

Agenda

Strathfield Internal Development Assessment Panel Meeting

Notice is hereby given that a Strathfield Internal Development Assessment Panel Meeting will be held at Main Building Meeting Room, 65 Homebush Road, Strathfield on:

Thursday, 17 January 2019

Commencing at 10:00am for the purpose of considering items included on the Agenda

TABLE OF CONTENTS

Item	Page No.
IDAP AGENDA ITEMS	
IDAP - Report No. 1	
DA2016/133/01 - 4 Alviston Street, Strathfield	
Lot 18 Sec 5 DP 538.....	3
IDAP - Report No. 2	
DA2018/162 - 80 Mintaro Avenue, Strathfield	
Lot 9 DP 12221577	27
IDAP - Report No. 3	
DA2018/130 - 11 Augusta Street, Strathfield	
Lot 22 DP 4969.....	39
IDAP - Report No. 4	
DA2018/114 - 23 Abbotsford Road, Homebush	
Lot 11 Section 3 in DP 400	83
IDAP - Report No. 5	
DA2018/139 - 70 Woodward Avenue, Strathfield	
LOT Y DP 395737.....	132
IDAP - Report No. 6	
DA2018/126 - 23A Howard Street, Strathfield 2135	
LOT 1 DP 831368.....	169
IDAP - Report No. 7	
DA2018/112 - 44 Newton Road, Strathfield	
Lot 3 in DP 14613	207

TO: Strathfield Internal Development Assessment Panel Meeting - 17 January 2019

REPORT: IDAP – Report No. 1

SUBJECT: DA2016/133/01 - 4 ALVISTON STREET, STRATHFIELD
LOT 18 SEC 5 DP 538

DA NO. DA2016/133/01

SUMMARY

Proposal: Section 4.55(1A) application to an approved alterations and additions to a heritage listed dwelling including minor internal reconfiguration of the dwelling, changes to the finished floor levels, revised stormwater and landscape plans.

Applicant: The Site Foreman

Owner: B. & S. Hanna

Date of lodgement: 1 June 2018

Notification period: 15 June 2018 to 3 July 2018

Submissions received: One (1) written submission received.

Assessment officer: ND

Zoning: R2 Low Density Residential - SLEP 2012

Heritage: The subject dwelling house ("Tara" – Victorian house) is listed as a heritage item of local significance (Item No. I88) under Schedule 5 of SLEP 2012.

The site is located within the 'Vernon Street Conservation Area', mapped as C16 on the *SLEP 2012* Maps.

Flood affected: Yes

Is a Clause 4.6 variation proposed? No

RECOMMENDATION OF OFFICER: **APPROVAL**

EXECUTIVE SUMMARY

- 1.0 On 20 December 2016, Council approved Development Application No. 2016/133 for alterations and additions to a heritage listed dwelling and demolition of an existing swimming pool.
- 2.0 The subject application was lodged under Section 4.55 (1A) of the *Environmental Planning and Assessment Act 1979* proposing modifications to the stormwater drainage plan and landscaping and minor amendments to the internal layout of the approved alterations and additions.
- 3.0 The plans and accompanying documentation were put on notification from 15 June 2018 to 3 July 2018. One (1) written submission was received raising concerns regarding visual privacy and landscaping.

**DA2016/133/01 - 4 Alviston Street, Strathfield
Lot 18 Sec 5 DP 538 (Cont'd)**

- 4.0 During the assessment process additional information was submitted including an Overland Flowpath Erosion Assessment satisfying Council's Heritage Advisor concerns regarding the re-direction of the overland flow path along the existing heritage listed dwelling and its foundations.
- 5.0 The modifications are considered to be of minimal environmental impact, maintaining visual privacy with the adjoining properties and will not result in any additional impact to the heritage listed dwelling as approved in the original consent.
- 6.0 The modifications sought in the application are acceptable on their merits and recommended for APPROVAL, subject to the recommended amended and additional conditions.

BACKGROUND

20 December 2016: Council's Planning Meeting granted approval to DA2016/133 for alterations and additions to a heritage listed dwelling and demolition of an existing swimming pool.

1 June 2018: The current application (DA2016/133/01) was lodged. The application seeks minor amendments to the internal layout of the approved alterations and additions, changes to the finished floor levels of the addition and modifications to the stormwater and landscape plans.

15 June 2018 to

3 July 2018: The application was publicly notified. One (1) written submission was received raising concerns regarding visual privacy and landscaping.

4 July 2018: A deferral letter was sent to the applicant requesting an amended Heritage Impact Statement, Overland Flow Assessment, Statement of Environmental Impacts as a result of concerns raised by Council's Heritage Advisor of the potential impacts of the proposed overland flow path on the heritage dwelling.

10 September 2018: Amended Architectural Plans, State of Environmental Effects and Overland Flow Assessment submitted to Council.

17 September 2018: Letter sent to applicant requesting additional design details of the proposed retaining walls and revised stormwater design and an Addendum Statement to the Heritage Impact Statement.

8 November 2018: Addendum Statement to the Heritage Impact Statement and Structural Adequacy Certificate submitted to Council.

DESCRIPTION OF THE SITE AND LOCALITY

The subject site is located on the southern side of Alviston Street near its intersection with Parsons Avenue (refer to Figure 1). The site is a rectangular shaped allotment with a 15.24m frontage to Alviston Street and a total site area of 834.7m².

The subject site is presently comprised of a single storey Victorian style house built in the 1890s featuring a slate hip roof and turret, corrugated iron bullnose roof verandah with rendered brick piers and metal infill fence and gate (refer to Figure 2). The house (principal dwelling) and front fence are identified as Heritage Item No. 88 'Tara' Victorian House under Schedule 5 in the Strathfield LEP 2012. Attached to the principal dwelling is a rendered brick addition approximately built in the 1910s-1920s with a corrugated iron roof. A skillion roof and brick wall addition is located behind the early addition and dates from the second half of the twentieth century. The site also contains an outbuilding in the south-east portion of the site and a swimming pool at the rear.

DA2016/133/01 - 4 Alviston Street, Strathfield
Lot 18 Sec 5 DP 538 (Cont'd)

In addition to the heritage listed of the principal dwelling, the site is located within the Vernon Street Heritage Conservation Area with an immediate streetscape characterised by a mix of single and two (2) storey brick dwellings with pitched roofs.



Figure 1: Locality plan. The subject site is outlined in yellow.



Figure 2: View of the existing single storey dwelling from Alviston Street.

DESCRIPTION OF THE PROPOSED MODIFICATION(S)

The specific elements of the modification(s) sought are as follows:

- Side entry stair replaced with ramp;

DA2016/133/01 - 4 Alviston Street, Strathfield
Lot 18 Sec 5 DP 538 (Cont'd)

- Ground floor rear new extension finished floor level changed to match the existing house finished floor level and deleting split level stairs;
- Existing internal door between existing house and extension to remain in current position;
- Ground floor bathroom entry door relocated to entry hall;
- Study window 17 removed and existing wall to remain;
- Modifications to bi-fold rear façade door;
- Ground floor pantry window W02 removed;
- Outdoor deck enlarged, grated drain added, deletion of vergola column and relocation of built-in BBQ;
- Stairs to side courtyard removed and RL reduced;
- Void area on first floor level increased; and
- Construction of retaining wall and fence along eastern and western boundaries.

Other:

- Modifications to Landscape Plan including the removal of Tree 2; and
- Modifications to Stormwater Plan.

SECTION 4.55(1A) OF THE EP&A ACT 1979

Section 4.55(1A) of the Environmental Planning and Assessment states as follows:

“4.55 Modifications of consents – generally

(1A) Modifications involving minimal environmental impact

A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:

- (a) it is satisfied that the proposed modification is of minimal environmental impact, and*

Comment: The modifications sought as part of this application include minor amendments to the internal layout of the approved alterations and additions, changes to the finished floor levels of the addition and modifications to the stormwater and landscape plans. The modifications are considered to be of minimal environmental impact, maintaining visual privacy with the adjoining properties and will not result in any additional impact to the heritage listed dwelling as approved in the original consent.

- (b) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all), and*

Comment: The proposed modifications will not alter the external appearance of the addition in a readily discernible manner and will not result in any additional impact to the heritage listed dwelling to that which was approved under the parent consent. The development as modified is considered to satisfy the ‘substantially the same’ test as that which was originally approved.

- (c) it has notified the application in accordance with:*
- (i) the regulations, if the regulations so require, or*
 - (ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and*

DA2016/133/01 - 4 Alviston Street, Strathfield
Lot 18 Sec 5 DP 538 (Cont'd)

Comment: In accordance with Part L of the SCDP 2005, the application was publicly notified from 15 June 2018 to 3 July 2018.

- (d) *It has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.*

Comment: One (1) written submissions was received as a result of the notification and is discussed later in this report.

- (3) *In determining an application for modification of a consent under this section, the consent authority must take into consideration such of the matters referred to in Section 4.15(1) as are of relevance to the development the subject of the application.*

Comment: An assessment of the modification application against the matters referred to in Section 4.15(1) of the *Environmental Planning and Assessment Act 1979* is included in this report.

- (3) *The consent authority must also take into consideration the reason given by the consent authority for the grant of the consent that is sought to be modified.*

Comment: The original development application was granted approval on 20 December 2016. In accordance with Clause 4.55(3), recommendation report presented at the Council meeting has been taken into consideration. In considering the suitability of the site for the development, the report noted that:

"The proposal is considered an acceptable outcome for the site by repairing damage befallen to the existing heritage listed dwelling and front fence whilst proposing a rear addition with a building form and finishes that are sympathetic to the dwelling and sensitive to the amenity presently enjoyed by neighbouring residences."

The development as modified will not give rise to any additional impacts on the heritage listed dwelling and will maintain the amenity of adjoining residents.

REFERRALS

INTERNAL REFERRALS

Engineering Comments

Council's Engineer offered no objections to the proposal, subject to the imposition of the following additional conditions of consent:

Flooding - comply with flood impact report (CC)

The applicant shall comply with the flood recommendations provided in the Overland Flow Path Erosion Assessment Report prepared by Martens Consulting Engineers ref: P1705948JC03V01 dated 30 August 2018. A certificate from a suitably qualified Engineer shall be submitted to the Certifying Authority stating compliance with these recommendations, prior to the issue of a Construction Certificate.

(Reason: To mitigate flood risk and associated damage.)

Stormwater - Covenant and restriction as to user for stormwater controlled systems (OC)

Prior to the issue of any Occupation Certificate, the applicant shall register a Positive Covenant and a Restriction as to User under section 88E and or section 88B of the Conveyancing Act as

DA2016/133/01 - 4 Alviston Street, Strathfield
Lot 18 Sec 5 DP 538 (Cont'd)

appropriate in favour of Council, ensuring the ongoing retention, maintenance and operation of the stormwater facility surface flow path.

The wording on the 88E and or 88B Instrument is to make reference to the Council file where the Construction plans and the Work As Executed (as built), plans are held. Typical wording can be obtained from Council's Specification for the Management of Stormwater document.

(Reason: To ensure the on-site detention and/or pump system is maintained to an appropriate operational standard.)

Heritage Comments

Council's Heritage Advisor has commented on the proposal as follows:

The structural engineering statement submitted specifies that "the excavation of the proposed footings and along existing building walls will be designed not to have any structural effect on the existing building. In addition, the proposed plan will not affect the foundations and structural integrity of the existing dwelling. This is subject to it being structurally designed by a qualified practicing structural engineer." This satisfies the concerns raised in my previous advice of 17 September 2018, subject to the imposition of conditions requiring the structural certification of the flowpath design prior to the commencement of works, and photographic recording.

The remaining amendments to the design include an entry ramp, additional new retaining walls and revised landscaping. While these would alter the visual appearance of the item along this elevation, the visual impact to the heritage item overall and its setting is considered to be minimal, and would not result in any undue additional impact when compared with the previous approved scheme.

Recommendation:

The Section 4.55 application can be supported on heritage grounds, subject to the imposition of appropriate conditions as recommended:

- Update Special Condition No. 7 to include the recommendations of the most recent HIS by Artefact Pty Ltd dated 8 November 2018.*
- Structural Engineering Certification**

The excavation of the footings and along existing building walls to accommodate the overland flowpath must be designed so as not to have any structural effect on the existing building, specifically the foundations and the structural integrity of the existing dwelling. The design of the overland flowpath is to be structurally designed and certified by an appropriately qualified practicing structural engineer with experience in heritage structures. Certification must be provided to the Principal Certifying Authority prior to the issue of the Construction Certificate.

SECTION 4.15 CONSIDERATIONS – EP&A Act, 1979

In determining a development application, the consent authority is to take into consideration the following matters of consideration contained within section 4.15C of the Environmental Planning and Assessment Act, 1979 as relevant to the development application:

4.15(1)(a) the provisions of:

- (i) any environmental planning instrument**

DA2016/133/01 - 4 Alviston Street, Strathfield
Lot 18 Sec 5 DP 538 (Cont'd)

State Environmental Planning Policy (SEPP) – BASIX 2004

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

An appropriate condition is included under the original consent to ensure future compliance with these targets. The current section 4.55(1A) application does not trigger any changes to the condition imposed.

Strathfield Local Environmental Plan (SLEP) 2012

An assessment of the proposal against the general aims of SLEP 2012 is included below:

Cl. 1.2(2)	Aims	Complies
(a)	<i>To achieve high quality urban form by ensuring that new development exhibits design excellence and reflects the existing or desired future character of particular localities and neighbourhoods in Strathfield</i>	Yes
(b)	<i>To promote the efficient and spatially appropriate use of land, the sustainable revitalisation of centres, the improved integration of transport and land use, and an appropriate mix of uses by regulating land use and development</i>	Yes
(c)	<i>To promote land uses that provide a wide range of employment, recreation, retail, cultural, service, educational and other facilities for the local community</i>	Yes
(d)	<i>To provide opportunities for economic growth that will enhance the local community</i>	Yes
(e)	<i>To promote future development that integrated land use and transport planning, encourages public transport use, and reduced the traffic and environmental impacts of private vehicle use</i>	Yes
(f)	<i>To identify and protect environmental and cultural heritage</i>	Yes
(g)	<i>To promote opportunities for social, cultural and community activities</i>	Yes
(h)	<i>To minimise risk to the community by identifying land subject to flooding and restricting incompatible development</i>	Yes

Comments: The proposed modifications have been appropriately designed so as to cause no additional impacts on the heritage listed dwelling as what was approved under the parent consent. Council's Engineer has no objection to the proposed modifications to the stormwater plan and overland flow path.

Permissibility

The site is zoned R2 Low Density Residential. The development, for the purpose of alterations and additions to an existing dwelling is permissible with consent under the *SLEP 2012*.

Zone Objectives

The modification(s) sought as part of this application are consistent with the objectives of the R2 Low Density Zone.

Part 4: Principal development standards

The modification application seeks to amend the approved floor space ratio as follows:

Floor space ratio

Cl.	Standard	Controls	Approved	Proposed	Complies
4.4	<i>Floor space ratio</i>	0.55:1 (459.08m ²)	0.49:1 (412.75m ²)	0.48:1 (405.92m ²)	Yes

DA2016/133/01 - 4 Alviston Street, Strathfield
 Lot 18 Sec 5 DP 538 (Cont'd)

	Objectives	Complies
(a)	<i>To ensure that dwellings are in keeping with the built form character of the local area</i>	Yes
(b)	<i>To provide consistency in the bulk and scale of new dwellings in residential areas</i>	Yes
(c)	<i>To minimise the impact of new development on the amenity of adjoining properties</i>	Yes
(d)	<i>To minimise the impact of development on heritage conservation areas and heritage items</i>	Yes

Comments: The proposal includes minor internal alterations to the approved two (2) storey addition, specifically the deletion of the galley adjoining the void and upper level balcony resulting in a 6.83m² reduction of floor area.

Part 5: Miscellaneous Provisions

The relevant provisions contained within Part 5 of the SLEP 2012 are addressed below as part of this assessment:

5.10 Heritage Conservation

Clause 5.10(5) of the *SLEP 2012* requires consideration be given to the potential impacts of development upon heritage conservation areas including associated fabric, settings and views. The subject site is identified as Heritage Item No. 88 'Tara' under Schedule 5 of the *SLEP 2012* and is located within the Vernon Street Heritage Conservation Area. During the assessment process Council's Heritage Advisor raised concerns in relation to the potential impacts of the re-direction of the overland flow path and retaining walls on the heritage listed dwelling. The additional submitted information including a structural adequacy certificate and an overland flow path erosion assessment with Council's Heritage Advisor raising no objections to the proposed modifications, subject to the imposition of the recommendations contained in the amended Heritage Impact Statement and the design and certification of the overland flow path by a structural engineer prior to the issue of the Construction Certificate. Overall, the modifications sought will not result in any additional impacts on the heritage listed dwelling as approved under the original development consent.

Part 6: Local Provisions

The relevant provisions contained within Part 6 of the SLEP 2012 are addressed below as part of this assessment:

6.2 Earthworks

The proposed modifications includes minor excavation and fill along the side boundaries of the existing dwelling and proposed addition to capture and divert the 1 in 100 year event overland flow. Conditions of consent are included in the original development approval and have been recommended to protect the existing heritage listed dwelling and adjoining properties.

6.3 Flood planning

In accordance with Council's Powells Creek and Saleyard Creek Flood Study, the site is affected by overland flow of stormwater runoff from adjoining properties in the 1 in 100 year flood event. The proposal seeks to amend the approved stormwater drainage plan, specifically re-directing the overland flow at the site along its side boundaries. Council's Engineer raised no objections to the modified proposal subject to the recommended conditions of consent.

4.15(1)(a)(ii) any draft environmental planning instruments

DA2016/133/01 - 4 Alviston Street, Strathfield
Lot 18 Sec 5 DP 538 (Cont'd)

There are no applicable draft planning instruments that are or have been placed on public exhibition, to consider as part of this assessment.

4.15(1)(a)(iii) any development control plan

STRATHFIELD CONSOLIDATED DEVELOPMENT CONTROL PLAN (SCDCP) 2005

The following is an assessment of the proposal's compliance with the relevant provisions contained within SCDCP 2005.

Heritage and Conservation

Cl. 1.11	Aims	Complies
A	To preserve and enhance the visual and environmental amenity of heritage items and heritage conservation areas within the municipality of Strathfield	Yes
B	Ensure all new development affecting heritage items and conservation areas is designed to be compatible in setting, scale, setbacks, form, materials and character with the building and surrounding area	Yes
C	Ensure that development in the vicinity of a heritage item or conservation area does not have any adverse impact on the heritage significance or setting and that development is compatible in setting, scale, setbacks, form, materials and character with the item or conservation area	Yes
D	Conserve archaeological sites and places of Aboriginal significance	Yes
Cl. 1.11	Controls	Complies
(1)	A Statement of Heritage Impact is required for proposed development: <ul style="list-style-type: none"> a) affecting a heritage item; b) within a heritage conservation area; or c) in the vicinity of an item or heritage conservation area 	Yes
(2)	This statement must set out the heritage significance of the structure or place and assess the extent to which carrying out of the proposed development would affect the significance of the heritage item or heritage conservation area concerned and outline measures to minimise any identified impact	Yes

Comments: During the assessment process an amended Heritage Impact Statement was received.

PART A – DWELLING HOUSES AND ANCILLARY STRUCTURES

5: Landscaping

5.1	Objectives	Satisfactory
A.	To encourage landscaping that is appropriate to the style and scale of the dwelling and adjoining development, and to the streetscape.	Yes
B.	To enhance the existing streetscape and promote a scale and density of planting that softens the visual impact of buildings, structures, vehicle circulation and ancillary areas.	Yes
C.	To preserve existing landscape elements on site (such as existing trees) and encourage their integration into the design of proposals.	Yes
D.	To ensure adequate deep soil planting is retained on each allotment.	Yes
M.	To maximise the amenity of existing and proposed developments, including solar access, privacy and open space.	Yes
5.2	Development Controls	Complies

DA2016/133/01 - 4 Alviston Street, Strathfield
Lot 18 Sec 5 DP 538 (Cont'd)

.1.	<i>Landscaped area</i>		
	1.	Minimum landscaping requirements	No. To be conditioned.
	8	Plant species must be retained, selected and planted to improve amenity	Yes

Comments: The originally approved development provided 42.81% (357.36m²) of deep soil landscaping, a departure of 4.8% (18.25m²) from the minimum 45% (375.6m²) requirement. The subject modification application seeks to replace the groundcovers in the central courtyard with hard paving and enlarge the rear deck area, thereby reducing the deep soil area to 294.39m² (35.26%). This is not acceptable given the heritage significance of the building and streetscape. To increase the amount of deep soil area provided, a condition of consent has been recommended for the central courtyard area to remain as soft landscaped area as per the currently approved landscape plan.

7: Privacy

7.1	Objectives	Satisfactory
A.	<i>Development that is designed to provide reasonable privacy to adjacent properties</i>	Yes
B.	<i>To maintain reasonable sharing of views from public places and living areas</i>	Yes
C.	<i>To ensure that public views and vistas are protected, maintained and where possible, enhanced</i>	Yes

Comments: The proposed modifications including the deletion of one (1) window and enlargement of the approved rear deck, do not compromise the visual privacy of the adjoining properties.

9: Altering Natural Ground Level (Cut and Fill)

9.1	Objectives	Satisfactory
A.	<i>To maintain existing ground levels and minimise cut and fill to reduce site disturbance.</i>	Yes
B.	<i>To ensure existing trees and shrubs are undisturbed, ground water tables are maintained and impacts on overland flow/drainage are minimised.</i>	Yes
9.2	Development Controls	Complies
4	Vegetation or structural measures are implemented when the site is disturbed.	Yes
6	The work does not affect or undermine the soil stability or structural stability of buildings and Council assets on adjoining properties.	Yes

Comments:

To ensure the proposed works will not affect the foundations and structural integrity of the existing dwelling, a condition of consent has been recommended requiring the design of the overland flowpath to be structurally design and certified by an appropriately qualified structural engineer, certification provided to the PCA prior to the issue of the Construction Certificate.

10: Water and Soil Management

10.1	Objectives	Satisfactory
B.	<i>To ensure compliance with Council's Stormwater Management Code</i>	Yes

DA2016/133/01 - 4 Alviston Street, Strathfield
Lot 18 Sec 5 DP 538 (Cont'd)

C.	To ensure compliance with the NSW State Government's Flood Prone Lands Policy.	Yes
E.	To ensure new building work does not detrimentally affect the existing drainage system of any area of the Municipality.	Yes
G.	To appropriately manage stormwater and overland flow to minimise damage to occupants and property	Yes
<hr/>		
10.2	Development Controls	Complies
.1.	Stormwater Management and Flood Prone areas	
	2 Compliance with Council's Stormwater Management Code	Yes
	3 Flood affected properties comply with Council's Interim Flood Prone Lands Policy (Flood Prone Areas & Through Site Drainage)	Yes
	4 Minimum habitable floor height advice obtained for flood affected sites	Yes
	5 A drainage/flood report prepared by a hydraulics engineer submitted for sites affected by overland flows	Yes
	6 Stormwater Management Code compliance	Yes

Comments: The proposed modifications to the stormwater design has been assessed against Clause 6.3 Flood Planning of the *SLEP 2012* and is deemed satisfactory.

PART P- HERITAGE

An assessment of the proposal against the objectives and development controls contained within Part P of SCDP 2005 is included below:

2.6: Alterations and additions

2.6.1	Controls	Complies
	(1) Alterations and additions must not adversely impact the significance of a heritage item.	Yes
	(2) Any alterations and additions must be consistent with the scale, form, proportion, details and materials of the heritage item.	Yes
	(3) Alterations and additions to heritage items must be located so as to minimise their visibility and prominence from the street or adjoining streets, and the height must not be seen above the main ridgeline of the building.	Yes
	(4) Ancillary buildings on the same site as a heritage item must be located so as to not obscure the significant elements of the Item.	Yes

Comments: The proposed modifications are considered to be minor and will not alter the presentation of the approved two storey addition from the streetscape (Alviston Street and Parsons Avenue).

4.15 (1)(a)(iia) any planning agreement or draft planning agreement

No planning agreement has been entered into under section 7.4 of the *Environmental Planning and Assessment Act 1979*.

4.15 (1)(a)(iv) matters prescribed by the regulations

DA2016/133/01 - 4 Alviston Street, Strathfield
Lot 18 Sec 5 DP 538 (Cont'd)

Clause 92 of the *Environmental Planning and Assessment (EP&A) Regulation 2000* requires Council to take into consideration the provisions of the Government Coastal Policy and Australian Standard AS2601–1991: *The Demolition of Structures*, 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)(ii) however does involve the demolition of a building for the purposes of AS 2601 – 1991: *The Demolition of Structures*.

Appropriate conditions of consent are included within the recommended to ensure compliance with any relevant regulations.

(i) any coastal zone management plan

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 affected by the existing 1 in 100 year flood event or is likely to be as a result of the planning benchmarks for sea level rise mentioned above. This modification application does not alter assessment of the original application against the relevant provisions of the *NSW Coastal Planning Guideline: Adapting to Sea Level Rise*.

In accordance with Council's Powells Creek and Saleyard Creek Flood Study, the site is identified as being affected by overland flow of stormwater runoff from adjoining properties in 1 in 100 year flood event. The proposed overland flow path is appropriately designed to capture and divert the overland flows around the existing dwelling and proposed addition and a nil impact to the downstream neighbouring properties.

4.15(1)(b) the likely impacts of the development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality

The proposal seeks minor internal and external modifications to the approved development, alterations and additions to a heritage listed dwelling including a two storey addition. During the assessment process, Council's Heritage Advisor raised concerns regarding the interaction of the overland flowpath with the footings of the heritage dwelling. Additional information comprises of a Overland Flow Path Erosion Assessment, Structural Adequacy Certificate and an Addendum Heritage Impact Statement satisfied the concerns. Overall, the proposed modifications are considered acceptable on their merits and recommended for approval subject to the recommended conditions of consent.

4.15(1)(c) the suitability of the site for the development

The approved development as modified by the current section 4.55(1A) application does not alter the suitability of the development to the site. The modification(s) sought as part of this application involve minimal environmental impact and will result in substantially the same development for which consent was originally granted.

4.15(1)(d) any submissions made in accordance with this Act or the regulations

DA2016/133/01 - 4 Alviston Street, Strathfield
Lot 18 Sec 5 DP 538 (Cont'd)

The application was notified in accordance with Part L of the SCDP 2005 from 15 June 2018 to 3 July 2018 with one (1) written submission received raising the following concerns:

1. Landscaping

Concern is raised regarding the proposed removal of screen planting along the side boundaries, resulting in overlooking opportunities. The screen planting was imposed as a condition of consent under the original development approval.

Assessing Officer's Comments: Whilst the submitted Landscape Plan does not denote the screen planting along the side boundaries as required under Condition No. 30, the subject application does not seek the deletion of the Condition. The conditional requirement for screen planting remains.

2. Tree removal

The revised landscape plans identifies the removal of a tea tree located on the common border. Under the previous documentation, the removal was subject to neighbour's consent.

Assessing Officer's Comments: The amended Landscape Plan proposes the removal of this tree in addition to Tree No. 2 near the front boundary. As no justification or amended Arborist report accompanied the application, the conditional requirement for the retention of these trees remains (Condition No. 29).

3. Visual privacy

Concern is raised regarding the amendments proposed to the upper storey window in the sitting area. There is concern that the modifications will create overlooking opportunities.

Assessing Officer's Comments: The subject application does not propose any changes to the upper storey windows. Condition No. 6(b) of the original development consent requires the east facing upper storey window to the sitting room (W29) to be a highlight window or treated with fixed obscured glazing. No change to this condition is proposed.

4. Construction impacts

Concern is raised that the proposed excavation works on the subject site could incur damage to the trees and house of the adjoining property.

Assessing Officer's Comments: A condition of consent was imposed under the original development consent for a dilapidation report to be prepared and the recommendations of the Arboricultural Impact Assessment to be adopted.

4.15(1)(e) the public interest

The public interest is served through the detailed assessment of this development application under the relevant local planning controls and legislation. The approved development as modified by the current modification application is not contrary to the public interest.

SECTION 7.11 CONTRIBUTIONS

Section 7.11 of the EP&A Act 1979 relates to the collection of monetary contributions from applicants for use in developing key local infrastructure.

This section 4.55(1A) application does not trigger any changes to the original condition of consent requiring payment of a section 7.11 contribution in accordance with Council's Section 94 Contributions Plan.

CONCLUSION

DA2016/133/01 - 4 Alviston Street, Strathfield
Lot 18 Sec 5 DP 538 (Cont'd)

The application has been assessed having regard to Section 4.15 of the Environmental Planning and Assessment Act 1979, the Strathfield Local Environmental Plan 2012 and the Strathfield Development Control Plan 2005 and is considered to be satisfactory for approval.

PEER REVIEW

The content and recommendation of the development assessment report has undergone peer review and is satisfactory for consideration by the Panel.

RECOMMENDATION

Pursuant to Section 4.55(1A) of the Environmental Planning and Assessment Act 1979, the proposed modification(s) to Development Consent No. 2016/133 including minor internal reconfiguration of the dwelling, changes to the finished floor levels, revised stormwater and landscape plans at 4 Alviston Street, Strathfield be **APPROVED**, subject to:

1. The original conditions of consent (DA2016/133) as approved by Council on 13 January 2017 for alterations and additions to a heritage listed dwelling and demolition of an existing swimming pool; and
2. As modified by the Section 4.55(1A) application (DA2016/133/01) involving minor internal reconfigurations, changes to the finished floor levels, revised stormwater and landscape plans as follows:
 - Modification of Condition No. 1 reflecting the amended plans;
 - Modification of Condition No. 7 to include the recommendations of the updated HIS;
 - Modification of Condition No. 17 reflecting the amended stormwater plans;
 - Addition of Condition No. 26A the registration of a Positive Covenant;
 - Addition of Condition No. 28A compliance with the submitted Overland Flow Assessment;
 - Addition of Condition No. 30A the central courtyard is to remain as a landscaped area; and
 - Addition of Condition No. 57 to 60 regarding heritage.

Accordingly Development Consent No. 2013/133 is approved as follows:

Development Description: Alterations and additions to a heritage listed dwelling and demolition of an existing swimming pool.

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:

Location Plan & Streetscape Elevation, Drawing No A1.00, Issue 3, prepared by The Site Foreman received by Council 2 December 2016.

Demolition Plan, Drawing No A1.01-B, Issue 3, prepared by The Site Foreman received by Council 2 December 2016.

Site Plan, Drawing No A1.02, Issue 11, prepared by The Site Foreman received by Council 10 September 2018.

DA2016/133/01 - 4 Alviston Street, Strathfield
Lot 18 Sec 5 DP 538 (Cont'd)

Ground Floor Plan, Drawing No A1.03, Issue 12, prepared by The Site Foreman received by Council 10 September 2018.

Level 1 Floor Plan, Drawing No A1.04, Issue 12, prepared by The Site Foreman received by Council 10 September 2018.

Roof Plan, Drawing No A1.05, Issue 9, prepared by The Site Foreman received by Council 10 September 2018.

North and East Elevations, Drawing No A2.01, Issue 12, prepared by The Site Foreman received by Council 10 September 2018.

South and West Elevations, Drawing No A2.02, Issue 12, prepared by The Site Foreman received by Council 10 September 2018.

Sections and BASIX Notes, Drawing No A3.01, Issue 11, prepared by The Site Foreman received by Council 10 September 2018.

Materials and Finishes, Drawing No A5.01, Issue 3, prepared by The Site Foreman received by Council 2 December 2016.

Revised Heritage Impact Statement, prepared by Artefact received by Council 2 December 2016.

Landscape Planting Plan, Dwg L01/1-K21104, prepared by Michael Siu Landscape Architects received by Council 2 December 2016.

BASIX Certificate Number: A252665 issued 11 July 2016 received by Council 17 August 2016.

Stormwater Concept Plan, Drawing No SW01, Rev D, prepared by Hyten Engineering received by Council 2 December 2016.

Arboricultural Impact Assessment, Reference No D2800, prepared by Allied Tree Consultancy received by Council 17 August 2016.

Waste Management Plan prepared by The Site Foreman received by Council 17 August 2016.

Overland Flow Path Erosion Assessment, prepared by Martens Consulting Engineers dated 30 August 2018 received by Council 10 September 2018.

Structural Adequacy Certificate, prepared by Hyten Engineering dated 31 October 2018, received by Council 8 November 2018.

Addendum Heritage Impact Statement, prepared by Artefact Heritage dated 8 November 2018, received by Council 8 November 2018.

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

DA2016/133/01 - 4 Alviston Street, Strathfield
Lot 18 Sec 5 DP 538 (Cont'd)

are to be retained on site at all times.

Special Conditions

5. A Schedule of Works Methodology report pertaining to the proposed repair and painting works to the heritage listed dwelling and front fence shall be prepared by a qualified heritage expert and submitted to the Principal Certifying Authority, prior to the commencement of any works. Any recommendations contained within the document shall be fully complied with and works carried out in accordance with the proposed Schedule, with details of compliance demonstrated to the Principal Certifying Authority.
6. The following privacy measures shall be installed and maintained at all times:
 - (a) The proposed solid wall along the eastern edge of the Level one rear balcony as shown on Drawing Nos. A1.04 and A2.01 both Issue 8 dated 23 November 2016 and received by Council 2 December 2016.
 - (b) The proposed east facing level 1 window to the sitting room (W29) shall have a sill height of at least 1.7m above finished floor level; or have fixed, obscure glazing in any part of the window less than 1.7m above finished floor level in accordance with Section 14.3.3 of the SCDP 2005.

Details of the above measures shall be submitted to the Principal Certifying Authority for approval, prior to the issue of a Construction Certificate.

7. The recommendations contained within the Heritage Impact Statement prepared by Artefact dated 8 November 2018, received by Council 8 November 2018 shall be fully complied with and compliance demonstrated to the Principal Certifying Authority, prior to the issue of an Occupation Certificate.
8. The air conditioning units, rainwater tank, hot water system and all flood sensitive equipment must be located above the 1 in 100 year flood level being RL25m AHD. Details demonstrating compliance shall be submitted to the Principal Certifying Authority for approval prior to the issue of an Occupation Certificate.

General

9. 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.
10. A Works Permit shall be obtained from Strathfield Council at least five (5) working days prior any work (including demolition, excavation and the erection of site fencing/hording). The approved Works Permit and any approved Construction Traffic Management Plan must be complied with at all times until all demolition, building, engineering and construction work associated with the development has been completed. 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. 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

DA2016/133/01 - 4 Alviston Street, Strathfield
Lot 18 Sec 5 DP 538 (Cont'd)

of such cover to Council prior to carrying out works.

Financial Matters

13. 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:

Local Amenity Improvement Levy \$9,000.00

The total amount of the contribution is valid as at the date of determination and is subject to quarterly indexation. 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.

14. A security payment of \$4,127.00 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:

Refundable works bond	\$4,000.00
Non-refundable administration fee (\$127/bd)	\$ 127.00
TOTAL	\$4,127.00

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) 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.
15. 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

16. Prior to the Commencement of Works a Construction Traffic Management Plan (CTMP) shall be prepared by a suitably qualified consultant to demonstrate that the proposed delivery routes for equipment, materials and machinery to and from the site will not disrupt the local traffic network. The CTMP is to nominate waiting zones for the queueing of vehicles pending their loading/unloading at the site in order to manage traffic impact on Parramatta Road. The recommendations of the CTMP are to be implemented during

DA2016/133/01 - 4 Alviston Street, Strathfield
Lot 18 Sec 5 DP 538 (Cont'd)

construction and excavation phases of the development. This document shall be submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate or commencement of any works including demolition.

Drainage/Stormwater

17. Stormwater runoff from all roof and paved surfaces shall be collected and discharged by means of a gravity pipe system to the street gutter via the existing stormwater pipe system in accordance with Council's standard requirements as depicted on the concept plan prepared by [Martens & Associates, Drawing No PS01-A000 Rev A, PS01-E100 Rev A and PS01-E200 Rev A, dated 26 April 2018, received by Council 1 June 2018.](#)
18. 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.

The engineering plans are satisfactory as Stormwater Concept Plans. The Principal Certifying Authority is to satisfy themselves of the adequacy of the Stormwater Concept 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 the Principal Certifying Authority who is not Council, issues the Construction Certificate, a copy of the plans must be provided to Council prior to the issue of a Construction Certificate.

19. 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.

20. Temporary measures shall be provided and regularly maintained during demolition, excavation and construction to prevent sediment and polluted waters discharging from the 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.
21. 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.

DA2016/133/01 - 4 Alviston Street, Strathfield
Lot 18 Sec 5 DP 538 (Cont'd)

22. All subsoil drainage must be designed to meet the requirements of AS3500.
23. Connection to the existing stormwater system is acceptable provided the existing system is evaluated to have the required hydraulic capacity by a qualified professional Civil Engineer, in accordance with Council's Stormwater Management Code. In the case that the existing drainage system is found to be inadequate for the additional load, the existing system shall be upgraded or replaced as necessary to comply with the requirements above.
24. Overflow paths shall be provided to allow for flows in excess of the capacity of the pipe/drainage system draining the site.
25. 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.
26. The existing surface ground levels within the overland flow path shall not be altered.
- 26A. Prior to the issue of any Occupation Certificate, the applicant shall register a Positive Covenant and a Restriction as to User under section 88E and or section 88B of the Conveyancing Act as appropriate in favour of Council, ensuring the ongoing retention, maintenance and operation of the stormwater facility surface flow path.

The wording on the 88E and or 88B Instrument is to make reference to the Council file where the Construction plans and the Work As Executed (as built), plans are held. Typical wording can be obtained from Council's Specification for the Management of Stormwater document.
27. 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.
28. The proposed development must be designed so that habitable floors are a to a minimum of 500mm above the 1 in 100 year flood level and non-habitable floors are no lower than the 1 in 100 year flood level. The 1 in 100 year flood level at the location of the proposed addition is RL25m AHD.
- 28A. The applicant shall comply with the flood recommendations provided in the Overland Flow Assessment prepared by Martens Consulting Engineers dated 10 May 2018 received by Council 1 June 2018. A certificate from a suitably qualified Engineer shall be submitted to the Certifying Authority stating compliance with these recommendations, prior to the issue of a Construction Certificate.

Landscaping/Tree Matters

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

<u>Tree</u>	<u>Height/ Spread (m)</u>	<u>Location</u>	<u>Protection Zone (m)</u>	<u>Structural Root Zone (m)</u>
1) <i>Fraxinus</i> sp. (Ash)	7m x 5m	Neighbouring property	4.8	2.2

DA2016/133/01 - 4 Alviston Street, Strathfield
 Lot 18 Sec 5 DP 538 (Cont'd)

2)	<i>Triadica sebifera</i> (Chinese Tallow)	9m x 4m	Front yard	4.3	2.2
3)	<i>Melaleuca styphelioides</i> (Pricky-leaved Paperbark)	12m x 6m	Front yard	4.9	2.2
4)	<i>Agnois flexuosa</i> (Willow Myrtle)	10m x 5m	Front yard	4.8	2.2
8)	<i>Callistemon salignus</i> (Pink Tips)	9m x 3m	Front yard	3.0	1.7
10)	<i>Agnois flexuosa</i> (Willow Myrtle)	9m x 6m	Eastern boundary	4.8	2.3
11)	<i>Leptospermum petersonii</i> (Lemon Scented Tea Tree)	14m x 6m	Western boundary	3.0	1.7
12)	<i>Callistemon viminalis</i> (Bottlebrush)	7m x 5m	Neighbouring property	2.4	1.7
13)	<i>Callistemon viminalis</i> (Bottlebrush)	7m x 6m	Neighbouring property	2.4	1.7
14)	<i>Syagrus romanzoffianum</i> (Cocus Palm)	11m x 3m	Neighbouring property	2.5	1.0
16)	<i>Jacaranda mimosifolia</i> (Jacaranda)	8m x 8m	Neighbouring property	4.8	2.2
17)	<i>Syagrus romanzoffianum</i> (Cocus Palm)	11m x 3m	Neighbouring property	2.0	1.0
19)	<i>Cinnamomum camphora</i> (Camphor Laurel)	6m x 3m	Neighbouring property	2.5	1.5
20)	<i>Celtis occidentalis</i> (Common Hackberry)	13m x 10m	Neighbouring property	4.3	2.0

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.

30. The raised planter boxes along the eastern boundary shall be planted with *Elaeocarpus reticulatus* (Blueberry Ash) with a minimum 45 litre container size and be centred 900mm apart to provide privacy screening, be fitted with an automatic irrigation system and shall be

DA2016/133/01 - 4 Alviston Street, Strathfield
Lot 18 Sec 5 DP 538 (Cont'd)

maintained at all times. Trees are to conform to the NATSPEC guidelines. Details of the planting shall be submitted to an approved by the Principal Certifying Authority prior to the issue of a Construction Certificate.

- 30A. To increase the amount of deep soil area provided, the central courtyard is to be a landscaped area, used for growing plants, grasses and trees.
31. All noxious weeds on the site shall be removed and destroyed as per their classification under the Noxious Weeds Act.
32. The following listed trees are permitted to be removed to accommodate the proposed development:

<u>Tree</u>	<u>Height/ Spread (m)</u>	<u>Location</u>
6) <i>Pittosporum undulatum</i> (Native Daphne)	6m x 4m	Front yard
7) <i>Triadica sebifera</i> (Chinese Tallow)	7m x 2m	Front yard
9) <i>Schefflera actinophylla</i> (Umbrella Tree)	8m x 2m	Eastern boundary
15) <i>Pittosporum undulatum</i> (Native Daphne)	8m x 5m	Western boundary
18) <i>Melaleuca styphelioides</i> (Prickly-leaved Paperbark)	11m x 2m	Rear yard

33. 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).
34. An on-site AQF level 5 Consulting Arborist is to be appointed to ensure tree sensitive construction measures are undertaken where construction directly affects trees to be retained on site.
35. The construction of the front fence is to be re-built on existing grade to minimise disturbance to roots from existing trees to be retained. If damage exists to the current footings of the fence that require further excavation, an on-site AQF level 5 Consulting Arborist must be engaged to locate all tree roots from existing trees to be retained using non-destructive tree sensitive techniques. Any further construction requiring excavation beyond existing grade must be of pier and beam construction.

Construction Matters

36. 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.
37. 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.

DA2016/133/01 - 4 Alviston Street, Strathfield
Lot 18 Sec 5 DP 538 (Cont'd)

38. 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).
39. 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.
40. Certification shall be obtained from a registered surveyor at the following stage(s) of construction confirming that the building has been constructed in accordance with the approved plans including any approved amendments (S.96 approvals) and plans and details required by Council as conditions of development consent:
 - (a) footings excavation prior to placement of concrete;
 - (b) car park/garage level prior to placement of concrete or pavement;
 - (c) ground floor and first floor levels;
 - (d) roof ridge height;
 - (e) all floors of the building, roof eaves and all roof ridges;
 - (f) wall setbacks from property boundaries and street alignment;
 - (g) dimensions and areas of balconies/courtyards;
 - (h) vehicular ramp gradients.

Copies of the surveyor's certificates must be submitted to and accepted by Council at the stages nominated above.

41. 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.
42. 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.
43. 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.
44. 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.
45. A certificate from a practising and suitably qualified structural engineer certifying that the existing structure is capable of supporting the new superimposed loads from the proposed development shall be submitted prior to the issue of a Construction Certificate.

Building Matters

46. The proposed metal roof shall be of a pre-coated, low-reflective finish in a dark, recessive colour which is compatible with the building design and surrounding development.

Sustainability

47. 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:

DA2016/133/01 - 4 Alviston Street, Strathfield
Lot 18 Sec 5 DP 538 (Cont'd)

- (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.

48. 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

49. Demolition shall be carried out in accordance with Australian Standard 2601 - 'The demolition of structures' or any subsequent standard and the relevant legislation.
50. 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.
51. 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.
52. 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

53. A permit shall be obtained from Sydney Water prior to the filling of the swimming pool.
54. The only fill material that may be received at the development site is virgin excavated natural material (VENM) defined in accordance with the Protection of the Environment Operations Act, 1997. Documentation confirming compliance with this condition shall be submitted to Strathfield Council within 7 days of works commencing.
55. Immediately following the completion of the demolition and infill of the swimming pool, the applicant shall lay turf over all disturbed areas in the rear of the property.

Waste Management

56. 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.

Heritage

57. The excavation of the footings and along existing building walls to accommodate the overland flowpath must be designed so as not to have any structural effect on the existing building, specifically the foundations and the structural integrity of the existing dwelling. The design of the overland flowpath is to be structurally designed and certified by an appropriately qualified practicing structural engineer with experience in heritage structures. Certification must be provided to the Principal Certifying Authority prior to the issue of the

DA2016/133/01 - 4 Alviston Street, Strathfield
Lot 18 Sec 5 DP 538 (Cont'd)

Construction Certificate.

58. Alterations to, and demolition of, the existing building shall be limited to that documented on the approved plans (by way of notation) or conditioned in this consent. No approval is given or implied for removal and/or rebuilding of any portion of the existing building which is shown to be retained.

Should any portion of the existing building which is indicated on the approved plans to be retained, be damaged for whatever reason, all the works in the area of this damaged portion are to cease and written notification given to Council. No work is to resume until the written approval of Council is obtained.

59. All external materials, finishes and colours are to be consistent with the schedule submitted and approved by Council with the development application.
60. The reuse and recycling of significant elements such as bricks, sandstone blocks, verandah thresholds, wall vents, ceiling roses and timber joinery etc. is required. The recycling is to occur, preferably on site and/or to suitable professional recycling yards specialising in the recycling of historic building materials. Removal and storage of these materials is to be carefully carried out by the workers and a specific stockpile area is to be designated and protected. A detailed plan for execution of the above requirements is to be submitted to and approved by Council's Heritage Advisor, prior to issue of a Construction Certificate.

ATTACHMENTS

There are no attachments for this report.

TO: Strathfield Internal Development Assessment Panel Meeting - 17 January 2019

REPORT: IDAP – Report No. 2

SUBJECT: DA2018/162 - 80 MINTARO AVENUE, STRATHFIELD
LOT 9 DP 12221577

DA NO. DA2018/162

SUMMARY

Proposal:	Converting an existing open storage room to an internal cinema and storage room.
Applicant:	Van Tran
Owner:	Ke Ma
Date of lodgement:	21 November 2018
Notification period:	26 November 2018 - 13 December 2018
Submissions received:	Nil (0)
Assessment officer:	LM
Estimated cost of works:	\$15,000.00
Zoning:	R2 Low Density Residential - SLEP 2012
Heritage:	N/A
Flood affected:	No
RECOMMENDATION OF OFFICER:	Approval

EXECUTIVE SUMMARY

- 1.0 This application seeks Council approval for the conversion of an existing open storage area into an internal cinema and storage room.
- 2.0 The application was notified in accordance with Part L of the Strathfield Consolidated Development Control Plan (SCDCP) 2005. No submissions were received during this time.
- 3.0 Floor space calculations by Councils Planning Officer identified a non-compliance with Clause 4.4C of the Strathfield Local Environmental Plan (SLEP) 2012. The applicant was subsequently requested to submit an internal floor space calculation plan.
- 4.0 The additional information provided by the applicant has appropriately responded to the concerns raised by Council in that it now demonstrates compliance with the FSR standard.
- 5.0 The application is considered appropriate and is therefore recommended for an approval, subject to the recommended conditions of consent.

BACKGROUND

- | | |
|-------------------------|---|
| 17 December 2018 | A deferral letter was sent to the applicant, seeking further clarification in relation to the calculation of floor space. |
| 4 January 2019 | Additional information was provided by the applicant, appropriately responding to the concerns raised in Councils deferral letter and |

DA2018/162 - 80 Mintaro Avenue, Strathfield
Lot 9 DP 12221577 (Cont'd)

demonstrating compliance with Clause 4.4C of the SLEP 2012 relating to FSR.

DESCRIPTION OF THE SITE AND LOCALITY

The subject site is legally described as Lot 9 in DP 12221577 and is commonly known as 80 Mintaro Avenue, Strathfield (**Figure 1**). The site is located between Amaroo Avenue to the west and Macarthur Avenue to the east, with a total site area of 638.6m². The site is irregular in shape and has a frontage of 23.9m to the north and side boundary length of 39.9m to the west.

Existing development on the site comprises of a newly constructed two (2) storey residential dwelling with a rendered exterior finish and flat roof form (**Figure 2**). The external storage area is subject to this development application is shown below in (refer to **Figures 3 and 4**).



Figure 1: The site (as highlighted) and the surrounding context.

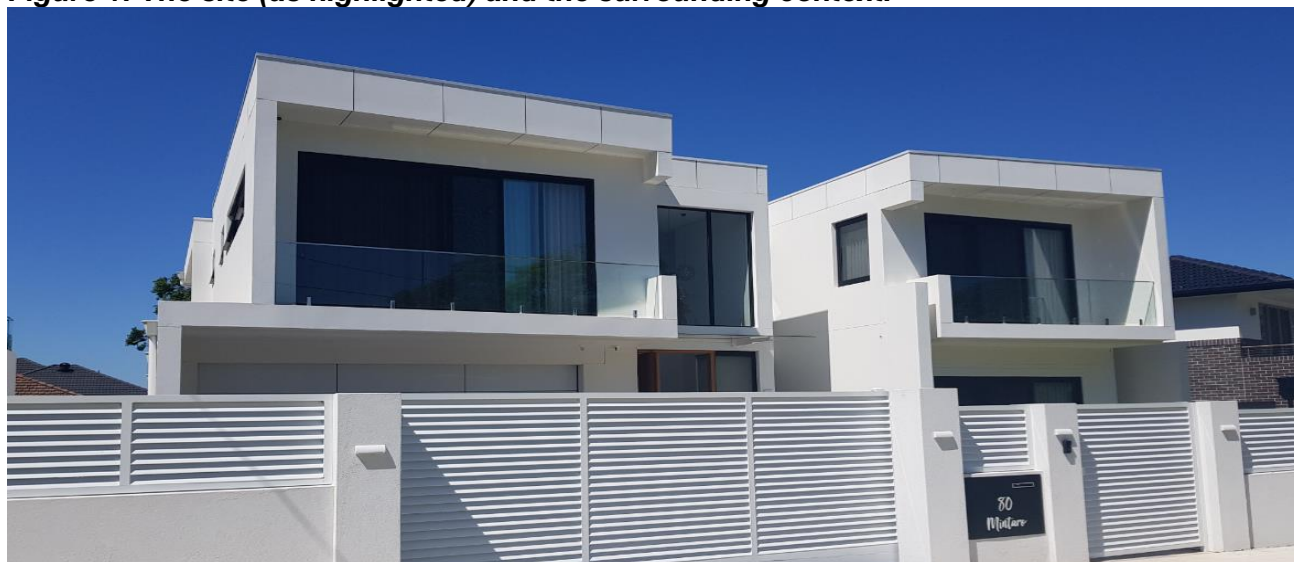


Figure 2: The existing residential dwelling located on the subject site.

DA2018/162 - 80 Mintaro Avenue, Strathfield
Lot 9 DP 12221577 (Cont'd)



Figure 3: Existing storage room.



Figure 4: Outside the existing storage room.

PROPERTY BURDENS AND CONSTRAINTS

There are no easements or burdens on the land which could affect, or be affected by, the proposed development.

DESCRIPTION OF THE PROPOSED DEVELOPMENT

This application seeks Council approval for the conversion of an existing open storage area into an internal cinema and storage room. The proposal will result in an added floor space of 31.26m². A site plan demonstrating the proposal is shown below in **Figure 5**.

DA2018/162 - 80 Mintaro Avenue, Strathfield
Lot 9 DP 12221577 (Cont'd)

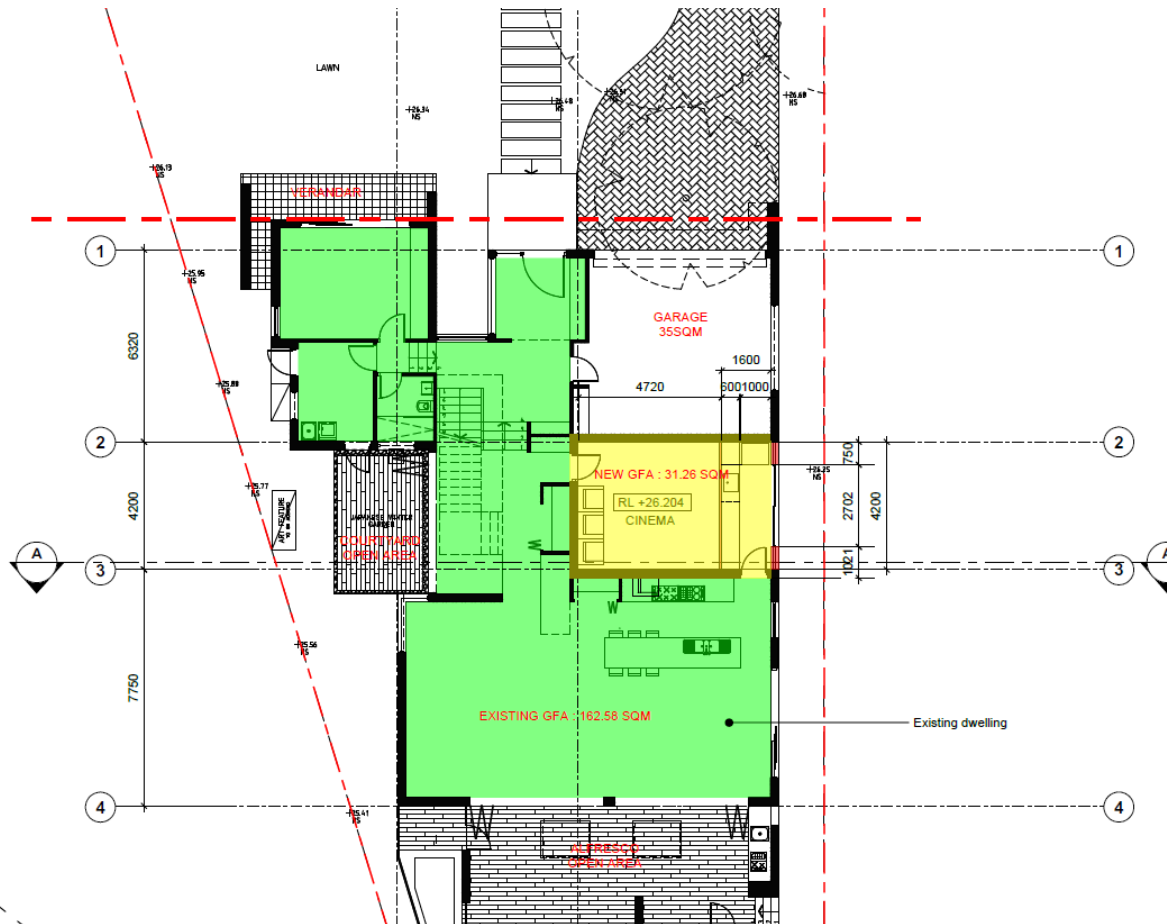


Figure 5: A site plan of the subject dwelling, where the added cinema and internal storage area is highlighted in yellow.

REFERRALS

No internal or external referrals were required for this development application.

SECTION 4.15 CONSIDERATIONS – EP&A Act, 1979

In determining a development application, the consent authority is to take into consideration the following matters of consideration contained within Section 4.15 of the Environmental Planning and Assessment Act, 1979 as relevant to the development application:

4.15(1)(a) the provisions of:

(i) any environmental planning instrument

STATE ENVIRONMENTAL PLANNING POLICY (SEPP) – BASIX 2004

As the value of works is less than \$50,000, the application did not require an assessment against the BASIX SEPP 2004.

State Environmental Planning Policy No 55 – Remediation of Land

A review of the available history for the site gives no indication that the land associated with this development is contaminated. The objectives outlined within SEPP55 are therefore considered to be satisfied.

DA2018/162 - 80 Mintaro Avenue, Strathfield
Lot 9 DP 12221577 (Cont'd)

STRATHFIELD LOCAL ENVIRONMENTAL PLAN (SLEP) 2012

An assessment of the proposal against the general aims of SLEP 2012 is included below:

Cl. 1.2(2)	Aims	Complies
(a)	<i>To achieve high quality urban form by ensuring that new development exhibits design excellence and reflects the existing or desired future character of particular localities and neighbourhoods in Strathfield</i>	Yes
(b)	<i>To promote the efficient and spatially appropriate use of land, the sustainable revitalisation of centres, the improved integration of transport and land use, and an appropriate mix of uses by regulating land use and development</i>	N/A
(c)	<i>To promote land uses that provide a wide range of employment, recreation, retail, cultural, service, educational and other facilities for the local community</i>	N/A
(d)	<i>To provide opportunities for economic growth that will enhance the local community</i>	N/A
(e)	<i>To promote future development that integrated land use and transport planning, encourages public transport use, and reduced the traffic and environmental impacts of private vehicle use</i>	N/A
(f)	<i>To identify and protect environmental and cultural heritage</i>	N/A
(g)	<i>To promote opportunities for social, cultural and community activities</i>	N/A
(h)	<i>To minimise risk to the community by identifying land subject to flooding and restricting incompatible development</i>	N/A

Permissibility

The subject site is zoned R2 Low Density Residential under Strathfield Local Environmental Plan (SLEP) 2012. The additional floor space will not compromise compliance with the objectives of a R2 Low Density Residential zone.

Zone Objectives

An assessment of the proposal against the objectives of the R2 Low Density Residential zone is included below:

Objectives	Complies
➤ <i>To provide for the housing needs of the community within a low density residential environment.</i>	Yes
➤ <i>To enable other land uses that provide facilities or services to meet the day to day needs of residents.</i>	N/A
➤ <i>To ensure that development of housing does not adversely impact the heritage significance of adjacent heritage items and conservation area.</i>	N/A

Part 4: Principal development standards

An assessment of the proposal against the relevant provisions contained within Part 4 of the SLEP 2012 is provided below.

Floor space ratio

Cl.	Standard	Controls	Approved	Proposed	Complies
4.4	<i>Floor space ratio</i>	0.60:1 (383.16m ²)	0.491:1 (313.63m ²)	0.54:1 (344.89m ²)	Yes

Objectives	Complies
(a) <i>To ensure that dwellings are in keeping with the built form character of the local area</i>	Yes
(b) <i>To provide consistency in the bulk and scale of new dwellings in residential areas</i>	Yes

DA2018/162 - 80 Mintaro Avenue, Strathfield
Lot 9 DP 12221577 (Cont'd)

(c)	To minimise the impact of new development on the amenity of adjoining properties	Yes
(d)	To minimise the impact of development on heritage conservation areas and heritage items	N/A
(e)	In relation to Strathfield Town Centre: i. to encourage consolidation and a sustainable integrated land use and transport development around key public transport infrastructure, and ii. to provide space for the strategic implementation of economic, social and cultural goals that create an active, lively and people-oriented development	N/A
(f)	In relation to Parramatta Road Corridor – to encourage a sustainable consolidation pattern that optimises floor space capacity in the Corridor	N/A

Part 5: Miscellaneous Provisions

There are no relevant provisions under Part 5 of the SLEP 2012.

Part 6: Local Provisions

The relevant provisions contained within Part 6 of the SLEP 2012 are addressed below as part of this assessment:

6.1 Acid Sulfate Soils

The subject site is identified as being affected by class 5 soils. As the subject site is not situated in the vicinity of any other soils and is not seeking and excavation works, no further assessment was required.

6.3 Flood Planning

The subject site is not located in a flood affected site and therefore it is unlikely that the proposal will add risk to human life.

6.4 Essential services

It is expected that the conversion of the existing external storage room into a cinema and internal storage room will not influence the servicing of water and electricity connection to Council's stormwater drainage system. No further assessment was therefore required.

4.15(1)(a)(ii) any draft environmental planning instruments

There are no applicable draft planning instruments that are or have been placed on public exhibition, to consider as part of this assessment.

4.15 (1)(a)(iii) any development control plan

STRATHFIELD CONSOLIDATED DEVELOPMENT CONTROL PLAN (SCDCP) 2005

The following is an assessment of the proposal's compliance with the relevant provisions contained within SCDCP 2005.

PART A – DWELLING HOUSES AND ANCILLARY STRUCTURES

4: Building Envelope

4.1	Objectives	Satisfactory
A.	To ensure that dwellings are compatible with the built form of the local area and that overall bulk and scale, size and height of dwellings relative to natural ground level responds to the adjoining dwellings, topography and desired future character.	Yes
B.	To minimise impact on the amenity of adjoining properties.	Yes

DA2018/162 - 80 Mintaro Avenue, Strathfield
Lot 9 DP 12221577 (Cont'd)

C.	<i>To establish and maintain the desired setbacks from the street and define the street edge.</i>		Yes
D.	<i>To create a perception or reinforce a sense of openness in the locality.</i>		N/A
E.	<i>To maintain view corridors between dwellings</i>		N/A
F.	<i>To assist in achieving passive surveillance whilst protecting visual privacy.</i>		N/A
G.	<i>To provide a transitional area between public and private space.</i>		N/A
4.2	Development Controls		Complies
.1.	<i>Floor Space Ratio</i>		
	1	Floor Space Ratio permissible pursuant to SLEP 2012	Yes
	2	Development compatible with the lot size	Yes
<i>Building Height</i>			
.2.	1	Height of building permissible pursuant to SLEP 2012	N/A
	2	Height of outbuildings, detached garages and carports is 3.5m (max) measured at the highest point on the roof above NGL	N/A
	3	Dwelling houses and any ancillary structures 2-storeys (max)	N/A
	4	Building height responds to the gradient of the site to minimise cut and fill	N/A
.3.1.	<i>Street Setbacks</i>		
	1	Setbacks consistent with minimum requirements of Table A.1	N/A
.3.2.	<i>Side and Rear Setbacks</i>		
	1	A combined side setback of 20% of the width of the block (incorporating a 1.2m min side setback on each side).	N/A
	2	A rear setback of 6m (min)	N/A
	3	1 Subject to meeting the minimum landscaped area (as per section 5 of this part of the DCP) in the rear of the site, ancillary facilities such as garages/outbuildings may be located within the rear setback area.	N/A
	4	Garages and carports setbacks consistent with Table A.2	N/A
<i>East-West Lots</i>			
.4.	1	Where primary street frontage faces east, the minimum side setback located on northern side.	N/A
	2	The southern side setback utilised for driveway/garage entry.	N/A

DA2018/162 - 80 Mintaro Avenue, Strathfield
Lot 9 DP 12221577 (Cont'd)

Comments: The additional floor space remains compliant with the maximum floor space ratio. This room will be enclosed with no changes to the existing side setbacks, ensuring that there are no additional impacts on neighbouring allotments.

PART H - WASTE MANAGEMENT (SCDCP 2005)

A waste management plan was submitted with the development application, appropriately reflecting the requirements as provided within Part H of the SCDCP 2005.

4.15 (1)(a)(iia) any planning agreement or draft planning agreement

No planning agreement has been entered into under section 7.4 of the *Environmental Planning and Assessment Act 1979*.

4.15(1)(b) the likely impacts of the development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality

The enclosed space will include an added door way entry that is 2.7m wide and 2.9m in height. Due to the neighbouring fence being 1.8m in height, it is unlikely that the enclosed spaced will inflict further privacy constraints onto neighbouring residents.

Overall, the reconfiguration of the external storage room has been considered with respect to adjoining properties. As the use of this room will not impact the external areas of the site, it is unlikely there will be any additional impacts onto neighbouring residents.

4.15(1)(c) the suitability of the site for the development

The proposed development is considered to be suitable to the site in that it will enable a better use of space for residents on the subject site.

4.15(1)(d) any submissions made in accordance with this Act or the regulations

The application was notified in accordance with Part L of the SCDCP 2005 from 26 November 2018 to 13 December 2018. No submissions were received during this time.

4.15(1)(e) the public interest

The public interest is served through the detailed assessment of this development application under the relevant local planning controls and legislation and consideration of any submissions received relating to it by Council. The proposed development is not considered to be contrary to the public interest.

SECTION 7.13 CONTRIBUTIONS

STRATHFIELD DEVELOPMENT CONTRIBUTIONS PLAN

As the value of works is less than \$100,000, Development contributions are not applicable in this case.

CONCLUSION

The application has been assessed having regard to Section 4.15 of the *Environmental Planning and Assessment Act 1979*, the *Strathfield Local Environmental Plan 2012* and the *Strathfield*

DA2018/162 - 80 Mintaro Avenue, Strathfield
Lot 9 DP 12221577 (Cont'd)

Development Control Plan 2005 and is considered to be satisfactory for approval, subject to the recommended conditions of consent.

Signed: Laura Morabito
Strategic Planning Officer

PEER REVIEW

The content and recommendation of the development assessment report has undergone peer review and is satisfactory for consideration by the Panel.

Signed: Greg Hansell
Senior Planning Officer

RECOMMENDATION

That Development Application No. DA2018/162 for the conversion of an existing open storage area into an internal cinema and storage room at 80 Mintaro Avenue, Strathfield be **APPROVED**, subject to the following conditions:

1. APPROVED PLANS AND REFERENCE DOCUMENTATION (GC)

The development, except where modified by a condition(s) of consent, is to be carried out in accordance with the following plans and reference documentation:

Plans affixed with Council's 'Development Consent' stamp relating to Development Consent No. DA2018/162:

Drawing No.	Title/Description	Prepared by	Issue / Revision & Date	Date received by Council
04	Elevations & Section A-A	Bibi Development Pty Ltd	Issue A / 20 November 2018	21 November 2018
01	Ground Floor Plan, First Floor Plan	Bibi Development Pty Ltd	Issue A / 20 November 2018	21 November 2018

Reference Documentation affixed with Council's 'Development Consent' stamp relating to Development Consent No. DA2018/162:

Title / Description	Prepared by	Issue/Revision & Date	Date received by Council
Waste Management Plan	Bibi Development Pty Ltd	21 November 2018	21 November 2018

In the event of any inconsistency, the conditions of this consent shall prevail.

(Reason: To ensure that the form of the development undertaken is in accordance with the determination of Council.)

2. CONSTRUCTION HOURS (GC)

No construction or any other work related activities shall be carried out on the site outside the hours of 7.00 am to 5.00 pm Mondays to Fridays and 8am to 1pm Saturdays.

DA2018/162 - 80 Mintaro Avenue, Strathfield
Lot 9 DP 12221577 (Cont'd)

No building activities are to be carried out at any time on a Sunday or public holiday.

Where the development involves the use of jackhammers/rock breakers and the like or other heavy machinery, such equipment may only be used between the hours of 7.00 am - 5.00 pm Monday to Friday only.

(Reason: To maintain amenity to adjoining land owners.)

3. CONSTRUCTION WITHIN BOUNDARIES (GC)

The development including but not limited to footings, walls, roof barges and guttering must be constructed wholly within the boundary of the premises. No portion of the proposed structure shall encroach onto the adjoining properties. Gates must be installed so they do not open onto any footpath or adjoining land.

(Reason: Approved works are to be contained wholly within the subject site.)

CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE (CC)

4. MATERIALS – SCHEDULE OF EXTERNAL FINISHES TO BE SUBMITTED (GC)

A schedule detailing all external materials, colours and finishes including windows, doors and roofing materials shall be submitted to Council for approval.

