

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, 23 August 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 - 23 August 2019

REPORT: IDAP – Report No. 1

SUBJECT: DA2019/059 - 2 MALVERN CRESCENT, STRATHFIELD
LOT A DP 383046

DA NO. DA2019/059

SUMMARY

Proposal: Alterations and additions to the existing heritage item.

Applicant: Ms R Louizos

Owner: Mr G Pappadopoulos (NSW Public Trustee and Guardian)

Date of lodgement: 23 April 2019

Notification period: 8 May to 22 May 2019

Submissions received: One

Assessment officer: KW

Estimated cost of works: \$700,000

Zoning: R2 Low Density Residential - SLEP 2012

Heritage: Heritage Item I174

Flood affected: No

Is a Clause 4.6 variation proposed? No

RECOMMENDATION OF OFFICER: **APPROVAL**

EXECUTIVE SUMMARY

The proposal seeks development consent for alterations and additions to the existing heritage listed dwelling house at 2 Malvern Crescent, Strathfield. Specifically, the proposal involves:

Basement level:

- Construction of a basement level garage fronting Malvern Crescent and sited beneath the pavilion addition and tennis court.

Ground floor level:

- Demolition of the existing rear ground floor element accommodating the existing kitchen;
- Removal of porte-cochere, external elevator, WC near the existing ballroom and parts of internal walls;
- Alterations to the existing ground floor level configuration including removal of existing servant's stair and installation of a lift servicing all levels;
- Construction of a new pavilion-style rear addition accommodating new kitchen/dining/living areas.

First floor level:

- Alterations to existing configuration associated with the removal of service stairway;
- Minor removal of internal partition walls to facilitate modified layout;
- Change of use of rooms to create new bathrooms, and associated works.

All Levels

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- New elevator to service all levels to be provided in existing service stairway.

External works:

- Relocation of vehicular access to the west to service the proposed basement garage;
- Demolition of the existing swimming pool and construction of a new swimming pool toward the southern boundary;
- Demolition of existing outbuildings;
- Removal of trees;
- Construction of new porte-cochère;
- Landscaping works including new gravel driveway to service the proposed garage and replacement of tennis court fence.

The application was notified to neighbouring properties from 8 May to 22 May 2019. One (1) submission was received in respect of the proposal. No objections were raised regarding the proposed development, rather, the matters raised in the submission related to construction traffic management and sediment and erosion control during site works.

The principal issues arising from the proposal involve the retention and ongoing protection of significant trees on the site, provision of 'basement' parking outside of the footprint of the proposed pavilion addition above and associated vehicular maneuverability, and heritage conservation. Amended plans were requested to address the concerns raised in Council's correspondence of 20 May 2019. An onsite meeting was held to allow site access for Council's Tree Management Officer and to go through the matters raised by Council. Amended plans were subsequently received by Council on 19 June 2019. The amended proposal is subject of the assessment of this report.

The proposal is considered to be acceptable and is recommended for approval.

BACKGROUND

The proposal was not subject to a formal Pre-DA, but was subject to an informal planning enquiry prior to lodgment.

23 April 2019 The subject development application (DA2019/059) was lodged with Council.

**8 May –
22 May 2019** The application was neighbour notified in accordance with the requirements of Part L of SCDPCP 2005. One (1) submission was received in respect of the proposal. No objections were raised regarding the proposed development, rather, the matters raised in the submission related to construction traffic management and sediment and erosion control during site works.

20 May 2019 A deferral letter was sent to the applicant requesting the following matters to be addressed: resolving the conflict between the stormwater plan, landscape plan and arboricultural impact assessment, including the trees to be removed and retained, extent of cut and fill, additional information and improving the supporting documentation.

4 June 2019 A on-site meeting was undertaken to discuss matters raised in Council's letter dated 20 May 2019, and to assess the condition of the existing trees on site.

19 June 2019 Amended plans were received where the main amendments are summarised as follows: reduction in the footprint and internal clearance of the garage and corresponding change to FFL of the pavilion level above, amendment to the landscape plan including additional soft landscaping and retention of existing

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site levels around significant trees, amendment of swimming pool footprint and provision of amended Arboricultural Impact Assessment, and reviewed Statements of Environmental Effects and Heritage Impact.

DESCRIPTION OF THE SITE AND LOCALITY

The subject site is legally described as Lot A in DP 383046 and commonly known as 2 Malvern Crescent, Strathfield (Figure 1). The site is located on the southern side of Malvern Crescent, is irregular in shape and has a street frontage of 36.98m to the north, rear boundary (south) length of 57.00m to, side boundary length of 34.48m to the west, and a side boundary length of 48.64m to the east. Overall, the site comprises an area of 2592m².

The site slopes from south to north and has a cross-fall of up to approximately 1.5m from west-east.

The site is occupied by 'Radstoke', a two-storey late Federation era villa with Arts and Crafts influences of brick and roughcast construction with a slate roof. Radstoke is listed as a heritage item of local significance under Schedule 5 of the Strathfield Local Environmental Plan 2012 (Item I174). There are a number of extant chimneys featuring the same roughcast render as the dwelling house. Vehicular access is provided to the site via an existing driveway from the eastern side of the Malvern Crescent frontage to an existing carport located on the eastern side of the site. Photographs of the site are provided in Figures 2 -9.

The current streetscape is characterised by post-war dwelling houses of a mix of ages and styles, some of which feature basement garages. This reflects the 1951 subdivision of the original allotment on which the subject dwelling house stands.

The surrounding area is characterised by low density residential development of varying ages and styles from late Victorian to early Federation and Inter-War as well as post-World War II. Many of the buildings in the surrounding area are detached one and two-storey dwelling houses situated on large allotments.

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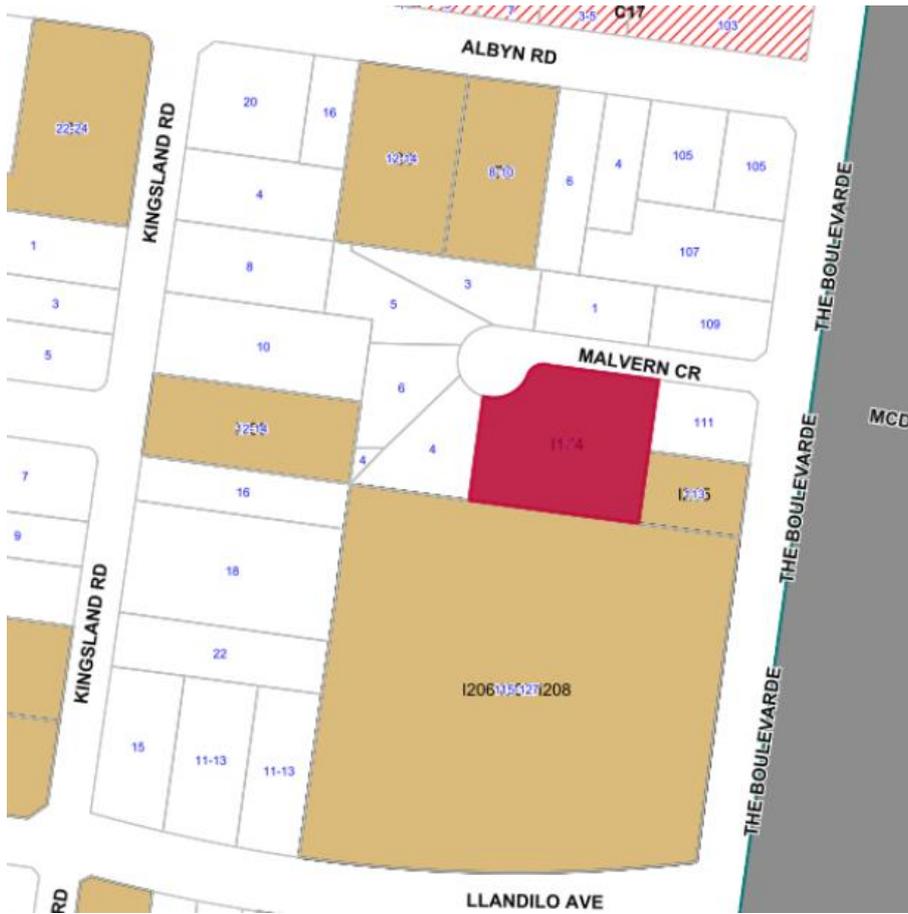


Figure 1: Locality plan with the subject site highlighted in red, and nearby Heritage Items highlighted in brown.



Figure 2: The site viewed from the cul-de-sac of Malvern Crescent

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Figure 3: (L) First floor level enclosed former sleep-out (R) Stained glass window to main stair



Figure 4: Roof of the rear kitchen pavilion to be demolished

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Figure 5: Western elevation of the dwelling house as viewed from the existing tennis court.



Figure 6: Eastern elevation rough-cast finish and first floor level window and balustrading

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Figure 7: Screening trees to tennis court



Figure 8: English Oak tree (Tree 18) and surrounding rear garden

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Figure 9: Tree adjoining tennis court to be removed

DESCRIPTION OF THE PROPOSED DEVELOPMENT

The application seeks Council approval for ground floor and first floor alterations and additions to the existing heritage item, construction of a basement garage, relocation of the swimming pool, removal of trees and associated landscaping works.

The specific elements of the proposal are:

Basement level:

- Construction of a basement level garage fronting Malvern Crescent and sited beneath the pavilion addition and tennis court.

Ground floor level:

- Demolition of the existing rear ground floor element accommodating the existing kitchen;
- Removal of porte-cochere, external elevator, WC near the existing ballroom and parts of internal walls;
- Alterations to the existing ground floor level configuration including removal of existing servant's stair and installation of a lift servicing all levels;
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- Alterations to existing configuration associated with the removal of service stairway;
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- Change of use of rooms to create new bathrooms, and associated works.

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All Levels

- New elevator to service all levels to be provided in existing service stairway.

External works:

- Relocation of vehicular access to the west to service the proposed basement garage;
- Demolition of the existing swimming pool and construction of a new swimming pool toward the southern boundary;
- Demolition of existing outbuildings;
- Removal of trees;
- Construction of new porte-cochère;
- Landscaping works including new gravel driveway to service the proposed garage and replacement of tennis court fence.

Amended plans were received during the course of the assessment period, where the main amendments are summarised as follows:

- Reduction in the garage footprint and internal clearance
- Alteration to FFL of the pavilion level
- Modification of swimming pool footprint
- Amended landscape plan including additional soft landscaping and retention of existing site levels around significant trees, and
- Amended supporting documentation: Arboricultural Impact Assessment and reviewed Statements of Environmental Effects and Heritage Impact

REFERRALS

INTERNAL REFERRALS

Hydraulic Engineering Comments

Council's Hydraulic Engineer offered no objections to the proposal, stating that from an engineering perspective, the concept plan is feasible, subject to the imposition of recommended conditions of consent.

Landscaping Comments

Council's Tree Coordinator initially raised concerns regarding the trees to be removed and the impact of the original proposal on the trees on the site. Of particular concern was the cumulative impact of the proposal, including basement and swimming pool excavation, stormwater and landscaping works, on Tree 18 – English Oak.

Following an on-site meeting on 4 June 2019, amended landscape and stormwater plans and an updated arborist report were submitted to Council. This information was forwarded to Council's tree Management Officer for further comment. No objections were raised by Council's Tree Management Officer regarding the amended plans and supporting documentation subject to the imposition of appropriate conditions of consent. The following specific comments were provided:

The amended Landscape plan and stormwater plan is noted. I have no objection to their approval.

The amended Arborist report by Jacksons Nature Works dated 18 June is noted. I have no objection to it being adopted as a condition of the development consent. In this regard the tree removals in in 5. Recommendations (a. and c) and the recommendations for retaining trees (b. and d. are supported as well.

Given the importance of the Tree Protection Plan /Tree Management Plan as a tool for protection of the trees on site, it is important that this document be provided prior to the

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writing of the Demolition Plan and the Site Management Plan so that they can adopt fully its requirements.

It is therefore important to maintain Council control of this process prior the development consent (DC), to ensure that the tree issues do not “fall through the cracks” when Demolition Plan and the Site Management Plan are being written. Accordingly, I recommend that this Tree management Plan be propertied as a deferred commencement condition.

Additionally;

- *With regard to tree 18,*
 - *the paving within its dripline is to be deleted.*
 - *with the exception of the swimming pool footprint, the existing soil levels and original raised circular garden is to be retained within its dripline (care is to be taken to minimise the excavation for this structure).*
 - *the dripline is not to be used for construction access or storage.*

Based on the advice from Council's Tree Management Officer, the proposal is considered to be acceptable subject to the imposition of appropriate conditions. It is noted that the matter of the tree protection plan is addressed by way of condition, rather than as a deferred commencement matter.

Traffic Comments

Council's Traffic Engineer raised some concerns with the basement plan originally submitted to Council regarding vehicular manoeuvrability and turning. It was noted that the positioning of columns was not shown on the plans, and this information was required. It was requested that amended plans be submitted show the turning radius available for vehicles accessing/existing the basement carpark and to indicate the swept path and the turning circle of the vehicles inside the basement. The amended plans received by Council on 19 June were referred to Council's Traffic Engineer for further comment and no objections were raised to the amended proposal subject to the imposition of appropriate conditions.

Heritage Comments

Council's Heritage Advisor considered the application.

'Radstoke' is listed as a heritage item of local significance under Schedule 5 of the Strathfield Local Environmental Plan 2012 (Item I174). The Heritage Inventory provides the follow statement of significance for the item:

Radstoke has an important historical association as the home of the prominent surgeon Dr Walter Burfitt, the benefactor of the Walter Burfitt Prize and Medal for published research. Radstoke was built for Dr Burfitt and he lived there from 1920 to 1930.

It is also important as the home of Arthur Clifton Wilkinson, one time Manager of the Australian Woollen Mills, who lived there from 1936 until at least 1945.

Radstoke is an important example of a late Federation house showing the continued influence of the Arts and Crafts style in its use of roughcast render, slate roofing, and leadlight windows.

The Statement of Heritage Impact provides the following commentary:

Although the integrity of the site and dwelling has been compromised to some extent, No. 2 Malvern Crescent remains a moderately intact example of a Federation dwelling with significant Arts and Crafts influences situated in Strathfield. It is also the only example in this

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list to have remained situated within large parklike grounds, the others on much smaller lots that look to have been subdivided.

It is also noted that the location of the former Victorian era villa 'Malvern' that stood on the greater site prior to the creation of Malvern Crescent has not been resolved and it is not known whether the villa was wholly removed prior to the construction of 'Radstoke'. As such there is a remote possibility that there is remnant historical archaeological relics in situ. This is to be addressed by conditions to manage any unexpected archaeological relics found during works.

The amended SoHI submitted provided significance grading of the internal and external spaces as requested in Council's correspondence of 21 May 2019. The majority of the works are located within areas that are of little to moderate significance, with the areas of high significance such as the ballroom to be retained in their current form.

The proposal has been considered having regard to the provisions of Clause 5.10 of the SLEP2012 and Part P Heritage of the SCDCP. Overall, the proposal was considered to be an appropriate response to the site with the provision of modern kitchen/living/dining areas and parking within a low scale two-storey pavilion addition. The proposal raised no undue issues in terms of siting, form, materiality, etc and is considered appropriate in its context. Discussion of the specific applicable provisions is provided within the relevant sections of this report.

No objections are raised on heritage grounds, subject to the imposition of appropriate conditions of consent. Particular matters include archival recording prior to works, salvaging and reuse of elements, confirmation of colours, and management of any unexpected archaeological finds during works.

EXTERNAL REFERRALS

No external referrals were required for this development application.

SECTION 4.15 CONSIDERATIONS – EP&A Act, 1979

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

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

STATE ENVIRONMENTAL PLANNING POLICY (SEPP) – BASIX 2004

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

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

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

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

A review of the available history for the site indicates a history of residential development and 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.

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

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

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

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

Further, no objection was raised to the removal of a number of trees on the site subject to replacement planting. Relevant consent conditions will be imposed.

STATE ENVIRONMENTAL PLANNING POLICY (COASTAL MANAGEMENT) 2018

The Coastal Management SEPP does not apply to the site.

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

Although Council is not subject to a coastal zone management plan, the sea level rise planning benchmarks have also been established in order to assess the likely increase in the frequency, duration and height of flooding and as a consequence likely property and infrastructure damage on affected and potentially affected land. Council is therefore required to consider the impact of sea level rise and resultant flooding from Powell's Creek and Cook's River which are tributaries of Sydney Harbour (Parramatta River) and Botany Bay respectively.

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

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

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(f)	To identify and protect environmental and cultural heritage	Yes
(g)	To promote opportunities for social, cultural and community activities	Yes
(h)	To minimise risk to the community by identifying land subject to flooding and restricting incompatible development	Yes

Comments: the proposal seeks to preserve the cultural heritage of “Radstoke” and accords with the objectives of the SLEP 2012.

Permissibility

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

The proposal preserves the existing use of the site as a dwelling house which is a permissible use within the R2 Low Density Residential Zone with consent.

Zone Objectives

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

Objectives	Complies
➤ To provide for the housing needs of the community within a low density residential environment.	Yes
➤ To enable other land uses that provide facilities or services to meet the day to day needs of residents.	No
➤ To ensure that development of housing does not adversely impact the heritage significance of adjacent heritage items and conservation areas.	Yes

Comments: The proposal generally complies with the objectives of the R2 Low Density Residential Zone.

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
4.3	Height of building	9.5m	Unchanged

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

Comments: The existing heritage listed dwelling house on the site comprises a maximum building height of 10.5m, which exceeds the maximum building height permitted on the site. However, the alterations and additions proposed do not seek to alter the main roof form of the existing dwelling house, nor increase the overall height of the existing dwelling. The proposed new pavilion addition is well below the 9.5m maximum building height development standard. The proposal is considered to be acceptable in this regard and complies with the objectives of Clause 4.3.

