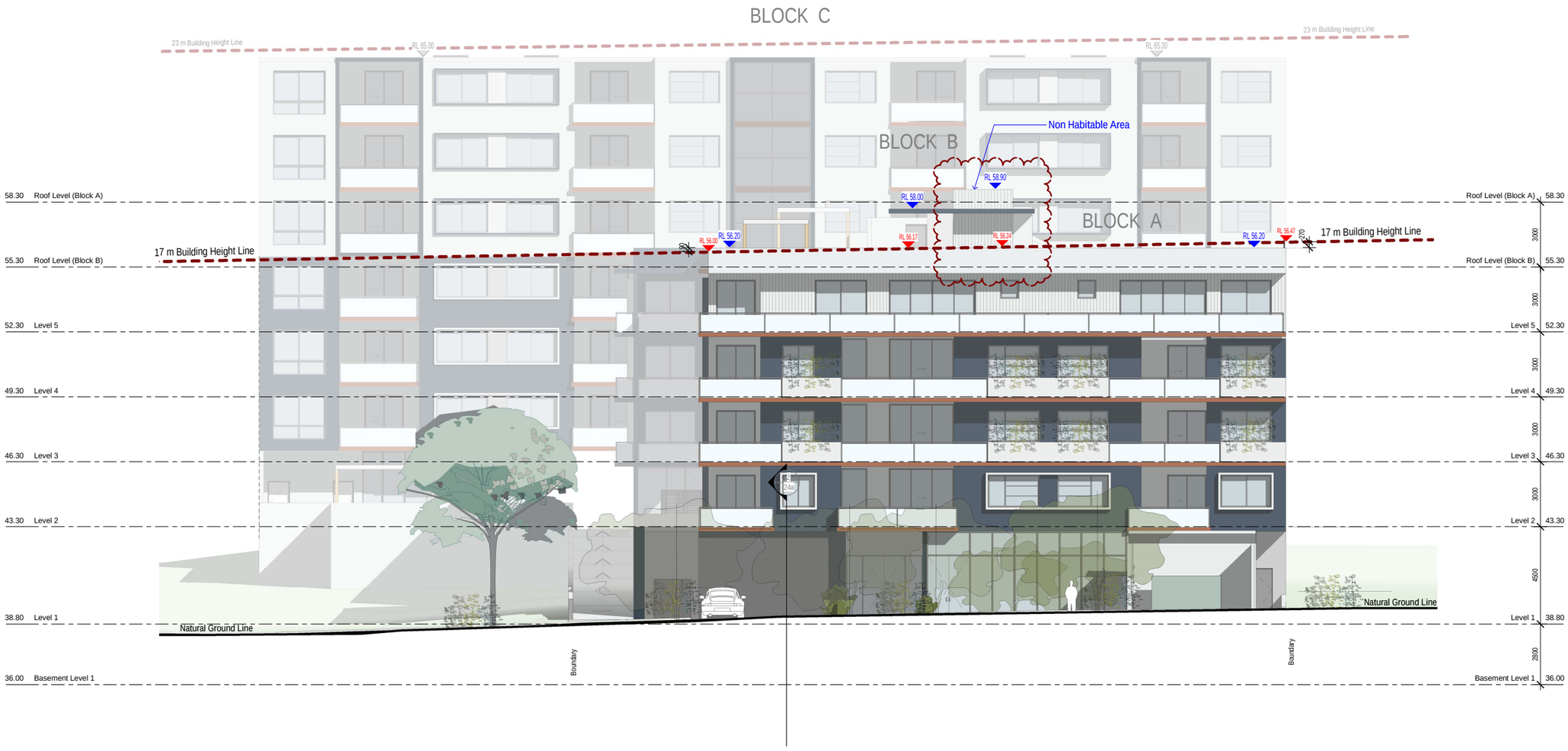
Drawn	Scale	Checked
AS	1:200 @A3	
Job No	**Drawing No.**	**Issue**
2220	.10	EE

0 m 1 2m 5m

CUMBERLAND CITY COUNCIL

THESE PLANS WERE APPROVED BY THE LAND AND ENVIRONMENT COURT UNDER CONSENT ORDER NO. 2021/00103440

DATED 2 November 2021



③ West Elevation - Coolibah St

1:200 @A3

Issue	Issue description	Date
EE	Amendments to address Council Issues	07.09.21
DD	Residential Units on Block B Level 6 removed, Lift 1 Extended to Basement Level 1, Commercial Plaza to lift & Pedestrian Path added to Level 1, Bin Store details added on every level + General Amendments	30.06.21
CC	Amendments to address Traffic Comments, Floor Levels Amended & Neighbouring building seperation information added	16.02.21
BB	Amendments to address Traffic Comments	19.01.21

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PREVIOUS AMENDMENTS	ISSUE DD - AMENDMENTS - 30.06.21
1. Move Building A+B back to be in 6.0m setback 2. Corner units in Block A+B amended. 3. Privacy screen removed from bedrooms and balconies. 4. Glass louvre windows added for improvements to cross ventilation to all Buildings. 5. Windows added for improvements to cross ventilation in Block C. 6. Blade walls reduced to improve Solar access. 7. 6.0m setbacks shown on all plans. 8. Building Heights & Notes added 9. Substation Relocated	1. Residential Units on Block B Level 6 removed **ISSUE EE - AMENDMENTS - 07.09.21** 1. Fire stair External Wall reduced in height. 2. Rooftop Communal Open space extended over northside of Block B. 3. Clerestory Skylights added to Units below.

Building Height Legend

- RL# Building Height - Habitable Area
- RL# Building Height - Non Habitable Area
- RL# Building Height Plane/Line

SECTION 4.55

Project
PROPOSED SHOP TOP HOUSING DEVELOPMENT

Project Address
9 Sherwood Road, Merrylands

Client
.

Title
West Elevation
Coolibah Street

Drawn	Scale	Checked
AS	1:200 @A3	
Job No	Drawing No.	Issue
2220	.11	EE

0 m 2 4m 10m



1 North Elevation
1:400 @A3



2 South Elevation
1:400 @A3

CUMBERLAND CITY COUNCIL

THESE PLANS WERE APPROVED BY THE LAND AND ENVIRONMENT COURT UNDER CONSENT ORDER NO. 2021/00103440

DATED 2 November 2021

Building Height Legend

- RL# Building Height - Habitable Area
- RL# Building Height - Non Habitable Area
- RL# Building Height Plane/Line

Issue	Issue descrption	Date
EE	Amendments to address Council Issues	07.09.21
DD	Residential Units on Block B Level 6 removed, Lift 1 Extended to Basement Level 1, Commercial Plaza to lift & Pedestrian Path added to Level 1, Bin Store details added on every level + General Amendments	30.06.21
E	Parking + Balcony amendments	21-12-16
CC	Amendments to address Traffic Comments, Floor Levels Amended & Neighbouring building seperation information added	16.02.21
BB	Amendments to address Traffic Comments	19.01.21

PREVIOUS AMENDMENTS	ISSUE DD - AMENDMENTS - 30.06.21
1. Move Building A+B back to be in 6.0m setback 2. Corner units in Block A+B amended. 3. Privacy screen removed from bedrooms and balconies. 4. Glass louvre windows added for improvements to cross ventilation to all Buildings. 5. Windows added for improvements to cross ventilation in Block C. 6. Blade walls reduced to improve Solar access. 7. 6.0m setbacks shown on all plans. 8. Building Heights & Notes added 9. Substation Relocated	1. Residential Units on Block B Level 6 removed **ISSUE EE - AMENDMENTS - 07.09.21** 1. Fire stair External Wall reduced in height. 2. Rooftop Communal Open space extended over northside of Block B. 3. Clerestory Skylights added to Units below.

SECTION 4.55

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Project
PROPOSED SHOP TOP HOUSING DEVELOPMENT

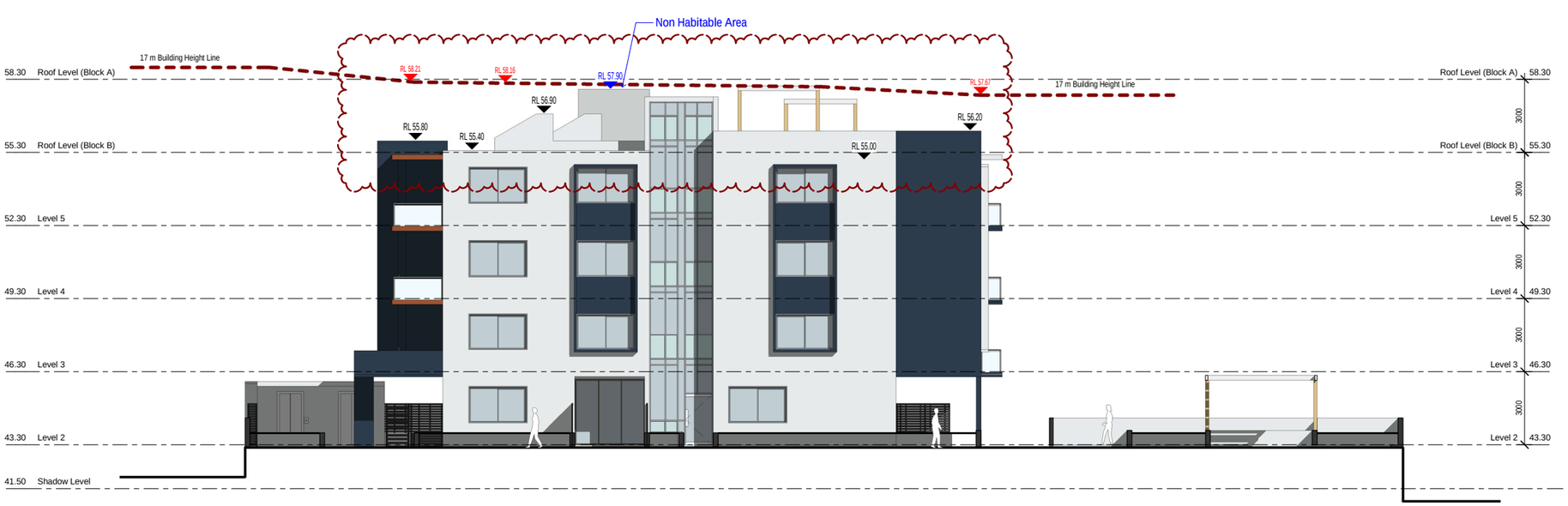
Project Address
9 Sherwood Road, Merrylands

Client
.

Title
North - South Elevations

Drawn	Scale	Checked
AS	1:400 @A3	Checker
Job No	**Drawing No.**	**Issue**
2220	.12	EE

BLOCK B



⑥ East Elevation - Block B
1:200 @A3

BLOCK C



⑧ West Elevation - Block C
1:200 @A3

CUMBERLAND CITY COUNCIL

THESE PLANS WERE APPROVED BY THE LAND AND ENVIRONMENT COURT UNDER CONSENT ORDER NO. 2021/00103440

DATED 2 November 2021

PREVIOUS AMENDMENTS	ISSUE DD - AMENDMENTS - 30.06.21
1. Move Building A+B back to be in 6.0m setback 2. Corner units in Block A+B amended. 3. Privacy screen removed from bedrooms and balconies. 4. Glass louvre windows added for improvements to cross ventilation to all Buildings. 5. Windows added for improvements to cross ventilation in Block C. 6. Blade walls reduced to improve Solar access. 7. 6.0m setbacks shown on all plans. 8. Building Heights & Notes added 9. Substation Relocated	1. Residential Units on Block B Level 6 removed **ISSUE EE - AMENDMENTS - 07.09.21** 1. Fire stair External Wall reduced in height. 2. Rooftop Communal Open space extended over northside of Block B. 3. Clerestory Skylights added to Units below. 4. Retail Areas amended.

SECTION 4.55

0 m 1 2m 5m

Building Height Legend

- Building Height - Habitable Area
- Building Height - Non Habitable Area
- Building Height Plane/Line

Issue	Issue description	Date
EE	Amendments to address Council Issues	07.09.21
DD	Residential Units on Block B Level 6 removed, Lift 1 Extended to Basement Level 1, Commercial Plaza to lift & Pedestrian Path added to Level 1, Bin Store details added on every level + General Amendments	30.06.21
E	Parking + Balcony amendments	21-12-16
CC	Amendments to address Traffic Comments, Floor Levels Amended & Neighbouring building seperation information added	16.02.21
BB	Amendments to address Traffic Comments	19.01.21

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Project
PROPOSED SHOP TOP HOUSING DEVELOPMENT

Project Address
9 Sherwood Road, Merrylands

Client
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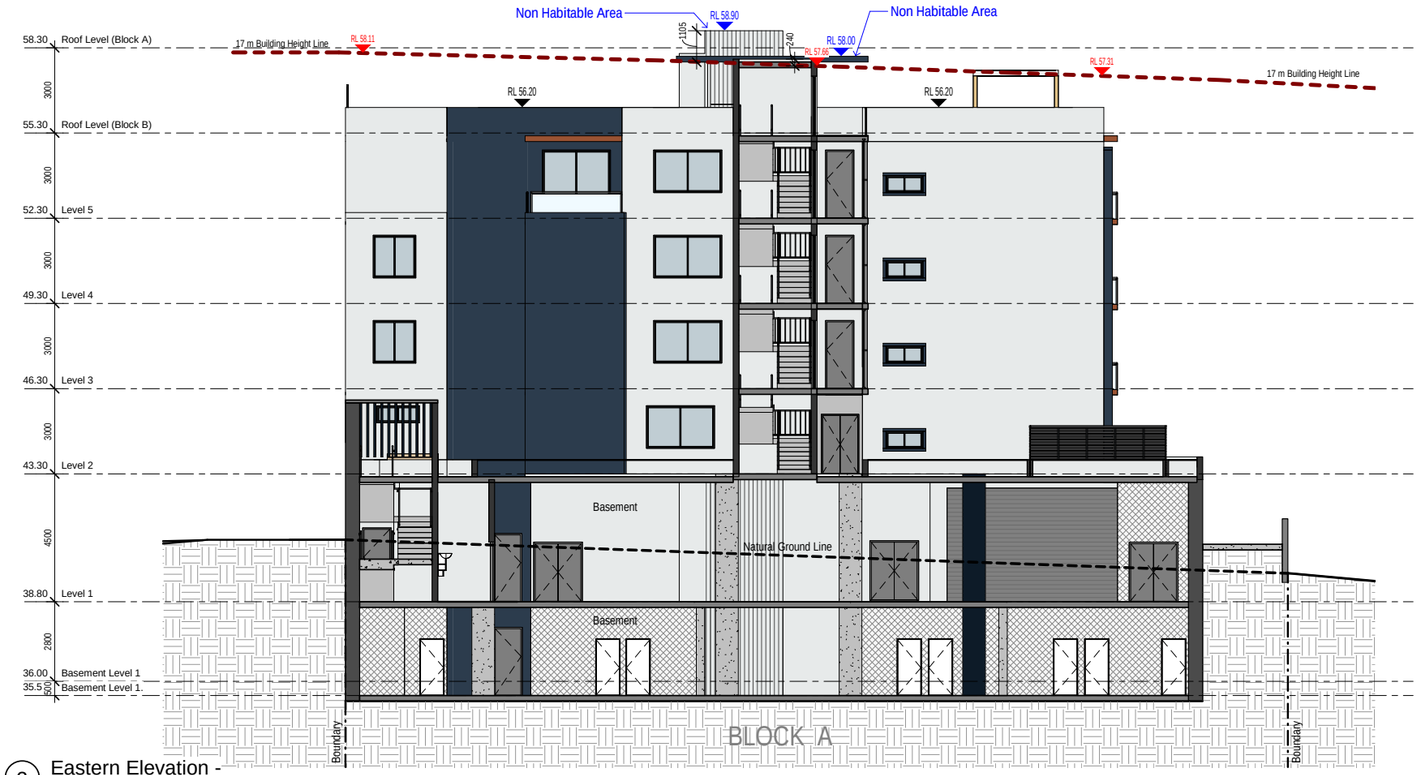
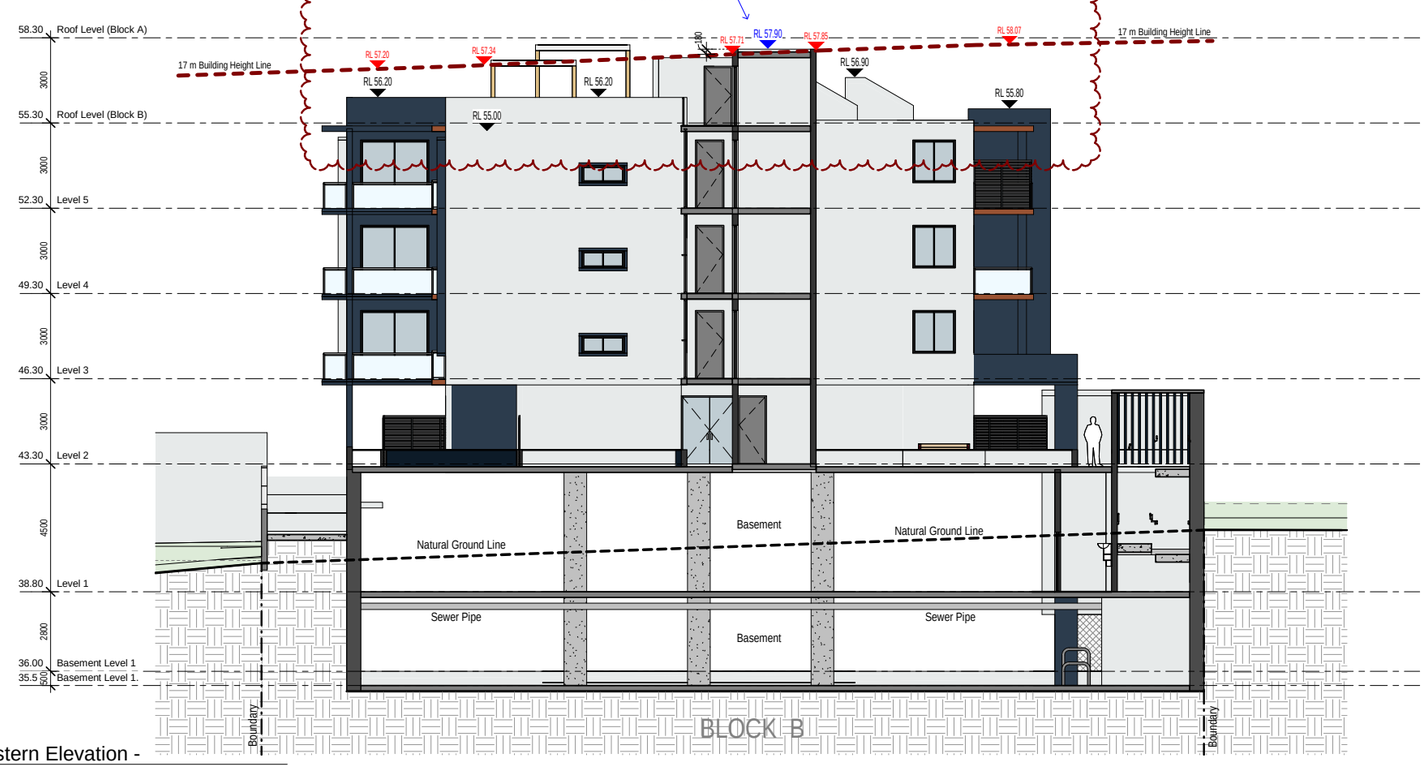
Title
Site Elevations

Drawn	Scale	Checked
AS	1:200 @A3	
Job No	**Drawing No.**	**Issue**
2220	.13	EE



2 Eastern Elevation - Block A 1:200 @A3



1 Western Elevation - Block B 1:200 @A3

0 m 1 2m 5m

CUMBERLAND CITY COUNCIL

THESE PLANS WERE APPROVED BY THE LAND AND ENVIRONMENT COURT UNDER CONSENT ORDER NO. 2021/00103440

DATED 2 November 2021

ISSUE DD - AMENDMENTS - 30.06.21

1. Residential Units on Block B Level 6 removed

ISSUE EE - AMENDMENTS - 07.09.21

1. Rooftop Communal Open space extended over northside of Block B.
2. Clerestory Skylights added to Units below.

Building Height Legend

- RL# Building Height - Habitable Area
- RL# Building Height - Non Habitable Area
- RL# Building Height Plane/Line

Issue	Issue description	Date
DD	Traffic Amendments, Elevations Added, Shadow + COS Calculation + Solar Access & Cross Ventilation Diagrams added	27.10.20
EE	Amendments to address Council Issues	07.09.21
CC	Residential Units on Block B Level 6 removed, Lift 1 Extended to Basement Level 1, Commercial Plaza to lift & Pedestrian Path added to Level 1, Bin Store details added on every level + General Amendments	30.06.21

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SECTION 4.55

Project
PROPOSED SHOP TOP HOUSING DEVELOPMENT

Project Address
9 Sherwood Road, Merrylands

Client
.

Title
Site Elevations 2

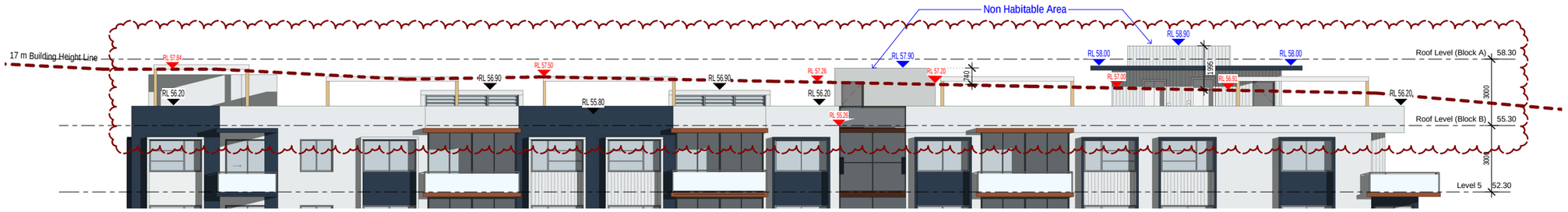
Drawn	Scale	Checked
AS	1:200 @A3	Checker
Job No	**Drawing No.**	**Issue**
2220	13a	EE

CUMBERLAND CITY COUNCIL

THESE PLANS WERE APPROVED BY THE LAND AND ENVIRONMENT COURT UNDER CONSENT ORDER NO. 2021/00103440

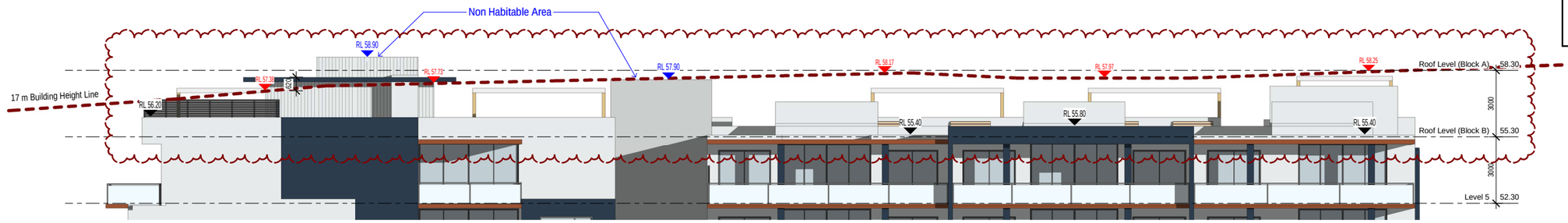
DATED 2 November 2021

0 m 2 4m 10m



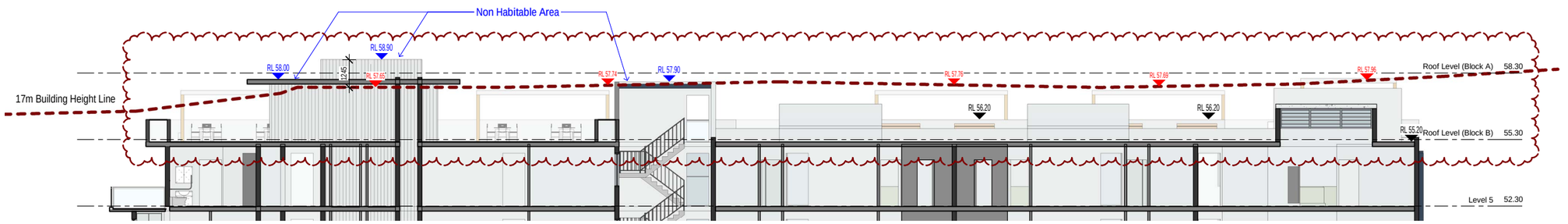
① Block B North Elevation - Building Height

1:200 @A3



② Block B South Elevation - Building Height

1:200 @A3



③ Block B Section - Building Height

1:200 @A3

ISSUE DD - AMENDMENTS - 30.06.21
1. Residential Units on Block B Level 6 removed
ISSUE EE - AMENDMENTS - 07.09.21
1. Rooftop Communal Open space extended over northside of Block B. 2. Clerestory Skylights added to Units below.

Building Height Legend

- RL# Building Height - Habitable Area
- RL# Building Height - Non Habitable Area
- RL# Building Height Plane/Line

Issue	Issue descrption	Date
EE	Amendments to address Council Issues	07.09.21
DD	Residential Units on Block B Level 6 removed, Lift 1 Extended to Basement Level 1, Commercial Plaza to lift & Pedestrian Path added to Level 1, Bin Store details added on every level + General Amendments	30.06.21
CC	Amendments to address Traffic Comments, Floor Levels Amended & Neighbouring building seperation information added	16.02.21
BB	Amendments to address Traffic Comments	19.01.21

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www.architex.com.au

SECTION 4.55

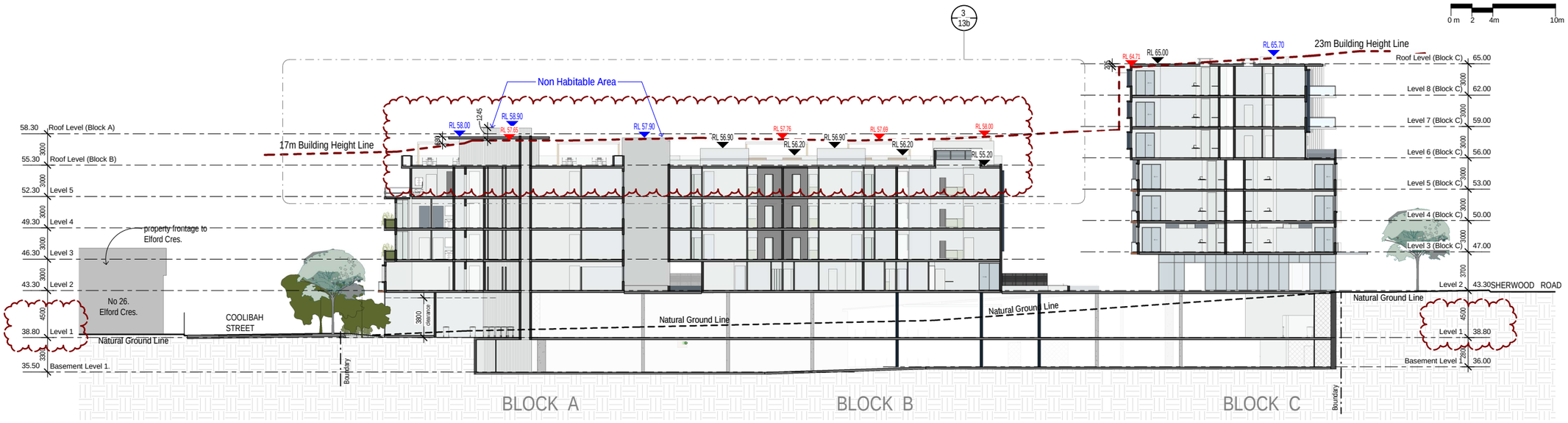
Project
PROPOSED SHOP TOP HOUSING DEVELOPMENT

Project Address
9 Sherwood Road, Merrylands

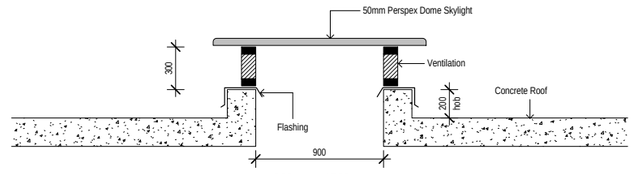
Client
.

Title
Building Height Details

Drawn	Scale	Checked
AS	1:200 @A3	Checker
Job No	Drawing No.	Issue
2220	13b	EE



Ⓐ Section thru Site
1:400 @A3



TYPICAL SKYLIGHT DETAIL
1:20

900mm x 1500mm Opening

CUMBERLAND CITY COUNCIL

THESE PLANS WERE APPROVED BY THE LAND AND ENVIRONMENT COURT UNDER CONSENT ORDER NO. 2021/00103440

DATED 2 November 2021



Ⓑ Section thru Block C
1:400 @A3

PREVIOUS AMENDMENTS

1. Move Building A+B back to be in 6.0m setback
2. Corner units in Block A+B amended.
3. Privacy screen removed from bedrooms and balconies.
4. Glass louvre windows added for improvements to cross ventilation to all Buildings.
5. Windows added for improvements to cross ventilation in Block C.
6. Blade walls reduced to improve Solar access.
7. 6.0m setbacks shown on all plans.
8. Substation Relocated

ISSUE DD - AMENDMENTS - 30.06.21

1. Residential Units on Block B Level 6 removed

ISSUE EE - AMENDMENTS - 07.09.21

1. Level 1 Floor level dropped by 200mm.
2. Rooftop Communal Open space extended over northside of Block B.
3. Clerestory Skylights added to Units below.

Issue	Issue description	Date
EE	Amendments to address Council Issues	07.09.21
DD	Residential Units on Block B Level 6 removed, Lift 1 Extended to Basement Level 1, Commercial Plaza to lift & Pedestrian Path added to Level 1, Bin Store details added on every level + General Amendments	30.06.21
F	General Amendments	12-01-17
E	Parking + Balcony amendments	21-12-16
CC	Amendments to address Traffic Comments, Floor Levels Amended & Neighbouring building seperation information added	16.02.21

Building Height Legend

- Building Height - Habitable Area
- Building Height - Non Habitable Area
- Building Height Plane/Line

SECTION 4.55

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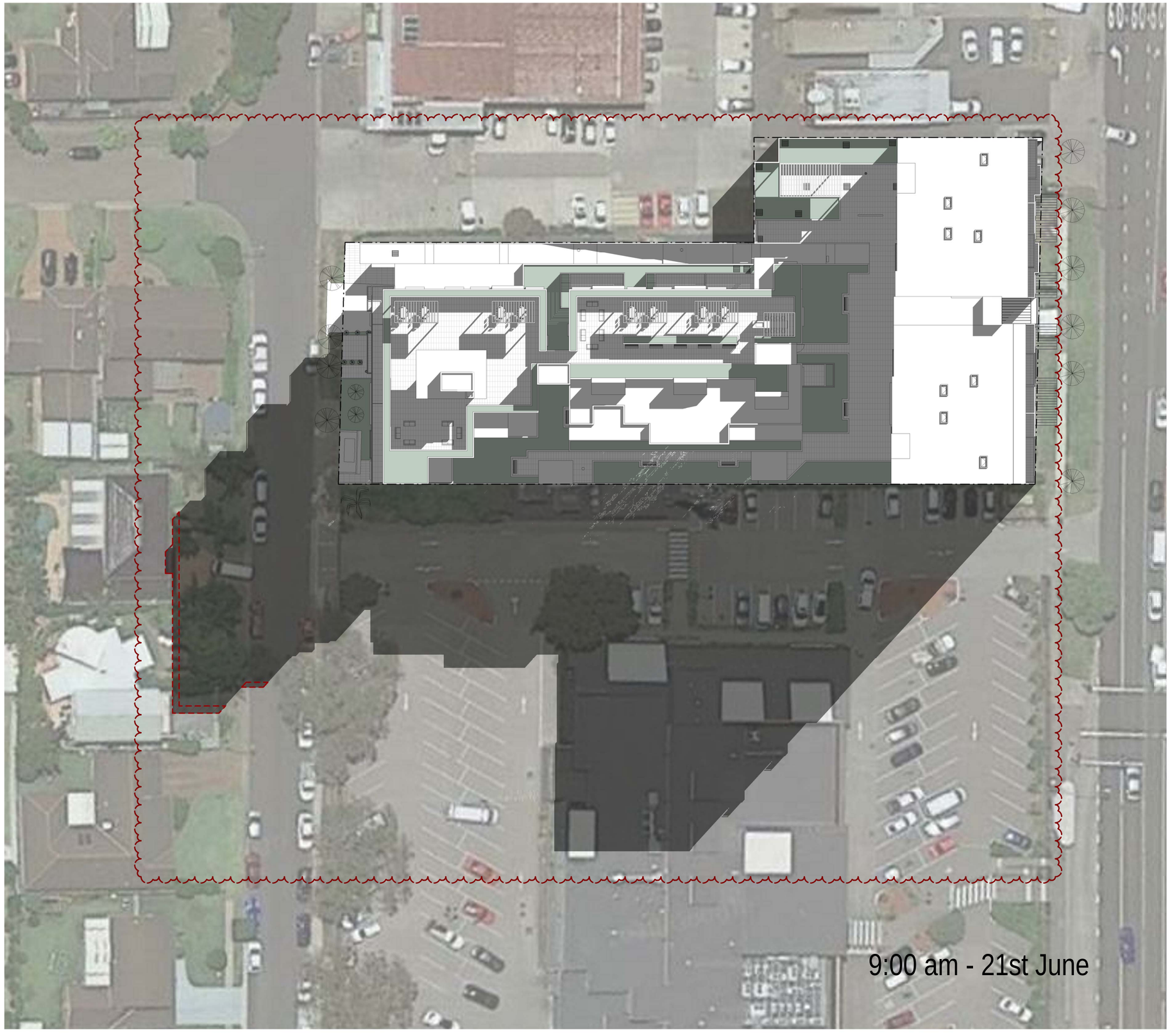
Project
PROPOSED SHOP TOP HOUSING DEVELOPMENT

Project Address
9 Sherwood Road, Merrylands

Client
.

Title
Site Sections

Drawn	Scale	Checked
AS	1:400 @A3	
Job No	Drawing No.	Issue
2220	.14	EE



0 m 1 2m 5m

True Northpoint

Do not scale, check and verify all dimensions before comencing new work, ground levels may vary due to site conditions.

Legend

Additional Shadows from S4.55 Proposal

Issue	Issue descrption	Date
Y	Traffic Amendments, Elevations Added, Shadow + COS Calculation + Solar Access & Cross Ventilation Diagrams added	27.10.20
EE	Amendments to address Council Issues	07.09.21
DD	Residential Units on Block B Level 6 removed, Lift 1 Extended to Basement Level 1, Commercial Plaza to lift & Pedestrian Path added to Level 1, Bin Store details added on every level + General Amendments	30.06.21

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www.architex.com.au

SECTION 4.55

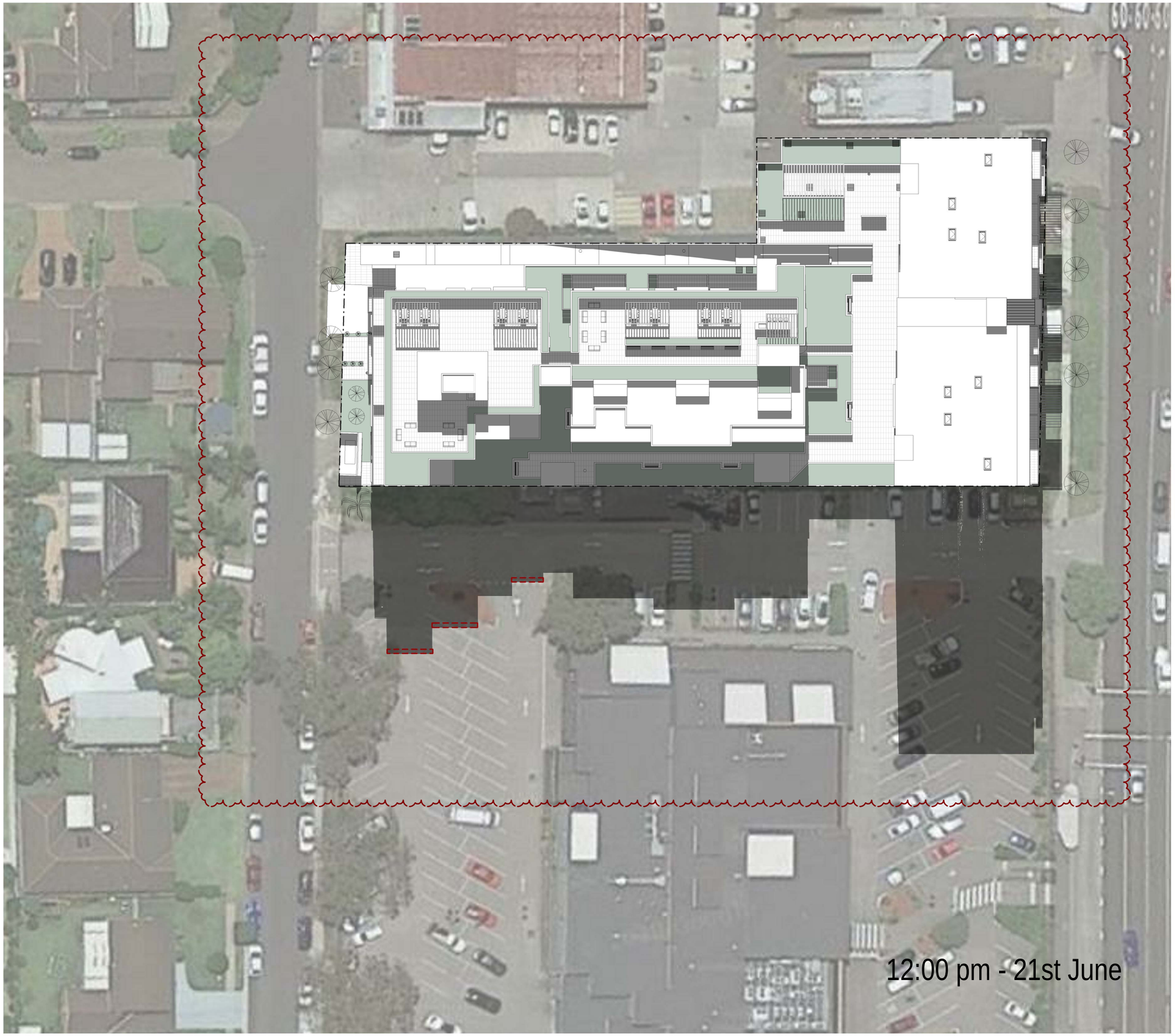
Project
PROPOSED SHOP TOP HOUSING DEVELOPMENT

Project Address
9 Sherwood Road, Merrylands

Client
.

Title
Shadow Diagram 9 am - 21st June

Drawn	Scale	Checked
AS	1:500 @A3	Checker
Job No	Drawing No.	Issue
2220	.19	EE



0 m 1 2m 5m

True Northpoint

Do not scale, check and verify all dimensions before comencing new work, ground levels may vary due to site conditions.

Legend

Additional Shadows from S4.55 Proposal

Issue	Issue description	Date
Y	Traffic Amendments, Elevations Added, Shadow + COS Calculation + Solar Access & Cross Ventilation Diagrams added	27.10.20
EE	Amendments to address Council Issues	07.09.21
DD	Residential Units on Block B Level 6 removed, Lift 1 Extended to Basement Level 1, Commercial Plaza to lift & Pedestrian Path added to Level 1, Bin Store details added on every level + General Amendments	30.06.21

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SECTION 4.55

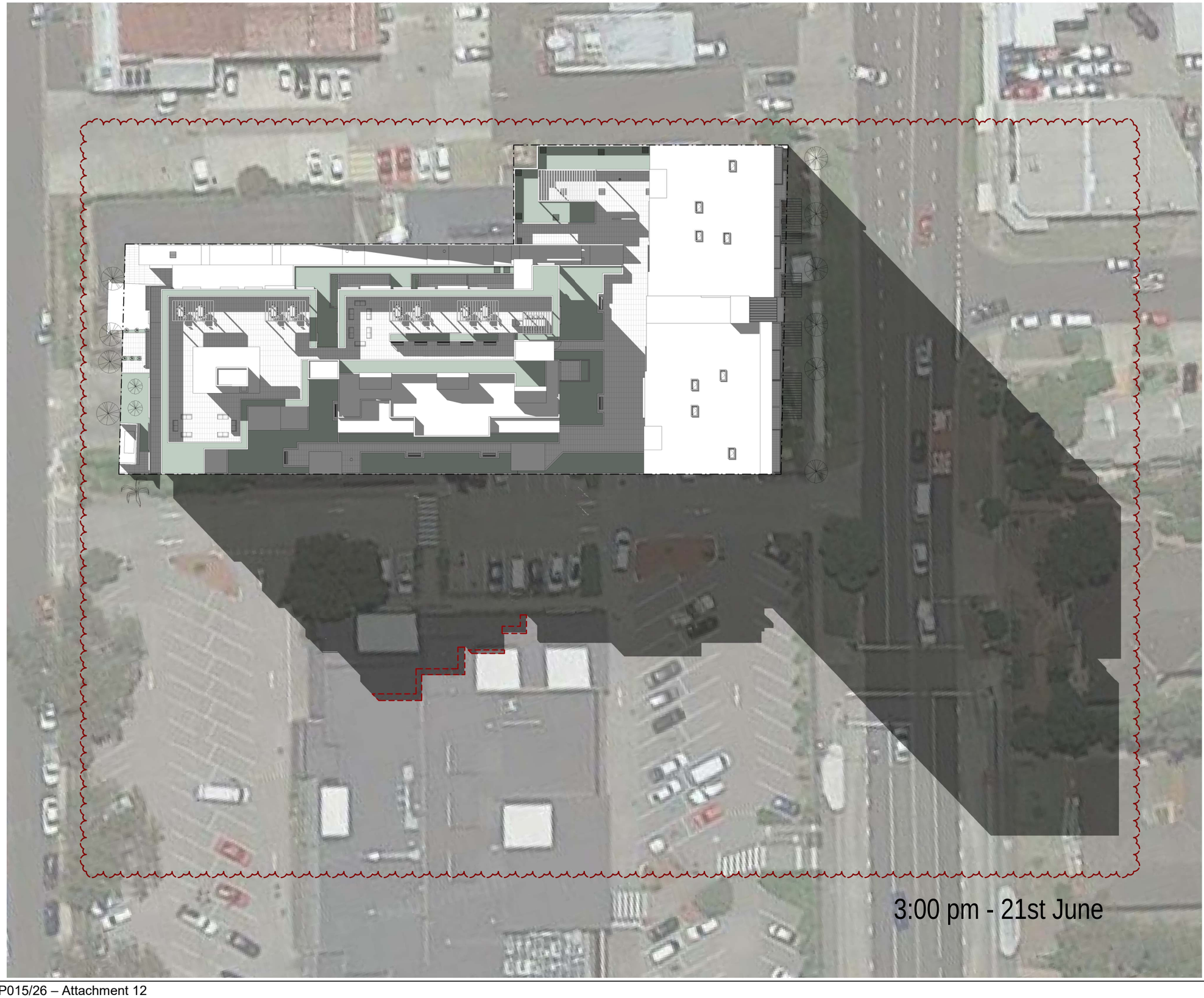
Project
PROPOSED SHOP TOP HOUSING DEVELOPMENT

Project Address
9 Sherwood Road, Merrylands

Client
.

Title
Shadow diagram 12 noon - 21st June

Drawn	Scale	Checked
AS	1:500 @A3	Checker
Job No	Drawing No.	Issue
2220	.20	EE



0 m 1 2m 5m

True Northpoint

Do not scale, check and verify all dimensions before comencing new work, ground levels may vary due to site conditions.

Legend

Additional Shadows from S4.55 Proposal

Issue	Issue description	Date
Y	Traffic Amendments, Elevations Added, Shadow + COS Calculation + Solar Access & Cross Ventilation Diagrams added	27.10.20
EE	Amendments to address Council Issues	07.09.21
DD	Residential Units on Block B Level 6 removed, Lift 1 Extended to Basement Level 1, Commercial Plaza to lift & Pedestrian Path added to Level 1, Bin Store details added on every level + General Amendments	30.06.21

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www.architex.com.au

SECTION 4.55

Project
PROPOSED SHOP TOP HOUSING DEVELOPMENT

Project Address
9 Sherwood Road, Merrylands

Client
.

Title
Shadow Diagram 3 pm - 21st June

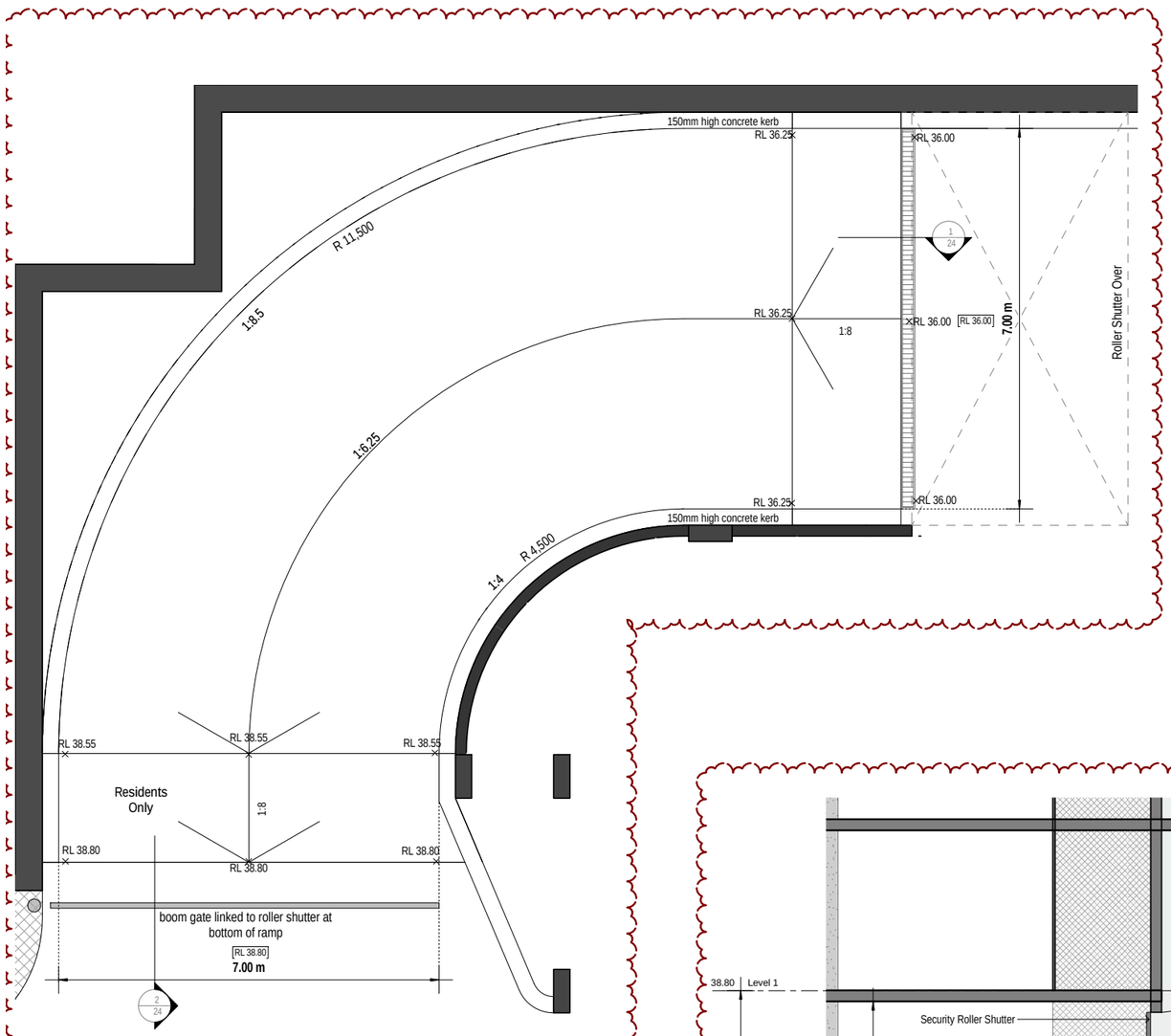
Drawn	Scale	Checked
AS	1:500 @A3	Checker
Job No	Drawing No.	Issue
2220	.21	EE

CUMBERLAND CITY COUNCIL

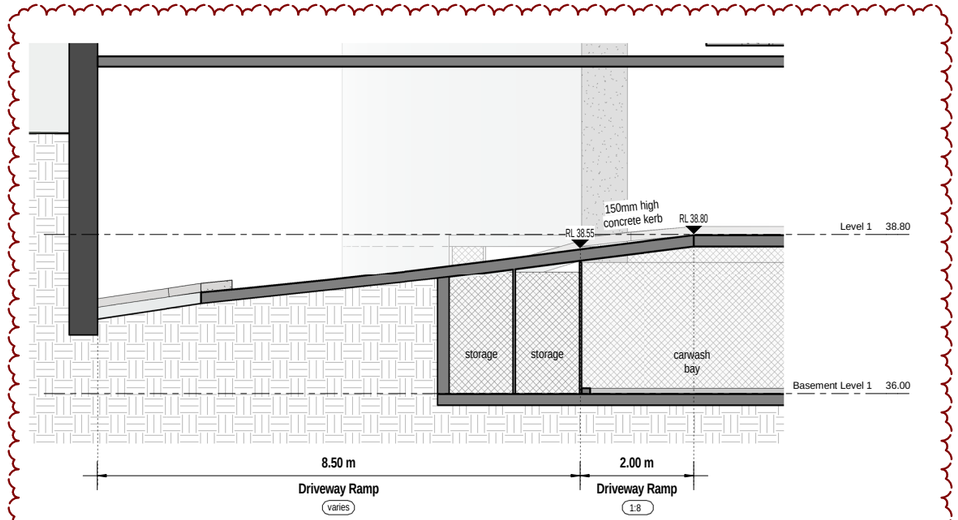
THESE PLANS WERE APPROVED BY THE LAND AND ENVIRONMENT COURT UNDER CONSENT ORDER NO. 2021/00103440

DATED 2 November 2021

0 m 2 4m 10m



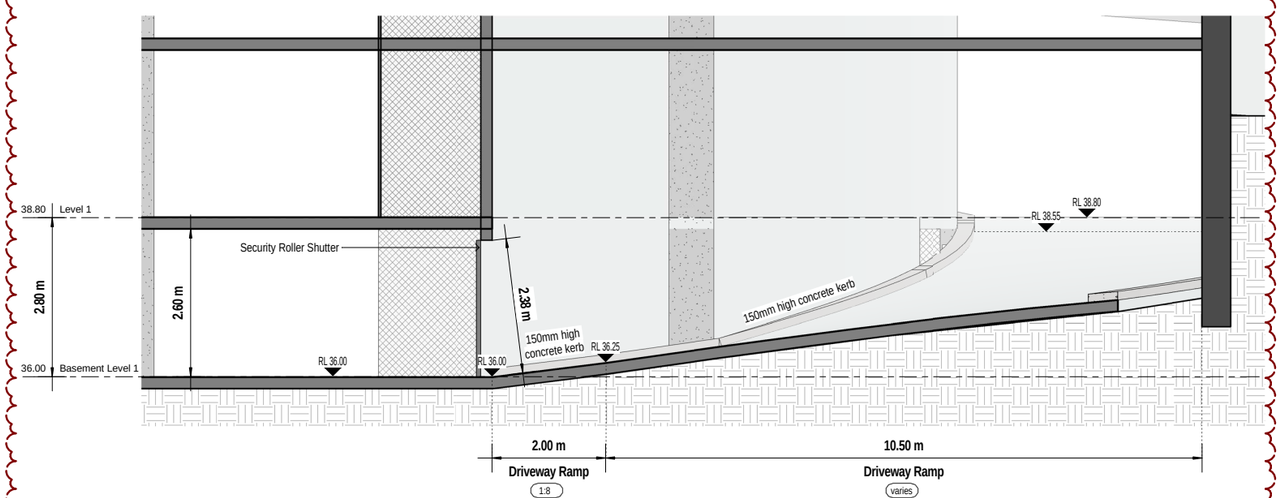
3 Ramp Details - Plan
1:100 @A3



2 Ramp Details - Section 2
1:100 @A3

ISSUE B - AMENDMENTS - 17.08.21
1. Typical Common Open Space / Private Open Space Detail added. 2. Ramp details amended.
ISSUE C - AMENDMENTS - 07.09.21
1. Ramp details amended. 2. Ramp Plan detail added.

Issue	Issue description	Date
C	Amendments to address Council Issues	07.09.21
B	Amendments to address Council Issues	17.08.21
A	Development Application	03-05-16



1 Ramp Details - Section 1
1:100 @A3

SECTION 4.55

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email@architex.com.au
www.architex.com.au

Project
PROPOSED SHOP TOP HOUSING DEVELOPMENT

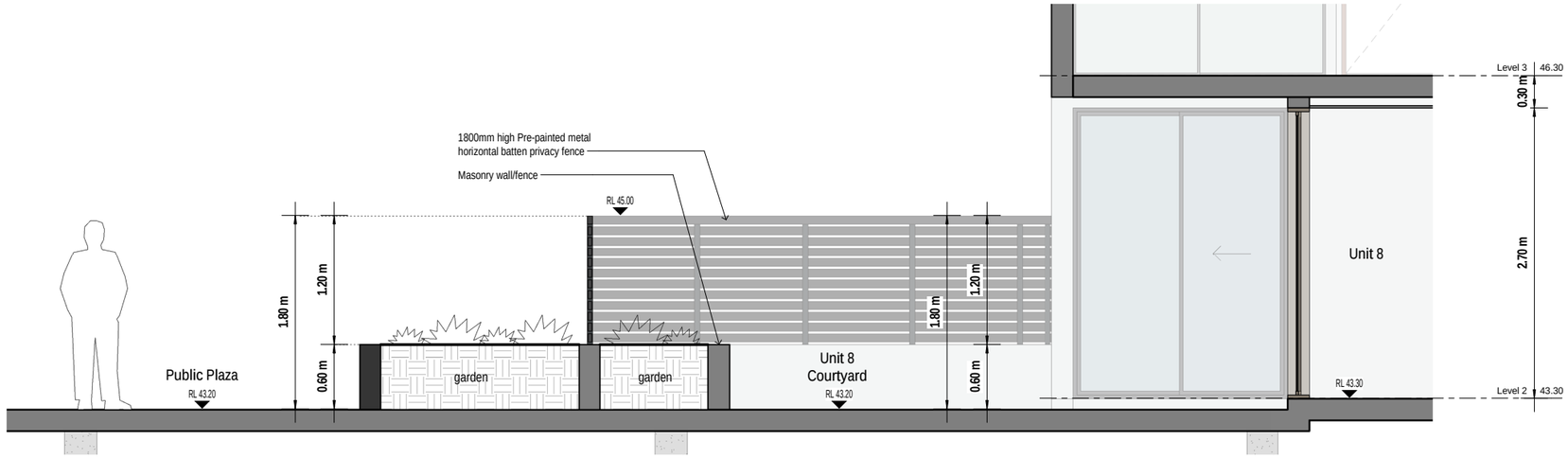
Project Address
9 Sherwood Road, Merrylands

Client
.

Title
Ramp Details

Drawn	Scale	Checked
AS	1:100 @A3	
Job No	**Drawing No.**	**Issue**
2220	.24	C

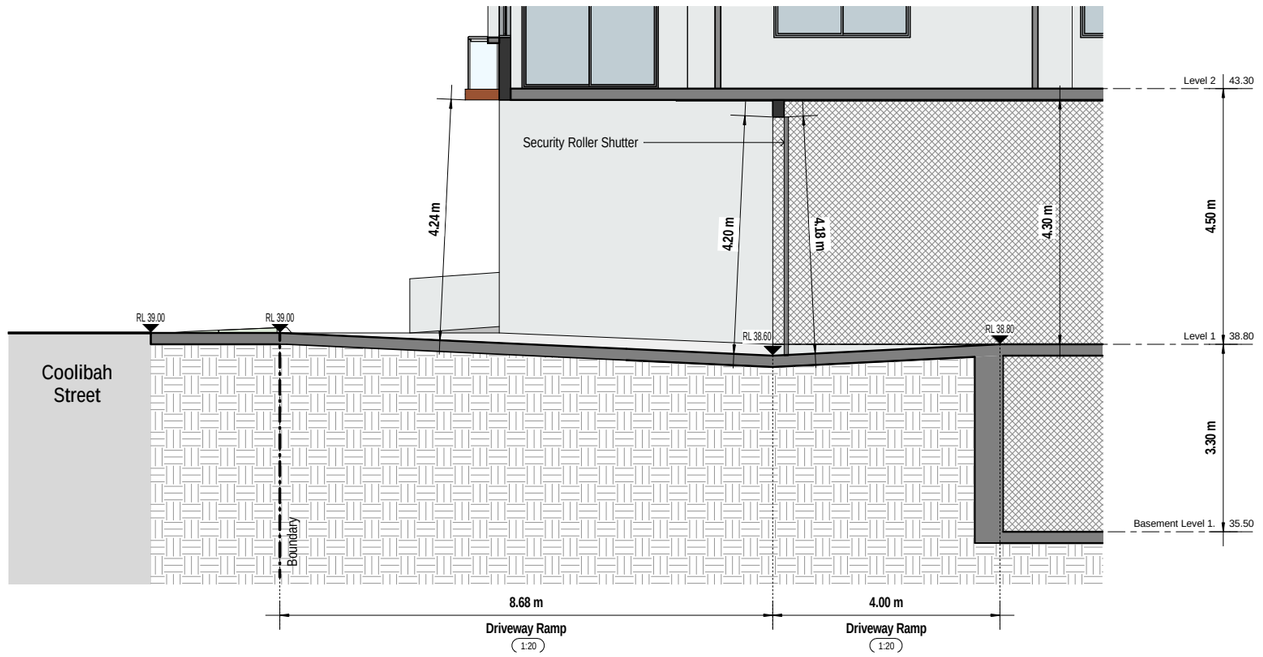
0 m 2 4m 10m



① Typical Common Open Space / Private Open Space Detail
1:50 @A3

CUMBERLAND CITY COUNCIL
THESE PLANS WERE APPROVED BY THE LAND AND ENVIRONMENT COURT UNDER CONSENT ORDER NO. 2021/00103440

DATED 2 November 2021



② Driveway Section
1:100 @A3

Issue	Issue descrption	Date
A	Amendments to address Council Issues	07.09.21

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SECTION 4.55

Project
PROPOSED SHOP TOP HOUSING DEVELOPMENT

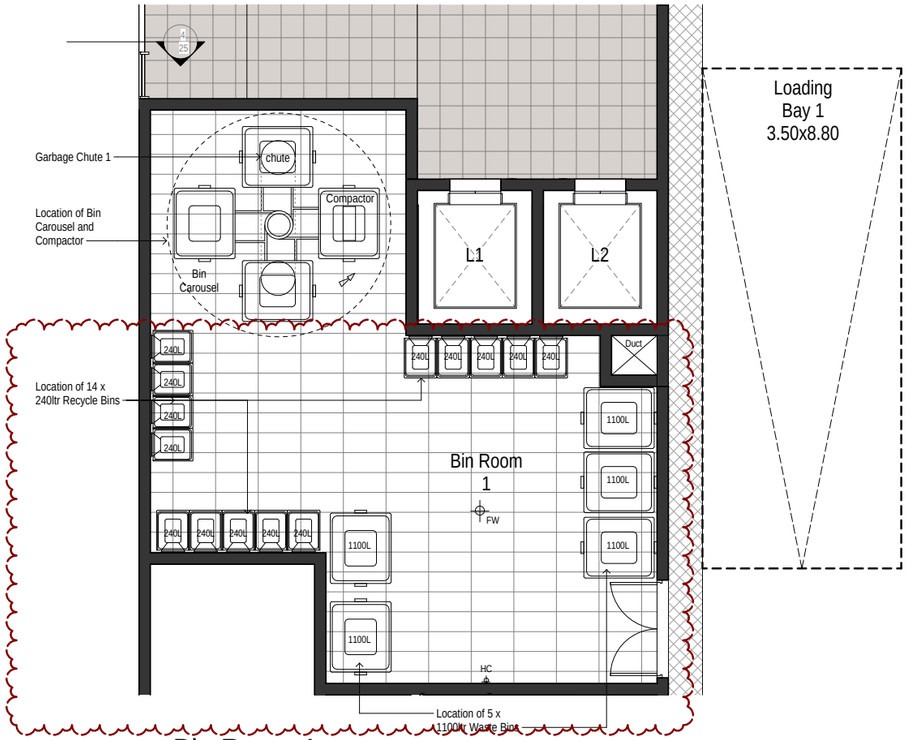
Project Address
9 Sherwood Road, Merrylands

Client
.

Title
Driveway Section & Site Details

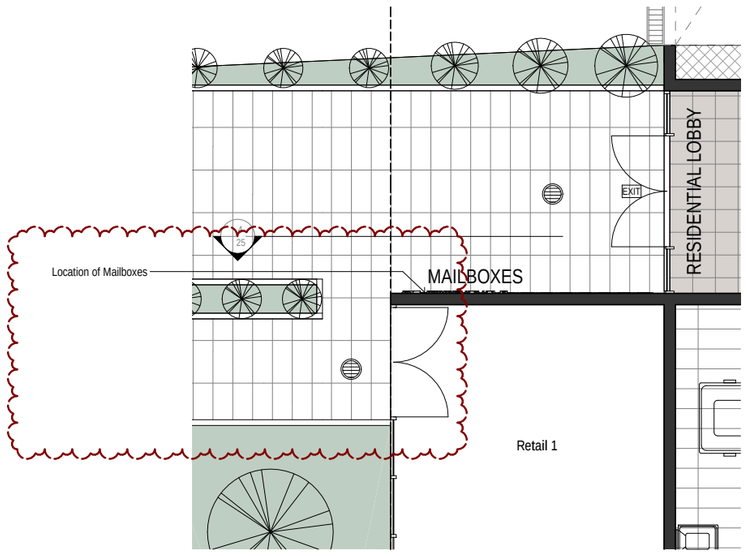
Drawn	Scale	Checked
AS	As indicated	Checker
Job No	Drawing No.	Issue
2220	24a	A

0 m 1 2m 5m

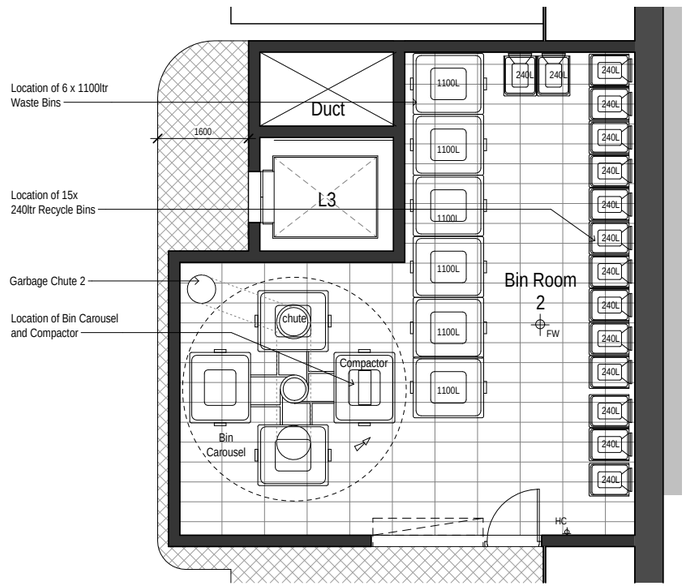


① Bin Room 1
1:100 @A3

Bin Room 1
= 5 x 1100L Waste Bins
= 14 x 240L Recycling Bins

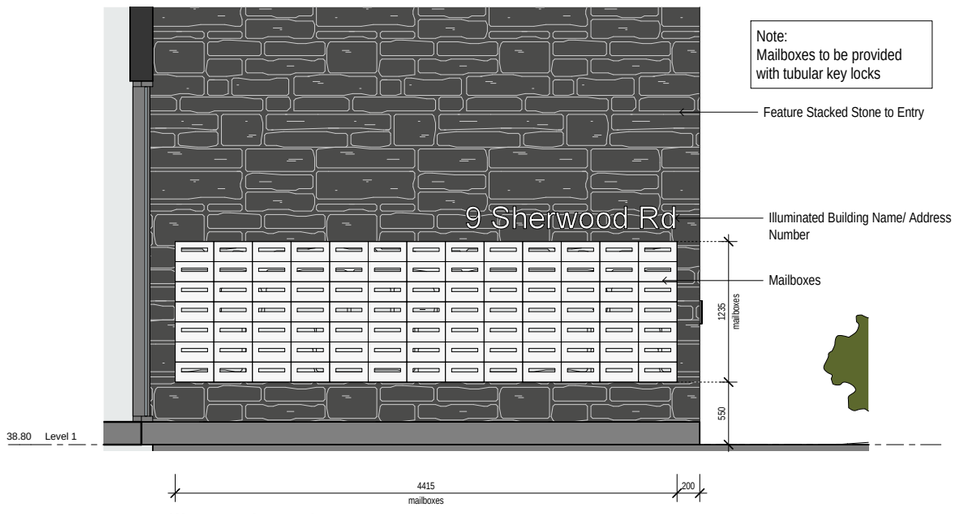


③ Mailbox Details
1:100 @A3



② Bin Room 2
1:100 @A3

Bin Room 2
= 6 x 1100L Waste Bins
= 15 x 240L Recycling Bins



④ Mailbox Elevation
1:50 @A3

CUMBERLAND CITY COUNCIL

THESE PLANS WERE APPROVED BY THE LAND AND ENVIRONMENT COURT UNDER CONSENT ORDER NO. 2021/00103440

DATED 2 November 2021

ISSUE J - AMENDMENTS - 17.08.21

1. Bin room one amended.
2. Entry path to Retail 1 added.

Issue	Issue descrption	Date
J	Amendments to address Council Issues	17.08.21
H	Block A North Corner Units amended + Solar access diagrams	30-05-17
I	Residential Units on Block B Level 6 removed, Lift 1 Extended to Basement Level 1, Commercial Plaza to lift & Pedestrian Path added to Level 1, Bin Store details added on every level + General Amendments	30.06.21
G	Sherwood Road Setback Amendments	19-01-17
F	General Amendments	12-01-17
E	Parking + Balcony amendments	21-12-16

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www.architex.com.au

SECTION 4.55

Project
PROPOSED SHOP TOP HOUSING DEVELOPMENT

Project Address
9 Sherwood Road, Merrylands

Client
.

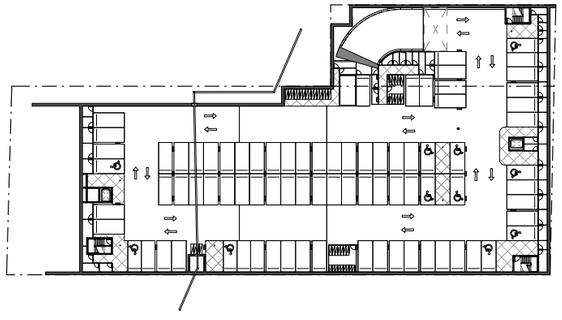
Title
Waste Management Plan & Mailbox Details

Drawn	Scale	Checked
Author	As indicated	Checker
Job No	Drawing No.	Issue
2220	.25	J

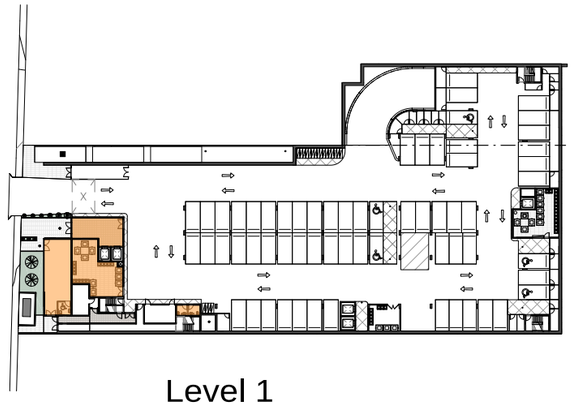
0 m 1 2m 5m

True Northpoint

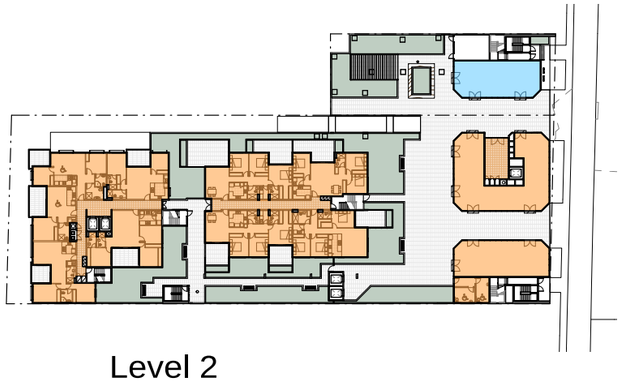
Do not scale, check and verify all dimensions before comencing new work, ground levels may vary due to site conditions.



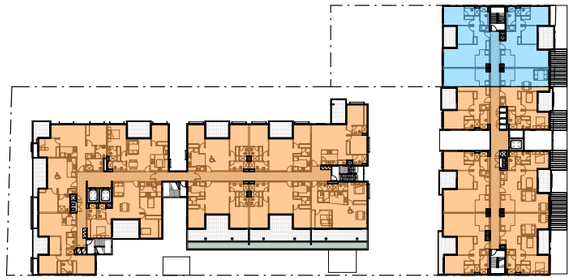
Basement



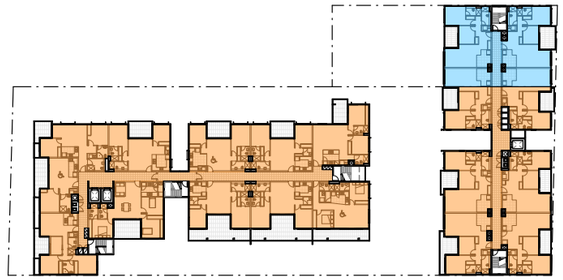
Level 1



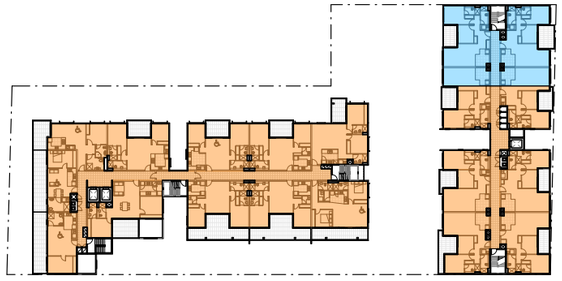
Level 2



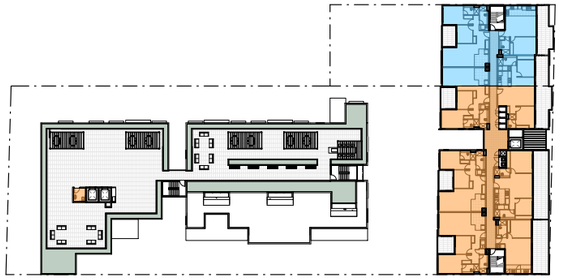
Level 3



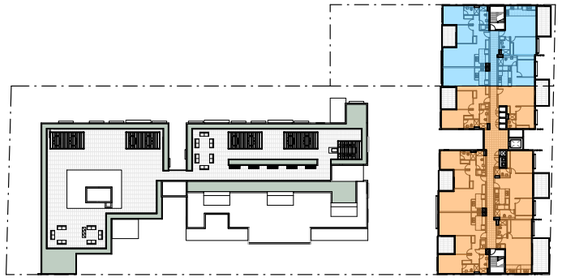
Level 4



Level 5



Level 6



Levels 7 & 8

ISSUE Z - AMENDMENTS - 17.08.21
1. FSR calculations amended to match changes on floor plans.
ISSUE AA - AMENDMENTS - 07.09.21
1. FSR calculations amended to match changes on floor plans.
ISSUE BB - AMENDMENTS - 14.09.21
1. FSR calculations amended to match changes on floor plans.

Issue	Issue description	Date
X	Block B - Level 2 Units Amended, Service Ducts Added, Parking Amended + General Amendments	08.10.20
U	Units Added To Level 6 + General Amendments	30.04.20
P	Section 4.55 - Parking Layout Amended, 6 Units Added + General Amendments	06.02.20
BB	Amendments to address Council Issues	14.09.21
AA	Amendments to address Council Issues	07.09.21
Z	Amendments to address Council Issues	17.08.21

	Lot 1 Area = 3,171.4 sq.m	Lot 101 Area = 563.2 sq.m
Level 1	163.78 sq.m	
Level 2	1,192.46 sq.m	94.65 sq.m
Level 3	1,405.5 sq.m	225.11 sq.m
Level 4	1,405.5 sq.m	225.11 sq.m
Level 5	1,358.6 sq.m	225.11 sq.m
Level 6	433.0 sq.m	204.7 sq.m
Level 7	428.0 sq.m	204.7 sq.m
Level 8	428.0 sq.m	204.7 sq.m
Proposed GFA	6,814.84 sq.m	1,384.08 sq.m
Proposed FSR	2.15:1	2.45:1

Areas Included in FSR Calculations of Lot 1

Areas Included in FSR Calculations of Lot 101

SECTION 4.55

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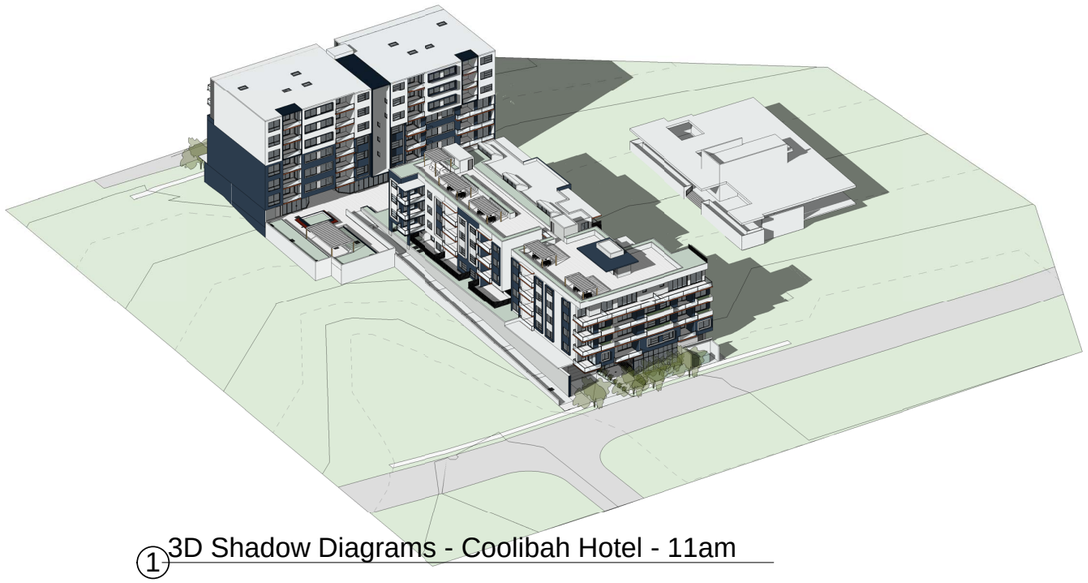
Project
PROPOSED SHOP TOP HOUSING DEVELOPMENT

Project Address
9 Sherwood Road, Merrylands

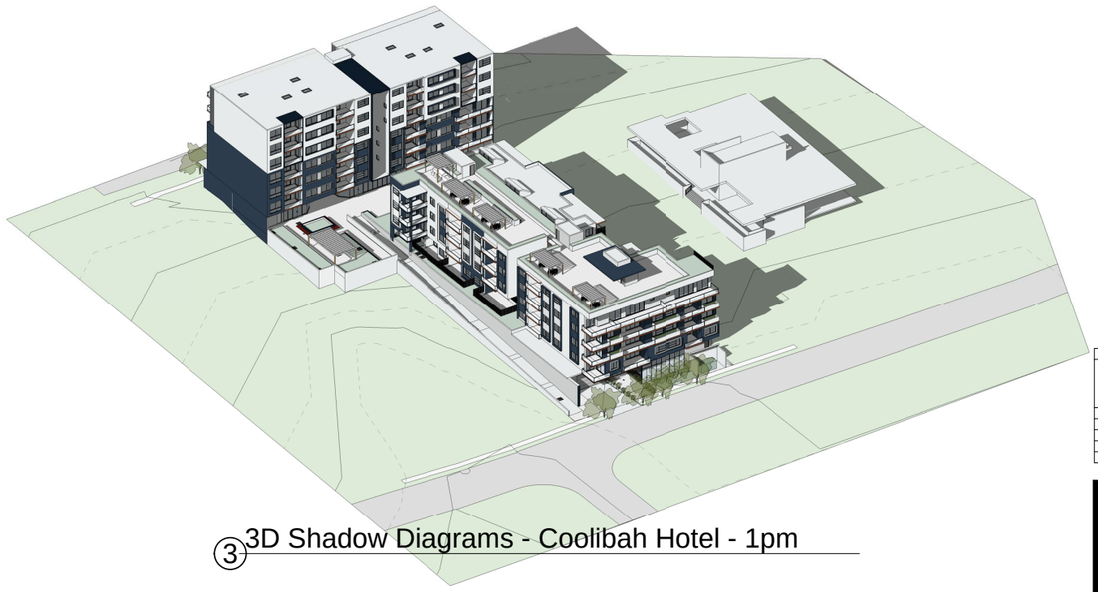
Client
.

Title
FSR Calculation Diagrams

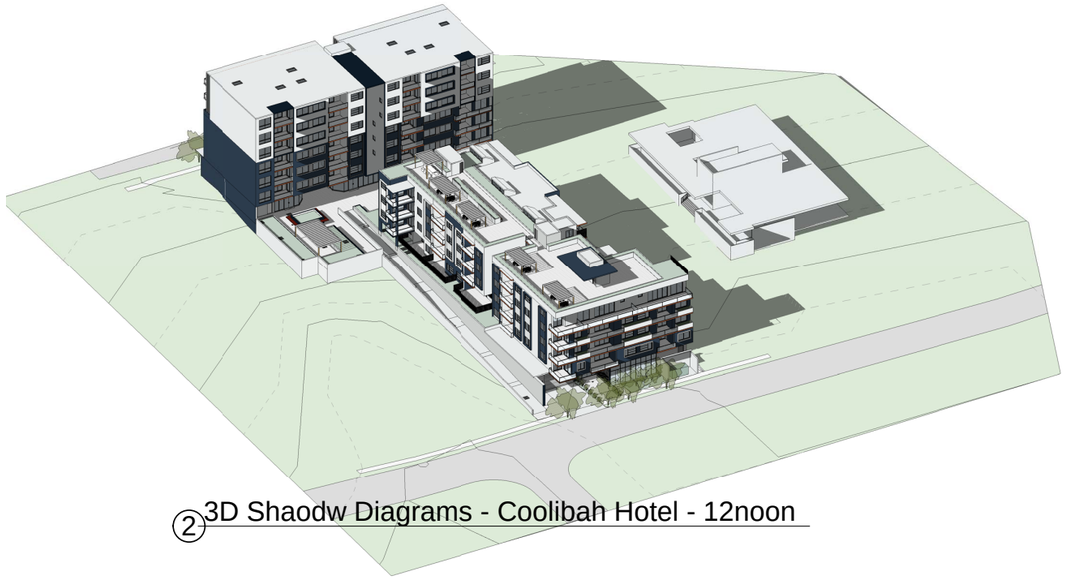
Drawn	Scale	Checked
AS	1:1000 @A3	Checker
Job No	Drawing No.	Issue
2220	.26	BB



1 3D Shadow Diagrams - Coolibah Hotel - 11am



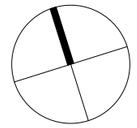
3 3D Shadow Diagrams - Coolibah Hotel - 1pm



2 3D Shaodw Diagrams - Coolibah Hotel - 12noon

0 m 1 2m 5m

True Northpoint



Do not scale, check and verify all dimensions before comencing new work, ground levels may vary due to site conditions.

Issue	Issue description	Date
H	Residential Units on Block B Level 6 removed, Lift 1 Extended to Basement Level 1, Commercial Plaza to lift & Pedestrian Path added to Level 1, Bin Store details added on every level + General Amendments	30.06.21
G	Sherwood Road Setback Amendments	19-01-17

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SECTION 4.55

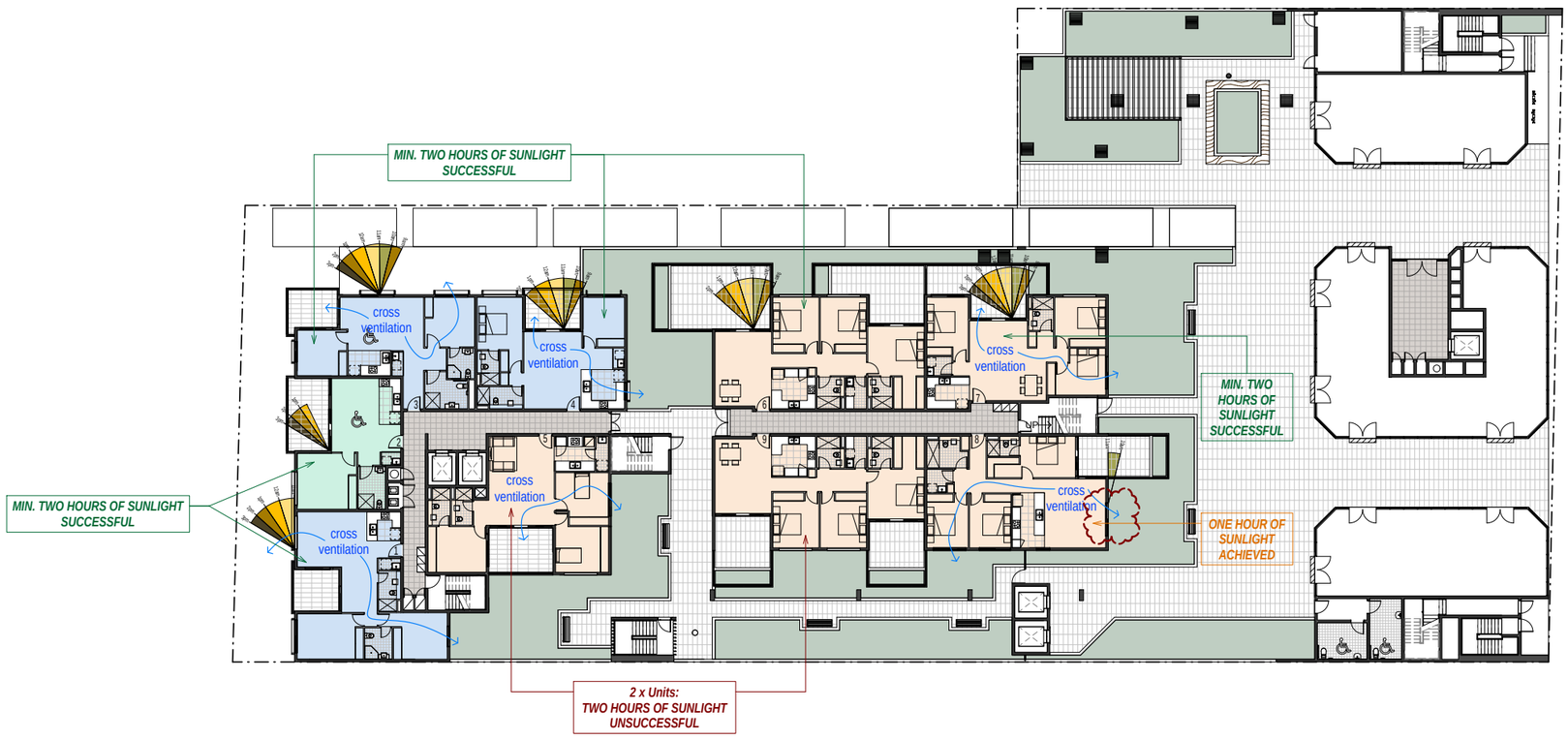
Project
PROPOSED SHOP TOP HOUSING DEVELOPMENT

Project Address
9 Sherwood Road, Merrylands

Client
.

Title
3D Shadow Diagrams - Coolibah Hotel

Drawn	Scale	Checked
AH		Checker
Job No	**Drawing No.**	**Issue**
2220	.27	H



1 Level 2 - Solar Access
1:400 @A3

0 m 1 2m 5m

True Northpoint

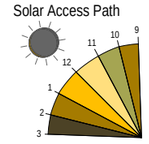
Do not scale, check and verify all dimensions before comencing new work, ground levels may vary due to site conditions.

Legend

Note: Sun angles taken at 21st June

- 9am to 10am
- 10am to 11am
- 11am to 12noon
- 12noon to 1pm
- 1pm to 2pm
- 2pm to 3pm

Solar Access Path



cross ventilation

Notes:
- Refer too hourly shadow diagrams that show no impact of overshadowing from other buildings unless otherwise indicated.
- Structural Columns, Glass balustrades & balcony sliding screens ommitted from solar access calculations

Description	Total
Number of Units with living areas receiving 2 hours minimum solar access on 21st June	78 (86.6%)
Number of Units with 0 solar access	9 (10%)
Number of Units with cross ventilation	71 (78.8%)

Issue	Issue description	Date
Y	Traffic Amendments, Elevations Added, Shadow + COS Calculation + Solar Access & Cross Ventilation Diagrams added	27.10.20
L	Amended unit layouts in Block C and Front Elevation	08-09-17
K	Solar Access	04-09-17
BB	Amendments to address Council Issues	07.09.21
AA	Amendments to address Council Issues	17.08.21

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Project
PROPOSED SHOP TOP HOUSING DEVELOPMENT

Project Address
9 Sherwood Road, Merrylands

Client
.

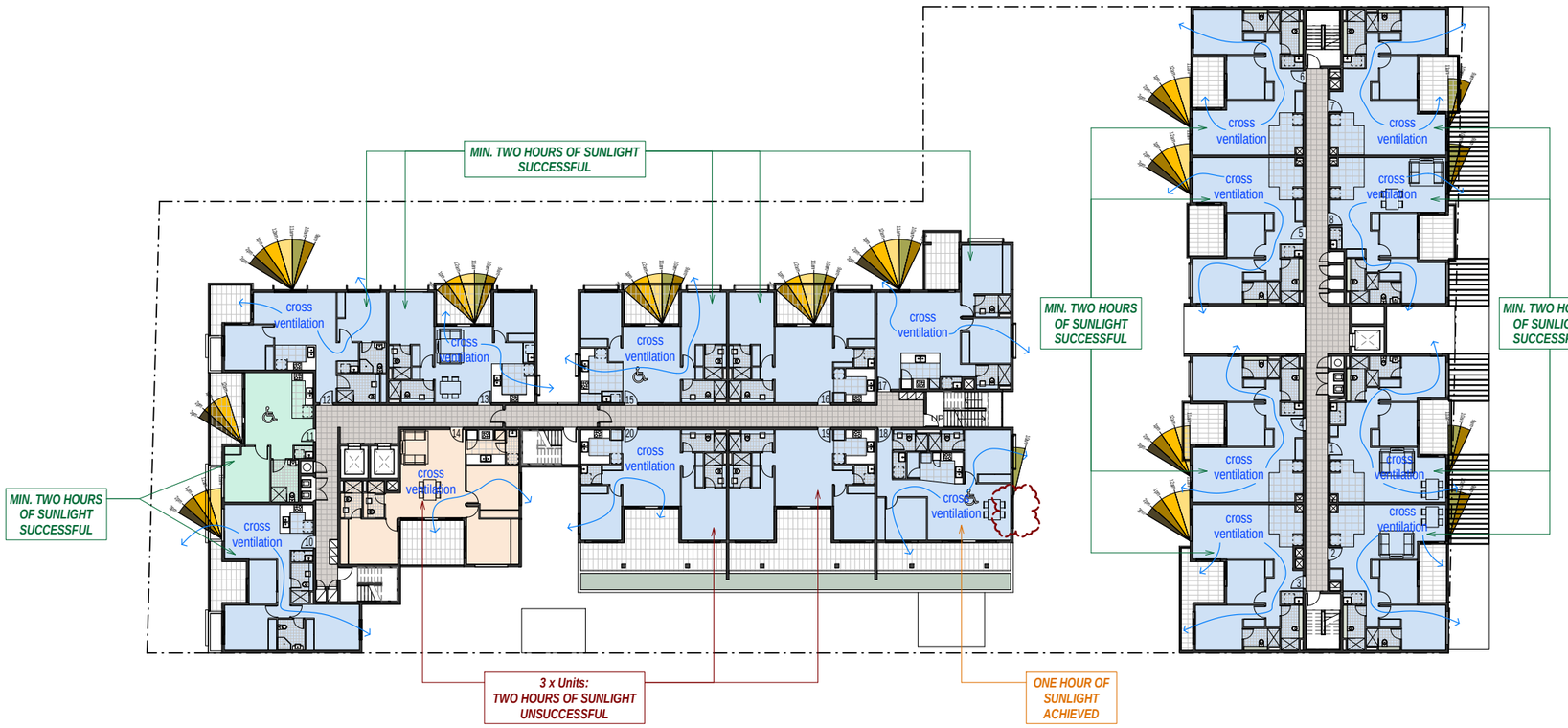
Title
Solar Access - Level 2

Drawn	Scale	Checked
AS	1:400 @A3	Checker
Job No	Drawing No.	Issue
2220	.28	BB

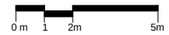
SECTION 4.55

ISSUE AA - AMENDMENTS - 17.08.21
1. Solar access calculations amended to match changes on floor plans.

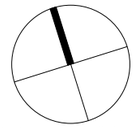
ISSUE BB - AMENDMENTS - 07.09.21
1. Solar access calculations amended to match changes on floor plans.



1 Level 3 - Solar Access
1:400 @A3



True Northpoint

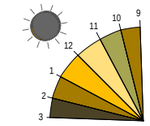


Do not scale, check and verify all dimensions before comencing new work, ground levels may vary due to site conditions.

Legend
Note: Sun angles taken at 21st June

- 9am to 10am
- 10am to 11am
- 11am to 12noon
- 12noon to 1pm
- 1pm to 2pm
- 2pm to 3pm

Solar Access Path



Notes:
- Refer too hourly shadow diagrams that show no impact of overshadowing from other buildings unless otherwise indicated.
- Structural Columns, Glass balustrades & balcony sliding screens omitted from solar access calculations

Description	Total
Number of Units with living areas receiving 2 hours minimum solar access on 21st June	78 (86.6%)
Number of Units with 0 solar access	9 (10%)
Number of Units with cross ventilation	71 (78.8%)

Issue	Issue description	Date
Y	Traffic Amendments, Elevations Added. Shadow + COS Calculation + Solar Access & Cross Ventilation Diagrams added	27.10.20
L	Amended unit layouts in Block C and Front Elevation	08-09-17
K	Solar Access	04-09-17
BB	Amendments to address Council Issues	07.09.21
AA	Amendments to address Council Issues	17.08.21

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Project
PROPOSED SHOP TOP HOUSING DEVELOPMENT

Project Address
9 Sherwood Road, Merrylands

Client
.

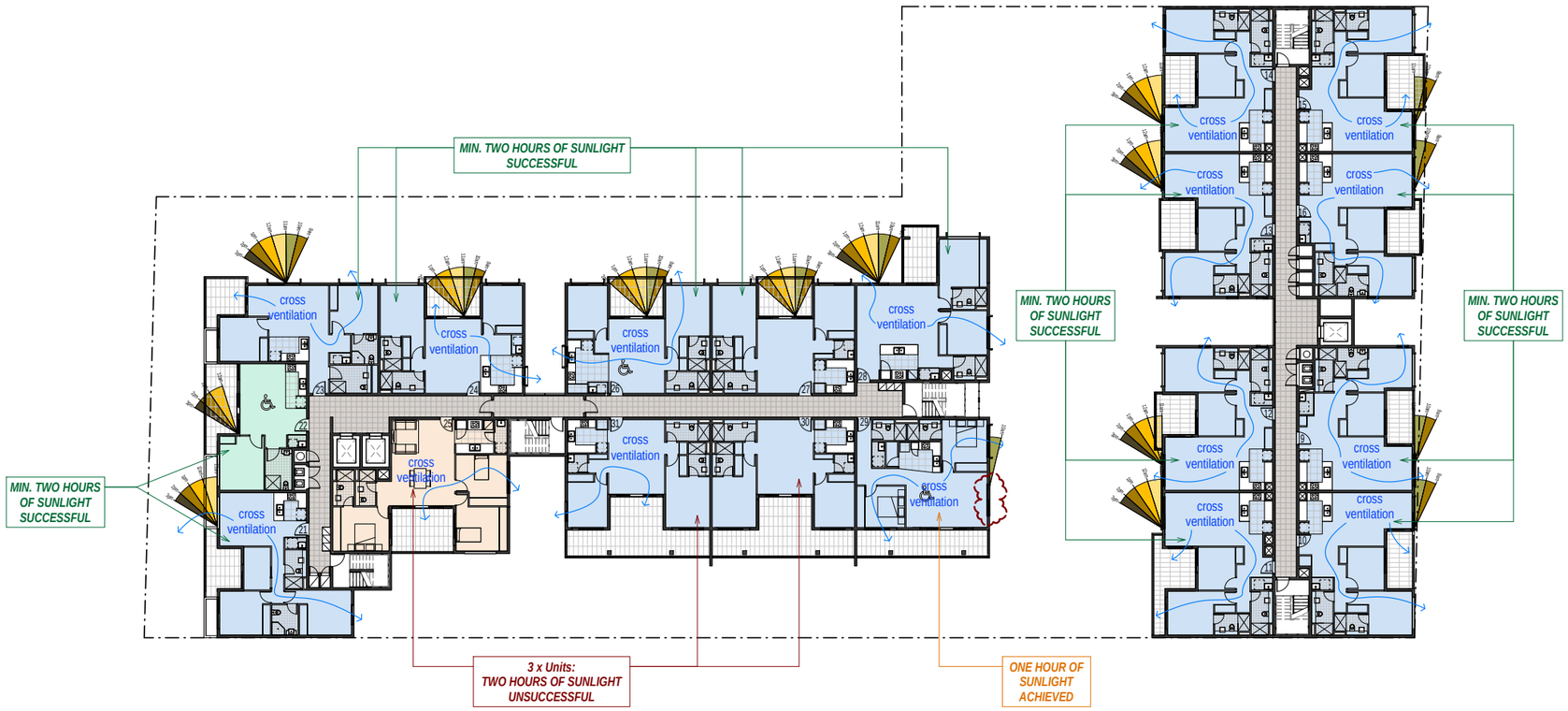
Title
Solar Access - Level 3

Drawn	Scale	Checked
AS	1:400 @A3	Checker
Job No	Drawing No.	Issue
2220	.29	BB

SECTION 4.55

ISSUE AA - AMENDMENTS - 17.08.21
1. Solar access calculations amended to match changes on floor plans.

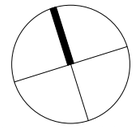
ISSUE BB - AMENDMENTS - 07.09.21
1. Solar access calculations amended to match changes on floor plans.



① Level 4 - Solar Access
1:400 @A3



True Northpoint

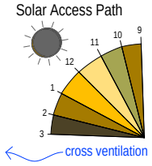


Do not scale, check and verify all dimensions before comencing new work, ground levels may vary due to site conditions.

Legend
Note: Sun angles taken at 21st June

- 9am to 10am
- 10am to 11am
- 11am to 12noon
- 12noon to 1pm
- 1pm to 2pm
- 2pm to 3pm

Solar Access Path



Notes:
- Refer too hourly shadow diagrams that show no impact of overshadowing from other buildings unless otherwise indicated.
- Structural Columns, Glass balustrades & balcony sliding screens ommitted from solar access calculations

Description	Total
Number of Units with living areas receiving 2 hours minimum solar access on 21st June	78 (86.6%)
Number of Units with 0 solar access	9 (10%)
Number of Units with cross ventilation	71 (78.8%)

Issue	Issue description	Date
Y	Traffic Amendments, Elevations Added, Shadow + COS Calculation + Solar Access & Cross Ventilation Diagrams added	27.10.20
L	Amended unit layouts in Block C and Front Elevation	08-09-17
K	Solar Access	04-09-17
BB	Amendments to address Council Issues	07.09.21
AA	Amendments to address Council Issues	17.08.21

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www.architex.com.au

Project
PROPOSED SHOP TOP HOUSING DEVELOPMENT

Project Address
9 Sherwood Road, Merrylands

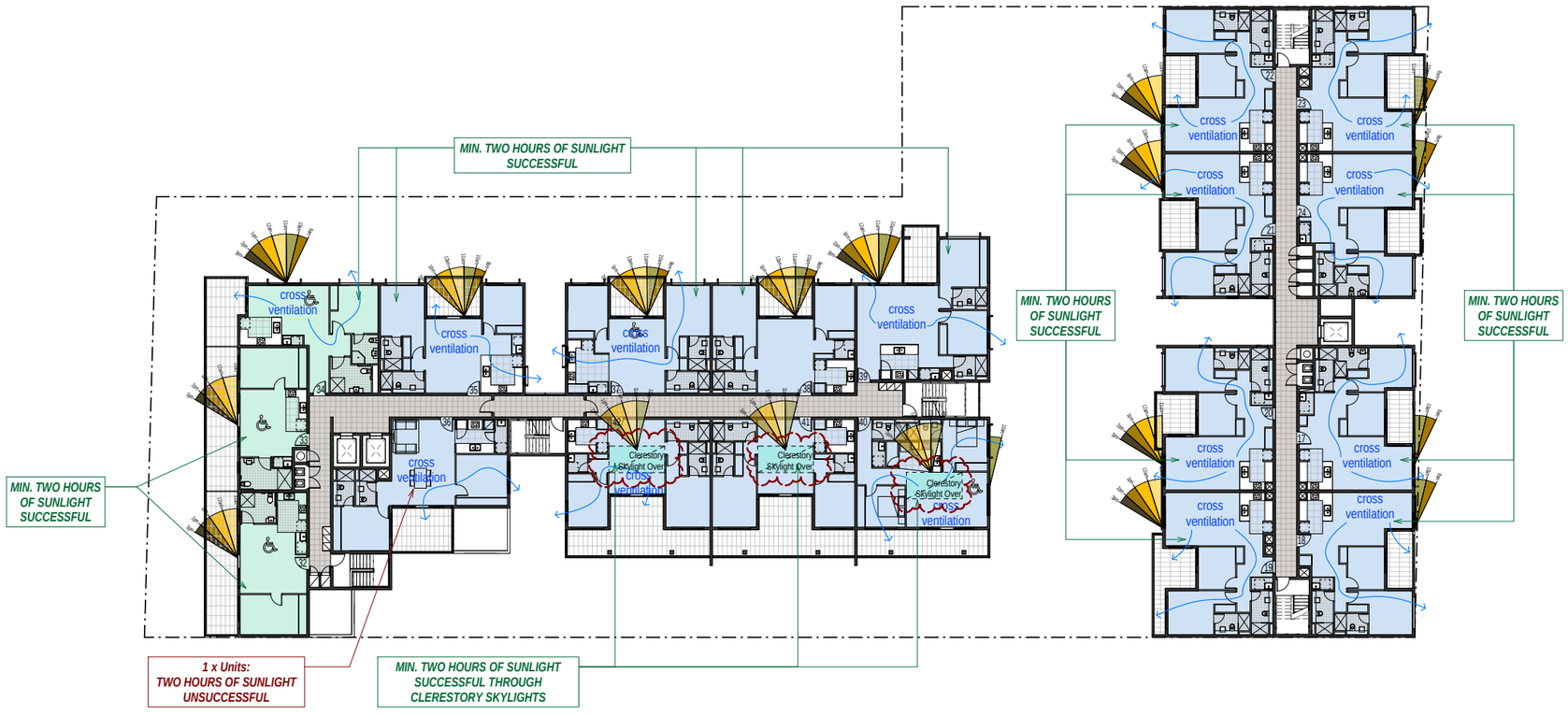
Client
.

Title
Solar Access - Level 4

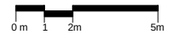
Drawn	Scale	Checked
AS	1:400 @A3	Checker
Job No	**Drawing No.**	**Issue**
2220	.30	BB

SECTION 4.55

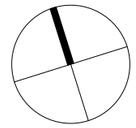
ISSUE AA - AMENDMENTS - 17.08.21
1. Solar access calculations amended to match changes on floor plans.
ISSUE BB - AMENDMENTS - 07.09.21
1. Solar access calculations amended to match changes on floor plans.



① Level 5 - Solar Access
1:400 @A3



True Northpoint



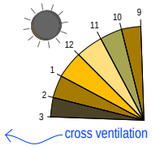
Do not scale, check and verify all dimensions before comencing new work, ground levels may vary due to site conditions.

Legend

Note: Sun angles taken at 21st June

- 9am to 10am
- 10am to 11am
- 11am to 12noon
- 12noon to 1pm
- 1pm to 2pm
- 2pm to 3pm

Solar Access Path



Notes:
- Refer too hourly shadow diagrams that show no impact of overshadowing from other buildings unless otherwise indicated.
- Structural Columns, Glass balustrades & balcony sliding screens ommitted from solar access calculations

Description	Total
Number of Units with living areas receiving 2 hours minimum solar access on 21st June	78 (86.6%)
Number of Units with 0 solar access	9 (10%)
Number of Units with cross ventilation	71 (78.8%)

Issue	Issue description	Date
Y	Traffic Amendments, Elevations Added, Shadow + COS Calculation + Solar Access & Cross Ventilation Diagrams added	27.10.20
L	Amended unit layouts in Block C and Front Elevation	08-09-17
K	Solar Access	04-09-17
BB	Amendments to address Council Issues	07.09.21
AA	Amendments to address Council Issues	17.08.21

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ISSUE AA - AMENDMENTS - 17.08.21
1. Solar access calculations amended to match changes on floor plans.
ISSUE BB - AMENDMENTS - 07.09.21
1. Solar access calculations amended to match changes on floor plans.

Clerestory Skylight Over - 4200 x 2000

SECTION 4.55

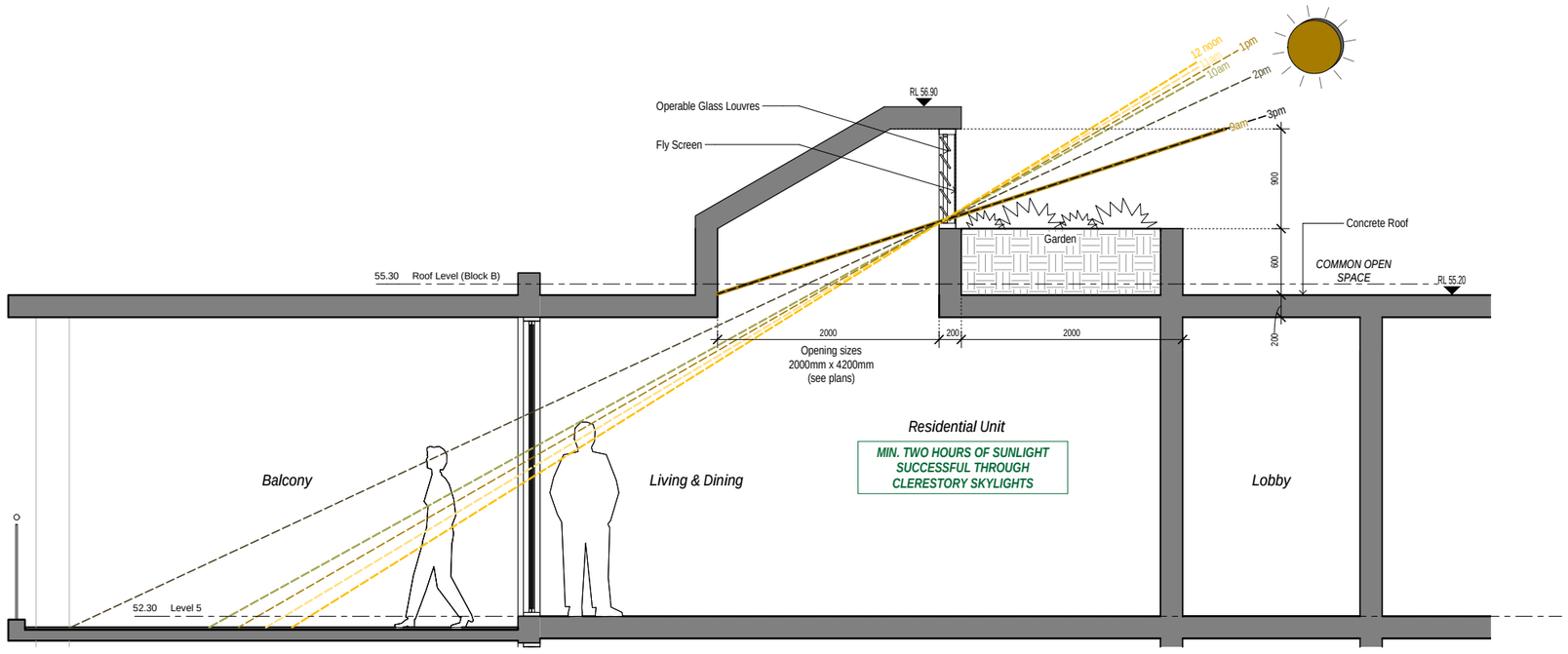
Project
PROPOSED SHOP TOP HOUSING DEVELOPMENT

Project Address
9 Sherwood Road, Merrylands

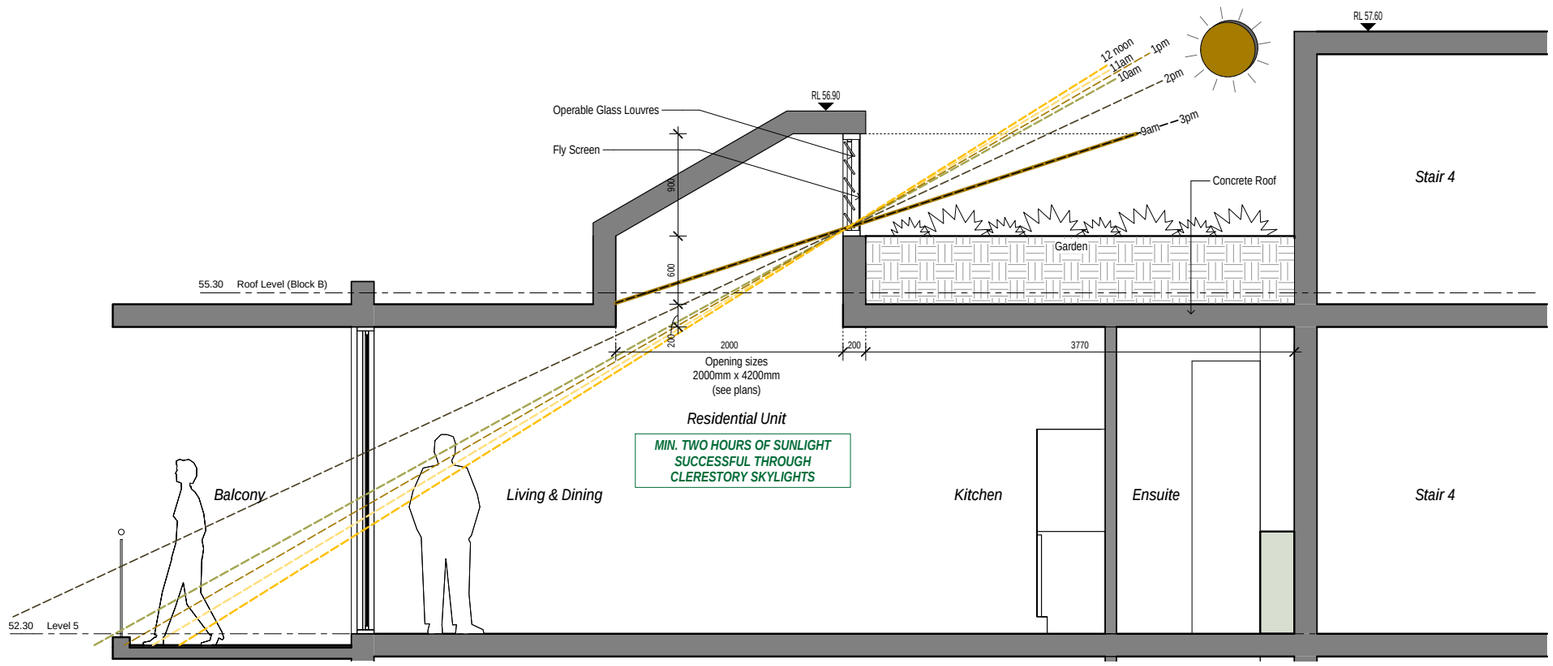
Client
.

Title
Solar Access - Level 5

Drawn	Scale	Checked
AS	1:400 @A3	Checker
Job No	Drawing No.	Issue
2220	.31	BB



1 Units 41 & 42 Clerestory Skylight Solar Detail - Winter Solstice 21st June
1:50 @A3



2 Unit 40 Clerestory Skylight Solar Detail - Winter Solstice 21st June
1:50 @A3

0 m 1 2m 5m

True Northpoint

Do not scale, check and verify all dimensions before comencing new work, ground levels may vary due to site conditions.

Sun Altitude Legend
Winter Solstice - 21st June

- 3pm
- 2pm
- 1pm
- 12 Noon
- 11am
- 10am
- 9am

Issue	Issue description	Date
JJ	Amendments to address Council Issues	14.09.21

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SECTION 4.55

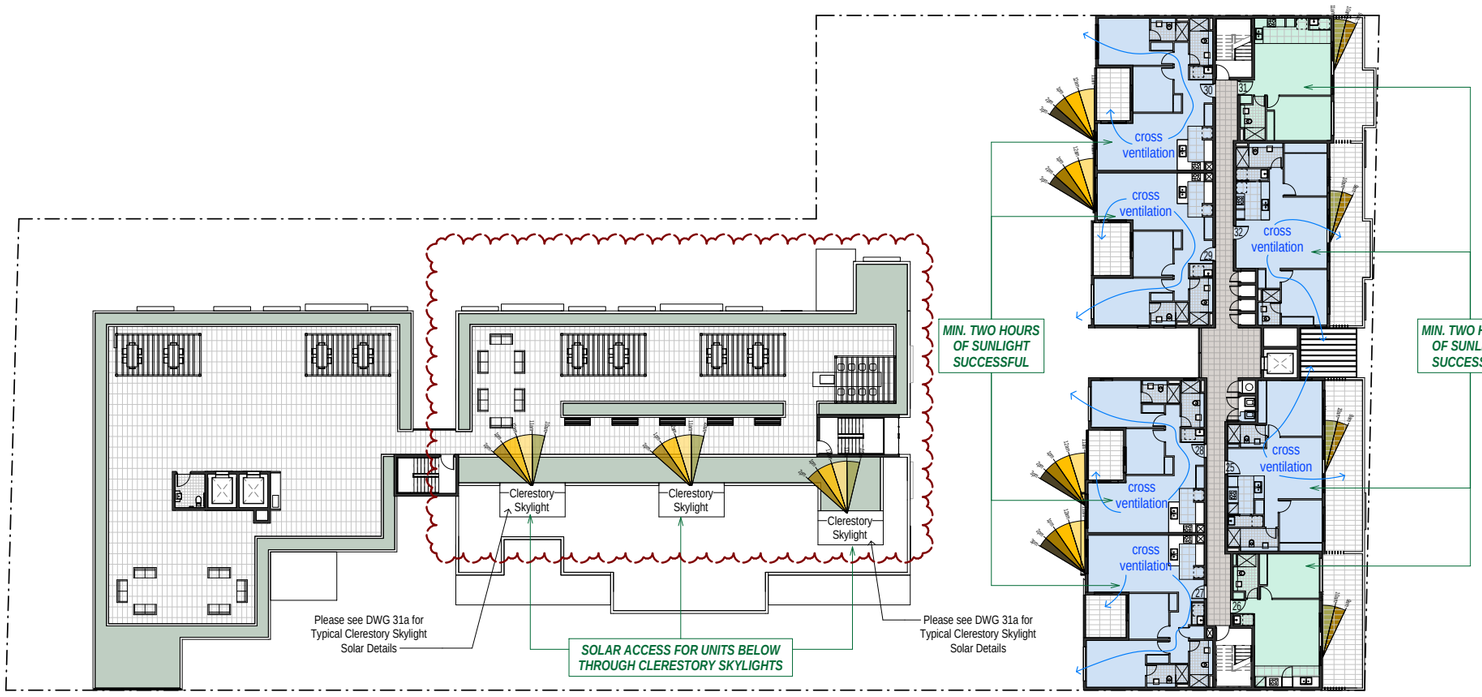
Project
PROPOSED SHOP TOP HOUSING DEVELOPMENT

Project Address
9 Sherwood Road, Merrylands

Client
.

Title
Clerestory Skylight Solar Details

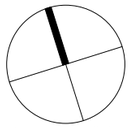
Drawn	Scale	Checked
AS	1:50 @A3	Checker
Job No	Drawing No.	Issue
2220	31a	A



1 Level 6 - Solar Access
1:400 @A3



True Northpoint

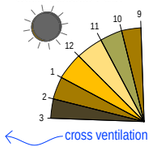


Do not scale, check and verify all dimensions before comencing new work, ground levels may vary due to site conditions.

Legend
Note: Sun angles taken at 21st June

- 9am to 10am
- 10am to 11am
- 11am to 12noon
- 12noon to 1pm
- 1pm to 2pm
- 2pm to 3pm

Solar Access Path



Notes:
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- Structural Columns, Glass balustrades & balcony sliding screens ommitted from solar access calculations

Description	Total
Number of Units with living areas receiving 2 hours minimum solar access on 21st June	78 (86.6%)
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ISSUE AA - AMENDMENTS - 17.08.21
1. Solar access calculations amended to match changes on floor plans.
ISSUE BB - AMENDMENTS - 07.09.21
1. Solar access calculations amended to match changes on floor plans.

SECTION 4.55

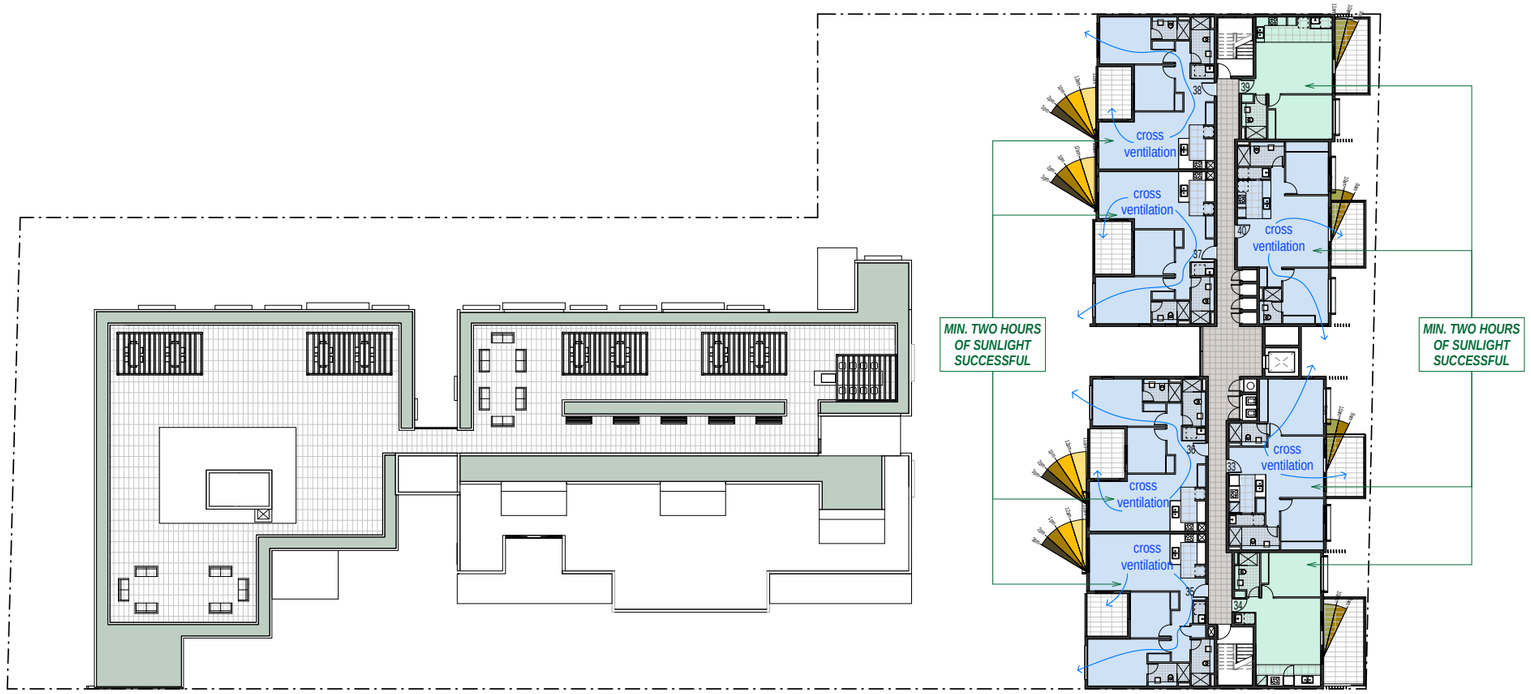
Project
PROPOSED SHOP TOP HOUSING DEVELOPMENT

Project Address
9 Sherwood Road, Merrylands

Client
.

Title
Solar Access - Level 6

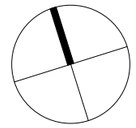
Drawn	Scale	Checked
AS	1:400 @A3	Checker
Job No	**Drawing No.**	**Issue**
2220	.32	BB



① Level 7 - Solar Access
1:400 @A3



True Northpoint



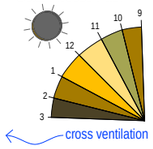
Do not scale, check and verify all dimensions before comencing new work, ground levels may vary due to site conditions.

Legend

Note: Sun angles taken at 21st June

- 9am to 10am
- 10am to 11am
- 11am to 12noon
- 12noon to 1pm
- 1pm to 2pm
- 2pm to 3pm

Solar Access Path



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email@architex.com.au
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Project
PROPOSED SHOP TOP HOUSING DEVELOPMENT

Project Address
9 Sherwood Road, Merrylands

Client
.

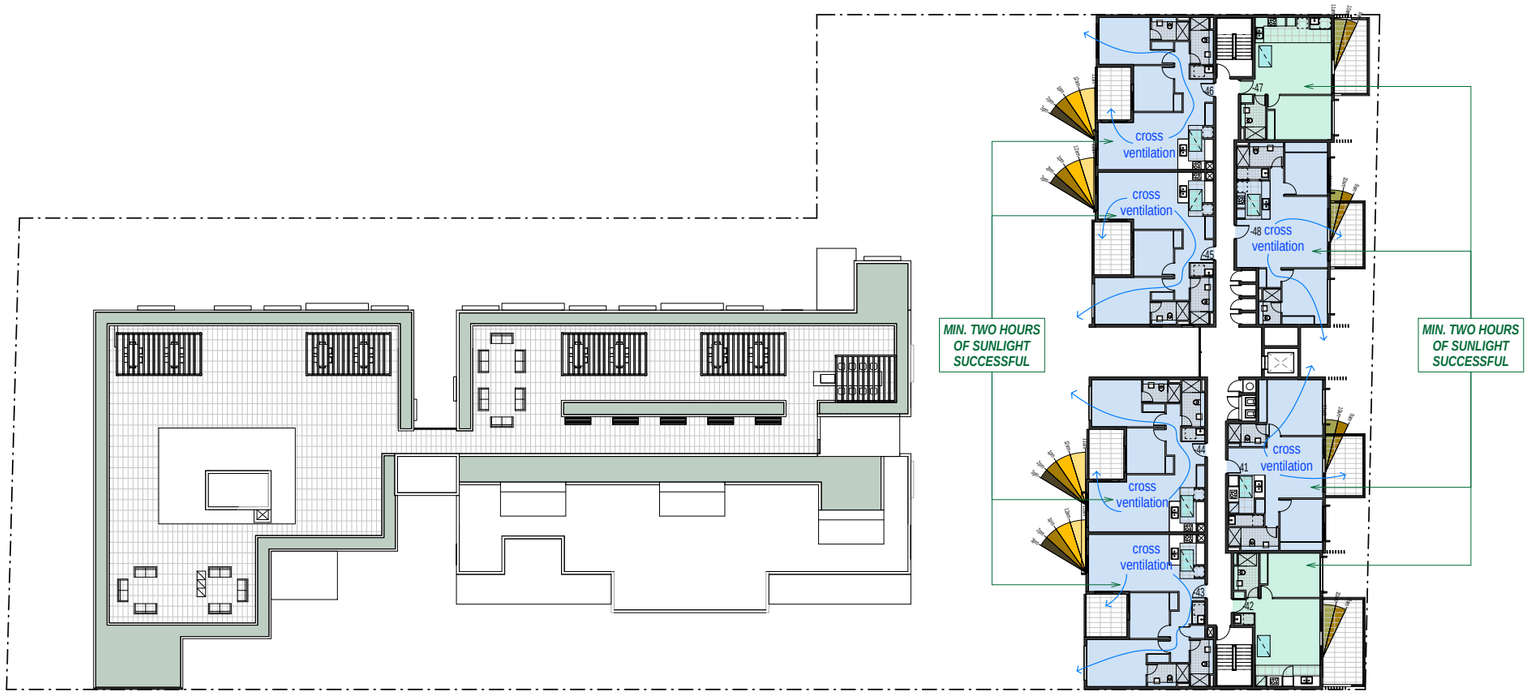
Title
Solar Access - Level 7

Drawn	Scale	Checked
AS	1:400 @A3	Checker
Job No	Drawing No.	Issue
2220	.33	BB

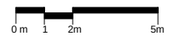
SECTION 4.55

ISSUE AA - AMENDMENTS - 17.08.21
1. Solar access calculations amended to match changes on floor plans.

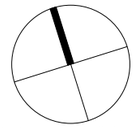
ISSUE BB - AMENDMENTS - 07.09.21
1. Solar access calculations amended to match changes on floor plans.



① Level 8 - Solar Access
1:400 @A3



True Northpoint



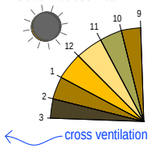
Do not scale, check and verify all dimensions before comencing new work, ground levels may vary due to site conditions.

Legend

Note: Sun angles taken at 21st June

- 9am to 10am
- 10am to 11am
- 11am to 12noon
- 12noon to 1pm
- 1pm to 2pm
- 2pm to 3pm

Solar Access Path



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ISSUE AA - AMENDMENTS - 17.08.21
1. Solar access calculations amended to match changes on floor plans.
ISSUE BB - AMENDMENTS - 07.09.21
1. Solar access calculations amended to match changes on floor plans.

Skylight Over - 900 x 1500 (Level 8 Only)

SECTION 4.55

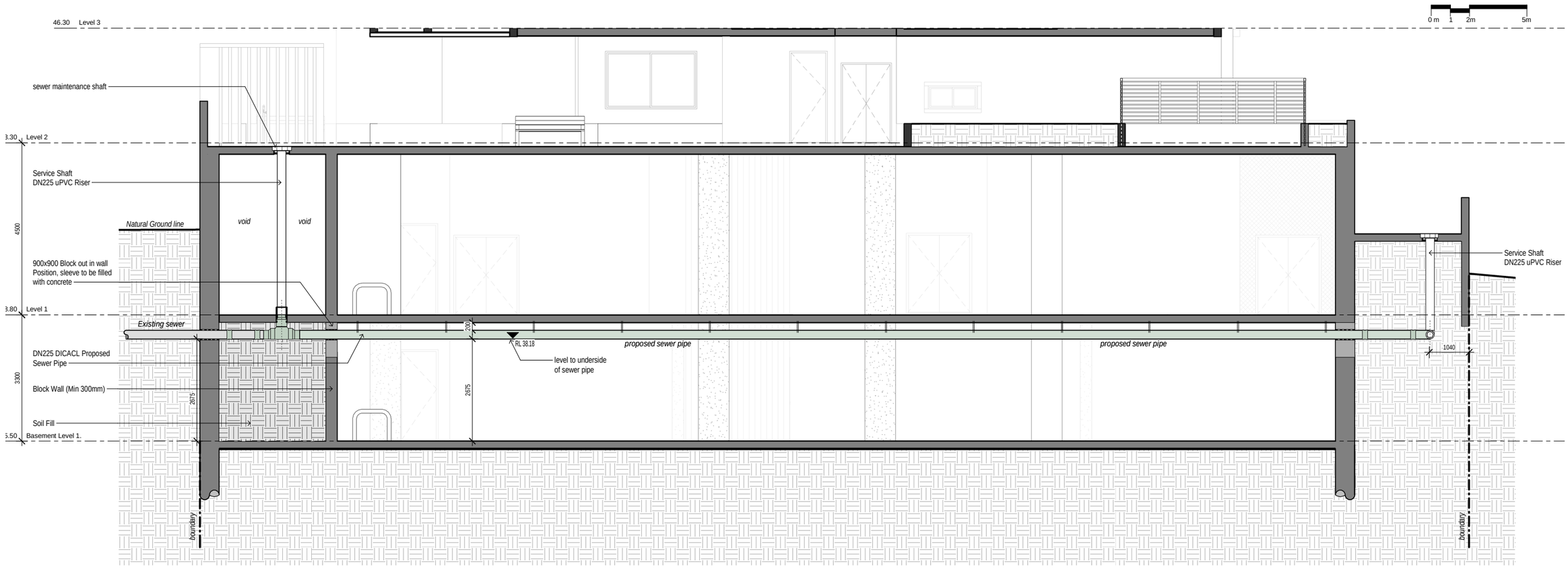
Project
PROPOSED SHOP TOP HOUSING DEVELOPMENT

Project Address
9 Sherwood Road, Merrylands

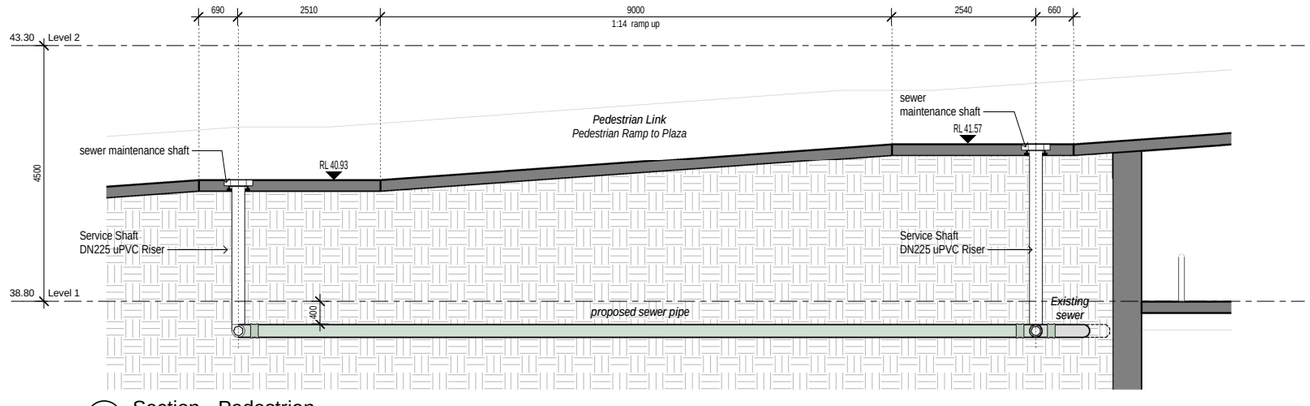
Client
.

Title
Solar Access - Level 8

Drawn	Scale	Checked
AS	1:400 @A3	Checker
Job No	**Drawing No.**	**Issue**
2220	.34	BB



1 Section - Sewer Pipe Clearance 1:100 @A3



2 Section - Pedestrian Ramp 1:100 @A3

CUMBERLAND CITY COUNCIL

THESE PLANS WERE APPROVED BY THE LAND AND ENVIRONMENT COURT UNDER CONSENT ORDER NO. 2021/00103440

DATED 2 November 2021

Issue	Issue descrption	Date
T	Amendments to basement to allow for sewer	09.03.20
Q	Sewer Pipe Details Added	21.02.20
O	Sewer Pipe Amendments	18-12-19

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SECTION 4.55

Project
PROPOSED SHOP TOP HOUSING DEVELOPMENT

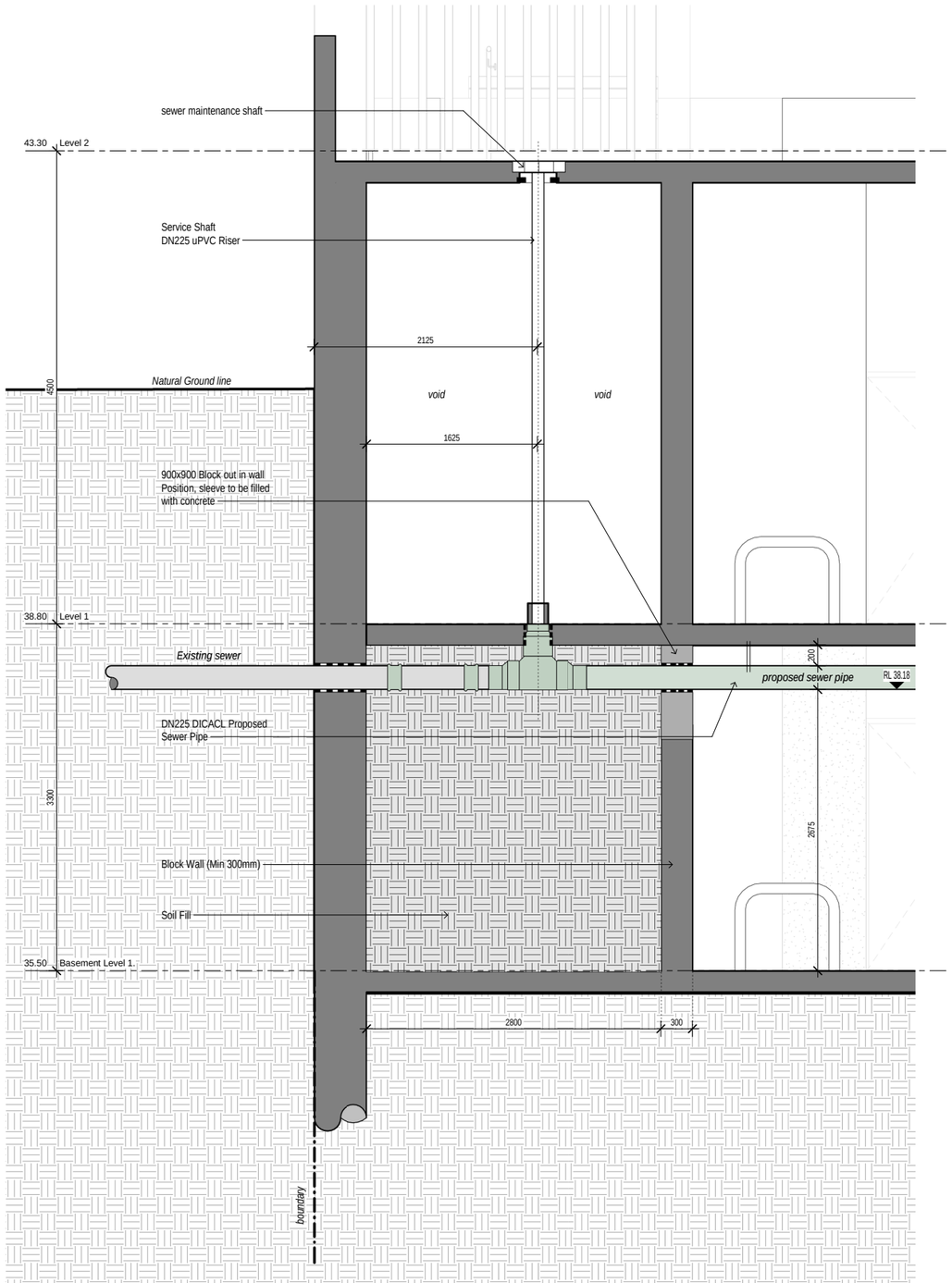
Project Address
9 Sherwood Road, Merrylands

Client
.

Title
Sections - Sewer Pipe Clearance

Drawn	Scale	Checked
AS	1:100 @A3	Checker
Job No	Drawing No.	Issue
2220	.35	T

0 m 0.5 1m 2.5m



1 Section - Sewer Pipe/Shaft Detail 1:50 @A3

CUMBERLAND CITY COUNCIL

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DATED 2 November 2021

Issue	Issue description	Date
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Q	Sewer Pipe Details Added	21.02.20

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SECTION 4.55

Project
PROPOSED SHOP TOP HOUSING DEVELOPMENT

Project Address
9 Sherwood Road, Merrylands

Client
.

Title
Section - Sewer Pipe/Shaft Detail

Drawn	Scale	Checked
AS	1:50 @A3	Checker
Job No	Drawing No.	Issue
2220	.36	T

PROPOSED SHOP TOP HOUSING DEVELOPMENT





9 Sherwood Road, Merrylands

.

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parramatta, 2150
email@architex.com.au
www.architex.com.au
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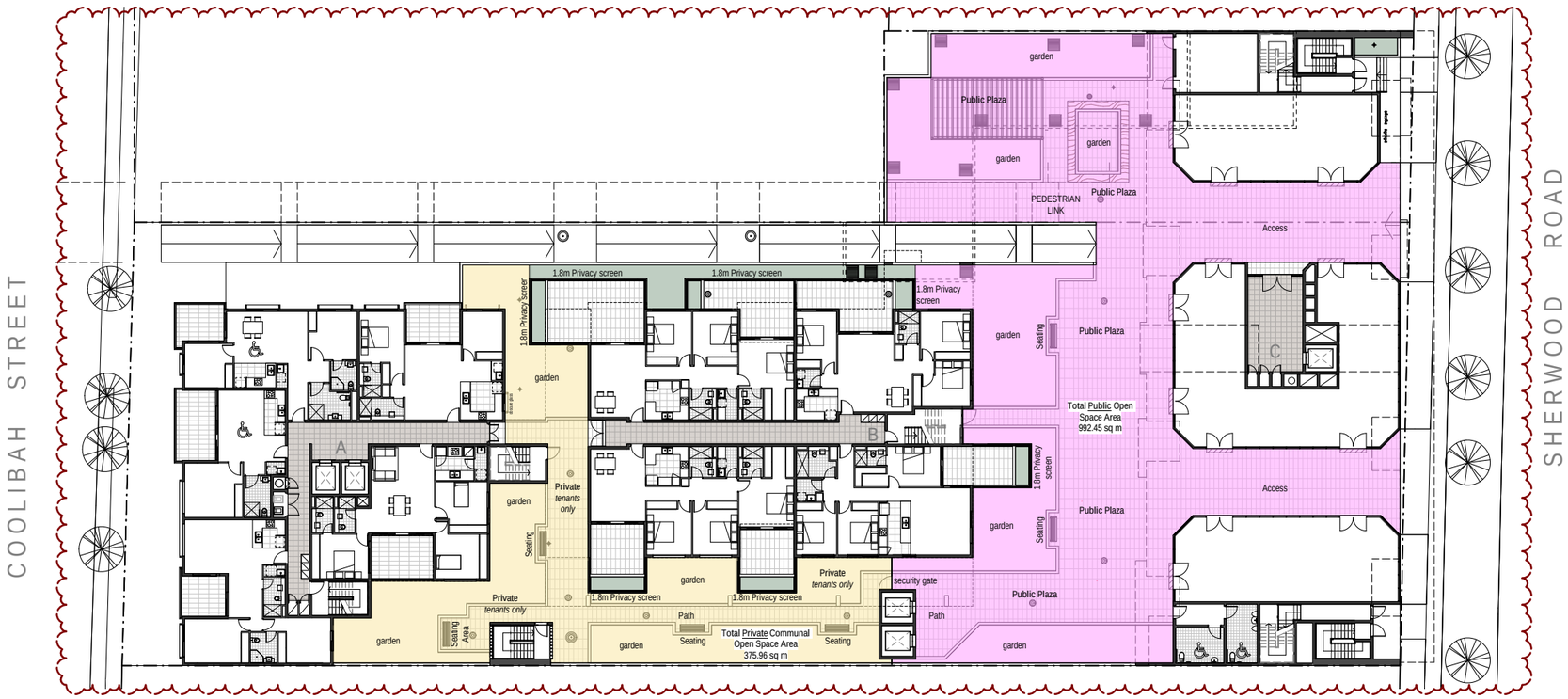
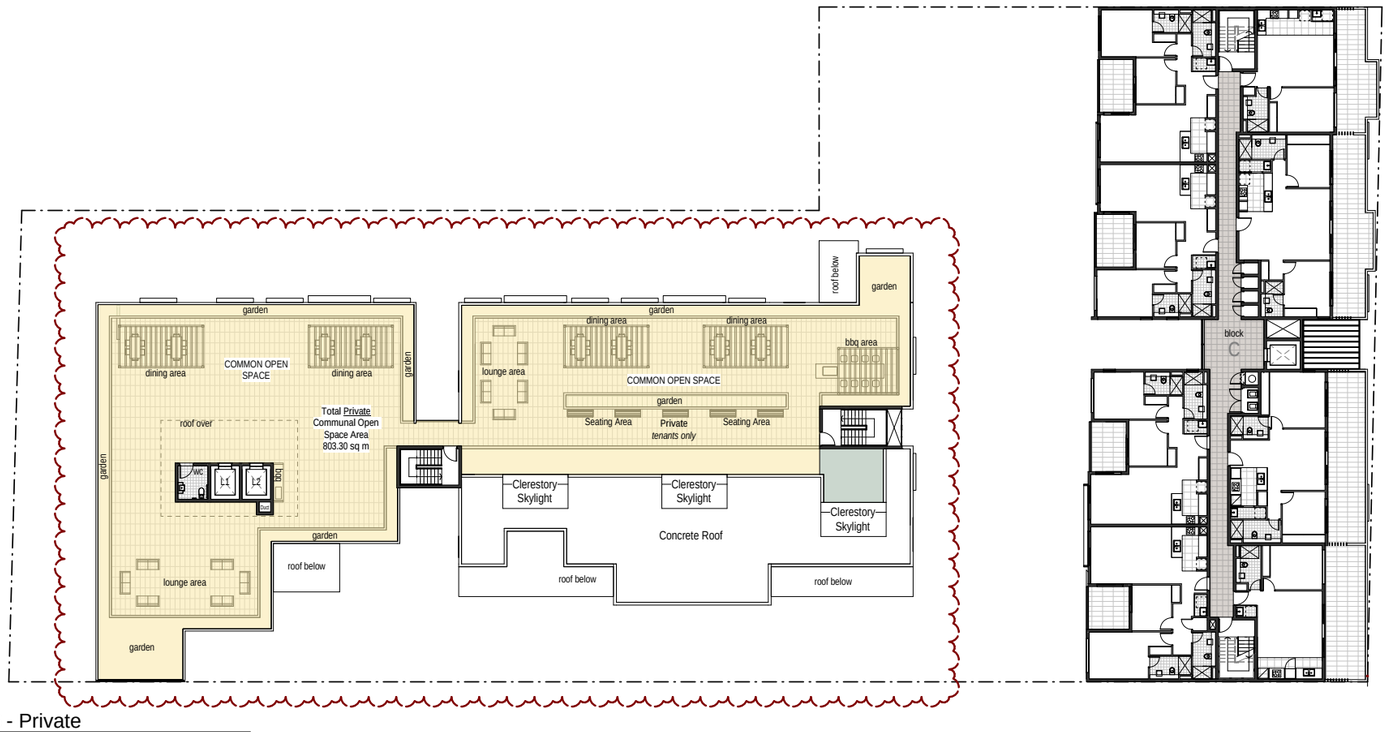
abn 32 003 315 142



1 Level 2 - Private Common Open Space & Public Open Space Diagram 1:400 @A3



2 Level 6 - Private Common Open Space Diagram 1:400 @A3

0 m 2 4m 10m

True Northpoint

Do not scale, check and verify all dimensions before commencing new work, ground levels may vary due to site conditions.

	Areas Included in Private Common Open Space Calculations
	Areas Included in Public Open Space Calculations

Site Area	*LOT 1*	=	3,171.4 *sq.m*
Site Area	*LOT 2*	=	563.2 *sq.m*
Total Site Area		=	3,734.6 *sq.m*

Private Common Open Space Calculations

- Level 1 - COS	=	*375.96 sq.m*
- Level 6 - COS	=	*803.30 sq.m*
TOTAL COS AREA	=	*1,179.26 sq.m (31.5%)*

Public Open Space Calculations

TOTAL POS AREA	=	*992.45 sq.m (26.57%)*

Issue	Issue descrption	Date
Y	Traffic Amendments, Elevations Added, Shadow + COS Calculation + Solar Access & Cross Ventilation Diagrams added	27.10.20
BB	Amendments to address Council Issues	14.09.21
AA	Amendments to address Council Issues	07.09.21
Z	Amendments to address Council Issues	17.08.21

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Nominated Architect:
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M : 0418 402 919
email@architex.com.au
www.architex.com.au
Robert Del Pizzo
NSW Reg. No. 3972

SECTION 4.55

Project
PROPOSED SHOP TOP HOUSING DEVELOPMENT

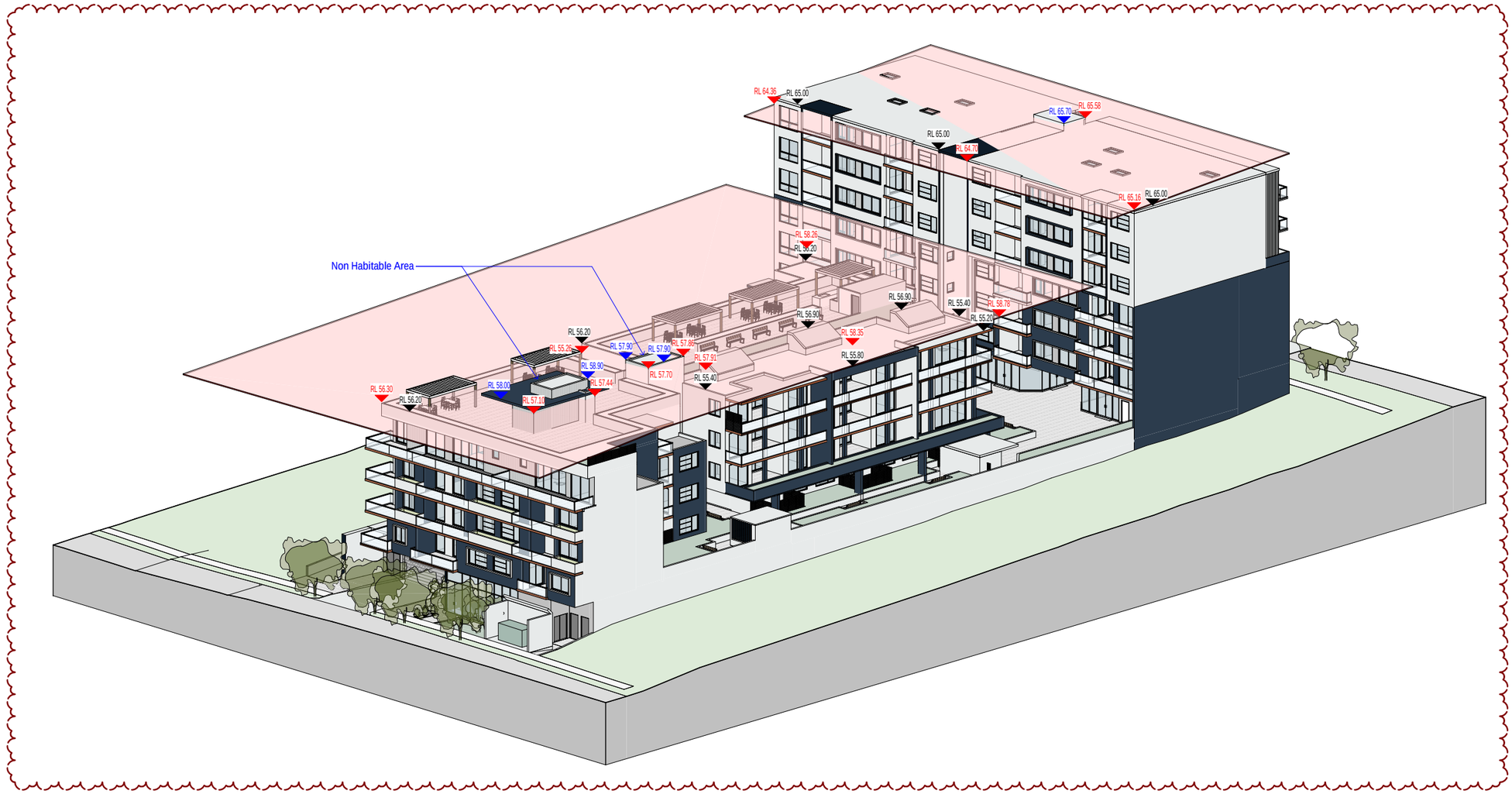
Project Address
9 Sherwood Road, Merrylands

Client
.

Title
Private Common & Public Open Space Diagram

Drawn	Scale	Checked
AS	1:400 @A3	Checker
Job No	**Drawing No.**	**Issue**
2220	38	BB

0 m 1 2m 5m



Issue	Issue description	Date
GG	Residential Units on Block B Level 6 removed, Lift 1 Extended to Basement Level 1, Commercial Plaza to lift & Pedestrian Path added to Level 1, Bin Store details added on every level + General Amendments	30.06.21
CC	Amendments to address Traffic Comments, Floor Levels Amended & Neighbouring building seperation information added	16.02.21
BB	Amendments to address Traffic Comments	19.01.21

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Project
PROPOSED SHOP TOP HOUSING DEVELOPMENT

Project Address
9 Sherwood Road, Merrylands

Client
.

Title
3D Building Height Plane

Drawn	Scale	Checked
AS	1:400 @A3	Checker
Job No	Drawing No.	Issue
2220	39	DD

SECTION 4.55

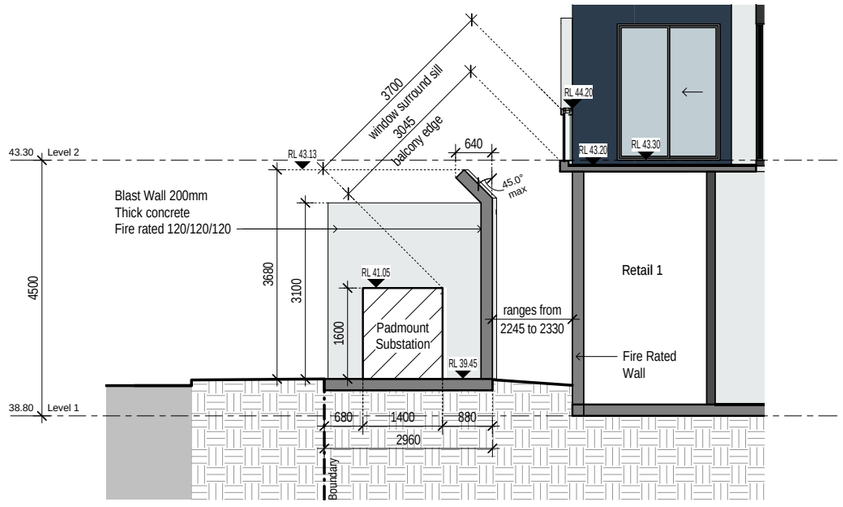
Building Height Legend

- RL# Building Height - Habitable Area
- RL# Building Height - Non Habitable Area
- RL# Building Height Plane/Line

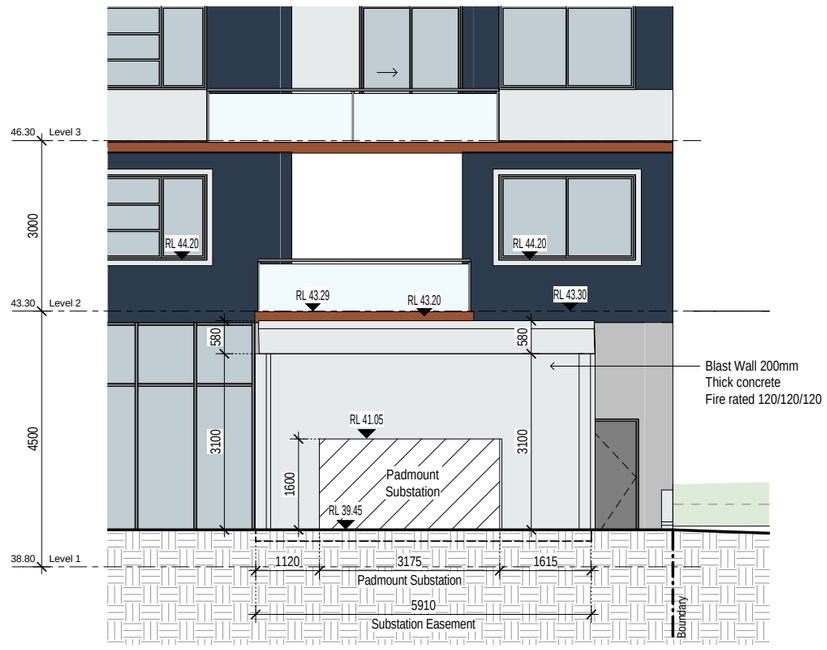
LEGEND

17m & 23m Maximum building height Planes

1 Building Height Plane



③ Substation Detail - Section
1:100 @A3



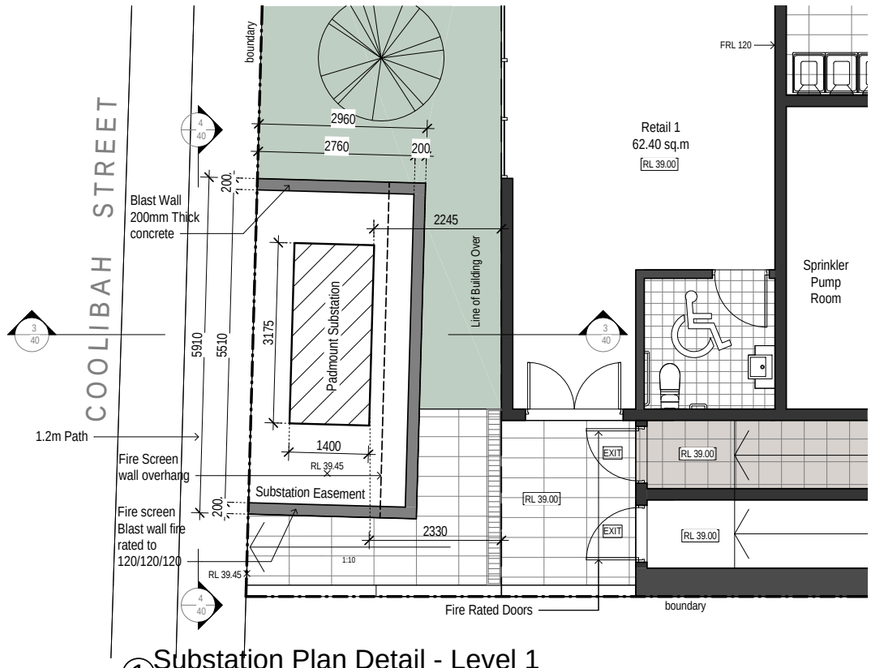
④ Substation Detail - Section B
1:100 @A3

0 m 1 2m 5m

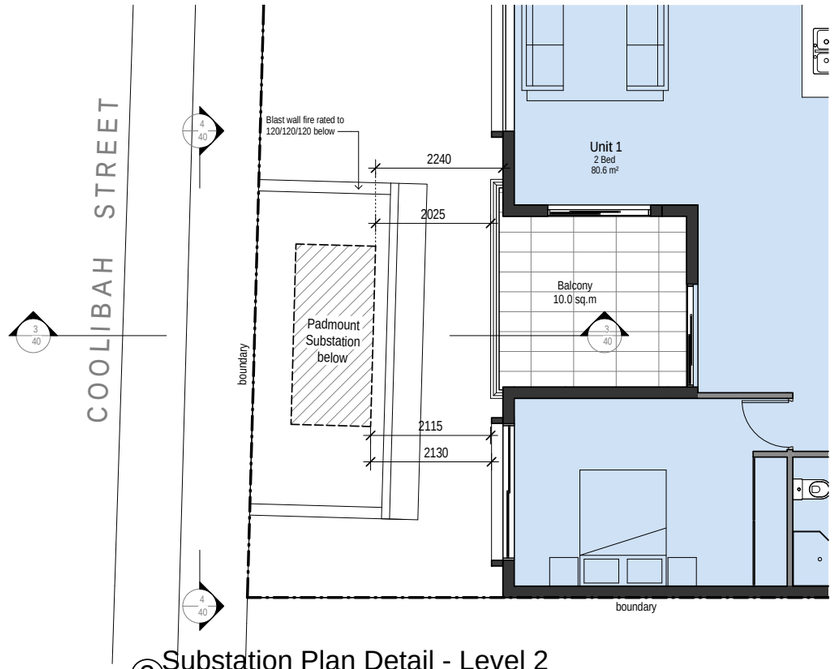
CUMBERLAND CITY COUNCIL

THESE PLANS WERE APPROVED BY THE LAND AND ENVIRONMENT COURT UNDER CONSENT ORDER NO. 2021/00103440

DATED 2 November 2021



① Substation Plan Detail - Level 1
1:100 @A3



② Substation Plan Detail - Level 2
1:100 @A3

Issue	Issue description	Date
HH	Amendments to address Council Issues	17.08.21
FF	Substation Details Amended + Awning to sherwood Road Amended	22.04.21
EE	Substation Details Added	19.04.21

architex
Kyleon pty ltd t/as Architex
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Parramatta NSW 2150
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M : 0418 402 919
email@architex.com.au
www.architex.com.au

SECTION 4.55

Project
PROPOSED SHOP TOP HOUSING DEVELOPMENT

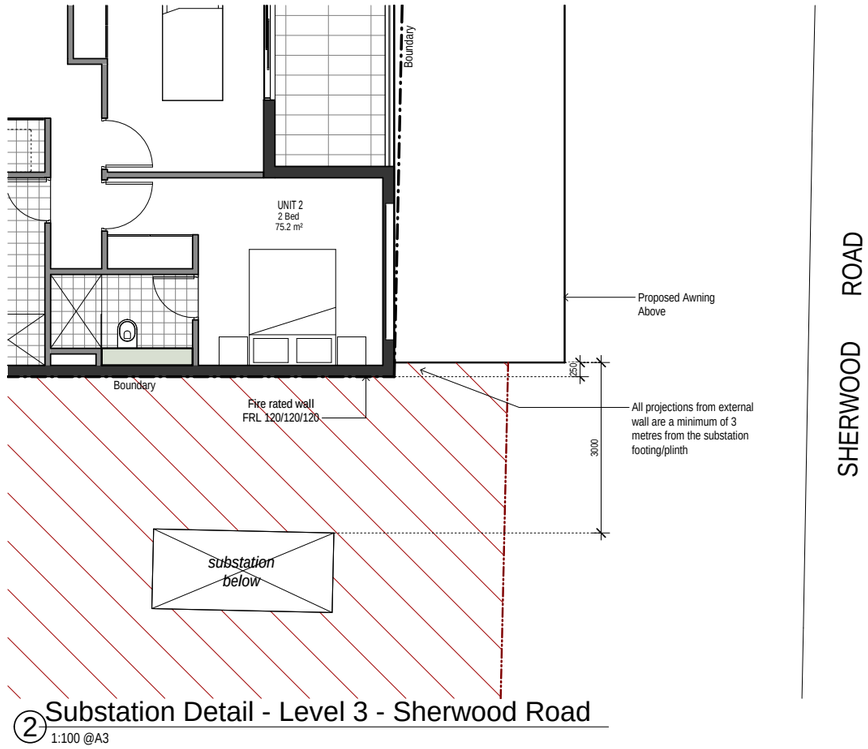
Project Address
9 Sherwood Road, Merrylands

Client
.

Title
Substation Details

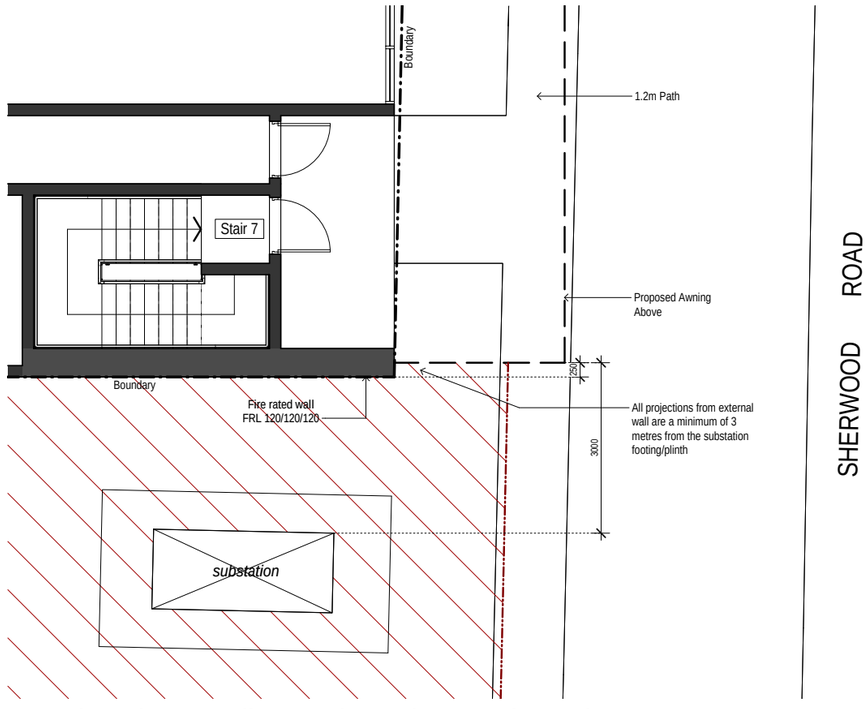
Drawn	Scale	Checked
AS	1:100 @A3	Checker
Job No	Drawing No.	Issue
2220	40	HH

0 m 1 2m 5m



② Substation Detail - Level 3 - Sherwood Road

1:100 @A3



① Substation Detail - Level 2 - Sherwood Road

1:100 @A3

CUMBERLAND CITY COUNCIL

THESE PLANS WERE APPROVED BY THE LAND AND ENVIRONMENT COURT UNDER CONSENT ORDER NO. 2021/00103440

DATED 2 November 2021

Issue	Issue description	Date
FF	Substation Details Amended + Awning to sherwood Road Amended	22.04.21
EE	Substation Details Added	19.04.21

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email@architex.com.au
www.architex.com.au

SECTION 4.55

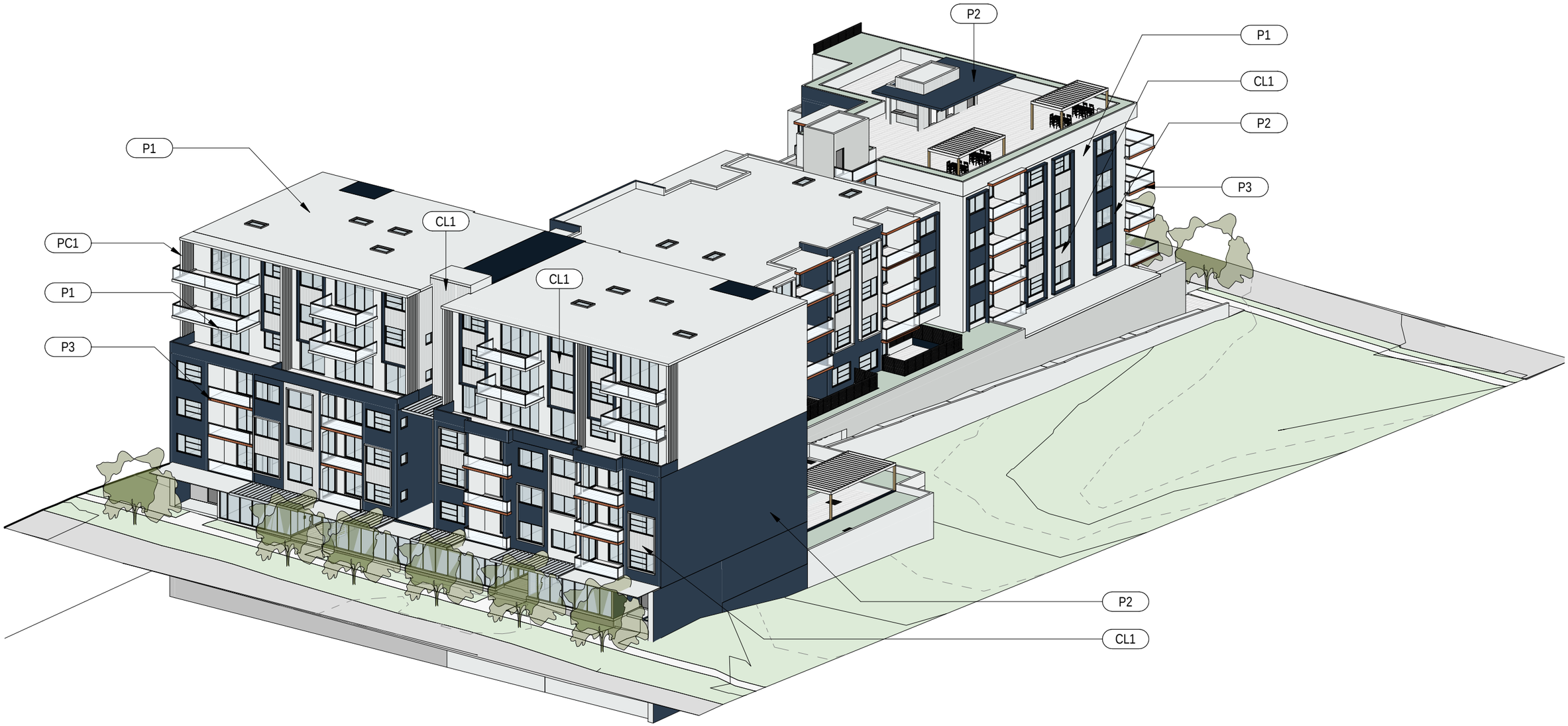
Project
PROPOSED SHOP TOP HOUSING DEVELOPMENT

Project Address
9 Sherwood Road, Merrylands

Client
.

Title
Substation Details 2

Drawn	Scale	Checked
AS	1:100 @A3	Checker
Job No	**Drawing No.**	**Issue**
2220	41	FF



P1 PAINT FINISH 1
Dulux Lexicon Half - PN2A1

P2 PAINT FINISH 2
Dulux Blue Fantastic - P38D9

P3 PAINT FINISH 3
Dulux Seared Earth - P09F8

CL1 PAINTED CLADDING 1
Selected Cladding painted in
Dulux Lexicon Half - PN2A1

PC1 POWDERCOAT 1
Dulux Powdercoat
White Satin

PC2 POWDERCOAT 2
Dulux Powdercoat
Blue Fantastic

PC3 WINDOW FRAMES
Dulux Powdercoat
Silver Glow Pearl

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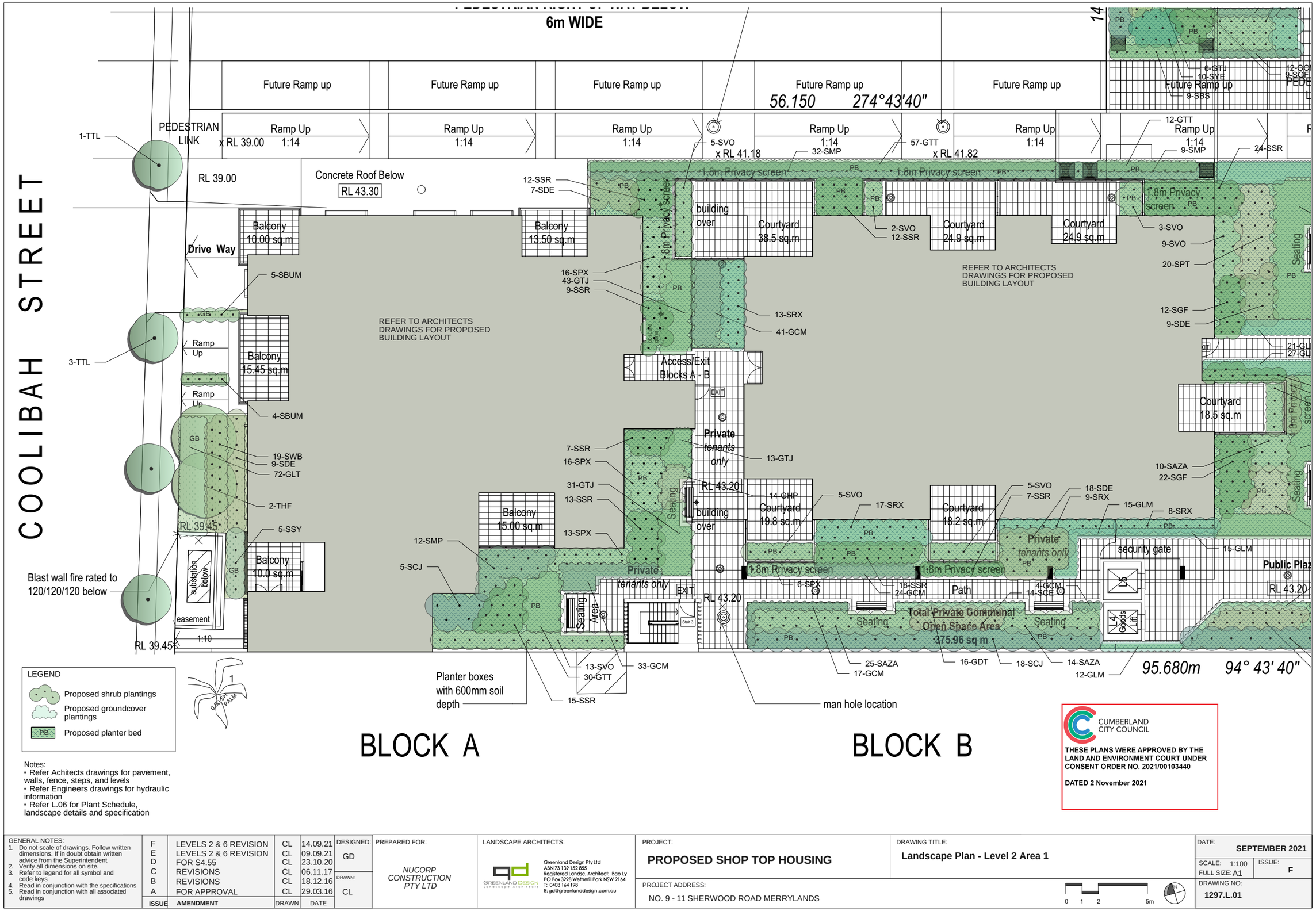
DATED 2 November 2021

Schedule of Finishes: Proposed Residential Apartments

No. 9 Sherwood Road, Merrylands

architex
architects and planners



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DATED 2 November 2021

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3. Refer to legend for all symbol and code keys.
4. Read in conjunction with the specifications
5. Read in conjunction with all associated drawings

ISSUE	AMENDMENT	DRAWN	DATE
F	LEVELS 2 & 6 REVISION	CL	14.09.21
E	LEVELS 2 & 6 REVISION	CL	09.09.21
D	FOR S4.55	CL	23.10.20
C	REVISIONS	CL	06.11.17
B	REVISIONS	CL	18.12.16
A	FOR APPROVAL	CL	29.03.16

DESIGNED: GD
DRAWN: CL

PREPARED FOR: *NUCORP CONSTRUCTION PTY LTD*

LANDSCAPE ARCHITECTS:
Greenland Design Pty Ltd
ABN 73 139 152 855
Registered Landsc. Architect: Bao Ly
PO Box 3228 Wetherill Park NSW 2164
T: 0403 164 198
E: gd@greenlanddesign.com.au

PROJECT: **PROPOSED SHOP TOP HOUSING**

PROJECT ADDRESS: NO. 9 - 11 SHERWOOD ROAD MERRYLANDS

DRAWING TITLE: **Landscape Plan - Level 2 Area 1**

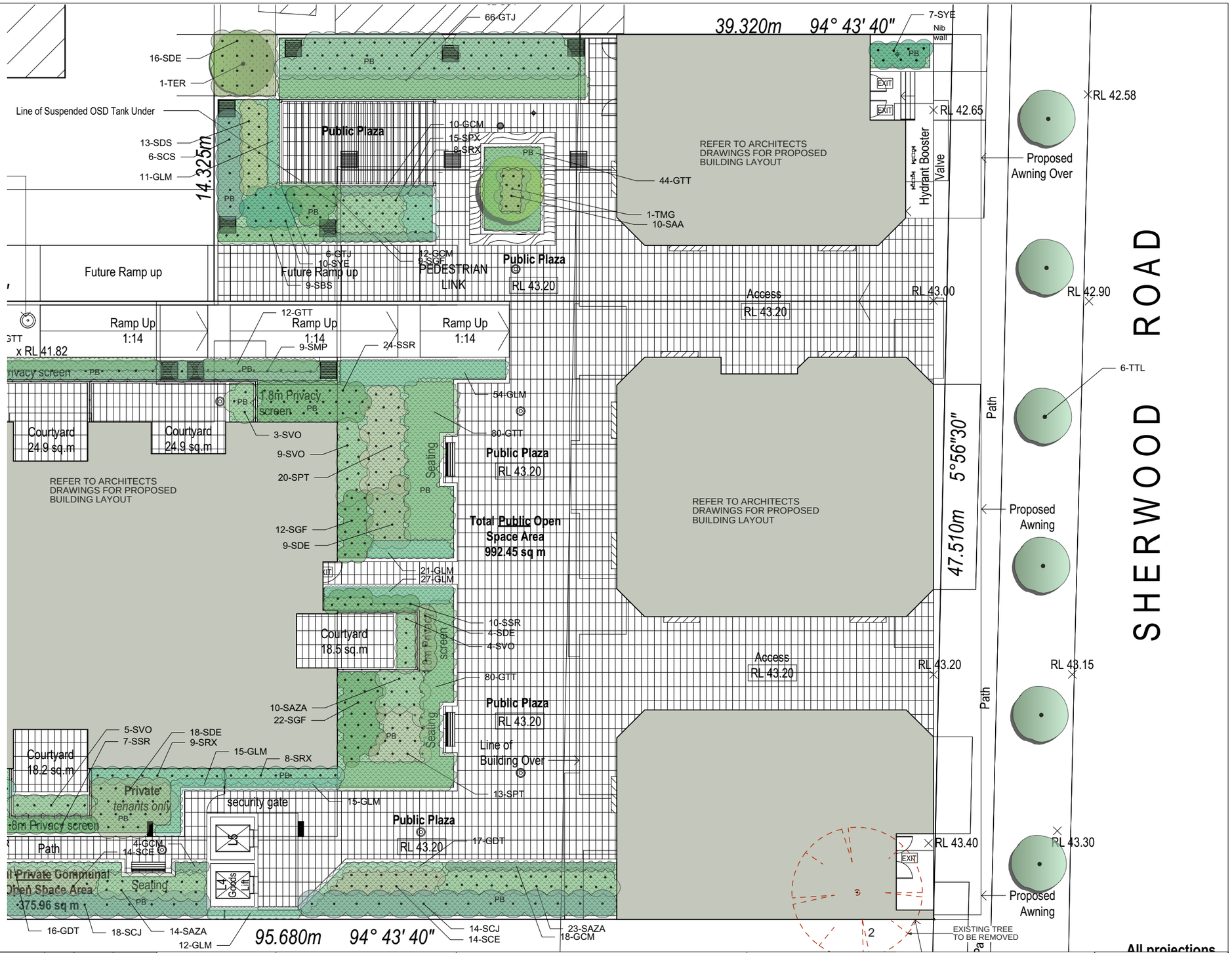
0 1 2 5m

DATE: **SEPTEMBER 2021**
SCALE: 1:100
FULL SIZE: A1
ISSUE: **F**
DRAWING NO: **1297.L.01**

LEGEND

- Proposed tree plantings
- Proposed shrub plantings
- Proposed groundcover plantings
- PB — Proposed planter bed

Notes:
- Refer Achitects drawings for pavement, walls, fence, steps, and levels
- Refer Engineers drawings for hydraulic information
- Refer L.04 for Plant Schedule, landscape details and specification



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DATED 2 November 2021

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F	LEVELS 2 & 6 REVISION	CL	14.09.21
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A	FOR APPROVAL	CL	29.03.16

DESIGNED: GD
DRAWN: CL

PREPARED FOR: *NUCORP CONSTRUCTION PTY LTD*

LANDSCAPE ARCHITECTS:
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Greenland Design Pty Ltd
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Registered Landsc. Architect: Bao Ly
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E: gd@greenlanddesign.com.au

PROJECT: **PROPOSED SHOP TOP HOUSING**

PROJECT ADDRESS: NO. 9 - 11 SHERWOOD ROAD MERRYLANDS

DRAWING TITLE: **Landscape Plan - Level 2 Area 2**

0 1 2 5m

DATE: **SEPTEMBER 2021**
SCALE: 1:100
FULL SIZE: A1
ISSUE: **F**
DRAWING NO: **1297.L.02**

All projections

LEGEND

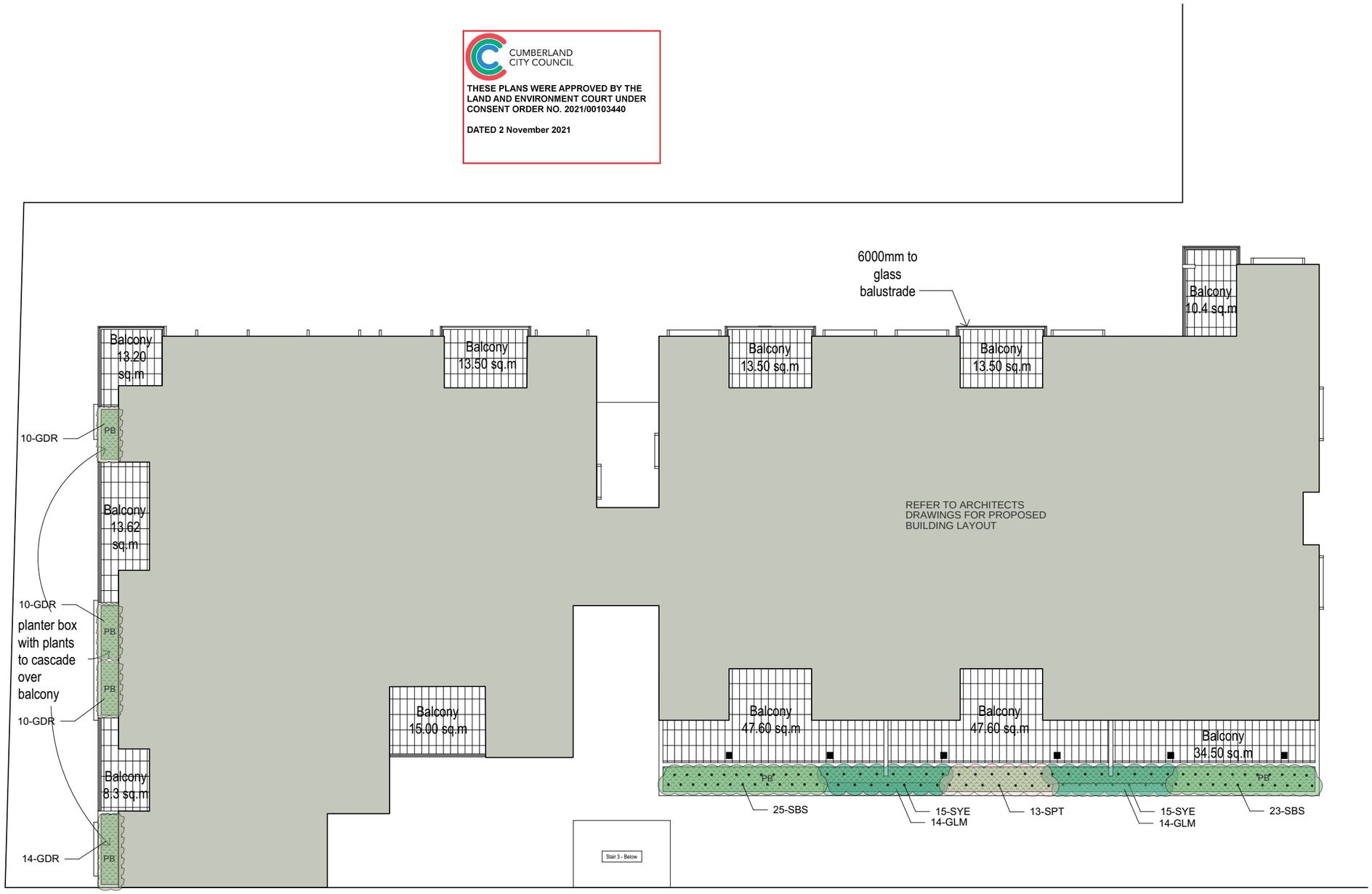
- Proposed shrub plantings
- Proposed groundcover plantings
- PB — Proposed planter bed

Notes:
- Refer Achitects drawings for pavement, walls, fence, steps, and levels
- Refer Engineers drawings for hydraulic information
- Refer L.06 for Plant Schedule, landscape details and specification

CUMBERLAND CITY COUNCIL

THESE PLANS WERE APPROVED BY THE LAND AND ENVIRONMENT COURT UNDER CONSENT ORDER NO. 2021/00103440

DATED 2 November 2021



BLOCK A

BLOCK B

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C	REVISIONS	CL	06.11.17
B	REVISIONS	CL	18.12.16
A	FOR APPROVAL	CL	29.03.16

DESIGNED: GD

DRAWN: CL

PREPARED FOR: *NUCORP CONSTRUCTION PTY LTD*

LANDSCAPE ARCHITECTS:
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E: gd@greenlanddesign.com.au

PROJECT: **PROPOSED SHOP TOP HOUSING**

PROJECT ADDRESS: NO. 9 - 11 SHERWOOD ROAD MERRYLANDS

DRAWING TITLE: **Landscape Plan - Level 3 Planters**

0 1 2 5m

DATE: **SEPTEMBER 2021**

SCALE: 1:100 FULL SIZE: A1

ISSUE: **F**

DRAWING NO: **1297.L.03**

LEGEND

- Proposed shrub plantings
- Proposed groundcover plantings
- PB — Proposed planter bed

Notes:
- Refer Achitects drawings for pavement, walls, fence, steps, and levels
- Refer Engineers drawings for hydraulic information
- Refer L.06 for Plant Schedule, landscape details and specification

CUMBERLAND CITY COUNCIL

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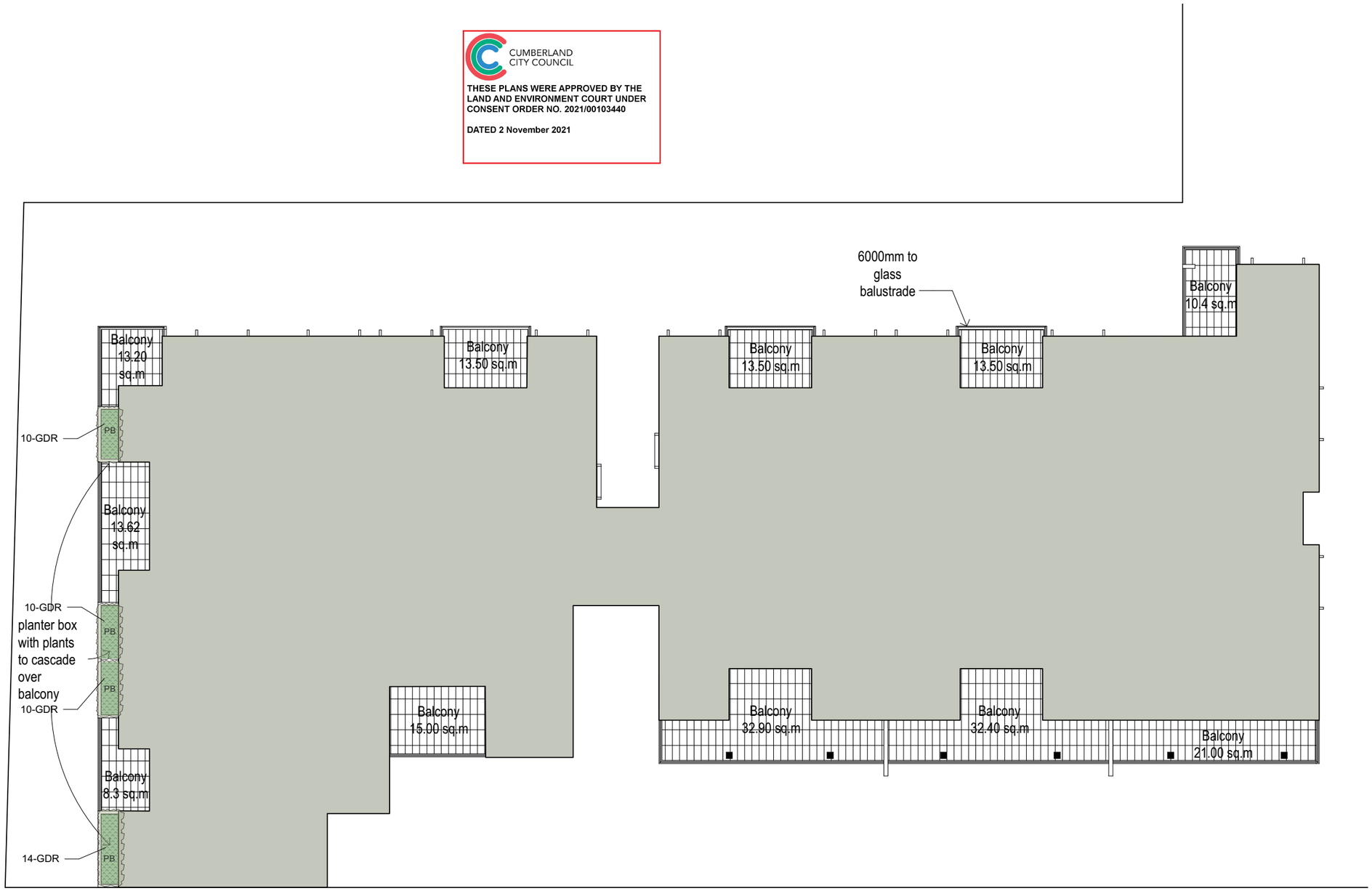
DATED 2 November 2021



BLOCK A

BLOCK B

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C	REVISIONS	CL	06.11.17
B	REVISIONS	CL	18.12.16
A	FOR APPROVAL	CL	29.03.16

DESIGNED: GD

DRAWN: CL

PREPARED FOR: *NUCORP CONSTRUCTION PTY LTD*

LANDSCAPE ARCHITECTS:
GREENLAND DESIGN Landscape Architects
Greenland Design Pty Ltd
ABN 73 139 152 855
Registered Landsc. Architect: Bao Ly
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E: gd@greenlanddesign.com.au

PROJECT: **PROPOSED SHOP TOP HOUSING**

PROJECT ADDRESS: NO. 9 - 11 SHERWOOD ROAD MERRYLANDS

DRAWING TITLE: **Landscape Plan - Level 4 Planters**

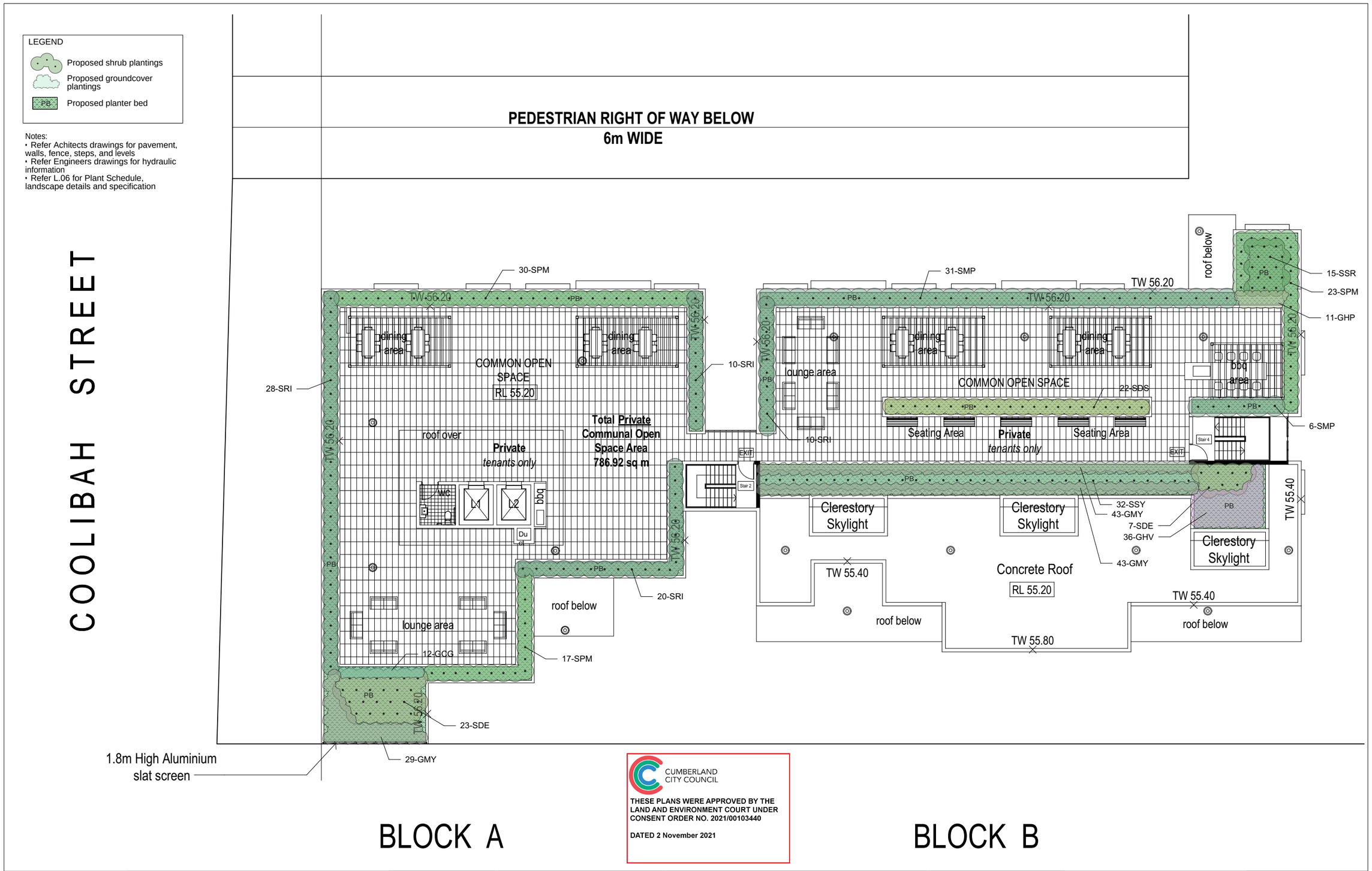
0 1 2 5m

DATE: **SEPTEMBER 2021**

SCALE: 1:100 FULL SIZE: A1

ISSUE: **F**

DRAWING NO: **1297.L.04**



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B	REVISIONS	CL	18.12.16
A	FOR APPROVAL	CL	29.03.16

DESIGNED: GD
DRAWN: CL

PREPARED FOR: NUCORP CONSTRUCTION PTY LTD

LANDSCAPE ARCHITECTS: Greenland Design Pty Ltd, ABN 73 139 152 855, Registered Landsc. Architect: Bao Ly, PO Box 3228 Wetherill Park NSW 2164, T: 0403 164 198, E: gd@greenlanddesign.com.au

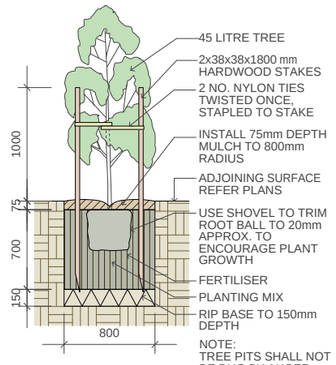
PROJECT: PROPOSED SHOP TOP HOUSING

PROJECT ADDRESS: NO. 9 - 11 SHERWOOD ROAD MERRYLANDS

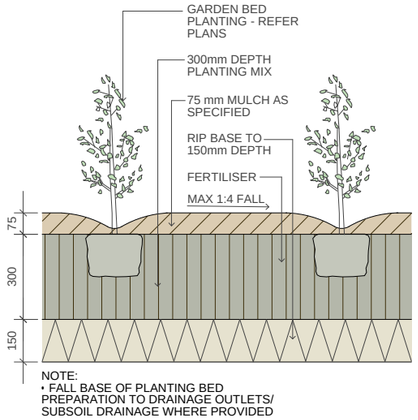
DRAWING TITLE: Landscape Plan - Level 6

0 1 2 5m

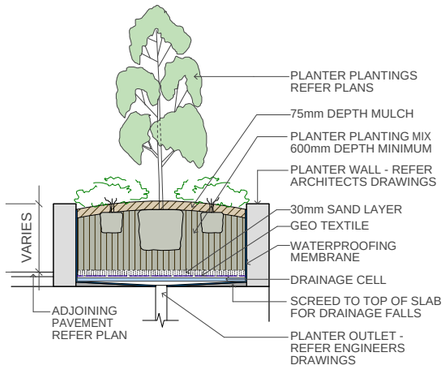
DATE: SEPTEMBER 2021
SCALE: 1:100
FULL SIZE: A1
ISSUE: F
DRAWING NO: 1297.L.05



1 45 Litre Tree Planting
scale 1:25e



2 Planting Bed Detail
scale 1:10e



3 Planter Bed On Slab
scale 1:25e

Plant Schedule

ID	Qty	Common Name	Botanical Name	Size	Mature Height	Mature Spread
Trees						
TER	1	Blueberry Ash	Elaeocarpus reticulatus	45Litre	6 - 8m	3.5 - 6m
THF	2	Native Frangipani	Hymenosporum flavum	45Litre	8 - 12m	3.0 - 4m
TMG	1	Little Gem Southern Magnolia	Magnolia grandiflora 'Little Gem'	45Litre	4 - 6m	2.0 - 3.5m
TTL	10	Water Gum	Tristaniopsis laurina 'Luscious'	45Litre	6 - 8m	3.5 - 6m
Shrubs						
SAA	10	Century Plant	Agave attenuata	200mm	0.75 - 0.9m	0.6 - 0.9m
SAZA	72	Alba Magna	Azalea 'Alba Magna'	200mm	1.0 - 1.5m	1.0 - 1.5m
SBS	57	Common Boxwood	Buxus sempervirens	200mm	1 - 1.5m	0.9 - 1.2m
SBUM	9	Japanese Box	Buxus microphylla var japonica	200mm	0.6 - 0.8m	0.8 - 1.0m
SCE	28	Evening Glow Mirror Plant	Coprosma 'Evening Glow'	200mm	0.9 - 1.5m	0.9 - 1.2m
SCJ	37	Camellia	Camellia japonica	200mm	3 - 5m	3.5 - 6m
SCS	6	Sasanqua Camellia	Camellia sasanqua	200mm	3 - 5m	3.5 - 6m
SDE	93	Gymea Lily	Doryanthes excelsa	200mm	1.2 - 2m	1.2 - 2.0m
SDS	35	Duranta Gold	Duranta 'Sheenas Gold'	200mm	0.8 - 1.2m	0.9 - 1.2m
SGF	43	Florida Gardenia	Gardenia augusta 'Florida'	200mm	0.8 - 1.0m	0.9 - 1.2m
SMP	90	Orange Jessamine	Murraya paniculata	200mm	1.5 - 3m	3.5 - 6m
SPM	70	Miss Muffet	Pittosporum tobira 'Miss Muffet'	200mm	0.8 - 1.0m	1.2 - 1.5m
SPT	46	New Zealand Flax	Phormium tenax 'Flamin'	200mm	0.6-0.9m	0.8 - 1.0m
SPX	66	Philodendron	Philodendron xanadu	200mm	0.6 - 0.8m	0.7 - 1.0m
SRI	68	Indian Hawthorn	Rhaphiolepis indica 'Oriental Pearl'	200mm	0.9 - 1.5m	1.2 - 2.0m
SRX	55	Broad Leaf Lady Palm	Rhapis excelsa	200mm	1.5m	0.8 - 1.0m
SSR	142	Bird Of Paradise	Strelitzia reginae var juncea	200mm	0.9 - 1.5m	0.9 - 1.2m
SSY	89	Cascade Lilly Pilly	Syzygium 'Cascade'	200mm	2 - 3m	1.2 - 2.0m
SVO	46	Dense Form Viburnum	Viburnum odoratissmum 'Dense Form'	200mm	3 - 4m	2 - 3m
SWB	19	Blue Gem	Westringia 'Blue Gem'	200mm	0.8 - 1.0m	0.9 - 1.2m
SYE	47	Spineless Yucca	Yucca elephantipes	200mm	2.0 - 3.0m	0.8 - 1.2m
Ground Covers						
GHP	25	Licorice Plant	Helichrysum petiolare 'Limelight'	150mm	0.3 - 0.45m	0.6 - 0.9m
GCM	159	Bush Lily	Clivia miniata	150mm	0.45 - 0.6m	0.3 - 0.6m
GDR	88	Dichondra 'Silver Falls'	Dichondra repens 'Silver Falls'	150mm	0.0 - 0.3m	0.9 - 1.2m
GCG	12	Pigface	Carpobrotus glaucescens	150mm	0.0 - 0.3m	1.2 - 2.0m
GHV	36	False Sarsaparilla	Hardenbergia violacea "Meema"	150mm	0.75 - 0.9m	1.2 - 2.0m
GLT	72	Spiny-headed mat rush	Lomandra longifolia 'Tanika'	150mm	0.45 - 0.6m	0.6 - 0.9m
GLM	183	Giant Lily Turf	Liriope muscari 'Evergreen Giant'	150mm	0.0 - 0.3m	0.0 - 0.3m
GDT	33	Flax Lily	Dianella tasmanica 'Tasred'	150mm	0.6 - 0.7m	0.4 - 0.6m
GTJ	159	Star Jasmine	Trachelospermum jasminoides	150mm	0.3 - 0.6m	1 - 4m
GTT	303	Tricolour Star Jasmine	Trachelospermum 'Tricolour'	150mm	0.3 - 0.6m	1 - 4m
GMY	115	Carpet Spreading Myoporum	Myoporum parvifolium ' Yareena'	150mm	0.45 - 0.6m	0.9 - 1.2m

CUMBERLAND CITY COUNCIL

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DATED 2 November 2021

SPECIFICATION NOTES

PLANTING MATERIALS
Planting Mix:
Imported planting mix to planting beds is to comprise an approved soil mix of:
- 60% Soil mix (75% coarse sand and 25% blacksoil)
- 10% Mushroom compost
- 10% Composted sawdust
- 10% Pine bark fines
- 10% Composted manure

Planter Mix:
Planter mix shall be Peat and Planter Mix as supplied by Australian Native Landscape Pty Ltd (ph (02) 9450 1444 or approved equivalent.