All external materials, colours and finishes including windows and doors and roofing materials must be of high quality and compatible with those of the surrounding streetscape and locality. All external materials and colours shall be of low glare and reflectivity. Details demonstrating compliance with this condition shall be provided to the Principal Certifying Authority, prior to the issue of any Construction Certificate.

(Reason: To ensure a positive contribution to the streetscape and to minimise excessive glare and reflectivity.)

5. BUILDING CODE OF AUSTRALIA - COMPLIANCE WITH (CC)

All architectural drawings, specifications and related documentation shall comply with the Building Code of Australia (BCA). All work must be carried out in accordance with the requirements of the Building Code of Australia (BCA).

In the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance in force in accordance with Part 6 of that Act, such a contract of insurance is to be in force before any building work authorised to be carried out by the consent commences.

Details demonstrating compliance with this condition are to be submitted to the Principle Certifying Authority, prior to issue of the Construction Certificate.

(Reason: This is a 'prescribed' condition under clause 98(1) of the Environmental Planning and Assessment Regulation 2000.)

DA2018/162 - 80 Mintaro Avenue, Strathfield
Lot 9 DP 12221577 (Cont'd)

CONDITIONS TO BE SATISFIED PRIOR TO THE COMMENCEMENT OF WORKS (CW)

6. APPOINTMENT OF A PRINCIPAL CERTIFYING AUTHORITY (PCA) (CW)

No work shall commence in connection with this Development Consent until:

- i) A construction certificate for the building work has been issued by the consent authority or a Principal Certifying Authority.
- ii) The person having the benefit of the development consent has appointed a principal certifying authority for the building work, and notified the principal certifying authority that the person will carry out the building work as an owner/builder, if that is the case.
- iii) The principal certifying authority has, no later than 2 days before the building work commences:
 - notified the Council of his or her appointment, and
 - notified the person having the benefit of the development consent of any critical stage inspections and other inspections that are to be carried out in respect of the building work.
- iv) The person having the benefit of the development consent, if not carrying out the work as an owner-builder, has:
 - appointed a principal contractor for the building work who must be the holder of a contractor licence if any residential building work is involved;
 - notified the principal certifying authority of such appointment; and
 - unless that person is the principal contractor, notified the principal contractor of any critical stage inspections and other inspections that are to be carried out in respect of the building work.
- v) The person having the benefit of the development consent has given at least 2 days' notice to the Council of the person's intention to commence the erection of the building.

Note: If the principal certifying authority is the Council, the nomination will be subject to the payment of a fee for the service to cover the cost of undertaking all necessary inspections and the issue of the appropriate certificates.

Under the Environment Planning and Assessment (Quality of Construction) Act, 2003, a sign must be erected in a prominent position on the work site showing the name, address and telephone number of the principal certifying authority; the name of the principal contractor (if any) for the building work and a telephone number at which that person may be contacted outside working hours. That sign must also state that unauthorised entry is prohibited. The sign must not be removed until all work has been completed.

(Reason: Statutory requirement.)

CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE (OC)

7. OCCUPATION OF BUILDING (OC)

A person must not commence occupation or use (or change of use where an existing building) of the whole or any part of a new building (within the meaning of section 109H (4) of the Act) unless an Interim Occupation Certificate or Final Occupation Certificate has been issued in relation to the building or part.

The Principal Certifying Authority is required to be satisfied, amongst other things, that:

- i) all required inspections (including each applicable mandatory critical stage

DA2018/162 - 80 Mintaro Avenue, Strathfield
Lot 9 DP 12221577 (Cont'd)

- inspection) have been carried out; and
- ii) any preconditions to the issue of the certificate required by a development consent have been met.

Note: New building includes an altered portion of, or an extension to, an existing building.

(Reason: Statutory requirement.)

ATTACHMENTS

There are no attachments for this report.

TO: Strathfield Internal Development Assessment Panel Meeting - 17 January 2019

REPORT: IDAP – Report No. 3

SUBJECT: DA2018/130 - 11 AUGUSTA STREET, STRATHFIELD
LOT 22 DP 4969

DA NO. DA2018/130

SUMMARY

Proposal:	Demolition of existing structures and construction of a single dwelling house with basement level and in-ground swimming pool, front fence and cabana.
Applicant:	In Vision Design
Owner:	W Dickins
Date of lodgement:	25 September 2018
Notification period:	3 October 2018 – 20 October 2018
Submissions received:	Nil
Assessment officer:	ER
Estimated cost of works:	\$1,250,000.00
Zoning:	R2 Low Density Residential - SLEP 2012
Heritage:	No
Flood affected:	No
Is a Clause 4.6 variation proposed?	No
RECOMMENDATION OF OFFICER:	APPROVAL

EXECUTIVE SUMMARY

- 1.0 The proposal involves demolition of existing structures and construction of a single dwelling house with basement level and in-ground swimming pool, front fence and cabana.
- 2.0 The plans and documentation submitted with the application were publicly notified from 3 October 2018 to 20 October 2018 in accordance with Part L of the Strathfield Consolidated Development Control Plan (SCDCP) 2005. No written submissions were received as a result.
- 3.0 Amended plans were submitted to Council addressing the fill on site, architectural plans and side setbacks. The amended plans result in a built form which is more compatible with existing development in the streetscape. The location of the cabana in the rear yard has been relocated away from the existing neighbouring Eucalyptus tree to preserve the health of the tree. The proposal complies with developments standards in the SLEP and generally complies with the DCP controls.
- 4.0 The proposed development is suitable for the site and recommended for approval.

DA2018/130 - 11 Augusta Street, Strathfield
Lot 22 DP 4969 (Cont'd)

BACKGROUND

25 September 2018: The development application (DA2018/130) was lodged with Council.

4 October 2018: A site inspection was completed.

18 October 2018: A Deferral Letter was emailed and posted to the applicant raising issues about the detail on the architectural plans, fill on site and the height of the cabana.

31 October 2018: Amended plans were submitted in response.

7 January 2019: Tree referral comments were received from the Tree Management Officer not supporting the location of the cabana. An email was sent to the applicant raising issues regarding the cabana located in the neighbouring tree protection zone.

9 January 2019: Amended Plans relocating the cabana 8.2m from the neighbouring tree and 7.375m from the eastern boundary.

DESCRIPTION OF THE SITE AND LOCALITY

The site is legally described as Lot 22 DP 4969 and is commonly known as 11 Augusta, Strathfield. It is located on the northern side of Augusta Street. The site has an area of 1016.8m² with a 20.1m frontage to Augusta Street and 20.1m rear boundary length along Strathfield Park. The site has a depth of 50.5m. The site is relatively flat and is not affected by a 1 in 100 Flood Level.

The site occupied by a single two (2) storey brick dwelling with first floor balcony the whole width of the dwelling, including an attached garage and brick outbuilding located in the rear yard. Vehicular access is provided via Augusta Street.

The current streetscape is characterised by a mix of older, traditional single storey dwellings and modern two (2) storey dwellings including two (2) storey porticos, large garages and basements. The street is undergoing transition to modern two storey dwellings while maintaining a matured and established front landscaping.

DA2018/130 - 11 Augusta Street, Strathfield
Lot 22 DP 4969 (Cont'd)

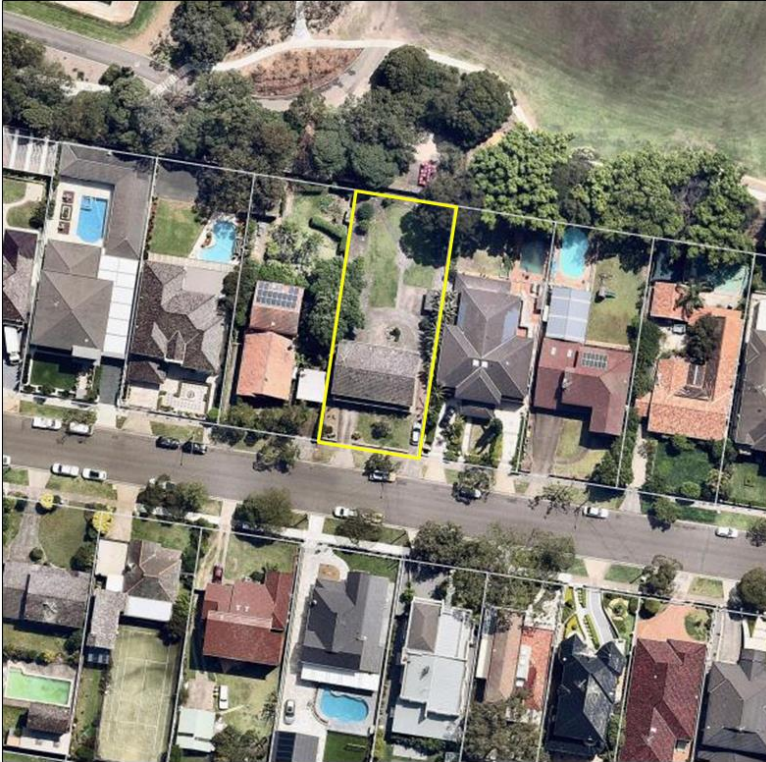


Figure 1: Locality plan



Figure 2: View of subject site from Augusta Street.

DA2018/130 - 11 Augusta Street, Strathfield
Lot 22 DP 4969 (Cont'd)



Figure 3: View of 12 Augusta Street.



Figure 4: View of 9 Augusta Street.



Figure 5: View of 13 Augusta Street.

DA2018/130 - 11 Augusta Street, Strathfield
Lot 22 DP 4969 (Cont'd)

PROPERTY BURDENS AND CONSTRAINTS

There are no easements or burdens on the land which could affect, or be affected by, the proposed development.

DESCRIPTION OF THE PROPOSED DEVELOPMENT

The application seeks Council approval for demolition of existing structures and construction of a two (2) storey dwelling with basement parking, in-ground swimming pool, cabana and front fence.

The specific elements of the proposal are:

Basement level:

- Two (2) parking spaces, turning bays and plant room;
- A stair case, cellar, lift and associated foyer;

Ground floor level:

- A formal living space and dining area off the open plan kitchen and scullery;
- A guest bedroom, walk-in wardrobe and ensuite;
- A store room, laundry and powder room;
- An office/study and library/mancave;

First floor level:

- Four (4) bedrooms all with ensuite and walk-in-wardrobes;
- A balcony off the master bedroom;
- A sitting room;

External works:

- A cabana with ensuite adjoining the in-ground swimming pool;
- A pergola and deck;
- Reflection pond and landscaping;
- Access to Strathfield Park through a rear boundary gate backing.



Figure 6: Streetscape elevation.

REFERRALS

DA2018/130 - 11 Augusta Street, Strathfield
Lot 22 DP 4969 (Cont'd)

INTERNAL REFERRALS

Engineering Comments

Council's Engineer raised no objections to the proposal, subject to the imposition of recommended conditions of consent.

Landscaping Comments

Council's Tree Coordinator raised concerns over the significant tree located on the neighbouring property to the east (No. 9 Augusta Street) and the proposed cabana positioned 1.3m from the tree trunk and within the drip zone. The neighbours Eucalyptus tree will be affected adversely by the cabana both in regard to proximity and root damage from services and excavation. Therefore the cabana will need to be deleted or relocated to a distance of 12 times the trunk diameter measured at 1.2 metres above ground level.

Traffic Comments

Council's Traffic Engineer raised no objections to the proposal, subject to the imposition of recommended conditions of consent.

SECTION 4.15 CONSIDERATIONS – EP&A Act, 1979

In determining a development application, the consent authority is to take into consideration the following matters of consideration contained within Section 4.15 of the Environmental Planning and Assessment Act, 1979 as relevant to the development application:

4.15(1)(a) the provisions of:

(i) any environmental planning instrument

STATE ENVIRONMENTAL PLANNING POLICY (SEPP) – BASIX 2004

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 as part of the application which indicates that the proposal meets the required reduction targets. An appropriate condition of consent will be imposed to ensure future compliance with these targets.

STATE ENVIRONMENTAL PLANNING POLICY NO 55 – REMEDIATION OF LAND

SEPP 55 applies to the land and pursuant to Section 4.15 is a relevant consideration.

A review of the available history for the site gives no indication that the land associated with this development is contaminated. There were no historic uses that would trigger further site investigations.

The objectives outlined within SEPP55 are considered to be satisfied.

STATE ENVIRONMENTAL PLANNING POLICY (VEGETATION IN NON-RURAL AREAS) 2017

The State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 replaces the repealed Clause 5.9 of SLEP 2012 (Preservation of Trees and Vegetation).

DA2018/130 - 11 Augusta Street, Strathfield
Lot 22 DP 4969 (Cont'd)

The intent of this SEPP is consistent with the objectives of the repealed Standard where the primary aims/objectives are related to the protection of the biodiversity values of trees and other vegetation on the site.

No trees are proposed to be removed as part of this application. Nevertheless, a condition of consent has been imposed to ensure the retention and protection of existing significant trees.

STRATHFIELD LOCAL ENVIRONMENTAL PLAN (SLEP) 2012

An assessment of the proposal against the general aims of SLEP 2012 is included below:

Cl. 1.2(2)	Aims	Complies
(a)	<i>To achieve high quality urban form by ensuring that new development exhibits design excellence and reflects the existing or desired future character of particular localities and neighbourhoods in Strathfield</i>	Yes
(b)	<i>To promote the efficient and spatially appropriate use of land, the sustainable revitalisation of centres, the improved integration of transport and land use, and an appropriate mix of uses by regulating land use and development</i>	Yes
(c)	<i>To promote land uses that provide a wide range of employment, recreation, retail, cultural, service, educational and other facilities for the local community</i>	Yes
(d)	<i>To provide opportunities for economic growth that will enhance the local community</i>	Yes
(e)	<i>To promote future development that integrated land use and transport planning, encourages public transport use, and reduced the traffic and environmental impacts of private vehicle use</i>	Yes
(f)	<i>To identify and protect environmental and cultural heritage</i>	Yes
(g)	<i>To promote opportunities for social, cultural and community activities</i>	Yes
(h)	<i>To minimise risk to the community by identifying land subject to flooding and restricting incompatible development</i>	Yes

Comments: The proposal is appropriate to the character of the streetscape and will make a positive contribution to the street.

Permissibility

The subject site is zoned R2 – Low Density Residential under Strathfield Local Environmental Plan (SLEP 2012).

Dwelling houses are permissible with consent in the R2 – Low Density Residential Zone and are defined under SLEP 2012 as follows:

“dwelling house means a building containing only one dwelling.”

The proposed development being for the purpose of a dwelling house is therefore permissible with consent.

Zone Objectives

An assessment of the proposal against the objectives of the R2 – Low Density Residential Zone is included below:

Objectives	Complies
➤ To provide for the housing needs of the community within a low density residential environment.	Yes
➤ To ensure that development of housing does not adversely impact the heritage significance of adjacent heritage items and conservation areas.	Yes

DA2018/130 - 11 Augusta Street, Strathfield
Lot 22 DP 4969 (Cont'd)

Comments: The proposal contributes to the housing needs of the community. There are two heritage items in the street but not within the immediate vicinity and there are no conservation areas adjacent to the site.

Part 4: Principal development standards

An assessment of the proposal against the relevant provisions contained within Part 4 of the SLEP 2012 is provided below.

Height of building

Cl.	Standard	Controls	Proposed	Complies
4.3	Height of building	9.5m	9.14m	Yes

	Objectives	Complies
(a)	To ensure that development is of a height that is generally compatible with or which improves the appearance of the existing area	Yes
(b)	To encourage a consolidation pattern that leads to the optimum sustainable capacity height for the area	Yes
(c)	To achieve a diversity of small and large development options.	Yes

Floor space ratio

Cl.	Standard	Controls	Proposed	Complies
4.4	Floor space ratio	0.50:1 (508.4m ²)	0.499:1 (507.4m ²)	Yes

	Objectives	Complies
(a)	To ensure that dwellings are in keeping with the built form character of the local area	Yes
(b)	To provide consistency in the bulk and scale of new dwellings in residential areas	Yes
(c)	To minimise the impact of new development on the amenity of adjoining properties	Yes
(d)	To minimise the impact of development on heritage conservation areas and heritage items	Yes
(e)	In relation to Strathfield Town Centre: i. to encourage consolidation and a sustainable integrated land use and transport development around key public transport infrastructure, and ii. to provide space for the strategic implementation of economic, social and cultural goals that create an active, lively and people-oriented development	N/A
(f)	In relation to Parramatta Road Corridor – to encourage a sustainable consolidation pattern that optimises floor space capacity in the Corridor	N/A

Part 6: Local Provisions

The relevant provisions contained within Part 6 of the SLEP 2012 are addressed below as part of this assessment:

6.1 Acid sulfate soils

The subject site is identified as having Class 5 acid sulfate soils but is not located within 500m of Class 1, 2, 3 or 4 acid sulfate soils. The proposed development was not required to be accompanied by an Acid Sulfate Soils Management Plan and satisfies the requirements of this clause.

6.2 Earthworks

The proposed basement will be confined within the building footprint of the dwelling so as to minimise disruption to soils. A condition of consent is recommended to ensure the appropriate management of soils during the excavation and construction phases of the development.

DA2018/130 - 11 Augusta Street, Strathfield
Lot 22 DP 4969 (Cont'd)

6.4 Essential services

Clause 6.4 of the SLEP 2012 requires consideration to be given to the adequacy of essential services available to the subject site. The subject site is located within a well serviced area and features existing water and electricity connection and access to Council's stormwater drainage system. As such, the subject site is considered to be adequately serviced for the purposes of the proposed development.

4.15(1)(a)(ii) any draft environmental planning instruments

There are no applicable draft planning instruments that are or have been placed on public exhibition, to consider as part of this assessment.

4.15 (1)(a)(iii) any development control plan

STRATHFIELD CONSOLIDATED DEVELOPMENT CONTROL PLAN (SCDCP) 2005

The following is an assessment of the proposal's compliance with the relevant provisions contained within SCDCP 2005.

PART A – DWELLING HOUSES AND ANCILLARY STRUCTURES

2: Architectural Design & Streetscape Presentation

2.1	Objectives	Satisfactory
A.	To ensure that development respects the predominant height, scale, character, type, form, colour, materials and architectural qualities of the existing dwelling house (in the case of alterations and additions) and surrounding neighbourhood especially any adjoining or nearby heritage item or heritage conservation area.	Yes
B.	To achieve quality architecture in new development through the appropriate composition and articulation of building elements.	Yes
C.	To ensure that the dominant building rhythm of the streetscape is reflected in the building design in terms of the spacing and proportion of the built elements.	Yes
D.	To ensure that new dwellings have facades, which define, address and enhance the public domain.	Yes
E.	To encourage contemporary architecture that is innovative, uses high quality detailing, and incorporates elements characteristic of Strathfield.	Yes
F.	To promote the continuance of pyramidal roof forms within Strathfield where they are already prevalent.	Yes
G.	To retain a feeling of openness and space between built elements by maintaining landscaped setbacks and preserve the appearance of dwellings set in the treelined streets and park-like environment.	Yes
H.	To reduce the use of highly reflective colours and materials that create visual prominence.	Yes
I.	To ensure fencing is sympathetic to the design of the dwelling and the street and enhances the character of both the individual house and street whilst maintaining casual surveillance of the neighbourhood.	Yes
J.	To protect and retain the amenity of adjoining properties.	Yes
2.2	Development Controls	Complies
.1.	Streetscape Presentation	
1	New dwellings address street frontage with clear entry.	Yes

DA2018/130 - 11 Augusta Street, Strathfield
Lot 22 DP 4969 (Cont'd)

	2	Consistently occurring building features integrated within dwelling design.	Yes
	3	Consideration of streetscape elements	Yes
	4	Integrated security grilles/screens, ventilation louvres and garage doors	Yes
	<i>Scale, Massing & Rhythm of Street</i>		
.2.	1	Scale, massing, bulk and layout complement the existing streetscape and the dominant building rhythm	Yes
	2	Building height and mass maintains amenity to adjacent properties open space or the public domain	Yes
.3.	<i>Building Forms</i>		
	1	Building form articulated.	Yes
	<i>Roof Forms</i>		
	1	Roof form complements predominant form in the locality	Yes
	2	Roof form minimises bulk and scale of building and remains an important architectural element in the street.	Yes
	3	First floor additions complement the architectural style of the ground floor and delineate the existing roof form, slope and ridge	Yes
	4	Roof structures are not visible from the public domain	Yes
.4.	<i>Materials</i>		
	5	Materials compatible with the existing dwelling house, adjoining dwelling houses and the streetscape (type, form and colour)	Yes
	6	Monotone face brick walls and terracotta tiles for roofs where common in the streetscape	Yes
	7	New buildings and facades do not result in glare (Reflectivity Report may be required)	Yes
	<i>Colours</i>		
	8	New development incorporates traditional colour schemes	Yes
	9	The external colours integrate harmoniously with the external design of the building	Yes

Comments: The proposed development is contemporary in style, proposing a flat roof form with bold geometric-shaped features and modern building materials. Augusta Street is undergoing transition from original single storey housing stock including hip tiled roof forms, face brick exterior walls and low front fences to two (2) storey rendered dwellings of larger proportions including higher front fencing.

The façades of the dwelling are strongly modulated, which is beneficial to the site. The architectural style of the roof and protruding elements in the front façade achieves significant articulation. The building materials and neutral colours proposed are sympathetic to the prevailing colours in the streetscape and are considered appropriate.

4: Building Envelope

4.1	Objectives	Satisfactory
A.	To ensure that dwellings are compatible with the built form of the local area and that overall bulk and scale, size and height of dwellings relative to natural ground level responds to the adjoining dwellings, topography and desired future character.	Yes
B.	To minimise impact on the amenity of adjoining properties.	Yes

DA2018/130 - 11 Augusta Street, Strathfield
Lot 22 DP 4969 (Cont'd)

C.	To establish and maintain the desired setbacks from the street and define the street edge.	Yes
D.	To create a perception or reinforce a sense of openness in the locality.	Yes
E.	To maintain view corridors between dwellings	Yes
F.	To assist in achieving passive surveillance whilst protecting visual privacy.	Yes
G.	To provide a transitional area between public and private space.	Yes

4.2 Development Controls

Complies

.1.	Floor Space Ratio		
	1	Floor Space Ratio permissible pursuant to SLEP 2012	Yes
.2.	Building Height		
	1	Height of building permissible pursuant to SLEP 2012	Yes
	2	Height of outbuildings, detached garages and carports is 3.5m (max) measured at the highest point on the roof above NGL	Yes
	3	Dwelling houses and any ancillary structures 2-storeys (max)	Yes
	4	Building height responds to the gradient of the site to minimise cut and fill	Yes

Street Setbacks

.3.1.

1	Setbacks consistent with minimum requirements of Table A.1	Yes
---	--	------------

Side and Rear Setbacks

.3.2.

1	A combined side setback of 20% of the width of the block (incorporating a 1.2m min side setback on each side).	No – refer below
2	A rear setback of 6m (min)	Yes
3	1Subject to meeting the minimum landscaped area (as per section 5 of this part of the DCP) in the rear of the site, ancillary facilities such as garages/outbuildings may be located within the rear setback area.	No – refer below

Comments: The dwelling has a maximum height of 9.1m and the two storey element is sympathetic with the scale of existing dwellings in Augusta Street. The proposal has a front setback of 9m to the proposed outer wall of the dwelling. The proposed combined side setbacks totals 2.4m (11.9%) and does not comply with the minimum combined side setback 20% (4.02m) requirement. The proposed dwelling is a well-articulated built form and front portion of the building has a combined average side setback of 4.03m which is deemed acceptable as the built form minimises overall bulk and scale, meeting the objectives of the building envelope controls. The adjoining property to the west has a large side setback due to the detached garage and driveway, therefore the proximity of the proposed dwelling does not adversely affect the amenity of the neighbouring properties.

DA2018/130 - 11 Augusta Street, Strathfield
Lot 22 DP 4969 (Cont'd)

5: Landscaping

5.1	Objectives	Satisfactory
A.	To encourage landscaping that is appropriate to the style and scale of the dwelling and adjoining development, and to the streetscape.	Yes
B.	To enhance the existing streetscape and promote a scale and density of planting that softens the visual impact of buildings, structures, vehicle circulation and ancillary areas.	Yes
C.	To preserve existing landscape elements on site (such as existing trees) and encourage their integration into the design of proposals.	Yes
D.	To ensure adequate deep soil planting is retained on each allotment.	Yes
E.	To ensure developments make an equitable contribution to the landscape setting of the locality.	Yes
F.	To ensure both existing and new landscaping provides suitable shade and facilitates convective cooling breeze paths in summer.	Yes
G.	To encourage the use of native flora such as open woodland canopy trees, to provide a habitat for native fauna.	Yes
H.	To ensure that landscaped areas are designed to minimise water use.	Yes
I.	To provide functional private open spaces for active or passive use by residents.	Yes
J.	To provide private open areas with provision for clothes drying facilities screened from the street and lane or a public place.	Yes
K.	To ensure the protection of trees during construction	Yes
L.	To ensure suitable fencing is provided to reduce acoustic impacts and enhance visual privacy between neighbouring residents whilst enabling front fences passive surveillance of the street.	Yes
M.	To maximise the amenity of existing and proposed developments, including solar access, privacy and open space.	Yes
5.2	Development Controls	Complies
.1.	Landscaped area	
	1 Landscaped area in accordance with Table A.3	No- refer below
	2 At least 50% of the minimum landscaped area located behind the building line to the rear boundary	Yes
	3 At least 50% of the front yard maintained as deep soil soft landscaping	Yes
	4 Minimise hard surface area (concrete/brick/stone paving and bitumen). Run-off directed to permeable surfaces.	Yes
	5 Planting areas soften the built form	Yes
	6 Front gardens respond and contribute to the garden character of Strathfield.	Yes
	7 Retain and reinforce the prevailing streetscape and surrounding locality	Yes
	8 Plant species must be retained, selected and planted to improve amenity	Yes
.2.	Tree Protection	
	1 Arboricultural Impact Assessment Report prepared by an AQF Level 5 Arborist	Yes
	2 The Arboricultural Impact Assessment Report address minimum criteria	Yes

DA2018/130 - 11 Augusta Street, Strathfield
Lot 22 DP 4969 (Cont'd)

	3	Development provides for the retention and protection of existing significant trees	Yes
	4	New dwellings and alterations and additions are set back in accordance with the Arboricultural Impact Assessment Report	Yes
	5	Council may request the applicant to engage a project Arborist	Yes
	6	Opportunities for planting new canopy trees within the front setback	Yes
	7	At least one (1) canopy tree provided in the rear yard.	Yes
	8	Trunk of a proposed canopy tree planted 4m (min) from built structures, or 3m (min) from pier beam footings	Yes
	9	Planting on side boundaries a 0.6m (min) deep root deflection barrier provided 1.5m (min) either side of the tree center	Yes
	10	Driveway construction does not result in the removal, lopping or root damage to any street tree	Yes
	11	25% (min) of canopy trees and other vegetation shall be locally sourced indigenous species	Yes
	<i>Private Open Space</i>		
	1	Provided in a single parcel rather than a fragmented space, directly accessible from internal living areas	Yes
	2	Includes a deep soil area compliant with the minimum landscaped area.	Yes
.3.	3	Terraces and decks (at least 10m ²) with one length or width 3m (min) and directly accessible from an internal living area. Decks cannot be located more than 500mm above NGL	Yes
	4	Unless 3m (min) width, areas within setbacks are not to be included as private open space	Yes
	5	Private open space located at the rear of the property.	Yes
	<i>Fencing</i>		
	1	Fencing designed to be compatible and sympathetic to the style of the dwelling, adjoining properties and the streetscape	Yes
	2	Landscaping used when the streetscape is characterised by the absence of front fences	N/A
	3	Fencing forward of FBL shall not exceed 1.5m. Solid components shall not exceed 0.7m above NGL with the exception of brick piers	No – refer below
	4	Solid fencing 1.8m (max) is permitted along a secondary street frontage to enclose a private open space	Yes
	5	Side and rear fences limited to 1.8m (max)	Yes
.4.	6	Side fences forward of the FBL taper down to the front fence.	Yes
	7	Front fences visually permeable	No – refer below
	9	Listed undesirable materials and finishes not used forward FBL	Yes
	11	Solid fences adjoining driveways are provided with 1m x 1m (min) splay	Yes
	13	Significant trees maintained	Yes
	14	Stormwater flows through or under fencing on sloping sites	Yes
	15	Dividing fences constructed of timber palings (lapped and capped) with height of 1.8m (max)	Yes
	16	Gates or entries from private property onto Council parks, reserves, open space, etc. are permitted	Yes

DA2018/130 - 11 Augusta Street, Strathfield
Lot 22 DP 4969 (Cont'd)

17

Gatehouses permitted where compatible with the streetscape.

N/A

Comments: Based on the plans submitted to Council, adequate deep soil landscaped area will be provided both within the front and rear setbacks of the site. The landscaped area is well consolidated and will more than adequately accommodate new canopy tree plantings. The current plans indicate landscaped area is compliant at 45.48% (4.9m²) over the required amount.

The application proposes no tree removal although there are four (4) small existing trees on site that are not shown in the Landscape Plan. Council's Tree Management Officer did object to the proposed position of the cabana located 1300mm from the neighbouring tree (Figure 7). The Survey Plan indicates the diameter of the tree is 600mm, therefore the cabana has been relocated 8200mm from the outside of the trunk. The propose position of the cabana is relocated 13.7 times the trunk diameter, which will significantly improve the impacts on the tree. An arborist report is conditioned to be submitted to Council before a Construction Certificate is issued in order to protect the existing significant tree (Condition 22) and a follow-up report is to be written on the trees to be retained prior to an Occupation Certificate is issued (Condition 47).



Figure 7: Rear yard of subject site and existing neighbouring significant tree.

The proposal includes a solid front fence with a height of 1.1m-1.6m. Planter boxes with shrubs are located in front of the fence to soften the visual impact of the fence and correspond with the surrounding street scape. A similar design of a solid front fence with planter boxes is evident at the adjoining property at 9 Augusta Street (shown in Figure 4) and in this case the design is considered acceptable. The site backs on to Strathfield Park where the garage bins are kept in a fenced area. A gate is proposed to access the park and a 2.7m-3.5m high wall is considered necessary for the security and privacy of the rear yard (Figure 8). Other properties adjoining Strathfield Park have similar sized fencing (Figure 9) and are supported.

DA2018/130 - 11 Augusta Street, Strathfield
Lot 22 DP 4969 (Cont'd)

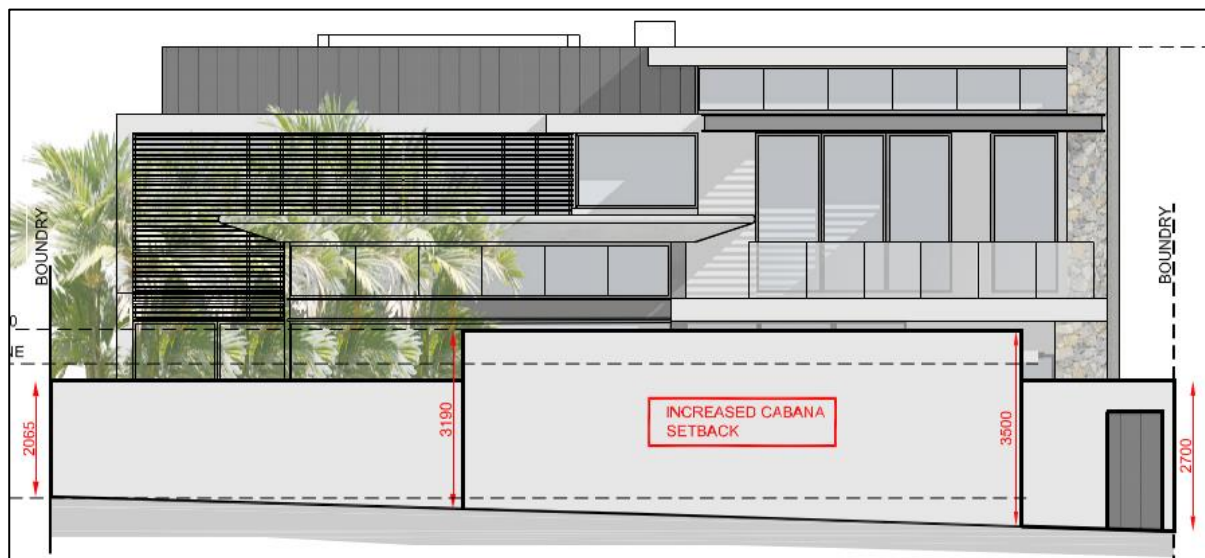


Figure 8: Rear elevation (north).



Figure 9: View rear elevations of existing properties gates accessing the park.

6: Solar Access

6.1	Objectives	Satisfactory
A.	To ensure the design of new dwelling houses and alterations and additions maximises solar access to living areas and open space areas.	Yes
B.	To minimise overshadowing of adjoining properties.	Yes
6.2	Development Controls	Complies
.1.	Sunlight Access	

DA2018/130 - 11 Augusta Street, Strathfield
Lot 22 DP 4969 (Cont'd)

1	New dwellings - 3 hours solar access between 9.00am and 3.00pm on June 21 to the windows of habitable rooms and 50% of private open space	Yes
2	Alterations or Additions – maintain 3 hours solar access between 9.00am and 3.00pm on June 21 to the windows of habitable rooms and to the majority of private open space	Yes
3	50% of the principal private open space of any adjoining premises receives 3 hours solar access between 9.00am and 3.00pm on June 21	Yes
4	The proposed development does not further reduce the amount of solar access	Yes

Comments: The proposal inevitably results in some loss of solar access for the adjoining properties to the east. Given the general north-south orientation of the site, the development does not result in an unreasonable amount of overshadowing of surrounding properties. The adjoining dwellings will receive at least 3 hours direct solar access in their private open space.

7: Privacy

7.1	Objectives	Satisfactory
A.	Development that is designed to provide reasonable privacy to adjacent properties	Yes
B.	To maintain reasonable sharing of views from public places and living areas	Yes
C.	To ensure that public views and vistas are protected, maintained and where possible, enhanced	Yes
D.	To ensure that canopy trees take priority over views	Yes
E.	To ensure that the siting and design of buildings minimises noise impacts from abutting roads, rail corridors and other noise-generating land uses	Yes
7.2	Development Controls	Complies
.1.	Visual Privacy	
	1 Protect POS, bedrooms, balconies and living rooms of proposed and any existing adjoining dwellings from direct overlooking	Yes
	2 Provide adequate separation of buildings	Yes
	3 Ensure elevation of finished floor levels above NGL is not excessive	Yes
	4 Improve privacy to adjacent properties with screen planting	Yes
.2.	Windows	
	1 Windows do not directly face the windows, balconies and courtyards of adjoining dwelling	Yes
	2 A window within 9m of another window in a habitable room of an adjoining dwelling is offset by 0.5m (min) or a sill height of 1.7m (min) above the FFL	Yes
	3 Windows directly facing balconies or courtyards are narrow, incorporate obscure glazing and/or a sill height of 1.7m (min) above FFL	Yes
.3.	Elevated Decks Verandahs and Balconies	
	1 Elevated decks, verandahs and upper storey balconies not permitted on side boundaries (exceptions apply)	Yes
	2 Elevated decks, verandahs and balconies incorporate privacy screens	Yes
	3 Rear balconies (no more than 1m (depth) x 2m (length) permitted if the balcony does not unreasonably impact on adjoining premises	No – refer below

DA2018/130 - 11 Augusta Street, Strathfield
Lot 22 DP 4969 (Cont'd)

4	Balconies extending the full width of the front façade are not permitted	Yes
---	--	-----

Comments: The first floor balcony has an area of 21.2m² including a fire place and privacy screen, located on the western side of the lot and faces Strathfield Park. The position of this balcony is considered at an acceptable distance from 13 Augusta Street and is not deemed to add unreasonable privacy impacts on the adjoining properties and enhances passive surveillance of the Park.

The architectural plans submitted demonstrate that upper level bedroom windows have been designed to be offset. The windows and privacy screen elements are considered acceptable as the associated rooms are considered passive spaces and would provide a reasonable level of privacy for the development and surrounding properties.

8: Vehicle Access and Parking

8.1	Objectives	Satisfactory
A.	To provide adequate and convenient on-site car parking.	Yes
B.	To ensure that the location and design of driveways, parking spaces and other areas used from the movement of motor vehicles are efficient, safe and convenient.	Yes
C.	To ensure garages, carports, basements and hard standing areas for cars do not visually dominate the street façade of the dwelling.	Yes
D.	To ensure that construction materials used for driveways respect the architectural qualities of the dwelling.	Yes
E.	To minimise the area of access driveways to minimise impermeable surfaces and maximise landscaped areas.	Yes
F.	To ensure basements have discreet entries, safe access and a high degree of natural cross-ventilation.	Yes
G.	To minimise excavation to reduce disturbance to natural ground level particularly adjacent to site boundaries.	Yes
H.	To ensure that any proposed basement minimises disturbance to natural drainage systems and that flooding, drainage or ventilation impacts would not be created for the site, or for adjoining or nearby properties.	Yes
8.2	Development Controls	Complies
.1.	Driveway and Grades	
	1 Existing driveways must be used (exceptions apply)	Yes
	2 The width of driveways at the property boundary is to be 3m	No – refer below
	3 The edge of driveway crossings located 1m (min) clear of any existing stormwater pits or poles and 2m clear of tree trunks	Yes
	4 Parking and access points easily accessible and recognisable, non-disruptive to pedestrian flow and safety and located to minimise traffic hazards and potential for vehicles to queue.	Yes
	5 One (1) vehicular crossing (max) to any public road (exceptions apply)	Yes
	7 Vehicular turning areas for garages complies with relevant Australian Standard	Yes
	8 Rear lane / secondary street frontage - parking and access provided from the secondary street/lane	Yes
	9 Driveways avoid long and straight appearance by using variations and landscaping	Yes

DA2018/130 - 11 Augusta Street, Strathfield
Lot 22 DP 4969 (Cont'd)

	10	Driveway set back 0.5 metres (min) from side boundaries	Yes
	11	Driveways incorporate unit paving into the design	Yes
	12	Areas of concrete visible from a public road are to be minimal and coloured charcoal, grey or brown	Yes
	13	Coloured concrete is not permitted in the driveway crossing outside the property boundary	Yes
<i>Basements</i>			
.3.	1	The area of a basement shall be limited to and contained within the ground level footprint of the dwelling	Yes
	2	Excavation not permitted within the minimum side setbacks.	Yes
	3	The maximum height of the basement above NGL is limited to 1m measured to the predominant finished floor level of the level above.	Yes
	4	Internal clearance of 2.2m (min)	Yes
	5	Driveways have a maximum 1:4 gradient and comply with Australian Standards	Yes
	6	Basement entries and ramps/driveways not greater than 3.5m wide	Yes
	7	Driveway ramps are perpendicular to the property boundary at the street frontage	Yes
	8	Basements permit vehicles to enter and exit the basement in a forward direction	Yes
	9	Basements are discretionary on flood affected sites	Yes
	10	Pump-out systems and stormwater prevention in accordance with Council's Stormwater Management Code	Yes
	11	Basements are not to be used for habitable purposes	Yes

Comments: The subject site has two existing driveways and proposes to use the western side path. The driveway width is the same width of the basement entrance at 3.5m and this minor non-compliance is deemed acceptable. The size and configuration of the basement is satisfactory given the size of the lot.

9: Altering Natural Ground Level (Cut and Fill)

9.1	Objectives	Satisfactory	
A.	To maintain existing ground levels and minimise cut and fill to reduce site disturbance.	Yes	
B.	To ensure existing trees and shrubs are undisturbed, ground water tables are maintained and impacts on overland flow/drainage are minimised.	Yes	
9.2	Development Controls	Complies	
	1	Fill limited to 1m (max) above NGL	Yes
	2	Clean fill used only	Yes
	3	Cut and fill batters stabilised consistent with the soil properties	Yes
	4	Vegetation or structural measures are implemented when the site is disturbed.	Yes
	5	Areas of excavation setback from property boundaries in line with building setback controls. No excavation permitted within the minimum required setbacks.	Yes
	6	The work does not affect or undermine the soil stability or structural stability of buildings and Council assets on adjoining properties.	Yes

DA2018/130 - 11 Augusta Street, Strathfield
Lot 22 DP 4969 (Cont'd)

7	A dilapidation report for all buildings which adjoin proposed excavation areas as required	Yes
8	Avoid excessive fill that creates the potential for overlooking of adjoining properties	Yes

Comments: Minimal cut and fill is required to accommodate the proposed development including the basement, vehicular access and pool. Conditions of consent are recommended to the effect that a Dilapidation Report is prepared and only clean fill is used.

10: Water and Soil Management

10.1	Objectives	Satisfactory
A.	To encourage the incorporation of Water Sensitive Urban Design (WSUD) and Botany Improvement Plan principles in the development.	Yes
B.	To ensure compliance with Council's Stormwater Management Code	Yes
C.	To ensure compliance with the NSW State Government's Flood Prone Lands Policy.	Yes
D.	To ensure that appropriate soil erosion and sediment control measures are implemented on all sites that involve soil disturbances during construction.	Yes
E.	To ensure new building work does not detrimentally affect the existing drainage system of any area of the Municipality.	Yes
F.	To ensure that new development in areas that may be affected by acid sulphate soils do not adversely impact the underlying ground conditions, soil acidity and water quality.	Yes
G.	To appropriately manage stormwater and overland flow to minimise damage to occupants and property	Yes
10.2	Development Controls	Complies
.1.	Stormwater Management and Flood Prone areas	
	1 Applicant contacted Council regarding site being flood prone land	N/A
	2 Compliance with Council's Stormwater Management Code	Yes
	3 Flood affected properties comply with Council's Interim Flood Prone Lands Policy (Flood Prone Areas & Through Site Drainage)	N/A
	4 Minimum habitable floor height advice obtained for flood affected sites	N/A
	5 A drainage/flood report prepared by a hydraulics engineer submitted for sites affected by overland flows	Yes
	6 Stormwater Management Code compliance	Yes
.3.	Soil Erosion and Sediment Control	
	1 Soil erosion and sediment control measures detailed and implemented prior to the commencement of work.	Yes
	2 Sediment control measures applied	Yes
	3 Plans provided detailing stormwater quality treatment	Yes

Comments: Council's Development Engineer has raised no concerns with the proposed method of stormwater drainage subject to conditions of consent.

DA2018/130 - 11 Augusta Street, Strathfield
Lot 22 DP 4969 (Cont'd)

11: Access, Safety and Security

11.1	Objectives	Satisfactory
A.	To encourage the incorporation of crime prevention principles in the design of the proposed developments.	Yes
B.	To increase the safety and perception of safety in public and semi-public spaces.	Yes
C.	To provide passive surveillance of the public domain to promote a safe pedestrian environment whilst maintaining the privacy of residents	Yes
D.	To ensure the safety of pedestrians by separating pedestrian access from vehicular access.	Yes
11.2	Development Controls	Complies
.1.	Address and Entry Sightlines	
	1 Occupants able to overlook public places to maximise passive surveillance	Yes
	2 Landscaping design around dwellings and ancillary structures to accommodate plant maturation	Yes
	3 External lighting enhance safe access and security and light spill does not adversely impact on adjoining properties.	Yes
	4 Crime Prevention through Environmental Design (CPTED) principles incorporated.	Yes
.2.	Pedestrian Entries	
	1 Pedestrian entries and vehicular entries suitably separated	Yes
	2 Dwelling entrances easily identifiable	Yes
	3 House numbers are to be clearly visible from the street	Yes

Comments: The proposed development has been designed with clearly identifiable pedestrian and vehicular entranceway and provides ample opportunities for passive surveillance.

12: Ancillary Development

12.1	Objectives	Satisfactory
A.	To ensure that ancillary development is compatible with the design of the principal dwelling, streetscape and adjoining dwellings in form, materials and colours	Yes
B.	To limit the size, bulk and scale of ancillary structures and minimise their visibility from the public domain.	Yes
C.	To ensure that the provision of ancillary structures improves the amenity of residents whilst ensuring that the amenity of surrounding dwellings and neighbouring lots is maintained.	Yes
D.	To ensure that the provision of ancillary structures, such as air conditioning units, are considered at the design stage of a proposed development.	Yes
12.2	Development Controls	Complies
.2.	Outbuildings	
	1 Outbuilding located behind the front building line	Yes
	2 Side and rear setback is 0.5m (min)	No – refer below
	3 New garden sheds, studios, cabanas and the like are limited 40sqm (max)	Yes

DA2018/130 - 11 Augusta Street, Strathfield
Lot 22 DP 4969 (Cont'd)

	4	Windows do not face an adjoining property (exceptions apply)	Yes
	5	The roof area is not accessible for any purpose	Yes
	6	Outbuildings are not to be used for habitable purposes	Yes
	7	Kitchen facilities are not permitted in an outbuilding	Yes
	8	Any external lighting of an outbuilding is to be positioned or shielded to prevent glare to adjoining premises	Yes
<i>Air-conditioning</i>			
.4.	1	Located away from the habitable rooms of adjoining properties and/or screened by acoustic treatments	Yes
	2	Any building work must not reduce the structural integrity of existing buildings	Yes
	3	Installation of residential grade air conditioners only	Yes
	4	Installation to comply with the Protection of the Environment Operations Act 1997 and Protection of the Environment Operations (Noise Control) Regulation 2008	Yes
.6.	<i>Swimming Pools</i>		
	1	Side and rear setbacks from the outside edge of the pool concourse are 1m (min) wide and comprise deep soil soft landscape area	Yes
	2	If greater than 1m above ground, the space between the bond beam/concourse and the ground is finished to Council's satisfaction	Yes
	3	The pool filter and pump equipment designed and located to not emit a noise level that exceeds 5dBA above the ambient background noise level measured at any property boundary. The pool equipment shall be located within an enclosed structure so as to not be readily visible	Yes
	4	Lighting positioned to prevent light spillage and minimise any nuisance to adjoining premises	Yes
	5	Enclosures shall comply with the Swimming Pools Act and relevant Australian Standards as amended.	Yes

Comments: The cabana has been located along the rear boundary wall and has a compliant side setback of 0.5m, although the rear setback is not existent. Due to the subject site adjoining Strathfield Park, the rear setback is considered acceptable.

Conditions of consent are recommended to ensure that the swimming pool filter and pump equipment are installed to ensure noise levels do not exceed 5dBA. Further, conditions of consent are recommended to ensure the swimming pool complies with relevant legislation (refer to condition 38 and 39).

13: Ecologically Sustainable Development

13.1	Objectives	Satisfactory
A.	To encourage passive and active strategies in the design of dwellings and ancillary structures that promotes the achievement of ecologically sustainable practices and BASIX requirements.	Yes
B.	To ensure dwellings are designed to allow sufficient natural ventilation and lighting whilst minimising heat gain during summer and maximising solar access during winter, thereby reducing the need for artificial cooling and heating.	Yes
C.	To minimise the over use of Sydney's limited high quality domestic water supply by ensuring new dwellings incorporate water storage tanks for use in toilet flushing, landscape irrigation and to encourage new dwellings, additions and alterations to incorporate water saving devices and water conservation strategies.	Yes

DA2018/130 - 11 Augusta Street, Strathfield
Lot 22 DP 4969 (Cont'd)

D.	<i>To encourage the use of new technology that reduces energy consumption, minimises greenhouse emissions and results in cost savings</i>		Yes
E.	<i>To encourage the re-use of building materials, thereby reducing waste to landfill, transportation costs, conserving raw materials and reducing energy expenditure. (Refer to Part H Waste Minimisation and Management of SCDP 2005).</i>		Yes
13.2	Development Controls		Complies
.1.	<i>Natural Lighting and Heating</i>		
	1	Living areas facing north, sleeping areas facing east/south, and utility areas orientated west/south to maximise winter solar access.	Yes
	2	Trees planted to the north of the dwelling must be deciduous to allow solar access during the winter	Yes
	3	Materials used of high thermal mass	Yes
.2.	<i>Natural Cooling and Ventilation</i>		
	1	Windows and walls on northern facades shaded by shading devices, trees, eaves and louvres sympathetic to the dwelling	Yes
	2	Windows positioned to capture breezes and allow for cross-ventilation	Yes
<i>Water Tanks</i>			
.3.	1	Located behind the dwelling or behind the front building line and screened from view from the public domain	Yes
	2	Associated support structures and plumbing are a colour that complements the dwelling.	Yes
	5	Overflow piped directly to the approved stormwater drainage system except in cases where stormwater is required to be directed to on-site stormwater detention (OSD) storage	Yes
	6	No part of the water tank or support stand may rest on a wall footing	Yes
	7	Installation does not involve the filling of more than 1m above existing ground level	Yes
	8	The tank not located over or adjacent to a water main or sewer main or installed over any associated structure or fittings	Yes
	9	Support structure installed to the requirements of a qualified practicing structural engineer or to the maker's specifications.	Yes
<i>Hot Water Heater Units</i>			
.4.	1	Located behind the dwelling or wholly behind the dwelling	Yes
	2	Not located on balconies unless screened from public view	Yes
	3	Placed within a short distance of the most frequent point of use	Yes

Comments: The proposal has been designed such that all internal living areas to the northern elevations of the dwelling, thus maximising solar access to these rooms during the morning and reduce afternoon heating. Further, the proposal is accompanied by a BASIX certificate achieving compliance with the minimum water and energy use BASIX requirements. Specifically, the development proposes a 4000L rainwater tank, instantaneous gas hot water system and solar panels.

PART H - WASTE MANAGEMENT (SCDCP 2005)

The proposal was accompanied by a Waste Management Plan prepared in accordance with Part H of the SCDP 2005. Compliance with the waste minimisation strategies of this waste management plan shall be enforced through the imposition of suitable conditions of consent.

DA2018/130 - 11 Augusta Street, Strathfield
Lot 22 DP 4969 (Cont'd)

4.15 (1)(a)(iia) any planning agreement or draft planning agreement

No planning agreement has been entered into under section 7.4 of the *Environmental Planning and Assessment Act 1979*.

4.15 (1)(a)(iv) matters prescribed by the regulations

Clause 92 of the *Environmental Planning and Assessment (EP&A) Regulation 2000* requires Council to take into consideration the provisions of the Government Coastal Policy and Australian Standard AS2601–1991: *The Demolition of Structures*, 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)(ii) however does involve the demolition of a building for the purposes of AS 2601 – 1991: *The Demolition of Structures*.

Should this application be approved, appropriate conditions of consent are included within the recommended to ensure compliance with any relevant regulations.

(i) 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*.

4.15(1)(b) the likely impacts of the development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality

Augusta Street is undergoing transition from single story dwellings to contemporary two (2) storey dwellings. This site will be a noticeable development and its modern design will be a precedent for further developments in the area. Whilst the proposed dwelling is of a contemporary style, it is nonetheless acceptable as it is sympathetic to the prevailing colours of existing dwellings in the streetscape, is characteristic of the bulk, height and scale suitable for the site and displays design excellence.

It is noted that the dwelling's roof is accessible by an internal stair case through a roof service hatch to allow access to the air-conditioning unit and solar panels. Condition 2 of consent limits the use of the roof to service activities.

DA2018/130 - 11 Augusta Street, Strathfield
Lot 22 DP 4969 (Cont'd)

Overall, the proposed design has been considered with respect to adjoining properties to minimise adverse impacts to adjoining neighbours and achieve an appropriate level of streetscape compatibility.

4.15(1)(c) the suitability of the site for the development

The proposed development is considered to be suitable for the site given the nature of the use and the proposals substantial compliance with the controls.

4.15(1)(d) any submissions made in accordance with this Act or the regulations

The application was notified in accordance with Part L of the SCDCP 2005 from **3 October 2018 to 20 October 2018**. No written submissions were received during this time. The amended plans relocating the cabana was not re-notified to the surrounding residents due to the application not resulting in additional environmental impacts or affecting the adjoining neighbours according to Section 4 of Part L of the SCDCP 2005.

4.15(1)(e) the public interest

The public interest is served through the detailed assessment of this development application under the relevant local planning controls and legislation and consideration of any submissions received relating to it by Council. The proposed development is not considered to be contrary to the public interest.

SECTION 7.11 CONTRIBUTIONS

Section 7.11 of the EP&A Act 1979 relates to the collection of monetary contributions from applicants for use in developing key local infrastructure. The Act reads as follows:

- “(1) If a consent authority is satisfied that development for which development consent is sought will or is likely to require the provision of or increase the demand for public amenities and public services within the area, the consent authority may grant the development consent subject to a condition requiring:*
- (a) the dedication of land free of cost, or*
 - (b) the payment of a monetary contribution, or both.*
- (2) A condition referred to in subsection (1) may be imposed only to require a reasonable dedication or contribution for the provision, extension or augmentation of the public amenities and public services concerned.”*

STRATHFIELD INDIRECT SECTION 7.11 CONTRIBUTIONS PLAN

Section 7.11 Contributions are applicable to the proposed development in accordance with the Strathfield Indirect Development Contributions Plan 2010-2030 as follows:

Local Amenity Improvement Levy	\$12,500.00
--------------------------------	--------------------

DA2018/130 - 11 Augusta Street, Strathfield
Lot 22 DP 4969 (Cont'd)

CONCLUSION

The application has been assessed having regard to Section 4.15 of the Environmental Planning and Assessment Act 1979, the Strathfield Local Environmental Plan 2012 and the Strathfield Development Control Plan 2005 and is considered to be satisfactory for approval, subject to the recommended conditions of consent.

Signed: Edwina Ross
Development Assessment Planner

PEER REVIEW

The content and recommendation of the development assessment report has undergone peer review and is satisfactory for consideration by the Panel.

Signed: Greg Hansell
Senior Development Assessment Officer

RECOMMENDATION

That Development Application No. 2018/130 for the demolition of existing structures and construction of a two (2) storey dwelling with basement level and in-ground swimming pool, front fencing and cabana at 11 Augusta Street, Strathfield be **APPROVED**, subject to the following conditions:

SPECIAL CONDITIONS (SC)

1. CABANA NOT TO BE OCCUPIED AS A SEPARATE DOMICILE (SC)

The pool house shall not be fully enclosed or occupied as a separate domicile.

(Reason: To ensure the pool house remains non-habitable.)

2. NON-TRAFFICABLE ROOF (SC)

The roof of the dwelling and pool house shall be non-trafficable, except for the purpose of maintenance only.

(Reason: To ensure the roof remains non-trafficable.)

3. GEOTECHNICAL REPORT (SC)

A comprehensive geotechnical engineering report assessing the impact and safety of the proposed works shall be prepared by a suitably experienced and qualified geo-practitioner and submitted with any Construction Certificate. The report must include the results of subsurface investigations involving either tests pits to rock, or preferably the drilling of cored boreholes (to 1m below the proposed final excavation level). The report shall provide:

- i) an indication of the nature and depth of any uncontrolled fill at the site;
- ii) an indication of the nature and condition of the material to be excavated;
- iii) indications of groundwater or seepages;
- iv) required temporary measures for support of any excavations deeper than 1m adjacent to property boundaries;
- v) a statement of required excavation methods in rock and measured required to

DA2018/130 - 11 Augusta Street, Strathfield
Lot 22 DP 4969 (Cont'd)

- vi) restrict ground vibrations; and
other geo-technical information or issues considered relevant to design and construction monitoring.

(Reason: Structural safety.)

GENERAL CONDITIONS (GC)

4. APPROVED PLANS AND REFERENCE DOCUMENTATION (GC)

The development, except where modified by a condition(s) of consent, is to be carried out in accordance with the following plans and reference documentation:

Plans affixed with Council's 'Development Consent' stamp relating to Development Consent No. 2018/130:

Drawing No.	Title/Description	Prepared by	Issue / Revision & Date	Date received by Council
01	Basement Plan	In-vision Design	Issue B, September 2018	9 January 2019
02	Ground Floor Level	In-vision Design	Issue C, January 2019	9 January 2019
03	First Floor Plan	In-vision Design	Issue C, January 2019	9 January 2019
04	Site Roof Plan	In-vision Design	Issue C, January 2019	9 January 2019
05	Elevations & Finishes Schedule	In-vision Design	Issue C, January 2019	9 January 2019
06	Sections	In-vision Design	Issue B, September 2018	31 October 2018
H496-S1/3	Stormwater Drainage & Sediment Control Details	TAA Consulting Engineers	Rev A, 10 September 2018	25 September 2018
H496-S2/3	Stormwater Drainage & Sediment Control Details	TAA Consulting Engineers	Rev A, 10 September 2018	25 September 2018
H496-S3/3	Stormwater Drainage & Sediment Control Details	TAA Consulting Engineers	Rev A, 10 September 2018	25 September 2018
L-01 A	Landscape Plan	Site Design + Studios	19 September 2018	25 September 2018
L-02 A	Detailed Plan	Site Design + Studios	19 September 2018	25 September 2018
L-03 A	Detailed Plan	Site Design + Studios	19 September 2018	25 September 2018
L-04 A	Landscape Plan	Site Design + Studios	19 September 2018	25 September 2018
L-05 A	Planting Details	Site Design + Studios	19 September 2018	25 September 2018

DA2018/130 - 11 Augusta Street, Strathfield
Lot 22 DP 4969 (Cont'd)

L-06 A	Existing Tree	Site Design + Studios	19 September 2018	25 September 2018
L-07 A	Notes	Site Design + Studios	19 September 2018	25 September 2018
L-08 A	Specifications	Site Design + Studios	19 September 2018	25 September 2018

Reference Documentation affixed with Council's 'Development Consent' stamp relating to Development Consent No. 2018/130:

Title / Description	Prepared by	Issue/Revision & Date	Date received by Council
BASIX Certificate No. 958302S	Noura Al Hazzouri	18 September 2018	25 September 2018
Nathers Certificate No. 0003182169	Noura Al Hazzouri	17 September 2018	25 September 2018
Site Construction, Water Management & Soil and Water Management Erosion Sediment Control Plan	In-Vision Design	Issue A	25 September 2018

In the event of any inconsistency, the conditions of this consent shall prevail.

(Reason: To ensure that the form of the development undertaken is in accordance with the determination of Council.)

5. BUILDING HEIGHT - MAXIMUM RL TO BE COMPLIED WITH (GC)

The height of the building measured from Australian Height Datum (AHD) must not exceed Relative Level (RL) 41.50 AHD to the vertical architectural concrete slab of the building.

(Reason: To ensure the approved building height is complied with.)

6. CONSTRUCTION HOURS (GC)

No construction or any other work related activities shall be carried out on the site outside the hours of 7.00 am to 5.00 pm Mondays to Fridays and 8am to 1pm Saturdays.

No building activities are to be carried out at any time on a Sunday or public holiday.

Where the development involves the use of jackhammers/rock breakers and the like or other heavy machinery, such equipment may only be used between the hours of 7.00 am - 5.00 pm Monday to Friday only.

(Reason: To maintain amenity to adjoining land owners.)

7. CONSTRUCTION WITHIN BOUNDARIES (GC)

The development including but not limited to footings, walls, roof barges and guttering must be constructed wholly within the boundary of the premises. No portion of the proposed structure shall encroach onto the adjoining properties. Gates must be installed so they do not open onto any footpath or adjoining land.

DA2018/130 - 11 Augusta Street, Strathfield
Lot 22 DP 4969 (Cont'd)

(Reason: Approved works are to be contained wholly within the subject site.)

8. DEMOLITION – GENERALLY (GC)

Alteration and demolition of the existing building is limited to that documented on the approved plans (by way of notation). No approval is given or implied for removal and/or rebuilding of any portion of the existing building which is not shown to be altered or demolished.

(Reason: To ensure compliance with the approved development.)

9. DEMOLITION - SITE SAFETY FENCING (GC)

Site fencing is to be erected to a minimum height of 1.8m complying with WorkCover Guidelines, to exclude public access to the site, prior to any demolition works occurring and maintained for the duration of the demolition works.

If applicable, a separate Hoarding Application for the erection of an A class (fence type) or B class (overhead type) hoarding/fencing along the street frontage(s) complying with WorkCover requirements must be obtained including:

- payment to Council of a footpath occupancy fee based on the area of footpath to be occupied and Council's Schedule of Fees and Charges before the commencement of work; and
- provision of a Public Risk Insurance Policy with a minimum cover of \$10 million in relation to the occupation of and works within Council's road reserve, for the full duration of the proposed works, must be obtained with a copy provided to Council.

(Reasons: Statutory requirement and health and safety.)

10. FIREPLACES (GC)

Use of any fireplace for the purpose of wood fired fuel and coal burning is prohibited. Fireplaces may only be used with natural gas and electricity only.

(Reason: To maintain health and safety to surrounding residences and reduce air pollution.)

11. FENCING - FRONT FENCE HEIGHT (GC)

Solid fencing forward of the building line (including the building line to a secondary street frontage on a corner site) shall not exceed a maximum height of 1.6m above natural ground level.

Brick piers over 1m in height are permitted to support the decorative elements, provided they are equally spaced along the street, and do not exceed a height of 1.5m. Plans demonstrating compliance with this condition are to be submitted to the certifying authority.

(Reason: To ensure a positive contribution to the streetscape in accordance with the Strathfield Consolidated DCP 2005.)

12. PROTECTION OF EXISTING TREES – FRONT FENCE (GC)

The masonry brick boundary fence is to be constructed so as to support all brick in-fill panels using a lintel. This lintel is to be installed above ground level along the entire length of each in-fill panel.

DA2018/130 - 11 Augusta Street, Strathfield
Lot 22 DP 4969 (Cont'd)

(Reason: Environmental protection, protection of existing tree roots and landscape amenity.)

13. **LANDSCAPING ADJACENT SWIMMING POOLS/SPAS (GC)**

A minimum one (1) metre wide landscape strip is to 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 and capable of achieving a minimum mature height of three (3) metres. Details of the selected plants shall be submitted to and approved by the Principal Certifying Authority. Compliance with this condition shall be certified by the Principal Certifying Authority, prior to occupation of the premises.

(Reason: Privacy amenity of adjoining properties.)

14. **LANDSCAPING - CANOPY TREES IN FRONT SETBACK (GC)**

New development shall provide at least two (2) canopy trees within the front setback adjacent the front boundary (existing trees may be included). New canopy trees shall be at least three (3) metres high at the time of planting and capable of reaching a mature height of 10m.

Species shall be selected from Council's Recommended Tree List (Available from Council's website or from the Customer Service Centre). Compliance with this condition is to be demonstrated to the Principal Certifying Authority, prior to the issue of any Occupation Certificate.

(Reason: To ensure the landscape character of the locality is maintained.)

15. **ENVIRONMENTAL PROTECTION – TREE (GC)**

All street trees and trees on private property that are protected under Council's controls, shall be retained except where Council's prior written consent has been obtained. The felling, lopping, topping, ringbarking, wilful destruction or removal of any tree/s unless in conformity with this approval or subsequent approval is prohibited.

All healthy trees and shrubs identified for retention on the approved drawings are to be suitably protected in accordance with Section 4, Tree protection measures, and Appendix C Tree Protection Zone Sign, of Australian Standard AS4970 - 2009, Protection of Trees on Development Sites, prior to the commencement of any works (including any demolition and excavation) and maintained for the duration of the works.

In this regard the street tree and all protected trees on or adjacent to the site will be protected as described below;

- i. A Tree Protection (Management) Plan prepared by a AQF Level 5 Arborist is to be available on site at all times prior to the issue of the Construction Certificate, for all demolition and site works. This Tree Protection (Management) Plan must be shown on the demand of Authorised Council staff.
- ii. Protective perimeter fencing must be consistent with AS 4687, using metal fence posts greater than 20mm diameter and solid or chain wire mesh 2 metres in height supported on concrete pads/feet at 2-2.5 metre spacing. Fencing placement should not be closer than 2.5 metres from the trunk of each protected tree, or at a distance as specified by the approved Tree

DA2018/130 - 11 Augusta Street, Strathfield
Lot 22 DP 4969 (Cont'd)

- Protection (Management) Plan and approved by Council's Tree Management Officer. Shade cloth is to be used to prevent entry of dust and contaminated liquids into the root protection area.
- iii. Signs must be placed on the Fencing. These signs must comply with AS1319. The signs must state the purpose of the fencing and the name and contact details of the builder and the appointed AQF Level 5 consultant arborist.
 - iv. Root protection is to be provided in the form of mulching to a depth of 50-100mm, inside of the fenced tree protection zone.
 - v. Ground (Root) Trunk and Branch Protection must comply with the diagram of Figure 4 of AS4970 – 2009. Ground protection within the tree protection zone and drip line should be in the form of heavy steel plates or timber rumble boards over mulch or aggregate. Trunk and branch protection should be to a minimum height of 2 metres and must include measures to protect the tree/s against damage from the movement of trucks, plant equipment and materials at greater heights above ground level.
 - vi. Temporary signs, cables, wires must not be attached to, or suspended, on any street tree or protected tree.
 - vii. Above ground utilities must not be placed within the canopy of an existing protected tree, or create the future need for clearance pruning.
 - viii. Below ground utilities/services must not be located inside the fenced tree protection zone.
 - ix. Scaffolding must not be located in the fenced tree protection zone unless authorised by the approved Tree Protection (Management) Plan and Council's Tree Management Officer
 - x. Council must be notified in writing within 24 hours, for all temporary removal of the tree protection fencing ground (root) trunk and branch protection within the root protection area.
 - xi. Pruning of a street tree is prohibited without the written consent of Council.

(Reason: To ensure the protection of trees to be retained on the site.)

16. LANDSCAPING - TREE PRESERVATION (GC)

All street trees and trees on private property proposed for removal are protected under Council's controls. They are to be retained and protected and are subject to a separate written development application if removal is proposed. The felling, lopping, pruning, topping, ringbarking, wilful destruction (including branch, trunk and root damage) or removal of any tree/s unless in conformity with this approval or subsequent approval is prohibited. This development application shall include a detailed arborist report from an Australian Qualification Framework (AQF) Level 5 Arborist, detailing the tree species, size, location, health and condition of each of the trees proposed to be removed and the impacts on these trees from the proposed site works.

All protected trees are to be suitably managed & protected in accordance with Australian Standard AS4970 - 2009 , Protection of Trees on Development Sites prior to the commencement of any works (including any demolition and excavation) and maintained for the duration of the works.

(Reason: To ensure the protection of trees to be retained on the site.)

17. MATERIALS – SCHEDULE OF EXTERNAL FINISHES TO BE SUBMITTED (GC)

A schedule detailing all external materials, colours and finishes including windows, doors and roofing materials shall be submitted to Council for approval.

DA2018/130 - 11 Augusta Street, Strathfield
Lot 22 DP 4969 (Cont'd)

All external materials, colours and finishes including windows and doors and roofing materials must be of high quality and compatible with those of the surrounding streetscape and locality. All external materials and colours shall be of low glare and reflectivity. Details demonstrating compliance with this condition shall be provided to the Principal Certifying Authority, prior to the issue of any Construction Certificate.

(Reason: To ensure a positive contribution to the streetscape and to minimise excessive glare and reflectivity.)