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Floor space ratio

Cl.	Standard	Controls	Proposed	Complies
4.4C	Floor space ratio	0.5:1 (1296m ²)	0.314:1 (814.726m ²)	Yes
Objectives				Complies
(a)	To ensure that dwellings are in keeping with the built form character of the local area			Yes
(b)	To provide consistency in the bulk and scale of new dwellings in residential areas			Yes
(c)	To minimise the impact of new development on the amenity of adjoining properties			Yes
(d)	To minimise the impact of development on heritage conservation areas and heritage items			Yes
(e)	In relation to Strathfield Town Centre: i. to encourage consolidation and a sustainable integrated land use and transport development around key public transport infrastructure, and ii. to provide space for the strategic implementation of economic, social and cultural goals that create an active, lively and people-oriented development			N/A
(f)	In relation to Parramatta Road Corridor – to encourage a sustainable consolidation pattern that optimises floor space capacity in the Corridor			N/A

Comments: The proposal complies with the FSR development standard and accords with the objectives of the Clause 4.4C.

Part 5: Miscellaneous Provisions

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

5.10 Heritage Conservation

The site contains a listed heritage item, “Radstoke” Item I174 as defined in Schedule 5 of the Strathfield Local Environmental Plan 2012. The site is also located within the vicinity of several listed heritage items, as follows:

I205	Post-war Old English style house	113 The Boulevarde	Lot C, DP 383046	Local
I206	“Milverton”—Arts and Crafts style house and Trinity Grammar Preparatory School—school building (former house)	115–127 The Boulevarde	Lot 42, DP 829284	Local
I207	Trinity Grammar Preparatory School (school building, former “Somerset”—Georgian revival house) and garden	115–127 The Boulevarde	Lot 42, DP 829284	Local
I208	Trinity Grammar Preparatory School—school building (former “Llandilo”—Victorian mansion)	115–127 The Boulevarde	Lot 42, DP 829284	Local

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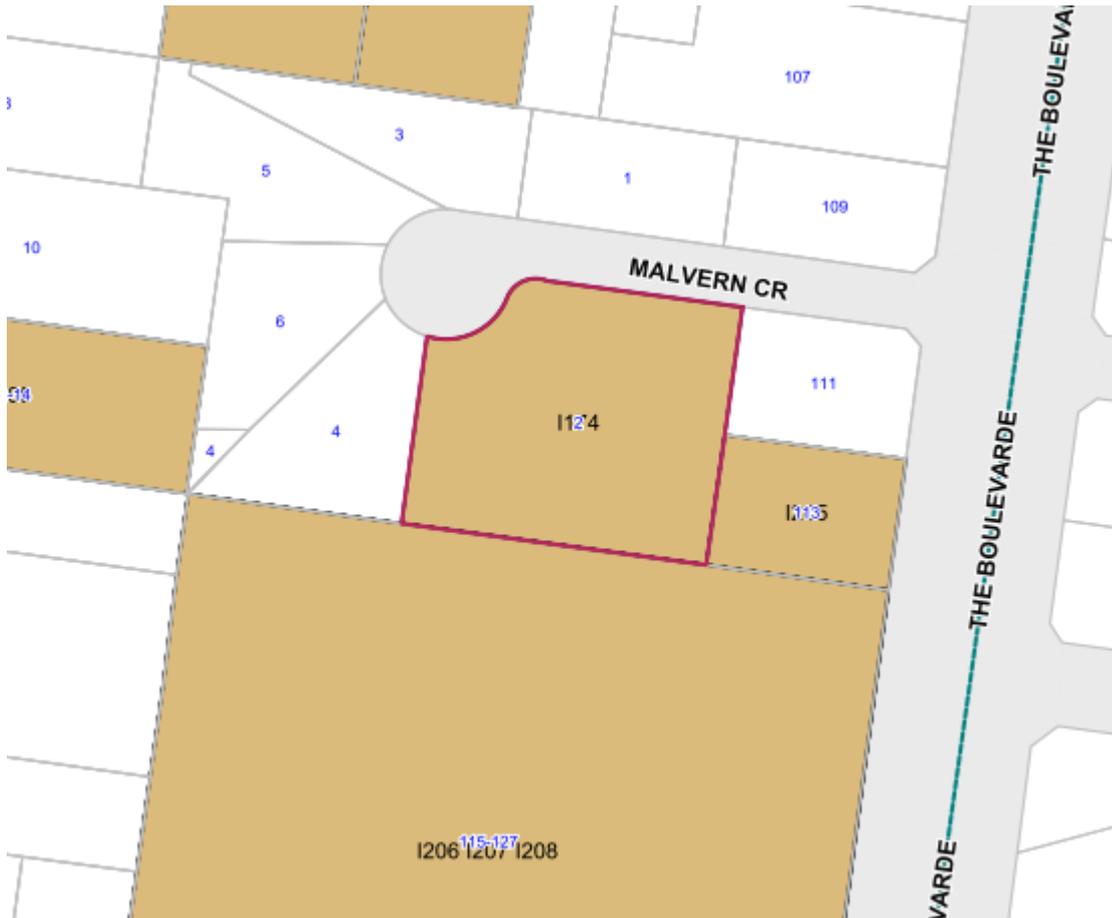


Figure 10: The site (bounded in red) and nearby heritage items

The proposal has been considered having regard to the provisions of Clause 5.10 of the Strathfield Local Environmental Plan 2012 and the following comments are provided:

The proposal seeks to conserve the heritage significance of the heritage item through the provision the modern kitchen and living arrangements desired by the owners in the form of a pavilion addition. Amendments to the interior configuration are mostly limited to areas that have previously been altered, and the proposed changes to the use of rooms seek to retain the volume of those spaces through retention of these spaces. The proposal seeks to alter the setting of the item through the provision of amended vehicular access arrangements and pavilion addition, however this has been considered having regard to the objectives of Clause 5.10(1) and the proposal is considered to be acceptable in this regard.

Development consent is sought in accordance with Clause 5.10(2)(a) and (b) of the SLEP2012 as consent sought for demolition of part of the existing ground floor level and alterations and additions to the listed heritage item.

The effect of the proposed development has been considered having regard to the provisions of Clause 5.10(4) of the SLEP and, on balance, the proposal is considered to be acceptable, subject to the imposition of appropriate conditions requiring the photographic archival recording of the existing dwelling house. The location of the proposed additions is set away from the significant buildings on the neighbouring sites and is of a substantially lesser scale than the existing dwelling house on the site. The proposal would not give rise to any undue impacts on heritage items located in the vicinity of the site and the proposal is therefore considered to be acceptable in this regard.

A Statement of Heritage Impact was submitted with the application (Clause 5.10(5)), however a Conservation Management Plan was not considered to be required for the site (Clause 5.10(6)).

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The site is not identified as an archaeological site and as such Heritage Council notification is not required (Clause 5.10(7)). However, the history of the site has identified the current dwelling house is located on the site of the former Victorian era villa "Malvern" and as such there is potential for historical archaeology to remain on the site. Given the proposal involves excavation for the basement garage and the prior footprint of Malvern in relation to the current dwelling house and proposed works is not known, conditions have been included in the recommendation of this report requiring that works cease in the event that any historical archaeological items are unearthed during the works. An additional condition has been recommended requiring that an appropriately qualified and experienced heritage consultant be present during site excavation works to ensure that any relics discovered are appropriately managed and the appropriate steps taken to gain the relevant approvals under the Heritage Act 1977.

The site is not identified as an Aboriginal place of heritage significance (Clause 5.10(8)) or a nominated State heritage item (Clause 5.10(9)) and the applicant is not seeking the use of the site for any purpose other than that which is permitted under the Strathfield Local Environmental Plan 2012.

On balance, the proposal satisfies the applicable provisions of Clause 5.10 and is considered to be acceptable in this regard.

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 site is located on land identified as having Class 5 acid sulfate soils in accordance with the Acid Sulfate Soils map. The proposal involves excavation for a basement garage and swimming pool, however the site is not located within 500m of adjacent Class 1-4 land that is below 5m AHD and as such the proposal is not required to provide a preliminary assessment in accordance with the Acid Sulfate Soils Manual. The proposal raises no concerns regarding Acid Sulfate Soils.

6.2 Earthworks

The proposal involves excavation for swimming pool and garage. Nevertheless, the extent of this excavation is not anticipated to have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.

The likelihood of disturbing relics has been considered, and although the likelihood is low, conditions have been included in the recommendation of this report in the event that unexpected archaeological items are uncovered during site works. Furthermore, conditions of consent have been recommended in regards to dilapidation reports for neighbouring properties to ensure that these are not adversely affected by excavation works.

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.

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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.

Heritage and Conservation

Cl. 1.5	Objectives	Complies
A	<i>To retain evidence of historic themes of development evident in the Strathfield Local Government Area, through the proper care and maintenance of individual heritage items and Heritage Conservation Areas.</i>	Yes
B	<i>To protect those items and areas that are of value to the local community</i>	Yes
C	<i>To encourage development which complements existing heritage items and Heritage Conservation Areas in a modern context</i>	Yes
D	<i>To ensure that development in the vicinity of heritage items is designed and sited to protect the heritage significance of the item and its setting.</i>	Yes
E	<i>To retain any significant horticultural or landscape features that assist in the interpretation of Strathfield's heritage</i>	Yes

Comments: The proposal is consistent with the Objectives of Part P.

2.1 General Objectives

Cl. 2.1	General objectives	Complies
A	<i>To ensure that additions to a heritage item and new buildings on the site of a heritage item are of a scale, mass, bulk, orientation, setback and character consistent with the heritage item.</i>	Yes
B	<i>To ensure that new development respects the contribution of a heritage item to the streetscape and/or townscape, and allows an ongoing application of its heritage significance.</i>	Yes
C	<i>To retain or reinstate missing original details that contribute to the aesthetic quality and/or significance of a heritage item and to encourage the removal of inappropriate alterations and additions.</i>	Yes
D	<i>To ensure that important elements of the form or fabric of a heritage item are not obscured or destroyed by alterations and additions.</i>	Yes
E	<i>To ensure that materials and colours used on both the original heritage item and any alterations and additions are consistent with the significance of the heritage item.</i>	Yes
F	<i>To provide an appropriate visual setting for heritage items, including landscaping, fencing and car parking.</i>	Yes

2.2 Setting

Cl. 2.2	Objectives	Complies
A	<i>To provide an appropriate visual setting for heritage items, including landscaping, fencing and car parking; and</i>	Yes
B	<i>To ensure that new development respects the contribution of a heritage item to the streetscape and/or townscape and retains the significance of the item.</i>	Yes
Cl. 2.2	Controls	Complies
(i)	<i>Original elements that contribute to the setting of a heritage item such as landscaping, fences and gates, driveways, seawalls etc. should not be removed and, traditional garden designs should be reinstated where</i>	Yes

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	<i>possible.</i>	
(ii)	<i>New structures on land on which a heritage item is located such as swimming pools and outbuildings should be located so that they do not adversely impact on the significance of the heritage item.</i>	Yes
(iii)	<i>The natural landform and character of the area within which a Heritage Item is located, should be maintained, avoiding any cut and fill to land when constructing new buildings and landscaping grounds</i>	Yes, no undue cut and fill proposed
(iv)	<i>Applications that propose basement additions may be required to provide a Structural Report from a practicing structural engineer with experience in heritage buildings to confirm that the proposed excavation will not adversely affect the building or adjoining properties.</i>	Addressed by condition.
(v)	<i>The placement of the basement entrance should not detract from the street presentation of the item of the streetscape. Placement of basement entries toward the rear of the property and parallel to the side boundary is encouraged</i>	Yes

Comments: The proposal provides an appropriate setting for the item.

2.3 Scale

Cl. 2.3 Objectives	Complies
A <i>To ensure that alterations and additions to a heritage item and new buildings on the site of a heritage item are of a scale consistent with the heritage item so as not to detract from the significance of the item.</i>	Yes
B <i>To ensure that new development respects the contribution of a heritage item to the streetscape and/or townscape and retains the significance of the item.</i>	Yes
Cl. 2.3 Controls	Complies
(i) <i>To ensure that alterations and additions to a heritage item and new buildings on the site of a heritage item are of a scale consistent with the heritage item so as not to detract from the significance of the item.</i>	Yes

Comments: The proposed addition is of an appropriate scale and respects the heritage item.

2.4 Form

Cl. 2.4 Objectives	Complies
A <i>To ensure that important elements of the form of a heritage item are not obscured or destroyed by alterations and additions.</i>	Yes
B <i>To ensure that the form of a heritage item retains its importance in the streetscape and/or townscape.</i>	Yes
Cl. 2.4 Controls	Complies
(i) <i>Important elements of the form of a heritage item such as main roof forms, chimneys, parapet walls, verandahs etc. should not be demolished or obscured by alterations and additions.</i>	Yes
(ii) <i>Development of a heritage item must seek to reconstruct missing architectural detailing of a Heritage Item where possible, including gables, finial trims, front verandahs or bays.</i>	Yes
(iii) <i>Verandahs on the front and sides of a heritage item should not be filled in.</i>	Yes
(iv) <i>Additions and alterations to a heritage item should not detract from important aspects of the form of the heritage item.</i>	Yes
(v) <i>The original shape of the roof of a Heritage Item should not be altered.</i>	Yes

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Comments: The proposed addition is of an appropriate form and does not detract from the heritage item. The proposal includes the reinstatement of one of the ground floor external patio and accords with these controls.

2.5 Materials and Colours

Cl. 2.5	Objectives	Complies
A	<i>To ensure that original materials that contribute to the significance of heritage items are not obscured.</i>	Yes
B	<i>To ensure that colours of paintwork on heritage items are consistent with the significance of the heritage item.</i>	Yes
C	<i>To ensure that materials on alterations and additions to heritage items are consistent with the materials of the heritage item.</i>	Yes
Cl. 2.5	Controls	Complies
(i)	<i>The original wall treatment of a Heritage Item must be retained where possible. Unpainted brick or stone on a Heritage Item should not be painted or rendered.</i>	Yes
(ii)	<i>Original materials of heritage items should not be replaced with different materials or materials of different colour.</i>	Yes
(iii)	<i>Non-original materials of heritage items that are being replaced shall, if possible, be replaced with material that matches the original material as closely as possible</i>	Yes
(iv)	<i>Painting, rendering or bagging of original face brickwork and/or stonework is not permitted.</i>	Yes
(v)	<i>The texture of original rendered finishes should not be changed</i>	Yes
(vi)	<i>Materials for additions and alterations to heritage items should be compatible with the original materials of the heritage item</i>	Yes
(vii)	<i>Colour schemes for heritage items should have a hue and tonal relationship with traditional colour schemes for the period and style of the heritage item</i>	To be addressed by condition
(viii)	<i>The use of fluorescent paint on heritage items is not permitted</i>	NA
(ix)	<i>The façade of a heritage item is not to be painted in a corporate colour scheme</i>	NA
(x)	<i>The use of modern finishes including stencilled concrete for driveways associated with heritage items is not permitted</i>	Yes
(xi)	<i>The original roof cladding of a heritage item (slate, tiles or corrugated iron) should not be changed if it is in good repair</i>	Yes
(xii)	<i>Sandblasting to remove paint from brick or stone should not be undertaken on a heritage item as it exposes it to weathering and may change its appearance</i>	NA

Comments: The materials nominated on the plans include new stonework, painted concrete elements, slate roofing to the new pavilion, and new balustrading. These materials are acceptable and the proposal can be supported subject to the confirmation of the colour scheme proposed for the painted and metal elements proposed. This matter is addressed by condition.

2.6 Additions and alterations

Cl. 2.6	Objectives	Complies
A	<i>To support the retention of heritage properties and maintain their heritage significance.</i>	Yes
B	<i>To allow changes to the rear of heritage items where the new work does not impact the heritage significance of the heritage item.</i>	Yes
C	<i>To ensure that alterations or additions to heritage properties are sympathetic to the item and reflect the predominant scale, height,</i>	Yes

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proportion, character and setbacks of the existing property, and surrounding development

Cl. 2.2	Controls	Complies
(i)	<i>Alterations and additions must not adversely impact the significance of a heritage item.</i>	Yes
(ii)	<i>Any alterations and additions must be consistent with the scale, form, proportion, details and materials of the heritage item.</i>	Yes
(iii)	<i>Alterations and additions to heritage items must be located so as to minimise their visibility and prominence from the street or adjoining streets, and the height must not be seen above the main ridgeline of the building.</i>	Acceptable

Comments: Despite the original orientation of the site addressing The Boulevarde, based on the current site arrangements, the proposed addition is to the side of the dwelling house when viewed from Malvern Crescent. The proposal is highly visible from the Malvern Street frontage, but the scale and form of the proposed addition are such that the prominence of the heritage item is maintained. The proposal is considered to accord with the objectives of this clause.

2.7 Doors and Window

Cl. 2.7	Objectives	Complies
A	<i>To retain original windows and doors that contribute to the aesthetic quality and/or significance of a heritage item.</i>	Yes
B	<i>To reinstate lost details that contributed to the aesthetic qualities and/or significance of a heritage item.</i>	Yes
C	<i>To retain the proportions of walls and openings that contribute to the aesthetic quality of a heritage item.</i>	Yes

Cl. 2.7	Controls	Complies
(i)	<i>Original window and door openings in a heritage item should be retained. If the original doors or windows have been lost, they are to be replaced with one of similar size, type and material for the age and style of the Item.</i>	Yes
(ii)	<i>Where original windows and doors in a heritage item have been removed and replacement of the new joinery is proposed, the form and detailing of the original windows and/or doors should be reconstructed.</i>	Yes
(iii)	<i>New dormer and roof windows of a house should preferably be located on rear roof slopes in preference to roof slopes visible from the street.</i>	NA
(iv)	<i>New dormer windows visible from the street must be located to complement the design of the building with proportions and details which do not detract from the significance of the building.</i>	NA
(v)	<i>Extensive areas of glazing visible from the Public Domain are not permitted unless this was a feature of the original design of the building</i>	Yes
(vi)	<i>New skylights are not permitted in roof slopes visible from the Public Domain.</i>	NA
(vii)	<i>New skylights that involve the removal of significant fabric (e.g. decorative plaster ceilings) are generally not supported.</i>	NA

Comments: With the exception of those elements within the rear kitchen pavilion to be demolished, the proposal does not seek to alter original window and door openings.

