

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:

Friday, 5 June 2020

Commencing at 10:00am10.00amfor the purpose of considering items included on the Agenda

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TO: Strathfield Internal Development Assessment Panel Meeting - 5 June 2020
REPORT: IDAP – Report No. 1
SUBJECT: DA2020/01: 31 RICKARD ROAD, STRATHFIELD
LOT 27 DP16967
DA NO. 2020/01

SUMMARY

Proposal: Demolition of existing buildings and construction of a two storey dwelling with basement level, in ground swimming pool and boundary fencing.

Applicant: Archispectrum

Owner: Allison Celik

Date of lodgement: 6 April 2020

Notification period: 28 January 2020 – 11 February 2020

Submissions received: One (1) written submission received

Assessment officer: LG

Estimated cost of works: \$1,183,988.30

Zoning: R2 – Low Density Residential - SLEP 2012

Heritage: N/A

Flood affected: No

RECOMMENDATION OF OFFICER: **APPROVAL**

EXECUTIVE SUMMARY

The application seeks Council approval for demolition of existing building and construction of a two storey dwelling with basement level, in ground swimming pool and boundary fencing.

The application was notified for a period of 14 days from 28 January 2020 to 11 February 2020 in accordance with the Strathfield Community Participation Plan. One (1) submission was received during this time raising concern for visual privacy, dust emissions and overlooking. These matters have been resolved via submission of revised plans to Council and through the imposition of conditions of consent.

A number of design amendments have been undertaken throughout the assessment process to enable an improved development which better responds to the surrounding streetscape and environmental constraints unique to the site. This is particularly with regard to overshadowing, visual privacy, building presentation and tree protection.

The amended proposal has been designed to ensure any potential impacts to adjoining properties are minimised. Overall, the development generally accords with the relevant development standards and requirements under the Strathfield Local Environmental Plan (SLEP) 2012 and Strathfield Consolidated Development Control Plan (SCDCP) 2005.

Accordingly, the application is recommended for approval, subject to the imposition of conditions of consent.

DA2020/01: 31 Rickard Road, Strathfield
Lot 27 DP16967 (Cont'd)

BACKGROUND

- 28 January 2020 – The subject application was publicly notified for a period of 14 days. One
11 February 2020 (1) submission was received.
- 3 February 2020 Site Inspection undertaken by the Assessment Officer.
- 5 February 2020 Deferral letter sent to the applicant raising concerns for:
- Driveway location;
 - Streetscape compatibility;
 - Landscaping;
 - Solar Access;
 - Visual Privacy;
 - Additional Information – regarding RLs of roof line and parapets; and
 - Details regarding Boundary Fencing (if proposed)
- 26 March 2020 Amended plans were submitted by the Applicant to address the above-mentioned concerns raised.
- 15 April 2020 Correspondence was sent to the Applicant regarding concerns for:
- Solar Access;
 - Excessive void spaces resulting in additional and unnecessary bulk;
 - Solar access; and
 - Fencing.
- 22 April 2020 Further correspondence sent to the Applicant regarding outstanding tree matters raised by Tree Coordinator.
- Correspondence sent to objector identifying concerns raised in their submission. No response was received.
- 27 April 2020: Correspondence sent to Applicant regarding request for amended plans to:
- Address and resolve overshadowing to southern adjoining property;
 - Reduce basement footprint;
 - Reduce/delete void space; and
 - Provide privacy screening to rear balcony.
- 6 May 2020: Amended plans submitted to Council and correspondence received from Applicant's consultant arborist suggesting asphalt as an alternative to a concrete driveway to allow construction in close proximity to adjacent Brush Box tree on Council verge.
- Correspondence sent to Applicant and consultant Arborist requesting detailed specification of proposed alternative driveway design for consideration of Council's works team.
- 20 May 2020: Driveway specification plan proposing asphalt driveway submitted to Council for consideration. Both Council's Tree Coordinator and Executive Manager Urban Services raised no objection to the proposed design.

DESCRIPTION OF THE SITE AND LOCALITY

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Lot 27 DP16967 (Cont'd)

The subject site is legally described as Lot 27 in DP 16967 and is commonly known as 31 Rickard Road, Strathfield.

The site is a corner allotment fronting the intersection of Rickard Road with Verona Street.

The site is a regular-shaped allotment providing a splay at the north-eastern corner of the site. The site is 15.24m in width not inclusive of its splay, a depth of 41.15m to the south and a depth of 36.575m to the north. The site comprises a total site area of 616.6m².

A mature street tree is located upon the eastern frontage of the site with vehicular access currently provided to a separate garage structure fronting Verona Street.

The current streetscape is characterised by a mixture of dwelling development including original single storey brown and red brick housing stock; some two (2) storey brick dwellings with pitched tiled roof forms; as well as some modern style dwellings featuring rendered exteriors and white and grey colour palettes and flat roof forms as shown in Figure 3.

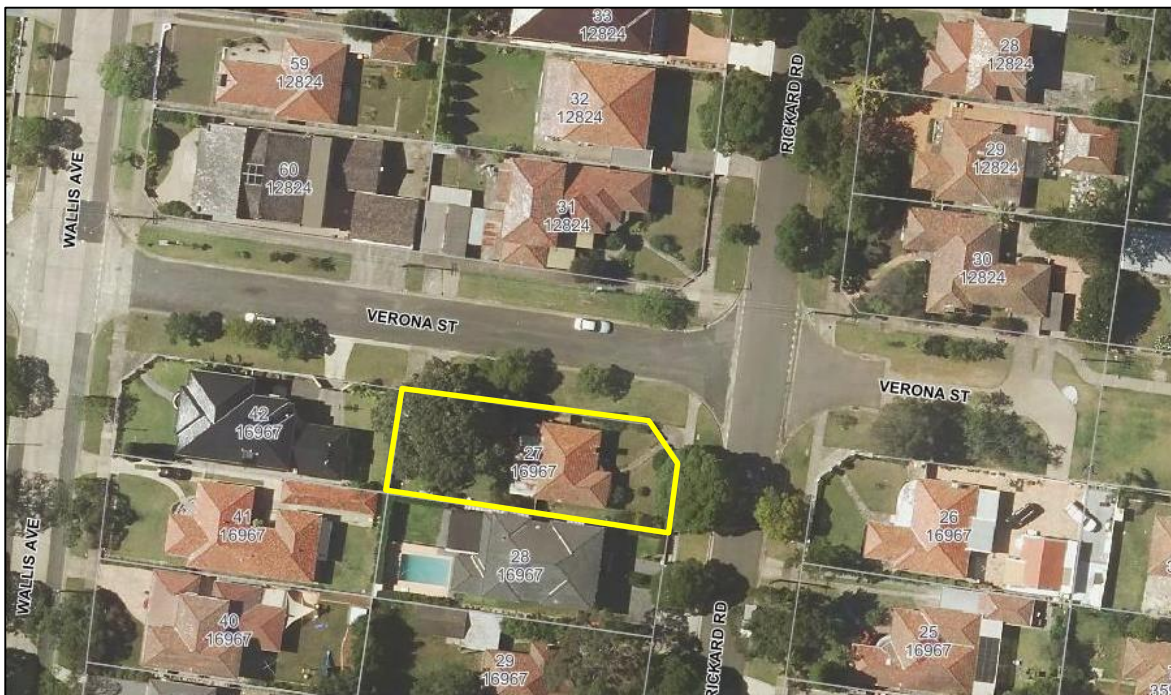


Figure 1: Locality plan



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Figure 2: Subject site featuring existing single storey dwelling and mature street tree.



Figure 3: Examples of new housing stock in the street at 33 and 35 Rickard Road, Strathfield.



Figure 4: Example of original dwelling development immediately adjacent subject site at 29 Rickard Road, Strathfield

PROPERTY BURDENS AND CONSTRAINTS

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

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DESCRIPTION OF THE PROPOSED DEVELOPMENT

The application seeks Council approval for demolition of the existing buildings and construction of a two storey dwelling with basement level, in ground swimming pool and boundary fencing.

The specific elements of the proposal are:

Basement level:

- Construction of a basement to comprise store room, gym, two (2) car spaces and pool utilities room.

Ground floor level:

- Family room;
- Guest bedroom;
- Laundry;
- Open plan living, dining and kitchen with pantry; and
- Alfresco area.

First floor level:

- Four (4) bedrooms with three (3) bathrooms.

External works:

- Front and side boundary fencing;
- Swimming pool; and
- Associated landscaping and drainage works.

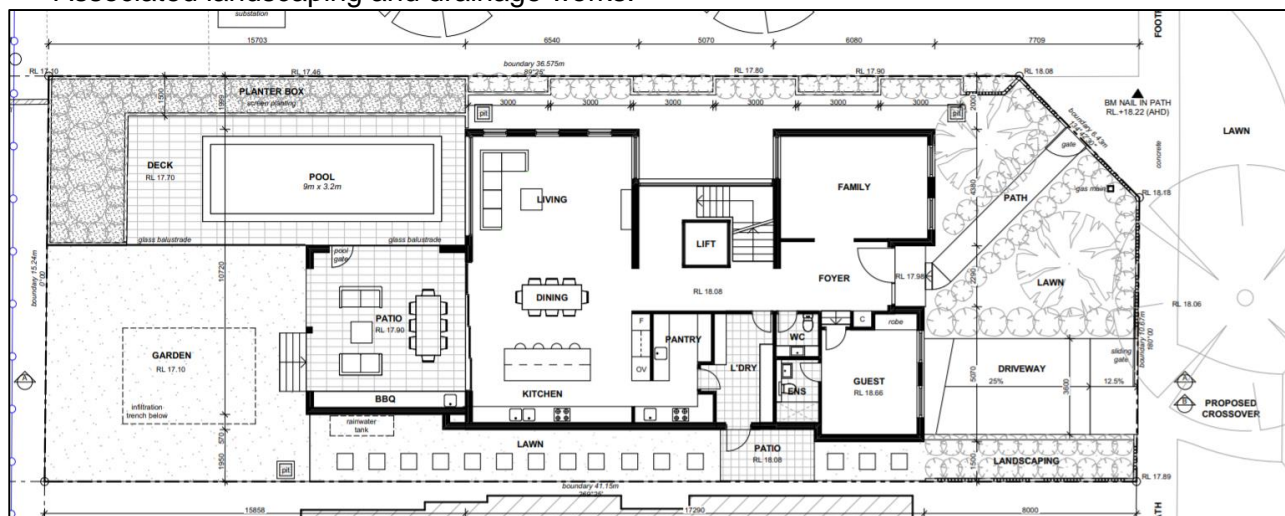


Figure 5: Proposed ground floor plan

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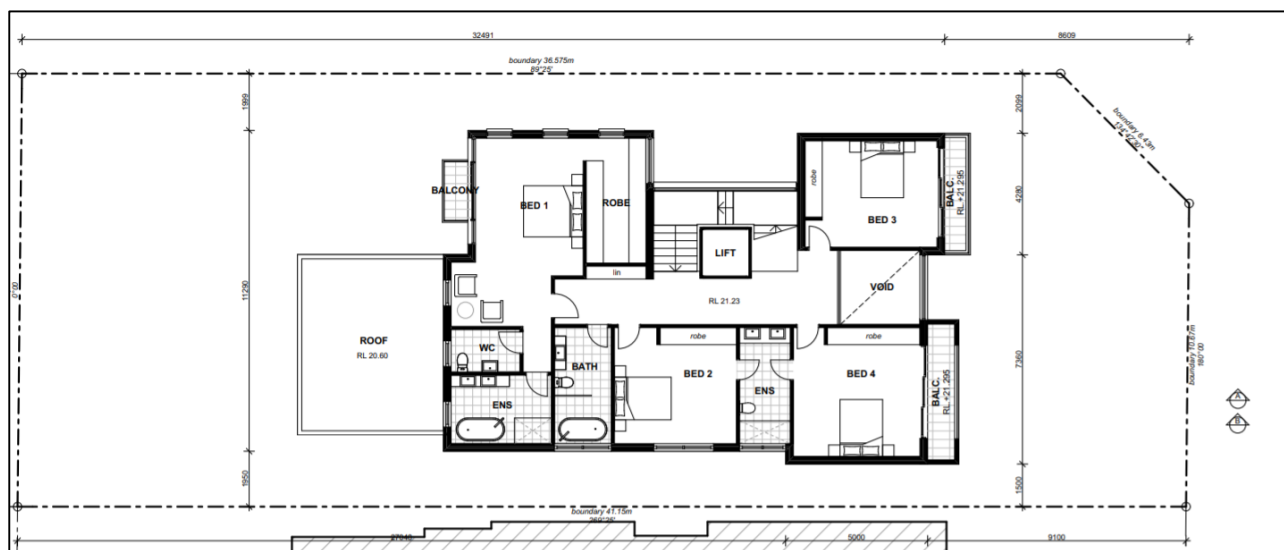


Figure 6: Proposed first floor plan



Figure 7: Streetscape elevation from Rickard Road.

REFERRALS

INTERNAL REFERRALS

Engineering Comments

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

Landscaping Comments

Council's Tree Coordinator has commented on the proposal as follows:

"The application is not supported for the following reasons: The proposed driveway has detrimental effect on the street tree. An Arborist Report is required to be submitted to Council regarding the impact of works on street tree."

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A Draft Construction Impact Assessment and Management Plan was submitted to Council 17 March including root mapping of the Council street tree. Council's Tree Coordinator provided the following comments:

"The Draft report dated 11 March does not demonstrate an understanding or knowledge driveway design in regard to the depth for the sub grade, the thickness of the concrete slab, the finished levels, or the % of the street tree (Brush Box) root system (including the smaller perennial and feeder roots east of the proposed driveway footprint - as opposed to the incursion of 17% for the SRZ and 12.4% for the RPA stated in the draft report) severed or cut.

For example as estimate only, taking into account the linear nature of street tree roots the loss of feeder and support roots could be over 40% for this tree. At 2 metres from the trunk and a standard 400-600mm range depth cut, the tree could not only die but could be rendered unstable.

With regard to the trench for the root mapping I was unable to discover the depth of this trenching work."

A final Construction Impact Assessment and Management Plan was later submitted to Council including submission of a Driveway Specification Plan. The plans detail the proposed construction method for the driveway including asphalt in lieu of concrete. This was submitted to Council's works team for consideration who raised no concern with the alternate construction method.

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

Traffic Comments

Council's Traffic Engineer has commented on the proposal as follows:

"Pursuant to Council CDCP Part A Clause 8.2.1, the width of driveways at the property boundary is to be 3m. The proposed 3.5m wide driveway at the property boundary is non-compliant.

The vehicular crossover offsets from the carpark ramp which would result in vehicles travelling over the turf and possibly tree protection zone."

A standard condition of consent has been recommended requiring the new driveway to be reduced from 3.5m in width to a compliant 3m width at the property boundary.

As previously mentioned, the alternate design method for the new driveway addresses concerns previously raised for protection of the Council street tree.

Council's Traffic Engineer offered no further 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 within Section 4.15 of the Environmental Planning and Assessment Act, 1979 as relevant to the application:

4.15(1)(a)(i) The provisions of 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.

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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)

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

State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 replaces the repealed provisions of clause 5.9 of SLEP 2012 relating to the 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, Council's Tree Coordinator raised concern for the proposed driveway location to the south-eastern frontage of the site which would adversely impact the adjoining Council street tree.

As previously mentioned, an alternate design solution was proposed by the Applicant to lay asphalt in lieu of concrete for the new driveway so to mitigate any concerns for the street tree.

The proposal was referred to Council's Tree Coordinator who outlined specific conditions to be imposed with any development consent in order to ensure the protection of the tree.

STRATHFIELD LOCAL ENVIRONMENTAL PLAN 2012 (SLEP 2012)

An assessment of the proposal against the aims of SLEP 2012 is as follows:

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

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(g)	To promote opportunities for social, cultural and community activities	N/A
(h)	To minimise risk to the community by identifying land subject to flooding and restricting incompatible development	N/A

Comments: The proposal is for a new two (2) storey dwelling which proposes a bulk, scale and character compatible with both the existing and desired future character of the streetscape.

Permissibility

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

A dwelling house is permissible within the R2 – Low Density Residential Zone with consent and is defined under SLEP 2012 as follows:

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

The proposed development is for the purpose of a dwelling house and is permissible within the R2 Zone with consent.

Zone Objectives

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.	N/A

Comments: The proposed development complies with the maximum building height provision prescribed in Clause 4.3 of the SLEP 2012.

Floor space ratio

Cl.	Standard	Controls	Proposed	Complies
4.4	Floor space ratio	0.60:1 (369.6m ²).	0.52:1 (321.1m 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	N/A
(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 	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

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Comments: The proposed development presents a compliant FSR which enables a suitable bulk and scale to be achieved for the site.

Part 5: Miscellaneous Provisions

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

Part 6: Local Provisions

An assessment of the proposal against the relevant provisions of this part is as follows.

6.1 Acid sulfate soils

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

6.2 Earthworks

Appropriate conditions of consent will be imposed to minimise the disruption of soils for both the subject site and adjoining properties. The extent of excavation is confined to within the footprint of the ground floor of the development. Standard conditions of consent will be imposed requiring preparation of a dilapidation report.

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) The provisions of 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) The provisions of any development control plan

STRATHFIELD CONSOLIDATED DEVELOPMENT CONTROL PLAN 2005 (SCDCP 2005)

An assessment of the proposal against the relevant provisions of this development control plan is as follows.

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

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

Comments: The dwelling, although contemporary in style is considered acceptable as proposed achieving a relatively well-articulated built form and high-quality material finishes. This includes sandstone cladding, timber cladding and painted render finishes all in neutral tones. Overall, the proposed development meets the above requirements. The proposal appropriately responds to the corner nature of the site providing a variation of building colours and materials to the northern side with multiple openings.