18. PRINCIPAL CERTIFYING AUTHORITY (PCA) IDENTIFICATION SIGN (GC)

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

- i) the Principal Certifying Authority (PCA) by showing the name, address and telephone number of the PCA;
- ii) the Principal Contractor by showing the Principal Contractor's name, address and telephone number (outside of work hours) for that person; and
- iii) the sign must state that unauthorised entry to the work site is prohibited.

Any such sign is to be maintained while the work is being carried out, but must be removed when the work has been completed.

This clause does not apply to building work, subdivision work or demolition work that is carried out inside an existing building that does not affect the external walls of the building.

(Reason: Statutory requirement.)

19. SITE MANAGEMENT (DURING DEMOLITION AND CONSTRUCTION WORKS)

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

- i) All demolition is to be carried out in accordance with Australian Standard AS 2601-2001.
- ii) Demolition must be carried out by a registered demolition contractor.
- iii) A single entrance is permitted to service the site for demolition and construction. Protection pads are to be installed to the kerb, gutter and nature strip where trucks and vehicles enter the site.
- iv) No blasting is to be carried out at any time during construction of the building.
- v) Care must be taken during demolition/ excavation/ building/ construction to prevent any damage to adjoining buildings.
- vi) Adjoining owner property rights and the need for owner's permission must be observed at all times, including the entering onto land for the purpose of undertaking works.
- vii) Any demolition and excess construction materials are to be recycled wherever practicable.
- viii) The disposal of construction and demolition waste must be in accordance with the requirements of the Protection of the Environment Operations Act 1997.
- ix) All waste on the site is to be stored, handled and disposed of in such a manner as to not create air pollution (including odour), offensive noise or pollution of land and/or water as defined by the Protection of the Environment Operations Act 1997. All excavated material should be removed from the site in an approved manner and be disposed of lawfully to a tip or other authorised disposal area.
- x) All waste must be contained entirely within the site.
- xi) A site plan including temporary waste storage locations, construction material

DA2018/130 - 11 Augusta Street, Strathfield
Lot 22 DP 4969 (Cont'd)

- storage areas and vehicular access to and from the site must be included with application.
- xii) Section 143 of the Protection of the Environment Operations Act 1997 requires waste to be transported to a place which can lawfully accept it. All non-recyclable demolition materials are to be disposed of at an approved waste disposal depot in accordance with legislation.
 - xiii) Details as to the method and location of disposal of demolition materials (weight dockets, receipts, etc.) should be kept on site as evidence of approved methods of disposal or recycling and must be presented to Council and/or Principal Certifying Authority upon request.
 - xiv) All materials on site or being delivered to the site are to generally be contained within the site. The requirements of the Protection of the Environment Operations Act 1997 must be complied with when placing/stockpiling loose material, disposing of concrete waste, or other activities likely to pollute drains or water courses.
 - xv) Any materials stored on site must be stored out of view or in such a manner so as not to cause unsightliness when viewed from nearby lands or roadways.
 - xvi) Public footways, include nature strips and roadways adjacent to the site must be maintained and cleared of obstructions during construction. No building materials, waste containers or skips may be stored on the road reserve or footpath without prior separate approval from Council, including payment of relevant fees.
 - xvii) Building operations such as brick-cutting, washing tools or paint brushes, and mixing mortar not be performed on the roadway or public footway or any other locations which could lead to the discharge of materials into the stormwater drainage system.
 - xviii) All site waters during excavation and construction must be contained on site in an approved manner to avoid pollutants entering into waterways or Council's stormwater drainage system.
 - xix) Any work must not prohibit or divert any natural overland flow of water.
 - xx) Toilet facilities for employees must be provided in accordance with WorkCover NSW.

(Reason: To ensure that demolition, building and any other site works are undertaken in accordance with relevant legislation and policy and in a manner which will be non-disruptive to the local area.)

20. **STORMWATER MANAGEMENT PLAN - CERTIFICATION REQUIREMENT (GC)**

A detailed Stormwater Management Plan (SWMP) in line with Council's Stormwater Management Code is to be prepared and certified by a practicing Chartered Professional Engineer on the National Professional Engineer's Register (NPER) at Engineers Australia and submitted to the Principal Certifying Authority and Council, prior to the issue of a Construction Certificate. The SWMP is to be based on the approved development as modified by any conditions of consent.

(Reason: To ensure appropriate provision is made for the disposal and management of stormwater generated by the development, and to ensure public infrastructure in Council's care and control is not overloaded.)

21. **SYDNEY WATER - STAMPED PLANS PRIOR TO COMMENCEMENT (GC)**

The approved plans must be submitted to a Sydney Water Quick Check agent or Customer Centre to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. Plans will be appropriately stamped.

For Quick Check agent details please refer to the web site www.sydneywater.com.au (see Building Developing and Plumbing then Quick Check) or telephone 13 20 92. The consent authority or a Certifying Authority must ensure that a Quick Check agent/Sydney Water has

DA2018/130 - 11 Augusta Street, Strathfield
Lot 22 DP 4969 (Cont'd)

stamped the plans before the commencement of work.

(Reason: Compliance with Sydney Water requirements.)

CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE (CC)

22. ARBORIST REPORT – INITIAL (CC)

The applicant must engage a suitably qualified and experienced arborist (Australian Qualification Framework Level 5 or above) to assess the impact of the proposed works and determine best practices (e.g. minimise compaction, soil build up and or excavation within the Primary Root Zone*) to ensure the longevity of the trees to be retained. The arborist is to prepare and submit, to the satisfaction of the Principal Certifying Authority, a report prior to the issue of a Construction Certificate, documenting the measures to be employed and certifying that they have been implemented. The report will include all trees both in the site and in adjacent properties in the form of a tree survey and safety audit, a tree impact assessment and a tree protection plan, in accordance with Australian Standard AS4970 - 2009 , Protection of Trees on Development Sites.

- i) *Primary root zone = 10 x trunk diameter 1400mm from ground level (measured as a radius from the centre of the trunk).

(Reason: Qualified assessment of impact of proposed works on trees to be retained on the site.)

23. BASIX COMMITMENTS (CC)

The approved BASIX Certificate shall be submitted to the Principal Certifying Authority with the application for a Construction Certificate.

Where a change or changes are proposed in the BASIX commitments, the applicant must submit a new BASIX Certificate to the Principal Certifying Authority and Council. If any proposed change in the BASIX commitments is inconsistent with the development consent the applicant will be required to submit a modification to the development consent to Council under Section 4.55 of the Environmental Planning and Assessment Act 1979.

All commitments in the BASIX Certificate must be shown on the plans accompanying the Construction Certificate.

(Reason: Statutory compliance.)

24. BUILDING CODE OF AUSTRALIA - COMPLIANCE WITH (CC)

All architectural drawings, specifications and related documentation shall comply with the Building Code of Australia (BCA). All work must be carried out in accordance with the requirements of the Building Code of Australia (BCA).

In the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance in force in accordance with Part 6 of that Act, such a contract of insurance is to be in force before any building work authorised to be carried out by the consent commences.

Details demonstrating compliance with this condition are to be submitted to the Principle Certifying Authority, prior to issue of the Construction Certificate.

DA2018/130 - 11 Augusta Street, Strathfield
Lot 22 DP 4969 (Cont'd)

(Reason: This is a 'prescribed' condition under clause 98(1) of the Environmental Planning and Assessment Regulation 2000.)

25. CAR PARKING - BASEMENT CAR PARKING REQUIREMENTS (CC)

Details demonstrating compliance with the following is to be submitted to the Principal Certifying Authority, prior to issue of the Construction Certificate:

- i) Minimal internal clearance of the basement is 2.2m in accordance with BCA requirements.
- ii) Driveways shall comply with Australian/New Zealand Standard AS/NZS 2890.1:2004 - Parking facilities - Off-street car parking and achieve a maximum gradient of 1:4.
- iii) Basement entries and ramps/driveways within the property are to be no more than 3.5m wide.
- iv) Provision of pump-out systems and stormwater prevention shall be in accordance with Council's Stormwater Management Guide.

(Reason: To ensure suitable development.)

26. CAR PARKING - VEHICULAR ACCESS RAMPS (CC)

Vehicular access ramps shall comply with the provisions of AS/NZS 2890.1:2004. Plans to be submitted shall contain the following details:

- i) Longitudinal section along the extreme wheel paths of each driveway/access ramp at a scale of 1:25 demonstrating compliance with the scraping provisions of AS/NZS 2890.1:2004. It shall include all levels and grades, including those levels stipulated as boundary levels, both existing and proposed. It shall extend from the centre-line of the roadway through to the parking area.
- ii) Sections showing the clearance to the underside of any overhead structure (minimum headroom requirements 2200mm minimum for standard headroom clearance or 2400mm where disabled access provisions are to be provided) demonstrating compliance with the provisions of AS/NZS 2890.1:2004.
- iii) Longitudinal section along the gutter line showing how it is intended to transition the vehicular crossing into the existing kerb and gutter. Boundary levels shall generally run parallel with the kerb levels.
- iv) Location of verge trees, street furniture and service installations.
- v) Superimposition of vehicle turning circles for access into parking spaces.
- vi) Certification that the design complies with AS/NZS 2890.1:2004 by a Qualified Engineer.

The certification referred to in (vi) above shall be submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate (for the design) and to the Principal Certifying Authority prior to the issue of any Occupation Certificate for the 'as-built works'.

(Reason: To ensure adequate vehicular access can be achieved.)

27. CAR PARKING - COMPLIANCE WITH AS/NZS 2890.1:2004 (CC)

Car parking dimensions must comply with the Australian/New Zealand Standard AS/NZS 2890.1:2004 - Parking facilities - Off-street car parking. Details demonstrating compliance are to be submitted to the Principal Certifying Authority, prior to the issue of a Construction Certificate.

(Reason: To ensure compliance with Australian Standards relating to parking of vehicles.)

DA2018/130 - 11 Augusta Street, Strathfield
Lot 22 DP 4969 (Cont'd)

28. CAR PARKING - VEHICULAR CROSSING WIDTH AT PROPERTY BOUNDARY (CC)

Vehicular crossings are to have a maximum width of 3m at the property boundary. Details demonstrating compliance are to be submitted to the Principal Certifying Authority, prior to the issue of a Construction Certificate.

The vehicular crossing (and all associated excavation works) must not be constructed closer than 2 metres from a retained protected street tree.

(Reason: Compliance with SCDCP 2005.)

29. COMMENCEMENT OF WORKS (NO WORKS UNTIL A CC IS OBTAINED)

Building work, demolition or excavation must not be carried out until a Construction Certificate has been issued by either Strathfield Council or a Principal Certifying Authority.

Demolition of any part of a building triggers 'commencement of erection of building' pursuant of section 4.19 of the EP&A Act 1979. Accordingly, demolition works must not commence until a Construction Certificate has been issued, a Principal Certifying Authority has been appointed and a Notice of Commencement has been issued.

(Reason: To ensure compliance with statutory provisions.)

30. COUNCIL PERMITS – FOR ALL ACTIVITIES ON COUNCIL LAND (CC)

Works Permit

(as per Section 68 of the Local Government Act 1993 and Section 138 and 139 of the Roads Act 1993)

A Works Permit is required for construction of a vehicular crossing (driveway), new stormwater down pipe connection to kerb and gutter, new footpath and/or stormwater connection. A Works Permit Application Form is available from Council's Customer Centre or can be downloaded from Council's website. The applicable fees and charges are located on Council's website.

Standing Plant Permit

This permit must be applied for where it is intended to park a concrete pump, crane or other plant on the roadway or footpath. A Standing Plant Permit Application Form is available from Council's Customer Centre or can be downloaded from Council's website. The applicable fees and charges are located on Council's website. Please note a Road Closure Permit is not required for standing plant.

Skip Bin Permit

This permit must be applied for if you intend to place a skip bin on the roadway or footpath. A Skip Bin Application Form is available from Council's Customer Centre or can be downloaded from Council's website. The applicable fees and charges are located on Council's website.

Temporary Full or Part Road Closure Permit

This permit must be applied for if you require a full or a part road closure to take place to assist in your construction works. Please use the Works Permit Application Form, which is available from Council's Customer Service Centre or can be downloaded from Council's website. The applicable fees and charges are located on Council's website. Please note a Road Closure Permit is not required for standing plant.

Hoarding/Fencing Permit

DA2018/130 - 11 Augusta Street, Strathfield
Lot 22 DP 4969 (Cont'd)

This permit must be applied for if you intend to erect a Class A (fence type) or Class B (overhead type) hoarding/fencing along the street frontage(s). A Hoarding Permit Application Form is available from Council's Customer Service Centre or can be downloaded from Council's website. The applicable fees and charges are located on Council's website.

Work Zone Permit

This permit must be applied for if you require permanent parking along the kerbside at the front of the site during construction works. A Work Zone Permit Application Form is available from Council's Customer Service Centre or can be downloaded from Council's website. The applicable fees and charges are located on Council's website.

Ground Anchoring Permit

This permit must be applied for, for the installation of ground anchors under Council's footway/road reserve. It does not cover ground anchors under private properties. A separate approval is required to be obtained from Roads and Maritime Services (RMS) if it is proposed to install ground anchors under a State or Classified Regional Road (please refer to the end of this application form for more information).

(Reason: Council requirement.)

31. DILAPIDATION REPORT - PRE-COMMENCEMENT (CC)

Subject to access being granted, a pre-commencement Dilapidation Report is to be undertaken on all adjoining properties, which in the opinion of a suitably qualified engineer, could be potentially affected by the construction of the project. The Dilapidation Report shall be carried out prior to the issue of a Construction Certificate.

The Dilapidation Report is to be prepared by a suitably Qualified Engineer with current Corporate Membership with the Institution of Engineers, Australia or Geotechnical Practitioner. The report shall include a photographic survey of adjoining properties detailing the physical condition of those properties, both internally and externally, including walls, ceilings, roof, structural members and other such items.

If access for undertaking the dilapidation survey is denied by an adjoining owner, the applicant must demonstrate, in writing, to Council's satisfaction attempts have been made to obtain access and/or advise the affected property owner of the reason for the survey and these attempts have been unsuccessful. Written concurrence must be obtained from Council in such circumstances.

The Report shall cover structural and geotechnical factors likely to arise from the development. A copy of this Report shall be submitted to Council as a record. The person having the benefit of the development consent must, at their own cost, rectify any damage caused to other properties during the construction of the project.

(Reason: To ensure no damage to adjoining properties occurs.)

32. EROSION AND SEDIMENTATION CONTROL PLAN (CC)

An Erosion and Sediment Control Plan is to be prepared where construction or excavation activity requires the disturbance of the soil surface and existing vegetation. Details including drawings and specifications must provide adequate measures for erosion and sediment control to ensure:

- i) Compliance with the approved Soil and Water Management Plan.
- ii) Removal or disturbance of vegetation and top soil is confined to within 3m of the

DA2018/130 - 11 Augusta Street, Strathfield
Lot 22 DP 4969 (Cont'd)

- approved building area (no trees to be removed without approval).
- iii) All uncontaminated run-off is diverted around cleared or disturbed areas.
- iv) Silt fences or other devices are installed to prevent sediment and other debris escaping from the cleared or disturbed areas into drainage systems or waterways.
- v) All erosion and sediment controls are fully maintained for the duration of demolition/development works.
- vi) Controls are put into place to prevent tracking of sediment by vehicles onto adjoining roadways.
- vii) All disturbed areas are rendered erosion-resistant by turfing, mulching, paving or similar.
- viii) All water pumped or otherwise removed from excavations or basement areas is filtered to achieve suspended solids/non filterable residue levels complying with the Australian Water Quality guidelines for Fresh and Marine Waters.
- ix) Pumped or overland flows of water are discharged so as not to cause, permit or allow erosion before the commencement of work (and until issue of the occupation certificate).

Details of the proposed soil erosion and sedimentation controls are to be submitted to the Principal Certifying Authority with the Construction Certificate Application. Under no circumstances are any works to commence, prior to these details being approved by the Principal Certifying Authority and the controls being in place on the site.

(Reason: Environmental protection.)

33. EXCAVATION - AFFECTING ADJOINING LAND (CC)

If an excavation associated with the approved development extends below the level of the base of the footings of a building on an adjoining allotment of land, the person having the benefit of the development consent must, at the person's own expense, comply with the requirements of clause 98E of the Environmental Planning and Assessment Regulation 2000, including:

- i) protect and support the adjoining premises from possible damage from the excavation, and
- ii) where necessary, underpin the adjoining premises to prevent any such damage.

The condition referred to in subclause (i) does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying. Details shall be submitted to the Principal Certifying Authority, prior to the issue of a Construction Certificate.

(Reason: Structural safety.)

34. PRIVACY - OBSCURE GLAZING IN WET AREAS (CC)

All bathroom, ensuite and toilet windows shall be installed with obscure glazing. Plans shall be notated accordingly and details demonstrating compliance submitted to the Principal Certifying Authority, prior to the issue of a Construction Certificate.

(Reason: Privacy amenity.)

35. SECTION 7.12 CONTRIBUTION PAYMENT - INDIRECT CONTRIBUTIONS PLAN) (CC)

In accordance with the provisions of Section 7.13 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

DA2018/130 - 11 Augusta Street, Strathfield
Lot 22 DP 4969 (Cont'd)

applies) shall be paid to Council for the following purposes:

Local Amenity Improvement Levy	\$12,500.00
--------------------------------	-------------

The total amount of the contribution is valid as at the date of determination and is subject to quarterly indexation. 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.

Contributions must be receipted by Council and submitted to the Accredited Certifier, prior to the issue of any Construction Certificate.

A copy of this condition is to be presented to Council's Customer Service Centre when paying the contribution so that it can be recalculated.

Note: A copy of Strathfield Council's Section 7.12 Indirect Development Contributions Plan may be downloaded from Council's website.

(Reason: To enable the provision of public amenities and services required/anticipated as a consequence of increased demand resulting from the development.)

36. SECURITY PAYMENT - DAMAGE DEPOSIT FOR COUNCIL INFRASTRUCTURE (CC)

A security (damage deposit) of **\$15,000.00** (calculated in accordance with Council's adopted Fees and Charges) shall be paid to Council, prior to the issue of a Construction Certificate.

The deposit is required as security against any damage to Council property during works on the site. The applicant must bear the cost of all restoration works to Council's property damaged during the course of this development. All building work must be carried out in accordance with the Building Code of Australia.

Payment may be accepted in the form of cash, bank guarantee, cheque or credit card (financial transactions fees apply). Note: Additional fees apply for the lodgement of a bank guarantee in lieu of cash bond applies in accordance with Council's adopted Fees and Charges.

Any costs associated with works necessary to be carried out to rectify any damages caused by the development, shall be deducted from the Damage Deposit.

Note: Should Council property adjoining the site be defective e.g. cracked footpath, broken kerb etc., this should be reported in writing, or by photographic record, submitted to Council at least seven (7) days prior to the commencement of any work on site. This documentation will be used to resolve any dispute over damage to infrastructure. It is in the applicant's interest for it to be as full and detailed as possible.

The damage deposit shall be refunded upon completion of all works upon receipt of a Final Occupation Certificate stage and inspection by Council.

(Reason: Protection of Council infrastructure.)

37. STORMWATER - RAINWATER RE-USE (CC)

A rainwater re-use system shall be provided in accordance with either the BASIX minimum requirements, any relevant Council Rainwater Policy and/or specification of the management of stormwater, whichever is applicable. A detailed stormwater plan showing

DA2018/130 - 11 Augusta Street, Strathfield
Lot 22 DP 4969 (Cont'd)

the proposed re-use system shall be submitted to and approved by the Principal Certifying Authority, prior to the issue of a Construction Certificate.

(Reason: Compliance and amenity.)

38. **SWIMMING POOLS / SPAS (CONSTRUCTION OF)**

The approved swimming pool/spa must comply with all relevant legislation including:

- i) Swimming Pools Amendment Act 1992 (as amended);
- ii) Swimming Pools Regulations 2008; and
- iii) Australian Standard AS1926.1-2012 – Safety Barriers for Swimming Pools.

Details demonstrating compliance with this condition shall be demonstrated to the Principal Certifying Authority, prior to the issue of a Construction Certificate.

(Reason: Safety and statutory compliance.)

39. **SWIMMING POOLS / SPAS - MECHANICAL PLANT ENCLOSURE (CC)**

Any mechanical plant associated with the swimming pool and spa shall be acoustically treated to comply with the Protection of the Environment Operations Act 1997. Details are to be submitted to the Principal Certifying Authority, prior to the issue of a Construction Certificate.

(Reason: To ensure the acoustic amenity of the neighbouring residents.)

40. **TREE BONDS (CC)**

A tree bond of **\$6,600** for each street tree adjacent to the site and proposed works (calculated in accordance with Council's adopted Fees and Charges) shall be paid to Council, prior to the issue of a Construction Certificate.

The deposit is required as security against any damage to existing trees to be retained on Council's road reserve, during works on the site. The applicant must bear the cost of all restoration works to Council's property damaged during the course of this development.

Payment may be accepted in the form of cash, bank guarantee, cheque or credit card (financial transactions fees apply). Note: Additional fees apply for the lodgement of a bank guarantee in lieu of cash bond applies in accordance with Council's adopted Fees and Charges.

This bond will be held for 12 months following the issue of the Occupation certificate. A refund of the Tree Bond must be made in writing.

Tree Bonds may be forfeited if a tree is dead, made dangerous or has been terminally damaged, or will be held until tree/s have fully recovered from the construction damage or where replacement/planted trees have become fully established and are over 6 metres in height.

(Reason: To ensure the protection of trees to be retained on Council's Road Reserve.)

DA2018/130 - 11 Augusta Street, Strathfield
Lot 22 DP 4969 (Cont'd)

CONDITIONS TO BE SATISFIED PRIOR TO THE COMMENCEMENT OF WORKS (CW)**41. APPOINTMENT OF A PRINCIPAL CERTIFYING AUTHORITY (PCA) (CW)**

No work shall commence in connection with this Development Consent until:

- i) A construction certificate for the building work has been issued by the consent authority or a Principal Certifying Authority.
- ii) The person having the benefit of the development consent has appointed a principal certifying authority for the building work, and notified the principal certifying authority that the person will carry out the building work as an owner/builder, if that is the case.
- iii) The principal certifying authority has, no later than 2 days before the building work commences:
 - notified the Council of his or her appointment, and
 - notified the person having the benefit of the development consent of any critical stage inspections and other inspections that are to be carried out in respect of the building work.
- iv) The person having the benefit of the development consent, if not carrying out the work as an owner-builder, has:
 - appointed a principal contractor for the building work who must be the holder of a contractor licence if any residential building work is involved;
 - notified the principal certifying authority of such appointment; and
 - unless that person is the principal contractor, notified the principal contractor of any critical stage inspections and other inspections that are to be carried out in respect of the building work.
- v) The person having the benefit of the development consent has given at least 2 days' notice to the Council of the person's intention to commence the erection of the building.

Note: If the principal certifying authority is the Council, the nomination will be subject to the payment of a fee for the service to cover the cost of undertaking all necessary inspections and the issue of the appropriate certificates.

Under the Environment Planning and Assessment (Quality of Construction) Act, 2003, a sign must be erected in a prominent position on the work site showing the name, address and telephone number of the principal certifying authority; the name of the principal contractor (if any) for the building work and a telephone number at which that person may be contacted outside working hours. That sign must also state that unauthorised entry is prohibited. The sign must not be removed until all work has been completed.

(Reason: Statutory requirement.)

42. HOME BUILDING COMPENSATION FUND (CW)

No residential building work within the meaning of the Home Building Act 1989 may commence until:

- i) A contract of insurance in accordance with Part 6 of the Home Building Act 1989 is entered into and in force, where such a contract is required under that Act (this is a prescribed condition of consent pursuant to clause 981(b) Environmental Planning and Assessment Regulation 2000.
- ii) The PCA is satisfied that the principal contractor for the work is the holder of the appropriate licence and is covered by the appropriate insurance, in each case if required by the Home Building Act 1989 (unless the work is to be carried out by an owner-builder).

DA2018/130 - 11 Augusta Street, Strathfield
Lot 22 DP 4969 (Cont'd)

- iii) If the work is to be carried out by an owner builder, that the owner builder is the holder of any owner -builder permit required under the Home Building Act 1989.
- iv) Written notice of the following information has been provided to Council (this is a prescribed condition of consent pursuant to clause 98B of the Environmental Planning and Assessment Regulation 2000):
 - In the case of work for which a principal contractor is required to be appointed:
 - the name and licence number of the principal contractor; and
 - the name of the insurer by which the work is insured under Part 6 of the Home Building Act 1989.In the case of work to be done by an owner-builder:
 - the name of the owner-builder; and
 - if the owner-builder is required to hold an owner-builder permit under the Home Building Act 1989, the number of the owner-builder permits.

Where Council is not the PCA, the PCA is responsible for notifying Council of the above matters.

Note: Where arrangements for doing residential building work change while the work is in progress so that the above information becomes out of date, the PCA (where not the Council) must provide Council with written notice of the updated information.

(Reason: Statutory requirement.)

43. NOTICE OF COMMENCEMENT (CW)

No work shall commence until the following details are submitted to Council:

- i) a Notice of Commencement (form will be attached with issue of a Construction Certificate or available from our website) within two (2) days of the date on which it is proposed to commence works associated with the Development Consent;
- ii) details of the appointment of a Principal Certifying Authority (either Council or another Principal Certifying Authority); and
- iii) details of the name, address and licence details of the Builder.

(Reason: Statutory requirement.)

CONDITIONS TO BE SATISFIED DURING DEMOLITION AND BUILDING WORKS (DW)

44. PUBLIC INFRASTRUCTURE AND SERVICES (DW)

The applicant must comply with the requirements (including financial costs) of any relevant utility provider (e.g. Energy Australia, Sydney Water, Telstra, RMS, Council etc.) in relation to any connections, works, repairs, relocation, replacements and/or adjustments to public infrastructure or services affected by the development.

(Reason: To maintain public infrastructure and/or services.)

CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE (OC)

45. CAR PARKING - SURPLUS VEHICULAR CROSSINGS (OC)

All surplus vehicular crossings and/or kerb laybacks must be removed and reinstated with concrete kerb and gutter or to the existing edging profile as specified by Council. The nature strip is to be restored and the footpath area reinstated. All of the above are to be restored to

DA2018/130 - 11 Augusta Street, Strathfield
Lot 22 DP 4969 (Cont'd)

the satisfaction of Council's Engineer and at full cost to the applicant, prior to the issue of any Occupation Certificate.

(Reason: Maintenance of public infrastructure.)

46. ENGINEERING WORKS (CERTIFICATION OF)

Prior to occupation of the premises, a Work As Executed (WAE) Plan of all engineering and/or drainage works is to be submitted to the Principal Certifying Authority. The WAE Plan is to be certified by a suitably Qualified Engineer, with Corporate Membership standing in the Institution of Engineers Australia and registered on the National Professional Engineers Register (NPER) under the appropriate professional category, demonstrating that:

- i) the stormwater drainage system; and/or
- ii) the car parking arrangement and area; and/or
- iii) any related footpath crossing works; and/or
- iv) the proposed basement pump and well system; and/or
- v) the proposed driveway and layback; and/or
- vi) any other civil works

have been constructed in accordance with the approved plans and any relevant Standards and Council policies/specifications.

For major works, such as subdivisions, works within the road reserve (requiring separate S138 approval) and as where specified by Council, a Part 4A Certificate will be required. It is strongly recommended that an Engineer supervise all engineering related works.

Where Council is not the Principal Certifying Authority, an electronic copy of the above documents is to be provided to Council, prior to the issue of any Occupation Certificate.

(Reason: Asset management.)

47. LANDSCAPING - ARBORIST'S FOLLOW UP REPORT OF TREE/S TO BE RETAINED (OC)

As part of the on-going assessment of the tree/s to be retained, the consulting arborist engaged by the applicant is to assess their health and any impacts suffered by them as a result of the proposed approved development, prior to the issue of an Occupation Certificate. Findings are to be compiled in a detailed report and submitted to the Principle Certifying Authority, which documents the following:

- i) methods of excavation or construction used to carry out the works;
- ii) any damage sustained by the tree/s as a result of the works;
- iii) any subsequent remedial works required to be carried out by the consulting arborist as a result of the damage; and
- iv) any future or on-going remedial work required to be carried out to ensure the long term retention of the tree/s.

(Reason: To ensure the survival of trees to be retained.)

48. OCCUPATION OF BUILDING (OC)

A person must not commence occupation or use (or change of use where an existing building) of the whole or any part of a new building (within the meaning of section 109H (4) of the Act) unless an Interim Occupation Certificate or Final Occupation Certificate has been issued in relation to the building or part.

DA2018/130 - 11 Augusta Street, Strathfield
Lot 22 DP 4969 (Cont'd)

The Principal Certifying Authority is required to be satisfied, amongst other things, that:

- i) all required inspections (including each applicable mandatory critical stage inspection) have been carried out; and
- ii) any preconditions to the issue of the certificate required by a development consent have been met.

Note: New building includes an altered portion of, or an extension to, an existing building.

(Reason: Statutory requirement.)

49. RAINWATER TANKS (OC)

Rainwater tanks must be installed on residential properties by a suitably qualified and licensed plumber and in accordance with the following:

- i) Australian/New Zealand Standard AS/NZS 3500:2003;
- ii) NSW Code of Practice Plumbing and Drainage, 2006 produced by Committee on Uniformity of Plumbing and Drainage Regulations in NSW (CUPDR); and
- iii) Council's rainwater tank policy.

Details demonstrating compliance with this condition are to be submitted to the Principal Certifying Authority, prior to the issue of any Occupation Certificate.

(Reason: To protect public health and amenity.)

50. STORMWATER - CERTIFICATION OF THE CONSTRUCTED DRAINAGE SYSTEM (OC)

The constructed stormwater system shall be certified by a suitably qualified person, in accordance with Council's Stormwater Management Code, prior to the issue of any Occupation Certificate.

(Reason: Adequate stormwater management.)

51. SWIMMING POOLS / SPAS - REGISTRATION AND REQUIREMENTS (OC)

The approved swimming pool/spa must comply with all relevant legislation including:

- i) Swimming Pools Amendment Act 1992 (as amended);
- ii) Swimming Pools Regulations 2008; and
- iii) Australian Standard AS1926.1-2012 – Safety Barriers for Swimming Pools.

Swimming pool owners must register their swimming pool or spa on the NSW Swimming Pool Register. A copy of a valid certificate of compliance or relevant occupation certificate must be attached to new residential tenancy agreements to rent property with a swimming pool or spa pool. Note: This requirement does not apply to a lot in strata or community title schemes with more than two lots.

A copy of a valid certificate of compliance or relevant occupation certificate must be attached to new residential tenancy agreements to rent property with a swimming pool or spa pool. Note: This requirement does not apply to a lot in strata or community title schemes with more than two lots; or for any off the plan contacts.

Details demonstrating compliance with this condition shall be demonstrated to the Principal Certifying Authority, prior to the issue of any Occupation Certificate.

**DA2018/130 - 11 Augusta Street, Strathfield
Lot 22 DP 4969 (Cont'd)**

(Reason: Safety and statutory compliance.)

ATTACHMENTS

There are no attachments for this report.

TO: Strathfield Internal Development Assessment Panel Meeting - 17 January 2019

REPORT: IDAP – Report No. 4

SUBJECT: DA2018/114 - 23 ABBOTSFORD ROAD, HOMEBUSH
LOT 11 SECTION 3 IN DP 400

DA NO. DA2018/114

SUMMARY

Proposal:	Partial demolition of existing buildings and alterations and additions to the existing dwelling, including a basement level and front fence.
Applicant:	Monument Design Partnership Pty Ltd
Owner:	H & J FARAJ
Date of lodgement:	8 August 2018
Notification period:	13 August 2018 – 30 August 2018
Submissions received:	Yes – Two (2) submissions received
Assessment officer:	ER
Estimated cost of works:	\$900,000.00
Zoning:	R2 Low Density Residential - SLEP 2012
Heritage:	Yes – Heritage Conservation Area
Flood affected:	Yes
RECOMMENDATION OF OFFICER:	APPROVAL

EXECUTIVE SUMMARY

- 1.0 The proposal involves partial demolition of existing buildings and alterations and additions to the existing dwelling, including a basement level and front fence.
- 2.0 The plans and documentation submitted with the application were publicly notified from 13 August 2018 to 30 August 2018 in accordance with Part L of the Strathfield Consolidated Development Control Plan (SCDCP) 2005. Two (2) written submissions were received as a result.
- 3.0 Amended plans were submitted to Council addressing basement size and configuration, landscaping, overshadowing and window design. The amended plans result in a built form which is more compatible with existing development in the streetscape. The proposal complies with the development standards in the SLEP 2012 and generally complies with the DCP controls.
- 4.0 The site is located within the Abbotsford Road Heritage Conservation Area. The existing dwelling house on the site is considered to have a contributory values. The design is more responsive to the existing dwelling and wider streetscape, incorporating vertically orientated windows and external finishes in a colour palette that is sympathetic. Additionally, the siting of the rear addition immediately behind the existing dwelling minimises its visibility thereby reinforcing the contributive of the existing dwelling in the Abbotsford Road Heritage Conservation Area.

DA2018/114 - 23 Abbotsford Road, Homebush
Lot 11 Section 3 in DP 400 (Cont'd)

5.0 The proposed development is suitable for the site and recommended for approval.

BACKGROUND

- 2 August 2017: Strathfield Council approved DA2017/089 for alterations and additions to the existing dwelling including an outbuilding and swimming pool.
- 8 August 2018: The current development application (DA2018/114) was lodged with Council.
- 17 August 2018: A site inspection was completed allowing access to the rear of the site to take photos of the existing dwelling, trees and surrounding developments.
- 23 August 2018: A Deferral Letter was emailed and posted to the applicant raising issues about heritage impact, basement configuration, articulation, flooding matters, landscaping and fencing.
- 29 August 2018: Council received a submission from the adjoining property owner raising concerns over the height/bulk, shadowing, privacy, heritage character and risk of damage to their property.
- 30 August 2018: Amended plans were submitted to Council addressing some of the issues raised. The proposed design of the window above the basement entrance was not supported by Council's Heritage Advisor.
- 19 September 2018: A response to the written submission was sent via email with the attached documents including the Structural Engineering Statement and Shadow Diagrams.
- 1 October 2018: A follow up submission was lodged by an adjoining property owner. Issues were raised about the height of the addition, heritage character, solar access and potential damage from excavation.
- 4 October 2018: A site inspection of the adjoining property from where the submissions were received from was completed. Access to the rear yard was granted to view the potential privacy issues raised by the objectors.
- 23 October 2018: Amended plans were submitted addressing the height of the alfresco roof and design of the window located above the basement entrance.

DESCRIPTION OF THE SITE AND LOCALITY

The subject site is located on the northern side of Abbotsford Road (as shown in Figure 1 and 2). The site is regular in shape featuring a frontage of 15.24m to Abbotsford Road, length of 60.96m and comprises of a total site area of 923.2m². The existing streetscape comprises of a mixture of original housing stock and recently constructed dwellings. The site is currently occupied by a single storey cottage with a detached garage located behind the house.

Although the subject site is not listed as a heritage item, it is located within the C2 – Abbotsford Road Heritage Conservation Area under Schedule 5 of the SLEP 2012. The existing streetscape comprises of original housing stock in the Federation dwelling style and more recently constructed dwellings.

DA2018/114 - 23 Abbotsford Road, Homebush
Lot 11 Section 3 in DP 400 (Cont'd)



Figure 1: View of subject site from Abbotsford Road.

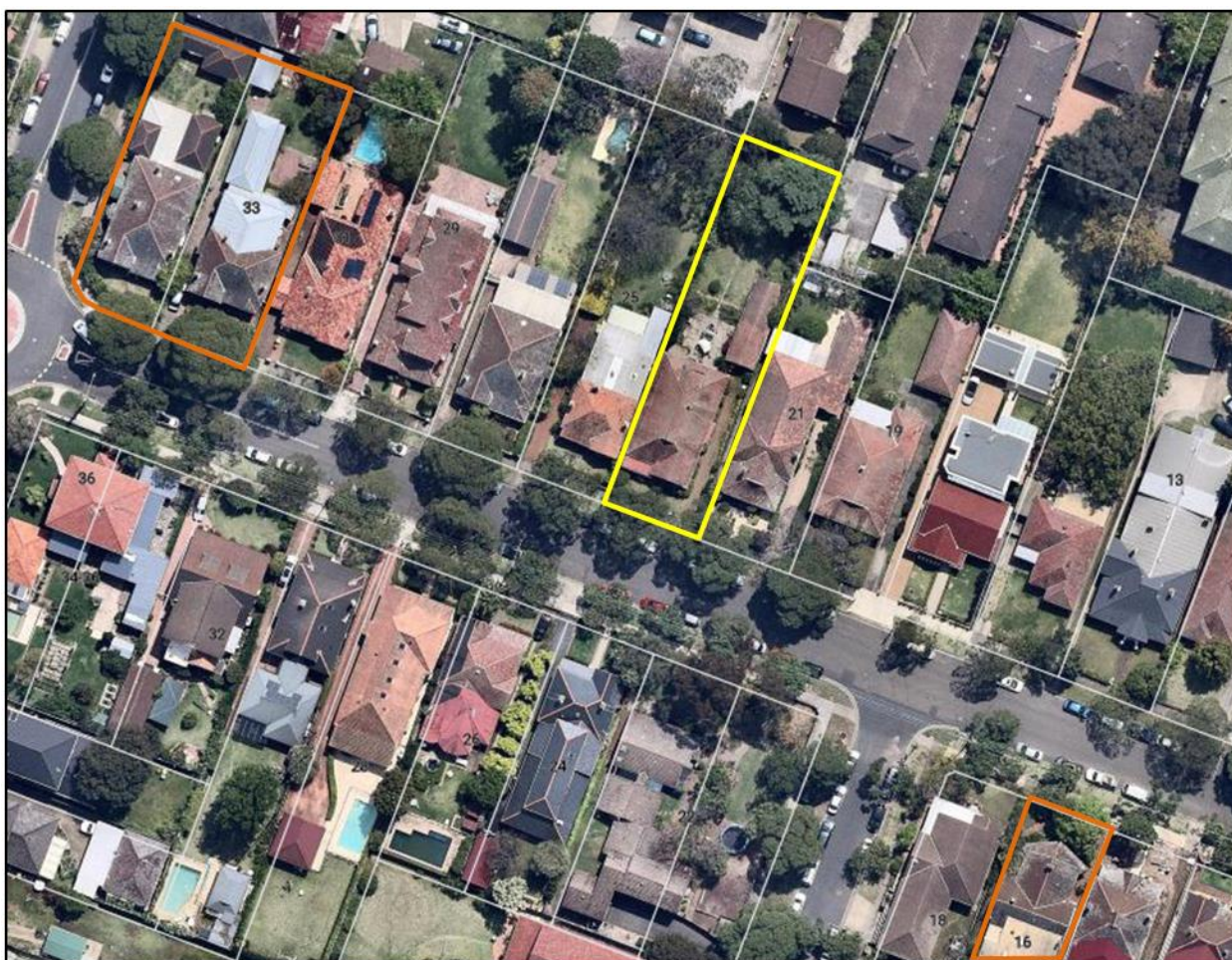


Figure 2: Locality plan (23 Abbotsford Road, Strathfield outlined in yellow and the listed heritage items are outlined in orange).

PROPERTY BURDENS AND CONSTRAINTS

There are no easements or burdens on the land which could affect, or be affected by, the proposed development.

DA2018/114 - 23 Abbotsford Road, Homebush
Lot 11 Section 3 in DP 400 (Cont'd)

DESCRIPTION OF THE PROPOSED DEVELOPMENT

The application seeks Council approval for partial demolition of existing buildings and alterations and additions to the existing dwelling, including a basement level and front fence.

The specific elements of the proposal are:

Basement level:

- Three (3) parking spaces, U-turning bays and storage;
- A stair case and associated foyer;

Ground floor level:

- Internal reconfiguration of the master ensuite off the master bedroom in the original dwelling;
- Open plan kitchen, dining and living;
- Laundry and bathroom;
- Guest bedroom with ensuite and walk-in-wardrobe;
- Alfresco dining area;

External works:

- Landscaping;
- Front Fence.

REFERRALS

INTERNAL REFERRALS

Engineering Comments

Council's Engineer raised no objections to the proposal, subject to the imposition of recommended conditions of consent.

Landscaping Comments

Council's Tree Coordinator offered no objections to the proposal, subject to the imposition of recommended conditions of consent.

Heritage Comments

Council's Heritage Advisor has commented on the proposal as follows:

"In the previous heritage advice dated 13 August 2018 for this development application, additional articulation is to be provided to the south elevation wall of the living room to break up the presentation of a solid mass brick wall to the Abbotsford Road frontage of the new addition and are required to be addressed prior to the further assessment of the application.

I refer to the amended plans submitted to Council on 23 October 2018 and previous heritage advice for this application. The window opening that raised concerns in my advice of 18 September and subsequent discussions has since been amended to be more in-keeping with the size and proportionality of the window openings of the existing dwelling house and is acceptable on heritage grounds.

Works to the existing dwelling:

DA2018/114 - 23 Abbotsford Road, Homebush
Lot 11 Section 3 in DP 400 (Cont'd)

The proposed alterations and additions include reconfiguration of the existing dwelling house on the site including provision of a new front entry and associated modifications to the front verandah balustrade and removal of existing internal walls including the chimney.

It is noted that the development application approved in 2017 (DA2017/89) included alterations to the existing dwelling house which are similar to those proposed in the current application, with a minor change in the master suite layout and a relocation of the master ensuite to the ground floor rear addition in an area currently accommodating the attic stair. The location of the ensuite has a lesser impact on the existing dwelling than the previously approved scheme.

The proposed new opening in the brick balustrade to the front verandah to create an entrance from the Abbotsford Road elevation was approved under the 2017 DA and, as noted at the time, will have a minor adverse heritage impact. Previous heritage advice noted this can be mitigated by ensuring that the new opening in the existing balustrade is limited in width. It was also noted that the exposed ends of the brickwork should be carefully detailed to avoid a ragged or rendered edge to the former brick balustrade. Appropriate tools should be used, and care should be taken to avoid damage to the retained section of the brick balustrade. These matters have been included in the recommendation below as special conditions.

I note the proposal seeks removal of the internal chimney structure at the rear of the house. The Site & Roof Plan DA03 Rev C indicates the external parts of the chimney are to remain, and as such the proposal is acceptable. The blocking in of the window in the front entry room is a poor heritage outcome, however should it be supported by Council, the window opening should remain legible following the infill with details to be submitted to Council prior to CC."

Based on the latest revised plans submitted, Council's Heritage Advisor raised no objections to the proposal and is acceptable on heritage grounds, subject to the imposition of recommended conditions of consent.

SECTION 4.15 CONSIDERATIONS – EP&A Act, 1979

In determining a development application, the consent authority is to take into consideration the following matters of consideration contained within Section 4.15 of the Environmental Planning and Assessment Act, 1979 as relevant to the development application:

4.15(1)(a) the provisions of:

(i) any environmental planning instrument

STATE ENVIRONMENTAL PLANNING POLICY (SEPP) – BASIX 2004

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 as part of the application which indicates that the proposal meets the required reduction targets. An appropriate condition of consent will be imposed to ensure future compliance with these targets.

State Environmental Planning Policy No 55 – Remediation of Land

SEPP 55 applies to the land and pursuant to Section 4.15 is a relevant consideration.

A review of the available history for the site gives no indication that the land associated with this development is contaminated. There were no historic uses that would trigger further site investigations.

DA2018/114 - 23 Abbotsford Road, Homebush
 Lot 11 Section 3 in DP 400 (Cont'd)

The objectives outlined within SEPP55 are considered to be satisfied.

State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017

The State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 replaces the repealed Clause 5.9 of SLEP 2012 (Preservation of Trees and Vegetation).

The intent of this SEPP is consistent with the objectives of the repealed Standard where the primary aims/objectives are related to the protection of the biodiversity values of trees and other vegetation on the site.

In this instance, the proposal was referred to Council's Tree Management Officer who outlined specific conditions to be imposed with any development consent in order to ensure the protection of these trees.

Further, no objection was raised to the proposed tree protection methods on the site subject to their maintenance. Relevant consent conditions will be imposed.

STRATHFIELD LOCAL ENVIRONMENTAL PLAN (SLEP) 2012

An assessment of the proposal against the general aims of SLEP 2012 is included below:

Cl. 1.2(2)	Aims	Complies
(a)	<i>To achieve high quality urban form by ensuring that new development exhibits design excellence and reflects the existing or desired future character of particular localities and neighbourhoods in Strathfield</i>	Yes
(b)	<i>To promote the efficient and spatially appropriate use of land, the sustainable revitalisation of centres, the improved integration of transport and land use, and an appropriate mix of uses by regulating land use and development</i>	Yes
(c)	<i>To promote land uses that provide a wide range of employment, recreation, retail, cultural, service, educational and other facilities for the local community</i>	N/A
(d)	<i>To provide opportunities for economic growth that will enhance the local community</i>	N/A
(e)	<i>To promote future development that integrated land use and transport planning, encourages public transport use, and reduced the traffic and environmental impacts of private vehicle use</i>	N/A
(f)	<i>To identify and protect environmental and cultural heritage</i>	Yes
(g)	<i>To promote opportunities for social, cultural and community activities</i>	N/A
(h)	<i>To minimise risk to the community by identifying land subject to flooding and restricting incompatible development</i>	Yes

Comments: The proposed additions are to the rear of the dwelling and will not be readily visible from surrounding properties or from the street frontage. The heritage value of the property will not be compromised by the development and the health of significant trees on site will be successfully managed.

Permissibility

The subject site is zoned R2 Low Density Residential under Strathfield Local Environmental Plan (SLEP) 2012. The proposal constitutes development for a 'dwelling house' which is permissible with consent within the R2 Low Density Residential Zone.

The proposed development for the purpose of the alterations and additions to the rear covered area is consistent with the definition and is permissible within the R2 Low Density Residential Zone with consent.

DA2018/114 - 23 Abbotsford Road, Homebush
Lot 11 Section 3 in DP 400 (Cont'd)

Zone Objectives

An assessment of the proposal against the objectives of the R2 Low Density Residential Zone is included below:

Objectives	Complies
➤ To provide for the housing needs of the community within a low density residential environment.	Yes
➤ To enable other land uses that provide facilities or services to meet the day to day needs of residents.	N/A
➤ To ensure that development of housing does not adversely impact the heritage significance of adjacent heritage items and conservation areas.	Yes

Part 4: Principal development standards

An assessment of the proposal against the relevant provisions contained within Part 4 of the SLEP 2012 is provided below.

Height of building

Cl.	Standard	Controls	Proposed	Complies
4.3	<i>Height of building</i>	9.5m	6.756m (existing maximum)	Yes

	Objectives	Complies
(a)	<i>To ensure that development is of a height that is generally compatible with or which improves the appearance of the existing area</i>	Yes
(b)	<i>To encourage a consolidation pattern that leads to the optimum sustainable capacity height for the area</i>	Yes
(c)	<i>To achieve a diversity of small and large development options.</i>	Yes

Comments: The proposal does not change the existing maximum height of the dwelling. The rear addition includes roof parapet reaching a maximum height of 4.5m above the natural ground level.

Floor space ratio

Cl.	Standard	Controls	Proposed	Complies
4.4	<i>Floor space ratio</i>	0.525:1 (484.68m ²)	0.353:1 (326.1m ²)	Yes

	Objectives	Complies
(a)	<i>To ensure that dwellings are in keeping with the built form character of the local area</i>	Yes
(b)	<i>To provide consistency in the bulk and scale of new dwellings in residential areas</i>	Yes
(c)	<i>To minimise the impact of new development on the amenity of adjoining properties</i>	Yes
(d)	<i>To minimise the impact of development on heritage conservation areas and heritage items</i>	Yes
(e)	<i>In relation to Strathfield Town Centre:</i> i. <i>to encourage consolidation and a sustainable integrated land use and transport development around key public transport infrastructure, and</i> ii. <i>to provide space for the strategic implementation of economic, social and cultural goals that create an active, lively and people-oriented development</i>	N/A
(f)	<i>In relation to Parramatta Road Corridor – to encourage a sustainable</i>	N/A

DA2018/114 - 23 Abbotsford Road, Homebush
Lot 11 Section 3 in DP 400 (Cont'd)

consolidation pattern that optimises floor space capacity in the Corridor

Part 5: Miscellaneous Provisions

The relevant provisions contained within Part 5 of the SLEP 2012 are addressed below as part of this assessment:

5.10 Heritage Conservation

The subject site is identified as being within Abbotsford Road Conservation Area. The Heritage Conservation objectives under Clause 5.10 are as follows:

	Objectives	Complies
(a)	<i>To conserve the environment heritage of Strathfield,</i>	Yes
(b)	<i>To conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,</i>	Yes

Comments: The additions are to the rear of the dwelling and the external materials used will be of a similar material and colours to the original house. Having regard to the Heritage Impact Statement accompanying with the development application, Council's Heritage Advisor has raised no objection to the proposed development on the grounds of heritage impacts.

Part 6: Local Provisions

The relevant provisions contained within Part 6 of the SLEP 2012 are addressed below as part of this assessment:

6.1 Acid sulfate soils

The subject site is identified as having Class 5 soils, but is not located within 500m of Class adjacent 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.

6.2 Earthworks

The proposed basement will be confined to the building footprint of the ground floor level additions. A condition of consent is recommended to ensure the appropriate management of exposed soils during the excavation and construction phases of the development.

6.3 Flood planning

The application demonstrates that it minimises flood risk to life and property associated with the use of the land, is compatible with the land's flood hazard and avoids significant adverse impacts on flood behaviour and the environment. Council's Development Engineer has assessed the flood impact statement submitted and raises no significant issues in this respect.

6.4 Essential services

The proposal is acceptable and satisfactory that adequate arrangements have been made to the supply of water, electricity, the management of sewage, waste and site drainage.

4.15(1)(a)(ii) any draft environmental planning instruments

There are no applicable draft planning instruments that are or have been placed on public exhibition, to consider as part of this assessment.

DA2018/114 - 23 Abbotsford Road, Homebush
Lot 11 Section 3 in DP 400 (Cont'd)

4.15 (1)(a)(iii) any development control plan

STRATHFIELD CONSOLIDATED DEVELOPMENT CONTROL PLAN (SCDCP) 2005

The following is an assessment of the proposal's compliance with the relevant provisions contained within SCDCP 2005.

PART A – DWELLING HOUSES AND ANCILLARY STRUCTURES

An assessment of the proposal against the objectives contained within Clause 1.3 of Part A of SCDCP 2005 is included below:

2: Architectural Design & Streetscape Presentation

2.1	Objectives	Satisfactory
A.	To ensure that development respects the predominant height, scale, character, type, form, colour, materials and architectural qualities of the existing dwelling house (in the case of alterations and additions) and surrounding neighbourhood especially any adjoining or nearby heritage item or heritage conservation area.	Yes
B.	To achieve quality architecture in new development through the appropriate composition and articulation of building elements.	Yes
C.	To ensure that the dominant building rhythm of the streetscape is reflected in the building design in terms of the spacing and proportion of the built elements.	Yes
D.	To ensure that new dwellings have facades, which define, address and enhance the public domain.	Yes
E.	To encourage contemporary architecture that is innovative, uses high quality detailing, and incorporates elements characteristic of Strathfield.	Yes
F.	To promote the continuance of pyramidal roof forms within Strathfield where they are already prevalent.	Yes
G.	To retain a feeling of openness and space between built elements by maintaining landscaped setbacks and preserve the appearance of dwellings set in the treelined streets and park-like environment.	Yes
H.	To reduce the use of highly reflective colours and materials that create visual prominence.	Yes
I.	To ensure fencing is sympathetic to the design of the dwelling and the street and enhances the character of both the individual house and street whilst maintaining casual surveillance of the neighbourhood.	Yes
J.	To protect and retain the amenity of adjoining properties.	Yes
2.2	Development Controls	Complies
.1.	Streetscape Presentation	
	2 Consistently occurring building features integrated within dwelling design.	Yes
	3 Consideration of streetscape elements	Yes
	4 Integrated security grilles/screens, ventilation louvres and garage doors	Yes
.2.	Scale, Massing & Rhythm of Street	
	1 Scale, massing, bulk and layout complement the existing streetscape and the dominant building rhythm	Yes
	2 Building height and mass maintains amenity to adjacent properties open space or the public domain	Yes
.3.	Building Forms	

DA2018/114 - 23 Abbotsford Road, Homebush
Lot 11 Section 3 in DP 400 (Cont'd)

	1	Building form articulated.	Yes
<i>Roof Forms</i>			
	1	Roof form complements predominant form in the locality	Yes
	2	Roof form minimises bulk and scale of building and remains an important architectural element in the street.	Yes
	4	Roof structures are not visible from the public domain	Yes
<i>Materials</i>			
.4.	5	Materials compatible with the existing dwelling house, adjoining dwelling houses and the streetscape (type, form and colour)	Yes
	6	Monotone face brick walls and terracotta tiles for roofs where common in the streetscape	Yes
	7	New buildings and facades do not result in glare (Reflectivity Report may be required)	Yes
<i>Colours</i>			
	8	New development incorporates traditional colour schemes	Yes
	9	The external colours integrate harmoniously with the external design of the building	Yes

Comments: The rear addition is contemporary in style proposing a flat parapet roof form and the building materials chosen are sympathetic to the existing dwelling and do not detract from its heritage significance. The portion of the rear addition and basement entrance adjacent the eastern boundary and visible from the street is considered acceptable. The window on the wall facing the street has been amended to be of similar size, proportions and vertical spacing to the existing windows at the front of the house. This window adds an element of articulation and breaks up the visual impact of the wall, which was originally left blank.

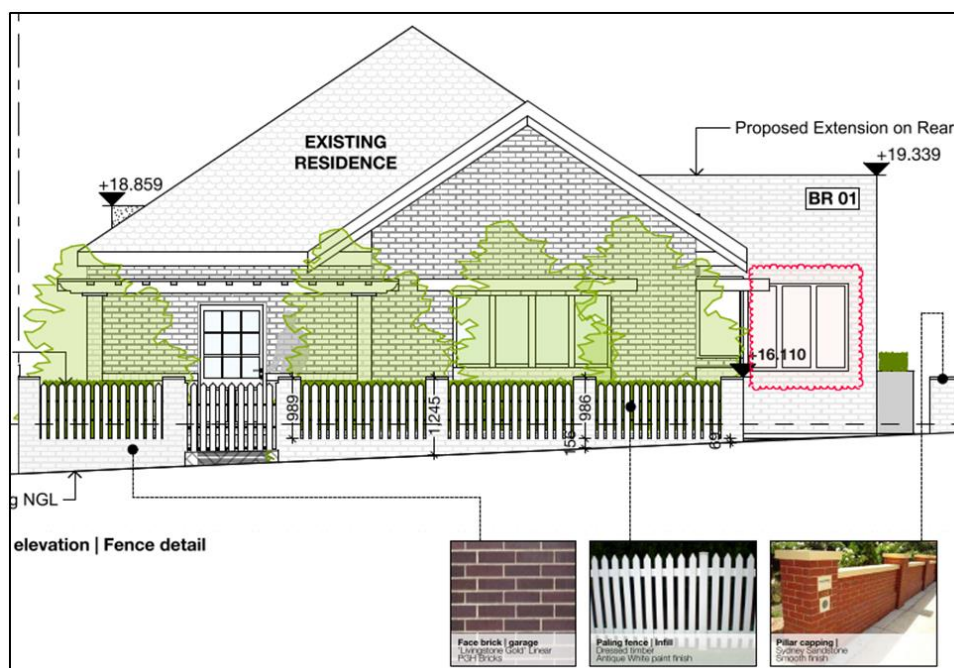


Figure 3: Streetscape Elevation of proposed addition.

4: Building Envelope

4.1	Objectives	Satisfactory
-----	------------	--------------

DA2018/114 - 23 Abbotsford Road, Homebush
Lot 11 Section 3 in DP 400 (Cont'd)

A.	<i>To ensure that dwellings are compatible with the built form of the local area and that overall bulk and scale, size and height of dwellings relative to natural ground level responds to the adjoining dwellings, topography and desired future character.</i>	Yes
B.	<i>To minimise impact on the amenity of adjoining properties.</i>	Yes
C.	<i>To establish and maintain the desired setbacks from the street and define the street edge.</i>	Yes
D.	<i>To create a perception or reinforce a sense of openness in the locality.</i>	Yes
E.	<i>To maintain view corridors between dwellings</i>	Yes
F.	<i>To assist in achieving passive surveillance whilst protecting visual privacy.</i>	Yes
G.	<i>To provide a transitional area between public and private space.</i>	Yes
4.2	Development Controls	Complies
.1.	<i>Floor Space Ratio</i>	
1	Floor Space Ratio permissible pursuant to SLEP 2012	Yes
.2.	<i>Building Height</i>	
1	Height of building permissible pursuant to SLEP 2012	Yes
3	Dwelling houses and any ancillary structures 2-storeys (max)	Yes
4	Building height responds to the gradient of the site to minimise cut and fill	Yes
.3.1.	<i>Street Setbacks</i>	
1	Setbacks consistent with minimum requirements of Table A.1	Yes
.3.2.	<i>Side and Rear Setbacks</i>	
1	A combined side setback of 20% of the width of the block (incorporating a 1.2m min side setback on each side).	Yes
2	A rear setback of 6m (min)	Yes

Comments: The proposed floor space ratio is 0.353:1 (326.1m²), well under the maximum 0.525:1 (484.68m²). The single storey rear addition has a maximum height of 4.7m and is sympathetic with the existing scale of buildings in Abbotsford Road. The proposal has compliant side setbacks with a combined side setback of 20% (3.0m) of the width of the block (15.24m).

5: Landscaping

5.1	Objectives	Satisfactory
A.	<i>To encourage landscaping that is appropriate to the style and scale of the dwelling and adjoining development, and to the streetscape.</i>	Yes

DA2018/114 - 23 Abbotsford Road, Homebush
Lot 11 Section 3 in DP 400 (Cont'd)

B.	<i>To enhance the existing streetscape and promote a scale and density of planting that softens the visual impact of buildings, structures, vehicle circulation and ancillary areas.</i>	Yes
C.	<i>To preserve existing landscape elements on site (such as existing trees) and encourage their integration into the design of proposals.</i>	Yes
D.	<i>To ensure adequate deep soil planting is retained on each allotment.</i>	Yes
E.	<i>To ensure developments make an equitable contribution to the landscape setting of the locality.</i>	Yes
F.	<i>To ensure both existing and new landscaping provides suitable shade and facilitates convective cooling breeze paths in summer.</i>	Yes
G.	<i>To encourage the use of native flora such as open woodland canopy trees, to provide a habitat for native fauna.</i>	Yes
H.	<i>To ensure that landscaped areas are designed to minimise water use.</i>	Yes
I.	<i>To provide functional private open spaces for active or passive use by residents.</i>	Yes
J.	<i>To provide private open areas with provision for clothes drying facilities screened from the street and lane or a public place.</i>	Yes
K.	<i>To ensure the protection of trees during construction</i>	Yes
L.	<i>To ensure suitable fencing is provided to reduce acoustic impacts and enhance visual privacy between neighbouring residents whilst enabling front fences passive surveillance of the street.</i>	Yes
M.	<i>To maximise the amenity of existing and proposed developments, including solar access, privacy and open space.</i>	Yes
5.2	Development Controls	Complies
.1.	Landscaped area	
	1 Landscaped area in accordance with Table A.3	No – refer below
	2 At least 50% of the minimum landscaped area located behind the building line to the rear boundary	Yes
	3 At least 50% of the front yard maintained as deep soil soft landscaping	Yes
	4 Minimise hard surface area (concrete/brick/stone paving and bitumen). Run-off directed to permeable surfaces.	Yes
	5 Planting areas soften the built form	Yes
	6 Front gardens respond and contribute to the garden character of Strathfield.	Yes
	7 Retain and reinforce the prevailing streetscape and surrounding locality	Yes
	8 Plant species must be retained, selected and planted to improve amenity	Yes
.2.	Tree Protection	
	1 Arboricultural Impact Assessment Report prepared by an AQF Level 5 Arborist	N/A
	2 The Arboricultural Impact Assessment Report address minimum criteria	N/A
	3 Development provides for the retention and protection of existing significant trees	Yes
	4 New dwellings and alterations and additions are set back in accordance with the Arboricultural Impact Assessment Report	N/A

DA2018/114 - 23 Abbotsford Road, Homebush
Lot 11 Section 3 in DP 400 (Cont'd)

5	Council may request the applicant to engage a project Arborist	N/A
6	Opportunities for planting new canopy trees within the front setback	Yes
7	At least one (1) canopy tree provided in the rear yard.	Yes
8	Trunk of a proposed canopy tree planted 4m (min) from built structures, or 3m (min) from pier beam footings	Yes
9	Planting on side boundaries a 0.6m (min) deep root deflection barrier provided 1.5m (min) either side of the tree center	Yes
10	Driveway construction does not result in the removal, lopping or root damage to any street tree	Yes
11	25% (min) of canopy trees and other vegetation shall be locally sourced indigenous species	Yes

Private Open Space

.3.	1	Provided in a single parcel rather than a fragmented space, directly accessible from internal living areas	Yes
	2	Includes a deep soil area compliant with the minimum landscaped area.	Yes
	3	Terraces and decks (at least 10m ²) with one length or width 3m (min) and directly accessible from an internal living area. Decks cannot be located more than 500mm above NGL	Yes
	4	Unless 3m (min) width, areas within setbacks are not to be included as private open space	Yes
	5	Private open space located at the rear of the property.	Yes

Fencing

.4.	1	Fencing designed to be compatible and sympathetic to the style of the dwelling, adjoining properties and the streetscape	Yes
	2	Landscaping used when the streetscape is characterised by the absence of front fences	N/A
	3	Fencing forward of FBL shall not exceed 1.5m. Solid components shall not exceed 0.7m above NGL with the exception of brick piers	No – refer below
	4	Solid fencing 1.8m (max) is permitted along a secondary street frontage to enclose a private open space	Yes
	7	Front fences visually permeable	Yes
	8	Front fences on busy roads designed to provide acoustic attenuation	N/A
	9	Listed undesirable materials and finishes not used forward FBL	Yes
	11	Solid fences adjoining driveways are provided with 1m x 1m (min) splay	Yes
	12	A splay adjacent to a road intersection or driveway entrance must be landscaped	Yes
	13	Significant trees maintained	Yes
	14	Stormwater flows through or under fencing on sloping sites	Yes

Comments: Adequate deep soil landscaped area will be provided both within the front and rear setbacks of the site. Although the extent of deep soil landscaping is 3.9m² under the required landscaped area of 45% (415.4m²), this small discrepancy is considered acceptable on merit. The landscape plan does not significantly differ from the approved plan associated with the earlier development application (DA2018/089) and includes two (2) canopy trees in the front yard and 11 Cordyline plantings to screen and add privacy to the dwelling along the eastern boundary. Although, the proposed front fence does not taper down with the small slope of the site but the

DA2018/114 - 23 Abbotsford Road, Homebush
Lot 11 Section 3 in DP 400 (Cont'd)

maximum height of the fence is 1.52m from ground level and generally consistent with Council's control. The proposed height and design of the fence as shown in Figure 3 is deemed acceptable and sympathetic of the surrounding heritage character to Abbotsford Road.

6: Solar Access

6.1	Objectives	Satisfactory
A.	To ensure the design of new dwelling houses and alterations and additions maximises solar access to living areas and open space areas.	Yes
B.	To minimise overshadowing of adjoining properties.	Yes
6.2	Development Controls	Complies
.1.	Sunlight Access	
	2 Alterations or Additions – maintain 3 hours solar access between 9.00am and 3.00pm on June 21 to the windows of habitable rooms and to the majority of private open space	Yes
	3 50% of the principal private open space of any adjoining premises receives 3 hours solar access between 9.00am and 3.00pm on June 21	Yes
	4 The proposed development does not further reduce the amount of solar access	No – refer below

Comments: The proposal will inevitably result in some loss of solar access for the adjoining properties to the east and west. However, the single storey extension has minimised the overall shadow impact by reducing the parapet and roof over the alfresco area to 3.7m. Given the general north-south orientation of the site and adjoining properties either side will still receive at least three (3) hours direct solar access in their private open space.

7: Privacy

7.1	Objectives	Satisfactory
A.	Development that is designed to provide reasonable privacy to adjacent properties	Yes
B.	To maintain reasonable sharing of views from public places and living areas	Yes
C.	To ensure that public views and vistas are protected, maintained and where possible, enhanced	Yes
D.	To ensure that canopy trees take priority over views	Yes
E.	To ensure that the siting and design of buildings minimises noise impacts from abutting roads, rail corridors and other noise-generating land uses	Yes
7.2	Development Controls	Complies
.1.	Visual Privacy	
	1 Protect POS, bedrooms, balconies and living rooms of proposed and any existing adjoining dwellings from direct overlooking	Yes
	2 Provide adequate separation of buildings	Yes
	3 Ensure elevation of finished floor levels above NGL is not excessive	Yes
	4 Improve privacy to adjacent properties with screen planting	Yes

DA2018/114 - 23 Abbotsford Road, Homebush
Lot 11 Section 3 in DP 400 (Cont'd)

<i>Windows</i>			
.2.	1	Windows do not directly face the windows, balconies and courtyards of adjoining dwelling	Yes
	2	A window within 9m of another window in a habitable room of an adjoining dwelling is offset by 0.5m (min) or a sill height of 1.7m (min) above the FFL	Yes
	3	Windows directly facing balconies or courtyards are narrow, incorporate obscure glazing and/or a sill height of 1.7m (min) above FFL	Yes
<i>Elevated Decks Verandahs and Balconies</i>			
.3.	2	Elevated decks, verandahs and balconies incorporate privacy screens	Yes

Comments: The plans submitted demonstrate that bedroom windows have been designed to be offset from neighbouring dwellings. The windows and privacy screen of the alfresco are considered adequate as the associated rooms are generally passive spaces and would provide a reasonable level of privacy for the development and surrounding properties. The finished floor levels of the living and alfresco area is proposed at 0.4m above natural ground level is not excessively elevated. Appropriate evergreen screen planting is proposed along the eastern boundary to assist in providing privacy adjacent to the shared boundary.