2.8 Car Parking

Cl. 2.8	Objectives	Complies
A	<i>To ensure that garages and carports are designed to minimise the visual impact on views of heritage items.</i>	Yes
B	<i>To ensure that car parking does not compromise the structural integrity of heritage items.</i>	Yes

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C	<i>To retain the proportions of walls and openings that contribute to the aesthetic quality of a heritage item.</i>	Yes
Cl. 2.8	Controls	Complies
(i)	<i>Garages and carports must be located behind the front building line.</i>	Yes
(ii)	<i>Garages should not be incorporated into the front façade of a heritage item.</i>	Yes
(iii)	<i>Where a new garage or carport is on the same side of a building as a front verandah, the garage or carport must be located entirely behind the verandah.</i>	NA
(iv)	<i>Applications that propose basement additions are required to provide a Structural Report from a practicing structural and geotechnical engineer with experience in heritage buildings to confirm that the proposed excavation will not adversely affect the building as part of the development application</i>	Addressed by condition
(v)	<i>The placement of the basement entrance should not detract from the street presentation of the item of the streetscape. Placement of basement entries toward the rear of the property and parallel to the side boundary is encouraged.</i>	Yes
(vi)	<i>Refer to the Controls for Garages and Carports in the Residential section of this Development Control Plan for general provisions regarding garages and carports.</i>	See below

Comments: The proposed garage is located adjacent to the heritage building when viewed from Malvern Crescent behind the established building line. While this siting is unusual, it reflects the unusual site arrangements arising from the subdivision history and is designed to minimise the impact of the car parking on the heritage item. The proposed car parking is acceptable on heritage grounds. Refer to Part A discussions below.

2.9 Fencing

Cl. 2.9	Objectives	Complies
A	<i>To conserve gates and fences that are contemporary with heritage items.</i>	N/A
B	<i>To ensure that new fences and gates are in keeping with the character of the heritage item</i>	Yes
C	<i>To ensure that the significance of the heritage item is not diminished by inappropriate fencing.</i>	Yes
Cl. 2.9	Controls	Complies
(i)	<i>Original fencing styles and materials on a heritage item should be repaired and retained where possible.</i>	N/A
(ii)	<i>New fencing and gates to a heritage item should be of a style and scale that is consistent with the style of the building.</i>	Yes
(iii)	<i>Unless evidence is provided to establish a greater height, solid fencing (i.e. brickwork/stone) forward of the building line should not be greater than 1m in height above the adjacent public footpath level</i>	NA
(iv)	<i>Unless evidence is provided to establish a greater height, fencing forward of the building line, constructed of material such as timber pickets, metal pickets or wrought metal panels or a combination of masonry and one of the above materials, should not be greater than 1.5m in height above the adjacent public footpath level.</i>	Acceptable
(v)	<i>Original face brick or sandstone fencing to a heritage item should not be painted.</i>	NA
(vi)	<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 for which there is historical evidence.</i>	NA

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<i>(vii)</i>	<i>Refer to the Controls for Fencing in the Residential section of this Development Control Plan for general provisions regarding fencing</i>	See Part A assessment below
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Comments: The existing fence on site is not original, and is not proposed to be rebuilt as part of this application. Rather, a portion of the fence is to be reconstructed to accommodate the new driveway arrangements as required and it is proposed to substantially retain the existing front fencing. The portions of the fence to be rebuilt are in keeping with the existing fence and are acceptable despite being higher than 1.5m.

2.10 Landscape elements including paving and driveways

To reinforce the significance of the heritage item through appropriate landscaping

Cl. 2.10 Objectives		Complies
A	<i>To retain and protect heritage listed landscape elements.</i>	N/A
B	<i>To retain important landscape elements that contribute to the significance of heritage items</i>	Yes
C	<i>To reinforce the significance of the heritage item through appropriate landscaping.</i>	Yes

Cl. 2.10 Controls		Complies
<i>(i)</i>	<i>Original driveways and footpath crossings that relate to a heritage item should not be relocated.</i>	N/A
<i>(ii)</i>	<i>Double driveways and footpath crossings will generally not be permitted for houses listed as heritage items</i>	Yes
<i>(iii)</i>	<i>Original or early garden layouts that contribute to the significance of the heritage item should not be altered</i>	Yes
<i>(iv)</i>	<i>Established trees and shrubs that contribute to the significance of the heritage item should not be removed unless it can be established by an arborist that the health of the tree or shrub is such that it must be removed.</i>	
<i>(v)</i>	<i>Proposals involving substantial works should consider landscaping the front setback in a manner appropriate to the age and style of the dwelling.</i>	Yes

Comments: The information provided in the SoHI indicates that the current driveway location is not original due to the subdivision of the site in the 1950's. It is also likely that the majority of the garden arrangements date from this time as well. The proposal retains much of the existing arrangements to the rear of the house, with those parts of the site already altered being the subject of the external landscaping. In response to concerns raised by Council's Tree Management Officer, conditions have been included restricting the scope of landscaping works around Tree 18 which also preserves the existing landscaping in this part of the site. Landscaping is proposed to the front setback as part of this proposal and the redundant driveway is to be reinstated as footpath. The proposal accords with the requirements of this part.

2.13 Demolition

Cl. 2.13 Objectives		Complies
A	<i>To retain buildings that are of heritage significance or contribute to the significance of a heritage item</i>	N/A

Cl. 2.13 Controls		Complies
<i>(i)</i>	<i>Buildings that are listed as heritage items or contribute to the significance of a heritage item shall not be demolished.</i>	N/A
<i>(ii)</i>	<i>Applications for the demolition of a heritage item must be accompanied by a Demolition Report. The report is to provide details of the heritage</i>	N/A

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significance of the heritage item and is to address the applicable matters within this Part of the DCP. Plans of the replacement development are to be submitted with any application for demolition.

Note: Submitting the documentation to seek approval to demolish a heritage item or contributory item does not imply that approval will be granted. Council may seek independent advice on aspects of any application for demolition.

(iii)	<i>Partial demolition of heritage items may be possible subject to the merits of the proposal. Partial demolition of a heritage item may only be allowed when it can be established in a Statement of Heritage Impact that the partial demolition will not have an impact on the significance of the heritage item.</i>	Yes
(iv)	<i>Outbuildings associated with heritage items can only be demolished where a Statement of Heritage Impact has established that the outbuilding does not contribute to the heritage significance of the place and the demolition does not impact on the significance of the heritage item.</i>	Yes
(v)	<i>Where demolition is allowed, a photographic record of the building must be prepared for the site and submitted to Council prior to the commencement of the demolition works.</i>	Yes

Comment: The SoHI establishes that the outbuildings proposed to be demolished as part of the proposal are later additions that do not contribute to the heritage significance of the site, and this is agreed.

3. Development in the vicinity of heritage items

The site is located within the vicinity of several heritage items identified in Schedule 5 of the Strathfield Local Environmental Plan 2012, being:

Post-war Old English style house	113 The Boulevarde	Lot C, DP 383046	Local	I205
“Milverton”—Arts and Crafts style house and Trinity Grammar Preparatory School—school building (former house)	115–127 The Boulevarde	Lot 42, DP 829284	Local	I206
Trinity Grammar Preparatory School (school building, former “Somerset”—Georgian revival house) and garden	115–127 The Boulevarde	Lot 42, DP 829284	Local	I207
Trinity Grammar Preparatory School—school building (former “Llandilo”—Victorian mansion)	115–127 The Boulevarde	Lot 42, DP 829284	Local	I208

The items located on the site of Trinity Grammar School are set well away from the shared boundary with 2 Malvern Crescent, and although the item at 113 The Boulevarde sits within the former grounds of Radstoke and later Malvern, the bulk of the proposed works are located on the western side of the site addressing Malvern Crescent and would not give rise to any impact on the adjacent heritage items. The proposal is considered to be acceptable in this regard.

PART A – DWELLING HOUSES AND ANCILLARY STRUCTURES

2: Architectural Design & Streetscape Presentation

2.1	Objectives	Satisfactory
A.	<i>To ensure that development respects the predominant height, scale, character, type, form, colour, materials and architectural qualities of the existing dwelling house (in the case of alterations and additions) and surrounding neighbourhood especially any adjoining or</i>	Yes

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	<i>nearby heritage item or heritage conservation area</i>	
B.	<i>To achieve quality architecture in new development through the appropriate composition and articulation of building elements.</i>	Yes
C.	<i>To ensure that the dominant building rhythm of the streetscape is reflected in the building design in terms of the spacing and proportion of the built elements.</i>	Yes
D.	<i>To ensure that new dwellings have facades, which define, address and enhance the public domain.</i>	Yes
E.	<i>To encourage contemporary architecture that is innovative, uses high quality detailing, and incorporates elements characteristic of Strathfield.</i>	Yes
F.	<i>To promote the continuance of pyramidal roof forms within Strathfield where they are already prevalent.</i>	Yes
G.	<i>To retain a feeling of openness and space between built elements by maintaining landscaped setbacks and preserve the appearance of dwellings set in the treelined streets and park-like environment.</i>	Yes
H.	<i>To reduce the use of highly reflective colours and materials that create visual prominence.</i>	Yes
I.	<i>To ensure fencing is sympathetic to the design of the dwelling and the street and enhances the character of both the individual house and street whilst maintaining casual surveillance of the neighbourhood.</i>	Yes
J.	<i>To protect and retain the amenity of adjoining properties.</i>	Yes

2.2	Development Controls	Complies
	<i>Streetscape Presentation</i>	
.1.	1 New dwellings address street frontage with clear entry.	NA
	2 Consistently occurring building features integrated within dwelling design.	Yes
	3 Consideration of streetscape elements	Yes
	4 Integrated security grilles/screens, ventilation louvres and garage doors	Yes
	<i>Scale, Massing & Rhythm of Street</i>	
.2.	1 Scale, massing, bulk and layout complement the existing streetscape and the dominant building rhythm	Yes
	2 Building height and mass maintains amenity to adjacent properties open space or the public domain	Yes
	<i>Building Forms</i>	
.3.	1 Building form articulated.	Yes
	2 Dwellings on corner sites address both street frontages and articulated	NA
	3 Attic located within roof space of 1 or 2-storey dwelling or garage via internal stairs.	NA
	<i>Roof Forms</i>	
.4.	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>	

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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 proposal accord with the objectives of this part and complies with the applicable controls.

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.	Acceptable. Refer below.
D.	To create a perception or reinforce a sense of openness in the locality.	Yes
E.	To maintain view corridors between dwellings	N/A
F.	To assist in achieving passive surveillance whilst protecting visual privacy.	Yes
G.	To provide a transitional area between public and private space.	Yes
4.2	Development Controls	Complies
<i>Floor Space Ratio</i>		
.1.	1 Floor Space Ratio permissible pursuant to SLEP 2012	Yes
	2 Development compatible with the lot size	Yes
<i>Building Height</i>		
	1 Height of building permissible pursuant to SLEP 2012	Yes
.2.	4 The maximum height of the external wall from the existing ground level to the underside of the uppermost ceiling level is to be 7.2 metres.	Yes – alts and adds comply
	5 The maximum internal floor to ceiling height is to be 3.0 metres for any residential level.	Yes
	7 Dwelling houses and any ancillary structures 2-storeys (max)	Yes
	8 Building height responds to the gradient of the site to minimise cut and fill	Yes

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Street Setbacks			
.3.1.	1	Setbacks consistent with minimum requirements of Table A.1	No. Refer below
Side and Rear Setbacks			
.3.2.	1	A combined side setback of 20% of the width of the block (incorporating a 1.2m min side setback on each side).	Yes
	2	A rear setback of 6m (min)	Yes
	4	Garages and carports setbacks consistent with Table A.2	Yes

Comments: The street setback of the proposed addition accommodating the garage does not achieve the minimum 9m setback to the street frontage as required by Table A1, shown below. The upper level accommodating the living/dining/kitchen arrangements achieve the setback requirements with the exception of the northwest corner of the associated terrace, also shown.

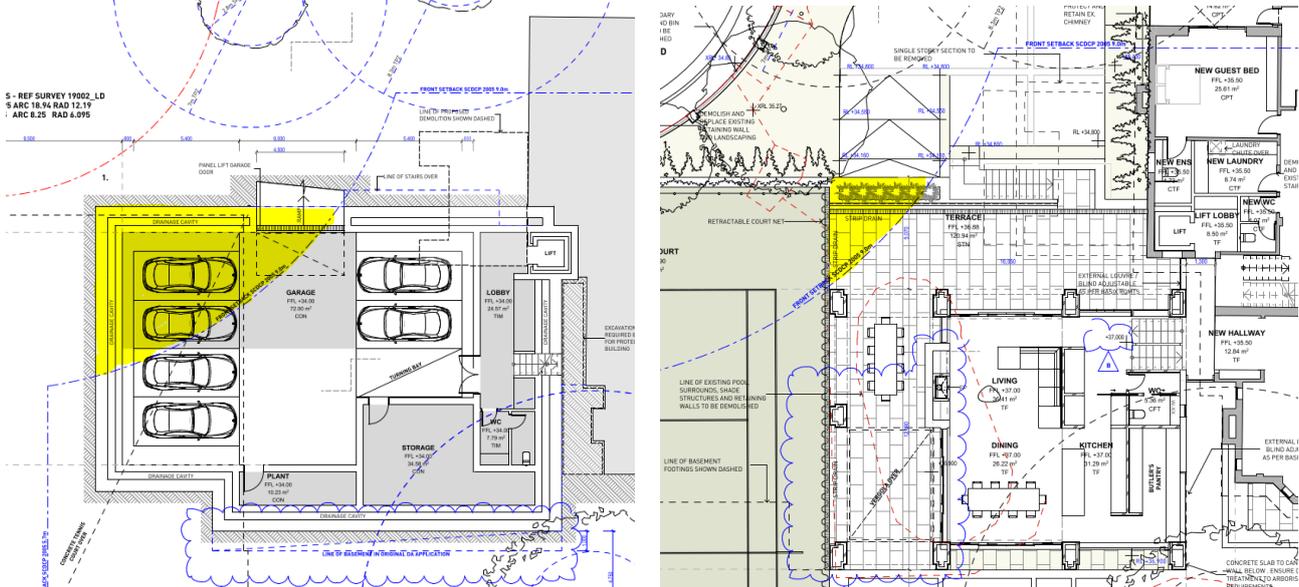


Figure 11: Extract from garage level plan (L) and ground level plan(R), with areas of non-compliance shown highlighted.

This site is unusual in its shape due to the subdivision of the grounds of ‘Radstoke’ to create Malvern Crescent and the cul-de-sac end, resulting in a shallow allotment with an irregular street boundary and corresponding irregular setback line.

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

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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, reinforced by conditions
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

<i>Landscaped area</i>		
1	Landscaped area in accordance with Table A.3	38.4% provided of 45% required. Refer below.
2	At least 50% of the minimum landscaped area located behind the building line to the rear boundary	Yes
3	At least 50% of the front yard maintained as deep soil soft landscaping	Yes
.1.	4 Minimise hard surface area (concrete/brick/stone paving and bitumen). Run-off directed to permeable surfaces.	Yes. Hard surfaces to be uplifted as part of landscaping works
5	Planting areas soften the built form	Yes
6	Front gardens respond and contribute to the garden character of Strathfield.	Yes
7	Retain and reinforce the prevailing streetscape and surrounding locality	Yes
8	Plant species must be retained, selected and planted to improve amenity	Yes
<i>Tree Protection</i>		
1	Arboricultural Impact Assessment Report prepared by an AQF Level 5 Arborist	Yes
2	The Arboricultural Impact Assessment Report address minimum criteria	Yes
.2.	3 Development provides for the retention and protection of existing significant trees	Yes, confirmed with conditions
4	New dwellings and alterations and additions are set back in accordance with the	Acceptable,

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Arboricultural Impact Assessment Report		subject to conditions	
5	Council may request the applicant to engage a project Arborist	Project arborist engaged	
7	At least one (1) canopy tree provided in the rear yard.	Yes	
8	Trunk of a proposed canopy tree planted 4m (min) from built structures, or 3m (min) from pier beam footings	Yes	
9	Planting on side boundaries a 0.6m (min) deep root deflection barrier provided 1.5m (min) either side of the tree center	Addressed by condition	
10	Driveway construction does not result in the removal, lopping or root damage to any street tree	Addressed by conditions	
11	25% (min) of canopy trees and other vegetation shall be locally sourced indigenous species	Acceptable	
<i>Private Open Space</i>			
.3.	1	Provided in a single parcel rather than a fragmented space, directly accessible from internal living areas	Yes
	2	Includes a deep soil area compliant with the minimum landscaped area.	Yes
	3	Terraces and decks (at least 10m ²) with one length or width 3m (min) and directly accessible from an internal living area. Decks cannot be located more than 500mm above NGL	Yes
	4	Unless 3m (min) width, areas within setbacks are not to be included as private open space	Yes
	5	Private open space located at the rear of the property.	Yes
<i>Fencing</i>			
.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 0.7m above NGL with the exception of brick piers	Fencing largely to remain, minor changes to existing.
	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)	Unchanged
	6	Side fences forward of the FBL taper down to the front fence.	Unchanged
	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	Unchanged
	15	Dividing fences constructed of timber palings (lapped and capped) with height of 1.8m (max)	Unchanged

Comments:The proposal does not comply with the requirements of Table A3. The site currently features large areas of paving and hardstand areas on the site, including driveway, paving, synthetic tennis court and swimming pool. The existing site arrangements do not achieve the minimum landscape requirements of the DCP, with 33.06% provided. The proposal increases the

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overall landscaping on the site to 38.4% of the site, provides a greater amount of private open space overall, and those areas provided are more usable with greater connection to the living spaces. The proposal accords with the objectives of Part A 5 of the SDCP and the variation to the landscaping requirement is supported.

