PLANNING COMMITTEE MEETING

Strathfield Municipal Council

Tuesday 15 April 2014

6.30pm
Strathfield Library
65-67 Rochester Street, Homebush
AGENDA

1. Declaration of Pecuniary or Conflict of Interest (nature of interest to be disclosed)

2. Confirmation of Minutes

   Planning Committee Meeting 18 March 2014

3. Apologies

4. Deferred/Outstanding matters awaiting report
   
   1. Strathfield Plaza Car Parking Charges

5. Reports by Officers

   1. DA2013/219 – 32 Noble Avenue, Strathfield
   2. DA2013/086 – 19 Boden Avenue, Strathfield
   3. DA2013/206 – 459-463 Liverpool Road, Strathfield
   4. Delivery Program and Operational Plan Six - Monthly Report
   5. Potential Planning Proposal for High Street and Noble Avenue Precinct

6. Matters of Urgency in Accordance with Clause 241 of the Local Government General Regulation, 2005

7. Closed Session

In accordance with Section 10A (2) of the Local Government Act 1993 the following matter will be considered in Closed Session for the reason stated:

   1. ACU Legal Proceedings Update – report to be distributed

This matter is being considered in Closed Session as it relates to advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the grounds of legal professional privilege.
I endorse the recommendations contained herein.

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Director Corporate Services
Minutes of the Planning Committee Meeting of Strathfield Municipal Council held on 18 March 2014, in the Ironbark Room at Strathfield Library, 65 Rochester Street, Homebush.

COMMENCING: 6.32pm

PRESENT: Mayor Councillor D Bott (Chairman)
Councillor R Datta
Councillor S Kokkolis
Councillor H McLucas
Councillor S Ok
Councillor A Soulos
Councillor G Vaccari

STAFF: General Manager
Director Corporate Services
Acting Director Technical Services (Group Manager Planning and Environment)
Personal Assistant to Director Corporate Services

1. PECUNIARY INTEREST/CONFLICT OF INTEREST

Councillor Vaccari declared a significant non pecuniary interest in Item 7. Planning Proposal to De-list Heritage Item at 3 Margaret Street, Strathfield as he has an association with a person who owns property in the area and advised he will vacate the meeting room and not take part in discussion on this matter.

Councillor Soulos declared a significant non pecuniary interest in Item 3. DA2013/212 – 43 Mackenzie Street, Strathfield as he has known the owner of the property all his life and advised he will vacate the meeting room and not take part in discussion on this matter.

Councillor Bott declared a non significant non pecuniary interest in Item 5. DA2013/180 – 17-19 Burlington Road, Homebush as he owns a property in the street however due to the sufficient distance of the property he advised he intends to remain in the meeting room and will take part in discussion on this matter.

2. CONFIRMATION OF MINUTES

P11/14 RESOLVED: (McLucas/Datta)

That the minutes of the Planning Committee Meeting of the Council held on 18 February 2014, copies of which have been furnished to each Councillor, be taken as read and confirmed as a true and correct record of that meeting and that the Chairman and General Manager be authorised to sign such minutes with the following amendment:

“1. Closed Session - Australian Catholic University Legal Proceedings Update

Councillors McLucas and Vaccari having previously declared a conflict of interest in this matter vacated the meeting room.
P10/14
RESOLVED: (Datta/Ok)

1. That Council note the update on the Australian Catholic University Class 1 proceedings, Class 4 proceedings and Section 96 application issues.

2. That Council endorse an additional budget of $45,000 to fund the Australian Catholic University Class 1 and Proceedings.

For the Motion: Councillors Bott, Datta, Ok, and Soulos”

For the Motion: Councillors Bott, Datta, Kokkolis, McLucas, Ok, Soulos and Vaccari

Against the Motion: Nil.

3. APOLOGIES

Nil.

4. DEFERRED/OUTSTANDING MATTERS AWAITING REPORT

1. Strathfield Plaza Car Parking Charges

Noted.

5. REPORTS BY OFFICERS

1. DA2013/207 – 20 Homebush Road, Strathfield

In accordance with Council’s Code of Meeting Practice, the following person addressed the meeting:

<table>
<thead>
<tr>
<th>In support of Application</th>
</tr>
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<tbody>
<tr>
<td>Mr George Khouri</td>
</tr>
<tr>
<td>GM Architects Pty Ltd</td>
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</table>

P12/14
RESOLVED: (Vaccari/Datta)

That DA2013/207 for the demolition of existing structures and construction of a part 4, part 5 storey residential flat building development containing 16 units, two (2) level basement car park and associated landscaping at 20 Homebush Road, Strathfield be APPROVED subject to the following conditions:

PART B - OTHER CONDITIONS

Plans

1. The development shall be completed in accordance with the approved plans and documents listed below, prior to the building being used or occupied, and subject to any amendments “in red” and any variation as required by conditions of this consent:

Site Analysis Plan Dwg No A102 prepared by GM Architects received by Council 15 November 2013.

Basement Levels Plan Dwg No A103 prepared by GM Architects received by Council 15 November 2013.

Ground Floor and Level 1 Plan Dwg No A104 prepared by GM Architects received by Council 28 October 2013.

Levels 2 and 3 Plans Dwg No A105 prepared by GM Architects received by Council 15 November 2013.

Levels 4 and Roof Plans Dwg No A106 prepared by GM Architects received by Council 15 November 2013.

West Elevation Dwg No A107 prepared by GM Architects received by Council 15 November 2013.

East Elevation Dwg No A108 prepared by GM Architects received by Council 15 November 2013.

North Elevation Dwg No A109 prepared by GM Architects received by Council 15 November 2013.

South Elevation Dwg No A110 prepared by GM Architects received by Council 15 November 2013.

Section Dwg No A111 prepared by GM Architects received by Council 15 November 2013.

Stormwater Detail Plan Job No. 13MB5610/001 Dwg No. 1 of 3 Issue B prepared by United Consulting Engineers received by Council 15 November 2013.

Stormwater Detail Plan Job No. 13MB5610/001 Dwg No. 2 of 3 Issue B prepared by United Consulting Engineers received by Council 15 November 2013.

Stormwater Detail Plan Job No. 13MB5610/001 Dwg No. 3 of 3 Issue B prepared by United Consulting Engineers received by Council 15 November 2013.


Basement Certification A1313613N prepared by ML Traffic Engineers received by Council 28 October 2013.

Car Park Ramp and Access Certification A1313615N (Version 1a) dated October 2013 prepared by ML Traffic Engineers received by Council 15 November 2013.

BASIX Certificate No. 509762M_02 issued 13 November 2013 received by Council 15 November 2013.

SEPP 65 Design Verification Statement prepared by GM Architects received by Council 15 November 2013.


Specification of Finishes prepared by GM Architects received by Council 15 November 2013.


2. A Construction Certificate must be obtained either from Council or a privately accredited person before commencement of any construction associated with this consent.

3. The Principal Certifying Authority must be appointed prior to work commencing to supervise the work and authorise occupation/use of the building when completed.

4. A copy of the endorsed stamped plans and specifications, together with a copy of the Development Consent, Construction Certificate and any approved Traffic Management Plan are to be retained on site at all times.

Special Conditions

5. Two (2) units within the proposed development must be provided as ‘adaptable’ in accordance with the requirements of AS4299 and a minimum of one (1) accessible parking space shall be provided to each adaptable unit. Amended plans demonstrating compliance with this requirement must be prepared and submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate.

6. The external finishes of the building are to be strictly in accordance with the specifications listed under Condition 1 above and as modified by Condition 5. The Principal Certifying Authority must confirm in writing to Strathfield Council that the development demonstrates
full compliance with the colours and finishes specification prior to the issue of an Occupation Certificate.

7. The development must be provided with a master TV antenna connected to all residential units prior to the issue of an Occupation Certificate.

8. A separate development application shall be lodged with and approved by Council for any additional structures which are to be affixed to the rooftop area.

9. The mechanical roller door to the basement car park is to be fitted with a belt-based silent operating system or similar in order to minimise noise generated by the use of the roller door and to minimise the likelihood of sleep disturbance to the adjoining residential dwellings.

General

10. The building shall not be occupied or used until the development has been completed in accordance with the conditions of this consent, construction has been completed in accordance with the Construction Certificate and an Occupation Certificate has been issued by the Principal Certifying Authority.

11. For residential flat developments which are subject to State Environmental Planning Policy (SEPP) No. 65 – Design Quality of Residential Flat Development and required to be accompanied by a design verification from a qualified designer under Clause 50(1A) of the Environmental Planning and Assessment Act Regulation 2000, a certifying authority must not issue:

   (a) a Construction Certificate unless the certifying authority has received a design verification statement from a qualified designer that verifies that the plans and specifications achieve or improve the design quality of the development for which development consent was granted having regard to the design quality principles set out in Part 2 of SEPP No. 65, in accordance with Clause 143A of the Regulations; and

   (b) an Occupation Certificate to authorise a person to commence occupation or use of the residential flat building unless the certifying authority has received a design verification statement from a qualified designer that verifies that the residential flat development achieves the design quality of the development as shown in the plans and specifications in respect of which the construction certificate was issued, having regard to the design quality principles set out in Part 2 of SEPP No. 65, in accordance with Clause 154A of the Regulations.

12. A Works Permit shall be obtained from Council's Customer Service Centre at least 48 hours prior to undertaking any works on public/Council-controlled areas. The permit must be retained on site at all times.

13. Prior to the issue of a Construction Certificate, photographs documenting any existing damage to the kerb and gutter and footpaths adjacent to the property shall be submitted to the consent authority. In the absence of this documentation, the applicant is liable for all damage that occurs to Councils' assets.

14. Fixed/retractable washing lines must be provided within a common open space area and must be configured to ensure they are not visible from a public place. The installation and
acceptable location of washing lines must be confirmed by the Principal Certifying Authority prior to the issue of a Construction Certificate.

15. The applicant or any contractors carrying out works in public or Council controlled lands shall have public liability insurance cover to the value of $10million and shall provide proof of such cover to Council prior to carrying out works.

Financial Matters

16. In accordance with the provisions of Section 94(1)(b) of the Environmental Planning and Assessment Act 1979 and the Strathfield Direct Development Contributions Plan 2010-2030, a contribution in the form of cash, cheque or credit card (financial transaction fee applies) shall be paid to Council for the following purposes:

| Provision of Community Facilities | $ 18,992.70 |
| Provision of Major Open Space      | $ 91,410.30 |
| Provision of Local Open Space      | $ 30,456.00 |
| Provision Roads and traffic Management | $ 3,573.00 |
| Administration                      | $ 3,891.60 |
| **TOTAL**                           | **$148,323.60** |

The total amount of the contribution is valid as at the date of determination and is subject to annual indexation. If the contribution is paid after 1st July in any year, the amount of the contribution under this condition shall be indexed in accordance with clause 2.14 of the Strathfield Direct Development Contributions Plan 2010-2030.

The required contribution shall be paid prior to the issue of a Construction Certificate or as otherwise specified in writing by Council.

17. A security payment of $54,381.00 in the form of cash, bank guarantee, cheque or credit card (financial transactions fees apply) shall be paid to Council prior to the issue of a Construction Certificate. The security payment is GST inclusive and comprises the following:

| Refundable tree protection bond | $ 5,000.00 |
| Refundable Council drainage system bond | $45,000.00 |
| Refundable public works bond       | $ 5,000.00 |
| Non-refundable administration fee ($127/bd) | $ 381.00 |
| **TOTAL**                         | **$55,381.00** |

The security payment covers the following matters and will be released upon satisfactory completion of these items:

(a) road and stormwater drainage works in roadways and public areas;
(b) connection to Council’s stormwater drainage system;
(c) installation and maintenance of sediment control measures for the duration of construction activities, and
(d) Ensuring no damage occurs to or building debris/materials are left on Council land including footpath, nature strip, kerb and gutter. The security bond may be used to recover the costs incurred by Council in cleaning and restoring the land to its original condition.
18. Fees are payable where Council is appointed as principal certifying authority to carry out the post-approval inspections. A quotation for the fees can be obtained by contacting Council and the fees shall be paid prior to the carrying out of any of the inspections.

Any re-inspection which is necessary due to site access not being available, defective work, or the matter not being ready for inspection will be charged in accordance with Council’s Fees and Charges Policy. Council will advise in writing if an additional re-inspection is required and the re-inspection fee shall be paid prior to release of the damage deposit. If the additional fee is not paid it will be deducted from the damage deposit.

Parking/Traffic Matters

19. A total of (31) off-street parking spaces, hard paved, line marked, labelled and drained, shall be provided in accordance with the approved plans and distributed as follows:

<table>
<thead>
<tr>
<th>Type</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Studio unit</td>
<td>(1)</td>
</tr>
<tr>
<td>2 bedroom units</td>
<td>(13)</td>
</tr>
<tr>
<td>3 bedroom units</td>
<td>(14)</td>
</tr>
<tr>
<td>Car wash bay/ Visitors</td>
<td>(3)</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td>(31)</td>
</tr>
</tbody>
</table>

and these spaces shall only be used for the parking of motorcycles, sedans, utilities, vans and similar vehicles up to two (2) tonne capacity.

20. A sign shall be erected in a suitable location on the site advising that parking is available for visitors.

21. Where entry points to carpark areas are fitted with security gates/shutter and access to visitor parking is required to be provided a suitable communication system shall be provided at the entry point to allow the security gates/shutter to be opened remotely by occupants of the building.

22. All vehicles entering and leaving the site shall be driven in a forward direction only.

23. All driveways shall be separated from landscaped areas by a minimum 150mm high by 150mm wide concrete kerb or similar.

24. The vehicle spaces must not be enclosed with walls or meshed security screens without the prior approval of Council.

25. All car washing, engine degreasing and steam cleaning shall be conducted in a designated wash bay within the basement which is drained in accordance with the requirements of Sydney Water. Plans demonstrating compliance with this requirement must be submitted to and approved by the Principal Certifying Authority prior to the issue of a Construction Certificate. This information shall also form part of any future development application for the Strata Subdivision of the development.

26. A Traffic Management Plan prepared by a suitably qualified person shall be submitted to and approved by the Principal Certifying Authority prior to the issue of a Construction Certificate.
27. Purpose built storage compartment(s) shall be provided to and within each of the resident car parking bays and/or associated dwellings at the following rate:

- 8m$^3$ for each one (1) bedroom unit;
- 10m$^3$ for each two (2) bedroom unit; and
- 12m$^3$ for each three (3) bedroom unit.

Amended plans showing the location and configuration of each of storage compartment(s) shall be submitted to and approved by the Principal Certifying Authority prior to the issue of the Construction Certificate.

Drainage/Stormwater

28. Stormwater runoff from all roof and paved surfaces shall be collected and discharged by means of a gravity pipe system to Council’s street drainage system in Homebush Road. The point of connection shall be the closest suitable as determined by Council’s Director of Operations. Drainage concept plans prepared by United Consulting Engineers Pty Ltd Sheets No.1, 2, 3, and 4 received by Council 15 November 2013. Shall be amended and submitted to the Principal Certifying Authority and Council for approval prior to the issue of a Works Permit or Construction Certificate.

29. Details of the proposed method of stormwater disposal shall be prepared by a suitably qualified professional civil engineer in accordance with the endorsed concept plans AND the requirements of Council’s Stormwater Management Code and submitted to the principal certifying authority and council for approval prior to the issue of a Works Permit or Construction Certificate.

In this project the above engineering plans are not satisfactory and will need to be amended in accordance with conditions 28 and 29 above. The assessment authority, (either (a) Council, or (b) a Private Certifier), is to satisfy themselves of the adequacy of the above plans for the purposes of Construction. They are to independently determine what details, if any, are to be added to the Construction Certificate plans, in order for the issue of the Construction Certificate.

Where a Private Certifier issues the Construction Certificate a copy must be provided to Council, prior to the issue of a Construction Certificate.

30. On-site stormwater detention storage shall be provided in conjunction with the stormwater disposal system. The storage system shall be designed in accordance with the endorsed concept stormwater plans AND/OR Council’s Stormwater Management Code.

The OSD volume and discharge shall be revised such it complies with Strathfield Council’s Stormwater Management Code Supplement 2.

Details of the storage system shall be submitted to and approved by the Principal Certifying Authority prior to the issue of a Construction Certificate.

31. The connection of stormwater runoff from the development site to Council’s street drainage system shall consist of a pipe line across to the street kerb with the pipeline then continuing under the kerb and gutter to Council’s drainage pipe on the western side of Homebush Road.
32. The proposed pipe in Homebush Road shall be 375mm in diameter, reinforced concrete spigot and socked with rubber ring joints. A pit shall be constructed at the property boundary and at the kerb line. Class of the pipe and minimum cover required over the pipe shall comply with the manufacturer’s specification and Council’s standard requirements.

33. Details of the proposed connection of stormwater runoff to Council’s street drainage system shall be prepared by a suitably qualified Hydraulic Engineer in accordance with Council’s standard requirements and submitted for approval of Council’s Manager Engineering Works & Services prior to the issue of a Construction Certificate.

34. The invert of the outlet pipe connecting to Council’s drainage pit in Homebush Road shall be at 1/3 of the depth of pit measured from the top of the grate and invert of the On-site Detention Storage (OSD) shall be above the invert of the gutter in the road.

35. The utility services within the area of the proposed drainage line (i.e. gas, water, sewer, electricity, telephone, etc) shall be physically located prior to the commencement of drainage works. The relevant authority’s written consent for excavation adjacent to their services shall be obtained. Any adjustments required shall be at no cost to Council.

36. A Works Permit shall be obtained from Council’s Customer service Centre prior to undertaking any works on public/Council-controlled lands. This includes any work on the nature strip, footpath, driveways, Council’s drainage kerb & guttering and roadways.

37. The applicant or any contractors carrying out works in public or Council’s controlled lands shall have public liability insurance cover to the value of $10 million, and shall provide proof of such cover prior to carrying out the works.

38. A Traffic Management Plan shall be submitted for approval to Council’s Engineering Works & Services Section, prior to the commencement of drainage works in Homebush Road.

39. A bond of $20,000 in the form of cash or bank cheque shall be lodged with Council by the applicant prior to the commencement of drainage works. This bond covers road, drainage and footpath works in Homebush Road and will be released upon satisfactory completion of these items.

40. For connection to Council’s drainage system in Homebush Road inspections will be required:
   a. after the excavation of pipeline trenches
   b. after the laying of all pipes prior to backfilling.
   c. after the completion of all pits and connection points.

41. Drainage works in Homebush Road must be completed prior to the commencement of building works onsite.

42. Council’s footpath along the Homebush Road frontage of 18 to 22 Homebush Road shall be reconstructed to match level of the footpath outside of 16 and 24 Homebush road.

43. On completion of drainage works in homebush road, the affected areas i.e. roadway, nature strip, footpath, kerb & guttering and driveways shall be reinstated to the satisfaction of Council’s Manager Engineering Works & Services at no cost to council.
44. **Prior to the issue of an Occupation Certificate**, written verification from a suitably qualified professional civil engineer shall be obtained, stating that all stormwater drainage and related work has been constructed in accordance with the approved plans.

In addition, detailed works-as-executed plans, prepared and signed by a registered surveyor, shall be submitted to and approved by the Principal Certifying Authority. Where changes have occurred the plans shall be marked-up in red ink and shall include levels and location for all drainage structures and works, buildings (including floor levels) and finished ground and pavement surface levels.

45. Temporary measures shall be provided and regularly maintained during demolition, excavation and construction to prevent sediment and polluted waters discharging from site. Plans showing such measures in accordance with the NSW Department of Housing, Managing Urban Stormwater, Soils and Construction Manual dated August 1998 shall be submitted to and approved by the Principal Certifying Authority **prior to the issue of a Construction Certificate**.

46. For drainage works within public land or connecting to Council’s stormwater drainage system the following inspections will be required:-

   (a) After the excavation of pipeline trenches.
   (b) After the laying of all pipes prior to backfilling.
   (c) After the completion of all pits and connection points.

A minimum of 48 hours’ notice shall be given to Council to inspect works. Inspections may be arranged by telephoning Council’s Engineering Works and Services section on 9748-9999 during office hours. Work is not to proceed until the works are inspected and approved by Council.

47. All pits shall be constructed in accordance with Australian Standard AS3500.3.

48. All subsoil drainage must be designed to meet the requirements of AS3500;

49. Access to the basement car park, head room for basement entry, driveway ramp and turning circles shall be designed in accordance with AS 2890.1-2004.

50. The proposed basement pump out system is to be strictly in accordance with the requirements set out in Strathfield Council's Stormwater Management Code 2007. The rising main shall be connected to the OSD tank/basin. Final details of this system are to be submitted to the Principal Certifying Authority **prior to the issue of a Construction Certificate**.

51. All surface inlet drains upstream of the on-site detention basin/tank must be designed so that there is no overflow before the storage is full.

52. Overflow paths shall be provided to allow for flows in excess of the capacity of the pipe/drainage system draining the site, as well as from any on-site stormwater detention storage.

53. Allowance shall be made for surface runoff from adjacent properties, and to retain existing surface flow path systems through the site. Any redirection or treatment of these flows shall not adversely affect any other properties.
54. Boundary fencing shall be erected in such a manner as not to interfere with the natural flow of ground and surface water to the detriment of any other party.

55. A Positive Covenant under Section 88E of the Conveyancing Act shall be created on the title of the property detailing the:

(a) On-site Stormwater Detention System

incorporated in the development. The wording of the Instrument shall be submitted to, and approved by Council prior to lodgement at Land & Property Information NSW. The Instrument shall be registered and a registered copy of the document shall be submitted to and approved by the consent authority prior to the issue of an Occupation Certificate/use of the building.

The positive covenant is required to prevent future modification or alteration without the written consent of the consent authority, and to ensure suitable maintenance is carried out.

Landscaping/Tree Matters

56. The trees listed below shall be retained at all times:

<table>
<thead>
<tr>
<th>Tree</th>
<th>Height/Spread (m)</th>
<th>Location</th>
<th>Protection Zone (m)</th>
<th>Structural Root Zone (m)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1) <em>Lophostemon confertus</em> (Brushbox)</td>
<td>9.0 x 7.5</td>
<td>Northern side of driveway (Council’s nature strip)</td>
<td>4.2</td>
<td>2.13</td>
</tr>
</tbody>
</table>

and protected by the establishment of a protection zone (in accordance with Australian Standard AS4970-Protection of trees on development sites) before any site works begin (including any demolition/excavation). The protection zone shall be maintained for the duration of works and implemented as follows:

(a) A minimum 1.8m high barrier (Chain wire mesh panels, plywood or wooden paling fence panels: refer to AS4687-Temporary fencing and hoardings for fencing requirements) shall be erected around the perimeter of the stated Protection Zone as measured from the base of the tree (or where practical). Shade cloth or similar should be attached to reduce the transport of dust, other particulate matter and liquids into the protected area. Fence posts and supports should have a diameter greater than 20mm and be located clear of roots. The barrier shall be constructed so as to prevent pedestrian and vehicular entry into the protection zone. The barrier shall not project beyond the kerb onto the roadway or any adjacent footpath.

(b) Signs identifying the Protection Zone should be installed on the fencing and be visible from within the development site. Lettering should comply with AS 1319-Safety signs for the occupational environment.

(c) No concrete slurry or wash, building materials, builders’ rubble, excavation soil or similar shall be placed or stored within the tree protection zone.

(d) The whole of the tree protection zone shall be mulched to a minimum depth of 75mm.

(e) The tree protection zone shall be regularly watered.

(f) Any major structural roots which are encountered shall be pruned by a qualified Arborist.
(g) **No excavation or construction shall be carried out** within the stated *Structural Root Zone* distances from the base of the trunk surface.

(h) Only permeable surfaces (e.g. decomposed granite, gravel, turfpave, permeable paving systems or soft landscaping) are permitted within the canopy spread of the trees to be protected.

57. All noxious weeds on the site shall be removed and destroyed as per their classification under the Noxious Weeds Act.

General maintenance of Council’s nature strip adjoining the development site, including regular lawn mowing, edging, irrigation of the lawn and street trees and restricting the storage of materials, rubbish and parking or driving of vehicles on the nature strip, must be carried out during the full period of all approved works (including any demolition and excavation).

To protect existing trees, masonry fence piers must be setback a minimum 2.25 metre radius from the all street trees referred to in the “Landscaping/Tree Matters” and all masonry walling between the piers within this zone must be supported on concrete beams (not strip footings).

**Green Factor**

58. All landscaping works must be carried out in accordance with the stamped and approved Green Factor (landscape) plans, including stated species selection, stated soil profiles/materials, stated drainage, and stated soil depths.

59. The soil profile used must have the stated soil structure that supports water and nutrient retention that includes expanded shale, clay or similar at the bottom of the profile to absorb water, however, the design of the soil profile must ensure that the soil does not become water-logged.

60. The waterproofing membrane used must be certified to work with green roofs, and must have a lifetime guarantee.

61. Documentation of the construction demonstrating compliance with this condition must be carried out by the Registered Landscape Architect who prepared the plans, and submitted to the Principal Certifying Authority for approval **prior to the issue of an Occupation Certificate** for the development. This documentation is to include:

(a) A written and photographic report that shows the process and details of construction so that it can be demonstrated that:

(i) The correct waterproofing membrane has been installed. This must be accompanied by a certification by the supplier;

(ii) The specified soil structure has been used. This will take the form of annotated construction photographs that show the detail of the soil profile being constructed close up and from a distance to ensure that the location within the project can be confirmed. The photographs are to be accompanied by plans showing the locations being documented. A minimum of four roof/podium locations and two ground level over structure locations must be documented;

(iii) The specified plant species have been used;

(iv) The specified tree sizes have been used;
(v) Any Community Garden has been planted, and any associated sheds have been built;
(vi) Any additional factors, such as bird nests, water features, outdoor kitchens, children’s play structures or equipment have been installed in accordance with the plans and suppliers standards;
(vii) A certificate from the registered landscape architect who prepared the Development Application plans clearly stating that the works have been built as specified, and that the said landscape architect is satisfied that the standard of construction is such that the planting will have longevity.
(viii) A maintenance agreement for a minimum of one year from completion from the developer to stating/ensuring that the landscape area is maintained and allowed to properly establish, with any plants that die replaced by the developer within this period.

62. Once the report and accompanying documentation has been received by the relevant Consent Authority, the landscape must be inspected by the Principal Certifying Authority together with the registered Landscape Architect to ensure that the report and what has been constructed are in agreement.

63. Two hardcopies and two softcopies of the full documentation provided under this condition must be provided to Strathfield Council, along with the certification by the registered Landscape Architect prior to the issue of an Occupation Certificate.

Construction Matters

64. Prior to the commencement of any construction or demolition work, the Applicant or principal contractor must, subject to obtaining permission from the respective property owners, provide dilapidation reports prepared by a suitably qualified person (such as a structural engineer), on the buildings located on any lot adjacent to the subject site, inclusive of ancillary structures. A copy of the respective report must be provided to the Principal Certifying Authority and neighbouring property owners that are the subject of that report.

65. The proposed development shall comply with the National Construction Code and details demonstrating compliance shall be submitted to the Principal Certifying Authority for approval prior to the issue of a Construction Certificate.

66. Footings shall be designed in accordance with the soil classification of H, or Highly Reactive (unless determined to the contrary by a suitably qualified person).

67. If the soil conditions require it retaining walls associated with the erection or demolition of a building or other approved methods of preventing movement of the soil must be provided, and adequate provision must be made for drainage.

68. The existing ground levels shall not be altered except in accordance with the levels shown on the approved plans as part of this consent. Finished ground surface levels shall match the existing levels at the property boundary. Any survey plan shall also show the extension of these levels in relation to adjoining properties.

69. If the existing ground levels are altered during construction, Council may require a survey plan of the finished ground levels to be prepared and submitted prior to the issue of an Occupation Certificate to determine if there have been changes to the pre-development levels and if there are any impacts on adjoining properties as a result.
70. All construction, demolition and excavation work shall be restricted to 7am and 5pm (Eastern Standard Time) on Mondays to Saturdays (inclusive) and prohibited on Sundays and public holidays.

71. All excavations and backfilling associated with the approved works must be executed safely and in accordance with appropriate professional standards. All excavations must be properly guarded and protected to prevent them from being dangerous to life or property.

72. If an excavation associated with the approved works extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made:

(a) Must preserve and protect the building from damage; and
(b) If necessary, must underpin and support the building in an approved manner, and
(c) Must, at least seven (7) days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.

73. There are built structures which may be in the zone of influence of the proposed works and excavations on the site. A qualified practicing geotechnical engineer must prepare a Construction Methodology Report demonstrating that the proposed construction method including any excavation and the configuration of the built structures will have no adverse impact on any surrounding property and infrastructure.

The report must be submitted with the application for a Construction Certificate and must include an investigation to determine the design parameters appropriate to the specific development and site. This would typically include:

(a) the location and level of nearby foundations and footings (site and neighbouring);
(b) proposed method of excavation;
(c) Permanent and temporary support measures for excavation;
(d) Potential settlements affecting footings and foundations;
(e) Ground water levels (if any);
(f) Batter slopes;
(g) Potential vibration cause by method of excavation; and
(h) De-watering including seepage and off site disposal rate (if any).

Excavation, retention, underpinning and construction must be undertaken onsite by an excavation contractor with specialist excavation experience. A suitably qualified geotechnical engineer, specialising in excavation must supervise the excavation procedure.

74. The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

75. The common access pathways, letterboxes and entry doorways to the building shall be provided with suitable low level artificial lighting systems to ensure safe and convenient access at night. Details shall be submitted to and approved by the Principal Certifying Authority prior to the issue of a Construction Certificate.
76. To maintain pedestrian safety in common areas suitable lighting is to be provided on the development site adjoining each street frontage and near pedestrian main entrances to the site. Details shall be submitted and approved by the Principal Certifying Authority prior to the installation thereof.

Building Matters

77. Identification numbers are to be clearly displayed at the front of the premises and be easily visible from the street.

78. Where building intruder alarms are installed in the building they shall be fitted with an automated “cut-off” timing device and operated as per the Protection of the Environment Operations (Noise Control) Regulation 2008.

Sustainability

79. Water collected in the rainwater tank must be roof water only and not surface water. Water from the rainwater tank must only be used for following purposes and not for human consumption:
   (a) Toilet flushing;
   (b) Clothes washing;
   (c) Garden irrigation;
   (d) Car washing and similar outdoor uses;
   (e) Filling swimming pools, spa pools and ornamental ponds; and
   (f) Fire fighting.

80. Water heating systems to multi-unit residential developments shall be located so as not to be visible from public places and the ground level of adjoining properties. Details (type and location) of the water heaters shall be submitted to and approved by the Principal Certifying Authority prior to the issue of a Construction Certificate.

Demolition

81. Demolition shall be carried out in accordance with Australian Standard 2601 - ‘The demolition of structures’ or any subsequent standard and the relevant legislation.

82. The demolition of the building shall be carried out by a licensed demolition contractor. A copy of the licence shall be submitted to Council and the Principal Certifying Authority prior to any work commencing on site.

83. Details demonstrating that excavated and demolished materials including asbestos-based materials will be disposed of at an approved site shall be submitted to the Principal Certifying Authority prior to any work commencing on site.

84. The cleared ground surface of the site shall be suitably stabilised to prevent the generation of dust and the erosion of soil on the site.

Hoardings

85. No advertisements of any kind shall be affixed to hoardings except for a board not exceeding 2.4m x 1.8m on which may be shown the architect’s/builder’s/demolisher’s names or any particulars regarding the subject building and notices regarding the existing or future occupancies in the building.
86. Hoardings/overhead protective structures at ground level shall have mesh wire or other such material fixed to the surface to a height at least 2 metres in order to preclude the fixing of posters.

87. A sign with the words “Billposters Will Be Prosecuted” shall be attached or printed on the hoarding/overhead protective structures at regular intervals so it is visible from the street or any adjoining public place.

88. Any hoarding, fence or awning is to be removed when the work has been completed.

**Air Quality**

89. As required by the Protection of the Environment Operations (Noise Control) Regulation 2008, air-conditioning units or heat pump water heaters shall not be audible in the habitable rooms of any other residential premises before 8am or after 10pm on any Saturday, Sunday or public holiday, or before 7am or after 10pm on any other day.

**Fire Safety Measures**

90. Upon completion of works a final fire safety certificate is to be issued from a properly qualified person in respect of each essential fire safety measure installed within the building and specified in the fire safety schedule. The final fire safety certificate shall be provided prior to the issue of an Occupation Certificate.

91. As soon as practicable after a final safety certificate is issued, the owner of the building to which it relates:
   (a) shall submit a copy of the fire safety certificate (together with a copy of any current fire safety schedule) to the Commissioner of NSW Fire Brigades;
   (b) shall submit a copy of the fire safety certificate (together with a copy of any current fire safety schedule) to Council for registration; and
   (c) shall ensure the current fire safety schedule is prominently displayed in the building.

**Disabled Access**

92. Access to the building and communal rooftop area for persons with disabilities shall be in accordance with the requirements of the National Construction Code and the relevant standards. Details shall be submitted to and approved by the Principal Certifying Authority prior to the issue of a Construction Certificate.

93. A carparking space for persons with disabilities shall be provided in accordance with the National Construction Code and the relevant standards. Details shall be submitted to and approved by the Principal Certifying Authority prior to the issue of a Construction Certificate.

**Waste Management**

94. A comprehensive Waste Management Plan must be submitted to the Principal Certifying Authority for approval prior to the issue of a Construction Certificate. Such plan shall address demolition, construction and operation waste arising from the development and shall include:-
(a) type and likely quantity of waste arising from the demolition and construction activities;
(b) storage, disposal and recycling measures for all demolition and construction waste, including specific disposal points and arrangements;
(c) provision for a suitable volume of garbage bins and recycling bins for the residential development.

Note: The proposal requires (16) x 240 litre general waste and (16) x 240 litre recycling bins to be provided within a suitably sized and ventilated storage area within the basement. Alternatively 660 litre bins may be obtainable from Council or a private contractor for the site.

A waste compactor may be incorporated into the development to reduce bin requirement for general garbage by 50% however this does not reduce the volume of recycling waste.

(d) storage, disposal, collection and recycling arrangements for all trade and operational waste; and
(e) fitout details of any garbage/waste enclosures and storage areas.

Full compliance must be given to the endorsed Waste Management Plan submitted for the proposed development. Copies of any weighbridge receipts from all approved waste disposal facilities shall be retained for presentation to the Principal Certifying Authority upon request.

95. The waste storage room shall be designed to comply with the relevant standards and details shall be submitted to and approved by the Principal Certifying Authority prior to the issue of a Construction Certificate.

Public Authority Matters

96. Prior to the issue of an Occupation Certificate all existing overhead electricity and telecommunication cabling adjacent to the development site shall be amalgamated into a single Aerial Bundle Cable (ABC) at the applicants’ expense in accordance with the specifications of AusGrid and the telecommunications supplier.

Office of Water Concurrence

97. Full compliance with the following conditions required by the Office of Water letter dated 10 February 2014:

General

(a) An authorisation shall be obtained for the take of groundwater as part of the activity. Groundwater shall not be pumped or extracted for any purpose other than temporary construction dewatering at the site identified in the development application. The authorisation shall be subject to a currency period of 12 months from the date of issue and will be limited to the volume of groundwater take identified.

(b) The design and construction of the building must prevent any take of groundwater after the authorisation has lapsed by making any below-ground levels that may be impacted by any water table watertight for the anticipated life of the building.
Waterproofing of below-ground levels must be sufficiently extensive to incorporate adequate provision for unforeseen high water table elevations to prevent potential future inundation.

(c) Construction methods and material used in and for construction shall not cause pollution of the groundwater.

Prior to excavation

(d) Measurements of groundwater levels beneath the site from a minimum of three monitoring bores shall be taken and a report provided to the NSW Office of Water. A schedule and indicative plans of the proposed ongoing water level monitoring from the date of consent until at least two months after the cessation of pumping shall be included in the report.

(e) A reasonable estimate of the total volume of groundwater to be extracted shall be calculated and a report provided to the NSW Office of Water. Details of the calculation method shall be included in the report.

(f) A copy of a valid development consent for the project shall be provided to the NSW Office of Water.

(g) Groundwater quality testing shall be conducted and a report supplied to the NSW Office of Water. Samples must be taken prior to the commencement of pumping, and a schedule of the ongoing testing throughout the dewatering activity shall be included in the report. Collection and testing and interpretation of results must be done by suitably qualified persons and NATA certified laboratory identifying the presence of any contaminants and comparison of the data against accepted water quality objectives or criteria.

(h) The method of disposal of pumped water shall be nominated (i.e. street drainage to the stormwater system or discharge to sewer) and a copy of the written permission from the relevant controlling authority shall be provided to the NSW Office of Water. The disposal of any contaminated pumped groundwater (tailwater) must comply with the provisions of the Protection of the Environment Operations Act 1997 and any requirements of the relevant controlling authority.

(i) Contaminated groundwater shall not be reinjected into any aquifer. The reinjection system design and treatment methods to remove contaminants shall be nominated and a report provided to the NSW Office of Water. The quality of any pumped water (tailwater) that is to be reinjected must be compatible with, or improve the intrinsic or ambient groundwater in the vicinity of the reinjection site.

During excavation

(j) Piping or other structures used in the management of pumped groundwater (tailwater) shall not create a flooding hazard. Control of pumped groundwater (tailwater) is to be maintained at all times during dewatering to prevent unregulated off-site discharge.

(k) Measurement and monitoring arrangements to the satisfaction of the NSW Office of Water are to be implemented. Monthly records of the volumes of all groundwater pumped and the quality of any water discharged are to be kept and a report provided
to the NSW Office of Water after dewatering has ceased. Daily records of groundwater levels are to be kept and a report provided to the NSW Office of Water after dewatering has ceased.

(I) Pumped groundwater (tailwater) shall not be allowed to discharge off-site (e.g. adjoining roads, stormwater system, sewerage system, etc) without the controlling authorities approval and/or owners consent. The pH of discharge water shall be managed to be between 6.5 and 8.5. The requirements of any other approval for the discharge of pumped groundwater (tailwater) shall be complied with.

(m) Dewatering shall be undertaken in accordance with groundwater-related management plans applicable to the excavation site. The requirements of any management plan (such as acid sulphate soils management plan or remediation action plan) shall not be compromised by the dewatering activity.

(n) The location and construction of groundwater extraction works that are abandoned are to be recorded and a report provided to the NSW Office of Water after dewatering has ceased. The method of abandonment is to be identified in the documentation.

(o) Access to groundwater management works used in the activity is to be provided to permit inspection when required by the NSW Office of Water under appropriate safety precautions.

Following excavation

(p) All monitoring records must be provided to the NSW Office of Water after the required monitoring period has ended together with a detailed interpreted hydrogeological report identifying all actual resource and third party impacts.

For the Motion: Councillors Bott, Datta, Kokkolis, McLucas, Ok, Soulos and Vaccari
Against the Motion: Nil

2. DA2013/194 – 8-10 Elva Street, Strathfield

In accordance with Council’s Code of Meeting Practice, the following persons addressed the meeting:

<table>
<thead>
<tr>
<th>In support of Application</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ms Kati Inglis</td>
</tr>
<tr>
<td>Milestone (AUST) Pty Ltd</td>
</tr>
<tr>
<td>On behalf of:</td>
</tr>
<tr>
<td>Urban Link</td>
</tr>
</tbody>
</table>

P13/14 RESOLVED: (Vaccari/McLucas)

That DA2013/194 for the demolition of existing structures and construction of a five (5) storey residential flat building with a total of (14) x 2 bedroom units above one (1) level of basement parking at 8-10 Elva Street, Strathfield be APPROVED subject to the following conditions:
PART B - OTHER CONDITIONS

Plans

1. The development shall be completed in accordance with the approved plans and documents listed below, prior to the building being used or occupied, and subject to any amendments “in red” and any variation as required by conditions of this consent:

   Site and Roof Plan Project No. 11-064 Dwg No. 00.3 Issue F prepared by Urban Link Architecture received by Council 1 November 2013.

   Demolition Plan Project No. 11-064 Dwg No. 00.4 Issue F prepared by Urban Link Architecture received by Council 1 November 2013.

   Basement Plan Project No. 11-064 Dwg No. 00.5 Issue F prepared by Urban Link Architecture received by Council 1 November 2013.

   Obstruction Level Project No. 11-064 Dwg No. 00.6 Issue F prepared by Urban Link Architecture received by Council 1 November 2013.

   Ground Floor Plan Project No. 11-064 Dwg No. 00.7 Issue G prepared by Urban Link Architecture received by Council 1 November 2013.

   Level 1 and Level 2 Project No. 11-064 Dwg No. 00.8 Issue F prepared by Urban Link Architecture received by Council 1 November 2013.

   Level 3 Project No. 11-064 Dwg No. 00.9 Issue F prepared by Urban Link Architecture received by Council 1 November 2013.

   Level 4 Project No. 11-064 Dwg No. 00.10 Issue G` prepared by Urban Link Architecture received by Council 1 November 2013.

   Site Management Plan Project No. 11-064 Dwg No. 00.11 Issue F prepared by Urban Link Architecture received by Council 1 November 2013.

   Driveway Section Project No. 11-064 Dwg No. 00.12 Issue F prepared by Urban Link Architecture received by Council 1 November 2013.

   West and North Elevation Project No. 11-064 Dwg No. 02.1 Issue F prepared by Urban Link Architecture received by Council 1 November 2013.

   East and South Elevation Project No. 11-064 Dwg No. 02.2 Issue F prepared by Urban Link Architecture received by Council 1 November 2013.

   Finishes Schedule Project No. 11-064 Dwg No. 05.1 Issue F prepared by Urban Link Architecture received by Council 1 November 2013.

   Site and Roof Drainage Plan Dwg No. 11MB5009/D01 Revision A Sheet 1 of 2 prepared by United Consulting Engineers Pty Ltd received by Council 1 November 2013.

   Basement Drainage Plan Dwg No. 11MB5009/D01 Revision A Sheet 2 of 2 prepared by United Consulting Engineers Pty Ltd received by Council 1 November 2013.
BASIX Certificate No. 412022M_02 issued 27 October 2013

Traffic Statement prepared by Traffic Solutions received by Council 1 November 2013.

Waste Management Plan received by Council 1 November 2013

Acid Sulfate Soil Assessment and Geotechnical Investigation prepared by SMEC Testing Services Pty Ltd received by Council 1 November 2013.

Flood Impact Assessment Reference No. NA49913152:BCP/bcp prepared by Cardno Pty Ltd received by Council 1 November 2013.

SEPP 65 Verification Statement prepared by Urban Link Pty Ltd Received by Council 1 November 2013.

Landscape Plan Sheet No. L-01 Revision A prepared by Eco Design received by Council 22 January 2014.

2. A Construction Certificate must be obtained either from Council or a privately accredited person before commencement of any construction associated with this consent.

3. The Principal Certifying Authority must be appointed prior to work commencing to supervise the work and authorise occupation/use of the building when completed.

4. A copy of the endorsed stamped plans and specifications, together with a copy of the Development Consent, Construction Certificate and any approved Traffic Management Plan are to be retained on site at all times.

Special Conditions

5. The strata subdivision of the proposed development shall be the subject of a further development application to Council.

6. Accessible and functional bicycle storage shall be provided within the basement for use by residents and visitors to the site.

7. The acrylic render finish is to be Dulux Acra Tex in colours consistent with the approved schedule of finishes referenced above.

Prior to the issue of an Occupation Certificate, a certificate from the acrylic render manufacturer certifying that the finish has been applied in accordance with the manufacturer’s specification shall be prepared and submitted to the Principal Certifying Authority and a copy also provided to Strathfield Council.

General

8. The building shall not be occupied or used until the development has been completed in accordance with the conditions of this consent, construction has been completed in accordance with the Construction Certificate and an Occupation Certificate has been issued by the Principal Certifying Authority.
9. For residential flat developments which are subject to State Environmental Planning Policy (SEPP) No. 65 – Design Quality of Residential Flat Development and required to be accompanied by a design verification from a qualified designer under Clause 50(1A) of the Environmental Planning and Assessment Act Regulation 2000, a certifying authority must not issue:

(a) a **Construction Certificate** unless the certifying authority has received a design verification statement from a qualified designer that verifies that the plans and specifications achieve or improve the design quality of the development for which development consent was granted having regard to the design quality principles set out in Part 2 of SEPP No. 65, in accordance with Clause 143A of the Regulations; and

(b) an **Occupation Certificate** to authorise a person to commence occupation or use of the residential flat building unless the certifying authority has received a design verification statement from a qualified designer that verifies that the residential flat development achieves the design quality of the development as shown in the plans and specifications in respect of which the construction certificate was issued, having regard to the design quality principles set out in Part 2 of SEPP No. 65, in accordance with Clause 154A of the Regulations.

10. A Works Permit shall be obtained from Council’s Customer Service Centre at least 48 hours prior to undertaking any works on public/Council-controlled areas. The permit must be retained on site at all times.

11. **Prior to the issue of a Construction Certificate**, photographs documenting any existing damage to the kerb and gutter and footpaths adjacent to the property shall be submitted to the consent authority. In the absence of this documentation, the applicant is liable for all damage that occurs to Councils’ assets.

12. Storage of goods or the use of portable clotheslines on balconies visible from a public place is strictly prohibited.

13. All exhaust and other emissions including noise from the premises shall comply with the provisions of the Protection of the Environment Operations Act 1997 and Regulations.

14. The applicant or any contractors carrying out works in public or Council controlled lands shall have public liability insurance cover to the value of $10million and shall provide proof of such cover to Council prior to carrying out works.

