STRATHFIELD COUNCIL

STRATHFIELD LOCAL PLANNING PANEL MEETING AGENDA

Strathfield Municipal Council

Notice is hereby given that a Strathfield Local Planning Panel Meeting will be held at Melville Hall Homebush West Community Centre, Hampstead Road Homebush on:

Thursday 10 August 2023

Commencing at 9:30am for the purpose of considering items included on the Agenda

Persons in the gallery are advised that the proceedings of the meeting are being recorded for the purpose of ensuring the accuracy of the Minutes. However, under the Local Government Act 1993, no other tape recording is permitted without the authority of the Council or Committee. Tape recording includes a video camera and any electronic device capable of recording speech.





AGENDA

TABLE OF CONTENTS

item	Page No.
SLPP AGENDA ITEMS	
SLPP - Report No. 4	
DA2023.19 - 40-42 Loftus Crescent, HOMEBUSH	
Lot: 0 SP: 99263	4



TO: Strathfield Local Planning Panel Meeting - 10 August 2023

REPORT: SLPP – Report No. 4

SUBJECT: DA2023.19 - 40-42 LOFTUS CRESCENT, HOMEBUSH

DA NO. 2023.19

SUMMARY

	DA2023.19
Property	40-42 Loftus Crescent, Homebush
	Lot: 0 SP: 99263
	Alterations and additions to the existing residential flat
Proposal:	building to install louvres to the existing breezeways at
	every level of Block A and to Level 4 of Block B
Applicant:	R Bianco
Owner:	Sarraf Strata
Date of lodgement:	11 April 2023
Notification period:	17 April 2023 – 2 May 2023
Submissions received:	Nil
Assessment officer:	W van Wyk
Estimated cost of works:	\$30,000.00
Zoning:	R4 High Density Residential - SLEP 2012
Heritage:	No
Flood affected:	Yes
Is a Clause 4.6 variation proposed?	Yes – Clause 4.4A – Exceptions to Floor Space Ratio
is a clause 4.0 variation proposed:	19.5% (1,144.88m²)
Extent of the variation supported?	19.5% (1,144.88m²)
Peer review of Clause 4.6 variation:	A peer review of the Clause 4.6 variation has been
	undertaken and the assessment officer's recommendation is supported.
RECOMMENDATION OF OFFICER:	APPROVAL





Figure 1: Aerial view of the subject site (outlined in yellow)

EXECUTIVE SUMMARY

Proposal

Development consent is being sought for the alterations and additions to the existing residential flat building to install louvres to the existing breezeways at every level of Block A and to Level 4 of Block B.

Site and Locality

The site is identified as 40-42 Loftus Crescent, Homebush and has a legal description of Lot: 0 SP: 99263. The site is irregular in shape and has a primary southern frontage to Loftus Crescent of 32.8m to the south, a rear boundary to Loftus Lane of 44.1m and side boundaries of approximately 69m and 64m to the west and east respectively, providing a total area of 2,933m².

The subject site is approximately 600m west of Homebush Railway Station and following recent development approvals, the surrounding area is transitioning from low density residential and industrial development to a high density, mixed use precinct.

Strathfield Local Environmental Plan (SLEP) 2012

The site is zoned R4 High Density Residential under the provisions of SLEP 2012 and the proposal is a permissible form of development with Council's consent. The proposal satisfies all relevant objectives contained within the SLEP 2012.

Notification

The application was notified in accordance with Council's Community Participation Plan (CPP) from 17 April 2023 to 2 May 2023, where only one submission was received. This was a letter of support from the strata of the subject site and is not technically considered a submission.



Issues

- Gross Floor Area / Floor Space Ratio
- Safety

Conclusion

Having regards to the heads of consideration under Section 4.15 of the Environmental Planning & Assessment (EP&A) Act 1979, Development Application (DA) 2023.19 is recommended for approval subject to suitable conditions of consent.



REPORT IN FULL

<u>Proposal</u>

Council has received an application for the alterations and additions to the existing residential flat building to install fixed aluminium louvres to the existing breezeways at every level of Block A and to Level 4 of Block B (see **Figures 2-7**). The Level 4 breezeway of Building B is open along the long dimension and at either end.

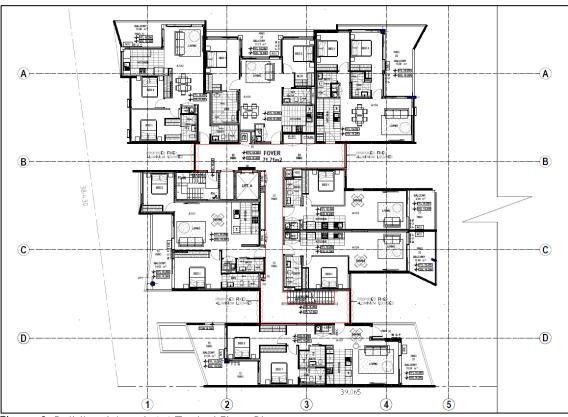


Figure 2: Building A Levels 1-4 Typical Floor Plan

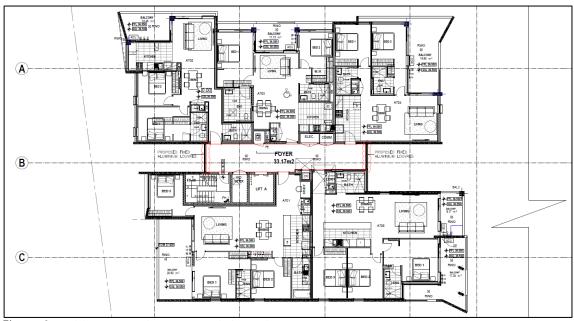


Figure 3: Building A Levels 5-7 Typical Floor Plan



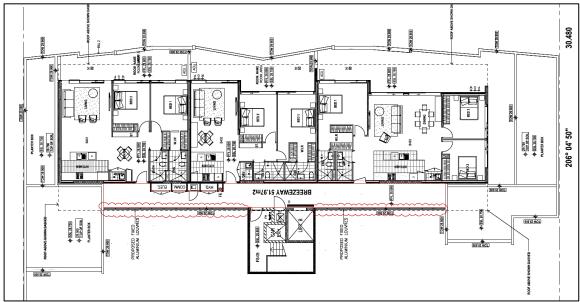


Figure 4: Building B Level 4 Floor Plan



Figure 5: Building A South (Street) Elevation





Figure 6: Building A North Elevation

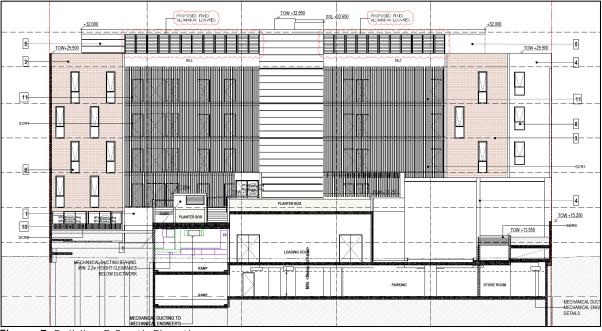


Figure 7: Building B South Elevation



The Site and Locality

The subject site is legally described as Lot: 0 SP: 99263 and commonly known as 40-42 Loftus Crescent, Homebush. It is located off the northern side of Loftus Crescent between Loftus and Subway Lanes. The primary frontage is to Loftus Crescent with secondary frontages to Loftus Lane to the West and North.

The site is irregular in shape and has a primary southern frontage of 32.8m to the south, rear boundary to Loftus Lane of 44.1m and side boundaries of approximately 69m and 64m to the west and east respectively, providing a total area of 2,933m².

The site is occupied by two residential flat buildings with a shared underground car park. Building A fronts Loftus Crescent and contains eight floors (see **Figure 8**). There are seven units on each of Levels 1-4 and five on Levels 5-7. Building B contains five floors, with Level 4 containing four units.



Figure 8: The subject site (Building A), as viewed from Loftus Crescent

The breezeways are tiled and have balustrades at the openings. There is also open staircase access from the breezeways (see Figures 9-11).