8: Vehicle Access and Parking

8.1	Objectives	Satisfactory
A.	To provide adequate and convenient on-site car parking.	Yes
B.	To ensure that the location and design of driveways, parking spaces and other areas used from the movement of motor vehicles are efficient, safe and convenient.	Yes
C.	To ensure garages, carports, basements and hard standing areas for cars do not visually dominate the street façade of the dwelling.	Yes
D.	To ensure that construction materials used for driveways respect the architectural qualities of the dwelling.	Yes
E.	To minimise the area of access driveways to minimise impermeable surfaces and maximise landscaped areas.	Yes
F.	To ensure basements have discreet entries, safe access and a high degree of natural cross-ventilation.	Yes
G.	To minimise excavation to reduce disturbance to natural ground level particularly adjacent to site boundaries.	Yes
H.	To ensure that any proposed basement minimises disturbance to natural drainage systems and that flooding, drainage or ventilation impacts would not be created for the site, or for adjoining or nearby properties.	Yes
8.2	Development Controls	Complies
.1.	<i>Driveway and Grades</i>	
	1 Existing driveways must be used (exceptions apply)	Yes
	2 The width of driveways at the property boundary is to be 3m	Yes
	3 The edge of driveway crossings located 1m (min) clear of any existing stormwater pits or poles and 2m clear of tree trunks	Yes
	4 Parking and access points easily accessible and recognisable, non-disruptive to pedestrian flow and safety and located to minimise traffic hazards and potential for vehicles to queue.	Yes
	5 One (1) vehicular crossing (max) to any public road (exceptions apply)	Yes

DA2018/114 - 23 Abbotsford Road, Homebush
Lot 11 Section 3 in DP 400 (Cont'd)

	6	Vehicles accessing sites which front main roads shall be capable of entering and exiting in a forward direction	N/A
	9	Driveways avoid long and straight appearance by using variations and landscaping	Yes
	10	Driveway set back 0.5 metres (min) from side boundaries	Yes
	11	Driveways incorporate unit paving into the design	Yes
	12	Areas of concrete visible from a public road are to be minimal and coloured charcoal, grey or brown	Yes
	13	Coloured concrete is not permitted in the driveway crossing outside the property boundary	Yes
	<i>Basements</i>		
	1	The area of a basement shall be limited to and contained within the ground level footprint of the dwelling	No – refer below
	2	Excavation not permitted within the minimum side setbacks.	No – refer blow
	3	The maximum height of the basement above NGL is limited to 1m measured to the predominant finished floor level of the level above.	Yes
	4	Internal clearance of 2.2m (min)	Yes
.3.	5	Driveways have a maximum 1:4 gradient and comply with Australian Standards	Yes
	6	Basement entries and ramps/driveways not greater than 3.5m wide	Yes
	7	Driveway ramps are perpendicular to the property boundary at the street frontage	Yes
	8	Basements permit vehicles to enter and exit the basement in a forward direction	Yes
	9	Basements are discretionary on flood affected sites	Yes
	10	Pump-out systems and stormwater prevention in accordance with Council's Stormwater Management Code	Yes
	11	Basements are not to be used for habitable purposes	Yes

Comments: The proposal seeks the demolition of the dilapidated detached garage and the utilisation of the existing vehicular driveway to service the proposed basement. The basement is designed with a 2.2m internal clearance, accommodating three (3) car parking spaces with sufficient maneuvering space so as to enter and exit the basement in a forward direction.

Contrary to Section 8.2.3 the basement is not strictly contained within the footprint of the dwelling at the ground level, extending to the rear alfresco and into the 1.5m side setback from the eastern boundary. However, as the application includes the retention of the original dwelling on the site with restoration and repair works both internally and externally, some flexibility on the location and extent of the basement is warranted as it provides sufficient car parking for the future residents. A Structural Engineering Statement was submitted by Engineering Studio dated 28 August 2018 certifying the plans and construction methods will be outside the zone of influence of the footing of the existing house and that *"the proposed excavation will not undermine the footings of the house"*.

The proposed U-Turn Bay below the alfresco area is considered excessive and extends into the drip line of the significant tree located in the middle of the rear yard. In order to protect the root system of the tree, Condition 2 requires a design change to reduce the length of the U-turn bay by 4000mm. The length which the U-turn bay is reduced was informed by best practice vehicular manoeuvrability which necessitates a U-turn bay to be a minimum of 3000mm when measured 90 degrees from space of a small B85 vehicle. This condition will enable efficient and safe vehicle movement within the basement.

DA2018/114 - 23 Abbotsford Road, Homebush
Lot 11 Section 3 in DP 400 (Cont'd)

9: Altering Natural Ground Level (Cut and Fill)

9.1	Objectives	Satisfactory
A.	To maintain existing ground levels and minimise cut and fill to reduce site disturbance.	Yes
B.	To ensure existing trees and shrubs are undisturbed, ground water tables are maintained and impacts on overland flow/drainage are minimised.	Yes
9.2	Development Controls	Complies
1	Fill limited to 1m (max) above NGL	Yes
2	Clean fill used only	Yes
3	Cut and fill batters stabilised consistent with the soil properties	Yes
4	Vegetation or structural measures are implemented when the site is disturbed.	Yes
5	Areas of excavation setback from property boundaries in line with building setback controls. No excavation permitted within the minimum required setbacks.	Yes
6	The work does not affect or undermine the soil stability or structural stability of buildings and Council assets on adjoining properties.	Yes
7	A dilapidation report for all buildings which adjoin proposed excavation areas as required	Yes
8	Avoid excessive fill that creates the potential for overlooking of adjoining properties	Yes

Comments: Minimal cut and fill is required to accommodate the proposed development apart from that required for the basement and vehicular access. Conditions of consent are recommended to the effect that dilapidation and geotechnical investigation reports are undertaken and only clean fill is used.

10: Water and Soil Management

10.1	Objectives	Satisfactory
A.	To encourage the incorporation of Water Sensitive Urban Design (WSUD) and Botany Improvement Plan principles in the development.	Yes
B.	To ensure compliance with Council's Stormwater Management Code	Yes
C.	To ensure compliance with the NSW State Government's Flood Prone Lands Policy.	Yes
D.	To ensure that appropriate soil erosion and sediment control measures are implemented on all sites that involve soil disturbances during construction.	Yes
E.	To ensure new building work does not detrimentally affect the existing drainage system of any area of the Municipality.	Yes
F.	To ensure that new development in areas that may be affected by acid sulphate soils do not adversely impact the underlying ground conditions, soil acidity and water quality.	Yes
G.	To appropriately manage stormwater and overland flow to minimise damage to occupants and property	Yes
10.2	Development Controls	Complies
1.	Stormwater Management and Flood Prone areas	
	1 Applicant contacted Council regarding site being flood prone land	Yes
	2 Compliance with Council's Stormwater Management Code	Yes

DA2018/114 - 23 Abbotsford Road, Homebush
Lot 11 Section 3 in DP 400 (Cont'd)

	3	Flood affected properties comply with Council's Interim Flood Prone Lands Policy (Flood Prone Areas & Through Site Drainage)	Yes
	4	Minimum habitable floor height advice obtained for flood affected sites	Yes
	5	A drainage/flood report prepared by a hydraulics engineer submitted for sites affected by overland flows	Yes
	6	Stormwater Management Code compliance	Yes

Acid Sulfate Soils

.2.

1	Site managed consistent with the provisions contained in Clause 6.1 SLEP 2012	Yes
---	---	-----

Soil Erosion and Sediment Control

.3.

1	Soil erosion and sediment control measures detailed and implemented prior to the commencement of work.	Yes
2	Sediment control measures applied	Yes
3	Plans provided detailing stormwater quality treatment	Yes

Comments: Council's Development Engineer has raised no concerns with the proposed method of stormwater drainage subject to conditions of consent.

11: Access, Safety and Security

11.1	Objectives	Satisfactory
A.	<i>To encourage the incorporation of crime prevention principles in the design of the proposed developments.</i>	Yes
B.	<i>To increase the safety and perception of safety in public and semi-public spaces.</i>	Yes
C.	<i>To provide passive surveillance of the public domain to promote a safe pedestrian environment whilst maintaining the privacy of residents</i>	Yes
D.	<i>To ensure the safety of pedestrians by separating pedestrian access from vehicular access.</i>	Yes
11.2	Development Controls	Complies
.1.	<i>Address and Entry Sightlines</i>	
	1 Occupants able to overlook public places to maximise passive surveillance	Yes
	2 Landscaping design around dwellings and ancillary structures to accommodate plant maturation	Yes
	3 External lighting enhance safe access and security and light spill does not adversely impact on adjoining properties.	Yes
	4 Crime Prevention through Environmental Design (CPTED) principles incorporated.	Yes
<i>Pedestrian Entries</i>		
.2.	1 Pedestrian entries and vehicular entries suitably separated	Yes
	2 Dwelling entrances easily identifiable	Yes
	3 House numbers are to be clearly visible from the street	Yes

DA2018/114 - 23 Abbotsford Road, Homebush
Lot 11 Section 3 in DP 400 (Cont'd)

Comments: The proposed development has been designed with clearly identifiable pedestrian and vehicular entranceways and provides ample opportunities for passive surveillance.

12: Ancillary Development

12.1	Objectives	Satisfactory
A.	To ensure that ancillary development is compatible with the design of the principal dwelling, streetscape and adjoining dwellings in form, materials and colours	Yes
B.	To limit the size, bulk and scale of ancillary structures and minimise their visibility from the public domain.	Yes
C.	To ensure that the provision of ancillary structures improves the amenity of residents whilst ensuring that the amenity of surrounding dwellings and neighbouring lots is maintained.	Yes
D.	To ensure that the provision of ancillary structures, such as air conditioning units, are considered at the design stage of a proposed development.	Yes
12.2	Development Controls	Complies
.4.	Air-conditioning	
	1 Located away from the habitable rooms of adjoining properties and/or screened by acoustic treatments	Yes
	2 Any building work must not reduce the structural integrity of existing buildings	Yes
	3 Installation of residential grade air conditioners only	Yes
	4 Installation to comply with the Protection of the Environment Operations Act 1997 and Protection of the Environment Operations (Noise Control) Regulation 2008	Yes

Comments: Insufficient information was submitted regarding the location of the air-conditioning units to be provided for the dwelling in accordance with Section 12.2.4 of Part A of the SDCDP 2005. Appropriate conditions of consent are recommended to be imposed to ensure that the air conditioning unit is concealed in a structure located in an acoustic dampening enclosure or attains a minimum of 3m from any property boundary (Refer to Special Condition 3).

13: Ecologically Sustainable Development

13.1	Objectives	Satisfactory
A.	To encourage passive and active strategies in the design of dwellings and ancillary structures that promotes the achievement of ecologically sustainable practices and BASIX requirements.	Yes
B.	To ensure dwellings are designed to allow sufficient natural ventilation and lighting whilst minimising heat gain during summer and maximising solar access during winter, thereby reducing the need for artificial cooling and heating.	Yes
C.	To minimise the over use of Sydney's limited high quality domestic water supply by ensuring new dwellings incorporate water storage tanks for use in toilet flushing, landscape irrigation and to encourage new dwellings, additions and alterations to incorporate water saving devices and water conservation strategies.	Yes
D.	To encourage the use of new technology that reduces energy consumption, minimises greenhouse emissions and results in cost savings	Yes
E.	To encourage the re-use of building materials, thereby reducing waste to landfill, transportation costs, conserving raw materials and reducing energy expenditure. (Refer to Part H Waste Minimisation and Management of SDCDP 2005).	Yes
13.2	Development Controls	Complies
.1.	Natural Lighting and Heating	
	1 Living areas facing north, sleeping areas facing east/south, and utility areas orientated west/south to maximise winter solar access.	Yes

DA2018/114 - 23 Abbotsford Road, Homebush
Lot 11 Section 3 in DP 400 (Cont'd)

	2	Trees planted to the north of the dwelling must be deciduous to allow solar access during the winter	Yes
	3	Materials used of high thermal mass	Yes
.2.	<i>Natural Cooling and Ventilation</i>		
	1	Windows and walls on northern facades shaded by shading devices, trees, eaves and louvres sympathetic to the dwelling	Yes
	2	Windows positioned to capture breezes and allow for cross-ventilation	Yes
<i>Water Tanks</i>			
.3.	1	Located behind the dwelling or behind the front building line and screened from view from the public domain	Yes
	2	Associated support structures and plumbing are a colour that complements the dwelling.	Yes
	3	Above ground water tanks located 450mm (min) from any property boundary	Yes
	4	Above ground water tanks do not exceed 3m in height above NGL	Yes
	5	Overflow piped directly to the approved stormwater drainage system except in cases where stormwater is required to be directed to on-site stormwater detention (OSD) storage	Yes
	6	No part of the water tank or support stand may rest on a wall footing	Yes
	7	Installation does not involve the filling of more than 1m above existing ground level	Yes
	8	The tank not located over or adjacent to a water main or sewer main or installed over any associated structure or fittings	Yes
	9	Support structure installed to the requirements of a qualified practicing structural engineer or to the maker's specifications.	Yes
<i>Hot Water Heater Units</i>			
.4.	1	Located behind the dwelling or wholly behind the dwelling	Yes
	2	Not located on balconies unless screened from public view	Yes
	3	Placed within a short distance of the most frequent point of use	Yes

Comments: The proposal has been designed such that all internal living areas are located along the northern/eastern elevations of the dwelling, thus maximising solar access to these rooms during the mornings and reducing afternoon heating. Further, the proposal is accompanied by a BASIX certificate achieving compliance with the minimum water and energy use BASIX requirements.

PART H - WASTE MANAGEMENT (SCDCP 2005)

The proposal was accompanied by a Waste Management Plan prepared in accordance with Part H of the SCDCP 2005. Compliance with the waste minimisation strategies of this waste management plan shall be enforced through the imposition of suitable conditions of consent.

PART P - HERITAGE (SCDCP 2005)

4. Development in Conservation Areas

1: Setting

4.1.1	Objectives	Complies
--------------	-------------------	-----------------

DA2018/114 - 23 Abbotsford Road, Homebush
Lot 11 Section 3 in DP 400 (Cont'd)

1	To ensure that new development respects the established patterns in the streetscape of a heritage Conservation Area, including setbacks, siting, landscaped settings, car parking and fencing.	Yes
2	To ensure that new development respects the established patterns in the streetscape of a heritage Conservation Area, including setbacks, siting, landscaped settings, car parking and fencing.	Yes

4.1.2	Development Controls	Complies
(1)	The side and front setbacks of new development in a Conservation Area should be typical of the spacing of existing buildings in the vicinity of the proposed development in that Conservation Area, such that the rhythm of buildings in the streetscape is retained.	Yes
(2)	No new structures should be built forward of the established street building line.	Yes
(3)	The established landscape character of the locality including the height of canopy and density of boundary landscape plantings should be retained in any new development.	Yes

Comments: The proposed alterations and additions are located at the rear of the dwelling and are not readily visible from Abbotsford Road. The addition is in alignment with the existing side setback on the western side, but the eastern side setback is reduced to 1.5m. The existing driveway is to remain. The proposed development seeks the planting of four (4) canopy trees in total including two (2) within the front setback. Whilst no canopy trees are proposed within the rear setback, the subject site already contains a large canopy tree in the centre of the rear yard to be retained.

4.2: Scale

4.2.1	Objectives	Complies
1	To ensure that new development adjacent to or within a heritage Conservation Area is of a scale consistent with the existing development in the vicinity of the site that contributes to the character of the in the heritage Conservation Area.	Yes
2	To ensure that additions and alterations to a building within a Conservation Area are of a scale consistent with the contributory buildings in the Conservation Area.	Yes

4.2.2	Development Controls	Complies
(1)	The scale of new development adjacent to or within a Conservation Area should relate to the scale of the adjacent or nearest contributory elements of the Conservation Area.	Yes
(2)	Development of a larger scale is allowable only if it can be demonstrated that the new development will not adversely impact the identifiable character of the Conservation Area.	Yes

Comments: The rear additions are of single storey scale, in keeping with to the existing dwelling. The location of the addition at the rear of the property ensures that the development does not adversely affect the character of the conservation area.

4.3: Form

4.3.1	Objectives	Complies
1	To ensure that new development in a Conservation Area relates positively to the dominant forms of existing contributory buildings in the Conservation Area.	Yes
2	To ensure that buildings that contribute to the character of a Conservation Area retain their importance in the streetscape and/or townscape.	Yes

DA2018/114 - 23 Abbotsford Road, Homebush
Lot 11 Section 3 in DP 400 (Cont'd)

4.3.2 Development Controls		Complies
(1)	Important elements of the form of a contributory building in a Conservation Area such as main roof forms, chimneys, parapet walls, verandahs etc. should not be demolished or obscured by alterations and additions.	Yes
(5)	Additions and alterations to existing buildings that contribute to the character of a Conservation Area should not detract from the original form of the existing building as viewed from the Public Domain.	Yes

Comments: The proposal does not change the front appearance of the dwelling and the additions do not obscure the existing built form. Important elements such as the stained glass windows and decorative roof elements are to be maintained. The proposed kitchen/living/dining rooms are located at the rear of the dwelling and are partly visible from Abbotsford Road. The development is sympathetic to the existing character of the house and conservation area. The development proposes to infill a window located on the western elevation in the front entrance room. This window does not add to the heritage character of the dwelling and is deemed acceptable.

4.4: Siting

4.4.1 Objectives		Complies
1	To integrate new development in Conservation Areas with the identifiable character of the area.	Yes

4.4.2 Development Controls		Complies
(1)	The front setback of new development (including alterations and additions) in Conservation Areas should match that of adjacent contributory development. Where adjacent developments have different setbacks, new development should align with the greater setback.	Yes
(3)	Side setbacks of new development (including alterations and additions) in Conservation Areas should match the pattern of adjacent and/or nearby contributory development. This will often include a greater setback on one side of the development to provide vehicular access at the side of a property.	Yes
(5)	Where trees are important to a Conservation Area, new buildings should be sited away from the drip line of the trees.	No – refer below

Comments: The proposal respects the existing character of the house and does not adversely affect the heritage conservation area nor specific heritage items in the vicinity. The rear addition aligns with the existing setbacks on the western side but reduces the eastern side setback to 1.5m. It is relevant to consider that the existing garage was originally set back at 0.9m from the eastern boundary. The corner of the guest suite and alfresco dining rear addition does have a small encroachment within the drip line of a tree in the rear yard. The basement is conditioned (No. 2) to be setback further from the tree's drip line as discussed previously.

4.5: Materials and colours

4.5.1 Objectives		Complies
1	To encourage the use of external materials on new development that is consistent with the existing contributory buildings in a Conservation Area.	Yes

4.5.2 Development Controls		Complies
----------------------------	--	----------

DA2018/114 - 23 Abbotsford Road, Homebush
Lot 11 Section 3 in DP 400 (Cont'd)

(1)	Original materials of contributory buildings in Conservation Areas should not be replaced with different materials or with materials of different colours.	Yes
(2)	Non-original materials of existing contributory buildings in Conservation Areas that are being replaced shall, if possible, be replaced with material that matches the original material as closely as possible.	No – refer below
(3)	Painting, rendering or bagging of face brickwork and sandstone is not permitted	Yes
(4)	The texture of original rendered finishes should not be changed.	Yes
(5)	Colour schemes for existing and new development in Conservation Areas should have a hue and tonal relationship with traditional colour schemes for the dominant style of development found in the Conservation Area	Yes
(6)	The use of fluorescent paint on buildings in Conservation Areas is not permitted.	Yes

Comments: The submitted External Materials and Finishes do respect the existing dwelling's colour, texture and materials. The proposal does not imitate materials and the contemporary design of the rear addition responds appropriately to the surrounding conservation area. The proposed extension is of an acceptable bulk, scale and form and the proposal is acceptable on heritage grounds. Special Conditions 4 and 5 ensure the works done to the original dwelling are consistent and appropriate with the existing building design.

4.6: Doors and windows

4.6.1	Objectives	Complies
1	To retain original door and window details of contributory buildings in Conservation Areas.	Yes
2	To ensure that new development in a Conservation Area has fenestration patterns and proportions consistent with contributory buildings in the Conservation Area.	Yes
4.6.2	Development Controls	Complies
(1)	Extensive areas of glazing are not permitted for doors and windows visible from the Public Domain on buildings within a Conservation Area.	Yes
(2)	Original door and window joinery visible from the Public Domain on contributory buildings in a Conservation Area should be conserved.	Yes
(3)	New door and window openings to contributory buildings in a Conservation Area that are visible from the Public Domain should be of proportions and details that relate to existing door and window openings.	Yes
(4)	Roof structures (i.e. skylights) should be located on roof slopes where they will not be visible from the Public Domain.	Yes

Comments: The proposed doors and windows do not add unreasonable amount of glazing visible from the street. The addition does not use original materials and uses modern designs. Council's Heritage Advisor has assessed the proposal and considers it acceptable on heritage grounds.

4.7: Car parking

4.7.1	Objectives	Complies
1	To ensure that, where possible, garages and carports are designed to minimise the visual impact on the streetscape of Conservation Areas.	Yes

DA2018/114 - 23 Abbotsford Road, Homebush
Lot 11 Section 3 in DP 400 (Cont'd)

4.7.2	Development Controls		Complies
	(1)	Garages and carports must be located as far behind the front building alignment as possible.	Yes
	(2)	Garages should not be incorporated into the front façade of a building in a Conservation Area.	Yes
	(5)	Applications that propose basement additions may be required to provide a Structural Report from a practicing structural engineer with experience in heritage buildings to confirm that the proposed excavation will not adversely affect the building or adjoining properties. This report should be provided as part of the development application. The placement of the basement entrance should not detract from the street presentation of the item of the streetscape.	Yes
	(6)	Placement of basement entries toward the rear of the property and parallel to the side boundary is encouraged.	Yes

Comments: The siting of the basement entrance is setback 25.9m from the street frontage and does not detract from the street presentation of the dwelling within the streetscape. The applicant submitted a Structural Engineering Report from a practicing structural engineer with experience in heritage buildings confirming that the proposed excavation will not adversely affect the building or adjoining properties. The basement retains the original dwelling on the site with proposed restoration and repair works both internally and externally.

4.8: Fencing

4.8.1	Objectives	Complies
1	To conserve original gates and fences within Conservation Areas.	No – refer below
2	To ensure new fences and gates are consistent with the character of the Conservation Area and in particular with contributory housing in a Conservation Area.	Yes
3	To ensure that the quality of the streetscape or townscape in a Conservation Area is not diminished by inappropriate fencing.	Yes

4.8.2	Development Controls		Complies
	(1)	Fencing and gates that are constructed at the same time as the contributory building should not be demolished.	No – refer below
	(2)	New fencing and gates to contributory housing in a Conservation Area should be designed to complement the style of the house.	Yes
	(3)	New fencing and gates to infill development in a Conservation Area should be in keeping with the dominant character of the Conservation Area.	Yes
	(4)	Unless evidence is provided to establish a greater height, fencing constructed of solid material such as masonry forward of the building line should not be greater than 1m in height above the adjacent public footpath level. In all cases, the height of fencing should relate to the style of the house and width of the allotment.	Yes
	(5)	Original face brick or sandstone fencing in a Conservation Area should not be painted.	Yes
	(6)	Refer to the Controls for Fencing in the Residential section of this Development Control Plan for general provisions regarding fencing (Note: this section prevails in the event of any inconsistency)	Yes

Comments: The existing front fence is in poor condition and has considerable cracks throughout the fence (shown in Figure 4). It makes little contribution to the Abbotsford Road Conservation

DA2018/114 - 23 Abbotsford Road, Homebush
 Lot 11 Section 3 in DP 400 (Cont'd)

Area. The proposed fencing is in keeping with the prevailing character of the street and is deemed acceptable.

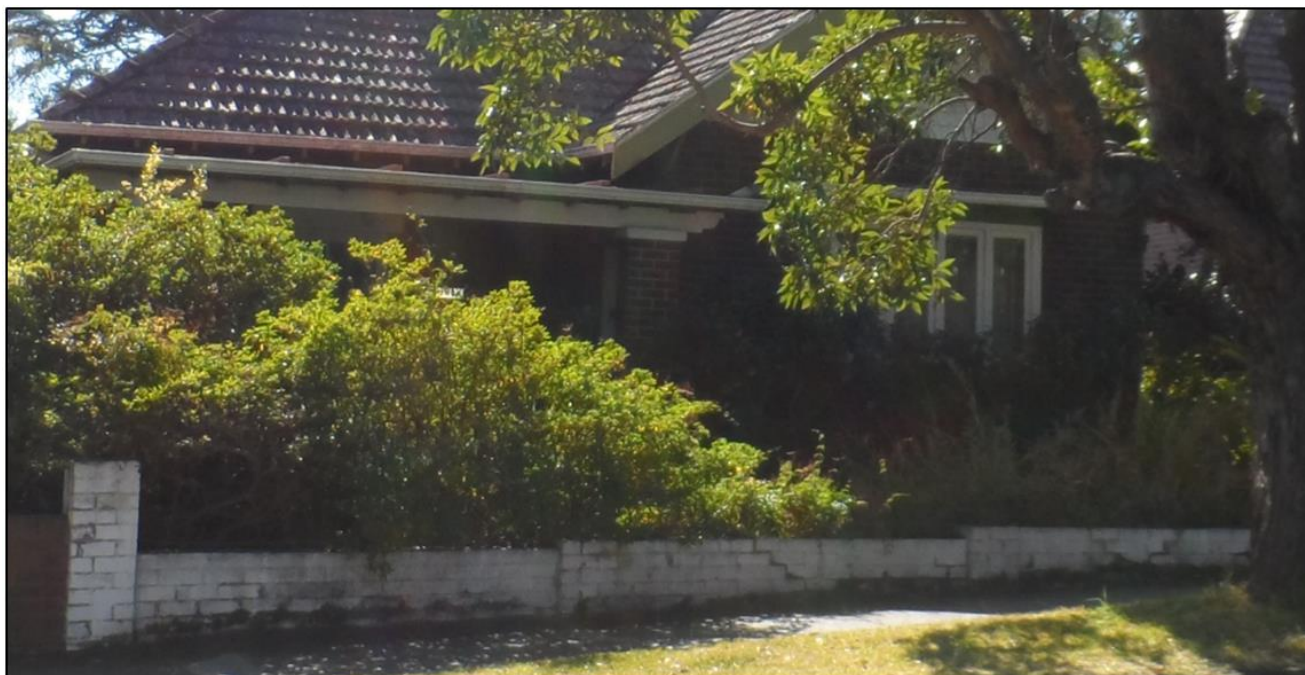


Figure 4: View of existing front fence at 23 Abbotsford Road.

4.9: Landscape elements including paving and driveways

4.9.1 Objectives		Complies
1	To retain important landscape elements that contribute to the significance of Conservation Areas.	Yes
2	To reinforce the qualities of the Conservation Area through appropriate landscaping	Yes
4.9.2 Development Controls		Complies
(1)	Street trees in Conservation Areas should not be removed to allow for new development such as the relocation of driveways which may necessitate the removal of a street tree.	Yes
(2)	Existing driveways and footpath crossings that relate to original development in a Conservation Area should not be relocated.	Yes

Comments: Council's Tree Management Officer supports the proposed landscape plan. The plan does not significantly differ from the approved plan in DA2018/089 and proposes to plant two (2) canopy trees in the front yard and 11 Cordyline trees to screen and add privacy to the dwelling. Two (2) existing canopy trees in the rear setback will be maintained.

4.12: Demolition

4.12.1 Objectives		Complies
1	To retain the contributory buildings in a Conservation Area.	Yes

DA2018/114 - 23 Abbotsford Road, Homebush
Lot 11 Section 3 in DP 400 (Cont'd)

4.12.2	Development Controls	Complies
	(1) Contributory buildings within a Conservation Area should not be demolished.	Yes
	(3) Demolition of rear outbuildings in Conservation Areas may be acceptable. For places listed as heritage items, additional restrictions might apply.	Yes

Comments: The partial demolition of the internal walls of the original dwelling is considered acceptable and the development allows for a better utilization of the site. Council's Heritage Advisor has offered no objections to the removal of internal walls and infill of a window located on the western side of the original dwelling and has recommended Condition 4 and 5 to preserve the building.

5.9.1.1: Abbotsford Road Conservation Area

5.9.1.2	Development Controls	Complies
	(1) The characteristic pattern of street tree planting comprising mature trees on the verges must be retained.	Yes
	(2) Mature trees should be planted to match the existing type and species where there are gaps in the street tree planting.	Yes

Comments: The proposed development does not seek the removal of the two (2) street trees located in front of the site. Conditions of consent have been recommended to ensure the protection of the trees during the demolition and construction phases of the development.

4.15 (1)(a)(iia) any planning agreement or draft planning agreement

No planning agreement has been entered into under section 7.4 of the *Environmental Planning and Assessment Act 1979*.

4.15 (1)(a)(iv) matters prescribed by the regulations

Clause 92 of the *Environmental Planning and Assessment (EP&A) Regulation 2000* requires Council to take into consideration the provisions of the Government Coastal Policy and Australian Standard AS2601–1991: *The Demolition of Structures*, 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)(ii) and does not involve the demolition of a building for the purposes of AS 2601 – 1991: *The Demolition of Structures*.

Should this application be approved, appropriate conditions of consent are included within the recommended to ensure compliance with any relevant regulations.

(i) 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*.

DA2018/114 - 23 Abbotsford Road, Homebush
Lot 11 Section 3 in DP 400 (Cont'd)

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 affected by the existing 1 in 100 year flood event or is likely to be as a result of the planning benchmarks for sea level rise mentioned above. Accordingly, the proposed development has been assessed against the relevant provisions of the *NSW Coastal Planning Guideline: Adapting to Sea Level Rise*.

4.15(1)(b) the likely impacts of the development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality

Abbotsford Road is undergoing transition and renewal through alterations and additions to the original housing stock. The basement and single storey addition is partially visible from the street. The basement is the first of its kind in the Abbotsford Road Conservation area. The rear additions large setback from the street and contemporary design is sympathetic to the existing dwelling and surrounding streetscape character. Whilst the proposal maintains the original dwelling and the addition is of a contemporary style, it is nonetheless acceptable as it is sympathetic to the prevailing colours of existing dwellings in the streetscape, is characteristic of the bulk, height and scale suitable for the site.

Overall, the proposed design has been considered with respect to adjoining properties to minimise adverse impacts to adjoining neighbours and achieve an appropriate level of streetscape compatibility. The single storey extension is at the rear of the property and is sympathetic to the Abbotsford Road Conservation Area.

4.15(1)(c) the suitability of the site for the development

The proposed development is considered to be suitable for the site in that the extension is to the rear of the property and substantially large setback from Abbotsford Road. This reduces the visibility of the addition from the street, therefore maintaining and respecting the heritage character of the locality.

4.15(1)(d) any submissions made in accordance with this Act or the regulations

The application was notified in accordance with Part L of the SCDCP 2005 from **13 August 2018** to **30 August 2018**, with **two (2)** submissions were received as a result. A responds to the objectors letter was issued via an email with attachments (Structural Engineering Statement and amended Shadow diagrams) on the 19 September 2018. The objectors were again contacted over the phone on the 2 October 2018 to organise a site inspection of their property adjoining the subject site. A site inspection was carried out on the 4 October 2018 and one of the objectors was present at the time. The issues raised in these submissions and their responses are summerised and addressed as follows:

1. *Heritage conservation study should be done by an independent party.*

Assessing officer's comments:

There is no requirement heritage impact statements (HIS) submitted with development applications to be prepared by independent parties to the designers of the proposal, provided that the HIS submitted includes the relevant information for the heritage conservation area and is in accordance with the NSW Heritage Office publication "Statements of Heritage Impact". No concerns have been raised by Council's heritage Advisor in this respect.

DA2018/114 - 23 Abbotsford Road, Homebush
Lot 11 Section 3 in DP 400 (Cont'd)

2. *Modern materials are not in keeping with the other houses in this historical conservation area.*

Assessing officer's comments:

The use of modern design for additions to a heritage item or within a conservation area is an acceptable approach under Article 22 of the Burra Charter. This article prescribes in part as follows:

"Article 22. New work

22.1 New work such as additions or other changes to the *place* may be acceptable where it respects and does not distort or obscure the *cultural significance* of the place, or detract from its *interpretation* and appreciation.

22.2 New work should be readily identifiable as such, but must respect and have minimal impact on the *cultural significance* of the *place*"

The notes associated with this Article also state that "New work should respect the significance of a place through consideration of its siting, bulk, form, scale, character, colour, texture and material. Imitation should generally be avoided." The proposal involves appropriate siting for the addition and use of face brick in the addition is an appropriate response to the existing building and the conservation area. The proposed extension is of an acceptable bulk, scale and form. The proposal is acceptable on heritage grounds.

The roof parapet are considerably lower than the roof ridge of the existing main dwelling at RL22.05. It is noted that the gutter line of the neighbouring dwelling at 21 Abbotsford Road is higher than the proposed roof parapet at RL19.73.

3. *Height/Bulk of the rear addition.*

Assessing officer's comments:

The height of the rear addition is the same height of the original approved DA2017/089. Both of the applications include parapet walls 4.1m above ground level located adjacent the shared boundary. The applicant was requested to reduce the height of the parapet located along the eastern boundary over the alfresco to be reduced in height. Amended plans subsequently submitted to Council on the 23 October 2018 indicate the height of the roof over the alfresco has been reduced by 0.7m, with an overall height of 3.7m as reinforced in condition 5 of the development consent.

4. *Shadowing from the parapet of the addition.*

Assessing officer's comments:

The single storey scale of the addition does not result in unreasonable overshadowing of 21 Abbotsford Road. The north-south orientation of the lot is advantageous ensuring surrounding dwellings as the extension permits solar access to at least 3 hours a day in winter. The proposal complies with the solar access requirements in Section 6.2 of Part A of the DCP.

5. *Privacy issues from the windows facings east, overlooking the rear yard.*

Assessing officer's comments:

Privacy concerns were raised by the objector due to the side boundary fence having spaces in between each panel as shown in Figure 5. The proposed eastern facing horizontal windows opening associated with the living room have satisfactory sill heights ensuring acceptable level of privacy for both the occupants and adjoining residents. The planter boxes are proposed under the lower window as shown in figure 6 and plant 11 trees along its entire length to screen between the shared eastern boundary.

DA2018/114 - 23 Abbotsford Road, Homebush
 Lot 11 Section 3 in DP 400 (Cont'd)



Figure 5: View of existing garage and boundary fence from neighbouring property at 21 Abbotsford Road.

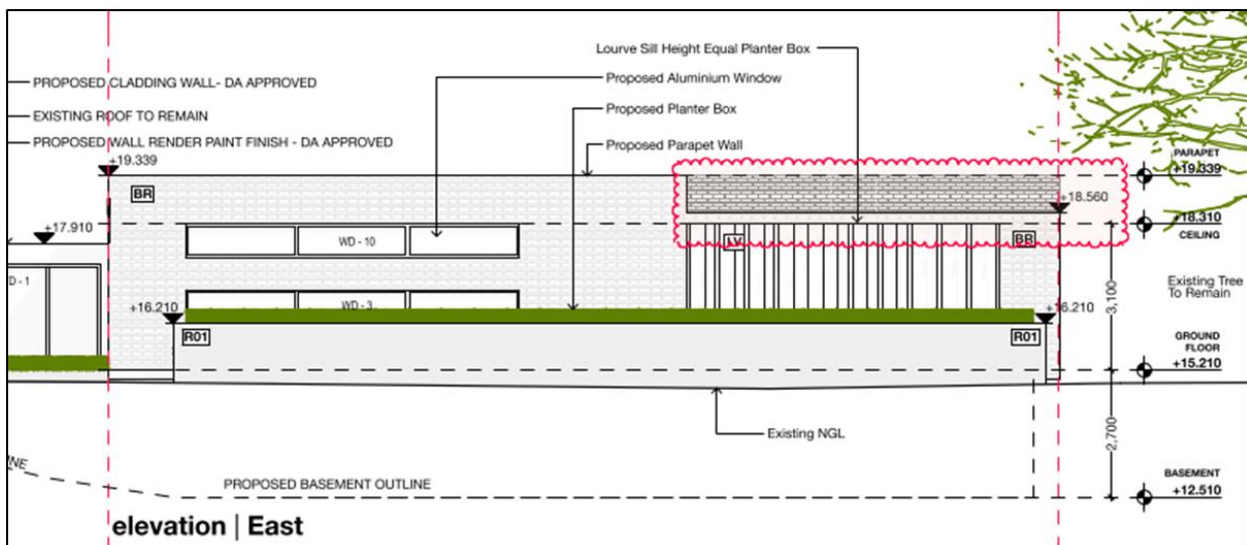


Figure 6: Eastern Elevation

6. Risk of damage from excavation

Assessing officer's comments:

A statement from a qualified practicing Structural Engineer confirming the proposal's design will not impact upon the structural integrity of the existing dwelling and surrounding land has been submitted. Conditions of Consent are recommended to the effect that the applicant to undertake Geotechnical Report and a Dilapidation Report to ensure that risks from excavation are minimised as detailed in Conditions 1 and 28.

4.15(1)(e) the public interest

The public interest is served through the detailed assessment of this development application under the relevant local planning controls and legislation and consideration of any submissions received relating to it by Council. The proposed development is not considered to be contrary to the public interest.

DA2018/114 - 23 Abbotsford Road, Homebush
Lot 11 Section 3 in DP 400 (Cont'd)

SECTION 7.11 CONTRIBUTIONS

Section 7.11 of the EP&A Act 1979 relates to the collection of monetary contributions from applicants for use in developing key local infrastructure. The Act reads as follows:

- “(1) If a consent authority is satisfied that development for which development consent is sought will or is likely to require the provision of or increase the demand for public amenities and public services within the area, the consent authority may grant the development consent subject to a condition requiring:*
- (a) the dedication of land free of cost, or*
 - (b) the payment of a monetary contribution,*
 - or both.*
- (2) A condition referred to in subsection (1) may be imposed only to require a reasonable dedication or contribution for the provision, extension or augmentation of the public amenities and public services concerned.”*

STRATHFIELD INDIRECT SECTION 7.11 CONTRIBUTIONS PLAN

Section 7.12 Contributions are applicable to the proposed development in accordance with the Strathfield Indirect Development Contributions Plan 2010-2030 as follows:

Local Amenity Improvement Levy	\$9,000.00
--------------------------------	-------------------

CONCLUSION

The application has been assessed having regard to Section 4.15 of the Environmental Planning and Assessment Act 1979, the Strathfield Local Environmental Plan 2012 and the Strathfield Development Control Plan 2005 and is considered to be satisfactory for approval, subject to the recommended conditions of consent.

RECOMMENDATION

That Development Application No. 2018/114 for the partial demolition of existing buildings and alterations and additions to the existing dwelling including a basement parking level and front fence at 23 Abbotsford Road, Homebush be **APPROVED**, subject to the following conditions:

SPECIAL CONDITIONS (SC)

1. GEOTECHNICAL REPORT (SC)

Excavation of the site is to extend only to that area required for building works depicted upon the approved plans. All excess excavated material shall be removed from the site.

No rock breaking or other machinery for the excavation, drilling, cutting or removal of rock shall be used on the site prior to the acceptance by the principal certifying authority of the following documentation:

- (i) A report by a geotechnical engineer detailing the measures recommended in undertaking the works so as to prevent damage to any adjoining or nearby buildings.
- (ii) The type and size of machinery proposed.
- (iii) The routes of all trucks to convey material to and from the site.

(Reason: To minimise any adverse impact of developments and protect the environment.)

DA2018/114 - 23 Abbotsford Road, Homebush
Lot 11 Section 3 in DP 400 (Cont'd)

2. BASEMENT DESIGN (SC)

The U-Turn Bay located within the basement level shall be reduced in depth by 4000mm when measured from the northern elevation. Details shall be submitted to and approved by Council prior to the issue of a Construction Certificate.

(Reason: To ensure the basement is constructed outside the drip line of the tree in the rear yard.)

3. AIRCONDITIONING (SC)

All air-conditioning units are to be installed as follows:

- a) Only residential grade air conditioners are to be installed;
- b) Installed to comply with the Protection of the Environment Operations Act 1997 and Protection of the Environment Operations (Noise Control) Regulation 2008; and
- c) If located less than 3m from any property boundary then the unit is to be placed in an acoustic dampening enclosure.

Documentation demonstrating compliance with the above measures is to be submitted to and approved by the Principal Certifying Authority prior to the issue of the Occupation Certificate.

(Reason: Acoustic privacy)

4. WINDOW INFILL (SC)

The infill of the western elevation window to the proposed front entry must be detailed to allow the former opening to remain legible. Details of the infill are to be submitted to Council for approval prior to the issue of a Construction Certificate.

(Reason: To permit an ongoing understanding of the history of the building and to achieve a good heritage outcome.)

5. EXPOSED BRICKWORK (SC)

The exposed ends of the brickwork to the new opening in the front elevation brick balustrade must be carefully detailed to avoid a ragged or rendered edge. Appropriate tools should be used, and care should be taken to avoid damage to the retained section of the brick balustrade. Details of the edge treatment, including proposed finishes, must be provided to Council for approval prior to the issue of a Construction Certificate.

(Reason: To ensure appropriate materials and finishes are used and to achieve a good heritage outcome.)

GENERAL CONDITIONS (GC)

6. APPROVED PLANS AND REFERENCE DOCUMENTATION (GC)

The development, except where modified by a condition(s) of consent, is to be carried out in accordance with the following plans and reference documentation:

Plans affixed with Council's 'Development Consent' stamp relating to Development Consent No. 2018/114:

Drawing No.	Title/Description	Prepared by	Issue / Revision	Date received
-------------	-------------------	-------------	------------------	---------------

DA2018/114 - 23 Abbotsford Road, Homebush
 Lot 11 Section 3 in DP 400 (Cont'd)

			& Date	by Council
DA-02	Demolition Plan	Monument Design Partnership	Rev C, 29.08.2018	23.10.2018
DA-03	Site Plan and Roof Plan	Monument Design Partnership	Rev C, 29.08.2018	23.10.2018
DA-04	Proposed Basement and Driveway Ramp	Monument Design Partnership	Rev C, 29.08.2018	23.10.2018
DA-05	Proposed Basement and Driveway Ramp	Monument Design Partnership	Rev C, 29.08.2018	23.10.2018
DA-06	Proposed Ground Floor Plan	Monument Design Partnership	Rev C, 29.08.2018	23.10.2018
DA-07	Proposed Ground Floor Plan	Monument Design Partnership	Rev C, 29.08.2018	23.10.2018
DA-08	North & South Elevations	Monument Design Partnership	Rev C, 29.08.2018	23.10.2018
DA-09	West Elevations	Monument Design Partnership	Rev C, 29.08.2018	23.10.2018
DA-10	East Elevations	Monument Design Partnership	Rev C, 29.08.2018	23.10.2018
DA-11	Fence Detail	Monument Design Partnership	Rev C, 29.08.2018	23.10.2018
DA-12	Section 1	Monument Design Partnership	Rev C, 29.08.2018	23.10.2018
DA-13	Section 2 & Ramp Details	Monument Design Partnership	Rev C, 29.08.2018	23.10.2018
DA-14	Section 14	Monument Design Partnership	Rev C, 29.08.2018	23.10.2018
DA-15	Landscaping Plan	Monument Design Partnership	Rev C, 29.08.2018	23.10.2018
DA-16	Landscape Notes	Monument Design Partnership	Rev C, 29.08.2018	23.10.2018
DA-17	Finishes schedule	Monument Design Partnership	Rev C, 29.08.2018	23.10.2018

Reference Documentation affixed with Council's 'Development Consent' stamp relating to Development Consent No. 2018/114:

Title / Description	Prepared by	Issue/Revision & Date	Date received by Council
---------------------	-------------	-----------------------	--------------------------

DA2018/114 - 23 Abbotsford Road, Homebush
Lot 11 Section 3 in DP 400 (Cont'd)

Basix Certificate No. A280168_02	Gec Consulting Pty Ltd	13.07.2018	8.08.2018
Heritage Impact Statement	Monument Design Partnership	Issue 02, August 2018	30.08.2018

In the event of any inconsistency, the conditions of this consent shall prevail.

(Reason: To ensure that the form of the development undertaken is in accordance with the determination of Council.)

7. BUILDING HEIGHT - MAXIMUM RL TO BE COMPLIED WITH (GC)

The height of the rear addition to the building measured from Australian Height Datum (AHD) must not exceed Relative Level (RL) 19.339 AHD to the top of the parapet. The roof and parapets over the alfresco area must not exceed 18.56 RL.

(Reason: To ensure the approved building height is complied with.)

8. CONSTRUCTION HOURS (GC)

No construction or any other work related activities shall be carried out on the site outside the hours of 7.00 am to 5.00 pm Mondays to Fridays and 8am to 1pm Saturdays.

No building activities are to be carried out at any time on a Sunday or public holiday.

Where the development involves the use of jackhammers/rock breakers and the like or other heavy machinery, such equipment may only be used between the hours of 7.00 am - 5.00 pm Monday to Friday only.

(Reason: To maintain amenity to adjoining land owners.)

9. CONSTRUCTION WITHIN BOUNDARIES (GC)

The development including but not limited to footings, walls, roof barges and guttering must be constructed wholly within the boundary of the premises. No portion of the proposed structure shall encroach onto the adjoining properties. Gates must be installed so they do not open onto any footpath or adjoining land.

(Reason: Approved works are to be contained wholly within the subject site.)

10. DEMOLITION – GENERALLY (GC)

Alteration and demolition of the existing building is limited to that documented on the approved plans (by way of notation). No approval is given or implied for removal and/or rebuilding of any portion of the existing building which is not shown to be altered or demolished.

(Reason: To ensure compliance with the approved development.)

11. DEMOLITION - SITE SAFETY FENCING (GC)

Site fencing is to be erected to a minimum height of 1.8m complying with WorkCover Guidelines, to exclude public access to the site, prior to any demolition works occurring and maintained for the duration of the demolition works.

If applicable, a separate Hoarding Application for the erection of an A class (fence type) or B

DA2018/114 - 23 Abbotsford Road, Homebush
Lot 11 Section 3 in DP 400 (Cont'd)

class (overhead type) hoarding/fencing along the street frontage(s) complying with WorkCover requirements must be obtained including:

- payment to Council of a footpath occupancy fee based on the area of footpath to be occupied and Council's Schedule of Fees and Charges before the commencement of work; and
- provision of a Public Risk Insurance Policy with a minimum cover of \$10 million in relation to the occupation of and works within Council's road reserve, for the full duration of the proposed works, must be obtained with a copy provided to Council.

(Reasons: Statutory requirement and health and safety.)

12. **FENCING - FRONT FENCE HEIGHT & PROTECTION OF EXISTING TREES (GC)**

Solid fencing forward of the building line (including the building line to a secondary street frontage on a corner site) shall not exceed a height of 0.7m above natural ground level. The fence may be topped by an additional maximum 0.8m high open timber picket, wrought iron, palisade or similar element.

Brick piers over 1m in height are permitted to support the decorative elements, provided they are equally spaced along the street, and do not exceed a height of 1.5m. Plans demonstrating compliance with this condition are to be submitted to the

The masonry brick boundary fence is to be constructed so as to support all brick in-fill panels using a lintel. This lintel is to be installed above ground level along the entire length of each in-fill panel.

(Reason: To ensure a positive contribution to the streetscape in accordance with the Strathfield Consolidated DCP 2005. Environmental protection, protection of existing tree roots and landscape amenity.)

13. **ENVIRONMENTAL PROTECTION – TREE (GC)**

All street trees and trees on private property that are protected under Council's controls, shall be retained except where Council's prior written consent has been obtained. The felling, lopping, topping, ringbarking, wilful destruction or removal of any tree/s unless in conformity with this approval or subsequent approval is prohibited.

All healthy trees and shrubs identified for retention on the approved drawings are to be suitably protected in accordance with Section 4, Tree protection measures, and Appendix C Tree Protection Zone Sign, of Australian Standard AS4970 - 2009, Protection of Trees on Development Sites, prior to the commencement of any works (including any demolition and excavation) and maintained for the duration of the works.

In this regard the street tree and all protected trees on or adjacent to the site will be protected as described below;

- i. A Tree Protection (Management) Plan prepared by a AQF Level 5 Arborist is to be available on site at all times prior to the issue of the Constriction Certificate, for all demolition and site works. This Tree Protection (Management) Plan must be shown on the demand of Authorised Council staff.
- ii. Protective perimeter fencing must be consistent with AS 4687, using metal fence posts greater than 20mm diameter and solid or chain wire mesh 2 metres in height supported on concrete pads/feet at 2-2.5 metre spacing. Fencing placement should not be closer than 2.5 metres from the trunk of each protected tree, or at a distance

DA2018/114 - 23 Abbotsford Road, Homebush
Lot 11 Section 3 in DP 400 (Cont'd)

- as specified by the approved Tree Protection (Management) Plan and approved by Council's Tree Management Officer. Shade cloth is to be used to prevent entry of dust and contaminated liquids into the root protection area.
- iii. Signs must be placed on the Fencing. These signs must comply with AS1319. The signs must state the purpose of the fencing and the name and contact details of the builder and the appointed AQF Level 5 consultant arborist.
 - iv. Root protection is to be provided in the form of mulching to a depth of 50-100mm, inside of the fenced tree protection zone.
 - v. Ground (Root) Trunk and Branch Protection must comply with the diagram of Figure 4 of AS4970 – 2009. Ground protection within the tree protection zone and drip line should be in the form of heavy steel plates or timber rumble boards over mulch or aggregate. Trunk and branch protection should be to a minimum height of 2 metres and must include measures to protect the tree/s against damage from the movement of trucks, plant equipment and materials at greater heights above ground level.
 - vi. Temporary signs, cables, wires must not be attached to, or suspended, on any street tree or protected tree.
 - vii. Above ground utilities must not be placed within the canopy of an existing protected tree, or create the future need for clearance pruning.
 - viii. Below ground utilities/services must not be located inside the fenced tree protection zone.
 - ix. Scaffolding must not be located in the fenced tree protection zone unless authorised by the approved Tree Protection (Management) Plan and Council's Tree Management Officer
 - x. Council must be notified in writing within 24 hours, for all temporary removal of the tree protection fencing ground (root) trunk and branch protection within the root protection area.
 - xi. Pruning of a street tree is prohibited without the written consent of Council.

(Reason: To ensure the protection of trees to be retained on the site.)

14. **MATERIALS – CONSISTENT WITH SUBMITTED SCHEDULE (GC)**

All external materials, finishes and colours are to be consistent with the schedule submitted and approved by Council with the development application.

(Reason: To ensure compliance with this consent.)

15. **PRINCIPAL CERTIFYING AUTHORITY (PCA) IDENTIFICATION SIGN (GC)**

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

- i) the Principal Certifying Authority (PCA) by showing the name, address and telephone number of the PCA;
- ii) the Principal Contractor by showing the Principal Contractor's name, address and telephone number (outside of work hours) for that person; and
- iii) the sign must state that unauthorised entry to the work site is prohibited.

Any such sign is to be maintained while the work is being carried out, but must be removed when the work has been completed.

This clause does not apply to building work, subdivision work or demolition work that is carried out inside an existing building that does not affect the external walls of the building.

(Reason: Statutory requirement.)

DA2018/114 - 23 Abbotsford Road, Homebush
Lot 11 Section 3 in DP 400 (Cont'd)

16. SITE MANAGEMENT (DURING DEMOLITION AND CONSTRUCTION WORKS)

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

- i) All demolition is to be carried out in accordance with Australian Standard AS 2601-2001.
- ii) Demolition must be carried out by a registered demolition contractor.
- iii) A single entrance is permitted to service the site for demolition and construction. Protection pads are to be installed to the kerb, gutter and nature strip where trucks and vehicles enter the site.
- iv) No blasting is to be carried out at any time during construction of the building.
- v) Care must be taken during demolition/ excavation/ building/ construction to prevent any damage to adjoining buildings.
- vi) Adjoining owner property rights and the need for owner's permission must be observed at all times, including the entering onto land for the purpose of undertaking works.
- vii) Any demolition and excess construction materials are to be recycled wherever practicable.
- viii) The disposal of construction and demolition waste must be in accordance with the requirements of the Protection of the Environment Operations Act 1997.
- ix) All waste on the site is to be stored, handled and disposed of in such a manner as to not create air pollution (including odour), offensive noise or pollution of land and/or water as defined by the Protection of the Environment Operations Act 1997. All excavated material should be removed from the site in an approved manner and be disposed of lawfully to a tip or other authorised disposal area.
- x) All waste must be contained entirely within the site.
- xi) A site plan including temporary waste storage locations, construction material storage areas and vehicular access to and from the site must be included with application.
- xii) Section 143 of the Protection of the Environment Operations Act 1997 requires waste to be transported to a place which can lawfully accept it. All non-recyclable demolition materials are to be disposed of at an approved waste disposal depot in accordance with legislation.
- xiii) Details as to the method and location of disposal of demolition materials (weight dockets, receipts, etc.) should be kept on site as evidence of approved methods of disposal or recycling and must be presented to Council and/or Principal Certifying Authority upon request.
- xiv) All materials on site or being delivered to the site are to generally be contained within the site. The requirements of the Protection of the Environment Operations Act 1997 must be complied with when placing/stockpiling loose material, disposing of concrete waste, or other activities likely to pollute drains or water courses.
- xv) Any materials stored on site must be stored out of view or in such a manner so as not to cause unsightliness when viewed from nearby lands or roadways.
- xvi) Public footways, include nature strips and roadways adjacent to the site must be maintained and cleared of obstructions during construction. No building materials, waste containers or skips may be stored on the road reserve or footpath without prior separate approval from Council, including payment of relevant fees.
- xvii) Building operations such as brick-cutting, washing tools or paint brushes, and mixing mortar not be performed on the roadway or public footway or any other locations which could lead to the discharge of materials into the stormwater drainage system.
- xviii) All site waters during excavation and construction must be contained on site in an approved manner to avoid pollutants entering into waterways or Council's stormwater drainage system.
- xix) Any work must not prohibit or divert any natural overland flow of water.
- xx) Toilet facilities for employees must be provided in accordance with WorkCover NSW.

DA2018/114 - 23 Abbotsford Road, Homebush
Lot 11 Section 3 in DP 400 (Cont'd)

(Reason: To ensure that demolition, building and any other site works are undertaken in accordance with relevant legislation and policy and in a manner which will be non-disruptive to the local area.)

17. STORMWATER MANAGEMENT PLAN - CERTIFICATION REQUIREMENT (GC)

A detailed Stormwater Management Plan (SWMP) in line with Council's Stormwater Management Code is to be prepared and certified by a practicing Chartered Professional Engineer on the National Professional Engineer's Register (NPER) at Engineers Australia and submitted to the Principal Certifying Authority and Council, prior to the issue of a Construction Certificate. The SWMP is to be based on the approved development as modified by any conditions of consent.

(Reason: To ensure appropriate provision is made for the disposal and management of stormwater generated by the development, and to ensure public infrastructure in Council's care and control is not overloaded.)

18. SYDNEY WATER - STAMPED PLANS PRIOR TO COMMENCEMENT (GC)

The approved plans must be submitted to a Sydney Water Quick Check agent or Customer Centre to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. Plans will be appropriately stamped.

For Quick Check agent details please refer to the web site www.sydneywater.com.au (see Building Developing and Plumbing then Quick Check) or telephone 13 20 92. The consent authority or a Certifying Authority must ensure that a Quick Check agent/Sydney Water has stamped the plans before the commencement of work.

(Reason: Compliance with Sydney Water requirements.)

19. LANDSCAPING - TREE PRESERVATION (GC)

All street trees and trees on private property proposed for removal are protected under Council's controls. They are to be retained and protected and are subject to a separate written development application if removal is proposed. The felling, lopping, pruning, topping, ringbarking, wilful destruction (including branch, trunk and root damage) or removal of any tree/s unless in conformity with this approval or subsequent approval is prohibited. This development application shall include a detailed arborist report from an Australian Qualification Framework (AQF) Level 5 Arborist, detailing the tree species, size, location, health and condition of each of the trees proposed to be removed and the impacts on these trees from the proposed site works.

All protected trees are to be suitably managed & protected in accordance with Australian Standard AS4970 - 2009 , Protection of Trees on Development Sites prior to the commencement of any works (including any demolition and excavation) and maintained for the duration of the works.

(Reason: To ensure the protection of trees to be retained on the site.)

DA2018/114 - 23 Abbotsford Road, Homebush
Lot 11 Section 3 in DP 400 (Cont'd)

CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE (CC)

20. BASIX COMMITMENTS (CC)

The approved BASIX Certificate shall be submitted to the Principal Certifying Authority with the application for a Construction Certificate.

Where a change or changes are proposed in the BASIX commitments, the applicant must submit a new BASIX Certificate to the Principal Certifying Authority and Council. If any proposed change in the BASIX commitments is inconsistent with the development consent the applicant will be required to submit a modification to the development consent to Council under Section 4.55 of the Environmental Planning and Assessment Act 1979.

All commitments in the BASIX Certificate must be shown on the plans accompanying the Construction Certificate.

(Reason: Statutory compliance.)

21. BUILDING CODE OF AUSTRALIA - COMPLIANCE WITH (CC)

All architectural drawings, specifications and related documentation shall comply with the Building Code of Australia (BCA). All work must be carried out in accordance with the requirements of the Building Code of Australia (BCA).

In the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance in force in accordance with Part 6 of that Act, such a contract of insurance is to be in force before any building work authorised to be carried out by the consent commences.

Details demonstrating compliance with this condition are to be submitted to the Principle Certifying Authority, prior to issue of the Construction Certificate.

(Reason: This is a 'prescribed' condition under clause 98(1) of the Environmental Planning and Assessment Regulation 2000.)

22. CAR PARKING - BASEMENT CAR PARKING REQUIREMENTS (CC)

Details demonstrating compliance with the following is to be submitted to the Principal Certifying Authority, prior to issue of the Construction Certificate:

- i) Minimal internal clearance of the basement is 2.2m in accordance with BCA requirements.
- ii) Driveways shall comply with Australian/New Zealand Standard AS/NZS 2890.1:2004 - Parking facilities - Off-street car parking and achieve a maximum gradient of 1:4.
- iii) Basement entries and ramps/driveways within the property are to be no more than 3.5m wide.
- iv) Provision of pump-out systems and stormwater prevention shall be in accordance with Council's Stormwater Management Guide.

(Reason: To ensure suitable development.)

DA2018/114 - 23 Abbotsford Road, Homebush
Lot 11 Section 3 in DP 400 (Cont'd)

23. CAR PARKING - VEHICULAR ACCESS RAMPS (CC)

Vehicular access ramps shall comply with the provisions of AS/NZS 2890.1:2004. Plans to be submitted shall contain the following details:

- i) Longitudinal section along the extreme wheel paths of each driveway/access ramp at a scale of 1:25 demonstrating compliance with the scraping provisions of AS/NZS 2890.1:2004. It shall include all levels and grades, including those levels stipulated as boundary levels, both existing and proposed. It shall extend from the centre-line of the roadway through to the parking area.
- ii) Sections showing the clearance to the underside of any overhead structure (minimum headroom requirements 2200mm minimum for standard headroom clearance or 2400mm where disabled access provisions are to be provided) demonstrating compliance with the provisions of AS/NZS 2890.1:2004.
- iii) Longitudinal section along the gutter line showing how it is intended to transition the vehicular crossing into the existing kerb and gutter. Boundary levels shall generally run parallel with the kerb levels.
- iv) Location of verge trees, street furniture and service installations.
- v) Superimposition of vehicle turning circles for access into parking spaces.
- vi) Certification that the design complies with AS/NZS 2890.1:2004 by a Qualified Engineer.

The certification referred to in (vi) above shall be submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate (for the design) and to the Principal Certifying Authority prior to the issue of any Occupation Certificate for the 'as-built works'.

(Reason: To ensure adequate vehicular access can be achieved.)

24. CAR PARKING - COMPLIANCE WITH AS/NZS 2890.1:2004 (CC)

Car parking dimensions must comply with the Australian/New Zealand Standard AS/NZS 2890.1:2004 - Parking facilities - Off-street car parking. Details demonstrating compliance are to be submitted to the Principal Certifying Authority, prior to the issue of a Construction Certificate.

(Reason: To ensure compliance with Australian Standards relating to parking of vehicles.)

25. CAR PARKING - VEHICULAR CROSSING WIDTH AT PROPERTY BOUNDARY (CC)

Vehicular crossings are to have a maximum width of 3m at the property boundary. Details demonstrating compliance are to be submitted to the Principal Certifying Authority, prior to the issue of a Construction Certificate.

The vehicular crossing (and all associated excavation works) must not be constructed closer than 2 metres from a retained protected street tree.

(Reason: Compliance with SCDGP 2005.)

26. COMMENCEMENT OF WORKS (NO WORKS UNTIL A CC IS OBTAINED)

Building work, demolition or excavation must not be carried out until a Construction Certificate has been issued by either Strathfield Council or a Principal Certifying Authority.

Demolition of any part of a building triggers 'commencement of erection of building' pursuant of section 4.19 of the EP&A Act 1979. Accordingly, demolition works must not

DA2018/114 - 23 Abbotsford Road, Homebush
Lot 11 Section 3 in DP 400 (Cont'd)

commence until a Construction Certificate has been issued, a Principal Certifying Authority has been appointed and a Notice of Commencement has been issued.

(Reason: To ensure compliance with statutory provisions.)

27. **COUNCIL PERMITS – FOR ALL ACTIVITIES ON COUNCIL LAND (CC)**

Works Permit

(as per Section 68 of the Local Government Act 1993 and Section 138 and 139 of the Roads Act 1993)

A Works Permit is required for construction of a vehicular crossing (driveway), new stormwater down pipe connection to kerb and gutter, new footpath and/or stormwater connection. A Works Permit Application Form is available from Council's Customer Centre or can be downloaded from Council's website. The applicable fees and charges are located on Council's website.

Standing Plant Permit

This permit must be applied for where it is intended to park a concrete pump, crane or other plant on the roadway or footpath. A Standing Plant Permit Application Form is available from Council's Customer Centre or can be downloaded from Council's website. The applicable fees and charges are located on Council's website. Please note a Road Closure Permit is not required for standing plant.

Skip Bin Permit

This permit must be applied for if you intend to place a skip bin on the roadway or footpath. A Skip Bin Application Form is available from Council's Customer Centre or can be downloaded from Council's website. The applicable fees and charges are located on Council's website.

Temporary Full or Part Road Closure Permit

This permit must be applied for if you require a full or a part road closure to take place to assist in your construction works. Please use the Works Permit Application Form, which is available from Council's Customer Service Centre or can be downloaded from Council's website. The applicable fees and charges are located on Council's website. Please note a Road Closure Permit is not required for standing plant.

Hoarding/Fencing Permit

This permit must be applied for if you intend to erect a Class A (fence type) or Class B (overhead type) hoarding/fencing along the street frontage(s). A Hoarding Permit Application Form is available from Council's Customer Service Centre or can be downloaded from Council's website. The applicable fees and charges are located on Council's website.

Work Zone Permit

This permit must be applied for if you require permanent parking along the kerbside at the front of the site during construction works. A Work Zone Permit Application Form is available from Council's Customer Service Centre or can be downloaded from Council's website. The applicable fees and charges are located on Council's website.

Ground Anchoring Permit

This permit must be applied for, for the installation of ground anchors under Council's footway/road reserve. It does not cover ground anchors under private properties. A separate approval is required to be obtained from Roads and Maritime Services (RMS) if it is proposed to install ground anchors under a State or Classified Regional Road (please refer to the end of this application form for more information).

DA2018/114 - 23 Abbotsford Road, Homebush
Lot 11 Section 3 in DP 400 (Cont'd)

(Reason: Council requirement.)

28. DILAPIDATION REPORT - PRE-COMMENCEMENT (CC)

Subject to access being granted, a pre-commencement Dilapidation Report is to be undertaken on all adjoining properties, which in the opinion of a suitably qualified engineer, could be potentially affected by the construction of the project. The Dilapidation Report shall be carried out prior to the issue of a Construction Certificate.

The Dilapidation Report is to be prepared by a suitably Qualified Engineer with current Corporate Membership with the Institution of Engineers, Australia or Geotechnical Practitioner. The report shall include a photographic survey of adjoining properties (21 Abbotsford Road, 25 Abbotsford Road and 22 Burlington Road) detailing the physical condition of those properties, both internally and externally, including walls, ceilings, roof, structural members and other such items.

If access for undertaking the dilapidation survey is denied by an adjoining owner, the applicant must demonstrate, in writing, to Council's satisfaction attempts have been made to obtain access and/or advise the affected property owner of the reason for the survey and these attempts have been unsuccessful. Written concurrence must be obtained from Council in such circumstances.

The Report shall cover structural and geotechnical factors likely to arise from the development. A copy of this Report shall be submitted to Council as a record. The person having the benefit of the development consent must, at their own cost, rectify any damage caused to other properties during the construction of the project.

(Reason: To ensure no damage to adjoining properties occurs.)

29. EROSION AND SEDIMENTATION CONTROL PLAN (CC)

An Erosion and Sediment Control Plan is to be prepared where construction or excavation activity requires the disturbance of the soil surface and existing vegetation. Details including drawings and specifications must provide adequate measures for erosion and sediment control to ensure:

- i) Compliance with the approved Soil and Water Management Plan.
- ii) Removal or disturbance of vegetation and top soil is confined to within 3m of the approved building area (no trees to be removed without approval).
- iii) All uncontaminated run-off is diverted around cleared or disturbed areas.
- iv) Silt fences or other devices are installed to prevent sediment and other debris escaping from the cleared or disturbed areas into drainage systems or waterways.
- v) All erosion and sediment controls are fully maintained for the duration of demolition/development works.
- vi) Controls are put into place to prevent tracking of sediment by vehicles onto adjoining roadways.
- vii) All disturbed areas are rendered erosion-resistant by turfing, mulching, paving or similar.
- viii) All water pumped or otherwise removed from excavations or basement areas is filtered to achieve suspended solids/non filterable residue levels complying with the Australian Water Quality guidelines for Fresh and Marine Waters.
- ix) Pumped or overland flows of water are discharged so as not to cause, permit or allow erosion before the commencement of work (and until issue of the occupation certificate).

DA2018/114 - 23 Abbotsford Road, Homebush
Lot 11 Section 3 in DP 400 (Cont'd)

Details of the proposed soil erosion and sedimentation controls are to be submitted to the Principal Certifying Authority with the Construction Certificate Application. Under no circumstances are any works to commence, prior to these details being approved by the Principal Certifying Authority and the controls being in place on the site.

(Reason: Environmental protection.)

30. **EXCAVATION - AFFECTING ADJOINING LAND (CC)**

If an excavation associated with the approved development extends below the level of the base of the footings of a building on an adjoining allotment of land, the person having the benefit of the development consent must, at the person's own expense, comply with the requirements of clause 98E of the Environmental Planning and Assessment Regulation 2000, including:

- i) protect and support the adjoining premises from possible damage from the excavation, and
- ii) where necessary, underpin the adjoining premises to prevent any such damage.

The condition referred to in subclause (i) does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying. Details shall be submitted to the Principal Certifying Authority, prior to the issue of a Construction Certificate.

(Reason: Structural safety.)

31. **PRIVACY - OBSCURE GLAZING IN WET AREAS (CC)**

All bathroom, ensuite and toilet windows shall be installed with obscure glazing. Plans shall be notated accordingly and details demonstrating compliance submitted to the Principal Certifying Authority, prior to the issue of a Construction Certificate.

(Reason: Privacy amenity.)

32. **SECTION 7.11 CONTRIBUTION PAYMENT - INDIRECT CONTRIBUTIONS PLAN) (CC)**

In accordance with the provisions of Section 7.11 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:

Local Amenity Improvement Levy	\$9,000.00
---------------------------------------	-------------------

The total amount of the contribution is valid as at the date of determination and is subject to quarterly indexation. 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.