**Financial Matters**

15. In accordance with the provisions of Section 94(1)(b) of the Environmental Planning and Assessment Act 1979 and the Strathfield Direct Development Contributions Plan 2010-2030, a contribution in the form of cash, cheque or credit card (financial transaction fee applies) shall be paid to Council for the following purposes:

<table>
<thead>
<tr>
<th>Service Provided</th>
<th>Contribution</th>
</tr>
</thead>
<tbody>
<tr>
<td>Provision of Community Facilities</td>
<td>$ 13,649.60</td>
</tr>
<tr>
<td>Provision of Major Open Space</td>
<td>$ 65,694.40</td>
</tr>
<tr>
<td>Provision of Local Open Space</td>
<td>$ 21,888.00</td>
</tr>
<tr>
<td>Provision Roads and traffic Management</td>
<td>$ 2,321.00</td>
</tr>
<tr>
<td>Administration</td>
<td>$ 2,796.80</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$106,349.80</strong></td>
</tr>
</tbody>
</table>
The total amount of the contribution is valid as at the date of determination and is subject to annual indexation. If the contribution is paid after 1st July in any year, the amount of the contribution under this condition shall be indexed in accordance with clause 2.14 of the Strathfield Direct Development Contributions Plan 2010-2030.

The required contribution shall be paid prior to the issue of a Construction Certificate or as otherwise specified in writing by Council.

16. A security payment of $5,254.00 in the form of cash, bank guarantee, cheque or credit card (financial transactions fees apply) shall be paid to Council prior to the issue of a Construction Certificate. The security payment is GST inclusive and comprises the following:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Refundable tree protection bond</td>
<td>$1,000.00</td>
</tr>
<tr>
<td>Refundable works bond</td>
<td>$4,000.00</td>
</tr>
<tr>
<td>Non-refundable administration fee ($127/bd)</td>
<td>$254.00</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$5,254.00</strong></td>
</tr>
</tbody>
</table>

The security payment covers the following matters and will be released upon satisfactory completion of these items:

(a) road and stormwater drainage works in roadways and public areas;
(b) connection to Council’s stormwater drainage system;
(c) installation and maintenance of sediment control measures for the duration of construction activities;
(d) tree final inspection to ensure that Council’s street trees have been retained, protected or replanted in accordance with conditions of consent and/or Arborists’ report for the post final inspection twelve (12) month period; and
(e) Ensuring no damage occurs to or building debris/materials are left on Council land including footpath, nature strip, kerb and gutter. The security bond may be used to recover the costs incurred by Council in cleaning and restoring the land to its original condition.

17. Fees are payable where Council is appointed as principal certifying authority to carry out the post-approval inspections. A quotation for the fees can be obtained by contacting Council and the fees shall be paid prior to the carrying out of any of the inspections.

Any re-inspection which is necessary due to site access not being available, defective work, or the matter not being ready for inspection will be charged in accordance with Council’s Fees and Charges Policy. Council will advise in writing if an additional re-inspection is required and the re-inspection fee shall be paid prior to release of the damage deposit. If the additional fee is not paid it will be deducted from the damage deposit.

Parking/Traffic Matters

18. A total of (17) off-street parking spaces, hardpaved, linemarked, labelled and drained, shall be provided in accordance with the approved plans and distributed as follows:

<table>
<thead>
<tr>
<th>Description</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residents</td>
<td>(12)</td>
</tr>
<tr>
<td>Resident Accessible</td>
<td>(2)</td>
</tr>
<tr>
<td>Visitors</td>
<td>(3)</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>(17)</strong></td>
</tr>
</tbody>
</table>

24
and these spaces shall only be used for the parking of motorcycles, sedans, utilities, vans and similar vehicles up to two (2) tonne capacity.

19. A sign shall be erected in a suitable location on the site advising that parking is available for visitors.

20. Where entry points to carpark areas are fitted with security gates/shutter and access to visitor parking is required to be provided a suitable communication systems shall be provided at the entry point to allow the security gates/shutter to be opened remotely by occupants of the building.

21. The entry and exit driveways shall be suitably signposted and directional arrows shall be painted on the internal roadway.

22. All vehicles entering and leaving the site shall be driven in a forward direction only.

23. All driveways shall be separated from landscaped areas by a minimum 150mm high by 150mm wide concrete kerb or similar.

24. The vehicle spaces must not be enclosed with walls or meshed security screens without the prior approval of Council.

25. Reconstruct the footpath, kerb and gutter to Council’s specifications for the full frontage of the development site at the completion of all building works.

26. A specific bay for car washing shall be provided within the basement for use by residents. This car wash bay shall be drained in accordance with the requirements of Sydney Water. Plans demonstrating compliance with this requirement must be submitted to and approved by the Principal Certifying Authority prior to the issue of a Construction Certificate. This information shall also form part of any future development application for the Strata Subdivision of the development.

27. The basement shall be fitted with traffic signals with default mode set in order to give priority to vehicles entering from the street.

28. The following control equipment is to be fitted into the basement car park and the system is to be certified by a suitably qualified Traffic Engineer prior to the issue of an Occupation Certificate:

   (a) Green/Red Traffic Signals;
   (b) Detector Loops;
   (c) Internal Holding Bays, and
   (d) Vertical and/or horizontal signage indicating ‘Stop here on red signal.’

29. Purpose built storage compartment(s) shall be provided to and within each of the resident car parking bays and/or associated dwellings at the following rate:

   ○ 8m³ for each two (2) bedroom unit.

   Amended plans showing the location and configuration of each of storage compartment(s) shall be submitted to and approved by the Principal Certifying Authority prior to the issue of the Construction Certificate.
Drainage/Stormwater

30. Stormwater runoff from all roof and paved surfaces shall be collected and discharged by means of a gravity fed system to a 10,000 litre rainwater tank with the overflow to a silt arrestor pit to existing channel on Powells Creek and as depicted on the drainage concept plans prepared by United Consulting Engineers Pty Ltd Drawing No.10mb5009 Issue A Sheets No. 1, & 2 of 2 Dated 18.10.2013.

31. The applicant is to amend the drainage plans such that the rainwater tank is increased to 10,000 litres. The overflow pipe from the rainwater tank shall be a minimum of 150 dia. Amended plans are to be forwarded to the Principal Certifying Authority for approval prior to the issue of the Construction Certificate.

32. Details of the proposed method of stormwater disposal shall be prepared by a suitably qualified professional civil engineer in accordance with the endorsed concept plans and the requirements of Council’s Stormwater Management Code.

In this project the above engineering plans are satisfactory as Concept plans. The assessment authority, (either (a) Council, or (b) a Private Certifier), is to satisfy themselves of the adequacy of the above plans for the purposes of Construction. They are to independently determine what details, if any, are to be added to the Construction Certificate plans, in order for the issue of the Construction Certificate.

Where a Private Certifier issues the Construction Certificate a copy must be provided to Council, prior to the issue of a Construction Certificate.

33. The driveway access and footpath crossing(s) shall be designed to fully comply with the relevant section of AS 2890.1.-2004 and Council's issued alignment levels. The driveway crest of RL9.50AHD shall be adopted within the driveway design. Engineering certification indicating compliance with this condition is to be submitted with the Construction Certificate application.

34. Prior to the issue of an Occupation Certificate/use of the building, written verification from a suitably qualified professional civil engineer shall be obtained, stating that all stormwater drainage and related work has been constructed in accordance with the approved plans.

In addition, detailed works-as-executed plans, prepared and signed by a registered surveyor, shall be submitted to and approved by the Principal Certifying Authority. Where changes have occurred the plans shall be marked-up in red ink and shall include levels and location for all drainage structures and works, buildings (including floor levels) and finished ground and pavement surface levels.

35. Temporary measures shall be provided and regularly maintained during demolition, excavation and construction to prevent sediment and polluted waters discharging from site. Plans showing such measures in accordance with the NSW Department of Housing, Managing Urban Stormwater, Soils and Construction Manual dated August 1998 shall be submitted to and approved by the Principal Certifying Authority prior to the issue of a Construction Certificate.

36. For drainage works within public land or connecting to Council’s stormwater drainage system the following inspections will be required:-
(a) After the excavation of pipeline trenches.
(b) After the laying of all pipes prior to backfilling.
(c) After the completion of all pits and connection points.

A minimum of 48 hours notice shall be given to Council to inspect works. Inspections may be arranged by telephoning Council’s Engineering Works and Services section on 9748-9999 during office hours. Work is not to proceed until the works are inspected and approved by Council.

37. All pits shall be constructed in accordance with Australian Standard AS3500.3.

38. All subsoil drainage must be designed to meet the requirements of AS3500;

39. Access to the basement car park, head room for basement entry, driveway ramp and turning circles shall be designed in accordance with AS 2890.1-2004.

40. The proposed basement pump out system is to be strictly in accordance with the requirements set out in Strathfield Council’s Stormwater Management Code 2007. The rising main shall be connected to the Silt Arrestor Pit before discharging into Powells Creek. Final details of this system are to be submitted with the Construction Certificate application.

41. The Flood Recommendations provided in the Flood Impact Report prepared by Cardno Pty Lt Reference No, NA49913152 shall be complied with and a Flood Certificate is to be submitted stating compliance with such prior to the issue of an Occupation Certificate/use of the building.

42. Overflow paths shall be provided to allow for flows in excess of the capacity of the pipe/drainage system draining the site, as well as from any on-site stormwater detention storage.

43. Allowance shall be made for surface runoff from adjacent properties (if any), and to retain existing surface flow path systems through the site. Any redirection or treatment of these flows shall not adversely affect any other properties.

44. (a) An Operational Management and Maintenance Schedule Report is required to be submitted to the Principal Certifying Authority prior to the issue of an Occupation Certificate to provide an outline of the long term operation, management and maintenance requirements for the on site stormwater system.

   The report shall include a schedule for the regular inspection and monitoring of the understorey/sub-floor level, maintenance techniques, reporting and record keeping.

   (b) A Positive Covenant under Section 88E of the Conveyancing Act shall be created on the title of the property detailing the:

   (i) overland surface and understorey/sub floor level; and
   (ii) details of the approved Operational Management & Maintenance Schedule Report.

   The wording of the Instrument shall be submitted to, and approved by Strathfield Council prior to lodgement at Land & Property Information NSW. The Instrument shall be registered.
and a registered copy of the document shall be submitted to and approved by Strathfield Council prior to the issue of an Occupation Certificate/use of the building.

The positive covenant is required to prevent future modification or alteration without the prior written consent of Strathfield Council and to ensure suitable maintenance is carried out.

**Landscaping/Tree Matters**

45. The trees listed below shall be retained at all times:

<table>
<thead>
<tr>
<th>Tree</th>
<th>Height/Spread (m)</th>
<th>Location</th>
<th>Protection Zone (m)</th>
<th>Excavation Zone (m)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lilly Pilly</td>
<td>15/10</td>
<td>Nature Strip Street frontage</td>
<td>7.2m</td>
<td>2.67m</td>
</tr>
</tbody>
</table>

and protected by the establishment of a protection zone before any site works begin (including any demolition/excavation). The protection zone shall be maintained for the duration of works and implemented as follows:

(a) A minimum 1.2m high barrier (made of hardwood/metal stakes with suitable hessian or canvas material) shall be erected around the perimeter of the stated Protection Zone as measured from the base of the tree (or where practical). The barrier shall be constructed so as to prevent pedestrian and vehicular entry into the protection zone. The barrier shall not project beyond the kerb onto the roadway or any adjacent footpath.

(b) No concrete slurry or wash, building materials, builders’ rubble, excavation soil or similar shall be placed or stored within the tree protection zone.

(c) The whole of the tree protection zone shall be mulched to a minimum depth of 75mm.

(d) The tree protection zone shall be regularly watered.

(e) Any major structural roots which are encountered shall be pruned by a qualified Arborist.

(f) No excavation or construction shall be carried out within the stated Excavation Zone distances from the base of the trunk surface.

(g) Only permeable surfaces (e.g. decomposed granite, gravel, turfpave, permeable paving systems or soft landscaping) are permitted within the canopy spread of the trees to be protected.

46. All noxious weeds on the site shall be removed and destroyed as per their classification under the Noxious Weeds Act.

47. The following trees is permitted to be removed to accommodate the proposed development:

<table>
<thead>
<tr>
<th>Tree</th>
<th>Height/Spread (m)</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>Council Street tree</td>
<td>10/6</td>
<td>In conflict with new driveway</td>
</tr>
</tbody>
</table>

48. Consent is given for the removal of the existing Council street tree referred to in Condition 47 above subject to the following:
(a) A minimum of one (1) replacement shall be provided within Council’s nature strip in Elva Street to the south of the existing mature Lilly Pilly;

(b) Replacement trees shall be minimum 50 litre container size. Plants shall be vigorous and well established, free from disease and pests, of good form, consistent with species or variety, hardened off, not soft or forced, with large healthy root systems with no evidence of root curl, restriction or damage. Trees are to have a single leader and clear straight trunk.

(c) All trees are to be staked and tied with a minimum of three (3) hardwood stakes. Ties are to be hessian and fixed firmly to the stakes, one tie at half the height of the main stem, others as necessary to stabilise the plant.

(d) Root deflection barriers having a minimum depth of 600mm are to be installed adjacent to all footpaths and driveways.

(e) Minimum 75mm depth of organic mulch shall be placed within an area 0.5m radius from the base of the tree.

49. General maintenance of Council’s nature strip adjoining the development site, including regular lawn mowing, edging, irrigation of the lawn and street trees and restricting the storage of materials, rubbish and parking or driving of vehicles on the nature strip, must be carried out during the full period of all approved works (including any demolition and excavation).

50. Manual excavation to remove the existing sewer located within the tree protection zone of the mature Lilly Pilly street tree will be required to be undertaken and supervised by a Site Arborist. The new sewer connection if required to be located a minimum distance of 3.0m from the base of the existing Lilly Pilly to ensure minimal damage to the tree.

51. All common and private landscape areas including all planters are to have full coverage by a fully automatic irrigation system. The design, materials and installation are to be in accordance with Sydney Water Codes and all relevant Australian Standards.

**Green Factor**

52. All landscaping works must be carried out in accordance with the stamped and approved Green Factor (landscape) plans, including stated species selection, stated soil profiles/materials, stated drainage, and stated soil depths.

53. The soil profile used must have the stated soil structure that supports water and nutrient retention that includes expanded shale, clay or similar at the bottom of the profile to absorb water, however, the design of the soil profile must ensure that the soil does not become water-logged.

54. The waterproofing membrane used must be certified to work with green roofs, and must have a lifetime guarantee.

55. Documentation of the construction demonstrating compliance with this condition must be carried out by the Registered Landscape Architect who prepared the plans, and submitted to the Principal Certifying Authority for approval prior to the issue of an Occupation Certificate for the development. This documentation is to include:

(a) A written and photographic report that shows the process and details of construction so that it can be demonstrated that:

(i) The correct waterproofing membrane has been installed. This must be accompanied by a certification by the supplier;
(ii) The specified soil structure has been used. This will take the form of annotated
construction photographs that show the detail of the soil profile being constructed
close up and from a distance to ensure that the location within the project can be
confirmed. The photographs are to be accompanied by plans showing the
locations being documented. A minimum of four roof/podium locations and two
ground level over structure locations must be documented;
(iii) The specified plant species have been used;
(iv) The specified tree sizes have been used;
(v) Any Community Garden has been planted, and any associated sheds have been
built;
(vi) Any additional factors, such as bird nests, water features, outdoor kitchens,
children’s play structures or equipment have been installed in accordance with
the plans and suppliers standards;
(vii) A certificate from the registered landscape architect who prepared the
Development Application plans clearly stating that the works have been built as
specified, and that the said landscape architect is satisfied that the standard of
construction is such that the planting will have longevity.
(viii) A maintenance agreement for a minimum of one year from completion from the
developer to stating/ensuring that the landscape area is maintained and allowed
to properly establish, with any plants that die replaced by the developer within
this period.

56. Once the report and accompanying documentation has been received by the relevant
Consent Authority, the landscape must be inspected by the Principal Certifying Authority
together with the registered Landscape Architect to ensure that the report and what has
been constructed are in agreement.

57. Two hardcopies and two softcopies of the full documentation provided under this condition
must be provided to Strathfield Council, along with the certification by the registered
Landscape Architect prior to the issue of an Occupation Certificate.

Construction Matters

58. Prior to the commencement of any construction or demolition work, the Applicant or
principal contractor must, subject to obtaining permission from the respective property
owners, provide dilapidation reports prepared by a suitably qualified person (such as a
structural engineer), on the buildings located on any lot adjacent to the subject site,
inclusive of ancillary structures. A copy of the respective report must be provided to the
Principal Certifying Authority and neighbouring property owners that are the subject of that
report.

59. Prior to the commencement of any construction or demolition work, the Applicant or
principal contractor must, subject to obtaining permission from the respective property
owners, provide dilapidation reports prepared by a suitably qualified person (such as a
structural engineer), on the buildings located on any lot adjacent to the subject site,
inclusive of ancillary structures. A copy of the respective report must be provided to the
Principal Certifying Authority and neighbouring property owners that are the subject of that
report.

60. The proposed development shall comply with the National Construction Code and details
demonstrating compliance shall be submitted to the Principal Certifying Authority for
approval prior to the issue of a Construction Certificate.
61. Footings shall be designed in accordance with the soil classification of H, or Highly Reactive (unless determined to the contrary by a suitably qualified person).

62. If the soil conditions require it retaining walls associated with the erection or demolition of a building or other approved methods of preventing movement of the soil must be provided, and adequate provision must be made for drainage.

63. The existing ground levels shall not be altered except in accordance with the levels shown on the approved plans as part of this consent. Finished ground surface levels shall match the existing levels at the property boundary. Any survey plan shall also show the extension of these levels in relation to adjoining properties.

64. All construction, demolition and excavation work shall be restricted to 7am and 5pm (Eastern Standard Time) on Mondays to Saturdays (inclusive) and prohibited on Sundays and public holidays.

65. All excavations and backfilling associated with the approved works must be executed safely and in accordance with appropriate professional standards. All excavations must be properly guarded and protected to prevent them from being dangerous to life or property.

66. If an excavation associated with the approved works extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made:
   (a) Must preserve and protect the building from damage; and
   (b) If necessary, must underpin and support the building in an approved manner, and
   (c) Must, at least seven (7) days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.

67. There are built structures which may be in the zone of influence of the proposed works and excavations on the site. A qualified practicing geotechnical engineer must prepare a Construction Methodology Report demonstrating that the proposed construction method including any excavation and the configuration of the built structures will have no adverse impact on any surrounding property and infrastructure.

   The report must be submitted with the application for a Construction Certificate and must include an investigation to determine the design parameters appropriate to the specific development and site. This would typically include;

   (a) the location and level of nearby foundations and footings (site and neighbouring);
   (b) proposed method of excavation;
   (c) Permanent and temporary support measures for excavation;
   (d) Potential settlements affecting footings and foundations;
   (e) Ground water levels (if any);
   (f) Batter slopes;
   (g) Potential vibration cause by method of excavation; and
   (h) De-watering including seepage and off site disposal rate (if any).

   Excavation, retention, underpinning and construction must be undertaken onsite by an excavation contractor with specialist excavation experience. A suitably qualified geotechnical engineer, specialising in excavation must supervise the excavation procedure.
68. The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

69. The common access pathways, letterboxes and entry doorways to the building shall be provided with suitable low level artificial lighting systems to ensure safe and convenient access at night. Details shall be submitted to and approved by the Principal Certifying Authority prior to the issue of a Construction Certificate.

70. To maintain pedestrian safety in common areas suitable lighting is to be provided on the development site adjoining each street frontage and near pedestrian main entrances to the site. Details shall be submitted and approved by the Principal Certifying Authority prior to the installation thereof.

71. All temporary buildings shall be removed from the site at the completion of the development.

Building Matters

72. Identification numbers are to be clearly displayed at the front of the premises and be easily visible from the street.

If it is proposed to strata subdivide the building, the lot numbers and unit numbers shall be the same as those nominated on the approved plans and be in accordance with Council’s requirements. For strata subdivision, parking spaces shall have the same lot number as the residential portion and shall not be numbered separately.

Sustainability

73. Water collected in the rainwater tank must be roof water only and not surface water. Water from the rainwater tank must only be used for following purposes and not for human consumption:

(a) Toilet flushing;
(b) Clothes washing;
(c) Garden irrigation;
(d) Car washing and similar outdoor uses;
(e) Filling swimming pools, spa pools and ornamental ponds; and
(f) Fire fighting.

74. Water heating systems to multi-unit residential developments shall be located so as not to be visible from public places and the ground level of adjoining properties. Details (type and location) of the water heaters shall be submitted to and approved by the Principal Certifying Authority prior to the issue of a Construction Certificate.

Demolition

75. Demolition shall be carried out in accordance with Australian Standard 2601 - 'The demolition of structures' or any subsequent standard and the relevant legislation.

76. The demolition of the building shall be carried out by a licensed demolition contractor. A copy of the licence shall be submitted to Council and the Principal Certifying Authority prior to any work commencing on site.
77. Details demonstrating that excavated and demolished materials including asbestos-based materials will be disposed of at an approved site shall be submitted to the Principal Certifying Authority prior to any work commencing on site.

78. The cleared ground surface of the site shall be suitably stabilised to prevent the generation of dust and the erosion of soil on the site.

Fire Safety Measures

79. Upon completion of works a final fire safety certificate is to be issued from a properly qualified person in respect of each essential fire safety measure installed within the building and specified in the fire safety schedule. The final fire safety certificate shall be provided prior to the issue of an Occupation Certificate.

80. As soon as practicable after a final safety certificate is issued, the owner of the building to which it relates:
(a) shall submit a copy of the fire safety certificate (together with a copy of any current fire safety schedule) to the Commissioner of NSW Fire Brigades;
(b) shall submit a copy of the fire safety certificate (together with a copy of any current fire safety schedule) to Council for registration; and
(c) shall ensure the current fire safety schedule is prominently displayed in the building.

Disabled Access

81. Access to the building for persons with disabilities shall be in accordance with the requirements of the Building Code of Australia and the relevant standards. Details shall be submitted to and approved by the Principal Certifying Authority prior to the issue of a Construction Certificate.

82. Sanitary facilities for persons with disabilities shall be provided in the building in accordance with the Building Code of Australia and the relevant standards. Details shall be submitted to and approved by the Principal Certifying Authority prior to the issue of a Construction Certificate.

83. A carparking space for persons with disabilities shall be provided in accordance with the Building Code of Australia and the relevant standards. Details shall be submitted to and approved by the Principal Certifying Authority prior to the issue of a Construction Certificate.

Waste Management

84. Full compliance must be given to the endorsed Waste Management Plan submitted for the proposed development. Copies of any weighbridge receipts from all approved waste disposal facilities shall be retained for presentation to the Principal Certifying Authority upon request.

85. The waste storage room shall be designed to comply with the relevant standards and details shall be submitted to and approved by the Principal Certifying Authority prior to the issue of a Construction Certificate.
Automatic Waste Collection System (AWCS)

86. (a) The Developer, prior to the issue of an Occupation Certificate must design and construct all buildings on the site to provide a conventional waste collection system, that is adaptable to an AWCS for each building that:

(i) Collects general, recyclables and food and organics (inc. garden waste) waste fractions separately; and
(ii) Complies with the requirements set out in Council’s Waste Policy;

(b) The Developer will make provision for a future connection of the AWCS to the building(s) by providing space for the AWCS collection pipe to be installed/retrofitted as follows:

(i) An access space must be provided that makes provision to accommodate a minimum 600mm diameter pipe to Loftus Crescent as agreed with Council;
(ii) The access space/pipe will terminate a minimum of 1.5 metres below the base of the building waste room, as determined by the centre of the pipe (point A);
(iii) The access space may be air space within the basement of the building or a trench set into the basement floor complete with gattic covers accessible from the basement floor;
(iv) The pipe will leave the property boundary between 1.5 and 2 metres below finished road level to the centre of the pipe (point B);
(v) The pipe access space must provide for continuous access from point A to point B (Pipe Access Space);
(vi) The pipe access space may provide for bends only with a turning radius greater than 2000mm and have an elevation no greater than 15 degrees;
(vii) The waste collection room is to be designed to withstand negative pressure of 2000N/m²;
(viii) The waste room must be no less than 24 square metres in area and a minimum of 2.4 metres in height. (Waste Collection Space);
(ix) Should an AWCS system be installed the Council (or the Council’s service provider) will own AWCS equipment and pipework from the inlets, through the base of the waste chute to the property boundary (point B);
(x) A single phase general power outlet is to be provided in the waste collection room, adjacent to where the inlets and their collection pipes will be located.

(c) The Developer must register an easement in favour of Council on the title of the Land with such terms that will provide Council (or Council’s service provider) access to the AWCS collection pipe and the building waste room referred to in (b) above.

(d) Council has the right to request and review detailed design drawings for the rooms, and connection spaces, from the inlets to the pipe in the street to:

(i) Ensure that the development will meet the conditions as outlined in this approval;
(ii) Ensure that the building will be capable to be adapted when the building is integrated into the wider Parramatta Road Corridor/Strathfield Town Centre AWCS;
(iii) Provide detailed advice, either from Council, or from Council’s service provider, in regard to whether the detailed design is suitable for the AWCS; and
(iv) Provide written feedback, either from Council, or from Council’s service provider, which will form part of these conditions, detailing how the detailed design may need to change to ensure that it will enable the AWCS to be integrated into the building.

Sydney Water Requirements

87. The applicant is required to undertake a survey to determine the exact location of the Sydney Water stormwater channel and underground pipe to ensure the required 1.0m minimum setback is achieved.

88. A fence is required to be provided adjacent to the open stormwater channel. If the fence is a pool type fence or similar with a maximum height of 1.2, it is permitted to be constructed adjacent to the channel. If the fence is another type, it must be located a minimum of 1 meter away from the outside face of the stormwater channel/pipe.

For the Motion: Councillors Bott, Datta, Kokkolis, McLucas, Ok, Soulos and Vaccari
Against the Motion: Nil

3. DA2013/212 – 43 Mackenzie Street, Strathfield

Councillor Soulos having previously declared a conflict of interest in this matter vacated the meeting room.

In accordance with Council’s code of Meeting Practice the following persons addressed the meeting:

<table>
<thead>
<tr>
<th>In support of Application</th>
<th>Against Application</th>
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</thead>
<tbody>
<tr>
<td>Mr Gary Michael GMD Architects On behalf of: John Doolan</td>
<td>Mrs Francesca Piscitelli Mr Stephen Moore Mr Chris Reynolds Mrs Teresa Le Strange</td>
</tr>
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</table>

P14/14 RESOLVED: (McLucas/Vaccari)

That DA2013/212 for the demolition of existing buildings and construction of a six (6) x four (4) bedroom and six (6) x three (3) bedroom townhouses over basement parking and one (1) detached four (4) bedroom dwelling at 43 Mackenzie Street, be REFUSED for the following reasons:

1. The proposal is an overdevelopment of the site as evidenced by the fact that it does not comply with Part C of Strathfield Council’s Development Control Plan 2005 in regards to the provision of adequate landscaping and private and communal open space (Section 79C 1 (a) (i) and 1 (b) of the Environmental Planning and Assessment Act 1979).

2. The proposal will result in the loss of amenity of adjoining properties in regards to loss of solar access to the private open space areas and living rooms of the proposed dwellings (Section 79C 1 (a) (i) and 1 (b) of the Environmental Planning and Assessment Act 1979).
3. The proposal will result in the loss of amenity of adjoining properties in regards to loss of acoustic and visual privacy due to the location of the bedrooms of dwellings being in close proximity to the living rooms and balconies of other dwellings within the development (Section 79C 1 (a) (i) and 1 (b) of the Environmental Planning and Assessment Act 1979).

4. Insufficient information has been submitted in regards to site contamination in that a Phase One (1) Assessment Report has not been submitted and the proposal is therefore non-compliant with State Environmental Planning Policy No. 55 – Contaminated Land (Section 79C 1 (a) (i) and 1 (b) of the Environmental Planning and Assessment Act 1979).

5. Insufficient information has been submitted in regards to soil stability in that a Geotechnical Assessment has not been carried out and the proposal is therefore non-compliant with Clause 6.2 of Strathfield Local Environmental Plan 2012 (Section 79C 1 (a) (i) and 1 (b) of the Environmental Planning and Assessment Act 1979).

6. Insufficient information has been submitted in regards to heritage impacts in that a detailed Heritage Assessment report has not been provided and the proposal is therefore non-compliant with Clause 5.10 of Strathfield Local Environmental Plan 2012 (Section 79C 1 (a) (i) and 1 (b) of the Environmental Planning and Assessment Act 1979).

7. The location of the proposed driveway being in close proximity to the adjoining property to the north west is likely to cause adverse noise impacts to this property (Section 79C 1 (a) (i) and 1 (b) of the Environmental Planning and Assessment Act 1979).

8. Insufficient information has been provided with respect to the potential impacts that may be experienced by future residents of the development and surrounding properties with respect to stormwater drainage and is not in accordance with Council’s Policy for Flooding and Stormwater Control. (Section 79C 1 (a)(i) and 1(b) of the Environmental Planning and Assessment Act 1979).

9. The proposal will result in the loss of two (2) existing trees located in front of the courtyard of townhouse No. 3 without the submission of an arborist report justifying their removal (Section 79C 1 (a) (i) and 1 (b) of the Environmental Planning and Assessment Act 1979).

10. The proposal would be contrary to the public interest as the amenity of future residents and surrounding properties would likely be adversely affected as a result of the potential overshadowing and loss of privacy associated with the proposal. (Section 79C 1 (e) of the Environmental Planning and Assessment Act 1979).

11. The proposal, if approved, would be contrary to the Planning Proposal which aims to rezone the land from R3 Residential to R2 Residential and would therefore not be in the public interest (Section 79C 1 (a) (i) and 1 (c) of the Environmental Planning and Assessment Act 1979).

For the Motion: Councillors Bott, Datta, Kokkolis, McLucas, Ok and Vaccari
Against the Motion: Nil.

Councillor Soulos returned to the meeting room.
4. DA2013/178 – 47 Water Street, Strathfield

In accordance with Council’s Code of Meeting Practice, the following person addressed the meeting:

**Against Application**

Ms Jenny Maddocks

**P15/14**

**RESOLVED:** (McLucas/Soulos)

That DA2013/178 for the use of the former garage as a secondary dwelling (granny flat) and for associated minor alterations to the existing structure at 47 Water Street, Belfield be REFUSED as the conversion of the garage to a secondary dwelling, having taken place prior to the consent of Council having first been obtained is contrary to the public interest. It is not in the public interest for unlawful development to be condoned (Section 79C(1)(e) of the Environmental Planning and Assessment Act 1979).

For the Motion: Councillors Datta, Kokkolis, McLucas and Soulos
Against the Motion: Councillors Bott, Ok and Vaccari

The above Resolution was first moved as an Amendment to the following Motion which was Lost.

**MOTION:** ((Vaccari/McLucas)

That DA2013/178 for the use of the former garage as a secondary dwelling (granny flat) and for associated minor alterations to the existing structure at 47 Water Street, Belfield be Approved subject to the conditions in the report.

For the Motion: Councillors Bott, Ok and Vaccari
Against the Motion: Datta, Kokkolis, McLucas and Soulos

5. DA2013/180 – 17-19 Burlington Road, Homebush

In accordance with Council’s Code of Meeting Practice, the following person addressed the meeting:

**In support of Application**

Mr Bernard Gallagher
JBA Planning

**P16/14**

**RESOLVED:** (McLucas/Soulos)

That DA2013/180 for the demolition of existing structures and construction of a part four (4), part five (5) storey residential flat building comprising (25) x 2 bedroom units, two (2) x 2 bedroom plus study, seven (7) x 1 bedroom units with two (2) levels of basement carparking with associated landscaping and drainage works at 17-19 Burlington Road, Homebush be granted a DEFERRED COMMENCEMENT CONSENT subject to the following conditions, the deletion of condition 2 and subject to satisfactory resolution of the garbage storage area and communal open space:
DEFERRED COMMENCEMENT CONDITIONS

This consent is not to operate until:

1. (a) An easement has been obtained and submitted to council accompanied by a detailed Stormwater Management Plan; or
   (b) All means of acquiring a drainage easement to drain the stormwater via onsite stormwater detention to the downstream kerb and gutter shall be exhausted and a detailed Stormwater Management Plan shall be prepared and submitted to Council for approval.

2. Amended plans generally in accordance with draft plans received by Council on 24 February 2014 have been submitted and approved by Council demonstrating that the development achieves an overall reduced height of 14m and maximum Floor Space Ratio (FSR) of 1.41:1 (2,363m²).

3. Details of the bin collection bay has been submitted and approved. The bin collection bay shall be designed to accommodate (17) x 240litre bins and shall be situated within the front setback of the building with easy access from the street. The bin collection bay shall be screened from view.

4. The layout of the communal open space at ground level has been modified to include details of seating arrangements, screen planting and reconfiguration of the main internal pedestrian pathway.

5. A detailed design of the main entrance is provided. The design shall demonstrate an identifiable entrance that is clearly visible from the street. Mail areas shall be designed so that they can be easily accessed without being readily visible from the street.

For the Motion: Councillors Bott, Datta, Kokkolis, McLucas, Ok, Soulos and Vaccari
Against the Motion: Nil.

6. DA2013/197 – 139 – 145 Parramatta Road, Homebush

In accordance with Council’s Code of Meeting Practice, the following person addressed the meeting:

<table>
<thead>
<tr>
<th>In support of Application</th>
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<tbody>
<tr>
<td>Mr George Khouri</td>
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<tr>
<td>GM Architects Pty Ltd</td>
</tr>
</tbody>
</table>

RESOLVED: (McLucas/Kokkolis)

That DA2013/197 for the demolition of existing structures and construction of a part seven (7), part (11) storey mixed use development with seven (7) ground floor commercial tenancies and a total of (70) residential units comprising ten (10) x 1 bedroom units, (56) x 2 bedroom units and four (4) x 3 bedroom units above three (3) levels of basement car parking with associated landscaping and drainage works at 139-145 Parramatta Road, Homebush be granted DEFERRED COMMENCEMENT subject to the following conditions:
DEFERRED COMMENCEMENT CONDITIONS

D1 This consent is not to operate until a Phase 2 Environmental Site Audit has been undertaken and submitted to Council. In the instance that this Phase 2 Assessment requires the preparation of a Remedial Action Plan, this information shall also be furnished to Council. Upon receipt of the required documentation to satisfy Council that the site is suitable for its intended residential purpose, Council will issue written advice confirming that the consent is operative.

PART B - OTHER CONDITIONS

Plans

1. The development shall be completed in accordance with the approved plans and documents listed below, prior to the building being used or occupied, and subject to any amendments “in red” and any variation as required by conditions of this consent:

Demolition Plan Dwg 03 prepared by GM Architects received by Council 6 February 2014.
Basement 1 Dwg 04 Issue 1 prepared by GM Architects received by Council 6 February 2014.
Basement 2 Dwg 05 Issue 1 prepared by GM Architects received by Council 6 February 2014.
Basement 3 Dwg 06 Issue 1 prepared by GM Architects received by Council 6 February 2014.
Ground Floor Dwg 07 Issue 1 prepared by GM Architects received by Council 6 February 2014.
Level 1 Dwg 08 Issue 1 prepared by GM Architects received by Council 6 February 2014.
Typical Level 2 – 6 Dwg 09 Issue 1 prepared by GM Architects received by Council 6 February 2014.
Level 7 Dwg 10 Issue 1 prepared by GM Architects received by Council 6 February 2014.
Typical Level 8-10 Dwg 11 Issue 1 prepared by GM Architects received by Council 6 February 2014.
Roof Terrace Dwg 12 Issue 1 prepared by GM Architects received by Council 6 February 2014.
Site Plan Dwg 13 Issue 1 prepared by GM Architects received by Council 6 February 2014.
North Elevation Dwg 14 prepared by GM Architects received by Council 6 February 2014.
South Elevation Dwg 14 prepared by GM Architects received by Council 6 February 2014.
East Elevation Dwg 16 prepared by GM Architects received by Council 6 February 2014.
West Elevation Dwg 17 prepared by GM Architects received by Council 6 February 2014.
Section A-A Dwg 18 prepared by GM Architects received by Council 6 February 2014.

Section B-B Dwg 19 prepared by GM Architects received by Council 6 February 2014.

Ground Floor Landscape Plan Dwg GMAR002 Edition B Page 1 of 4 prepared by Denis Chan received by Council 4 November 2013.

Level 7 and Roof Terrace Landscape Plan Dwg GMAR002 Edition B Page 2 of 4 prepared by Denis Chan received by Council 4 November 2013.

Landscape Details Dwg GMAR002 Edition B Page 4 of 4 prepared by Denis Chan received by Council 4 November 2013.

Site and Roof Drainage Plan Dwg No 13MB5625/D01 Sheet 1 of 6 Revision A prepared by United Consulting Engineers Pty Ltd received by Council 4 November 2013.

Ground Floor Drainage Plan Dwg No 13MB5625/D02 Sheet 2 of 6 Revision A prepared by United Consulting Engineers Pty Ltd received by Council 4 November 2013.

Basement 1 Drainage Plan Dwg No 13MB5625/D03 Sheet 3 of 6 Revision A prepared by United Consulting Engineers Pty Ltd received by Council 4 November 2013.

Basement 2 Drainage Plan Dwg No 13MB5625/D04 Sheet 4 of 6 Revision A prepared by United Consulting Engineers Pty Ltd received by Council 4 November 2013.

Basement 3 Drainage Plan Dwg No 13MB5625/D05 Sheet 5 of 6 Revision A prepared by United Consulting Engineers Pty Ltd received by Council 4 November 2013.

Details Dwg No 13MB5625/D02 Revision A prepared by United Consulting Engineers Pty Ltd received by Council 4 November 2013.

Proposed Pipe Drainage Plan Dwg No 13MB5625/D07 Sheet 7 of 7 Revision A prepared by United Consulting Engineers Pty Ltd received by Council 4 November 2013.

Car park, Ramp and Driveway Certification A1313443N(1a) prepared by ML Traffic Engineers received by Council 4 November 2013.

Acoustic Report prepared by Acoustic Logic received by Council 4 November 2013.

BASIX Certificate No. 479866M issued 27 October 2013

Preliminary Geotechnical Investigation Report No. G08-Rev 0 prepared by Benviron Group received by Council 15 November 2013.

Preliminary Environmental Site Assessment ES5315 prepared by Argus Pty Ltd received by Council 4 November 2013.

Waste Management Plan prepared by GM Architects received by Council 4 November 2013.

Colours and Finishes Schedule prepared by GM Architects received by Council 4 November 2013.
2. A Construction Certificate must be obtained either from Council or a privately accredited person before commencement of any construction associated with this consent.

3. The Principal Certifying Authority must be appointed prior to work commencing to supervise the work and authorise occupation/use of the building when completed.

4. A copy of the endorsed stamped plans and specifications, together with a copy of the Development Consent, Construction Certificate and any approved Traffic Management Plan are to be retained on site at all times.

**Special Conditions**

5. Works will be required to upgrade the Public Domain and footpath along Parramatta Road. **Council’s Technical Services Section shall be consulted**, prior to undertaking works in order to confirm the required paving and street furniture for both street frontages.

6. A minimum of 15% (11) of all units shall be ‘Adaptable Housing’ in accordance with AS4299 or any subsequent standard. The Principal Certifying Authority must confirm a minimum of (11) adaptable units with designated disabled parking spaces have been included in the development **prior to the issue of a Construction Certificate**.

7. The external finishes of the building are to be strictly in accordance with the specifications listed under Condition 1 above. The Principal Certifying Authority must confirm compliance with these colours and finishes specifications **prior to the issue of an Occupation Certificate**.

8. The ground floor commercial units have the potential to be used in the future as food shops. Therefore, provision must be made for exhaust ducting from all tenancies with discharge at roof level. Detailed plans demonstrating compliance with this condition and any relevant Australian Standards must be submitted to and approved by the Principal Certifying Authority **prior to the issue of a Construction Certificate**.

9. Under awning lighting must be provided for the full length of the awning. Amended plans demonstrating compliance shall be prepared and submitted to the Principal Certifying Authority **prior to the issue of a Construction Certificate**.

**General**

10. The building shall not be occupied or used until the development has been completed in accordance with the conditions of this consent, construction has been completed in accordance with the Construction Certificate and an Occupation Certificate has been issued by the Principal Certifying Authority.

11. A separate development application shall be lodged with and approved by Council for the initial use of each of the ground floor commercial tenancies. Commercial exhaust shall be provided to each commercial tenancy in accordance with the relevant Australian Standards order to permit future food-shop use.

12. For residential flat developments which are subject to State Environmental Planning Policy (SEPP) No. 65 – Design Quality of Residential Flat Development and required to be accompanied by a design verification from a qualified designer under Clause 50(1A) of the
Environmental Planning and Assessment Act Regulation 2000, a certifying authority must not issue:

(a) a **Construction Certificate** unless the certifying authority has received a design verification statement from a qualified designer that verifies that the plans and specifications achieve or improve the design quality of the development for which development consent was granted having regard to the design quality principles set out in Part 2 of SEPP No. 65, in accordance with Clause 143A of the Regulations; and

(b) an **Occupation Certificate** to authorise a person to commence occupation or use of the residential flat building unless the certifying authority has received a design verification statement from a qualified designer that verifies that the residential flat development achieves the design quality of the development as shown in the plans and specifications in respect of which the construction certificate was issued, having regard to the design quality principles set out in Part 2 of SEPP No. 65, in accordance with Clause 154A of the Regulations.

13. A Works Permit shall be obtained from Council's Customer Service Centre at least 48 hours prior to undertaking any works on public/Council-controlled areas. The permit must be retained on site at all times.

14. **Prior to the issue of a Construction Certificate**, photographs documenting any existing damage to the kerb and gutter and footpaths adjacent to the property shall be submitted to the consent authority. In the absence of this documentation, the applicant is liable for all damage that occurs to Councils’ assets.

15. Storage of goods or the use of portable clotheslines on balconies visible from a public place is strictly prohibited.

16. All exhaust and other emissions including noise from the premises shall comply with the provisions of the Protection of the Environment Operations Act 1997 and Regulations.

17. The applicant or any contractors carrying out works in public or Council controlled lands shall have public liability insurance cover to the value of $10 million and shall provide proof of such cover to Council prior to carrying out works.

**Financial Matters**

18. In accordance with the provisions of Section 94(1)(b) of the Environmental Planning and Assessment Act 1979 and the Strathfield Direct Development Contributions Plan 2010-2030, a contribution in the form of cash, cheque or credit card (financial transaction fee applies) shall be paid to Council for the following purposes:

<table>
<thead>
<tr>
<th>Service</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Provision of Community Facilities</td>
<td>$72,199.20</td>
</tr>
<tr>
<td>Provision of Major Open Space</td>
<td>$338,254.80</td>
</tr>
<tr>
<td>Provision of Local Open Space</td>
<td>$135,687.60</td>
</tr>
<tr>
<td>Provision Roads and traffic Management</td>
<td>$15,436.25</td>
</tr>
<tr>
<td>Administration</td>
<td>$14,388.60</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$575,966.45</strong></td>
</tr>
</tbody>
</table>

The total amount of the contribution is valid as at the date of determination and is subject to annual indexation. If the contribution is paid after 1\(^{st}\) July in any year, the amount of the
contribution under this condition shall be indexed in accordance with clause 2.14 of the Strathfield Direct Development Contributions Plan 2010-2030.

The required contribution shall be paid prior to the issue of a Construction Certificate.

19. A security payment of $8,127.00 in the form of cash, bank guarantee, cheque or credit card (financial transactions fees apply) shall be paid to Council prior to the issue of a Construction Certificate. The security payment is GST inclusive and comprises the following:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Refundable works bond</td>
<td>$8,000.00</td>
</tr>
<tr>
<td>Non-refundable administration fee ($127/bd)</td>
<td>$ 127.00</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$8,127.00</strong></td>
</tr>
</tbody>
</table>

The security payment covers the following matters and will be released upon satisfactory completion of these items:

(a) road and stormwater drainage works in roadways and public areas;
(b) connection to Council’s stormwater drainage system;
(c) installation and maintenance of sediment control measures for the duration of construction activities;
(d) tree final inspection to ensure that Council’s street trees have been retained, protected or replanted in accordance with conditions of consent and/or Arborists’ report for the post final inspection twelve (12) month period; and
(e) Ensuring no damage occurs to or building debris/materials are left on Council land including footpath, nature strip, kerb and gutter. The security bond may be used to recover the costs incurred by Council in cleaning and restoring the land to its original condition.

20. Fees are payable where Council is appointed as principal certifying authority to carry out the post-approval inspections. A quotation for the fees can be obtained by contacting Council and the fees shall be paid prior to the carrying out of any of the inspections.

Any re-inspection which is necessary due to site access not being available, defective work, or the matter not being ready for inspection will be charged in accordance with Council’s Fees and Charges Policy. Council will advise in writing if an additional re-inspection is required and the re-inspection fee shall be paid prior to release of the damage deposit. If the additional fee is not paid it will be deducted from the damage deposit.

Parking/Traffic Matters

21. A total of (99) off-street parking spaces, hardpaved, linemarked, labelled and drained, shall be provided in accordance with the approved plans and distributed as follows:

<table>
<thead>
<tr>
<th>Category</th>
<th>Quantity</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 &amp; 2 bedroom apartments</td>
<td>66</td>
</tr>
<tr>
<td>3 bedroom apartments</td>
<td>10</td>
</tr>
<tr>
<td>Visitors</td>
<td>14</td>
</tr>
<tr>
<td>Commercial</td>
<td>9</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>99</strong></td>
</tr>
</tbody>
</table>

and these spaces shall only be used for the parking of motorcycles, sedans, utilities, vans and similar vehicles up to two (2) tonne capacity.
Note: Accessible parking must be designated to each accessible unit and additional accessible visitor parking must be provided.