Figure 9: Typical breezeway within Building A, viewed towards the south

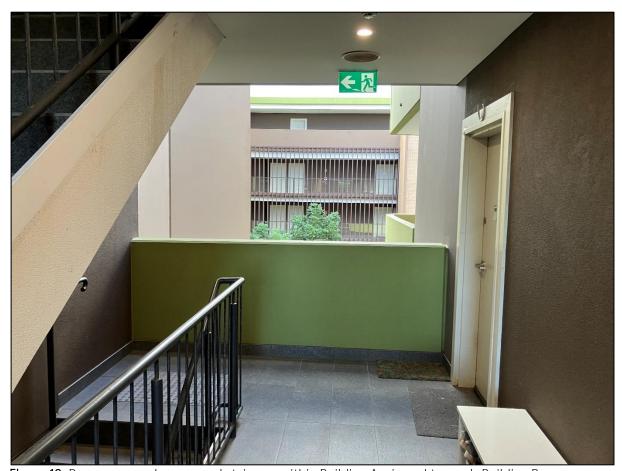


Figure 10: Breezeway and communal staircase within Building A, viewed towards Building B





Figure 11: Open breezeway within Building B

The subject site is approximately 600m west of Homebush Railway Station and following recent development approvals, the surrounding area is transitioning from low density residential and industrial development to a high density, mixed use precinct. This includes the adjoining residential flat building at 37-39 Loftus Crescent (see Figure 12).

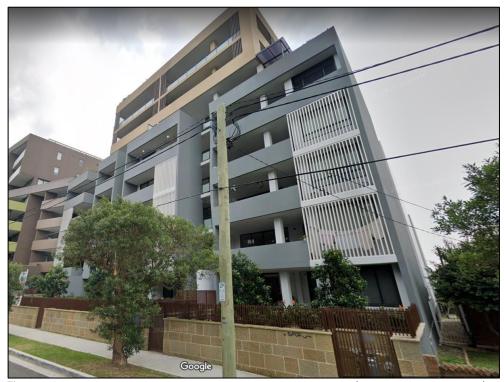


Figure 12: 37-39 Loftus Crescent, as viewed from the street (Source: Google Maps)



Background

5 April 2017	Commencement to DA2016/172 for the demolition of existing structures and construction of a part 9 storey, part 5 storey residential flat building containing 80 units consisting of 19 x 1 bedroom, 56 x 2 bedroom and 5 x 3 bedroom units over 2 levels of basement car parking.
7 August 2017	Council issued a letter notifying the applicant that the deferred commencement matters had been satisfied and that the consent has become operative.

8 August 2017 Section 96(2) (now Section 4.55) modification (DA2016/172/1) application to provide an additional half level of basement car parking and additional residential storage was approved by Council's Internal Development Assessment Panel (IDAP).

15 November 2017 Section 96(2) modification (DA2016/172/2) involving an increase to the building height, unit alterations and additions and amendments to the stormwater culvert design was approved by Council's IDAP.

2 August 2018 Section 4.55(2) modification (DA2016/172/3) to construct an additional 8 x 2-bedroom units over 2 levels to Building B was refused at the Strathfield Local Planning Panel (SLPP).

Section 4.55(1A) modification (DA2016/172/4) to amend the layout of the basement

levels and increase the total number of available vehicle parking by 14 was approved

by Council's IDAP.

11 April 2023 The subject Development Application (2023.19) was lodged with Council for

alterations and additions to existing residential flat building to install louvres to the

existing breezeways at every level of Block A and to Level 4 of Block B.

17 April 2023 The subject DA was placed on public exhibition until 2 May 2023. During this time only

one submission was received, and this was from the strata of the subject site.

21 April 2023 Council's Assessing Officer undertook a site inspection.

7 June 2023 At the request of Council, revised GFA diagrams and Clause 4.6 Variation were

submitted on the NSW Planning Portal. These included any car spaces above the

requirements in the GFA calculation, as per the definition in the SLEP 2012.

Referrals – Internal and External

Sydney Trains

20 December 2018

The application was referred to Transport for NSW (Sydney Trains) who provided conditions to be incorporated in any consent as follows:

• The design, installation and use of lights, signs, and reflective materials, whether permanent or temporary, which are (or from which reflected light might be) visible from the rail corridor must limit glare and reflectivity to the satisfaction of the rail operator. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.



- The Applicant/Developer shall not at any stage block the nearby corridor access gate and should make provision for easy and ongoing 24/7 access by rail vehicles, plant, and equipment to support maintenance and emergency activities.
- Sydney Trains or Transport for NSW (TfNSW), and persons authorised by those entities for the purpose of this condition, must be permitted to inspect the site of the development and all structures to enable it to consider whether those structures have been or are being constructed and maintained in accordance with the approved plans and the requirements of this consent, on giving reasonable notice to the principal contractor for the development or the owner or occupier of the part of the site to which access is sought.
- Prior to the issuing of an Occupation Certificate the Applicant is to submit as-built drawings to Sydney
 Trains and Council. The as-built drawings are to be endorsed by a Registered Surveyor confirming that
 there has been no encroachment into TAHE (Transport Asset Holding Entity) property or easements,
 unless agreed to by TAHE (Transport Asset Holding Entity). The Principal Certifying Authority is not to
 issue the final Occupation Certificate until written confirmation has been received from Sydney Trains
 confirming that this condition has been satisfied
- No work is permitted within the rail corridor or any easements which benefit Sydney Trains/TAHE (Transport Asset Holding Entity), at any time, unless the prior approval of, or an Agreement with, Sydney Trains/TAHE (Transport Asset Holding Entity) has been obtained by the Applicant. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
- The Applicant must ensure that at all times they have a representative (which has been notified to Sydney Trains in writing), who:
- oversees the carrying out of the Applicant's obligations under the conditions of this consent and in accordance with correspondence issued by Sydney Trains;
- acts as the authorised representative of the Applicant; and
- is available (or has a delegate notified in writing to Sydney Trains that is available) on a 7 day a week basis to liaise with the representative of Sydney Trains, as notified to the Applicant.
- Without in any way limiting the operation of any other condition of this consent, the Applicant must, during demolition, excavation and construction works, consult in good faith with Sydney Trains in relation to the carrying out of the development works and must respond or provide documentation as soon as practicable to any queries raised by Sydney Trains in relation to the works.
- Where a condition of consent requires consultation with Sydney Trains, the Applicant shall forward all requests and/or documentation to the relevant Sydney Trains External Interface Management team. In this instance the relevant interface team is Central Interface and they can be contacted via email on Central_Interface@transport.nsw.gov.au.

These are recommended for inclusion in the consent verbatim.

Section 4.15 Assessment – EP&A Act 1979

The following is an assessment of the application with regard to Section 4.15(1) of the EP&A Act 1979.

(1) Matters for consideration – general

In determining an application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:

- (a) the provision of:
- (i) any environmental planning instrument,



State Environmental Planning Policies

Compliance with the relevant state environmental planning policies is detailed below:

STATE ENVIRONMENTAL PLANNING POLICY	COMPLIES
State Environmental Planning Policy - Design Quality of Residential Apartment Development	NA
State Environmental Planning Policy (Biodiversity and Conservation) 2021	
Chapter 2 – Vegetation in Non-Rural Areas	Yes
Chapter 10 – Sydney Harbour Catchment	Yes
State Environmental Planning Policy (Building Sustainability Index BASIX) 2004	NA
State Environmental Planning Policy (Resilience and Hazards) 2021	
Chapter 4 – Remediation of land	Yes
State Environmental Planning Policy (Transport and Infrastructure) 2021	
Chapter 2 - Infrastructure	Yes

STATE ENVIRONMENTAL PLANNING POLICY — DESIGN QUALITY OF RESIDENTIAL APARMENT DEVELOPMENT (SEPP No. 65)

SEPP No. 65 - Design Quality of Residential Apartment Development (SEPP No. 65) was gazetted on 26 July 2002 and aims to improve the design quality of residential apartment development in New South Wales. As the proposed works do not constitute a substantial redevelopment or refurbishment of the building under Section 4(1)(a), the SEPP does not apply. It still provides helpful design guidance.

