

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, 11 October 2019

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

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TO: Strathfield Internal Development Assessment Panel Meeting - 11 October 2019

REPORT: IDAP – Report No. 1

SUBJECT: DA2017/125/01- 36 HUNTER STREET, STRATHFIELD
LOT 64 DP 7837

DA NO. DA2017/125/01

SUMMARY

Proposal: Section 4.55(2) application to amend the internal layout and location of external windows.

Applicant: Platform Five Design Pty Ltd

Owner: S. Callil

Date of lodgement: 19 June 2019

Notification period: 27 June 2019 to 11 July 2019

Submissions received: Nil

Assessment officer: ND

Zoning: R2 Low Density Residential - SLEP 2012

Heritage: No

Flood affected: Yes

Is a Clause 4.6 variation proposed? No

RECOMMENDATION OF OFFICER: APPROVAL

EXECUTIVE SUMMARY

- 1.0 On 20 December 2017, IDAP approved Development Application No. 2017/125 for the demolition of existing structures and construction of a two (2) storey dwelling house with basement car parking and front fence.
- 2.0 This modification application is made under Section 4.55(2) of the *Environmental Planning and Assessment Act 1979*. It seeks to reconfigure the internal layout of the approved dwelling house, modifications to the window schedule, alterations to the schedule of colours and external finishes and amendments to the driveway conditioned under the original development consent (DA2017/125).
- 3.0 The proposed amendments will result in a dwelling house that is compatible with the surrounding streetscape and generally achieves compliance with the relevant planning controls.
- 4.0 The modification application is considered acceptable and recommended for approval subject to conditions of consent.

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

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LOT 64 DP 7837 (Cont'd)

(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.”

In regards to subclause 'a', Council is satisfied that the development to which the consent as modified relates is substantially the same development for which consent was originally granted.

To answer 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 Hunter Street and Cross Street is not altered in a significant 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.

In regards to subclause 'b', this does not apply as the original development application did not require concurrence.

In regards subclause 'c' and 'd', the application was notified from 27 June 2019 to 11 July 2019 in accordance with Part L of the SCDCP 2005. No submissions were received as a result.

BACKGROUND

- 20 December 2017** Development consent was granted for DA2017/125 for *demolition of existing structures and construction of a two (2) storey dwelling house with basement car parking and front fence* at 36 Hunter Street, Strathfield.
- 19 June 2019** The subject Section 4.55(2) modification application was submitted to modify development consent DA2017/125/01 for alterations to the approved dwelling including reconfiguration of the internal layout, modification to window locations.

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27 June 2019 to
11 July 2019

The modification application was notified in accordance with the requirements of Part L of the Strathfield Consolidated Development Control Plan (SCDCP) 2005.

DESCRIPTION OF THE SITE AND LOCALITY

The subject site is located on the south-eastern corner of the T-intersection of Cross Street and Hunter Street (Figure 1). The site comprises a 17.82m frontage to Hunter Street, a 40.08m frontage to Cross Street and a total site area of 693m². The site has a natural fall to the rear and slopes in a south-western direction with a cross-fall of 1.86m. The site is presently occupied by a single storey dwelling and a detached shed (Figure 2).

The surrounding streetcape is characterised by a mixture of single and two (2) storey dwelling houses featuring exposed facebrick and rendered masonry exterior walls and pitched tiled roof forms.

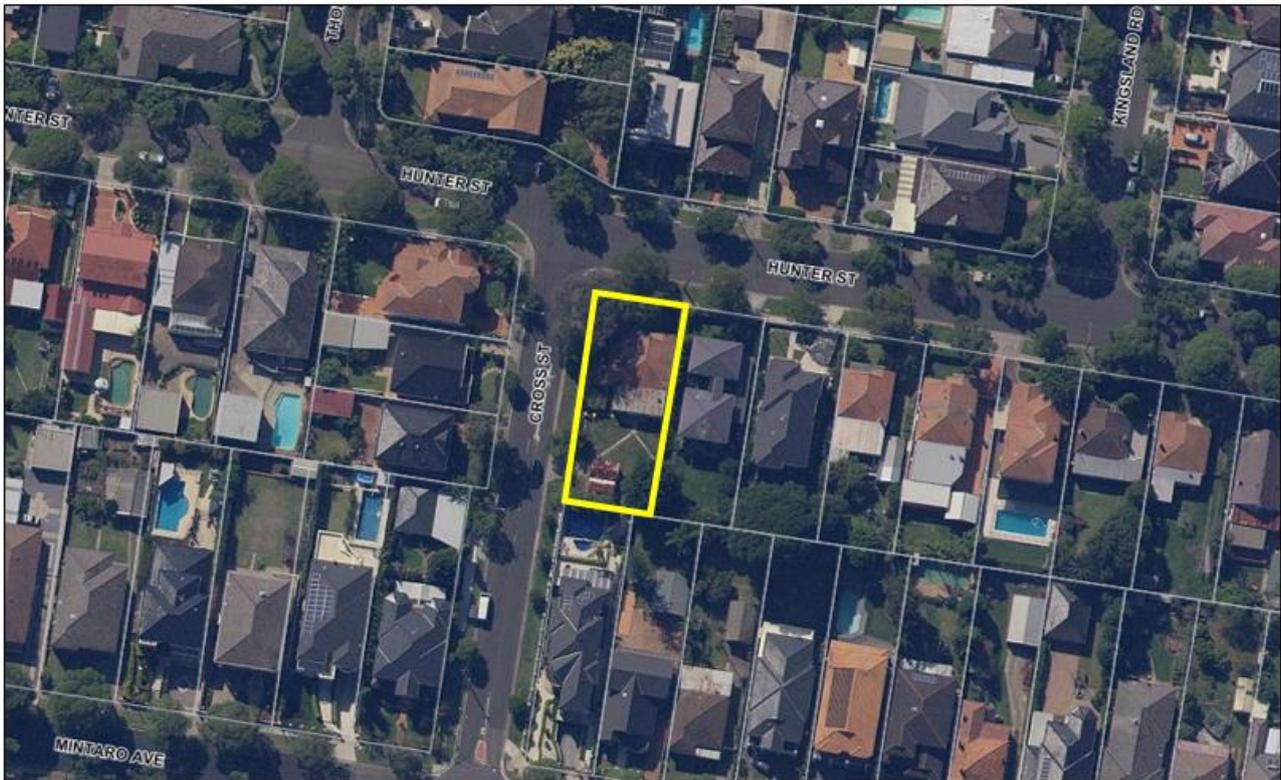


Figure 1: Locality plan. The subject site is outlined in yellow.

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Figure 2: The existing dwelling viewed from Hunter Street.

DESCRIPTION OF THE PROPOSED MODIFICATION(S)

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

Basement Level:

- Basement level lowered from RL27.80 to RL27.370;
- Pool equipment and general storage room added to basement;
- Driveway entry/exit door re-located from the western to southern section of the basement (in accordance with Special Condition No. 3);

Ground Floor:

- Internal configuration of the study, bathroom, laundry and pantry amended;
- Location of windows on eastern amended to reflect new internal layout;

First Floor:

- Internal layout of the main bathroom amended;
- Location of the main bathroom window altered and an addition window to Bedroom 5;

External:

- Exterior walls of dwellings amended from rendered masonry to exposed facebrick 'black beauty';
- Amended stormwater drainage design to accommodate flooding affectation;
- Provision of a driveway crest (in accordance with Special Condition No. 1b); and
- Driveway re-located 1m east from the approved location (in accordance with Special Condition No. 2.).

Approved and amended plans of the development are shown below:

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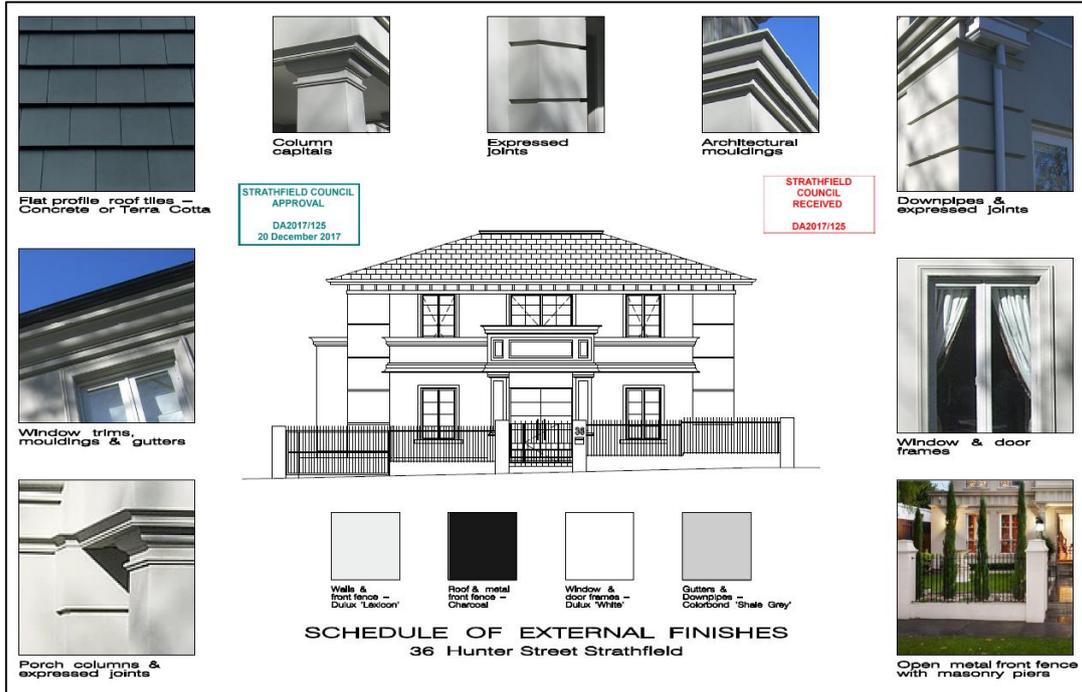


Figure 3: Approved schedule of colours and external finishes.



Figure 4: Proposed schedule of colours and external finishes.

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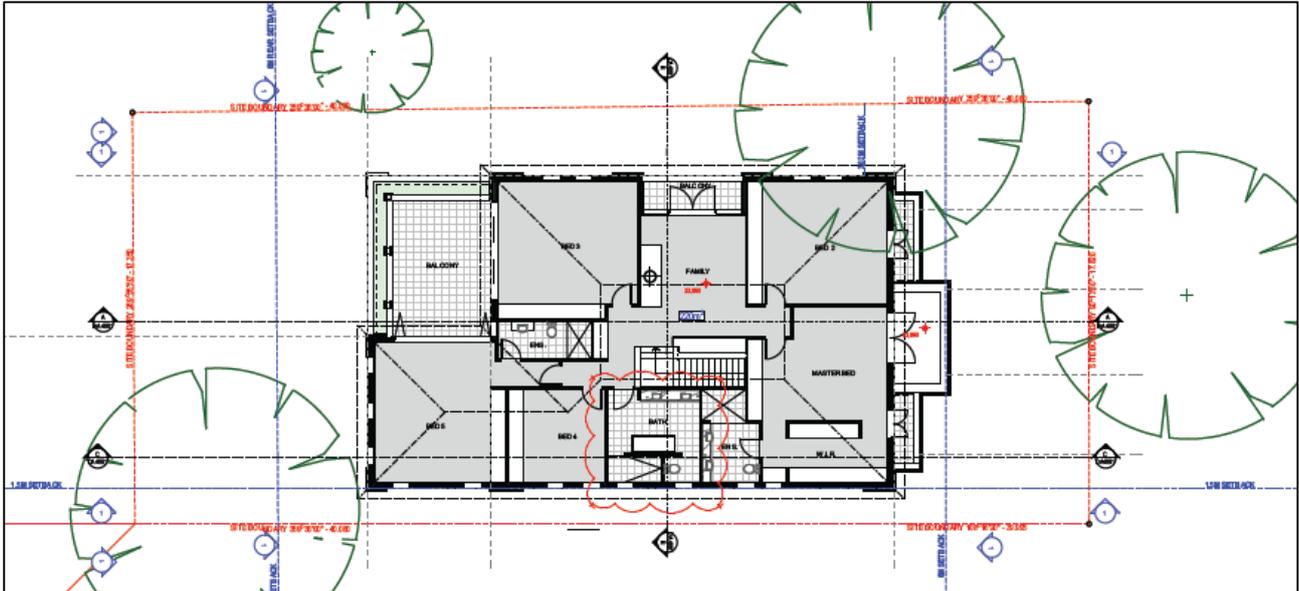


Figure 7: First floor plan

REFERRALS

INTERNAL REFERRALS

Engineering Comments

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

"FLOODING - COMPLY WITH FLOOD IMPACT REPORT (CC)

The applicant shall comply with the flood recommendations provided in the Flood Impact Assessment Report prepared by ALPHA Engineering and Development ref: A9137-REV B dated 18 June 2019. 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.)"

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.

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A new BASIX Certificate accompanied the Section 4.552) application meeting the designated energy and water targets. An appropriate condition is included under the original consent to ensure compliance any stamped approved BASIX Certificate.

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

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

The consented scheme was assessed against the provisions of this SEPP and was considered to be acceptable. Given the nature of this modification application involving no amendments to the dwelling setbacks, the development is still considered acceptable in terms of complying with the aims and objectives of this SEPP.

STRATHFIELD LOCAL ENVIRONMENTAL PLAN (SLEP) 2012

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

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

Comments: The approved development as modified by this current section 4.55 modification application is consistent with the general aims of SLEP 2012.

Permissibility

The subject site is zoned R2 Low Density Residential and 'dwelling houses' are a permissible use in the R2 zone with consent. The subject application does not alter the approved use of the development as a dwelling house.

Zone Objectives

The original proposal was considered to comply with the objectives of the R2 zone and the modifications sought as part of this application are still consistent with the objectives of the R2 Low Density Residential Zone, providing for the housing needs of the community.

Part 4: Principal development standards

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

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Floor space ratio

Cl.	Standard	Controls	Approved	Proposed	Complies
4.4	Floor space ratio	0.6:1 (415.80m ²)	0.57:1 (398.24m ²)	0.59:1 (415.035m 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:				N/A
	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				
(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 proposal results in an overall increase of 16.79m² of floor space compared to that which was originally approved. The proposed floor space increase is a result of modifying the ground floor layout to accommodate the provision of a crest to the basement driveway and minimum head height clearance entering the basement.

Part 5: Miscellaneous Provisions

This modification application involves no changes to the assessment of the original application against the relevant provisions contained with Part 5 of the SLEP 2012.

Part 6: Local Provisions

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

6.2 Earthworks

The modification application involves a minor lowering of the basement level, thereby requiring the excavation and removal of soil. The extent of earthworks are not considered to be excessive and appropriate conditions of consent are included under the original consent to ensure the appropriate management of soils during the excavation and construction phases of the development.

6.3 Flood planning

The subject site is identified as being affected by overland flooding in the 1 in 100 year flood event and the flood hazard is categorised as low. The submitted plans demonstrate compliance with Council's 1 in 100 year flood event habitable and non-habitable finished floor requirements. The modified plans also include a basement ramp crest providing a 300mm freeboard above the flood level. Council's Stormwater Engineer has raised no objection to the modified proposal, subject to the imposition of a condition of consent requiring the recommendations in the Flood Impact Assessment being complied with. Overall, the proposal is consistent with the Flood Planning objectives under Clause 6.3 of the SLEP 2012 and it is not anticipated that the proposal will affect surrounding drainage and flood behaviour.

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

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

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

STRATHFIELD CONSOLIDATED DEVELOPMENT CONTROL PLAN (SCDCP) 2005

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

PART A – DWELLING HOUSES AND ANCILLARY STRUCTURES

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

2: Architectural Design & Streetscape Presentation

2.1	Objectives	Satisfactory
A.	To ensure that development respects the predominant height, scale, character, type, form, colour, materials and architectural qualities of the existing dwelling house (in the case of alterations and additions) and surrounding neighbourhood especially any adjoining or nearby heritage item or heritage conservation area.	Yes
B.	To achieve quality architecture in new development through the appropriate composition and articulation of building elements.	Yes
C.	To ensure that the dominant building rhythm of the streetscape is reflected in the building design in terms of the spacing and proportion of the built elements.	Yes
D.	To ensure that new dwellings have facades, which define, address and enhance the public domain.	Yes
E.	To encourage contemporary architecture that is innovative, uses high quality detailing, and incorporates elements characteristic of Strathfield.	Yes
F.	To promote the continuance of pyramidal roof forms within Strathfield where they are already prevalent.	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.	N/A
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.	Yes
	3 Consideration of streetscape elements	Yes
	4 Integrated security grilles/screens, ventilation louvres and garage doors	Yes

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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
Building Forms			
.3.	1	Building form articulated.	Yes, through imposition of condition of consent.
	2	Dwellings on corner sites address both street frontages and articulated	Yes
Materials			
.3.	5	Materials compatible with the existing dwelling house, adjoining dwelling houses and the streetscape (type, form and colour)	Yes
	Colours		
	8	New development incorporates traditional colour schemes	Yes
	9	The external colours integrate harmoniously with the external design of the building	Yes

Comments: The proposed substitution of the rendered masonry with the exposed facebrick 'Black Beauty' to the dwelling façade creates visual interest by providing a contrasting colour against the 'dulux white' columns. The amended colours and external finishes scheme is compatible with the surrounding streetscape featuring a mix of rendered masonry and exposed facebrick finishes dwellings. The modification proposes to remove the horizontal rendered masonry banding along the eastern elevation (Figures 8 and 9). The removal of the banding is not supported as the architecture feature provides articulation and visual relief to an otherwise 14.25m unbroken wall. As such a condition of consent has been recommended for the horizontal banding to be retained from the original approved design.

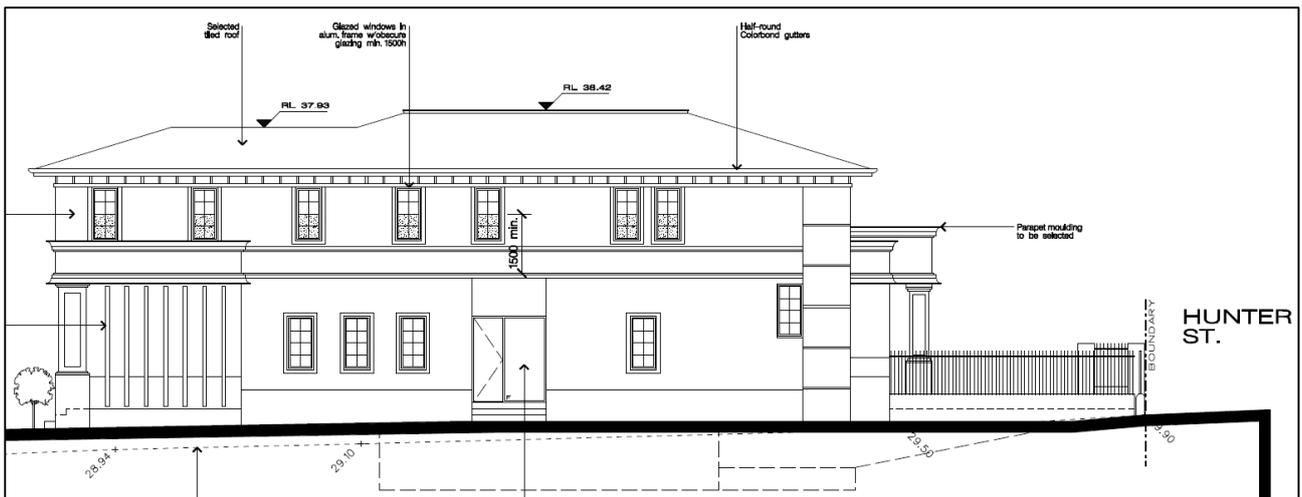


Figure 8: Originally approved eastern elevation.

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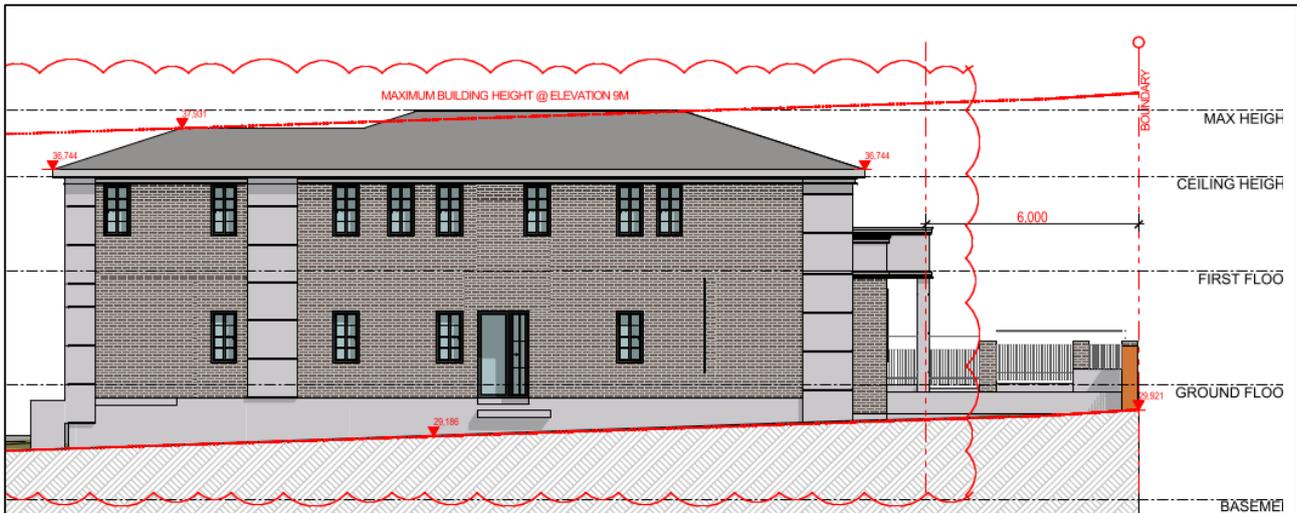


Figure 9: Proposed modified eastern elevation.

7: Privacy

7.1 Objectives		Satisfactory
A.	Development that is designed to provide reasonable privacy to adjacent properties	
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
Visual Privacy		
.1.	1 Protect POS, bedrooms, balconies and living rooms of proposed and any existing adjoining dwellings from direct overlooking	Yes, subject to conditions
	2 Provide adequate separation of buildings	Yes
	3 Ensure elevation of finished floor levels above NGL is not excessive	Yes
Windows		
.2.	1 Windows do not directly face the windows, balconies and courtyards of adjoining dwelling	No, see comments below.
	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, subject to conditions
	3 Windows directly facing balconies or courtyards are narrow, incorporate obscure glazing and/or a sill height of 1.7m (min) above FFL	Yes, subject to conditions.