22. A sign shall be erected in a suitable location on the site advising that parking is available for visitors/customers.

23. Where entry points to carpark areas are fitted with security gates/shutter and access to visitor parking is required to be provided a suitable communication systems shall be provided at the entry point to allow the security gates/shutter to be opened remotely by occupants of the building.

24. All vehicles entering and leaving the site shall be driven in a forward direction only.

25. The vehicle spaces must not be enclosed with walls or meshed security screens without the prior approval of Council.

26. All vehicles associated with the use shall be restricted to medium rigid vehicles only that are able to turn on-site.

27. The loading dock shall not be used for storage purposes at any time.

28. All redundant vehicular crossings shall be removed and replaced with kerb and gutter and footpath at no cost to Council.

29. Reconstruct the footpath, kerb and gutter to Council’s specifications for the full frontage of the development site at the completion of all building works.

30. Purpose built storage compartment(s) shall be provided to and within each of the resident car parking bays and/or associated dwellings at the following rate:
   - 6m$^3$ for each one (1) bedroom unit
   - 8m$^3$ for each two (2) bedroom unit, and
   - 10m$^3$ for each unit with three (3) bedrooms or more.
   Amended plans showing the location and configuration of each of storage compartment(s) shall be submitted to and approved by the Principal Certifying Authority prior to the issue of the Construction Certificate.

Drainage/Stormwater

31. Stormwater runoff from all roof and paved surfaces shall be collected and discharged by means of a gravity pipe system to the new trunk drainage system via the onsite stormwater detention systems and as depicted on the stormwater drainage concept plans prepared by United Consulting Engineers Pty Ltd Job No.13mb5625 Sheets No.1, 2,3,4,5 & 6 Of 6 Issue A Dated 07.05.2013. Detailed drainage plans including design certification shall be submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate.

32. Details of the proposed method of stormwater disposal shall be prepared by a suitably qualified professional civil engineer in accordance with the endorsed concept plans AND the requirements of Council’s Stormwater Management Code.

In this project the above engineering plans are satisfactory as Concept plans. The assessment authority, (either (a) Council, or (b) a Private Certifier), is to satisfy themselves
of the adequacy of the above plans for the purposes of Construction. They are to independently determine what details, if any, are to be added to the Construction Certificate plans, in order for the issue of the Construction Certificate.

Where a Private Certifier issues the Construction Certificate a copy must be provided to Council, **prior to the issue of a Construction Certificate.**

33. On-site stormwater detention storage shall be provided in conjunction with the stormwater disposal system. The storage system shall be designed in accordance with the endorsed concept stormwater plans **AND/OR** Council’s Stormwater Management Code. Details of the storage system shall be submitted to and approved by the Principal Certifying Authority **prior to the issue of a Construction Certificate.**

34. Prior to the issue of an Occupation Certificate/use of the building, written verification from a suitably qualified professional civil engineer shall be obtained, stating that all stormwater drainage and related work has been constructed in accordance with the approved plans.

In addition, detailed works-as-executed plans, prepared and signed by a registered surveyor, shall be submitted to and approved by the Principal Certifying Authority. Where changes have occurred the plans shall be marked-up in red ink and shall include levels and location for all drainage structures and works, buildings (including floor levels) and finished ground and pavement surface levels.

35. Temporary measures shall be provided and regularly maintained during demolition, excavation and construction to prevent sediment and polluted waters discharging from site. Plans showing such measures in accordance with the NSW Department of Housing, Managing Urban Stormwater, Soils and Construction Manual dated August 1998 shall be submitted to and approved by the Principal Certifying Authority **prior to the issue of a Construction Certificate.**

36. For drainage works within public land or connecting to Council’s stormwater drainage system the following inspections will be required:-

(a) After the excavation of pipeline trenches.
(b) After the laying of all pipes prior to backfilling.
(c) After the completion of all pits and connection points.

A minimum of 48 hours’ notice shall be given to Council to inspect works. Inspections may be arranged by telephoning Council’s Engineering Works and Services section on 9748-9999 during office hours. Work is not to proceed until the works are inspected and approved by Council.

37. All pits shall be constructed in accordance with Australian Standard AS3500.3.

38. All subsoil drainage must be designed to meet the requirements of AS3500;

39. Access to the basement car park, head room for basement entry, driveway ramp and turning circles shall be designed in accordance with AS 2890.1-2004.

40. The proposed basement pump out system is to be strictly in accordance with the requirements set out in Strathfield Council’s Stormwater Management Code 2007. The rising main shall be connected to the OSD tank/basin. Final details of this system are to be
submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate.

41. All surface inlet drains upstream of the on-site detention basin must be designed so that there is no overflow before the storage is full.

42. Overflow paths shall be provided to allow for flows in excess of the capacity of the pipe/drainage system draining the site, as well as from any on-site stormwater detention storage.

43. Allowance shall be made for surface runoff from adjacent properties, and to retain existing surface flow path systems through the site. Any redirection or treatment of these flows shall not adversely affect any other properties.

44. Boundary fencing shall be erected in such a manner as not to interfere with the natural flow of ground and surface water to the detriment of any other party.

45. A Positive Covenant under Section 88E of the Conveyancing Act shall be created on the title of the property detailing the:

   (b) On-site stormwater detention system AND
   (c) All Water Sensitive Urban Design components

incorporated in the development. The wording of the Instrument shall be submitted to, and approved by Council prior to lodgement at Land & Property Information NSW. The Instrument shall be registered and a registered copy of the document shall be submitted to and approved by the consent authority prior to the issue of an Occupation Certificate/use of the building.

The positive covenant is required to prevent future modification or alteration without the written consent of the consent authority, and to ensure suitable maintenance is carried out.

46. A detailed design of the Water Sensitive Urban Design (WSUD) components (stormwater treatment measures) shall be submitted to and approved by the Principal Certifying Authority prior to the issue of a Construction Certificate and shall include, but not be limited to:

   Batters, levels, underdrains, high flow bypass details, clean out points, filter media details, mulching details, material specification, planting details, inlet scour protection areas, maintenance access ramps and maintenance schedule(s).


47. All approved stormwater works are required to be carried out in accordance with the conditions of consent, approved construction certificate plans, “Strathfield Council WSUD Reference Guideline” and the Construction and Establishment Guidelines: Swales,
Bioretention Systems and Wetlands (SEQ Healthy Waterways Partnership) Version 1.1 April 2010 or subsequent versions that may be updated.

48. A suitably qualified Engineer is required to inspect and certify the proposed development at the completion of each of the following construction phases (if any):
   (i) Installation of the overflow pit and bulking out/trimming profiling;
   (ii) Installation of under drainage;
   (iii) Installation of cleanout points;
   (iv) Installation of drainage layer;
   (v) Installation of transition layer;
   (vi) Installation of filtration media;
   (vii) Laying of geofabric protection for build-out phase;
   (viii) Laying of turf temporary protection layer, and
   (ix) Final planting.

49. An Operational Management and Maintenance Report is required to be submitted to the Principal Certifying Authority prior to the issue of a Subdivision Certificate outlining the proposed long term operational management and maintenance requirements of the stormwater system on the site.

A schedule or timetable for the proposed regular inspection and monitoring of the devices, maintenance techniques, reporting and record keeping requirements and associated rectification procedure shall be included in the report.

50. Drainage pipes in Parramatta Road shall be designed with a minimum grade of 1%.

51. The proposed lintel inlet pits in Parramatta Road shall be designed with a 3.2m long lintel and are to be located a minimum of 1m clear of any existing/proposed crossings and poles and 2 clear of any street trees within the road reserve.

52. A plan and long section of the proposed drainage line within the road reserve shall be submitted for approval of Council’s Manager Engineering Works & Services. The utility services within the area of effect of the proposed drainage works (i.e. gas, water, sewer, electricity, telephone, etc) shall be shown on the long section of the proposed drainage line in Parramatta Road.

53. The connection of stormwater runoff from the development site to Council’s street drainage system shall consist of a pipe line across to the street kerb with the pipeline then continuing under the kerb and gutter to Council’s drainage pipe on the northern side of Parramatta Road. The proposed pipe in Parramatta Road shall be 375mm in diameter, reinforced concrete spigot and socked with rubber ring joints. A pit shall be constructed at the property boundary and at the kerb line. Class of the pipe and minimum cover required over the pipe shall comply with the manufacturer’s specification and Council’s standard requirements.

54. Details of the proposed connection of stormwater runoff to Council’s street drainage system shall be prepared by a suitably qualified hydraulics engineer in accordance with the RMS and Council’s standard requirements and submitted for approval of RMS and Council’s Manager Engineering Works & Services prior to the issue of a construction certificate.
55. The invert of the outlet pipe connecting to Council’s drainage pit in Parramatta Road shall be at 1/3 of the depth of pit measured from the top of the grate. The invert of the On-site Detention Storage (OSD) shall be above the invert of the gutter in the road.

56. The utility services within the area of effect of the proposed drainage line (i.e. gas, water, sewer, electricity, telephone, etc) shall be physically located prior to the commencement of drainage works. The relevant authority’s written consent for excavation adjacent to their services shall be obtained. Any adjustments required shall be at no cost to Council.

57. A Traffic Management Plan shall be submitted for approval of RMS and Council’s Engineering Works & Services Section, prior to the commencement of drainage works in Parramatta Road.

58. A bond of $150,000 in the form of cash or bank cheque shall be lodged with Council by the applicant prior to the commencement of drainage works. This bond covers road, drainage works in Parramatta Road and will be released upon satisfactory completion of these items.

Public Authority Matters

59. Prior to the issue of an Occupation Certificate all existing overhead electricity and telecommunication cabling adjacent to the development site shall be placed underground at the applicants’ expense in accordance with the specifications of AusGrid and the telecommunications supplier and the following requirements:

(a) Where the property is located on the opposite side of the street to the main power lines and telecommunication cables, the services are to be placed underground from the development site to the nearest location on the opposite side of the street for connection to the existing mains supply as directed by AusGrid and the telecommunications carrier. The method of construction across the road carriageway shall be by directional boring beneath the road pavement; OR

(b) Where the property is located on the same side of the street as the main overhead power lines and telecommunication cables, all services are to be placed underground for the full length of the frontage of the site. Any overhead powerlines and telecommunication cables that cross the road from the development site must also be placed underground and the cabling installed and distributed to properties in accordance with AusGrid and the telecommunications carriers’ requirements.

60. Prior to the issue of a Construction Certificate the applicant must contact the Engineer Planning and Supply Negotiations (West) AusGrid on 131 535, to obtain a quotation to underground power supply lines and where appropriate a quotation to underground the main overhead power supply lines adjacent to the frontage of the subject property and the telecommunications carrier on 1100 advising that undergrounding of the telecommunication cabling is required.

If required, an easement shall be created in favour of electrical and telecommunications suppliers and comply with the following:

(a) For the provision of underground services and above ground pillar boxes for access to their equipment;

(b) The easement is to be 3m wide abutting the property boundary at the point of entry and 1.5m within the property;
(c) Where the easement is to be enclosed, a minimum headroom of 2m is required above the floor level; and

(d) The wording of the easement shall be approved by AusGrid and the Telecommunications Carrier where applicable, prior to the issue of a Construction Certificate.

(e) Written evidence that the wording of the easement has been approved by the relevant service providers shall be provided to Council prior to the issue of a Construction Certificate.

(f) The required easement shall be created and registered prior to the issue of an Occupation Certificate or use of the building.

61. Any disturbance to public land as a result of the undergrounding of services shall be restored at no cost to Council.

62. Where undergrounding services, a plan indicating the depth and location of all services (i.e., gas, water sewer, electricity, telecommunication, traffic lights, etc) within the area affected by the development shall be submitted to Council prior to the issue of a Construction Certificate.

Furthermore, any adjustments required shall be at no cost to Council or any public authority. The relevant authorities’ written consent for any adjustments or works affecting their services shall be obtained and a copy provided to Council prior to the issue of a Construction Certificate.

Landscaping/Tree Matters

63. The proposed planter boxes on the podium (level 7) and rooftop garden shall be planted with edible herbs, fruit and vegetables prior to the issue of an Occupation Certificate and fitted with a fully-automated irrigation system to ensure these planters are used for their intended Community Garden purpose.

64. Three (3) x established Tallowood (eucalypt micorys) of minimum 100L container size must be planted in the nature strip adjoining the Parramatta Road frontage of the site. These three (3) specimens are required to be planted at equal intervals and must be provided within tree pits in the Council nature strip adjoining the site along Parramatta Road. These specimens must be planted a minimum of 1.0 metre from the back of kerb, with minimum 9 metre spacing from their centres. These trees shall be installed using suspended pavements over non-compacted soils in individual tree pits, incorporating CityGreen® Strata Cell® (Series 30) systems. The minimum dimensions of the Strata Cell modular units shall be 5m long x 3m wide x 1m deep, leaving a minimum open base of 1.2m x 1.2m for each tree. The edge of the openings within the suspended pavement shall be offset by 1.0m from the back of the kerb.

The chosen specimens are to be vigorous and well established, free from disease and pests, of good form, consistent with species or variety, hardened off, not soft or forced, with large healthy roots systems with no evidence of root curl, restriction or damage. Trees are to have a single leader and clear straight trunk. Trees are to conform to the NATSPEC guide and Guide for assessing the quality of and purchasing of landscape trees by Ross Clarke, 2003.
All trees are to be staked and tied with a minimum of three (3) hardwood stakes. Ties are to be hessian and fixed firmly to the stakes, one tie at half the height of the main stem, others as necessary to stabilise the plant.

Root deflection barriers having a minimum depth of 600mm are to be installed adjacent to all footpaths and driveways.

Soil conditioner/fertilizer/moisture retention additive/s shall be applied to the street trees in accordance with manufacturer’s recommendations, and shall be mixed into the backfilling soil after planting tree/s.

A minimum 75mm depth of organic mulch shall be placed within an area 0.5m from the base of the tree.

Further information regarding this requirement is able to be obtained from Council’s Tree Coordinator, during regular business hours on 9748 9999.

Should Council not act as the Certifying Authority a copy of the plan shall be forwarded to Council as part of the Construction Certificate.

Green Factor

65. All landscaping works must be carried out in accordance with the stamped and approved Green Factor (landscape) plans, including stated species selection, stated soil profiles/materials, stated drainage, and stated soil depths.

66. The soil profile used must have the stated soil structure that supports water and nutrient retention that includes expanded shale, clay or similar at the bottom of the profile to absorb water, however, the design of the soil profile must ensure that the soil does not become water-logged.

67. Documentation of the construction demonstrating compliance with this condition must be carried out by the Registered Landscape Architect who prepared the plans, and submitted to the Principal Certifying Authority for approval prior to the issue of an Occupation Certificate for the development. This documentation is to include:

A written and photographic report that shows the process and details of construction so that it can be demonstrated that:

(i) The correct waterproofing membrane has been installed. This must be accompanied by a certification by the supplier;
(ii) The specified soil structure has been used. This will take the form of annotated construction photographs that show the detail of the soil profile being constructed close up and from a distance to ensure that the location within the project can be confirmed. The photographs are to be accompanied by plans showing the locations being documented. A minimum of four roof/podium locations and two ground level over structure locations must be documented;
(iii) The specified plant species have been used;
(iv) The specified tree sizes have been used;
(v) Any Community Garden has been planted, and any associated sheds have been built;
(vi) Any additional factors, such as bird nests, water features, outdoor kitchens, children’s play structures or equipment have been installed in accordance with the plans and suppliers standards;

(vii) A certificate from the registered landscape architect who prepared the Development Application plans clearly stating that the works have been built as specified, and that the said landscape architect is satisfied that the standard of construction is such that the planting will have longevity.

(viii) A maintenance agreement for a minimum of one year from completion from the developer to stating/ensuring that the landscape area is maintained and allowed to properly establish, with any plants that die replaced by the developer within this period.

68. Once the report and accompanying documentation has been received by the relevant Consent Authority, the landscape must be inspected by the Principal Certifying Authority together with the registered Landscape Architect to ensure that the report and what has been constructed are in agreement.

69. Two hardcopies and two softcopies of the full documentation provided under this condition must be provided to Strathfield Council, along with the certification by the registered Landscape Architect prior to the issue of an Occupation Certificate.

Construction Matters

70. Prior to the commencement of any construction or demolition work, the Applicant or principal contractor must, subject to obtaining permission from the respective property owners, provide dilapidation reports prepared by a suitably qualified person (such as a structural engineer), on the buildings located on any lot adjacent to the subject site, inclusive of ancillary structures. A copy of the respective report must be provided to the Principal Certifying Authority and neighbouring property owners that are the subject of that report.

71. The proposed development shall comply with the National Construction Code and details demonstrating compliance shall be submitted to the Principal Certifying Authority for approval prior to the issue of a Construction Certificate.

72. Footings shall be designed in accordance with the soil classification of H, or Highly Reactive (unless determined to the contrary by a suitably qualified person).

73. All construction, demolition and excavation work shall be restricted to 7am and 5pm (Eastern Standard Time) on Mondays to Saturdays (inclusive) and prohibited on Sundays and public holidays.

74. All excavations and backfilling associated with the approved works must be executed safely and in accordance with appropriate professional standards. All excavations must be properly guarded and protected to prevent them from being dangerous to life or property.

75. If an excavation associated with the approved works extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made:
   (a) Must preserve and protect the building from damage; and
   (b) If necessary, must underpin and support the building in an approved manner, and
   (c) Must, at least seven (7) days before excavating below the level of the base of the
footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.

76. There are built structures which may be in the zone of influence of the proposed works and excavations on the site. A qualified practicing geotechnical engineer must prepare a Construction Methodology Report demonstrating that the proposed construction method including any excavation and the configuration of the built structures will have no adverse impact on any surrounding property and infrastructure.

The report must be submitted with the application for a Construction Certificate and must include an investigation to determine the design parameters appropriate to the specific development and site. This would typically include;

(a) the location and level of nearby foundations and footings (site and neighbouring);
(b) proposed method of excavation;
(c) Permanent and temporary support measures for excavation;
(d) Potential settlements affecting footings and foundations;
(e) Ground water levels (if any);
(f) Batter slopes;
(g) Potential vibration cause by method of excavation; and
(h) De-watering including seepage and off site disposal rate (if any).

Excavation, retention, underpinning and construction must be undertaken onsite by an excavation contractor with specialist excavation experience. A suitably qualified geotechnical engineer, specialising in excavation must supervise the excavation procedure.

77. The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

78. The common access pathways, letterboxes and entry doorways to the building shall be provided with suitable low level artificial lighting systems to ensure safe and convenient access at night. Details shall be submitted to and approved by the Principal Certifying Authority prior to the issue of a Construction Certificate.

Building Matters

79. Identification numbers are to be clearly displayed at the front of the premises and be easily visible from the street.

Sustainability

80. Water collected in the rainwater tank must be roof water only and not surface water. Water from the rainwater tank must only be used for following purposes and not for human consumption:

(a) Toilet flushing;
(b) Clothes washing;
(c) Garden irrigation;
(d) Car washing and similar outdoor uses;
(e) Filling swimming pools, spa pools and ornamental ponds; and
(f) Fire fighting.
81. Water heating systems to multi-unit residential developments shall be located so as not to be visible from public places and the ground level of adjoining properties. Details (type and location) of the water heaters shall be submitted to and approved by the Principal Certifying Authority prior to the issue of a Construction Certificate.

Air Quality

82. As required by the Protection of the Environment Operations (Noise Control) Regulation 2008, air-conditioning units or heat pump water heaters shall not be audible in the habitable rooms of any other residential premises before 8am or after 10pm on any Saturday, Sunday or public holiday, or before 7am or after 10pm on any other day.

83. Full compliance shall be given to the recommendations contained in the endorsed acoustic consultant's report and windows and doors shall be installed in accordance with the following table:

<table>
<thead>
<tr>
<th>Space</th>
<th>Façade</th>
<th>Glazing Thickness</th>
<th>Acoustic Seals</th>
<th>Minimum STC/Rw of installed window</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bedrooms</td>
<td>South</td>
<td>12.38mm laminated</td>
<td>Yes.</td>
<td>37</td>
</tr>
<tr>
<td></td>
<td>West &amp; East</td>
<td>10.38mm laminated</td>
<td>Yes.</td>
<td>35</td>
</tr>
<tr>
<td></td>
<td>North</td>
<td>10.38mm laminated</td>
<td>Yes.</td>
<td>35</td>
</tr>
<tr>
<td>Living Rooms</td>
<td>South</td>
<td>12.38mm laminated</td>
<td>Yes.</td>
<td>37</td>
</tr>
<tr>
<td></td>
<td>West &amp; East</td>
<td>10.38mm laminated</td>
<td>Yes.</td>
<td>35</td>
</tr>
<tr>
<td></td>
<td>North</td>
<td>10.38mm laminated</td>
<td>Yes.</td>
<td>35</td>
</tr>
<tr>
<td>Commercial</td>
<td>All</td>
<td>6.38mm laminated</td>
<td>Yes.</td>
<td>31</td>
</tr>
</tbody>
</table>

84. Acoustic seals are required to be equal to Schlegel Q-Ion series (acoustic bulb seal) around the full perimeter of operable frames. The frames will need to be sealed into the building using a flexible 100% polyurethane sealant equal to Bostik Seal N’ Flex.

Note: Mohair seals and/or mohair/plastic fin combination seals in windows and doors are not acceptable where acoustic seals have been recommended.

85. As internal noise levels cannot be achieved with windows open, it is required that an alternative outside air supply system or air conditioning system be installed to meet AS1668.2. Any mechanical ventilation system that is installed should be acoustically designed such that the acoustic performance of the recommended constructions are not reduced by any duct or pipe penetrating the wall/ceiling/roof.

86. Air Conditioning plant and commercial ventilation details shall be submitted to a suitable Acoustic Consultant for review. A supplementary acoustic report shall be prepared and submitted to the Principal Certifying Authority for review and any recommendations shall be incorporated into architectural plans prior to the issue of a Construction Certificate.
Demolition

87. Demolition shall be carried out in accordance with Australian Standard 2601 - ‘The demolition of structures’ or any subsequent standard and the relevant legislation.

88. The demolition of the building shall be carried out by a licensed demolition contractor. A copy of the licence shall be submitted to Council and the Principal Certifying Authority prior to any work commencing on site.

89. Details demonstrating that excavated and demolished materials including asbestos-based materials will be disposed of at an approved site shall be submitted to the Principal Certifying Authority prior to any work commencing on site.

90. The cleared ground surface of the site shall be suitably stabilised to prevent the generation of dust and the erosion of soil on the site.

Fire Safety Measures

91. Upon completion of works a final fire safety certificate is to be issued from a properly qualified person in respect of each essential fire safety measure installed within the building and specified in the fire safety schedule. The final fire safety certificate shall be provided prior to the issue of an Occupation Certificate.

92. As soon as practicable after a final safety certificate is issued, the owner of the building to which it relates:
   (a) shall submit a copy of the fire safety certificate (together with a copy of any current fire safety schedule) to the Commissioner of NSW Fire Brigades;
   (b) shall submit a copy of the fire safety certificate (together with a copy of any current fire safety schedule) to Council for registration; and
   (c) shall ensure the current fire safety schedule is prominently displayed in the building.

Hoardings

93. No advertisements of any kind shall be affixed to hoardings except for a board not exceeding 2.4m x 1.8m on which may be shown the architect's/builder's/demolisher's names or any particulars regarding the subject building and notices regarding the existing or future occupancies in the building.

94. Hoardings/overhead protective structures at ground level shall have mesh wire or other such material fixed to the surface to a height at least 2 metres in order to preclude the fixing of posters.

95. A sign with the words “Billposters Will Be Prosecuted” shall be attached or printed on the hoarding/overhead protective structures at regular intervals so it is visible from the street or any adjoining public place.

96. Any hoarding, fence or awning is to be removed when the work has been completed.

Subdivision

97. Strata subdivision of the subject development shall be subject to a future application to Council.
Disabled Access

98. Access to the building for persons with disabilities shall be in accordance with the requirements of the Building Code of Australia and the relevant standards. Details shall be submitted to and approved by the Principal Certifying Authority prior to the issue of a Construction Certificate.

99. Sanitary facilities for persons with disabilities shall be provided in the building in accordance with the Building Code of Australia and the relevant standards. Details shall be submitted to and approved by the Principal Certifying Authority prior to the issue of a Construction Certificate.

100. A carparking space for persons with disabilities shall be provided in accordance with the Building Code of Australia and the relevant standards. Details shall be submitted to and approved by the Principal Certifying Authority prior to the issue of a Construction Certificate.

Waste Management

101. Full compliance must be given to the endorsed Waste Management Plan submitted for the proposed development. Copies of any weighbridge receipts from all approved waste disposal facilities shall be retained for presentation to the Principal Certifying Authority upon request.

102. The waste storage room shall be designed to comply with the relevant standards and details shall be submitted to and approved by the Principal Certifying Authority prior to the issue of a Construction Certificate.

103. The subject site must provide sufficient space for 17 x 660L garbage bins and 35 x 240L recycling bins within the waste storage and collection area. Sufficient area shall be provided to ensure these bins are able to be lined up awaiting collection.

104. A minimum clearance of 3.4m and turning circle of 8m must be provided to enable waste collection to occur within the ground floor loading area of the site.

105. The entry from the “garbage and recycling room” and “clean up room” leading to the loading dock must be fitted with roller doors to permit waste collection to occur within the site.

106. A Positive Covenant under Section 88E of the Conveyancing Act shall be created on the title of the property as follows:

(a) Full and free right must be provided to Strathfield Council employees or its authorised contractors to:
   i) Enter upon the land and remove any waste products using any vehicle or equipment as necessary;

(b) The owner of the lot burdened shall be solely responsible for the cost of maintaining in good and sufficient repair at all times the internal roads or access ways used by Strathfield Council for the purpose of exercising its rights as set out in clause (a) above.

The wording of the Instrument shall be submitted to, and approved by Council prior to lodgement at Land & Property Information NSW. The Instrument shall be registered and a
registered copy of the document shall be submitted to and approved by the consent authority prior to the issue of an Occupation Certificate.

Automatic Waste Collection System (AWCS)

107.  (a) The Developer, prior to the issue of an Occupation Certificate, must design and construct all buildings on the site to provide a conventional waste collection system, that is adaptable to an AWCS for each building that:
   (i) Collects general, recyclables and food and organics (inc. garden waste) waste fractions separately; and
   (ii) Complies with the requirements set out in Council’s Waste Policy;

(b) The Developer will make provision for a future connection of the AWCS to the building(s) by providing space for the AWCS collection pipe to be installed/retrofitted as follows:
   (i) An access space must be provided that makes provision to accommodate a minimum 600mm diameter pipe to Loftus Crescent as agreed with Council;
   (ii) The access space/pipe will terminate a minimum of 1.5 metres below the base of the building waste room, as determined by the centre of the pipe (point A);
   (iii) The access space may be air space within the basement of the building or a trench set into the basement floor complete with gattic covers accessible from the basement floor;
   (iv) The pipe will leave the property boundary between 1.5 and 2 metres below finished road level to the centre of the pipe (point B);
   (v) The pipe access space must provide for continuous access from point A to point B (Pipe Access Space);
   (vi) The pipe access space may provide for bends only with a turning radius greater than 2000mm and have an elevation no greater than 15 degrees;
   (vii) The waste collection room is to be designed to withstand negative pressure of 2000N/m²;
   (viii) The waste room must be no less than 24 square metres in area and a minimum of 2.4 metres in height. (Waste Collection Space);
   (ix) Should an AWCS system be installed the Council (or the Council’s service provider) will own AWCS equipment and pipework from the inlets, through the base of the waste chute to the property boundary (point B);
   (x) A single phase general power outlet is to be provided in the waste collection room, adjacent to where the inlets and their collection pipes will be located.

(c) The Developer must register an easement in favour of Council on the title of the Land with such terms that will provide Council (or Council’s service provider) access to the AWCS collection pipe and the building waste room referred to in (b) above.

(d) Council has the right to request and review detailed design drawings for the rooms, and connection spaces, from the inlets to the pipe in the street to:
   (i) Ensure that the development will meet the conditions as outlined in this approval;
   (ii) Ensure that the building will be capable to be adapted when the building is integrated into the wider Parramatta Road Corridor/Strathfield Town Centre AWCS;
(iii) Provide detailed advice, either from Council, or from Council’s service provider, in regard to whether the detailed design is suitable for the AWCS; and

(iv) Provide written feedback, either from Council, or from Council’s service provider, which will form part of these conditions, detailing how the detailed design may need to change to ensure that it will enable the AWCS to be integrated into the building.

Integrated Development

108. Full compliance is required with the below conditions as required by the NSW Office of Water by letter dated 10 February 2014:

(a) An authorisation shall be obtained for the take of groundwater as part of the activity;

(b) Groundwater shall not be pumped or extracted for any purpose other than temporary construction dewatering at the site identified in the development application. The authorisation shall be subject to a currency period of 12 months from the date of issue and will be limited to the volume of groundwater take identified;

(c) The design and construction of the structure shall preclude the need for permanent dewatering by waterproofing those areas that may be impacted by any water table (i.e. a fully tanked structure) with adequate provision for unforeseen fluctuations of water table levels to prevent potential future inundation;

(d) Construction methods and material used in and for construction shall not cause pollution of the groundwater;

(e) Prior to excavation, measurements of groundwater levels beneath the site from a minimum of three monitoring bores shall be taken and a report provided to the NSW Office of Water. A schedule and indicative plans of the proposed ongoing water level monitoring from the date of consent until at least two months after the cessation of pumping shall be included in the report;

(f) Prior to excavation, a reasonable estimate of the total volume of groundwater to be extracted shall be calculated and a report provided to the NSW Office of Water. Details of the calculation method shall be included in the report;

(g) Prior to excavation, a copy of a valid development consent for the project shall be provided to the NSW Office of Water;

(h) Prior to excavation, groundwater quality testing shall be conducted and a report supplied to the NSW Office of Water. Samples must be taken prior to the commencement of pumping, and a schedule of the ongoing testing throughout the dewatering activity shall be included in the report. Collection and testing and interpretation of results must be done by suitably qualified persons and NATA certified laboratory identifying the presence of any contaminants and comparison of the data against accepted water quality objectives or criteria;

(i) Prior to excavation, the method of disposal of pumped water shall be nominated (i.e. street drainage to the stormwater system or discharge to sewer) and a copy of the written permission from the relevant controlling authority shall be provided to the NSW Office of Water. The disposal of any contaminated pumped groundwater (tailwater) must comply with the provisions of the Protection of the Environment Operations Act 1997 and any requirements of the relevant controlling authority;

(j) Prior to excavation, contaminated groundwater shall not be reinjected into any aquifer. The reinjection system design and treatment methods to remove contaminants shall be nominated and a report provided to the NSW Office of Water. The quality of any pumped water (tailwater) that is to be reinjected must be
compatible with, or improve the intrinsic or ambient groundwater in the vicinity of the reinjection site;

(k) During excavation, piping or other structures used in the management of pumped groundwater (tailwater) shall not create a flooding hazard. Control of pumped groundwater (tailwater) is to be maintained at all times during dewatering to prevent unregulated off-site discharge;

(l) During excavation, measurement and monitoring arrangements to the satisfaction of the NSW Office of Water are to be implemented. Monthly records of the volumes of all groundwater pumped and the quality of any water discharged are to be kept and a report provided to the NSW Office of Water after dewatering has ceased. Daily records of groundwater levels are to be kept and a report provided to the NSW Office of Water after dewatering has ceased;

(m) During excavation, pumped groundwater (tailwater) shall not be allowed to discharge off-site (e.g. adjoining roads, stormwater system, sewerage system, etc) without the controlling authorities approval and/or owners consent. The pH of discharge water shall be managed to be between 6.5 and 8.5. The requirements of any other approval for the discharge of pumped groundwater (tailwater) shall be complied with;

(n) During excavation, dewatering shall be undertaken in accordance with groundwater related management plans applicable to the excavation site. The requirements of any management plan (such as acid sulphate soils management plan or remediation action plan) shall not be compromised by the dewatering activity;

(o) During excavation, the location and construction of groundwater extraction works that are abandoned are to be recorded and a report provided to the NSW Office of Water after dewatering has ceased. The method of abandonment is to be identified in the documentation;

(p) During excavation, access to groundwater management works used in the activity is to be provided to permit inspection when required by the NSW Office of Water under appropriate safety precautions, and

(q) Following excavation, all monitoring records must be provided to the NSW Office of Water after the required monitoring period has ended together with a detailed interpreted hydrogeological report identifying all actual resource and third party impacts.

109. Full compliance is required with the below conditions as required by the Roads and Maritime Services by letter dated 14 February 2014:

(a) The proposed combined entry and exit driveway shall be sufficiently wide enough to cater for simultaneous left-in and left-out turning movements. The driveway shall be splayed at the kerb line to allow the left-in and left-out manoeuvres of the 85th percentile car turning path plus clearances to be fully contained within the kerb side lane. An ‘All Vehicles Left’ sign shall be erected within the subject site, facing motorists exiting the subject site to discourage right turn movements from the subject development site.

(b) The design and construction of the vehicular cross and kerb and gutter works on Parramatta Road shall be in accordance with RMS requirements. Details of these requirements should be obtained from RMS’s Project Services Manager, Traffic Projects Section. Parramatta on 8849 2496.

(c) RMS has no approved proposal that requires part of the subject property for road purposes. Therefore there are no objections to the development proposal on
property grounds provided all buildings or structures (other than pedestrian footpath awnings) are clear of the Parramatta Road road reserve (unlimited height or depth).

(d) The layout of the proposed car parking areas, loading docks and access driveway associated with the subject development (including driveways, grades, turn paths, sight-distance requirements, aisle widths, aisle lengths, and parking bay dimensions) should be in accordance with AS2890.1-2001 and AS2890.2-2002 for heavy vehicle usage.

(e) Council should ensure that post development stormwater discharge from the subject site into the RMS drainage system does not exceed the pre-development discharge.

(f) Detailed design plans and hydraulic calculations of any changes to the stormwater drainage system along Parramatta Road are to be submitted to RMS for approval, prior to the commencement of any works.

Details should be forwarded to:
The Sydney Asset Management
Roads and Maritime Services
PO Box 973 Parramatta CBD 2124.

(g) A plan checking fee will be payable and a performance bond may be required before RMS approval is issued. With regard to the Civil Works requirement please contact the RMS Project Engineer, External Works Ph: 8849 2114 or Fax: 8849 2766;

(h) The developer is required to comply with the requirements of Technical Direction (GTD 2012/001). This will require the developer to submit detailed design drawings and geotechnical reports relating to the excavation of the site and support structures to the RMS for assessment. The developer is to meet the full cost of the assessment by the RMS.

This report would need to address the following key issues:
   i) The impact of excavation/rock anchors on the stability of Parramatta Road and detailing how the carriageway would be monitored for settlement;
   ii) The impact of the excavation on the structural stability of Parramatta Road;
   iii) Any other issues that may need to be addressed. (Contact RMS’s Project Engineer, External Works Ph: 8849 2114 or Fax 8849 2766 for details).

(i) The proposed residential component of the development should be designed such that road traffic noise from Parramatta Road is mitigated by durable materials to satisfy requirements under Clause 102(3) of SEPP (Infrastructure) 2007. The RMS’s Environmental Noise Management Manual provides practical advice in selecting noise mitigation treatments.

(j) The swept path of the longest vehicle (including garbage truck) entering and exiting the subject site, as well as manoeuvrability through the site, shall be in accordance with AUSTROADS. In this regard, a swept path plan shall be submitted to Council for approval which illustrates that the proposed development complies with this requirement.
(k) A Construction Traffic Management Plan detailing construction vehicle routs, number of trucks, hours of operation, access arrangements and traffic control should be submitted to the Council prior to the issue of a Construction Certificate.

(l) All demolition and construction vehicles are to be contained wholly within the site and vehicles must enter the site before stopping.

(m) All works associated with the proposed development shall be at no cost to the RMS.

For the Motion: Councillors Bott, Datta, Kokkolis, McLucas, Ok, Soulos and Vaccari
Against the Motion: Nil.

7. Planning Proposal to De-list Heritage Item at 3 Margaret Street, Strathfield

Councillor Vaccari having previously declared a conflict of interest in this matter vacated the meeting room.

P18/14
RESOLVED: (McLucas/Kokkolis)

1. That Council resolve to support the Planning Proposal lodged by Meriden School to commence the process to amend Schedule 5 Environmental Heritage and Heritage Map of the Strathfield Local Environmental Plan (LEP) 2012 to de-list 3 Margaret Street, Strathfield (Lot 101 DP 862040) as a local heritage item.

2. That Council resolve to forward the Planning Proposal to NSW Planning and Infrastructure to commence the LEP plan making process under s56 of the Environmental Planning and Assessment Act 1979 (EP&A Act).

3. That Council resolve to request NSW Planning and Infrastructure to issue written authorisation for Council to exercise delegation in accordance with s23 of the EP&A Act 1979 to prepare and make the LEP following Gateway determination (and public exhibition).

For the Motion: Councillors Bott, Datta, Kokkolis, McLucas, Ok and Soulos
Against the Motion: Nil.

Councillor Vaccari returned to the meeting room.
8. Preparation of Minor Amendments to Strathfield Local Environmental Plan 2012 under s.73A of the EP&A Act 1979

P19/14
RESOLVED: (McLucas/Ok)

That Council resolve to submit the section 73A Environmental Planning and Assessment Act Submission to NSW Planning and Infrastructure to make minor amendments to the Strathfield Local Environmental Plan 2012.

For the Motion: Councillors Bott, Datta, Kokkolis, McLucas, Ok and Soulos
Against the Motion: Nil.

6. MATTERS OF URGENCY IN ACCORDANCE WITH CLAUSE 241 OF THE LOCAL GOVERNMENT (GENERAL) REGULATION, 2005

Nil.

THERE BEING NO FURTHER BUSINESS THE MEETING CLOSED AT 8.06PM

The foregoing minutes were confirmed at the PLANNING COMMITTEE MEETING of the Council of the Municipality of Strathfield held on 15 April 2014.

Chairman __________________________ General Manager __________________________
PLANNING COMMITTEE MEETING – 15 APRIL 2014

ITEM 1. DA2013/219 – 32 NOBLE AVENUE, STRATHFIELD

SUMMARY

PROPERTY: 32 Noble Avenue, Strathfield
Lot 27 in Deposited Plan 35941

DA NO.: 2013/219

APPLICATION TYPE: Infill Affordable Housing

REPORT BY: Sophie Olsen – Planning Officer

RECOMMENDATION: APPROVAL

SUBMISSIONS: (15) submissions and one (1) petition against the proposal were received.

ZONING: R3 – Medium Density Residential

DATE APPLICATION LODGED: 4 December 2013

APPLICANT: Chapman Planning (Consulting Town Planners)

OWNER: S. Easwaralingham & S. Sivabalakan

INTRODUCTION

Approval is sought for the demolition of the existing dwelling and construction of a three (3) storey residential flat building with ten (10) units comprising three (3) x 1 bedroom, four (4) x 2 bedroom and three (3) x 2 bedroom units with basement parking for (13) vehicles.

The subject application has been lodged under the ‘Infill Affordable Housing’ provisions of State Environmental Planning Policy (Affordable Rental Housing) 2009. The subject application demonstrates compliance with the relevant development standards of this Environmental Planning Instrument and will provide future residents with a good level of amenity without adversely impacting adjoining low and medium density residential properties by way of overlooking or overshadowing.

A condition has nonetheless been recommended to modify the third floor of the development to recess the bulk of the building at this level in order to ensure the development presents as a two (2) storey building to the street thereby complying with the established character of the area.

Therefore, the proposed development is recommended for approval, subject to the imposition of conditions of consent.

DESCRIPTION OF THE SITE AND LOCALITY

The subject site is located on the south-eastern corner of Noble Avenue, Strathfield and is an irregular shaped allotment with a frontage of 10.7m which widens to 28.9m at the rear. The site has a northern side boundary of 37.52m, southern side boundary of 47.75m and an overall area of approximately 781m².
An existing *Lophostemon confertus* (Brush Box) is located within the triangular shaped nature strip whilst existing vehicular access to the site runs along the northern boundary. Existing structures on the site comprise a single storey brick and tile dwelling with rear detached garage and a *Callistemon viminalis* (Weeping Bottlebrush) of approximately 6m in height which is located in the rear setback.

Development to the north and east of the site is primarily characterised by single and two (2) storey dwellings fronting Noble Avenue and Homebush Road whilst directly adjoining the site to the south-west at 34 Noble Avenue is a three (3) storey residential flat building approved by the Land and Environment Court in 2010 under the provisions of the NSW Affordable Rental Housing State Environmental Planning Policy. It is noted that this adjoining development was approved prior to the 2011 changes to the ARH SEPP which introduced the ‘character test’ provisions which require proposals to be harmonious with the character of surrounding development.

Development further south of the site fronting Liverpool Road and toward the western end of Noble Avenue primarily comprises medium density residential flat development.

As demonstrated in the aerial photograph below, the subject site is directly opposite Edwards Park and the High Street Community Library, and is within walking distance of a number of well serviced bus stops, schools, Strathfield Park and local shops and restaurants along Liverpool Road.

*Image 1:* Aerial photograph demonstrating the context of the subject site. The adjoining site at 34 Noble Ave has since been redeveloped as a residential flat building.

Note: The white diamonds indicate the location of bus stops within 400m walking distance of the subject site.
PROPOSAL

The application seeks Council approval for the demolition of the existing dwelling and construction of a three (3) storey residential flat building with ten (10) units comprising three (3) x 1 bedroom, four (4) x 2 bedroom and three (3) x 2 bedroom units with basement parking for (13) vehicles.

The elements of the proposal are:

- Demolition of existing structures and removal of a Bottle Brush tree located in the rear setback;
- Excavation for one (1) level of basement car parking containing (13) parking spaces comprising ten (10) resident parking spaces and three (3) visitor parking spaces;
- Construction of a three (3) storey residential flat building, and
- Associated landscaping works.

A site plan and elevations are attached (2).

BACKGROUND

There are no previous applications which are applicable to the subject proposal.

ASSESSMENT - Pursuant to Section 79C of the Environmental Planning and Assessment Act, 1979

The application has been assessed pursuant to the heads of consideration of Section 79C of the Environmental Planning and Assessment Act and the relevant matters described in Sub-section (1)(a), (b), (c), (d) and (e) of Section 79C have been considered within this report.

(a) (i) Environmental Planning Instruments:

SEPP 55 – Remediation of Land

State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55) requires Council to consider whether the site is suitable in its current state, contaminated state or following the completion of remediation works for the purposes for which development consent is being sought.

The site has been historically used for residential purposes and there are no known uses which may have potentially contaminated the site. This is consistent with Council’s records which confirm that a single dwelling with ancillary development has been erected at the subject site since at least the 1950s.

It is further noted that the site is not located in an area of investigation under Part K of the Strathfield Consolidated DCP 2005 (SCDCP 2005) which identifies past known landfill and potentially contaminated sites in the Strathfield local government area. Accordingly, based on the continued use of the site for residential purposes, there does not appear to be a need for further investigation of the site.

The site is therefore suitable for its intended and continued residential purpose.
SEPP (Affordable Rental Housing) 2009

The proposed development has been lodged under Part 2, Division 1 of the ARH SEPP which relates to the provision of ‘infill affordable housing’. For the purpose of this Environmental Planning Instrument, affordable rental housing is defined as follows:

“Housing for very low income households, low income households or moderate income households.

A household is taken to be a very low income household, low income household or moderate income household if the household:

(a) has a gross income that is less than 120 per cent of the median household income for the time being for the Sydney Statistical Division (according to the Australian Bureau of Statistics) and pays no more than 30 per cent of that gross income in rent, or

(b) is eligible to occupy rental accommodation under the National Rental Affordability Scheme and pays no more rent than that which would be charged if the household were to occupy rental accommodation under that scheme.”

In order for the proposal to be considered as ‘infill affordable housing’, the development site is required to be located within an ‘accessible area’ which is defined under Clause 10 of the ARH SEPP as land that is within:

(a) 800 metres walking distance of a public entrance to a railway station or a wharf from which a Sydney Ferries ferry service operates, or

(b) 400 metres walking distance of a public entrance to a light rail station or, in the case of a light rail station with no entrance, 400 metres walking distance of a platform of the light rail station, or

(c) 400 metres 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 one bus per hour servicing the bus stop between 06.00 and 21.00 each day from Monday to Friday (both days inclusive) and between 08.00 and 18.00 on each Saturday and Sunday.

As demonstrated in image 1 above, the subject site meets the abovementioned requirement as it is located approximately 270 metres from a bus stop at the corner of Liverpool Road and Amaroo Avenue. This bus stop is serviced by four (4) bus routes which meet the abovementioned regular service requirements. A number of other bus stops are within 400m walking distance of the site along the southern side of Liverpool Road and along Homebush Road.

Pursuant to the relevant provisions of the ARH SEPP, the applicant may choose the number of units (minimum 20%, maximum of 50%) which will be designated and retained as affordable housing for a minimum period of ten (10) years in order to receive the associated ‘bonus’ or ‘incentive’ floor space ratio (FSR). In the case of the proposed development, the applicant has indicated that 32% of the Gross Floor Area, equating to four (4) units will be retained as affordable rental housing, resulting in a 0.32:1 incentive floor area for the site. As Council’s controls under the SLEP 2012 permit an FSR of 0.65:1 (508m²), assessment under the ARH SEPP permits a maximum bonus FSR of 0.97:1 (758m²), to which the proposal complies.
The ARH SEPP recognises that development for the purpose of infill affordable housing can be encouraged by way of incentives and assessment against development controls which may be less onerous than Council’s controls for residential flat development.