4: Building Envelope

4.1	Objectives	Satisfactory
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

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4.2	Development Controls	Complies
2.	The maximum height to the top of parapet for flat roofed dwelling houses is to be 7.8 metres.	Yes
3	The maximum height of the parapet wall for flat roofed dwelling houses is to be 0.8 metres above the uppermost ceiling level.	Yes
4	The maximum height of the external wall from the existing ground level to the underside of the uppermost ceiling level is to be 7.2 metres.	Yes
5	The maximum internal floor to ceiling height is to be 3.0 metres for any residential level	Yes
4.2	Development Controls	Complies
.3.1.	Street Setbacks	
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).	Yes – 3.4m combined setback with min. 1.5m north and south.
	2 A rear setback of 6m (min)	Yes – 10m
	4 Garages and carports setbacks consistent with Table A.2	Yes

Comments: A 7.7m front setback is proposed. This aligns with the 6.9m front setback provided by the southern adjoining dwelling. A minimum 2m side setback is proposed upon the northern side boundary of the side abutting the Verona street frontage. This is considered acceptable as the main entrance of the dwelling is from the primary street frontage on Rickard Road.

A combined 3.4m side setback is proposed which complies with the minimum 20% (2.35m) setbacks required for the site. A 10m rear setback is proposed between the rear alfresco area and the rear boundary of the site.

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

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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
	<i>Landscaped area</i>	
1.	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>	
	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
.2.	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
	5 Private open space located at the rear of the property.	Yes

Comments: The proposal achieves a minimum deep soil zone of 43.69% (269.4m²) which complies with the minimum 41% (255.6m²) deep soil zone to be provided through the site. Landscaped areas are provided through the front, side and rear setbacks of the site.

These spaces are considered suitable for the scale of the development and will allow adequate permeable surfaces to be provided on site which will reduce the heat island effect (refer to Figure 8 below).

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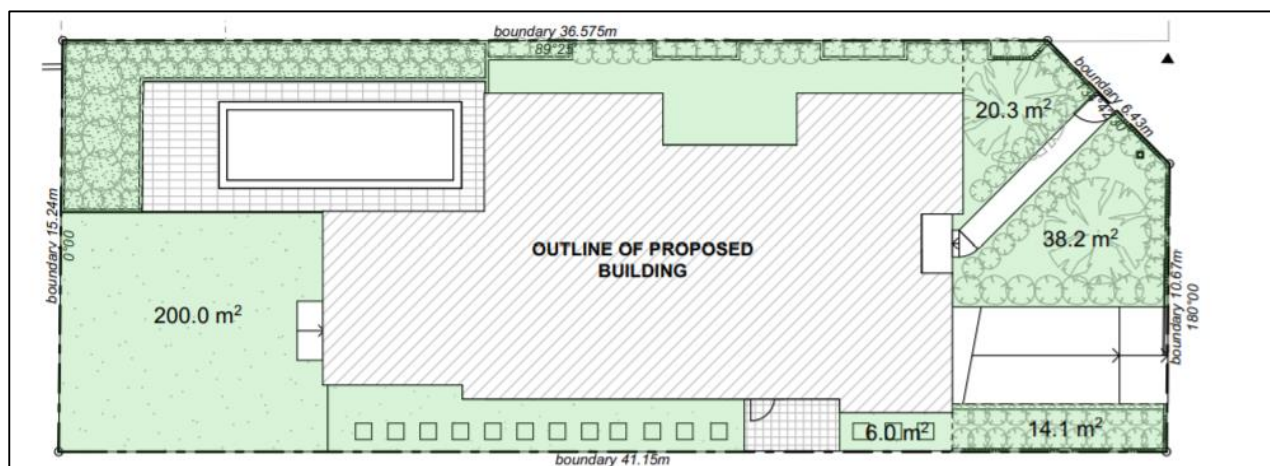


Figure 8: Proposed concept landscape plan.

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	No
	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

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Comments: The proposal will result in a considerable loss of direct solar access to the southern adjoining dwelling at 33 Rickard Road due to its east-west orientation. Shadow on elevation plans of the northern elevation of the dwelling at 33 Rickard Road were requested and later submitted to Council during the assessment demonstrating that the proposed development will result in overshadowing to the southern adjoining dwelling windows throughout all hours of the day. The diagrams are shown below (refer Figures 9 and 10).

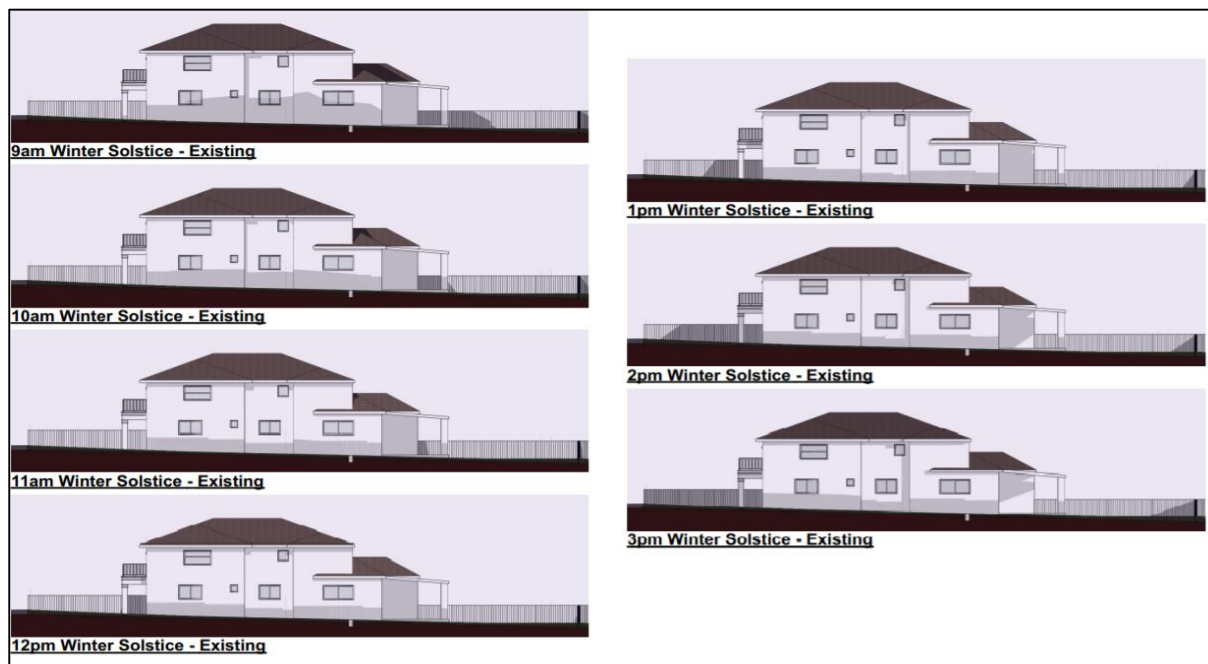


Figure 9: Shadow on elevation diagram demonstrating existing overshadowing to 33 Rickard Road during winter solstice.



Figure 10: Shadow on elevation diagram demonstrating proposed overshadowing to 33 Rickard Road during winter solstice.

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The design was revised throughout the assessment process to reduce the extent of the building envelope and siting of the development to minimise overshadowing impacts where possible. It is acknowledged that the first floor northern oriented windows to 33 Rickard Road pertain to bedrooms and bathrooms whereby solar access is not essential and therefore raise no cause for concern. The highlight window to the ground floor pertains to a bathroom and the two (2) far west and east windows (although pertaining to living areas) benefit from dual aspects east or west.

Overall, whilst the proposal will result in a substantial loss of direct solar access to the southern adjoining property, the design has been modified to reduce this impact where possible so that the dwelling and surrounding front and rear open spaces will receive some direct solar access throughout various times of today. The proposal is therefore acceptable in this instance.

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	N/A
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	Yes
	4 Balconies extending the full width of the front façade are not permitted	Yes

Comments: All windows have been appropriately designed and located to mitigate opportunities for overlooking. The amended plans submitted to Council during the assessment process demonstrate that the rear upper level balcony adjoining the master bedroom has been redesigned to achieve a 1m x 2m dimension and is recessed behind the rear building wall thus not resulting in any adverse overlooking impacts to the southern adjoining property. The proposed development is thus unlikely to generate significant privacy and amenity impacts on the adjoining properties.

8: Vehicle Access and Parking

8.1	Objectives	Satisfactory
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Lot 27 DP16967 (Cont'd)

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)	New driveway proposed
	2 The width of driveways at the property boundary is to be 3m	No – 3.5m proposed
	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	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
.3.	<i>Basements</i>	
	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

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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 proposal seeks to relocate the existing driveway from the northern side boundary fronting Verona Street to the front eastern property boundary fronting Rickard Road. The basement footprint has been reduced so that it is confined to the extent of the ground floor building footprint. A condition of consent is recommended to ensure the driveway width is reduced from 3.5m to 3m at the property boundary in accordance with the above requirements.

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

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Comments: Fill is proposed to a maximum height of 580mm above NGL. This is considered acceptable. A dilapidation report is required to be prepared by way of standard conditions of consent as the development includes excavation for a basement.

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.	N/A
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
<i>Stormwater Management and Flood Prone areas</i>		
.1.	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	N/A

Comments: The plans and supporting documentation including the submitted stormwater plan was assessed by Council's Development Engineer and found to generally adhere with Council's Stormwater Management Code.

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
<i>Address and Entry Sightlines</i>		
.1.	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

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3	House numbers are to be clearly visible from the street	Yes
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Comments: The dwelling is orientated to Rickard Road and provides a clearly identifiable and separate front entrance for both pedestrian and vehicular access. The front building façade comprises of multiple windows on the ground and first floor thereby creating ample opportunities for passive surveillance to the street.

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
Air-conditioning		
1	Located away from the habitable rooms of adjoining properties and/or screened by acoustic treatments	To be conditioned
2	Any building work must not reduce the structural integrity of existing buildings	To be conditioned
3	Installation of residential grade air conditioners only	To be conditioned
4	Installation to comply with the Protection of the Environment Operations Act 1997 and Protection of the Environment Operations (Noise Control) Regulation 2008	To be conditioned
Swimming Pools		
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 – located in basement.
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 swimming pool is located a minimum 3m from the rear western property boundary and 1.5m from the northern side boundary of the site. A minimum 1.5m landscape buffer is provided between the swimming pool and northern side boundary to improve separation from the public domain.

13: Ecologically Sustainable Development

13.1	Objectives	Satisfactory
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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
	<i>Natural Lighting and Heating</i>	
.1.	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
	<i>Natural Cooling and Ventilation</i>	
.2.	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: A BASIX Certificate was submitted as part of the proposal. The proposal meets the designated targets for energy and water reduction.

The proposed rainwater tank is appropriately positioned along the southern side elevation of the property, achieving a minimum 450mm from the side property boundary.

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 outlined in the plan shall be enforced via the conditions of consent.

4.15(1)(a)(iia) The provisions of 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*.

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4.15(1)(a)(iv) The provisions of the regulations

The requirements of Australian Standard AS2601–1991: *The Demolition of Structures* is relevant to the determination of a development application for the demolition of a building.

The proposed development does involve the demolition of a building. Should this application be approved, appropriate conditions of consent may be imposed to ensure compliance with the requirements of the above standard.

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 development has been designed with consideration of its setting, site constraints and adjoining residential properties. The proposed development, although resulting in some overshadowing impacts, has been designed to minimise its impacts where possible as previously discussed.

The proposal demonstrates consistency and compatibility with the surrounding built and natural environment and is considered to achieve an acceptable and supportable planning outcome.

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. The proposal is considered an acceptable outcome for the site which is unlikely to compromise the amenity of adjoining residents.

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

The application was publicly notified from 28 January 2020 to 11 February 2020 in accordance with the Strathfield Community Participation Plan. One (1) written submission was received as a result.

The issues raised in the submission received are summarised and addressed as follows:

- 1. Close proximity of excavation to boundary - excavation is will be very close to our boundary line. In light of the heavy storms we wish that there is a form of shock treatment around the area to avoid damage to the fences nearby.**

Assessing officer's comments: The plans submitted to Council demonstrate that the basement will be constructed 1.5m from the southern side boundary line. As per Section 4.2.3.2 of Part A of the SCDP 2005, new dwelling development is required to achieve a minimum 1.2m side setback. This includes any basement footprint. In this regard the development complies with this requirement. Further, conditions of consent have been imposed requiring preparation and submission of a dilapidation report.

- 2. Dust Impacts - There will be significant dust which may impose harm on our pets and newborn baby. We wish that this is addressed to a minimum level.**

Assessing officer's comments: Standard conditions of consent are imposed to ensure dust generated on site is effectively managed throughout the construction phases of the development.

- 3. Overlooking - The plan online shows that there will be a balcony which will overlook our yard and pool. Is this a breach of privacy?**

Assessing officer's comments: Amended plans were submitted during the assessment process demonstrating a significant reduction in the rear balcony size and that the balcony will be

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concealed behind the rear boundary wall. As such, the balcony will not result in any overlooking impacts to the adjoining property.

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.

LOCAL INFRASTRUCTURE CONTRIBUTIONS

Section 7.13 of the EP&A Act 1979 relates to the collection of monetary contributions from applicants for use in developing key local infrastructure. This section prescribes in part as follows:

A consent authority may impose a condition under section 7.11 or 7.12 only if it is of a kind allowed by, and is determined in accordance with, a contributions plan (subject to any direction of the Minister under this Division).

STRATHFIELD INDIRECT DEVELOPMENT CONTRIBUTIONS PLAN

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

Local Amenity Improvement Levy	\$11,839.88
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CONCLUSION

Having regard to the relevant matters for consideration under Section 4.15 of the Environmental Planning and Assessment Act 1979, the proposal is considered to be acceptable on its merits and is recommended for approval subject to conditions of consent.

PEER REVIEW

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

RECOMMENDATION

That Development Application No. 2020/001 for demolition of existing buildings and construction of a two storey dwelling with basement level, in ground swimming pool and boundary fencing at 31 Rickard Road, Strathfield 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:

Plans affixed with Council's 'Development Consent' stamp relating to Development Consent No. 2020/001:

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Drawing No.	Title/Description	Prepared by	Issue / Revision & Date	Date received by Council
DA02	Demolition Plan	Archispectrum	D	1 June 2020
DA03	Proposed Basement Plan	Archispectrum	D	1 June 2020
DA04	Proposed Ground Floor Plan	Archispectrum	D	1 June 2020
DA05	Proposed First Floor Plan	Archispectrum	D	1 June 2020
DA06	Proposed Site and Roof Plan	Archispectrum	D	1 June 2020
DA07	Proposed Elevations	Archispectrum	D	1 June 2020
DA08	Proposed South Elevation and Section A-A Plan	Archispectrum	D	1 June 2020
DA13	Proposed Landscape Plan	Archispectrum	D	1 June 2020
DA14	External Finishes Plan	Archispectrum	D	1 June 2020
DA15	Erosion & Sediment Control Plan	Archispectrum	D	1 June 2020
DA16	Driveway Ramp and Section B-B	Archispectrum	D	1 June 2020
DA21	Boundary Fence Details	Archispectrum	D	1 June 2020
Sheet 1	Driveway Plan	ACE Civil & Hydraulic Engineers	Dated 19 May 2020	20 May 2020
Sheet 1 - 7	Drainage Plan	ACE Civil & Hydraulic Engineers	Dated 20 December 2019	6 January 2020

Reference Documentation affixed with Council's 'Development Consent' stamp relating to Development Consent No. 2020/001:

Title / Description	Prepared by	Issue/Revision & Date	Date received by Council
BASIX	-	Issued 20 December 2019, Cert No.1068055S	6 January 2020
Waste Management Plan	Archispectrum	Issue A – December 2019	6 January 2020
Construction Impact Assessment and Management Plan	George Palmer	18 May 2020	21 May 2020

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.)

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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) 39.12AHD 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.

(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.

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(Reasons: Statutory requirement and health and safety.)

7. LANDSCAPING - CANOPY TREES IN FRONT AND REAR SETBACK (GC)

The development is to provide 3 canopy trees within the grounds of the property from 300 litre containers. One (1) canopy tree is to be planted in the rear yard and have a potential mature height of 15 metres. Two (2) canopy trees are to be planted in the front yard and have a potential mature height of 10 metres.

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.)

8. 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 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

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- 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.)

9. 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.)

10. 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.)

11. 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.

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- 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.

(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.)

12. STORMWATER MANAGEMENT PLAN - CERTIFICATION REQUIREMENT (GC)

A detailed Stormwater Management Plan (SWMP) in line with Council's Stormwater

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Management Code is to be prepared and certified by an Accredited Civil/Hydraulic Engineer 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.)

13. **SYDNEY WATER - TAP IN™ (GC)**

The approved plans must be submitted to a Sydney Water Tap in™ to determine whether the development application will affect Sydney Water's sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. The approved plans will be appropriately endorsed. For details please refer to 'Plumbing, building and developing' section of Sydney Water's web site at www.sydneywater.com.au then see 'Building', or telephone 13000 TAP IN (1300 082 746). The Certifying Authority must ensure that a Tap in™ agent has appropriately stamped the plans prior to the issue of the Construction Certificate.

(Reason: Compliance with Sydney Water requirements.)

14. **UTILITIES AND SERVICES - PROTECTION OF (GC)**

Any footings or excavation to be located or undertaken adjacent to Council's stormwater must be designed to address the following requirements:

- i) all footings and excavation must be located wholly within the site and clear of any easement boundaries;
- ii) all footings and excavation must be located a minimum of 1000mm from the centreline of the pipeline or 500mm from the outside of the pipeline, whichever is the greater distance from the centreline; and
- iii) footings must extend to at least the depth of the invert of the pipeline unless the footings are to be placed on competent bedrock.

If permanent excavation is proposed beneath the obvert of the pipeline, suitable means to protect the excavation and proposed retaining structures from seepage or other water flow from the pipeline and surrounding subsoil, must be provided. The design must be prepared by a qualified practicing Structural/Civil Engineer.

Construction plans must be approved by the appropriate utility's office (e.g. council, Sydney Water Corporation) to demonstrate that the development complies with the utility's requirements.

The applicant must provide written evidence (e.g. compliance certificate, formal advice) of compliance with the requirements of all relevant utility providers (e.g. Water, Energy, Telecommunications, Gas).

(Reason: To ensure protection of Council assets.)

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

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.

(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 - 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.)