The applicant provided a Design Verification Statement as per the requirements under Section 29 of the Environmental and Planning Regulations (EP&A Regs) 2021. This demonstrated the proposal was consistent with the design principles under SEPP No. 65 and objectives in Parts 3 and 4 of the Apartment Design Guide.

The proposal is considered to improve safety and amenity through better waterproofing. The louvres will be a recessive design feature which will not impact the visual amenity of the building.

STATE ENVIRONMENTAL PLANNING POLICY (BIODIVERSITY AND CONSERVATION) 2021

Chapter 2 – Vegetation in Non-Rural Areas

The intent of this Chapter within the SEPP is related to the protection of the biodiversity values of trees and other vegetation on the site. The proposed development as modified does not result in the removal or loss of any trees or vegetation subject to the provision of this SEPP. Accordingly, the aims and objectives outlined within the SEPP are considered to be satisfied as previously approved.

Chapter 10 – Sydney Harbour Catchment

All stormwater from the proposed development as modified can be treated in accordance with Council's Stormwater Management Code and would satisfy the relevant planning principles of Chapter 10 - Sydney Harbour Catchment.

STATE ENVIRONMENTAL PLANNING POLICY (BUILDING SUSTAINABILITY INDEX: BASIX) 2004

As the value of development is less than \$50,000, there is no requirement for the application to be assessed in accordance with the BASIX SEPP, in accordance with the EP&A Regs 2021.



STATE ENVIRONMENTAL PLANNING POLICY (RESILIENCE AND HAZARDS) 2021

While Chapter 4 – Remediation of Land applies to the land and, pursuant to Section 4.15 of the EP&A Act 1979, is a relevant consideration, as the proposal only pertains to louvres, the objectives are considered to be satisfied.

STATE ENVIRONMENTAL PLANNING POLICY (TRANSPORT AND INFRASTRUCTURE) 2021

Chapter 2 - Infrastructure

As the site is adjacent to a rail corridor, Clause 2.98 of the Transport and Infrastructure SEPP must be considered. This requires Council to give written notice to the rail authority and consider their response. A referral response was provided from Transport for NSW (Sydney Trains) which has been discussed above. The requested conditions of consent will be incorporated in any consent.

STRATHFIELD LOCAL ENVIRONMENTAL PLAN (SLEP) 2012

The development site is subject to the SLEP 2012.

Part 2 – Permitted or Prohibited Development

The subject site is zoned R4 High Density Residential and the proposal is a permissible form of development with Council's consent.

Part 4 – Principal Development Standards

Applicable SLEP 2012 Clause	Development Standards	Development Proposal	Compliance/ Comment
		-	
4.3A Exceptions to Height of Buildings	29m	New works <29m	YES
4.4A Exceptions to Floor Space Ratio	2:1	2.4:1	NO
			(see below)

Clause 4.6 Variation – Floor Space Ratio

Clause 4.4A within SLEP 2012 states that the subject site has a maximum floor space ratio (FSR) of 2:1. Based on a site area of 2,933m², the maximum gross floor area (GFA) permitted on the site is 5,866m².

Common vertical circulation spaces are explicitly excluded from GFA under the definition in the SLEP 2012, however the communal corridors the subject of this DA are considered horizontal spaces. Previously, these spaces have been excluded from GFA by virtue of being open at both ends, with balustrades less than 1.4m high. It is now proposed to enclose these areas with fixed louvers. As these areas will now be substantively enclosed above 1.4m, these areas are considered part of the GFA calculation, providing an additional 366.09m² to the approved 6,644.79m², totalling 7,010.88m². This results in a breach of the FSR development standard of 19.5%. It is noted that the existing GFA as calculated is different from what was purported to be previously approved, due to discrepancies in the historical calculations and not including car spaces above the requirements of the consent authority.

The applicant has provided a written Clause 4.6 request (the written request) to vary the FSR standard which relates to the development proposal before the Council, for consideration pursuant to SLEP 2012 Clause 4.6(3) and (4). The difference in the calculations in the Applicant's written request and this report is the 51.97m² Level 4 Building B breezeway which can be excluded as it is open on two sides and louvered on a third.



As detailed in *Initial Action Pty Ltd v Woollahra Municipal Council* (2008) 236 LGERA 256; [2018] NSWLEC 118 (*Initial Action*), as a result of the breach of a development standard Clause 4.6(3) and (4) establish preconditions that must be satisfied before the consent authority can grant development consent to the development. These preconditions are:

- The written request must adequately demonstrate that compliance with the development standard is unreasonable or unnecessary (cl 4.6(3)(a) and cl 4.6(4)(a)(i));
- The written request must adequately demonstrate that there are sufficient environmental planning ground to justify contravening the development standard (cl 4.6(3)(b) and cl 4.6(4)(a)(i));
- That the proposed development is in the public interest because it is consistent with the objectives of both the zone and the development standard (cl 4.6(4)(a)(ii)); and
- Concurrence of the Planning Secretary must be obtained (cl 4.6(4)(b).

These will now be addressed in turn.

Whether compliance with the development standard is unreasonable or unnecessary

In Wehbe v Pittwater Council (2007) 156 LGERA 446; [2007] NSWLEC 827 (Wehbe) at [42] - [51], Preston CJ summarises the common ways in which compliance with the development standard may be demonstrated as unreasonable or unnecessary. This is repeated in *Initial Action* at [16]. In the applicant's written request, the first method described in *Initial Action* at [17] is used to establish that compliance with the development standard is unreasonable or unnecessary, which is that the objectives of the FSR standard are achieved notwithstanding non-compliance with the numeric FSR standard. Clause 4.4A provides exceptions to the more general FSR standards in Clause 4.4. As Clause 4.4A does not have any objectives, the objectives of Clause 4.4 are relevant.

The first objective of Clause 4.4 is "to ensure that dwellings are in keeping with the built-form character of the local area". The new aluminium louvers form a recessive visual element and will not impact the relationship of the building with the built-form character of the local area, as approved. As noted in the written request, "louvres are a common design feature along Loftus Crescent, including louvre panels at the adjacent property No. 37-39 Loftus Crescent". Accordingly, I am satisfied the proposed development meets this objective.

The second objective of Clause 4.4 is "to provide consistency in the bulk and scale of new dwellings in residential areas". As stated above, the louvers form a recessive visual element and will not readily contribute to the bulk and scale of the development. In addition, as stated in the written request, "when considering the facades overall, the building will maintain a balance of solid and open elements through the existing balconies, glazing and external walls of varying finishes ensuring an appropriate bulk and scale outcome." Accordingly, I am satisfied, based on the justification in the written request that the proposed development meets this objective.

The third objective of Clause 4.4 is "to minimise the impact of new development on the amenity of adjoining properties". I am satisfied based on the justification in the written request, which is further supported by the observations I made on site, that the proposed development will not impact adjoining amenity. Accordingly, the proposal meets this objective.

The fourth objective of Clause 4.4 is "to minimise the impact of development on heritage conservation areas and heritage items". As the subject site is not heritage listed nor in a HCA or in proximity to a listed item, there will be no heritage impact.

The fifth objective of Clause 4.4 is "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-orientated development". As the subject site is not within the Strathfield Town Centre, this objective is not relevant.

The final objective of Clause 4.4 is "in relation to Parramatta Road Corridor—to encourage a sustainable consolidation pattern that optimises floor space capacity in the corridor". While the subject site is within the Parramatta Road Corridor, the existing subdivision pattern or building envelope will not be impacted. Accordingly, the proposal is not antithetical with this objective.

As the proposal achieves the objectives of the FSR development standard, compliance is considered unreasonable and unnecessary in this instance.

Whether there are sufficient environmental planning grounds to justify contravening the development standard

Pursuant to Clause 4.6(3)(b), the applicant advances three environmental planning grounds to justify contravening the development standard. Each will be dealt with in turn:

Ground 1 - The proposal is simply enclosing existing elements of the design which were previously excluded from GFA. This ground is accepted. As the overall envelope is not changing and the breezeways are set in, the additional GFA can be considered a technical increase. The louvers are also not solid built form and still provide natural ventilation.