One such requirement which is of particular relevance to the subject site is the minimum site area required under the ARH SEPP of 450m². The subject site has an area of 781m², which complies with the requirement of the ARH SEPP and which overrides Council’s development standard (1,000m²). Therefore the size of the allotment is considered acceptable for the proposal.

As the ARH SEPP does not provide an incentive height, the additional permitted FSR is required to be contained within the height prescribed by Council’s LEP, being 9.5m.

Whilst it is clear that the proposal demonstrates compliance with the accessibility and overall bulk and height requirements of the ARH SEPP, an assessment of the development against the remaining controls of this policy are presented in the table below.

**Note:** the ARH SEPP states that Council is unable to refuse an application where it complies with the minimum standards provided by Clause 14 (refer to the shaded area in the table below).

<table>
<thead>
<tr>
<th>Clause</th>
<th>Development Control</th>
<th>Required</th>
<th>Proposal</th>
<th>Compliance</th>
</tr>
</thead>
<tbody>
<tr>
<td>10</td>
<td>Permissibility</td>
<td>Permissible under SLEP 2012</td>
<td>Residential Flat Building (RFB) permissible in R3 Zone.</td>
<td>Yes.</td>
</tr>
<tr>
<td>14</td>
<td>Note: Unable to refuse based on these provisions</td>
<td>Site area</td>
<td>Min 450m²</td>
<td>781m²</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Landscaping</td>
<td>Min 30% (234m²)</td>
<td>40% (315m²)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Deep Soil</td>
<td>Min 15% (117m²) Preferably to the rear of the site</td>
<td>30% (117m²) Communal open space to the rear</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Solar Access</td>
<td>70% of living rooms receive a minimum of 3 hours solar access at the winter solstice.</td>
<td>90% of living rooms receive a minimum of 3 hours solar access.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Parking</td>
<td>1 bed – 0.5 spaces 3 x 0.5 = 1.5 2 bed – 1 space 4 x 1 = 4 3bed – 1.5 spaces 3 x 1.5 = 4.5 Total = 10</td>
<td>Total of (13) spaces Ten (10) spaces for residents PLUS 3 x visitor spaces proposed</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Dwelling size</td>
<td>1 bed 50m² 2 bed 70m² 3 bed+ 90m²</td>
<td>50m² to 52m² 70m² to 85m² 95m²</td>
</tr>
<tr>
<td>Item</td>
<td>Description</td>
<td>SEPP 65 compliant</td>
<td>Consideration</td>
<td>Condition</td>
</tr>
<tr>
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<tr>
<td>16</td>
<td>Design requirements</td>
<td>SEPP 65 compliant</td>
<td>Refer to discussion below.</td>
<td>Yes.</td>
</tr>
<tr>
<td>16A</td>
<td>Character</td>
<td>Compatible with character of local area</td>
<td>The height, bulk, setbacks and architectural character is compatible and is similar in form to RFB at 34 Noble Ave. The special condition imposed to modify the third floor will ensure the development presents as two (2) stories from the street, to ensure it remains compatible with existing low density development.</td>
<td>Yes, subject to condition.</td>
</tr>
<tr>
<td>17</td>
<td>Affordable housing</td>
<td>Must be used as affordable housing for 10 years from the issue of an Occupation Certificate</td>
<td>Subject to condition of consent requiring a Positive Covenant.</td>
<td>Yes, subject to condition.</td>
</tr>
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<td></td>
<td></td>
<td>Must be managed by a registered community housing provider</td>
<td>Subject to condition.</td>
<td>Yes, subject to condition.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>88E instrument</td>
<td>Subject to condition.</td>
<td>Yes, subject to condition.</td>
</tr>
<tr>
<td>18</td>
<td>Subdivision</td>
<td>May be subdivided with consent.</td>
<td>Strata Subdivision not proposed under the current application.</td>
<td>Not Applicable.</td>
</tr>
</tbody>
</table>

Overall the proposed development has been assessed in accordance with the relevant provisions of the ARH SEPP and is satisfactory.

**SEPP 65 – Design Quality of Residential Flat Development**

State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Buildings (SEPP 65) aims to improve the design quality of residential flat development in New South Wales. The provisions of SEPP 65 are relevant to the subject application pursuant to Clause 16 of the ARH SEPP.

In determining development applications for residential flat buildings, the SEPP requires Council to take into consideration the advice of a Design Review Panel, the design quality of the proposal when evaluated against the ten (10) design quality principles in the SEPP and the ‘rules of thumb’ controls of the *Residential Flat Design Code*. Furthermore, written confirmation from a registered Architect is also required to be
provided to Council confirming that the design is in accordance with the design quality principles of the SEPP.

It should be noted that Strathfield Council is not subject to a Design Review Panel constituted under the SEPP however a design verification statement in accordance with the requirements of SEPP 65 has been received from a registered Architect, Gus Fares of Gus Fares Architects Pty Ltd.

The following assessment of the proposal against the ten (10) design quality principles and the numerical controls of the ‘Residential Flat Design Code’ emphasises how the proposal achieves design excellence:

<table>
<thead>
<tr>
<th>Principle</th>
<th>Objective</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Context</strong></td>
<td>Good design responds and contributes to its context. Context can be defined as the key natural and built features of an area. Responding to context involves identifying the desirable elements of a location’s current character or, in the case of precincts undergoing a transition, the desired future character as stated in planning and design policies. New buildings will thereby contribute to the quality and identity of the area.</td>
<td>The architectural articulation of the façade of the building assists to break the overall scale of the development to ensure the proposal does not dominate the streetscape. The development utilises existing neutral colours and brickwork features within the streetscape to ensure the building correlates to its context.</td>
</tr>
<tr>
<td><strong>Scale</strong></td>
<td>Good design provides an appropriate scale in terms of the bulk and height that suits the scale of the street and the surrounding buildings. Establishing an appropriate scale requires a considered response to the scale of existing development. In precincts undergoing a transition, proposed bulk and height needs to achieve the scale identified for the desired future character of the area.</td>
<td>The proposed development presents an acceptable scale which satisfies the relevant statutory controls applicable to the site. The perceived scale is sufficiently broken through modulated brick and rendered features to the façade ensuring the development suits the street and existing surrounding two (2) storey buildings.</td>
</tr>
<tr>
<td><strong>Built Form</strong></td>
<td>Good design achieves an appropriate built form for a site and the building’s purpose, in terms of building alignments, proportions, building type and the manipulation of building elements. Appropriate built form defines the public domain, contributes to the character of streetscapes and parks, including their views and vistas, and provides internal amenity and outlook.</td>
<td>The built form of the proposed development responds well to the orientation of the site and existing development on adjoining properties. The building is well articulated to all elevations and does not present any long, unrelieved walls which assist to break the overall built form. The proposal provides a high level of amenity for residents by way of excellent solar access (min. 3 hours to 90% of units) and large, northerly orientated private open space/</td>
</tr>
<tr>
<td>Principle</td>
<td>Objective</td>
<td>Proposed</td>
</tr>
<tr>
<td>--------------------</td>
<td>----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
<td>--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td><strong>Density</strong></td>
<td>Good design has a density appropriate for a site and its context, in terms of floor space yields (or number of units or residents). Appropriate densities are sustainable and consistent with the existing density in an area or, in precincts undergoing a transition, are consistent with the stated desired future density. Sustainable densities respond to the regional context, availability of infrastructure, public transport, community facilities and environmental quality.</td>
<td>The proposed development responds to the permitted density for the site and considers residential amenity by way of orientation, solar access, cross ventilation and unit size. The subject site well located within walking distance to public transportation routes, parks, community facilities and schools which will ensure the density of the development is sustainable.</td>
</tr>
<tr>
<td><strong>Resource, Water and Energy Efficiency</strong></td>
<td>Good design makes efficient use of natural resources, energy and water throughout its full life cycle, including construction. Sustainability is integral to the design process. Aspects include demolition of existing structures, recycling of materials, selection of appropriate and sustainable materials, adaptability and reuse of buildings, layouts and built form, passive solar design principles, efficient appliances and mechanical services, soil zones for vegetation and reuse of water.</td>
<td>The proposal complies with the BASIX requirements for the development whilst the unit configuration ensures good solar access and cross ventilation, which will reduce the reliance on artificial cooling and heating in summer and winter. It is considered that the proposal presents a well considered, sustainable outcome for the site.</td>
</tr>
<tr>
<td><strong>Landscape</strong></td>
<td>Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in greater aesthetic quality and amenity for both occupants and the adjoining public domain. Landscape design builds on the existing site’s natural and cultural features in responsible and creative ways. It enhances the development’s natural environmental performance by co-ordinating water and soil management, solar access, micro-climate, tree canopy and habitat values. It contributes to the positive image and contextual fit of development through respect for streetscape and neighbourhood character, or desired future character.</td>
<td>The proposal incorporates a high level of landscaped amenity providing ground floor units with private courtyards and a south-east facing area of common open space which will achieve a suitable amount of solar access at mid-winter. Areas of common and private open space incorporated into the development are highly accessible and usable by future residents. The existing, established Brush Box street tree within the front setback is to be retained, whilst six (6) additional canopy trees have been incorporated along boundaries to provide screening and a high degree of landscaped amenity for residents.</td>
</tr>
</tbody>
</table>
### Principle 1: Landscape Design

- **Objective:** Landscape design should optimise useability, privacy and social opportunity, equitable access and respect for neighbours’ amenity, and provide for practical establishment and long term management.

- **Proposed:** The common open space at ground level includes the provision of a communal BBQ and play equipment for children, notwithstanding the close proximity of the site to Edwards Park and Strathfield Park which will further encourage the use of this common area and interaction between residents.

### Principle 2: Amenity

- **Objective:** Good design provides amenity through the physical, spatial and environmental quality of a development.

- **Proposed:** The proposed development is highly responsive to the context of the site and provides a high level of internal amenity for future residents whilst minimising impacts on neighbours. Each unit is relatively large in area with large balconies or private courtyards, whilst the internal layout of units is efficient, rational and well considered.

### Principle 3: Safety and Security

- **Objective:** Good design optimises safety and security, both internal to the development and for the public domain.

- **Proposed:** The proposed development provides good safety and security with pedestrian links through the site to the common entry which is easily identifiable. Conditions will be imposed to ensure this pathway is well-lit at night. West facing units are orientated to overlook Noble Avenue and maximise opportunities for passive surveillance of the public domain. Overall, the development is responsive to its site and sufficiently considers the safety of residents and the public domain.

### Principle 4: Social Dimensions

- **Objective:** Good design responds to the social context and needs of the local community in terms of lifestyles, affordability, and access to social facilities.

- **Proposed:** The proposal is responsive to the needs of the broader community by providing additional infill medium density residential development in an appropriate location, close to public transport, parks, schools, community facilities and local shops. The proposal incorporates a good mixture of 1, 2, and 3 bedroom units including two (2) adaptable units at ground level to meet the housing needs of a variety of residents.
**PLANNING COMMITTEE MEETING – 15 APRIL 2014**

**ITEM 1. DA2013/219 – 32 NOBLE AVENUE, STRATHFIELD**

<table>
<thead>
<tr>
<th>Principle</th>
<th>Objective</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Community.</td>
<td>New developments should address housing affordability by optimising the provision of economic housing choices and providing a mix of housing types to cater for different budgets and housing needs.</td>
<td>The inclusion of a communal BBQ and outdoor play area within the common open space supports social interaction between future residents and further represents the responsive nature of the development to the desired future tenants of the site.</td>
</tr>
</tbody>
</table>

**Aesthetics**
Quality aesthetics require the appropriate composition of building elements, textures, materials and colours and reflect the use, internal design and structure of the development. Aesthetics should respond to the environment and context, particularly to desirable elements of the existing streetscape or, in precincts undergoing transition, contribute to the desired future character of the area.

The proposed development presents a quality architectural aesthetic incorporating feature areas of neutral coloured render and facebrick which are responsive to the existing character of Noble Avenue.

The development is considered a desirable outcome for the site which is responsive to development on adjoining sites and the overall nature of the streetscape.

Further to the design quality principles discussed above, the proposal has been considered against the various provisions of the Residential Flat Design Code (RFDC) in accordance with Clause 30 (2) (c) of SEPP 65. An assessment of the development against the design guidelines of the RFDC is provided below:

<table>
<thead>
<tr>
<th>Development Guideline</th>
<th>Required</th>
<th>Proposed</th>
<th>Compliance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Building Depth</td>
<td>Max 10m – 18m</td>
<td>26m in depth is acceptable due to the irregular nature of the site.</td>
<td>Acceptable.</td>
</tr>
<tr>
<td>Building Separation</td>
<td>12m between habitable rooms/balconies</td>
<td>6.5m to 15m separation to the balcony/window of RFB at 34 Noble is acceptable due to the irregular nature of the site. No balconies to this elevation to avoid overlooking.</td>
<td>Yes.</td>
</tr>
<tr>
<td>Street Setbacks</td>
<td>Must be consistent with existing: 30 Noble – 8m 34 Noble – 10m</td>
<td>Front setback of 9.5m proposed.</td>
<td>Yes consistent with predominant.</td>
</tr>
<tr>
<td>Side and Rear Setbacks</td>
<td>Consistent with existing streetscape patterns.</td>
<td>Side setbacks reflect the stepped building form. Rear setback similar to adjoining property at 34 Noble Ave.</td>
<td>Yes consistent with streetscape.</td>
</tr>
<tr>
<td>Deep Soil Zones</td>
<td>Min 25% of open space</td>
<td>30%</td>
<td>Yes, more than sufficient</td>
</tr>
<tr>
<td>Development Guideline</td>
<td>Required</td>
<td>Proposed</td>
<td>Compliance</td>
</tr>
<tr>
<td>-----------------------</td>
<td>----------</td>
<td>----------</td>
<td>------------</td>
</tr>
<tr>
<td>Fences and Walls</td>
<td>Consistent with existing streetscape</td>
<td>No detail of fencing.</td>
<td>Not Applicable.</td>
</tr>
<tr>
<td>Landscape Design</td>
<td>Improve amenity, streetscape and energy efficiency</td>
<td>High quality landscape design.</td>
<td>Yes.</td>
</tr>
<tr>
<td>Open Space</td>
<td>Between 20-30% of site area</td>
<td>40%</td>
<td>Yes, more than sufficient open space.</td>
</tr>
<tr>
<td>Building Entry</td>
<td>Provide physical and visual connection between building and street; Provide safe and equitable entrance</td>
<td>Side building entrance however clear pathway access and well defined. Safe and equitable entrance for all residents.</td>
<td>Yes, well defined entrance.</td>
</tr>
<tr>
<td>Parking</td>
<td>Provide underground car parking; Provide bicycle parking</td>
<td>Basement parking for ten (10) resident vehicles plus two (2) visitor parking spaces provided. Six (6) spaces</td>
<td>Yes, more than the required number of parking spaces. Yes.</td>
</tr>
<tr>
<td>Pedestrian Access</td>
<td>Barrier free access to at least 20% of dwellings</td>
<td>Barrier free access by way of lift.</td>
<td>Yes.</td>
</tr>
<tr>
<td>Vehicle Access</td>
<td>Max width of driveway is 6m; Located vehicle entry away from pedestrian entry</td>
<td>6.0m wide to permit vehicles to pass within the site; Sufficiently separated to preserve safety.</td>
<td>Yes.</td>
</tr>
<tr>
<td>Apartment Layout</td>
<td>Single aspect max depth is 8m; Max depth of cross through is 15m or more than 4m in width. Min apartment size: 1 bed – 50m²; 2 bed – 70m²; 3 bed – 90m²</td>
<td>1 x single aspect unit, max 8.0m; Max 14m however more than 4m wide; Min 50m²; Min 70m²; Min 95m²</td>
<td>Yes.</td>
</tr>
<tr>
<td>Apartment Mix</td>
<td>Provide an apartment mix</td>
<td>Good mix of apartment layout and size.</td>
<td>Yes.</td>
</tr>
<tr>
<td>Building Configuration</td>
<td>Balconies have a minimum depth of 2m; Ceiling Heights 2.7m habitable; 2.4 non habitable</td>
<td>Min depth 2.0m; In accordance with BCA</td>
<td>Yes.</td>
</tr>
</tbody>
</table>
### Development Guideline

<table>
<thead>
<tr>
<th>Development Guideline</th>
<th>Required</th>
<th>Proposed</th>
<th>Compliance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Storage</td>
<td>1 bed – 6m³</td>
<td>Within basement – to be designated to units by way of condition of consent.</td>
<td>Yes.</td>
</tr>
<tr>
<td></td>
<td>2 bed – 8m³</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>3+ bed – 10m³</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

| Acoustic Privacy      | Like rooms together              | Some of the units do not have like rooms together however acoustic privacy to be retained by way of compliance with the insulation requirements of the National Construction Code (NCC). | Yes.      |

| Daylight Access       | 70% of units to receive 3 hours between 9am – 3pm | 90% of units receive 3 or more hours direct solar access to living rooms, balconies and private open space. | Yes.      |

| Natural Ventilation   | 60% of units to be naturally cross ventilated | 90% naturally cross ventilated. | Yes.      |

### BASIX

In accordance with the BASIX SEPP all new housing in NSW is required to meet a designated target for energy and water reduction.

A BASIX Certificate was submitted with the application which indicates that the proposal meets the required reduction targets and an appropriate condition of consent will be imposed to ensure future compliance with these targets.

### Strathfield Local Environmental Plan 2012

The site is zoned R3 Medium Density Residential under the Strathfield Local Environmental Plan (SLEP), 2012 wherein development for the purposes of a residential flat building is permissible with Council consent. The proposal is generally consistent with the objectives of the R3 Medium Density Residential zone which seek to meet the housing needs of the community by way of a variety of housing types within a medium density environment.

<table>
<thead>
<tr>
<th>Clause</th>
<th>Development Standard</th>
<th>Required</th>
<th>Proposed</th>
<th>Compliance</th>
</tr>
</thead>
<tbody>
<tr>
<td>4.1A</td>
<td>Site Area – Residential Flat Building</td>
<td>1,000m²</td>
<td>781m²</td>
<td>N/A – overridden by the minimum site area requirement of the ARH SEPP (450m²)</td>
</tr>
<tr>
<td>4.3</td>
<td>Height of Building</td>
<td>9.5m</td>
<td>Maximum 9.5m</td>
<td>Yes.</td>
</tr>
<tr>
<td>4.4</td>
<td>Floor Space Ratio</td>
<td>0.65:1 (508m²)</td>
<td>0.97:1 (758m²)</td>
<td>Yes, as a bonus FSR of 0.32:1 is permitted under the ARH SEPP.</td>
</tr>
</tbody>
</table>

As previously discussed, the proposed development complies with the minimum allotment size and incentive FSR which are applicable under the ARH SEPP which
override the controls of Council’s SLEP 2012. A condition has been recommended to be imposed requiring an additional setback to the third floor of the development in order to ensure this storey is concealed when the building is viewed from Noble Avenue. Compliance with this condition will ensure the development is compatible with the one (1) and two (2) storey character of existing development in Noble Avenue. Subject to this condition, the development will not appear dominant and will be of an acceptable bulk and scale.

The proposed development provides a maximum height of 9.5 metres which demonstrates compliance with Clause 4.3 of the SLEP, 2012 which permits a maximum height of 9.5 metres. This control remains relevant to the assessment of the proposed development as the ARH SEPP indicates that any applicable incentive FSR must be contained within the maximum building height as prescribed by Council’s controls.

The subject site is identified as having Class 5 soils and is not located within 500m of Class 1, 2, 3 or 4 soils. Therefore, the proposed development was not required to be accompanied by an Acid Sulfate Soils Management Plan and has satisfied the requirements of Clause 6.1 of the SLEP, 2012.

Overall, the proposed development has been considered with respect to the relevant Clauses of the SLEP, 2012 and is satisfactory.

Section 94 Contributions

Section 94 Contributions are applicable to the proposed development in accordance with the Strathfield Direct Development Contributions Plan 2010-2030 as follows:

<table>
<thead>
<tr>
<th>Provision</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Provision of Community Facilities</td>
<td>$ 8,935.10</td>
</tr>
<tr>
<td>Provision of Major Open Space</td>
<td>$43,003.90</td>
</tr>
<tr>
<td>Provision of Local Open Space</td>
<td>$ 7,661.50</td>
</tr>
<tr>
<td>Provision Roads and traffic Management</td>
<td>$ 1,075.00</td>
</tr>
<tr>
<td>Administration</td>
<td>$ 1,830.80</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$62,506.30</strong></td>
</tr>
</tbody>
</table>

(ii) Draft Environmental Planning Instruments:

There are no Draft Environmental Planning Instruments applicable to the subject site.

(iii) Development Control Plans:

Part C – ‘Multi-Unit Development’ of the Strathfield Consolidated Development Control Plan (DCP) 2005

The provisions of the ARH SEPP override Council’s development controls for multi-unit development as provided within Part C of the Strathfield Consolidated Development Control Plan 2005. Therefore, an assessment of the proposal against these provisions is not required to be undertaken.

Part H – ‘Waste Management’ of the Strathfield Consolidated Development Control Plan (DCP) 2005
The proposed development has been accompanied by a Waste Management Plan (WMP) prepared in accordance with the requirements of Part H of the Strathfield Consolidated Development Control Plan (SCDCP 2005).

Council’s Waste Management Supervisor has reviewed the proposed development and has indicated that the best collection arrangement for the site would be to line the five (5) x 240 Litre garbage bins and five (5) x 240 Litre recycling bins along the length of the driveway in the nature strip adjoining the site. Given the relatively small volume of bins required for the site, aligning the bins along the driveway is considered an acceptable option which will not adversely impact the availability of on-street parking or traffic movements within Noble Avenue.

Compliance with the requirements of Council’s Waste Management Supervisor for the ongoing management of the site will be enforced by way of a special condition of consent. A suitable condition of consent will also be imposed to ensure waste is suitably managed during demolition and construction works in accordance with the Waste Management Plan submitted with the application.

(iiia) Planning Agreements (or draft agreements):

The proposed development is not subject to a planning agreement pursuant to Section 93F of the Environmental Planning and Assessment Act 1979.

(iv) Matters Prescribed by the Regulations

Clause 92 of the Environmental Planning and Assessment Regulation requires Council to take into consideration the provisions of the Government Coastal Policy and the relevant Australian Standard for the demolition of buildings in the determination of a development application.

Having regard to these prescribed matters, the proposed development is not located on land subject to the Government Coastal Policy as determined by Clause 92 (1) (a) (i) however does involve the demolition of a building for the purposes of Australian Standard (AS) 2601 – 1991: The Demolition of Structures.

(v) Any Coastal Zone Management Plan:

The NSW Government projects sea levels to rise by 40cm in 2050 and by 90cm in 2100 above the relative mean sea level in 1990. These planning benchmarks are to be considered in the assessment of development applications through the applicable coastal zone management plan or alternatively the provisions of the NSW Coastal Planning Guideline: Adapting to Sea Level Rise.

The proposed development is located on a site that is not subject to flooding attributed to either Powell’s Creek or Cook’s River and is therefore not required to be considered under the provisions of the NSW Coastal Planning Guideline: Adapting to Sea Level Rise.
(b) Likely Impacts:

Internal Amenity

The proposed development maximises on the northerly aspect of the site to provide 90% of units with three (3) or more hours of solar access directly to living rooms and private open space, as measured at the winter solstice. The aluminium louvers which have been proposed to balconies on the northern elevation of the building will be fixed at an angle of 32º in order to ensure winter sunlight is able to penetrate units, whilst providing these north-facing units with some reprieve from the direct sun during summer months and mitigating overlooking of adjoining properties.

The high level of solar access is accompanied by a well considered building layout which enables 90% of units to naturally cross ventilate, significantly more than the 70% ‘rule of thumb’ guideline provided by the Residential Flat Design Code (RFDC). The proposal also includes two (2) adaptable units and has been amended to include a lift in order to ensure an acceptable level of accessibility for future residents and visitors to the site.

The expansive area of common open space provided at ground level will also ensure sufficient area is provided for future residents to congregate whilst the large, north facing balconies will provide future residents with more than ample private open space. The inclusion of play equipment and a communal BBQ within this area will encourage use of this portion of the site and interaction between future residents.

The proposal satisfies the design requirements for ‘infill affordable housing’ within the ARH SEPP and the guidelines for good design presented within the Residential Flat Design Code. Overall, it is considered that the proposal will provide future residents with a very high level of amenity and will result in a good outcome for the redevelopment of this Medium Density zoned site.

Overlooking

The proposed development has been amended throughout the assessment process in response to the matters raised by objectors during notification of the application. Solid balustrades and fixed privacy screens have been incorporated to the northern orientated balconies to avoid the creation of opportunities for overlooking the northern adjoining residential dwelling. Notwithstanding this, it is noted that the topography of the land is such that floors of the development will not directly align and a review of Council’s files for the adjoining site has revealed that the windows along the first floor of the adjoining dwelling (30 Noble Avenue) are to bathrooms or utility rooms, which are not habitable or highly trafficable areas.

The eastern (rear) elevation of the development has also been revised in order to delete two (2) living room and two (2) bedroom windows at the first and second floor of the development. Two (2) windows to kitchens have also been revised with increased sill heights of 1.8m above floor level in order to minimise opportunities for overlooking the rear private open space of residential dwellings fronting Homebush Road.

The development has orientated the open breezeway, which provides access to the first and second floor units, toward the south-western adjoining property, an existing medium density residential flat building at 34 Noble Avenue. The open breezeway has been
treated with fixed louvers whilst kitchen and bedroom windows along the second floor have been provided with privacy screens.

Overall, it is considered that the proposed development has considered and addressed the opportunities for overlooking which could be created by infill medium density development on the subject site. Such opportunities for overlooking have been avoided by the inclusion of louvers and deletion or reconfiguration of windows.

**Overshadowing**

The subject site is orientated north-west and accordingly the shadow cast by the proposed development on the south-easterly adjoining property at 34 Noble Avenue is minimised and accordingly, the elevation shadow diagrams which accompanied the application demonstrate that the minimum requirement of three (3) hours solar access at mid-winter is achieved to all units within the adjoining development.

Due to the orientation of the site, the shadow cast by the development will not significantly impact any other adjoining property at mid winter. As discussed in detail above, the living area and private open space of each dwelling within the development have also been orientated to maximise solar access for future residents, without impacting the visual privacy of adjoining properties.

Overall, it is considered that the proposed development has been designed in order to maximise the opportunities for excellent solar access presented by the orientation of the site whilst minimising the impact on adjoining properties. The proposed development satisfies the bulk, height and scale controls applicable under the relevant Environmental Planning Instruments within a well articulated design which will be compatible with the adjoining medium density development and other low density dwellings within the street.

(c) **Suitability of the Site:**

The orientation of the subject allotment enables the proposed development to be sited in order to have a very minimal impact on adjoining properties by way of overlooking or overshadowing. The internal arrangement of living areas, bedrooms and private balconies ensures a very high level of solar access is provided for future residents whilst the relatively large area of units ensures a good level of amenity for future residents.

The proximity of the site to public transportation, community facilities such as the High Street Library, local parks, schools and shops will ensure the daily needs of future residents will be able to be met within walking distance of the site which is particularly important considering the proposal seeks approval under the Affordable Rental Housing State Environmental Planning Policy.

Overall, the proposal is considered to provide a good outcome for the medium density redevelopment of the site with minimal impact upon the residential amenity of adjoining properties and therefore is suitable for the subject site.

(d) **Submissions:**

The application and plans were notified in accordance with Part L of the Strathfield Consolidated DCP 2005 from 10 December 2013 to 22 January 2014. The notification
period was extended on 8 January 2014 for a further two (2) week period as an error in the computer generated notification area was noted.

During the notification of the application, (15) written submissions and one (1) petition with four (4) signatures in opposition to the proposal were received.

The concerns raised in the submissions are outlined and discussed below.

1. Impact on Solar Access

As previously discussed, the subject site is orientated north-west and presents a very good site for medium density redevelopment as the development is able to be sited to ensure minimal impact on the solar access of adjoining properties. The shadow cast by the building will move from the west to the east throughout the course of the day in mid-winter and will enable the minimum required three (3) hours of direct solar access to be achieved to all north-east facing units of the adjoining medium density property at 34 Noble Avenue, Strathfield.

The proposed development will only cast an afternoon shadow across to the rear setback of the adjoining low density residential properties located to the east of the site at 225, 227 and 229 Homebush Rd. More than the required three (3) hours of solar access will be retained to the living rooms and rear private open space of each of these properties.

As discussed in detail throughout this report, the subject site presents a good opportunity for infill residential flat development as impacts on adjoining residential properties are minimal.

2. Rear Setback

The proposed development is setback between 3m and 4.37m from the rear boundary of the site which is shared with the single residential dwellings located at 225, 227 and 229 Homebush Road.

The rear setback provides an area of private open space for unit 4 which is located on the ground floor of the development as well as a portion of communal open space. The rear elevation of the building is well articulated with a break in the built form created through the introduction of stepped wall which will assist to reduce the scale of the development when viewed from the adjoining low density properties.

In order to provide some additional screening of the development from the adjoining low density properties, a condition of consent has been imposed requiring the planting of screening shrubs to a minimum mature height of 5.0m along the rear boundary. Notwithstanding, the rear setback is considered acceptable.

3. Height

The proposed development complies with the maximum height of 9.5 metres which is permitted for the site under the relevant provisions of the Strathfield Local Environmental Plan 2012.
4. Parking & Traffic

The proposed development provides three (3) car parking spaces in addition to the ten (10) car parking spaces required by the Development Standards of the Affordable Rental Housing SEPP. This enables one (1) car parking space to be designated to each residential unit with the remaining three (3) spaces available to visitors. It is noted that the Affordable Rental Housing SEPP does not require the provision of any visitor parking and accordingly, the proposal more than complies with the relevant legislative requirements.

In relation to additional traffic within the street, the proposal is relatively small in size and is only for ten (10) residential units. Given the proximity of the site to numerous regularly serviced bus stops and the provision of surplus car parking spaces, the proposed development is not likely to impact the existing flow of traffic in surrounding streets. Moreover, as traffic generated by the site will not be significant the proposal will not impact pedestrian safety within Noble Avenue.

5. Overlooking

The proposed development has been modified during the assessment process in response to overlooking concerns raised by adjoining residents. Solid balustrades with fixed louvers to a height of 1.7m have been proposed to each balcony along the northern elevation of the proposal in order to mitigate opportunities for overlooking the existing dwelling at 30 Noble Avenue and rear private open space of dwellings at 225, 227 and 229 Homebush Road.

A number of bedroom and living room windows to the rear (eastern) elevation have been deleted whilst the kitchen windows have been modified to be provided with a minimum sill height of 1.8m above finished floor level in order to further ensure opportunities for overlooking 225, 227 and 229 Homebush Road are eliminated.

All windows and the open breezeway corridor along the southern elevation are provided with fixed privacy screens in order to minimise the impact of the proposed development on the privacy of the adjoining residential flat building at 34 Noble Avenue.

Overall, the design of the proposed development has incorporated privacy screens on all elevations in order to ensure undesirable impacts on adjoining properties are minimised and therefore it is not considered to result in unacceptable opportunities for overlooking adjoining properties.

6. Overdevelopment

The proposed development demonstrates full compliance with the maximum height and floor space ratio controls which are relevant to the site under the Strathfield Local Environmental Plan 2012 and Affordable Rental Housing SEPP respectively. These controls provide the acceptable bulk, height and scale of development which is permitted on the site.

As the subject application complies with these development standards, the proposed development is not considered an overdevelopment of the site.
7. **Southern Side Setback**

All habitable areas within the proposed development achieve a minimum setback of 4.0m to the southern boundary which is considered more than sufficient to retain privacy in the case of infill medium density residential flat development. It is appreciated that there are some protrusions within this setback for the common entry, lift, fire stair and breezeway however these elements of the proposal do not contribute to the bulk of the development, and as previously discussed, the orientation of the site ensures the proposal has a minimal impact on the solar access of residential units located at 34 Noble Avenue.

Therefore, the setback of the development from the southern boundary is considered acceptable and as previously discussed, the design of the proposed development ensures impacts on adjoining properties are minimised.

8. **View loss**

There are no significant views from adjoining properties which would be impacted by the proposed development.

9. **Garbage collection**

As previously discussed, Council’s Waste Management Coordinator has been consulted to provide comment on the collection of waste from the subject site and it has been determined that the best outcome for the site will be to align the five (5) x 240L garbage and five (5) x 240L recycling bins along the length of the driveway to permit collection by Council.

Given the relatively small number of bins required to service the development, this collection arrangement is considered suitable and will have minimal impact on adjoining properties, parking and traffic within Noble Avenue.

10. **Noise**

The proposed development is residential in nature and will be unlikely to be a source of significant noise generation.

11. **Streetscape**

The proposed development currently presents as three (3) stories to the street which is considered somewhat inconsistent with the predominant one (1) and two (2) storey scale of development within Noble Avenue. Through the imposition of a condition requiring a greater setback to the third floor in order to conceal this portion of the development from view, the development will be compatible with the streetscape.

Notwithstanding, the proposed development repeats positive building elements present within the adjoining medium density residential development at 34 Noble Avenue and the modern High Street Library. The strong presence of render and the neutral colour palate present within low density dwellings in Noble Avenue is also incorporated into the proposal.
The mixture of facebrick and rendered finishes assist in manipulating the built form to ensure the development does not appear overly bulky or dominant within the streetscape. Overall the development is considered to have an acceptable appearance and will not adversely impact the existing rhythm of development within the streetscape.

12. Provision of Infrastructure

The increase in residential density which is proposed for the site has been assessed in accordance with the Strathfield Direct Development Contributions Plan 2010-2030 and prior to the issue of a Construction Certificate, the developer of the site will be required to pay a Section 94 Contribution to Council.

The purpose of this contribution is to ensure that future demand for public infrastructure e.g. community facilities, major open space, local open space and local roads and traffic management, is able to be fulfilled by Council. Accordingly the additional demand for infrastructure proposed by the future development of this site will be able to be adequately accommodated for by Council.

13. Impact on quality of life

As discussed in detail throughout this report, the proposed development has been designed to mitigate impacts on adjoining residential properties by way of overlooking and overshadowing. Accordingly the proposed development will be unlikely to impact the quality of life of adjoining residents.

14. Structural impact on 30 Noble

A suitable condition of consent will be imposed to ensure the applicant prepares and submits a dilapidation report for all adjoining properties, prior to the issue of a Construction Certificate and/or commencement of demolition.

(e) Public Interest:

The proposed development will provide additional infill affordable housing within an accessible location close to schools, parks, community facilities, public transportation routes and local shops along Liverpool Road. The development has been designed to ensure minimal impact on adjoining properties whilst the architectural presentation of the development has been articulated to ensure the proposal integrates well with other development in Noble Avenue.

As the proposal is consistent with existing development within the street and has been designed to have minimal impact on adjoining residents, approval of the proposal would be in the public interest.

INTERNAL REFERRALS

The application was forwarded to Council’s Development Engineer, Drainage Engineer, Tree Coordinator, Building Surveyor and Strategic Planning Coordinator for comment. Aside from the imposition of standard conditions of consent, no objections were raised.
OTHER MATTERS

Council, at its Planning Committee Meeting on 18 February 2014, resolved (Minute No. P07/14):

“1. That Council undertake a survey of all of the landowners in the High Street/ Noble Avenue precinct to further investigate the community’s view in relation to supporting a proposed change of zoning from R3 - Medium Density Residential to R2 - Low Density Residential through the preparation of a Planning Proposal.
2. That a further report be presented to Council for consideration following the results of survey of the landowners.”

The survey of landowners as recommended by this report is currently underway. Notwithstanding, the subject application has been lodged under Council’s current planning controls wherein the site is zoned R3 - Medium Density Residential and the proposal is permissible with consent.

CONCLUSION

The proposed development is permissible in the subject zoning and is consistent with the relevant provisions and objectives of the Strathfield Local Environmental Plan, 2012. The proposal satisfies the development standards for infill affordable rental housing provided by the NSW State Environmental Planning Policy (Affordable Rental Housing) and provides an additional three (3) parking spaces to that required by this policy.

The layout of the units is such that a very good level of solar access will be provided to the private open space of each unit without adversely impacting the existing solar access of the adjoining medium density residential flat development. Large private courtyards or northerly facing balconies are provided to every unit in the development whilst open plan living areas provide a rational use of internal space.

Overall, the subject site provides a very good opportunity for infill affordable rental housing within close proximity to public transport routes, local shops, community facilities, parks and schools. Design solutions have been provided in order to minimise impacts on adjoining properties to ensure the development of this site is not at the detriment of adjoining residential amenity. Therefore, the proposal is recommended for approval subject to conditions.

Notwithstanding, should the zoning of Noble Avenue change to R2 – Low Density in the future, the proposed development as amended, will present as two (2) storeys to the street which will therefore preserve the predominant one (1) and two (2) storey character of the street.

RECOMMENDATION

That DA2013/219 for the demolition of the existing dwelling and construction of a three (3) storey residential flat building with ten (10) units comprising three (3) x 1 bedroom, four (4) x 2 bedroom and three (3) x 2 bedroom units with basement parking for (13) vehicles at 32 Noble Avenue, Strathfield be APPROVED subject to the following conditions:
CONDITIONS OF CONSENT

PART B - OTHER CONDITIONS

Plans

1. The development shall be completed in accordance with the approved plans and documents listed below, prior to the building being used or occupied, and subject to any amendments “in red” and any variation as required by conditions of this consent:


Basement Stormwater Plan & Drainage Details Dwg No. D01 Job No. 130582 Revision B prepared by Australian Consulting Engineers received by Council 3 December 2013.

Ground Floor Stormwater Plan and Drainage Details Dwg No. D02 Job No. 130582 Revision B prepared by Australian Consulting Engineers received by Council 3 December 2013.

Erosion and Sediment Control Plan & Details Dwg No. D03 Job No. 130582 Revision B prepared by Australian Consulting Engineers received by Council 3 December 2013.

Schedule of Finishes prepared by Gus Fares Architect received by Council 3 December 2013.

Proposed Landscape Plan Dwg no. L/01 prepared by ATC Landscape Architects received by Council 3 December 2013.

Arboricultural Impact Assessment prepared by Horticultural Management Services received by Council 3 December 2013.


2. A Construction Certificate must be obtained either from Council or a privately accredited person before commencement of any construction associated with this consent.

3. The Principal Certifying Authority must be appointed prior to work commencing to supervise the work and authorise occupation/use of the building when completed.
4. A copy of the endorsed stamped plans and specifications, together with a copy of the Development Consent, Construction Certificate and any approved Traffic Management Plan are to be retained on site at all times.

Special Conditions

5. Amended plans in accordance with the following requirements shall be submitted to and approved by the Principal Certifying Authority prior to the issue of a Construction Certificate:

   (a) Unit 6 is to be reduced from a 3 bedroom unit to a 2 bedroom unit with a total area of 70m², comprising 30m² on the first floor and 40m² on the second floor of the development;
   (b) The uppermost floor of Unit 6 is to be setback 5.0m from the eastern elevation of the level below, and
   (c) The floor to ceiling heights of the second floor of the development (i.e. the uppermost level of units 6, 7, 8 and 9) are to be reduced to 2.4m.

6. A Positive Covenant under Section 88E of the Conveyancing Act shall be created on the title of the property stating that units identified as 002, 103 and 203 shall be managed by a Community Housing Provider and used for the purpose of affordable rental housing for a minimum period of ten (10) years from the date of issue of an Occupation Certificate.

   The wording of the Instrument shall be submitted to, co-signed and approved by Council prior to lodgement at Land & Property Information NSW. Council must be a signatory to the instrument which cannot be extinguished without the prior consent of Council.

   The Instrument shall be registered and a registered copy of the document shall be submitted to and approved by the consent authority prior to the issue of an Occupation Certificate.

7. The five (5) x 240 litre garbage bins and five (5) x 240 litre recycling bins required for the site must be relocated and lined along the length of the driveway prior to weekly collection by Council.

General

8. The building shall not be occupied or used until the development has been completed in accordance with the conditions of this consent, construction has been completed in accordance with the Construction Certificate and an Occupation Certificate has been issued by the Principal Certifying Authority.

9. For residential flat developments which are subject to State Environmental Planning Policy (SEPP) No. 65 – Design Quality of Residential Flat Development and required to be accompanied by a design verification from a qualified designer under Clause 50(1A) of the Environmental Planning and Assessment Act Regulation 2000, a certifying authority must not issue:

   (a) a Construction Certificate unless the certifying authority has received a design verification statement from a qualified designer that verifies that the plans and
specifications achieve or improve the design quality of the development for which development consent was granted having regard to the design quality principles set out in Part 2 of SEPP No. 65, in accordance with Clause 143A of the Regulations; and

(b) an **Occupation Certificate** to authorise a person to commence occupation or use of the residential flat building unless the certifying authority has received a design verification statement from a qualified designer that verifies that the residential flat development achieves the design quality of the development as shown in the plans and specifications in respect of which the construction certificate was issued, having regard to the design quality principles set out in Part 2 of SEPP No. 65, in accordance with Clause 154A of the Regulations.

10. A Works Permit shall be obtained from Council's Customer Service Centre at least 48 hours prior to undertaking any works on public/Council-controlled areas. The permit must be retained on site at all times.

11. **Prior to the issue of a Construction Certificate**, photographs documenting any existing damage to the kerb and gutter and footpaths adjacent to the property shall be submitted to the consent authority. In the absence of this documentation, the applicant is liable for all damage that occurs to Councils’ assets.

12. Storage of goods or the use of portable clotheslines on balconies visible from a public place is strictly prohibited.

13. All exhaust and other emissions including noise from the premises shall comply with the provisions of the Protection of the Environment Operations Act 1997 and Regulations.

14. The applicant or any contractors carrying out works in public or Council controlled lands shall have public liability insurance cover to the value of $10 million and shall provide proof of such cover to Council prior to carrying out works.

**Financial Matters**

15. In accordance with the provisions of Section 94(1)(b) of the Environmental Planning and Assessment Act 1979 and the Strathfield Direct Development Contributions Plan 2010-2030, a contribution in the form of cash, cheque or credit card (financial transaction fee applies) shall be paid to Council for the following purposes:

<table>
<thead>
<tr>
<th>Provision</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Provision of Community Facilities</td>
<td>$ 8,935.10</td>
</tr>
<tr>
<td>Provision of Major Open Space</td>
<td>$43,003.90</td>
</tr>
<tr>
<td>Provision of Local Open Space</td>
<td>$ 7,661.50</td>
</tr>
<tr>
<td>Provision Roads and traffic Management</td>
<td>$ 1,075.00</td>
</tr>
<tr>
<td>Administration</td>
<td>$ 1,830.80</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$62,506.30</strong></td>
</tr>
</tbody>
</table>

The total amount of the contribution is valid as at the date of determination and is subject to annual indexation. If the contribution is paid after 1st July in any year, the amount of the contribution under this condition shall be indexed in accordance with clause 2.14 of the Strathfield Direct Development Contributions Plan 2010-2030.
The required contribution shall be paid prior to the issue of a Construction Certificate or as otherwise specified in writing by Council.

16. A security payment of $30,381.00 in the form of cash, bank guarantee, cheque or credit card (financial transactions fees apply) shall be paid to Council prior to the issue of a Construction Certificate. The security payment is GST inclusive and comprises the following:

- Refundable tree protection bond: $1,000.00
- Refundable drainage bond (Council asset): $25,000.00
- Refundable works bond: $4,000.00
- Non-refundable administration fee ($127/bd): $381.00

**TOTAL**: $30,381.00

The security payment covers the following matters and will be released upon satisfactory completion of these items:

(a) road and stormwater drainage works in roadways and public areas;
(b) connection to Council's stormwater drainage system;
(c) installation and maintenance of sediment control measures for the duration of construction activities;
(d) tree final inspection to ensure that Council's street trees have been retained, protected or replanted in accordance with conditions of consent and/or Arborists' report for the post final inspection twelve (12) month period; and
(e) Ensuring no damage occurs to or building debris/materials are left on Council land including footpath, nature strip, kerb and gutter. The security bond may be used to recover the costs incurred by Council in cleaning and restoring the land to its original condition.

17. Fees are payable where Council is appointed as principal certifying authority to carry out the post-approval inspections. A quotation for the fees can be obtained by contacting Council and the fees shall be paid prior to the carrying out of any of the inspections.

Any re-inspection which is necessary due to site access not being available, defective work, or the matter not being ready for inspection will be charged in accordance with Council's Fees and Charges Policy. Council will advise in writing if an additional re-inspection is required and the re-inspection fee shall be paid prior to release of the damage deposit. If the additional fee is not paid it will be deducted from the damage deposit.

Parking/Traffic Matters

18. A total of (13) off-street parking spaces, hardpaved, linemarked, labelled and drained, shall be provided in accordance with the approved plans and distributed as follows:

- Residents: eight (8)
- Residents – Accessible: two (2)
- Visitors: three (3)

**TOTAL**: (13)
and these spaces shall only be used for the parking of motorcycles, sedans, utilities, vans and similar vehicles up to two (2) tonne capacity.

19. A sign shall be erected in a suitable location on the site advising that parking is available for visitors.

20. Where entry points to carpark areas are fitted with security gates/shutter and access to visitor parking is required to be provided a suitable communication system shall be provided at the entry point to allow the security gates/shutter to be opened remotely by occupants of the building.

21. The entry and exit driveways shall be suitably signposted and directional arrows shall be painted on the internal roadway.

22. All vehicles entering and leaving the site shall be driven in a forward direction only.

23. All driveways shall be separated from landscaped areas by a minimum 150mm high by 150mm wide concrete kerb or similar.

24. The vehicle spaces must not be enclosed with walls or meshed security screens without the prior approval of Council.

25. Reconstruct the footpath, kerb and gutter to Council’s specifications for the full frontage of the development site at the completion of all building works.