18. CAR PARKING - VEHICULAR ACCESS RAMPS (CC)

Vehicular access ramps shall comply with the provisions of AS/NZS 2890.1:2004 and

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Council SCDCP. Plans to be submitted shall contain the following details:

- i) (Other sub-conditions imposed by development engineer)
- ii) A minimum 1mx1m splay shall be provided at the vehicular access driveway on both sides of driveway along the property boundary, to maintain sight distances for pedestrians and motorists. The areas should be kept clear from obstructions and only allow ground cover landscaping, as per Council SCDCP Part A Clause 5.2.4.
- iii) Certification that the design complies with AS/NZS 2890.1:2004 and Council SCDCP by a Qualified Engineer.

The certification referred to in (iii) 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 SCDCP 2005.)

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. CONSTRUCTION AND ENVIRONMENTAL MANAGEMENT PLAN (CC)

The applicant must prepare and submit a Construction and Environmental Management Plan (CEMP) to the Principal Certifying Authority, including:

- i) Detailed information on any approvals required from other authorities prior to or during construction.

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- ii) Traffic management, including details of:
 - ingress and egress of vehicles to the site;
 - management of loading and unloading of materials;
 - the location of heavy vehicle parking off-site; and
 - designated routes for vehicles to the site.
- iii) The proposed areas within the site to be used for a builder's site office and amenities, the storage of excavated material, construction materials and waste containers during the construction period.
- iv) Erosion and sediment control, detailing measures and procedures consistent with the requirements of Council's guidelines for managing stormwater, including:
 - the collection and treatment of stormwater and wastewater generated on site prior to discharge; and
 - procedures to prevent run-off of solid material and waste from the site.
- v) Waste management, including:
 - details of the types and estimated volumes of waste materials that will be generated;
 - procedures for maximising reuse and recycling of construction materials; and
 - details of the off-site disposal or recycling facilities for construction waste.
- vi) Dust control, outlining measures to minimise the generation and off-site transmission of dust and fine particles, such as watering or damp cloth fences.
- vii) A soil and water management plan, which includes:
 - measures to minimise the area of soils exposed at any one time and conserve top soil;
 - identification and protection of proposed stockpile locations;
 - preservation of existing vegetation and revegetation;
 - measures to prevent soil, sand, sediments leaving the site in an uncontrolled manner;
 - measures to control surface water flows through the site in a manner that diverts clean run-off around disturbed areas, minimises slope gradient and flow distance within disturbed areas, ensures surface run-off occurs at non-erodible velocities, and ensures disturbed areas are promptly rehabilitated;
 - details of sediment and erosion control measures in place before work commences;
 - measures to ensure materials are not tracked onto the road by vehicles entering or leaving the site; and
 - details of drainage to protect and drain the site during works.
- viii) Asbestos management procedures:
 - Anyone who removes, repairs or disturbs bonded or a friable asbestos material must hold a current removal licence from Workcover NSW holding either a Friable (Class A) or a Non- Friable (Class B) Asbestos Removal License which ever applies and a current WorkCover Demolition License where works involve demolition. To find a licensed asbestos removalist please see www.workcover.nsw.gov.au
 - Removal of asbestos by a person who does not hold a Class A or Class B asbestos removal license is permitted if the asbestos being removed is 10m² or less of non-friable asbestos (approximately the size of a small bathroom). Friable asbestos materials must only be removed by a person who holds a current Class A asbestos license.
 - Before starting work, a work site-specific permit approving each asbestos project must be obtained from WorkCover NSW. A permit will not be granted without a current WorkCover licence. All removal, repair or disturbance of or to asbestos material must comply with the following:
 - The Work Health and Safety Act 2011;

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- The Work Health and Safety Regulation 2011;
- How to Safety Remove Asbestos Code of Practice – WorkCover 2011; and
- Safe Work Australia Code of Practice for the Management and Control of Asbestos in the Workplace.
- Following completion of asbestos removal works undertaken by a licensed asbestos removalist re-occupation of a workplace must not occur until an independent and suitably licensed asbestos removalist undertakes a clearance inspection and issues a clearance certificate.
- The developer or demolition contractor must notify adjoining residents at least two (2) working days (i.e. Monday to Friday exclusive of public holidays) prior to the commencement of asbestos removal works. Notification is to include, at a minimum:
 - the date and time when asbestos removal works will commence;
 - the name, address and business hours contact telephone number of the demolisher, contractor and/or developer;
 - the full name and license number of the asbestos removalist/s; and
 - the telephone number of WorkCover's Hotline 13 10 50
 - warning signs informing all people nearby that asbestos removal work is taking place in the area. Signs should be placed at all of the main entry points to the asbestos removal work area where asbestos is present. These signs should be weatherproof, constructed of light-weight material and adequately secured so they remain in prominent locations. The signs should be in accordance with AS 1319-1994 Safety signs for the occupational environment for size, illumination, location and maintenance; and
 - appropriate barricades installed as appropriate to prevent public access and prevent the escape of asbestos fibres. Barricades must be installed prior to the commencement of asbestos removal works and remain in place until works are completed.

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

23. 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.

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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).

(Reason: Council requirement.)

24. 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.)

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25. 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.)

26. LANDSCAPING - MAINTENANCE STRATEGY (CC)

To ensure the survival of landscaping following works, a landscape maintenance strategy for the owner/occupier to administer over a 12 month establishment period following the issue of the Occupation Certificate shall be prepared and provided to the satisfaction of the Principal Certifying Authority with the Construction Certificate application. The strategy is to address maintenance issues such as, but not limited to plant survival, irrigation, soil testing, weeding, staking, fertilizing, remedial pruning and plant replacement.

(Reason: Ensure landscape survival.)

27. 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.)

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

Local Amenity Improvement Levy	\$11,839.88
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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.

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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.)

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.

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. 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.)

31. 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);

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- 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.)

29. **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.)

33. **TREE BONDS (CC)**

A tree bond of **\$40,000.00** (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 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.

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 were 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.)

34. **VENTILATION SYSTEMS – MECHANICAL (CC)**

The mechanical ventilation system is to comply with the following:

- i) The Building Code of Australia;
- ii) Protection of the Environment Operations Act 1997; and
- iii) Australian Standard AS1668-1991.

In addition, odour control measures, such as activated carbon or catalytic oxidisers, must be used to treat ventilation gases prior to discharge. The method of odour control must be designed by a suitably qualified mechanical ventilation engineer.

Details demonstrating compliance with the above are to be submitted to the Principal Certifying Authority, prior to the issue of a Construction Certificate.

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(Reason: To ensure the mechanical ventilation system complies with the relevant requirements/standards.)

35. 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.)

36. WATER HEATING SYSTEMS - LOCATION OF (CC)

Water heating systems 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.

(Reason: To maintain streetscape character.)

37. WORKS ZONE - APPROVAL BY COUNCIL'S TRAFFIC COMMITTEE (CC)

An application for a 'Works Zone' must be submitted to and approved by the Strathfield Council Traffic Committee prior to the commencement of any site work (including demolition).

The suitability of the proposed length and duration of the Works Zone is to be demonstrated in the application for the Works Zone. The application for the Works Zone must be submitted to Council at least six (6) weeks prior to the commencement of work on the site to allow for assessment and tabling of agenda for the Strathfield Council Traffic Committee.

The requirement for a Works Zone may be varied or waived only if it can be demonstrated in the Construction Traffic Management Plan (to the satisfaction of Council) that all construction related activities (including all loading and unloading operations) can and will be undertaken wholly within the site. The written approval of Council must be obtained to provide a Works Zone or to waive the requirement to provide a Works Zone prior to the commencement of any site work.

(Reason: Council requirement.)

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

38. 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.

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- 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.)

39. 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

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- 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.)

40. NOTICE OF COMMENCEMENT (CW)

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

- 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;
- Details of the appointment of a Principal Certifying Authority (either Council or another Principal Certifying Authority); and
- Details of the name, address and licence details of the Builder.

(Reason: Statutory requirement.)

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

41. FILL MATERIAL (DW)

The only waste derived material which may be received at the development site is:

- Virgin excavated material (within the meaning of the Protection of the Environment Operations Act 1997), and
- any other waste-derived material the subject of a resource recovery exemption under cl.51A of the Protection of the Environment Operations (Waste) Regulation 2005 that is permitted to be used as fill material.

Any (b)-type material received at the development site must be accompanied by documentation certifying by an appropriately qualified environmental consultant the materials compliance with the exemption conditions; and this documentation must be provided to the Principal Certifying Authority on request.

(Reason: To ensure imported fill is of an acceptable standard for environmental protection purposes.)

42. 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.)

DA2020/01: 31 Rickard Road, Strathfield
Lot 27 DP16967 (Cont'd)

43. 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.)

44. 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 (POC)

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 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 an Accredited Civil/Hydraulic Engineer 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

DA2020/01: 31 Rickard Road, Strathfield
Lot 27 DP16967 (Cont'd)

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. 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.)

48. 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.)

49. 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.)

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

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

**DA2020/01: 31 Rickard Road, Strathfield
Lot 27 DP16967 (Cont'd)**

- 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 contracts.

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

(Reason: Safety and statutory compliance.)

ATTACHMENTS

There are no attachments for this report.

TO: Strathfield Internal Development Assessment Panel Meeting - 5 June 2020
REPORT: IDAP – Report No. 2
SUBJECT: DA2020/50 - 149 CORONATION PARADE, STRATHFIELD SOUTH - LOT 6 DP 312813
DA NO. DA2020/50

SUMMARY

Proposal:	Demolition of the existing structure and construction of a new two (2) storey split level dwelling, swimming pool and front fence
Applicant:	Tony Taouk – Vision Group Architects
Owner:	A Zeitoun
Date of lodgement:	17 March 2020
Notification period:	24 March to 7 April 2020
Submissions received:	Nil
Assessment officer:	MR
Estimated cost of works:	\$1,419,000
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

The proposal involves the demolition of an existing dwelling and ancillary structures, and the construction of a new two (2) storey split level dwelling, swimming pool and front fence on No. 149 Coronation Parade, Strathfield South (the subject site).

The application was publicly notified on 24 March 2020, in accordance with the Strathfield Community Participation Plan (CPP), with the last date of the notification period being 17 January 2020. No submissions were received during this period.

The proposed development is considered acceptable and generally supportable, complying with all of the relevant development standards and controls under the Strathfield Local Environmental 2012 (SLEP 2012) and Strathfield Consolidated Development Control Plan 2005 (SCDCP 2005). The final design is compatible with the suburban streetscape and low density, residential character of Coronation Parade. The proposed development also responds appropriately to the site's environmental constraints and its proximity to a Council reserve and neighbouring residences.

Accordingly, the application is recommended for approval.

The subject application was referred to the Strathfield Internal Development Panel (IDAP) due to the site being located on flood prone land.

DA2020/50 - 149 Coronation Parade, Strathfield South - Lot 6 DP 312813 (Cont'd)

BACKGROUND

17 March 2020	The subject application was lodged.
24 March 2020	The application was publicly notified as per the CPP, with the last date for submissions being 7 April 2020. No submissions were received.
7 April 2020	A deferral letter was issued to the applicant, raising a number of issues including Clause 6.1 – Acid Sulfate Soils (Class 4), streetscape character, height, visual amenity, overshadowing, privacy and noise impacts, and stormwater.
23 April 2020	The responsible Council officer had a phone discussion with the applicant to clarify the issues raised in the letter.
21 May 2020	The applicant submitted additional information to Council to address the issues raised in the letter.

DESCRIPTION OF THE SITE AND LOCALITY

The subject site is legally described as Lot 6 in DP 312813 and commonly known as No. 149 Coronation Parade, Strathfield South. The site is within the R2 – Low Density Residential zone, pursuant to the provisions of SLEP 2012. It is a rectangular shaped allotment with an east-west orientation that is located on the west side of Coronation Parade (refer to Figure 1). The site has an area of 445.7m², a maximum depth of 36.575m, a 12.19m wide frontage and a 4m fall towards the western (rear) boundary.

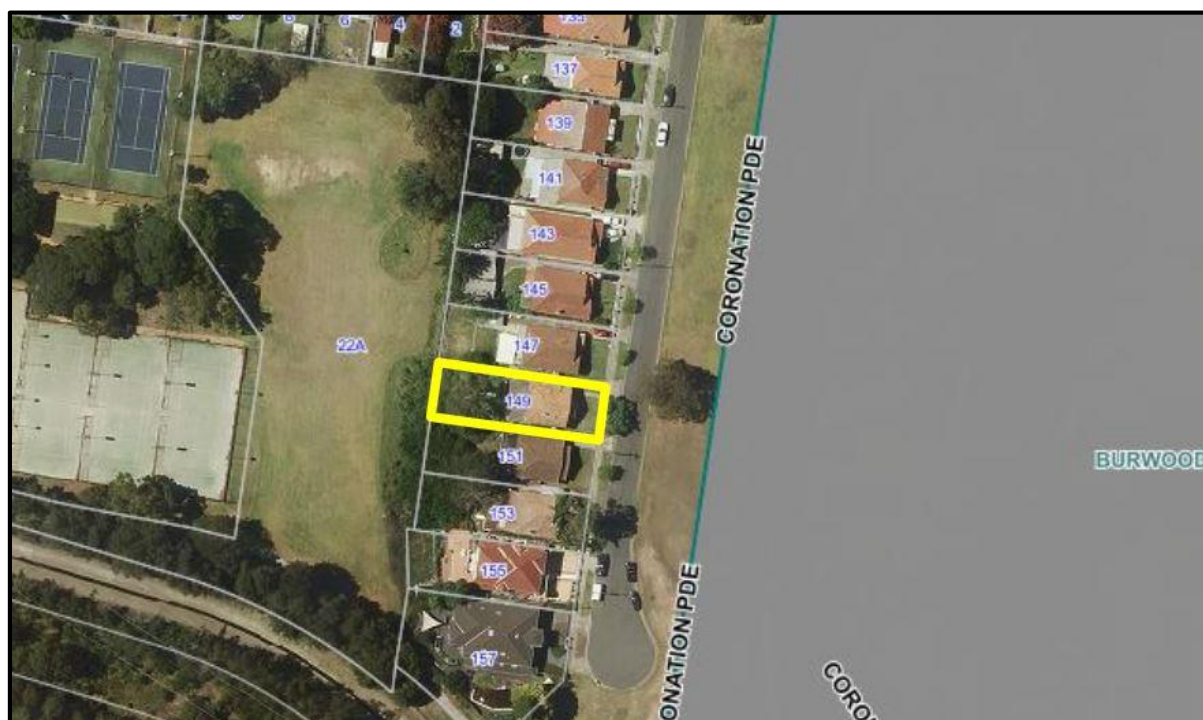


Figure 1: The subject site (as highlighted in yellow) and the surrounding context

The premises is currently occupied by a single storey dwelling house and a detached garden shed (refer to Figures 2 and 3). The site benefits from having access via a driveway off Coronation Parade. The site is predominantly modified with remaining vegetation comprising grassed lawn area and overgrown shrubbery (refer to Figures 4 and 5).

DA2020/50 - 149 Coronation Parade, Strathfield South - Lot 6 DP 312813 (Cont'd)



Figure 2: The front setback of existing dwelling



Figure 3: The northern side of rear yard containing a detached shed

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Figure 4: Western portion of rear yard containing scattered overgrown shrubs, and with view of Elliott Reserve and Southend Tennis Centre



Figure 5: Northern side setback of dwelling containing grassed area

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The subject site is located within a typical low density, suburban area generally characterised by single detached dwelling houses along tree-lined streets, a wide and open grassed road reserve between the eastern and western sides of Coronation Parade, a large Council reserve (Elliott Reserve), Southend Tennis Centre, and a tributary creek that is part of the Cooks River. The property is uniquely located as it adjoins Elliot Reserve and Southend Tennis Centre at the rear and fronts Coronation Parade, which forms the boundary between Strathfield Council and Burwood Municipal Council.

Most of the residences along the western side Coronation Parade have a traditional, pitched roof design, are single storey and feature an articulated element at the front such as a porch that defines a clear entry (refer to Figure 6). Redeveloped sites on this side generally contain double storey dwellings with pitched roofing and porches/balconies/porticoes (Refer to Figure 7). External finishes vary, but the majority of dwellings feature either white/cream render or red exposed brick. Frontages generally contain low, masonry or open form (wire/metal) fencing.

The site is surrounded by the following properties:

- Adjoining the northern boundary: a single storey dwelling at No. 147 Coronation Parade, Strathfield South (refer to Figure 8);
- Adjoining the southern boundary: a single storey dwelling at No. 151 Coronation Parade, Strathfield South (refer to Figure 9);
- Adjoining the western (rear) boundary: Elliott Reserve and Southend Tennis Centre (No. 22 Chiswick Street); and
- East of the site and across the road: a wide road reserve and two (2) storey dwellings at No. 198 Coronation Parade and at No. 200 Coronation Parade, Croydon Park (refer to Figures 13 and 14).



Figure 6: Streetscape immediately north of the site

DA2020/50 - 149 Coronation Parade, Strathfield South - Lot 6 DP 312813 (Cont'd)



Figure 7: Streetscape further north of the site



Figure 8: Road reserve between the subject site and the eastern side of Coronation Parade

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Figure 9: Dwelling at No. 147 Coronation Parade, Strathfield South



Figure 10: Dwelling at No. 151 Coronation Parade, Strathfield South

DA2020/50 - 149 Coronation Parade, Strathfield South - Lot 6 DP 312813 (Cont'd)



Figure 11: Dwelling at No. 198 Coronation Parade, Croydon Park



Figure 12: Dwelling at No. 200 Coronation Parade, Croydon Park

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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 buildings and the construction of a two (2) storey split level dwelling, swimming pool and front fence.

The specific elements of the proposal are:

- Upper ground floor comprising two (2) vehicular parking spaces, front entry, linen closet, powder room, study, living and dining areas, kitchen and rear balcony;
- First floor comprising master bedroom with walk-in-robe, ensuite and front facing balcony, three (3) bedrooms, bathroom and linen closet;
- Lower ground comprising rumpus room, laundry and rear terrace;
- External works comprising an in-ground swimming pool in the rear yard and fencing along the front boundary. The proposed fencing will be 1.2m high and constructed of masonry columns and open metal panels; and
- Deep soil landscaped areas to be established within the site such as a centrally located grassed turf area and garden beds along the perimeter of the rear yard, and garden beds in the front setback.