Ground 2 – the current arrangement results in a poor design outcome as it has resulted in damage to the unit façade walls given their exposure to the elements. The installation of louvres will provide weather protection to the existing breezeways. The existing situation is considered unsafe and incompatible with reasonable amenity expectations for residents. It is noted that some residents appear to have already taken matters into their own hands through the installation of temporary bamboo screening, as observed during the site inspection (see Figure 13). The proposal will result in a better design and amenity outcome by reducing the quantity of water entering the communal corridors. Accordingly, I accept this ground.



Figure 13: Temporary bamboo screening on one of the open breezeways



Ground 3 – appropriate amenity outcomes are achieved. It is accepted that the proposed breach does not result in adverse amenity outcomes. However, it is also noted that the need to achieve appropriate amenity outcomes is a fundamental requirement of residential development, not a justification of a breach of a development standard.

Cumulatively, these three grounds are considered sufficient to justify contravening the development standard.

Whether the proposed development meets the objectives of the development standard, and of the zone

The objectives of the R4 High Density Residential zone under the SLEP 2012 are:

- To provide for the housing needs of the community within a high density residential environment.
- To provide a variety of housing types within a high density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.

I accept the applicant's submissions in the written request that the relevant objectives of the R4 Medium Density Residential zone are met. The proposed louvers will better meet the housing needs of the existing residential flat building. As discussed above, I am also satisfied that the proposed development meets all the relevant objectives of the development standard. As the proposal is consistent with both the objectives of the zone and the standard, it is considered in the public interest.

Whether the concurrence of the secretary has been obtained.

Under Clause 55 of the EP&A Regs 2021, the Secretary has given written notice dated 21 February 2018, attached to the Planning Circular PS 20-002 issued on 5 May 2020, to each consent authority, that it may assume the Secretary's concurrence for exceptions to development standards in respect of applications made under Clause 4.6, subject to the conditions in the table in the notice. While the proposal exceeds the development standard by over 10%, the Planning Circular provides for the Local Planning Panel to assume concurrence.

Nevertheless, the matters in Clause 4.6(5) should still be considered when exercising the power to grant development consent for development that contravenes a development standard (*Fast Buck\$ v Byron Shire Council* (1999) 103 LGERA 94 at [100] and *Wehbe* at [41]). In deciding whether to grant concurrence, the Secretary is required to consider the following:

- (a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and
- (b) the public benefit of maintaining the development standard, and
- (c) any other matters required to be taken into consideration by the Secretary before granting concurrence.

The proposal is not considered to raise any matter of significance for State or regional environmental planning. The public benefit of maintaining the development standard is not considered significant given that the perceived bulk from the street will not change. Accordingly, the proposal is considered consistent with the matters required to be taken into consideration before concurrence can be granted.

In summary, the breach of the development standard is considered acceptable as it meets all the relevant provisions of Clause 4.6.



Part 5 – Miscellaneous Provisions

Heritage Conservation

The subject site is not listed as a heritage item or located within a heritage conservation area. The site does not adjoin nor is in close proximity to a heritage item and, as such, the provisions of this clause are not applicable.

Flood Planning

The subject site has been identified as being at or below the flood planning level. However, the proposed alterations are above ground and will make no difference to the flood affected nature of the site.

Part 6 – Additional Local Provisions

Acid Sulfate Soils

The subject site is identified as having Class 5 Acid Sulfate Soils and is located within 500m of a Class 3. However, the proposed works are minor and above ground only. Accordingly, the development is consistent with the previous approval in respect of Acid Sulfate Soils and acceptable in this regard.

Earthworks

The proposal does not include any excavation or basement works.

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.

It is considered that the proposed development satisfies the aims, objectives and development standards, where relevant, of the SLEP 2012.

(ii) any draft environmental planning instrument that is or has been placed on public exhibition and details of which have been notified to the consent authority, and

There are no draft planning instruments that are applicable to the proposed development on the subject site.

(iii) any development control plan,

The proposed development is subject to the provisions of Strathfield Development Control Plan 20 – Parramatta Rd Corridor Area (SDCP 20). As the proposed works are minor, not all the provisions are relevant. The provisions of the Strathfield Consolidated Development Control Plan (SCDCP) 2005 are also relevant, in as far as this document is referred to be SDCP 20. The following comments are made with respect to the proposal satisfying the relevant objectives and controls contained within SDCP 20 and SCDCP 2005.



Façade Composition

The controls of particular relevance are:

- 2. The Facades should provide architectural features which give human scale at street level such as entrance porches, public spaces and landscape treatments.
- 3. Materials and finishes used on building facades should blend together and be architecturally interesting. At least 30% of the facade is to incorporate face brick to reflect the traditional character of the Strathfield Municipality.

The applicant's SEE has addressed these provisions as follows:

The proposed works are considered to be in keeping with the objectives, guidelines and controls of this Part noting that the established pattern, rhythm, composition and articulation of the approved building façade will generally be retained.

The proposal seeks to use this opportunity to directly respond to an environmental need by improving weather protection to the existing breezeways whilst continuing to promote natural ventilation through the louvre design.

As stated in this letter, the building will continue to provide a balance of solid and open elements through the location of existing balconies, glazing and external walls of varying finishes ensuring an appropriate bulk and scale outcome.

It is agreed that, notwithstanding the proposed louvers, the façade will retain sufficient architectural interest. Only two narrow openings are visible at each level from Loftus Crescent and these are well stepped back. Providing louvers to these openings will not significantly or unacceptable impact the façade composition.

Access for People with Mobility Disabilities

SDCP 20 requires the following:

Access to public areas of buildings and dwellings should be direct and without unnecessary barriers. Obstructions which cause difficulties should be avoided. These include:

- Uneven and slippery surfaces...

The proposal archives this control by improving the weather protection of the communal corridors. The existing situation is considered unsafe, with tiled communal areas becoming a slip hazard when wet. This is particularly problematic given the staircases are also open to the elements.

SCDCP 2005 – Part Q – Urban Design Controls

The proposal is consistent with the objectives and controls of Part Q in that the façade is not readily changing and will remain compatible with the streetscape.

(iv) Any matters prescribed by the regulations, that apply to the land to which the development application relates,

There are no relevant matters prescribed by the regulations for this land and DA.



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

The proposal is not considered to have any impacts on the natural and built environment. The louvers are orientated towards the street or within the development and there will not be impacts on surrounding developments. There will also not be any negative social or economic impacts on the locality.

(c) the suitability of the site for the development,

The proposed aluminium louvers are considered a suitable design response for the existing residential flat building. The louvers will improve the suitability of existing building by improving waterproofing. This will improve safety and security.

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

In accordance with the provisions of Council's Community Participation Plan (CPP), the application was placed on neighbour notification for a period of 14 days where surrounding property owners were notified in writing of the proposal and invited to comment. The only submission received was in support from the strata of the subject site. This is not technically considered a submission.

(e) the public interest.

The proposed development is of a scale and character that does not conflict with the public interest. Improving the safety of access within the development is considered in 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. 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).

As no additional units are proposed, Section 7.11 Contributions are not applicable. Similarly, as the cost of works is less than \$100,000, Section 7.12 Contributions are not applicable either.

In consideration of the written request made by the applicant pursuant to Clause 4.6 of the Strathfield Local Environmental Plan 2012, the consent authority is satisfied that compliance with the development standard contained in Clause 4.4A Exceptions to Floor Space Ratio of the SLEP 2012 is well founded and that there are sufficient environmental planning grounds to justify contravening the development standard.

That Development Application No. 2023.19 for alterations and additions to the existing residential flat building to install louvres to the existing breezeways at every level of Block A and to Level 4 of Block B at 40-42 Loftus Crescent be **APPROVED**, subject to the following conditions:

The following conditions of consent are imposed for the following reasons:

- (a) To ensure compliance with the terms of the relevant Environmental Planning Instrument and/or Building Code of Australia and/or Council's codes, policies and specifications.
- (b) To protect the environment.
- (c) To ensure that there is no unacceptable impact on the amenity of the area, or to private and public property.
- (d) It is in the public interest.