6: Solar Access

6.1 Objectives		Satisfactory
A.	To ensure the design of new dwelling houses and alterations and additions maximises solar access to living areas and open space areas.	Yes
B.	To minimise overshadowing of adjoining properties.	Yes
6.2 Development Controls		Complies
Sunlight Access		
.1.	2 Alterations or Additions – maintain 3 hours solar access between 9.00am and 3.00pm on June 21 to the windows of habitable rooms and to the majority of private open space	Yes
	3 50% of the principal private open space of any adjoining premises receives 3 hours solar access between 9.00am and 3.00pm on June 21	Yes

Comments: The proposal is acceptable in terms of solar access.

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	NA
C.	To ensure that public views and vistas are protected, maintained and where possible, enhanced	NA
D.	To ensure that canopy trees take priority over views	NA
E.	To ensure that the siting and design of buildings minimises noise impacts from abutting roads, rail corridors and other noise-generating land uses	NA
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
	2 Provide adequate separation of buildings	Yes
	3 Ensure elevation of finished floor levels above NGL is not excessive	Yes
	4 Improve privacy to adjacent properties with screen planting	Yes, screening trees to be retained via condition.
Windows		
.2.	1 Windows do not directly face the windows, balconies and courtyards of adjoining dwelling	Yes

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	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	N/A
	3	Windows directly facing balconies or courtyards are narrow, incorporate obscure glazing and/or a sill height of 1.7m (min) above FFL	N/A
<i>Elevated Decks Verandahs and Balconies</i>			
.3.	1	Elevated decks, verandahs and upper storey balconies not permitted on side boundaries (exceptions apply)	N/A
	2	Elevated decks, verandahs and balconies incorporate privacy screens	Not required

Comments: The proposal is considered to be acceptable with regard to visual and acoustic privacy.

8: Vehicle Access and Parking

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

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	10	Driveway set back 0.5 metres (min) from side boundaries	Yes
	11	Driveways incorporate unit paving into the design	Yes
	12	Areas of concrete visible from a public road are to be minimal and coloured charcoal, grey or brown	Addressed by condition
	13	Coloured concrete is not permitted in the driveway crossing outside the property boundary	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
	2	Garages recessed behind the main front facade and/or non-dominant	Yes
	3	Garages not more than 150mm above NGL at entry unless the slope of the site exceeds 1:8 (12.5%)	Yes
	4	Dimensions of parking spaces and garages comply with the Australian Standards	Addressed by condition
	5	Garages are not to be converted or used for any purpose other than that for which they are approved	Yes

Comments: SCDPC 2005 requires basement levels to be limited to and contained within the ground level footprint of the dwelling. The Strathfield Local Environmental Plan 2012 defines a basement as:

“basement means the space of a building where the floor level of that space is predominantly below ground level (existing) and where the floor level of the storey immediately above is less than 1 metre above ground level (existing).”

Whilst the proposed enclosed parking area is predominantly below ground level, the floor level of the storey immediately above is more than 1 metre above ground level, and therefore this space is not considered to be a basement, rather a garage. As such, the requirements for basement garages technically do not apply in this instance.

The information provided in the SoHI indicates that the current driveway location is not original due to the subdivision of the site in the 1950's and therefore there is no objection to the relocation of the driveway.

9: Altering Natural Ground Level (Cut and Fill)

9.1	Objectives		Satisfactory
A.	To maintain existing ground levels and minimise cut and fill to reduce site disturbance.		Yes
B.	To ensure existing trees and shrubs are undisturbed, ground water tables are maintained and impacts on overland flow/drainage are minimised.		Yes
9.2	Development Controls		Complies
	1	Fill limited to 1m (max) above NGL	Yes
	2	Clean fill used only	Addressed by condition
	3	Cut and fill batters stabilised consistent with the soil properties	Addressed by condition
	4	Vegetation or structural measures are implemented when the site is disturbed.	Yes

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5	Areas of excavation setback from property boundaries in line with building setback controls. No excavation permitted within the minimum required setbacks.	Yes
7	A dilapidation report for all buildings which adjoin proposed excavation areas as required	Excavation is not within the vicinity of structures on adjoining properties
8	Avoid excessive fill that creates the potential for overlooking of adjoining properties	Yes

Comments: The proposal is acceptable in this regard, subject to the conditions as recommended.

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	Addressed by condition
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.	Addressed by condition
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	Addressed by condition
10.2	Development Controls	Complies
.3.	Soil Erosion and Sediment Control	
	1 Soil erosion and sediment control measures detailed and implemented prior to the commencement of work.	Addressed by condition
	2 Sediment control measures applied	Addressed by condition
	3 Plans provided detailing stormwater quality treatment	Addressed by condition

Comments: The proposal is acceptable in this regard, subject to the conditions as recommended.

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

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D.	<i>To ensure the safety of pedestrians by separating pedestrian access from vehicular access.</i>		Yes
11.2	Development Controls		Complies
.1.	<i>Address and Entry Sightlines</i>		
	1	Occupants able to overlook public places to maximise passive surveillance	Yes
	2	Landscaping design around dwellings and ancillary structures to accommodate plant maturation	Yes
	3	External lighting enhance safe access and security and light spill does not adversely impact on adjoining properties.	Yes
.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 proposal is acceptable in this regard, subject to the conditions as recommended.

12: Ancillary Development

12.1	Objectives		Satisfactory
A.	To ensure that ancillary development is compatible with the design of the principal dwelling, streetscape and adjoining dwellings in form, materials and colours		Yes
B.	<i>To limit the size, bulk and scale of ancillary structures and minimise their visibility from the public domain.</i>		Yes
C.	<i>To ensure that the provision of ancillary structures improves the amenity of residents whilst ensuring that the amenity of surrounding dwellings and neighbouring lots is maintained.</i>		Yes
D.	<i>To ensure that the provision of ancillary structures, such as air conditioning units, are considered at the design stage of a proposed development.</i>		Yes
12.2	Development Controls		Complies
.3.	<i>Retaining Walls</i>		
	1	Retaining walls 1.2m (max) in height.	Yes
	2	Retaining walls in excess of 0.6m are fully designed and documented by a qualified practising engineer	Addressed by condition
.4.	<i>Air-conditioning</i>		
	1	Located away from the habitable rooms of adjoining properties and/or screened by acoustic treatments	Addressed by condition
	2	Any building work must not reduce the structural integrity of existing buildings	Addressed by condition
	3	Installation of residential grade air conditioners only	Addressed by condition
	4	Installation to comply with the Protection of the Environment Operations Act 1997 and Protection of the Environment Operations (Noise Control) Regulation 2008	Addressed by condition
.6.	<i>Swimming Pools</i>		
	1	Side and rear setbacks from the outside edge of the pool concourse are 1m (min) wide and comprise deep soil soft landscape area	Yes, 1.5m

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	3	The pool filter and pump equipment designed and located to not emit a noise level that exceeds 5dBA above the ambient background noise level measured at any property boundary. The pool equipment shall be located within an enclosed structure so as to not be readily visible	Addressed by condition
	4	Lighting positioned to prevent light spillage and minimise any nuisance to adjoining premises	Addressed by condition
	5	Enclosures shall comply with the Swimming Pools Act and relevant Australian Standards as amended.	Addressed by condition
<i>Tennis Courts</i>			
	1	Used for residential uses associated with the dwelling	Yes
	2	The minimum setback from any boundary is 1m unless the tennis court adjoins a neighbouring habitable building which is 3m (min)	Unchanged
	3	Side boundaries landscaped to ensure privacy and prevent unnecessary glare and light spill. The outside edge of a tennis court separated from a property boundary by 1m wide soft landscaping strip	Addressed by condition
.7.	4	No portion of the finished surface level is more than 0.75m above NGL adjacent to the court.	Unchanged
	5	Enclosures to a maximum height of 3.6m with plastic-coated chain wire, black or dark green in colour on a suitable galvanised iron pipe frame	4m proposed as per existing
	6	Lighting has a maximum intensity of 450 lux on the court surface with a spill of zero lux at horizontal distance of 2m from the surface	Addressed by condition
	7	Compliance with Council's Stormwater Management Code	Addressed by condition

Comments: The proposal seeks refurbishment of the existing tennis court including the removal of screening trees along the western side of the tennis court. This element is not supported and conditions have been included in the recommendation of this report to retain this screening. The proposal is acceptable in this regard, subject to the conditions as recommended.

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.	<i>Natural Cooling and Ventilation</i>	

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	1	Windows and walls on northern facades shaded by shading devices, trees, eaves and louvres sympathetic to the dwelling	Yes
	2	Windows positioned to capture breezes and allow for cross-ventilation	Yes
<i>Water Tanks</i>			
	1	Located behind the dwelling or behind the front building line and screened from view from the public domain	Yes
	2	Associated support structures and plumbing are a colour that complements the dwelling.	
.3.	6	No part of the water tank or support stand may rest on a wall footing	Yes
	8	The tank not located over or adjacent to a water main or sewer main or installed over any associated structure or fittings	Addressed by Sydney Water Tap In condition
	9	Support structure installed to the requirements of a qualified practicing structural engineer or to the maker's specifications.	NA. Tank is in-ground
<i>Hot Water Heater Units</i>			
.4.	1	Located behind the dwelling or wholly behind the dwelling	Yes
	2	Not located on balconies unless screened from public view	Yes
	3	Placed within a short distance of the most frequent point of use	Yes

Comments: A BASIX Certificate was submitted with the application, meeting the designated targets for energy and water reduction. In accordance with the BASIX Certificate, an instantaneous gas hot water system and 2,500L rainwater tank are provided. A condition of consent has been recommended to ensure compliance with the BASIX Certificate.

PART H - WASTE MANAGEMENT (SCDCP 2005)

A Waste Management Plan prepared in accordance with Part H of the SCDCP 2005 accompanied the architectural plans. Compliance with the waste minimisation strategies of this waste management plan shall be enforced via the conditions of consent.

4.15(1)(a)(iiia) 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 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

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

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compatibility. The likely impacts of the development have been discussed earlier in this report, including the environmental impacts on both the natural and built environments, and social and economic impacts in the locality, and these are considered acceptable.

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 facilitates the ongoing use of the site as a dwelling house in the R2 Low Density Residential zone, is in keeping with the prevailing scale of the locality which is characterised by one (1) and two (2) storey dwelling houses, and is an appropriate response to the significance of the heritage item. Overall, the site is considered suitable for the proposed alterations and additions.

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

The application was publicly notified from **8 May to 22 May 2019** in accordance with the provisions of Part L of SCDCP 2005. **One** (1) submission was received as a result. The issues raised in the submissions received are summarised and addressed as follows:

1. *Due to limited parking in the narrow cul-de-sac street, request for the production of a management plan to ensure neighbours are not inundated with builders trucks, cars and utes parking in competition with the neighbours.*

Assessing officer's comments: A condition has been included in the recommendation of this report requiring a Construction Traffic Management Plan be developed for the site and the management of construction vehicles during site works.

2. *Can council ensure that Malvern Crescent is never blocked with vehicles relating to construction at 2 Malvern Crescent*

Assessing officer's comments: Council cannot provide this assurance, however there are conditions included in the recommendation of this report do reduce the likelihood of this, and in the event that this occurs, this should be referred to Council's regulatory services for action.

3. *Could the council ensure that no site runoff or dirt or materials carried in trucks or the like are not allowed to be left on the street and not to be able to inconvenience neighbours*

Assessing officer's comments: Council cannot provide this assurance, however a Construction Management Plan addressing these concerns will be required prior to the issue of the Construction Certificate.

4. *As drainage in our street is not the best, could council ensure that the builders do not allow any runoff from the site to enter the street gutter.*

Assessing officer's comments: Council cannot provide this assurance, however these matters are addressed in the Soil and Water management plan. Should any issues arise during site works the matter should be forwarded to Council's regulatory services.

5. *It would be better for street circulation if the driveway was to move to the turning circle*

Assessing officer's comments: The placement of the driveway has been considered by Council's Traffic Manager, and no concerns were raised regarding the placement of the driveway.

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

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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 SECTION 7.12 CONTRIBUTIONS PLAN

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

Local Amenity Improvement Levy	\$7,000.00
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CONCLUSION

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

Signed: Kristy Wellfare
Heritage Advisor

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. DA2019/059 for alterations and additions to the existing heritage listed dwelling house and construction of a garage at 2 Malvern Crescent Strathfield be **APPROVED**, subject to the following conditions:

SPECIAL CONDITIONS (SC)

1. AMENDED LANDSCAPE PLAN

An amended landscape plan is to be submitted to, and approved by the Principal Certifying Authority, prior to the issue of a Construction Certificate which addresses the following matters:

In the vicinity of Tree 18 - Quercus robur (English Oak):

- i) The paving within the dripline of tree 18 is to be deleted.
- ii) With the exception of the swimming pool footprint, the existing soil levels and original raised circular garden must be retained within the dripline of Tree 18 (care is to be taken to minimise the excavation for this structure).

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- iii) The dripline of Tree 18 is not to be used for construction access or storage during site works.

(Reason: Protection of significant trees)

2. COLOURS AND MATERIALS – SCHEDULE OF EXTERNAL FINISHES TO BE SUBMITTED (GC)

A schedule confirming all external materials, colours and finishes including windows, doors and roofing materials shall be submitted to, and given written approval by the Council.

The schedule must demonstrate that the colours selected have a hue and tonal relationship to the existing heritage item.

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

(Reason: To ensure a positive contribution to the streetscape and a good heritage outcome)

3. HERITAGE - REUSE OF SIGNIFICANT BUILDING ELEMENTS (CC)

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

(Reason: To allow for preservation of cultural resources within the Strathfield Council area.)

4. HERITAGE - SUBMISSION OF PHOTOGRAPHIC SURVEY (CC)

A photographic archival record is to be made of all the existing buildings and structures (including the interiors and exteriors and their setting) in accordance with NSW Heritage Council Guidelines 'Photographic Recording of Heritage Items Using Film or Digital Capture' prior to commencement of works or any demolition works. The record is to include measured drawings of the existing buildings. Two copies are to be submitted to Council's satisfaction prior to the issue of a Construction Certificate. Written confirmation that the Council reserves the right to use the photographs for its own purposes and genuine research purposes is also to be included.

(Reason: To provide a historic record of heritage significant works on the site for archival purposes.)

5. BASEMENT DRAINAGE

Contributing catchment to the basement pump out system must be limited to the basement access ramps and subsoil drainage only. Amended stormwater drainage concept plan prepared by a suitably qualified Hydraulic Engineer shall be submitted to Council and Principal Certifying Authority prior to the issue of a Construction Certificate.

(Reason: Compliance with Council requirements)

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6. STRUCTURAL REPORT

A structural report prepared by a practicing structural engineer is to be submitted to the Principal Certifying Authority for approval. The Structural report is to confirm that the proposed excavation will not adversely affect the heritage building or adjoining properties.

(Reason: To protect the significance of the heritage item and surrounding heritage items).

GENERAL CONDITIONS (GC)

7. 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. DA2019/059:

Drawing No.	Title/Description	Prepared by	Issue / Revision & Date	Date received by Council
19_006 DA-A-010	Context and Analysis Plan	Smith & Tzannes Pty Ltd	Rev B 17-06-2019	19.06.2019
19_006 DA-A-011	Site and Roof Plan	Smith & Tzannes Pty Ltd	Rev B 17-06-2019	19.06.2019
19_006 DA-A-030	Construction and Waste Management Plan	Smith & Tzannes Pty Ltd	Rev B 17-06-2019	19.06.2019
19_006 DA-A-100	Proposed Basement Plan	Smith & Tzannes Pty Ltd	Rev B 17-06-2019	19.06.2019
19_006 DA-A-101	Proposed Ground Plan	Smith & Tzannes Pty Ltd	Rev B 17-06-2019	19.06.2019
19_006 DA-A-102	Proposed Level 1 Plan	Smith & Tzannes Pty Ltd	Rev B 17-06-2019	19.06.2019
19_006 DA-A-200	Proposed North and South Elevations	Smith & Tzannes Pty Ltd	Rev B 17-06-2019	19.06.2019
19_006 DA-A-201	Proposed East & West Elevation	Smith & Tzannes Pty Ltd	Rev B 17-06-2019	19.06.2019
19_006 DA-A-202	Proposed Sections	Smith & Tzannes Pty Ltd	Rev B 17-06-2019	19.06.2019
19_006 DA-A-203	North Street Elevation	Smith & Tzannes Pty Ltd	Rev B 17-06-2019	19.06.2019
19_006 DA-A-802	Driveway Section	Smith & Tzannes Pty Ltd	Rev B 17-06-2019	19.06.2019
19_006 DA-A-SK001	SK Demo Plan Ground	Smith & Tzannes Pty Ltd	Rev A 16-07-2019	16 July 2019
19_006 DA-A-SK002	SK Demo Plan – Level 1	Smith & Tzannes Pty Ltd	19_006 DA-A-SK001	16 July 2019
MBD146_DA_10	Landscape Plan	Myles Baldwin Design	Issue C 17.06.19	19.06.2019
MBD146_DA_30	Details	Myles Baldwin Design	Issue C 17.06.19	19.06.2019
MBD146_DA_40	Specification	Myles Baldwin Design	Issue C 17.06.19	19.06.2019

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MBD146_DA 50	Tree Plan	Myles Baldwin Design	Issue C 17.06.19	19.06.2019
C100	Stormwater Management Plan Basement	Xavier Knight Consulting Engineers	Rev 02 07.06.2019	19.06.2019
C101	Stormwater Management Plan Ground Floor	Xavier Knight Consulting Engineers	Rev 08 18.06.2019	19.06.2019
C102	Stormwater Management Plan Roof	Xavier Knight Consulting Engineers	Revision 01	19.06.2019
C200	Drainage Details	Xavier Knight Consulting Engineers	Revision 01 17.04.2019	19.06.2019
C300	Sediment and Erosion Control	Xavier Knight Consulting Engineers	Revision 01	19.06.2019
C301	Sediment and Erosion Control Details	Xavier Knight Consulting Engineers	Revision 01	19.06.2019
C400	Driveway Plan and Longitudinal Section	Xavier Knight Consulting Engineers	Revision 01	19.06.2019

Reference Documentation affixed with Council's 'Development Consent' stamp relating to Development Consent No. DA2019/059:

Title / Description	Prepared by	Issue/Revision & Date	Date received by Council
Statement of Environmental Effects	Weir Phillips Heritage and Planning	18 June 2019 P147	19.06.2019
Heritage Impact Statement	Weir Phillips Heritage and Planning	18 June 2019 J3487	19.06.2019
Arboricultural Impact Assessment Report	Jacksons Nature Works	18 June 2019	19.06.2019

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.)