Floor Plans and Elevations of the proposed development are shown in Figures 13 to 19.

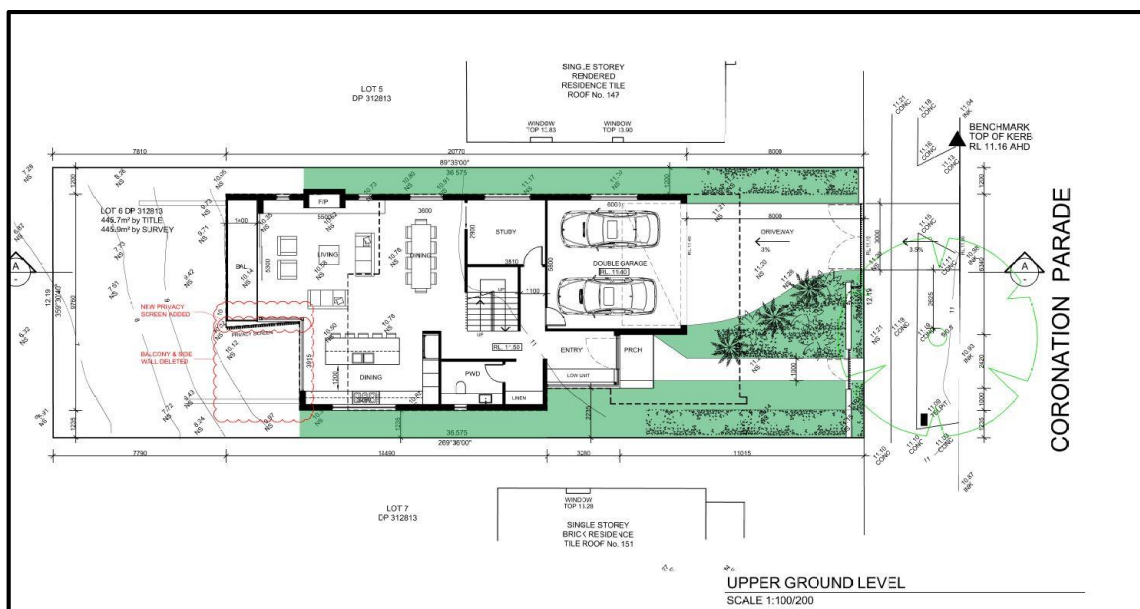
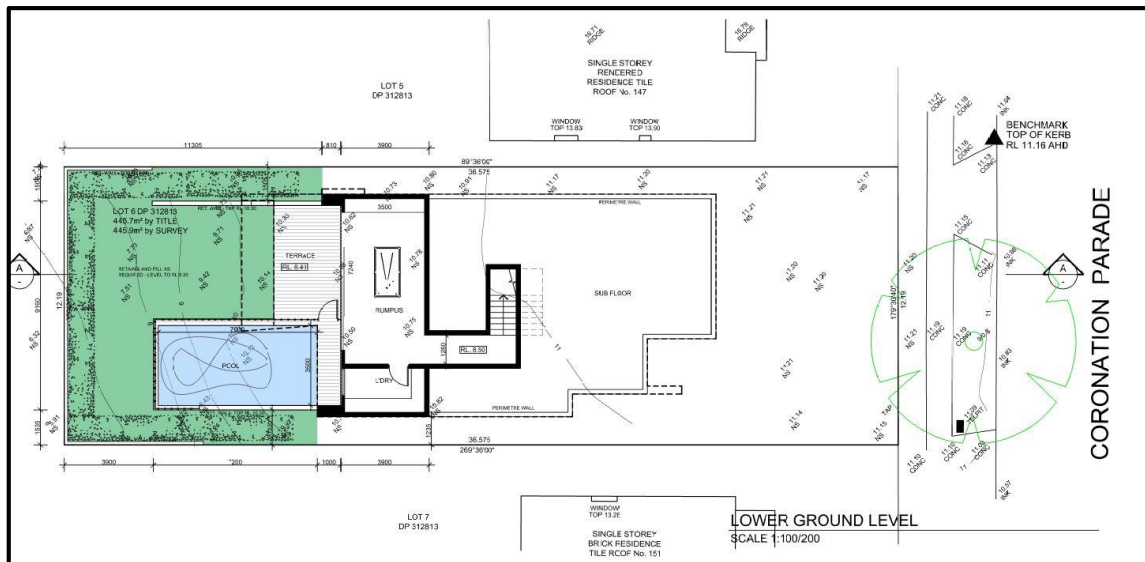
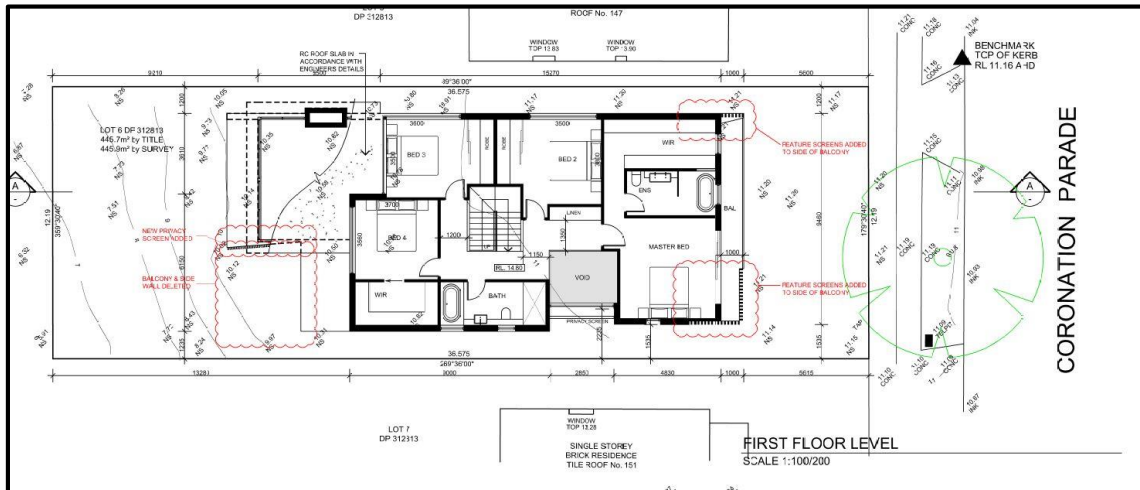


Figure 13: Upper Ground Floor Plan

DA2020/50 - 149 Coronation Parade, Strathfield South - Lot 6 DP 312813 (Cont'd)



DA2020/50 - 149 Coronation Parade, Strathfield South - Lot 6 DP 312813 (Cont'd)



Figure 17: Side (North) Elevation



Figure 18: Rear (West) Elevation

DA2020/50 - 149 Coronation Parade, Strathfield South - Lot 6 DP 312813 (Cont'd)



Figure 19: Side (South) Elevation

REFERRALS

INTERNAL REFERRALS

Environmental Health Officer Comments

The application was referred to Council's Environmental Health Officer due to the subject site's location on Acid Sulfate Soils (ASS) – Class 4 land. Council's Environmental Health Officer reviewed the application (including the provided ASS preliminary assessment) and offered no objections to the proposal, subject to the imposition of recommended conditions of consent.

Stormwater Engineer Comments

Council's Stormwater Engineer provided the following comments:

"The site is affected by mainstream flooding and the extent does not reach habitable area comprising of the laundry and the rumpus; hence, there is no objection from flooding perspective."

The subject site has a natural fall to the rear, but site re-contouring 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. Onsite detention (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 overflow gravity pipe via rainwater tank. Roof runoff except laundry and rumpus roof runoff drain into above ground rainwater tank by charged means via downpipes. Laundry, rumpus and subsoil drainage (25m² plus subsoil drainage) drain into an absorption trench by via gravity pipes. From an engineering perspective, the concept plan is feasible and there are no objections to its approval subject to the conditions of consent."

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

Traffic Engineer Comments

Council's Traffic Engineer advised that the front fence on one (1) side of the driveway will obstruct sight lines. It was advised that a condition be imposed to provide a minimum 1m x 1m splay at the vehicular access driveway on both sides of the driveway along the property boundary in order to maintain sight distances for pedestrians and motorists. Council's Traffic Engineer offered no objections to the proposal, subject to the imposition of recommended conditions of consent including the condition mentioned above.

SECTION 4.15 CONSIDERATIONS – EP&A Act, 1979

DA2020/50 - 149 Coronation Parade, Strathfield South - Lot 6 DP 312813 (Cont'd)

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

4.15(1)(a)(i) The provisions of 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)

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

State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 replaces the repealed provisions of clause 5.9 of SLEP 2012 relating to the 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.

The proposal does not involve the removal of any trees (both within the site and on Council land) and will result in the establishment of two (2) canopy trees in the rear yard and a single canopy tree in the front setback of the site. Specific conditions are recommended to ensure the proposed landscaped areas are provided and to ensure that the existing street tree is protected.

STRATHFIELD LOCAL ENVIRONMENTAL PLAN 2012 (SLEP 2012)

An assessment of the proposal against the aims of SLEP 2012 is as follows:

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</i>	Yes

DA2020/50 - 149 Coronation Parade, Strathfield South - Lot 6 DP 312813 (Cont'd)

	<i>community</i>	
(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

Permissibility

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

A dwelling house is a permissible land use within the R2 – Low Density Residential zone with consent and is defined under SLEP 2012 as follows:

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

The proposed development for the purpose of a dwelling house is consistent with the definition above and is therefore permissible with consent.

Zone Objectives

An assessment of the proposal against the objectives of the R2 – Low Density Residential zone is as follows:

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.	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 involves the demolition of an existing dwelling and construction of a contemporary style dwelling within the subject land. The new dwelling will have an appropriate scale and massing facilitated by the lot size and dimensions of the site as well as the relevant development standards and requirements under SLEP 2012 and SCDP 2005 that apply.

The proposal retains a low density residential land use and continues to ensure that the housing needs of the community are met and preserved within the immediate locality.

Part 4: Principal development standards

An assessment of the proposal against the relevant provisions of this part is as follows.

Clause 4.3 Height of building

Cl.	Standard	Controls	Proposed	Complies
4.3	Height of building	9.5m	7.8m	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

DA2020/50 - 149 Coronation Parade, Strathfield South - Lot 6 DP 312813 (Cont'd)

Comments: The proposed development achieves compliance with the maximum building height provision under Clause 4.3.

Clause 4.4 Floor space ratio (FSR)

Cl.	Standard	Controls	Proposed	Complies
4.4	Floor space ratio (FSR)	0.65:1 (289.7m ²)	0.63:1 (283m 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			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

Comments: The proposed development achieves compliance with the maximum FSR provision under Clause 4.4.

Part 5: Miscellaneous Provisions

There are no provisions under Part 5 of the SLEP 2012 that apply to the proposal.

Part 6: Local Provisions

An assessment of the proposal against the relevant provisions of this part is as follows.

6.1 Acid sulfate soils (ASS)

The subject site is identified as within ASS – Class 4 land and the provisions of Clause 6.1 are applicable. The objectives of this clause are to ensure that development does not disturb, expose or drain acid sulfate soils and cause environmental damage. Within Class 4, the trigger under SLEP 2012 is for works more than 2m below the natural ground surface or any works by which the watertable is likely to be lowered more than 2m below the natural ground surface. Given that the proposed development involves significant excavation works that are 2m below the natural ground surface. The applicant provided an ASS preliminary assessment of the proposed works against Clause 6.1 and in relation to the site being contained within ASS – Class 4 land. Council's EHO confirmed that the proposal has demonstrated that requirements under Clause 6.1 are met and the potential risks associated with ASS have been addressed appropriately.

6.2 Earthworks

The proposed development will involve some excavation works to accommodate the lower ground level within the dwelling. A condition of consent is recommended to ensure an appropriate management of soils is undertaken during earthworks.

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6.3 Flood planning

Council records indicate that the rear portion of the subject site is affected by the 1 in 100 year flood event. Given the proposal involves a new residential dwelling, the provisions under Clause 6.3 are triggered. It is noted that the entire dwelling is not within any part of the site that is flood affected. Council's Stormwater Engineer confirmed that the finished floor levels of the new dwelling are appropriate and achieve compliance under Clause 6.3.

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) The provisions of 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) The provisions of any development control plan

STRATHFIELD CONSOLIDATED DEVELOPMENT CONTROL PLAN 2005 (SCDCP 2005)

An assessment of the proposal against the relevant provisions of this development control plan is as follows.

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

DA2020/50 - 149 Coronation Parade, Strathfield South - Lot 6 DP 312813 (Cont'd)

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
.4.	<i>Roof Forms</i>		
	1	Roof form complements predominant form in the locality	No Acceptable – see below
	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>		
	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

DA2020/50 - 149 Coronation Parade, Strathfield South - Lot 6 DP 312813 (Cont'd)

Comments: The two (2) storey development featured in the streetscape and the surrounding area is generally dominated by traditional style housing with pitched roof forms. Despite the prevailing streetscape character, a number of properties less than 200m of the site contain dwellings with a flat or semi-skillion roof and a similar contemporary and boxy design as the proposal. These properties are as follows:

- No. 153 Coronation Parade, Strathfield South (CDC2019/7041) – refer to Figure 20. It is noted that this dwelling is only 13m south of the subject site, with adjoining neighbour at No. 151 Coronation Parade separating the two (2) properties;
- No. 1 Chiswick Street, Strathfield South (CDC2019/263) – refer to Figure 21;
- No. 14 Chiswick Street, Strathfield South (CDC14-PYR213) – refer to Figure 22; and
- No. 24 Chiswick Street, Strathfield South (DA2017/172) – refer to Figure 23.



Figure 20: Approved dwelling at No. 153 Coronation Parade

DA2020/50 - 149 Coronation Parade, Strathfield South - Lot 6 DP 312813 (Cont'd)



Figure 21: Approved dwelling at No. 1 Chiswick Street



Figure 22: Approved dwelling at No. 14 Chiswick Street

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Figure 23: Approved dwelling at No. 24 Chiswick Street

The proposal introduces a modern and flat-roofed residential built form to the streetscape that provides some variation and interest to the locality that is similar in terms of design and scale as the approved dwellings mentioned above. Whilst the proposal offers a variation to the dominant and prevailing style featured in the streetscape, the proposed cement and rendered finishes, varied colouration (comprising grey, white and brown), wall articulation and mixture of materials are considered complementary to the streetscape. The overall design of the proposal ensures that the distinct design has an appropriate presentation and aesthetic response to the general character of the locality.

The proposed flat roof form does not result in excessive walls and a bulky design as the overall scale and density of the building complies with the relevant development standards and the floor to ceiling heights are minimised to 2.7m (maximum). Visual relief of all elevations are achieved through modulation of walls, variation in materials and colours (including wrap around, open form elements for the front balconies on both sides), and glazing (window) treatments throughout. In addition, landscaped areas contained throughout the site provide sufficient balance between the building and hardscaped elements and the proposed deep soil landscaping treatments (in the form of garden beds, grassed turf and trees).

The natural topography of the site, as well as the proposal's intention of having the finished floor of the upper ground floor as a single level slab, creates a subfloor and an elevated upper ground floor level on the western portion of the site. The provision of a lower ground level and a first floor will create a three (3) storey appearance for the dwelling that will be viewed from Elliott Reserve and Southend Tennis Centre. This three (3) storey appearance is considered acceptable considering that the design has a reasonable and appropriate response to the 4m fall of the site. Additionally, the stepping and articulation of the lower ground level and the first floor are such that the dwelling is considered a split level, two (2) storey house. With the exception of the stairwell, the entire dwelling features a maximum of two (2) levels directly above each other. Whilst housing comprising three (3) storeys or of three storey appearance is not commonly seen from Elliott

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Reserve and Southend Tennis Centre, such vistas may be comparable to views of the rears of the dwellings at No. 153 and No. 155 Coronation Parade (refer to Figures 24 and 25).