Planter Drainage Cell:
Planter drainage cell shall be VersiCell as supplied by Elmich Australia Pty Ltd (ph (02) 9648 2073 or approved equivalent.

Mulch:
Mulch to planter bed:
Mulch shall mean hardwood mulch (25mm grade), free from material derived from Privet, Willow, Poplar, Coral trees, or other noxious weeds. Any mulch exceeding the 25mm grade shall be rejected / removed from the site. Graded hardwood mulch to be supplied by Australian Native Landscapes Pty Ltd Phone (02) 9450 1444, or approved equivalent.

Spread mulch so that after settling, it is:
- smooth and evenly graded between design surface levels;
- flush with adjacent finished levels;
- of the required depths (75mm); and
- sloped towards the base of plant stems in plantation beds, but not in contact with the stem (not closer than 50mm in the case of gravel mulches).

Place after the preparation of the planting bed, planting and all other work.

Plant Material:
All plant material must be true to the species. No substitutes will be allowed. All plants shall be free of fungus and insect damage. All plants shall be healthy, well shaped, not soft or force grown and not root bound.

Tured areas:
All new turfed make good areas if required are to be selected weed free Soft Leaf Buffalo. Turf shall be laid neatly butted with staggered joins, flush with adjacent surfaces and have even running falls to all drainage points.

All new turfed area shall have a minimum 150mm depth of weed free top soil, placed and levelled prior to turfing.

Excavating for Spot Planting
To planting areas, excavate a hole for each plant large enough to provide not less than twice the depth and twice the diameter than the root ball of species to be planted.
Staking
Use durable hardwood, straight, free from knots or twists, pointed at one end. Drive stakes into the ground a minimum one third of their length, avoiding damage to the root system.
- 45 Litre trees in 2 x 38x38x1800mm Hardwood Stake with double Nylon tie TIES: Provide a 50mm wide Nylon webbing tie per stake, fixed securely to the stakes, one tie at half the height of the main stem and the other as necessary to stabilise the plant.

MAINTENANCE / PLANT ESTABLISHMENT
Maintenance shall apply to all hard and soft landscape materials installed prior to the "handover" and acceptance by Principles Representative and the Site Superintendent. The maintenance period shall convenience at the granting of practical completion and shall extend for 26 weeks.

Maintenance shall consist of the following works:
- Follow a daily watering programme to be approved by Superintendent. Water all plants individually, twice per week or when necessary to ensure constant plant growth. Water all turf and native grassed areas, twice per week.
- Apply appropriate weed control sprays and hand weed as required to maintain planting areas, native grassing bed areas, turfed areas, paved areas, and tree pits in turf free of weed or rogue grass growth.
- Regularly tidy and top up mulch and trim edges to prevent spill over onto paved / grassed areas.
- Spray to control pests and diseases.
- Replace plants, which fail with plants of a similar size and quality as originally specified to approval of Superintendent. Costs of replacement shall be the responsibility of the Contractor. Replacement planting will be undertaken within 2 weeks of identification of dead material or instruction be the Superintendent.
- Report any incidence of plants stolen or destroyed by vandalism.
- Adjust stakes and ties to plants as necessary. Ensure that strangulation of plants does not occur.
- Prune and shape plants as directed or where necessary.
- Make good any defects or faults arising out of defective workmanship or materials.
- Fertilise lawn areas to maintain healthy growth.
- Make good any erosion or soil subsidence, which may occur including soft areas in pathways.
- Mow lawn to maintain neat healthy growth.
- A final inspection shall be made by the Superintendent before handover. Any items requiring rectification shall be repaired before the works are finally approved, and retention moneys released.

NOTE:
- All finished levels are to be verified by Contractor on site.
- All landscape works be in strict accordance with Council's landscape code and guidelines
- This plan to be used in conjunction with all other submitted architectural, hydraulics and engineering drawing where applicable.

IRRIGATION SYSTEM AND REQUIREMENTS
DESCRIPTION OF WORKS
The scope of works in this section comprises the design and specification (*for comment by Superintendent*), supply, and installation of fully automated commercial drip irrigation system to all landscaped areas and to Councils requirements.

The general location and extent of the areas to be irrigated is as shown on plans and includes:
i. Planter bed areas to be irrigated by "Techline" dripline at 750mm intervals, capable of delivering 20mm / week.
ii. Garden bed areas to be irrigated by "Techline" dripline at 750mm intervals, capable of delivering 20mm / week.
iii. Turfed areas to be irrigated by "Uniram" dripline at 500mm intervals, capable of delivering 30mm / week.

The Contractor shall provide shop drawings and materials and equipment specifications for comment by the Superintendent. Notwithstanding comments on the irrigation design being provided by the Superintendent responsibility for the technical design, operation and adequacy of performance of the irrigation system will remain with the Contractor.

The irrigation works shall include all mechanical, hydraulic requirements to the performances required and includes but is not limited to the following:
- Design of dripline irrigation system and related hydraulic / electrical works for approval by the relevant authorities and for comment by the Superintendent.
- Attainment of all relevant authority approvals and inspections.
- Connection to water service
- Construction and testing of new irrigation pipework
- Instruction of operators.
- Maintenance of continuity of use, repair and/or replacement of utility services affected by the installation of the irrigation system.
- Excavation, shoring, dewatering and backfilling in all classes of material.
- Modification of existing structures commissioning of all works constructed under this project.
- All other works necessary for the required performance of the irrigation system.
- Excavation & backfill
- Maintenance period of 12 months.
- A minimum warranty period of 12 months for parts and labour on pumps, control system components and irrigation components.
- Visit site once a month during the warranty period to check the and monitor performance of the equipment and operators.

FEES PERMITS AND APPROVALS
The Contractor shall be responsible for securing all necessary inspections and approvals. Before commencement of any works on the site the Contractor shall obtain approval from the Superintendent for the works to proceed and submit the necessary notification forms to all authorities having jurisdiction. These shall include but are not limited to the following:

Connection Fees & Inspection Fees	-Water Authority
Document Inspection Fees	- Water Authority
Service Connection Charges	- Water Authority

The Contractor shall pay all fees, permits, royalties, deposits, and charges and shall produce documentary evidence to the Superintendent upon request.

EXISTING FACILITIES, ULTILITIES AND SERVICES
The Contractor's attention is drawn to the existence of utility services within the works site. The Contractor shall be fully responsible for ascertaining exact locations and levels of services or consumer mains which may be encountered during the course of the works. The Contractor shall liaise and consult with services authorities as required during the course of the project.

Any damage to services or infrastructure facilities caused by any actions of the Contractor shall be repaired entirely to the satisfaction of the owner of such services and costs incurred shall be borne solely by the Contractor.

When a service must be interrupted to enable the carrying out of works under this contract such interruption shall be at a time agreed with the responsible authority or owner and the Superintendent. The Contractor shall organise and be responsible for all necessary notifications and approvals required.

Costs of relocation diversion, temporary removal and replacement of any service shall be borne by the Contractor.

DRIPLINE SYSTEM
Fully automated commercial grade "Techline" and "Uniram" dripline system or approved equivalent to be installed as per manufacturers specification and recommendations.

GENERAL NOTES:
1. Do not scale of drawings. Follow written dimensions. If in doubt obtain written advice from the Superintendent.
2. Verify all dimensions on site.
3. Refer to legend for all symbol and code keys.
4. Read in conjunction with the specifications
5. Read in conjunction with all associated drawings

ISSUE	AMENDMENT	DRAWN	DATE
F	LEVELS 2 & 6 REVISION	CL	14.09.21
E	LEVELS 2 & 6 REVISION	CL	09.09.21
D	FOR S4.55	CL	23.10.20
C	REVISIONS	CL	06.11.17
B	REVISIONS	CL	18.12.16
A	FOR APPROVAL	CL	29.03.16

DESIGNED: GD
DRAWN: CL

PREPARED FOR: *NUCORP CONSTRUCTION PTY LTD*

LANDSCAPE ARCHITECTS:
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PROJECT:
PROPOSED SHOP TOP HOUSING

PROJECT ADDRESS:
NO. 9 - 11 SHERWOOD ROAD MERRYLANDS

DRAWING TITLE:
Landscape Details & Specification

DATE: **SEPTEMBER 2021**
SCALE: varies
FULL SIZE: A1
ISSUE: **F**
DRAWING NO: **1297.L.06**

ELECTROMAGNETIC FIELD ASSESSMENT

PROPOSED MODIFICATION TO AN APPROVED SHOP TOP HOUSING DEVELOPMENT

9-11 Sherwood Road, Merrylands NSW



Prepared For:

Mr Adam Joseph, NuCorp Constructions

SUITE 3A, LEVEL 2, 90 PHILIP STREET

PARRAMATTA NSW 2150

Prepared By:

NG Child & Associates

13 September 2021

CUMBERLAND CITY COUNCIL

THESE PLANS WERE APPROVED BY THE LAND AND ENVIRONMENT COURT UNDER CONSENT ORDER NO. 2021/00103440

DATED 2 November 2021

DOCUMENT CONTROL REGISTER

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Document Title	EMF Assessment: Proposed Modification to an Approved Shop Top Housing Development 9-11 Sherwood Road, Merrylands NSW (Version 1; August 27th, 2021)
Document Reference	Merrylands - EMF Assessment Report (Version 1)– 130921.docx
Issue Type	Electronic
Attention	Ms Emma Fleming & Mr Adam Joseph

Version	Date	Document Reference	Prepared By	Checked By	Approved By
1	13 September 2021	Adam Joseph	NGC	HMC	NGC

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1 INTRODUCTION

Hezlett Pty Ltd (Hezlett) is involved in the construction and delivery of a shop top housing development at 9-11 Sherwood Road Merrylands, NSW. The original Development Application (DA 2016/164/1) for the project was approved by the (then) Sydney West Central Planning Panel on December 21st, 2017. This approval related to the then design, which included 86 residential units and 6 retail tenancies. In November 2020, Hezlett lodged a Modification Application with Cumberland Council, the local government authority at interest, for a modification to the original DA involving, among other minor changes, the deletion of three retail tenancies and the inclusion of an additional four residential units. The proposed change from retail tenancies to residential units is on Level 2 of the development.

Swaab Attorneys is acting for Hezlett in appeal proceedings in the Land and Environment Court of NSW against Council's deemed refusal of the s.4.55 Modification Application. One of Council's contentions in the matter, Contention 20, which requests an electomagnetic field report including consideration of whether the four additional residential units proposed in the Modification Application will generate any greater exposure to electromgnetoiic fields compared with the number of units already approved under the original DA.

Swaab Attorneys, on behalf of Hezlett and building contractor NuCorp Constructions has engaged NG Child & Associates to undertake the EMF assessment required. Noel Child of NG Child & Associates is an appropriately qualified and experienced person to undertake the work involved. His CV is attached for reference at Appendix A. This document presents the electromagnetic field assessment undertaken by NG Child & Associates.

2 SITE DETAILS

2.1 LOCATION & DESCRIPTION

Figure 2.1, below, provides a road map identifying the site location. The direction of north is towards the top of the diagram; a scale is provided beneath the diagram, and the subject site is shown shaded in blue.

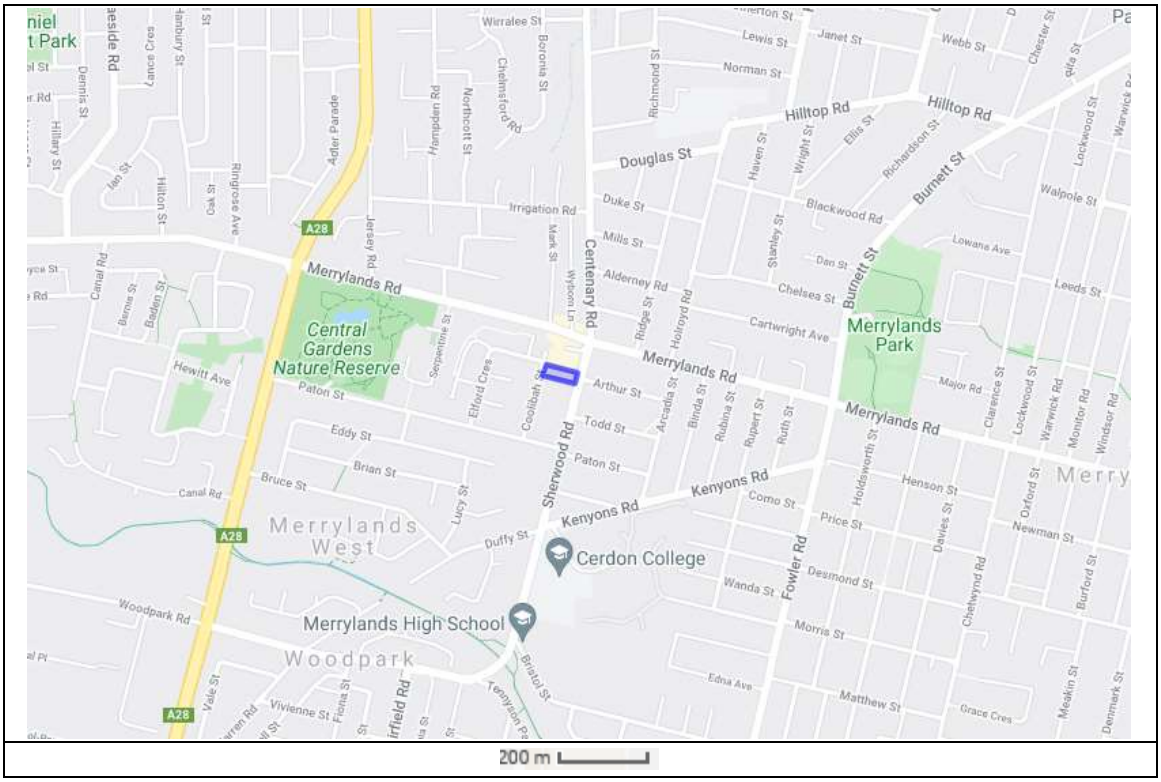

Figure 2.1 – Location of the Development

A recent (August 7th, 2021) satellite photograph of the site and immediate surrounding areas is provided in Figure 2.2 below.

Once again, the direction of north is towards the top of the diagram; a scale is provided beneath the diagram, and the subject site is shown shaded in blue.



Figure 2.2 – Aerial Photograph of Site Location (August 7th, 2021)

The development site is bounded by Sherwood Road to the east; Coolibah Street to the west, and by existing commercial properties to the north and south.

The commercial property to the immediate south of the subject site is the Coolibah Hotel. A mobile telephone transmission tower is present, very close to the southern boundary of the 9-11 Sherwood Road development site

A photograph of the site from Sherwood Road, including the neighbouring mobile telephone transmission tower, is provided in Figure 2.3, on the following page.



Figure 2.3 – Site Area Viewed from Sherwood Road

2.2 LOCAL GOVERNMENT CONSENT AUTHORITY & LAND ZONING

Land zoning is shown in Figure 2.4, below.

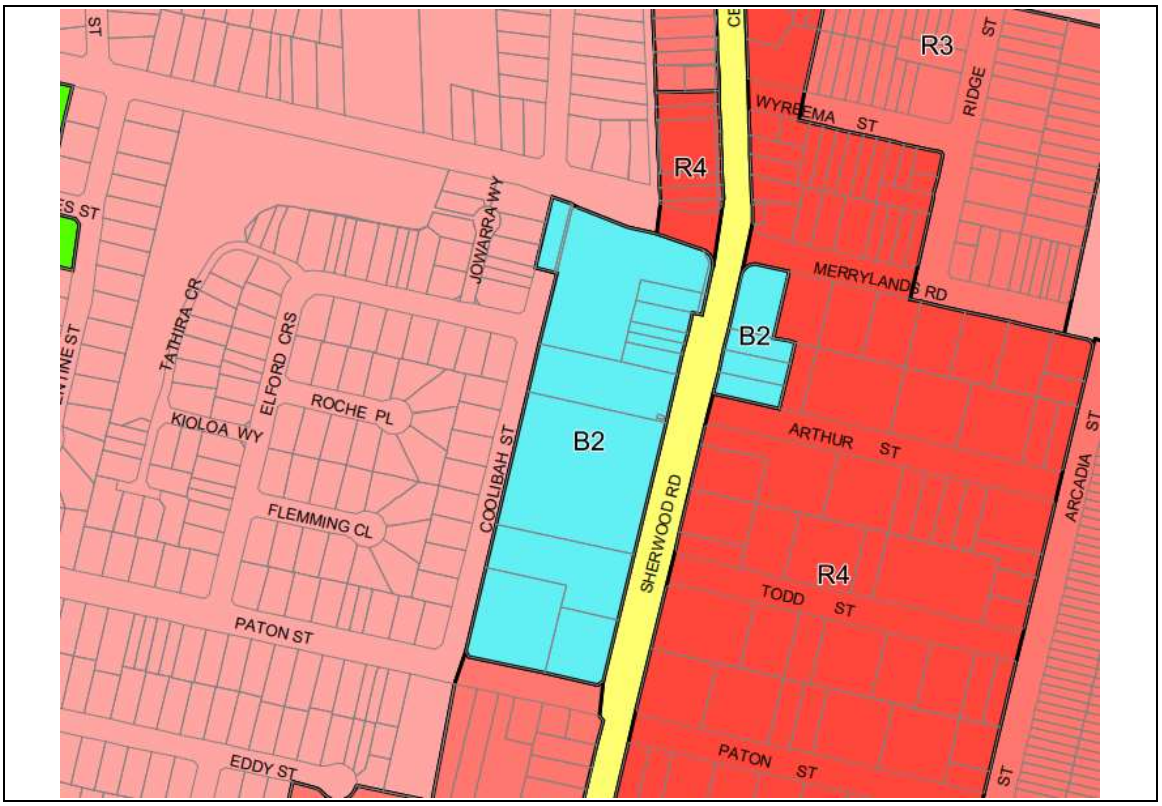

Figure 2.4 – Land Zoning

The diagram provided in Figure 2.4 is sourced from the current Cumberland Council (Holroyd) Local Environment Plan. The site is shown at the approximate centre of the diagram and is zoned B2 “Local Centre”. Nearby properties to the north and south are similarly zoned. Properties on the opposite side of Coolibah Street to the west and Sherwood Road to the east are zoned R2 “Low Density Residential” and R4 “High Density Residential” respectively.

2.3 PRIMARY IDENTIFIED EMF SOURCE

The primary source of electromagnetic radiation near the site appears to be the mobile telephone tower located on the adjacent Coolibah Hotel property, near the southern boundary of the subject site. Photographs of the tower and associated electrical cabling are provided in Figures 2.5 and 2.6, below and on the following page.



Figure 2.5 – Mobile Telephone Tower Viewed from Sherwood Road



Figure 2.6 – Electric Cabling Associated with Mobile Telephone Tower

The mobile telephone tower in question is the Telstra Sherwood Road Merrylands West site.

The Site ID is 2160010.

The elevation of the tower is 41 metres.

The tower is subject to ARPANSA approved environmental radio-frequency (RF) and electromagnetic energy (EME) compliance reporting and associated certification.

2.4 THE PROPOSED DEVELOPMENT & MODIFICATION

The nature of the approved development, and the proposed modification, are illustrated in the plans and drawing provided for reference in Figure 2.7 to 2.22 on subsequent pages, as follows:

Figure 2.7	Site Analysis
Figure 2.8	Basement
Figure 2.9	Level 1
Figure 2.10	Level 2
Figure 2.11	Level 3
Figure 2.12	Level 5
Figure 2.13	Levels 7 & 8
Figure 2.14	East Elevation Sherwood Road
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Figure 2.18	Site Elevations (2)
Figure 2.19	Building Height Details
Figure 2.20	Site Sections
Figure 2.21	Proposed Shop Top Housing Development
Figure 2.22	3D Building Height Plane



Figure 2.7 – Site Analysis

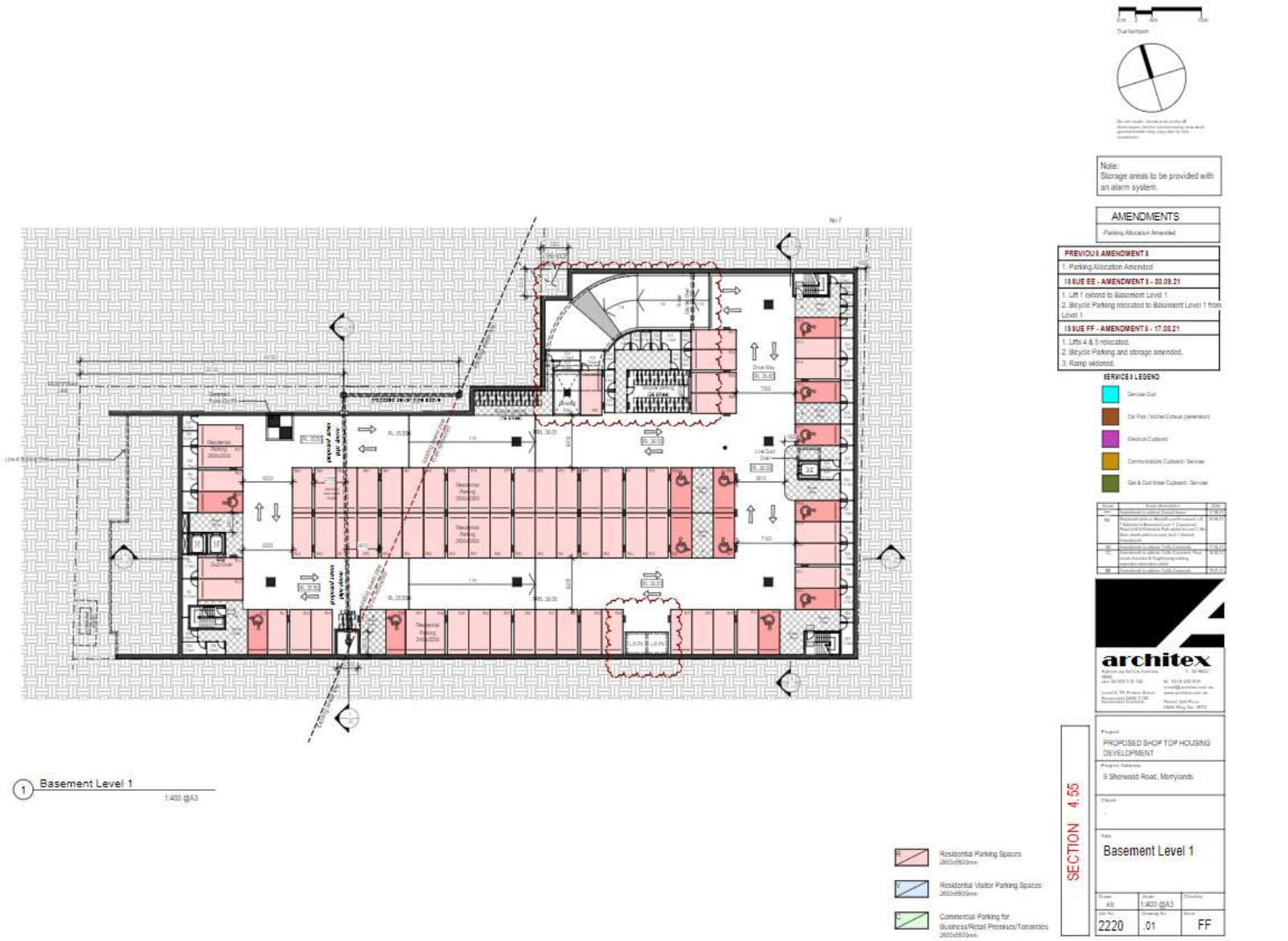


Figure 2.8 – Basement

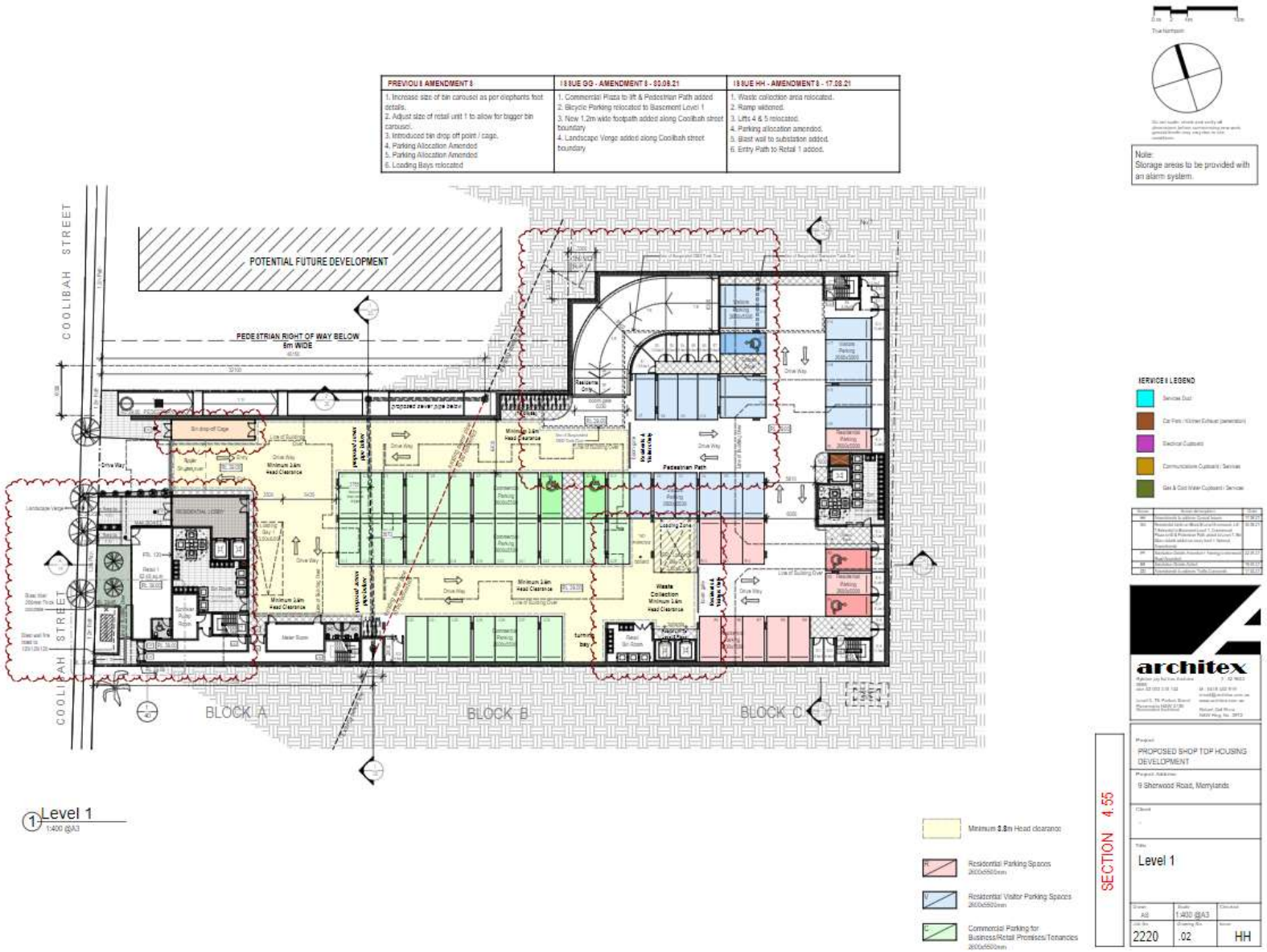


Figure 2.9 – Level 1

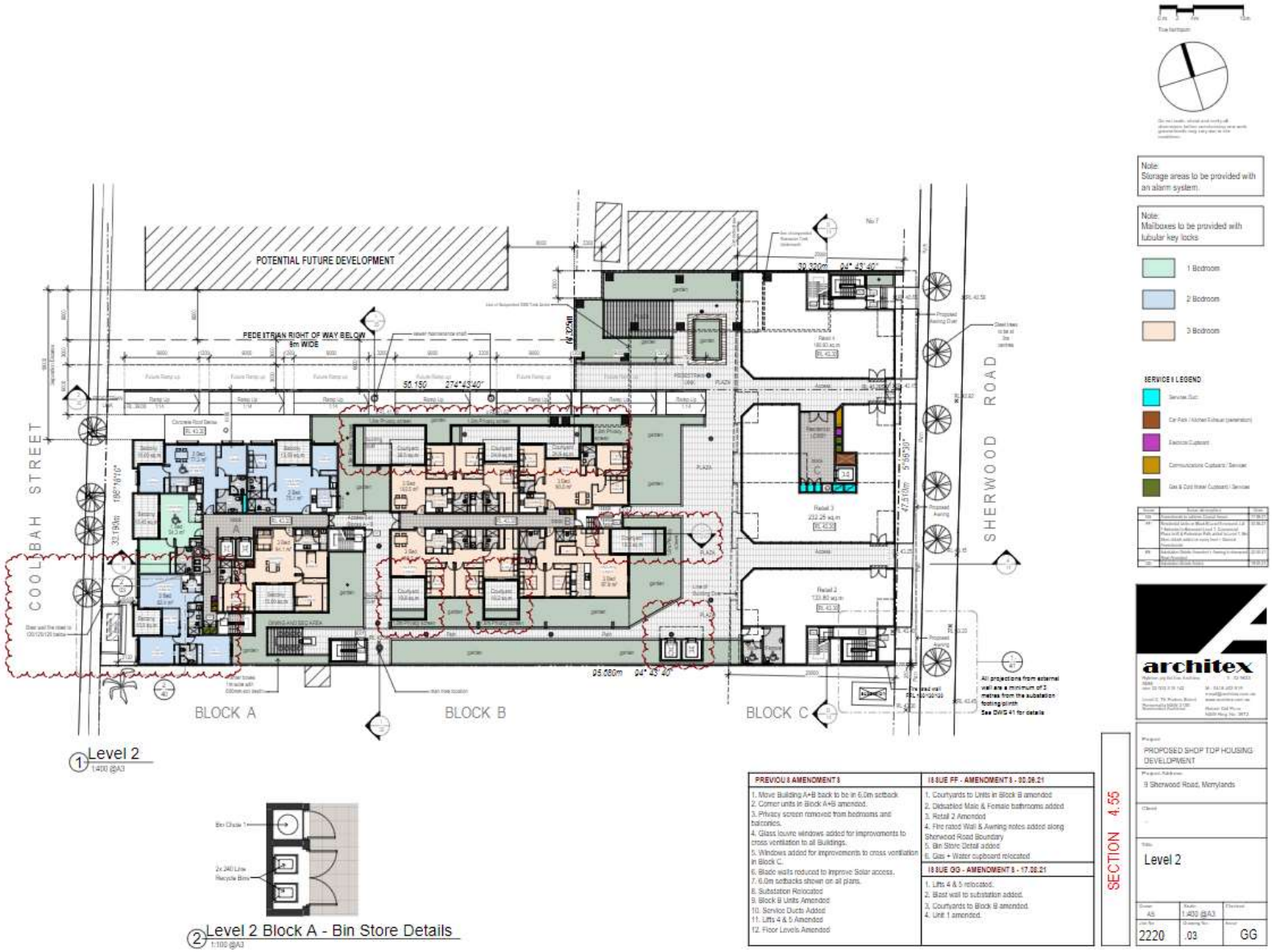


Figure 2.10 - Level 2



Figure 2.11 - Level 3

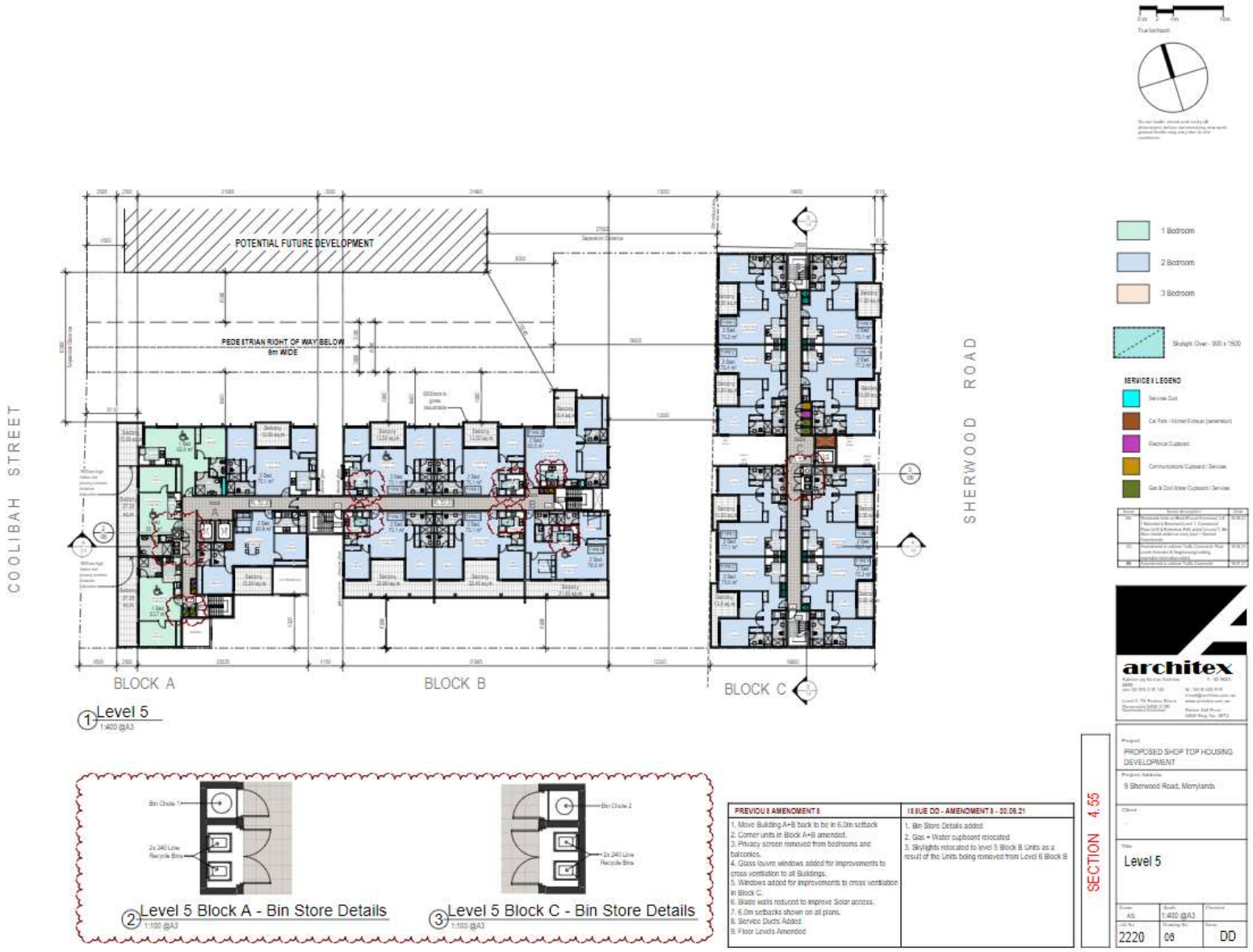


Figure 2.12 - Level 5

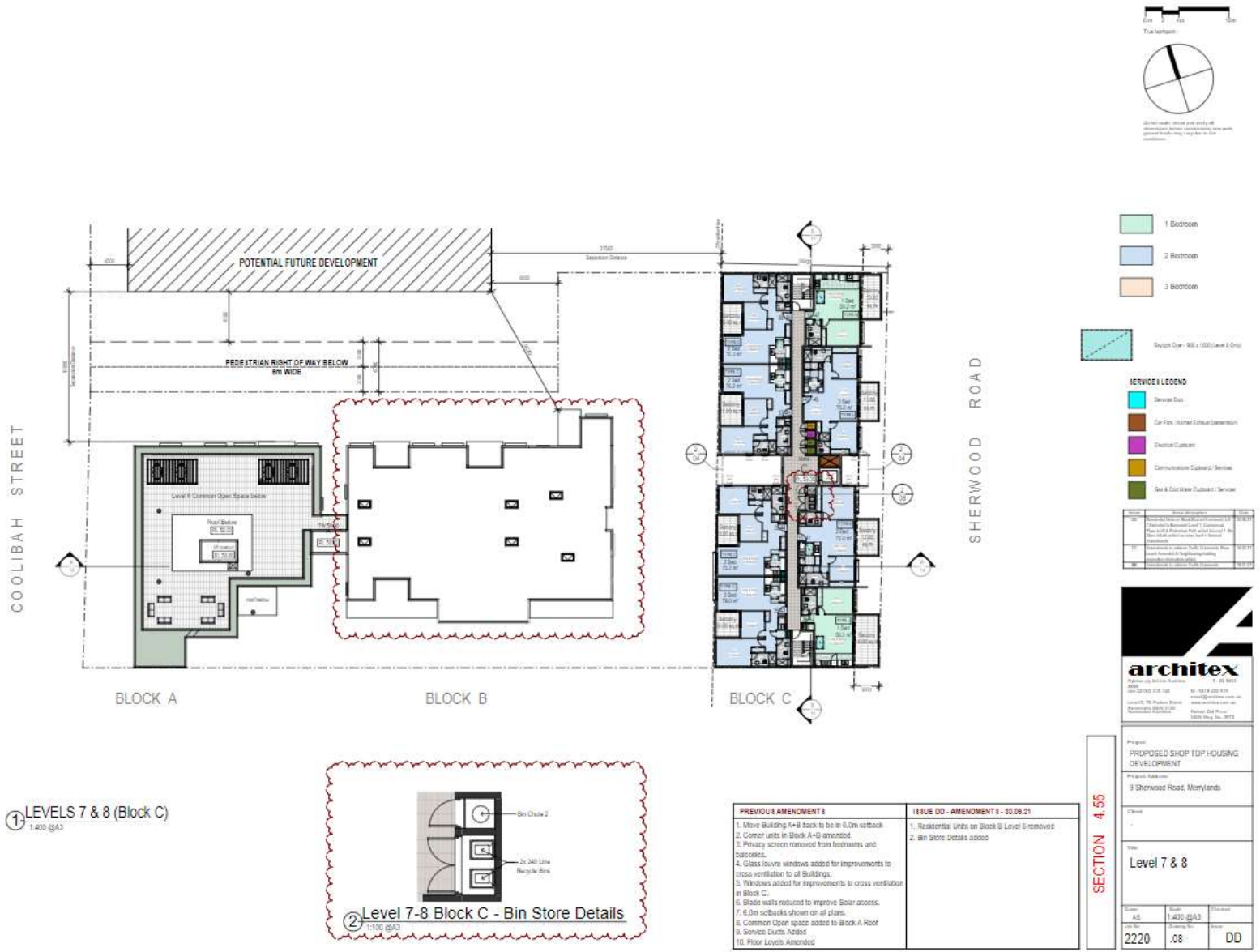


Figure 2.13 – Levels 7 & 8



Figure 2.14 – East Elevation Sherwood Road

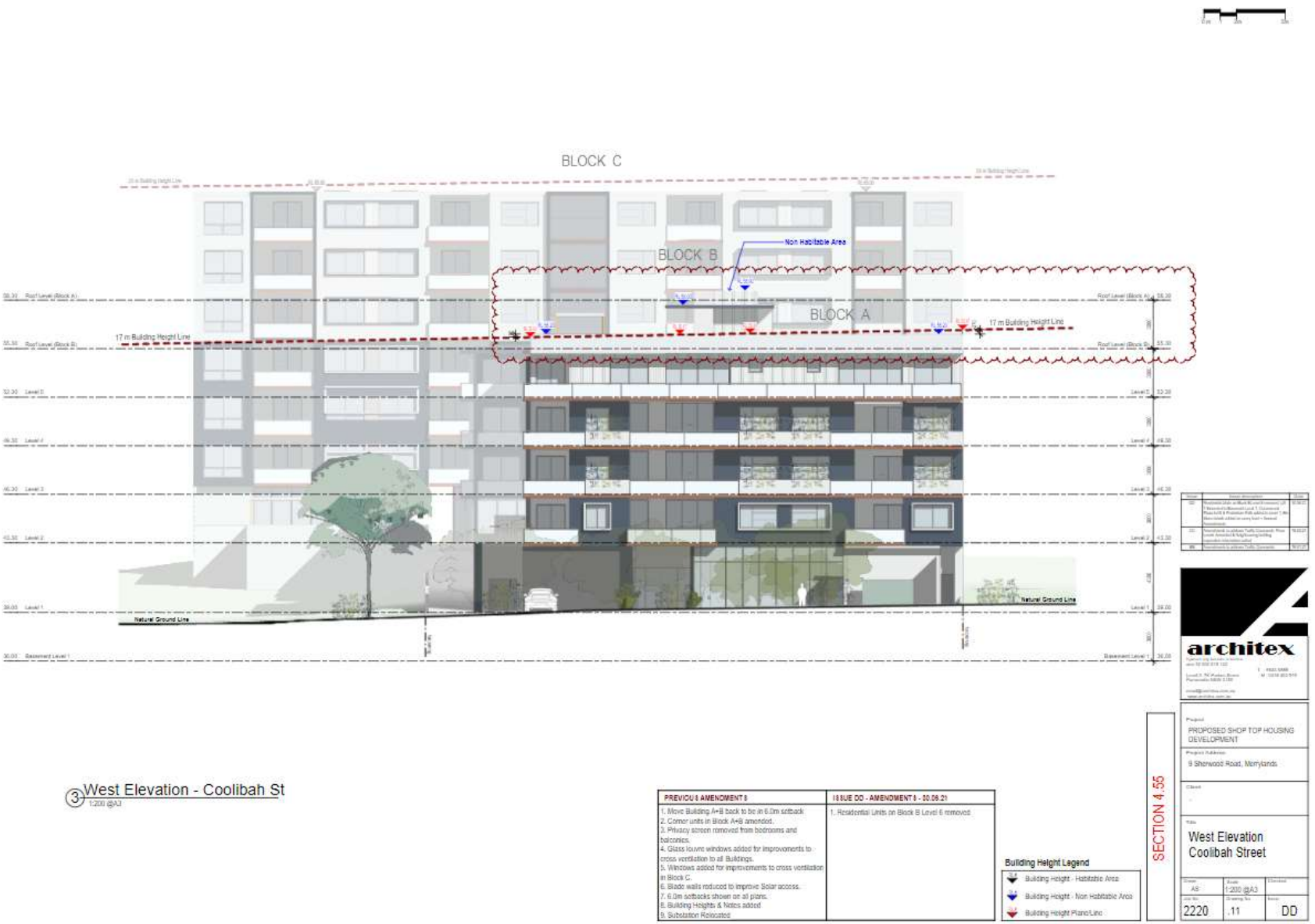


Figure 2.15 – West Elevation Coolibah Street

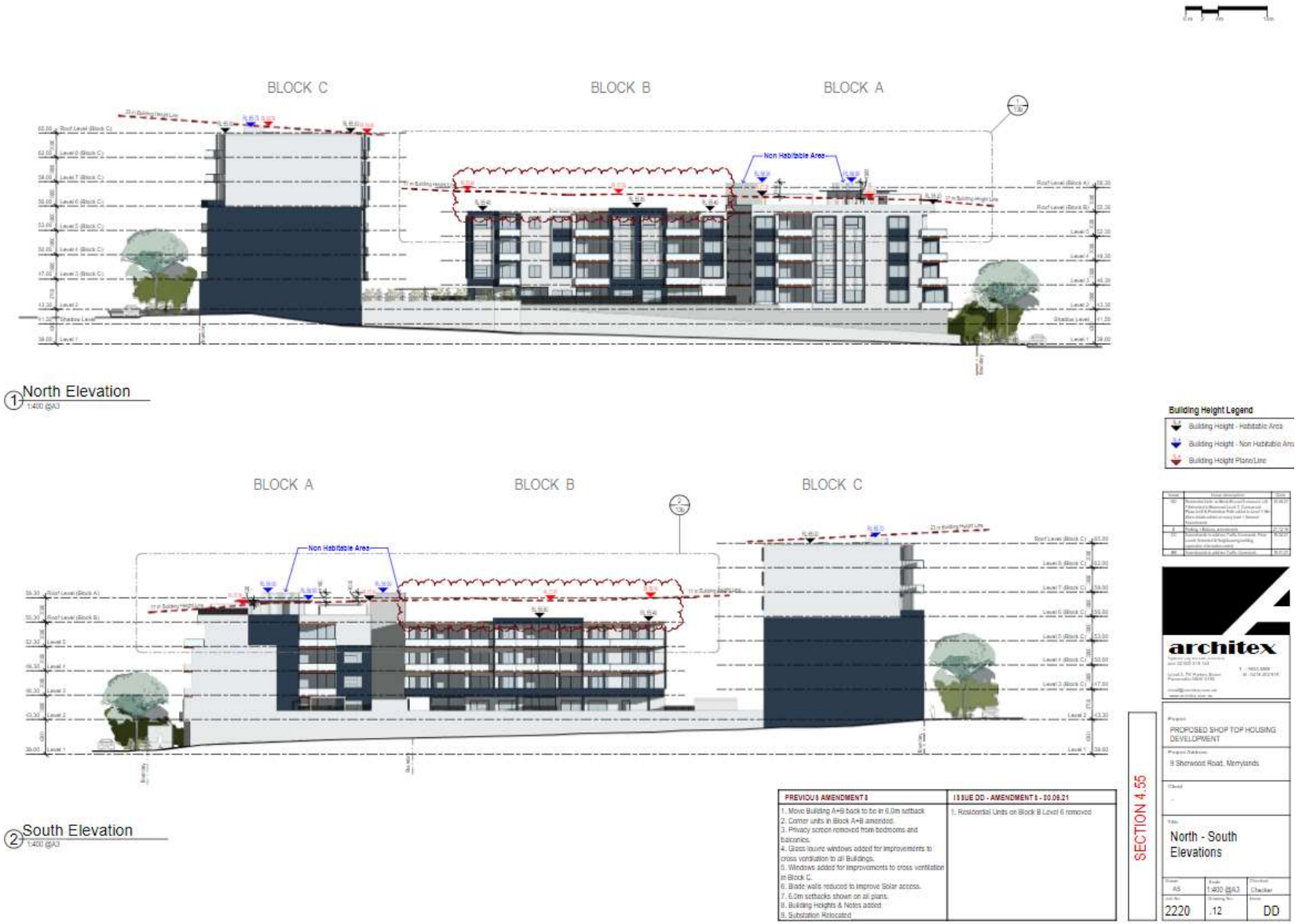


Figure 2.16 – North & South Elevations



Figure 2.17 – East & West Elevations



Figure 2.18 – Site Elevations (2)



Figure 2.19 – Building Height Details



Figure 2.20 – Site Sections



Figure 2.21 – Proposed Shop Top Housing Development

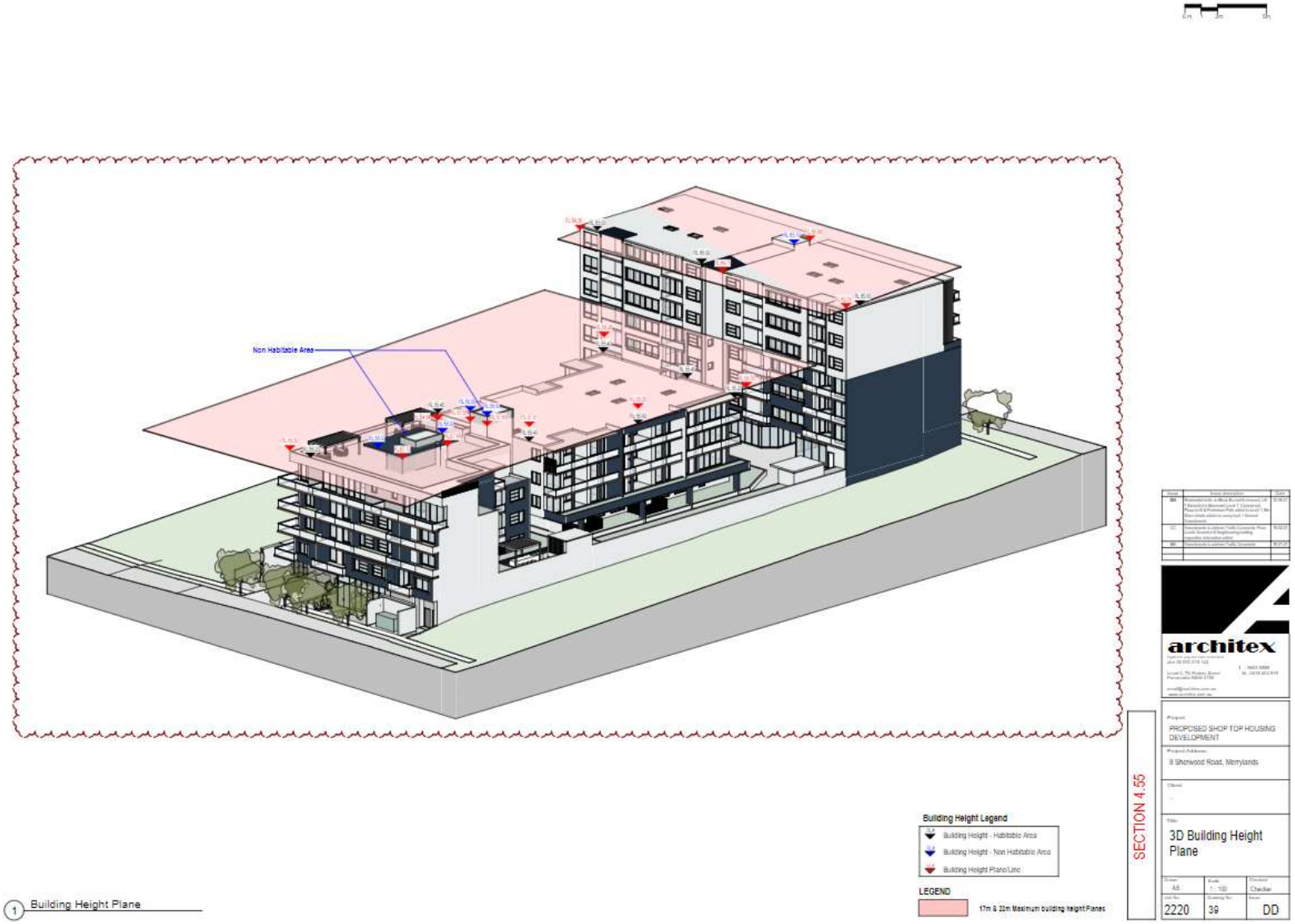


Figure 2.22 – 3D Building Height Plane

3 ELECTROMAGNETIC FIELDS

3.1 INTRODUCTION

The urban environment is subject to the impact of a wide range of radiation that forms part of the general electromagnetic field.

This electromagnetic field ranges from high-energy ionizing radiation such as cosmic rays and x-rays, through the visible light spectrum, to longer wavelength microwaves and radio waves.

In general, the atmosphere shields the urban environment from most of the more dangerous, high-energy radiation emanating primarily from the sun. Induced phenomena such as damage to the ozone layer, which limits the capacity of the atmosphere to filter out high-energy UV-C radiation, impede this process.

3.2 TYPICAL ELECTROMAGNETIC FIELD LEVELS

All electrical devices, from toasters to high voltage power lines, produce electric and magnetic fields. As a consequence, most people are exposed to background electromagnetic fields as part of normal and accepted day to day activities.

Figure 3.1 provides examples of magnetic field levels from typical sources.

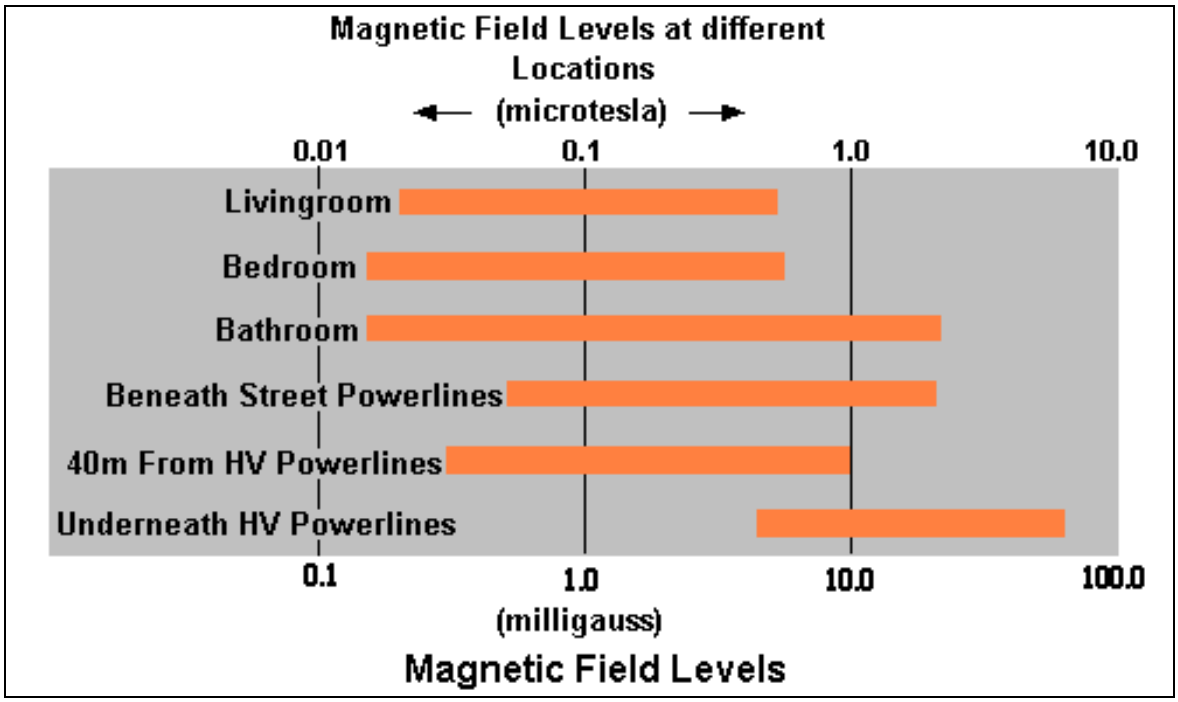


Figure 3.1 – Typical Electromagnetic Field Levels from Various Sources

(Source: ARPANSA: "Electricity & Health")

Residential Exposures

Exposure levels to EMFs around the home are in the range of 0.01 - 0.25 microtesla (µT), or 0.1 - 2.5 milligauss (mG).

For homes near powerlines, these levels may be as high as 0.5 – 1.0 µT, or 5 - 10 mG.

Immediately under powerlines, magnetic field levels of 6 - 10 µT or 60 - 100 mG may be found.

Mobile telephone transmission towers and aerials can also be a source of electromagnetic field.

3.3 CONCERNS REGARDING BACKGROUND ELECTROMAGNETIC FIELDS

General

In recent years, concern has arisen regarding the potential health impacts of electromagnetic radiation from sources such as high-voltage power supply lines, electrical generation equipment and mobile telephone transmission towers.

Possible Risk Levels

Despite a lack of firm or conclusive evidence, concern has been expressed in recent years that exposure to extremely low frequency (ELF) electromagnetic fields may represent a danger to human health.

The Australian Radiation Protection and Nuclear Safety Authority (ARPANSA) has concluded that:

> "*On balance, the scientific evidence does not indicate that exposure to 50 Hz EMFs found around the home, the office or near power lines or mobile telephone towers is a hazard to human health*." (ARPANSA website; http://www.arpansa.gov.au/RadiationProtection).

Australian EMF Exposure Guidelines

There are currently no Australian standards regulating exposure to ELF electromagnetic fields.

The National Health and Medical Research Council (NHMRC) published "Interim guidelines on limits of exposure to 50/60Hz electric and magnetic fields" in 1989.

These interim guidelines were those proposed under the auspices of the body that has now become the International Commission on Non Ionising Radiation (ICNIRP).

The exposure levels permitted by those guidelines were set on the basis of preventing harmful levels of induced current in the tissues of the central nervous system.

The magnetic field exposure at 50 Hz permitted by those guidelines, on the particular basis upon which they were developed, is 100 microtesla, or 1000 milligauss (mG) on a 24-hour basis, and 500 microtesla or 5000mG for occupational exposure over a full working day.

These relatively high levels, in effect, were designed to protect against the "cooking" of the tissues of the central nervous system by electromagnetic radiation.

ARPANSA

The Australian Government Australian Radiation Protection and Nuclear Safety Agency (ARPANSA) provide comments on the possible relationship between electromagnetic field levels and health risks in young children in its web site http://www.arpansa.gov.au/index.htm.

ARPANSA confirms that several types of studies have been conducted to determine whether there is a health hazard from 50 Hz magnetic fields, and advises that:

> *"In cell studies, cells are exposed to magnetic fields and then examined to see whether changes occur in their normal growth pattern. The experiments performed on cells demonstrate that the magnetic fields do not bring about the changes normally associated with the start of cancer initiation. Animal studies on rats and mice have not shown that magnetic fields increase the risk of cancer. Other studies have not convincingly demonstrated that magnetic fields reduce or alter melatonin levels in humans. Melatonin is thought by some to be a natural cancer suppressor. There is, however,* ***weak*** *evidence of an association with childhood leukemia from modern epidemiological studies. Epidemiological studies investigate possible associations between magnetic fields and health effects by studying the patterns of magnetic field exposure and disease in different groups of people."*

ARPANSA goes on to say:

> *"If the relationship between prolonged and higher than-normal magnetic fields and childhood leukemia was found to be causal it would be possible to estimate how many of the annual cases of childhood leukemia (age 0-14 years) are due to residential magnetic field exposure.*
>
> *A survey of 296 randomly selected houses conducted by ARPANSA in Melbourne suggested that the magnetic field in a child's bedroom exceeded 0.4 μT[1] in approximately 2% of houses. If this percentage applied to all Australian houses and the epidemiological results showing an association with childhood leukemia were valid in Australia, then it could be estimated that about 5 cases out of 228 annual cases of childhood leukaemia[1] could be due to exposure to residential magnetic fields."*

ARPANSA then concludes:

> *"The scientific evidence does not establish that exposure to 50 Hz electric and magnetic fields found around the home, the office or near powerlines is a hazard to human health.*
>
> *In view of the epidemiological studies, however, the possibility remains that* ***intense and prolonged exposures*** *to magnetic fields may increase the risk of leukemia in children.*

3.4 INDICATIVE EXPOSURE CRITERIA

Adults

A maximum guideline level of between 400 mG and 500 MG mG, based on twenty four hour continuous exposure, has been identified by SafeWork Australia for adults in relation to exposure to electromagnetic fields in occupational or work settings.

Note 1: 1 microtesla (μT) = 10 milligauss (mG)

4 REGULATORY GUIDELINES

4.1 INTRODUCTION

This assessment deals with the potential impacts of electromagnetic field (EMF) levels. The nature and origin of electromagnetic fields has been discussed in Section 3, but in basic terms EMF's are caused by both natural and human activities.

Low field levels are generated naturally by the electromagnetic activity of the Earth's core. EMF levels can also be generated by a range of human activities, including mobile telephony, radio transmissions, electricity generation and distribution including power lines, and by a range of common electrical and electronic instruments and appliances.

Field levels are subject to a number of regulations, guidelines and protocols.

The following guidelines, regulations and protocols are relevant, or potentially relevant, to this assessment:

- NSW Government Requirements and Guidelines;
- Electromagnetic Radiation: Human Exposure Standard 2003;
- AS/NZS 2772.1 (int): Induced Electromagnetic Fields: Maximum Exposure Levels; and
- International Commission on Non-Ionising Radiation (ICNIRP).

4.2 UNITS

Electromagnetic field levels are measured and expressed in a number of different scientific units.

The electromagnetic field is composed of related magnetic and electrical components.

Field levels measurements in this assessment have been recorded and expressed in the milligauss (mG).

A related unit used in AS/NZS 2772.1 and AS/NZS 2772.2 is Watts per square metre (W/m^2).

The relationship between the two units is:

$$mG = W/m^2 / 23.9$$

4.3 CUMBERLAND COUNCIL ASSESSMENT REQUIREMENTS

Cumberland Council is the local government consent authority at interest.

Contention 20 in the Statement of Facts and Contentions in relation to the matter filed by Cumberland Council on May 19th, 2021, is as follows:

> **Electro-Magnetic Radiation Impact**
>
> 20. Due to the proximity of the existing telecommunication tower on the adjoining site to the south to the residential units, an electro-magnetic radiation assessment should be provided to demonstrate that maximum human exposure levels to radiofrequency emissions comply with Radiation Protection Standard – Maximum Exposure Levels to Radiofrequency Fields.

This assessment addresses Contention 20.

4.4 ELECTROMAGNETIC FIELD STANDARDS

4.4.1 ARPANSA Human Exposure Standard

The Radiation Protection Standard for Maximum Exposure Levels to Radiofrequency ("RF") Fields – 3 kHz to 300 GHz, referred to as the ARPANSA Standard, sets limits for human exposure to RF fields to prevent adverse health effects.

The ARPANSA Standard specifies limits for both occupational and general public exposure.

4.4.2 AS/NZS 2772.2 RF Field Measurement and Evaluations – Methodology

The Australian Standard AS/NZS 2772.2:2016 Radiofrequency Fields, Part 2: Principles and Methods of Measurement and Computation – 3 kHz to 300 GHz, specifies techniques and instrumentation for the measurement of RF fields.

The RF field report and certification presented in Section 6 of this assessment have been prepared in accordance with AS/NZS 2772.2:2016.

4.4.3 ICNIRP Guideline (2010)

The ICNIRP (International Commission on Non-Ionising Radiation Protection) specifies the exposure levels for limiting exposure to time-varying electric and magnetic fields, and Extremely Low Frequency (ELF) electromagnetic fields.

The ICNIRP Guideline has been taken into account in this assessment.

4.5 ARPANSA STANDARD & ICNIRP GUIDELINE LIMITS

4.5.1 General Public Exposure

Exposure of persons, other than in the course of or intrinsic to their work, this category includes persons of all ages and health status who will be generally unaware that exposure is taking place.

The exposure of the general public and workers in the precincts of the area surveyed is regarded as general public/non-occupational exposure.

Limits for RF Electromagnetic Fields

Limits for general public exposure are detailed in Table 4.1, below.

Table 4.1 – Limits for RF Electromagnetic Fields

Frequency range	ARPNSA Reference level for General Public Exposure		
	E-field strength	H-field strength	power flux density
100 KHz – 150 Hz	86.8	4.86	-
150 KHz – 1 MHz	86.8	$0.729/f$	-
1 MHz – 10 MHz	$86.8/f^{0.5}$	$0.729/f$	-
10 MHz – 400 MHz	27.4	0.0729	2
400 MHz – 2 GHz	$1.37x\ f^{0.5}$	$0.00364\ x\ f^{0.5}$	$f/200$
2 GHz – 300 GHz	61.4	0.163	10

Notes:

1. f is the frequency in MHz
2. For frequencies between 100 kHz and 10 GHz, the exposure power flux density limit must be averaged over any 6 minute period
3. Highlighted yellow row denotes the most stringent RF E-field limit applied in this report.

Limits for ELF Electromagnetic Fields

Limits for general public exposure are detailed in Table 4.2, below.

Table 4.2 – Limits for ELF Electromagnetic Fields

Frequency Range	Electric field strength (kV/m rms)	Magnetic field strength (A/m rms)	Magnetic flux density (T rms)
1 Hz-8 Hz	5	$3.2 \times 10^4 / f^2$	$4 \times 10^{-2} / f^2$
8 Hz-25 Hz	5	$4 \times 10^3 / f$	$5 \times 10^{-3} / f$
25 Hz-50 Hz	5	1.6×10^2	2×10^{-4}
50 Hz-400 Hz	$2.5 \times 10^2 / f$	1.6×10^2	2×10^{-4}
400 Hz-3 kHz	$2.5 \times 10^2 / f$	$6.4 \times 10^4 / f$	$8 \times 10^{-2} / f$
3 kHz-10 MHz	8.3×10^{-3}	21	2.7×10^{-5}

Notes:

1. f is the frequency in Hz
2. Highlighted yellow rows denote the most stringent limit at 1 kHz for E-field and 400 kHz for H-field applied in this report.

4.5.2 Occupational Exposure

Occupational exposure refers to exposure under controlled conditions in the course of and intrinsic to a workplace involving a population of adults trained and informed to be aware of any potential risks, and the appropriate precautions required to mitigate such risks.

The duration of occupational exposure is limited to the duration of a typical working day or duty shift in every 24-hour period. This category excludes pregnant workers, who must not be exposed to field levels in excess of the lower non-occupational, general public exposure limit.

Table 4.3 – Time Averaged Occupational Exposure Limits

Frequency range	ARPNSA Reference level for Occupational Exposure		
	E-field strength V/m	H-field strength A/m	power flux density W/m^2
100 kHz – 1 MHz	614	1.63 / f	-
1 MHz – 10 MHz	614/ f	1.63 / f	$1000/f^2$
10 MHz – 400 MHz	61.4	0.163	10
400 MHz – 2 GHz	$3.07x\ f^{0.5}$	$0.00814x\ f^{0.5}$	f/40
2 GHz – 300 GHz	137	0.364	50

Notes:

1. f is the frequency in MHz

4.6 MAXIMUM FIELD LEVEL GUIDELINES

The various “safe” electromagnetic field levels to emerge from the various guidelines, standards and protocols reviewed above are as follows:

General Public	2000 W/m2	84 mG
Occupational	10000 W/m2	418 mG

The more conservative and appropriate “general public” guideline has been adopted for the electromagnetic field assessment presented in Section 5 of this report.

The Radio Frequency assessment, reporting and certification presented in Section 6 has also been based on relevant general public exposure guidelines.

5 ELECTROMAGNETIC FIELD ASSESSMENT

5.1 PURPOSE, SCOPE & METHODOLOGY

5.1.1 Purpose

The purpose of this part of the investigation is to provide a thorough assessment of electromagnetic field (EMF) effects for the shop-top housing development proposed for 9-11 Sherwood Road Merrylands, consistent with relevant guidelines, standards and protocols, and for that assessment to provide a thorough and reliable professional opinion regarding the suitability and safety of the site from an electromagnetic field perspective for the development proposed.

Specific attention has been given to the modification sought to the original and approved DA which involves among other minor changes the deletion of three retail tenancies and the inclusion of an additional four residential units on Level 2 of the development.

The nature and scope of the assessment undertaken has also provided a thorough review of electromagnetic field impacts on the development more generally.

It is noted that an assessment of the associated radio frequency (RF) field effects is provided in Section 6.

Collectively this Section of the report, and Section 6, provide the assessments required by Cumberland Council in Contention 20 in the Statement of Facts and Contentions in relation to the matter filed by Cumberland Council on May 19th, 2021 (refer Section 4.3).

5.1.2 Scope & Methodology

The scope and methodology of the assessment has included the following key elements:

- The identification of all potentially significant sources and generators of electromagnetic fields within the vicinity of, and on the site;
- Measurement of representative electromagnetic field levels throughout the site and the comparison of these measured field levels with relevant EMF guideline criteria;
- Calculation of electromagnetic field levels at the various elevations applicable to the development, in accordance with applicable guidelines and methodologies;
- Specific consideration of electromagnetic field levels associated with the mobile telephone transmission tower located close to the southern site boundary; and
- Provision of an assessment report detailing the compliance or otherwise of the site with relevant guidelines, standards and protocols, including any relevant recommendations.

This report sets out the results and findings of an electromagnetic field assessment of the 9-11 Sherwood Road Merrylands site, undertaken in accordance with the purpose, scope and methodology summarised above, and described in greater detail below.

5.2 POTENTIAL ELECTROMAGNETIC FIELD SOURCES

The site and its immediate environs were carefully inspected to identify potential sources and generators of electromagnetic field.

The following potential field sources were identified in the vicinity of the site:

- **Mobile Telephone Transmission Infrastructure:** Mobile telephone transmission tower located close to the southern site boundary, as previously indicated in Figures 2.3, 2.5 and 2.6, and in Figure 5.2 on a subsequent page;
- **“Kiosk” Type Electrical Sub-Station Located in the Southeastern Corner of the Site:** A small kiosk style electrical substation located in the southeastern corner of the site, as indicated in Figure 5.3;

- **Electrical Pole Signs Located on the Sherwood road Site Boundary:** Two electrical pole signs located on the Sherwood Road site boundary; and

- Potential Data Transmission Infrastructure Associated with Nearby TAB Agency: Roof mounted data transmission infrastructure.

It is noted that the mobile telephone transmission tower is the primary and most significant field source.

However, while the other three potential sources noted are considered unlikely to ne generators of significant field levels, and while it is anticipated that both the kiosk style electrical substation and the two electrical pole signs will be removed as part of the development, they have been included in this assessment for the sake of completeness.

No other potentially significant generators or potential generators of electromagnetic fields were noted at or in the immediate vicinity to the site.

However, the assessment methodology used, which is based on actual field level measurements, takes into account the influence and impact of all electromagnetic field sources impacting in any way on the site, whether specifically identified or not.

The locations of the EMF sources listed above in relation to the proposed development site are shown in Figure 5.1, below.



Key:

A	Mobile Telephony Infrastructure	C	Electrical Pole Signs
B	Kiosk Style Electrical Substation	D	TAB Data Transmission Infrastructure

Figure 5.1 – Location of Identified EMF Sources in Relation to the Development Site

The potential EMF sources listed above are illustrated in greater detail in the photographs provided on subsequent pages.



Figure 5.2 – Mobile Telephone Infrastructure



Figure 5.3 – Existing Kiosk Type Electrical Sub-Station



Figure 5.4 – Other Existing Potential EMF Sources

5.3 BACKGROUND ELECTROMAGNETIC FIELD LEVELS

5.3.1 Instrumentation

Electromagnetic field levels were measured at the site using a Tenmars TM-192D Triaxial EMF/ELF Magnetic Field Meter.

This instrument is a hand-held device that allows for accurate and convenient measurement of electromagnetic fields from a variety of sources.

It is an instrument particularly suited to the measurement of the relatively low field levels associated with electrical substations, electrical cabling, overhead power lines and mobile telephony infrastructure.

5.3.2 Electromagnetic Field Level Measurements

Electromagnetic field levels were measured on a grid basis at twenty-four (24) representative locations throughout the development site, selected to correspond with the location of proposed residential units.

Field Levels were measured at an elevation of 1500 mm and 3000 mm above ground level, to provide direct measurements applicable to Levels 2 and 3 of the proposed development.

The purpose of these measurements was to assess any electromagnetic field impact at the site from the various potential EMF sources identified above.

Any other electromagnetic field sources would also be reflected in the measurements.

Field level measurements were recorded at all locations on Thursday September 9th, 2021. Two sets of measurements over five minute intervals were recorded with no significant variation noted between the two sets of measurements.

An average of the two sets of values was used for assessment purposes.

5.3.3 EMF Measurement Locations

Locations of the EMF measurements are shown in Figures 5.5 to 5.8 on subsequent pages.

For convenience, the locations have been over laid on the construction plans for various typical levels of the development.

5.3.4 Measured and Calculated Values

As mentioned above, physical measurements were recorded to provide field levels at 1500 mm and 3000 mm elevations.

Filed levels for Level 5, 6 and 7 elevations were calculated using relevant methodologies.

5.3.5 EMF Measurement Results

The results of the various electromagnetic field level measurements and calculations applicable to the development are shown in Tables 5.1 to 5.4 on subsequent pages.

Results have been compared with the relevant general public (non-occupational) guideline described in Section 4.6.

The following colour coding has been used in the result tables:

Compliant field level	green
Non-compliant field level	red

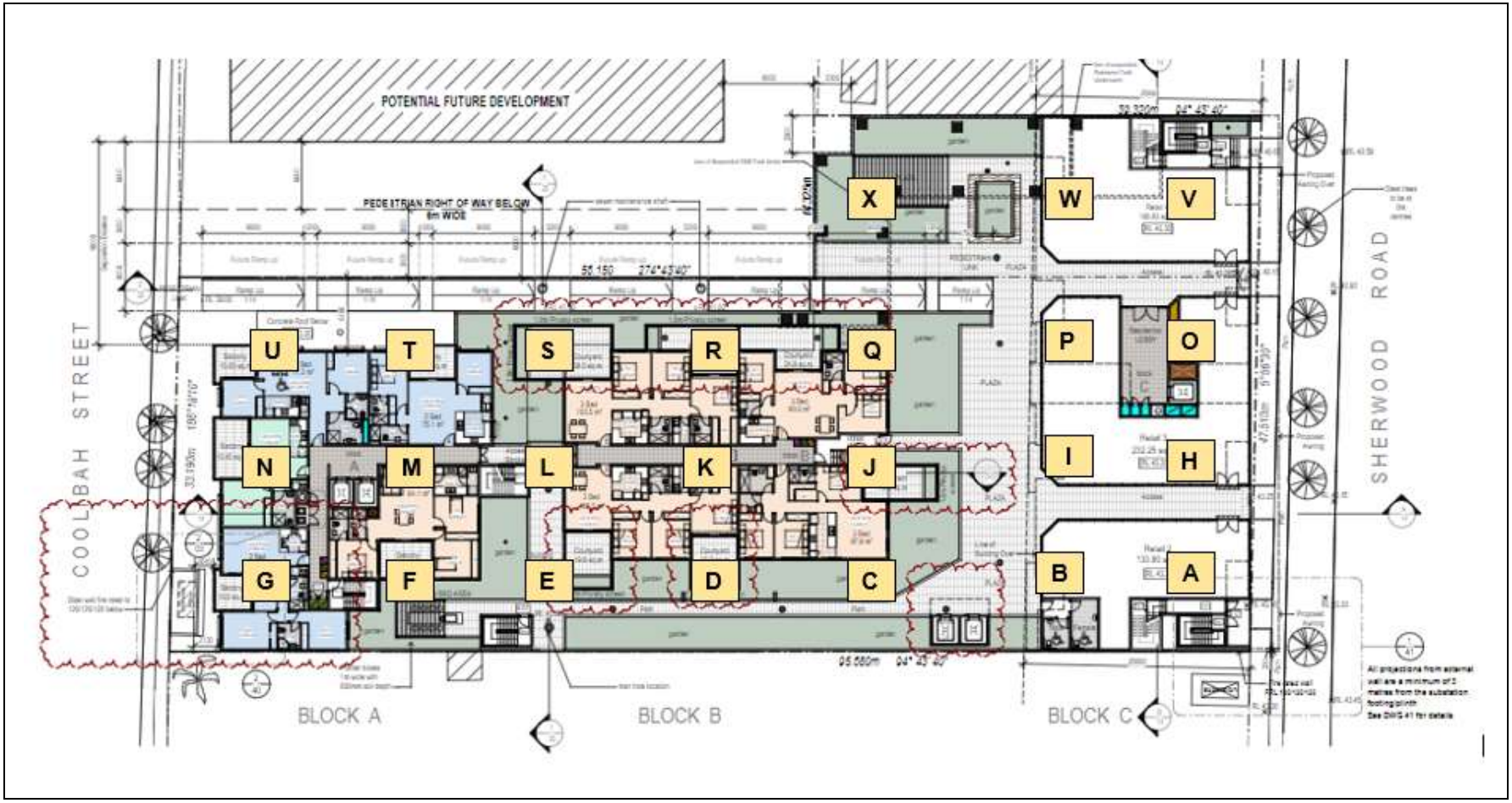


Figure 5.5 – Electromagnetic Field Measurement Locations – Level 2 (Ground)

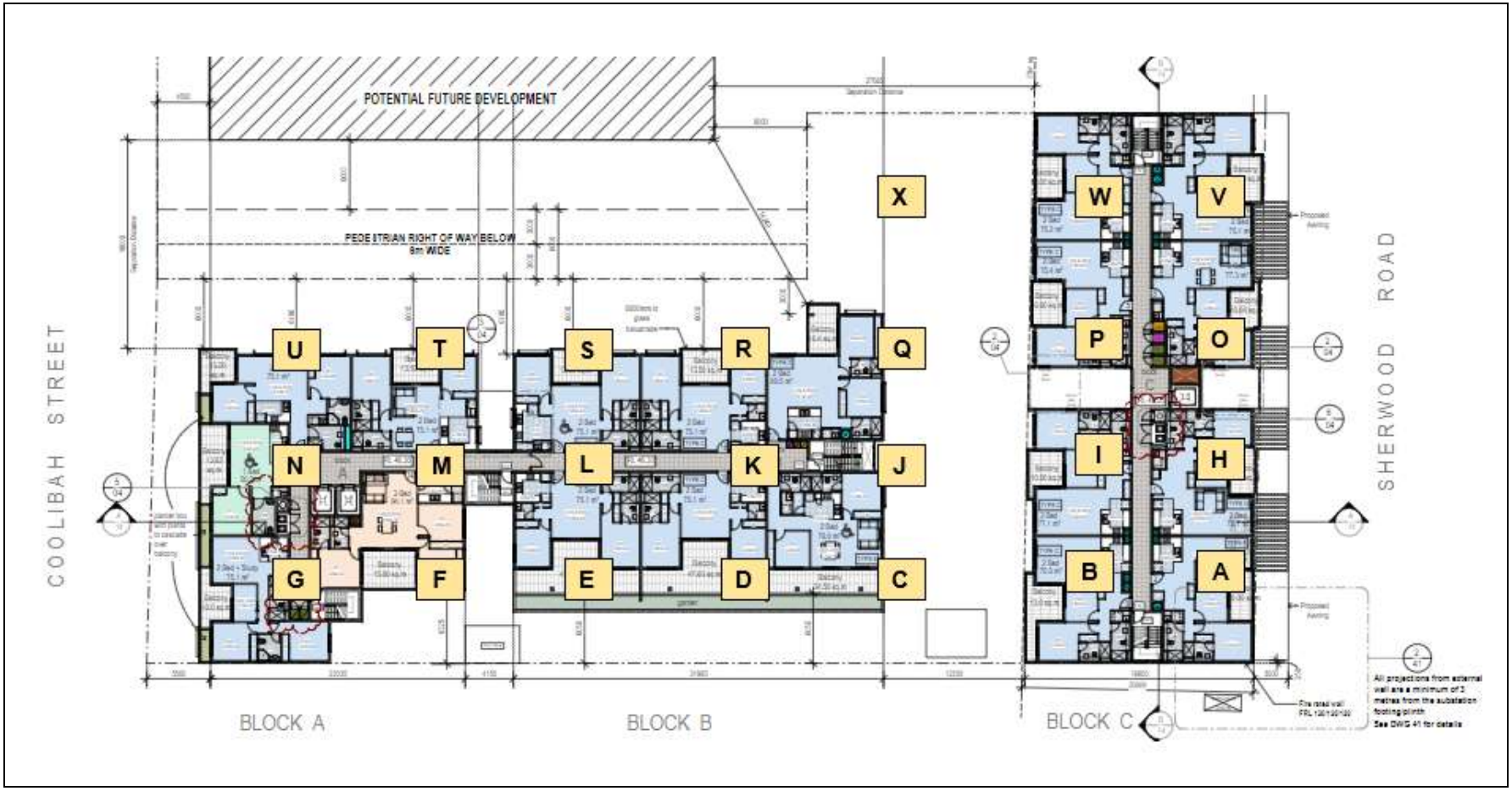


Figure 5.6 – Electromagnetic Field Measurement Locations – Level 3

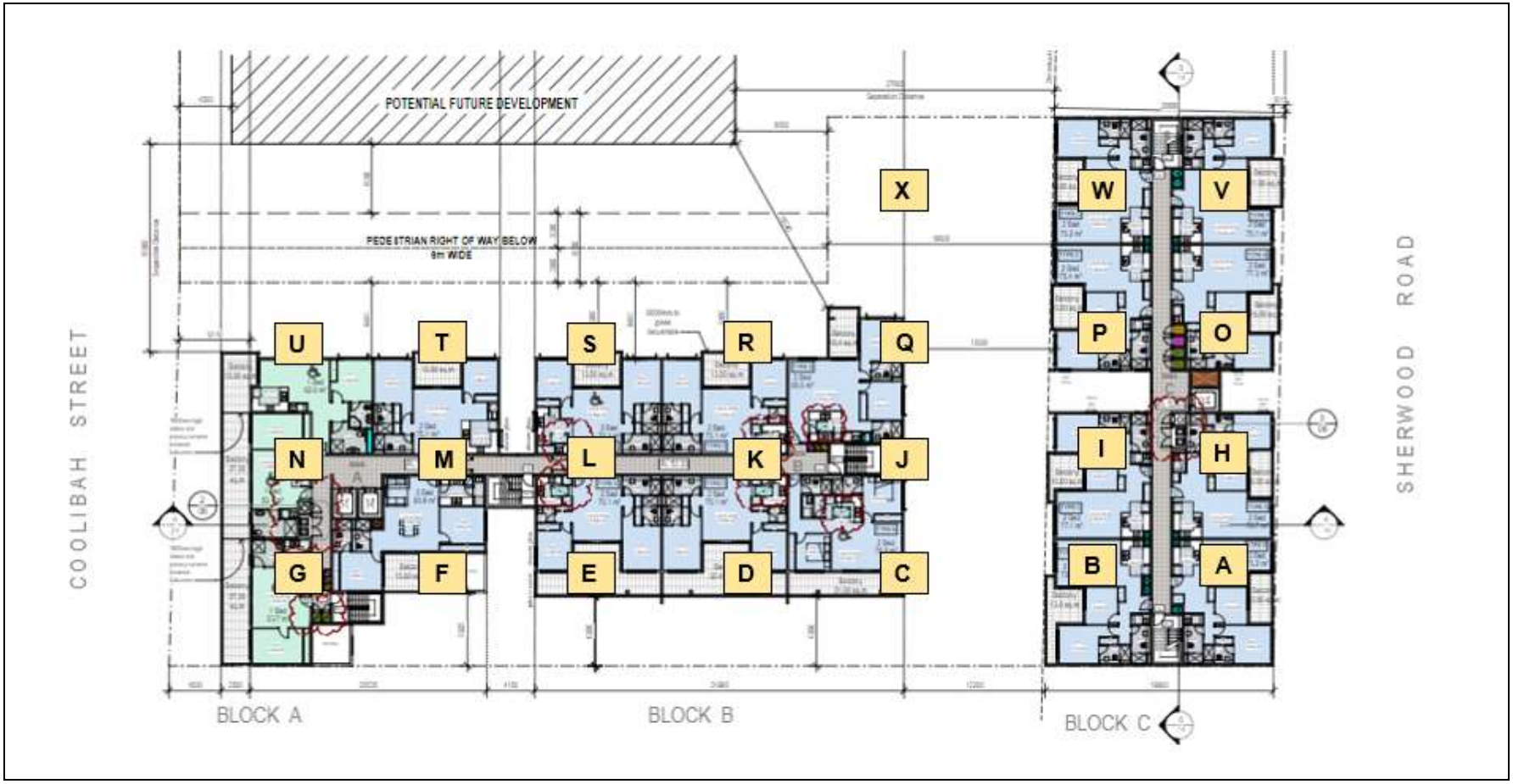


Figure 5.7 – Calculated Electromagnetic Field Locations – Level 5

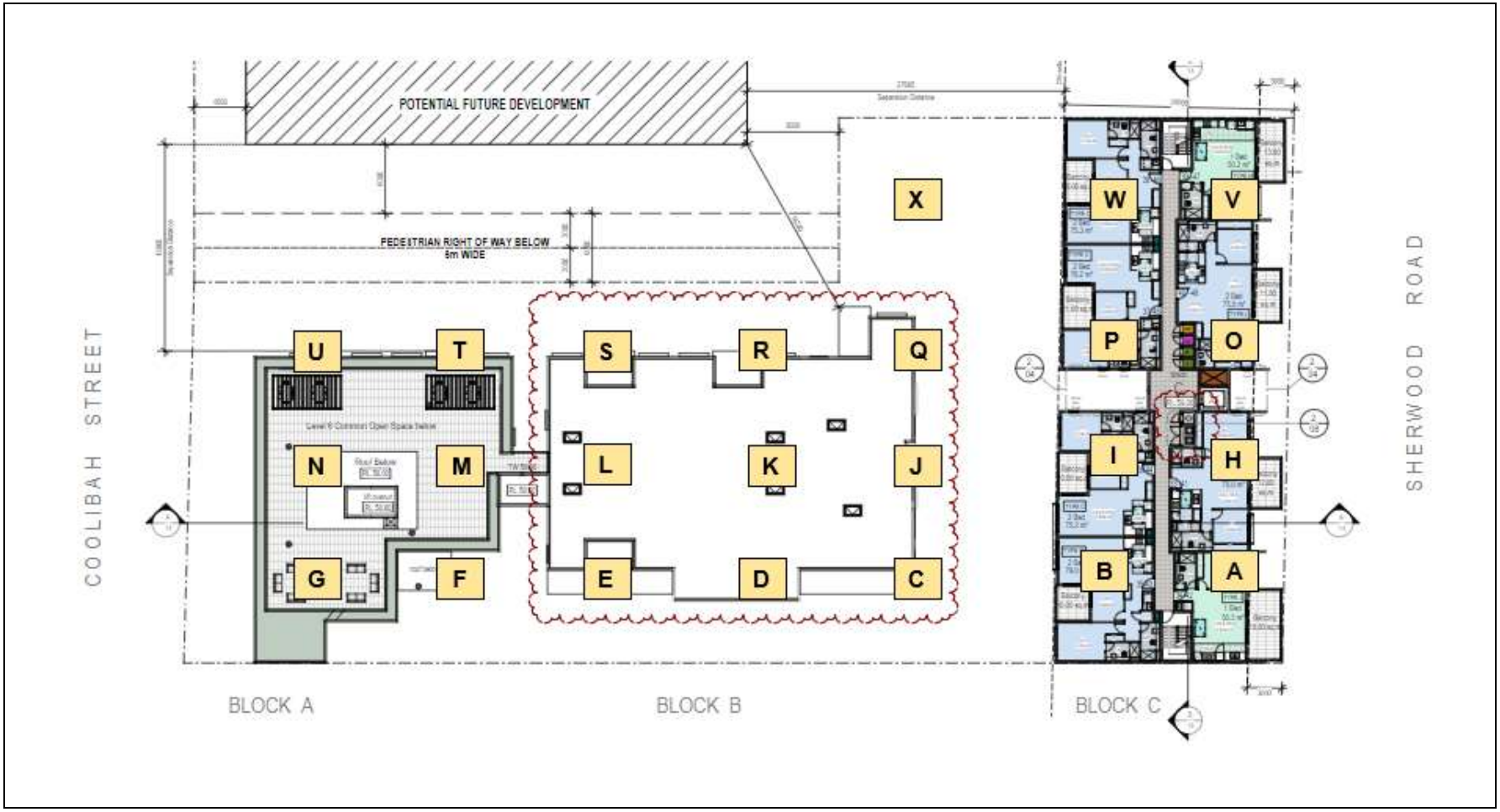


Figure 5.8 – Calculated Electromagnetic Field Locations – Levels 7 & 8

Xxxx

Table 5.1 – EMF Measurements (Level 2)

Measurement Location	Description	Maximum Measured ELF H-Field (mG)	% of General Public Exposure Limit	ICNIRP General Public Exposure Limit (mG)
A	(Refer Fig. 5.5)	2.4	2.9	84
B	(Refer Fig. 5.5)	3.6	4.3	84
C	(Refer Fig. 5.5)	3.4	4.0	84
D	(Refer Fig. 5.5)	2.5	3.0	84
E	(Refer Fig. 5.5)	3.0	3.6	84
F	(Refer Fig. 5.5)	1.8	2.1	84
G	(Refer Fig. 5.5)	1.5	1.8	84
H	(Refer Fig. 5.5)	4.4	5.2	84
I	(Refer Fig. 5.5)	2.2	2.6	84
J	(Refer Fig. 5.5)	1.5	1.8	84
K	(Refer Fig. 5.5)	0.8	1.0	84
L	(Refer Fig. 5.5)	0.8	1.0	84
M	(Refer Fig. 5.5)	1.0	1.2	84
N	(Refer Fig. 5.5)	1.1	1.3	84
P	(Refer Fig. 5.5)	2.5	3.0	84
Q	(Refer Fig. 5.5)	3.0	3.6	84
R	(Refer Fig. 5.5)	0.6	0.7	84
S	(Refer Fig. 5.5)	0.4	0.5	84
T	(Refer Fig. 5.5)	0.8	1.0	84
U	(Refer Fig. 5.5)	1.0	1.2	84
V	(Refer Fig. 5.5)	5.2	6.2	84
W	(Refer Fig. 5.5)	5.6	6.7	84
X	(Refer Fig. 5.5)	0.7	0.8	84

(A conservative calibration factor of 1.2 was applied to the measured H-Field values to reduce any uncertainty due to systematic errors)

Xxxx

Table 5.2 – EMF Measurements (Level 3)

Measurement Location	Description	Maximum Measured ELF H-Field (mG)	% of General Public Exposure Limit	ICNIRP General Public Exposure Limit (mG)
A	(Refer Fig. 5.6)	2.4	2.9	84
B	(Refer Fig. 5.6)	3.6	4.3	84
C	(Refer Fig. 5.6)	3.4	4.0	84
D	(Refer Fig. 5.6)	2.5	3.0	84
E	(Refer Fig. 5.6)	3.0	3.6	84
F	(Refer Fig. 5.6)	1.8	2.1	84
G	(Refer Fig. 5.6)	1.5	1.8	84
H	(Refer Fig. 5.6)	4.4	5.2	84
I	(Refer Fig. 5.6)	2.2	2.6	84
J	(Refer Fig. 5.6)	1.5	1.8	84
K	(Refer Fig. 5.6)	0.8	1.0	84
L	(Refer Fig. 5.6)	0.8	1.0	84
M	(Refer Fig. 5.6)	1.0	1.2	84
N	(Refer Fig. 5.6)	1.1	1.3	84
P	(Refer Fig. 5.6)	2.5	3.0	84
Q	(Refer Fig. 5.6)	3.0	3.6	84
R	(Refer Fig. 5.6)	0.6	0.7	84
S	(Refer Fig. 5.6)	0.4	0.5	84
T	(Refer Fig. 5.6)	0.8	1.0	84
U	(Refer Fig. 5.6)	1.0	1.2	84
V	(Refer Fig. 5.6)	5.2	6.2	84
W	(Refer Fig. 5.6)	5.6	6.7	84
X	(Refer Fig. 5.6)	0.7	0.8	84

(A conservative calibration factor of 1.2 was applied to the measured H-Field values to reduce any uncertainty due to systematic errors)

Xxxx

Table 5.3 – EMF Measurements (Level 5)

Measurement Location	Description	Maximum Measured ELF H-Field (mG)	% of General Public Exposure Limit	ICNIRP General Public Exposure Limit (mG)
A	(Refer Fig. 5.7)	2.88	3.4	84
B	(Refer Fig. 5.7)	4.32	5.1	84
C	(Refer Fig. 5.7)	4.08	4.9	84
D	(Refer Fig. 5.7)	3	3.6	84
E	(Refer Fig. 5.7)	3.6	4.3	84
F	(Refer Fig. 5.7)	2.16	2.6	84
G	(Refer Fig. 5.7)	1.8	2.1	84
H	(Refer Fig. 5.7)	5.28	6.3	84
I	(Refer Fig. 5.7)	2.64	3.1	84
J	(Refer Fig. 5.7)	1.8	2.1	84
K	(Refer Fig. 5.7)	0.96	1.1	84
L	(Refer Fig. 5.7)	0.96	1.1	84
M	(Refer Fig. 5.7)	1.2	1.4	84
N	(Refer Fig. 5.7)	1.32	1.6	84
P	(Refer Fig. 5.7)	3	3.6	84
Q	(Refer Fig. 5.7)	3.6	4.3	84
R	(Refer Fig. 5.7)	0.72	0.9	84
S	(Refer Fig. 5.7)	0.48	0.6	84
T	(Refer Fig. 5.7)	0.96	1.1	84
U	(Refer Fig. 5.7)	1.2	1.4	84
V	(Refer Fig. 5.7)	6.24	7.4	84
W	(Refer Fig. 5.7)	6.72	8.0	84
X	(Refer Fig. 5.7)	0.84	1.0	84

(A conservative calibration factor of 1.2 was applied to the measured H-Field values to reduce any uncertainty due to systematic errors)

Xxxx

Table 5.4 – EMF Measurements (Level 7 & 8)

Measurement Location	Description	Maximum Measured ELF H-Field (mG)	% of General Public Exposure Limit	ICNIRP General Public Exposure Limit (mG)
A	(Refer Fig. 5.8)	3.312	3.9	84
B	(Refer Fig. 5.8)	4.968	5.9	84
H	(Refer Fig. 5.8)	6.072	7.2	84
I	(Refer Fig. 5.8)	3.036	3.6	84
P	(Refer Fig. 5.8)	3.45	4.1	84
Q	(Refer Fig. 5.8)	4.14	4.9	84
V	(Refer Fig. 5.8)	7.176	8.5	84
W	(Refer Fig. 5.8)	7.728	9.2	84

(A conservative calibration factor of 1.2 was applied to the measured H-Field values to reduce any uncertainty due to systematic errors)

5.4 DISCUSSION OF RESULTS

5.4.1 Proposed Residential Variation

The proposed residential modification involves the deletion of retail tenancies 5 to 7 in the approved Development Application and their replacement with four 3-bedroom residential apartments.

The residential modification is proposed for Blocks A and B of the development.

The measured electromagnetic field that will apply at to these four proposed residential apartments is represented by Measurement Locations C, D, E, F, J, K, L & M as shown in Figures 5.5 and 5.6 above.

The key results four these eight measurement locations, and therefore for the four apartments proposed in the Modification Application, are as follows:

- Average EMF level 1.9 mG
- EMF range 0.8 mG – 3.4 mG
- EMF levels vary between 1.0% and 4% of the general public exposure limit
- EMF levels average 2.1% of the public exposure limit

5.4.2 Overall Residential Development

The overall development involves a total of ninety (90) residential units, including the four additional residential units proposed in the Modification Application.

The overall residential development involves Blocks A, B, C and D.

The measured and calculated electromagnetic field that will apply at to the overall residential development is represented by Measurement Locations A - X as shown typically in Figures 5.5, 5.6, 5.7 and 5.8 above. above.

The key results four these twenty-four (24) measurement and calculation locations, based on an analysis of typical residential Levels 2,3,5,7 & 8, are as follows:

- Average EMF level 2.8 mG
- EMF range 0.4 mG – 7.7 mG
- EMF levels vary between 0.5% and 9.2% of public exposure limit
- EMF levels average 3.3% of public exposure limit

5.4.3 Summary

Measurement of EMF levels at eight locations corresponding with the proposed position and elevation of the four additional residential units proposed in the Modification Application indicate that field levels will comply with, and in fact be a maximum of 4% of the public exposure limit established by the relevant regulatory authority, ARPANSA.

Extensive measurement of EMF levels at 24 representative locations throughout the development site, and calculations at higher elevations based on those measurements, indicate that field levels will comply with, and in fact be a maximum of 9.2% of the public exposure limit established by the relevant regulatory authority, ARPANSA.

6 COMPLIANCE OF TELEPHONY INFRASTRUCTURE

6.1 INTRODUCTION

The EMF Assessment presented in Section 5 of this report is based on a significant number of actual individual field level measurements at elevations of 1500 mm and 3000 mm throughout the development site, and the calculation of field levels at higher elevations based on these measurements.

This measurement based approach has not identified any measurable or undue electromagnetic field impact from the mobile telephony infrastructure located immediately adjacent to the site at 15-25 Sherwood Road Merrylands (the Coolibah Hotel site).

The mobile telephony infrastructure mounted on the roof of at 15-25 Sherwood Road Merrylands is known as Radio Frequency National Site Archive (RFNSA) Site No. 2160010, 15-25 Sherwood Road Merrylands West NSW 2160.

Independent compliance and electromagnetic energy assessments for this mobile telephony infrastructure have been sourced, and are included, to provide specific validation of radio frequency field levels.

6.2 COMPLIANCE CERTIFICATION

Compliance Certificate No. 13 dated July 31st, 2020 is included for reference at Figure 6.1.

6.3 INDEPENDENT ELECTROMAGNETIC ENERGY (EME) REPORT

The independent electromagnetic Energy (EME) report for RFNSA Site No. 2068003 dated July 31st, 2020, is included for reference at Figures 6.2, 6.3 and 6.4.

6.4 SUMMARY

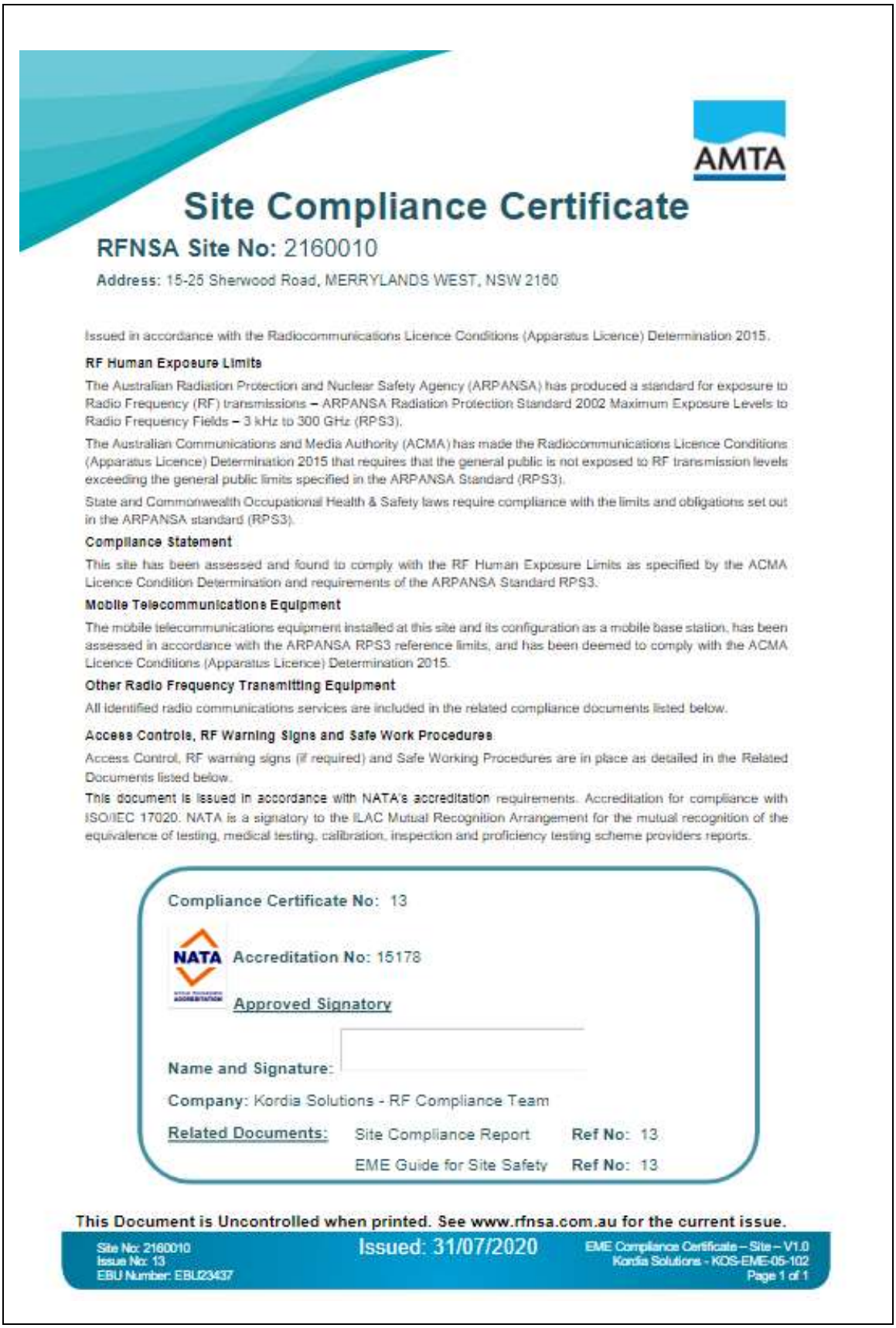
The attached independent documentation indicated that the maximum radio frequency (RF) EME level calculated for RFNSA Site No. 2160010 (15-25 Sherwood Road Merrylands West NSW 2160) is currently 6.097 of the public exposure limit, and that this maximum occurs at a distance of 82 metres from the mobile telephone tower.

The vast bulk of the proposed residential development is within 50 metres of the tower, where RF levels are lower, namely 4.56% of the public exposure limit.

Taking into account future capacity and load increases planned for the mobile phone tower, maximum RF EME levels are projected to be 9.85% of the public exposure limit at a distance of 87 metres from the tower

These field levels indicate that the radio frequency field environment applicable to the four additional residential apartments proposed in the Modification Application, and to the overall residential development, very readily comply with the relevant public exposure limit established by the regulatory authority ARPANSA.

It is noted that field levels throughout the residential development will be similar to those applicable at existing residential premises to the west of the development site.



AMTA

Site Compliance Certificate

RFNSA Site No: 2160010

Address: 15-25 Sherwood Road, MERRYLANDS WEST, NSW 2160

Issued in accordance with the Radiocommunications Licence Conditions (Apparatus Licence) Determination 2015.

RF Human Exposure Limits

The Australian Radiation Protection and Nuclear Safety Agency (ARPANSA) has produced a standard for exposure to Radio Frequency (RF) transmissions – ARPANSA Radiation Protection Standard 2002 Maximum Exposure Levels to Radio Frequency Fields – 3 kHz to 300 GHz (RPS3).

The Australian Communications and Media Authority (ACMA) has made the Radiocommunications Licence Conditions (Apparatus Licence) Determination 2015 that requires that the general public is not exposed to RF transmission levels exceeding the general public limits specified in the ARPANSA Standard (RPS3).

State and Commonwealth Occupational Health & Safety laws require compliance with the limits and obligations set out in the ARPANSA standard (RPS3).

Compliance Statement

This site has been assessed and found to comply with the RF Human Exposure Limits as specified by the ACMA Licence Condition Determination and requirements of the ARPANSA Standard RPS3.

Mobile Telecommunications Equipment

The mobile telecommunications equipment installed at this site and its configuration as a mobile base station, has been assessed in accordance with the ARPANSA RPS3 reference limits, and has been deemed to comply with the ACMA Licence Conditions (Apparatus Licence) Determination 2015.

Other Radio Frequency Transmitting Equipment

All identified radio communications services are included in the related compliance documents listed below.

Access Controls, RF Warning Signs and Safe Work Procedures

Access Control, RF warning signs (if required) and Safe Working Procedures are in place as detailed in the Related Documents listed below.

This document is issued in accordance with NATA's accreditation requirements. Accreditation for compliance with ISO/IEC 17020. NATA is a signatory to the ILAC Mutual Recognition Arrangement for the mutual recognition of the equivalence of testing, medical testing, calibration, inspection and proficiency testing scheme providers reports.

Compliance Certificate No: 13

NATA **Accreditation No:** 15178

Approved Signatory

Name and Signature:

Company: Kordia Solutions - RF Compliance Team

Related Documents:	Site Compliance Report	**Ref No:** 13
	EME Guide for Site Safety	**Ref No:** 13

This Document is Uncontrolled when printed. See www.rfnsa.com.au for the current issue.

Site No: 2160010
Issue No: 13
EBU Number: EBU23437

Issued: 31/07/2020

EME Compliance Certificate – Site – V1.0
Kordia Solutions - KOS-EME-05-102
Page 1 of 1

Figure 6.1 – Compliance Certificate RFNSA Site No. 2160010

Environmental EME Report

Location	15-25 Sherwood Road, MERRYLANDS WEST NSW 2160		
Date	31/07/2020	**RFNSA No.**	2160010

How does this report work?

This report provides a summary of levels of radiofrequency (RF) electromagnetic energy (EME) around the wireless base station at 15-25 Sherwood Road, MERRYLANDS WEST NSW 2160. These levels have been calculated by Kordia - IRFA using methodology developed by the Australian Radiation Protection and Nuclear Safety Agency (ARPANSA). A document describing how to interpret this report is available at ARPANSA's website:
A Guide to the Environmental Report.

A snapshot of calculated EME levels at this site

The maximum EME level calculated for the **existing** systems at this site is

6.097%

out of 100% of the public exposure limit, 82 m from the location.

The maximum EME level calculated for the **proposed** changes at this site is

9.85%

out of 100% of the public exposure limit, 87 m from the location.



EME levels with the proposed changes

Distance from the site	Percentage of the public exposure limit
0-50 m	6.61%
50-100 m	9.85%
100-200 m	9.1%
200-300 m	2.88%
300-400 m	1.23%
400-500 m	0.68%

For additional information please refer to the EME ARPANSA Report annexure for this site which can be found at *http://www.rfnsa.com.au/2160010*.

Issued by: Kordia - IRFA, NAD (v1.0.113066.36627)
Environmental EME report (v12.3 Feb 2019)

Produced with RF-Map 2.1 (Build 2.0)

Figure 6.2 – EME Report RFNSA Site No. 2160010 (Page 1 of 3)

Radio systems at the site

This base station currently has equipment for transmitting the services listed under the existing configuration.
The proposal would modify the base station to include all the services listed under the proposed configuration.

	Existing		Proposed	
Carrier	Systems	Configuration	Systems	Configuration
Vodafone	3G, 4G	LTE1800, WCDMA900, LTE850, LTE2100, NB-IOT900	3G, 4G	LTE2100, LTE1800, LTE850, WCDMA900, NB-IOT900
Optus	2G, 3G, 4G	LTE700, GSM900, WCDMA900, LTE1800, LTE2300, WCDMA2100, LTE2100	2G, 3G, 4G, 5G	LTE2100, LTE700, WCDMA2100, WCDMA900, GSM900, NR3500 (proposed), LTE1800, LTE2300
Telstra	3G, 4G, 5G	WCDMA850, LTE1800, LTE2600, LTE2100, NR3500, LTE700, NR850	3G, 4G, 5G	WCDMA850, LTE1800, LTE2600, LTE2100, NR3500, LTE700, NR850

Issued by: Kordia - IRFA, NAD (v1.0.113066.36627)
Environmental EME report (v12.3 Feb 2019)

Produced with RF-Map 2.1 (Build 2.0)

Figure 6.3 – EME Report RFNSA Site No. 2068003 (Page 2 of 3)

An in-depth look at calculated EME levels at this site

This table provides calculations of RF EME at different distances from the base station for emissions from existing equipment alone and for emissions from existing equipment and proposed equipment combined. All EME levels are relative to 1.5 m above ground and all distances from the site are in 360° circular bands.

	Existing configuration			Proposed configuration		
Distance from the site	Electric field (V/m)	Power density (mW/m^2)	Percentage of the public exposure limit	Electric field (V/m)	Power density (mW/m^2)	Percentage of the public exposure limit
0-50m	11.83	371.37	4.56%	15.39	628.54	6.61%
50-100m	12.9	441.51	6.097%	16.79	747.68	9.85%
100-200m	12.35	404.3	5.76%	16.14	690.83	9.1%
200-300m	7.42	146.086	1.98%	9.24	226.7	2.88%
300-400m	4.91	63.83	0.83%	6.089	98.35	1.23%
400-500m	3.62	34.77	0.45%	4.53	54.53	0.68%

Calculated EME levels at other areas of interest

This table contains calculations of the maximum EME levels at selected areas of interest, identified through consultation requirements of the Communications Alliance Ltd Deployment Code C564:2018 or other means. Calculations are performed over the indicated height range and include all existing and any proposed radio systems for this site.

Maximum cumulative EME level for the proposed configuration

Location	Height range	Electric field (V/m)	Power density (mW/m^2)	Percentage of the public exposure limit
Residential area west	0-6 m	16.32	706.6	8.99%
Residential area east	0-6 m	10.27	279.99	3.59%
Hilltop Child Care Centre - Paton Street	0-5 m	5.86	91.17	1.11%
St Matthews Anglican Church	0-10 m	4.39	51.2	0.6%
Cardinal Gilroy Retirement Village	0-5 m	4.13	45.22	0.56%
Cerdon College	0-10 m	3.25	27.99	0.35%
First Grammar Early Education Centre	0-3 m	2.8	20.73	0.24%

Issued by: Kordia - IRFA, NAD (v1.0.113066.36627)
Environmental EME report (v12.3 Feb 2019)

Produced with RF-Map 2.1 (Build 2.0)

Figure 6.4 – EME Report RFNSA Site No. 2068003 (Page 3 of 3)

7 OVERALL FINDINGS

This report presents the results of an electromagnetic field assessment undertaken in relation to a proposed residential development at 15-25 Sherwood Road Merrylands West NSW.

The assessment addresses both the four additional residential apartment proposed in a Modification Application lodged on November 9th, 2020, and the overall residential development already approved.

The assessment has been undertaken in accordance with all relevant criteria, guidelines and protocols, as detailed in this assessment report.

All potential and identifiable electromagnetic field sources in the vicinity of the site have been identified and taken into account in the assessment, including the primary electromagnetic field source which is a mobile telephone tower located on the adjacent 15-25 Sherwood Road property, immediately adjacent to the southern boundary of the subject site.

The methodology used in the assessment of electromagnetic fields, which relies on extensive measurement of actual background electromagnetic field levels, is designed to also take into account any other potential sources of electromagnetic field that may be present.

Radio frequency fields have been assessed based on the ARPANSA approved EME Report and Certification Certificate for the mobile telephone tower in question.

The overall findings of this assessment indicate that in terms of both electromagnetic and radio frequency field levels both the four additional apartment proposed in the Modification Application, and the overall residential development at the site, are safe and appropriate in relation to electromagnetic and radiofrequency field levels.

8 AUTHORISATION & LIMITATIONS

NG Child & Associates has based this report on the data, methods and sources described herein.

Subject to the limitations described within the report, it is the view of NG Child & Associates that this report presents an accurate and reliable assessment of the electromagnetic field and radio frequency field environment measured and projected to apply at the 9-11 Sherwood Road Merrylands West NSW site.

It is noted that this assessment is based on conditions applicable at the site at the time of this assessment, and that any significant changes to existing site conditions, including any significant changes to mobile telephony operations and associated power transmission line locations or loadings, could affect the findings of this assessment.



Noel Child BSc (Hons), PhD, MIEA, MRACI
Visiting Fellow, Engineering
University of Technology, Sydney
Principal, NG Child & Associates

13 September 202

APPENDIX A

Noel Child
Summary of Qualifications, Capability & Experience

APPENDIX A
Noel Child - CV

1 PERSONAL DETAILS

Full Name:	Noel George CHILD
Profession:	Consultant in Environmental Assessment and Management
Date of Birth:	6th December 1946
Nationality:	Australian
Experience:	> 30 Years
Address:	22 Britannia Road, Castle Hill, NSW, 2154
Contact:	**Phone**: 61 2 9899 1968 **Fax**: 61 2 9899 1797 **Mobile:** 0409 393024

2 CAPABILITY AND EXPERIENCE - SHORT SUMMARY

Noel Child is a successful and experienced commercial and technical professional with over 30 years' experience in a variety of senior level appointments and assignments, within both the corporate and private sectors, with a particular focus on strategic, infrastructure and environmental applications.

Noel's experience includes senior management at both the State and National levels in the Australian petroleum industry, and a number of senior consultancies for both government and corporate clients. His record reflects the ability to develop and achieve positive commercial outcomes through effective planning and communication; critical and objective analysis; and quality task completion and delivery at both the personal and team level.

His management responsibilities have included transport, environmental, safety, and general operational activities at a national level, while his formal professional training includes strategic management, environmental, engineering and business disciplines. He has undertaken a number of senior corporate appointments with distinction and been successfully involved in the ownership and operation of a major petroleum distribution and marketing company in regional Australia. More recently, working through his own businesses Environment Australia and NG Child & Associates, he has applied his knowledge and experience in the areas of strategic management, infrastructure development, energy and the environment on a consultancy and contractual basis to a number of private and public-sector clients, both nationally and internationally.

Noel has had post-graduate training in several technical and commercial disciplines, and provides specialised teaching input, by invitation, to post graduate engineering and business management courses conducted by the Faculties of Business and Engineering at Sydney's University of Technology. He has strong affiliations with a number of international corporations and agencies and has worked closely with both the regulators and the regulated in a number of aspects of environmental management, assessment and performance. He has also been recognised as an independent expert on engineering, and environmental issues by the Land and Environment Court of NSW.

Noel has a detailed understanding of environmental engineering and associated processes and has specific experience and expertise in the fields of acoustics, air quality, electromagnetic field assessment, electrolysis and stray current assessment, contaminated site assessment, and liquid and solid waste management. He also provides post graduate teaching input on environmental engineering issues to post graduate courses at the University of Technology, Sydney, and La Trobe and Monash Universities in Melbourne.

3 EDUCATION, QUALIFICATIONS AND AFFILIATIONS

BE, PhD (Chemical Engineering), UNSW, Sydney
Master of Business Studies, University of New South Wales, Sydney
B.Sc. (Hons) Applied Chemistry (Environmental), University of Technology, Sydney
Graduate Diploma (Environmental Engineering and Management), UNSW, Sydney
Qualified Environmental Auditor, Standards Australia
Member, Royal Australian Chemical Institute, 1972/2021
Member, Institution of Engineers, Australia, 1972/2021
Member, Clean Air Society of Australia and New Zealand, 1992/2021
Member, Australian Natural Gas Vehicle Council, 1996/2004
Executive Director, Australasian Natural Gas Vehicles Council, 2003/2004
Visiting Fellow, Institute for Sustainable Futures, UTS, 1995/2002
Research Fellow, Faculty of Civil & Environmental Engineering, UTS, 1996/2021
Research Associate, New York Academy of Sciences, 2000/2021

4 RECENT ASSIGNMENTS & EXPERIENCE

Mostyn Copper (2016 – Current) – Assessment of air quality, acoustic, electromagnetic field and site contamination issues associated with a number of childcare centre projects undertaken by the Mostyn Copper Group and clients throughout the Sydney metropolitan area.

Mostyn Copper & the ATC (2017 – Current) – Environmental assessment of various aspects of the Coopers Paddock site near the ATC racecourse at Warwick Farm.

Boskovitz Lawyers & Ceerose Construction (2019 - Current) – Independent assessment of acoustic, air quality and electromagnetic field issues associated with a proposed childcare centre development at Willoughby Road Willoughby for submission to the NSW Land and Environment Court,

Lodestone HQ (1998 - Current) – Environmental assessment of proposed childcare centre development at the Princes Highway Kirrawee NSW, and several previous childcare centre developments over a twenty year period, including acoustic, electromagnetic field, air quality and site contamination considerations.

Government of the PRC & Thyssen Transrapid Australia (2004 - Current) – Adviser on technical and operational issues associated with the development and construction of a high-speed magnetic levitation train systems within the People's Republic of China, and elsewhere, including electrolysis, electromagnetic and stray field effects.

The Bathla Group (2014 - Current) – Environmental assessment of a number of residential development projects for submission to local government consent authorities, or the NSW Land and Environment Court, including acoustic, air quality, site contamination and environmental management issues.

Trumen Corporation (2006 - Current) – Environmental assessment, including electromagnetic field, acoustic and contamination assessment and certification, of mixed use, childcare centre and industrial unit and self-storage development projects throughout the Sydney metropolitan area.

Montessori Academy (2012 - Current) – Independent audit and assessment of acoustic, air quality and electromagnetic field issues associated with a range of childcare centre and early learning developments throughout the Sydney area, and in the ACT.

Archizen Architects (2003 - Current) – Environmental assessment of a range of proposed childcare centre developments throughout NSW, including general environmental, acoustic assessment, air quality and electromagnetic field assessment.

Dr James Smith SC (2018 – Current) – Provision of specialist advice and delivery of expert evidence regarding a number of cases, including acoustic, electromagnetic and site contamination issues.

Australian Consulting Architects (2010 – 2019) – Acoustic, electromagnetic, stray current and electrolysis assessments of development projects a Field Place Telopea; Windsor Road Vineyard; Camden Valley way Horningsea Park and others.

Futurespace/Renascent (2008 - 2018) – Environmental assessment of proposed childcare centre developments at Waterloo Road Macquarie Park and Cleveland Street Strawberry Hills, including general environmental, acoustic assessment, air quality and electromagnetic field assessment.

Commonwealth Bank (2016 – Current) – Environmental assessment, including general, acoustic, air quality, electromagnetic field and wind impact assessment, of a childcare centre development to be located on Level 2 of Darling Park Power 2, Sussex Street, Sydney.

LEDA Holdings – Environmental Assessment of a proposed childcare centre at 32 Cawarra Road Caringbah NSW, including general environmental, acoustic, air quality and electromagnetic field assessments.

Universal Property Group (Current) – Environmental assessment of a proposed multi building, multi-level residential development at Garfield Street, Wentworthville NSW, including general environmental, acoustic, site and soil contamination and preliminary geotechnical assessments.

Gundagai Meat Processors (Current) – Review and enhancement of solid and liquid waste processing and management systems at GMP's Gundagai abattoir, including the on-site treatment of waste streams from meat processing and other operations.

Campbelltown City Council (Current) – Peer review of acoustic assessments submitted to Campbelltown City Council regarding assessment of the acoustic impacts of developments including a major truck maintenance facility and the expansion of Macarthur Square shopping centre, including the conduct of noise measurements.

Brenchley Architects (2009 - Current) – Acoustic assessments of proposed residential and commercial developments at Elizabeth Street Sydney; Spit Road Mosman, Botany Road Waterloo, Cranbrook Street, Botany and Bellevue Hill Road, Bellevue Hill NSW.

Bovis Lend Lease (20010 -2017) – Environmental assessment of a major development site at Darling Walk, Darling Harbour NSW, including a detailed review of air quality, electromagnetic field and acoustic issues for review by the NSW Department of Planning.

Penrith City Council (2012 - 2016) – Preparation of the ongoing Penrith City Council response to the NSW Government Long Term Transport Plan, including consideration of transport and associated environmental issues affecting the Penrith Local Government Area.

Western Sydney Mayoral Forum (1998- 2015) – Environmental assessment and review of the development of a second Sydney airport at Badgerys Creek, including assessment of acoustic and electromagnetic field impacts.

Michael Bell Architects & Clients (2004 to Current) – Assessment of the environmental impacts, including acoustic impacts, associated with various childcare centre applications in suburban Sydney, and the Sydney CBD, including the development of plans for the management and control of such impacts.

NSW Roads & Traffic Authority (2004 to 2018) – Review of international technologies, systems & applications in relation to the treatment of motor vehicle exhaust emissions and associated air pollution within and discharged from road tunnels, in accordance with the conditions of approval for the M5 East Motorway

Federal Airports Corporation (1995 - 2017) – Environmental studies for the Sydney West Airport, including consideration of air quality, acoustic and electromagnetic and radio-frequency issues.

Isuzu-GM (2003 to 2018) – Representations to Environment Australia and the Department of Transport and regional Services regarding the emission performance standards of Japanese sourced medium and heavy natural gas trucks, with the aim of having the current Japanese emission standard accepted within the Australian design Rule 80 series of vehicle emission standards.

City of Sydney (2005 - 2007) – Assessment of air quality and odour issues associated with a proposed redevelopment of craft studios and associated facilities at Fox Studios, Moore Park, Sydney, and review of air quality monitoring stations in the Sydney CBD area, in part as a basis for monitoring the air quality and potential health cost impacts of transport congestion and modes.

Warren Centre for Advanced Engineering, University of Sydney (2000 to 2003) – Contribution to the report "Sustainable Transport for Sustainable Cities", a major government and private enterprise funded study into the future sustainability of transport in Sydney and adjoining regions, including in particular a review of associated environmental issues. Study received the 2003 Bradfield Award for Engineering Excellence from the Australian Institute of Engineers.

United Kingdom Department of the Environment (1994) – Contribution to the development of revised environmental guidelines for air, soil and groundwater water quality.

United States Environmental Protection Agency (1994) - Contribution to an international team developing strategies for the control and management of air pollution in seven major US cities.

5 CORPORATE EXPERIENCE

NG Child & Associates

- **1992--Present**, Managing Principal - Responsible for all aspects of the conduct of a specialist private engineering and environmental consultancy, including administration, marketing, team coordination and technical and professional delivery.

Western Fuel Distributions Pty Limited, Australia

- **1984-92** Managing Principal. - Responsible for all aspects of the management and development of one of the largest private petroleum distributorships then operating in Australia, with a peak annual sales volume of 70 million litres, turnover of $30 million per annum, a direct staff of thirty, and a network of some 40 retail and wholesale agency outlets. This position included direct personal accountability for all aspects of storage, distribution and environmental performance.

Caltex Oil Australia Limited

- **1982-84** General Manager, Marketing and Operations. Responsible for the management and operation of Caltex Australia's marketing, storage, warehousing, distribution, environmental and safety functions, including seaboard terminal and marine operations.
- **1980-82** National Consumer Marketing Manager. Responsible for Caltex Australia's national consumer, industrial and distributor marketing activities.

Golden Fleece Petroleum Limited

- **1977 - 1980** Manager Operations, NSW. Responsible for the overall management of the distribution, warehousing, seaboard terminal and lubricant production activities of Golden Fleece Petroleum in New South Wales, including environmental, occupational health and safety matters.

Esso Australia Limited

- **1976-77** SA Manager, Marketing and Operations. Responsible for all aspects of the management of Esso's petroleum, lubricant and LPG storage, distribution and marketing throughout South Australia.
- **1975-76** Refinery Manager. Responsible for all engineering, operational and environmental aspects of the joint Esso/Mobil refinery at Port Stanvac in South Australia.
- **1975** Manager, Process Operations, Port Dixon Refinery, Malaysia. Six-month special assignment at the Esso Petroleum Refinery, Port Dixon, Malaysia.
- **1971-75** Senior Analyst, Logistics and Corporate Strategy Departments, Esso Sydney Head office.

6 SOME REPORTS & PUBLICATIONS

- **High Speed Rail – Benefits for the Nation,** Keynote address at the UNSW Institute of Environmental and Urban Studies International High-Speed Rail Seminar, August 2018.
- **Electromagnetic Impact of Magnetic Levitation Trains,** Report to the Shanghai Municipal Transport Commission detailing constraints associated with electromagnetic field impacts, September 2017)
- **The M5 East Road Tunnel: Implications for Ventilation, Air Quality and Emission Treatment Systems**, International Road Transport and Tunneling Forum, Graz Austria, May 2016.
- **Sydney's High Residential Growth Areas: Averting the Risk of a Transportation Underclass**, World Transport & Environmental Forum, Reims France, June 2014.
- **Review of Options for the Treatment or "Filtration" of Tunnel Gases and Stack Emissions**, City of Sydney. January 2014
- **M5 East Freeway: A Review of Emission Treatment Technologies, Systems and Applications**, NSW RTA and NSW Department of Planning, April 2004; June 2008; September 2010)
- **High Speed Trains in Australia: Connecting Cities and Energising Regions**; with the Hon Peter Nixon AO, October 2010.
- **Transport Fuels in Australia: The Folly of Australia's Increasing Reliance on Imported Crude Oil**, Submission to the Australian Senate Rural and Regional Affairs and Transport Committee Inquiry into Australia's Future Oil Supply and Alternative Transport Fuels, February 2006.
- **The Japan 2003 CNG Emission Standard & the Emission Performance of the Isuzu 4HF-1-CNG: The Case for Acceptance under ADR80**. Submission on behalf of Isuzu GM Australia to the Commonwealth Department of Transport and Regional Services, June 2004.
- **Sustainable Transport for Sustainable Cities**, Warren Centre for Advanced Engineering, Sydney University, January 2003
- **Future Directions: Challenges & Opportunities in the Australian CNG Vehicle Industry**, ANGVC, December 2002
- **Engineering and Environmental Aspects of Enclosing the Cahill Expressway Cutting**, City of Sydney, May 2001.
- **High Speed Rail in Australia: Beyond 2000** (with the Hon Peter Nixon), November 2000
- **M5 East Motorway: Proposed Single Emission Stack at Turrella – Review of Air Quality Impacts and Consideration of Alternative Strategies**, Canterbury City Council, February 1999

7 PERSONAL & PROFESSIONAL REFERENCES

- The Hon Peter Nixon AO, Former Federal Transport Minister
- John Black, Professor Emeritus of Civil & Transport Engineering, University of NSW
- The Hon Frank Sartor, former Lord Mayor of Sydney; Former NSW Government Minister.
- Dr Jack Mundey, Past Chairman Historic Houses Trust, Environmentalist
- Mr Stephen Lye, Development Manager, Trumen Corporation, Sydney.
- Mr Peter Han, Project Director, Commonwealth Bank, Sydney
- Mr Michael Bell, Principal, Michael Bell Architects, Sydney.
- Mr Graeme Allen, Director, the Bathla Group
- Mr Luke Johnson, General Manager, Wollondilly Shire Council
- Mr Bernie Clark, Chief Executive, Thyssen Australia
- Mr Bruce Glanville, former Managing Partner, Deloitte Canberra
- Alex Mitchell, Journalist



Noel G Child
13 September 2021

ATTACHMENT A
Client Reference List

Acre Woods Childcare Pty Ltd
Australian Commonwealth Environmental Protection Agency
Australian Consulting Architects
Australian Federal Airports Corporation
Australian Federal Department of Transport and Regional Development
Bovis Lend Lease
Brenchley Architects
Campbelltown City Council
Canterbury City Council, Sydney, NSW
Commonwealth Banking Corporation
Environment Protection Authority of NSW
Exxon Chemical
Fairfield City Council, Sydney, NSW
First Impressions Property
FreightCorp, Sydney, NSW
Futurespace
GM - Isuzu
Guangxi Environment Protection Bureau
Gundagai Meat Processors
Hong Kong Department of the Environment
Hornsby and Ku-ring-gai Councils, Sydney, NSW
John McCormack
Kaunitz Yeung Architecture
LEDA Holdings
Michael Bell Architects
Minter Ellison
Mobil Oil Australia Associated
NSW Roads & Traffic Authority
Ove Arup & Partners
Qantas Airways
Queensland Ports Corporation
Renascent
Salibeau Pty Ltd
Shell Australia
Sinclair Knight Merz
Skouras and Mabrokardatos
Southern Sydney Regional Organisation of Councils (SSROC)
State Rail Authority of NSW
Stephen Davidson Property Investments
Sydney Skips & Galaxy Waste
The City of Sydney
The Western Sydney Alliance of Mayors
Thyssen Krup Transrapid Australia
Tom Howard QC
Trumen Corporation
UK Department of the Environment
United States Environment Protection Agency
University of Technology, Sydney
Warren Centre for Advanced Engineering, University of Sydney
Waverley Council, Sydney, NSW
Western Sydney Parklands Trust
Wollondilly Shire Council

M^CLAREN TRAFFIC ENGINEERING

Address: Shop 7, 720 Old Princes Highway Sutherland NSW 2232
Postal: P.O Box 66 Sutherland NSW 1499

Telephone: (02) 9521 7199
Fax: +61 2 9521 7199
Web: www.mclarentraffic.com.au
Email: admin@mclarentraffic.com.au

Division of RAMTRANS Australia ABN: 45067491678 RPEQ: 19457

Transport Planning, Traffic Impact Assessments, Road Safety Audits, Expert Witness

CUMBERLAND CITY COUNCIL

THESE PLANS WERE APPROVED BY THE LAND AND ENVIRONMENT COURT UNDER CONSENT ORDER NO. 2021/00103440

DATED 2 November 2021

9 September 2021 Reference: 210416.11FB

Swaab Lawyers
Level 4
Hunter Street
Sydney NSW 2000
Attention: Emma Flemming

SUPPLEMENTARY LETTER OF ADVICE REGARDING MIXED USE DEVELOPMENT AT 9 - 11 SHERWOOD ROAD, MERRYLANDS

Dear Emma,

Reference is made to your request to provide a supplementary letter of advice for the proposed Mixed Use Development at 9 - 11 Sherwood Road, Merrylands, with proposed plans depicted in **Annexure A** for reference. This letter addresses comments raised by Cumberland Council within the without prejudice meeting on 2nd August 2021.

1 Site Access

The site is proposed to provide vehicular access solely from Coolibah Street with no vehicular access proposed via Sherwood Road. Providing a single access from the minor road is in accordance with sound traffic engineering practice for any development and is discussed in the following subsections.

1.1 Pedestrian Impact

Providing a driveway access from Sherwood Road would result in additional impacts to pedestrian safety for pedestrians travelling along the frontage footpath of Sherwood Road. Sherwood Road has a significantly higher number of pedestrian movements than Coolibah Street when considering the pedestrian infrastructure (footpaths and signalised pedestrian crossings) and the location of a bus stop being approximately 50m to the south of the site. Removing the existing driveway and relocating all access to/from Coolibah Street will result in a far superior outcome in relation to both traffic flow efficiency and pedestrian safety considerations, in accordance with sound traffic engineering practice with due regard to "*TfNSW Guide to Traffic Generating Developments (October 2002)*", particularly section 1.3.2 as repeated below for ease of reference:

> ***1.3.2 Access to developments.***
>
> *An important consideration of the planning process is access control. When planning access to developments, consider the following objectives:*
>
> - *maintaining safety standards.*

- *maintaining traffic flow standards.*
- *protecting the environment.*
- *maintaining and improving pedestrian flow along footpaths.*

1.2 Traffic Impact

The site frontage to Sherwood Road is in close proximity to the intersections of Sherwood Road / Merrylands Road and Sherwood Road / Arthur Street. Indeed, the southern portion of the site is directly across from the intersection of Arthur Street and any driveway located here would be in a strictly non-compliant location in accordance with *AS2890.1:2004 Figure 3.1*. Therefore, a driveway should be located towards the northern side of the development as per the existing driveway location. This would result in the driveway being closer to Merrylands Road and more easily impacted by vehicles queues from the signalised intersection of Merrylands Road / Sherwood Road. In addition to this, the bus lane ends along the southern side of the site frontage which would result in a number of vehicles changing lanes along the site frontage. This leads to an area along Sherwood Road that would experience many driver decisions and potential points of conflict within a short segment of the road. The approved design with access from Sherwood Road is an inferior design outcome with respect to traffic flow efficiency and road safety considerations.

Providing a single driveway access from Coolibah Street would result in more vehicles travelling along Coolibah Street and subsequently passing the residential dwellings within this road. However, the residential amenity environmental capacity standards outlined in the *RTA Guide to Traffic Generating Developments 2002* relates to new residential subdivisions and not to roads directly connected to business zoning as is the case with the subject site (land zoned *B2: Local Centre*). Therefore, there are no guidelines or relevant standards prohibiting the use of Coolibah Street for commercial vehicle trips, other than for acoustic considerations.

Council also had concerns related to the perception of convenience for a development when only an access from Coolibah Street is provided. However, a previous application at the subject site (DA 2016/164/1) proposed a driveway connection to Sherwood Road. This design was referred to TfNSW (formerly RMS) to provide comments. TfNSW had the following comments on the proposal which were provided within a letter dated 9 June 2016 (Ref No. SYD16/00677/01):

> *Since the driveway on Sherwood Road is within close proximity of Merrylands Road/Sherwood Road traffic signals and there are five (5) trafficable lanes adjacent to the driveway, the access to/from this driveway should be restricted with left in/left out arrangement only. A 'concrete median island' (sketch attached) should be constructed at the driveway to physically restrict any right turn movements.*

Any driveway from Sherwood Road would need to be restricted to a left in / left out driveway. This would direct (or displace) all vehicles that would otherwise turn right into or out of the site via Sherwood Road to use Coolibah Street.

It is noted that existing developments to the south of the subject site have access onto Sherwood Road. However, these developments are located significantly further away from the signalised intersection of Sherwood Road / Merrylands Road and are located in an area where Sherwood Road has four (4) trafficable lanes rather than five (5) trafficable lanes.

A diagram outlining the above comments is presented in **Figure 1** below.

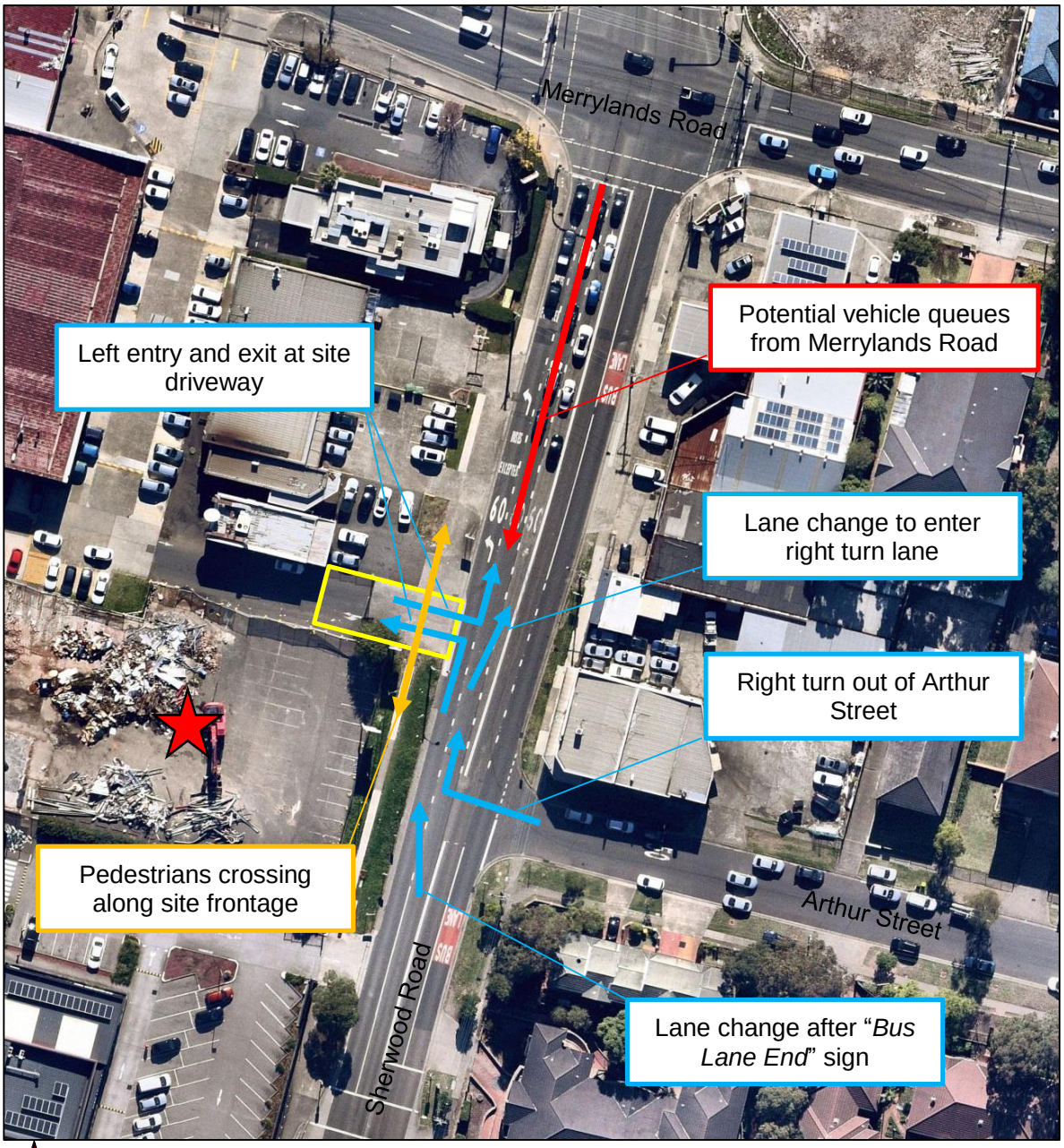


FIGURE 1: CONFLICT POINTS ALONG SHERWOOD ROAD

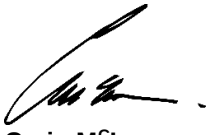
2 Internal Car Park Design

Council raised concerns about items within the internal design of the car park. The plans have since been amended to reflect these comments. Swept path testing of the proposed amended plans have been undertaken with the results presented in **Annexure B**. The following points specifically address Council's concerns/comments:

- The width of the ramp between Level 1 and Basement Level has been increased to 7m in width to facilitate two-way passing of a B99 and B85 with a minimum clearance of 300mm to kerbs and 600mm to opposing vehicles. Separation along the ramp can be achieved via flexible lane dividers along the centreline of the ramp which provide a forgiving method of separation for vehicles as opposed to a raised concrete kerb separator.
- The outside radius of the ramp at the kerb line is 11.5m rather than 11.8m as requested by Council. The 11.5m radius is considered acceptable for the following reasons:
    - The ramp services residential traffic only which is expected to generate a peak of some 17 trips (3 in, 14 out) which will have a low probability of requiring two-way passing.
    - Swept path testing has shown that two-way passing of a B99 and B85 can be achieved while maintaining a minimum clearance of 300mm to kerbs and 600mm between opposing vehicles along the entire length of the ramp.
    - The 11.8m radius as requested by Council is based on *AS2890.1:2004 Figure 2.9* which outlines an outside radius for curved ramps that include a 600mm wide raised separator between lanes. This 600mm separator is not necessary for such low traffic volumes and is not proposed, rather, flexible lane dividers can be installed along the centreline of the ramp. Assuming that these lane dividers are at most 200mm in width the minimum outside radius requirement from *AS2890.1:2004 Figure 2.9* would reduce to 11.4m which has been provided.
- A minimum of 1m manoeuvring area is provided between the boom gates and adjacent car parking spaces.
- The turning area for the SRV Loading Bay 2 has been adjusted with the swept paths showing that an SRV can successfully enter and exit the loading bay.
- Bin Room 1 cannot be accessed by residents due to the presence of a compactor which requires use by a certified operator and as such pedestrian access to Bin Room 1 is not critical, refer to waste management plan for details.
- A pedestrian connection between Loading Bay 1 and Retail Shop 1 is provided via a corridor along the southwest corner of the site.
- A minimum of 6m from the roller shutter to the property boundary is provided along the driveway.
- Swept path testing of an 8.8m long MRV and B99 design vehicle passing at the site driveway has been undertaken with the results presented in **Annexure B**.
- Swept path testing of an 8.8m long MRV entering and exiting Loading Bay 1 has been undertaken with the results presented in **Annexure B**.
- A minimum headroom of 4.0m can be conditioned for the loading dock and associated vehicular access path required for the Medium Rigid Vehicle (MRV) design vehicle.

Please contact Mr. Daniel Walker or the undersigned on 02 9521 7199 should you require further information or assistance.

Yours faithfully,
McLaren Traffic Engineering

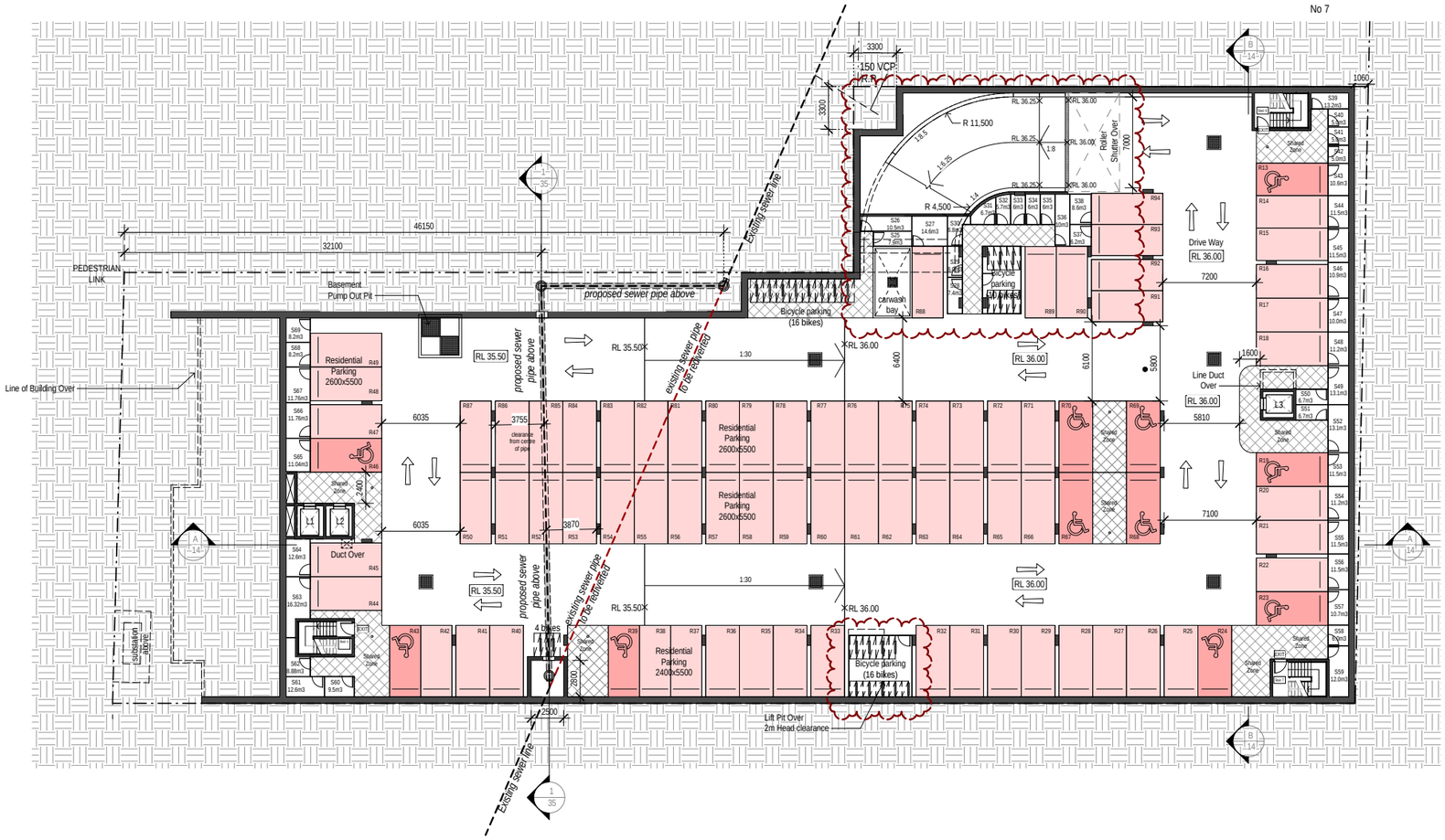


Craig McLaren
Director
BE Civil, Grad Dip (Transport Engineering), MAITPM, MITE
RPEQ 19457
RMS Accredited Level 3 Road Safety Auditor [1998]
RMS Accredited Traffic Management Plan Designer [2018]



ANNEXURE A: PROPOSED PLANS

(2 SHEETS)



1 Basement Level 1

1:400 @A3

R Residential Parking Spaces 2600x5500mm

V Residential Visitor Parking Spaces 2600x5500mm

C Commercial Parking for Business/Retail Premises/Tenancies 2600x5500mm

0 m 2 4m 10m

True Northpoint

Do not scale, check and verify all dimensions before commencing new work, ground levels may vary due to site conditions.

Note:
Storage areas to be provided with an alarm system.

PREVIOUS AMENDMENTS
1. Parking Allocation Amended
ISSUE EE - AMENDMENTS - 30.06.21
1. Lift 1 extend to Basement Level 1 2. Bicycle Parking relocated to Basement Level 1 from Level 1
ISSUE FF - AMENDMENTS - 17.08.21
1. Lifts 4 & 5 relocated. 2. Bicycle Parking and storage amended. 3. Ramp widened.
ISSUE GG - AMENDMENTS - 17.09.21
1. Lifts 4 & 5 relocated. 2. Bicycle Parking and storage amended. 3. Ramp widened.

SERVICES LEGEND

- Services Duct
- Car Park / Kitchen Exhaust (penetration)
- Electrical Cupboard
- Communications Cupboard / Services
- Gas & Cold Water Cupboard / Services

Issue	Issue description	Date
GG	Amendments to address Council Issues	07.09.21
FF	Amendments to address Council Issues	17.08.21
EE	Residential Units on Block B Level 6 removed, Lift 1 Extended to Basement Level 1, Commercial Plaza to lift & Pedestrian Path added to Level 1, Bin Store details added on every level + General Amendments	30.06.21
DD	Amendments to address Traffic Comments	17.02.21
CC	Amendments to address Traffic Comments, Floor Levels Amended & Neighbouring building seperation information added	16.02.21

architex
Ryleton pty ltd t/as Architex 5888
abn 32 003 315 142
Level 3, 7K Parkes Street
Parramatta NSW 2150
Nominated Architect:
T : 02 9633
M : 0418 402 919
email@architex.com.au
www.architex.com.au
Robert Del Pizzo
NSW Reg. No. 3972

SECTION 4.55

Project
PROPOSED SHOP TOP HOUSING DEVELOPMENT

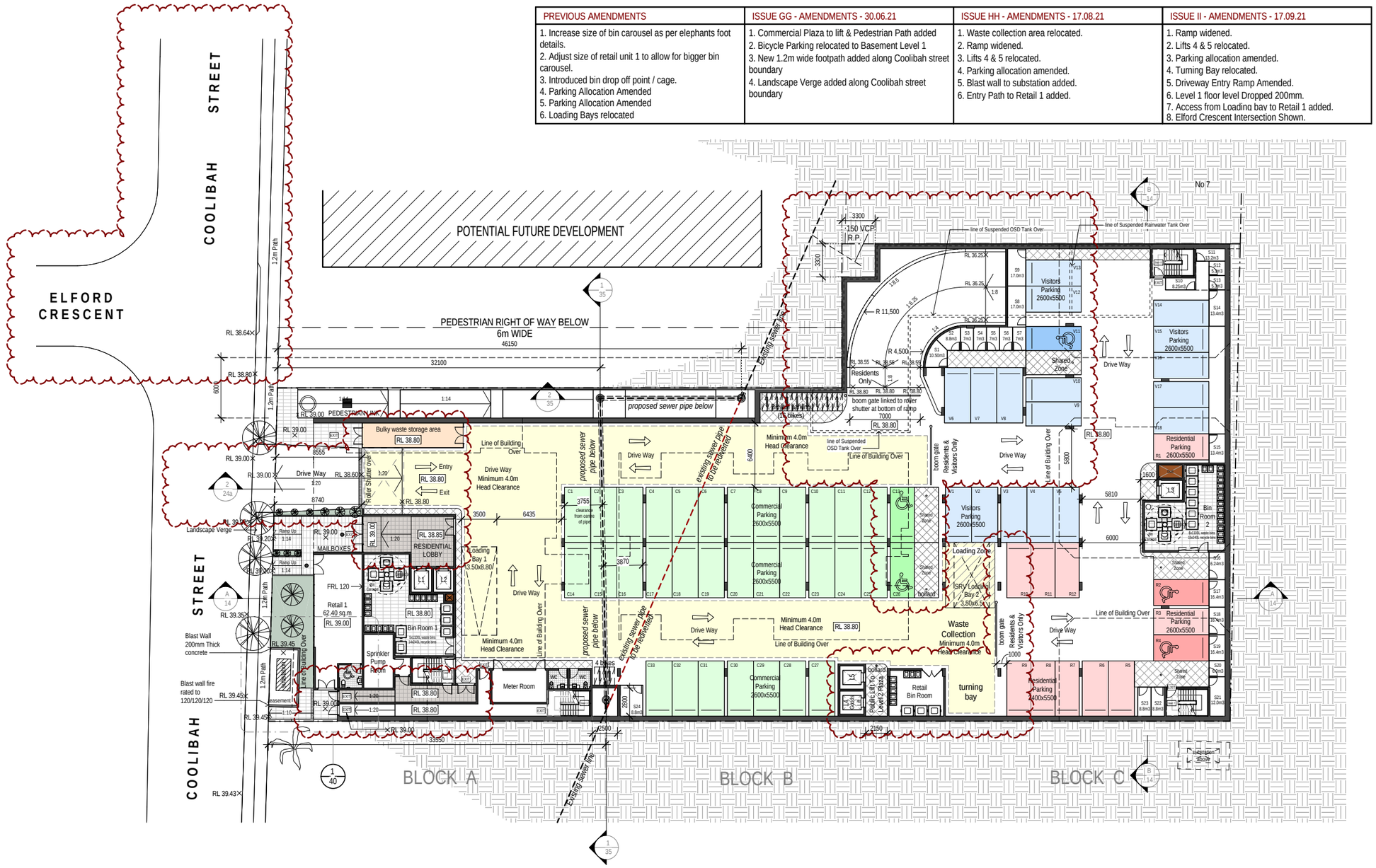
Project Address
9 Sherwood Road, Merrylands

Client
.

Title
Basement Level 1

Drawn	Scale	Checked
AS	1:400 @A3	
Job No	Drawing No.	Issue
2220	.01	GG

PREVIOUS AMENDMENTS	ISSUE GG - AMENDMENTS - 30.06.21	ISSUE HH - AMENDMENTS - 17.08.21	ISSUE II - AMENDMENTS - 17.09.21
1. Increase size of bin carousel as per elephants foot details. 2. Adjust size of retail unit 1 to allow for bigger bin carousel. 3. Introduced bin drop off point / cage. 4. Parking Allocation Amended 5. Parking Allocation Amended 6. Loading Bays relocated	1. Commercial Plaza to lift & Pedestrian Path added 2. Bicycle Parking relocated to Basement Level 1 3. New 1.2m wide footpath added along Coolibah street boundary 4. Landscape Verge added along Coolibah street boundary	1. Waste collection area relocated. 2. Ramp widened. 3. Lifts 4 & 5 relocated. 4. Parking allocation amended. 5. Blast wall to substation added. 6. Entry Path to Retail 1 added.	1. Ramp widened. 2. Lifts 4 & 5 relocated. 3. Parking allocation amended. 4. Turning Bay relocated. 5. Driveway Entry Ramp Amended. 6. Level 1 floor level Dropped 200mm. 7. Access from Loading bay to Retail 1 added. 8. Elford Crescent Intersection Shown.



1 Level 1
1:400 @A3

Minimum 3.8m Head clearance

R Residential Parking Spaces 2600x5500mm

V Residential Visitor Parking Spaces 2600x5500mm

C Commercial Parking for Business/Retail Premises/Tenancies 2600x5500mm

0 m 2 4m 10m

True Northpoint

Do not scale, check and verify all dimensions before commencing new work, ground levels may vary due to site conditions.

Note:
Storage areas to be provided with an alarm system.

SERVICES LEGEND

- Services Duct
- Car Park / Kitchen Exhaust (penetration)
- Electrical Cupboard
- Communications Cupboard / Services
- Gas & Cold Water Cupboard / Services

Issue	Issue descrption	Date
II	Amendments to address Council Issues	07.09.21
HH	Amendments to address Council Issues	17.08.21
GG	Residential Units on Block B Level 6 removed, Lift 1 Extended to Basement Level 1, Commercial Plaza to lift & Pedestrian Path added to Level 1, Bin Store details added on every level + General Amendments	30.06.21
FF	Substation Details Amended + Awning to sherwood Road Amended	22.04.21
EE	Substation Details Added	19.04.21
DD	Amendments to address Traffic Comments	17.02.21

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SECTION 4.55

Project
PROPOSED SHOP TOP HOUSING DEVELOPMENT

Project Address
9 Sherwood Road, Merrylands

Client
.

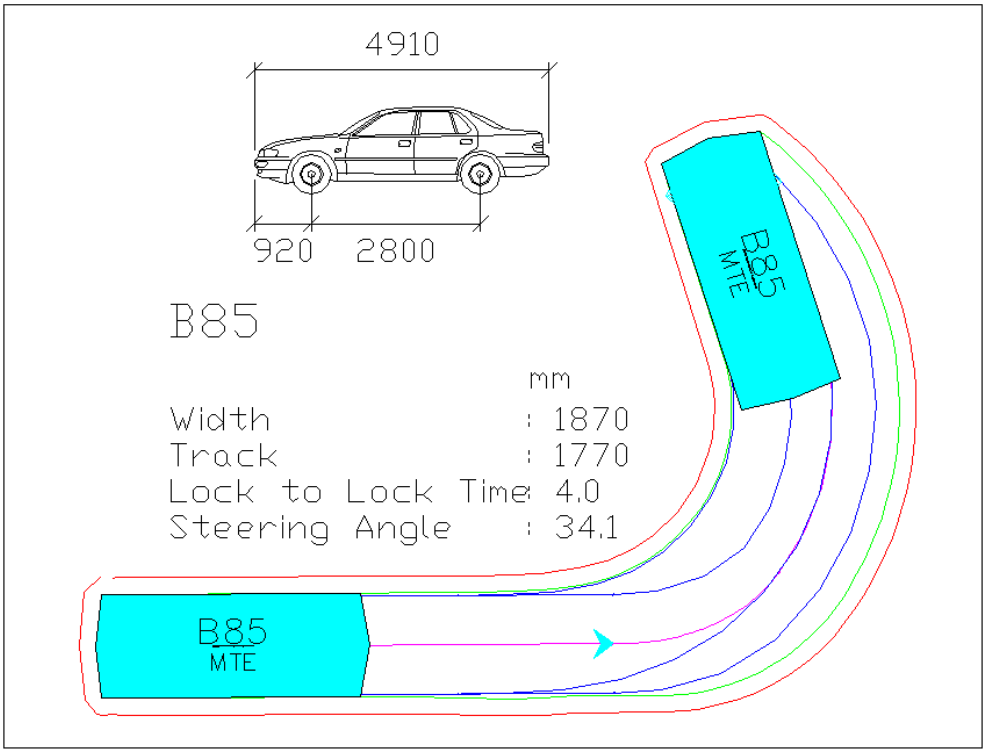
Title
Level 1

Drawn	Scale	Checked
AS	1:400 @A3	
Job No	Drawing No.	Issue
2220	.02	II

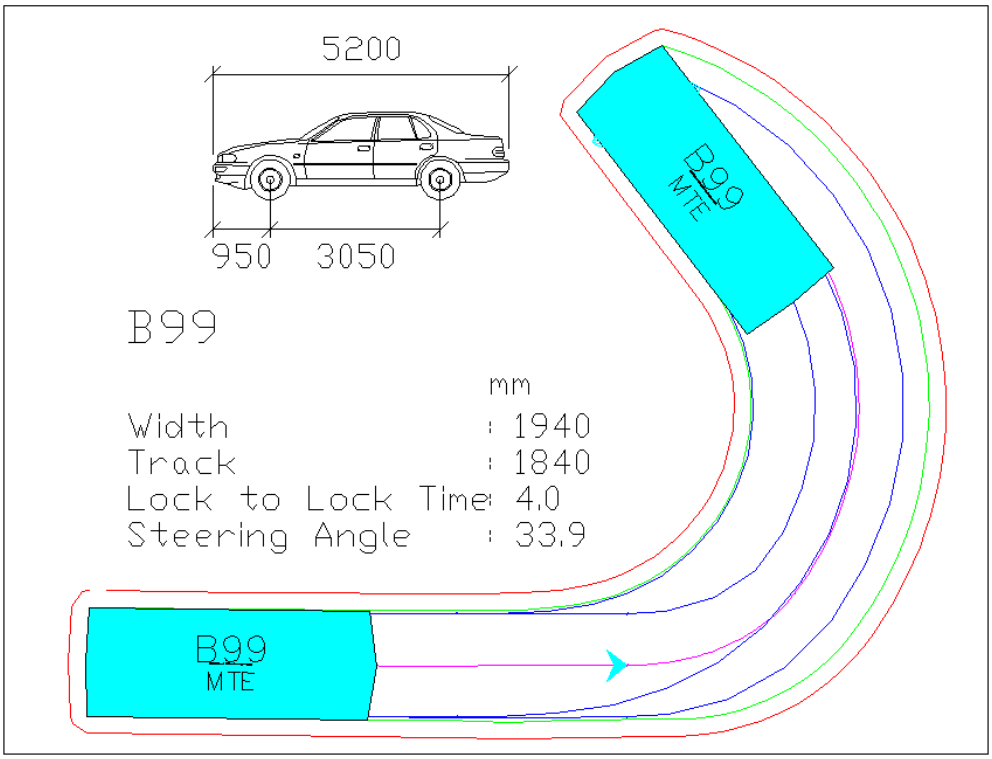


ANNEXURE B: SWEPT PATH TESTS

(8 SHEETS)

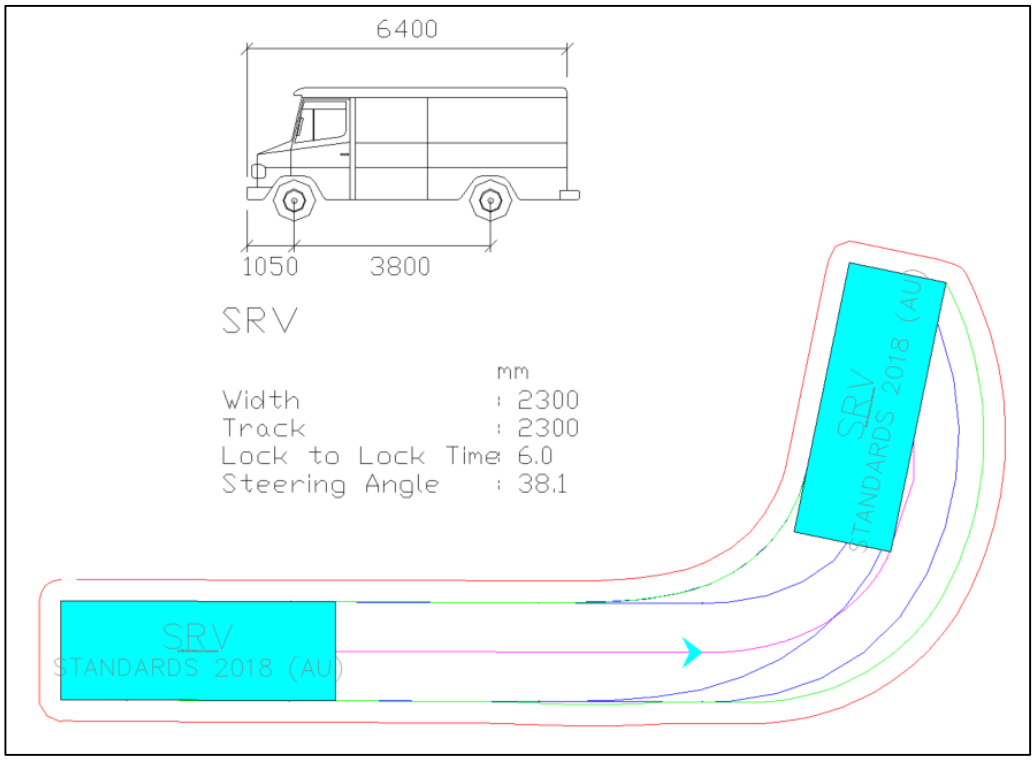


Australian Standard 85th percentile size vehicle (B85)

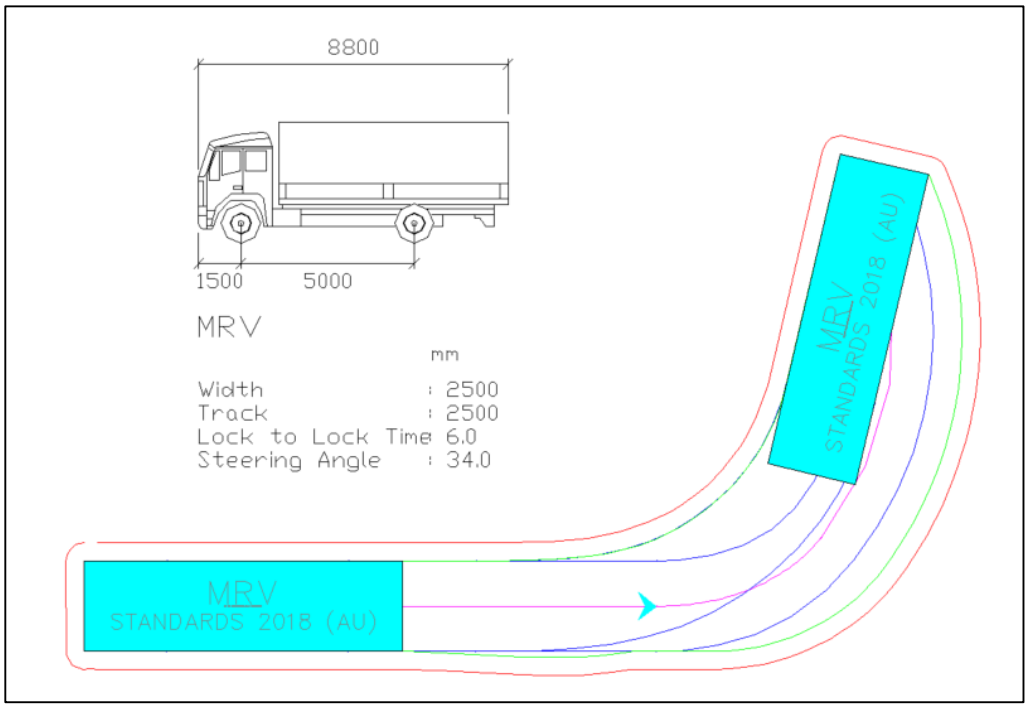


Australian Standard 99.8th percentile size vehicle (B99)

Blue – Tyre Path
Green – Vehicle Body
Red – 300mm Clearance

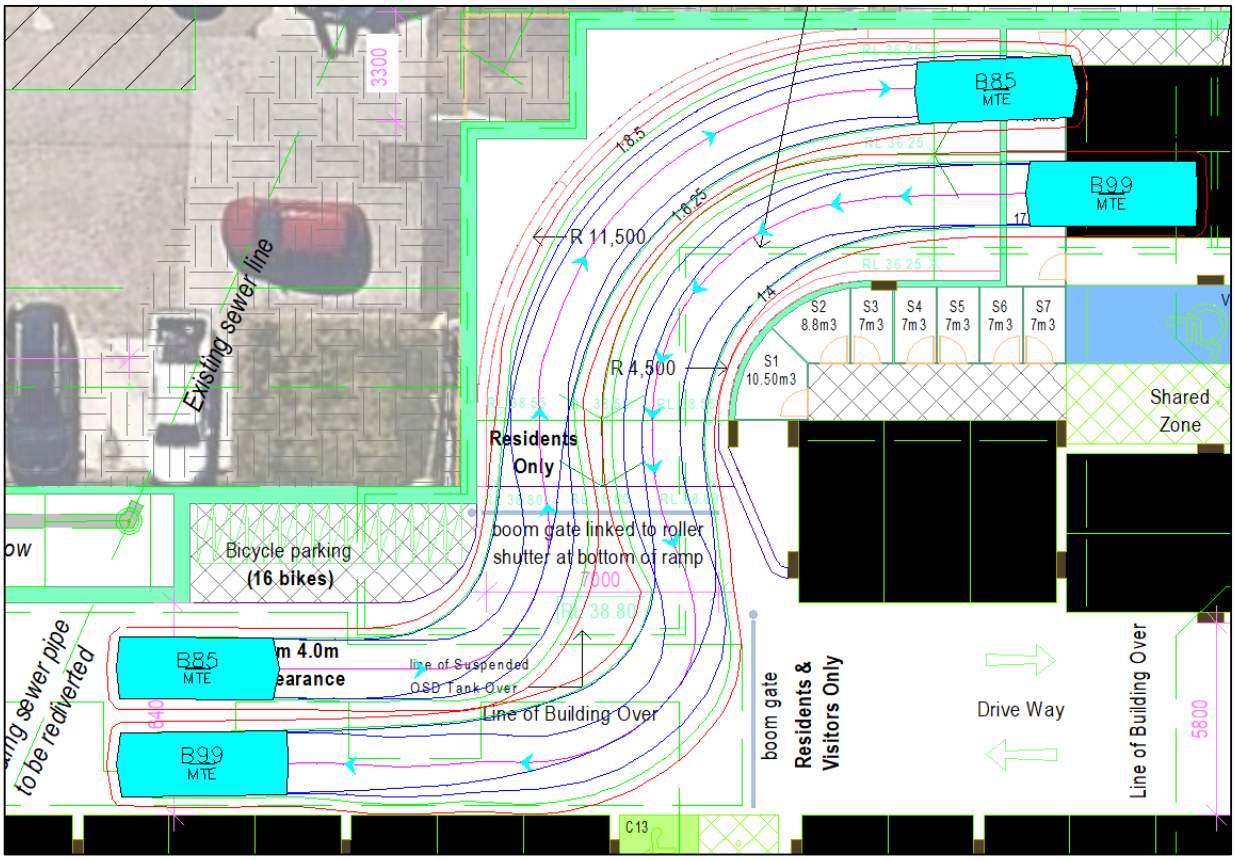


Australian Standard Small Rigid Vehicle (SRV)



Australian Standard Medium Rigid Vehicle (MRV)

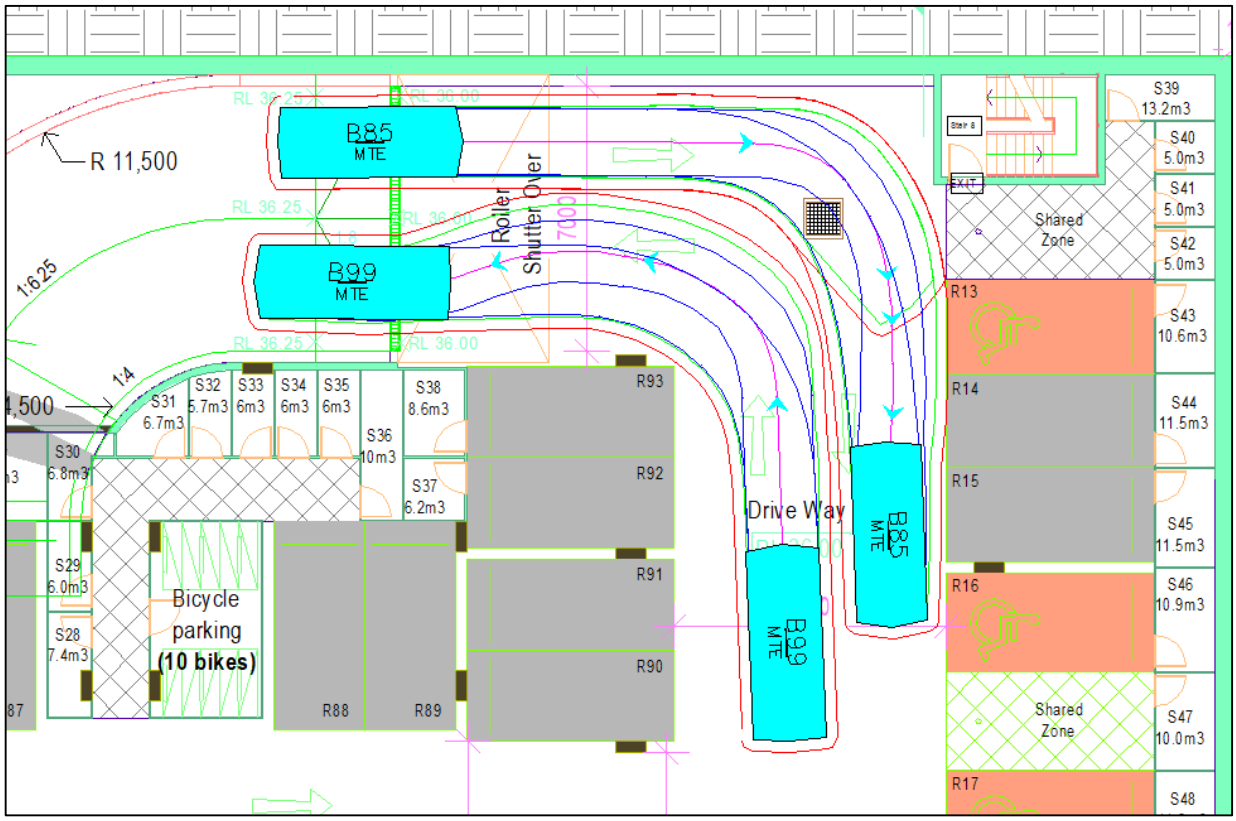
Blue – Tyre Path
Green – Vehicle Body
Red – 500mm Clearance



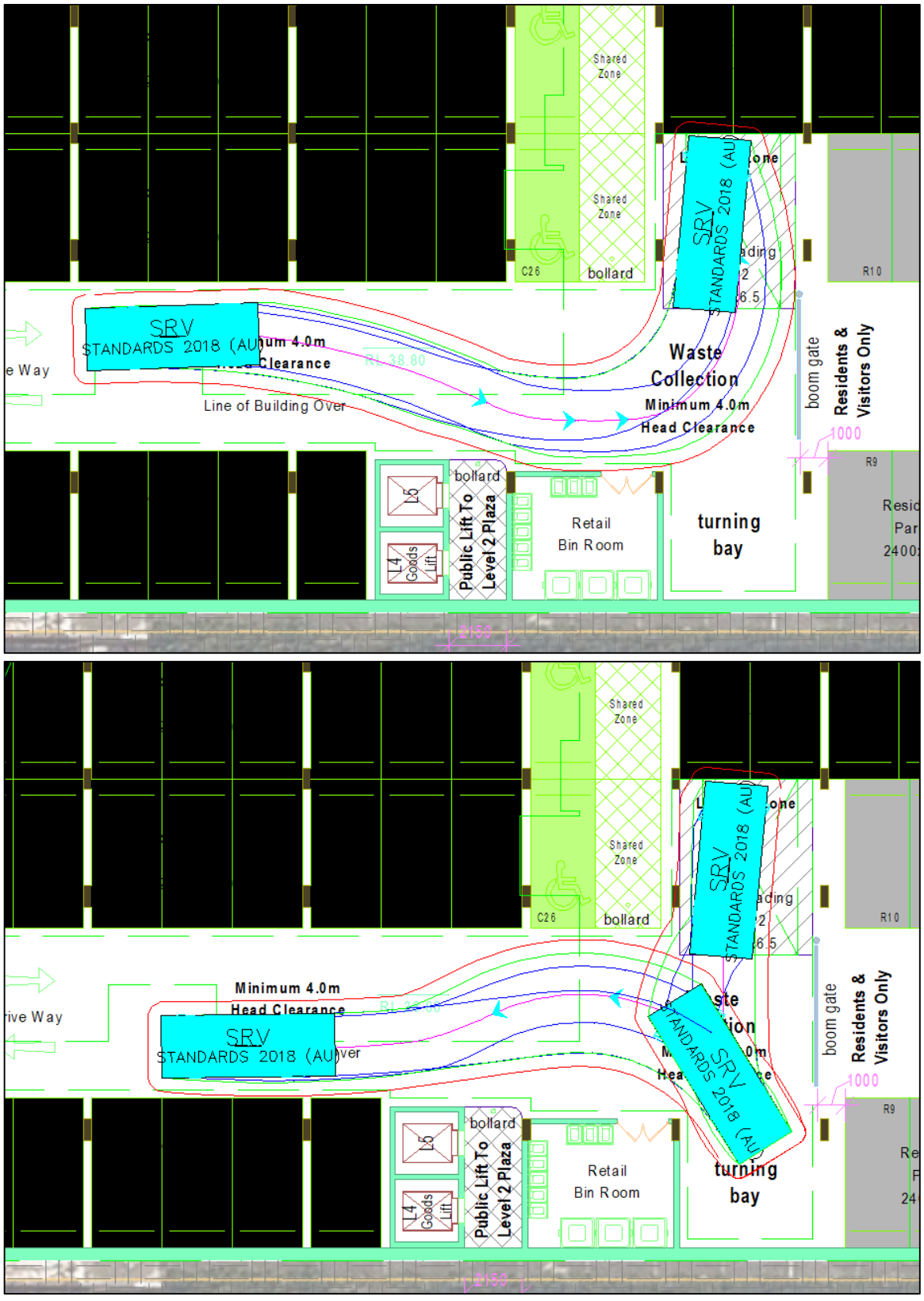
B99 Passing B85 along ramp between Level 1 and Basement Level 1
SUCCESSFUL

To facilitate the separation of vehicles travelling up and down the ramp flexible lane dividers can be installed along the centreline of the ramp. These lane dividers provide a forgiving method of separation for vehicles as opposed to raised concrete kerb separators.

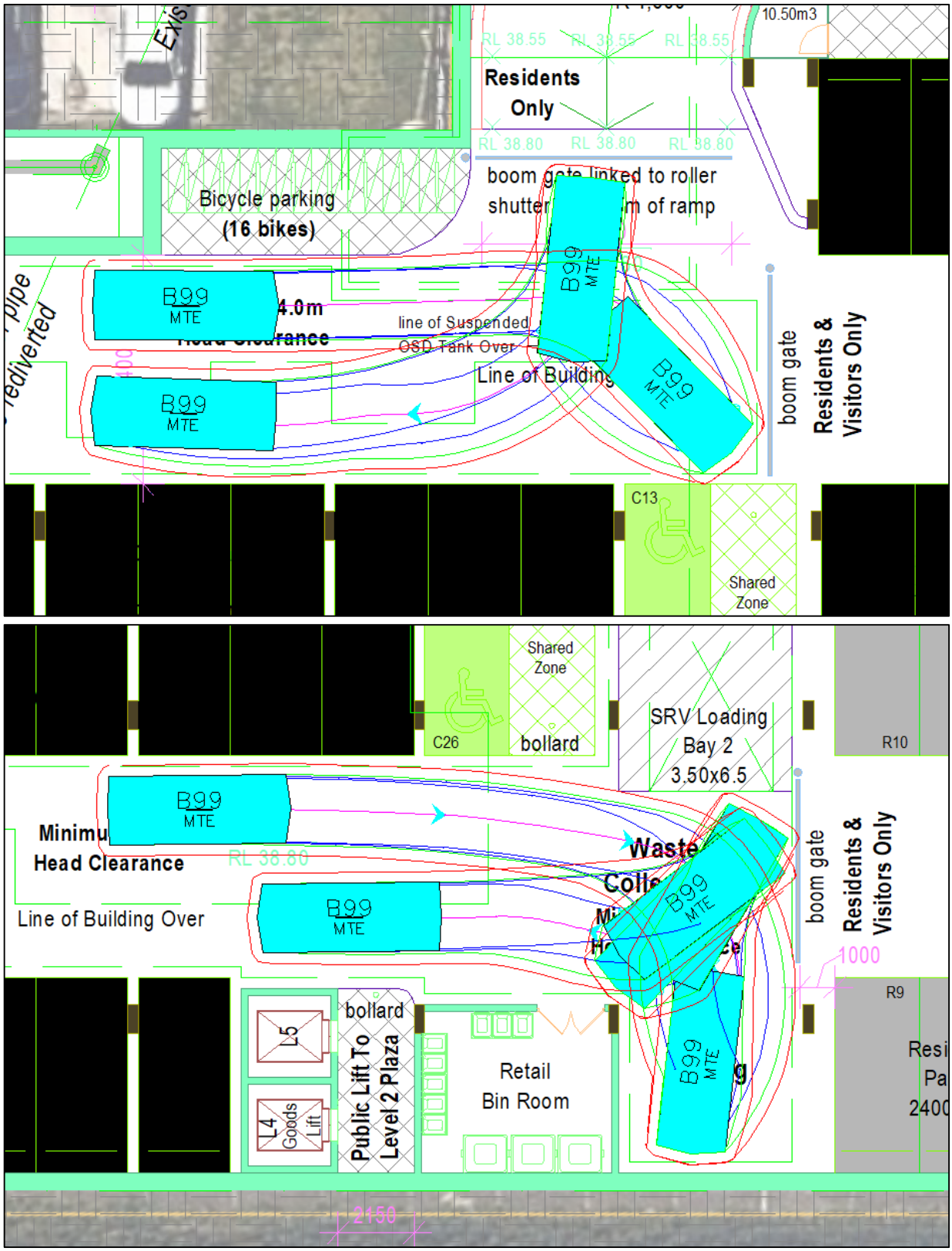




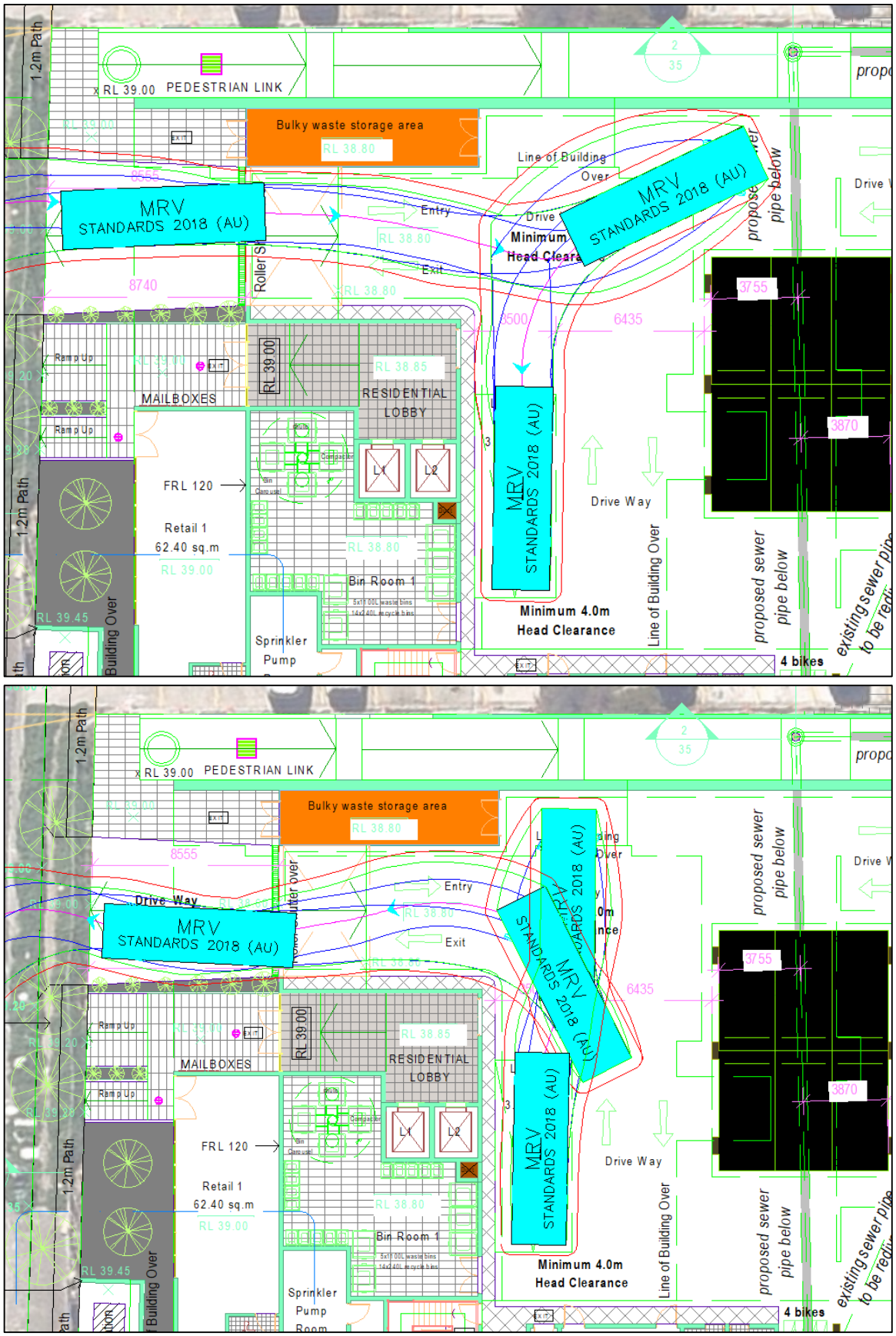
B99 Passing B85 between Level 1 and Basement Level 1
SUCCESSFUL



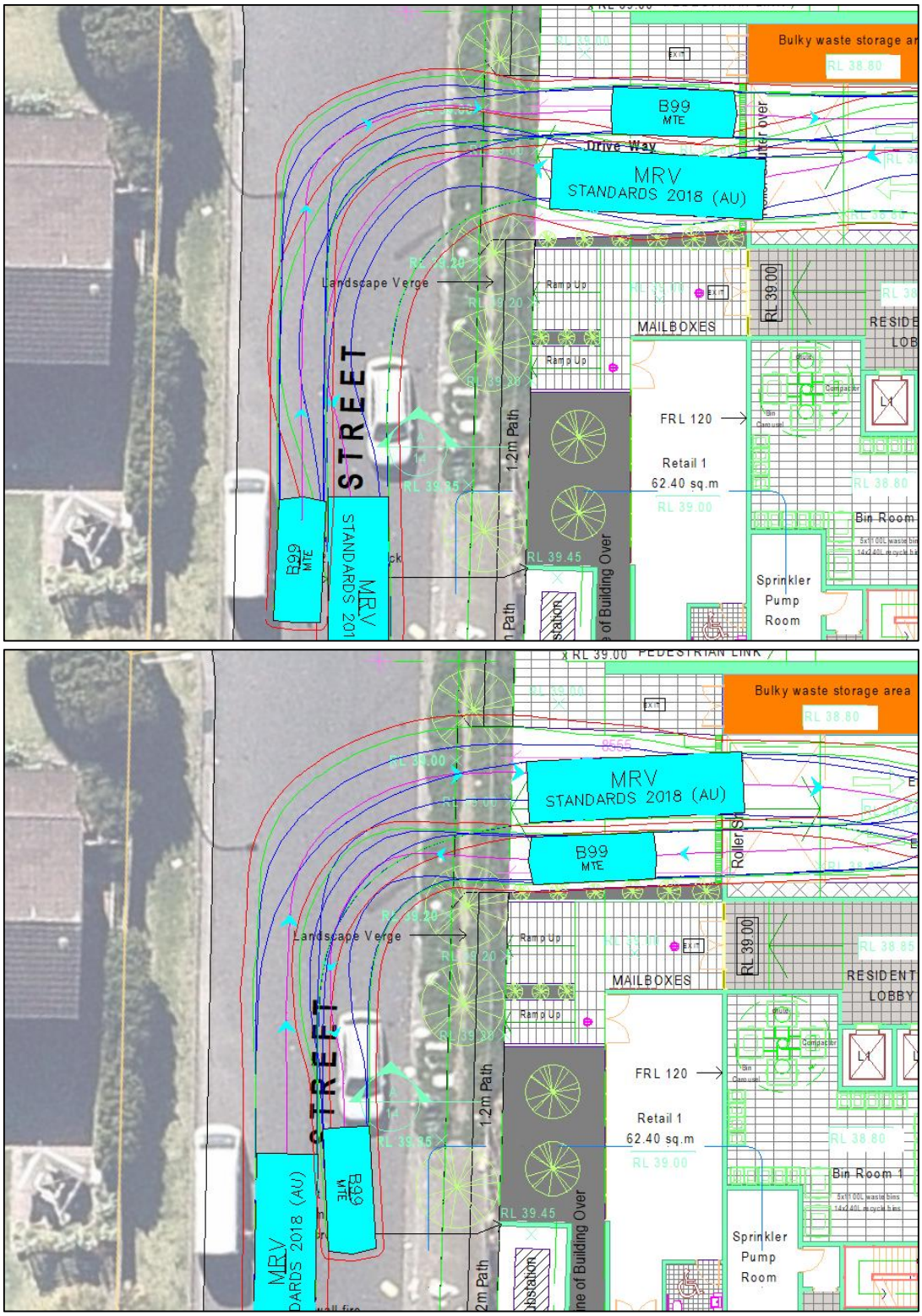
SRV Entry and Exit Loading Zone
SUCCESSFUL



B99 Turning around at the end of each aisle.
SUCCESSFUL



MRV Entry and Exit Loading Zone.
SUCCESSFUL



B99 passing MRV at site driveway.
SUCCESSFUL – passing opportunities are available.

It is noted that AS2890.2:2018 Clause 3.2.2 states the following in relation to occasional service of trucks "*The full width of the access driveway may be used for both entering and leaving the site.*" Occasional service is defined as "*serviced by a nominated design vehicle less than once per day"* as such the full width of the driveway is permitted to be utilised by the service vehicle.

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Acoustic Impact Assessment Report

Shop Top Housing Development
9 – 11 Sherwood Road, Merrylands, NSW

CUMBERLAND CITY COUNCIL

THESE PLANS WERE APPROVED BY THE LAND AND ENVIRONMENT COURT UNDER CONSENT ORDER NO. 2021/00103440

DATED 2 November 2021

REPORT NUMBER
7255-1.1R

DATE ISSUED
8 September 2021

Prepared For:
Hezlett Group Pty Ltd
C/- SWAAB
Level 4, 20 Hunter Street
Sydney NSW 2000

Attention: Ms Emma Fleming



Revision History

Status	Date	Prepared	Checked	Comment
Draft	28/07/2021	Adam Shearer	Stephen Gauld	By email, for client review
Draft 2	08/09/2021	Adam Shearer	Stephen Gauld	Revised drawings
Final	08/09/2021	Adam Shearer	Stephen Gauld	

Document 7255-1.1R, 49 pages plus attachments

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Recommendations made in this report are intended to resolve acoustical problems only. No claims of expertise in other areas are made and no liability is accepted in respect of design or construction for issues falling outside the specialist field of acoustical engineering including but not limited to structural, fire, thermal, architectural buildability, fit for purpose, waterproofing or other aspects of building construction. Supplementary professional advice should be sought in respect of these issues.

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1.0 EXECUTIVE SUMMARY

1. Day Design Pty Ltd has been engaged by SWAAB on behalf of Hezlett Group Pty Ltd, to prepare an Acoustic Impact Assessment Report to assess the noise emission from and the noise intrusion to the proposed multi-storey shop top housing development at 9-11 Sherwood Road, Merrylands, NSW for the purpose of an Appeal to the Land and Environment Court of New South Wales (LEC) – Hezlett Group Pty Ltd v Cumberland Council, 103440 of 2021.
2. I, Adam Shearer, am a Senior Acoustical Consultant at Day Design Pty Ltd, Consulting Acoustical Engineers, of Suite 17, 808 Forest Road, Peakhurst, NSW, 2210.
3. A review of the relevant material for these matters has been carried out and I have read the documents provided to me, as listed in Paragraph 16**.**
4. This report has been prepared based on amended plans dated 7 September 2021 that have been prepared to address Cumberland Council's Statement of Facts and Contentions (SOFAC), filed on 19 May 2021.
5. This report presents my findings on my site inspection, acoustic analysis and recommendations to address the Contention (18) relating to acoustics provided in the SOFAC, based on the 7 September 2021 plans.
6. An initial site visit was carried out on Monday 21 June 2021. Observations were made of the development site and the surrounding premises/general area.
7. The land at 9-11 Sherwood Road, Merrylands is located in a moderately busy urban area. The land is bound by commercial premises to the north and south, Sherwood Road to the east and Coolibah Street to the west. Residential dwellings are located on the opposite side of Sherwood Road to the south-east and on the opposite side of Coolibah Street to the south-west, west and north-west.
8. Recommendations are provided in Section 8.1 to ensure the noise emissions from the multi-storey shop top housing development comply with the relevant Project Noise Trigger Levels.
9. Recommendations are provided in Section 8.2 to ensure the noise intrusion associated with the use of the surrounding commercial premises and road traffic on Sherwood Road comply with the relevant internal noise criteria.
10. Provided the recommendations in Section 8.1 and Section 8.2 are incorporated into the approved design, the multi-storey shop top housing development will comply with the Project Noise Trigger Levels and internal noise criteria, and be considered acceptable.

2.0 INTRODUCTION

11. Hezlett Group Pty Ltd lodged (9 November 2020) a Section 4.55(2) Modification Application (s4.55 MA) No. *MOD 2020/0414* to modify Development Application (DA) *DA2016/164/1* - approved by Sydney West Central Planning Panel, 21 December 2017 – for the construction of a multi-storey shop top housing development at 9-11 Sherwood Road, Merrylands, NSW.
12. An Application Class 1 (*Case number 2021/103440*) was filed in the Land and Environment Court of New South Wales (LEC) on 14 April 2021 for the deemed refusal of the s4.55 MA.
13. The s4.55 MA was subsequently refused by the Sydney City Central Planning Panel on 29 April 2021. A notice of determination was issued on 6 May 2021 citing, amongst several others, *'uncertain acoustic impacts'* as grounds for refusal.
14. Cumberland Council, as the first respondent to the Application Class 1, has issued a Statement of Facts and Contentions (SOFAC), filed on 19 May 2021. *'Contentions going to insufficient information'* relating to acoustics are outlined in Section 5.0 of this report.
15. This Noise Impact Assessment Report provides an acoustic impact assessment to address the Contentions within the SOFAC and subsequently assist the LEC in its determination of the s4.55 MA.
16. I have read the documents provided to me, as listed below:
    - S4.55 MA Drawings dated 7 September 2021 prepared by Architex
    - Statement of Facts and Contentions, Hezlett Group Pty Ltd v Cumberland Council, 103440 of 2021, dated 19 May 2021
    - Cumberland Council's Holroyd Development Control Plan (DCP) 2013, *'Part C – Commercial, Shop top housing and Mixed use development Controls'*

3.0 ABOUT THE AUTHOR

17. I, Adam Shearer, am a Senior Acoustical Consultant at Day Design Pty Ltd, Consulting Acoustical Engineers, of Suite 17, 808 Forest Road, Peakhurst, NSW, 2210.
18. I have practiced as an Acoustical Consultant since December 2013. I was awarded my Bachelor of Creative Technology (Audio) in 2013 and my Masters of Design Science (Audio and Acoustics) in 2009. My curriculum vitae is attached in Appendix A.
19. I have read Division 2, Part 31 of the Uniform Civil Procedure Rules 2005 and the Expert Witness Code of Conduct in Schedule 7. This report is prepared in accordance with these documents and I agree to be bound by their terms.
20. My evidence in this statement is within my area of expertise, except where I state that I have relied upon the evidence of another person.

4.0 PROJECT & DEVELOPMENT DESCRIPTION

4.1 Local Area Description

21. The development site is located at 9-11 Sherwood Road, Merrylands, NSW on land zoned *B2 – Local Centre* under Holroyd Local Environmental Plan (LEP) 2013.
22. The land is bound by commercial premises to the north and south, Sherwood Road to the east and Coolibah Street to the west
23. The nearest noise sensitive residential receivers are located to the south-east and west of the site, shown in Figure 1 as locations 'R4' and 'R6'.
24. Noise sensitive commercial receivers are located to the north and south of the site, shown in Figure 1 as locations 'R1' to 'R3' and 'R5'.
25. The location of the proposed development and surrounding premises, in various directions, are shown in Figure 1 and summarised below in Table 1.

Table 1 Noise Sensitive Receptors

Receptor and Type	Address	Direction from site
R1 – Commercial	7/530 Merrylands Rd	North
R2 – Commercial	7 Sherwood Rd	North
R3 – Commercial	6 Sherwood Rd	East
R4 – Residential	28/10-14 Arthur St	South-East
R5 – Commercial	15-25 Sherwood Rd	South
R6 – Residential	26 Elford Cres	West



Figure 1. Location Plan – Shop Top Housing Development, 9 - 11 Sherwood Road, Merrylands, NSW.

4.2 Development Description

26. It is proposed to construct a new multi-storey shop top housing development at 9-11 Sherwood Road, Merrylands, NSW.

27. The new multi-storey shop top housing development will consist of three multi-storey buildings (Blocks A to C) and a basement level car park with entry/exit from Coolibah Street on the western side of the development site, as follows:

- Block A — 1 x retail tenancy located on Level 1;
  20 x residential apartments Level 2 to 5.
- Block B — 22 x residential apartments Level 2 to 5.
- Blocks A & B — Shared common open space on Level 6.
- Block C — 3 x retail tenancies located on Level 2; and
  48 x residential apartments Level 3 to 8.
- Basement Level 1 — 82 x residential car spaces.
- Level 1 — 12 x residential car spaces;
  18 x visitor car spaces; and
  33 x commercial/retail car spaces.

28. We have assumed that the multi-storey shop top housing development will be served by multiple items of mechanical plant and equipment, which may include multiple exhaust/ supply fans, as well as air conditioning.

5.0 CONTENTIONS

29. The contentions relevant to the determination of the s4.55 MA *MOD 2020/0414* relating to acoustics are extracted from the SOFAC filed on 19 May 2021 in the LEC for Hezlett Group Pty Ltd v Cumberland Council, and are shown below.

30. ***Acoustic Impact***

18. Insufficient information has been provided to demonstrate the adequacy of acoustic impacts from surrounding land use for the new premises proposed under the modification application, as well as the impact from the overall development of the site for surrounding properties. An acoustic impact assessment should be provided that addresses, at a minimum:

(a) Compliance with the EPA's Noise Policy for Industry, the Department of Planning's Development near Rail Corridors and Busy Roads – Interim Guideline and part C3.7 of the DCP for adjoining properties as a consequence of the amended development. The report should give consideration to all noise impacts on any sensitive receivers in the vicinity that may be caused by the development including, but not limited to:

(i) Increased traffic/vehicle movements;

(ii) Mechanical plant; and

(iii) Noise from communal areas.

(b) Impact of surrounding existing development on the proposed development including although not limited to:

(i) Road noise from Sherwood Road;

(ii) Acoustic impact of surrounding commercial uses;

(iii) Acoustic impact of waste collection vehicles and any other noise source associated nearby waste storage areas.

6.0 ACOUSTICAL CRITERIA

6.1 Existing Noise Levels

6.1.1 Measured Ambient Noise Levels

31. In order to assess the severity of a possible environmental noise problem in a specified area it is necessary to measure the ambient background noise level at the times and locations of worst possible annoyance. The lower the background noise level, the more perceptible the intrusive noise becomes and the more potentially annoying.

32. The ambient L_{90} background noise level is a statistical measure of the sound pressure level that is exceeded for 90% of the measuring period (typically 15 minutes).

33. The Rating Background Level (RBL) is defined by the EPA as the median value of the (lower) tenth percentile of L_{90} ambient background noise levels for day, evening or night periods, measured over a number of days during the proposed days and times of operation.

34. The places of worst possible annoyance are the residential premises located to the south-east, west of the development site. These potentially affected locations can be seen in Figure 1 as 'R4' and 'R6'. The times of worst annoyance will be during the night when ambient noise is typically at its lowest.