Comments: The amended window schedule will result in the eastern facing Study window on the ground floor provide direct overlooking opportunities into the courtyard of the adjoining dwelling. Due to the topography of the site and the location of the study immediately above the basement, the existing dividing fence will not provide adequate privacy between the neighbours. Subsequently

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a condition of consent is recommended for the window to be either obscurely glazed or incorporate a sill height of 1.7m from the finished floor level. Solar access and ventilation to the Study will still be provided to the room by the northern facing window. Although the modified location of the Bedroom 4 window directly faces the bedroom of the adjoining dwelling, the adjoining window is a highlight window and is not anticipated to result in any adverse privacy impacts. It is considered unreasonable to require the additional rear facing Bedroom 5 window to be treated as it is setback 9.8m from the rear property boundary. The remaining amended window placements are appropriately located or treated (Condition No. 32 in DA2017/125 requires obscure glazing in all west areas) will not result in any adverse privacy impacts to the adjoining residents.

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.	N/A
E.	To minimise the area of access driveways to minimise impermeable surfaces and maximise landscaped areas.	N/A
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
	<i>Driveway and Grades</i>	
.1.	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
	6 Vehicles accessing sites which front main roads shall be capable of entering and exiting in a forward direction	Yes
	<i>Garages, Carports and Car Spaces</i>	
.2.	1 Two (2) car parking spaces required behind the FBL of all new dwellings (exceptions apply)	Yes
	<i>Basements</i>	
.3.	1 The area of a basement shall be limited to and contained within the ground level footprint of the dwelling	Yes
	2 Excavation not permitted within the minimum side setbacks.	Yes
	3 The maximum height of the basement above NGL is limited to 1m measured to the predominant finished floor level of the level above.	Yes
	4 Internal clearance of 2.2m (min)	Yes

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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

Comments: The proposed modification increases the setback of the driveway from the eastern side property boundary from 1.7m to 2.33m and a distance of 1.3m from the power pole. The modified driveway design achieves compliance with Section 8.2.1.3 which was imposed as Special Condition No. 2 under the original development consent. The driveway will provide vehicular access to the basement with a 2.2m internal height clearance and a crest to prevent any flood water from entering the basement. The modified basement layout provides two (2) car parking spaces and as a storage room. Whilst the modified basement floor plan provides the outline of an entry/exit door, the position of the door structure is unclear. To ensure the basement achieves the objectives of Section 8.1, it is recommended that Special Condition No. 3 be modified requiring the basement entry/exit door to be located no less than 17m from the Hunter Street frontage property boundary.

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

Comments: The application was accompanied by a Flood Impact Assessment REport that adequately addresses Clause 6.3 Flood Planning of the SLEP 2012 with Council's Engineer raising no concerns to the amended development, subject to the imposition of a condition of consent requiring compliance with the recommendations of the submitted Flood Impact Assessment Report.

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

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

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

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

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

Appropriate conditions are included on the original consent 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 likely impacts of the proposed modifications have been addressed elsewhere in this report, including flood affectation and amenity for neighbouring properties. The proposed development achieves an appropriate level of streetscape compatibility and is not considered to result in any additional adverse environmental or social impacts than what was approved under the original development consent.

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

The approved development as modified by the current section 4.55 application does not alter the suitability of the development to the site.

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

The application was notified from 27 June 2019 to 11 July 2019 in accordance with Part L of the SCDCP 2005 and no submissions were 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. 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).

STRATHFIELD INDIRECT CONTRIBUTIONS PLAN

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 Contributions Plan.

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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. DA2017/125 involving amendments to the internal layout and location of external windows at 36 Hunter Street, Strathfield be **APPROVED**, subject to:

1. The original conditions of consent of Development Application No. (DA2017/125) as approved by IDAP on 20 December 2017 for the *demolition of existing structures and construction of a two (2) storey dwelling house with basement car parking and front fence*.
2. As modified by this Section 4.55(2) application (DA2017/125/01) as follows:
 - Addition of Condition No. 1 (e) requiring compliance with the Flood Impact Assessment Report;
 - Modification of Condition No. 3 regarding the location of the basement entry/exit;
 - Addition of Condition No. 4A regarding eastern elevation architectural banding;
 - Modification of Condition No. 5 to reflect the modified plans; and
 - Addition of Condition No. 32A regarding privacy measures.

Accordingly, Development Consent No. DA2017/125/01 is approved as following:

Development Description:

Demolition of existing structures and construction of a two (2) storey dwelling house with basement car parking and front fence

SPECIAL CONDITIONS (SC)

1. STORMWATER/FLOODING (SC)

- a) The proposed development must be designed so that habitable floors are at a minimum of 500mm above the 1 in 100 year flood level and non-habitable floors are no lower than the 1 in 100 year flood level. The maximum and minimum 1 in 100 year flood levels at the front and rear of the development site are respectively 30.1m AHD and 28.5m AHD.

(Reason: To mitigate flood risk and associated damage)

- b) The crest of the access ramp to the basement garage shall be a minimum of 300 mm above the 1 in 100 year flood level.

(Reason: To mitigate flood risk and associated damage)

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- c) The hot water tank system, air conditioning units and other flood sensitive equipment must be located above the 1 in 100 year flood level.

(Reason: To mitigate flood risk and associated damage)

- d) The existing surface ground levels outside the building envelope shall not be altered and the existing surface flow path through the site shall be retained.

(Reason: To mitigate flood risk and associated damage)

- e) The applicant shall comply with the flood recommendations provided in the Flood Impact Assessment Report prepared by ALPHA Engineering and Development ref: A9137-REV B dated 18 June 2019. 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.)

MODIFIED: DA2017/125/01 IDAP- 11 October 2019

2. DRIVEWAY CROSSING

The proposed driveway shall be relocated to a minimum of 1m from the existing power pole. Alternatively, the power pole located in front of the subject property shall be relocated at the owner's/applicant's expense to allow the unobstructed passage of vehicles into and out of the site.

(Reason: To maintain safe and proper vehicular access)

3. BASEMENT CARPARK ENTRY (SC)

The driveway entry/exit door into the basement car park shall be located no less than 17m from the Hunter Street frontage property boundary, allowing the resident vehicles to directly enter and exit the basement in a direct straight motion.

Amended plans demonstrating the above shall be submitted and approved by the Principal Certifying Authority prior to the issue of a Construction Certificate.

(Reason: To ensure vehicle maneuvering is conducted in a safe manner and compliance with the Strathfield Consolidated Development Control Plan 2005.)

MODIFIED: DA2017/125/01 IDAP- 11 October 2019

4. REAR BALCONY (SC)

The length and depth of the first floor rear balcony depicted on the First Floor Plan, Drawing No. DA-203, Rev C is to be reduced to a depth 1m by 2m width so as to comply with Section 14.3.4 of Part A of the SCDCP 2005. Amended plans demonstrating compliance with the above shall be submitted and approved by the Principal Certifying Authority prior to the issue of a Construction Certificate.

(Reason: Residential amenity.)

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4A. EASTERN ELEVATION – RENDERED MASONRY BANDING (SC)

The entire length of the eastern elevation shall have a horizontal rendered masonry banding positioned between the ground level and first floor as depicted in the original development consent (DA2017/125). Amended plans demonstrating compliance with the above shall be submitted and approved by the Principal Certifying Authority prior to the issue of Construction Certificate.

(Reason: To provide articulation to the eastern elevation of the dwelling.)

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GENERAL CONDITIONS (GC)

5. 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. 2017/125:

Drawing No.	Title/Description	Prepared by	Issue / Revision & Date	Date received by Council
I5471	Plan Showing Spot Levels and Some Detail Over Lot 64 In D.P 7837	Degotardi, Smith & Partners	3 September 2014	28 August 2017
DA1001 MODIFIED: DA2017/125/01 IDAP- 11 October 2019	Site Location & Analysis	Platform 5 Design	18 June 2019	19 June 2019
DA1002 MODIFIED: DA2017/125/01 IDAP- 11 October 2019	Site Plan	Platform 5 Design	18 June 2019	19 June 2019
DA2001 MODIFIED: DA2017/125/01 IDAP- 11 October 2019	Basement	Platform 5 Design	18 June 2019	19 June 2019
DA2001_A MODIFIED: DA2017/125/01 IDAP- 11 October 2019	Ground Floor Plan	Platform 5 Design	18 June 2019	19 June 2019
DA2003 MODIFIED: DA2017/125/01 IDAP- 11 October 2019	First Floor	Platform 5 Design	18 June 2019	19 June 2019
DA2004	Roof Plan	Platform 5 Design	18 June 2019	19 June 2019

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MODIFIED: DA2017/125/01 IDAP- 11 October 2019				
DA3001 MODIFIED: DA2017/125/01 IDAP- 11 October 2019	Elevations	Platform 5 Design	18 June 2019	19 June 2019
DA4001 MODIFIED: DA2017/125/01 IDAP- 11 October 2019	Section	Platform 5 Design	18 June 2019	19 June 2019
DA-102	Demolition Plan	Manor House Design	B 4 August 2017	28 August 2017
DA-601	Landscape Plan	Manor House Design	B 4 August 2017	28 August 2017
DA6001 MODIFIED: DA2017/125/01 IDAP- 11 October 2019	Finishes Schedule	Platform 5 Design	A 17 June 2019	19 June 2019
COVER MODIFIED: DA2017/125/01 IDAP- 11 October 2019	General Notes	Alpha Engineering & Development	18 June 2019	19 June 2019
SW01 MODIFIED: DA2017/125/01 IDAP- 11 October 2019	Sediment And Erosion Control Plan	Alpha Engineering & Development	18 June 2019	19 June 2019
SW02 MODIFIED: DA2017/125/01 IDAP- 11 October 2019	Basement Drainage Plan	Alpha Engineering & Development	18 June 2019	19 June 2019
SW03 MODIFIED: DA2017/125/01 IDAP- 11 October 2019	Ground Floor Drainage Plan	Alpha Engineering & Development	18 June 2019	19 June 2019
SW04 MODIFIED: DA2017/125/01 IDAP- 11 October 2019	Level 1 and Roof Drainage Plan	Alpha Engineering & Development	18 June 2019	19 June 2019
SW05 MODIFIED: DA2017/125/01 IDAP- 11 October 2019	Stormwater Sections and Details	Alpha Engineering & Development	18 June 2019	19 June 2019

Reference Documentation affixed with Council's 'Development Consent' stamp relating to
 Development Consent No. 2017/125:

Title / Description	Prepared by	Issue/Revision Date	&	Date received by Council
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Tree Assessment Report	Mark Bury Consulting	13 July 2017	28 August 2017
Appendix 6- Construction Impact Statement	Mark Bury Consulting		27 November 2017
Appendix 7- Arboricultural Impact Assessment	Mark Bury Consulting		27 November 2017
BASIX Certificate No.1018269S MODIFIED: DA2017/125/01 IDAP- 11 October 2019	Dural Group Pty Ltd	Issued 7 June 2019	19 June 2019
Waste Management Plan	Manor House Design	11 July 2017	28 August 2017
Nationwide House Energy Rating Scheme Certificate No.0003921566 MODIFIED: DA2017/125/01 IDAP- 11 October 2019	Dural Group Pty Ltd	Issued 7 June 2019	19 June 2019
Flood Impact Assessment Report MODIFIED: DA2017/125/01 IDAP- 11 October 2019	Alpha Engineering & Development	Rev C	1 October 2019

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: DA2017/125/01 IDAP- 11 October 2019

6. **CONSTRUCTION HOURS (GC)**

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

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

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

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

7. **CONSTRUCTION WITHIN BOUNDARIES (GC)**

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

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

8. **DEMOLITION – GENERALLY (GC)**

Alteration and demolition of the existing building is limited to that documented on the approved plans (by way of notation). No approval is given or implied for removal and/or

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rebuilding of any portion of the existing building which is not shown to be altered or demolished.

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

9. **DEMOLITION - SITE SAFETY FENCING (GC)**

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

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

payment to Council of a footpath occupancy fee based on the area of footpath to be occupied and Council's Schedule of Fees and Charges before the commencement of work; and

provision of a Public Risk Insurance Policy with a minimum cover of \$10 million in relation to the occupation of and works within Council's road reserve, for the full duration of the proposed works, must be obtained with a copy provided to Council.

(Reasons: Statutory requirement and health and safety.)

10. **FENCING - FRONT FENCE HEIGHT (GC)**

Solid fencing forward of the building line (including the building line to a secondary street frontage on a corner site) shall not exceed a height of 1m above natural ground level. The fence may be topped by an additional maximum 0.8m high open timber picket, wrought iron, palisade or similar element.

Brick piers over 1m in height are permitted to support the decorative elements, provided they are equally spaced along the street, and do not exceed a height of 1.8m. Plans demonstrating compliance with this condition are to be submitted to the

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

11. **LANDSCAPING - TREES PERMITTED TO BE REMOVED (GC)**

The following listed trees are permitted to be removed to accommodate the proposed development:

Tree No. in Arborist Report	Tree	Location
2	Liquidambar styraciflua	Along western boundary of subject site
4	Eucalyptus nicholii	Along western boundary of subject site
6	Callistemon salginus	North-western corner of subject site
7	Callistemon viminalis	Within front setback of subject site

All trees permitted to be removed by this consent shall be replaced by species selected

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from Council's Recommended Tree List.

Replacement trees shall be a minimum 50 litre container size. Trees are to conform to the NATSPEC guide and Guide for assessing the quality of and purchasing of landscape trees by Ross Clarke, 2003. Trees are to be true to type, healthy and vigorous at time of delivery and planting, shall be pest and disease free, free from injury and wounds and self-supporting; and shall be maintained until maturity.

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

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

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

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

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

(Reason: To ensure appropriate planting back onto the site.)

12. LANDSCAPING - TREE PRESERVATION (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 Australian Standard AS4970 – Protection of Trees on Development prior to the commencement of any works (including any demolition and excavation) and maintained for the duration of the works.

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

13. LANDSCAPING - TREE PRUNING PERMITTED (GC)

Pruning of the following tree/s is permitted:

Species	Location
Acmena smithii	South-eastern corner of subject site (rear)
Eucalyptus sideroxylon	Along western boundary of subject site

No more than 10% of the entire crown is to be removed as part of this approval. The pruning shall not give the crown an unbalanced appearance. All pruning work must be undertaken by a minimum level 2 (AQF 3) qualified Arborist who is currently a member or eligible for membership to Arboriculture Australia (AA) or the Tree Contractors Association Australia (TCAA), in accordance with AS4373—Pruning of Amenity Trees.

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(Reason: To ensure tree preservation and pruning is undertaken in accordance with AS4373:2007 – Pruning of amenity trees.)

14. MATERIALS – CONSISTENT WITH SUBMITTED SCHEDULE (GC)

All external materials, finishes and colours are to be consistent with the schedule submitted and approved by Council with the development application.

(Reason: To ensure compliance with this consent.)

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

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

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

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

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

(Reason: Statutory requirement.)

16. 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.)

17. SITE MANAGEMENT (DURING DEMOLITION AND CONSTRUCTION WORKS) (GC)

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. The footway and nature strip at the service entrance must be planked out.
- 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.

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- 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) 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.
- xii) 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.
- 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.
- xiv) 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.
- xv) 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.
- xvi) 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.
- xvii) 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.
- xviii) Any work must not prohibit or divert any natural overland flow of water.
- xix) Toilet facilities for employees must be provided in accordance with WorkCover NSW.
- xx) Protection pads are to be installed to the kerb and gutter where trucks and vehicles enter the site.

(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)

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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.)

20. 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.)

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

21. 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 96 of the Environmental Planning and Assessment Act 1979.

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

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Construction Certificate.

(Reason: Statutory compliance.)

22. 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.)

23. 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.)

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

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

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

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

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

(Reason: Compliance with SCDCP 2005.)

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

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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 81A(2) 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.)

27. **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.
- 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:

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- 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;
 - 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.)

28. **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

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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 Permit

This permit must be applied for if you intend to erect a Class A (fence type) or Class B (overhead type) hoarding 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)

29. 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.

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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.)

30. 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.)

31. 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.

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(Reason: Ensure landscape survival.)

32. 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 a Principal Certifying Authority, prior to the issue of a Construction Certificate.

(Reason: Privacy amenity.)

32A. PRIVACY MEASURES – STUDY ROOM (CC)

The eastern facing window of the Study Room shall be amended as follows:

- i) Have a sill height of at least 1.7m above the finished floor level; or
- ii) Have fixed obscure glazing/frosted in any part of the window below 1.7m measures from the finished floor level.

Amended plans demonstrating compliance with this condition is to be submitted to and approved by a Principal Certifying Authority prior to the issue of a Construction Certificate.

(Reason: To protect the privacy of the adjoining property.)

MODIFIED: DA2017/125/01 IDAP- 11 October 2019

33. SECTION 94 CONTRIBUTION PAYMENT - INDIRECT CONTRIBUTIONS PLAN) (CC)

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

Local Amenity Improvement Levy	\$7,000.00
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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 94 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.)

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

A security (damage deposit) of **\$12,200** (calculated in accordance with Council's adopted Fees and Charges) shall be paid to Council, prior to the issue of a Construction Certificate.

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LOT 64 DP 7837 (Cont'd)

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.)

35. **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.)

36. **STORMWATER DRAINAGE (CC)**

The following stormwater precautions are required to be provided on the site:

- i) Grated drains shall be provided along the 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.)

37. **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

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LOT 64 DP 7837 (Cont'd)

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;
- 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.)

38. **TREE BONDS (CC)**

A tree bond of **\$19,700** (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.

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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.

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

39. **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.)

40. **WASTE MANAGEMENT PLAN (CC)**

A Waste Management Plan (WMP) is to be provided in accordance with Part H of Strathfield Consolidated Development Control Plan 2005. All requirements of the approved Waste Management Plan must be implemented during demolition, construction and on-going use of the premises.

The WMP must identify the types of waste that will be generated and all proposals to re-use, recycle or dispose of the waste. The WMP is to be submitted to the Principal Certifying Authority, prior to issue of the Construction Certificate.

NOTE: The property must be inspected by a Council Waste Officer prior to the issue of an Occupation Certificate so as to ensure that the correct number of general waste and recycling bins are ordered from Strathfield Council.

(Reason: To ensure appropriate management of waste.)

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. **WORKS WITHIN THE ROAD RESERVE (CC)**

Detailed drawings including long and short sections and specifications of all works within existing roads (including but not limited to structures, road works, driveway crossings, footpaths and stormwater drainage) shall be submitted to and approved by Council under Section 138 of the Roads Act 1993 and all fees and charges paid, prior to the issue of a Construction Certificate.

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Detailed drawings and specifications are to be prepared and certified by an appropriately qualified Civil Engineer.

Upon completion of the works, the Applicant is to provide to Council with electronic copies of 'Work as Executed Plans'. The plans are to show relevant dimensions and finished levels and are to be certified by a surveyor.

The Applicant is to provide to Council, in an approved format, details of all public infrastructure created as part of the works.

All civil engineering works adjacent/near/outside 36 Hunter Street, Strathfield are to be fully supervised by Council. A maintenance period of six (6) months shall apply to the work, after it has been completed and approved. In that period the Applicant shall be liable for any part of the work which fails to perform in the manner outlined in Council's specifications, or as would reasonably be expected under the design conditions.

(Reason: To ensure compliance of engineering works/Council assets are constructed to acceptable standards for engineering works.)

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

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 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

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LOT 64 DP 7837 (Cont'd)

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.

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:

- 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.)

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

46. FILL MATERIAL (DW)

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.)

47. 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.)

48. 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.)

49. SITE REQUIREMENTS DURING DEMOLITION AND CONSTRUCTION (DW)

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 Standards 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. The footway and nature strip at the service entrance must be planked out with close boarded, hardwood timber footpath protection pads. The pad shall cover the entire width of the footpath opening for the full width of the fence.
- 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

**DA2017/125/01- 36 Hunter Street, Strathfield
LOT 64 DP 7837 (Cont'd)**

- 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.
 - x) All excavated material should be removed from the site in the approved manner and be disposed of lawfully to a tip or other authorised disposal area.
 - xi) 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.
 - xii) 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.
 - 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 and recycling.
 - xiv) 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.
 - xv) Public footways and roadways adjacent to the site must be fully maintained and cleared of obstructions during construction unless prior separate approval from Council is obtained including payment of relevant fees.
 - xvi) 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.
 - xvii) 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.
 - xviii) Stamped plans, specifications, documentation and the consent shall be available on site at all times during construction.

(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.)

50. 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 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.)

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LOT 64 DP 7837 (Cont'd)

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

51. 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.)

52. ENGINEERING WORKS (CERTIFICATION OF) (OC)

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.)

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

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

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

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LOT 64 DP 7837 (Cont'd)

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

54. **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.)

55. **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.)

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

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

(Reason: Adequate stormwater management.)

ATTACHMENTS

There are no attachments for this report.

TO: Strathfield Internal Development Assessment Panel Meeting - 11 October 2019

REPORT: IDAP – Report No. 2

SUBJECT: DA2019/136 - 129 ARTHUR STREET, HOMEBUSH WEST
LOT 1 DP 808159

DA NO. DA2019/136

SUMMARY

Proposal: Alterations and additions to existing Vehicle Repairs Shop and operations of business from 7:00am to 5:00pm, Monday to Sunday.

Applicant: PL Cole Pty Ltd

Owner: PL Cole Pty Ltd

Date of lodgement: 28 August 2019

Notification period: 2 to 16 September 2019

Submissions received: 0

Assessment officer: MR

Estimated cost of works: \$380,000

Zoning: IN1 – General Industrial - SLEP 2012

Heritage: No

Flood affected: No

RECOMMENDATION OF OFFICER: APPROVAL

EXECUTIVE SUMMARY

The application seeks Council approval for alterations and additions to an existing vehicle repairs shop and operations of the business from 7.00am to 5.00pm, Monday to Sunday.

The application and plans were notified in accordance with Part L of the Strathfield Consolidated Development Control Plan (SCDCP) 2005. No submissions were received during this period.

During the assessment process clarification was requested with regard to the initially proposed 24 hour operations of the vehicle repairs shop. The applicant confirmed that the correct operational hours are 7:00am to 5:00pm, Monday to Sunday. The description of the proposal was adjusted accordingly.

The proposal is generally considered compatible with the surrounding land use and does not result in a significant intensification of the existing use as a vehicle repairs shop. Notwithstanding, conditions of consent have been imposed to maintain the amenity to any neighbouring properties.

The development application is recommended for approval.

BACKGROUND

17 September 2019 Council sought clarification from the applicant with regard to the 24 hour operations of the business via e-mail. The applicant provided a

DA2019/136 - 129 Arthur Street, Homebush West
Lot 1 DP 808159 (Cont'd)

written response confirming the correct operational hours for the business.