Figure 24: View of rear of existing dwelling at No. 149 Coronation Parade

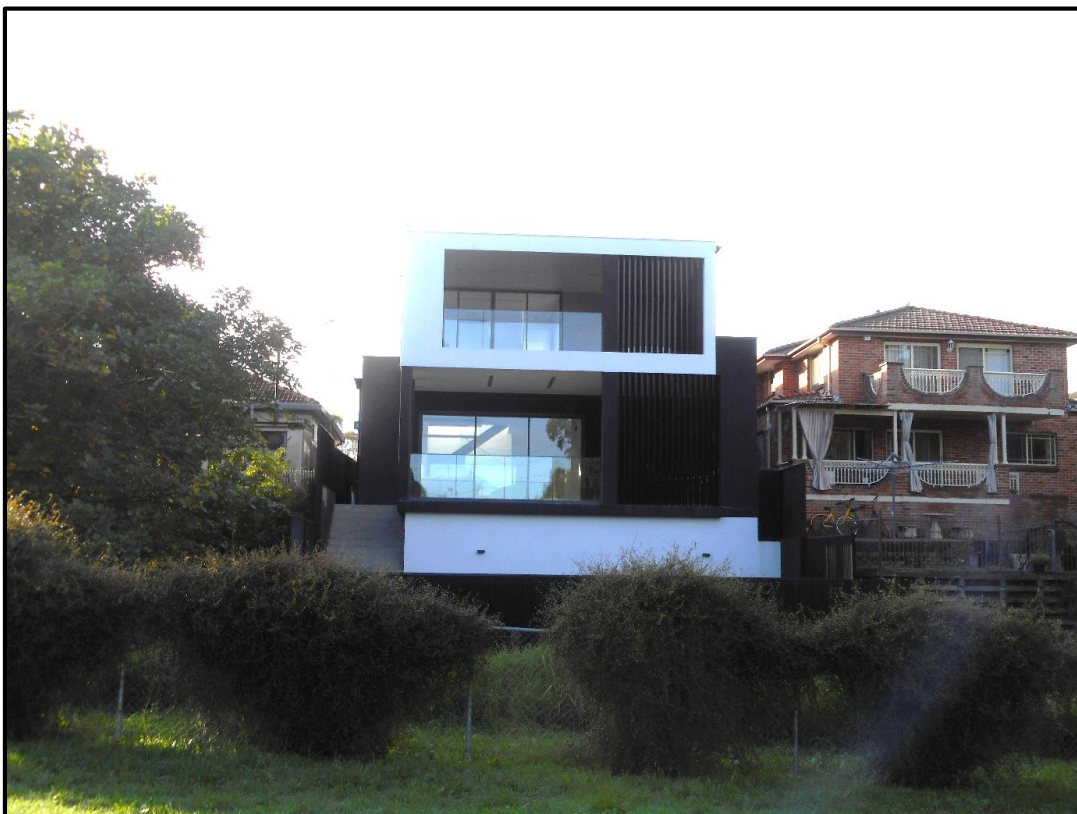


Figure 25: View of rear of existing dwellings at No. 151 and No. 153 Coronation Parade

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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
.1.	Floor Space Ratio	
	1 Floor Space Ratio permissible pursuant to SLEP 2012	Yes Please see above
	2 Development compatible with the lot size	Yes
Building Height		
.2.	1 Height of building permissible pursuant to SLEP 2012	Yes
	2 The maximum height to the top of parapet for flat roofed dwelling houses is to be 7.8 metres.	Yes 7.3m max.
	3 The maximum height of the parapet wall for flat roofed dwelling houses is to be 0.8 metres above the uppermost ceiling level.	Yes 0.7m max.
	4 The maximum height of the external wall from the existing ground level to the underside of the uppermost ceiling level is to be 7.2 metres	Yes 6.8m
	5 The maximum internal floor to ceiling height is to be 3.0 metres for any residential level.	Yes 2.7m
	7 Dwelling houses and any ancillary structures 2-storeys (max)	Yes 2 storeys max.
	8 Building height responds to the gradient of the site to minimise cut and fill	Yes
Street Setbacks		
.3.1.	Setbacks consistent with minimum requirements of Table A.1	Yes
1	Despite Subclause 1, a primary street setback of less than 9m may be considered where: a) The predominant front setback in the street is less than 9m; b) The proposed setback is not less than the setback of the existing dwelling; or c) The proposed setback would not conflict with the character of the existing streetscape.	Upper GF: 8m First floor (excluding balcony): 6.6m

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		<ul style="list-style-type: none"> - No. 151 Coronation Parade = 5.8m street setback - No. 153 Coronation Parade = 7m street setback - No. 147 Coronation Parade = 6.3m street setback - No. 145 Coronation Parade = 5.9m street setback 	
		Average street setback = 6.25m	

Side and Rear Setbacks

.3.2.	1	<p>A combined side setback of 20% of the width of the block (incorporating a 1.2m min side setback on each side).</p> <p>20% of 12.19m = 2.44m</p>	<p>Yes</p> <p>20%</p> <p>North = 1.2m min.</p> <p>South = 1.24m min.</p>
	2	A rear setback of 6m (min)	<p>Yes</p> <p>9.2m min.</p>
	4	Garages and carports setbacks consistent with Table A.2	Yes

East-West Lots

.4.	1	Where primary street frontage faces east, the minimum side setback located on northern side should be on the north and the larger side setback should be on the south so that overshadowing is reduced.	Yes
	2	The southern side setback utilised for driveway/garage entry.	<p>No</p> <p>Acceptable</p> <p>See below</p>

Comments: The proposal meets the above requirements in terms of maximum building height, FSR, building articulation and setback from property boundaries. Additional setback is employed on the southern side boundary (1.24m to 2.2355m) to assist in minimising potential overshadowing on the southern neighbour (No. 151 Coronation Parade). The proposed garage and driveway utilises the southern side setback, which is a variation to the above control. This is considered an acceptable and supportable variation given that the driveway utilises the existing crossing and vehicular access and eliminates the need to remove or damage a street tree. The proposed variation is not considered to have a significant affectation in terms of overshadowing compared to a design that incorporated a driveway and garaging on the southern side.

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

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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 Min. required 156.07m² (35%)	Yes 164.3m² (37%)
	2	At least 50% of the minimum landscaped area located behind the building line to the rear boundary	Yes >50%
	3	At least 50% of the front yard maintained as deep soil soft landscaping	Yes >50%
	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
Tree Protection			
.2.	3	Development provides for the retention and protection of existing significant trees	Yes
	6	Opportunities for planting new canopy trees within the front setback	No Conditioned
	7	At least one (1) canopy tree provided in the rear yard.	No Conditioned
	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	Yes

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	any street tree		
11	25% (min) of canopy trees and other vegetation shall be locally sourced indigenous species	Yes	
Private Open Space			
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 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			
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 1.2m	
.4.	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
	13	Significant trees maintained	Yes
	14	Stormwater flows through or under fencing on sloping sites	Yes
16	Gates or entries from private property onto Council parks, reserves, open space, etc. are permitted	Yes	

Comments: The proposed development complies with the relevant requirements under the SCDP 2005 in terms of minimum landscaped area, retention of significant trees, private open space and fencing.

The proposed landscaping treatments comprise of:

- Retention of an existing street tree;
- Grassed turf areas in the front setback and centrally located in the rear yard;
- Garden beds along the perimeters of the site that contain a mixture of shrubs and groundcovers (including Lilly Pilly, English Boxwood, Bird of Paradise, Snake Plants and Kidney Weed); and
- Two (2) trees in the rear yard and one (1) tree in the front setback These trees comprise of Indian Summer and Magnolia.

These treatments are generally considered appropriate for the site and consistent with the surrounding area. However, the proposed trees to be established in the site are considered small species that are not capable of reaching a height and structure that can be considered substantial canopy trees. A condition is recommended to modify the tree species to be of a species that is capable of reaching a minimum height of 10m and in accordance with the Strathfield Council Recommended Tree List. The retention of the established street tree ensures the relationship of

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the subject site and this part of the road reserve are appropriate in context of being adjacent to the larger, vegetated and tree-lined road reserve along Coronation Parade.

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
	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 east-west orientation of the site and neighbouring properties will influence any potential overshadowing impacts; some of which are likely to be unavoidable. Due to this orientation, the proposed development will have overshadowing impacts; however, these impacts are considered reasonable and acceptable as the design, scale and massing of the proposed development complies with the relevant development standards and controls. Further, the new dwelling features additional setback from the southern side boundary to assist in minimising overshadowing impacts.

The siting and design of the proposed development ensure that the private open space and living room windows of adjoining properties will receive at least three (3) hours of solar access during mid-winter. Therefore, the proposed development meets the relevant solar access requirements under the SCDP 2005 with regard to providing sufficient solar access to both future occupants and neighbouring properties.

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

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.1.	<i>Visual Privacy</i>		
	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

Comments: The proposed development will not generate significant privacy and amenity impacts. The first floor windows of the new dwelling are from bedrooms, bathrooms, a walk-in-robe and a void space, which are considered low utility spaces. In general, the additional recessing and setbacks of the first floor provides a sufficient visual break-up of the dwelling, thereby minimising its bulk when viewed from adjoining neighbours.

The finished floor level of the upper ground floor is elevated on the western portion of the site due to a 4m fall to the rear. The windows that are elevated are from the living room and kitchen. The side windows in the kitchen and living room are a splashback window and tall, slimline windows, respectively. Given that the primary glazing and outlook in these areas are from the west-facing windows, it is unlikely that significant overlooking impacts would result from the side windows. Potential visual privacy impacts from the west-facing windows and the rear balcony are minimised by a proposed privacy screen and wall returns to provide additional setback from the side boundaries. The amended rear balcony has been significantly reduced in size compared to the original proposal, ensuring that the utilisation of this area is not excessive and will not result in unreasonable overlooking and acoustic privacy impacts.

The finished floor levels of the lower ground floor, the terrace and pool surrounds are situated at or below natural ground level and the use of these amenities will not result in significant privacy and amenity impacts.

In conclusion, the proposed development complies with the relevant requirements in relation to providing appropriate building separation and privacy to both future occupants and neighbouring 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

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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
	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

Comments: The proposal complies with the relevant requirements under the SCDP 2005 in relation to vehicular access, parking and maneuvering.

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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: The proposal involves excavation of the western side of the site to create the lower ground level of the dwelling. Whilst this excavation is greater than 1m, this is only limited to this level and appears to be contained within the footprint of the building. A condition will be imposed to ensure that there is no excavation proposed for areas beyond the building footprint including the side setback areas and the rear yard (except for any excavation required for the swimming pool). As such, the lower ground floor level is predominantly below ground and any natural light and ventilation provided for this space is via the west-facing windows. In light of the above considerations, the proposed excavation is considered an acceptable and supportable outcome.

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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
.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

Comments: Council's Stormwater Engineer confirmed that the proposal complies with the relevant stormwater and water and soil management controls under the SDCP 2005 and Council's Stormwater Management Code, subject to the imposition of recommended conditions.

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

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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: The front setback elements of the proposed dwelling, comprising front fencing, gates and landscaping treatments, are designed to have clearly identifiable pedestrian and vehicular access and entries. The cantilevered first floor provides a top-heavy element that limits visibility of the front entrance/doorway due to its protrusion over the upper ground floor walls. To assist in drawing visibility to the front entrance, the door is a prominent glazed element and a concrete wall is provided across the southern side of this door. Further, there is clear distinction between the first floor and upper ground floor through variations in the material finishes and treatments –the stone cladding framing the double garage and the brass metal sheet for the garage door providing contrast to the materials and finishes above.

To reduce the visual prominence of the cantilevered first floor, the front façade of this level has glazed balustrades and timber slat screening that wrap around the southern and northern sides, which are provide more open and softer elements to the space. These elements further assist in softening the visual appearance of the overall front façade. Considering the above matters, the proposed development features a unique, recessed dwelling entrance that is highly distinguished from the rest of the front façade and as such, is clearly identifiable from the street. The overall design achieves the above access, safety and security objectives and controls.

12: Ancillary Development

12.1	Objectives	Satisfactory
A.	<i>To ensure that ancillary development is compatible with the design of the principal dwelling, streetscape and adjoining dwellings in form, materials and colours</i>	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

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.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
.6.	Swimming Pools		
	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: Conditions are recommended to ensure potential noise impacts from any air conditioning unit/s and the pool filter/equipment are minimised and the existing pool and pool area comply with the relevant legislation and standards.

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 SCDGP 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		

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	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 proposed development complies with the relevant requirements in relation to ecologically sustainable development and the design and siting of rainwater tanks and hot water heater units.

PART H - WASTE MANAGEMENT (SCDCP 2005)

A Waste Management Plan was submitted as part of the development application and has demonstrated compliance with the relevant controls.

4.15(1)(a)(iia) The provisions of 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) The provisions of the regulations

Clause 92 of the *Environmental Planning and Assessment (EP&A) Regulation 2000* requires Council to take into consideration the provisions of the Australian Standard *AS2601-1991: The Demolition of Structures*, in the determination of a development application.

Having regard to these prescribed matters, the proposed development involves the demolition of a building for the purposes of *AS 2601 – 1991: The Demolition of Structures*.

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

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 proposed development has been designed to minimise potential privacy, amenity and overshadowing impacts on adjoining properties and is therefore acceptable in this regard.

The proposed development involves a contemporary dwelling house that has been proportioned and designed in relation to the subject site's dimensions and unique environmental constraints, and in accordance with the development standards and requirements that apply. The proposal maintains the existing land use as a single detached dwelling house it does not result in any changes to the land use and built forms that typically occur within the R2 – Low Density Residential zone and along Coronation Parade. Therefore, on balance, the contemporary design and scale of the new dwelling is acceptable and supportable.

In light of the above, the likely impacts of the proposed development in terms of environmental impacts on natural and built environments, and social and economic impacts on the locality are considered minimal and are addressed by the recommended conditions of consent.

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

The proposed development is considered to be suitable for the site given that it involves a single detached dwelling with ancillary structures, ensuring that the low density residential character of the locality is preserved. The subject site does not have any significant environmental constraints that would prevent the development of a single dwelling. Therefore, the site is suitable for the proposed development.

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

The application was notified in accordance with the Strathfield Community Participation Plan from 24 March to 7 April 2020, with no submissions received.

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.

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LOCAL INFRASTRUCTURE CONTRIBUTIONS

Section 7.13 of the *Environmental Planning and Assessment Act 1979* relates to the collection of monetary contributions from applicants for use in developing key local infrastructure. This section prescribes in part as follows:

A consent authority may impose a condition under section 7.11 or 7.12 only if it is of a kind allowed by, and is determined in accordance with, a contributions plan (subject to any direction of the Minister under this Division).

STRATHFIELD INDIRECT (SECTION 7.12) CONTRIBUTIONS PLAN

Indirect (Section 7.12) Contributions are applicable to the proposed development in accordance with the Strathfield Indirect Development Contributions Plan as follows:

Local Amenity Improvement Levy: **\$14,190.00**

CONCLUSION

Having regard to the relevant matters for consideration under Section 4.15 of the *Environmental Planning and Assessment Act 1979*, the proposal is considered to be acceptable on its merits and is recommended for approval subject to conditions of consent

PEER REVIEW

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

RECOMMENDATION

That Development Application No. DA2020/50 for demolition of the existing structure and construction of a new two (2) storey split level dwelling, swimming pool and front fence at 149 Coronation Parade, Strathfield South be **APPROVED**, subject to the following conditions:

SPECIAL CONDITIONS (SC)

1. EXCAVATION LIMITED TO THE BUILDING FOOTPRINT (SC)

The natural ground levels of any areas beyond the footprint of the new dwelling must be retained and unchanged. No excavation must be undertaken beyond the footprint of the new dwelling including areas within the side setback and rear yard. This excludes any excavation required for the swimming pool.

(Reason: To minimise excavation to reduce disturbance to natural ground level particularly adjacent to site boundaries, ensure groundwater tables are maintained and impacts on overland flow/drainage are minimised.)

GENERAL CONDITIONS (GC)

2. 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. DA2020/50:

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Drawing No.	Title/Description	Prepared by	Issue / Revision & Date	Date received by Council
Sheet 01	Upper Ground Level Lower Ground Level Calculation Sheet	Vision Group Architects	Issue B April 2020	21 May 2020
Sheet 02	Roof Site Plan First Floor Plan	Vision Group Architects	Issue B April 2020	21 May 2020
Sheet 03	Elevations Sections Finishes Schedule	Vision Group Architects	Issue B April 2020	21 May 2020
D1	Details, Notes & Legend	NY Civil Engineering	Issue B 30 April 2020	21 May 2020
D2	Basement Plan	NY Civil Engineering	Issue B 30 April 2020	21 May 2020
D3	Stormwater Management Plan	NY Civil Engineering	Issue B 30 April 2020	21 May 2020
D4	Roof Plan	NY Civil Engineering	Issue B 30 April 2020	21 May 2020
D5	Stormwater Details	NY Civil Engineering	Issue B 30 April 2020	21 May 2020
D6	Absorption Trench Details	NY Civil Engineering	Issue B 30 April 2020	21 May 2020
D7	Sediment Control Plan	NY Civil Engineering	Issue B 30 April 2020	21 May 2020
D8	Sediment Control Details	NY Civil Engineering	Issue B 30 April 2020	21 May 2020
L-01 B	Site Plans/Calculations	Site Design + Studios	Issue B 4 March 2020	17 March 2020
L-02 B	Detailed Plan	Site Design + Studios	Issue B 4 March 2020	17 March 2020
L-03 B	Planting Details	Site Design + Studios	Issue B 4 March 2020	17 March 2020
L-04 B	Existing Tree	Site Design + Studios	Issue B 4 March 2020	17 March 2020
L-05 B	Notes	Site Design + Studios	Issue B 4 March 2020	17 March 2020
L-06 B	Specification	Site Design + Studios	Issue B 4 March 2020	17 March 2020

Reference Documentation affixed with Council's 'Development Consent' stamp relating to Development Consent No.DA2020/50:

Title / Description	Prepared by	Issue/Revision & Date	Date received by Council
BASIX Certificate Certificate No.	Greenworld Architectural	10 March 2020	17 March 2020

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1085068S	Drafting		
NAHERS Certificate Certificate No. 0004657441	Greenworld Architectural Drafting	10 March 2020	17 March 2020
Waste Management Plan	Vision Group Architects	-	17 March 2020
Acid Sulfate Soil Assessment	GeoEnviro Consultancy Pty Ltd	21 May 2020	21 May 2020

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.)

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.

(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:

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- 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. 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.)

8. LANDSCAPING - CANOPY TREES IN FRONT SETBACK AND REAR YARD (GC)

New development shall provide canopy trees within the front setback adjacent the front boundary and within the rear yard of the new dwelling. 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.)

9. 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

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- 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 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.)

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.

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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. PRIVACY - SCREEN PLANTING TO SIDE AND REAR BOUNDARIES (GC)

Evergreen shrubs with a minimum 5 litre container size achieving a minimum mature height of 3m shall be planted along the side and rear boundaries to provide suitable privacy screening. Screen planting shall be maintained at all times. 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: To maintain privacy amenity to neighbouring residences.)

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

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- 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.)

14. **WASTE – TRACKABLE (GC)**

Removal of trackable waste (as defined by the NSW Environment Protection Authority) from the site must comply with the Protection of the Environment Operations (Waste) Regulation 2005 for the transportation, treatment and disposal of waste materials. Waste materials must not be disposed on land without permission of the land owner and must with the provisions of the Protection of the Environment and Operations Act 1997.

(Reason: To ensure compliance with legislation.)

15. **CLASSIFICATION OF WASTE (GC)**

Prior to the exportation of waste (including fill or soil) from the site, the waste materials must be tested and classified in accordance with the provisions of the protection of the environment operations act 1997 and the NSW EPA waste classification guidelines, part 1: classification of waste (November 2014). Testing is required prior to off-site disposal. In accordance with DECC waste classification guidelines (2014) materials identified for off-site disposal must be removed by a suitably qualified contractor to an appropriately licensed waste facility.

Note: attention is drawn to part 4 of the NSW DECC waste classification guidelines (2014) which makes particular reference to the management and disposal of acid & potential acid sulfate soils. The classification of the material is essential to determine where the waste may be legally taken. The protection of the environment operations act 1997 provides for the commission of an offence for both the waste owner and the transporters if the waste is taken to a place that cannot lawfully be used as a waste facility for the particular class of waste. For the transport and disposal of industrial, hazardous or group a liquid waste advice should be sought from the EPA.