35. Ambient noise levels were measured in the front yard of 28/10-14 Arthur Street and the backyard of 11 Jowarra Way, shown as Locations 'A' and 'B', respectively, on Figure 1 from Monday 21 June to Monday 28 June, 2021.

36. The measured noise levels are presented in the attached Appendix C1 and C2 and also in Table 2.

Table 2 Measured Ambient Noise Levels – Merrylands, NSW

Noise Measurement Location	Time Period	L_{90} Rating Background Level	Existing L_{eq} Noise Levels
	21/06 to 28/06/2021		
Location 'A' - 28/10-14 Arthur St Front – Ground Floor	Day (7 am to 6 pm)	**54 dBA**	**64 dBA**
	Evening (6 pm to 10 pm)	**51 dBA**	**63 dBA**
	Night (10 pm to 7 am)	**43 dBA**	**59 dBA**
Location 'B' - 11 Jowarra Way Back – Ground Floor	Day (7 am to 6 pm)	**46 dBA**	**54 dBA**
	Evening (6 pm to 10 pm)	**46 dBA**	**52 dBA**
	Night (10 pm to 7 am)	**41 dBA**	**49 dBA**

37. Meteorological conditions typically consisted of clear skies during the assessment period with temperatures ranging from 5 to 22°C. There were no periods of adverse weather required to be removed from the rom the RBL noise calculations. Ambient noise measurements were therefore considered reliable and typical for the receptor areas.

6.1.2 Description of Existing Acoustic Environment

38. Site inspections of the local area surrounding the development site were conducted by the author during the installation of the environmental noise loggers with the following observations made:

6.1.2.1 Logger Location 'A' - Existing Acoustic Environment

39. The area is dominated by 'urban hum', predominantly road traffic noise with occasional underlying noise associated with nearby commercial premises (use of the car parks);
40. through traffic on Sherwood Road is generally moderately heavy and continuous throughout the day and evening periods, being particularly heavy during the peak periods; and
41. the nearest commercial zones (zoned B2 – Local Centre) are located circa 25 metres to the north and 30 metres to the west, respectively.

6.1.2.2 Logger Location 'B' - Existing Acoustic Environment

42. The area is dominated by 'urban hum', predominantly noise associated with nearby commercial premises (use of the car parks/driveways, roof top mechanical plant) with underlying road traffic noise (Sherwood Road/Merrylands Road);
43. through traffic on Coolibah Street is generally light and continuous throughout the day and evening periods – used by local residents and also patrons of the commercial premises to the east; and
44. the nearest commercial zones (zoned B2 – Local Centre) are located circa 25 metres to the east.

6.1.3 Measured Commercial Premises Noise Levels

45. The development is affected by noise associated with the use of the commercial premises located to the north and south. A site visit and acoustic investigation determined that the main contributors of intrusive noise at the development site are as follows:

    - Roof-top mechanical plant, use of the car park and waste removal associated with the neighbouring commercial premises to the north at 7/530 Merrylands Road (IGA)– waste removal takes place on the western side of the commercial premises on Coolibah Street; and
    - Roof-top mechanical plant and use of the car park associated with the commercial premises to the south at 15-25 Sherwood Road (Coolibah Hotel).

46. Short term attended noise level measurements were conducted between 3.00 pm and 4.30 pm, on Tuesday 29 June 2021, in two locations on the development site shown as Locations 'C' and 'D' on Figure 1, to determine the intrusive noise levels at the development site associated with the use of the roof-top mechanical plant and car parks of the commercial premises to the north and south. To ensure a representative location of the proposed residential units was assessed, the short term attended noise level measurements were conducted at a height of approximately 4.5 metres above the ground level of the development site. Atmospheric conditions were ideal for noise level measurements.

47. In addition, the long term noise levels measured at Location 'B' were assessed to determine the intrusive noise levels at the site associated with waste removal at the commercial premises to the north – which generally takes place during the night period.

48. The measured noise levels used to assess the intrusive noise level at the development site are shown Table 3 below.

Table 3 Intrusive Commercial $L_{eq,\ 15\ minute}$ Noise Levels

Location	$L_{Aeq,\ 15\ minute}$ Noise Level
Location 'B'	60 dBA
Location 'C'	58 dBA
Location 'D'	60 dBA

49. In addition, the measured L_{AFmax} intrusive noise level measured at Location 'B' associated with waste collection during the night (10 pm to 7 am) at the commercial premise to the north of the development site was 87 dBA.

6.1.4 Measured Road Traffic Noise Levels

50. The proposed development is affected by road traffic noise from Sherwood Road, which carries moderately high traffic volumes (*> 40,000 AADT, reference: Map 14 – Traffic Volume Maps for Noise Assessment for Building on Land Adjacent to Busy Road, Provided by the RTA, November 24, 2008*).

51. Short term attended noise level measurements were conducted between 3.00 pm and 5.00 pm, on Tuesday 29 June 2021, on the eastern side of the development site, shown as Locations 'E' on Figure 1, to determine the intrusive noise levels at the development site associated with road traffic on Sherwood Road. To ensure a representative location of the potentially most affected (by road traffic noise) proposed residential units was assessed, the short term noise level measurements were conducted at a height of approximately 4.5 metres above the ground level of the development site at the approximate location of the eastern façade (facing Sherwood Road) of Block C. Atmospheric conditions were ideal for noise level measurements.

52. The measured short term noise levels at Location 'E', were then compared against the measured long term noise levels at Location 'A' to determine the difference between the day time and night time noise levels. The measured $L_{eq,\ 15\ hour}$ (day) noise level was 64 dBA with the $L_{eq,\ 9\ hour}$ (night) noise level being 59 dBA at Location 'A', showing a difference of 5 dB between the day and night time road traffic noise levels – due to reduced road traffic on Sherwood Road during the night.

53. Considering the above, the noise levels used to assess the intrusive road traffic noise level at the development site are shown Table 4 below during the day time and night time periods.

Table 4 Intrusive Road Traffic Noise Sound Pressure Levels

Location	Daytime $L_{Aeq,\ 15\ hour}$ Noise Level	Night Time $L_{Aeq,\ 9\ hour}$ Noise Level
Location 'E'	67 dBA	62 dBA

6.2 Noise Emission Criteria

6.2.1 Cumberland Council

54. Cumberland Council, in their Holroyd Development Control Plan (DCP) 2013, 'Part C – Commercial, Shop top housing and Mixed use development Controls', specifies the following requirements in relation to acoustics that are relevant to this proposal:

55. '**3.6. Visual + Acoustic Privacy**

Acoustic privacy from internal spaces within buildings and external noise factors increases the amenity for residents and the liveability of business centres.

Developments shall be designed in order to protect the amenity of residents through the separation of buildings, arrangement of internal spaces within apartments and materials and finishes.

Objectives

O3. Ensure a high level of amenity for residents through the provision of acoustic privacy within dwellings and private open spaces.

O4. Minimise impacts from noise generating infrastructure.

Development Controls

Acoustic Privacy

C5. Building siting and layout shall be designed to maximise the potential for acoustic privacy. This shall be achieved through:

i) providing adequate building separation and setbacks in accordance with Section 4.5 and,

ii) ensuring vertical and horizontal separation between conflicting uses generating different levels of noise.

C6. Apartments shall be arranged within a development to minimise noise transition by:

i) Locating busy, noise areas next to each other and quieter areas next to each other (ie bedrooms with bedrooms and service areas like kitchen, bathroom, and laundries together).

ii) Using storage or circulation zones within an apartment to buffer noise from adjacent dwellings, mechanical services or corridors and lobby areas, minimizing the amount of party (shared) walls with other dwellings.

iii) Using service areas/corridors to buffer 'quiet' areas such as bedrooms from noise generators including traffic, railway line, service and loading vehicle entries.

iv) minimising the amount of party (shared) walls with other dwellings/ apartments.

C7. 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.

C8. Where commercial/offices 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.

C9. Developments shall be designed to minimise the impact of noise associated for uses whose hours may extend outside of normal business hours, including restaurants and cafes.

C10. Developments shall be designed to locate driveways, carports or garages away from bedrooms.

C11. Reduce noise transmission from common corridors or outside the building by providing seals at entry doors.

3.7. Managing External Noise and Vibration

Objectives

O1. Ensure consent is not to be granted for development on land affected by external noise, if, in the opinion of Council, will be affected by noise and vibration, unless the development will incorporate attenuation measure to the satisfaction of Council.

Development Controls

C1. Development proposals within 60 m of a railway line and/or adjacent Classified Road must provide a report, to be submitted with the development application, demonstrating that the development will comply with the following criteria.

C2. The following Australian Standards are to be complied with:

- *i) AS1055:1997 Acoustics - Description and Measurement of Environmental Noise.*
- *ii) AS1259:1990 Acoustics – Sound Level Meters Part 2 Integrating – Averaging.*
- *iii) AS1633:1985 Acoustics - Glossary of Terms and Related Symbols.*
- *iv) AS2107:2000 Acoustics - Recommended Design Sound Levels and Reverberation Times for Building Interiors.*

C3. The report shall be prepared by an acoustic consultant having the technical eligibility criteria required for membership of the Association of Australian Acoustical Consultants (AAAC) and/or grade membership of the Australian Acoustical Society (MAAS).

C4. Prior to the issues of an Occupation Certificate, a noise compliance report shall be submitted to the Principal Certifying Authority (PCA) confirming that the building/s comply with the noise criteria following. The report shall be prepared by an acoustic consultant, other than the consultant responsible for the preliminary/design report, having the technical eligibility criteria required for membership of the Association of Australian Acoustical Consultants (AAAC) and/ or grad membership of the Australian Acoustical Society (MAAS).

C5. Acoustic reports prepared under this Plan must be prepared in accordance with the specified methodology provided in the Appendix.'

6.2.2 NSW Environment Protection Authority

6.2.2.1 Noise Policy for Industry 2017

56. The NSW Environment Protection Authority (EPA) published the Noise Policy for Industry (NPI) in October 2017. The NPI is specifically aimed at assessing noise from industrial noise sources listed in Schedule 1 of the Protection of the Environment Operations Act 1997 (POEO, 1997).

57. The NPI provides a framework to assess noise emission from a premises, and whether that premises produces intrusive or non-intrusive noise.

6.2.2.1.1 Project Intrusiveness Noise Level

58. The EPA states in Section 2.3 of its NPI (October 2017) that the intrusiveness of an industrial noise source may generally be considered acceptable if the level of noise from the source (represented by the LAeq descriptor), measured over a 15-minute period, does not exceed the rating background noise level by more than 5 dB when beyond a minimum threshold (EPA NPI, 2017, Section 2.3).

59. The Rating Background Level at Location 'A', was 54 dBA during the day, 51 dBA in the evening and 43 dBA at night (see Table 2).

60. Therefore, the acceptable $L_{eq,\ 15\ minute}$ noise intrusiveness criteria in Location 'A':

- (54 + 5 =) 59 dBA $L_{eq,\ 15\ minute}$ during the day;
- (51 + 5 =) 56 dBA $L_{eq,\ 15\ minute}$ in the evening; and
- (43 + 5 =) 48 dBA $L_{eq,\ 15\ minute}$ at night.

61. The Rating Background Level at Location 'B', was 46 dBA during the day and in the evening and 41 dBA at night (see Table 2).

62. Therefore, the acceptable $L_{eq,\ 15\ minute}$ noise intrusiveness criteria in Location 'B':

- (46 + 5 =) 51 dBA $L_{eq,\ 15\ minute}$ during the day and in the evening; and
- (41 + 5 =) 46 dBA $L_{eq,\ 15\ minute}$ at night.

6.2.2.1.2 Project Amenity Noise Level

63. Depending on the type of area in which the noise is being made, there is a certain reasonable expectancy for noise amenity. The NSW NPI provides a schedule of recommended L_{eq} industrial noise levels that under normal circumstances should not be exceeded. If successive developments occur near a residential area, each one allowing a criterion of background noise level plus 5 dB, the ambient noise level will gradually creep higher.

64. Section 2.4, Table 2.3 of the NPI provides guidance on assigning residential receiver noise categories. A site inspection of the residential area surrounding the development site was conducted the author during the installation of the environmental noise logger, see Section 6.1.2 for observations.

65. The observations in Section 6.1.2 indicate the residential area around the development site is considered 'Urban', as per Table 2.3 of the NPI. The 'Urban' amenity noise levels as per Table 2.3 of the NPI will be used to assess residential receivers in the area.

66. The recommended L_{eq} noise levels below in Table 5 are taken from Section 2.4, Table 2.2 of the NPI. Compliance with the amenity noise levels in Table 2.2 will limit ambient noise creep.

Table 5 Amenity Noise Levels (NPI - Table 2.2)

Receiver	Noise Amenity Area	Time of Day	L_{eq}, dBA, Recommended Amenity Noise Level
Residential	Urban	Day	60
		Evening	50
		Night	45
Commercial premises	All	When in use	65

67. The L_{Aeq} is determined over a 15-minute period for the project intrusiveness noise level and over an assessment period (day, evening and night) for the project amenity noise level. This leads to the situation where, because of the different averaging periods, the same numerical value does not necessarily represent the same amount of noise heard by a person for different time periods. To standardise the time periods for the intrusiveness and amenity noise levels, the *NPI* assumes that the $\mathbf{L_{Aeq,15min}}$ will be taken to be equal to the $\mathbf{L_{Aeq,\ period}}$ **+ 3 decibels (dB)** (Section 2.2, NPI).

68. Compliance with the amenity criteria will limit ambient noise creep. **Section 2.4** of the *NPI* states the following:

    *'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 level (Table 2.2) minus 5 dB (A).***

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

    3. *Where the resultant project amenity noise level is 10 dB or more lower than the existing industrial noise level. In this case the project amenity noise levels can be set at 10 dB below existing industrial noise levels if it can be demonstrated that existing industrial noise levels are unlikely to reduce over time.'*

70. In addition, the level of transport noise, road traffic noise in particular, may be high enough to make noise from an industrial source effectively inaudible, even though the L_{Aeq} noise level from that industrial noise source may exceed the project amenity noise level. In such cases the project amenity noise level may be derived from the $L_{Aeq,\ period\ (traffic)}$ minus 15 dBA.

71. The existing L_{eq} noise level at Location 'A', was 64 dBA during the day, 63 dBA in the evening and 43 dBA at night (see Table 2).

72. Ambient L_{eq} noise levels at Location 'A' were affected by high road traffic noise during the day and evening periods. Road traffic noise is the dominant noise in the area during the day and evening periods, however is not more than 10 dB above the recommended amenity noise level for the area during the day, as it is during the evening period. It is highly unlikely the road traffic noise will decrease in the future. Therefore, the acceptable amenity criteria in Location 'A' are:

    - (60 – 5 + 3 =) 58 dBA $L_{eq,\ 15\ minute}$ during the day;
    - (63 – 15 + 3 =) 52 dBA $L_{eq,\ 15\ minute}$ in the evening; and
    - (45 – 5 + 3 =) 43 dBA $L_{eq,\ 15\ minute}$ at night.

73. The existing L_{eq} noise level at Location 'B', was 54 dBA during the day, 52 dBA in the evening and 49 dBA at night (see Table 2).

74. Ambient L_{eq} noise levels at Location 'B' were affected by existing commercial noise during the day, evening and night. Commercial noise is the dominant noise in the area during the day, evening and night periods, however is not more than 10 dB above the project amenity noise level for the area during any period. Therefore, the acceptable amenity criteria in Location 'B' are:

    - (60 – 5 + 3 =) 58 dBA $L_{eq,\ 15\ minute}$ during the day;
    - (50 – 5 + 3 =) 48 dBA $L_{eq,\ 15\ minute}$ in the evening; and
    - (45 – 5 + 3 =) 43 dBA $L_{eq,\ 15\ minute}$ at night.

6.2.2.1.3 NPI Sleep Disturbance Criteria

75. The EPA's *NPI* states in Section 2.5 that the potential for sleep disturbance from maximum noise level events from premises during the night-time period needs to be considered. Sleep disturbance is considered to be both awakenings and disturbance to sleep stages.

76. Sleep may be disturbed if the subject development night-time noise levels at a residential location exceed the following:

    - $L_{Aeq, 15min}$ 40 dBA or the prevailing RBL plus 5 dB, whichever is greater; and/or
    - L_{AFmax} 52 dBA or the prevailing RBL plus 15 dB, whichever is greater.

77. Where either of the above criteria are triggered, a detailed maximum noise level event assessment should be undertaken.

78. The RBL at Location 'A', was 43 dBA at night (see Table 2).

79. Therefore, the acceptable $L_{eq, 15 minute}$ and L_{AFmax} noise sleep disturbance criteria in Location 'A' are:

    - 48 dBA $L_{eq, 15 minute}$ at night; and/or
    - 58 dBA L_{AFmax} at night.

80. The RBL at Location 'B', was 41 dBA at night (see Table 2).

81. Therefore, the acceptable $L_{eq, 15 minute}$ and L_{AFmax} noise sleep disturbance criteria in Location 'B' are:

    - 46 dBA $L_{eq, 15 minute}$ at night; and/or
    - 56 dBA L_{AFmax} at night.

6.2.2.2 NSW Road Noise Policy – Noise Emissions

82. The EPA's NSW Road Noise Policy, Table 3 of Section 2.3.1, sets out road traffic noise assessment criteria for residential land uses. The information in the aforementioned table is extracted below in Table 6.

Table 6 Road Traffic Noise Assessment Criteria – Residential

Road Category	Type of project/land use	Assessment Criteria – dBA	
		Day (7 am – 10 pm)	**Night (10 pm – 7 am)**
Local roads	6. Existing residences affected by **additional traffic** on existing local roads generated by land use developments	$L_{Aeq, (1 hour)}$ 55 (external)	$L_{Aeq, (1 hour)}$ 50 (external)

6.2.2.3 Protection of the Environment Operations (Noise Control) Regulation 2017

83. The Protection of the Environment Operations (POEO) (Noise Control) Regulation 2017 provides specific controls for common neighbourhood noise problems such as air conditioners, swimming pool pumps, power tools, alarms and loud music.

84. The Regulation (clause 45) states the following in relation to the use of air conditioners:

"45 Use of air conditioners on residential premises

A person is guilty of an offence if:

(a) the person causes or permits an air conditioner to be used on residential premises in such a manner that it emits noise that can be heard within any room in any other residential premises (that is not a garage, storage area, bathroom, laundry, toilet or pantry) whether or not any door or window to that room is open:

(i) before 8 am or after 10 pm on any Saturday, Sunday or public holiday, or

(ii) before 7 am or after 10 pm on any other day."

85. Provided the noise emission from an air conditioner complies with the inaudibility criterion of the Regulation, the air conditioner may operate at any time of day or night. To comply with the inaudibility criterion, we recommend that the $L_{eq\ (15\ min)}$ noise level from domestic air conditioners not exceed a noise level equal to ('external background' –5 dB =) outside the window of the nearest habitable room of a nearby residence.

6.2.3 Project Noise Trigger Levels

86. The measured ambient noise level at Locations 'A' and 'B', has been used to establish the Project Noise Trigger Levels at all receptor locations.

6.2.3.1 Residential Receptors

87. The L_{eq} noise emissions from the residents, use of the car park and mechanical plant are assessed against the NSW *NPI* at the residential receptors as follows:

'R4' – Based on measured noise levels in Location 'A'

- **58 dBA** $L_{Aeq,\ 15\ minute}$ during the day;
- **52 dBA** $L_{Aeq,\ 15\ minute}$ in the evening; and
- **43 dBA** $L_{Aeq,\ 15\ minute}$ at night.

'R6' – Based on measured noise levels in Location 'B'

- **51 dBA** $L_{Aeq,\ 15\ minute}$ during the day;
- **48 dBA** $L_{Aeq,\ 15\ minute}$ in the evening; and
- **43 dBA** $L_{Aeq,\ 15\ minute}$ at night.

88. These criteria are to be assessed at the most affected point on or within the property boundary during the day. For upper residential floors, the noise is assessed outside the nearest window.

89. In addition, for the noise emission from domestic air conditioning units to be inaudible within a habitable room of an adjacent residential dwelling, the level of noise should not exceed the following noise levels:

- 'R4' - (43 – 5 =) **38 dBA** outside the nearest window during the night; and
- 'R6' - (41 – 5 =) **36 dBA** outside the nearest window during the night.

6.2.3.2 Sleep Disturbance Criteria

90. The following screening criteria will be applied for *sleep disturbance* outside a bedroom window between 10 pm and 7 am at the nearby residential receptors, as follows:

'R4' – Based on measured noise levels in Location 'A'

- **58 dBA** L_{AFmax} between 10 pm and 7 am.

'R6' – Based on measured noise levels in Location 'B'

- **56 dBA** L_{AFmax} between 10 pm and 7 am.

6.2.3.3 Commercial Receivers

91. This criterion is to be assessed at the reasonably most-affected point on or within the property boundary.

- (65 – 5 + 3 =) **63 dBA** $L_{eq,\ 15\ minute}$ when in use.

6.2.3.4 On – Road Traffic Criteria

92. The following criteria will be applied at 1 metre from the most affected façade of 'R6', for on – road traffic noise:

- **55 dBA** (external) $L_{eq,\ 1\ hour}$ between 7 am and 10 pm; and
- **50 dBA** (external) $L_{eq,\ 1\ hour}$ between 10 pm and 7 am.

6.3 Noise Intrusion Criteria

6.3.1 Commercial Activity Noise Intrusion

6.3.1.1 AS2107:2016 - Internal Noise Level Criteria

93. Australian Standard AS2107:2016 *"Acoustics – Recommended design sound levels and reverberation times for building interiors"* provides a list of recommended design sound levels for different areas of occupancy in buildings. The recommended indoor design sound level for living and sleeping areas in the residential apartments can be seen below in Table 7.

Table 7 Recommended Indoor Design Sound Level from AS2107:2016

Type of occupancy/activity	Design sound level ($L_{Aeq,t}$) range
7 RESIDENTIAL BUILDINGS	
House and apartments in inner city areas or near major roads –	
Living areas	35 to 45
Sleeping areas (night time)	35 to 40

94. If internal noise levels with windows or doors open exceed the criteria by more than 10 dBA, the design of the ventilation for these rooms should be such that occupants can leave windows closed, if they so desire, and also to meet the ventilation requirements of the Building Code of Australia.

6.3.1.2 NSW Road Noise Policy – Noise Intrusion

95. Section 5.4 of the NSW Road Noise Policy provides the following advice with regard to sleep disturbance:

'From the research on sleep disturbance to date it can be concluded that:

- *Maximum internal noise levels below 50 – 55 dBA are unlikely to awaken people from sleep*
- *One or two noise events per night, with maximum internal levels of 65 – 70 dBA are not likely to affect health and wellbeing significantly.*

6.3.1.3 Required Commercial Activity Noise Reduction

96. Based on the acceptable noise levels established in Section 6.3.1.1 and 6.3.1.2 of this report, the required noise reduction from the adjacent commercial premises is shown below in Table 8.

97. The required L_{eq} noise reduction from the commercial activities on the adjacent premises, including roof-top mechanical plant and use of the car parks / driveways, for the residential apartments are based on the following:

- Northern and western façade Location 'B'; and
- Southern façade Location 'D'.

98. Note: the required noise reduction for the residential apartments on the eastern façade of the development will be determined based on the dominant measured noise source being the road traffic noise on Sherwood Road, see Section 6.3.2 of this report.

Table 8 Required L_{eq} Commercial Noise Reduction

Location	Room Description	Required NR
Northern and Western Façade ***(Windows Closed)***	Living Areas	minimum 15 dB (60 – 45 = 15)
	Sleeping Areas	minimum 20 dB (60 – 40 = 20)
Southern Façade ***(Windows Closed)***	Living Areas	minimum 15 dB (60 – 45 = 15)
	Sleeping Areas	minimum 20 dB (60 – 40 = 20)
Northern and Western Façade ***(Windows Closed)***	Living Areas	minimum 5 dB (60 – 55 = 5)
	Sleeping Areas	minimum 10 dB (60 – 50 = 10)
Southern Façade ***(Windows Closed)***	Living Areas	minimum 5 dB (60 – 55 = 5)
	Sleeping Areas	minimum 10 dB (60 – 50 = 10)

99. In addition, per Section 6.3.1.2, to ensure the health and wellbeing of residents is not significantly affected when waste removal takes place on the commercial premises to the north, the required L_{AFmax} noise reduction for bedrooms within the residential apartments on the northern façade of Block A is (87 – 70 =) 17 dB. Provided the required L_{eq} noise reduction shown in Table 8 above is met, the required L_{AFmax} noise reduction will also be achieved.

100. Notwithstanding the above, to avoid awakening from sleep for the residents, the required L_{AFmax} noise reduction for bedrooms within the residential apartments on the northern façade is (87 – 55 =) 32 dB. Recommendations are provided in Section 8.2 of this report for the residential apartments likely to be affected by waste removal on the adjacent commercial premises to reduce the likelihood of sleep disturbance.

6.3.2 Road Traffic Noise Intrusion

6.3.2.1 NSW Department of Planning (DoP)

101. The NSW Department of Planning (DoP) document *"Development Near Rail Corridors and Busy Roads – Interim Guidelines"* (2008) recommends internal noise criteria, which are extracted below in Table 9.

Table 9 Required Indoor Noise Levels – Residential Buildings

Type of Occupancy	Noise Level, dBA	Applicable Time Period
Sleeping areas (bedrooms)	35	Night 10 pm to 7 am
Other habitable rooms (excl. garages, kitchens, bathrooms & hallways)	40	At any time

Note: airborne noise is calculated as L_{eq} (9h)(night) and L_{eq} (15hr)(day).

102. In addition, it also states that:

"if internal noise levels with windows or doors open exceed the criteria by more than 10 dBA, the design of the ventilation for these rooms should be such that occupants can leave windows closed, if they so desire, and also to meet the ventilation requirements of the Building Code of Australia".

6.3.2.2 NSW State Environmental Planning Policy (Infrastructure) 2007

103. The NSW State Environmental Planning Policy (Infrastructure) 2007 details the following in Clause 102 with regards to road noise and vibration:

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

(3) If the development is for the purposes of a building for residential use, the consent authority must not grant consent to the development unless it is satisfied that appropriate measures will be taken to ensure that the following L_{Aeq} levels are not exceeded:

(a) in any bedroom in the building—35 dB(A) at any time between 10.00 pm and 7.00 am,

(b) anywhere else in the building (other than a garage, kitchen, bathroom or hallway)—40 dB(A) at any time.

*(4) In this clause, **freeway**, **tollway** and **transitway** have the same meanings as they have in the Roads Act 1993.*

6.3.2.3 Required Road Traffic Noise Reduction

104. The measured road traffic noise levels at the nearest façade to Sherwood Road, based upon the measurements shown in Table 4 at Logger Locations 'E', are:

- **67 dBA $L_{Aeq,\ 15\ hour}$** during the day and **62 dBA $L_{Aeq,\ 9\ hour}$** during the night at the ground floor level.

105. Based on the acceptable noise levels established in Section 6.3.2 of this report and the measured noise levels in Section 6.1.4, the calculated required noise reduction at the closest façade of the proposed development from road traffic on the Sherwood Road is as follows:

Windows Closed

- (67 – 40 =) 27 dB for habitable rooms during the day (7 am to 10 pm); and
- (62 – 35 =) 27 dB for bedrooms at night (10 pm to 7 am).

Windows Open

- (67 – 50 =) 17 dB for habitable rooms during the day (7 am to 10 pm); and
- (62 – 45 =) 17 dB for bedrooms at night (10 pm to 7 am).

7.0 DEVELOPMENT NOISE EMISSION

106. The main sources of noise from the proposed development will be as follows:
    - Residents in the Block A and Block B, Level 6, common open space;
    - Mechanical plant; and
    - Vehicles entering and exiting the car park.
107. The noise impact from the above potential noise sources has been calculated, and the noise impact established for the most affected residential and commercial receivers.
108. The location of the common open space, services risers and car park are shown on the drawings provided by Architex for job number 2220, dated 7 September 2021, attached as Appendix D.

7.1 Common Open Space

109. The common open space area is located on Level 6 of Block A and Block B and has a total area of 786.92 m^2. The architectural drawings show a provision for approximately 90 seated people.
110. Considering the above, and to ensure a worst case scenario is assessed, we have assumed that double the amount of people above (90 x 2 = 180) may be in the common open space at any given time.
111. We have modelled the noise emission from the common open space as one person shouting (1%) and people speaking with a raised voice (20%), a normal voice (30%) and the rest listening or not speaking (49%). We have evenly distributed the people into three equal groups in the designated dining (2 x groups) and lounge area (1 x group).
112. For the assessment of sleep disturbance, we have modelled the noise emission from the common open space as one person shouting.
113. Based on information in Harris[1] and in our noise level database gathered over many years, we calculate the sound power levels for people talking with a raised voice, a normal voice and shouting as shown in Tables 10 and 11.

[1] *Handbook of Acoustical Measurements and Noise Control, Third Edition, Cyril M. Harris, McGraw-Hill Inc, New York, (Page 16.2)*

Table 10 $L_{eq,\ 15\ minute}$ Sound Power Levels – Common Open Space

Description	$L_{eq,\ 15\ minute}$ Sound Power Levels (dBA)
One man shouting	**93**
One man talking with raised voice	**69**
One man talking with normal voice	**63**
Block A & Block B, Level 6 – Common Open Space	
180 people talking (1% shouting, 20% raised, 30% normal & 49% listening)	**96**

Table 11 $L_{AF,\ max}$ Sound Power Levels – Person Shouting - Common Open

Description	$L_{AF,\ max}$ Sound Power Level (dBA)
Female/Male Shout	88 - 98

7.2 Car Park Noise Emission

114. There is provision for car parking on the development site in Basement Level 1 and Level 1, as shown in the attached Appendix D.

115. The closest point of the proposed driveway to the nearest assessment location, 'R6' is approximately 15 metres.

116. For the purpose of assessing the maximum typical noise emission from the car park entry/ exit, traffic movement has been calculated using the RTA's Technical Direction (TDT 2013/04a) for the *'Guide to Generating Traffic Developments'* for *'High Density Residential Flat Dwellings'* criterion of 0.19 vehicle trips/per hour/per unit for the am peak period and for *'Office blocks'* criterion of 1.6 vehicle trips per 100 m^2 gross floor area during the morning peak period. This results in a typical worst-case scenario of (0.19 x 90 =) 17 + (1.6 x ≈5.99 =) 10 = 27 vehicle trips in any given 1 hour period during the morning peak periods - equivalent to 7 vehicle trips in any given 15 minute period.

117. We have assumed that during the night time period (10 pm to 7 am) the number of vehicle trips will halve and be associated with the residential apartments, only. Therefore, number of vehicle trips during the night time period is equivalent to 9 vehicle trips/1 hour or 3 vehicle trips/15 minutes.

118. For the assessment of sleep disturbance we have assumed a vehicle may leave/arrive at the car park between 10 pm and 7 am.

119. The Sound Exposure Level[1] (SEL) and $L_{AF,max}$ sound power level and spectra of vehicle noise is shown below in Table 12 and is based on previous measurements by Day Design.

[1] *SEL is the total sound energy of a single noise event condensed into a one second duration.*

Table 12 SEL & $L_{AF,\,max}$ Sound Power Levels - Car Park

Description	Sound Power Levels (dB) at Octave Band Centre Frequencies (Hz)								
	dBA	**63**	**125**	**250**	**500**	**1k**	**2k**	**4k**	**8k**
SEL level of car drive by at approximately 10 km/h	**82**	90	87	80	78	77	72	70	64
SEL level of car drive by at approximately 20 km/h	**86**	101	94	85	81	81	76	75	68
$L_{AF,\,max}$ level of car entering -exiting the car park	**92**	98	92	90	88	88	83	80	76

7.3 Mechanical Plant Noise Emission

120. The mechanical plant, including exhaust/supply fans, lift motors and air conditioning condensers, have not been selected or their locations finalised at this stage of the development. Generally, mechanical plant selection and location finalisation takes place during the construction certificate (or detailed design) phase of the development and the assessment is typically included in the consent.

121. Notwithstanding, a preliminary noise assessment will be based on typical exhaust/supply fans, lift motors and air conditioning condensers for the size of the development, with sound power levels from typical units being used.

122. The architectural drawings show ducts adjacent to Lift 2 and Lift 3, both of which discharge at roof level. We have assumed the duct adjacent to Lift 2 may be serving the car park supply fan with the duct adjacent to Lift 3 serving the car park exhaust fan – with both fans located within the duct (in-line) on Basement Level 1. We have also assumed there will be a central rooftop plant area on Blocks B and C containing air conditioning condenser units (43[1] on Block B and 51[2] on Block C) and the lift motors will be located in the Basement Level 1 in close proximity to the lift shafts.

[1] 42 x residential and 1 x commercial
[2] 48 x residential and 3 x commercial

123. Sound power levels used in the calculation of noise emission from the mechanical plant are shown in Table 13.

Table 13 $L_{eq,\ 15\ minute}$ Sound Power Levels – Mechanical Plant

Description	Sound Power Levels (dB) at Octave Band Centre Frequencies (Hz)								
	dBA	**63**	**125**	**250**	**500**	**1k**	**2k**	**4k**	**8k**
Residential Condenser Unit[1]	**73**	78	75	76	68	66	63	64	50
Commercial Condenser Unit[2]	**82**	89	87	85	80	75	70	64	61
Car Park Exhaust Fan[3]	**85**	87	86	85	83	79	77	75	67
Car Park Supply Fan[4]	**79**	77	77	80	79	73	70	63	54
Hydraulic Lift Motor[5]	**63**	59	61	55	59	58	56	52	48

124. We recommend a detailed analysis be carried out once the mechanical plant is selected and locations are finalised, prior to the issue of a Construction Certificate.

[1] *Spectral sound power level based on Daiken RXYMQ6AV4A, outdoor condenser unit.*
[2] *Spectral sound power level based on Daiken REYQ16TAY1, outdoor condenser unit.*
[3] *Spectral Sound power level based on Fantech AP0714BA7/30.*
[4] *Spectral Sound power level based on Fantech AP0564LP12/17.*
[5] *Spectral sound power level based on a residential lift system previously measured by Day Design.*

7.4 Predicted Noise Levels

125. Knowing the sound power level (see Table 10 to Table 13) of a noise source, the sound pressure level (as measured with a sound level meter) can be calculated at a remote location using suitable formulae to account for distance losses and sound barriers.

126. The most stringent noise criteria have been used to assess the noise impact from the common open space, the use of the car park and the mechanical plant, as outlined below. The noise impact from these sources has been assessed against either the *NPI* night time and/or the night time sleep disturbance criteria, as stated within Section 6.2.3. Compliance with the most stringent noise criteria will ensure compliance during all other time periods.

127. The noise impact from the use of air conditioners has also been assessed against the provisions of the *POEO*, as stated in Section 6.2.3.1.

128. The noise impact from additional on road traffic associated with the development has been assessed against the NSW *RNP*, as stated in Section 6.2.3.4.

129. The following boundary fence heights have been assumed, to account for the attenuation of noise produced by the proposed shop top housing development:

- Proposed 1.0 metre high garden bed bounding the Block A and Block B, Level 6 common open space; and
- Proposed 0.2 metre high concrete edge bounding the Block B roof top.

130. Where applicable, calculations also include reductions for the acoustic screening provided by the shop top housing development building.

131. All predictions in Table 14 to Table 20 are based on the assumptions outlined above and the proposed construction detailed in the architectural drawings, attached as Appendix D.

7.4.1 Resident Noise – Common Open Space

132. The predicted $L_{eq,\ 15\ minute}$ level of noise from residents (and their guests) using the common open space assessed at the nearest affected residential and commercial receivers during the night time period, is shown below in Table 14.

133. A sample calculation showing the predicted noise levels from the use of the Block A and Block B, Level 6 common open space to the potentially most affected receiver location 'R6' is provided in Appendix E.

Table 14 Predicted $L_{eq,\ 15\ min}$ Noise Levels – Resident Noise – Night (10 pm – 7 am)

Description	Predicted Noise Level $L_{eq,\ 15\ minute}$ (dBA) at Receptor Locations		
	Block A & B, Level 6, Cumulative Noise Level	Acceptable Noise Limit	Compliance Yes/No
Night Period – 10 pm to 7 am			
R1	48	63	Yes
R2	41	63	Yes
R3	26	63	Yes
R4	34	43	Yes
R5	43	63	Yes
R6	39	43	Yes

134. The predicted $L_{eq,\ 15\ minute}$ noise levels from residents and their guests within the common open space area at the residential and commercial receivers are below the day, evening and night time noise criteria established in Section 6.2.3 of this report for receivers locations 'R1' to 'R6', and are therefore acceptable.

7.4.2 Car Park Noise

135. The predicted $L_{eq,\ 15\ minute}$ level of noise from the use of the car park driveway, assessed at the nearest affected residential and commercial receivers during the night time period, is shown in Table 15.

Table 15 Predicted $L_{eq,\ 15\ min}$ Noise Levels – Use of the Car Park – Night (10 pm – 7 am)

Description	Predicted Noise Level $L_{eq,\ 15\ minute}$ (dBA) at Receptor Locations		
	Use of Car Park Driveway	Acceptable Noise Limit	Compliance - Yes/No
R1	19	63	Yes
R2	16	63	Yes
R3	12	63	Yes
R4	<10	43	Yes
R5	12	63	Yes
R6	41	43	Yes

136. The predicted $L_{eq,\ 15\ minute}$ noise levels from the use of the car park driveway at the residential and commercial receivers are below the day, evening and night time noise criteria established in Section 6.2.3 of this report for receivers locations 'R1' to 'R6', and are therefore acceptable.

7.4.3 Mechanical Plant Noise

137. The predicted $L_{eq,\ 15\ minute}$ level of noise from the operation of mechanical plant, assessed at the nearest affected residential and commercial receivers during the night time period, is shown in Table 16.

Table 16 Predicted $L_{eq,\ 15\ min}$ Noise Levels – Mechanical Plant – Night (10 pm – 7 am)

Description	Predicted Noise Level $L_{eq,\ 15\ minute}$ (dBA) at Receptor Locations		
	Mechanical Plant	Acceptable Noise Limit	Compliance - Yes/No
R1	42	63	Yes
R2	31	63	Yes
R3	36	63	Yes
R4	36	43	Yes
R5	38	63	Yes
R6	27	43	Yes

138. The predicted $L_{eq,\ 15\ minute}$ noise levels from the use of mechanical plant at the residential and commercial receivers are below the day, evening and night time noise criteria established in Section 6.2.3 of this report for receivers locations 'R1' to 'R6', and are therefore acceptable.

7.4.4 Air Conditioning Unit – Inaudibility Criterion (POEO)

139. The predicted $L_{Aeq,\ 15\ minute}$ levels of noise from the air conditioning condenser units, at the residential receivers, are shown below in Table 17.

Table 17 Predicted $L_{Aeq,\ 15\ min}$ Noise Levels – Inaudibility Criterion – Night (10 pm – 7 am)

Description	Predicted Noise Level $L_{eq,\ 15\ minute}$ (dBA) at Receptor Locations		
	Air Conditioning Operating	Acceptable Noise Limit	Compliance - Yes/No
R4	36	38	Yes
R6	27	36	Yes

140. The predicted L_{Aeq} levels of noise from the air conditioning units at the residential receivers comply with the inaudibility criteria outlined in Section 6.2.3.1 for all receiver locations, and are therefore acceptable.

7.4.5 Potential Sleep Disturbance Assessment

7.4.5.1 Predicted L_{AFmax} Noise Levels - Sleep Disturbance

141. The predicted $L_{AF, max}$ levels of noise from a resident shouting in the common open space or a car entering the car park are shown in Table 18.

Table 18 Predicted $L_{AF, max}$ Noise Levels – Sleep Disturbance – Night (10 pm – 7 am)

Description	Predicted Noise Level $L_{eq, 15\ minute}$ (dBA) at Receptor Locations			
	Resident Shouting (RS)	Car Entering Car Park (CECP)	Acceptable Noise Limit	Compliance - Yes/No (RS/CECP)
R4	44	17	58	Yes/Yes
R6	48	**60**	56	Yes/**No**

142. The predicted maximum $L_{AF, max}$ level of noise from residents shouting within the Block A and Block B, Level 6 common open space area or a car entering the car park, outside the nearest potentially affected residences, is shown above in Table 18.

143. The predicted noise levels at residential receivers 'R4' and 'R6' comply with the night time sleep disturbance criteria, as established in Section 6.2.3.2 of this report for the use of the Block A and Block B, Level 6 common open space by residents and at residential receiver 'R4' comply with the night time sleep disturbance criteria, as established in Section 6.2.3.2 of this report for a car entering the car park, and are therefore acceptable.

144. However, the predicted noise levels at residential receiver 'R6' is excess of the night time sleep disturbance criteria, as established in Section 6.2.3.2 of this report, and will require a maximum noise level event assessment, as shown in Section 7.4.5.2.

7.4.5.2 Sleep Disturbance - Maximum Noise Level Event Assessment

145. There is potential for the sleep disturbance criteria to be exceeded at the most affected residential receiver from the use of the car park driveway.

146. Day Design has conducted a detailed maximum noise level event assessment of the existing ambient noise levels – particularly the L_{max} events - at Location 'B' to determine the likelihood of noise associated with the use of the car park drive way causing sleep disturbance at the most affected nearby residential receiver 'R6' (see Table 18). Compliance at the most affected nearby residential receiver will ensure compliance at all other receiver locations.

147. Table 19 shows the total L_{max} events greater than or equal to the sleep disturbance criteria of 56 dBA or more between 10 pm and 7 am over the assessment period.

Table 19 Total L_{max} Events at Location 'B' During Assessment Period

Receptor Location	Measured L_{max} Noise Level Events ≥ 56 dBA	Measured L_{max} Noise Level (dBA) Range ≥ 56 dBA
Night – 10 pm to 7 am (36 x 15 minute periods each night)		
Night 1 - 21/06/2021	20	56 – 81
Night 2 - 22/06/2021	22	56 – 69
Night 3 - 23/06/2021	27	56 – 87
Night 4 - 24/06/2021	25	56 – 85
Night 5 - 25/06/2021	26	56 – 79
Night 6 - 26/06/2021	17	56 – 77
Night 7 - 27/06/2021	21	56 – 85
Average per night	23	73
Total	158	-

148. Table 19 above shows that L_{max} noise events greater than or equal to 56 dBA are common at Location 'B' during the night periods. A total of 252 sample 15 – minute periods (night) were analysed, with 158, or 63%, featuring an L_{max} noise event greater than or equal to 56 dBA.

149. An average of 23 L_{max} noise events (out of 36) greater than or equal to 56 dBA were measured over the assessment period for each night period, with an average L_{max} noise level (greater than or equal to 56 dBA) of 73 dBA. As shown in Table 18, the predicted L_{max} noise level from noise associated with residents using the car park driveway at 'R6' is 60 dBA – 13 dB lower than the average.

150. Day Design is of the opinion that due to the existing number and level of the L_{max} noise events greater than or equal to 56 dBA at Location 'B', the L_{max} noise events associated with the development site are not likely to cause sleep disturbance at 'R6', and will therefore be acceptable at all residential receiver locations.

7.4.6 On – Road Traffic

151. The external $L_{eq,\ 1\ hour}$ noise levels at the most affected receiver location, 'R6', from noise associated with on – road traffic travelling on Coolibah Street throughout day and night, are calculated to be as shown below in Table 20.

Table 20 Predicted $L_{eq,\ 1\ hour}$ Noise Levels – On – Road Traffic

Receptor Location	Predicted Noise Level (dBA)	Noise Criterion (dBA)	Compliance - Yes/No
Day – 7 am to 10 pm			
R4	50	55	Yes
Night – 10 pm to 7 am			
R4	46	50	Yes

152. The predicted external levels of noise from on-road traffic are within the day and night time noise criteria as established in Section 6.2.3.4, and are therefore acceptable.

8.0 NOISE CONTROL RECOMMENDATIONS

8.1 Noise Emission Noise Controls

8.1.1 Mechanical Plant & Equipment– Construction Certificate

153. The specifications for the mechanical plant have not yet been selected for this development. For typical mechanical plant equipment with sound power levels not exceeding those listed in Table 13, it is reasonable and feasible to acoustically treat the associated ducting, plant area or equipment itself so that noise will not impact the neighbouring properties.

154. Once mechanical plant and its location has been selected, a detailed acoustic assessment should be made, prior to the issue of a Construction Certificate (or during the detailed design stage) which ensures the use of the mechanical plant will comply with the project specific noise criteria in Section 6.2.3 of this report. We recommend that the mechanical services engineers select mechanical plant equipment with the lowest sound power levels to reduce the amount of acoustic treatment necessary to achieve the noise criteria at nearby residential receivers.

155. We offer to provide detailed noise controls when specifications of the mechanical plant equipment have been finalised.

156. In the following Sections we have provided examples of reasonable noise controls that may be implemented if necessary:

8.1.1.1 General Specifications

157. All mechanical plant including pumps and fans should be vibration isolated from the building structure.

158. The vibration isolators should achieve a minimum static deflection to result in a vibration isolation efficiency of 95% - see attached Datasheet AC901. We recommend that fans mounted on the roof are not located directly above living areas or bedrooms.

8.1.1.2 Carbon Monoxide Monitoring System

159. A carbon monoxide monitoring system may be installed in the car park to activate the exhaust and supply fans only when necessary.

8.1.1.3 Air Conditioning Systems

160. If required to operate during the night, the air conditioning systems may be set to run in silent mode between 10 pm and 7 am.

8.1.1.4 Lined Ductwork

161. Ductwork may be internally lined on the intake or discharge side of the fans with 25 to 50 mm thick insulation (min density 32 kg/m^3), faced with a minimum of 20% open area perforated steel or foil.

8.1.1.5 Silencers

162. Silencers may be installed on the intake and discharge side of the fans, as required.

8.1.2 Basement Roller Door

163. The basement roller door (if required) motor shall be resiliently mounted to the building structure to prevent excessive noise and vibration.

8.1.3 Noise Management Plan – Waste Collection

164. The loading bays for waste collection are located in the Level 1 car park. To ensure the acoustic amenity of the neighbouring residential properties and the residents of the shop top housing development is not adversely affected, we recommend waste collection take place between 7 am and 6 pm, on any given day.

8.2 Recommended Building Construction – Noise Intrusion Noise Controls

165. We have modelled the façades of the shop top housing development and calculated the level of commercial and road traffic noise intrusion through the roof (where required), walls, windows and doors.

166. All calculations are based on the architectural drawings prepared by Architex, dated 7 September 2021, attached as Appendix D.

167. The necessary noise reduction for habitable rooms can be achieved if the following noise control recommendations are complied with, and there are no gaps at construction joints, around plumbing penetrations in external walls, at window sills, door frames, etc., through which sound may penetrate.

8.2.1 Walls

168. In order to reduce the intrusive noise level into the habitable rooms of residential apartments, the external walls on all facades are to achieve a minimum weight sound reduction of R_w 50.

169. Examples of R_w 50 construction are provided below. We recommend the following:

8.2.1.1 Dincel or Similar Construction

170. 155 mm thick Dincel walls consisting of:
    - 155 mm thick Dincel wall; and
    - 64 mm steel studs built 20 mm from the internal side of the wall; and
    - 13 mm plasterboard lining fixed to the studs; and
    - 75 mm thick bulk insulation (min density 11 kg/m^3) installed in the cavity

8.2.1.2 Double Brick Cavity

171. All external walls may be of 110 mm double brick with 50 mm cavity construction.

8.2.1.3 Brick Veneer

172. Brick veneer using 110 mm bricks with an internal 10 mm plasterboard lining on 64 - 92 mm steel studs with bulk insulation (minimum density 11 kg/m^3) installed in the cavity.

173. Brick veneer walls make good sound barriers. However, care must be exercised with brick-veneer walls to minimise sound penetration near the eaves as shown in the attached AC 806-J. Bricklayers should be instructed to ensure the perp-ends are filled and suitable cement-mortar used to eliminate shrinkage gaps during curing.

8.2.1.4 Autoclaved Aerated Concrete Panels

174. Autoclaved Aerated Concrete (AAC) Panels consisting of:
    - 50 mm AAC panels faced with James Hardie Stria or equivalent or 9 mm compressed fibre cement sheeting, fixed to the external side of,
    - 92 mm steel studs,
    - 1 layer of 13 mm fire rated plasterboard with joints overlapped, fixed to the internal side of the studs, with
    - 75 mm bulk insulation (min 24 kg/m^3 density) installed between the studs.

8.2.2 Ceiling and Roof System

175. Ceiling and roof system comprising:
    - The roof of apartments on Level 5 of Blocks A and B and Level 8 of Block C shall be of concrete slab construction;
    - Ceilings under the roof are to comprise 1 layer of 13 mm fire rated plasterboard suspended from the underside of the slab; and
    - 100 mm thick bulk insulation batts (min 11 kg/m^3 density) are to be placed in the ceiling cavity.

8.2.3 Glazed Windows & Doors

176. Normal windows and doors will only reduce outside noise intrusion by approximately 15 to 18 dB.

177. Table 21 specifies minimum sound reduction index (R_w) ratings required for various windows and glazed doors.

178. A typical glazing specification is given in Table 21, however an alternative glazing specification may be used if the R_w is achieved or exceeded.

Table 21 Schedule of Glazed Windows and Door Constructions

Room Description	Min R_w	Typical Glazing Specification
Block A – North West Façade[1] - To reduce L_{AFmax} intrusive noise associated with waste collection during the night time (only)		
Bedrooms –		
• Windows	36	12.5 mm Vlam 'Hush' glass with acoustic seals
• Doors	45	Double glazed system comprising 10.76 mm laminated glass/100 mm air gap/5 mm glass in a sliding frame with acoustic seals
Lounge/Dining –		
• Windows	34	10.38 mm laminated glass with acoustic seals
• Doors	36	12.5 mm Vlam 'Hush' glass with acoustic seals
Block A –Western Façade		
Bedrooms –		
• Windows	32	6.38 mm laminated glass with acoustic seals
• Doors	34	10.38 mm laminated glass with acoustic seals
Lounge/Dining –		
• Windows	29	5 mm glass with acoustic seals
• Doors	32	6.38 mm laminated glass with acoustic seals
Block A – Northern, Eastern and Southern Façade		
Bedrooms –		
• Windows	29	5 mm glass with acoustic seals
• Doors	32	6.38 mm laminated glass with acoustic seals
Lounge/Dining –		
• Windows	29	5 mm glass with acoustic seals
• Doors	30	5 mm glass with acoustic seals

[1] *The location of the Block A – North Western Façade units are shown marked up in Appendix F.*

Table 21 Schedule of Glazed Windows and Door Constructions - Continued

Room Description	Min R_w	Typical Glazing Specification
Block B – Northern, Eastern, Southern and Western Façade		
Bedrooms –		
• Windows	29	5 mm glass with acoustic seals
• Doors	32	6.38 mm laminated glass with acoustic seals
Lounge/Dining –		
• Windows	29	5 mm glass with acoustic seals
• Doors	30	5 mm glass with acoustic seals
Block C – Northern, Eastern and Southern Façades		
Bedrooms –		
• Windows	32	6.38 mm laminated glass with acoustic seals
• Doors	34	10.38 mm laminated glass with acoustic seals
Lounge/Dining –		
• Windows	29	5 mm glass with acoustic seals
• Doors	32	6.38 mm laminated glass with acoustic seals
Block C – Western Façade		
Bedrooms –		
• Windows	29	5 mm glass with acoustic seals
• Doors	32	6.38 mm laminated glass with acoustic seals
Lounge/Dining –		
• Windows	29	5 mm glass with acoustic seals
• Doors	30	5 mm glass with acoustic seals

179. All other windows not mentioned in Table 21 may be of standard construction. This schedule of construction is typical and for general guidance to the architect in preparing final construction drawings and specifications. Other constructions that provide the same or better Sound Transmission Loss performance may also be acceptable.

180. It is most important that any sound leakage paths around the windows be sealed off. We recommend that prior to the fitting of architraves around the windows, the space between the frames and the wall structure be sealed off with polystyrene rod packers and silicone mastic, as shown in the attached datasheet AC809-4C. The window architraves can then be fitted.

181. We recommend a detailed review of the proposed glazing for the development take place prior to the issue of the construction certificate.

8.2.4 Mechanical Ventilation

8.2.4.1 Blocks A and B

182. The highest external noise levels at the northern, southern and western façades of the proposed development is 60 dBA during the day and night.

183. With windows and doors left partially open (20% of the window area) the resultant internal noise levels are typically 10 dB less than the corresponding external noise levels.

184. In this instance, this equates to 50 dBA during the day and night.

185. It can be seen that the acceptable day time noise limit of (40 + 10 =) 50 dBA (with windows and doors partially open) is met for habitable rooms along the northern, southern and western façades however, the night time noise limit of (35 + 10 =) 45 dBA (with windows and doors partially open) is exceeded by up to 5 dB for habitable rooms of the development. As such, mechanical ventilation will be required for this development.

186. Therefore the bedrooms are to be ventilated to the standards set out in clause F4.5 of the Building Code of Australia and Australian Standards AS1668.2:1991.

187. Ventilation may be achieved through an air conditioning system with a fresh air supply, alternatively either of the following vent options may be used in conjunction with a toilet exhaust fan to provide the required ventilation. The toilet exhaust fan will draw air through these vents and thus facilitate ventilation.

8.2.4.2 Block C

188. The highest external noise levels at the eastern façade of the proposed development is 67 dBA during the day and 62 dBA at night.

189. With windows and doors left partially open (20% of the window area) the resultant internal noise levels are typically 10 dB less than the corresponding external noise levels.

190. In this instance, this equates to 57 dBA during the day and 52 dBA at night.

191. It can be seen that the acceptable day time noise limit of (40 + 10 =) 50 dBA (with windows and doors partially open) is exceeded by up to 7 dB inside the living areas and the acceptable night time noise limit of (35 + 10 =) 45 dBA (with windows and doors partially open) is exceeded by up to 7 dB inside the bedrooms.

192. Therefore the bedrooms and living areas are to be ventilated to the standards set out in clause F4.5 of the Building Code of Australia and Australian Standards AS1668.2:1991.

193. Ventilation may be achieved through an air conditioning system with a fresh air supply, alternatively either of the following vent options may be used in conjunction with a toilet exhaust fan to provide the required ventilation. The toilet exhaust fan will draw air through these vents and thus facilitate ventilation.

8.2.5 Construction Disclaimer and Copyright

194. The recommendations in this report have been prepared for the client whose name appears on the first page, and may be copied and distributed as required for this project. However, the principles and recommendations in this report and/or attachments may not be used by a third person without the written permission of Day Design Pty Ltd.

195. Recommendations made in this report are intended to resolve acoustical problems only. We make no claim of expertise in other areas and draw your attention to the possibility that our recommendations may not meet the structural, fire, thermal or other aspects of building construction.

196. We encourage clients to check with us before using materials or equipment that are alternative to those specified in our Acoustical Report.

197. The integrity of acoustic structures is very dependent on installation techniques. For example, a small crack between the top of a wall and a ceiling can reduce the effective sound transmission loss of a wall from R_w 50 to R_w 40. Therefore, the use of contractors that are experienced in acoustic construction is encouraged.

198. Furthermore, two insulation products may have the same thermal R rating but the sound absorption of one may be entirely deficient. As such, the use of materials and equipment that are supported by acoustic laboratory test data is encouraged.

9.0 NOISE IMPACT STATEMENT

199. Day Design Pty Ltd has been engaged by SWAAB on behalf of Hezlett Group Pty Ltd, to prepare an Acoustic Impact Assessment Report to assess the noise emission from and the noise intrusion to the proposed multi-storey shop top housing development at 9-11 Sherwood Road, Merrylands, NSW for the purpose of an Appeal to the Land and Environment Court of New South Wales (LEC) – Hezlett Group Pty Ltd v Cumberland Council, 103440 of 2021.

200. Calculations show that, provided the recommendations in Section 8.1 of this report are implemented, the level of noise emitted by shop top housing development at 9-11 Sherwood Road, Merrylands, NSW, will meet the noise level requirements of the Environment Protection Authority's *Noise Policy for Industry*, *NSW Road Noise Policy* and the *Protection of the Environment Operations (Noise Control) Regulation 2017* and the controls of Cumberland Council's *Holroyd Development Control Plan (DCP) 2013*, as detailed in Section 6.2 of this report, and be considered acceptable.

201. Existing levels of commercial activity noise and road traffic noise have been measured at and adjacent to the development site. We are confident that the noise levels used in our assessment are typical of the average maximum noise levels in this area.

202. Provided the recommendations in Section 8.2 of this report are implemented, the intrusive commercial activity and road traffic noise levels will comply with the internal noise levels specified in Australian Standard AS2107:2016 *"Acoustics – Recommended design sound levels and reverberation times for building interiors",* the *State Environmental Planning Policy (Infrastructure)* 2007, the NSW Department of Planning document *"Development Near Rail Corridors and Busy Roads – Interim Guidelines"* (2008) and the controls of Cumberland Council's *Holroyd Development Control Plan (DCP) 2013*, as detailed in Section 6.3 of this report, and will be considered acceptable.

Adam Shearer, BCT (Audio), MDesSc (Audio & Acoustics), MAAS
Senior Acoustical Consultant
for and on behalf of Day Design Pty Ltd

AAAC MEMBERSHIP

Day Design Pty Ltd is a member company of the Association of Australasian Acoustical Consultants, and the work herein reported has been performed in accordance with the terms of membership.

Attachments:

Appendix A – Adam Shearer CV
Appendix B – Noise Survey Instrumentation
Appendix C1 – Ambient Noise Survey – Ground Floor, Front 28/10-14 Arthur Street, Merrylands (#117)
Appendix C2 – Ambient Noise Survey – Ground Floor, Rear 11 Jowarra Way, Merrylands (#118)
Appendix D – Architectural Drawings
Appendix E – Sample Calculation – Block A and Block B, Level 6 Common Open Space to 'R6'
Appendix F – Architectural Drawings – Markup of Block A North-Western Façade requiring specific noise controls
Datasheet AC901 – *Recommended Static Deflection of Vibration Isolators*

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Curriculum Vitae

Adam Shearer

Adams Shearer is a Senior Acoustical Consultant at Day Design Pty Ltd. Adam has valuable knowledge and experience in the assessment of earthmoving machinery noise, environmental noise, architectural / building acoustics, mechanical services noise and transportation noise control.

Adam manages a wide variety of projects including the acoustical design of schools, child care centres, places of public worship, pubs and clubs, residential, commercial and industrial developments and mechanical services systems. He is competent in the measurement and assessment of noise, and in the design of noise control for such projects, which often require his reports to be submitted to regulatory authorities for approval. Adam also provides advice and evidence as an expert witness for matters listed in the NSW Land and Environment Court.

Adam regularly operates acoustical instrumentation including noise and vibration meters and analyses the data during the course of his work.

Qualifications:

Bachelor of Creative Technology (Audio),
JMC Academy;
Masters of Design Science (Audio & Acoustics),
University of Sydney (2009)

Membership:

Member – Australian Acoustical Society

Professional Experience:

August 2017 - Present
Senior Acoustical Consultant
Day Design Pty Ltd

December 2013 – August 2017
Acoustical Consultant
Day Design Pty Ltd

A short overview of the nature of **Mr Shearer's professional experience** is provided below:

Schools and Child Care Centres:	Schools located at East Leppington, Catherine Fields, Sydney CBD, Harrington Park, Armidale, Balmain, Lake Munmorah, Wahroonga, Ultimo, Castle Hill, Wentworthville, Drummoyne, Canada Bay, Point Claire, Dee Why, Woolwich, Tamworth and Merrylands. Child Care Centres located at Normanhurst, Olympic Park, Wahroonga, Eden, Kogarah, Lindfield, Glendenning, Killara, Middleton Grange, Schofields, Hornsby, Brighton Le Sands, Fairfield, St Leonards, Granville, Mudgee, Willoughby, Gymea, Bexley, Chatswood and Peakhurst.
Hotels/Clubs	Tapavino Restaurant Sydney, Cabra-vale Diggers, Harbord Diggers, St George Hotel, Toukley RSL, Willoughby Hotel, Doonside Hotel, Red Lantern Hotel Eastwood, Tathra Hotel, Woy Woy Bowling Club, Magpies Waitara, Gladesville RSL, Campsie RSL, Club Five Dock and Canterbury Hurlstone Park RSL.
Churches and Places of Worship:	Islamic Prayer Hall at Greenacre, Marsden Park Anglican Church, Eastwood Anglican Church, The Salvation Army at Rouse Hill, Saints in Sydney at Kellyville, St Aidan's Anglican Church at Hurstville Grove, Vine Church at Surry Hills and St Andrews Cathedral in Sydney CBD.
Environmental Noise	Malabar Waste Water Treatment Plant, Kurrajong Zone Substation, Munmorah Substation, Huntingwood Zone Substation, Mount Tomah Communications Facility, Shine Australia The Biggest Loser, Rossi Water Pumping Station, the Smeaton Grange Substation and resource recovery facilities in Kings Park, Somersby and Belmore. Animal facilities located at Kenthurst, North Richmond, Collaroy, Richmond Race Club, Colo Heights, Londonderry, Zetland and Fiddletown.
Mechanical:	New Acland Coal Mine – assessment of earthmoving machinery sound power levels. Residential and commercial mechanical services at Rose Bay, Potts Point, Canada Bay, Willoughby, Bellevue Hill, Bronte, Glebe, Singleton, Chatswood, Surry Hills, Ultimo, Convent Hills and Ryde.

Aircraft Noise:	Assessment of aircraft noise intrusion from Bankstown, Richmond and Sydney Airports. Design and compliance for residential developments in Botany, Mascot, Richmond, Windsor, Annandale, Revesby and Arncliffe.
Traffic Noise:	Design and compliance for residential and commercial developments at Lucas Gardens SSP, Iluka Residential Aged Care Facility, Kiah Residential Development, Fairlight, Pyrmont, West Wollongong, Eastern Creek, Schofields and Box Hill.
Train Noise	Design and compliance for residential and commercial developments at Kiama, Gosford, Revesby, Granville, Belmore, Haywards Bay, Miranda and Thirlmere.
Hearing Loss Assessments:	B&M Quality Meats at Umina, Wyong Rugby League Club at Kanwal, Belmont Golf Club at Marks Point, Hengl Transport at Beresfield, Hancock Sheetmetal at Lambton, Australian Timber Shutters at Berkeley Vale, Punchbowl Bus Co at Riverwood, MET Grono Transport at Ballina, Volvo Group Australia at Beresfield, Flamesafe Fire Protection at Rydalmere, Hunter Valley Buses at Hunter Valley and Integrated Steel Mill Services at Newcastle.
Occupational Noise	ARV Laundry at Glendenning, RBM Plastic Extrusions at Silverwater.
Legal Assignments	ArtMade Architectural Pty Ltd v Willoughby City Council, Child Care Centre. Seventh Street Ventures Pty Ltd v Willoughby City Council, Child Care Centre. Omid Mohebati-Arani v Ku-ring-gai Council, Child Care Centre. Antoniou v Bayside Council, Child Care Centre.

NOISE SURVEY INSTRUMENTATION

Noise level measurements and analysis in this report were made with instrumentation as follows:

Table A Noise Survey Instrumentation

Description	Model No	Serial No
Infobyte Noise Logger (Type 2) Condenser Microphone 0.5" diameter	iM4 MK 250	117 117
Infobyte Noise Logger (Type 2) Condenser Microphone 0.5" diameter	iM4 MK 250	118 118
NTi Audio Noise Logger (Class 1) NTi Microphone NTi Preamplifier	XL2 MC2230 MA220	A2A–17636–E0 8928 A18306
Modular Precision Sound Analyser Condenser Microphone 0.5" diameter	B&K 2270 B&K 4189	302 9510 327 8923
Modular Precision Sound Analyser Condenser Microphone 0.5" diameter Condenser Microphone 0.5" diameter	B&K 2270 B&K 4189 B&K 4189	264 4584 263 8722 279 1662
Acoustical Calibrator	B&K 4231	302 1796
Acoustical Calibrator	B&K 4231	302 6008

An environmental noise logger is used to continuously monitor ambient noise levels and provide information on the statistical distribution of noise during an extended period of time. The Infobyte Noise Monitor iM4s are Type 1 and Type 2 precision environmental noise monitor meeting all the applicable requirements of AS1259 for an integrating-averaging sound level meter.

An audio noise logger is used to continuously monitor ambient noise levels and audio wav files. It provides information on the statistical distribution of noise during an extended period of time. The NTi XL2 Noise Monitor is a Class 1 precision sound level meter housed inside a weather resistant enclosure. All meters comply with the applicable requirements of AS IEC 61672.1:2004 "Electroacoustics – Sound Level Meters" and are suitable for field use.

The B&K 2270 Sound Analyser is a real-time precision integrating sound level meters with octave and third octave filters, that sample noise at a rate of 10 samples per second and provides L_{eq} and L_{90}, L_{10} noise levels using both Fast and Slow response and L_{peak} noise levels on Impulse response time settings. The meters are frequency weighted to provide dBA, dBC or Linear sound pressure level readings as required.

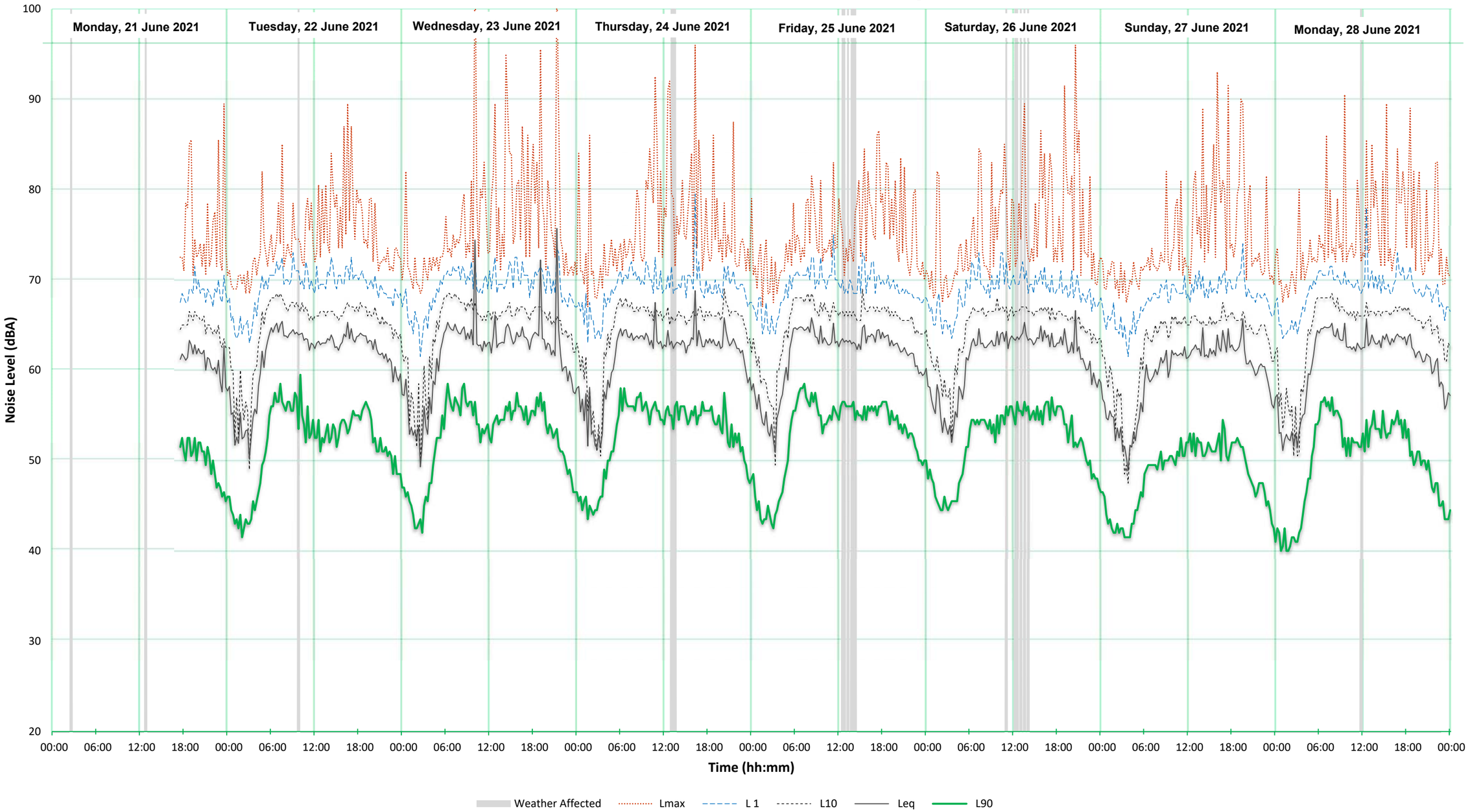
All instrument systems had been laboratory calibrated using instrumentation traceable to Australian National Standards and certified within the last two years thus conforming to Australian Standards. The measurement system was also field calibrated prior to and after noise surveys. Calibration drift was found to be less than 0.5 dB during attended and 1 dB during unattended measurements. No adjustments for instrument drift during the measurement period were warranted.

DRAFT
Not for Submission

AMBIENT NOISE SURVEY

7255-1
Appendix C1

Located at Front Yard, 28/10-14 Arthur Street, Merrylands West, NSW



SECTION 4.55

PROPOSED SHOP TOP HOUSING DEVELOPMENT

SITE AREA

LOT 1
Site Area = 3,171.4 sq m
Floor Area = 6,750.34 sq m
F.S.R = 2.12:1

LOT 101
Site Area = 563.2 sq m
Floor Area = 1,422.01 sq m
F.S.R = 2.52:1

TOTAL Private Common Open Space Area	=	1,162.88 sq m (31.1%)
TOTAL Public Open Space Area	=	992.45 sq m (26.57%)
TOTAL Landscaped Area	=	910.25 sq m (24.37%)

F.S.R CALCULATIONS

	Lot 1 Area = 3,171.4 sq.m	Lot 101 Area = 563.2 sq.m
Level 1	99.28 sq.m	
Level 2	1,192.46 sq.m	132.58 sq.m
Level 3	1,405.5 sq.m	225.11 sq.m
Level 4	1,405.5 sq.m	225.11 sq.m
Level 5	1,358.6 sq.m	225.11 sq.m
Level 6	433.0 sq.m	204.7 sq.m
Level 7	428.0 sq.m	204.7 sq.m
Level 8	428.0 sq.m	204.7 sq.m
Proposed GFA	6,750.34 sq.m	1,422.01 sq.m
Proposed FSR	2.12:1	2.52:1

RETAIL AREAS

Retail 1	62.40 sq.m
Retail 2	103.28 sq.m
Retail 3	165.10 sq.m
Retail 4	132.58 sq.m
Proposed GFA	463.36 sq.m

SPACE PROVISIONS

	Residents car spaces	Residents Adaptable car spaces	Visitors car spaces	Commercial Parking for Business/Retail Premises/Tenancies	TOTAL CAR SPACES	Storage spaces	Loading Bays	Bicycle Parking
Basement 1	71	11	0	0	82	45	0	46
Level 1	10	2	18	33	63	24	2	24
PROPOSED TOTAL.	94		18	33	145	69	2	70

SOLAR ACCESS & CROSS VENTILATION

Description	Total
Number of Units with living areas receiving 2 hours minimum solar access on 21st June	78 (86.6%)
Number of Units with 0 solar access	9 (10%)
Number of Units with cross ventilation	71 (78.8%)

UNIT BREAKDOWN

	1 Bed	2 Bed	2 Bed + Study	3 bed	TOTAL	Commercial
Level 1						1
Level 2	1	3		5	9	3
Level 3	1	16	1	1	19	
Level 4	1	16	1	1	19	
Level 5	3	16			19	
Level 6	2	6			8	
Level 7	2	6			8	
Level 8	2	6			8	
TOTAL	12	69	2	7	90	4
%	13.4%	76.7%	2.2%	7.7%		

Adaptable Units - 02, 03, 11, 15, 18, 22, 26, 29, 32, 33, 34, 37, 40
TOTAL = 13 units

ISSUE GG - AMENDMENTS - 30.06.21
1. Site Calculations & Unit Breakdown Amended as a result of the Units being removed from Level 6 Block B
2. Car parking provision amended

ISSUE HH - AMENDMENTS - 17.08.21
1. Site Calculations amended.
2. FSR Calculations amended.
3. Solar Access Calculation amended.
4. Car parking provision amended

ISSUE II - AMENDMENTS - 07.09.21
1. Site Calculations amended.
2. FSR Calculations amended.
3. Solar Access Calculation amended.
4. Car parking provision amended
5. Retail Areas amended
6. Drawing 24a - Driveway Section & Site Details added.

DRAWING LIST

. 00	Site Analysis	
. 01	Basement Level 1	1:400 @A3
. 02	Level 1	1:400 @A3
. 03	Level 2	1:400 @A3
. 04	Level 3	1:400 @A3
. 05	Level 4	1:400 @A3
06	Level 5	1:400 @A3
. 07	Level 6	1:400 @A3
. 08	Level 7 & 8	1:400 @A3
. 09	Roof Level	1:400 @A3
. 10	East Elevation Sherwood Road	1:200 @A3
. 11	West Elevation Coolibah Street	1:200 @A3
. 12	North - South Elevations	1:400 @A3
. 13	Site Elevations	1:200 @A3
13a	Site Elevations 2	1:200 @A3
13b	Building Height Details	1:200 @A3
. 14	Site Sections	1:400 @A3
. 15	Units Layouts	1:100 @A3
. 16	Units Layouts	1:100 @A3
. 17	Units Layouts	1:100 @A3
. 18	Units layouts	1:100 @A3
. 19	Shadow Diagram 9 am - 21st June	1:500 @A3
. 20	Shadow diagram 12 noon - 21st June	1:500 @A3
. 21	Shadow Diagram 3 pm - 21st June	1:500 @A3
. 22	Prelim Model Images and Building Height Plane	Varies
. 23	Demolition Plan	1:400 @A3
. 24	Ramp Details	1:100 @A3
24a	Driveway Section & Site Details	Varies
. 25	Waste Management Plan & Mailbox Details	Varies
. 26	FSR Calculation Diagrams	1:1000 @A3
. 27	3D Shadow Diagrams - Coolibah Hotel	Varies
. 28	Solar Access - Level 2	1:400 @A3
. 29	Solar Access - Level 3	1:400 @A3
. 30	Solar Access - Level 4	1:400 @A3
. 31	Solar Access - Level 5	1:400 @A3
. 32	Solar Access - Level 6	1:400 @A3
. 33	Solar Access - Level 7	1:400 @A3
. 34	Solar Access - Level 8	1:400 @A3
. 35	Sections - Sewer Pipe Clearance	1:100 @A3
. 36	Section - Sewer Pipe/Shaft Detail	1:50 @A3
37	Massing 3D - Approved vs Proposed	Varies
38	Private Common & Public Open Space Diagram	1:400 @A3
39	3D Building Height Plane	1:400 @A3
40	Substation Details	1:100 @A3
41	Substation Details 2	1:100 @A3



9 Sherwood Road, Merrylands

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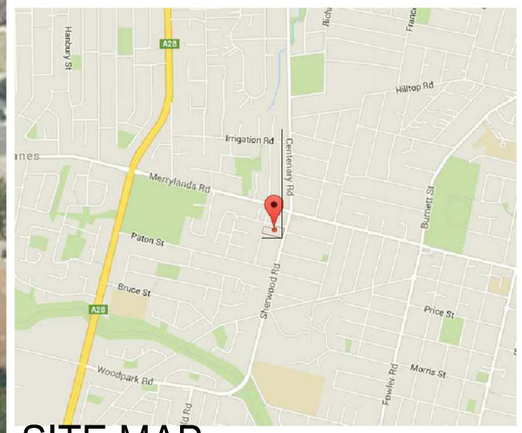
ryleton pty ltd t/as architex
abn 32 003 315 142

0 m 1 2m 5m



SITE ANALYSIS
1:500



SITE MAP
not to scale

Issue	Issue description	Date
A	Development Application	03-05-16

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SECTION 4.55

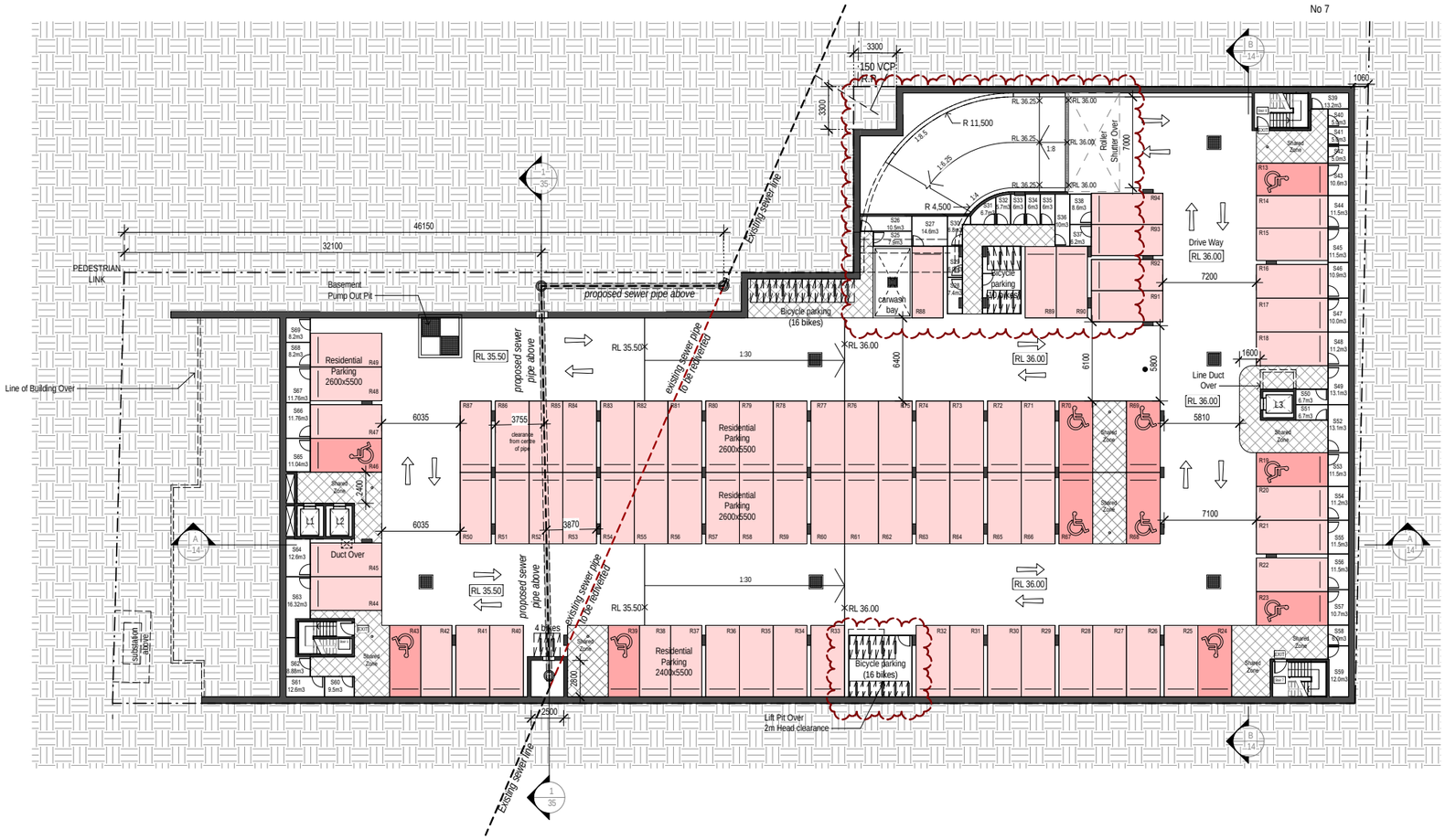
Project
PROPOSED SHOP TOP HOUSING DEVELOPMENT

Project Address
9 Sherwood Road, Merrylands

Client
.

Title
Site Analysis

Drawn	Scale	Checked
Author	1 : 500	Checker
Job No	Drawing No.	Issue
2220	.00	A



1 Basement Level 1
1:400 @A3

R Residential Parking Spaces 2600x5500mm

V Residential Visitor Parking Spaces 2600x5500mm

C Commercial Parking for Business/Retail Premises/Tenancies 2600x5500mm

0 m 2 4m 10m

True Northpoint

Do not scale, check and verify all dimensions before commencing new work, ground levels may vary due to site conditions.

Note:
Storage areas to be provided with an alarm system.

PREVIOUS AMENDMENTS
1. Parking Allocation Amended
ISSUE EE - AMENDMENTS - 30.06.21
1. Lift 1 extend to Basement Level 1 2. Bicycle Parking relocated to Basement Level 1 from Level 1
ISSUE FF - AMENDMENTS - 17.08.21
1. Lifts 4 & 5 relocated. 2. Bicycle Parking and storage amended. 3. Ramp widened.
ISSUE GG - AMENDMENTS - 17.09.21
1. Lifts 4 & 5 relocated. 2. Bicycle Parking and storage amended. 3. Ramp widened.

SERVICES LEGEND

- Services Duct
- Car Park / Kitchen Exhaust (penetration)
- Electrical Cupboard
- Communications Cupboard / Services
- Gas & Cold Water Cupboard / Services

Issue	Issue description	Date
GG	Amendments to address Council Issues	07.09.21
FF	Amendments to address Council Issues	17.08.21
EE	Residential Units on Block B Level 6 removed, Lift 1 Extended to Basement Level 1, Commercial Plaza to lift & Pedestrian Path added to Level 1, Bin Store details added on every level + General Amendments	30.06.21
DD	Amendments to address Traffic Comments	17.02.21
CC	Amendments to address Traffic Comments, Floor Levels Amended & Neighbouring building seperation information added	16.02.21

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Nominated Architect:
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email@architex.com.au
www.architex.com.au
Robert Del Pizzo
NSW Reg. No. 3972

SECTION 4.55

Project
PROPOSED SHOP TOP HOUSING DEVELOPMENT

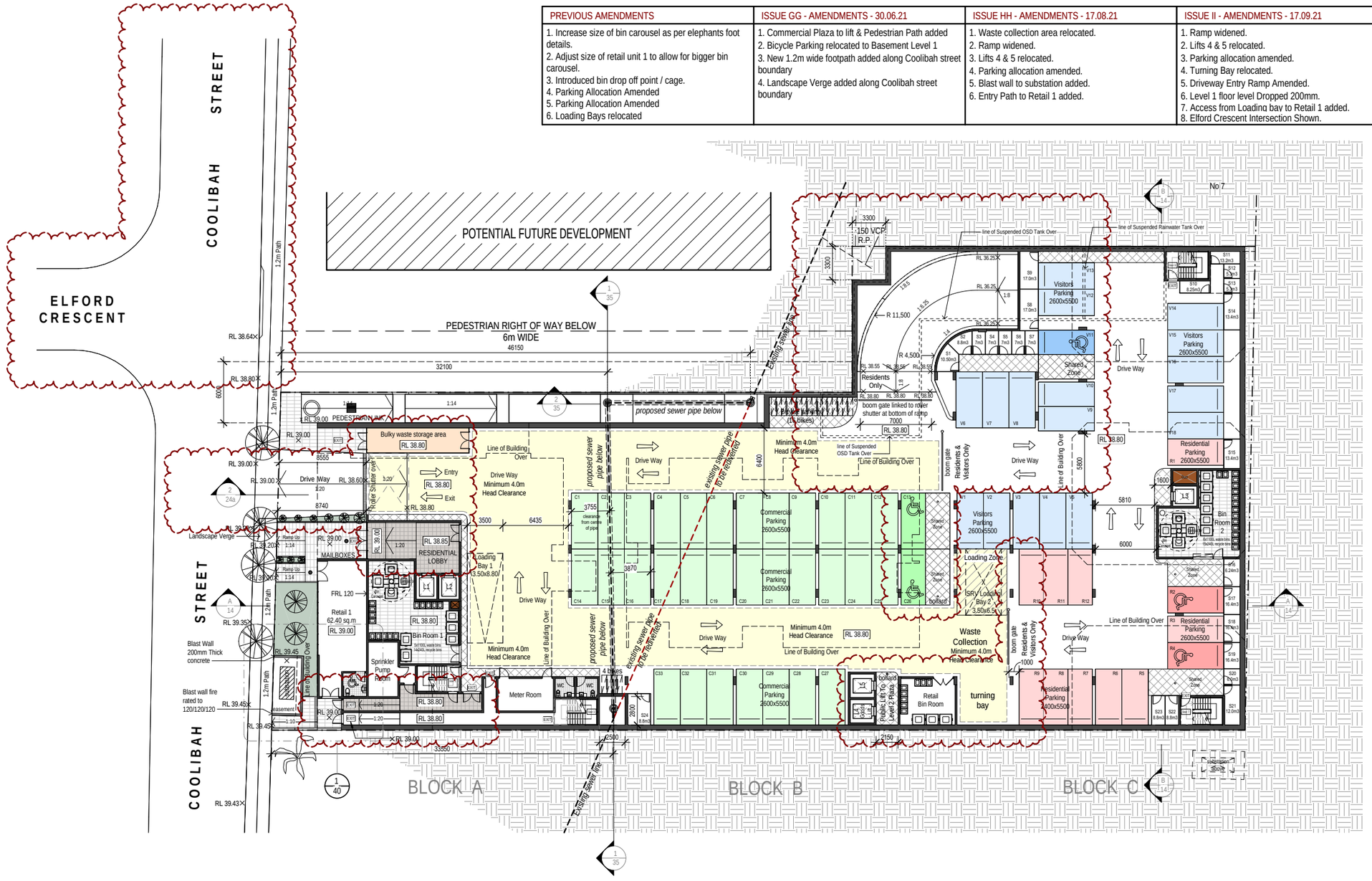
Project Address
9 Sherwood Road, Merrylands

Client
.

Title
Basement Level 1

Drawn	Scale	Checked
AS	1:400 @A3	
Job No	Drawing No.	Issue
2220	.01	GG

PREVIOUS AMENDMENTS	ISSUE GG - AMENDMENTS - 30.06.21	ISSUE HH - AMENDMENTS - 17.08.21	ISSUE II - AMENDMENTS - 17.09.21
1. Increase size of bin carousel as per elephants foot details. 2. Adjust size of retail unit 1 to allow for bigger bin carousel. 3. Introduced bin drop off point / cage. 4. Parking Allocation Amended 5. Parking Allocation Amended 6. Loading Bays relocated	1. Commercial Plaza to lift & Pedestrian Path added 2. Bicycle Parking relocated to Basement Level 1 3. New 1.2m wide footpath added along Coolibah street boundary 4. Landscape Verge added along Coolibah street boundary	1. Waste collection area relocated. 2. Ramp widened. 3. Lifts 4 & 5 relocated. 4. Parking allocation amended. 5. Blast wall to substation added. 6. Entry Path to Retail 1 added.	1. Ramp widened. 2. Lifts 4 & 5 relocated. 3. Parking allocation amended. 4. Turning Bay relocated. 5. Driveway Entry Ramp Amended. 6. Level 1 floor level Dropped 200mm. 7. Access from Loading bay to Retail 1 added. 8. Elford Crescent Intersection Shown.


ELFORD CRESCENT
COOLIBAH STREET
COOLIBAH STREET
POTENTIAL FUTURE DEVELOPMENT
PEDESTRIAN RIGHT OF WAY BELOW
6m WIDE
46150
32100
1.2m Path
RL 38.64
RL 38.80
RL 39.00
RL 39.00
RL 39.00
RL 39.00
RL 39.20
RL 39.20
RL 39.35
RL 39.45
RL 39.45
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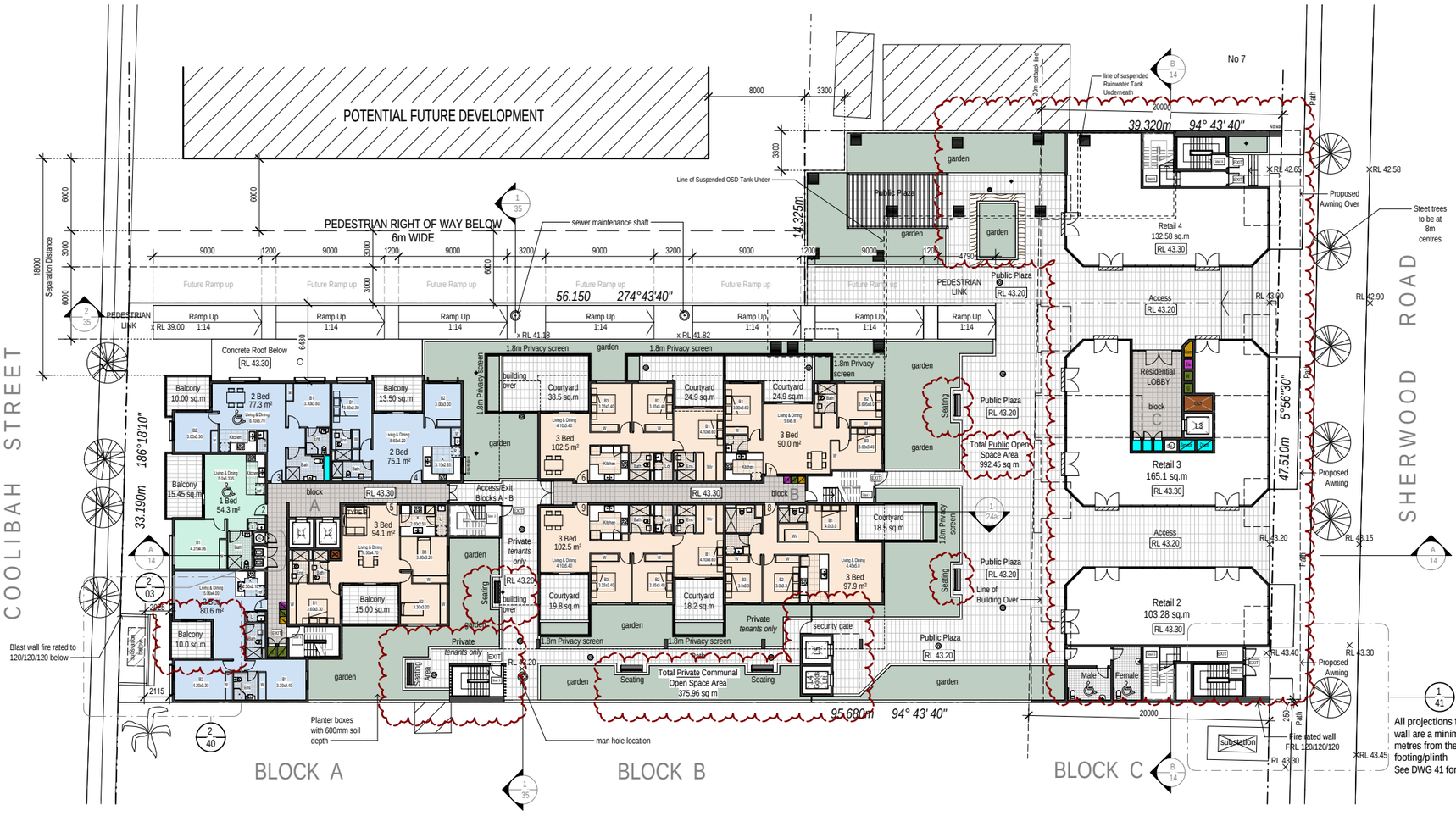
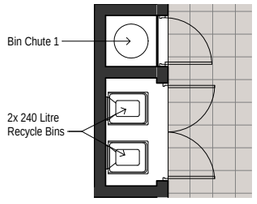
RL 39.43
RL 38.60
RL 38.80
RL 38.85
RL 39.00
RL 38.80
RL 38.80
RL 38.80



1 Level 2
1:400 @A3



2 Level 2 Block A - Bin Store Details
1:100 @A3

All projections from external wall are a minimum of 3 metres from the substation footing/plinth
See DWG 41 for details

0 m 2 4m 10m

True Northpoint

Do not scale, check and verify all dimensions before commencing new work, ground levels may vary due to site conditions.

Note:
Storage areas to be provided with an alarm system.

Note:
Mailboxes to be provided with tubular key locks

1 Bedroom
2 Bedroom
3 Bedroom

SERVICES LEGEND
Services Duct
Car Park / Kitchen Exhaust (penetration)
Electrical Cupboard
Communications Cupboard / Services
Gas & Cold Water Cupboard / Services

Issue	Issue descrption	Date
HH	Amendments to address Council Issues	07.09.21
GG	Amendments to address Council Issues	17.08.21
FF	Residential Units on Block B Level 6 removed, Lift 1 Extended to Basement Level 1, Commercial Plaza to lift & Pedestrian Path added to Level 1, Bin Store details added on every level + General Amendments	30.06.21
EE	Substation Details Amended + Awning to sherwood Road Amended	22.04.21
DD	Substation Details Added	19.04.21

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www.architex.com.au
Robert Del Pizzo
NSW Reg. No. 3972

PREVIOUS AMENDMENTS	ISSUE FF - AMENDMENTS - 30.06.21	ISSUE HH - AMENDMENTS - 17.09.21
1. Move Building A+B back to be in 6.0m setback 2. Corner units in Block A+B amended. 3. Privacy screen removed from bedrooms and balconies. 4. Glass louvre windows added for improvements to cross ventilation to all Buildings. 5. Windows added for improvements to cross ventilation in Block C. 6. Blade walls reduced to improve Solar access. 7. 6.0m setbacks shown on all plans. 8. Substation Relocated 9. Block B Units Amended 10. Service Ducts Added 11. Lifts 4 & 5 Amended 12. Floor Levels Amended	1. Courtyards to Units in Block B amended 2. Didsabled Male & Female bathrooms added 3. Retail 2 Amended 4. Fire rated Wall & Awning notes added along Sherwood Road Boundary 5. Bin Store Detail added 6. Gas + Water cupboard relocated	1. Lifts 4 & 5 relocated. 2. Security Gate added to seperate Private Communal open space & Public open space. 3. Retail Areas Amended. 4. Outdoor Seating Areas added. 5. Unit 1 Balcony Amended.
	ISSUE GG - AMENDMENTS - 17.08.21	
	1. Lifts 4 & 5 relocated. 2. Blast wall to substation added. 3. Courtyards to Block B amended. 4. Unit 1 amended.	

SECTION 4.55

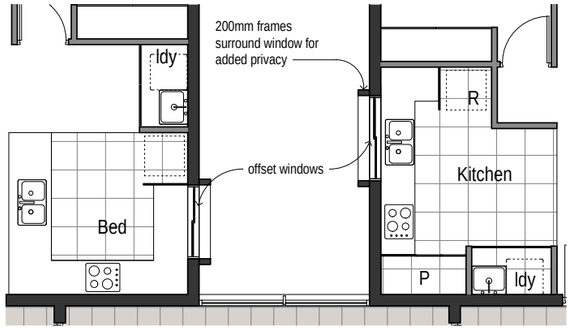
Project
PROPOSED SHOP TOP HOUSING DEVELOPMENT

Project Address
9 Sherwood Road, Merrylands

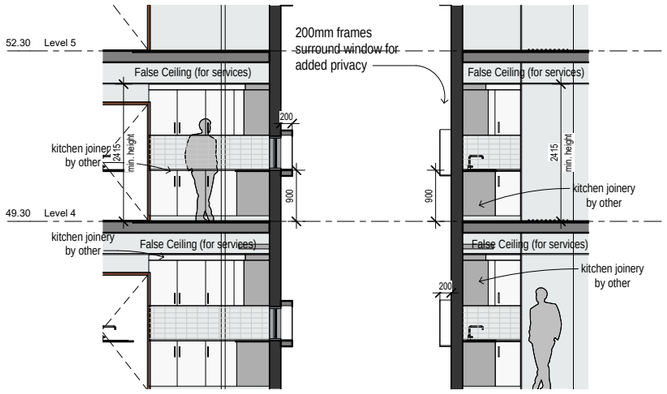
Client
.

Title
Level 2

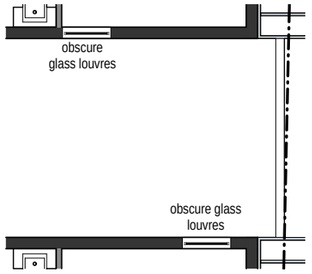
Drawn	Scale	Checked
AS	1:400 @A3	
Job No	Drawing No.	Issue
2220	.03	HH



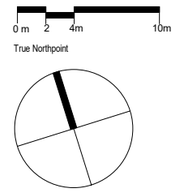
③ Typical Kitchen Windows offset
1 : 50



④ Typical section through Kitchens
1 : 50



② Typical Windows offset
1 : 50

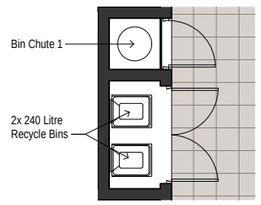


Do not scale, check and verify all dimensions before commencing new work, ground levels may vary due to site conditions.

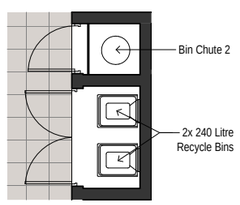


All projections from external wall are a minimum of 3 metres from the substation footing/plinth
See DWG 41 for details

① Level 3
1:400 @A3



⑤ Level 3 Block A - Bin Store Details
1 : 50
1:100 @A3



⑥ Level 3 Block C - Bin Store Details
1:100 @A3

1 Bedroom
2 Bedroom
3 Bedroom

SERVICES LEGEND
- Services Duct
- Car Park / Kitchen Exhaust (penetration)
- Electrical Cupboard
- Communications Cupboard / Services
- Gas & Cold Water Cupboard / Services

Issue	Issue description	Date
EE	Amendments to address Council Issues	07.09.21
DD	Residential Units on Block B Level 6 removed, Lift 1 Extended to Basement Level 1, Commercial Plaza to lift & Pedestrian Path added to Level 1, Bin Store details added on every level + General Amendments	30.06.21
CC	Amendments to address Traffic Comments, Floor Levels Amended & Neighbouring building seperation information added	16.02.21
BB	Amendments to address Traffic Comments	19.01.21

PREVIOUS AMENDMENTS	ISSUE DD - AMENDMENTS - 30.06.21
1. Move Building A+B back to be in 6.0m setback 2. Corner units in Block A+B amended. 3. Privacy screen removed from bedrooms and balconies. 4. Glass louvre windows added for improvements to cross ventilation to all Buildings. 5. Windows added for improvements to cross ventilation in Block C. 6. Blade walls reduced to improve Solar access. 7. 6.0m setbacks shown on all plans. 8. Service Ducts Added 9. Floor Levels Amended 10. Substation Relocated	1. Bin Store Details added 2. Gas + Water cupboard relocated **ISSUE EE - AMENDMENTS - 17.09.21** 1. Windows added to Unit 18 - Level 3 & Unit 29 - Level 4.

SECTION 4.55

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Robert Del Pizzo
NSW Reg. No. 3972

Project
PROPOSED SHOP TOP HOUSING DEVELOPMENT

Project Address
9 Sherwood Road, Merrylands

Client
.

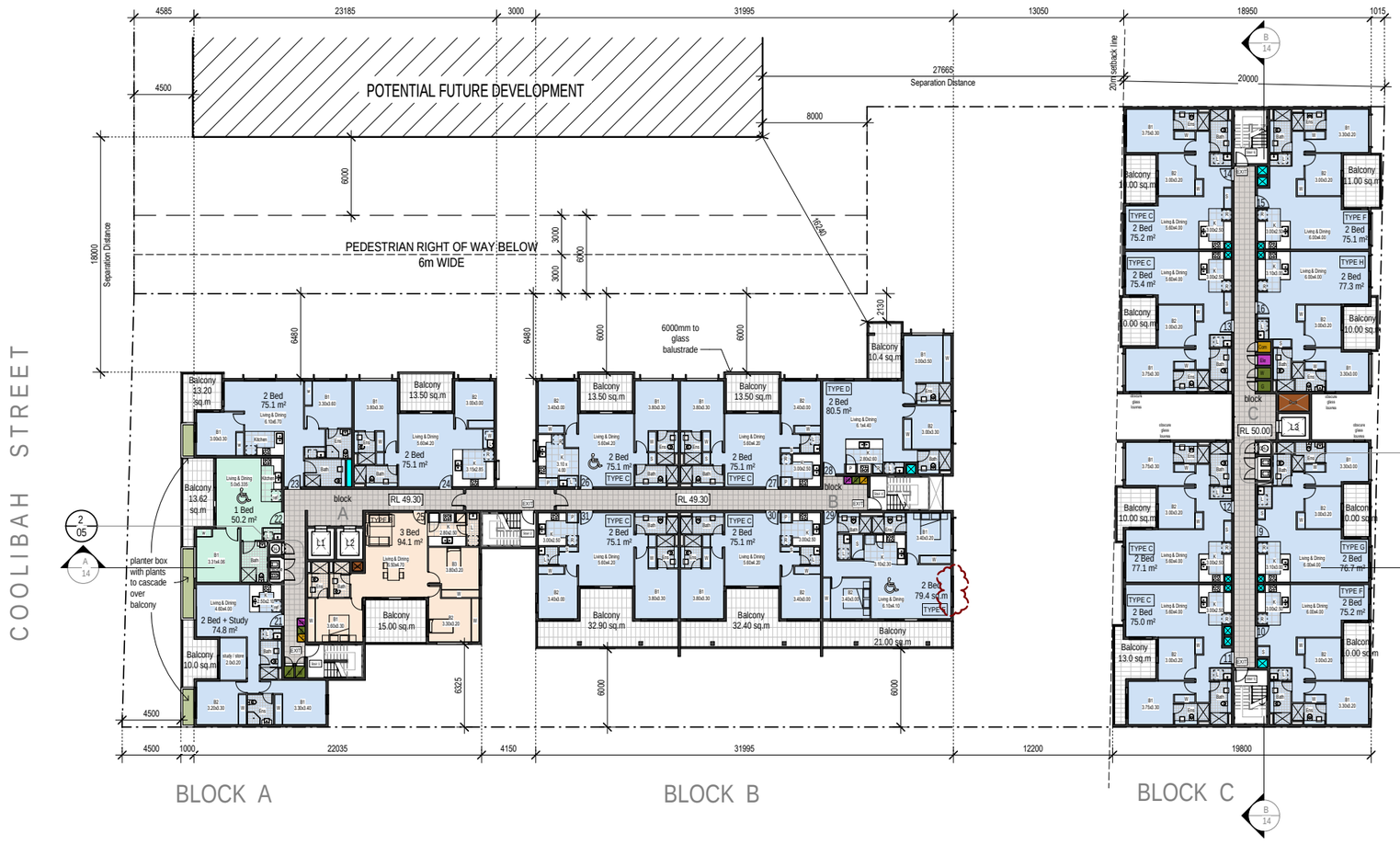
Title
Level 3

Drawn	Scale	Checked
AS	1:400 @A3	
Job No	Drawing No.	Issue
2220	.04	EE

0 m 2 4m 10m

True Northpoint

Do not scale, check and verify all dimensions before commencing new work, ground levels may vary due to site conditions.

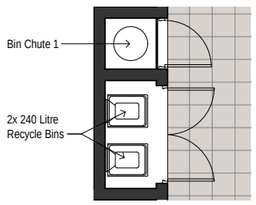


1 Level 4
1:400 @A3

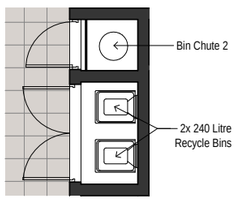
1 Bedroom
2 Bedroom
3 Bedroom

SERVICES LEGEND

- Services Duct
- Car Park / Kitchen Exhaust (penetration)
- Electrical Cupboard
- Communications Cupboard / Services
- Gas & Cold Water Cupboard / Services



2 Level 4 Block A - Bin Store Details
1:100 @A3



3 Level 4 Block C - Bin Store Details
1:100 @A3

Issue	Issue description	Date
EE	Amendments to address Council Issues	07.09.21
DD	Residential Units on Block B Level 6 removed, Lift 1 Extended to Basement Level 1, Commercial Plaza to lift & Pedestrian Path added to Level 1, Bin Store details added on every level + General Amendments	30.06.21
CC	Amendments to address Traffic Comments, Floor Levels Amended & Neighbouring building seperation information added	16.02.21
BB	Amendments to address Traffic Comments	19.01.21

PREVIOUS AMENDMENTS	ISSUE DD - AMENDMENTS - 30.06.21
1. Move Building A+B back to be in 6.0m setback 2. Corner units in Block A+B amended. 3. Privacy screen removed from bedrooms and balconies. 4. Glass louvre windows added for improvements to cross ventilation to all Buildings. 5. Windows added for improvements to cross ventilation in Block C. 6. Blade walls reduced to improve Solar access. 7. 6.0m setbacks shown on all plans. 8. Service Ducts Added 9. Floor Levels Amended 10. Substation Relocated	1. Bin Store Details added 2. Gas + Water cupboard relocated **ISSUE EE - AMENDMENTS - 17.09.21** 1. Windows added to Unit 18 - Level 3 & Unit 29 - Level 4.

SECTION 4.55

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Robert Del Pizzo
NSW Reg. No. 3972

Project
PROPOSED SHOP TOP HOUSING DEVELOPMENT

Project Address
9 Sherwood Road, Merrylands

Client
.

Title
Level 4

Drawn	Scale	Checked
AS	1:400 @A3	
Job No	Drawing No.	Issue
2220	.05	EE

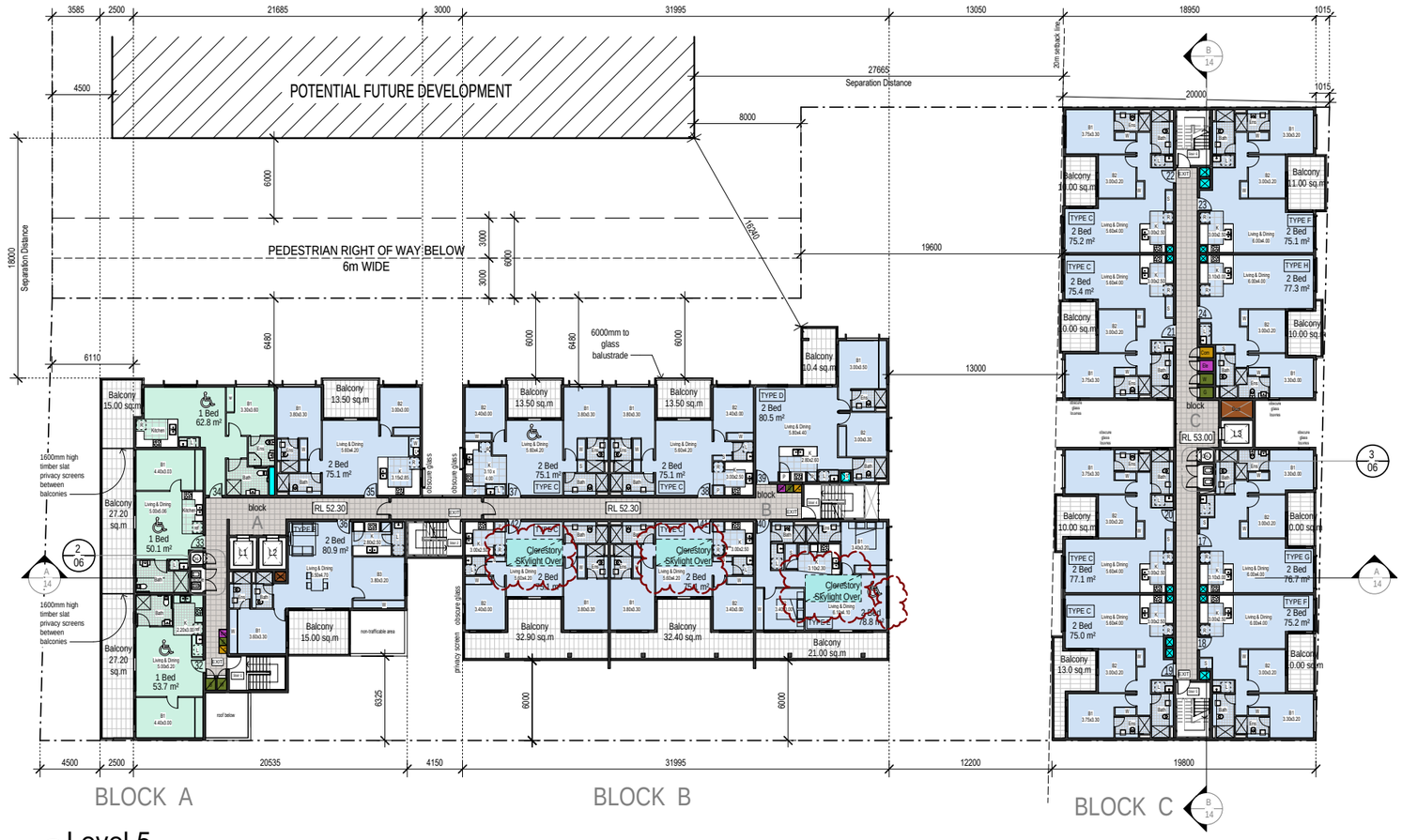
0 m 2 4m 10m

True Northpoint

Do not scale, check and verify all dimensions before commencing new work, ground levels may vary due to site conditions.

COOLIBAH STREET

SHERWOOD ROAD



1 Level 5
1:400 @A3

1 Bedroom

2 Bedroom

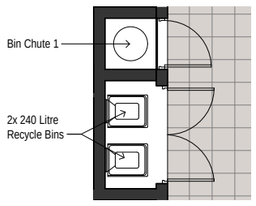
3 Bedroom

Clerestory Skylight Over - 4200 x 2000

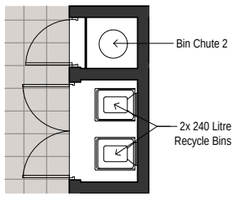
SERVICES LEGEND

- Services Duct
- Car Park / Kitchen Exhaust (penetration)
- Electrical Cupboard
- Communications Cupboard / Services
- Gas & Cold Water Cupboard / Services

Issue	Issue description	Date
EE	Amendments to address Council Issues	07.09.21
DD	Residential Units on Block B Level 6 removed, Lift 1 Extended to Basement Level 1, Commercial Plaza to lift & Pedestrian Path added to Level 1, Bin Store details added on every level + General Amendments	30.06.21
CC	Amendments to address Traffic Comments, Floor Levels Amended & Neighbouring building seperation information added	16.02.21
BB	Amendments to address Traffic Comments	19.01.21



2 Level 5 Block A - Bin Store Details
1:100 @A3



3 Level 5 Block C - Bin Store Details
1:100 @A3

PREVIOUS AMENDMENTS	ISSUE DD - AMENDMENTS - 30.06.21
1. Move Building A+B back to be in 6.0m setback 2. Corner units in Block A+B amended. 3. Privacy screen removed from bedrooms and balconies. 4. Glass louvre windows added for improvements to cross ventilation to all Buildings. 5. Windows added for improvements to cross ventilation in Block C. 6. Blade walls reduced to improve Solar access. 7. 6.0m setbacks shown on all plans. 8. Service Ducts Added 9. Floor Levels Amended	1. Bin Store Details added 2. Gas + Water cupboard relocated 3. Skylights relocated to level 5 Block B Units as a result of the Units being removed from Level 6 Block B **ISSUE EE - AMENDMENTS - 17.09.21** 1. Window Added to Unit 40. 2. Clerestory Skylights added to Units 40, 41 & 42.

SECTION 4.55

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NSW Reg. No. 3972

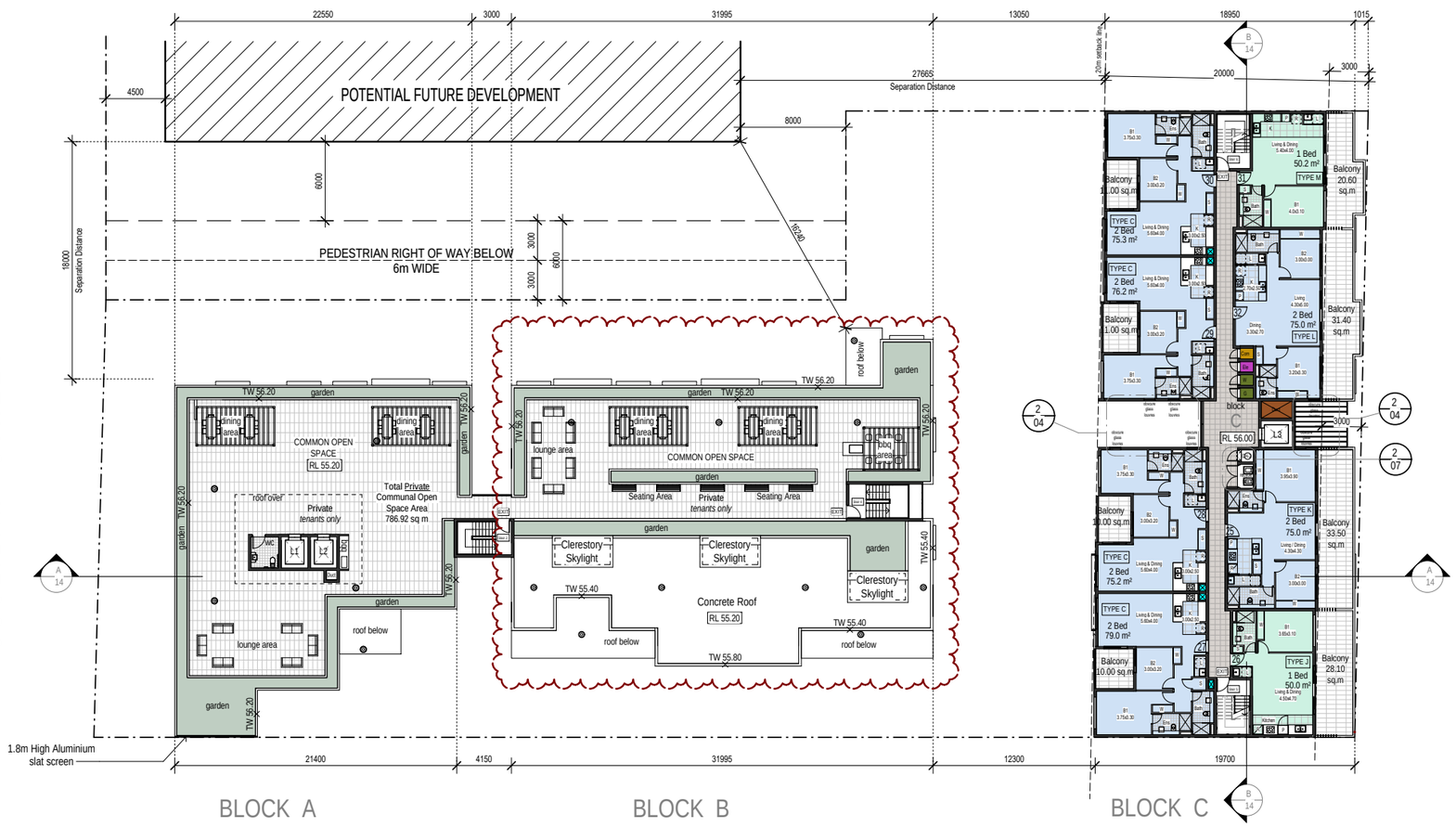
Project
PROPOSED SHOP TOP HOUSING DEVELOPMENT

Project Address
9 Sherwood Road, Merrylands

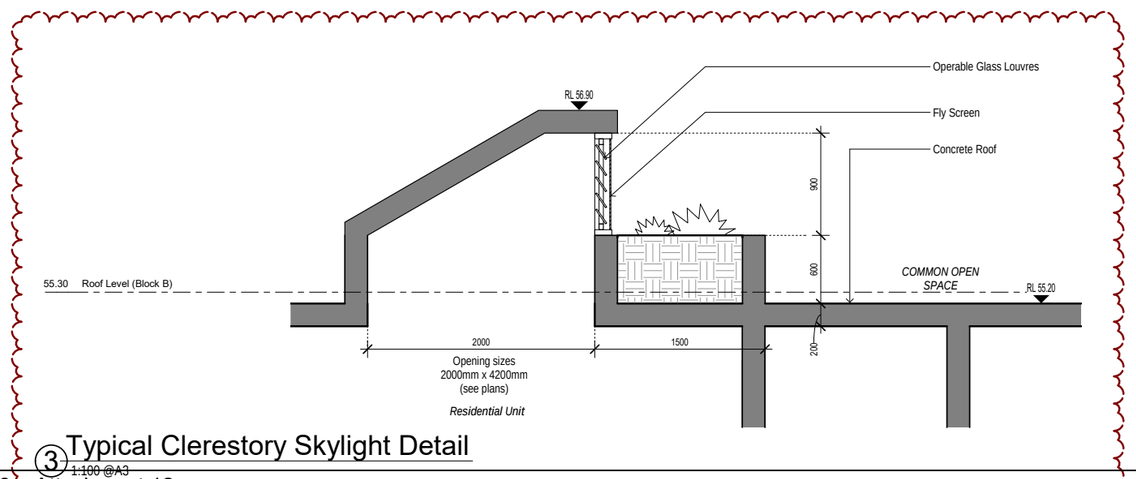
Client
.

Title
Level 5

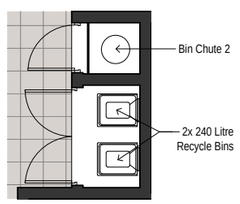
Drawn	Scale	Checked
AS	1:400 @A3	
Job No	Drawing No.	Issue
2220	06	EE



1 Level 6
1:400 @A3



3 Typical Clerestory Skylight Detail
1:100 @A3



2 Level 6 Block C - Bin Store Details
1:100 @A3

PREVIOUS AMENDMENTS	ISSUE DD - AMENDMENTS - 30.06.21
1. Move Building A+B back to be in 6.0m setback 2. Corner units in Block A+B amended. 3. Privacy screen removed from bedrooms and balconies. 4. Glass louvre windows added for improvements to cross ventilation to all Buildings. 5. Windows added for improvements to cross ventilation in Block C. 6. Blade walls reduced to improve Solar access. 7. 6.0m setbacks shown on all plans. 8. Units Added To Block B Level 6. 9. Common Open space added to Block A Roof 10. Service Ducts Added 11. Floor Levels Amended	1. Residential Units on Block B Level 6 removed 2. Bin Store Details added **ISSUE EE - AMENDMENTS - 17.09.21** 1. Rooftop Communal Open space extended over northside of Block B. 2. Clerestory Skylights added to Units below. 3. Clerestory Skylights detail added.

SECTION 4.55

0 m 2 4m 10m

True Northpoint

Do not scale, check and verify all dimensions before commencing new work, ground levels may vary due to site conditions.

1 Bedroom
2 Bedroom
3 Bedroom

SERVICES LEGEND
- Services Duct
- Car Park / Kitchen Exhaust (penetration)
- Electrical Cupboard
- Communications Cupboard / Services
- Gas & Cold Water Cupboard / Services

Issue	Issue description	Date
EE	Amendments to address Council Issues	07.09.21
DD	Residential Units on Block B Level 6 removed, Lift 1 Extended to Basement Level 1, Commercial Plaza to lift & Pedestrian Path added to Level 1, Bin Store details added on every level + General Amendments	30.06.21
CC	Amendments to address Traffic Comments, Floor Levels Amended & Neighbouring building seperation information added	16.02.21
BB	Amendments to address Traffic Comments	19.01.21

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NSW Reg. No. 3972

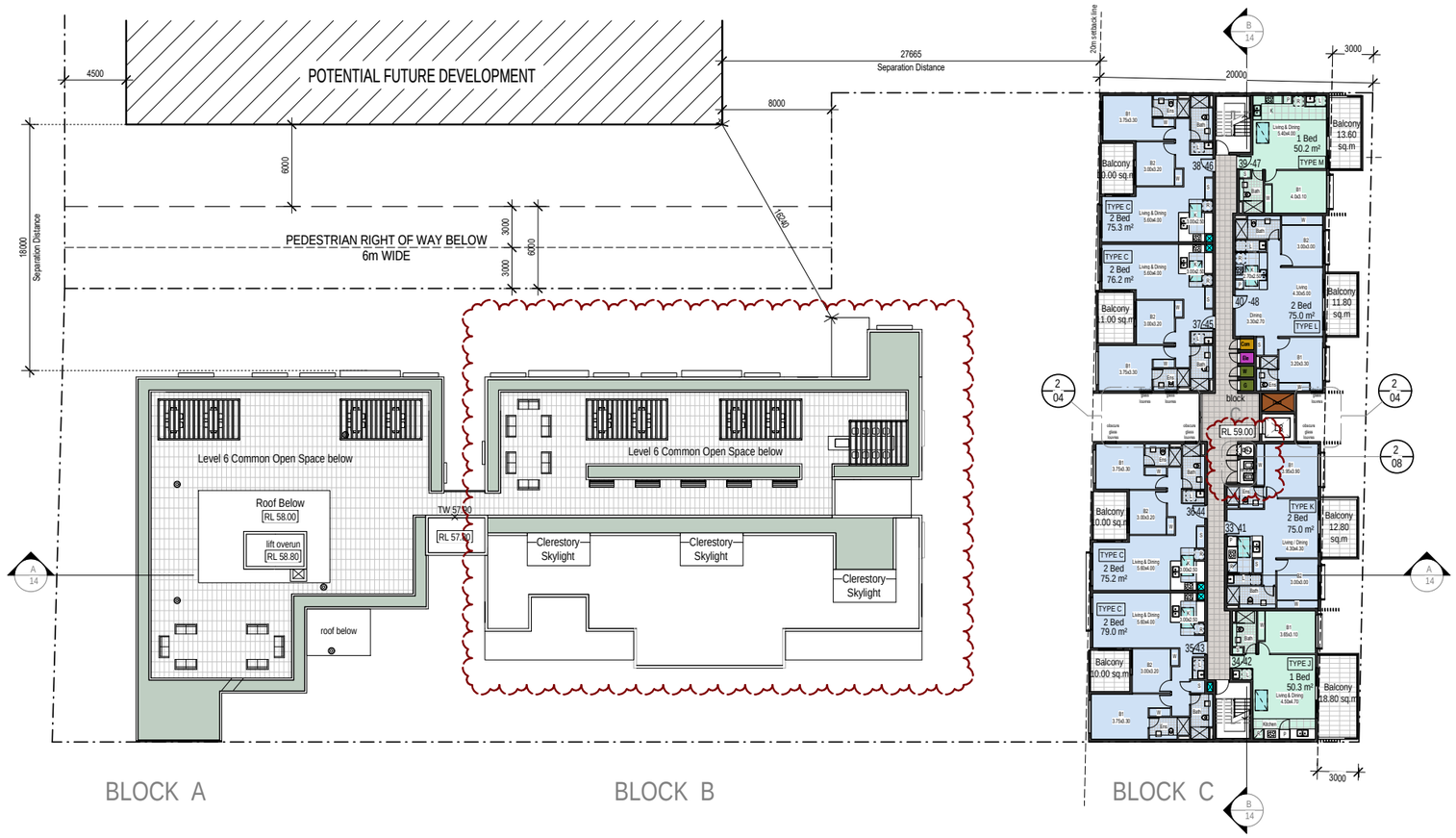
Project
PROPOSED SHOP TOP HOUSING DEVELOPMENT

Project Address
9 Sherwood Road, Merrylands

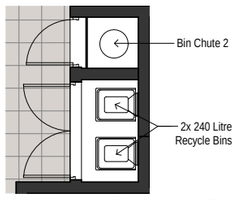
Client
.

Title
Level 6

Drawn	Scale	Checked
AS	1:400 @A3	
Job No	Drawing No.	Issue
2220	.07	EE



1 LEVELS 7 & 8 (Block C)
1:400 @A3



2 Level 7-8 Block C - Bin Store Details
1:100 @A3

0 m 2 4m 10m

True Northpoint

Do not scale, check and verify all dimensions before commencing new work, ground levels may vary due to site conditions.

1 Bedroom
2 Bedroom
3 Bedroom

Skylight Over - 900 x 1500 (Level 8 Only)

SERVICES LEGEND
- Services Duct
- Car Park / Kitchen Exhaust (penetration)
- Electrical Cupboard
- Communications Cupboard / Services
- Gas & Cold Water Cupboard / Services

Issue	Issue descrption	Date
DD	Residential Units on Block B Level 6 removed, Lift 1 Extended to Basement Level 1, Commercial Plaza to lift & Pedestrian Path added to Level 1, Bin Store details added on every level + General Amendments	30.06.21
CC	Amendments to address Traffic Comments, Floor Levels Amended & Neighbouring building seperation information added	16.02.21
BB	Amendments to address Traffic Comments	19.01.21

PREVIOUS AMENDMENTS	ISSUE DD - AMENDMENTS - 30.06.21
1. Move Building A+B back to be in 6.0m setback 2. Corner units in Block A+B amended. 3. Privacy screen removed from bedrooms and balconies. 4. Glass louvre windows added for improvements to cross ventilation to all Buildings. 5. Windows added for improvements to cross ventilation in Block C. 6. Blade walls reduced to improve Solar access. 7. 6.0m setbacks shown on all plans. 8. Common Open space added to Block A Roof 9. Service Ducts Added 10. Floor Levels Amended	1. Residential Units on Block B Level 6 removed 2. Bin Store Details added

SECTION 4.55

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NSW Reg. No. 3972

Project
PROPOSED SHOP TOP HOUSING DEVELOPMENT

Project Address
9 Sherwood Road, Merrylands

Client
.

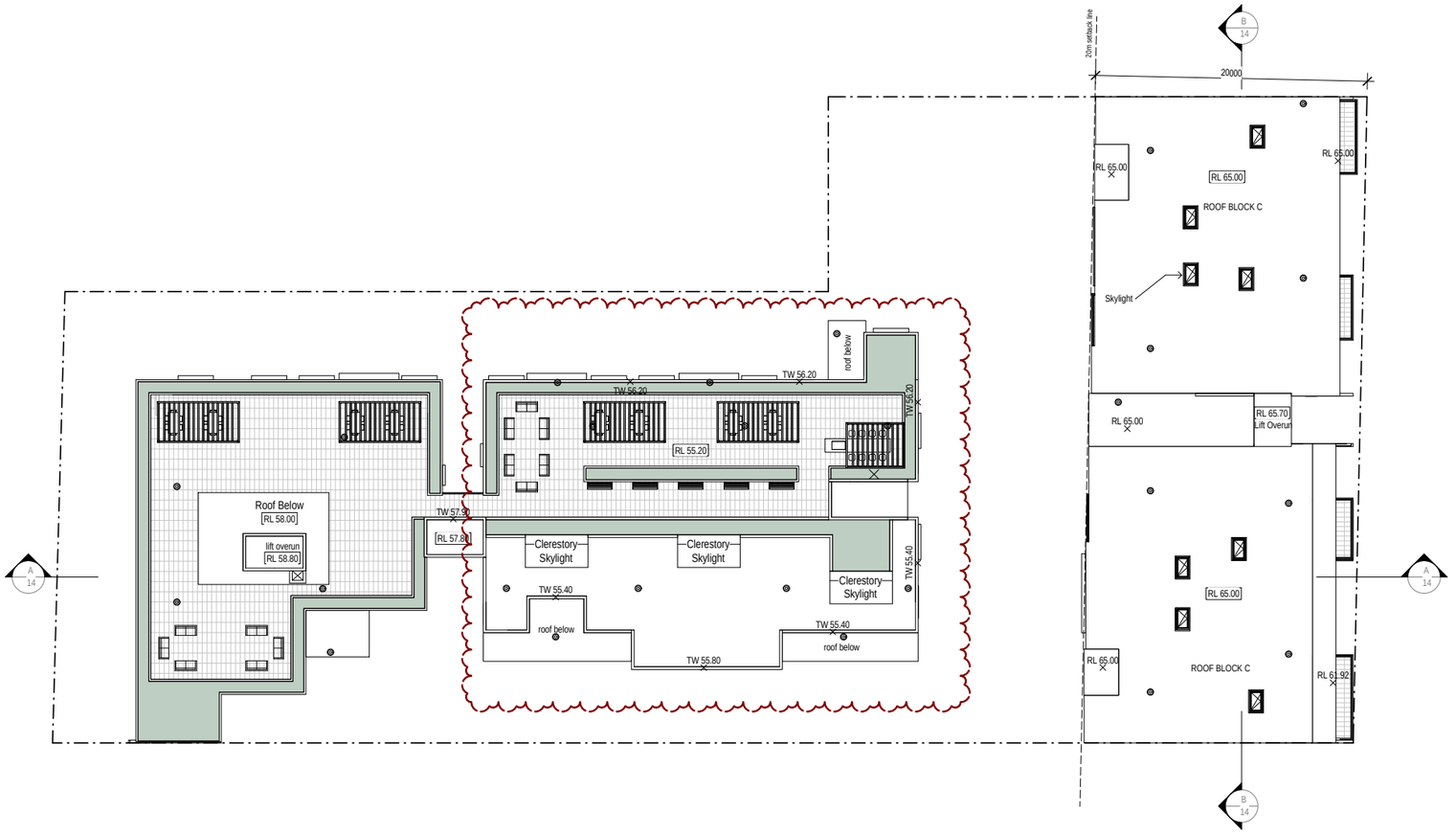
Title
Level 7 & 8

Drawn	Scale	Checked
AS	1:400 @A3	
Job No	Drawing No.	Issue
2220	.08	DD

0 m 2 4m 10m

True Northpoint

Do not scale, check and verify all dimensions before comencing new work, ground levels may vary due to site conditions.



1 Roof Level (Block C)
1:400 @A3

Issue	Issue descrption	Date
EE	Amendments to address Council Issues	07.09.21
DD	Residential Units on Block B Level 6 removed, Lift 1 Extended to Basement Level 1, Commercial Plaza to lift & Pedestrian Path added to Level 1, Bin Store details added on every level + General Amendments	30.06.21
CC	Amendments to address Traffic Comments, Floor Levels Amended & Neighbouring building seperation information added	16.02.21
BB	Amendments to address Traffic Comments	19.01.21

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PREVIOUS AMENDMENTS	ISSUE DD - AMENDMENTS - 30.06.21
1. Move Building A+B back to be in 6.0m setback 2. Corner units in Block A+B amended. 3. Privacy screen removed from bedrooms and balconies. 4. Glass louvre windows added for improvements to cross ventilation to all Buildings. 5. Windows added for improvements to cross ventilation in Block C. 6. Blade walls reduced to improve Solar access. 7. 6.0m setbacks shown on all plans. 8. Floor Levels Amended	1. Block B Roof level amended as a result of Residential Units on Block B Level 6 being removed **ISSUE EE - AMENDMENTS - 17.09.21** 1. Block B Roof level amended as a result of the extension of the Rooftop communal open space.

SECTION 4.55

Project
PROPOSED SHOP TOP HOUSING DEVELOPMENT

Project Address
9 Sherwood Road, Merrylands

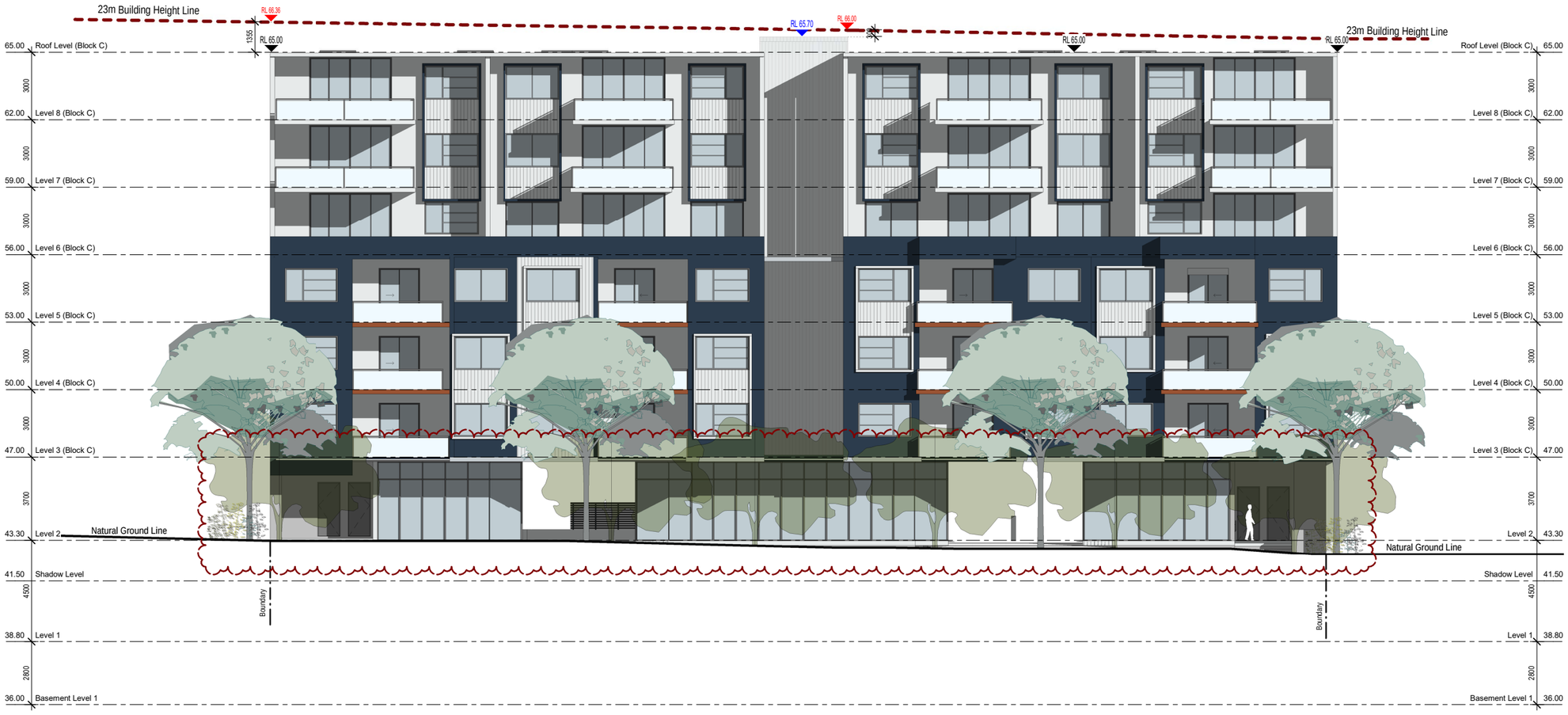
Client
.

Title
Roof Level

Drawn	Scale	Checked
AS	1:400 @A3	
Job No	**Drawing No.**	**Issue**
2220	.09	EE

0 m 2 4m 10m

BLOCK C



1 East Elevation - Sherwood Rd

1:200 @A3

PREVIOUS AMENDMENTS	ISSUE DD - AMENDMENTS - 07.09.21
1. Move Building A+B back to be in 6.0m setback 2. Corner units in Block A+B amended. 3. Privacy screen removed from bedrooms and balconies. 4. Glass louvre windows added for improvements to cross ventilation to all Buildings. 5. Windows added for improvements to cross ventilation in Block C. 6. Blade walls reduced to improve Solar access. 7. 6.0m setbacks shown on all plans. 8. Substation Relocated	1. Retail Areas Amended

Building Height Legend

- RL# Building Height - Habitable Area
- RL# Building Height - Non Habitable Area
- RL# Building Height Plane/Line

SECTION 4.55

Issue	Issue descrption	Date
DD	Amendments to address Council Issues	07.09.21
E	Parking + Balcony amendments	21-12-16
CC	Amendments to address Traffic Comments, Floor Levels Amended & Neighbouring building seperation information added	16.02.21
C	C.O.S added on Block B roof	12-10-16
BB	Amendments to address Traffic Comments	19.01.21
AA	Parking Allocation Amended + Loading Bays relocated + Units 4,13,24 & 35 Amended + Building Height Levels & Details added + general amendments	13.01.21

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Project
PROPOSED SHOP TOP HOUSING DEVELOPMENT

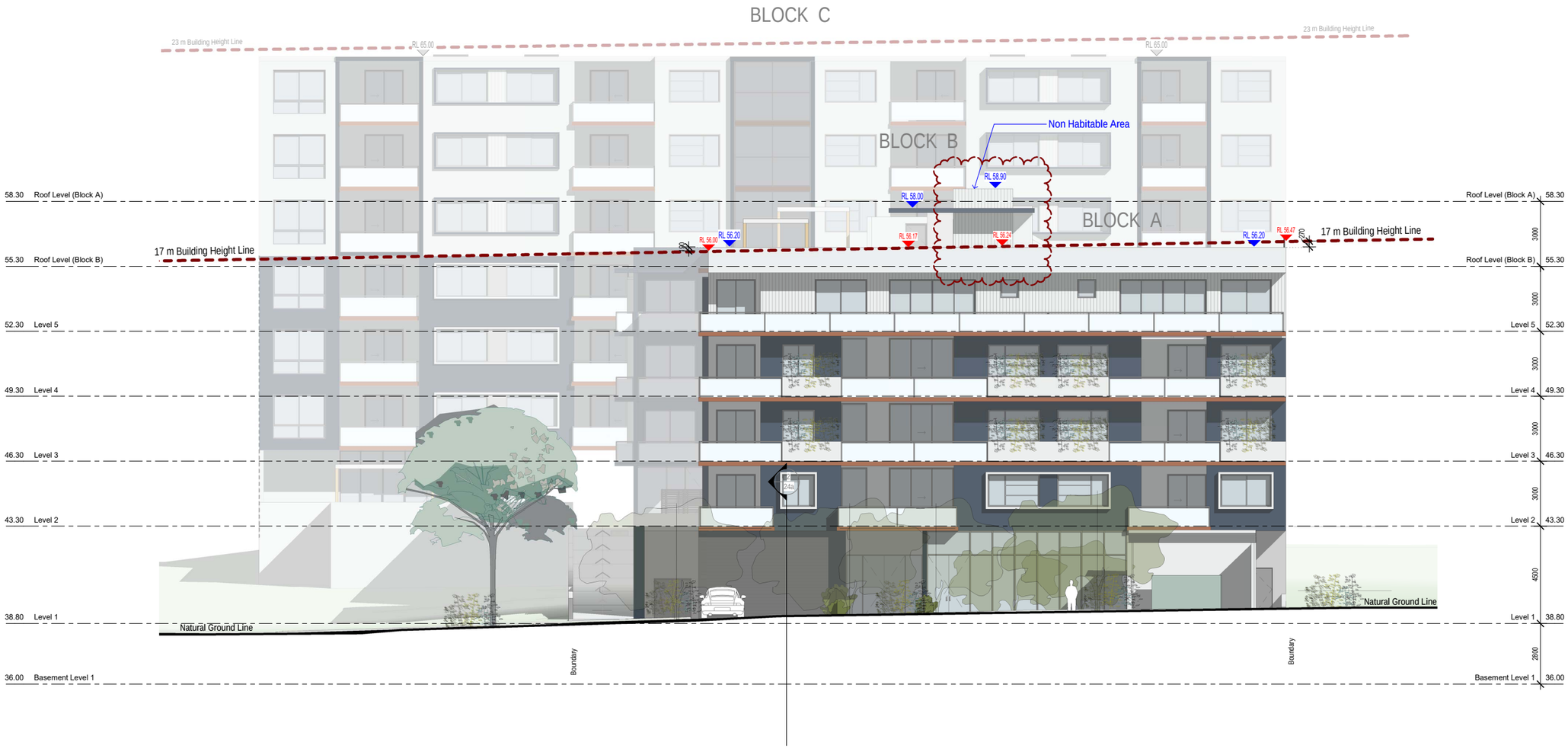
Project Address
9 Sherwood Road, Merrylands

Client
.

Title
East Elevation
Sherwood Road

Drawn	Scale	Checked
AS	1:200 @A3	
Job No	Drawing No.	Issue
2220	.10	DD

0 m 1 2m 5m



③ West Elevation - Coolibah St
1:200 @A3

Issue	Issue descrption	Date
EE	Amendments to address Council Issues	07.09.21
DD	Residential Units on Block B Level 6 removed, Lift 1 Extended to Basement Level 1, Commercial Plaza to lift & Pedestrian Path added to Level 1, Bin Store details added on every level + General Amendments	30.06.21
CC	Amendments to address Traffic Comments, Floor Levels Amended & Neighbouring building seperation information added	16.02.21
BB	Amendments to address Traffic Comments	19.01.21

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email@architex.com.au
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PREVIOUS AMENDMENTS	ISSUE DD - AMENDMENTS - 30.06.21
1. Move Building A+B back to be in 6.0m setback 2. Corner units in Block A+B amended. 3. Privacy screen removed from bedrooms and balconies. 4. Glass louvre windows added for improvements to cross ventilation to all Buildings. 5. Windows added for improvements to cross ventilation in Block C. 6. Blade walls reduced to improve Solar access. 7. 6.0m setbacks shown on all plans. 8. Building Heights & Notes added 9. Substation Relocated	1. Residential Units on Block B Level 6 removed
	ISSUE EE - AMENDMENTS - 07.09.21
	1. Fire stair External Wall reduced in height. 2. Rooftop Communal Open space extended over northside of Block B. 3. Clerestory Skylights added to Units below.

Building Height Legend

- RL# Building Height - Habitable Area
- RL# Building Height - Non Habitable Area
- RL# Building Height Plane/Line

SECTION 4.55

Project
PROPOSED SHOP TOP HOUSING DEVELOPMENT

Project Address
9 Sherwood Road, Merrylands

Client
.

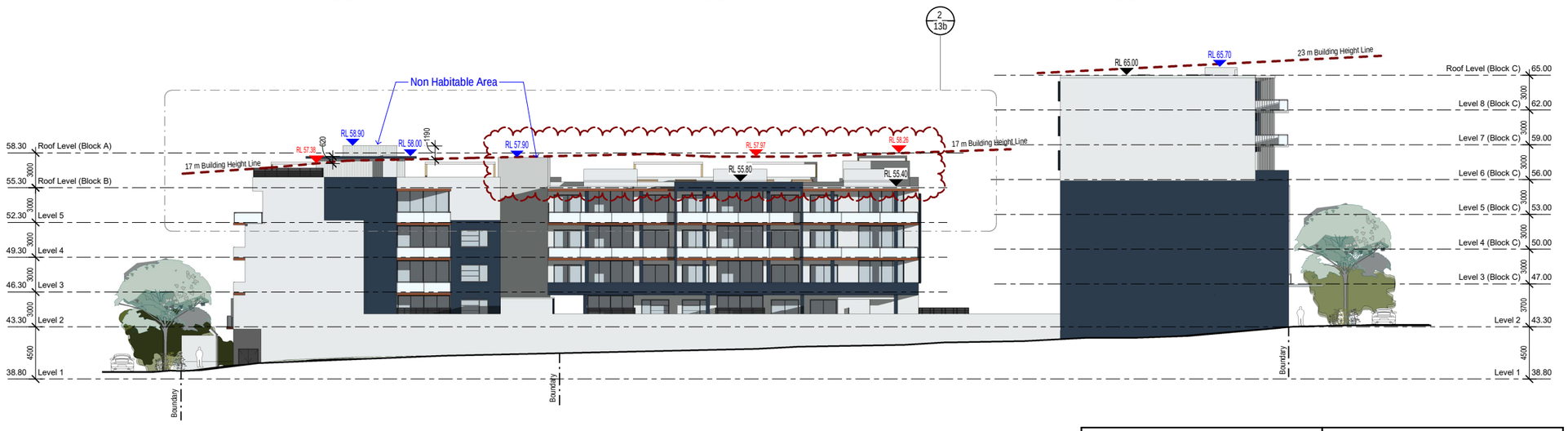
Title
West Elevation
Coolibah Street

Drawn	Scale	Checked
AS	1:200 @A3	
Job No	**Drawing No.**	**Issue**
2220	.11	EE

0 m 2 4m 10m



1 North Elevation
1:400 @A3



2 South Elevation
1:400 @A3

PREVIOUS AMENDMENTS	ISSUE DD - AMENDMENTS - 30.06.21
1. Move Building A+B back to be in 6.0m setback 2. Corner units in Block A+B amended. 3. Privacy screen removed from bedrooms and balconies. 4. Glass louvre windows added for improvements to cross ventilation to all Buildings. 5. Windows added for improvements to cross ventilation in Block C. 6. Blade walls reduced to improve Solar access. 7. 6.0m setbacks shown on all plans. 8. Building Heights & Notes added 9. Substation Relocated	1. Residential Units on Block B Level 6 removed **ISSUE EE - AMENDMENTS - 07.09.21** 1. Fire stair External Wall reduced in height. 2. Rooftop Communal Open space extended over northside of Block B. 3. Clerestory Skylights added to Units below.

SECTION 4.55

Building Height Legend

- RL# Building Height - Habitable Area
- RL# Building Height - Non Habitable Area
- RL# Building Height Plane/Line

Issue	Issue description	Date
EE	Amendments to address Council Issues	07.09.21
DD	Residential Units on Block B Level 6 removed, Lift 1 Extended to Basement Level 1, Commercial Plaza to lift & Pedestrian Path added to Level 1, Bin Store details added on every level + General Amendments	30.06.21
E	Parking + Balcony amendments	21-12-16
CC	Amendments to address Traffic Comments, Floor Levels Amended & Neighbouring building seperation information added	16.02.21
BB	Amendments to address Traffic Comments	19.01.21

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Project
PROPOSED SHOP TOP HOUSING DEVELOPMENT

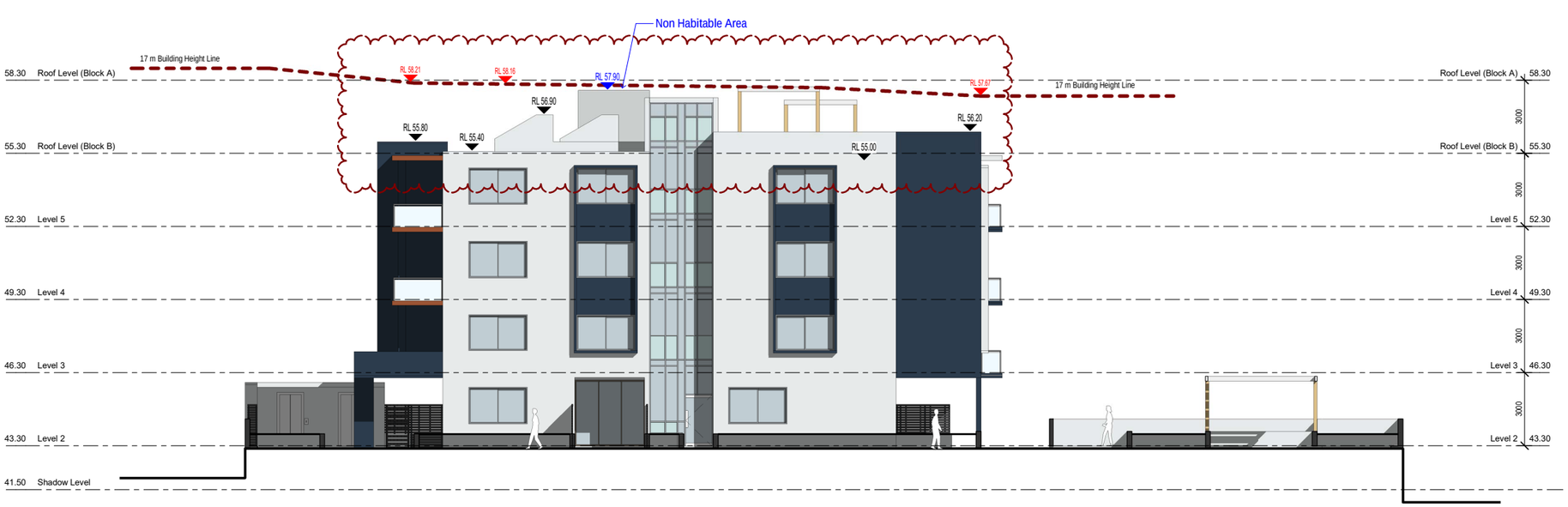
Project Address
9 Sherwood Road, Merrylands

Client
.

Title
North - South Elevations

Drawn	Scale	Checked
AS	1:400 @A3	Checker
Job No	Drawing No.	Issue
2220	.12	EE

BLOCK B



⑥ East Elevation - Block B
1:200 @A3

BLOCK C



⑧ West Elevation - Block C
1:200 @A3

Building Height Legend

- RL# Building Height - Habitable Area
- RL# Building Height - Non Habitable Area
- RL# Building Height Plane/Line

Issue	Issue descrption	Date
EE	Amendments to address Council Issues	07.09.21
DD	Residential Units on Block B Level 6 removed, Lift 1 Extended to Basement Level 1, Commercial Plaza to lift & Pedestrian Path added to Level 1, Bin Store details added on every level + General Amendments	30.06.21
E	Parking + Balcony amendments	21-12-16
CC	Amendments to address Traffic Comments, Floor Levels Amended & Neighbouring building seperation information added	16.02.21
BB	Amendments to address Traffic Comments	19.01.21

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email@architex.com.au
www.architex.com.au

PREVIOUS AMENDMENTS	ISSUE DD - AMENDMENTS - 30.06.21
1. Move Building A+B back to be in 6.0m setback 2. Corner units in Block A+B amended. 3. Privacy screen removed from bedrooms and balconies. 4. Glass louvre windows added for improvements to cross ventilation to all Buildings. 5. Windows added for improvements to cross ventilation in Block C. 6. Blade walls reduced to improve Solar access. 7. 6.0m setbacks shown on all plans. 8. Building Heights & Notes added 9. Substation Relocated	1. Residential Units on Block B Level 6 removed **ISSUE EE - AMENDMENTS - 07.09.21** 1. Fire stair External Wall reduced in height. 2. Rooftop Communal Open space extended over northside of Block B. 3. Clerestory Skylights added to Units below. 4. Retail Areas amended.

SECTION 4.55

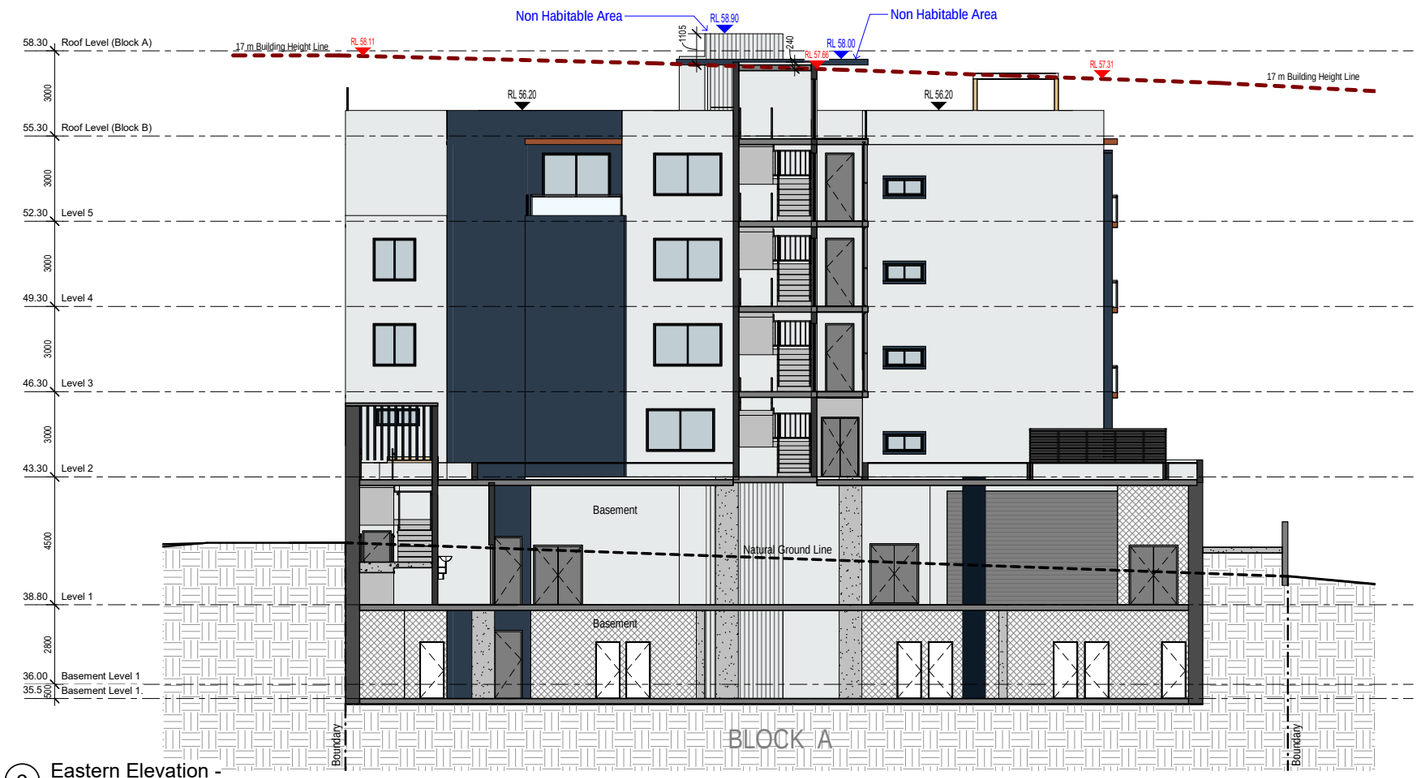
Project
PROPOSED SHOP TOP HOUSING DEVELOPMENT

Project Address
9 Sherwood Road, Merrylands

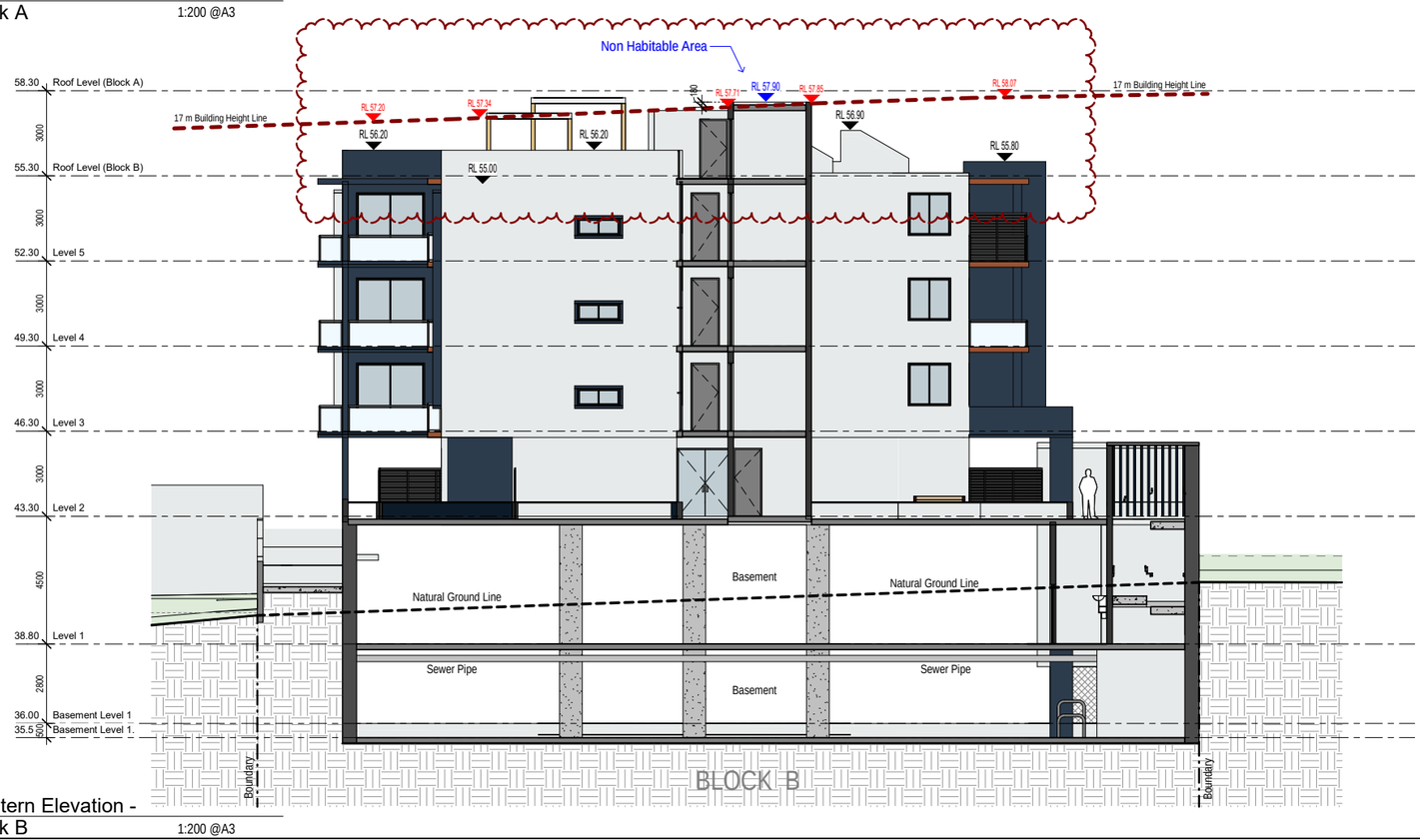
Client
.

Title
Site Elevations

Drawn	Scale	Checked
AS	1:200 @A3	
Job No	Drawing No.	Issue
2220	.13	EE



2 Eastern Elevation - Block A 1:200 @A3



1 Western Elevation - Block B 1:200 @A3

0 m 1 2m 5m

ISSUE DD - AMENDMENTS - 30.06.21

1. Residential Units on Block B Level 6 removed

ISSUE EE - AMENDMENTS - 07.09.21

1. Rooftop Communal Open space extended over northside of Block B.
2. Clerestory Skylights added to Units below.

Building Height Legend

- RL# Building Height - Habitable Area
- RL# Building Height - Non Habitable Area
- RL# Building Height Plane/Line

Issue	Issue descrption	Date
DD	Traffic Amendments, Elevations Added, Shadow + COS Calculation + Solar Access & Cross Ventilation Diagrams added	27.10.20
EE	Amendments to address Council Issues	07.09.21
CC	Residential Units on Block B Level 6 removed, Lift 1 Extended to Basement Level 1, Commercial Plaza to lift & Pedestrian Path added to Level 1, Bin Store details added on every level + General Amendments	30.06.21

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email@architex.com.au
www.architex.com.au

SECTION 4.55

Project
PROPOSED SHOP TOP HOUSING DEVELOPMENT

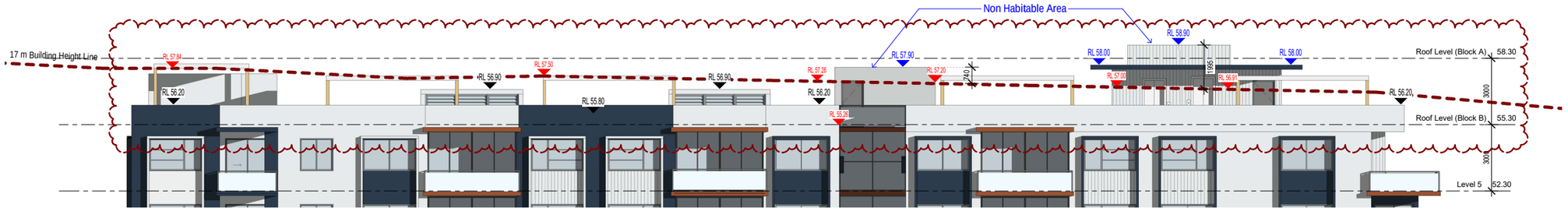
Project Address
9 Sherwood Road, Merrylands

Client
.

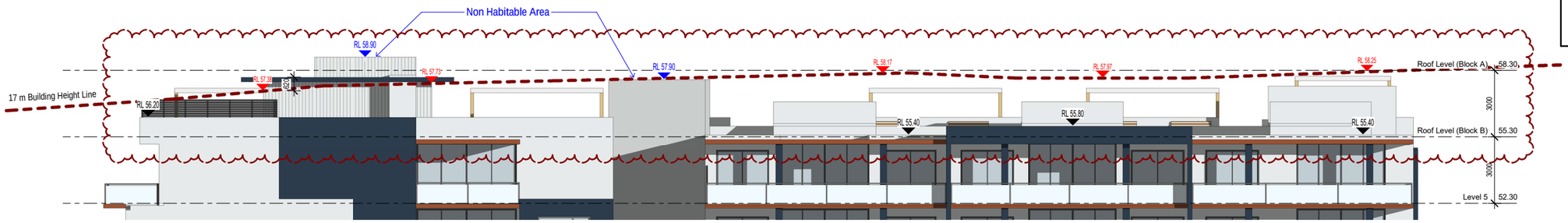
Title
Site Elevations 2

Drawn	Scale	Checked
AS	1:200 @A3	Checker
Job No	Drawing No.	Issue
2220	13a	EE

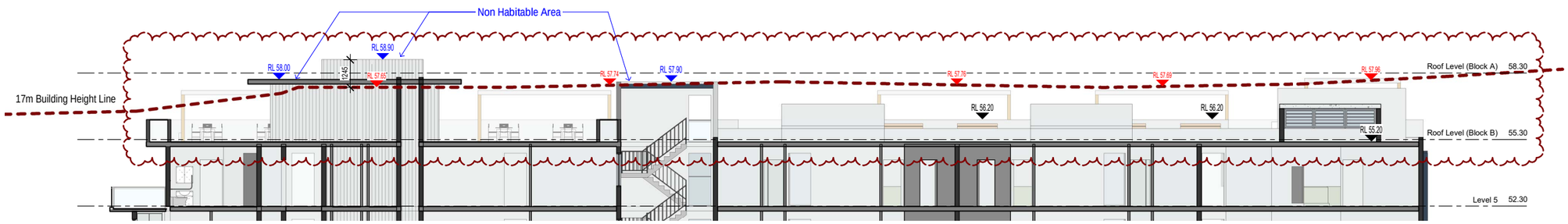
0 m 2 4m 10m



1 Block B North Elevation - Building Height
1:200 @A3



2 Block B South Elevation - Building Height
1:200 @A3



3 Block B Section - Building Height
1:200 @A3

ISSUE DD - AMENDMENTS - 30.06.21
1. Residential Units on Block B Level 6 removed
ISSUE EE - AMENDMENTS - 07.09.21
1. Rooftop Communal Open space extended over northside of Block B. 2. Clerestory Skylights added to Units below.

Building Height Legend

- RL# Building Height - Habitable Area
- RL# Building Height - Non Habitable Area
- RL# Building Height Plane/Line

Issue	Issue descrption	Date
EE	Amendments to address Council Issues	07.09.21
DD	Residential Units on Block B Level 6 removed, Lift 1 Extended to Basement Level 1, Commercial Plaza to lift & Pedestrian Path added to Level 1, Bin Store details added on every level + General Amendments	30.06.21
CC	Amendments to address Traffic Comments, Floor Levels Amended & Neighbouring building seperation information added	16.02.21
BB	Amendments to address Traffic Comments	19.01.21

65.00 Roof Le

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SECTION 4.55

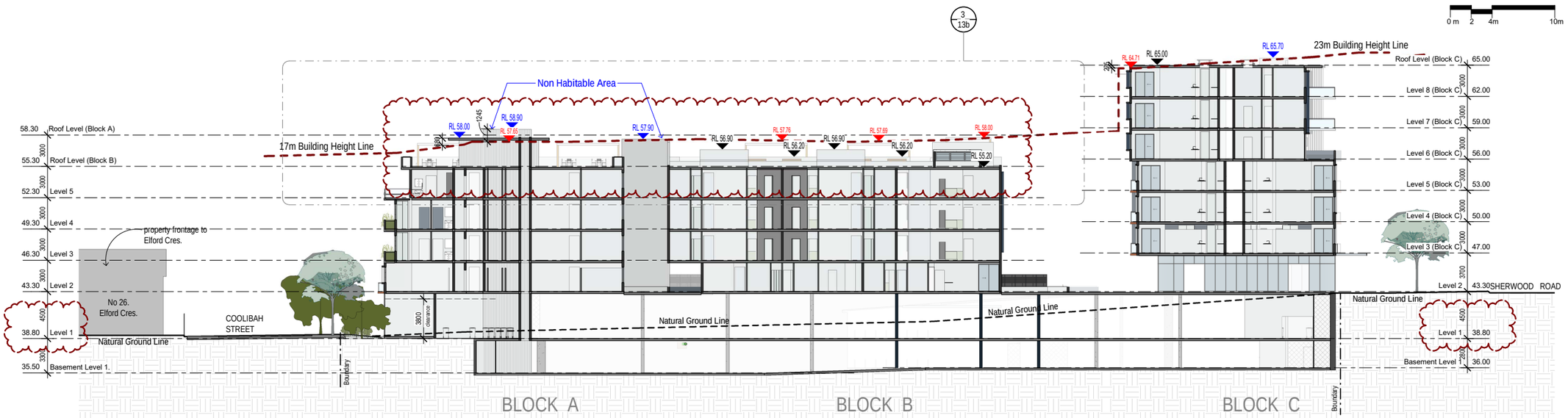
Project
PROPOSED SHOP TOP HOUSING DEVELOPMENT

Project Address
9 Sherwood Road, Merrylands

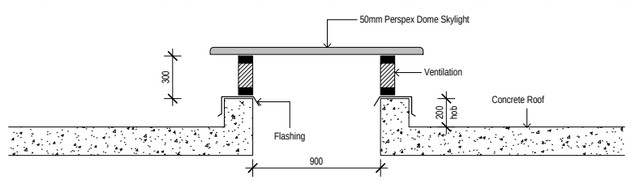
Client
.

Title
Building Height Details

Drawn	Scale	Checked
AS	1:200 @A3	Checker
Job No	Drawing No.	Issue
2220	13b	EE



A Section thru Site
1:400 @A3



TYPICAL SKYLIGHT DETAIL
1:20

900mm x 1500mm Opening



B Section thru Block C
1:400 @A3

PREVIOUS AMENDMENTS

1. Move Building A+B back to be in 6.0m setback
2. Corner units in Block A+B amended.
3. Privacy screen removed from bedrooms and balconies.
4. Glass louvre windows added for improvements to cross ventilation to all Buildings.
5. Windows added for improvements to cross ventilation in Block C.
6. Blade walls reduced to improve Solar access.
7. 6.0m setbacks shown on all plans.
8. Substation Relocated

ISSUE DD - AMENDMENTS - 30.06.21

1. Residential Units on Block B Level 6 removed

ISSUE EE - AMENDMENTS - 07.09.21

1. Level 1 Floor level dropped by 200mm.
2. Rooftop Communal Open space extended over northside of Block B.
3. Clerestory Skylights added to Units below.

Issue	Issue descrption	Date
EE	Amendments to address Council Issues	07.09.21
DD	Residential Units on Block B Level 6 removed, Lift 1 Extended to Basement Level 1, Commercial Plaza to lift & Pedestrian Path added to Level 1, Bin Store details added on every level + General Amendments	30.06.21
F	General Amendments	12-01-17
E	Parking + Balcony amendments	21-12-16
CC	Amendments to address Traffic Comments, Floor Levels Amended & Neighbouring building seperation information added	16.02.21

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Project
PROPOSED SHOP TOP HOUSING DEVELOPMENT

Project Address
9 Sherwood Road, Merrylands

Client
.

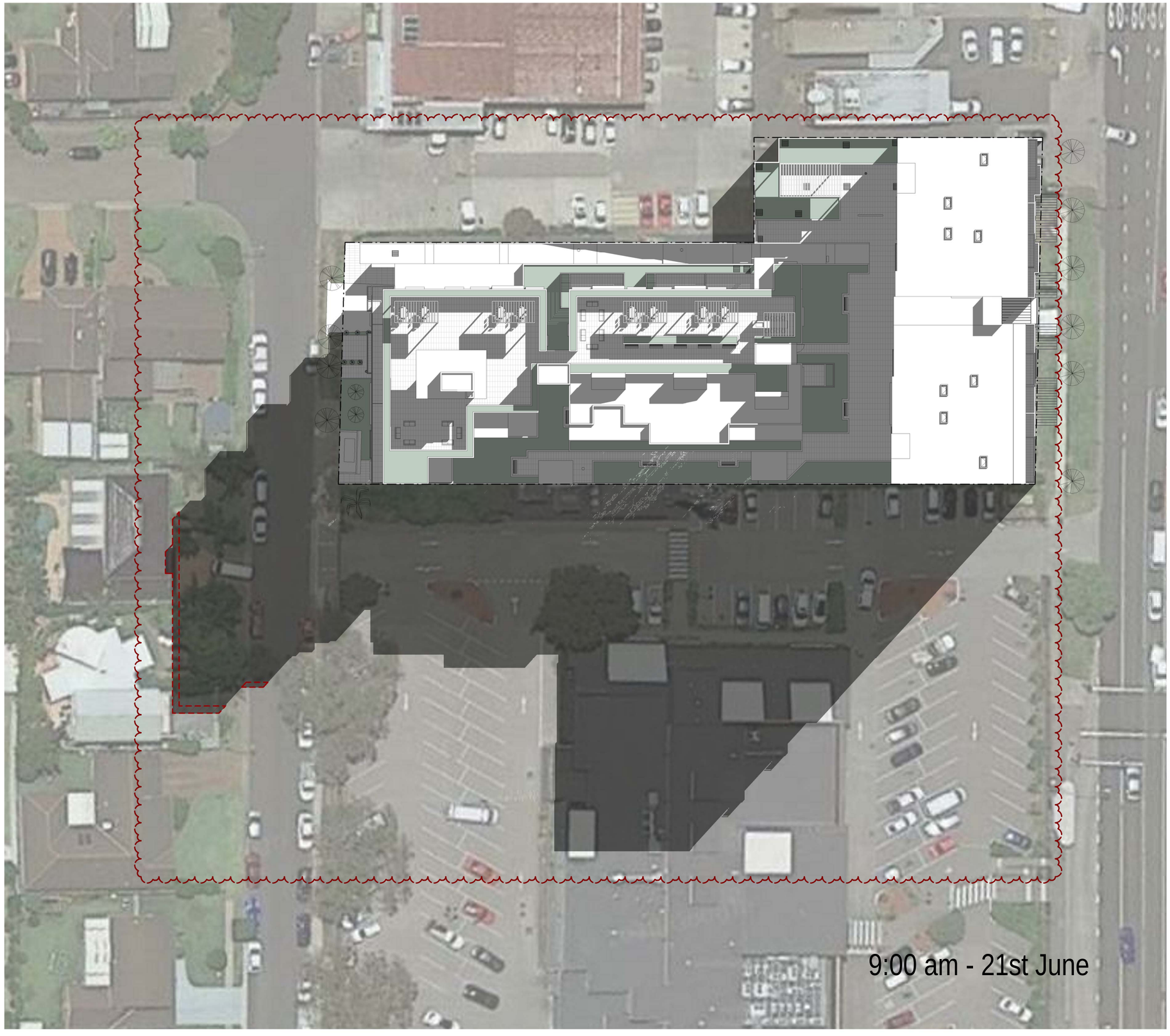
Title
Site Sections

Drawn	Scale	Checked
AS	1:400 @A3	
Job No	Drawing No.	Issue
2220	.14	EE

SECTION 4.55

Building Height Legend

- RL# Building Height - Habitable Area
- RL# Building Height - Non Habitable Area
- RL# Building Height Plane/Line



0 m 1 2m 5m

True Northpoint

Do not scale, check and verify all dimensions before comencing new work, ground levels may vary due to site conditions.

Legend

Additional Shadows from S4.55 Proposal

Issue	Issue descrption	Date
Y	Traffic Amendments, Elevations Added, Shadow + COS Calculation + Solar Access & Cross Ventilation Diagrams added	27.10.20
EE	Amendments to address Council Issues	07.09.21
DD	Residential Units on Block B Level 6 removed, Lift 1 Extended to Basement Level 1, Commercial Plaza to lift & Pedestrian Path added to Level 1, Bin Store details added on every level + General Amendments	30.06.21

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SECTION 4.55

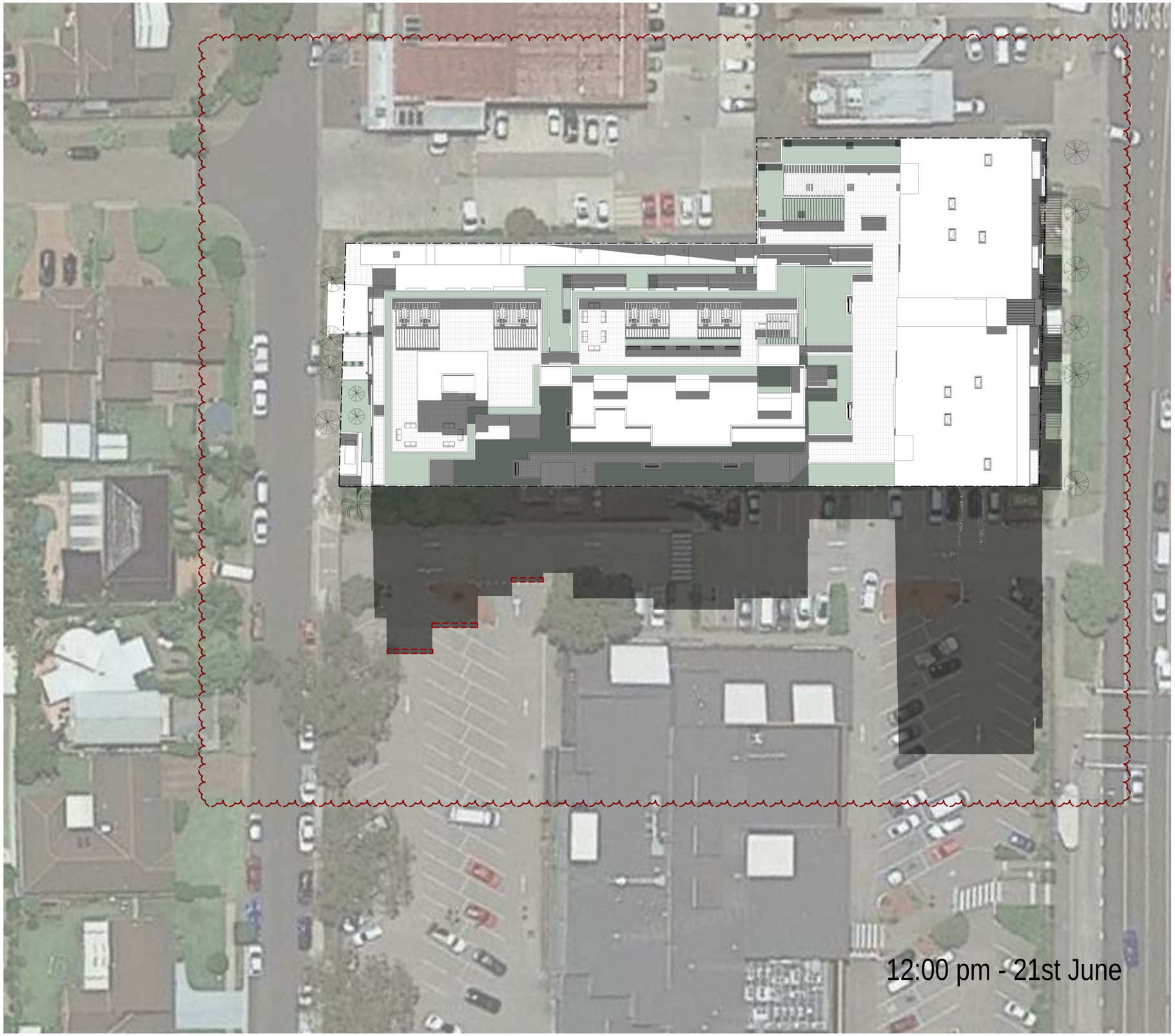
Project
PROPOSED SHOP TOP HOUSING DEVELOPMENT

Project Address
9 Sherwood Road, Merrylands

Client
.

Title
Shadow Diagram 9 am - 21st June

Drawn	Scale	Checked
AS	1:500 @A3	Checker
Job No	Drawing No.	Issue
2220	.19	EE



0 m 1 2m 5m

True Northpoint

Do not scale, check and verify all dimensions before comencing new work, ground levels may vary due to site conditions.

Legend

Additional Shadows from S4.55 Proposal

Issue	Issue description	Date
Y	Traffic Amendments, Elevations Added, Shadow + COS Calculation + Solar Access & Cross Ventilation Diagrams added	27.10.20
EE	Amendments to address Council Issues	07.09.21
DD	Residential Units on Block B Level 6 removed, Lift 1 Extended to Basement Level 1, Commercial Plaza to lift & Pedestrian Path added to Level 1, Bin Store details added on every level + General Amendments	30.06.21

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SECTION 4.55

Project
PROPOSED SHOP TOP HOUSING DEVELOPMENT

Project Address
9 Sherwood Road, Merrylands

Client
.

Title
Shadow diagram 12 noon - 21st June

Drawn	Scale	Checked
AS	1:500 @A3	Checker
Job No	Drawing No.	Issue
2220	.20	EE



0 m 1 2m 5m

True Northpoint

Do not scale, check and verify all dimensions before comencing new work, ground levels may vary due to site conditions.

Legend

Additional Shadows from S4.55 Proposal

Issue	Issue description	Date
Y	Traffic Amendments, Elevations Added, Shadow + COS Calculation + Solar Access & Cross Ventilation Diagrams added	27.10.20
EE	Amendments to address Council Issues	07.09.21
DD	Residential Units on Block B Level 6 removed, Lift 1 Extended to Basement Level 1, Commercial Plaza to lift & Pedestrian Path added to Level 1, Bin Store details added on every level + General Amendments	30.06.21

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SECTION 4.55

Project
PROPOSED SHOP TOP HOUSING DEVELOPMENT

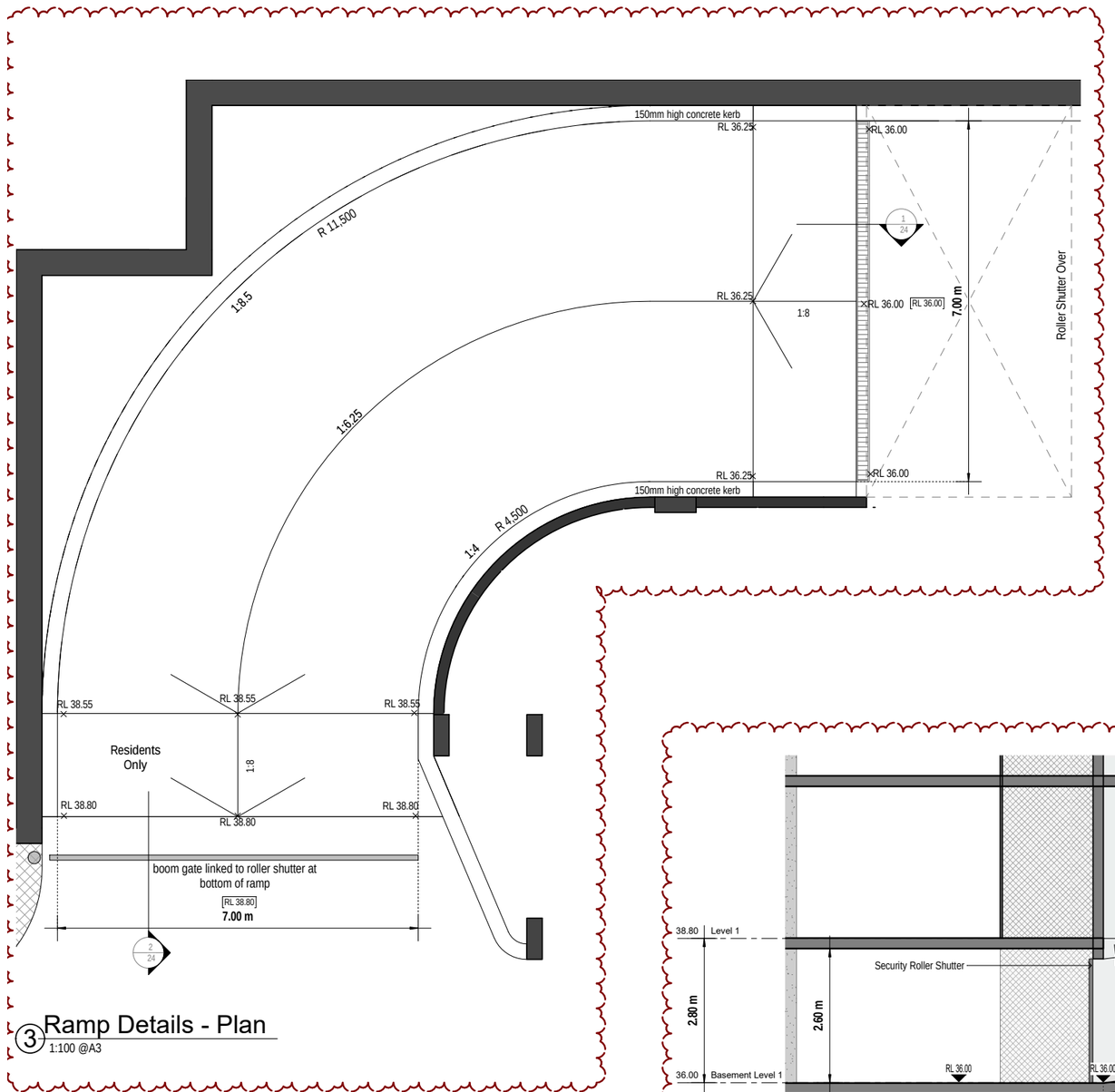
Project Address
9 Sherwood Road, Merrylands

Client
.

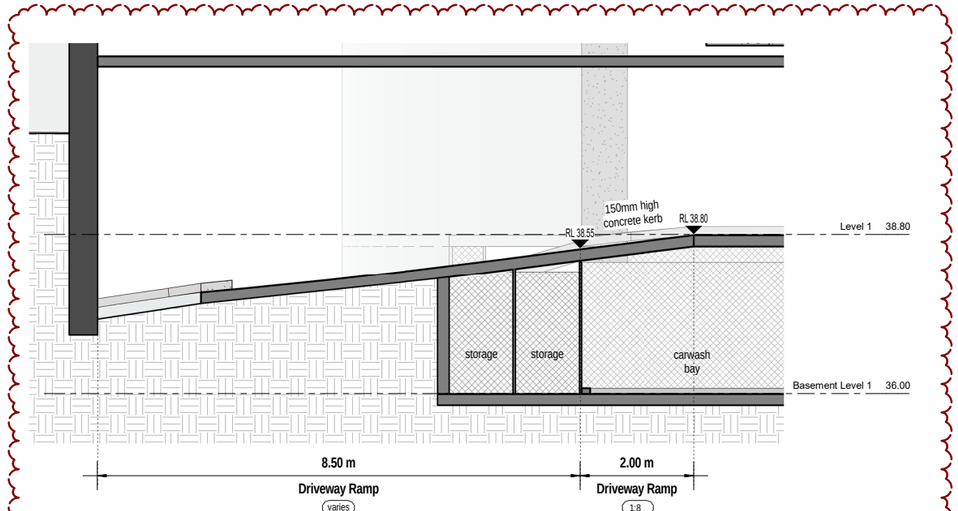
Title
Shadow Diagram 3 pm - 21st June

Drawn	Scale	Checked
AS	1:500 @A3	Checker
Job No	Drawing No.	Issue
2220	.21	EE

0 m 2 4m 10m

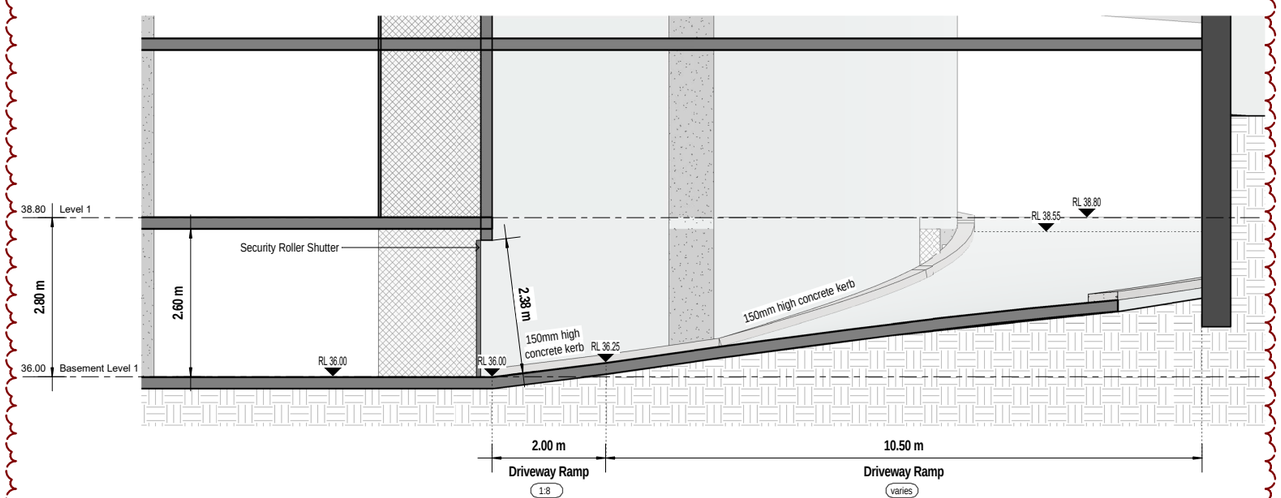


3 Ramp Details - Plan
1:100 @A3



2 Ramp Details - Section 2
1:100 @A3

ISSUE B - AMENDMENTS - 17.08.21
1. Typical Common Open Space / Private Open Space Detail added. 2. Ramp details amended.
ISSUE C - AMENDMENTS - 07.09.21
1. Ramp details amended. 2. Ramp Plan detail added.



1 Ramp Details - Section 1
1:100 @A3

SECTION 4.55

Issue	Issue description	Date
C	Amendments to address Council Issues	07.09.21
B	Amendments to address Council Issues	17.08.21
A	Development Application	03-05-16

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Project
PROPOSED SHOP TOP HOUSING DEVELOPMENT

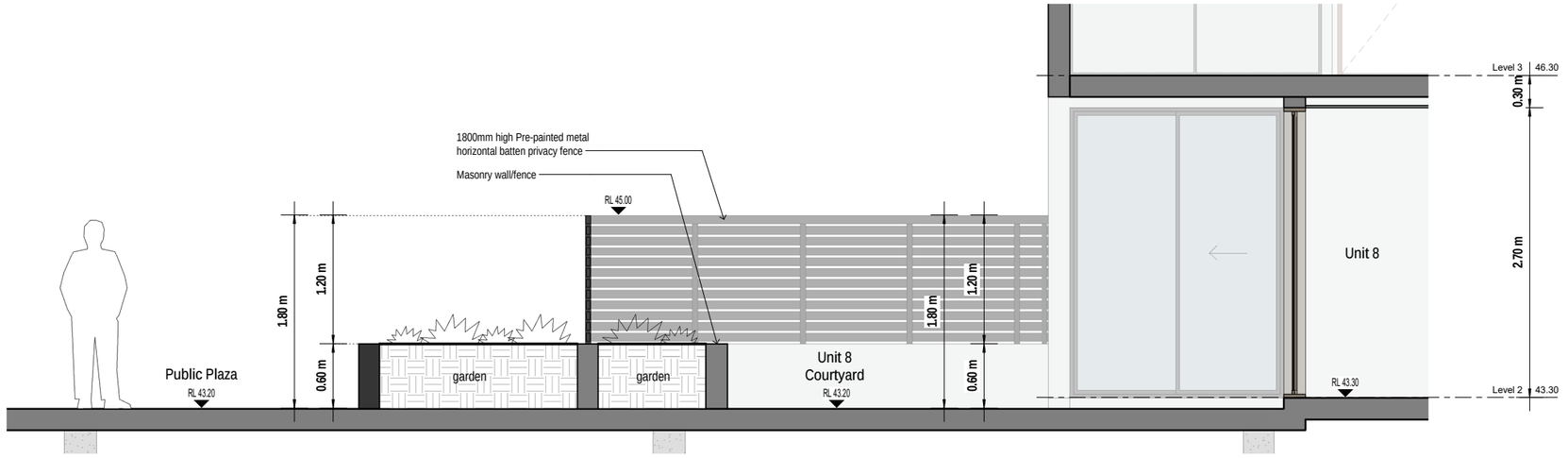
Project Address
9 Sherwood Road, Merrylands

Client
.

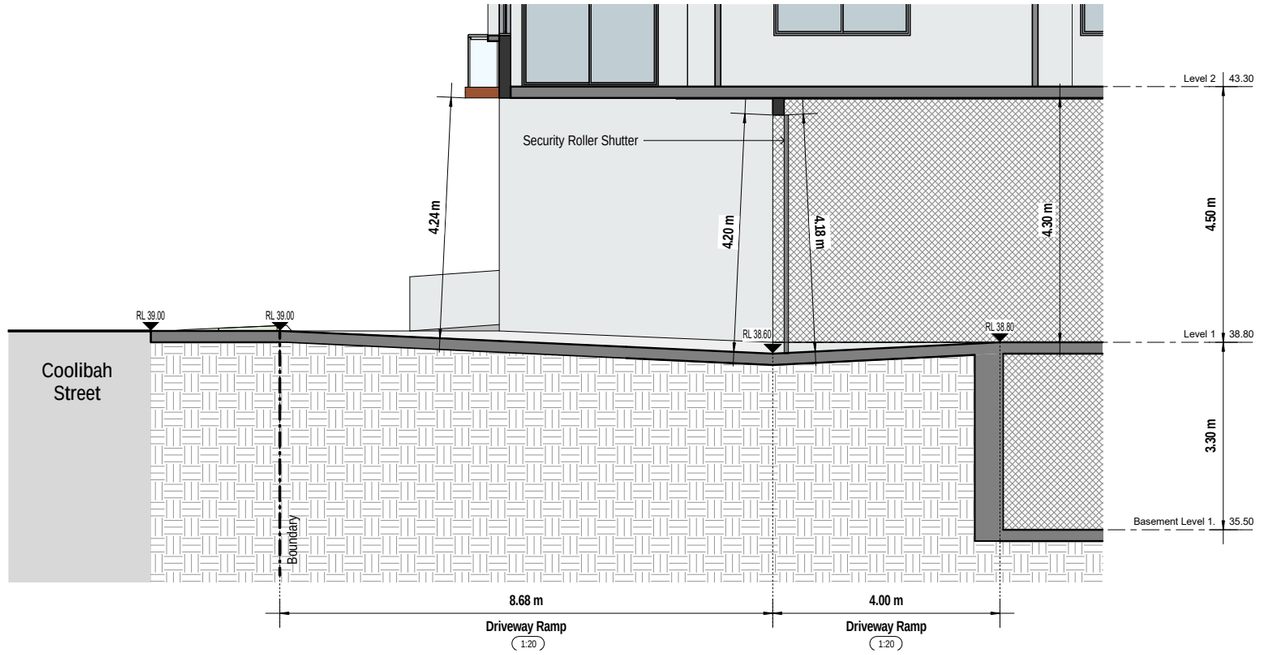
Title
Ramp Details

Drawn	Scale	Checked
AS	1:100 @A3	
Job No	Drawing No.	Issue
2220	.24	C

0 m 2 4m 10m



① Typical Common Open Space / Private Open Space Detail
1:50 @A3



② Driveway Section
1:100 @A3

Issue	Issue description	Date
A	Amendments to address Council Issues	07.09.21

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SECTION 4.55

Project
PROPOSED SHOP TOP HOUSING DEVELOPMENT

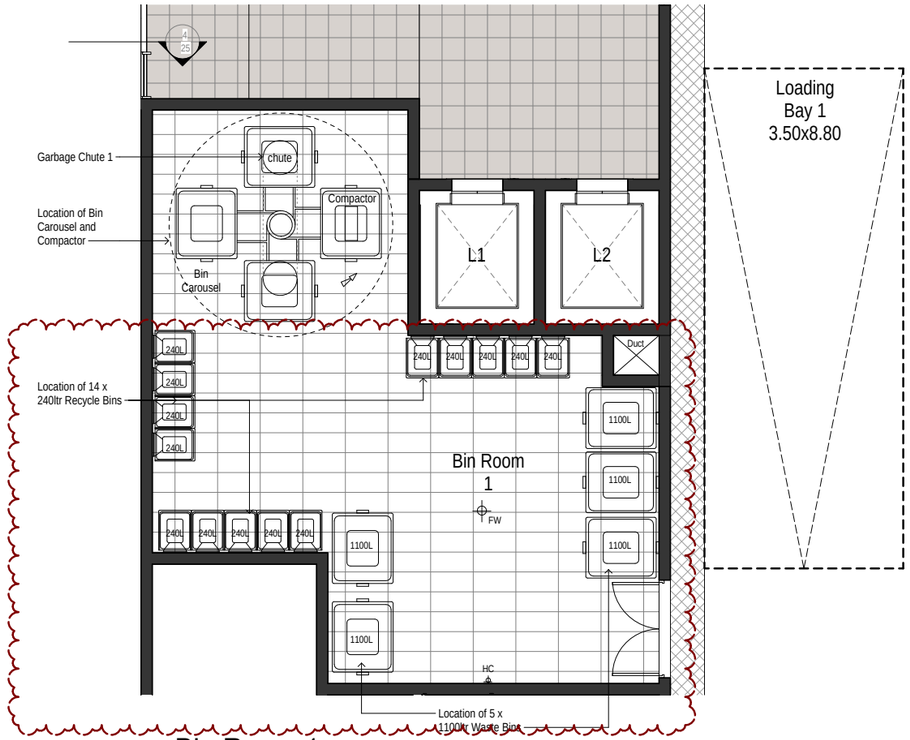
Project Address
9 Sherwood Road, Merrylands

Client
.