DEVELOPMENT DETAILS

1. Approved Plans & Documentation

The development must be implemented in accordance with the approved plans and supporting documentation listed below which have been endorsed by Council's approved stamp, except where marked up on the plans and/or amended by conditions of this consent:

Description	Reference No.	Date	Revision	Prepared by
Typical Floor Plan Building A – Levels 1-4	S.4.55_10001	7/10/2022	-	Place Studio
Typical Floor Plan Building A – Levels 5-7	S.4.55_10002	7/10/2022	-	Place Studio
North Elevation Building A	S.4.55_10003	7/10/2022	-	Place Studio
South Elevation Building A	S.4.55_10004	7/10/2022	-	Place Studio
Floor Plan Building B – Level 4	S.4.55_10005	7/10/1022	-	Place Studio
South Elevation Building B	S.4.55_10006	7/10/2022	-	Place Studio
Louvre Details	MPG-HOM-	19/07/22	2	Aus Inventive
	DW1-55			Design Pty Ltd

SEPARATE APPROVALS REQUIRED UNDER OTHER LEGISLATION

2. Section 138 Roads Act 1993 and Section 68 Local Government Act 1993

Unless otherwise specified by a condition of this consent, this Development Consent does not give any approval to undertake works on public infrastructure.

Separate approval is required under Section 138 of the <u>Roads Act 1993</u> and/or Section 68 of the <u>Local Government Act 1993</u> for any of the following activities carried out in, on or over a public road (including the footpath) listed below.

An application is required to be lodged and approved prior to the commencement of any of the following works or activities:

- (a) If any excavation is to be supported by the use of below ground (cable) anchors that are constructed under Council's roadways/footways.
- (b) Swinging or hoisting goods over any part of a public road by means of a lift, crane or the like;
- (c) Establishing a "works zone";
- (d) Placing or storing materials or equipment;
- (e) Placing or storing waste containers or skip bins;
- (f) Stormwater & ancillary to public infrastructure on private land
- (g) Erecting a structure or carrying out work

These separate activity approvals (a)-(g) must be obtained and evidence of the approval provided to the Certifying Authority prior to the issue of the Construction Certificate.

- (h) Pumping water from the site into the public road;
- (i) Constructing a vehicular crossing or footpath;
- (j) Digging up or disturbing the surface of a public road (e.g. Opening the road for the purpose of connections to utility providers);
- (k) Stormwater & ancillary works in the road reserve; and
- (I) Pumping concrete from a public road;



These separate activity approvals must be obtained and evidence of the approval provided to the Certifying Authority prior to the activities commencing.

The relevant Application Forms for these activities can be downloaded from Council's website www.strathfield.nsw.gov.au. For further information, please contact Council's Customer Service Centre on (02) 9748 9999.

REQUIREMENTS OF CONCURRENCE, INTEGRATED & OTHER GOVERNMENT AUTHORITIES

3. Transport for NSW

- a. The design, installation and use of lights, signs, and reflective materials, whether permanent or temporary, which are (or from which reflected light might be) visible from the rail corridor must limit glare and reflectivity to the satisfaction of the rail operator. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
- b. The Applicant/Developer shall not at any stage block the nearby corridor access gate and should make provision for easy and ongoing 24/7 access by rail vehicles, plant, and equipment to support maintenance and emergency activities.
- c. Sydney Trains or Transport for NSW (TfNSW), and persons authorised by those entities for the purpose of this condition, must be permitted to inspect the site of the development and all structures to enable it to consider whether those structures have been or are being constructed and maintained in accordance with the approved plans and the requirements of this consent, on giving reasonable notice to the principal contractor for the development or the owner or occupier of the part of the site to which access is sought.
- d. Prior to the issuing of an Occupation Certificate the Applicant is to submit as-built drawings to Sydney Trains and Council. The as-built drawings are to be endorsed by a Registered Surveyor confirming that there has been no encroachment into TAHE (Transport Asset Holding Entity) property or easements, unless agreed to by TAHE (Transport Asset Holding Entity). The Principal Certifying Authority is not to issue the final Occupation Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
- e. No work is permitted within the rail corridor or any easements which benefit Sydney Trains/TAHE (Transport Asset Holding Entity), at any time, unless the prior approval of, or an Agreement with, Sydney Trains/TAHE (Transport Asset Holding Entity) has been obtained by the Applicant. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
- f. The Applicant must ensure that at all times they have a representative (which has been notified to Sydney Trains in writing), who:
 - oversees the carrying out of the Applicant's obligations under the conditions of this consent and in accordance with correspondence issued by Sydney Trains;
 - acts as the authorised representative of the Applicant; and
 - is available (or has a delegate notified in writing to Sydney Trains that is available) on a 7 day a week basis to liaise with the representative of Sydney Trains, as notified to the Applicant.



- Without in any way limiting the operation of any other condition of this consent, the
 Applicant must, during demolition, excavation and construction works, consult in good faith
 with Sydney Trains in relation to the carrying out of the development works and must
 respond or provide documentation as soon as practicable to any queries raised by Sydney
 Trains in relation to the works.
- g. Where a condition of consent requires consultation with Sydney Trains, the Applicant shall forward all requests and/or documentation to the relevant Sydney Trains External Interface Management team. In this instance the relevant interface team is Central Interface and they can be contacted via email on Central_Interface@transport.nsw.gov.au.

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

4. Fees to be Paid

The fees listed in the table below must be paid in accordance with the conditions of this consent and Council's adopted Fees and Charges applicable at the time of payment (available at www.strathfield.nsw.gov.au).

Payments must be made prior to the issue of the Construction Certificate or prior to the commencement of work (if there is no associated Construction Certificate).

A summary of the fees to be paid are listed below:

Fee Type	Fee
GENERAL FEES	
Security Damage Deposit	\$ 1,400.00
Administration Fee for Damage Deposit	\$ 130.00

General Fees

The fees and charges above are subject to change and are as set out in the version of Council's Schedule of Fees and Charges or as required by other Government Authorities, applicable at the time of payment. Further Information

A copy of the *current Development Contributions Plans* may be inspected at Council's Customer Service Centre at 65 Homebush Road, Strathfield or on Council's website www.strathfield.nsw.gov.au.

5. Damage Deposit – Minor Works

In order to insure against damage to Council property the following is required:

- (a) Pay Council, before the issue of the Construction Certificate, a damage security deposit for the cost of making good any damage caused to any Council property as a result of the development: \$1,400.
- (b) Pay Council, before the issue of the Construction Certificate, a non-refundable administration fee to enable assessment of any damage and repairs where required: \$130.



(c) Submit to Council, before the commencement of work, a photographic record of the condition of the Council nature strip, footpath and driveway crossing, or any area likely to be affected by the proposal.

At the completion of work Council will inspect the public works, and the damage deposit will be refunded in full upon completion of work where no damage occurs. Otherwise the amount will be either forfeited or partly refunded according to the amount of damage.

DURING CONSTRUCTION

6. Hours of Construction for Demolition and Building Work

Any work activity or activity associated with the development consent that requires the use of any tools (including hand tools) or any power operated plant and machinery that creates noise on or adjacent to the site shall not be performed, or permitted to be performed, except between the hours of 7.00 am to 5.00 pm, Monday to Friday and 8:00am to 1:00pm on Saturdays. No work or ancillary activity is permitted on Sundays, or Public Holidays.

Where the development involves the use of jack hammers/rock breakers and the like, or other heavy machinery, such equipment may only be used between the hours of 7:00am to 5:00pm Monday to Friday only.

Note: A penalty infringement notice may be issued for any offence.

7. Obstruction of Road or Footpath

The use of the road or footpath for the storage of any building materials, waste materials, temporary toilets, waste or skip bins, or any other matter is not permitted unless separately approved by Council under Section 138 of the Roads Act 1993 and/or under Section 68 of the Local Government Act 1993. Penalty infringement Notices may be issued for any offences and severe penalties apply.

OPERATIONAL REQUIREMENTS UNDER THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979

8. Requirement for a Construction Certificate

The erection of a building must not commence until a Construction Certificate has been issued.

9. Appointment of a Principal Certifier

Building and/or demolition works must not commence until the applicant has:

- (a) appointed a Principal Certifier for the building work; and
- (b) if relevant, advised the PCA that the work will be undertaken as an Owner -Builder.