Evidence that the requirements specified above have been satisfied must be provided to the Council and/or Principal Certifying Authority prior to the issue of an occupation certificate. Where an occupation certificate is not required this evidence must be provided to the

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satisfaction of Council.

(Reason: To ensure compliance with legislation.)

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 an Accredited Civil/Hydraulic Engineer 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.)

17. **SYDNEY WATER - TAP IN™ (GC)**

The approved plans must be submitted to a Sydney Water Tap in™ to determine whether the development application will affect Sydney Water's sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. The approved plans will be appropriately endorsed. For details please refer to 'Plumbing, building and developing' section of Sydney Water's web site at www.sydneywater.com.au then see 'Building', or telephone 13000 TAP IN (1300 082 746). The Certifying Authority must ensure that a Tap in™ agent has appropriately stamped the plans prior to the issue of the Construction Certificate.

(Reason: Compliance with Sydney Water requirements.)

18. **UTILITIES AND SERVICES - PROTECTION OF (GC)**

Any footings or excavation to be located or undertaken adjacent to Council's stormwater must be designed to address the following requirements:

- i) All footings and excavation must be located wholly within the site and clear of any easement boundaries;
- ii) All footings and excavation must be located a minimum of 1000mm from the centreline of the pipeline or 500mm from the outside of the pipeline, whichever is the greater distance from the centreline; and
- iii) Footings must extend to at least the depth of the invert of the pipeline unless the footings are to be placed on competent bedrock.

If permanent excavation is proposed beneath the obvert of the pipeline, suitable means to protect the excavation and proposed retaining structures from seepage or other water flow from the pipeline and surrounding subsoil, must be provided. The design must be prepared by a qualified practicing Structural/Civil Engineer.

Construction plans must be approved by the appropriate utility's office (e.g. council, Sydney Water Corporation) to demonstrate that the development complies with the utility's requirements.

The applicant must provide written evidence (e.g. compliance certificate, formal advice) of compliance with the requirements of all relevant utility providers (e.g. Water, Energy, Telecommunications, Gas).

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(Reason: To ensure protection of Council assets.)

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

19. ACID SULPHATE SOILS (CC)

The construction works must All recommendations made In the Preliminary Site Investigation dated 20 May 2020 prepared by GeoEnviro Consultancy Pty Ltd must be implemented. Any change made to the site that will or is likely to impact the recommendations of the Preliminary Site Investigation will require a further assessment and is to be provided to Council prior to the commencement of works.

(Reason: Statutory compliance and environmental protection.)

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 - VEHICULAR ACCESS RAMPS (CC)

Vehicular access ramps shall comply with the provisions of AS/NZS 2890.1:2004 and the Strathfield Consolidated DCP 2005. Plans to be submitted shall contain the following details:

- i) A minimum 1m x 1m splay provided at the vehicular access driveway on both sides of the driveway along the property boundary to maintain sight lines for pedestrians

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- and motorists. The areas should be kept clear from obstructions and only allow for groundcover landscaping, as per the Strathfield Consolidated DCP 2005.
- ii) Certification that the design complies with AS/NZS 2890.1:2004 and the Strathfield Consolidated DCP, by a qualified engineer.
 - iii) 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.
 - iv) 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.
 - v) Location of verge trees, street furniture and service installations.
 - vi) Superimposition of vehicle turning circles for access into parking spaces.

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.)

23. **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.)

24. **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.)

25. **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.)

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

Works Permit

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(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).

(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

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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.)

28. **LANDSCAPING - MAINTENANCE STRATEGY (CC)**

To ensure the survival of landscaping following works, a landscape maintenance strategy for the owner/occupier to administer over a 12 month establishment period following the issue of the Occupation Certificate shall be prepared and provided to the satisfaction of the Principal Certifying Authority with the Construction Certificate application. The strategy is to address maintenance issues such as, but not limited to plant survival, irrigation, soil testing, weeding, staking, fertilizing, remedial pruning and plant replacement.

(Reason: Ensure landscape survival.)

29. **NOISE – CONSTRUCTION CC)**

All works carried out on site during construction/demolition/excavation/earthworks shall comply with the NSW Protection of the Environment Operations Act 1997, the Department of Environment and Climate Changes “Interim construction noise guideline” and AS 2436-2010 – “Guide to noise and vibration control on construction, demolition and maintenance sites” for the control of construction noise which specifies that:

- Construction period of 4 weeks and under – The L90 Level measured over a period of not less than 15 minutes when the construction site is operating must not exceed the background level by more than 20 dB(A) at the boundary.
- Construction period greater than 4 weeks but not exceeding 26 weeks – The L90 level measured over a period of not less than 15 minutes when the construction site is operating must not exceed the background level by more than 10 dB(A) at the boundary.
- Construction period exceeding 26 weeks – The L90 level measured over a period of

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not less than 15 minutes when the construction site is operating must not exceed the background level by more than 5 dB(A) at the boundary.

Should complaints of a noise nuisance be substantiated, Council may require the acoustic treatment of the premises to ensure compliance with the NSW Department of Environment and Climate Changes "Interim construction noise guideline" and AS 2436-2010 – "Guide to noise and vibration control, demolition and maintenance sites" for the control of construction noise. A further acoustic assessment and report will be required to be provided to Council assessing the premises in working order.

(Reason: Noise attenuation.)

30. 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.)

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

Local Amenity Improvement Levy	\$14,190.00
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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.)

32. 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.)

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33. **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.)

34. **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.)

35. **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.)

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

A security (damage deposit) A security (damage deposit) of **\$15,200.00** (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

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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. **TREE BONDS (CC)**

A tree bond of **\$3,000.00** (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 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.

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 were 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.)

38. **UTILITIES AND TELECOMMUNICATIONS - ELECTRICITY CONNECTION (CC)**

Provision must be made for connection to future underground distributions mains. This must be achieved by installing:

- i) An underground service line to a suitable existing street pole; or
- ii) Sheathed underground consumers mains to a customer pole erected near the front property boundary (within 1 metre).

Note: A limit of one (1) pole per site will apply.

Any costs associated with the relocation of the above are at the requestor's expense. Any disturbance to public land as a result of the undergrounding of services shall be restored at no cost to Council.

Details are to be submitted to the Principal Certifying Authority with the Construction Certificate Application.

(Reason: Environmental amenity.)

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39. UTILITIES AND TELECOMMUNICATIONS - TELECOMMUNICATIONS ASSETS (CC)

Provision must be made for relocation of telecommunications network assets including underground placement of any existing aerial cables and infrastructure. Any costs associated with the relocation of the above are at the requestor's expense. Any disturbance to public land as a result of the undergrounding of services shall be restored at no cost to Council.

Details are to be submitted to the Principal Certifying Authority with the Construction Certificate application.

(Reason: To ensure suitable relocation of telecommunications infrastructure if required.)

40. VEHICULAR CROSSINGS - WORKS PERMIT FOR CONSTRUCTION OF (CC)

Full-width, heavy-duty concrete vehicular crossing(s) shall be provided across the footpath at the entrance(s) and/or exit(s) to the site and designed in accordance with Council's guidelines and specifications. In this regard, a Works Permit is to be obtained (available from Council's Customer Services Centre or downloaded from Council's website), and the appropriate fees and charges paid, prior to the lodgement of a Construction Certificate.

(Reason: To ensure appropriate access to the site can be achieved.)

41. 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.)

42. WATER HEATING SYSTEMS - LOCATION OF (CC)

Water heating systems 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.

(Reason: To maintain streetscape character.)

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

43. 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

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- 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 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.)

44. **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.

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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.)

45. NOTICE OF COMMENCEMENT (CW)

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

- 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;
- Details of the appointment of a Principal Certifying Authority (either Council or another Principal Certifying Authority); and
- Details of the name, address and licence details of the Builder.

(Reason: Statutory requirement.)

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

46. ACID SULFATE SOILS MANAGEMENT (DW)

All construction works must be monitored for the presence of acid sulfate soils (ASS) and the following measures must be undertaken during construction:

- During excavation, the subsurface soils should be noted for presence of ASS, which usually occurs as black organic clay and soft peat with sulphuric odour;
- Suspect ASS should be noted for signs of reaction (e.g. oxidation). Common reaction includes pungent odour being released into the air, discolouration of soil (e.g. blue and green tinge) and leaching of iron from the soil; and
- Sampling of soil and laboratory analysis should be carried out to confirm the material is ASS (if required).

In the event where ASS are identified, the soil should be properly managed as follows:

- The excavation must be backfilled and capped as soon as practicable;
- The stockpiles must be placed in a designated area. This area must be lined and appropriate silt fences must be erected to prevent migration of fines.
- This stockpile must be either treated on-site using 10% by weight of lime or removed off-site to an appropriate waste management facility for treatment and disposal.
- All material to be removed from the site must be carried out by a licensed contractor. This material must be sealed and contained on the truck during haulage using appropriate lining and capping material.
- All stockpile material on-site, which could not be immediately attended to must be covered and capped to retard oxidation process.

47. FILL MATERIAL (DW)

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The only waste derived material which may be received at the development site is:

- i) Virgin excavated material (within the meaning of the Protection of the Environment Operations Act 1997), and
- ii) any other waste-derived material the subject of a resource recovery exemption under cl.51A of the Protection of the Environment Operations (Waste) Regulation 2005 that is permitted to be used as fill material.

Any (b)-type material received at the development site must be accompanied by documentation certifying by an appropriately qualified environmental consultant the materials compliance with the exemption conditions; and this documentation must be provided to the Principal Certifying Authority on request.

(Reason: To ensure imported fill is of an acceptable standard for environmental protection purposes.)

48. **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.)

49. **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 (POC)

50. **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.)

51. **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 an Accredited Civil/Hydraulic Engineer demonstrating that:

- i) The stormwater drainage system; and/or

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- 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.)

52. 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.)

53. 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.)

54. 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.

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(Reason: Adequate stormwater management.)

55. **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.

(Reason: Safety and statutory compliance.)

ATTACHMENTS

There are no attachments for this report.

TO: Strathfield Internal Development Assessment Panel Meeting - 5 June 2020
REPORT: IDAP – Report No. 3
SUBJECT: 2018/115/2 - 31 BODEN AVENUE, STRATHFIELD - LOT 60 DP 15955
DA NO. 2018/115/2

SUMMARY

Proposal: S4.55(2) Modification Application for redesign and front façade treatment rectifying non-compliant approvals
Applicant: Vision Group Architects
Owner: Nicolaous Ghabar and Ruba Ghabar
Date of lodgement: 26 February 2020
Notification period: 03 March 2020 to 17 March 2020
Submissions received: None
Assessment officer: PS
Estimated cost of works: \$1,463,675.27
Zoning: R2 Low Density Residential - SLEP 2012
Heritage: N/A
Flood affected: No
RECOMMENDATION OF OFFICER: **APPROVAL**

EXECUTIVE SUMMARY

- 1.0 On 22 November 2018, Council IDAP approved Development Application No. 2018/115 for 31 Boden Avenue, Strathfield.
- 2.0 On 26 February 2020, a modification application was lodged to seek approval for the redesign and front façade treatment rectifying non-compliance approvals.
- 3.0 Some notable concerns in the initial design were flagged with the applicant, which includes the following:
 - Increase in height of the parapet roofs on the northern and southern side
 - Wrap-around first floor balcony
 - Increased storage area in the basement
 - 3.3m ceiling height for the majority of the ground floor
 - Front façade redesign, including a two-storey portico
- 4.0 The design was amended with the final design demonstrating parapet roof heights similar with the approved DA, reduction of the size of the balcony, reinstatement of the approved storage areas in the basement and breaking down the portico into two to alleviate bulk and scale concerns when viewed from the street. Additionally, extensive landscaping has been proposed to aid in screening the built form from public domain.
- 5.0 The application was publicly exhibited between 03 March 2020 to 17 March 2020. Council received no submissions as a result of the notification.

2018/115/2 - 31 Boden Avenue, Strathfield - Lot 60 DP 15955 (Cont'd)

- 6.0 The proposed development complies with most of the relevant development standards and controls under the SLEP 2012 and SCDCP 2005. Accordingly, the application is recommended for approval.

SECTION 4.55 OF THE EP&A ACT 1979

Section 4.55 of the Environmental Planning and Assessment states as follows:

“4.55 Modifications of consents – generally

(2) Other modifications

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 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*
- (b) it has consulted with the relevant Minister, public authority or approval body (within the meaning of Division 5) in respect of a condition imposed as a requirement of a concurrence to the consent or in accordance with the general terms of an approval proposed to be granted by the approval body and that Minister, authority or body has not, within 21 days after being consulted, objected to the modification of that consent, and*
- (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*
- (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.*

Subsections (1) and (1A) do not apply to such a modification.”

As regards subclause ‘a’, it is considered that the modification(s) sought as part of this application are of minimal environmental impact in terms of amenity impacts to neighbouring development and visual impacts to the streetscape.

As regards subclause ‘b’, Council is satisfied that the development to which the consent as modified relates is substantially the same development for which consent was originally granted and before that consent as originally granted was modified (if at all).

In answering this threshold question, a comparative analysis of the approved development as modified has been undertaken. In this regard, the proposed use does not change; the external building appearance in terms of bulk and scale as viewed from the adjoining properties and public domain is not altered in a significant or readily discernible manner; and amenity impacts to neighbouring development in terms of privacy, views, solar access and overshadowing are essentially the same as that of the approved development. Accordingly, the development as modified is considered to satisfy the ‘substantially the same’ test in that it will result in essentially and materially the same development as that originally approved.

As regards subclause ‘c’, the application was notified in accordance with Community Participation Plan and no submissions were received.

BACKGROUND

2018/115/2 - 31 Boden Avenue, Strathfield - Lot 60 DP 15955 (Cont'd)

20/11/2018	Development application DA2018/115/1 was given consent
06/02/2020	Modification application was lodged
24/03/2020	A site visit by the Assessing Officer was undertaken
16/04/2020	<p>A request for an additional information letter was issued to the applicant, with the following concerns raised.</p> <ul style="list-style-type: none">• Compliance with the Floor Space Ratio• Demonstration of the approved parking spaces and manoeuvring area• Lowering ceiling height of the first floor void space• Compliance with flood impact assessment• Driveway width to be reduced to 3m• Two-storey portico to be broken into two to reduce bulk• Parapet height to be similar with the approval• Provision of articulation• Incorporation of sympathetic colours and materials• Ground floor ceiling height• First floor balcony side setback• East-west lot orientation side setback• Landscape plan• Protection of solar access of the southern neighbours• Rear balcony dimensions• Comprehensive schedule of finishes• Swimming pool safety barriers• BASIX Commitments
24/04/2020	Inadequate additional information submitted to Council
04/05/2020	Stop the clock letter issued to applicant requesting pending information
19/05/2020	Additional information provided to Council

DESCRIPTION OF THE SITE AND LOCALITY

The subject site is legally described as Lot 60 DP 15955 and commonly known as 31 Boden Avenue, Strathfield. It is located off the west side of Boden Avenue, with Ada Avenue as the nearest cross section.

The site is rectangular in shape and has a frontage of 15.4m to the east, rear boundary of 15.4m to the west, side boundaries with length of 50.29m to the north and south and an area of 766m². The topography of the land is relatively flat.

The site is occupied by a single storey brick dwelling house and an outbuilding at the rear. Vehicular access is provided to the site via an existing driveway from the southern side of the site to an existing attached garage.

2018/115/2 - 31 Boden Avenue, Strathfield - Lot 60 DP 15955 (Cont'd)



Figure 1. Front façade of existing dwelling house on-site

The current streetscape is predominantly characterised by one to two storey brick dwelling houses with terracotta roof tiles. Modern houses with flat roofs and contemporary colour schemes are increasing in number along the street. The properties 9, 14, 19 and 27 Boden Avenue all have flat roof design with non-traditional colours. These dwelling houses set a precedent to the design of the development proposed in the current application.



Figure 2. Southern neighbour to the left and the subject site to the right

2018/115/2 - 31 Boden Avenue, Strathfield - Lot 60 DP 15955 (Cont'd)



Figure 3. Subject site to the left and the northern neighbour to the right



Figure 4. 34 Boden Ave, Strathfield

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Figure 5. 32 Boden Ave, Strathfield



Figure 6. 26 Boden Ave. (left-most), 28 Boden Ave. (middle), 30 Boden Ave (right-most)

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Figure 7. Extract of the elevations plan of the approved design at 27 Boden Ave, currently under construction

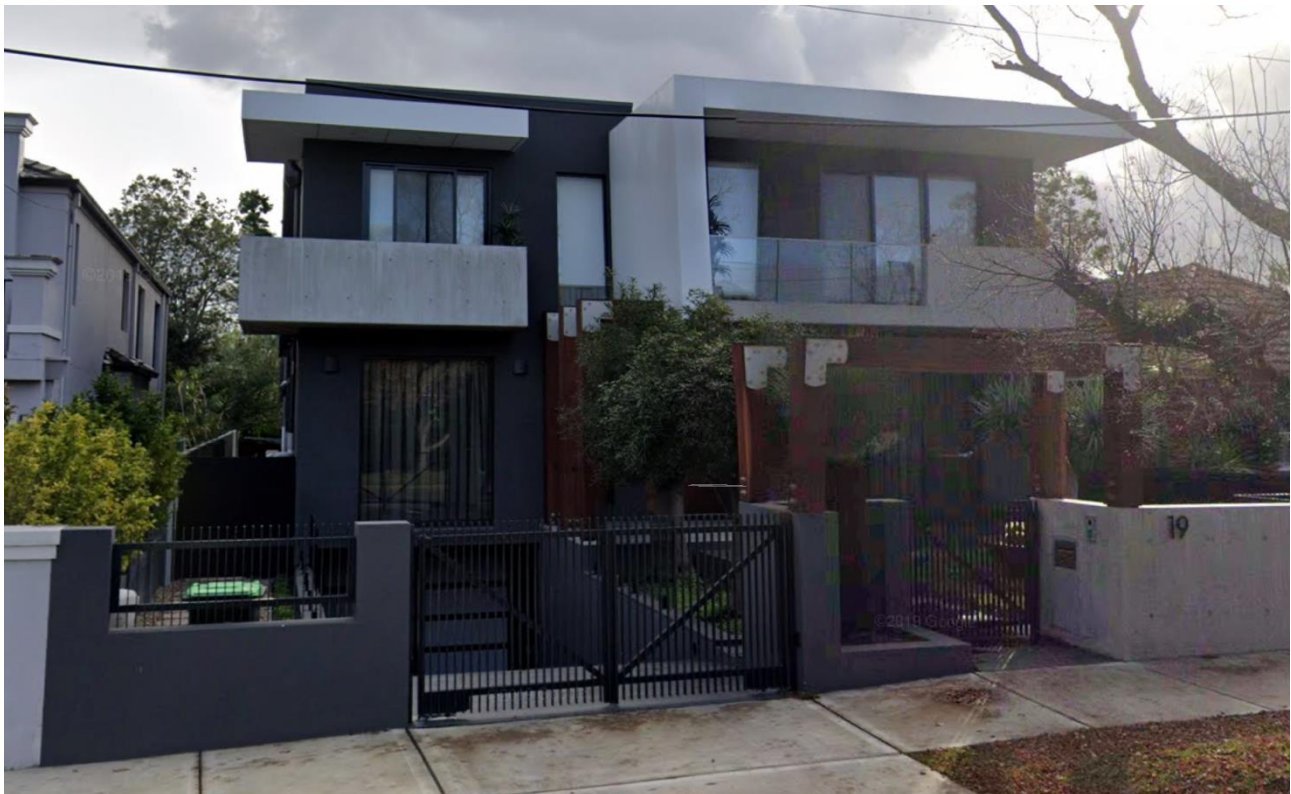


Figure 8. 19 Boden Ave, Strathfield

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Figure 9. 14 Boden Ave, Strathfield



Figure 10. 9 Boden Ave, Strathfield

The surrounding area is primarily comprised of low density residential development. A public recreation area, Strathfield Golf Course, is located approximately 36m to the south of the site and Australian Catholic University is about 600m to the north east.