26. Purpose built storage compartment(s) shall be provided to and within each of the resident car parking bays and/or associated dwellings at the following rate:

   o 6m³ for each one (1) bedroom unit
   o 8m³ for each two (2) bedroom unit, and
   o 10m³ for each unit with three (3) bedrooms or more.

   Amended plans showing the location and configuration of each of storage compartment(s) shall be submitted to and approved by the Principal Certifying Authority prior to the issue of the Construction Certificate.

Drainage/Stormwater

27. The connection to Council’s street drainage system shall consist of a pipeline across to the street kerb with the pipeline then continuing within the road reserve to Council’s drainage pipe on the southern side of Noble Avenue. The pipe shall be 375mm in diameter, reinforced concrete spigot and socketed with rubber ring joints. A pit shall be constructed at the property boundary, at the front of the gutter and at the connection to Council’s pipe.

28. Details of the proposed connection of stormwater runoff to Council’s street drainage system including a plan and long section of the drainage line in Noble Avenue shall be prepared by a suitably qualified hydraulics engineer in accordance with Council’s standard requirements and submitted for approval of Council’s Manager Engineering Works & Services prior to the issue of a construction certificate.

29. The proposed drainage works in Noble Avenue shall be completed prior to the commencement of building works onsite.
30. The utility services within the area of effect of the proposed drainage line in Noble Avenue (i.e. gas, water, sewer, electricity, telephone, etc) shall be physically located prior to the commencement of drainage works. The relevant authority’s written consent for excavation adjacent to their services shall be obtained. The location of the services shall be shown on the plan and long section of the drainage line. Any service adjustments required shall be at no cost to Council.

31. A Traffic Management Plan shall be submitted for approval to Council’s Engineering Works & Services Section, prior to the commencement of work in Noble Avenue.

32. For connection to Council’s drainage system in Noble Avenue inspections will be required:
   (a) after the excavation of pipeline trenches
   (b) after the laying of all pipes prior to backfilling.
   (c) after the completion of all pits and connection points.

33. On completion of drainage works in Noble Avenue, the affected areas i.e. roadway, nature strip, footpath, kerb & guttering and driveways shall be reinstated to the satisfaction of Manager Engineering Works & Services Section at no cost to Council.

34. Upon completion of drainage works, the chartered engineer who designed the stormwater drainage lines and pits shall provide Council with written certification indicating compliance with the design and Australian Standard, prior to Council considering final approval and release of $25,000 bond.

35. In addition, full works-as-executed plans, prepared and signed by a registered surveyor, shall be submitted to and accepted by Council. Where changes have occurred the plans shall be marked-up in red ink and shall include levels and location for the drainage structures and works.

36. Stormwater runoff from all roof and paved surfaces shall be collected and discharged by means of a gravity pipe system to the new trunk drainage system on Noble Avenue via the onsite stormwater detention systems and as depicted on the stormwater drainage concept plans prepared by Australian Consulting Engineers job no.130582 sheets no.1,2,3, & 4 of 4 dated November 2013.

37. Details of the proposed method of stormwater disposal shall be prepared by a suitably qualified professional civil engineer in accordance with the endorsed concept plans AND the requirements of Council’s Stormwater Management Code.

In this project the above engineering plans are satisfactory as Concept plans. The assessment authority, (either (a) Council, or (b) a Private Certifier), is to satisfy themselves of the adequacy of the above plans for the purposes of Construction. They are to independently determine what details, if any, are to be added to the Construction Certificate plans, in order for the issue of the Construction Certificate.

Where a Private Certifier issues the Construction Certificate a copy must be provided to Council, prior to the issue of a Construction Certificate.

38. On-site stormwater detention storage shall be provided in conjunction with the stormwater disposal system. The storage system shall be designed in accordance with the endorsed concept stormwater plans AND/OR Council’s Stormwater Management Code. Details of the storage system shall be submitted to and approved by the Principal Certifying Authority prior to the issue of a Construction Certificate.
39. **Prior to the issue of an Occupation Certificate/use of the building**, written verification from a suitably qualified professional civil engineer shall be obtained, stating that all stormwater drainage and related work has been constructed in accordance with the approved plans.

In addition, detailed works-as-executed plans, prepared and signed by a registered surveyor, shall be submitted to and approved by the Principal Certifying Authority. Where changes have occurred the plans shall be marked-up in red ink and shall include levels and location for all drainage structures and works, buildings (including floor levels) and finished ground and pavement surface levels.

40. Temporary measures shall be provided and regularly maintained during demolition, excavation and construction to prevent sediment and polluted waters discharging from site. Plans showing such measures in accordance with the NSW Department of Housing, Managing Urban Stormwater, Soils and Construction Manual dated August 1998 shall be submitted to and approved by the Principal Certifying Authority **prior to the issue of a Construction Certificate**.

41. For drainage works within public land or connecting to Council’s stormwater drainage system the following inspections will be required:-

(a) After the excavation of pipeline trenches.
(b) After the laying of all pipes prior to backfilling.
(c) After the completion of all pits and connection points.

A minimum of 48 hours’ notice shall be given to Council to inspect works. Inspections may be arranged by telephoning Council’s Engineering Works and Services section on 9748-9999 during office hours. Work is not to proceed until the works are inspected and approved by Council.

42. All pits shall be constructed in accordance with Australian Standard AS3500.3.

43. All subsoil drainage must be designed to meet the requirements of AS3500;

44. Access to the basement car park, head room for basement entry, driveway ramp and turning circles shall be designed in accordance with AS 2890.1-2004.

45. The proposed basement pump out system is to be strictly in accordance with the requirements set out in Strathfield Council's Stormwater Management Code 2007. The rising main shall be connected to the OSD tank/basin. Final details of this system are to be submitted to the Principal Certifying Authority **prior to the issue of a Construction Certificate**.

46. All surface inlet drains upstream of the on-site detention basin must be designed so that there is no overflow before the storage is full.

47. Overflow paths shall be provided to allow for flows in excess of the capacity of the pipe/drainage system draining the site, as well as from any on-site stormwater detention storage.
48. Allowance shall be made for surface runoff from adjacent properties, and to retain existing surface flow path systems through the site. Any redirection or treatment of these flows shall not adversely affect any other properties.

49. Boundary fencing shall be erected in such a manner as not to interfere with the natural flow of ground and surface water to the detriment of any other party.

50. A Positive Covenant under Section 88E of the Conveyancing Act shall be created on the title of the property detailing the:

(a) **On-site stormwater detention system**

incorporated in the development. The wording of the Instrument shall be submitted to, and approved by Council prior to lodgement at Land & Property Information NSW. The Instrument shall be registered and a registered copy of the document shall be submitted to and approved by the consent authority **prior to the issue of an Occupation Certificate/use of the building**.

The positive covenant is required to prevent future modification or alteration without the written consent of the consent authority, and to ensure suitable maintenance is carried out.

**Public Authority Matters**

51. **Prior to the issue of an Occupation Certificate** all existing overhead electricity and telecommunication cabling adjacent to the development site shall be amalgamated into a single Aerial Bundle Cable (ABC) at the applicants' expense in accordance with the specifications of AusGrid and the telecommunications supplier.

**Landscaping/Tree Matters**

52. The trees listed below shall be retained at all times:

<table>
<thead>
<tr>
<th>Tree</th>
<th>Height/Spread (m)</th>
<th>Location</th>
<th>Protection Zone (m)</th>
<th>Excavation Zone (m)</th>
</tr>
</thead>
<tbody>
<tr>
<td><em>Lophostemon confertus</em></td>
<td>7.5/6</td>
<td>Nature Strip</td>
<td>5.76</td>
<td>2.51</td>
</tr>
<tr>
<td>(Brush Box)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

and protected by the establishment of a **protection zone** before any site works begin (including any demolition/excavation). The protection zone shall be maintained for the duration of works and implemented in accordance with the recommendations of Arboricultural Impact Assessment prepared by Horticultural Management Services received by Council 3 December 2013.

53. All noxious weeds on the site shall be removed and destroyed as per their classification under the Noxious Weeds Act.

54. The following listed trees are permitted to be removed to accommodate the proposed development:
PLANNING COMMITTEE MEETING – 15 APRIL 2014

ITEM 1. DA2013/219 – 32 NOBLE AVENUE, STRATHFIELD

<table>
<thead>
<tr>
<th>Tree</th>
<th>Height/Spread (m)</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>1) <em>Callistemon viminalis</em></td>
<td>6/5</td>
<td>Rear setback</td>
</tr>
</tbody>
</table>

55. General maintenance of Council’s nature strip adjoining the development site, including regular lawn mowing, edging, irrigation of the lawn and street trees and restricting the storage of materials, rubbish and parking or driving of vehicles on the nature strip, must be carried out during the full period of all approved works (including any demolition and excavation).

56. Evergreen shrubs with a minimum 5 litre container size achieving a minimum mature height of 3m shall be planted along side and rear boundaries to provide privacy screening and shall be maintained at all times. Details of the selected plants shall be submitted to and approved by the Principal Certifying Authority prior to the issue of a Construction Certificate.

57. To protect existing trees, masonry fence piers must be setback a minimum 5.76 metre radius from the Brush Box street tree referred to in Condition No. 52 and all masonry walling between the piers within this zone must be supported on concrete beams (not strip footings).

58. All common and private landscape areas including all planters are to have full coverage by a fully automatic irrigation system. The design, materials and installation are to be in accordance with Sydney Water Codes and all relevant Australian Standards.

Construction Matters

59. Prior to the commencement of any construction or demolition work, the Applicant or principal contractor must, subject to obtaining permission from the respective property owners, provide dilapidation reports prepared by a suitably qualified person (such as a structural engineer), on the buildings located on any lot adjacent to the subject site, inclusive of ancillary structures. A copy of the respective report must be provided to the Principal Certifying Authority and neighbouring property owners that are the subject of that report.

60. Prior to the commencement of any construction or demolition work, the Applicant or principal contractor must, subject to obtaining permission from the respective property owners, provide dilapidation reports prepared by a suitably qualified person (such as a structural engineer), on the buildings located on any lot adjacent to the subject site, inclusive of ancillary structures. A copy of the respective report must be provided to the Principal Certifying Authority and neighbouring property owners that are the subject of that report.

61. The proposed development shall comply with the National Construction Code and details demonstrating compliance shall be submitted to the Principal Certifying Authority for approval prior to the issue of a Construction Certificate.

62. Footings shall be designed in accordance with the soil classification of H, or Highly Reactive (unless determined to the contrary by a suitably qualified person).
63. If the soil conditions require it retaining walls associated with the erection or demolition of a building or other approved methods of preventing movement of the soil must be provided, and adequate provision must be made for drainage.

64. The existing ground levels shall not be altered except in accordance with the levels shown on the approved plans as part of this consent. Finished ground surface levels shall match the existing levels at the property boundary. Any survey plan shall also show the extension of these levels in relation to adjoining properties.

65. All construction, demolition and excavation work shall be restricted to 7am and 5pm (Eastern Standard Time) on Mondays to Saturdays (inclusive) and prohibited on Sundays and public holidays.

66. All excavations and backfilling associated with the approved works must be executed safely and in accordance with appropriate professional standards. All excavations must be properly guarded and protected to prevent them from being dangerous to life or property.

67. If an excavation associated with the approved works extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made:
   (a) Must preserve and protect the building from damage; and
   (b) If necessary, must underpin and support the building in an approved manner, and
   (c) Must, at least seven (7) days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.

68. There are built structures which may be in the zone of influence of the proposed works and excavations on the site. A qualified practicing geotechnical engineer must prepare a Construction Methodology Report demonstrating that the proposed construction method including any excavation and the configuration of the built structures will have no adverse impact on any surrounding property and infrastructure.

The report must be submitted with the application for a Construction Certificate and must include an investigation to determine the design parameters appropriate to the specific development and site. This would typically include;

(a) the location and level of nearby foundations and footings (site and neighbouring);
(b) proposed method of excavation;
(c) Permanent and temporary support measures for excavation;
(d) Potential settlements affecting footings and foundations;
(e) Ground water levels (if any);
(f) Batter slopes;
(g) Potential vibration cause by method of excavation; and
(h) De-watering including seepage and off site disposal rate (if any).

Excavation, retention, underpinning and construction must be undertaken onsite by an excavation contractor with specialist excavation experience. A suitably qualified geotechnical engineer, specialising in excavation must supervise the excavation procedure.
69. The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

70. The common access pathways, letterboxes and entry doorways to the building shall be provided with suitable low level artificial lighting systems to ensure safe and convenient access at night. Details shall be submitted to and approved by the Principal Certifying Authority prior to the issue of a Construction Certificate.

71. To maintain pedestrian safety in common areas suitable lighting is to be provided on the development site adjoining each street frontage and near pedestrian main entrances to the site. Details shall be submitted and approved by the Principal Certifying Authority prior to the installation thereof.

72. All temporary buildings shall be removed from the site at the completion of the development.

Building Matters

73. Identification numbers are to be clearly displayed at the front of the premises and be easily visible from the street.

If it is proposed to strata subdivide the building, the lot numbers and unit numbers shall be the same as those nominated on the approved plans and be in accordance with Council’s requirements. For strata subdivision, parking spaces shall have the same lot number as the residential portion and shall not be numbered separately.

Sustainability

74. Water collected in the rainwater tank must be roof water only and not surface water. Water from the rainwater tank must only be used for following purposes and not for human consumption:
   (a) Toilet flushing;
   (b) Clothes washing;
   (c) Garden irrigation;
   (d) Car washing and similar outdoor uses;
   (e) Filling swimming pools, spa pools and ornamental ponds; and
   (f) Fire fighting.

75. Water heating systems to multi-unit residential developments shall be located so as not to be visible from public places and the ground level of adjoining properties. Details (type and location) of the water heaters shall be submitted to and approved by the Principal Certifying Authority prior to the issue of a Construction Certificate.

Demolition

76. Demolition shall be carried out in accordance with Australian Standard 2601 - ‘The demolition of structures’ or any subsequent standard and the relevant legislation.

77. The demolition of the building shall be carried out by a licensed demolition contractor. A copy of the licence shall be submitted to Council and the Principal Certifying Authority prior to any work commencing on site.
78. Details demonstrating that excavated and demolished materials including asbestos-based materials will be disposed of at an approved site shall be submitted to the Principal Certifying Authority prior to any work commencing on site.

79. The cleared ground surface of the site shall be suitably stabilised to prevent the generation of dust and the erosion of soil on the site.

Fire Safety Measures

80. Upon completion of works a final fire safety certificate is to be issued from a properly qualified person in respect of each essential fire safety measure installed within the building and specified in the fire safety schedule. The final fire safety certificate shall be provided prior to the issue of an Occupation Certificate.

81. As soon as practicable after a final safety certificate is issued, the owner of the building to which it relates:
   (a) shall submit a copy of the fire safety certificate (together with a copy of any current fire safety schedule) to the Commissioner of NSW Fire Brigades;
   (b) shall submit a copy of the fire safety certificate (together with a copy of any current fire safety schedule) to Council for registration; and
   (c) shall ensure the current fire safety schedule is prominently displayed in the building.

Disabled Access

82. Access to the building for persons with disabilities shall be in accordance with the requirements of the Building Code of Australia and the relevant standards. Details shall be submitted to and approved by the Principal Certifying Authority prior to the issue of a Construction Certificate.

83. Sanitary facilities for persons with disabilities shall be provided in the building in accordance with the Building Code of Australia and the relevant standards. Details shall be submitted to and approved by the Principal Certifying Authority prior to the issue of a Construction Certificate.

84. A carparking space for persons with disabilities shall be provided in accordance with the Building Code of Australia and the relevant standards. Details shall be submitted to and approved by the Principal Certifying Authority prior to the issue of a Construction Certificate.

Waste Management

85. Full compliance must be given to the endorsed Waste Management Plan submitted for the proposed development. Copies of any weighbridge receipts from all approved waste disposal facilities shall be retained for presentation to the Principal Certifying Authority upon request.

86. The waste storage room shall be designed to comply with the relevant standards and details shall be submitted to and approved by the Principal Certifying Authority prior to the issue of a Construction Certificate.
LIST OF ATTACHMENTS

1. Notification Map

2. Site plans and elevations.

3. Letters of objection.
ATTACHMENT 1
Notification Map

Extent of Notification

Subject Development Site

Submissions

Location Map

Note: Maps are not to scale
ATTACHMENT 2
To: General Manager  
Strathfield Council  
65 Homebush Road  
STRATHFIELD NSW 2135  
Email: council@strathfield.nsw.gov.au

RE: SUBMISSION FOR OBJECTION TO D.A. No. 2013/219,  
32 Noble Avenue, STRATHFIELD.

We, Angelo & Giuseppina Celima are home owners of the property of ■ Noble Avenue, Strathfield, NSW, 2135. We have two children and we have lived at this property for 14 years. My husband and I have been talking to our friends and neighbours in our street and feel that we have concerns in recent high density development in Noble Avenue, especially in regards to the proposed development.

We would like to point out that the Noble Avenue has all of the wonderful characteristics of a place where families settle to bring up their children. Noble Avenue is a very quiet and narrow road that has a park across the road and we feel safe to let our children play in and around the area.

With the existing new development has already changed the feeling of safety and community in the area. Real issues with traffic jams, speeding traffic, children’s safety, rubbish bins and an influx of community unaware people have emerged. With the proposed development we see the worrying dander of a trend in the area which will forever take away what Noble Avenue offers as a place to call home. Instead, THE STRATHFIELD COUNCIL APPEARS TO BE CONDONING A MOVE TOWARDS A CROWDED, TRAFFIC JAMMED, UNSAFE AREA FOR NOBLE AVENUE.

I present this list of issues, which I ask that the General Manager of Strathfield Council reply to in writing with specific answers as to how these concerns will be mitigated, or preferably how these concerns will be taken as cause to halt the development.

- Insufficient road infrastructure in the proposed location to deal with the increased vehicle flow. Traffic jams and speeding traffic are safety concerns and cause issues for travel to work.
- Safety concerns for young children living nearby, including my own children, due to lack of care by residents of the apartments arriving and leaving the property as well as the incurrence of community unaware people residing in and visiting the area.
- Concerns that this new development and recent development are setting a precedent for degrading the long-term liveability and quality of life in the area due to excessive high density development in a area not provided with adequate infrastructure.
- Rubbish bins cause health and safety concerns for the existing apartments as obstructions to pedestrians and traffic with no management plan currently in place for rubbish pickup day.
- Difficulty for existing residents parking on the street in front of their own properties due to overflow from the existing apartment will be exacerbated.

We trust that these concerns expressed by myself and husband and with respect to the views of other local residents, will be given due consideration in your assessment of the proposed development.
I have nothing to declare regarding political donations.

Regards,

Angelo and Giuseppina Celima
Noble Avenue
STRATHFIELD NSW 2135
To
The General Manager,
Strathfield Council,
P.O. Box – 120
Strathfield, NSW 2135

Dear General Manager,

Sub: Objections on Development applications for 32, Noble Avenue, Strathfield (DA 2013 /219)

We are writing this in response to the notification we have received with respect to the above mentioned development.

- **Review documentation:** We read the review document of this proposed development. In this the impact on the properties behind this proposed site has not been addressed at all.
- **Loss of privacy:** The proposed south side elevation plan shows number of windows and balconies facing properties 30, Noble avenue and 223, Home bush Road. Privacy screens shown will protect the privacy of future residents of 32, Noble Avenue only and the other properties will completely loose the privacy.
- Because of the proposed **9.5 meters of construction**, the light and ventilation is also an issue for our property.
- Furthermore, properties 24, 26, 28 and 34 on Noble avenue are all multiple dwelling properties which already have a big impact on the **traffic in Home bush Road**.
- Home bush road traffic is already a bottle neck particularly during school hours and please note that there is no right turn into Liverpool Road from Homebush road, South Strathfield which makes more traffic congestion during peak hours and school zone times.
- All other multi story building in Noble Avenue are 2 stories only and we are quite surprised to see the proposed development is three storey development with 10 dwellings in a land size of 778 square meters
- There are few more properties on this Noble avenue are under medium density housing development zone as per Strathfield council. In future if all these properties will be developed into multi storey (3 Stories) citing this proposal (DA 2013 /219) as an example this part of Strathfield will be highly congested so traffic and waste management will be unmanageable.

We kindly request you to review the development proposal, and do necessary changes in the plan to maintain the high quality Strathfield living.

Regards
Jeevanandam Nachimuthu
Kavitha Jeevanandam
08.01.14
From: Suresh Bangalore
Sent: Wednesday, 8 January 2014 5:58:01 PM
To: Strathfield Municipal Council
Subject: Request to Review the development Proposal.

From
SM & LC Bangalore
   Homebush Road
Strathfield
NSW - 2135

To
The General Manager,
Strathfield Council,
P.O. Box – 120
Strathfield, NSW 2135

Dear General Manager,

Sub: Kindly Review the Development applications for 32, Noble Avenue, Strathfield (DA 2013 /219)

We are writing this in response to the notification we have received with respect to the above mentioned development.

• **Review documentation:** We read the review document of this proposed development. In this the impact on the properties behind this proposed site has not been addressed at all.

• **Loss of privacy:** The proposed south side elevation plan shows number of windows and balconies facing properties 30, Noble avenue and 223, Home bush Road. Privacy screens shown will protect the privacy of future residents of 32, Noble Avenue only and the other properties will completely loose the privacy.

• **Because of the proposed 9.5 meters of construction,** the light and ventilation is also an issue for our property.

• Furthermore, properties 24, 26,28 and 34 on Noble avenue are all multiple dwelling properties which already have a big impact on the traffic in Home bush Road.

• Home bush road traffic is already a bottle neck particularly during school hours and please note that there is no right turn into Liverpool Road from Homebush road, South Strathfield which makes more traffic congestion during peak hours and school zone times.

• All other multi story building in Noble Avenue are 2 stories only and we are quite surprised to see the proposed development is three storey development with 10 dwellings in a land size of 778 square meters

• There are few more properties on this Noble avenue are under medium density housing
development zone as per Strathfield council. In future if all these properties will be developed into multi storey (3 Stories) citing this proposal (DA 2013/219) as an example this part of Strathfield will be highly congested so traffic and waste management will be unmanageable.

We kindly request you to review the development proposal, and do necessary changes in the plan to maintain the high quality Strathfield living.

Thanks
Suresh Bangalore
Lakshmi Bangalore
From: Quang Nguyen  
Sent: Monday, 6 January 2014 11:21:28 PM  
To: Strathfield Municipal Council  
Subject: Objection to DA2013/219: 32 Noble avenue, Strathfield

Dear General Manager of Strathfield council

My name is Quang Nguyen, resident of High Street Strathfield NSW, would like to raise my objection to the proposed DA2013/219: 32 Noble avenue, Strathfield to build a 3 storey flat with 10 units.  
- The proposed three storey high block of flat is out of character and not compatible with the existing surrounding low density built homes of one or two storey high.  
- The proposed block of flat with 10 units and 13 car space will bring addition traffic and parking congestion to the area which already heavily used by the local primary school parents and local library’s users.

Your support to our local residents concern is greatly appreciated

Regards
Quang Nguyen
From:  
Sent: Friday, 3 January 2014 8:17:14 PM  
To: Strathfield Municipal Council  
Subject: Customer Service Online Request

Title: Dr
*First Name:: M. Nadeem
*Last Name:: Khaliq
*Street/Address:: Noble Ave.
*Town/Suburb:: Strathfield
*Postcode:: 2135
*Email or::
*Daytime/work Phone::
*Preferred method of contact?: Email
*Request Type:: Action Request
*Subject:: DA2013/219 - 32 Noble Ave Strathfield

*Details of your request:: HI,  
I want to object the development at the above mention site because of the area. After the many new units built, the road is congested with the cars on the road parked some time while we are away, therefore we can not even use the road infront of our own house, because the residents of 34 noble ave have already parked over there. The second thing I also want to highlight is about the kids safety, while crossing the road to go to the park, because all the time there is an increased number of cars on the road which as we all know is highly dangerous. Please review this DA application.

Regards
To General Manager  
Strathfield Council  
65 Homebush Rd,  
Strathfield NSW 2135  
council@strathfield.nsw.gov.au

RE: Objections to Development Application No. 2013/219, 32 Noble Ave. Strathfield

I am the home resident and owner of the property Noble Avenue Strathfield, NSW 2135. Along with my family I have lived in this property for 15 years. My friends and neighbours are also long term residents, of 40 years. I have been talking with other locals, and I believe my views are indicative of the general feeling amongst us. These opinions are not just hypothetical, but based on experiencing the impacts of a recent high density development on Noble Avenue similar to that now proposed.

Firstly, I would like to point out that the Noble Avenue area of Strathfield has all of the wonderful characteristics of a place where families settle to bring up their children, and now grandchildren in our case. With the narrow, quiet Avenue and a park across the road we have felt safe to let our children play in the area. As well, with good neighbourhood connections of friendship, we have developed a community of like-minded, and community aware people.

Above all, the existing new development has already changed the feeling of safety and community in the area. Real issues with traffic jams, speeding traffic, children's safety, rubbish bins and an influx of community unaware people have emerged. With the proposed development we see the worrying danger of a trend in the area which will forever take away what Noble Avenue offers as a place to call home. Instead, the Strathfield Council appears to be condoning a move towards a crowded, traffic jammed, unsafe area for Noble Avenue.

The community quality of life values in the Noble Avenue area will be objectively reduced, as no additional infrastructure and services will be added to the community to abate the pressures brought about by high density development.

To reiterate these concerns I present this list of issues, which I ask that the General Manager of Strathfield Council reply to in writing with specific answers as to how these impacts will be mitigated, or preferably how these concerns will be taken as cause to halt the development.

1) Insufficient road infrastructure in the proposed location to deal with the increased vehicle flow. Traffic jams and speeding traffic are safety concerns and cause issues for travel to work.

2) Safety concerns for young children living nearby, including my own grandchildren, due to lack of care by residents of the apartments arriving and leaving the property as well as the increase of community unaware people residing in and visiting the area.

3) Concerns that this new development and the recent development are setting a precedent for degrading the long-term liveability and quality of life in the area due to excessive high density development in an area not provided with adequate infrastructure.

4) Rubbish bins cause health and safety concerns for the existing apartments as
obstructions to pedestrians and traffic with no management plan currently in place for rubbish pickup day.

5) **Difficulty for existing residents parking on the street** in front of their own properties due to overflow from the existing apartment will be exacerbated.

6) **Privacy concerns for my family.** As can be seen from the A4 notification plans, the proposed three story flat building with basement, car parking will significantly cause privacy invasions with outlooks directly with windows and balconies that are on the northern elevation of the proposed development directly to my house (No 30 Noble Avenue Strathfield).

7) **Structural stability of my house will be affected by the construction of this development,** from the notification plans that we are aware of there will be a driveway and a basement which will be abutting. We concerned of this development being to close to our southern boundary. We are very concerned of this construction of the basement and driveway being closer to our side boundary; we feel this will cause structural problems to our house.

At this stage in time we would appreciate if the council considers the above points of objections in the assessment proposal and keep us informed of the progress of the development application.

I trust that these concerns expressed by myself on behalf of my family and with respect to the views of other local residents, will be given due consideration in your assessment of the proposed development.

I have nothing to declare regarding political donations.

Regards,

Alaattin Coban
Noble Avenue
Strathfield, NSW 2135
From:
Sent: Tuesday, 7 January 2014 4:50:08 PM
To: Strathfield Municipal Council
Subject: Customer Service Online Request

CUSTOMER SERVICE ONLINE REQUEST

Title: Ms
*First Name:: kim
*Last Name:: lal
*Street/Address:: noble ave
*Town/Suburb:: strathfield
*Postcode:: 2135
*Email or::
*Daytime/work Phone::
*Preferred method of contact?:: Email
*Request Type:: Action Request
*Subject:: against the development of number 32 Noble ave, Strathfield
*Details of your request:: we do not agree the construction of the three storey flat in our treet
From: Subba Singh  
Sent: Tuesday, 7 January 2014 11:00 AM  
To: Strathfield Municipal Council  
Subject: [IS THIS SPAM?] OBJECTIONS TO DEVELOPMENT PROPOSAL  
Importance: Low

The General Manager  
Strathfield Council  

RE: DA2013/219:32 NOBLE AVENUE, STRATHFIELD

OBJECT TO SAID DEVELOPMENT PROPOSAL ON THE FOLLOWING GROUNDS:-

1. 3STOREYS HIGH WITH BASEMENT CAR PARK IS MONSTROUS AND TOTALLY OUT OF CHARACTER WITH MOST OTHER BUILDINGS IN THE VICINITY AND CERTAINLY NOT IN HARMONY WITH THE SURROUNDINGS.

2. MASSIVE CONGESTION OF CARS IN AND AROUND THE PROPOSED DEVELOPMENT AND A QUIET AREA WILL BECOME AN EYESORE AND TRAFFIC HAZARD. WITH A SCHOOL NEARBY TRAFFIC IS BAD AT START AND SCHOOL END.

3. THE PRIVACY OF RESIDENTS IN ADJOINING BUILDINGS WILL BE SEVERLY AFFECTED.

4. THE EDWARDS PARK OPPOSITE IS SMALL AND WE FOUGHT HARD FOR IMPROVEMENTS AS THE EDWARD PARK GROUP AND NOW IT IS GOING TO BECOME TOO CROWDED

5. THE LARGE NUMBER OF BINS AROUND SUCH LARGE DEVELOPMENTS WILL BECOME AN EYESORE

6. SUCH A DEVELOPMENT WILL ADVERSELY AFFECT PROPERTY PRICES IN THE NEIGHBOURHOOD

7. COUNCIL FOUGHT A PROLONGED AND EXPENSIVE BATTLE WITH THE CATHOLIC UNIVERSITY EXPANSION AMBITIONS AND IS TO BE COMMENDED. THE REASONS GIVEN BY COUNCIL AND THOSE RESIDENTS NEARBY TO SAID UNIVERSITY WERE EXACTLY SIMILAR —OVERCROWDING, CAR CONGESTION AND RELATED PARKING ISSUES AND NOT BEING IN HARMONY —ALL I ASK COUNCIL NOW IS TO STAND UP AND DEFEND OUR AREA AROUND EDWARD PARK AND NOT TO HAVE ANY DOUBLE STANDARDS.

WE CALL FOR AN END TO AFFORDABLE HOUSING AROUND EDWARD PARK.

DR. SUBBA SINGH  
11 HIGH STREET  
STRATHFIELD 2135
Title: Dr

*First Name*: Kandasamy

*Last Name*: Ragunathan

*Street/Address*: Amaroo Avenue

*Town/Suburb*: Strathfield

*Postcode*: 2135

*Email or*: 

*Daytime/work Phone*: 

*Preferred method of contact*: Email

*Request Type*: Action Request

*Subject*: DA : 2013/219

*Details of your request*: I vehemently opposed to the proposed building of apartments in Noble Avenue.

DA : 2013/219
Title: Mrs

*First Name:: Azam

*Last Name:: Kwong

*Street/Address:: Noble Ave

*Town/Suburb:: Strathfield

*Postcode:: 2135

*Email or:: :

*Daytime/work Phone:: *

*Preferred method of contact?: Email

*Request Type:: Make Suggestion

*Subject:: object DA no.2013/219

*Details of your request:: I and my family object the proposed construction on 32 Noble Ave, Strathfield to become an apartment block. This street is always having the free-standing houses and having apartment block will devalue our land in this area. It also will create more traffic and residents in and out of the street. It will destroy the peaceful and quietness of the environment in this area.
Caroline Annesley

Sent: Friday, 3 January 2014 11:17 AM
To: Strathfield Municipal Council
Subject: (DWS Doc No 809570) Customer Service Online Request

CUSTOMER SERVICE ONLINE REQUEST

*First Name*: Srinivas
*Last Name*: Karkenahalli
*Street Address*: Mintaro Avenue
*Town/Suburb*: Strathfield
*Postcode*: 2135
*Email or*: 
*Daytime/Work Phone*: 
*Preferred method of contact*: Email
*Request Type*: Make Suggestion
*Subject*: DA 2013/219

*Details of your request*: We strongly object to issuing of permission to build apartments at 32 Noble Avenue Strathfield. The DA application should be rejected.

3/01/2014
Title: Mr
*First Name:: Gun Soo
*Last Name:: Min
*Street/Address:: noble ave
*Town/Suburb:: strathfield
*Postcode:: 2135
*Email or::
*Daytime/work Phone::
*Preferred method of contact?: Email
*Request Type:: Action Request
*Subject:: DA number 2013/219
*Details of your request:: I want no more apartments in our street and strongly object to this DA approval.
Customer Service Online Request

Kay McGuire

Sent: Wednesday, 25 December 2013 11:26 AM
To: Strathfield Municipal Council
Subject: Customer Service Online Request

CUSTOMER SERVICE ONLINE REQUEST

Title: Mrs
*First Name:: Jaya
*Last Name:: Dabral
*Street/Address:: Macarthur Avenue
*Town/Suburb:: Strathfield
*Postcode:: 2135
*Email or:
*Daytime/work Phone:
*Preferred method of contact?: Email
*Request Type:: Action Request
*Subject:: DA2013 / 219

*Details of your request:: I would like to submit objection to DA2013 / 219. We strongly object to development of Units in or around this area.

32 Nook Ave

27/12/2013
To General Manager  
Strathfield Council  
PO Box 120 Strathfield  
NSW 2135

23 December 2012

Development Application for 32 Noble Avenue Strathfield (DA 2013/219)

Dear General Manager,

We are writing regarding the recent development application lodged for 32 Noble Avenue Strathfield. We are neighbours who share a common boundary with the proposed development site.

The property Homebush Road, ... Homebush Road and "..." Homebush Road all share a common "back" boundary with the proposed development site forming at total length of 28.96 metres.

On review of the development application documents, we find that the application does not at any way address the impacts on the neighbouring properties that are adjacent to the back boundary of the proposed 32 Noble Street development. The only impacts that are addressed are those for the properties at 30 and 34 Noble Street.

We therefore object to the development approval being given to the development applicant of 32 Noble Street, as currently submitted before Strathfield Council, on the basis that the impacts on the neighbouring properties (225, 227 and 229 Homebush Road) have not been adequately addressed, nor have the properties been properly consulted in any way.

In addition, we object to the development application as it currently stands for the following reasons:

* **Impact on Sunlight** - There has been no sunlight site impact analysis included by the applicant regarding the neighbouring properties of 225, 227 and 229 Homebush Road. The construction of a 9.5m tall building will we believe, significantly impact on the amount of sunlight to the private backyards of the neighbouring properties at 225, 227 and 229 Homebush Road respectively. The proposed apartment building has been deliberately set back in the site to "be in character and harmony with the type and scale of the existing ... development in the area" (reference paragraph 3 of the Design Report), which places the proposed development only 3 metres from the back boundary of the above mentioned properties. The close proximity of a building parcel of this size will have a considerable impact in relation to sunlight, and air circulation.

* **Loss of Privacy**: There are no sufficient privacy mitigation measures for the eastern side of the Building. The design report concludes "The development will not compromise privacy to existing and likely future residents, it is envisaged that for a unified street frontage and better urban design outcome, setback to the adjacent site is reduced," (reference paragraph 3 of the Design Report). We find that this statement completely ignores the impact on the privacy of the back boundary neighbours. Adjacent to the eastern boundary are perhaps the most private areas of the property including the back yards where the children of the property owners play, garden and conduct their outdoor family activities. While privacy screens have been included on several of the eastern boundary windows, these will be moveable by the residents of 32 Noble Street and do not provide total coverage. So while the future residents of 32 Noble Street will be able to control their privacy through the louvre panels, there will be a total loss of privacy by the residents of 225, 227 and 229 Homebush Road. We note that there are no large mature trees included in the Landscaping Plan on the back boundary fence and that none of the mature trees included in the Landscaping Plan can provide the necessary screening to sufficiently address the height (around 9 metres) and direct outlook of the proposed developments third floor windows and balcony.

* **Impact on Air flow and Ventilation**: As noted above, there is no impact assessment included in the development application materials on impact on air and natural ventilation for the properties on the back boundary of the proposed development site.

* Furthermore, the proposed property parcel unlike other multistorey developments on Noble Street,
the Development Applicant proposes a 3 storey development. The existing multistorey developments on Noble Street are only 2 storey. As such the addition of another 3 large windows (all without fixed privacy screens) and an additional balcony on the third storey impose a higher than existing burden on the neighbours of 225, 227 and 229 Homebush Road.

We support Strathfield Council's desire to improve housing affordability through multistorey developments, however the complete failure of the Development Applicant to consider, study and mitigate the impacts on neighbouring properties, specifically 225, 227 and 229 Homebush Road are a serious oversight, and if approved in its current state will undermine Strathfield Council's commitment to high quality development in keeping with the locality.

The Development Applicant has made a number of design and landscape concessions that disproportionately affect the eastern boundary neighbours. We therefore ask that the Development Applicant properly study and disclose and if required reconfigure their designs to property address sunlight impacts and air circulation created by the property. We ask the Development Applicant and their consultants properly consult with us.
January 18th, 2014

To/ Strathfield Council
65 Homebush Road
Strathfield NSW 2135

To Whom It May Concern:

Re/ 32 Noble Ave. Strathfield

We are writing this letter to you in regards to the next door proposed property development for 32 Noble Avenue, Strathfield (Development Application Number DA2013/219).

We are currently own 7 dwelling in the property adjacent to the proposed site and wish to express our objection to the development.

Our objection is based on many things like the grounds of traffic congestion, lack of car parking, overshadowing, overlooking/loss of privacy, overdevelopment, loss of view/visual bulk, shorted place for the rubbish bin and increase in noise.

Traffic Congestion
Noble Avenue is a small road that is well populated with current residents during peak and off peak hours. In addition to this, the local school on High Street brings a maximal flow of traffic when parents drop off/pick their children, making it difficult for residents to access properties on Noble Avenue.

Completion of the development site will further increase the flow of traffic that current infrastructure cannot cope with.

Lack of Car Parking
Street parking on Noble Avenue is well occupied by the current residents of Noble Avenue. This is increased during peak school hours when parents park to pick up/drop off their children from the neighbouring school. The development site will increase the amount of cars trying to park on Noble Avenue, in turn congesting the current parking situation and local traffic.

Overshadowing
The proposed development specifies a 3-storey building with a south-facing wall bordering along the property line. The proposed building will block natural light coming in from the north and shadow out ground floor, single-storey property.

Further, we have not been supplied with accurate shadow diagrams to assess the potential impact of the proposed property.
Overlooking/Loss of Privacy
The south-facing wall of the proposed building is within close proximity to our property. Apartments situated on higher levels will have direct line of vision into our front windows and door.

Overdevelopment
As specified by ResCode, maximum site coverage of development must not exceed 60%. Site plans of proposed development estimate the building taking up the majority of the land.

Loss of View/Visual Bulk
The close proximity of the south-facing wall to our property impedes on the natural view from our property with the building taking up the majority of our view from our front windows and door. The building not only dominates our view but blocks out natural sunlight.

Shorted place for rubbish bins
You can imagine what will happen regarding the rubbish bins, we have 12 and they may have another 10 minimum and the frontage we have is about 5 meters.

Increase in Noise
Completion of the proposed development may lead to increases in noise generated from residential activity and local traffic on foot and road. Noise will be maximal during construction of the building impacting many families and residents who are at home full time or for those who work from home.

The proposed development for 32 Noble Avenue will be a conflict of interest for many current residents of Noble Avenue. Completion of the development will increase local traffic and parking congestion on an already small street as well as increase noise levels for the local community. The size of the development will impact the natural view for many residents blocking natural sunlight for current residents and impacts on privacy for those living on ground floors and single-storey houses.

We hope you reconsider the approval of the property development.

Kind Regards,

Baraz Construction P/L

Nadeem Baraz
Managing Director
General Manager  
Strathfield Council  
65 Homebush Road  
Strathfield 2135

21/01/2014

Dear Sir/Madam,

32 Noble Avenue, Strathfield  
DEVELOPMENT APPLICATION No: 2013/219

This is in relation to Council notification letter dated 08/01/2014 re the abovementioned development application.

I am the owners of unit No: Noble Avenue which is adjacent property to the proposed development. Following reviewing the proposed application for development, I have following major concerns and as a result I object to the proposed development.

It appears that the proposed development is a 3 storey building and is going to be higher than our roof level of our property. Hence this building will be blocking the sunlight as well as the views and unobstructed air flow to our property.

This development will be creating more parking and traffic issues around this area. From my experience, majority of the residents living in this block of units invariably will have more than one vehicle and end up in parking in the streets. This will definitely create traffic and parking issues around this area and become an ongoing issue for permanent residents living in Noble Avenue.

I strongly object to the proposed development.

Yours faithfully,
PLANNING COMMITTEE MEETING – 15 APRIL 2014
ITEM 2. DA2013/086 – 19 BODEN AVENUE, STRATHFIELD

SUMMARY

PROPERTY: 19 Boden Avenue, Strathfield
Lot 66 in Deposited Plan 15955

DA NO.: 2013/086

APPLICATION TYPE: New two (2) storey dwelling with basement parking, in-ground swimming pool and front fence.

REPORT BY: Sophie Olsen – Planning Officer

RECOMMENDATION: APPROVAL

SUBMISSIONS: No written submissions were received.

ZONING: R2 – Low Density Residential

DATE APPLICATION LODGED: 17 June 2013

APPLICANT: CK Design
c/o- Chris Khoury

OWNER: Assunta Scarfo

INTRODUCTION

Approval is sought for demolition of existing structures and construction of a new two (2) storey dwelling with basement garage, in-ground swimming pool and front fence.

The proposed development involves the removal of an established Camphor Laurel approximately 20m in height, which is located in the rear setback. Removal of this tree was previously considered at Council’s Meeting of 8 October 2013 where it was determined that the tree be retained (refer to attachment 4 – Report by Council’s Tree Coordinator).

A Rescission Motion was put forth at the Council Meeting held on 5 November 2013 to permit the removal of this tree however this motion was declared lost.

Following on from this Motion, it was requested that either the application be withdrawn to enable a redesign of the dwelling so that the tree may be retained or alternatively, that additional information be submitted to further substantiate the removal of the tree. The applicant indicated at a meeting held with Council Officers on 11 December 2013 that a new Arborist would be engaged in order to further review the structural integrity and health of the tree.

On 21 February 2014, a revised Arborist Report was submitted to Council (attachment 3). This report has been assessed by Council Officers and is considered to provide sufficient evidence of decline in the health of the tree to substantiate its removal. Specifically, the report identifies evidence of termite activity within lower branches and dieback/thinning of the canopy which is symptomatic of a tree under stress. The original Arborist Report submitted to Council on 20 August 2013 failed to identify any of these issues.
Given the recently submitted evidence which suggests that the tree is in a state of decline, the proposed development, including the removal of the mature Camphor Laurel, is considered acceptable and therefore is recommended for approval.

**DESCRIPTION OF THE SITE AND LOCALITY**

The subject site is located on the western side of Boden Avenue, Strathfield and is regular in shape with a slight fall to the rear (western) boundary and the following dimensions:

- **Dimensions:** 15.24m x 50.29m
- **Site Area (approx):** 766.5m²

The site currently contains a single storey brick cottage with detached brick garage. A mature Camphor Laurel approximately 20 metres in height and 16 metres in spread is located within the rear setback, adjacent to the northern boundary.

The streetscape of Boden Avenue is characterised by a variety of architectural dwelling types, predominantly facebrick or rendered and two (2) storey in scale. Photographs of the subject site and adjoining development are provided below.

*Image 1: Subject site and existing dwelling located at 19 Boden Avenue, Strathfield*
PROPOSAL

The application seeks Council approval for demolition of existing structures and construction of a new two (2) storey dwelling with basement, in-ground swimming pool and front fence.

The elements of the proposal are:

- Demolition of the existing dwelling, excavation for basement car parking and removal of the mature Camphor Laurel;
- Construction of a new two (2) storey dwelling containing six (6) bedrooms, and
- Installation of an in-ground swimming pool and rear patio attached to the dwelling.

A site plan and elevations are attached (4).

BACKGROUND

The following background is relevant to the subject application:

17 June 2013 Application DA2013/086 was lodged with Council.
24 June 2013 Application was notified for (14) days in accordance with Council’s DCP.
8 July 2013 A deferral letter was issued to the applicant raising concerns regarding tree removal, overshadowing, side setback and driveway non compliances.
Under the topic of tree removal it was noted that an Arborist Report was required however:

“Council’s tree Coordinator has undertaken a site inspection and is unlikely to support the removal of the Camphor Laurel, which appears to be a mature and well established specimen, visible with the surrounding streetscape.”

20 August 2013 An Arborist Report was finally submitted to Council, after several extensions to the deferral period were granted. This report primarily concluded that the Camphor Laurel should be removed as its location is in conflict with the proposed building footprint. Additionally, this report suggested that there may be some structural issues with the tree due to evidence of seedlings growing in a trunk fork however these observations were not confirmed by way of resistance report or further investigation by the consultant’s Arborist.

29 August 2013 Site Meeting held with Council Officers and the owner’s husband (Michael Scarfo) to discuss the proposed tree removal and the insufficient justification provided within the Arborist Report.

2 September 2013 Email correspondence sent from the Assessing Officer to the Applicant and owner confirming that insufficient justification has been submitted to Council in support of the removal of the Camphor Laurel. This correspondence recommended that root mapping be undertaken and that a revised proposal, whereby the tree is retained, be submitted to Council or alternatively that the Application be withdrawn.

5 September 2013 Owner responded that his Arborist had engaged a consultant to prepare a Resistance Report to confirm the structural integrity of the subject tree (Note: To date, this Resistance Report has not been submitted to Council).