If the work is not going to be undertaken by an Owner - Builder, the applicant must:

- (c) appoint a Principal Contractor to undertake the building work. If residential building work (within the meaning of the Home Building Act 1989) is to be undertaken, the Principal Contractor must be a holder of a contractor licence; and
- (d) notify the Principal Certifier of the details of any such appointment; and
- (e) notify the Principal Contractor of any critical stage inspections or other inspections that are required to be carried out in respect of the building work.

10. Notification of Critical Stage Inspections

No later than two days before the building work commences, the Principal Certifier must notify:

- (a) the consent authority and the Council (if not the consent authority) of his or her appointment; and
- (b) the applicant of the critical stage inspections and other inspections that are to be carried out with respect to the building work.

11. Notice of Commencement

The applicant must give at least two days notice to the Council and the Principal Certifier of their intention to commence the erection or demolition of a building.

12. Critical Stage Inspections

The last critical stage inspection must be undertaken by the Principal Certifier. The critical stage inspections required to be carried out vary according to Building Class under the Building Code of Australia and are listed in Clause 61 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 - NSW Legislation.

13. Notice to be Given Prior to Critical Stage Inspections

The principal contractor for a building site, or the owner-builder, must notify the Principal Certifier at least 48 hours before each required inspection needs to be carried out.

PRESCRIBED CONDITIONS

14. Clause 70 – Erection of Signs

Requires the erection of signs on site and outlines the details which are to be included on the sign. The sign must be displayed in a prominent position on site and include the name and contact details of the Principal Certifier and the Principal Contractor.



ADVISORY NOTES

i. Review of Determination

Section 8.2 of the Environmental Planning and Assessment Act confers on an applicant who is dissatisfied with the determination of the application the right to lodge an application with Council for a review of such determination. Any such review must however be completed within 6 months from its determination. Should a review be contemplated sufficient time should be allowed for Council to undertake public notification and other processes involved in the review of the determination.

Note: review provisions do not apply to Complying Development, Designated Development, State Significant Development, Integrated Development or any application determined by the Sydney East Planning Panel or the Land & Environment Court.

ii. Appeal Rights

Division 8.3 (Reviews and appeals) Part 8 of the Environmental Planning and Assessment Act 1979 confers on an applicant who is dissatisfied with the determination of the application a right of appeal to the Land and Environment Court of New South Wales.

iii. Lapsing of Consent

This consent will lapse unless the development is physically commenced within 5 years from the Date of Operation of this consent, in accordance with Section 4.53 of the Environmental Planning and Assessment Act 1979 as amended.

iv. Disability Discrimination Act

This application has been assessed in accordance with the <u>Environmental Planning and Assessment Act 1979</u>. No guarantee is given that the proposal complies with the <u>Disability Discrimination Act 1992</u>. The applicant is responsible to ensure compliance with this and other anti-discrimination legislation. The <u>Disability Discrimination Act 1992</u> covers disabilities not catered for in the minimum standards called up in the Building Code of Australia which refers to AS1428.1-Design for Access and Mobility.

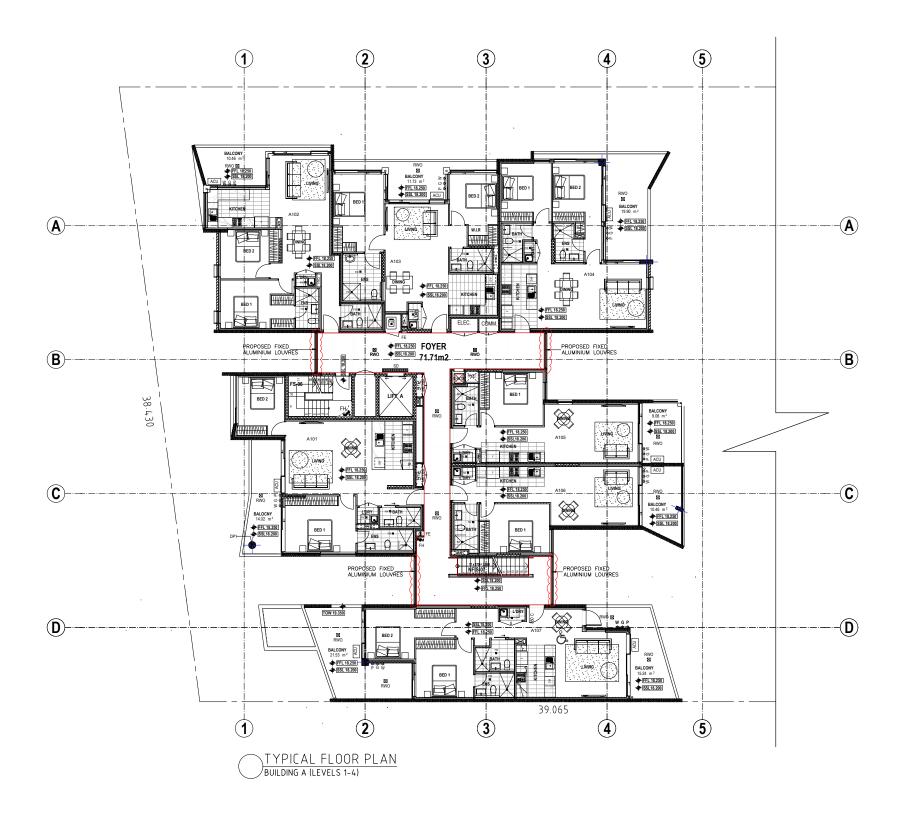
v. Site Safety Fencing

Site fencing must be erected in accordance with SafeWork Guidelines, to exclude public access to the site throughout the demolition and/or construction work, except in the case of alterations to an occupied dwelling. The fencing must be erected before the commencement of any work and maintained throughout any demolition and construction work.

A demolition licence and/or a high risk work license may be required from SafeWork NSW (see www.SafeWork.nsw.gov.au).

ATTACHMENTS

1.J. Architectual Plans



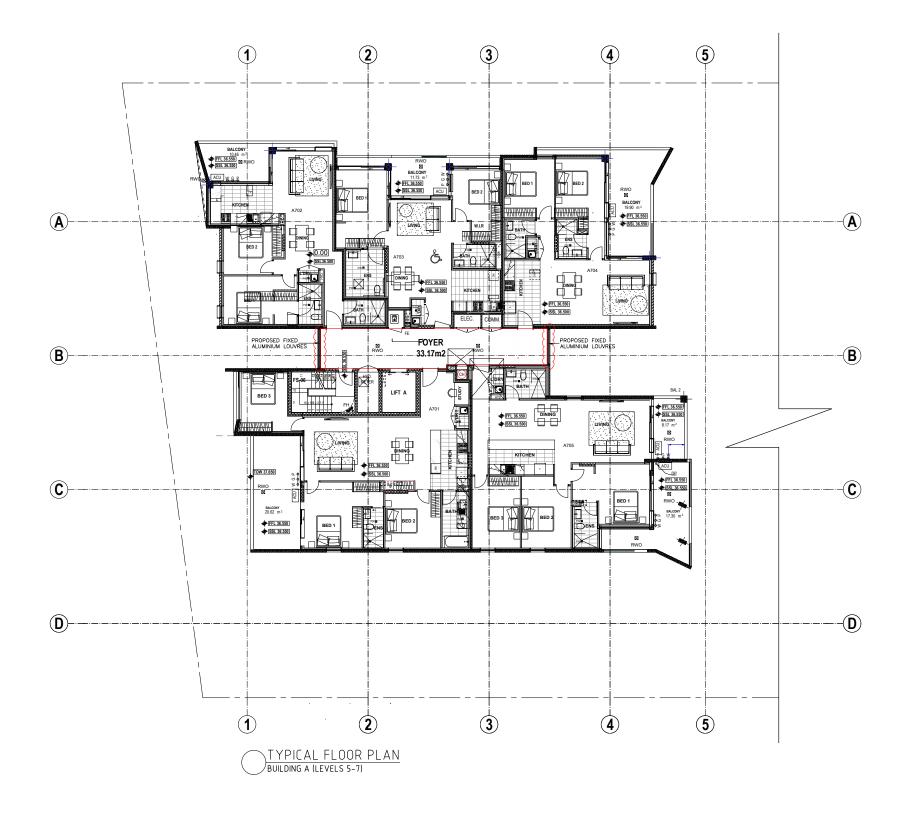
Section 4.55 ISSUI NOT FOR CONSTRUCTIOI

PROJECT:
#2022092
SECTION 4.55
ADDITION OF LOUVRES
40-42 LOFTUS CRESCENT
HOMEBUSH NSW 2140 AUSTRALIA
1796/F.