DESCRIPTION OF THE PROPOSED MODIFICATION(S)

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The application seeks Council approval to modify the development application DA2018/115 to redesign the dwelling house and for front façade treatment rectifying non-compliant approvals.

The approved DA is for the purpose of a two-storey contemporary and architecturally designed dwelling house with basement for storage and parking. Figure 9 below shows the approved front façade of the dwelling house. The approved design incorporated timber-look metal across the front wall alongside stone cladding.



Figure 9. Extract of the approved east elevation drawing in DA2018/115

Figure 10 below shows the initial proposed design which has incorporated a two storey portico in a form of a 'wing' at the north eastern façade of the dwelling. The proposed colour scheme in the original design, in particular in the front façade, is comprised of zinc cladding and Dulux Dieskau, which is light grey.

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Figure 10. Extract of the proposed east elevation in the initial design

The proposed design has been considered not in keeping with the approved design and the immediate neighbouring properties. A request to reduce the bulk of the proposed dwelling house, provide adequate landscaping and incorporate a material that will soften the transition of traditional houses to modern design along the street was made.

The final design in Figure 11 below showcases Teak Vertical Cladding, reduced height, greater side setback, break down of the two-storey portico into two, and incorporation of landscaping.

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Figure 11. Extract of the proposed east elevation

The specific elements of the proposal are:

Basement

- Reconfiguration of the basement storage room
- Relocation of the garage door
- Relocation of the laundry, from the basement to the ground floor

Ground Floor

- Removal of the courtyards
- Relocation of the study room
- Removal of the pantry, fridge space and utility room and replacing it with laundry
- Addition of a scullery

First Floor

- Addition of a void over the entry
- Addition of a sitting area
- Extension of the first floor towards the rear
- Reconfiguration of the four bedrooms

External

- Relocation of the front fence
- Reduced driveway width

REFERRALS

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INTERNAL REFERRALS

Engineering Comments

Due to the site being in a flood affected area, the proposed modification was referred to Council's Engineer for comments.

The engineer's comments are as follows:

05/03/2020 "...the subject site is affected by both mainstream and overland flooding of the 1 in 100yr ARI storm event in accordance with Cooks River and Coxs Creek flood study and a Flood Impact Assessment report needs to be submitted along with the development application for determination."

Assessment Planner forwarded the requested information to Council's Engineer on 28/04/2020 and noted the date in the submitted flood assessment documents. The Stormwater Engineer provided the following comments.

29/04/2020 "Condition was imposed previously on DA."

As a result, the conditions previously imposed in DA2018/115 will continue to apply in the current modification application. Council's Engineer offered no objections to the development in the DA, 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.

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)	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	Yes
(b)	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	Yes

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(c)	To promote land uses that provide a wide range of employment, recreation, retail, cultural, service, educational and other facilities for the local community	Yes
(d)	To provide opportunities for economic growth that will enhance the local community	N/A
(e)	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	N/A
(f)	To identify and protect environmental and cultural heritage	Yes
(g)	To promote opportunities for social, cultural and community activities	N/A
(h)	To minimise risk to the community by identifying land subject to flooding and restricting incompatible development	Yes

Comments:

The proposed development is considered to satisfy the aims of the SLEP 2012. The dwelling house proposed in this modification application is considered to exhibit design excellence and satisfy the desired future character of the locality.

Permissibility

No change is proposed to the approved use of the site for the purpose of a dwelling house.

Dwelling houses are permissible within the R2 Zone with consent and is defined under SLEP 2012 as follows:

“dwelling house means a building containing only one dwelling”

Zone Objectives

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

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.	N/A

Comments:

The proposed development satisfies the objectives of the zone. While the proposal does not intensify the existing use of the land, it provides a new and improved housing that is in keeping with the low density residential character of the neighbourhood.

Part 4: Principal development standards

An assessment of the proposal against the relevant provisions of this part is as follows.

Height of building

Cl.	Standard	Controls	Proposed	Complies
4.3	Height of building	9.5m	8.14m	Yes

Objectives	Complies
(a) To ensure that development is of a height that is generally compatible with or	Yes

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	<i>which improves the appearance of the existing area</i>	
(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 proposed modification satisfies the building height development standard in the SLEP 2012.

Floor space ratio

Cl.	Standard	Controls	Proposed	Complies
4.4	<i>Floor space ratio</i>	0.575:1 (440.5m ²)	0.572:1 (438m 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>	N/A
(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 consolidation pattern that optimises floor space capacity in the Corridor</i>	N/A

Comments:

The proposed development complies with the provision of the Floor Space Ratio development standard under the SLEP 2012.

Part 6: Local Provisions

This modification application involves no changes to the assessment of the original application against the relevant provisions contained within Part 6 of the SLEP 2012.

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.

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PART A – DWELLING HOUSES AND ANCILLARY STRUCTURES

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

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.	N/A
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
	2 Consistently occurring building features integrated within dwelling design.	No
	3 Consideration of streetscape elements	Yes
	4 Integrated security grilles/screens, ventilation louvres and garage doors	Yes
Scale, Massing & Rhythm of Street		
.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

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.3.	<i>Building Forms</i>	
	1	Building form articulated. Yes
	2	Dwellings on corner sites address both street frontages and articulated N/A
	3	Attic located within roof space of 1 or 2-storey dwelling or garage via internal stairs. N/A
.4.	<i>Roof Forms</i>	
	1	Roof form complements predominant form in the locality No
	2	Roof form minimises bulk and scale of building and remains an important architectural element in the street. No
	3	Flat roofed dwellings, height of the parapet must be kept to the minimum Yes
	4	Roof structures are not visible from the public domain N/A
	<i>Materials</i>	
	5	Materials compatible with the existing dwelling house, adjoining dwelling houses and the streetscape (type, form and colour) No
	6	Monotone face brick walls and terracotta tiles for roofs where common in the streetscape No
	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 No
	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
	3	Porticoes or associated porches do not protrude 1m forward of the front building façade. Yes
	4	Porticoes do not extend higher than the understorey of the eaves/guttering. Yes

Comments:

The immediate neighbouring dwellings are predominantly characterized by brick external walls and terracotta hipped or gable roof style. The proposed development does not include any of these

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materials. However, it is understood that the proposal is a modern design building with contemporary colours.

As previously mentioned in this report, several lots along the street are currently or will be occupied by similar design modern houses. Figures 7 to 10 above show images of the dwelling houses along the street with flat roof design and non-traditional colours. Modern houses are rising in number along Boden Avenue. Rendering the proposed development to be consistent with the future character of the immediate locality.

While the subject proposal does not contain any traditional roof design and colours, it is considered to satisfy the SCDGP 2005. The development controls provide concession to alternative materials to be used when it is architecturally appropriate to do so.

The proposed development will utilise an alternative material of Teak Vertical Cladding to provide natural tone to the development. This material will aid in softening the transition from traditional brick and terracotta-tiled-roof dwellings to modern houses.

Further to the above, the 'wing' feature on the façade of the dwelling house was improved by limiting its protrusion from the building line to a metre and now incorporates a green feature wall. The proposed green feature wall will assist in reducing the bulkiness of the built form when viewed from the street and help the development be in keeping with the landscaped character of Strathfield.

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	N/A
F.	To assist in achieving passive surveillance whilst protecting visual privacy.	Yes
G.	To provide a transitional area between public and private space.	N/A

4.2	Development Controls	Complies
.1.	Floor Space Ratio	
	1 Floor Space Ratio permissible pursuant to SLEP 2012	Yes
	2 Development compatible with the lot size	Yes

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Building Height			
.2.	1	Height of building permissible pursuant to SLEP 2012	Yes
	2	Parapet maximum height – 7.8m	No
	3	Parapet wall, maximum height above the uppermost ceiling level – 0.8m	No
	4	Maximum height of the external wall height (from EGL to underside of the uppermost ceiling level) – 7.2m	No
	5	Maximum internal ceiling height for any residential level – 3m	Yes
	6	Height of outbuildings, detached garages and carports is 3.5m (max) measured at the highest point on the roof above NGL	N/A
	7	Dwelling houses and any ancillary structures 2-storeys (max)	No
	8	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 10m
.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	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
East-West Lots			
.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.	N/A

Comments:

The proposed development includes parapet design that does not comply with the SCDP 2005. However, an approval was given to the height of the parapet roofs. This modification application will not result to an increased parapet roof height.

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The SCDGP 2005 permits a maximum of two storeys in a dwelling house. The proposal, with consideration of the basement, totals to three storeys. While this does not satisfy the requirements of the development controls, this is considered acceptable as only two storeys will be visible from the street.

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.	N/A
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.	N/A
H.	To ensure that landscaped areas are designed to minimise water use.	N/A
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.	N/A
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	Yes 44% (337m ²)
	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

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	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

Private Open Space

	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	N/A
	5	Private open space located at the rear of the property.	Yes

Fencing

	1	Fencing (front and side) 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
	4	Solid fencing 1.8m (max) is permitted along a secondary street frontage to enclose a private open space	N/A
.4.	5	Side and rear fences limited to 1.8m (max)	N/A
	6	Side fences forward of the FBL taper down to the front fence.	N/A
	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	N/A
	10	Corner allotments incorporate a 1.5m x 1.5m (min) splay adjacent to the road intersection	N/A

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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	N/A
14	Stormwater flows through or under fencing on sloping sites	N/A
15	Dividing fences constructed of timber palings (lapped and capped) with height of 1.8m (max)	N/A
16	Gates or entries from private property onto Council parks, reserves, open space, etc. are permitted	N/A
17	Gatehouses permitted where compatible with the streetscape.	N/A

Comments:

This modification application includes a front façade redesign that incorporates a green feature wall and extensive landscaping to the front to screen the proposed built form. Figure 12 below shows a front elevation showcasing the landscaping proposed to demonstrate view from Boden Avenue.

In addition to the above, proposed development includes a small part of the front fencing to be of solid form having a height that is 0.7m above the ground. This does not satisfy the requirements of the SCDP 2005. However, the non-compliant part of the front fence is considered minimal and will have no environmental impacts. This part of the fence was brought to the attention of the Council's Stormwater Engineer for review due to the site being within a flood affected area. The engineer has raised no objection to the solid part of the fence.



Figure 12. Extract of the front elevation showcasing the landscaping in the submitted Landscape Plan prepared by Dapple Designs, dated 15/05/2020

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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
	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	N/A
	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	N/A
	4 The proposed development does not further reduce the amount of solar access	Yes

Comments:

The initial design of the modification application includes increased height of the parapet roofs on both the northern and southern part of the dwelling house. With the east-west lot orientation of the site, this will naturally result to further reduction in sunlight to be received by the southern neighbours.

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Figure 13. Top southern elevation = extract from the initial MA design, bottom southern elevation = extract from the final MA design

The final design of the dwelling house shown at the bottom of Figure 13 illustrate reduced RLs of the parapet roofs to be consistent with the retrospective approval. Therefore, not increasing the potential to overshadow southern neighbours.

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	N/A
C.	To ensure that public views and vistas are protected, maintained and where possible, enhanced	N/A
D.	To ensure that canopy trees take priority over views	N/A
E.	To ensure that the siting and design of buildings minimises noise impacts from abutting roads, rail corridors and other noise-generating land uses	N/A
7.2	Development Controls	Complies
.1.	Visual Privacy	

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	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	N/A

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

Elevated Decks Verandahs and Balconies

.3.	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	No
	3	Rear balconies (no more than 1m (depth) x 2m (length) permitted if the balcony does not unreasonably impact on adjoining premises	No
	4	Balconies extending the full width of the front façade are not permitted	N/A

Comments:

The dwelling house will have two balconies on the first floor, one facing the street adjacent to bedroom 3 and the other facing the rear adjacent to the master bedroom. In the first floor plan, prepared by Vision Group Architects, issue B sheet 2 revision B, dated April 2020, the balcony attached to bedroom 3 will be adjacent to the northern first floor windows of the southern neighbour. Figure 14 below shows that existing palm trees can potentially provide screening between the balcony and the windows. However, as it is difficult to predict the future of the trees, a privacy screen will be more suitable to provide privacy between the occupants of the site and the neighbouring dwelling. As such, a condition is imposed to construct a privacy screen on the southern side of the balcony. A condition is also imposed to ensure that the wrap-around planter box will not be trafficable.

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Figure 14. Subject site (right) and the southern neighbour (left)

Due to the east-west orientation of the lot, a condition is also imposed to have the two-storey windows on the northern elevation to be opaque. This is to address any potential privacy concerns that may arise between the subject site and the northern neighbour.

The balcony to the rear of the dwelling house has dimensions that does not satisfy the SCDP 2005 controls. The SCDP 2005 requires rear balconies to have maximum 1m x 2m dimensions. The proposed rear balcony will have dimensions of 0.9m x 2m, similar with the approved design. Due to the approval of the rear balcony and the negligible amenity impact it poses, it is considered supportable, subject to conditions of consent.

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.	No
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

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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	N/A
	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	N/A
	9 Driveways avoid long and straight appearance by using variations and landscaping	N/A
	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%)	N/A
	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	N/A

2018/115/2 - 31 Boden Avenue, Strathfield - Lot 60 DP 15955 (Cont'd)

.3.	<i>Basements</i>		
	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 A condition is imposed

Comments:

The parking spaces proposed in the development is in the form of a basement garage. The basement garage was approved in DA2018/115. Similar drainage system is proposed in this modification application. The basement in this modification application will not increase its footprint.

It is considered that the proposed parking spaces and the development of basement will not have adverse amenity and environmental impacts, and thus supportable subject to conditions of consent.

9: Altering Natural Ground Level (Cut and Fill)

9.1	<i>Objectives</i>	<i>Satisfactory</i>
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	<i>Development Controls</i>	<i>Complies</i>

2018/115/2 - 31 Boden Avenue, Strathfield - Lot 60 DP 15955 (Cont'd)

1	Fill limited to 1m (max) above NGL	N/A
2	Clean fill used only	N/A
3	Cut and fill batters stabilised consistent with the soil properties	N/A
4	Vegetation or structural measures are implemented when the site is disturbed.	N/A
5	Areas of excavation setback from property boundaries in line with building setback controls. No excavation permitted within the minimum required setbacks.	N/A
6	The work does not affect or undermine the soil stability or structural stability of buildings and Council assets on adjoining properties.	N/A
7	A dilapidation report for all buildings which adjoin proposed excavation areas as required	N/A
8	Avoid excessive fill that creates the potential for overlooking of adjoining properties	N/A

Comments:

The development of the basement entails extensive excavation to the site. As previously mentioned, the basement was given consent. This modification application does not involve enlargement of the basement footprint or change in levels. As such, considerations of the basement and the conditions of consent imposed in the development application will continue to apply.

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.	N/A
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	

2018/115/2 - 31 Boden Avenue, Strathfield - Lot 60 DP 15955 (Cont'd)

	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)	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	N/A
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Comments:

The application was referred to Council's Stormwater Engineer. The engineer has provided a comment that the conditions imposed in DA2018/115 shall continue to apply. As such, the application is supported, 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.	N/A
B.	To increase the safety and perception of safety in public and semi-public spaces.	N/A
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.	N/A

2018/115/2 - 31 Boden Avenue, Strathfield - Lot 60 DP 15955 (Cont'd)

	4	Crime Prevention through Environmental Design (CPTED) principles incorporated.	N/A
<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	N/A

Comments:

The proposed development complies with the requirements of Access, Safety and Security development controls in the SCDP 2005.

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.	N/A

12.2	Development Controls	Complies
.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	N/A
	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	N/A
	4 Lighting positioned to prevent light spillage and minimise any nuisance to adjoining premises	N/A
	5 Enclosures shall comply with the Swimming Pools Act and relevant Australian Standards as amended.	Yes A condition is imposed

Comments:

2018/115/2 - 31 Boden Avenue, Strathfield - Lot 60 DP 15955 (Cont'd)

The proposed swimming pool satisfies the relevant controls in the SCDP 2005 and is supportable subject to conditions of consent.