8 October 2013 A report requesting that Council determine whether to remove or retain the existing Camphor Laurel at 19 Boden Avenue was considered by Council at the Ordinary Council Meeting of 8 October 2013. The Council resolved that the Camphor Laurel be retained.

26 October 2013 A meeting was held between Council Officers and the Applicant whereby it was discussed that should the Owner wish to proceed with the application, additional evidence to substantiate the removal of the tree would be required to be submitted to Council for consideration.

5 November 2013 A motion to rescind the Council Resolution of 8 October 2013 in order to permit the removal of the Camphor Laurel was put forth at the Ordinary Council Meeting on 5 November 2013, however the Rescission Motion was declared Lost.

11 December 2013 A meeting held between the Applicant, Owner and Council Officers to determine a way forward with the Application. Consistent with the suggestions made by Council Officers, the owner agreed that further
Arboricultural Investigation would be undertaken and submitted to Council in early January 2014.

10 January 2014 Email sent by the Assessing Officer to the Applicant and Owner requesting the additional Arboricultural information, as discussed on 11 December 2013.

17 January 2014 A further email was sent by the Assessing Officer chasing the additional Arborist Report as a response was not received to the email dated 10 January 2014.

12 February 2014 A further email was sent by the Assessing Officer to the Applicant and Owner as the additional Arborist Report remained outstanding.

17 February 2014 The additional Arborist Report (attachment 3) was submitted to Council for review. This Arborist Report noted evidence of termites, extensive die-back within the canopy, a number of branches with poor fork structure and suggested removal of the tree and two (2) replacement plantings.

5 March 2014 A memorandum was received from Council’s Tree Coordinator indicating that the Arborist Report submitted to Council on 17 February 2014 contained sufficient evidence to substantiate the removal of the Camphor Laurel, subject to sufficient replacement plantings. Further detail regarding the referral received from Council’s Tree Coordinator is discussed throughout this report.

ASSESSMENT - Pursuant to Section 79C of the Environmental Planning and Assessment Act, 1979

The application has been assessed pursuant to the heads of consideration of Section 79C of the Environmental Planning and Assessment Act and the relevant matters described in Sub-section (1)(a), (b), (c), (d) and (e) of Section 79C have been considered within this report.

(a) (i) Environmental Planning Instruments:

BASIX

In accordance with the BASIX SEPP all new housing in NSW is required to meet a designated target for energy and water reduction.

A BASIX Certificate was submitted with the application which indicates that the proposal meets the required reduction targets and an appropriate condition of consent will be imposed to ensure future compliance with these targets.

The site is zoned R2 – Low Density Residential under the Strathfield Local Environmental Plan (SLEP), 2012 wherein development for the purposes of a dwelling house is permissible with Council consent. The proposal is generally consistent with the objectives of the R2 – Low Density Residential zone which seek to provide housing for the community within a low density residential environment.

The proposed development provides a maximum height of 7.9m which demonstrates compliance with Clause 4.3 of the SLEP, 2012 which permits a maximum height of
9.5m. Further, the proposed development seeks to provide a Floor Space Ratio (FSR) of 0.51:1 (387.96m²) which satisfies the maximum of 0.57:1 (440.69m²) provided by Clause 4.4 and the associated maps of the SLEP, 2012.

The subject site is identified as having Class 5 soils and is not located within 500m of Class 1, 2, 3 or 4 soils. Therefore, the proposed development was not required to be accompanied by an Acid Sulfate Soils Management Plan and has satisfied the requirements of Clause 6.1 of the SLEP, 2012.

Overall, the proposed development has been considered with respect to the relevant Clauses of the SLEP, 2012 and is satisfactory.

Section 94 Contributions

Local Amenity Improvement Levy $8,000.00

(ii) Draft Environmental Planning Instruments:

There are no Draft Environmental Planning Instruments applicable to the subject site.

(iii) Development Control Plans:

Part A – ‘Dwelling Houses and Ancillary Structures’ of the Strathfield Consolidated Development Control Plan (DCP) 2005

<table>
<thead>
<tr>
<th>Section</th>
<th>Development Control</th>
<th>Required</th>
<th>Proposed</th>
<th>Compliance</th>
</tr>
</thead>
<tbody>
<tr>
<td>3.3.1</td>
<td>Neighbourhood character and amenity</td>
<td>Streetscape &amp; general appearance</td>
<td>Acceptable appearance. Other modern dwellings within the immediate streetscape.</td>
<td>Yes.</td>
</tr>
<tr>
<td>3.3.2</td>
<td>Scale, massing and Rhythm</td>
<td>Scale, mass and bulk of building to complement existing streetscape.</td>
<td>Scale is sufficiently broken through an articulated building form.</td>
<td>Yes.</td>
</tr>
<tr>
<td>3.3.3</td>
<td>Street edge and garden setting</td>
<td>Retain existing trees or provide for new plantings with min. 50% front setback deep soil soft landscaping.</td>
<td>69% (95m²) landscaped area forward of the building line.</td>
<td>Yes</td>
</tr>
<tr>
<td>3.3.4</td>
<td>Materials &amp; Colours</td>
<td>Sympathetic with surrounding development. Monotone brick facework and tile roofs</td>
<td>Façade treatment incorporates timber, render and metal cladding. Modern in nature however is acceptable given the range of architectural styles in the street.</td>
<td>Yes.</td>
</tr>
<tr>
<td>Section</td>
<td>Development Control</td>
<td>Required</td>
<td>Proposed</td>
<td>Compliance</td>
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<td>-----------------------------------------------------------------------------</td>
</tr>
<tr>
<td>3.3.5</td>
<td>Fencing</td>
<td>Overall height 1.8m max. Solid 1m max. 2.4m spacing between piers</td>
<td>Max 1.45m, permeable material with a 2.4m high gatehouse structure.</td>
<td>Yes, existing gatehouse structures within the streetscape.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>sympathetic in design to dwelling &amp; streetscape</td>
<td></td>
<td></td>
</tr>
<tr>
<td>5.3.1</td>
<td>Building forms</td>
<td>Must be compatible with existing streetscape. Flat roofs considered if</td>
<td>Flat roof and modern form is acceptable given range of built form within the streetscape.</td>
<td>Yes</td>
</tr>
<tr>
<td></td>
<td></td>
<td>examples in immediate streetscape</td>
<td></td>
<td></td>
</tr>
<tr>
<td>6.3.1</td>
<td>Solar access</td>
<td>Relates to adjoining allotments:</td>
<td>Some overshadowing created due to the subdivision pattern and east-west orientation of the allotment.</td>
<td>No, refer to discussion.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>1) New dwellings 4 hours + 50% POS</td>
<td></td>
<td></td>
</tr>
<tr>
<td>6.3.5</td>
<td>Water tanks</td>
<td>Located behind dwelling or building line &amp; 450mm from any boundary</td>
<td>Below ground, beneath rear patio.</td>
<td>Yes</td>
</tr>
<tr>
<td>8.4</td>
<td>Roof pitch</td>
<td>Between 23.5 and 45 degrees</td>
<td>Flat roof acceptable given the character of development within Boden Ave.</td>
<td>Yes</td>
</tr>
<tr>
<td>9.3.1</td>
<td>Minimum landscaped areas</td>
<td>43.5% (333m²)</td>
<td>2 canopy trees in front and 1 at rear</td>
<td>44% (339m²)</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Yes, replacement plantings subject to condition.</td>
<td></td>
</tr>
<tr>
<td>10.3.1</td>
<td>Front setbacks</td>
<td>9m (or predominant)</td>
<td>9.0m</td>
<td>Yes</td>
</tr>
<tr>
<td>10.3.2</td>
<td>Side Setback</td>
<td>1.5m (min.) ea. side</td>
<td>Stepped setbacks N: 1.5m (min) to 7.0m (max) S:1.8m (min) to 3.0m (max)</td>
<td>Yes</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Frontage: 15.24m</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>25% (req): 3.81m</td>
<td>3.30m (min) to 8.8m (max)</td>
<td>Yes, compliance throughout the majority of the site.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Rear setback</td>
<td>6m</td>
<td>Yes</td>
</tr>
<tr>
<td>Section</td>
<td>Development Control</td>
<td>Required</td>
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<tr>
<td>10.3.2</td>
<td>Ancillary Structures</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Pools</td>
<td>From edge of paved concourse to boundary: 1m</td>
<td>1.502m</td>
<td>Yes.</td>
</tr>
<tr>
<td>11.3.1</td>
<td>Driveway and grades</td>
<td>Existing driveways to be retained.</td>
<td>Driveway to be relocated.</td>
<td>Yes.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Crossings to be 1m clear of stormwater pits and 2m from trees</td>
<td>Conflict with location of Telstra Pit and 2.0m from tree.</td>
<td>Condition imposed to relocate Telstra Pit.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Max width 3m</td>
<td>Driveway to be relocated.</td>
<td>Yes.</td>
</tr>
<tr>
<td>12.3</td>
<td>Basements</td>
<td>Contained within footprint of building at ground level.</td>
<td>Within ground floor footprint</td>
<td>Yes.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Max 1m above NGL.</td>
<td>1.0m highest, to the rear.</td>
<td>Yes.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>2.2m internal clearance</td>
<td>2.424m</td>
<td>Yes.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Basement entry/ramp 3.5m wide</td>
<td>3.5m</td>
<td>Yes.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>No cutting permitted within required setbacks</td>
<td>None proposed – setback 1.8m from southern and 1.502m from northern boundary.</td>
<td>Yes.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Vehicles enter and exit in forward direction</td>
<td>Sufficient manoeuvring space provided.</td>
<td>Yes.</td>
</tr>
<tr>
<td>13.3</td>
<td>Altering Ground Level</td>
<td>Fill 1m above ground level</td>
<td>None proposed.</td>
<td>Yes.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>No excavations within minimum setbacks</td>
<td>None proposed.</td>
<td>Yes.</td>
</tr>
<tr>
<td>14.3.3</td>
<td>Visual privacy Windows</td>
<td>1) Offset windows by at least 0.5m, sill height 1.7m above floor level</td>
<td>Windows are sufficiently offset from existing development on adjoining properties.</td>
<td>Yes.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>2) Rear balconies 1m x 2m</td>
<td>1m x 3m, accessible from master bedroom. 2.5m wide landscaped</td>
<td>No, refer to discussion.</td>
</tr>
<tr>
<td>14.3.4</td>
<td>Balconies</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
PLANNING COMMITTEE MEETING – 15 APRIL 2014

ITEM 2. DA2013/086 – 19 BODEN AVENUE, STRATHFIELD

<table>
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</tr>
</thead>
<tbody>
<tr>
<td>20.2.2</td>
<td>Retaining walls</td>
<td>No greater than 1.2m</td>
<td>No detail.</td>
<td>Yes, subject to condition of consent.</td>
</tr>
<tr>
<td>20.2.4</td>
<td>Air Conditioning</td>
<td>Concealed, minimum 3m from boundary</td>
<td>No detail.</td>
<td>Yes, subject to condition of consent.</td>
</tr>
<tr>
<td>20.2.7</td>
<td>Swimming Pool</td>
<td>1.2m high safety fence</td>
<td>Australian Standard applies.</td>
<td>Yes.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>1m soft landscaping separation</td>
<td>1.5m</td>
<td>Yes.</td>
</tr>
</tbody>
</table>

Part H – ‘Waste Management’ of the Strathfield Consolidated Development Control Plan (DCP) 2005

The proposed development was accompanied by a Waste Management Plan prepared in accordance with the requirements of Part H of the Strathfield Consolidated Development Control Plan 2005.

Full compliance with this waste management plan will be enforced by way of standard conditions of consent.

(iii) Planning Agreements (or draft agreements):

The proposed development is not subject to a planning agreement pursuant to Section 93F of the Environmental Planning and Assessment Act 1979.

(iv) Matters Prescribed by the Regulations

Clause 92 of the Environmental Planning and Assessment Regulation requires Council to take into consideration the provisions of the Government Coastal Policy and the relevant Australian Standard for the demolition of buildings in the determination of a development application.

Having regard to these prescribed matters, the proposed development is not located on land subject to the Government Coastal Policy as determined by Clause 92 (1) (a) (i) however does involve the demolition of a building for the purposes of Australian Standard (AS) 2601 – 1991: The Demolition of Structures.

(v) Any Coastal Zone Management Plan:

The NSW Government projects sea levels to rise by 40cm in 2050 and by 90cm in 2100 above the relative mean sea level in 1990. These planning benchmarks are to be considered in the assessment of development applications through the applicable coastal zone management plan or alternatively the provisions of the NSW Coastal Planning Guideline: Adapting to Sea Level Rise.
Although Council is not subject to a coastal zone management plan, the sea level rise planning benchmarks have also been established in order to assess the likely increase in the frequency, duration and height of flooding and as a consequence likely property and infrastructure damage on affected and potentially affected land. Council is therefore required to consider the impact of sea level rise and resultant flooding from Powell’s Creek and Cook’s River which are tributaries of Sydney Harbour (Parramatta River) and Botany Bay respectively.

The proposed development is not located on a site that is subject to flooding attributed to either Powell’s Creek or Cook’s River and is therefore not required to be considered under the provisions of the *NSW Coastal Planning Guideline: Adapting to Sea Level Rise*.

(b) Likely Impacts:

**Overshadowing & Site Design**

The subject property is orientated east-west and accordingly, the proposed development will have an unavoidable impact on the solar access of the southern adjoining property at 21 Boden Avenue, Strathfield. As a result of the proposed development, the windows along the northern elevation of the adjoining dwelling will be overshadowed throughout the day during the winter solstice, which represents the ‘worst case scenario’ for overshadowing.

Nonetheless, the proposal has been designed with a stepped footprint and a substantial side setback of 1.8m to the southern boundary in an attempt to minimise the overshadowing impact on the adjoining property. It is considered unreasonable to require the dwelling to be setback further from the southern boundary as the proposed development complies with the minimum side setback requirement of 1.5m provided by Section 10.3.2 of Part A of the SCDCP 2005. It is further noted that the proposal also demonstrates satisfactory compliance with the combined side setback requirement of 25% of the width of the block (3.81m) throughout the majority of the site as a result of the stepped footprint.

Overall, it is considered that the proposed development has satisfactorily considered the shadow impact on the southern adjoining property and has integrated design elements to minimise the overall impact at mid-winter.

**Privacy**

The proposed development incorporates a first floor balcony measuring 1.0m x 3.0m which is directly accessible from the master bedroom. Whilst this is not numerically compliant with the maximum dimensions of 1.0m x 2.0m provided by Section 14.3.4 of Part A of the SCDCP 2005, the proposal does include a 2.0m wide landscaped planter and a privacy screen to the northern elevation.

The objective of restricting balcony size is to avoid the creation of undesirable opportunities for overlooking from highly used or highly trafficable rear balconies. Granted that access to this balcony is via a bedroom, that the depth of the balcony is restricted to 1.0m and that privacy screening and planter boxes have been incorporated, it is considered that this objective is achieved.
Tree Removal

As discussed throughout this report, the proposed dwelling is generally satisfactory from a Planning perspective as compliance is achieved with the relevant Development Standards of the Strathfield LEP 2012 and the objectives and controls of the Strathfield Consolidated Development Control Plan 2005 however the determination of the application has been delayed due to insufficient evidence being submitted to substantiate the removal of the mature Camphor Laurel.

The subject tree is considered to be prominent in the landscape and given its substantial height (approximately 20m) it is considered to have a positive contribution to the landscaped amenity enjoyed by nearby properties. Notwithstanding this, a closer investigation of the health of the Camphor Laurel which was undertaken by the Applicant’s second consultant Arborist (attachment 2) has determined that this seemingly healthy and established tree is demonstrating signs of stress and decline, specifically:

- There is extensive die-back within the canopy and small twig and branch die-back which is consistent with a tree which is under stress;
- A number of branches have a poor fork structure and whilst these could be removed, substantial pruning would be required which would be likely to further reduce the health, vigour and life expectancy of the tree;
- A dead branch stub with evidence of termite activity was present and whilst the trunk appears to be structurally stable, there may be some loss of internal structural strength;
- There is evidence of decomposed material within the dead branch stub which would exacerbate the rate of decay within the heartwood of the tree, and
- There is evidence of epicormic regrowth scattered throughout the canopy which is a further sign of stress.

Whilst Council Officers initially encouraged the applicant to consider a redesign of the proposal to retain this tree, Council has since received sufficient justification from the Applicant’s Consultant Arborist and is now able to support the removal of the tree, subject to suitable replacement specimens. In order to minimise the disruption to the landscaped amenity of nearby properties, a condition has been recommended to be placed on the consent requiring that two (2) suitable native species, each of a minimum 100 Litre container size, be planted within the rear setback.

(c) Suitability of the Site:

The subject site is located within a residential street containing a variety of architectural styles and roof forms. The proposed dwelling, which is well articulated and modern in style will be compatible with existing dwellings within the street and therefore is suitable for the site.

(d) Submissions:

The application and plans were notified in accordance with Part L of the Strathfield Consolidated DCP 2005 from 24 June 2013 to 8 July 2013 and there were no written submissions received.
Notwithstanding this, a letter from the Managing Real Estate Agent of the adjoining property at 17 Boden Avenue was submitted to Council on 24 October 2013. This letter indicated the support of the adjoining owner for the removal of the mature Camphor Laurel.

(e) Public Interest:

The Public Interest is best served by the consistent implementation and application of Environmental Planning Instruments, Development Control Plans and policies. The proposed development demonstrates compliance with Council’s relevant planning controls and will be compatible with other development in Boden Avenue. As discussed throughout this report, it has become apparent that the established Camphor Laurel located within the site is in a declining state of health and is not worthy of retention.

Whilst the removal of this mature tree will in the short term have some impact on the streetscape, a condition will be imposed requiring suitable replacement plantings which will assist to ensure a tree canopy is retained within Boden Avenue.

Therefore, approval of the subject application would not be contrary to the public interest.

INTERNAL REFERRALS

The application was forwarded to Council’s Drainage Engineer and Development Engineer for comment. Aside from the imposition of standard conditions of consent, no objections were raised.

Council’s Tree Coordinator also received a referral and initially raised concern with the removal of the Camphor Laurel. As discussed under ‘Background’ above, an Arborist Report was requested in July 2013 and as this report failed to provide sufficient information, a further and more detailed Arborist Report was requested in August 2013.

Upon receipt of the second Arborist Report in February 2014, which included additional evidence to suggest the tree is in a state of decline and is not worthy of retention, Council’s Tree Coordinator provided consent for the removal of the established Camphor Laurel subject to the following:

- A minimum of two (2) x 100 litre sized additional trees, selected from the following species shall be planted within the rear set back:
  - Syncarpia glomulifera (Turpentine)
  - Waterhousia floribunda (Weeping Lilly Pilly)
  - Eucalyptus paniculata (Grey Ironbark)
  - Eucalyptus sideroxylon (Mugga)
- Trees are to conform to the NATSPEC guide and Guide for assessing the quality of and purchasing of landscape trees by Ross Clarke, 2003
- Landscaping and tree replacement as per the submitted landscape plan must also be implemented.

The abovementioned requirements will be included as a condition of consent to ensure sufficient replacement canopy trees are incorporated into the development.
CONCLUSION

The proposed development is permissible in the subject zoning and is consistent with the relevant provisions and objectives of the Strathfield Local Environmental Plan, 2012.

The proposal seeks some minor departures from the development controls of the Strathfield Consolidated DCP 2005 however these minor departures will not significantly impact the amenity of adjoining residents. The removal of the unhealthy Camphor Laurel and replacement with two (2) large canopy species will retain an appropriate green canopy within Boden Avenue and will ensure the subject property continues to positively contribute to the streetscape.

Overall, the future dwelling will provide a very high level of amenity for future residents without significantly impacting the privacy or amenity of adjoining residents and therefore is recommended for approval.

RECOMMENDATION

That DA2013/086 to demolish existing structures and construction of a new two (2) storey dwelling with basement, in-ground swimming pool and front fence at 19 Boden Avenue, Strathfield be APPROVED subject to the following conditions:

CONDITIONS

PART B - OTHER CONDITIONS

Plans

1. The development shall be completed in accordance with the approved plans and documents listed below, prior to the building being used or occupied, and subject to any amendments “in red” and any variation as required by conditions of this consent:

Site Analysis & Demolition Plan Sheet No. A102 prepared by CK Design received by Council 17 June 2013.

Basement Plan Sheet No. A103 prepared by CK Design received by Council 17 June 2013.

Ground Floor Plan Sheet No. A104 prepared by CK Design received by Council 17 June 2013.

First Floor Plan Sheet No. A105 prepared by CK Design received by Council 17 June 2013.

Roof Plan Sheet No. A106 prepared by CK Design received by Council 17 June 2013.

Elevations Sheet No. A107 prepared by CK Design received by Council 17 June 2013.

Section and Details Sheet No. A108 prepared by CK Design received by Council 17 June 2013.

Driveway Profile Sheet No. A111 prepared by CK Design received by Council 17 June 2013.
Schedule of Finishes Sheet No. A114 prepared by CK Design received by Council 17 June 2013.

Landscape Plan Project No. 3379a Dwg No. L-01 Issue A received by Council 17 June 2013.

BASIX Certificate No. 487344S issued 10 June 2013.


Waste Management Plan prepared by CK Design received by Council 17 June 2013.

Site and Roof Drainage Plan Dwg No. 13MB5689/D01 Sheet 1 of 2 Issue A prepared by United Consulting Engineers received by Council 17 June 2013.

Basement Drainage Plan Dwg No. 13MB5689/D02 Sheet 2 of 2 Issue A prepared by United Consulting Engineers received by Council 17 June 2013.

2. A Construction Certificate must be obtained either from Council or a privately accredited person before commencement of any construction associated with this consent.

3. The Principal Certifying Authority must be appointed prior to work commencing to supervise the work and authorise occupation/use of the building when completed.

4. A copy of the endorsed stamped plans and specifications, together with a copy of the Development Consent, Construction Certificate and any approved Traffic Management Plan are to be retained on site at all times.

Special Conditions

5. Amended plans whereby the driveway is reduced to a maximum width of 3.0m shall be submitted to and approved by the Principal Certifying Authority prior to the issue of a Construction Certificate.

6. Arrangements must be made with Telstra to underground/relocate the existing pit which is in conflict with the proposed driveway prior to the issue of a Construction Certificate.

General

7. The building shall not be occupied or used until the development has been completed in accordance with the conditions of this consent, construction has been completed in accordance with the Construction Certificate and an Occupation Certificate has been issued by the Principal Certifying Authority.

8. A Works Permit shall be obtained from Council's Customer Service Centre at least 48 hours prior to undertaking any works on public/Council-controlled areas. The permit must be retained on site at all times.
9. **Prior to the issue of a Construction Certificate**, photographs documenting any existing damage to the kerb and gutter and footpaths adjacent to the property shall be submitted to the consent authority. In the absence of this documentation, the applicant is liable for all damage that occurs to Councils’ assets.

10. The applicant or any contractors carrying out works in public or Council controlled lands shall have public liability insurance cover to the value of $10 million and shall provide proof of such cover to Council prior to carrying out works.

**Financial Matters**

11. In accordance with the provisions of Section 94A(1) of the Environmental Planning and Assessment Act 1979 and the Strathfield Indirect Development Contributions Plan 2010-2030, a contribution in the form of cash, cheque or credit card (financial transaction fee applies) shall be paid to Council for the following purposes:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Local Amenity Improvement Levy</td>
<td>$8,000.00</td>
</tr>
</tbody>
</table>

The total amount of the contribution is valid as at the date of determination and is subject to annual indexation. If the contribution is paid after 1st July in any year, the amount of the contribution under this condition shall be indexed in accordance with clause 4.12 of the Strathfield Indirect Development Contributions Plan 2010-2030.

The required contribution shall be paid **prior to the issue of a Construction Certificate**.

12. A security payment of $5,254.00 in the form of cash, bank guarantee, cheque or credit card (financial transactions fees apply) shall be paid to Council **prior to the issue of a Construction Certificate**. The security payment is GST inclusive and comprises the following:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Refundable tree protection bond</td>
<td>$1,000.00</td>
</tr>
<tr>
<td>Refundable works bond</td>
<td>$4,000.00</td>
</tr>
<tr>
<td>Non-refundable administration fee</td>
<td>$254.00</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$5,254.00</strong></td>
</tr>
</tbody>
</table>

The security payment covers the following matters and will be released upon satisfactory completion of these items:

- road and stormwater drainage works in roadways and public areas;
- connection to Council’s stormwater drainage system;
- installation and maintenance of sediment control measures for the duration of construction activities;
- tree final inspection to ensure that Council’s street trees have been retained, protected or replanted in accordance with conditions of consent and/or Arborists’ report for the post final inspection twelve (12) month period; and
- Ensuring no damage occurs to or building debris/materials are left on Council land including footpath, nature strip, kerb and gutter. The security bond may be used to recover the costs incurred by Council in cleaning and restoring the land to its original condition.
13. Fees are payable where Council is appointed as principal certifying authority to carry out the post-approval inspections. A quotation for the fees can be obtained by contacting Council and the fees shall be paid **prior to the carrying out of any of the inspections.** Any re-inspection which is necessary due to site access not being available, defective work, or the matter not being ready for inspection will be charged in accordance with Council’s Fees and Charges Policy. Council will advise in writing if an additional re-inspection is required and the re-inspection fee shall be paid **prior to release of the damage deposit.** If the additional fee is not paid it will be deducted from the damage deposit.

**Drainage/Stormwater**

14. Stormwater runoff from all roof and paved surfaces shall be collected and discharged by means of a gravity pipe system via a silt arrestor pit to the kerb & gutter on Boden Avenue and as depicted on the stormwater drainage concept plans **Prepared by United Consulting Engineers Pty Ltd sheets 1 & 2 Issue A Dated 11.06.2013.**

15. Details of the proposed method of stormwater disposal shall be prepared by a suitably qualified professional civil engineer in accordance with the endorsed concept plans and the requirements of Council’s Stormwater Management Code. In this project the above engineering plans are satisfactory as Concept plans. The assessment authority, (either (a) Council, or (b) a Private Certifier), is to satisfy themselves of the adequacy of the above plans for the purposes of Construction. They are to independently determine what details, if any, are to be added to the Construction Certificate plans, in order for the issue of the Construction Certificate.

Where a Private Certifier issues the Construction Certificate a copy must be provided to Council, **prior to the issue of a Construction Certificate.**

16. **Prior to the issue of an Occupation Certificate/use of the building,** written verification from a suitably qualified professional civil engineer shall be obtained, stating that all stormwater drainage and related work has been constructed in accordance with the approved plans.

17. Temporary measures shall be provided and regularly maintained during demolition, excavation and construction to prevent sediment and polluted waters discharging from site. Plans showing such measures in accordance with the NSW Department of Housing, Managing Urban Stormwater, Soils and Construction Manual dated August 1998 shall be submitted to and approved by the Principal Certifying Authority **prior to the issue of a Construction Certificate.**

18. For drainage works within public land or connecting to Council’s stormwater drainage system the following inspections will be required:-

   (a) After the excavation of pipeline trenches.
   (b) After the laying of all pipes prior to backfilling.
   (c) After the completion of all pits and connection points.
2.17 A minimum of 48 hours notice shall be given to Council to inspect works. Inspections may be arranged by telephoning Council’s Engineering Works and Services section on 9748-9999 during office hours. Work is not to proceed until the works are inspected and approved by Council.

19. All pits shall be constructed in accordance with Australian Standard AS3500.3.

20. Access to the basement car park, head room for basement entry, driveway ramp and turning circles shall be designed in accordance with AS 2890.1-2004.

21. The proposed basement pump out system is to be strictly in accordance with the requirements set out in Strathfield Council's Stormwater Management Code 2007. The rising main shall be connected to the Silt Arrestor Pit. Final details of this system are to be submitted with the Construction Certificate application.

Landscaping/Tree Matters

22. The trees listed below shall be retained at all times:

<table>
<thead>
<tr>
<th>Tree</th>
<th>Height/ Spread (m)</th>
<th>Location</th>
<th>Protection Zone (m)</th>
<th>Structural Root Zone (m)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lophostemon Confertus</td>
<td>10/10</td>
<td>Nature Strip</td>
<td>6.0</td>
<td>2.47</td>
</tr>
</tbody>
</table>

and protected by the establishment of a **protection zone** (in accordance with Australian Standard AS4970-**Protection of trees on development sites**) before any site works begin (including any demolition/excavation). The protection zone shall be maintained for the duration of works and implemented as follows:

(a) A minimum 1.8m high barrier (Chain wire mesh panels, plywood or wooden paling fence panels: refer to AS4687-**Temporary fencing and hoardings for fencing requirements**) shall be erected around the perimeter of the stated Protection Zone as measured from the base of the tree (or where practical). Shade cloth or similar should be attached to reduce the transport of dust, other particulate matter and liquids into the protected area. Fence posts and supports should have a diameter greater than 20mm and be located clear of roots. The barrier shall be constructed so as to prevent pedestrian and vehicular entry into the protection zone. The barrier shall not project beyond the kerb onto the roadway or any adjacent footpath.

(b) Signs identifying the Protection Zone should be installed on the fencing and be visible from within the development site. Lettering should comply with AS 1319-**Safety signs for the occupational environment**.

(c) No concrete slurry or wash, building materials, builders’ rubble, excavation soil or similar shall be placed or stored within the tree protection zone.

(d) The whole of the tree protection zone shall be mulched to a minimum depth of 75mm.

(e) The tree protection zone shall be regularly watered.

(f) Any major structural roots which are encountered shall be pruned by a qualified Arborist.
(g) **No excavation or construction shall be carried out** within the stated *Structural Root Zone* distances from the base of the trunk surface.

(h) Only permeable surfaces (e.g. decomposed granite, gravel, turfpave, permeable paving systems or soft landscaping) are permitted within the canopy spread of the trees to be protected.

23. All noxious weeds on the site shall be removed and destroyed as per their classification under the *Noxious Weeds Act* 1993.

24. The following listed trees are permitted to be removed to accommodate the proposed development:

<table>
<thead>
<tr>
<th>Tree</th>
<th>Height/Spread (m)</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>1) Sapium sebiferum (Chinese Tallowwood)</td>
<td>6/3</td>
<td>Rear north-western corner</td>
</tr>
<tr>
<td>2) Cinnamomum camphora (Camphor Laurel)</td>
<td>20/16</td>
<td>Rear setback, northern boundary.</td>
</tr>
</tbody>
</table>

25. The two (2) trees permitted to be removed by Condition 24 of this consent shall be replaced by a minimum of two (2) x 100 litre sized additional trees, selected from the following species. These two (2) trees shall be planted within the rear set back:

   (a) *Syncarpia glomulifera* (Turpentine)
   (b) *Waterhousia floribunda* (Weeping Lilly Pilly)
   (c) *Eucalyptus paniculata* (Grey Ironbark)
   (d) *Eucalyptus sideroxylon* (Mugga)

The two (2) replacement trees are to conform to the NATSPEC guide and Guide for assessing the quality of and purchasing of landscape trees by Ross Clarke, 2003.

26. General maintenance of Council’s nature strip adjoining the development site, including regular lawn mowing, edging, irrigation of the lawn and street trees and restricting the storage of materials, rubbish and parking or driving of vehicles on the nature strip, must be carried out during the full period of all approved works (including any demolition and excavation).

27. A minimum one (1) metre wide landscape strip shall be provided between the swimming pool and adjacent common boundaries. The landscape strip is to be planted with a continuous row of evergreen shrubs of a minimum five (5) litre container size achieving a minimum mature height of three (3) metres.

**Construction Matters**

28. The proposed development shall comply with the National Construction Code and details demonstrating compliance shall be submitted to the Principal Certifying Authority for approval prior to the issue of a Construction Certificate.

29. Footings shall be designed in accordance with the soil classification of H, or Highly Reactive (unless determined to the contrary by a suitably qualified person).
30. If the soil conditions require it retaining walls associated with the erection or demolition of a building or other approved methods of preventing movement of the soil must be provided, and adequate provision must be made for drainage.

31. The existing ground levels shall not be altered except in accordance with the levels shown on the approved plans as part of this consent. Finished ground surface levels shall match the existing levels at the property boundary. Any survey plan shall also show the extension of these levels in relation to adjoining properties.

32. If the existing ground levels are altered during construction, Council may require a survey plan of the finished ground levels to be prepared and submitted prior to the issue of an Occupation Certificate to determine if there have been changes to the pre-development levels and if there are any impacts on adjoining properties as a result.

33. All construction, demolition and excavation work shall be restricted to 7am and 5pm (Eastern Standard Time) on Mondays to Saturdays (inclusive) and prohibited on Sundays and public holidays.

34. All excavations and backfilling associated with the approved works must be executed safely and in accordance with appropriate professional standards. All excavations must be properly guarded and protected to prevent them from being dangerous to life or property.

35. If an excavation associated with the approved works extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made:
   (a) Must preserve and protect the building from damage; and
   (b) If necessary, must underpin and support the building in an approved manner, and
   (c) Must, at least seven (7) days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.

36. There are built structures which may be in the zone of influence of the proposed works and excavations on the site. A qualified practicing geotechnical engineer must prepare a Construction Methodology Report demonstrating that the proposed construction method including any excavation and the configuration of the built structures will have no adverse impact on any surrounding property and infrastructure.

The report must be submitted with the application for a Construction Certificate and must include an investigation to determine the design parameters appropriate to the specific development and site. This would typically include;

(a) the location and level of nearby foundations and footings (site and neighbouring);
(b) proposed method of excavation;
(c) Permanent and temporary support measures for excavation;
(d) Potential settlements affecting footings and foundations;
(e) Ground water levels (if any);
(f) Batter slopes;
(g) Potential vibration cause by method of excavation; and
(h) De-watering including seepage and off site disposal rate (if any).
Excavation, retention, underpinning and construction must be undertaken onsite by an excavation contractor with specialist excavation experience. A suitably qualified geotechnical engineer, specialising in excavation must supervise the excavation procedure.

37. The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

38. Certification of the structural adequacy of the sign shall be prepared by a suitably qualified person and submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate.

Building Matters

39. Identification numbers are to be clearly displayed at the front of the premises and be easily visible from the street.

40. Where building intruder alarms are installed in the building they shall be fitted with an automated “cut-off” timing device and operated as per the Protection of the Environment Operations (Noise Control) Regulation 2008.

Sustainability

41. Water collected in the rainwater tank must be roof water only and not surface water. Water from the rainwater tank must only be used for following purposes and not for human consumption:
   (a) Toilet flushing;
   (b) Clothes washing;
   (c) Garden irrigation;
   (d) Car washing and similar outdoor uses;
   (e) Filling swimming pools, spa pools and ornamental ponds; and
   (f) Fire fighting.

Demolition

42. Demolition shall be carried out in accordance with Australian Standard 2601 - ‘The demolition of structures’ or any subsequent standard and the relevant legislation.

43. The demolition of the building shall be carried out by a licensed demolition contractor. A copy of the licence shall be submitted to Council and the Principal Certifying Authority prior to any work commencing on site.

44. Details demonstrating that excavated and demolished materials including asbestos-based materials will be disposed of at an approved site shall be submitted to the Principal Certifying Authority prior to any work commencing on site.

45. The cleared ground surface of the site shall be suitably stabilised to prevent the generation of dust and the erosion of soil on the site.
Swimming Pool

46. The swimming pool shall be provided with safety fencing as required by the Swimming Pool Act, 1992 and in accordance with Australian Standard 1926.1-1993 or any subsequent standard and comply with the following:
   (a) Any discharge of water from the pool shall be drained to the sewer in accordance with the requirements of Sydney Water.
   (b) Vertical depth markers shall be permanently fitted so as to be clearly visible at the deep and shallow ends of the pool.
   (c) A weatherproof resuscitation poster (similar to those by the Royal Life Saving Society) shall be displayed in a prominent location adjacent to the pool prior to the pool being filled with water.

   Note: Resuscitation posters can be purchased from Council’s Customer Service Centre.

47. A permit shall be obtained from Sydney Water prior to the filling of the swimming pool.

Waste Management

48. Full compliance must be given to the endorsed Waste Management Plan submitted for the proposed development. Copies of any weighbridge receipts from all approved waste disposal facilities shall be retained for presentation to the Principal Certifying Authority upon request.
## LIST OF ATTACHMENTS

1. Notification Map

2. Site plans and elevations.


ATTACHMENT 1
Notification Map

Note: Maps are not to scale
ATTACHMENT 2
Mr C Khoury  
CK Design  
19 Daisy Street  
Greystanes NSW 2145

12th February 2014

Dear Chris,

RE: Development Application with Strathfield Council at 19 Boden Avenue,  
Strathfield – The Site in DA 2013/086

1. Background

A development application has been lodged with Strathfield Council to demolish  
eexisting and construct a new two storey dwelling with basement, in-ground pool and  
front fence. Council have requested additional information in their letter dated  
8.7.2013.

We have conducted a site inspection and Visual Tree Assessment (VTA)1 of one (1)  
trees located on Site at Strathfield on 31st January 2014.

The following documents have been reviewed:

- Landscape plans by RFA Landscape Architects dated 13.6.13;
- Architectural plans by CK Design dated May 2013
- Letter from Ms S Olsen Planning Officer, Strathfield Council dated 8.7.2013;
- Site Survey by Hill & Blume dated 10.7.12;
- Strathfield Council Tree Preservation Order (TPO); &
- Australian Standard AS 4970 2009 Protection of trees on development sites.

Our report will answer the concerns of Strathfield Council.

2. Methodology

All site photographs were taken by the author at the site. All photographs were taken  
using a digital camera (Canon 600D) with no image enhancement either within the  
camera or on computer.

The subject trees were located on a copy of the Site Survey showing boundaries,  
relative heights & physical features and by physical measurements on site by Jacksons  
Nature Works staff.

The trees were identified and their genus species and common name used. The trees were identified by the use of data collected and compared to G Burnie, S Forrester et al (1997) Botanica Random House, Milsons Point, NSW Australia.

DBH: The Trunk Diameter at Breast Height (1.4 metres above ground level) in centre metres was measured over bark using a metal tape which automatically converts to diameter and assumes a circular trunk cross section.

Height: Estimated overall height in metres.

Spread: Measured with a metal tape in metres and rounded to 0.1 of a metre.

Safe Useful Life Expectancy (SULE): A systematic pre-development tree assessment procedure developed by Jeremy Barrell, Hampshire, England. It gives a length of time that the Arborist feels a particular tree can be retained with an acceptable level of risk based on the information available at the time of the inspection. SULE ratings are Long (retainable for 40 years or more with an acceptable level of risk), Medium, (retainable for 16 ÷ 39 years), Short (retainable for 5 ÷ 15 years) and Removal (tree requiring immediate removal due to imminent hazard or absolute unsuitability).

Tree Protection Zone (TPZ) radius is calculated for each tree by multiplying its DBH x 12. Where DBH is the trunk diameter measured at 1.4 m above ground and radius is measured from the centre of the stem at ground level. The TPZ is a combination of the root area and crown area requiring protection from construction disturbance.

Structural Root Zone (SRZ) radius is calculated for each tree as:

\[ SRZ = (DBH \times 50)^{0.42} \times 0.64 \]

3. Observations

3.1 Tree 1 Cinnamomum camphora (Camphor Laurel)

This is a mature specimen of approximately 20 metres in height and 15 / 9 metre canopy spread (E/W) with a trunk Diameter measured at Breast Height (DBH) of 1230mm.

This tree exhibits a single trunk to 1.4m with a canopy orientation in an East West spread with a bias to the South. The majority of the trunk is on Site with surface roots radiating out from the trunk on Site and in the neighbour's property. It shows fair health with a thinning canopy density. There is dieback of the outer twigs and small branches refer plate 1.

There are a number of branches with poor angle with areas of bark bulging, known as included bark refer plate 1.

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A dead branch stub was seen at approx 1.5m. Within this stub we located evidence of termite activity. We also note the existing detached garage has/is being attacked by termites.

Plate 1

Photo of tree 1 showing outer deadwood, thinning canopy density & bulging bark

Plate 2

Photo of dead branch with termites ñ note surface roots
4. Discussions

We agree with Council that trees contribute to the natural resource and contribute to the amenity and character of Strathfield Municipality.

Under the Tree Preservation Order (TPO) a tree having a height greater than four (4) metres or a girth greater than half (0.5) metre measured at a point one metre above ground level are covered by this order, except with written consent of the Council. Therefore this Camphor laurel is covered by TPO.

We have calculated the Tree Protection Zone (TPZ) & Structural Root Zone (SRZ) as prescribed by AS 4970 – 2009 in Section 3 i.e.:

a. \[ TPZ = DBH \times 12 \times 1230 \text{mm} \times 12 = 14.76 \text{m radius} \]
b. \[ SRZ = (DBH \times 50)^{0.42} \times 0.64 - (1230 \times 50)^{0.42} \times 0.64 = 3.6 \text{m radius} \]

NB. To demonstrate the extent of the TPZ and the SRZ please refer to Annexure A – Tree location plan.

The proposed structures are within both the TPZ and SRZ of this tree – the extent of encroachment is over 20% of the TPZ. Where there is an encroachment greater than 10% of the TPZ the project arborist need to demonstrate that the tree will remain viable and stable by careful examination which can include root mapping.

We have examined this tree and can indicate the following issues:

a. The dead branch stub at 1.4m has active termites. The flutes of the termites extend towards the heartwood of the main trunk. In itself the trunk appears to be stable but the presence of termites indicates there can be a loss of internal structural strength. At this stage this feature is not considered a significant issue.

b. There is also decomposed material within the dead branch stub which can be found within the cavity of this stub. Again this feature exacerbates the rate of decay within the heartwood as the retention of moisture aides decay;

c. A close examination of the canopy revealed extensive die-back of twigs and small branches. The loss of these branches is considered to be the result of environmental factors i.e. the ongoing drought in Sydney. A tree of this size can survive for a number of years in lean periods of drought by drawing on stored starch in its branches, trunk and large roots. However as these reserves decline it compensates by reducing the area of leaf cover. But this is a spiral of decline – less leaves means less photosynthesis, means less food production, then less root growth leading to decline;

d. As well as the dieback of the small twigs and branches the density of the foliage is considered to be thinning. Again this is symptomatic of a tree under stress;

e. There is also epicormic regrowth scattered around the canopy. The extent is assessed as less than 5%. This is another feature that indicates this tree is under stress.

f. This tree has at least three observable branches with poor fork structure and having bark ridges between the branches. This is called “included bark” and is well known as a structural weakness as the branches are not able form strong unions. Two of these structures are located over the proposed dwelling and in particular the swimming pool. Should failure occur the potential for injury is assessed as high as the size, length and height these branches will fall is over 8m.
We acknowledge these branches could be removed. However their loss will only exacerbate the already poor condition due to the loss of branches and foliage.

The combination of the features ā–g would support and indicate this tree is in a declining condition. To consider its retention would only be delaying an eventual removal.

Therefore to redesign the swimming pool and outdoor living to retain this tree is not supported as identified above to comply with AS 4970–2009.

We observed that a number of branches have been pruned from the lower canopy of this tree. Apparently these branches have failed in strong winds and rain. The tenant cut the hanging branches to ensure the safety of their children as their play area is under the canopy of this tree. This would account for the loss of lower branches.

Approximately 10% of the trunk is located across the common boundary with 17 Boden Av. In addition the canopy extends over 2/3rds of the private open space.

I have also been supplied with a letter from the managing agent (R&W Strathfield) of the adjoining property at 17 Boden Avenue, Strathfield copy attached. In this letter the agent identified a number of issues:

  a. Fallen branches ĭ (safety issues);
  b. Sewer blockages occurring at least once a year ĭ (maintenance issue);
  c. The roots have lifted the ground in the back yard ĭ (a trip hazard);
  d. Roots affecting the house.

Therefore we can confirm point ā and ĉ as we examined the area over the fence.

It would appear this tree is causing considerable ĭngst to the owners of 17 Boden Avenue property. They strongly support the removal of this tree.

Our observations and discussions have concluded this tree has structural issues, doubtful health and vigour and causing considerable problems with the adjoining property. Therefore we consider its removal is justified and quantified.

We have been supplied with a copy of the proposed landscape plan by RFA Landscape Architects which incorporates the use of:

  1. One Lagerstroemia indica (Crepe Myrtle) in 35 litre bag;
  2. Three Pyrus calleryana “Bradford” (Manchurian Pear) in 35 litre bags;
  3. One Tristaniopsis laurina ‘Luscious’ (Water Gum) in 35 litre bags.

These trees will assist in maintaining the environment at this site. However there is ample space to incorporate at least two canopy trees in the rear set back that will compensate for the loss of the Camphor laurel.

We suggest the canopy trees be selected from species that are found in the Strathfield Municipality e.g.

  1. Eucalyptus paniculata (Grey Ironbark);
  2. Eucalyptus punctata (Grey Gum);
  3. Eucalyptus pilularis (Blackbutt);
  4. Eucalyptus salignus (Blue Gum).
5. Conclusions

Following our site inspection and observations we can advise:

1. The Camphor laurel tree is covered by Council's TPO;
2. The Camphor laurel is showing significant health and structural issues that warrant its removal rather than retention;
3. The removal of this tree is quantifiable and justified.

To compensate for the loss of this tree at least two canopy trees should be planted on Site.

Therefore the proposed design in DA 2013/086 does not require amendment with the removal of this tree.

6. RECOMMENDATIONS

In consideration of the data collected recommendations are provided for the removal or retention of trees including specific tree protection measures required to reduce the anticipated impacts from the proposed construction on those trees proposed to be retained.