8. **CONSTRUCTION HOURS (GC)**

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

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

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

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

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

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

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

10. **DEMOLITION - 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.)

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

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

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

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

(Reasons: Statutory requirement and health and safety.)

12. **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.)

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

All trees shown to be removed as submitted on the landscape plan by Myles Baldwin Design, number MBD146_DA_10, MBD146_DA30, MBD146_DA40 Issue C dated 17.06.19 are permitted to be removed to accommodate the proposed development and in

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accordance with the recommendations of the arborist report by Jackson's Nature Works and dated 18th June 2019 except as recommended by the conditions of this consent.

All trees permitted to be removed by this consent shall be replaced in accordance with the approved landscape plan.

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.)

14. 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

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

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

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. **SITE MANAGEMENT (DURING DEMOLITION AND CONSTRUCTION WORKS)**

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

- i) All demolition is to be carried out in accordance with Australian Standard AS 2601-2001.
- ii) Demolition must be carried out by a registered demolition contractor.
- iii) A single entrance is permitted to service the site for demolition and construction.

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

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

17. STORMWATER MANAGEMENT PLAN - CERTIFICATION REQUIREMENT (GC)

A detailed Stormwater Management Plan (SWMP) in line with Council's Stormwater Management Code is to be prepared and certified by a practicing Chartered Professional

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Engineer on the National Professional Engineer's Register (NPER) at Engineers Australia and submitted to the Principal Certifying Authority and Council, prior to the issue of a Construction Certificate. The SWMP is to be based on the approved development as modified by any conditions of consent.

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

18. **SYDNEY WATER - 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)

19. **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.)

20. **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.

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

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

A security (damage deposit) of **\$12,200.00** (calculated in accordance with Council's adopted Fees and Charges) shall be paid to Council, prior to the issue of a Construction Certificate.

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

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

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

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

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

(Reason: Protection of Council infrastructure.)

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

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

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

(Reason: To ensure suitable development.)

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

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

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

24. **CAR PARKING - VEHICULAR CIRCULATION AND RAMP WIDTHS (CC)**

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

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

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

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

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

(Reason: Compliance with SCDCP 2005.)

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

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

Demolition of any part of a building triggers 'commencement of erection of building' pursuant of section 4.19 of the EP&A Act 1979. Accordingly, demolition works must not 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 for their approval, 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

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

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- 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 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.

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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. **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.)

30. **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,

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34. SWIMMING POOLS / SPAS (CONSTRUCTION OF)

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

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

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

(Reason: Safety and statutory compliance.)

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

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

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

36. 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.

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

Pruning of the branches and roots of Council trees is prohibited unless approved by Council in writing.

All Council trees are to be protected in accordance with Australian Standard AS4970 - 2009 , Protection of Trees on Development Sites.

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 2 Malvern Crescent 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.)

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

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

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

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

(Reason: Council requirement.)

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

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

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

- i) A construction certificate for the building work has been issued by the consent authority or a Principal Certifying Authority.
- 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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telephone number of the principal certifying authority; the name of the principal contractor (if any) for the building work and a telephone number at which that person may be contacted outside working hours. That sign must also state that unauthorised entry is prohibited. The sign must not be removed until all work has been completed.

(Reason: Statutory requirement.)

39. HOME BUILDING COMPENSATION FUND (CW)

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

- i) A contract of insurance in accordance with Part 6 of the Home Building Act 1989 is entered into and in force, where such a contract is required under that Act (this is a prescribed condition of consent pursuant to clause 981(b) Environmental Planning and Assessment Regulation 2000.
- ii) The PCA is satisfied that the principal contractor for the work is the holder of the appropriate licence and is covered by the appropriate insurance, in each case if required by the Home Building Act 1989 (unless the work is to be carried out by an owner-builder).
- iii) If the work is to be carried out by an owner builder, that the owner builder is the holder of any owner -builder permit required under the Home Building Act 1989.
- iv) Written notice of the following information has been provided to Council (this is a prescribed condition of consent pursuant to clause 98B of the Environmental Planning and Assessment Regulation 2000):
 - In the case of work for which a principal contractor is required to be appointed:
 - the name and licence number of the principal contractor; and
 - the name of the insurer by which the work is insured under Part 6 of the Home Building Act 1989.In the case of work to be done by an owner-builder:
 - the name of the owner-builder; and
 - if the owner-builder is required to hold an owner-builder permit under the Home Building Act 1989, the number of the owner-builder permits.

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

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

(Reason: Statutory requirement.)

40. NOTICE OF COMMENCEMENT (CW)

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

- 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.)

DA2019/059 - 2 Malvern Crescent, Strathfield
Lot A DP 383046 (Cont'd)

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

41. 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 - 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.)

42. HERITAGE - HISTORIC RELICS FOUND DURING WORKS (DW)

Should any potentially historic relics be discovered on the site during excavation, all excavation or disturbance to the area is to stop immediately and the Heritage Division of the NSW Department of Environment and Heritage should be informed in accordance with Section 146 of the Heritage Act 1977. 'Relics' are any deposit, artefact, object or material evidence that relates to the settlement of the area that comprises New South Wales, not being Aboriginal settlement, and are of State or local heritage significance.

Should any potentially significant Aboriginal material be discovered on the site, all excavation or disturbance of the area is to stop immediately and the Heritage Division of the NSW Department of Environment and Heritage is to be informed in accordance with Section 91 of the National Parks and Wildlife Act 1974.

(Reason: To ensure the proper management and preservation of potentially significant archaeological material.)

43. SITE REQUIREMENTS DURING DEMOLITION AND CONSTRUCTION

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) All protected trees are to be managed in accordance with Australian Standard AS4970 - 2009, Protection of Trees on Development Sites
- iii) Demolition must be carried out by a registered demolition contractor.
- iv) 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.
- v) No blasting is to be carried out at any time during construction of the building.
- vi) Care must be taken during demolition/ excavation/ building/ construction to prevent any damage to adjoining buildings.
- vii) 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.
- viii) Any demolition and excess construction materials are to be recycled wherever practicable.

**DA2019/059 - 2 Malvern Crescent, Strathfield
Lot A DP 383046 (Cont'd)**

- ix) The disposal of construction and demolition waste must be in accordance with the requirements of the Protection of the Environment Operations Act 1997.
- x) 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.
- xi) 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.
- 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) 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.
- xiv) 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.
- 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 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.
- 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) 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.)

44. 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.)

45. 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)

DA2019/059 - 2 Malvern Crescent, Strathfield
Lot A DP 383046 (Cont'd)

46. **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.)

47. **DRAINAGE SYSTEM - MAINTENANCE OF EXISTING SYSTEM (OC)**

Where elements of the existing drainage system are to be utilised, the existing drainage system shall be overhauled and maintained clear of silt and accumulated debris. Silt and the like shall be removed, not flushed from the system.

A certificate shall be provided by a suitably qualified person (a registered plumber or a person of equivalent or greater experience or qualification) to the satisfaction of the Principal Certifying Authority, prior to the issue of any Occupation Certificate to confirm that the system is in good working order and adequate to accept additional flows having regard to any relevant standards and/or Sydney Water requirements.

(Reason: Maintenance and environment.)

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

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

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

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

49. **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.

**DA2019/059 - 2 Malvern Crescent, Strathfield
Lot A DP 383046 (Cont'd)**

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

(Reason: Statutory requirement.)

50. 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.)

51. 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.)

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

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

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

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

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

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

(Reason: Safety and statutory compliance.)

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

53. TENNIS COURTS – ONGOING USE (OU)

The approved tennis court(s) shall be in accordance with the following:

DA2019/059 - 2 Malvern Crescent, Strathfield
Lot A DP 383046 (Cont'd)

- i) The tennis court shall not be used for any commercial or business purpose.
- iii) The tennis court shall not be illuminated without the prior consent of Council.
- iv) The approved tennis court lighting systems must be extinguished no later than 10pm on any evening.

(Reason: To maintain amenity to adjoining residences.)

ADVISORY NOTES (AN)

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

54. 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.

55. TREE PROTECTION

All existing trees on the site and all street trees are covered by Council's Tree Preservation Order and shall not be removed, lopped or pruned unless there is express permission stipulated in a condition of this consent or there is written approval from the Council.

56. 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.

57. REVIEW OF DETERMINATION

DA2019/059 - 2 Malvern Crescent, Strathfield
Lot A DP 383046 (Cont'd)

Section 8.2 of the Act allows the applicant/owner to request Council to review the determination of the application. Any such request must be made within six (6) months of this Notice of Determination being issued and be accompanied by the required fee.

An application under this Section of Act cannot be made for:

- (a) a determination in respect of designated development, or
- (b) a determination in respect of crown development, or
- (c) a complying development.

58. **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.

59. **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.

60. **OCCUPATION CERTIFICATE**

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

61. **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.

62. **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.

63. **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.

64. **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.

65. **RESIDENTIAL BUILDING INSURANCE**

DA2019/059 - 2 Malvern Crescent, Strathfield
Lot A DP 383046 (Cont'd)

Approved Insurers for Residential Building work under the Home Building Act 1989 are listed on the Department of Fair Trading's website:

www.fairtrading.nsw.gov.au

Other contact details for the Department are:

Phone: 9895 0111

E-Mail: enquiry@fairtrading.nsw.gov.au

66. **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.

67. **CRITICAL STAGE INSPECTIONS**

In accordance with Clause 162A of the Environmental Planning and Assessment Regulation 2000, critical stage inspections are to be carried out by the Principal Certifying Authority (PCA) or by another authority if the PCA so agrees. Failure to undertake these inspections can prevent the issue of an Occupation Certificate and may result in penalties.

68. **COUNCIL AS PCA**

Where Council is appointed as the Principal Certifying Authority (PCA), a Certificate of Adequacy prepared by a suitably qualified and experienced Structural Engineer, shall be provided with the Construction Certificate application stating that the existing structure is suitable to support the additional loads proposed to be placed upon it and that it complies with the Structural Provisions of the National Construction Code (NCC).

69. **WINDOW SECURITY**

For the purposes of improved resident safety, it is recommended that the windows of dwellings be fitted with appropriate devices capable of being locked into a fixed position with such openings generally being a maximum of 100mm wide provided that compliance with the NCC in terms of lighting and ventilation is still achieved.

ATTACHMENTS

There are no attachments for this report.

TO: Strathfield Internal Development Assessment Panel Meeting - 23 August 2019

REPORT: IDAP – Report No. 2

SUBJECT: DA2019/073 - 43 CHURCHILL AVENUE STRATHFIELD
LOT 1 DP 935086

DA NO. DA2018/073

SUMMARY

Proposal: Construction of a double car garage & storage area above the garage.

Applicant: Leonard Tusa

Owner: Mrs J and Mr L Tusa

Date of lodgement: 21 May 2019

Notification period: 27 May 2019 to 11 June 2019

Submissions received: Nil

Assessment officer: ER

Estimated cost of works: \$96,000.00

Zoning: R2 Low Density Residential - SLEP 2012

Heritage: Churchill Avenue Heritage Conservation Area

Flood affected: Yes

Is a Clause 4.6 variation proposed? No

RECOMMENDATION OF OFFICER: **APPROVAL**

EXECUTIVE SUMMARY

This application seeks Council approval for the construction of a double car garage and storage area and rear fence.

The application was notified in accordance with Part L of the SCDCP 2005. No written submissions were received as a result.

The proposal replaces a pre-existing garage in the same location and provides additional on-site car parking accessed from the rear laneway, Ardittos Lane. The proposed garage is a maximum 6.2m in height and whilst this does not comply with the development control in SCDCP 2005 which sets out a maximum 3.5m height for outbuildings, the height is considered acceptable in this instance given that the proposed garage adjoins a rear lane way and there is an existing two storey garage adjoining the laneway located 57 Churchill Avenue.

The proposal is recommended for approval subject to conditions of consent.

BACKGROUND

27 July 2012: A development application (DA2012/28) for the alterations and additions to the existing dwelling was approved by Council.

21 May 2019: The development application was lodged with Council.

**DA2019/073 - 43 Churchill Avenue Strathfield
Lot 1 DP 935086 (Cont'd)**

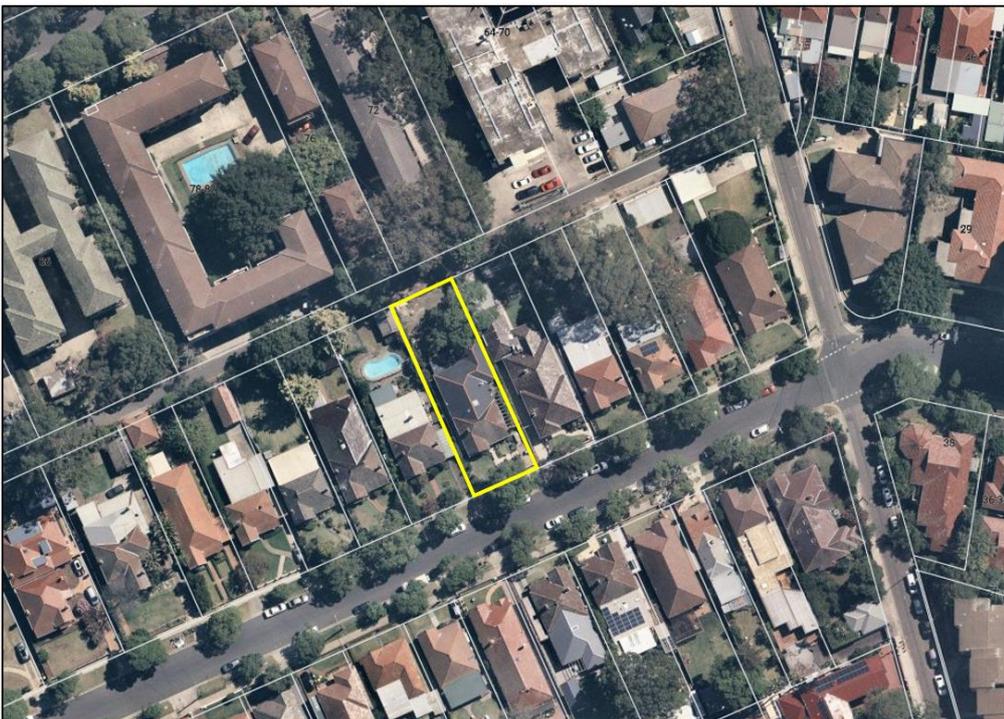
- 27 May 2019: The application was neighbour notified for a period of 14 days from 27 May to 11 June 2019, in accordance with Part L of the Strathfield Consolidated Development Control Plan 2005.
- 29 May 2019: A site visit was undertaken.
- 13 June 2019: The applicant was requested to provide amended plans, including floor plans, elevations and sections of the proposed garage to comply with Part A of the DCP and Council's Interim Flood Prone Land Policy.
- 10 July 2019: The applicant provided amended plans which reduced the height of the garage by 200mm.

DESCRIPTION OF THE SITE AND LOCALITY

The subject site is legally described as Lot 1 DP 935086 and commonly known as 43 Churchill Avenue, Strathfield. It is located on the north-western side of Churchill Avenue between Elva Street and Homebush Road. The site is generally rectangular in shape and has a frontage of 15.85m to the south-east and side boundary lengths of 49.2m and 48.73m (by survey), resulting in a site area of 778.5m² (by survey). The site is relatively flat with a small slope of 2500mm from the front boundary to the rear boundary. Vehicle access is gained from both site frontages, and there is an existing single spaced hardstand area within the front setback (adjoining Churchill Avenue), and there are two (2) existing vehicular crossovers from Ardittos Lane.

The site does not contain a listed heritage item but the site is located within the Churchill Avenue Heritage Conservation Area (C10). The site is occupied by a single storey dwelling.

The current streetscape along Churchill Avenue is characterised predominately by one (1) and two (2) storey dwelling houses with alterations and additions to original housing stock. The streetscape along Ardittos Lane is characterised predominately by four (4) storey red brick residential flat buildings on the north-western side, and one (1) and two (2) storey detached garages on the south-eastern side.



DA2019/073 - 43 Churchill Avenue Strathfield
Lot 1 DP 935086 (Cont'd)

Figure 1: Locality plan with subject site outlined in yellow.



Figure 2: North-western view of 43 Churchill Avenue, Strathfield.



Figure 3: South-eastern view of the rear yard of the subject site.

DA2019/073 - 43 Churchill Avenue Strathfield
Lot 1 DP 935086 (Cont'd)



Figure 4: Northern view of the apartment block at 76 Albert Road directly opposite the subject site.