#EFF NUMBER:
1796/F.

**SHEET NUMBER

Item 4 - Attachment 1



Section 4.55 ISSUE

NOT FOR CONSTRUCTION

PROJECT:
#20222092
SECTION 4.55
ADDITION OF LOUVRES
40-42 LOFTUS CRESCENT
HOMEBUSH NSW 2140 AUSTRALIA
19724 FLOOR PLAN
HOMEBUSH NSW 2140 AUSTRALIA
19724 FLO

Item 4 - Attachment 1



NOT FOR CONSTRUCTION

DRAWING TITLE:
NORTH ELEVATION

Section 4.55 ISSUI

REVISION:

LEGEND:

PROJECT: **SECTION 4.55** ADDITION OF LOUVRES

40-42 LOFTUS CRESCENT
HOMEBUSH NSW 2140 AUSTRALIA

BUILDING A

SHEET NUMBER: **S.4.55_10003**



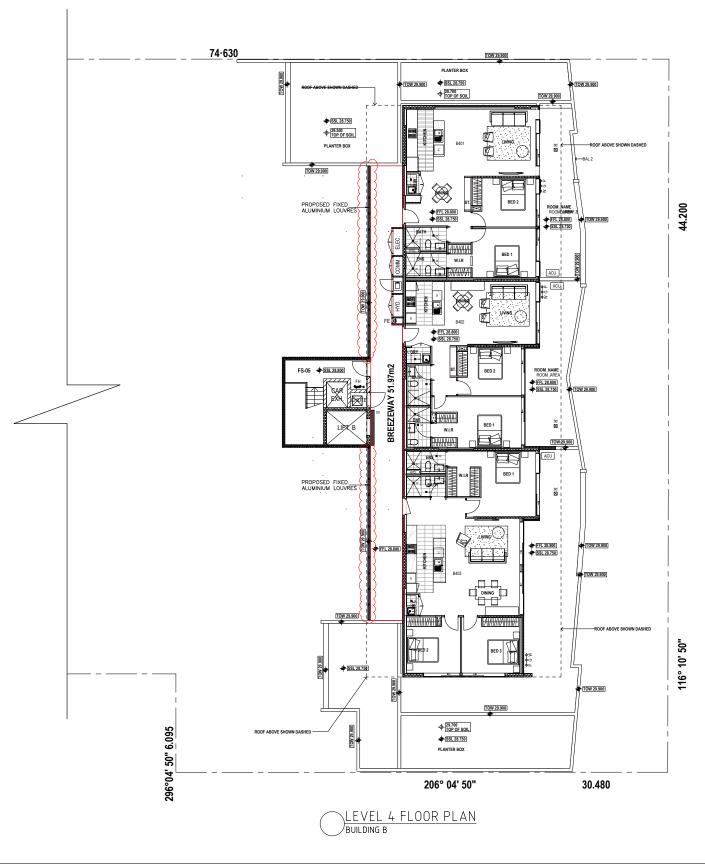
Section 4.55 ISSUI NOT FOR CONSTRUCTION

PROJECT:
200220092
SECTION 4.55
ADDITION OF LOUVRES
40 -42 LOFTUS CRESCENT
HOMEBUSH NSW 2140 AUSTRALIA
100 PROJECT:
200220092
SECTION 4.55
ADDITION OF LOUVRES
40 -42 LOFTUS CRESCENT
HOMEBUSH NSW 2140 AUSTRALIA
100 PROJECT:
200220092
SECTION 4.55
ADDITION OF LOUVRES
40 -42 LOFTUS CRESCENT
HOMEBUSH NSW 2140 AUSTRALIA
100 PROJECT:
200220092
SHEET NUMBER:
SHEET NUMBER:
S.4.55_100004

**SHEET NUMBER:
S.4.55_100004

**TOTAL STATE NUMBER:
S.4.55_

Item 4 - Attachment 1



Section 4.55 ISSUI NOT FOR CONSTRUCTIOI

rest balas.

In differences on sits before commencing work. Regiont at discrepancies to this before commencing work. Regiont at discrepancies to white point or content-close. Rese Station shall not be self separated lets any rest to selectabilities of energing the to their discrepancies without Comments or the selectabilities of energing the selectability patient of the works taken on word managers and those showing particular patient of the works taken on word managers and not benefit of briefs beginner with all the selectabilities of the selec

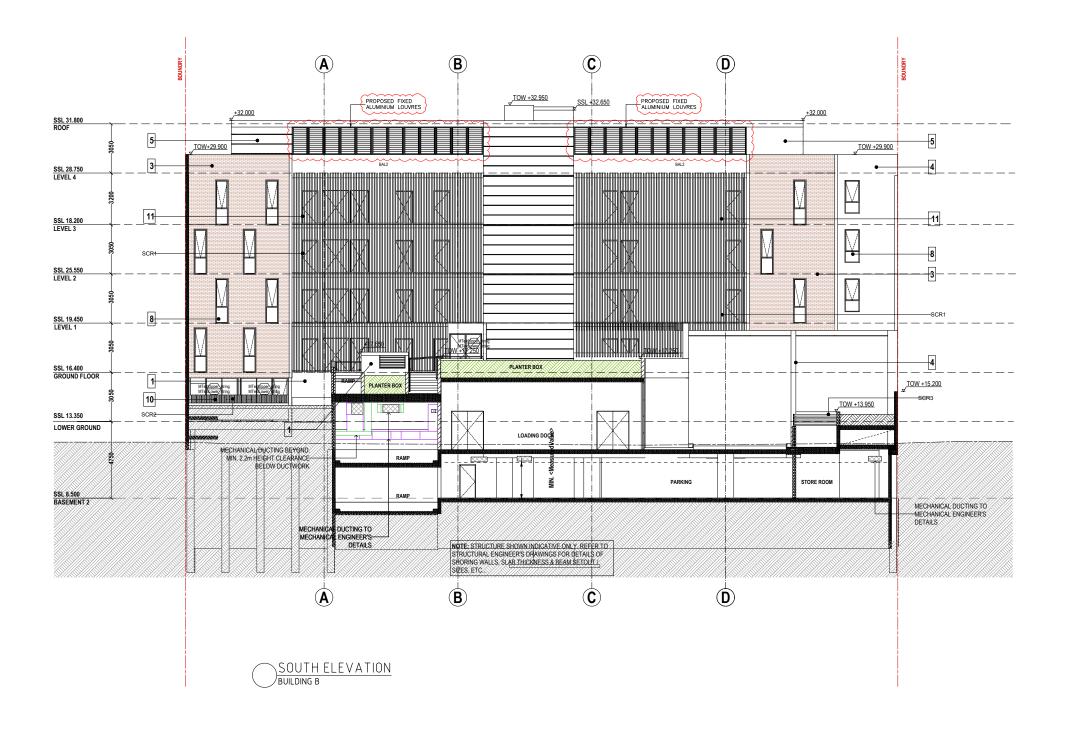
LEGEND:



PROJECT: #2022092 SECTION 4.55 ADDITION OF LOUVRES 40-42 LOFTUS CRESCENT HOMEBUSH NSW 2140 AUSTRALIA DRAWING TITLE:
FLOOR PLAN
BUILDING B - Level 4