The report specifically recommends:

a. The removal of Tree 1 Cinnamomum camphora (Camphor Laurel);
b. Approval to remove Tree 1 will need to be obtained from Strathfield Council as this tree is covered by their TPO;
c. Tree removal work shall be carried out by an experienced tree surgeon in accordance with NSW WorkCover Code of Practice for Amenity Tree Industry (1998);
d. At least two (2) canopy trees be planted on site in 45 litre bags. The trees can be selected from the following species:
   1. Eucalyptus paniculata (Grey Ironbark);
   2. Eucalyptus punctata (Grey Gum);
   3. Eucalyptus pilularis (Blackbutt);
   4. Eucalyptus salignus (Blue Gum);
e. Our tree location plan can be found on Annexure A.

Ross Jackson M.A.A. & M.A.I.H.
Registered Consulting Arborist Nos. 1695
Diploma Horticulture (Arboriculture) ï AQF Level 5
Certificate III in Horticulture
Certificate in Horticulture (Landscape ï Honours)
Annexure A: Tree location plan with TPZ & SRZ radii
11 October 2013

Dear Sir/Madam,

Removal of tree between 17 & 19 Boden Ave, Strathfield

As managing agents of 17 Boden Ave, Strathfield, I have discussed the removal of the tree that is between the two above mentioned properties with the owners (Betram & Rapti Canagasingham).

The owners have agreed for the tree to be removed for a number of reasons:

- Causes a possible safety issue as on windy days branches have fallen into the property, some big enough to cause injury.
- The roots of the tree have caused blockages to the sewerage of the property. This has been occurring at least once a year.
- Tree roots have lifted the ground in the back yard.
- Owner is worried that the roots may end up causing damage to the structure of the house.

Please note that Betram & Rapti Canagasingham totally support the removal of the tree and are hoping for council approval. The owner of 19 Boden Ave, Strathfield (Michael Scarfo) has offered to organize the removal of the tree and any filling of the ground from the tree removal to make ground level, and also to arrange for a new fence to be erected between the two properties. Please take this into consideration as the tree is a hazard.

Please let me know if you have any further questions.

Regards,
Richardson & Wrench Strathfield

[Signature]

FRANK MACRAS
Property Manager
12. GENERAL BUSINESS

OP5. Proposed Tree Removal – 19 Boden Avenue, Strathfield

249/13
RESOLVED: (McLucas/Datta)

That the existing Camphor Laurel tree located at the rear of the property and associated to Development Application 2013/086 at 19 Boden Avenue, Strathfield be retained.

Voting on this item was unanimous.
Report by Sven Mogensen, Tree Coordinator

RECOMMENDATION

That Council determine whether to remove or retain the existing tree associated to the DA2013/086 at 19 Boden Avenue Strathfield.

PURPOSE OF REPORT

To inform Council of discussions undertaken as part of DA2013/086 including the management/retention versus proposed removal of the existing established Cinnamomum camphora (Camphor Laurel), located at the rear of the property.

REPORT

The following provides a background to the subject Development Application and discussions with the applicant/owner in relation to non-compliances with Council’s Development Control Plan and the removal of the established tree.

The original application DA2013/086 was lodged with Council on 17 June 2013 and during the Notification Period, Council’s Tree Co-ordinator inspected the tree as part of the DA process. The Tree Co-ordinator’s assessment and referral was that an Arborist Report would be required to support the removal of the Camphor Laurel but that Council, as policy deems, would not support the removal of the healthy tree.

The tree is a mature Camphor Laurel with an approximate height of 20 metres and a canopy spread of 20m. Some unauthorised lopping had been undertaken on the northern side over the neighbour’s property (17 Boden Ave).

The tree is considered to have a very high landscape value and contributes to a high level of amenity within the surrounding streetscape (refer to image attached). A site inspection revealed that there were some Privet seedlings growing within a cavity of a branch stub suggesting that there may be further decay present. Notwithstanding, it is considered that this issue could be sufficiently resolved through the removal of this stub. Numerous bird species were observed within the canopy on the day.

Whilst it could be suggested that the tree may be entering the early stages of senescence due to minor deadwood and the presence of small leaves on some branches at the time of inspection, it was noted that the tree had begun to put on a significant amount of new growth signifying that the tree may live for many years. The Applicant’s consultant Arborist notes that the tree is of good vigour, fair condition and has a medium term life expectancy (15-40 years).

Upon receipt of the Arborist Report on 20 August 2013, Council’s Tree Coordinator, Manager, Community Lands and Services and the relevant Assessing Officer met with the owner on site to discuss the proposed tree removal and the justification provided within the Arborist Report.
The information in the Arborist report was and is still considered insufficient by Council to support removal of this significant tree. The applicant was advised on 2 September 2013 that Council recommended that a root mapping be undertaken to determine the true structural root zone with the view to redesigning the building works to ensure the tree and the amenity of the precinct be retained.

The property owner advised Council on 5 September 2013 that his Arborist had engaged a consultant to prepare a further report to confirm the structural integrity of the subject tree. To date Council has not been provided with the further report.

REFERRAL FROM OTHER DEPARTMENT

The Development Application was referred to Council’s Tree Coordinator, due to the request for removal of the established tree as per standard procedures for Development Assessment.

FINANCIAL IMPLICATIONS

There are no financial implications.

ATTACHMENTS

1. Arboricultural Impact Assessment prepared by Redgum Horticultural received by Council 20 August 2013.
2. Street photograph of premises and tree in background.

Report approved by:

<table>
<thead>
<tr>
<th>Jocelyn Palmer</th>
<th>Rob Bourke</th>
</tr>
</thead>
<tbody>
<tr>
<td>Manager Community Lands &amp; Services</td>
<td>Director Operations</td>
</tr>
</tbody>
</table>
SUMMARY

PROPERTY: 459-463 Liverpool Road, Strathfield
Lot 1 DP 515665, Lot Y DP440571 and Lot 5 DP536094

DA NO.: DA2013/206

APPLICATION TYPE: Mixed Use Development

REPORT BY: Sandhya Davidson – Planning Officer

RECOMMENDATION: REFUSAL

SUBMISSIONS: No written submissions were received.

ZONING: B2 – Mixed Use

DATE APPLICATION LODGED: 14 November 2013

APPLICANT: Omar-Abdul Rahman

OWNER: J Raheb, N Raheb, TKL Wong & JM Perira

INTRODUCTION

Approval is sought for the demolition of existing structures and construction of a five (5) storey mixed use development with three (3) studio units, four (4) x 1 bedroom units and (16) x 2 bedroom units with three (3) levels of basement carparking with associated landscaping and drainage works.

The proposal has undergone several amendments (as outlined in the background section of this report) despite which the overall desired design outcome has not been achieved. The proposed development is considered unacceptable for the following reasons:

- lack of deep soil landscaping;
- non-compliance with the number of carparking required onsite;
- external finishes remain inconsistent with the general streetscape; and
- the possibility of providing an access to the basement car parking via an existing Right of Carriageway (ROC) from Homebush Road remains largely unresolved.

A late submission outlining further changes was received by Council on 4 April 2014 which does not adequately address the issues of concern raised by Council relating to lack of deep soil landscaping and poor amenity to ground floor residential units, however, the amendments are not considered to be substantial and further modifications are required to address Council’s concerns. These revisions could be facilitated through submission of a review application or through the court given that the applicant lodged an Appeal on 26 March 2014 for deemed refusal with the first callover due on 23 April 2014.

Therefore, the proposal is recommended for refusal.
The subject site is located on the northern side of Liverpool Road. The site is described as being irregular in shape comprising of three separate lots, Lot 1 DP515665, Lot Y DP440571 and Lot 5 DP536094. The site has an overall width of 20m with a depth of 33.6m along the eastern side and 33.3m along the western side. The site has an overall area of 679.8m². There is a slight splay to the front boundary of the site. The site gently falls to the rear.

Existing onsite are three (3) individual developments described as shop top housing. Vehicular access to No. 463 Liverpool Road is via a Right of Way (ROC) from Homebush Road while there is no rear access to Nos. 459 and 461 Liverpool Road apart from a narrow pedestrian lane accessible from Liverpool Road.

To the south and west of the subject property are similar types of commercial and mixed use developments. The commercial precinct is in need of revitalisation. It is evident from recent approvals granted in the area, that the area is undergoing transformation from a relatively dated appearance to modern style architecture.

To the rear of the site of the subject site is a recently approved development currently under construction. Situated to the east are the grounds of Strathfield South Public School.
PROPOSAL

The application seeks Council approval for demolition of existing structures and construction of a five (5) storey mixed use development with three (3) studio units, four (4) x 1 bedroom units and (16) x 2 bedroom units with three (3) levels of basement carparking with associated landscaping and drainage works.

The elements of the proposal are:

- Demolition of existing structures and construction of a new five (5) storey mixed use development with three (3) studio units, four (4) x 1 bedroom units and (16) x 2 bedroom units with three (3) levels of basement carparking;
- Consolidation of three lots;
- Excavation for a three (3) levels of basement carparking to accommodate (32) car parking spaces;
- Associated landscaping and drainage works.

A site plan and elevations are attached (2).

BACKGROUND

The following background is applicable to the subject proposal:

14 November 2013 Proposal for the demolition of existing structures and construction of a five (5) storey mixed use development comprising (16) x 2 bedroom units, three (3) x 1 bedroom unit, four (4) studio apartments and three (3) commercial tenancies above three (3) levels of basement car parking with associated landscaping and drainage works was submitted to Council.

26 November 2013 – 17 January 2014 The proposal was placed on neighbour notification. No written submissions were received.

17 December 2013 Meeting was held with the applicant to discuss preliminary concerns.

3 January 2014 A deferral letter was prepared outlining concerns regarding:
- Non-compliance with the minimum height requirement;
- Reduced side setback and nil boundary setback along the western boundary particularly towards the rear of the building. Concerns that four (4) units as opposed to three (3) had a single aspect;
- Deep soil landscaping - 17% deep soil landscaping proposed as opposed to 25%;
- Applicant was requested to provide vehicular access via the ROW accessible from Liverpool Road as opposed to access via Liverpool Road as currently proposed;
- Inconsistent streetscape;
- No communal open space for future residents at ground level;
• Inappropriate location of the bin holding room;
• Narrow and cumbersome corridor and foyer area; and
• Tokenistic nature of the commercial tenancies provided.

9 January 2014
Amended plans were submitted to Council

3 February 2014
Meeting was held with the applicant, planner, owner and Council officers to discuss design changes. Further design changes recommended:
• Changes to the entry foyer. Suggestions were made to widen the foyer creating the light well as focal point;
• Provide relocate the roof top communal area to the south towards Liverpool Road;
• Concerns were raised regarding the potential of officer areas to G01, G02 and G03 being used as additional bedroom.
• Further increase in deep soil landscaping;

4 February 2014
Two (2) design options were provided with different external finishes. Neither was considered acceptable.

12 February 2014
Amended Plans were submitted to Council. Amendments include:
• The overall height was reduced from 18.6 to 15.6m (sixth floor was deleted). This now complies with the 16m height requirement. The proposal provides an overall FSR of 2.6:1 (1,749.4m²) which achieves compliance with the required FSR of 3:1 (2,039m²);
• Rear setback was increased from 1.5m to 5.5m, no changes was made to the side setback;
• Internal layout of units 303 & 305 were changed to ensure their living room were orientated towards north and unit 404 was fitted with a skylight to overcome solar access concerns to single aspect units;
• Deep soil has been increased from 30m² to 70m². This still remains contrary to the required 170m²;
• Office areas were provided separately with separate access; and
• Inconsistent external finishes.

4 April 2014
Further amended plans were submitted demonstrating the following changes:
• Residential units have been removed at ground floor level to include commercial tenancies only thus proposing three (3) studio units, one (1) x 1 bedroom units and (16) x 2 bedroom units with three (3) levels of basement carparking to accommodate (31) cars;
• While the carparking requirements has changed from (40) to (39) spaces due to the reconfiguration of the ground floor layout for the proposal development, parking remains
deficient by eight (8) spaces; and
• Deep soils landscaping onsite has been increased from 12% (70m²) to 16% (110m²) (note that the RFDC requires 25% (170m²) of open space to be deep soil landscaping).

ASSESSMENT - Pursuant to Section 79C of the Environmental Planning and Assessment Act, 1979

The application has been assessed pursuant to the heads of consideration of Section 79C of the Environmental Planning and Assessment Act and the relevant matters described in Sub-section (1)(a), (b), (c), (d) and (e) of Section 79C have been considered within this report.

(a) (i) Environmental Planning Instruments:

The subject application has been assessed pursuant to the following Environmental Planning Instruments:

• State Environmental Planning Policy No. 55 – Remediation of Land;
• State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004;
• State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Buildings:
  i) Design Quality Principles; and
  ii) Residential Flat Design Code.
• Strathfield Local Environmental Plan 2012(SLEP 2012); and

State Environmental Planning Policy No. 55 – Remediation of Land

State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55) requires Council to consider whether the site is suitable in its current state, contaminated state or following the completion of remediation works for the purposes for which development consent is being sought.

Council records indicate that Nos. 459, 461 and 463 Liverpool Road, Strathfield has been historically used for commercial purposes.

It is further noted that the site is not located in an area of investigation under Part K of the Strathfield Consolidated DCP 2005 (SCDCP 2005) which identifies past known landfill and potentially contaminated sites in the Strathfield local government area. Accordingly, based on the continued use of the site for residential purposes, there does not appear to be a need for further investigation of the site.

State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Buildings

State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Buildings (SEPP 65) aims to improve the design quality of residential flat development in New South Wales. The SEPP requires Council in determining development applications for residential flat buildings to take into consideration the advice of a Design Review Panel, the design quality of the proposal when evaluated against the ten (10) design quality principles in the SEPP and the ‘rules of thumb’ controls of the Residential Flat Design Code.
The proposal is assessed against the (10) design quality principles and the Residential Flat Design Code as follows:

<table>
<thead>
<tr>
<th>Planning Design Principle</th>
<th>Requirement</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Context</td>
<td>Good design responds and contributes to its context. Context can be defined as the key natural and built features of an area. Responding to context involves identifying the desirable elements of a location’s current character or, in the case of precincts undergoing a transition, the desired future character as stated in planning and design policies. New buildings will thereby contribute to the quality and identity of the area.</td>
<td>The proposed development seeks to vary controls relating to carparking and deep soil zones. While the proposal complies with the height and FSR standards under the SLEP 2012, it is considered an overdevelopment of a relatively small site given considerable modifications will be required to achieve compliance with the above controls and development quality that is desirable. Further, the proposed external finishes do not integrate well with the existing or the desired future character of the precinct. The proposed development is therefore considered inappropriate for the context of the site and detracts from the desired quality of development envisaged from the precinct.</td>
</tr>
<tr>
<td>2. Scale</td>
<td>Good design provides an appropriate scale in terms of the bulk and height that suits the scale of the street and the surrounding buildings. Establishing an appropriate scale requires a considered response to the scale of existing development. In precincts undergoing a transition, proposed bulk and height needs to achieve the scale identified for the desired future character of the area.</td>
<td>The proposed development provides a FSR of 2.6:1 (1,749.4m²) and an overall height of 15.6m which are within the maximum allowable requirement of SLEP. While the proposed development presents an acceptable scale when viewed from the street, the various non-compliances demonstrates that the development does not respond well to the context of the site and ignores the provisions that would improve the quality of life for the future residents.</td>
</tr>
<tr>
<td>3. Built Form</td>
<td>Good design achieves an appropriate built form for a site and the building’s purpose, in terms of building alignments, proportions, building type and the manipulation of building elements. Appropriate built form defines the public domain, contributes to the character of streetscapes and parks, including their views and vistas, and provides internal amenity and outlook.</td>
<td>The shortfall in deep soil landscaping and carparking onsite demonstrates that the proposed development exceeds building density suitable for the subject site. In addition, the combination of external materials and finishes are inconsistent with the existing character of the streetscape.</td>
</tr>
<tr>
<td>4. Density</td>
<td>Good design has a density appropriate for a site and its context, in terms of floor space yields (or number of units</td>
<td>The proposal complies with the numerical requirements of Clause 4.4 and the associated maps of the SLEP 2012 which</td>
</tr>
<tr>
<td>Item 3</td>
<td>DA2013/206 – 459-463 Liverpool Road, Strathfield</td>
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<tr>
<td><strong>3.7</strong></td>
<td>or residents). Appropriate densities are sustainable and consistent with the existing density in an area or, in precincts undergoing a transition, are consistent with the stated desired future density. Sustainable densities respond to the regional context, availability of infrastructure, public transport, community facilities and environmental quality.</td>
<td></td>
</tr>
<tr>
<td><strong>5. Resource, energy and water efficiency</strong></td>
<td>Good design makes efficient use of natural resources, energy and water throughout its full life cycle, including construction. Sustainability is integral to the design process. Aspects include demolition of existing structures, recycling of materials, selection of appropriate and sustainable materials, adaptability and reuse of buildings, layouts and built form, passive solar design principles, efficient appliances and mechanical services, soil zones for vegetation and reuse of water. The proposed layout of the residential units could be better reconfigured to maximise solar access and natural ventilation and overall improved amenity for the future residents. The design should take into consideration the potential bulk and scale of any future developments on adjoining properties.</td>
<td></td>
</tr>
<tr>
<td><strong>6. Landscape</strong></td>
<td>Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in greater aesthetic quality and amenity for both occupants and the adjoining public domain. Landscape design builds on the existing site’s natural and cultural features in responsible and creative ways. It enhances the development’s natural environmental performance by coordinating water and soil management, solar access, micro-climate, tree canopy and habitat values. It contributes to the positive image and contextual fit of development through respect for streetscape and neighbourhood character, or desired future character. Landscape design should optimize useability, privacy and social opportunity, equitable access and respect for neighbours’ amenity, and provide for practical establishment and long term management. While the proposed development provides reasonable levels of open space, it fails to achieve quality deep soil landscaping under the RFDC. Particularly given the location of the subject site, within a commercial precinct, it is essential to maintain high levels of quality open space onsite with reasonable levels of deep soil planting to compensate for the dense built form of the locality to offer high level of amenity for the future residents.</td>
<td></td>
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</table>
PLANNING COMMITTEE MEETING – 15 APRIL 2014
ITEM 3. DA2013/206 – 459-463 LIVERPOOL ROAD, STRATHFIELD

| 7. Amenity | Good design provides amenity through the physical, spatial and environmental quality of a development. Optimising amenity requires appropriate room dimensions and shapes, access to sunlight, natural ventilation, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts and service areas, outlook and ease of access for all age groups and degrees of mobility. | The development neglects to provide quality landscaping and adequate parking onsite. Allowance for such provisions to improve amenity for the future residents would require significant design changes through reduction in building density. |
| 8. Safety and Security | Good design optimises safety and security, both internal to the development and for the public domain. This is achieved by maximising overlooking of public and communal spaces while maintaining internal privacy, avoiding dark and non-visible areas, maximising activity on streets, providing clear, safe access points, providing quality public spaces that cater for desired recreational uses, providing lighting appropriate to the location and desired activities, and clear definition between public and private space. | The proposed development has been designed to promote safety, both internally and externally. The proposed commercial tenancies fronting Liverpool Road will encourage passive surveillance to optimise safety within the street front. The building has been design to include separate residential and commercial entries. While pedestrian access is considered appropriately via Liverpool Road frontage, relocation of vehicular access along the Homebush Road is encouraged to minimise disruption and traffic flow on Liverpool Road. |
| 9. Social Dimensions | Good design responds to the social context and needs of the local community in terms of lifestyles, affordability, and access to social facilities. New developments should optimise the provision of housing to suit the social mix and needs in the neighbourhood or, in the case of precincts undergoing transition, provide for the desired future community. New developments should address housing affordability by optimising the provision of economic housing choices and providing a mix of housing types to cater for different budgets and housing needs. | The proposed development provides a good mix of apartments and commercial tenancies to cater for varying budgets and needs of the community through provision of a variety of housing style within a precinct that is undergoing transition. |
| 10. Aesthetics | Quality aesthetics require the appropriate composition of building elements, textures, materials and colours and reflect the use, internal design and structure of the development. Aesthetics should respond to the environment and context, particularly As discussed throughout this report, the proposed use of materials and finishes are not consistent with the future desired character of the locality. Despite several changes to the external finishes and materials, the proposed architectural treatment remains disconnected from the surrounding |
Residential Flat Design Code

The following table provides an assessment of the proposed development against the Residential Flat Design Code in accordance with the requirements of State Environmental Planning Policy No. 65 – Residential Flat Development.

<table>
<thead>
<tr>
<th>Development Standard</th>
<th>Required</th>
<th>Proposed</th>
<th>Compliance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Building Depth</td>
<td>Max 10m – 18m</td>
<td>10m-27.3m</td>
<td>No, the proposed development exceeds the building footprint and is adding to lack of landscaping onsite.</td>
</tr>
<tr>
<td>Building Separation</td>
<td>12m</td>
<td>W: Nil</td>
<td>E: 11m</td>
</tr>
<tr>
<td>Street Setbacks</td>
<td>Consistent with existing</td>
<td>Nil, consistent with the nil boundary setback within the commercial precinct.</td>
<td>Yes</td>
</tr>
<tr>
<td>Side and Rear Setbacks</td>
<td>Consistent with existing streetscape patterns</td>
<td>Side Setback: E: Nil W: Nil Rear: 5.4m</td>
<td>Yes, the rear setback area provides adequate separation between buildings to preserve the privacy of the subject and the adjoining property. The rear setback area allows reasonable areas of private open space and opportunity for deep soil planting.</td>
</tr>
<tr>
<td>Deep Soil Zones</td>
<td>Min 25% (170m²) of open space</td>
<td>Open Space = 582m² (85.6% of the site).</td>
<td>Yes</td>
</tr>
<tr>
<td>Development Standard</td>
<td>Required</td>
<td>Proposed</td>
<td>Compliance</td>
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<tr>
<td>Deep Soil = 70m² (12% of open space).</td>
<td>No, refer to discussion in the Likely Impacts section of the report.</td>
<td></td>
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</tr>
<tr>
<td>Landscape Design</td>
<td>Improve amenity, streetscape and energy efficiency</td>
<td>The proposed design has undergone a number of modifications however all attempts have failed to provide an improved landscaping onsite.</td>
<td>No, refer to discussion in the Likely Impacts section of the report.</td>
</tr>
<tr>
<td>Open Space</td>
<td>Between 20-30% of site area</td>
<td>Open Space = 582m² (85.6% of the site) All proposed private open spaces provided at ground level exceed 25m² with minimum 4m dimension.</td>
<td>Yes Yes</td>
</tr>
<tr>
<td>Building Entry</td>
<td>Provide physical and visual connection between building and street Provide safe entrance Provide equitable entrance</td>
<td>The proposed development does not provide an identifiable main entrance that addresses the street. It is considered that a safer entrance could be provided from Homebush Road through the use of the existing ROC. Entries and associated circulation space have been design to allow movement of furniture between public and private spaces. Separate access is has been provided for pedestrians and vehicles.</td>
<td>No No Yes</td>
</tr>
<tr>
<td>Parking</td>
<td>Provide underground car parking Provide bicycle parking</td>
<td>Three (3) levels of basement car parking has been provided with car parking spaces for (32) cars as opposed to (40) spaces that is required. Bicycles racks have been provided within the basement which is easily accessible.</td>
<td>No Yes</td>
</tr>
<tr>
<td>Pedestrian Access</td>
<td>Barrier free access to at least 20% of dwellings</td>
<td>The proposed development is disconnected to the street with no clearly identifiable</td>
<td>No</td>
</tr>
<tr>
<td>Development Standard</td>
<td>Required</td>
<td>Proposed</td>
<td>Compliance</td>
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<td></td>
<td>access ways to the main entrance and lift for residents and future patrons of the commercial suites and does not provide suitable barrier free facilities for people with disabilities.</td>
<td>7.0m, the additional width of the driveway provides for a waiting bay area. The excessive width of the driveway including the parking bay dominates the front facade and therefore detracts from the desires design outcome.</td>
<td>No, refer to discussion in the Likely Impacts section of the report</td>
</tr>
<tr>
<td></td>
<td>Vehicle Access</td>
<td>Max width of driveway is 6m</td>
<td>7.0m, the additional width of the driveway provides for a waiting bay area. The excessive width of the driveway including the parking bay dominates the front facade and therefore detracts from the desires design outcome.</td>
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<tr>
<td></td>
<td>Located vehicle entry away from pedestrian entry</td>
<td>7.0m, the additional width of the driveway provides for a waiting bay area. The excessive width of the driveway including the parking bay dominates the front facade and therefore detracts from the desires design outcome.</td>
<td>No</td>
</tr>
<tr>
<td></td>
<td>Apartment Layout</td>
<td>Single aspect max depth is 8m</td>
<td>All single-aspect apartments are limited in depth to 8 metres from a window. The proposal satisfies this requirement.</td>
</tr>
<tr>
<td></td>
<td>Width of cross-over or cross-through apartments over 15m, should be min. 4m deep</td>
<td>Width of cross-over or cross-through apartments over 15m, should be min. 4m deep</td>
<td>Yes</td>
</tr>
<tr>
<td></td>
<td>Min apartment size:</td>
<td>Studio: 38.5 m² 1 bed – 50 m² 2 bed – 70 m²</td>
<td>Studio: 53-56m² 1 bed: 41m² 2 bed: 72m² – 86m²</td>
</tr>
<tr>
<td></td>
<td>Apartment Mix</td>
<td>Provide an apartment mix</td>
<td>Studio: three (3) units 1 bed: four (4) units 2 bed: (16) units</td>
</tr>
<tr>
<td></td>
<td>Building Configuration</td>
<td>Balconies have a minimum depth of 2m</td>
<td>All proposed balconies achieve a minimum depth of 2.0m. Ceiling heights of all habitable and non-habitable rooms are 2.7m.</td>
</tr>
</tbody>
</table>
### Development Standard

<table>
<thead>
<tr>
<th>Required</th>
<th>Proposed</th>
<th>Compliance</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 bed – 6m³</td>
<td>An adequate storage space has been provided for each unit in the form of storage within the basement or cupboard space.</td>
<td>Yes</td>
</tr>
<tr>
<td>2 bed – 8m³</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3+ bed – 10m³</td>
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</tr>
</tbody>
</table>

**Acoustic Privacy**

| Like rooms together          | The proposed units have been design to encourage placement of like rooms together. | Acceptable |

**Daylight Access**

| 70% of units to receive 3 hours of daylight between 9am – 3pm | 17 out of 23 (74%) residential units will receive 3 hours of daylight between 9am – 3pm during the midwinter solstice. | Yes        |
| Single-aspect apartments with a southerly aspect (SW-SE) must be limited to 10% of total (3 Units). | Four (4) single-aspect units have been proposed to have a southerly aspect (SW-SE) however the large door openings and reasonably size balconies have been placed along the southern elevation to maximise daylight. | No         |

**Natural Ventilation**

| 60% of units to be naturally cross ventilated | 16 out of 23 (70%) residential units will be naturally cross ventilated. | Yes        |

### BASIX

In accordance with the BASIX SEPP all new housing in NSW is required to meet a designated target for energy and water reduction.

A BASIX Certificate was submitted with the application which indicates that the proposal meets the required reduction targets and an appropriate condition of consent will be imposed to ensure future compliance with these targets.

### Strathfield Local Environmental Plan 2012

The site is zoned B4 – Mixed Use under the Strathfield Local Environmental Plan (SLEP) 2012 wherein development for the purposes of commercial premises and Residential Flat Buildings (RFB) are permissible with Council consent.

The proposal has also been assessed against the following standards specified in the SLEP 2012:

<table>
<thead>
<tr>
<th>Clause</th>
<th>Max. Height of Buildings</th>
<th>Proposed</th>
<th>Compliance</th>
</tr>
</thead>
<tbody>
<tr>
<td>cl. 4.3 (2)</td>
<td>16m</td>
<td>15.6m</td>
<td>Yes</td>
</tr>
<tr>
<td>cl. 4.4</td>
<td>Max. Floor Space Ratio</td>
<td>3:1 (2,039m²)</td>
<td>2.6:1(1,749.4m²)</td>
</tr>
</tbody>
</table>
The subject site is identified as having Class 5 soils and is located within 500m of Class 4 soils. The Preliminary Geotechnical Investigation prepared by geo-environmental Engineering submitted as part of this development application state that the proposal is unlikely to result in the lowering of the groundwater in the area or the exposure of Acid Sulfate Soil and therefore a preparation of an Acid Sulfate Soils Management Plan is not required.

Overall, the proposed development has been considered with respect to the relevant Clauses of the SLEP 2012 and is satisfactory.

Section 94 Contributions

As the application is recommended for refusal it is not necessary to propose conditions of consent with respect to s.94 contributions.

(iii) Development Control Plans:


<table>
<thead>
<tr>
<th>Section</th>
<th>Development Control</th>
<th>Required</th>
<th>Proposal</th>
<th>Compliance</th>
</tr>
</thead>
</table>
| 3.1.2   | Residential Parking | 1 bedroom: 1 space x 4 units = four (4) spaces  
2 bedroom: 1.5 space x 16 units = (24) spaces  
Studio Apartments: 1 spaces x 3 unit = three (3) spaces | Car parking spaces proposed: (32)  
The proposal fails to provide adequate parking for visitors and commercial tenancies. | No, refer to discussion in the Likely Impacts section of the report. |
|         | Visitor Parking     | 1 space per five (5) units = 23 ÷ 5 = 4.6 (5) spaces required |          |            |
| 3.3.1   | Commercial Tenancy  | 1 space per 40m² of Gross Leasable Area (GLA)  
131.6m² GLA = 3.2 (4) spaces. | (40) carparking spaces is required for the proposed development |            |

Part H – ‘Waste Management’ of the Strathfield Consolidated Development Control Plan (DCP) 2005

The proposed waste management plan submitted with the application indicates that all general and recycle waste will be collected on site by a private contractor.

The proposed waste management plan does not adequately address disposal of waste generated as a result of construction works. The proposed development would require
an amended Waste Management Plan prepared in accordance with Part H of the SCDCP 2005 to be submitted which has not been provided.

(iv) Matters Prescribed by the Regulations

Clause 92 of the Environmental Planning and Assessment Regulation requires Council to take into consideration the provisions of the Government Coastal Policy and the relevant Australian Standard for the demolition of buildings in the determination of a development application.

Having regard to these prescribed matters, the proposed development is not located on land subject to the Government Coastal Policy as determined by Clause 92 (1) (a) (i) however does involve the demolition of a building for the purposes of Australian Standard (AS) 2601 – 1991: The Demolition of Structures.

(v) Any Coastal Zone Management Plan:

The NSW Government projects sea levels to rise by 40cm in 2050 and by 90cm in 2100 above the relative mean sea level in 1990. These planning benchmarks are to be considered in the assessment of development applications through the applicable coastal zone management plan or alternatively the provisions of the NSW Coastal Planning Guideline: Adapting to Sea Level Rise.

Although Council is not subject to a coastal zone management plan, the sea level rise planning benchmarks have also been established in order to assess the likely increase in the frequency, duration and height of flooding and as a consequence likely property and infrastructure damage on affected and potentially affected land. Council is therefore required to consider the impact of sea level rise and resultant flooding from Powell’s Creek and Cook’s River which are tributaries of Sydney Harbour (Parramatta River) and Botany Bay respectively.

The proposed development is located on a site that is not subject to flooding attributed to either Powell’s Creek or Cook’s River and is therefore not required to be considered under the provisions of the NSW Coastal Planning Guideline: Adapting to Sea Level Rise.

(b) Likely Impacts:

Deep Soil Landscaping

The proposal provides 12% (70m²) of deep soil zones, contrary to the requirement of the RFDC which stipulates deep soil zones within the site to be at least 25% (170m²) of the open space.

The primary reason for the proposed shortfall in deep soil landscaping is due to the extensive coverage of the basement level carpark which affords little opportunity for deep soil planting along the peripheries of the site. The trivial areas of deep soil zones provided as a result do not enable quality planting that would benefit the development.

In its current form the proposal fails to achieve spatial quality and generally relies upon existing and future landscaping of adjoining properties to justify the quality of its design. The subject development has been designed with a deep soil area only to the rear. This
area is allocated as private open spaces to the rear ground floor units and do not contribute to communal open space. Ideally deep soil zones should accommodate reasonable vegetation that aesthetically compliments the built form and provide communal amenity for the future residents.

Any improvements to the quantity or quality of deep soil zones will require significant design changes to reduce the extent of the footprint of the building as well as the coverage of the basement carparking. As is, the proposed development presents a shortfall in car parking spaces (as discussed above) therefore any further reduction in the size of the basement will inadvertently further reduce the number of car parking spaces on site. Therefore, while the proposed development is fully compliant with the height and FSR requirements of the SLEP 2012, in order to achieve compliance with the required number of car parking spaces and deep soil zones on site, consideration should be given to reducing the overall density of the development.

In essence, the proposed development can therefore be described as being an overdevelopment of the site.

Streetscape

The proposed development has undergone several amendments to address concerns raised regarding the proposed external materials and finishes. The final design consists of architectural treatments that are relatively modern comprising of elements such as zinc and timber cladding and rendered finishes with neutral tones.

Currently, the streetscape can be described as comprising of slightly dated shop-top housing with no consistency in style or character. The desired character of the locality supports more dense built form and seeks to achieve high quality urban form incorporating development that exhibit design excellence.

The proposed development whilst modern does not capture the desired quality of finishes that would be considered appropriate for the locality.

Carparking

The proposed development provides three (3) levels of basement car parking that accommodates (32) car parking spaces. In accordance with Section 2.9 of Part C – Multi-Unit Housing of the DCP, the proposed development would require (40) car parking spaces. Therefore the proposal has a shortfall of eight (8) parking spaces.

A development of this nature should achieve full compliance with the necessary requirements given the size of the land, its typography and its orientation. Compliance with Council’s requirements is also important given lack of on-street parking available in the immediate surrounds and therefore any departure from the DCP in relation to carparking is considered unacceptable given.

Access to Basement Carpark

The proposal seeks to provide access to the proposed basement carpark from Liverpool Road. The applicant initially provided that the site benefits from a Right of Way (ROW) accessible from Homebush Road. Recommendation was therefore made by Council Officers to provide vehicular access to the basement carpark via Homebush Road.
Access via Homebush Road would provide an improved design outcome enabling a building facade to positively address the street without the basement entry dominating the street front of the building. Further, redirecting traffic onto Homebush Road would minimise disruption and ease the flow of traffic on Liverpool Road.

The applicant later claimed that access from Homebush Road could not be achieved as only one (1) of the three (3) consolidated lots benefits from the ROW. However, no such documents have been provided to Council to substantiate this claim. It was further stated by the applicant that it would be highly unlikely that the owners of the adjoining properties would accept offers to allow the remaining lots to benefit from the ROW. To date the applicant has failed to provide any evidence to support these claims.

**Late Submission**

As previously mentioned, the applicant has provided a late submission which includes amended plans demonstrating change to the ground floor layout including replacement of three (3) x 1 bedroom units with three (3) of commercial tenancies. The amendments further demonstrate an increase in deep soil landscaping from 70m² to 110m² and reconfiguration of the basement carpark.

While these changes appear to facilitate some of Council’s concerns, the amendments are not considered substantial and will require further investigation and changes.

Given the late nature of the submission, a proper assessment of the modified design was not carried out.

**(c) Suitability of the Site:**

Whilst the proposed development presents a building which conforms to the scale and height as specified in the SLEP 2012, it seeks to vary a number of controls which results in a development that is undesirable within the context of its site.

In its current form the proposed development does not demonstrate compliance with the guidelines outlined in the RFDC and the SCDCP 2005, more specifically, lack of car parking on site, deficiency in deep soil landscaped areas and inconsistency with the general streetscape character. While there is potential for the proposed development to be modified to a quality that is suitable for the context of the subject site, these changes will require significant modification thus resulting in the reduction of the overall density of the development.

It is considered that the development as proposed will set an undesirable example of quality of development that is envisaged for the local area. As such, the proposed development is considered contextually unacceptable.

**(d) Submissions:**

The application and plans were notified in accordance with Part L of the Strathfield Consolidated DCP 2005 from 26 November 2013 to 17 January 2014. No written submissions were received.
Public Interest:

The public interest is best served by the consistent application of the requirements of the relevant Environmental Planning Instruments (EPI's) and by Council ensuring that any adverse effects on the surrounding properties and the environment are minimised.

The proposed development fails to satisfy these requirements therefore approval of the application is contrary to the public interest.

INTERNAL REFERRALS

The application was forwarded to the relevant Council Officers for comment.

Health and Building Officer:

The proposal was forwarded to Council’s Health and Building officers for comment who raised no objection subject to the imposition of suitable Conditions of Consent.

Development Engineer:

The proposal was reviewed by Councils Development Engineer who recommended that the applicant redesign the drainage system to comply with Strathfield Council’s Stormwater Management Code 1994 and the following issues be addressed:

- The onsite stormwater detention tank located under the driveway entry leading into the basement is the highest point of the site which will make it impossible to drain the whole site as proposed given that the finished floor level has been set at RL 31.76 AHD and the OSD has a top water level of 31.60 AHD (there is no sufficient freeboard and in the event the OSD is full it will surcharge out of the courtyards). The OSD design and location is considered unacceptable and non-compliant as the slope of the site is towards the rear; and

- There is no evidence of easement acceptance from the adjoining property owners. The applicant has proposed an easement design through the adjoining properties with no detailed calculations demonstrating that the easement has been designed for the 100 year storm. No junction pits have been designed in the event the piped easement blocks or surcharges.

CONCLUSION

The proposed development fails to achieve the relevant provisions and objectives of the planning principles outlined in SEPP 65, guidelines stipulated in the RFDC, SLEP 2012 and the SCDCP 2005.

It is considered that the proposed development is inconsistent with the general context in terms of overdevelopment of the site thus restricting available deep soil zones and the provisions of adequate car parking onsite.

The proposed external materials and finishes, whilst modern does not integrate harmoniously with the existing streetscape nor does it achieve the desired character envisaged for the commercial precinct.
The proposal in its current form is not considered appropriate for the site and is therefore recommended for refusal.

**RECOMMENDATION**

That DA2013/206 for the demolition of existing structures and construction of a five (5) storey mixed use development with three (3) studio units, four (4) x 1 bedroom units and (16) x 2 bedroom units with three (3) levels of basement carparking with associated landscaping and drainage works at 459-463 Liverpool Road, Strathfield be REFUSED subject to the following reasons:

**REASONS FOR REFUSAL**

1. The proposal fails to satisfy the objectives of Clause 1.2 (2) (a) of the Strathfield Local Environmental Plan 2012 which seek to ensure that new residential development is of a type, scale, height, bulk and character that is compatible with the particular streetscape characteristics of the area in which it is proposed. Contrary to Clause 1.2 (2)(a) the proposed development fails to achieve high quality urban form that exhibits design excellence and reflects the existing or desired future character of locality. (s.79C (1) (a) (i) of the Environmental Planning and Assessment Act 1979).

2. The proposed development is considered to be an overdevelopment of the site and therefore does not compliment the context of the site. This is contrary to the objectives of Design Principle No. 1 of the State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Buildings which stipulates good design responds and contributes to its site and its context. (s.79 C (1) (iii) (b) of the Environmental Planning and Assessment Act 1979).

3. The proposal fails to ensure that the development is of a density that is compatible with the modest nature of the site and is therefore contrary to the objectives of Design Principle No. 4 of the State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Buildings which stipulates good design has a density appropriate for its site and its context. (s.79 C (1) (iii) (b) of the Environmental Planning and Assessment Act 1979).

4. Contrary to Design Principle No. 6 of State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Buildings which stipulates that good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in greater aesthetic quality and amenity for both occupants and the adjoining public domain. The proposal fails achieve a good balance between built form and landscaped areas through lack deeps soil provisions. The proposal only provides 12% (70m²) of deep soil zones as compared to the required 25% (170m²) under the RFDC guidelines. (s.79 C (1) (iii) (b) of the Environmental Planning and Assessment Act 1979).

5. The amenity of the future residents is compromised due to lack of quality landscaping and car parking onsite. As such, the proposal does not achieve the objectives of Design Principle No. 7 of the State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Buildings which stipulates good design responds and contributes to its site and its context. (s.79 C (1) (iii) (b) of the Environmental Planning and Assessment Act 1979).
6. The applicant has failed to provide sufficient information in relation to the terms and conditions of the existing Right of Carriageway (ROW) affecting the site and clear evidence that the proposal cannot utilise this ROW for its carpark access. (s.79 C (1)(a)(iv) of the Environmental Planning and Assessment Act 1979).

7. The proposal fails to provide adequate car parking spaces on-site for the residents and visitors and is therefore contrary to Section 2.9 of Part C of the Strathfield Development Control Plan 2005 in that the proposal provides (32) car parking spaces as opposed to (40) spaces as required. (s.79 C (1) (iii) (b) of the Environmental Planning and Assessment Act 1979).

8. Insufficient information has been submitted with the amended submission and the application in general which has prevented a full and proper assessment of the proposal to be carried out. (s.79 C (1)(a)(iv) of the Environmental Planning and Assessment Act 1979).
LIST OF ATTACHMENTS

1. Notification Map

2. Site plans and elevations.
ATTACHMENT 1
ATTACHMENT 2
Report by David Backhouse, General Manager

RECOMMENDATION

That the Liveable Neighbourhoods Theme Delivery Program six-monthly progress report for July to December 2013 be noted.

PURPOSE OF REPORT

To report to Council the progress over the period July to December 2013 against the 2013-2017 Delivery Program and 2013-2014 Operational Plan for the Liveable Neighbourhoods Theme of the Community Strategic Plan.

REPORT

In accordance with the requirements of the NSW Division of Local Government’s Integrated Planning and Reporting guidelines and Section 404 of the Local Government Act, 1993 requires a progress report to be presented to Council on the principal activities in the Delivery Program every six months.

The Delivery Program and Operational Plan 2013-2017 commenced on 1 July 2013. The attached report covers the period July to December 2013.

These plans reflect the directions expressed by the community from extensive engagement and consultation in the development of the Strathfield Community Strategic Plan ‘Strathfield 2025’. The five principal themes are:

- Connectivity
- Community Wellbeing
- Prosperity and Opportunities
- Liveable Neighbourhoods
- Responsible Management

The Delivery Program contains four (4) year objectives against each of the five principal themes and the Operational Plan conveys yearly actions and key performance indicators to detail what Council intends on doing and how to measure its progress. The report indicates that Council is progressing well against its objectives with few delays in implementation of services and activities.

Variations to the Operational Plan

Since the Operational Plan commenced on 1 July 2013, the following activities or projects have been initiated which are additional to the Actions in the adopted Council Operational Plan for 2013/14.

<table>
<thead>
<tr>
<th>Action</th>
<th>Authority</th>
<th>Impact on operational plan activities</th>
<th>Area affected</th>
</tr>
</thead>
<tbody>
<tr>
<td>Korean Festival (Oct 2013)</td>
<td>Community Initiative</td>
<td>Additional staff workloads and costs including staff resources - liaison with organisers re event planning including approvals, community notifications</td>
<td>General Manager Office</td>
</tr>
</tbody>
</table>
## ITEM 4. DELIVERY PROGRAM AND OPERATIONAL PLAN
### SIX-MONTHLY PROGRESS REPORT

<table>
<thead>
<tr>
<th>Action</th>
<th>Authority</th>
<th>Impact on operational plan activities</th>
<th>Area affected</th>
</tr>
</thead>
<tbody>
<tr>
<td>Deepavali Festival (Oct 13)</td>
<td>Community Initiative</td>
<td>Additional staff workloads and costs including staff resources - liaison with organisers re event planning including approvals, community notifications</td>
<td>Communications</td>
</tr>
<tr>
<td>Christmas Lights competition (Dec 2014)</td>
<td>Council Initiative</td>
<td>Additional staff workloads and costs – preparation and release of materials to administer competition</td>
<td>General Manager Office</td>
</tr>
<tr>
<td>Korean Lunar New Year (Jan 2014)</td>
<td>Community Initiative</td>
<td>Additional staff workloads and costs - liaison with organisers re event planning including equipment hire</td>
<td>General Manager Office</td>
</tr>
<tr>
<td>Prepare Planning Proposal for 43 Mackenzie Street</td>
<td>Council Resolution 8 October 2013</td>
<td>Additional staff workload reduces time allocated to operational plan activities such as review of DCPs.</td>
<td>Strategic Planning</td>
</tr>
<tr>
<td>Prepare Planning Proposal for Enfield Intermodal Logistics Centre Community &amp; Ecological Area</td>
<td>Council Resolution 22 October 2013</td>
<td>Additional staff workload reduces time allocated to operational plan activities such as review of DCPs.</td>
<td>Strategic Planning</td>
</tr>
<tr>
<td>Representation and submissions associated with WestConnex Project</td>
<td>State Government Proposal</td>
<td>Additional staff workload reduces time allocated to operational plan activities such as review of DCPs.</td>
<td>Strategic Planning</td>
</tr>
<tr>
<td>Smallwood Avenue Zoning Land Owners Survey</td>
<td>Council Resolution 18 June 2013</td>
<td>Additional staff workload reduces time allocated to operational plan activities such as review of DCPs.</td>
<td>Strategic Planning</td>
</tr>
<tr>
<td>Coordinate Heritage assessment of Strathfield Synagogue</td>
<td>Council Resolution 9 April 2013</td>
<td>Additional staff workload reduces time allocated to operational plan activities such as review of DCPs.</td>
<td>Strategic Planning</td>
</tr>
<tr>
<td>Video conferencing and on-call video bookings</td>
<td>Grant received after 1 July 2013</td>
<td>Additional workloads to implement projects identified in the NBN funding deed totalling $411,000.</td>
<td>General Manager Office</td>
</tr>
<tr>
<td>Digital Economy Strategy</td>
<td>Strategy is being developed under NBN funding deed programs, which were granted after 1 July 2013</td>
<td>Additional workloads to develop Digital Economy Strategy in early 2014, funded under NBN funding deed.</td>
<td>General Manager Office Strategic Planning</td>
</tr>
<tr>
<td>Asset Management System</td>
<td>Acquisition of electronic system in response to recommendations from Council and external reports concerning asset management and long term financial planning</td>
<td>Additional workloads to identify and migrate data into new integrated asset management system.</td>
<td>General Manager Office Operations</td>
</tr>
</tbody>
</table>

### REFERRAL FROM OTHER DEPARTMENT

All Council departments, Directors and Managers were consulted in the production of this progress report.
FINANCIAL IMPLICATIONS

There are no financial implications.