- 25 September 2019 Received verbal comments from Building Compliance Officer. Concern was raised regarding the lack of bathroom facilities for persons with disabilities and in addressing matters under the *Disability Discrimination Act 1992* and the Australian Standard (AS 1428.1).
- 26 September 2019 Council advised the applicant via an Additional Information Letter with regard to the need to address the above issue and to comply with the *Disability Discrimination Act 1992* and the Australian Standard (AS 1428.1).
- 27 September 2019 The applicant confirmed in writing that the above matter can be addressed via condition and prior to the release of a construction certificate, and they wished to proceed in this manner.

DESCRIPTION OF THE SITE AND LOCALITY

The subject site is legally described as Lot 1 DP 808159 and is known as No. 129 Arthur Street, Homebush West. It is a rectangular shaped corner allotment containing a building utilised as a vehicle body repair workshop ('Ultra Motor Body Repairs'). The building comprises a ground floor and a mezzanine level on eastern portion. The ground floor contains an office space with adjoining bathroom, 3 workshops, spray booth and paint-mix room. The mezzanine level contains an office space, locker and lunch room for employees, and bathrooms. The existing building is situated on the north-western corner of the site. The site is located on the northern side of Arthur Street and has a total area of 1017m², a maximum length of 62.045m and an 18.485m frontage (including splay).

The subject site is within the IN1 – General Industrial zone and as such is within a predominantly industrial area that is immediately north of Hudson Park Golf Course. The site adjoins other industrial premises including several manufacturing and light industrial properties and warehouses. The surrounding locality is characterised by a range of industrial uses such as DY Smash Repairs (vehicle repairs shop), Black and Decker (product manufacturing company), Indra (Information Technology company) and Keepad Intractive (technology supplier) as well as the western railway line to the north and Hudson Park Golf Course and Rookwood Cemetery to the south. The closest residential properties are situated over 100m away, on the eastern side of Centenary Drive.

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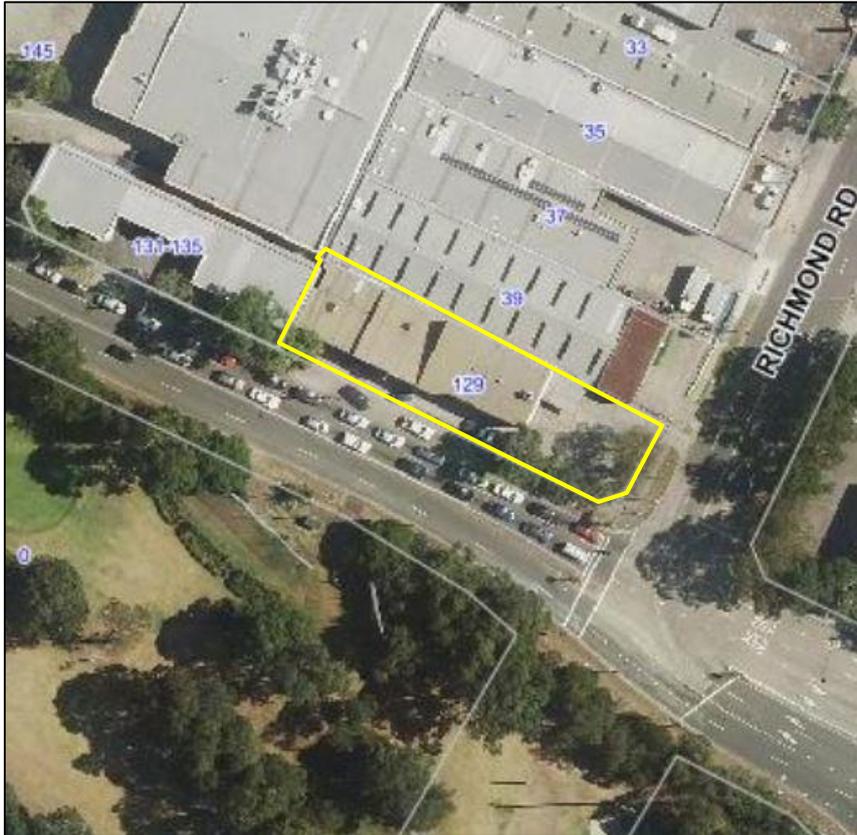


Figure 1: The subject site and surrounding land uses (Source: Strathfield Council IntraMaps)



Figure 2: The existing vehicle repairs shop premises

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Figure 3: The location of the proposed mezzanine level for the industrial building

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 alterations and additions to an existing vehicle repairs shop and operations of business from 7:00am to 5:00pm, Monday to Sunday.

The proposed involves the following:

Alterations to ground floor

- Combine Workshops 1 and 2 into one space and retain Workshop 3 as is;
- Increase the height and width of roller doors for Workshops 1 and 2;
- Retain existing bathroom (adjacent to Workshop 3) and the access to the mezzanine level above;
- Provide new entry foyer area, office space and bathroom on the western most portion of the building.

New mezzanine level

A new mezzanine level in the western most portion of the building is proposed. From the ground floor entry foyer, access stairs will be provided to connect this level to the rest of the building. The mezzanine level will contain:

- A customer waiting lounge with east-facing internal windows to view the workshop space below; and

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- Additional bathroom facilities for customers and visitors.

It is noted that the roof line of the building will continue towards the western portion, incorporating the new mezzanine level.

Operations

It is proposed that the vehicle repairs shop will operate from 7:00am to 5:00pm, seven (7) days a week. The proposal is not seeking any other changes to the current operations of the vehicle repairs shop.

REFERRALS

INTERNAL REFERRALS

Building Compliance Officer Comments

Council's Building Compliance Officer provided no objections to the proposal, subject to the imposition of recommended conditions of consent.

SECTION 4.15 CONSIDERATIONS – EP&A Act, 1979

In determining a development application, the consent authority is to take into consideration the following matters 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 (INFRASTRUCTURE) 2004

The subject site is within 70m from a classified road (Centenary Drive) that has an annual average daily traffic volume of more than 20,000 vehicles. Clause 102 of SEPP (Infrastructure), requires consideration of any adverse impacts due to road noise or vibration for certain types of development. However, with regard to the proposal, Clause 102 is not triggered as it does not involve residential accommodation, places of public workshop, hospitals, educational establishments or child care facilities.

Clause 104 of SEPP (Infrastructure) identifies certain development as Traffic Generating Development and requires such development to be referred to the NSW Roads and Maritime Service (RMS) for comment. The proposed development is not considered traffic generating development as defined in Schedule 3 of SEPP (Infrastructure) and therefore, does not require a referral to NSW RMS.

STATE ENVIRONMENTAL PLANNING POLICY NO. 55 – REMEDIATION OF LAND (SEPP 55)

SEPP 55 requires Council to consider whether the land subject to the proposal is contaminated; and if the site is contaminated, Council must be satisfied that the site is suitable or can be made suitable (i.e. following remediation) for the proposed land use.

A site inspection identified that the site is currently occupied by an industrial building that is utilised as a vehicle repairs shop. A review of Council information and records indicated that this building has been established since before 2009 and that there are no historic uses that would trigger further site investigations.

A search of Council's contaminated land register specifies that the site is not contaminated. In conclusion, the site is suitable for the proposed development in accordance with requirements of SEPP 55.

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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 community</i>	Yes
(e)	<i>To promote future development that integrated land use and transport planning, encourages public transport use, and reduced the traffic and environmental impacts of private vehicle use</i>	Yes
(f)	<i>To identify and protect environmental and cultural heritage</i>	Yes
(g)	<i>To promote opportunities for social, cultural and community activities</i>	Yes
(h)	<i>To minimise risk to the community by identifying land subject to flooding and restricting incompatible development</i>	Yes

Comments: The proposed development involves additions and alterations to an existing vehicle repairs shop, which will provide greater amenity and functionality to the industrial premises with inclusion of customer and visitor facilities and the amalgamation of workshops. The additional mezzanine level is an excessive addition and will provide a more uniform building that does not generate any adverse impacts on the streetscape and on neighbouring properties. The proposed operational hours of 7:00am to 5:00pm, seven (7) days a week are appropriate for the use and for the surrounding industrial area and are consistent with the operations expected for typical mechanical workshops and vehicle repairs businesses within the Strathfield locality.

Permissibility

The subject site is zoned IN1 – General Industrial under Strathfield Local Environmental Plan (SLEP) 2012.

The proposed additions and alterations to a vehicle repairs shop (vehicle body repair workshop) are permissible within the IN1 – General Industrial zone with consent and is defined under SLEP 2012 as follows:

“Vehicle body repair workshop means a building or place used for the repair of vehicles or agricultural machinery, involving body building, panel building, panel beating, spray painting or chassis restoration.

The proposed development for the purpose of a vehicle repairs shop is consistent with the definition above and is permissible within the IN1 – General Industrial zone with consent.

Zone Objectives

An assessment of the proposal against the objectives of the IN1 – General Industrial zone is as follows:

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Objectives	Complies
<i>To provide a wide range of industrial and warehouse land uses.</i>	Yes
<i>To encourage employment opportunities.</i>	Yes
<i>To minimise any adverse effect of industry on other land uses.</i>	Yes
<i>To support and protect industrial land for industrial uses.</i>	Yes
<i>To minimise fragmentation of valuable industrial land, and provide large sites for integrated and large floorplate activities.</i>	Yes

Comments: The proposal seeks approval for additions and alterations to a vehicle repairs shop. The operations of this industrial premises will remain unchanged (except for operational hours). The proposal meets the above objectives by enhancing the amenity and usability of the existing building and ensuring industrial land uses are maintained for the site and surrounds. In effect, the proposal also discourages the fragmentation of remaining industrial land within the Strathfield locality.

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	<i>Height of building</i>	12m	6.3m	Yes

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

Comments: The proposed development results in a mezzanine level that features a roof line that matches the existing height of the building.

Floor space ratio

Cl.	Standard	Controls	Proposed	Complies
4.4	<i>Floor space ratio</i>	1:1 (1017m ²)	0.515:1 (523.4m ²)	Yes

	Objectives	Complies
(a)	<i>To ensure that dwellings are in keeping with the built form character of the local area</i>	Yes
(b)	<i>To provide consistency in the bulk and scale of new dwellings in residential areas</i>	Yes
(c)	<i>To minimise the impact of new development on the amenity of adjoining properties</i>	Yes
(d)	<i>To minimise the impact of development on heritage conservation areas and heritage items</i>	Yes
(e)	<i>In relation to Strathfield Town Centre:</i> <ul style="list-style-type: none"> <i>i. to encourage consolidation and a sustainable integrated land use and transport development around key public transport infrastructure, and</i> <i>ii. to provide space for the strategic implementation of economic, social and cultural goals that create an active, lively and people-oriented development</i> 	Yes
(f)	<i>In relation to Parramatta Road Corridor – to encourage a sustainable consolidation pattern that optimises floor space capacity in the Corridor</i>	Yes

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Part 5: Miscellaneous Provisions

There are no provisions contained within Part 5 that are applicable to the proposed development.

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 within Acid Sulfate Soils (ASS) – Class 5 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 sulphate soils and cause environmental damage. Within Class 5, the trigger under SLEP 2012 is works within 500m of adjacent Class 1,2,3 or 4 land that is below 5m AHD and by which the watertable is likely to lower the water table below 1m AHD on adjacent Class 1,2,3 or 4 ASS land. Given the nature of the proposed works, being additions and alterations to an existing industrial building requiring minimal excavation, there is unlikely to be an impact on the water table on adjacent Class 1, 2, 3, or 4.

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 D – INDUSTRIAL DEVELOPMENT

1.2: Objectives of Part D

1.2	Objectives	Satisfactory
A.	To improve the quality of industrial development within the Strathfield Municipality	Yes
B.	To ensure the orderly development of industrial sites to minimise their environmental impact while maximising their functional potential	Yes
C.	To ensure development is consistent with the principles of Ecologically Sustainable Development	Yes
D.	To encourage high quality building design and industrial streetscape aesthetics	Yes
E.	To ensure that new industrial development is of a type, scale, height, bulk and character that is compatible with the streetscape characteristics of the surrounding area	Yes
F.	To promote high quality landscape areas which complement the overall development of the site and which assist in enhancing streetscape quality	Yes
G.	To ensure that development will not unreasonably impact upon the amenity of any residential area in the vicinity;	Yes

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H.	<i>To ensure that traffic generated by industrial development does not adversely impact upon local or regional traffic movements</i>	Yes
I.	<i>To ensure that each development has adequate on-site parking and manoeuvring areas for vehicles</i>	Yes
J.	<i>To encourage employee amenity within industrial developments.</i>	Yes

Comments: The proposed development involves additions and alterations to a vehicle repairs shop. The operations of this premises will remain unchanged (except for operational hours). The proposal meets the above objectives by enhancing the amenity and usability of the existing building and ensuring industrial land uses are maintained for the site and surrounds.

2.5: Density, Bulk and Scale

2.5	Objectives	Satisfactory
A.	<i>To ensure the density, bulk, scale and design of industrial development enhances the streetscape and visual quality of the Strathfield Municipality.</i>	Yes

2.5	Guidelines and Requirements	Complies
.1.	<i>Height</i>	
	1 Wall height of more than 10m above natural ground level.	Yes
.2.	<i>Floor Space ratio</i>	
	1 The maximum floor space ratio is 1:1.	Yes
.3.	<i>Office and Showroom Requirements</i>	
	1 All office and showroom activities shall be ancillary to the main industrial activity approved for the site.	Yes

Comments: The proposed development easily complies with the above controls given that it will result in a built form that has a height of 6.3m (maximum) and a FSR of 0.515:1.

2.6: Setbacks

2.6	Objectives	Satisfactory
A.	<i>To ensure setbacks for industrial buildings provide adequate space for landscaping to soften the built form and enhance the amenity of the streetscape</i>	Yes
B.	<i>To ensure setbacks from watercourses and bushland are adequate to provide protection to those areas and an opportunity for the restoration/establishment of native vegetation</i>	Yes
C.	<i>To reduce the visual and/or acoustic impacts of industrial development on surrounding non-industrial land uses</i>	Yes
D.	<i>To ensure frontage setbacks are consistent with surrounding industrial development</i>	Yes

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2.6	Guidelines and Requirements	Complies
1	A minimum setback of 10m from the front boundary applies.	Yes >10m
2	On corner lots, a setback of 5m applies to the secondary frontage.	No Pre-existing. Retains the existing setback as the building.
3	A minimum 10m setback will be required from watercourses and bushland.	N/A
4	If nearby existing industrial buildings have setbacks less than the above, a variation on setback requirements may be considered.	Yes Adjoining building has a similar and reduced setback from the secondary frontage.
5	Side and rear boundary setbacks for proposals adjoining non-industrial uses shall be subject to an individual merit based assessment.	N/A
6	Side and rear boundaries adjoining industrial development may not require a setback; this will depend on the individual situation.	Yes Nil setbacks
7	Setbacks shall not contain any buildings or storage areas but may contain car parking and manoeuvring areas (and landscaping).	Yes
8	Refer to Section 2.10.6 - 2.10.9 for landscaping requirements within setbacks.	N/A As per existing.

Comments: The proposed development complies with most of the setback controls. It is noted that whilst the mezzanine level extension will have a reduced setback from the secondary frontage, the variation is pre-existing, as it shares the same setback as the existing building. Notably, the adjoining building at No. 131-135 Arthur Street has a similar and reduced setback from the secondary frontage. Given the above, the proposed setback variation is considered acceptable and supportable.

2.7: Building Requirements and Materials

2.7	Objectives	Satisfactory
A.	<i>To ensure that industrial development is of a high standard of design and appearance so as to contribute to the enhancement of the Strathfield Municipality;</i>	Yes
B.	<i>To encourage innovative industrial development within the Strathfield Municipality</i>	Yes
C.	<i>To encourage design and building materials that complement and enhance the surrounding environment.</i>	Yes

2.7	Guidelines and Requirements	Complies
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1	Front walls and walls visible from any public place are faced with brick, stone, concrete, glass (non-reflective) or like materials, but not cement render.	Yes
2	Walls/surfaces that are easily accessible to public places are to be treated to discourage graffiti.	Yes
3	No service plumbing or pipes, other than downpipes for the conveyance of roof water, shall be external to the building where visible from any public place.	Yes
4	Long blank walls on street frontages are to be avoided.	Yes
5	On corner sites, the proposed building shall aim to address both frontages.	Yes
6	Building materials and colours used on facades facing the street shall be compatible with those of adjoining industrial buildings.	Yes
7	Non-industrial aspects of the development shall face the street.	Yes
	Buildings must be designed to:	
	(i) Architecturally express the structure of the building	Yes
	(ii) Visually reinforce entrances, office components and stairwells of units to create rhythm on long facades and a reduction of perceived scale.	Yes
	(iii) Introduce variation in unit design within building groups	Yes
8	(iv) Introduce solid surfaces, incorporate horizontal and vertical modulation including windows in appropriate proportions and configurations.	Yes
	(v) Achieve a balance between masonry and vertical walling which contain large areas of glass. Solid surfaces of rendered and painted masonry dominate the overall building facade. Where glazing is used, it is modulated with vertical or horizontal members between the lights of a window to provide visually recognisable patterns, rhythm and texture to the overall design. Such glazing is non-reflective.	Yes
9	Development application plans indicate building materials and colours proposed.	Yes

Comments: The proposed development will have finishes, materials, textures and colours that are similar to the existing building. In context of the surrounding area and its industrial character, the proposed development is appropriately designed.

2.9: Parking, Access and Manoeuvring

2.9.1	Objectives	Satisfactory
A.	To ensure sufficient car parking spaces are provided on-site for employees and visitors;	Yes

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B.	To ensure the effective design of car parking areas;	Yes
C.	To encourage the provision of parking areas that will integrate with proposed the building(s) and be suitably landscaped to reduce large expanses of hard paving	Yes
D.	To ensure car parking areas are accessible for persons with a disability and safe for all pedestrians to use	Yes

2.9	Guidelines and Requirements	Complies		
.1.	<i>Parking</i>			
	1	The design of off-street parking areas meet the requirements of Australian Standard (AS) 2890.1-1993 – Off-street car parking, AS2890.2-1989 – Commercial vehicles and Strathfield Part I - Provision of Off-Street Parking Facilities.	Yes	
	2	Provision of spaces:		
		(i)	Industry: 1 space per 50m ² GFA where any office component is under 20%. If the office component is greater than 20% that additional area will be assessed at a rate of 1 space per 40m ² GFA. 9 spaces required.	Yes 9 spaces provided
		(ii)	Warehouses: 1 space per 300m ² GFA	N/A
		(iii)	Delivery and service vehicles associated with a development: 1 space per 800m ² GFA up to 8,000m ² GFA plus 1 space per 1,000m ² GFA thereafter.	N/A
	3	Car parking areas located in the front setback for easy access.	Yes	
4	Loading/unloading and parking areas are separated so as not to cause conflict.	N/A		
7	Pedestrian thoroughfares provided to separate vehicular from pedestrian traffic in large parking areas.	Yes		

2.9.2	Objectives	Satisfactory
A.	To ensure that provision is made for safe vehicular ingress and egress having regard to the nature of vehicles likely to patronise the site;	Yes
B.	To ensure satisfactory on-site manoeuvring for vehicles, including the loading/unloading of goods;	Yes
C.	To minimise potential for congestion or hazard on adjoining roads at points of ingress/egress;	Yes
D.	To ensure that traffic generated by industrial development does not adversely affect local or regional traffic movements	Yes
E.	To ensure that any traffic generated by the development will not impact unreasonably upon the amenity of any residential areas in the vicinity	Yes

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2.9	<i>Guidelines and Requirements</i>	<i>Complies</i>
<i>Access and Driveways</i>		
1	Access to the proposed development is via a non-residential street, unless the proposed development:	Yes
	(i) Has no other alternative access	Yes
	(ii) Demonstrates that consideration has been given to the effect of traffic generated from the site	Yes
	(iii) Identifies an appropriate traffic management scheme	N/A
.3.	2 The location of driveways is in accordance with AS2890.1-1993 – Off-street car parking, Section 3 – Access driveways to off-street parking areas and queuing areas.	Yes As existing.
3	Separate driveways for ingress and egress provided if expected traffic volumes indicate a possible conflict for vehicles using the site.	Yes
4	Redundant driveways shall be closed off and/or removed and justification provided if more than one access point and one egress point is proposed for a development.	N/A
5	Driveway areas visible to the street shall have a featured surface.	N/A
<i>Site Design</i>		
1	All vehicles are to enter and leave the site in a forward direction	Yes
2	Driveways and manoeuvring areas are designed so that all vehicles entering and leaving the site can do so with minimum interference to traffic on adjoining roads.	Yes
.4.	3 Where specific service vehicles are proposed to visit the site, the design/layout of a site provides access for loading and unloading of such vehicles.	Yes
4	All servicing, including waste collection, is carried out wholly within the site with suitable collection points at convenient locations.	Yes As existing.
5	Entrance and exit points and car parking areas are designed in order to ensure safety for pedestrians within and outside the site.	Yes
6	Vehicular manoeuvring not permitted within any buildings.	Yes
<i>Unloading and Loading</i>		
.5.	1 All loading and unloading shall take place within the curtilage of the site.	N/A
2	If loading areas are undercover, no stormwater pits shall be located in the area and all surface drainage shall be diverted	N/A

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	away from the area.	
3	The design considerations for service vehicles set out in Appendix C of Part I - Provision for Off-street Parking Facilities, applies to all loading and unloading facilities.	N/A
4	All loading and unloading facilities screened from the street (refer to section 2.10 for landscaping requirements).	N/A

2.12: Site Drainage and Water Management

2.12	Objectives	Satisfactory
A.	To ensure that potable water use and stormwater quantities are reduced whilst stormwater quality is improved.	Yes

2.12	Guidelines and Requirements	Complies
1	A stormwater drainage concept plan (SDCP) has been submitted demonstrating the feasibility of the proposed drainage system(s) within the site and connection to Council's system. This plan shows the surface flow path treatment, extent of roof and paved areas, any easements required, on site detention (OSD) storages as well as existing and proposed piped systems.	N/A
2	Development proposals that exceed 2,500m ² of impermeable surface required to submit a comprehensive water cycle strategy.	N/A
3	Excess roof stormwater runoff (after being directed to the rainwater tank(s)) and stormwater runoff from all paved surfaces has been connected to the proposed (OSD) system and then discharged by means of a gravity pipe system to Council's drainage system.	N/A
4	Where gravity disposal of stormwater is not available to Council's street drainage system, an easement in favour of the development site/lot shall be obtained over any downstream properties traversed by the gravity drainage line connecting to Council's drainage system.	N/A
5	A Positive Covenant under Section 88E of the Conveyancing Act 1919 shall be created on the title of the property detailing the: surface flow path, finished pavement and ground levels, prevention of erection of structures or fencing and the OSD system incorporated in the development.	N/A
6	All costs associated with providing any additional capacity of stormwater and drainage services are in accordance with Council's requirements.	N/A
7	In accordance with Council's Stormwater Management Code, temporary measures shall be provided and regularly maintained during construction to prevent sediment and polluted waters discharging from the site.	Yes Conditioned.