SHEET NUMBER: **S.4.55_10005**





Section 4.55 ISSUI NOT FOR CONSTRUCTIOI

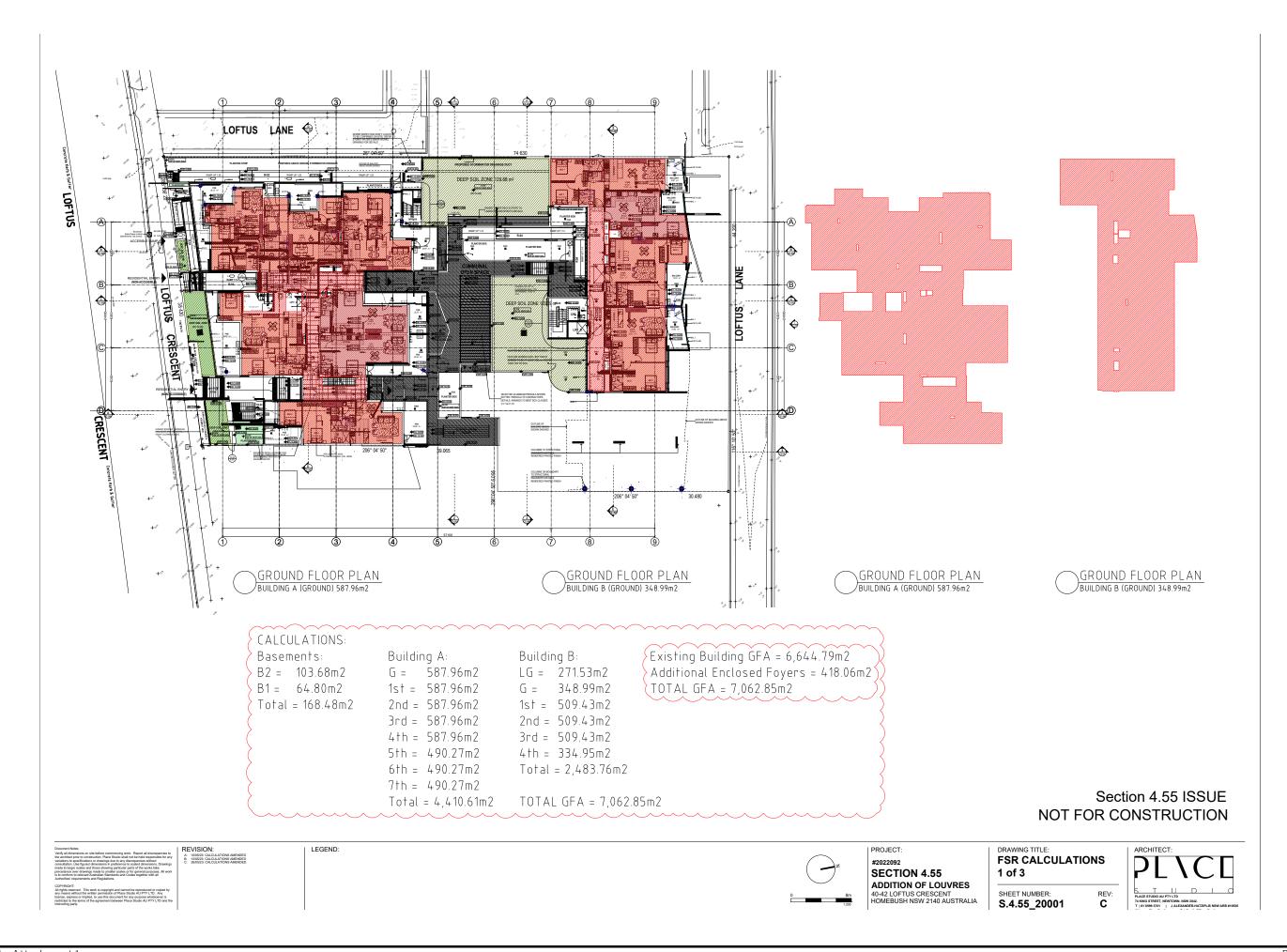
PROJECT:
#20220992
SECTION 4.55
ADDITION OF LOUVRES
40-42 LOFTUS CRESCENT
HOMEBUSH NSW 2140 AUSTRALIA

PROJECT:
#20220992
SECTION 4.55
ADDITION OF LOUVRES
40-42 LOFTUS CRESCENT
HOMEBUSH NSW 2140 AUSTRALIA

SEET NUMBER:
SUPPLY

SUP

Item 4 - Attachment 1



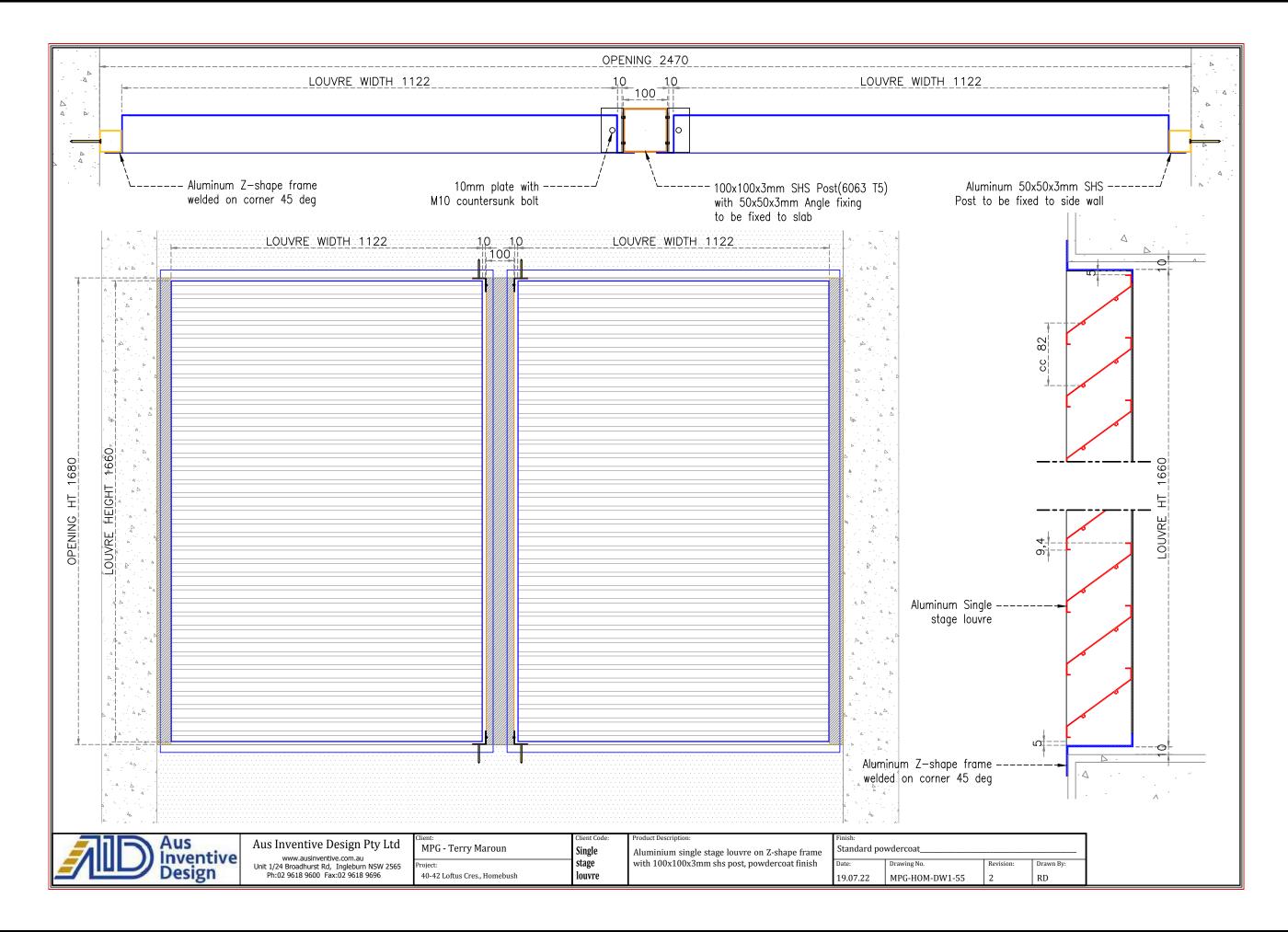
Item 4 - Attachment 1



Item 4 - Attachment 1 Page 38



Item 4 - Attachment 1



Item 4 - Attachment 1