ATTACHMENTS

1. Delivery Program and Operational Plan progress report – July to December 2013
ATTACHMENT 1
### SIX MONTHLY REPORT ON THE PROGRESS OF COUNCIL’S DELIVERY PROGRAM – JULY TO DECEMBER 2013

#### STRATHFIELD 2025 – THEME: LIVEABLE NEIGHBOURHOODS

<table>
<thead>
<tr>
<th>DELIVERY PROGRAM 2013-2017</th>
<th>OPERATIONAL PLAN 2012-2013</th>
<th>REPORTING JULY TO DECEMBER 2013</th>
<th>Responsibility</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Objective</strong></td>
<td><strong>Actions</strong></td>
<td><strong>Performance measures</strong></td>
<td><strong>Status</strong></td>
</tr>
<tr>
<td>Ensure Council plans and controls meet statutory requirements and community values</td>
<td>Make representations to State Government to NSW planning reforms and strategies</td>
<td>Representations made</td>
<td>Ongoing</td>
</tr>
<tr>
<td>Ensure Council plans and controls meet statutory requirements and community values</td>
<td>Implement changes required under NSW Planning reforms</td>
<td>As required, subject to release of directives from NSW Government</td>
<td>Ongoing</td>
</tr>
<tr>
<td>Ensure Council plans and controls meet statutory requirements and community values</td>
<td>Review Council planning controls to ensure compliance with State Government framework</td>
<td>Controls reviewed in accordance with State Government requirements</td>
<td>Ongoing</td>
</tr>
<tr>
<td>Ensure Council plans and controls meet statutory requirements and community values</td>
<td>Update Development Control Plan (DCP) to support Local Environmental Plan (LEP) 2012</td>
<td>Updated by June 2014</td>
<td>Ongoing</td>
</tr>
<tr>
<td>Ensure Council plans and controls meet statutory requirements and community values</td>
<td>Conduct engagement with community for review of DCP and changes to planning controls</td>
<td>As required</td>
<td>Ongoing</td>
</tr>
<tr>
<td>DELIVERY PROGRAM 2013-2017</td>
<td>OPERATIONAL PLAN 2012-2013</td>
<td>REPORTING JULY TO DECEMBER 2013</td>
<td>Responsibility</td>
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</tr>
<tr>
<td>Objective</td>
<td>Actions</td>
<td>Performance measures</td>
<td>Status</td>
</tr>
<tr>
<td>Maintain tree canopy</td>
<td>Maintain and regularly</td>
<td>Maintenance carried out in</td>
<td>Ongoing</td>
</tr>
<tr>
<td>coverage and biodiversity</td>
<td>prune park trees</td>
<td>accordance with Council's</td>
<td>Works undertaken as required. During the</td>
</tr>
<tr>
<td>in Strathfield</td>
<td></td>
<td>program</td>
<td>reporting period, tree pruning was</td>
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<tr>
<td></td>
<td></td>
<td></td>
<td>undertaken at Strathfield Park, Airey Park,</td>
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<td></td>
<td></td>
<td></td>
<td>Bark Huts, Bressington Park, Mason Park,</td>
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<td></td>
<td></td>
<td></td>
<td>Drew Street Reserve, Austin Park,</td>
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<td></td>
<td></td>
<td>Fitzgerald Park, Ford Park and Pilgrim Park.</td>
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<td></td>
<td></td>
<td></td>
<td>Root pruning undertaken in Strathfield Park.</td>
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<td></td>
<td>Community Lands &amp; Services</td>
</tr>
<tr>
<td>Maintain tree canopy</td>
<td>Service requests for</td>
<td>Response within 10 working</td>
<td>Ongoing</td>
</tr>
<tr>
<td>coverage and biodiversity</td>
<td>street trees</td>
<td>days</td>
<td>106 service requests were actioned from</td>
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<tr>
<td>in Strathfield</td>
<td></td>
<td></td>
<td>July to December 2013.</td>
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<td></td>
<td>Community Lands &amp; Services</td>
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<tr>
<td>Maintain tree canopy</td>
<td>Prune and maintain</td>
<td>Pruned in accordance with</td>
<td>Ongoing</td>
</tr>
<tr>
<td>coverage and biodiversity</td>
<td>street trees</td>
<td>program</td>
<td>Street trees inspected, pruned and</td>
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<tr>
<td>in Strathfield</td>
<td></td>
<td></td>
<td>maintained in accordance with scheduled</td>
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<td>programs.</td>
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<td>Community Lands &amp; Services</td>
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<tr>
<td>Maintain tree canopy</td>
<td>Monitor pruning of street</td>
<td>Pruning in accordance with</td>
<td>Ongoing</td>
</tr>
<tr>
<td>coverage and biodiversity</td>
<td>trees by external utility</td>
<td>agreed schedules</td>
<td>Pruning of street trees by external agencies</td>
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<tr>
<td>in Strathfield</td>
<td>providers</td>
<td></td>
<td>has been audited and considered to be an</td>
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<td></td>
<td>acceptable standard.</td>
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<td></td>
<td>Community Lands &amp; Services</td>
</tr>
<tr>
<td>Maintain tree canopy</td>
<td>Determine applications</td>
<td>Number of applications/Issue</td>
<td>Ongoing</td>
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<td>coverage and biodiversity</td>
<td>under Tree Preservation</td>
<td>of PINS and fines</td>
<td>137 Tree Preservation Orders (TPOs) were</td>
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<td>in Strathfield</td>
<td>Orders and take action for</td>
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<td>processed in the reporting period. A total of</td>
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<tr>
<td></td>
<td>breaches</td>
<td></td>
<td>15 breaches have been investigated and a total</td>
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<td>of 14 PINs issued in the reporting</td>
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<td></td>
<td></td>
<td>period.</td>
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<tr>
<td>Effective assessment</td>
<td>Assess and determine</td>
<td>Determined within 40 days</td>
<td>Ongoing</td>
</tr>
<tr>
<td>and determination</td>
<td>Development Applications</td>
<td></td>
<td>105 Development Applications were</td>
</tr>
<tr>
<td>processes</td>
<td></td>
<td></td>
<td>determined during the reporting period. The</td>
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<tr>
<td></td>
<td></td>
<td></td>
<td>average processing time was 76 days.</td>
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<td></td>
<td></td>
<td>Development Assessment</td>
</tr>
</tbody>
</table>

## Effective assessment and determination processes

**Objective:** Determine and issue building certificates

**Actions:** Numbers of certificates issued by Council

**Status:** Ongoing

**Report against performance measures:** No Building Certificates were issued during the reporting period.

**Responsibility:** Development Assessment

---

## Effective assessment and determination processes

**Objective:** Determine and issue applications to modify consents (s.96 certificates)

**Actions:** Certificate issued within 10 working days

**Status:** Ongoing

**Report against performance measures:** 41 Section 96 Applications were determined during the reporting period.

**Responsibility:** Development Assessment

---

## Effective assessment and determination processes

**Objective:** Determine and issue Construction Certificates

**Actions:** Certificate issued within 7 working days Numbers of certificates issued by Council

**Status:** Ongoing

**Report against performance measures:** 15 Construction Certificates issued during the reporting period.

**Responsibility:** Development Assessment

---

## Effective assessment and determination processes

**Objective:** Determine and issue of Complying Development Certificates (CDC)

**Actions:** Certificate issued within 7 working days Numbers of certificates issued by Council

**Status:** Ongoing

**Report against performance measures:** 8 Complying Development Certificates issued during the reporting period.

**Responsibility:** Development Assessment

---

## Effective assessment and determination processes

**Objective:** Determine and issue Occupation Certificates

**Actions:** Numbers of certificates issued by Council

**Status:** Ongoing

**Report against performance measures:** 10 Occupation Certificates issued during the reporting period.

**Responsibility:** Development Assessment
<table>
<thead>
<tr>
<th>DELIVERY PROGRAM 2013-2017</th>
<th>OPERATIONAL PLAN 2012-2013</th>
<th>REPORTING JULY TO DECEMBER 2013</th>
</tr>
</thead>
<tbody>
<tr>
<td>Objective</td>
<td>Actions</td>
<td>Status</td>
</tr>
<tr>
<td>Effective assessment and determination processes</td>
<td>Determine and issue subdivision certificates</td>
<td>Issue within 7 working days/Numbers of certificates issued by Council</td>
</tr>
<tr>
<td>Effective assessment and determination processes</td>
<td>Promote the use of pre-lodgement services for potential applicants</td>
<td>All Development Applications processed via pre-lodgement</td>
</tr>
<tr>
<td>Heritage is valued, conserved and adapted</td>
<td>Assist owners of heritage listed properties through financial assistance program</td>
<td>Program offered annually</td>
</tr>
<tr>
<td>Heritage is valued, conserved and adapted</td>
<td>Notify heritage related development assessments to General Manager involving significant alterations or demolition.</td>
<td>Referral made</td>
</tr>
<tr>
<td>Heritage is valued, conserved and adapted</td>
<td>Conduct Heritage and Building Awards program on biannual basis</td>
<td>Awards held in 2013 and 2015</td>
</tr>
</tbody>
</table>
### STRATHFIELD 2025 – THEME: LIVEABLE NEIGHBOURHOODS

<table>
<thead>
<tr>
<th>DELIVERY PROGRAM 2013-2017</th>
<th>OPERATIONAL PLAN 2012-2013</th>
<th>REPORTING JULY TO DECEMBER 2013</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Objective</strong></td>
<td><strong>Actions</strong></td>
<td><strong>Status</strong></td>
</tr>
<tr>
<td></td>
<td></td>
<td><strong>Report against performance measures</strong></td>
</tr>
<tr>
<td></td>
<td></td>
<td><strong>Responsibility</strong></td>
</tr>
<tr>
<td>Promote and protect natural environment</td>
<td>Manage, monitor and renew street trees</td>
<td>Number of trees</td>
</tr>
<tr>
<td>Promote and protect natural environment</td>
<td>Develop strategy for managing street tree vandalism</td>
<td>Strategy developed</td>
</tr>
<tr>
<td>Promote and protect natural environment</td>
<td>Regeneration of Coxs Creek and Mason Park Wetlands</td>
<td>Undertake works</td>
</tr>
<tr>
<td>Promote and protect natural environment</td>
<td>Investigate noxious weed complaints</td>
<td>Investigate within 10 working days</td>
</tr>
<tr>
<td>Promote and protect natural environment</td>
<td>Water quality monitoring and testing of rivers in Strathfield LGA</td>
<td>Monitoring and testing in accordance with programs such as Cooks River Alliance</td>
</tr>
</tbody>
</table>
## Objective

### Educate community on efficient waste practices

Provide waste education services to the community

<table>
<thead>
<tr>
<th>Actions</th>
<th>Performance measures</th>
<th>Status</th>
<th>Report against performance measures</th>
<th>Responsibility</th>
</tr>
</thead>
<tbody>
<tr>
<td>Provide waste education services to the community</td>
<td>Number of waste education services</td>
<td>Ongoing</td>
<td>The following education programs are in operation: Dumping is Dumb, School Education/Tours of recycling centres, Waste Watch Program, Food &amp; Garden Organics (FOGO), Multi Unit Dwelling (MUDS)/Illegal Dumps and Community Cleaning Campaign. Waste Education DVD for schools to start in February 2014.</td>
<td>Community Lands &amp; Services</td>
</tr>
</tbody>
</table>

### Educate community on efficient waste practices

Implement programs in accordance with WaSIP 2013/14

<table>
<thead>
<tr>
<th>Actions</th>
<th>Performance measures</th>
<th>Status</th>
<th>Report against performance measures</th>
<th>Responsibility</th>
</tr>
</thead>
<tbody>
<tr>
<td>Implement programs in accordance with WaSIP 2013/14</td>
<td></td>
<td>Ongoing</td>
<td>Programs being implemented as per agreement.</td>
<td>Community Lands &amp; Services</td>
</tr>
</tbody>
</table>

### Ensure building and land uses comply with approved consents and permits

Investigate and action complaints relating to building works approved by Council.

<table>
<thead>
<tr>
<th>Actions</th>
<th>Performance measures</th>
<th>Status</th>
<th>Report against performance measures</th>
<th>Responsibility</th>
</tr>
</thead>
<tbody>
<tr>
<td>Investigate and action complaints relating to building works approved by Council</td>
<td>Investigate within 10 working days of lodgement of registration</td>
<td>Ongoing</td>
<td>Complaints are investigated within 10 working days.</td>
<td>Environmental Services</td>
</tr>
</tbody>
</table>

### Ensure building and land uses comply with approved consents and permits

Advise and assist customers of complaint process for building works involving private certifiers

<table>
<thead>
<tr>
<th>Actions</th>
<th>Performance measures</th>
<th>Status</th>
<th>Report against performance measures</th>
<th>Responsibility</th>
</tr>
</thead>
<tbody>
<tr>
<td>Advise and assist customers of complaint process for building works involving private certifiers</td>
<td>Respond within 10 working days of lodgement of registration</td>
<td>Ongoing</td>
<td>Complaints are responded to within 10 working days.</td>
<td>Environmental Services</td>
</tr>
</tbody>
</table>

### Ensure building and land uses comply with approved consents and permits

Undertake annual inspection and registration of boarding houses

<table>
<thead>
<tr>
<th>Actions</th>
<th>Performance measures</th>
<th>Status</th>
<th>Report against performance measures</th>
<th>Responsibility</th>
</tr>
</thead>
<tbody>
<tr>
<td>Undertake annual inspection and registration of boarding houses</td>
<td>Within 10 working days of lodgement of registration</td>
<td>Ongoing</td>
<td>Annual Boarding House inspections to be undertaken in 2014.</td>
<td>Environmental Services</td>
</tr>
</tbody>
</table>
## STRATHFIELD 2025 – THEME: LIVEABLE NEIGHBOURHOODS

<table>
<thead>
<tr>
<th>DELIVERY PROGRAM 2013-2017</th>
<th>OPERATIONAL PLAN 2012-2013</th>
<th>REPORTING JULY TO DECEMBER 2013</th>
</tr>
</thead>
<tbody>
<tr>
<td>Objective</td>
<td>Actions</td>
<td>Performance measures</td>
</tr>
<tr>
<td>Ensure building and land uses comply with approved consents and permits</td>
<td>Investigate complaints from the community concerning unauthorised uses of land eg brothels, unauthorised works, boarding houses etc</td>
<td>Inspected within 2 days of lodgement of request</td>
</tr>
<tr>
<td>Ensure building and land uses comply with approved consents and permits</td>
<td>Ensure compliance with fire safety regulations in commercial and medium to high density properties</td>
<td>Register within 7 days of receipt/Issue reminders to lodge 30 days prior to due date/Initiate action for non-lodgement or non-compliance.</td>
</tr>
<tr>
<td>Ensure that facilities, parks and open spaces are properly maintained</td>
<td>Maintain Hudson Park Golf Course</td>
<td>Maintained in accordance with licence agreement</td>
</tr>
<tr>
<td>Ensure that facilities, parks and open spaces are properly maintained</td>
<td>Maintain Hudson Park Golf Driving Range</td>
<td>Maintained in accordance with licence agreement</td>
</tr>
</tbody>
</table>
## SIX MONTHLY REPORT ON THE PROGRESS OF COUNCIL’S DELIVERY PROGRAM – JULY TO DECEMBER 2013

### STRATHFIELD 2025 – THEME: LIVEABLE NEIGHBOURHOODS

<table>
<thead>
<tr>
<th>DELIVERY PROGRAM 2013-2017</th>
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</tr>
</thead>
<tbody>
<tr>
<td>Objective</td>
<td>Actions</td>
<td>Performance measures</td>
</tr>
<tr>
<td>Ensure that facilities,</td>
<td>Removal of litter from</td>
<td>All parks on weekly basis/Major</td>
</tr>
<tr>
<td>parks and open spaces are</td>
<td>parks</td>
<td>parks on daily basis</td>
</tr>
<tr>
<td>properly maintained</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ensure that facilities,</td>
<td>General maintenance of</td>
<td>Daily (Monday to Friday)</td>
</tr>
<tr>
<td>parks and open spaces are</td>
<td>major parks and sportgrounds</td>
<td></td>
</tr>
<tr>
<td>properly maintained</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ensure that facilities,</td>
<td>General maintenance of</td>
<td>Three week cycle</td>
</tr>
<tr>
<td>parks and open spaces are</td>
<td>neighbourhood parks</td>
<td></td>
</tr>
<tr>
<td>properly maintained</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Provide access to</td>
<td>Determine and issue planning</td>
<td>s.149 certificates within 4 days</td>
</tr>
<tr>
<td>quality information on</td>
<td>and zoning certificates</td>
<td>Outstanding notices and order</td>
</tr>
<tr>
<td>development processes</td>
<td></td>
<td>certificates issued within 3</td>
</tr>
<tr>
<td></td>
<td></td>
<td>working days</td>
</tr>
<tr>
<td></td>
<td>Provide planning advisory</td>
<td>Duty planner available at</td>
</tr>
<tr>
<td></td>
<td>service to potential</td>
<td>Customer Service</td>
</tr>
<tr>
<td></td>
<td>applicants</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
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<tr>
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</tr>
<tr>
<td>Objective</td>
</tr>
<tr>
<td>-----------</td>
</tr>
<tr>
<td>Provide access to quality information on development processes</td>
</tr>
<tr>
<td>Provide access to quality information on development processes</td>
</tr>
<tr>
<td>Provide access to quality information on development processes</td>
</tr>
<tr>
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</tr>
<tr>
<td>Consider needs of people living in medium to high density units</td>
</tr>
<tr>
<td>DELIVERY PROGRAM 2013-2017</td>
</tr>
<tr>
<td>---------------------------</td>
</tr>
<tr>
<td>Objective</td>
</tr>
<tr>
<td>Consider needs of people living in medium to high density units</td>
</tr>
<tr>
<td>Maintain clean and effective stormwater drainage network</td>
</tr>
<tr>
<td>Maintain clean and effective stormwater drainage network</td>
</tr>
<tr>
<td>DELIVERY PROGRAM 2013-2017</td>
</tr>
<tr>
<td>---------------------------</td>
</tr>
<tr>
<td><strong>Objective</strong></td>
</tr>
<tr>
<td>and High Street. Commence stage 1.</td>
</tr>
<tr>
<td>Maintain clean and effective stormwater drainage network</td>
</tr>
<tr>
<td>Provide information and participate in events that promote environment</td>
</tr>
<tr>
<td>Provide information and participate in events that promote environment</td>
</tr>
<tr>
<td>Provide information and participate in events that promote environment</td>
</tr>
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</tr>
<tr>
<td>-------------------------------------------------</td>
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<tr>
<td>DELIVERY PROGRAM 2013-2017</td>
</tr>
<tr>
<td>Objective</td>
</tr>
<tr>
<td>-------------------------------------------------</td>
</tr>
<tr>
<td>Maintain clean and attractive streets and public spaces</td>
</tr>
<tr>
<td>Maintain clean and attractive streets and public spaces</td>
</tr>
<tr>
<td>Maintain clean and attractive streets and public spaces</td>
</tr>
<tr>
<td>Educate and partner with community for protection and improvement of natural areas including waterways</td>
</tr>
<tr>
<td>DELIVERY PROGRAM 2013-2017</td>
</tr>
<tr>
<td>---------------------------</td>
</tr>
<tr>
<td><strong>Objective</strong></td>
</tr>
<tr>
<td>Educate and partner with community for protection and improvement of natural areas including waterways</td>
</tr>
<tr>
<td>Educate and partner with community for protection and improvement of natural areas including waterways</td>
</tr>
<tr>
<td>Improve waste management around medium to high density units</td>
</tr>
<tr>
<td>Provide range of waste and recycling services</td>
</tr>
<tr>
<td>Provide range of waste and recycling services</td>
</tr>
<tr>
<td>DELIVERY PROGRAM 2013-2017</td>
</tr>
<tr>
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</tr>
<tr>
<td>Provide range of waste and recycling services</td>
</tr>
</tbody>
</table>
RECOMMENDATION

1. **That Council consider the results of the recent landowner survey for the High Street and Noble Avenue precinct.**

2. **That Council not proceed with the preparation of a Planning Proposal to amend the Strathfield Local Environmental Plan 2012 to rezone the High Street and Noble Avenue Precinct from R3 Medium Density Residential to R2 Low Density Residential and associated FSR and Minimum Lot Size control.**

PURPOSE OF REPORT

Council, at the Planning Committee Meeting on 18 February 2014, resolved (Minute No. P07/14):

“1. That Council undertake a survey of all of the landowners in the High Street / Noble Avenue precinct to further investigate the community’s view in relation to supporting a proposed change of zoning from R3 - Medium Density Residential to R2 - Low Density Residential through the preparation of a Planning Proposal.

2. That a further report be presented to Council for consideration following the results of survey of the landowners”.

This report has been prepared in response to the above resolution and:

1. To inform Council of the survey results and findings regarding the High Street and Noble Avenue precinct potential Planning Proposal.

2. For Council to consider whether or not to prepare a Planning Proposal to commence the process to attempt to amend the Strathfield Local Environmental Plan 2012 to change the zoning of the High Street and Noble Avenue precinct.

REPORT

Community Survey

The High Street / Noble Avenue precinct consists of 60 individual properties (including 12 strata subdivided residential units) and 44 different landowners which includes the properties in Strathfield: 56, 60-62 & 66 High Street, 19-27 MacArthur Avenue, 207-225 & 234-250 Homebush Road, and 19-21 and 20-54 Noble Avenue (refer Attachment 1).

The current zoning for the precinct under the Strathfield Local Environmental Plan (LEP) 2012 is R3 Medium Density Residential.

A survey was prepared for the landowners to complete which included a covering letter, background information sheet and survey form (refer Attachment 2). The information sheet also indicated that if landowners required further explanation of the potential Planning Proposal and related planning issues they could contact Council’s Strategic Planning section for more information.
The survey was posted to landowners on 27 February 2014 with an initial deadline of 14 March 2014. 21 property owners had completed their survey and returned to Council by 14 March 2014. Because the responsive rate is only 45% (less than 50%), Council therefore sent out a reminder letter to the remaining landowners on 17 March to extend their opportunity to submit the survey by 25 March.

At the end of this period, 31 completed surveys were submitted to Council. Council then attempted to directly contact the remaining landowners by door-knocking on 27 March and 1 April 2014 to encourage them to complete and submit the survey. After a reasonable amount of attempts undertaken by Council, a total of 42 surveys were received by Council.

Survey Findings

Survey forms were completed by a total of 42 landowners in the High Street / Noble Avenue precinct with the exception of 2 landowners who were unable to return the survey or be contacted.

Summary Table of Survey Responses

<table>
<thead>
<tr>
<th>Total</th>
<th>Total No. of Responses received</th>
<th>Supporting Preparation of Planning Proposal (i.e. Prefer R2 zoning)</th>
<th>Not Support Preparation of Planning Proposal (i.e. Prefer R3 zoning)</th>
<th>Total No. of Non-response</th>
</tr>
</thead>
<tbody>
<tr>
<td>60 lots in the precinct*</td>
<td>58 (97%) Total No. of responses by lot</td>
<td>18 (30%) by No. of lots</td>
<td>40 (67%) by No. of lots</td>
<td>2 (3%) by No. of lots</td>
</tr>
<tr>
<td>44 landowners* in precinct</td>
<td>42 (96%) Total No. of responses received by landowner</td>
<td>18 (41%) by No. of landowners</td>
<td>24 (55%) by No. of landowners</td>
<td>2 (4%) by No. of landowner</td>
</tr>
</tbody>
</table>

*Note: Building at 34 Noble Avenue consists of 12 strata unit titles
   Land & Housing Corporation owns ten (10) sites within the precinct
   Baraz Construction Pty Ltd owns seven (7) lots in a Strata Plan within the precinct
   One owner owns two (2) sites within the precinct

As indicated in the table above based on the 42 survey forms completed and returned to Council, 55% (24 out of 44) of the landowners or 67% (40 out of 60) of the lots indicate that they do not support Council preparing a Planning Proposal to attempt to change the current zoning for the High Street / Noble Avenue precinct from R3 Medium Density Residential to R2 Low Density Residential.

The key reasons outlined in the survey responses (refer Attachment 3) for not supporting the preparation of a Planning Proposal include:

- The subject precinct is suitable for medium density residential zoning.
• The general housing shortage requires increased residential density.
• R3 zoning increase housing supply and affordability.
• The subject precinct is close to public school, pre-school, shops, buses, Liverpool Road and Edwards Park etc. which provide infrastructure to support the R3 zoning.
• Planning Proposal costs ratepayer’s money and it may not be supported (by State Government)
• The R3 zoning is a graduation of density from higher density along Liverpool Road to low density in inner Strathfield suburb.
• R3 zoning was based on Council's Residential Land Use Study.
• Rezoning to R2 will adversely impact on existing land value whilst R3 increases the land value.
• The commercial area in the precinct nearby needs to be supported by increased population.

The key reasons outlined in the survey responses (refer Attachment 3) for supporting the preparation of a Planning Proposal include.

• R2 Low Density Residential zoning is more suitable and assists to maintain a quiet residential area as what it is now.
• R3 zoning may result in safety (particularly for young children), traffic congestion, parking reduced on street, crime, public hygiene and noise issues.
• The rezoning sets a precedent regarding preservation of the heritage of Strathfield and quality of life of this area.
• Proposed medium density development will affect the air quality, solar access, noise, privacy, increased garbage, light visual pollution and structural stability of the existing neighbouring houses.
• Lack of infrastructure to support the R3 zoning in this precinct.
• Increased population density will adversely affects the market value of the properties.
• Premium price was paid to live in Strathfield being a low density population area.

Evaluation

When evaluating whether or not to support the preparation of a Planning Proposal to attempt to change the current zoning of the High Street / Noble Avenue precinct, there are a number of factors that need to be considered.

This includes the Council resolution of 24 July 2012 whereby Council resolved to revert the High Street / Noble Avenue precinct from R3 Medium Density Residential to R2 Low Density Residential. This Council resolution was in response to issues raised during the Draft Strathfield LEP public exhibition by the majority of residents in this precinct. Issues raised included loss of character, streetscape, traffic congestion, lack of public transport, increased crime.

The NSW Planning and Infrastructure however, overturned Council’s 24 July 2012 resolution through the gazetted Strathfield LEP 2012 in March 2013, by changing the zoning of the subject precinct from R2 Low Density Residential to R3 Medium Density Residential. This was despite Council’s formal objection to the Department before the LEP gazettal. The Department indicated that their rationale for overturning Council’s decision was that the rezoning to R2 constituted a substantial post exhibition change which they indicated would require re-exhibition if it was to be reconsidered.
As a result of this recent landowner survey, 55% of landowners (or 67% of the lots) in the High Street / Noble Avenue precinct now prefer to retain the current R3 Medium Density Residential zoning and do not want it changed back to the R2 Low Density Residential.

The general issues raised in the surveys for not supporting the preparation of a Planning Proposal for R2 zoning are considered as follows:

<table>
<thead>
<tr>
<th>General Issues</th>
<th>Officer’s Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Adequacy of local infrastructure</td>
<td>Precinct is appropriately located to support increased housing density including bus routes, schools, park and library which provide significant community infrastructure.</td>
</tr>
<tr>
<td>Increased supply of housing</td>
<td>R3 Medium Density will increase the housing supply and level of affordability in the context of Sydney’s housing shortage.</td>
</tr>
<tr>
<td>Support the commercial area in Strathfield South</td>
<td>Increased population in the precinct will support adjacent Strathfield South commercial precinct.</td>
</tr>
<tr>
<td>Cost associated with Planning Proposal</td>
<td>Planning Proposal involves costs on preparation, public exhibition etc, and there is no guarantee that it is to be supported by State Government.</td>
</tr>
<tr>
<td>Land Value Concern</td>
<td>No evidence provided to demonstrate how the land value will be affected by re-zoning in this precinct.</td>
</tr>
</tbody>
</table>

The general issues raised in the surveys in support of the preparation of a Planning Proposal for R2 zoning are assessed as follows:

<table>
<thead>
<tr>
<th>General Issues</th>
<th>Officer’s Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Traffic and parking concerns</td>
<td>Can be addressed through DA process (e.g. through implementation of DCP on-site parking requirement). Council has sought to intensify development in close proximity to public transport and to encourage active transport.</td>
</tr>
<tr>
<td>Solar access, privacy concerns</td>
<td>Issues can be considered in DA process. R2 and R3 zones (in this precinct) both have the same height control of 9.5m and R3 zone has similar floor space ratio of 0.65:1 (as compared to 0.5:1-0.65:1 density of R2 zone). However the density of dwelling units will increase in R3 zone. Council’s DCP has specific controls to address solar access and privacy requirements etc.</td>
</tr>
<tr>
<td>Structural Stability concern</td>
<td>Environmental Planning &amp; Assessment Regulation Clause 98E requires that the DA applicant must protect and support the building, structure or work from possible damage to the neighbouring property from the excavation.</td>
</tr>
<tr>
<td>Land Value Concern</td>
<td>No evidence provided to demonstrate how the land value will be affected by re-zoning in this precinct.</td>
</tr>
<tr>
<td>Crime and safety concern</td>
<td>No clear evidence provided to demonstrate a link between higher density and crime / safety issue.</td>
</tr>
</tbody>
</table>
Planning Proposal Process

For Council to attempt to amend Schedule 5 Environmental Heritage in Strathfield LEP 2012 the Department of Planning and Infrastructure’s LEP plan making process needs to be followed (refer Attachment 4).

The LEP plan making process involves the following major steps:

- Council/applicant suggests potential amendment to existing LEP.
- Council considers whether to initially support the proposed amendment to commence the LEP plan making process.
- If Council fails to make decision within 90 days or decides not to support the proposed amendment then pre-gateway review process can be triggered at request of proponent.
- A Planning Proposal is then submitted to the Department.
- The Department undertakes an assessment and issues a gateway determination on whether or not to give Council the authority to continue the process and whether any additional studies are required.
- Council publicly exhibits the Planning Proposal.
- Council considers the submissions received and whether to amend and submit the Planning Proposal to the Department to undertake its final assessment.
- The Department undertakes its final assessment and forwards the LEP to the Minister who will either make or not make the LEP amendment.

The main document to support a LEP amendment is the Planning Proposal which explains the intended effect of the proposed LEP and justification for making the LEP. This document needs to be prepared in accordance with the Department of Planning and Infrastructure’s “A Guide to Preparing Planning Proposals” and “A Guide to Preparing Local Environmental Plans.”

The preparation of this potential draft Planning Proposal will be at the first stage of the LEP Plan Making process diagram (refer Attachment 4) i.e for Council to consider whether to support the potential Planning Proposal prior to preparing the Planning Proposal document and submitting to the Department.

Conclusion

The survey responses indicate two distinct views from the landowners, with 55% of landowners (67% of lots) not supporting a Planning Proposal to be prepared to change the zoning of the High Street / Noble Avenue precinct back to R2 Low Density Residential whereas 41% (30% by lot) of landowners support the preparation of a Planning Proposal. Within these distinct views there is a variety of reasons provided as to why the zoning should or should not change (refer Attachment 2).

Based on the survey results it can generally be concluded that the majority of landowners do not support the preparation of a Planning Proposal by Council. Considering the current views expressed by the community and the Department’s previous position it therefore may not be an effective use of resources for Council to prepare and commence the Planning Proposal process to attempt to change the zoning back to R2 Low Density Residential.

REFERRAL FROM OTHER DEPARTMENT

Council’s Development Assessment section was consulted on this matter.
FINANCIAL IMPLICATIONS

There are no financial implications.

ATTACHMENTS

1. High Street/ Noble Avenue Precinct Map
2. Copy of Landowners Survey Form and background information
3. Summary Table of Survey Results
4. LEP Plan Making Process Diagram

Report approved by:

<table>
<thead>
<tr>
<th>Name</th>
<th>Title</th>
</tr>
</thead>
<tbody>
<tr>
<td>David Hazeldine</td>
<td>Director Technical Services</td>
</tr>
</tbody>
</table>
ATTACHMENT 1
HIGH STREET / NOBLE AVENUE PRECINCT

LEGEND

DATE: 30/01/2014

Attachment: 1
STRATHFIELD COUNCIL SURVEY – POTENTIAL PREPARATION OF A PLANNING PROPOSAL FOR HIGH STREET / NOBLE AVENUE PRECINCT

Background

The draft Strathfield Local Environmental Plan 2012 as publicly exhibited from January - March 2012 proposed to zone the High St / Noble Ave precinct from Low Density Residential to R3 High Density Residential and height of 9.5m, FSR of 0.65:1. The High St / Noble Ave Precinct includes the properties 56, 60-62 & 66 High St, 19-21 and 20-54 Noble Ave, 207-225 and 234-250 Homebush Road, 19-27 Macarthur Ave, Strathfield.

Based on issues raised by the community in their submissions, Council resolved at the 24 July 2012 (adjourned 31 July) meeting to revert the subject area back to R2 Low Density Residential and associated height of 9.5m and FSR controls between 0.50:1 to 0.65:1.

NSW Planning & Infrastructure however overturned Council’s decision in the gazetted Strathfield LEP 2012 by changing the zoning of the subject precinct from R2 Low Density Residential to R3 Medium Density Residential despite Council’s formal objection to the Department.

Since the gazettal of Strathfield LEP 2012 in March 2013, Council has recently received a petition with 98 signatures requesting Council to prepare a Planning Proposal as an potential amendment to Strathfield LEP 2012 to change the gazetted zoning for the High St/Noble Ave Precinct from R3 Medium Density Residential to R2 Low Density Residential with associated height and FSR controls.

A report on this matter was presented to the Planning Committee Meeting on 18 February 2014 where it was resolved (minute No P07/14).

1. That Council undertake a survey of all of the landowners in the High Street / Noble Avenue precinct to further investigate the community’s view in relation to supporting a proposed change of zoning from R3 - Medium Density Residential to R2 - Low Density Residential through the preparation of a Planning Proposal.

2. That a further report be presented to Council for consideration following the results of survey of the landowners.

The Land Owner Survey attached has been prepared in response to the above resolution so that Council can collate the views of all affected landowners in the subject high Street / Noble Avenue precinct.

Please complete the survey and return to the address provided on the survey form by the 14 March 2014. If you require further explanation of the potential Planning Proposal and related planning issues, please contact Council’s Graduate Strategic Planner, Frankie Liang on 9748 9995.
LAND OWNERS SURVEY (HIGH STREET / NOBLE AVENUE PRECINCT)

1. Please confirm your contact details

Name: ........................................................................................................................................

Property Address........................................................................................................................

Postal Address (if different to the above)......................................................................................

Email address: ............................................................................................................................

Phone numbers: ...........................................................................................................................

2. Do you support the preparation of a Planning Proposal which seeks to change the current zoning for
the High Street / Noble Avenue Precinct (i.e the properties 56, 60-62 & 66 High St, 19-21 and 20-54
Noble Ave, 207-225 and 234-250 Homebush Road, 19-27 Macarthur Ave, Strathfield) from R3
Medium Density Residential to R2 Low Density Residential?

YES [ ] or NO [ ]

Please provide reasons for supporting or not supporting the preparation of a Planning Proposal:

•

•

•

•

•

(Further justification can be attached if required)

RETURN ADDRESS
Completed survey forms need to be returned by the 14 March 2014 and should be addressed to Frankie
Liang, Graduate Strategic Planner, PO Box 120 Strathfield NSW 2135 or may be faxed to 9764 1034 or
emailed to council@strathfield.nsw.gov.au. For further information please contact Council’s Graduate
Strategic Planner, Frankie Liang on 9748 9995.


ATTACHMENT 3
<table>
<thead>
<tr>
<th>No.</th>
<th>Property Surveyed</th>
<th>Do you support preparation of a Planning Proposal to change current zoning of High St / Noble Avenue Precinct from R3 to R2?</th>
<th>Summary of reasons for supporting or not supporting preparation of a Planning Proposal</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>HIGH STREET</td>
<td>No</td>
<td>• Prefers current zoning which has higher land value than low density zoning</td>
</tr>
<tr>
<td>2</td>
<td></td>
<td>No</td>
<td>• Planning Proposal costs ratepayer’s money and the changes may not be supported.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>• Townhouse type medium density will not affect the value of the surrounding.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>• If Council would like to rezone the precinct to R4, this will not be supported.</td>
</tr>
<tr>
<td>3</td>
<td></td>
<td>No</td>
<td>• Increased population needs increased housing supply</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>• Housing shortage in Sydney</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>• The current infrastructure is adequate to support R3 zoning.</td>
</tr>
<tr>
<td>4</td>
<td></td>
<td>No</td>
<td>• Council must have substantial reasons to change the original zoning from R2 to R3.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>• Current infrastructure are more than adequate to support the R3 zoning.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>• The housing shortage in Sydney.</td>
</tr>
<tr>
<td>5</td>
<td>HOMEBUSH ROAD</td>
<td>No</td>
<td>• There are already few apartments is already approved or being built nearby.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>• Rezoning from R3 to R2 will devalue the property</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>• There is a primary school, pre-school &amp; library nearby</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>• The precinct is situated near buses / transport &amp; shops.</td>
</tr>
<tr>
<td>6</td>
<td></td>
<td>No</td>
<td>• Council must have substantial reasons to change the original zoning from R2 to R3.</td>
</tr>
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<td></td>
<td></td>
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</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>• The housing shortage in Sydney.</td>
</tr>
<tr>
<td>7</td>
<td></td>
<td>No</td>
<td>• There are already few apartments is already approved</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>• Take advantage of the medium density zoning and seeks development opportunity with neighbouring properties</td>
</tr>
<tr>
<td>8</td>
<td></td>
<td>No</td>
<td>• Want to stay as zone R3 zone</td>
</tr>
<tr>
<td>9</td>
<td></td>
<td>No</td>
<td>• It is only supportive if the rezoning proposal include 227-235 Homebush Rd properties.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>• Otherwise, we prefer the current zoning as R3 as nobody is advantaged or disadvantaged as a result of the Planning proposal.</td>
</tr>
<tr>
<td>10</td>
<td></td>
<td>No</td>
<td>• The scope of Planning Proposal is not elaborate enough to cover the required properties.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>• The neighbouring property at 227 - 235 Homebush Rd have zoning of R4.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>• It is only supportive if the rezoning proposal include 227-235 Homebush Rd properties.</td>
</tr>
<tr>
<td>11</td>
<td></td>
<td>No</td>
<td>• The commercial activity in this precinct would need to be supported by increased population in the vicinity</td>
</tr>
<tr>
<td>12</td>
<td></td>
<td>No</td>
<td>• R3 zoning is a graduation of density from higher density along Hume Highway and Homebush Road to low density in inner Strathfield suburb.</td>
</tr>
<tr>
<td>13</td>
<td></td>
<td>No</td>
<td>• Proximity to Hume Highway and higher density area.</td>
</tr>
<tr>
<td>14</td>
<td></td>
<td>No</td>
<td>• Land value is not affected</td>
</tr>
<tr>
<td>15</td>
<td>MACARTHUR AVENUE &amp; NOBLE AVENUE</td>
<td>No</td>
<td>• The subject precinct is suitable for higher density development.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>• R3 zoning was based on the recommendation from Council's Residential Land Use Study during the Draft LEP stage.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>• LAHC requires the flexibility of development (i.e. in R3 zone) that will enable the provision of greater housing choice in a financial sustainable manner.</td>
</tr>
<tr>
<td>16</td>
<td>NOBLE AVENUE</td>
<td>No</td>
<td>N/A</td>
</tr>
<tr>
<td>No.</td>
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<tr>
<td>-----</td>
<td>------------------</td>
<td>-------------------------------------------------------------------------------------------------</td>
<td>----------------------------------------------------------------------------------</td>
</tr>
</tbody>
</table>
| 17  |                  | No                                                                                              | • Council must have substantial reasons to change the original zoning from R2 to R3.  
                                          |       |                                                                                                  | • Current infrastructure are more than adequate to support the R3 zoning.          
                                          |       |                                                                                                  | • The housing shortage in Sydney.                                                |
| 18  |                  | No                                                                                              | • Happy with the existing zoning                                                  |
| 19  |                  | No                                                                                              | • Do not care whether it is rezoned or not                                       |
| 20  |                  | No                                                                                              | • Council must have substantial reasons to change the original zoning from R2 to R3.  
                                          |       |                                                                                                  | • Current infrastructure are more than adequate to support the R3 zoning.          
                                          |       |                                                                                                  | • The housing shortage in Sydney.                                                
                                          |       |                                                                                                  | • Medium density housing increase housing affordability in this precinct.        
                                          |       |                                                                                                  | • It is ideal location for medium density given Edwards Park is nearby and medium density exists along Liverpool Rd already.  
                                          |       |                                                                                                  | • Medium density zoning increases the land value of properties given the strong interest from developers. |
| 21  |                  | No                                                                                              | • Council must have substantial reasons to change the original zoning from R2 to R3.  
                                          |       |                                                                                                  | • Current infrastructure are more than adequate to support the R3 zoning.          
                                          |       |                                                                                                  | • The housing shortage in Sydney.                                                |
| 22  |                  | No                                                                                              | • Council has undertaken study to decide rezoning from R2 to R3 in the Draft LEP process.  
                                          |       |                                                                                                  | • Sydney needs more units because of the demand to buy or to rent.                |
| 23  |                  | No                                                                                              | • The rezoning from R2 to R3 in 2012 is the original Council decision.            
                                          |       |                                                                                                  | • The subject precinct is an appropriate location to support R3 (e.g. in proximity to the Park and local school).  
                                          |       |                                                                                                  | • The housing shortage in Sydney.                                                |
| 24  |                  | No                                                                                              | N/A                                                                              |
| 25  | HIGH STREET      | Yes                                                                                             | • Current R3 zoning increase traffic congestion                                  
                                          |       |                                                                                                  | • Loss of privacy and over-looking issue from the neighbouring apartments in R3 zone  
                                          |       |                                                                                                  | • Loss of solar access to private open space                                      |
| 26  | HOMEBUSH ROAD    | Yes                                                                                             | N/A                                                                              |
| 27  |                  | Yes                                                                                             | • R3 zoning results in higher risks of crimes, heavy traffic, public hygiene, noise and infrastructure in the area.  
                                          |       |                                                                                                  | • R2 zoning preserves a peaceful, high life quality home.                        |
| 28  |                  | Yes                                                                                             | • Set a precedent to preserve the heritage of Strathfield                         
                                          |       |                                                                                                  | • Preserve the quality of life in th area.                                      
                                          |       |                                                                                                  | • Higher density will inevitably impact on air quality, noise, light pollution, visual pollution.  
                                          |       |                                                                                                  | • Safety concerns for your children with increased amount of vehicles.          
                                          |       |                                                                                                  | • Lack of infrastructure to support in the area                                  
                                          |       |                                                                                                  | • The property prices may be adversely impacted by higher population density.  
| 29  |                  | Yes                                                                                             | • Too much traffic                                                               |
| 30  |                  | Yes                                                                                             | • Reduce traffic congestion                                                      
                                          |       |                                                                                                  | • It is already hard to find street parking on Homebush Rd.                      |
| 31  |                  | Yes                                                                                             | • The premium price was paid to live in Strathfield being a low density population area  
                                          |       |                                                                                                  | • Increasing the population density will result in no parking, high pollution, high traffic  
<pre><code>                                      |       |                                                                                                  | • This will decrease the quality of life for all residents in this precinct.    |
</code></pre>
<table>
<thead>
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</tr>
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</table>
| 32  | MACARTHUR AVENUE        | Yes                                                                                                          | • Increased traffic in local streets  
• Limited on street parking in this area  
• Increased risk for pedestrian to use the park and crossing the road  
• Not align with existing low density residential precinct character |
| 33  | YES                     | Yes                                                                                                          | • The increased density will result in more traffic, noise pollution and safety, parking issues.  
• If more units built in this area, the land value will be further depreciated. |
| 34  | NOBLE AVENUE            | Yes                                                                                                          | • R2 low density residential zone is more suitable for this precinct |
| 35  | YES                     | Yes                                                                                                          | • The area will not be too crowded.  
• The residents can have better community services (e.g. school, library);  
• Easier to find on street parking;  
• Increased garbage bins on street during collection days |
| 36  | YES                     | Yes                                                                                                          | • Insufficient road infrastructure in the precinct  
• Safety concerns for your children  
• Concerns that the new and recent multi-units development set a precedent for degrading the long-term liveability and amenity in the precinct  
• Rubbish bins cause health and safety concerns  
• Difficulty for existing residents parking on the street  
• Privacy concerns  
• Structural satability of the house may be affected by the construction of multi-units development. |
| 37  | YES                     | Yes                                                                                                          | • The current R3 zoning create further traffic congestion in the precinct  
• Parking issues within the precinct  
• The recent building of units has already compounded the traffic congestion;  
• Land value might also be affected when more units are built in this area as it will limit the market of potential buyers. |
| 38  | YES                     | Yes                                                                                                          | • It is nice for families of young kids to enjoy the low density precinct and park  
• Less traffic in low density |
| 39  | YES                     | Yes                                                                                                          | • To avoid increased traffic in this area  
• Insufficient natural lighting for existing houses by allowing three storeys building  
• Increased garbage in this precinct  
• Affect market value of the existing properties  
• The subject precinct is a quiet residential area and should be remained. |
ATTACHMENT 4