Title
Driveway Section & Site Details

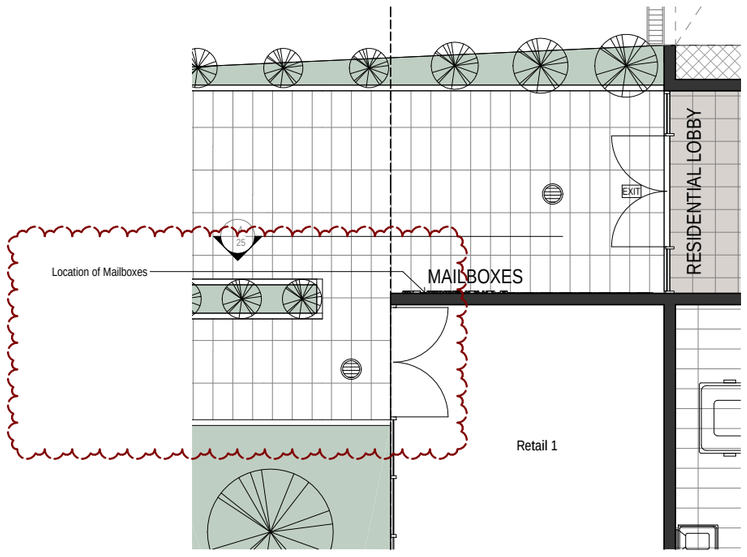
Drawn	Scale	Checked
AS	As indicated	Checker
Job No	Drawing No.	Issue
2220	24a	A

0 m 1 2m 5m

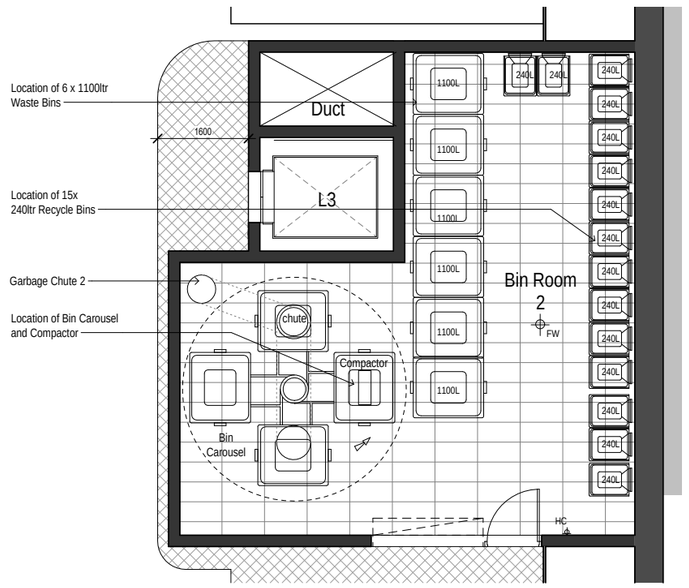


① Bin Room 1
1:100 @A3

Bin Room 1
= 5 x 1100L Waste Bins
= 14 x 240L Recycling Bins

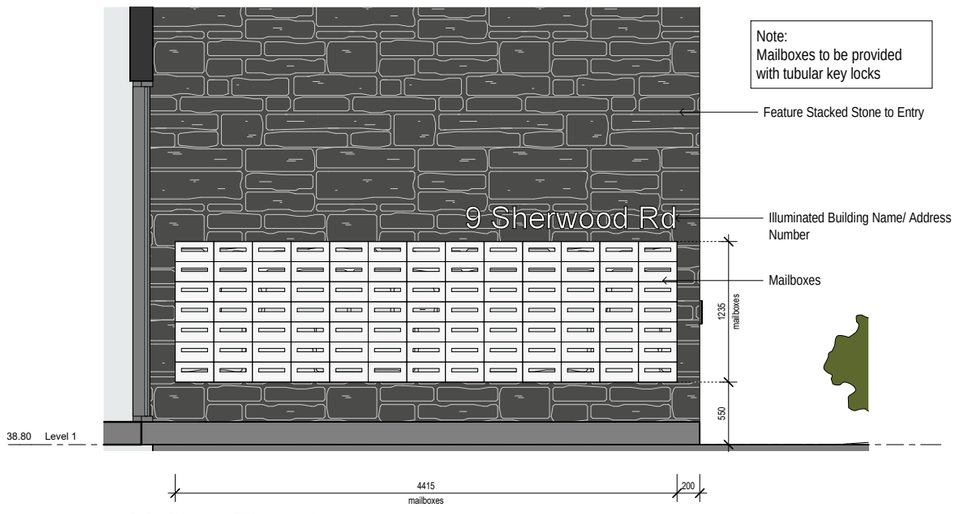


③ Mailbox Details
1:100 @A3



② Bin Room 2
1:100 @A3

Bin Room 2
= 6 x 1100L Waste Bins
= 15 x 240L Recycling Bins



④ Mailbox Elevation
1:50 @A3

ISSUE J - AMENDMENTS - 17.08.21

1. Bin room one amended.
2. Entry path to Retail 1 added.

Issue	Issue descrption	Date
J	Amendments to address Council Issues	17.08.21
H	Block A North Corner Units amended + Solar access diagrams	30-05-17
I	Residential Units on Block B Level 6 removed, Lift 1 Extended to Basement Level 1, Commercial Plaza to lift & Pedestrian Path added to Level 1, Bin Store details added on every level + General Amendments	30.06.21
G	Sherwood Road Setback Amendments	19-01-17
F	General Amendments	12-01-17
E	Parking + Balcony amendments	21-12-16

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SECTION 4.55

Project
PROPOSED SHOP TOP HOUSING DEVELOPMENT

Project Address
9 Sherwood Road, Merrylands

Client
.

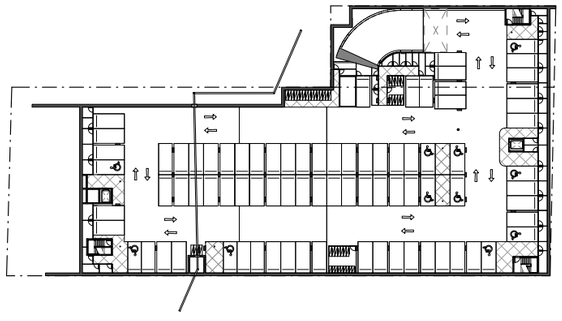
Title
Waste Management Plan & Mailbox Details

Drawn	Scale	Checked
Author	As indicated	Checker
Job No	Drawing No.	Issue
2220	.25	J

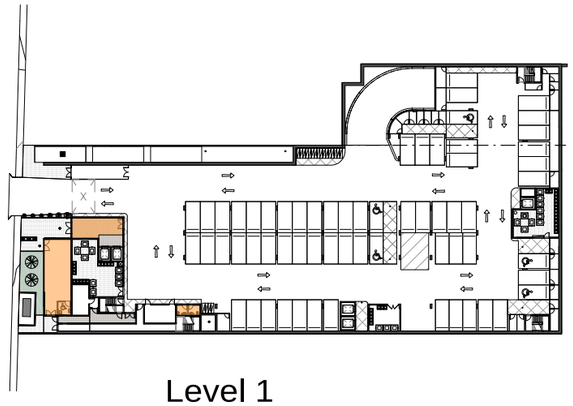
0 m 1 2m 5m

True Northpoint

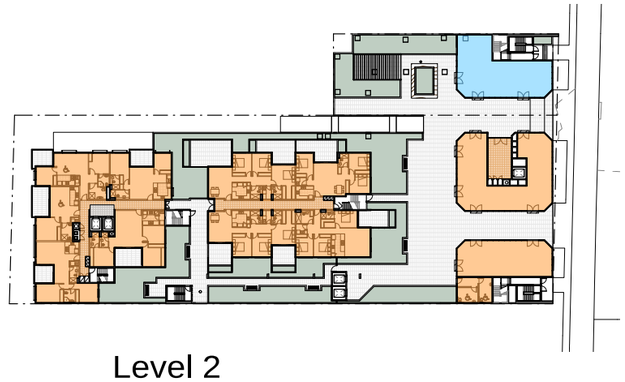
Do not scale, check and verify all dimensions before comencing new work, ground levels may vary due to site conditions.



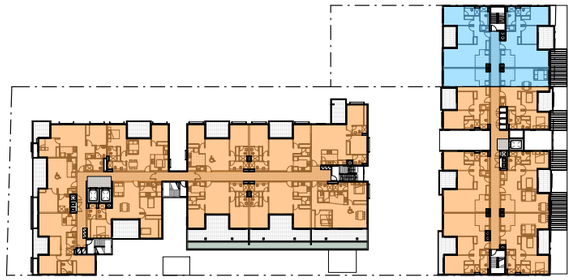
Basement



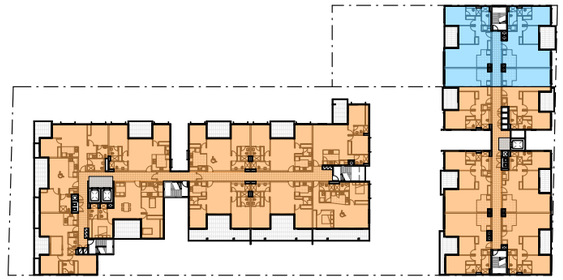
Level 1



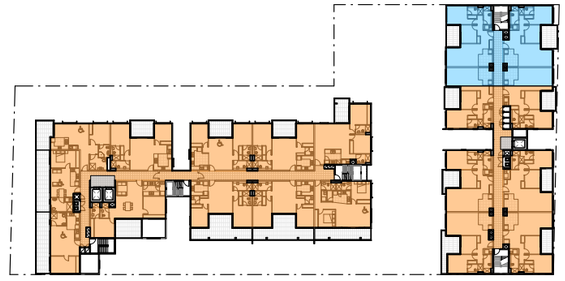
Level 2



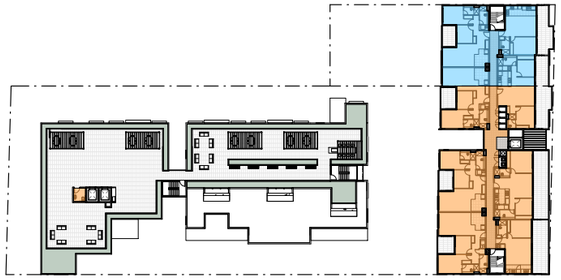
Level 3



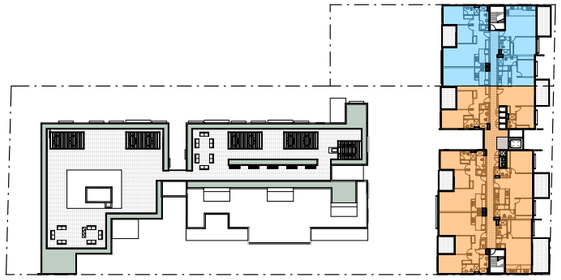
Level 4



Level 5



Level 6



Levels 7 & 8

ISSUE Z - AMENDMENTS - 17.08.21
1. FSR calculations amended to match changes on floor plans.
ISSUE AA - AMENDMENTS - 07.09.21
1. FSR calculations amended to match changes on floor plans.

Issue	Issue description	Date
X	Block B - Level 2 Units Amended, Service Ducts Added, Parking Amended + General Amendments	08.10.20
U	Units Added To Level 6 + General Amendments	30.04.20
P	Section 4.55 - Parking Layout Amended, 6 Units Added + General Amendments	06.02.20
AA	Amendments to address Council Issues	07.09.21
Z	Amendments to address Council Issues	17.08.21

	Lot 1 Area = 3,171.4 sq.m	Lot 101 Area = 563.2 sq.m
Level 1	99.28 sq.m	
Level 2	1,192.46 sq.m	132.58 sq.m
Level 3	1,405.5 sq.m	225.11 sq.m
Level 4	1,405.5 sq.m	225.11 sq.m
Level 5	1,358.6 sq.m	225.11 sq.m
Level 6	433.0 sq.m	204.7 sq.m
Level 7	428.0 sq.m	204.7 sq.m
Level 8	428.0 sq.m	204.7 sq.m
Proposed GFA	6,750.34 sq.m	1,422.01 sq.m
Proposed FSR	2.12:1	2.52:1

Areas Included in FSR Calculations of Lot 1

Areas Included in FSR Calculations of Lot 101

SECTION 4.55

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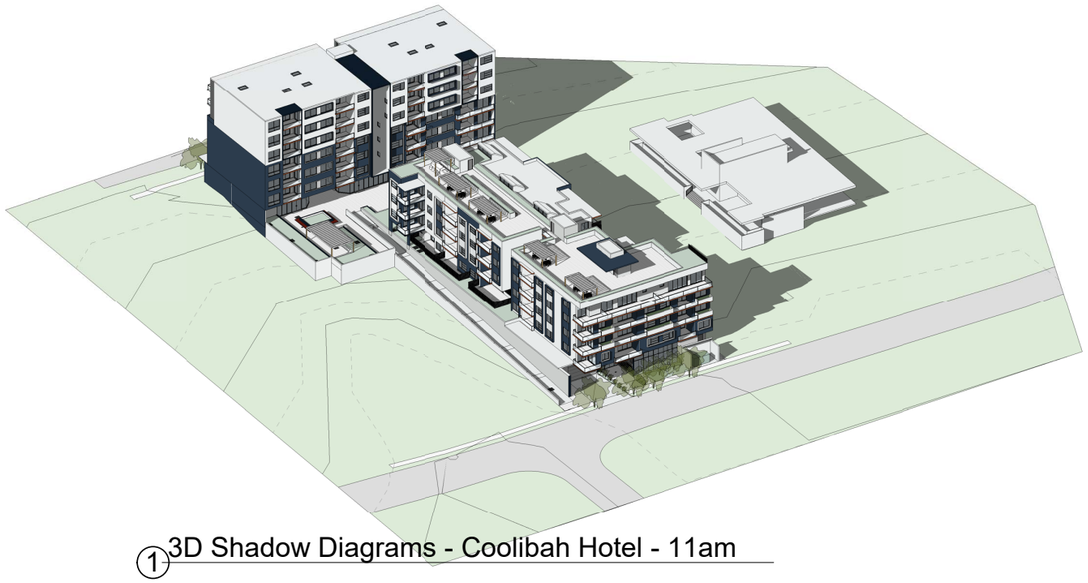
Project
PROPOSED SHOP TOP HOUSING DEVELOPMENT

Project Address
9 Sherwood Road, Merrylands

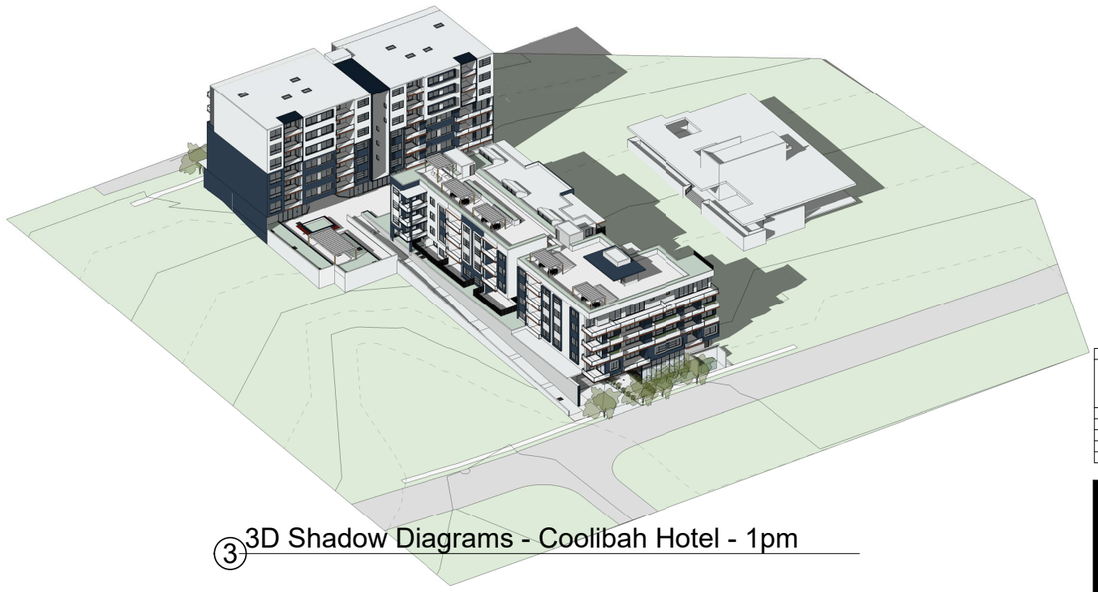
Client
.

Title
FSR Calculation Diagrams

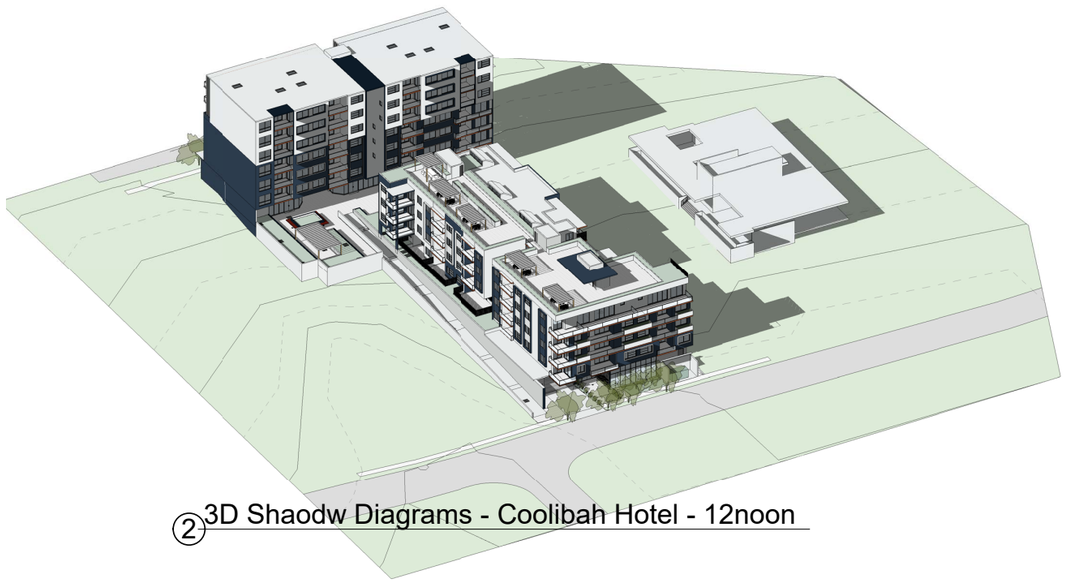
Drawn	Scale	Checked
AS	1:1000 @A3	Checker
Job No	Drawing No.	Issue
2220	.26	AA



1 3D Shadow Diagrams - Coolibah Hotel - 11am



3 3D Shadow Diagrams - Coolibah Hotel - 1pm



2 3D Shaodw Diagrams - Coolibah Hotel - 12noon

0 m 1 2m 5m

True Northpoint

Do not scale, check and verify all dimensions before comencing new work, ground levels may vary due to site conditions.

Issue	Issue description	Date
H	Residential Units on Block B Level 6 removed, Lift 1 Extended to Basement Level 1, Commercial Plaza to lift & Pedestrian Path added to Level 1, Bin Store details added on every level + General Amendments	30.06.21
G	Sherwood Road Setback Amendments	19-01-17

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email@architex.com.au
www.architex.com.au

SECTION 4.55

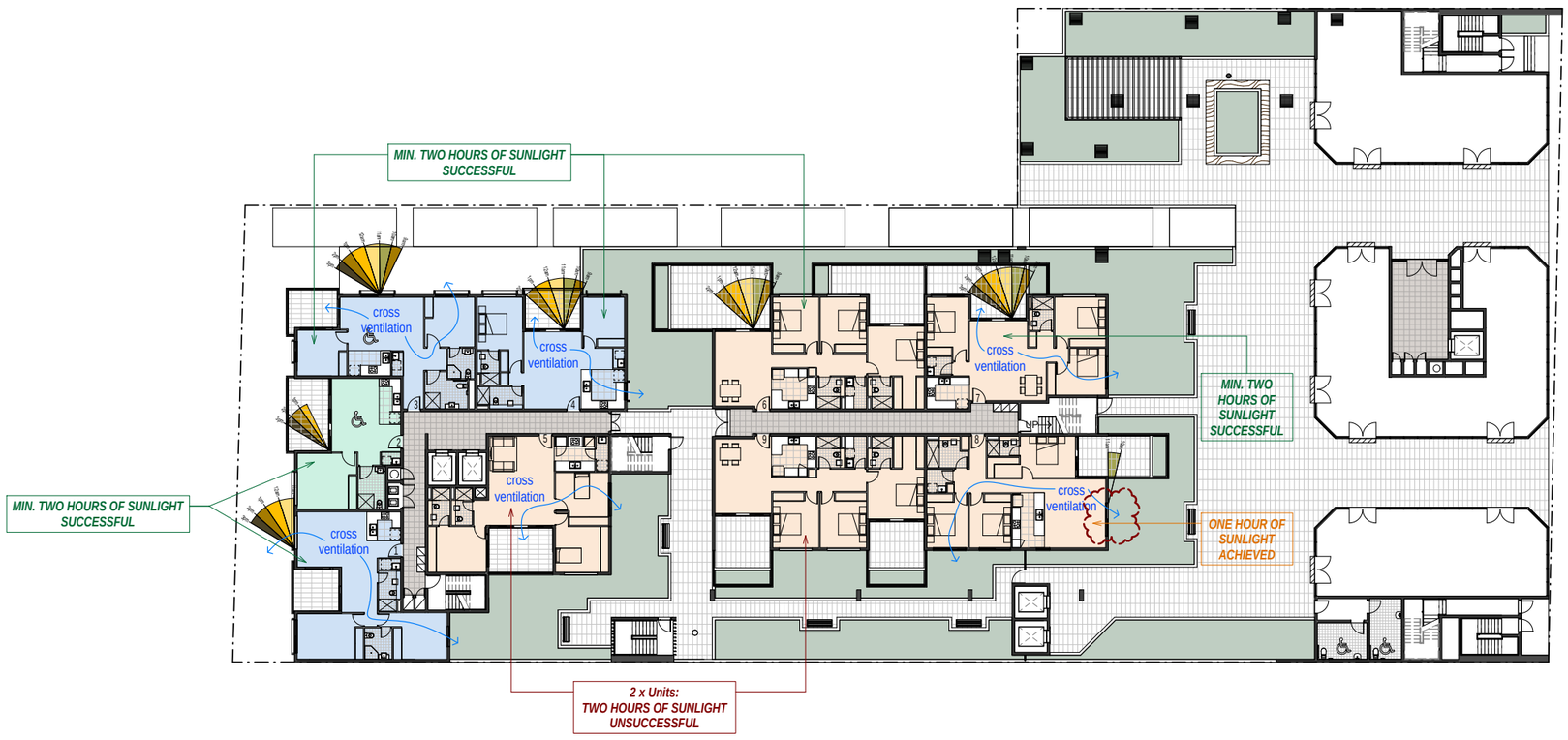
Project
PROPOSED SHOP TOP HOUSING DEVELOPMENT

Project Address
9 Sherwood Road, Merrylands

Client
.

Title
3D Shadow Diagrams - Coolibah Hotel

Drawn	Scale	Checked
AH		Checker
Job No	**Drawing No.**	**Issue**
2220	.27	H



1 Level 2 - Solar Access
1:400 @A3

0 m 1 2m 5m

True Northpoint

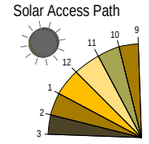
Do not scale, check and verify all dimensions before comencing new work, ground levels may vary due to site conditions.

Legend

Note: Sun angles taken at 21st June

- 9am to 10am
- 10am to 11am
- 11am to 12noon
- 12noon to 1pm
- 1pm to 2pm
- 2pm to 3pm

Solar Access Path



cross ventilation

Notes:
- Refer too hourly shadow diagrams that show no impact of overshadowing from other buildings unless otherwise indicated.
- Structural Columns, Glass balustrades & balcony sliding screens ommitted from solar access calculations

Description	Total
Number of Units with living areas receiving 2 hours minimum solar access on 21st June	78 (86.6%)
Number of Units with 0 solar access	9 (10%)
Number of Units with cross ventilation	71 (78.8%)

Issue	Issue description	Date
Y	Traffic Amendments, Elevations Added, Shadow + COS Calculation + Solar Access & Cross Ventilation Diagrams added	27.10.20
L	Amended unit layouts in Block C and Front Elevation	08-09-17
K	Solar Access	04-09-17
BB	Amendments to address Council Issues	07.09.21
AA	Amendments to address Council Issues	17.08.21

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www.architex.com.au

Project
PROPOSED SHOP TOP HOUSING DEVELOPMENT

Project Address
9 Sherwood Road, Merrylands

Client
.

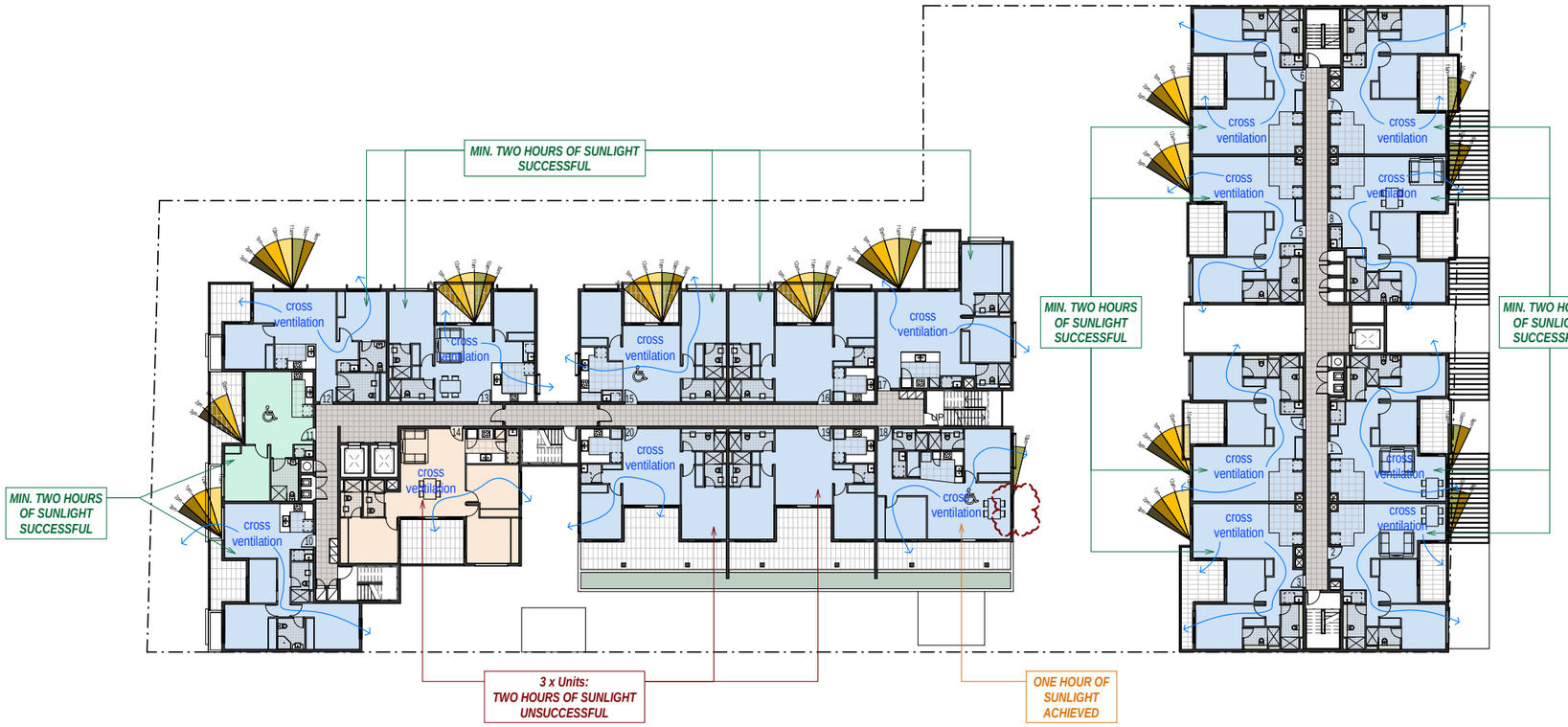
Title
Solar Access - Level 2

Drawn	Scale	Checked
AS	1:400 @A3	Checker
Job No	Drawing No.	Issue
2220	.28	BB

SECTION 4.55

ISSUE AA - AMENDMENTS - 17.08.21
1. Solar access calculations amended to match changes on floor plans.

ISSUE BB - AMENDMENTS - 07.09.21
1. Solar access calculations amended to match changes on floor plans.



1 Level 3 - Solar Access
1:400 @A3

0 m 1 2m 5m

True Northpoint

Do not scale, check and verify all dimensions before comencing new work, ground levels may vary due to site conditions.

Legend

Note: Sun angles taken at 21st June

- 9am to 10am
- 10am to 11am
- 11am to 12noon
- 12noon to 1pm
- 1pm to 2pm
- 2pm to 3pm

Solar Access Path

cross ventilation

Notes:
- Refer too hourly shadow diagrams that show no impact of overshadowing from other buildings unless otherwise indicated.
- Structural Columns, Glass balustrades & balcony sliding screens omitted from solar access calculations

Description	Total
Number of Units with living areas receiving 2 hours minimum solar access on 21st June	78 (86.6%)
Number of Units with 0 solar access	9 (10%)
Number of Units with cross ventilation	71 (78.8%)

Issue	Issue description	Date
Y	Traffic Amendments, Elevations Added, Shadow + COS Calculation + Solar Access & Cross Ventilation Diagrams added	27.10.20
L	Amended unit layouts in Block C and Front Elevation	08-09-17
K	Solar Access	04-09-17
BB	Amendments to address Council Issues	07.09.21
AA	Amendments to address Council Issues	17.08.21

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Project
PROPOSED SHOP TOP HOUSING DEVELOPMENT

Project Address
9 Sherwood Road, Merrylands

Client
.

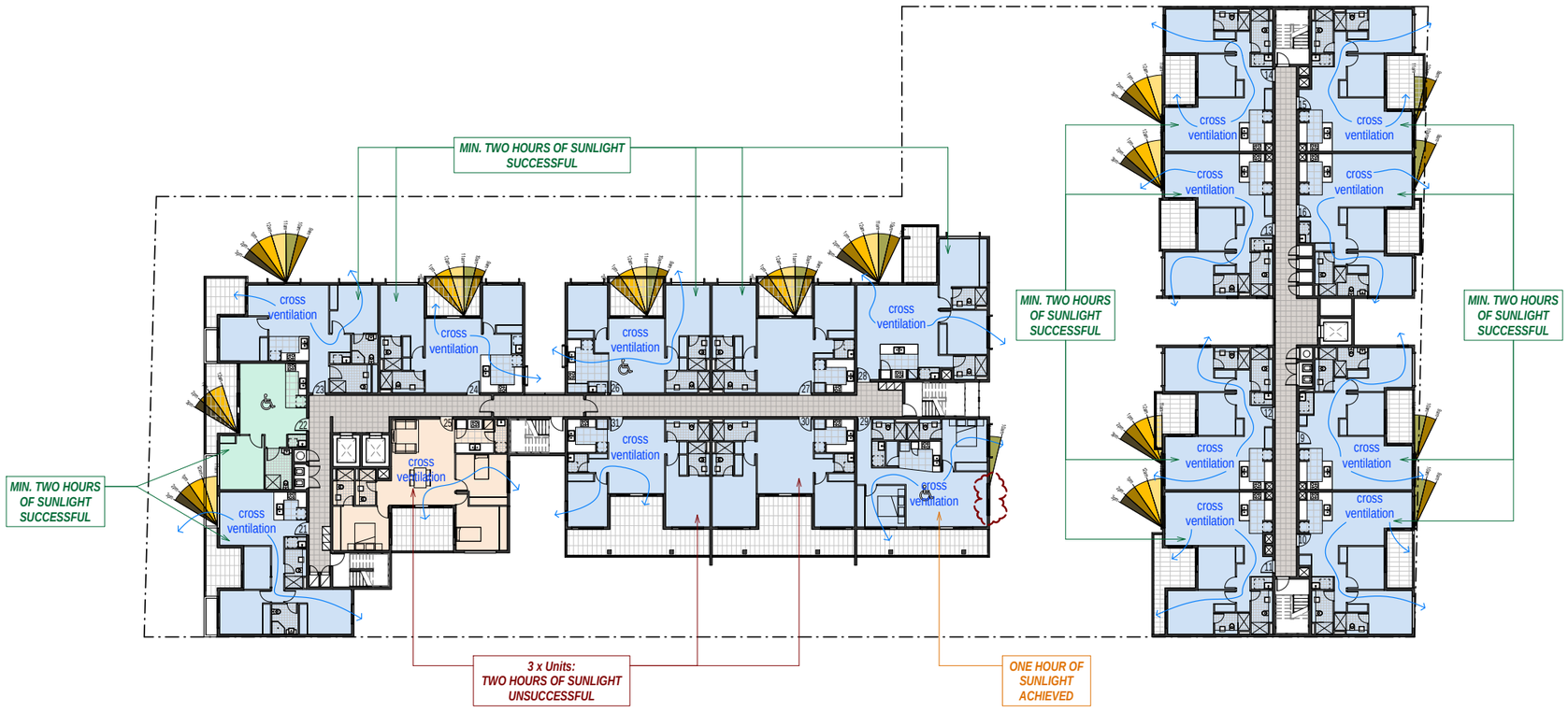
Title
Solar Access - Level 3

Drawn	Scale	Checked
AS	1:400 @A3	Checker
Job No	Drawing No.	Issue
2220	.29	BB

SECTION 4.55

ISSUE AA - AMENDMENTS - 17.08.21
1. Solar access calculations amended to match changes on floor plans.

ISSUE BB - AMENDMENTS - 07.09.21
1. Solar access calculations amended to match changes on floor plans.

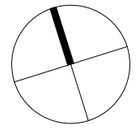


1 Level 4 - Solar Access

1:400 @A3



True Northpoint



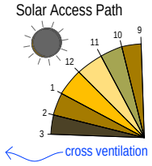
Do not scale, check and verify all dimensions before comencing new work, ground levels may vary due to site conditions.

Legend

Note: Sun angles taken at 21st June

- 9am to 10am
- 10am to 11am
- 11am to 12noon
- 12noon to 1pm
- 1pm to 2pm
- 2pm to 3pm

Solar Access Path



Notes:
- Refer too hourly shadow diagrams that show no impact of overshadowing from other buildings unless otherwise indicated.
- Structural Columns, Glass balustrades & balcony sliding screens ommitted from solar access calculations

Description	Total
Number of Units with living areas receiving 2 hours minimum solar access on 21st June	78 (86.6%)
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Issue	Issue description	Date
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L	Amended unit layouts in Block C and Front Elevation	08-09-17
K	Solar Access	04-09-17
BB	Amendments to address Council Issues	07.09.21
AA	Amendments to address Council Issues	17.08.21

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Project
PROPOSED SHOP TOP HOUSING DEVELOPMENT

Project Address
9 Sherwood Road, Merrylands

Client
.

Title
Solar Access - Level 4

Drawn	Scale	Checked
AS	1:400 @A3	Checker
Job No	**Drawing No.**	**Issue**
2220	.30	BB

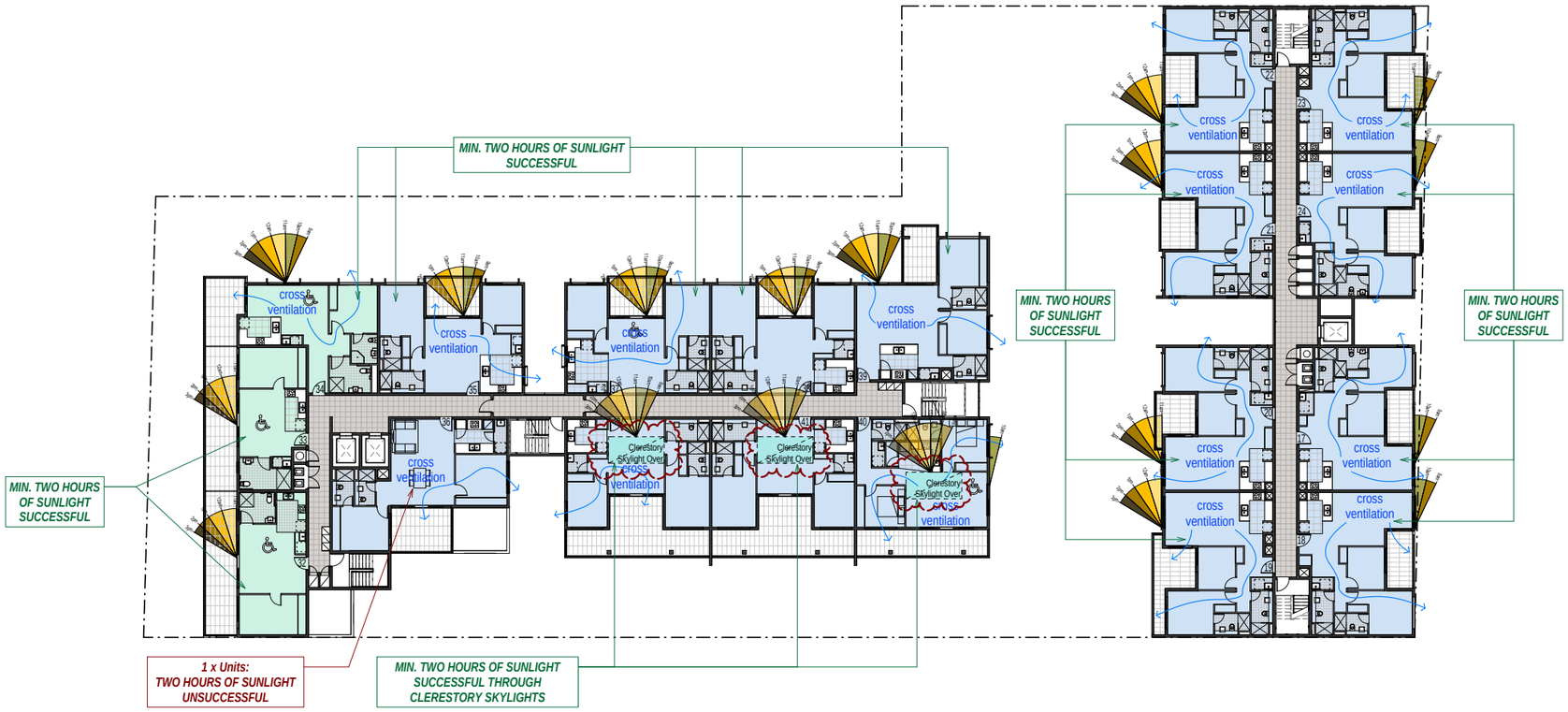
SECTION 4.55

ISSUE AA - AMENDMENTS - 17.08.21

1. Solar access calculations amended to match changes on floor plans.

ISSUE BB - AMENDMENTS - 07.09.21

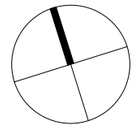
1. Solar access calculations amended to match changes on floor plans.



1 Level 5 - Solar Access
1:400 @A3



True Northpoint

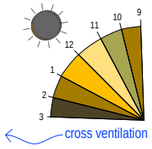


Do not scale, check and verify all dimensions before comencing new work, ground levels may vary due to site conditions.

Legend
Note: Sun angles taken at 21st June

- 9am to 10am
- 10am to 11am
- 11am to 12noon
- 12noon to 1pm
- 1pm to 2pm
- 2pm to 3pm

Solar Access Path



Notes:
- Refer too hourly shadow diagrams that show no impact of overshadowing from other buildings unless otherwise indicated.
- Structural Columns, Glass balustrades & balcony sliding screens ommited from solar access calculations

Description	Total
Number of Units with living areas receiving 2 hours minimum solar access on 21st June	78 (86.6%)
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Issue	Issue description	Date
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K	Solar Access	04-09-17
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Project
PROPOSED SHOP TOP HOUSING DEVELOPMENT

Project Address
9 Sherwood Road, Merrylands

Client
.

Title
Solar Access - Level 5

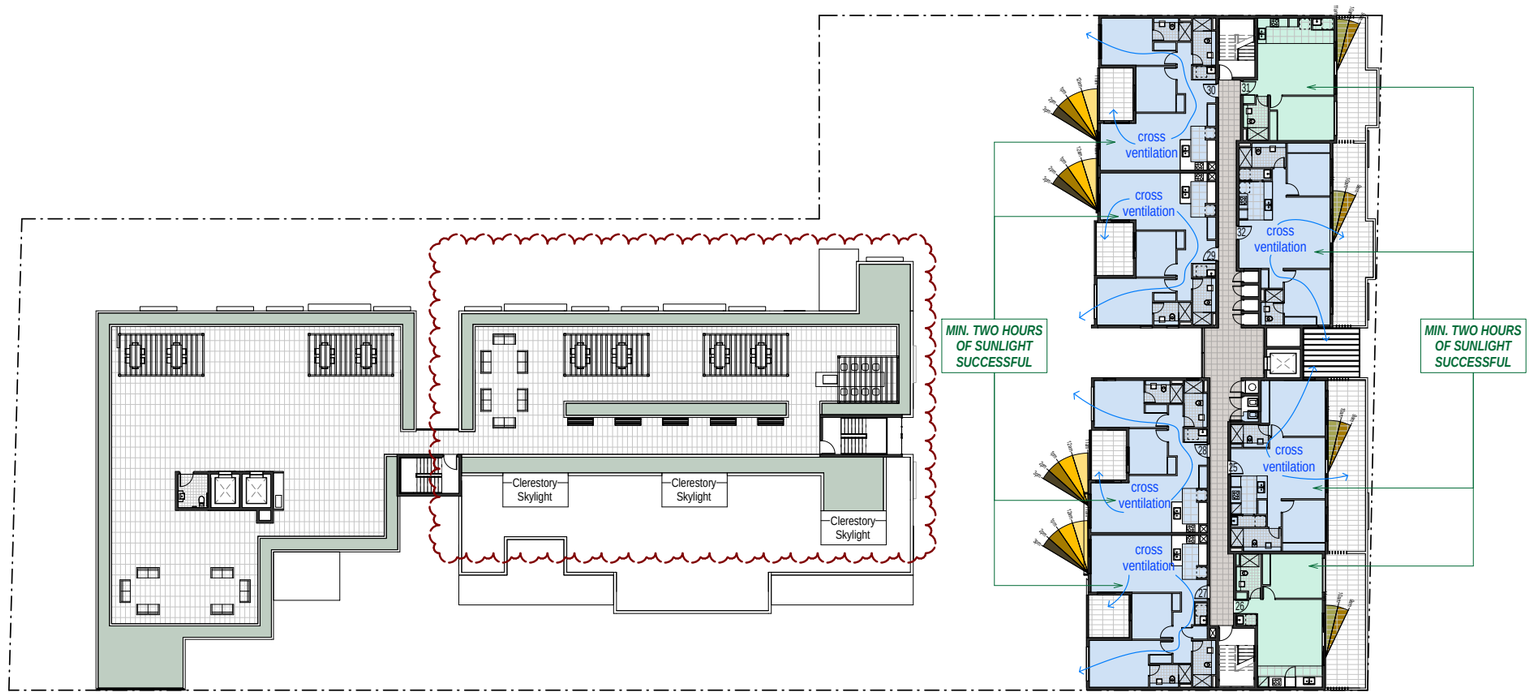
Drawn	Scale	Checked
AS	1:400 @A3	Checker
Job No	Drawing No.	Issue
2220	.31	BB

SECTION 4.55

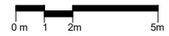
ISSUE AA - AMENDMENTS - 17.08.21
1. Solar access calculations amended to match changes on floor plans.

ISSUE BB - AMENDMENTS - 07.09.21
1. Solar access calculations amended to match changes on floor plans.

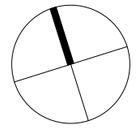
Clerestory Skylight Over - 4200 x 2000



1 Level 6 - Solar Access
1:400 @A3



True Northpoint



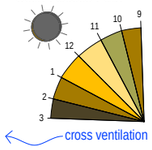
Do not scale, check and verify all dimensions before comencing new work, ground levels may vary due to site conditions.

Legend

Note: Sun angles taken at 21st June

- 9am to 10am
- 10am to 11am
- 11am to 12noon
- 12noon to 1pm
- 1pm to 2pm
- 2pm to 3pm

Solar Access Path



Notes:
- Refer too hourly shadow diagrams that show no impact of overshadowing from other buildings unless otherwise indicated.
- Structural Columns, Glass balustrades & balcony sliding screens ommitted from solar access calculations

Description	Total
Number of Units with living areas receiving 2 hours minimum solar access on 21st June	78 (86.6%)
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AA	Amendments to address Council Issues	17.08.21

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www.architex.com.au

ISSUE AA - AMENDMENTS - 17.08.21
1. Solar access calculations amended to match changes on floor plans.
ISSUE BB - AMENDMENTS - 07.09.21
1. Solar access calculations amended to match changes on floor plans.

SECTION 4.55

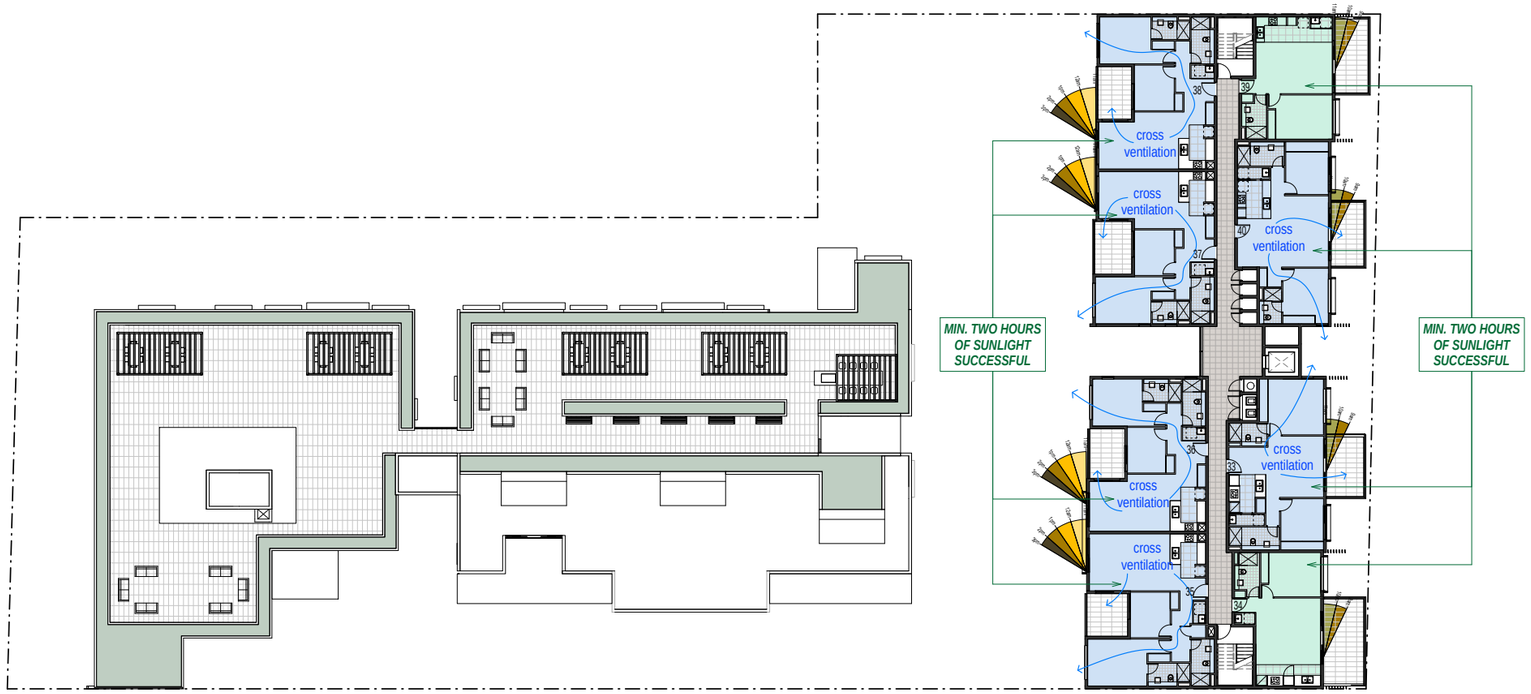
Project
PROPOSED SHOP TOP HOUSING DEVELOPMENT

Project Address
9 Sherwood Road, Merrylands

Client
.

Title
Solar Access - Level 6

Drawn	Scale	Checked
AS	1:400 @A3	Checker
Job No	Drawing No.	Issue
2220	.32	BB



1 Level 7 - Solar Access
1:400 @A3

0 m 1 2m 5m

True Northpoint

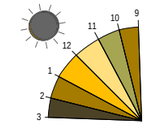
Do not scale, check and verify all dimensions before comencing new work, ground levels may vary due to site conditions.

Legend

Note: Sun angles taken at 21st June

- 9am to 10am
- 10am to 11am
- 11am to 12noon
- 12noon to 1pm
- 1pm to 2pm
- 2pm to 3pm

Solar Access Path



Notes:
- Refer too hourly shadow diagrams that show no impact of overshadowing from other buildings unless otherwise indicated.
- Structural Columns, Glass balustrades & balcony sliding screens ommitted from solar access calculations

Description	Total
Number of Units with living areas receiving 2 hours minimum solar access on 21st June	78 (86.6%)
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Issue	Issue description	Date
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AA	Amendments to address Council Issues	17.08.21

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Project
PROPOSED SHOP TOP HOUSING DEVELOPMENT

Project Address
9 Sherwood Road, Merrylands

Client
.

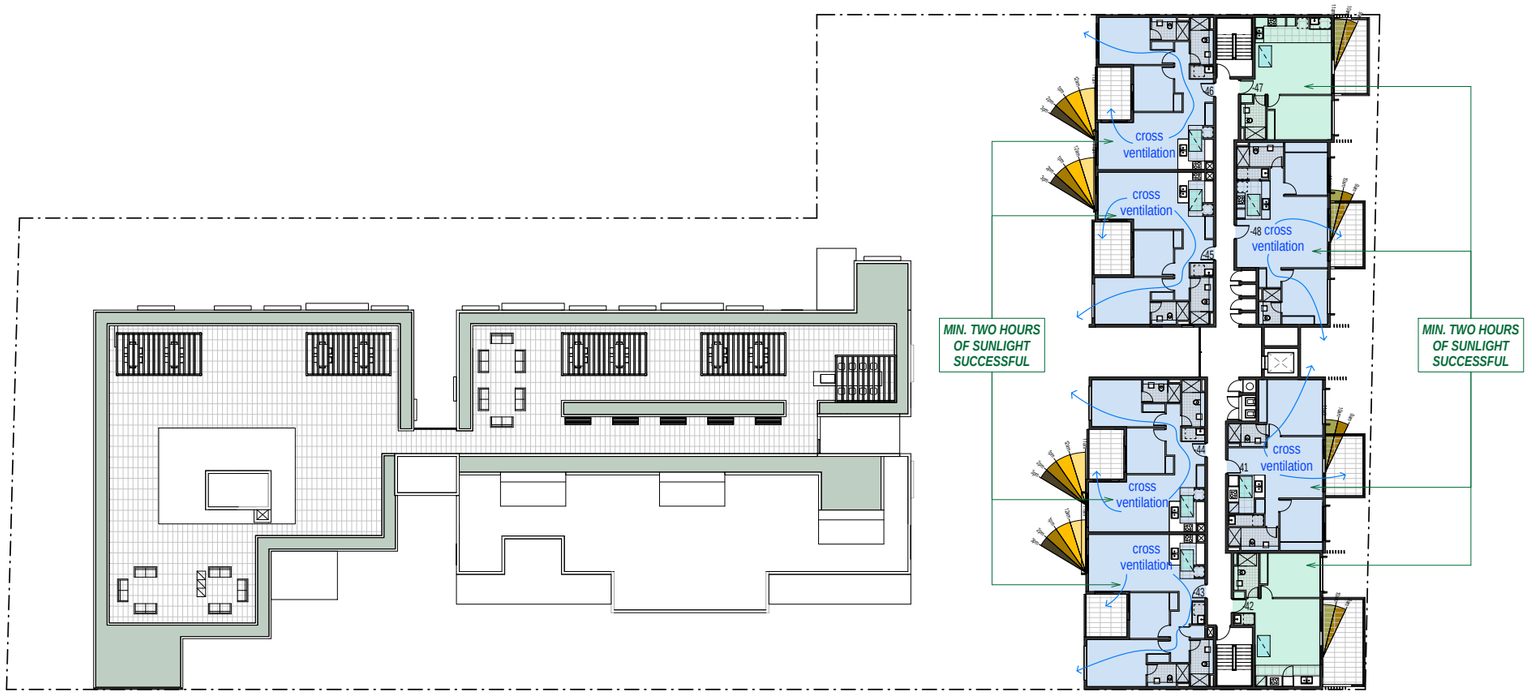
Title
Solar Access - Level 7

Drawn	Scale	Checked
AS	1:400 @A3	Checker
Job No	Drawing No.	Issue
2220	.33	BB

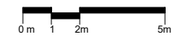
SECTION 4.55

ISSUE AA - AMENDMENTS - 17.08.21
1. Solar access calculations amended to match changes on floor plans.

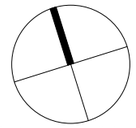
ISSUE BB - AMENDMENTS - 07.09.21
1. Solar access calculations amended to match changes on floor plans.



1 Level 8 - Solar Access
1:400 @A3



True Northpoint



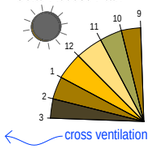
Do not scale, check and verify all dimensions before comencing new work, ground levels may vary due to site conditions.

Legend

Note: Sun angles taken at 21st June

- 9am to 10am
- 10am to 11am
- 11am to 12noon
- 12noon to 1pm
- 1pm to 2pm
- 2pm to 3pm

Solar Access Path



Notes:
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Description	Total
Number of Units with living areas receiving 2 hours minimum solar access on 21st June	78 (86.6%)
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L	Amended unit layouts in Block C and Front Elevation	08-09-17
K	Solar Access	04-09-17
BB	Amendments to address Council Issues	07.09.21
AA	Amendments to address Council Issues	17.08.21

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ISSUE AA - AMENDMENTS - 17.08.21
1. Solar access calculations amended to match changes on floor plans.
ISSUE BB - AMENDMENTS - 07.09.21
1. Solar access calculations amended to match changes on floor plans.

Skylight Over - 900 x 1500 (Level 8 Only)

SECTION 4.55

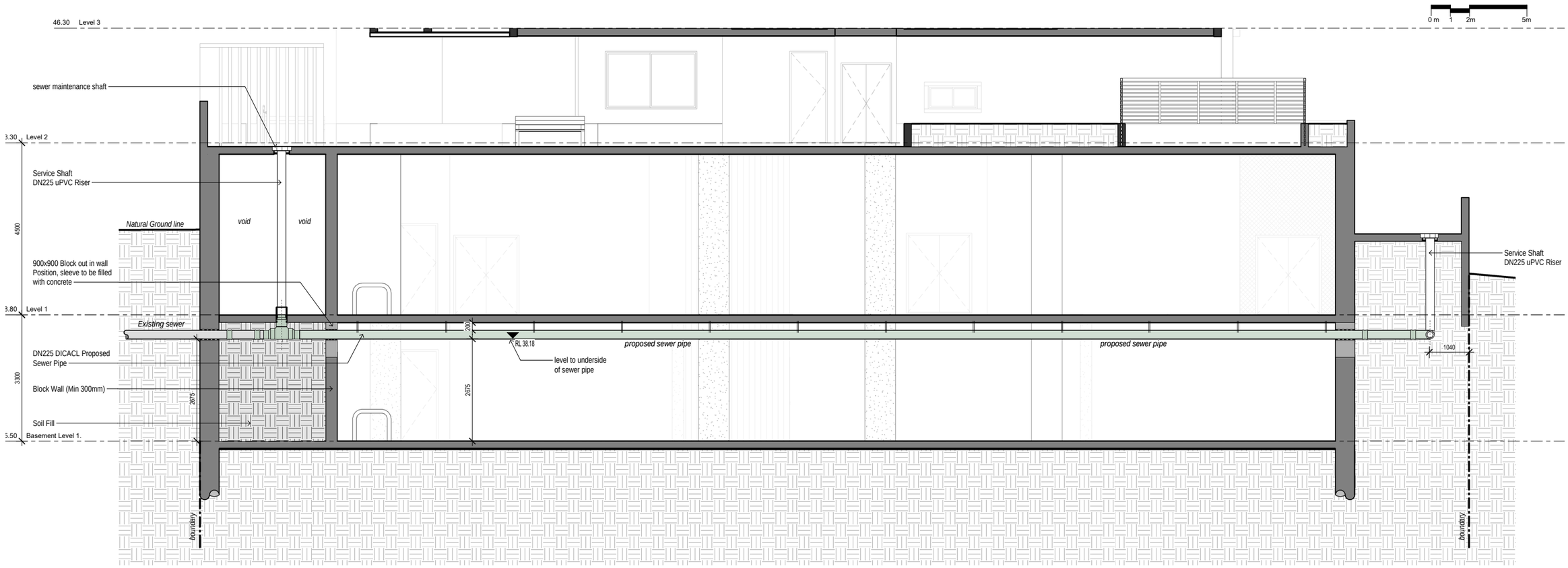
Project
PROPOSED SHOP TOP HOUSING DEVELOPMENT

Project Address
9 Sherwood Road, Merrylands

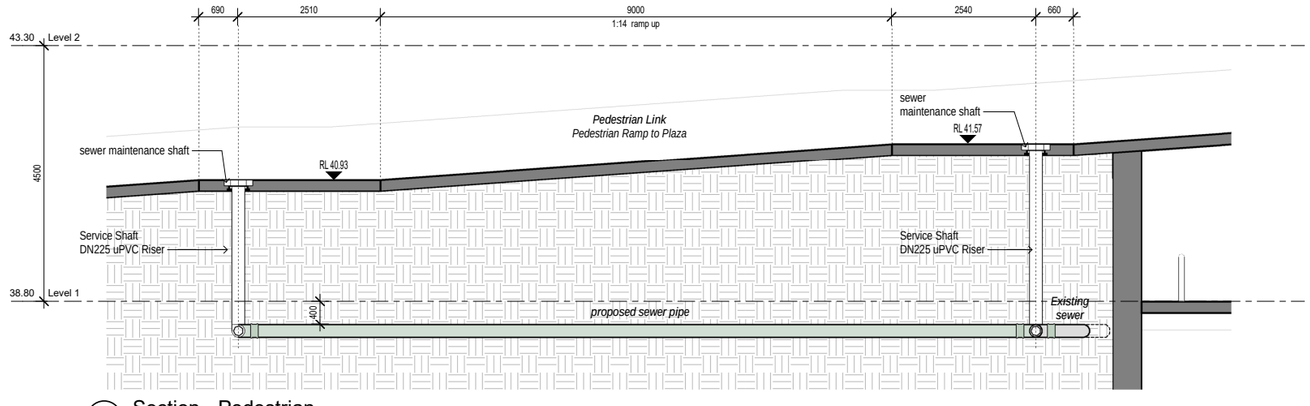
Client
.

Title
Solar Access - Level 8

Drawn	Scale	Checked
AS	1:400 @A3	Checker
Job No	Drawing No.	Issue
2220	.34	BB



1 Section - Sewer Pipe Clearance 1:100 @A3



2 Section - Pedestrian Ramp 1:100 @A3

Issue	Issue descrption	Date
T	Amendments to basement to allow for sewer	09.03.20
Q	Sewer Pipe Details Added	21.02.20
O	Sewer Pipe Amendments	18-12-19

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email@architex.com.au
www.architex.com.au

SECTION 4.55

Project
PROPOSED SHOP TOP HOUSING DEVELOPMENT

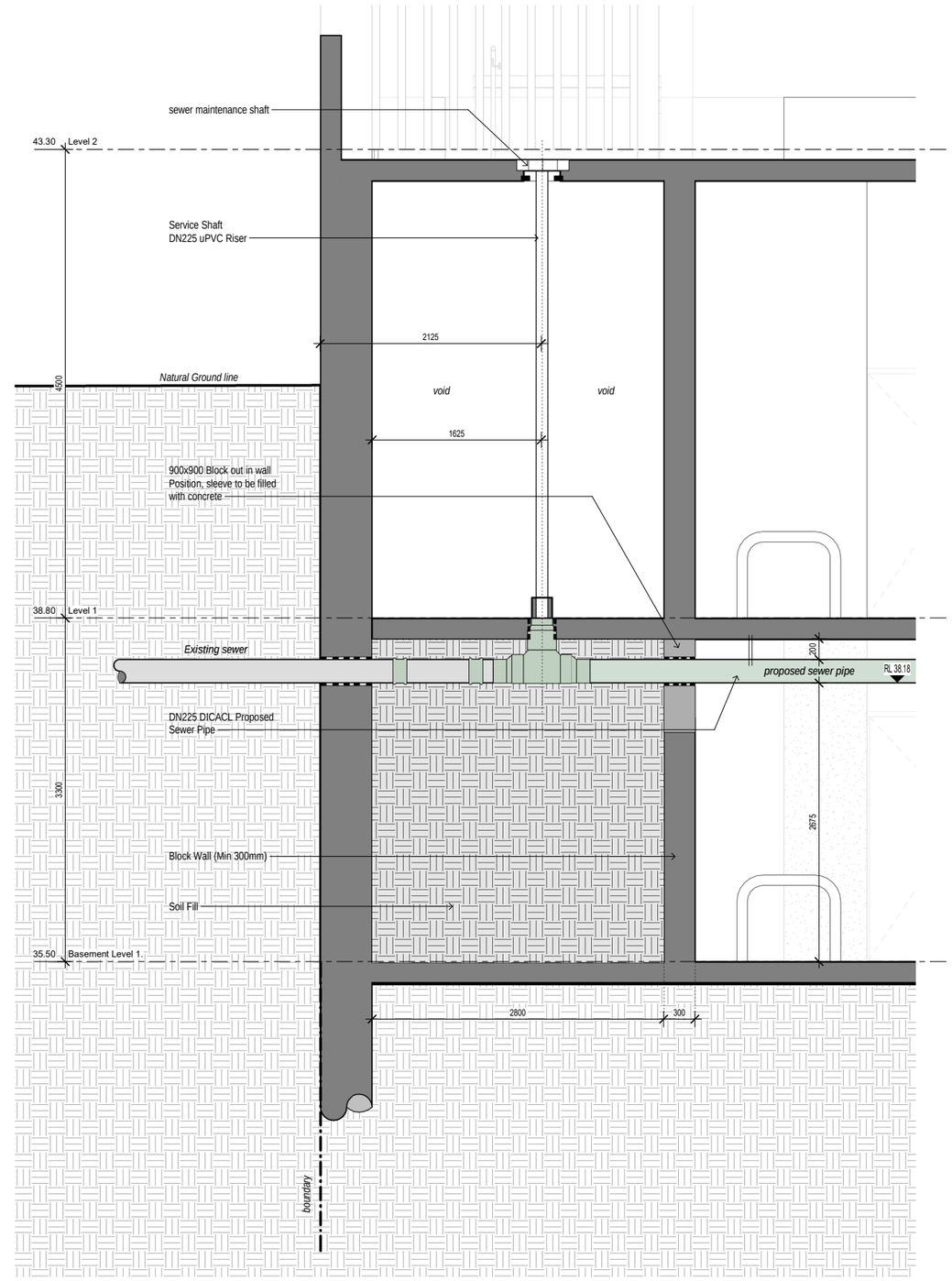
Project Address
9 Sherwood Road, Merrylands

Client
.

Title
Sections - Sewer Pipe Clearance

Drawn	Scale	Checked
AS	1:100 @A3	Checker
Job No	Drawing No.	Issue
2220	.35	T

0 m 0.5 1m 2.5m



1 Section - Sewer Pipe/Shaft Detail 1:50 @A3

Issue	Issue descrption	Date
T	Amendments to basement to allow for sewer	09.03.20
Q	Sewer Pipe Details Added	21.02.20

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www.architex.com.au

SECTION 4.55

Project
PROPOSED SHOP TOP HOUSING DEVELOPMENT

Project Address
9 Sherwood Road, Merrylands

Client
.

Title
Section - Sewer Pipe/Shaft Detail

Drawn	Scale	Checked
AS	1:50 @A3	Checker
Job No	**Drawing No.**	**Issue**
2220	.36	T

PROPOSED SHOP TOP HOUSING DEVELOPMENT



S4.55 PROPOSED SCHEME



DA APPROVED SCHEME

9 Sherwood Road, Merrylands

.

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mob: 0418 402 919
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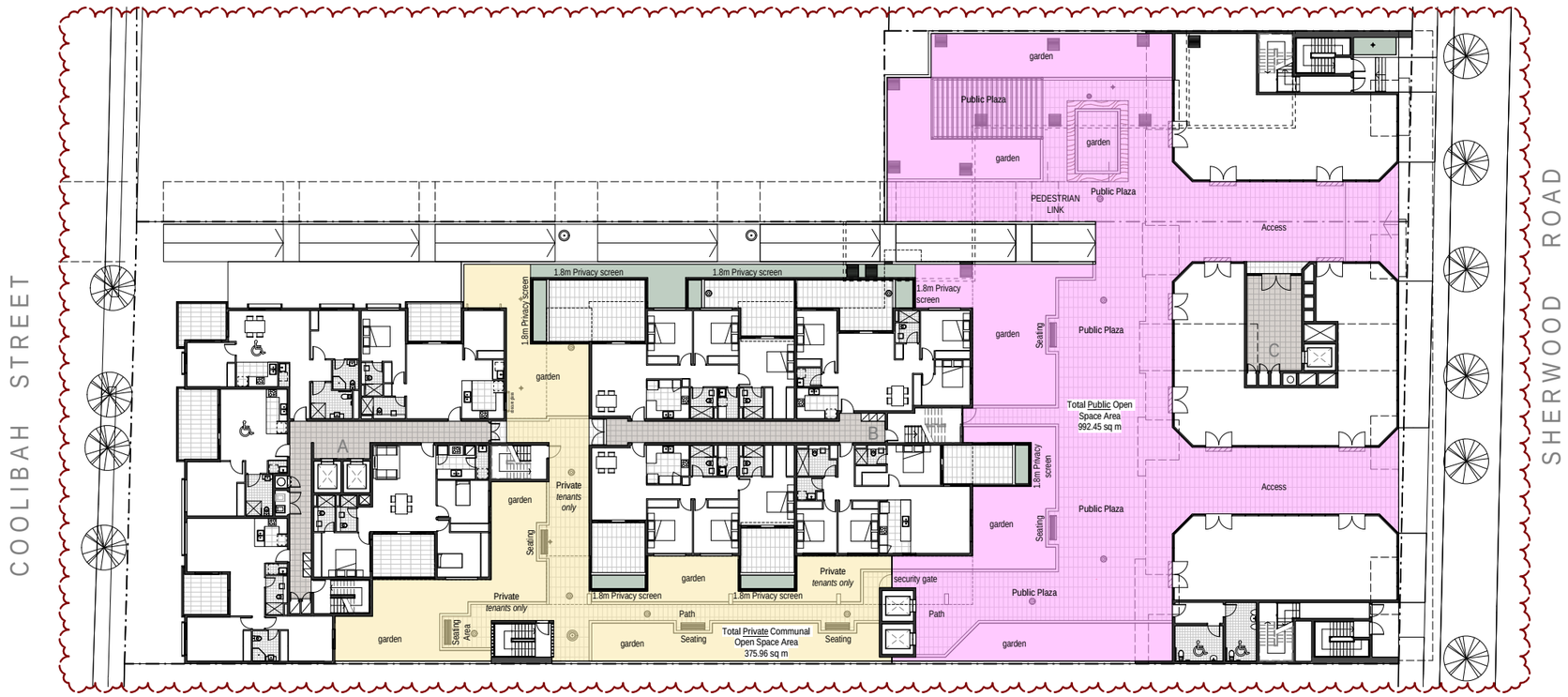
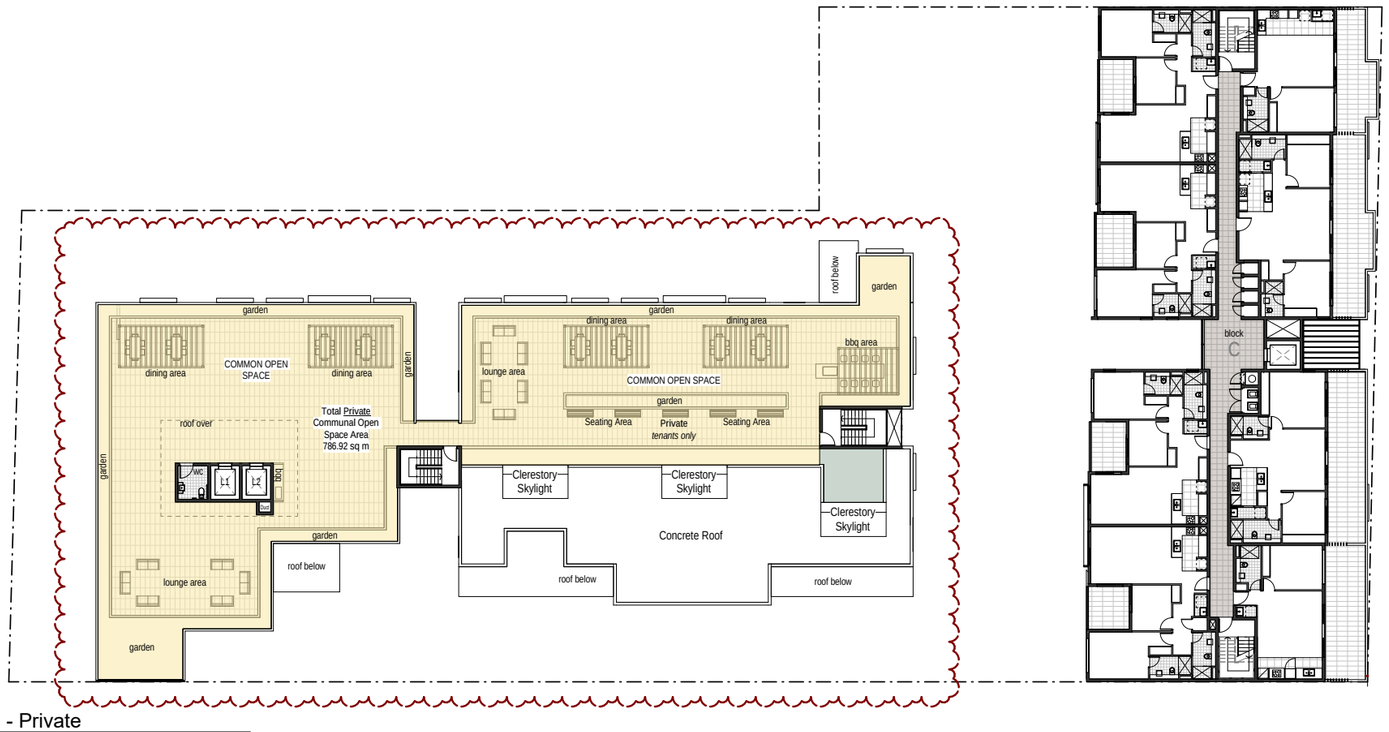
parramatta, 2150
email@architex.com.au
www.architex.com.au
ryleton pty ltd t/as architex
abn 32 003 315 142



1 Level 2 - Private Common Open Space & Public Open Space Diagram 1:400 @A3



2 Level 6 - Private Common Open Space Diagram 1:400 @A3

0 m 2 4m 10m

True Northpoint

Do not scale, check and verify all dimensions before commencing new work, ground levels may vary due to site conditions.

Areas Included in Private Common Open Space Calculations	
Areas Included in Public Open Space Calculations	

Site Area	*LOT 1*	=	3,171.4 *sq.m*
Site Area	*LOT 2*	=	563.2 *sq.m*
Total Site Area		=	3,734.6 *sq.m*
Private Common Open Space Calculations			
- Level 1 - COS		=	*375.96 sq.m*
- Level 6 - COS		=	*786.92 sq.m*
TOTAL COS AREA		=	*1,162.88 sq.m (31.1%)*
Public Open Space Calculations			
TOTAL POS AREA		=	*992.45 sq.m (26.57%)*

Issue	Issue descrption	Date
Y	Traffic Amendments, Elevations Added, Shadow + COS Calculation + Solar Access & Cross Ventilation Diagrams added	27.10.20
AA	Amendments to address Council Issues	07.09.21
Z	Amendments to address Council Issues	17.08.21

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Robert Del Pizzo
NSW Reg. No. 3972

SECTION 4.55

Project
PROPOSED SHOP TOP HOUSING DEVELOPMENT

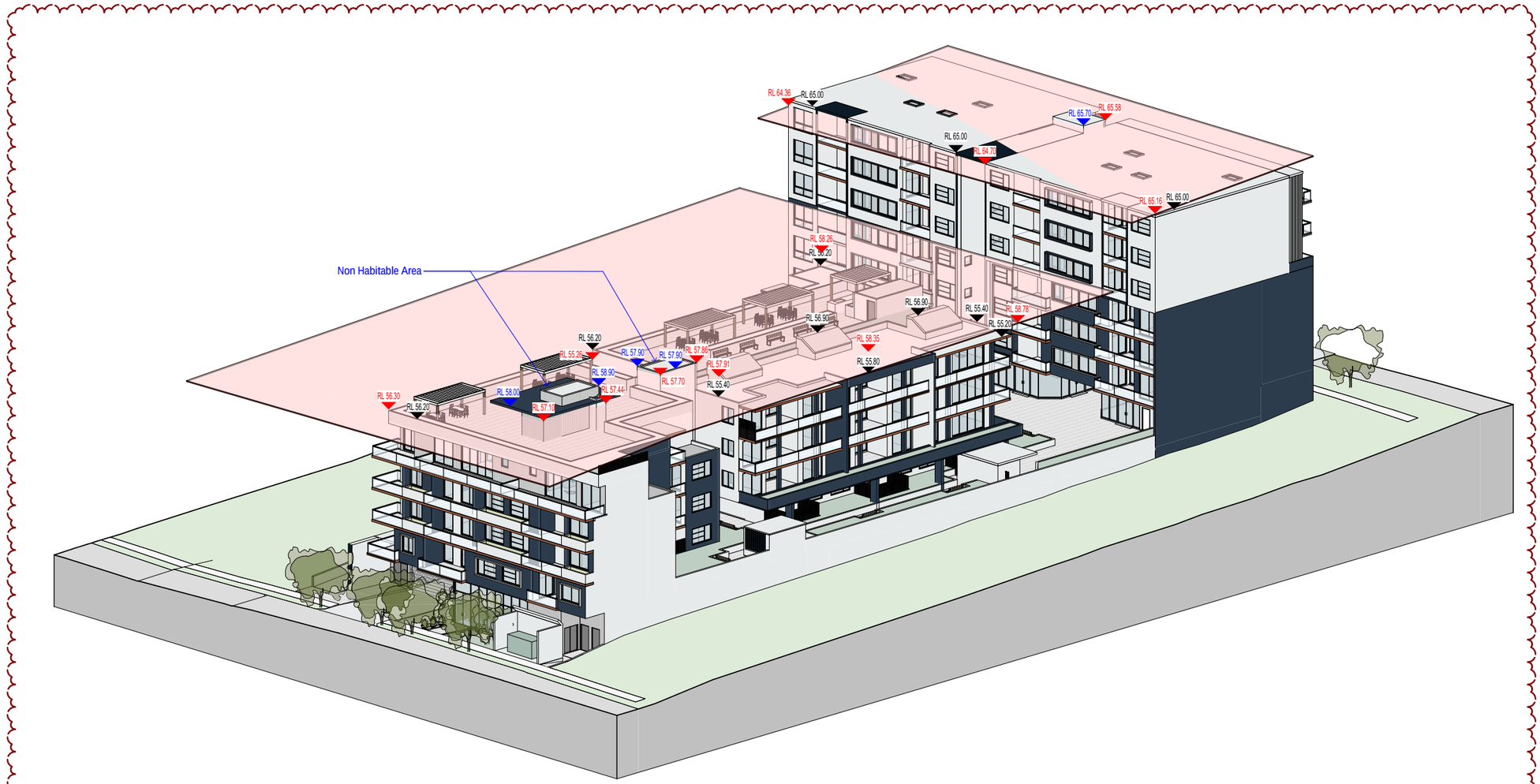
Project Address
9 Sherwood Road, Merrylands

Client
.

Title
Private Common & Public Open Space Diagram

Drawn	Scale	Checked
AS	1:400 @A3	Checker
Job No	Drawing No.	Issue
2220	38	AA

0 m 1 2m 5m



Issue	Issue description	Date
GG	Residential Units on Block B Level 6 removed, Lift 1 Extended to Basement Level 1, Commercial Plaza to lift & Pedestrian Path added to Level 1, Bin Store details added on every level + General Amendments	30.06.21
CC	Amendments to address Traffic Comments, Floor Levels Amended & Neighbouring building seperation information added	16.02.21
BB	Amendments to address Traffic Comments	19.01.21

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Project
PROPOSED SHOP TOP HOUSING DEVELOPMENT

Project Address
9 Sherwood Road, Merrylands

Client
.

Title
3D Building Height Plane

Drawn	Scale	Checked
AS	1:400 @A3	Checker
Job No	Drawing No.	Issue
2220	39	DD

SECTION 4.55

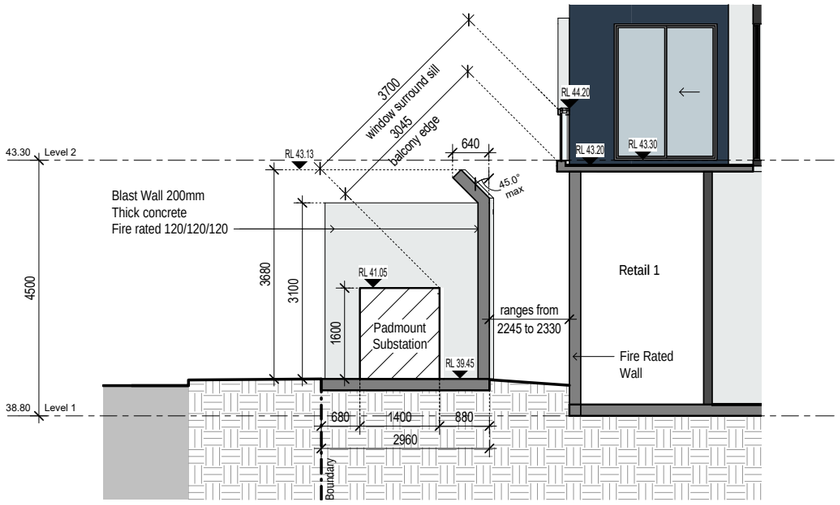
Building Height Legend

- RL# Building Height - Habitable Area
- RL# Building Height - Non Habitable Area
- RL# Building Height Plane/Line

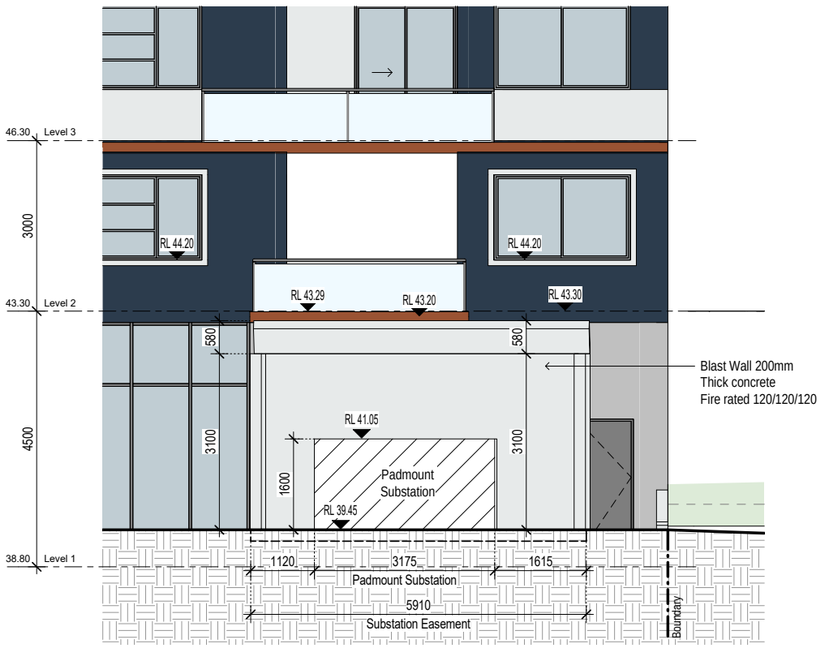
LEGEND

17m & 23m Maximum building height Planes

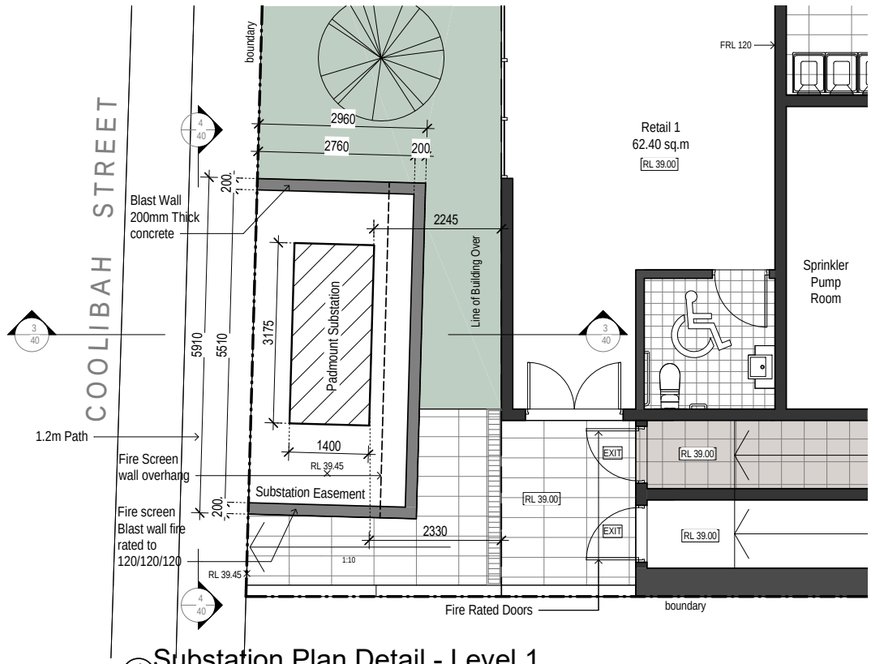
1 Building Height Plane



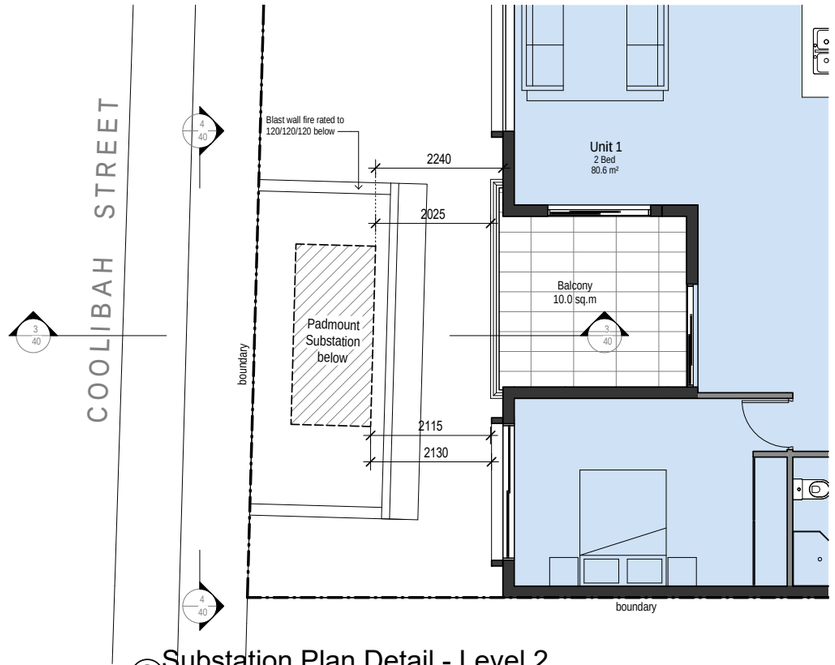
3 Substation Detail - Section
1:100 @A3



4 Substation Detail - Section B
1:100 @A3



1 Substation Plan Detail - Level 1
1:100 @A3



2 Substation Plan Detail - Level 2
1:100 @A3

Issue	Issue description	Date
HH	Amendments to address Council Issues	17.08.21
FF	Substation Details Amended + Awning to sherwood Road Amended	22.04.21
EE	Substation Details Added	19.04.21

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SECTION 4.55

Project
PROPOSED SHOP TOP HOUSING DEVELOPMENT

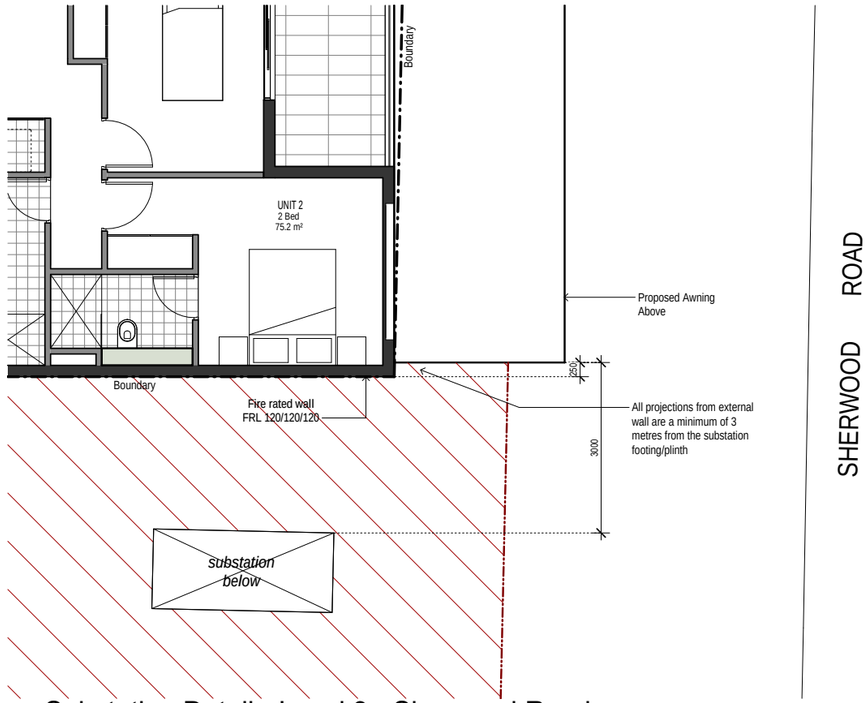
Project Address
9 Sherwood Road, Merrylands

Client
.

Title
Substation Details

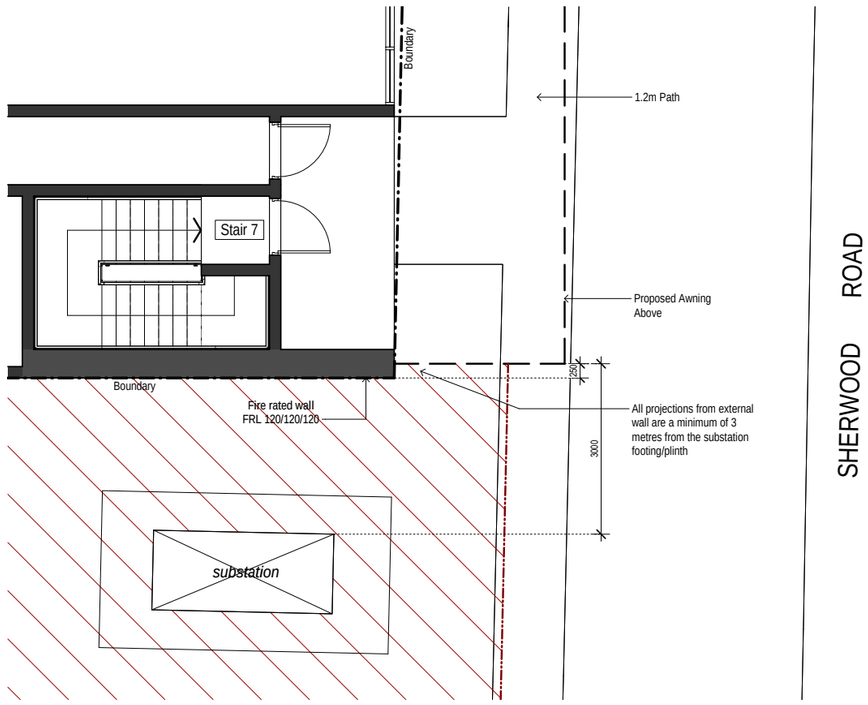
Drawn	Scale	Checked
AS	1:100 @A3	Checker
Job No	Drawing No.	Issue
2220	40	HH

0 m 1 2m 5m



② Substation Detail - Level 3 - Sherwood Road

1:100 @A3



① Substation Detail - Level 2 - Sherwood Road

1:100 @A3

Issue	Issue descrption	Date
FF	Substation Details Amended + Awning to sherwood Road Amended	22.04.21
EE	Substation Details Added	19.04.21

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SECTION 4.55

Project
PROPOSED SHOP TOP HOUSING DEVELOPMENT

Project Address
9 Sherwood Road, Merrylands

Client
.

Title
Substation Details 2

Drawn	Scale	Checked
AS	1:100 @A3	Checker
Job No	**Drawing No.**	**Issue**
2220	41	FF

Outdoor Noise Propagation Computation (Propout.xls) — Version 5.1

DAY DESIGN PTY LTD

Client . . . . . Hezlett C/- SWAAB
Project Title. . . . . 9 - 11 Sherwood Road, Merrylands
Operation . . . . . People in Common Open Area
patrons

Engineer: AS
Project no: 7255-1
Date: 8-Sep-21
Atmosphere:
Temp 20
RH% 80

Receptor Location. . . . . Residnt to the south
Noise Criterion . . . . . 43 dBA
Predicted Lp at Receptor = 39 dBA

	Description	Comments	Input	Noise Levels - dB									
1.	**Group 1 People**			dBA	63	125	250	500	1000	2000	4000	8000	Adj.
													43
	Sound Power Level...		Leq	88	68	68	76	83	85	81	74	66	dBA
	Energy Distribution	Q	2		0	0	0	0	0	0	0	0	88.0
	Multiple Units	Number	1		0	0	0	0	0	0	0	0	
	Shielding Factor	up to 3	0		0	0	0	0	0	0	0	0	
	Distance Loss	Dist (m)	25		36.0	36.0	36.0	36.0	36.0	36.0	36.0	36.0	
	Air Absorption =								0.0	0.1	0.4	1.5	
	Wall / Roof Directivity	from normal											
	True Height of Barrier	Actual (m)	1	1.4	6.6	7.9	9.8	12.3	15.1	18.1	21.1	24.0	
	Lp Contribution at Receptor:			**37**	25.2	24.0	30.2	35.1	33.9	26.9	16.8	4.1	
				dBA	-1.0	7.9	21.6	31.9	33.9	28.1	17.8	3.0	

Barrier Loss Calc'n	For Neutral Weather Conditions only								
Distances	Reference Heights			Compute Path Over Barrier Wall					
Source to Barrier	3.0	Source	56.7	a =	3.0414	d =	0.28	dBA	
Barrier to Recep	22	Receptor	40.5	b =	27.028	e =	1.444	88.0	
Eff wall Height	1.4	Barrier Base	55.2	c =	29.79				
Path length diff	0.28								
Screen Wall Loss =	6.6	7.9	9.8	12.3	15.1	18.1	21.1	24.0	
Dist. Comp'n :	36.0	36.0	36.0	36.0	36.0	36.0	36.0	36.0	
Wall Directivity	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	
B =	4	duct width (metres) normal to direction of interest							4.0
dBA									
36.9	25.2	24.0	30.2	35.1	33.9	26.9	16.8	4.1	

	Description	Comments	Input	Noise Levels - dB									
2	**Group 2 People**			dBA	63	125	250	500	1000	2000	4000	8000	
	Sound Power Level...		Leq	88.0	68	68	76	83	85	81	74	66	dBA
	Energy Distribution	Q	2		0	0	0	0	0	0	0	0	88.0
	Multiple Units	Number	1		0	0	0	0	0	0	0	0	
	Shielding Factor	up to 3	0		0	0	0	0	0	0	0	0	
	Distance Loss	Dist (m)	39		39.8	39.8	39.8	39.8	39.8	39.8	39.8	39.8	
	Air Absorption =								0.0	0.1	0.6	2.3	
	Wall / Roof Directivity	from normal											
	True Height of Barrier	Actual (m)	1	6.1	11.1	13.8	16.7	19.7	22.7	24.0	24.0	24.0	
	Lp Contribution at Receptor:			**25.8**	16.9	14.2	19.4	23.8	22.4	17.1	9.8	0.0	
				dBA	-9.3	-1.9	10.8	20.6	22.4	18.3	10.8	-1.1	

Barrier Loss Calc'n	For Neutral Weather Conditions only								
Distances	Reference Heights			Compute Path Over Barrier Wall					
Source to Barrier	16.0	Source	56.7	a =	16.008	d =	1.62	dBA	
Barrier to Recep	23	Receptor	40.5	b =	27.848	e =	6.14615	88.0	
Eff wall Height	6.1	Barrier Base	55.2	c =	42.231				
Path length diff	1.62								
Screen Wall Loss =	11.1	13.8	16.7	19.7	22.7	24.0	24.0	24.0	
Dist. Comp'n :	39.8	39.8	39.8	39.8	39.8	39.8	39.8	39.8	
Wall Directivity	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	
B =	4	duct width (metres) normal to direction of interest							4.0
dBA									
25.8	16.9	14.2	19.4	23.8	22.4	17.1	9.8	-0.6	

	Description	Comments	Input	Noise Levels - dB									
3	**Group 3 People**			dBA	63	125	250	500	1000	2000	4000	8000	
	Sound Power Level...		Leq	88.0	68	68	76	83	85	81	74	66	dBA
	Energy Distribution	Q	2		0	0	0	0	0	0	0	0	88.0
	Multiple Units	Number	1		0	0	0	0	0	0	0	0	
	Shielding Factor	up to 3	0		0	0	0	0	0	0	0	0	
	Distance Loss	Dist (m)	27		36.6	36.6	36.6	36.6	36.6	36.6	36.6	36.6	
	Air Absorption =								0.0	0.1	0.4	1.6	
	Wall / Roof Directivity	from normal											
	True Height of Barrier	Actual (m)	1	2.5	7.9	9.8	12.3	15.2	18.2	21.2	24.0	24.0	
	Lp Contribution at Receptor:			**33.2**	23.3	21.4	27.0	31.5	30.2	23.1	13.2	3.3	
				dBA	-2.9	5.3	18.4	28.3	30.2	24.3	14.2	2.2	

Barrier Loss Calc'n	For Neutral Weather Conditions only								
Distances	Reference Heights			Compute Path Over Barrier Wall					
Source to Barrier	5.0	Source	56.7	a =	5.0249	d =	0.57	dBA	
Barrier to Recep	22	Receptor	40.5	b =	27.028	e =	2.5	88.0	
Eff wall Height	2.5	Barrier Base	55.2	c =	31.487				
Path length diff	0.57								
Screen Wall Loss =	7.9	9.8	12.3	15.2	18.2	21.2	24.0	24.0	
Dist. Comp'n :	36.6	36.6	36.6	36.6	36.6	36.6	36.6	36.6	
Wall Directivity	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	
B =	4	duct width (metres) normal to direction of interest							4.0
dBA									
33.2	23.3	21.4	27.0	31.5	30.2	23.1	13.2	3.3	

	Description	Comments	Input	Noise Levels - dB									
4.	**Group 4 People**			dBA	63	125	250	500	1000	2000	4000	8000	Adj.
													43
	Sound Power Level...		Leq	88	68	68	76	83	85	81	74	66	dBA
	Energy Distribution	Q	2		0	0	0	0	0	0	0	0	88.0
	Multiple Units	Number	1		0	0	0	0	0	0	0	0	
	Shielding Factor	up to 3	0		0	0	0	0	0	0	0	0	
	Distance Loss	Dist (m)	48		41.6	41.6	41.6	41.6	41.6	41.6	41.6	41.6	
	Air Absorption =								0.0	0.2	0.7	2.8	
	Wall / Roof Directivity	from normal											
	True Height of Barrier	Actual (m)	1	9.0	13.2	16.0	19.0	22.1	24.0	24.0	24.0	24.0	
	Lp Contribution at Receptor:			**23**	13.0	10.2	15.3	19.7	19.4	15.2	7.9	0.0	
				dBA	-13.2	-5.9	6.7	16.5	19.4	16.4	8.9	-1.1	

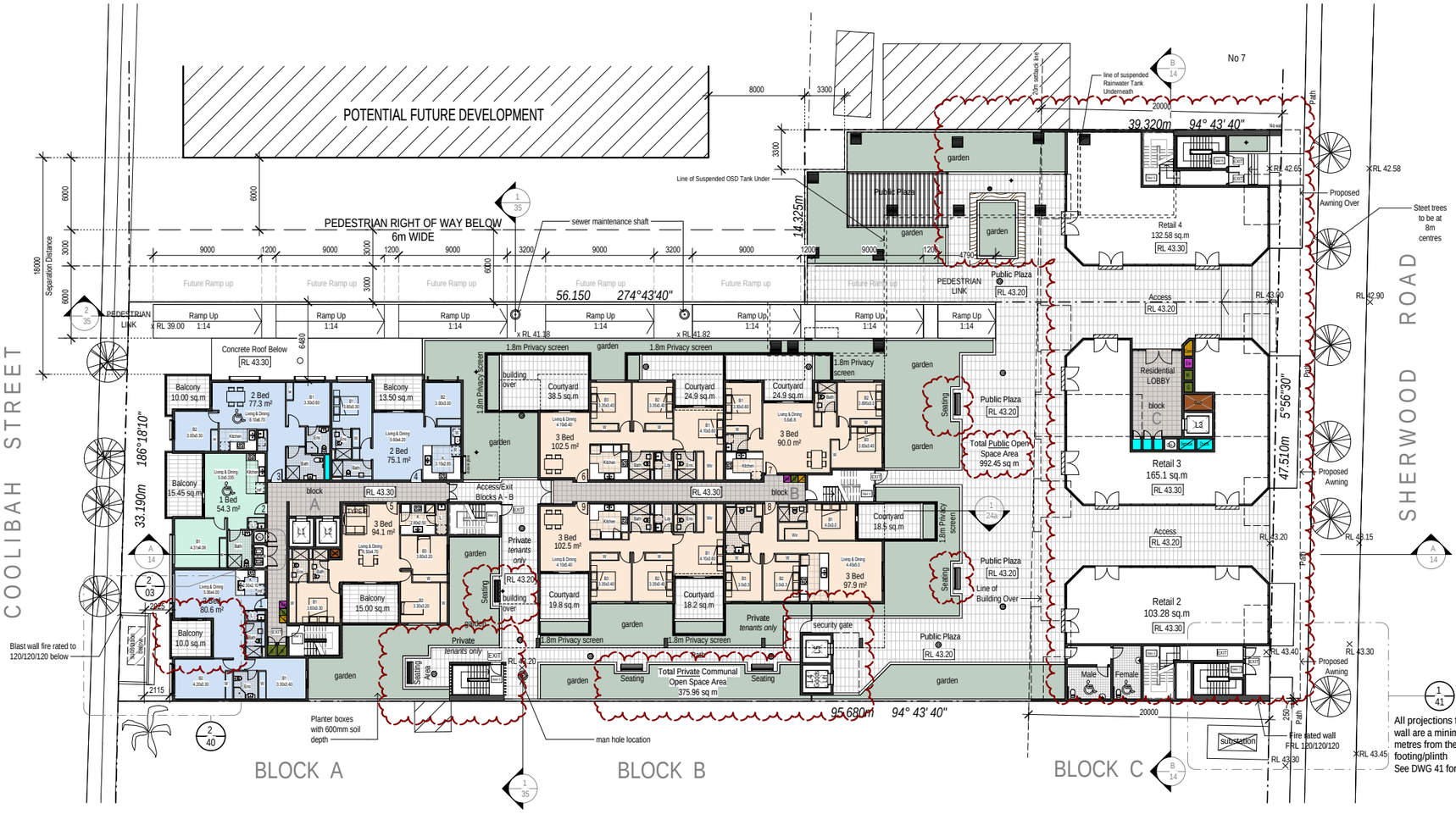
Barrier Loss Calc'n	For Neutral Weather Conditions only								
Distances	Reference Heights			Compute Path Over Barrier Wall					
Source to Barrier	28.0	Source	56.7	a =	28.004	d =	2.77	dBA	
Barrier to Recep	20	Receptor	40.5	b =	25.426	e =	8.95	88.0	
Eff wall Height	9.0	Barrier Base	55.2	c =	50.66				
Path length diff	2.77								
Screen Wall Loss =	13.2	16.0	19.0	22.1	24.0	24.0	24.0	24.0	
Dist. Comp'n :	41.6	41.6	41.6	41.6	41.6	41.6	41.6	41.6	
Wall Directivity	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	
B =	4	duct width (metres) normal to direction of interest							4.0
dBA									
22.7	13.0	10.2	15.3	19.7	19.4	15.2	7.9	-3.0	

	Description	Comments	Input	Noise Levels - dB									
5.	**Group 5 People**			dBA	63	125	250	500	1000	2000	4000	8000	
	Sound Power Level...		Leq	88.0	68	68	76	83	85	81	74	66	dBA
	Energy Distribution	Q	2		0	0	0	0	0	0	0	0	88.0
	Multiple Units	Number	1		0	0	0	0	0	0	0	0	
	Shielding Factor	up to 3	0		0	0	0	0	0	0	0	0	
	Distance Loss	Dist (m)	62		43.8	43.8	43.8	43.8	43.8	43.8	43.8	43.8	
	Air Absorption =								0.1	0.2	0.9	3.7	
	Wall / Roof Directivity	from normal											
	True Height of Barrier	Actual (m)	1	10.0	13.4	16.3	19.3	22.3	24.0	24.0	24.0	24.0	
	Lp Contribution at Receptor:			**20.4**	10.6	7.7	12.8	17.2	17.1	13.0	5.4	0.0	
				dBA	-15.6	-8.4	4.2	14.0	17.1	14.2	6.4	-1.1	

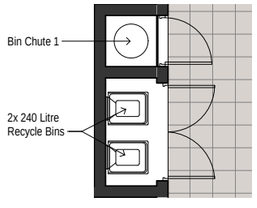
Barrier Loss Calc'n	For Neutral Weather Conditions only								
Distances	Reference Heights			Compute Path Over Barrier Wall					
Source to Barrier	40.0	Source	56.7	a =	40.003	d =	2.95	dBA	
Barrier to Recep	22	Receptor	40.5	b =	27.028	e =	9.95161	88.0	
Eff wall Height	10.0	Barrier Base	55.2	c =	64.082				
Path length diff	2.95								
Screen Wall Loss =	13.4	16.3	19.3	22.3	24.0	24.0	24.0	24.0	
Dist. Comp'n :	43.8	43.8	43.8	43.8	43.8	43.8	43.8	43.8	
Wall Directivity	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	
B =	4	duct width (metres) normal to direction of interest							4.0
dBA									
20.4	10.6	7.7	12.8	17.2	17.1	13.0	5.4	-6.0	

	Description	Comments	Input	Noise Levels - dB									
6.	**Group 6 People**			dBA	63	125	250	500	1000	2000	4000	8000	
	Sound Power Level...		Leq	88.0	68	68	76	83	85	81	74	66	dBA
	Energy Distribution	Q	2		0	0	0	0	0	0	0	0	88.0
	Multiple Units	Number	1		0	0	0	0	0	0	0	0	
	Shielding Factor	up to 3	0		0	0	0	0	0	0	0	0	
	Distance Loss	Dist (m)	73		45.3	45.3	45.3	45.3	45.3	45.3	45.3	45.3	
	Air Absorption =								0.1	0.3	1.1	4.3	
	Wall / Roof Directivity	from normal											
	True Height of Barrier	Actual (m)	1	11.0	14.1	17.0	20.0	23.0	24.0	24.0	24.0	24.0	
	Lp Contribution at Receptor:			**18.8**	8.5	5.6	10.7	15.1	15.7	11.5	3.9	0.0	
				dBA	-17.7	-10.5	2.1	11.9	15.7	12.7	4.9	-1.1	

Barrier Loss Calc'n	For Neutral Weather Conditions only								
Distances	Reference Heights			Compute Path Over Barrier Wall					
Source to Barrier	52.0	Source	56.7	a =	52.002	d =	3.45	dBA	
Barrier to Recep	21	Receptor	40.5	b =	26.22	e =	11.0397	88.0	
Eff wall Height	11.0	Barrier Base	55.2	c =	74.776				
Path length diff	3.45								
Screen Wall Loss =	14.1	17.0	20.0	23.0	24.0	24.0	24.0	24.0	
Dist. Comp'n :	45.3	45.3	45.3	45.3	45.3	45.3	45.3	45.3	
Wall Directivity	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	
B =	4	duct width (metres) normal to direction of interest							4.0
dBA									
18.8	8.5	5.6	10.7	15.1	15.7	11.5	3.9	-8.1	



1 Level 2
1:400 @A3



2 Level 2 Block A - Bin Store Details
1:100 @A3

0 m 2 4m 10m

True Northpoint

Do not scale, check and verify all dimensions before commencing new work, ground levels may vary due to site conditions.

Note:
Storage areas to be provided with an alarm system.

Note:
Mailboxes to be provided with tubular key locks

1 Bedroom
2 Bedroom
3 Bedroom

SERVICES LEGEND
- Services Duct
- Car Park / Kitchen Exhaust (penetration)
- Electrical Cupboard
- Communications Cupboard / Services
- Gas & Cold Water Cupboard / Services

Issue	Issue descrption	Date
HH	Amendments to address Council Issues	07.09.21
GG	Amendments to address Council Issues	17.08.21
FF	Residential Units on Block B Level 6 removed, Lift 1 Extended to Basement Level 1, Commercial Plaza to lift & Pedestrian Path added to Level 1, Bin Store details added on every level + General Amendments	30.06.21
EE	Substation Details Amended + Awning to sherwood Road Amended	22.04.21
DD	Substation Details Added	19.04.21

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Robert Del Pizzo
NSW Reg. No. 3972

PREVIOUS AMENDMENTS	ISSUE FF - AMENDMENTS - 30.06.21	ISSUE HH - AMENDMENTS - 17.09.21
1. Move Building A+B back to be in 6.0m setback 2. Corner units in Block A+B amended. 3. Privacy screen removed from bedrooms and balconies. 4. Glass louvre windows added for improvements to cross ventilation to all Buildings. 5. Windows added for improvements to cross ventilation in Block C. 6. Blade walls reduced to improve Solar access. 7. 6.0m setbacks shown on all plans. 8. Substation Relocated 9. Block B Units Amended 10. Service Ducts Added 11. Lifts 4 & 5 Amended 12. Floor Levels Amended	1. Courtyards to Units in Block B amended 2. Didsabled Male & Female bathrooms added 3. Retail 2 Amended 4. Fire rated Wall & Awning notes added along Sherwood Road Boundary 5. Bin Store Detail added 6. Gas + Water cupboard relocated	1. Lifts 4 & 5 relocated. 2. Security Gate added to seperate Private Communal open space & Public open space. 3. Retail Areas Amended. 4. Outdoor Seating Areas added. 5. Unit 1 Balcony Amended.
	ISSUE GG - AMENDMENTS - 17.08.21	
	1. Lifts 4 & 5 relocated. 2. Blast wall to substation added. 3. Courtyards to Block B amended. 4. Unit 1 amended.	

SECTION 4.55

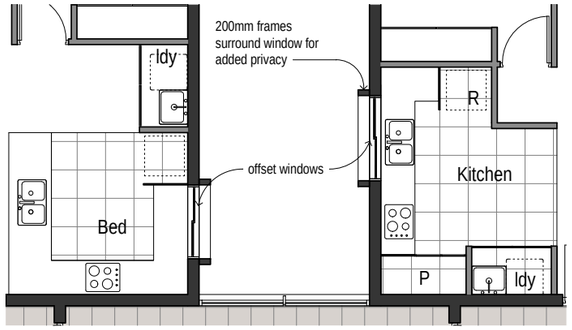
Project
PROPOSED SHOP TOP HOUSING DEVELOPMENT

Project Address
9 Sherwood Road, Merrylands

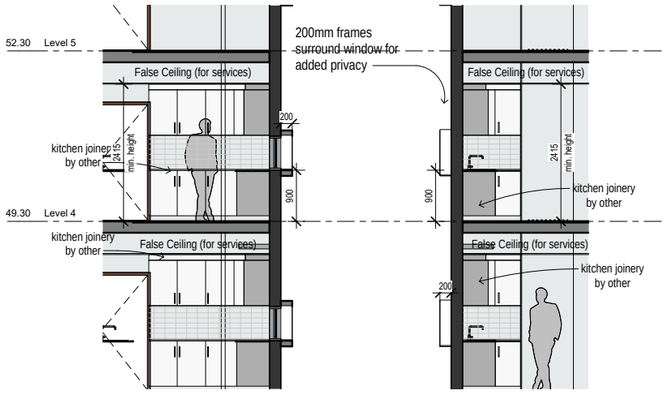
Client
.

Title
Level 2

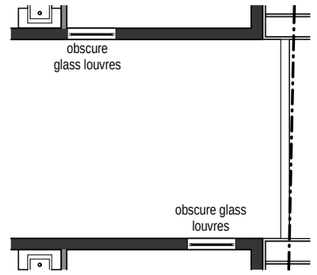
Drawn	Scale	Checked
AS	1:400 @A3	
Job No	Drawing No.	Issue
2220	.03	HH



③ Typical Kitchen Windows offset
1 : 50



④ Typical section through Kitchens
1 : 50



② Typical Windows offset
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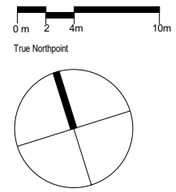
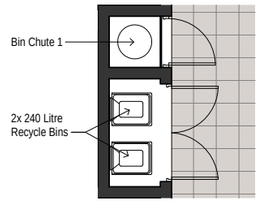


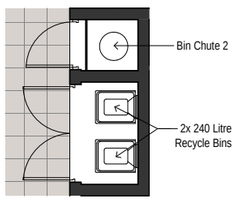
Do not scale, check and verify all dimensions before commencing new work, ground levels may vary due to site conditions.



① Level 3
1:400 @A3



⑤ Level 3 Block A - Bin Store Details
1 : 50
1:100 @A3



⑥ Level 3 Block C - Bin Store Details
1:100 @A3

1 Bedroom
2 Bedroom
3 Bedroom

SERVICES LEGEND
- Services Duct
- Car Park / Kitchen Exhaust (penetration)
- Electrical Cupboard
- Communications Cupboard / Services
- Gas & Cold Water Cupboard / Services

Issue	Issue description	Date
EE	Amendments to address Council Issues	07.09.21
DD	Residential Units on Block B Level 6 removed, Lift 1 Extended to Basement Level 1, Commercial Plaza to lift & Pedestrian Path added to Level 1, Bin Store details added on every level + General Amendments	30.06.21
CC	Amendments to address Traffic Comments, Floor Levels Amended & Neighbouring building seperation information added	16.02.21
BB	Amendments to address Traffic Comments	19.01.21

PREVIOUS AMENDMENTS	ISSUE DD - AMENDMENTS - 30.06.21
1. Move Building A+B back to be in 6.0m setback 2. Corner units in Block A+B amended. 3. Privacy screen removed from bedrooms and balconies. 4. Glass louvre windows added for improvements to cross ventilation to all Buildings. 5. Windows added for improvements to cross ventilation in Block C. 6. Blade walls reduced to improve Solar access. 7. 6.0m setbacks shown on all plans. 8. Service Ducts Added 9. Floor Levels Amended 10. Substation Relocated	1. Bin Store Details added 2. Gas + Water cupboard relocated **ISSUE EE - AMENDMENTS - 17.09.21** 1. Windows added to Unit 18 - Level 3 & Unit 29 - Level 4.

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Robert Del Pizzo
NSW Reg. No. 3972

SECTION 4.55

Project
PROPOSED SHOP TOP HOUSING DEVELOPMENT

Project Address
9 Sherwood Road, Merrylands

Client
.

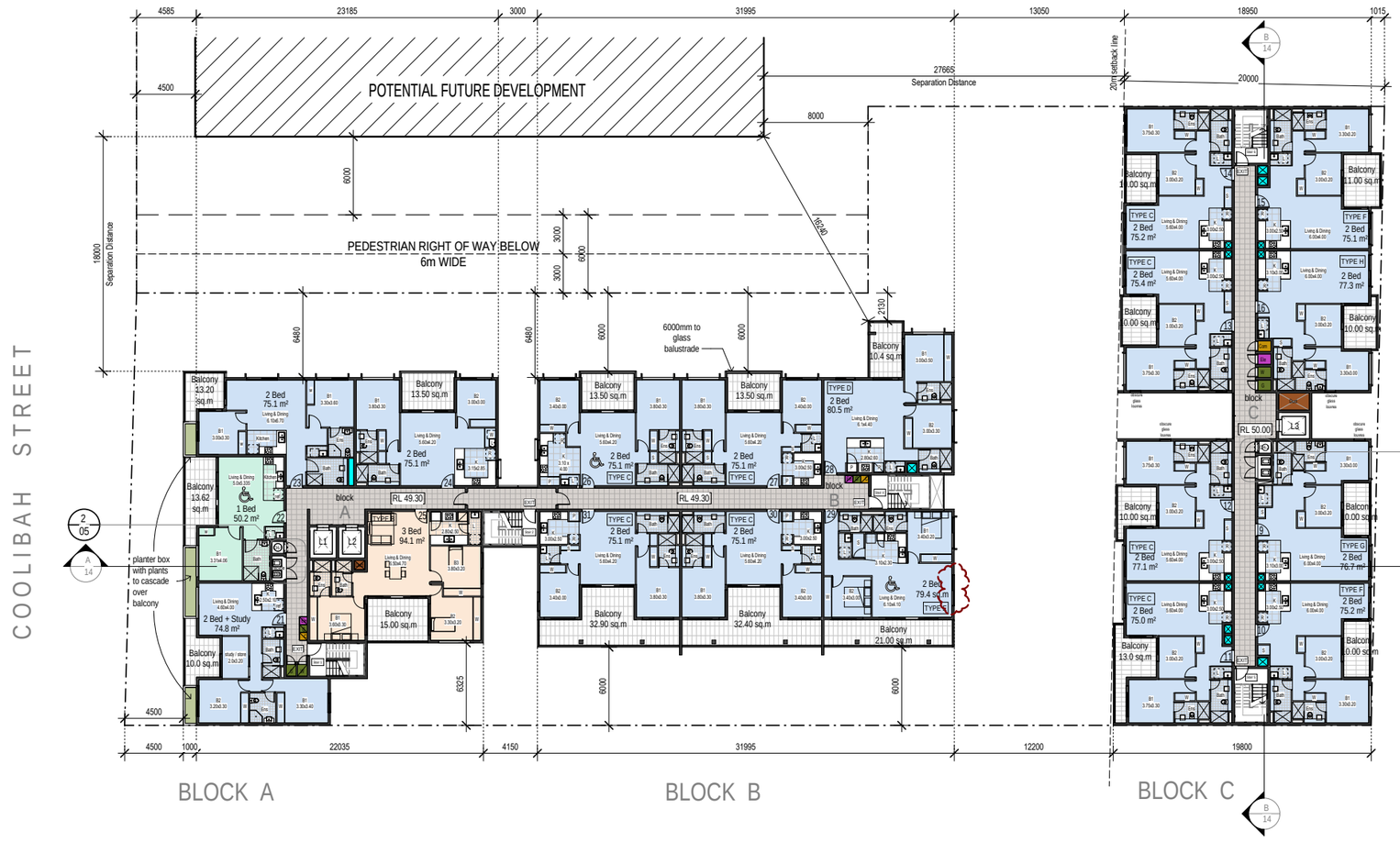
Title
Level 3

Drawn	Scale	Checked
AS	1:400 @A3	
Job No	Drawing No.	Issue
2220	.04	EE

0 m 2 4m 10m

True Northpoint

Do not scale, check and verify all dimensions before commencing new work, ground levels may vary due to site conditions.

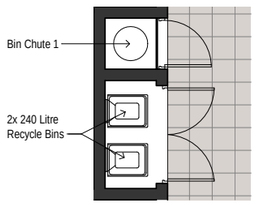


1 Level 4
1:400 @A3

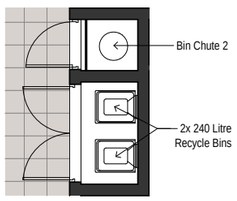
1 Bedroom
2 Bedroom
3 Bedroom

SERVICES LEGEND

- Services Duct
- Car Park / Kitchen Exhaust (penetration)
- Electrical Cupboard
- Communications Cupboard / Services
- Gas & Cold Water Cupboard / Services



2 Level 4 Block A - Bin Store Details
1:100 @A3



3 Level 4 Block C - Bin Store Details
1:100 @A3

Issue	Issue description	Date
EE	Amendments to address Council Issues	07.09.21
DD	Residential Units on Block B Level 6 removed, Lift 1 Extended to Basement Level 1, Commercial Plaza to lift & Pedestrian Path added to Level 1, Bin Store details added on every level + General Amendments	30.06.21
CC	Amendments to address Traffic Comments, Floor Levels Amended & Neighbouring building seperation information added	16.02.21
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Robert Del Pizzo
NSW Reg. No. 3972

PREVIOUS AMENDMENTS	ISSUE DD - AMENDMENTS - 30.06.21
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SECTION 4.55

Project
PROPOSED SHOP TOP HOUSING DEVELOPMENT

Project Address
9 Sherwood Road, Merrylands

Client
.

Title
Level 4

Drawn	Scale	Checked
AS	1:400 @A3	
Job No	Drawing No.	Issue
2220	.05	EE

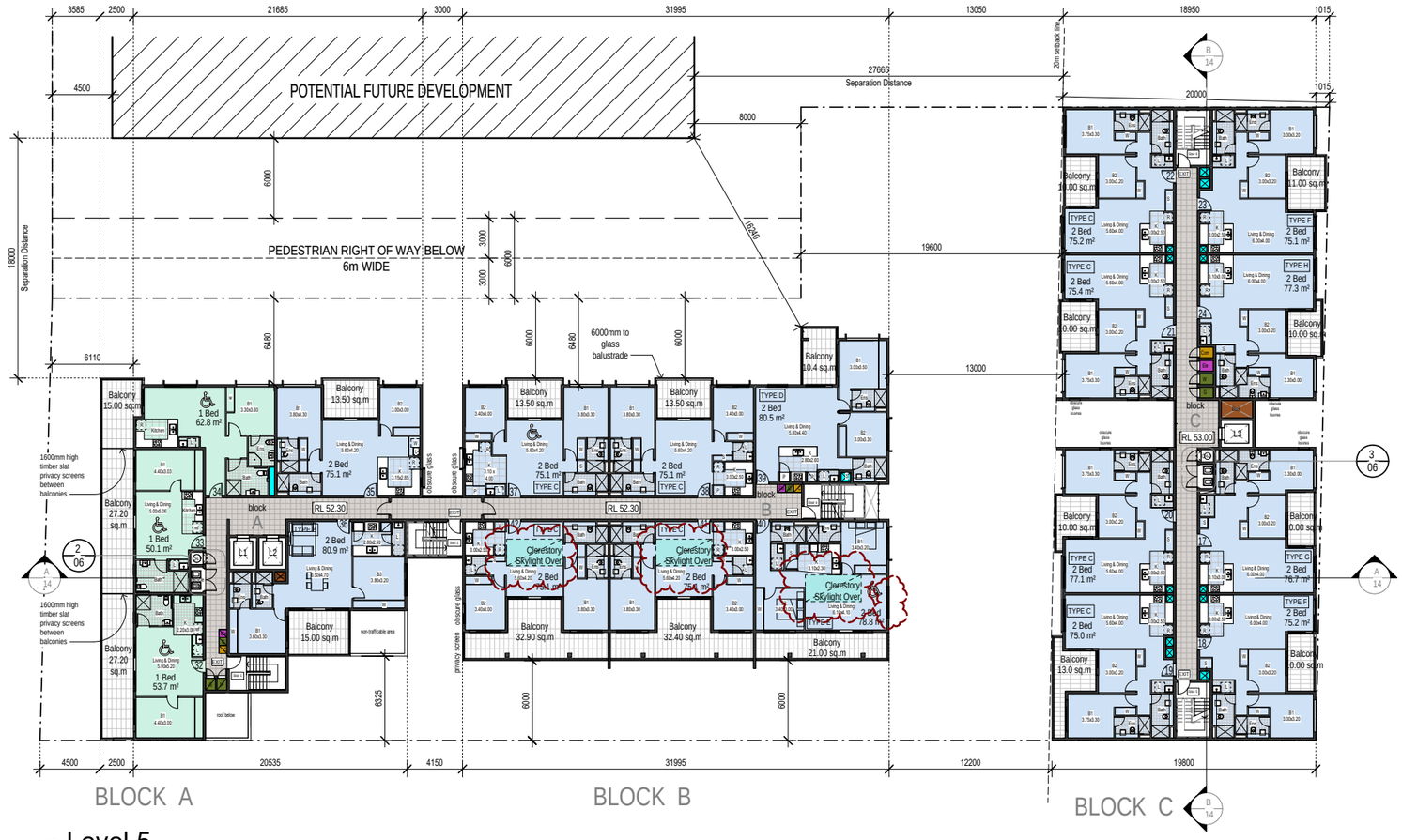
0 m 2 4m 10m

True Northpoint

Do not scale, check and verify all dimensions before commencing new work, ground levels may vary due to site conditions.

COOLIBAH STREET

SHERWOOD ROAD



① Level 5
1:400 @A3

1 Bedroom

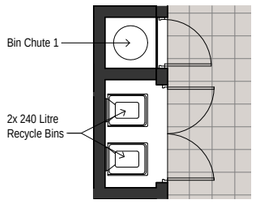
2 Bedroom

3 Bedroom

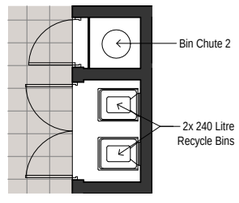
Clerestory Skylight Over - 4200 x 2000

SERVICES LEGEND

- Services Duct
- Car Park / Kitchen Exhaust (penetration)
- Electrical Cupboard
- Communications Cupboard / Services
- Gas & Cold Water Cupboard / Services



② Level 5 Block A - Bin Store Details
1:100 @A3



③ Level 5 Block C - Bin Store Details
1:100 @A3

Issue	Issue description	Date
EE	Amendments to address Council Issues	07.09.21
DD	Residential Units on Block B Level 6 removed, Lift 1 Extended to Basement Level 1, Commercial Plaza to lift & Pedestrian Path added to Level 1, Bin Store details added on every level + General Amendments	30.06.21
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Robert Del Pizzo
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PREVIOUS AMENDMENTS	ISSUE DD - AMENDMENTS - 30.06.21
1. Move Building A+B back to be in 6.0m setback 2. Corner units in Block A+B amended. 3. Privacy screen removed from bedrooms and balconies. 4. Glass louvre windows added for improvements to cross ventilation to all Buildings. 5. Windows added for improvements to cross ventilation in Block C. 6. Blade walls reduced to improve Solar access. 7. 6.0m setbacks shown on all plans. 8. Service Ducts Added 9. Floor Levels Amended	1. Bin Store Details added 2. Gas + Water cupboard relocated 3. Skylights relocated to level 5 Block B Units as a result of the Units being removed from Level 6 Block B **ISSUE EE - AMENDMENTS - 17.09.21** 1. Window Added to Unit 40. 2. Clerestory Skylights added to Units 40, 41 & 42.

SECTION 4.55

Project
PROPOSED SHOP TOP HOUSING DEVELOPMENT

Project Address
9 Sherwood Road, Merrylands

Client
.

Title
Level 5

Drawn	Scale	Checked
AS	1:400 @A3	
Job No	Drawing No.	Issue
2220	06	EE

DICKENS SOLUTIONS

(REF – 20180)

WASTE MANAGEMENT PLAN
(AMENDED S4.55)

ARCHITEX ARCHITECTS
(MR STEVEN MAROUN)

PROPOSED MIXED USE RESIDENTIAL & COMMERCIAL DEVELOPMENT
@
9-11 SHERWOOD ROAD MERRYLANDS

CUMBERLAND CITY COUNCIL

THESE PLANS WERE APPROVED BY THE LAND AND ENVIRONMENT COURT UNDER CONSENT ORDER NO. 2021/00103440

DATED 2 November 2021

SEPTEMBER 2021

DISCLOSURE STATEMENT

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PART 1 – OVERVIEW AND PROPOSAL

1.1 INTRODUCTION

This is Waste Management Plan (WMP) is an operational plan that describes in detail the manner in which all waste and other materials resulting from the construction and on-going use of the building on the site are to be dealt with.

The aims and objectives of the WMP and this Addendum are to: -

a) Satisfy all State and Local Government regulatory controls regarding waste management and minimisation practices,
b) Promote the use of recyclable materials in the excavation, demolition, construction and on-going operation of the building,
c) Maximise waste reduction, material separation, and resource recovery in all stages of the development,
d) Ensure the design of waste and recycling storage facilities are of an adequate size, appropriate for the intended use of the building, hygienic with safe and manoeuvrable access, and,
e) Ensure that the provision of waste and recycling services to the completed building is carried out in an efficient manner, which will not impact negatively on the health, safety and convenience of all stakeholders.

This WMP is prepared in accordance with: -

- Holroyd Local Environment Plan 2013,
- Holroyd DCP 2013,
- All conditions of consent issued under the approved Development Consent DA-2016/164/1 issued by Council on 21 December 2017,
- The 'Better Practice Guide for Resource Recovery in Residential Buildings, published by the NSW EPA (dated April 2019), and,
- The objective of ensuring that all waste management facilities and collection services will provide an outcome that will be effective and efficient, as well as promote the principles of health, safety and convenience.

This Waste Management Plan has been prepared for the submission of an application to Modify the approved Development Application under the provisions of Section 4.55 of the EP & A Act 1979, three (3) blocks of four (4) to eight (8) storey buildings of mixed residential and commercial components at 9-11 Sherwood Road, Merrylands, comprising of:

- 90 x 1, 2 and 3 bed room units,
- Four (4) ground floor commercial/retail units with a combined floor area of approximately 463.36sqm, and,
- Car parking on basement level and Level 1.

This Waste Management Plan is dated 8 September 2021.

1.2 PROJECT & PROPERTY DESCRIPTION

This Waste Management Plan (WMP) has been specifically designed for the development described below: -

PROJECT DESCRIPTION	**Three (3) Blocks of four (4) to eight (8) storey buildings of mixed residential and commercial components.**
NUMBER OF UNITS	**90 Residential Units consisting of:** **- 12 x 1 bed room units,** **- 71 x 2 bed room units,** **- 7 x 3 bed room units; and,** **- 4 x ground floor commercial/retail units, and,** **- Car parking on basement level and Level 1.**
PROPERTY DESCRIPTION	**The development is to be constructed over three (3) existing lots at Lot 101, DP 789369 and Lots 1 & 2, DP 616486, 9-11 Sherwood Road, Merrylands.**
STREET ADDRESS	**9-11 Sherwood Road, Merrylands.**
AREA	**3,734.6sqm**
LGA	**Cumberland Council**
ZONING	**Zone B2 – Mixed Use**
PLANNING INSTRUMENTS	**Holroyd LEP 2013** **Holroyd DCP 2013**

The site comprises three (3) existing Torrens Title lots located on the western side Sherwood Road, Merrylands West approximately 250m south of the intersection of Centenary Road and Merrylands Road. It is a large block of land with a total site area of 3,745sqm, which also has a frontage to Coolibah Street.

The site is approximately 2km west of the Merrylands town centre with the Western Sydney Motorway a similar distance north.

The land on which the developments is proposed is known as the Coolibah Shopping Centre and is currently occupied by a number and variety of buildings used mainly for retail and light industrial activities, including Pizza Hut, outdoor garden centre, supermarket and large at grade parking area. It is immediately to the north of Coolibah Street and the Coolibah Hotel.

The immediate surrounding development primarily consists of low and medium density housing to both the east and west of the site.

1.3 APPLICANTS DETAILS

APPLICANT	**Mr Steven Maroun** **C/- Architex Architects**
ADDRESS	**Level 3, 7K Parkes & Wigram Streets, Parramatta. NSW. 2150.**
TELEPHONE	**02 9633 5888**
E-MAIL	**info@architex.com.au**

1.4 PROPOSAL

The proposal involves the construction of three (3) blocks of four (4) to eight (8) storey buildings of mixed residential and commercial components at 9-11 Sherwood Road, Merrylands, comprising of:

- 90 x 1, 2 and 3 bed room units,
- Four (4) ground floor commercial/retail units with a combined floor area of approximately 463.36sqm, and,
- Car parking on basement level and Level 1.

Egress from the site will be onto Coolibah Street at the western frontage of the site.

As there will be both residential and commercial components within the development, separate waste storage and collection facilities will be provided for each component.

A garbage chute system will be incorporated into the building design for the residential component of the building. As the building is separated into tow (2) cores there will be two (2) chute systems. The chutes will be for the reception of waste material only.

There will be two Residential Waste Storage Areas (RWSA's) for the residential component of the building – both are located on the ground floor as indicated on the Architectural Drawings.

All residential waste and recycling services will be provided by Cumberland Council. In accordance with the approved Development Consent, all services will take place from the Coolibah Street kerbside.

The Commercial Waste Storage Area (CWSA) is also located on the ground floor of the building behind the driveway, as indicated on the Ground Floor Plan.

A licensed private waste and recycling collection contractor will provide all commercial waste and recycling services.

Current structures on the site are a number of brick and masonry buildings all with tiled roofs, an outdoor timber framed and metal 'garden housing' structures with awnings over, garden areas, concrete and bitumen paved parking area and driveway, brick wall concrete drainage grate, timber retaining wall (Sherwood Street), and other improvements. All buildings and structures will be demolished and removed from the site to make way for the proposed development.

The project consists of: -

a) The demolition of all existing buildings and structures on the site on the site;
b) The removal of all demolished materials in accordance with this WMP;
c) The excavation of the site to construct the basement level of the building
d) The construction of the residential flat building
e) The provision of landscaping, driveways, concrete pathways and other elements associated with the development; and,
f) The on-going use of the building.

PART 2 – CONSTRUCTION

2.1 CONSTRUCTION – GENERALLY

Upon completion of all demolition works, construction of the building will commence with the excavation of the site for the basement levels of the building. All materials sourced from these activities will be disposed of in accordance with the information provided in Part 2.2 on pages 6, 7, 8, 9, 10 and 11 of this WMP.

Additionally, all materials used in the construction of the building that are not required to be incorporated into it, shall be recycled, reused or disposed of in accordance with these provisions, and the requirements of the Protection of the Environment Operations Act (1997). It will be the developer's overall responsibility to ensure compliance in this regard.

Mobile Bins of an appropriate size will be located on site for the collection of food scraps, beverage containers, and other waste generated on site by workers.

2.2 CONSTRUCTION – RECYCLING, REUSE & DISPOSAL DETAILS

The following details prescribe the manner in which all materials surplus to the construction of the building will be dealt with, and includes: -

a) An estimate of the types and volumes of waste and recyclables to be generated;
b) A site plan showing sorting and storage areas for construction waste and vehicle access to these areas (see Part 3.3 of this Plan);
c) How excavated and other materials surplus to construction will be reused or recycled and where residual wastes will be disposed (see below); and,
d) The total percentage of waste surplus to construction to be reused or recycled.

1. Excavated Materials

Volume / Weight	22,400 cubic metres / 38,080 Tonnes
On Site Reuse	Yes. Keep and reuse topsoil for landscaping. Shore on site. Use some for support of retaining walls (Excavated Materials are only to be used if the material is not contaminated or has been remediated in accordance with any requirements specified by any Environmental Consultancy engaged to carry out any contamination assessment of excavated material).
Percentage Reused or Recycled	To be determined (see above comments)
Off Site Destination	To an approved Agency – excavated materials may need to be assessed to determine the quality of the material to ensure that all excavated material will be acceptable to the designated receival authority.

2. Bricks

Volume / Weight	5 cubic metres / 6.5 Tonnes
On Site Reuse	Clean and remove lime mortar from bricks. Broken bricks for internal walls. Crush and reuse as drainage backfill. Crushed and used as aggregate.
Percentage Reused or Recycle	75% - 90%
Off Site Destination	Suez Eastern Creel Resource Recovery Park, Wallgrove Road, Eastern Creek. Tel 8887 6112 or, Blacktown Waste Services, 920 Richmond Road, Marsden Park. Tel 9835 4544 or, Bingo Industries, 3-5 Duck Street, Auburn (Tel 1300 424 646), or, To another approved Facility.

3. Concrete

Volume / Weight	2.5 cubic metres / 6 Tonnes
On Site Reuse	Existing driveway to be retained during construction. Crushed and used as aggregate, drainage backfill.
Percentage Reused or Recycled	60% - 75%
Off Site Destination	Suez Eastern Creel Resource Recovery Park, Wallgrove Road, Eastern Creek. Tel 8887 6112 or, Blacktown Waste Services, 920 Richmond Road, Marsden Park. Tel 9835 4544 or, Bingo Industries, 3-5 Duck Street, Auburn (Tel 1300 424 646).

4. Timber

Volume / Weight	5 cubic metres / 7 Tonnes
On Site Reuse	Re-use for formwork and studwork, and for landscaping
Percentage Reused or Recycled	65% - 90%
Off Site Destination	Artistic Popular Furniture, 10 Raglan Road, Auburn (Tel 02 96443054) or, Hallinan's Recycling Centre, 37 Lee Holm Road, St. Marys (Tel 02 9833 0883)

5. Plasterboard & Fibro

Volume / Weight	6 cubic metres / 3 Tonnes
On Site Reuse	Nil – All to be processed off-site
Percentage Reused or Recycled	To be determined
Off Site Destination	Suez Eastern Creel Resource Recovery Park, Wallgrove Road, Eastern Creek. Tel 8887 6112 or, Blacktown Waste Services, 920 Richmond Road, Marsden Park. Tel 9835 4544 or, Bingo Industries, 3-5 Duck Street, Auburn (Tel 1300 424 646), or, To another approved Facility.

6. Metals / Steel / Guttering & Downpipes

Volume / Weight	5 cubic metres / 1.5 Tonnes
On Site Reuse	No
Percentage Reused or Recycled	60 – 90%
Off Site Destination	Boral Recycling, 3 Thackeray Street, Camelia (Tel 9529 4424) or, Hallinan's Recycling Centre, 37 Lee Holm Road, St. Marys (Tel 02 9833 0883) or, Bingo Industries, 3-5 Duck Street, Auburn (Tel 1300 651 116)

7. Roof Tiles / Tiles

Volume / Weight	4 cubic metres / 3 Tonnes
On Site Reuse	Broken up and used as fill.
Percentage Reused or Recycled	80% - 90%
Off Site Destination	Obsolete Tiles, 3 South Street, Rydalmere. (Tel 02 9684 6333) or, Hallinan's Recycling Centre, 37 Lee Holm Road, St. Marys (Tel 02 9833 0883) or, Bingo Industries, 3-5 Duck Street, Auburn (Tel 1300 651 116)

8. Plastics

Volume / Weight	6 cubic metres / 1 Tonne
On Site Reuse	Nil
Percentage Reused or Recycled	80% - 95%
Off Site Destination	Recycle Works, 45 Parramatta Road, Annandale (Tel 02 9517 2711)

9. Glass, Electrical & Light Fittings, PC items

Volume / Weight	6 cubic metres / 1 Tonne
On Site Reuse	No
Percentage Reused or Recycled	70% - 90%
Off Site Destination	To an approved agency, or agencies.

10. Fixture & Fittings (Doors Fittings, Other Fixtures, etc)

Volume	10 cubic metres / 3.3 Tonnes
On Site Reuse	Broken up and used as fill.
Percentage Reused or Recycle	80% - 90%
Off Site Destination	Suez Eastern Creel Resource Recovery Park, Wallgrove Road, Eastern Creek. Tel 8887 6112 or, Blacktown Waste Services, 920 Richmond Road, Marsden Park. Tel 9835 4544 or, Bingo Industries, 3-5 Duck Street, Auburn (Tel 1300 424 646), or, To another approved Facility.

11. Pallets

Volume / Weight	25 cubic metres / 8 Tonne
On Site Reuse	No
Percentage Reused or Recycle	90% - 100%
Off Site Destination	To an approved agency, or agencies, for reuse and resale.

12. Residual Waste

Volume / Weight	3,820 cubic metres / 3,820 Tonnes
On Site Reuse	No
Off Site Destination	Suez Eastern Creel Resource Recovery Park, Wallgrove Road, Eastern Creek. Tel 8887 6112 or, Blacktown Waste Services, 920 Richmond Road, Marsden Park. Tel 9835 4544 or, Bingo Industries, 3-5 Duck Street, Auburn (Tel 1300 424 646), or, To another approved Facility.
Notes on calculation of volume of residual waste	1. In calculating the amount of residual waste produced from the demolition of all buildings on site, it is estimated that 10% of it, will be residual waste. 2. As all of the materials vary in weight per volume, a figure of 1 cubic metre of material is equal to 1 tonne in weight has been used.

It is noted that the quantities of materials detailed in this section (Part 3.2) are estimates only, based on current industry standards and quantity analysis, and may vary due to the prevailing nature of construction constraints, weather conditions, and any other unforeseeable activities associated with the construction of the buildings, which are beyond the control of the developer, including but not being limited to theft, accidents, and other acts of misadventure.

Notwithstanding any of the above, the developer will provide Council with all details in relation to any major variations in this regard.

The facilities and agencies that have been nominated to receive the materials listed above have been identified within the NSW waste industry as being a facility or agency that will accept the materials specified in each respective table. The developer understands that any costs associated with the transportation and receival of these materials will be their responsibility.

The developer is under no obligation to use any nominated facility or agency, but should any alternative arrangements be made, it will be the developers' responsibility to ensure that all materials excess to construction removed from the site are disposed of, or processed, appropriately.

The developer will keep a written record of all documentation associated with the transportation, disposal and processing of all materials associated with the demolition of all structures on site.

Additionally, during the construction of the building, every effort will be made to reduce and minimise the amount of building materials excess to its construction.

2.3 CONSTRUCTION – ON-SITE STORAGE OF MATERIALS

During the construction of the buildings, an area will be set aside on the site as a compound for the on-site storage of materials prior to their removal from the site. This compound will provide for: -

- Material sorting;
- Segregation of materials that may be hazardous and which will be required to be disposed of;
- Recovery equipment, such as concrete crushers, chippers, and skip bins;
- Material storage; and,
- Access for transport equipment.

Appropriate vehicular access will be provided on and off site, and to the compound, to enable the efficient removal of reusable, recyclables, and waste materials.

Prior to the commencement of construction works, the developer will provide Council with a 'Site Plan for the On-Site Storage of Materials at Construction'. This plan will show in detail the location of each area within the compound, set aside for the segregated storage of all materials involved in the demolition of all buildings on the site.

2.4 CONSTRUCTION – EXCAVATED MATERIAL

All excavated material removed from the site, as a result of any activities associated with the construction of the building, must be classified in accordance with the Department of Environment, Climate Change and Water NSW Waste Classification Guidelines prior to removal, transportation and disposal to an approved waste management facility.

All relevant details must be reported to the PCA.

PART 3 GARBAGE CHUTE SYSTEM

3.1 DESIGN REQUIREMENTS

Linear Garbage Chute Systems will be incorporated into the building, designed, constructed, and installed in accordance with the relative manufacturers specifications. The garbage chutes will discharge into 1 x 1100-litre mobile waste bin positioned under a 4 x 1100-litre waste bin carousel system directly under the garbage chute outlet in respective bin/chute rooms.

As the building is separated into two (2) cores there will be two (2) chute systems:
- West (Coolibah Street) Core – Blocks A and B – Bin/Chute Room1, and,
- East (Sherwood Road) Core – Block C – Bin/Chute Room 2.

The Garbage Chute Systems will only be used for the reception and transfer of waste, as it is not suitable for the transfer of recyclable material, due to the potential damage or destruction of the material from the drop, blockage, and potential fire hazards due to the flammable nature of recycling materials.

At a minimum the Garbage Chute System will be designed to meet the following requirements: -

1. Chutes and service openings must be constructed of metal or other smooth faced, durable, fire resistant and impervious material of non-corrosive nature.
2. Chutes will be cylindrical in section with a minimum internal diameter of 500mm. The diameter around each chute will be a minimum width of 750mm to allow for infrastructure fittings, such as fixing brackets and noise insulation.
3. Chutes will be vertical without bends or “off-sets” and not be reduced in diameter
4. Chutes will terminate in the Residential Waste Storage Area and discharge all waste directly into a receptacle located immediately below.
5. The Chute and service openings must be capable of being easily cleaned.
6. Chutes must be ventilated to ensure that air does not flow from the chute through any service opening.
7. The Garbage Chute systems must comply with the relative provisions of the Building Code of Australia, relevant Australian Standards (e.g., AS1530.4-2005), and any other applicable legislative requirements.

3.2 CHUTE SYSYEM – BIN/CHUTE ROOM 1 – BLOCKS A & B (WEST CORE)

Blocks A and B are in in the West Core of the building fronting Coolibah Street. The chute system for this core is provided for the residents of all 45 units located on all levels in this core.

Service rooms in the form of a ‘Waste and Recycling Compartments’ (See Floor Plans) are provided to each residential level in this core. Each compartment is on the secondary lobby of Block A, adjacent to the Lifts 1 and 2 as indicated on the Architectural Drawings.

Each compartment measures 2.5m x 1.4m, and will provide space for:
- The garbage chute compartment, which will have internal dimensions of 750 mm x 750 mm. The Garbage Chute will be installed within these confines

in a fire rated compartment, and,
- 1 x 240-litre mobile recycling bin.

Residents will deposit waste material into the chute inlet hopper, the waste will then drop into the chute and fall directly into 1 x 1100-litre mobile waste bin positioned under the chute outlet of the carousel in the bin/chute room.

Bin/Chute Room 1 is located in the south-western corner of the ground floor as indicated on the Architectural Drawings.

Based on Council's waste generation rates (137.5-litres of space per unit per week), it is anticipated that all 45 units in Blocks A and B, will generate 6,187.50 litres of waste per week, or 883.93-litres per day.

As the 4 x 1100-litre carousel system has a capacity of 4,400-litre, the system will be inspected at least once every three (3) days in order to ensure that waste receptacles will be removed when full.

Full waste bins will be removed from under the Chute outlet and replaced immediately with an empty one.

The Owners Corporation will appoint a Building Manager / Caretaker to monitor all activities associated with the use and operation of the Chute System and the depositing of waste into it, in order to ensure that there will be no spillage as a result of these activities.

3.3 CHUTE SYSYEM – BIN/CHUTE ROOM – BLOCK C (EAST CORE)

Block C is in in the East Core of the building fronting Sherwood Road. The chute system for this core is provided for the residents of all 45 units located on all levels in this core.

Service rooms in the form of a 'Waste and Recycling Compartments' (See Floor Plans) are provided to each residential level in this core. Each compartment is on the secondary lobby of Block A, adjacent to the Lifts 1 and 2 as indicated on the Architectural Drawings.

Each compartment measures 2.5m x 1.4m, and will provide space for:
- The garbage chute compartment, which will have internal dimensions of 750 mm x 750 mm. The Garbage Chute will be installed within these confines in a fire rated compartment, and,
- 1 x 240-litre mobile recycling bin.

Residents will deposit waste material into the chute inlet hopper, the waste will then drop into the chute and fall directly into 1 x 1100-litre mobile waste bin positioned under the chute outlet of the carousel in the bin/chute room.

Bin/Chute Room 2 is located in the eastern end of the ground floor as indicated on the Architectural Drawings.

Based on Council's waste generation rates (137.5-litres of space per unit per week), it is anticipated that all 48 units in Blocks A and B, will generate 6,187.50 litres of waste per week, or 883.93 litres per day.

As the 4 x 1100-litre carousel system has a capacity of 4,400-litre, the system will be inspected at least once every three (3) days in order to ensure that waste receptacles will be removed when full.

Full waste bins will be removed from under the Chute outlet and replaced immediately with an empty one.

The Owners Corporation will appoint a Building Manager / Caretaker to monitor all activities associated with the use and operation of the Chute System and the depositing of waste into it, in order to ensure that there will be no spillage as a result of these activities.

3.4 ON GOING MANAGEMENT & MAINTENANCE OF CHUTE SYSTEM

The Owners Corporation will be responsible for all issues associated with the on-going management and maintenance of the Garbage Chute System and all activities associated with it. This will include, but not be limited, to the following: -

1. Displaying signage indicating appropriate use of all waste management systems, including what is and what is not recyclable.
2. Educating residents in the correct use of the chute, and the need to keep bulky items and recyclables out of the chute system.
3. Providing regular maintenance, including cleaning and unblocking chutes.
4. Regular inspection of the Garbage Rooms, and the Garbage Chute Outlet Compartment to ensure that all waste is managed appropriately.
5. As there is no need for residents to access any of the chute rooms, access to these rooms is prohibited and appropriate signage will be through the building informing residents that access to the chute rooms is not permitted.

3.5 MANAGEMENT OF RECYCLING

Residents will place their recycling material into a 240-litre mobile recycling bin located in the waste and recycling compartment on that level of the building.

The Building Manager / Caretaker will be responsible for transporting the 240-litre mobile bin from the recycling compartment on each floor of the building into the recycling bin storage area of the respective Bin/Chute Rooms on the Ground Floor.

An empty 240-litre mobile recycling bin will be placed in the Waste Room when the full one is removed.

Servicing and replacement of 240-litre recycling bins located in each Recycling Compartment will take place on a daily basis to avoid hygiene, spillage and dumping problems.

All waste handing activities (including the transfer of recycling bins) will be undertaken by the Building Manager / Caretaker under the direction of the Owners Corporation.

PART 4 – ON GOING USE OF BUILDING

4.1 OBJECTIVES

1. To ensure that the storage, amenity and management of waste is sufficient to meet the needs of the development.
2. To ensure that all waste management activities are carried out effectively and efficiently, and in a manner that promotes the principles of health, safety and, convenience.
3. To promote waste minimisation practices.

4.2 ASSUMPTIONS

In preparing this proposal, the following assumptions have been made: -

1. The development proposes a combination of mixed residential and commercial component to the building.
2. There will be separate waste storage arrangements for both residential and commercial components.
3. The residential component comprises three building areas (Blocks A, B and C) with a yield of 90 x 1, 2 and 3 bed room units.
4. The commercial component comprises of four (4) retail units all located on Level 2, fronting Sherwood Road.
5. Linear Garbage Chute Systems will be incorporated into the building, designed, constructed, and installed in accordance with the relative manufacturers specifications. The garbage chutes will discharge into 1 x 1100-litre mobile waste bin positioned under a 4 x 1100-litre waste bin carousel system directly under the garbage chute outlet in respective bin/chute rooms.
6. As indicated in Part 4, there will be two (2) chute systems – two (2) for Blocks A and B, and one (1) for Block C.
7. Service rooms in the form of a 'Waste and Recycling Compartments' (See Floor Plans) are provided to each residential level of each building core for residents to deposit their waste into the chute and recycling into 1 x 240-litre mobile recycling bin.
8. All waste material deposited into the chute inlet hopper will drop into the chute and fall directly into 1 x 1100-litre mobile waste bin positioned under the chute outlet position in one of two (2) bin/chute rooms located on Level 1 as indicated on the Architectural Drawings.
9. Full recycling bins will be removed from the compartments by the Building Manager and transferred into the recycling bin storage area of the respective Bin/Chute Room.
10. For Blocks A and B, all residential waste and recycling bins will be stored for servicing within the confines of Bin/Chute Room AB, which is located on Level 1 adjacent to the Coolibah Street residential lobby.
11. For Block C, all residential waste and recycling bins will be stored for servicing within the confines of Bin/Chute Room C, which is located on Level 1 adjacent to Lift 3.
12. All residential waste material will be stored in 6 x 1100 litre mobile bins.
13. All residential recycling material will be stored in 12 x 240 litre mobile bins.
14. Residential waste services will be provided two (2) days per week.
15. Residential recycling services will be two (2) days per week.

16. Holroyd City Council will provide all residential waste and recycling services to the development.
17. The number and size of bins have been calculated from information provided by Holroyd City Council, by Council staff and from information contained in the Holroyd DCP 2013.
18. All residential waste and recycling bins will be serviced from Loading Bay 1 adjacent to Bin/Chute Room AB as indicated on the Architectural Drawings.
19. All residential waste and recycling bins will be presented for servicing, and returned to the Residential WSA, after servicing by representatives of the Owners Corporation.
20. The Commercial Waste Storage Area (CWSA) is located on Level 1 adjacent to the driveway into the basement as indicated on Architectural Drawings.
21. A licensed private waste contractor will provide all commercial waste and recycling services to the development.

4.3 WASTE HANDLING & MANAGEMENT – RESIDENTIAL

A cabinet will be located within each residential unit so that a receptacle, or receptacles, may be stored or housed in a convenient and practical location within the unit, for the reception of waste and recyclable material.

All waste and recyclables should be appropriately bagged or wrapped prior to being deposited into the chute or recycling bin.

Appropriate signage will be erected in the Waste and Recycling Rooms on each floor to assist residents in placing their waste and recyclables into the appropriate bins.

4.4 RESIDENTIAL WASTE & RECYCLING – SERVICE REQUIREMENTS

All waste and recycling materials will be stored in approved receptacles of an appropriate size as specified in this WMP. The lids of the bins shall be closed at all times to reduce litter, stormwater pollution, odour and vermin.

The Council in general requires that colour coded receptacle lids that distinguish each service component are to be provided: -

- Waste Service – Red Lidded receptacle;
- Recycling Service – Yellow Lidded receptacle; and,
- Green Waste – Green Lidded receptacle.

No formal green waste service will be provided to the building. All green waste will be disposed of privately by a contractor to be appointed by the Owners Corporation.

It will be the responsibility of the Owners Corporation to ensure that all green waste is removed from the complex in an appropriate manner.

4.5 RESIDENTIAL WASTE & RECYCLING – SERVICE ARRANGEMENTS

The following table (Table 1) specifies the criteria for waste and recycling generation rates (as specified by Holroyd City Council) based on: -

- Waste – 1 x 1100 litre mobile bin per 8 units (collected twice per week); and,
- Recycling – 1 x 240 litre mobile bin per 8 units (collected twice per week).

All waste and recycling generation rates were obtained from discussions with and advice from Council staff, and from information contained in Holroyd Council's DCP 2013 – Part A.11 'Waste Management'.

TABLE 1 – RESIDENTIAL WASTE & RECYCLING GENERATION RATES

SERVICE TYPE	UNITS	BIN SPACE PER UNIT	TOTAL SPACE REQUIRED	BINS SIZE	SERVICES PER WEEK	BINS REQUIRED	BINS PROVIDED
Waste	90	137.50	12,375	1100	2.0	5.63	6
Recycling	90	60.00	5,400	240	2.0	11.25	12

The following table (Table 2) specifies the proposed bin servicing requirements for the building and is based on the above waste and recycling generation rates: -

TABLE 2 – PROPOSED SERVICING ARRANGEMENTS

WASTE	RECYCLING
6 x 1100-litre waste bins Two (2) Services per Week	12 x 240 litre bins Two (2) Services per Week

4.6 PROVISION OF RESIDENTIAL WASTE & RECYCLING SERVICES

4.6.1 Residential Waste and Recycling Collection Service Provider Details

Holroyd City Council will provide all residential waste and recycling services to the building.

4.6.2 Details of Mobile Containers (Residential)

In relation to the size and design of the waste and recycling mobile bins, the following technical information is provided: -

CONTAINER TYPE	HEIGHT (metres)	DEPTH (metres)	WIDTH (metres)
240 litre mobile container	1.080	0.735	0.585
1100 litre mobile container	1.470	1.070	1.240

In addition to the 6 x 1100 litre mobile waste bins required by Council as part of their service requirements, the Owners Corporation will provide an additional number of 1100 litre mobile waste bins in order to ensure that a bin is provided at all times below the Garbage Chute Outlet Compartment.

Similarly, in addition to the 12 x 240 litre mobile recycling waste bins required by Council as part of their service requirements, the Owners Corporation will provide an additional number of 240 litre mobile recycling bins in order to ensure that a bin is provided at all times to the Waste and Recycling Rooms of each residential floor the building.

4.6.3 Residential Waste & Recycling Requirements

Waste and recycling requirements are provided in the table below.

TABLE 3 – PROPOSED RESIDENTIAL SERVICING ARRANGEMENTS

SERVICE	NUMBER OF CONTAINERS	COLLECTION FREQUENCY
Waste Service	6 x 1100-litre mobile containers	Two (2) Services per Week
Recycling Service	12 x 240-litre mobile containers	Two (2) Services per Week

4.6.4 Location, Design, and Construction of Residential Waste Storage Area

The Residential Waste Storage Area, provided to facilitate all waste and recycling storage and collection activities, is in the north-western section of Level 1.

The WSA is a fully enclosed structure, an irregular shaped rectangular structure with a total floor area of approximately 30.6sqm.

Within its confines will be storage space for 6 x 1100 litre mobile waste and bins, and 12 x 240 litre mobile recycling bins. Waste and recycling bins will be stored in separate areas.

In assessing the size and design of the room, it is considered that it is of a sufficient size and dimension to adequately house, store and manoeuvre (for collection and return) all of the required number of bins and ancillary facilities.

All electrical equipment, including the provision of lighting, will be installed in accordance with the relevant Australian Standards.

Natural and mechanical ventilation will be required to be installed within the WSA in accordance with the provisions of the Building Code of Australia.

4.6.5 Collection Vehicle Access to the Residential Waste Storage Area

Council has directed that all collection activities are to take place from within the site. Accordingly, all waste storage facilities and collection activities have been designed to ensure all collection activities take place in this manner.

All collections will take place from a dedicated loading bay located in in the north-western corner of Level 1 as indicated on the Architectural Drawings. The collection area has been designed to accommodate Council's rear loading collection vehicle.

According to a specification provided by Council, the collection vehicle they will use is 9.69m in length, 3.43m in height, and 2.5m wide.

Holroyd City Council will provide all waste and recycling services to the building, using this vehicle.

The servicing of bins will take place without obstructing vehicle movements in and out of the basements below.

All internal access, parking and servicing arrangements are to comply with all relevant Australian Standards.

4.6.6 Servicing Arrangements – Residential Waste Collections

All waste services will be provided by Holroyd City Council, using a rear loading collection vehicle, that will enable all collections to be carried out effectively and efficiently, and in a manner, that will aim to not impact negatively on the principles of health, safety or convenience.

Representatives of the Owners Corporation will be responsible for presenting waste bins for servicing and returning them to the Residential Waste Storage Area after collection.

On each collection day the waste bins will be removed from the WSA, and placed onto a designated collection space adjacent to the loading bay, in a manner that will not adversely impact on the principles of health, safety or convenience.

Waste bins will be returned to the Residential WSA immediately after they have been serviced.

In order to minimize any inconvenience to the residents and tenants of the building, waste bins will be presented for collection at a suitably arranged time, in accordance with an agreement made between the Owners Corporation and Council.

The waste bins will be serviced twice weekly, on days to be determined by Council.

All 6 x 1100-litre mobile waste bins will be presented for servicing on each collection day.

4.6.7 Servicing Arrangements – Residential Recycling Collections

All recycling services will be provided by Holroyd City Council, using a rear loading collection vehicle, that will enable all collections to be carried out effectively and efficiently, and in a manner, that will aim to not impact negatively on the principles of health, safety or convenience.

Representatives of the Owners Corporation will be responsible for presenting recycling bins for servicing and returning them to the Residential Recycling Storage Area after collection.

On each collection day the recycling bins will be removed from the WSA, and placed onto a designated collection space adjacent to the loading bay, in a manner that will not adversely impact on the principles of health, safety or convenience.

Recycling bins will be returned to the Residential WSA immediately after they have been serviced.

In order to minimize any inconvenience to the residents and tenants of the building, recycling bins will be presented for collection at a suitably arranged time, in accordance with an agreement made between the Owners Corporation and Council.

The recycling bins will be serviced fortnightly, on a day to be determined by Council.

All 12 x 240-litre recycling bins will be presented for servicing on each collection day.

4.7 GREEN WASTE

No formal green waste service will be provided to the development. It will be the responsibility of the Owners Corporation to ensure that all green waste generated from the on-going use of the development is disposed of appropriately.

4.8 BULKY WASTE STORAGE

Secure storage spaces are required to be provided for each residential unit in accordance with the provisions of Council's DCP 2013. Consistent with these requirements, a Bulky Waste Storage Area has been provided for residents to place unwanted materials awaiting collection and removal. It is located on the ground floor of the building on the northern side of the driveway.

The Owners Corporation will monitor this area regularly to ensure that all materials stored within its confines are done so in a manner that will not adversely impact on the health, safety and convenience. Regular maintenance of this area will be carried out.

4.9 COMMERCIAL WASTE & RECYCLING SERVICES

4.9.1 Details of Commercial Tenancies

Four (4) commercial units will be located on the Ground Floor of the building. Particulars of each tenancy is outlined in Table 3 below.

TABLE 3 – COMMERCIAL TENANCIES

TENANCY	FLOOR AREA	PROPOSED USE
UNIT 1	62.40sqm	To be determined
UNIT 2	103.28sqm	To be determined
UNIT 3	165.10sqm	To be determined
UNIT 4	132.58sqm	To be determined

4.9.2 Commercial Waste & Recycling Generation Rates

The Table below (Table 3) details the waste and recycling generation rates for the commercial land uses proposed. These rates have been obtained from Appendix 2 of Councils DCP.

TABLE 3 – WASTE & RECYCLING GENERATION RATES FOR COMMERCIAL / RETAIL AND OFFICE LAND USES

SERVICE	LAND USE	WASTE & RECYCLING GENERATION RATES
Waste	Retail	50 litres of waste per 100m2 of floor area per day
Recycling	Retail	25 litres of recyclables per 100m2 of floor area per day
Waste	Take Away Shop	80 litres of recyclables per 100m2 of floor area per day
Recycling	Take Away Shop	40 litres of recyclables per 100m2 of floor area per day
Waste	Office	10 litres of waste per 100m2 of floor area per day
Recycling	Office	10 litres of recyclables per 100m2 of floor area per day

4.9.3 Commercial Waste and Recycling Service Requirements

The following Table (Table 4) details the proposed waste service arrangements based on the above activities and the waste generation rates prescribed the Plan in relation to the land use activities proposed to be carried out at the development.

For the purpose of calculating waste and recycling generation rates it will be assumed that the units will be used as a takeaway food shop, two (2) retail units (not selling food) and one office.

TABLE 4 – COMMERCIAL WASTE GENERATION RATES

ACTIVITY	FORMULA	CALCULATION	LITRES PER WEEK
Takeaway Food Shop	80-litres per 100sqm of floor area per day	80 x 132.58 / 100 x 7	742.45
Retail (No Food)	50-litres per 100sqm of floor area per day	50 x 103.28 / 100 x 6	309.84
Retail (No Food)	50-litres per 100sqm of floor area per day	50 x 62.40 / 100 x 6	187.50
Office	10-litres per 100sqm of floor area per day	10 x 165.10 / 100 x 6	99.06
Total Litres of Waste Generated per Week			**1,338.85**
Service Requirements		**2 x 1100-litre mobile waste bins 1 Service per Week**	
Total Litres of Waste Serviced per Week		**2,200 litres Serviced per Week**	

The following Table (Table 5) details the proposed recycling service arrangements based on the above activities and the waste generation rates prescribed the Guide in relation to the land use activities proposed to be carried out at the development.

TABLE 5 – RECYCLING GENERATION RATES

ACTIVITY	FORMULA	CALCULATION	LITRES PER WEEK
Takeaway Food Shop	40-litres per 100sqm of floor area per day	40 x 132.58 / 100 x 7	371.23
Retail (No Food)	50-litres per 100sqm of floor area per day	50 x 103.28 / 100 x 6	309.84
Retail (No Food)	50-litres per 100sqm of floor area per day	50 x 62.40 / 100 x 6	187.50
Office	10-litres per 100sqm of floor area per day	10 x 165.10 / 100 x 6	99.06
Total Litres of Waste Generated per Week			**967.63**
Service Requirements		**4 x 240-litre mobile waste bins**	
Total Litres of Waste Serviced per Week		**980-litres Serviced per Week**	

4.9.4 Storage of Commercial Waste and Recycling Bins

The Commercial Waste Storage Area (CWSA) is located on the southern side of the ground floor of the building as indicated on the Architectural Drawings.

The CWSA provides storage space for:
- 2 x 1100-litre mobile waste bins,
- 4 x 240-litre mobile recycling bins, and,
- Associated infrastructure.

Commercial waste and recycling bins will be colour coded to reflect the nature of each service component.

The Owners Corporation will be responsible for ensuring that all commercial waste and recycling services are undertaken in an efficient manner that will promote the principles of health, safety and convenience and not impact negatively on the amenity of the complex and its surrounds.

Access to the commercial bin zone will be restricted to the tenant of the commercial unit and the Building manager or their representative.

Appropriate signage will be erected within the complex advising all occupants that access to the Commercial Waste Area is restricted to occupants of the commercial component of the building only.

The servicing of all bins will take place without causing a disruption to vehicular movement in an out of the basement.

4.9.5 Provision of Commercial Waste and Recycling Services

All commercial waste and recycling services will take place as specified in Tables 3 and 4 above on the following basis:
- Waste Services – 2 x 1100-litre mobile waste bins serviced once (1) per week, and,
- Recycling Services – 4 x 240-litre mobile recycling bins serviced one (1) day per day per week for Units 1 and 2 and two (2) days per week for Units 3 and 4.

All commercial waste and recycling bins will be removed from the Commercial Waste Storage Area (CWSA) and conveyed to a waiting collection vehicle located in the

Loading Bay adjacent to the storage area. All bins will be returned to the CSWA immediately upon completion of servicing. The loading bay has been designed to accommodate a rear loading SRV collection vehicle.

The proprietors of the Apartments and the lessee of the Commercial Areas will enter into a Service Level Agreement with the contractor and will keep written evidence on site of this agreement with the contractor for the regular collection and disposal of all waste and recycling material generated from these activities.

A copy of this agreement will be provided to the Council upon request.

All commercial waste and recycling services will be provided in a manner that will not adversely impact on the principles of health, safety or convenience.

The proprietors of the commercial unit will enter into a Service Level Agreement with the contractor and will keep written evidence on site of this agreement with the contractor for the regular collection and disposal of all waste and recycling material generated from these activities.

A copy of this agreement will be provided to the Council upon request.

All commercial waste and recycling services will be provided in a manner that will not adversely impact on the principles of health, safety, or convenience.

4.10 ON GOING OPERATION, USE & MAINTENANCE OF WASTE MANAGEMENT FACILITIES

All waste management facilities will be maintained in a clean and hygienic condition that will promote the principles of health, safety and convenience.

In order to achieve these objectives, the following facilities and devices will be required: -

1. The walls and floors of both the Residential and Commercial Waste Storage Areas (WSA's) are to be constructed of smooth faced masonry or concrete, and all walls will be painted with light coloured and washable paint.
2. The junction between all floors and walls will be coved and sealed up to 100mm above the floor level, in order to eliminate the build-up of dirt and grime.
3. A floor waste, connected to the Sydney Water drainage system in accordance with that Authority's requirements, will be provided to both WSA's, and the respective floors will be graded to drain into them.
4. Appropriate washing facilities will be provided to both WSA's, including appropriate plumbing and drainage fixtures and fittings, and the provision of running water.
5. The WSA's are to be washed and cleaned on a regular basis.
6. All mobile bins will be washed and cleaned on a regular basis.
7. All electrical equipment, including the provision of lighting, will be installed in accordance with the relevant Australian Standards.
8. Natural and mechanical ventilation will be required to be installed within both WSA's, in accordance with the relative provisions of the Building Code of Australia.
9. Appropriate signage will be displayed in both basements clearly identifying the location of both WSA's.

10. Appropriate signage will be erected within both WSA's, providing instruction to residents on how to use waste and recycling facilities, including what is and what is not recyclable.
11. The Owners Corporation will be responsible for ensuring that all waste and recyclable matter and materials are placed and stored within the appropriate containers provided.

PART 5 – SUMMARY

5.1 SUMMARY

In summarising this proposal, the following information is provided:

1. Cumberland Council have insisted that all activities associated with the installation of waste management facilities and the provision of waste management services are to take place in, and from, the Waste Storage and Collection Areas in Basement 1 of the building.
2. This Waste Management Plan has been developed and documented in accordance with the Councils directions.
3. The number and size of bins have been calculated from information provided by Cumberland (Holroyd) City Council.
4. All residential waste and recycling services will be provided by Cumberland Council.
5. All commercial waste and recycling services will be provided by a licensed private waste contractor.
6. The Owners Corporation will be responsible for ensuring that all on-going waste management activities are carried out in accordance with the provisions of this Waste Management Plan.

This is a unique development with a unique set of arrangements for its waste management activities.

The measures set out in this WMP aim to demonstrate that all such activities will be carried out effectively and efficiently, in a healthy, safe and convenient manner, to acceptable community standards, and to the requirements of Cumberland Council.

BASIX® Certificate

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

Multi Dwelling

Certificate number: 722281M_05

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

This certificate is a revision of certificate number 722281M lodged with the consent authority or certifier on 05 May 2016 with application DA/164/2016.

It is the responsibility of the applicant to verify with the consent authority that the original, or any revised certificate, complies with the requirements of Schedule 1 Clause 2A, 4A or 6A of the Environmental Planning and Assessment Regulation 2000

Secretary
Date of issue: Friday, 01 October 2021
To be valid, this certificate must be lodged within 3 months of the date of issue.

Project summary	
Project name	9-11 Sherwood Road, Merrylands_05
Street address	9-11 Sherwood Road Merrylands 2160
Local Government Area	Holroyd City Council
Plan type and plan number	deposited 548919
Lot no.	1
Section no.	-
No. of residential flat buildings	3
No. of units in residential flat buildings	90
No. of multi-dwelling houses	0
No. of single dwelling houses	0

Project score		
Water	✔ 40	Target 40
Thermal Comfort	✔ Pass	Target Pass
Energy	✔ 30	Target 30

Planning, Industry & Environment

CUMBERLAND CITY COUNCIL

THESE PLANS WERE APPROVED BY THE LAND AND ENVIRONMENT COURT UNDER CONSENT ORDER NO. 2021/00103440

DATED 2 November 2021

Certificate Prepared by
Name / Company Name: ESD Synergy Pty Ltd
ABN (if applicable): 17165174685

Description of project

Project address	
Project name	9-11 Sherwood Road, Merrylands_05
Street address	9-11 Sherwood Road Merrylands 2160
Local Government Area	Holroyd City Council
Plan type and plan number	deposited 548919
Lot no.	1
Section no.	-
Project type	
No. of residential flat buildings	3
No. of units in residential flat buildings	90
No. of multi-dwelling houses	0
No. of single dwelling houses	0
Site details	
Site area (m²)	3734.4
Roof area (m²)	3414
Non-residential floor area (m²)	578.01
Residential car spaces	117
Non-residential car spaces	29

Common area landscape	
Common area lawn (m²)	0.0
Common area garden (m²)	797.62
Area of indigenous or low water use species (m²)	0.0
Assessor details	
Assessor number	20754
Certificate number	1010763876
Climate zone	56

Project score		
Water	✔ 40	Target 40
Thermal Comfort	✔ Pass	Target Pass
Energy	✔ 30	Target 30

Description of project

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

Residential flat buildings - Block A, 20 dwellings, 5 storeys above ground

Dwelling no.	No. of bedrooms	Conditioned floor area (m²)	Unconditioned floor area (m²)	Area of garden & lawn (m²)	Indigenous species (min area m²)
1	2	75.5	0.0	0.0	0.0
10	2	75.3	0.0	0.0	0.0
21	2	75.3	0.0	0.0	0.0
32	1	53.5	0.0	0.0	0.0

Dwelling no.	No. of bedrooms	Conditioned floor area (m²)	Unconditioned floor area (m²)	Area of garden & lawn (m²)	Indigenous species (min area m²)
2	1	54.1	0.0	0.0	0.0
11	1	50.5	0.0	0.0	0.0
22	1	50.5	0.0	0.0	0.0
33	1	49.9	0.0	0.0	0.0

Dwelling no.	No. of bedrooms	Conditioned floor area (m²)	Unconditioned floor area (m²)	Area of garden & lawn (m²)	Indigenous species (min area m²)
3	2	78.6	0.0	0.0	0.0
12	2	74.9	5.6	0.0	0.0
23	2	74.9	0.0	0.0	0.0
34	1	63.3	0.0	0.0	0.0

Dwelling no.	No. of bedrooms	Conditioned floor area (m²)	Unconditioned floor area (m²)	Area of garden & lawn (m²)	Indigenous species (min area m²)
4	2	75.9	0.0	0.0	0.0
13	2	75.9	0.0	0.0	0.0
24	2	75.9	0.0	0.0	0.0
35	2	75.9	0.0	0.0	0.0

Dwelling no.	No. of bedrooms	Conditioned floor area (m²)	Unconditioned floor area (m²)	Area of garden & lawn (m²)	Indigenous species (min area m²)
5	3	95.0	0.0	0.0	0.0
14	3	96.0	0.0	0.0	0.0
25	3	96.0	0.0	0.0	0.0
36	2	80.8	0.0	0.0	0.0

Residential flat buildings - Block B, 22 dwellings, 5 storeys above ground

Dwelling no.	No. of bedrooms	Conditioned floor area (m²)	Unconditioned floor area (m²)	Area of garden & lawn (m²)	Indigenous species (min area m²)
6	3	102.9	0.0	0.0	0.0
16	2	76.2	0.0	0.0	0.0
26	2	75.9	0.0	0.0	0.0
31	2	75.1	0.0	0.0	0.0
41	2	75.1	0.0	0.0	0.0

Dwelling no.	No. of bedrooms	Conditioned floor area (m²)	Unconditioned floor area (m²)	Area of garden & lawn (m²)	Indigenous species (min area m²)
7	3	90.5	0.0	0.0	0.0
17	2	82.2	0.0	0.0	0.0
27	2	76.2	0.0	0.0	0.0
37	2	75.9	0.0	0.0	0.0
42	2	75.1	0.0	0.0	0.0

Dwelling no.	No. of bedrooms	Conditioned floor area (m²)	Unconditioned floor area (m²)	Area of garden & lawn (m²)	Indigenous species (min area m²)
8	3	96.9	0.0	0.0	0.0
18	2	79.4	0.0	0.0	0.0
28	2	82.2	0.0	0.0	0.0
38	2	76.2	0.0	0.0	0.0

Dwelling no.	No. of bedrooms	Conditioned floor area (m²)	Unconditioned floor area (m²)	Area of garden & lawn (m²)	Indigenous species (min area m²)
9	3	101.8	0.0	0.0	0.0
19	2	75.1	0.0	0.0	0.0
29	2	82.2	0.0	0.0	0.0
39	2	82.2	0.0	0.0	0.0

Dwelling no.	No. of bedrooms	Conditioned floor area (m²)	Unconditioned floor area (m²)	Area of garden & lawn (m²)	Indigenous species (min area m²)
15	2	75.9	0.0	0.0	0.0
20	2	75.1	0.0	0.0	0.0
30	2	79.4	0.0	0.0	0.0
40	2	79.4	0.0	0.0	0.0

Residential flat buildings - Block C, 48 dwellings, 7 storeys above ground

Dwelling no.	No. of bedrooms	Conditioned floor area (m²)	Unconditioned floor area (m²)	Area of garden & lawn (m²)	Indigenous species (min area m²)
1	2	77.5	0.0	0.0	0.0
6	2	75.8	0.0	0.0	0.0
11	2	74.9	0.0	0.0	0.0
16	2	77.0	0.0	0.0	0.0
21	2	69.9	5.6	0.0	0.0
26	1	49.3	0.0	0.0	0.0
31	1	50.6	0.0	0.0	0.0
36	2	72.6	5.3	0.0	0.0
41	2	74.4	0.0	0.0	0.0
46	2	75.8	0.0	0.0	0.0

Dwelling no.	No. of bedrooms	Conditioned floor area (m²)	Unconditioned floor area (m²)	Area of garden & lawn (m²)	Indigenous species (min area m²)
2	2	75.0	0.0	0.0	0.0
7	2	77.5	0.0	0.0	0.0
12	2	72.6	5.3	0.0	0.0
17	2	77.5	0.0	0.0	0.0
22	2	75.8	0.0	0.0	0.0
27	2	75.5	0.0	0.0	0.0
32	2	75.4	0.0	0.0	0.0
37	2	70.8	5.6	0.0	0.0
42	1	49.3	0.0	0.0	0.0
47	1	50.6	0.0	0.0	0.0

Dwelling no.	No. of bedrooms	Conditioned floor area (m²)	Unconditioned floor area (m²)	Area of garden & lawn (m²)	Indigenous species (min area m²)
3	2	74.9	0.0	0.0	0.0
8	2	77.0	0.0	0.0	0.0
13	2	69.9	5.6	0.0	0.0
18	2	75.0	0.0	0.0	0.0
23	2	77.5	0.0	0.0	0.0
28	2	72.6	5.3	0.0	0.0
33	2	74.4	0.0	0.0	0.0
38	2	75.8	0.0	0.0	0.0
43	2	75.5	0.0	0.0	0.0
48	2	75.4	0.0	0.0	0.0

Dwelling no.	No. of bedrooms	Conditioned floor area (m²)	Unconditioned floor area (m²)	Area of garden & lawn (m²)	Indigenous species (min area m²)
4	2	72.6	5.3	0.0	0.0
9	2	77.5	0.0	0.0	0.0
14	2	75.8	0.0	0.0	0.0
19	2	74.9	0.0	0.0	0.0
24	2	77.0	0.0	0.0	0.0
29	2	70.8	5.6	0.0	0.0
34	1	49.3	0.0	0.0	0.0
39	1	50.6	0.0	0.0	0.0
44	2	72.6	5.3	0.0	0.0

Dwelling no.	No. of bedrooms	Conditioned floor area (m²)	Unconditioned floor area (m²)	Area of garden & lawn (m²)	Indigenous species (min area m²)
5	2	69.9	5.6	0.0	0.0
10	2	75.0	0.0	0.0	0.0
15	2	77.5	0.0	0.0	0.0
20	2	72.6	5.3	0.0	0.0
25	2	74.4	0.0	0.0	0.0
30	2	75.8	0.0	0.0	0.0
35	2	75.5	0.0	0.0	0.0
40	2	75.4	0.0	0.0	0.0
45	2	70.8	5.6	0.0	0.0

Description of project

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

Common areas of unit building - Block A

Common area	Floor area (m²)
Lift car (No.1)	-

Common area	Floor area (m²)
Ground floor lobby type BlkA	41.0

Common areas of unit building - Block B

Common area	Floor area (m²)
Lift car (No.2)	-

Common area	Floor area (m²)
Ground floor lobby type BlkB	37.1

Common areas of unit building - Block C

Common area	Floor area (m²)
Lift car (No.3)	-

Common area	Floor area (m²)
Ground floor lobby type BlkC	35.0

Common areas of the development (non-building specific)

Common area	Floor area (m²)
Car park area (No. 1)	5812.14
Switch room (No. 1)	23.0
Hallway/lobby type (No. 1)	802.2

Common area	Floor area (m²)
Lift car (No.4)	-
Garbage room (No. 1)	150.9

Common area	Floor area (m²)
Lift car (No.5)	-
Plant or service room (No. 1)	21.5

Schedule of BASIX commitments

1. Commitments for Residential flat buildings - Block A
    - (a) Dwellings
        - (i) Water
        - (ii) Energy
        - (iii) Thermal Comfort
    - (b) Common areas and central systems/facilities
        - (i) Water
        - (ii) Energy

2. Commitments for Residential flat buildings - Block B
    - (a) Dwellings
        - (i) Water
        - (ii) Energy
        - (iii) Thermal Comfort
    - (b) Common areas and central systems/facilities
        - (i) Water
        - (ii) Energy

3. Commitments for Residential flat buildings - Block C
    - (a) Dwellings
        - (i) Water
        - (ii) Energy
        - (iii) Thermal Comfort
    - (b) Common areas and central systems/facilities
        - (i) Water
        - (ii) Energy

4. Commitments for multi-dwelling houses

5. Commitments for single dwelling houses

6. Commitments for common areas and central systems/facilities for the development (non-building specific)
    (i) Water
    (ii) Energy

Schedule of BASIX commitments

The commitments set out below regulate how the proposed development is to be carried out. It is a condition of any development consent granted, or complying development certificate issued, for the proposed development, that BASIX commitments be complied with.