Comments: The proposed development will connect to the existing stormwater disposal system within the site, which drains to existing infrastructure within the street kerb.

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2.13: Utilities

2.13 Objectives		Satisfactory
A.	To ensure a development is satisfactorily serviced by all utilities.	Yes
2.13 Guidelines and Requirements		Complies
<i>Water and Sewerage</i>		
.1.	1 Applicants satisfy the requirements of Sydney Water.	Yes
	2 Prior to the release of a construction certificate, a Compliance Certificate under section 73 of the Sydney Water Act 1994 has been obtained from Sydney Water.	Yes
	3 In accordance with the requirements of the Sydney Water Corporation, all buildings and structures are at least 1m from any easement or public sewer main.	Yes
<i>Electricity and Telecommunications Supply</i>		
.2.	To improve the visual amenity of developing areas, the following is required:	
	1 All electricity and telecommunications supply to the development and throughout the site has been placed underground	Yes As existing.
	2 Arrangements made with the relevant electricity supply authority and telecommunications carriers to place all overhead wires which hang in front of the development site between electricity power poles to be placed underground including any supplies required from the opposite side of the public road at the developer's expense.	Yes
2	Energy Australia may require an area within the site suitable for location and maintenance of a substation kiosk. The location shall meet the requirements of both Energy Australia and the Council and be finalised prior to the issue of the construction Part D Page 198 certificate.	Yes

2.14: Air Noise and Water Pollution

2.14 Objectives		Satisfactory
A.	To ensure industrial developments do not create a pollution problem by the discharge of an unacceptable level of air, noise and/or water emissions.	Yes
2.14 Guidelines and Requirements		Complies
.1.	General	

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	1	The emission of any air impurities including offensive odours, the discharge of any waste into any waters or the emission of noise associated with any development shall not contravene the <i>Protection of the Environment Operations Act 1997</i> .	Yes
	<i>Noise</i>		
	2	The proximity of the proposal to residential areas will influence the type of land use or machinery that will be permissible.	N/A
.2.	3	The proposed building(s) are designed to inhibit the transmission of noise. Note: Council may require an acoustic report from a suitably qualified acoustic consultant where a proposed development may create excessive noise.	N/A
	4	The use of the premises including plant and equipment will be subject to strict compliance with the NSW Environmental Protection Authority's Environmental Noise Control Manual and the Industrial Noise Policy 2000.	Yes
	<i>Water</i>		
	5	Details of the types, volumes and method of storage of any chemicals to be used on site shall be submitted with any development application.	Yes
	6	Only clean water shall be discharged to the stormwater system.	Yes
.3.	7	Any discharge to Sydney Water's sewer will need their approval and may involve a Trade Waste Agreement.	Yes
	8	Internal floors of industrial buildings may need to be graded and drained to the sewer in accordance with Sydney Water's requirements if a significant volume of wastewater is generated by processes or cleaning.	Yes
	9	Any wastewater that is generated in this manner is considered as trade waste and may need pre treatment prior to its discharge to the sewer.	Yes

2.16: Waste Management

2.16	Guidelines and Requirements	Complies
	1 Refer to Part H – Waste Management.	Yes

PART H - WASTE MANAGEMENT (SCDCP 2005)

Section 2.1 of Part H of the SCDCP 2005 requires that all development applications be accompanied by a Waste Management Plan. The subject application was accompanied by a Waste Management Plan. A condition will be imposed to ensure that the Waste Management Plan is implemented (refer to Condition 7).

PART I – PROVISION OF OFF-STREET PARKING FACILITIES (SCDCP 2005)

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Part I of the Strathfield Consolidated Development Control Plan 2005 establishes minimum off-street parking spaces for certain types of development. An assessment of the proposed development against the provisions of this part is included below:

Control	Required	Proposed	Complies
3.8.1 (a)(i) Parking	1 space per 55 m ² gross floor area (where the office component is less than 20% of the floor area); or 1 space per 2 employees whichever provides the greater number of spaces.	9 Spaces	Yes.
	9 spaces required.		

The proposed off-street parking maintains the existing parking arrangements and it meets the minimum parking requirements for the industrial building and proposal. The proposed parking spaces are supported.

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

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 partial 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

The proposed development will have minimal adverse impacts with respect to adjoining properties and the streetscape. Conditions will be imposed to ensure environmental and amenity impacts are minimised.

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

The site is located within the IN1 – General Industrial zone with the proposed development providing additions and alterations to the existing industrial building and maintaining the vehicle repair workshop use. The proposal is compatible with the objectives of the zone. Through the imposition of conditions, the amenity of surrounding properties will be maintained.

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

The application was notified in accordance with Part L of the SDCDP 2005 from 2 to 16 September 2019. No submissions were received during this period.

4.15(1)(e) The public interest

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Lot 1 DP 808159 (Cont'd)

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 CONTRIBUTIONS PLAN

The proposed development has a value of greater as \$100,000. In order to provide additional public facilities and infrastructure to meet the demand created by development, the proposed development will attract Section 94A Indirect Contributions in accordance with the Strathfield Indirect Contributions Plan 2010. This contribution is based on the proposed cost of works for the development and has been calculated at 1% of \$380,000 (the estimated cost of development identified in the development application). Therefore, the Section 94 Indirect Contributions for the proposed development is \$3,800.

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.

Signed: Miguel Rivera
Development Planner

PEER REVIEW

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

Signed: Kandace Lindeberg
Executive Manager, Statutory Planning and Development

Do not delete this line

RECOMMENDATION

That Development Application No. DA2019/136 for Alterations and additions to existing Vehicle Repairs Shop and operations of business from 7:00am to 5:00pm, Monday to Sunday at 129 Arthur Street, Homebush West be **APPROVED**, subject to the following conditions:

GENERAL CONDITIONS (GC)

1. **APPROVED PLANS AND REFERENCE DOCUMENTATION (GC)**

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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. DA2019/136:

Drawing No.	Title/Description	Prepared by	Issue / Revision & Date	Date received by Council
Job No. 460 Sheet 1 of 4	Site Plan / Site Analysis	Sharon Jones Accomplished Design	26/08/19	28/08/19
Job No. 460 Sheet 2 of 4	Existing Ground Floor Plan Proposed Ground Floor Plan	Sharon Jones Accomplished Design	26/08/19	28/08/19
Job No. 460 Sheet 3 of 4	Existing First Floor Plan Proposed First Floor Plan	Sharon Jones Accomplished Design	26/08/19	28/08/19
Job No. 460 Sheet 4 of 4	Elevations and Sections	Sharon Jones Accomplished Design	26/08/19	28/08/19

Reference Documentation affixed with Council's 'Development Consent' stamp relating to Development Consent No. DA2019/136:

Title / Description	Prepared by	Issue/Revision & Date	Date received by Council
Statement of Environmental Effects Report No. J19.035	Anthony Krilich – Benchmark Building Certifiers	August 2019	28/08/19
Waste Management Plan Report No. J19.035	Anthony Krilich – Benchmark Building Certifiers	August 2019	28/08/19
Building Code of Australia Compliance Report	Benchmark Building Certifiers	16 August 2019	28/08/19

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

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

2. CONSTRUCTION HOURS (GC)

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

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Lot 1 DP 808159 (Cont'd)

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

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

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

3. 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.)

4. 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.)

5. 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.)

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Lot 1 DP 808159 (Cont'd)

6. SITE MANAGEMENT (DURING DEMOLITION AND CONSTRUCTION WORKS)

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

- i) All demolition is to be carried out in accordance with Australian Standard AS 2601-2001.
- ii) Demolition must be carried out by a registered demolition contractor.
- iii) A single entrance is permitted to service the site for demolition and construction. Protection pads are to be installed to the kerb, gutter and nature strip where trucks and vehicles enter the site.
- iv) No blasting is to be carried out at any time during construction of the building.
- v) Care must be taken during demolition/ excavation/ building/ construction to prevent any damage to adjoining buildings.
- vi) Adjoining owner property rights and the need for owner's permission must be observed at all times, including the entering onto land for the purpose of undertaking works.
- vii) Any demolition and excess construction materials are to be recycled wherever practicable.
- viii) The disposal of construction and demolition waste must be in accordance with the requirements of the Protection of the Environment Operations Act 1997.
- ix) All waste on the site is to be stored, handled and disposed of in such a manner as to not create air pollution (including odour), offensive noise or pollution of land and/or water as defined by the Protection of the Environment Operations Act 1997. All excavated material should be removed from the site in an approved manner and be disposed of lawfully to a tip or other authorised disposal area.
- x) All waste must be contained entirely within the site.
- xi) A site plan including temporary waste storage locations, construction material storage areas and vehicular access to and from the site must be included with application.
- xii) Section 143 of the Protection of the Environment Operations Act 1997 requires waste to be transported to a place which can lawfully accept it. All non-recyclable demolition materials are to be disposed of at an approved waste disposal depot in accordance with legislation.
- xiii) Details as to the method and location of disposal of demolition materials (weight dockets, receipts, etc.) should be kept on site as evidence of approved methods of disposal or recycling and must be presented to Council and/or Principal Certifying Authority upon request.
- xiv) All materials on site or being delivered to the site are to generally be contained within the site. The requirements of the Protection of the Environment Operations Act 1997 must be complied with when placing/stockpiling loose material, disposing of concrete waste, or other activities likely to pollute drains or water courses.
- xv) Any materials stored on site must be stored out of view or in such a manner so as not to cause unsightliness when viewed from nearby lands or roadways.
- xvi) Public footways, include nature strips and roadways adjacent to the site must be maintained and cleared of obstructions during construction. No building materials, waste containers or skips may be stored on the road reserve or footpath without prior separate approval from Council, including payment of relevant fees.
- xvii) Building operations such as brick-cutting, washing tools or paint brushes, and mixing mortar not be performed on the roadway or public footway or any other locations which could lead to the discharge of materials into the stormwater drainage system.
- xviii) All site waters during excavation and construction must be contained on site in an approved manner to avoid pollutants entering into waterways or Council's stormwater drainage system.
- xix) Any work must not prohibit or divert any natural overland flow of water.

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Lot 1 DP 808159 (Cont'd)

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.)

7. **WASTE MANAGEMENT (GC)**

All waste generated during demolition and construction works must be disposed of and managed as per the Waste Management Plan, prepared by Anthony Krilich, dated August 2019, and in accordance with the provisions under the Protection of the Environment Operations (Waste) Regulation 2005 and the Protection of the Environment and Operations Act 1997.

(Reason: To ensure compliance with legislation.)

8. **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 satisfaction of Council.

(Reason: To ensure compliance with legislation.)

9. **HAZARDOUS GOODS AND WASTE (GC)**

Dangerous and hazardous goods shall be stored in accordance with NSW WorkCover requirements and AS1940-2004 - The Storage and Handling of Flammable and Combustible Liquids.

Hazardous waste must be contained, managed and disposed of in a responsible manner in accordance with the Protection of Environment and Operations Act 1997, NSW Environment Protection Authority (EPA) and the New South Wales WorkCover Authority.

Material Safety Data Sheets of all hazardous substances used, such as bleaches and nail products must be kept on site and readily available to all staff. Staff must be trained how to safely use and store these chemicals prior to the commencement of work.

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

(Reason: Health and safety.)

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

10. DESIGN CHANGES – FACILITIES FOR PEOPLE WITH DISABILITIES (CC)

The following design change must be implemented:

Bathroom facility on ground floor: the bathroom facility on the ground floor that is immediately adjacent to the office must be modified to be a unisex accessible facility for people with disabilities. Plans and details of the accessible facility complying with the relevant Australian Standards, the Building Code of Australia, and with regard to the Disability Discrimination Act 1992 must be provided as part of the documentation submitted with the application of a Construction Certificate. Plans must be notated demonstrating compliance and approved by the Principal Certifying Authority, prior to the issue of a Construction Certificate.

Note: Disability (Access to Premises - Buildings) Standards 2010 - As of 1 May 2011, if access is provided to the extent covered by this Standard, then such access cannot be viewed as unlawful under the Disability Discrimination Act 1992.

(Reason: To provide equitable access for people(s) with disabilities in accordance with the relevant legislation and Australian Standards.)

11. ACCESS - ACCESS FOR PEOPLE WITH DISABILITIES (CC)

Access for people with disabilities must be provided in accordance with the requirements of the Building Code of Australia, relevant Australian Standards and with regard to the Disability Discrimination Act 1992. Plans shall be notated demonstrating compliance and approved by the Principal Certifying Authority, prior to the issue of a Construction Certificate.

Note: Disability (Access to Premises - Buildings) Standards 2010 - As of 1 May 2011, if access is provided to the extent covered by this Standard, then such access cannot be viewed as unlawful under the Disability Discrimination Act 1992.

(Reason: To provide equitable access for people(s) with disabilities in accordance with the relevant legislation and Australian Standards.)

12. 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.

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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.)

13. **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.)

14. **FIRE SAFETY SCHEDULE (CC)**

A Fire Safety Schedule specifying the fire safety measures (both current and proposed) which should be implemented in the building premises must be submitted with the Construction Certificate application, in accordance with Part 9 of Clause 168 of the Environmental Planning and Assessment Regulation 2000.

Note: A Construction Certificate cannot be issued until a Fire Safety Schedule is received.

(Reason: Compliance with the Environmental Planning and Assessment Act 1979.)

15. **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 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.

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(Reason: Noise attenuation.)

16. **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	\$3,800.
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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.)

17. **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.)

18. **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.

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Lot 1 DP 808159 (Cont'd)

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

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

19. **AIR CONDITIONING UNITS AND HOT WATER PUMPS (CC)**

The equipment must be located, designed and/or acoustically attenuated so that noise emitted does not exceed a sound pressure level of 5dB LAeq (15 minute) above the ambient background level when measured on or within any residential property boundary.

The equipment must be installed in accordance with the manufacturer's specification and all required noise attenuation measures implemented to ensure that the equipment complies with "A" above.

Receipt of a noise complaint from the operation of this equipment will result in the requirement for certification from an acoustic engineer that the equipment is operating in accordance with the requirements of this condition. If the acoustic assessment reveals that the equipment is not operating in accordance with the consent it must make recommendations on what remediation measures are required to bring the equipment into compliance.

(Reason: To minimise noise impacts.)

20. **WASTE AND RECYCLING STORAGE ROOMS (CC)**

Waste (including grease arrestor rooms) and recycling storage rooms must meet all of the following conditions:

- i) The waste and recycling storage room must be of adequate dimensions to comfortably accommodate the required number of waste and recycling bins
 - 240L bin must have 1.1m² of space per bin
 - 660L bin must have 2.03m² of space per bin
- ii) The layout of the waste and recycling storage room must allow easy unobstructed access to all bins (stacked bin arrangements are not acceptable) and allow the bins to be easily removed for servicing purposes.
- iii) A smooth concrete floor graded and drained to a floor waste connected to the sewer of the Water Board.
- iv) The walls being cement rendered with the intersection of the walls and floor being coved to a radius of not less than 25mm.
- v) The door being close fitting to prevent the access of rats and mice.
- vi) A cold water hose cock being provided for the cleaning of containers and the room itself.
- vii) Ventilation being provided by means of direct connection to the outside air to the satisfaction of Council.
- viii) The ceiling of all waste storage rooms must be constructed of a rigid smooth faced non-absorbent material. The ceiling must be a minimum of 2.4m high to accommodate Councils standard bins. This enables access for use, cleaning and enables the lids of bins to be fully opened.
- ix) Contain a sign, minimum size 600mm x 600mm, directing residents not to place recyclables in garbage carts and encouraging residents to recycle. Sample artwork and signs available from Council.
- x) Arrangements must be in place regarding the regular maintenance and cleaning of

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Lot 1 DP 808159 (Cont'd)

waste management facilities.

- xi) A caretaker or individual(s) shall be nominated as being responsible for transferring the bins to the collection point and back into the waste storage room/area.
- xii) Detailed plans of waste and recycling storage rooms must be submitted along with Waste Management Plan and Waste and Recycling Storage Room/Area Design Checklist.

(Reason: To keep garbage rooms in a clean and sanitary condition to protect public health.)

21. WASTEWATER CONTROL (CC)

The applicant shall contact Sydney Water, to determine the requirements for the disposal of wastewater and liquid trade waste (including grease traps or grease arrestors). The applicant must provide a copy of the Authority to connect to the sewer system prior to the issue of a Construction Certificate.

There is to be no discharge of wastewater to the stormwater system.

(Reason: To ensure suitable disposal of waste water.)

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

22. 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

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Lot 1 DP 808159 (Cont'd)

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.)

23. NOTICE OF COMMENCEMENT (CW)

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

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

(Reason: Statutory requirement.)

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

24. FIRE SAFETY CERTIFICATION (OC)

A fire safety certificate shall be obtained in accordance with Part 9, Division 4 of the Environmental Planning and Assessment Regulation 2000, prior to the issue of any Occupation Certificate.

A fire safety certificate is a certificate issued by the owner of a building to the effect that each essential fire safety measure specified in the current fire safety schedule for the part of the building to which the certificate relates:

- i) has been assessed by a properly qualified person; and
- ii) was found, when it was assessed, to be capable of performing to at least the standard required by the current fire safety schedule for the building for which the certificate is issued.

An interim fire safety certificate must be provided before an interim occupation certificate can be used for a building under Clause 153(2) of the Environmental Planning & Assessment Regulation 2000.

A final fire safety certificate must be provided before an interim occupation certificate can be used for a building under Clause 153(1) of the Environmental Planning & Assessment Regulation 2000.

A copy of the fire safety certificate and fire safety schedule shall be:

- i) submitted to Strathfield Council;
- ii) submitted to the Commissioner of the New South Wales Fire Brigade; and
- iii) prominently displayed in the building.

(Reason: Fire safety and statutory requirement.)

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Lot 1 DP 808159 (Cont'd)

25. 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.)

26. VENTILATION SYSTEMS – MECHANICAL (OC)

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.

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

CONDITIONS TO BE SATISFIED DURING ONGOING USE OF THE PREMISES (OU)

27. CHEMICAL STORAGE REQUIREMENTS (OU)

All chemicals, paints and other liquids shall be stored in approved receptacles in an area that is bunded or has a spill containment system that will minimise the risk of pollution from liquid spills and leaks. Where applicable the construction of bunds must comply with the requirements of:

- i) Australian Standard AS 1940D1993: The storage and Handling of Flammable and Combustible Liquids;
- ii) Australian Standard AS 4452B1997: The storage and Handling of Toxic Substances; and
- iii) The Dangerous goods Act 1975.

(Reason: Environmental protection.)

28. HOURS OF OPERATION – VEHICLE REPAIRS SHOP (OU)

The hours of operation of the vehicle repairs shop premises (i.e. hours open for the premises) must not exceed the following, without the prior approval of Council:

Days	Approved hours of operation
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Lot 1 DP 808159 (Cont'd)

Monday to Sunday (including public holidays)	7:00am to 5:00pm
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(Reason: Ensure industry operates between approved hours.)

29. **LOADING AND UNLOADING - NO OBSTRUCTION OF PUBLIC ROAD OR FOOTWAY (OU)**

All loading and unloading operations including fork lift trucks or other similar loading, lifting and/or carrying appliances used in conjunction with the premises, shall be carried out wholly within the boundaries of the site, at all times. There shall be no obstruction of any public roadway or footway at any time, without the prior

(Reason: Public safety.)

30. **NOISE - REQUIREMENTS FOR INDUSTRIAL PREMISES (OU)**

The use of the premises shall comply with the requirements of the NSW Environment Protection Authority Industrial Noise Policy 2000 and shall not give rise to the transmission of offensive noise as defined in the Protection of the Environment Operation Act 1997 (NSW).

(Reason: Noise control and amenity.)

31. **POLLUTION - COMPLIANCE WITH PEOA 1997 GENERALLY (OU)**

The activities carried out on site shall not constitute a nuisance in relation to noise, air or water pollution as specified under the Protection of the Environment Operations Act 1997.

(Reason: Environmental protection.)

32. **STORAGE / DISPLAY OF GOODS / MACHINERY - (OU)**

No goods or machinery can be placed outside the confines of the shop area.

(Reason: Health and safety.)

33. **WASTE AND RECYCLING COLLECTION (COMMERCIAL AND INDUSTRIAL) (OU)**

- i) The collection of commercial and industrial waste and recycling must only occur between 6.00am and 8.00pm weekdays and 9.00am and 5.00pm on weekends and public holidays, to avoid noise disruption to the surrounding area.
- ii) Commercial and industrial garbage and recycling must be collected on site unless expressly agreed to in OC.
- iii) Where consent is given for commercial and industrial garbage and recycling to be placed kerbside for collection bins must not be placed on the kerbside more than one hour before the scheduled collection time. Bins and containers are to be removed from the kerbside within one (1) hour of collection and returned to the designated garbage storage area(s).
- iv) The garbage and recyclable storage area and bins must be adequate to contain the volume and type of garbage and recyclable matter of the food premises.
- v) All garbage and recyclable matter must be enclosed in the waste bins with lids completely closed at all times.
- vi) Recycling options must be provided for all commercially recyclable waste products including but not limited to paper, cardboard, oil, food waste, plastics, metals,

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Lot 1 DP 808159 (Cont'd)

chemicals etc.

(Reason: To regulate noise and garbage collection arrangements.)

34. CONTROL OF LITTER (OU)

The occupant or person in control of the premises must take all practicable steps to ensure that the area of public footpath or public area adjacent to the premises is maintained in a clean and tidy condition.

A litter management plan must be included with all applications, litter management plan must include the below:

- i) All steps being taken to prevent, reduce and collect any litter produced by the site
- ii) Measures such as cleaner to conduct litter collection within a 50m radius to be included.

(Reason: To manage litter throughout the LGA.)

35. INDUSTRIAL WASTE MATERIALS (OU)

- i) The applicant shall ensure that industrial waste materials must not be discharged onto the site, or onto neighbouring land or into any road, drain, pipeline or watercourse.
- ii) Storage tanks, fuelling areas, product mixing, filling and preparation areas, and the like and wash bays provided for cleaning and maintenance of vehicles, machinery, equipment and the like, must be bunded and all waste water collected and discharged to the sewer in accordance with the requirements of Sydney Water and the EPA.
- iii) Documentary evidence of compliance with the Sydney Water's requirements must be submitted to the Principal Certifying Authority, prior to use or occupation of the building/additions. Vehicles, machinery, equipment or the like, must not be washed or steam cleaned or the like, except in areas provided especially for the purpose in accordance with this condition.
- iv) Where the approval of Sydney Water, in accordance with the requirements of this condition, is not forthcoming, some other method of treatment and removal of wastes must be installed and/or implemented to the satisfaction the Principal Certifying Authority.
- v) Any overflow or spillage of fuel, oil, solid or liquid chemicals, or the like, must be dealt with in accordance with the requirements for treatment of waste materials as set out in (i) and (ii) of this condition.