Contributions must be receipted by Council and submitted to the Accredited Certifier, prior to the issue of any Construction Certificate.

A copy of this condition is to be presented to Council's Customer Service Centre when paying the contribution so that it can be recalculated.

Note: A copy of Strathfield Council's Section 7.11 Indirect Development Contributions Plan may be downloaded from Council's website.

DA2018/114 - 23 Abbotsford Road, Homebush
Lot 11 Section 3 in DP 400 (Cont'd)

(Reason: To enable the provision of public amenities and services required/anticipated as a consequence of increased demand resulting from the development.)

33. **SECURITY PAYMENT - DAMAGE DEPOSIT FOR COUNCIL INFRASTRUCTURE (CC)**

A security (damage deposit) of **\$12,200.00** (calculated in accordance with Council's adopted Fees and Charges) shall be paid to Council, prior to the issue of a Construction Certificate.

The deposit is required as security against any damage to Council property during works on the site. The applicant must bear the cost of all restoration works to Council's property damaged during the course of this development. All building work must be carried out in accordance with the Building Code of Australia.

Payment may be accepted in the form of cash, bank guarantee, cheque or credit card (financial transactions fees apply). Note: Additional fees apply for the lodgement of a bank guarantee in lieu of cash bond applies in accordance with Council's adopted Fees and Charges.

Any costs associated with works necessary to be carried out to rectify any damages caused by the development, shall be deducted from the Damage Deposit.

Note: Should Council property adjoining the site be defective e.g. cracked footpath, broken kerb etc., this should be reported in writing, or by photographic record, submitted to Council at least seven (7) days prior to the commencement of any work on site. This documentation will be used to resolve any dispute over damage to infrastructure. It is in the applicant's interest for it to be as full and detailed as possible.

The damage deposit shall be refunded upon completion of all works upon receipt of a Final Occupation Certificate stage and inspection by Council.

(Reason: Protection of Council infrastructure.)

34. **STORMWATER DRAINAGE (CC)**

The following stormwater precautions are required to be provided on the site:

- i) Grated drains shall be provided along the driveway/basement entry at the vehicular crossing(s) and are to connect to the internal drainage system.
- ii) Overflow paths shall be provided to allow for flows in excess of the capacity of the pipe/drainage system draining the site.
- iii) 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
- iv) 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.

(Reason: To ensure the site is drained appropriately and does not interfere with the natural flow of flood waters.)

35. **TREE BONDS (CC)**

A tree bond of **\$6,600** for each street tree adjacent to the site and proposed works (calculated in accordance with Council's adopted Fees and Charges) shall be paid to Council, prior to the issue of a Construction Certificate.

DA2018/114 - 23 Abbotsford Road, Homebush
Lot 11 Section 3 in DP 400 (Cont'd)

The deposit is required as security against any damage to existing trees to be retained on Council's road reserve, during works on the site. The applicant must bear the cost of all restoration works to Council's property damaged during the course of this development.

Payment may be accepted in the form of cash, bank guarantee, cheque or credit card (financial transactions fees apply). Note: Additional fees apply for the lodgement of a bank guarantee in lieu of cash bond applies in accordance with Council's adopted Fees and Charges.

This bond will be held for 12 months following the issue of the Occupation certificate. A refund of the Tree Bond must be made in writing.

Tree Bonds may be forfeited if a tree is dead, made dangerous or has been terminally damaged, or will be held until tree/s have fully recovered from the construction damage or where replacement/planted trees have become fully established and are over 6 metres in height.

(Reason: To ensure the protection of trees to be retained on Council's Road Reserve.)

36. **WATER SUSTAINABILITY – GENERALLY (CC)**

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

- i) toilet flushing;
- ii) clothes washing;
- iii) garden irrigation;
- iv) car washing and similar outdoor uses;
- v) filling swimming pools, spa pools and ornamental ponds; and
- vi) fire fighting.

(Reason: To promote sustainable water management practice.)

CONDITIONS TO BE SATISFIED PRIOR TO THE COMMENCEMENT OF WORKS (CW)

37. **APPOINTMENT OF A PRINCIPAL CERTIFYING AUTHORITY (PCA) (CW)**

No work shall commence in connection with this Development Consent until:

- i) A construction certificate for the building work has been issued by the consent authority or a Principal Certifying Authority.
- ii) The person having the benefit of the development consent has appointed a principal certifying authority for the building work, and notified the principal certifying authority that the person will carry out the building work as an owner/builder, if that is the case.
- iii) The principal certifying authority has, no later than 2 days before the building work commences:
 - notified the Council of his or her appointment, and
 - notified the person having the benefit of the development consent of any critical stage inspections and other inspections that are to be carried out in respect of the building work.
- iv) The person having the benefit of the development consent, if not carrying out the work as an owner-builder, has:
 - appointed a principal contractor for the building work who must be the holder of

DA2018/114 - 23 Abbotsford Road, Homebush
 Lot 11 Section 3 in DP 400 (Cont'd)

- a contractor licence if any residential building work is involved;
 - notified the principal certifying authority of such appointment; and
 - unless that person is the principal contractor, notified the principal contractor of any critical stage inspections and other inspections that are to be carried out in respect of the building work.
- v) The person having the benefit of the development consent has given at least 2 days' notice to the Council of the person's intention to commence the erection of the building.

Note: If the principal certifying authority is the Council, the nomination will be subject to the payment of a fee for the service to cover the cost of undertaking all necessary inspections and the issue of the appropriate certificates.

Under the Environment Planning and Assessment (Quality of Construction) Act, 2003, a sign must be erected in a prominent position on the work site showing the name, address and telephone number of the principal certifying authority; the name of the principal contractor (if any) for the building work and a telephone number at which that person may be contacted outside working hours. That sign must also state that unauthorised entry is prohibited. The sign must not be removed until all work has been completed.

(Reason: Statutory requirement.)

38. HOME BUILDING COMPENSATION FUND (CW)

No residential building work within the meaning of the Home Building Act 1989 may commence until:

- i) A contract of insurance in accordance with Part 6 of the Home Building Act 1989 is entered into and in force, where such a contract is required under that Act (this is a prescribed condition of consent pursuant to clause 981(b) Environmental Planning and Assessment Regulation 2000).
- ii) The PCA is satisfied that the principal contractor for the work is the holder of the appropriate licence and is covered by the appropriate insurance, in each case if required by the Home Building Act 1989 (unless the work is to be carried out by an owner-builder).
- iii) If the work is to be carried out by an owner builder, that the owner builder is the holder of any owner -builder permit required under the Home Building Act 1989.
- iv) Written notice of the following information has been provided to Council (this is a prescribed condition of consent pursuant to clause 98B of the Environmental Planning and Assessment Regulation 2000):
 - In the case of work for which a principal contractor is required to be appointed:
 - the name and licence number of the principal contractor; and
 - the name of the insurer by which the work is insured under Part 6 of the Home Building Act 1989.

In the case of work to be done by an owner-builder:

 - the name of the owner-builder; and
 - if the owner-builder is required to hold an owner-builder permit under the Home Building Act 1989, the number of the owner-builder permits.

Where Council is not the PCA, the PCA is responsible for notifying Council of the above matters.

Note: Where arrangements for doing residential building work change while the work is in progress so that the above information becomes out of date, the PCA (where not the Council) must provide Council with written notice of the updated information.

DA2018/114 - 23 Abbotsford Road, Homebush
Lot 11 Section 3 in DP 400 (Cont'd)

(Reason: Statutory requirement.)

39. NOTICE OF COMMENCEMENT (CW)

No work shall commence until the following details are submitted to Council:

- i) a Notice of Commencement (form will be attached with issue of a Construction Certificate or available from our website) within two (2) days of the date on which it is proposed to commence works associated with the Development Consent;
- ii) details of the appointment of a Principal Certifying Authority (either Council or another Principal Certifying Authority); and
- iii) details of the name, address and licence details of the Builder.

(Reason: Statutory requirement.)

CONDITIONS TO BE SATISFIED DURING DEMOLITION AND BUILDING WORKS (DW)

40. HERITAGE - HISTORIC RELICS FOUND DURING WORKS (DW)

Should any potentially historic relics be discovered on the site during excavation, all excavation or disturbance to the area is to stop immediately and the Heritage Division of the NSW Department of Environment and Heritage should be informed in accordance with Section 146 of the Heritage Act 1977. 'Relics' are any deposit, artefact, object or material evidence that relates to the settlement of the area that comprises New South Wales, not being Aboriginal settlement, and are of State or local heritage significance.

Should any potentially significant Aboriginal material be discovered on the site, all excavation or disturbance of the area is to stop immediately and the Heritage Division of the NSW Department of Environment and Heritage is to be informed in accordance with Section 91 of the National Parks and Wildlife Act 1974.

(Reason: To ensure the proper management and preservation of potentially significant archaeological material.)

41. OBSTRUCTION OF PUBLIC WAY NOT PERMITTED DURING WORKS (DW)

The public way must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances, without the prior approval of Council.

(Reason: To maintain public access and safety.)

42. PUBLIC INFRASTRUCTURE AND SERVICES (DW)

The applicant must comply with the requirements (including financial costs) of any relevant utility provider (e.g. Energy Australia, Sydney Water, Telstra, RMS, Council etc.) in relation to any connections, works, repairs, relocation, replacements and/or adjustments to public infrastructure or services affected by the development.

(Reason: To maintain public infrastructure and/or services.)

DA2018/114 - 23 Abbotsford Road, Homebush
Lot 11 Section 3 in DP 400 (Cont'd)

CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE (OC)

43. CAR PARKING - SURPLUS VEHICULAR CROSSINGS (OC)

All surplus vehicular crossings and/or kerb laybacks must be removed and reinstated with concrete kerb and gutter or to the existing edging profile as specified by Council. The nature strip is to be restored and the footpath area reinstated. All of the above are to be restored to the satisfaction of Council's Engineer and at full cost to the applicant, prior to the issue of any Occupation Certificate.

(Reason: Maintenance of public infrastructure.)

44. DRAINAGE SYSTEM - MAINTENANCE OF EXISTING SYSTEM (OC)

Where elements of the existing drainage system are to be utilised, the existing drainage system shall be overhauled and maintained clear of silt and accumulated debris. Silt and the like shall be removed, not flushed from the system.

A certificate shall be provided by a suitably qualified person (a registered plumber or a person of equivalent or greater experience or qualification) to the satisfaction of the Principal Certifying Authority, prior to the issue of any Occupation Certificate to confirm that the system is in good working order and adequate to accept additional flows having regard to any relevant standards and/or Sydney Water requirements.

(Reason: Maintenance and environment.)

45. ENGINEERING WORKS (CERTIFICATION OF)

Prior to occupation of the premises, a Work As Executed (WAE) Plan of all engineering and/or drainage works is to be submitted to the Principal Certifying Authority. The WAE Plan is to be certified by a suitably Qualified Engineer, with Corporate Membership standing in the Institution of Engineers Australia and registered on the National Professional Engineers Register (NPER) under the appropriate professional category, demonstrating that:

- i) the stormwater drainage system; and/or
- ii) the car parking arrangement and area; and/or
- iii) any related footpath crossing works; and/or
- iv) the proposed basement pump and well system; and/or
- v) the proposed driveway and layback; and/or
- vi) any other civil works

have been constructed in accordance with the approved plans and any relevant Standards and Council policies/specifications.

For major works, such as subdivisions, works within the road reserve (requiring separate S138 approval) and as where specified by Council, a Part 4A Certificate will be required. It is strongly recommended that an Engineer supervise all engineering related works.

Where Council is not the Principal Certifying Authority, an electronic copy of the above documents is to be provided to Council, prior to the issue of any Occupation Certificate.

(Reason: Asset management.)

DA2018/114 - 23 Abbotsford Road, Homebush
Lot 11 Section 3 in DP 400 (Cont'd)

46. OCCUPATION OF BUILDING (OC)

A person must not commence occupation or use (or change of use where an existing building) of the whole or any part of a new building (within the meaning of section 109H (4) of the Act) unless an Interim Occupation Certificate or Final Occupation Certificate has been issued in relation to the building or part.

The Principal Certifying Authority is required to be satisfied, amongst other things, that:

- i) all required inspections (including each applicable mandatory critical stage inspection) have been carried out; and
- ii) any preconditions to the issue of the certificate required by a development consent have been met.

Note: New building includes an altered portion of, or an extension to, an existing building.

(Reason: Statutory requirement.)

47. RAINWATER TANKS (OC)

Rainwater tanks must be installed on residential properties by a suitably qualified and licensed plumber and in accordance with the following:

- i) Australian/New Zealand Standard AS/NZS 3500:2003;
- ii) NSW Code of Practice Plumbing and Drainage, 2006 produced by Committee on Uniformity of Plumbing and Drainage Regulations in NSW (CUPDR); and
- iii) Council's rainwater tank policy.

Details demonstrating compliance with this condition are to be submitted to the Principal Certifying Authority, prior to the issue of any Occupation Certificate.

(Reason: To protect public health and amenity.)

48. STORMWATER - CERTIFICATION OF THE CONSTRUCTED DRAINAGE SYSTEM (OC)

The constructed stormwater system shall be certified by a suitably qualified person, in accordance with Council's Stormwater Management Code, prior to the issue of any Occupation Certificate.

(Reason: Adequate stormwater management.)

49. STORMWATER - COVENANT AND RESTRICTION AS TO USER FOR STORMWATER CONTROLLED SYSTEMS (OC)

Prior to the issue of any Occupation Certificate, the applicant shall register a Positive Covenant and a Restriction as to User under section 88E and or section 88B of the Conveyancing Act as appropriate in favour of Council, ensuring the ongoing retention, maintenance and operation of the stormwater facility (on-site detention, pump-out, charged lines, etc).

Where any drainage line or service conduit is to traverse any property other than that which it serves, an appropriate easement will be required. In this case, the applicant shall register an easement no less than 1200mm wide over the proposed drainage line or service concurrently with any subdivision registration.

The wording on the 88E and/or the 88B Instrument is to make reference to the Council file

DA2018/114 - 23 Abbotsford Road, Homebush
Lot 11 Section 3 in DP 400 (Cont'd)

where the Construction plans and the Work As Executed (as built), plans are held. Typical wording can be obtained from Council's Specification for the Management of Stormwater document.

(Reason: To ensure the on-site detention and/or pump system is maintained to an appropriate operational standard.)

ATTACHMENTS

There are no attachments for this report.

TO: Strathfield Internal Development Assessment Panel Meeting - 17 January 2019

REPORT: IDAP – Report No. 5

SUBJECT: DA2018/139 - 70 WOODWARD AVENUE, STRATHFIELD
LOT Y DP 395737

DA NO. DA2018/139

SUMMARY

Proposal:	Demolition of existing structures and construction of new single dwelling house, including in-ground swimming pool and associated landscaping.
Applicant:	Eva Mekhail
Owner:	Eva Mekhail
Date of lodgement:	10 October 2018
Notification period:	16 October 2018 to 2 November 2018
Submissions received:	Nil
Assessment officer:	DS
Estimated cost of works:	\$1,100,000
Zoning:	R2 Low Density Residential - SLEP 2012
Heritage:	No. Adjoins Heritage Item '1159'.
Flood affected:	No
RECOMMENDATION OF OFFICER:	Approved

EXECUTIVE SUMMARY

- 1.0 The application seeks approval for the demolition of existing structures and construction of a new two (2) storey dwelling, including an in-ground swimming pool and associated landscaping.
- 2.0 The application was notified in accordance with Part L of the Strathfield Consolidated Development Control Plan (SCDCP) 2005 with no submissions raised during this time.
- 3.0 Additional information and amended plans were submitted addressing concerns raised relating to vehicle movements and coping levels of the swimming pool.
- 4.0 The application is considered appropriate and is therefore recommended for approval, subject to the relevant conditions of consent.

BACKGROUND

- 16 October 2018: DA2018/139 was notified from 16 October 2018 to 2 November 2018.
- 23 October 2018: A site visit was undertaken.
- 5 November 2018: A letter requesting additional information relating to swimming pool coping levels and a swept path analysis was sent to the applicant.

DA2018/139 - 70 Woodward Avenue, Strathfield
LOT Y DP 395737 (Cont'd)

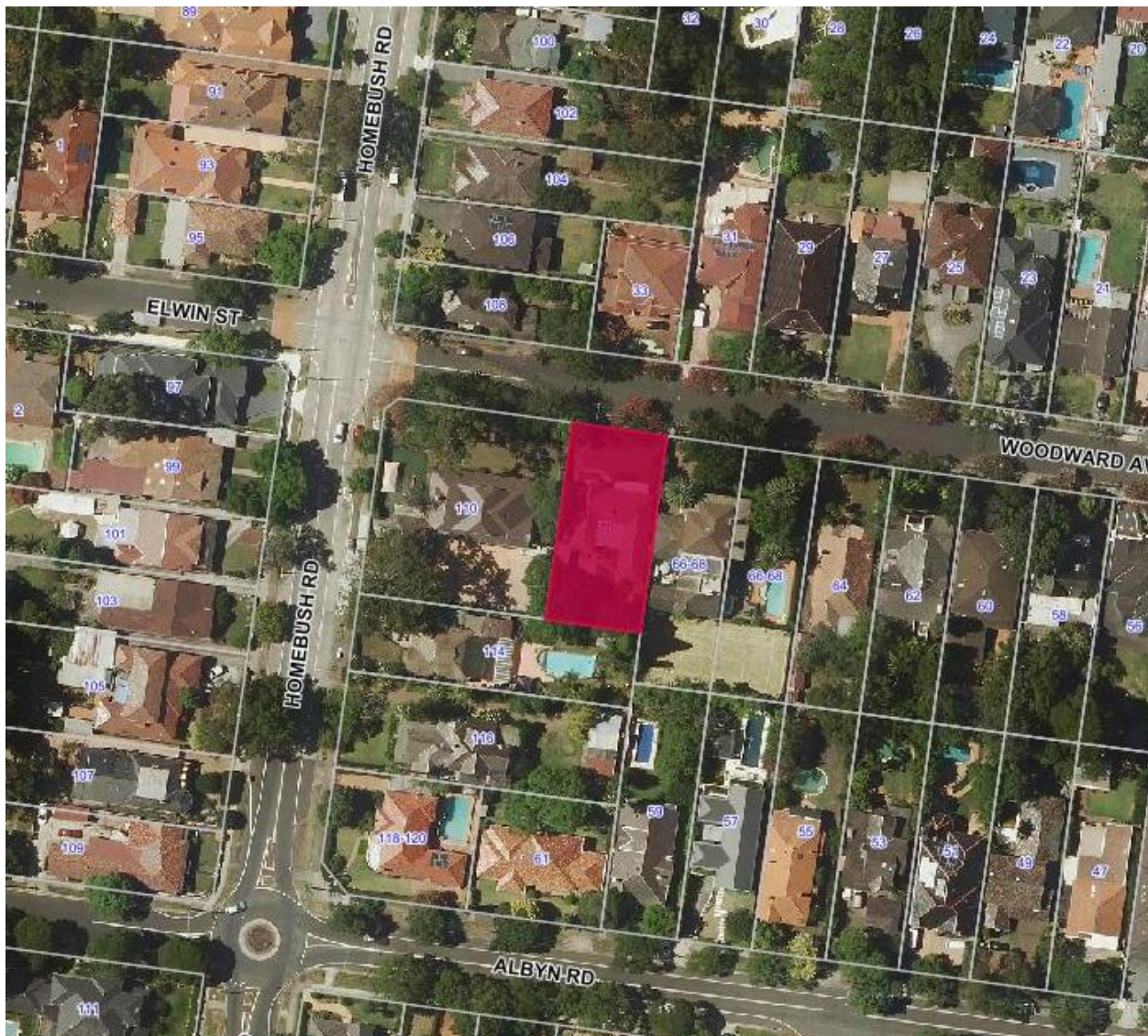
16 November 2018: Amended plans were submitted detailing the coping levels of the swimming pool and vehicle movements of the driveway.

DESCRIPTION OF THE SITE AND LOCALITY

The subject site is legally described as Lot Y in DP 395737 and is commonly known as 70 Woodward Avenue, Strathfield. The site is located on the eastern side of Homebush Road and has an area of 802.2m². The site is rectangular in shape and has a frontage of 19.6m to the north and side boundary length of 40.3m to the west.

Existing development on the site comprises a single storey residential dwelling with exposed face brick to exterior walls and a tiled pitch roof form (Figure 2). Vehicular access is provided to the site via an existing driveway on the eastern end of the site frontage.

The current streetscape is undergoing a process of transition with a mixture of original brick dwellings and recently constructed brick and masonry dwellings (as shown in Figures 3, 4, 5 and 6). Fences along the street edge are predominately pier and infill.



DA2018/139 - 70 Woodward Avenue, Strathfield
LOT Y DP 395737 (Cont'd)



Figure 2: The existing residential dwelling located on the subject site.



Figure 3: Residential dwelling neighbouring the subject site.

DA2018/139 - 70 Woodward Avenue, Strathfield
LOT Y DP 395737 (Cont'd)



Figure 4: Adjoining heritage item 'I159' located at 110 Homebush Road.



Figure 5: Residential dwellings in close proximity to the subject site.

DA2018/139 - 70 Woodward Avenue, Strathfield
LOT Y DP 395737 (Cont'd)



Figure 6: Residential dwellings in close proximity to the subject site.

PROPERTY BURDENS AND CONSTRAINTS

There are no easements or burdens on the land which could affect, or be affected by, the proposed development.

DESCRIPTION OF THE PROPOSED DEVELOPMENT

The application seeks Council approval for the demolition of existing structures and construction of a single dwelling house, including an in-ground swimming pool and associated landscaping.

The specific elements of the proposal include:

Ground floor level:

- Kitchen;
- Dining room/ Living;
- Laundry/ Store Room;
- Guest Bedroom and Ensuite;
- Double Garage;
- Studio;
- Study; and
- Powder room

First floor level:

- Four (4) bedrooms (two with ensuites);
- Family room; and
- Bathroom

External works:

- Alfresco;
- Barbeque Area;
- Swimming Pool; and
- Landscaping works

An elevation of the proposed residential dwelling is shown below in Figure 7.

DA2018/139 - 70 Woodward Avenue, Strathfield
 LOT Y DP 395737 (Cont'd)

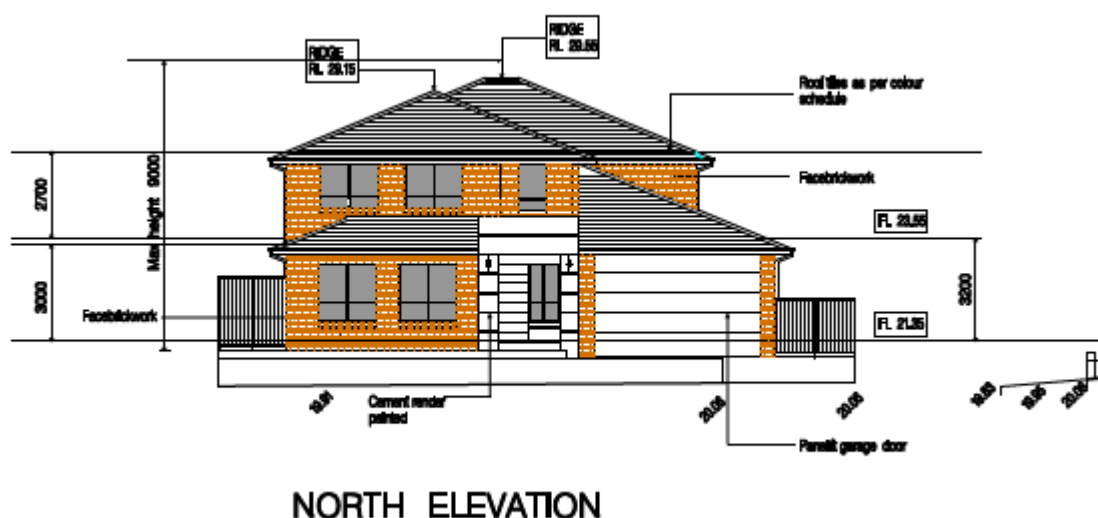


Figure 7: Northern elevation of the site frontage subject to this development application.

REFERRALS

INTERNAL REFERRALS

Engineering Comments

Council's Engineer has commented on the proposal as follows:

*"I have referred to the development application referenced above and reviewed the stormwater drainage concept plan prepared by **ARC Engineering drawing no. STW 1/2 and STW 2/2 project no. 70WA/S/7/18 dated 27.07.2018**. The subject site has a natural fall to the front and disposal by means of gravity is attainable hence enabling the applicant to submit a compliant design. The provision of water sensitive urban design is not required as the site is less than 2000m². OSD provision is not required as the site cumulative imperviousness is less than 65% of total site area. The site discharges to the street kerb and gutter by means of a gravity pipe via the boundary pit. Roof runoff on the eastern boundary drains into the proposed rainwater tank in accordance with BASIX requirements via downpipes. Overflow from the tank drains into the boundary pit by gravity means via overflow pipe. Roof on western boundary and driveway runoff drain into the boundary pit by gravity means via downpipes and grated trench drain. From an engineering perspective, the concept plan is feasible and there are no objections to its approval subject to the following conditions attached."*

Council's Engineer offered no objections to the proposal, subject to the imposition of recommended conditions of consent.

Heritage Comments

Council's Heritage Advisor has commented on the proposal, which adjoins a local heritage item, as follows:

The heritage item addresses Homebush Road. While the new building will alter the general setting of the item, the proposed two-storey building is of a modest design and is set well back on the site, approximately 300mm further than the setback of the existing dwelling house. Furthermore, the first floor level is set well back from the western elevation, further minimising the impact of the proposed dwelling on the neighbouring heritage item to the west. The proposed dwelling house

DA2018/139 - 70 Woodward Avenue, Strathfield
LOT Y DP 395737 (Cont'd)

would not result in any undue impact on the item in terms of its location and siting. The proposed materials and finishes are not overly modern, and the proposal is acceptable.

The proposal is acceptable on Heritage grounds. No special conditions are required. Given the site was likely to have once been the rear yard of the listed item to the west, the standard heritage excavation condition should be applied.

Council's Heritage Officer offered no objections to the proposal, subject to the recommended conditions of consent (**Condition 31**).

SECTION 4.15 CONSIDERATIONS – EP&A Act, 1979

In determining a development application, the consent authority is to take into consideration the following matters of consideration contained within Section 4.15 of the Environmental Planning and Assessment Act, 1979 as relevant to the development application:

4.15(1)(a) the provisions of:

(i) any environmental planning instrument

STATE ENVIRONMENTAL PLANNING POLICY (SEPP) – BASIX 2004

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 as part of the application which indicates that the proposal meets the required reduction targets. An appropriate condition of consent will be imposed to ensure future compliance with these targets.

State Environmental Planning Policy No 55 – Remediation of Land

SEPP 55 applies to the land and pursuant to Section 4.15 is a relevant consideration.

A review of the available history for the site gives no indication that the land associated with this development is contaminated. There were no historic uses that would trigger further site investigations.

The objectives outlined within SEPP55 are considered to be satisfied.

State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017

The State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 replaces the repealed Clause 5.9 of SLEP 2012 (Preservation of Trees and Vegetation).

The intent of this SEPP is consistent with the objectives of the repealed Standard where the primary aims/objectives are related to the protection of the biodiversity values of trees and other vegetation on the site.

No trees are proposed to be removed as part of this application. Nevertheless, a condition of consent has been imposed to ensure the retention and protection of existing significant trees.

STRATHFIELD LOCAL ENVIRONMENTAL PLAN (SLEP) 2012

An assessment of the proposal against the general aims of SLEP 2012 is included below:

DA2018/139 - 70 Woodward Avenue, Strathfield
LOT Y DP 395737 (Cont'd)

Cl. 1.2(2)	Aims	Complies
(a)	<i>To achieve high quality urban form by ensuring that new development exhibits design excellence and reflects the existing or desired future character of particular localities and neighbourhoods in Strathfield</i>	Yes
(b)	<i>To promote the efficient and spatially appropriate use of land, the sustainable revitalisation of centres, the improved integration of transport and land use, and an appropriate mix of uses by regulating land use and development</i>	Yes
(c)	<i>To promote land uses that provide a wide range of employment, recreation, retail, cultural, service, educational and other facilities for the local community</i>	Yes
(d)	<i>To provide opportunities for economic growth that will enhance the local community</i>	Yes
(e)	<i>To promote future development that integrated land use and transport planning, encourages public transport use, and reduced the traffic and environmental impacts of private vehicle use</i>	Yes
(f)	<i>To identify and protect environmental and cultural heritage</i>	Yes
(g)	<i>To promote opportunities for social, cultural and community activities</i>	Yes
(h)	<i>To minimise risk to the community by identifying land subject to flooding and restricting incompatible development</i>	Yes

Comments: The proposed works will result in a two (2) storey residential dwelling of a high quality built contribution and reflects the existing and future character of the area.

Permissibility

The subject site is Zoned R2 Low Density Residential under Strathfield Local Environmental Plan (SLEP) 2012.

'Dwelling houses' are permissible within the R2 Low Density Zone with consent and is defined under SLEP 2012 as follows:

"A building containing only one dwelling"

The proposed development for the purpose of a **'dwelling house'** is consistent with the definition above and is permissible within the R2 Low Density Residential Zone with consent.

Zone Objectives

An assessment of the proposal against the objectives of the R2 Zone is included below:

Objectives	Complies
➤ <i>To provide for the housing needs of the community within a low density residential zone.</i>	Yes
➤ <i>To enable other land uses that provide facilities or services to meet the day to day needs of residents.</i>	Yes
➤ <i>To ensure that development of housing does not adversely impact the heritage significance of adjacent heritage items and conservation areas.</i>	Yes

Comments: The proposal will result in a high quality residential dwelling that will provide for the needs of future residents located on the subject site. The subject site is situated in the vicinity of heritage listed items and the design considers the existing and the future desired character of the wider streetscape, to ensure that the amenity is being retained.

Part 4: Principal development standards

An assessment of the proposal against the relevant provisions contained within Part 4 of the SLEP 2012 is provided below.

DA2018/139 - 70 Woodward Avenue, Strathfield
LOT Y DP 395737 (Cont'd)

Height of building

Cl.	Standard	Controls	Proposed	Complies
4.3	Height of building	9.5m	8.2m	Yes

	Objectives	Complies
(a)	To ensure that development is of a height that is generally compatible with or which improves the appearance of the existing area	Yes
(b)	To encourage a consolidation pattern that leads to the optimum sustainable capacity height for the area	Yes
(c)	To achieve a diversity of small and large development options.	Yes

Comments: The residential dwelling proposes a maximum building height of 8.2m, which is consistent with Council's 9.5m maximum building height requirement as provided by Clause 4.3 of the SLEP 2012.

Floor space ratio

Cl.	Standard	Controls	Proposed	Complies
4.4	Floor space ratio	0.55:1 (441.21m ²)	0.44:1 (355.4m ²)	Yes

	Objectives	Complies
(a)	To ensure that dwellings are in keeping with the built form character of the local area	Yes
(b)	To provide consistency in the bulk and scale of new dwellings in residential areas	Yes
(c)	To minimise the impact of new development on the amenity of adjoining properties	Yes
(d)	To minimise the impact of development on heritage conservation areas and heritage items	Yes
(e)	In relation to Strathfield Town Centre: <ul style="list-style-type: none"> i. to encourage consolidation and a sustainable integrated land use and transport development around key public transport infrastructure, and ii. to provide space for the strategic implementation of economic, social and cultural goals that create an active, lively and people-oriented development 	Yes
(f)	In relation to Parramatta Road Corridor – to encourage a sustainable consolidation pattern that optimises floor space capacity in the Corridor	Yes

Comments: The proposal seeks a maximum floor space of 0.44:1 (355.4m²) that is consistent with the 0.55:1 (441.21m²) as required by Clause 4.4C of SLEP 2012.

Part 6: Local Provisions

The relevant provisions contained within Part 6 of the SLEP 2012 are addressed below as part of this assessment:

6.1 Acid sulfate soils

The subject site is not 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.

DA2018/139 - 70 Woodward Avenue, Strathfield
LOT Y DP 395737 (Cont'd)

6.2 Earthworks

Construction of the dwelling requires excavation to stabilise the dwelling within the building footprint to minimise the disruption of the land and soil stability. Excavation of the site is limited to that reasonably necessary. Notwithstanding, a condition of consent is recommended to ensure the appropriate management of soils during the construction phases of development.

6.4 Essential services

Clause 6.4 of the SLEP 2012 requires consideration to be given to the adequacy of essential services available to the subject site. The subject site is located within a well serviced area and features existing water and electricity connection and access to Council's stormwater drainage system. As such, the subject site is considered to be adequately serviced for the purposes of the proposed development.

4.15(1)(a)(ii) any draft environmental planning instruments

There are no applicable draft planning instruments that are or have been placed on public exhibition, to consider as part of this assessment.

4.15 (1)(a)(iii) any development control plan

STRATHFIELD CONSOLIDATED DEVELOPMENT CONTROL PLAN (SCDCP) 2005

The following is an assessment of the proposal's compliance with the relevant provisions contained within SCDCP 2005.

PART A – DWELLING HOUSES AND ANCILLARY STRUCTURES

An assessment of the proposal against the objectives contained within Clause 1.3 of Part A of SCDCP 2005 is included below:

2: Architectural Design & Streetscape Presentation

2.1	Objectives	Satisfactory
A.	To ensure that development respects the predominant height, scale, character, type, form, colour, materials and architectural qualities of the existing dwelling house (in the case of alterations and additions) and surrounding neighbourhood especially any adjoining or nearby heritage item or heritage conservation area.	Yes
B.	To achieve quality architecture in new development through the appropriate composition and articulation of building elements.	Yes
C.	To ensure that the dominant building rhythm of the streetscape is reflected in the building design in terms of the spacing and proportion of the built elements.	Yes
D.	To ensure that new dwellings have facades, which define, address and enhance the public domain.	Yes
E.	To encourage contemporary architecture that is innovative, uses high quality detailing, and incorporates elements characteristic of Strathfield.	Yes
F.	To promote the continuance of pyramidal roof forms within Strathfield where they are already prevalent.	Yes
G.	To retain a feeling of openness and space between built elements by maintaining landscaped setbacks and preserve the appearance of dwellings set in the treelined streets and park-like environment.	Yes
H.	To reduce the use of highly reflective colours and materials that create visual prominence.	Yes

DA2018/139 - 70 Woodward Avenue, Strathfield
LOT Y DP 395737 (Cont'd)

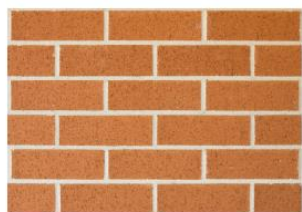
I.	<i>To ensure fencing is sympathetic to the design of the dwelling and the street and enhances the character of both the individual house and street whilst maintaining casual surveillance of the neighbourhood.</i>		Yes
J.	<i>To protect and retain the amenity of adjoining properties.</i>		Yes
2.2	Development Controls	Complies	
.1.	<i>Streetscape Presentation</i>		
	1	New dwellings address street frontage with clear entry.	Yes
	2	Consistently occurring building features integrated within dwelling design.	Yes
	3	Consideration of streetscape elements	Yes
	4	Integrated security grilles/screens, ventilation louvres and garage doors	Yes
.2.	<i>Scale, Massing & Rhythm of Street</i>		
	1	Scale, massing, bulk and layout complement the existing streetscape and the dominant building rhythm	Yes
	2	Building height and mass maintains amenity to adjacent properties open space or the public domain	Yes
.3.	<i>Building Forms</i>		
	1	Building form articulated.	Yes
	3	Attic located within roof space of 1 or 2-storey dwelling or garage via internal stairs.	Yes
.4.	<i>Roof Forms</i>		
	1	Roof form complements predominant form in the locality	Yes
	2	Roof form minimises bulk and scale of building and remains an important architectural element in the street.	Yes
	3	First floor additions complement the architectural style of the ground floor and delineate the existing roof form, slope and ridge	Yes
	4	Roof structures are not visible from the public domain	Yes
	<i>Materials</i>		
	5	Materials compatible with the existing dwelling house, adjoining dwelling houses and the streetscape (type, form and colour)	Yes
	6	Monotone face brick walls and terracotta tiles for roofs where common in the streetscape	Yes
	7	New buildings and facades do not result in glare (Reflectivity Report may be required)	Yes
	<i>Colours</i>		
	8	New development incorporates traditional colour schemes	Yes
	9	The external colours integrate harmoniously with the external design of the building	Yes

Comments: The proposed form is compatible with the existing streetscape in that it incorporates a tiled pitched roof form and exposed face brick to exterior walls. The proposed schedule of colours and finishes seek a terracotta finish to the exterior walls with a dark grey tiled roof form (Figure 8). These finishes are replicated throughout the neighbourhood, remaining consistent with and sympathetic of the existing area.

DA2018/139 - 70 Woodward Avenue, Strathfield
LOT Y DP 395737 (Cont'd)



ROOF TILES MONIER "Madison Soho Night"



FACEBRICKWORK PGH Bricks "Terracotta (Velour)"



Metalwork, painted cement render "Classic Cream"

Figure 8: Proposed Schedule of Colours and Finishes.

4: Building Envelope

4.1	Objectives	Satisfactory
A.	To ensure that dwellings are compatible with the built form of the local area and that overall bulk and scale, size and height of dwellings relative to natural ground level responds to the adjoining dwellings, topography and desired future character.	Yes
B.	To minimise impact on the amenity of adjoining properties.	Yes
C.	To establish and maintain the desired setbacks from the street and define the street edge.	Yes
D.	To create a perception or reinforce a sense of openness in the locality.	Yes
E.	To maintain view corridors between dwellings	Yes
F.	To assist in achieving passive surveillance whilst protecting visual privacy.	Yes
G.	To provide a transitional area between public and private space.	Yes
4.2	Development Controls	Complies
Floor Space Ratio		
.1.	1 Floor Space Ratio permissible pursuant to SLEP 2012	Yes
	2 Development compatible with the lot size	Yes
Building Height		
.2.	1 Height of building permissible pursuant to SLEP 2012	Yes
	3 Dwelling houses and any ancillary structures 2-storeys (max)	Yes

DA2018/139 - 70 Woodward Avenue, Strathfield
LOT Y DP 395737 (Cont'd)

	4	Building height responds to the gradient of the site to minimise cut and fill	Yes
<i>Street Setbacks</i>			
.3.1.	1	Setbacks consistent with minimum requirements of Table A.1	Yes
<i>Side and Rear Setbacks</i>			
.3.2.	1	A combined side setback of 20% of the width of the block (incorporating a 1.2m min side setback on each side).	Yes
	2	A rear setback of 6m (min)	Yes
	4	Garages and carports setbacks consistent with Table A.2	Yes

Comments: The proposal has demonstrated compliance with Clause 4.3 and Clause 4.4C of the SLEP 2012 by seeking a maximum building height of 8.2m and floor space of 0.44:1 (355.4m²).

The proposal seeks a 10.7m front setback which is compatible with prevailing 6m-11m setbacks in the streetscape. The proposed dwelling has included appropriate side and rear setbacks to ensure there are minimal adverse impacts on neighbouring allotments.

5: Landscaping

5.1	Objectives	Satisfactory
A.	To encourage landscaping that is appropriate to the style and scale of the dwelling and adjoining development, and to the streetscape.	Yes
B.	To enhance the existing streetscape and promote a scale and density of planting that softens the visual impact of buildings, structures, vehicle circulation and ancillary areas.	Yes
C.	To preserve existing landscape elements on site (such as existing trees) and encourage their integration into the design of proposals.	Yes
D.	To ensure adequate deep soil planting is retained on each allotment.	Yes
E.	To ensure developments make an equitable contribution to the landscape setting of the locality.	Yes
F.	To ensure both existing and new landscaping provides suitable shade and facilitates convective cooling breeze paths in summer.	Yes
G.	To encourage the use of native flora such as open woodland canopy trees, to provide a habitat for native fauna.	Yes
H.	To ensure that landscaped areas are designed to minimise water use.	Yes
I.	To provide functional private open spaces for active or passive use by residents.	Yes
J.	To provide private open areas with provision for clothes drying facilities screened from the street and lane or a public place.	Yes
K.	To ensure the protection of trees during construction	Yes
L.	To ensure suitable fencing is provided to reduce acoustic impacts and enhance visual privacy between neighbouring residents whilst enabling front fences passive surveillance of the street.	Yes

DA2018/139 - 70 Woodward Avenue, Strathfield
LOT Y DP 395737 (Cont'd)

M.	<i>To maximise the amenity of existing and proposed developments, including solar access, privacy and open space.</i>		Yes
5.2	Development Controls		Complies
.1.	<i>Landscaped area</i>		
	1	Landscaped area in accordance with Table A.3	Yes
	2	At least 50% of the minimum landscaped area located behind the building line to the rear boundary	Yes
	3	At least 50% of the front yard maintained as deep soil soft landscaping	Yes
	4	Minimise hard surface area (concrete/brick/stone paving and bitumen). Run-off directed to permeable surfaces.	Yes
	5	Planting areas soften the built form	Yes
	6	Front gardens respond and contribute to the garden character of Strathfield.	Yes
	7	Retain and reinforce the prevailing streetscape and surrounding locality	Yes
	8	Plant species must be retained, selected and planted to improve amenity	Yes
.2.	<i>Tree Protection</i>		
	1	Arboricultural Impact Assessment Report prepared by an AQF Level 5 Arborist	Yes
	2	The Arboricultural Impact Assessment Report address minimum criteria	Yes
	3	Development provides for the retention and protection of existing significant trees	Yes
	4	New dwellings and alterations and additions are set back in accordance with the Arboricultural Impact Assessment Report	Yes
	5	Council may request the applicant to engage a project Arborist	Yes
	6	Opportunities for planting new canopy trees within the front setback	Yes
	7	At least one (1) canopy tree provided in the rear yard.	Yes
	8	Trunk of a proposed canopy tree planted 4m (min) from built structures, or 3m (min) from pier beam footings	Yes
	9	Planting on side boundaries a 0.6m (min) deep root deflection barrier provided 1.5m (min) either side of the tree center	Yes
	10	Driveway construction does not result in the removal, lopping or root damage to any street tree	Yes
	11	25% (min) of canopy trees and other vegetation shall be locally sourced indigenous species	Yes
.3.	<i>Private Open Space</i>		
	1	Provided in a single parcel rather than a fragmented space, directly accessible from internal living areas	Yes
	2	Includes a deep soil area compliant with the minimum landscaped area.	Yes
	3	Terraces and decks (at least 10m ²) with one length or width 3m (min) and directly accessible from an internal living area. Decks cannot be located more than 500mm above NGL	Yes
	4	Unless 3m (min) width, areas within setbacks are not to be included as private open space	Yes
	5	Private open space located at the rear of the property.	Yes

DA2018/139 - 70 Woodward Avenue, Strathfield
LOT Y DP 395737 (Cont'd)

Comments: The proposed works will result in a total of 36.4% (144.9m²) of deep soil landscaping which is consistent with the minimum requirement of 35% (139.3m²), prescribed by the SCDP 2005. Proposed works will not result in any additional impacts to existing street trees located along the site frontage, thus ensuring the health of the surrounding environment and public domain elements are minimally impacted.

6: Solar Access

6.1	Objectives	Satisfactory
A.	To ensure the design of new dwelling houses and alterations and additions maximises solar access to living areas and open space areas.	Yes
B.	To minimise overshadowing of adjoining properties.	Yes
6.2	Development Controls	Complies
.1.	Sunlight Access	
	1 New dwellings - 3 hours solar access between 9.00am and 3.00pm on June 21 to the windows of habitable rooms and 50% of private open space	Yes
	3 50% of the principal private open space of any adjoining premises receives 3 hours solar access between 9.00am and 3.00pm on June 21	Yes
	4 The proposed development does not further reduce the amount of solar access	Yes

Comments: The proposal seeks to construct a double storey dwelling upon a north-south oriented allotment. The design locates all internal living areas to the northern/eastern elevations of the dwelling, maximising solar access. Further, the proposal is accompanied by a BASIX certificate achieving compliance with the minimum water and energy use BASIX requirements.

7: Privacy

7.1	Objectives	Satisfactory
A.	Development that is designed to provide reasonable privacy to adjacent properties	Yes
B.	To maintain reasonable sharing of views from public places and living areas	Yes
C.	To ensure that public views and vistas are protected, maintained and where possible, enhanced	Yes
D.	To ensure that canopy trees take priority over views	Yes
E.	To ensure that the siting and design of buildings minimises noise impacts from abutting roads, rail corridors and other noise-generating land uses	Yes
7.2	Development Controls	Complies
.1.	Visual Privacy	
	1 Protect POS, bedrooms, balconies and living rooms of proposed and any existing adjoining dwellings from direct overlooking	Yes
	2 Provide adequate separation of buildings	Yes
	3 Ensure elevation of finished floor levels above NGL is not excessive	Yes
	4 Improve privacy to adjacent properties with screen planting	Yes

Windows			
.2.	1	Windows do not directly face the windows, balconies and courtyards of adjoining dwelling	Yes
	2	A window within 9m of another window in a habitable room of an adjoining dwelling is offset by 0.5m (min) or a sill height of 1.7m (min) above the FFL	Yes
	3	Windows directly facing balconies or courtyards are narrow, incorporate obscure glazing and/or a sill height of 1.7m (min) above FFL	Yes
Acoustic Privacy			
.4.	1	SEPP (Infrastructure) 2007 and Development near Rail Corridors and Busy Roads Interim Guideline considered	Yes
	2	Noise-sensitive rooms located away from noise sources	Yes
	3	Suitable acoustic screen barriers or other noise mitigation measures are required where physical separation cannot be achieved	Yes
	4	An acoustic report (where relevant) demonstrates that habitable rooms achieve internal noise levels of no greater than 35 dBA	Yes

The side windows in the first floor bedrooms have sill heights of 1.7m and are unlikely to adversely impact upon the neighbouring allotments' privacy.

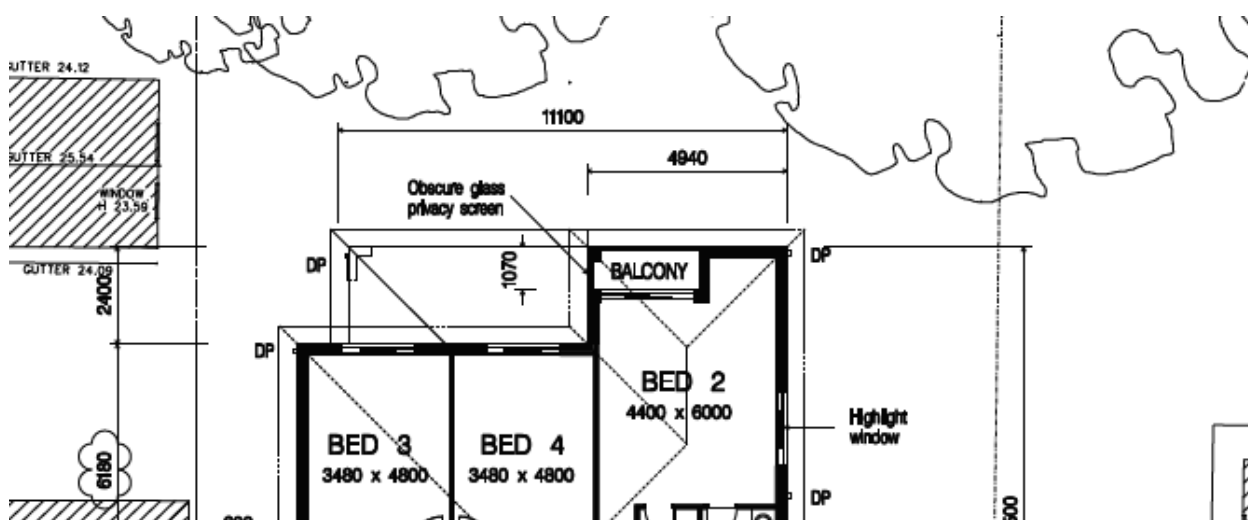


Figure 9: Proposed south-west rear balcony.

8.1	Objectives	Satisfactory
A.	To provide adequate and convenient on-site car parking.	Yes
B.	To ensure that the location and design of driveways, parking spaces and other areas used from the movement of motor vehicles are efficient, safe and convenient.	Yes

DA2018/139 - 70 Woodward Avenue, Strathfield
LOT Y DP 395737 (Cont'd)

C.	<i>To ensure garages, carports, basements and hard standing areas for cars do not visually dominate the street façade of the dwelling.</i>	Yes
D.	<i>To ensure that construction materials used for driveways respect the architectural qualities of the dwelling.</i>	Yes
E.	<i>To minimise the area of access driveways to minimise impermeable surfaces and maximise landscaped areas.</i>	Yes
F.	<i>To ensure basements have discreet entries, safe access and a high degree of natural cross-ventilation.</i>	Yes
G.	<i>To minimise excavation to reduce disturbance to natural ground level particularly adjacent to site boundaries.</i>	Yes
H.	<i>To ensure that any proposed basement minimises disturbance to natural drainage systems and that flooding, drainage or ventilation impacts would not be created for the site, or for adjoining or nearby properties.</i>	Yes

8.2	Development Controls	Complies
.1.	<i>Driveway and Grades</i>	
	1 Existing driveways must be used (exceptions apply)	Yes
	2 The width of driveways at the property boundary is to be 3m	Yes
	3 The edge of driveway crossings located 1m (min) clear of any existing stormwater pits or poles and 2m clear of tree trunks	Yes
	4 Parking and access points easily accessible and recognisable, non-disruptive to pedestrian flow and safety and located to minimise traffic hazards and potential for vehicles to queue.	Yes
	5 One (1) vehicular crossing (max) to any public road (exceptions apply)	Yes
	6 Vehicles accessing sites which front main roads shall be capable of entering and exiting in a forward direction	Yes
	7 Vehicular turning areas for garages complies with relevant Australian Standard	Yes
	9 Driveways avoid long and straight appearance by using variations and landscaping	Yes
	10 Driveway set back 0.5 metres (min) from side boundaries	No (refer to comments)
	11 Driveways incorporate unit paving into the design	Yes
	12 Areas of concrete visible from a public road are to be minimal and coloured charcoal, grey or brown	Yes
	13 Coloured concrete is not permitted in the driveway crossing outside the property boundary	Yes
.2.	<i>Garages, Carports and Car Spaces</i>	
	1 Two (2) car parking spaces required behind the FBL of all new dwellings (exceptions apply)	Yes
	2 Garages recessed behind the main front facade and/or non-dominant	Yes
	3 Garages not more than 150mm above NGL at entry unless the slope of the site exceeds 1:8 (12.5%)	Yes
	4 Dimensions of parking spaces and garages comply with the Australian Standards	Yes
	5 Garages are not to be converted or used for any purpose other than that for which they are approved	Yes

Comments: The driveway is situated along the eastern boundary with a maximum width of 3.5m on the subject site. A vehicle sweepth path analysis was prepared and submitted upon the request of Council to demonstrate that a vehicle can safely reverse from the garage to the road reserve (Figure 9), despite a nil setback. The proposal also reduces the need for excavation by utilising the existing driveway, thereby reducing any disturbance to the natural ground level, particularly adjacent to side boundaries.

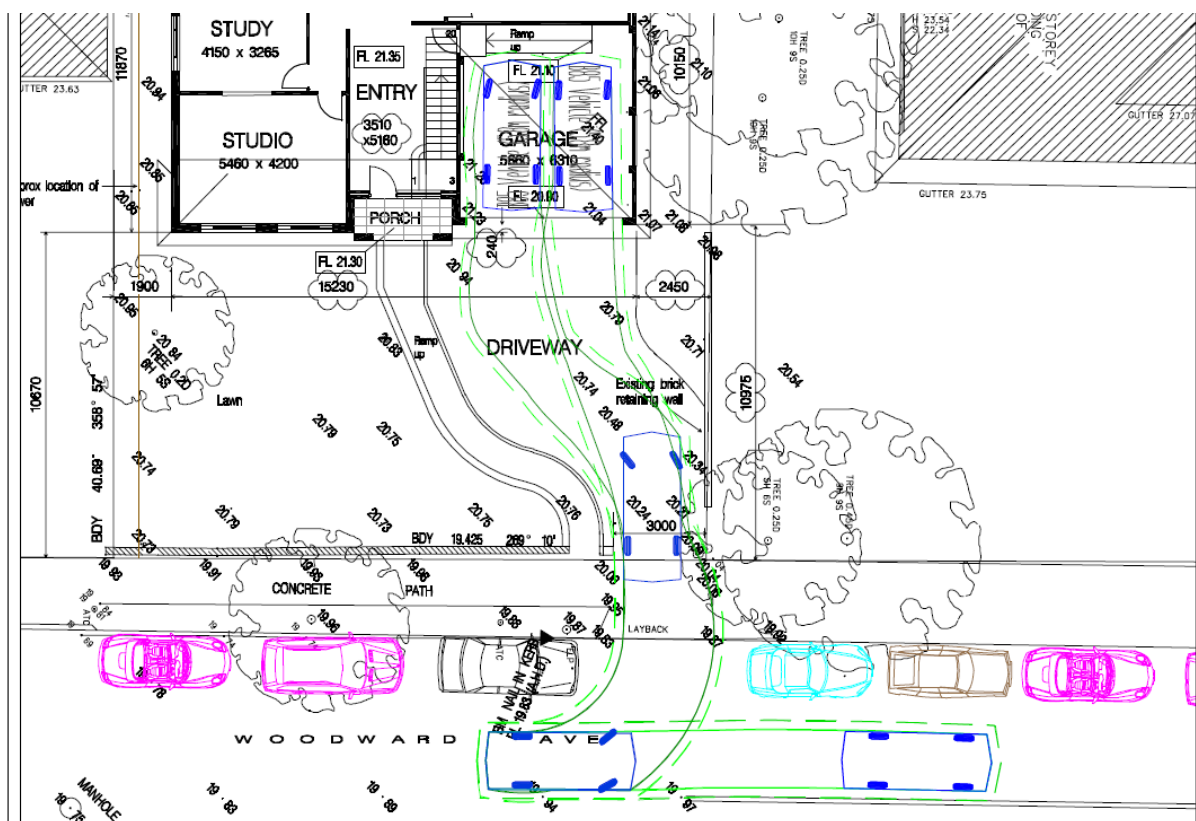


Figure 9: Proposed Schedule of Colours and Finishes.

9: Altering Natural Ground Level (Cut and Fill)

9.1		Objectives	Satisfactory
A.		To maintain existing ground levels and minimise cut and fill to reduce site disturbance.	Yes
B.		To ensure existing trees and shrubs are undisturbed, ground water tables are maintained and impacts on overland flow/drainage are minimised.	Yes
9.2		Development Controls	Complies
	1	Fill limited to 1m (max) above NGL	Yes
	2	Clean fill used only	Yes
	3	Cut and fill batters stabilised consistent with the soil properties	Yes
	4	Vegetation or structural measures are implemented when the site is disturbed.	Yes
	5	Areas of excavation setback from property boundaries in line with building setback controls. No excavation permitted within the minimum required setbacks.	Yes
	6	The work does not affect or undermine the soil stability or structural stability of buildings and Council assets on adjoining properties.	Yes
	7	A dilapidation report for all buildings which adjoin proposed excavation areas as	Yes

DA2018/139 - 70 Woodward Avenue, Strathfield
LOT Y DP 395737 (Cont'd)

	required	
8	Avoid excessive fill that creates the potential for overlooking of adjoining properties	Yes

Comments: Excavation is sought as part of the works required for the in ground swimming pool due to the site's natural fall towards the north-east. Areas of excavation are appropriately setback from the property boundary and are limited to that reasonably necessary. Excavation works are acceptable subject to the imposition of conditions of consent ensuring the appropriate management of soils during the construction phases of development (**Condition 22**).

10: Water and Soil Management

10.1	Objectives	Satisfactory
A.	To encourage the incorporation of Water Sensitive Urban Design (WSUD) and Botany Improvement Plan principles in the development.	Yes
B.	To ensure compliance with Council's Stormwater Management Code	Yes
C.	To ensure compliance with the NSW State Government's Flood Prone Lands Policy.	Yes
D.	To ensure that appropriate soil erosion and sediment control measures are implemented on all sites that involve soil disturbances during construction.	Yes
E.	To ensure new building work does not detrimentally affect the existing drainage system of any area of the Municipality.	Yes
F.	To ensure that new development in areas that may be affected by acid sulphate soils do not adversely impact the underlying ground conditions, soil acidity and water quality.	Yes
G.	To appropriately manage stormwater and overland flow to minimise damage to occupants and property	Yes
10.2	Development Controls	Complies
.2.	Acid Sulfate Soils	
1	Site managed consistent with the provisions contained in Clause 6.1 SLEP 2012	Yes
.3.	Soil Erosion and Sediment Control	
1	Soil erosion and sediment control measures detailed and implemented prior to the commencement of work.	Yes
2	Sediment control measures applied	Yes
3	Plans provided detailing stormwater quality treatment	Yes

Comments: The site is neither subject to flooding nor is it affected by Acid Sulfate Soils. Council's Development Engineer has raised no concerns with the proposed method of stormwater drainage subject to conditions of consent.

11: Access, Safety and Security

11.1	Objectives	Satisfactory
A.	To encourage the incorporation of crime prevention principles in the design of the proposed developments.	Yes
B.	To increase the safety and perception of safety in public and semi-public spaces.	Yes

DA2018/139 - 70 Woodward Avenue, Strathfield
LOT Y DP 395737 (Cont'd)

C.	<i>To provide passive surveillance of the public domain to promote a safe pedestrian environment whilst maintaining the privacy of residents</i>		Yes
D.	<i>To ensure the safety of pedestrians by separating pedestrian access from vehicular access.</i>		Yes
11.2	Development Controls	Complies	
.1.	<i>Address and Entry Sightlines</i>		
	1	Occupants able to overlook public places to maximise passive surveillance	Yes
	2	Landscaping design around dwellings and ancillary structures to accommodate plant maturation	Yes
	3	External lighting enhance safe access and security and light spill does not adversely impact on adjoining properties.	Yes
	4	Crime Prevention through Environmental Design (CPTED) principles incorporated.	Yes
.2.	<i>Pedestrian Entries</i>		
	1	Pedestrian entries and vehicular entries suitably separated	Yes
	2	Dwelling entrances easily identifiable	Yes
	3	House numbers are to be clearly visible from the street	Yes

Comments: Pedestrian and vehicular entries are provided in the front setback accessed from Woodward Avenue. The entries are separated ensuring the safety of residents is maintained all times.

12: Ancillary Development

12.1	Objectives	Satisfactory	
A.	To ensure that ancillary development is compatible with the design of the principal dwelling, streetscape and adjoining dwellings in form, materials and colours		Yes
B.	<i>To limit the size, bulk and scale of ancillary structures and minimise their visibility from the public domain.</i>		Yes
C.	<i>To ensure that the provision of ancillary structures improves the amenity of residents whilst ensuring that the amenity of surrounding dwellings and neighbouring lots is maintained.</i>		Yes
D.	<i>To ensure that the provision of ancillary structures, such as air conditioning units, are considered at the design stage of a proposed development.</i>		Yes
12.2	Development Controls	Complies	
.3.	<i>Retaining Walls</i>		
	1	Retaining walls 1.2m (max) in height.	Yes
	2	Retaining walls in excess of 0.6m are fully designed and documented by a qualified practising engineer	Yes
.4.	<i>Air-conditioning</i>		
	1	Located away from the habitable rooms of adjoining properties and/or screened by acoustic treatments	Yes
	2	Any building work must not reduce the structural integrity of existing buildings	Yes
	3	Installation of residential grade air conditioners only	Yes
	4	Installation to comply with the Protection of the Environment Operations Act 1997	Yes

DA2018/139 - 70 Woodward Avenue, Strathfield
LOT Y DP 395737 (Cont'd)

and Protection of the Environment Operations (Noise Control) Regulation 2008		
.5.	<i>Satellite Dishes</i>	
	1 A maximum of one (1) satellite dish per property	Yes
	2 Located behind the front building line of the dwelling	Yes
	3 Located below the fence-line on corner allotments.	Yes
	4 A height of 2.4m (max) from NGL to the top of the satellite dish	Yes
	5 Satellite dishes set back 3m (min) from the side or rear boundary.	Yes
	6 Satellite dishes constructed of pre-finished steel in recessive colours	Yes
<i>Swimming Pools</i>		
.6.	1 Side and rear setbacks from the outside edge of the pool concourse are 1m (min) wide and comprise deep soil soft landscape area	Yes
	2 If greater than 1m above ground, the space between the bond beam/concourse and the ground is finished to Council's satisfaction	Yes
	3 The pool filter and pump equipment designed and located to not emit a noise level that exceeds 5dBA above the ambient background noise level measured at any property boundary. The pool equipment shall be located within an enclosed structure so as to not be readily visible.	Yes
	4 Lighting positioned to prevent light spillage and minimise any nuisance to adjoining premises.	Yes
	5 Enclosures shall comply with the Swimming Pools Act and relevant Australian Standards as amended.	Yes

Comments: The proposed swimming pool has included appropriate side and rear boundary setbacks of at least 2.8m. Retaining walls are sought along either side of the swimming pool, which do not protrude more than 600mm above the finished ground level of the yards. Conditions of consent are recommended to ensure the swimming pool complies with relevant legislation (**Condition 26**).

13: Ecologically Sustainable Development

13.1	Objectives	Satisfactory
A.	<i>To encourage passive and active strategies in the design of dwellings and ancillary structures that promotes the achievement of ecologically sustainable practices and BASIX requirements.</i>	Yes
B.	<i>To ensure dwellings are designed to allow sufficient natural ventilation and lighting whilst minimising heat gain during summer and maximising solar access during winter, thereby reducing the need for artificial cooling and heating.</i>	Yes
C.	<i>To minimise the over use of Sydney's limited high quality domestic water supply by ensuring new dwellings incorporate water storage tanks for use in toilet flushing, landscape irrigation and to encourage new dwellings, additions and alterations to incorporate water saving devices and water conservation strategies.</i>	Yes
D.	<i>To encourage the use of new technology that reduces energy consumption, minimises greenhouse emissions and results in cost savings</i>	Yes
E.	<i>To encourage the re-use of building materials, thereby reducing waste to landfill, transportation costs, conserving raw materials and reducing energy expenditure. (Refer to Part H Waste Minimisation and Management of SCDCP 2005).</i>	Yes
13.2	Development Controls	Complies
.1.	<i>Natural Lighting and Heating</i>	
	1 Living areas facing north, sleeping areas facing east/south, and utility areas orientated west/south to maximise winter solar access.	Yes

DA2018/139 - 70 Woodward Avenue, Strathfield
LOT Y DP 395737 (Cont'd)

	2	Trees planted to the north of the dwelling must be deciduous to allow solar access during the winter	Yes
	3	Materials used of high thermal mass	Yes
.2.	<i>Natural Cooling and Ventilation</i>		
	1	Windows and walls on northern facades shaded by shading devices, trees, eaves and louvres sympathetic to the dwelling	Yes
	2	Windows positioned to capture breezes and allow for cross-ventilation	Yes
<i>Water Tanks</i>			
.3.	1	Located behind the dwelling or behind the front building line and screened from view from the public domain	Yes
	2	Associated support structures and plumbing are a colour that complements the dwelling.	Yes
	3	Above ground water tanks located 450mm (min) from any property boundary	
	4	Above ground water tanks do not exceed 3m in height above NGL	Yes
	5	Overflow piped directly to the approved stormwater drainage system except in cases where stormwater is required to be directed to on-site stormwater detention (OSD) storage	Yes
	6	No part of the water tank or support stand may rest on a wall footing	Yes
	7	Installation does not involve the filling of more than 1m above existing ground level	Yes
	8	The tank not located over or adjacent to a water main or sewer main or installed over any associated structure or fittings	Yes
	9	Support structure installed to the requirements of a qualified practicing structural engineer or to the maker's specifications.	Yes
<i>Hot Water Heater Units</i>			
.4.	1	Located behind the dwelling or wholly behind the dwelling	Yes
	2	Not located on balconies unless screened from public view	Yes
	3	Placed within a short distance of the most frequent point of use	Yes

Comments: The BASIX Certificate submitted indicates that the proposal satisfies the required water, thermal comfort and energy ratings.

PART H - WASTE MANAGEMENT (SCDCP 2005)

A Waste Management Plan was submitted as part of the development application and has demonstrated compliance with Part H of the SCDCP 2005.

4.15 (1)(a)(iia) any planning agreement or draft planning agreement

No planning agreement has been entered into under section 7.4 of the *Environmental Planning and Assessment Act 1979*.

4.15 (1)(a)(iv) matters prescribed by the regulations

Clause 92 of the *Environmental Planning and Assessment (EP&A) Regulation 2000* requires Council to take into consideration the provisions of the Government Coastal Policy and Australian Standard AS2601-1991: *The Demolition of Structures*, in the determination of a development application.

DA2018/139 - 70 Woodward Avenue, Strathfield
LOT Y DP 395737 (Cont'd)

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)(ii) and does not involve the demolition of a building for the purposes of AS 2601 – 1991: *The Demolition of Structures*.

Should this application be approved, appropriate conditions of consent are included within the recommended to ensure compliance with any relevant regulations.

(i) 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*.

4.15(1)(b) the likely impacts of the development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality

Overall, the proposed design has been considered with respect to adjoining properties to minimise adverse impacts to adjoining neighbours and achieve an appropriate level of streetscape compatibility. The proposed development is not considered to result in any adverse environmental or social impacts and is considered satisfactory in this regard, subject to the imposition of conditions of consent.

4.15(1)(c) the suitability of the site for the development

The subject site is considered suitable for the proposed development and generally complies with Council's LEP and DCP requirements. Through the imposition of appropriate conditions, the amenity of the surrounding streetscape will be maintained.

4.15(1)(d) any submissions made in accordance with this Act or the regulations

The application was notified in accordance with Part L of the SCDP 2005 from **16 October 2018** to **2 November 2018**, with **no** submissions received as a result.

4.15(1)(e) the public interest

The public interest is served through the detailed assessment of this development application under the relevant local planning controls and legislation and consideration of any submissions received relating to it by Council. The proposed development is not considered to be contrary to the public interest.

DA2018/139 - 70 Woodward Avenue, Strathfield
LOT Y DP 395737 (Cont'd)

SECTION 7.11 CONTRIBUTIONS

Section 7.11 of the EP&A Act 1979 relates to the collection of monetary contributions from applicants for use in developing key local infrastructure. The Act reads as follows:

- “(1) If a consent authority is satisfied that development for which development consent is sought will or is likely to require the provision of or increase the demand for public amenities and public services within the area, the consent authority may grant the development consent subject to a condition requiring:*
- (a) the dedication of land free of cost, or*
 - (b) the payment of a monetary contribution,*
 - or both.*
- (2) A condition referred to in subsection (1) may be imposed only to require a reasonable dedication or contribution for the provision, extension or augmentation of the public amenities and public services concerned.”*

STRATHFIELD INDIRECT SECTION 7.11 CONTRIBUTIONS PLAN

Section 7.11 Contributions are applicable to the proposed development in accordance with the Strathfield Indirect Development Contributions Plan 2010-2030 as follows:

Local Amenity Improvement Levy	\$11,000.00
--------------------------------	--------------------

CONCLUSION

The application has been assessed having regard to Section 4.15 of the Environmental Planning and Assessment Act 1979, the Strathfield Local Environmental Plan 2012 and the Strathfield Development Control Plan 2005 and is considered to be satisfactory for approval, subject to the recommended conditions of consent.