1. Commitments for Residential flat buildings - Block A

(a) Dwellings

(i) Water	Show on DA plans	Show on CC/CDC plans & specs	Certifier check
(a) The applicant must comply with the commitments listed below in carrying out the development of a dwelling listed in a table below.			
(b) The applicant must plant indigenous or low water use species of vegetation throughout the area of land specified for the dwelling in the "Indigenous species" column of the table below, as private landscaping for that dwelling. (This area of indigenous vegetation is to be contained within the "Area of garden and lawn" for the dwelling specified in the "Description of Project" table).	✔	✔	
(c) If a rating is specified in the table below for a fixture or appliance to be installed in the dwelling, the applicant must ensure that each such fixture and appliance meets the rating specified for it.		✔	✔
(d) The applicant must install an on demand hot water recirculation system which regulates all hot water use throughout the dwelling, where indicated for a dwelling in the "HW recirculation or diversion" column of the table below.		✔	✔
(e) The applicant must install: (aa) a hot water diversion system to all showers, kitchen sinks and all basins in the dwelling, where indicated for a dwelling in the "HW recirculation or diversion" column of the table below; and (bb) a separate diversion tank (or tanks) connected to the hot water diversion systems of at least 100 litres. The applicant must connect the hot water diversion tank to all toilets in the dwelling.		✔ ✔	✔ ✔
(e) The applicant must not install a private swimming pool or spa for the dwelling, with a volume exceeding that specified for it in the table below.	✔	✔	
(f) If specified in the table, that pool or spa (or both) must have a pool cover or shading (or both).		✔	
(g) The pool or spa must be located as specified in the table.	✔	✔	
(h) The applicant must install, for the dwelling, each alternative water supply system, with the specified size, listed for that dwelling in the table below. Each system must be configured to collect run-off from the areas specified (excluding any area which supplies any other alternative water supply system), and to divert overflow as specified. Each system must be connected as specified.	✔	✔	✔

	Fixtures					Appliances		Individual pool				Individual spa		
Dwelling no.	All shower-heads	All toilet flushing systems	All kitchen taps	All bathroom taps	HW recirculation or diversion	All clothes washers	All dish-washers	Volume (max volume)	Pool cover	Pool location	Pool shaded	Volume (max volume)	Spa cover	Spa shaded
All dwellings	3 star (> 6 but <= 7.5 L/min)	4 star	4 star	4 star	no	-	4 star	-	-	-	-	-	-	-

	Alternative water source							
Dwelling no.	Alternative water supply systems	Size	Configuration	Landscape connection	Toilet connection (s)	Laundry connection	Pool top-up	Spa top-up
None	-	-	-	-	-	-	-	-

(ii) Energy	Show on DA plans	Show on CC/CDC plans & specs	Certifier check
(a) The applicant must comply with the commitments listed below in carrying out the development of a dwelling listed in a table below.			
(b) The applicant must install each hot water system specified for the dwelling in the table below, so that the dwelling's hot water is supplied by that system. If the table specifies a central hot water system for the dwelling, then the applicant must connect that central system to the dwelling, so that the dwelling's hot water is supplied by that central system.	✔	✔	✔
(c) The applicant must install, in each bathroom, kitchen and laundry of the dwelling, the ventilation system specified for that room in the table below. Each such ventilation system must have the operation control specified for it in the table.		✔	✔
(d) The applicant must install the cooling and heating system/s specified for the dwelling under the "Living areas" and "Bedroom areas" headings of the "Cooling" and "Heating" columns in the table below, in/for at least 1 living/bedroom area of the dwelling. If no cooling or heating system is specified in the table for "Living areas" or "Bedroom areas", then no systems may be installed in any such areas. If the term "zoned" is specified beside an air conditioning system, then the system must provide for day/night zoning between living areas and bedrooms.		✔	✔
(e) This commitment applies to each room or area of the dwelling which is referred to in a heading to the "Artificial lighting" column of the table below (but only to the extent specified for that room or area). The applicant must ensure that the "primary type of artificial lighting" for each such room in the dwelling is fluorescent lighting or light emitting diode (LED) lighting. If the term "dedicated" is specified for a particular room or area, then the light fittings in that room or area must only be capable of being used for fluorescent lighting or light emitting diode (LED) lighting.		✔	✔

(ii) Energy	Show on DA plans	Show on CC/CDC plans & specs	Certifier check
(f) This commitment applies to each room or area of the dwelling which is referred to in a heading to the "Natural lighting" column of the table below (but only to the extent specified for that room or area). The applicant must ensure that each such room or area is fitted with a window and/or skylight.	✔	✔	✔
(g) This commitment applies if the applicant installs a water heating system for the dwelling's pool or spa. The applicant must: (aa) install the system specified for the pool in the "Individual Pool" column of the table below (or alternatively must not install any system for the pool). If specified, the applicant must install a timer, to control the pool's pump; and (bb) install the system specified for the spa in the "Individual Spa" column of the table below (or alternatively must not install any system for the spa). If specified, the applicant must install a timer to control the spa's pump.		✔ ✔	
(h) The applicant must install in the dwelling: (aa) the kitchen cook-top and oven specified for that dwelling in the "Appliances & other efficiency measures" column of the table below; (bb) each appliance for which a rating is specified for that dwelling in the "Appliances & other efficiency measures" column of the table, and ensure that the appliance has that minimum rating; and (cc) any clothes drying line specified for the dwelling in the "Appliances & other efficiency measures" column of the table.		✔ ✔ ✔	✔
(i) If specified in the table, the applicant must carry out the development so that each refrigerator space in the dwelling is "well ventilated".		✔	

	Hot water	Bathroom ventilation system		Kitchen ventilation system		Laundry ventilation system	
Dwelling no.	Hot water system	Each bathroom	Operation control	Each kitchen	Operation control	Each laundry	Operation control
All dwellings	central hot water system 1	individual fan, ducted to façade or roof	manual switch on/off	individual fan, ducted to façade or roof	manual switch on/off	individual fan, ducted to façade or roof	manual switch on/off

	Cooling		Heating		Artificial lighting						Natural lighting	
Dwelling no.	living areas	bedroom areas	living areas	bedroom areas	No. of bedrooms &/or study	No. of living &/or dining rooms	Each kitchen	All bathrooms/ toilets	Each laundry	All hallways	No. of bathrooms &/or toilets	Main kitchen
32, 33	1-phase airconditioning 1.5 Star (old label) (zoned)	1-phase airconditioning 1.5 Star (old label) (zoned)	1-phase airconditioning 1.5 Star (old label) (zoned)	1-phase airconditioning 1.5 Star (old label) (zoned)	1 (dedicated)	1 (dedicated)	yes (dedicated)	yes (dedicated)	yes (dedicated)	yes (dedicated)	1	no
2, 11, 22, 34	1-phase airconditioning 1.5 Star (old label) (zoned)	1-phase airconditioning 1.5 Star (old label) (zoned)	1-phase airconditioning 1.5 Star (old label) (zoned)	1-phase airconditioning 1.5 Star (old label) (zoned)	1 (dedicated)	1 (dedicated)	yes (dedicated)	yes (dedicated)	yes (dedicated)	yes (dedicated)	0	no
1, 5, 10, 14, 25	1-phase airconditioning 1.5 Star (old label) (zoned)	1-phase airconditioning 1.5 Star (old label) (zoned)	1-phase airconditioning 1.5 Star (old label) (zoned)	1-phase airconditioning 1.5 Star (old label) (zoned)	3 (dedicated)	1 (dedicated)	yes (dedicated)	yes (dedicated)	yes (dedicated)	yes (dedicated)	0	no
All other dwellings	1-phase airconditioning 1.5 Star (old label) (zoned)	1-phase airconditioning 1.5 Star (old label) (zoned)	1-phase airconditioning 1.5 Star (old label) (zoned)	1-phase airconditioning 1.5 Star (old label) (zoned)	2 (dedicated)	1 (dedicated)	yes (dedicated)	yes (dedicated)	yes (dedicated)	yes (dedicated)	0	no

	Individual pool		Individual spa		Appliances & other efficiency measures							
Dwelling no.	Pool heating system	Timer	Spa heating system	Timer	Kitchen cooktop/oven	Refrigerator	Well ventilated fridge space	Dishwasher	Clothes washer	Clothes dryer	Indoor or sheltered clothes drying line	Private outdoor or unsheltered clothes drying line
All dwellings	-	-	-	-	gas cooktop & electric oven	-	yes	3.5 star	-	2 star	yes	no

(iii) Thermal Comfort	Show on DA plans	Show on CC/CDC plans & specs	Certifier check
(a) The applicant must attach the certificate referred to under "Assessor details" on the front page of this BASIX certificate (the "Assessor Certificate") to the development application and construction certificate application for the proposed development (or, if the applicant is applying for a complying development certificate for the proposed development, to that application). The applicant must also attach the Assessor Certificate to the application for a final occupation certificate for the proposed development.			
(b) The Assessor Certificate must have been issued by an Accredited Assessor in accordance with the Thermal Comfort Protocol.			
(c) The details of the proposed development on the Assessor Certificate must be consistent with the details shown in this BASIX Certificate, including the details shown in the "Thermal Loads" table below.			
(d) The applicant must show on the plans accompanying the development application for the proposed development, all matters which the Thermal Comfort Protocol requires to be shown on those plans. Those plans must bear a stamp of endorsement from the Accredited Assessor, to certify that this is the case.	✔		
(e) The applicant must show on the plans accompanying the application for a construction certificate (or complying development certificate, if applicable), all thermal performance specifications set out in the Assessor Certificate, and all aspects of the proposed development which were used to calculate those specifications.		✔	
(f) The applicant must construct the development in accordance with all thermal performance specifications set out in the Assessor Certificate, and in accordance with those aspects of the development application or application for a complying development certificate which were used to calculate those specifications.		✔	✔
(g) Where there is an in-slab heating or cooling system, the applicant must: (aa) Install insulation with an R-value of not less than 1.0 around the vertical edges of the perimeter of the slab; or (bb) On a suspended floor, install insulation with an R-value of not less than 1.0 underneath the slab and around the vertical edges of the perimeter of the slab.	✔	✔	✔
(h) The applicant must construct the floors and walls of the development in accordance with the specifications listed in the table below.	✔	✔	✔

	Thermal loads	
Dwelling no.	Area adjusted heating load (in mJ/m²/yr)	Area adjusted cooling load (in mJ/m²/yr)
1	63.1	31.3
2	38.6	41.2
3	20.3	13.2
4	22.9	19.5
5	64.6	13.3

	Thermal loads	
Dwelling no.	**Area adjusted heating load (in mJ/m²/yr)**	**Area adjusted cooling load (in mJ/m²/yr)**
10	25.7	31.8
11	21.2	41.7
12	7.0	16.9
13	12.0	17.3
14	50.3	8.9
21	40.8	25.7
22	32.2	26.6
23	12.5	10.5
24	16.7	10.7
25	58.6	8.8
32	34.4	27.4
33	31.3	28.7
34	13.7	16.7
35	27.0	12.6
All other dwellings	65.4	9.3

(b) Common areas and central systems/facilities

(i) Water	Show on DA plans	Show on CC/CDC plans & specs	Certifier check
(a) If, in carrying out the development, the applicant installs a showerhead, toilet, tap or clothes washer into a common area, then that item must meet the specifications listed for it in the table.		✔	✔
(b) The applicant must install (or ensure that the development is serviced by) the alternative water supply system(s) specified in the "Central systems" column of the table below. In each case, the system must be sized, be configured, and be connected, as specified in the table.	✔	✔	✔
(c) A swimming pool or spa listed in the table must not have a volume (in kLs) greater than that specified for the pool or spa in the table.	✔	✔	
(d) A pool or spa listed in the table must have a cover or shading if specified for the pool or spa in the table.		✔	
(e) The applicant must install each fire sprinkler system listed in the table so that the system is configured as specified in the table.		✔	✔
(f) The applicant must ensure that the central cooling system for a cooling tower is configured as specified in the table.		✔	✔

Common area	Showerheads rating	Toilets rating	Taps rating	Clothes washers rating
All common areas	3 star (> 7.5 but <= 9 L/min)	4 star	4 star	no common laundry facility

(ii) Energy	Show on DA plans	Show on CC/CDC plans & specs	Certifier check
(a) If, in carrying out the development, the applicant installs a ventilation system to service a common area specified in the table below, then that ventilation system must be of the type specified for that common area, and must meet the efficiency measure specified.		✔	✔
(b) In carrying out the development, the applicant must install, as the "primary type of artificial lighting" for each common area specified in the table below, the lighting specified for that common area. This lighting must meet the efficiency measure specified. The applicant must also install a centralised lighting control system or Building Management System (BMS) for the common area, where specified.		✔	✔
(c) The applicant must install the systems and fixtures specified in the "Central energy systems" column of the table below. In each case, the system or fixture must be of the type, and meet the specifications, listed for it in the table.	✔	✔	✔

	Common area ventilation system		Common area lighting		
Common area	**Ventilation system type**	**Ventilation efficiency measure**	**Primary type of artificial lighting**	**Lighting efficiency measure**	**Lighting control system/BMS**
Lift car (No.1)	-	-	fluorescent	connected to lift call button	No
Ground floor lobby type BlkA	ventilation supply only	time clock or BMS controlled	compact fluorescent	time clock and motion sensors	No

Central energy systems	Type	Specification
Lift (No. 1)	gearless traction with V V V F motor	Number of levels (including basement): 6

2. Commitments for Residential flat buildings - Block B

(a) Dwellings

(i) Water	Show on DA plans	Show on CC/CDC plans & specs	Certifier check
(a) The applicant must comply with the commitments listed below in carrying out the development of a dwelling listed in a table below.			
(b) The applicant must plant indigenous or low water use species of vegetation throughout the area of land specified for the dwelling in the "Indigenous species" column of the table below, as private landscaping for that dwelling. (This area of indigenous vegetation is to be contained within the "Area of garden and lawn" for the dwelling specified in the "Description of Project" table).	✔	✔	
(c) If a rating is specified in the table below for a fixture or appliance to be installed in the dwelling, the applicant must ensure that each such fixture and appliance meets the rating specified for it.		✔	✔
(d) The applicant must install an on demand hot water recirculation system which regulates all hot water use throughout the dwelling, where indicated for a dwelling in the "HW recirculation or diversion" column of the table below.		✔	✔
(e) The applicant must install: (aa) a hot water diversion system to all showers, kitchen sinks and all basins in the dwelling, where indicated for a dwelling in the "HW recirculation or diversion" column of the table below; and (bb) a separate diversion tank (or tanks) connected to the hot water diversion systems of at least 100 litres. The applicant must connect the hot water diversion tank to all toilets in the dwelling.		✔ ✔	✔ ✔
(e) The applicant must not install a private swimming pool or spa for the dwelling, with a volume exceeding that specified for it in the table below.	✔	✔	
(f) If specified in the table, that pool or spa (or both) must have a pool cover or shading (or both).		✔	
(g) The pool or spa must be located as specified in the table.	✔	✔	
(h) The applicant must install, for the dwelling, each alternative water supply system, with the specified size, listed for that dwelling in the table below. Each system must be configured to collect run-off from the areas specified (excluding any area which supplies any other alternative water supply system), and to divert overflow as specified. Each system must be connected as specified.	✔	✔	✔

	Fixtures					Appliances		Individual pool				Individual spa		
Dwelling no.	All shower-heads	All toilet flushing systems	All kitchen taps	All bathroom taps	HW recirculation or diversion	All clothes washers	All dish-washers	Volume (max volume)	Pool cover	Pool location	Pool shaded	Volume (max volume)	Spa cover	Spa shaded
All dwellings	3 star (> 6 but <= 7.5 L/min)	4 star	4 star	4 star	no	-	4 star	-	-	-	-	-	-	-

	Alternative water source							
Dwelling no.	Alternative water supply systems	Size	Configuration	Landscape connection	Toilet connection (s)	Laundry connection	Pool top-up	Spa top-up
None	-	-	-	-	-	-	-	-

(ii) Energy	Show on DA plans	Show on CC/CDC plans & specs	Certifier check
(a) The applicant must comply with the commitments listed below in carrying out the development of a dwelling listed in a table below.			
(b) The applicant must install each hot water system specified for the dwelling in the table below, so that the dwelling's hot water is supplied by that system. If the table specifies a central hot water system for the dwelling, then the applicant must connect that central system to the dwelling, so that the dwelling's hot water is supplied by that central system.	✔	✔	✔
(c) The applicant must install, in each bathroom, kitchen and laundry of the dwelling, the ventilation system specified for that room in the table below. Each such ventilation system must have the operation control specified for it in the table.		✔	✔
(d) The applicant must install the cooling and heating system/s specified for the dwelling under the "Living areas" and "Bedroom areas" headings of the "Cooling" and "Heating" columns in the table below, in/for at least 1 living/bedroom area of the dwelling. If no cooling or heating system is specified in the table for "Living areas" or "Bedroom areas", then no systems may be installed in any such areas. If the term "zoned" is specified beside an air conditioning system, then the system must provide for day/night zoning between living areas and bedrooms.		✔	✔
(e) This commitment applies to each room or area of the dwelling which is referred to in a heading to the "Artificial lighting" column of the table below (but only to the extent specified for that room or area). The applicant must ensure that the "primary type of artificial lighting" for each such room in the dwelling is fluorescent lighting or light emitting diode (LED) lighting. If the term "dedicated" is specified for a particular room or area, then the light fittings in that room or area must only be capable of being used for fluorescent lighting or light emitting diode (LED) lighting.		✔	✔

(ii) Energy	**Show on DA plans**	**Show on CC/CDC plans & specs**	**Certifier check**
(f) This commitment applies to each room or area of the dwelling which is referred to in a heading to the "Natural lighting" column of the table below (but only to the extent specified for that room or area). The applicant must ensure that each such room or area is fitted with a window and/or skylight.	✔	✔	✔
(g) This commitment applies if the applicant installs a water heating system for the dwelling's pool or spa. The applicant must: (aa) install the system specified for the pool in the "Individual Pool" column of the table below (or alternatively must not install any system for the pool). If specified, the applicant must install a timer, to control the pool's pump; and (bb) install the system specified for the spa in the "Individual Spa" column of the table below (or alternatively must not install any system for the spa). If specified, the applicant must install a timer to control the spa's pump.		✔ ✔	
(h) The applicant must install in the dwelling: (aa) the kitchen cook-top and oven specified for that dwelling in the "Appliances & other efficiency measures" column of the table below; (bb) each appliance for which a rating is specified for that dwelling in the "Appliances & other efficiency measures" column of the table, and ensure that the appliance has that minimum rating; and (cc) any clothes drying line specified for the dwelling in the "Appliances & other efficiency measures" column of the table.		✔ ✔ ✔	✔
(i) If specified in the table, the applicant must carry out the development so that each refrigerator space in the dwelling is "well ventilated".		✔	

	Hot water	**Bathroom ventilation system**		**Kitchen ventilation system**		**Laundry ventilation system**	
Dwelling no.	**Hot water system**	**Each bathroom**	**Operation control**	**Each kitchen**	**Operation control**	**Each laundry**	**Operation control**
All dwellings	central hot water system 1	individual fan, ducted to façade or roof	manual switch on/off	individual fan, ducted to façade or roof	manual switch on/off	individual fan, ducted to façade or roof	manual switch on/off

	Cooling		Heating		Artificial lighting						Natural lighting	
Dwelling no.	living areas	bedroom areas	living areas	bedroom areas	No. of bedrooms &/or study	No. of living &/or dining rooms	Each kitchen	All bathrooms/ toilets	Each laundry	All hallways	No. of bathrooms &/or toilets	Main kitchen
6, 7, 8, 9	1-phase airconditioning 1.5 Star (old label) (zoned)	1-phase airconditioning 1.5 Star (old label) (zoned)	1-phase airconditioning 1.5 Star (old label) (zoned)	1-phase airconditioning 1.5 Star (old label) (zoned)	3 (dedicated)	1 (dedicated)	yes (dedicated)	yes (dedicated)	yes (dedicated)	yes (dedicated)	0	no
All other dwellings	1-phase airconditioning 1.5 Star (old label) (zoned)	1-phase airconditioning 1.5 Star (old label) (zoned)	1-phase airconditioning 1.5 Star (old label) (zoned)	1-phase airconditioning 1.5 Star (old label) (zoned)	2 (dedicated)	1 (dedicated)	yes (dedicated)	yes (dedicated)	yes (dedicated)	yes (dedicated)	0	no

	Individual pool		Individual spa		Appliances & other efficiency measures							
Dwelling no.	Pool heating system	Timer	Spa heating system	Timer	Kitchen cooktop/oven	Refrigerator	Well ventilated fridge space	Dishwasher	Clothes washer	Clothes dryer	Indoor or sheltered clothes drying line	Private outdoor or unsheltered clothes drying line
All dwellings	-	-	-	-	gas cooktop & electric oven	-	yes	3.5 star	-	2 star	yes	no

(iii) Thermal Comfort	Show on DA plans	Show on CC/CDC plans & specs	Certifier check
(a) The applicant must attach the certificate referred to under "Assessor details" on the front page of this BASIX certificate (the "Assessor Certificate") to the development application and construction certificate application for the proposed development (or, if the applicant is applying for a complying development certificate for the proposed development, to that application). The applicant must also attach the Assessor Certificate to the application for a final occupation certificate for the proposed development.			
(b) The Assessor Certificate must have been issued by an Accredited Assessor in accordance with the Thermal Comfort Protocol.			
(c) The details of the proposed development on the Assessor Certificate must be consistent with the details shown in this BASIX Certificate, including the details shown in the "Thermal Loads" table below.			
(d) The applicant must show on the plans accompanying the development application for the proposed development, all matters which the Thermal Comfort Protocol requires to be shown on those plans. Those plans must bear a stamp of endorsement from the Accredited Assessor, to certify that this is the case.	✔		

(iii) Thermal Comfort	Show on DA plans	Show on CC/CDC plans & specs	Certifier check
(e) The applicant must show on the plans accompanying the application for a construction certificate (or complying development certificate, if applicable), all thermal performance specifications set out in the Assessor Certificate, and all aspects of the proposed development which were used to calculate those specifications.		✔	
(f) The applicant must construct the development in accordance with all thermal performance specifications set out in the Assessor Certificate, and in accordance with those aspects of the development application or application for a complying development certificate which were used to calculate those specifications.		✔	✔
(g) Where there is an in-slab heating or cooling system, the applicant must: (aa) Install insulation with an R-value of not less than 1.0 around the vertical edges of the perimeter of the slab; or (bb) On a suspended floor, install insulation with an R-value of not less than 1.0 underneath the slab and around the vertical edges of the perimeter of the slab.	✔	✔	✔
(h) The applicant must construct the floors and walls of the development in accordance with the specifications listed in the table below.	✔	✔	✔

	Thermal loads	
Dwelling no.	**Area adjusted heating load (in mJ/m²/yr)**	**Area adjusted cooling load (in mJ/m²/yr)**
6	21.7	18.7
7	23.8	19.3
8	57.6	14.2
9	62.9	11.3
15	43.7	29.8
16	5.7	21.3
17	25.2	11.6
18	50.9	20.7
19	35.7	15.5
20	62.3	15.1
26	12.5	20.3
27	6.9	29.4
28	20.2	10.1

	Thermal loads	
Dwelling no.	Area adjusted heating load (in mJ/m²/yr)	Area adjusted cooling load (in mJ/m²/yr)
29	46.1	16.8
30	40.1	20.5
31	40.6	20.8
37	23.6	16.3
38	18.2	18.1
39	33.0	9.8
40	49.7	26.0
41	42.9	19.1
All other dwellings	50.9	19.2

(b) Common areas and central systems/facilities

(i) Water	Show on DA plans	Show on CC/CDC plans & specs	Certifier check
(a) If, in carrying out the development, the applicant installs a showerhead, toilet, tap or clothes washer into a common area, then that item must meet the specifications listed for it in the table.		✔	✔
(b) The applicant must install (or ensure that the development is serviced by) the alternative water supply system(s) specified in the "Central systems" column of the table below. In each case, the system must be sized, be configured, and be connected, as specified in the table.	✔	✔	✔
(c) A swimming pool or spa listed in the table must not have a volume (in kLs) greater than that specified for the pool or spa in the table.	✔	✔	
(d) A pool or spa listed in the table must have a cover or shading if specified for the pool or spa in the table.		✔	
(e) The applicant must install each fire sprinkler system listed in the table so that the system is configured as specified in the table.		✔	✔
(f) The applicant must ensure that the central cooling system for a cooling tower is configured as specified in the table.		✔	✔

Common area	Showerheads rating	Toilets rating	Taps rating	Clothes washers rating
All common areas	3 star (> 7.5 but <= 9 L/min)	4 star	4 star	no common laundry facility

(ii) Energy	Show on DA plans	Show on CC/CDC plans & specs	Certifier check
(a) If, in carrying out the development, the applicant installs a ventilation system to service a common area specified in the table below, then that ventilation system must be of the type specified for that common area, and must meet the efficiency measure specified.		✔	✔
(b) In carrying out the development, the applicant must install, as the "primary type of artificial lighting" for each common area specified in the table below, the lighting specified for that common area. This lighting must meet the efficiency measure specified. The applicant must also install a centralised lighting control system or Building Management System (BMS) for the common area, where specified.		✔	✔
(c) The applicant must install the systems and fixtures specified in the "Central energy systems" column of the table below. In each case, the system or fixture must be of the type, and meet the specifications, listed for it in the table.	✔	✔	✔

	Common area ventilation system		Common area lighting		
Common area	**Ventilation system type**	**Ventilation efficiency measure**	**Primary type of artificial lighting**	**Lighting efficiency measure**	**Lighting control system/BMS**
Lift car (No.2)	-	-	fluorescent	connected to lift call button	No
Ground floor lobby type BlkB	ventilation supply only	time clock or BMS controlled	compact fluorescent	time clock and motion sensors	No

Central energy systems	Type	Specification
Lift (No. 2)	gearless traction with V V V F motor	Number of levels (including basement): 7

3. Commitments for Residential flat buildings - Block C

(a) Dwellings

(i) Water	Show on DA plans	Show on CC/CDC plans & specs	Certifier check
(a) The applicant must comply with the commitments listed below in carrying out the development of a dwelling listed in a table below.			
(b) The applicant must plant indigenous or low water use species of vegetation throughout the area of land specified for the dwelling in the "Indigenous species" column of the table below, as private landscaping for that dwelling. (This area of indigenous vegetation is to be contained within the "Area of garden and lawn" for the dwelling specified in the "Description of Project" table).	✔	✔	
(c) If a rating is specified in the table below for a fixture or appliance to be installed in the dwelling, the applicant must ensure that each such fixture and appliance meets the rating specified for it.		✔	✔
(d) The applicant must install an on demand hot water recirculation system which regulates all hot water use throughout the dwelling, where indicated for a dwelling in the "HW recirculation or diversion" column of the table below.		✔	✔
(e) The applicant must install: (aa) a hot water diversion system to all showers, kitchen sinks and all basins in the dwelling, where indicated for a dwelling in the "HW recirculation or diversion" column of the table below; and (bb) a separate diversion tank (or tanks) connected to the hot water diversion systems of at least 100 litres. The applicant must connect the hot water diversion tank to all toilets in the dwelling.		✔ ✔	✔ ✔
(e) The applicant must not install a private swimming pool or spa for the dwelling, with a volume exceeding that specified for it in the table below.	✔	✔	
(f) If specified in the table, that pool or spa (or both) must have a pool cover or shading (or both).		✔	
(g) The pool or spa must be located as specified in the table.	✔	✔	
(h) The applicant must install, for the dwelling, each alternative water supply system, with the specified size, listed for that dwelling in the table below. Each system must be configured to collect run-off from the areas specified (excluding any area which supplies any other alternative water supply system), and to divert overflow as specified. Each system must be connected as specified.	✔	✔	✔

	Fixtures					Appliances		Individual pool				Individual spa		
Dwelling no.	All shower-heads	All toilet flushing systems	All kitchen taps	All bathroom taps	HW recirculation or diversion	All clothes washers	All dish-washers	Volume (max volume)	Pool cover	Pool location	Pool shaded	Volume (max volume)	Spa cover	Spa shaded
All dwellings	3 star (> 6 but <= 7.5 L/min)	4 star	4 star	4 star	no	-	4 star	-	-	-	-	-	-	-

	Alternative water source							
Dwelling no.	Alternative water supply systems	Size	Configuration	Landscape connection	Toilet connection (s)	Laundry connection	Pool top-up	Spa top-up
None	-	-	-	-	-	-	-	-

(ii) Energy	Show on DA plans	Show on CC/CDC plans & specs	Certifier check
(a) The applicant must comply with the commitments listed below in carrying out the development of a dwelling listed in a table below.			
(b) The applicant must install each hot water system specified for the dwelling in the table below, so that the dwelling's hot water is supplied by that system. If the table specifies a central hot water system for the dwelling, then the applicant must connect that central system to the dwelling, so that the dwelling's hot water is supplied by that central system.	✔	✔	✔
(c) The applicant must install, in each bathroom, kitchen and laundry of the dwelling, the ventilation system specified for that room in the table below. Each such ventilation system must have the operation control specified for it in the table.		✔	✔
(d) The applicant must install the cooling and heating system/s specified for the dwelling under the "Living areas" and "Bedroom areas" headings of the "Cooling" and "Heating" columns in the table below, in/for at least 1 living/bedroom area of the dwelling. If no cooling or heating system is specified in the table for "Living areas" or "Bedroom areas", then no systems may be installed in any such areas. If the term "zoned" is specified beside an air conditioning system, then the system must provide for day/night zoning between living areas and bedrooms.		✔	✔
(e) This commitment applies to each room or area of the dwelling which is referred to in a heading to the "Artificial lighting" column of the table below (but only to the extent specified for that room or area). The applicant must ensure that the "primary type of artificial lighting" for each such room in the dwelling is fluorescent lighting or light emitting diode (LED) lighting. If the term "dedicated" is specified for a particular room or area, then the light fittings in that room or area must only be capable of being used for fluorescent lighting or light emitting diode (LED) lighting.		✔	✔

(ii) Energy	**Show on DA plans**	**Show on CC/CDC plans & specs**	**Certifier check**
(f) This commitment applies to each room or area of the dwelling which is referred to in a heading to the "Natural lighting" column of the table below (but only to the extent specified for that room or area). The applicant must ensure that each such room or area is fitted with a window and/or skylight.	✔	✔	✔
(g) This commitment applies if the applicant installs a water heating system for the dwelling's pool or spa. The applicant must: (aa) install the system specified for the pool in the "Individual Pool" column of the table below (or alternatively must not install any system for the pool). If specified, the applicant must install a timer, to control the pool's pump; and (bb) install the system specified for the spa in the "Individual Spa" column of the table below (or alternatively must not install any system for the spa). If specified, the applicant must install a timer to control the spa's pump.		✔ ✔	
(h) The applicant must install in the dwelling: (aa) the kitchen cook-top and oven specified for that dwelling in the "Appliances & other efficiency measures" column of the table below; (bb) each appliance for which a rating is specified for that dwelling in the "Appliances & other efficiency measures" column of the table, and ensure that the appliance has that minimum rating; and (cc) any clothes drying line specified for the dwelling in the "Appliances & other efficiency measures" column of the table.		✔ ✔ ✔	✔
(i) If specified in the table, the applicant must carry out the development so that each refrigerator space in the dwelling is "well ventilated".		✔	

	Hot water	**Bathroom ventilation system**		**Kitchen ventilation system**		**Laundry ventilation system**	
Dwelling no.	**Hot water system**	**Each bathroom**	**Operation control**	**Each kitchen**	**Operation control**	**Each laundry**	**Operation control**
All dwellings	central hot water system 1	individual fan, ducted to façade or roof	manual switch on/off	individual fan, ducted to façade or roof	manual switch on/off	individual fan, ducted to façade or roof	manual switch on/off

	Cooling		Heating		Artificial lighting						Natural lighting	
Dwelling no.	living areas	bedroom areas	living areas	bedroom areas	No. of bedrooms &/or study	No. of living &/or dining rooms	Each kitchen	All bathrooms/ toilets	Each laundry	All hallways	No. of bathrooms &/or toilets	Main kitchen
42, 47	1-phase airconditioning 1.5 Star (old label) (zoned)	1-phase airconditioning 1.5 Star (old label) (zoned)	1-phase airconditioning 1.5 Star (old label) (zoned)	1-phase airconditioning 1.5 Star (old label) (zoned)	1 (dedicated)	1 (dedicated)	yes (dedicated)	yes (dedicated)	yes (dedicated)	yes (dedicated)	0	yes
44, 45	1-phase airconditioning 1.5 Star (old label) (zoned)	1-phase airconditioning 1.5 Star (old label) (zoned)	1-phase airconditioning 1.5 Star (old label) (zoned)	1-phase airconditioning 1.5 Star (old label) (zoned)	2 (dedicated)	1 (dedicated)	yes (dedicated)	yes (dedicated)	yes (dedicated)	yes (dedicated)	1	yes
26, 31, 34, 39	1-phase airconditioning 1.5 Star (old label) (zoned)	1-phase airconditioning 1.5 Star (old label) (zoned)	1-phase airconditioning 1.5 Star (old label) (zoned)	1-phase airconditioning 1.5 Star (old label) (zoned)	1 (dedicated)	1 (dedicated)	yes (dedicated)	yes (dedicated)	yes (dedicated)	yes (dedicated)	0	no
41, 43, 46, 48	1-phase airconditioning 1.5 Star (old label) (zoned)	1-phase airconditioning 1.5 Star (old label) (zoned)	1-phase airconditioning 1.5 Star (old label) (zoned)	1-phase airconditioning 1.5 Star (old label) (zoned)	2 (dedicated)	1 (dedicated)	yes (dedicated)	yes (dedicated)	yes (dedicated)	yes (dedicated)	0	yes
4, 5, 12, 13, 20, 21, 28, 29, 36, 37	1-phase airconditioning 1.5 Star (old label) (zoned)	1-phase airconditioning 1.5 Star (old label) (zoned)	1-phase airconditioning 1.5 Star (old label) (zoned)	1-phase airconditioning 1.5 Star (old label) (zoned)	2 (dedicated)	1 (dedicated)	yes (dedicated)	yes (dedicated)	yes (dedicated)	yes (dedicated)	1	no
All other dwellings	1-phase airconditioning 1.5 Star (old label) (zoned)	1-phase airconditioning 1.5 Star (old label) (zoned)	1-phase airconditioning 1.5 Star (old label) (zoned)	1-phase airconditioning 1.5 Star (old label) (zoned)	2 (dedicated)	1 (dedicated)	yes (dedicated)	yes (dedicated)	yes (dedicated)	yes (dedicated)	0	no

	Individual pool		Individual spa		Appliances & other efficiency measures							
Dwelling no.	Pool heating system	Timer	Spa heating system	Timer	Kitchen cooktop/oven	Refrigerator	Well ventilated fridge space	Dishwasher	Clothes washer	Clothes dryer	Indoor or sheltered clothes drying line	Private outdoor or unsheltered clothes drying line
All dwellings	-	-	-	-	gas cooktop & electric oven	-	yes	3.5 star	-	2 star	yes	no

(iii) Thermal Comfort	Show on DA plans	Show on CC/CDC plans & specs	Certifier check
(a) The applicant must attach the certificate referred to under "Assessor details" on the front page of this BASIX certificate (the "Assessor Certificate") to the development application and construction certificate application for the proposed development (or, if the applicant is applying for a complying development certificate for the proposed development, to that application). The applicant must also attach the Assessor Certificate to the application for a final occupation certificate for the proposed development.			
(b) The Assessor Certificate must have been issued by an Accredited Assessor in accordance with the Thermal Comfort Protocol.			
(c) The details of the proposed development on the Assessor Certificate must be consistent with the details shown in this BASIX Certificate, including the details shown in the "Thermal Loads" table below.			
(d) The applicant must show on the plans accompanying the development application for the proposed development, all matters which the Thermal Comfort Protocol requires to be shown on those plans. Those plans must bear a stamp of endorsement from the Accredited Assessor, to certify that this is the case.	✔		
(e) The applicant must show on the plans accompanying the application for a construction certificate (or complying development certificate, if applicable), all thermal performance specifications set out in the Assessor Certificate, and all aspects of the proposed development which were used to calculate those specifications.		✔	
(f) The applicant must construct the development in accordance with all thermal performance specifications set out in the Assessor Certificate, and in accordance with those aspects of the development application or application for a complying development certificate which were used to calculate those specifications.		✔	✔
(g) Where there is an in-slab heating or cooling system, the applicant must: (aa) Install insulation with an R-value of not less than 1.0 around the vertical edges of the perimeter of the slab; or (bb) On a suspended floor, install insulation with an R-value of not less than 1.0 underneath the slab and around the vertical edges of the perimeter of the slab.	✔	✔	✔
(h) The applicant must construct the floors and walls of the development in accordance with the specifications listed in the table below.	✔	✔	✔

	Thermal loads	
Dwelling no.	**Area adjusted heating load (in mJ/m²/yr)**	**Area adjusted cooling load (in mJ/m²/yr)**
1	45.6	21.2
2	46.0	33.5
3	40.9	29.1
4	64.6	12.5
5	41.9	23.0
6	19.1	30.9
7	37.3	20.0
8	44.1	27.9
9	15.2	21.7
10	30.7	35.9
11	36.2	28.5
12	29.3	12.4
13	25.1	25.2
14	17.2	28.9
15	25.9	21.7
16	24.1	28.8
17	24.1	14.4
18	39.8	26.1
19	39.5	19.2
20	31.6	9.5
21	30.1	17.1
22	22.0	19.7
23	49.4	18.1
24	41.5	21.0
25	21.9	18.4
26	36.9	20.8
27	38.5	21.9

	Thermal loads	
Dwelling no.	**Area adjusted heating load (in mJ/m²/yr)**	**Area adjusted cooling load (in mJ/m²/yr)**
28	27.5	10.8
29	29.9	16.1
30	22.4	19.5
31	29.7	22.0
32	24.9	18.7
33	20.4	16.2
34	37.2	21.8
35	31.0	21.8
36	24.1	11.3
37	29.8	16.8
38	22.6	19.0
39	30.5	22.6
40	22.7	16.0
41	27.3	18.3
42	42.0	28.3
43	44.5	27.3
44	32.9	15.4
45	44.0	21.8
46	37.2	22.8
47	37.5	30.6
All other dwellings	31.7	21.5

(b) Common areas and central systems/facilities

(i) Water	Show on DA plans	Show on CC/CDC plans & specs	Certifier check
(a) If, in carrying out the development, the applicant installs a showerhead, toilet, tap or clothes washer into a common area, then that item must meet the specifications listed for it in the table.		✔	✔
(b) The applicant must install (or ensure that the development is serviced by) the alternative water supply system(s) specified in the "Central systems" column of the table below. In each case, the system must be sized, be configured, and be connected, as specified in the table.	✔	✔	✔
(c) A swimming pool or spa listed in the table must not have a volume (in kLs) greater than that specified for the pool or spa in the table.	✔	✔	
(d) A pool or spa listed in the table must have a cover or shading if specified for the pool or spa in the table.		✔	
(e) The applicant must install each fire sprinkler system listed in the table so that the system is configured as specified in the table.		✔	✔
(f) The applicant must ensure that the central cooling system for a cooling tower is configured as specified in the table.		✔	✔

Common area	Showerheads rating	Toilets rating	Taps rating	Clothes washers rating
All common areas	3 star (> 7.5 but <= 9 L/min)	4 star	4 star	no common laundry facility

(ii) Energy	Show on DA plans	Show on CC/CDC plans & specs	Certifier check
(a) If, in carrying out the development, the applicant installs a ventilation system to service a common area specified in the table below, then that ventilation system must be of the type specified for that common area, and must meet the efficiency measure specified.		✔	✔
(b) In carrying out the development, the applicant must install, as the "primary type of artificial lighting" for each common area specified in the table below, the lighting specified for that common area. This lighting must meet the efficiency measure specified. The applicant must also install a centralised lighting control system or Building Management System (BMS) for the common area, where specified.		✔	✔
(c) The applicant must install the systems and fixtures specified in the "Central energy systems" column of the table below. In each case, the system or fixture must be of the type, and meet the specifications, listed for it in the table.	✔	✔	✔

	Common area ventilation system		Common area lighting		
Common area	**Ventilation system type**	**Ventilation efficiency measure**	**Primary type of artificial lighting**	**Lighting efficiency measure**	**Lighting control system/BMS**
Lift car (No.3)	-	-	fluorescent	connected to lift call button	No
Ground floor lobby type BlkC	ventilation supply only	time clock or BMS controlled	compact fluorescent	time clock and motion sensors	No

Central energy systems	Type	Specification
Lift (No. 3)	gearless traction with V V V F motor	Number of levels (including basement): 8

6. Commitments for common areas and central systems/facilities for the development (non-building specific)

(b) Common areas and central systems/facilities

(i) Water	Show on DA plans	Show on CC/CDC plans & specs	Certifier check
(a) If, in carrying out the development, the applicant installs a showerhead, toilet, tap or clothes washer into a common area, then that item must meet the specifications listed for it in the table.		✔	✔
(b) The applicant must install (or ensure that the development is serviced by) the alternative water supply system(s) specified in the "Central systems" column of the table below. In each case, the system must be sized, be configured, and be connected, as specified in the table.	✔	✔	✔
(c) A swimming pool or spa listed in the table must not have a volume (in kLs) greater than that specified for the pool or spa in the table.	✔	✔	
(d) A pool or spa listed in the table must have a cover or shading if specified for the pool or spa in the table.		✔	
(e) The applicant must install each fire sprinkler system listed in the table so that the system is configured as specified in the table.		✔	✔
(f) The applicant must ensure that the central cooling system for a cooling tower is configured as specified in the table.		✔	✔

Common area	Showerheads rating	Toilets rating	Taps rating	Clothes washers rating
All common areas	3 star (> 7.5 but <= 9 L/min)	4 star	4 star	no common laundry facility

Central systems	Size	Configuration	Connection (to allow for...)
Central water tank - rainwater or stormwater (No. 1)	10000.0	To collect run-off from at least: - 200.0 square metres of roof area of buildings in the development - 0.0 square metres of impervious area in the development - 0.0 square metres of garden/lawn area in the development - 0.0 square metres of planter box area in the development (excluding, in each case, any area which drains to, or supplies, any other alternative water supply system).	- irrigation of 797.62 square metres of common landscaped area on the site - car washing in 1 car washing bays on the site

(ii) Energy	Show on DA plans	Show on CC/CDC plans & specs	Certifier check
(a) If, in carrying out the development, the applicant installs a ventilation system to service a common area specified in the table below, then that ventilation system must be of the type specified for that common area, and must meet the efficiency measure specified.		✔	✔
(b) In carrying out the development, the applicant must install, as the "primary type of artificial lighting" for each common area specified in the table below, the lighting specified for that common area. This lighting must meet the efficiency measure specified. The applicant must also install a centralised lighting control system or Building Management System (BMS) for the common area, where specified.		✔	✔
(c) The applicant must install the systems and fixtures specified in the "Central energy systems" column of the table below. In each case, the system or fixture must be of the type, and meet the specifications, listed for it in the table.	✔	✔	✔

	Common area ventilation system		Common area lighting		
Common area	**Ventilation system type**	**Ventilation efficiency measure**	**Primary type of artificial lighting**	**Lighting efficiency measure**	**Lighting control system/BMS**
Car park area (No. 1)	ventilation (supply + exhaust)	carbon monoxide monitor + VSD fan	fluorescent	motion sensors	No
Lift car (No.4)	-	-	fluorescent	connected to lift call button	No
Lift car (No.5)	-	-	fluorescent	connected to lift call button	No
Switch room (No. 1)	ventilation supply only	thermostatically controlled	fluorescent	manual on / manual off	No
Garbage room (No. 1)	ventilation exhaust only	-	fluorescent	manual on / manual off	No
Plant or service room (No. 1)	ventilation supply only	thermostatically controlled	fluorescent	manual on / manual off	No
Hallway/lobby type (No. 1)	ventilation supply only	time clock or BMS controlled	compact fluorescent	time clock and motion sensors	No

Central energy systems	Type	Specification
Central hot water system (No. 1)	gas-fired boiler	Piping insulation (ringmain & supply risers): (b) Piping internal to building: R1.0 (~38 mm)
Lift (No. 4)	geared traction with V V A C motor	Number of levels (including basement): 3

Central energy systems	Type	Specification
Lift (No. 5)	geared traction with V V A C motor	Number of levels (including basement): 3

Notes

1. In these commitments, "applicant" means the person carrying out the development.
2. The applicant must identify each dwelling, building and common area listed in this certificate, on the plans accompanying any development application, and on the plans and specifications accompanying the application for a construction certificate / complying development certificate, for the proposed development, using the same identifying letter or reference as is given to that dwelling, building or common area in this certificate.
3. This note applies if the proposed development involves the erection of a building for both residential and non-residential purposes (or the change of use of a building for both residential and non-residential purposes). Commitments in this certificate which are specified to apply to a "common area" of a building or the development, apply only to that part of the building or development to be used for residential purposes.
4. If this certificate lists a central system as a commitment for a dwelling or building, and that system will also service any other dwelling or building within the development, then that system need only be installed once (even if it is separately listed as a commitment for that other dwelling or building).
5. If a star or other rating is specified in a commitment, this is a minimum rating.
6. All alternative water systems to be installed under these commitments (if any), must be installed in accordance with the requirements of all applicable regulatory authorities. NOTE: NSW Health does not recommend that stormwater, recycled water or private dam water be used to irrigate edible plants which are consumed raw, or that rainwater be used for human consumption in areas with potable water supply.

Legend

1. Commitments identified with a "✔" in the "Show on DA plans" column must be shown on the plans accompanying the development application for the proposed development (if a development application is to be lodged for the proposed development).
2. Commitments identified with a "✔" in the "Show on CC/CDC plans and specs" column must be shown in the plans and specifications accompanying the application for a construction certificate / complying development certificate for the proposed development.
3. Commitments identified with a "✔" in the "Certifier check" column must be certified by a certifying authority as having been fulfilled. (Note: a certifying authority must not issue an occupation certificate (either interim or final) for a building listed in this certificate, or for any part of such a building, unless it is satisfied that each of the commitments whose fulfilment it is required to monitor in relation to the building or part, has been fulfilled).

DOCUMENTS ASSOCIATED WITH REPORT ELPP015/26

Attachment 13

Redacted Submission

Regards

This email may contain confidential information.
If I've sent it to you by accident, please delete it immediately

General

Sent: Monday, 19 January 2026 12:55 PM
To: 'council@cumberland.nsw.gov.au' <council@cumberland.nsw.gov.au>

Subject: DA2025/0666 - Telstra now Amplitel phone tower
Importance: High

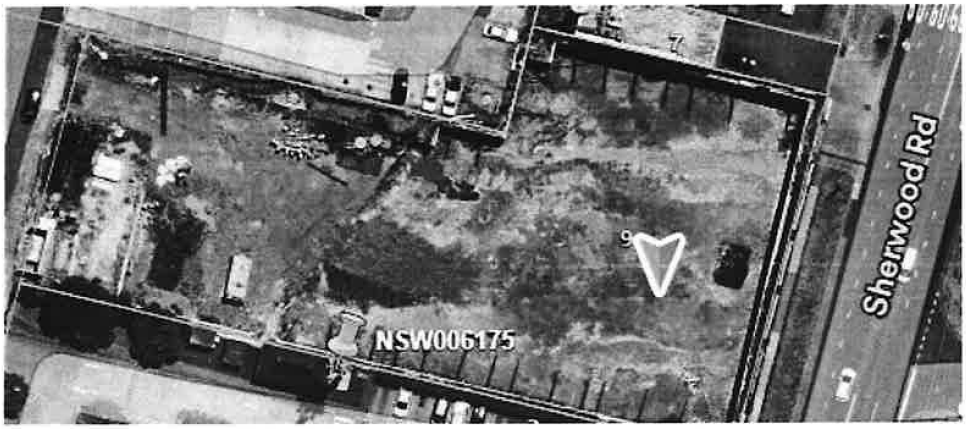
To DA assessment officer Chen Chen

Hi Chen Chen

Please note Telstra/Amplitel has a phone tower (the yellow pin in below screenshot at 15-25 Sherwood Rd) just next to this proposed development site at 9 Sherwood Road. We are not sure why we never received any DA notification about this proposed development or this amended DA last Sept. Our tower is 20m pole and this proposed development is going to block signals or EME interference to our site and yet no one has notified us and ask our feedback.

The potential blockage of our tower will significantly impact our site. We already have issue with the original DA and let alone to put addition 2 levels to the original proposed development.

We object to this amended DA and appreciate you can provide contacts or passed on my contacts to the proposed developer so we can directly discuss this proposal with them.



DA2025/0666

Description:	Mixed - Amending DA to make alterations and additions to approved shop top 2 levels to the development and an additional 27 apartments.
Assessment Officer:	Chen Chen
Estimated Cost of Work:	$57,919,440.00
Lodged date:	26/09/2025

Location | Progress | People | Documents | Show All

Progress

Application Progress

Description	Decision
Development Application Received	Yes

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Item No: ELPP016/26

DEVELOPMENT APPLICATION - 62 BRIDGE ROAD, WESTMEAD

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

Application lodged	9 January 2026
Applicant	Dvyne Design JT Pty Ltd
Owner	Mr A Rizk & Mrs L Rizk
Application No.	DA2025/0915
Description of Land	62 Bridge Road WESTMEAD NSW 2145, Lot 148 DP 7383
Proposed Development	Demolition of existing structures and construction of an attached two storey dual occupancy, Torrens title subdivision with a secondary dwelling pursuant to the State Environmental Planning Policy (Housing) on each lot
Site Area	790.4m^2
Zoning	R2 Low Density Residential
Disclosure of political donations and gifts	Nil disclosure
Cost of works	$1,386,580.00
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: 450m^2 Proposed site area for each lot after subdivision: 395.2m^2
Issues	Variation to Clause 53(2)(a)

SUMMARY:

1. Development Application No. DA2025/0915 was lodged on 9 January 2026 for the demolition of existing structures and construction of an attached two storey dual occupancy, Torrens title subdivision with a secondary dwelling pursuant to the State Environmental Planning Policy (Housing) on each lot.

2. The application was publicly notified to occupants and owners of the adjoining properties for a period of 14 days between 23 January 2026 and 6 February 2026. 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 450m2 is required. The subdivision plan submitted demonstrate that each lot will have a total site area of 395.2m2 after subdivision.

5. The variation are as follows:

Control	Required	Provided	% variation
Minimum Lot Size *State Environmental Planning Policy (Housing) 2021*	450m^2	395.2m^2	12.18%
Front Setback *2.1A, Building Envelopes, Objective 2.1A-2 (Low Rise Housing Diversity Design Guide)*	5.35m for both unit 1 and unit 2	7m for both unit 1 and unit 2	30.85%
Side Setback *2.1A, Building Envelopes, Objective 2.1A-3 (Low Rise Housing Diversity Design Guide)*	1.7m for both unit 1 and unit 2 on first floor.	1.4m for both unit 1 (southern side) and unit 2 (northern side) on first floor.	17.65%
Covered Private Open Space *2.1L, Principal Private Open Spaces, Objective 2.1L-2 (Low Rise Housing Diversity Design Guide)*	Unit 2: 20.92m^2	Unit 2: 19.6m^2	6.2%

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 for Deferred Commencement Approval subject to the conditions as recommended in Council's assessment report.

REPORT:

The subject site is legally described as Lot 148 in DP7383 and is known as No. 62 Bridge Road, Westmead.

The subject site is located on the western side of Bridge Road. The site is regular in shape, having a frontage width of 15.055m to Bridge Road, a depth of 52.36m along the southern side boundary, and a depth of 55.905m along the northern side boundary. The site has an area of 790.4m2 (as per survey).

The site contains a single-storey house with a tiled roof and a carport structure, the site also includes a concrete driveway and path to the entryway to the front boundary, and a garden shed in the rear yard adjacent the rear boundary fence. Vehicular access to the site is provided via Bridge Road. Within the Council nature strip there is a single Brush Box tree (to be retained and protection conditions imposed) and an electricity pole.

The site contains no significant trees but hedges in the front yard, a small tree and shrubs along the rear fence. Appropriate tree plantings are proposed to be provided as part of the landscaping scheme. The site has a fall of approximately 1.6m from the front of the property to the rear of the site, due to this slope a downstream easement has been proposed in the submitted plans.

The subject site and surrounding area is zoned R2 Low Density Residential under the provisions of the Cumberland Local Environmental Plan 2021. The site is located in an established residential area comprising mainly single dwellings and dual occupancy developments which are characteristic of the low density residential environment.



Figure 1 – Aerial view of subject site



Figure 2 – Street view of subject site



Figure 3 – Front of the existing dwelling



Figure 4 – The rear of the subject site

Description of The Development

Development Application No. DA2025/0915 was lodged on 9 January 2026 for the demolition of existing structures and construction of an attached two storey dual occupancy, Torrens title subdivision with a secondary dwelling pursuant to the State Environmental Planning Policy (Housing) on each lot. The detailed breakdown of the proposal is shown below:

Demolition:

- Demolition of all existing structures on site; a single house with tiled roof, carport structure, shed and the existing concrete path and driveway

Construction:

- Two storey dual occupancy comprising of:

  Unit 1

  - Ground Floor: Porch, entry, stairs, garage, guest bedroom, laundry, bathroom room, open plan kitchen, pantry, dining and living area and alfresco at rear.
  - First Floor: Ensuite master bedroom, three other bedrooms all with built in robes, storage, stairs and a main bathroom.

  Unit 2

  - Ground Floor: Porch, entry, stairs, garage, guest bedroom, laundry, bathroom room, open plan kitchen, pantry, dining and living area and alfresco at rear.
  - First Floor: Ensuite master bedroom, three other bedrooms all with built in robes, storage, stairs and a main bathroom.

- Secondary dwelling in relation to Lot 1/Dwelling 1 comprising of:
  - Entry, two bedrooms all with built in robes, laundry and bathroom, open plan living and kitchen and alfresco at the rear.
- Secondary dwelling in relation to Lot 2/Dwelling 2 comprising of:
  - Entry, two bedrooms all with built in robes, laundry and bathroom, open plan living and kitchen and alfresco at the rear.
- A single vehicular crossing and driveway for each dwelling.
- Torrens title subdivision into two allotments.

  Lot A

  Site area proposed – 380m2

  Frontage – 12.24m

  Lot B

  Site area proposed – 380m2

  Frontage – 12.3m

History

DA2022/0321 was granted deferred commencement approval for the demolition of existing structures, construction of a two storey attached dual occupancy, Torrens title

subdivision into two lots and construction of two secondary dwellings (one on each lot) under SEPP Housing 2021 which is already lapsed.

Applicants Supporting Statement

The applicant has provided a Statement of Environmental Effects prepared by Dvyne Design and was received by Council on 22 December 2025 in support of the application. Further, a Clause 4.6 Variation Statement prepared by Dvyne Design dated 27 June 2022 (as lodged with the previous lapsed consent) was received by Council on 22 December 2025 in support of the application. The variation request is in relation to the minimum lot size for a secondary dwelling under the SEPP (Housing) 2021.

Contact With Relevant Parties

The assessing officer has undertaken a site inspection of the subject site and surrounding properties and has been in regular contact with the applicant throughout the assessment process.

External Referrals

The subject application was referred to Endeavour Energy and Sydney Water. Their comments and condition will be endorsed as a part of the approval.

Planning Comments

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

State Environmental Planning Policies

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

State Environmental Planning Policies (SEPPs)	Relevant Clause(s)	Compliance with Requirements
State Environmental Planning Policy (Biodiversity and Conservation) 2021.	Chapter 2 - Vegetation in non Rural Areas.	The development does not seek to remove any significant trees. The proposal does not exceed the biodiversity offsets scheme threshold. Therefore, the proposed vegetation removal is considered acceptable.
	Chapter 6 - Water Catchments. Sydney Harbour Catchment	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	This application does not propose any potentially hazardous or potentially offensive development.
State Environmental Planning Policy (Sustainable Buildings) 2022	Chapter 2 Standards for residential Development - BASIX	BASIX Certificate number 1309486S_03, 1309475S_02, 1309496S_02, 1309490S_02 all dated 18 December 2025 respective to main dwelling and secondary dwelling on lot 1 and on lot 2 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	Yes – Bridge Road is not classified as a major road. However, the proposed development is within 5 metres of an exposed overhead electricity power line, and as a result, the application has been referred to the electricity supply authority for review and comments. Consequently, the conditions imposed by Ausgrid will be incorporated as part of the approval.
	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.

(a) State Environmental Planning Policy (Housing) 2021 (SEPP (Housing) 2021)

The application has been submitted under Chapter 3 Part 1 Division 2 of the SEPP (Housing) 2021. It should be noted that the proposal generally complies with the key planning controls contained within the SEPP (Housing) 2021, with the exception of

Clause 53(2)(a) which states that for a detached secondary dwelling the development must have a minimum site area of 450m2.

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

Relevant Clause	Planning Commentary	Compliance
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. In this regard, a secondary dwelling is permissible under the provisions of SEPP (Housing) 2021.	Yes
51. A secondary dwelling cannot be subdivided from the subject lot	Subdivision has been proposed as part of the subject application. The proposed secondary dwellings will remain on Lot 1 and Lot 2. Accordingly, the proposed secondary dwellings will not be subdivided from their respective lots.	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 two attached dual occupancy dwelling houses and a detached single storey secondary dwelling at the rear of the site. The following is a summary of proposed subdivision lot with respective dwellings: • Lot 1: 1 proposed double storey dwelling with 1 proposed secondary dwelling at the rear. • Lot 2: 1 proposed double storey dwelling with 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	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

permitted for a dwelling house on the land under another environmental planning instrument, and		
Subclause 2(c) The total floor area of the secondary dwelling is— (i) >60 m^2 or (ii) the greater floor area permitted in another EPI	Yes – Both secondary dwelling on Lot 1 and Lot 2 complies with an internal floor area being 55m^2.	Yes
53(2)(a). Site area minimum of 450m²	The site is subject to a minimum site area of 450m^2. The proposed development has a site area of 395.2m^2, which is deficient in size by 54.8m^2 equating to a 12.18% 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 Environmental Plan 2021. Please see Clause 4.6 variation discussion below.	No – Please see Clause 4.6 discussion below.
53(2)(b). Same number of parking spaces as before.	Subject lot is proposed to be Torrens subdivided to create an additional lot. The proposal is to be treated as new development. As such the proposed one car parking space on each lot is acceptable.	N/A

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 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 A 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 450m2 for a detached secondary dwelling. The proposed subdivision has a site area of 380m2 which deviates from the standard by 54.8m2 equating to a 12.18% 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:

The applicant submits that strict compliance with the development standard is unreasonable and unnecessary in the circumstances of the case, having regard to the site-specific constraints and the design response adopted. It is argued that the proposal achieves the underlying objectives of the control notwithstanding the non-compliance, particularly in relation to maintaining appropriate amenity outcomes, built form character, and functional site planning. The variation is therefore considered to be a technical departure that does not result in any adverse environmental planning impacts.

Furthermore, the applicant contends that the intent and purpose of the development standard is satisfied through alternative design measures, and that strict numerical compliance would not result in a superior planning outcome. In this regard, the proposed development is consistent with the broader objectives of the planning framework, including the relevant Cumberland DCP provisions and design principles under the Low Rise Housing Diversity Design Guide, and therefore the non-compliance is justified on environmental planning grounds.

Planner's comments:

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.

(c) *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 submits that there are sufficient environmental planning grounds to justify the contravention of the development standard, noting that the variation arises from a considered design response to the site and does not result in any adverse environmental impacts. It is argued that the proposal achieves the relevant planning objectives, including maintaining appropriate amenity outcomes, built form consistency and site functionality, and therefore the departure is acceptable in planning terms. The applicant further contends that the non-compliance is minor in nature and is supported by the overall design merit of the development, such that strict compliance would not yield a better or more appropriate outcome.

Planner's comments:

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. 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 380m2 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 380m2."

Council considers the applicants justification to be well founded, and the proposed Lot 1 and Lot 2 are appropriate in size being 395.2m2, to accommodate the proposed development. On this basis, it is considered that there are sufficient environmental planning grounds to vary the standard.

Conclusion:

Council is satisfied that the applicant's written request has adequately addressed the matters required to be demonstrated by clause 4.6 subclause (3). Council is further satisfied that the proposed development will be in the public interest 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))

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 lodged on 9 January 2026, 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 and the Design Guide, which relates primarily to the front setback, side setback and covered private open space. 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:

Objective 2.1A-2 – Front setback to be an average of the two closest dwelling

The Low-Rise Housing Guide requires the front setback to be the average of the two closest dwelling houses or dual occupancies. The neighbouring properties no. 60 Bridge Road provides an approximate existing front setback of 5.6m. 64A Bridge Road provides an approximate existing front setback of 5.1m. Therefore, a calculated average of 5.35m is required for the front setback of the subject site.

Each dwelling proposes 7m front setback from the property boundary to the building wall proposed dwellings. An exceedance of **1.65m or 30.85% variation**.

The objectives of this part are as follows:

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

In accordance with Objectives of 2.1A-2, the proposed front setback does not adversely impact neighbouring dwellings in terms of overshadowing or privacy.

The front elevation is significantly articulated to respond to streetscape and is compatible with the surroundings. The site provides satisfactory levels of private open space and landscaping within the front setback ensuring there is suitable space for the planting of trees and other vegetation. The building will be compatible relative to the spatial characteristics of the local area, it enhances the visual character of the street through significant articulation and wall indentations, and the development is generally compliant with Low Rise Housing Diversity Design Guide and CDCP controls.

Given the above and noting that the development complies with the CDCP 6m minimum front setback requirement for dwelling houses, the proposal is consistent with future desirable street setback. In this regard, it is considered the proposed front setback is consistent with the objective 2.1A-2 and acceptable on merit.

Objective 2.1A-3 – Side Setback

Design Criteria 10 of the Low Rise Housing Diversity Guide for Development Application states that where the development control plan does not contain side setback controls, the following side setbacks apply for sites with lot width at the building line of less than 24m:

> *Height of building 4.5m or less: 0.9m side setback*
>
> *Height of building greater than 4.5m and less than 8.5m: (Building height minus 4.5m) divided by 4 + 0.9m.*

As per the calculations detailed in the Low-Rise Housing Diversity Design Guide, a first-floor side setback of 1.7m (7.71m – 4.5m) ÷ 4 + 0.9m is required for both units.

The objective of this part is to ensure development provides side boundary setback that reflects the character and separation of buildings within the surrounding area.

First floor side setback of 1.4m **(variation of 0.3m or 17.65%)** proposed for both units.

Despite the numerical non-compliance, the proposal provides a design that is appropriate in bulk and scale and is consistent with the prevailing residential character and subdivision pattern. Also, it will be difficult to achieve the minimum bedroom width requirement should the first floor side setback comply with the minimum requirement.

Having regard to the above, this is considered acceptable on merit as the departure from the minimum numerical requirement does not deter the proposal from providing adequate separation between adjoining dwellings, is sympathetic to the existing streetscape and does not result in a departure from landscaping and active and passive recreational space.

Objective 2.1L-2 – Principal Private Open Spaces

The Low-Rise Housing Guide requires the 25% of the private open space is to be covered to provide shade and protection from rain. The objective of this part is to ensure the principal private open space and balconies are appropriately located to enhance liveability for residents.

Unit 2 proposes 83.7 sqm PPOS which 20.92 sqm (83.7 sqm x 25%) is required to be covered. Proposal provides 19.6 sqm covered alfresco. A shortfall of 1.32 sqm or 6.2% variation.

Notwithstanding this numerical non-compliance, the proposed design is considered to satisfy the underlying objective of the control, which seeks to ensure that private open space is functional, usable and provides appropriate amenity for residents, including protection from sun and rain.

The covered alfresco area provides a meaningful and practical outdoor space directly accessible from the living areas, facilitating outdoor dining and recreation. The minor shortfall does not compromise the usability or functionality of the space, nor does it detract from the overall amenity provided to future occupants. As such, the proposal is considered acceptable on merit as it achieves the intent of the control despite the minor variation.

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 15 January 2026 and 29 January 2026. 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 of the EP&A Act, calculated on the cost of works. A total contribution of $58,868.00 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 (Housing and Productivity Contribution) Act 2023, and 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 a 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 (Housing) 2021, Cumberland LEP 2021, Cumberland DCP 2021, and the Low Rise Housing Diversity Design Guide for Development Applications and is considered to be satisfactory for deferred commencement 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 the front setback and side setback controls under the Low Rise Housing Diversity Design Guide and CDCP 2021 are 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 the Clause 53(2)(a) development standard, pursuant to the SEPP (Housing) 2021, be supported.**

2. **Development Application No. DA2025/0915 for the demolition of existing structures and construction of an attached two storey dual occupancy, Torrens title subdivision with a secondary dwelling pursuant to the State Environmental Planning Policy (Housing) on each lot on land at 62 Bridge Road WESTMEAD NSW 2145 be approved subject to conditions listed Council's assessment report.**

ATTACHMENTS

1. Draft Notice of Determination ⇩
2. Architectural Plans ⇩
3. Clause 4.6 Variation ⇩
4. Appendix A - Cumberland LEP 2021 Assessment ⇩
5. Appendix B - Cumberland DCP 2021 Assessment ⇩

DOCUMENTS ASSOCIATED WITH REPORT ELPP016/26

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:	DA2025/0915
Applicant:	Dvyne Design JT Pty Ltd Shop 1/23-27 Paton Street MERRYLANDS WEST NSW 2160
Property Description:	62 Bridge Road WESTMEAD NSW 2145, Lot 148 DP 7383
Development:	Demolition of existing structures and construction of an attached two storey dual occupancy, Torrens title subdivision with a secondary dwelling pursuant to the State Environmental Planning Policy (Housing) on each lot
Determined by:	Local Planning Panel

CONDITIONS OF CONSENT

Deferred Commencement Conditions

1. **DADCA01 - Deferred Commencement Approval**
This is a 'Deferred Commencement Consent' under section 4.16(3) of the *Environmental Planning and Assessment Act 1979*. This consent does not become operative until the applicant has satisfied Council of the requirements listed in Schedule 'A' of this consent, and Council has advised in writing that those matters have been satisfactorily addressed. In accordance with s.4.53(6) of the Act, if the applicant fails to satisfy Council as to the matter/s specified in Schedule A within 2 years from the date of this consent, this consent lapses.

(Reason: Statutory requirement)

Schedule 'A'

2. **DADCA02 - Easement Creation**
A drainage easement a minimum of 1.2m wide shall be created in favour of the property to be developed over all required downstream properties, to permit the legal disposal of stormwater to Haig Street. All costs associated with the creation of the easement shall be borne by the applicant.

(Reason: To ensure legal means of discharge stormwater via gravity and/ or prevent localised flooding)

General Conditions

3. DAGCA01- General

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

(Reason: Advisory)

4. DAGCA02 - Approved Plans and Supporting Documents

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

Reference/Dwg No	***Title/Description***	***Prepared By***	***Date/s***
A01 – Issue A	Site Plan	Dvyne Design	May 2022
A02 – Issue A	Floor Plan	Dvyne Design	May 2022
A03 – Issue A	Elevations	Dvyne Design	May 2022
A04 – Issue A	Elevations and Section	Dvyne Design	May 2022
A11 – Issue A	Subdivision Plan	Dvyne Design	May 2022
A06 – Issue A	Demolition Plan	Dvyne Design	May 2022
A010 – Issue A	Roof Plan	Dvyne Design	May 2022
N/A	Schedule of Finishes	Dvyne Design	Submitted to Council on 22/12/2025
Job No. LDA-235	Landscape Plan	Jungle Design	15/06/2022
N/A	Waste Management Plan	Dvyne Design	May 2022
Certificate number: 1309486S_03	BASIX Certificate	Dvyne Design	18/12/2025
Certificate number: 1309475S_02	BASIX Certificate	Dvyne Design	18/12/2025
Certificate number: 1309496S_02	BASIX Certificate	Dvyne Design	18/12/2025
Certificate number: 1309490S_02	BASIX Certificate	Dvyne Design	18/12/2025
Reference number: CNR-91536	Endeavour Energy comments/conditions	Endeavour Energy	21/01/2026
Reference number: CNR-91536	Sydney Water comments/conditions	Sydney Water	13/02/2026

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

5. DAGCF01 - Surface Runoff

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

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

6. DAGCF02 - Utility Services

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

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

Conditions Which Must be Satisfied Prior to the Commencement of Demolition

7. **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)

8. **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)

9. **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)

10. **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)

11. **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)

12. 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

13. **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 west glass doors (SD3a & SD3) for secondary dwellings are to be treated with fixed and obscured glazing to a minimum height of 1.5m, measured from the respective finished floor level.

b) Maximum 1m wide access platform with stairs shall be provided at the rear (west elevation) of both secondary dwellings with a min 1.5m privacy screen. The privacy screen must be minimum 75% obscured.

c) A privacy screen to achieve a minimum height of 1.5m must be installed to the north side of the 'access platform' attached to the rear of the secondary dwelling 2. The privacy screen must be minimum 75% obscured.

d) A privacy screen to achieve a minimum height of 1.5m must be installed to the north side of the 'access platform' attached to the rear of the secondary dwelling 1. The privacy screen must be minimum 75% obscured.

e) The north facing kitchen window (W16) for secondary dwelling on lot 1 is to be treated with fixed and obscured glazing to a minimum height of 1.5m, measured from the respective finished floor level.

f) The north facing kitchen window (W4a) for unit 1 is to be treated with fixed and obscured glazing to a minimum height of 1.5m, measured from the respective finished floor level.

g) A privacy screen to achieve a minimum height of 1.5m must be installed to the south side of the 'alfresco' attached to the rear of the unit 1. The privacy screen must be minimum 75% obscured.

h) A privacy screen to achieve a minimum height of 1.5m must be installed to the north side of the 'alfresco' attached to the rear of the unit 2. The privacy screen must be minimum 75% obscured.

i) The plans are to be amended to nominate and provide unobstructed pedestrian access from the secondary dwellings to Bridge Road within the side setbacks. In this regard, the AC units shall be relocated to the rear of the dwellings.

j) The proposed vehicular crossings and driveways must have minimum 1m side setbacks to the boundaries.

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

14. **DACCA02 - Application for a Construction Certificate**
Construction work must not commence until a Construction Certificate has been obtained from Council or a registered certifier.

(Reason: Statutory requirement)

15. **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)

16. **DACCB01 - Damage Deposit for Council Infrastructure**
A damage deposit of $3,305.00 shall be paid to Council prior to the issue of the Construction Certificate. Council may use part or all of the deposit to carry out rectification work to Council's infrastructure that was damaged as a result of carrying out development works. Unused portions of the damage deposit can be refunded following the completion the issue of an Occupation Certificate and a written request to release the deposit.

(Reason: To encourage protection of Council infrastructure and to fund rectification works for damaged Council infrastructure)

17. 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)

18. 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 $58,868.00 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)

19. DACCB05 - Fees to be paid to Council

Types of fees	Amount	Payment timing
Demolition Inspection	$604.00 ($302.00 x 2) Pre and Post inspections	Prior to CC
Damage Deposit	$3,305.00	Prior to CC
Sect. 7.11 Contributions	$58,868.00 + CPI	Prior to CC
Kerb Crossing Bond (Related to Driveways)	$8,120.00 ($4,060.00 x 2)	Prior to CC
Driveways Inspections	$888.00 ($444.00 x 2)	Prior to CC
TOTAL	$71,785.00+ 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)

20. 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)

21. **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)

22. **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)

23. **DACCC07 - Driveway Design**

Detailed driveway plans prepared by a suitably qualified and practising engineer shall be submitted to and approved by the Council or registered certifier. The plans shall include a longitudinal section for each edge of the driveway / ramp from the centreline of the road to the parking spaces which demonstrates that grades and transitions comply with clauses 2.5.3 and 2.6 of AS2890.1:2004.

Levels at the property boundary shall accord to those obtained from Council via an *Application for Property Boundary Line Levels*.

(Reason: To ensure safe and suitable vehicular access)

24. **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)

25. **DACCF03 - Landscape Plan - Dual Occupancy Development**

A landscape plan prepared by a qualified landscape architect or landscape designer to a scale of 1:100 or 1:200, is to be submitted with the Construction Certificate application to the satisfaction of the Council or registered certifier. The landscape plan is to accord with the approved Landscape Concept Plan/s and satisfy the relevant conditions of this consent. Certification from the landscape architect or landscape designer that the landscape plan complies with this Development Consent is to be submitted to the Council or registered certifier prior to the issue/release of the Construction Certificate.

The plan must include the following information:

a) the location of all existing and proposed landscape features including materials to be used;
b) delineate and identify all trees to be retained, removed or transplanted;

c) existing and proposed finished ground levels;
d) top and bottom wall levels for both existing and proposed retaining walls and free standing walls;
e) proposed locations of stormwater pits and on site detention locations; and
f) detailed plant schedule which includes proposed species listed by botanical (genus and species) and common names, quantities of each species, pot sizes and the estimated size at maturity. At least 50% of the tree and shrubs shall be species native to the region.

Consideration within the design shall be given to the scale of planting in proportion to the proposed development, consistency with the existing landscape character of the area, potential views, solar access and privacy for neighbouring development. The plan shall propose a combination of tree planting for shade, mid height shrubs, lawn and ground covers.

(Reason: Landscape quality)

26. 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)

27. 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)

28. 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 support for neighbouring buildings)

29. 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)

30. 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)

31. 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)

32. DACCN01 - Housing and Productivity Contribution (HPC)

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)	$10,812.17
Total housing and productivity contribution	$10,812.17

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

33. 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)

34. 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)

35. 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)

36. 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)

37. 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)

38. 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)

39. 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

40. **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)

41. **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)

42. **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)

43. **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))

44. **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)

45. **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)

46. DADWA10- Electricity and Telecommunication Connections - Dual Occupancies

Where electricity and telecommunication connection is provided via an intermediate service pole, there may be only one pole per Torrens Title lot.

(Reason: Environmental Amenity)

47. 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)

48. 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)

49. 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)

50. 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)

51. 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)

52. 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)

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. DADWC04 - Survey Report - Development of Two Storeys or Less

In order to ensure compliance with approved plans, a survey certificate to Australian Height Datum

shall be prepared by a Registered Surveyor as follows:-

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

Progress certificates in response to the above shall be produced to the Principal Certifier at the time of carrying out relevant progress inspections. Under no circumstances will work be allowed to proceed should such survey information be unavailable or reveal portions of the building higher than approved levels or closer to boundaries that what was approved.

(Reason: To ensure compliance with approved plans)

56. 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)

57. 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)

58. 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)

59. 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)

60. 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)

61. 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)

62. **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)

63. **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)

64. **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

65. **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)

66. **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)

67. **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)

68. **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: To ensure the building is constructed in a structurally sound manner)

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

a) Work as executed drawings prepared by a registered surveyor for completed engineering works.
b) Certification from a qualified practising professional engineer with Engineers Australia membership under the appropriate professional category, that the following matters have been constructed in accordance with the approved plans and conditions of consent:
    - the stormwater drainage system;
    - car parking provision;
    - the dimension of parking spaces and any aisles and circulation ramps conform to AS2890.1;
    - any related footpath works;
    - the proposed driveway and layback.

(Reason: Asset management)

70. **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)

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

a) construct a new vehicular crossing;
b) remove any redundant vehicular crossings and replace with kerb and gutter to match the adjoining.

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

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

72. **DAOCA13 - Construction of Concrete Kerb and Gutter**
A standard 150mm high concrete kerb with gutter shall be constructed across the full length adjacent to the front of the property.

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

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

73. **DAOCA15 - Concrete Footpath**
A 1200mm wide concrete footpath shall be provided along the frontage to Bridge Road.

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

(Reason: To ensure satisfactory pedestrian amenity)

74. **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)

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

(Reason: To ensure an appropriate streetscape outcome)

76. **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)

77. **DAOCH02 - Covenant for Stormwater Infrastructure**
A positive covenant shall be created under section 88B and/or section 88E of the *Conveyancing Act 1919* to the satisfaction of Council for the ongoing retention, maintenance and operation of the stormwater system inclusive of any on-site stormwater detention, together with any related compensatory flood storage, overland flowpath, pollution control device, mechanical pump-out system or charged line 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: Compliance and adequate maintenance of the stormwater system)

78. **DAOCH03 - OSD Identification Plate**
Prior to the issue of an Occupation Certificate, the applicant shall install an identification plate near or on the control structure of the on-site stormwater detention system that advises the registered proprietor of their responsibility to maintain the facility and to not tamper with it in any manner without the written consent of Council. The wording and plate shall be in accordance with Council's

requirements.

(Reason: To promote the ongoing maintenance of the on-site stormwater detention system)

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

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

80. **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)

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

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

Note: In accordance with s.6.5(3) of the Environmental Planning and Assessment Act 1979, a certifier that issues a Subdivision Certificate must be Council unless an environmental planning instrument permits a registered certifier to issue a certificate.

(Reason: To comply with statutory requirements)

82. **DASCA05 - Section 73 Compliance Certificate from Sydney Water**
A section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained prior to the issue of the Subdivision Certificate confirming satisfactory arrangements have been made for the provision of water and sewer services. An application must be made through Sydney Water or an authorised Water Servicing Coordinator (WSC). Please refer to Sydney Water's website to learn more about applying through an authorised WSC or Sydney Water.

(Reason: To meet Sydney Water's requirements to adequately service the new development)

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

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

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

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

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

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

a) emit noise that is audible within a habitable room in any other residential property (regardless of whether any door or window to that room is open):
   - before 8.00am and after 10.00pm on any Saturday, Sunday or public holiday; or
   - before 7.00am and after 10.00pm on any other day; and

b) emit a sound pressure level when measured at the boundary of any other residential property, at a time other than those specified in (i) and (ii) above, which exceeds the background (LA90, 15minutes) by more than 5dB(A). The source noise level must be measured as a LAeq 15 minute.

(Reason: To protect residential amenity)

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

(Reason: Privacy)

87. **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)

88. **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)

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

(Reason: To give effect to the subdivision)

90. **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

91. 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.

92. 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.

93. 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.

94. 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.

95. 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.

96. 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.

97. 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.

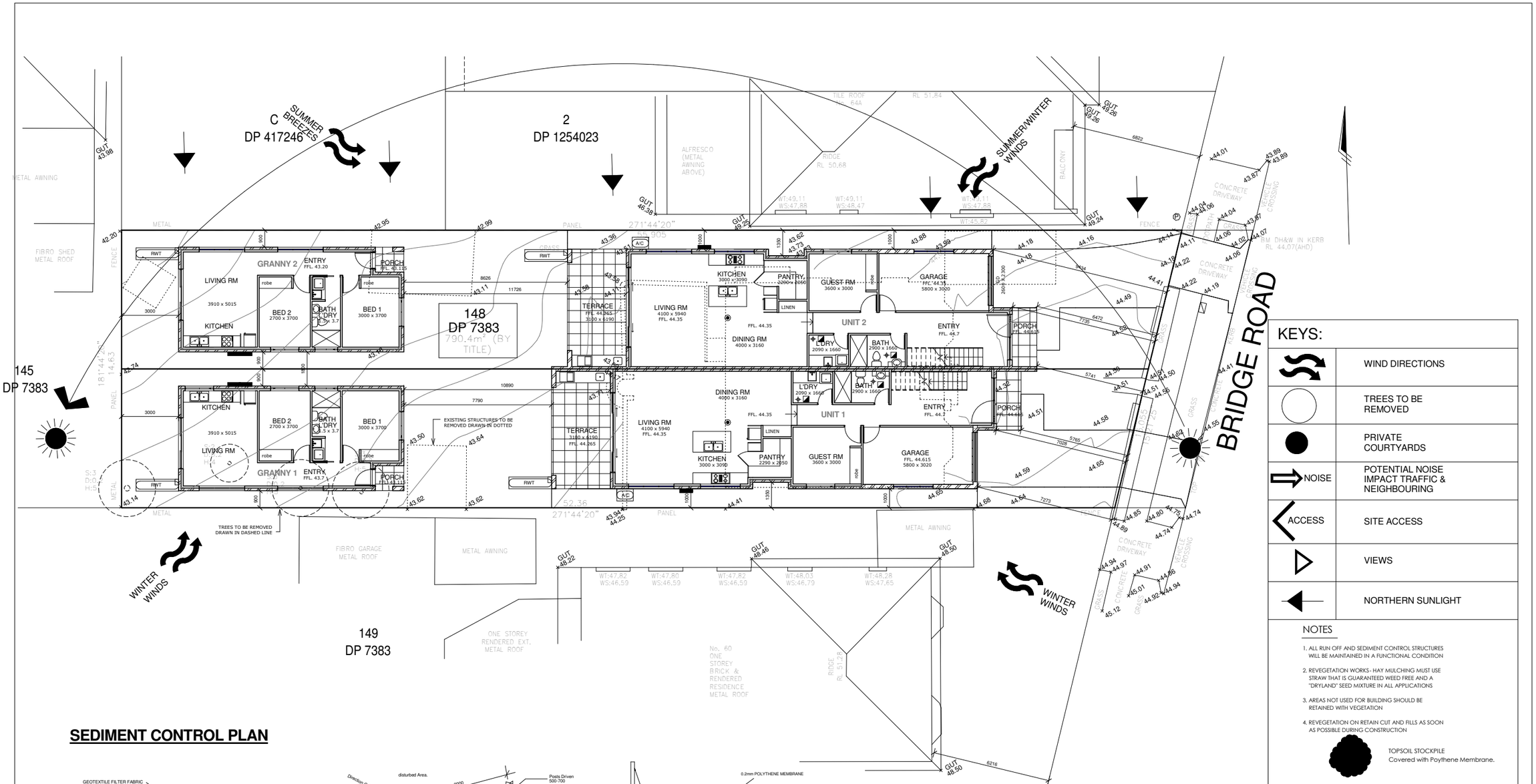
98. DAANN13 - Work Health and Safety

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

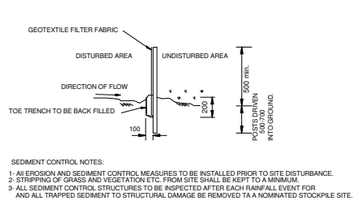
DOCUMENTS ASSOCIATED WITH REPORT ELPP016/26

Attachment 2

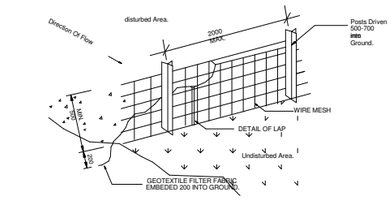
Architectural Plans



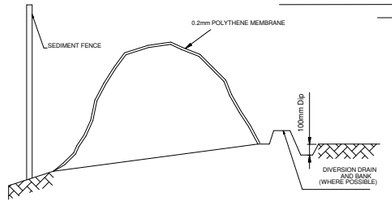
SEDIMENT CONTROL PLAN



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



SEDIMENT CONTROL DETAILS.
DETAIL B



SOIL STOCK PILE
DETAIL A

1 Site
1 : 100

DESIGN AREA CALCULATIONS

UNIT 1.		UNIT 2.	
1. GROUND FLOOR AREA	= 95.06 SQM	1. GROUND FLOOR AREA	= 95.06 SQM
2. FIRST FLOOR AREA	= 96.21 SQM	2. FIRST FLOOR AREA	= 96.21 SQM
3. TOTAL AREA	= 191.27 SQM	3. TOTAL AREA	= 191.27 SQM
4. PRIVATE OPEN SPACE	= 85 SQM	4. PRIVATE OPEN SPACE	= 85 SQM
5. TOTAL ROOF AREA	= 150 SQM	5. TOTAL ROOF AREA	= 150 SQM
GRANNY 1.		**GRANNY 2.**	
1. FLOOR AREA	= 55 SQM	1. FLOOR AREA	= 55 SQM
2. ROOF AREA	=56 SQM	2. ROOF AREA	=56 SQM
3. PRIVATE OPEN SPACE	=50 SQM	3. PRIVATE OPEN SPACE	=50 SQM
SITE		**LANDSCAPE**	
SITE AREA	= 790.4 SQM	TOTAL LANDSCAPE AREA	= 300 SQM
TOTAL FLOOR AREA	= 492.54 SQM		

KEYS:

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

NOTES

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

TOPSOIL STOCKPILE
Covered with Poythene Membrane.

MATERIAL STORAGE AREA

DELIVERY TRUCK PARKING

WASTE BINS (12 cubic bin)

KERB TURF FILTER

SEDIMENT FENCE

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DESIGN | CONSTRUCT | CONSULT

JOB DESCRIPTION
PROPOSED DUPLEX AND GRANNY FLAT
AT
No. 62 BRIDGE ROAD WESTMEAD

DRAWING TITLE
SITE PLAN/SEDIMENT CONTROL

CLIENT DETAILS
ANTHONY RIZK

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

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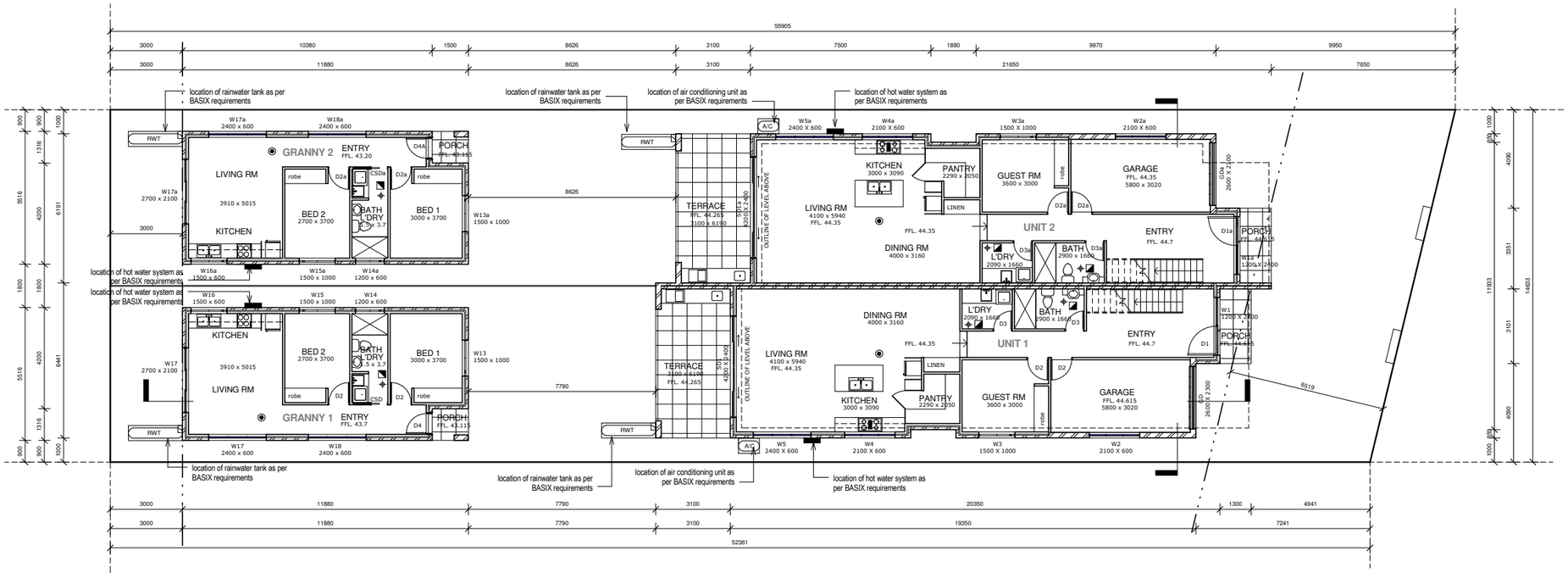
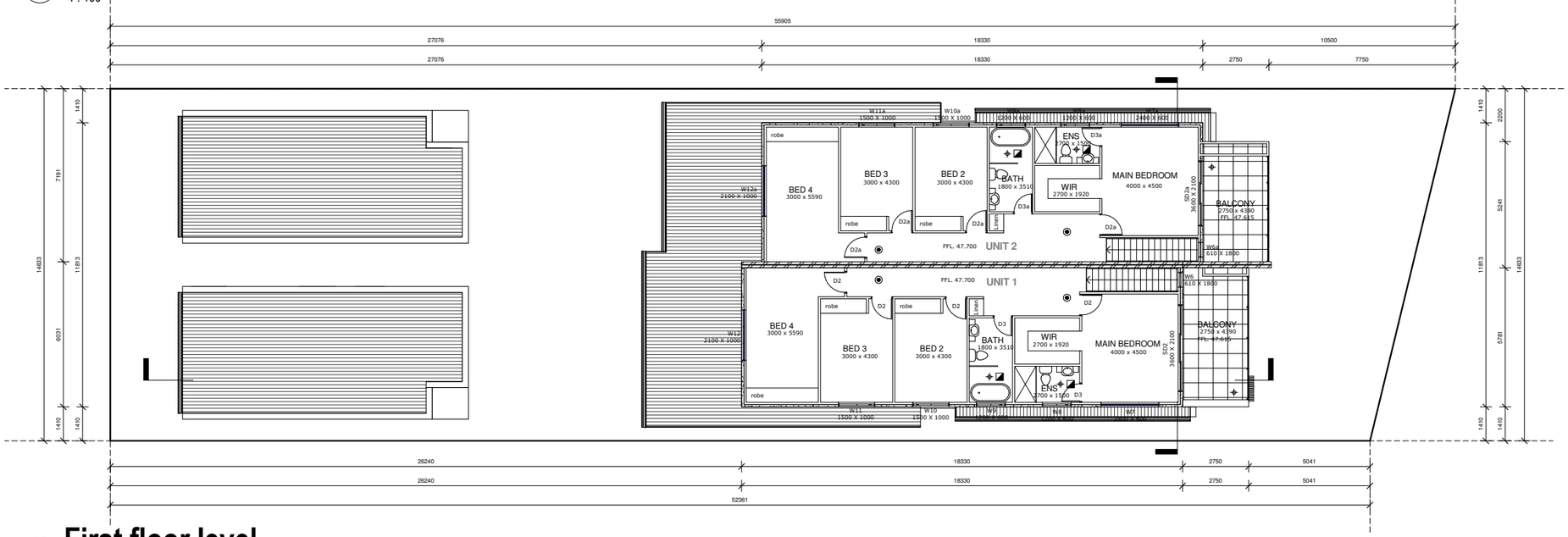
DATE	MAY 22
CHECKED	JACK
SCALE	1:100
JOB NUMBER	2281-00
NUMBER IN SET	A01
ISSUE	A

ISSUE	AMENDMENT	BY	DATE
A	DA SUBMISSION	JK	MAY 2022



1 Ground floor level
1 : 100



2 First floor level
1 : 100

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

NOTE

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

LEGEND

- Smoke Alarms Clause 3.7.5.5 of the NCC Volume Two 2019
- Floor Waste
- Mechanical Ventilation Clause 3.8.5.2(c) of the NCC Volume Two 2019
- location of hot water system as per BASIX requirements
- A/C — location of air conditioning unit as per BASIX requirements
- RWT — location of rainwater tank as per BASIX requirements

Protection of Operable Windows Clause 3.9.2.6 of the NCC Volume Two 2019

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DESIGN | CONSTRUCT | CONSULT

JOB DESCRIPTION	DRAWING TITLE
PROPOSED DUPLEX AND GRANNY FLAT AT No. 62 BRIDGE ROAD WESTMEAD	FLOOR PLANS
CLIENT DETAILS	ANTHONY RIZK

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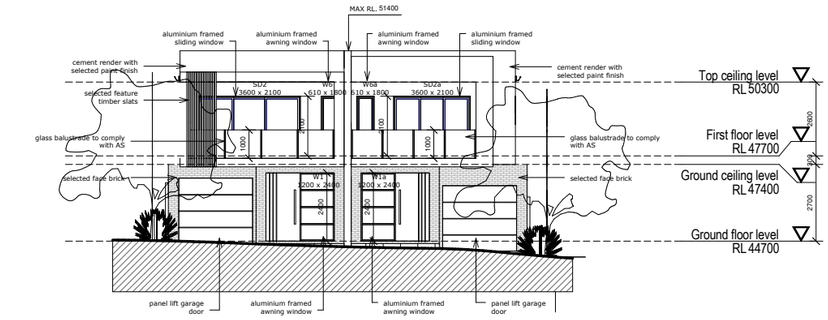
SCALE	1:100
JOB NUMBER	2281-00
NUMBER IN SET	A02
ISSUE	A

ISSUE	AMENDMENT	BY	DATE
A	DA SUBMISSION	JK	MAY 2022



1 EAST Elevation
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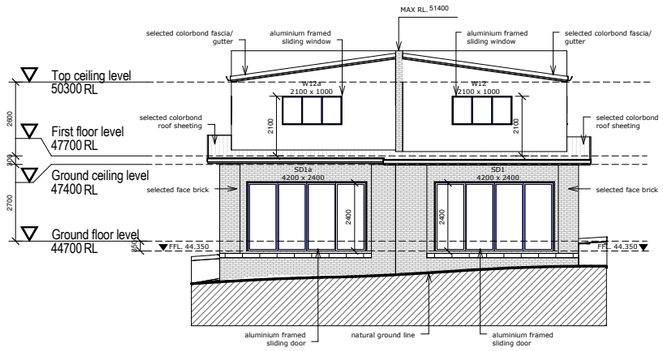
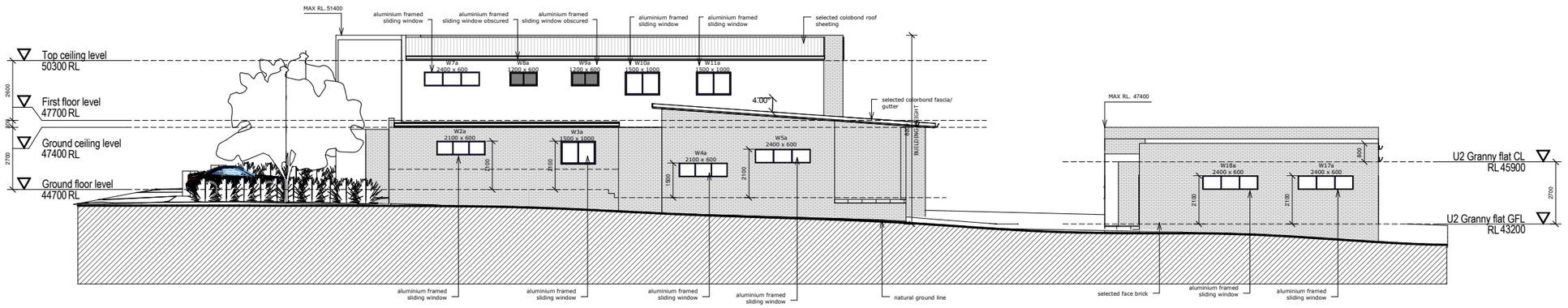
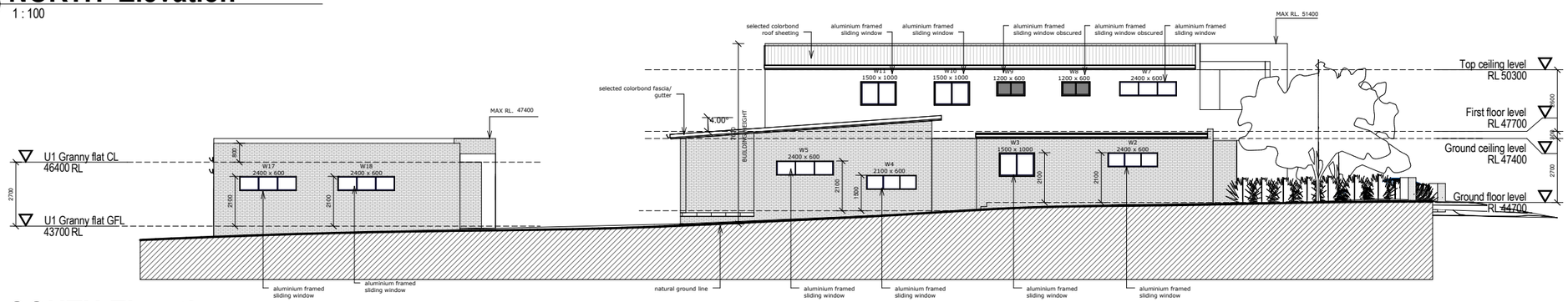


2 WEST Elevation
1 : 100



3 NORTH Elevation
1 : 100



4 SOUTH Elevation
1 : 100

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JOB DESCRIPTION	DRAWING TITLE
PROPOSED DUPLEX AND GRANNY FLAT AT No. 62 BRIDGE ROAD WESTMEAD	ELEVATIONS
CLIENT DETAILS	
ANTHONY RIZK	

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DATE	MAY 22
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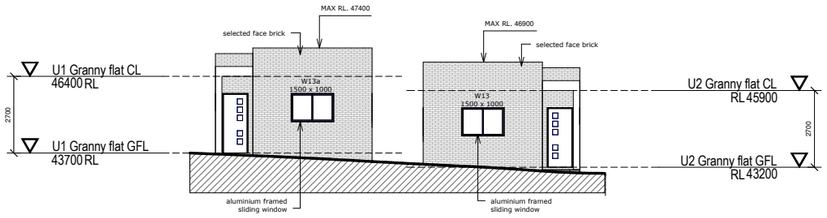
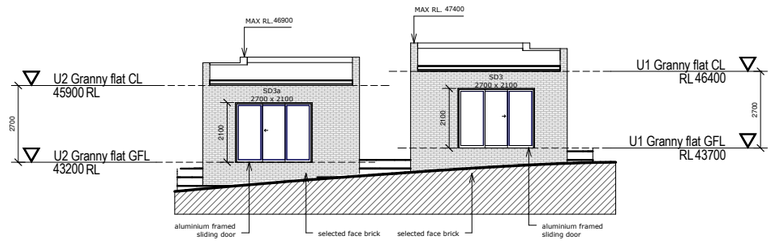
SCALE	1:100
JOB NUMBER	2281-00
NUMBER IN SET	A03
ISSUE	A

ISSUE	AMENDMENT	BY	DATE
A	DA SUBMISSION	JK	MAR 2022



1 EAST Elevation 1
1 : 100



2 West Elevation 1
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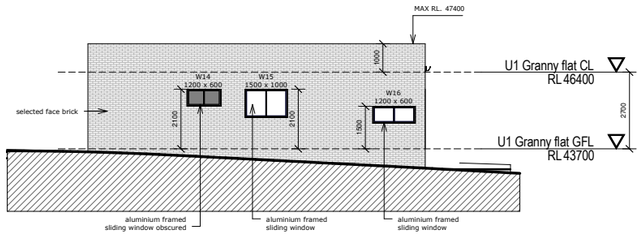
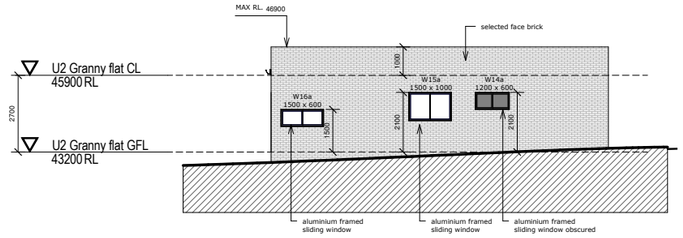


3 NORTH Elevation 1
1 : 100



4 SOUTH Elevation 1
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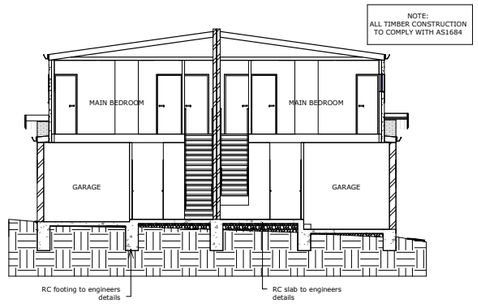
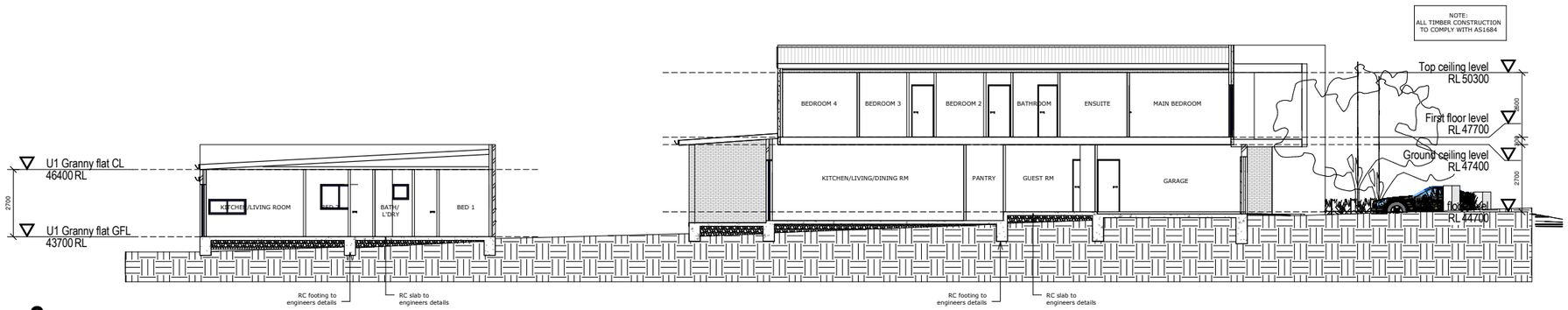


5 Section 1
1 : 100



6 Section 2
1 : 100

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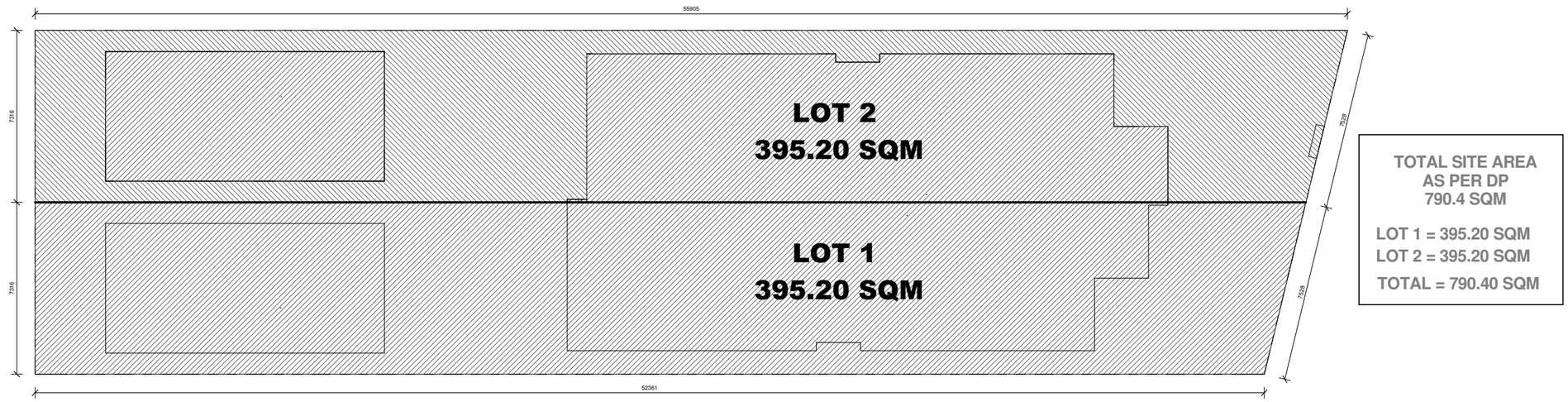

TOTAL SITE AREA
AS PER DP
790.4 SQM

LOT 1 = 395.20 SQM
LOT 2 = 395.20 SQM
TOTAL = 790.40 SQM

1 Subdivision Plan
1 : 100

BASIX COMMITMENTS - UNIT 1 & 2

Water Commitments	Show on DA plans	Show on CC/CDC plans & specs	Certifier check
Fixtures			
The applicant must install showerheads with a minimum rating of 4 star (> 4.5 but <= 6 L/min plus spray force and/or coverage tests) in all showers in the development.		✔	✔
The applicant must install a toilet flushing system with a minimum rating of 6 star in each toilet in the development.		✔	✔
The applicant must install taps with a minimum rating of 5 star in the kitchen in the development.		✔	
The applicant must install basin taps with a minimum rating of 5 star in each bathroom in the development.		✔	
Alternative water			
Rainwater tank			
The applicant must install a rainwater tank of at least 1500 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 100 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: • 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 Comfort Commitments	Show on DA plans	Show on CC/CDC plans & specs	Certifier check
General features			
The dwelling 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.	✔	✔	✔

Construction	Additional insulation required (R-Value)	Other specifications
floor - concrete slab on ground	1 (slab edge)	in-slab heating system
external wall - brick veneer	2.06 (or 2.60 including construction)	
internal wall shared with garage - plasterboard	nil	
ceiling and roof - flat ceiling / pitched roof	ceiling: 4.25 (up), roof: foil/sarking	gable end vents; light (solar absorptance < 0.475)

Note	• Insulation specified in this Certificate must be installed in accordance with Part 3.12.1.1 of the Building Code of Australia.
Note	• In some climate zones, insulation should be installed with due consideration of condensation and associated interaction with adjoining building materials.

Thermal Comfort Commitments	Show on DA plans	Show on CC/CDC plans & specs	Certifier check
Windows, glazed 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 window and glazed 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: • For the following glass and frame types, the certifier check can be performed by visual inspection. - Aluminium single clear - Aluminium double (air) clear - Timber/uPVC/fibreglass single clear - Timber/uPVC/fibreglass double (air) clear	✔	✔	✔ ✔

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 5 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; Energy rating: 5 Star (old label)		✔	✔
The applicant must install the following cooling system, or a system with a higher energy rating, in at least 1 bedroom: 1-phase airconditioning; Energy rating: 5 Star (old label)		✔	✔
The cooling system must provide for day/night zoning between living areas and bedrooms.		✔	✔
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; Energy rating: 5 Star (old label)		✔	✔
The applicant must install the following heating system, or a system with a higher energy rating, in at least 1 bedroom: 1-phase airconditioning; Energy rating: 5 Star (old label)		✔	✔
The heating system must provide for day/night zoning between living areas and bedrooms.		✔	✔
Ventilation			
The applicant must install the following exhaust systems in the development: At least 1 Bathroom: individual fan, not ducted; Operation control: manual switch on/off		✔	✔
Kitchen: individual fan, not ducted; Operation control: manual switch on/off		✔	✔
Laundry: individual fan, not ducted; Operation control: manual switch on/off		✔	✔
Artificial lighting			
The applicant must ensure that the "primary type of artificial lighting" is fluorescent or light emitting diode (LED) lighting in each of the following rooms, and where the word "dedicated" appears, the fittings for those lights must only be capable of accepting fluorescent or light emitting diode (LED) lamps: • at least 6 of the bedrooms / study;		✔	✔

Energy Commitments	Show on DA plans	Show on CC/CDC plans & specs	Certifier check
• at least 2 of the living / dining rooms;		✔	✔
• the kitchen;		✔	✔
• all bathrooms/toilets;		✔	✔
• the laundry;		✔	✔
• all hallways;		✔	✔
Natural lighting			
The applicant must install a window and/or skylight in the kitchen of the dwelling for natural lighting.	✔	✔	✔
The applicant must install a window and/or skylight in 2 bathroom(s)/toilet(s) in the development for natural lighting.	✔	✔	✔
Other			
The applicant must install a gas cooktop & electric oven in the kitchen of the dwelling.		✔	
The applicant must construct each refrigerator space in the development so that it is "well ventilated", as defined in the BASIX definitions.		✔	

Legend
In these commitments, "applicant" means the person carrying out the development.
Commitments identified with a ✔ in the "Show on DA plans" column must be shown on the plans accompanying the development application for the proposed development (if a development application is to be lodged for the proposed development).
Commitments identified with a ✔ in the "Show on CC/CDC plans and specs" column must be shown in the plans and specifications accompanying the application for a construction certificate / complying development certificate for the proposed development.
Commitments identified with a ✔ in the "Certifier check" column must be certified by a certifying authority as having been fulfilled, before a final occupation certificate(either interim or final) for the development may be issued.

BASIX COMMITMENTS - GRANNY 1 & 2

Water Commitments	Show on DA plans	Show on CC/CDC plans & specs	Certifier check
Fixtures			
The applicant must install showerheads with a minimum rating of 4 star (> 4.5 but <= 6 L/min plus spray force and/or coverage tests) in all showers in the development.		✔	✔
The applicant must install a toilet flushing system with a minimum rating of 5 star in each toilet in the development.		✔	✔
The applicant must install taps with a minimum rating of 5 star in the kitchen in the development.		✔	
The applicant must install basin taps with a minimum rating of 5 star in each bathroom in the development.		✔	
Alternative water			
Rainwater tank			
The applicant must install a rainwater tank of at least 2000 litres on the site. This rainwater tank must meet, and be installed in accordance with, the requirements of all applicable regulatory authorities.	✔	✔	✔
The applicant must configure the rainwater tank to collect rain runoff from at least 50 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 Comfort Commitments	Show on DA plans	Show on CC/CDC plans & specs	Certifier check
General features			
The dwelling 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.	✔	✔	✔

Construction	Additional insulation required (R-Value)	Other specifications
floor - concrete slab on ground	1 (slab edge)	in-slab heating system
external wall - brick veneer	2.06 (or 2.60 including construction)	
internal wall shared with garage - plasterboard	nil	
ceiling and roof - flat ceiling / pitched roof	ceiling: 4.25 (up), roof: foil/sarking	gable end vents; light (solar absorptance < 0.475)

Note	• Insulation specified in this Certificate must be installed in accordance with Part 3.12.1.1 of the Building Code of Australia.
Note	• In some climate zones, insulation should be installed with due consideration of condensation and associated interaction with adjoining building materials.

Thermal Comfort Commitments	Show on DA plans	Show on CC/CDC plans & specs	Certifier check
Windows, glazed 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 window and glazed 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: • For the following glass and frame types, the certifier check can be performed by visual inspection. - Aluminium single clear - Aluminium double (air) clear - Timber/uPVC/fibreglass single clear - Timber/uPVC/fibreglass double (air) clear	✔	✔	✔ ✔

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 5 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; Energy rating: 5 Star (old label)		✔	✔
The applicant must install the following cooling system, or a system with a higher energy rating, in at least 1 bedroom: 1-phase airconditioning; Energy rating: 5 Star (old label)		✔	✔
The cooling system must provide for day/night zoning between living areas and bedrooms.		✔	✔
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; Energy rating: 5 Star (old label)		✔	✔
The applicant must install the following heating system, or a system with a higher energy rating, in at least 1 bedroom: 1-phase airconditioning; Energy rating: 5 Star (old label)		✔	✔
The heating system must provide for day/night zoning between living areas and bedrooms.		✔	✔
Ventilation			
The applicant must install the following exhaust systems in the development: At least 1 Bathroom: individual fan, not ducted; Operation control: manual switch on/off		✔	✔
Kitchen: individual fan, not ducted; Operation control: manual switch on/off		✔	✔
Laundry: individual fan, not ducted; Operation control: manual switch on/off		✔	✔
Artificial lighting			
The applicant must ensure that the "primary type of artificial lighting" is fluorescent or light emitting diode (LED) lighting in each of the following rooms, and where the word "dedicated" appears, the fittings for those lights must only be capable of accepting fluorescent or light emitting diode (LED) lamps: • at least 2 of the bedrooms / study;		✔	✔

Energy Commitments	Show on DA plans	Show on CC/CDC plans & specs	Certifier check
• at least 2 of the living / dining rooms;		✔	✔
Natural lighting			
The applicant must install a window and/or skylight in the kitchen of the dwelling for natural lighting.	✔	✔	✔
The applicant must install a window and/or skylight in 2 bathroom(s)/toilet(s) in the development for natural lighting.	✔	✔	✔
Other			
The applicant must install a gas cooktop & electric oven in the kitchen of the dwelling.		✔	
The applicant must construct each refrigerator space in the development so that it is "well ventilated", as defined in the BASIX definitions.		✔	
The applicant must install a fixed outdoor clothes drying line as part of the development.		✔	

Legend
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JOB DESCRIPTION
PROPOSED DUPLEX AND GRANNY FLAT
AT
No. 62 BRIDGE ROAD WESTMEAD

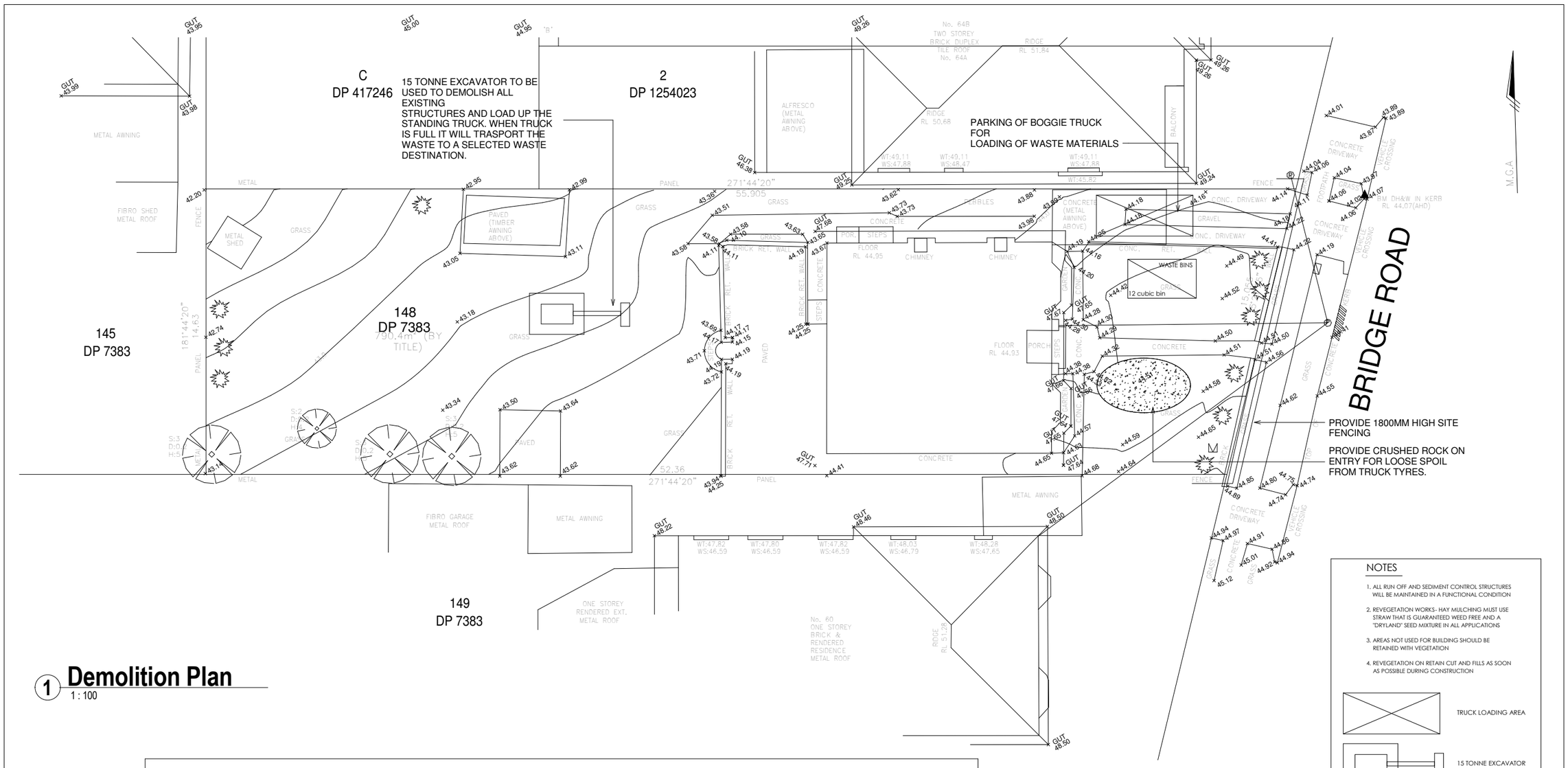
DRAWING TITLE
SUBDIVISION/BASIX

CLIENT DETAILS
ANTHONY RIZK

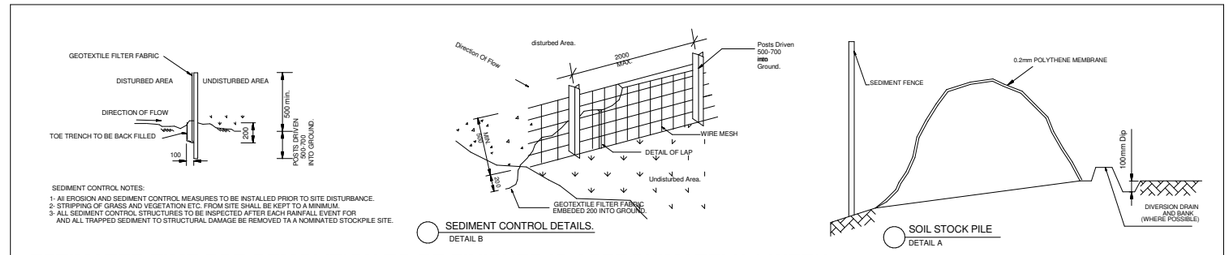
DO NOT SCALE THE DRAWINGS, READ ALL DIMENSIONS SHOWN. ALL DIMENSIONS, NOTES ON ALL PLANS AND CONSENT DOCUMENTS MUST BE CHECKED AND VERIFIED BY THE CONTRACTOR PRIOR TO ANY COMMENCEMENT OF ANY BUILDING WORKS ON SITE. TO CLARIFY ANY DISCREPANCIES BETWEEN ALL PLAN DRAWINGS AND DOCUMENTATION RELEVANT TO THE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

DRAWN	JT
DATE	MAY 22
CHECKED	JACK
SCALE	1:100
JOB NUMBER	2281-00
NUMBER IN SET	A11
ISSUE	A

ISSUE	AMENDMENT	BY	DATE
A	DA SUBMISSION	JK	MAY 2022



1 Demolition Plan
1 : 100



ESTIMATED TIME FOR DEMOLITION TO BE FINISHED IS APPROXIMATELY 1 WEEK

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

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

TRUCK LOADING AREA
15 TONNE EXCAVATOR
CRUSHED ROCK ON ENTRY
12 cubic bin
KERB TURF FILTER
SEDIMENT FENCE

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JOB DESCRIPTION	DRAWING TITLE
PROPOSED DUPLEX AND GRANNY FLAT AT No. 62 BRIDGE ROAD WESTMEAD	DEMOLITION PLAN
CLIENT DETAILS	
ANTHONY RIZK	

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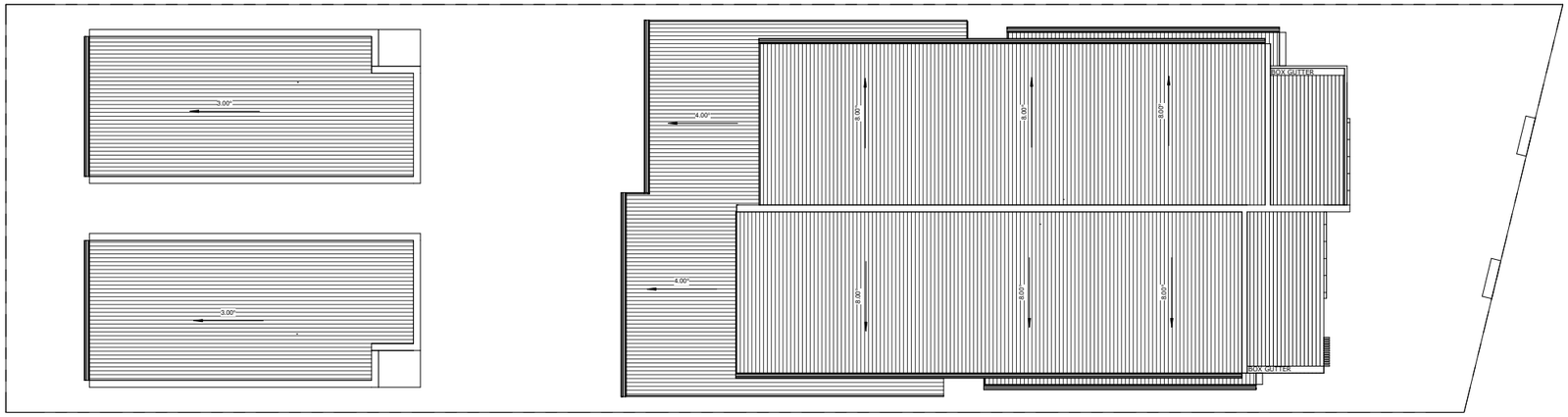
DRAWN	JT
DATE	MAY 22
CHECKED	JACK
SCALE	1:100
JOB NUMBER	2281-00
NUMBER IN SET	A06
ISSUE	A

ISSUE	AMENDMENT	BY	DATE
A	DA SUBMISSION	JK	MAY 2022



1 Roof Plan
1 : 100

No. 60 ONE STOREY BRICK & RENDERED RESIDENCE METAL ROOF

No. 62 Proposed Dual Occ. with two granny in the rear

No. 64A TWO STOREY BRICK DUPLEX AND TILED ROOF



2 Streetscape
1 : 100

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JOB DESCRIPTION	DRAWING TITLE
PROPOSED DUPLEX AND GRANNY FLAT AT No. 62 BRIDGE ROAD WESTMEAD	ROOF PLAN/STREETSCAPE
CLIENT DETAILS	
ANTHONY RIZK	

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DRAWN	JT
DATE	MAY 22
CHECKED	JACK
SCALE	1:100
JOB NUMBER	2281-00
NUMBER IN SET	A10
ISSUE	A

ISSUE	AMENDMENT	BY	DATE
A	DA SUBMISSION	JK	MAY 2022

DOCUMENTS ASSOCIATED WITH REPORT ELPP016/26

Attachment 3

Clause 4.6 Variation

CLAUSE 4.6 VARIATION OF THE LEP

PROPOSED SECONDARY DWELLINGS

62 BRIDE ROAD, WESTMEAD

Site:	**62 BRIDE ROAD, WESTMEAD**
Development:	**Proposed Secondary Dwellings**
Prepared by:	Dvyne Design P/L
	Phone: 9637 1111 Mobile: 0414 404 425 E-mail: jack@dvyne.com.au
For submission to:	Cumberland Council
Date:	27/06/2022
Ref:	2281-00

1. Introduction

This report has been prepared seeking variation to the Local Environmental plan 2021 standards. The variations we are requesting is in respect to the provisions of Clause 4.6 of the Cumberland Local Environmental Plan 2021 (LEP), and seeks to demonstrate that the identified development standard is unnecessary or unreasonable in the circumstances of the application.

The proposed development is for the erection of secondary dwellings at the rear of the proposed two storey attached dual occupancy.

The proposed secondary dwellings are of single storey nature and located at the rear of the site. The proposed dwelling comprises of 2 bedrooms, laundry, kitchen, bathroom and open living and dining room

A variation to Clause 4.6 of the LEP is required due to the shortfall of land area in respect to proposed secondary dwelling and does not comply with the minimum lot size map (minimum lot size map requires 450sqm.)

CLAUSE 4.6 (CHAPTER 3, PART 1, DIVISION 2 CLAUSE 53 OF THE STATE ENVIRONMENTAL PLANNING POLICY (HOUSING) 2021)

4.6 Exceptions to development standards

Non-discretionary development standards—the Act, s 4.15

(1) The object of this section is to identify development standards for particular matters relating to development for the purposes of a secondary dwelling that, if complied with, prevent the consent authority from requiring more onerous standards for the matters.

(2) The following are non-discretionary development standards in relation to the carrying out of development to which this Part applies— (a) for a detached secondary dwelling—a minimum site area of 450m2 , (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.

A certain degree of flexibility is required in this instance in order to provide the proposal to be granted even though the allotment size does not meet the minimum allotment size required of 450sqm.
Our proposed lots achieves an allotment size as follows:
LOT 1 – 395.20 sqm.
LOT 2 – 395.20 sqm.

The shortfall is marginal but council should be flexible in terms of secondary dwellings in order to allow for affordable housing for future occupants within this vicinity.
We note that previously council has approved such developments and subdivisions within the locality and has proved to be more affordable to investors and first home owners.

The approval for such a development will have a positive impact to the locality. This will provide for availability for small families in the area, thus increasing population and having a positive effect for the immediate local businesses.

In council being flexible in this instance, the outcome will be positive in all aspects of the development.

(1) 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 environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.

The minimum lot size map requires a 450 sqm allotment for secondary dwellings. Our proposal does not comply with this standard.
Even though our proposal contravenes this development standard set out in the LEP, consent may be recommended as it will be a positive outcome.
The proposed development is of single storey nature. It fits within the streetscape character along Pearson Street. The majority of dwellings along Pearson Street are existing single storey granny flats. Our proposal has been designed to fit in with the local surroundings.
The proposal will contravene the development standard for minimum allotment size but it is in our belief that in doing so, this will have a positive effect for the locality.

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

This statement has been prepared to justify why contravention of the development standard is reasonable and that the development standard in this case seems to be unnecessary and unreasonable. The contravention of such a development standard in this case will only generate in a positive outcome thus satisfying future occupants willing to reside in this locality. In this instance the development standard is unnecessary and unreasonable due to the previous developments approved by council and constructed. Our development is similar to many developments within this locality. The positive outcome of this proposal will increase residents in the area. The subject allotment is close proximity to local schools and local shopping. The location of this site will assist many future occupants as it is within close proximities to many amenities and they are all within walking distances.
The contravention of this development standard will be in the public interest as all outcomes from such a contravention will be positive.

Clause 4.6 of the CLEP 2021 states:

Exceptions to development standards

4.6 Exceptions to development standards

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

(a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,

(b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.

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

(3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating—

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

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

(4) Development consent must not be granted for development that contravenes a development standard unless—

(a) the consent authority is satisfied that—

(i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and

(ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and

(b) the concurrence of the Planning Secretary has been obtained.

(5) In deciding whether to grant concurrence, the Planning Secretary must consider—

(a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and

(b) the public benefit of maintaining the development standard, and

(c) any other matters required to be taken into consideration by the Planning Secretary before granting concurrence.

(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) After determining a development application made pursuant to this clause, the consent authority must keep a record of its assessment of the factors required to be addressed in the applicant's written request referred to in subclause (3).

(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.

This request has been prepared having regard to the Department of Planning and Environment's *Guidelines to Varying Development Standards* (August 2011) and relevant decisions in the New South Wales Land and Environment Court.

In this Clause 4.6 Request, we have explained how flexibility is justified in this case in terms of the matters explicitly required to be addressed in a written request from the applicant. In this request we also address additional matters that the consent authority is required to be satisfied of when exercising either the discretion afforded by Clause
4.6 or the assumed concurrence of the Secretary.

This submission has been prepared having regard to the following guideline judgements:

i. *Winten Property Group Limited v North Sydney Council [2001] NSWLEC 46;*
ii. *Wehbe v Pittwater Council [2007] NSWLEC 827;*
iii. *Four2Five Pty Ltd v Ashfield Council [2015] NSWLEC 1009 ('Four2Five No 1)*
iv. *Four2Five Pty Ltd v Ashfield Council [2015] NSWLEC 90 ('Four2Five No 2)*
v. *Four2Five Pty Ltd v Ashfield Council [2015] NSWCA 248 ('Four2Five No 3)*
vi. *Al Maha Pty Ltd v Huajun Investments Pty Ltd [2018]*
vii. *Micaul Holdings Pty v Randwick City Council [2015] NSWLEC 1386;*
viii. *Randwick City Council v Micaul Holdings Pty Ltd [2016] NSWLEC 7; and*
ix. *Initial Action Pty Ltd v Woollahra Municipal Council [2018] NSWLEC 118*

Conclusion
The subject Clause 4.6 variation is considered to be appropriate as no adverse issues have been identified in respect of the deemed objectives of the LEP, or in respect of the amenity of adjoining residential properties.

Accordingly, it is submitted that the subject Clause 4.6 variation is worthy of support, any in turn approval is reasonable of the submitted Development Application.

Jack Tannous
Dvyne Design

DOCUMENTS ASSOCIATED WITH REPORT ELPP016/26

Attachment 4

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. <u>Comment:</u> The proposed development being construction of a detached two storey dual occupancy with Torrens subdivision into two lots, and the construction of a secondary dwelling on each lot 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. <u>Comment:</u> The proposed development being construction of a detached two storey dual occupancy with Torrens subdivision into two lots, and the construction of a secondary dwelling on each lot 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 proposed under this application. As per Clause 4.1A(2)(a), Torrens title subdivision for a dual occupancy development can be supported despite the development not meeting the minimum lot size requirement. In this case, Torrens title subdivision of the proposed dual occupancy is supported as existing lot size exceeds 550m^2. The development application is for the construction of an attached two storey dual occupancy with Torrens subdivision into two lots, and the construction of a secondary dwelling on each lot pursuant to SEPP	Yes

	(Housing) 2021, which results in one principal dwelling and one secondary dwelling on each lot.	
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 Unit 1 and Unit 2 Height – Ridge RL 51.40 – NGL 43.69 = 7.71m Lot 1 granny flat – 4.3m (max RL 47.4) Lot 2 granny flat – 3.8m (max RL 46.9)	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 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 clause.	N/A
5.21 Flood planning	(2) Development consent must not be granted to development on land the consent authority considers to be within the flood planning area unless the consent authority is satisfied the development— (a) is compatible with the flood function and behaviour on the land, and (b) will not adversely affect flood behaviour in a way that results in detrimental increases in the potential flood affectation of other development or properties, and (c) will not adversely affect the safe occupation and efficient evacuation of people or exceed the capacity of existing evacuation routes for the surrounding area in the event of a flood, and (d) incorporates appropriate measures to manage risk to life in the event of a flood, and (e) will not adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian	N/A

	vegetation or a reduction in the stability of riverbanks or watercourses. (3) In deciding whether to grant development consent on land to which this clause applies, the consent authority must consider the following matters— (a) the impact of the development on projected changes to flood behaviour as a result of climate change, (b) the intended design and scale of buildings resulting from the development, (c) whether the development incorporates measures to minimise the risk to life and ensure the safe evacuation of people in the event of a flood, (d) the potential to modify, relocate or remove buildings resulting from development if the surrounding area is impacted by flooding or coastal erosion. Comment: Council's records indicates that the site is not affected by flooding.	
6.1 Acid Sulphate Soils	Development is not impacted by acid sulphate soils.	N/A
6.2 Earthworks	Cut and fill proposed towards the rear due to the slope of the land. 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. Comment: 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— (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: Site slopes from front to rear. Inter-allotment drainage easement proposed. Suitable condition imposed.	Yes, subject to conditions

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: Potential moderate salinity. Suitable conditions imposed.	Yes, subject to a condition.
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 external colours and materials and landscaping areas provided are considered to be suitable to mitigate urban heat.	Yes

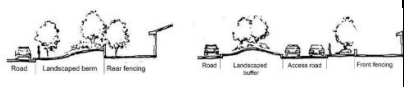
DOCUMENTS ASSOCIATED WITH REPORT ELPP016/26

Attachment 5

Appendix B - Cumberland DCP 2021 Assessment

APPENDIX B

Cumberland DCP 2021 Analysis

Relevant Control		Compliance with Requirements	Consistency with Objectives
Part A2 – Subdivision			
2.0 - Objectives and Controls			
2.1 Design and landscaping for subdivision	In determining the suitability or otherwise of any subdivision application, consideration of the following matters will be taken into account: • slope and orientation of land; • opportunities for solar and daylight access to future development; • design of roads, access ways and individual site access; • retention of special qualities or features of a site, such as trees and views; • availability of utilities; • evacuation controls; • provision of adequate site drainage; and • provision of public open space.	Yes – The proposal is consistent with existing subdivision pattern. Relevant conditions imposed for stormwater management, the provision of site drainage, and utilities.	Yes, subject to condition
	Avoid rear fences directly fronting public roads. Where this is unavoidable, the following measures may be required (see Figure 3): • greater setbacks for landscaping against fences, consistent with acoustic and road design standards (Figure 3 (left)); and • building frontages to face road by provision of parallel access road separated by landscaped buffer (Figure 3 (right)).  *Figure 3: Landscaping*	N/A – No fences proposed which directly front public roads.	N/A
	<u>*Easement of support*</u> The provision of an easement of support will be required to cover all embankments that extend into the lots if the batters are steeper than 5 to 1.	Yes – Subject to conditions.	Yes
	<u>*Retaining walls*</u> Provide space for a retaining wall within the newly created allotment boundaries where required as a result of topography, new road construction and/or impact on existing allotments.	N/A – No retaining wall is required.	N/A
2.2 Services	Easements required by Council for the purpose of subdivision may include those necessary for utility services. The width of the	Yes – Standard conditions imposed for the purpose of subdivision.	Yes

	easement is to be determined by the service authority.		
	The design, construction and location of utility services shall conform to Council's stormwater standards and work specifications for subdivision and developments and the specific standards of the relevant servicing authority.	Yes – Standard conditions imposed.	Yes
	Design road corridors and other accessways to take into account existing services to avoid any unnecessary alterations or diversions.	N/A – No internal road corridor proposed.	N/A
	Where possible, coordinate compatible public utility services in common trenching to minimise cost.	N/A – No new public utility service proposed.	N/A
	Areas affected by construction works are to be reinstated to appropriate grades, covered with 100mm of topsoil and turf.	Yes – Suitable conditions are imposed.	Yes
	Electricity For subdivision requiring a new low voltage electricity supply, reticulate via an underground supply system. Service battleaxe blocks with underground electricity to the rear of the accessway.	Yes – No changes to existing electricity/ water supply and sewerage proposed as part of this application. Suitable conditions as to the provision of services form part of the application.	Yes
	Water supply Provide an adequate reticulation water supply system from water supply mains for domestic supply and firefighting purposes.		
	Sewerage Arrange sewerage reticulation to allow the whole of each new allotment to be serviced by gravity drainage.		
2.3 General Residential	*Lot 1nd road orientation* Allotment orientation should ensure that living and private open space areas of any dwelling can be orientated to the north and that dwellings can be positioned so that the possible overshadowing impact on existing or future adjoining buildings can be minimised.	Yes – Orientation of both lots remains fronting Bridge Road.	Yes
	Allotments shall be design and configured to: • minimise boundary retaining walls; • minimise potential overlooking; and • maintain solar access, where slopes face south.	Yes – Fill of max 0.85m proposed within the building envelope of unit 2 and max 0.64m within the building envelope of unit 1 are proposed. No cut and fill proposed within the 900mm of the boundaries. No retaining wall is required and the proposal complies with privacy and solar access controls under part B2.	Yes

	Allotment size and dimensions In addition to the minimum area specified in the Cumberland LEP 2021, the frontage and depth of a proposed allotment shall be consistent with the prevailing subdivision pattern of the immediate locality where it is proposed to erect a dwelling house on the allotment.	Yes – The proposal complies with the minimum lot size for dual occupancies under CLEP 2021 and is consistent with existing subdivision pattern and locality.	Yes
	The access corridor of a battle-axe shaped allotment is not included in the calculation of the minimum area required for that allotment.	N/A – No access corridor proposed, and site is not battle-axe shaped.	N/A
	Corner allotments shall have a minimum width of 14m.	N/A – Site is not a corner allotment.	N/A
	Multiple subdivisions of battleaxe lots is not permitted.	N/A – Site is not battle-axe shaped.	N/A
	Proposed allotments, which contain existing buildings and development, shall comply with the site coverage and other controls contained within Part B Residential.	N/A – No existing building.	N/A
Part B – Development in Residential Zones			
Part B1 – Dwelling Houses and Secondary Dwellings			
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 dwellings provide a minimal visual impact being a single storey development located at rear.	Yes
	Where outbuilding converted to secondary dwelling: - Comply with BCA/NCC. Comply with DCP.	N/A – Proposed secondary dwellings are a newly constructed structure.	N/A
	Site Area: Min 380m$^{2.}$	N/A – Proposal is assessed under *SEPP (Housing) 2021* which requires min 450 sqm lot size. The lot sizes after subdivision is 395.20 sqm.	Yes
	Height: 2 storeys and must not be higher than principal dwelling.	Yes – Single storey proposed.	Yes
	Attics prohibited.	Yes – No attic proposed.	Yes
	Floor to ceiling height: Not less than 2.4m and not greater than 2.7m.	Yes – 2.7m proposed.	Yes
	Where located above a garage facing a laneway, is permitted to be 1 storey above the garage.	N/A – Not located above garage.	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 – *Granny 1:* Northern setback: 900mmm Southern setback: 900mm Southern setback: 3m (rear) *Granny 2:*	Yes

		Northern setback: 900mmm Southern setback: 900mm Southern setback: 3m (rear)	
	Dwelling and bedroom size: - Secondary dwelling not less then 25m$^{2.}$ - Minimum bedroom size, not less than 8m$^{2.}$	Yes – Each secondary dwelling has a floor area of 55m^2. Two bedrooms proposed at each dwelling. *Granny 1:* Bedroom 1: 9.8 sqm Bedroom 2: 8.9sqm *Granny 2:* Bedroom 1: 9.8 sqm Bedroom 2: 8.9sqm	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 – Both dwelling have living areas orienting to the west (rear) and POS is directly accessible via the front entry and porch.	Yes
	Privacy: - The windows of living areas within 9m of the windows of living rooms (other than bedrooms) of adjacent dwellings be offset. In case of windows overlooking neighbouring private open space areas, windows shall be fixed obscure glazed or highlight window type with a minimum sill height of 1.5m above finished floor level. - Balconies be semi recessed and/or screened. Screening shall be provided by durable fixed privacy screens, minimum 1.8m high and 75% obscured. First floor balconies max 12m^2 and not be located along side elevations.	Yes – *Lot 1 and Lot 2 Eastern elevation*: Openings to the east orient to the private open space, no privacy issues anticipated. *Lot 1 and Lot 2 West:* Noting the development is raised from the natural ground level, the existing boundary fence will not provide adequate privacy to adjoining property on the west. Therefore, privacy conditions will be imposed to the living room sliding doors (**SD3a & SD3**). *Lot 1 South:* A 1.5m sill height proposed to hallway and living room windows (W17 & W18). Hence, no privacy issues anticipated. The existing boundary fence will alleviate any privacy concerns from the southern side elevation. *Lot 1 North:* The 1.8m side boundary fence will provide sufficient screen to the bedroom window (W15). However, privacy treatment will be conditioned to the kitchen window (**W16**) to mitigate any unreasonable overlooking into the neighbouring property. No privacy issues anticipated to windows W14 as a 1.5m sill height and obscured window is proposed.	Yes.

		Lot 2 South: No privacy issues anticipated to windows (W16a and W15a) as the 1.8m side boundary fence provides sufficient screen to mitigate any unreasonable privacy impacts. No privacy issues anticipated to windows W14a as a 1.5m sill height and obscured window is proposed. *Lot 2 North:* A 1.5m sill height proposed to hallway and living room windows (W17a & W18a). Hence, no privacy issues anticipated. The existing boundary fence will alleviate any privacy concerns from the southern side elevation.	
	Site coverage: - 450m^2 or less – max 70%. - 451m^2 or greater – max 65%.	Yes – Each lot has a site area of 395.20m^2. Max site coverage: 395.20m^2 x 65% = 256.88m^2 - Lot 1 & Lot 2 comply at 187.8 sqm	Yes
	Deep Soil Zone: - 450m^2 or less – min 15%. - 451m^2 or greater – min 20%.	Yes – Each lot has a site area of 395.20m^2. Min landscape: 395.2 x 15% = 59.28m^2 Lot 1 complies at 70.5 m^2 (17.84%) - Front: 17.8m^2 - Rear: 52.7m^2 Lot 2 complies at 82.6 m^2 (20.9%) - Front: 15.8m^2 - Rear: 66.8m^2	Yes
	Secondary dwelling must contain its own kitchen, bathroom, living and bedroom. A common laundry can be provided.	Complies – Secondary dwelling is self-contained and provides a kitchen, bedroom, living and bathroom facilities.	Yes
	Landscaped Area: - POS to be shared and not separated via internal boundary fencing. - POS provided at ground level.	Yes – POS is located at ground level and does not include internal boundary fencing between the shared space. Conditions will be imposed to ensure continued compliance.	Yes
Part B2 – Low Rise Medium Density Development			
2. Relationship with Design Guide	Multi Dwelling Housing or dual occupancies in Cumberland City to be assessed in accordance with the Principles, Objectives and Design Criteria of the *Low Rise Housing Diversity Design Guide*.	Yes – This development is assessed under the provisions of the Low-Rise Housing Diversity Design Guide and Part B of CDCP 2021.	Yes
3.1 Site frontage	C1. The minimum site frontage of the form of low-rise medium density residential development	Yes – Attached dual occupancy proposed.	Yes

	shall be provided in accordance with Table 6. - Dual Occupancy (attached) – 15m - Dual Occupancy (detached) – 18m	The site has a frontage to Bradman Street of 15.055m.	
	C2. Sites with a width frontage less than that specified in Table 6 shall be amalgamated with 2 or more sites to provide sufficient width for good building design.	N/A – Frontage complies.	N/A
	C3. Development proposals shall not result in one adjacent allotment of less than 15m in width being left over.	N/A – No changes to adjoining allotments.	N/A
3.2 Overshadowing	C1. Development is to be designed and sited to minimise the extent of shadows that it casts on: - private open space of adjoining dwellings; - public open space such as bushland reserves and parkland; - solar collectors of adjoining development; and - habitable rooms in adjoining developments.	Yes – The proposal complies with CLEP height control and provides appropriate setbacks to minimise overshadowing. The proposal complies with Control 2 below and there are no existing solar panels on adjoining properties.	Yes
	C2. Adjoining properties are to receive a minimum of 3 hours sunlight to at least one main living area, and to at least 50% of the private open space between 8am and 4pm on 21 June. Where existing development currently receives less sunlight than this requirement, this should not be unreasonably reduced.	Yes – *64A Bridge Road (Northern side):* Submitted shadow diagram shows that the site will not be overshadowed by the proposed development. *60 Bridge Road (Southern side):* The living room of the principal dwelling is facing the rear (west) which are unaffected by the proposed development from 10 am to 4pm. The windows on the northern side receive solar access from 11am. As per submitted shadow diagram, the proposed development does not unreasonably reduce the solar access of the living areas. 50% of the POS area will receive sunlight between 8am to 4pm on 21st of June. *2 & 2A Haig Street:* The proposed secondary dwellings provide a minimal impact being a single storey development located at the rear with adequate building setbacks.	Yes
3.3 Site Layout	C1. Multi dwelling housing units can face an internal roadway where amenity is maintained between units in terms of building	N/A – Development is not multi dwelling housing.	N/A

	separation, visual privacy and solar access.		
3.4 Landscaping	C1. The total landscaped area for a low-rise medium density development shall be a minimum of 20% of total site area (or a minimum of 30sqm per dwelling).	Yes – Total site area is 790.4m^2. Min required landscape: 790.4 x 20% = 158.08m^2 Total proposed landscape area: 153.1 m^2 (19.34%) Lot 1 complies at 70.5 m^2 (17.84%) - Front: 17.8m^2 - Rear: 52.7m^2 Lot 2 complies at 82.6 m^2 (20.9%) - Front: 15.8m^2 - Rear: 66.8m^2 As the proposed landscape exceed 30 sqm per dwelling, proposal complies with the control.	Yes
Part G - General Controls			
Part G3 - Traffic, Parking, Transport & Access (Vehicle)			
3. Parking rate	Development is to provide on-site parking in accordance with the following minimum rates in Table 1. Where a parking rate has not been specified in the table, the Guide to Traffic Generating Developments shall be used to calculate the parking requirements for the proposed development. Alternatively, a parking study may be used to determine the parking, subject to prior approval by Council. Additional parking objectives and controls are provided in Section 4 of this DCP. Residential – Dwelling House - Minimum 1 covered space / dwelling house - Maximum of 2 covered space / dwelling house. - Stacked parking may be provided only for use by the same dwelling.	Yes – One covered parking space in the form of a single garage is proposed for each dwelling.	Yes
4.1 Development in residential zones	C1. Only one driveway crossover shall be permitted per residential property where the property frontage is less than 15m.	Yes – One crossover proposed for each dwelling.	Yes
	C2. A maximum of 2 driveway crossovers shall be permitted for residential properties with a residential frontage of 15m or more.		
	C3. Single vehicle driveways shall be a maximum width of 3.5 metres along the front property boundary.	Yes – The proposed vehicular crossings width does not exceed 3.5m at the nature strip.	Yes
	C4. Driveways which service a double garage shall be a maximum width of 6m.	N/A – Proposed driveways service a single garage.	N/A

	C5. All new driveways shall be located a minimum of 1 metre from the side property boundaries.	Conditioned to comply – The proposed vehicular crossing for lot 2 shall be amended to provide minimum 1m setback to the northern side boundary. To facilitate this, 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.	Yes – subject to condition of consent.
	C6. Where rear access is available, driveway access shall be located at the rear of the site.	N/A – No rear access available.	N/A
	C7. Driveways servicing car parking including manoeuvring areas to the parking bays shall comply with AS 2890 - Parking Facilities unless otherwise specified by Council.	Yes – This requirement is covered as a condition of consent.	Yes
	C8. The maximum gradient for a driveway shall be 20% or 1:5 (with appropriate transitions). However, in extreme circumstances, gradients up to 25% or 1:4 (with appropriate transitions) may be considered by Council, subject to individual merit.	Yes – Satisfactory.	Yes
	C9. Minimum clearance of 1.2 metres shall be provided to structures, such as power poles, service pits and drainage pits.	Yes – This requirement is covered as a condition of consent. The proposed vehicular crossing for lot 2 shall be amended to provide minimum 1m setback to the northern side boundary. There is an existing comms pit which requires to be relocated to facilitate this. The applicant shall carry out works, at the applicant's expense, to the service/s to the satisfaction of the utility provider.	Yes – subject to condition of consent.
	C10. Vehicular access points and parking areas are to be: • easily accessible and recognisable to motorists; • located to minimise traffic hazards; and • located to minimise the loss of on-street car parking.	Yes – The proposed vehicular crossing for lot 1 is satisfactory subject to vehicular crossing application. The proposed vehicular crossing for lot 2 shall be amended to provide minimum 1m setback to the northern side boundary. To facilitate this, 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. Minimum 5.4m between the driveways can be achieved to	Yes – subject to condition of consent.

		accommodate one street car parking.	
	C11. The area between the driveway and the property boundary shall be suitably landscaped to minimise the visual impacts of vehicular access points and to maximise the visual quality of the streetscape.	Yes – Satisfactory.	Yes
	C12. Driveways shall be designed and constructed in materials to avoid glare and large expanses of plain concrete, whilst ensuring the driveway colour does not detract from the development and character of the street.	Yes – Satisfactory.	Yes
Part G4 – Stormwater and 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 – Site slopes from font to rear front and east to west, stormwater disposal via inter-allotment drainage easement proposed. Suitable condition imposed.	Yes
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 G7 – Tree Management and 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.	N/A – No tree removal proposed.	N/A
2.2 Tree management and proposed development	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.	N/A – No existing street tree.	N/A
2.3 Landscaping	For existing trees that are approved to be removed by Council as part of a proposed development, the following tree	N/A – No tree removal proposed.	N/A

	replacement offset planting is required: • for existing trees removed that are a height of between 4m-9m, a 1:1 replacement offset applies; and • for existing trees removed that are a height greater than 10m, a 2:1 replacement offset applies		
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

Low Rise Housing Diversity Design Guide

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

Max RL 51.40 – NGL 43.69 = 7.71m</td><td>Yes</td></tr>
<tr><td></td><td>- Two (2) storeys maximum (excluding basement).
- For detached Dual Occupancy, dwelling at rear single storey max height 5.4m.</td><td>Yes – Two storeys proposed at each dwelling.</td><td>Yes</td></tr>
<tr><td>Objective 2.1A-2</td><td>- Where existing dwelling houses or dual occupancies are within 40m of the development - average of the two closest dwelling houses or dual occupancies.
- Secondary roads the following apply:
<table><tr><th>Lot 1rea (m²)</th><th>Setback</th></tr><tr><td>0 - 900</td><td>2m</td></tr><tr><td>>900 - 1500</td><td>3m</td></tr><tr><td>>1500</td><td>5m</td></tr></table>
Where no existing dwelling or dual occupancy within 40m then:
<table><tr><th>Lot 1rea (m²)</th><th>Setback</th></tr><tr><td>0 - 900</td><td>4m</td></tr><tr><td>>900 - 1500</td><td>6.5m</td></tr><tr><td>>1500</td><td>10m</td></tr></table></td><td>No – Existing neighbouring dwelling setback:
No. 60 Bridge Road – 5.6m
No. 64A Bridge Road – 5.1m

An average of the two closest neighbouring front setbacks being 5.35m.

Each dwelling proposes 7m front setback from the property boundary to the building wall.

Exceedance of 1.65m or 30.85% variation.

Refer to DCP variation discussion.</td><td>Yes, acceptable on merit</td></tr>
<tr><td>Objective 2.1A-3</td><td>Side setback in accordance with table below:
<table><tr><th>Lot width at Building line (m)</th><th>Building height at any height</th><th>Minimum required setback from each side boundary</th></tr><tr><td>0 – 24</td><td>0m – 4.5m</td><td>900mm</td></tr><tr><td></td><td>>4.5m – 8.5m</td><td>= (building height – 4.5m) ÷ 4 + 0.9m</td></tr><tr><td>>24 – 36</td><td>0m – 4.5m</td><td>1.5m</td></tr><tr><td></td><td>>4.5m – 8.5m</td><td>= (building height – 4.5m) ÷ 4 + 1.5m</td></tr><tr><td>>36</td><td>0m – 8.5m</td><td>2.5m</td></tr></table></td><td>No –

<u>Requirements for both units:</u>
Ground floor = 0.9m
First floor = (7.71m – 4.5m) ÷ 4 + 0.9m = 1.7m.

<u>Unit 1 (South):</u>
Ground floor: min 1m
First floor: min 1.4m

<u>Unit 2 (North):</u>
Ground floor: min 1m
First floor: min 1.4m.

Unit 1: The southern side setback of 1.4m proposed on first floor shortfall 0.3m (variation of 17.65%).

Unit 2: The northern side setback of 1.4m proposed on first floor shortfall 0.3m (variation of 17.65%).

Refer to DCP variation discussion.</td><td>Yes, acceptable on merit.</td></tr>
<tr><td>Objective 2.1A-4</td><td>Rear Setbacks
<table><tr><th>Lot 1rea (m²)</th><th>Building height</th><th>Minimum required</th></tr></table></td><td>Yes –

Unit 1:</td><td>Yes</td></tr>
</table>

<table>
<tr><td></td><td><table>
<tr><td></td><td></td><td>setback from rear boundary</td></tr>
<tr><td rowspan="2">0 – 900</td><td>0m – 4.5m</td><td>3m</td></tr>
<tr><td>>4.5m</td><td>8m</td></tr>
<tr><td rowspan="2">>900 - 1500</td><td>0m – 4.5m</td><td>5m</td></tr>
<tr><td>>4.5m</td><td>12m</td></tr>
<tr><td rowspan="2">>1500</td><td>0m – 4.5m</td><td>10m</td></tr>
<tr><td>>4.5m</td><td>15m</td></tr>
</table></td><td>rear setback of 22.7m (to outside of the alfresco)

Unit 2:
rear setback of 23.5m (to outside of the alfresco)</td><td></td></tr>
<tr><td></td><td>Rear setback to laneway: 0m</td><td>N/A – Subject site does not front a laneway.</td><td>N/A</td></tr>
<tr><td colspan="4">2.1C Landscaped Area</td></tr>
<tr><td>Objective 2.1C-1</td><td>20% min 30sqm</td><td>Yes – Total site area is 790.4m^2.

Min required landscape: 790.4 x 20% = 158.08m^2

Total proposed landscape area: 153.1 m^2 (19.34%)
Lot 1 complies at 70.5 m^2 (17.84%)
- Front: 17.8m^2
- Rear: 52.7m^2

Lot 2 complies at 82.6 m^2 (20.9%)
- Front: 15.8m^2
- Rear: 66.8m^2

As the proposed landscape exceed 30 sqm per dwelling, proposal complies with the control.</td><td>Yes</td></tr>
<tr><td></td><td>Minimum dimensions of any area included in the landscaped area calculation is 1.5 metres.</td><td>Yes – A minimum dimension of 1.5m is included in the calculated landscape area.</td><td>Yes</td></tr>
<tr><td></td><td>Minimum 25% forward of the building line be landscaped.</td><td>Yes –
Area forward of building line: 119.3m^2

Required: 119.3m^2 x 25% = 29.82m^2

Proposed: 34.6m^2 (29%)</td><td>Yes</td></tr>
<tr><td></td><td>Minimum 50% of the required landscaping to be located behind the building line.</td><td>Yes – Min required landscape: 790.4 x 20% = 158.08m^2

Required: 158.08m^2 x 50% = 79.04m^2

Proposed behind building line: 119.5m^2</td><td>Yes</td></tr>
<tr><td>Objective 2.1C-2</td><td>Ongoing maintenance plan to be provided as part of the landscape plan.</td><td>Yes – This requirement is covered as a condition of consent.</td><td>Yes</td></tr>
</table>

	Tree planting of a particular size or species the following is to be provided: - Front: 1 tree with mature height of 5m if primary road setback is greater than 3m. - Rear: 1 tree with mature height of 8m.		
Objective 2.1C-3	Mature trees are to be retained, particularly those along the boundary, (except those where approval is granted by Council for their removal).	N/A – No matured trees currently exist on site.	N/A
	Landscape features including trees and rock outcrops are to be retained where they contribute to the streetscape character or are located within the rear setback.	N/A – As Above.	N/A
Objective 2.1C-4	The landscape plan proposes a combination of tree planting, for shade, mid height shrubs, lawn and ground covers.	Yes – This requirement is covered as a condition of consent.	Yes
	The landscape plan indicates that at least 50% of the overall number of trees and shrubs are species native to the region.	Yes – As above.	Yes
2.1D Local Character and Context			
	Provide a description in the Design Verification Statement how the built form of the development contributes to the character of the local area, using the guidance in Section 3D Local Character and Context.	Yes – Design Verification Statement has been submitted and demonstrates that the built form contributes to the local character and is in harmony with the surrounding context.	Yes
2.1E Public Domain Interface			
Objective 2.1E-1	The front door of each dwelling is to be directly visible from the public street.	Yes – Each dwelling sufficiently addresses the street frontage using a front porch, balcony, garage, and openings.	Yes
	Windows from habitable rooms are to overlook the public domain.	Yes – Windows from habitable rooms of both dwellings adequately overlook the public domain and allows for passive surveillance.	Yes
Objective 2.1E-2	Private courtyards within the front setback are located within the articulation zones and / or behind the required front building line.	N/A – No private courtyards proposed within the front setback.	N/A
	Front Fences: - Visually permeable (no more than 50% solid). - Average height no greater than 1.2 metres. - Consistent with character with other front fencing within the street. - Not to be constructed of solid metal panels or unfinished timber palings.	N/A – No front fence proposed.	N/A
	High solid walls are only used to shield the dwelling from the noise of classified roads. The walls are to have a maximum height of 2.1m and be setback at least 1.5m from the	N/A – No solid walls proposed.	N/A

	property boundary. Landscape planting is to be provided between the wall and the boundary, with a mature height of at least 1.5m.		
	Retaining walls greater than 600mm within the front setback are softened by planting for a minimum depth of 600mm on the low side of the retaining wall.	N/A - No retaining wall within the front setback greater than 600mm.	N/A
Objective 2.1E-3	Where the development adjoins public parks, open space, bushland, or is a corner site, the design positively addresses this interface using any of the following design solutions: - Habitable room windows facing the public domain. - Street access, pedestrian paths and building entries. - Paths, low fences and planting that clearly delineate between communal/ private open space and the adjoining public open space. - Walls fronting the public spaces are to have openings not less than 25% of the surface area of the wall.	N/A – The subject site is not a corner lot nor adjoins a public open space or bushland.	N/A
2.1F Pedestrian and Vehicle Circulation			
Objective 2.1F-1	Vehicle circulation complies with AS2890.1.	Yes – Standard condition imposed.	Yes
	Where on street parking is currently available in front of the development, the proposed driveways are located so that at least one car space remains.	Yes – The proposed garages and driveways are appropriately located and can accommodate one car space on street.	Yes
	Vehicular crossing is to have a maximum width of 3.5m for single and 6m for double at the street boundary.	Yes – The proposed vehicular crossings width does not exceed 3.5m at the nature strip.	Yes
2.1G Orientation, Siting and Subdivision			
Objective 2.1G-2	Subdivision pattern to be consistent with the prevailing lot sizes and be a minimum of 200sqm each and min 5m frontage.	Yes – Subdivision pattern is consistent with the prevailing patterns. Proposed Unit 1 (Lot 1) provides a site area of 395.2m^2 and a frontage of 7.528m. Proposed Unit 2 (Lot 2) provides a site area of 395.2m^2 and a frontage of 7.528m.	Yes
Objective 2.1G-1	Minimum frontage: 15m attached. 18m detached.	Yes – The site has a street frontage of 15.055m.	Yes
Objective 2.1G-2	A dwelling on a proposed battle-axe lot (whether strata or Torrens title) must be a part of a detached dual occupancy and have a lot with minimum dimensions as follows: - 4.5m wide access to the primary road.	N/A – The proposal is not on a battle-axe lot.	N/A

	- Minimum dimension of 18m x 18m.		
Objective 2.1G-3	The dwelling frontage is to be at least 5m.	Yes – As per the site plan, each dwelling exceeds the minimum frontage controls. *Unit 1:* 7.3m *Unit 2:* 7.3m	Yes
	Each dwelling on a corner lot is to have a frontage to a different street.	N/A – The site is not a corner lot.	N/A
Objective 2.1G-5	Dwellings are located to step with the topography.	Yes – The land slopes from front to rear and south to north. The development proposes a fill of maximum 0.68m to the western side of Lot 2 and maximum fill of 0.54m to the western side of Lot 1. Also, minor cut proposed within the front of the of the unit 1. Both dwelling stepped down towards the rear. Considering the topography of the site, the proposed cut and fill is satisfactory.	Yes
	Unless a dwelling is over a basement, the ground floor is not more than 1.3m above ground level, and no more than 1m below ground level.	Yes – Proposed dwellings ground floor levels are not more than 1.3m above ground level. *Unit 1:* GF FFL: 44.35 – NGL: 43.94 = Max 0.41m above NGL *Unit 2:* GF FFL: 44.35 – NGL: 43.62 = Max 0.73m above NGL	Yes
	Basement car parking should not be provided within the setbacks described in the table in Section 2.1A.	N/A – No basement parking proposed.	N/A
Objective 2.1G-7	All lots must have access to reticulated water, sewer, electricity, telecommunications and where available, gas.	Yes – This requirement is covered as a condition of consent.	Yes
Objective 2.1G-8	For a dual occupancy (detached) the minimum separation between two dwellings that is 3m.	N/A – Proposal is for an attached dual occupancy.	N/A
2.1H Solar and Daylight Access			
Objective 2.1H-1	A living room or principal private open space in each dwelling is to receive a minimum of 3 hours direct sunlight between 9 am and 3 pm on the winter solstice (June 21). *Note: Direct sunlight is achieved when 1m² of direct sunlight on the glass is received for at least 15 minutes. To satisfy 3 hours direct sunlight, 12 periods of 15 minutes will need to be*	Yes – <u>*Unit 1:*</u> Living room on the ground floor will receive sunlight through northern windows from 9 am to 3 pm. <u>*Unit 2:*</u> Living room on the ground floor will receive sunlight through	Yes

	achieved, however the periods do not need to be consecutive.	western windows from 1 pm to 3 pm. Also, PPOS of the unit will receive minimum 3 hours of uninterrupted sunlight throughout the day.	
Objective 2.1H-2	Daylight may not be borrowed from other rooms, except where a room has a frontage to a classified road.	Yes – At least 1 opening is provided to each habitable room, bathrooms, and laundry. Bathroom and laundry on the ground floor of both dwellings will be reliant on mechanical ventilation.	Yes
	No part of a habitable room is more than 8m from a window.	Yes – Both dwellings meet the nominated requirement.	Yes
	No part of a kitchen work surface is more than 6m from a window or skylight.	Yes – Windows proposed to kitchen area on the north and south of Unit 1 and Unit 2 respectively.	Yes
	Courtyards are to: - Be fully open to the sky; and - Have a minimum dimension of one third of the perimeter wall height, and an area of 4m².	N/A – No courtyard proposed.	N/A
	A window is visible from 75% of the floor area of a habitable room.	Yes – Both dwelling meets the minimum requirement.	Yes
2.1I Natural Ventilation			
Objective 2.1I-1	All habitable rooms are naturally ventilated.	Yes – All habitable rooms feature openable windows and natural ventilation.	Yes
	Each dwelling is naturally cross ventilated.	Yes – Each dwelling is naturally cross-ventilated.	Yes
2.1J Ceiling Height	Minimum ceiling heights are: - 2.7m to ground floor habitable rooms. - 2.7m to upper-level living rooms. - 2.4m to upper-level habitable rooms (excluding living rooms). The ceiling height is measured from finished floor level to finished ceiling level.	Yes – Both dwellings comply at 2.7m on ground floor and 2.6m on first floor.	Yes
2.1K Dwelling Size and Layout			
Objective 2.1K-1	Dwellings are to have the following minimum internal floor areas: **Bedrooms** **Area** 1 bed 65m^2 2 bed 90m^2 3+ bed 115m^2	Yes – Proposed 5 bedrooms with 3 bathrooms in each unit. Therefore, the minimum internal floor area of the dwellings shall be: 115m^2 + 5m^2 + 5m^2 + 12m^2 + 12m^2 = 149m^2 *Unit 1 internal floor area:* 192.3 m^2 - GF – 96.1m^2 - FF – 96.2m^2 *Unit 2 internal floor area:* 192.6 m^2 - GF – 96.2m^2 - FF – 96.4m^2	Yes

	The minimum internal areas outlined above only include one bathroom. The minimum area of each additional bathroom is 5m² added onto the minimum dwelling area.	Yes – Additional floor area included in the above calculation.	Yes
	The minimum area of any additional bedroom is 12m². The area of each additional bedroom is then added to the minimum internal for area contained in Design Criteria 60.	Yes – As above.	Yes
	Kitchens are not part of a circulation space, such as a hallway.	Yes – Kitchens are not part of a circulation space.	Yes
Objective 2.1K-2	One bedroom has a minimum area of 10m², excluding wardrobe space.	Yes – The proposed bedrooms meet the specified requirements.	Yes
	Bedrooms have a minimum length and width of 3m, excluding wardrobe space.	Yes – Proposed bedrooms have a minimum length and width of 3m.	Yes
	Combined living and dining rooms have a minimum area of: **Bedrooms** | **Area** 1 and 2 bed | 24m² 3+ bed | 28m²	Yes – Each dwelling's combined living and dining area complies at approximately 39m².	Yes
	Living room or lounge rooms are to have a minimum length and width of 4m, excluding fixtures.	Yes – Living rooms exceed the nominated requirements.	Yes
2.1L Principal Private Open Spaces			
Objective 2.1L-1	The area of principal private open space provided for each dwelling is at least 16m² with a minimum length and width of 3m.	Yes – *Unit 1:* 75.9 sqm *Unit 2:* 83.7sqm	Yes
Objective 2.1L-2	The principal private open space is located behind the front building line.	Yes – POS is located at rear.	Yes
	The principal private open space is located adjacent to the living room, dining room or kitchen to extend the living space.	Yes – POS is directly accessible via the open plan living and dining area through a sliding door.	Yes
	25% of the private open space is to be covered to provide shade and protection from rain.	**No** – *Unit 1:* Required covered POS for is: 25% x 75.8 = 18.95 sqm – provided: 19.4 sqm *Unit 2:* Required covered POS for is: 25% x 83.7 = 20.92 sqm – **provided: 19.6 sqm** **Proposed covered PPOS shortfall 1.32 sqm (variation of 6.2%)**. **Refer to Low Rise Diversity Design Guide variation discussion.**	**Yes, acceptable on merit**
2.1M Storage			
Objective 2.1M-1	In addition to storage in kitchens and bedrooms, the following storage with a minimum dimension of 500mm is provided: **Bedrooms** | **Area**	Yes – Adequate storage proposed in the form linen cupboards on the ground floor and first floor for both dwellings.	Yes

	1 bed: $6m^2$ 2 bed: $8m^2$ 3+ bed: $10m^2$		
	At least 50% of the required storage is located inside the dwelling.	Yes – No storage is proposed outside of dwelling.	Yes
	Storage not located in dwellings is secure and clearly allocated to specific dwellings, if in a common area.	N/A – No storage proposed in common area.	N/A
2.1N Car and Bicycle Parking			
Objective 2.1N-1	One space per dwelling is to be provided.	Yes – One parking space in the form of single garage is proposed for each building.	Yes
	Car parking spaces and circulation are to comply with AS 2890.1:2004.	Yes – Subject to condition.	Yes
Objective 2.1N-2	Covered space is to be provided for the secure storage of at least 1 bicycle per dwelling.	Yes – Sufficient space within the garage can be used for bicycle storage.	Yes
Objective 2.1N-3	Where a driveway is adjacent to an existing tree, it is either outside the drip line or complies with the recommendations in a report prepared by a qualified arborist.	N/A – No existing trees to be impacted.	Yes
	The setback of a car space from a primary, secondary or parallel road is to be at least: **Setback of Dwelling from Road** / **Minimum Of-Street Parking Setback from Road** < 4.5m: 5.5m 4.5m or more: 1m behind the building line	Yes – Proposed garage is setback 1m behind the building wall for both units.	Yes
	The maximum width of all garage doors facing a primary, secondary or parallel road: **Lot width** / **Maximum width of Garage Door Width Openings** 12m – 15m: 3.2m >15m – 20m: 6m >20m: 9.2m >25m: 12m ***Note:*** *Lot width refers to the completed Torrens title lot or in the case of a strata subdivision being the development site.*	Yes – Each unit's garage door complies at 2.6m.	Yes
2.1O Visual Privacy			
Objective 2.1O-1	Orientate living room windows, primary private open space to the street front or rear.	Yes – Living room of each dwelling faces the rear.	Yes
	At least one window for each habitable room is provided without the need for a privacy screen.	Yes – Both dwellings meet the nominated requirement.	Yes
	A privacy screen is required when: **Distance from Boundary** / **Finished Floor Level Above**	Yes – *East (Front)*	Yes

	<table><tr><th></th><th>Ground Level (Existing)</th></tr><tr><td><3m</td><td>1m – 3m</td></tr><tr><td><6m</td><td>>3m</td></tr></table> <table><tr><th>Distance from windows in Dwelling on same lot</th><th>Finished Floor Level Above Ground Level (Existing)</th></tr><tr><td><3m</td><td>1m – 3m</td></tr><tr><td><6m</td><td>>3m</td></tr></table> ***Note:*** *This does not apply to a habitable room with a floor level not more than 1m above ground level (existing), bedroom windows that have an area less than 2m² or windows that have a frontage to a road or public open space.*	No privacy issue is anticipated as opening to the north for both dwellings orient to the street. <u>*West (Rear)*</u> No privacy issue is anticipated as proposed development is adequately setback from the rear boundary. <u>*North (Unit 1)*</u> GF – Privacy treatment is required for the windows associated with kitchen (**W4a**) to prevent any unreasonable overlooking. No concerns at living room window (W5a) due to having minimum 1.5m sill height. No concerns at W2a associated with a non-habitable use (garage) and W3a associated with guest bedroom which has less than $2m^2$ area. FF – Master bedroom window (W7a) proposes a sill height of 1.5m. Hence, no privacy issues anticipated. No concerns at W11a and W10a associated with bedrooms which have less than $2m^2$ area. <u>*South (Unit 2)*</u> GF – No privacy issues anticipated noting the 1.8m side boundary fence provides sufficient screen to the proposed windows. Living room window (W5) proposes a sill height of 1.5m. Hence, no privacy issues anticipated. FF – Master bedroom window (W7) proposes a sill height of 1.5m. Hence, no privacy issues anticipated. No concerns at W11 and W10 associated with bedrooms which have less than $2m^2$ area.	
	A privacy screen is required at the edge of that part of a terrace, deck, balcony or veranda that is parallel or faces towards a side or rear boundary.	Yes – *Unit 1:* The proposed alfresco is approx. 555mm above NGL on	Yes

	Distance from boundary / **Finished Floor Level Above Ground Level (Existing)** <3m: 1m – 3m <6m: >3m **Distance from Windows in Dwelling on Same Lot** / **Finished Floor Level Above Ground Level (Existing)** <3m: 1m – 3m <6m: >3m ***Note:** This does not apply to a terrace, deck, balcony or patio that has an area less than 3m² or has a frontage to a road or public open space.*	southern side. Therefore, 1.5m privacy screen shall be installed to the southern and eastern side of the alfresco. *Unit 2:* The proposed alfresco is approx. 685mm above NGL from the northern side. Therefore, 1.5m privacy screen shall be installed to the northern side of the alfresco.	
Objective 2.1O-2	Where privacy screens are provided to windows, they must not cover part of the window required to meet the minimum daylight or solar access requirements or restrict ventilation.	Yes – Privacy screens will not restrict solar access or ventilation requirements.	Yes
2.1P Acoustic Privacy			
Objective 2.1P-1	Electrical, mechanical, hydraulic and air conditioning equipment is housed so that it does not create an 'offensive noise' as defined in the Protection of the Environment Operations Act 1997 either within or at the boundaries of any property at any time of the day.	Yes – This requirement is covered as a condition of consent.	Yes
2.1Q Noise and Pollution			
Objective 2.1Q-1	Dwellings that are within 100m of a classified road or 80m from a rail corridor are to have LAeq measures not exceeding: - In any bedroom: 35dB(A) between 10pm-7am. - Anywhere else in the building (other than a kitchen, garage, bathroom or hallway): 40dB(A) at any time. This is achieved by: - Providing a full noise assessment prepared by a qualified acoustic engineer; and - Complying with relevant noise control treatment for sleeping areas and other habitable rooms in Appendix C of RMS Development Near Rail Corridors and Busy Roads - Interim Guideline.	N/A – Dwelling is not within 100m of a classified road or 80m from a rail corridor.	N/A
2.1R Architectural Form and Roof Design			
Objective 2.1R-1	Provide in the Design Verification Statement a description as to how the architectural form reduces the visual bulk and provides a cohesive design response.	Yes – Suitable Design Verification Statement submitted.	Yes

Objective 2.1R-2	Provide in the Design Verification Statement how the roof design integrates harmoniously with the overall building form.	Yes – As above.	Yes
	Skylights and ventilation systems are integrated into the roof design.	N/A – No skylight proposed on the roof of both dwellings.	N/A
2.1S Visual Appearance and Articulation			
Objective 2.1S-1	Provide in the Design Verification Statement a description as to how the aesthetics and articulation contribute to the character of the local area.	Yes – Suitable Design Verification Statement submitted.	Yes
	The development may have a primary road articulation zone that extends up to 1.5m forward of the minimum required setback from the primary road and a secondary road articulation zone that extends up to 1m forward of the minimum required setback from the secondary road. The following elements can be located in the articulation zone: - An entry feature or portico. - A balcony, deck, pergola, terrace or verandah. - A window box treatment. - A bay window or similar feature. - An awning or other feature over a window. - A sun shading feature. - An eave.	Yes – It is noted that articulation zone is considered as part of front setback, refer to Objective 2.1A-2.	Yes
2.1T Pools and Detached Development			
Objective 2.1T-1	Swimming pools and spas are to have a maximum height above ground level (existing): - At the water line – 1.2m, - At the top of the coping - 1.4m, and - Where the coping is more than 300mm wide – 600mm.	N/A – Not proposed.	N/A
Objective 2.1T-2	For outbuilding controls see B1 2.20 of the CDCP.	N/A – Not proposed.	N/A
2.3U Energy Efficiency			
Objective 2.3U-1	Provide an outdoor area for clothes drying that can accommodate at least 16 lineal metres of clothes line for each dwelling.	Yes – Adequate area provided within rear yard.	Yes
	Any clothes drying area is screened from public and communal areas.	Yes – As above.	Yes
2.3V Water Management and Conservation			
Objectives **Objective 2.3V-1**	A stormwater system must: - Comply with requirements in the DCP that applies to the land. - Be approved (if required) under s.68 of the Local Government Act 1993.	Yes – A stormwater plan has been submitted and will be required to be endorsed by an accredited certifier prior to the issue of the construction certificate.	Yes
	Detention tanks are to be located under paved areas, driveways or in basements.	Yes – As above.	Yes
2.1W Waste Management			
Objective 2.1W-1	Provide storage space for the type and number of bins designated in council's waste policy.	Yes – Adequate space is provided for waste storage behind the front building line.	Yes

	Where waste storage is provided in a communal area, access to this waste area is to be provided for all residents without crossing a private lot.	N/A – Not a communal area.	N/A
	Where waste storage is provided in the basement car park, a maximum ramp gradient of 1:6 is to be provided to the waste collection point.	N/A – No waste storage in basement proposed.	Yes
	Where a rear lane has provision for waste collection trucks used by council, the collection point is to be from the rear lane.	N/A – Waste vehicle access is not required.	N/A
	Any communal waste area is to: - Provide water supply for cleaning, - Have a solid for grated to a floor waste (connected to sewer), and - Be designed to meet the requirements of council's waste policy.	N/A – No communal waste bin proposed.	N/A
	Despite any requirements in council's waste policy, on-site waste vehicle access is not required. ***Note:*** *The waste collection point is typically located on the footpath*.	N/A – Waste vehicle access is not required.	N/A
	If a waste collection point is provided on-site and used for permanent storage of bins it is to: - Be screened from view from the public domain, - Have a height no greater than 1.3m if forward of the building line, - Be less than 10m from the street boundary, - Be located on a surface with a gradient less than 1:20, - Not require access through a security door or gate (unless this is permitted by council's waste policy), and - Have a path that connects the collection area to the street boundary with a gradient less than 1:8 and free of steps to all for the transfer of bins to the collection vehicle.	Yes – No waste collection point indicated on plans. However, adequate space exists behind the building line for waste bin storage.	Yes
Objective 2.1W-2	Storage areas for rubbish and recycling bins are to be provided: - Within garages; - In a screened enclosure that is part of the overall building design; or - In the basement car park.	Yes – Adequate space exists behind the building line for waste bin storage.	Yes
	Communal waste areas are to be located at least 3m from any bedroom or living room window.	N/A – Not a communal waste area.	N/A

Item No: ELPP017/26

DEVELOPMENT APPLICATION - 20 FULLAGAR ROAD, WENTWORTHVILLE

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

Application lodged	4 February 2026
Applicant	M Hanna
Owner	Mr R B Patil & Mrs P R Patil
Application No.	DA2026/0060
Description of Land	20 Fullagar Road WENTWORTHVILLE NSW 2145, Lot 47 in DP 10054
Proposed Development	Demolition of existing outbuilding, shed and swimming pool and construction of a detached secondary dwelling and studio
Site Area	919.7m^2 (by Calc.)
Zoning	R2 Low Density Residential Zone
Disclosure of political donations and gifts	Nil disclosure
Cost of works	$331,260.00
Heritage	Heritage Listed (Item No. I261 “Inter-war bungalow”) Heritage Conservation Area (Item No. C2 “Fullagar Road Conservation Area”)
Principal Development Standards	Not Applicable

SUMMARY:

1. Development Application No. DA2026/0060 was lodged on 4 February 2026 for the demolition of existing outbuilding, shed and swimming pool and construction of a detached secondary dwelling and studio.

2. The application was publicly notified to occupants and owners of the adjoining properties for a period of 14 days between 12 February 2026 and 26 March 2026 and advertised for a period of 14 days between 19 February 2026 and 5 March 2026. In response, nil submission/s were received.

3. The existing house at 20 Fullagar Road, Wentworthville is a locally listed heritage item (Item No. I261 “Inter-war bungalow”) and is also located within the Fullagar Road Conservation Area (C2) under the Cumberland Local Environmental Plan 2021. The dwelling is of local significance for its historical and representative value as part of the Commonwealth War Service Homes program established under the War Service Homes Act to provide housing for returned WWI servicemen and their families.

4. The variations are as follows:

Section	***Control***	***Required***	***Provided***	***Variation %***
Part B1, 2.20 Outbuildings	*C1. The total combined amount of enclosed floor space (with roof and walls) for outbuildings shall not exceed 25m^2.*	*25m^2*	*47.5m^2*	90%.

5. The application is referred to the Panel as the proposal is considered to be sensitive development (development involving the demolition of a heritage item).

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

REPORT:

Subject Site and Surrounding Area

The site is identified as Lot 47 in DP 10054 and is known as 20 Fullagar Road Wentworthville NSW 2145. The site has an area of 919.7m2 (by Calc.) and a frontage to Fullagar Road of 20.115m. The site has a fall of approximately 1.83m from front to rear.

A site inspection of the premises carried out on 18 February 2026 confirmed that the site is currently occupied by a single storey brick and rendered dwelling house with a tiled roof and ancillary attached and detached structures including a detached clad outbuilding, a metal shed and dilapidated metal outbuilding and in-ground swimming pool. The site contains seven (7) trees; one (1) tree is located on council's nature strip. A Sydney Water sewer traverses through the southwestern corner of the site.

The existing house at 20 Fullagar Road, Wentworthville is a locally listed heritage item (Item No. I261 "Inter-war bungalow") and is also located within the Fullagar Road Conservation Area (C2) under the Cumberland Local Environmental Plan 2021. The submitted Heritage Impact Statement prepared by Cracknell & Lonergan Architects Pty Ltd, dated 23 January 2026 describes the heritage item as follows:

> *"Inter-war bungalow" (I261), situated within the Fullagar Road Conservation Area (C2). The Fullagar Road Conservation Area is comprised of a row of houses originally constructed in c. 1920 as War Service Homes, providing affordable housing for returned servicemen and their families.*

The dwelling is of local significance for its historical and representative value as part of the Commonwealth War Service Homes program established under the War Service Homes Act to provide housing for returned WWI servicemen and their families. It is a representative example of standardised Inter-war residential architecture, demonstrating typical bungalow form, scale, detailing and construction associated with early 20th-century veteran housing provision.

The Fullagar Road Conservation Area is recognised for its broader historical, social, aesthetic and representative significance as one of the earliest War Service Homes estates in Western Sydney. The area retains a high degree of integrity, with a consistent inter-war bungalow streetscape, uniform setbacks and building alignment, and retention of the original subdivision pattern. This intact urban structure enables clear interpretation of its planned development and historic housing principles, while also reflecting its strong social association with returned servicemen and their families.

The existing developments adjoining the site include a single storey rendered dwelling house with a tiled roof with ancillary attached structures adjoining to the east, and a single storey brick and clad dwelling house with a tiled roof and ancillary attached and detached structures to the west. The area consists of predominantly low-density residential buildings, inclusive of one and two storey dwelling and dual occupancy developments.

The location of the site is shown below:

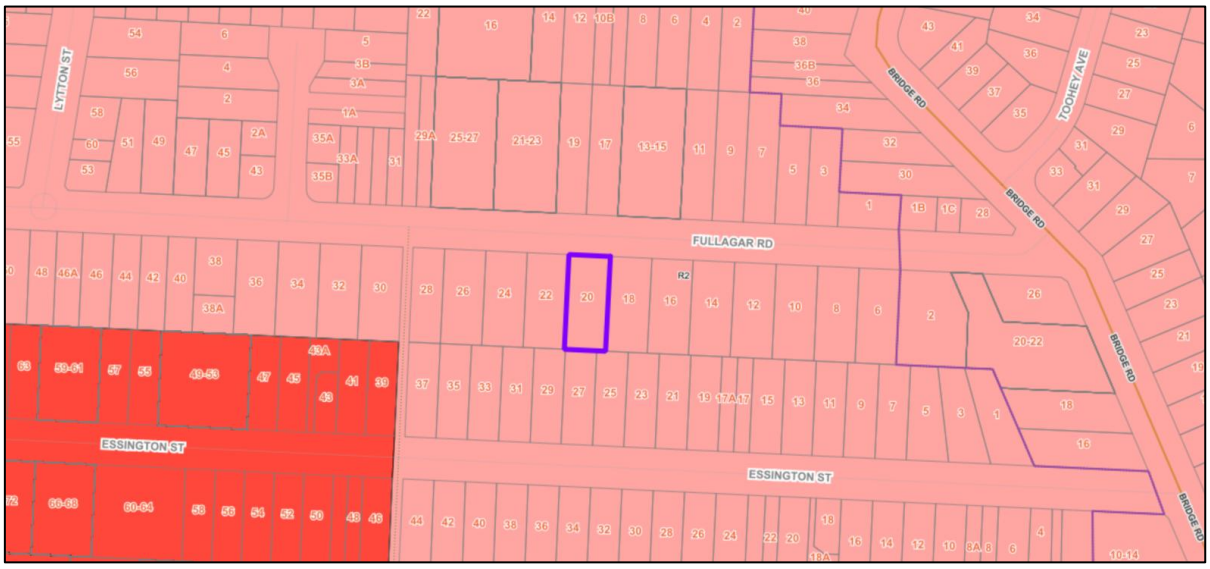


Figure 1 – Zoning of the subject site (Source: IntraMaps)

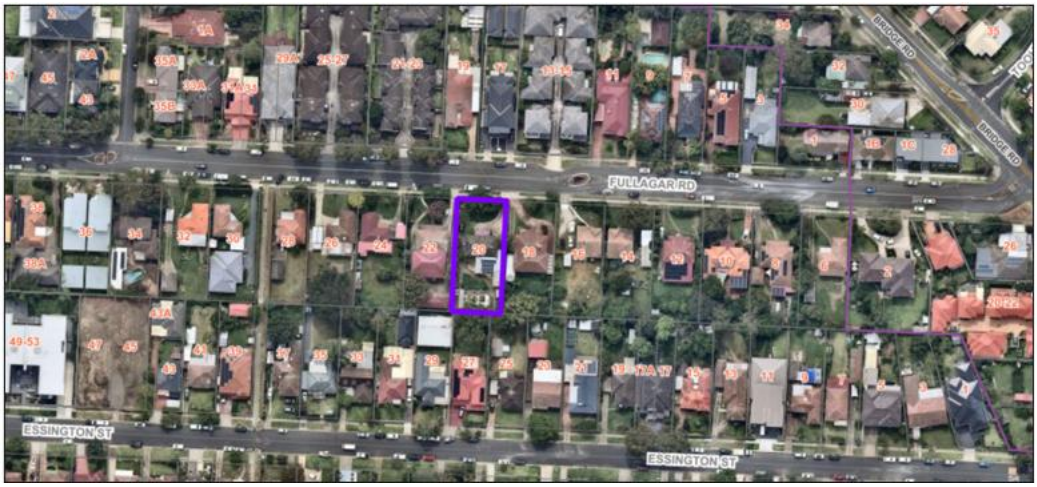


Figure 2 – Aerial view of subject site (Source: IntraMaps)



Figure 3 and 4 – Street view of subject site (Site Inspection conducted on 18/02/2026)



Figure 5 and 6 – Street view and rear of subject site (Site Inspection conducted on 18/02/2026)



Figure 5 and 6 – Rear structures to be demolished (Site Inspection conducted on 18/02/2026)

Description of The Development

Council has received a development application for the demolition of existing outbuilding, shed and swimming pool and construction of a detached secondary dwelling and studio. The detailed breakdown of the proposal is shown below:

- Demolition of existing metal shed and dilapidated metal outbuilding and in-ground swimming pool to the rear.
- Construction of a single storey detached secondary dwelling comprised of the following:
    - Front porch'
    - Open plan living, kitchen and dining area;
    - Two (2) bedrooms (standalone);
    - Bathroom;
    - Laundry;
    - Alfresco area.
- Construction of a single storey detached studio to the rear comprising a teenage retreat area and bathroom.

The aerial investigation below indicates that the detached metal outbuilding, metal shed and in-ground swimming pool were constructed post-1980s and are later additions to the site. As such, the rear structures are non-original fabric, and their removal is not considered to adversely impact the heritage significance or integrity of the listed item or conservation area.

Aerial historical account –

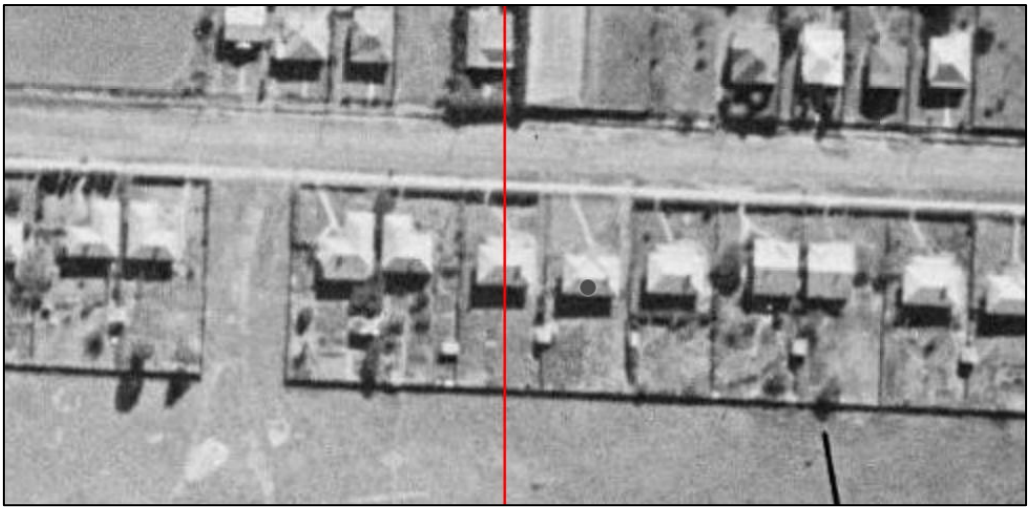


Figure 7 – Aerial view of the site, 1943. Dwelling built, detached structures non-existent. (NSW Historical Spatial Viewer)



Figure 8 – Aerial view of the site, 1965. Detached structures proposed to be demolished non-existent (NSW Historical Spatial Viewer)



Figure 9 – Aerial view of the site, 1978. Detached structures proposed to be demolished non-existent (NSW Historical Spatial Viewer)



Figure 10 – Aerial view of the site, 1986. Detached metal outbuilding structure and in-ground swimming pool proposed to be demolished built (NSW Historical Spatial Viewer)

History

Application No.	Proposal	Status	Date
DA2020/0203	Alterations and additions to existing premises for use as a 20 place child care centre with associated signage and demolition of swimming pool and outbuildings at the rear	Approved	22 December 2022

Note: A condition of consent has been imposed for the applicant to submit a notice of surrender of Development Consent No. DA2020/0203 to Council in accordance with s.67 of the Environmental Planning and Assessment Regulation 2021 prior to the issue of the Construction Certificate.

Applicants Supporting Statement

The applicant has provided a Statement of Environmental Effects prepared by KP Planning dated 28th of January 2026 in support of the application.

Contact With Relevant Parties

The assessing officer has undertaken a site inspection of the subject site and surrounding properties on and has been in regular contact with the applicant throughout the assessment process.

Internal Referrals

Tree Management

The development application and submitted Arborist Report prepared by Arbor Express dated 27 January 2026 (ref. AIA27/01/2026, v1) was reviewed by Council's Tree Management Officer, who advised that the proposal is acceptable subject to conditions relating to replacement, protection, preservation, and maintenance of trees

on the subject site and on adjoining properties. Accordingly, the application can be supported, subject to the recommended conditions of consent.

Heritage Committee

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

External Referrals

Sydney Water Corporation

Due to the presence of a sewer line traversing through the southwestern corner of the site, the development application was referred to the Sydney Water Corporation for comments. Advice has been received by the relevant government authority (Sydney Water) on 12 March 2026. Sydney Water did not raise any objections to the proposed development subject to the recommended conditions including Building Plan Approval and tree planting requirements.

Planning Comments

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

State Environmental Planning Policies

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

State Environmental Planning Policies (SEPPs)	Relevant Clause(s)	Compliance with Requirements
State Environmental Planning Policy (Biodiversity and Conservation) 2021	Chapter 2 - Vegetation in non Rural Areas	The development application proposes the removal of two (2) trees. The development application and submitted Arborist Report prepared by Arbor Express dated27 January 2026 (ref. AIA27/01/2026, v1) was reviewed by Council's Tree Management Officer, who advised that the proposal is acceptable subject to conditions relating to replacement, protection, preservation and maintenance. The proposal does not exceed the biodiversity offsets scheme threshold.
	Chapter 6 - Water Catchments Sydney Harbour Catchment	A detailed assessment is not required given that there is no direct impact upon the catchment and no direct impact upon watercourses. As such, the development is acceptable under the provisions that came into effect on Monday 21 November 2022.

State Environmental Planning Policy (Resilience and Hazards) 2021	Chapter 2 - Coastal Management	The subject site is not identified as a coastal wetland or 'land identified as "proximity area for coastal wetlands" or coastal management area.
	Chapter 4 - Remediation of Land Part 4.6	Part 4.6 - Contamination and remediation to be considered in determining development application. 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 (Sustainable Buildings) 2022	Chapter 2 Standards for residential Development - BASIX	BASIX Certificate number 1830040S, issued 23 January 2026 has been submitted. It is shown that the proposal will meet the required target for Water, Thermal Comfort and Energy. The BASIX Certificate is determined as being acceptable for approval.
State Environmental Planning Policy (Housing) 2021 **Secondary Dwellings (Chp. 3 Pt. 1 Div. 1 & 2)**	A secondary dwelling is permitted on the R2 or R3 land-use zones only.	Yes – Subject site located within the R2 Low Density Residential zone. This Part applies to development for the purposes of a secondary dwelling on land in a residential zone if development for the purposes of a dwelling house is permissible on the land under another environmental planning instrument. As per the definitions of this division of the SEPP, a residential zone includes R2 Low Density Residential Zone. In this regard, a secondary dwelling is permissible under the provisions of SEPP (Housing) 2021.
	A secondary dwelling cannot be subdivided from the subject lot.	Yes – Subdivision is not proposed as part of the subject application. A condition of consent has been imposed for no separating fences to be erected between the primary and secondary dwellings on the subject site.
	Only one (1) primary dwelling and only one (1) secondary dwelling is	Yes – The application proposes one secondary dwelling at the rear of an existing primary dwelling.

	permitted on the subject land.	
	The maximum permissible floor area for a secondary dwelling is sixty (60) square metres.	Yes – Proposed internal floor area of the secondary dwelling is 59.9m^2
	Site area minimum of 450m².	Yes – Total site area of 919.7m^2 (by Calc.).
	Same number of parking spaces as before.	Yes – No changes are proposed to the current existing parking provisions on site.

Local Environmental Plans

Cumberland Local Environmental Plan 2021 (CLEP 2021)

The provision of the CLEP 2021 is applicable to the development proposal. It is noted that the development achieves compliance with the key statutory requirements of the Cumberland Local Environmental Plan 2021 and the objectives of the R2 Low Density Residential Zone.

(a) Permissibility:

The subject site is zoned R2 Low Density Residential. The proposal is for the erection of a studio and 'secondary dwelling' which is a prohibited land use under the CLEP 2021. However, pursuant to Clause 50 of the 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 R2 Low Density Residential Zone. A dwelling house is a permissible land use within the R2 zone under the CLEP 2021. In this regard, a secondary dwelling is permissible with consent within the R2 zoned land under the provisions of the SEPP (Housing) 2021.

The relevant matters to be considered under the Cumberland Local Environmental Plan 2021 and the applicable clauses for the proposed development are summarised below. A comprehensive LEP assessment is contained in Attachment 4.

DEVELOPMENT STANDARD	COMPLIANCE	DISCUSSION
Clause 5.10 Heritage Conservation.	Yes	The subject site at 20 Fullagar Road, Wentworthville is a locally listed heritage item (Item No. I261 "Inter-war bungalow") and is also located within the Fullagar Road Conservation Area (C2) under the Cumberland Local Environmental Plan 2021. The site and conservation area are of local historic, social, aesthetic and representative significance. The existing dwelling is listed as a heritage item of local significance for its historical and representative value as part of the Commonwealth War Service Homes program established under the War Service Homes Act to provide housing for returned WWI servicemen and their families. It is a representative example of standardised inter-war residential architecture, demonstrating typical bungalow form, scale, detailing, and construction associated with early 20th-century veteran housing provision. The subject site is also located within the Fullagar Road Conservation Area (C2) under the Cumberland LEP 2021. The conservation area is recognised for its broader historical, social, aesthetic and representative significance as one of the earliest War Service Homes estates in Western Sydney. It retains a high degree of integrity, with a consistent Inter-war bungalow streetscape, uniform building setbacks and alignment, and retention of the original subdivision pattern along Fullagar Road. This intact urban structure allows for clear interpretation of its planned development and historic housing principles, while also reflecting its strong social association with returned servicemen and their families. The conservation area comprises 14 inter-war (c.1920) War Service Homes developed under the Commonwealth War Service Homes Act. It remains a largely intact and cohesive example of standardised Inter-war housing developed by the War Service Homes Commission, and is significant for its consistent streetscape character, including uniform bungalow forms,

		building scale, setbacks, alignment, and subdivision layout. The subject site contains a single storey rendered brick Inter-war bungalow with a tiled roof. The proposed development seeks to demolish the rear outbuilding, shed and swimming pool, and construct a detached secondary dwelling and studio at the rear of the site. The proposed works are not visible from the streetscape and do not alter the presentation or character of the primary heritage item. It is noted that the Cumberland LEP 2021 inventory identifies the entire site as having heritage significance. However, the submitted Statement of Heritage Impact indicates that the rear outbuilding, shed and swimming pool have no streetscape or heritage significance relative to the principal dwelling. An aerial investigation confirms that these structures were constructed post-1980s and are later additions to the site. As demonstrated in Figures 7-10 of Council's assessment report, the rear structures are non-original fabric and their removal is not considered to adversely impact the heritage significance or integrity of the listed item or conservation area. In light of the above, the proposed development is considered acceptable from a heritage perspective.

Figure 11 – Cumberland LEP 2021 Compliance Table

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 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 4 February 2026 and the site does not fall within the Draft Woodville Road Corridor and therefore no further consideration is required.

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

The Cumberland Development Control Plan 2021 (CDCP) 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 5.

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:

Control		Proposed	Complies
Part B1, 2.20 Outbuildings, Control 1	The total combined amount of enclosed floor space (with roof and walls) for outbuildings shall not exceed 25m^2.	Overall outbuilding area is 47.5m^2 • Proposed teenage retreat area: 31.5m^2 • Existing outbuilding to be retained: 16m^2 Variation of 22.5m^2, or 90%.	No, however the 90% variation is acceptable on merit.

Figure 12 – Cumberland DCP 2021 - Compliance Table

As indicated in the compliance table above, the proposal does not fully comply with the minimum requirement for outbuilding area, as stipulated in Part B1, Section 2.20, Control 1 of the Cumberland Development Control Plan 2021. This control mandates that the total combined amount of enclosed floor space (with roof and walls) for outbuildings shall not exceed 25m2, to ensure outbuildings complement and do not dominate or detract from the built form character of the area.

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 B1 – Dwelling Houses and Secondary Dwellings, Section 2.20 Outbuildings, Control 1</u>

- **Objective 1:** Ensure outbuildings complement and do not dominate or detract from the built form character of the area

- **Objective 2:** Protect the visual and acoustic privacy and amenity of adjoining properties.

- **Objective 3:** Maintain sufficient landscape and private open space areas and preserve existing mature trees.

Section 2.20 of the CDCP states that a total combined amount of enclosed floor space (with roof and walls) for outbuilding to not exceed 25m2. The site has an existing outbuilding with a floor area of 16m2. The proposed studio has an internal floor area of 31.5m2. This will result in the total floor area of 47.5m2 for outbuildings and exceeds the 25m2, resulting in a departure of 22.5m2 which is equal to 90% above the development control.

However strict compliance with the outbuilding floor area control is considered unreasonable and unnecessary in this instance as the proposal satisfies the underlying objectives of the control. The proposed outbuilding is located to the rear of the principal dwelling and is not dominant from the public domain, ensuring the streetscape and built form character of the area are preserved. The scale and siting of the structure ensure it remains subordinate to the principal dwelling, especially given that the site is 919.7 m2 overall, the variation is minimal in context to the site area. Additionally, the proposed outbuilding is consistent with the objectives relating to residential amenity. Given its location and intended low intensity use as a studio the development is unlikely to result in adverse visual or acoustic privacy impacts on adjoining properties.

Furthermore, the proposed development achieves full compliance with other key numerical controls, including site coverage, deep soil provision, landscaping, and private open space. The landscaped area is consistent with the requirements of Section 2.7 – Landscaping, maintaining the established character of the locality while allowing for adequate vegetation and water infiltration. No significant vegetation removal is proposed, and the development retains sufficient private open space.

Overall, the proposal satisfies the underlying objectives of Section 2.20 by ensuring the outbuilding does not detract from the character of the area, preserves residential amenity, and maintains adequate landscaping. Accordingly, the variation to the outbuilding floor area control is considered reasonable and supportable in this instance.

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

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

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

The proposed development raises no concerns as to the relevant matters arising from the Environmental Planning and Assessment Regulation 2021 (EP&A Reg).

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

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

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

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

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

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

In accordance with Council's Notification requirements contained within the Cumberland Development Control Plan 2021, the proposal was publicly notified for a period of 14 days between 12 February 2026 and 26 March 2026 and advertised for a period of 14 days between 19 February 2026 and 5 March 2026. 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 of the EP&A Act, calculated on the cost of works. A total contribution of $11,298.00 would be payable prior to the issue of a Construction Certificate.

HOUSING AND PRODUCTIVITY OF CONTRIBUTION (HPC)

In accordance with the HPC Order, the proposed development is exempt from paying a contribution as it does not generate additional infrastructure demand and is solely for the demolition of existing outbuilding, shed and swimming pool and construction of a detached secondary dwelling and studio.

DISCLOSURE OF POLITICAL DONATIONS AND GIFTS

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

CONCLUSION:

The development application has been assessed in accordance with the relevant requirements of the Environmental Planning and Assessment Act 1979, 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. The proposal is consistent with all statutory and non-statutory controls applying to the development. The development is considered to perform adequately in terms of its relationship to its surrounding built and natural environment, particularly having regard to impacts on adjoining properties.

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

CONSULTATION:

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

FINANCIAL IMPLICATIONS:

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

POLICY IMPLICATIONS:

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

COMMUNICATION / PUBLICATIONS:

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

REPORT RECOMMENDATION:

That Development Application No. DA2026/0060 for demolition of existing outbuilding, shed and swimming pool and construction of a detached secondary dwelling and studio on land at 20 Fullagar Road WENTWORTHVILLE NSW 2145 be Approved subject to conditions listed in Council's assessment report.

ATTACHMENTS

1. Draft Notice of Determination ⇩
2. Architectural Plans ⇩
3. Statement of Heritage Impact ⇩
4. Cumberland LEP Assessment ⇩
5. Cumberland DCP Assessment ⇩

DOCUMENTS ASSOCIATED WITH REPORT ELPP017/26

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:	DA2026/0060
Applicant:	M Hanna 49/2 Picrite Close PEMULWUY NSW 2145
Property Description:	20 Fullagar Road WENTWORTHVILLE NSW 2145, Lot 47 in DP 10054
Development:	Demolition of existing outbuilding, shed and swimming pool and construction of a detached secondary dwelling and studio
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*
Sheet 02, Issue No. 4	Site Plan/ Demolition Plan	Smart Choice Granny Flats	18/12/2025
Sheet 03, Issue No. 4	Floor Plan (Secondary Dwelling)	Smart Choice Granny Flats	18/12/2025
Sheet 04, Issue No. 4	Elevation Plans and Section Plan (Secondary Dwelling)	Smart Choice Granny Flats	18/12/2025
Sheet 05, Issue No. 4	Floor Plan (Studio/ Teenage Retreat)	Smart Choice Granny Flats	18/12/2025
Sheet 06, Issue No. 4	Elevation Plans and Section Plan (Studio/ Teenage Retreat)	Smart Choice Granny Flats	18/12/2025
Sheet 08, Issue No. 4	Landscape Plan	Smart Choice Granny Flats	18/12/2025
-	Schedule of External Colours and Finishes	-	Submitted to council: 28 January 2026
Project No. STR26001, Drawing No. S2B, Revision A	Erosion and Sediment Control Plan	Capital Engineering Consultants	27/12/2025
Cert. No. 1830040S	BASIX Certificate	Energy Advance	23 January 2026
Sheets 1 - 5	Waste Management Plan		18/12/2025 Submitted to council: 28 January 2026
Project No. AIA27/01/2026, v1	Arborist Report	Arbor Express	27/01/2026
Sheets 1-24	Heritage Impact Statement	Cracknell & Lonergan	23 January 2026

		Architects Pty Ltd	
CNR-92153	Correspondence and all conditions contained therein	Sydney Water Corporation	12 March 2026

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

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

(Reason: Streetscape)

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

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

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

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

6. **DAGCZ01 - External Materials**
No existing external brickwork or fibro building in relation to the primary dwelling is to be rendered.

(Reason: To maintain heritage significance)

7. **DAGCZ02 - Impacts to the heritage item**
a) The proposed works as approved under this application must be carried out in accordance with the endorsed plans and documents, and

b) The proposed works are to be carried out in a manner that mitigates demolition, alterations and new penetrations/fixings to the significant fabric of the existing building which is listed as a Heritage Item.

(Reason: To protect heritage significance)

Conditions Which Must be Satisfied Prior to the Commencement of Demolition

8. **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)

9. **DAPDB07 - Site Safety Fencing - Demolition Only**

The site must be fenced to a minimum height of 1.8m in accordance with SafeWork NSW guidelines to prevent public access throughout demolition. The fencing must be erected before the commencement of any demolition work and be maintained until works are completed.

(Reason: Public safety)

10. **DAPDB08 - Demolition Inspections**

Council (not a private certifier) must inspect the site prior to and after demolition works. Payment of the demolition inspection fee in accordance with Council's current fees and charges policy must be made. To arrange 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)

11. **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)

12. **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)

13. 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

14. DACCA01 - Amendments to Approved Plans

Amended plans/documents shall be submitted to the Council or registered certifier prior to the issue of a Construction Certificate incorporating the following matters:

a) The proposed detached secondary dwelling and detached studio/teenage retreat shall be setback 1m from the southern rear boundary. The entire length of the rear setback area shall be designated and maintained as deep soil area. All architectural plans shall be amended accordingly prior to the issue of a Construction Certificate.

b) A privacy screen with a minimum density of 75%, and a minimum height of 1.5m from the finished floor level shall be installed along the alfresco openings located along the western side elevation and southern side elevation of the proposed secondary dwelling.

c) The Schedule of External Colours and Finishes for the proposed secondary dwelling and studio shall be amended to ensure it is sympathetic to, and consistent with, the external character and appearance of the existing heritage listed dwelling. The proposed external materials and finishes shall not deter from existing characteristics and sympathetic in style and colour to the appearance of original materials utilised for the heritage item.

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

15. DACCA02 - Application for a Construction Certificate

Construction work must not commence until a Construction Certificate has been obtained from Council or a registered certifier.

(Reason: Statutory requirement)

16. DACCA04 - Works Within 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)

17. 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 encourage protection of Council infrastructure and to fund rectification works for damaged Council infrastructure)

18. DACCB02 -Payment of Bonds, Fees and Long Service Levy

The Council or registered certifier is to ensure and obtain written proof prior to the issue of a Construction Certificate that all bonds, fees and contributions as required by this consent have been paid to the applicable authority. This includes payment of a long service levy as required under part 5 of the *Building and Construction Industry Long Service Payments Act 1986*.

(Reason: To ensure that the applicable bonds, fees and levies are paid)

19. 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 $11,298.00 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)

20. DACCB05 - Fees to be paid to Council

Types of fees	Amount	Payment timing
Demolition Inspections	$604.00	Prior to commencement of works
Damage Deposit	$2,340.00	Prior to commencement of works
Sect. 7.11 Contributions	$11,298.00 + CPI	Prior to the issue of a Construction Certificate
TOTAL	$14,242.00 + CPI where applicable	

Payment of the above fees shall be paid to Council in accordance with timing stipulated above. Please note that other fees and charges may be applicable to the proposal. Fees to be paid to Council will be determined at the time of payment in accordance with Council's adopted Fees and Charges Policy and may therefore exceed the fee amount quoted above.

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

(Reason: Statutory requirement and information)

21. 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)

22. 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)

23. 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)

24. 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)

25. DACCH01 - Translucent Glazing for Privacy in Wet Areas

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

(Reason: Privacy and amenity)

26. 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)

27. 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)

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

No line of natural drainage or any stormwater drainage channel, pipeline, pit or any other drainage infrastructure shall be filled in, relocated, diverted or otherwise unless so shown on approved development application plans.

(Reason: Adequate stormwater management)

29. **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 support for neighbouring buildings)

30. **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)

31. **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)

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

32. **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)

33. **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)

34. **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)

35. 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)

36. 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)

37. 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)

38. 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
Eucalyptus Spp. x1 (T3)	27 Essington St, Wentworthville	7	3.1
Acer nergundo x1 (T4)	27 Essington St, Wentworthville	4	2.3
Leptospermum scoparium x1 (T5)	25 Essington St, Wentworthville	2.5	1.8

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)

39. 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)

40. **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 works commencing, the applicant must submit a Road and Footpath Opening Permit application that is accompanied by detailed plans. Written approval must be obtained from the appropriate road authority under the *Roads Act 1993* for any works in the road reserve prior to the commencement of works.

Where the work is likely to have an impact on the operation of an arterial road then a Road Occupancy Licence must be obtained from the relevant road authority. The application should be lodged at least 10 days prior to the planned commencement date. When lodging the 'Application for Road Occupancy Licence' fees are payable in accordance with Council's adopted fees and charges.

(Reason: Protection of Public Assets and information)

Conditions Which Must be Satisfied During any Development Work

41. 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)

42. 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)

43. 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)

44. 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))

45. 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)

46. **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)

47. **DADWA10- Electricity and Telecommunication Connections - Dual Occupancies**

Where electricity and telecommunication connection is provided via an intermediate service pole, there may be only one pole per Torrens Title lot.

(Reason: Environmental Amenity)

48. **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)

49. **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)

50. 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)

51. 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)

52. 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)

53. 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)

54. 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)

55. 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)

56. 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)

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

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

Progress certificates in response to the above shall be produced to the Principal Certifier at the time of carrying out relevant progress inspections. Under no circumstances will work be allowed to proceed should such survey information be unavailable or reveal portions of the building higher than approved levels or closer to boundaries that what was approved.

(Reason: To ensure compliance with approved plans)

58. 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)

59. 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)

60. 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)

61. DADWC11 - Heritage - No Demolition of Extra Fabric
Alterations to, and demolition of, the existing building shall be limited to that documented on the approved plans (by way of notation) or conditioned in this consent. No approval is given or implied for removal and/or rebuilding of any portion of the existing building which is shown to be retained.

Should any portion of the existing building indicated on the approved plans to be retained, be damaged for whatever reason, all the works in the area of this damaged portion are to cease and written

notification given to Council. You must obtain written approval of Council prior to work recommencing.

(Reason: Heritage conservation)

62. 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)

63. 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)

64. 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)

65. 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)

66. 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)

67. 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

68. **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)

69. **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)

70. **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: To ensure the building is constructed in a structurally sound manner)

71. **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)

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

a) reconstruct sections of cracked or defective footpath along the full frontage of the site;

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)

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

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

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

74. **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 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)

75. **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)

76. **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)

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

(Reason: To ensure an appropriate streetscape outcome)

78. **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)

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

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

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

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

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

81. **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)

82. **DAOUC19- Waste Management Plan**
The storage, handling and disposal of waste and recyclable materials generated on the premises must be carried out in accordance with the approved Waste Management Plan. Any changes to the Waste Management Plan shall be approved by Council.

(Reason: To protect the environment)

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

(Reason: Privacy)

84. **DAOUC31 - Secondary Dwelling**
No separating fences shall be erected between the primary/principal and secondary dwelling or studio on the subject site.

(Reason: To comply with the approved development)

85. **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)

86. **DAOUZ01 - Use and Management of Detached Studio**
The studio outbuilding is to be used in association with the primary dwelling as approved under this development consent.

The studio shall remain ancillary to the primary dwelling and not be adapted to contain any kitchen, cooking facilities or provisions for such. The approved studio is not to be occupied, sold, or leased as a separate domicile or independent living unit.

The studio building shall not be adapted, altered, or used for any other purpose without the prior consent of Council.

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

Advisory Notes

87. 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.

88. 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.

89. 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.

90. 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.

91. 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.

92. 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.

93. 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.

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

95. 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 ELPP017/26

Attachment 2

Architectural Plans

SMART CHOICE
GRANNY FLATS
Unit 1/2–4 Picrite Close,
Pemulwuy NSW 2145
02 9636 6686
smartchoicegrannyflats.com.au

PROJECT : PROPOSED SECONDARY DWELLING & TEENAGE RETREAT

20 FULLAGAR ROAD, WENTWORTHVILLE NSW 2145

LOT 47 DP 10054

PAGE NO.	SHEET NAME
01	TITLE PAGE
02	SITE PLAN
03	FLOOR PLAN
04	ELEVATIONS & SECTION A
05	TEENAGE RETREAT FLOOR PLAN
06	TEENAGE RETREAT ELEVATIONS & SECTION B
07	SITE ANALYSIS
08	LANDSCAPE PLAN

HERITAGE CONSERVATION AREA (REFER TO HERITAGE IMPACT STATEMENT)

DA SUBMISSION

SUBJECT TO APPROVAL

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DA COMPLIANCE TABLE

1. LOT TYPE		
SITE AREA:	916.9m²	OK
FRONTAGE	20.115m	
2. FLOOR AREA		
ALLOWED:	N/A	OK
PRIMARY DWELLING:	113.14m²	
PROPOSED SECONDARY DWELLING:	59.95m²	
PROPOSED STUDIO:	31.57m²	
TOTAL FLOOR AREA: measured from internal face excluding garage	204.66m²	
3. SITE COVERAGE		
MAXIMUM ALLOWED:	458.45m²	
PROPOSED:	222.14m²	
4. BUILDING HEIGHT		
ALLOWED:	9.000m	OK
PROPOSED:	3.802m	
5. SIDE SETBACK		
REQUIRED:	0.900m	OK
PROPOSED:	0.940m	
6. SETBACK FROM MAIN DWELLING		
MIN. FRONT SETBACK REQ:	1.800m	OK
PROPOSED FRONT SETBACK:	7.490m	
7. SIDE SETBACK		
MIN. SIDE SETBACK REQ:	0.900m	OK
PROPOSED SIDE SETBACK:	0.940m	
8. REAR SETBACK		
MIN. REAR SETBACK REQ:	0.900m	OK
PROPOSED SIDE SETBACK:	0.940m	
9. PRIVATE OPEN SPACE		
REQUIRED:	50m² per dwelling	OK
PROPOSED:	238.13m²	
10. LANDSCAPE (TOTAL)		
REQUIRED:	183.38m²	OK
PROPOSED:	372.63m²	

BASIX SCHEDULE BASIX NO. 1830040S

WATER COMMITMENTS

FIXTURES

THE APPLICANT MUST INSTALL SHOWERHEADS WITH A MINIMUM RATING OF 4 STAR (> 6 BUT <= 7.5 L/MIN) IN ALL SHOWERS IN THE DEVELOPMENT.
THE APPLICANT MUST INSTALL A TOILET FLUSHING SYSTEM WITH A MINIMUM RATING OF 4 STAR IN EACH TOILET IN THE DEVELOPMENT.
THE APPLICANT MUST INSTALL TAPS WITH A MINIMUM RATING OF 4 STAR IN THE KITCHEN IN THE DEVELOPMENT.
THE APPLICANT MUST INSTALL BASIN TAPS WITH A MINIMUM RATING OF 4 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 THE ACCORDANCE WITH, THE REQUIREMENTS OF ALL APPLICABLE REGULATORY AUTHORITIES.
THE APPLICANT MUST CONFIGURE THE RAINWATER TANK TO COLLECT RAIN RUNOFF FROM AT LEAST 40 SQUARE METRES OF THE ROOF AREA OF THE DEVELOPMENT (EXCLUDING THE AREA OF THE ROOF WHICH DRAINS TO ANY STORMWATER TANK OR PRIVATE DAM).
THE APPLICANT MUST CONNECT THE RAINWATER TANK TO:

- ALL TOILETS IN THE DEVELOPMENT
- THE COLD WATER TAP THAT SUPPLIES EACH CLOTHES WASHER IN THE DEVELOPMENT
- AT LEAST ONE OUTDOOR TAP IN THE DEVELOPMENT (NOTE: NSW HEALTH DOES NOT RECOMMEND THAT RAINWATER BE USED FOR HUMAN CONSUMPTION IN AREAS WITH POTABLE WATER SUPPLY.)