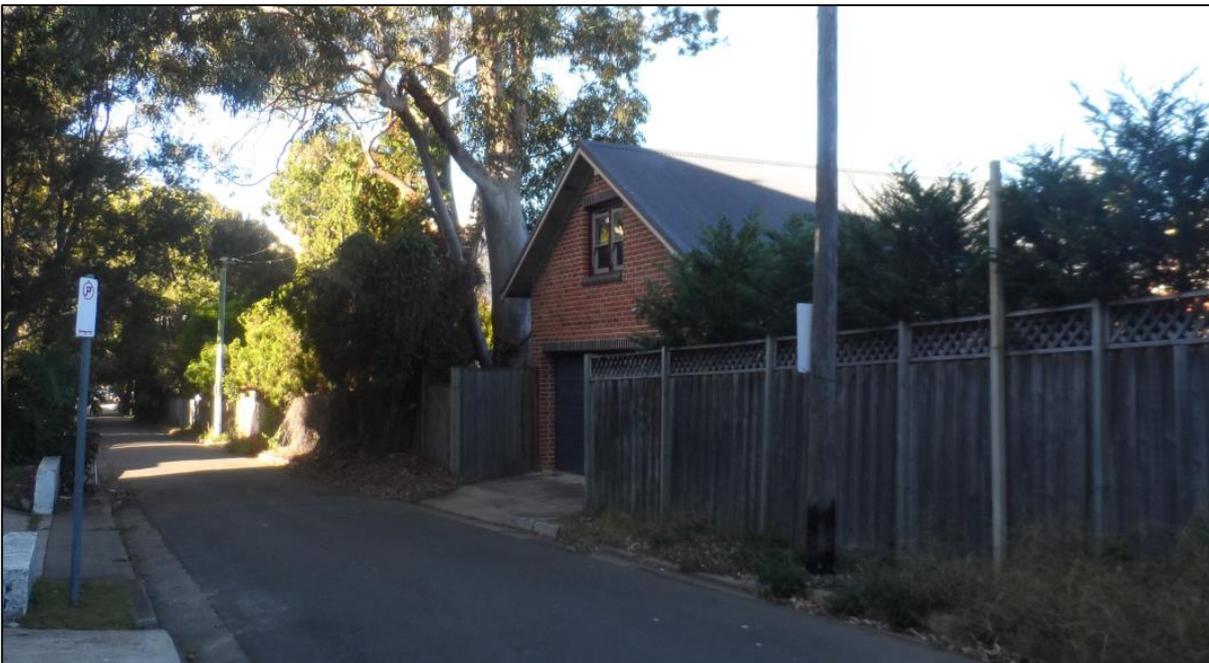


Figure 5: Eastern view of Arditos Lane and an existing two storey garage at 57 Churchill Avenue.

PROPERTY BURDENS AND CONSTRAINTS

The property is burdened by a Council drainage pipe which intersects the lot within the north-western portion. A 1.525m wide right of drainage is located over the pipe. The development is considered to be adequately setback from this pipe as shown below in Figure 6.

DA2019/073 - 43 Churchill Avenue Strathfield
 Lot 1 DP 935086 (Cont'd)

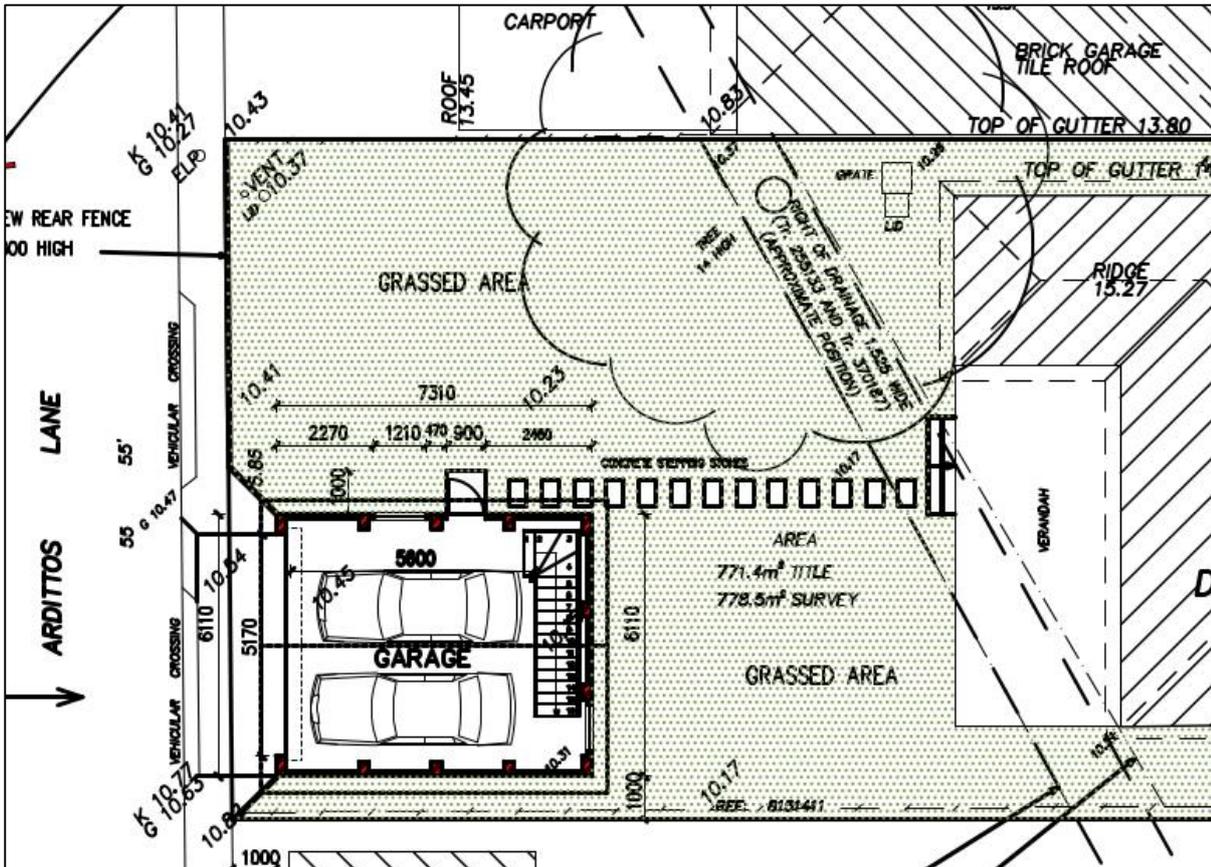


Figure 6: Extract of the site plan showing approximate location of Right of Drainage easement and proximity to the proposed garage.

DESCRIPTION OF THE PROPOSED DEVELOPMENT

The application seeks Council approval for construction of a double garage with a mezzanine storage area which adjoins Arditto Lane, the rear access laneway (Figure 6). The garage was originally proposed with a maximum height of 6.4 metres however, during the assessment period amended plans were received which reduced the overall height to a maximum 6.2 metres. The proposed garage is setback 1 metre from the rear boundary and the south-western side boundary.

The mezzanine storage area is accessed by internal stairs and comprises a floor area of 40.6m² and a maximum internal height of 2.2 metres. The proposed garage is to be finished in facebrick to match the existing dwelling house and a corrugated 'Basalt' coloured colorbond steel roof.

Details regarding the proposed rear fence are lacking on the elevation plans, however the annotations on the site plan state that a 1.8m in height rear fence is proposed along Arditto Lane. The proposal was not notified with the boundary fencing in the description but it is considered acceptable as there is existing 1.8m rear boundary fencing. This is not the main part of the proposal, the boundary is not shared with another property and the site plan clearly shows this in its annotations.

DA2019/073 - 43 Churchill Avenue Strathfield
 Lot 1 DP 935086 (Cont'd)

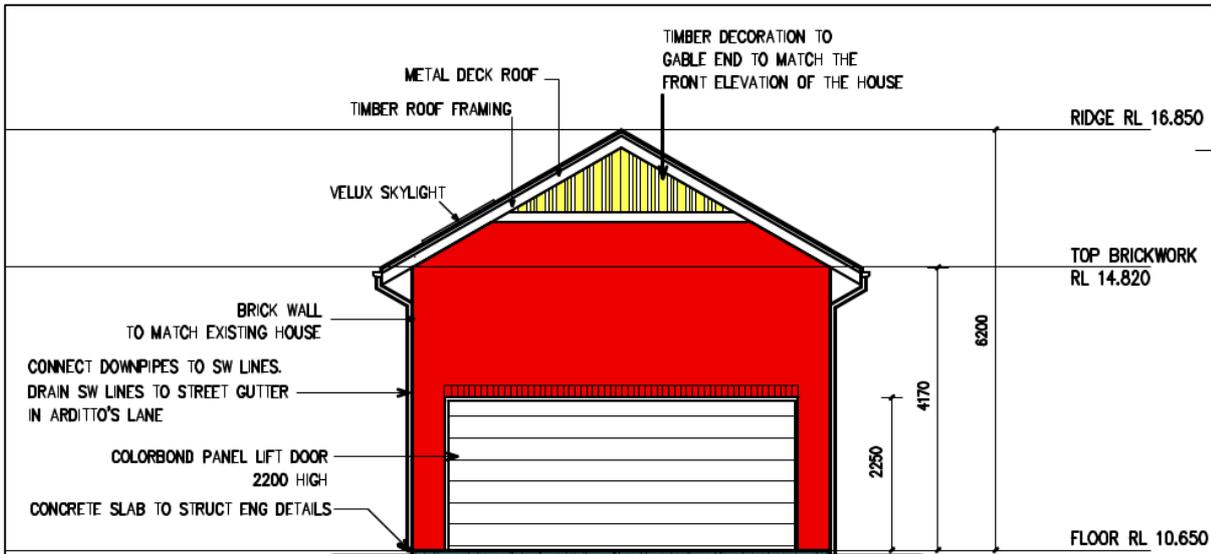


Figure 7: Proposed northern (Ardittos Laneway) elevation.

REFERRALS

INTERNAL REFERRALS

Engineering Comments

Council’s Engineer has commented on the proposal as follows:

“The subject site is affected by overland flow of stormwater of the 1 in 100yr ARI storm event in accordance with Powells Creek and Saleyards Creek revised flood study. In accordance with Council’s Interim Flood Prone Land Policy non-habitable floor must be designed to be no lower than the 1 in 100 year flood level.

In accordance with section 4.7 of Council’s stormwater management code all developments that require a development application needs to submit a stormwater drainage concept plan (SDCP) demonstrating the feasibility of the proposed drainage system within the site and connection to Council’s system.”

The ground floor finished level of the garage is at RL10.65, which is higher than the 1 in 100 year flood level at RL10.5. A garage and rear fencing was previously located within the rear yard but the fence is to be designed to not impede the overland flow path (Condition 2). A Stormwater Management Plan did not support the application but the Architectural Plans show drainage and downpipes. **Condition 17** requires the final Stormwater Management Plan to be submitted to the Principal Certifying Authority and to Strathfield Council to keep on file. 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:

“I have reviewed the plans for the proposed two storey garage fronting onto Arditto’s Lane and visited the site. This advice is provided to address the heritage impact of the development, and is separate to the compliance or otherwise with Council’ planning controls which note that two storey garages are generally not supported on planning grounds.

The site does not contain a listed heritage item but the site is located within the Churchill Avenue Heritage Conservation Area (C10).

DA2019/073 - 43 Churchill Avenue Strathfield
 Lot 1 DP 935086 (Cont'd)

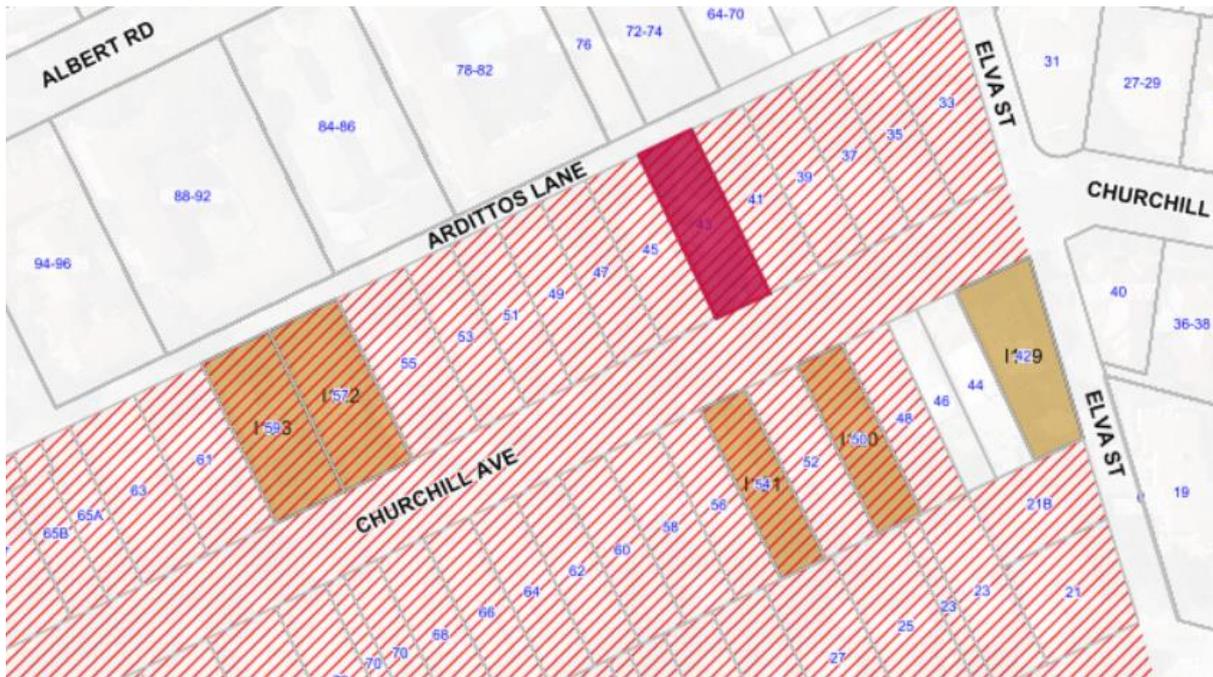


Figure 8: The context of the site with surrounding heritage items and conservation area.

The proposed garage building is of ungainly proportionality due to the high side wall proposed to accommodate the mezzanine level. This is compounded by the lack of articulation to the Arditto's Lane frontage. There are several examples of single storey garages on the Arditto's Lane frontage in the vicinity of the subject site and these examples include appropriate proportionality and materiality. There is only one example of a garage building of more than one storey in the locality is at 57 Churchill Avenue and the structure predates both the LEP and Part P of the DCP.

The proposal would not be visible from Churchill Avenue and would not give rise to any undue impact on the Heritage Conservation Area. However, the proposal has the potential to set an undesirable precedent for two-storey outbuildings within the heritage conservation areas that should be discouraged. In any case, the form of the proposal should better reflect the proportionality of the existing locality and greater detail regarding the finishes should be provided. The use of polychromatic facebrickwork to the Arditto's Lane elevation in a manner similar to the front elevation of the dwelling house (eg contrasting header courses, sills, etc) should be considered.

The Statement of Heritage Impact incorrectly refers to Part A 5 which in the current version of the DCP refers to landscaping, not architectural design and details, and does not refer to Part P at all. This statement should be updated to reflect the current suite of controls to accompany the amended plans requested above.

I note the site plan refers to a new 1.8m high fence. No details are provided of the proposed fence, and it should be noted that development consent is required for fences in heritage conservation areas in accordance with 2.34(1)(b) of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

Recommendation:

The proposal should be reconsidered to better reflect the prevailing character of the locality in terms of form, finish and materiality. Reduction to a single storey scale and use of polychromatic facebrickwork to the Arditto's Lane frontage is encouraged. The HIS should be updated to reflect the current suite of controls."

DA2019/073 - 43 Churchill Avenue Strathfield
Lot 1 DP 935086 (Cont'd)

The Heritage Advisor has viewed the amended plans and has recommended Condition 1 to better reflect the prevailing character of the locality and provide additional fenestration to the northern elevation.

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 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 on Council's Records 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 and the site has been used for residential purposes to Council's knowledge.

The objectives outlined within SEPP55 are considered to be satisfied.

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

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

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

In this instance, the proposal was not referred to Council's Tree Management Officer because the proposal is adequately setback from nearby trees. Nevertheless, **Condition 7** is recommended to ensure the protection of these trees. Therefore, the proposal is considered consistent with the objectives of this SEPP.

STATE ENVIRONMENTAL PLANNING POLICY (COASTAL MANAGEMENT) 2018

The Coastal Management SEPP applies to the site.

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

Although Council is not subject to a coastal zone management plan, the sea level rise planning benchmarks have also been established in order to assess the likely increase in the frequency, duration and height of flooding and as a consequence likely property and infrastructure damage on affected and potentially affected land. Council is therefore required to consider the impact of sea level rise and resultant flooding from Powell's Creek and Cook's River which are tributaries of Sydney Harbour (Parramatta River) and Botany Bay respectively.

The proposed development is located on a site that is affected by the existing 1 in 100 year flood event or is likely to be as a result of the planning benchmarks for sea level rise mentioned above.

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Accordingly, the proposed development has been assessed against the relevant provisions of the *NSW Coastal Planning Guideline: Adapting to Sea Level Rise*. The ground floor finished level of the proposed garage is at RL10.65, which is higher than the 1 in 100 year flood level at RL10.5 and satisfies Council's Interim Flood Prone Land Policy minimum non-habitable floor level.

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>	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>	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>	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 double garage with a mezzanine storage area provides additional on-site parking for the residential dwelling which will assist with reducing the demand for on-street parking in the surrounding area. Overall, the proposal is considered to be consistent with the aims of SLEP 2012.

Permissibility

The subject site is zoned R2 Low Density Residential under Strathfield Local Environmental Plan (SLEP) 2012. The proposed detached double garage with mezzanine storage area is ancillary development to the existing dwelling house on site. Dwelling houses are permissible with consent within the R2 Low Density Residential Zone, and therefore, these proposed ancillary works are also permissible in the zone with consent.

Zone Objectives

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

Objectives	Complies
➤ To provide for the housing needs of the community within a low density residential environment.	Yes
➤ To 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 subject site is located within the Churchill Avenue Heritage Conservation Area. The proposal does not adversely impact upon the heritage character of the Churchill Avenue as it

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is located to the rear of the property and is not visible from the Churchill Avenue. Furthermore, a condition of consent has been recommended which adds a window to the northern elevation, in order for the garage to better respond to its siting and frontage to Ardittos Lane. The proposal, subject to the imposition of conditions is considered to be consistent with the objectives of the R2 zone.

Part 4: Principal development standards

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

Height of building

Cl.	Standard	Controls	Proposed	Complies
4.3	Height of building	9.5m	6.2m	Yes

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

Comments: The proposed height of the garage is well under the maximum height limit for the site.

Floor space ratio

Cl.	Standard	Controls	Proposed	Complies
4.4	Floor space ratio	0.575:1 (447.6m ²)	0.36:1 (280.11m ²)	Yes

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

Comments: The proposal has a FSR of 0.36:1 which complies with the maximum FSR development standard for the site. In accordance with the definition of gross floor area in SLEP 2012, the area of the proposed garage is excluded from the calculation of the overall gross floor area as it is considered car parking to meet the requirements of SCDCP 2005. However, the mezzanine level of the garage is calculated at 34.9m² and is combined with the existing dwellings FSR at 245.2m² (previously calculated in DA2012/028 for alterations and additions to the dwelling) to total 280.11m².