Signed: Dragana Strbac
Student Planner

PEER REVIEW

The content and recommendation of the development assessment report has undergone peer review and is satisfactory for consideration by the Panel.

Signed: Kandace Lindeberg
Principal Development Planner

RECOMMENDATION

That Development Application No. DA2018/139 for the demolition of existing structures and construction of a new single dwelling house, including in-ground swimming pool and associated landscaping at 70 Woodward Avenue be **APPROVED**, subject to the following conditions:

GENERAL CONDITIONS (GC)

1. APPROVED PLANS AND REFERENCE DOCUMENTATION (GC)

The development, except where modified by a condition(s) of consent, is to be carried out in accordance with the following plans and reference documentation:

DA2018/139 - 70 Woodward Avenue, Strathfield
LOT Y DP 395737 (Cont'd)

Plans affixed with Council's 'Development Consent' stamp relating to Development Consent No. 2018/139:

Drawing No.	Title/Description	Prepared by	Issue / Revision & Date	Date received by Council
1	Site Plan	Hointon Pty Ltd		10 October 2018
2	Ground Floor Plan	Hointon Pty Ltd	14 November 2018	16 November 2018
3	First Floor Plan	Hointon Pty Ltd		10 October 2018
4	Elevations	Hointon Pty Ltd	14 November 2018	16 November 2018
7	Streetscape	Hointon Pty Ltd		10 October 2018
8	Site Analysis	Hointon Pty Ltd		10 October 2018
9	Demolition Plan	Hointon Pty Ltd		10 October 2018
	Schedule of Colours & Finishes			10 October 2018
	Vehicle Turning Paths	Varga Traffic Planning Pty Ltd	13 November 2018	16 November 2018
	BASIX Certificate	Noura Al Hazzouri	31 July 2018	10 October 2018
	Stormwater Drainage Plan	Arc Engineering	27 July 2018	10 October 2018
	Waste Management Plan	Hointon Pty Ltd		18 October 2018

(Reason: To ensure that the form of the development undertaken is in accordance with the determination of Council.)

2. **BUILDING HEIGHT - MAXIMUM RL TO BE COMPLIED WITH (GC)**

The height of the building measured from Australian Height Datum (AHD) must not exceed Relative Level (RL) 29.55 to the roof ridge of the building.

(Reason: To ensure the approved building height is complied with.)

3. **CONSTRUCTION HOURS (GC)**

No construction or any other work related activities shall be carried out on the site outside the hours of 7.00 am to 5.00 pm Mondays to Fridays and 8am to 1pm Saturdays.

No building activities are to be carried out at any time on a Sunday or public holiday.

Where the development involves the use of jackhammers/rock breakers and the like or other heavy machinery, such equipment may only be used between the hours of 7.00 am - 5.00 pm Monday to Friday only.

DA2018/139 - 70 Woodward Avenue, Strathfield
LOT Y DP 395737 (Cont'd)

(Reason: To maintain amenity to adjoining land owners.)

4. CONSTRUCTION WITHIN BOUNDARIES (GC)

The development including but not limited to footings, walls, roof barges and guttering must be constructed wholly within the boundary of the premises. No portion of the proposed structure shall encroach onto the adjoining properties. Gates must be installed so they do not open onto any footpath or adjoining land.

(Reason: Approved works are to be contained wholly within the subject site.)

5. DEMOLITION – GENERALLY (GC)

Alteration and demolition of the existing building is limited to that documented on the approved plans (by way of notation). No approval is given or implied for removal and/or rebuilding of any portion of the existing building which is not shown to be altered or demolished.

(Reason: To ensure compliance with the approved development.)

6. DEMOLITION - SITE SAFETY FENCING (GC)

Site fencing is to be erected to a minimum height of 1.8m complying with WorkCover Guidelines, to exclude public access to the site, prior to any demolition works occurring and maintained for the duration of the demolition works.

If applicable, a separate Hoarding Application for the erection of an A class (fence type) or B class (overhead type) hoarding/fencing along the street frontage(s) complying with WorkCover requirements must be obtained including:

- payment to Council of a footpath occupancy fee based on the area of footpath to be occupied and Council's Schedule of Fees and Charges before the commencement of work; and
- provision of a Public Risk Insurance Policy with a minimum cover of \$10 million in relation to the occupation of and works within Council's road reserve, for the full duration of the proposed works, must be obtained with a copy provided to Council.

(Reasons: Statutory requirement and health and safety.)

7. MATERIALS – CONSISTENT WITH SUBMITTED SCHEDULE (GC)

All external materials, finishes and colours are to be consistent with the schedule submitted and approved by Council with the development application.

(Reason: To ensure compliance with this consent.)

8. PRINCIPAL CERTIFYING AUTHORITY (PCA) IDENTIFICATION SIGN (GC)

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

- i) the Principal Certifying Authority (PCA) by showing the name, address and telephone number of the PCA;
- ii) the Principal Contractor by showing the Principal Contractor's name, address and

DA2018/139 - 70 Woodward Avenue, Strathfield
LOT Y DP 395737 (Cont'd)

- iii) telephone number (outside of work hours) for that person; and
the sign must state that unauthorised entry to the work site is prohibited.

Any such sign is to be maintained while the work is being carried out, but must be removed when the work has been completed.

This clause does not apply to building work, subdivision work or demolition work that is carried out inside an existing building that does not affect the external walls of the building.

(Reason: Statutory requirement.)

9. SITE MANAGEMENT (DURING DEMOLITION AND CONSTRUCTION WORKS)

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

- i) All demolition is to be carried out in accordance with Australian Standard AS 2601-2001.
- ii) Demolition must be carried out by a registered demolition contractor.
- iii) A single entrance is permitted to service the site for demolition and construction. Protection pads are to be installed to the kerb, gutter and nature strip where trucks and vehicles enter the site.
- iv) No blasting is to be carried out at any time during construction of the building.
- v) Care must be taken during demolition/ excavation/ building/ construction to prevent any damage to adjoining buildings.
- vi) Adjoining owner property rights and the need for owner's permission must be observed at all times, including the entering onto land for the purpose of undertaking works.
- vii) Any demolition and excess construction materials are to be recycled wherever practicable.
- viii) The disposal of construction and demolition waste must be in accordance with the requirements of the Protection of the Environment Operations Act 1997.
- ix) All waste on the site is to be stored, handled and disposed of in such a manner as to not create air pollution (including odour), offensive noise or pollution of land and/or water as defined by the Protection of the Environment Operations Act 1997. All excavated material should be removed from the site in an approved manner and be disposed of lawfully to a tip or other authorised disposal area.
- x) All waste must be contained entirely within the site.
- xi) A site plan including temporary waste storage locations, construction material storage areas and vehicular access to and from the site must be included with application.
- xii) Section 143 of the Protection of the Environment Operations Act 1997 requires waste to be transported to a place which can lawfully accept it. All non-recyclable demolition materials are to be disposed of at an approved waste disposal depot in accordance with legislation.
- xiii) Details as to the method and location of disposal of demolition materials (weight dockets, receipts, etc.) should be kept on site as evidence of approved methods of disposal or recycling and must be presented to Council and/or Principal Certifying Authority upon request.
- xiv) All materials on site or being delivered to the site are to generally be contained within the site. The requirements of the Protection of the Environment Operations Act 1997 must be complied with when placing/stockpiling loose material, disposing of concrete waste, or other activities likely to pollute drains or water courses.
- xv) Any materials stored on site must be stored out of view or in such a manner so as not to cause unsightliness when viewed from nearby lands or roadways.
- xvi) Public footways, include nature strips and roadways adjacent to the site must be

DA2018/139 - 70 Woodward Avenue, Strathfield
LOT Y DP 395737 (Cont'd)

maintained and cleared of obstructions during construction. No building materials, waste containers or skips may be stored on the road reserve or footpath without prior separate approval from Council, including payment of relevant fees.

- xvii) Building operations such as brick-cutting, washing tools or paint brushes, and mixing mortar not be performed on the roadway or public footway or any other locations which could lead to the discharge of materials into the stormwater drainage system.
- xviii) All site waters during excavation and construction must be contained on site in an approved manner to avoid pollutants entering into waterways or Council's stormwater drainage system.
- xix) Any work must not prohibit or divert any natural overland flow of water.
- xx) Toilet facilities for employees must be provided in accordance with WorkCover NSW.

(Reason: To ensure that demolition, building and any other site works are undertaken in accordance with relevant legislation and policy and in a manner which will be non-disruptive to the local area.)

10. UTILITIES PUBLIC INFRASTRUCTURE AND SERVICES (DW)

The applicant must comply with the requirements (including financial costs) of any relevant utility provider (e.g. Energy Australia, Sydney Water, Telstra, RMS, Council etc.) in relation to any connections, works, repairs, relocation, replacements and/or adjustments to public infrastructure or services affected by the development.

(Reason: To maintain public infrastructure and/or services.)

11. STORMWATER MANAGEMENT PLAN - CERTIFICATION REQUIREMENT (GC)

A detailed Stormwater Management Plan (SWMP) in line with Council's Stormwater Management Code is to be prepared and certified by a practicing Chartered Professional Engineer on the National Professional Engineer's Register (NPER) at Engineers Australia and submitted to the Principal Certifying Authority and Council, prior to the issue of a Construction Certificate. The SWMP is to be based on the approved development as modified by any conditions of consent.

(Reason: To ensure appropriate provision is made for the disposal and management of stormwater generated by the development, and to ensure public infrastructure in Council's care and control is not overloaded.)

12. SYDNEY WATER - STAMPED PLANS PRIOR TO COMMENCEMENT (GC)

The approved plans must be submitted to a Sydney Water Quick Check agent or Customer Centre to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. Plans will be appropriately stamped.

For Quick Check agent details please refer to the web site www.sydneywater.com.au (see Building Developing and Plumbing then Quick Check) or telephone 13 20 92. The consent authority or a Certifying Authority must ensure that a Quick Check agent/Sydney Water has stamped the plans before the commencement of work.

(Reason: Compliance with Sydney Water requirements.)

13. LANDSCAPING - TREE PRESERVATION (GC)

All street trees and trees on private property proposed for removal are protected under Council's controls. They are to be retained and protected and are subject to a separate

DA2018/139 - 70 Woodward Avenue, Strathfield
LOT Y DP 395737 (Cont'd)

written development application if removal is proposed. The felling, lopping, pruning, topping, ringbarking, wilful destruction (including branch, trunk and root damage) or removal of any tree/s unless in conformity with this approval or subsequent approval is prohibited. This development application shall include a detailed arborist report from an Australian Qualification Framework (AQF) Level 5 Arborist, detailing the tree species, size, location, health and condition of each of the trees proposed to be removed and the impacts on these trees from the proposed site works.

All protected trees are to be suitably managed & protected in accordance with Australian Standard AS4970 - 2009, Protection of Trees on Development Sites prior to the commencement of any works (including any demolition and excavation) and maintained for the duration of the works.

(Reason: To ensure the protection of trees to be retained on the site.)

14. **TREE BONDS (CC)**

A tree bond of **\$6,600** for each street tree adjacent to the site and proposed works (calculated in accordance with Council's adopted Fees and Charges) shall be paid to Council, prior to the issue of a Construction Certificate.

The deposit is required as security against any damage to existing trees to be retained on Council's road reserve, during works on the site. The applicant must bear the cost of all restoration works to Council's property damaged during the course of this development.

Payment may be accepted in the form of cash, bank guarantee, cheque or credit card (financial transactions fees apply). Note: Additional fees apply for the lodgement of a bank guarantee in lieu of cash bond applies in accordance with Council's adopted Fees and Charges.

This bond will be held for 12 months following the issue of the Occupation certificate. A refund of the Tree Bond must be made in writing.

Tree Bonds may be forfeited if a tree is dead, made dangerous or has been terminally damaged, or will be held until tree/s have fully recovered from the construction damage or where replacement/planted trees have become fully established and are over 6 metres in height.

(Reason: To ensure the protection of trees to be retained on Council's Road Reserve.)

CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE (CC)

15. **BASIX COMMITMENTS (CC)**

The approved BASIX Certificate shall be submitted to the Principal Certifying Authority with the application for a Construction Certificate.

Where a change or changes are proposed in the BASIX commitments, the applicant must submit a new BASIX Certificate to the Principal Certifying Authority and Council. If any proposed change in the BASIX commitments is inconsistent with the development consent the applicant will be required to submit a modification to the development consent to Council under Section 4.55 of the Environmental Planning and Assessment Act 1979.

All commitments in the BASIX Certificate must be shown on the plans accompanying the Construction Certificate.

DA2018/139 - 70 Woodward Avenue, Strathfield
LOT Y DP 395737 (Cont'd)

(Reason: Statutory compliance.)

16. BUILDING CODE OF AUSTRALIA - COMPLIANCE WITH (CC)

All architectural drawings, specifications and related documentation shall comply with the Building Code of Australia (BCA). All work must be carried out in accordance with the requirements of the Building Code of Australia (BCA).

In the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance in force in accordance with Part 6 of that Act, such a contract of insurance is to be in force before any building work authorised to be carried out by the consent commences.

Details demonstrating compliance with this condition are to be submitted to the Principle Certifying Authority, prior to issue of the Construction Certificate.

(Reason: This is a 'prescribed' condition under clause 98(1) of the Environmental Planning and Assessment Regulation 2000.)

17. CAR PARKING - VEHICULAR ACCESS RAMPS (CC)

Vehicular access ramps shall comply with the provisions of AS/NZS 2890.1:2004. Plans to be submitted shall contain the following details:

- i) Longitudinal section along the extreme wheel paths of each driveway/access ramp at a scale of 1:25 demonstrating compliance with the scraping provisions of AS/NZS 2890.1:2004. It shall include all levels and grades, including those levels stipulated as boundary levels, both existing and proposed. It shall extend from the centre-line of the roadway through to the parking area.
- ii) Sections showing the clearance to the underside of any overhead structure (minimum headroom requirements 2200mm minimum for standard headroom clearance or 2400mm where disabled access provisions are to be provided) demonstrating compliance with the provisions of AS/NZS 2890.1:2004.
- iii) Longitudinal section along the gutter line showing how it is intended to transition the vehicular crossing into the existing kerb and gutter. Boundary levels shall generally run parallel with the kerb levels.
- iv) Location of verge trees, street furniture and service installations.
- v) Superimposition of vehicle turning circles for access into parking spaces.
- vi) Certification that the design complies with AS/NZS 2890.1:2004 by a Qualified Engineer.

The certification referred to in (vi) above shall be submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate (for the design) and to the Principal Certifying Authority prior to the issue of any Occupation Certificate for the 'as-built works'.

(Reason: To ensure adequate vehicular access can be achieved.)

18. CAR PARKING - COMPLIANCE WITH AS/NZS 2890.1:2004 (CC)

Car parking dimensions must comply with the Australian/New Zealand Standard AS/NZS 2890.1:2004 - Parking facilities - Off-street car parking. Details demonstrating compliance are to be submitted to the Principal Certifying Authority, prior to the issue of a Construction Certificate.

(Reason: To ensure compliance with Australian Standards relating to parking of vehicles.)

DA2018/139 - 70 Woodward Avenue, Strathfield
LOT Y DP 395737 (Cont'd)

19. CAR PARKING - VEHICULAR CROSSING WIDTH AT PROPERTY BOUNDARY (CC)

Vehicular crossings are to have a maximum width of 3m at the property boundary. Details demonstrating compliance are to be submitted to the Principal Certifying Authority, prior to the issue of a Construction Certificate.

The vehicular crossing (and all associated excavation works) must not be constructed closer than 2 metres from a retained protected street tree.

(Reason: Compliance with SCDCP 2005.)

20. COMMENCEMENT OF WORKS (NO WORKS UNTIL A CC IS OBTAINED)

Building work, demolition or excavation must not be carried out until a Construction Certificate has been issued by either Strathfield Council or a Principal Certifying Authority.

Demolition of any part of a building triggers 'commencement of erection of building' pursuant of section 4.19 of the EP&A Act 1979. Accordingly, demolition works must not commence until a Construction Certificate has been issued, a Principal Certifying Authority has been appointed and a Notice of Commencement has been issued.

(Reason: To ensure compliance with statutory provisions.)

21. COUNCIL PERMITS – FOR ALL ACTIVITIES ON COUNCIL LAND (CC)

Works Permit

(as per Section 68 of the Local Government Act 1993 and Section 138 and 139 of the Roads Act 1993)

A Works Permit is required for construction of a vehicular crossing (driveway), new stormwater down pipe connection to kerb and gutter, new footpath and/or stormwater connection. A Works Permit Application Form is available from Council's Customer Centre or can be downloaded from Council's website. The applicable fees and charges are located on Council's website.

Standing Plant Permit

This permit must be applied for where it is intended to park a concrete pump, crane or other plant on the roadway or footpath. A Standing Plant Permit Application Form is available from Council's Customer Centre or can be downloaded from Council's website. The applicable fees and charges are located on Council's website. Please note a Road Closure Permit is not required for standing plant.

Skip Bin Permit

This permit must be applied for if you intend to place a skip bin on the roadway or footpath. A Skip Bin Application Form is available from Council's Customer Centre or can be downloaded from Council's website. The applicable fees and charges are located on Council's website.

Temporary Full or Part Road Closure Permit

This permit must be applied for if you require a full or a part road closure to take place to assist in your construction works. Please use the Works Permit Application Form, which is available from Council's Customer Service Centre or can be downloaded from Council's website. The applicable fees and charges are located on Council's website. Please note a Road Closure Permit is not required for standing plant.

DA2018/139 - 70 Woodward Avenue, Strathfield
LOT Y DP 395737 (Cont'd)

Hoarding/Fencing Permit

This permit must be applied for if you intend to erect a Class A (fence type) or Class B (overhead type) hoarding/fencing along the street frontage(s). A Hoarding Permit Application Form is available from Council's Customer Service Centre or can be downloaded from Council's website. The applicable fees and charges are located on Council's website.

Work Zone Permit

This permit must be applied for if you require permanent parking along the kerbside at the front of the site during construction works. A Work Zone Permit Application Form is available from Council's Customer Service Centre or can be downloaded from Council's website. The applicable fees and charges are located on Council's website.

Ground Anchoring Permit

This permit must be applied for, for the installation of ground anchors under Council's footway/road reserve. It does not cover ground anchors under private properties. A separate approval is required to be obtained from Roads and Maritime Services (RMS) if it is proposed to install ground anchors under a State or Classified Regional Road (please refer to the end of this application form for more information).

(Reason: Council requirement.)

22. **EROSION AND SEDIMENTATION CONTROL PLAN (CC)**

An Erosion and Sediment Control Plan is to be prepared where construction or excavation activity requires the disturbance of the soil surface and existing vegetation. Details including drawings and specifications must provide adequate measures for erosion and sediment control to ensure:

- i) Compliance with the approved Soil and Water Management Plan.
- ii) Removal or disturbance of vegetation and top soil is confined to within 3m of the approved building area (no trees to be removed without approval).
- iii) All uncontaminated run-off is diverted around cleared or disturbed areas.
- iv) Silt fences or other devices are installed to prevent sediment and other debris escaping from the cleared or disturbed areas into drainage systems or waterways.
- v) All erosion and sediment controls are fully maintained for the duration of demolition/development works.
- vi) Controls are put into place to prevent tracking of sediment by vehicles onto adjoining roadways.
- vii) All disturbed areas are rendered erosion-resistant by turfing, mulching, paving or similar.
- viii) All water pumped or otherwise removed from excavations or basement areas is filtered to achieve suspended solids/non filterable residue levels complying with the Australian Water Quality guidelines for Fresh and Marine Waters.
- ix) Pumped or overland flows of water are discharged so as not to cause, permit or allow erosion before the commencement of work (and until issue of the occupation certificate).

Details of the proposed soil erosion and sedimentation controls are to be submitted to the Principal Certifying Authority with the Construction Certificate Application. Under no circumstances are any works to commence, prior to these details being approved by the Principal Certifying Authority and the controls being in place on the site.

(Reason: Environmental protection.)

DA2018/139 - 70 Woodward Avenue, Strathfield
LOT Y DP 395737 (Cont'd)

23. **SECTION 7.11 CONTRIBUTION PAYMENT - INDIRECT CONTRIBUTIONS PLAN) (CC)**

In accordance with the provisions of Section 7.11 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:

Local Amenity Improvement Levy	\$11,000.00
--------------------------------	-------------

The total amount of the contribution is valid as at the date of determination and is subject to quarterly indexation. 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.

Contributions must be receipted by Council and submitted to the Accredited Certifier, prior to the issue of any Construction Certificate.

A copy of this condition is to be presented to Council's Customer Service Centre when paying the contribution so that it can be recalculated.

Note: A copy of Strathfield Council's Section 7.11 Indirect Development Contributions Plan may be downloaded from Council's website.

(Reason: To enable the provision of public amenities and services required/anticipated as a consequence of increased demand resulting from the development.)

24. **SECURITY PAYMENT - DAMAGE DEPOSIT FOR COUNCIL INFRASTRUCTURE (CC)**

A security (damage deposit) of **\$15, 000.00** (calculated in accordance with Council's adopted Fees and Charges) shall be paid to Council, prior to the issue of a Construction Certificate.

The deposit is required as security against any damage to Council property during works on the site. The applicant must bear the cost of all restoration works to Council's property damaged during the course of this development. All building work must be carried out in accordance with the Building Code of Australia.

Payment may be accepted in the form of cash, bank guarantee, cheque or credit card (financial transactions fees apply). Note: Additional fees apply for the lodgement of a bank guarantee in lieu of cash bond applies in accordance with Council's adopted Fees and Charges.

Any costs associated with works necessary to be carried out to rectify any damages caused by the development, shall be deducted from the Damage Deposit.

Note: Should Council property adjoining the site be defective e.g. cracked footpath, broken kerb etc., this should be reported in writing, or by photographic record, submitted to Council at least seven (7) days prior to the commencement of any work on site. This documentation will be used to resolve any dispute over damage to infrastructure. It is in the applicant's interest for it to be as full and detailed as possible.

The damage deposit shall be refunded upon completion of all works upon receipt of a Final Occupation Certificate stage and inspection by Council.

(Reason: Protection of Council infrastructure.)

DA2018/139 - 70 Woodward Avenue, Strathfield
LOT Y DP 395737 (Cont'd)

25. STORMWATER - RAINWATER RE-USE (CC)

A rainwater re-use system shall be provided in accordance with either the BASIX minimum requirements, any relevant Council Rainwater Policy and/or specification of the management of stormwater, whichever is applicable. A detailed stormwater plan showing the proposed re-use system shall be submitted to and approved by the Principal Certifying Authority, prior to the issue of a Construction Certificate.

(Reason: Compliance and amenity.)

26. SWIMMING POOLS / SPAS (CONSTRUCTION OF)

The approved swimming pool/spa must comply with all relevant legislation including:

- i) Swimming Pools Amendment Act 1992 (as amended);
- ii) Swimming Pools Regulations 2008; and
- iii) Australian Standard AS1926.1-2012 – Safety Barriers for Swimming Pools.

Details demonstrating compliance with this condition shall be demonstrated to the Principal Certifying Authority, prior to the issue of a Construction Certificate.

(Reason: Safety and statutory compliance.)

CONDITIONS TO BE SATISFIED PRIOR TO THE COMMENCEMENT OF WORKS (CW)

27. APPOINTMENT OF A PRINCIPAL CERTIFYING AUTHORITY (PCA) (CW)

No work shall commence in connection with this Development Consent until:

- i) A construction certificate for the building work has been issued by the consent authority or a Principal Certifying Authority.
- ii) The person having the benefit of the development consent has appointed a principal certifying authority for the building work, and notified the principal certifying authority that the person will carry out the building work as an owner/builder, if that is the case.
- iii) The principal certifying authority has, no later than 2 days before the building work commences:
 - notified the Council of his or her appointment, and
 - notified the person having the benefit of the development consent of any critical stage inspections and other inspections that are to be carried out in respect of the building work.
- iv) The person having the benefit of the development consent, if not carrying out the work as an owner-builder, has:
 - appointed a principal contractor for the building work who must be the holder of a contractor licence if any residential building work is involved;
 - notified the principal certifying authority of such appointment; and
 - unless that person is the principal contractor, notified the principal contractor of any critical stage inspections and other inspections that are to be carried out in respect of the building work.
- v) The person having the benefit of the development consent has given at least 2 days' notice to the Council of the person's intention to commence the erection of the building.

Note: If the principal certifying authority is the Council, the nomination will be subject to the payment of a fee for the service to cover the cost of undertaking all necessary inspections and the issue of the appropriate certificates.

DA2018/139 - 70 Woodward Avenue, Strathfield
LOT Y DP 395737 (Cont'd)

Under the Environment Planning and Assessment (Quality of Construction) Act, 2003, a sign must be erected in a prominent position on the work site showing the name, address and telephone number of the principal certifying authority; the name of the principal contractor (if any) for the building work and a telephone number at which that person may be contacted outside working hours. That sign must also state that unauthorised entry is prohibited. The sign must not be removed until all work has been completed.

(Reason: Statutory requirement.)

28. NOTICE OF COMMENCEMENT (CW)

No work shall commence until the following details are submitted to Council:

- i) a Notice of Commencement (form will be attached with issue of a Construction Certificate or available from our website) within two (2) days of the date on which it is proposed to commence works associated with the Development Consent;
- ii) details of the appointment of a Principal Certifying Authority (either Council or another Principal Certifying Authority); and
- iii) details of the name, address and licence details of the Builder.

(Reason: Statutory requirement.)

CONDITIONS TO BE SATISFIED DURING DEMOLITION AND BUILDING WORKS (DW)

29. PUBLIC INFRASTRUCTURE AND SERVICES (DW)

The applicant must comply with the requirements (including financial costs) of any relevant utility provider (e.g. Energy Australia, Sydney Water, Telstra, RMS, Council etc.) in relation to any connections, works, repairs, relocation, replacements and/or adjustments to public infrastructure or services affected by the development.

(Reason: To maintain public infrastructure and/or services.)

30. SURVEY REPORT OF APPROVED LEVELS DURING AND POST CONSTRUCTION (DW)

A Survey Certificate to Australian Height Datum shall be prepared by a Registered Surveyor as follows:

- i) At the completion of the first structural floor level prior to the pouring of concrete indicating the level of that floor and the relationship of the building to the boundaries.
- ii) At the completed height of the building, prior to the placement of concrete in form work, or the laying of roofing materials.
- iii) At the completion of the development.

Progress certificates in response to points (1) through to (3) shall be provided to the Principal Certifying Authority at the time of carrying out relevant progress inspections. Under no circumstances is work allowed to proceed until such survey information is submitted to and approved by the Principal Certifying Authority.

(Reason: To ensure compliance with the approved plans.)

31. HERITAGE - HISTORIC RELICS FOUND DURING WORKS (DW)

Should any potentially historic relics be discovered on the site during excavation, all excavation or disturbance to the area is to stop immediately and the Heritage Division of the

DA2018/139 - 70 Woodward Avenue, Strathfield
LOT Y DP 395737 (Cont'd)

NSW Department of Environment and Heritage should be informed in accordance with Section 146 of the Heritage Act 1977. 'Relics' are any deposit, artefact, object or material evidence that relates to the settlement of the area that comprises New South Wales, not being Aboriginal settlement, and are of State or local heritage significance.

Should any potentially significant Aboriginal material be discovered on the site, all excavation or disturbance of the area is to stop immediately and the Heritage Division of the NSW Department of Environment and Heritage is to be informed in accordance with Section 91 of the National Parks and Wildlife Act 1974.

(Reason: To ensure the proper management and preservation of potentially significant archaeological material.)

CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE (OC)

32. ENGINEERING WORKS (CERTIFICATION OF)

Prior to occupation of the premises, a Work As Executed (WAE) Plan of all engineering and/or drainage works is to be submitted to the Principal Certifying Authority. The WAE Plan is to be certified by a suitably Qualified Engineer, with Corporate Membership standing in the Institution of Engineers Australia and registered on the National Professional Engineers Register (NPER) under the appropriate professional category, demonstrating that:

- i) the stormwater drainage system; and/or
- ii) the car parking arrangement and area; and/or
- iii) any related footpath crossing works; and/or
- iv) the proposed basement pump and well system; and/or
- v) the proposed driveway and layback; and/or
- vi) any other civil works

have been constructed in accordance with the approved plans and any relevant Standards and Council policies/specifications.

For major works, such as subdivisions, works within the road reserve (requiring separate S138 approval) and as where specified by Council, a Part 4A Certificate will be required. It is strongly recommended that an Engineer supervise all engineering related works.

Where Council is not the Principal Certifying Authority, an electronic copy of the above documents is to be provided to Council, prior to the issue of any Occupation Certificate.

(Reason: Asset management.)

33. OCCUPATION OF BUILDING (OC)

A person must not commence occupation or use (or change of use where an existing building) of the whole or any part of a new building (within the meaning of section 109H (4) of the Act) unless an Interim Occupation Certificate or Final Occupation Certificate has been issued in relation to the building or part.

The Principal Certifying Authority is required to be satisfied, amongst other things, that:

- i) all required inspections (including each applicable mandatory critical stage inspection) have been carried out; and
- ii) any preconditions to the issue of the certificate required by a development consent have been met.

DA2018/139 - 70 Woodward Avenue, Strathfield
LOT Y DP 395737 (Cont'd)

Note: New building includes an altered portion of, or an extension to, an existing building.

(Reason: Statutory requirement.)

34. RAINWATER TANKS (OC)

Rainwater tanks must be installed on residential properties by a suitably qualified and licensed plumber and in accordance with the following:

- i) Australian/New Zealand Standard AS/NZS 3500:2003;
- ii) NSW Code of Practice Plumbing and Drainage, 2006 produced by Committee on Uniformity of Plumbing and Drainage Regulations in NSW (CUPDR); and
- iii) Council's rainwater tank policy.

Details demonstrating compliance with this condition are to be submitted to the Principal Certifying Authority, prior to the issue of any Occupation Certificate.

(Reason: To protect public health and amenity.)

35. STORMWATER - CERTIFICATION OF THE CONSTRUCTED DRAINAGE SYSTEM (OC)

The constructed stormwater system shall be certified by a suitably qualified person, in accordance with Council's Stormwater Management Code, prior to the issue of any Occupation Certificate.

(Reason: Adequate stormwater management.)

ATTACHMENTS

There are no attachments for this report.

TO: Strathfield Internal Development Assessment Panel Meeting - 17 January 2019

REPORT: IDAP – Report No. 6

SUBJECT: DA2018/126 - 23A HOWARD STREET, STRATHFIELD 2135
LOT 1 DP 831368

DA NO. DA2018/126

SUMMARY

Proposal: Demolition of existing structures and construction of a single dwelling and front boundary fence.

Applicant: Minto Planning Services Pty Ltd

Owner: Maryann Argyrou

Date of lodgement: 13 September 2018

Notification period: 24 September 2018 to 12 October 2018

Submissions received: One (1)

Assessment officer: DS

Estimated cost of works: \$1,001,565

Zoning: R2 Low Density Residential- SLEP 2012

Heritage: No

Flood affected: No

RECOMMENDATION OF OFFICER: **Approval**

EXECUTIVE SUMMARY

- 1.0 The application seeks approval for the demolition of existing structures and construction of a new single dwelling and front boundary fence/
- 2.0 The application was notified in accordance with Part L of the Strathfield Consolidated Development Control Plan (SCDCP) 2005 with one (1) submission raised during this time.
- 3.0 Amended plans were submitted addressing issues relating to the depth of the two storey portico, loss of privacy, inappropriate height of roof and fencing. The amended plans are considered to achieve an improved compatibility with the existing dwellings within the streetscape. However, concerns raised with regards to fencing and roof height remain unresolved and have been addressed via conditions.
- 4.0 The proposal subject to recommended conditions is considered suitable and appropriate for the proposed site. The application is recommended for approval, subject to the conditions of consent.

BACKGROUND

13 September 2018	The application was lodged and allocated to the responsible officer
24 September 2018	The application was neighbor notified for a period of two weeks. One (1) objection was received as a result.
3 October 2018	A letter requesting additional information was sent to the applicant regarding issues relating to the two storey portico depth and privacy loss.

DA2018/126 - 23A Howard Street, Strathfield 2135
LOT 1 DP 831368 (Cont'd)

4 October 2018	Amended plans were submitted addressing the two storey portico depth and details of the location of the existing neighbouring windows.
12 October 2018:	Correspondence was forwarded to the applicant requesting further information regarding visual privacy, fencing and roof height. Concerns were raised that the height of the roof contributed to additional gross floor area within the roof, which exceeded the development standard and would not be supported.
21 October 2018	Amended plans were submitted, which satisfied the issues raised in regards to visual privacy but did not satisfy the matter of the fence or the height of the roof, its form or the additional gross floor area as a result.

DESCRIPTION OF THE SITE AND LOCALITY

The subject site is legally described as Lot 1 in DP 831368 and is commonly known as 23A Howard Street, Strathfield (Figure 1). The site is located on the corner of Shortland Avenue and Howard Street and comprises a total lot area of 398sqm. The site is the subject of an earlier subdivision and is subsequently constrained by its lot dimensions. The site is rectangular in shape and has a frontage to Howard street of 16.3 metres along the eastern boundary and secondary frontage to Shortland Street of 26.2 metres located along the southern.

The existing development on the site comprises a single storey residential dwelling with exposed face brick and a tiled pitch roof form (Figure 2). Vehicular access is provided to the site via a driveway on the eastern end. The current streetscape is primarily characterised by two (2) storey residential dwellings that have tiled pitched roof forms and exposed brick and rendered exterior walls.

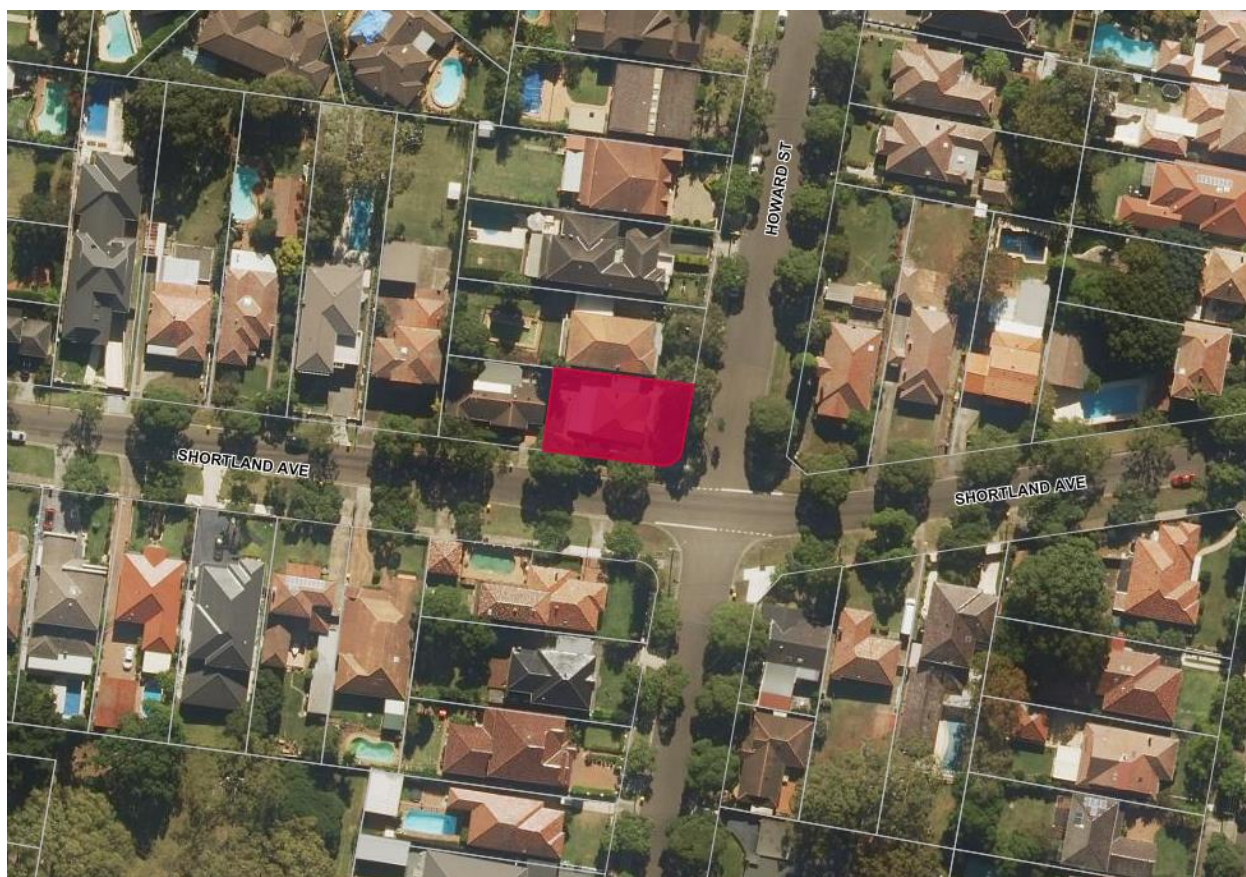


Figure 1: The site and the surrounding context

DA2018/126 - 23A Howard Street, Strathfield 2135
LOT 1 DP 831368 (Cont'd)



Figure 2: The existing residential dwelling located on the subject site.



Figure 3: The existing residential dwelling from Shortland Avenue.

DA2018/126 - 23A Howard Street, Strathfield 2135
LOT 1 DP 831368 (Cont'd)



Figure 4: Residential dwelling neighbouring the subject site.



Figure 5: Residential dwelling located in the immediate vicinity of the subject site.

DA2018/126 - 23A Howard Street, Strathfield 2135
LOT 1 DP 831368 (Cont'd)



Figure 6: Residential dwelling located in the immediate vicinity of the subject site.

PROPERTY BURDENS AND CONSTRAINTS

There are no easements or burdens on the land which could affect, or be affected by, the proposed development.

DESCRIPTION OF THE PROPOSED DEVELOPMENT

The application seeks Council consent for the demolition of the existing structures and construction of a single dwelling house and front boundary fence. The specific elements of the proposal involve:

Ground floor level:

- Kitchen, pantry, dining room;
- Laundry and Bathroom;
- Living and Family Rooms;

First floor level:

- Four (4) bedrooms, one with ensuite;
- Two (2) bathrooms;

External works:

- Front fence;
- Alfresco and BBQ area; and
- Associated landscaping works

A photomontage of the proposed residential dwelling is shown below in Figure 7.

DA2018/126 - 23A Howard Street, Strathfield 2135
LOT 1 DP 831368 (Cont'd)



Figure 7: Photomontage of the site frontage subject to this development application.

REFERRALS

INTERNAL REFERRALS

Engineering Comments

Council's Engineer has commented on the proposal as follows:

*"I have referred to the development application referenced above and reviewed the stormwater drainage concept plan prepared by **ALW Design Issue A dated 18.08.2018**.*

The subject site has a natural fall to the rear, but fall to Shortland Avenue has enabled the applicant to submit a compliant design. The provision of water sensitive urban design is not required as the site is less than 2000m². OSD provision is not required as the site cumulative imperviousness is less than 65% of total site area.

The site discharges to the street kerb and gutter by means of a gravity pipe via the boundary pit. All roof runoff drains into the proposed below ground rainwater tank in accordance with BASIX requirements via downpipes by charged means.

Overflow from the rainwater tank drains into the boundary pit by gravity means via overflow pipe. Proposed driveway runoff drains into boundary pit by gravity means via grated trench drain. From an engineering perspective, the concept plan is feasible and there are no objections to its approval subject to the following conditions attached."

Council's Engineer offered no objections to the proposal, subject to the imposition of recommended conditions of consent.

SECTION 4.15 CONSIDERATIONS – EP&A Act, 1979

DA2018/126 - 23A Howard Street, Strathfield 2135
LOT 1 DP 831368 (Cont'd)

In determining a development application, the consent authority is to take into consideration the following matters of consideration contained within Section 4.15 of the Environmental Planning and Assessment Act, 1979 as relevant to the development application:

4.15(1)(a) the provisions of:

(i) any environmental planning instrument

STATE ENVIRONMENTAL PLANNING POLICY (SEPP) – BASIX 2004

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 as part of the application which indicates that the proposal meets the required reduction targets. An appropriate condition of consent will be imposed to ensure future compliance with these targets.

State Environmental Planning Policy No 55 – Remediation of Land

SEPP 55 applies to the land and pursuant to Section 4.15 is a relevant consideration. A review of the available history for the site gives no indication that the land associated with this development is contaminated. There were no historic uses that would trigger further site investigations.

The objectives outlined within SEPP55 are considered to be satisfied.

STRATHFIELD LOCAL ENVIRONMENTAL PLAN (SLEP) 2012

An assessment of the proposal against the general aims of SLEP 2012 is included below:

Cl. 1.2(2)	Aims	Complies
(a)	<i>To achieve high quality urban form by ensuring that new development exhibits design excellence and reflects the existing or desired future character of particular localities and neighbourhoods in Strathfield</i>	Yes
(b)	<i>To promote the efficient and spatially appropriate use of land, the sustainable revitalisation of centres, the improved integration of transport and land use, and an appropriate mix of uses by regulating land use and development</i>	Yes
(c)	<i>To promote land uses that provide a wide range of employment, recreation, retail, cultural, service, educational and other facilities for the local community</i>	Yes
(d)	<i>To provide opportunities for economic growth that will enhance the local community</i>	Yes
(e)	<i>To promote future development that integrated land use and transport planning, encourages public transport use, and reduced the traffic and environmental impacts of private vehicle use</i>	Yes
(f)	<i>To identify and protect environmental and cultural heritage</i>	Yes
(g)	<i>To promote opportunities for social, cultural and community activities</i>	Yes
(h)	<i>To minimise risk to the community by identifying land subject to flooding and restricting incompatible development</i>	Yes

Comments: The proposed works will result in a new two (2) storey residential dwelling that is of a high quality built form and reflects the existing and future character of the area.

DA2018/126 - 23A Howard Street, Strathfield 2135
 LOT 1 DP 831368 (Cont'd)

Permissibility

The subject site is Zoned R2 Low Density Residential under Strathfield Local Environmental Plan (SLEP) 2012. '**Dwelling houses**' are permissible with consent within the R2 Low Density Zone and defined under SLEP 2012 as, '*a building containing only one dwelling*'.

The proposed development for the purpose of a '**dwelling house**' is consistent with the definition above.

Zone Objectives

An assessment of the proposal against the objectives of the R2 Low Density Residential Zone is included below:

Objectives	Complies
➤ To provide for the housing needs of the community within a low density residential zone.	Yes
➤ To enable other land uses that provide facilities or services to meet the day to day needs of residents.	Yes
➤ To ensure that development of housing does not adversely impact the heritage significance of adjacent heritage items and conservation areas.	Yes

Comments: The proposal will result in a high quality residential dwelling that will provide for the needs of future residents located on the subject site. Although the subject site is not situated in the vicinity of any heritage listed items or heritage conservation areas, the design has taken into consideration the existing and the future desired character of the wider streetscape, to ensure the amenity is being retained.

Part 4: Principal development standards

An assessment of the proposal against the relevant provisions contained within Part 4 of the SLEP 2012 is provided below.

Height of building

Cl.	Standard	Controls	Proposed	Complies
4.3	Height of building	9.5m	8.9m	Yes

Objectives	Complies
(a) To ensure that development is of a height that is generally compatible with or which improves the appearance of the existing area	Yes
(b) To encourage a consolidation pattern that leads to the optimum sustainable capacity height for the area	Yes
(c) To achieve a diversity of small and large development options.	Yes

Comments: The application proposes a maximum building height of 8.9m, which is compliant with Council's 9.5m maximum building height requirement as determined by Clause 4.3 of the SLEP 2012.

Floor space ratio

Cl.	Standard	Controls	Proposed	Complies
4.4	Floor space ratio	0.65:1 (258.7m ²)	0.69:1 (276.3m ²)	No

Objectives	Complies
(a) To ensure that dwellings are in keeping with the built form character of the local area	Yes

DA2018/126 - 23A Howard Street, Strathfield 2135
 LOT 1 DP 831368 (Cont'd)

(b)	To provide consistency in the bulk and scale of new dwellings in residential areas	Yes
(c)	To minimise the impact of new development on the amenity of adjoining properties	Yes
(d)	To minimise the impact of development on heritage conservation areas and heritage items	Yes
(e)	In relation to Strathfield Town Centre: i. to encourage consolidation and a sustainable integrated land use and transport development around key public transport infrastructure, and ii. to provide space for the strategic implementation of economic, social and cultural goals that create an active, lively and people-oriented development	Yes
(f)	In relation to Parramatta Road Corridor – to encourage a sustainable consolidation pattern that optimises floor space capacity in the Corridor	Yes

Comments: The development application proposes a gross floor area of 0.57:1 (227.6m²). However, as the roof form proposes a 22.5 degree pitch, the dwelling provides substantial area within the roof of a height up to 2400mm. The area constitutes a habitable attic and by definition adds a further 48.7m² of floor space, resulting in a technical non-compliance and a proposal with an increased gross floor area of 276.3sqm or 0.69:1. The proposed gross floor area exceeds the maximum permissible control of 0.65:1 (258.7m²) as defined under Clause 4.4C of the SLEP 4.4C 2012 and is not supported.

Council requested the pitch of the roof be lowered to eliminate habitable roof space and ensure compliance with the floor space ratio development standard. The applicant did not elect to revise the roof form, amend the plan or submit a request for variation pursuant to Clause 4.6 of SLEP 2012. As such, a condition of consent is recommended to ensure compliance with 4.4C of the SLEP 2012 (**Condition 1**).

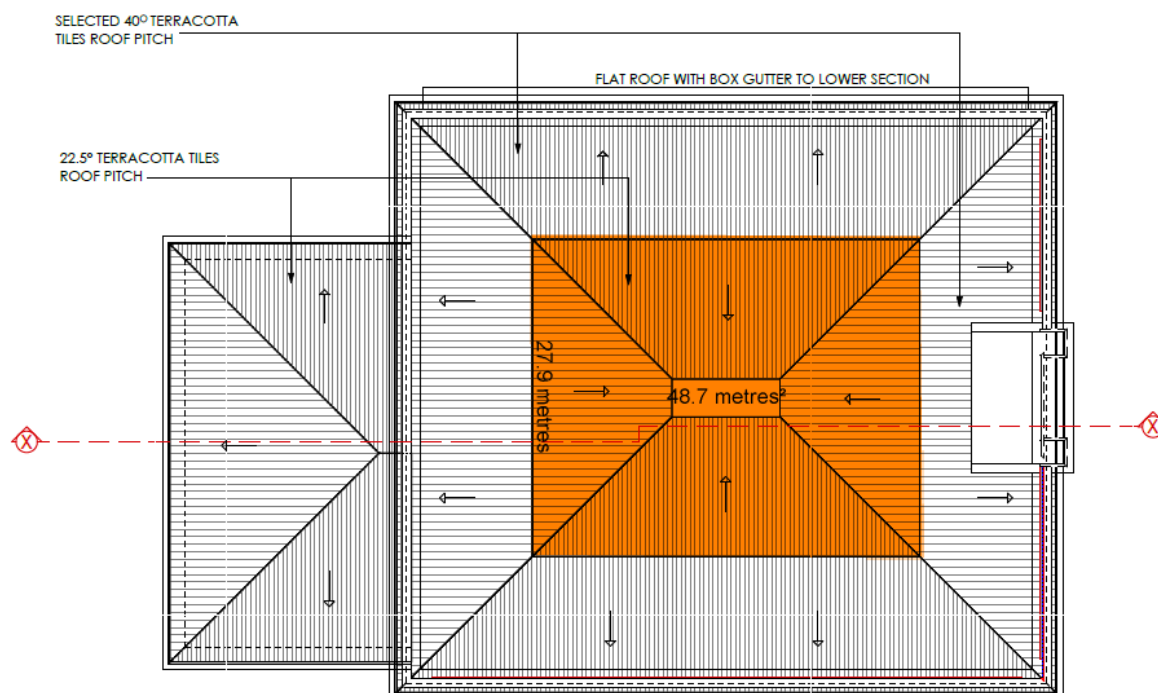


Figure 8: Roof space included in GFA calculation

4.6 Variation to a Development Standard

DA2018/126 - 23A Howard Street, Strathfield 2135
LOT 1 DP 831368 (Cont'd)

The proposed gross floor area of 276.3sqm exceeds the maximum permissible control of 0.65:1 (258.7sqm) as defined under Clause 4.4C of the SLEP 4.4C 2012. The proposal results in a technical non-compliance of 17.6sqm or a variation of 4.4%. A request pursuant to cl.4.6 of SLEP2011 did not accompany the development application and was not submitted on the request of Council.

6.2 Earthworks

The proposed cut and fill will be restricted to the building footprint so as to minimise the disruption of land formations and maximise soil stability. Notwithstanding, a condition of consent is recommended to ensure the appropriate management of soils during the construction phases of development.

4.15(1)(a)(ii) any draft environmental planning instruments

There are no applicable draft planning instruments that are or have been placed on public exhibition, to consider as part of this assessment.

4.15 (1)(a)(iii) any development control plan

STRATHFIELD CONSOLIDATED DEVELOPMENT CONTROL PLAN (SCDCP) 2005

The following is an assessment of the proposal's compliance with the relevant provisions contained within SCDCP 2005.

PART A – DWELLING HOUSES AND ANCILLARY STRUCTURES

An assessment of the proposal against the objectives contained within Clause 1.3 of Part A of SCDCP 2005 is included below:

2: Architectural Design & Streetscape Presentation

2.1	Objectives	Satisfactory
A.	To ensure that development respects the predominant height, scale, character, type, form, colour, materials and architectural qualities of the existing dwelling house (in the case of alterations and additions) and surrounding neighbourhood especially any adjoining or nearby heritage item or heritage conservation area.	Yes
B.	To achieve quality architecture in new development through the appropriate composition and articulation of building elements.	Yes
C.	To ensure that the dominant building rhythm of the streetscape is reflected in the building design in terms of the spacing and proportion of the built elements.	Yes
D.	To ensure that new dwellings have facades, which define, address and enhance the public domain.	Yes
E.	To encourage contemporary architecture that is innovative, uses high quality detailing, and incorporates elements characteristic of Strathfield.	Yes
F.	To promote the continuance of pyramidal roof forms within Strathfield where they are already prevalent.	Yes
G.	To retain a feeling of openness and space between built elements by maintaining landscaped setbacks and preserve the appearance of dwellings set in the treelined streets and park-like environment.	Yes
H.	To reduce the use of highly reflective colours and materials that create visual prominence.	Yes

DA2018/126 - 23A Howard Street, Strathfield 2135
LOT 1 DP 831368 (Cont'd)

I.	<i>To ensure fencing is sympathetic to the design of the dwelling and the street and enhances the character of both the individual house and street whilst maintaining casual surveillance of the neighbourhood.</i>		Yes
J.	<i>To protect and retain the amenity of adjoining properties.</i>		Yes
2.2	Development Controls	Complies	
.1.	<i>Streetscape Presentation</i>		
	1	New dwellings address street frontage with clear entry.	Yes
	2	Consistently occurring building features integrated within dwelling design.	Yes
	3	Consideration of streetscape elements	Yes
	4	Integrated security grilles/screens, ventilation louvres and garage doors	Yes
.2.	<i>Scale, Massing & Rhythm of Street</i>		
	1	Scale, massing, bulk and layout complement the existing streetscape and the dominant building rhythm	Yes
	2	Building height and mass maintains amenity to adjacent properties open space or the public domain	Yes
.3.	<i>Building Forms</i>		
	1	Building form articulated.	Yes
	2	Dwellings on corner sites address both street frontages and articulated	Yes
	3	Attic located within roof space of 1 or 2-storey dwelling or garage via internal stairs.	Yes
.4.	<i>Roof Forms</i>		
	1	Roof form complements predominant form in the locality	Yes
	2	Roof form minimises bulk and scale of building and remains an important architectural element in the street.	Yes
	3	First floor additions complement the architectural style of the ground floor and delineate the existing roof form, slope and ridge	Yes
	4	Roof structures are not visible from the public domain	Yes
	<i>Materials</i>		
	5	Materials compatible with the existing dwelling house, adjoining dwelling houses and the streetscape (type, form and colour)	Yes
	6	Monotone face brick walls and terracotta tiles for roofs where common in the streetscape	Yes
	7	New buildings and facades do not result in glare (Reflectivity Report may be required)	Yes
	<i>Colours</i>		
	8	New development incorporates traditional colour schemes	Yes
	9	The external colours integrate harmoniously with the external design of the building	Yes
.5.	<i>Two (2) storey Porticoes</i>		
	1	Two (2) storey porticoes in scale and compatible with the proposed dwelling, streetscape and any adjoining heritage items	Yes
	2	Two (2) storey porticoes vertically articulated or broken to reduce height	Yes

DA2018/126 - 23A Howard Street, Strathfield 2135
 LOT 1 DP 831368 (Cont'd)

3	Porticoes or associated porches do not protrude 1m forward of the front building façade.	Yes
4	Porticoes do not extend beyond the understorey of the eaves/guttering.	No, refer to comments

Comments: The built form is compatible with the wider streetscape in that it incorporates a tiled, terracotta stringcourse roof form and a cement rendered finish to the exterior face. This design creates visual interest in that it contributes to the overall amenity of the wider streetscape. The proposed schedule of colours and finishes detail a beige painted render finish to the exterior walls with a dark grey tiled roof form. These finishes are characteristic within the surrounding neighbourhood and within the immediate vicinity of the subject site. The design outcome of the proposed built form is sympathetic with the existing character of the neighbourhood (Figure 8).

The portico protrudes above the RL of the eaves, which is contrary to Section 2.2.5.4 of the SCDP 2005. The non-compliance is minor and the dwelling house setback is consistent with the adjoining properties resulting in a proportional building façade that is unlikely to adversely impact on the streetscape. The dwelling located to the north (19 Howard Street) comprises a similar portico element which also protrudes above the eaves (Figure 9). The element, whilst strictly non-compliant, provides visual interest and depth to the front façade and is considered acceptable on merit.

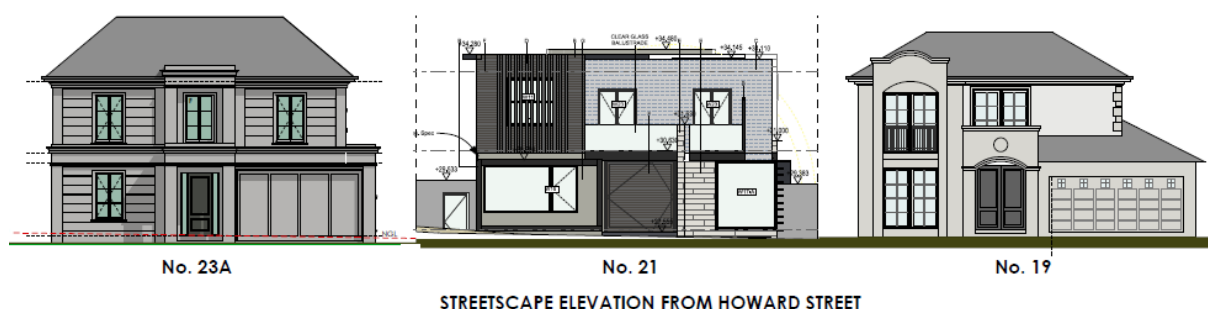


Figure 9: A streetscape elevation of the proposed residential dwelling from Howard Street.

4: Building Envelope

4.1	Objectives	Satisfactory
A.	To ensure that dwellings are compatible with the built form of the local area and that overall bulk and scale, size and height of dwellings relative to natural ground level responds to the adjoining dwellings, topography and desired future character.	Yes
B.	To minimise impact on the amenity of adjoining properties.	Yes
C.	To establish and maintain the desired setbacks from the street and define the street edge.	Yes
D.	To create a perception or reinforce a sense of openness in the locality.	Yes
E.	To maintain view corridors between dwellings	Yes
F.	To assist in achieving passive surveillance whilst protecting visual privacy.	Yes
G.	To provide a transitional area between public and private space.	Yes

DA2018/126 - 23A Howard Street, Strathfield 2135
LOT 1 DP 831368 (Cont'd)

4.2	Development Controls	Complies
.1.	<i>Floor Space Ratio</i>	
	1 Floor Space Ratio permissible pursuant to SLEP 2012	Yes
	2 Development compatible with the lot size	Yes
<i>Building Height</i>		
.2.	1 Height of building permissible pursuant to SLEP 2012	Yes
	2 Height of outbuildings, detached garages and carports is 3.5m (max) measured at the highest point on the roof above NGL	Yes
	3 Dwelling houses and any ancillary structures 2-storeys (max)	Yes
	4 Building height responds to the gradient of the site to minimise cut and fill	Yes
.3.1.	<i>Street Setbacks</i>	
	1 Setbacks consistent with minimum requirements of Table A.1	Yes
.3.2.	<i>Side and Rear Setbacks</i>	
	1 A combined side setback of 20% of the width of the block (incorporating a 1.2m min side setback on each side).	Yes
	2 A rear setback of 6m (min)	No – refer to comments
	3 Subject to meeting the minimum landscaped area (as per section 5 of this part of the DCP) in the rear of the site, ancillary facilities such as garages/outbuildings may be located within the rear setback area.	Yes
	4 Garages and carports setbacks consistent with Table A.2	Yes
<i>East-West Lots</i>		
.4.	1 Where primary street frontage faces east, the minimum side setback located on northern side.	Yes
	2 The southern side setback utilised for driveway/garage entry.	Yes

Comments: The proposal demonstrates compliance with Clause 4.3 and Clause 4.4C of the SLEP 2012 by proposing a maximum building height of 8900mm and floor space of 0.57:1 (226.2m²).

The design proposes an 8000mm front setback which is consistent and compatible with the prevailing setbacks provided in the streetscape which vary between 7000mm and 9500mm. Whilst the proposal provides a reduced rear setback of 3000mm, the departure is considered acceptable on merit due to the constrained lot dimensions resulting in a shallow depth. The dwelling largely complies with the minimum development control of 6000mm with the exception of the laundry which projects 3000mm into the rear setback for a distance of 1800mm (Figure 10). The interference is insubstantial and does not result in an unreasonable impact, being located adjacent to the secondary frontage. As such, the departure is acceptable on merit.

DA2018/126 - 23A Howard Street, Strathfield 2135
LOT 1 DP 831368 (Cont'd)

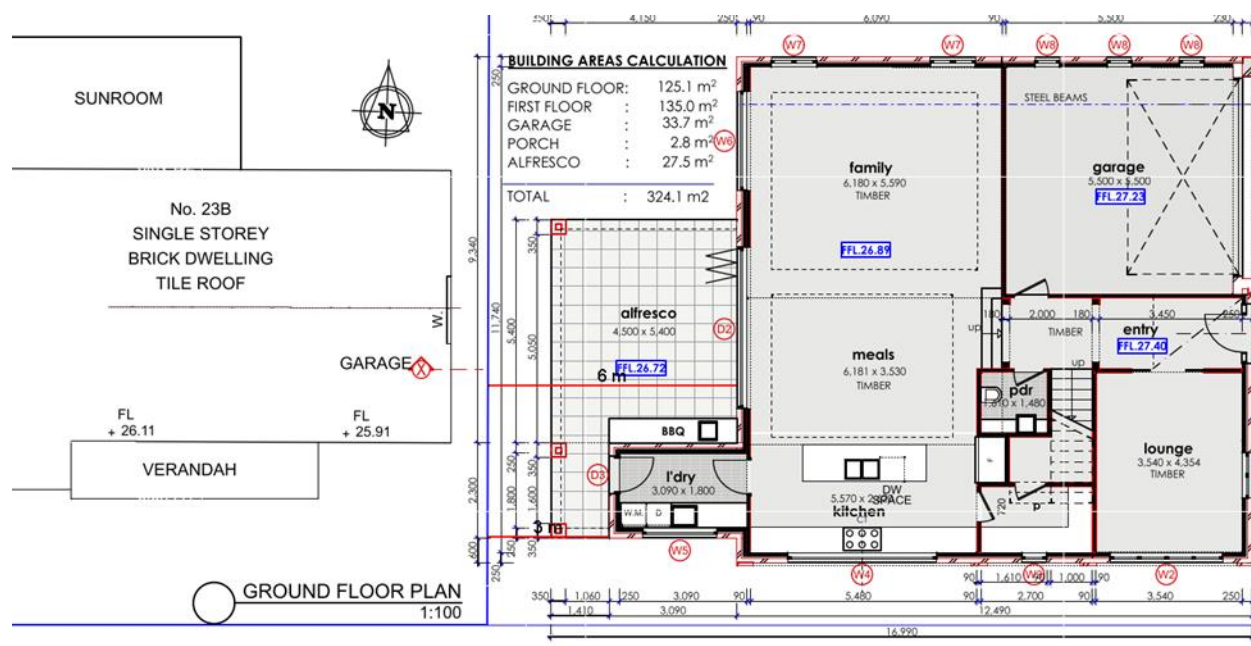


Figure 10: Rear setback of proposed dwelling.

The proposed roof design provides a 40 degree pitch roof that results in a floor to ceiling height of 2400mm and a habitable attic level. The space within the roof is considered to constitute an additional residential level and consequent gross floor area in accordance with the SLEP 2012. This is not supported as gross floor area within the roof space would result in a dwelling which exceeds the development standard relating to Floor Space Ratio. In response, a condition is recommended to reduce the pitch of the roof so to eliminate habitable attic space and reduce the overall height of the dwelling (Condition 1).

5: Landscaping

5.1	Objectives	Satisfactory
A.	To encourage landscaping that is appropriate to the style and scale of the dwelling and adjoining development, and to the streetscape.	Yes
B.	To enhance the existing streetscape and promote a scale and density of planting that softens the visual impact of buildings, structures, vehicle circulation and ancillary areas.	Yes
C.	To preserve existing landscape elements on site (such as existing trees) and encourage their integration into the design of proposals.	Yes
D.	To ensure adequate deep soil planting is retained on each allotment.	Yes
E.	To ensure developments make an equitable contribution to the landscape setting of the locality.	Yes
F.	To ensure both existing and new landscaping provides suitable shade and facilitates convective cooling breeze paths in summer.	Yes
G.	To encourage the use of native flora such as open woodland canopy trees, to provide a habitat for native fauna.	Yes
H.	To ensure that landscaped areas are designed to minimise water use.	Yes
I.	To provide functional private open spaces for active or passive use by residents.	Yes
J.	To provide private open areas with provision for clothes drying facilities screened from the street and lane or a public place.	Yes

DA2018/126 - 23A Howard Street, Strathfield 2135
LOT 1 DP 831368 (Cont'd)

K.	<i>To ensure the protection of trees during construction</i>	Yes
L.	<i>To ensure suitable fencing is provided to reduce acoustic impacts and enhance visual privacy between neighbouring residents whilst enabling front fences passive surveillance of the street.</i>	Yes
M.	<i>To maximise the amenity of existing and proposed developments, including solar access, privacy and open space.</i>	Yes
5.2	Development Controls	Complies
.1.	<i>Landscaped area</i>	
	1 Landscaped area in accordance with Table A.3	Yes
	2 At least 50% of the minimum landscaped area located behind the building line to the rear boundary	Yes
	3 At least 50% of the front yard maintained as deep soil soft landscaping	Yes
	4 Minimise hard surface area (concrete/brick/stone paving and bitumen). Run-off directed to permeable surfaces.	Yes
	5 Planting areas soften the built form	Yes
	6 Front gardens respond and contribute to the garden character of Strathfield.	Yes
	7 Retain and reinforce the prevailing streetscape and surrounding locality	Yes
	8 Plant species must be retained, selected and planted to improve amenity	Yes
<i>Tree Protection</i>		
.2.	1 Arboricultural Impact Assessment Report prepared by an AQF Level 5 Arborist	Yes
	2 The Arboricultural Impact Assessment Report address minimum criteria	Yes
	3 Development provides for the retention and protection of existing significant trees	Yes
	4 New dwellings and alterations and additions are set back in accordance with the Arboricultural Impact Assessment Report	Yes
	5 Council may request the applicant to engage a project Arborist	Yes
	6 Opportunities for planting new canopy trees within the front setback	Yes
	7 At least one (1) canopy tree provided in the rear yard.	Yes
	8 Trunk of a proposed canopy tree planted 4m (min) from built structures, or 3m (min) from pier beam footings	Yes
	9 Planting on side boundaries a 0.6m (min) deep root deflection barrier provided 1.5m (min) either side of the tree center	Yes
	10 Driveway construction does not result in the removal, lopping or root damage to any street tree	Yes
	11 25% (min) of canopy trees and other vegetation shall be locally sourced indigenous species	Yes
<i>Private Open Space</i>		
.3.	1 Provided in a single parcel rather than a fragmented space, directly accessible from internal living areas	Yes
	2 Includes a deep soil area compliant with the minimum landscaped area.	Yes
	3 Terraces and decks (at least 10m ²) with one length or width 3m (min) and directly accessible from an internal living area. Decks cannot be located more than	Yes

DA2018/126 - 23A Howard Street, Strathfield 2135
 LOT 1 DP 831368 (Cont'd)

	500mm above NGL	
4	Unless 3m (min) width, areas within setbacks are not to be included as private open space	Yes
5	Private open space located at the rear of the property.	Yes
<i>Fencing</i>		
1	Fencing designed to be compatible and sympathetic to the style of the dwelling, adjoining properties and the streetscape	Yes
2	Landscaping used when the streetscape is characterised by the absence of front fences	Yes
3	Fencing forward of FBL shall not exceed 1.5m. Solid components shall not exceed 0.7m above NGL with the exception of brick piers	Yes
4	Solid fencing 1.8m (max) is permitted along a secondary street frontage to enclose a private open space	Yes
5	Side and rear fences limited to 1.8m (max)	Yes
6	Side fences forward of the FBL taper down to the front fence.	Yes
7	Front fences visually permeable	Yes
8	Front fences on busy roads designed to provide acoustic attenuation	Yes
9	Listed undesirable materials and finishes not used forward FBL	Yes
10	Corner allotments incorporate a 1.5m x 1.5m (min) splay adjacent to the road intersection	Yes
11	Solid fences adjoining driveways are provided with 1m x 1m (min) splay	Yes
12	A splay adjacent to a road intersection or driveway entrance must be landscaped	Yes
13	Significant trees maintained	Yes
14	Stormwater flows through or under fencing on sloping sites	Yes
15	Dividing fences constructed of timber palings (lapped and capped) with height of 1.8m (max)	Yes
16	Gates or entries from private property onto Council parks, reserves, open space, etc. are permitted	Yes
17	Gatehouses permitted where compatible with the streetscape.	Yes

Comments: The proposed works will result in a total of 36.4% (144.9m²) of deep soil landscaping which is compliant with Council's 35% (139.3m²) requirement. The proposed works are unlikely to result in any additional impacts to the existing street trees located within the public verge and ensuring the health of the surrounding environment elements are not adversely impacted.