THERMAL PERFORMANCE AND MATERIAL COMMITMENTS

SIMULATION METHOD

ASSESSOR DETAILS AND THERMAL LOADS
THE APPLICANT MUST ATTACH THE CERTIFICATE REFERRED TO UNDER "ASSESSOR DETAILS" ON THE FRONT PAGE OF THIS BASIX CERTIFICATE (THE "ASSESSOR CERTIFICATE") TO THE DEVELOPMENT APPLICATION AND CONSTRUCTION CERTIFICATE APPLICATION FOR THE PROPOSED DEVELOPMENT (OR, IF THE APPLICANT IS APPLYING FOR A COMPLYING DEVELOPMENT CERTIFICATE FOR THE PROPOSED DEVELOPMENT, TO THAT APPLICATION). THE APPLICANT MUST ALSO ATTACH THE ASSESSOR CERTIFICATE TO THE APPLICATION FOR AN OCCUPATION CERTIFICATE FOR THE PROPOSED DEVELOPMENT.
THE ASSESSOR CERTIFICATE MUST HAVE BEEN ISSUED BY AN ACCREDITED ASSESSOR IN ACCORDANCE WITH THE THERMAL COMFORT PROTOCOL.
THE DETAILS OF THE PROPOSED DEVELOPMENT ON THE ASSESSOR CERTIFICATE MUST BE CONSISTENT WITH THE DETAILS SHOWN IN THIS BASIX CERTIFICATE, INCLUDING THE COOLING AND HEATING LOADS SHOWN ON THE FRONT PAGE OF THIS CERTIFICATE AND THE "CONSTRUCTION" AND "GLAZING" TABLES BELOW.
THE APPLICANT MUST SHOW ON THE PLANS ACCOMPANYING THE DEVELOPMENT APPLICATION FOR THE PROPOSED DEVELOPMENT, ALL MATTERS WHICH THE ASSESSOR CERTIFICATE REQUIRES TO BE SHOWN ON THOSE PLANS. THOSE PLANS MUST BEAR A STAMP OF ENDORSEMENT FROM THE ACCREDITED ASSESSOR TO CERTIFY THAT THIS IS THE CASE. THE APPLICANT MUST SHOW ON THE PLANS ACCOMPANYING THE APPLICATION FOR A CONSTRUCTION CERTIFICATE (OR COMPLYING DEVELOPMENT CERTIFICATE, IF APPLICABLE), ALL THERMAL PERFORMANCE SPECIFICATIONS SET OUT IN THE ASSESSOR CERTIFICATE, AND ALL ASPECTS OF THE PROPOSED DEVELOPMENT WHICH WERE USED TO CALCULATE THOSE SPECIFICATIONS.
THE APPLICANT MUST CONSTRUCT THE DEVELOPMENT IN ACCORDANCE WITH ALL THERMAL PERFORMANCE SPECIFICATIONS SET OUT IN THE ASSESSOR CERTIFICATE, AND IN ACCORDANCE WITH THOSE ASPECTS OF THE DEVELOPMENT APPLICATION OR APPLICATION FOR A COMPLYING DEVELOPMENT CERTIFICATE WHICH WERE USED TO CALCULATE THOSE SPECIFICATIONS.
THE APPLICANT MUST SHOW ON THE PLANS ACCOMPANYING THE DEVELOPMENT APPLICATION FOR THE PROPOSED DEVELOPMENT, THE LOCATIONS OF CEILING FANS SET OUT IN THE ASSESSOR CERTIFICATE. THE APPLICANT MUST SHOW ON THE PLANS ACCOMPANYING THE APPLICATION FOR A CONSTRUCTION CERTIFICATE (OR COMPLYING DEVELOPMENT CERTIFICATE, IF APPLICABLE), THE LOCATIONS OF CEILING FANS SET OUT IN THE ASSESSOR CERTIFICATE.

CONSTRUCTION

THE APPLICANT MUST CONSTRUCT THE FLOORS, WALLS, ROOFS, CEILINGS AND GLAZING OF THE DWELLING IN ACCORDANCE WITH THE SPECIFICATIONS LISTED IN THE TABLES BELOW.
THE APPLICANT MUST SHOW THROUGH RECEIPTS THAT THE MATERIALS PURCHASED FOR CONSTRUCTION ARE CONSISTENT WITH THE SPECIFICATIONS LISTED IN THE TABLES BELOW.

GLAZING

THE APPLICANT MUST INSTALL WINDOWS, GLAZED DOORS AND SKYLIGHTS AS DESCRIBED IN THE TABLE BELOW, IN ACCORDANCE WITH THE SPECIFICATIONS LISTED IN THE TABLE.

ENERGY COMMITMENTS

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 6 STARS.

COOLING SYSTEM

THE APPLICANT MUST INSTALL THE FOLLOWING COOLING SYSTEM, OR A SYSTEM WITH A HIGHER ENERGY RATING, IN A LEAST 1 LIVING AREA: 1-PHASE AIR-CONDITIONING - NOT DUCTED; ENERGY RATING: 3 STAR (OLD LABEL)

THE BEDROOM MUST NOT INCORPORATE ANY COOLING SYSTEM, OR ANY DUCTING WHICH IS DESIGNED TO ACCOMMODATE A HEATING SYSTEM.

HEATING SYSTEM

THE APPLICANT MUST INSTALL THE FOLLOWING HEATING SYSTEM, OR A SYSTEM WITH A HIGHER ENERGY RATING, IN A LEAST 1 LIVING AREA: 1-PHASE AIR-CONDITIONING - NOT DUCTED; ENERGY RATING: 3 STAR (OLD LABEL)

THE BEDROOM MUST NOT INCORPORATE ANY HEATING SYSTEM, OR ANY DUCTING WHICH IS DESIGNED TO ACCOMMODATE A HEATING SYSTEM.

VENTILATION

THE APPLICANT MUST INSTALL THE FOLLOWING EXHAUST SYSTEMS IN THE DEVELOPMENT:
AT LEAST 1 BATHROOM: INDIVIDUAL FAN, DUCTED TO FACADE OR ROOF; OPERATION CONTROL: MANUAL SWITCH ON/OFF
KITCHEN: INDIVIDUAL FAN, DUCTED TO FACADE OR ROOF; OPERATION CONTROL: MANUAL SWITCH ON/OFF
LAUNDRY: INDIVIDUAL FAN, DUCTED TO FACADE 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-EMITTINGDIODE (LED) LAMPS.

NATURAL LIGHTING

THE APPLICANT MUST INSTALL A WINDOW AND/OR SKYLIGHT IN THE KITCHEN OF THE DWELLING FOR NATURAL LIGHTING.
THE APPLICANT MUST INSTALL A WINDOW AND/OR SKYLIGHT IN 2 BATHROOM(S)/TOILET(S) IN THE DEVELOPMENT FOR NATURAL LIGHTING.

OTHER

THE APPLICANT MUST INSTALL A GAS COOKTOP & ELECTRIC OVEN IN THE KITCHEN OF THE DWELLING.
THE APPLICANT MUST INSTALL A FIXED OUTDOOR CLOTHES DRYING LINE AS PART OF THE DEVELOPMENT.

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Northpoint

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Date 10.12.2025
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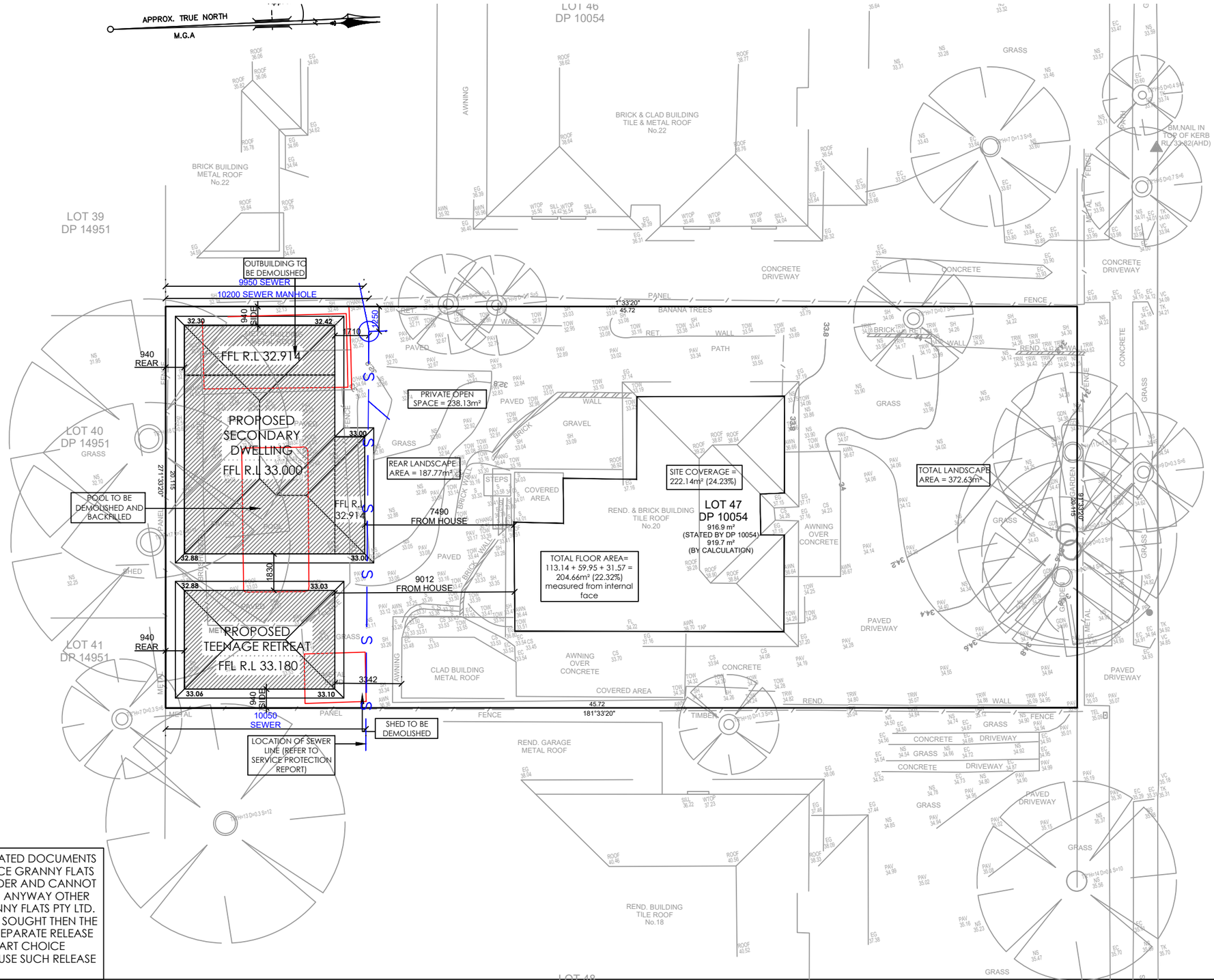

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02

Drawn by M.HANNA

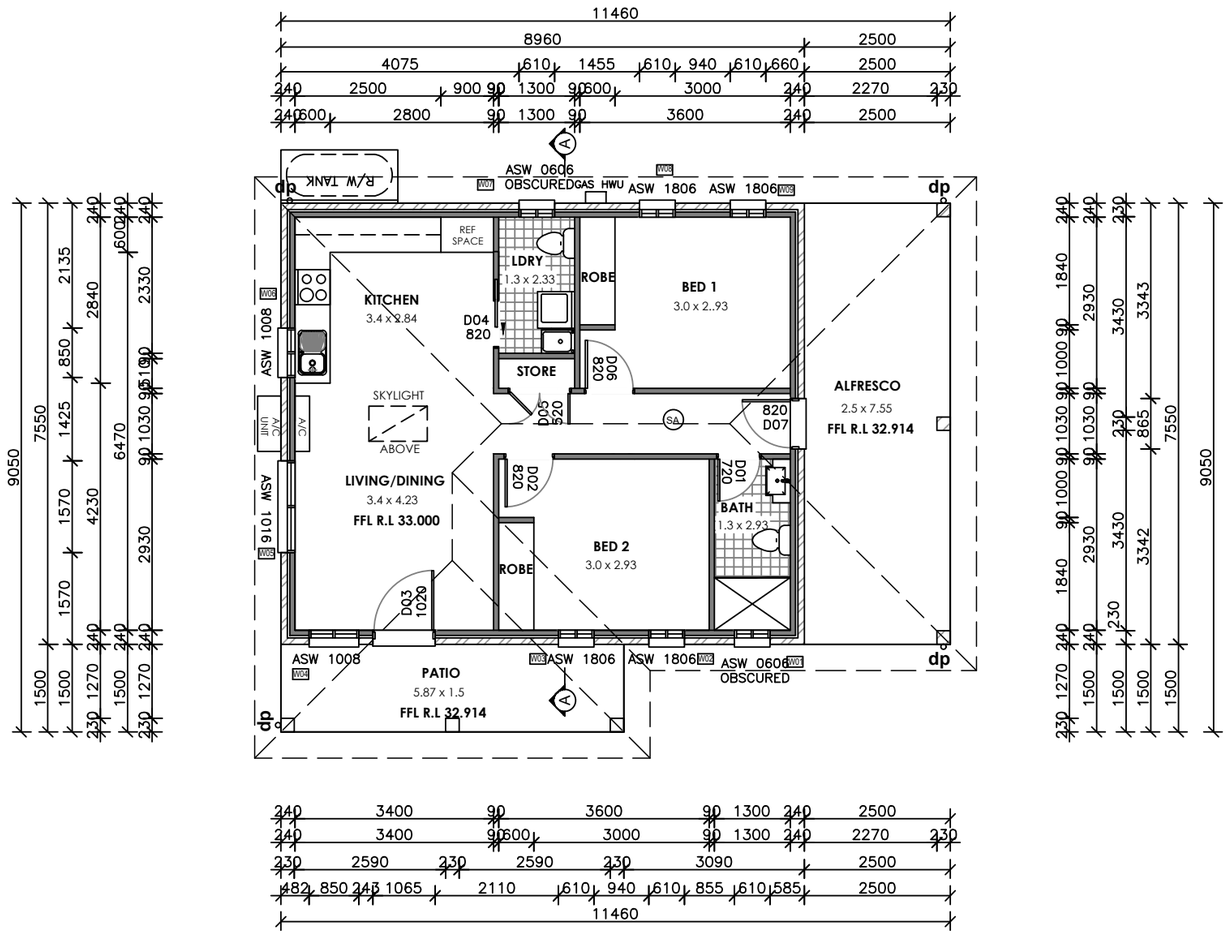
Project no.

Date 10.12.2025

SITE PLAN

WINDOW SCHEDULE

Window No.	Height	Width	Description
W01	600	610	Sliding Window
W02	1800	610	Sliding Window
W03	1800	610	Sliding Window
W04	1029	1210	Sliding Window
W05	1029	1570	Sliding Window
W06	1029	850	Sliding Window
W07	600	610	Sliding Window
W08	1800	610	Sliding Window
W09	1800	610	Sliding Window



EXISTING HOUSE

AREA SCHEDULE

TYPE	AREA
GRANNY FLAT (INTERNAL)	59.95m²
GRANNY FLAT (EXTERNAL)	67.65m²
ALFRESCO	18.88m²
PATIO	8.81m²
TOTAL	95.34m²

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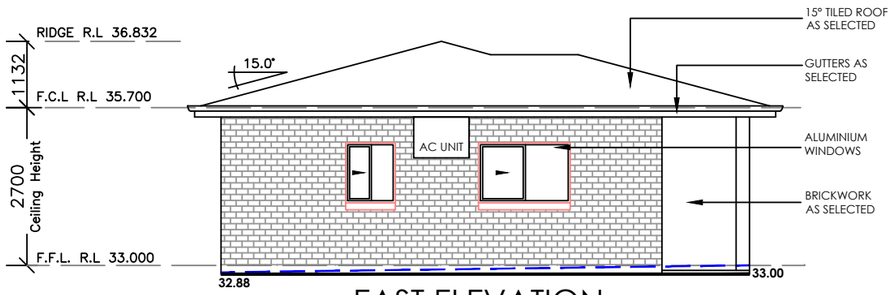
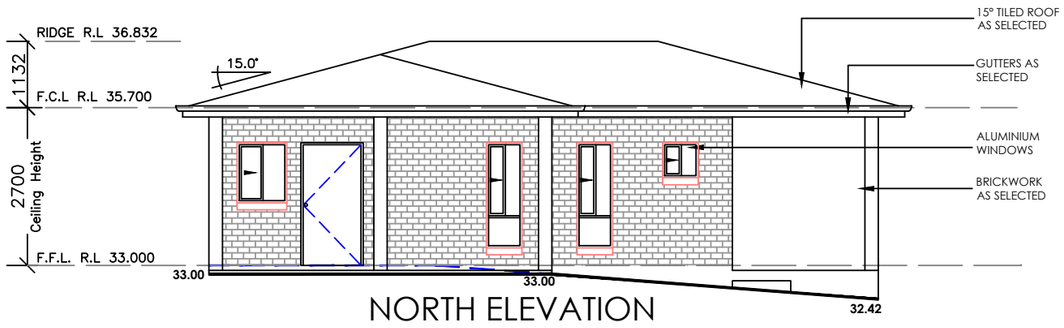
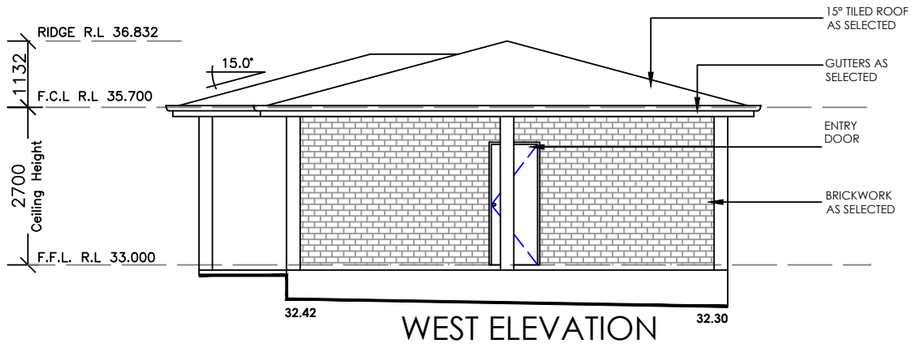
FLOOR PLAN



EAST ELEVATION



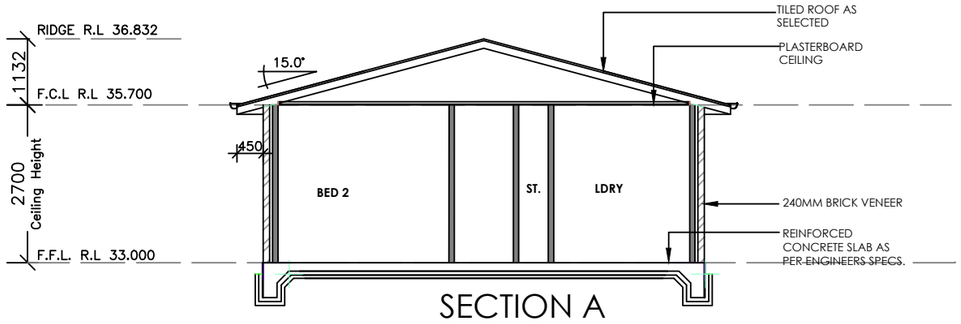
NORTH ELEVATION



WEST ELEVATION



SOUTH ELEVATION



SECTION A

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04

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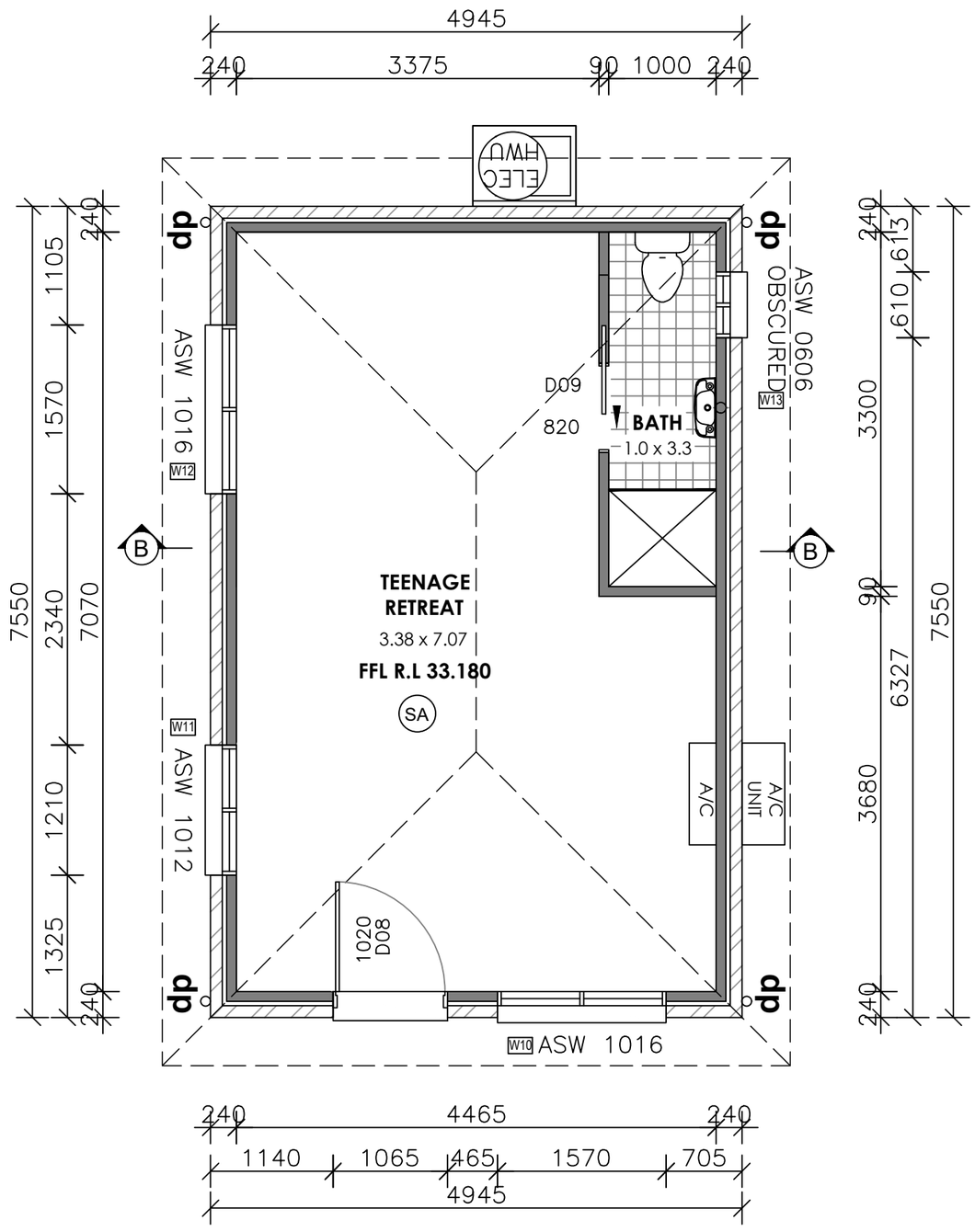
Project no.

Date 10.12.2025

ELEVATIONS & SECTION A



EXISTING HOUSE

WINDOW SCHEDULE

Window No.	Height	Width	Description
W10	1029	1570	Sliding Window
W11	1029	1210	Sliding Window
W12	1029	1570	Sliding Window
W13	600	610	Sliding Window

AREA SCHEDULE

TYPE	AREA
TEENAGE RETREAT (INTERNAL)	31.57m²
TEENAGE RETREAT (EXTERNAL)	37.33m²

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3	17.12.2025	CONCEPT PLAN 3	MH	
4	18.12.2025	DA SUBMISSION	MH	
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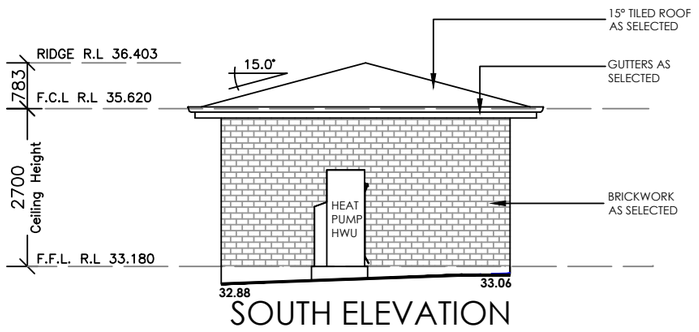
Drawn by M.HANNA | Project no.
Date 10.12.2025

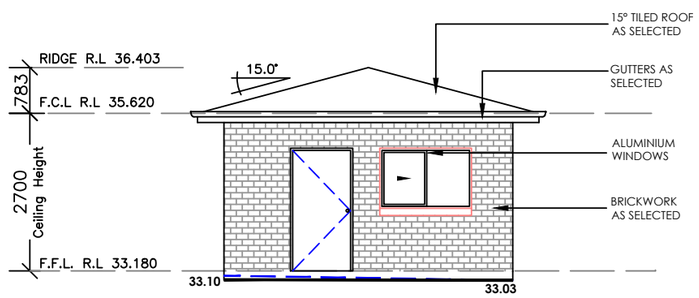
TEENAGE RETREAT FLOOR PLAN



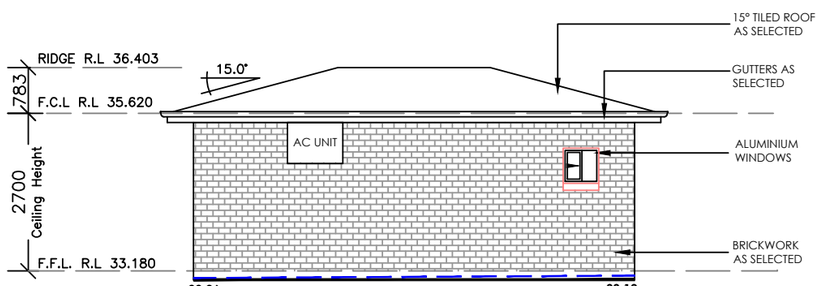
SOUTH ELEVATION



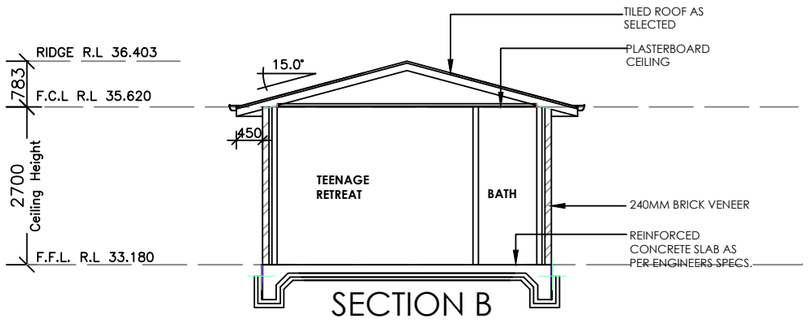
EAST ELEVATION



NORTH ELEVATION



WEST ELEVATION



SECTION B

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SMART CHOICE GRANNY FLATS

Northpoint

CLIENT: RAJESH BALKRISHNA PATIL & PRIYA RAJARAM PATIL

ADDRESS: 20 FULLAGAR ROAD, WENTWORTHVILLE NSW 2145 LOT 47 DP 10054

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4	18.12.2025	DA SUBMISSION	MH	
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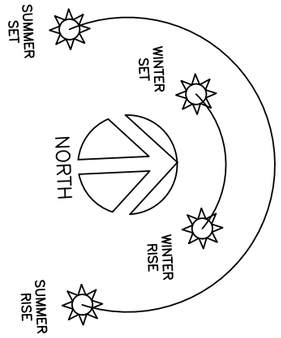
Date 10.12.2025

TEENAGE RETREAT
ELEVATIONS & SECTION B



DENOTES EXISTING TREES TO BE REMOVED BY OWNER PRIOR TO CONSTRUCTION

DENOTES EXISITNG TREES TO BE RETAINED

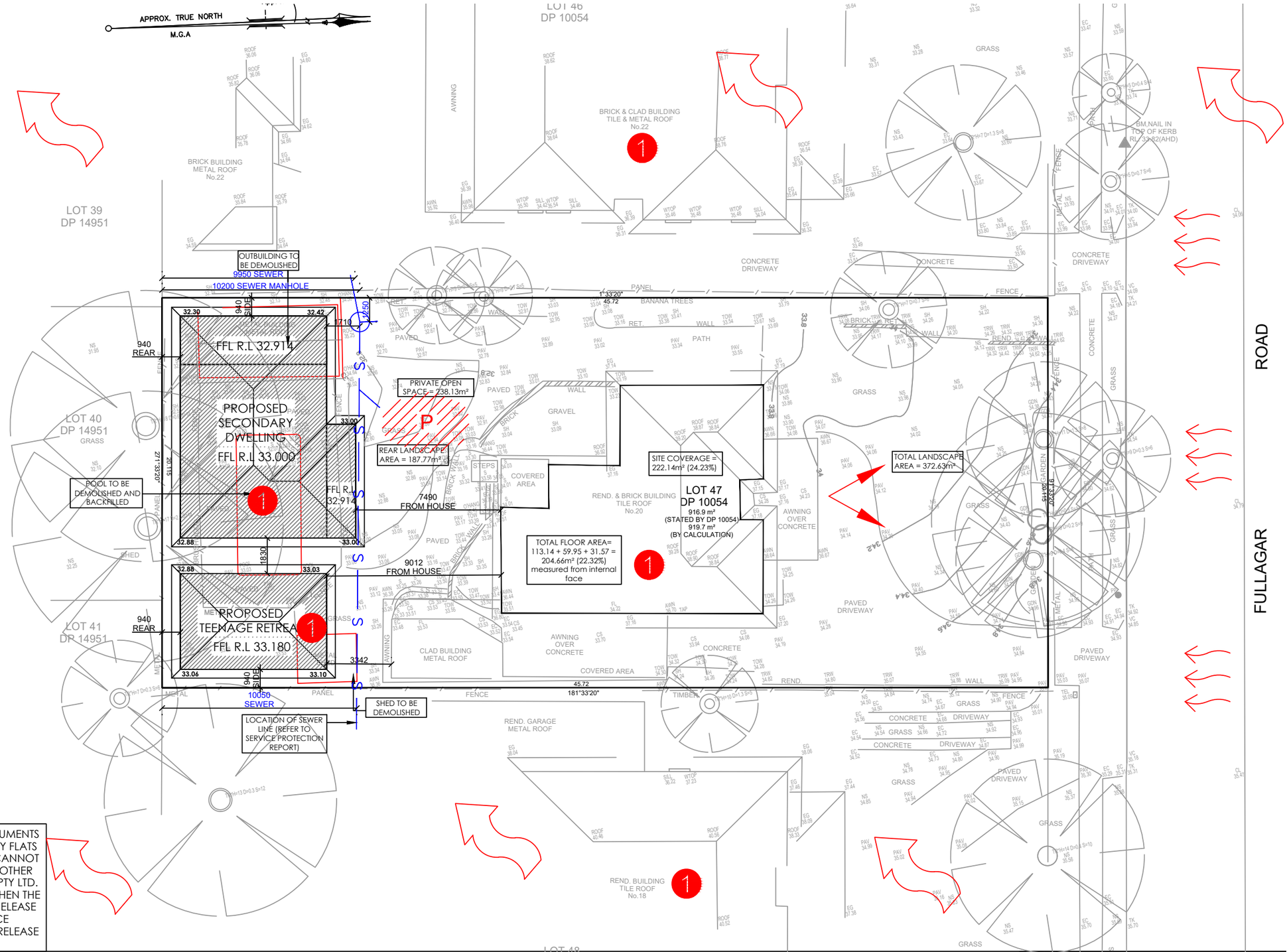
1 / 2 NUMBER OF STOREYS

P PRINCIPAL PRIVATE OPEN SPACE

MAIN VIEWS

NOISE IMPACT

PREVAILING WINDS



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5				
6				

Scale 1:200

07

Drawn by M.HANNA

Project no.

Date 10.12.2025

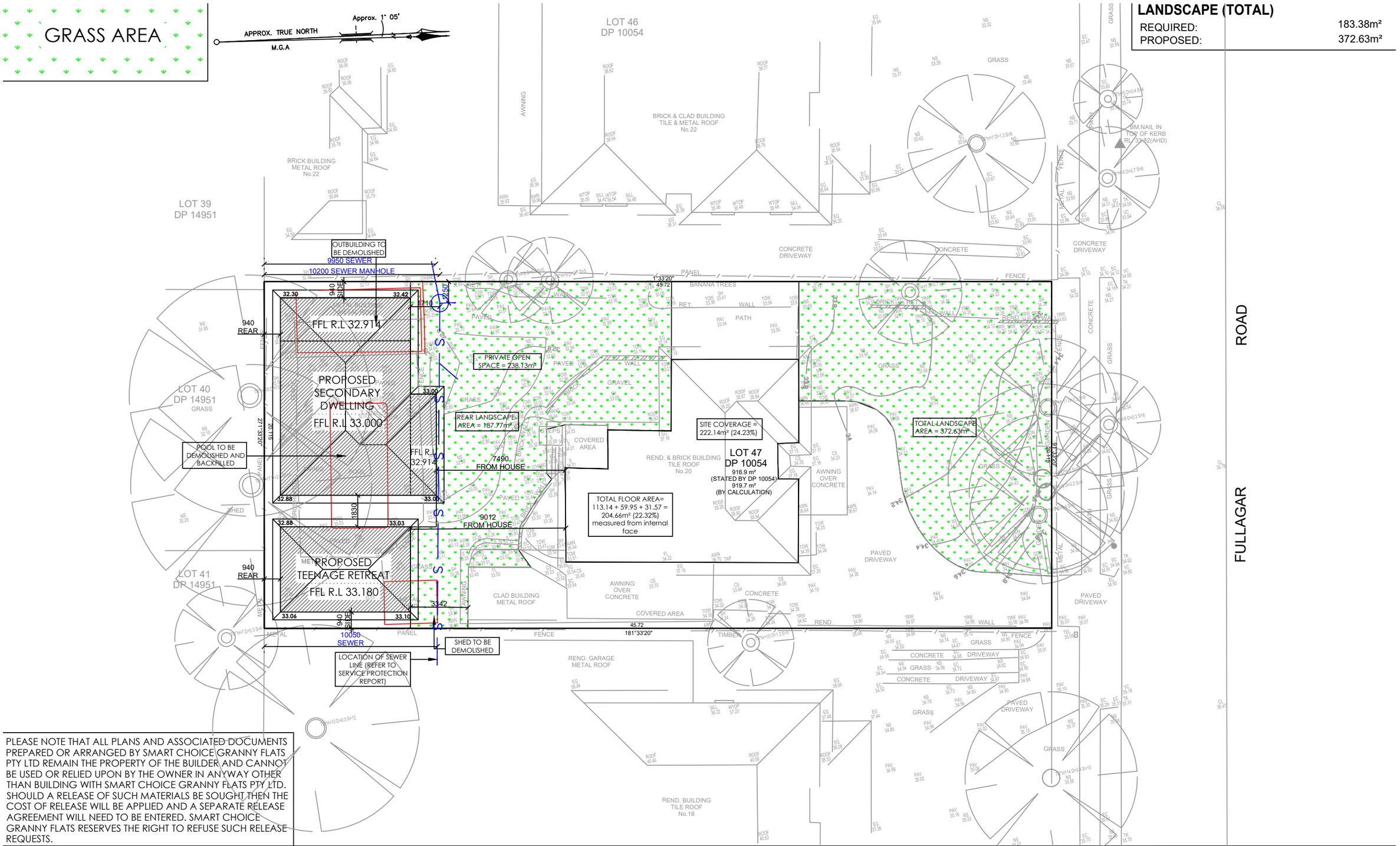
SITE ANALYSIS

GRASS AREA

APPROX. TRUE NORTH
Approx. 1° 05'
M.G.A

LANDSCAPE (TOTAL)

REQUIRED:	183.38m²
PROPOSED:	372.63m²



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SMART CHOICE GRANNY FLATS

Northpoint

CLIENT: RAJESH BALKRISHNA PATIL & PRIYA RAJARAM PATIL

ADDRESS: 20 FULLAGAR ROAD, WENTWORTHVILLE NSW 2145
LOT 47 DP 10054

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Scale 1:200 | 08
Drawn by M.HANNA | Project no.
Date 10.12.2025

LANDSCAPE PLAN

Schedule of Finishes

20 Fullagar Road,

Wentworthville

TILED ROOF:

Colour: Monument



GUTTERS:

Colour: Monument



ALUMINIUM WINDOWS:

Colour: Black



FACE BRICK:

Colour: Blackheath or similar PGH brick

ENTRY DOORS:

Colour: Timber



DOCUMENTS ASSOCIATED WITH REPORT ELPP017/26

Attachment 3

Statement of Heritage Impact

CRACKNELL & LONERGAN ARCHITECTS PTY LTD
ABN 55 100 940 501
Nominated Architect: Peter J Lonergan
NSW Architects Registration No. 5983

23 January 26

Attn: The General Manager
Cumberland City Council

The NSW Planning Portal (Online).

Dear Sir/Madam,

RE: Development Application | 20 Fullagar Road, Wentworthville NSW 2145

Statement of Heritage Impact | Construction of Secondary Dwelling and Teenage Retreat to a Heritage Item

1.0 Introduction

1.1 This Statement of Heritage Impact has been prepared to accompany an application for the proposed construction of a secondary dwelling and a teenage retreat at the site, 20 Fullagar Road, Wentworthville NSW 2145.

1.2 The site is identified in the Cumberland Local Environmental Plan 2021 as the heritage item “Inter-war bungalow” (I261), situated within the Fullagar Road Conservation Area (C2).

1.3 The proposed works include:

1.3.1 Demolition of two existing metal sheds and the pool to the rear of the site

1.3.2 Construction of a detached two bedroom granny flat and a detached teenage retreat to the rear of the site

1.3.3 No changes to the existing dwelling house0

2.0 The Site & Context

2.1 Site Identification

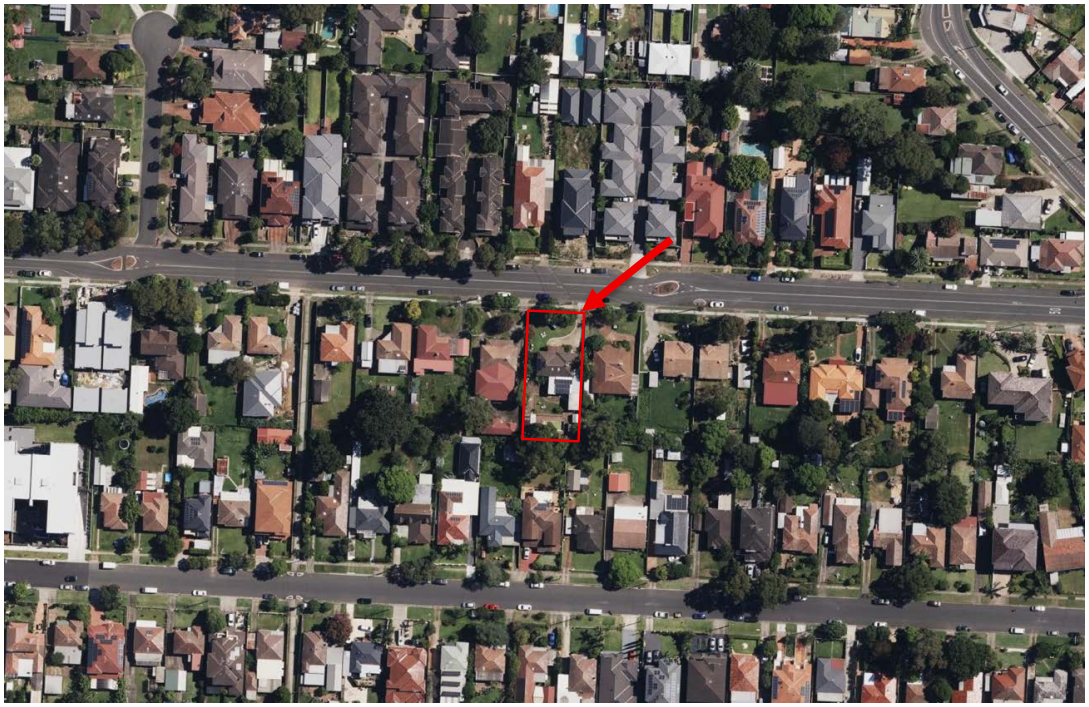
2.1.1 The subject site is located at No. 20 Fullagar Road, Wentworthville and is identified as Lot 7/-/DP10054.

2.1.2 The site is comprised of a rectangular subdivision with an area of 916.9m^2 (919.7m^2 by calculation). The site has a singular street frontage of 20.115m to Fullagar Road of 20.115m and a depth of 45.72m.

2.1.3 The site consists of a single storey rendered brick Inter-war bungalow with a tiled roof. The dwelling has a weatherboard-clad and metal-roofed rear addition. A weatherboard outbuilding, two metal sheds and a pool sit to the rear of the site.



Southwesterly view of the frontage of the subject site. / Source: Apple Maps, October 2024.



NSW SIX Maps Imagery – Aerial Map of Site Location. The subject site is indicated in red.

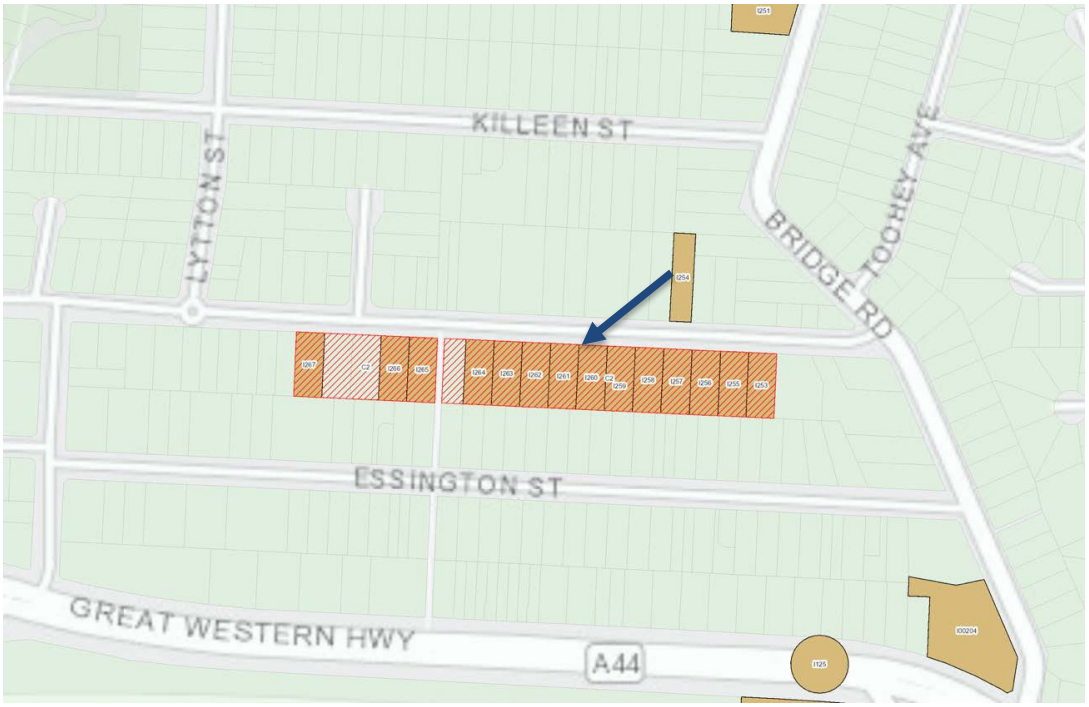


NSW SIX Maps Imagery – Historical 1943 Aerial Imagery. The subject site is indicated in red.

2.2 Cumberland Local Environmental Plan 2021 Identification

2.2.1 The subject site is identified as the local heritage item “Inter-war bungalow” (I261), situated within the Fullagar Road Conservation Area (C2).

2.2.2 The Fullagar Road Conservation Area is comprised of a row of houses originally constructed in c. 1920 as War Service Homes, providing affordable housing for returned servicemen and their families.



Detail from Cumberland Local Environmental Plan 2021 – Heritage Map. The subject site is indicated in blue.

3.0 Statutory Considerations

3.1 State Heritage Office – Standard Questions for Heritage Items

Heritage Consideration	Response
Demolition of a building or structure	
Have all options for retention and adaptive re-use been explored?	Yes. It is proposed to demolish two metal sheds and the pool situated to the rear of the site. These are later additions that are in poor condition and do not contribute to the significance of the item.
Can all of the significant elements of the heritage item be kept and any new development be located elsewhere on the site?	Yes, No significant elements of the heritage item will be affected by the proposal. New development is located to the rear of the site and will be detached from the heritage dwelling.
Is demolition essential at this time or can it be postponed in case future circumstances make its retention and conservation more feasible?	Yes. The proposed demolition will allow for new dwellings to be constructed, providing additional housing for a rapidly densifying area. The retention and conservation of the elements proposed to be demolished will not contribute to the significance of the item.
Has the advice of a heritage consultant been sought? Have the consultant's recommendations been implemented? If not, why not?	Yes. This report satisfies the requirement for seeking appropriate heritage advice as part of the development and heritage assessment process.
New development adjacent to a heritage item (including additional buildings and dual occupancies)	
How is the impact of the new development on the heritage significance of the item or area to be minimised?	The proposed additions are situated to the rear of the site, do not increase the building height and are detached from the primary dwelling. As such, they will not affect any significant fabric and will be minimally visible from the streetscape, maintaining the single storey Inter-war bungalow profile of the heritage item.
Why is the new development required to be adjacent to a heritage item?	The proposed development provides an additional two-bedroom dwelling and teenage retreat on the site. The development will provide additional housing whilst maintaining the existing low density residential character of the zone. The proposed additional dwelling and teenage retreat cannot be reasonably accommodated within the existing heritage dwelling, and the rear of the site is currently occupied by a pool and metal sheds that are inappropriate for conversion into residences.

Heritage Consideration	Response
How does the curtilage allowed around the heritage item contribute to the retention of its heritage significance?	The proposed granny flat and teenage retreat will be appropriately located to the rear of the site and will be detached from the main dwelling, with landscaped area maintaining a curtilage around the heritage item and providing private open space to the residents of the site.
How does the new development affect views to, and from, the heritage item? What has been done to minimise negative effects?	The proposed additions are situated to the rear of the site, do not increase the building height and are detached from the primary dwelling. As such, they will be minimally visible from the streetscape and significant views to and from the heritage item are maintained.
Is the development sited on any known, or potentially significant archaeological deposits? If so, have alternative sites been considered? Why were they rejected?	The subject site is not sited upon known or potentially significant archaeological deposits. A desktop review of relevant planning maps applicable to the area does not suggest the site contains or potentially contains or is adjacent to items of potential archaeological significance.
Is the new development sympathetic to the heritage item? In what way (e.g. form, siting, proportions, design)?	The proposed additions are situated to the rear of the site, do not increase the building height and are detached from the primary dwelling. The proposed granny flat and teenage retreat are single storey and will be constructed with tiled hip roofs and face brick. This is a characteristic materiality and form throughout the heritage conservation area. The proposed structures will be situated at the rear of the site and will be minimally visible from the streetscape. The single storey Inter-war bungalow character of the heritage item will be retained.
Will the additions visually dominate the heritage item? How has this been minimised?	
Will the public, and users of the item, still be able to view and appreciate its significance?	

3.2 Cumberland City Council Heritage Inventory Management Guidelines

3.2.1 Whilst no management guidelines are provided on the NSWOEH State Heritage Inventory Sheets for the conservation area and item, Cumberland City Council provides a series of detailed inventory sheets of heritage items and conservation areas within the local government area, authored by Extent Heritage in 2019. An inventory sheet is provided for the Fullagar Road Conservation Area as a whole.

3.2.2 Fullagar Road Conservation Area

Objective/Provision	Response
Maintain this item's listing as a Heritage Conservation Area.	Not Applicable.
The heritage curtilage for this item should be revised/reduced.	Not Applicable.
Original fabric is highly significant and should be maintained.	Complies. No changes are proposed to the original dwelling house. Demolition is limited to non-original outbuildings and the proposed granny flat and teenage retreat are detached from the primary dwelling.
Unsympathetic alterations that detract from the cultural significance of the item should be removed.	Complies. No changes are proposed to the existing heritage dwelling. Non-original outbuildings to the rear are demolished in the proposal.
Maintain heritage landscape elements and schemes	Complies. The proposal retains the existing front and rear yards.
Maintain the existing setting of the heritage item, informed by the historic pattern of neighbouring development (form, scale, bulk, setback and height).	Complies. The proposed granny flat and teenage retreat are single storey and will be constructed with tiled hip roofs and face brick. This is a characteristic materiality and form throughout the heritage conservation area The proposed structures will be situated at the rear of the site and will be minimally visible from the streetscape. The single storey Inter-war bungalow character of the heritage item will be retained.
Maintain the historic aesthetic/character of the item and area (e.g. paint scheme, materiality, style, landscape elements).	
Alterations and additions should respond to the existing pattern of development, with careful consideration of the setting (form, scale, bulk, setback and height).	
New alterations and additions should respect the historic aesthetic/character of the item and area (e.g. paint scheme, materiality, style, landscape elements).	

3.3 Cumberland Local Environmental Plan 2021

3.3.1 5.10 Heritage Conservation

Objective/Provision	Response
(1) **Objectives** The objectives of this clause are as follows—	
(a) to conserve the environmental heritage of Cumberland	Complies. The heritage item is retained and conserved in the proposal. The proposed additions are situated to the rear of the site, do not increase the building height and are detached from the primary dwelling. As such, they will not affect any significant fabric and will be minimally visible from the streetscape, maintaining the single storey Inter-war bungalow profile of the heritage item and appropriately preserving significant settings and views.
(b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,	
(c) to conserve archaeological sites,	Not Applicable. The subject site is not identified as a site of archaeological significance.
(d) to conserve Aboriginal objects and Aboriginal places of heritage significance.	Not Applicable. The subject site is not listed as an Aboriginal place of heritage significance and is not known to contain Aboriginal archaeological potential.
(2) **Requirement for Consent** Development consent is required for any of the following—	Consent Required. Consent is required and sought as the subject site is identified as a heritage item and the demolition of existing rear structures and construction of a new granny flat and teenage retreat is proposed.
(a) demolishing or moving any of the following or altering the exterior of any of the following (including, in the case of a building, making changes to its detail, fabric, finish or appearance)— (i) a heritage item, (ii) an Aboriginal object, (iii) a building, work, relic or tree within a heritage conservation area,	Consent Required. The subject site is identified as a heritage item. The proposal is to demolish the existing metal sheds and swimming pool to the rear of the site and construct a new two-bedroom granny flat and teenage retreat.

Objective/Provision	Response
(b) altering a heritage item that is a building by making structural changes to its interior or by making changes to anything inside the item that is specified in Schedule 5 in relation to the item,	Not Applicable. No changes, structural or otherwise, are proposed to the interior of the building.
(c) disturbing or excavating an archaeological site while knowing, or having reasonable cause to suspect, that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed,	Not Applicable. The subject site is not identified as a site of archaeological significance.
(d) disturbing or excavating an Aboriginal place of heritage significance,	Not Applicable. The subject site is not listed as an Aboriginal place of heritage significance and is not known to contain Aboriginal archaeological potential.
(e) erecting a building on land— (i) on which a heritage item is located or that is within a heritage conservation area, or (ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance,	Consent Required. The subject site is identified as a heritage item. The proposal is to demolish the existing metal sheds and swimming pool to the rear of the site and construct a new two-bedroom granny flat and teenage retreat.
(f) subdividing land—	Not Applicable. No subdivision is proposed.
(3) **When consent is not required**	Not Applicable. Consent is required and sought.
(4) **Effect of proposed development on heritage significance** The consent authority must, before granting consent under this clause in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned. This subclause applies regardless of whether a heritage management document is prepared under subclause (5) or a heritage conservation management plan is submitted under subclause (6).	Complies. The following assessment letter and accompanying documentation provides for information necessary to facilitate the assessment of the proposed development on the heritage significance of the item.

Objective/Provision	Response
(5) **Heritage assessment** The consent authority may, before granting consent to any development— (a) on land on which a heritage item is located, or (b) on land that is within a heritage conservation area, or (c) on land that is within the vicinity of land referred to in paragraph (a) or (b), require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.	Complies. This report satisfies the requirement for providing a heritage management and assessment document which considers the potential impacts of the work upon the heritage significance of the site.
(6) **Heritage conservation management plans**	Not Applicable. The proposal is not a State heritage item and does not affect a State heritage item. In this instance, a Conservation Management Plan is not considered warranted.
(7) **Archaeological sites**	Not Applicable. The subject site is not known to contain or potentially contain, or be adjacent to items of potential archaeological significance.
(8) **Aboriginal places of heritage significance**	Not Applicable. The subject site is not listed as an Aboriginal place of heritage significance and is not known to contain Aboriginal archaeological potential.
(9) **Demolition of nominated State heritage items**	Not Applicable. The subject site does not involve the demolition of a nominated state heritage item.
(10) **Conservation Incentives**	Not Applicable. The subject development does not seek to benefit from the conservation incentives afforded under this clause.

3.4 Cumberland Development Control Plan 2021

3.4.1 Relevant consideration of Part G2 - Heritage of the Cumberland DCP 2021 has been summarised and responded to below.

3.4.2 2.1 Development requirements for environmental heritage

The site is identified as the heritage item “Inter-war bungalow” (I261), situated within the Fullagar Road Conservation Area (C2). The item is retained and conserved in the proposal. This report satisfies the requirement for providing a heritage management and assessment document which considers the potential impacts of the work upon the heritage significance of the site.

3.4.3 2.2 Conservation and development works on heritage items

The heritage item is retained and conserved in the proposal. No works are proposed to the original heritage building.

The proposed additions are situated to the rear of the site, do not increase the building height and are detached from the primary dwelling. As such, they will not affect any significant fabric and will be minimally visible from the streetscape, maintaining the single storey Inter-war bungalow profile of the heritage item and appropriately preserving significant settings and views.

The proposed granny flat and teenage retreat are single storey and will be constructed with tiled hip roofs and face brick. This is a characteristic materiality and form throughout the heritage conservation area.

No garages or carports are proposed.

The proposal retains the existing front and rear yards, with landscaped area maintaining a curtilage around the heritage item and an appropriate “buffer” space between the original building and the new development.

3.4.4 2.3 Specific development controls for Heritage Conservation Areas

The site is situated within the Fullagar Road Conservation Area (C2).

The existing heritage dwelling is retained in the proposal. No works are proposed to the original building.

The proposed granny flat and teenage retreat are single storey and will be constructed with tiled hip roofs and face brick. This is a characteristic materiality and form throughout the heritage conservation area, and is consistent with the existing scale of development. The proposed additions are situated to the rear of the site, do not increase the building height and are detached from the primary dwelling. As such, they will not affect any

significant fabric and will be minimally visible from the streetscape, maintaining the single storey Inter-war bungalow profile of the heritage item and appropriately preserving significant settings and views.

No changes are proposed to the existing non-original gates and fencing.

No garages or carports are proposed.

No subdivision Is proposed.

The proposal retains the existing front and rear yards, with landscaped area maintaining a curtilage around the heritage item and providing private open space to the residents of the site. “

3.4.5 2.4 Specific controls for development in the vicinity of a heritage item

The subject site is situated in a row of heritage items, all single storey Inter-war bungalows.

There is an existing pattern of secondary development to the rear of these sites. The proposed granny flat and teenage retreat are single storey and will be constructed with tiled hip roofs and face brick. This is a characteristic materiality and form throughout the heritage conservation area, and is consistent with the existing scale of development.

The proposed additions are situated to the rear of the site and are appropriately scaled, and as such will maintain the existing streetscape character and be of minimal impact to the surrounding heritage items.

3.4.6 2.5 Specific conservation area controls

- 2.5.3 Fullagar Road Conservation Road [sic]

The heritage item is retained and conserved in the proposal. No works are proposed to the original heritage building.

The proposed granny flat and teenage retreat are single storey and will be situated to the rear of the existing building.

3.4.7 2.6 Conservation incentives

Not applicable. The proposal does not seek to apply heritage conservation incentives.

4.0 Conclusion

4.1 In considering the proposed development at No. 20 Fullagar Road, Wentworthville and in recognising that any change to a heritage item or heritage conservation area is never taken lightly, it is concluded that the proposed works are considered acceptable within their context. The proposed works will allow for the orderly and economic use and development of land, as per the Environmental Planning and Assessment Act 1979, and the continued residential use of the site in a densifying area. The design presents a proposal that is consistent with the materiality, bulk, scale, height, and form of the heritage conservation area, and is respectful of the existing heritage dwelling on the site.

4.2 This report recognises that changes to heritage items require careful consideration and to that end, a detailed review of the statement of significance of the heritage item, along with its associated management policies have been reviewed. Beyond this, assessment of the proposal against the numerous controls and provisions of the Cumberland Local Environmental Plan 2021 and Cumberland Development Control Plan 2021 has been considered. Ultimately, it is believed that this proposal is consistent with the objectives of heritage conservation as stated within the LEP and is also consistent with the maintenance of the streetscape character and key vistas which mediate and maintain the dominant street frontage. It is on this basis that this Statement of Heritage Impact concludes that the proposal is considered acceptable and should not be restricted on the grounds of heritage.

Regards,



Peter Lonergan
Director | Cracknell & Lonergan Architects Pty Limited
Nominated Architect: Peter J Lonergan | Registration No. 5983

Appendix A | Cumberland City Council Heritage Inventory Sheet – Fullagar Road Conservation Area

CUMBERLAND CITY COUNCIL

Heritage Inventory Sheet

Item Name	Fullagar Road Conservation Area		
Recommended Name	Fullagar Road War Service Homes Group Conservation Area		
Site Image			
Address	6-38 Fullagar Road, Wentworthville NSW 2145		
Lot/Section/DP	54-40	-	10054
	44a	-	10054
	1-2	-	1205855
	106	-	14951
Draft Cumberland LEP ID	C5		
Former LEP ID	C2 (Holroyd LEP)		
Heritage Conservation Area	This item is a Heritage Conservation Area		
Date Updated	November 2020		
Significance Level	LOCAL		
Site Type	Level 1	Complex / Group	
	Level 2	Residential buildings (private)	

Heritage Study 2019 – Extent Heritage Pty Ltd

CUMBERLAND CITY COUNCIL

Curtilage Map



Revised curtilage – refer below.

Statement of Significance

The Fullagar Road War Service Homes Group Conservation Area is a locally significant conservation area for its historic, aesthetic, social and representative values, and likely qualifies for listing on the State Heritage Register. The area includes fourteen houses historically associated with the post-World War I Commonwealth government initiative, under the War Service Homes Act, to provide affordable housing for returned servicemen and their families. The War Service Homes Act was one Commonwealth policy of rehabilitating ex-servicemen and their dependants. Built in 1920, the Fullagar Road War Service Homes Group forms one of the earliest War Service Homes estates built in Western Sydney by the War Services Homes Commission. Collectively, the Conservation Area forms a visually cohesive and aesthetically significant collection of Interwar style dwellings that illustrate the use of standardised designs prepared by the Commission. The Group provides evidence of the architectural attitudes to housing service personnel in the years immediately following World War I. The Group is a large and intact representative example of Inter-War service homes in Western Sydney. The group is also socially significant to the local community and commemorates the local veterans that occupied the houses, providing a vital contextual link to the local community of Wentworthville and World War I.

Criteria Assessment	
a) Historic	Built in c.1920, the group forms one of the earliest War Service Homes estates built in Western Sydney by the War Services Homes Commission. The houses are historically associated with a post-World War I Commonwealth government initiative, under the War Service Homes Act, to provide affordable housing for returned servicemen and their families. The War Service Homes Act was one Commonwealth policy of rehabilitating ex-servicemen and their dependants.

Heritage Study 2019 – Extent Heritage Pty Ltd

b) Associative	The group is associated with the War Services Homes Commission.
c) Aesthetic/Technical	Built in 1920, the Fullagar Road War Service Homes Group forms one of the earliest War Service Homes estates built in Western Sydney by the War Services Homes Commission. Collectively, the group forms a visually cohesive and aesthetically significant collection of Interwar style dwellings that illustrate the use of standardised designs prepared by the Commission. The Group provides evidence of the architectural attitudes to housing service personnel in the years immediately following World War I.
d) Social	The group is also socially significant to the local community and commemorates the local veterans that occupied the houses, providing a vital contextual link to the local community of Wentworthville and World War I.
e) Scientific	The item does not meet this criterion.
f) Rarity	The item does not meet this criterion.
g) Representativeness	The Group is a large and intact representative example of Inter-War service homes in Western Sydney.

Physical Description

The War Service Homes Group consists of a group of fourteen 1920 Inter-War Bungalows of two distinct styles; rendered or face brick with classical style details, or face brick with Federation style details. The built character of the War Service Homes Group Conservation Area is distinguished by the continuity in built form, height, setback and pattern of development. The group contain deep setbacks along the Fullagar Road frontage and retain their original subdivision boundaries. The curtilage of the Conservation Area is enhanced through the retention of the original subdivision pattern and the consistent visual, physical, historical and function link between each dwelling located along this portion of Fullagar Road. The retained context of the Conservation Area assists the interpretability of the area's significance.

The character of the conservation area is further enhanced by the vegetated landscapes within the front yard. These consist of garden beds, hedging and a mix of exotic and native plantings along the front fence and front façade. Plantings identified include frangipani trees, palms conifers, gum trees among others.

Between the road and the footpath, the streetscape includes a nature strip of grass. Within the grassed verge along the footpath are some small street trees that provide additional landscaping to the already established front garden. Fullagar Road is a modern road base with a concrete gutter, grassed verge and concrete footpath. The landscape elements of the Conservation Area typify the Garden City Movement in town planning.

There is an inconsistent fencing style along the Fullagar Road. There is a mix of timber picket fences, timber post and wire mesh fences, rendered brick fences, decorative concrete fences and metal loop-top palisade fences present within the Conservation Area. Some properties do not have a fence and use plantings to mark the boundary to Fullagar Road. Appropriate fencing would include timber picket fences, timber post and wire mesh fences, rendered brick fences, decorative concrete fences as opposed to metal loop top palisade fences.

Within the streetscape, elements of importance include the bronze plaques inlaid in the footpath out the front of most listed items providing an important social context of the Anzac residents who originally lived in each dwelling.

For detail on individual heritage items within the conservation area, refer to the relevant listing sheets for the items.

Overall the group is well-maintained, and their condition is generally known to be good. There is some deteriorated timberwork and fencing elements that require repair work.

Condition	**Good**	Fair	Poor

Alterations and Additions

The conservation area presents a highly intact streetscape indicative of the pattern of development in Wentworthville, c.1920s. Generally, the built environment has retained the original subdivision pattern, form and scale of the standardised 1920 Inter-War Bungalows built by the War Services Homes Commission.

Integrity	**High**	Moderate	Low

** element detracts from the overall cultural significance of the place*

Historical Notes

Construction years	1919-1923

In 1819, after European settlement, the Wentworthville area came under the tenure of D'Arcy Wentworth. Wentworth (1762-1827) was an Irish medical practitioner and public servant who settled in Australia in June 1790. Wentworth was a substantial land holder in the early colony, he appears to have obtained his first grant of about 147 acres at Parramatta from Governor Hunter in 1799; by 1821, he had been awarded a total of 17,000 acres, 2200 acres of which were located in the Wentworthville area. When he passed away in 1827, his will disposed of approximately 22,000 acres of land which was eventually subdivided into the existing allotments of Wentworthville today. The sites closest to the railway line were sold and developed first because of its proximity to the railway line, although it was not until 1883 that Wentworthville received a station known as T.R Smith's Platform. The name Wentworthville was later adopted in 1880. The establishment of the railway station attracted residents to the area, Wentworth's holdings were subdivided into 600 lots. Wentworthville was proclaimed a town in 1890.

The subject property formed part of the 1065-acre Government Domain that was subdivided into a mix of 20 acre and 50 acre allotments. In 1859, William Fullagar purchased over 37 acres between Fullagar Road, the Great Western Highway, Toongabbie Creek and Bridge Road. Fullagar purchased extensive tracts in the present-day Westmead and Wentworthville at this time.

In 1920, the land along Fullagar Road was subdivided and purchased by the War Service Homes Commission. The War Services Homes Commission was a Commonwealth government initiative established under the War Services Act 1919 to assist the rehousing of returned soldiers and their families. The commission aided veterans through low interest rate loans to construct a new house, purchase or complete an existing house, or discharge an existing mortgage. The focus of the Commission during the first two years was focused on the construction of new houses, a measure "designed to help solve, and not accentuate the national housing problem". The houses built by the Commission were to a standard design under the direction of their principal architect.

By 1923, the collection of bungalows along Fullagar Road had been completed. The houses constructed by the commission had a distinct style based on Colonial Revival and Californian Bungalow designs. The sudden increase in settlement along Fullagar Road during the 1920s is illustrated in the Sands Directory.

A number of the properties were individually purchased throughout the 1940s and 1950s. A summary of purchases is listed below:

- The property at No.6 was individually purchased by William Keary in 1947.
- A commemorative plaque notes the ANZAC Residents of 8 Fullagar Road included Thomas Henry Walmsley (1921), Robert Colin Tinker (1927) and Alfred Weller (1928).
- The property at No.6 was individually purchased by Lionel Anthes in 1951.

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- The property at No.12 was individually purchased by Victor Fear in 1942. However, the commemorative plaque notes the ANZAC Resident of 12 Fullagar Road was John Patrick Golding (1924-1926).
- The property at No.14 was individually purchased by William Kelly in 1949.
- The Sands Directory notes that Clyde Johnstone Young occupied the property at No.16. This is also noted on the commemorative plaque fronting the dwelling. In 1976, the property was transferred to Young's widow.
- The property at No.18 was individually purchased by James Sutton in 1951. Sutton was in living in the residence from 1926.
- The property at No.20 was individually purchased by James Arkins in 1949.
- The property at No.22 was individually purchased by Caradog Davies in 1942. The dwelling is currently occupied by a community health centre, known as Rosewood Cottage. Rosewood Cottage provides aged respite to people from English and Arabic speaking backgrounds.
- The property at No.24 was individually purchased by Frank Palister in 1958, who also purchased other properties on Fullagar Road at this time. The commemorative plaque notes Roland Bernard Elliot was the ANZAC resident living at the property from 1925.
- The property at No.26 was individually purchased by Bessie More in 1949.
- The property at No.30 was individually purchased by Frank Pallister in 1958.
- The property at No.32 was individually purchased by Reinne Herbert in 1959. The commemorative plaque notes the Anzac Resident of No.32 was Luke Sanders Deviland from 1922 to 1923.

The property at No. 38 was individually purchased by Frederick Bridges in 1951.

Recommendations

Heritage Management		Existing Built and Landscape Elements		Future Development and Planning	
1. Maintain this item's heritage listing on the LEP.		**6.** Original fabric is highly significant and should be maintained.	X	**12.** Alterations and additions should respond to the existing pattern of development, with careful consideration of the setting (form, scale, bulk, setback and height).	X
2. Maintain this item's listing as part of the Heritage Conservation Area.	X	**7.** Unsympathetic alterations that detract from the cultural significance of the item should be removed.	X	**13.** New alterations and additions should respect the historic aesthetic/character of the item and area (e.g. paint scheme, materiality, style, landscape elements).	X
3. Consider delisting as an individual item from the LEP.		**8.** Maintain heritage landscape elements and schemes.	X	**14.** Future uses for this item should be compatible with its historical functions/ associations.	
4. Consider additional research to nominate this item for the State Heritage Register.		**9.** Maintain the existing setting of the heritage item, informed by the historic pattern of neighbouring development (form, scale, bulk, setback and height).	X		
5. The heritage curtilage for this item should be revised/reduced.	X	**10.** Maintain the historic aesthetic/character of the item and area (e.g. paint scheme, materiality, style, landscape elements).	X		

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	11. The condition of this item is poor. Condition and maintenance should be monitored.		

Other recommendations and/or comments:

- The historic buildings on this site should be investigated further for their potential to be listed on the State Heritage Register (SHR). It appears to be of State significance for its historic, aesthetic, social and representative values.
- A Conservation Management Plan (CMP) should be prepared for this site to understand in greater detail the history and significance of the place, as well as how to manage change.
- Draft a new or revised site-specific Development Control Plan for this Heritage Conservation Area to ensure the heritage values of the Group are protected during development of the Group or neighbouring properties.
- To ensure the roadside kerb, street trees, footpath and immediate streetscape setting is protected, the heritage curtilage shown below should be considered as a revised curtilage for the Cumberland LEP.
- Should a revised curtilage be adopted, this listing sheet will no longer reflect the correct Lot/DP and will need to be altered.
- There is an inconsistent fencing style with the Heritage Conservation Area. Should the opportunity arise, it is recommended that appropriate fencing be reinstated. Appropriate fencing includes timber picket fences, timber post and wire mesh fences, rendered brick fences and decorative concrete fences. Metal loop top palisade fences are considered inappropriate.



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Listings		
Heritage Listing	Listing Title	Listing Number
Heritage Act – State Heritage Register	N/A	-
Local Environmental Plan	Fullagar Road Conservation Area	C5
Heritage Study	Fullagar Road Conservation Area	C5
National Trust Australia Register	N/A	-

Previous Studies			
Type	Author	Year	Title
Heritage Study	Extent Heritage Pty Ltd	2019	Cumberland LGA Heritage Study
Heritage Study	Graham Brooks and Associates Pty Ltd	1998	Holroyd Heritage Inventory Review
Heritage Study	Neustein & Associates	1992	Holroyd Heritage Study

Other References

- Auchmuty, JJ 1967. 'Wentworth, D'Arcy (1762-1827)', Australian Dictionary of Biography.
- Elias, J and Coppins, S 2013. *Pictorial History Holroyd.* Kingsclear Books, Alexandria.
- Karskens, G. 1991. *Holroyd - A Social History of Western Sydney.* Sydney: University NSW Press.
- Commonwealth Department of Housing 1969. *War Services Homes Jubilee 1919-1969.* Canberra: Government Printing Office.

Limitations

1. Access to all heritage items was limited to a visual inspection from the public domain. The interiors of buildings and inaccessible areas such as rear gardens were not assessed as part of this heritage study.

2. Condition and site modification assessment was limited to a visual inspection undertaken from the public domain.

3. Unless additional research was required, historical research for all heritage items was based on an assessment of previous LGA heritage studies, the Thematic History (prepared by Extent Heritage, 2019) and existing information in former heritage listing sheets.

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Additional Images



Streetscape of Fullagar Road



Footpath and street trees of Fullagar Road.



No. 6 Fullagar Road.



No. 8 Fullagar Road.



No. 10 Fullagar Road.



No. 12 Fullagar Road.



No. 14 Fullagar Road.



No. 16 Fullagar Road.

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No. 18 Fullagar Road.


No. 20 Fullagar Road.


No. 22 Fullagar Road.


No. 24 Fullagar Road.


No. 26 Fullagar Road.


No. 30 Fullagar Road.


No. 32 Fullagar Road.


No. 38 Fullagar Road.



Footpath plaque at No. 10 Fullagar Road.



Footpath plaque at No.16 Fullagar Road.



Footpath plaque at No.12 Fullagar Road.



Footpath plaque at No.18 Fullagar Road.



Footpath plaque at No.24 Fullagar Road.



Footpath plaque at No.32 Fullagar Road.

Appendix B | Curriculum Vitae – Peter J. Lonergan

Curriculum Vitae

Peter J. Lonergan,

Director, Cracknell & Lonergan Architects Pty Ltd

Introduction

Peter J. Lonergan is the director of practice and nominated architect (**ARB** 5983 | **DEP** 0001205 | **PDP** 0000401) of Cracknell & Lonergan Architects (CLA) Pty Ltd, a private practice established in 1984 with Julie Cracknell. Together, Peter and Julie have accumulated over forty years of experience in the fields of architecture, interior design, heritage conservation, exhibition design and expert consultancy in town planning and urban design. As director of practice, Peter has not only been involved in the design of multiple works but also served as a heritage consultant and consultant in the fields of SEPP65, SEPPARH, Clause 4.6, and various other planning advisory bodies. Today, Peter continues to serve as director of architectural design at CLA.

Formal Qualifications

- BArchitecture University of New South Wales
- BScArchitecture (Hons) University of New South Wales
- MBEnv (Building Conservation) University of New South Wales
- Certificate Sustainable Design University of Sydney
- LFRAIA, Senior Counsellor Royal Australian Institute of Architects

Recent Awards

- 2025 National Trust Heritage Award for Built Conservation Shortlist
- 2024 AIA Lachlan Macquarie Award for Heritage Architecture
- 2024 AIA NSW Architecture Award for Heritage
- 2024 National Trust Heritage Award for Built Conservation Winner
- 2022 Adrian Ashton Prize – Bill Lucas: Architect Utopian
- 2020 Adrian Ashton Prize – Bruce Rickard: A Life in Architecture

Architecture – Key Examples

- Miller Street, McMahons Point, Residential Flat Building,
- Premier Street, Neutral Bay, Residential Flat Building,
- Myrtle Street, North Sydney, Mixed-Use Commercial & Residential Development,
- Restoration of Jarjum College, Redfern, Sydney, for the Jesuit Fathers, St. Aloysius College,
- The Pemulwuy Project. Redevelopment of “The Block”, Redfern, Sydney, for the AHC

Heritage Conservation – Key Examples

- The Glass House, Castlecrag - Heritage Consultant & Supervision,
- The Abbey, Johnston Street, Annandale - Heritage Consultant & Supervision,
- Kwong War Chong Building, Dixon Street, Haymarket - Heritage Consultant & Supervision,
- Mechanics School of Arts (The Arthouse Hotel), Sydney - Heritage Consultant & Supervision,
- Masonic Temple, North Sydney - Heritage Consultant & Supervision,
- Redfern’s Cottage, Minto - Heritage Consultant & Conservation Management Plan,

Public Art and Exhibition Design – Key Examples

- *Naabami (thou shall/will see): Barangaroo (army of me)*, artist Brenda L Croft, Barangaroo
- *Yininmadyemi - Thou didst let fall* artist Tony Albert\, Hyde Park, Sydney
- Always was, Always will Be (by artist Reko Rennie), Oxford Street, Sydney
- Murri Totem Poles (by artist Reko Rennie), La Trobe University, Melbourne
- Papunya Tula, Central Termini, Rome, for the Art Gallery of NSW, Sydney
- Gabriel Pizzi, Australian Embassy, Paris, France
- Design and project management of Indigenous Art Commission at Musee du quai Branly with Ateliers Jean Nouvel, Paris, France

DOCUMENTS ASSOCIATED WITH REPORT ELPP017/26

Attachment 4

Cumberland LEP Assessment

ATTACHMENT 4 – Cumberland Local Environmental Plan 2021 Compliance Table

Cumberland Local Environmental Plan 2021 (CLEP 2021)		
Clause	**Compliance**	**Comment**
Clause 1.2 Aims of Plan Is the development consistent with the aims of the LEP?	Yes	The development proposal is consistent with the aims of the Cumberland Local Environmental Plan 2021 as follows: - The proposal has been designed to positively contribute to the housing needs within the community and maintains adequate essential services and amenities. - The proposed development complies with the Cumberland Local Environmental Plan and the Cumberland Development Control Plan and preserves the natural and built environments within Cumberland's Local Government Area and does not result in adverse amenity impacts to neighbouring properties.
Clause 2.3 Zone objectives and Land Use Table Is the development consistent with the Zone objectives?	Yes	The subject site is zoned R2 Low Density Residential. The proposal is for the demolition of existing outbuilding, shed and swimming pool and construction of a detached secondary dwelling and studio. The erection of a *'secondary dwelling'* which is a prohibited land use under the CLEP 2021. Pursuant to Clause 50 of the State Environmental Planning Policy (Housing) 2021, secondary dwellings are permissible on land in a residential zone if development for the purposes of a dwelling house is permissible on the land under another environmental planning instrument. Dwelling houses are permissible with consent within the R2 zoned land under the CLEP 2021, as such under the provisions of the SEPP (Housing) 2021 secondary dwellings are also permissible within the R2 zone.
Clause 2.7 Demolition The demolition of a building or work may be carried out only with development consent	Yes	Consent for the demolition of the existing outbuilding, shed and swimming pool at the rear of the subject site is sought as part of this application. A suitable demolition plan has been submitted and endorsed as part of the Development Consent.
Clause 4.1 Minimum Lot size	N/A	Subdivision of the land is not proposed.
Clause 4.1A Exceptions to minimum subdivision lot sizes for certain residential development	N/A	Subdivision of the land is not proposed.
Clause 4.3 Height of Buildings	Yes	In accordance with the Height of Buildings Map accompanying CLEP 2021, a maximum 9m building height is permitted for the subject site. The proposed maximum building height complies at 4.472m (RL 36.832) and is below the roof level of the existing primary dwelling within the site.
Clause 4.4 Floor space ratio (FSR)	N/A	No FSR is applicable for development within the R2 zone. The proposed bulk and scale of the proposal is considered acceptable.

Clause 5.10 Heritage Conservation	Yes	The subject site at 20 Fullagar Road, Wentworthville is a locally listed heritage item (Item No. I261 "Inter-war bungalow") and is also located within the Fullagar Road Conservation Area (C2) under the Cumberland Local Environmental Plan 2021. The site and conservation area are of local historic, social, aesthetic and representative significance. The existing dwelling is listed as a heritage item of local significance for its historical and representative value as part of the Commonwealth War Service Homes program established under the War Service Homes Act to provide housing for returned WWI servicemen and their families. It is a representative example of standardised Inter-war residential architecture, demonstrating typical bungalow form, scale, detailing, and construction associated with early 20th-century veteran housing provision. The subject site is also located within the Fullagar Road Conservation Area (C2) under the Cumberland LEP 2021. The conservation area is recognised for its broader historical, social, aesthetic and representative significance as one of the earliest War Service Homes estates in Western Sydney. It retains a high degree of integrity, with a consistent Inter-war bungalow streetscape, uniform building setbacks and alignment, and retention of the original subdivision pattern along Fullagar Road. This intact urban structure allows for clear interpretation of its planned development and historic housing principles, while also reflecting its strong social association with returned servicemen and their families. The conservation area comprises 14 Inter-war (c.1920) War Service Homes developed under the Commonwealth War Service Homes Act. It remains a largely intact and cohesive example of standardised Inter-war housing developed by the War Service Homes Commission, and is significant for its consistent streetscape character, including uniform bungalow forms, building scale, setbacks, alignment, and subdivision layout. The subject site contains a single storey rendered brick Inter-war bungalow with a tiled roof. The proposed development seeks to demolish the rear outbuilding, shed and swimming pool, and construct a detached secondary dwelling and studio at the rear of the site. The proposed works are not visible from the streetscape and do not alter the presentation or character of the primary heritage item. It is noted that the Cumberland LEP 2021 inventory identifies the entire site as having heritage significance. However, the submitted Statement of Heritage Impact indicates that the rear outbuilding, shed and swimming pool have no streetscape or heritage significance relative to the principal dwelling. An aerial investigation confirms that these structures were constructed post-1980s and are later additions to the site. As demonstrated in Figures 7-10 of Council's assessment report, the rear structures are non-original fabric and their removal is not considered to adversely impact the heritage significance or integrity of the listed item or conservation area.

		In light of the above, the proposed development is considered acceptable from a heritage perspective.
Clause 5.21 Flood Planning	N/A	The subject site is not mapped as a flood-controlled lot.
Clause 6.1 Acid Sulphate Soils	N/A	The subject site is not mapped as containing acid sulphate soils.
Clause 6.2 Earthworks	Yes	Excavation works for the purpose of the footings are proposed. Earthworks are not expected to disrupt and or have detrimental effect on the drainage patterns and soil stability on the site and in the locality. Suitable earthwork-related conditions are imposed under the Development consent.
Clause 6.4 Essential Services	Yes	Suitable conditions are recommended for adequate arrangements for the supply of water, electricity, management of sewage stormwater drainage and vehicular access.
Clause 6.5 Biodiversity	N/A	Tree removal is not proposed. The site is not identified as containing any flora or fauna with any biodiversity significance.
Clause 6.6 Riparian land and watercourses	N/A	The site is not in close proximity to a watercourse. Additionally, the scope of the proposed works is not anticipated to impact any water bodies.
Clause 6.7 Stormwater management	Yes	Concept stormwater plans have been submitted with the application. Standard conditions have been imposed to ensure stormwater is suitably managed.
Clause 6.12 Urban Heat	Yes	The proposed schedule of colours and external finishes is not envisaged to impact solar heat on surrounding land. Proposed awnings and eaves provide shelter from the sun. Cross ventilation will minimise the release of heat in the direction of private open space and the public domain. Significant landscaping is being maintained and no impacts to the existing tree canopy identified.

DOCUMENTS ASSOCIATED WITH REPORT ELPP017/26

Attachment 5

Cumberland DCP Assessment

ATTACHMENT 5 – Cumberland Development Control Plan 2021 Compliance Table

Relevant Control		Compliance with Requirements	Consistency with Objectives
Part B – Development in Residential Zones			
Part B1 – Dwelling Houses and Secondary Dwellings			
2.6 Site Coverage	- 450m^2 or less - max 70% - **451m^2 or greater - max 65%**	Yes – Site coverage = 248m^2 or 26.97%. • Existing dwelling: 126.2m^2 • Existing outbuilding to be retained: 16.4m^2 • Proposed secondary dwelling: 68m^2 • Proposed outbuilding: 37.4m^2	Yes
	The non-built upon areas shall be landscaped and/or deep soil and provide for POS.	Yes – The plans submitted demonstrate compliance with this control.	Yes
2.7 Landscaping	- 450m^2 or less - min 15% - **451m^2 or greater - min 20%**	Yes – Landscaped area with minimum width of 1m x 1m = 353.8m^2 or 38.5%.	Yes
	The landscaped area shall be a deep soil zone.	Yes – The plans submitted demonstrate compliance with this control.	Yes
	The majority of deep soil shall be located at rear in a continues area and shall extend across at least 50% of the rear boundary.	No – Rear boundary length: 20.115m 50% of the rear boundary = 10.1m Proposed continuous area of deep soil = nil This is a variation of 10.1m or 100%. A condition of consent has been imposed for the proposed detached secondary dwelling and detached studio/teenage retreat to be setback 1m from the southern rear boundary. The entirety of the rear setback area shall be designated and maintained as deep soil area. The architectural plans shall be amended accordingly prior to the issue of a Construction Certificate.	Yes, subject to condition of consent.
	Deep soil zone minimum width of 1 metre.	Yes – The plans submitted demonstrate compliance with this control.	Yes
2.8 – Private Open Space	POS must be provided at ground level and located side and rear of dwelling.	Yes – Proposed POS located at ground level to the rear of the dwelling.	Yes
	<u>POS Area</u>: - 450m^2 or less - min 30m$^{2.}$	Yes – POS = 136.6m^2 directly accessible from living area.	Yes

	- 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.		
	POS be bounded by buildings, fencing or other screening devices. Incorporate dense landscaping that restricts views to a height of 1.8m.	Yes – The plans submitted demonstrate compliance with this control.	Yes
	Additional POS should be provided in form of balcony or the like. Subject to site conditions and privacy considerations.	Yes – The plans submitted demonstrate compliance with this control.	Yes
	POS areas face north, east or west to maximum amenity.	Yes – The plans submitted demonstrate compliance with this control.	Yes
2.11 Solar Access	<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 living areas of neighbouring dwellings in mid-winter between 8am and 4pm on 21 June.	Yes
2.12 Cross Ventilation	Rooms with high fixed ventilation openings such as bathrooms and laundries be situated south to act as buffers to insulate the dwelling house from winter winds. Garages may also useful as buffers on the southern and western sides.	Yes – The plans submitted demonstrate compliance with this control.	Yes
	Internal layout be designed with bathrooms, laundries and kitchens sited in a position that allows natural ventilation of the room through an openable window.	Yes – The plans submitted demonstrate compliance with this control.	Yes
2.15 Rainwater tanks	- Above ground not to be located in front setback. - Suitably screen and not visible from street.	Yes – Plans comply with requirements of the BASIX certificate. Conditions imposed requiring rainwater tank to be suitably located.	Yes

2.17 Cut and fill	- Developments be designed to integrate with the natural topography of the land. - Cut and fill shall not create a detrimental impact on the overland flow of the site.	Yes – Proposed dwelling is designed to be integrated with the natural topography of the land.	Yes
	Fill: - 300mm fill permitted within 900mm of side/rear boundaries. - Maximum 600mm fill within buildings envelope. - Where fill is more than 150mm deep shall not exceed 50% of landscaped area.	Yes – No significant fill proposed within the building footprint. No fill more than 300mm proposed within 900mm of the side or rear boundaries.	Yes
	Cut: - Max 1m (excluding basements); - 450mm within 900mm of side/rear boundaries;	Yes – No significant cut proposed within the building footprint. Maximum cut of 200mm proposed. Cut measuring more than 450mm is not proposed within 900mm of the side or rear boundaries.	Yes
	Cut and fill must not impact on neighbouring amenity or result in a significant loss of mature trees.	Yes – The proposed cut and fill does not impact on neighbouring amenity, nor does it result in a significant loss of mature trees.	Yes
2.21 Secondary dwellings	Design and appearance: - Must not detract from the visual amenity of the development on the site and surrounding locality. - Attached or detached, design must compliment principal dwelling. - Not located forward of building line	Yes – The proposal is not considered to detract from the visual amenity of the development on site or surrounding locality due to being a single storey development and located within the rear of the site. Proposed detached secondary dwelling compliments the principle dwelling in regard to the construction, design and materials and is located behind the building line.	Yes
	Where outbuilding converted to secondary dwelling: - Comply with BCA/NCC. - Comply with DCP.	Not Applicable.	N/A
	Site Area: Min 380m^2	Yes – Total site area is 919.7m^2 (by Calc.).	Yes
	Height: 2 storeys and must not be higher than principal dwelling.	Yes – Single (1) storey secondary dwelling proposed.	Yes
	Attics prohibited.	N/A – No attic is proposed.	N/A

	Floor to ceiling height: Not less than 2.4m and not greater than 2.7m.	Yes – The proposed secondary dwelling has a floor to ceiling height of 2.7m.	Yes
	Where located above a garage facing a laneway, is permitted to be 1 storey above the garage.	Not Applicable – The subject site does not face a laneway.	N/A
	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: • Eastern side: 7.7m • Western side: 940mm • Southern (rear) setback: 940mm	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 59.9m^2. Proposed Bedroom 1 has an internal floor area of 9.4 m^2; bedroom 2 has an internal floor area of 9.3m^2.	Yes
	Orientation: - Living area face north where possible with window on northern elevation - POS for principal and secondary dwelling to have a northern orientation - POS of secondary dwelling to be directly accessible via POS.	Yes – The proposed living area proposes north facing windows/openings. POS utilise a northern orientation to maximise solar access. POS is shared between principal dwelling and secondary dwelling with direct access via living room areas.	Yes
	Privacy: - The windows of living areas within 9m of the windows of living rooms (other than bedrooms) of adjacent dwellings be offset. In case of windows overlooking neighbouring private open space areas, windows shall be fixed obscure glazed or highlight window type with a minimum sill height of 1.5m above finished floor level. - Balconies be semi recessed and/or screened. Screening shall be provided by durable fixed privacy screens, minimum 1.8m high and 75% obscured. - First floor balconies max 12m^2 and not be	Yes – Proposed secondary dwelling is single storey. All windows and openings proposed as part of the application maintain a sill height of 1.5m, face the primary dwelling, are servicing low use areas, or are not located in a room with an elevated finished floor level. No privacy concerns are anticipated. The proposed alfresco area located along the western side elevation is raised approximately 800mm from the natural ground level. **A condition of consent has been imposed for a privacy screen with a minimum density of 75%, and a minimum height of 1.5m from the finished floor level**	Yes, subject to conditions of consent.

	located along side elevations.	**to be installed along the alfresco openings located along the western side elevation and southern side elevation of the proposed secondary dwelling.**	
	Site coverage: - 450m^2 or less – max 70% - **451m^2 or greater – max 65%**	Yes – Site coverage = 248m^2 or 26.97%. • Existing dwelling: 126.2m^2 • Existing outbuilding to be retained: 16.4m^2 • Proposed secondary dwelling: 68m^2 • Proposed outbuilding: 37.4m^2	Yes
	Deep Soil Zone: - 450m^2 or less – min 15% - **451m^2 or greater – min 20%**	Yes – Deep soil area with minimum width of 1m x 1m = 353.8m^2 or 38.5%.	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, living/dining area, and two (2) bedrooms.	Yes
	Landscaped Area: - POS to be shared and not separated via internal boundary fencing. - POS provided at ground level.	Yes – Proposed POS is located at ground level and is to be shared with the principal dwelling. No internal boundary fence is proposed. A Condition has been imposed to ensure no internal boundary fencing is erected.	Yes
2.20 Outbuildings	The total combined amount of enclosed floor space (with roof and walls) for outbuildings shall not exceed 25m2.	No – Overall outbuilding area is 47.5m^2 • Proposed teenage retreat area: 31.5m^2 • Existing outbuilding to be retained: 16m^2 **Variation of 22.5m^2, or 90%.** **Outbuilding area acceptable on merit – further discussion within body of the report.**	**Yes, this is accepted on merit as discussed in the body of the report.**
	Max ceiling height of outbuildings: - shed – 2.4m. - gazebos, cabanas, garages – 2.7m. Max overall height is 4.8m.	Yes – Floor to ceiling height for outbuilding/ teenage retreat is 2.7m. Overall building height = 3.7m (RL 36.403)	Yes
	Setbacks: - Behind building line - Min 900mm from side/rear boundary	Yes – The proposed outbuilding/teenage retreat is located at the rear of the	Yes

	- External wall cannot extend greater than 50% of rear boundary. - Where adjoining properties contain an outbuilding on the property line, it may be appropriate for an outbuilding to be built along the shared party wall.	subject site and is setback as follows: • Eastern side setback = 940mm • Western side setback = 14.2m • Southern (rear) setback = 940mm	
	Outbuildings shall be positioned to optimise private open space.	Yes – Satisfactory. The plans submitted demonstrate compliance with this control.	Yes
Part G - Miscellaneous Development Controls			
Part G2 - Heritage			
2.1 Development requirements for environmental heritage	Contributory items are required to be retained.	Yes – The proposed development does not result in the removal of contributory items within the heritage item.	Yes
	Council may waive the need for applicants to submit a Heritage Impact Statement as may be required under the LEP, if it deems the development and its potential impacts are minor in nature.	Yes – Heritage impact statement is provided. As per heritage consultant, the proposal does not impose any adverse effects to the heritage item.	Yes
2.2 Conservation and development works on heritage items	New dwellings on sites occupied by an item of environmental heritage shall be designed and constructed in a manner that does not detract from the historic significance of that item or the area.	Yes – Proposed secondary dwelling and outbuilding is detached from the heritage item and located at the rear of the site. The proposal is not envisaged to deter from the existing heritage item or general vicinity. The proposed brick façade and tiled roof compliment the heritage significance and are appropriate to the style and age of the heritage item.	Yes, subject to the conditions of consent.
	Ensure that conservation or maintenance works on a heritage item use materials, detailing, features, and design elements that are appropriate to the style and age of the heritage item.	Yes – The proposed outbuilding and secondary dwelling are located at the rear of the site and is not visible from the street. The proposed schedule of colours and finishes do not detract from the visual importance of the heritage item and are appropriate to the style of the existing Inter-war bungalow.	Yes
	Additions and/or extensions to heritage items: • are to be located and designed to complement the existing scale, character and amenity of the streetscape; • are not to dominate the appearance of the heritage item from the street; and	Yes – Proposed additions are located towards the rear of the site and will not be predominantly visible from the street due to the existing dwelling façade design. A condition of consent has been imposed for the Schedule of External Colours	Yes

	• are to consistent with the style of the heritage item.	and Finishes for the proposed secondary dwelling and studio shall be amended to ensure it is sympathetic to, and consistent with, the external character and appearance of the existing heritage-listed dwelling prior to the issue of a Construction Certificate. The proposal is designed to harmoniously integrate with the existing scale, character, and ambiance of the streetscape, as well as the architectural style of the heritage item.	
	All new development within the curtilage of a heritage item is to be suitably located and retains the visual dominance of the heritage item, with minimal impact upon the fabric and significant landscaping associated with the item.	Yes – Visual dominance of the heritage item is maintained. The proposed secondary dwelling and outbuilding are detached from the heritage item and located at the rear of the site and will not be predominantly visible from the street.	Yes
	Garages and carports are designed and located to ensure that they do not impact upon the appearance or fabric of the heritage item and its setting and comfortably fit with the character of the area.	Not Applicable – No garage or carport	N/A
	Alterations or additions to existing commercial or civic heritage items are to be designed to respect the scale and form of the existing building and are located to have minimal visual impact from the street and on the significant fabric of the building.	Not Applicable – Not required for residential development.	N/A
<u>General conservation and maintenance works</u>	When undertaking any form of development, conservation, maintenance or construction works on a heritage item, the materials, colours, maintenance and construction techniques used shall be appropriate to the heritage item.	Yes – Suitable conditions have been imposed to ensure the proposed works are to be carried out in a manner that mitigates demolition, alterations and new penetrations/fixings to the significant fabric of the existing Inter-war bungalow which is listed as a Heritage Item.	Yes
	Original face brick should generally not be rendered as it removes and covers over the original colours and textures of the building.	Not Applicable – No works proposed to the Inter-war bungalow which is listed as a Heritage Item.	N/A
	New roofing materials should match or be sympathetic in style	Not Applicable – No works proposed to the Inter-war	N/A

	and colour to the appearance of original materials	bungalow which is listed as a Heritage Item.	
	When undertaking works on a heritage item, the design of building detailing such as windows or doors, should be in keeping with the age and style of the heritage item. Where original design features of heritage items, such as bullnosed verandahs, have been removed, these should be replaced where possible as they are important to the design and appearance of the building and generally serve a useful function.	Not Applicable – No works proposed to the Inter-war bungalow which is listed as a Heritage Item. A condition of consent has been imposed for the Schedule of External Colours and Finishes for the proposed secondary dwelling and studio shall be amended to ensure it is sympathetic to, and consistent with, the external character and appearance of the existing heritage-listed dwelling prior to the issue of a Construction Certificate.	N/A
	Where original gates and fences still remain as part of a heritage property, these should be retained. Where this is not possible, the use of replacement fences and gates should be in a style appropriate to the design and style of the building.	Not Applicable – No changes to existing Inter-war bungalow proposed.	N/A
	Where an extension is proposed to a single storey dwelling, the extension should also be single storey and should be located to the side or rear of the property, so as not to affect the streetscape appearance of the item	Not Applicable – No extension to heritage item proposed.	N/A
<u>Residential alterations and extensions</u>	When undertaking extensions or alterations to a heritage item, the design of the proposed extensions or alterations should be compatible with the style of the heritage item and its height, scale and proportion.	Not Applicable – No works involving alterations or additions to the existing Inter-war bungalow which is listed as a Heritage Item.	N/A
	In general, where an extension is proposed to a single storey dwelling, the extension should also be single storey and should be located to the side or rear of the property, so as not to affect the streetscape appearance of the item.	Not Applicable – No extension proposed to the existing Inter-war bungalow which is listed as a Heritage Item.	N/A
	Rear second storey additions should use recessive colours and should not visually dominate the existing building to the front.	Not Applicable – No second storey addition proposed.	N/A
	Any proposed roof extensions should be carefully designed to ensure that it is compatible with	Not Applicable – No roof extension proposed. The proposed roof of the detached	N/A

	the original building. Roofs of additions should be consistent with the existing roof in terms of its form, pitch, eaves and ridge height, and should be in proportion to the existing building.	structures are consistent with the existing roof of the primary dwelling in terms of its form, pitch, eaves and ridge height.	
Design details	The treatment of design details, such as verandah posts, doors or windows, on new extensions to heritage items should be sympathetic with those of the original building where possible. It may be appropriate to use a simpler version of the design details used in the original building, so that the new additions are in keeping with, yet still able to be differentiated, from the original structure.	Yes – Proposed detached secondary dwelling and outbuilding is sympathetic to the heritage item.	Yes
Garages and carports	When adding a new garage to a heritage item, open-sided carports are generally more acceptable and less intrusive than solid structures as they do not affect the fabric and streetscape appearance of the heritage item.	Not Applicable – No garage or carport proposed.	N/A
Landscaping and gardens	The siting of buildings should retain any significant trees and gardens identified on the site.	Yes – No existing trees proposed for removal within the subject site.	Yes
Curtilage development	Where proposing development within the curtilage of a heritage item, the new development should be designed so that the heritage item retains its visual prominence.	Yes – No changes are proposed to the existing Inter-war bungalow which is listed as a Heritage Item. The proposed detached secondary dwelling and outbuilding will not impact on the visual prominence of the heritage item.	Yes
	The colours and materials used within the new development shall be recessive and complement the colours and materials of the heritage item.	Yes – Proposed development is within the rear of the subject site and will not impact on the visual prominence of the Inter-war bungalow which is of historic significance. A condition of consent has been imposed for the Schedule of External Colours and Finishes for the proposed secondary dwelling and studio shall be amended to ensure it is sympathetic to, and consistent with, the external character and appearance of the existing heritage-listed dwelling prior to the issue of a Construction Certificate.	Yes, subject to conditions of consent.

		The proposed external materials and finishes shall not deter from existing characteristics and sympathetic in style and colour to the appearance of original materials utilised for the heritage item. It is noted that no changes to the front façade are proposed.	
	Where new development is proposed within the curtilage of a heritage item, a reasonable "buffer" space should be provided between the original building and the new development.	Yes – Proposed development is within the rear of the subject site and will not impact on the visual prominence of the Inter-war bungalow which is of historic significance	Yes
	Significant gardens should be retained as part of any works within a curtilage, where possible.	Not Applicable – No existing significant gardens within the subject site.	N/A
	New development within the curtilage should not adversely impact upon the significant fabric of a heritage item.	Yes – Proposed detached secondary dwelling and outbuilding located to the rear of the existing Inter-war bungalow of heritage significance and will not impact the significant fabric of the heritage item.	Yes
	The height of new buildings shall not exceed that of the original heritage building.	Yes – Proposed height of the detached secondary dwelling and outbuilding will not exceed the building height of the existing heritage item.	Yes
	The new development shall be massed so that lower-scale buildings act as a transition between the new and the old.	Yes – Proposed detached secondary dwelling and outbuilding provide a suitable transition between new and old.	Yes
	New development within the curtilage of a heritage item should not block the sight lines from public areas to the original building.	Yes – Proposed development is located within the rear of the site and will not affect the sight line of the heritage item.	Yes
	Retention of the original streetscape facades is required, with extensions or redevelopment to be located to the rear of the property.	Yes – Original streetscape façade is retained. Proposed development located towards the rear of the site.	Yes
	Development should be compatible with the existing height, scale, massing and detailing and setbacks and orientation of existing development within the streetscape. New extensions should be recessive to the original building.	Yes – The proposed detached secondary dwelling and outbuilding are not visible from the streetscape and will not deter from the heritage item in regard to design, bulk and scale. The proposal is in line with the relevant controls concerning height, bulk and scale and reinforces the	Yes

		established character of the heritage item through appropriate scale.	
	Colours and materials should be carefully selected so that they do not visually dominate, or overly contrast with, that of the existing heritage item. New development shall utilise compatible colour schemes and materials with the original building.	Yes – The proposed external materials and finishes are not envisaged to deter from existing characteristics and sympathetic in style and colour to the appearance of original materials utilised for the existing Inter-war bungalow. The proposed external materials and finishes shall not deter from existing characteristics and sympathetic in style and colour to the appearance of original materials utilised for the heritage item.	Yes
	For development involving churches or schools, the removal of more recent structures is considered acceptable where it is demonstrated that they are not critical to the heritage significance of the property.	Not Applicable – Development does not involve churches or schools.	N/A
	New development should be located to the side or rear of the heritage item and the original building should visually dominate.	Yes – Proposal is located towards the rear of the heritage item.	Yes
	Development should not impact upon the sight lines from public areas to the original building.	Yes – Development does not impact sight lines of heritage item from the street frontage.	Yes
	Development should minimise any changes to the significant fabric of the building and, in particular, to the streetscape appearance of the heritage item.	Yes – Development is not considered to alter the fabric of the existing heritage item.	Yes
	Signage, lighting, materials and colours used should be unobtrusive and compatible with the overall style and design of the building.	Yes – Suitable schedule of colours and materials proposed and will not deter from the existing design of the dwelling from the front façade.	Yes
2.4 Specific Controls for Development in the vicinity of a heritage item	New dwellings on sites adjoining or in the vicinity of an item of environmental heritage shall be designed and constructed in a manner that does not detract from the historic significance of that item.	Yes – The proposed detached secondary dwelling and outbuilding is located to the rear of the heritage item. The proposal does not detract from the historic significance of the Inter-war bungalow.	Yes
	The development shall be designed having regard to its environmental and built context, to the existing streetscape character and to any heritage	Yes – The proposal has minimal impact on the streetscape. The proposed outbuilding and secondary dwelling are located at the rear	Yes

	items or conservation areas that may be located nearby.	of the site and are not visible from the street.	
	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 of any adjacent heritage items.	Yes – The proposed detached secondary dwelling and outbuilding are not visible from the streetscape and will not deter from the heritage item in regard to design, bulk and scale. The proposal is in line with the relevant controls concerning height, bulk and scale and reinforces the established character of the heritage item.	Yes
	New development should be compatible with heritage items in terms of its scale and massing, overall bulk and composition. New buildings should not dominate their surroundings.	Yes – Proposed detached secondary dwelling and outbuilding are located towards the rear of the site and will not be predominantly visible from the street. A condition of consent has been imposed for the Schedule of External Colours and Finishes for the proposed secondary dwelling and studio shall be amended to ensure it is sympathetic to, and consistent with, the external character and appearance of the existing heritage-listed dwelling prior to the issue of a Construction Certificate. The proposed external materials and finishes shall not deter from existing characteristics and sympathetic in style and colour to the appearance of original materials utilised for the heritage item. It is noted that no changes to the front façade are proposed.	Yes, subject to conditions of consent.
	Window and door openings, building lines and building massing of new development should also be designed in the context of its adjoining development	Yes – Proposed detached secondary dwelling and outbuilding are appropriately designed.	Yes
	Where a particular heritage character predominates within a street, the design of new development should be compatible with this heritage character.	Yes – The proposed detached secondary dwelling and outbuilding are not visible from the streetscape and will not deter from the heritage	Yes

		character within the streetscape.	
	New development shall be carefully sited so that it is consistent with the predominant street and boundary setbacks. This may be varied where an increased or decreased front or side setback will assist in ensuring that a new development does not visually dominate any adjoining heritage items.	Yes – The proposed detached outbuilding and secondary dwelling is located towards the rear of the subject site. The proposed development will not impact on the visual prominence of the inter-war bungalow which is of historic significance. The proposed development is adequately setback and complies with front, side and rear setback controls.	Yes
	Where a new development is proposed adjoining a significant heritage feature, new development should continue the primary orientation and should provide an appropriate entry design and setback treatment along that frontage.	Yes – The proposal has minimal impact on the streetscape. The proposed outbuilding and secondary dwelling are located at the rear of the site and are not visible from the street. It is noted that no changes to the front façade or streetscape elevation is proposed.	Yes
	The siting of new development should not affect the structure of, or otherwise cause physical damage to, any heritage item.	Yes – Suitable conditions have been imposed to ensure the proposed works are to be carried out in a manner that mitigates demolition, alterations and new penetrations/fixings to the significant fabric of the existing Inter-war bungalow which is listed as a Heritage Item.	Yes
	New development should be located so that it does not adversely impact upon the identified curtilage, setting or landscaping, solar access or any significant views to or from a heritage item.	Yes – Proposed development is located within the rear of the site and will not affect the sight line, significant fabric or amenity including landscaping and solar access associated with the existing heritage item.	Yes
	The design of the street elevation should be relatively uncomplicated and consist of simple forms that do not visually compete with the heritage item.	Yes – The proposal has minimal impact on the streetscape. The proposed outbuilding and secondary dwelling are located at the rear of the site and are not visible from the street. It is noted that no changes to the front façade or streetscape elevation is proposed.	Yes
	New development adjoining/adjacent to a heritage item should avoid incorporating large unbroken wall areas	Yes – No large wall proposed to visually impact the heritage item.	Yes

	Where new development is necessarily larger than its surrounding development, the bulk can be reduced by breaking long walls into bays or by arranging the openings in the wall so that their size and shape reflect the structure and the openings of its neighbours.	Not Applicable – The proposal is not larger than the surrounding development.	N/A
	Landscaping should be used to minimise the visual appearance of large wall areas in new development adjoining a heritage item.	Yes – No large walls proposed which will visually impact the heritage item. Appropriate landscape design proposed.	Yes
	Where new development is proposed adjoining a heritage item or conservation area, the development should incorporate the use of colours and materials that are recessive so that they do not visually dominate the heritage item. Darker colours and simple facade treatments can assist in minimising the visual impact of new development on adjoining heritage items.	Yes – Proposed detached secondary dwelling and outbuilding are located towards the rear of the site and will not be predominantly visible from the street. The proposal is designed to harmoniously integrate with the existing scale, character, and ambiance of the streetscape, as well as the architectural style of the heritage item. This is achieved through the careful selection of architectural style, colours, and finishes. These elements are chosen to complement the original materials used in the primary dwelling and reflect the distinctive characteristics of the streetscape.	Yes
	Buildings in the vicinity of heritage items or conservation areas should use a style and material of fencing (and gates) that are appropriate to the age and style of the heritage item and/or to the character of the conservation area.	Not Applicable – No changes to existing fencing proposed.	N/A
2.5 Specific conservation area controls 2.5.3 Fullagar Road Conservation Road	Any proposed works on a building which has been identified as a heritage item within this conservation area should be designed to retain the original classical detailing as well as the fenestrations (arrangement of windows in a wall) which are characteristic of buildings within this conservation area).	Not Applicable – No works proposed to the Inter-war bungalow which is of Heritage significance within the conservation area. The proposed secondary dwelling and outbuilding are detached from the heritage item and located at the rear of the site and will not be predominantly visible from the street.	N/A
	Where works are proposed to a building that is currently face	Not Applicable – No works proposed to the Inter-war bungalow which is of Heritage	N/A

	brick, the building should remain unpainted or unrendered.	significance within the conservation area.	
	Where additions and extensions are proposed, these should be single storey only, and are to be located to the rear or side of the building so that they do not impact upon the presentation of the building from the street.	Yes – Proposed secondary dwelling and outbuilding is detached from the heritage item and located at the rear of the site. The proposed detached secondary dwelling and outbuilding are not visible from the streetscape and will not deter from the heritage item or conservation area in regard to design, bulk and scale. The proposal is in line with the relevant controls concerning height, bulk and scale and reinforces the established character of the heritage item through appropriate built form and design sympathetic in style and colour to the appearance of original materials utilised for the heritage item.	Yes
	Alterations and extensions should not alter the form or fabric of the roof. In general, roofs of single storey additions in this conservation area should be consistent with the existing roof in terms of form, pitch, eaves and ridge height.	Yes – The proposal is not envisaged to deter from the heritage significance of the conservation area. The proposed brick façade and tiled roof compliment the heritage significance and are appropriate to the style and age of the conservation area.	Yes
Part G4 - Stormwater & Drainage			
2.2 Method of stormwater disposal from the site	All stormwater collecting as a result of the carrying out of development under this DCP must be directed by a gravity fed or charged system to: (a) a public drainage system, or (b) an inter-allotment drainage system, or (c) an on-site disposal system.	Yes – This requirement is covered as a condition of consent.	Yes
Part G5 - Sustainability, Biodiversity & Environmental Management			
2.5 Biodiversity	Development is to be sited and designed to minimise the impact on indigenous flora and fauna, including canopy trees and understorey vegetation, and on remnant native ground cover species.	Not Applicable – No tree removal proposed.	N/A
2.6 Energy efficiency and renewables	New development shall implement energy efficient design and promote renewable energy sources through the inclusion of solar panels, skylights, cross ventilation and other such measures.	Yes – Development is to comply with BASIX requirements.	Yes

Part G7 - Tree Management & Landscaping			
2.1 Preservation of trees	The following are not considered to be substantive criteria for tree removal: • flower, leaf or fruit fall causing nuisance; • to increase general natural light; • to enhance views; • to reduce shade created by a tree; • tree not suiting existing or proposed landscape; • unsubstantiated fear of tree failure; • a tree being too large or high; and • to increase direct sunlight onto solar panels or pool heating apparatus.	Not Applicable – No tree removal proposed.	N/A
2.3 Landscaping	Where a landscape plan is required, it shall be prepared by an appropriately qualified person such as an experienced Landscape Architect/Landscape Designer. The landscape plan shall be prepared at a minimum scale of 1:100, be fully documented with the inclusion of a plant schedule and show sufficient detail to enable construction.	Yes – Sufficient Landscape plan provided.	Yes
Part G8 – Waste Management			
Demolition and Construction			
3.1 Demolition and Construction	All materials that arise from demolition and construction shall comply with a Waste Management Plan (WMP) before recycling or disposal.	Yes – A waste management plan has been submitted with the subject application and endorsed as part of the development consent.	Yes
3.3 Residential	The waste service requirements for residential developments shall comply with Table 2.	Yes – Adequate space for bin storage available on site.	Yes
3.1 Asbestos	A building constructed before 1987 may contain asbestos. Businesses are licensed to undertake asbestos removal work under the *Occupational Health and Safety Regulation 2001*. (refer to *Working with Asbestos: Guide 2008 (ISBN 0 7310 5159 9)* published by the WorkCover Authority).	Yes – This requirement is covered as a condition of consent	Yes

3.6 Collection area requirements	All developments must allocate a suitable collection point for collection of waste and recycling bins from either inside the development (on-site) or from kerbside (off-site).	Yes – kerb-side pickup is suitable for the subject site.	Yes

Item No: ELPP018/26

DEVELOPMENT APPLICATION - 3 - 5 GILBA ROAD, PENDLE HILL

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

Application lodged	Tuesday 2 December 2025.
Applicant	H Yan.
Owner	SK2V 2 Pty Ltd.
Application No.	DA2025/0824.
Description of Land	3-5 Gilba Road, Pendle Hill being Lots 49 and 50 in DP 13009.
Proposed Development	Construction of a five-storey mixed-use development comprising of commercial unit, child care centre with 34 places and 74 co-living units over basement car parking with 26 carparking spaces.
Site Area	1,404.3sqm.
Zoning	E1 Local Centre Zone.
Disclosure of political donations and gifts	Nil disclosure.
Cost of works	$13,383,622.00.
Heritage	No. Site is not listed as a heritage item within the Cumberland Local Environmental Plan 2021.
Principal Development Standards	FSR Permissible: 2.0:1. Proposed: 2.594:1. Height of Building Permissible: 17m. Proposed: 16.75m.
Issues	Floor space ratio. Communal open space. Car parking. Co-living room size. Internal storage. Unencumbered outdoor play place. Shade outdoor play area. Site isolation. Waste management. Vehicle access. Inadequate and inaccurate information.

SUMMARY:

1. Development application 2025/0824 was lodged on Tuesday 2 December 2025 for construction of a five-storey mixed-use development comprising of commercial unit, child care centre with 34 places and 74 co-living units over basement car parking with 26 carparking spaces.

2. The application was publicly notified to occupants and owners of the adjoining properties for a period of 14 days between 15 January 2026 and 29 January 2026. In response, 5 submissions were received.

3. The primary numerical non-compliances are listed as follows:

Control	Required	Provided	% variation
Floor Space Ratio. s.68 (c)(ii) Housing SEPP 2021 & cl.4.4 Cumberland LEP 2021.	Max. 2:1.	2.594:1.	29.726%.
Communal Open Space. s.68(2)(d) Housing SEPP 2021.	Min. 213sqm.	182sqm.	14.554%.
Car Parking. s.68(2)(e) Housing SEPP 2021 & Part G3 Section 3 Cumberland DCP 2021.	Min. 28 spaces.	26 spaces.	2 spaces or 7.143%.
Co-living Room Size. s.69(1)(a)(i) Housing SEPP 2021.	Min. 16sqm for double rooms.	14.41sqm to 15.8sqm.	1.25% to 9.938%.
Internal Storage. s.4.1 Child Care Planning Guideline.	Min. 6.8cum	Nil.	100%.
Unencumbered Outdoor Play Space. s.4.9 Child Care Planning Guideline.	Min. 238sqm.	Nil.	100%.
Shade Outdoor Play Area. s.4.11 Child Care Planning Guideline.	Min. 71.4sqm for 34 children.	Nil.	100%.
Loading Bay.	Min. 1 space.	Nil.	100%.

Part G3 Section 4.6 Cumberland DCP 2021.			

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

5. The application is recommended for refusal for the reasons listed in the Council's assessment report.

REPORT:

Subject Site and Surrounding Area

The subject site forms Lots 49 and 50 in DP 13009 and is identified as 3-5 Gilba Road, Pendle Hill. The site is a corner 'irregular' shaped lot with frontages of 27.43m to the northern side of Gilba Road (primary street frontage) and 40.235m to the eastern side of Billabong Street (secondary street frontage) with a total site area of 1,065sqm. The site has a fall of approximately 3m from the southern corner of the site along Gilba Road towards the northern corner of the site along Billabong Street. The site contains two single storey detached dwelling houses with outbuildings. A Sydney Water sewer main traverses through the northern portion of the site.

The site is within zone E1 Local Centre of the Pendle Hill Town Centre and directly adjoins the R2 Low Density Residential zone along the western and southern boundaries.

The site is surrounded by residential properties comprising of low density detached dwellings and semi-detached dwellings to the north, east and west. A 6 storey mixed use development has been approved at 3-5 Billabong Street one allotment of land to the north which is currently under construction. Furthermore, a 7 storey shop-top housing development has been approved at 2-4 Gilba Road to the south on the southern side of Gilba Road but formal construction work has not commenced. The site is located approximately 400m to the Pendle Hill railway station.

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

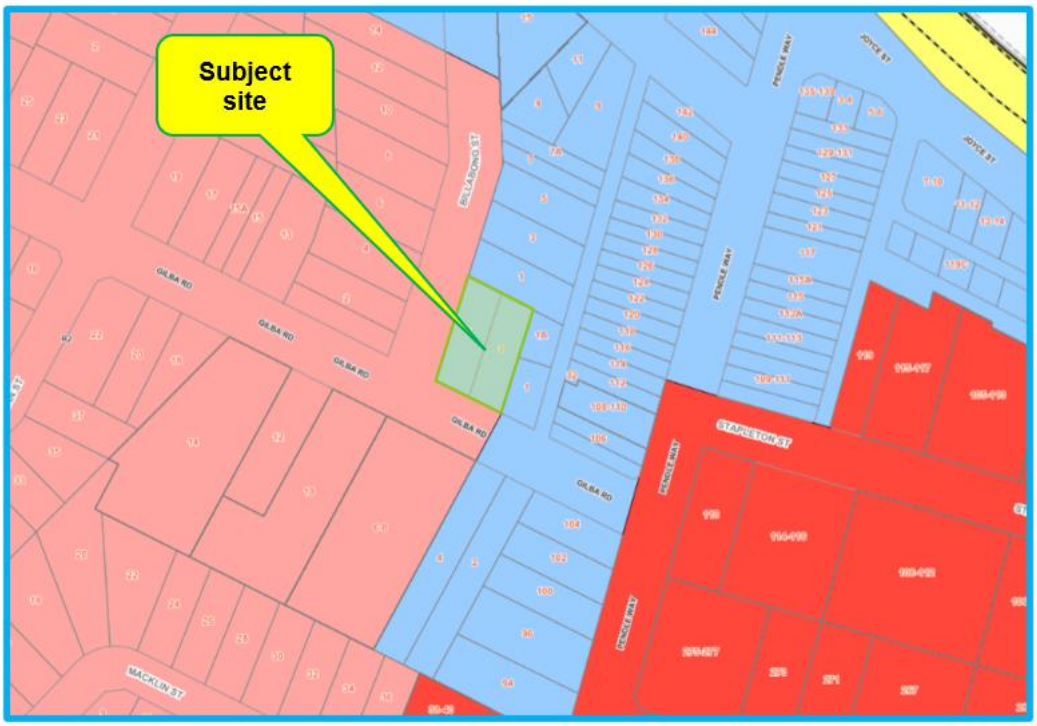

Figure 1 - Locality Plan of subject site highlighted in green [Source: Intramap]



Figure 2 - Aerial view of subject site highlighted in red [Source: Intramap]



Figure 3 - Street view of subject site as seen from Gilba Road

Description of The Development

Council has received a development application for the construction of a five-storey mixed-use development comprising of commercial tenancy, a child care centre with 34 places and 74 co-living units above, all over basement car parking with 26 carparking spaces. The detailed breakdown of the proposal is outlined below:

Construction work

The construction work is shown within the table below.

Level	**Details**

Basement Level	• 26 car parking spaces including 1 tandem space and 4 accessible car parking spaces with the following breakdown:
	  ○ Co-living development: 15 spaces;
	  ○ Child care facility: 6 spaces;
	  ○ Commercial tenancy: 5 spaces;
	• 15 motorbike parking spaces;
	• 11 bicycle parking spaces;
	• 3 lift cores to access each land use above;
	• 2 staircases to access ground floor level;
	• 2-way vehicular ramp to access ground floor.
	• Plant/pump room.

Ground Floor (co-living service area, commercial tenancy and child care facility)	• Commercial tenancy; • Commercial bin storage room; • Commercial disabled toilet and unisex toilet; • Electricity substation; • Co-living bin storage room with access to Billabong Street; • Additional garbage bin storage room; • Fire booster cupboard and mail box area along the co-living entry corridor off Billabong Street; • 2 co-living entries, foyer/lift lobby off Billabong Street and Gilba Road;

	• 2 lift cores to provide access from the ground floor to basement car park level for the commercial tenancy, centre-based child care facility and co-living housing separately;
	• 1 lift core to provide access for the co-living units on the upper levels and basement car park level 2 staircases to provide access from the ground floor to basement car park level;
	• 2-way vehicular access ramp off Billabong Street to basement car park level;
	• Centre-based child care facility for 34 children comprising the following:
	  ○ 1 indoor play area to share between 34 children in 3 age groups;
	  ○ Cot / Bottle / Kitchen room;
	  ○ Children's toilet;
	  ○ Entry lobby / reception;
	  ○ Adult accessible toilet;
	  ○ Laundry / Office;
	  ○ Kitchen;
	  ○ Internal storage area;
	  ○ Outdoor play area with landscape and soft play area;
	  ○ Outdoor storage area.
	• 1 staircase to provide access for the co-living units on upper levels.

Level 1 (co-living)	• 23 co-living rooms; • Communal open space; • 1 lift core to access the upper and lower levels; • 1 staircases to access the upper and lower levels.
Level 2 (co-living)	• 23 co-living rooms; • Communal open space; • 1 lift core to access the upper and lower levels; • 1 staircase to access the upper and lower levels.
Level 3 (co-living)	• 18 co-living rooms; • Communal open space; • Communal living room; • 1 lift core to access the upper and lower levels; and • 1 staircase to access the upper and lower levels.
Level 4 (co-living)	• 10 co-living rooms; • Communal open space; • Communal living room; • 1 lift core to access the upper and lower levels; • 1 staircase to access the upper and lower levels.

In addition to the above:

- Operation of the centre-based child care facility:
  - Hours of operation: 7:00am to 6:00pm Monday to Friday (excluding public holidays)

- Maximum number of children: 34 with the following age group:
  - 0-2 year old: 4 places;
  - 2-3 year old: 10 places;
  - 3-5 year old: 20 places.
- Maximum number of staff: 5 educators and 2 for administration.

The Panel is informed that a Class 1 appeal has been lodged to the Land and Environmental Court in relation to the application for deemed refusal on Friday 20 February 2026. A Section 34 conciliation conference is to be held on Friday 24 July 2026.

History

Application No.	***Proposal***	***Determination***	***Date***
PL2021/0683	Demolition of existing structures and construction of a five (5) storey mixed use development comprising of ground floor retail space and 23 residential units over basement car parking.	Minutes issued	29/09/2021
DA2025/0824	***Construction of a five-storey mixed-use development comprising of commercial unit, child care centre with 34 places and 74 co-living units over basement car parking with 26 carparking spaces.***	***Subject of this DA***	

Applicants Supporting Statement

The applicant has provided a Statement of Environmental Effects prepared by Think Planners dated Saturday 7 February 2024 which was received in support of the application.

Contact With Relevant Parties

The assessing officer has undertaken a site inspection of the subject site and surrounding properties and has been in regular contact with the applicant throughout the assessment process.

Internal Referrals

Development Engineering

The development application was referred to Council's Development Engineer for comment who has advised that the submission is unsatisfactory. Various issues arise in relation to flood/ overland flow and street stormwater flow onto the ground floor level,

OSD headroom clearance below the OSD tank, an inadequate traffic report, driveway ramp gradient, aisle width, vehicle manoeuvring and provision of loading/unloading facility and turning bay within the basement level. As such, the development in its current form cannot be supported.

Environmental Health

The development application was referred to Council's Environmental Health Officer for comment who has advised that the proposal is satisfactory subject to conditions of consent should the application be supported by the Panel.

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 conditions of consent should the application be supported by the Panel.

Waste Management

The development application was referred to Council's Waste Management Officer for comment who has advised that the proposal is satisfactory subject to conditions of consent should the application be supported by the Panel.

External Referrals

Endeavour Energy

The development application was referred to Endeavour Energy for comment. Endeavour Energy has raised objections to the proposal in its current form, citing concerns related to the proximity of the development to existing overhead powerlines. In this regard, Endeavour Energy requires that, should the Panel support the application, the existing overhead electricity infrastructure shall be relocated underground along the full frontage of the site to Billabong Street and Gilba Road. This could be addressed as a condition should the Panel support the application.

Sydney Water

The development application was referred to Sydney Water for comment who raised no objections to the development subject to conditions should the application be supported by the Panel.

Planning Comments

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

State Environmental Planning Policies

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

State Environmental Planning Policies (SEPPs)	Relevant Clause(s)	Compliance with Requirements
State Environmental Planning Policy (Biodiversity and Conservation) 2021.	Chapter 2 - Vegetation in non rural areas.	Yes - No significant trees have been identified on site and no tree removal is proposed as part of this development application. Council's Tree Management Officer has reviewed the proposal and advised the removal of 2 street trees is acceptable subject to a condition requiring a replacement tree on the footpath should the application to be supported. Minor shrubs and groundcover removal is considered acceptable given proposal does not exceed the biodiversity offsets scheme threshold. Therefore, the proposed vegetation removal is considered acceptable.
	Chapter 6 - Water catchments. Sydney Harbour Catchment.	Yes. The subject site is identified within the 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.
State Environmental Planning Policy (Housing) 2021.	Chapter 3 - Diverse housing. Part 3	The subject site is located within the E1 Local Centre zone. The clause permits co-living housing in a zone where shop top housing is permitted under another environmental planning instrument. In this case, the State Environmental Planning Policy (Housing) 2021 permits co-living housing on the site with consent. An assessment against the relevant provisions of Chapter 3 identifies three variations being: • Floor space ratio. • Room size. • Communal open space. In addition to the variations identified, there are no Clause 4.6 Variation requests submitted to address the non-discretionary

		standard of the aforementioned SEPP provisions. A comprehensive assessment against SEPP (Housing) 2021 is attached in Attachment 8 of this report.
State Environmental Planning Policy (Industry and Employment) 2021.	Chapter 3 - Advertising and signage.	No signage is proposed as part of the development application and thus no assessment of signage is required.
State Environmental Planning Policy (Resilience and Hazards) 2021.	Chapter 2 - Coastal management.	The subject site is not identified as being within a coastal wetland or 'land identified as "proximity area for coastal wetlands" or coastal management area.
	Chapter 4 - Remediation of land. Part 4.6	The application was submitted with a Preliminary Site Investigation Report, which concludes that the site is suitable for the proposed use. Council's Environmental Health Officer has assessed the application and raised no objections, subject to conditions should the application be supported by the Panel. As such, it is considered that the development application is satisfactory under Part 4.6 of Chapter 4 of the State Policy.
State Environmental Planning Policy (Sustainable Buildings) 2022.	Chapter 2 - Standards for residential development.	Schedule 7 of the Environmental Planning and Assessment Regulation 2021 (EP&A Reg 2021), co-living development is not defined as a BASIX building as below: *i) **BASIX building** means a building that contains at least 1 dwelling, but does not include the following—* *ii)(a) hotel or motel accommodation,* *iii) (b) a boarding house, hostel or co-living housing that—* *iv) (i) accommodates more than 12 residents, or* *v) (ii) has a gross floor area exceeding 300sqm.* Accordingly, Chapter 2 of the Sustainable Buildings SEPP 2022 is not applicable to the proposed development.
	Chapter 3 - Standards for non-residential development.	This chapter will only apply to the development if the proposed new building has an estimated cost of $5 million or more.

		Whilst the total cost of works of the proposed mixed use development on site is over $13 million, the Cost Report prepared by Tecol dated 19 November 2024 (ref. TEC1092-0015) did not provide any breakdown to the cost of works to confirm the cost of work of the non-residential component of the mixed use development of the ground floor on site, being the commercial tenancy and child care centre development. Therefore, Council is unable to confirm if the non-residential component of the proposed mixed use development would trigger any assessment against chapter 3 of the Sustainable Building SEPP 2021.
State Environmental Planning Policy (Transport and Infrastructure) 2021.	Chapter 2 – Infrastructure. Part 2.3	*Division 5 Subdivision 2 Clause 2.48* The existing overhead electricity lines are parallel to the Gilba Road and Billabong Street frontages of the subject site, within approximately 5 metres of the boundaries. Correspondence received from Endeavour Energy dated 16 December 2025 advises that the proposal is not supported in its current form. It is further noted that undergrounding of the electricity supply would be required should the Panel support the development application.
	Chapter 3 – Educational establishments and child care facilities. Part 3.3	This part of the SEPP and the associated Child Care Planning Guideline applies to the proposal. The Child Care Planning Guideline (CCPG) sets benchmarks for the appearance and acceptable impacts of the centre-based child care facility within the existing locality. The provisions and design quality principles of the CCPG have been considered in the assessment of the application and the proposal fails to satisfy the development controls listed in the CCPG including the insufficient indoor play area, inefficient indoor play area layout, absent of outdoor play area and shortfall of car parking spaces as discussed briefly below.

		A comprehensive assessment of the development proposal against the relevant provisions has been made and is addressed at Attachments 9 and 10.

(a) State Environmental Planning Policy (Housing) 2021

Chapter 3 Diverse Housing Part 3 Co Living Housing

The Housing SEPP 2021 applies to the development and a comprehensive assessment of the Housing SEPP 2021 is provided at Attachment 8. An assessment has been undertaken against the relevant provisions identified in Chapter 3 Part 3 Co-living housing and the following numerical variations are identified:

- Floor Space Ratio - No floor space ratio (FSR) bonus under s.16 of the Housing SEPP 2021 is applicable to the development.

The proposed floor space ratio measures 2.59:1 and exceeds the maximum permitted floor space ratio under clause 4.4 of the Cumberland Local Environmental Plan 2021 of 2:1.

s.68(2)(a) of State Environment Planning Policy (Housing) 2021 (Housing SEPP 2021) allows a 10% floor space ratio bonus for the co-living development if the subject site is located in a land zoning where 'residential flat building' is permitted with consent and the additional floor space is to be used for the purposes of co-living housing only. In this regard, the development is not entitled to the bonus because:

(i) Residential flat buildings are not permitted within the E1 Local Centre zone.

(ii) The co-living use is one of three uses amongst the proposed mixed use development on site. As such, it is inappropriate to assign a portion of the gross floor area on the ground floor level for the exclusive use of the co-living development to one use and the exclusion of the others uses.

In addition, the applicant's calculation of floor space ratio has excluded corridor areas on each level of the building.

No clause 4.6 variation request is lodged seeking to justify the variation of the development standard and accordingly, the application is incapable of being approved.

- Communal Open Space - Contrary to s.68(2)(d) of the Housing SEPP which requires 213.2sqm of communal open space with a minimum dimension of 3m, only 182.0sqm is proposed.

The applicant relies on areas at the western extreme of the Levels 1, 2 and 3 communal open space (COS) areas that are less than 3m wide and therefore non-compliant. In addition, the applicant relies on corridor space and rooms' entry areas forward of rooms 1 and 24, which cannot be included in COS calculations.

No clause 4.6 submission has been lodged seeking to justify variation of the development standard and accordingly, the application is incapable of being approved.

- Room Sizes - Contrary to s.69(1)(a) of the Housing SEPP 2021, adequate room sizes have not been provided for the occupants of 62 of the 74 rooms (being all those other than rooms 8, 16, 19, 39, 42, 51, 52, 58, 61, 65, 68 and 71). Those 62 rooms are shown as double occupant rooms but have areas ranging between 14.4sqm and 15.8sqm excluding bathrooms, kitchen areas and circulation space at kitchen areas. If relied upon as being double rooms, the rooms have deficient amenity. If retained in their current form, the rooms would be suitable for use only by a single occupant.

(b) State Environmental Planning Policy (Transport and Infrastructure) 2021

Chapter 3 Education Establishments and Child Care Facilities

The development application has been submitted under Chapter 3 of the Transport and Infrastructure SEPP 2021. A detail assessment of this SEPP and the relevant Child Care Planning Guideline (CCPG) is provided as Attachments 9 and 10. The proposal fails to comply with various development controls and the non-compliances form part of the reasons of refusal for the Panel to consider. In particular:

- Car Parking - Insufficient car parking is proposed. In accordance with s.30 of the CCPG, a total of 7 car parking spaces shall be provided to service the centre-based child care centre for 34 children, 5 educators and 2 admin staff. Only 6 spaces including 1 tandem car parking space is provided within the basement to service the proposed centre-based child care facility.

- Unencumbered Indoor Play Space - The CCPG recommendations children storage space to be excluded from the indoor unencumbered play space. Review of the architectural plans identified a difficult indoor play space without the provision of sufficient storage space to support the need for the children. As such, it is determined that the provision of children storage space will result in non-compliance with the design guidance of the indoor play space requirement in section 4.1 of the CCPG (Regulation 107 Education and Care Services National Regulations).

- Layout of Indoor Playroom - It is impractical to accommodate children within a 0 to 6 year age bracket within the one internal playroom due to differing sleep, play, learning and activity requirements. In the event that dividing structures or walls were erected to separate children of differing age brackets, the unencumbered internal play area would be further reduced.

- Outdoor Unencumbered Play Space - Development consent cannot be granted since no outdoor unencumbered play space has been provided. As identified on the landscape drawing L-01, the ground floor outdoor area has been labelled as ‘communal open space’ which is inconsistent with the architectural plans. An outdoor play area is essential for the child care centre. Shared use of the area with residential users is inappropriate.

Furthermore, the outdoor area includes dense hedges or plantings within a 36sqm planting strip along the northern and eastern perimeters of the outdoor area. That portion of the outdoor area is not suitable for, or designed for, children's play. When the area is excluded, the remaining area available fails to comply with the 238sqm unencumbered outdoor play area requirement.

- Child Care Centre Floor Layout - Cots within the childcare centre are inappropriately co-located with the kitchen. Separate sleeping and food preparation areas have not been provided.

- Shaded Outdoor Play Space - There is an absence of details on architectural and landscape plans to demonstrate how the outdoor play area functions and will meet the needs of children. As such, a detailed assessment cannot be undertaken.

A comprehensive assessment of the relevant sections of the Transport and Infrastructure SEPP 2021 and the Child Care Planning Guideline are contained in Attachments 9 and 10.

Local Environmental Plans

Cumberland Local Environmental Plan 2021

The provision of the Cumberland LEP 2021 is applicable to the development proposal. It is noted that the development does not achieve compliance with the key statutory requirements of the Cumberland LEP 2021 and the objectives of the E1 Local Centre zone.

(c) Permissibility

The provision of the Cumberland LEP 2021 is applicable to the development proposal.

The proposed mixed use development comprising 'co-living housing', 'centre-based child care facility' and 'commercial premises' which are defined as below:

'Co-living housing' *means a building or place that—*

(a) has at least 6 private rooms, some or all of which may have private kitchen and bathroom facilities, and

(b) provides occupants with a principal place of residence for at least 3 months, and

(c) has shared facilities, such as a communal living room, bathroom, kitchen or laundry, maintained by a managing agent, who provides management services 24 hours a day, but does not include backpackers' accommodation, a boarding house, a group home, hotel or motel accommodation, seniors housing or a serviced apartment.

Note—

*Co-living housing is a type of **residential accommodation**—see the definition of that term in this Dictionary.*

***'Centre-based child care facility'** means—*

(a) a building or place used for the education and care of children that provides any one or more of the following—

(i) long day care,

(ii) occasional child care,

(iii) out-of-school-hours care (including vacation care),

(iv) (preschool care, or

(b) an approved family day care venue (within the meaning of the Children (Education and Care Services) National Law (NSW)),

Note—

An approved family day care venue is a place, other than a residence, where an approved family day care service (within the meaning of the Children (Education and Care Services) National Law (NSW)) is provided.

But does not include—

(c) a building or place used for home-based child care or school-based child care, or

(d) an office of a family day care service (within the meanings of the Children (Education and Care Services) National Law (NSW)), or

(e) a babysitting, playgroup or child-minding service that is organised informally by the parents of the children concerned, or

(f) a child-minding service that is provided in connection with a recreational or commercial facility (such as a gymnasium) to care for children while the children's parents are using the facility, or

(g) a service that is concerned primarily with providing lessons or coaching in, or providing for participation in, a cultural, recreational, religious or sporting activity, or providing private tutoring, or

(h) a child-minding service that is provided by or in a health services facility, but only if the service is established, registered or licensed as part of the institution operating in the facility.

Note—

*Centre-based child care facilities are a type of **early education and care facility**—see the definition of that term in this Dictionary.*

*'**Commercial premises**' means any of the following—*

(a) business premises,

(b) office premises,

(c) retail premises.

Pursuant to Section 67(b) of the Housing SEPP 2021, 'co-living housing development' may be carried out with consent on land in a zone E1 Local Centre for the purposes of co-living housing, where 'residential flat buildings' and 'shop top housing' is permitted under Chapter 5 or another environmental planning instrument.

For the purposes of this development application, 'shop-top housing' is permitted with consent in the E1 Local Centre zone under the Cumberland LEP 2021, and therefore the 'co-living housing development' is permissible pursuant to Section 67 of the Housing SEPP 2021.

In addition, as identified in the Cumberland LEP 2021 Land Use Table, 'centre-based child care facility' and 'commercial premises' are permissible with consent in the E1 Local Centre zone.

The relevant matters to be considered under Cumberland LEP 2021 and the applicable clauses for the proposed development are summarised below. A comprehensive Cumberland LEP 2021 assessment is contained in Attachment 11.

Figure 4 - Cumberland LEP 2021 Compliance Table

Development Standard	Compliance	Discussion
Clause 4.3 Height of Buildings Max. 17m	Yes	The proposed maximum height of the building is 16.75m.
Clause 4.4 Floor Space Ratio Max. 2:1	No	The proposed FSR of 2.594:1 (2,763.135sqm / 1,065sqm) exceeds the maximum FSR.
Clause 4.6 Exceptions to development standards	No	A Clause 4.6 variation request is required for the following items: - floor space ratio (Housing SEPP 2021 s.68(2)(a)(i) and (ii) and cl.4.4 Cumberland LEP 2021); and - communal open space (Housing SEPP 2021 s.68(2)(d)). No clause 4.6 submission is lodged seeking variation to the non-discretionary standard under the Housing SEPP 2021 and the development standard under the Cumberland LEP 2021.

		Hence the application is incapable of being approved and an assessment cannot be made under the clause 4.6.

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 LEP 2021 for 31 sites located around the three (3) precincts of Woodville North, Merrylands East and Woodville South.

The subject application was received on 2 December 2025 and the site does not fall within the Draft Woodville Road Corridor. Therefore, no further consideration is required.

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

The following parts of the Cumberland DCP 2021 are of relevance to the proposed development:

- A1 Introduction and Notification.
- A3 Site Amalgamation and Isolated Sites.
- B5 Adaptable Housing.
- C Development in Business Zones.
- G3 Traffic, Parking, Transport and Access (Vehicle).
- G4 Stormwater and Drainage.
- G5 Sustainability, Biodiversity and Environmental Management.
- G7 Tree Management and Landscaping.
- G8 Waste Management.

A comprehensive Cumberland DCP 2021 assessment is contained in Attachment 12 which demonstrates that the proposal fails to comply with the various development controls. Accordingly, the development application cannot be supported.

A summary of the Cumberland DCP 2021 non-compliances is provided in the following table.

- Site Amalgamation / Isolated Sites - The development isolates sites at 1 Billabong Street, 1 Gilba Road and 1A Gilba Road contrary to Part A3 Subpart 3 of the Cumberland DCP 2021. Site amalgamation processes have not been properly addressed and the valuation reports submitted are unreliable. In addition, documentation filed with the application does not demonstrate that a reasonable attempt has been made to purchase the neighbouring properties.

- Car Parking - The proposed development does not provide car parking that complies fully with the requirements. As shown on the basement plan, there are 26 car parking spaces provided but 28 are required. The shortfall in this instance is not supported.

- Vehicular Access - The driveway profile is inappropriate and additionally fails to accommodate suitable pedestrian access along the Billabong Street public footpath as required in Part G3 Subpart 4 of the Cumberland DCP 2021. Adequate arrangements have not been made for the provision of suitable vehicle access.

- Separate Car Parking Area - The proposed arrangement of uncontrolled car, motorcycle and bicycle parking for the commercial unit, child care centre and co-living residential rooms is likely to give rise to conflict between users, resulting in contention for parking spaces and an inability to restrict parking to its intended use. This outcome is inconsistent with Part G3, Section 4.4, Control C19 of the Cumberland DCP 2021, which requires the provision of segregated parking areas for distinct land uses.

- Stormwater Inundation - The proposed finished ground floor of the commercial unit is situated below existing ground levels of the footpath on Gilba Road. No measures have been outlined to demonstrate how stormwater will be prevented from entering the premises.

- Defined Entries - Contrary to Part C Part C3.7 Control C10 of the Cumberland DCP 2021, separate and defined entries are not provided for the commercial unit and co-living rooms. Door access from the commercial unit to the open foyer containing letterboxes for the co-living units and into the co-living foyer area should be removed to separate the col-living housing component from the commercial land use on the ground floor.

- Loading Bay - One loading bay suitable to accommodate a B99 sized vehicle has not been provided to accommodate any loading requirements of the commercial unit.

- Vehicular Access and Manoeuvring - The driveway profile, sight line and basement design is compromised and inappropriate. The driveway and basement design and does not accommodate adequate manoeuvring in accordance with the relevant Australian Standards.

- Waste Management - The layout of the residential bin room areas is poor, leading to unacceptably and unnecessarily poor residential amenity. Having two residential waste storage areas, one of either side of the enclosed foyer and lift access, with the need to transport bins through the foyer is unsatisfactory.

Access should be provided directly from one consolidated waste storage area to Billabong Street.

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 fails to address the relevant matters arising from Section 35B of the Environmental Planning and Assessment Regulations 2021 in terms of absence of a Clause 4.6 Variation request to justify contravention of the non-compliance to the various development standards. The application is therefore recommended for refusal.

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

It is identified that the proposed development if approved would create issues in relation to overdevelopment, traffic, parking, noise, intensity of use and stormwater drainage. For the reasons as presented within the report, the proposed development is not supported.

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

The subject site and locality are known to be affected by flooding and overland flow. The design and site constraints together with being an undersized lot for co-living housing are likely to have a significant adverse impact on the surrounding residential properties. Accordingly, it is considered that the development is not 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 15 January 2026 and 29 January 2026. The notification generated 5 submissions all objecting to the proposal with no submissions disclosing a political donation or gift.

During the notification period, Council received 1 submission which occurred after the notification period had been completed. Under Schedule 1, Part 1, Division 3, Section 15(3) of the EP&A Act, it is not a submission for the purposes of the Act, the regulations or and environmental planning instrument. However, Section 15(4) does not prevent the Council from consider the submission. In this instance, Council has considered the submission and the issues raised in the public submissions are summarised and commented on as follows:

Figure 7 – Submissions summary table

Issue	Planner's Comment
The proposal is incompatible with the local character and amenity.	Mixed use development comprising commercial tenancy, child care centre and co-living development is a form of permissible development within the E1 Local Centre zone under the Cumberland LEP 2021 and Housing SEPP 2021. However, the development is unsuitable in the context of the site and surrounding locality as discussed in the report.
Amenity impact to the adjoining properties (Overshadowing, privacy and noise).	The proposal has been designed to minimise any overlooking and noise impact to the adjoining properties. The submitted acoustic report indicates the measures to mitigate the noise impact from the development. This has been reviewed by Council's Environmental Health Officer and considered acceptable. The subject site is located adjacent to the existing detached dwellings to the east being 1 Gilba Road and 1A Gilba Road and to the north being 1 Billabong Street. Given the physical location of the site, majority of the shadow from the proposed development on site will falls onto Gilba Road. In this regard, the proposed development will not result in any unreasonable level of overshadowing onto the neighbouring properties notwithstanding the application is recommended for refusal as discussed in the report.
Insufficient on-site and on-street car parking spaces to service the proposed development.	As discussed in the content of the report earlier, the proposal provides in sufficient onsite car parking to service the proposed development. The proposal's reliance on street parking is not supported by Council. Therefore, this matter forms part of the reasons of refusal of the application.
Increase in traffic flow which will cause congestion, unsafe and inefficient road networks.	The Traffic and Parking Assessment prepared by Transport and Traffic Planning Associates dated December 2024 (ref. 24221 issue A) submitted in support of the application concludes that the traffic generated by the development would not result in significant traffic impacts on Gilba Road and Billabong Street and the extended local area. Council's Senior Development Engineer has reviewed the Traffic Report and concurs with the findings. It is determined that the locality does have carrying capacity to sustain the expected intensity of use proposed subject to recommended conditions should the proposal to be supported by Council.

Additional pressure to existing local infrastructure and community services.	Development contribution can be imposed as a condition of consent to maintain existing public infrastructure in the area should the application be supported by Council.
Insufficient assurance regarding long-term operational, noise, waste and co-living occupant behaviour management.	Council officers have received a Plan of Management that ensures that the co-living housing will be managed by an appointed on-site manager and CCTV cameras will be installed in the common areas. Concern raised that the premises would pose a risk of ongoing amenity conflict to the local residents. However, this claim is not substantiated with any data. Further, any potential illegal dumping and anti-social behaviours are not a matter of consideration under Section 4.15 of the EP&A Act 1979. The Plan of Management submitted with the development application will incorporate the appropriate ongoing management of the development and would form part of the approved documents should the application be supported by Council.
Children's safety within close proximity to the roundabout and busy road traffic.	Whilst child care centre is a permissible land use within the E1 Local Centre zone, the proposal is recommended for refusal due to various non-compliances with the statutory planning provisions including but not limited to the non-compliance with the indoor and outdoor play area, floor space ratio, design of the co-living housing, vehicular access, car parking number and design of basement level.
Oversupply of child care centres and boarding-type accommodation. Existing unconstructed approved development.	As mentioned above, co-living development and child care centre are both permissible land use under the Housing SEPP 2021, Transport and Infrastructure SEPP 2021 and Cumberland LEP 2021. It is noted that the proximity to other similar developments is not a matter of consideration under Section 4.15 of the Environmental Planning & Assessment Act 1979 and it is not a reason to refuse the application upon. Notwithstanding, the applicant is recommended for refusal as discussed in the body of the report.
Structural instability to neighbouring properties.	A geotechnical report has been submitted with the application demonstrating that the basement car park is achievable on site. Council's Development Engineer have assessed the proposal and considered the proposed excavation to be reasonable. Any consent issued would include conditions for submission of a dilapidation report and structural engineering report to protect the structural stability of the adjoining properties.
Adverse stormwater and drainage impact to the neighbouring properties.	The stormwater drainage concept design forms part of the supporting documents of this development application. The design has been reviewed by Council's Senior

	Development Engineer who advised the stormwater concept design is considered acceptable subject to conditions should the development application be supported by Council.
Adverse amenity impact to the occupants of the neighbouring properties during the construction phase of the approved development.	Any consent issued would include standard conditions to ensure the construction site does not have any adverse impact on the amenity of the neighbouring properties.
Letter of offer has not been delivered to the owners of the neighbouring properties.	The documents submitted to Council fails to demonstrate that a genuine effort was made to acquire the adjoining properties. The information provided is insufficient, and it is unclear how the letters were distributed; in any case, they were neither addressed to the current owners nor sent to the postal addresses of the current owners as recorded by Council. This issue underpins the recommendation for refusal.

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

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

CUMBERLAND LOCAL INFRASTRUCTURE CONTRIBUTIONS PLANS 2020

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

In accordance with the Contribution Plan a contribution is payable, pursuant to Section 7.11 of the EP&A Act, calculated on the cost of works. A total contribution of $302,349.00 would be payable should the Panel support the application.

However, given that the development application is recommended for refusal, the matter of contributions is not explored further.

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).

If approved, a condition of consent would be 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 (Biodiversity and Conservation) 2021, State Environmental Planning Policy (Housing) 2021, State Environmental Planning Policy (Resilience and Hazards) 2021, State Environmental Planning Policy (Transport and Infrastructure) 2021, Cumberland Local Environmental Plan 2021 and Cumberland Development Control Plan 2021 and is considered as being unsatisfactory for the reasons as discussed within the report.

It is considered that the proposed development is unacceptable for the reasons outlined in this report. It is recommended that the development be refused.

CONSULTATION:

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

FINANCIAL IMPLICATIONS:

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

POLICY IMPLICATIONS:

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

COMMUNICATION / PUBLICATIONS:

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

REPORT RECOMMENDATION:

1. **That Development Application 2025/0824 for the construction of a five-storey mixed-use development comprising of commercial unit, child care centre with 34 places and 74 co-living units over basement car parking with 26 carparking spaces on land at 3-5 Gilba Road, Pendle Hill be refused for the reasons listed in Council's assessment report.**

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

ATTACHMENTS

1. Draft Notice of Determination ⇩
2. Architectural Plans ⇩
3. Landscape Plans ⇩
4. Stormwater Concept Plans ⇩
5. Redacted Submissions ⇩
6. Plan of Management - Child Care Centre ⇩
7. Plan of Management - Co-living Development ⇩

8. State Environmental Planning Policy (Housing) 2021 ⇩
9. State Environmental Planning Policy (Transport and Infrastructure) 2021 ⇩
10. Child Care Planning Guideline ⇩
11. Cumberland LEP 2021 Assessment ⇩
12. Cumberland DCP 2021 Assessment ⇩

DOCUMENTS ASSOCIATED WITH REPORT ELPP018/26

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:	DA2025/0824
Applicant:	H Yan Suite 3.1/64 Talavera Road Macquarie Park NSW 2113
Property Description:	3-5 Gilba Road, Pendle Hill Lots 49 and 50 in DP 13009
Development:	Construction of a five-storey mixed-use development comprising of commercial unit, childcare centre with 34 places and 74 co-living units over basement car parking with 26 carparking spaces.
Determined by:	Cumberland Local Planning Panel.

REASONS OF REFUSAL

1. **Floor Space Ratio**

The proposed floor space ratio measures 2.59:1 and exceeds the maximum permitted floor space ratio under clause 4.4 of the Cumberland Local Environmental Plan 2021 of 2:1. No clause 4.6 submission has been lodged seeking to justify variation of the development standard and accordingly, the application is incapable of being approved.

(a) The applicant relies on section 68(2) of State Environment Planning Policy (Housing) 2021 to claim a 10% floor space ratio bonus. If the applicant is entitled to that bonus, the permissible floor space ratio would increase to 2.2:1. The applicant is not entitled to the bonus because:

(i) Residential flat buildings are not permitted within the E1 Local Centre zone under the Cumberland Local Environmental Plan 2021.

(ii) The proposal seeks to assign the claimed additional floor area for the co-living use. However, the co-living use is one of three uses amongst the proposed commercial premises and the centre-based child care facility. It is arbitrary and inappropriate to assign a portion of the gross floor area, being that above a floor space ratio inclusive of claimed bonus) control to one use and the exclusion of the others uses.

(b) The applicant's calculation of floor space ratio has impermissibly excluded corridor areas on each level of the building.

2. **Communal Open Space**

Section 68(2)(d) of the State Environmental Planning Policy (Housing) 2021 requires 213.2sqm of communal open space with a minimum dimension of 3m, only 182.0sqm is proposed. No clause 4.6 submission has been lodged seeking to justify variation of the development standard and accordingly, the application is incapable of being approved.

3. **Indoor Unencumbered Space**

Development consent must not be granted because the floor area of the building does not comply with regulation 107 of the Education and Care Services National Regulation upon allowances being made for the provision of adequate internal storage area, which is currently not provided for.

(a) The Child Care Planning Guideline includes children storage space to be excluded from the indoor unencumbered play space. Review of the architectural plans identified a difficult indoor play space without the provision of sufficient storage space to support the need for the

children. As such, it is determined that the provision of children storage space will result in non-compliance with the design guidance of the indoor play space requirement

(b) It is impractical to accommodate children within a 0 to 6 year age bracket within the one internal play room due to differing sleep, play, learning and activity requirements. In the event that dividing structures or walls were erected to separate children of differing age brackets, the unencumbered internal play area would be further reduced.

4. Outdoor Unencumbered Space

Development consent must not be granted because the outdoor unencumbered space is not complying with regulation 108 of the Education and Care Services National Regulation upon exclusions being applied for dense hedges or plantings along boundaries that are designed for landscaping purposes and not for children's play.

(a) The Landscape drawing labels the ground floor outdoor area as 'communal open space'. A gate proximate to the commercial unit lift is located off the outdoor area. Further, doors to the residential lobby facilitate access to the ground floor outdoor area. Shared use of the area with residential users is inappropriate.

(b) There is an absence of details on architectural and landscape plans to understand how the outdoor play area functions and will meet the needs of children.

5. Vehicular Access

The driveway profile is inappropriate and additionally fails to accommodate suitable pedestrian access along the Billabong Street public footpath. Contrary to clause 6.4 of the Cumberland Local Environmental Plan 2021, adequate arrangements have not been made for the provision of suitable vehicle access.

(a) The driveway gradient should be consistent with section 2.5.3 of AS2890.1, inclusive of the grade for the first 6m from the property boundary not exceeding 5%. Contrary to that, the proposed grade is 12.5%.

(b) The finished surface level of the driveway are higher that existing footpath levels and will cause an unsatisfactory undulation in the footpath for pedestrians.

6. Site Amalgamation / Isolated Sites

The development isolates sites at 1 Billabong Street, 1 Gilba Road and 1A Gilba Road contrary to objective O1 of part C3.1 of the Cumberland Development Control Plan 2021. Site amalgamation processes have not been properly observed and the valuation reports submitted are unreliable.

In addition, documentation filed with the application does not demonstrate that a reasonable attempt has been made to purchase the neighbouring property owners.

7. Stormwater Inundation

The proposed finished ground floor of the commercial unit, at RL40.70, is situated below existing ground levels of the footpath in Gilba Road which commence at RL42.76 at the eastern side of the site and fall to RL40.76 at the point that the footpath meets the Billabong Street footpath. No measures have been outlined to disclose how stormwater will be prevented from entering the premises.

8. Child Care Centre Floor Layout

Cots within the child care centre are inappropriately co-located with the kitchen. Separate sleeping and food preparation areas have not been provided.

9. Waste Management

The layout of the residential bin room areas is poor, leading to unacceptably and unnecessarily poor residential amenity. Having two residential waste storage areas, one of either side of the enclosed

foyer and lift access, with the need to transport bins through the foyer is a poor design.

10. Defined Entries

Separate and defined entries are not provided for the commercial unit and co-living rooms as required under part C3.7 control C10 of the Cumberland Development Control Plan 2021.

11. Number of Car Parking

The number of car parking spaces required under section 68(2)(e) of the State Environmental Planning Policy (Housing) 2021, control C30 of the Child Care Planning Guideline and Table 3 Part G3 of the Cumberland Development Control Plan 2021 should be 15, 7 and 7 respectively. The development provides for 26 spaces resulting in a shortfall of 2 spaces.

12. Separate Car Parking Area

The provision of uncontrolled and co-located car, motorcycle and bicycle parking for the commercial unit, the child care centre and the co-living residential rooms will result in competition for parking spaces and an inability to prevent drivers from occupying parking spaces not intended for a particular use. Consistent with part G3 section 4.4 control C19 of the Cumberland Development Control Plan 2021.

13. Loading Bay

One loading bay suitable to accommodate a 99th percentile sized vehicle should be provided to accommodate likely loading requirements of the commercial unit. The absence of a loading bay will render the 'commercial unit' premises unsuitable for conceivable future uses such as a cafe and neighbourhood supermarket.

14. Vehicular Access and Manoeuvring

The driveway profile is inappropriate and should be amended to comply with section 2.5.3 of AS2890.1-2004.

(a) The driveway profile involves fill proximate to the footpath, causing an undulation in the footpath and a hazard for pedestrians.

(b) Deficient sight lines are available at the top of the ramp, culminating in compromised pedestrian visibility and safety as required by figures 3.2 and 3.3 of s.3.2.4 of AS2890.1-2004.

(c) The basement design is compromised and too tight and does not accommodate adequate manoeuvring. The aisle width at the base of the ramp is 4.14m and fails to comply with the 6.1m requirement under sections 2.4.1 and 2.4.6 of AS2890.1-2004.

15. Room Size

Adequate room sizes have not been provided for the occupants of 62 rooms as identified in section 69(1)(a) of the State Environmental Planning Policy (Housing) 2021. Those 62 rooms are put forward as double occupant rooms but have areas ranging between 14.4sqm and 15.8sqm excluding bathrooms, kitchen areas and standing room at kitchen areas. If relied upon as being double rooms, the rooms have deficient amenity. If retained in their current form, the rooms would be suitable for use by a single occupant.

16. Insufficient Information

Unencumbered Outdoor Play Area Including Shading
There is an absence of details on architectural and landscape plans to understand how the outdoor play area functions and will meet the needs of children. For example, no details are shown of facilities such as sand pits, water features, play equipment or climbing equipment are provided. Insufficient information has been provided to assess compliance with shade requirements of section 4.11 of the CCPG. No details of shadows cast from the approved development at 3-5 Billabong Street and from shade structures, if any, located within the outdoor play area have been provided to enable assessment of levels of solar access to the outdoor play area.

Landscaping and Privacy
No landscape details have been provided for the Level 4 communal open space area to enable a proper assessment of privacy and landscape outcomes.

DOCUMENTS ASSOCIATED WITH REPORT ELPP018/26

Attachment 2

Architectural Plans

000-SPECIFICATION

DA-000	COVER PAGE	B	05/02/2026
DA-020	GENERAL NOTES	B	05/02/2026
DA-050	SITE PLAN	B	05/02/2026

100-GENERAL ARRANGEMENT PLANS

DA-090	BASEMENT GA PLAN	B	05/02/2026
DA-100	GROUND FLOOR_GA PLAN	B	05/02/2026
DA-110	LEVEL 1 GA PLAN	B	05/02/2026
DA-120	LEVEL 2 GA PLAN	B	05/02/2026
DA-130	LEVEL 3 GA PLAN	B	05/02/2026
DA-140	LEVEL 4 GA PLAN	B	05/02/2026
DA-150	ROOF PLAN	B	05/02/2026

200-ELEVATIONS

DA-200	ELEVATION	B	05/02/2026
DA-201	ELEVATION	B	05/02/2026
DA-202	BILLABONG STREET ELEVATION	B	05/02/2026
DA-203	ELEVATION	B	05/02/2026
DA-204	ELEVATION	B	05/02/2026
DA-205	GILBA ROAD ELEVATION	B	05/02/2026

300-SECTIONS

DA-300	SECTION A	B	05/02/2026
DA-301	SECTION B	B	05/02/2026

400-WINDOWS / DOORS

DA-400	WINDOW SCHEDULE	B	05/02/2026

500-SITE ANALYSIS

DA-500	GFA COMPLIANCE	B	05/02/2026
DA-505	COMMUNAL AREA CALCULATION	B	05/02/2026
DA-510	CHILDCARE CALCULATION	B	05/02/2026
DA-520	SITE ANALYSIS	B	05/02/2026
DA-530	SEDIMENT CONTROL PLAN	B	05/02/2026
DA-540	BUILDING HEIGHT	B	05/02/2026
DA-550	SHADOW DIAGRAM	B	05/02/2026
DA-551	SHADOW DIAGRAM	B	05/02/2026
DA-552	SHADOW DIAGRAM	B	05/02/2026
DA-553	SHADOW DIAGRAM	B	05/02/2026
DA-554	SHADOW DIAGRAM	B	05/02/2026
DA-555	SHADOW DIAGRAM	B	05/02/2026
DA-556	SHADOW DIAGRAM	B	05/02/2026

600-FINISHES

DA-600	EXTERNAL FINISH SCHEDULE	B	05/02/2026

700-DETAILS

DA-710	DRIVEWAY PROFILE	B	05/02/2026
DA-720	CHILDCARE EVACUATION PLAN	B	05/02/2026

3-5 GILBA ROAD, PENDLE HILL

74 UNITS CO-LIVING WITH COMMERCIAL AND CHILDCARE







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TITLE:	COVER PAGE		
DRW:	JL	DRW #:	DA-000
CHK:	HY	REV #:	B
NORTH:		SCALE:	1 : 100 @ A3

REV	COMMENTS	DATE
A	ISSUE FOR DA	13/12/2024
B	ISSUE FOR DA	05/02/2026

PRJ #:	2316
STATUS:	DA
CLIENT:	CONFIDENTIAL
ADD:	3-5 GILBA ROAD PENDLE HILL

GENERAL NOTES

- THE DRAWINGS INDICATE THE INTENT AND SCOPE OF THE WORK REQUIRED TO CARRY OUT THE PROJECT. THE CONTRACTOR IS TO ALLOW FOR AND PROVIDE ALL MATERIALS, LABOUR, ACCESSORIES AND ANY DESIGN NECESSARY TO COMPLETE THE WORKS TO THE SPECIFIED PERFORMANCE. NO VARIATIONS WILL BE CONSIDERED FOR THE PROJECT UNLESS IT IS A CLEAR CHANGE TO THE INTENT AND SCOPE OF THE WORKS INITIATED IN WRITING BY THE SUPERINTENDENT.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR ALL BUILDING WORKS INCLUDING THE INSTALLATION OF THE ARCHITECTURAL, STRUCTURAL, ELECTRICAL, MECHANICAL, HYDRAULICS, FIRE PROTECTION AND COMPLIANCE TO CURRENT BUILDING CODES AND STANDARDS.
- REFER ALL STRUCTURAL & SERVICES ENGINEERS DRAWINGS, NOTES AND SPECIFICATIONS FOR ALL ENGINEERING DETAILS AND REQUIREMENTS INCLUDING BUT NOT LIMITED TO THE FOLLOWING DISCIPLINES: ELECTRICAL, HYDRAULIC, STRUCTURAL, MECHANICAL, FIRE, SURVEY. CONSULTANTS DRAWINGS TO TAKE PRECEDENCE OVER ARCHITECTURAL DRAWINGS FOR THEIR RESPECTIVE DISCIPLINES.
- SUBMIT ALL SHOP DRAWINGS TO SUPERINTENDANT INCLUDING BUT NOT LIMITED TO THE FOLLOWING AS APPLICABLE: MECHANICAL, ELECTRICAL AND FIRE INSTALLATIONS; MISCELLANEOUS JOINERY
- ALL NEW BUILDING WORK IS TO BE CARRIED OUT IN ACCORDANCE WITH CONDITIONS ISSUED BY THE APPROVAL AUTHORITY. ALL NEW BUILDING WORK IS TO BE CARRIED OUT IN ACCORDANCE WITH THE PROVISIONS OF THE BUILDING CODE OF AUSTRALIA (BCA) IN ACCORDANCE WITH CLAUSES 78A-78I OF THE ENVIRONMENTAL PLANNING & ASSESSMENT REGULATION 1998.
- ANY WORKS SHOWN ON ONE DRAWING BUT NOT ON ANOTHER, OR SHOWN ON A CONSULTANTS DRAWING BUT NOT ON THE ARCHITECTURAL DRAWINGS OR VICE VERSA ARE DEEMED TO BE INCLUDED IN THE CONTRACT WORKS.
- ALL WORKS NOTED IN THE DRAWING IS TO BE REGARDED AS NEW WORKS TO BE CARRIED OUT BY THE HEAD CONTRACTOR UNLESS OTHERWISE EXPLICITLY EXCLUDED IN WRITING ON THE DRAWINGS.
- THE DRAWINGS, SPECIFICATIONS AND SCHEDULES SHOW AND DESCRIBE THE INTENT AND SCOPE OF THE WORKS. THE HEAD CONTRACTORS IS TO ALLOW FOR ALL MATERIAL, EQUIPMENT, ACCESSORIES, LABOUR, ADDITIONAL DESIGN INPUT, PERMITS, APPROVALS AND THE LIKE TO COMPLETE THE WORKS IN ACCORDANCE WITH THIS INTENT AND SCOPE AND FOR THESE WORKS TO BE FIT FOR THEIR INTENDED PURPOSE. NO VARIATIONS WILL BE CONSIDERED UNLESS IT IS A CLEAR CHANGE TO THE INTENT AND SCOPE OF THE WORKS INITIATED IN WRITING BY THE CLIENT.

SECTION J - BCA

- ALL NEW WORK FOR THE PROJECT SHALL COMPLY WITH SECTION J OF THE BCA AS APPLICABLE

WATERPROOFING

- WATERPROOFING IS TO COMPLY WITH PART F1.7 OF THE BUILDING CODE OF AUSTRALIA.A CERTIFICATE IS TO BE PROVIDED, CERTIFYING THAT ALL WET AREAS (TOILETS, SHOWERS & RELEVANT TEST AREAS) HAVE BEEN EFFECTIVELY WATERPROOFED (PRIOR TO TILING) IN ACCORDANCE WITH AS3740-2004

DISABILITY ACCESS AND FACILITIES

- THE PROPOSED DEVELOPMENT IS TO COMPLY WITH PART D3: ACCESS FOR PEOPLE WITH DISABILITIES, OF THE BUILDING CODE OF AUSTRALIA AND WITH: AS 1428.1 - 2009: GENERAL REQUIREMENTS FOR ACCESS - NEW BUILDING WORKS. AS 1428.4 - 2009: TACTILE INDICATORS.
- *NOTE - REQUIREMENTS FOR PATHS OF TRAVEL, STAIRS, DOOR LOCATIONS, CLEARANCES, SWINGS AND HARDWARE ARE TO COMPLY AS DETAILED IN AS 1428.1*
- SLIP RESISTANCE OF FLOOR SURFACES - THE DEVELOPMENT IS TO COMPLY WITH THE MINIMUM RECOMMENDATIONS OF AS 4586-2013: SLIP RESISTANCE CLASSIFICATION OF NEW PEDESTRIAN SURFACE MATERIALS & HB 197-1999: GUIDE TO THE SLIP RESISTANCE OF PEDESTRIAN SURFACE MATERIALS, AND HB 198:2014.

EGRESS

- ALL MEANS OF EGRESS ARE TO COMPLY WITH PART D1 OF THE BUILDING CODE OF AUSTRALIA.
- ALL PATHS OF TRAVEL TO BE 1000mm MIN. CLEAR UNOBSTRUCTED WIDTH OR GREATER UNLESS NOTED OTHERWISE.
- DOORS LOCATED IN PATHS OF TRAVEL TO EXITS TO BE OPENABLE AT ALL TIMES WITHOUT THE USE OF A KEY FROM THE SIDE THAT FACES A PERSON SEEKING EGRESS, BY A SINGLE DOWNWARD HAND ACTION LOCATED ON A SINGLE DEVICE BETWEEN 900mm AND 1200mm FROM THE FLOOR.

LIGHTING COMPLIANCE

- THE PROPOSED DEVELOPMENT IS TO COMPLY WITH PART F4: LIGHT AND VENTILATION, OF THE BUILDING CODE OF AUSTRALIA AND AS 1680: INTERIOR LIGHTING, AND:
- - **EMERGENCY LIGHTING** - IN ACCORDANCE WITH PART E4.2 AND E4.4 OF THE BUILDING CODE OF AUSTRALIA AND AS 2293.1-2005: EMERGENCY EVACUATION LIGHTING FOR
- - **EXIT SIGNS** - IN ACCORDANCE WITH PART E4.5, E4.6, E4.8 AND AS 2293.1- 1998: EMERGENCY EVACUATION LIGHTING FOR BUILDINGS. (SLIM LINE DETAIL)

FIRE SAFETY COMPLIANCE

- PORTABLE FIRE EXTINGUISHERS - IN ACCORDANCE WITH E1.6 OF THE BUILDING CODE OF AUSTRALIA AND AS 2444-2001: PORTABLE FIRE EXTINGUISHERS AND FIRE BLANKETS - SELECTION AND LOCATION.

FIRE HAZARD PROPERTIES

- ALL MATERIALS, LININGS, SURFACE FINISHES, FITTINGS AND FIXTURES MUST COMPLY WITH SPECIFICATION C1.10 OF THE BUILDING CODE OF AUSTRALIA.

CERTIFICATIONS

- ALL CERTIFICATION REQUIRED FOR OCCUPATION CERTIFICATE TO THE SATISFACTION OF THE CERTIFYING AUTHORITY TO BE SUBMITTED PRIOR TO PRACTICAL COMPLETION. INCLUDING BUT NOT LIMITED TO: STRUCTURAL CERTIFICATION, MECHANICAL CERTIFICATION, ALARM SIGNALING EQUIPMENT, AUTOMATIC FIRE SUPPRESSION SYSTEM, FIRE DETECTION & ALARM SYSTEM, BUILDING OCCUPANT WARNING SYSTEM, EMERGENCY LIGHTING, EXIT SIGNS, FIRE SEALS, FIRE HOSE REELS, FIRE HYDRANT SYSTEMS, FIRE DOORS, SMOKE DOORS, PATHS OF TRAVEL, PORTABLE FIRE EXTINGUISHERS, ELECTRICAL CERTIFICATION, PLUMBING CERTIFICATION, GLAZING CERTIFICATION, BALUSTRADE CERTIFICATION ETC.

SETTING OUT

- ALL SETTING OUT IS TO BE CARRIED OUT BY A LICENSED SURVEYOR ON SITE. ALL OVERALL AND CRITICAL DIMENSIONS ARE TO BE SET OUT FIRST AND REVIEWED BY THE SUPERINTENDENT PRIOR TO THE COMMENCEMENT OF ANY CONSTRUCTION OR EXCAVATION.
- THE LICENSED SURVEYOR IS TO ESTABLISH THE EXACT POSITION OF ALL SET BACKS AND PROPERTY BOUNDARIES PRIOR TO THE COMMENCEMENT OF ANY CONSTRUCTION OR EXCAVATION.
- NO PART OF THE BUILDING WORK IS TO ENCROACH OVER A SPECIFIED SET-BACK LINE, EASEMENT OR PROPERTY BOUNDARY. ANY DISCREPANCIES IN THE BUILDING SET OUT IN ANY WAY ARE TO BE REPORTED TO THE SUPERINTENDENT IMMEDIATELY.

REFERENCE LEVELS

- ALL LEVELS AND RLS INDICATED RELATE TO THE AUSTRALIAN HEIGHT DATUM (AHD).

DEMOLITION NOTES

- ALL WORK TO CONFORM TO LOCAL AUTHORITY'S STATUTORY REQUIREMENTS. ALL WORKS TO BE UNDERTAKEN TO COMPLY WITH AS2601: THE DEMOLITION OF STRUCTURES AND OTHER RELEVANT AUSTRALIAN STANDARDS. DEMOLISH PARTS OF THE BUILDING AS NOTED ON THE DRAWINGS. INSPECT, REVIEW AND CONFIRM ALL WORKS ON SITE PRIOR TO COMMENCEMENT. UNDERTAKE ALL WORKS TO MINIMISE DISRUPTION, DUST AND NOISE TO THE SITE. REMOVE EXISTING SERVICES FROM DEMOLITION AREAS AS REQUIRED. PROVIDE A DILAPIDATION REPORT IN 3 STAGES INCLUDING PHOTOS IN THREE STAGES; PRIOR TO COMMENCEMENT OF DEMOLITION, DURING AND AFTER. (3 COPIES). PROVIDE SOLID, FULL HEIGHT, PAINTED HOARDINGS TO PERIMETER OF WORKS ZONE, COMPLETE WITH STATUTORY SIGNAGE AND SEALED TO PREVENT DUST INTRUSION INTO PUBLIC AREAS TO LOCAL AUTHORITIES' SATISFACTION. CO-ORDINATE AND CONFIRM TIMING OF ALL DEMOLITION WITH SUPERINTENDENT PRIOR TO COMMENCEMENT.

OH&S

- ALL DEMOLITION WORK AND CONSTRUCTION WORK METHODS TO COMPLY WITH NSW WORK HEALTH AND SAFETY ACT 2011, OH&S ACT 2000, OH&S REGULATION 2001 AND ALL OTHER OH&S REQUIREMENTS. ALL PRACTICES TO BE WORKCOVER COMPLIANT.

RECYCLING

- CONTRACTOR TO MARK AND DEPLOY ALL ITEMS TO BE RECYCLED FOR DISPOSAL ACCORDINGLY. ITEMS TO BE RECYCLED INCLUDE: TIMBER, STEEL METALWORK AND GLASS. ALL ITEMS NOT TO BE RECYCLED TO BE REMOVED AND DISPOSED OF IN AN APPROPRIATE MANNER TO LANDFILL

WORKS

- ALL WORK TO REMAIN WITHIN CONFINES OF THE TITLE BOUNDARY.
- NOTIFY RELEVANT AUTHORITIES AND ADJOINING OWNERS PRIOR TO ANY DEMOLITION OR HOARDING ERECTION.
- ALL SERVICES TO BE DISCONNECTED AS REQUIRED PRIOR TO COMMENCEMENT OF ANY WORKS
- REFER HAZARDOUS MATERIALS REPORT FOR REMOVAL AND MANAGEMENT OF ALL HAZARDOUS MATERIALS.
- ALL ASBESTOS FIBRE DEMOLITION MATERIALS AND ASBESTOS DUST SHALL TO BE HANDLED AND REMOVED IN ACCORDANCE WITH THE OCCUPATIONAL HEALTH AND SAFETY (ASBESTOS DUST) REGULATION, 1984, AND ALL RELEVANT OH&S AND SAFEWORK CODES AND REGULATIONS, INCLUDING ASZ601.
- INSPECT SITE & READ DEMOLITION DRAWINGS IN CONJUNCTION WITH PROPOSED NEW WORKS DOCUMENTS PREPARED BY THE ARCHITECT AND ALL OTHER CONSULTANTS, INCLUDING STRUCTURAL AND SERVICES ENGINEERS.
- ALLOW FOR ALL DEMOLITION AND REMOVAL REQUIRED BY THE NEW WORKS DRAWINGS, WHETHER OR NOT EXPRESSLY NOTED ON THESE DRAWINGS.
- CO-ORDINATE AND CONFIRM TIMING OF ALL DEMOLITION WITH SUPERINTENDENT PRIOR TO COMMENCEMENT.
- MAKE GOOD AND REINSTATE ALL SURROUNDING SURFACES INCLUDING WALLS, FLOORS, CEILINGS, PATHS, ROADS, ROOFS AND BUILDING SERVICES FOLLOWING COMPLETION. ALLOW TO LOCALLY MAKE GOOD AND REPAINT ALL WALLS, DOORS, CEILINGS, COLUMNS ETC TO NEW FINISH, REFER TO FINISHES PLAN FOR DETAILS.
- INSPECT, REVIEW AND CONFIRM ALL WORKS ON SITE PRIOR TO COMMENCEMENT.
- UNDERTAKE ALL WORKS TO MINIMISE DISRUPTION, DUST AND NOISE TO THE SITE.
- REMOVE EXISTING SERVICES FROM DEMOLITION AREAS AS REQUIRED AND STORE FOR FUTURE INSTALLATION IN ACCORDANCE WITH SUPERINTENDENT'S INSTRUCTION. REFER SERVICES ENGINEER'S DRAWINGS AND SPECIFICATION.
- AGREE HOARDING LOCATIONS WITH SUPERINTENDENT PRIOR TO INSTALLATION.