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Part 5: Miscellaneous Provisions

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

5.10 Heritage Conservation

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

	Objectives	Complies
(a)	To conserve the environment heritage of Strathfield,	Yes
(b)	To conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views.	Yes
(c)	To conserve archaeological sites	N/A
(d)	To conserve Aboriginal objects and Aboriginal places of heritage significance.	N/A

Comments: The proposal does not adversely impact upon the heritage character of the street as it is located to the rear of the property and is not visible from Churchill Avenue, however the height is considered acceptable given the siting. Having regard to the Heritage Impact Statement accompanying with the development application and the reduction in the overall height of the structure by 200mm. The proposal is considered acceptable by the Heritage Advisor with the recommendation of Condition 1, which requires an additional window to be placed on the northern elevation to further articulate the built form.

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

6.2 Earthworks

The proposal involves only minor excavation works to accommodate the piers of the garage. The extent of the excavation is considered minor and is not anticipated to have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage item or features of surrounding land. The earthworks involved with the proposed development is not anticipated to have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage item or features of surrounding land.

6.3 Flood planning

The application demonstrates that it minimises flood risk to life and property associated with the use of the land, is compatible with the land's flood hazard and avoids significant adverse impacts on flood behaviour and the environment. Council's Engineer raised no objections to the proposal as the garage finish floor levels are higher than the minimum flood level, subject to the imposition of recommended conditions of consent.

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

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system. As such, the subject site is considered to be adequately serviced for the purposes of the proposed development.

4.15(1)(a)(ii) The provisions of any draft environmental planning instruments

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

4.15(1)(a)(iii) The provisions of any development control plan

STRATHFIELD CONSOLIDATED DEVELOPMENT CONTROL PLAN 2005 (SCDCP 2005)

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

PART A – DWELLING HOUSES AND ANCILLARY STRUCTURES

2: Architectural Design & Streetscape Presentation

2.1	Objectives	Satisfactory
A.	To ensure that development respects the predominant height, scale, character, type, form, colour, materials and architectural qualities of the existing dwelling house (in the case of alterations and additions) and surrounding neighbourhood especially any adjoining or nearby heritage item or heritage conservation area.	Yes
B.	To achieve quality architecture in new development through the appropriate composition and articulation of building elements.	Yes
C.	To ensure that the dominant building rhythm of the streetscape is reflected in the building design in terms of the spacing and proportion of the built elements.	Yes
D.	To ensure that new dwellings have facades, which define, address and enhance the public domain.	Yes
E.	To encourage contemporary architecture that is innovative, uses high quality detailing, and incorporates elements characteristic of Strathfield.	Yes
F.	To promote the continuance of pyramidal roof forms within Strathfield where they are already prevalent.	Yes
G.	To retain a feeling of openness and space between built elements by maintaining landscaped setbacks and preserve the appearance of dwellings set in the treelined streets and park-like environment.	Yes
H.	To reduce the use of highly reflective colours and materials that create visual prominence.	Yes
I.	To ensure fencing is sympathetic to the design of the dwelling and the street and enhances the character of both the individual house and street whilst maintaining casual surveillance of the neighbourhood.	No – refer below
J.	To protect and retain the amenity of adjoining properties.	Yes
2.2	Development Controls	Complies
.1.	Streetscape Presentation	
	2 Consistently occurring building features integrated within dwelling design.	Yes
	3 Consideration of streetscape elements	Yes
	4 Integrated security grilles/screens, ventilation louvres and garage doors	Yes
.2.	Scale, Massing & Rhythm of Street	
	1 Scale, massing, bulk and layout complement the existing streetscape and the dominant	Yes

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

Comments: The proposal is considered to be appropriately sited toward the rear of the lot and is orientated to the secondary street frontage along Arditto Lane. The south-eastern side of Arditto Lane is characterised by detached garages of the rear accesses of properties fronting Churchill Avenue. Whilst these garages are predominately single storey, the proposed garage including its massing and scale is considered to accord with an existing two (2) storey garage located at 57 Churchill Avenue (Figure 5). The timber decoration to the gable of the garage is to match the front elevation of the dwelling house and the brick elevations are to match the face brick of the existing dwelling on site.

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

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F.	<i>To assist in achieving passive surveillance whilst protecting visual privacy.</i>	Yes
G.	<i>To provide a transitional area between public and private space.</i>	Yes
4.2	Development Controls	Complies
	<i>Floor Space Ratio</i>	
.1.	1 Floor Space Ratio permissible pursuant to SLEP 2012	Yes
	2 Development compatible with the lot size	Yes
	<i>Building Height</i>	
	1 Height of building permissible pursuant to SLEP 2012	Yes
.2.	2 Height of outbuildings, detached garages and carports is 3.5m (max) measured at the highest point on the roof above NGL	No – refer below
	3 Dwelling houses and any ancillary structures 2-storeys (max)	Yes
	4 Building height responds to the gradient of the site to minimise cut and fill	Yes
.3.2.	<i>Side and Rear Setbacks</i>	
	4 Garages and carports setbacks consistent with Table A.2	No – refer below

Comments: The detached garage is 6200mm in height and does not comply with the maximum 3500mm height control for outbuildings. This height breach is considered acceptable because the garage backs on to Arditto Lane and directly opposite the site on Arditto Lane are four storey apartment buildings (Figure 4) and there is an existing two storey detached garage in the laneway (Figure 5) and therefore, the proposed height of the garage is not inconsistent with the existing streetscape rhythm and building heights. Amended plans were received during the assessment period which reduced the height of the garage by 200mm to reduce the visual dominance of the garage in this streetscape and the height reduction also reduced the floor to ceiling heights of the mezzanine level to 2.2m which ensures that this space is non-habitable. The side setback to the south-western boundary is compliant with the DCP controls at 1000mm, however the rear setback to Arditto Lane is 1000mm. This minor non-compliance with the rear setback control is considered acceptable as existing garages in the laneway have a reduced or nil rear setback.

5: Landscaping

5.1	Objectives	Satisfactory
A.	<i>To encourage landscaping that is appropriate to the style and scale of the dwelling and adjoining development, and to the streetscape.</i>	Yes
B.	<i>To enhance the existing streetscape and promote a scale and density of planting that softens the visual impact of buildings, structures, vehicle circulation and ancillary areas.</i>	Yes
C.	<i>To preserve existing landscape elements on site (such as existing trees) and encourage their integration into the design of proposals.</i>	Yes
D.	<i>To ensure adequate deep soil planting is retained on each allotment.</i>	Yes
E.	<i>To ensure developments make an equitable contribution to the landscape setting of the locality.</i>	Yes
F.	<i>To ensure both existing and new landscaping provides suitable shade and facilitates convective cooling breeze paths in summer.</i>	Yes

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G.	To encourage the use of native flora such as open woodland canopy trees, to provide a habitat for native fauna.	Yes
H.	To ensure that landscaped areas are designed to minimise water use.	Yes
I.	To provide functional private open spaces for active or passive use by residents.	Yes
J.	To provide private open areas with provision for clothes drying facilities screened from the street and lane or a public place.	Yes
K.	To ensure the protection of trees during construction	Yes
L.	To ensure suitable fencing is provided to reduce acoustic impacts and enhance visual privacy between neighbouring residents whilst enabling front fences passive surveillance of the street.	Yes
M.	To maximise the amenity of existing and proposed developments, including solar access, privacy and open space.	Yes

5.2	Development Controls	Complies
.1.	<i>Landscaped area</i>	
	1 Landscaped area in accordance with Table A.3	Yes
	2 At least 50% of the minimum landscaped area located behind the building line to the rear boundary	Yes
	3 At least 50% of the front yard maintained as deep soil soft landscaping	Yes
	4 Minimise hard surface area (concrete/brick/stone paving and bitumen). Run-off directed to permeable surfaces.	Yes
	5 Planting areas soften the built form	Yes
	6 Front gardens respond and contribute to the garden character of Strathfield.	Yes
	7 Retain and reinforce the prevailing streetscape and surrounding locality	Yes
	8 Plant species must be retained, selected and planted to improve amenity	Yes
.3.	<i>Private Open Space</i>	
	1 Provided in a single parcel rather than a fragmented space, directly accessible from internal living areas	Yes
	2 Includes a deep soil area compliant with the minimum landscaped area.	Yes
	3 Terraces and decks (at least 10m ²) with one length or width 3m (min) and directly accessible from an internal living area. Decks cannot be located more than 500mm above NGL	Yes
	4 Unless 3m (min) width, areas within setbacks are not to be included as private open space	Yes
5 Private open space located at the rear of the property.	Yes	
.4.	<i>Fencing</i>	
	1 Fencing designed to be compatible and sympathetic to the style of the dwelling, adjoining properties and the streetscape	To be conditioned
	4 Solid fencing 1.8m (max) is permitted along a secondary street frontage to enclose a private open space	To be conditioned

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5	Side and rear fences limited to 1.8m (max)	To be conditioned
9	Listed undesirable materials and finishes not used forward FBL	To be conditioned
11	Solid fences adjoining driveways are provided with 1m x 1m (min) splay	Yes
13	Significant trees maintained	Yes
14	Stormwater flows through or under fencing on sloping sites	To be conditioned
15	Dividing fences constructed of timber palings (lapped and capped) with height of 1.8m (max)	To be conditioned

Comments: The proposal meets the required minimum landscaped area at 43% (335.16m²) and does not impact on any existing trees located on the site, neighbouring properties or on Council land.

The architectural site plans indicate that the proposal incorporates new 1.8m high rear boundary fencing attached to the proposed garage however, the elevation plans do not detail the fence height, design or materials. Condition 1 requires the rear fence height be no greater than 1.8m in height and to not be built from unrendered cement block, galvanised or aluminium sheeting, fibre-cement board, brushwood or barbed wire and is to be submitted to the principal certifying authority for approval. Condition 2 requires the fence to be designed so as not to impede the overland flow path.

6: Solar Access

6.1	Objectives	Satisfactory	
A.	To ensure the design of new dwelling houses and alterations and additions maximises solar access to living areas and open space areas.	Yes	
B.	To minimise overshadowing of adjoining properties.	Yes	
6.2	Development Controls	Complies	
.1.	Sunlight Access		
	1	New dwellings - 3 hours solar access between 9.00am and 3.00pm on June 21 to the windows of habitable rooms and 50% of private open space	Yes
	3	50% of the principal private open space of any adjoining premises receives 3 hours solar access between 9.00am and 3.00pm on June 21	Yes
	4	The proposed development does not further reduce the amount of solar access	Yes

Comments: The application was accompanied with a proposed shadow diagram and shadows from 9am-12pm are cast over 45 Churchill Avenue's rear yard, while 12pm-3pm are mainly cast over the rear yard of 43 Churchill Avenue. This building satisfies Council's solar access for the existing private open space on site and the adjoining premises.

7: Privacy

7.1	Objectives	Satisfactory
A.	Development that is designed to provide reasonable privacy to adjacent properties	Yes

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B.	<i>To maintain reasonable sharing of views from public places and living areas</i>	Yes
C.	<i>To ensure that public views and vistas are protected, maintained and where possible, enhanced</i>	Yes
D.	<i>To ensure that canopy trees take priority over views</i>	Yes
E.	<i>To ensure that the siting and design of buildings minimises noise impacts from abutting roads, rail corridors and other noise-generating land uses</i>	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
	2 Provide adequate separation of buildings	Yes
	3 Ensure elevation of finished floor levels above NGL is not excessive	Yes
	4 Improve privacy to adjacent properties with screen planting	Yes
	<i>Windows</i>	
.2.	1 Windows do not directly face the windows, balconies and courtyards of adjoining dwelling	Yes
	2 A window within 9m of another window in a habitable room of an adjoining dwelling is offset by 0.5m (min) or a sill height of 1.7m (min) above the FFL	Yes
	3 Windows directly facing balconies or courtyards are narrow, incorporate obscure glazing and/or a sill height of 1.7m (min) above FFL	Yes

Comments: The proposed garage does not incorporate any windows on the western elevation. The ground floor windows on the eastern elevation, and the ground and first floor windows on the southern elevation are not anticipated to result in any unreasonable privacy impacts to the neighbouring properties given their positioning and that they are from non-habitable spaces.

8: Vehicle Access and Parking

8.1	Objectives	Satisfactory
A.	<i>To provide adequate and convenient on-site car parking.</i>	Yes
B.	<i>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.</i>	Yes
C.	<i>To ensure garages, carports, basements and hard standing areas for cars do not visually dominate the street façade of the dwelling.</i>	Yes
D.	<i>To ensure that construction materials used for driveways respect the architectural qualities of the dwelling.</i>	Yes
E.	<i>To minimise the area of access driveways to minimise impermeable surfaces and maximise landscaped areas.</i>	Yes
F.	<i>To ensure basements have discreet entries, safe access and a high degree of natural cross-ventilation.</i>	N/A

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G.	<i>To minimise excavation to reduce disturbance to natural ground level particularly adjacent to site boundaries.</i>	Yes
8.2	Development Controls	Complies
	<i>Driveway and Grades</i>	
	1 Existing driveways must be used (exceptions apply)	Yes
	2 The width of driveways at the property boundary is to be 3m	No – refer below
	3 The edge of driveway crossings located 1m (min) clear of any existing stormwater pits or poles and 2m clear of tree trunks	Yes
	4 Parking and access points easily accessible and recognisable, non-disruptive to pedestrian flow and safety and located to minimise traffic hazards and potential for vehicles to queue.	Yes
.1.	8 Rear lane / secondary street frontage - parking and access provided from the secondary street/lane	Yes
	9 Driveways avoid long and straight appearance by using variations and landscaping	Yes
	10 Driveway set back 0.5 metres (min) from side boundaries	Yes
	11 Driveways incorporate unit paving into the design	Yes
	12 Areas of concrete visible from a public road are to be minimal and coloured charcoal, grey or brown	Yes
	13 Coloured concrete is not permitted in the driveway crossing outside the property boundary	Yes
	<i>Garages, Carports and Car Spaces</i>	
	1 Two (2) car parking spaces required behind the FBL of all new dwellings (exceptions apply)	Yes
	2 Garages recessed behind the main front facade and/or non-dominant	Yes
.2.	3 Garages not more than 150mm above NGL at entry unless the slope of the site exceeds 1:8 (12.5%)	Yes
	4 Dimensions of parking spaces and garages comply with the Australian Standards	Yes
	5 Garages are not to be converted or used for any purpose other than that for which they are approved	Yes - conditioned

Comments: The subject site has a secondary street frontage from Ardittos Lane and has two existing vehicle crossovers from this laneway. The proposal extends the existing vehicular crossing to 5.17m wide to provide sufficient access into the proposed double spaced garage. This is consistent with the widths of other vehicle crossover along Ardittos Lane and is considered acceptable. The proposed garage and storage area are conditioned to remain as such.

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>	To be conditioned

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C.	<i>To ensure compliance with the NSW State Government's Flood Prone Lands Policy.</i>	To be conditioned
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
	<i>Stormwater Management and Flood Prone areas</i>	
	1 Applicant contacted Council regarding site being flood prone land	No – refer below
	2 Compliance with Council's Stormwater Management Code	To be conditioned
.1.	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	N/A
	5 A drainage/flood report prepared by a hydraulics engineer submitted for sites affected by overland flows	N/A
	6 Stormwater Management Code compliance	To be conditioned
.2.	<i>Acid Sulfate Soils</i>	
	1 Site managed consistent with the provisions contained in Clause 6.1 SLEP 2012	Yes
	<i>Soil Erosion and Sediment Control</i>	
.3.	1 Soil erosion and sediment control measures detailed and implemented prior to the commencement of work.	Yes
	2 Sediment control measures applied	Yes
	3 Plans provided detailing stormwater quality treatment	Yes

Comments: The ground floor finished level of the garage is at RL10.65, which is higher than the 1 in 100 year flood level at RL10.5. A Stormwater Management Plan did not accompany the application however, Condition 10 requires the final Stormwater Management Plan to be submitted to the Principal Certifying Authority and to Strathfield Council to keep on file. Council's Engineer raised no objections to the proposal, subject to the imposition of recommended conditions of consent.

11: Access, Safety and Security

11.1	Objectives	Satisfactory
A.	<i>To encourage the incorporation of crime prevention principles in the design of the proposed developments.</i>	Yes
B.	<i>To increase the safety and perception of safety in public and semi-public spaces.</i>	Yes
C.	<i>To provide passive surveillance of the public domain to promote a safe pedestrian environment whilst maintaining the privacy of residents</i>	Yes
D.	<i>To ensure the safety of pedestrians by separating pedestrian access from vehicular access.</i>	Yes
11.2	Development Controls	Complies
.1.	<i>Address and Entry Sightlines</i>	

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	1	Occupants able to overlook public places to maximise passive surveillance	Yes, by condition
	2	Landscaping design around dwellings and ancillary structures to accommodate plant maturation	Yes
	3	External lighting enhance safe access and security and light spill does not adversely impact on adjoining properties.	Yes
	4	Crime Prevention through Environmental Design (CPTED) principles incorporated.	Yes
<i>Pedestrian Entries</i>			
.2.	1	Pedestrian entries and vehicular entries suitably separated	Yes
	2	Dwelling entrances easily identifiable	Yes
	3	House numbers are to be clearly visible from the street	Yes

Comments: The proposed double garage and new 1.8m high rear boundary fencing is considered acceptable as it provides additional privacy to the rear yard of the subject site. The windows from the storage level and the recommended Condition 1 offers additional passive surveillance on Ardittos Lane.