(Reason: Manage industrial waste in the LGA.)

36. PLANT NOISE FROM INDUSTRIAL PREMISES (OU)

Noise emissions from plant and equipment operating on the site shall be minimised by installing and regularly maintaining efficient silencers, low noise mufflers (residential standard) and by replacing reversing alarms with alternative silent measures, such as flashing lights (subject to occupational health and safety requirements). All reverse alarms fitted to equipment on site are to be of low decibel broadband smart alarms (quacker type).

(Reason: To minimise the noise disturbance during construction and operation of the premise)

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Lot 1 DP 808159 (Cont'd)

ADVISORY NOTES (AN)

Please note: the following may not apply to all consents.

37. REUSE AND RECYCLING

Council encourages the reuse and recycling of waste materials during demolition and construction. In this regard, separation and recycling should be undertaken as follows:

- Masonry products (bricks, concrete, concrete tile roofs) should be sent for crushing/recycling;
- Timber waste to be separated and sent for recycling;
- Metals to be separated and sent for recycling;
- Clean waste plasterboard to be returned to the supplier for recycling (excluding plasterboard from demolition); and
- Mixed waste (plastic wrapping, cardboard etc.) to be sent to a licensed recycling or disposal facility.

The above can be achieved by constructing a minimum of five (5) trade waste compounds on the site. Each waste compound should be adequately sized to enclose the waste and all waste should be adequately secured and contained within the designated areas and not be permitted to leave the site. Personal waste should not litter the site. Copies of any weighbridge receipts should be kept for presentation to the Principal Certifying Authority.

38. WASTE

Prior to occupation of any multi-unit development the applicant should arrange for the supply and delivery of a suitable number of mobile garbage receptacles and recycling receptacles.

The waste receptacle must be to the approval of Strathfield Municipal Council to ensure that receptacles are compatible with Council's waste collection vehicles and meet the requirements of any conditions of consent. Council does not supply waste storage bins free of charge and payment will need to be made to Council prior to delivery of the required bins. A waste service availability charge will apply to the development site from the date of issue of the occupation certificate. The charge is for the collection of domestic waste from all residential dwelling units and is payable by the owner of the development site.

39. DISABILITY ACT

The applicant and Owner are advised that the Commonwealth Disability Discrimination Act 1992 may apply to this particular proposal. Approval of this application does not imply or confer compliance with this Act. Applicants and owners should satisfy themselves as to compliance and make their own enquiries to the Australian Human Rights Commission. Attention is also drawn to the provisions of Parts 2, 3 and 4 of Australian Standard 1428 - Design for Access and Mobility.

40. USE OF COUNCILS FOOTWAY

The use of Council's footway in accordance with this consent shall not occur until an agreement with Council is entered into for the use of the footway and the applicable fees paid.

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Lot 1 DP 808159 (Cont'd)

41. **DIAL BEFORE YOU DIG**

Information regarding the location of underground services may be obtained from Dial Before You Dig (Telephone 1100 or www.dialbeforeyoudig.com.au). Inquirers should provide DBYD with the street/road name and number, side of street/road and the nearest cross street/road.

42. **CONSTRUCTION CERTIFICATE**

A Construction Certificate shall be obtained in accordance with Section 6.7 of the Act, prior to the commencement of any work on site. Council can provide this service for you and you may contact Council's Development Assessment Unit on 9748 9999 for further information.

43. **OCCUPATION CERTIFICATE**

An Occupation Certificate is to be issued by the Principal Certifying Authority prior to the occupation of the building.

44. **RIGHT OF APPEAL**

If you are dissatisfied with this decision, Section 8.7 of the Act gives you the right to appeal to the Land and Environment Court within six (6) months after the date on which you receive this Notice of Determination.

45. **OFFENCE**

Section 9.77 and Division 9.6 of the Act provides that any person who contravenes or causes or permits to be contravened the conditions of this consent or the Tree Preservation Order shall be guilty of an offence.

46. **PENALTY INFRINGEMENT**

Section 9.37 and Division 9.6 of the Act provides that a person guilty of an offence against this Act may be liable to penalties. Penalty infringement notices (on-the-spot fines) can also be issued for breaches of the conditions of development consent.

47. **DEVELOPMENT CONTRIBUTIONS**

The contributions required under Section 7.11 of the Act are set out in the Section 94 Contributions Plan which can be viewed at Council's Customer Service Centre, 65 Homebush Road, Strathfield during normal business hours.

48. **GUTTERS/DRAINAGE**

Applicants are advised to ensure all gutters are designed and installed in accordance with the National Construction Code and the relevant Australian Standards.

ATTACHMENTS

There are no attachments for this report.

TO: Strathfield Internal Development Assessment Panel Meeting - 11 October 2019

REPORT: IDAP – Report No. 3

SUBJECT: DA2019/128 - 22 ROCHESTER STREET, HOMEBUSH
LOT B DP 317978

DA NO. DA2019/128

SUMMARY

Proposal: Proposed secondary dwelling with associated carport and relocation of existing garage.

Applicant: Gianvito Nitti

Owner: Gianvito Nitti

Date of lodgement: 15 August 2019

Notification period: 26 August 2019 to 9 September 2019

Submissions received: Nil

Assessment officer: DS

Estimated cost of works: \$100,000

Zoning: R2 Low Density Residential - SLEP 2012

Heritage: No

Flood affected: Yes

Is a Clause 4.6 variation proposed? No

RECOMMENDATION OF OFFICER: Approval

EXECUTIVE SUMMARY

Approval is sought for the construction of a secondary dwelling with an associated carport and relocation of the existing garage.

The application was notified in accordance with Part L of the SCDCP 2005 for a minimum period of (14) days. No submissions were received during this time.

The non-compliant side setbacks are considered to be minor and will not adversely impact on the amenity of adjoining dwellings.

Overall, the application is considered acceptable and is recommended for approval, subject to the conditions of consent.

BACKGROUND

27 August 2001: A Complying Development Certificate was issued for the construction of a detached garage.

15 August 2019: The current Development Application (DA2019/128) was lodged.

26 August 2019 to 9 September 2019: The current application was notified for a period of two (2) weeks. No written submissions were received.

27 August 2019: The applicant submitted amended plans which included

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Lot B DP 317978 (Cont'd)

the southern and eastern elevations of the proposed development and correctly detailed the north point.
A site visit was conducted.

6 September 2019:

DESCRIPTION OF THE SITE AND LOCALITY

The subject site is legally described as Lot B in DP 317978 and commonly known as 22 Rochester Street, Homebush. It is located on the eastern side of Rochester Street, between Abbotsford Road and Broughton Road (Figure 1).

The site is rectangular in shape and has an area of 871m², a street frontage of 11.43m and a maximum depth of 76.2m. The site contains an existing face brick single storey dwelling and a detached garage located at the rear of the site.

The current streetscape comprises of single and double storey dwellings predominately with pitched roofs and face brick exterior walls (Figures 3 and 4). The site is also located within the vicinity of the Abbotsford Road Conservation Area (Figure 1).



Figure 1: The subject site (highlighted in red) and the surrounding Heritage Conservation Areas (hatched in red).

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Lot B DP 317978 (Cont'd)



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



Figure 3: 24 Rochester Street (neighbouring property to the south)

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 Lot B DP 317978 (Cont'd)



Figure 4: 20 Rochester Street (neighbouring property to the north)

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 construction of a secondary dwelling with an associated carport and relocation of the existing garage.

The specific elements of the secondary dwelling are:

Ground floor level:

- One (1) living room;
- One (1) bathroom;
- One (1) kitchen; and
- Two (2) bedrooms

A site plan, ground floor plan and elevation plans of the proposed secondary dwelling and carport is included below:

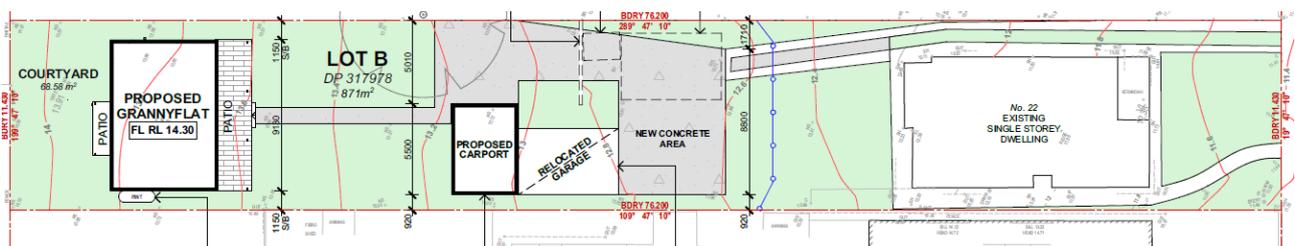


Figure 5: Site plan of the proposed works

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 Lot B DP 317978 (Cont'd)

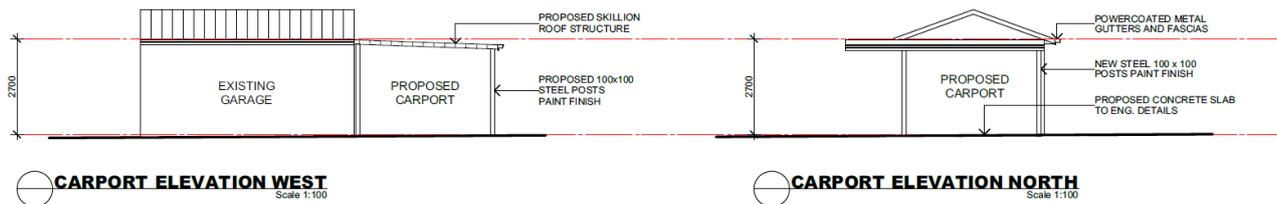


Figure 6: Western (side) and northern (front) elevation of proposed carport



Figure 7: Western (front) elevation of the proposed secondary dwelling

REFERRALS

INTERNAL REFERRALS

Engineering Comments

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

SECTION 4.15 CONSIDERATIONS – EP&A Act, 1979

In determining a development application, the consent authority is to take into consideration the following matters 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.

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Lot B DP 317978 (Cont'd)**

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.

No trees are directly affected or proposed to be removed as part of this application. The objectives of this part are therefore considered to be satisfied.

STATE ENVIRONMENTAL PLANNING POLICY (COASTAL MANAGEMENT) 2018

The proposed development is located on a site that is affected by the existing 1 in 100-year flood event or is likely to be as a result of the planning benchmarks for sea level rise mentioned above. Accordingly, the proposed development has been assessed against the relevant provisions of the *NSW Coastal Planning Guideline: Adapting to Sea Level Rise*. Council's Stormwater Engineer raised no objections to the proposal subject to the imposition of recommended conditions.

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

Comments: The proposed secondary dwelling, associated carport and the relocation of the existing garage is generally consistent with the aims of the SLEP 2012.

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Lot B DP 317978 (Cont'd)

Permissibility

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

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

“dwelling house means a building containing only one dwelling”

“secondary dwelling means a self-contained dwelling that:

- (a) is established in conjunction with another dwelling (the **principal dwelling**), and
- (b) is on the same lot of land as the principal dwelling, and
- (c) is located within, or is attached to, or is separate from, the principal dwelling.

The proposed development being for the purpose of a secondary dwelling and associated carport is consistent with the definition above and is permissible within the R2 Low Density Residential Zone with consent.

Zone Objectives

An assessment of the proposal against the objectives of the R2 Zone is as follows:

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

Comments: The proposal involves the construction of a detached secondary dwelling, an associated carport and the relocation of the existing garage which provides for the housing needs of the community in a low density residential setting.

Part 4: Principal development standards

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

Floor space ratio

Cl.	Standard	Controls	Proposed	Complies
4.4	Floor space ratio	0.55:1 (479.05m ²)	0.19:1 (159m ²)	Yes

Objectives	Complies
(a) To ensure that dwellings are in keeping with the built form character of the local area	Yes
(b) To provide consistency in the bulk and scale of new dwellings in residential areas	Yes
(c) To minimise the impact of new development on the amenity of adjoining properties	Yes
(d) To minimise the impact of development on heritage conservation areas and heritage items	Yes
(e) In relation to Strathfield Town Centre: <ul style="list-style-type: none"> i. to encourage consolidation and a sustainable integrated land use and transport development around key public transport infrastructure, and 	Yes

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Lot B DP 317978 (Cont'd)

ii. to provide space for the strategic implementation of economic, social and cultural goals that create an active, lively and people-oriented development

(f) *In relation to Parramatta Road Corridor – to encourage a sustainable consolidation pattern that optimises floor space capacity in the Corridor* **Yes**

Comments: The development proposes an FSR of 0.19:1 (159m²), within the maximum permissible FSR of 0.55:1 (479.05m²) under the SLEP 2012. The scale of the secondary dwelling is in keeping with the character of Rochester Street and is unlikely to adversely impact upon the amenity of the adjoining properties.

Part 5: Miscellaneous Provisions

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

5.10 Heritage Conservation

Clause 5.10(5) of the *SLEP 2012* requires that consideration be given to the potential impacts of develop upon heritage items within the vicinity of the development. The subject site does not contain a listed heritage item and is not located within a Heritage Conservation Area. However, the site adjoins the Abbotsford Road Conservation Area at the rear of the site. The proposed siting, form and scale of the proposed secondary dwelling and carport would not have an undue impact on the adjoining heritage conservation area and therefore satisfies the provisions of this Clause.

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 Acid Sulfate Soils, and is not located within 500m of Class 1, 2, 3 or 4 Soils. The proposed development was not required to be accompanied by an Acid Sulfate Soils Management Plan and has therefore satisfied the requirements of this Clause.

6.2 Earthworks

The proposal involves the construction of a secondary dwelling, an associated carport and the relocation of the existing garage, thereby requiring the excavation and removal of soil. The extent of earthworks is not considered to be excessive or unreasonable for a residential property and the works are not anticipated to result in a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land. Therefore, the proposal is considered to accord with the objectives of this Clause.

6.3 Flood planning

The Cooks River and Coxs River Flood Study indicates that the subject site is affected by overland flow of stormwater from adjoining properties of the 1 in 100yr ARI storm event. Council's Stormwater Engineer has raised no objections to the proposal subject to **Special Condition 1** which requires a Flood Impact Assessment Report to be prepared and submitted to Council prior to the issue of a Construction Certificate.

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.

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Lot B DP 317978 (Cont'd)

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.	N/A
J.	To protect and retain the amenity of adjoining properties.	Yes
2.2	Development Controls	Complies
.2.	Scale, Massing & Rhythm of Street	
	1 Scale, massing, bulk and layout complement the existing streetscape and the dominant building rhythm	Yes
	2 Building height and mass maintains amenity to adjacent properties open space or the public domain	Yes
.3.	Building Forms	
	1 Building form articulated.	Yes
.4.	Roof Forms	

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Lot B DP 317978 (Cont'd)

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

Comments: The proposed secondary dwelling, carport and existing garage will be located wholly behind the principal dwelling and will not be visible from the streetscape.

The proposed secondary dwelling will comprise a pitched roof and face brick exterior which is similar to that of the existing principal dwelling. It is noted that a Schedule of Colours and Finishes did not accompany the application. A condition of consent will be imposed requiring the external colours, materials and finishes of the secondary dwelling and carport to integrate with the external colours, materials and finishes of the principal dwelling (**Condition 13**).

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.	N/A
G.	To provide a transitional area between public and private space.	N/A
4.2	Development Controls	Complies
<i>Floor Space Ratio</i>		
.1.	1 Floor Space Ratio permissible pursuant to SLEP 2012	Yes
	2 Development compatible with the lot size	Yes
.2.	<i>Building Height</i>	

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Lot B DP 317978 (Cont'd)

1	Height of building permissible pursuant to SLEP 2012	Yes
2	Height of outbuildings, detached garages and carports is 3.5m (max) measured at the highest point on the roof above NGL	Yes
4	Building height responds to the gradient of the site to minimise cut and fill	Yes
5	The maximum internal floor to ceiling height is to be 3.0 metres for any residential level.	Yes
.3.2.	Side and Rear Setbacks	
	4	Garages and carports setbacks consistent with Table A.2

Comments: The proposed secondary dwelling achieves numerical compliance with the FSR standard under Clause 4.4C of the SLEP 2012. The ceiling height of the secondary dwelling is 2.7m achieving compliance with the DCP control.

The single spaced carport will have a maximum building height of 3.5m and will be appropriately setback 0.9m from the southern side boundary, in line with the relocated existing garage. **Condition 14** will be included in the consent to ensure the carport is designed in accordance with Australian Standards.

5: Landscaping

5.1	Objectives	Satisfactory
A.	To encourage landscaping that is appropriate to the style and scale of the dwelling and adjoining development, and to the streetscape.	Yes
B.	To enhance the existing streetscape and promote a scale and density of planting that softens the visual impact of buildings, structures, vehicle circulation and ancillary areas.	Yes
C.	To preserve existing landscape elements on site (such as existing trees) and encourage their integration into the design of proposals.	Yes
D.	To ensure adequate deep soil planting is retained on each allotment.	Yes
E.	To ensure developments make an equitable contribution to the landscape setting of the locality.	Yes
F.	To ensure both existing and new landscaping provides suitable shade and facilitates convective cooling breeze paths in summer.	Yes
G.	To encourage the use of native flora such as open woodland canopy trees, to provide a habitat for native fauna.	Yes
H.	To ensure that landscaped areas are designed to minimise water use.	Yes
I.	To provide functional private open spaces for active or passive use by residents.	Yes
J.	To provide private open areas with provision for clothes drying facilities screened from the street and lane or a public place.	Yes
K.	To ensure the protection of trees during construction	Yes
M.	To maximise the amenity of existing and proposed developments, including solar access, privacy and open space.	N/A

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Lot B DP 317978 (Cont'd)

5.2	Development Controls		Complies
	<i>Landscaped area</i>		
	1	Landscaped area in accordance with Table A.3	Yes
	2	At least 50% of the minimum landscaped area located behind the building line to the rear boundary	Yes
.1.	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
	7	Retain and reinforce the prevailing streetscape and surrounding locality	Yes
	8	Plant species must be retained, selected and planted to improve amenity	Yes
	<i>Tree Protection</i>		
.2.	8	Trunk of a proposed canopy tree planted 4m (min) from built structures, or 3m (min) from pier beam footings	Yes

Comments: The proposal will result in a total landscaped area of 422.7m² (48.5%) which satisfies the minimum 391.95m² (45%) requirement.

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

Comments: Given the site's east-west orientation and the proposal's minimal floor to ceiling heights, no adverse overshadowing impacts will result from the secondary dwelling and associated carport.

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	
	<i>Visual Privacy</i>		
.1.	1	Protect POS, bedrooms, balconies and living rooms of proposed and any existing adjoining dwellings from direct overlooking	Yes

**DA2019/128 - 22 Rochester Street, Homebush
Lot B DP 317978 (Cont'd)**

	2	Provide adequate separation of buildings	Yes
	3	Ensure elevation of finished floor levels above NGL is not excessive	Yes
.2.	Windows		
	1	Windows do not directly face the windows, balconies and courtyards of adjoining dwelling	Yes

Comments:As mentioned previously, the proposed secondary dwelling seeks a minimal floor to ceiling height of 2.7m. Additionally, the proposed windows on the western rear elevation have been appropriately located so as to minimise opportunities for overlooking. No windows are proposed along the side elevations of the secondary dwelling.

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.	N/A	
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.	N/A	
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.	N/A	
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.	N/A	
8.2	Development Controls	Complies	
.2.	Garages, Carports and Car Spaces		
	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
	4	Dimensions of parking spaces and garages comply with the Australian Standards	Yes, with condition
	5	Garages are not to be converted or used for any purpose other than that for which they are approved	Yes

Comments: The single spaced carport and relocated existing garage will be appropriately located behind the principal dwelling and will not be visible from the street. To ensure the carport is designed in accordance with Australian Standards, **Condition 14** is recommended in the consent.

9: Altering Natural Ground Level (Cut and Fill)

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

Comments: Minimal cut and fill will be required to accommodate the secondary dwelling. Notwithstanding, a condition of consent has been included to ensure the appropriate management of soils during excavation and construction phases of development.

10: Water and Soil Management

10.1 Objectives		Satisfactory
A.	<i>To encourage the incorporation of Water Sensitive Urban Design (WSUD) and Botany Improvement Plan principles in the development.</i>	N/A
B.	<i>To ensure compliance with Council's Stormwater Management Code</i>	Yes
C.	<i>To ensure compliance with the NSW State Government's Flood Prone Lands Policy.</i>	Yes
D.	<i>To ensure that appropriate soil erosion and sediment control measures are implemented on all sites that involve soil disturbances during construction.</i>	Yes
E.	<i>To ensure new building work does not detrimentally affect the existing drainage system of any area of the Municipality.</i>	Yes
F.	<i>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.</i>	Yes
G.	<i>To appropriately manage stormwater and overland flow to minimise damage to occupants and property</i>	Yes
10.2 Development Controls		Complies
.1.	<i>Stormwater Management and Flood Prone areas</i>	
	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	Yes, with

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	affected by overland flows	condition
	6 Stormwater Management Code compliance	Yes
.2.	<i>Acid Sulfate Soils</i>	
	1 Site managed consistent with the provisions contained in Clause 6.1 SLEP 2012	Yes
.3.	<i>Soil Erosion and Sediment Control</i>	
	1 Soil erosion and sediment control measures detailed and implemented prior to the commencement of work.	Yes
	2 Sediment control measures applied	Yes
	3 Plans provided detailing stormwater quality treatment	Yes

Comments: The Cooks River and Coxs River Flood Study indicates that the subject site is affected by overland flow of stormwater from adjoining properties of the 1 in 100yr ARI storm event. Council's Stormwater Engineer raised no concerns to the proposed development subject to **Special Condition 1** which requires a Flood Impact Assessment to be prepared and submitted to Council prior to the issue of a Construction Certificate.