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.	N/A
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).	N/A

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	N/A
	3 Materials used of high thermal mass	N/A
.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	N/A
.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

2018/115/2 - 31 Boden Avenue, Strathfield - Lot 60 DP 15955 (Cont'd)

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	N/A
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	N/A
9	Support structure installed to the requirements of a qualified practicing structural engineer or to the maker's specifications.	N/A

Hot Water Heater Units

.4.	1	Located behind the dwelling or wholly behind the dwelling	No A condition is imposed
	2	Not located on balconies unless screened from public view	N/A
	3	Placed within a short distance of the most frequent point of use	N/A

Comments:

The proposal is accompanied by a BASIX Certificate. The certificate requires some measures that enable the development's sustainability, such as solar panels and RWT.

Despite the above, it is noted that the submitted plans do not contain information on the location of the hot water unit, required by the BASIX Certificate to be shown on the plans. This non-compliance is considered minimal and envisaged to have no contributory adverse impacts to the proposal. Hence, a condition is imposed to amend the plans to show the location of the hot water unit, in accordance with the requirements of the SCDP 2005.

Part I – Provision of Off-Street Parking Facilities

Section C – Parking Schedule

3.1 Residential

<i>Development Controls</i>		<i>Complies</i>
.1	<i>Dwelling Houses</i>	
	Parking	
	(a)	Yes
	(i) 2 parking spaces shall be provided behind the building line (ii) Dual occupancy – min. 4 parking spaces behind the building line	
	(b) Driveways	Yes
	(i) Min. width of 3m, combined entry and exit	

2018/115/2 - 31 Boden Avenue, Strathfield - Lot 60 DP 15955 (Cont'd)

	(ii)	Dwellings fronting major roads, whenever possible, turning facilities should be provided on-site so that a vehicle is always driven in a forward direction across the footpath	
<i>Dwelling Houses</i>			
.1		Minimum dimensions set out in Appendix A of Part I shall apply to all off-street parking areas.	Yes A condition is imposed

Comments:

The parking spaces in the modification application is consistent with the parking spaces in the development application DA2018/115. No additional parking space is proposed. As such, any conditions relating to the parking spaces and its compliance to any relevant standards, such as the Australian Standards, will continue to apply.

PART H - WASTE MANAGEMENT (SCDCP 2005)

The waste management aspect of the application has been discussed in the development application DA2018/115. Any conditions or approval regarding waste management on the site will continue to apply.

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

The requirements of Australian Standard *AS2601–1991: The Demolition of Structures* is relevant to the determination of a development application for the demolition of a building.

The proposed development does involve the demolition of a building. Should this application be approved, appropriate conditions of consent may be imposed to ensure compliance with the requirements of the above standard.

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.

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

The proposed modification does not affect the suitability of the site for the approved development. Therefore, the site remains suitable to the development as approved and modified by the subject application.

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

2018/115/2 - 31 Boden Avenue, Strathfield - Lot 60 DP 15955 (Cont'd)

The application was publicly notified from **03 March 2020** to **17 March 2020** in accordance with the provisions of Council's Community Participation Plan. **No** submissions were 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. The approved development as modified by the current modification application is not contrary to the public interest.

LOCAL INFRASTRUCTURE CONTRIBUTIONS

Section 7.13 of the EP&A Act 1979 relates to the collection of monetary contributions from applicants for use in developing key local infrastructure. This section prescribes in part as follows:

A consent authority may impose a condition under section 7.11 or 7.12 only if it is of a kind allowed by, and is determined in accordance with, a contributions plan (subject to any direction of the Minister under this Division).

This section 4.55 application does not trigger any changes to the original condition of consent requiring payment of a section 7.12 contribution in accordance with Council's Section 7.12 Contributions Plan.

CONCLUSION

The application has been assessed having regard to Section 4.55 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(2) of the Environmental Planning and Assessment Act 1979, the proposed modification(s) to Development Consent No. DA2018/115/2 involving the minor redesign of front façade at 31 Boden Avenue, Strathfield be **APPROVED**, subject to:

1. The original conditions of consent of Development Application No. (DA2018/115) as approved by IDAP on 22 November 2018 for the demolition of existing structures and construction of a new two storey residential dwelling with a basement and a swimming pool.
2. As modified by the Section 4.55(2) application (DA2018/115/2) as follows:
 - Add Special Condition 1 – Use of the Development
 - Modify Special Condition 2 – Use of the Storage Room within the Basement
 - Add Special Condition 7 – First Floor Balconies and Surrounding Areas
 - Add Special Condition 8 – First Floor Void Space
 - Modify General Condition 8 – Approved Plans and Reference Documentation
 - Modify General Condition 13 – Landscape Adjacent Swimming Pools/Spas
 - Modify Construction Certificate Condition 19 – BASIX Commitments
 - Add Construction Certificate Condition 20 – Privacy Screen

2018/115/2 - 31 Boden Avenue, Strathfield - Lot 60 DP 15955 (Cont'd)

- Add Construction Certificate Condition 21 – Windows to be Opaque

Accordingly, Development Consent No. DA2018/115/2 is approved as following:

SPECIAL CONDITIONS (SC)

1. USE OF THE DEVELOPMENT (SC)

The proposed development shall not be used as any other use other than a dwelling house, or a use that is specified as exempt development under an applicable Environmental Planning Instrument, subject to its standards.

(Reason: To ensure satisfaction of the provisions under S4.15(1) of the Environmental Planning and Assessment Act 1979)

MODIFIED: 29 May 2020 (DA2018/115/2)

2. USE OF THE STORAGE ROOM WITHIN THE BASEMENT (SC)

The Workshop and Storage and Service Rooms ~~room~~ within the basement is not to be used for habitable purposes at any time.

(Reason: To ensure compliance with Clause 4.4C of the SLEP 2012.)

MODIFIED: 29 May 2020 (DA2018/115/2)

3. 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.)

4. FENCING - FRONT FENCE HEIGHT (SC)

Solid fencing forward of the building line shall not exceed a height of 1.5m above natural ground level. Plans demonstrating compliance with this condition are to be submitted to Council for approval.

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

5. FEES - ADDITIONAL DEVELOPMENT APPLICATION FEES (CC)

In accordance with Regulation 50(1)(c) and the table to Regulation 246 of the Environmental Planning and Assessment Act Council must charge a development application fee based on the estimated cost of works applied for. An assessment of the proposed development against

2018/115/2 - 31 Boden Avenue, Strathfield - Lot 60 DP 15955 (Cont'd)

Rawlinson's Australian Construction Handbook 2009 has revealed that the estimated cost of \$1,000,000 is inaccurate.

Council's assessment has provided the following revised estimates:

Construction of the new dwelling with basement, \$1,463,675.27
TOTAL \$1,463,675.27

On this basis, the applicable Development Application fee is \$4,308.16 including a \$931.75 Plan First fee.

Noting you have paid DA fees of \$3405.00 to Council, an **outstanding fee of \$903.16** is required and must be paid prior to the issue of any Construction Certificate.

(Reason: Statutory requirement.)

6. NON-TRAFFICABLE ROOF (SC)

The roof of the dwelling and alfresco shall be non-trafficable.

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

7. FIRST FLOOR BALCONIES AND SURROUNDING AREAS (SC)

The first floor balconies, both on the first floor must not be extended and the balustrades shall be constructed in accordance with the balcony dimensions as approved in the plans listed under condition #7 of this Notice of Determination. The area surrounding the rear balcony, outside the master bedroom, and the wrap-around planter box surrounding bedroom 3 and the attached balcony, must not be trafficable.

(Reason: To ensure the roof remains non-trafficable and address visual privacy.)

MODIFIED: 29 May 2020 (DA2018/115/2)

8. FIRST FLOOR VOID SPACE (SC)

The ceiling over the void space on the first floor, must have a ceiling height of no less than 2.1m from the predominant floor level of the first floor or no less than RL 25.8.

(Reason: To ensure any conversion of the void space will not result to a room capable of being habitable. Thus, ensuring satisfaction of S4.15(1) of the EP&A Act 1979 (as amended).

MODIFIED: 29 May 2020 (DA2018/115/2)

GENERAL CONDITIONS (GC)

9. 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. DA2018/115:

Drawing No.	Title/Description	Prepared by	Issue / Revision & Date	Date received by Council
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2018/115/2 - 31 Boden Avenue, Strathfield - Lot 60 DP 15955 (Cont'd)

DA.01 DELETED: 29 May 2020 (DA2018/115/2)	Demolition plan	Bechara Chan and Associates Pty Ltd	Issue A, 29/06/2018	15/08/2018
DA.02 Sheet 01 MODIFIED: 29 May 2020 (DA2018/115/2)	Ground floor plan and level 1 floor plan Ground Floor Plan / Basement Plan / Calculation Sheet	Bechara Chan and Associates Pty Ltd Vision Group Architects	Issue B, 19/09/2018 April 2020	28/09/2018 19/05/2020
DA.03 Sheet 02 MODIFIED: 29 May 2020 (DA2018/115/2)	Roof and site plan and basement plan First Floor Plan / Roof Site Plan	Bechara Chan and Associates Pty Ltd Vision Group Architects	Issue B, 19/09/2018 April 2020	28/09/2018 19/05/2020
DA.04 Sheet 03 MODIFIED: 29 May 2020 (DA2018/115/2)	Elevations / Sections / Finishes Schedule	Bechara Chan and Associates Pty Ltd Vision Group Architects	Issue B, 19/09/2018 April 2020	28/09/2018 19/05/2020
DA.05 Sheet 04 MODIFIED: 29 May 2020 (DA2018/115/2)	Front Fence and Sections / Driveway Profile / BASIX Commitments	Bechara Chan and Associates Pty Ltd Vision Group Architects	Issue B, 19/09/2018 April 2020	28/09/2018 19/05/2020
L-01-C Sheet 05 MODIFIED: 29 May 2020 (DA2018/115/2)	Site land and Calculations First Floor – FSR Map / Ground Floor – FSR Map / Basement Level – FSR	Site Design Studios Vision Group Architects	Issue C B, 14/09/2018 April 2020	28/09/2018 19/05/2020

2018/115/2 - 31 Boden Avenue, Strathfield - Lot 60 DP 15955 (Cont'd)

	Map / Ground Floor – Landscape Map			
	Drawing Title: Elevations / Sections / Finishes Schedule			
L-02-G Sheet 07 MODIFIED: 29 May 2020 (DA2018/115/2)	Detailed plan Proposed Shadow Diagram – 22 nd June (Mid Winter)	Site Design Studios Vision Group Architects	Issue G B, 44/09/2018 April 2020	28/09/2018 19/05/2020
L-03-G LP 01 Sheet 1 of 4 MODIFIED: 29 May 2020 (DA2018/115/2)	Detailed plan Landscape Plan	Site Design Studios Dapple Designs	Issue G A, 44/09/2018 15/05/2020	28/09/2018 19/05/2020
L-04-G LP 01 Sheet 2 of 4 MODIFIED: 29 May 2020 (DA2018/115/2)	Planting details Plant List / Specification	Site Design Studios Dapple Designs	Issue G A, 44/09/2018 15/05/2020	28/09/2018 19/05/2020
L-05-G LP 01 Sheet 3 of 4 MODIFIED: 29 May 2020 (DA2018/115/2)	Existing trees Construction Details	Site Design Studios Dapple Designs	Issue G A, 44/09/2018 15/05/2020	28/09/2018 19/05/2020
L-06-G LP 01 Sheet 4 of 4	Notes Front Elevation	Site Design Studios Dapple Designs	Issue G A, 44/09/2018 15/05/2020	28/09/2018 19/05/2020

2018/115/2 - 31 Boden Avenue, Strathfield - Lot 60 DP 15955 (Cont'd)

MODIFIED: 29 May 2020 (DA2018/115/2)				
L-01-C DELETED: 29 May 2020 (DA2018/115/2)	Specifications	Site Design Studies	Issue C, 14/09/2018	28/09/2018
H495-S1/3 DELETED: 29 May 2020 (DA2018/115/2)	Stormwater drainage and sediment controls details	TAA Consulting Engineers	Issue A, 25 July 2018	15 August 2018
H495-S2/3 DELETED: 29 May 2020 (DA2018/115/2)	Stormwater drainage and sediment controls details	TAA Consulting Engineers	Issue A, 25 July 2018	15 August 2018
H495-S3/3 DELETED: 29 May 2020 (DA2018/115/2)	Stormwater drainage and sediment controls details	TAA Consulting Engineers	Issue A, 25 July 2018	15 August 2018

Reference Documentation affixed with Council's 'Development Consent' stamp relating to Development Consent No. DA2018/115:

Title / Description	Prepared by	Issue/Revision & Date	Date received by Council
Flood Impact Statement	TAA Consulting Engineers	25 July 2018	15 August 2018
Basix Certificate No.944937S 1077761S	Eco Certificates Pty Ltd Greenworld Architectural Drafting	8 August 2018 24 February 2020	15 August 2018 26 February 2020
Schedule of Colours and Finishes DELETED: 29 May 2020 (DA2018/115/2)	Bechara Chan and Associates Pty Ltd	-	15 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.)

MODIFIED: 29 May 2020 (DA2018/115/2)

10. 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.

2018/115/2 - 31 Boden Avenue, Strathfield - Lot 60 DP 15955 (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.)

11. 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.)

12. 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.)

13. 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.)

14. 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 screening plants with 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.)

2018/115/2 - 31 Boden Avenue, Strathfield - Lot 60 DP 15955 (Cont'd)

MODIFIED: 29 May 2020 (DA2018/115/2)

15. 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.)

16. 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.)

17. 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

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- 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.)

18. 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.)

19. 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.)

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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 and submitted to the Principal Certifying Authority, prior to the issue of ~~accompanying~~ the Construction Certificate.

(Reason: Statutory compliance.)

MODIFIED: 29 May 2020 (DA2018/115/2)

21. PRIVACY SCREEN (CC)

A privacy screen with a height no less than 1.8m from the FFL of the balcony attached to bedroom 3 must be constructed along the southern side of the balcony. Details demonstrating compliance with this condition are to be submitted to the Principal Certifying Authority, prior to issue of the Construction Certificate.

(Reason: To ensure the roof remains non-trafficable and address visual privacy.)

MODIFIED: 29 May 2020 (DA2018/115/2)

22. WINDOWS TO BE OPAQUE

The two two-storey windows on the northern elevation of the dwelling house shall have an opaque finish. Details demonstrating compliance with this condition are to be submitted to the Principal Certifying Authority, prior to issue of the Construction Certificate.

(Reason: To ensure privacy between existing and future neighbouring dwellings while maintaining solar access)

MODIFIED: 29 May 2020 (DA2018/115/2)

23. 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

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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.)

24. 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.)

25. 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.)

26. 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.

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

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).

(Reason: Council requirement.)

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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 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. 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. 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.)

31. CAR PARKING - VEHICULAR CIRCULATION, AISLE AND RAMP WIDTHS (CC)

The aisle widths, internal circulation, ramp widths and grades of the car park shall comply with the Roads and Traffic Authority Guidelines and ASNZS 2890.1:2004 - Off-Street Car Parking Code.

Vehicular manoeuvring paths are to be prepared demonstrating that all vehicles can enter

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or depart the site in a forward direction without encroaching on required car parking spaces.

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

32. 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.)

33. 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.)

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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. FLOODING - COMPLY WITH FLOOD IMPACT REPORT (CC)

The applicant shall comply with the flood recommendations provided in the Flood Impact Statement and the Engineering Statement – Flooding Issues prepared by TAA Consulting Engineers dated 25 July 2018 and 25 September 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.)

36. 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	\$14,636.75
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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.)

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 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. STORMWATER DRAINAGE (CC)

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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.)

39. TRAFFIC - CONSTRUCTION TRAFFIC MANAGEMENT PLAN (CC)

A Construction Traffic Management Plan (CTMP) is to be prepared by an appropriately qualified Traffic Management Consultant and submitted to and approved by Council's Engineering Section, prior to the commencement of any works including demolition.

The following matters should be addressed in the CTMP (where applicable):

- i) description of the demolition, excavation and construction works;
- ii) site plan/s showing the site, roads, footpaths, site access points and vehicular movements;
- iii) size, type and estimated number of vehicular movements (including removal of excavated materials, delivery of materials and concrete to the site);
- iv) proposed route(s) from the arterial (state) road network to the site and the proposed route from the site back to the arterial road network;
- v) impacts of the work and vehicular movements on the road network, traffic and pedestrians and proposed methods to safely manage pedestrians and construction related vehicles in the frontage roadways;
- vi) any Traffic Control Plans (TCP's) proposed to regulate traffic and pedestrian movements for construction activities (such as concrete pours, crane installation/removal etc.);
- vii) proposed hours of construction related activities and vehicular movements to and from the site;
- viii) current/proposed approvals from other Agencies and Authorities (including Roads and Maritime Services, Police and State Transit Authority);
- ix) any activities proposed to be located or impact upon Council's road, footways or any public place;
- x) measures to maintain public safety and convenience;
- xi) any proposed road and/or footpath closures;
- xii) turning areas within the site for construction and spoil removal vehicles, allowing a forward egress for all construction vehicles on the site;
- xiii) locations of work zones (where it is not possible for loading/unloading to occur on the site) in the frontage roadways accompanied by supporting documentation that such work zones have been approved by the Local Traffic Committee and Council;
- xiv) location of any proposed crane and concrete pump and truck standing areas on and off the site (and relevant approvals from Council for plant on road);
- xv) a dedicated unloading and loading point within the site for all construction vehicles, plant and deliveries;
- xvi) material, plant and spoil bin storage areas within the site, where all materials are to be dropped off and collected;

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- xvii) on-site parking area for employees, tradespersons and construction vehicles as far as possible;
- xviii) proposed areas within the site to be used for the storage of excavated material, construction materials and waste and recycling containers during the construction period; and
- xix) how it is proposed to ensure that soil/excavated material is not transported onto surrounding footpaths and roadways.

(Reason: To mitigate traffic impacts on the surrounding area during the construction period.)

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

40. 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.)

41. NOTICE OF COMMENCEMENT (CW)

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

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- 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)

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.)

43. 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.)

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

44. 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.)

45. 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

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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.

(Reason: Safety and statutory compliance.)

46. 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.)

47. 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.)

48. 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.

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(Reason: Maintenance of public infrastructure.)

49. SETBACKS FROM SIDE BOUNDARIES

The basement level shall be setback a minimum of 1550mm from each side boundary.

ATTACHMENTS

There are no attachments for this report.

Note: This meeting is closed session and is not available for the public to attend
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