The proposed front fence will comprise a cement rendered base, supported by 1500mm high brick posts and metal infill panels. The masonry infill fence design is consistent with height requirements. However, the proposed fencing pattern is interrupted by a large blank masonry wall, approximately 5000mm in length and with a surface area of 19.72sqm. The blank wall faces Shortland Avenue and is considered visually obtrusive, inconsistent with the dominant form of fencing along the street edge and ultimately unnecessary. Further, its presence does not provide a amenable corner transition to the adjoining dwelling orientated to Shortland Avenue. Conditions of consent have been imposed to maintain the size and rhythm of the masonry infill design (**Condition 2**).

DA2018/126 - 23A Howard Street, Strathfield 2135
LOT 1 DP 831368 (Cont'd)



Figure 11: Blank wall proposed along Shortland Avenue.

6: Solar Access

6.1 Objectives		Satisfactory
A.	To ensure the design of new dwelling houses and alterations and additions maximises solar access to living areas and open space areas.	Yes
B.	To minimise overshadowing of adjoining properties.	Yes
6.2 Development Controls		Complies
.1.	Sunlight Access	
	1 New dwellings - 3 hours solar access between 9.00am and 3.00pm on June 21 to the windows of habitable rooms and 50% of private open space	Yes
	3 50% of the principal private open space of any adjoining premises receives 3 hours solar access between 9.00am and 3.00pm on June 21	Yes
	4 The proposed development does not further reduce the amount of solar access	Yes

Comments: The proposal seeks to construct a double storey dwelling upon an east-west oriented allotment. The proposal has been designed such that neighbouring allotments and all living areas will receive a minimum of three (3) hours of solar access between 9:00am and 3:00pm during the winter solstice.

7: Privacy

7.1 Objectives		Satisfactory
A.	Development that is designed to provide reasonable privacy to adjacent properties	Yes
B.	To maintain reasonable sharing of views from public places and living areas	Yes
C.	To ensure that public views and vistas are protected, maintained and where possible, enhanced	Yes
D.	To ensure that canopy trees take priority over views	Yes
E.	To ensure that the siting and design of buildings minimises noise impacts from abutting roads, rail corridors and other noise-generating land uses	Yes
7.2 Development Controls		Complies
.1.	Visual Privacy	

DA2018/126 - 23A Howard Street, Strathfield 2135
LOT 1 DP 831368 (Cont'd)

	1	Protect POS, bedrooms, balconies and living rooms of proposed and any existing adjoining dwellings from direct overlooking	Yes
	2	Provide adequate separation of buildings	Yes
	3	Ensure elevation of finished floor levels above NGL is not excessive	Yes
	4	Improve privacy to adjacent properties with screen planting	Yes
<i>Windows</i>			
.2.	1	Windows do not directly face the windows, balconies and courtyards of adjoining dwelling	Yes
	2	A window within 9m of another window in a habitable room of an adjoining dwelling is offset by 0.5m (min) or a sill height of 1.7m (min) above the FFL	Yes
	3	Windows directly facing balconies or courtyards are narrow, incorporate obscure glazing and/or a sill height of 1.7m (min) above FFL	Yes
<i>Acoustic Privacy</i>			
.4.	1	SEPP (Infrastructure) 2007 and Development near Rail Corridors and Busy Roads Interim Guideline considered	Yes
	2	Noise-sensitive rooms located away from noise sources	Yes
	3	Suitable acoustic screen barriers or other noise mitigation measures are required where physical separation cannot be achieved	Yes
	4	An acoustic report (where relevant) demonstrates that habitable rooms achieve internal noise levels of no greater than 35 dBA	Yes

Comments: Although the proposal is one (1) level higher than the existing dwelling on site, it is unlikely that the added height will unreasonably impact views available from surrounding properties. The finished floor levels to the ground floor are not unreasonably elevated and have been stepped down to respond to the natural slope of the land. All side elevation windows have been appropriately located and/or treated so as to minimise opportunities for overlooking.

8: Vehicle Access and Parking

8.1	Objectives	Satisfactory
A.	To provide adequate and convenient on-site car parking.	Yes
B.	To ensure that the location and design of driveways, parking spaces and other areas used from the movement of motor vehicles are efficient, safe and convenient.	Yes
C.	To ensure garages, carports, basements and hard standing areas for cars do not visually dominate the street façade of the dwelling.	Yes
D.	To ensure that construction materials used for driveways respect the architectural qualities of the dwelling.	Yes
E.	To minimise the area of access driveways to minimise impermeable surfaces and maximise landscaped areas.	Yes
F.	To ensure basements have discreet entries, safe access and a high degree of natural cross-ventilation.	Yes
G.	To minimise excavation to reduce disturbance to natural ground level particularly adjacent to site boundaries.	Yes
H.	To ensure that any proposed basement minimises disturbance to natural drainage systems and that flooding, drainage or ventilation impacts would not be created for the site, or for adjoining or nearby properties.	Yes

DA2018/126 - 23A Howard Street, Strathfield 2135
LOT 1 DP 831368 (Cont'd)

8.2	Development Controls	Complies
.1.	<i>Driveway and Grades</i>	
	1 Existing driveways must be used (exceptions apply)	Yes
	2 The width of driveways at the property boundary is to be 3m	Yes
	3 The edge of driveway crossings located 1m (min) clear of any existing stormwater pits or poles and 2m clear of tree trunks	Yes
	4 Parking and access points easily accessible and recognisable, non-disruptive to pedestrian flow and safety and located to minimise traffic hazards and potential for vehicles to queue.	Yes
	5 One (1) vehicular crossing (max) to any public road (exceptions apply)	Yes
	6 Vehicles accessing sites which front main roads shall be capable of entering and exiting in a forward direction	Yes
	7 Vehicular turning areas for garages complies with relevant Australian Standard	Yes
	8 Rear lane / secondary street frontage - parking and access provided from the secondary street/lane	Yes
	9 Driveways avoid long and straight appearance by using variations and landscaping	Yes
	10 Driveway set back 0.5 metres (min) from side boundaries	Yes
	11 Driveways incorporate unit paving into the design	Yes
	12 Areas of concrete visible from a public road are to be minimal and coloured charcoal, grey or brown	Yes
	13 Coloured concrete is not permitted in the driveway crossing outside the property boundary	Yes
.2.	<i>Garages, Carports and Car Spaces</i>	Yes
	1 Two (2) car parking spaces required behind the FBL of all new dwellings (exceptions apply)	Yes
	2 Garages recessed behind the main front facade and/or non-dominant	Yes
	3 Garages not more than 150mm above NGL at entry unless the slope of the site exceeds 1:8 (12.5%)	Yes
	4 Dimensions of parking spaces and garages comply with the Australian Standards	Yes
	5 Garages are not to be converted or used for any purpose other than that for which they are approved	Yes

Comments: The proposal seeks to construct a driveway which aligns with the existing layback to the site. The location of the driveway is situated 5000mm from the northern boundary with a maximum width of 4800mm on the subject site.

9: Altering Natural Ground Level (Cut and Fill)

9.1	Objectives	Satisfactory
A.	<i>To maintain existing ground levels and minimise cut and fill to reduce site disturbance.</i>	Yes
B.	<i>To ensure existing trees and shrubs are undisturbed, ground water tables are maintained and impacts on overland flow/drainage are minimised.</i>	Yes
9.2	Development Controls	Complies

DA2018/126 - 23A Howard Street, Strathfield 2135
LOT 1 DP 831368 (Cont'd)

1	Fill limited to 1m (max) above NGL	Yes
2	Clean fill used only	Yes
3	Cut and fill batters stabilised consistent with the soil properties	Yes
4	Vegetation or structural measures are implemented when the site is disturbed.	Yes
5	Areas of excavation setback from property boundaries in line with building setback controls. No excavation permitted within the minimum required setbacks.	Yes
6	The work does not affect or undermine the soil stability or structural stability of buildings and Council assets on adjoining properties.	Yes
7	A dilapidation report for all buildings which adjoin proposed excavation areas as required	Yes
8	Avoid excessive fill that creates the potential for overlooking of adjoining properties	Yes

Comments: The distance between the existing and proposed ground floor level totals 600mm, and demonstrates compliance with the 1000mm development control. This ensures that there is minimal impact and site disturbance to surrounding landscaping elements.

10: Water and Soil Management

10.1	Objectives	Satisfactory
A.	To encourage the incorporation of Water Sensitive Urban Design (WSUD) and Botany Improvement Plan principles in the development.	Yes
B.	To ensure compliance with Council's Stormwater Management Code	Yes
C.	To ensure compliance with the NSW State Government's Flood Prone Lands Policy.	Yes
D.	To ensure that appropriate soil erosion and sediment control measures are implemented on all sites that involve soil disturbances during construction.	Yes
E.	To ensure new building work does not detrimentally affect the existing drainage system of any area of the Municipality.	Yes
F.	To ensure that new development in areas that may be affected by acid sulphate soils do not adversely impact the underlying ground conditions, soil acidity and water quality.	Yes
G.	To appropriately manage stormwater and overland flow to minimise damage to occupants and property	Yes
10.2	Development Controls	Complies
.2.	Acid Sulfate Soils	
1	Site managed consistent with the provisions contained in Clause 6.1 SLEP 2012	Yes
.3.	Soil Erosion and Sediment Control	
1	Soil erosion and sediment control measures detailed and implemented prior to the commencement of work.	Yes
2	Sediment control measures applied	Yes
3	Plans provided detailing stormwater quality treatment	Yes

Comments: Council's Development Engineer raised no concerns with the proposed method of stormwater drainage subject to conditions of consent. Additional conditions are recommended to ensure compliance with a soil erosion control plan prepared in accordance with Council's

DA2018/126 - 23A Howard Street, Strathfield 2135
LOT 1 DP 831368 (Cont'd)

requirements (**Condition 21**) as well as a detailed Stormwater Plan indicating the proposed re-use system (**Condition 24**).

11: Access, Safety and Security

11.1	Objectives	Satisfactory
A.	To encourage the incorporation of crime prevention principles in the design of the proposed developments.	Yes
B.	To increase the safety and perception of safety in public and semi-public spaces.	Yes
C.	To provide passive surveillance of the public domain to promote a safe pedestrian environment whilst maintaining the privacy of residents	Yes
D.	To ensure the safety of pedestrians by separating pedestrian access from vehicular access.	Yes
11.2	Development Controls	Complies
.1.	Address and Entry Sightlines	
	1 Occupants able to overlook public places to maximise passive surveillance	Yes
	2 Landscaping design around dwellings and ancillary structures to accommodate plant maturation	Yes
	3 External lighting enhance safe access and security and light spill does not adversely impact on adjoining properties.	Yes
	4 Crime Prevention through Environmental Design (CPTED) principles incorporated.	Yes
.2.	Pedestrian Entries	
	1 Pedestrian entries and vehicular entries suitably separated	Yes
	2 Dwelling entrances easily identifiable	Yes
	3 House numbers are to be clearly visible from the street	Yes

Comments: Given the corner presentation of the dwelling, pedestrian and vehicular entry onto the subject site will be provided via two (2) separate entries located along the site frontage. Both entries are suitably separated, ensuring that the safety of pedestrians is maintained at all times. Further, the design achieves passive surveillance onto the subject site and onto public areas utilising vertical infill panels along the front fence, evenly spaced at 60mm apart.

13: Ecologically Sustainable Development

13.1	Objectives	Satisfactory
A.	To encourage passive and active strategies in the design of dwellings and ancillary structures that promotes the achievement of ecologically sustainable practices and BASIX requirements.	Yes
B.	To ensure dwellings are designed to allow sufficient natural ventilation and lighting whilst minimising heat gain during summer and maximising solar access during winter, thereby reducing the need for artificial cooling and heating.	Yes
C.	To minimise the over use of Sydney's limited high quality domestic water supply by ensuring new dwellings incorporate water storage tanks for use in toilet flushing, landscape irrigation and to encourage new dwellings, additions and alterations to incorporate water saving devices and water conservation strategies.	Yes
D.	To encourage the use of new technology that reduces energy consumption, minimises greenhouse emissions and results in cost savings	Yes
E.	To encourage the re-use of building materials, thereby reducing waste to landfill, transportation costs, conserving raw materials and reducing energy expenditure. (Refer to Part H Waste Minimisation and Management of SCDP 2005).	Yes

DA2018/126 - 23A Howard Street, Strathfield 2135
 LOT 1 DP 831368 (Cont'd)

13.2	Development Controls	Complies
.1.	Natural Lighting and Heating	
	1 Living areas facing north, sleeping areas facing east/south, and utility areas orientated west/south to maximise winter solar access.	Yes
	2 Trees planted to the north of the dwelling must be deciduous to allow solar access during the winter	Yes
	3 Materials used of high thermal mass	Yes
.2.	Natural Cooling and Ventilation	
	1 Windows and walls on northern facades shaded by shading devices, trees, eaves and louvres sympathetic to the dwelling	Yes
	2 Windows positioned to capture breezes and allow for cross-ventilation	Yes
Water Tanks		
.3.	1 Located behind the dwelling or behind the front building line and screened from view from the public domain	Yes
	2 Associated support structures and plumbing are a colour that complements the dwelling.	Yes
	3 Above ground water tanks located 450mm (min) from any property boundary	Yes
	4 Above ground water tanks do not exceed 3m in height above NGL	Yes
	5 Overflow piped directly to the approved stormwater drainage system except in cases where stormwater is required to be directed to on-site stormwater detention (OSD) storage	Yes
	6 No part of the water tank or support stand may rest on a wall footing	Yes
	7 Installation does not involve the filling of more than 1m above existing ground level	Yes
	8 The tank not located over or adjacent to a water main or sewer main or installed over any associated structure or fittings	Yes
	9 Support structure installed to the requirements of a qualified practicing structural engineer or to the maker's specifications.	Yes
Hot Water Heater Units		
.4.	1 Located behind the dwelling or wholly behind the dwelling	Yes
	2 Not located on balconies unless screened from public view	Yes
	3 Placed within a short distance of the most frequent point of use	Yes

Comments: The design locates all internal living areas to the northern/eastern elevations of the dwelling, maximising solar access. Further, the BASIX Certificate submitted indicates that the proposal satisfies the required water, thermal comfort and energy ratings.

PART H - WASTE MANAGEMENT (SCDCP 2005)

The development application has provided a waste management plan ensuring that the disposing of waste will be done in accordance of Part H of the SCDCP 2005.

4.15 (1)(a)(iia) any planning agreement or draft planning agreement

No planning agreement has been entered into under section 7.4 of the *Environmental Planning and Assessment Act 1979*.

DA2018/126 - 23A Howard Street, Strathfield 2135
LOT 1 DP 831368 (Cont'd)

4.15 (1)(a)(iv) matters prescribed by the regulations

Clause 92 of the *Environmental Planning and Assessment (EP&A) Regulation 2000* requires Council to take into consideration the provisions of the Government Coastal Policy and Australian Standard AS2601–1991: *The Demolition of Structures*, 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)(ii) however does involve the demolition of a building for the purposes of AS 2601 – 1991: *The Demolition of Structures*.

Should this application be approved, appropriate conditions of consent are included within the recommended to ensure compliance with any relevant regulations.

(i) 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*.

4.15(1)(b) the likely impacts of the development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality

Overall, the proposed design considers impacts on the adjoining properties so as to minimise adverse outcomes as a result of the development of the land. The scheme achieves an appropriate level of streetscape compatibility and is not considered to result in any adverse environmental or social impacts. The proposal is considered satisfactory in this regard, subject to the imposition of conditions of consent.

4.15(1)(c) the suitability of the site for the development

The subject site is constrained due to its shallow depth and undersize allotment area. Nevertheless, the design has been appropriately considered with respect to these lot size constraints, resulting in a development which largely complies with Council's LEP and DCP requirements.

4.15(1)(d) any submissions made in accordance with this Act or the regulations

The application was notified in accordance with Part L of the SCDP 2005 from 24 September 2018 to 12 October 2018, with one (1) submission received, raising the following concerns:

DA2018/126 - 23A Howard Street, Strathfield 2135
LOT 1 DP 831368 (Cont'd)

Issue 1 - Loss of heritage style buildings.

Assessing officer's comments: The property is not listed as a heritage item and is not located in or in close proximity to a heritage conservation area.

Issue 2 - Proposed alfresco area does not comply with the 6m setback control as required under Section 4.2.3.2 of the SCDCP 2005.

Assessing officer's comments: The proposal generally complies with the minimum development control of 6000mm, proposing a variation adjacent to the location of the laundry (3800mm). The departure is considered acceptable due to the constraints of the shallow lot and the non-compliance being limited to the laundry only. Furthermore, a laundry is a non-habitable room and it is therefore unlikely to adversely impact surrounding properties. The variation is considered minor acceptable in this instance.

Issue 3 - What drainage is proposed to prevent water running into our yard

Assessing officer's comments: The proposed stormwater design was referred to Council's Stormwater Engineer for comment, who provided no objections to the scheme. A condition of consent has been imposed to ensure compliance with a soil erosion control plan prepared in accordance with Council's requirements (Condition 21).

Issue 4 - Privacy concerns arising from the windows to the western elevation of Bedroom 1 which directly overlook into our sunroom.

Assessing officer's comments: The windows along the western elevation of Bedroom 1 are setback 9000mm from the sunroom of the adjoining dwelling, demonstrating compliance with Section 7.2.2 of SCDCP 2005. The windows are of a reasonable size and are located in a bedroom which is considered to be a low-use room. Opportunities for overlooking are therefore minimal.

4.15(1)(e) the public interest

The public interest is served through the detailed assessment of this development application under the relevant local planning controls and legislation and consideration of any submissions received relating to it by Council. The proposed development is not considered to be contrary to the public interest.

SECTION 7.11 CONTRIBUTIONS

Section 7.11 of the EP&A Act 1979 relates to the collection of monetary contributions from applicants for use in developing key local infrastructure. The Act reads as follows:

- “(1) If a consent authority is satisfied that development for which development consent is sought will or is likely to require the provision of or increase the demand for public amenities and public services within the area, the consent authority may grant the development consent subject to a condition requiring:*
- (a) the dedication of land free of cost, or*
 - (b) the payment of a monetary contribution,*
 - or both.*
- (2) A condition referred to in subsection (1) may be imposed only to require a reasonable dedication or contribution for the provision, extension or augmentation of the public amenities and public services concerned.”*

STRATHFIELD INDIRECT SECTION 7.11 CONTRIBUTIONS PLAN

Section 7.11 Contributions are applicable to the proposed development in accordance with the Strathfield Indirect Development Contributions Plan 2010-2030 as follows:

Local Amenity Improvement Levy

\$10,015.65

DA2018/126 - 23A Howard Street, Strathfield 2135
LOT 1 DP 831368 (Cont'd)

CONCLUSION

The application has been assessed having regard to Section 4.15 of the Environmental Planning and Assessment Act 1979, the Strathfield Local Environmental Plan 2012 and the Strathfield Development Control Plan 2005 and is considered to be satisfactory for approval, subject to the recommended conditions of consent.

Signed: Dragana Strbac
Student Planner

PEER REVIEW

The content and recommendation of the development assessment report has undergone peer review and is satisfactory for consideration by the Panel.

Signed: Kandace Lindeberg
Manager, Development Assessment

RECOMMENDATION

That Development Application No. DA2018/126 for the demolition of existing structures and construction of a single dwelling and front boundary fence at 23A Howard Street, Strathfield be **APPROVED**, subject to the following conditions attached:

SPECIAL CONDITIONS (GC)

1. ROOF PITCH

The pitch of the roof shall be is to be reduced to 22.5 degrees.

(Reason: To not exceed maximum FSR.)

2. FRONT FENCE

The proposed blank wall facing Shortland Avenue is to be deleted and replaced by the masonry infill fence design.

(Reason: To appropriately address the street frontage from a corner domain.)

GENERAL CONDITIONS (GC)

3. APPROVED PLANS AND REFERENCE DOCUMENTATION (GC)

The development, except where modified by a condition(s) of consent, is to be carried out in accordance with the following plans and reference documentation:

Plans affixed with Council's 'Development Consent' stamp relating to Development Consent No. 2018/126:

Drawing No.	Title/Description	Prepared by	Issue / Revision & Date	Date received by Council
01	Site Plan	Milosevic + Milosevic	4 October 2018	4 October 2018

DA2018/126 - 23A Howard Street, Strathfield 2135
 LOT 1 DP 831368 (Cont'd)

		Architects		
02	Site Analysis	Milosevic + Milosevic Architects	21 August 2018	13 September 2018
03	Streetscape	Milosevic + Milosevic Architects	21 August 2018	13 September 2018
04	Ground Floor Plan	Milosevic + Milosevic Architects	4 October 2018	4 October 2018
05	First Floor Plan	Milosevic + Milosevic Architects	4 October 2018	4 October 2018
06	Elevation S1	Milosevic + Milosevic Architects	4 October 2018	4 October 2018
07	Elevation S2	Milosevic + Milosevic Architects	4 October 2018	4 October 2018
08	BASIX Certificate	Milosevic + Milosevic Architects	21 August 2018	13 September 2018
09	BASIX Report	Milosevic + Milosevic Architects	21 August 2018	13 September 2018
10	External Colours & Finishes	Milosevic + Milosevic Architects	20 September 2018	20 September 2018
11	Street Photo Montage	Milosevic + Milosevic Architects	20 September 2018	20 September 2018
12	Street Photo Montage 2	Milosevic + Milosevic Architects	20 September 2018	20 September 2018
13	Demolition Plan	Milosevic + Milosevic Architects	21 August 2018	13 September 2018
15	Roof Plan	Milosevic + Milosevic Architects	21 August 2018	13 September 2018
-	Landscape Plan	Milosevic + Milosevic Architects	18 September 2018	20 September 2018
-	Stormwater Plan	alw design Civil Engineering Consultants	18 August 2018	13 September 2018
-	BASIX Energy Report	Energy Advance	20 August 2018	13 September 2018
-	Waste Management	Milosevic + Milosevic Architects	21 July 2018	13 September 2018

(Reason: To ensure that the form of the development undertaken is in accordance with the determination of Council.)

DA2018/126 - 23A Howard Street, Strathfield 2135
LOT 1 DP 831368 (Cont'd)

4. BUILDING HEIGHT - MAXIMUM RL TO BE COMPLIED WITH (GC)

The height of the building measured from Australian Height Datum (AHD) must not exceed Relative Level (RL) 35.70 to the roof ridge of the building.

(Reason: To ensure the approved building height is complied with.)

5. CONSTRUCTION HOURS (GC)

No construction or any other work related activities shall be carried out on the site outside the hours of 7.00 am to 5.00 pm Mondays to Fridays and 8am to 1pm Saturdays.

No building activities are to be carried out at any time on a Sunday or public holiday.

Where the development involves the use of jackhammers/rock breakers and the like or other heavy machinery, such equipment may only be used between the hours of 7.00 am - 5.00 pm Monday to Friday only.

(Reason: To maintain amenity to adjoining land owners.)

6. CONSTRUCTION WITHIN BOUNDARIES (GC)

The development including but not limited to footings, walls, roof barges and guttering must be constructed wholly within the boundary of the premises. No portion of the proposed structure shall encroach onto the adjoining properties. Gates must be installed so they do not open onto any footpath or adjoining land.

(Reason: Approved works are to be contained wholly within the subject site.)

7. DEMOLITION – GENERALLY (GC)

Alteration and demolition of the existing building is limited to that documented on the approved plans (by way of notation). No approval is given or implied for removal and/or rebuilding of any portion of the existing building which is not shown to be altered or demolished.

(Reason: To ensure compliance with the approved development.)

8. DEMOLITION - SITE SAFETY FENCING (GC)

Site fencing is to be erected to a minimum height of 1.8m complying with WorkCover Guidelines, to exclude public access to the site, prior to any demolition works occurring and maintained for the duration of the demolition works.

If applicable, a separate Hoarding Application for the erection of an A class (fence type) or B class (overhead type) hoarding/fencing along the street frontage(s) complying with WorkCover requirements must be obtained including:

- payment to Council of a footpath occupancy fee based on the area of footpath to be occupied and Council's Schedule of Fees and Charges before the commencement of work; and
- provision of a Public Risk Insurance Policy with a minimum cover of \$10 million in relation to the occupation of and works within Council's road reserve, for the full

DA2018/126 - 23A Howard Street, Strathfield 2135
LOT 1 DP 831368 (Cont'd)

duration of the proposed works, must be obtained with a copy provided to Council.

(Reasons: Statutory requirement and health and safety.)

9. LANDSCAPING - CANOPY TREES IN FRONT SETBACK (GC)

New development shall provide at least two (2) canopy trees within the front setback adjacent the front boundary (existing trees may be included). New canopy trees shall be at least three (3) metres high at the time of planting and capable of reaching a mature height of 10m.

Species shall be selected from Council's Recommended Tree List (Available from Council's website or from the Customer Service Centre). Compliance with this condition is to be demonstrated to the Principal Certifying Authority, prior to the issue of any Occupation Certificate.

(Reason: To ensure the landscape character of the locality is maintained.)

10. MATERIALS – CONSISTENT WITH SUBMITTED SCHEDULE (GC)

All external materials, finishes and colours are to be consistent with the schedule submitted and approved by Council with the development application.

(Reason: To ensure compliance with this consent.)

11. PRINCIPAL CERTIFYING AUTHORITY (PCA) IDENTIFICATION SIGN (GC)

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

- i) the Principal Certifying Authority (PCA) by showing the name, address and telephone number of the PCA;
- ii) the Principal Contractor by showing the Principal Contractor's name, address and telephone number (outside of work hours) for that person; and
- iii) the sign must state that unauthorised entry to the work site is prohibited.

Any such sign is to be maintained while the work is being carried out, but must be removed when the work has been completed.

This clause does not apply to building work, subdivision work or demolition work that is carried out inside an existing building that does not affect the external walls of the building.

(Reason: Statutory requirement.)

12. SITE MANAGEMENT (DURING DEMOLITION AND CONSTRUCTION WORKS)

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

- i) All demolition is to be carried out in accordance with Australian Standard AS 2601-2001.
- ii) Demolition must be carried out by a registered demolition contractor.
- iii) A single entrance is permitted to service the site for demolition and construction. Protection pads are to be installed to the kerb, gutter and nature strip where trucks and vehicles enter the site.
- iv) No blasting is to be carried out at any time during construction of the building.

DA2018/126 - 23A Howard Street, Strathfield 2135
LOT 1 DP 831368 (Cont'd)

- v) Care must be taken during demolition/ excavation/ building/ construction to prevent any damage to adjoining buildings.
- vi) Adjoining owner property rights and the need for owner's permission must be observed at all times, including the entering onto land for the purpose of undertaking works.
- vii) Any demolition and excess construction materials are to be recycled wherever practicable.
- viii) The disposal of construction and demolition waste must be in accordance with the requirements of the Protection of the Environment Operations Act 1997.
- ix) All waste on the site is to be stored, handled and disposed of in such a manner as to not create air pollution (including odour), offensive noise or pollution of land and/or water as defined by the Protection of the Environment Operations Act 1997. All excavated material should be removed from the site in an approved manner and be disposed of lawfully to a tip or other authorised disposal area.
- x) All waste must be contained entirely within the site.
- xi) A site plan including temporary waste storage locations, construction material storage areas and vehicular access to and from the site must be included with application.
- xii) Section 143 of the Protection of the Environment Operations Act 1997 requires waste to be transported to a place which can lawfully accept it. All non-recyclable demolition materials are to be disposed of at an approved waste disposal depot in accordance with legislation.
- xiii) Details as to the method and location of disposal of demolition materials (weight dockets, receipts, etc.) should be kept on site as evidence of approved methods of disposal or recycling and must be presented to Council and/or Principal Certifying Authority upon request.
- xiv) All materials on site or being delivered to the site are to generally be contained within the site. The requirements of the Protection of the Environment Operations Act 1997 must be complied with when placing/stockpiling loose material, disposing of concrete waste, or other activities likely to pollute drains or water courses.
- xv) Any materials stored on site must be stored out of view or in such a manner so as not to cause unsightliness when viewed from nearby lands or roadways.
- xvi) Public footways, include nature strips and roadways adjacent to the site must be maintained and cleared of obstructions during construction. No building materials, waste containers or skips may be stored on the road reserve or footpath without prior separate approval from Council, including payment of relevant fees.
- xvii) Building operations such as brick-cutting, washing tools or paint brushes, and mixing mortar not be performed on the roadway or public footway or any other locations which could lead to the discharge of materials into the stormwater drainage system.
- xviii) All site waters during excavation and construction must be contained on site in an approved manner to avoid pollutants entering into waterways or Council's stormwater drainage system.
- xix) Any work must not prohibit or divert any natural overland flow of water.
- xx) Toilet facilities for employees must be provided in accordance with WorkCover NSW.

(Reason: To ensure that demolition, building and any other site works are undertaken in accordance with relevant legislation and policy and in a manner which will be non-disruptive to the local area.)

13. UTILITIES PUBLIC INFRASTRUCTURE AND SERVICES (DW)

The applicant must comply with the requirements (including financial costs) of any relevant utility provider (e.g. Energy Australia, Sydney Water, Telstra, RMS, Council etc.) in relation to any connections, works, repairs, relocation, replacements and/or adjustments to public infrastructure or services affected by the development.

DA2018/126 - 23A Howard Street, Strathfield 2135
LOT 1 DP 831368 (Cont'd)

(Reason: To maintain public infrastructure and/or services.)

14. SYDNEY WATER - STAMPED PLANS PRIOR TO COMMENCEMENT (GC)

The approved plans must be submitted to a Sydney Water Quick Check agent or Customer Centre to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. Plans will be appropriately stamped.

For Quick Check agent details please refer to the web site www.sydneywater.com.au (see Building Developing and Plumbing then Quick Check) or telephone 13 20 92. The consent authority or a Certifying Authority must ensure that a Quick Check agent/Sydney Water has stamped the plans before the commencement of work.

(Reason: Compliance with Sydney Water requirements.)

15. STORMWATER MANAGEMENT PLAN - CERTIFICATION REQUIREMENT (GC)

A detailed Stormwater Management Plan (SWMP) in line with Council's Stormwater Management Code is to be prepared and certified by a practicing Chartered Professional Engineer on the National Professional Engineer's Register (NPER) at Engineers Australia and submitted to the Principal Certifying Authority and Council, prior to the issue of a Construction Certificate. The SWMP is to be based on the approved development as modified by any conditions of consent.

(Reason: To ensure appropriate provision is made for the disposal and management of stormwater generated by the development, and to ensure public infrastructure in Council's care and control is not overloaded.)

CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE (CC)

16. BASIX COMMITMENTS (CC)

The approved BASIX Certificate shall be submitted to the Principal Certifying Authority with the application for a Construction Certificate.

Where a change or changes are proposed in the BASIX commitments, the applicant must submit a new BASIX Certificate to the Principal Certifying Authority and Council. If any proposed change in the BASIX commitments is inconsistent with the development consent the applicant will be required to submit a modification to the development consent to Council under Section 4.55 of the Environmental Planning and Assessment Act 1979.

All commitments in the BASIX Certificate must be shown on the plans accompanying the Construction Certificate.

(Reason: Statutory compliance.)

17. BUILDING CODE OF AUSTRALIA - COMPLIANCE WITH (CC)

All architectural drawings, specifications and related documentation shall comply with the Building Code of Australia (BCA). All work must be carried out in accordance with the requirements of the Building Code of Australia (BCA).

In the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance in force in accordance with Part 6 of that Act, such a contract

DA2018/126 - 23A Howard Street, Strathfield 2135
LOT 1 DP 831368 (Cont'd)

of insurance is to be in force before any building work authorised to be carried out by the consent commences.

Details demonstrating compliance with this condition are to be submitted to the Principle Certifying Authority, prior to issue of the Construction Certificate.

(Reason: This is a 'prescribed' condition under clause 98(1) of the Environmental Planning and Assessment Regulation 2000.)

18. CAR PARKING - VEHICULAR ACCESS RAMPS (CC)

Vehicular access ramps shall comply with the provisions of AS/NZS 2890.1:2004. Plans to be submitted shall contain the following details:

- i) Longitudinal section along the extreme wheel paths of each driveway/access ramp at a scale of 1:25 demonstrating compliance with the scraping provisions of AS/NZS 2890.1:2004. It shall include all levels and grades, including those levels stipulated as boundary levels, both existing and proposed. It shall extend from the centre-line of the roadway through to the parking area.
- ii) Sections showing the clearance to the underside of any overhead structure (minimum headroom requirements 2200mm minimum for standard headroom clearance or 2400mm where disabled access provisions are to be provided) demonstrating compliance with the provisions of AS/NZS 2890.1:2004.
- iii) Longitudinal section along the gutter line showing how it is intended to transition the vehicular crossing into the existing kerb and gutter. Boundary levels shall generally run parallel with the kerb levels.
- iv) Location of verge trees, street furniture and service installations.
- v) Superimposition of vehicle turning circles for access into parking spaces.
- vi) Certification that the design complies with AS/NZS 2890.1:2004 by a Qualified Engineer.

The certification referred to in (vi) above shall be submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate (for the design) and to the Principal Certifying Authority prior to the issue of any Occupation Certificate for the 'as-built works'.

(Reason: To ensure adequate vehicular access can be achieved.)

19. CAR PARKING - COMPLIANCE WITH AS/NZS 2890.1:2004 (CC)

Car parking dimensions must comply with the Australian/New Zealand Standard AS/NZS 2890.1:2004 - Parking facilities - Off-street car parking. Details demonstrating compliance are to be submitted to the Principal Certifying Authority, prior to the issue of a Construction Certificate.

(Reason: To ensure compliance with Australian Standards relating to parking of vehicles.)

20. CAR PARKING - VEHICULAR CROSSING WIDTH AT PROPERTY BOUNDARY (CC)

Vehicular crossings are to have a maximum width of 3m at the property boundary. Details demonstrating compliance are to be submitted to the Principal Certifying Authority, prior to the issue of a Construction Certificate.

The vehicular crossing (and all associated excavation works) must not be constructed closer than 2 metres from a retained protected street tree.

(Reason: Compliance with SCDP 2005.)

DA2018/126 - 23A Howard Street, Strathfield 2135
LOT 1 DP 831368 (Cont'd)

21. COMMENCEMENT OF WORKS (NO WORKS UNTIL A CC IS OBTAINED)

Building work, demolition or excavation must not be carried out until a Construction Certificate has been issued by either Strathfield Council or a Principal Certifying Authority.

Demolition of any part of a building triggers 'commencement of erection of building' pursuant of section 4.19 of the EP&A Act 1979. Accordingly, demolition works must not commence until a Construction Certificate has been issued, a Principal Certifying Authority has been appointed and a Notice of Commencement has been issued.

(Reason: To ensure compliance with statutory provisions.)

22. COUNCIL PERMITS – FOR ALL ACTIVITIES ON COUNCIL LAND (CC)

Works Permit

(as per Section 68 of the Local Government Act 1993 and Section 138 and 139 of the Roads Act 1993)

A Works Permit is required for construction of a vehicular crossing (driveway), new stormwater down pipe connection to kerb and gutter, new footpath and/or stormwater connection. A Works Permit Application Form is available from Council's Customer Centre or can be downloaded from Council's website. The applicable fees and charges are located on Council's website.

Standing Plant Permit

This permit must be applied for where it is intended to park a concrete pump, crane or other plant on the roadway or footpath. A Standing Plant Permit Application Form is available from Council's Customer Centre or can be downloaded from Council's website. The applicable fees and charges are located on Council's website. Please note a Road Closure Permit is not required for standing plant.

Skip Bin Permit

This permit must be applied for if you intend to place a skip bin on the roadway or footpath. A Skip Bin Application Form is available from Council's Customer Centre or can be downloaded from Council's website. The applicable fees and charges are located on Council's website.

Temporary Full or Part Road Closure Permit

This permit must be applied for if you require a full or a part road closure to take place to assist in your construction works. Please use the Works Permit Application Form, which is available from Council's Customer Service Centre or can be downloaded from Council's website. The applicable fees and charges are located on Council's website. Please note a Road Closure Permit is not required for standing plant.

Hoarding/Fencing Permit

This permit must be applied for if you intend to erect a Class A (fence type) or Class B (overhead type) hoarding/fencing along the street frontage(s). A Hoarding Permit Application Form is available from Council's Customer Service Centre or can be downloaded from Council's website. The applicable fees and charges are located on Council's website.

Work Zone Permit

This permit must be applied for if you require permanent parking along the kerbside at the front of the site during construction works. A Work Zone Permit Application Form is available from Council's Customer Service Centre or can be downloaded from Council's

DA2018/126 - 23A Howard Street, Strathfield 2135
LOT 1 DP 831368 (Cont'd)

website. The applicable fees and charges are located on Council's website.

Ground Anchoring Permit

This permit must be applied for, for the installation of ground anchors under Council's footway/road reserve. It does not cover ground anchors under private properties. A separate approval is required to be obtained from Roads and Maritime Services (RMS) if it is proposed to install ground anchors under a State or Classified Regional Road (please refer to the end of this application form for more information).

(Reason: Council requirement.)

23. EROSION AND SEDIMENTATION CONTROL PLAN (CC)

An Erosion and Sediment Control Plan is to be prepared where construction or excavation activity requires the disturbance of the soil surface and existing vegetation. Details including drawings and specifications must provide adequate measures for erosion and sediment control to ensure:

- i) Compliance with the approved Soil and Water Management Plan.
- ii) Removal or disturbance of vegetation and top soil is confined to within 3m of the approved building area (no trees to be removed without approval).
- iii) All uncontaminated run-off is diverted around cleared or disturbed areas.
- iv) Silt fences or other devices are installed to prevent sediment and other debris escaping from the cleared or disturbed areas into drainage systems or waterways.
- v) All erosion and sediment controls are fully maintained for the duration of demolition/development works.
- vi) Controls are put into place to prevent tracking of sediment by vehicles onto adjoining roadways.
- vii) All disturbed areas are rendered erosion-resistant by turfing, mulching, paving or similar.
- viii) All water pumped or otherwise removed from excavations or basement areas is filtered to achieve suspended solids/non filterable residue levels complying with the Australian Water Quality guidelines for Fresh and Marine Waters.
- ix) Pumped or overland flows of water are discharged so as not to cause, permit or allow erosion before the commencement of work (and until issue of the occupation certificate).

Details of the proposed soil erosion and sedimentation controls are to be submitted to the Principal Certifying Authority with the Construction Certificate Application. Under no circumstances are any works to commence, prior to these details being approved by the Principal Certifying Authority and the controls being in place on the site.

(Reason: Environmental protection.)

24. SECTION 7.11 CONTRIBUTION PAYMENT - INDIRECT CONTRIBUTIONS PLAN) (CC)

In accordance with the provisions of Section 7.11 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:

Local Amenity Improvement Levy	\$10,015.65
--------------------------------	-------------

The total amount of the contribution is valid as at the date of determination and is subject to quarterly indexation. The amount of the contribution under this condition shall be indexed in accordance with clause 4.12 of the Strathfield Indirect Development Contributions Plan

DA2018/126 - 23A Howard Street, Strathfield 2135
LOT 1 DP 831368 (Cont'd)

2010-2030.

Contributions must be receipted by Council and submitted to the Accredited Certifier, prior to the issue of any Construction Certificate.

A copy of this condition is to be presented to Council's Customer Service Centre when paying the contribution so that it can be recalculated.

Note: A copy of Strathfield Council's Section 7.11 Indirect Development Contributions Plan may be downloaded from Council's website.

(Reason: To enable the provision of public amenities and services required/anticipated as a consequence of increased demand resulting from the development.)

25. SECURITY PAYMENT - DAMAGE DEPOSIT FOR COUNCIL INFRASTRUCTURE (CC)

A security (damage deposit) of **\$15, 000.00** (calculated in accordance with Council's adopted Fees and Charges) shall be paid to Council, prior to the issue of a Construction Certificate.

The deposit is required as security against any damage to Council property during works on the site. The applicant must bear the cost of all restoration works to Council's property damaged during the course of this development. All building work must be carried out in accordance with the Building Code of Australia.

Payment may be accepted in the form of cash, bank guarantee, cheque or credit card (financial transactions fees apply). Note: Additional fees apply for the lodgement of a bank guarantee in lieu of cash bond applies in accordance with Council's adopted Fees and Charges.

Any costs associated with works necessary to be carried out to rectify any damages caused by the development, shall be deducted from the Damage Deposit.

Note: Should Council property adjoining the site be defective e.g. cracked footpath, broken kerb etc., this should be reported in writing, or by photographic record, submitted to Council at least seven (7) days prior to the commencement of any work on site. This documentation will be used to resolve any dispute over damage to infrastructure. It is in the applicant's interest for it to be as full and detailed as possible.

The damage deposit shall be refunded upon completion of all works upon receipt of a Final Occupation Certificate stage and inspection by Council.

(Reason: Protection of Council infrastructure.)

26. STORMWATER - RAINWATER RE-USE (CC)

A rainwater re-use system shall be provided in accordance with either the BASIX minimum requirements, any relevant Council Rainwater Policy and/or specification of the management of stormwater, whichever is applicable. A detailed stormwater plan showing the proposed re-use system shall be submitted to and approved by the Principal Certifying Authority, prior to the issue of a Construction Certificate.

(Reason: Compliance and amenity.)

DA2018/126 - 23A Howard Street, Strathfield 2135
LOT 1 DP 831368 (Cont'd)

CONDITIONS TO BE SATISFIED PRIOR TO THE COMMENCEMENT OF WORKS (CW)**27. APPOINTMENT OF A PRINCIPAL CERTIFYING AUTHORITY (PCA) (CW)**

No work shall commence in connection with this Development Consent until:

- i) A construction certificate for the building work has been issued by the consent authority or a Principal Certifying Authority.
- ii) The person having the benefit of the development consent has appointed a principal certifying authority for the building work, and notified the principal certifying authority that the person will carry out the building work as an owner/builder, if that is the case.
- iii) The principal certifying authority has, no later than 2 days before the building work commences:
 - notified the Council of his or her appointment, and
 - notified the person having the benefit of the development consent of any critical stage inspections and other inspections that are to be carried out in respect of the building work.
- iv) The person having the benefit of the development consent, if not carrying out the work as an owner-builder, has:
 - appointed a principal contractor for the building work who must be the holder of a contractor licence if any residential building work is involved;
 - notified the principal certifying authority of such appointment; and
 - unless that person is the principal contractor, notified the principal contractor of any critical stage inspections and other inspections that are to be carried out in respect of the building work.
- v) The person having the benefit of the development consent has given at least 2 days' notice to the Council of the person's intention to commence the erection of the building.

Note: If the principal certifying authority is the Council, the nomination will be subject to the payment of a fee for the service to cover the cost of undertaking all necessary inspections and the issue of the appropriate certificates.

Under the Environment Planning and Assessment (Quality of Construction) Act, 2003, a sign must be erected in a prominent position on the work site showing the name, address and telephone number of the principal certifying authority; the name of the principal contractor (if any) for the building work and a telephone number at which that person may be contacted outside working hours. That sign must also state that unauthorised entry is prohibited. The sign must not be removed until all work has been completed.

(Reason: Statutory requirement.)

28. NOTICE OF COMMENCEMENT (CW)

No work shall commence until the following details are submitted to Council:

- i) a Notice of Commencement (form will be attached with issue of a Construction Certificate or available from our website) within two (2) days of the date on which it is proposed to commence works associated with the Development Consent;
- ii) details of the appointment of a Principal Certifying Authority (either Council or another Principal Certifying Authority); and
- iii) details of the name, address and licence details of the Builder.

(Reason: Statutory requirement.)

DA2018/126 - 23A Howard Street, Strathfield 2135
LOT 1 DP 831368 (Cont'd)

CONDITIONS TO BE SATISFIED DURING DEMOLITION AND BUILDING WORKS (DW)

29. PUBLIC INFRASTRUCTURE AND SERVICES (DW)

The applicant must comply with the requirements (including financial costs) of any relevant utility provider (e.g. Energy Australia, Sydney Water, Telstra, RMS, Council etc.) in relation to any connections, works, repairs, relocation, replacements and/or adjustments to public infrastructure or services affected by the development.

(Reason: To maintain public infrastructure and/or services.)

30. STORMWATER MANAGEMENT PLAN - CERTIFICATION REQUIREMENT (GC)

A detailed Stormwater Management Plan (SWMP) in line with Council's Stormwater Management Code is to be prepared and certified by a practicing Chartered Professional Engineer on the National Professional Engineer's Register (NPER) at Engineers Australia and submitted to the Principal Certifying Authority and Council, prior to the issue of a Construction Certificate. The SWMP is to be based on the approved development as modified by any conditions of consent.

(Reason: To ensure appropriate provision is made for the disposal and management of stormwater generated by the development, and to ensure public infrastructure in Council's care and control is not overloaded.)

31. SURVEY REPORT OF APPROVED LEVELS DURING AND POST CONSTRUCTION (DW)

A Survey Certificate to Australian Height Datum shall be prepared by a Registered Surveyor as follows:

- i) At the completion of the first structural floor level prior to the pouring of concrete indicating the level of that floor and the relationship of the building to the boundaries.
- ii) At the completed height of the building, prior to the placement of concrete inform work, or the laying of roofing materials.
- iii) At the completion of the development.

Progress certificates in response to points (1) through to (3) shall be provided to the Principal Certifying Authority at the time of carrying out relevant progress inspections. Under no circumstances is work allowed to proceed until such survey information is submitted to and approved by the Principal Certifying Authority.

(Reason: To ensure compliance with the approved plans.)

CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE (OC)

32. ENGINEERING WORKS (CERTIFICATION OF)

Prior to occupation of the premises, a Work As Executed (WAE) Plan of all engineering and/or drainage works is to be submitted to the Principal Certifying Authority. The WAE Plan is to be certified by a suitably Qualified Engineer, with Corporate Membership standing in the Institution of Engineers Australia and registered on the National Professional Engineers Register (NPER) under the appropriate professional category, demonstrating that:

- i) the stormwater drainage system; and/or

DA2018/126 - 23A Howard Street, Strathfield 2135
LOT 1 DP 831368 (Cont'd)

- ii) the car parking arrangement and area; and/or
- iii) any related footpath crossing works; and/or
- iv) the proposed basement pump and well system; and/or
- v) the proposed driveway and layback; and/or
- vi) any other civil works

have been constructed in accordance with the approved plans and any relevant Standards and Council policies/specifications.

For major works, such as subdivisions, works within the road reserve (requiring separate S138 approval) and as where specified by Council, a Part 4A Certificate will be required. It is strongly recommended that an Engineer supervise all engineering related works.

Where Council is not the Principal Certifying Authority, an electronic copy of the above documents is to be provided to Council, prior to the issue of any Occupation Certificate.

(Reason: Asset management.)

33. **OCCUPATION OF BUILDING (OC)**

A person must not commence occupation or use (or change of use where an existing building) of the whole or any part of a new building (within the meaning of section 109H (4) of the Act) unless an Interim Occupation Certificate or Final Occupation Certificate has been issued in relation to the building or part.

The Principal Certifying Authority is required to be satisfied, amongst other things, that:

- i) all required inspections (including each applicable mandatory critical stage inspection) have been carried out; and
- ii) any preconditions to the issue of the certificate required by a development consent have been met.

Note: New building includes an altered portion of, or an extension to, an existing building.

(Reason: Statutory requirement.)

34. **RAINWATER TANKS (OC)**

Rainwater tanks must be installed on residential properties by a suitably qualified and licensed plumber and in accordance with the following:

- i) Australian/New Zealand Standard AS/NZS 3500:2003;
- ii) NSW Code of Practice Plumbing and Drainage, 2006 produced by Committee on Uniformity of Plumbing and Drainage Regulations in NSW (CUPDR); and
- iii) Council's rainwater tank policy.

Details demonstrating compliance with this condition are to be submitted to the Principal Certifying Authority, prior to the issue of any Occupation Certificate.

(Reason: To protect public health and amenity.)

35. **STORMWATER - CERTIFICATION OF THE CONSTRUCTED DRAINAGE SYSTEM (OC)**

The constructed stormwater system shall be certified by a suitably qualified person, in accordance with Council's Stormwater Management Code, prior to the issue of any Occupation Certificate.

DA2018/126 - 23A Howard Street, Strathfield 2135
LOT 1 DP 831368 (Cont'd)

(Reason: Adequate stormwater management.)

ATTACHMENTS

There are no attachments for this report.

TO: Strathfield Internal Development Assessment Panel Meeting - 17 January 2019

REPORT: IDAP – Report No. 7

SUBJECT: DA2018/112 - 44 NEWTON ROAD, STRATHFIELD
LOT 3 IN DP 14613

DA NO. DA2018/112

SUMMARY

Proposal:	Demolition of the existing buildings and construction of a single dwelling with basement level, in-ground pool, front boundary fencing and associated landscaping.
Applicant:	CK Design
Owner:	Charbel and Louise Moubarak
Date of lodgement:	6 August 2018
Notification period:	8 August 2018 to 25 August 2018
Submissions received:	Nil
Assessment officer:	DS
Estimated cost of works:	\$1,492,107
Zoning:	R2 Low Density Residential - SLEP 2012
Heritage:	No
Flood affected:	Yes
Is a Clause 4.6 variation proposed?	No
RECOMMENDATION OF OFFICER:	Approval

EXECUTIVE SUMMARY

- 1.0 The application seeks approval for the demolition of the existing buildings and construction of single dwelling with basement level, in-ground pool, front boundary fencing and associated landscaping.
- 2.0 The application was notified in accordance with Part L of the Strathfield Consolidated Development Control Plan (SCDCP) 2005 with no submissions raised during this time.
- 3.0 Amended architectural and stormwater plans were requested to address issues raised in relation to the proposed new driveway, landscaping and rear balcony.
- 4.0 The application is considered appropriate and is therefore recommended for approval, subject to the relevant conditions of consent.

BACKGROUND

- | | |
|----------------|---|
| 6 August 2018 | The application was lodged and allocated to the responsible Planner. |
| 8 August 2018 | The application was notified for a period of two weeks from 13 August 2018 to 25 August 2018. |
| 13 August 2018 | Correspondence was forwarded to the applicant requesting the submission of additional information and amended plans that related to an excessive rear |

DA2018/112 - 44 Newton Road, Strathfield
Lot 3 in DP 14613 (Cont'd)

	balcony, location of the proposed driveway, landscaping, front boundary fence and location of proposed planters.
12 October 2018	The application was re-allocated to a new assessment officer.
14 October 2018	The assessment planner conducted a site visit
26 November 2018	Amended architectural and stormwater plans were submitted in response to Council's correspondence. The response addressed issues raised relating to stormwater management, landscaping and reducing the size of the rear balconies. The amended plans failed to address the concerns raised by Council's Tree Officer, specifically in regards to the front boundary fence and planters.
4 December 2018	Amended architectural plans (Revision B) were submitted to Council, addressing concerns relating to the front boundary fence and planters.

DESCRIPTION OF THE SITE AND LOCALITY

The subject site is legally described as Lot 3 in DP 14613 and is commonly known as 44 Newton Road (Figure 1). The site is a corner allotment located on the southern side of Newton Road and on the eastern side of Myrna Road, totaling an area of 610.67m². The site is rectangular in shape and has a frontage of 15.62m to the north and contains a side boundary of 42.67m.

Existing development comprises a single storey residential dwelling with exposed facebrick exterior walls and a tiled pitch roof form (Figure 2). Vehicular access is obtained via an existing driveway located at the southern end of the property from Myrna Road. The current streetscape is primarily characterised by two (2) storey residential dwellings that have a combination of pitch and flat roof forms with exposed face brick and rendered exterior walls.

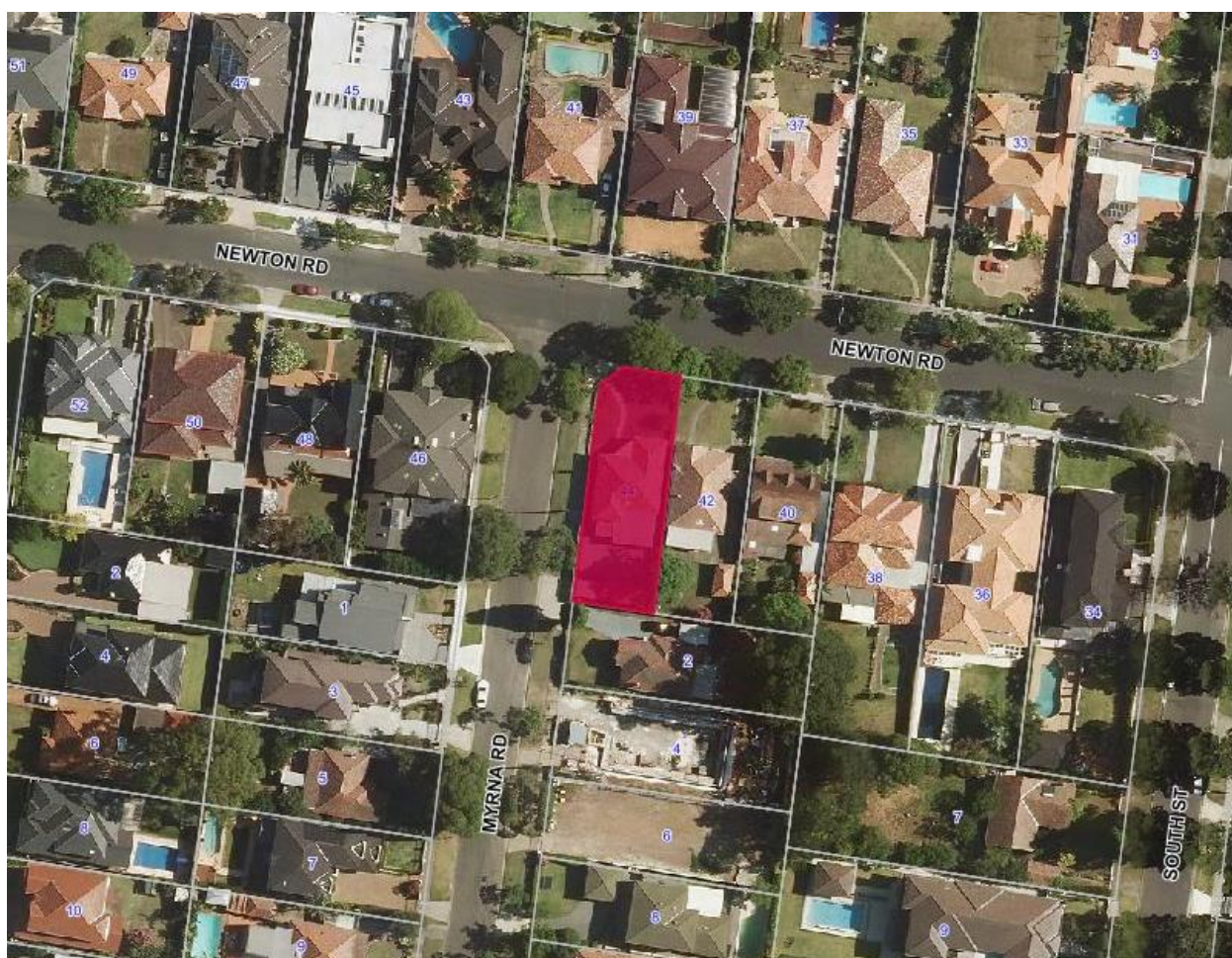


Figure 1: The site and the surrounding context.

DA2018/112 - 44 Newton Road, Strathfield
Lot 3 in DP 14613 (Cont'd)



Figure 2: Existing development located on the subject site.



Figure 3: Residential dwelling neighbouring the subject site.

DA2018/112 - 44 Newton Road, Strathfield
Lot 3 in DP 14613 (Cont'd)



Figure 4: Residential dwelling to the rear of the subject site.



Figure 5: Residential dwellings located in the immediate vicinity of the subject site.

PROPERTY BURDENS AND CONSTRAINTS

There are no easements or burdens on the land which would affect, or be affected by, the proposed development.

DA2018/112 - 44 Newton Road, Strathfield
Lot 3 in DP 14613 (Cont'd)

DESCRIPTION OF THE PROPOSED DEVELOPMENT

The application seeks Council consent for the demolition of the existing buildings and construction of a single dwelling with basement level, in-ground pool, front boundary fencing and associated landscaping.

Specific elements of the proposal involve:

Construction of a basement level containing:

- Two (2) parking spaces and turning bay
- Substantial storage room (non-habitable room);
- Electric and Plant room;
- Lift

Construction of a single dwelling house containing:

Ground level

- Kitchen, pantry and dining room;
- Two (2) living rooms;
- Cinema Room and Study;
- Laundry and Bathroom;
- Internal garden courtyard;
- Lift

First level

- Four (4) bedrooms with ensuites (three with walk in robes);
- Lift

External works:

- Alfresco area;
- Swimming Pool;
- Outdoor Bathroom



Figure 6: A photo montage of the proposed residential dwelling.

REFERRALS

DA2018/112 - 44 Newton Road, Strathfield
Lot 3 in DP 14613 (Cont'd)

INTERNAL REFERRALS

Engineering Comments

Council's Engineer commented on the proposal as follows:

*"I have referred to the development application referenced above and reviewed the stormwater drainage concept plan prepared by **Capital Engineering Consultants rev B drawing no. SWDP01-SWDP06 project no. SW18110 dated 22.11.2018.***

The subject site has a natural fall to the rear, but natural fall to Myrna Road has enabled the applicant to submit a compliant design. The provision of water sensitive urban design is not required as the site is less than 2000m². OSD provision is not required as the site cumulative imperviousness is less than 65% of total site area. The site discharges to the street kerb and gutter by means of a gravity pipe via the boundary pit.

All roof runoff and proposed balconies drain into proposed rainwater tank in the basement in accordance with BASIX requirements by gravity means via rainwater outlets. Overflow from the tank drains into boundary pit by gravity means via overflow pipe. Turf and landscaped areas drain into the boundary pit by gravity means via grated surface inlet pits.

Proposed basement drain into the pump out pit by gravity means via subsoil drainage and grated trench drain. The rising main from the pump out pit connect to grated surface inlet pits on the ground floor.

From an engineering perspective, the concept plan is feasible and there are no objections to its approval subject to the following conditions attached."

Council's Engineer offered no objections to the proposal, subject to the imposition of recommended conditions of consent.

Landscaping Comments

No objection was offered, subject to the imposition of recommended conditions of consent.

Traffic Comments

No objections was offered, subject to the imposition of recommended conditions of consent.

SECTION 4.15 CONSIDERATIONS – EP&A Act, 1979

In determining a development application, the consent authority is to take into consideration the following matters of consideration contained within Section 4.15 of the Environmental Planning and Assessment Act, 1979 as relevant to the development application:

4.15(1)(a) the provisions of:

(i) any environmental planning instrument

STATE ENVIRONMENTAL PLANNING POLICY (SEPP) – BASIX 2004

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 as part of the application which indicates that the proposal meets the required reduction targets. An appropriate condition of consent will be imposed to ensure future compliance with these targets.

DA2018/112 - 44 Newton Road, Strathfield
Lot 3 in DP 14613 (Cont'd)

State Environmental Planning Policy No 55 – Remediation of Land

SEPP 55 applies to the land and pursuant to Section 4.15 is a relevant consideration.

A review of the available history for the site gives no indication that the land associated with this development is contaminated. There were no historic uses that would trigger further site investigations. The objectives outlined within SEPP55 are considered to be satisfied.

State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017

The State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 replaces the repealed Clause 5.9 of SLEP 2012 (Preservation of Trees and Vegetation).

The intent of this SEPP is consistent with the objectives of the repealed Standard where the primary aims/objectives are related to the protection of the biodiversity values of trees and other vegetation on the site.

STRATHFIELD LOCAL ENVIRONMENTAL PLAN (SLEP) 2012

An assessment of the proposal against the general aims of SLEP 2012 is included below:

Cl. 1.2(2)	Aims	Complies
(a)	<i>To achieve high quality urban form by ensuring that new development exhibits design excellence and reflects the existing or desired future character of particular localities and neighbourhoods in Strathfield</i>	Yes
(b)	<i>To promote the efficient and spatially appropriate use of land, the sustainable revitalisation of centres, the improved integration of transport and land use, and an appropriate mix of uses by regulating land use and development</i>	Yes
(c)	<i>To promote land uses that provide a wide range of employment, recreation, retail, cultural, service, educational and other facilities for the local community</i>	Yes
(d)	<i>To provide opportunities for economic growth that will enhance the local community</i>	Yes
(e)	<i>To promote future development that integrated land use and transport planning, encourages public transport use, and reduced the traffic and environmental impacts of private vehicle use</i>	Yes
(f)	<i>To identify and protect environmental and cultural heritage</i>	Yes
(g)	<i>To promote opportunities for social, cultural and community activities</i>	Yes
(h)	<i>To minimise risk to the community by identifying land subject to flooding and restricting incompatible development</i>	Yes

Comments: The proposed works will result in a two (2) storey residential dwelling with basement level, of high quality construction and built contribution which is considered to reflect the existing and future character of the area.

Permissibility

The subject site is Zoned R2 Low Density Residential under Strathfield Local Environmental Plan (SLEP) 2012 and '**dwelling houses**' are a permissible form of development with consent within the R2 zone.

The proposal is defined under SLEP 2012 as follows:

"A building containing only one dwelling"

DA2018/112 - 44 Newton Road, Strathfield
Lot 3 in DP 14613 (Cont'd)

The proposed development is consistent with the definition above and is consistent within the R2 zone.

Zone Objectives

An assessment of the proposal against the objectives of the R2 zone is included below:

Objectives	Complies
➤ <i>To provide for the housing needs of the community within a low density residential zone.</i>	Yes
➤ <i>To enable other land uses that provide facilities or services to meet the day to day needs of residents.</i>	Yes
➤ <i>To ensure that development of housing does not adversely impact the heritage significance of adjacent heritage items and conservation areas.</i>	Yes
➤	

Comments: The proposal will result in a high quality residential dwelling that is considered to acceptably provide for the needs of future residents located within the surrounding neighbourhood. The proposed design considers the existing and the future desired character of the wider streetscape; ensuring the neighbourhood amenity is being retained.

Part 4: Principal development standards

An assessment of the proposal against the relevant provisions contained within Part 4 of the SLEP 2012 is provided below.

Height of building

Cl.	Standard	Controls	Proposed	Complies
4.3	<i>Height of building</i>	9.5m	8.3m	Yes

Objectives	Complies
(a) <i>To ensure that development is of a height that is generally compatible with or which improves the appearance of the existing area</i>	Yes
(b) <i>To encourage a consolidation pattern that leads to the optimum sustainable capacity height for the area</i>	Yes
(c) <i>To achieve a diversity of small and large development options.</i>	Yes

Comments: The residential dwelling proposes a maximum building height of 9.3m, which is consistent with Council's maximum 9.5m development standard determined by Clause 4.3 of the SLEP 2012. The height of the proposed dwelling is generally compatible with the existing and desired future character of the area.

Floor space ratio

Cl.	Standard	Controls	Proposed	Complies
4.4	<i>Floor space ratio</i>	0.6:1 (366m ²)	0.597:1 (364.1m ²)	Yes

Objectives	Complies
(a) <i>To ensure that dwellings are in keeping with the built form character of the local area</i>	Yes
(b) <i>To provide consistency in the bulk and scale of new dwellings in residential areas</i>	Yes
(c) <i>To minimise the impact of new development on the amenity of adjoining</i>	Yes

DA2018/112 - 44 Newton Road, Strathfield
Lot 3 in DP 14613 (Cont'd)

<i>properties</i>		
(d)	<i>To minimise the impact of development on heritage conservation areas and heritage items</i>	Yes
(e)	<i>In relation to Strathfield Town Centre:</i> i. <i>to encourage consolidation and a sustainable integrated land use and transport development around key public transport infrastructure, and</i> ii. <i>to provide space for the strategic implementation of economic, social and cultural goals that create an active, lively and people-oriented development</i>	Yes
(f)	<i>In relation to Parramatta Road Corridor – to encourage a sustainable consolidation pattern that optimises floor space capacity in the Corridor</i>	Yes

Comments: The application seeks to maximize the development potential of the site, in proposing a dwelling which maximizes the allowable floor space ratio (0.597:1 or 364.1m²) to comply with the 0.6:1 (366m²) requirement as determined by Clause 4.4 of the SLEP 2012. Gross floor area was calculated in accordance with the definition as determined by the SLEP 2012 and excluded those non-habitable areas within the basement nominated as a store room, basement lobby, lift, electric room, turning area and plant room.

Part 6: Local Provisions

The relevant provisions contained within Part 6 of the SLEP 2012 are addressed below as part of this assessment:

6.4 Essential services

Clause 6.4 of the SLEP 2012 requires consideration to be given to the adequacy of essential services available to the subject site. The subject site is located within a well serviced neighbourhood and features existing water and electricity connection and access to Council's stormwater drainage system. As such, the subject site is considered to be adequately serviced for the purposes of the proposed development.

4.15(1)(a)(ii) any draft environmental planning instruments

There are no applicable draft planning instruments that are or have been placed on public exhibition, to consider as part of this assessment.

4.15 (1)(a)(iii) any development control plan

STRATHFIELD CONSOLIDATED DEVELOPMENT CONTROL PLAN (SCDCP) 2005

The following is an assessment of the proposal's compliance with the relevant provisions contained within SCDCP 2005.