12: Ancillary Development

12.1	Objectives	Satisfactory
A.	To ensure that ancillary development is compatible with the design of the principal dwelling, streetscape and adjoining dwellings in form, materials and colours	Yes
B.	To limit the size, bulk and scale of ancillary structures and minimise their visibility from the public domain.	Yes
C.	To ensure that the provision of ancillary structures improves the amenity of residents whilst ensuring that the amenity of surrounding dwellings and neighbouring lots is maintained.	Yes
D.	To ensure that the provision of ancillary structures, such as air conditioning units, are considered at the design stage of a proposed development.	Yes
12.2	Development Controls	Complies
	<i>Secondary Dwellings</i>	
.1.	1 Floor area is not greater than either 60m ² ; or 20% of the total floor area of the dwelling	Yes
	2 A minimum setback of 3m to a secondary frontage, 1.5m to the side, 3m to rear	No, refer to comments
	3 Located at the rear of the primary dwelling	Yes
	4 Deep soil planting within the rear setback	Yes
	5 The design, materials, colours, bulk and scale, and location of a compatible with the existing dwelling and surrounding character	Yes
	6 Comply with solar access, visual and acoustic privacy controls	Yes
	7 Accessed via the same street as the principal dwelling	Yes
	8 No blank walls facing the street	Yes
	9 The roof design compatible with the predominant roof forms in the neighbourhood	Yes
	10 A primary private open space provided for the secondary dwelling, directly accessible to the internal living areas and 12sqm (min) and 3m (min) dimension	Yes

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11	Private open space located to maximise solar access	Yes
12	Private open space appropriately landscaped and screened to ensure privacy	Yes
13	No additional parking or driveway access	Yes
14	No garages or carports are to be attached to secondary dwellings	Yes

Comments: The proposed secondary dwelling has a total floor space of 53.1m² which is consistent with the maximum 60m² requirement as provided under the Affordable Rental Housing SEPP 2009. The secondary dwelling is setback 6m from the eastern (rear) boundary and 23m from the principal dwelling. It is noted that 1.15m side setbacks are proposed for the secondary dwelling, contrary to the minimum 1.5m side setback control. Notwithstanding, Section 4.2.3.2 of the SCDCP 2005 stipulates that a variation to the minimum setback may be considered where an allotment is deemed undersized (less than 12m wide) or irregular. The departure is considered acceptable on merit due to the relatively constrained width of the site, being 11.43m. The proposed side setbacks are consistent with the minimum side setbacks of secondary dwellings on adjoining allotments which are less than 1m. Furthermore, the secondary dwelling is not excessively elevated, with the finished floor level being limited to 0.4m above NGL, and there are no windows proposed along the side elevations. As such, the minor non-compliance will not adversely impact the amenity of adjoining dwellings and is acceptable in the circumstances.

13: Ecologically Sustainable Development

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

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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

Comments: A BASIX Certificate accompanied the development application meeting the designated targets for energy and water reduction. In accordance with the BASIX Certificate, a 2,500L rainwater is to be installed. The rainwater tank will be suitably located behind the building façade of the secondary dwelling, 500mm from the northern (side) boundary. The windows of the secondary dwelling are adequately positioned to capture breezes and allow for cross-ventilation.

PART H - WASTE MANAGEMENT (SCDCP 2005)

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

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)(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 subject site is considered suitable for the proposed development. It is not subject to any major site constraints or environmental hazards.

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

The application was publicly notified from **26 August 2019** to **9 September 2019** in accordance with the provisions of Part L of SCDCP 2005. **No** submissions were received as a result.

4.15(1)(e) The public interest

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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 DIRECT CONTRIBUTIONS PLAN

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

Provision of Community Facilities	\$1859.38
Provision of Major Open Space	\$8459.64
Provision of Local Open Space	\$2899.30
Provision Roads and traffic Management	\$786.81
Administration	\$160.33
TOTAL	\$14165.46

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. DA2019/128 for the construction of a secondary dwelling with associated carport and relocation of existing garage at 22 Rochester Street, Homebush be **approved**, subject to the following conditions:

SPECIAL CONDITIONS (SC)

1. FLOODING (SC)

Subject site is affected by overland flow of stormwater of the 1 in 100yr ARI storm event based on Powells Creek and Saleyard Creek revised flood study and in accordance with Council Interim Flood Prone Land Policy, a Flood Impact Assessment Report shall be submitted to Council for approval prior to issue of a Construction Certificate.

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

GENERAL CONDITIONS (GC)

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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. DA2019/128:

Drawing No.	Title/Description	Prepared by	Issue / Revision & Date	Date received by Council
A01	Site Analysis Plan	Algorry Zappia & Associates	Revision C	27 August 2019
A02	Site Plan	Algorry Zappia & Associates	Revision C	27 August 2019
A03	Floor Plans	Algorry Zappia & Associates	Revision C	27 August 2019
A04	Elevations	Algorry Zappia & Associates	Revision C	27 August 2019
A05	Carport Elevations & Section	Algorry Zappia & Associates	Revision C	27 August 2019
D01	Stormwater Drainage Plan	Algorry Zappia & Associates	Revision B	15 August 2019
D02	Sediment Control Plan	Algorry Zappia & Associates	Revision B	15 August 2019

Reference Documentation affixed with Council's 'Development Consent' stamp relating to Development Consent No. DA2019/128:

Title / Description	Prepared by	Issue/Revision & Date	Date received by Council
BASIX Certificate	Building & Energy Consultants Australia	2 July 2019	15 August 2019
Waste Management Plan	Algorry Zappia & Associates	29 July 2019	15 August 2019

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

The height of the secondary dwelling measured from Australian Height Datum (AHD) must not exceed 4806mm to the roof ridge of the building.

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

4. 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.

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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.)

5. 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.)

6. 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.

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

7. 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.)

8. 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-

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- 2001.
- ii) Demolition must be carried out by a registered demolition contractor.
 - iii) A single entrance is permitted to service the site for demolition and construction. Protection pads are to be installed to the kerb, gutter and nature strip where trucks and vehicles enter the site.
 - iv) No blasting is to be carried out at any time during construction of the building.
 - v) Care must be taken during demolition/ excavation/ building/ construction to prevent any damage to adjoining buildings.
 - vi) Adjoining owner property rights and the need for owner's permission must be observed at all times, including the entering onto land for the purpose of undertaking works.
 - vii) Any demolition and excess construction materials are to be recycled wherever practicable.
 - viii) The disposal of construction and demolition waste must be in accordance with the requirements of the Protection of the Environment Operations Act 1997.
 - ix) All waste on the site is to be stored, handled and disposed of in such a manner as to not create air pollution (including odour), offensive noise or pollution of land and/or water as defined by the Protection of the Environment Operations Act 1997. All excavated material should be removed from the site in an approved manner and be disposed of lawfully to a tip or other authorised disposal area.
 - x) All waste must be contained entirely within the site.
 - xi) A site plan including temporary waste storage locations, construction material storage areas and vehicular access to and from the site must be included with application.
 - xii) Section 143 of the Protection of the Environment Operations Act 1997 requires waste to be transported to a place which can lawfully accept it. All non-recyclable demolition materials are to be disposed of at an approved waste disposal depot in accordance with legislation.
 - xiii) Details as to the method and location of disposal of demolition materials (weight dockets, receipts, etc.) should be kept on site as evidence of approved methods of disposal or recycling and must be presented to Council and/or Principal Certifying Authority upon request.
 - xiv) All materials on site or being delivered to the site are to generally be contained within the site. The requirements of the Protection of the Environment Operations Act 1997 must be complied with when placing/stockpiling loose material, disposing of concrete waste, or other activities likely to pollute drains or water courses.
 - xv) Any materials stored on site must be stored out of view or in such a manner so as not to cause unsightliness when viewed from nearby lands or roadways.
 - xvi) Public footways, include nature strips and roadways adjacent to the site must be maintained and cleared of obstructions during construction. No building materials, waste containers or skips may be stored on the road reserve or footpath without prior separate approval from Council, including payment of relevant fees.
 - xvii) Building operations such as brick-cutting, washing tools or paint brushes, and mixing mortar not be performed on the roadway or public footway or any other locations which could lead to the discharge of materials into the stormwater drainage system.
 - xviii) All site waters during excavation and construction must be contained on site in an approved manner to avoid pollutants entering into waterways or Council's stormwater drainage system.
 - xix) Any work must not prohibit or divert any natural overland flow of water.
 - xx) Toilet facilities for employees must be provided in accordance with WorkCover NSW.

(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.)

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

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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.)

10. **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.)

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

11. **SECTION 7.11 CONTRIBUTION PAYMENT - DIRECT CONTRIBUTIONS PLAN (CC)**

In accordance with the provisions of Section 7.13 of the Environmental Planning and Assessment Act 1979 and the Strathfield Direct Development Contributions Plan 2010-2030, a contribution in the form of cash, cheque or credit card (financial transaction fee applies) shall be paid to Council for the following purposes:

Provision of Community Facilities	\$1859.38
Provision of Major Open Space	\$8459.64
Provision of Local Open Space	\$2899.30
Provision Roads and traffic Management	\$786.81
Administration	\$160.33
TOTAL	\$14165.46

The total amount of the contribution is valid as at the date of determination and is subject to quarterly indexation. Contributions shall be indexed at the time of payment in accordance with clause 2.14 of the Strathfield Direct 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.

Please present a copy of this condition when paying the contribution at the Customer Service Centre so that it can be recalculated.

Note: A copy of Strathfield Council's Section 7.11 Direct Development Contributions Plan may be downloaded from Council's website.

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

12. **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.)

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

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

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

14. **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.)

15. **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.)

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16. **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.)

17. **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

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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.)

18. **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.)

19. **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.)

DA2019/128 - 22 Rochester Street, Homebush
Lot B DP 317978 (Cont'd)

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

20. 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.)

21. NOTICE OF COMMENCEMENT (CW)

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

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

(Reason: Statutory requirement.)

DA2019/128 - 22 Rochester Street, Homebush
Lot B DP 317978 (Cont'd)

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

22. 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)

23. 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.)

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

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

(Reason: Adequate stormwater management.)

ATTACHMENTS

There are no attachments for this report.

TO: Strathfield Internal Development Assessment Panel Meeting - 11 October 2019

REPORT: IDAP – Report No. 4

SUBJECT: DA2019/116 - 12-14 KINGSLAND ROAD, STRATHFIELD
LOT A DP 314374

DA NO. DA2019/116

SUMMARY

Proposal: Alterations and additions to the existing dwelling including new roof with skylights, fire place and chimney, front boundary fence and an upgrade to the existing drainage system.

Applicant: POC + P Architects

Owner: Seoud Hajjar

Date of lodgement: 25 July 2019

Notification period: 1 August 2019 to 15 August 2019

Submissions received: Nil

Assessment officer: DS

Estimated cost of works: \$167,250

Zoning: R2 Low Density Residential - SLEP 2012

Heritage: Yes. Item I165 – “Tusmore” – Interwar Californian Bungalow under SLEP 2012.

Flood affected: No

Is a Clause 4.6 variation proposed? No

RECOMMENDATION OF OFFICER: Approval

EXECUTIVE SUMMARY

Approval is sought for alterations and additions to the existing dwelling including a new roof with skylights, fire place and chimney, front boundary fence and an upgrade to the existing drainage system.

The application was notified in accordance with Part L of the SCDCP 2005 for a minimum period of (14) days. No submissions were received during this time.

During the assessment of the application, concern was raised in relation to the height and design of the proposed front boundary fence and its impact to the heritage significance of the dwelling on the subject site. Accordingly, the applicant submitted a revised front boundary fence design with a reduced overall height which adequately addressed the above concerns.

It is recommended that the Development Application be approved subject to conditions.

DA2019/116 - 12-14 Kingsland Road, Strathfield
Lot A DP 314374 (Cont'd)

BACKGROUND

- 9 September 2015:** Development Application No. 0405/293 was approved for internal alterations to the ground floor and construction of a new patio roof and an attic style first floor addition.
- 25 July 2019:** The current Development Application (DA2019116) was lodged.
- 1 August 2019 to 15 August 2019:** The current application was notified for a period of two (2) weeks. No written submissions were received.
- 31 July 2019:** A deferral letter was sent to the applicant which requested an Arborist Report and a hard copy of the Statement of Environmental Effects and the Heritage Impact Statement.
- 9 August 2019:** The applicant submitted an Arborist report and a hard copy of the Statement of Environmental Effects and the Heritage Impact Statement.
- 20 August 2019:** An additional letter was sent to the applicant which requested design changes to the proposed front boundary fence.
- 20 September 2019:** The applicant submitted amended plans which adequately address the concerns raised in relation to the front boundary fence.

DESCRIPTION OF THE SITE AND LOCALITY

The subject site is legally described as Lot A in DP 314374 and commonly known as 12-14 Kingsland Road, Strathfield. It is located on the eastern side of Kingsland Road, between Albyn Road and Llandilo Avenue (Figure 1).

The site is rectangular in shape and has an area of 1935m², a street frontage of 25.8m and a maximum depth of 69.78m. The site contains a heritage listed item, "Tusmore" (Item I165). "Tusmore" is a single storey dwelling house in the Inter-war California Bungalow style.

The current streetscape comprises a mix of single and double storey dwellings predominately with pitched roofs and face brick exterior walls (Figures 3 and 4). The site is located within the vicinity of several heritage items identified in the SLEP 2012 including Item I166 at 13-15 Kingsland Road and Item I167 at 17-19 Kingsland Road (Figure 1).

DA2019/116 - 12-14 Kingsland Road, Strathfield
Lot A DP 314374 (Cont'd)



Figure 3: 16 Kingsland Road (neighbouring property to the south)

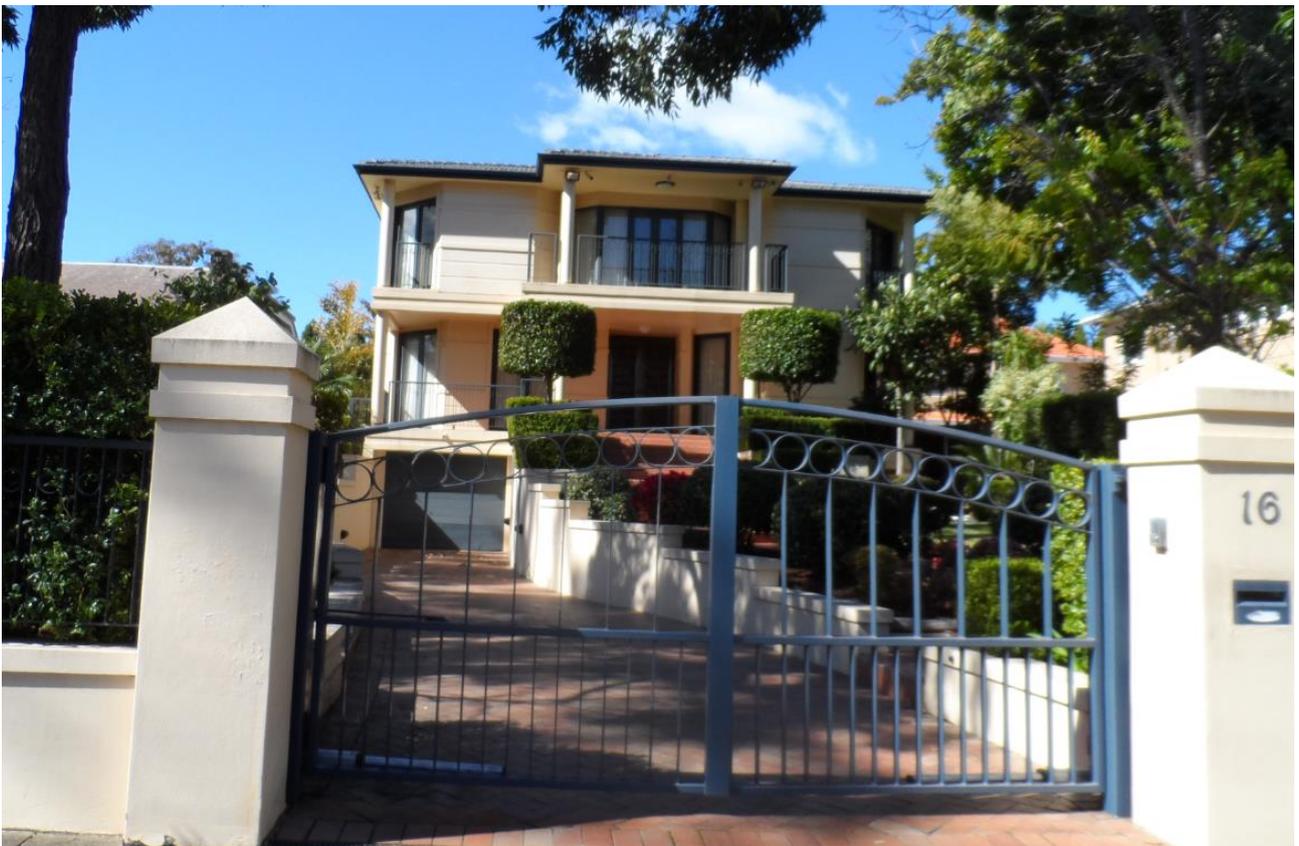


Figure 4: 10 Kingsland Road (neighbouring property to the north)

PROPERTY BURDENS AND CONSTRAINTS

DA2019/116 - 12-14 Kingsland Road, Strathfield
 Lot A DP 314374 (Cont'd)

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 alterations and additions to the existing dwelling including new roof with skylights, fire place and chimney, a 1.74m front boundary fence and an upgrade to the existing drainage system.

A ground floor plan of the proposed alterations and additions and an elevation plan of the proposed front boundary fence are included below:

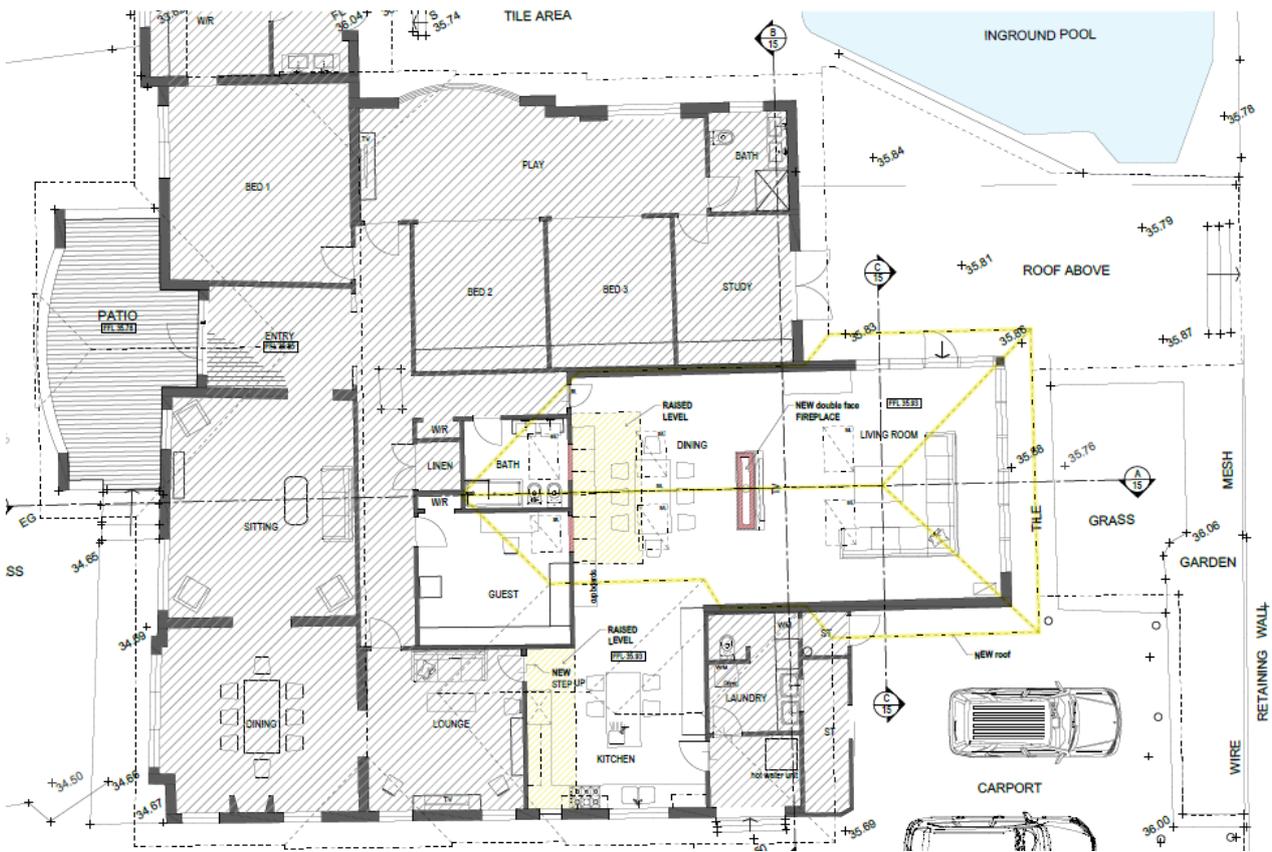


Figure 5: Proposed ground floor plan alterations

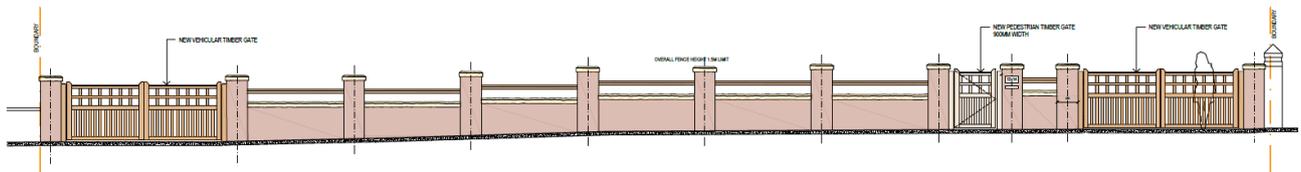


Figure 6: Front (west) elevation of the proposed front boundary fence

REFERRALS

DA2019/116 - 12-14 Kingsland Road, Strathfield
Lot A DP 314374 (Cont'd)

INTERNAL REFERRALS

Engineering Comments

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

Heritage Comments

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

Roof Form

"The new roof form at the rear is overall an appropriate design response to the existing failing flat bituminous roof structure with its hipped roof form."

No concerns were raised in relation to the roof alterations, subject to the imposition of recommended conditions of consent.

Fencing

"The design of the new fencing incorporates face brickwork, stone capping and metal infill panels. The following issues are raised regarding the proposed fencing:

- The height of the fence is excessive and should be kept to no more than 1000mm at any point in keeping with the requirements of Part P.*
- The materiality of the main portion of the fence (base and piers including capping) is considered appropriate however the metal infill panels are not in keeping with the age and style of the building. The introduction of vertical metal palisade infill panels detracts from the horizontal lines of the building which is a key element of its aesthetic significance. It is recommended that a horizontal rail be included in the design in lieu of the infill panels.*
- The location of the fence is very close to the existing Eucalyptus citriodora which is identified on Council's Significant Tree Register. Concern is raised regarding the impact of the masonry fence on this important element of the setting of the heritage item."*

In response to the concerns raised by Council's Heritage Advisor, the applicant submitted amended plans with a revised front boundary fence design. The amendments included a reduction in the overall height to 1500mm which satisfies Section 2.9 (iv) of Part P of the DCP as well as the incorporation of a single horizontal rail to replace the vertical infill panels. The horizontal rail is in keeping with the strong horizontal elements of the building, which is characteristic of the Inter-War Californian Bungalow style. In the event of approval, a condition of consent will be imposed, requiring the fence to be constructed using lintels in order to protect the significant tree nearby. No further concerns are raised from a heritage perspective.