ROOFING NOTES

- APPROPRIATE OH&S RISK MANAGEMENT PROCEDURES TO BE UNDERTAKEN PRIOR TO ANY WORK UNDERTAKEN. NO ROOF ACCESS ALLOWED PRIOR TO INSTALLATION OF ADEQUATE FALL ARREST PROTECTION.
- ALL PRACTICES TO BE COMPLIANT WITH ALL RELEVANT AUSTRALIAN STANDARDS, SAFEWORK CODES AND OH&S REGULATIONS INCLUDING BUT NOT LIMITED TO AS 1891.4:2009 INDUSTRIAL FALL ARREST SYSTEMS AND DEVICES; SAFEWORK CODE OF PRACTICE, SAFE WORK ON ROOFS, PART 1, COMMERCIAL AND INDUSTRIAL BUILDINGS.
- ALL METAL RAINWATER GOODS TO BE SELECTED, SUPPLIED AND INSTALLED IN ACCORDANCE WITH AS 2179.1
- ROOF CONSTRUCTION AND INSULATION IS TO COMPLY WITH THE REQUIREMENTS OF SECTION J OF THE BCA
- WORKS TO THE BUILDING ENVELOPE INCLUDING SLABS, WALLS, ROOFS, GLAZING IS TO COMPLY WITH THE REQUIREMENTS OF SECTION J OF THE BCA.
- PROVIDE ALL MATERIALS & ACCESSORIES TO ENSURE COMPLETE WATERTIGHTNESS

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TITLE: GENERAL NOTES
DRW: JL DRW #: DA-020
CHK: HY REV #: B
NORTH: SCALE: 1 : 100 @ A1

REV	COMMENTS	DATE
A	ISSUE FOR DA	13/12/2024
B	ISSUE FOR DA	05/02/2026

PRJ #: 2316
STATUS: DA
CLIENT: CONFIDENTIAL
ADD: 3-5 GILBA ROAD PENDLE HILL

BILLABONG STREET

GILBA ROAD

SUBJECT SITE:
3-5 GILBA ROAD, PENDLE HILL
CO-LIVING WITH CORMMERCIAL AND CHILDCARE

POTENTIAL BUILDING ENVELOPE

1 BILLABONG, PENDLE HILL

3 BILLABONG, PENDLE HILL

1 GILBA ROAD, PENDLE HILL

1A GILBA ROAD, PENDLE HILL

POTENTIAL BUILDING ENVELOPE

POTENTIAL BUILDING ENVELOPE

POTENTIAL BUILDING ENVELOPE

POTENTIAL BUILDING ENVELOPE

BENTLEY LANE

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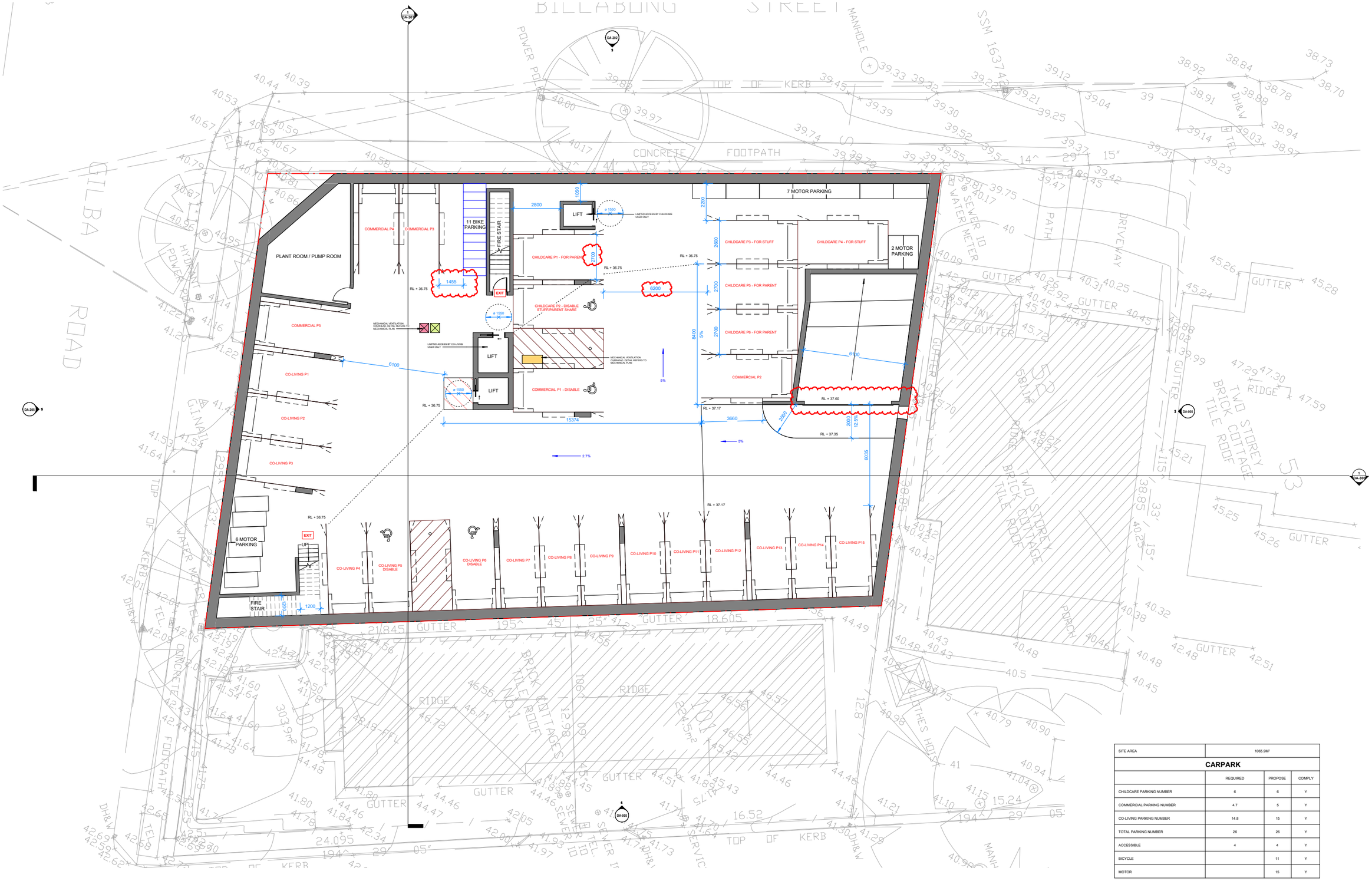
TITLE:	SITE PLAN		
DRW:	JL	DRW #:	DA-050
CHK:	HY	REV #:	B
NORTH:		SCALE:	0 1 2 3 4 SCALE 1:100 1:100 @ A3

REV	COMMENTS	DATE
A	ISSUE FOR DA	13/12/2024
B	ISSUE FOR DA	05/02/2026

PRJ #:	2316
STATUS:	DA
CLIENT:	CONFIDENTIAL
ADD:	3-5 GILBA ROAD PENDLE HILL



SITE AREA	1065.9MF		
CARPARK			
	REQUIRED	PROPOSE	COMPLY
CHILDCARE PARKING NUMBER	6	6	Y
COMMERCIAL PARKING NUMBER	4.7	5	Y
CO-LIVING PARKING NUMBER	14.8	15	Y
TOTAL PARKING NUMBER	26	26	Y
ACCESSIBLE	4	4	Y
BICYCLE		11	Y
MOTOR		15	Y

DETAIL REFERS TO TRAFFIC REPORT

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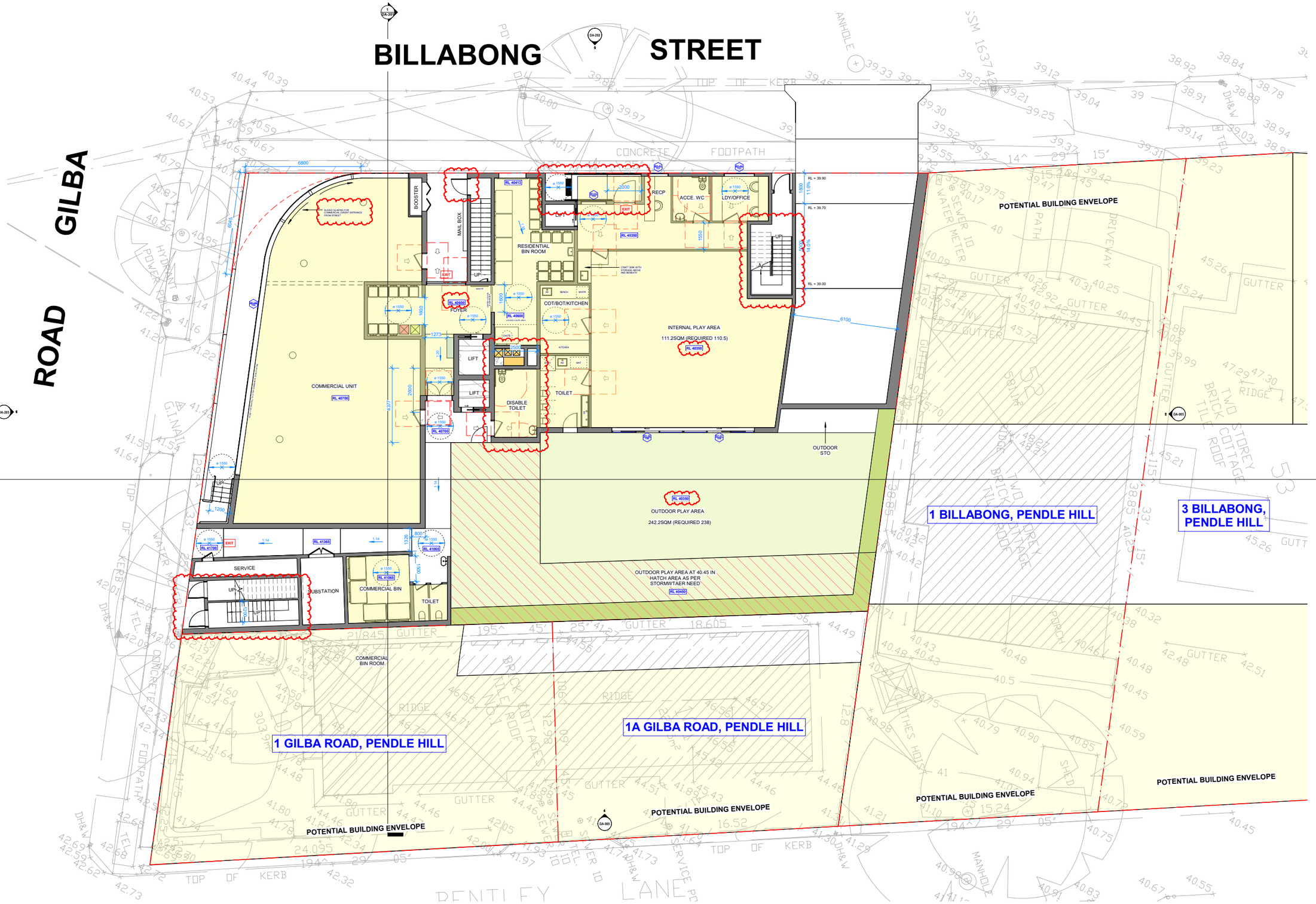
TITLE: **BASEMENT GA PLAN**
DRW: JL DRW #: DA-090
CHK: HY REV #: B
NORTH:
SCALE: 0 1 2 3 4 SCALE 1:100 1:100 @ A3

REV	COMMENTS	DATE
A	ISSUE FOR DA	13/12/2024
B	ISSUE FOR DA	05/02/2026

PRJ #: 2316
STATUS: DA
CLIENT: CONFIDENTIAL
ADD: 3-5 GILBA ROAD PENDLE HILL



ARCHITECTS

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TITLE:	GROUND FLOOR_GA PLAN		
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CHK:	HY	REV #:	B
NORTH:		SCALE:	0 1 2 3 4 SCALE 1:100 1 : 100 @ A3

REV	COMMENTS	DATE
A	ISSUE FOR DA	13/12/2024
B	ISSUE FOR DA	05/02/2026

PRJ #:	2316
STATUS:	DA
CLIENT:	CONFIDENTIAL
ADD:	3-5 GILBA ROAD PENDLE HILL

BILLABONG STREET

GILBA ROAD

ROOM DATA SHEET

TYPE A	UNIT 1	16.1M²
TYPE B	UNIT 2	16.5M²
	UNIT 3	16.5M²
	UNIT 4	16.5M²
	UNIT 5	16.5M²
	UNIT 6	16.5M²
	UNIT 7	16.5M²
TYPE C	UNIT 8	16.8M²
TYPE D	UNIT 9	16.1M²
TYPE E	UNIT 10	16.1M²
TYPE F	UNIT 11	16.4M²
	UNIT 12	16.4M²
	UNIT 13	16.4M²
	UNIT 14	16.5M²
TYPE G	UNIT 15	16.5M²
TYPE H	UNIT 16 - DISABLE	19.8M²
TYPE I	UNIT 17	17.5M²
TYPE J	UNIT 18	16.4M²
TYPE K	UNIT 19	17.5M²
TYPE L	UNIT 20	16.4M²
TYPE M	UNIT 21	16.4M²
	UNIT 22	16.4M²
	UNIT 23	16.4M²
TOTAL GFA		510.0M²
COMMUNAL OPEN SPACE		51.2M²

POTENTIAL BUILDING ENVELOPE

1 BILLABONG, PENDLE HILL

3 BILLABONG, PENDLE HILL

1 GILBA ROAD, PENDLE HILL

1A GILBA ROAD, PENDLE HILL

POTENTIAL BUILDING ENVELOPE

POTENTIAL BUILDING ENVELOPE

POTENTIAL BUILDING ENVELOPE

POTENTIAL BUILDING ENVELOPE

BUILDING SEPERATION 13430

BUILDING SETBACK 10415

ARCHITECTS

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TITLE: LEVEL 1 GA PLAN
DRW: JL
CHK: HY
NORTH:
DRW #: DA-110
REV #: B
SCALE: 1:100 @ A3

REV	COMMENTS	DATE
A	ISSUE FOR DA	13/12/2024
B	ISSUE FOR DA	05/02/2026

PRJ #: 2316
STATUS: DA
CLIENT: CONFIDENTIAL
ADD: 3-5 GILBA ROAD PENDLE HILL

BILLABONG STREET

GILBA ROAD

ROOM DATA SHEET

TYPE A	UNIT 24	16.1M²
TYPE B	UNIT 25	16.5M²
	UNIT 26	16.5M²
	UNIT 27	16.5M²
	UNIT 28	16.5M²
	UNIT 29	16.5M²
	UNIT 30	16.5M²
TYPE C	UNIT 31	16.8M²
TYPE D	UNIT 32	16.1M²
TYPE E	UNIT 33	16.1M²
TYPE F	UNIT 34	16.4M²
	UNIT 35	16.4M²
	UNIT 36	16.4M²
	UNIT 37	16.5M²
TYPE G	UNIT 38	16.5M²
TYPE H	UNIT 39 - DISABLE	19.8M²
TYPE I	UNIT 40	17.5M²
TYPE J	UNIT 41	16.4M²
TYPE K	UNIT 42	17.5M²
TYPE L	UNIT 43	16.4M²
TYPE M	UNIT 44	16.4M²
	UNIT 45	16.4M²
	UNIT 46	16.4M²
TOTAL GFA		510.0M²
COMMUNAL OPEN SPACE		51.2M²

POTENTIAL BUILDING ENVELOPE

1 BILLABONG, PENDLE HILL

3 BILLABONG, PENDLE HILL

1A GILBA ROAD, PENDLE HILL

1 GILBA ROAD, PENDLE HILL

POTENTIAL BUILDING ENVELOPE

POTENTIAL BUILDING ENVELOPE

POTENTIAL BUILDING ENVELOPE

POTENTIAL BUILDING ENVELOPE

COMMUNAL OPEN SPACE 51.2SQM

BUILDING SEPERATION 15430

BUILDING SETBACK 10215

ARCHITECTS

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TITLE:	LEVEL 2 GA PLAN		
DRW:	JL	DRW #:	DA-120
CHK:	HY	REV #:	B
NORTH:		SCALE:	0 1 2 3 4 SCALE: 1:100 1:100 @ A3

REV	COMMENTS	DATE
A	ISSUE FOR DA	13/12/2024
B	ISSUE FOR DA	05/02/2026

PRJ #: 2316
STATUS: DA
CLIENT: CONFIDENTIAL
ADD: 3-5 GILBA ROAD PENDLE HILL

BILLABONG STREET

ROOM DATA SHEET

TYPE N	UNIT 47	16.2M²
	UNIT 48	16.2M²
	UNIT 49	16.2M²
	UNIT 50	16.2M²
TYPE O	UNIT 51	20.6M²
TYPE E	UNIT 52	16.1M²
TYPE F	UNIT 53	16.4M²
	UNIT 54	16.4M²
	UNIT 55	16.4M²
	UNIT 56	16.4M²
TYPE G	UNIT 57	16.5M²
TYPE H	UNIT 58 - DISABLE	19.8M²
TYPE I	UNIT 59	17.5M²
TYPE J	UNIT 60	16.4M²
TYPE P	UNIT 61	22.4M²
TYPE Q	UNIT 62	16.2M²
	UNIT 63	16.2M²
	UNIT 64	16.2M²
COMMUNAL LIVING		14.5M²
TOTAL GFA		423.9M²
COMMUNAL OPEN SPACE		29.9M²

POTENTIAL BUILDING ENVELOPE

1 BILLABONG, PENDLE HILL

3 BILLABONG, PENDLE HILL

1 GILBA ROAD, PENDLE HILL

1A GILBA ROAD, PENDLE HILL

POTENTIAL BUILDING ENVELOPE

POTENTIAL BUILDING ENVELOPE

POTENTIAL BUILDING ENVELOPE

POTENTIAL BUILDING ENVELOPE

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TITLE:	LEVEL 3 GA PLAN		
DRW:	JL	DRW #:	DA-130
CHK:	HY	REV #:	B
NORTH:		SCALE:	0 1 2 3 4

REV	COMMENTS	DATE
A	ISSUE FOR DA	13/12/2024
B	ISSUE FOR DA	05/02/2026

PRJ #:	2316
STATUS:	DA
CLIENT:	CONFIDENTIAL
ADD:	3-5 GILBA ROAD PENDLE HILL

ROOM DATA SHEET

TYPE R	UNIT 65	18.2M²
TYPE N	UNIT 66	16.2M²
TYPE G	UNIT 67	16.5M²
TYPE H	UNIT 68 - DISABLE	19.8M²
TYPE I	UNIT 69	17.5M²
TYPE J	UNIT 70	16.4M²
TYPE P	UNIT 71	22.4M²
TYPE Q	UNIT 72	16.2M²
	UNIT 73	16.2M²
	UNIT 74	16.2M²
COMMUNAL LIVING ROOM		159.4M²
TOTAL GFA		393.3M²
COMMUNAL OPEN SPACE		88.7M²

BILLABONG STREET

GILBA ROAD

TYPE R DOUBLE ROOM 18.2SQM UNIT 65
TYPE N DOUBLE ROOM 16.2SQM UNIT 66
TYPE Q DOUBLE ROOM 16.2SQM UNIT 74
TYPE Q DOUBLE ROOM 16.2SQM UNIT 73
TYPE Q DOUBLE ROOM 16.2SQM UNIT 72
TYPE H DISABLE ROOM 19.8SQM UNIT 68
TYPE I DOUBLE ROOM 17.5SQM UNIT 69
TYPE J DOUBLE ROOM 16.4SQM UNIT 70
TYPE P DOUBLE ROOM 22.4SQM UNIT 71
TYPE G DOUBLE ROOM 16.5SQM UNIT 67
LOBBY
LIFT
STAIR
BIN
CHUTE
MANAGER DESK
COMMUNAL ROOM 159.4SQM
COMMUNAL OPEN SPACE 88.7SQM
POTENTIAL BUILDING ENVELOPE
1 BILLABONG, PENDLE HILL
3 BILLABONG, PENDLE HILL
1 GILBA ROAD, PENDLE HILL
1A GILBA ROAD, PENDLE HILL
POTENTIAL BUILDING ENVELOPE
POTENTIAL BUILDING ENVELOPE
POTENTIAL BUILDING ENVELOPE
POTENTIAL BUILDING ENVELOPE

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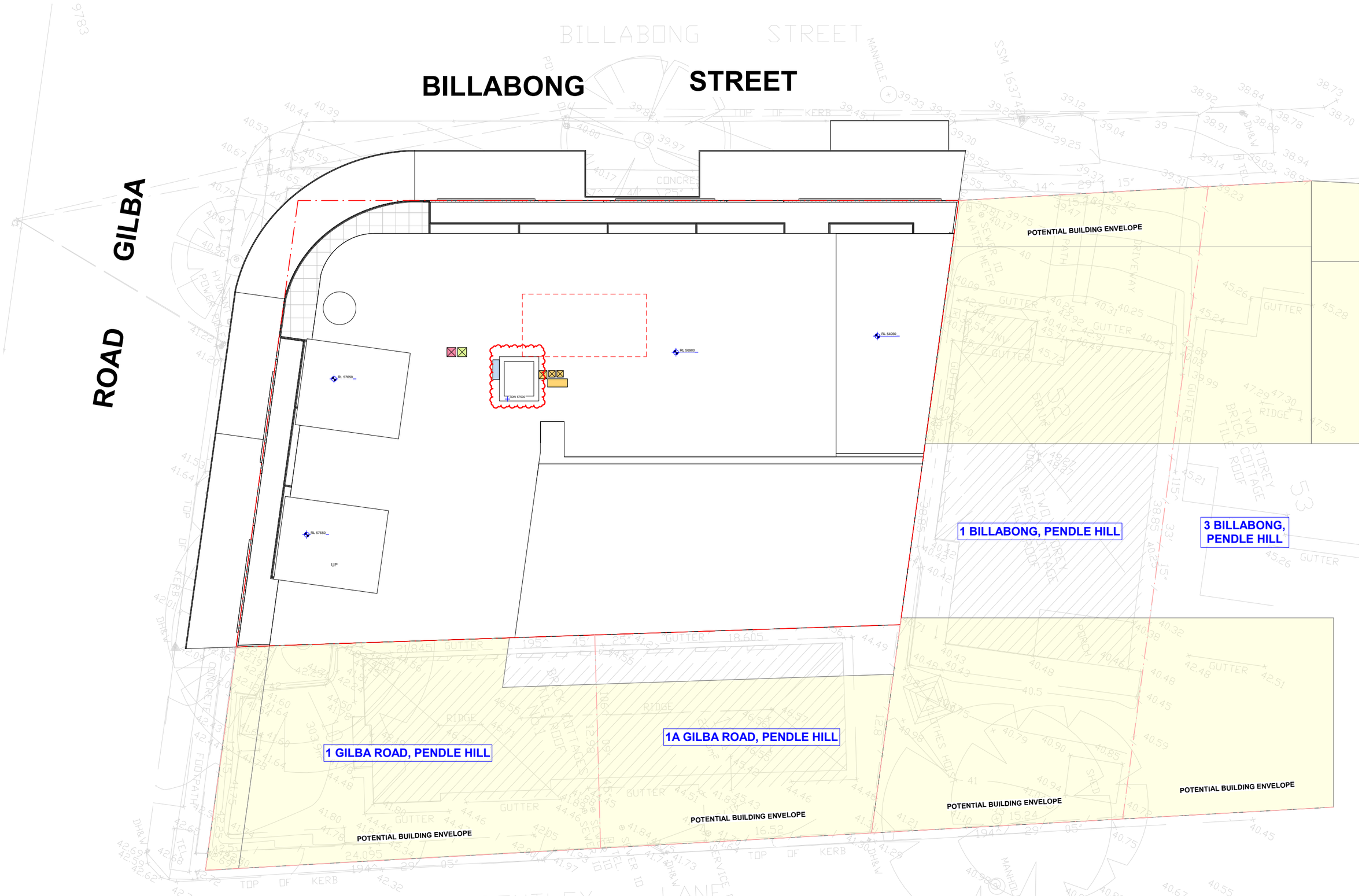
TITLE:	LEVEL 4 GA PLAN		
DRW:	JL	DRW #:	DA-140
CHK:	HY	REV #:	B
NORTH:		SCALE:	0 1 2 3 4 SCALE: 1:100 1:100 @ A3

REV	COMMENTS	DATE
A	ISSUE FOR DA	13/12/2024
B	ISSUE FOR DA	05/02/2026

PRJ #: 2316
STATUS: DA
CLIENT: CONFIDENTIAL
ADD: 3-5 GILBA ROAD PENDLE HILL



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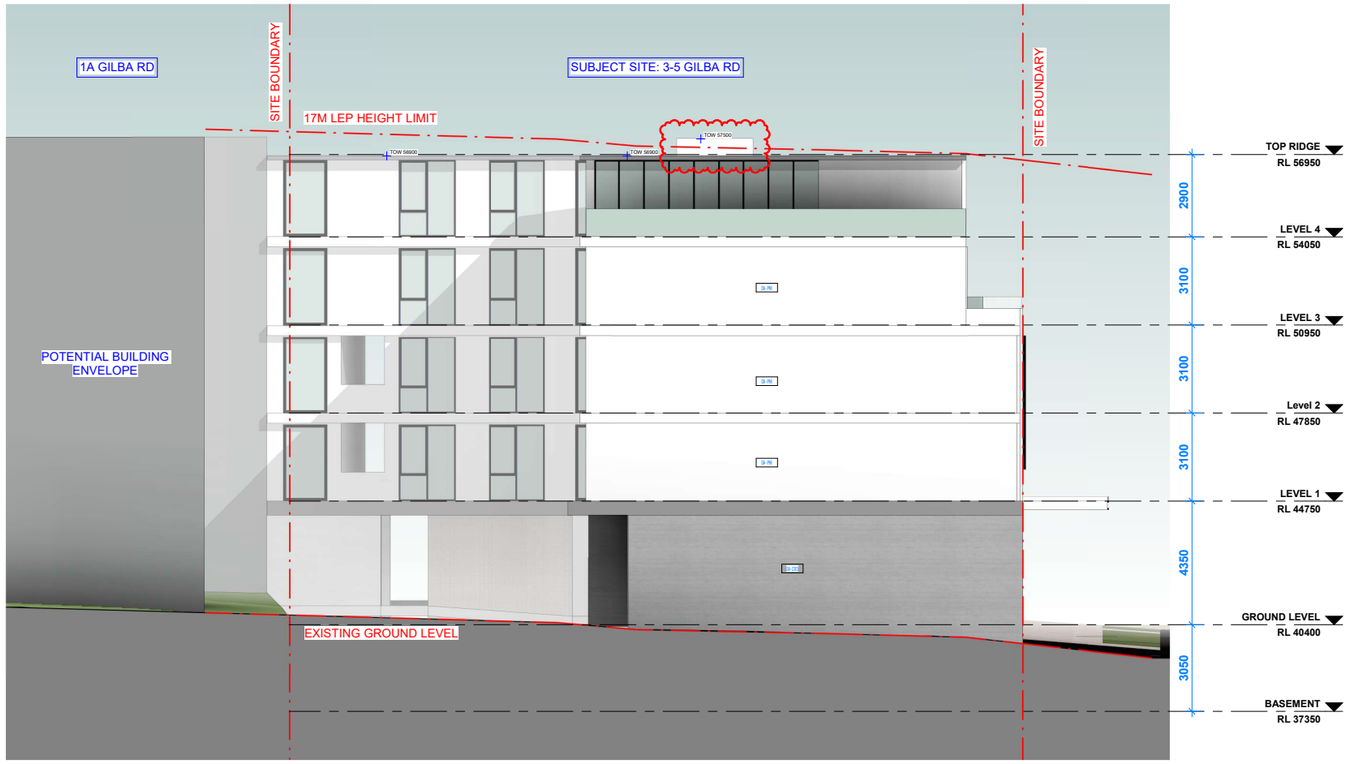
TITLE:	ROOF PLAN		
DRW:	JL	DRW #:	DA-150
CHK:	HY	REV #:	B
NORTH:		SCALE:	0 1 2 3 4 SCALE 1:100 1:100 @ A3

REV	COMMENTS	DATE
A	ISSUE FOR DA	13/12/2024
B	ISSUE FOR DA	05/02/2026

PRJ #:	2316
STATUS:	DA
CLIENT:	CONFIDENTIAL
ADD:	3-5 GILBA ROAD PENDLE HILL



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TITLE: ELEVATION
DRW: JL
CHK: HY
DRW #: DA-200
REV #: B
NORTH:
SCALE: 0 1 2 3 4
SCALE 1:100 1:100 @ A3

REV	COMMENTS	DATE
A	ISSUE FOR DA	13/12/2024
B	ISSUE FOR DA	05/02/2026

PRJ #: 2316
STATUS: DA
CLIENT: CONFIDENTIAL
ADD: 3-5 GILBA ROAD PENDLE HILL



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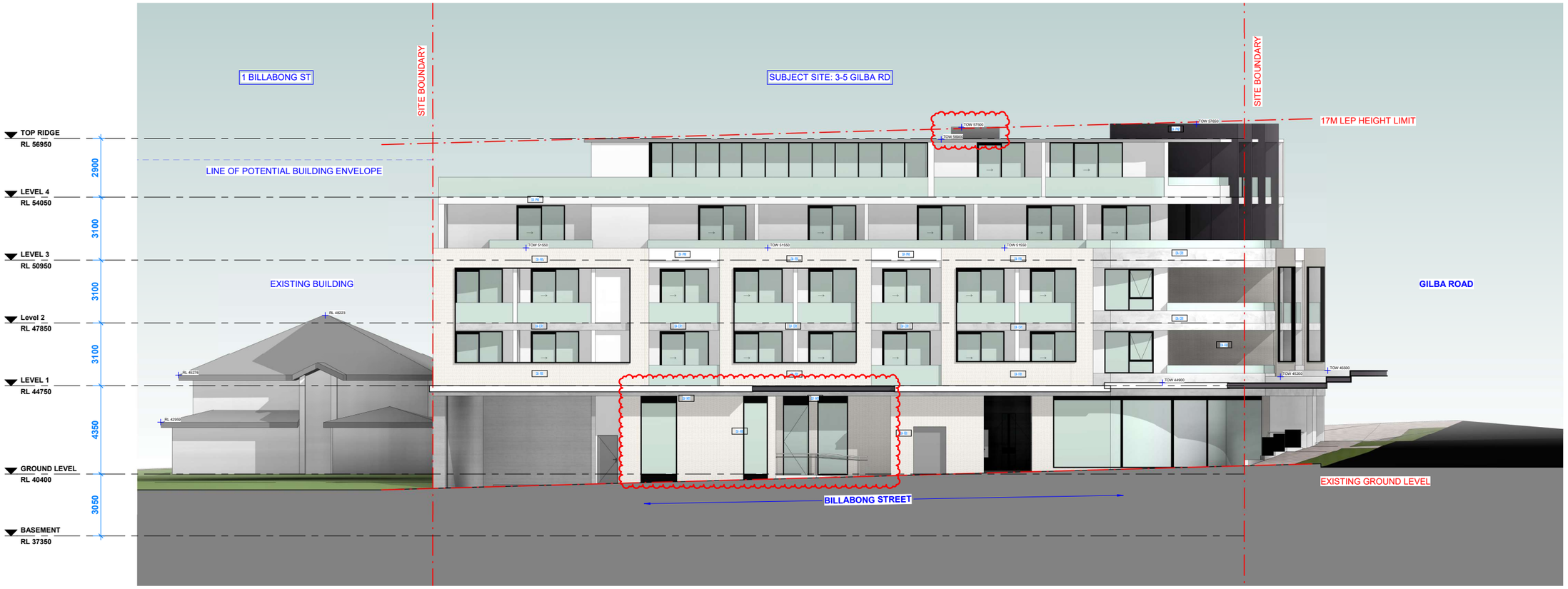
TITLE: ELEVATION
DRW: JL
CHK: HY
NORTH:
DRW #: DA-201
REV #: B
SCALE: 0 1 2 3 4
SCALE 1:100 1 : 100 @ A3

REV	COMMENTS	DATE
A	ISSUE FOR DA	13/12/2024
B	ISSUE FOR DA	05/02/2026

PRJ #: 2316
STATUS: DA
CLIENT: CONFIDENTIAL
ADD: 3-5 GILBA ROAD PENNLE HILL



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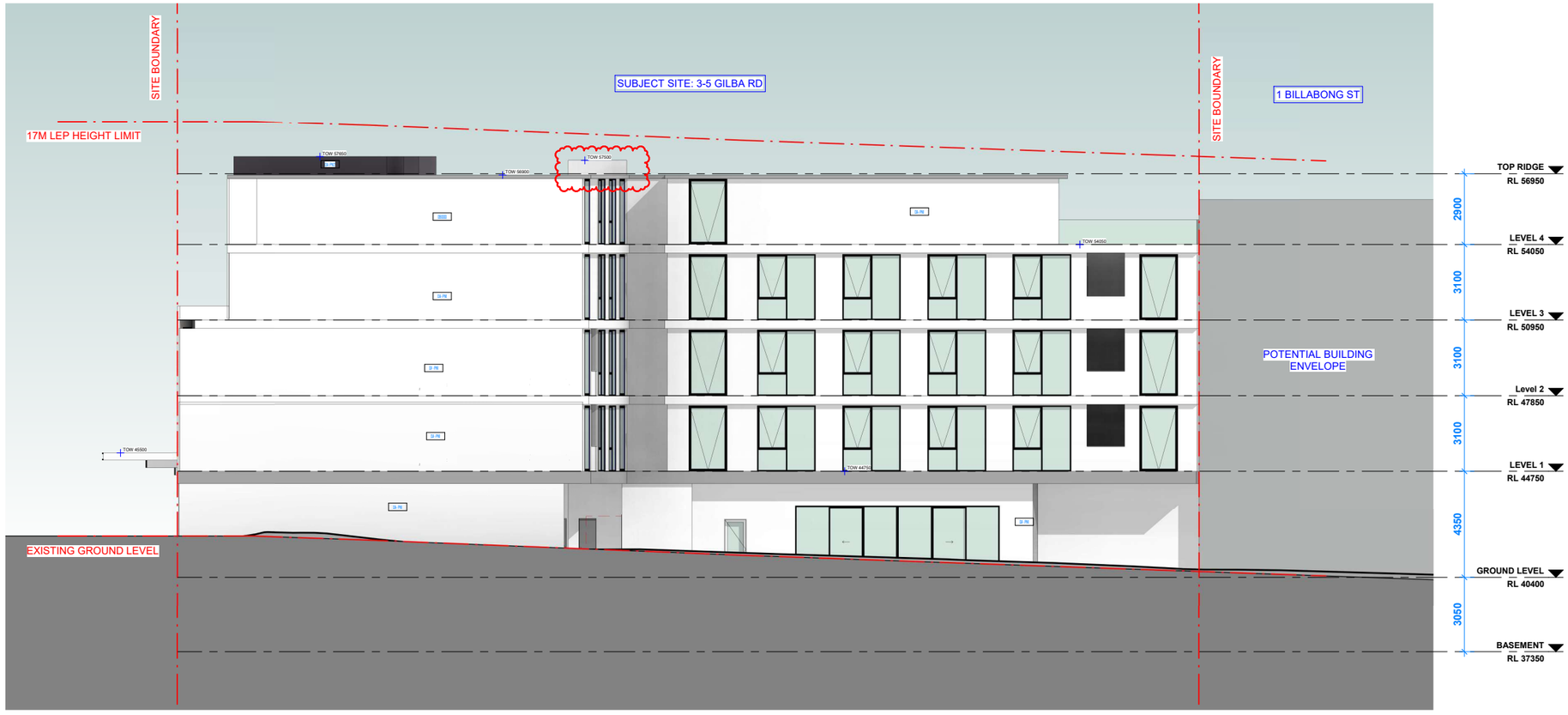
TITLE: BILLABONG STREET ELEVATION
DRW: JL
DRW #: DA-202
CHK: HY
REV #: B
NORTH:
SCALE: 0 1 2 3 4
SCALE 1:100 1:100 @ A3

REV	COMMENTS	DATE
A	ISSUE FOR DA	13/12/2024
B	ISSUE FOR DA	05/02/2026

PRJ #: 2316
STATUS: DA
CLIENT: CONFIDENTIAL
ADD: 3-5 GILBA ROAD PENDLE HILL



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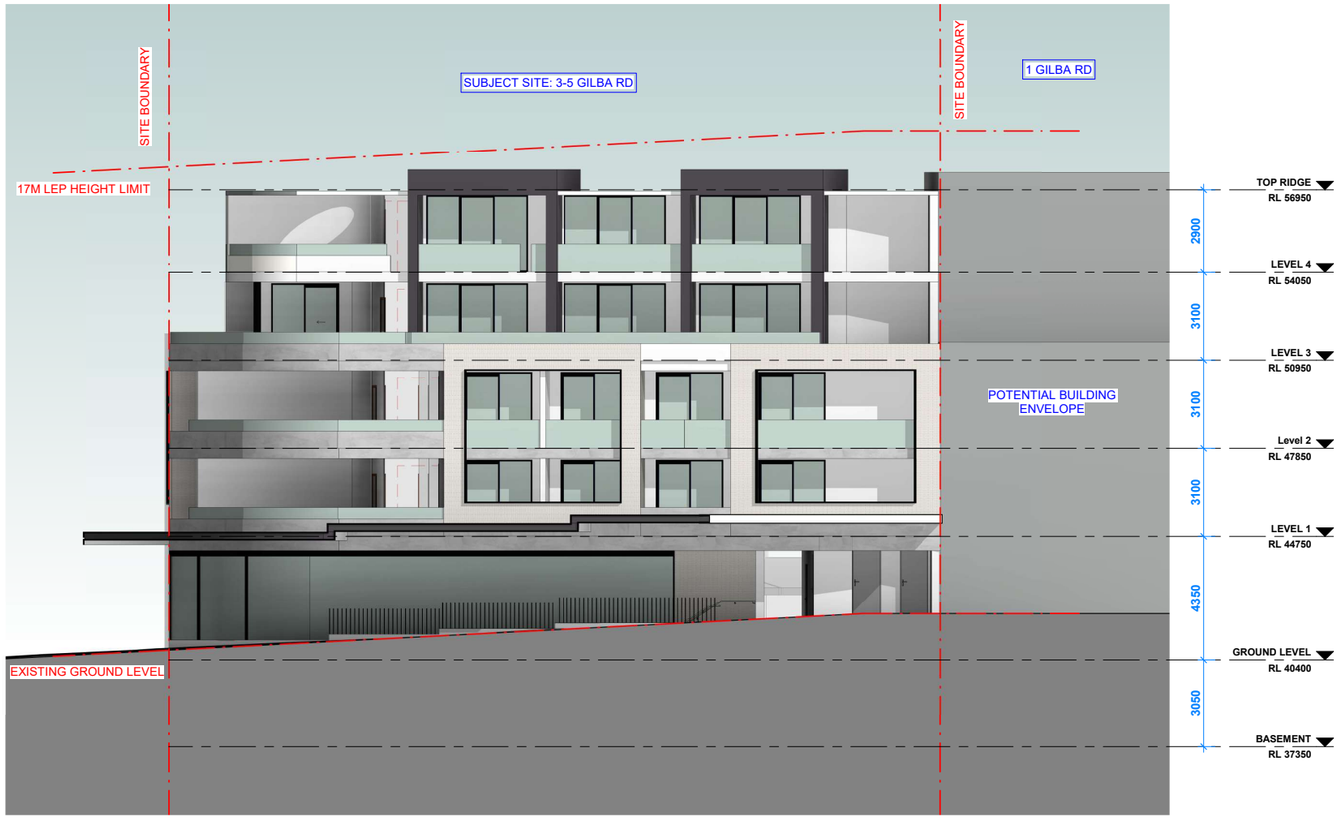
TITLE: ELEVATION
DRW: JL
CHK: HY
NORTH:
DRW #: DA-203
REV #: B
SCALE: 0 1 2 3 4
SCALE 1:100 @ A3

REV	COMMENTS	DATE
A	ISSUE FOR DA	13/12/2024
B	ISSUE FOR DA	05/02/2026

PRJ #: 2316
STATUS: DA
CLIENT: CONFIDENTIAL
ADD: 3-5 GILBA ROAD PENDLE HILL



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TITLE:	ELEVATION		
DRW:	JL	DRW #:	DA-204
CHK:	HY	REV #:	B
NORTH:		SCALE:	0 1 2 3 4 SCALE 1:100 1:100 @ A3

REV	COMMENTS	DATE
A	ISSUE FOR DA	13/12/2024
B	ISSUE FOR DA	05/02/2026

PRJ #:	2316
STATUS:	DA
CLIENT:	CONFIDENTIAL
ADD:	3-5 GILBA ROAD PENDLE HILL



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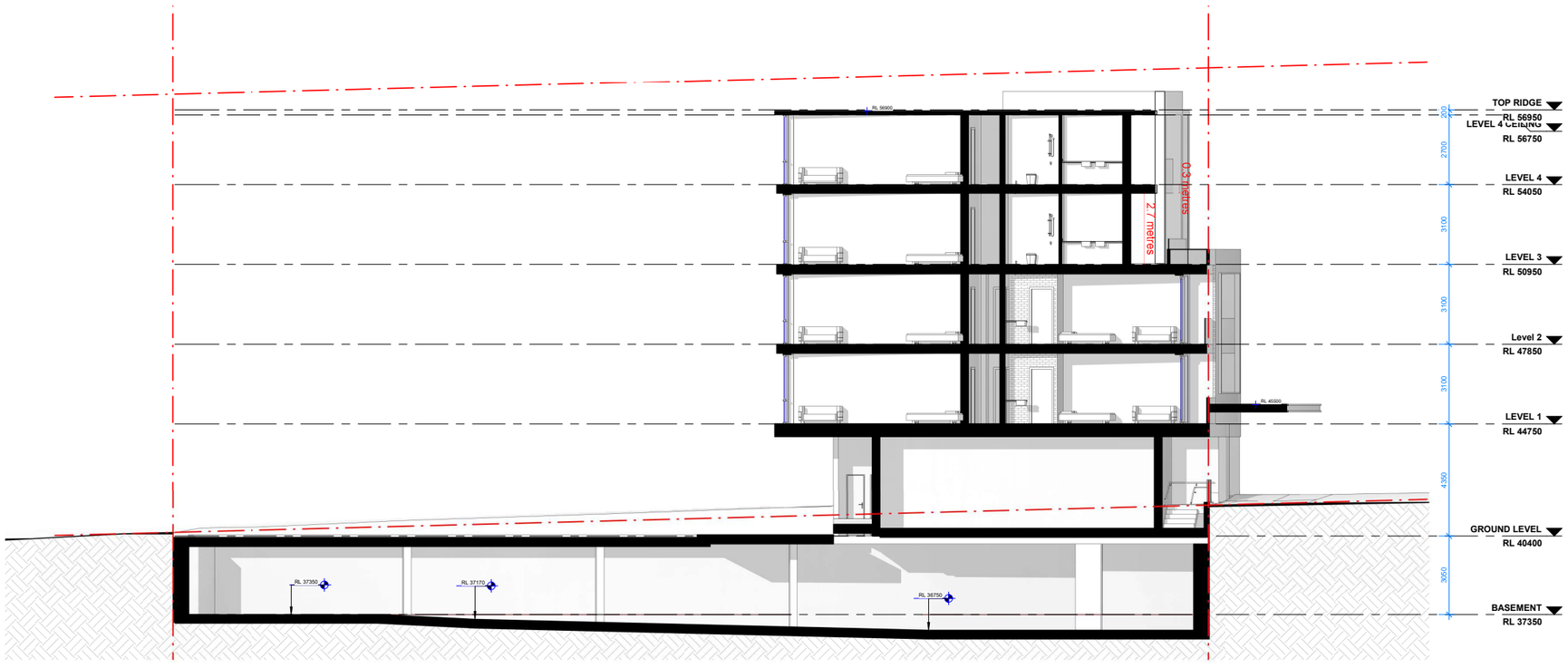
TITLE:	GILBA ROAD ELEVATION		
DRW:	JL	DRW #:	DA-205
CHK:	HY	REV #:	B
NORTH:		SCALE:	0 1 2 3 4 SCALE 1:100 1:100 @ A3

REV	COMMENTS	DATE
A	ISSUE FOR DA	13/12/2024
B	ISSUE FOR DA	05/02/2026

PRJ #:	2316
STATUS:	DA
CLIENT:	CONFIDENTIAL
ADD:	3-5 GILBA ROAD PENDLE HILL



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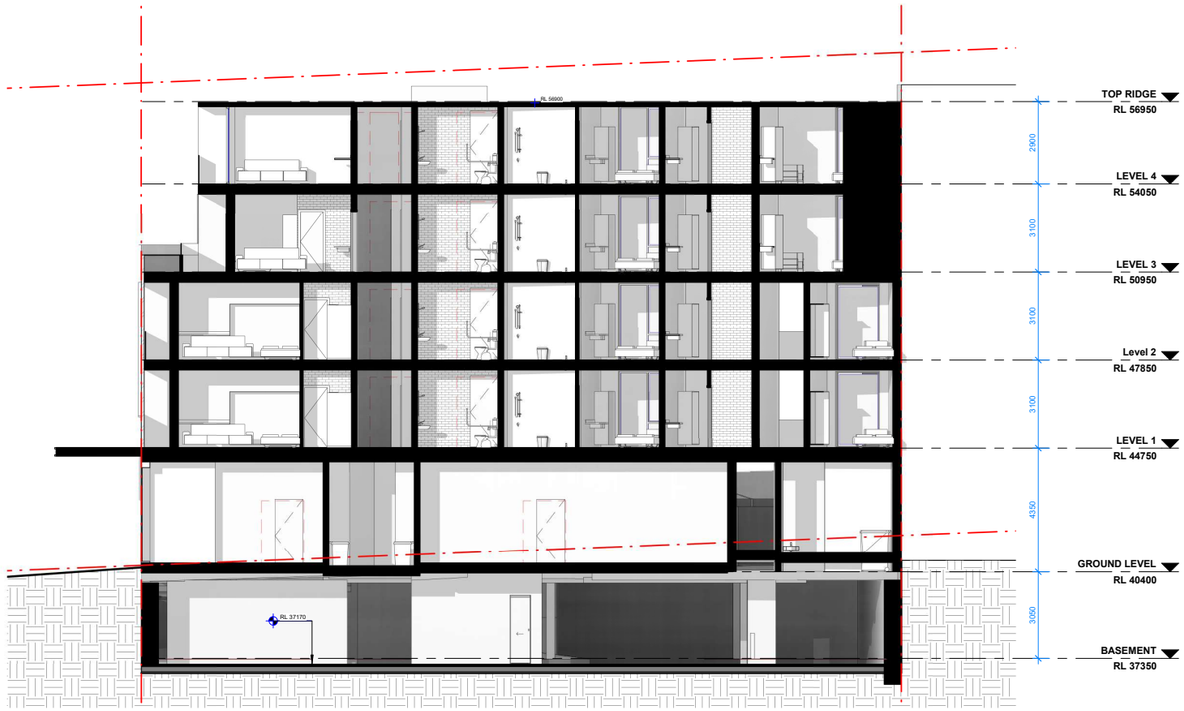
TITLE:	SECTION A		
DRW:	JL	DRW #:	DA-300
CHK:	HY	REV #:	B
NORTH:		SCALE:	0 1 2 3 4 SCALE 1:100 1 : 100 @ A1

REV	COMMENTS	DATE
A	ISSUE FOR DA	13/12/2024
B	ISSUE FOR DA	05/02/2026

PRJ #:	2316
STATUS:	DA
CLIENT:	CONFIDENTIAL
ADD:	3-5 GILBA ROAD PENDLE HILL



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TITLE:	SECTION B		
DRW:	JL	DRW #:	DA-301
CHK:	HY	REV #:	B
NORTH:		SCALE:	0 1 2 3 4 SCALE 1:100 1 : 100 @ A1

REV	COMMENTS	DATE
A	ISSUE FOR DA	13/12/2024
B	ISSUE FOR DA	05/02/2026

PRJ #:	2316
STATUS:	DA
CLIENT:	CONFIDENTIAL
ADD:	3-5 GILBA ROAD PENDLE HILL

Window Schedule				
Type Mark	Type Comments	Width	Height	Quantity
T01	Fixed Window	1200	3600	1
T02	Fixed Window	1800	3600	1
T03	Fixed Window	1500	3600	1
T05	Fixed Window	23800	3600	1
T06	Sliding Door	4200	3000	2
T07	Sliding Door	2400	2700	32
T08	Awning Window	2400	2100	2
T10	Awning Window	2000	2700	8
T11	Awning Window	1560	2700	15
T12	Awning Window	2400	2700	12
T16	Sliding Door	3600	2700	7
T17	Fixed Window with Glazed Door	10100	2700	1
T18	Fixed Window with Glazed Door	15400	2700	1

Window Schedule (Itemised)							
This schedule lists every new window placed in the project. Use schedule for Q/C.							
Mark	Type Mark	Level	Width	Height	Sill Height	Head Height
W1.01	T01	GROUND LEVEL	1200	3600	-50	3550
W1.02	T02	GROUND LEVEL	1800	3600	-50	3550
W1.03	T03	GROUND LEVEL	1500	3600	-50	3550
W1.05	T05		23800	3600		
W1.06	T06	GROUND LEVEL	4200	3000	-50	2950
W1.07	T06	GROUND LEVEL	4200	3000	-50	2950
W2.01	T07	LEVEL 1	2400	2700	0	2700
W2.02	T07	LEVEL 1	2400	2700	0	2700
W2.03	T07	LEVEL 1	2400	2700	0	2700
W2.04	T07	LEVEL 1	2400	2700	0	2700
W2.05	T07	LEVEL 1	2400	2700	0	2700
W2.06	T07	LEVEL 1	2400	2700	0	2700
W2.07	T07	LEVEL 1	2400	2700	0	2700
W2.08	T07	LEVEL 1	2400	2700	0	2700
W2.09	T08	LEVEL 1	2400	2100	600	2700
W2.10	T07	LEVEL 1	2400	2700	0	2700
W2.11	T07	LEVEL 1	2400	2700	0	2700
W2.12	T07	LEVEL 1	2400	2700	0	2700
W2.13	T07	LEVEL 1	2400	2700	0	2700
W2.15	T11	LEVEL 1	1560	2700	0	2700
W2.16	T10	LEVEL 1	2000	2700	0	2700
W2.17	T10	LEVEL 1	2000	2700	0	2700
W2.18	T11	LEVEL 1	1560	2700	0	2700
W2.19	T11	LEVEL 1	1560	2700	0	2700
W2.20	T12	LEVEL 1	2400	2700	0	2700
W2.21	T12	LEVEL 1	2400	2700	0	2700
W2.22	T12	LEVEL 1	2400	2700	0	2700
W2.23	T11	LEVEL 1	1560	2700	0	2700
W3.01	T07	Level 2	2400	2700	0	2700
W3.02	T07	Level 2	2400	2700	0	2700
W3.03	T07	Level 2	2400	2700	0	2700
W3.04	T07	Level 2	2400	2700	0	2700
W3.05	T07	Level 2	2400	2700	0	2700
W3.06	T07	Level 2	2400	2700	0	2700
W3.07	T07	Level 2	2400	2700	0	2700
W3.08	T07	Level 2	2400	2700	0	2700
W3.09	T08	Level 2	2400	2100	600	2700
W3.10	T07	Level 2	2400	2700	0	2700
W3.11	T07	Level 2	2400	2700	0	2700
W3.12	T07	Level 2	2400	2700	0	2700
W3.13	T07	Level 2	2400	2700	0	2700
W3.15	T11	Level 2	1560	2700	0	2700
W3.16	T10	Level 2	2000	2700	0	2700
W3.17	T10	Level 2	2000	2700	0	2700
W3.18	T11	Level 2	1560	2700	0	2700
W3.19	T11	Level 2	1560	2700	0	2700
W3.20	T12	Level 2	2400	2700	0	2700
W3.21	T12	Level 2	2400	2700	0	2700
W3.22	T12	Level 2	2400	2700	0	2700
W3.23	T11	Level 2	1560	2700	0	2700
W4.01	T07	LEVEL 3	2400	2700	0	2700
W4.02	T07	LEVEL 3	2400	2700	0	2700
W4.03	T07	LEVEL 3	2400	2700	0	2700
W4.04	T07	LEVEL 3	2400	2700	0	2700
W4.05	T07	LEVEL 3	2400	2700	0	2700
W4.08	T16	LEVEL 3	3600	2700	0	2700
W4.09	T16	LEVEL 3	3600	2700	0	2700
W4.10	T16	LEVEL 3	3600	2700	0	2700
W4.12	T11	LEVEL 3	1560	2700	0	2700
W4.13	T10	LEVEL 3	2000	2700	0	2700
W4.14	T10	LEVEL 3	2000	2700	0	2700
W4.15	T11	LEVEL 3	1560	2700	0	2700
W4.16	T11	LEVEL 3	1560	2700	0	2700
W4.17	T12	LEVEL 3	2400	2700	0	2700
W4.18	T12	LEVEL 3	2400	2700	0	2700
W4.19	T12	LEVEL 3	2400	2700	0	2700
W4.20	T11	LEVEL 3	1560	2700	0	2700
W5.01	T17		10100	2700		
W5.02	T18		15400	2700		
W5.03	T07	LEVEL 4	2400	2700	0	2700
W5.04	T16	LEVEL 4	3600	2700	0	2700
W5.05	T16	LEVEL 4	3600	2700	0	2700
W5.06	T16	LEVEL 4	3600	2700	0	2700
W5.07	T16	LEVEL 4	3600	2700	0	2700
W5.09	T11	LEVEL 4	1560	2700	0	2700
W5.10	T10	LEVEL 4	2000	2700	0	2700
W5.11	T10	LEVEL 4	2000	2700	0	2700
W5.12	T11	LEVEL 4	1560	2700	0	2700
W5.14	T12	LEVEL 1	2400	2700	0	2700
W5.19	T12	Level 2	2400	2700	0	2700
W5.20	T12	LEVEL 3	2400	2700	0	2700
W5.21	T11	LEVEL 4	1560	2700	0	2700
W5.26	T07	LEVEL 3	2400	2700	0	2700
W5.27	T07	LEVEL 3	2400	2700	0	2700

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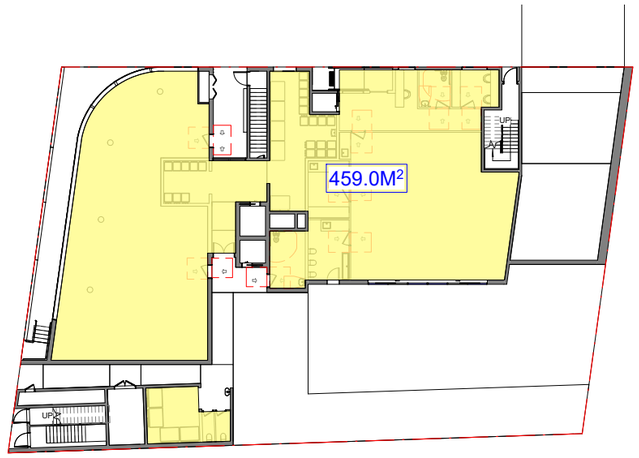
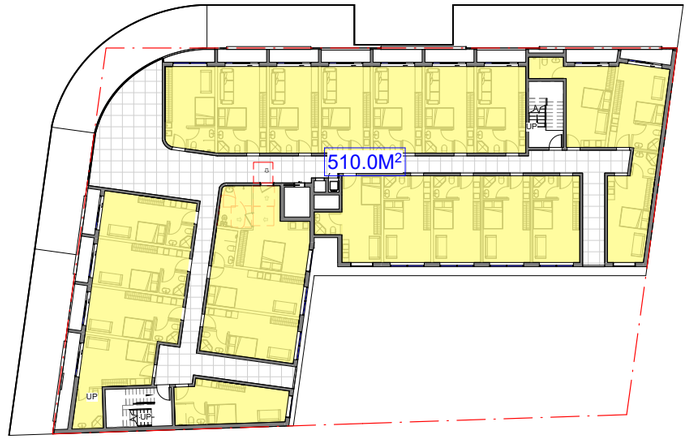
TITLE: WINDOW SCHEDULE
DRW: JL DRW #: DA-400
CHK: HY REV #: B
NORTH: SCALE:
@ A3

REV	COMMENTS	DATE
A	ISSUE FOR DA	13/12/2024
B	ISSUE FOR DA	05/02/2026

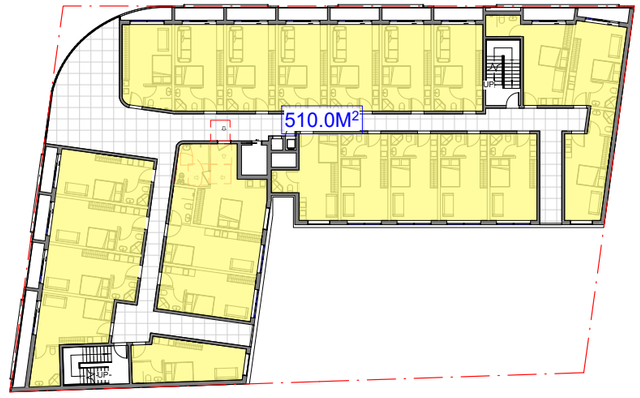
PRJ #: 2316
STATUS: DA
CLIENT: CONFIDENTIAL
ADD: 3-5 GILBA ROAD PENDLE HILL



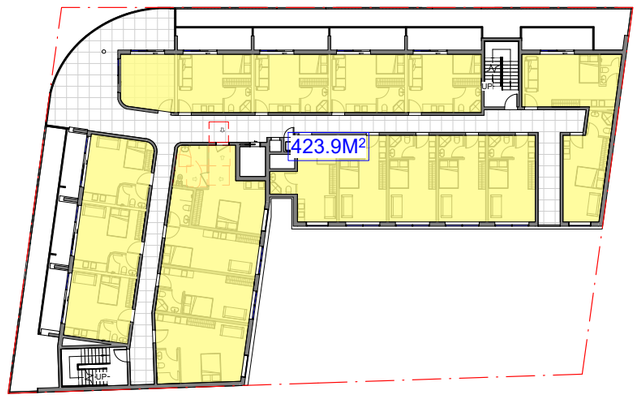
1 GROUND FLOOR GFA
SCALE: 1 : 200



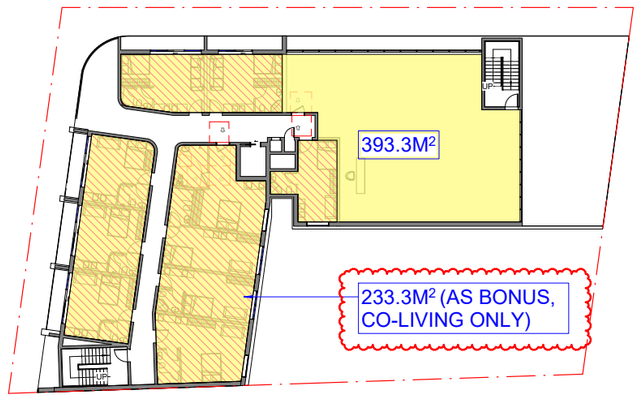
2 LEVEL 1 GFA
SCALE: 1 : 200



3 Level 2 GFA
SCALE: 1 : 200



4 LEVEL 3 GFA
SCALE: 1 : 200



5 LEVEL 4 GFA
SCALE: 1 : 200

SITE AREA	1065.9M²		
GFA			
	PROPOSE	REQUIRED	COMPLY
GL	459.0M²		Y
L1	510.0M²		Y
L2	510.0M²		Y
L3	423.9M²		Y
L4	393.3M²		Y
TOTAL GFA	2296.2M²	2345.0M²	Y
TOTAL GFA RATIO	2.15:1	2.2:1	Y
BONUS GFA	233.3M²	234.5M²	Y
BONUS GFA RATIO	9.9%	10%	Y

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TITLE: GFA COMPLIANCE
DRW: JL DRW #: DA-500
CHK: HY REV #: B
NORTH: SCALE: 1 : 200 @ A3

REV	COMMENTS	DATE
A	ISSUE FOR DA	13/12/2024
B	ISSUE FOR DA	05/02/2026

PRJ #: 2316
STATUS: DA
CLIENT: CONFIDENTIAL
ADD: 3-5 GILBA ROAD PENDLE HILL



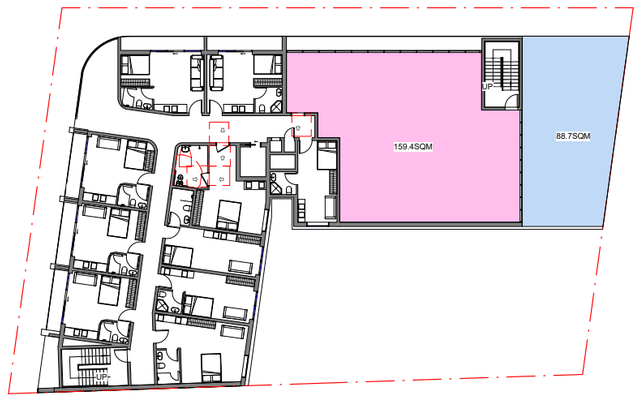
1 Level 2 COMMUNAL
SCALE: 1 : 200



2 LEVEL 1 COMMUNAL
SCALE: 1 : 200



3 LEVEL 3 COMMUNAL
SCALE: 1 : 200



4 LEVEL 4 COMMUNAL
SCALE: 1 : 200

SITE AREA	1065.9M²		
COMMUNAL LIVING			
	PROPOSE	REQUIRED	COMPLY
GL	-		
L1	-		
L2	-		
L3	14.5M²		
L4	159.4M²		
TOTAL	173.9M²	166M²	Y

SITE AREA	1065.9M²		
COMMUNAL OPEN			
	PROPOSE	REQUIRED	COMPLY
GL	-		
L1	51.2M²		
L2	51.2M²		
L3	29.9M²		
L4	88.7M²		
TOTAL	221.0M²	213.2M²	Y

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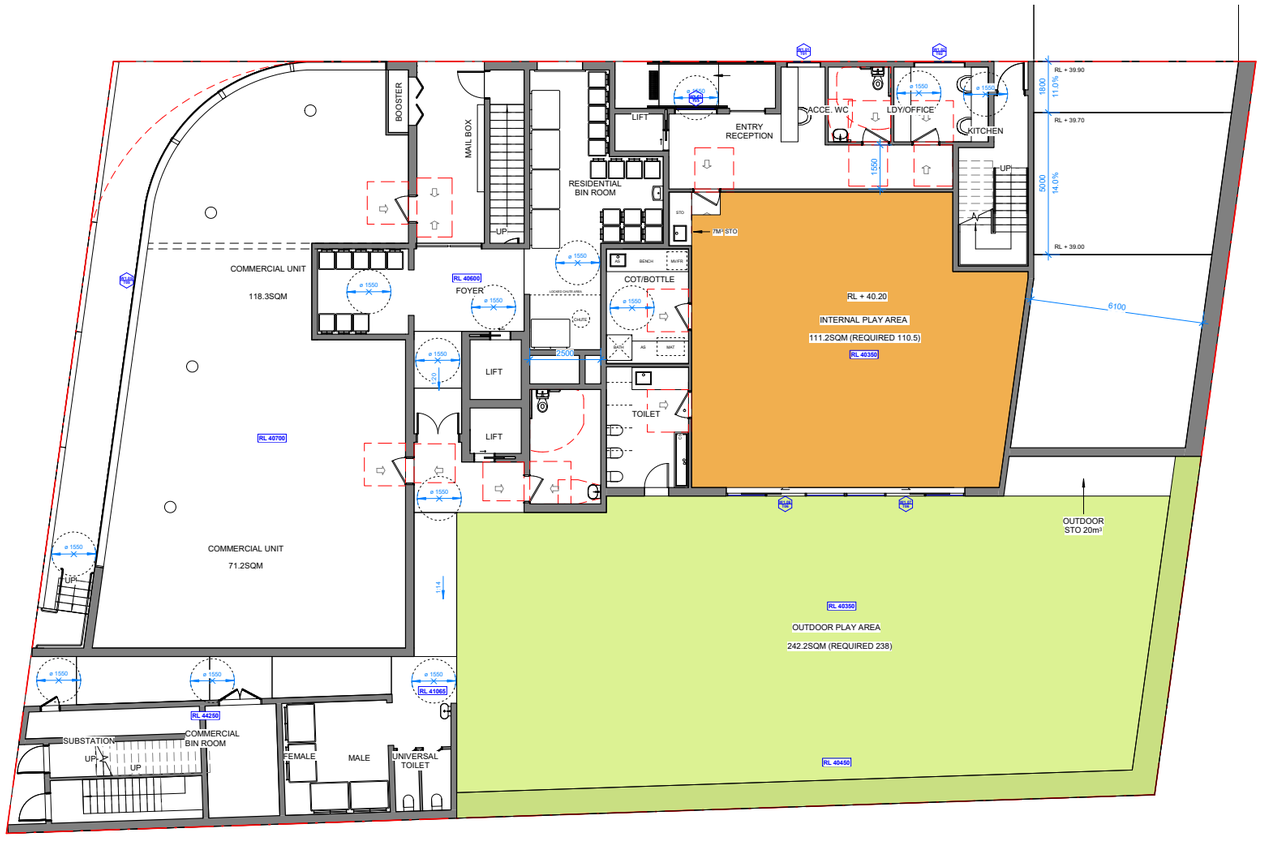
TITLE: COMMUNAL AREA CALCULATION
DRW: JL DRW #: DA-505
CHK: HY REV #: B
NORTH: SCALE: 0 1 2 3 4 SCALE 1:100 1 : 200 @ A3

REV	COMMENTS	DATE
A	ISSUE FOR DA	13/12/2024
B	ISSUE FOR DA	05/02/2026

PRJ #: 2316
STATUS: DA
CLIENT: CONFIDENTIAL
ADD: 3-5 GILBA ROAD PENDLE HILL



1 CHILDCARE CALCULATION
SCALE: 1 : 100

PROPOSED CHILDREN		
AGE CATAGORY	NUMBER	TEACHER
0 - 2 YEAR	4	1
2 - 3 YEAR	10	2
3 - 5 YEAR	20	2
TOTAL	34	5

INDOOR SPACE				
DEVELOPMENT	NUMBER	REQ	PROP	COMPLY
0 - 2 YEAR	4	110.5M²	111.2M²	Y
2 - 3 YEAR	10			
3 - 5 YEAR	20			
3 - 5 YEAR	34			

OUTDOOR SPACE				
DEVELOPMENT	NUMBER	REQ	PROP	COMPLY
0 - 2 YEAR	4	238.0M²	242.2M²	Y
2 - 3 YEAR	10			
3 - 5 YEAR	20			
3 - 5 YEAR	34			

INDOOR STORAGE				
DEVELOPMENT	NUMBER	REQ	PROP	COMPLY
0 - 2 YEAR	4	6.8M³	7.0M³	Y
2 - 3 YEAR	10			
3 - 5 YEAR	20			
TOTAL	34			

OUTDOOR STORAGE				
DEVELOPMENT	NUMBER	REQ	PROP	COMPLY
0 - 2 YEAR	4	10.2M³	20M³	Y
2 - 3 YEAR	10			
3 - 5 YEAR	20			
TOTAL	34			

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TITLE: CHILDCARE CALCULATION
DRW: JL
DRW #: DA-510
CHK: HY
REV #: B
NORTH:
SCALE: 0 1 2 3 4
SCALE: 1:100 @ A3

REV	COMMENTS	DATE
A	ISSUE FOR DA	13/12/2024
B	ISSUE FOR DA	05/02/2026

PRJ #: 2316
STATUS: DA
CLIENT: CONFIDENTIAL
ADD: 3-5 GILBA ROAD PENDLE HILL



1 BILLABONG ST, PENDLE HILL NSW 2145



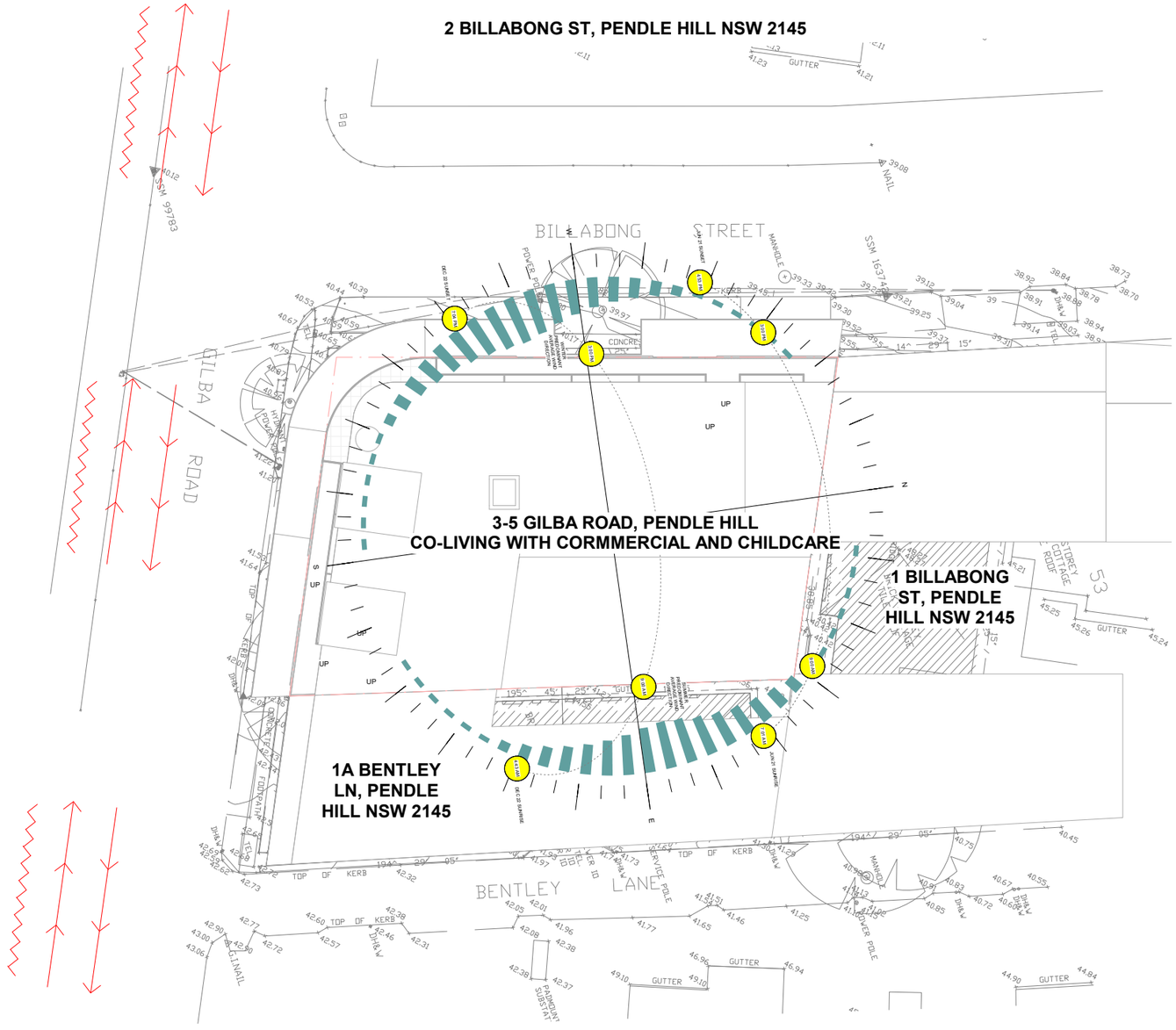
2 BILLABONG ST, PENDLE HILL NSW 2145



OPPE SITE OF GILBA ROAD



BENTLEY LN



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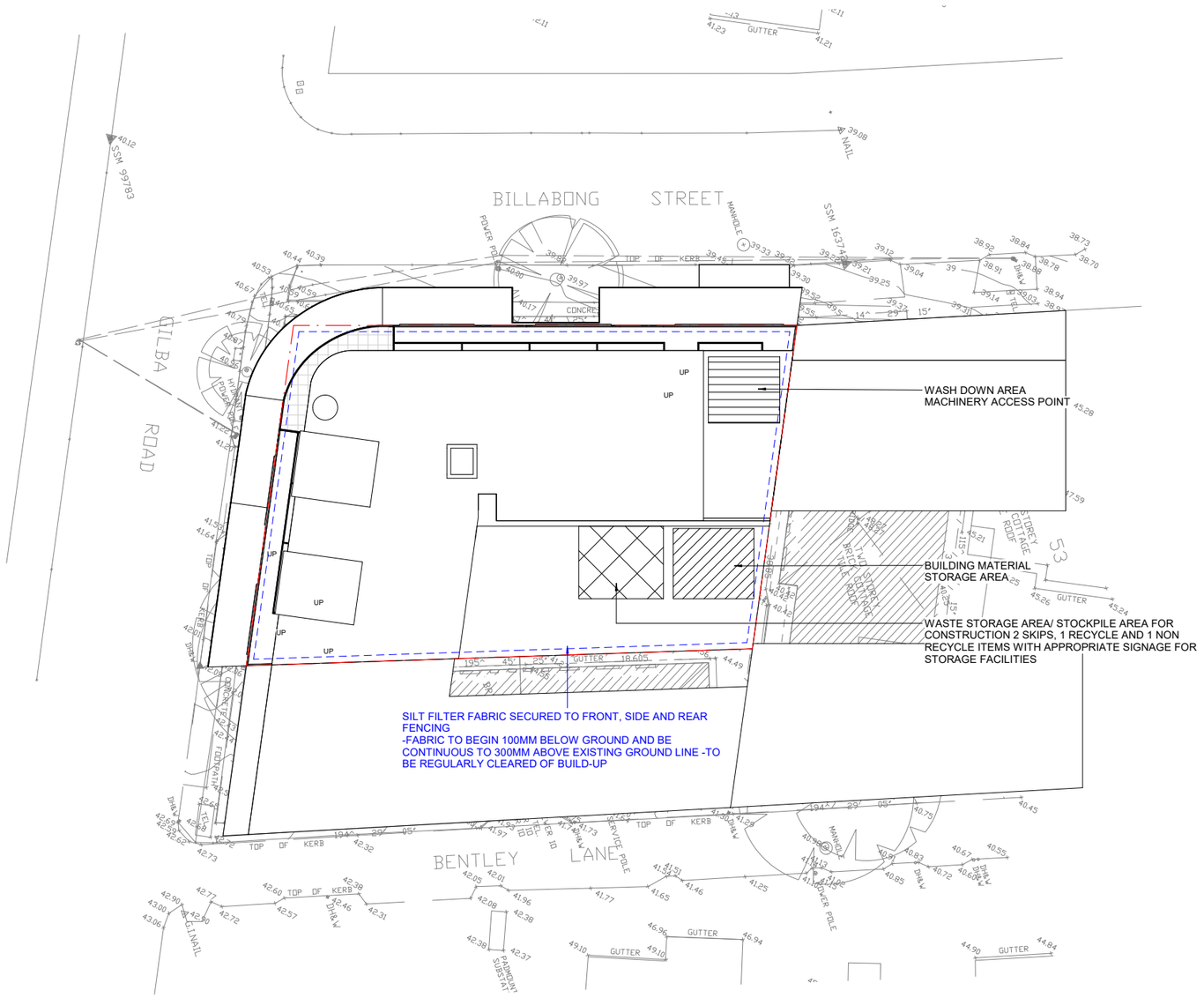
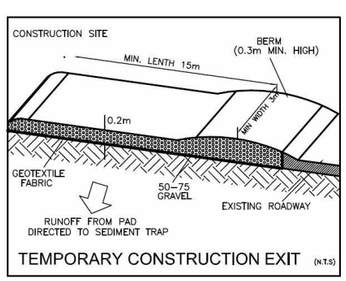
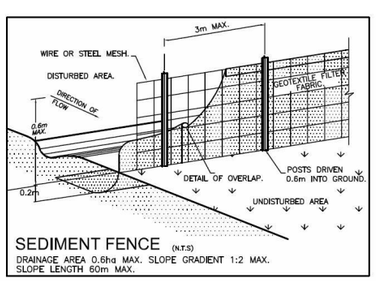
TITLE:	SITE ANALYSIS		
DRW:	JL	DRW #:	DA-520
CHK:	HY	REV #:	B
NORTH:		SCALE:	0 1 2 3 4 SCALE 1:100 As indicated A1

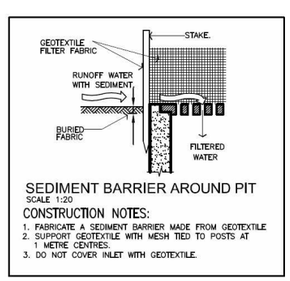
REV	COMMENTS	DATE
A	ISSUE FOR DA	13/12/2024
B	ISSUE FOR DA	05/02/2026

PRJ #:	2316
STATUS:	DA
CLIENT:	CONFIDENTIAL
ADD:	3-5 GILBA ROAD PENDLE HILL









WASTE STORAGE AREA/ STOCKPILE AREA FOR CONSTRUCTION 2 SKIPS, 1 RECYCLE AND 1 NON RECYCLE ITEMS WITH APPROPRIATE SIGNAGE FOR STORAGE FACILITIES

WASH DOWN AREA
MACHINERY ACCESS POINT

BUILDING MATERIAL STORAGE AREA

SILT FILTER FABRIC SECURED TO FRONT, SIDE AND REAR FENCING
-FABRIC TO BEGIN 100MM BELOW GROUND AND BE CONTINUOUS TO 300MM ABOVE EXISTING GROUND LINE -TO BE REGULARLY CLEARED OF BUILD-UP

CONSTRUCTION SEQUENCE

1. WHERE POSSIBLE ALL SILT FENCES, PERIMETER BANKS, SEDIMENT BASINS AND OTHER SEDIMENT AND EROSION CONTROL STRUCTURES SHALL BE INSTALLED AS A FIRST STEP IN THE CONSTRUCTION SEQUENCE.

2. CARRY OUT CLEANING WITHIN SCOPE OF WORKS AND BULK EARTHWORKS TAKING CARE OF MINIMIZE THE EXTENT OF DISTURBANCE DURING CONSTRUCTION.

3.CARRY OUT BULK EARTHWORKS IN ACCORDANCE WITH THE ENVIRONMENTAL MANAGEMENT PLAN AND TAKING CARE OF MINIMIZE THE EXTENT OF DISTURBANCE

4. ALL DISTURBED AREAS ARE TO BE HYDRO SEEDED AND STRAW MULCHED UPON COMPLETION OF THE BULK EARTHWORKS. SEEDED AREAS SHALL BE WATERED DURING AND AFTER CONSTRUCTION UNTIL A UNIFORMLY DISTRIBUTED DENSE VEGETATION COVERAGE IS ESTABLISHED.

5. WHILE ANY AREAS REMAIN DISTURBED (Ie BEFORE AND DURING RE-VEGETATION) ALL SEDIMENT AND EROSION CONTROL DEVICES SHALL BE RETAINED.

6. AREAS WHERE DEVICES ARE REMOVED ON COMPLETION OF WORKS SHALL BE RE-INSTATED TO
PRE-CONSTRUCTION CONDITIONS.

SILT FENCE CONSTRUCTION NOTES

1. CONSTRUCT SILT FENCE AS CLOSE AS POSSIBLE TO PARALLEL TO THE CONTOURS OF SITE

2. DRIVE 1.5M LONG STAR PICKETS INTO THE GROUND AT 3M MAX CTS.

3. DIG A 150MM x 100MM TRENCH ALONG THE UPSLOPE LINE OF THE FENCE FOR THE BOTTOM OF THE FABRIC TO BE ENTRENCHED.

4. BACKFILL TRENCH OVER THE BASE OF THE FABRIC.

5. FIX SELF SUPPORTING GEOTEXTILE TO THE UPSLOPE SIDE OF THE POST WITH WIRE TIES OR AS
RECOMMENDED BY THE GEOTEXTILE MANUFACTURER.

6. JOIN SECTIONS OF FABRIC AT A SUPPORT POST WITH A 150MM OVERLAP.

STABILISED SITE ACCESS & CONSTRUCTION NOTES

1. STRIP TOP-SOIL AND LEVEL SITE

2. COMPACT SUB-GRADE.

3. COVER AREA WITH NEEDLE-PUNCHED GEOTEXTILE.

4. CONSTRUCT 200MM THICK PAD OVER GEOTEXTILE USING ROADBASE OR 30MM AGGREGATE. MINIMUM LENGTH SHALL BE 15 METRES OR TO THE BUILDING ALIGNMENT. MINIMUM WIDTH SHALL BE 3 METRES.

5. CONSTRUCT HUMP IMMEDIATELY WITH BOUNDARY TO DIVERT WATER TO A SEDIMENT FENCE OF
SEDIMENT TRAP.

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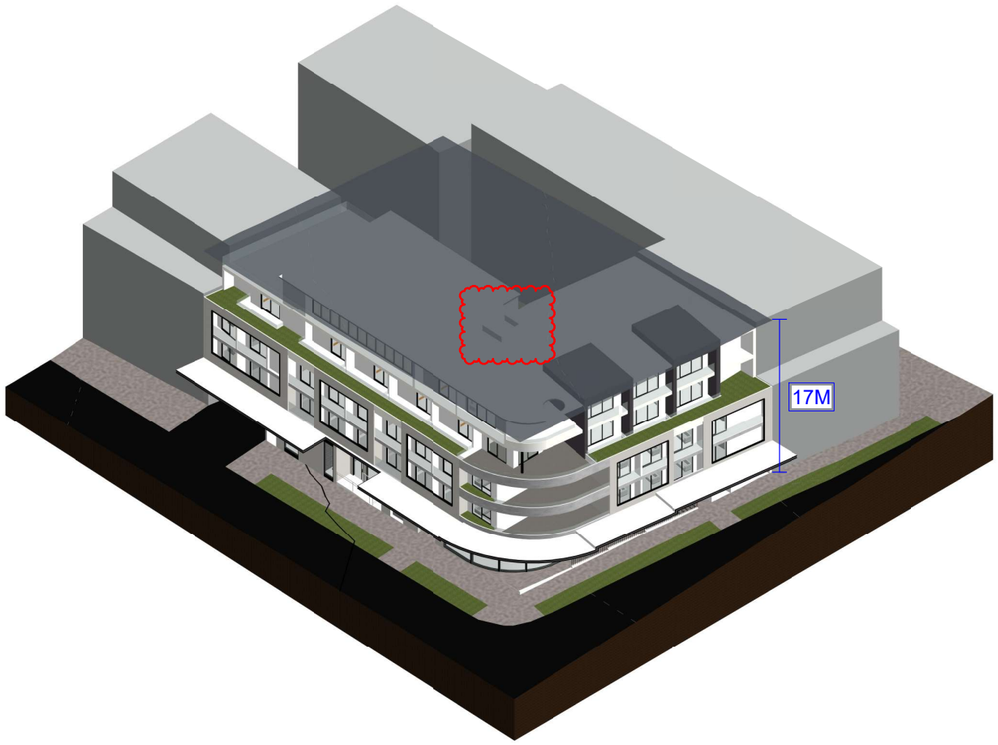
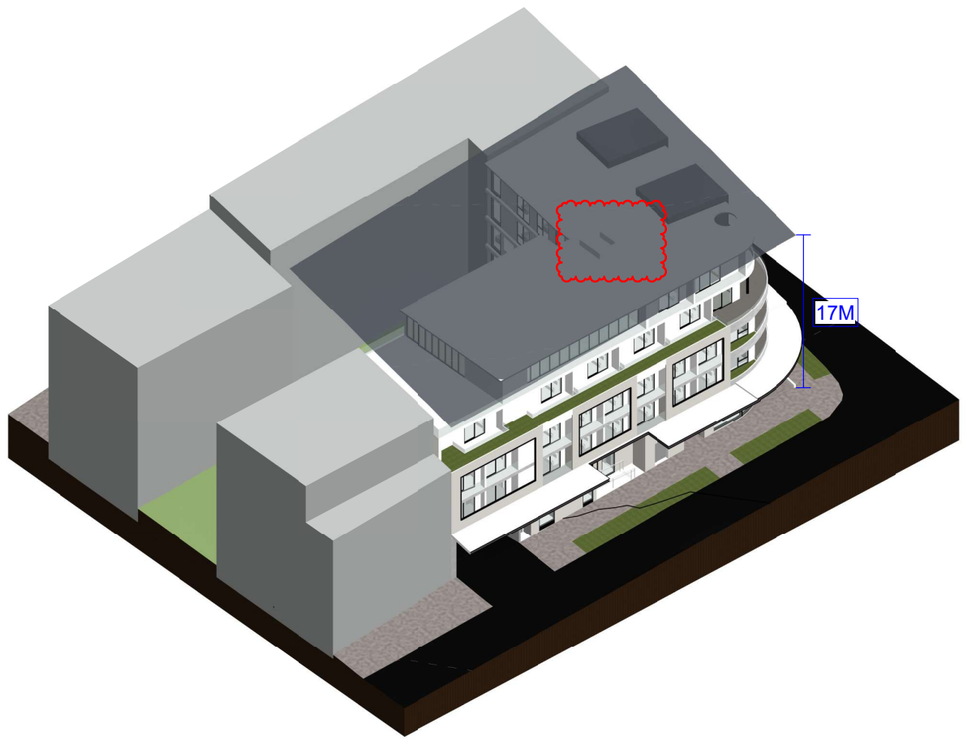
TITLE:	SEDIMENT CONTROL PLAN		
DRW:	JL	DRW #:	DA-S30
CHK:	HY	REV #:	B
NORTH:		SCALE:	0 1 2 3 4 SCALE 1:100 AS INDICATED AT

REV	COMMENTS	DATE
A	ISSUE FOR DA	13/12/2024
B	ISSUE FOR DA	05/02/2026

PRJ #:	2316
STATUS:	DA
CLIENT:	CONFIDENTIAL
ADD:	3-5 GILBA ROAD PENDLE HILL





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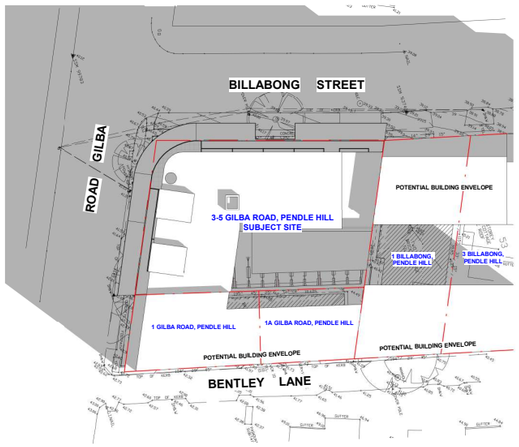
TITLE: BUILDING HEIGHT
DRW: JL DRW #: DA-540
CHK: HY REV #: B
NORTH: SCALE: @ A3

REV	COMMENTS	DATE
A	ISSUE FOR DA	13/12/2024
B	ISSUE FOR DA	05/02/2026

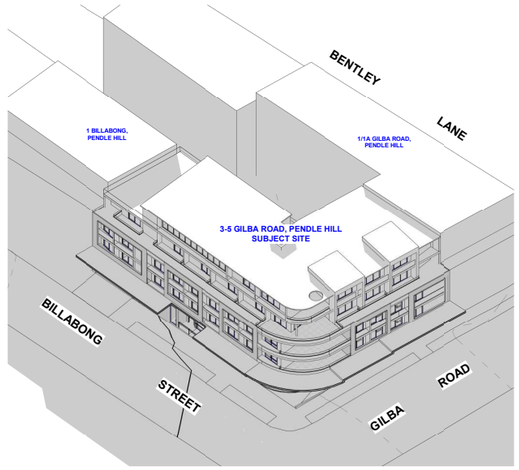
PRJ #: 2316
STATUS: DA
CLIENT: CONFIDENTIAL
ADD: 3-5 GILBA ROAD PENDLE HILL



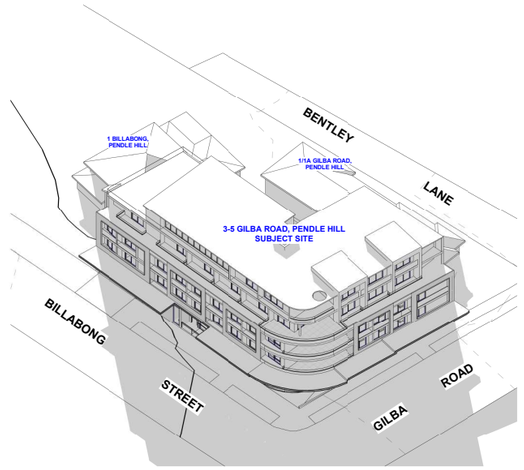
1 JUN 21 / 9 AM - WITH POTENTIAL NEIGHBOR FORM
SCALE: 1 : 500



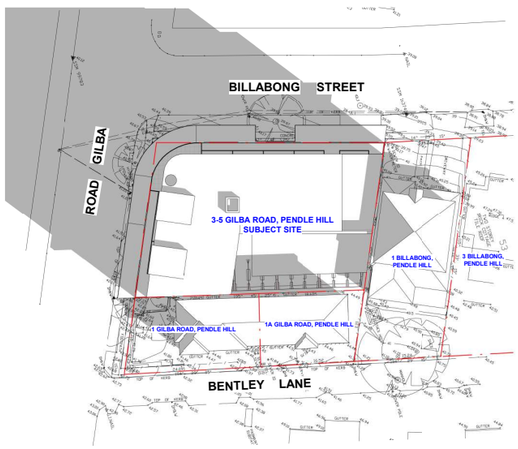
7 JUN 21 / 9 AM - ELEVATION ALONG BILLABONG STREET
SCALE:



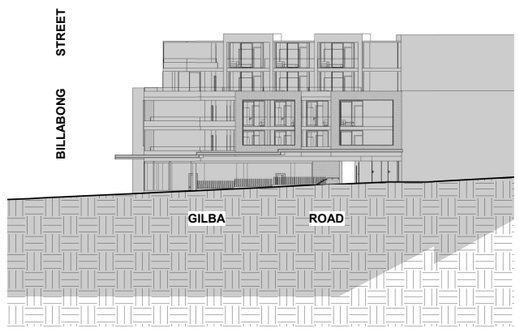
3 JUN 21 / 9 AM - 3D - WITH POTENTIAL BUILDING FORM
SCALE:



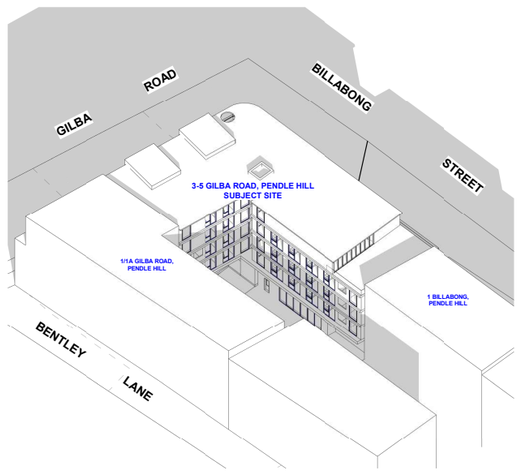
5 JUN 21 / 9 AM - 3D - WITH EXISTING BUILDING
SCALE:



2 JUN 21 / 9 AM - WITH EXISTING BUILDING
SCALE: 1 : 500



8 JUN 21 / 9 AM - ELEVATION ALONG GILBA ROAD
SCALE:



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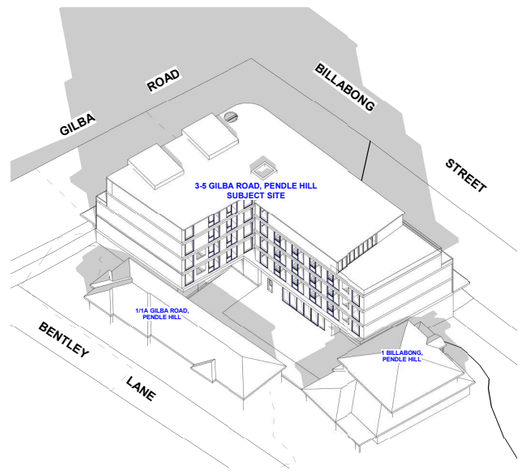

6 JUN 21 / 9 AM - 3D - WITH EXISTING BUILDING 2
SCALE:

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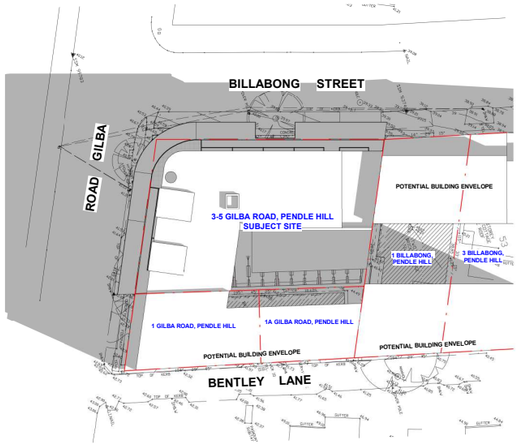
TITLE: SHADOW DIAGRAM
DRW: JL DRW #: DA-550
CHK: HY REV #: B
NORTH: SCALE: 1 : 500 @ A1

REV	COMMENTS	DATE
A	ISSUE FOR DA	13/12/2024
B	ISSUE FOR DA	05/02/2026

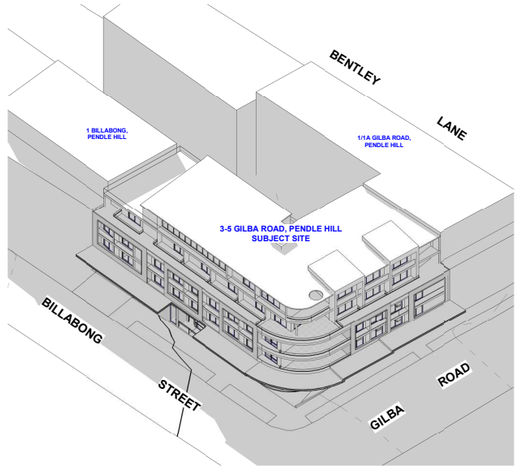
PRJ #: 2316
STATUS: DA
CLIENT: CONFIDENTIAL
ADD: 3-5 GILBA ROAD PENDLE HILL



1 JUN 21 / 10 AM - WITH POTENTIAL NEIGHBOR FORM
SCALE: 1 : 500



3 JUN 21 / 10 AM - ELEVATION ALONG BILLABONG STREET
SCALE:



5 JUN 21 / 10 AM - 3D - WITH POTENTIAL BUILDING FORM
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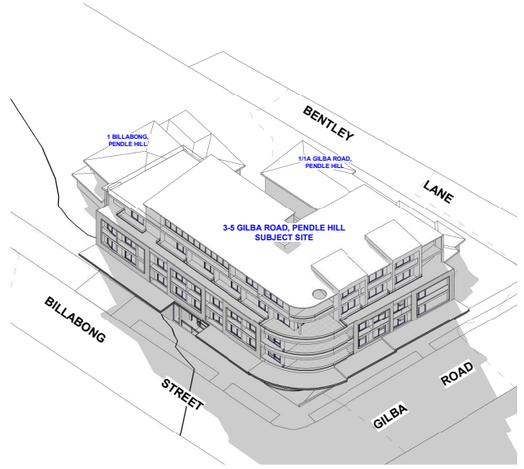

7 JUN 21 / 10 AM - 3D - WITH EXISTING BUILDING
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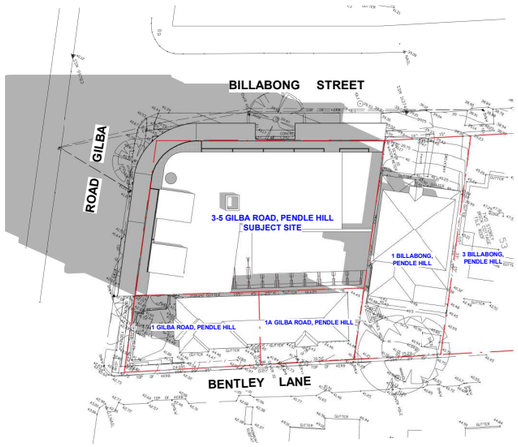
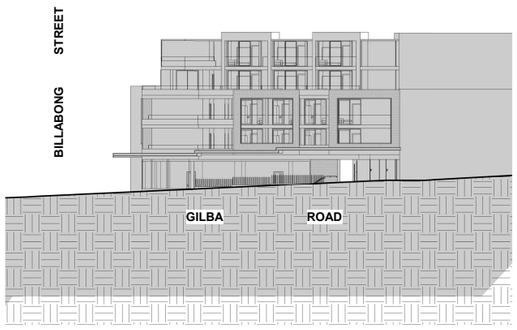
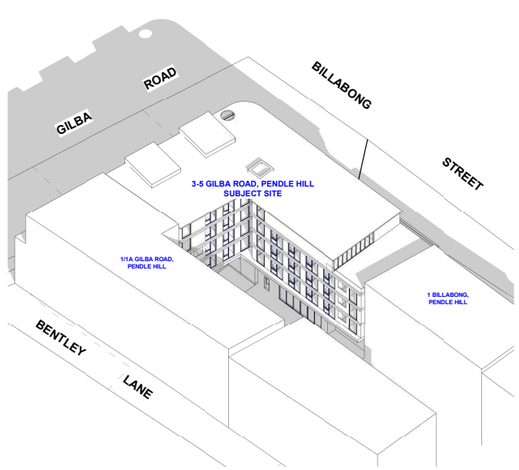


2 JUN 21 / 10 AM - WITH EXISTING BUILDING
SCALE: 1 : 500



4 JUN 21 / 10 AM - ELEVATION ALONG GILBA ROAD
SCALE:



6 JUN 21 / 10 AM - 3D - WITH POTENTIAL BUILDING FORM 2
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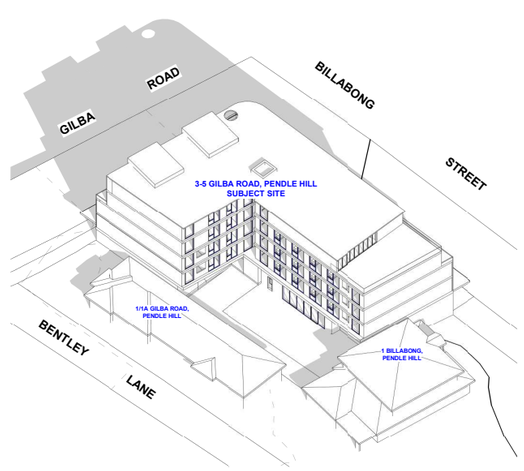

8 JUN 21 / 10 AM - 3D - WITH EXISTING BUILDING 2
SCALE:

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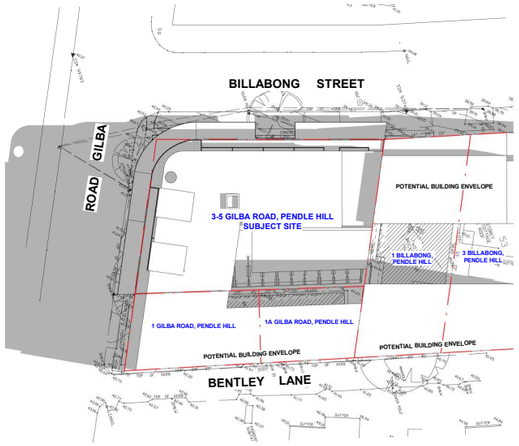
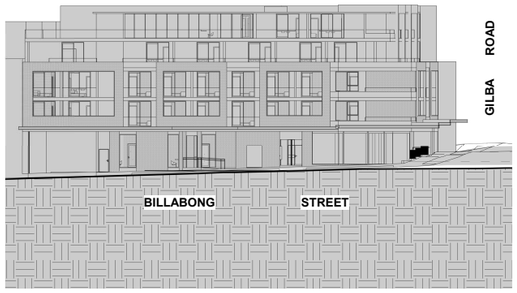
TITLE: SHADOW DIAGRAM
DRW: JL
DRW #: DA-551
CHK: HY
REV #: B
NORTH:
SCALE:
1 : 500 @ A3

REV	COMMENTS	DATE
A	ISSUE FOR DA	13/12/2024
B	ISSUE FOR DA	05/02/2026

PRJ #: 2316
STATUS: DA
CLIENT: CONFIDENTIAL
ADD: 3-5 GILBA ROAD PENDLE HILL



1 JUN 21 / 11 AM - WITH POTENTIAL NEIGHBOR FORM
SCALE: 1 : 500



3 JUN 21 / 11 AM - ELEVATION ALONG BILLABONG STREET
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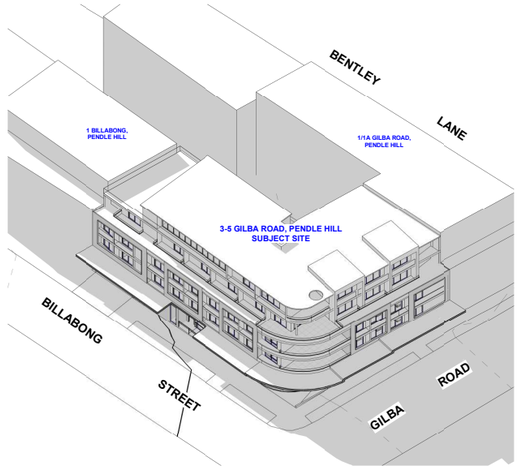

5 JUN 21 / 11 AM - 3D - WITH POTENTIAL BUILDING FORM
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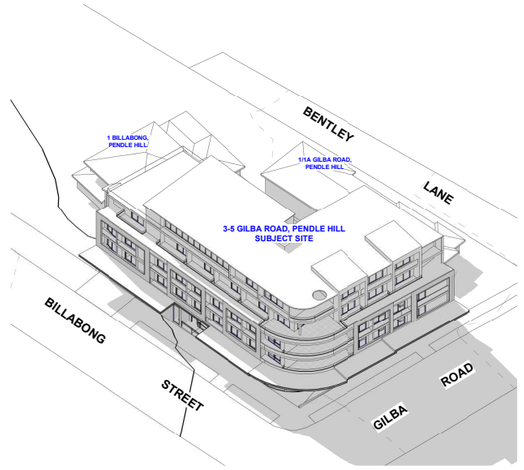

7 JUN 21 / 11 AM - 3D - WITH EXISTING BUILDING
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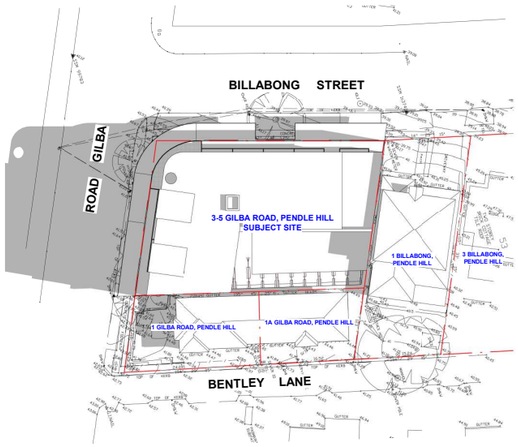
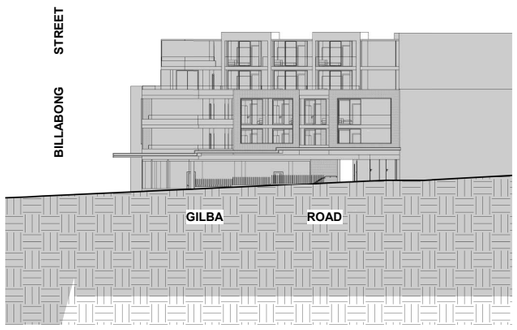
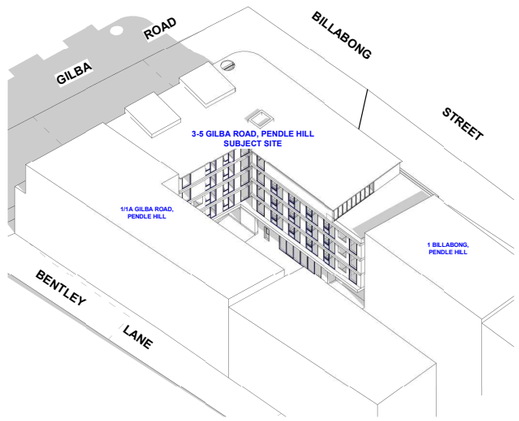


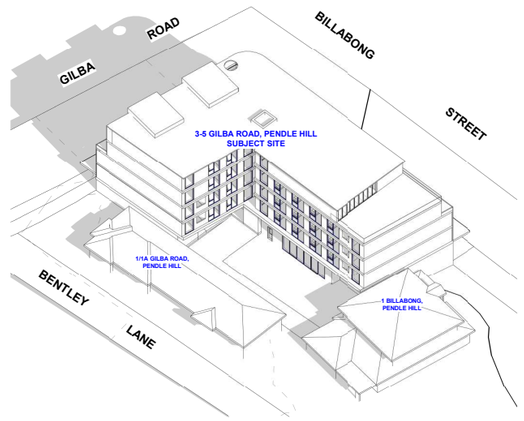
2 JUN 21 / 11 AM - WITH EXISTING BUILDING
SCALE: 1 : 500



4 JUN 21 / 11 AM - ELEVATION ALONG GILBA ROAD
SCALE:



6 JUN 21 / 11 AM - 3D - WITH POTENTIAL BUILDING FORM 2
SCALE:



8 JUN 21 / 11 AM - 3D - WITH EXISTING BUILDING 2
SCALE:

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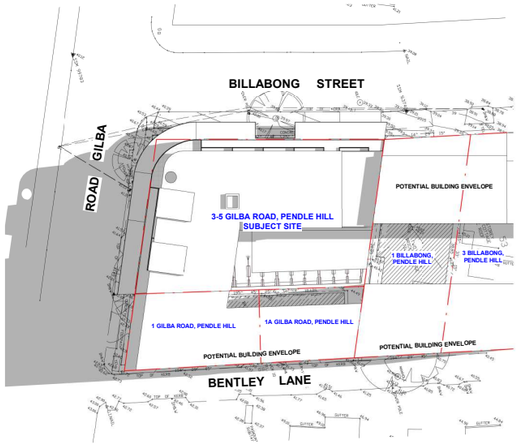
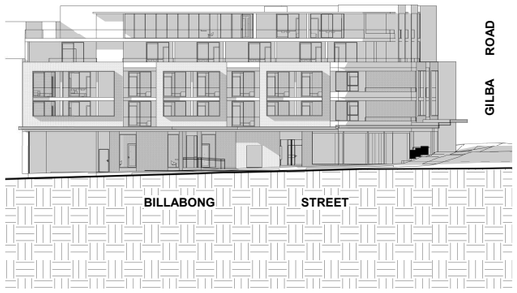
TITLE: SHADOW DIAGRAM
DRW: JL DRW #: DA-552
CHK: HY REV #: B
NORTH: SCALE: 1 : 500 @ A3

REV	COMMENTS	DATE
A	ISSUE FOR DA	13/12/2024
B	ISSUE FOR DA	05/02/2026

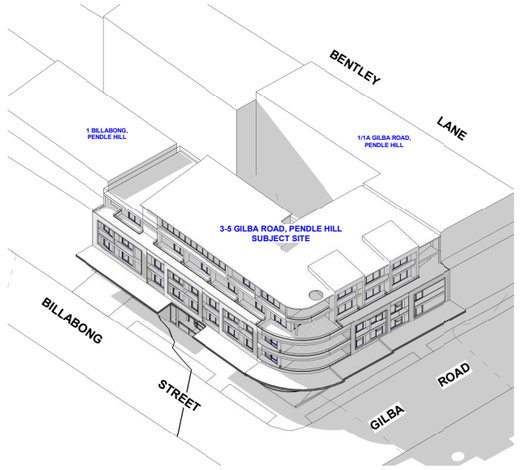
PRJ #: 2316
STATUS: DA
CLIENT: CONFIDENTIAL
ADD: 3-5 GILBA ROAD PENDLE HILL



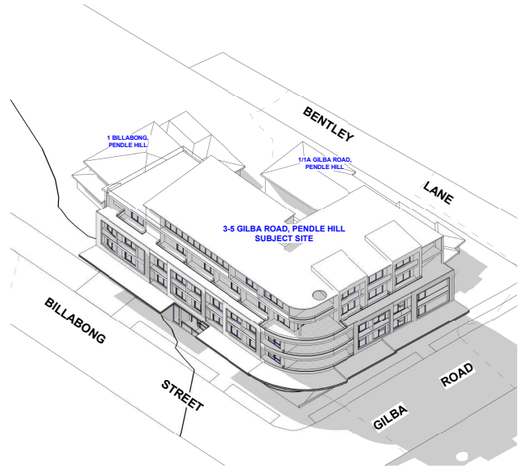
1 JUN 21 / 12 PM - WITH POTENTIAL NEIGHBOR FORM
SCALE: 1 : 500



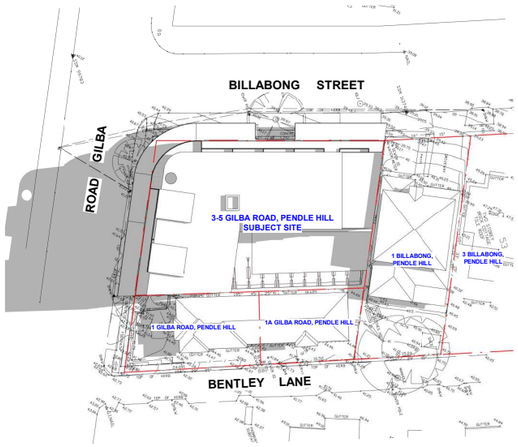
3 JUN 21 / 12 PM - ELEVATION ALONG BILLABONG STREET
SCALE:



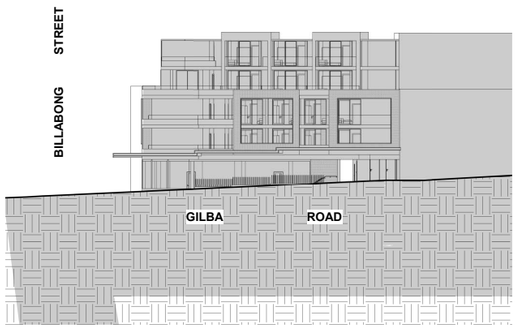
5 JUN 21 / 12 PM - 3D - WITH POTENTIAL BUILDING FORM
SCALE:



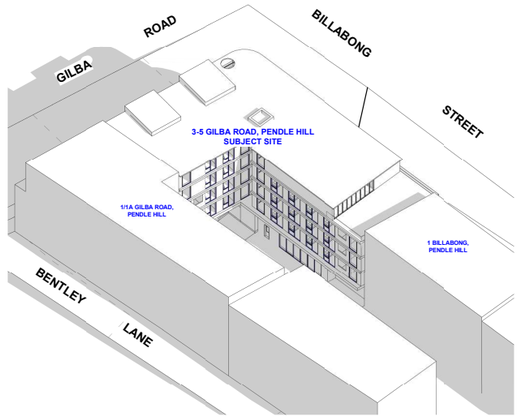
7 JUN 21 / 12 PM - 3D - WITH EXISTING BUILDING
SCALE:



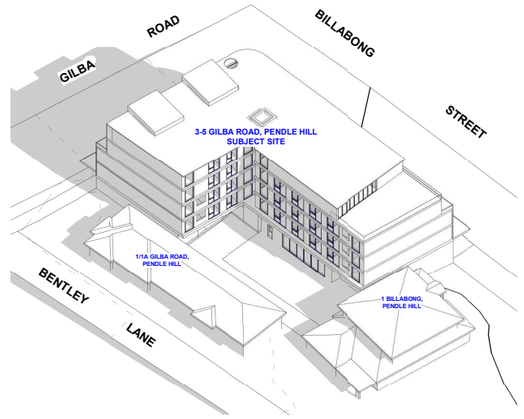
2 JUN 21 / 12 PM - WITH EXISTING BUILDING
SCALE: 1 : 500



4 JUN 21 / 12 PM - ELEVATION ALONG GILBA ROAD
SCALE:



6 JUN 21 / 12 PM - 3D - WITH POTENTIAL BUILDING FORM 2
SCALE:



8 JUN 21 / 12 PM - 3D - WITH EXISTING BUILDING 2
SCALE:

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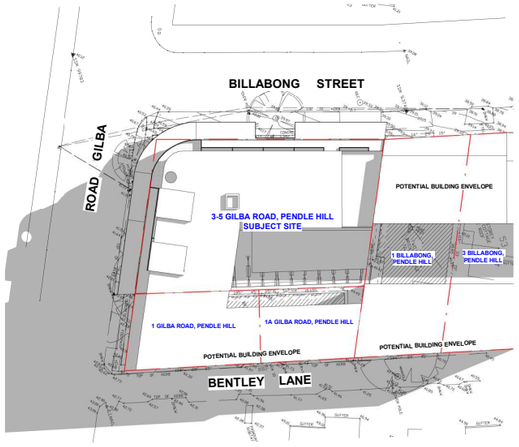
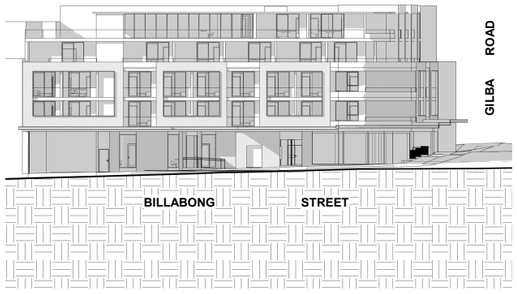
TITLE: SHADOW DIAGRAM
DRW: JL
DRW #: DA-553
CHK: HY
REV #: B
NORTH:
SCALE:
1 : 500 @ A3

REV	COMMENTS	DATE
A	ISSUE FOR DA	13/12/2024
B	ISSUE FOR DA	05/02/2026

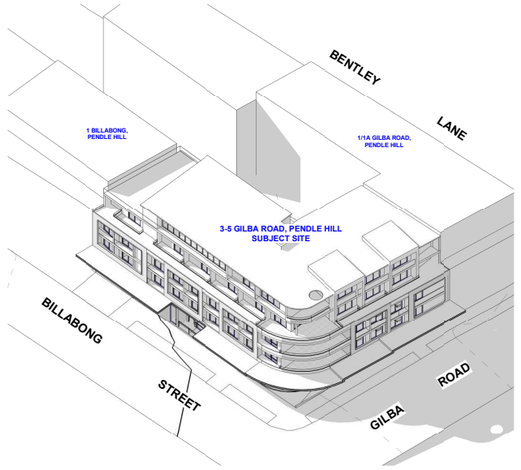
PRJ #: 2316
STATUS: DA
CLIENT: CONFIDENTIAL
ADD: 3-5 GILBA ROAD PENDLE HILL



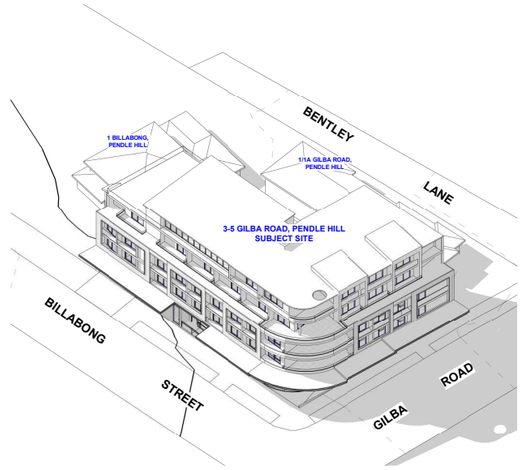
1 JUN 21 / 1 PM - WITH POTENTIAL NEIGHBOR FORM
SCALE: 1 : 500



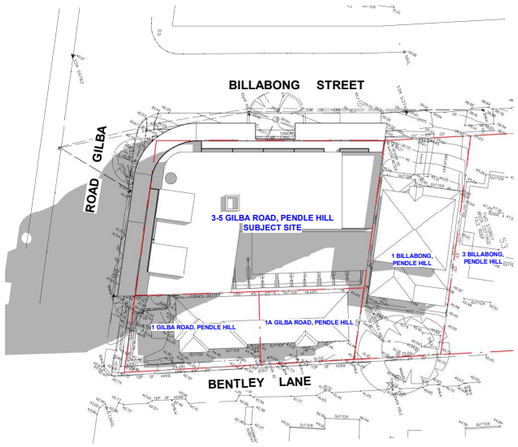
3 JUN 21 / 1 PM - ELEVATION ALONG BILLABONG STREET
SCALE:



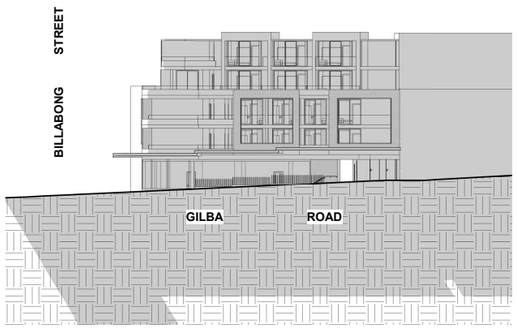
5 JUN 21 / 1 PM - 3D - WITH POTENTIAL BUILDING FORM
SCALE:



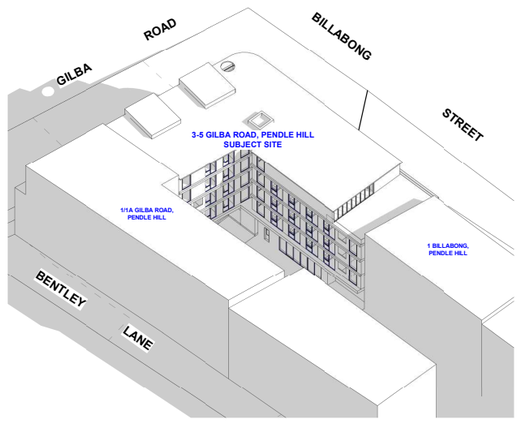
7 JUN 21 / 1 PM - 3D - WITH EXISTING BUILDING
SCALE:



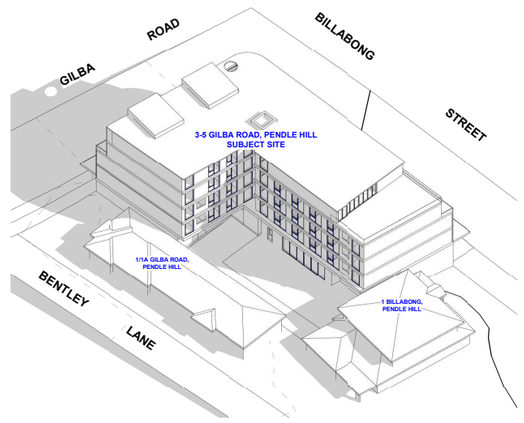
2 JUN 21 / 1 PM - WITH EXISTING BUILDING
SCALE: 1 : 500



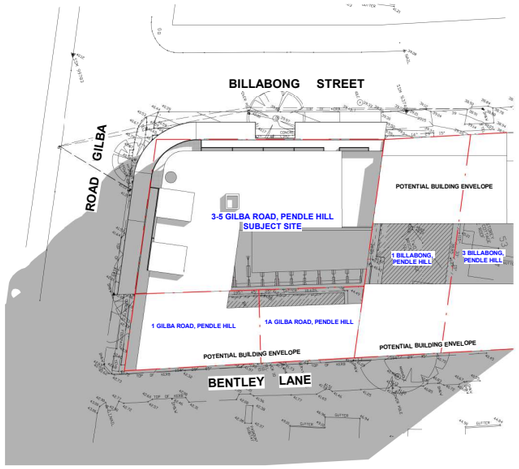
4 JUN 21 / 1 PM - ELEVATION ALONG GILBA ROAD
SCALE:



6 JUN 21 / 1 PM - 3D - WITH POTENTIAL BUILDING FORM 2
SCALE:



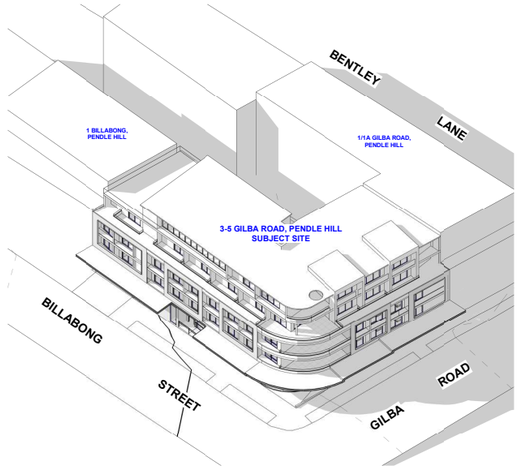
8 JUN 21 / 1 PM - 3D - WITH EXISTING BUILDING 2
SCALE:



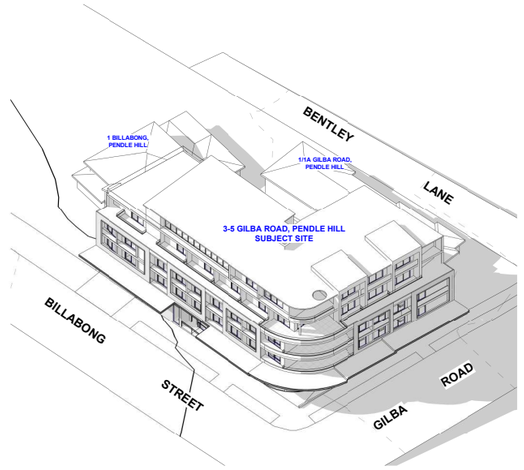
1 JUN 21 / 2 PM - WITH POTENTIAL NEIGHBOR FORM
SCALE: 1 : 500



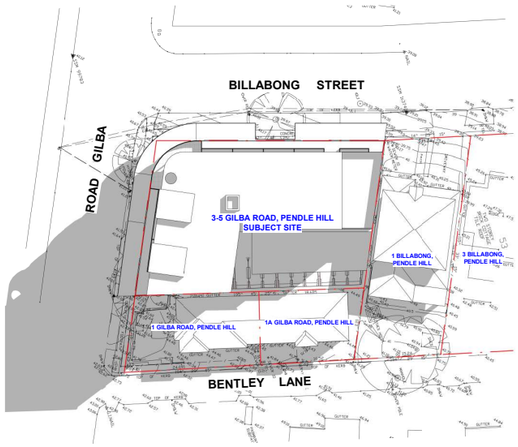
3 JUN 21 / 2 PM - ELEVATION ALONG BILLABONG STREET
SCALE:



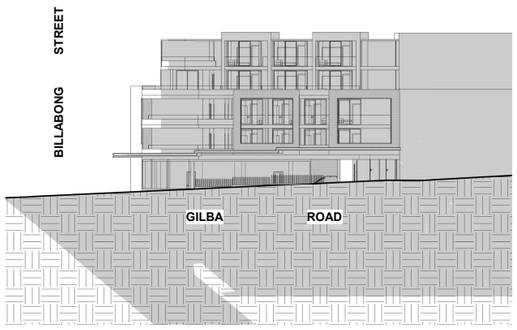
5 JUN 21 / 2 PM - 3D - WITH POTENTIAL BUILDING FORM
SCALE:



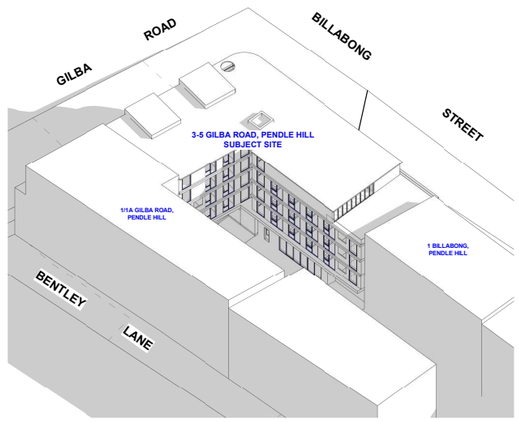
7 JUN 21 / 2 PM - 3D - WITH EXISTING BUILDING
SCALE:



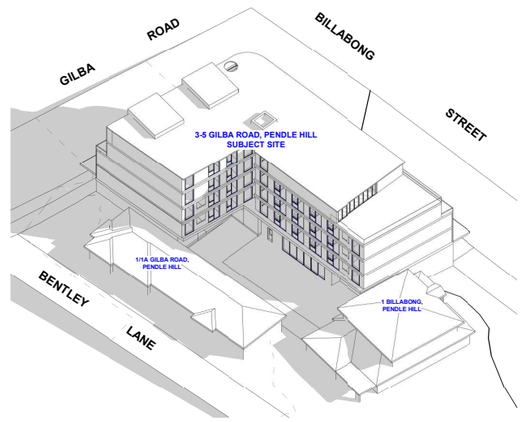
2 JUN 21 / 2 PM - WITH EXISTING BUILDING
SCALE: 1 : 500



4 JUN 21 / 2 PM - ELEVATION ALONG GILBA ROAD
SCALE:



6 JUN 21 / 2 PM - 3D - WITH POTENTIAL BUILDING FORM 2
SCALE:



8 JUN 21 / 2 PM - 3D - WITH EXISTING BUILDING 2
SCALE:

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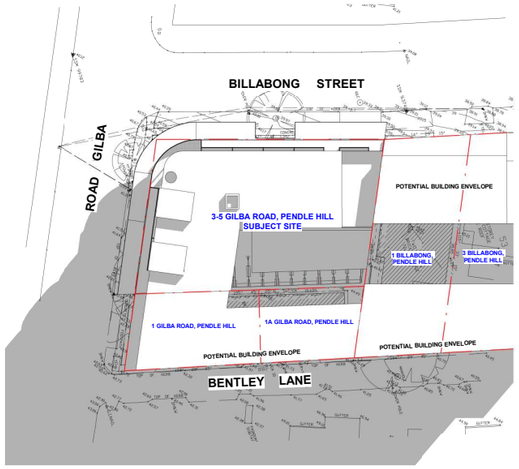
TITLE: SHADOW DIAGRAM
DRW: JL DRW #: DA-555
CHK: HY REV #: B
NORTH: SCALE: 1 : 500 @ A3

REV	COMMENTS	DATE
A	ISSUE FOR DA	13/12/2024
B	ISSUE FOR DA	05/02/2026

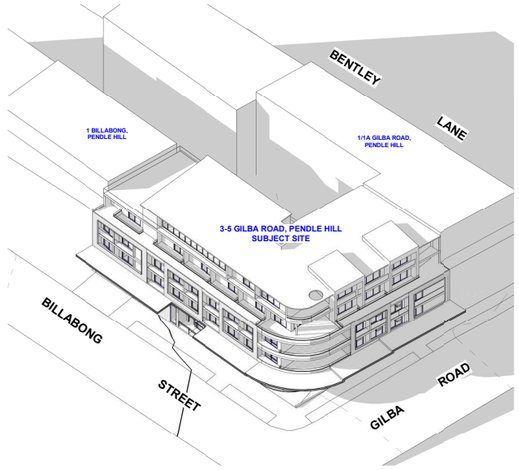
PRJ #: 2316
STATUS: DA
CLIENT: CONFIDENTIAL
ADD: 3-5 GILBA ROAD PENDLE HILL



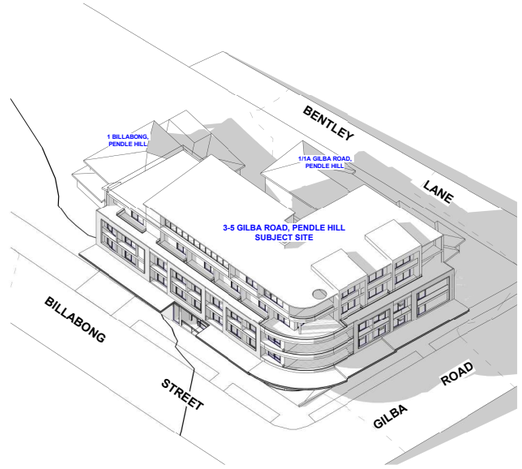
1 JUN 21 / 3 PM - WITH POTENTIAL NEIGHBOR FORM
SCALE: 1 : 500



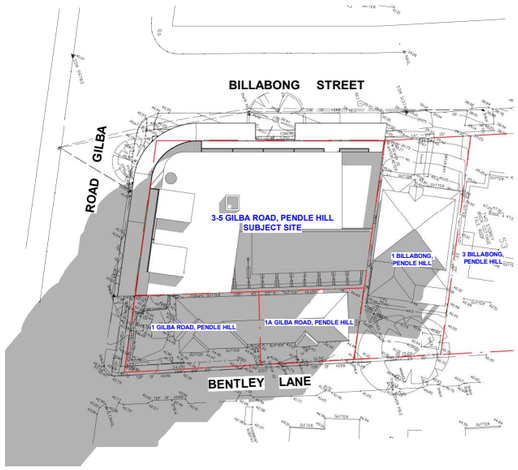
3 JUN 21 / 3 PM - ELEVATION ALONG BILLABONG STREET
SCALE:



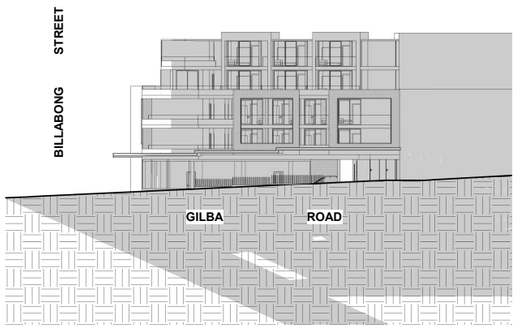
5 JUN 21 / 3 PM - 3D - WITH POTENTIAL BUILDING FORM
SCALE:



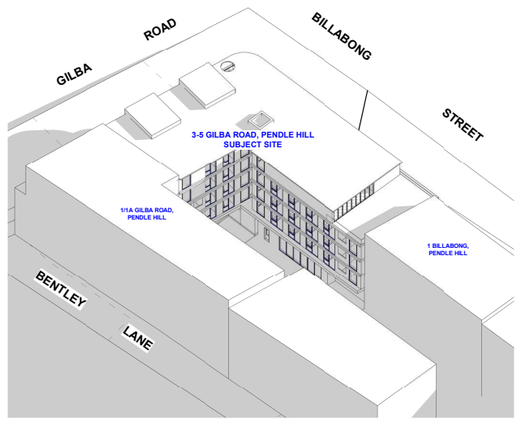
7 JUN 21 / 3 PM - 3D - WITH EXISTING BUILDING
SCALE:



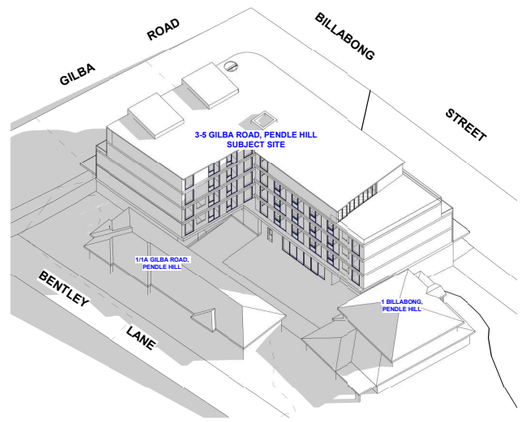
2 JUN 21 / 3 PM - WITH EXISTING BUILDING
SCALE: 1 : 500



4 JUN 21 / 3 PM - ELEVATION ALONG GILBA ROAD
SCALE:



6 JUN 21 / 3 PM - 3D - WITH POTENTIAL BUILDING FORM 2
SCALE:



8 JUN 21 / 3 PM - 3D - WITH EXISTING BUILDING 2
SCALE:

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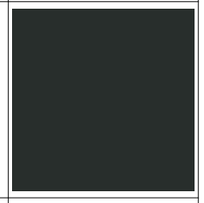
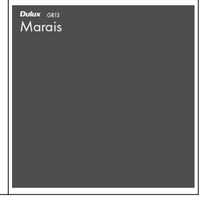
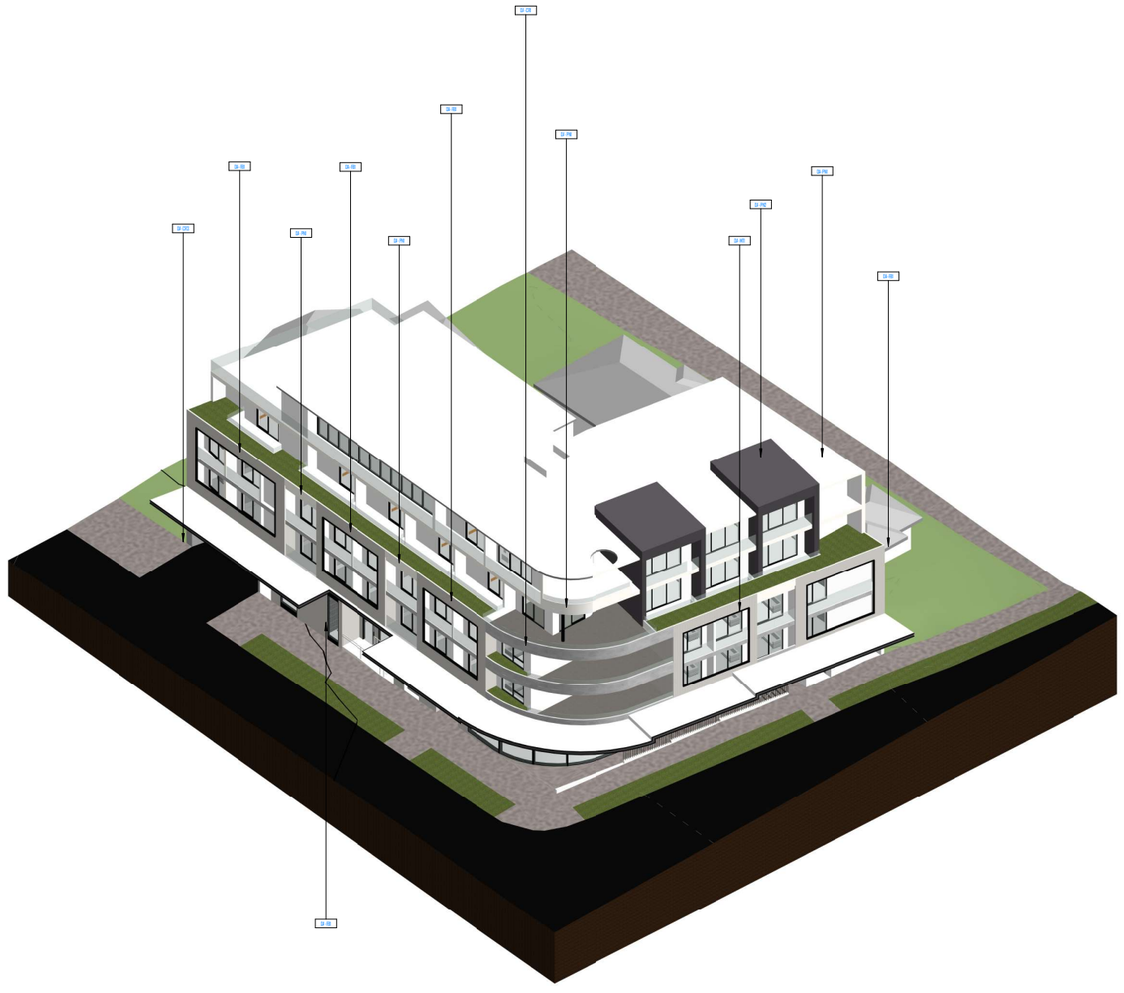
TITLE: SHADOW DIAGRAM
DRW: JL DRW #: DA-556
CHK: HY REV #: B
NORTH: SCALE: 1 : 500 @ A3

REV	COMMENTS	DATE
A	ISSUE FOR DA	13/12/2024
B	ISSUE FOR DA	05/02/2026

PRJ #: 2316
STATUS: DA
CLIENT: CONFIDENTIAL
ADD: 3-5 GILBA ROAD PENDLE HILL

External Finishes Schedule				
Material: Keynote	**Material: Comments**	**Material: Manufacturer**	**Material: Description**	**Material: Image**
DA-CR1	EXTERNAL WALLS	TBD	LIGHT COLOR CONCRETE RENDER	
DA-CR3	EXTERNAL WALLS, RETAININGS	TBD	CONCRETE	
DA-FB1	External Wall	MIDLAND	CONTEMPO MADRID BLANCO	
DA-MT1	External Wall, Features	DuluxGroup (Australia) Pty Ltd	Metal black	
DA-PN1	External Wall	DuluxGroup (Australia) Pty Ltd	Natural White Render	
DA-PN2	External Wall	DuluxGroup (Australia) Pty Ltd	Marais	



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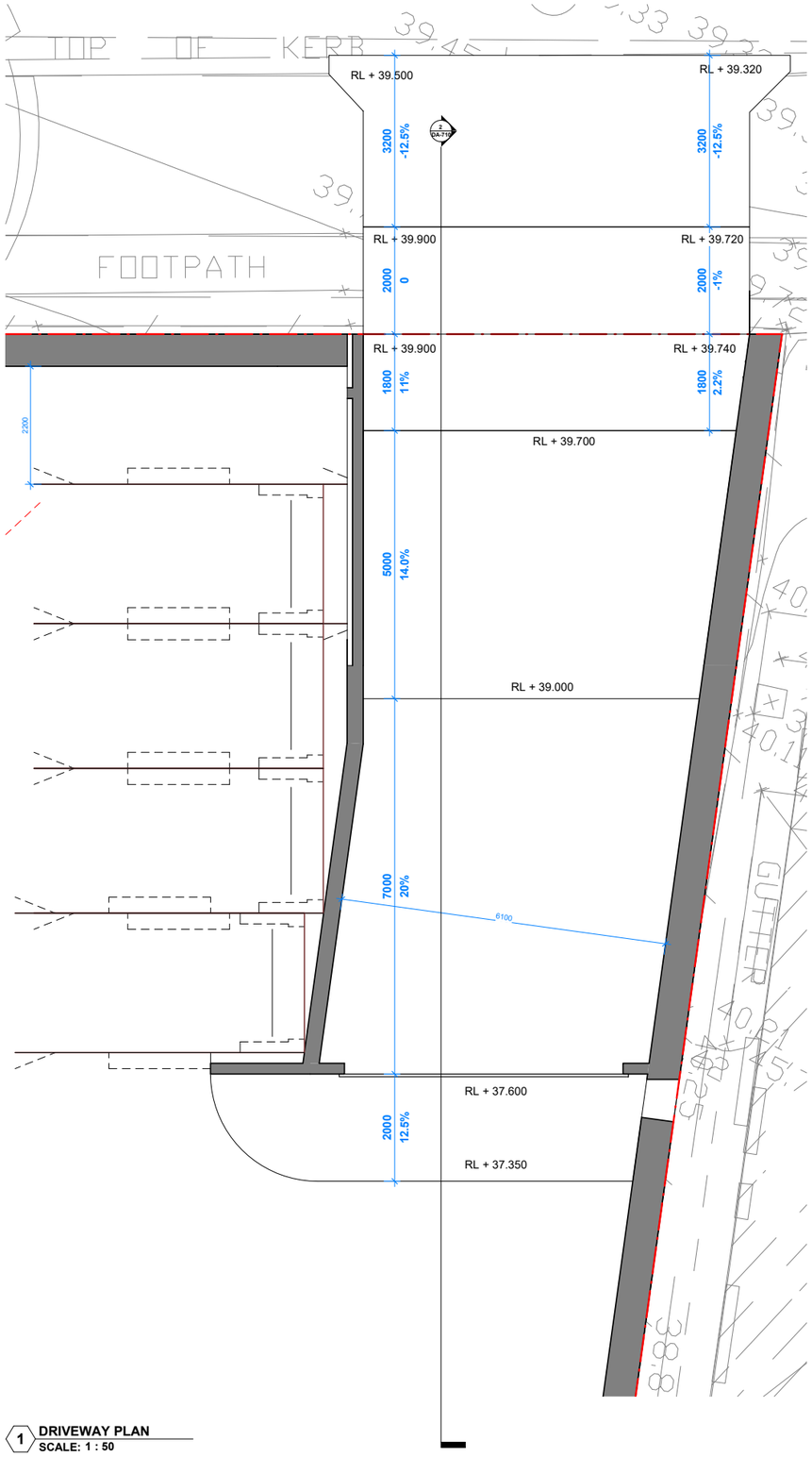
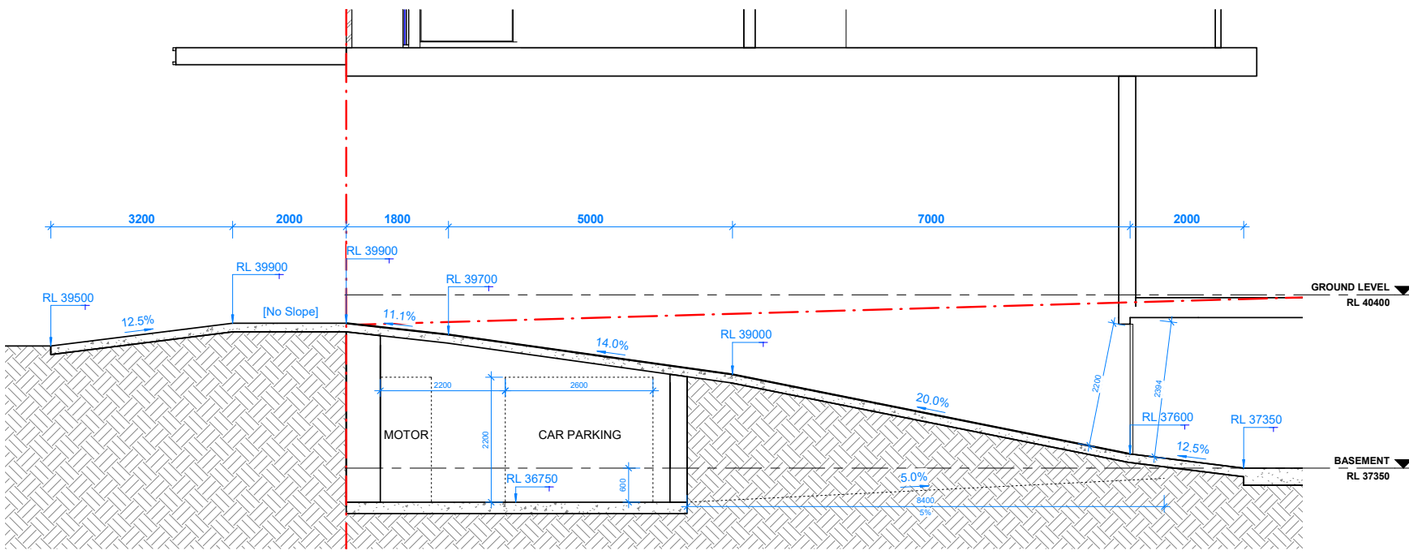
TITLE:	EXTERNAL FINISH SCHEDULE		
DRW:	JL	DRW #:	DA-600
CHK:	HY	REV #:	B
NORTH:		SCALE:	

REV	COMMENTS	DATE
A	ISSUE FOR DA	13/12/2024
B	ISSUE FOR DA	05/02/2026

PRJ #:	2316
STATUS:	DA
CLIENT:	CONFIDENTIAL
ADD:	3-5 GILBA ROAD PENDLE HILL



1 DRIVEWAY PLAN
SCALE: 1 : 50



2 DRIVEWAY SECTION
SCALE: 1 : 50

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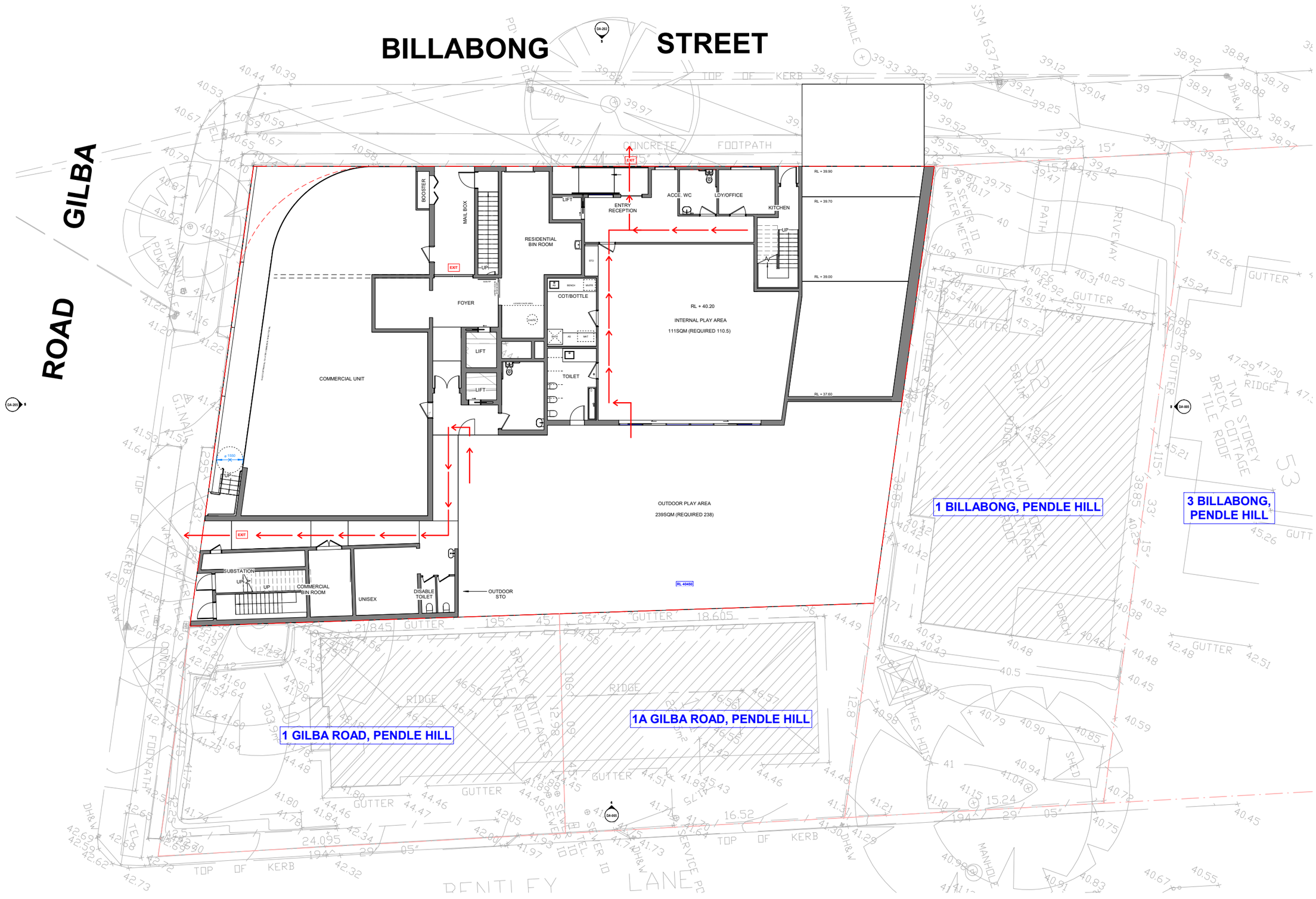
TITLE:	DRIVEWAY PROFILE		
DRW:	JL	DRW #:	DA-710
CHK:	HY	REV #:	B
NORTH:		SCALE:	0 1 2 3 4 SCALE 1:100 1:50 @ A3

REV	COMMENTS	DATE
A	ISSUE FOR DA	13/12/2024
B	ISSUE FOR DA	05/02/2026

PRJ #:	2316
STATUS:	DA
CLIENT:	CONFIDENTIAL
ADD:	3-5 GILBA ROAD PENDLE HILL



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TITLE:	CHILDCARE EVACUATION PLAN		
DRW:	JL	DRW #:	DA-720
CHK:	HY	REV #:	B
NORTH:		SCALE:	0 1 2 3 4 SCALE 1:100 @ A3

REV	COMMENTS	DATE
A	ISSUE FOR DA	13/12/2024
B	ISSUE FOR DA	05/02/2026

PRJ #:	2316
STATUS:	DA
CLIENT:	CONFIDENTIAL
ADD:	3-5 GILBA ROAD PENDLE HILL

SITE AREA	528M²
MAX FSR WITH 10% BONUS	2.2:1
MAX GFA	1162M²
HEIGHT LIMIT	17M
DEEP SOIL	37M²(7%)
COMMUNAL OPEN	106M²(20%)

LEVEL	AREA	CONTENT
GL	250M²	5 UNITS + COMMUNAL LIVING
L1	250M²	11 UNITS
L2	250M²	11 UNITS
L3	200M²	9 UNITS
L4	200M²	9 UNITS
TOTAL	**1150M²**	**45 UNITS**

PARKING: 9 (UNIT X 0.2)

BILLABONG STREET

GILBA ROAD

3-5 GILBA ROAD, PENDLE HILL
88 UNITS CO-LIVING

POTENTIAL BUILDING ENVELOPE

1 BILLABONG, PENDLE HILL

3 BILLABONG, PENDLE HILL

23001
BUILDING SEPERATION

18500
BUILDING SEPERATION

3000
TOP 2 LEVEL FURTHER SETBACK

AWNING

3-STOREY

5 STOREY RESIDENTIAL

SOFT LANDSCAPE / COMMUNAL OPEN SPACE

DEEP SOIL

1-1A GILBA ROAD, PENDLE HILL
SITE AREA: 528M²

POTENTIAL BUILDING ENVELOPE

POTENTIAL BUILDING ENVELOPE

BENTLEY LANE

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TITLE:	1-1A GILBA SITE PLAN		
DRW:	JL	DRW #:	SK-050
CHK:	HY	REV #:	A
NORTH:		SCALE:	0 1 2 3 4
			SCALE 1:100 @ A3

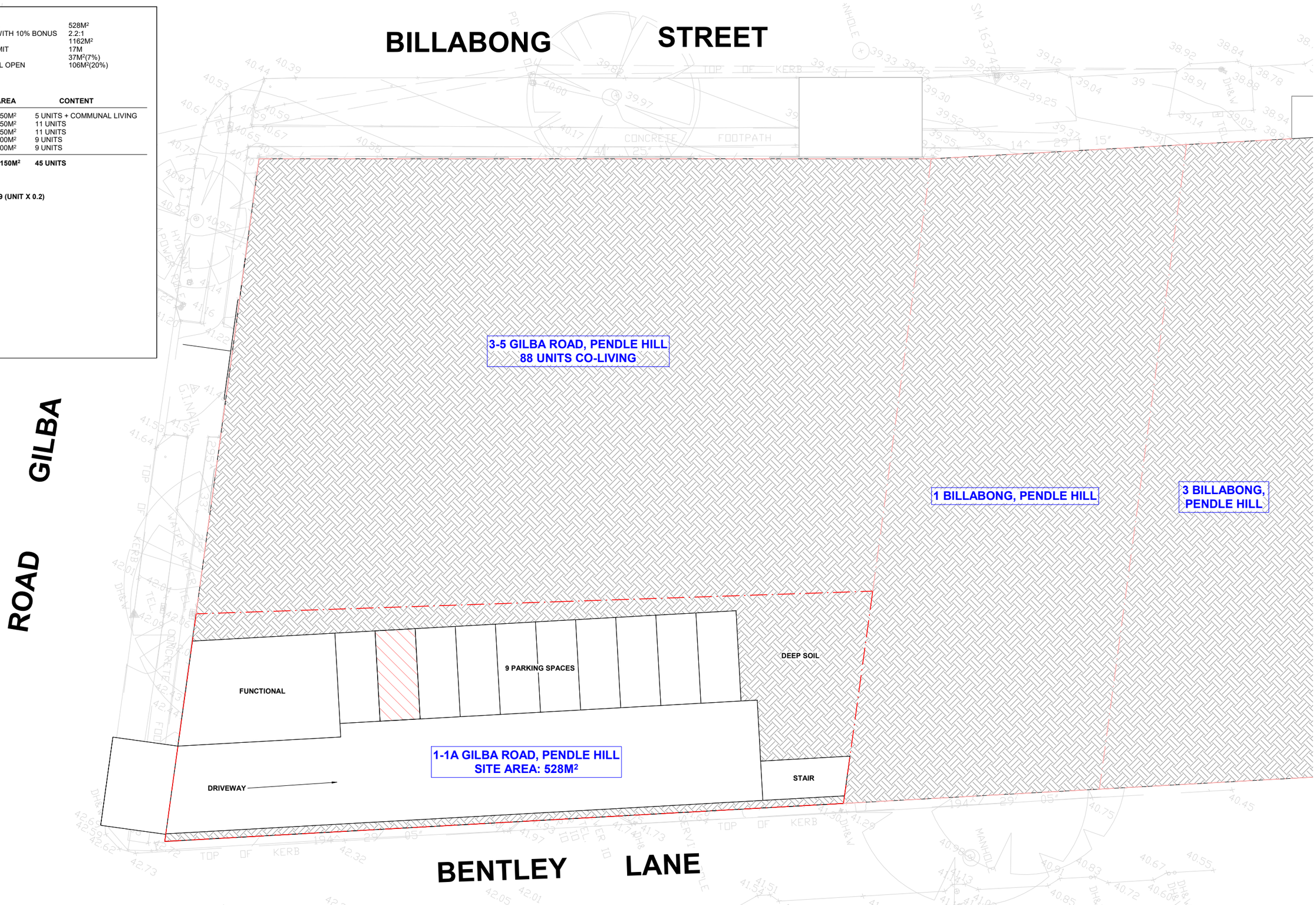
REV	COMMENTS	DATE
A	ISSUE FOR DA	26/09/2025

PRJ #:	2316
STATUS:	DA
CLIENT:	CONFIDENTIAL
ADD:	3-5 GILBA ROAD PENDLE HILL

SITE AREA	528M²
MAX FSR WITH 10% BONUS	2.2:1
MAX GFA	1162M²
HEIGHT LIMIT	17M
DEEP SOIL	37M²(7%)
COMMUNAL OPEN	106M²(20%)

LEVEL	AREA	CONTENT
GL	250M²	5 UNITS + COMMUNAL LIVING
L1	250M²	11 UNITS
L2	250M²	11 UNITS
L3	200M²	9 UNITS
L4	200M²	9 UNITS
TOTAL	**1150M²**	**45 UNITS**

PARKING: 9 (UNIT X 0.2)



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TITLE: 1-1A GILBA BASEMENT PLAN
DRW: JL DRW #: SK-100
CHK: HY REV #: A
NORTH: SCALE: 0 1 2 3 4 SCALE 1:100 1 : 100 @ A3

REV	COMMENTS	DATE
A	ISSUE FOR DA	26/09/2025

PRJ #: 2316
STATUS: DA
CLIENT: CONFIDENTIAL
ADD: 3-5 GILBA ROAD PENDLE HILL

SITE AREA	528M²
MAX FSR WITH 10% BONUS	2.2:1
MAX GFA	1162M²
HEIGHT LIMIT	17M
DEEP SOIL	37M²(7%)
COMMUNAL OPEN	106M²(20%)

LEVEL	AREA	CONTENT
GL	250M²	5 UNITS + COMMUNAL LIVING
L1	250M²	11 UNITS
L2	250M²	11 UNITS
L3	200M²	9 UNITS
L4	200M²	9 UNITS
TOTAL	**1150M²**	**45 UNITS**

PARKING: 9 (UNIT X 0.2)



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TITLE:	1-1A GILBA GROUND PLAN		
DRW:	JL	DRW #:	SK-110
CHK:	HY	REV #:	A
NORTH:		SCALE:	0 1 2 3 4
		SCALE: 1:150	1:150 @ A3

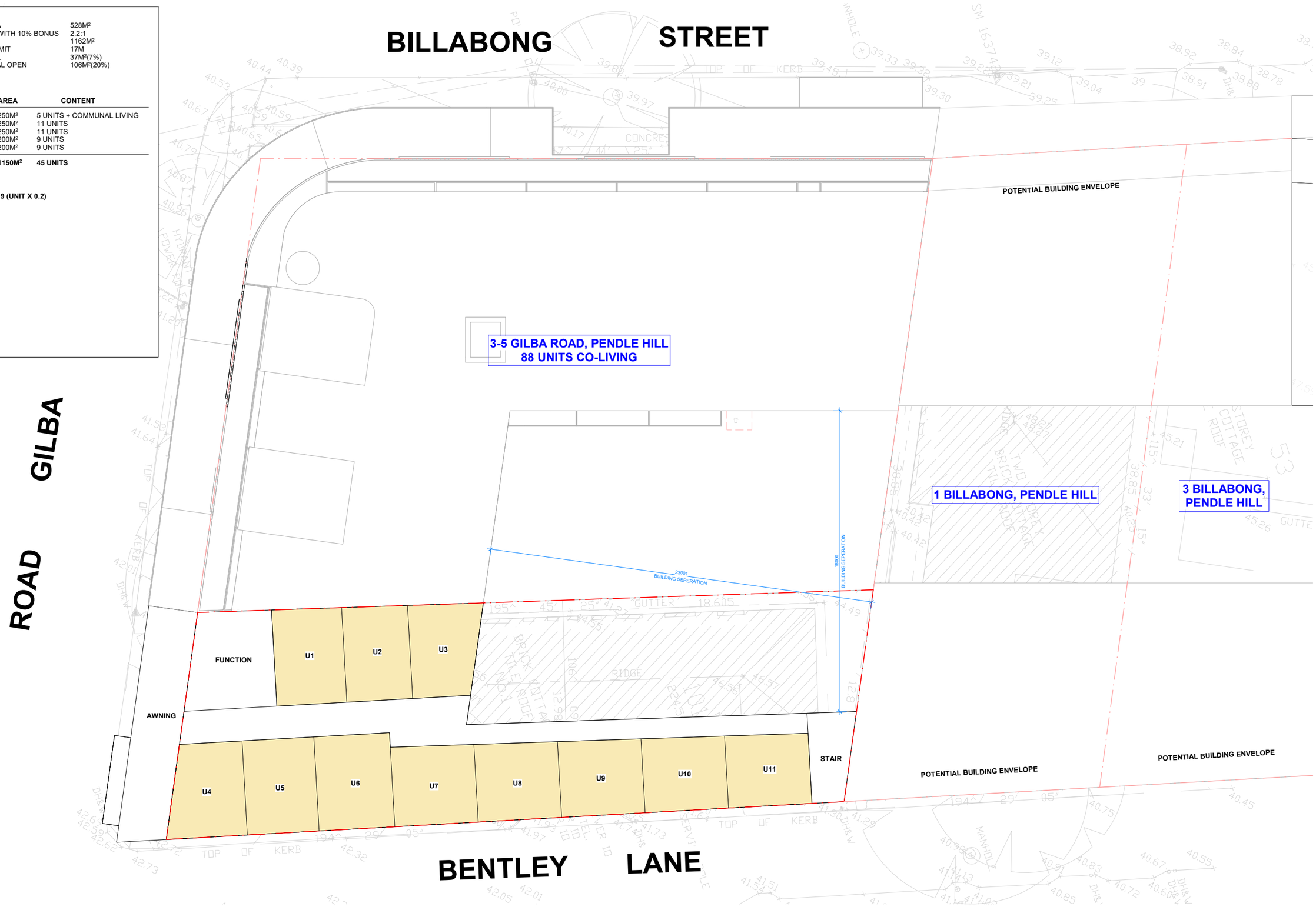
REV	COMMENTS	DATE
A	ISSUE FOR DA	26/09/2025

PRJ #:	2316
STATUS:	DA
CLIENT:	CONFIDENTIAL
ADD:	3-5 GILBA ROAD PENDLE HILL

SITE AREA	528M²
MAX FSR WITH 10% BONUS	2.2:1
MAX GFA	1162M²
HEIGHT LIMIT	17M
DEEP SOIL	37M²(7%)
COMMUNAL OPEN	106M²(20%)

LEVEL	AREA	CONTENT
GL	250M²	5 UNITS + COMMUNAL LIVING
L1	250M²	11 UNITS
L2	250M²	11 UNITS
L3	200M²	9 UNITS
L4	200M²	9 UNITS
TOTAL	**1150M²**	**45 UNITS**

PARKING: 9 (UNIT X 0.2)



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TITLE:	1-1A GILBA LOWER LEVEL TYPICAL			PRJ #:	2316
DRW:	JL	DRW #:	SK-120	STATUS:	DA
CHK:	HY	REV #:		CLIENT:	CONFIDENTIAL
NORTH:		SCALE:	0 1 2 3 4	ADD:	3-5 GILBA ROAD PENDLE HILL
		SCALE: 1:150	1 : 150 @ A3		

REV	COMMENTS	DATE

SITE AREA	528M²
MAX FSR WITH 10% BONUS	2.2:1
MAX GFA	1162M²
HEIGHT LIMIT	17M
DEEP SOIL	37M²(7%)
COMMUNAL OPEN	106M²(20%)

LEVEL	AREA	CONTENT
GL	250M²	5 UNITS + COMMUNAL LIVING
L1	250M²	11 UNITS
L2	250M²	11 UNITS
L3	200M²	9 UNITS
L4	200M²	9 UNITS
TOTAL	**1150M²**	**45 UNITS**

PARKING: 9 (UNIT X 0.2)

BILLABONG STREET

GILBA ROAD

3-5 GILBA ROAD, PENDLE HILL
88 UNITS CO-LIVING

POTENTIAL BUILDING ENVELOPE

1 BILLABONG, PENDLE HILL

3 BILLABONG, PENDLE HILL

23001
BUILDING SEPERATION

18000
BUILDING SEPERATION

3000
TOP 2 LEVEL FURTHER SETBACK

FUNCTION

U1

U2

U3

U4

U5

U6

U7

U8

U9

STAIR

POTENTIAL BUILDING ENVELOPE

POTENTIAL BUILDING ENVELOPE

BENTLEY LANE

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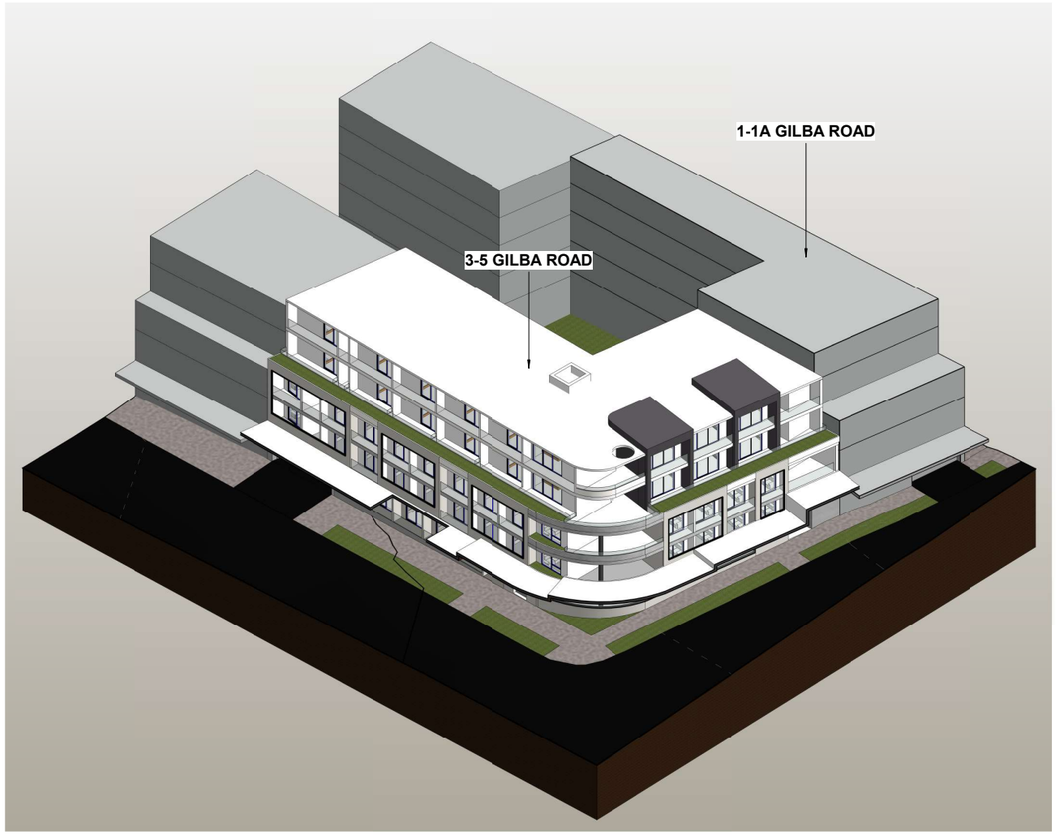
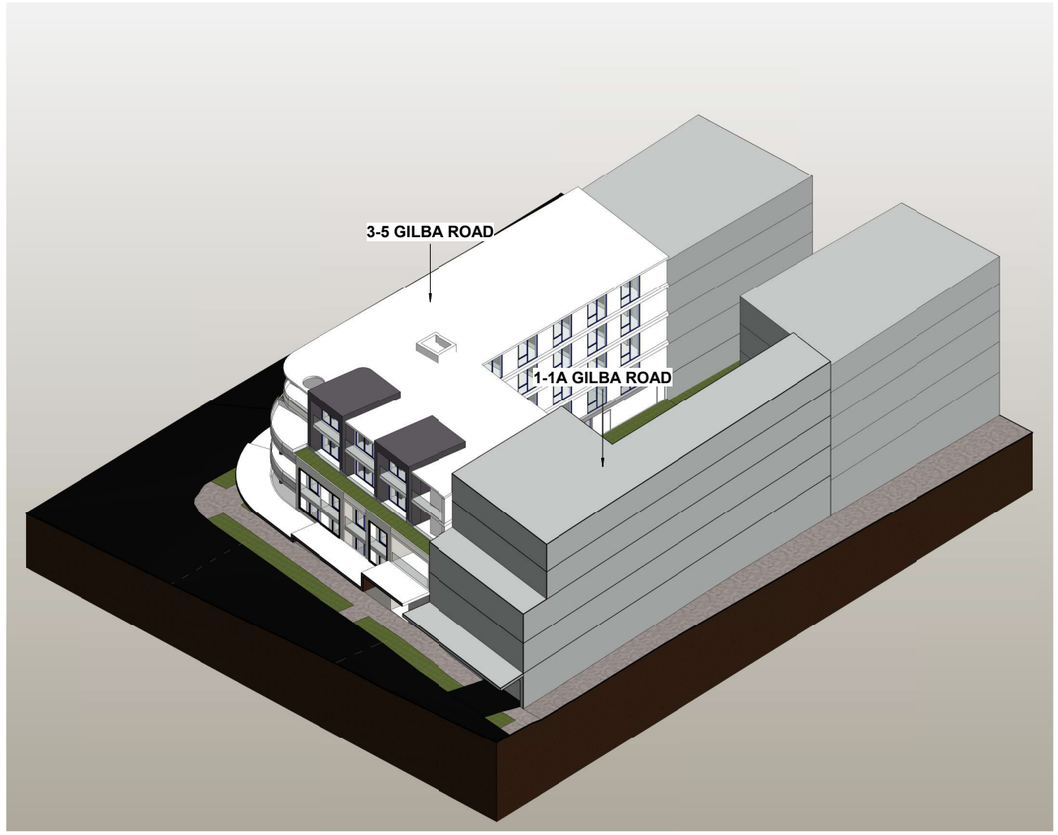
TITLE:	1-1A GILBA UPPER LEVEL TYPICAL			REV	COMMENTS	DATE	
DRW:	JL	DRW #:	SK-130				
CHK:	HY	REV #:					
NORTH:		SCALE:	0 1 2 3 4				
			SCALE 1:100				

PRJ #:	2316
STATUS:	DA
CLIENT:	CONFIDENTIAL
ADD:	3-5 GILBA ROAD PENDLE HILL





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TITLE: 3D VIEW
DRW: JL
DRW #: SK-900
CHK: HY
REV #: A
NORTH:
SCALE:
@ A3

REV	COMMENTS	DATE
A	ISSUE FOR DA	26/09/2025

PRJ #: 2316
STATUS: DA
CLIENT: CONFIDENTIAL
ADD: 3-5 GILBA ROAD PENDLE HILL

SITE AREA	582M²
MAX FSR WITH 10% BONUS	2.2:1
MAX GFA	1280M²
HEIGHT LIMIT	17M
LANDSCAPE	180M²(30%)
COMMUNAL OPEN	180M²(30%)

LEVEL	AREA	CONTENT
GL	260M²	6 UNITS + COMMUNAL LIVING
L1	270M²	12 UNITS
L2	270M²	12 UNITS
L3	240M²	11 UNITS
L4	240M²	11 UNITS
TOTAL	**1280M²**	**52 UNITS**

PARKING: 11 (UNIT X 0.2)

BILLABONG STREET

GILBA ROAD

BENTLEY LANE

AWNING

3-STOREY

5 STOREY RESIDENTIAL

3-5 GILBA ROAD, PENDLE HILL
88 UNITS CO-LIVING

1 BILLABONG, PENDLE HILL

SOFT LANDSCAPE / COMMUNAL OPEN SPACE

3 BILLABONG, PENDLE HILL

23001
BUILDING SEPERATION

15000
BUILDING SEPERATION

POTENTIAL BUILDING ENVELOPE

1-1A GILBA ROAD, PENDLE HILL
SITE AREA: 528M²

POTENTIAL BUILDING ENVELOPE

POTENTIAL BUILDING ENVELOPE

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TITLE:	1 BILLABONG SITE PLAN		
DRW:	JL	DRW #:	SK-050
CHK:	HY	REV #:	A
NORTH:		SCALE:	0 1 2 3 4 SCALE 1:100 1:100 @ A3

REV	COMMENTS	DATE
A	ISSUE FOR DA	06/02/2026

PRJ #:	2316
STATUS:	DA
CLIENT:	CONFIDENTIAL
ADD:	3-5 GILBA ROAD PENDLE HILL

SITE AREA	582M²
MAX FSR WITH 10% BONUS	2.2:1
MAX GFA	1280M²
HEIGHT LIMIT	17M
LANDSCAPE	180M²(30%)
COMMUNAL OPEN	180M²(30%)

LEVEL	AREA	CONTENT
GL	260M²	6 UNITS + COMMUNAL LIVING
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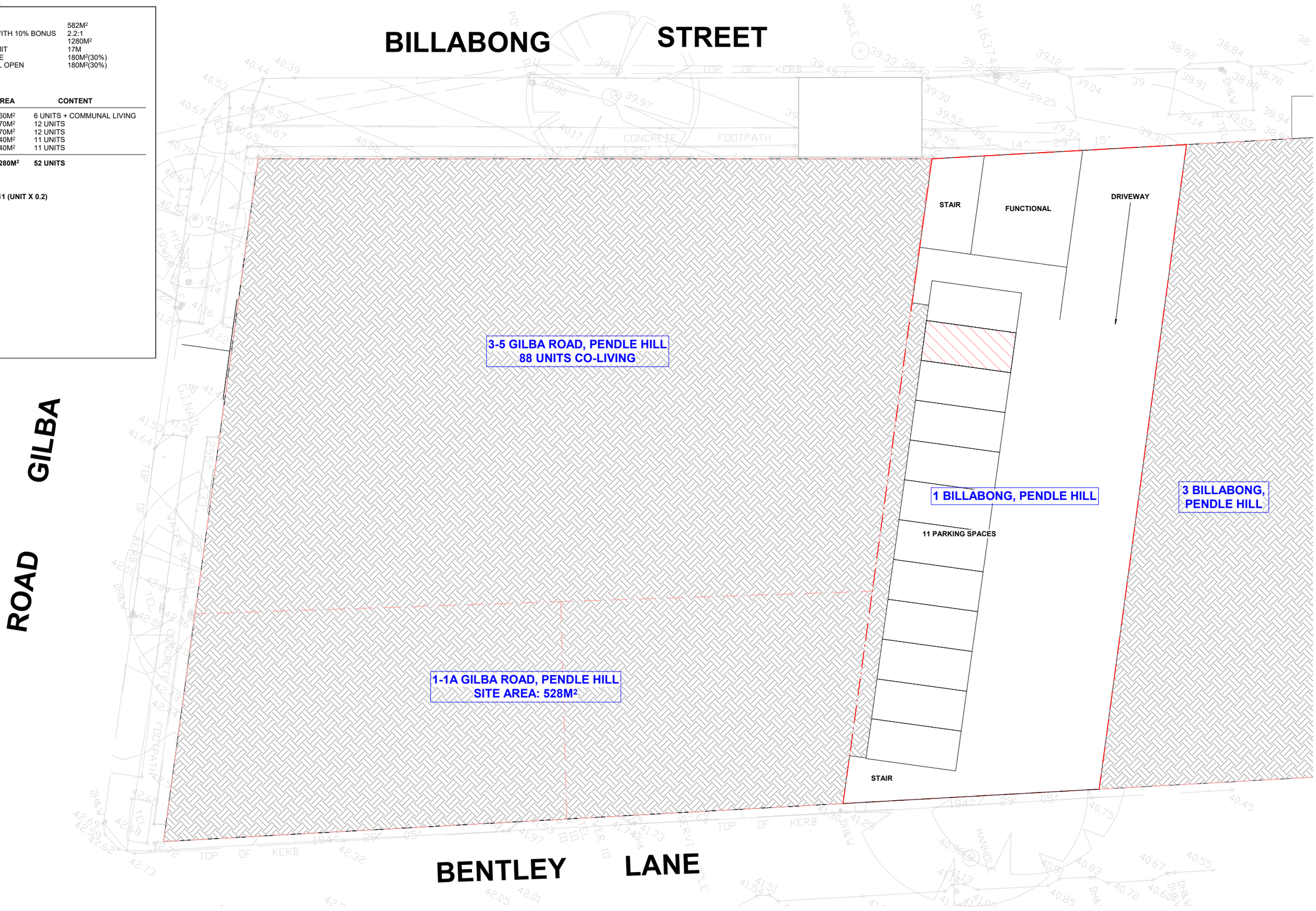
L2	270M²	12 UNITS
L3	240M²	11 UNITS
L4	240M²	11 UNITS
TOTAL	**1280M²**	**52 UNITS**

PARKING: 11 (UNIT X 0.2)



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TITLE:	1 BILLABONG BASEMENT PLAN		
DRW:	JL	DRW #:	SK-100
CHK:	HY	REV #:	A
NORTH:		SCALE:	0 1 2 3 4 SCALE 1:100 1:100 @ A3

REV	COMMENTS	DATE
A	ISSUE FOR DA	06/02/2026

PRJ #:	2316
STATUS:	DA
CLIENT:	CONFIDENTIAL
ADD:	3-5 GILBA ROAD PENDLE HILL

SITE AREA	582M²
MAX FSR WITH 10% BONUS	2.2:1
MAX GFA	1280M²
HEIGHT LIMIT	17M
LANDSCAPE	180M²(30%)
COMMUNAL OPEN	180M²(30%)

LEVEL	AREA	CONTENT
GL	260M²	6 UNITS + COMMUNAL LIVING
L1	270M²	12 UNITS
L2	270M²	12 UNITS
L3	240M²	11 UNITS
L4	240M²	11 UNITS
TOTAL	**1280M²**	**52 UNITS**

PARKING: 11 (UNIT X 0.2)

BILLABONG STREET

GILBA ROAD

BENTLEY LANE

3-5 GILBA ROAD, PENDLE HILL
88 UNITS CO-LIVING

STAIR

FOYER
FUNCTION

DRIVEWAY TO
BASEMENT

COMMUNAL LIVING ROOM

1 BILLABONG, PENDLE HILL
SOFT LANDSCAPE / COMMUNAL OPEN SPACE

3 BILLABONG,
PENDLE HILL

23001
BUILDING SEPERATION

18000
BUILDING SEPERATION

U1 U2 U3

STAIR U6 U5 U4

POTENTIAL BUILDING ENVELOPE

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TITLE:	1 BILLABONG GROUND PLAN		
DRW:	JL	DRW #:	SK-110
CHK:	HY	REV #:	A
NORTH:		SCALE:	0 1 2 3 4
		SCALE: 1:150	1 : 150 @ A3

REV	COMMENTS	DATE
A	ISSUE FOR DA	06/02/2026

PRJ #:	2316
STATUS:	DA
CLIENT:	CONFIDENTIAL
ADD:	3-5 GILBA ROAD PENDLE HILL

SITE AREA	582M²
MAX FSR WITH 10% BONUS	2.2:1
MAX GFA	1280M²
HEIGHT LIMIT	17M
LANDSCAPE	180M²(30%)
COMMUNAL OPEN	180M²(30%)

LEVEL	AREA	CONTENT
GL	260M²	6 UNITS + COMMUNAL LIVING
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L2	270M²	12 UNITS
L3	240M²	11 UNITS
L4	240M²	11 UNITS
TOTAL	**1280M²**	**52 UNITS**

PARKING: 11 (UNIT X 0.2)



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TITLE:	1 BILLABONG LOWER LEVEL TYPICAL		
DRW:	JL	DRW #:	SK-120
CHK:	HY	REV #:	
NORTH:		SCALE:	0 1 2 3 4 SCALE 1:100 @ A3

REV	COMMENTS	DATE

PRJ #:	2316
STATUS:	DA
CLIENT:	CONFIDENTIAL
ADD:	3-5 GILBA ROAD PENDLE HILL

SITE AREA	582M²
MAX FSR WITH 10% BONUS	2.2:1
MAX GFA	1280M²
HEIGHT LIMIT	17M
LANDSCAPE	180M²(30%)
COMMUNAL OPEN	180M²(30%)

LEVEL	AREA	CONTENT
GL	260M²	6 UNITS + COMMUNAL LIVING
L1	270M²	12 UNITS
L2	270M²	12 UNITS
L3	240M²	11 UNITS
L4	240M²	11 UNITS
TOTAL	**1280M²**	**52 UNITS**

PARKING: 11 (UNIT X 0.2)

BILLABONG STREET

GILBA ROAD

BENTLEY LANE

3-5 GILBA ROAD, PENDLE HILL
88 UNITS CO-LIVING

1 BILLABONG, PENDLE HILL

3 BILLABONG, PENDLE HILL

STAIR U11 U10

FUNTION U7 U8 U9

FUNTION U5 U4

STAIR U1 U3

POTENTIAL BUILDING ENVELOPE

23001 BUILDING SEPERATION

18000 BUILDING SEPERATION

3000

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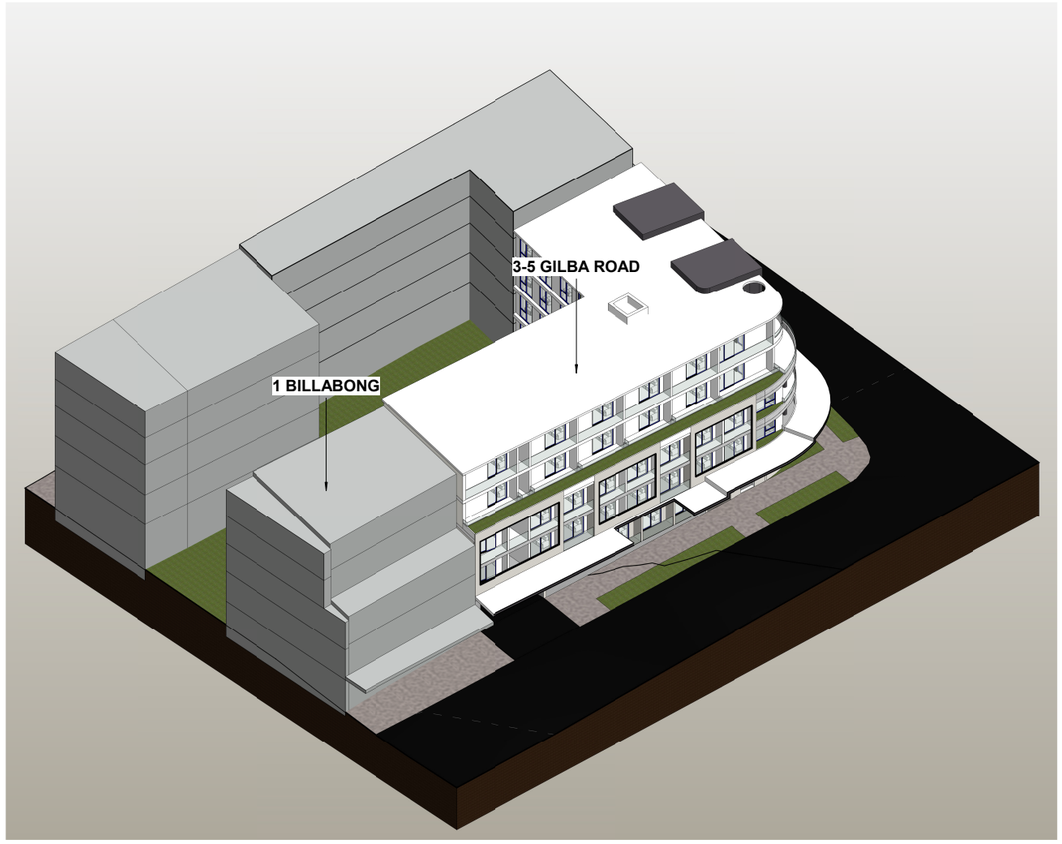
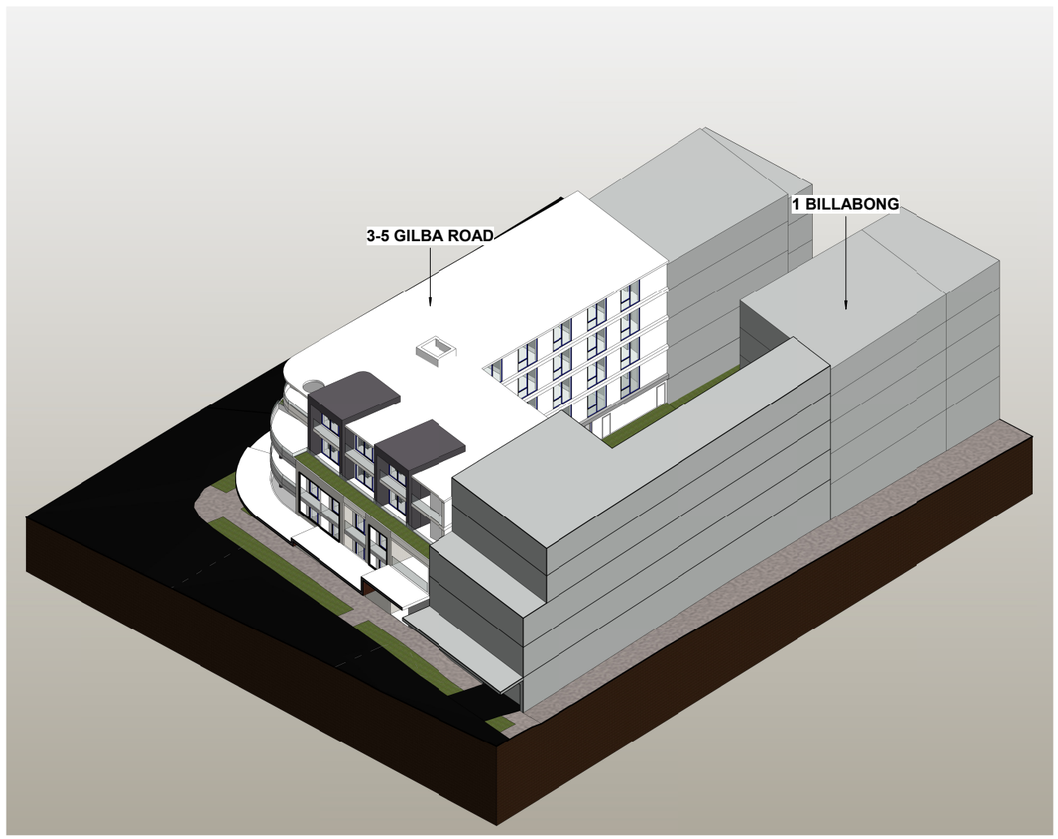
TITLE: 1 BILLABONG UPPER LEVEL TYPICAL
DRW: JL
CHK: HY
NORTH:
DRW #: SK-130
REV #:
SCALE: 1:100 @ A3

REV	COMMENTS	DATE

PRJ #: 2316
STATUS: DA
CLIENT: CONFIDENTIAL
ADD: 3-5 GILBA ROAD PENDLE HILL





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TITLE: 3D VIEW
DRW: JL
DRW #: SK-900
CHK: HY
REV #: A
NORTH:
SCALE:
@ A3

REV	COMMENTS	DATE
A	ISSUE FOR DA	06/02/2026

PRJ #: 2316
STATUS: DA
CLIENT: CONFIDENTIAL
ADD: 3-5 GILBA ROAD PENDLE HILL

DOCUMENTS ASSOCIATED WITH REPORT ELPP018/26

Attachment 3

Landscape Plans

LANDSCAPE DA

3-5 Gilba Road, Pendle Hill, NSW 2145



Site Location

Drawing List

Sheet No.	Sheet Name	Sheet Size	Rev. No.	Rev. Date	Project No.
L-00	TITLE PAGE	N.T.S@A3	D	30/01/26	1539
L-01	GROUND FLOOR LANDSCAPE PLAN	1:200@A3	D	30/01/26	1539
L-02	LEVEL 1 LANDSCAPE PLAN	1:200@A3	D	30/01/26	1539
L-03	LEVEL 2 LANDSCAPE PLAN	1:200@A3	D	30/01/26	1539
L-04	LEVEL 3 LANDSCAPE PLAN	1:200@A3	D	30/01/26	1539
L-05	LEVEL 4 LANDSCAPE PLAN	1:200@A3	D	30/01/26	1539
L-06	SOIL DEPTH CALCULATION GROUND FLOOR PLAN	1:200@A3	D	30/01/26	1539
L-07	SOIL DEPTH CALCULATION LEVEL 1 PLAN	1:200@A3	D	30/01/26	1539
L-08	SOIL DEPTH CALCULATION LEVEL 2 PLAN	1:200@A3	D	30/01/26	1539
L-09	SOIL DEPTH CALCULATION LEVEL 3 PLAN	1:200@A3	D	30/01/26	1539
L-10	PLANTING DETAILS	N.T.S@A3	D	30/01/26	1539

AMENDMENTS

ISSUE	DATE	COMMENT
D	30/01/26	DA ISSUE

GENERAL NOTES

All work to be carried out in accordance with the Building Code of Australia, all Local and State Government Ordinances, relevant Australian Standards, Local Authorities Regulations and all other relevant Authorities concerned.
All structural work and site drainage to be subject to Engineer's details or certification where required by Council. This shall include r.c. slabs and footings, r.c. and steel beams & columns, wind bracing to AS 1170
and AS4055, anchor rods or bolts, tie downs, fixings etc., driveway slabs and drainage to Council's satisfaction. All timbers to be in accordance with SAA Timber Structure Code AS1720 and SAA Timber Framing Code AS 1684. All work to be carried out in a professional and workman- shiplike manner according to the plans and specification.
NOTE
Do not scale off the drawings unless otherwise stated and use figured dimensions in preference.
All dimensions are to be checked and verified on site before the commencement of any work, all dimensions and levels are subject to final survey and set-out
No responsibility will be accepted by Sitedesign for any variations in design, builder's method of construction or materials used, deviation from specification without permission or accepted work practices resulting in inferior construction. Locate and protect all services prior to construction.
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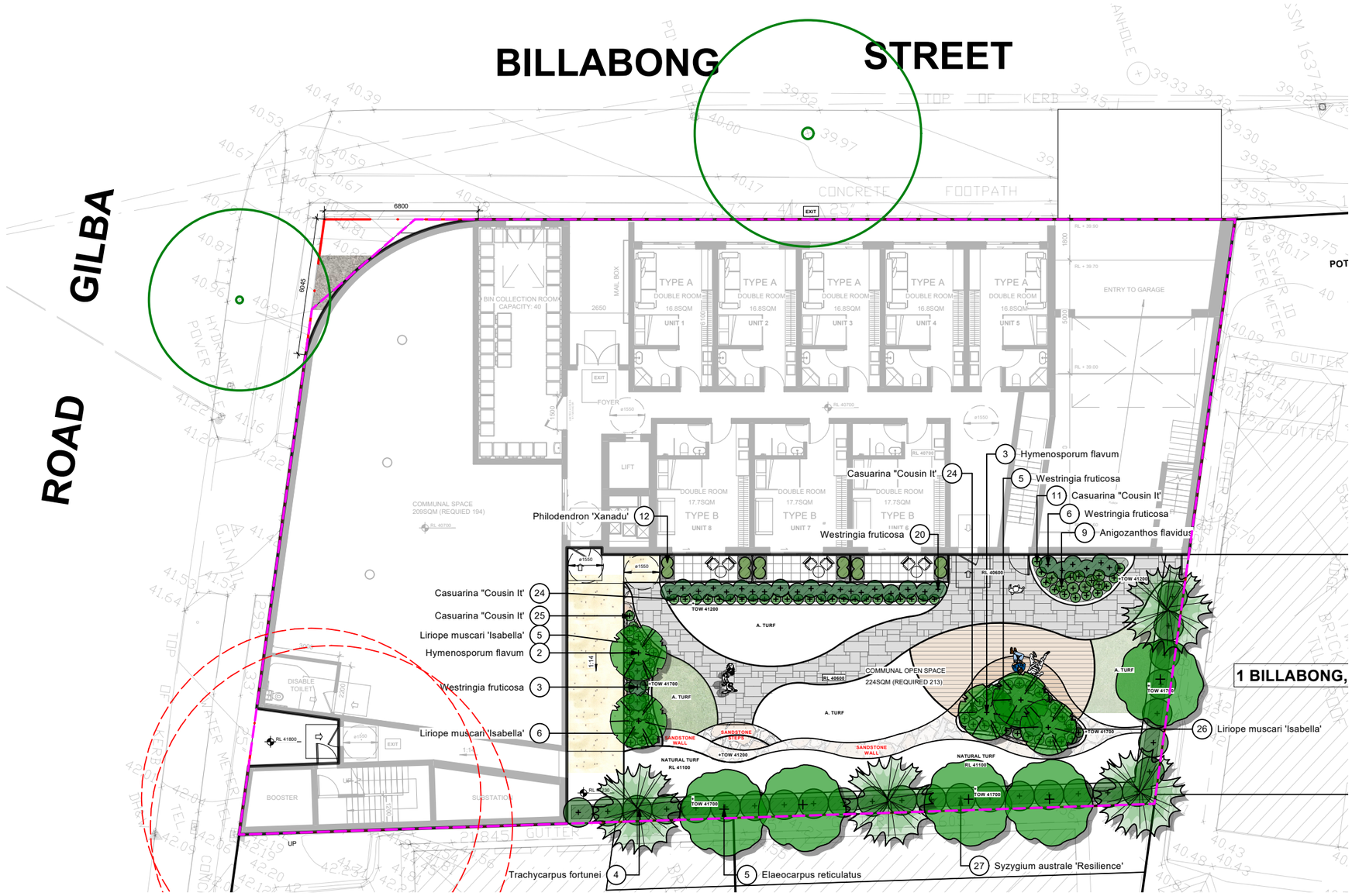
p 1300 22 44 55
info@sdstudios.com.au
www.sdstudios.com.au

Project **Pendle Hill DA Landscape**
Address **3-5 Gilba Road, Pendle Hill, NSW 2145** Date **30/01/2026**
Drawing Title **TITLE PAGE** Scale **N.T.S@A3**
Drawing No. **1539**

Page **L-00**



EXISTING TREE LEGEND

EXISTING TREES TO BE RETAINED

TREES TO BE REMOVED

LEGEND

- ARTIFICIAL TURF
- NATURAL TURF
- DEEP SOIL GARDENS
- PODIUM GARDEN
- PROPOSED BUILDING
- PEBBLES
- PAVED TYPE 1 SELECTED TILE OR PAVER ON CONCRETE
- PAVED TYPE 2 SELECTED TILE OR PAVER ON CONCRETE
- PAVED TYPE 3 SELECTED TILE OR PAVER ON CONCRETE
- PAVED TYPE 4 SELECTED TILE OR PAVER ON CONCRETE
- PROPOSED DECK
- SANDSTONE WALL / STEPS

BASEMENT LINE

BOUNDARY LINE

1 GROUND FLOOR PLAN
Scale: 1:200

0 2 4 6 8 10m

1:200 @ A3


SANDSTONE WALL


SANDSTONE STEPS


AS SELECTED PAVEMENT


AS SELECTED DECK

ISSUE	DATE	COMMENT
D	30/01/26	DA ISSUE

AMENDMENTS

GENERAL NOTES
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Project	**Pendle Hill DA Landscape**
Address	**3-5 Gilba Road, Pendle Hill, NSW 2145**
Date	**30/01/2026**
Drawing Title	**GROUND FLOOR LANDSCAPE PLAN**
Scale	**1:200@A3**
Drawing No.	**1539**

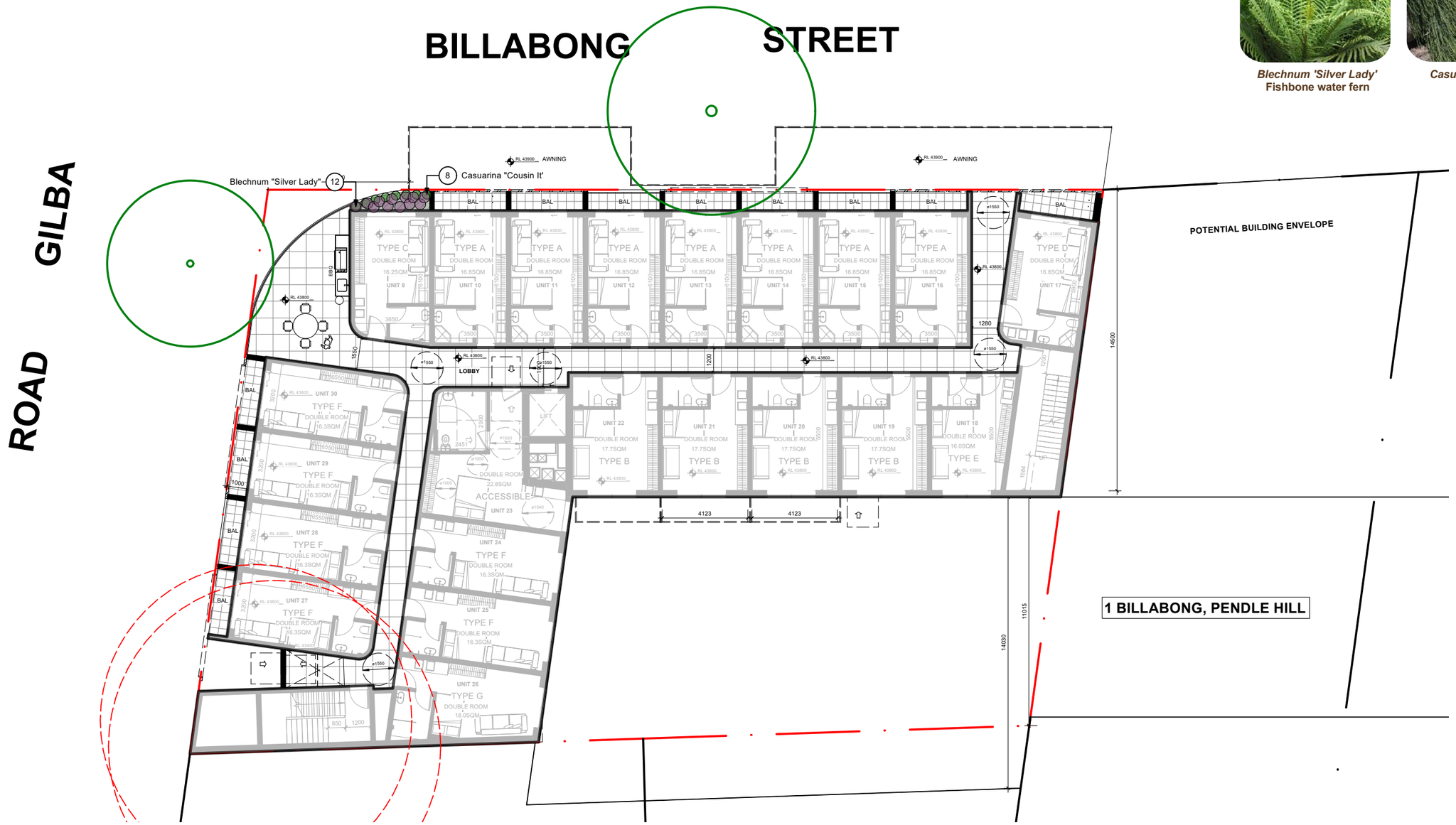
Page
L-01



Blechnum 'Silver Lady'
Fishbone water fern



Casuarina 'Cousin it'
Cousin it



EXISTING TREE LEGEND

- EXISTING TREES TO BE RETAINED
- TREES TO BE REMOVED

LEGEND

- ARTIFICIAL TURF
- NATURAL TURF
- DEEP SOIL GARDENS
- PODIUM GARDEN
- PROPOSED BUILDING
- PEBBLES
- PAVED TYPE 1 SELECTED TILE OR PAVER ON CONCRETE
- PAVED TYPE 2 SELECTED TILE OR PAVER ON CONCRETE
- PAVED TYPE 3 SELECTED TILE OR PAVER ON CONCRETE
- PAVED TYPE 4 SELECTED TILE OR PAVER ON CONCRETE
- PROPOSED DECK
- SANDSTONE WALL / STEPS
- BASEMENT LINE
- BOUNDARY LINE

2 LEVEL 1 PLAN
Scale: 1:200

0 2 4 6 8 10m

1:200 @ A3

ISSUE	DATE	COMMENT
D	30/01/26	DA ISSUE

AMENDMENTS

GENERAL NOTES
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Project	**Pendle Hill DA Landscape**
Address	**3-5 Gilba Road, Pendle Hill, NSW 2145**
Date	**30/01/2026**
Drawing Title	**LEVEL 1 LANDSCAPE PLAN**
Scale	**1:200@A3**
Drawing No.	**1539**

Page
L-02



Blechnum 'Silver Lady'
Fishbone water fern



Casuarina 'Cousin it'
Cousin it

EXISTING TREE LEGEND

EXISTING TREES TO BE RETAINED

TREES TO BE REMOVED

LEGEND

- ARTIFICIAL TURF
- NATURAL TURF
- DEEP SOIL GARDENS
- PODIUM GARDEN
- PROPOSED BUILDING
- PEBBLES
- PAVED TYPE 1 SELECTED TILE OR PAVER ON CONCRETE
- PAVED TYPE 2 SELECTED TILE OR PAVER ON CONCRETE
- PAVED TYPE 3 SELECTED TILE OR PAVER ON CONCRETE
- PAVED TYPE 4 SELECTED TILE OR PAVER ON CONCRETE
- PROPOSED DECK
- SANDSTONE WALL / STEPS
- BASEMENT LINE
- BOUNDARY LINE

3 LEVEL 2 PLAN
Scale: 1:200

0 2 4 6 8 10m

1:200 @ A3

ISSUE	DATE	COMMENT
D	30/01/26	DA ISSUE

AMENDMENTS

GENERAL NOTES
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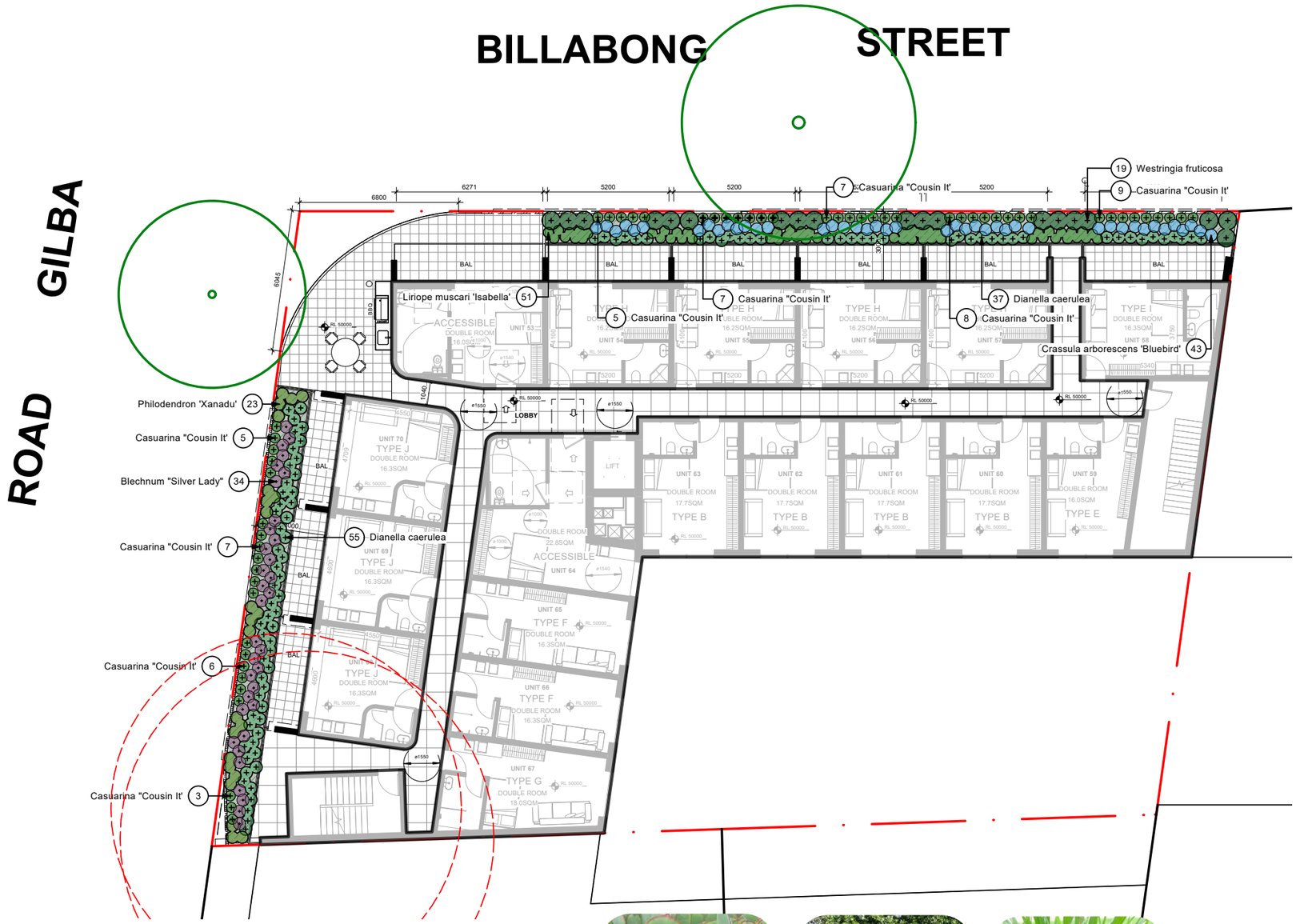
Project	**Pendle Hill DA Landscape**		
Address	**3-5 Gilba Road, Pendle Hill, NSW 2145**	Date	**30/01/2026**
Drawing Title	**LEVEL 2 LANDSCAPE PLAN**	Scale	**1:200@A3**
		Drawing No.	**1539**

Page
L-03



4 LEVEL 3 PLAN
Scale: 1:200

0 2 4 6 8 10m

1:200 @ A3



Crassula arborescens
'Blue Bird'



Westringia fruticosa
Coastla Rosemary



Liriope muscari
'ISABELLA'



Dianella caerulea
Flax Lilly



Blechnum 'Silver Lady'
Fishbone water fern



Philodendron xanadu
Winterborn philodendron



Casuarina 'Cousin it'
Cousin it

EXISTING TREE LEGEND

EXISTING TREES TO BE RETAINED

TREES TO BE REMOVED

LEGEND

- ARTIFICIAL TURF
- NATURAL TURF
- DEEP SOIL GARDENS
- PODIUM GARDEN
- PROPOSED BUILDING
- PEBBLES
- PAVED TYPE 1 SELECTED TILE OR PAVER ON CONCRETE
- PAVED TYPE 2 SELECTED TILE OR PAVER ON CONCRETE
- PAVED TYPE 3 SELECTED TILE OR PAVER ON CONCRETE
- PAVED TYPE 4 SELECTED TILE OR PAVER ON CONCRETE
- PROPOSED DECK
- SANDSTONE WALL / STEPS
- BASEMENT LINE
- BOUNDARY LINE

D **30/01/26** **DA ISSUE**
ISSUE **DATE** **COMMENT**

AMENDMENTS

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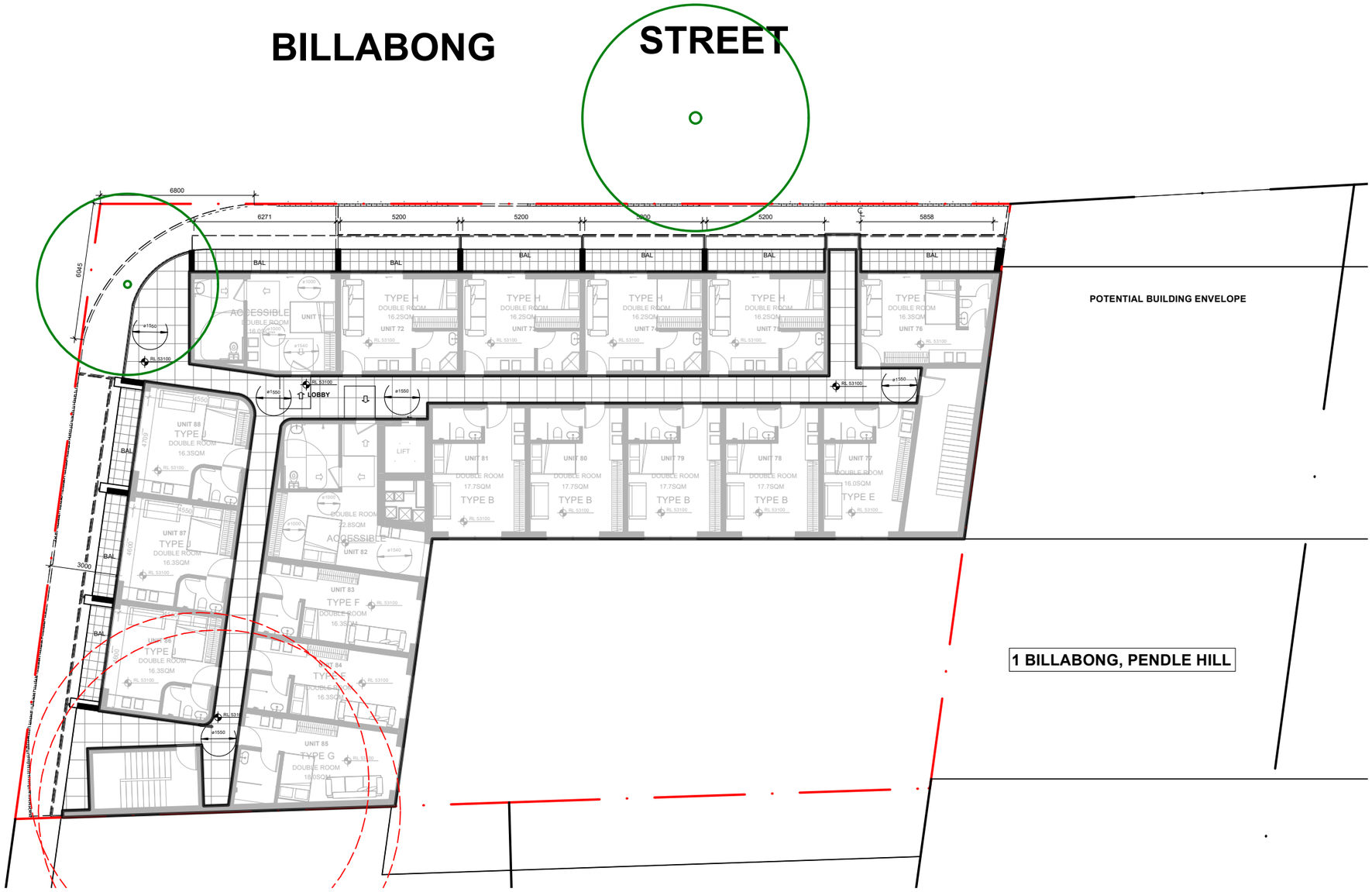
Project **Pendle Hill DA Landscape**
Address **3-5 Gilba Road, Pendle Hill, NSW 2145** Date **30/01/2026**
Drawing Title **LEVEL 3 LANDSCAPE PLAN** Scale **1:200@A3**
Drawing No. **1539**

Page
L-04

BILLABONG STREET

GILBA ROAD



EXISTING TREE LEGEND

EXISTING TREES TO BE RETAINED

TREES TO BE REMOVED

LEGEND

- ARTIFICIAL TURF
- NATURAL TURF
- DEEP SOIL GARDENS
- PODIUM GARDEN
- PROPOSED BUILDING
- PEBBLES
- PAVED TYPE 1 SELECTED TILE OR PAVER ON CONCRETE
- PAVED TYPE 2 SELECTED TILE OR PAVER ON CONCRETE
- PAVED TYPE 3 SELECTED TILE OR PAVER ON CONCRETE
- PAVED TYPE 4 SELECTED TILE OR PAVER ON CONCRETE
- PROPOSED DECK
- SANDSTONE WALL / STEPS
- BASEMENT LINE
- BOUNDARY LINE

5 LEVEL 4 PLAN
Scale: 1:200

0 2 4 6 8 10m

1:200 @ A3

ISSUE	DATE	COMMENT
D	30/01/26	DA ISSUE

AMENDMENTS

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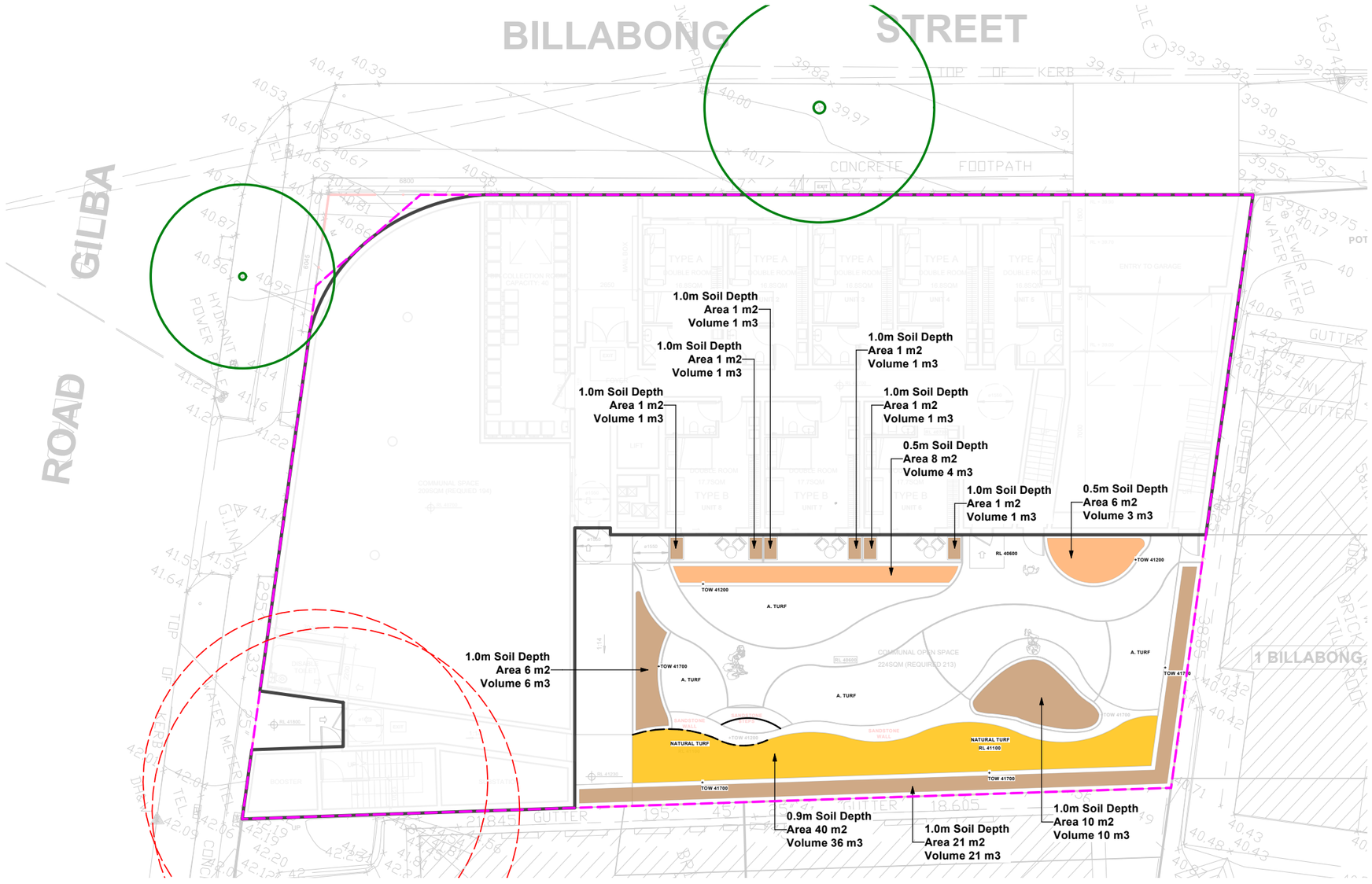
Drawing Title	**LEVEL 4 LANDSCAPE PLAN**	Scale	**1:200@A3**
		Drawing No.	**1539**

Page **L-05**



COMBINED LANDSCAPE AREA ALL LEVELS CALCULATION

Total Site Area	: 1066 sqm
Total Landscaped on structure all levels or 15.6% of Total Site Area	: 166 Sqm

GROUND FLOOR LEVEL CALCULATION

Total Landscaped on structure	: 97 Sqm

KEY

- 500mm SOIL DEPTH
- 900mm SOIL DEPTH
- 1000mm SOIL DEPTH

EXISTING TREE LEGEND

- EXISTING TREES TO BE RETAINED
- TREES TO BE REMOVED

6 GROUND FLOOR SOIL DEPTH PLAN
Scale: 1:200

0 2 4 6 8 10m

1:200 @ A3

NOTE:
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Soil depth information is provided on the following Soil Depth Plan pages to demonstrate that adequate soil volumes are available to support the proposed planting and landscape amenity.

The provision of deep soil zones is not feasible due to the extent of basement construction and the urban context of the site.