PART A – DWELLING HOUSES AND ANCILLARY STRUCTURES

An assessment of the proposal against the objectives contained within Clause 1.3 of Part A of SCDCP 2005 is included below:

2: Architectural Design & Streetscape Presentation

2.1	Objectives	Satisfactory
A.	<i>To ensure that development respects the predominant height, scale, character, type, form, colour, materials and architectural qualities of the existing dwelling house (in the case of alterations and additions) and surrounding neighbourhood especially any adjoining or nearby heritage item or heritage conservation area.</i>	Yes
B.	<i>To achieve quality architecture in new development through the appropriate composition and articulation of building elements.</i>	Yes

DA2018/112 - 44 Newton Road, Strathfield
Lot 3 in DP 14613 (Cont'd)

C.	<i>To ensure that the dominant building rhythm of the streetscape is reflected in the building design in terms of the spacing and proportion of the built elements.</i>	Yes
D.	<i>To ensure that new dwellings have facades, which define, address and enhance the public domain.</i>	Yes
E.	<i>To encourage contemporary architecture that is innovative, uses high quality detailing, and incorporates elements characteristic of Strathfield.</i>	Yes
F.	<i>To promote the continuance of pyramidal roof forms within Strathfield where they are already prevalent.</i>	Yes
G.	<i>To retain a feeling of openness and space between built elements by maintaining landscaped setbacks and preserve the appearance of dwellings set in the treelined streets and park-like environment.</i>	Yes
H.	<i>To reduce the use of highly reflective colours and materials that create visual prominence.</i>	Yes
I.	<i>To ensure fencing is sympathetic to the design of the dwelling and the street and enhances the character of both the individual house and street whilst maintaining casual surveillance of the neighbourhood.</i>	Yes
J.	<i>To protect and retain the amenity of adjoining properties.</i>	Yes

2.2	Development Controls	Complies
.1.	<i>Streetscape Presentation</i>	
	1 New dwellings address street frontage with clear entry.	Yes
	2 Consistently occurring building features integrated within dwelling design.	Yes
	3 Consideration of streetscape elements	Yes
	4 Integrated security grilles/screens, ventilation louvres and garage doors	Yes
.2.	<i>Scale, Massing & Rhythm of Street</i>	
	1 Scale, massing, bulk and layout complement the existing streetscape and the dominant building rhythm	Yes
	2 Building height and mass maintains amenity to adjacent properties open space or the public domain	Yes
.3.	<i>Building Forms</i>	
	1 Building form articulated.	Yes
	2 Dwellings on corner sites address both street frontages and articulated	Yes
	3 Attic located within roof space of 1 or 2-storey dwelling or garage via internal stairs.	Yes
.4.	<i>Roof Forms</i>	
	1 Roof form complements predominant form in the locality	Yes
	2 Roof form minimises bulk and scale of building and remains an important architectural element in the street.	Yes
	3 First floor additions complement the architectural style of the ground floor and delineate the existing roof form, slope and ridge	Yes
	4 Roof structures are not visible from the public domain	Yes
	<i>Materials</i>	
	5 Materials compatible with the existing dwelling house, adjoining dwelling houses and the streetscape (type, form and colour)	Yes
	6 Monotone face brick walls and terracotta tiles for roofs where common in the	Yes

DA2018/112 - 44 Newton Road, Strathfield
Lot 3 in DP 14613 (Cont'd)

streetscape		
7	New buildings and facades do not result in glare (Reflectivity Report may be required)	Yes
Colours		
8	New development incorporates traditional colour schemes	Yes
9	The external colours integrate harmoniously with the external design of the building	Yes

Comments: The proposal results in a high-quality built form which is designed to positively contribute within the existing streetscape. The proposal introduces a flat roof form that is not a dominant feature within the streetscape, however on balance reflects the evolving character and modernisation of the area. Given the site's corner location, external finishes and materials are varied on both site frontages (northern and western elevations) to reflect external characteristics of surrounding residential dwellings situated within the immediate vicinity of the subject site.

Specifically, external materiality includes timber cladding, off form concrete and rendered finishes as illustrated below.



Figure 7: Proposed schedule of colours and finishes.

4: Building Envelope

4.1	Objectives	Satisfactory
A.	To ensure that dwellings are compatible with the built form of the local area and that overall bulk and scale, size and height of dwellings relative to natural ground level responds to the adjoining dwellings, topography and desired future character.	Yes
B.	To minimise impact on the amenity of adjoining properties.	Yes
C.	To establish and maintain the desired setbacks from the street and define the street edge.	Yes
D.	To create a perception or reinforce a sense of openness in the locality.	Yes
E.	To maintain view corridors between dwellings	Yes
F.	To assist in achieving passive surveillance whilst protecting visual privacy.	Yes
G.	To provide a transitional area between public and private space.	Yes
4.2	Development Controls	Complies
	<i>Floor Space Ratio</i>	
.1.	1 Floor Space Ratio permissible pursuant to SLEP 2012	Yes
	2 Development compatible with the lot size	Yes

DA2018/112 - 44 Newton Road, Strathfield
Lot 3 in DP 14613 (Cont'd)

Building Height			
.2.	1	Height of building permissible pursuant to SLEP 2012	Yes
	2	Height of outbuildings, detached garages and carports is 3.5m (max) measured at the highest point on the roof above NGL	Yes
	3	Dwelling houses and any ancillary structures 2-storeys (max)	Yes
	4	Building height responds to the gradient of the site to minimise cut and fill	Yes
.3.1.	Street Setbacks		
	1	Setbacks consistent with minimum requirements of Table A.1	Yes
.3.2.	Side and Rear Setbacks		
	1	A combined side setback of 20% of the width of the block (incorporating a 1.2m min side setback on each side).	Yes
	2	A rear setback of 6m (min)	Yes
	3	1Subject to meeting the minimum landscaped area (as per section 5 of this part of the DCP) in the rear of the site, ancillary facilities such as garages/outbuildings may be located within the rear setback area.	Yes
	4	Garages and carports setbacks consistent with Table A.2	Yes

Comments: The proposal has demonstrated compliance with the development standards as prescribed by Clauses 4.3 and 4.4C of the SLEP 2012. The proposal establishes a primary setback of 9.2m to Newton Road, rear setback of 6.2m and a side setback of 1.2m. The siting, site coverage and scale of the proposed dwelling demonstrates consistency with the requirements under Part A of the SCDP 2005.

5: Landscaping

5.1	Objectives	Satisfactory
A.	To encourage landscaping that is appropriate to the style and scale of the dwelling and adjoining development, and to the streetscape.	Yes
B.	To enhance the existing streetscape and promote a scale and density of planting that softens the visual impact of buildings, structures, vehicle circulation and ancillary areas.	Yes
C.	To preserve existing landscape elements on site (such as existing trees) and encourage their integration into the design of proposals.	Yes
D.	To ensure adequate deep soil planting is retained on each allotment.	Yes
E.	To ensure developments make an equitable contribution to the landscape setting of the locality.	Yes
F.	To ensure both existing and new landscaping provides suitable shade and facilitates convective cooling breeze paths in summer.	Yes
G.	To encourage the use of native flora such as open woodland canopy trees, to provide a habitat for native fauna.	Yes

DA2018/112 - 44 Newton Road, Strathfield
Lot 3 in DP 14613 (Cont'd)

H.	<i>To ensure that landscaped areas are designed to minimise water use.</i>	Yes
I.	<i>To provide functional private open spaces for active or passive use by residents.</i>	Yes
J.	<i>To provide private open areas with provision for clothes drying facilities screened from the street and lane or a public place.</i>	Yes
K.	<i>To ensure the protection of trees during construction</i>	Yes
L.	<i>To ensure suitable fencing is provided to reduce acoustic impacts and enhance visual privacy between neighbouring residents whilst enabling front fences passive surveillance of the street.</i>	Yes
M.	<i>To maximise the amenity of existing and proposed developments, including solar access, privacy and open space.</i>	Yes
5.2	Development Controls	Complies
.1.	<i>Landscaped area</i>	
	1 Landscaped area in accordance with Table A.3	Yes
	2 At least 50% of the minimum landscaped area located behind the building line to the rear boundary	Yes
	3 At least 50% of the front yard maintained as deep soil soft landscaping	Yes
	4 Minimise hard surface area (concrete/brick/stone paving and bitumen). Run-off directed to permeable surfaces.	Yes
	5 Planting areas soften the built form	Yes
	6 Front gardens respond and contribute to the garden character of Strathfield.	Yes
	7 Retain and reinforce the prevailing streetscape and surrounding locality	Yes
	8 Plant species must be retained, selected and planted to improve amenity	Yes
.2.	<i>Tree Protection</i>	
	1 Arboricultural Impact Assessment Report prepared by an AQF Level 5 Arborist	Yes
	2 The Arboricultural Impact Assessment Report address minimum criteria	Yes
	3 Development provides for the retention and protection of existing significant trees	Yes
	4 New dwellings and alterations and additions are set back in accordance with the Arboricultural Impact Assessment Report	Yes
	5 Council may request the applicant to engage a project Arborist	Yes
	6 Opportunities for planting new canopy trees within the front setback	Yes
	7 At least one (1) canopy tree provided in the rear yard.	Yes
	8 Trunk of a proposed canopy tree planted 4m (min) from built structures, or 3m (min) from pier beam footings	Yes
	9 Planting on side boundaries a 0.6m (min) deep root deflection barrier provided 1.5m (min) either side of the tree center	Yes
	10 Driveway construction does not result in the removal, lopping or root damage to any street tree	Yes
	11 25% (min) of canopy trees and other vegetation shall be locally sourced indigenous species	Yes

DA2018/112 - 44 Newton Road, Strathfield
Lot 3 in DP 14613 (Cont'd)

Private Open Space			
.3.	1	Provided in a single parcel rather than a fragmented space, directly accessible from internal living areas	Yes
	2	Includes a deep soil area compliant with the minimum landscaped area.	Yes
	3	Terraces and decks (at least 10m²) with one length or width 3m (min) and directly accessible from an internal living area. Decks cannot be located more than 500mm above NGL	Yes
	4	Unless 3m (min) width, areas within setbacks are not to be included as private open space	Yes
	5	Private open space located at the rear of the property.	Yes
Fencing			
.4.	1	Fencing designed to be compatible and sympathetic to the style of the dwelling, adjoining properties and the streetscape	Yes
	2	Landscaping used when the streetscape is characterised by the absence of front fences	Yes
	3	Fencing forward of FBL shall not exceed 1.5m. Solid components shall not exceed 0.7m above NGL with the exception of brick piers	Yes
	4	Solid fencing 1.8m (max) is permitted along a secondary street frontage to enclose a private open space	Yes
	5	Side and rear fences limited to 1.8m (max)	Yes
	6	Side fences forward of the FBL taper down to the front fence.	Yes
	7	Front fences visually permeable	Yes
	8	Front fences on busy roads designed to provide acoustic attenuation	Yes
	9	Listed undesirable materials and finishes not used forward FBL	Yes
	10	Corner allotments incorporate a 1.5m x 1.5m (min) splay adjacent to the road intersection	Yes
	11	Solid fences adjoining driveways are provided with 1m x 1m (min) splay	Yes
	12	A splay adjacent to a road intersection or driveway entrance must be landscaped	Yes
	13	Significant trees maintained	Yes
	14	Stormwater flows through or under fencing on sloping sites	Yes
	15	Dividing fences constructed of timber palings (lapped and capped) with height of 1.8m (max)	Yes
	16	Gates or entries from private property onto Council parks, reserves, open space, etc. are permitted	Yes
	17	Gatehouses permitted where compatible with the streetscape.	Yes

Comments: The proposal provides a landscaped area of 254.8m² (41.72%), marginally complying with the minimum 41.5% landscaped area requirements. The landscaped area has been appropriately distributed throughout the site.

Council's Tree Management Officer raised no objections to the removal of the small jacaranda in the front yard. Further, a replacement tree is required to be planted along this frontage which is reflected in **Condition 9** of the recommended conditions of consent. Additional conditions of consent have also been imposed to ensure the protection of Council's street tree which is located adjacent to the proposed new driveway (**Condition 20**).

DA2018/112 - 44 Newton Road, Strathfield
Lot 3 in DP 14613 (Cont'd)

6: Solar Access

6.1	Objectives	Satisfactory
A.	To ensure the design of new dwelling houses and alterations and additions maximises solar access to living areas and open space areas.	Yes
B.	To minimise overshadowing of adjoining properties.	Yes
6.2	Development Controls	Complies
.1.	Sunlight Access	
	1 New dwellings - 3 hours solar access between 9.00am and 3.00pm on June 21 to the windows of habitable rooms and 50% of private open space	Yes
	3 50% of the principal private open space of any adjoining premises receives 3 hours solar access between 9.00am and 3.00pm on June 21	Yes
	4 The proposed development does not further reduce the amount of solar access	Yes

Comments: The application demonstrates that the proposal will provide a development where a minimum of three (3) hours of solar access between 9am and 3pm will be received during the winter solstice. Windows within habitable rooms and 50% of the designated private open space will enjoy a minimum of 3hr solar access in accordance with the development controls.

7: Privacy

7.1	Objectives	Satisfactory
A.	Development that is designed to provide reasonable privacy to adjacent properties	Yes
B.	To maintain reasonable sharing of views from public places and living areas	Yes
C.	To ensure that public views and vistas are protected, maintained and where possible, enhanced	Yes
D.	To ensure that canopy trees take priority over views	Yes
E.	To ensure that the siting and design of buildings minimises noise impacts from abutting roads, rail corridors and other noise-generating land uses	Yes
7.2	Development Controls	Complies
.1.	Visual Privacy	
	1 Protect POS, bedrooms, balconies and living rooms of proposed and any existing adjoining dwellings from direct overlooking	Yes
	2 Provide adequate separation of buildings	Yes
	3 Ensure elevation of finished floor levels above NGL is not excessive	Yes
	4 Improve privacy to adjacent properties with screen planting	Yes
.2.	Windows	
	1 Windows do not directly face the windows, balconies and courtyards of adjoining dwelling	Yes
	2 A window within 9m of another window in a habitable room of an adjoining dwelling is offset by 0.5m (min) or a sill height of 1.7m (min) above the FFL	Yes

DA2018/112 - 44 Newton Road, Strathfield
Lot 3 in DP 14613 (Cont'd)

	3	Windows directly facing balconies or courtyards are narrow, incorporate obscure glazing and/or a sill height of 1.7m (min) above FFL	Yes
<i>Elevated Decks Verandahs and Balconies</i>			
	1	Elevated decks, verandahs and upper storey balconies not permitted on side boundaries (exceptions apply)	Yes
.3.	2	Elevated decks, verandahs and balconies incorporate privacy screens	Yes
	3	Rear balconies (no more than 1m (depth) x 2m (length) permitted if the balcony does not unreasonably impact on adjoining premises	No, refer to comments
	4	Balconies extending the full width of the front façade are not permitted	Yes

Comments: Four (4) balconies are proposed on the first floor of the dwelling (two being at the front and two at the rear). The location and size of the balconies orientated to Newton Road are amenable in supporting greater passive surveillance of the public domain, without compromising visual privacy of adjoining properties.

Amendments to the proposal resulted in a reduction in the size of the southern rear balcony to a maximum dimension of 2000mm in length and width of 1000mm. However, the western rear balcony remains large, exceeding the maximum length 2000mm defined by the DCP and subsequently does not comply with Section 7.2.3(3) of the SCDCP 2005. The balcony is deemed satisfactory given the generous setback 13.4m from the rear boundary and subsequent separation from habitable rooms in the adjoining property located at 42 Newton Road and a variation to the development control is supported in this instance.

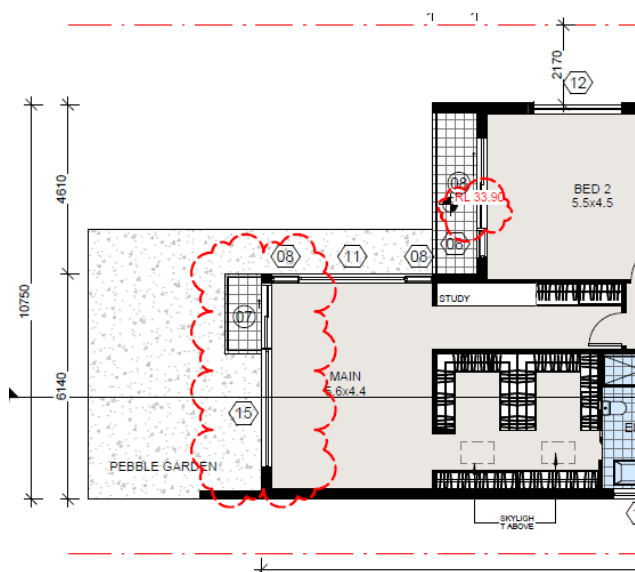


Figure 8: Proposed rear balconies subject to the development application.

8: Vehicle Access and Parking

8.1	Objectives	Satisfactory
A.	To provide adequate and convenient on-site car parking.	Yes
B.	To ensure that the location and design of driveways, parking spaces and other areas used from the movement of motor vehicles are efficient, safe and convenient.	Yes
C.	To ensure garages, carports, basements and hard standing areas for cars do not visually dominate the street façade of the dwelling.	Yes

DA2018/112 - 44 Newton Road, Strathfield
Lot 3 in DP 14613 (Cont'd)

D.	<i>To ensure that construction materials used for driveways respect the architectural qualities of the dwelling.</i>	Yes
E.	<i>To minimise the area of access driveways to minimise impermeable surfaces and maximise landscaped areas.</i>	Yes
F.	<i>To ensure basements have discreet entries, safe access and a high degree of natural cross-ventilation.</i>	Yes
G.	<i>To minimise excavation to reduce disturbance to natural ground level particularly adjacent to site boundaries.</i>	Yes
H.	<i>To ensure that any proposed basement minimises disturbance to natural drainage systems and that flooding, drainage or ventilation impacts would not be created for the site, or for adjoining or nearby properties.</i>	Yes
8.2	Development Controls	Complies
.1.	<i>Driveway and Grades</i>	
	1 Existing driveways must be used (exceptions apply)	No, refer to comments.
	2 The width of driveways at the property boundary is to be 3m	Yes
	3 The edge of driveway crossings located 1m (min) clear of any existing stormwater pits or poles and 2m clear of tree trunks	Yes
	4 Parking and access points easily accessible and recognisable, non-disruptive to pedestrian flow and safety and located to minimise traffic hazards and potential for vehicles to queue.	Yes
	5 One (1) vehicular crossing (max) to any public road (exceptions apply)	Yes
	6 Vehicles accessing sites which front main roads shall be capable of entering and exiting in a forward direction	Yes
	7 Vehicular turning areas for garages complies with relevant Australian Standard	Yes
	8 Rear lane / secondary street frontage - parking and access provided from the secondary street/lane	Yes
	9 Driveways avoid long and straight appearance by using variations and landscaping	Yes
	10 Driveway set back 0.5 metres (min) from side boundaries	Yes
	11 Driveways incorporate unit paving into the design	Yes
	12 Areas of concrete visible from a public road are to be minimal and coloured charcoal, grey or brown	Yes
	13 Coloured concrete is not permitted in the driveway crossing outside the property boundary	Yes
.2.	<i>Garages, Carports and Car Spaces</i>	
	1 Two (2) car parking spaces required behind the FBL of all new dwellings (exceptions apply)	Yes
	2 Garages recessed behind the main front facade and/or non-dominant	Yes
	3 Garages not more than 150mm above NGL at entry unless the slope of the site exceeds 1:8 (12.5%)	Yes
	4 Dimensions of parking spaces and garages comply with the Australian Standards	Yes
	5 Garages are not to be converted or used for any purpose other than that for which they are approved	Yes
.3.	<i>Basements</i>	

DA2018/112 - 44 Newton Road, Strathfield
Lot 3 in DP 14613 (Cont'd)

1	The area of a basement shall be limited to and contained within the ground level footprint of the dwelling	No, refer to comments.
2	Excavation not permitted within the minimum side setbacks.	Yes
3	The maximum height of the basement above NGL is limited to 1m measured to the predominant finished floor level of the level above.	Yes
4	Internal clearance of 2.2m (min)	Yes
5	Driveways have a maximum 1:4 gradient and comply with Australian Standards	Yes
6	Basement entries and ramps/driveways not greater than 3.5m wide	Yes
7	Driveway ramps are perpendicular to the property boundary at the street frontage	Yes
8	Basements permit vehicles to enter and exit the basement in a forward direction	Yes
9	Basements are discretionary on flood affected sites	Yes
10	Pump-out systems and stormwater prevention in accordance with Council's Stormwater Management Code	Yes
11	Basements are not to be used for habitable purposes	Yes

Comments: Vehicular and pedestrian access to the subject site is proposed by via a driveway and pathway from Newton Road. The basement is shown to provide adequate parking (2 spaces) to comply with the provisions of the SDCP and provides an internal clearance of 2305mm to enable adequate vehicular access.

However the basement proposes to extend beyond the building footprint of the dwelling house above which is contrary to the provisions of the Section 8.2.3(1) of the SDCP 2005. Specifically the walls to the western and southern elevations, extend beyond the ground level to provide enlarged parking spaces, an electric room room and a plant room room. There are no extraordinary site conditions which warrant the enlarged basement and a compliant basement that provides adequate access, egress and maneuverability for vehicles and residents is deemed feasible. The proposed basement is not supported in its current form and a condition of consent is recommended to ensure compliance, avoid excessive and superfluous excavation of the site and limit unnecessary development (**Condition 1**).

9: Altering Natural Ground Level (Cut and Fill)

9.1	Objectives	Satisfactory
A.	<i>To maintain existing ground levels and minimise cut and fill to reduce site disturbance.</i>	Yes
B.	<i>To ensure existing trees and shrubs are undisturbed, ground water tables are maintained and impacts on overland flow/drainage are minimised.</i>	Yes
9.2	Development Controls	Complies
1	Fill limited to 1m (max) above NGL	Yes
2	Clean fill used only	Yes
3	Cut and fill batters stabilised consistent with the soil properties	Yes
4	Vegetation or structural measures are implemented when the site is disturbed.	Yes
5	Areas of excavation setback from property boundaries in line with building setback controls. No excavation permitted within the minimum required setbacks.	Yes
6	The work does not affect or undermine the soil stability or structural stability of buildings and Council assets on adjoining properties.	Yes

DA2018/112 - 44 Newton Road, Strathfield
Lot 3 in DP 14613 (Cont'd)

7	A dilapidation report for all buildings which adjoin proposed excavation areas as required	Yes
8	Avoid excessive fill that creates the potential for overlooking of adjoining properties	Yes

Comments:Excavation is sought as part of the works required for the proposed swimming pool and the basement. A condition is recommended to ensure the cut and fill is being completed with minimal onsite disturbance and impacts to surrounding trees is being minimized (**Condition 30**).

10: Water and Soil Management

10.1	Objectives	Satisfactory
A.	To encourage the incorporation of Water Sensitive Urban Design (WSUD) and Botany Improvement Plan principles in the development.	Yes
B.	To ensure compliance with Council's Stormwater Management Code	Yes
C.	To ensure compliance with the NSW State Government's Flood Prone Lands Policy.	Yes
D.	To ensure that appropriate soil erosion and sediment control measures are implemented on all sites that involve soil disturbances during construction.	Yes
E.	To ensure new building work does not detrimentally affect the existing drainage system of any area of the Municipality.	Yes
F.	To ensure that new development in areas that may be affected by acid sulphate soils do not adversely impact the underlying ground conditions, soil acidity and water quality.	Yes
G.	To appropriately manage stormwater and overland flow to minimise damage to occupants and property	Yes
10.2	Development Controls	Complies
.1.	Stormwater Management and Flood Prone areas	
	1 Applicant contacted Council regarding site being flood prone land	Yes
	2 Compliance with Council's Stormwater Management Code	Yes
	3 Flood affected properties comply with Council's Interim Flood Prone Lands Policy (Flood Prone Areas & Through Site Drainage)	Yes
	4 Minimum habitable floor height advice obtained for flood affected sites	Yes
	5 A drainage/flood report prepared by a hydraulics engineer submitted for sites affected by overland flows	Yes
	6 Stormwater Management Code compliance	Yes
.2.	Acid Sulfate Soils	
	1 Site managed consistent with the provisions contained in Clause 6.1 SLEP 2012	Yes
.3.	Soil Erosion and Sediment Control	
	1 Soil erosion and sediment control measures detailed and implemented prior to the commencement of work.	Yes
	2 Sediment control measures applied	Yes
	3 Plans provided detailing stormwater quality treatment	Yes

Comments:Council's Development Engineer raised no concerns with the proposed method of stormwater drainage subject to conditions of consent. Additional conditions are recommended to

DA2018/112 - 44 Newton Road, Strathfield
Lot 3 in DP 14613 (Cont'd)

ensure the preparation of a Flood Impact Assessment Report (**Condition 2**) in accordance with Council's requirements as well as a detailed stormwater plan showing the proposed re-use system, prepared by the consultant Engineer (**Condition 16**).

11: Access, Safety and Security

11.1	Objectives	Satisfactory
A.	To encourage the incorporation of crime prevention principles in the design of the proposed developments.	Yes
B.	To increase the safety and perception of safety in public and semi-public spaces.	Yes
C.	To provide passive surveillance of the public domain to promote a safe pedestrian environment whilst maintaining the privacy of residents	Yes
D.	To ensure the safety of pedestrians by separating pedestrian access from vehicular access.	Yes
11.2	Development Controls	Complies
.1.	Address and Entry Sightlines	
	1 Occupants able to overlook public places to maximise passive surveillance	Yes
	2 Landscaping design around dwellings and ancillary structures to accommodate plant maturation	Yes
	3 External lighting enhance safe access and security and light spill does not adversely impact on adjoining properties.	Yes
	4 Crime Prevention through Environmental Design (CPTED) principles incorporated.	Yes
.2.	Pedestrian Entries	
	1 Pedestrian entries and vehicular entries suitably separated	Yes
	2 Dwelling entrances easily identifiable	Yes
	3 House numbers are to be clearly visible from the street	Yes

Comments: Pedestrian and vehicular entry to the subject site is provided via two (2) separate entries located along the primary street frontage being Newton Road. Both entries are suitably separated, ensuring the safety of pedestrians is maintained at all times. Further, the front fence is designed so as to allow for passive surveillance of the street, whilst enhancing security and privacy for future residents on the subject site.

12: Ancillary Development

12.1	Objectives	Satisfactory
A.	To ensure that ancillary development is compatible with the design of the principal dwelling, streetscape and adjoining dwellings in form, materials and colours	Yes
B.	To limit the size, bulk and scale of ancillary structures and minimise their visibility from the public domain.	Yes
C.	To ensure that the provision of ancillary structures improves the amenity of residents whilst ensuring that the amenity of surrounding dwellings and neighbouring lots is maintained.	Yes
D.	To ensure that the provision of ancillary structures, such as air conditioning units, are considered at the design stage of a proposed development.	Yes
12.2	Development Controls	Complies

DA2018/112 - 44 Newton Road, Strathfield
Lot 3 in DP 14613 (Cont'd)

.2.	<i>Outbuildings</i>	
	1	Outbuilding located behind the front building line Yes
	2	Side and rear setback is 0.5m (min) Yes
	3	New garden sheds, studios, cabanas and the like are limited 40sqm (max) Yes
	4	Windows do not face an adjoining property (exceptions apply) Yes
	5	The roof area is not accessible for any purpose Yes
	6	Outbuildings are not to be used for habitable purposes Yes
	7	Kitchen facilities are not permitted in an outbuilding Yes
	8	Any external lighting of an outbuilding is to be positioned or shielded to prevent glare to adjoining premises Yes
<i>Air-conditioning</i>		
.4.	1	Located away from the habitable rooms of adjoining properties and/or screened by acoustic treatments Yes
	2	Any building work must not reduce the structural integrity of existing buildings Yes
	3	Installation of residential grade air conditioners only Yes
	4	Installation to comply with the Protection of the Environment Operations Act 1997 and Protection of the Environment Operations (Noise Control) Regulation 2008 Yes
.5.	<i>Satellite Dishes</i>	
	1	A maximum of one (1) satellite dish per property Yes
	2	Located behind the front building line of the dwelling Yes
	3	Located below the fence-line on corner allotments. Yes
	4	A height of 2.4m (max) from NGL to the top of the satellite dish Yes
	5	Satellite dishes set back 3m (min) from the side or rear boundary. Yes
	6	Satellite dishes constructed of pre-finished steel in recessive colours Yes
<i>Swimming Pools</i>		
.6.	1	Side and rear setbacks from the outside edge of the pool concourse are 1m (min) wide and comprise deep soil soft landscape area Yes
	2	If greater than 1m above ground, the space between the bond beam/concourse and the ground is finished to Council's satisfaction Yes
	3	The pool filter and pump equipment designed and located to not emit a noise level that exceeds 5dBA above the ambient background noise level measured at any property boundary. The pool equipment shall be located within an enclosed structure so as to not be readily visible Yes
	4	Lighting positioned to prevent light spillage and minimise any nuisance to adjoining premises Yes
	5	Enclosures shall comply with the Swimming Pools Act and relevant Australian Standards as amended. Yes

Comments: The proposal has included appropriate side and rear boundary setbacks to the rear and side boundaries of the swimming pool and outdoor bathroom. A condition requiring the pool and pool surrounds be designed in accordance with the *Swimming Pools Act 1992* and relevant Australian Standards is recommended to ensure the safety of residents and the community is maintained at all times (**Condition 25**).

DA2018/112 - 44 Newton Road, Strathfield
Lot 3 in DP 14613 (Cont'd)

13: Ecologically Sustainable Development

13.1	Objectives	Satisfactory
A.	To encourage passive and active strategies in the design of dwellings and ancillary structures that promotes the achievement of ecologically sustainable practices and BASIX requirements.	Yes
B.	To ensure dwellings are designed to allow sufficient natural ventilation and lighting whilst minimising heat gain during summer and maximising solar access during winter, thereby reducing the need for artificial cooling and heating.	Yes
C.	To minimise the over use of Sydney's limited high quality domestic water supply by ensuring new dwellings incorporate water storage tanks for use in toilet flushing, landscape irrigation and to encourage new dwellings, additions and alterations to incorporate water saving devices and water conservation strategies.	Yes
D.	To encourage the use of new technology that reduces energy consumption, minimises greenhouse emissions and results in cost savings	Yes
E.	To encourage the re-use of building materials, thereby reducing waste to landfill, transportation costs, conserving raw materials and reducing energy expenditure. (Refer to Part H Waste Minimisation and Management of SCDCP 2005).	Yes
13.2	Development Controls	Complies
.1.	Natural Lighting and Heating	
	1 Living areas facing north, sleeping areas facing east/south, and utility areas orientated west/south to maximise winter solar access.	Yes
	2 Trees planted to the north of the dwelling must be deciduous to allow solar access during the winter	Yes
	3 Materials used of high thermal mass	Yes
.2.	Natural Cooling and Ventilation	
	1 Windows and walls on northern facades shaded by shading devices, trees, eaves and louvres sympathetic to the dwelling	Yes
	2 Windows positioned to capture breezes and allow for cross-ventilation	Yes
.3.	Water Tanks	
	1 Located behind the dwelling or behind the front building line and screened from view from the public domain	Yes
	2 Associated support structures and plumbing are a colour that complements the dwelling.	Yes
	3 Above ground water tanks located 450mm (min) from any property boundary	Yes
	4 Above ground water tanks do not exceed 3m in height above NGL	Yes
	5 Overflow piped directly to the approved stormwater drainage system except in cases where stormwater is required to be directed to on-site stormwater detention (OSD) storage	Yes
	6 No part of the water tank or support stand may rest on a wall footing	Yes
	7 Installation does not involve the filling of more than 1m above existing ground level	Yes
	8 The tank not located over or adjacent to a water main or sewer main or installed over any associated structure or fittings	Yes
.4.	Hot Water Heater Units	
	1 Located behind the dwelling or wholly behind the dwelling	Yes

DA2018/112 - 44 Newton Road, Strathfield
Lot 3 in DP 14613 (Cont'd)

2	Not located on balconies unless screened from public view	Yes
3	Placed within a short distance of the most frequent point of use	Yes

Comments: Proposed living areas are primarily located on the northern and eastern sides of the building to ensure maximum passive solar access is achieved throughout the dwelling. Further, the proposal is designed in consideration of best practice ecological sustainability principals and the NSW BASIX requirements.

PART H - WASTE MANAGEMENT (SCDCP 2005)

A Waste Management Plan was submitted as part of the development application and has demonstrated compliance with Part H of the SCDCP 2005.

4.15 (1)(a)(iia) any planning agreement or draft planning agreement

No planning agreement has been entered into under section 7.4 of the *Environmental Planning and Assessment Act 1979*.

4.15 (1)(a)(iv) matters prescribed by the regulations

Clause 92 of the *Environmental Planning and Assessment (EP&A) Regulation 2000* requires Council to take into consideration the provisions of the Government Coastal Policy and Australian Standard AS2601–1991: *The Demolition of Structures*, 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)(ii) and does not involve the demolition of a building for the purposes of AS 2601 – 1991: *The Demolition of Structures*.

Should this application be approved, appropriate conditions of consent are included within the recommended to ensure compliance with any relevant regulations.

(i) 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 affected by the existing 1 in 100 year flood event or is likely to be as a result of the planning benchmarks for sea level rise mentioned above. Accordingly, the proposed development has been assessed against the relevant provisions of the *NSW Coastal Planning Guideline: Adapting to Sea Level Rise*.

DA2018/112 - 44 Newton Road, Strathfield
Lot 3 in DP 14613 (Cont'd)

4.15(1)(b) *the likely impacts of the development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality*

Overall, the proposed design has been considered with respect to the size, location and siting of adjoining properties in order to minimise adverse impacts on adjoining neighbours and achieve an appropriate level of streetscape compatibility. The proposed development is not considered to result in any adverse environmental or social impacts and is considered satisfactory in this regard, subject to the imposition of conditions of consent.

4.15(1)(c) *the suitability of the site for the development*

The subject site is considered suitable for the proposed development and generally complies with Council's LEP and DCP requirements. Through the imposition of appropriate conditions, the amenity of the surrounding streetscapes will be maintained.

4.15(1)(d) *any submissions made in accordance with this Act or the regulations*

The application was notified in accordance with Part L of the SCDCP 2005 from **8 August 2018** to **25 August 2018**, with **no** submissions received as a result.

4.15(1)(e) *the public interest*

The public interest is served through the detailed assessment of this development application under the relevant local planning controls and legislation and consideration of any submissions received relating to it by Council. The proposed development is not considered to be contrary to the public interest.

SECTION 7.11 CONTRIBUTIONS

Section 7.11 of the EP&A Act 1979 relates to the collection of monetary contributions from applicants for use in developing key local infrastructure. The Act reads as follows:

- “(1) If a consent authority is satisfied that development for which development consent is sought will or is likely to require the provision of or increase the demand for public amenities and public services within the area, the consent authority may grant the development consent subject to a condition requiring:*
- (a) the dedication of land free of cost, or*
 - (b) the payment of a monetary contribution,*
 - or both.*
- (2) A condition referred to in subsection (1) may be imposed only to require a reasonable dedication or contribution for the provision, extension or augmentation of the public amenities and public services concerned.”*

STRATHFIELD INDIRECT SECTION 7.12 CONTRIBUTIONS PLAN

Section 7.12 contributions are applicable to the proposed development in accordance with the Strathfield Indirect Development Contributions Plan 2010-2030 as follows:

Local Amenity Improvement Levy	\$14,921.07
--------------------------------	--------------------

DA2018/112 - 44 Newton Road, Strathfield
Lot 3 in DP 14613 (Cont'd)

CONCLUSION

The application has been assessed having regard to Section 4.15 of the Environmental Planning and Assessment Act 1979, the Strathfield Local Environmental Plan 2012 and the Strathfield Development Control Plan 2005 and is considered to be satisfactory for approval, subject to the recommended conditions of consent.

Signed: Dragana Strbac
Student Planner

PEER REVIEW

The content and recommendation of the development assessment report has undergone peer review and is satisfactory for consideration by the Panel.

Signed: Kandace Lindeberg
Manager, Development Assessment

RECOMMENDATION

That Development Application No. DA2018/112 for the demolition of the existing buildings and construction of a single dwelling with basement level, in-ground pool, front boundary fencing and associated landscaping at 44 Newton Road, Strathfield be **APPROVED**, subject to the following conditions:

SPECIAL CONDITIONS (GC)

1. BASEMENT

The Electric room and Plant room shall be deleted and the western and eastern walls of the basement are to be setback in line with the ground floor building footprint. Amended plans reflecting the reduced basement shall be submitted to and approved by Council prior to the issue of a Construction Certificate.

(Reason: To comply with the development controls contained within SDGP 2005.)

2. FLOODING

Flood Impact Assessment Report in accordance with Council's Interim Flood Prone Land Policy shall be submitted to Certifying Authority and Council for approval prior to issue of a construction certificate.

(Reason: To mitigate flood risk and associated damage.)

GENERAL CONDITIONS (GC)

3. APPROVED PLANS AND REFERENCE DOCUMENTATION (GC)

The development, except where modified by a condition(s) of consent, is to be carried out in accordance with the following plans and reference documentation:

Plans affixed with Council's 'Development Consent' stamp relating to Development Consent No. DA2018/112:

DA2018/112 - 44 Newton Road, Strathfield
Lot 3 in DP 14613 (Cont'd)

Drawing No.	Title/Description	Prepared by	Issue / Revision & Date	Date received by Council
A3-03	Basix Commitments	CK Design	10 September 2018	4 December 2018
A3-05	Site Plan & Demolition	CK Design	10 September 2018	4 December 2018
A3-06	Basement Plan	CK Design	10 September 2018	4 December 2018
A3-07	Ground Floor Plan	CK Design	10 September 2018	4 December 2018
A3-08	First Floor Plan	CK Design	10 September 2018	4 December 2018
A3-09	Roof plan	CK Design	10 September 2018	4 December 2018
A3-10	Elevations	CK Design	10 September 2018	4 December 2018
A3-11	Elevations	CK Design	10 September 2018	4 December 2018
A3-12	Section and Pool details	CK Design	10 September 2018	4 December 2018
A3-16	Schedule of finishes	CK Design	10 September 2018	4 December 2018
A3-17	Fence details	CK Design	10 September 2018	4 December 2018
A3-19	Perspective	CK Design	10 September 2018	4 December 2018
SWDP02	Stormwater Design Plan Total Site + Basement	CEC	12 July 2018	6 August 2018
SWDP03	Stormwater Design Plan Ground Floor + First Floor + Roof	CEC	12 July 2018	6 August 2018
SWDP04	Detailed Sections	CEC	12 July 2018	6 August 2018
L-01	Landscape Plan	RFA Landscape Architects	17 July 2018	6 August 2018
A3-21	Sediment Control Plan	CK Design	17 July 2018	6 August 2018
A3-22	Driveway Profile	CK Design	17 July 2018	6 August 2018

Reference Documentation affixed with Council's 'Development Consent' stamp relating to Development Consent No. DA2018/112:

Title / Description	Prepared by	Issue/Revision & Date	Date received by Council
Statement of Environmental Effects	D-Plan Urban planning Consultants Pty Ltd	31 July 2018	6 August 2018
Arboricultural Impact Assessment Report	Allied Tree Consultancy	September 2018	
Demolition, Construction & Use of Premises	CK Design	6 August 2018	6 August 2018

DA2018/112 - 44 Newton Road, Strathfield
Lot 3 in DP 14613 (Cont'd)

BASIX Certificate	Outsource Ideas P/I	1 August 2018	6 August 2018
-------------------	---------------------	---------------	---------------

In the event of any inconsistency, the conditions of this consent shall prevail.

(Reason: To ensure that the form of the development undertaken is in accordance with the determination of Council.)

4. BUILDING HEIGHT - MAXIMUM RL TO BE COMPLIED WITH (GC)

The height of the building measured from Australian Height Datum (AHD) must not exceed Relative Level (RL) 37.45 AHD to the roof ridge of the building.

(Reason: To ensure the approved building height is complied with.)

5. CONSTRUCTION HOURS (GC)

No construction or any other work related activities shall be carried out on the site outside the hours of 7.00 am to 5.00 pm Mondays to Fridays and 8am to 1pm Saturdays.

No building activities are to be carried out at any time on a Sunday or public holiday.

Where the development involves the use of jackhammers/rock breakers and the like or other heavy machinery, such equipment may only be used between the hours of 7.00 am - 5.00 pm Monday to Friday only.

(Reason: To maintain amenity to adjoining land owners.)

6. CONSTRUCTION WITHIN BOUNDARIES (GC)

The development including but not limited to footings, walls, roof barges and guttering must be constructed wholly within the boundary of the premises. No portion of the proposed structure shall encroach onto the adjoining properties. Gates must be installed so they do not open onto any footpath or adjoining land.

(Reason: Approved works are to be contained wholly within the subject site.)

7. DEMOLITION – GENERALLY (GC)

Alteration and demolition of the existing building is limited to that documented on the approved plans (by way of notation). No approval is given or implied for removal and/or rebuilding of any portion of the existing building which is not shown to be altered or demolished.

(Reason: To ensure compliance with the approved development.)

8. DEMOLITION - SITE SAFETY FENCING (GC)

Site fencing is to be erected to a minimum height of 1.8m complying with WorkCover Guidelines, to exclude public access to the site, prior to any demolition works occurring and maintained for the duration of the demolition works.

If applicable, a separate Hoarding Application for the erection of an A class (fence type) or B class (overhead type) hoarding/fencing along the street frontage(s) complying with WorkCover requirements must be obtained including:

DA2018/112 - 44 Newton Road, Strathfield
Lot 3 in DP 14613 (Cont'd)

- payment to Council of a footpath occupancy fee based on the area of footpath to be occupied and Council's Schedule of Fees and Charges before the commencement of work; and
- provision of a Public Risk Insurance Policy with a minimum cover of \$10 million in relation to the occupation of and works within Council's road reserve, for the full duration of the proposed works, must be obtained with a copy provided to Council.

(Reasons: Statutory requirement and health and safety.)

9. LANDSCAPING - CANOPY TREES IN FRONT SETBACK (GC)

New development shall provide at least two (2) canopy trees within the front setback adjacent the front boundary (existing trees may be included). New canopy trees shall be at least three (3) metres high at the time of planting and capable of reaching a mature height of 10m.

Species shall be selected from Council's Recommended Tree List (Available from Council's website or from the Customer Service Centre). Compliance with this condition is to be demonstrated to the Principal Certifying Authority, prior to the issue of any Occupation Certificate.

(Reason: To ensure the landscape character of the locality is maintained.)

10. MATERIALS – CONSISTENT WITH SUBMITTED SCHEDULE (GC)

All external materials, finishes and colours are to be consistent with the schedule submitted and approved by Council with the development application.

(Reason: To ensure compliance with this consent.)

11. PRINCIPAL CERTIFYING AUTHORITY (PCA) IDENTIFICATION SIGN (GC)

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

- i) the Principal Certifying Authority (PCA) by showing the name, address and telephone number of the PCA;
- ii) the Principal Contractor by showing the Principal Contractor's name, address and telephone number (outside of work hours) for that person; and
- iii) the sign must state that unauthorised entry to the work site is prohibited.

Any such sign is to be maintained while the work is being carried out, but must be removed when the work has been completed.

This clause does not apply to building work, subdivision work or demolition work that is carried out inside an existing building that does not affect the external walls of the building.

(Reason: Statutory requirement.)

12. PROTECTION OF EXISTING TREES – FRONT FENCE (GC)

The masonry brick boundary fence is to be constructed so as to support all brick in-fill panels using a lintel. This lintel is to be installed above ground level along the entire length of each in-fill panel.

DA2018/112 - 44 Newton Road, Strathfield
Lot 3 in DP 14613 (Cont'd)

(Reason: Environmental protection, protection of existing tree roots and landscape amenity.)

13. SITE MANAGEMENT (DURING DEMOLITION AND CONSTRUCTION WORKS)

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

- i) All demolition is to be carried out in accordance with Australian Standard AS 2601-2001.
- ii) Demolition must be carried out by a registered demolition contractor.
- iii) A single entrance is permitted to service the site for demolition and construction. Protection pads are to be installed to the kerb, gutter and nature strip where trucks and vehicles enter the site.
- iv) No blasting is to be carried out at any time during construction of the building.
- v) Care must be taken during demolition/ excavation/ building/ construction to prevent any damage to adjoining buildings.
- vi) Adjoining owner property rights and the need for owner's permission must be observed at all times, including the entering onto land for the purpose of undertaking works.
- vii) Any demolition and excess construction materials are to be recycled wherever practicable.
- viii) The disposal of construction and demolition waste must be in accordance with the requirements of the Protection of the Environment Operations Act 1997.
- ix) All waste on the site is to be stored, handled and disposed of in such a manner as to not create air pollution (including odour), offensive noise or pollution of land and/or water as defined by the Protection of the Environment Operations Act 1997. All excavated material should be removed from the site in an approved manner and be disposed of lawfully to a tip or other authorised disposal area.
- x) All waste must be contained entirely within the site.
- xi) A site plan including temporary waste storage locations, construction material storage areas and vehicular access to and from the site must be included with application.
- xii) Section 143 of the Protection of the Environment Operations Act 1997 requires waste to be transported to a place which can lawfully accept it. All non-recyclable demolition materials are to be disposed of at an approved waste disposal depot in accordance with legislation.
- xiii) Details as to the method and location of disposal of demolition materials (weight dockets, receipts, etc.) should be kept on site as evidence of approved methods of disposal or recycling and must be presented to Council and/or Principal Certifying Authority upon request.
- xiv) All materials on site or being delivered to the site are to generally be contained within the site. The requirements of the Protection of the Environment Operations Act 1997 must be complied with when placing/stockpiling loose material, disposing of concrete waste, or other activities likely to pollute drains or water courses.
- xv) Any materials stored on site must be stored out of view or in such a manner so as not to cause unsightliness when viewed from nearby lands or roadways.
- xvi) Public footways, include nature strips and roadways adjacent to the site must be maintained and cleared of obstructions during construction. No building materials, waste containers or skips may be stored on the road reserve or footpath without prior separate approval from Council, including payment of relevant fees.
- xvii) Building operations such as brick-cutting, washing tools or paint brushes, and mixing mortar not be performed on the roadway or public footway or any other locations which could lead to the discharge of materials into the stormwater drainage system.

DA2018/112 - 44 Newton Road, Strathfield
Lot 3 in DP 14613 (Cont'd)

- xviii) All site waters during excavation and construction must be contained on site in an approved manner to avoid pollutants entering into waterways or Council's stormwater drainage system.
- xix) Any work must not prohibit or divert any natural overland flow of water.
- xx) Toilet facilities for employees must be provided in accordance with WorkCover NSW.

(Reason: To ensure that demolition, building and any other site works are undertaken in accordance with relevant legislation and policy and in a manner which will be non-disruptive to the local area.)

14. PUBLIC INFRASTRUCTURE AND SERVICES (DW)

The applicant must comply with the requirements (including financial costs) of any relevant utility provider (e.g. Energy Australia, Sydney Water, Telstra, RMS, Council etc.) in relation to any connections, works, repairs, relocation, replacements and/or adjustments to public infrastructure or services affected by the development.

(Reason: To maintain public infrastructure and/or services.)

15. SYDNEY WATER - STAMPED PLANS PRIOR TO COMMENCEMENT (GC)

The approved plans must be submitted to a Sydney Water Quick Check agent or Customer Centre to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. Plans will be appropriately stamped.

For Quick Check agent details please refer to the web site www.sydneywater.com.au (see Building Developing and Plumbing then Quick Check) or telephone 13 20 92. The consent authority or a Certifying Authority must ensure that a Quick Check agent/Sydney Water has stamped the plans before the commencement of work.

(Reason: Compliance with Sydney Water requirements.)

16. STORMWATER MANAGEMENT PLAN - CERTIFICATION REQUIREMENT (GC)

A detailed Stormwater Management Plan (SWMP) in line with Council's Stormwater Management Code is to be prepared and certified by a practicing Chartered Professional Engineer on the National Professional Engineer's Register (NPER) at Engineers Australia and submitted to the Principal Certifying Authority and Council, prior to the issue of a Construction Certificate. The SWMP is to be based on the approved development as modified by any conditions of consent.

(Reason: To ensure appropriate provision is made for the disposal and management of stormwater generated by the development, and to ensure public infrastructure in Council's care and control is not overloaded.)

CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE (CC)

17. BASIX COMMITMENTS (CC)

The approved BASIX Certificate shall be submitted to the Principal Certifying Authority with the application for a Construction Certificate.

Where a change or changes are proposed in the BASIX commitments, the applicant must submit a new BASIX Certificate to the Principal Certifying Authority and Council. If any

DA2018/112 - 44 Newton Road, Strathfield
Lot 3 in DP 14613 (Cont'd)

proposed change in the BASIX commitments is inconsistent with the development consent the applicant will be required to submit a modification to the development consent to Council under Section 4.55 of the Environmental Planning and Assessment Act 1979.

All commitments in the BASIX Certificate must be shown on the plans accompanying the Construction Certificate.

(Reason: Statutory compliance.)

18. BUILDING CODE OF AUSTRALIA - COMPLIANCE WITH (CC)

All architectural drawings, specifications and related documentation shall comply with the Building Code of Australia (BCA). All work must be carried out in accordance with the requirements of the Building Code of Australia (BCA).

In the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance in force in accordance with Part 6 of that Act, such a contract of insurance is to be in force before any building work authorised to be carried out by the consent commences.

Details demonstrating compliance with this condition are to be submitted to the Principle Certifying Authority, prior to issue of the Construction Certificate.

(Reason: This is a 'prescribed' condition under clause 98(1) of the Environmental Planning and Assessment Regulation 2000.)

19. CAR PARKING - BASEMENT CAR PARKING REQUIREMENTS (CC)

Details demonstrating compliance with the following is to be submitted to the Principal Certifying Authority, prior to issue of the Construction Certificate:

- i) Minimal internal clearance of the basement is 2.2m in accordance with BCA requirements.
- ii) Driveways shall comply with Australian/New Zealand Standard AS/NZS 2890.1:2004 - Parking facilities - Off-street car parking and achieve a maximum gradient of 1:4.
- iii) Basement entries and ramps/driveways within the property are to be no more than 3.5m wide.
- iv) Provision of pump-out systems and stormwater prevention shall be in accordance with Council's Stormwater Management Guide.

(Reason: To ensure suitable development.)

20. TREE BONDS (CC)

A tree bond of **\$6,600** for each street tree adjacent to the site and proposed works (calculated in accordance with Council's adopted Fees and Charges) shall be paid to Council, prior to the issue of a Construction Certificate.

The deposit is required as security against any damage to existing trees to be retained on Council's road reserve, during works on the site. The applicant must bear the cost of all restoration works to Council's property damaged during the course of this development.

Payment may be accepted in the form of cash, bank guarantee, cheque or credit card (financial transactions fees apply). Note: Additional fees apply for the lodgement of a bank guarantee in lieu of cash bond applies in accordance with Council's adopted Fees and

DA2018/112 - 44 Newton Road, Strathfield
Lot 3 in DP 14613 (Cont'd)

Charges.

This bond will be held for 12 months following the issue of the Occupation certificate. A refund of the Tree Bond must be made in writing.

Tree Bonds may be forfeited if a tree is dead, made dangerous or has been terminally damaged, or will be held until tree/s have fully recovered from the construction damage or where replacement/planted trees have become fully established and are over 6 metres in height.

(Reason: To ensure the protection of trees to be retained on Council's Road Reserve.)

21. CAR PARKING - VEHICULAR ACCESS RAMPS (CC)

Vehicular access ramps shall comply with the provisions of AS/NZS 2890.1:2004. Plans to be submitted shall contain the following details:

- i) Longitudinal section along the extreme wheel paths of each driveway/access ramp at a scale of 1:25 demonstrating compliance with the scraping provisions of AS/NZS 2890.1:2004. It shall include all levels and grades, including those levels stipulated as boundary levels, both existing and proposed. It shall extend from the centre-line of the roadway through to the parking area.
- ii) Sections showing the clearance to the underside of any overhead structure (minimum headroom requirements 2200mm minimum for standard headroom clearance or 2400mm where disabled access provisions are to be provided) demonstrating compliance with the provisions of AS/NZS 2890.1:2004.
- iii) Longitudinal section along the gutter line showing how it is intended to transition the vehicular crossing into the existing kerb and gutter. Boundary levels shall generally run parallel with the kerb levels.
- iv) Location of verge trees, street furniture and service installations.
- v) Superimposition of vehicle turning circles for access into parking spaces.
- vi) Certification that the design complies with AS/NZS 2890.1:2004 by a Qualified Engineer.

The certification referred to in (vi) above shall be submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate (for the design) and to the Principal Certifying Authority prior to the issue of any Occupation Certificate for the 'as-built works'.

(Reason: To ensure adequate vehicular access can be achieved.)

22. CAR PARKING - COMPLIANCE WITH AS/NZS 2890.1:2004 (CC)

Car parking dimensions must comply with the Australian/New Zealand Standard AS/NZS 2890.1:2004 - Parking facilities - Off-street car parking. Details demonstrating compliance are to be submitted to the Principal Certifying Authority, prior to the issue of a Construction Certificate.

(Reason: To ensure compliance with Australian Standards relating to parking of vehicles.)

23. CAR PARKING - VEHICULAR CROSSING WIDTH AT PROPERTY BOUNDARY (CC)

Vehicular crossings are to have a maximum width of 3m at the property boundary. Details demonstrating compliance are to be submitted to the Principal Certifying Authority, prior to the issue of a Construction Certificate.

The vehicular crossing (and all associated excavation works) must not be constructed

DA2018/112 - 44 Newton Road, Strathfield
Lot 3 in DP 14613 (Cont'd)

closer than 2 metres from a retained protected street tree.

(Reason: Compliance with SCDP 2005.)

24. COMMENCEMENT OF WORKS (NO WORKS UNTIL A CC IS OBTAINED)

Building work, demolition or excavation must not be carried out until a Construction Certificate has been issued by either Strathfield Council or a Principal Certifying Authority.

Demolition of any part of a building triggers 'commencement of erection of building' pursuant of section 4.19 of the EP&A Act 1979. Accordingly, demolition works must not commence until a Construction Certificate has been issued, a Principal Certifying Authority has been appointed and a Notice of Commencement has been issued.

(Reason: To ensure compliance with statutory provisions.)

25. SWIMMING POOLS / SPAS (CONSTRUCTION OF)

The approved swimming pool/spa must comply with all relevant legislation including:

- i) Swimming Pools Amendment Act 1992 (as amended);
- ii) Swimming Pools Regulations 2008; and
- iii) Australian Standard AS1926.1-2012 – Safety Barriers for Swimming Pools.

Details demonstrating compliance with this condition shall be demonstrated to the Principal Certifying Authority, prior to the issue of a Construction Certificate.

(Reason: Safety and statutory compliance.)

26. COUNCIL PERMITS – FOR ALL ACTIVITIES ON COUNCIL LAND (CC)

Works Permit

(as per Section 68 of the Local Government Act 1993 and Section 138 and 139 of the Roads Act 1993)

A Works Permit is required for construction of a vehicular crossing (driveway), new stormwater down pipe connection to kerb and gutter, new footpath and/or stormwater connection. A Works Permit Application Form is available from Council's Customer Centre or can be downloaded from Council's website. The applicable fees and charges are located on Council's website.

Standing Plant Permit

This permit must be applied for where it is intended to park a concrete pump, crane or other plant on the roadway or footpath. A Standing Plant Permit Application Form is available from Council's Customer Centre or can be downloaded from Council's website. The applicable fees and charges are located on Council's website. Please note a Road Closure Permit is not required for standing plant.

Skip Bin Permit

This permit must be applied for if you intend to place a skip bin on the roadway or footpath. A Skip Bin Application Form is available from Council's Customer Centre or can be downloaded from Council's website. The applicable fees and charges are located on Council's website.

Temporary Full or Part Road Closure Permit

**DA2018/112 - 44 Newton Road, Strathfield
Lot 3 in DP 14613 (Cont'd)**

This permit must be applied for if you require a full or a part road closure to take place to assist in your construction works. Please use the Works Permit Application Form, which is available from Council's Customer Service Centre or can be downloaded from Council's website. The applicable fees and charges are located on Council's website. Please note a Road Closure Permit is not required for standing plant.

Hoarding/Fencing Permit

This permit must be applied for if you intend to erect a Class A (fence type) or Class B (overhead type) hoarding/fencing along the street frontage(s). A Hoarding Permit Application Form is available from Council's Customer Service Centre or can be downloaded from Council's website. The applicable fees and charges are located on Council's website.

Work Zone Permit

This permit must be applied for if you require permanent parking along the kerbside at the front of the site during construction works. A Work Zone Permit Application Form is available from Council's Customer Service Centre or can be downloaded from Council's website. The applicable fees and charges are located on Council's website.

Ground Anchoring Permit

This permit must be applied for, for the installation of ground anchors under Council's footway/road reserve. It does not cover ground anchors under private properties. A separate approval is required to be obtained from Roads and Maritime Services (RMS) if it is proposed to install ground anchors under a State or Classified Regional Road (please refer to the end of this application form for more information).

(Reason: Council requirement.)

27. EROSION AND SEDIMENTATION CONTROL PLAN (CC)

An Erosion and Sediment Control Plan is to be prepared where construction or excavation activity requires the disturbance of the soil surface and existing vegetation. Details including drawings and specifications must provide adequate measures for erosion and sediment control to ensure:

- i) Compliance with the approved Soil and Water Management Plan.
- ii) Removal or disturbance of vegetation and top soil is confined to within 3m of the approved building area (no trees to be removed without approval).
- iii) All uncontaminated run-off is diverted around cleared or disturbed areas.
- iv) Silt fences or other devices are installed to prevent sediment and other debris escaping from the cleared or disturbed areas into drainage systems or waterways.
- v) All erosion and sediment controls are fully maintained for the duration of demolition/development works.
- vi) Controls are put into place to prevent tracking of sediment by vehicles onto adjoining roadways.
- vii) All disturbed areas are rendered erosion-resistant by turfing, mulching, paving or similar.
- viii) All water pumped or otherwise removed from excavations or basement areas is filtered to achieve suspended solids/non filterable residue levels complying with the Australian Water Quality guidelines for Fresh and Marine Waters.
- ix) Pumped or overland flows of water are discharged so as not to cause, permit or allow erosion before the commencement of work (and until issue of the occupation certificate).

Details of the proposed soil erosion and sedimentation controls are to be submitted to the Principal Certifying Authority with the Construction Certificate Application. Under no

DA2018/112 - 44 Newton Road, Strathfield
Lot 3 in DP 14613 (Cont'd)

circumstances are any works to commence, prior to these details being approved by the Principal Certifying Authority and the controls being in place on the site.

(Reason: Environmental protection.)

28. **SECTION 7.11 CONTRIBUTION PAYMENT - INDIRECT CONTRIBUTIONS PLAN) (CC)**

In accordance with the provisions of Section 7.11 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:

Local Amenity Improvement Levy	\$14,921.07
--------------------------------	--------------------

The total amount of the contribution is valid as at the date of determination and is subject to quarterly indexation. 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.

Contributions must be receipted by Council and submitted to the Accredited Certifier, prior to the issue of any Construction Certificate.

A copy of this condition is to be presented to Council's Customer Service Centre when paying the contribution so that it can be recalculated.

Note: A copy of Strathfield Council's Section 7.11 Indirect Development Contributions Plan may be downloaded from Council's website.

(Reason: To enable the provision of public amenities and services required/anticipated as a consequence of increased demand resulting from the development.)

29. **SECURITY PAYMENT - DAMAGE DEPOSIT FOR COUNCIL INFRASTRUCTURE (CC)**

A security (damage deposit) of **\$15, 000.00** (calculated in accordance with Council's adopted Fees and Charges) shall be paid to Council, prior to the issue of a Construction Certificate.

The deposit is required as security against any damage to Council property during works on the site. The applicant must bear the cost of all restoration works to Council's property damaged during the course of this development. All building work must be carried out in accordance with the Building Code of Australia.

Payment may be accepted in the form of cash, bank guarantee, cheque or credit card (financial transactions fees apply). Note: Additional fees apply for the lodgement of a bank guarantee in lieu of cash bond applies in accordance with Council's adopted Fees and Charges.

Any costs associated with works necessary to be carried out to rectify any damages caused by the development, shall be deducted from the Damage Deposit.

Note: Should Council property adjoining the site be defective e.g. cracked footpath, broken kerb etc., this should be reported in writing, or by photographic record, submitted to Council at least seven (7) days prior to the commencement of any work on site. This documentation will be used to resolve any dispute over damage to infrastructure. It is in the applicant's interest for it to be as full and detailed as possible.

DA2018/112 - 44 Newton Road, Strathfield
Lot 3 in DP 14613 (Cont'd)

The damage deposit shall be refunded upon completion of all works upon receipt of a Final Occupation Certificate stage and inspection by Council.

(Reason: Protection of Council infrastructure.)

30. EXCAVATION - AFFECTING ADJOINING LAND (CC)

If an excavation associated with the approved development extends below the level of the base of the footings of a building on an adjoining allotment of land, the person having the benefit of the development consent must, at the person's own expense, comply with the requirements of clause 98E of the Environmental Planning and Assessment Regulation 2000, including:

- i) protect and support the adjoining premises from possible damage from the excavation, and
- ii) where necessary, underpin the adjoining premises to prevent any such damage.

The condition referred to in subclause (i) does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying. Details shall be submitted to the Principal Certifying Authority, prior to the issue of a Construction Certificate.

(Reason: Structural safety.)

31. STORMWATER - RAINWATER RE-USE (CC)

A rainwater re-use system shall be provided in accordance with either the BASIX minimum requirements, any relevant Council Rainwater Policy and/or specification of the management of stormwater, whichever is applicable. A detailed stormwater plan showing the proposed re-use system shall be submitted to and approved by the Principal Certifying Authority, prior to the issue of a Construction Certificate.

(Reason: Compliance and amenity.)

CONDITIONS TO BE SATISFIED PRIOR TO THE COMMENCEMENT OF WORKS (CW)

32. APPOINTMENT OF A PRINCIPAL CERTIFYING AUTHORITY (PCA) (CW)

No work shall commence in connection with this Development Consent until:

- i) A construction certificate for the building work has been issued by the consent authority or a Principal Certifying Authority.
- ii) The person having the benefit of the development consent has appointed a principal certifying authority for the building work, and notified the principal certifying authority that the person will carry out the building work as an owner/builder, if that is the case.
- iii) The principal certifying authority has, no later than 2 days before the building work commences:
 - notified the Council of his or her appointment, and
 - notified the person having the benefit of the development consent of any critical stage inspections and other inspections that are to be carried out in respect of the building work.
- iv) The person having the benefit of the development consent, if not carrying out the work as an owner-builder, has:
 - appointed a principal contractor for the building work who must be the holder of a contractor licence if any residential building work is involved;

DA2018/112 - 44 Newton Road, Strathfield
Lot 3 in DP 14613 (Cont'd)

- notified the principal certifying authority of such appointment; and
 - unless that person is the principal contractor, notified the principal contractor of any critical stage inspections and other inspections that are to be carried out in respect of the building work.
- v) The person having the benefit of the development consent has given at least 2 days' notice to the Council of the person's intention to commence the erection of the building.

Note: If the principal certifying authority is the Council, the nomination will be subject to the payment of a fee for the service to cover the cost of undertaking all necessary inspections and the issue of the appropriate certificates.

Under the Environment Planning and Assessment (Quality of Construction) Act, 2003, a sign must be erected in a prominent position on the work site showing the name, address and telephone number of the principal certifying authority; the name of the principal contractor (if any) for the building work and a telephone number at which that person may be contacted outside working hours. That sign must also state that unauthorised entry is prohibited. The sign must not be removed until all work has been completed.

(Reason: Statutory requirement.)

33. NOTICE OF COMMENCEMENT (CW)

No work shall commence until the following details are submitted to Council:

- i) a Notice of Commencement (form will be attached with issue of a Construction Certificate or available from our website) within two (2) days of the date on which it is proposed to commence works associated with the Development Consent;
- ii) details of the appointment of a Principal Certifying Authority (either Council or another Principal Certifying Authority); and
- iii) details of the name, address and licence details of the Builder.

(Reason: Statutory requirement.)

CONDITIONS TO BE SATISFIED DURING DEMOLITION AND BUILDING WORKS (DW)

34. PUBLIC INFRASTRUCTURE AND SERVICES (DW)

The applicant must comply with the requirements (including financial costs) of any relevant utility provider (e.g. Energy Australia, Sydney Water, Telstra, RMS, Council etc.) in relation to any connections, works, repairs, relocation, replacements and/or adjustments to public infrastructure or services affected by the development.

(Reason: To maintain public infrastructure and/or services.)

35. CAR PARKING - SURPLUS VEHICULAR CROSSINGS (OC)

All surplus vehicular crossings and/or kerb laybacks must be removed and reinstated with concrete kerb and gutter or to the existing edging profile as specified by Council. The nature strip is to be restored and the footpath area reinstated. All of the above are to be restored to the satisfaction of Council's Engineer and at full cost to the applicant, prior to the issue of any Occupation Certificate.

(Reason: Maintenance of public infrastructure.)

DA2018/112 - 44 Newton Road, Strathfield
Lot 3 in DP 14613 (Cont'd)

36. SURVEY REPORT OF APPROVED LEVELS DURING AND POST CONSTRUCTION (DW)

A Survey Certificate to Australian Height Datum shall be prepared by a Registered Surveyor as follows:

- i) At the completion of the first structural floor level prior to the pouring of concrete indicating the level of that floor and the relationship of the building to the boundaries.
- ii) At the completed height of the building, prior to the placement of concrete in form work, or the laying of roofing materials.
- iii) At the completion of the development.

Progress certificates in response to points (1) through to (3) shall be provided to the Principal Certifying Authority at the time of carrying out relevant progress inspections. Under no circumstances is work allowed to proceed until such survey information is submitted to and approved by the Principal Certifying Authority.

(Reason: To ensure compliance with the approved plans.)

CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE (OC)

37. ENGINEERING WORKS (CERTIFICATION OF)

Prior to occupation of the premises, a Work As Executed (WAE) Plan of all engineering and/or drainage works is to be submitted to the Principal Certifying Authority. The WAE Plan is to be certified by a suitably Qualified Engineer, with Corporate Membership standing in the Institution of Engineers Australia and registered on the National Professional Engineers Register (NPER) under the appropriate professional category, demonstrating that:

- i) the stormwater drainage system; and/or
- ii) the car parking arrangement and area; and/or
- iii) any related footpath crossing works; and/or
- iv) the proposed basement pump and well system; and/or
- v) the proposed driveway and layback; and/or
- vi) any other civil works

have been constructed in accordance with the approved plans and any relevant Standards and Council policies/specifications.

For major works, such as subdivisions, works within the road reserve (requiring separate S138 approval) and as where specified by Council, a Part 4A Certificate will be required. It is strongly recommended that an Engineer supervise all engineering related works.

Where Council is not the Principal Certifying Authority, an electronic copy of the above documents is to be provided to Council, prior to the issue of any Occupation Certificate.

(Reason: Asset management.)

38. OCCUPATION OF BUILDING (OC)

A person must not commence occupation or use (or change of use where an existing building) of the whole or any part of a new building (within the meaning of section 109H (4) of the Act) unless an Interim Occupation Certificate or Final Occupation Certificate has been issued in relation to the building or part.

The Principal Certifying Authority is required to be satisfied, amongst other things, that:

DA2018/112 - 44 Newton Road, Strathfield
Lot 3 in DP 14613 (Cont'd)

- i) all required inspections (including each applicable mandatory critical stage inspection) have been carried out; and
- ii) any preconditions to the issue of the certificate required by a development consent have been met.

Note: New building includes an altered portion of, or an extension to, an existing building.

(Reason: Statutory requirement.)

39. RAINWATER TANKS (OC)

Rainwater tanks must be installed on residential properties by a suitably qualified and licensed plumber and in accordance with the following:

- i) Australian/New Zealand Standard AS/NZS 3500:2003;
- ii) NSW Code of Practice Plumbing and Drainage, 2006 produced by Committee on Uniformity of Plumbing and Drainage Regulations in NSW (CUPDR); and
- iii) Council's rainwater tank policy.

Details demonstrating compliance with this condition are to be submitted to the Principal Certifying Authority, prior to the issue of any Occupation Certificate.

(Reason: To protect public health and amenity.)

40. STORMWATER - CERTIFICATION OF THE CONSTRUCTED DRAINAGE SYSTEM (OC)

The constructed stormwater system shall be certified by a suitably qualified person, in accordance with Council's Stormwater Management Code, prior to the issue of any Occupation Certificate.

(Reason: Adequate stormwater management.)

ATTACHMENTS

There are no attachments for this report.

Note: This meeting is closed session and is not available for the public to attend
--