Tree Comments

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

- "The proposed boundary fence will have a significant impact on trees #1 and especially tree #2 as the allowed 10% incursion into the TPZ is significantly increased beyond acceptable thresholds."*
- The tree protection plan (protection fencing below) appears reasonable. However, the extent of excavation for the footings of this front boundary fence have significant impact on*

DA2019/116 - 12-14 Kingsland Road, Strathfield
Lot A DP 314374 (Cont'd)

the health and stability (safety) of tree #2, even if the excavation for this fence is carried out by hand, due to the number of potential structural roots required to be cut.”

The concerns and comments of the tree officer have been noted and appropriate conditions of consent have been recommended to mitigate these concerns.

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.

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 (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.

It is noted that the front fence is located 1.2m away from the existing Eucalyptus citriodora which is identified on Council's Significant Tree Register. Concerns were raised regarding the impact of the footings of the front boundary fence to the root system of the existing tree. In the event of approval, a special condition of consent will be included which requires the front boundary fence to be constructed using a lintel system in order to minimise soil disturbance around the tree. An additional condition is recommended to ensure all nearby trees are suitably protected for the duration of the works in accordance with the tree protection measures set out in Australian Standard AS4970 – 2009.

STATE ENVIRONMENTAL PLANNING POLICY (COASTAL MANAGEMENT) 2018

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

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

**DA2019/116 - 12-14 Kingsland Road, Strathfield
Lot A DP 314374 (Cont'd)**

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

Comments: The proposal is generally consistent with the aims of the SLEP 2012. The proposed roof alterations and front boundary fence have been appropriately designed with respect to the heritage character of the site and surrounding sites.

Permissibility

The site is located within the R2 Low Density Residential zone wherein the development for the purpose of a 'dwelling house' is permissible with consent. A 'dwelling house' is defined as follows:

"...a building containing only one dwelling"

The proposed development, being for the purpose of alterations and additions to the existing dwelling house and construction of a front boundary fence, is consistent with the definition above and therefore permissible within the R2 Low Density Residential zone with consent.

Zone Objectives

An assessment of the proposal against the objectives of the R2 Zone is as follows:

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

Comments: The proposed roof alterations to the rear and the front boundary fence are considered to be appropriate to the heritage character of the site and therefore generally comply with the objectives of the R2 Low Density Residential zone.

Part 4: Principal development standards

The proposed alterations do not alter the existing building height and floor space ratio of the existing dwelling. As such, an assessment against the provisions of Part 4 is not required.

Part 5: Miscellaneous Provisions

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

DA2019/116 - 12-14 Kingsland Road, Strathfield
Lot A DP 314374 (Cont'd)

5.10 Heritage Conservation

Clause 5.10(5) of the *SLEP 2012* requires that consideration be given to the potential impacts of develop upon heritage items within the vicinity of the development. The site contains a heritage item, "Tusmore" (Item I165). The site is not located within a Heritage Conservation Area but is located within the vicinity of several items of environmental heritage of local significance identified in the *SLEP 2012* including Trinity Grammar Preparatory School at 115-127 The Boulevarde, Strathfield. The new roof form at the rear is overall an appropriate design outcome to the existing failing flat bituminous roof structure with its hipped roof form. The amended front boundary fence design has been reduced to 1500mm and the vertical infill panels have been replaced with a single horizontal rail to complement the strong horizontal elements of the Inter-War Californian Bungalow. The proposed roof alterations and front boundary fence are considered to be an appropriate design response to the heritage character of the site and as such the provisions of this clause are considered to be satisfied.

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

The extent of cut required for the front boundary fence is considered to be minor. The modification does not involve earthworks that will have a detrimental impact on environmental functions and processes.

6.3 Flood planning

The subject site is not identified as being within the extent of the 1 in 100 yr ARI stormwater event in accordance with the Cooks River and Cox Creek Flood Study. Council's Stormwater Engineer raised no objections to the revised stormwater plan subject to the imposition of conditions of consent. The proposal is considered to have satisfied the objectives of 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.

DA2019/116 - 12-14 Kingsland Road, Strathfield
Lot A DP 314374 (Cont'd)

PART A – DWELLING HOUSES AND ANCILLARY STRUCTURES

2: Architectural Design & Streetscape Presentation

2.1	Objectives	Satisfactory
A.	To ensure that development respects the predominant height, scale, character, type, form, colour, materials and architectural qualities of the existing dwelling house (in the case of alterations and additions) and surrounding neighbourhood especially any adjoining or nearby heritage item or heritage conservation area.	Yes
B.	To achieve quality architecture in new development through the appropriate composition and articulation of building elements.	Yes
C.	To ensure that the dominant building rhythm of the streetscape is reflected in the building design in terms of the spacing and proportion of the built elements.	Yes
D.	To ensure that new dwellings have facades, which define, address and enhance the public domain.	Yes
E.	To encourage contemporary architecture that is innovative, uses high quality detailing, and incorporates elements characteristic of Strathfield.	Yes
F.	To promote the continuance of pyramidal roof forms within Strathfield where they are already prevalent.	Yes
G.	To retain a feeling of openness and space between built elements by maintaining landscaped setbacks and preserve the appearance of dwellings set in the treelined streets and park-like environment.	Yes
H.	To reduce the use of highly reflective colours and materials that create visual prominence.	Yes
I.	To ensure fencing is sympathetic to the design of the dwelling and the street and enhances the character of both the individual house and street whilst maintaining casual surveillance of the neighbourhood.	Yes
J.	To protect and retain the amenity of adjoining properties.	Yes
2.2	Development Controls	Complies
	<i>Roof Forms</i>	
1	Roof form complements predominant form in the locality	Yes
2	Roof form minimises bulk and scale of building and remains an important architectural element in the street.	Yes
4	Roof structures are not visible from the public domain	Yes
	<i>Materials</i>	
.4.	5 Materials compatible with the existing dwelling house, adjoining dwelling houses and the streetscape (type, form and colour)	Yes
6	Monotone face brick walls and terracotta tiles for roofs where common in the streetscape	Yes
7	New buildings and facades do not result in glare (Reflectivity Report may be required)	Yes
	<i>Colours</i>	
8	New development incorporates traditional colour schemes	Yes
9	The external colours integrate harmoniously with the external design of the building	Yes

Comments: The proposed roof alterations to the rear of the dwelling will not adversely impact upon the heritage character of the street as it is located to the rear of the property and is not visible

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Lot A DP 314374 (Cont'd)

from Kingsland Road. It is noted that the proposed materials and colours for the roof alterations and front boundary fence are consistent with the colours and materials of the original building.

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, with condition
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.	N/A
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.	N/A
J.	To provide private open areas with provision for clothes drying facilities screened from the street and lane or a public place.	N/A
K.	To ensure the protection of trees during construction	Yes, with condition
L.	To ensure suitable fencing is provided to reduce acoustic impacts and enhance visual privacy between neighbouring residents whilst enabling front fences passive surveillance of the street.	Yes
M.	To maximise the amenity of existing and proposed developments, including solar access, privacy and open space.	Yes
5.2 Development Controls		Complies
Tree Protection		
.2.	1 Arboricultural Impact Assessment Report prepared by an AQF Level 5 Arborist	Yes
	2 The Arboricultural Impact Assessment Report address minimum criteria	Yes
	3 Development provides for the retention and protection of existing significant trees	Yes
	4 New dwellings and alterations and additions are set back in accordance with the Arboricultural Impact Assessment Report	Yes
	5 Council may request the applicant to engage a project Arborist	Yes
	8 Trunk of a proposed canopy tree planted 4m (min) from built structures, or 3m (min) from pier beam footings	No, refer to comments
Fencing		
.4.	1 Fencing designed to be compatible and sympathetic to the style of the dwelling, adjoining properties and the streetscape	Yes

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Lot A DP 314374 (Cont'd)

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
7	Front fences visually permeable	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

Comments: The proposed front boundary fence comprises a single horizontal timber rail between 1500mm high masonry columns. The proposed front boundary fence allows for passive surveillance of the street and is compatible with the height, form and style of existing front fences along Kingsland Road.

It is noted that the proposed location for the front boundary fence is within the TPZ of the significant tree (Tree #2) on the subject site. In the event of approval, a condition of consent will be imposed requiring the front fence to be constructed using a lintel system in order to protect the nearby significant tree.

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.	N/A	
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		
	1	Applicant contacted Council regarding site being flood prone land	Yes
	2	Compliance with Council's Stormwater Management Code	Yes
	6	Stormwater Management Code compliance	Yes
.2.	Acid Sulfate Soils		
	1	Site managed consistent with the provisions contained in Clause 6.1 SLEP 2012	Yes
.3.	Soil Erosion and Sediment Control		
	1	Soil erosion and sediment control measures detailed and implemented prior to the commencement of work.	Yes
	2	Sediment control measures applied	Yes

DA2019/116 - 12-14 Kingsland Road, Strathfield
Lot A DP 314374 (Cont'd)

3	Plans provided detailing stormwater quality treatment	Yes
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Comments: Council's Stormwater Engineer has raised no objections to the proposed alterations and additions. Conditions of consent have been recommended to ensure compliance with the sediment and erosion control plan submitted with the application.

11: Access, Safety and Security

11.1	Objectives	Satisfactory
A.	To encourage the incorporation of crime prevention principles in the design of the proposed developments.	Yes
B.	To increase the safety and perception of safety in public and semi-public spaces.	Yes
C.	To provide passive surveillance of the public domain to promote a safe pedestrian environment whilst maintaining the privacy of residents	Yes
D.	To ensure the safety of pedestrians by separating pedestrian access from vehicular access.	Yes
11.2	Development Controls	Complies
.1.	Address and Entry Sightlines	
	1 Occupants able to overlook public places to maximise passive surveillance	Yes
	2 Landscaping design around dwellings and ancillary structures to accommodate plant maturation	Yes
	4 Crime Prevention through Environmental Design (CPTED) principles incorporated.	Yes
.2.	Pedestrian Entries	
	1 Pedestrian entries and vehicular entries suitably separated	Yes
	2 Dwelling entrances easily identifiable	Yes

Comments: The proposed front boundary fence comprises a single horizontal timber rail between 1500mm high masonry columns. The proposed masonry infill fence design will enable for passive surveillance of the public domain whilst still maintaining the privacy of residents on the subject site. It is noted that vehicular and pedestrian access to the site have been appropriately separated to ensure the safety of residents and pedestrians.

PART P – Heritage

Cl. 2.9	Aims	Complies
A	To conserve gates and fences that are contemporary with heritage items.	Yes
B	To ensure that new fences and gates are in keeping with the character of the heritage item.	Yes
C	To ensure that the significance of the heritage item is not diminished by inappropriate fencing.	Yes
Cl. 2.9	Controls	Complies
(1)	Original fencing styles and materials on a heritage item should be repaired and retained where possible.	Yes
(2)	New fencing and gates to a heritage item should be of a style and scale that is consistent with the style of the building.	Yes
(3)	Unless evidence is provided to establish a greater height, fencing forward of the building line, constructed of a material such as timber pickets, metal pickets or wrought metal panels or a combination of masonry and one of	Yes

DA2019/116 - 12-14 Kingsland Road, Strathfield
Lot A DP 314374 (Cont'd)

the above materials, should not be greater than 1.5m in height above the adjacent public footpath level.

- | | | |
|-----|--|------------|
| (4) | <i>For front boundaries where there is no existing front fence or the existing fence is not contemporary with the Heritage item, a new low fence should be constructed. Materials used for front fencing of Heritage Items should be similar to those of the building or those which there is historical evidence.</i> | Yes |
|-----|--|------------|

Comments: Having regard to the Heritage Impact Statement accompanying the development application and the comments provided by Council's Heritage Advisor, the new roof form at the rear is overall an appropriate design response to the existing failing flat bituminous roof structure with its hipped roof form. It is also noted that the proposed roof alterations are located to the rear and are not visible from Kingsland Road.

The design of the new fencing incorporates face brickwork, stone capping and a dark grey timber rail to match the colours and materials of the original building. The front boundary fence height has been reduced to an overall height of 1500mm to comply with 2.9.3 of the Part P of the DCP. The revised design incorporates a single horizontal rail in between the masonry piers which complements the strong horizontal elements of the Inter-War Californian Bungalow.

PART H - WASTE MANAGEMENT (SCDCP 2005)

A Waste Management Plan was submitted as part of the development application and has demonstrated compliance with Part H of the SCDCP 2005.

4.15(1)(a)(iia) 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

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 involves the part 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

The likely impacts of the development, including environmental impacts on both the natural and built environments, and social and economic impacts on the locality are not considered to be unreasonable or significant. The likely impacts have been addressed elsewhere in this report, including heritage impacts, extent of cut/ excavation, tree affectation and amenity for neighbouring properties.

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

The subject site is considered suitable for the proposed development as the proposed development is permissible in the zone with consent, and the proposal has been designed to respond to the heritage significance of the site. Whilst it is noted that the proposed front fence is in close proximity to a number of trees, conditions of consent will be included to ensure the protection

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Lot A DP 314374 (Cont'd)

of these trees. There are no other site affectations which render the site unsuitable for the proposed development.

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

The application was publicly notified from **1 August 2019** to **15 August 2019** in accordance with the provisions of Part L of SCDCP 2005. **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 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 DIRECT SECTION 7.11 CONTRIBUTIONS PLAN

Section 7.11 Contributions are not applicable to the proposed development as the proposal does not involve the construction of additional dwellings which is a trigger for contribution payments under the Strathfield Indirect Development Contributions Plan 2010-2030

STRATHFIELD INDIRECT SECTION 7.12 CONTRIBUTIONS PLAN

Section 7.12 Contributions are not applicable to the proposed development as the cost of works is less than \$100,000, which is the threshold which triggers a contribution payment under the Strathfield Indirect Development Contributions Plan 2010-2030.

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. DA2019/116 for alterations and additions to the existing dwelling including new roof with skylights, fire place and chimney, front boundary fence and an upgrade to the existing drainage system at 12-14 Kingsland Road, Strathfield be **APPROVED**, subject to the following conditions:

DA2019/116 - 12-14 Kingsland Road, Strathfield
Lot A DP 314374 (Cont'd)

SPECIAL CONDITIONS (SC)

1. FRONT BOUNDARY FENCE DESIGN (SC)

The front boundary fence is to be designed so that:

- i) The maximum height of the front boundary fence shall not exceed 1.5m at any point; and
- ii) The solid brick base component of the front boundary fence is to be constructed using a lintel. The lintel is to be installed above ground along the entire length of the front fence.

Plans demonstrating compliance with this condition are to be submitted and approved by the Principal Certifying Authority prior to the issue of a Construction Certificate.

(Reason: To provide adequate protection of the existing street tree).

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. DA2019/116:

Drawing No.	Title/Description	Prepared by	Issue / Revision & Date	Date received by Council
DA04	Existing Ground Floor Plan + Demolition	POC+P Architects	Issue B	23 September 2019
DA05	Roof Plan + Demolition Existing	POC+P Architects	Issue B	23 September 2019
DA06	Front (west) + rear (east) elevation	POC+P Architects	Issue B	23 September 2019
DA07	South + North Elevation Existing	POC+P Architects	Issue B	23 September 2019
DA08	Section AA-DD + Demolition	POC+P Architects	Issue B	23 September 2019
DA10	Proposed Site Plan	POC+P Architects	Issue B	23 September 2019
DA11	Proposed Ground Floor Plan	POC+P Architects	Issue B	23 September 2019
DA12	Proposed Roof Plan + Concept Stormwater Drainage Plan	POC+P Architects	Issue B	23 September 2019
DA13	Front (west) + rear (east) elevation	POC+P Architects	Issue B	23 September 2019

DA2019/116 - 12-14 Kingsland Road, Strathfield
Lot A DP 314374 (Cont'd)

DA14	South + North elevation	POC+P Architects	Issue B	23 September 2019
DA15	Section AA-BB-CC Proposed	POC+P Architects	Issue B	23 September 2019
DA16	Streetscape Elevation Existing + Proposed	POC+P Architects	Issue B	23 September 2019
DA17	Proposed front elevation w/fence	POC+P Architects	Issue B	23 September 2019
DA18.1	Front fence + gates – Plan & Elevation proposed	POC+P Architects	Issue B	23 September 2019
DA18.2	Front elevation and gates details elevation	POC+P Architects	Issue B	23 September 2019
DA19	Proposed sediment and erosion control plan	POC+P Architects	Issue B	23 September 2019
-	Colours and Materials Specification	POC+P Architects	Issue B	23 September 2019

Reference Documentation affixed with Council's 'Development Consent' stamp relating to Development Consent No. DA2019/116:

Title / Description	Prepared by	Issue/Revision & Date	Date received by Council
Arborist Report	TALC Tree and Landscape Consultants	8 August 2019	9 August 2019
Statement of Heritage Impact	POC+P Architects	July 2019	9 August 2019
BASIX Certificate	Patrick O'Carrigan Partners	23 July 2019	25 July 2019
Waste Management Plan	POC+P Architects	Revision A	25 July 2019

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.

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Lot A DP 314374 (Cont'd)

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

4. **DEMOLITION - HERITAGE ITEMS (GC)**

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

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

(Reason: Heritage conservation.)

5. **FIREPLACES (GC)**

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

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

6. **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

DA2019/116 - 12-14 Kingsland Road, Strathfield
Lot A DP 314374 (Cont'd)

- 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.)

7. MATERIALS – CONSISTENT WITH SUBMITTED SCHEDULE (GC)

All external materials, finishes and colours are to be consistent with the schedule submitted and approved by Council with the development application.

(Reason: To ensure compliance with this consent.)

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

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

- i) the Principal Certifying Authority (PCA) by showing the name, address and telephone number of the PCA;
- ii) the Principal Contractor by showing the Principal Contractor's name, address and 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.)

9. SITE MANAGEMENT (DURING DEMOLITION AND CONSTRUCTION WORKS)

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

DA2019/116 - 12-14 Kingsland Road, Strathfield
Lot A DP 314374 (Cont'd)

- i) All demolition is to be carried out in accordance with Australian Standard AS 2601-2001.
- ii) Demolition must be carried out by a registered demolition contractor.
- iii) A single entrance is permitted to service the site for demolition and construction. Protection pads are to be installed to the kerb, gutter and nature strip where trucks and vehicles enter the site.
- iv) No blasting is to be carried out at any time during construction of the building.
- v) Care must be taken during demolition/ excavation/ building/ construction to prevent any damage to adjoining buildings.
- vi) Adjoining owner property rights and the need for owner's permission must be observed at all times, including the entering onto land for the purpose of undertaking works.
- vii) Any demolition and excess construction materials are to be recycled wherever practicable.
- viii) The disposal of construction and demolition waste must be in accordance with the requirements of the Protection of the Environment Operations Act 1997.
- ix) All waste on the site is to be stored, handled and disposed of in such a manner as to not create air pollution (including odour), offensive noise or pollution of land and/or water as defined by the Protection of the Environment Operations Act 1997. All excavated material should be removed from the site in an approved manner and be disposed of lawfully to a tip or other authorised disposal area.
- x) All waste must be contained entirely within the site.
- xi) A site plan including temporary waste storage locations, construction material storage areas and vehicular access to and from the site must be included with application.
- xii) Section 143 of the Protection of the Environment Operations Act 1997 requires waste to be transported to a place which can lawfully accept it. All non-recyclable demolition materials are to be disposed of at an approved waste disposal depot in accordance with legislation.
- xiii) Details as to the method and location of disposal of demolition materials (weight dockets, receipts, etc.) should be kept on site as evidence of approved methods of disposal or recycling and must be presented to Council and/or Principal Certifying Authority upon request.
- xiv) All materials on site or being delivered to the site are to generally be contained within the site. The requirements of the Protection of the Environment Operations Act 1997 must be complied with when placing/stockpiling loose material, disposing of concrete waste, or other activities likely to pollute drains or water courses.
- xv) Any materials stored on site must be stored out of view or in such a manner so as not to cause unsightliness when viewed from nearby lands or roadways.
- xvi) Public footways, include nature strips and roadways adjacent to the site must be maintained and cleared of obstructions during construction. No building materials, waste containers or skips may be stored on the road reserve or footpath without prior separate approval from Council, including payment of relevant fees.
- xvii) Building operations such as brick-cutting, washing tools or paint brushes, and mixing mortar not be performed on the roadway or public footway or any other locations which could lead to the discharge of materials into the stormwater drainage system.
- xviii) All site waters during excavation and construction must be contained on site in an approved manner to avoid pollutants entering into waterways or Council's stormwater drainage system.
- xix) Any work must not prohibit or divert any natural overland flow of water.
- xx) Toilet facilities for employees must be provided in accordance with WorkCover NSW.

(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.)

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Lot A DP 314374 (Cont'd)

10. **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.)

11. **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.)

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

12. **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.)

13. **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

DA2019/116 - 12-14 Kingsland Road, Strathfield
Lot A DP 314374 (Cont'd)

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.)

14. **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.)

15. **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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Lot A DP 314374 (Cont'd)

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

16. 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.)

17. 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.)

18. 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

**DA2019/116 - 12-14 Kingsland Road, Strathfield
Lot A DP 314374 (Cont'd)**

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.)

ATTACHMENTS

There are no attachments for this report.

TO: Strathfield Internal Development Assessment Panel Meeting - 11 October 2019

REPORT: IDAP – Report No. 5

SUBJECT: DA2019/117 - 5 MORGAN PLACE STRATHFIELD
LOT 89 DP 201109

DA NO. DA2019/117

SUMMARY

Proposal: Construction of front and side boundary fencing, associated landscaping and tree removal.

Applicant: Cunningham Gill Architects

Owner: AB & JM Sopina

Date of lodgement: 29 July 2019

Notification period: 1 August 2019 to 15 August 2019

Submissions received: Nil (0)

Assessment officer: DS

Estimated cost of works: \$50,000

Zoning: R2 Low Density Residential - SLEP 2012

Heritage: No

Flood affected: No

Is a Clause 4.6 variation proposed? No

RECOMMENDATION OF OFFICER: Approval (in part)

EXECUTIVE SUMMARY

Approval is sought for the construction of front and side boundary fencing, associated landscaping and tree removal.