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D	30/01/26	DA ISSUE

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Address	**3-5 Gilba Road, Pendle Hill, NSW 2145**	Date	**30/01/2026**
Drawing Title	**SOIL DEPTH CALCULATION GROUND FLOOR PLAN**	Scale	**1:200@A3**
		Drawing No.	**1539**

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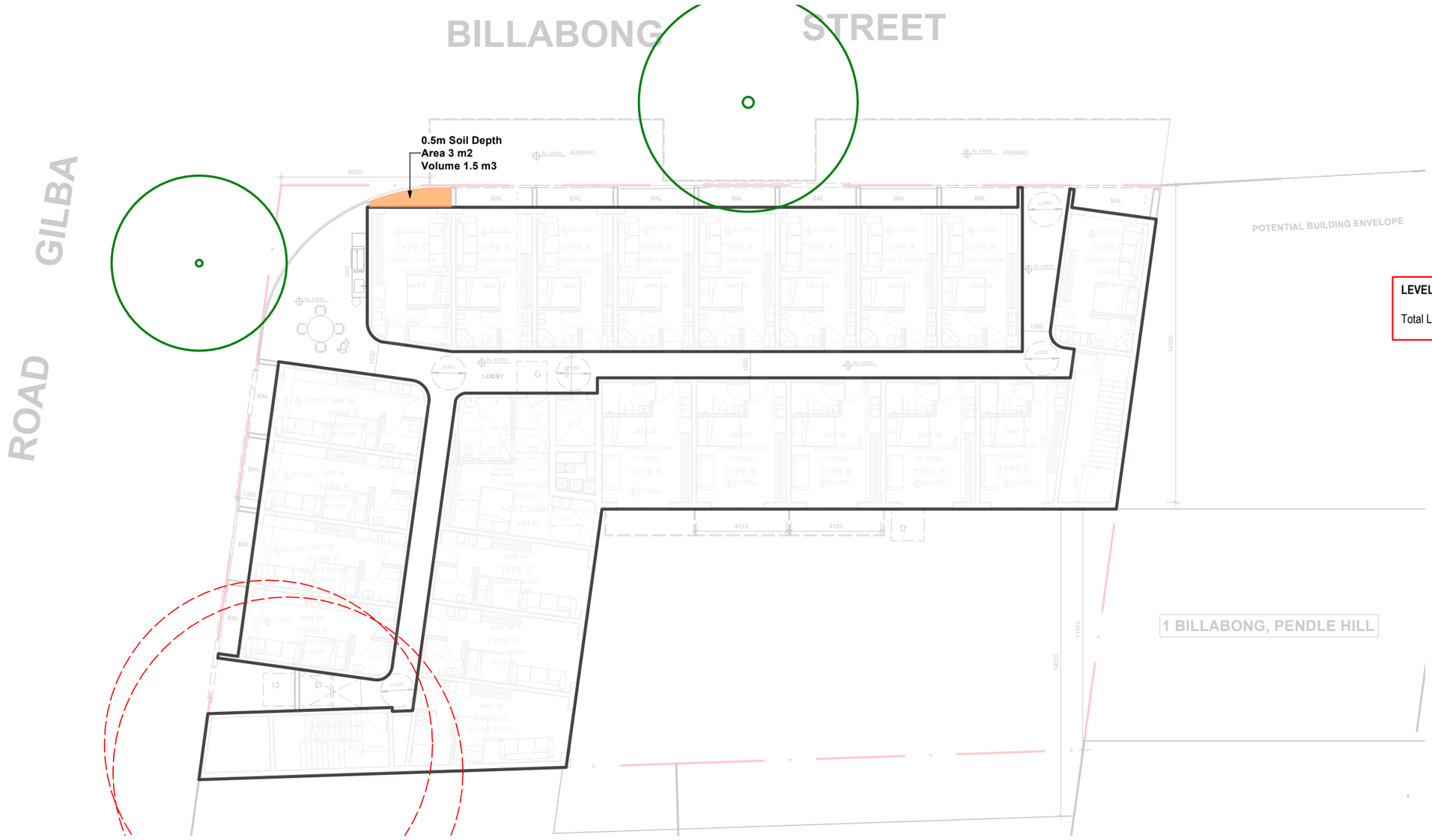
L-06



LEVEL 1 CALCULATION

Total Landscaped on structure : 3 Sqm

KEY

- 500mm SOIL DEPTH
- 900mm SOIL DEPTH
- 1000mm SOIL DEPTH

EXISTING TREE LEGEND

- EXISTING TREES TO BE RETAINED
- TREES TO BE REMOVED

7 LEVEL 1 SOIL DEPTH PLAN
Scale: 1:200

0 2 4 6 8 10m

1:200 @ A3

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Drawing Title	**SOIL DEPTH CALCULATION LEVEL 1 PLAN**	Scale	**1:200@A3**
		Drawing No.	**1539**

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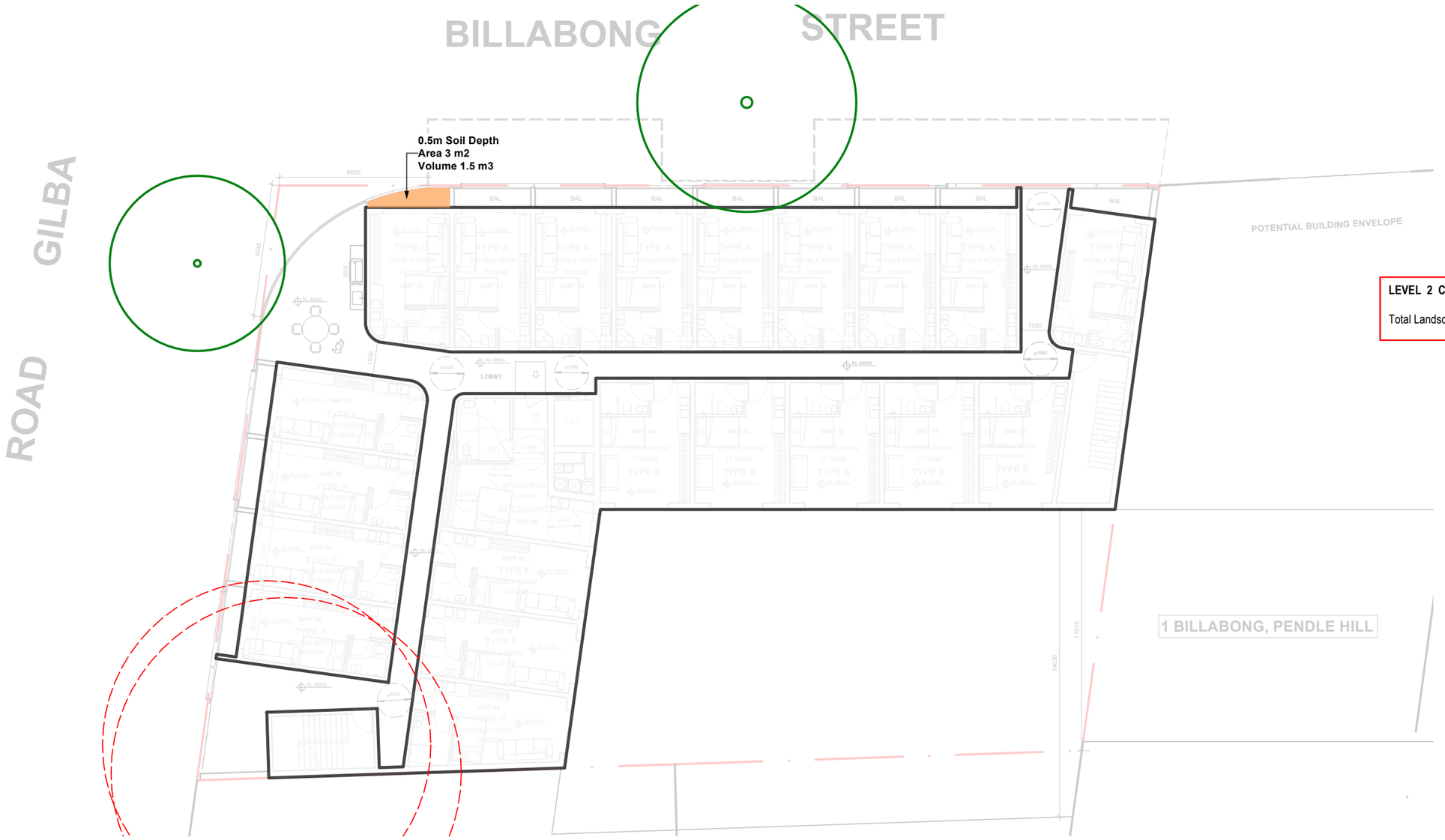

LEVEL 2 CALCULATION

Total Landscaped on structure : 3 Sqm

KEY

- 500mm SOIL DEPTH
- 900mm SOIL DEPTH
- 1000mm SOIL DEPTH

EXISTING TREE LEGEND

- EXISTING TREES TO BE RETAINED
- TREES TO BE REMOVED

8 LEVEL 2 SOIL DEPTH PLAN
Scale: 1:200

0 2 4 6 8 10m

1:200 @ A3

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Drawing Title	**SOIL DEPTH CALCULATION LEVEL 2 PLAN** Scale **1:200@A3**
	Drawing No. **1539**

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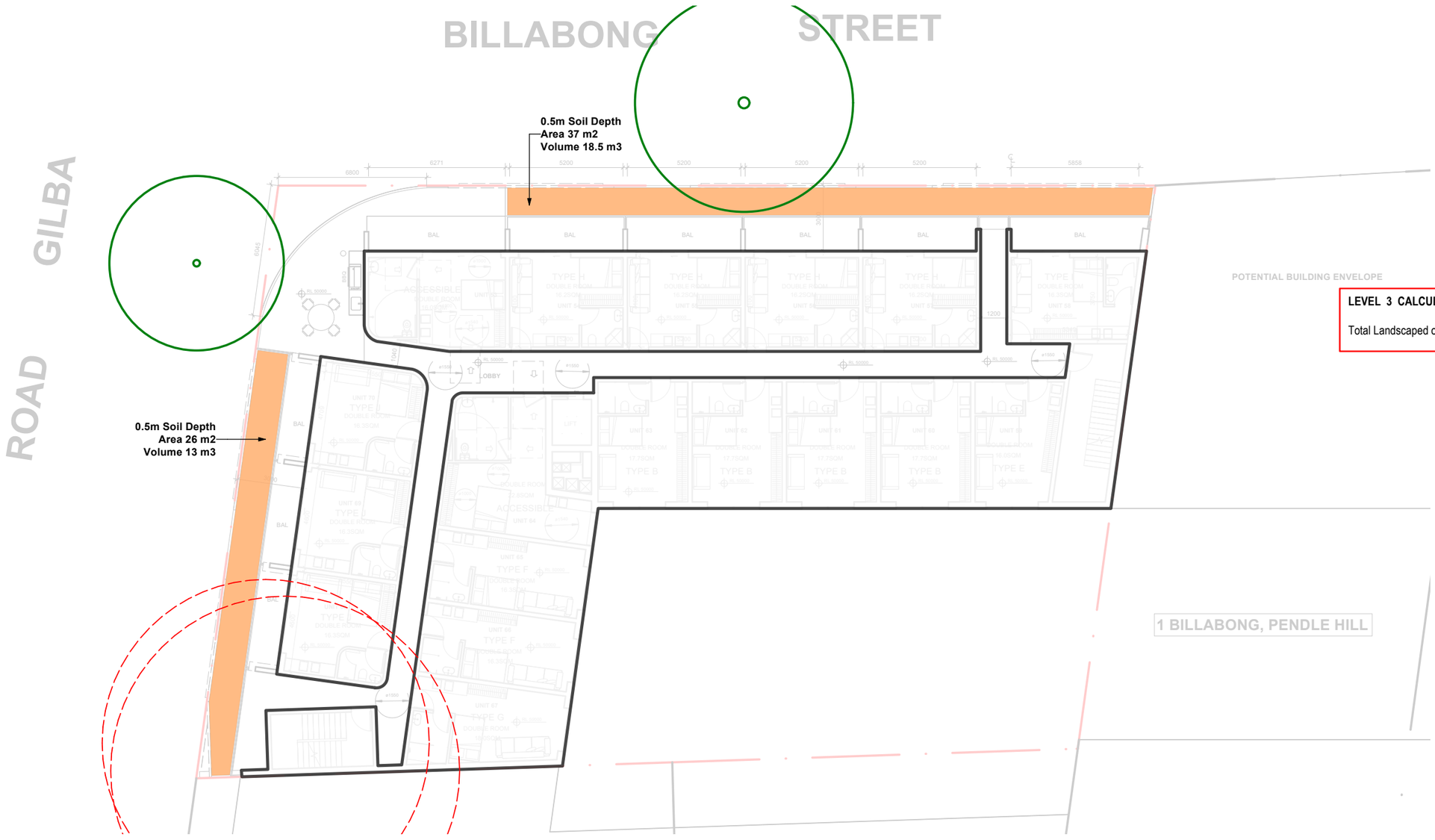

LEVEL 3 CALCULATION

Total Landscaped on structure : 63 Sqm

KEY

- 500mm SOIL DEPTH
- 900mm SOIL DEPTH
- 1000mm SOIL DEPTH

EXISTING TREE LEGEND

- EXISTING TREES TO BE RETAINED
- TREES TO BE REMOVED

9 LEVEL 3 SOIL DEPTH PLAN
Scale: 1:200

0 2 4 6 8 10m

1:200 @ A3

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Drawing Title **SOIL DEPTH CALCULATION LEVEL 3 PLAN** Scale **1:200@A3**
Drawing No. **1539**

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Plant List						
ID	**Qty**	**Common Name**	**Botanical Name**	**Scheduled Size**	**Mature Height**	**Mature Spread**
Trees						
EReti	5	Blueberry Ash	Elaeocarpus reticulatus	45L	8m	3m
Hym-fl	5	Native frangipani 'N'	Hymenosporum flavum	45L	6m	2.5m
TF	4	Windmill Palm	Trachycarpus fortunei	45L	5 - 10m	3.5 - 6m
Shrubs						
Cra-arb	43	'Blue Bird'	Crassula arborescens 'Bluebird'	150mm	0.0 - 0.3m	0.3 - 0.6m
Phi-xan	35	Winterborn Philodendron	Philodendron 'Xanadu'	300mm	1m	0.9 - 1.2m
syz-au're'	27	Lilly Pilly 'N'	Syzygium australe 'Resilience'	200mm	1 - 2.5m	1.5m
Wes-fru	53	Coastal Rosemary 'N'	Westringia fruticosa	300mm	0.6m	0.9m
Ground Covers						
Ble-sl	58	Fishbone Water Fern	Blechnum "Silver Lady"	150mm	0.75 - 0.9m	0.3 - 0.6m
cas'ci'	157	Casuarina "Cousin It' 'N'	Casuarina "Cousin It'	150mm	0.0 - 0.3m	1.2 - 2.0m
Grasses						
ani-fla	9	Evergreen Kangaroo Paw 'N'	Anigozanthos flavidus	150mm	0.6 - 0.75m	0.3 - 0.6m
Dia-cae	92	Blue Flax-lily 'N'	Dianella caerulea	150mm	0.4m	0.6m
lir 'isa'	88	Liriope	Liriope muscari 'Isabella'	150mm	0.5m	0.5m
Total	**576**					



Elaeocarpus reticulatus
Blueberry Ash

Hymenosporum flavum
Native frangipani

Trachycarpus fortunei
Windmill palm

Crassula arborescens 'Blue Bird'

Philodendron xanadu
Winterborn philodendron



Raphis excelsa
Lady Palm



Syzygium Australe-resilience
Lilly Pilly



Westringia fruticosa
Coastla Rosemary



Blechnum 'Silver Lady'
Fishbone water fern



Casuarina 'Cousin it'
Cousin it



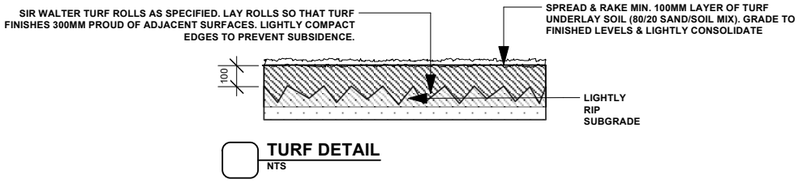
Anigozanthos sp
Red Kangoroo Paw



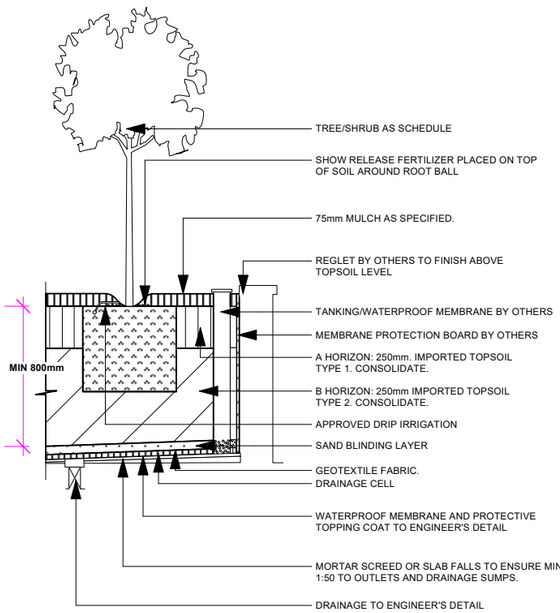
Dianella caerulea
Flax Lilly



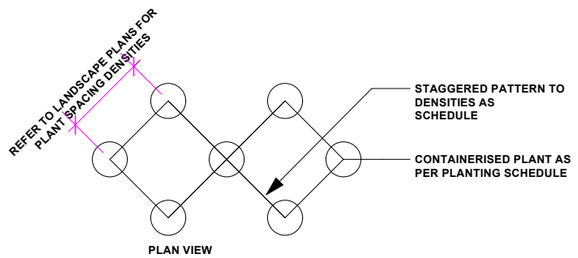
Liriope muscari
'ISABELLA'



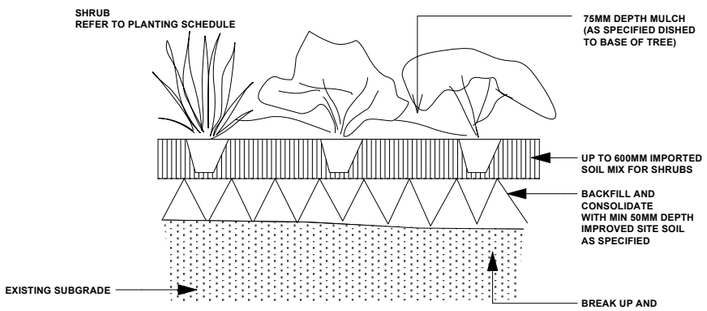
TURF DETAIL
NTS



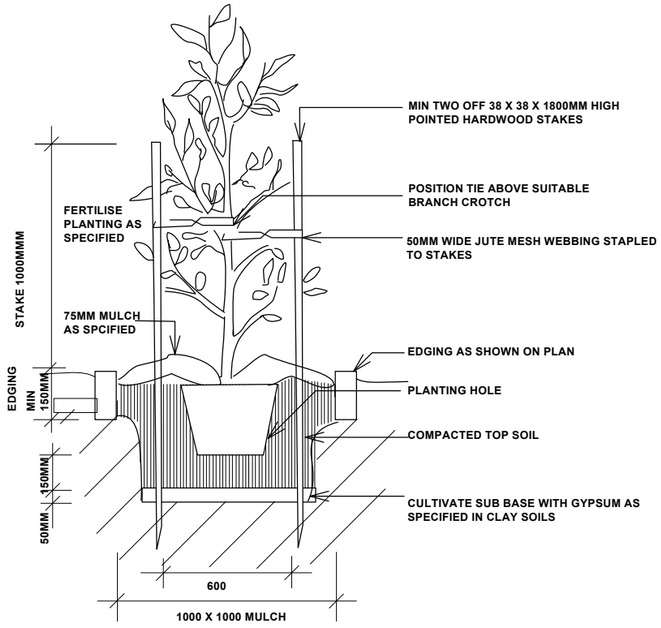
PODIUM DETAIL - TREE PLANTING ON SLAB DRAINAGE CELL
NTS



PLAN VIEW



TYPICAL SHRUB PLANTING DETAIL
NTS



TYPICAL TREE PLANTING DETAIL
NTS

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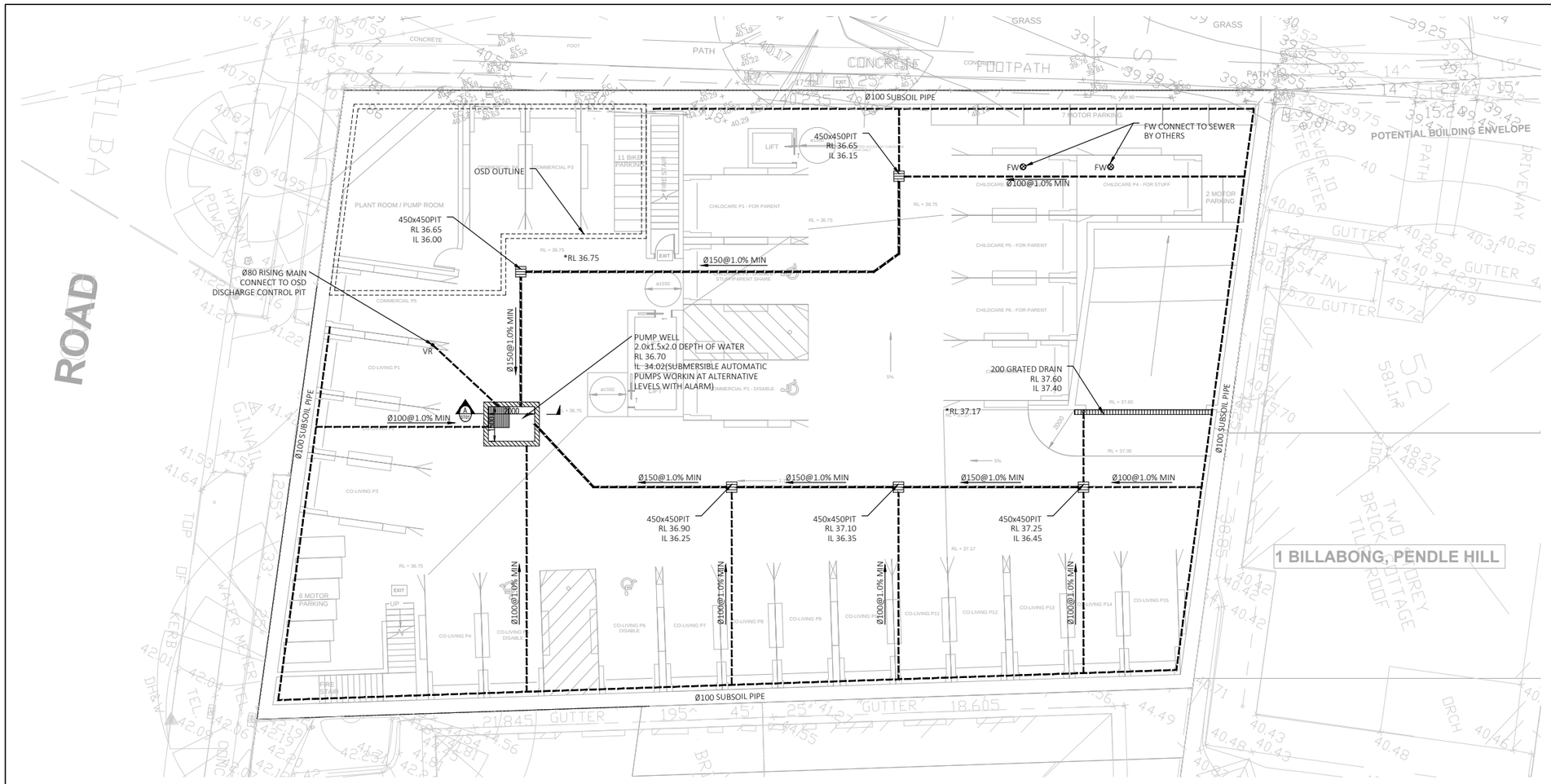
Drawing Title	**PLANTING DETAILS**	Scale	**N.T.S@A3**
		Drawing No.	**1539**

Page
L-10

DOCUMENTS ASSOCIATED WITH REPORT ELPP018/26

Attachment 4

Stormwater Concept Plans



BASEMENT STORMWATER DRAINAGE PLAN
SCALE 1:100

DO NOT SCALE FROM THESE DRAWING

NOTE RE. SERVICES
APPROXIMATE LOCATIONS OF EXISTING SERVICES SHOWN ON LONGITUDINAL SECTION. EXACT LOCATIONS & DEPTHS TO BE ACCURATELY LOCATED BY THE BUILDING CONTRACTOR BY CONTACTING THE RELEVANT AUTHORITIES BEFORE COMMENCEMENT OF ANY WORKS

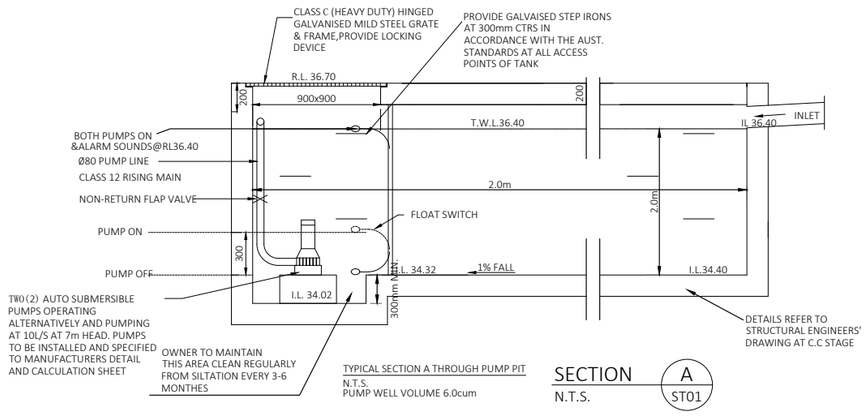
DIAL 1100 BEFORE YOU DIG

NOTES

1. ALL LINES ARE TO BE MIN. 100Ø UPVC @ MIN 1.0% GRADE UNLESS NOTED OTHERWISE.
2. IT IS THE CONTRACTORS RESPONSIBILITY TO LOCATE & LEVEL ALL EXISTING SERVICES PRIOR TO THE COMMENCEMENT OF ANY EARTHWORKS. ALL DESIGN LEVELS SHOWN ON PLAN SHALL BE VERIFIED ON SITE PRIOR TO THE COMMENCEMENT OF ANY WORK.
3. ALL PIPES TO HAVE MIN 200mm COVER IF LOCATED WITHIN PROPERTY.
4. ALL PITS IN DRIVEWAYS BE HEAVY DUTY GRATES. DIRECT SURFACE FLOW TO ALL GRATED SURFACE INLET PITS.
5. ALL WORK DO BE DONE IN ACCORDANCE WITH AS/NZ 3500.3.2:2003 AND COUNCIL SPECIFICATIONS.
6. LOCATION OF DOWNPIPES & FLOOR WASTES ARE INDICATIVE ONLY. DOWNPIPE & FLOOR WASTE SIZE, LOCATION & QUANTITY TO BE DETERMINED BY BUILDER & IN ACCORDANCE WITH RELEVANT AUSTRALIAN STANDARDS.
7. THIS PLAN IS TO BE READ IN CONJUNCTION WITH THE ARCHITECTURAL, LANDSCAPE AND STRUCTURAL PLANS.
8. ANY DISCREPANCIES OR OMISSIONS SHALL BE REFERRED TO THE DESIGN ENGINEER FOR RESOLUTION.
9. ALL PITS OR GRATES IN TRAFFICABLE AREAS TO BE HEAVY DUTY.
10. ALL GUTTERS WILL BE FITTED WITH LEAF GUARDS AND SHOULD BE INSPECTED AND CLEANED TO ENSURE LEAF LITTER CANNOT ENTER THE DOWNPIPES

SYMBOLS

F.F.L.	FINISHED FLOOR LEVEL
T.K.	TOP OF KERB
RL	PIT SURFACE LEVEL
IL	INVERT LEVEL
– – –	STORMWATER DRAINAGE PIPE
— · —	DOWNPIPE TO RAINWATER TANK
DP	100Ø DOWN PIPE (U.N.O.)
SP	SPREADER
IE	INSPECTION EYE
	MASONRY RETAINING WALL
FW	FLOOR WASTE 150Ø
	GRATED INLET PIT
	GRATED DRAIN
	OVERLAND FLOW PATH
ES	EMERGENCY SPILTTER
VD	VERTICAL DROP
EDP	EXISTING 100Ø DOWN PIPE (U.N.O.)
	EXISTING STORMWATER DRAINAGE PIPE



TYPICAL SECTION A THROUGH PUMP PIT
N.T.S.
PUMP WELL VOLUME 6.0cum

SECTION A / ST01
N.T.S.

STANDARD PUMP OUT DESIGN NOTES

THE PUMP SHALL BE PROGRAMMED TO WORK ALTERNATIVELY SO AS TO ALLOW BOTH PUMPS TO HAVE AN EQUAL OPERATION LOAD AND PUMP LIFE.

A LOW LEVEL FLOAT SHALL BE PROVIDED TO ENSURE THAT THE MINIMUM REQUIRED WATER LEVEL IS MAINTAINED WITHIN THE SUMP AREA OF THE BELOW GROUND TANK, IN THIS REGARD, THIS FLOAT WILL FUNCTION AS AN OFF SWITCH FOR THE PUMPS.

A SECOND FLOAT SHALL BE PROVIDED AT A HIGHER LEVEL, APPROXIMATELY 300mm ABOVE THE MINIMUM WATER LEVEL, WHEREBY ONE OF THE PUMPS WILL OPERATE AND DRAIN THE TANK TO THE LEVEL OF THE LOW LEVEL FLOAT.

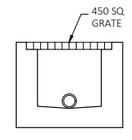
A THIRD FLOAT SHALL BE PROVIDED AT A HIGH LEVEL WHICH IS APPROXIMATELY THE ROOF LEVEL OF THE BELOW GROUND TANK. THIS FLOAT SHOULD START THE OTHER PUMP THAT IS NOT OPERATING AND ACTIVATE THE ALARM.

AN ALARM SYSTEM SHALL BE PROVIDED WITH A FLASHING STROBE LIGHT AN A PUMP FAILURE WARNING SIGN WHICH ARE TO BE LOCATED AT THE DRIVEWAY ENTRANCE TO THE BASEMENT LEVEL. THE ALARM SYSTEM SHALL BE PROVIDED WITH A BATTERY BACK-UP IN CASE OF POWER FAILURE

PUMP WELL DETAILS:

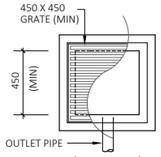
SUMP SIZE AND PUMP SIZE BASED ON 100 YEAR 2.0 HR STORM INTENSITY IS 54.6mm/hr, AREA DRAINING TOWARDS SUMP IS 40.0m²
Q=CIA/3600 = 1.0x54.6x40.0/3600 = 0.61L/s
VOLUME REQUIRED IN THE TANK IS 0.61x(2.0x60x60) = 4392L
STORAGE PROVIDED IN THE TANK 2000x1500x2000 = 6000L
THEREFORE ADEQUATE STORAGE PROVIDED

PUMP OUT RATE BASED ON 100YR 5MIN. STORM = 226mm/hr
Q=CIA/3600 = 1.0x226x40/3600 =2.51L/s
USE KS-30 DUAL PUMPS OR EQUIVALENT TO BE INSTALLED IN SUMP AND CONNECTED TO CONTROL PANEL WHICH WILL ALLOW FOR THE PUMPS TO ACT ALTERNATIVELY AT 10.0L/S AND 7m HEAD

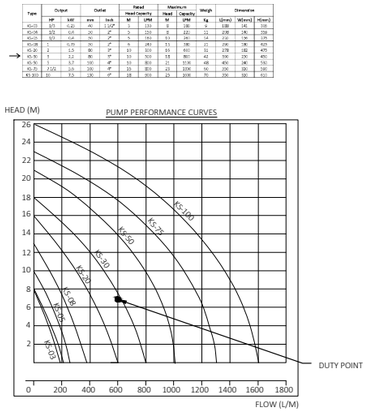


PRECAST PIT

TYPICAL PIT SECTION
N.T.S.



STANDARD PIT
N.T.S.



Type	Output		Outlet		Head	Maximum		Weight	Dimensions		
	HP	kW	mm	inch	M	Head Capacity LPM	Head M	Capacity LPM	Kg	W1mm	W2mm	H1mm
KS-05	0/5	0.25	40	1 1/2"	5	133	9	238	9	338	141	338
KS-07	0/5	0.4	50	2"	7	133	9	222	11	338	141	338
KS-10	0/1	0.4	50	2"	9	183	9.1	340	14	338	138	375
KS-15	1	0.75	50	2"	13	283	9.1	340	21	338	138	425
KS-20	1	1.5	80	3"	17	375	13	492	31	378	192	475
KS-25	1	1.5	80	3"	21	375	13	492	32	378	192	475
KS-30	1	2.2	100	4"	25	833	23	1038	48	450	240	550
KS-40	2 1/2	3.0	100	4"	33	833	23	1038	50	450	240	550
KS-50	3	4.0	100	4"	38	833	23	1038	55	450	240	550

A	FOR DA APPROVAL	LH	TW	05/02/26		
Rev	Description	By	App	Date		

Engineering Consultant
STRONGHOLD ENGINEERS
Email: civil@shens.com.au
Ph: 02 6100 1148
Suite 65, 89-97 JONES STREET
ULTIMO NSW 2007

Client: WEN ARCHITECTS

Project: 3-5 Gilba Road, Pendle Hill

Drawing Title: BASEMENT STORMWATER DRAINAGE PLAN & DETAILS

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Project Number	SH24618
Drawing Number	ST01
Revison	A
Engineer	TW
Drawn	LH
Date	FEB 2026
Scale	1:100 A1

A1

DO NOT SCALE FROM THESE DRAWING

NOTE RE. SERVICES

APPROXIMATE LOCATIONS OF EXISTING SERVICES SHOWN ON LONGITUDINAL SECTION. EXACT LOCATIONS & DEPTHS TO BE ACCURATELY LOCATED BY THE BUILDING CONTRACTOR BY CONTACTING THE RELEVANT AUTHORITIES BEFORE COMMENCEMENT OF ANY WORKS

DIAL 1100 BEFORE YOU DIG

NOTES

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2. IT IS THE CONTRACTORS RESPONSIBILITY TO LOCATE & LEVEL ALL EXISTING SERVICES PRIOR TO THE COMMENCEMENT OF ANY EARTHWORKS. ALL DESIGN LEVELS SHOWN ON PLAN SHALL BE VERIFIED ON SITE PRIOR TO THE COMMENCEMENT OF ANY WORK.
3. ALL PIPES TO HAVE MIN 200mm COVER IF LOCATED WITHIN PROPERTY.
4. ALL PITS IN DRIVEWAYS BE HEAVY DUTY GRATES. DIRECT SURFACE FLOW TO ALL GRATED SURFACE INLET PITS.
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SYMBOLS

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	EXISTING STORMWATER DRAINAGE PIPE

BILLABONG STREET

PROPOSED SUSPENDED OSD TANK
TWL 40.25
AREA = 85.20m²
VOLUME REQUIRED = 52.14m³
VOLUME PROVIDED = 52.82m³
AVE. DEPTH= 0.62m
MAX. DEPTH= 0.68m

900x900 DCP
RL 40.55
CL 39.55
IL 39.50

900x900
OVERFLOW PIT
RL 40.55
IL 39.50

Ø300 @1.0% MIN
FOR REDUNDANCY

DISCHARGE TO
KERB&GUTTER
TK 39.32
IL 39.17

200x100RHS@1% MIN

600x600 PIT
RL 39.75
IL39.23

Ø225 @1.0% MIN

Ø150@1.0% MIN

Ø150@1.0% MIN

Ø150@1.0% MIN

Ø150@1.0% MIN

Ø100@1.0% MIN

Ø150@1.0% MIN

*RL 40.70
12739
7851
OSD TANK
*RL 40.60
*RL 40.60
*RL 40.70
*RL 40.70
*RL 40.645
*RL 40.35
*RL 40.955
*RL 41.70
*RL 40.45
RL 40.5

RESIDENTIAL BIN ROOM
COT/BOT/KITCHEN
INTERNAL PLAY AREA
111.2SQM (REQUIRED 110.5)
COMMERCIAL UNIT
DISABLE TOILET
TOILET
OUTDOOR PLAY AREA
112.2SQM (REQUIRED 110)
OUTDOOR PLAY AREA AT 40.45 IN HATCH AREA AS PER
SERVICE
SUBSTATION
COMMERCIAL BIN
COMMERCIAL BIN ROOM
ACCESSIBLE WC
LIFT
RECP
POTENTIAL BUILDING ENVELOPE

RWO
DP
SP
IE
FW
VD
UP

159.85m² (15% OF SITE AREA)
BYPASS OSD SYSTEM

1 BILLABONG, PENDLE HILL

1A GILBA ROAD, PENDLE HILL

SITE STORMWATER DRAINAGE PLAN

SCALE 1:100

Rev	Description	By	App	Date
A	FOR DA APPROVAL	LH	TW	05/02/26

Engineering Consultant
STRONGHOLD ENGINEERS
Email: civil@shens.com.au
Ph: 02 6100 1148
Suite 65, 89-97 JONES STREET
ULTIMO NSW 2007

Client: WEN ARCHITECTS

Project: 3-5 Gilba Road, Pendle Hill

Drawing Title: SITE STORMWATER DRAINAGE PLAN

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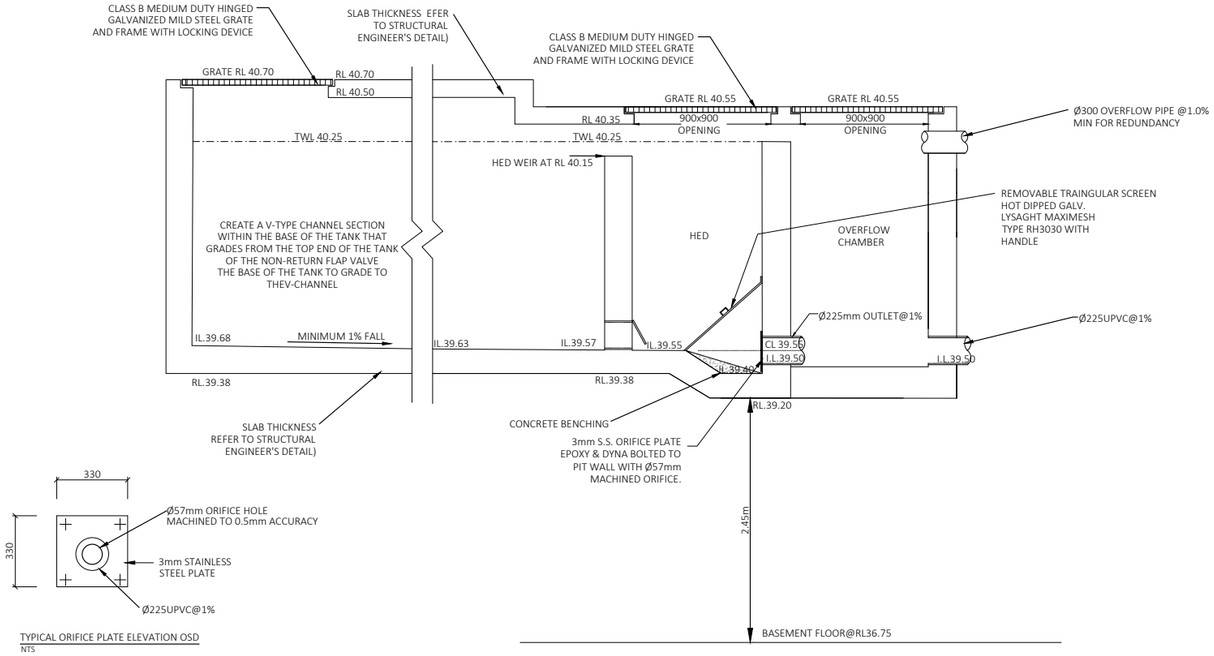
Project Number	SH24618
Drawing Number	ST02
Revison	A
Engineer	TW
Drawn	LH
Date	FEB 2026
Scale	1:100 A1

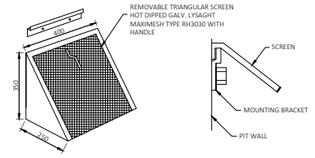
A1



TYPICAL SECTION THROUGH OSD
NTS

TYPICAL ORIFICE PLATE ELEVATION OSD
NTS

B ST02 SECTION
N.T.S.



MULTI PURPOSE FILTER SCREEN
N.T.S.
PRODUCT CODE: MMMPS (MASCOT ENGINEERING)

DO NOT SCALE FROM THESE DRAWING

NOTE RE. SERVICES
APPROXIMATE LOCATIONS OF EXISTING SERVICES SHOWN ON LONGITUDINAL SECTION. EXACT LOCATIONS & DEPTHS TO BE ACCURATELY LOCATED BY THE BUILDING CONTRACTOR BY CONTACTING THE RELEVANT AUTHORITIES BEFORE COMMENCEMENT OF ANY WORKS

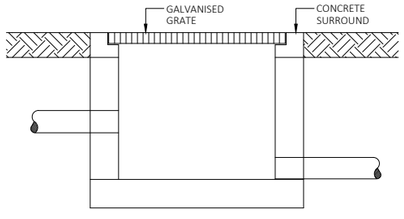
DIAL 1100 BEFORE YOU DIG

Cumberland Council
On-Site Detention Calculation Sheet

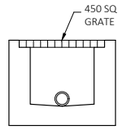
Project:	PROPOSED MULTI DWELLING		
Location:	**3-5 Gilba Rd, Pendle Hill NSW 2145**		
Designer:			
Phone:			

	OSD	
OSD Area:	**UPRCT**	
Site Area	**0.1066**	
Basic Storage Volume (470cum/ha)	50.12	
Basic Discharge (80L/s/ha)	8.53	
Area of Site to Storage	**0.09066**	**85%**
Percentage of Site	85.01	
Storage per ha of contributing area	552.87	
Volume/PSD Adjustment	64.15	
PSD for site	5.81	
Maximum Head to Orifice Centre	**0.700**	
Calculated Orifice Diameter	**0.057**	
Maximum discharge	5.809	
Head for high early discharge	**0.600**	
High Early Discharge	5.379	**93%**
Mean Discharge	5.594	
Average Discharge per Hectare	61.706	
Final Site Storage Ratio	572	
Site Storage Volume	**51.85**	
Volume Provided	**52.84**	**102%**

Checked By:	SH
Date Checked:	5/02/2026
OSD Plan Number:	

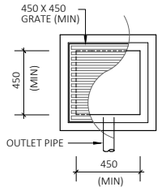


TYPICAL PIT DETAIL
NTS

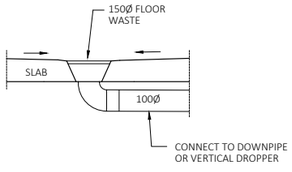


PRECAST PIT

TYPICAL PIT SECTION
N.T.S.



STANDARD PIT
N.T.S.



TYPICAL FLOOR WASTE 'FW' DETAIL FOR BALCONIES
SCALE NTS
(NOTE - PROVIDE FLOOR WASTES TO ALL BALCONIES & CONNECT INTO CLOSEST DOWNPIPE)



Rev	Description	By	App	Date
A	FOR DA APPROVAL	LH	TW	05/02/26

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Suite 65, 89-97 JONES STREET
ULTIMO NSW 2007

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Project: 3-5 Gilba Road, Pendle Hill

Drawing Title: STORMWATER DRAINAGE DETAIL

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Project Number	Drawing Number	Revison
SH24618	ST03	A

Engineer	Drawn
TW	LH

Date	Scale
FEB 2026	1:100 A1

A1

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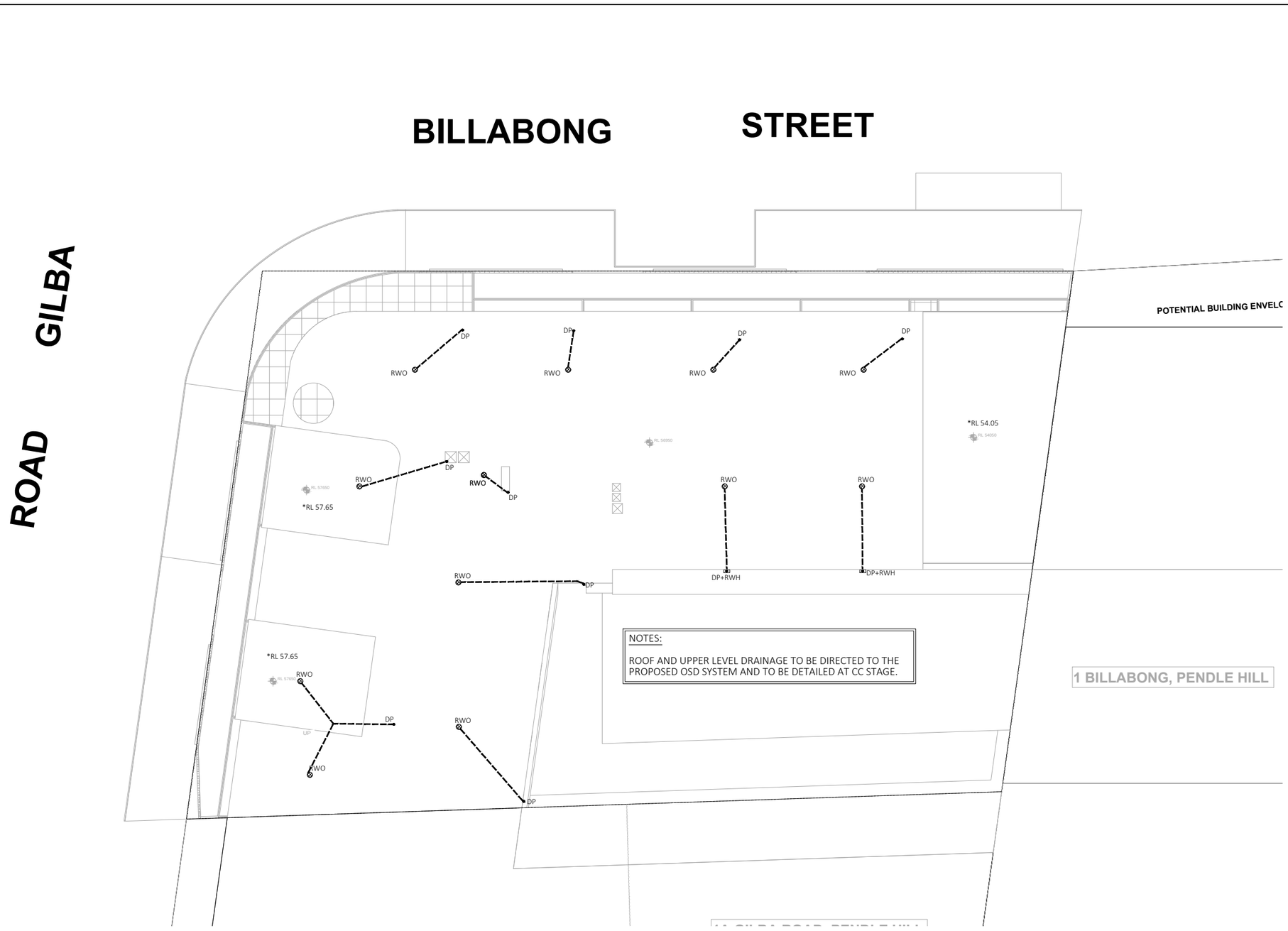

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EDP	EXISTING 100Ø DOWN PIPE (U.N.O.)
	EXISTING STORMWATER DRAINAGE PIPE

ROOF STORMWATER DRAINAGE PLAN
SCALE 1:100

Rev	Description	By	App	Date
A	FOR DA APPROVAL	LH	TW	05/02/26

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Email: civil@shens.com.au
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Project Number	Drawing Number	Revison
SH24618	ST04	A
Engineer: TW	Drawn: LH	
Date: FEB 2026	Scale: 1:100 A1	

A1

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FW	FLOOR WASTE 150Ø
	GRATED INLET PIT
	GRATED DRAIN
	FLOW PATH
EDP	EXISTING 100Ø DOWN PIPE (U.N.O.)

PROVIDE TAP AND HOSE BEHIND FENCELINE. ALL VEHICLE TIRES MUST BE WASHED DOWN BEFORE DEPARTING

PROVIDE STABILIZED SITE ACCESS DURING CONSTRUCTION AT ALL TIMES

MIN 500 HIGH SEDIMENT FENCE SUPPORTED AT 3000 MAX CTS WITH 1500 LONG STAR PICKETS. BASE OF SEDIMENT FENCE TO BE BURIED IN 200 DEEP x 100 WIDE TRENCH AND BACKFI TO BE COMPACTED

SITE RECYCLING BIN

TEMPORARY SITE TOILET

STOCK PILE AREA

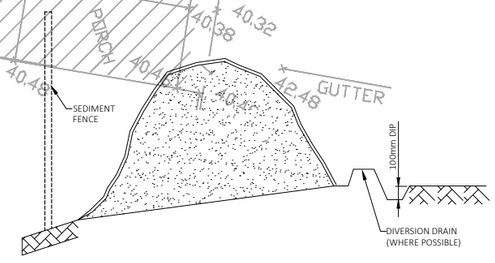
LOT 49 DP 13009 528.1m² (STATED BY DP 13009) 528.3m² (BY CALCULATION)

LOT 50 DP 13009 537.5m² (STATED BY DP 13009) 537.6m² (BY CALCULATION)

LOT 52 DP 13009

EROSION AND SEDIMENT CONTROL PLAN

SCALE 1:100



SOIL STOCK PILE

EROSION CONTROL NOTES

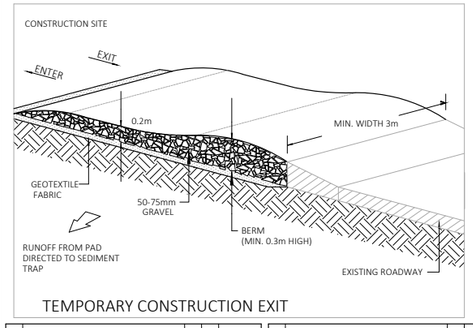
1. ALL EROSION & SEDIMENT CONTROL MEASURES ARE TO BE INSTALLED AND MAINTAINED IN ACCORDANCE WITH 'MANAGING URBAN STORMWATER 4TH EDITION' PRODUCED BY THE NSW DEPARTMENT OF HOUSING
2. ALL EROSION AND SILT CONTROL MEASURES TO BE IN PLACE PRIOR TO THE COMMENCEMENT OF ANY CONSTRUCTION WORKS, AND ALL SILT TRAPS ARE TO HAVE DEPOSITED SILT REMOVED REGULARLY DURING CONSTRUCTION
3. ALL TREES ARE TO BE PRESERVED UNLESS INDICATED OTHERWISE ON THE ARCHITECT'S OR LANDSCAPE ARCHITECT'S DRAWINGS. EXISTING GRASS COVER SHALL BE MAINTAINED EXCEPT IN AREAS CLEARED FOR BUILDINGS, PAVEMENTS ETC.
4. INSTALL TEMPORARY SEDIMENT BARRIERS TO ALL INLET PITS LIKELY TO COLLECT SILT LADDEN WATER
5. NOT WITHSTANDING DETAILS SHOWN IT IS THE CONTRACTORS SOLE RESPONSIBILITY TO ENSURE THAT ALL SITE ACTIVITIES COMPLY WITH THE REQUIREMENTS OF THE CLEAN WATERS ACT.

SYMBOLS

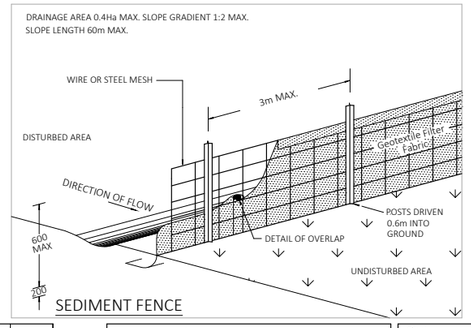
	EXISTING CONTOURS
	SILT FENCE
	WIRE MESH FENCE
	Ø50 PUMP LINE

NOTES: SOIL & WATER MANAGEMENT

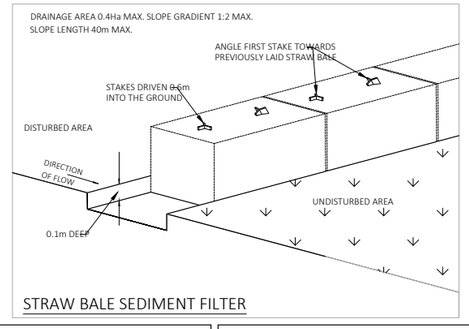
1. ALL EROSION AND SEDIMENT CONTROL MEASURES TO BE INSPECTED AND MAINTAINED DAILY BY SITE MANAGER.
2. MINIMISE DISTURBED AREAS.
3. ALL STOCKPILES TO BE CLEAR FROM DRAINS, GUTTERS AND FOOTPATHS.
4. DRAINAGE IS TO BE CONNECTED TO STORMWATER SYSTEM AS SOON AS POSSIBLE.
5. ROADS AND FOOTPATH TO BE SWEPT DAILY.
6. NO MATERIAL TO BE STORED ON FOOTPATH.
7. IF YOU DO NOT COMPLY YOU MAY BE LIABLE TO A $1500 FINE.



TEMPORARY CONSTRUCTION EXIT



SEDIMENT FENCE



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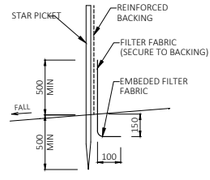
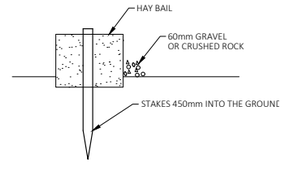


SILT FENCE DETAIL



HAY BAIL DETAIL

TO BE USED AS REQUIRED

Rev	Description	By	App	Date
A	FOR DA APPROVAL	LH	TW	05/02/26

Engineering Consultant
STRONGHOLD ENGINEERS
Email: civil@shens.com.au
Ph: 02 6100 1148
Suite 65, 89-97 JONES STREET
ULTIMO NSW 2007

Client: WEN ARCHITECTS

Project: 3-5 Gilba Road, Pendle Hill

Drawing Title: EROSION AND SEDIMENT CONTROL PLAN AND DETAIL

THESE DRAWINGS AND THE DESIGNS WITHIN ARE COPYRIGHT. THEY ARE NOT TO BE USED FOR ANY PURPOSE OTHER THAN THE NOMINATED PROJECT. THE DRAWINGS REMAIN THE PROPERTY OF SHENS AND ARE NOT TO BE REPRODUCED OR ALTERED WITHOUT WRITTEN PERMISSION.

NOT FOR CONSTRUCTION

Project Number	Drawing Number	Revison
SH24618	ST05	A

Engineer	Drawn
TW	LH

Date	Scale
FEB 2026	1:100 A1

A1

DOCUMENTS ASSOCIATED WITH REPORT ELPP018/26

Attachment 5

Redacted Submissions

Elizabeth Chan

From:
Sent: Tuesday, 27 January 2026 5:46 PM
To: Records Department
Subject: [EXTERNAL] DA2025/0824 : lodge a submission

CAUTION: This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Dear Cumberland Council Team

Re: Objection to Proposed Development – Construction of a Five-Storey Mixed-Use Development - DA2025/0824

I am a neighbouring resident and wish to lodge a formal submission objecting to the above development application.

This submission is made having regard to the **Cumberland Local Environmental Plan (LEP) 2021**, the **Cumberland Development Control Plan (DCP)**, and the principles of **orderly and economic development, amenity protection**, and **cumulative impact assessment.**

1. Incompatibility with Local Character and Amenity

The proposed development represents a significant increase in **built form scale, density, and intensity of use** that is inconsistent with the established and emerging character of the surrounding residential area.

Under **Cumberland DCP – Built Form and Amenity controls**, development is required to:

- Respect the existing neighbourhood character
- Minimise adverse amenity impacts on adjoining properties

The combination of **74 co-living units**, a **childcare centre**, and a **commercial tenancy** on a constrained site will adversely impact:

- Residential amenity
- Privacy
- Acoustic environment
- Perceived overdevelopment

This level of intensity undermines the DCP objectives of maintaining a **livable residential environment.**

2. Inadequate Car Parking Provision and Traffic Generation

The proposal provides **26 car parking spaces** to serve:

- 74 co-living units
- A 34-place childcare centre
- A commercial unit

This provision is **manifestly inadequate** and does not adequately respond to the **Cumberland DCP parking and traffic objectives**, which seek to:

- Prevent overflow parking into surrounding residential streets
- Maintain safe and efficient road networks

The development will generate:

- Increased on-street parking pressure
- Traffic congestion
- Unsafe vehicle manoeuvres, particularly during childcare peak drop-off and pick-up times

The cumulative impact of nearby approved and existing developments has not been adequately addressed.

---

3. Cumulative Impact and Infrastructure Capacity

The Pendle Hill area has already experienced substantial **infill development and increased residential density**, including approvals along Stapleton Street, Mia Mia Street, and surrounding local roads.

Council and the NSW Government have **not provided corresponding upgrades to local infrastructure**, including:

- Road capacity
- On-street parking supply
- Community and social infrastructure

Further, parking restrictions at Civic Park have recently been reduced, exacerbating existing constraints.
The proposal fails to demonstrate consistency with **LEP objectives relating to infrastructure capacity and sustainable growth**.

---

4. Social Impact and Ongoing Management Concerns

The proposed co-living model introduces a high-density form of accommodation requiring robust and enforceable management regimes.

The application does not provide sufficient assurance regarding:

- Long-term operational management
- Noise and behaviour control

- Waste and common area maintenance

Without enforceable mechanisms, the development poses a risk of ongoing **amenity conflict**, contrary to **DCP objectives relating to residential amenity and social sustainability**.

---

5. Road Safety Risks Associated with Childcare Use

The subject site is located in close proximity to a **roundabout and a heavily trafficked road environment**.

The introduction of a childcare centre will generate:

- Short-stay stopping
- Increased pedestrian movements
- High turnover vehicle activity

This raises serious **road safety and pedestrian safety concerns**, particularly for children, and is inconsistent with **DCP traffic safety and access design objectives**.

---

6. Oversupply of Childcare and Boarding-Type Accommodation

There is an existing childcare facility within approximately **280 metres** of the proposed site. Additionally, a **boarding lodge already operates at 16 Billabong Street**.

The application does not adequately assess the **cumulative land use impacts** of multiple similar uses within a limited catchment, nor does it demonstrate a clear strategic need for additional facilities.

---

7. Existing Vacant and Unconstructed Approved Developments

There are existing residential properties that remain vacant, including **14 Civic Avenue**.
Further, several approved developments remain unconstructed for extended periods, including:

- **2 Gilba Road** (approved over 7 years ago) with variation of 40% plus on many instances. Use this for a case study as to how dense it becomes from 2017 to 2024. Source : https://cumberland.infocouncil.biz/Open/2025/10/ELPP_08102025_AGN_3207_AT.HTM
- **501 Great Western Highway**

These stalled developments already detract from local amenity and raise concerns regarding the continued approval of additional high-density proposals without delivery of completed outcomes.

---

8. Pressure on Community and Emergency Services

The area has experienced a noticeable increase in demand for emergency services, with frequent ambulance and police attendance observed by residents.

Further residential intensification without corresponding service capacity upgrades conflicts with the **principles of orderly planning and social infrastructure provision** under the LEP.

Conclusion

For the reasons outlined above, the proposed development is inconsistent with the **objectives of the Cumberland LEP and DCP**, particularly in relation to:

- Residential amenity
- Traffic and parking impacts
- Cumulative development impacts
- Infrastructure capacity
- Road and pedestrian safety

For the reasons outlined above, I strongly object to the proposed development and request that Council refuse the application or, at a minimum, require substantial redesign, reduction in scale, and improved infrastructure and parking provisions before any approval is considered.

Thank you for considering this submission.

PS: If possible, I request personal information to be suppressed under Section 58 of the Privacy and Personal Information Protection Act 1998 ("PPIP Act").

Yours faithfully,

Elizabeth Chan

From:
Sent: Thursday, 29 January 2026 8:16 PM
To: Records Department
Subject: [EXTERNAL] DA2025/0824

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 Council

I wish to lodge an objection to the development application for 3-5 Gilba Road Pendle Hill.

My objection relates to the impact on street parking in the area.

This estate at 6-8 Gilba Road is a group of 12 units which each have a single off-street parking space but there are no visitor parking spaces within the estate. Any visitors to the 12 units need to park outside on Gilba Road. It is often quite difficult to find parking spaces and visitors or trades people sometimes need to use nearby streets that are also quite busy.

The proposed development, according to the Traffic and Parking Assessment (TPA), just meets the required provision of parking spaces at 0.2 spaces per share accommodation room plus 10 spaces for the commercial units. The statement in the TPA that:

"The surrounding network is considered to be capable of accommodating the additional traffic projected to be generated by the subject development. Furthermore, the proposed off-street parking provision accords with the requirements of Cumberland DCP 2021, thereby indicating that there should not be any increased on-street parking demand as a result of the development."

... ignores the reality of parking utilisation on Gilba Road. The arrival of 88 new residents plus the commercial activities inevitably mean a major increase in temporary parking demand both in business hours and outside those times. If approved in its present form the development will render visitor and trades parking around the local area virtually untenable.

I submit that the development should require at least 10 additional parking spaces for temporary parking.

Elizabeth Chan

From:
Sent: Thursday, 29 January 2026 6:19 PM
To: Records Department
Subject: [EXTERNAL] DA2025/0824 : lodge a submission

CAUTION: This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Dear Council

I wish to lodge an objection to the development application for 3-5 Gilba Road Pendle Hill.

My objection relates to the impact on street parking in the area.

This estate at 6-8 Gilba Road is a group of 12 units which each have a single off-street parking space but there are no visitor parking spaces within the estate. Any visitors to the 12 units need to park outside on Gilba Road. It is often quite difficult to find parking spaces and visitors or trades people sometimes need to use nearby streets that are also quite busy.

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> "The surrounding network is considered to be capable of accommodating the additional traffic projected to be generated by the subject development. Furthermore, the proposed off-street parking provision accords with the requirements of Cumberland DCP 2021, thereby indicating that there should not be any increased on-street parking demand as a result of the development."

... ignores the reality of parking utilisation on Gilba Road. The arrival of 88 new residents plus the commercial activities inevitably mean a major increase in temporary parking demand both in business hours and outside those times. If approved in its present form the development will render visitor and trades parking around the local area virtually untenable.

I submit that the development should require at least 10 additional parking spaces for temporary parking.

Elizabeth Chan

From:
Sent: Tuesday, 10 February 2026 2:07 AM
To: Records Department;
Subject: [EXTERNAL] Fwd: Council Notice - Gilba Road, Pendle Hill
Attachments: .pdf; Objection Letter from 1 Gilba Road for DA2025-0824.pdf

CAUTION: This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Hi,
I would like to submit my concerns as a to the DA2025/0824 application.

Attached is a copy of my concerns and request to council regarding the development application.

I apologise for the delay in my response and would appreciate if my concerns are considered seriously and action is taken by the council.

Thanking you,

Kind regards,

On Fri Jan 16 2026 Office Admin wrote:
---------- Original Message ----------
Hi

Please find the attached Council Notice.

Thank you and have a wonderful day!

Best Regards.

This email and any attachments to it is intended only to be read or used by the named addressee. It is confidential and may contain legally privileged information. No confidentiality or privilege is waived or lost by any mistaken transmission to you. If you receive this email in error, please immediately delete it from your system and notify the sender. You must not disclose, copy or use any part of this email if you are not the intended recipient. The sender is not responsible for any unauthorised alterations to this email or attachment.

To: Cumberland City Council

Date: 10 Feb 2026

Re: DA Submission – Proposed 5-Storey Development with a basement carpark at 3 & 5 Gilba Road, Pendle Hill [DA 2025/0824]

Address of Affected Property:

Dear Assessment Officer,

I am the owner of which the proposed development site. I appreciate the opportunity to provide comments on the Development Application currently under assessment.

While I understand that the site is zoned **E2 Commercial Centre** and that redevelopment is anticipated in this precinct, I wish to raise several **planning-related concerns** regarding the potential impacts on my property. I respectfully request that Council consider the following matters and apply appropriate conditions to mitigate adverse impacts.

1. Excavation and Structural Risk to My Property

The proposal includes **deep excavation for an underground carpark** immediately to my property, which contains an older residential structure with a shared/common wall to the rear lot.

Given the age, construction type, and small lot size (303 sqm), there is a heightened risk of:

- Ground movement
- Vibration damage
- Cracking to walls, slab, and footings
- Structural impact to the common wall

I request that Council impose the following conditions:

- A **pre-construction dilapidation report** for my property
- A **post-construction dilapidation report**
- **Vibration monitoring** during excavation
- A **Construction Management Plan** that restricts heavy machinery near my boundary

These are standard protections for neighbouring properties during deep excavation.

2. Overshadowing and Privacy Impacts

The proposed 5-storey height will significantly overshadow my property, particularly during winter mornings and afternoons. The development also introduces direct overlooking into my private open space and windows.

While I acknowledge the commercial zoning, I request that Council require:

- **Privacy screens** on upper-level balconies facing my property
- **Sensitive window placement** to reduce direct overlooking
- Consideration of **setback adjustments** where feasible

These measures would help maintain reasonable amenity for existing neighbouring properties.

3. Traffic and Safety Concerns on the Corner of Gilba Road and Civic Avenue

My property is located on a , and the proposed development will increase:

- Vehicle movements
- Delivery traffic
- On-street parking pressure
- Turning movements at the intersection

I am concerned about sight-line safety and pedestrian visibility.

I request that Council review:

- The **driveway location**
- Traffic flow impacts on the corner
- The **Construction Traffic Management Plan** to ensure safe access during works

4. Stormwater and Drainage Impacts

Large developments can alter natural drainage patterns. My property is small and vulnerable to runoff changes.

I request that Council ensure:

- On-site stormwater detention is adequate
- No redirection of surface water toward my property
- Proper management of overland flow paths

5. Construction Impacts

Given the scale of the development, I request conditions requiring:

- Dust suppression
- Noise mitigation
- Restricted construction hours
- Clear staging of works

These measures will reduce disruption to tenants and neighbouring properties.

Conclusion

I do not oppose redevelopment of the precinct in principle. My intention is simply to ensure that the impacts on my property are properly considered and that appropriate conditions are applied to protect structural integrity, amenity, and safety.

Thank you for considering my submission. I am available to discuss these matters further if required.

Kind regards,

Elizabeth Chan

From:
Sent: Tuesday, 10 February 2026 12:24 PM
To: Records Department;
Subject: [EXTERNAL] Re: Council Notice - Gilba Road, Pendle Hill
Attachments: Letter 2 from 1 Gilba Road for DA2025-0824.pdf

CAUTION: This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Hi Bhavisha,

attached is a copy of the letter to inform you that I am not aware of the DA2025/0824 development and no one contacted me or submitted any purchase offer for my property which is adjoining this development site.

Thank you,

regards.

On Tue Feb 10 2026 wrote:
---------- Original Message ----------
Hi,
I would like to submit my concerns as a to the DA2025/0824 application.

Attached is a copy of my concerns and request to council regarding the development application.

I apologise for the delay in my response and would appreciate if my concerns are considered seriously and action is taken by the council.

Thanking you,

Kind regards.

On Fri Jan 16 2026 Office Admin wrote:
---------- Original Message ----------
Hi

Please find the attached Council Notice.

Thank you and have a wonderful day!

Best Regards,

Assessment officer

Cumberland City Council

Date: 10 Feb 2026

Re: DA Submission – Proposed 5-Storey Development with a basement carpark at 3 & 5 Gilba Road, Pendle Hill [DA 2025/0824]

Address of Affected Property:

Dear Assessment Officer,

I am the owner of which directly adjoins the proposed development site. I appreciate the opportunity to provide comments on the Development Application currently under assessment.

In addition to the concerns outlined in my letter sent earlier today, I wish to advise that the owners of 3 and 5 Gilba Road did not contact me or provide any letter of offer regarding the potential purchase of my property for amalgamation purposes.

Thank you for considering my submission.

Kind regards,

DOCUMENTS ASSOCIATED WITH REPORT ELPP018/26

Attachment 6

Plan of Management - Child Care Centre

Plan of Management

CENTRE-BASED CHILD CARE FACILITY
3-5 GILBA ROAD, PENDLE HILL

Child Care Facility
Date: February 2025
Revision: 1

Contents

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POLICY & PROCEDURURAL ASPECTS 13
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SECURITY MEASURES 14
ARRIVAL PROCEDURES 16
DEPARTURE PROCEDURES 16
SUPERVISION OF CHILDREN 18
WASTE MANAGEMENT AND COLLECTION 21
EMERGENCY EVACUATION PLAN 21

PLAN OF MANAGEMENT OVERVIEW

This Plan of Management has been prepared for the operation and management of a Child Care Centre at 3-5 Gilba Road, Pendle Hill.

The development proposes to demolish all existing structures in-order to construct a mixed use building comprising of two commercial units, 34 place child care facility and 74 Co-living units at 3-5 Gilba Road, Pendle Hill.

The Child Care Facility accommodates a total of 60 child care placements and will operate 7am to 6pm Monday to Friday with a 30 minute shoulder period for staff arrivals and departures.

The development is serviced by a total of 6 carparking spaces within a basement level including an accessible car parking space.

This Plan of Management identifies appropriate strategies and procedures to address operational elements of the facility.

A plan of management is an accepted concept in environmental law and can be used in a range of circumstances.

This plan of management assists in addressing a better understanding of the proposal and the way in which it is proposed to operate.

This Plan of Management will require ongoing revision to reflect operational needs and may need to be updated to reflect any DA conditions of consent imposed by Council.

CHILD CARE CENTRE OPERATION

The Child Care Facility accommodates a total of 60 child care placements and will operate 7am to 6pm Monday to Friday.

The development is serviced by a total of 6 carparking spaces within a basement level including an accessible car parking space.

The various age groupings of the children are as follows:

- 4 children in the 0-2 year bracket;
- 10 children in the 2-3 year bracket
- 20 children in the 3-5 year bracket;

Educator Ratios and Educators on Site

Staffing arrangements are proposed to align with the provisions of the Education and Care Services National Regulation as follows:

Age Group & Children Number	Educator Ratio	Staff Required	Educators Provided
0-2 years: 4	1 per 4	1	1
2-3 years: 10	1 per 5	2	2
3-5 years: 20	1 per 10	2	2
Total		**5 Educators**	**5 Educators**

On the basis of the above there are a total of 5 educators required and it is noted that this will exclude any person associated with the administration of the centre and a part time cook.

It is noted that the administration person and the cook will generally be employed on a part time basis and will work 9:30am- 2:30pm and accordingly is able to utilise a visitor parking space on site which will generally be vacant between these hours.

Waste Collection

Development provides an enclosed waste room within the ground floor and the proposal will use a collect and return service. Bins will be moved from that point to the kerbside along the site's frontage to Gilba Road which will be consistent with the surrounding residential developments and is normal for neighbourhood child care centre of this nature. Bins will not be left on the street given the collect and return service.

All commercial waste and recycling services will be provided by a licensed waste contractor and collections will occur twice weekly. The waste collection truck will schedule collection Monday to Friday between 10am and 2pm to limit any impacts during parent drop-off and pick-up.

DAILY PROGRAMMES AND ROUTINES

Noise Assessment prescribes the following scenarios where outdoor play scenarios for all day play- noting no more than 50% of children in the outdoor play area at any one time.

> Based on the predicted noise levels, the proposed development has a low risk of impacting nearby sensitive receptors on the condition the following noise mitigation measures are implemented:
>
> - Use of the outdoor childcare play area shall be managed as follows:
> - The outdoor play area shall only be used for a **maximum of 2 hours** in the morning and 2 hours in the afternoon (maximum 4 hours daily).
> - **A maximum of 10**x 3–5-year-olds only shall use the outdoor play area at any one time. All other children are to be inside when 3–5-year-olds are outside.
> - 0–2-year-olds and 2–3-year-olds may use the outdoor play area at the same time with no limitations on numbers. All 3–5-year-olds are to be inside when 0–2-year-olds and 2-3 year olds are outside.

To comply with the above recommendations:

- The 20 x 3-5 year olds will split to play outside at the ground floor at a separate time to the 14 x 0-3 year olds at the ground floor.
- The 20 x 3-5 year olds will play outside at the first floor at a separate time to the remaining children.

DAILY PROGRAMME AND ROUTINE FOR AGES 0-2 YEARS

For children aged 0-2 years, the routines are based on family input. This routine is extremely flexible to allow this to occur, noting that the use of outdoor play area is prescribed for a maximum of 4 hours per day.

DAILY PROGRAMME AND ROUTINE FOR AGES 2 – 3 YEARS

The below program is the general program for the 2-3 year old's.

The general daily programme and routine is set out below with the outdoor time shown in green.

7am- Centre Opens

7:30-8.30	Breakfast/Morning Tea (A quiet time for children)
8:30-10:00	Free Indoor/Outdoor Play (small groups-Discuss child's interests, transition)
10:00-10:15	Indoor child interest-based learning (Talk about child's interests, weekly topics, story time)
10:15-10:30	Packing away followed by Music & movement
10:30-10:45	Art and craft
10:45-11:00	Nappy changing & preparing beds
11:00-11:30	Lunch time
11:30-1:30	Rest time/Quiet activities for the children who do not sleep
1:30-2:00	Small group activities.
2:00-2:15	Afternoon Nappy change
2:15-2:30	Afternoon tea
2:30-4:00	Interest based learning (indoor and outdoor)
4:00-4:15	Late afternoon tea/snack
4:15-5:30	Free indoor play.
6:00pm	Centre Closes.

DAILY PROGRAMME AND ROUTINE FOR AGES 3 – 5 YEARS

The below program is the general program for the 3-5 year old's.

The general daily programme and routine is set out below with the outdoor time shown in green.

7am	Centre Opens
7.30-8.30am	Breakfast/Morning Tea (A quiet time for children)
8:30-9.15	Education (Talk about child's interests, weekly topics, story time, colours, numbers, shapes, days of the week)
9:15-9:30	Packing away followed by music & movement
9:30-10:00	Art and craft (children explore, and express ideas through creative arts)
10:00-12:00	Free Indoor/Outdoor Play (small groups-Discuss child's interests, transition). Noting only a maximum of 10 children allowed outside.
12:00-1.45	Lunch time (children wash their hands, and choose a seat to be served an alternate meal)Rest time/Quiet activities for the children who do not sleep
1:15-2.15	Small group activities (indoor) optional play.
2:15-2.45	Learning centers (encourage children to explore, and try things) (indoor)
2:45-3.00	Afternoon tea (children are given an alternate nutritious snack/fruit)
3:00-4.00	Interest based learning (children will be engaged with educators and focus on their own interests to further their development)
4:00-4.15	Late afternoon tea/snack
4:00-6.00	Outdoor/indoor play. Noting only a maximum of 10 children allowed outside.
6:00	Centre Closes.

TRAFFIC AND PARKING MANAGEMENT

The following procedures are to be adopted for the use of the childcare centre car parking area:

- The development is serviced by a total of 6 carparking spaces within a basement level including an accessible car parking space.
- All parking associated with the childcare must occur within the sign posted spaces;
- Vehicles must enter and exit the site car parking area in a forward direction at all times;
- The disabled car spaces must be used by people with a valid disability permit;
- The pedestrian walkway connecting the car parking spaces to be kept clear at all times;
- No double parking is permitted in the car parking aisle;
- The security door at the entrance to the car park should remain open during childcare centre operating hours;
- The car parking area is not to be used for storage purposes, thereby reducing the number of available car spaces;
- Staff, parents and carers must be encouraged to report improper use of the car parking area to the center's manager;
- Staff are to regularly monitor the car park during operating hours to ensure the above items are adhered to, particularly during peak drop off/pickup periods;
- This traffic & parking management plan must be issued to all new parents, staff, with a copy to be included on the center's website;
- This traffic & parking management plan is to be regularly reviewed & amended as deemed necessarily.

Parent Induction Program Requirements in relation to Traffic and Parking &

Requirement to Use Parking on the Premises

Prior to a child commencing at the centre the parents must undertake an induction program. As part of the induction the parents shall be instructed that:

1. Arrivals and departure times for children are staggered to minimize congestion in the car park and parents and children will be allocated a 15 minute drop-off and pick-up 'window' between 7am and 930am (arrival) and 3pm-6pm (pick-up) that must be followed.
2. All children must be dropped off and picked up in the basement carpark if they attend the site by car.
3. There is to be no parking on the street by parents to avoid traffic congestion and impacts on street parking.
4. If parents are observed by centre management on three (3) or more occasions parking on the street and not using the basement parking the parents will be fined $100 by the centre. CCTV will record vehicle entry and exits from the basement carpark and random spot checks will occur of parents and cross-checking of whether they are utilising the basement car park.

NOISE MANAGEMENT

The following procedures are to be adopted in relation to the management of noise;

- The childcare centre is to operate as per the relevant recommendations of the approved Noise Assessment prepared by Broadcrest Environmental

Based on the predicted noise levels, the proposed development has a low risk of impacting nearby sensitive receptors on the condition the following noise mitigation measures are implemented:

- Use of the outdoor childcare play area shall be managed as follows:
  - The outdoor play area shall only be used for a **maximum of 2 hours** in the morning and 2 hours in the afternoon (maximum 4 hours daily).
  - **A maximum of 10**x 3–5-year-olds only shall use the outdoor play area at any one time. All other children are to be inside when 3–5-year-olds are outside.
  - 0–2-year-olds and 2–3-year-olds may use the outdoor play area at the same time with no limitations on numbers. All 3–5-year-olds are to be inside when 0–2-year-olds and 2-3 year olds are outside.
- It is advised that residents be reminded through signage to at all times, keep noise to a minimum at all communal areas.
- An acoustic fence shall be constructed to the height and extent shown in Figure 7.1. The fence shall be constructed using either 16mm thick lapped and capped timber, masonry, 9mm fibre cement sheet, or other suitable solid materials. The fence shall be free of all gaps and holes.

- Ensuring all staff and parents are provided with a copy of the Centre's Noise Management Plan and its implications for them during their time at the Centre.

- Time out of doors is an essential component of the child's experience of the centre. When children are in the 'active' play area, each group will be fully supervised at all times.

- Ensuring a sufficient number of educators are provided to supervise children's outside play to discourage unnecessarily loud activities.

- Carers/staff should be educated to control the level of their voice while outdoors.

- Centre management recognizes the importance of ensuring all educators and carers are properly trained.

- Facilitating children's small group play when outside and encouraging educators to engage in children's play and facilitate friendships between children.

- Crying children should be comforted as quickly as possible and moved indoors.

- In-house training will include familiarization with the procedures in the operation of the centre.

- Staff will be instructed to engage the children in educational play and activities that children find mentally and physically stimulating at all times.
- Staff arriving prior to 7am and parking in the 'Staff' area should ensure they do not create unnecessary noise.
- The name and contact details of the Center's Manger should be clearly displayed at the front of the building to ensure neighbors can contact that person at any item the Centre is operating.
- Centre management will maintain a log of any, and all complaints received.
- Centre management will endeavor to respond to any noise complaint at the time of the event and record such events in a daily log.
- A laminated copy of the noise management plan will be displayed in the foyer.
- All educators are required to read the noise management plan.

MECHANISM FOR CONVEYING POLICIES & UPDATES TO PARENTS

- The centre operations are documented in our policies and procedures.
- These policies and procedures make up many volumes. All educators and carers must read the policies and procedures and confirm in writing that they have done so. The policies and procedures are discussed at staff meetings and continually updated and redistributed as they are amended.
- Policies are also located in the front foyer for all families and visitors to have access to at all times.
- Centre policies are reviewed throughout the year on a monthly basis following a schedule. All revised policies are mentioned in the centers monthly newsletter and displayed in the front foyer for the families to be updated and advised of any changes that have been made.

POLICY & PROCEDURURAL ASPECTS

The following provisions of the National Quality Standard are relevant and will be adhered to:

QA4

4.2 Educators, coordinators and educators are respectful and ethical.
4.2.1 Professional standards guide practice, interactions and relationships.
4.2.2 Educators and coordinators work collaboratively and affirm, challenge, support and learn from others to further develop their skills.
4.2.3 Interactions convey mutual respect, equity and recognition of each other's strengths and skills.

QA7

7.2.3 An effective self-assessment and quality improvement process is in place.
7.3.2 Administrative systems are established and maintained to ensure the effective operation of the service.
7.3.5 Service practices are based on effectively documented policies and procedures that are available at the service and reviewed regularly.

The following provisions of the Education and Care Services National Regulations are to be complied with:

- 31- Condition on service approval-QIP
- 55-56- QIP
- 168- education and care services must have policies and procedures
- 170- policies and procedures to be followed

- 171- policies and procedures to be kept available
- 172- Notification of change to policies and procedures affecting ability to family.

POLICY & PROCEDURURAL IMPLEMENTATION

Our centre believes that reflection and evaluation is an important aspect of quality improvement. Reviewing the centers practices and strategies will ensure that we continually strive to improve our service to families and the children in our care. To this end, we have implemented the strategies below.

Policies and procedures will be made available to families, located in the service.

Educators will ensure that families can have access to policies and procedures, this gives both families and educators opportunities to suggest elements the need improving.

For educators and management this will occur: -

- At meetings
- At the policy review points
- Family meetings
- Newsletters
- Parent educator meetings

Who is affected by this policy: -

- Children
- Families
- Educators/Staff
- Management

SECURITY MEASURES

The centre will have the following security measures in place: -

- Surrounding child proof fences and gates, security cameras and CCTV.

The relevant legislative provisions outlined below are also to be complied with.

QA2

2.3.2 Every precaution is taken to protect children from harm and any hazards likely to cause injury.
2.3.4 Educators, coordinators and staff members are aware of their roles to respond to every child at risk of abuse or neglect.

National Regulations

84 Awareness of child protection law
99 Children leaving the education and care service premises
158 Children's attendance record to be kept by approved provider

Aim

The aim of this policy is to ensure that delivery and collection procedures are consistent with the safety of children. Children are delivered and collected from the centre by an authorized person only.

Implementation

The nominated supervisor, educators, staff will adhere to the following procedures at all times to ensure the safety of children.

Children and families will not be allowed to enter the service before opening hours.

We encourage you to drop children off before 10.30am, as we program daily for children and a late drop off may make it difficult to effectively include children in learning stories/daily journals.

If your child is going to be away on the day for any reason, please inform the centre via email.

ARRIVAL PROCEDURES

- All children are to be bought into the centre by an adult to an educator;
- Parent are required to make contact with educators when collecting their child;
- All children must be signed in by their parent or person who delivers them to the centre. If for any reason they are unable to sign, the nominated supervisor may sign them in;
- An educator will greet and receive the child;
- A locker or shelf space will be available for the child's belongings.

DEPARTURE PROCEDURES

- All children must be signed out by their parent or person who collects the child;
- Children can only be collected by a parent, authorized nominee who information is located on enrolment;
- It is the parent's responsibility to ensure their information is regularly updated;
- No child will be released into the care of unauthorized persons;
- Educators will always ensure the safety of the child first, if a person become aggressive or violent Educators may not release the child and ring the police on 000;
- Nominated supervisor will make sure that the child's records are kept up to date;
- No child will be released into the care of anyone not known to the educators

Parent must give prior notice when: -

- The person collecting the child is someone other than those mentioned on enrolment;
- There is a variation in the persons picking up of the child;
- If educators do not recognize the person by face, they may need to provide a form of identification (license);
- If the person collecting the child appears to be intoxicated, or under the influence of drugs, educators are to bring the matter to the persons attention before releasing the child;
- Signing in & out is a condition of your child's enrolment at the centre;
- Two educators verify and initial the open and close sign in sheets of the day;
- Individuals visiting the premises must sign in and out of the centre (visitors);

If a child has not been collected by the time, we are due to close the service, the Nominated supervisor will: -

- Attempt to contact the parents, authorized person;
- Leave a voice-mail and call again;
- Wait a few minutes and attempt to re dial, if the person has yet not arrived, ring the protection hotline for guidance before ringing emergency services (000)

The review will be conducted by: -

- Management;
- Families;
- Employees.

SUPERVISION OF CHILDREN

Activities
Outdoor activities vary from day to day and are dependent upon the weather and program. They include: -

- Ball games
- Team plays
- Free Play
- Water-based play
- Sand play
- Balancing and climbing games
- Gross motor skills
- Supervised play

The maximum number of children outside is reflect in table 2 above in relation to the noise management measures.

Monitoring process for outdoor play is the same as for indoor.

SUPERVISION POLICY

The following legislation is to be followed with regard to supervision.

NQS
QA2
2.3.2 Every reasonable precaution is taken to protect children from harm and any hazards or injury
4.1.1 Educator to child ratios requirements are maintained at all times.
5.2.3 The dignity and rights of every child are maintained at all times

National regulations

168- Policies & procedures are required in relation to health & safety
Implementation

The service defines 'supervision' as actively watching and attending their environment. Educators should avoid carrying out activities that will draw attention away from supervision. The supervision policy is committed to: -

- Complying with education and care services
- ensuring that children are supervised at all times
- considering the design and arrangement of children's environments
- guiding educators to make decisions about when children's play needs to be interrupted
- identifying high risk experiences and developing strategies, depending on the age and development of children.

The procedures relating to the supervision policy are laminated, clearly labelled and displayed for everyone to read: -

- Supervision procedures & practices are made easy to read and interpret
- The service will consider obtaining information in community languages
- The centre will have a supervision plan.

Procedure

Supervision is one of the most important care giving strategies and skills required by educators to develop and master. Listening and watching is an active combination of supervising. Children learn about who they are, how they react in situations, and discover interests. There are vital skills to develop as they assist staff to predict children's play patterns.

Positioning of educators

- It is important carers are able to move around effortlessly and view play areas from different angles
- Carers should be close enough to children to intervene promptly and prevent injury;
- Educators should ensure that students are being considered when coordinating supervision.

Listening when children play

- Listening is important and different sounds can alert educators to potential risks.

Knowledge of the environment and its potential risks

- Please refer to the maintenance policy

Setting up of the environment

- It is important that the design and layout should be safe enough to allow adults to freely interact.

Promoting play and learning experiences

- Supervision can ensure that children’s play is enjoyable, and their learning opportunities are promoted.

Risk management strategies

- Please refer to the services OH&S policy

Children's arrival & departure

- To ensure only authorized-persons collect children from the centre
- Upon enrolment and first starting day a parent is shown where to sign the child in & out

In relation to parents

- Parents or authorized persons MUST be responsible for the supervision of children not enrolled at the centre
- Parent must ensure that staff are aware of their child's arrival/departure
- Parent must hand the child over personally to staff/educators

In relation to staff

- Educators are to ensure that no child will exit the centre without a parent or authorized person
- While on duty, educators have a first priority to ensure safety of children

Nappy changes & toileting

- Please refer to the policy (toileting, nappy change)

Transporting children

- Please refer to the services OH&S policy

Protective behaviors & practices

- Staff, students, carers are role models
- Children learn through example and modelling to teach children

Staff professional development opportunities

- The service aims to maintain and strengthen the skills and knowledge of educators in relation to active supervision.

WASTE MANAGEMENT AND COLLECTION

Waste Collection

Development provides an enclosed waste room within the basement. Bins will be moved from that point to the kerbside along the site's frontage to Gilba Road, which will be consistent with the surrounding residential developments and is normal for neighbourhood child care centre of this nature.

All commercial waste and recycling services will be provided by a licensed waste contractor and collections will occur twice weekly.

The waste collection truck will schedule collection Monday to Friday between 10am and 2pm to limit any impacts during parent drop-off and pick-up.

EMERGENCY EVACUATION PLAN

An Emergency Evacuation Plan will be prepared and attached to this Plan of Management prior to commencement of operations of the child care centre. The plan will contain pictorial instructions detailing evacuation steps in the case of an emergency.

The plan is to include evacuation routes, assembly points, and a plan of action once a fire alarm has been activated. The Emergency Evacuation Plan is to be prominently located in each room and in the common area. The phone numbers of appropriate contacts will be maintained in the administrative centre.

A draft evacuation plan forms part of the submission documentation and this covers the lower ground floor and ground floor evacuation routes and diagrammatic representation of this arrangement.

DOCUMENTS ASSOCIATED WITH REPORT ELPP018/26

Attachment 7

Plan of Management - Co-living Development

think planners

Plan of Management

MIXED USE CO-LIVING DEVELOPMENT

3-5 GILBA ROAD, PENDLE HILL

7 FEBRUARY 2025



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QUALITY ASSURANCE

QUALITY ASSURANCE	
PROJECT:	**Plan of Management – Co-Living Development**
ADDRESS:	3-5 Gilba Road, Pendle Hill
LOT/DP:	Lot 49 and 50 in DP 13009
COUNCIL:	Cumberland Council
AUTHOR:	Think Planners Pty Ltd

Date	Purpose of Issue	Rev	Reviewed	Authorised
January 2025	Co-Ordination	Draft	EJ	JW
February 2025	DA Submission	Final	JW	JW

PLAN OF MANAGEMENT OVERVIEW

This Plan of Management has been prepared to accompany a development application that seeks approval for the demolition of all existing structures, removal of identified trees and to construct a mixed-use building comprising of two commercial units. 34 place childcare facility and 74 Co-Living Units at 3-5 Gilba Road, Pendle Hill.

The co-living development is to accommodate a total of 74 rooms including 4 designed as accessible rooms over four levels each provided with a full bathroom, kitchenette and living area. The co-living housing development will accommodate a total of 148 residents based on the room size and configuration as nominated on the plans, comprising of 74 rooms designed to accommodate two residents.

An office is provided for the building manager within the communal living area. Communal open space is provided on levels 1-4 and communal living areas are provided on the levels 3-4. Finally, a total of 15 car parking spaces including two accessible car parking space, 15 motorcycle parking space and 11 bicycle parking spaces are provided within a basement level. Also provided within the basement is the waste storage area, service room and pump room.

A summary of the key elements of the proposal are provided below:

Co-Living Housing Development Layout

A total of 74 rooms.

A breakdown of the co-living housing development room type is provided below:

- 74 x 2 Adult Residential rooms (including 4 x accessible rooms)

Parking

The development proposal includes a total of 15 car parking spaces including an accessible car parking space, 15 motorbike parking spaces and 11 bicycle parking spaces within a basement level.

This plan of management identifies appropriate strategies and procedures to address potential social or environmental impacts associated with the Co-Living development. The plan of management embraces current best practice methodologies such as casual surveillance, formal CCTV surveillance, clear contact points and procedures, complaint handling processes, articulation of responsibilities, and agreed house rules.

A plan of management is an accepted concept in environmental law and can be used in a range of circumstances. This plan of management assists in addressing the amenity impacts on the neighbours and integrating the proposed development with the existing development in the street.

The plan of management assists in addressing any adverse impacts on the amenity and characteristics of the established residential area. It provides a procedure to receive and resolve complaints.

The measures outlined in this plan of management will be of assistance in maintaining the amenity and characteristics of the area.

LEGISLATIVE FRAMEWORK

The Co-Living development is regulated by the Boarding Houses Act 2012 and the associated Boarding Houses Regulation 2013. The provisions of the Act and Regulations are to be complied with at all times.

Objects of the Act

The objects of the Act are to *establish an appropriate regulatory framework for the delivery of quality services to residents of registrable boarding houses, and for the promotion and protection of the wellbeing of such residents, by:*

(a) providing for a registration system for registrable boarding houses, and

(b) providing for certain occupancy principles to be observed with respect to the provision of accommodation to residents of registrable boarding houses and for appropriate mechanisms for the enforcement of those principles, and

(c) providing for the licensing and regulation of assisted boarding houses and their staff (including providing for service and accommodation standards at such boarding houses), and

(d) promoting the sustainability of, and continuous improvements in, the provision of services at registrable boarding houses.

Definition

The proposal is defined as a '*general boarding house'* under the Act:

(2) Boarding premises are a ***general boarding house*** *if the premises provide beds, for a fee or reward, for use by 5 or more residents (not counting any residents who are proprietors or managers of the premises or relatives of the proprietors or managers).*

KEY REQUIREMENTS

Registration of Boarding Houses

The boarding house is required to Notify the Commissioner the following according to Section 9:

9 Notification of particulars about registrable boarding house

(1) A proprietor of boarding premises that are used as a registrable boarding house must notify the Commissioner, in accordance with this section, of the following particulars so as to enable the Commissioner to include information about the boarding house in the Register:

(a) the name, and the residential or business address, of each proprietor of the boarding house,

(b) the name (if any) and the address of the registrable boarding house,

(c) whether the boarding house is a general or regulated assisted boarding house,

(d) whether development consent or approval is required under the Environmental Planning and Assessment Act 1979 to use the boarding house as boarding premises and, if so, whether such consent or approval has been granted,
(e) the number of residents of the registrable boarding house,
(f) the number of residents who are under 18 years of age,
(g) the name of the manager (if any) of the registrable boarding house,
(h) the total number of bedrooms provided as sleeping accommodation for the residents,
(i) such other particulars as may be approved by the Commissioner or prescribed by the regulations.

The additional particulars specified by Section 9(1)(i) are identified in Section 4 of the Regulations and stated as:

(1) The following additional particulars are prescribed for the purposes of section 9 (1) (i) of the Act:
(a) the telephone number and email address, if any, of the manager (if any) of the registrable boarding house,
(b) the telephone number, email address and website address, if any, of the registrable boarding house,
(c) the local government area in which the registrable boarding house is located,
(d) the telephone number and email address, if any, of each proprietor of the registrable boarding house,
(e) the maximum number of fee-paying residents who can be accommodated in the registrable boarding house,
(f) the method or methods for calculating charges for fee-paying residents and the fee amounts payable,
(g) the methods of payment used by fee-paying residents (including cash payments, credit cards, cheques, direct bank debits, money orders, BPay and Australia Post),
(h) the kinds of services provided to any residents (including accommodation, meals and personal care services),
(i) whether the registrable boarding house has special provisions for physical access and, if so, the kind of provisions provided,
(j) the numbers of residents who fit into each of the following categories (to the extent that it is reasonably practicable to ascertain this information):
(i) males,
(ii) females,
(iii) elderly persons (that is, persons 60 years of age or more),
(iv) students of tertiary institutions,
(v) persons who are mentally ill persons within the meaning of the Mental Health Act 2007,
(vi) persons who have a disability (however arising and whether or not of a chronic episodic nature) that is attributable to an intellectual, psychiatric, sensory, physical or like impairment or to a combination of such impairments,

(vii) persons with significant health problems,
(viii) persons needing assistance with daily tasks and personal care.

Occupancy Agreements

A written Occupancy Agreement is to be formulated in accordance with the Act and associated Regulations that sets out the terms of the occupancy agreement. The Occupancy Agreement is to align with the Occupancy Principles contained in Schedule 1 of the Act, as stated below (but may be updated from time to time):

Schedule 1 Occupancy principles

(Section 30 (1))
1 State of premises
A resident is entitled to live in premises that are:
(a) reasonably clean, and
(b) in a reasonable state of repair, and
(c) reasonably secure.
2 Rules of registrable boarding house
A resident is entitled to know the rules of the registrable boarding house before moving into the boarding house.
3 Penalties for breaches of agreement or house rules prohibited
A resident may not be required to pay a penalty for a breach of the occupancy agreement or the rules of the registrable boarding house.
4 Quiet enjoyment of premises
A resident is entitled to quiet enjoyment of the premises.
5 Inspections and repairs
A proprietor is entitled to enter the premises at a reasonable time on reasonable grounds to carry out inspections or repairs and for other reasonable purposes.
6 Notice of increase of occupancy fee
A resident is entitled to 4 weeks written notice before the proprietor increases the occupancy fee.
7 Utility charges
(1) The proprietor is entitled to charge a resident an additional amount for the use of a utility if:
(a) the resident has been notified before or at the time of entering the occupancy agreement of the use of utilities in respect of which the resident will be charged, and
(b) the amount charged is based on the cost to the proprietor of providing the utility and a reasonable measure or estimate of the resident's use of that utility.
*(2) A **utility** for the purposes of this clause is each of the following:*
(a) the supply of electricity,
(b) the supply of gas,
(c) the supply of oil,
(d) the supply of water,

(e) the supply of any other service prescribed by the regulations.

8 Payment of security deposits

(1) The proprietor may require and receive a security deposit from the resident or the resident's authorised representative only if:

(a) the amount of the deposit does not exceed 2 weeks of occupancy fee under the occupancy agreement, and

(b) the amount is payable on or after the day on which the resident (or the resident's authorised representative) enters the agreement.

(2) Within 14 days after the end of the occupancy agreement, the proprietor must repay to the resident (or the resident's authorised representative) the amount of the security deposit less the amount necessary to cover the following:

(a) the reasonable cost of repairs to, or the restoration of, the registrable boarding house or goods within the premises of the boarding house, as a result of damage (other than fair wear and tear) caused by the resident or an invitee of the resident,

(b) any occupation fees or other charges owing and payable under the occupancy agreement or this Act,

(c) the reasonable cost of cleaning any part of the premises occupied by the resident not left reasonably clean by the resident, having regard to the condition of that part of the premises at the commencement of the occupancy,

(d) the reasonable cost of replacing locks or other security devices altered, removed or added by the resident without the consent of the proprietor,

(e) any other amounts prescribed by the regulations.

(3) The proprietor may retain the whole of the security deposit after the end of the occupancy agreement if the costs, fees or charges referred to in subclause (2) (a)–(e) are equal to, or exceed, the amount of the security deposit.

(4) In this clause:

***security deposit** means an amount of money (however described) paid or payable by the resident of a registrable boarding house or another person as security against:*

(a) any failure by the resident to comply with the terms of an occupancy agreement, or

(b) any damage to the boarding house caused by the resident or an invitee of the resident, or

(c) any other matter or thing prescribed by the regulations.

9 Information about occupancy termination

A resident is entitled to know why and how the occupancy may be terminated, including how much notice will be given before eviction.

10 Notice of eviction

(1) A resident must not be evicted without reasonable written notice.

(2) In determining what is reasonable notice, the proprietor may take into account the safety of other residents, the proprietor and the manager of the registrable boarding house.

(3) Subclause (2) does not limit the circumstances that are relevant to the determination of what is reasonable notice.

11 Use of alternative dispute resolution

A proprietor and resident should try to resolve disputes using reasonable dispute resolution processes.

12 Provision of written receipts

A resident must be given a written receipt for any money paid to the proprietor or a person on behalf of the proprietor.

MANAGEMENT OF THE CO-LIVING DEVELOPMENT

The Co-living development will be managed by an appointed on site manager who will be present on the site at least Monday to Friday between 9am and 5pm and through a Property Management Company, who will be contactable 24 hours a day and 7 days per week. The Property Management Company will be a business with relevant ABN and authorities for property management and is licensed under the Property Stock and Business Agents Act and associated regulations, will be made the point of contact. The site manager is to be trained and have resources to screen potential occupants, manage complaints efficiently and ensure maintenance of common property is systematic and thorough.

The Manager/ Property Management Company will be able to respond within short timeframes, and be responsible for contracts and contacts with maintenance persons and companies, manage the facilities for the recording and storing of CCTV footage, and have established relationships/contacts with security companies and services such as the NSW Police Force, NSW Ambulance Service and NSW Fire and Rescue.

Any matters that require urgent and potentially life threatening responses are the responsibility of either police, ambulance or fire services.

The Manager/ Property Management Company must:

- Be experienced in the operation of multiple occupancy residential development.
- Oversee all occupancy agreements and ensure such agreements align with the provisions of the Boarding Houses Act 2012 and associated Regulations, including setting out information about occupancy evictions (such as the amount of notice to be provided of eviction).
- Organise building and landscaping maintenance as required through the engaging of contractors to undertaken maintenance, landscaping and cleaning functions.
- Promptly address and respond to tenant issues and building operation and maintenance matters.
- Maintain an incident register and record any complaints. The register is to be made available to Council.
- Ensure that the total occupancy of the rooms pursuant to the leases does not exceed 88 lodgers.
- Provide the tenant with a copy of the Resident Information Brochure and House Rules with any new occupancy agreement;
- Undertake periodic inspections of the boarding rooms to ensure that they are being maintained in a clean and tidy fashion and that maximum occupant numbers are maintained.

MAINTENANCE OF COMMON AREAS AND RESPONSIBILITIES

Common areas are to be maintained by users and spaces should be left as they are found, in a clean and tidy state.

A weekly cleaner will be employed, at the cost of the Co-living development owner, to ensure that common property is clean and to take out the bins for the council garbage collection and subsequently bring in the bins after collection. Recycling bins and residual bins will be provided in each room to promote recycling.

The Co-living development manager is to employ the services of professional maintenance companies to undertake regular maintenance of the building. The maintenance companies are to enter the premises regularly and complete all maintenance required.

Any damage of internal or external property is repaired immediately together with all wear and tear items.

MAINTENANCE OF INDIVIDUAL AREAS AND RESPONSIBILITIES

Individual residents are responsible for maintaining their rooms in a clean and tidy state and must be made available for inspection by the co-living development manager upon request (48 hours' notice).

PEST CONTROL ARRANGEMENTS

Cleaning will also include regular inspections for vermin control and pest control services will be arranged by the co-living development manager on a regular basis.

WASTE MANAGEMENT AND COLLECTION

A weekly cleaner will be employed, at the cost of the Co-living development owner, to ensure that the common property is clean and to take out the bins for the council garbage collection and subsequently bring in the bins after collection. Recycling bins and residual bins will be provided in each room to promote recycling.

FIRE SAFETY

A Fire Safety Evacuation Plan will be prepared and attached to this Plan of Management prior to commencement of operations of the co-living development. The plan will contain pictorial instructions detailing evacuation steps in the case of an emergency. The plan is to include evacuation routes, assembly points, and a plan of action once a fire alarm has been activated. The Fire Safety Evacuation Plan is to be prominently located in each room and in the common area.

The phone numbers of appropriate contacts will be prominently displayed throughout the premises e.g., NSW Police, Security Company, NSW Fire and Rescue, NSW Ambulance Service and other local emergency assistance services.

EMERGENCY CONTACTS AND PROCEDURES

The phone numbers of appropriate contacts will be prominently displayed throughout the premises (foyer and common rooms) e.g., NSW Police, Security Company, NSW Fire and Rescue, NSW Ambulance Service and other local emergency assistance services. Phone numbers are also to be provided for appropriate support infrastructure service providers such as Telstra, Electrical Authority, Water Authority, local Council, etc.

CONFLICT RESOLUTION

Complaints from the community and between lodgers are to be noted in an Incident Diary with details of the complaint and the action taken to address the complaint. The task of the manager is to ensure that all neighbourhood and internal complaints are recorded, and management responses documented. A Management Diary and an Incident Register is to be kept.

The manager/ Property Management Company will listen to complaints or respond to correspondence and detail procedures to the persons complaining as to how the Co-living development intends minimising any further impact in the future on neighbours or between residents.

The procedures detailed in this Plan of Management are designed to minimise complaints. The site manager is to deal with empathy and respect to any person making a complaint.

COMPLAINTS MECHANISM: EXTERNAL

The Manager/ Property Management Company is responsible for establishing contact and maintaining a relationship with the neighbours of the Co-living development within a 100m radius by undertaking the following tasks:

- Upon appointment letterbox drop all mail boxes within 100m radius of the Boarding Housing advising of their appointment and nominating all methods to contact them should any matter arise that warrants addressing. There shall be no less than two after hours contact numbers.

- Provide a clear sign at the front of the Co-living development, that is visible to the occupants of the complex and passer bys, identifying the name of the manager and the methods of contacting the Manager in the event that there is a matter that warrants addressing.

Complaints from the community are to be noted in an Incident Diary with details of the complaint and the action taken to address the complaint.

The task of the manager is to ensure that all neighbourhood complaints are recorded, and management responses documented. A Management Diary and an Incident Register is to be kept. The site manager and the Property Management Company will listen to complaints or respond to correspondence and detail procedures to the persons complaining as to how the Co-living development intends minimising any further impact in the future.

The procedures detailed in this Plan of Management are designed to minimise complaints.

The manager is to deal with empathy and respect to any person making a complaint.

COMPLAINTS MECHANISM: BETWEEN LODGERS

The manager or Property Management Company is responsible for acting as mediator in disputes between lodgers.

Complaints from the lodgers are to be noted in an Incident Diary/Electronic Register with details of the complaint and the action taken to address the complaint. The task of the site manager is to ensure that all complaints are recorded, and management responses documented. A Management Diary and an Incident Register is to be kept.

The site manager or Property Management Company will listen to complaints or respond to correspondence and detail procedures to the persons complaining as to how it is intended to minimise any further impact in the future.

The procedures detailed in this Plan of Management are designed to minimise complaints.

The manager is to deal with empathy and respect to any person making a complaint.

HOUSE RULES - AMENITY OF THE NEIGHBOURHOOD AND CONTROL OF NOISE

The draft “House Rules” for the Co-living development are attached to this Plan of Management. It is noted that the document is a draft as it outlines the minimum requirements to be implemented by the site manager / Property Management Company; however, it may be appropriate to amend and add to the House Rules as the Co-living development operations evolve.

The House Rules are to be prominently displayed in the common areas. Each new tenant is to be provided with a copy of the House Rules when signing their leasing agreement and agree to be bound by the House Rules.

House Rules relate to:

- The emission of noise (from within the co-living development and the external spaces);
- prohibition of large gatherings and parties on the premises;
- interference with the peace and quiet of other residents and neighbours;
- volume of television and music players;
- control of alcohol intake and prohibition of illegal substances; and
- anti-social behaviour.
- Parking of vehicles.

The emission of noise and appropriate hours for noise emission is dictated in legislation and enforced by parties such as the local Council.

The site manager is to be familiar with the legislative requirements and rules and be aware of the relevant authorities that are responsible for enforcement of noise issues.

HOUSE RULES

The following rules are a condition of your occupancy agreement – Any breach of these rules will result in termination of your occupancy agreement.

Resident Behaviour & Neighbour Relations
Each occupant is required to ensure that other occupants of this co-living development as well as surrounding neighbours are allowed to peacefully and quietly enjoy their own premises. Each occupant is required to ensure they do not do anything or allow anything to occur that will impact on the quiet enjoyment of each tenant and neighbour of this co-living development.

Occupants of each boarding room shall make available their boarding room available for inspection by the property manager. This shall be by appointment with 48 hours' notice. However, in the case of an emergency, no notice is required, and the property manager may use the spare key to enter the premises.

Anti-social behaviour of any kind is prohibited and will be referred immediately to the police.

Any breach of the house rules will result in warnings initially, and in the case of persistent and serious breaches, termination of your lease and eviction from the premises.

Noise & Radio/TV
At any time, noisy activities are occurring, occupants should keep doors and windows closed where possible to reduce noise emission and impact on neighbours.

Television, music players and any other sound emitting devise should be kept at a moderate level and not be audible from neighbouring properties

Use of External Areas
The common courtyards shall only be used during the following Hours:

- Sunday to Thursday 7am to 10pm
- Friday and Saturday 7am to 12midnight

Alcohol and Smoking
No illegal substances are to be consumed or be brought into common property at any time. Moderate levels of Alcohol consumption can occur in rooms and common areas, however, must be disposed of in designated recycling bins.

No smoking is permitted within the Co-living development.

Register of Complaints & Dealing with Complaints: Neighbours
The site manager/Property Management Company is responsible for establishing contact and maintaining a relationship with the neighbours of the Co-living development within a 100m radius by undertaking the following tasks:

Upon appointment letterbox drop all mail boxes within 100m radius of the Boarding Housing advising of their appointment and nominating all methods to contact them should any matter arise that warrants addressing. There shall be no less than two after hours contact numbers.

Provide a clear sign at the front of the Co-living development, that is visible to the public, identifying the name of the site manager/ Property Management Company and the methods of contacting the Manager/ Property Management Company in the event that there is a matter that warrants addressing.

Complaints from the community are to be noted in an Incident Diary/Electronic Register with details of the complaint and the action taken to address the complaint. This is to include specific room numbers that generate complaints. (If known)

The task of the manager/ Property Management Company is to ensure that all neighbourhood complaints are recorded, and management responses documented.

A Management Diary and an Incident Register is to be kept.

The manager/ Property Management Company will listen to complaints or respond to correspondence and detail procedures to the persons complaining as to how the Co-living development intends minimising any further impact in the future.

Register of Complaints & Dealing with Complaints: Between Tenants
If conflict between lodgers cannot be resolved amicably complaints are to be directed to the co-living development manager who will act as a mediator between lodgers. Complaints are to be to be noted in an Incident Diary with details of the complaint and the action taken to address the complaint.

This is to include specific room numbers that generate complaints.

The task of the manager/ Property Management Company is to ensure that all internal complaints are recorded, and management responses documented. A Management Diary and an Incident Register is to be kept.

The site manager/ Property Management Company will listen to complaints or respond to correspondence and detail procedures to the persons complaining as to how it is intended to minimise any further impact in the future.

Cleaning Schedules
Each resident is required keep common areas clean. After using common facilities such as the communal kitchen or bathroom, residents are clean up after themselves. Residents are encouraged to use their own private kitchen and bathroom where possible.

Common areas are to be maintained by users and spaces should be left as they are found- in a clean and tidy state.

A weekly cleaner will be employed, at the cost of the Co-living development owner, to ensure that the common property is clean and to take out the bins for the council garbage collection and subsequently bring in the bins after collection. Recycling bins and residual bins will be provided in each room to promote recycling.

Waste Disposal
Waste is to be disposed to the communal waste bins once bins are full;

Common Areas and Usage Times
Common areas are available for the enjoyment of boarders provided good order is maintained. All waste is to be disposed of and not left in the common areas or externally in common areas;

The common courtyard shall only be used during the following Hours:
- Sunday to Thursday 7am to 10pm
- Friday and Saturday 7am to 12 midnight

Behaviour and Guest Visiting Times
Each tenant of this co-living development is responsible for themselves and their visitors. Tenants should ensure their visitors enter and exit the site in a quiet and respectful manner, having regard to the time of day or night they are entering or exiting the site.

Guests are permitted on site however they are not to stay overnight unless the occupancy of the room permits it

Animals
There is to be no keeping of large animals on the premises as this may compromise the health and/or safety of other residents and will impact upon maintenance and cleanliness requirements within the Co-living development.

Subject to prior approval being received residents may keep small animals in their rooms such small animals such as fish, lizards and mice.

Smoking
No smoking is permitted within the Co-living development.

Alcohol and Drugs
No illegal substances are to be consumed or be brought into common property at any time. Moderate alcohol consumption is permitted in common areas. Alcohol consumed is to be disposed of in designated recycling bins. (If recyclable)

Security
The Co-living development is to be fitted with recording CCTV cameras in the common areas such entries, basement area and common lounge areas. All movement in these areas is to be recorded and monitored The footage is to be capable of being viewed live and recorded, over the Internet from any fixed or portable Internet viewing device, from anywhere locally or internationally.

The continual electronic monitoring and recording of common areas is a key function of providing actual and perceived security. These premises are under 24/7 video surveillance which is recorded and held and will be provided to council and/or law enforcement at any time. Disturbances are to be reported to the site manager/ Property Management Company and NSW Police (if manager unavailable).

Function and Event Restrictions
No Parties are any other noise generating activity is to occur after 10pm Sunday to Thursday and after midnight Friday and Saturday. Any parties on premises are to have the prior approval of the co-living development manager/ Property Management Company and a notice/communication advising of this is to be provided to all residents by the manager at least 48 hours prior to the event.

DOCUMENTS ASSOCIATED WITH REPORT ELPP018/26

Attachment 8

State Environmental Planning Policy (Housing) 2021

ATTACHMENT 8
STATE ENVIRONMENTAL PLANNING POLICY (HOUSING) 2021
COMPLIANCE TABLE

Section	Controls/objectives	Comments	Complies
Chapter 1 Preliminary			
Section 3 Principles of Policy	The principles of this Policy are as follows— (a) enabling the development of diverse housing types, including purpose-built rental housing, (b) encouraging the development of housing that will meet the needs of more vulnerable members of the community, including very low to moderate income households, seniors and people with a disability, (c) ensuring new housing development provides residents with a reasonable level of amenity, (d) promoting the planning and delivery of housing in locations where it will make good use of existing and planned infrastructure and services, (e) minimising adverse climate and environmental impacts of new housing development, (f) reinforcing the importance of designing housing in a way that reflects and enhances its locality, (g) supporting short-term rental accommodation as a home-sharing activity and contributor to local economies, while managing the social and environmental impacts from this use, (h) mitigating the loss of existing affordable rental housing.	The proposal does not comply with principle (c) as the co-living housing does not design to provide its residents or the neighbours with a reasonable level of amenity. In addition, the proposal does not comply with principle (d) as the co-living housing is not adequately planned and in locations where it will make good use of existing and planned infrastructure and services.	No.
Chapter 3 Diverse Housing			
Part 3 Co-living housing			
Section 67 Co-living housing may be carried out on certain land with consent	Development for the purposes of co-living housing may be carried out with consent on land in a zone in which development for the purposes of co-living housing, residential flat buildings or shop top housing is permitted under another environmental planning instrument.	Co-living housing is permissible with consent pursuant to section 67(b) by virtue of shop top housing being permitted in the E1 Local Centre zone under the Cumberland LEP 2021.	Yes.
Section 68 Non-discretionary development standards	(1) The object of this section is to identify development standards for particular matters relating to development for the purposes of co-living housing that, if complied with, prevent the consent authority from requiring more onerous standards for the matters.	Noted.	Noted

	(2)(a) The following are non-discretionary development standards in relation to development for the purposes of co-living housing— (a) for development in a zone in which residential flat buildings are permitted—a floor space ratio that is not more than— (i) the maximum permissible floor space ratio for residential accommodation on the land, and (ii) an additional 10% of the maximum permissible floor space ratio if the additional floor space is used only for the purposes of co-living housing,	The bonus FSR does not apply to the site given residential flat building is not permitted in the R1 Local Centre zone under the Cumberland LEP 2021. Therefore, the maximum permissible FSR that applies to the site is 2:1 in accordance with Clause 4.4 of the Cumberland LEP 2021 and the maximum permissible gross floor area (GFA) that applies to the site is 2,130sqm. The development provides a total GFA of 2,763.135sqm which equates to a total FSR of 2.594:1, which exceed the maximum allowable FSR that applies to the site. No clause 4.6 submission has been lodged seeking to justify variation of the development standard and accordingly, the application is incapable of being approved.	No.
	(2)(b) for co-living housing containing 6 private rooms— (i) a total of at least 30sqm of communal living area, and (ii) minimum dimensions of 3m for each communal living area,	The proposal is for 74 rooms.	Not applicable.
	(2)(c) for co-living housing containing more than 6 private rooms— (i) a total of at least 30sqm of communal living area plus at least a further 2sqm for each private room in excess of 6 private rooms, and (ii) minimum dimensions of 3m for each communal living area,	Given the proposal is for 74 rooms a total of at least 166sqm of communal living area/s with minimum dimensions of 3m must be provided. The proposal provides a communal living room on level 4 measuring 166sqm with minimum internal dimensions 4.2m which complies with this standard.	Yes.
	(2)(d) communal open spaces— (i) with a total area of at least 20% of the site area, and (ii) each with minimum dimensions of 3m,	A total area of at least 20% of the site area (213sqm) of communal open spaces each with minimum dimensions of 3m communal open spaces must be provided. Proposed various communal open space on L1 to L4 with the total 182sqm usable communal open spaces that excluding communal open spaces with less than 3m dimension. Therefore, the proposal a	No.

		demonstrates a shortfall of 31sqm of communal open space or 14.55% variation to the required non-discretionary development standard. Given the proposal does not demonstrate compliance with this non-discretionary development standard and a Clause 4.6 variation has not been provided, insufficient information under this section is included as a reason for refusal.	
	(2)(e) unless a relevant planning instrument specifies a lower number— (i) for development on land in an accessible area—0.2 parking spaces for each private room, or (ii) otherwise—0.5 parking spaces for each private room,	The subject site is located within 400m from the Pendle Hill Train Station (accessible area) and a minimum 14.8 car parking spaces is required. The proposal nominated 15 car parking spaces within the basement level which demonstrates compliance with this standard.	Yes.
	(2)(f) for development on land in Zone R2 Low Density Residential or Zone R3 Medium Density Residential—the minimum landscaping requirements for multi dwelling housing under a relevant planning instrument,	The land is zoned E1 Local Centre under the Cumberland LEP 2021.	Not applicable.
	(2)(g) for development on land in Zone R4 High Density Residential—the minimum landscaping requirements for residential flat buildings under a relevant planning instrument.		
Section 69 Standards for co-living housing	(1) Development consent must not be granted for development for the purposes of co-living housing unless the consent authority is satisfied that—		
	(a) each private room has a floor area, excluding an area, if any, used for the purposes of private kitchen or bathroom facilities, that is not more than 25sqm and not less than— (i) for a private room intended to be used by a single occupant—12sqm, or (ii) otherwise—16sqm.	Adequate room sizes have not been provided for the occupants of 62 rooms (being all those other than rooms 8, 16, 19, 39, 42, 51, 52, 58, 61, 65, 68 & 71). Those 62 rooms are put forward as double occupant rooms but have areas ranging between 14.4sqm and 15.8sqm excluding bathrooms, kitchen areas and standing room at kitchen areas. If relied upon as being double rooms, the rooms have deficient amenity. If retained in their current form, the rooms would be suitable for use by a single occupant.	No.

	(b) minimum lot size for the co-living housing is not less than— (i) for development on land in Zone R2 Low Density Residential—600sqm, or (ii) for development on other land—800sqm.	The site has an area of 1,065sqm .	Yes.
	(c) for development on land in Zone R2 Low Density Residential or an equivalent land use zone, the co-living housing— (i) will not contain more than 12 private rooms, and (ii) will be in an accessible area,	The land is zoned E1 Local Centre under the Cumberland LEP 2021.	Not applicable.
	(d) the co-living housing will contain an appropriate workspace for the manager, either within the communal living area or in a separate space,	Approximately 1.5sqm desk space is provided within the Level 4 communal living room for the manager.	Yes.
	(e) for co-living housing on land in a business zone—no part of the ground floor of the co-living housing that fronts a street will be used for residential purposes unless another environmental planning instrument permits the use,	Proposed mixed use development with commercial tenancy and centre-based child care centre proposed on the ground floor level.	Yes.
	(f) adequate bathroom, laundry and kitchen facilities will be available within the co-living housing for the use of each occupant,	Each room contains private bathroom, kitchenette and laundry facilities.	Yes.
	(g) each private room will be used by no more than 2 occupants, and	Each private room will be used by no more than 2 occupants.	Yes.
	(h) the co-living housing will include adequate bicycle and motorcycle parking spaces.	The development proposes 14 motorcycle parking spaces and 10 bicycle parking spaces within the basement level which is considered sufficient to service 74 co-living rooms with the maximum capacity of 74 room and 86 occupant capacity (62 x single occupancy rooms and 12 double occupancy rooms). However, the locations of 9 motorcycle parking spaces is not satisfied as they are located behind and adjoins to the child care centre staff car parking spaces within the basement level. These motorcycle parking spaces shall be relocated towards the co-living car park area to service the co-living occupants.	No. Complies with number but location is not satisfactory .
	(2) Development consent must not be granted for development for the purposes of co-living housing unless the consent authority considers whether—		

<table>
<tr><td></td><td>(a) the front, side and rear setbacks for the co-living housing are not less than—

(i) for development on land in Zone R2 Low Density Residential or Zone R3 Medium Density Residential—the minimum setback requirements for multi dwelling housing under a relevant planning instrument, or

(ii) for development on land in Zone R4 High Density Residential—the minimum setback requirements for residential flat buildings under a relevant planning instrument, and</td><td>The land is zoned E1 Local Centre under the Cumberland LEP 2021.</td><td>Not applicable.</td></tr>
<tr><td></td><td>(b) if the co-living housing has at least 3 storeys—the building will comply with the minimum building separation distances specified in the Apartment Design Guide,

Separation between windows and balconies is provided to ensure visual privacy is achieved.

Minimum required separation distances from buildings to the side and rear boundaries are as follows:

<table><tr><th>Building height</th><th>Habitable rooms & balconies</th><th>Non habitable rooms</th></tr><tr><td>Up to 12m (4 storeys)</td><td>6m</td><td>3m</td></tr><tr><td>Up to 25m (5-8 storeys)</td><td>9m</td><td>4.5m</td></tr><tr><td>Over 25m (9 + storeys)</td><td>12m</td><td>6m</td></tr></table></td><td><u>1 Billabong Street (North)</u>

Level 1 to Level 3: All habitable room windows on the upper levels are minimum 23.6m setback from northern side boundary which complies with this numerical requirement.

<u>1 Gilba Rod and 1A Gilba Road (East)</u>

Level 1 to Level 3: All habitable room windows on the upper levels are proposed to be minimum 10.215m setback from the eastern side boundary which complies with this requirement.</td><td>Yes.

Yes.</td></tr>
<tr><td></td><td>(c) at least 3 hours of direct solar access will be provided between 9am and 3pm at mid-winter in at least 1 communal living area, and</td><td>The shadow diagram and solar study submitted with the development application indicated the communal living area will achieve the requisite amount of solar access given it is located on the Level 4 of the proposed development with side windows facing the western street frontage (Billabong Street) and the northern side elevation.</td><td>Yes.</td></tr>
<tr><td></td><td>(f) the design of the building will be compatible with—

(i) the desirable elements of the character of the local area, or

(ii) for precincts undergoing transition—the desired future character of the precinct.</td><td>The area is undergoing transition as E1 Local Centre zone and developments with higher density. In this instance, the nil setback on the lower levels (up to 3 storeys) along Billabong Street and Gilba Road is considered acceptable.

The proposed co-living housing is designed to 3m setback from</td><td>Acceptable.</td></tr>
</table>

		the external wall of the co-living rooms on Levels 3 and 4 with 1m depth balconies to soften the visual impact of the development on the upper levels to meet the desired future character of the E1 Local Centre zone.	
	(3) Subsection (1) does not apply to development for the purposes of minor alterations or additions to existing co-living housing.	The development is for a new co-living housing development.	Not applicable.
Section 70 No subdivision	Development consent must not be granted for the subdivision of co-living housing into separate lots.	Subdivision is not proposed.	Not applicable.

DOCUMENTS ASSOCIATED WITH REPORT ELPP018/26

Attachment 9

State Environmental Planning Policy (Transport and Infrastructure) 2021

ATTACHMENT 9
State Environmental Planning Policy (Transport and Infrastructure) 2021

The subject Development Application falls under Chapter 3 Part 3 Section 3.3 of the Transport and Infrastructure SEPP 2021, entitled *Early education and care facilities—specific development controls.* An assessment against the relevant clauses of the Transport and Infrastructure SEPP 2021 is provided in the table below:

Section 3.3 Early education and care facilities—specific development controls

Standard	Required/Permitted	Provided	Comply
3.22 Concurrence of Regulatory Authority required for certain development	(1) This clause applies to development for the purpose of a centre-based child care facility if: (a) the floor area of the building or place does not comply with regulation 107 (indoor unencumbered space requirements) of the Education and Care Services National Regulations, or (b) the outdoor space requirements for the building or place do not comply with regulation 108 (outdoor unencumbered space requirements) of those Regulations. (2) The consent authority must not grant development consent to development to which this clause applies except with the concurrence of the Regulatory Authority.	The proposal does not provide sufficient unencumbered indoor play area and any outdoor play area that is capable to the referred to the Early Childhood Education (NSW Regulatory Authority) as identified in the *Education and Care Services National Regulations*.	No.
3.23 Matters for consideration by consent authorities	Before determining a development application for development for the purpose of a centre-based child care facility, the consent authority must take into consideration any applicable provisions of the *Child Care Planning Guideline*, in relation to the proposed development.	The proposal fails to comply with all matters of consideration that required for the centre-based child care centre which form part of the reasons of refusal of this development application. Please refer to the CCPG Assessment contained at Attachment 10 Part 3.	Refer to Appendix B.
3.24 Centre-based child care facility in certain zones – additional matters for consideration by consent authorities	(1) The object of this section is to minimise land use conflicts with existing developments on surrounding land and to ensure the safety and health of people using or visiting a centre-based child care facility on land in a prescribed zone. (2) The consent authority must consider the following matters before determining a development application for development for the purpose of a centre-based child care facility on land in a prescribed zone-	Centre-based child care facility is permissible with consent within E1 Local Centre zone. Access to the child care centre can be made from the car park level and pedestrian access off Billabong Street to the site. The site inspection confirmed the subject site does not adjoin another heavy or hazardous	Yes.

	(a) whether the proposed development is compatible with neighbouring land uses, including its proximity to restricted premises, sex services premises or hazardous land uses, (b) whether the proposed development has the potential to restrict the operation of existing industrial land uses, (c) whether the location of the proposed development will pose a health or safety risk to children, visitors or staff. (3) The matters referred to in subsection (2) are in addition to any other matter that the consent authority must consider before determining a development application for development for the purpose of a centre-based child care facility. (4) In this section, prescribed zone means any of the following land use zones- (a) Zone E4 General Industrial, (b) Zone E5 Heavy Industrial, (c) Zone IN1 General Industrial, (d) Zone IN2 Heavy Industrial.	industry, known restricted premises, sex services premises or hazardous land and the proposed commercial tenancy and co-living development on site will unlikely to impose any health or safety risk to children, visitors or staff.	
3.25 Centre-based child care facility—floor space ratio	(1) Development consent must not be granted for the purposes of a centre-based child care facility in Zone R2 Low Density Residential if the floor space ratio for the building on the site of the facility exceeds 0.5:1. (2) This section does not apply if another environmental planning instrument or a development control plan sets a maximum floor space ratio for the centre-based child care facility.	The site is within E1 Local Centre zone and the 2:1 FSR requirement applies to the subject site in accordance with the Cumberland LEP 2021.	Not applicable.
3.26 Non-discretionary development standards	(3) The object of this clause is to identify development standards for particular matters relating to a centre-based child care facility that, if complied with, prevent the consent authority from requiring more onerous standards for those matters. (4) The following are non-discretionary development standards for the purposes of section 4.15 (2) and (3) of the Act in relation to the carrying out of development for the purposes of a centre-based child care facility: (a) Location – the development may be located at any distance from an	Noted. Noted.	Noted. Noted.

	existing or proposed early education and care facility, (b) indoor or outdoor space (i) for development to which regulation 107 (indoor unencumbered space requirements) or 108 (outdoor unencumbered space requirements) of the *Education and Care Services National Regulations* applies — the unencumbered area of indoor space and the unencumbered area of outdoor space for the development complies with the requirements of those regulations, or	The proposal fails to comply with Clause 107 and Clause 108 of the National Regulations.	No.
	(ii) for development to which clause 28 (unencumbered indoor space and useable outdoor play space) of the *Children (Education and Care Services) Supplementary Provisions Regulation 2012* applies — the development complies with the indoor space requirements or the useable outdoor play space requirements in that clause,	The proposal fails to comply with Clause 28(2) and Clause 28(4) of the Supplementary Provisions Regulation.	No.
	(c) site area and site dimensions—the development may be located on a site of any size and have any length of street frontage or any allotment depth,	Noted.	Noted.
	(d) colour of building materials or shade structures — the development may be of any colour or colour scheme unless it is a State or local heritage item or in a heritage conservation area.	Noted.	Noted.
	(5) To remove doubt, this clause does not prevent a consent authority from: (a) refusing a development application in relation to a matter not specified in subclause (2), or (b) granting development consent even though any standard specified in subclause (2) is not complied with.	Noted.	Noted.
3.27 Development control plans	(1) A provision of a development control plan that specifies a requirement, standard or control in relation to any of the following matters (including by reference to ages, age ratios,		

	groupings, numbers or the like, of children) does not apply to development for the purpose of a centre-based child care facility:		
	(a) operational or management plans or arrangements (including hours of operation),	Plan of management is submitted with the application and is considered acceptable.	Yes.
	(b) demonstrated need or demand for child care services,		
	(c) proximity of facility to other early education and care facilities,		
	(d) any matter relating to development for the purpose of a centre-based child care facility contained in:	The internal designed and car parking of the proposed centre-based child care facility fails to demonstrate compliance with Child Care Planning Guideline in full which forms part of the reasons of refusal.	No.
	(i) the design principles set out in Part 2 of the *Child Care Planning Guideline*, or		
	(ii) the matters for consideration set out in Part 3 or the regulatory requirements set out in Part 4 of that Guideline (other than those concerning building height, side and rear setbacks or car parking rates).	Refer to the Attachment 10 below.	
	(2) This clause applies regardless of when the development control plan was made.		

DOCUMENTS ASSOCIATED WITH REPORT ELPP018/26

Attachment 10

Child Care Planning Guideline

ATTACHMENT 10
Child Care Planning Guideline Compliance Table

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

An assessment against Parts 2, 3 & 4 of the Guideline is provided in the tables below:

Part 2 – Design quality principles

The design quality principles establish the broad design context guide of all new proposals for child care facilities, regardless of whether they are stand alone, part of a mixed-use development, modifications or retrofits of existing buildings or seeking to occupy premises without incurring new building works.

Good design is integral to creating sustainable and liveable communities. There is growing appreciation of the significant role that good design can play in education with increasing evidence that learning outcomes are closely related to the quality of learning environments.

Factors such as air quality, ventilation, natural lighting, thermal comfort and acoustic performance have been shown to have a profound impact on learning, engagement, social interactions and competencies. They also contribute to wellbeing through creating a sense of belonging, self-esteem and confidence.

Principles	Comment
Principle 1: Context	No – The proposal fails to satisfy the aims of the Cumberland LEP 2021 given the proposed is not designed to ensure the development will minimises impacts to adjoining properties and does not satisfy the aim (f) of Clause 1.2 of the Cumberland LEP 2021. The context of the building is inappropriate given the development does not achieve an appropriate design for the site due to non-compliances with unencumbered play space, flood mitigation measures, basement car park design, number of car parking spaces, vehicular access and stormwater drainage.
Principle 2: Built form	No – The design fails to achieve an appropriate built form for the site and the building purposes in terms of bulk and scale. The submitted architectural plans is inconsistent with the landscape plans which does not provide an unencumbered outdoor play area is integrated into the proposed child care centre. The internal layout of the child care centre is not designed to provide sufficient indoor play space and storage area to service the need to 34 children.
Principle 3: Adaptive learning spaces	No – The proposal fails to provide satisfactory learning spaces for children and satisfactory amenity for children and staff. No play structures and unencumbered outdoor play space clearly provided on site to service the proposed child care centre.
Principle 4: Sustainability	Yes – Windows are to be operable and openable to be installed to encourage natural ventilation. Building orientation focuses on active zones to allow for casual surveillance.
Principle 5: Landscape	No – The proposed landscaping at ground level will provide suitable visual amenity for the future building's occupants and suitable landscape setting for the streetscape is also proposed. However, the landscape plans submitted with the proposal does not indicate any unencumbered outdoor play space nor any outdoor play structures on site which is considered unsatisfactory for a child care centre.
Principle 6: Amenity	No – The proposal is considered to be unsatisfactory. In this regard, the proposal does not optimizing the amenity of the proposed child care centre through co-location of the cot room with the kitchen area, storage spaces for children, single indoor play space for children within a 0-6 year age bracket and absent of outdoor play area. In addition, the design of the basement car park level including vehicular access and manoeuvring and number of car parking spaces are raised as a matter of concern by Council's Development Engineer. Therefore, the subject site not considered achieving good amenity contributes to positive learning environments and well-being of children and staff without an amended basement car park area.

Principle 7: Safety	Yes – Accessible design has been considered and all children can access all parts of the child care centre. The building architecturally addresses the street and activates the frontages.

The design quality principles have been considered within the assessment sections of this report, as well as in detail in Part 3 below, entitled *Matters for consideration*, which provide specific design controls and criteria to support the overarching design quality principles. The proposed development is considered fails to satisfy having regard to the 7 design quality principles as discussed above.

Part 3 – Matters for consideration

The considerations give guidance to applicants on how to design a high-quality proposal that takes account of its surroundings and any potential environmental impacts the development may cause and to be mindful of potential impacts that may arise from existing uses and conditions within a locality.

The matters support the design principles and must be considered by the consent authority when assessing a development application for a child care facility. Child care facilities can be developed in a broad range of locations and need to be flexible in how they respond to the requirements and challenges this brings.

Criteria	***Comments***	***Compliance***
3.1 Site selection and location		
C1. For proposed developments in commercial and industrial zones, consider: • potential impacts on the health, safety and wellbeing of children, staff and visitors with regard to local environmental or amenity issues such as air or noise pollution and local traffic conditions. • the potential impact of the facility on the viability of existing commercial or industrial uses.	A Noise Impact Assessment prepared by Broadcrest Environmental Pty Ltd dated 11 November 2024 has been submitted which demonstrates compliance with environmental noise criteria for the centre-based child care centre component of the proposed mixed-use development. As shown on the architectural plans, the acoustic barrier on the ground floor comprising solid barriers around the internal courtyard area (potentially being the outdoor play area) is recommended in the acoustic report to protect the noise amenity to the neighbouring properties. With regard to visual privacy, the proposed 2m high acoustic fence to be constructed using either 16mm thick lapped and capped timber, masonry, 9mm fibre cement sheet, or other suitable solid materials along the boundaries of the internal courtyard area on the ground floor to mitigate any potential overlooking to the neighbouring residential properties. As shown on the architectural plans, the operation of the centre-based child care centre will generally be separated from the commercial tenancy on the ground floor and the co-living housing development on the upper levels of the proposed mixed use development on site. The noise assessment submitted has been referred to Environmental Health Officer for comment who confirmed that the proposal is considered acceptable subject to conditions should the proposal to be supported by the Panel.	Yes.

3.2 Local character, streetscape and the public domain interface		
C5. The proposed development should: • contribute to the local area by being designed in character with the locality and existing streetscape. • reflect the predominant form of surrounding land uses, particularly in low density residential areas. • use landscaping to positively contribute to the streetscape and neighbouring amenity. • integrate car parking into the building and site landscaping design in residential areas.	It is considered that the proposed mixed use development including the centre-based child care facility on the ground floor is not compatible with the existing and future desire character of the locality with 2:1 floor space ratio to any development proposed on site within the property zoned E1 Local Centre in Pendle Hill. It is considered that the design of the child care centre and the basement car parking fails demonstrate compliance with the CCPG, Education and Care Services National Regulations, Council's development control and relevant AS2890.1-2004. Hence, the proposal is considered unsatisfactory to the subject site and cannot be supported by the Panel at its current design.	No.
C6. Create a threshold with a clear transition between public and private realms, including: • fencing to ensure safety for children entering and leaving the facility. • windows facing from the facility towards the public domain to provide passive surveillance to the street as a safety measure and connection between the facility and the community.	The proposal has been designed to provide nil setback from the street frontages for development within the E1 Local Centre zone which provides a clear transition between the public and private land along the street frontages. Accordingly, the proposal provides a satisfactory level of passive surveillance to the streets.	Yes.
3.3 Building orientation, envelope and design		
C11. Orient a development on a site and design the building layout to: • to ensure visual privacy and minimise potential noise and overlooking impacts on neighbours. • optimise solar access to internal and external play areas. • avoid overshadowing of adjoining residential properties. • minimise cut and fill. • ensure building along the street frontage define the street by facing it. • ensure where a child care facility is located • above ground level, outdoor play areas are protected from wind and other climatic conditions.	The proposed development is considered to maintain both acoustic and visual privacy. Solar access to indoor play space is optimised due the provision of central courtyard and L-shaped building on site to allow window openings to the indoor play room. Sliding doors that face the western elevation of the site allows abundant amount of sunlight shine into the indoor play room. In regard to the outdoor play space, inaccurate architectural plans and landscape plans have been submitted with the development application to enable Council to assess the amenity of the outdoor play space. In addition, the proposal exceed the maximum allowable FSR that applies to the site. Therefore, the proposal is not considered to be compatible with the future desire character within the E1 Local Centre zone in the street.	No.
C12. The following matters may be considered to minimise the impacts of the proposal on local character:		

• building height should be consistent with other buildings in the locality. • building height should respond to the scale and character of the street. • setbacks should allow for adequate privacy for neighbours and children at the proposed child care facility. • setbacks should provide adequate access for building maintenance. • setbacks to the street should be consistent with the existing character.		
C16. Accessible design can be achieved by: • linking all key areas of the site by level or ramped pathways that are accessible to prams and wheelchairs, including between all car parking areas and the main building entry	All areas of the site are accessible through the use of lifts and ramps.	Yes.
3.4 Landscaping		
C17. Appropriate planting should be provided along the boundary integrated with fencing. Screen planting should not be included in calculations of unencumbered outdoor space.	Submitted Landscape Plans do not provide sufficient play equipment and shade structures details to facilities the use of the internal courtyard area as an unencumbered outdoor play area of the proposed child care facility on the ground floor level of the mixed use development on site. In this regard, the proposed landscaping is considered unsatisfactory for child care centre.	No.
C18. Incorporate car parking into the landscape design of the site by: • planting shade trees in large car parking areas to create a cool outdoor environment and reduce summer heat radiating into buildings • taking into account streetscape, local character and context when siting car parking areas within the front setback • using low level landscaping to soften and screen parking areas.		
3.5 Visual and acoustic privacy		
C21. Minimise direct overlooking of indoor rooms and outdoor play spaces from public areas through: • appropriate site and building layout • suitably locating pathways, windows and doors • permanent screening and landscape design.	The outdoor play area of the centre-based child care centre is proposed on the ground floor level of the proposed mixed use development on site. Together with the installation of the 2m high acoustic barrier around the boundary of the internal courtyard area, the design of the facility is considered maintaining the privacy to and from the site.	Yes.
3.6 Noise and air pollution		
C25. An acoustic report should identify appropriate noise levels for	A Noise Impact Assessment is submitted with this development application. The report	Yes.

sleeping areas and other non play areas and examine impacts and noise attenuation measures where a child care facility is proposed in any of the following locations: • on industrial zoned land • where the ANEF contour is between 20 and 25, consistent with AS 2021 – 2000 • along a railway or mass transit corridor, as defined by State Environmental Planning Policy (Infrastructure) 2007 • on a major or busy road • other land that is impacted by substantial external noise.	confirmed the external noise and vibration from the proposed mixed use development and ongoing traffic from the streets to the proposed centre-based child care centre is considered acceptable.	
C26. Locate child care facilities on sites which avoid or minimise the potential impact of external sources of air pollution such as major roads and industrial development	The site is not located adjacent to a major road and the proposed depot is not considered result in any potential impact of external sources of air pollution.	Yes.
3.7 Hours of operation		
C29. Within mixed use areas or predominantly commercial areas, the hours of operation for each child care facility should be assessed with respect to its compatibility with adjoining and co-located land uses.	The amended Plan of Management submitted to Council on 2 December 2025 confirmed the core operating hours for the child care centre proposed are contained to between 7:00am and 6:00pm Monday to Friday.	Yes.
3.8 Traffic, parking and pedestrian circulation		
C30. Off street car parking should be provided at the rates for child care facilities specified at the following rates: Within 400m of a railway or Metro station within Greater Sydney: • 1 space per 10 children • 1 space per 2 staff. Staff parking may be stack or tandem parking with no more than 2 spaces in each tandem space. In other areas: • 1 space per 4 children.	The subject site is not located within 400m from Pendle Hill train station. In this regards, the following parking rates for child care facilities apply: • 1 space per 10 children; plus • 1 space per 2 staffs. The proposed centre-based child care facility with 34 children, 5 educators and 2 administration staffs will require 7 car parking spaces on site. The proposed plan nominated 6 car parking spaces comprising 1 accessible car parking space and 1 tandem car parking space. Council's Development Engineer has reviewed the design and layout of the basement car park and accessible ramp is unacceptable.	No.
C32. A Traffic and Parking Study should be prepared to support the proposal to quantify potential impacts on the surrounding land uses and demonstrate how impacts on amenity will be minimised. The study should also address any proposed variations to parking rates and demonstrate that: • the amenity of the surrounding area will not be affected		

• there will be no impacts on the safe operation of the surrounding road network.		
C33. Alternative vehicular access should be provided where child care facilities are on sites fronting: • a classified road • roads which carry freight traffic or transport dangerous goods or hazardous materials.		
C35. The following design solutions may be incorporated into a development to help provide a safe pedestrian environment: • separate pedestrian access from the car park to the facility • delivery and loading areas located away from the main pedestrian access to the building and in clearly designated, separate facilities • vehicles can enter and leave the site in a forward direction.	Pedestrian access is separate from vehicular access from the basement and from the street. The proposed facility does not include a loading area. It is considered that, given the nature of the use, delivery trucks would not be servicing the site. At most, light commercial vans would deliver any required products to be used for the child care centre, if not brought to the centre by the operator. However, the basement car park and access ramp fails to demonstrate compliance with AS2890.1-2004 and Council's design requirement as discussed above. Therefore, Council is unable to confirm if all vehicles can enter and exit the site in a forward direction.	No.
C36. Mixed use developments should include: • driveway access, manoeuvring areas and parking areas for the facility that are separate to parking and manoeuvring areas used by trucks • drop off and pick up zones that are exclusively available for use during the facility's operating hours with spaces clearly marked accordingly, close to the main entrance and preferably at the same floor level. Alternatively, direct access should avoid crossing driveways or manoeuvring areas used by vehicles accessing other parts of the site • parking that is separate from other uses, located and grouped together and conveniently located near the entrance or access point to the facility.		
C37. Car parking design should: • include a child safe fence to separate car parking areas from the building entrance and play areas • provide clearly marked accessible parking as close as possible to the primary entrance to the building in	The car parking area of the proposed centre-based child care centre is separated from the car parking area within the basement level. An accessible car space and a lift access is provided and clearly marked on the plans for the proposed centre-based child care facility.	Yes.

accordance with appropriate Australian Standards • include wheelchair and pram accessible parking.		

Part 4 – Applying the National Regulations to development proposals

Criteria	*Comments*		*Compliance*
4.1 Indoor space requirements			
Regulation 107 • Min. 3.25sqm of unencumbered indoor space • Min. 0.3cum per child of external storage • Min. 0.2cum per child of internal storage	**Required**: 34 x 3.25sqm = 110.5sqm 34 x 0.3cum = 10.2cum 34 x 0.2cum = 6.8cum	**Proposed** Unknown 18cum Nil	 No. Yes. No.
4.2 Laundry and hygiene facilities			
Regulation 106 On-site laundry facilities should contain: • a washer or washers capable of dealing with the heavy requirements of the centre • a dryer • laundry sinks • adequate storage for soiled items prior to cleaning.	Internal laundry co-located with the office of the proposed child care facility on the ground level.		Yes.
4.3 Toilet and hygiene facilities			
Regulation 109 Toilet and hygiene facilities should be designed to maintain the amenity and dignity of the occupants. Design considerations could include: • junior toilet pans, low level sinks and hand drying facilities for children • a sink and handwashing facilities in all bathrooms for adults • direct access from both activity rooms and outdoor play areas • windows into bathrooms and cubicles without doors to allow supervision by staff • external windows in locations that prevent observation from neighbouring properties or from side boundaries	Sufficient sinks and pans are provided within the proposed development.		Yes.
4.4 Ventilation and natural light			
Regulation 110 Services must be well ventilated, have adequate natural light, and be maintained at a temperature that ensures the safety and wellbeing of children. Child care facilities must comply with the light and ventilation and minimum ceiling height requirements of the ***National Construction Code***. Ceiling height requirements may be affected by the capacity of the facility.	The indoor play room will provide sufficient direct daylighting.		Yes.

Designers should aim to minimise the need for artificial lighting during the day, especially in circumstances where room depth exceeds ceiling height by 2.5 times. It is recommended that ceiling heights be proportional to the room size, which can be achieved using raked ceilings and exposed trusses, creating a sense of space and visual interest.		
4.5 Administrative space		
Regulation 111 A service must provide adequate area or areas for the purposes of conducting the administrative functions of the service, consulting with parents of children and conducting private conversations.	Office is proposed with access to stairs and lift to conduct administrative works.	Yes.
4.6 Nappy change facilities		
Regulation 112 Child care facilities must provide for children who wear nappies, including appropriate hygienic facilities for nappy changing and bathing. All nappy changing facilities should be designed and located in an area that prevents unsupervised access by children. Child care facilities must also comply with the requirements for nappy changing and bathing facilities that are contained in the ***National Construction Code***.	Nappy change bench is provided within children's bathroom with accesses from the indoor play area which complies with the regulation and NCC requirement.	Yes.
4.7 Premises designed to facilitate supervision		
Regulation 115 A centre-based service must ensure that the rooms and facilities within the premises (including toilets, nappy change facilities, indoor and outdoor activity rooms and play spaces) are designed to facilitate supervision of children at all times, having regard to the need to maintain their rights and dignity. Child care facilities must also comply with any requirements regarding the ability to facilitate supervision that are contained in the ***National Construction Code***.	The architectural plans do not show any supervision windows to the children bathroom. A condition in the consent can be imposed to ensure supervision windows will be installed accordingly to ensure complies with the regulation and NCC requirement should the proposed development to be supported by Panel.	To be conditioned to comply if DA supported by Panel.
4.8 Emergency and evacuation procedures		
Regulation 97 & 168 Regulation 168 sets out the list of procedures that a care service must have, including procedures for emergency and evacuation. Regulation 97 sets out the detail for what those procedures must cover including: • instructions for what must be done in the event of an emergency • an emergency and evacuation floor plan, a copy of which is displayed in a prominent position near each exit	Emergency evacuation plan provided. Standard condition to be imposed requiring compliance with Australian Standard to be demonstrated prior to issue of Construction Certificate and Occupation Certificate should the proposed development to be supported by Panel.	To be conditioned to comply if DA supported by Panel.

• a risk assessment to identify potential emergencies that are relevant to the service.		
4.9 Outdoor space requirements		
Regulation 108 Min. 7sqm of unencumbered outdoor space per child. Where a covered space such as a verandah is to be included in outdoor space it should: • be open on at least one third of its perimeter • have a clear height of 2.1m • have a wall height of less than 1.4m where a wall with an opening forms the perimeter • have adequate flooring and roofing • be designed to provide adequate protection from the elements	Required 238sqm for 34 children. The proposed landscape plans are inconsistent with the amended architectural plans and wrongly described the internal courtyard area as a communal open space. In addition, the landscape plans are not designed to provide the required play facilities and shade structures demonstrate how the outdoor play area functions and will meet the needs of children. In this regard, a detailed assessment cannot be undertaken.	No.
4.10 Natural environment		
Regulation 113 The approved provider of a centre-based service must ensure that the outdoor spaces allow children to explore and experience the natural environment.	There is an absence of details on architectural and landscape plans to demonstrate how the outdoor play area functions and will meet the needs of children. As such, a detailed assessment cannot be undertaken.	No.
4.11 Shade		
Regulation 114 Controlled exposure to daylight for limited periods is essential as sunlight provides vitamin D which promotes healthy muscles, bones and overall wellbeing. Outdoor play areas should be provided with controlled solar access throughout the year. Outdoor play areas should: • have year-round solar access to at least 30% of the ground area, with no more than 60% of the outdoor space covered. • provide shade in the form of trees or built shade structures giving protection from ultraviolet radiation to at least 30% of the outdoor play area • have evenly distributed shade structures over different activity spaces.	As discussed above, the proposal does not provide sufficient details to allow Council to under a detail assessment of this matter.	No.
4.12 Fencing		
Regulation 104 Any outdoor space used by children must be enclosed by a fence or barrier that is of a height and design that children preschool age or under cannot go through, over or under it.	Nil setback are proposed to the street frontages. A new 2m high acoustic barrier is proposed to the northern and eastern side boundaries of the internal courtyard area which is potentially to be converted to become the unencumbered outdoor play area of the proposed child care centre.	Yes.

	It is noted that a gate proximate to the commercial unit lift is located off the internal courtyard. Further, doors to the residential lobby facilitate access to the ground floor internal courtyard and the shared use of the area with residential users is inappropriate.	
4.13 Soil Assessment		
Regulation 25 To ensure consistency between the development consent and the service approval application, a soil assessment should be undertaken as part of the development application process. Where children will have access to soil the regulatory authority requires a preliminary investigation of the soil.	A Detailed Site Investigation has been prepared by Nova Group dated 31 October 2025, project reference S00943, document number 1.0, which concluded that the site was considered suitable for the on-going use as a child care centre. Council's Environmental Health Officer has assessed the report and consider the findings and recommendations satisfactory.	Yes.

DOCUMENTS ASSOCIATED WITH REPORT ELPP018/26

Attachment 11

Cumberland LEP 2021 Assessment

ATTACHMENT 11
CUMBERLAND LOCAL ENVIRONMENTAL PLAN 2021
COMPLIANCE TABLE

Relevant Control	Comments	Complies
Clause 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.* <u>Comment:</u> The proposal is not designed to ensure the development will minimises impacts to adjoining properties and does not satisfy the aim (f) of Clause 1.2 of the Cumberland LEP 2021.	No.
Clause 2.3 Zone objectives and Land Use Table	The objectives of 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.* <u>Comment:</u> The proposed development is consistent with all the E1 Local Centre zone objectives as a mixed use development comprising child care centre, commercial tenancy and co-living housing development.	Yes.
Clause 2.6 Subdivision – consent requirements	Subdivision is not proposed under this application. Consolidation of two (2) lots may be conditioned. Development consent must not be granted for the subdivision of co-living housing into separate lots.	Not applicable.
Clause 2.7 Demolition requires development consent	The proposal seeks demolition of the existing on-site structures which is permissible with consent.	Yes.
Clause 4.3 Height of buildings	The permissible building height limit of 17m applies to the site. The proposed maximum building height to the top of the lift core structure is approximately 17m which complies with Clause 4.3 of Cumberland LEP 2021.	Yes.
Clause 4.4 Floor space ratio	The maximum permissible FSR is 2:1 (2,130sqm) under the Cumberland LEP 2021. As discussed in the content of the report, bonus FSR is not entitled to	No.

	the development given 'residential flat buildings' are not permitted within the E1 Local Centre zone in accordance with s.68(2) of the Housing SEPP 2021. The development provides a total gross floor area (GFA) of 2,763.135sqm which equates to a total FSR of 2.594:1, which exceed the maximum allowable FSR that applies to the site with Clause 4.4 of Cumberland LEP 2021. No clause 4.6 Variation request is lodged seeking to justify the variation of the development standard and accordingly, the application is incapable of being approved.	
Clause 4.6 Exceptions to development standards	No Clause 4.6 variation written request for non-compliances under section 68 of the Housing SEPP 2021 were provided. Refer to the discussion under the body of the report.	No.
Clause 5.10 Heritage Conservation	The site is not identified as a heritage listed item and is not located within a heritage conservation area. The proposal complies with this clause.	Yes
Clause 5.21 Flood Planning	The site is identified as flood affected. The proposal has been reviewed and considered unsatisfactory by Council's Development Engineer.	Not applicable.
Clause 6.1 Acid Sulfate soils	The subject site is not identified as containing any acid sulphate soil.	Yes.
Clause 6.2 Earthworks	Not proposing any major excavation works but minor cut and landfill is proposed to level the site for the new development within basement level which is considered to be acceptable. The proposal has been assessed by Council's Development Engineer who raised no concern in relation to this matter.	Yes.
Clause 6.4 Essential Services	The driveway profile is inappropriate and additionally fails to accommodate suitable pedestrian access along the Billabong Street public footpath as required in Part G3 Subpart 4 of the Cumberland DCP2021. In this instance, adequate arrangements have not been made for the provision of suitable vehicle access and stormwater drainage.	No.
Clause 6.7 Stormwater Management	Stormwater management plans submitted with the application are considered unsatisfactory. The proposed finished ground floor of the commercial unit is situated below existing ground levels of the footpath on Gilba Road. No measures have been outlined to demonstrate how stormwater will be prevented from entering the premises.	No.
Clause 6.9 Salinity	The subject site is identified as containing moderate salinity soil on site. No issue is raised noting the minor nature of the works proposed which does not involve any major excavation works that is likely to lower the water table.	Yes.
Clause 6.12 Urban Heat	The proposed materials are considered to be suitable and replacement plantings and landscaping will be provided across the site to eliminate solar heat should the proposal to be supported by Council.	Yes.

DOCUMENTS ASSOCIATED WITH REPORT ELPP018/26

Attachment 12

Cumberland DCP 2021 Assessment

ATTACHMENT 12
CUMBERLAND DEVELOPMENT CONTROL PLAN 2021
COMPLIANCE TABLE

Relevant Control		Compliance with Requirements	Complies
Part A – General Controls			
Part A3 – Site Amalgamation & Isolated Sites			
3. Process	Site amalgamation shall be considered and/or required if: • the adjoining site will become isolated by the proposed development; • the subject site cannot satisfy the minimum lot width and size requirements; • there is a likely environmental impact of a proposed development upon the amenity and enjoyment of land locked and/or isolated sites; • if there is a better streetscape amenity outcome to be achieved that would also reduce the number of access points along a street frontage; and • the subject site and adjoining site(s) cannot achieve a satisfactory form of development that is consistent with the planning controls. If site amalgamation is not feasible, documentation with the development application. The documentation should demonstrate that a reasonable attempt has been made by the applicant(s) to purchase the isolated site(s). Documentation shall, at least, include: • two independent valuations; and • evidence that a genuine and reasonable offer(s) has been made by the applicant to the owner(s) of the affected adjoining site(s). Note: A reasonable offer shall be of current fair market value and shall be the higher of the two independent valuations and include for all expenses that would be incurred by the owner in the sale of the affected site. To assist in this assessment, an envelope for the isolated site should be prepared which indicates the following: • height; • setbacks; • pedestrian and carparking access;	The subject site is 1,065sqm which demonstrate compliance with the minimum lot size requirement for co-living housing identified in section 69(1)(b)(ii) of the Housing SEPP 2021. However, the proposal will isolate 3 other adjoining properties being, 1 Billabong Street (north, 15.24m wide), 1 and 1A Gilba Road (east, 13.715m wide each) given these properties will be unable to satisfy the minimum 20m lot width requirement for mixed use development within the E1 Local Centre zone. Accordingly, negotiations for amalgamation between the owners of the abovementioned adjoining properties commenced at an early stage and prior to the determination of the development application is required. However, as discussed in the content of the report, the valuation reports are unreliable and the evidence confirming genuine and reasonable offers have been delivered by the applicant to the owners of the affected adjoining sites. Therefore, the control is not satisfied in this instance.	

<table>
<tr><td></td><td>• site coverage (both building and basement);
• constructability;
• envelope separation; and
• open space and landscaping.

This should be schematic but of sufficient detail to understand the relationship between the subject application and the isolated site and the likely impacts the developments will have on each other.</td><td></td><td></td></tr>
<tr><td colspan="4">Part B – Development in Residential Zones</td></tr>
<tr><td colspan="4">Part B3 – Residential Flat Buildings</td></tr>
<tr><td>3.1 Building envelope</td><td>C2. Residential flat building development shall be provided in accordance with Table 7 for RFB Setbacks.

<table><tr><td>Front setbacks (min.)</td><td>No less than 6m or correspond with the existing prevalent building setback or with emerging setbacks in areas undergoing transition</td></tr><tr><td>Secondary street setbacks (min.)</td><td>2m for laneways and 4m for other roads</td></tr><tr><td>Side setback (min.)</td><td>3m</td></tr><tr><td>Rear setback (min.)</td><td>Up to 4 storeys: 20% the length of the site, or 6m, whichever is greater

5 storeys or more: 30% the length of the site</td></tr><tr><td>Site area</td><td>1,000m²</td></tr><tr><td>Street frontage</td><td>24m</td></tr></table></td><td>The controls are overridden by the co-living housing identified in section 69(1)(b)(ii) of the Housing SEPP 2021 and Part C of the Cumberland DCP 2021 given the proposal relates to a 5 storeys mixed use development comprising commercial tenancy and child care centre on the ground floor with co-living housing above.</td><td>Not applicable.</td></tr>
<tr><td></td><td>C3. For residential flat building not captured by SEPP 65, the development is also to achieve the objectives and design criteria of the ADG.</td><td>Proposed 5 storeys mixed use development comprising commercial tenancy and child care centre on the ground floor with co-living housing above.</td><td>Not applicable.</td></tr>
<tr><td>3.2 Basement design</td><td>C1. Basement walls shall be located directly under building walls, wherever practicable.</td><td>Basement is located generally within the building footprint.</td><td>Yes.</td></tr>
<tr><td></td><td>C2. A dilapidation report shall be prepared for all development that is adjacent to sites which build to the boundary.</td><td>Standard conditions will be imposed accordingly should the proposal to be supported by Council.</td><td>Yes.</td></tr>
<tr><td></td><td>C3. Where practicable, basement walls not located on the side boundary shall have minimum setback of 1.2m from the side boundary to allow planting.</td><td>Basement wall is located right on the boundary which is considered acceptable for this mixed use development within E1 Local Centre zone.</td><td>Acceptable.</td></tr>
<tr><td></td><td>C4. Basement walls visible above ground level shall be appropriately finished (such as face brickwork and/or render) and appear as part of the building.</td><td>Suitable schedule of colours and material finishes has been provided.</td><td>Yes.</td></tr>
<tr><td>3.3 Car parking</td><td>C1. Refer to Part G3 of this DCP, or section 3J-1 of the ADG for car parking provision requirements.</td><td colspan="2">The car parking rates identified in section 68(2)(e)(i) of the Housing SEPP 2021 prevails. Refer to the Housing SEPP 2021 assessment in Attachment 8.</td></tr>
</table>

Part B5 Adaptable housing and housing mix			
2.1 Adaptable housing	C1. Adaptable housing complying with AS 4299 is to be provided in multi-dwelling housing, residential flat buildings, and the residential component of mixed use developments.	The proposal relates to co-living housing only.	Not applicable.
Part C – Development in Business Zones			
2 Relationship with SEPP 65 and Apartment Design Guide	The residential apartment component of shop top housing developments in the Cumberland City LGA will be assessed in accordance with the ADG. The ADG takes precedence over a DCP. Therefore, the DCP provisions do not repeat or seek to vary any controls under the ADG. Where there are inconsistencies between the controls set out in this DCP and the ADG, the ADG shall prevail. Refer to SEPP 65 and the ADG compliance table below.	Not proposing any shop top housing on site.	Not applicable.
3.1 Lot size and frontage	C1. Unless otherwise stated as site specific controls in this DCP, the minimum lot frontage for shop top housing development within Zone B2 Local Centre and Zone B4 Mixed Use shall be: • up to 3 storeys: 20m; and • 4 storeys or greater: 30m.	The subject site is located within the E1 Local Centre zone which was the rezoned from the previous B2 Local Centre zone under the Employment zones reform. It has a frontage to Gilba Road of 27.43m in width and Billabong Street of 40.225m in width for a proposed 5 storeys MUD comprising commercial tenancy and CCC on ground floor with co-living housing above ground floor which demonstrate compliance with this control.	Yes.
	C2. Lot size and frontage shall provide an appropriate site configuration that achieves: • adequate car parking area and manoeuvring for vehicles in accordance with AS2890; • ground level frontage that is activated and not dominated by access apertures to car parking areas; and • the required setbacks and building separation set out by this DCP or the Apartment Design Guide.	The lot size and frontage are appropriate for the development. The subject site involves 2 properties which will be conditioned for consolidation should the proposal to be supported by Council.	Yes.
	C3. Council may require the consolidation of more than 1 existing land holding to be undertaken in order to meet all the requirements of this development control plan.		
	C4. Commercial development is not permitted on battleaxe lots.	The subject site is not a battleaxe lot.	Not applicable.
	C5. In instances where lot amalgamation in order to meet the requirements of this DCP cannot be achieved, refer to Part A3 of this DCP.	The subject site involves 2 lots which will be conditioned for land consolidation to meet the minimum lot size requirement for mixed use development on site.	Yes.

3.2 Setbacks and separation	C1. Front Setback: Nil (except for B1 Neighbourhood Centre zoned land). A greater setback may be required to align with the predominant street setback.	Proposed nil front setback on the lower 3 levels of the proposed development along Gilba Road and Billabong Street frontages.	Yes.
	C2. For B2 and B4 zones, or unless otherwise stated in site specific controls within this DCP, a street wall height (i.e. podium height) of 3 storeys with a zero setback to the street is required.	Whilst the proposal only provides 1.7m setback from the co-living rooms along the street frontages, the development has been designed to provide a minimum of 3m setback from the wall of the co-living housing. The design will allow building articulation that compatible with the building appearance of the proposed 5 storeys mixed use development within the E1 Local Centre zone of the local character.	Acceptable.
	C3. A minimum 3m setback shall be provided for levels above the street wall height for the podium		
	C4. Levels above street wall height are to be setback to ensure visual separation. This may be achieved through upper level setbacks, material variances and/or horizontal recesses.		
	C5. Council may require alternative street wall heights and setbacks where compatibility with the existing prevailing built form within the immediate context can be demonstrated or is necessary.		
	C6. Where a site adjoins any residential zone (and not separated by a road), the side setback shall be a minimum of 3m.	Subject site is a corner allotment that does not adjoin to any other residential zone to the east and south.	No applicable.
	C7. Rear Setback: 15% of site length where boundary adjoins a residential development or a residential zone.		
3.3 Landscaping and open space	C1. Landscape reinforces the architectural character of the street and positively contributes to maintaining a consistent streetscape character.	Satisfactory.	Yes.
	C2. Landscaping is to form an integral part of the overall design concept.	Satisfactory.	Yes.
	C3. At grade 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 car parks.	Not proposing any at-grade car park.	Not applicable.
	C4. In open parking areas, 1 shade tree per 10 spaces shall be planted within the parking area.		
	C5. Fencing shall be integrated as part of the landscaping theme so as to minimise visual impacts and to provide associated site security.	New 2m high acoustic fencings are proposed on the ground floor level along the side property boundaries with dense landscape to minimise visual impacts to the existing adjoining dwellings at 1 Billabong Street, 1 Gilba Road and 1A Gilba Road.	Yes.
	C6. Paving and other hard surfaces shall be consistent with architectural elements.	Satisfactory.	Yes.
	C7. For developments with communal open space, a garden, maintenance and storage area are to be provided,	The BASIX Certificate submitted confirmed the proposal demonstrate compliance with the	Yes.

	which is efficient and convenient to use and is connected to water for irrigation and drainage.	water usage for the proposal development.	
	C8. Street trees shall be planted at a rate of 1 tree per 10 lineal metres of street frontage, even in cases where a site has more than 1 street frontage, excluding frontage to laneways.	Replacement of street trees will be conditions should the proposal to be supported by Council.	Condition to comply.
	C9. Street tree planning shall be consistent with the relevant Public Domain Plan, strategy, plan, guideline or policy.		
	C10. Significant existing street trees shall be conserved. Where there is an absence of existing street trees, additional trees shall be planted to ensure that the existing streetscape is maintained and enhanced.	No trees to be impacted by driveway.	Yes.
	C11. Vehicular driveways shall be located a minimum of 3m from the outside edge of the trunk measured 1m above the existing ground level of any street tree to be retained.	Satisfactory.	Yes.
	C12. Services shall be located to preserve significant trees.	Conditions will be imposed accordingly should the proposal to be supported by Council.	Condition to comply.
	C13. At the time of planting, street trees shall have a minimum container size of 200 litres and a minimum height of 3.5m, subject to species availability.		
	C14. Where buildings are setback from the street, the resulting open space shall provide usable open space for pedestrians.		
	C15. Open space areas are to be paved in a manner to match existing paving or to suit the architectural treatment of the proposed development.		
3.4 Public art	C1. Public art is encouraged to be provided within the business centres, in accordance with Council's relevant adopted Policy.	Not proposing any public art on site.	Not applicable.
	C2. Public art provided shall develop the cultural identity of the community and reflect the culture of the community.		
	C3. Artworks shall be integrated into the design of buildings and the landscape.		
3.5 Streetscapes	C1. New shopfronts shall be constructed in materials which complement the existing or emerging character of the area.	The appearance, materials and location of shopfronts is appropriate for the area.	Yes.
	C2. Development shall provide direct access between the footpath and the shop.	Various direct access proposed off Gilba Road and Billabong Street frontages for various land uses.	Yes.
	C3. Security bars, and roller shutters are not permitted; however, transparent security grilles of lightweight material may be used.	No security bars or grills are proposed for the commercial tenancy on the ground floor level.	Not applicable.

	C4. Signage shall be minimised and coordinated to contribute to a more harmonious and pleasant character for the locality.	No signage is proposed as part of the development application.	Not applicable.
	C5. Require buildings at visually significant locations to be well designed and respond to the different characteristics of the streets the address.	Satisfactory.	Yes.
	C6. Development on corner sites will be required to accommodate a splay corner to facilitate improved traffic conditions.	No splay proposed or dedicated to Council at the corner of Gilba Road and Billlabong Street which fails to comply with this control.	No.
	C7. Buildings on corners must address both frontages to the street and/or public realm to: • articulate street corners by massing and building articulation, to add variety and interest to the street; • present each frontage of a corner building as a main street frontage, reflect the architecture, hierarchy and characteristics of the streets they address, and align and reflect the corner conditions; and • development on corner sites will require land to be dedicated to accommodate a splay corner to facilitate improved traffic conditions.	This is achieved with the building appropriately addressing all street frontages.	Yes.
3.6 Building use	C1. Ground floor uses in business zones are to comprise non-residential uses.	No residential apartments are proposed on the ground floor level of this mixed use development within the E1 Local Centre zone.	Yes.
3.7 Façade design, shopfront and materials	C1. Facade proportions and vertical and horizontal emphasis shall be appropriate to the scale of development and its interaction with the streetscape. Vertical emphasis shall be incorporated above awnings.	This is achieved.	Yes.
	C2. Building facades at street level along primary streets and public places consist of a minimum of 80% for windows/glazed areas and building and tenancy entries.	Satisfactory. The development includes an appropriate amount of glazing.	Yes.
	C3. Visible light reflectivity from building materials used on the facades of new buildings shall not exceed 20%.	Satisfactory.	Yes.
	C4. Building services, such as drainage pipes, shall be coordinated and integrated with overall façade and balcony design.	Satisfactory.	Yes.
	C5. Ventilation louvres and carpark entry doors shall be integrated with the design of the overall façade.	Satisfactory.	Yes.
	C6. Security devices fitted to building entrances and windows shall be transparent to allow for natural surveillance, and made of light weight material.	No security devices proposed.	Not applicable.

	C7. The ground floor level must have active uses facing streets and public open spaces.	The ground floor commercial tenancy and child care centre addresses the street and promote a more active streetscape.	Yes.
	C8. Retail outlets and restaurants are located at the street frontage on the ground level.	No details submitted as to what type of commercial premises is proposed for the new commercial tenancy on the ground floor. However, the absence of a loading bay will render the 'commercial unit' premises unsuitable for conceivable future uses such as a retail outlet, restaurants or neighbourhood supermarket.	No.
	C9. Where possible, offices should be located at first floor level or above.	Not applicable. No office use proposed on Level 1 or above ground floor.	Not applicable.
	C10. A separate and defined entry shall be provided for each use within a mixed use development.	Whilst separated and defined entry is provided for the child care centre from Billabong Street frontage. However, as shown on the architectural plans, the entries for the co-living housing and commercial tenancy are not fully separated. Rear access doors are provided from the commercial tenancy to the co-living entry foyer area. Therefore, the proposal does not satisfy this development control.	No.
	C11. Street and tenancy numbers shall be located on shopfronts and awnings and shall be clearly visible from the street.	Conditions will be imposed accordingly should the proposal to be supported by Council.	Condition to comply.
	C12. Solid roller shutters and security bars, either internal or external, that block out or obscure windows or entrances, are not permitted.	No security bars or grills are proposed for the commercial premises.	Yes.
	C13. High quality design, construction and materials shall be implemented to ensure the building has a long life and requires low maintenance.	High quality design, construction and materials are proposed.	Yes.
	C14. Building materials and finishes complement the finishes predominating in the area. Different materials, colours or textures may be used to emphasise certain features of the building.	The development will complement the surrounds.	Yes.
	C15. New buildings shall incorporate a mix of solid (i.e. masonry concrete) and glazed materials, consistent with the character of buildings in the locality. Active street frontages are to maximise the use of glazing.	This is achieved.	Yes.
	C16. All street frontage windows located at ground floor level are to be clear glazing.	Glazing of the entire commercial tenancy frontages is proposed.	Yes.
	C17. Building finishes should not result in causing glare that creates a	Building materials are appropriate.	Yes.

	nuisance and hazard for pedestrians and motorists in the centre.		
	C18. For advertising on shopfronts, refer to Part G1 of this DCP.	No signage is proposed as part of the development application.	Not applicable.
3.8 Ceiling height	C1. The minimum finished floor level (FFL) to finished ceiling level (FCL) in a commercial building, or the commercial component of a building, shall be as follows: • 3.5m for ground level (regardless of the type of development); and • 3.3m for all commercial/retail levels above ground level.	3.7m floor to floor height is proposed to commercial tenancy on the ground floor.	Yes.
	C2. Refer to the ADG for minimum ceiling heights for all residential levels above ground floor in mixed use developments.	Floor to ceiling heights of all co-living levels being 2.7m are satisfactory.	Yes.
3.9 Roof design	C1. Roof design shall be integrated into the overall building design.	Satisfactory.	Yes.
	C2. Design of the roof shall achieve the following: • concealment of lift overruns and service plants; • presentation of an interesting skyline; • enhancing views from adjoining developments and public places; and • complement the scale of the building and surrounding development.	Satisfactory.	Yes.
	C3. Roof forms shall not be designed to add to the perceived height and bulk of the building.	The proposed roof form is satisfactory.	Yes.
	C4. Landscaped and communal open space areas on flat roofs shall incorporate shade structures and wind screens.	Not proposing any trafficable roof area on top of the flat roof of the proposed mixed use development.	Yes.
	C5. Communal open space, lift overruns and service plants shall be setback from the building edge so as to be concealed.	Communal open space is proposed to the co-living housing on Levels 1 to 3 in the form of roofed balconies which address to the corner of Gilba Road and Billabong Street. Additional uncovered communal open space is proposed on Level 4 to the northern side of the co-living housing.	Yes.
	C6. Roof design is to respond to the orientation of the site, through using eaves and skillion roofs to respond to sun access.	Achieved.	Yes.
	C7. Consideration should be given to facilitating the use of roofs for sustainable functions, such as: • installing rain water tanks for water conservation; • orient and angle roof surfaces suitable for photovoltaic applications; and	Not applicable.	Not applicable.

	• allow for future innovative design solutions such as water features or green roofs.		
3.10 Awnings	C1. Continuous awnings are required to be provided to all active street frontages (except laneways).	Continuous awning is proposed along Billabong Street and Gilba Road.	Yes.
	C2. Awnings generally: • should be flat; • must be a minimum 2.4m deep; • are to be setback up to 1.2m from kerb to allow for clearance of street furniture, trees, and other public amenity elements; • have a minimum soffit height of 3.2m; and • have slim vertical facias and/or eaves not to exceed 300mm.	The continuous awning is flat and designed to be 3m in depth with minimum 4m clearance from the pedestrian footpath to the under side of the awning.	Yes.
	C3. Awnings on street corner buildings shall wrap around corners.	Achieved.	Yes.
	C4. Awning design must match building facades and be complementary to those of adjoining buildings and maintain continuity.	Satisfactory.	Yes.
	C5. Canvas blinds along the street edge are not permitted.	Not applicable.	Not applicable.
	C6. Awnings are to be located over all building entries to indicate entry points.	Achieved.	Yes.
	C11. Street awnings which appear as horizontal elements along the façade of the building shall be provided as part of all new development.	Achieved.	Yes.
	C12. Awnings shall provide weather protection and must not be perforated.	Achieved.	Yes.
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.	Privacy is satisfactory between col-living rooms and the neighbouring residential dwellings due to the position of the windows and communal open spaces of the proposed mixed use development with respect to the road layout.	Yes.
	C2. Residential components of mixed use developments are to comply with the controls in Part B of this DCP and the Apartment Design Guide (as applicable).	Not applicable for co-living housing development.	Not applicable.
	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.	Satisfactory. The proposed mixed use development is designed to be L-shaped and dominate to the Gilba Road and Billabong Street junction, with central courtyard located to the north-eastern portion of the site to allow acceptable noise and view separation from the adjoining properties.	Acceptable.
	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	The commercial uses and co-living housing development are not located on the same level.	Not applicable.

	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.	No details and internal fitout submitted with this development application. The ground floor commercial use will subject to separate applications and approvals.	Yes.
	C6. Mixed use developments shall be designed to locate driveways, carports or garages away from bedrooms.	The entrance of the driveway is located to the north-western side boundary of the site adjoins to the garden bed of the adjoining property at 1 Billabong Street.	Yes.
	C7. Mechanical plant must be visually and acoustically isolated from residential uses.	Satisfactory.	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 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 acoustic report submitted with the development application is satisfactory.	Yes.
	C9. Where a site adjoins a school, place of public worship or public open space, the building design will: • incorporate an appropriate transition in scale and character along the site boundary(s); and • present an appropriately detailed facade and landscaping in the context of the adjoining land use. This interface shall be identified in the site analysis plan and reflected in building design.	The site does not adjoin a school, place of public worship or public open space.	Not applicable.
	C10. The potential for overlooking of playing areas of schools shall be minimised by siting, orientation or screening.	There are no schools adjacent to or close to the site.	Not applicable.
	C11. Fencing along boundaries shared with public open space shall have a minimum transparency of 50%.	The subject site does not adjoin a public open space.	Not applicable.
	C12. Sight lines from adjacent development to public open space shall be maintained and/or enhanced. Direct, secure private access to public open space is encouraged.		

3.13 Solar access	C1. Developments shall be designed to maximise northern aspects for residential and commercial uses.	Proposed central courtyard and L-shaped building to allow window openings proposed to co-living rooms toward northern and eastern elevations.	Yes.
	C2. The living rooms and private open spaces for at least 70% of dwellings on neighbouring sites shall receive a minimum of 3 hours of direct sunlight between 8am and 4pm in midwinter.	Achieved. All adjoining properties will receive more than 3 hours of direct sunlight to the private open space and living area due to the orientation and location of the sire being a corner allotment.	Yes.
3.14 Natural ventilation	C1. Natural ventilation is incorporated into the building design.	Satisfactory.	Yes.
	C2. Orient buildings to maximise prevailing breezes.	Satisfactory.	Yes.
3.15 Building maintenance	C1. Windows shall be designed to enable cleaning from inside the building.	The is achieved where practical.	Yes.
	C2. Durable materials, which are easily cleaned and graffiti resistant, are to be selected.	Durable materials are proposed.	Yes.
	C3. Building maintenance systems are to be incorporated and integrated into the design of the building form, roof and façade.	Satisfactory.	Yes.
3.19 Food and drink premises	A food and drink premises is not proposed. It is considered unnecessary to address Part 3.19 within the assessment table given that no food and drink premises are proposed.	Not proposing any food and drink premises on site as part of this development application.	Not applicable.
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 and address relevant controls set out in this section.	The design of the building ensures Crime Prevention Through Environmental Design (CPTED) principles are satisfied through safety measures. 3 lift cores are proposed for the commercial tenancy, co-living housing and child care centre components from the basement car park. Clear sightlines are provided from the Gilba Road and Billlabong Street building entrances, foyers and lobbies into the public domain.	Yes.
3.21 Pedestrian access and building entry	C1. The design of buildings shall comply with Australian Standards for Access and Mobility.	Access consultant report submitted with the application which demonstrated compliance with this control.	Yes.
	C2. Access to public areas of buildings shall not have unnecessary barriers or obstructions including uneven and slippery surfaces, steep stairs and ramps, narrow doorways, paths and corridors.		
	C3. Developments must provide continuous paths of travel from all public roads and spaces, as well as unimpeded internal access.		
	C4. Separate entries from the street are to be provided for cars, pedestrians, multiple uses		

	(commercial and residential) and ground floor apartments.		
	C5. Entries and associated circulation space is to be of an adequate size to allow movement of furniture.		
	C6. Provision of mailboxes for residential units shall be incorporated within the foyer area of the entrance to the residential component of the mixed use developments.	Conditions included.	Yes.
3.22 Pedestrian links, arcades, laneways and new streets	The development application does not require or propose a pedestrian links, arcades, laneways and new streets. It is considered unnecessary to include this component into the assessment report.	The site does not form part of an existing or proposed through-site link.	Not applicable.
3.24 Parking	C1. Refer to Part G3 of this DCP, or section 3J-1 of the ADG for car parking provision requirements.	The proposal does not provide sufficient car parking spaces that satisfied the car parking requirements for the proposed mixed use development. Refer to the discussion in the content of the report, Housing SEPP 2021 compliance table and Part G3 compliance table below.	No.
3.25 Vehicle access	C1. Vehicle access will comply with the provisions set out in Part G3 of this DCP.	It is advised by Council's Development Engineer that the proposed vehicular access and basement design does not satisfy Part G3 of the Cumberland DCP 2021.	No.
Part E – Other Land Use Based Development Controls			
Part E1 – Centre based childcare facilities			
2.1 General	*Objectives*		
	O1. Provision of high-quality child care which meets the needs of the community.	Satisfactory.	Yes.
	O2. Compatible with neighbouring land uses and integrate into existing residential environments that are unobtrusive.	Child care centre is a permissible land use for properties within E1 Local Centre zone under the Cumberland LEP 2021.	Yes.
	O3. Amenity of adjoining neighbours is retained and is not detrimentally affected by noise emissions from the site.	The noise amenity of the adjoining properties has been maintained to an acceptable level with the installation of the 2m high acoustic barrier along the boundaries of the central courtyard.	Yes.
2.2 Bulk and scale	C1. The minimum side setbacks for a new child care centre is 2m to allow for landscaping and separation of uses.	The subject site is located within the E1 Local Centre zone where nil setback from front and side boundaries are acceptable.	Acceptable.
	C2. The front and rear setback shall comply with the relevant building envelope controls for the established built form of the locality and zone.		
	C3. The front setback shall reflect the existing streetscape and desired future character of the locality.		
	C4. The child care centre building is to be designed so as to reflect the scale, bulk, size of surrounding residential	Satisfactory.	Yes.

	uses. However, this does not preclude the use of 'U' shaped or 'L' shaped buildings for the purpose of minimising acoustic impacts on neighbouring properties.		
	C5. The front setback area: • may only be used for access, parking and landscaping purposes; • shall not be used as an outdoor play space; and • shall not be included in calculations of unencumbered outdoor space.	The proposed child care centre is designed to provide nil setback from the street frontages.	Yes.
2.3 Traffic, parking and transport	C6. Development for the purposes of centre based child care facilities will comply with the specific traffic, parking and transport requirements set out in Part G3 of this Cumberland DCP 2021.	The proposal does not provide sufficient car parking spaces that satisfied the car parking requirements for the proposed mixed use development. Refer to the discussion in the content of the report, Housing SEPP 2021 compliance table and Part G3 compliance table below.	No.
Part F2 – Business Site Specific			
Part F2-11 – Pendle Hill Town Centre			
2.1 Site consolidation	C1. The minimum lot frontage requirements for all development within a Business zone is located in Part C.	Subject site has a frontage of 27.43m to Gilba Road and 40.225m to Billabong Street for a proposed 5 storeys mixed use development.	Yes.
	C2. The minimum lot frontage requirements for all development within a Residential zone is located in Part B.	The subject site is not within a residential zone.	Not applicable.
	C3. Notwithstanding the above, development within Business zones located on Pendle Way, between Stapleton and Joyce Street, and on Joyce Street are to provide a fine grain retail shopfront character.	Subject site is not identified within the described area.	Not applicable.
2.2 Rear laneways, land dedication, access & vehicular entries	C1. Where new development has access available off existing or proposed laneways, vehicular access must be provided from that laneway.	Subject site has no access to a laneway.	Not applicable.
	C2. A minimum 4m wide, 4m high pedestrian accessway must be maintained and dedicated for public access as part of any redevelopment of the site as per Figure 2.	Subject site is not identified within the described area.	Not applicable.
2.3 Building height	C1. The maximum height for development within the Pendle Hill Town Centre is detailed within Cumberland LEP 2021.	The proposal demonstrate compliance with this development control.	Yes.
	C2. The maximum building storey limits within the Pendle Hill Town Centre is detailed in Figure 3.	Figure 3 identified a maximum 4 storeys building is allowable for the subject site. Whilst the proposal being a 5 storeys mixed use development on site does not comply with this control, the proposal demonstrate	Acceptable.

		compliance with the maximum allowable height of building that imposed to the site by the Cumberland LEP 2021. Accordingly, the bulk and scale of the proposed mixed use development is considered acceptable in this instance.	
	C3. The minimum floor to ceiling height requirements are located in Part B and C.	Proposed development complies with the minimum floor to ceiling height requirements on all levels.	Yes.
2.4 Building setbacks, separation & street presentation	C1. All front setbacks shall be in accordance with Figure 4.	Proposed nil front setback along Gilba Road and Billabong Street frontages in accordance with Figure 4.	Yes.
	C2. Where a 0m setback is permitted, buildings shall form a continuous street edge.	Achieved. Continuous awning is proposed along the front façade of the development with gaps openings to protect the existing street trees along Gilba Road frontage. It is advised by Council's Tree officer that the existing street tree shall be removed and to be replaced by smaller plants to allow the continuation of street awnings. Condition will be imposed for replacement plants should the proposal to be supported by Council.	Satisfactory subject to conditions.
	C3. Rear and side setbacks (unless indicated otherwise in Figure 4) are to be in accordance with setbacks indicated in Part B or Part C of this DCP.	Proposed nil setbacks from the side boundaries which complies with Figure 4.	Yes.
	C4. Notwithstanding the above, a 6m setback is required to R2 low density residential lots between Gilba Road and Macklin Street.	The subject site is located within a E1 Local Centre zone under the Cumberland LEP 2021.	Not applicable.
	C5. Residential development shall correspond to building depth and separation requirements in Part B.	The building depth and separation requirements in Part B does not apply to the proposed co-living housing development. However, the proposed development is considered satisfactory with Part 2F and 3F of the ADG.	Acceptable.
	C6. Developments shall present and address the street.	The proposal has been designed to address and articulated to Gilba Road and Billabong Street frontages.	Yes.
	C7. Sites with corner lots shall present and articulate to both street frontages.		
	C8. Where sites are adjacent to Civic Park, development shall be orientated to address the park.	The subject site is not adjacent to Civic Park.	Not applicable.
Part G – General Controls			
Part G3 – Traffic, Parking, Transport & Access (Vehicle)			

3. Parking rate	Development is to provide on-site parking in accordance with the following minimum rates in Table 1. Where a parking rate has not been specified in the table, the Guide to Traffic Generating Developments shall be used to calculate the parking requirements for the proposed development. Alternatively, a parking study may be used to determine the parking, subject to prior approval by Council. Additional parking objectives and controls are provided in Section 4 of this DCP.	There are no car parking rates for co-living housing prescribed in the Cumberland LEP 2021 or in the RMS Guide to Traffic Generating Developments. The site is within an accessible area (400m walking distance to Pendle Hill Train Station). In accordance with section 68(2)(e)(i) of the Housing SEPP 2021, Child Care Planning Guideline and Part G3 Table 1 the Cumberland DCP 2021, the following car parking rates apply respectively: - 0.2 parking spaces for each co-living room; - 1 space per 10 children plus 1 space per 2 staffs; and - 1 space per 40sqm commercial GFA The proposed mixed use development comprising: - Col-living housing: 74 private rooms = 15 spaces - Child care centre: 34 children + 5 educators + 2 staffs = 7 spaces - Commercial tenancy: 214.981sqm GFA = 6 spaces In this instance, the proposal shall provide a total of 28 car parking spaces. Proposed 26 car parking spaces to share among all 3 land uses within the basement level including 1 tandem space and 4 accessible spaces. This presents a shortfall of 2 spaces (7.143% variation). As discussed in the content of the report, the proposal fails to provide sufficient car parking spaces to service all land uses on site. Hence, the non-compliance forms part of the reasons of refusal.	No.
4.3 Basement parking	C1. Basement garages and driveways shall be permitted in accordance with the relevant Australian Standards. Where slope conditions require a basement, the area of the basement shall not significantly exceed the area required to meet the car parking and access requirements for the development.	A basement is proposed, as would be expected for a development of this nature. There have been some concerns raised by Council's Engineers in relation to design of the basement levels and compliance with Australian Standards which will be appropriately addressed by conditions.	Yes.

	C2. Basement parking shall be located within the building footprint.	The basement extends beyond the building footprint. However, it is considered acceptable in the circumstances and given the nature of the proposed development.	No but acceptable.
	C3. Basement parking shall not unreasonably increase the bulk and scale of development.	Compliance is achieved.	Yes.
	C4. Basement parking shall provide, where required, a pumpout drainage system according to Council's engineering requirements.	Basement pump out is proposed and satisfactory.	Yes
	C5. Basement parking shall not affect the privacy of adjacent residential development.	The proposed basement will not affect the privacy of adjacent residential development.	Yes
	C6. Basement parking manoeuvring shall ensure that vehicles can enter and exit in a forward direction.	All vehicles can enter and exit the site in a forward direction.	Yes
	C7. Basement access/ramp design shall comply with ramp requirements specified in AS2890.	A basement is proposed, as would be expected for a development of this nature. There have been some concerns raised by Council's Engineers in relation to design of the basement levels and compliance with Australian Standards which will be appropriately addressed by conditions.	Yes
4.4 Development in business zones	*Vehicle access*		
	C1. Driveways shall be provided from laneways (existing or proposed), private accessways and secondary streets, where possible.	The subject site has no access to a laneway.	Not applicable.
	C2. If a building has access to a rear lane or side street, the loading and unloading facilities and service access shall be provided from that lane.	Not proposing any loading and unloading facilities on site.	Not applicable.
	C3. The location of vehicular access shall consider existing services (e.g. power, drainage) and street trees	Satisfactory.	Yes.
	C4. Car park entries and driveways shall be kept to a minimum and shall not be located on primary or core retail streets.	Proposed one vehicular crossing with double entries to service the proposed mixed use development on site.	Yes.
	C5. Driveways shall be located at the required distance from the intersection of two roads.	The driveway is located more than 6m from the corners.	Yes.
	C6. Vehicular access shall be integrated with the overall design of the building and shall consider site layout, streetscape character and façade design.	Vehicular access is integrated with the overall design of the building.	Yes.
	C7. All vehicles must be able to enter and leave the site in a forward direction.	It is advised by Council's Development Engineer that the design of the proposed basement and vehicular access ramp fail to satisfy the relevant standard. Accordingly, Council is unable to confirm if all vehicles can enter and exit the site in a forward direction.	No.

	C8. The width of driveways is limited to a maximum of 8m at the boundary, including development with commercial loading docks and servicing (including waste servicing).	Proposed 7.2m wide vehicular crossing at the property boundary to access the basement level off Billabong Street.	Yes.
	C9. Pedestrian safety is to be maintained through design, including ensuring clear sight lines at pedestrian and vehicular crossings and clearly differentiating vehicular and pedestrian access.	Pedestrian safety is achieved.	Yes.
	Parking		
	C10. Parking rates shall comply with the minimum parking rates in Section 3 of this Part of the DCP.	Unsatisfactory, as detailed in assessment earlier.	No.
	C11. On-site parking is to be accommodated within a basement wherever possible.	All parking is proposed within the basement.	Yes.
	C12. Consolidate basement parking areas under building footprints to maximise the area available for landscaping.	The basement is contained within the footprint of the proposed development on site. Council's Tree Management Officer confirmed sufficient soil depth is provided between the basement and ground floor level to accommodate on slab planting on site.	Acceptable.
	C13. On-site parking is to be suitably screened from view of an active or main street frontage.	All parking is proposed within the basement.	Yes.
	C14. Parking areas shall be designed to ensure pedestrian amenity and safety.		
	C15. Natural ventilation is to be facilitated to basement and sub-basement car parking areas, wherever possible, and with regard to any flooding issues.	Standard conditions will be imposed to ensure underground natural ventilation to the basement car park level should the proposal to be supported by Council.	Condition to comply.
	C16. Ventilation grilles and structures shall be integrated into the façade and landscape design, should not be provided at active frontage and should not be near windows of habitable rooms and open space areas.	Satisfactory.	Yes.
	C17. Safe and secure access is to be provided from on-site parking for building users, including direct access from parking to lobbies.	Direct access proposed.	Yes.
	C18. Marked pedestrian pathways with clear lines of sight and safe lighting shall be provided.	Pedestrian pathways will be marked subject condition should the proposal to be supported by Council.	Condition to comply.
	C19. Private car parking within mixed use developments must be clearly identified and separated from commercial car parking.	The proposed arrangement of uncontrolled car, motorcycle and bicycle parking for the commercial unit, child care centre and co-living housing is likely to give rise to conflict between users, resulting in contention for parking spaces and an inability to restrict parking to its intended use.	No.

		This outcome is inconsistent with the provision of segregated parking areas for distinct land uses.	
	C20. Visitor parking shall be clearly identified and shall not be provided in the form of stacked/ tandem parking.	The only stacked/tandem parking proposed will be utilised by the child care centre.	Yes.
4.9 Electric vehicle charging points	C2. The installation of a 'Level 2' electric vehicle charging point is encouraged for all new residential and non-residential development.	No electric vehicle charging point is proposed on site. However, a condition can be imposed for compliance with this requirement should the proposal to be supported by Council.	Condition to comply.
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.	It is advised by Council's Engineers that the proposed stormwater drainage concept plan is considered unsatisfactory.	No.
2.6 Flood Risk Management	C1. The proposed development does not result in any increased risk to human life and does not increase the potential flood affectation on other development or properties.		
	C7. The filling of flood prone land, where acceptable and permitted by this Part, must involve the extraction of the practical maximum quantity of fill material from that part of the site adjoining the waterway.		
	C8. The proposed development shall comply with Council's Flood Risk Management Policy.		
2.7 Water Sensitive Urban Design, water quality and water re-use	*Water 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.	The subject site is 1,065sqm only.	Not applicable.
	C2. Development for the subdivision of sites of 2,500 square metres or more in area must achieve the stormwater flow targets in the Water Sensitive Urban Design Strategy, unless public water quality and flow structures downstream of the site allow these targets to be met. Details of compliance must be included in the Water Sensitive Urban Design Strategy supporting the development application.		
	C3. All other developments shall provide appropriate water sensitive treatments.	The proposed OSD on site and is considered unacceptable as advised by Council's Development Engineer.	No.
	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.	The proposed stormwater drainage concept plan does not satisfy with Council's requirement.	No.
	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 1,500sqm) and 10,000L (for site area greater than 1,500sqm).	The proposed stormwater drainage concept plan does not satisfy with Council's requirement.	No.
	C10. The ESCP shall be in accordance with the standards outlined in Managing Urban Stormwater: Soils and Construction by the NSW Department of Housing.	ESCP plan submitted with the application and is considered acceptable.	Yes.
Part G5 – Sustainability, Biodiversity & Environmental Management			
2.1 Groundwater	C1. Operating practices and technology, including dewatering, shall not contaminate groundwater or adversely impact on adjoining properties and infrastructure. Any dewatering activities may require concurrence from the NSW Government. Any application to discharge ground and surface water to Council's stormwater system must be accompanied by a Dewatering Management Plan.	The stormwater disposal concept design has been submitted. It is confirmed by Council's Development Assessment Engineer that the design is unacceptable and the matter form part of the reasons of refusal.	No.
	C2. Groundwater is to be recharged, where possible, while still protecting and/or enhancing groundwater quality, using water sensitive urban design.		
	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.		
	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.		
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.	SEPP No. 55 has been repealed to form Resilience and Hazards SEPP 2021 since March 2021. The Preliminary Site Investigation and Assessment Report has been submitted with the application and is considered satisfactory when assessed against the Chapter 4 of the Resilience and Hazards SEPP 2021.	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 and vegetations identified for removal from the site do 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.	Not proposing any renewable energy sources. However, solar panel can be installed if necessary.	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.	No major tree is identified on site and no street tree is proposed for removal by the applicant. However, the removal of a street tree is recommended by Council's Tree Management Officer with replacement plantings along Gilba Road and Billabong Street frontages as part of the proposal development. Conditions will be imposed accordingly should the proposal to be supported by Council.	Condition to comply.
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	Council's Tree Management Officer raised no issue with the proposed landscape plan on the site. Conditions of development consent be imposed should the	Yes.

	AS4970-2009 to ensure their long-term survival.	application to be supported by Council.	
	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.	As noted above, the existing street tree on Council's nature strip is proposes to be retained and protected during the course of works. However, the street tree is recommended to be removed by Council's Tree Management Officer should the application to be supported by Council.	Condition to comply.
	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 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			
3.3 Residential	*Bin requirements*		
	C1. The waste service requirements for residential developments shall comply with Table 2.	Noted.	Yes.
	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).	The application was referred to Council's Waste Management Officer who has advised that the waste management is considered unsatisfactory. The wheel-in/wheel-out waste collection may be supported by Council subject to the amendment to the waste storage and transport within the site should the application to be supported by Council.	No.
	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.		
	Multi-dwelling housing and residential flat buildings		
	C10. The minimum door width needs to be greater than 1.4m to allow movability of bins and disabled access.	Not proposing any multi-dwelling housing nor residential flat building on site.	Not applicable.
	Location and appearance		
	C23. The bin storage area must be located and designed to reduce adverse impacts upon the residents of	Bin storage room is incorporated on the ground floor level of the proposed mixed use development.	Yes.

	any dwelling on the site and upon neighbouring properties.		
	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.	Notwithstanding no low rise medium density housing or residential flat building are proposed on site, no bulky waste storage area is proposed to service the mixed use development on site.	No.
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 locations of the bin storage areas on the ground floor level of the proposed mixed use development is unacceptable. The layout of the residential bin room areas is poor, leading to unacceptably and unnecessarily poor residential amenity. Having two residential waste storage areas, one of either side of the enclosed foyer and lift access, with the need to transport bins through the foyer is unsatisfactory. Access should be provided directly from one consolidated waste storage area to Billabong Street.	No.
	C6. An electric portable bin tug device must be used for bin movement where the grade exceeds 1:14. Specifications for a typical portable bin tug device are provided as a guide in Table 3.	No bin tug required to transfer the bins and waste for kerbside collection. Proposed wheel-in/wheel-out waste collection service is considered acceptable as advised by Council's Waste Management Officer.	Not applicable.
3.6 Collection area requirements	C1. All developments must allocate a suitable collection point for collection of waste and recycling bins from either inside the development (on-site) or from kerbside (off-site).	Kerbside collection is proposed on site. However, it is unclear if a single waste collection point is proposed for the mixed development given the locations of the bin storage rooms.	No.
3.7 Collection vehicle requirements	C1. All proposed developments will need to accommodate a Heavy Rigid Vehicle (HRV) for all waste collection.		
	C2. Proposed developments that require a waste collection vehicle to enter the site for the collection of waste, a swept path analysis for a 10.5m HRV with a height clearance of 4.5m must be clearly demonstrated in the Architectural Plans, Waste Management Plan, and Traffic and Transport Management Plan. If a hook lift bin is to be used, the height clearance will increase and greater height clearance will be required.		
	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.		