The application was notified in accordance with Part L of the SCDCP 2005 for a minimum period of (14) days. No submissions were received during this time.

It is noted that the trees proposed to be removed as part of this application have already been removed without Council's consent. As retrospective consent cannot be granted, this part of the application is not supported.

The proposed boundary fencing is considered to be appropriate as it is a common form of fencing along Morgan Place and it allows for passive surveillance of the public domain.

It is recommended that the Development Application be approved in part (all proposed works except tree removal) subject to conditions of consent. The proposed tree removal does not form part of this approval and the unauthorised works may be referred to Council's Compliance Team for further investigation.

BACKGROUND

2 April 2019: A works permit was issued by Council for the construction

**DA2019/117 - 5 Morgan Place Strathfield
Lot 89 DP 201109 (Cont'd)**

- 3 May 2019:** of a new driveway and footpath related work.
A Complying Development Certificate (CDC No. 190083) was issued by a Private Certifying Authority for the demolition of the existing dwelling and construction of a new two (2) storey dwelling. The approved plans in the CDC showed the removal of a street tree in the location of the new vehicle crossing as well as the removal of a Lasiandra and Frangipani tree located on the site.
- 25 July 2019:** The current Development Application (DA2019/117) was lodged.
- 1 August 2019 to 15 August 2019:** The current application was notified for a period of two (2) weeks. No written submissions were received.
- 6 August 2019:** A deferral letter was sent to the applicant which requested scaled elevation plans and cross section drawings of the proposed side boundary fencing to be submitted. The letter also requested a reduction in the height of the proposed fence.
- 14 August 2019:** The applicant submitted amended plans and additional information which adequately addressed the concerns raised in the deferral letter.

DESCRIPTION OF THE SITE AND LOCALITY

The subject site is legally described as Lot 89 in DP 201109 and commonly known as 5 Morgan Place Strathfield. It is located on the northern side of Morgan Place, between Hedges Avenue and Cave Road (Figure 1).

The site is irregular in shape and has an area of 647.6m², a street frontage of 23.4m and a maximum depth of 48.2m. The site contains a two (2) storey dwelling house with rendered walls and a pitched roof (which appears to be approved in CDC No. 190083) and is undergoing construction.

The current streetscape comprises a mix of single and double storey dwellings predominately with pitched roofs and face brick exterior walls (Figures 3 and 4).

DA2019/117 - 5 Morgan Place Strathfield
Lot 89 DP 201109 (Cont'd)



Figure 1: Locality plan with the subject site highlighted in red.



Figure 2: The CDC approved two (2) storey dwelling currently under construction on the site.

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Lot 89 DP 201109 (Cont'd)



Figure 3: 3 Morgan Place (neighbouring property to the east)



Figure 4: 7 Morgan Place (neighbouring property to the west)

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

DA2019/117 - 5 Morgan Place Strathfield
 Lot 89 DP 201109 (Cont'd)

The application seeks Council approval for the construction of front and side boundary fencing and associated landscaping.

Elevation plans of the proposed front and side boundary fencing are included below:

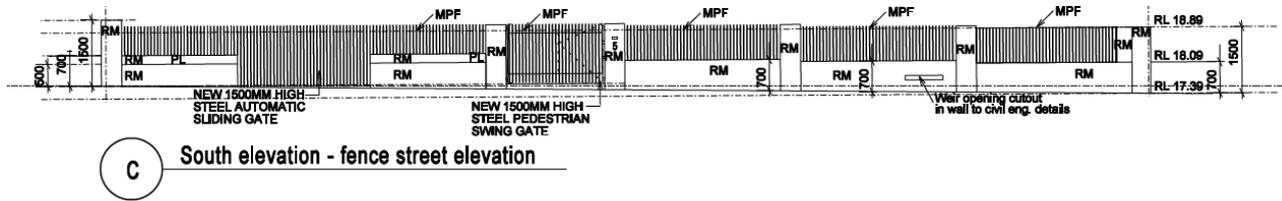


Figure 5: Southern (front) elevation of the proposed front boundary fencing.

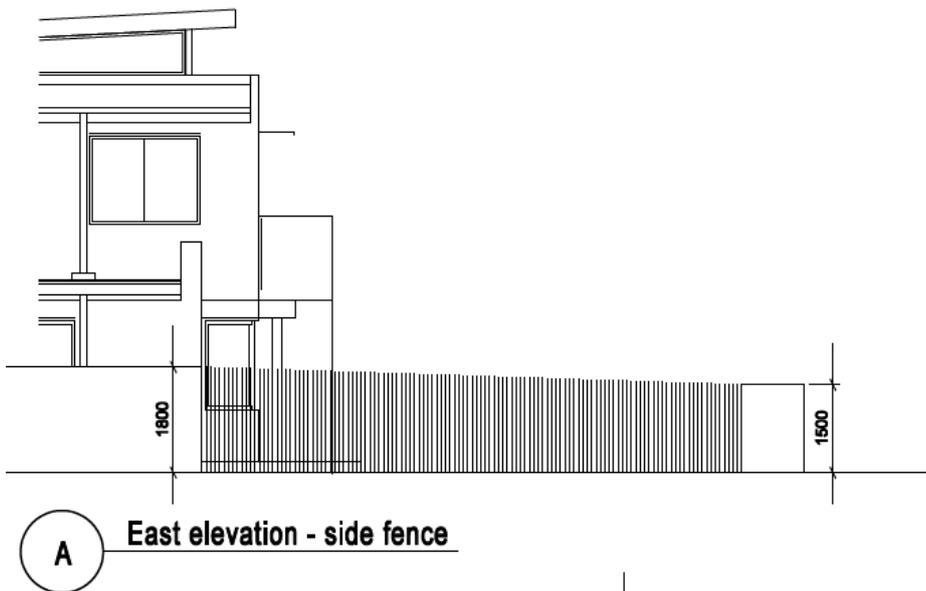


Figure 6: Eastern (side) elevation of the proposed side boundary fencing.

It is noted that that the application form did not explicitly state that approval is sought for tree removal, however, plans submitted with the application show the removal of a number of trees including:

- T1 – Saucer Magnolia – located in front setback
- T3 – Tibouchina – located in front setback
- T5 – Plumeria acutifolia – located in rear setback
- Council street tree located on the western side of the site frontage
- Tree not numbered located in the front setback

Whilst the submitted plans also show a new vehicle crossing on the western side of the site frontage, it is noted that on 2 April 2019 Council approved a Works Permit Application (No. 2019-051) for the construction of a new driveway and footpath related work.

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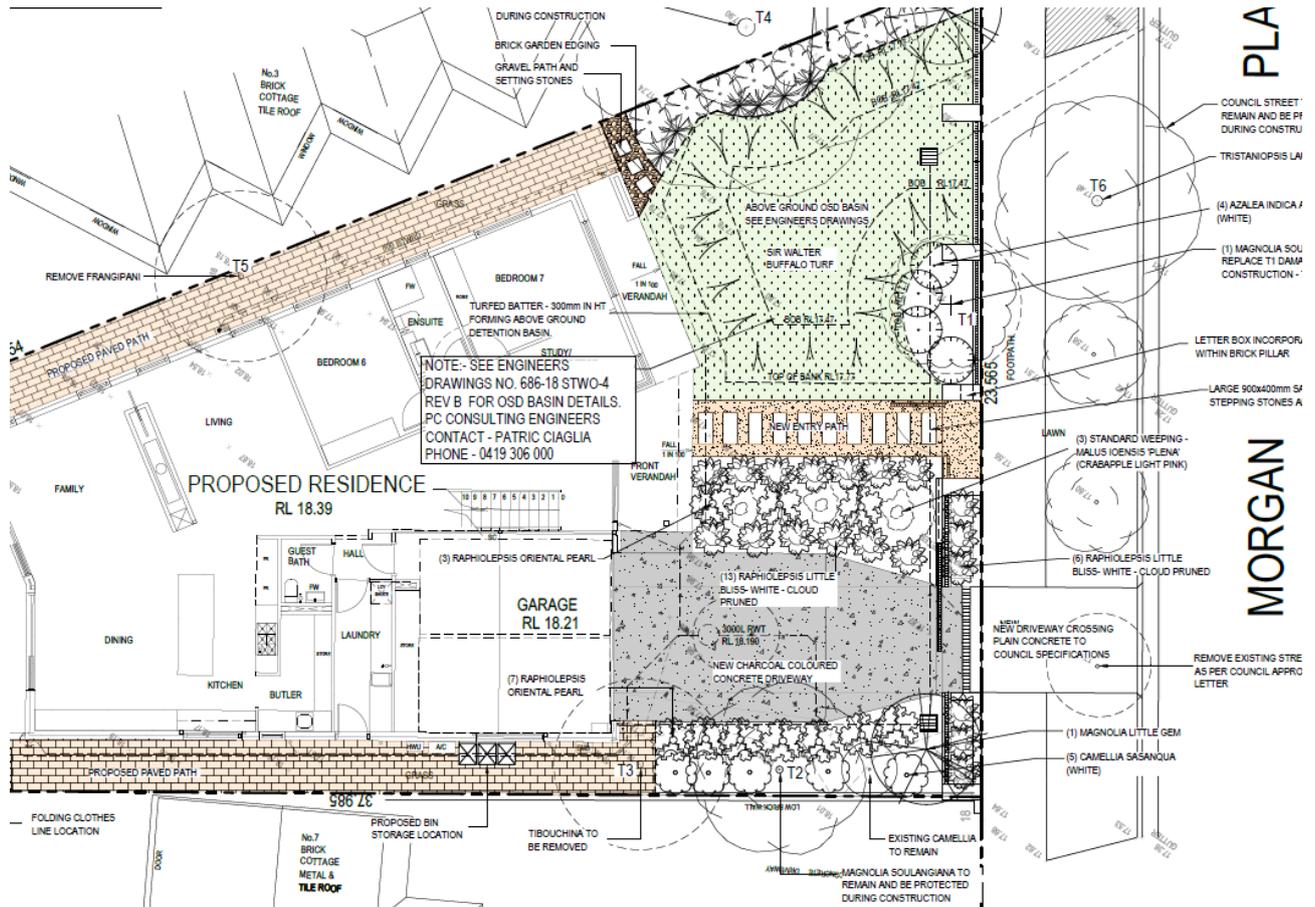


Figure 7: Landscape plan showing tree removal.

REFERRALS

INTERNAL REFERRALS

Engineering Comments

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

Landscaping Comments

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

- The trees that would be impacted by the proposed work have already been removed.
- Compliance shall investigate the unauthorised tree removals and issue appropriate fines
- Street trees shall be replaced from the tree bonds held by Council.

It is noted that three (3) trees have been removed without any approval from Council. This has been referred to Council’s Compliance Team for further investigation. A condition will be included in the consent to ensure the proposed tree removal does not form part of this approval.

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:

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4.15(1)(a)(i) The provisions of any environmental planning instrument

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.

It is noted that the application form did not explicitly state that development consent is sought for tree removal however, 'landscaping works' did form part of the development description proposal provided by the applicant.

Nevertheless, the application was accompanied by architectural plans and a landscape plan which indicates that the proposal includes tree removal, including the removal of:

- T1 - Saucer Magnolia
- T3 - Tibouchina
- T5 – Frangipani
- Tree not numbered located in the front setback
- Council street tree located on the western side of the site forntage

The application was also accompanied by an Arboricultural Report however, it is noted that the Arboricultural Report is based upon architectural plans which does not reflect the proposal submitted to Council. The Arboricultural Report supported the removal of tree T3 (Lasiandra) and T5 (Frangipani) however, it recommended that tree T1 (Saucer Magnolia), T2 (Saucer Magnolia), T4 (Swamp Paperbark) and T6 (Water Gum) all be retained and protected. It is noted that tree T6 is a street tree and it can only be presumed that the most western street tree (now removed) was not assessed as part of the Arboricultural Assessment as the plans did not accurately reflect the proposal, in particular a new vehicle crossing on the western side of the site frontage.

Council's Tree Coordinator commented on the proposal and noted that the trees that would be impacted by the proposed works have already been removed. Council's Compliance may investigate these unauthorised works as a separate matter. Therefore, a condition of consent has been recommended to clarify that this approval is not for any tree removal.

Specific conditions have been recommended in order to ensure the protection of Council's remaining street trees.

STRATHFIELD LOCAL ENVIRONMENTAL PLAN 2012 (SLEP 2012)

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

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

Comments: The proposal is generally consistent with the aims of the SLEP 2012. The proposed front and side boundary fence have been appropriately designed with respect to the character of the site and surrounding sites.

Permissibility

The site is located within the R2 Low Density Residential zone wherein the development for the purpose of a 'dwelling house' is permissible with consent. A 'dwelling house' is defined as follows:

"...a building containing only one dwelling"

The proposed development, being for the purpose of the construction of a front and side boundary fence, is considered to be ancillary to the existing dwelling house located on site, is consistent with the definition above and therefore permissible within the R2 Low Density Residential zone with consent.

Zone Objectives

An assessment of the proposal against the objectives of the R2 Zone is as follows:

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

Comments: The proposal is generally consistent with the aims of the SLEP 2012. The proposal involves the construction of a front and side boundary fence, associated landscaping and anew driveway crossing which provides for the housing needs of the community in a low density residential setting.

Part 4: Principal development standards

There are no relevant provisions in this Part which are relevant to the subject proposal.

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Part 5: Miscellaneous Provisions

There are no relevant provisions in this Part which are relevant to the subject 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

The extent of cut required for the front boundary fence is considered to be minimal. The modification does not involve an extent of earthworks that will have a detrimental impact on environmental functions and processes.

6.3 Flood planning

The subject site is not identified as being within the extent of the 1 in 100yr ARI storm event in accordance with the Cooks River and Cox Creek Flood Study. Council's Stormwater Engineer raised no objection to the proposal, subject to conditions of consent. As such, the proposal is considered to satisfy the objectives of 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

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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.	N/A
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.	<i>Streetscape Presentation</i>	
	3 Consideration of streetscape elements	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
	<i>Materials</i>	
	5 Materials compatible with the existing dwelling house, adjoining dwelling houses and the streetscape (type, form and colour)	Yes
	6 Monotone face brick walls and terracotta tiles for roofs where common in the streetscape	Yes
	7 New buildings and facades do not result in glare (Reflectivity Report may be required)	Yes
	<i>Colours</i>	
	8 New development incorporates traditional colour schemes	Yes
9 The external colours integrate harmoniously with the external design of the building	Yes	

Comments: The proposed front and side boundary fencing will include a grey rendered finish which will match the external colours of the existing dwelling on the subject site. It is noted that the 1500mm high masonry infill fence design is a common form of fencing along Morgan Place and it allows for passive surveillance of the public domain.

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Figure 7: Similar front boundary fence design at 10 Morgan Place.

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.	N/A
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
	Driveway and Grades	
	2 The width of driveways at the property boundary is to be 3m	Yes
.1.	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, with condition

Comments: The proposal seeks to re-locate the existing driveway layback to the western end of the street frontage so as to integrate with the design of the dwelling currently under construction. The driveway will have a maximum width of 3m at the property boundary and will be setback 3m from the western side boundary so as reduce any disturbance to adjoining properties. The relocation maintains ample separation from any existing street trees. It is noted that a street tree in

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the location of the proposed new vehicle crossing has already been removed however, the tree removal works may be subject to separate enforcement action.

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.	No, refer to comments
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.	N/A
J.	To provide private open areas with provision for clothes drying facilities screened from the street and lane or a public place.	N/A
K.	To ensure the protection of trees during construction	No, refer to comments
L.	To ensure suitable fencing is provided to reduce acoustic impacts and enhance visual privacy between neighbouring residents whilst enabling front fences passive surveillance of the street.	Yes
M.	To maximise the amenity of existing and proposed developments, including solar access, privacy and open space.	Yes
5.2 Development Controls		Complies
Tree Protection		
1	Arboricultural Impact Assessment Report prepared by an AQF Level 5 Arborist	Yes
3	Development provides for the retention and protection of existing significant trees	Yes
.2.	6 Opportunities for planting new canopy trees within the front setback	Yes
8	Trunk of a proposed canopy tree planted 4m (min) from built structures, or 3m (min) from pier beam footings	Yes
10	Driveway construction does not result in the removal, lopping or root damage to any street tree	Yes
Fencing		
.4.	1 Fencing designed to be compatible and sympathetic to the style of the dwelling, adjoining properties and the streetscape	Yes
3	Fencing forward of FBL shall not exceed 1.5m. Solid components shall not exceed	Yes

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	0.7m above NGL with the exception of brick piers	
4	Solid fencing 1.8m (max) is permitted along a secondary street frontage to enclose a private open space	Yes
5	Side and rear fences limited to 1.8m (max)	Yes
6	Side fences forward of the FBL taper down to the front fence.	Yes
7	Front fences visually permeable	Yes
9	Listed undesirable materials and finishes not used forward FBL	Yes
11	Solid fences adjoining driveways are provided with 1m x 1m (min) splay	Yes

Comments: A revised front boundary fence design with a reduced front fence height (1500mm) was submitted to Council. The revised 1500mm high masonry infill fence design allows for passive surveillance of the public domain and is compatible with the design of existing front fences along Morgan Place.

It is noted that the trees are shown to be removed on the architectural and landscape plans as part of this application have already been removed. The matter has been forwarded to Council's Compliance Team for further investigation and a condition will be included in the consent to ensure that tree removal does not form part of the approval.

10: Water and Soil Management

10.1	Objectives	Satisfactory
A.	To encourage the incorporation of Water Sensitive Urban Design (WSUD) and Botany Improvement Plan principles in the development.	Yes
B.	To ensure compliance with Council's Stormwater Management Code	Yes
C.	To ensure compliance with the NSW State Government's Flood Prone Lands Policy.	Yes
D.	To ensure that appropriate soil erosion and sediment control measures are implemented on all sites that involve soil disturbances during construction.	Yes
E.	To ensure new building work does not detrimentally affect the existing drainage system of any area of the Municipality.	Yes
F.	To ensure that new development in areas that may be affected by acid sulphate soils do not adversely impact the underlying ground conditions, soil acidity and water quality.	Yes
G.	To appropriately manage stormwater and overland flow to minimise damage to occupants and property	Yes
10.2	Development Controls	Complies
.2.	Acid Sulfate Soils	
	1 Site managed consistent with the provisions contained in Clause 6.1 SLEP 2012	Yes
.3.	Soil Erosion and Sediment Control	
	1 Soil erosion and sediment control measures detailed and implemented prior to the commencement of work.	Yes
	2 Sediment control measures applied	Yes
	3 Plans provided detailing stormwater quality treatment	Yes

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Comments: Council's Stormwater Engineer has raised no objections to the proposed front and side boundary fencing and associated landscaping subject to the imposition of standard conditions of consent.

11: Access, Safety and Security

11.1	Objectives	Satisfactory	
A.	To encourage the incorporation of crime prevention principles in the design of the proposed developments.	Yes	
B.	To increase the safety and perception of safety in public and semi-public spaces.	Yes	
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.	<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 proposed front boundary fence comprises vertical metal piers spaced at 380mm apart, between 1500mm high masonry columns. The proposed masonry infill fence design will enable for passive surveillance of the public domain whilst still maintaining the privacy of residents on the subject site. It is noted that vehicular and pedestrian access to the site have been appropriately separated to ensure the safety of residents and pedestrians.

PART H - WASTE MANAGEMENT (SCDCP 2005)

A Waste Management Plan was submitted as part of the development application and has demonstrated compliance with Part H of the SCDCP 2005.

4.15(1)(a)(iia) 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)(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

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

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

The proposed development is considered to be suitable to the site in that it generally complies with the requirements as outlined SCDP 2005 and will support the residence that will occupy the site.

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

The application was publicly notified from **1 August 2019** to **15 August 2019** in accordance with the provisions of Part L of SCDP 2005. **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 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 DIRECT SECTION 7.11 CONTRIBUTIONS PLAN

Section 7.11 Contributions are not applicable to the proposed development as the proposal does not involve the construction of additional dwellings which is a trigger for contribution payments under the Strathfield Indirect Development Contributions Plan 2010-2030

STRATHFIELD INDIRECT SECTION 7.12 CONTRIBUTIONS PLAN

Section 7.12 Contributions are not applicable to the proposed development as the cost of works is less than \$100,000, which is the threshold which triggers a contribution payment under the Strathfield Indirect Development Contributions Plan 2010-2030.

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.

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RECOMMENDATION

That Development Application No. DA2019/117 for the construction of a front and side boundary fencing, associated landscaping and tree removal at 5 Morgan Place be **PART APPROVED**, subject to the following conditions:

SPECIAL CONDITIONS (SC)

1. TREE REMOVAL (SC)

This consent does not include approval for any tree removal.

(Reason: Unauthorised works)

2. DRIVEWAY (SC)

This consent does not include approval for the construction of a new driveway and footpath outside the boundaries of the site.

(Reason: To clarify the works that approval has been granted for)

GENERAL CONDITIONS (GC)

3. APPROVED PLANS AND REFERENCE DOCUMENTATION (GC)

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

Plans affixed with Council's 'Development Consent' stamp relating to Development Consent No. DA2019/117:

Drawing No.	Title/Description	Prepared by	Issue / Revision & Date	Date received by Council
DA01	Plan, Front & side fence	Cunningham Gill Architects	Issue B	14 August 2019
DA02	Elevations & Sections	Cunningham Gill Architects	Issue B	14 August 2019
L01	Landscape Plan	Susan Read Landscapes	Issue A	29 July 2019

Reference Documentation affixed with Council's 'Development Consent' stamp relating to Development Consent No. DA2019/117:

Title / Description	Prepared by	Issue/Revision & Date	Date received by Council
Statement of Environmental Effects	Cunningham Gill Architects	Issue B	14 August 2019
Waste management Plan	Cunningham Gill Architects	Issue A	29 July 2019

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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4. 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.)

5. 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.)

6. 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.

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

7. MATERIALS – CONSISTENT WITH SUBMITTED SCHEDULE (GC)

All external materials, finishes and colours are to be consistent with the schedule submitted and approved by Council with the development application.

(Reason: To ensure compliance with this consent.)

8. 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.

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- 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.)

9. 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

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- ii) 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.)

10. 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.)

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

11. 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.)

12. 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

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- 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.)

13. 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.)

14. 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 AS/NZS 2890.1:2004 - Off-Street Car Parking Code.

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

15. 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.)

16. 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.

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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.)

17. **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

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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.)

18. **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.)

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

19. **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.

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- 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.)

20. **NOTICE OF COMMENCEMENT (CW)**

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

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

(Reason: Statutory requirement.)

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

21. **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)

22. **CAR PARKING - SURPLUS VEHICULAR CROSSINGS (OC)**

All surplus vehicular crossings and/or kerb laybacks must be removed and reinstated with

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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.)

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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