PART H - WASTE MANAGEMENT (SCDCP 2005)

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

PART P - HERITAGE (SCDCP 2005)

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

4. Development in Conservation Areas

4.1: Setting

4.1.1 Objectives		Complies
1	To provide an appropriate visual setting for Heritage Conservation Areas, including landscaping, fencing and car parking.	Yes
2	To maintain and enhance the existing character of the streetscape of a Heritage Conservation Area.	Yes
3	To ensure that new development respects the established patterns in the streetscape of a Heritage Conservation Area, including setbacks, siting, landscaped settings, car parking and fencing.	Yes
4	To protect street trees within Heritage Conservation Areas	Yes
4.1.2 Development Controls		Complies
(1)	The side and front setbacks of new development in a Conservation Area should be typical of the spacing of existing buildings in the vicinity of the proposed development in that Conservation Area, such that the rhythm of buildings in the streetscape is retained.	N/A

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(2)	No new structures should be built forward of the established street building line.	N/A
(3)	The established landscape character of the locality including the height of canopy and density of boundary landscape plantings should be retained in any new development.	Yes

Comments: The proposed two storey garage is not visible from Churchill Avenue and therefore does not negatively impact the visual appearance of Churchill Avenue. The development does not alter the existing landscaping in the front setback and the proposal is adequately setback from the existing tree in the rear yard. The Heritage Advisor considers the proposal an acceptable development to the rear lane with the recommendation of Condition 1.

4.2: Scale

4.2.1	Objectives	Complies
1	To ensure that new development adjacent to or within a heritage Conservation Area is of a scale consistent with the existing development in the vicinity of the site that contributes to the character of the in the heritage Conservation Area.	Yes

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

Comments: The proposed two storey garage is not visible from Churchill Avenue and is a consistent scale as viewed along Ardittos Lane. There is an existing two storey pitched roof garage fronting Ardittos Lane and therefore, the proposal is not inconsistent with the scale of similar developments in the surrounding HCA.

4.3: Form

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

4.3.2	Development Controls	Complies
(1)	Important elements of the form of a contributory building in a Conservation Area such as main roof forms, chimneys, parapet walls, verandahs etc. should not be demolished or obscured by alterations and additions.	N/A

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(2)	New development in a Conservation Area is to complement existing nearby buildings that contribute to the Conservation Area.	Yes
(3)	Chimneys and roof features such as ventilation gables should not be removed from contributory buildings in a Conservation Area.	N/A
(4)	Dormer windows should generally be confined to rear or side roof slopes to minimize visibility in the streetscape.	N/A
(5)	Additions and alterations to existing buildings that contribute to the character of a Conservation Area should not detract from the original form of the existing building as viewed from the Public Domain.	N/A
(6)	The treatment of the street façade of new development in a Conservation Area should relate to existing nearby buildings that contribute to the Conservation Area.	Yes

Comments: The proposed form is similar to that of the existing two story garage at 57 Churchill Avenue and the height of the garage is considered acceptable as it backs onto a laneway.

4.4: Siting

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

4.4.2	Development Controls	Complies
(1)	The front setback of new development (including alterations and additions) in Conservation Areas should match that of adjacent contributory development. Where adjacent developments have different setbacks, new development should align with the greater setback.	Yes
(2)	Side setbacks of new development (including alterations and additions) in Conservation Areas should match the pattern of adjacent and/or nearby contributory development. This will often include a greater setback on one side of the development to provide vehicular access at the side of a property.	Yes
(3)	The orientation of new development should follow the established pattern of development in the Conservation Area.	Yes
(4)	Where trees are important to a Conservation Area, new buildings should be sited away from the drip line of the trees.	Yes

Comments: The proposed garage is located to the rear of the site and the two storey element is not out of character with existing development fronting and visible from Ardittos Lane as there is an existing two storey garage located at 57 Churchill Avenue. The pitch roof and proposed materials match the existing dwelling house on the site which assists in providing a more sympathetic development on the site.

4.5: Materials and colours

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

(1)	Original materials of contributory buildings in Conservation Areas should not be replaced with different materials or with materials of different colours.	N/A
(2)	Non-original materials of existing contributory buildings in Conservation Areas that are being replaced shall, if possible, be replaced with material that matches the original material as closely as possible.	N/A
(3)	Painting, rendering or bagging of face brickwork and sandstone is not permitted	Yes
(4)	The texture of original rendered finishes should not be changed.	N/A
(5)	Colour schemes for existing and new development in Conservation Areas should have a hue and tonal relationship with traditional colour schemes for the dominant style of development found in the Conservation Area	Yes
(6)	The use of fluorescent paint on buildings in Conservation Areas is not permitted.	Yes

Comments: The garage is proposed to be built with face brick which matches the facebrick of the existing dwelling house located on the site. Similarly, the timber decoration on the proposed gable also matches the gable at the front of the existing dwelling house on site. The colour scheme of the existing dwelling house is matched by the garage.

4.6: Doors and windows

4.6.1 Objectives **Complies**

1	To retain original door and window details of contributory buildings in Conservation Areas.	N/A
2	To ensure that new development in a Conservation Area has fenestration patterns and proportions consistent with contributory buildings in the Conservation Area.	Yes

4.6.2 Development Controls **Complies**

(1)	Extensive areas of glazing are not permitted for doors and windows visible from the Public Domain on buildings within a Conservation Area.	Yes
(2)	Original door and window joinery visible from the Public Domain on contributory buildings in a Conservation Area should be conserved.	Yes
(3)	New door and window openings to contributory buildings in a Conservation Area that are visible from the Public Domain should be of proportions and details that relate to existing door and window openings.	Yes

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	(4) Roof structures (i.e. skylights) should be located on roof slopes where they will not be visible from the Public Domain.	Yes
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Comments: The proposal incorporates a minimum number of windows and doors and these are positioned on elevations so that they are not highly visible from the public domain. Smaller sized windows have been included on the first floor level and their size has reduced the overall visible glazing on the garage. One (1) skylight is proposed on the eastern side of the pitched roof form, which is not visible from Ardittos Lane (Figure 9).

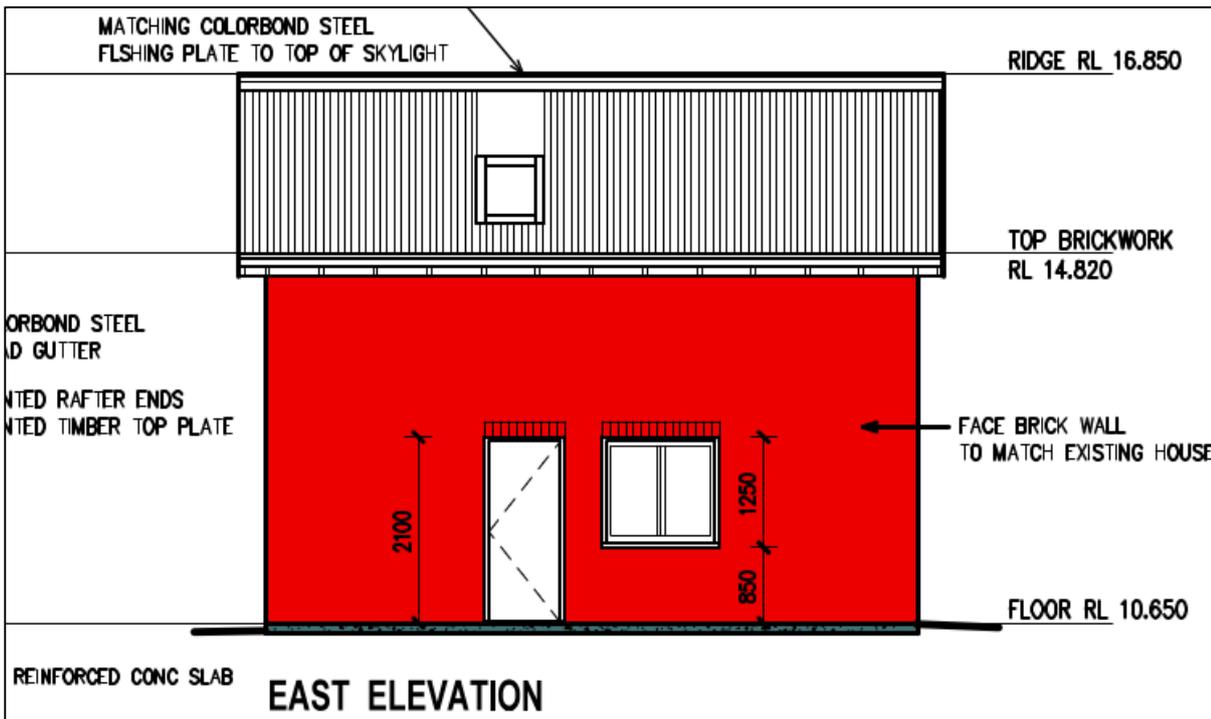


Figure 9: Proposed eastern elevation of the garage.

4.7: Car parking

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

4.7.2 Development Controls		Complies
(1)	Garages and carports must be located as far behind the front building alignment as possible.	Yes
(2)	Garages should not be incorporated into the front façade of a building in a Conservation Area.	Yes
(3)	Where a new garage or carport is on the same side of a building as a front verandah, the garage or carport must be located entirely behind the verandah.	N/A

Comments: The proposed garage is located at the rear of the site and is not visible from Churchill Avenue.

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4.8: Fencing

4.8.1	Objectives	Complies
1	To conserve original gates and fences within Conservation Areas.	N/A
2	To ensure new fences and gates are consistent with the character of the Conservation Area and in particular with contributory housing in a Conservation Area.	To be conditioned
3	To ensure that the quality of the streetscape or townscape in a Conservation Area is not diminished by inappropriate fencing.	To be conditioned

4.8.2	Development Controls	Complies
(1)	Fencing and gates that are constructed at the same time as the contributory building should not be demolished.	N/A
(2)	New fencing and gates to contributory housing in a Conservation Area should be designed to complement the style of the house.	To be conditioned
(3)	New fencing and gates to infill development in a Conservation Area should be in keeping with the dominant character of the Conservation Area.	To be conditioned
(4)	Unless evidence is provided to establish a greater height, fencing constructed of solid material such as masonry forward of the building line should not be greater than 1m in height above the adjacent public footpath level. In all cases, the height of fencing should relate to the style of the house and width of the allotment.	N/A
(5)	Original face brick or sandstone fencing in a Conservation Area should not be painted.	Yes
(6)	Refer to the Controls for Fencing in the Residential section of this Development Control Plan for general provisions regarding fencing (Note: this section prevails in the event of any inconsistency)	Yes

Comments: The structures in rear yard of the subject site have all been demolished as a part of previous alterations and additions to the original dwelling (DA2012/028). Condition 6 requires the rear fence height be no greater than 1.8m in height and to not be built from unrendered cement block, galvanised or aluminium sheeting, fibre-cement board, brushwood or barbed wire and is to be submitted to the principal certifying authority for approval. Rear 1.8m fences along Ardittos Lane are evident along the laneway and keeps within the dominant character.

4.9: Landscape elements including paving and driveways

4.9.1	Objectives	Complies
1	To retain important landscape elements that contribute to the significance of Conservation Areas.	Yes
2	To reinforce the qualities of the Conservation Area through appropriate landscaping	Yes

4.9.2	Development Controls	Complies
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(1)	Street trees in Conservation Areas should not be removed to allow for new development such as the relocation of driveways which may necessitate the removal of a street tree.	Yes
(2)	Existing driveways and footpath crossings that relate to original development in a Conservation Area should not be relocated.	Yes
(3)	Double driveways and footpath crossings will not be permitted in Conservation Areas.	Yes

Comments: The proposed development does not propose to change the landscaping in the front setback and does not impact the exist tree in the rear yard.

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 not involve the demolition of a building and therefore these provisions to not apply to the subject application.

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 garage proposal on the Churchill Avenue Heritage Conservation Area are minor as the development is located at the rear of the site and not visible from Churchill Avenue. The impacts of flooding and stormwater on the garage can be conditioned and addressed before a Construction Certification. The height of the garage will cause additional shadows on the private open space of 45 Churchill Avenue from 9am-12pm, which is considered an acceptable variation to neighbouring properties. Additional on-site parking will improve on-street parking along Churchill Avenue. The scale of the development is kept within the existing laneway rhyme and pattern. Overall, the proposed design has been considered with respect to adjoining properties to minimise adverse impacts to adjoining neighbours and achieve an appropriate level of streetscape compatibility.

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

The proposed development is considered to be suitable to the site in that the proposed two storey double garage is located at the rear of the site facing Ardittos Lane, which is not visible from the Chruchill Avenue Heritage Conservation Area and is not considered to adversely impact neighbouring properties. The development is permissible with consent and is not considered to adversely impact the Churchill Avenue Heritage Conservation Area.

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

The application was publicly notified from **27 May 2019** to **11 June 2019** in accordance with the provisions of Part L of SCDP 2005. **No** written 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 INDECT SECTION 7.12 CONTRIBUTIONS PLAN

As set out in Part 4.5 of Strathfield Council's Indirect Contributions Plan, the contribution levy of this Plan is not imposed in respect to the proposed development. This is because the cost of works of the proposed is \$96,000, and where the cost of works of carrying out a development is \$100,000 or less, the proposed development is exempt from the levy.

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. DA2019/073 for the construction of a double car garage with mezzanine storage area and rear fence at 43 Churchill Avenue, Strathfield be **APPROVED**, subject to the following conditions:

SPECIAL CONDITIONS (SC)

1. **ADDITIONAL WINDOW TO THE NORTHERN ELEVATION (SC)**

A double hung window/s is to be added to the northern elevation of the garage and positioned centrally at the mezzanine storage level. The window/s is to be of a similar make to the window incorporated on the ground floor of the southern elevation. Amended plans demonstrating compliance with this condition are to be submitted to the Principal Certifying authority to their satisfaction for approval.

(Reason: To add fenestration and visual interest to the northern elevation of the garage and to assist with passive surveillance to the secondary frontage along Ardittos Lane.)

2. **FLOODING (SC)**

As the site is flood affected by overland flow of stormwater proposed fence shall be designed so as not to impede the overland flow path. Amended plans shall be submitted to

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the Principal Certifying Authority for written approval prior to issue of a Construction Certificate.

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

GENERAL CONDITIONS (GC)

3. APPROVED PLANS AND REFERENCE DOCUMENTATION (GC)

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

Plans affixed with Council's 'Development Consent' stamp relating to Development Consent No. 2019/073:

Drawing No.	Title/Description	Prepared by	Issue / Revision & Date	Date received by Council
SP01	Site Plan/ Site analysis plan	Project Techniques Pty Ltd	Issue A, 23/04/2019	21 May 2019
SP03	Soil & Water Management Plan	Project Techniques Pty Ltd	Issue A, 23/04/2019	21 May 2019
SP04	Soil & Water Management Plan - Details	Project Techniques Pty Ltd	Issue A, 23/04/2019	21 May 2019
A01	Plan, Elevations & Section	Project Techniques Pty Ltd	Issue B, 05/07/2019	10 July 2019
A02	Elevations & Sections	Project Techniques Pty Ltd	Issue B, 05/07/2019	10 July 2019
CS1	Colour Scheme	Project Techniques Pty Ltd	Issue A, 23/04/2019	21 May 2019

Reference Documentation affixed with Council's 'Development Consent' stamp relating to Development Consent No. 2019/073:

Title / Description	Prepared by	Issue/Revision & Date	Date received by Council
Statement of Heritage Impact	Project Techniques Pty Ltd	23 April 2019	21 May 2019
Waste Management Plan	Project Techniques Pty Ltd	Issue A	21 May 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.)

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.

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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. FENCING - REAR FENCE HEIGHT (GC)

Solid fencing at the rear of the property shall not exceed a height of 1.8m above natural ground level. The following materials and finishes are not permitted to be used in any fence forward of the front building line (including the building line to a secondary street frontage on a corner site):

- Unrendered cement block;
- Galvanised or aluminium sheeting;
- Fibre-cement board;
- Brushwood; or
- Barbed wire.

Plans demonstrating compliance with this condition are to be submitted to the principle certifying authority.

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

7. ENVIRONMENTAL PROTECTION – TREE (GC)

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

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

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

- i. A Tree Protection (Management) Plan prepared by a AQF Level 5 Arborist is to be available on site at all times prior to the issue of the Construction

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- Certificate, for all demolition and site works. This Tree Protection (Management) Plan must be shown on the demand of Authorised Council staff.
- ii. Protective perimeter fencing must be consistent with AS 4687, using metal fence posts greater than 20mm diameter and solid or chain wire mesh 2 metres in height supported on concrete pads/feet at 2-2.5 metre spacing. Fencing placement should not be closer than 2.5 metres from the trunk of each protected tree, or at a distance as specified by the approved Tree Protection (Management) Plan and approved by Council's Tree Management Officer. Shade cloth is to be used to prevent entry of dust and contaminated liquids into the root protection area.
 - iii. Signs must be placed on the Fencing. These signs must comply with AS1319. The signs must state the purpose of the fencing and the name and contact details of the builder and the appointed AQF Level 5 consultant arborist.
 - iv. Root protection is to be provided in the form of mulching to a depth of 50-100mm, inside of the fenced tree protection zone.
 - v. Ground (Root) Trunk and Branch Protection must comply with the diagram of Figure 4 of AS4970 – 2009. Ground protection within the tree protection zone and drip line should be in the form of heavy steel plates or timber 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.)

8. **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.)

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 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

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- 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. **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. **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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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. **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. **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

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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.)

16. 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.)

17. STORMWATER DRAINAGE (CC)

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

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- 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. 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.)

19. 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.

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

Pruning of the branches and roots of Council trees is prohibited unless approved by Council in writing.

All Council trees are to be protected in accordance with Australian Standard AS4970 - 2009 , Protection of Trees on Development Sites.

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 43 Churchill Avenue, 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.)

DA2019/073 - 43 Churchill Avenue Strathfield
Lot 1 DP 935086 (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.)

DA2019/073 - 43 Churchill Avenue Strathfield
Lot 1 DP 935086 (Cont'd)

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

22. OBSTRUCTION OF PUBLIC WAY NOT PERMITTED DURING WORKS (DW)

The public way must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances, without the prior approval of Council.

(Reason: To maintain public access and safety.)

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

**DA2019/073 - 43 Churchill Avenue Strathfield
Lot 1 DP 935086 (Cont'd)**

25. 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 - 23 August 2019

REPORT: IDAP – Report No. 3

SUBJECT: DA2013/043/01 - 16 FLORENCE STREET, STRATHFIELD
LOT 20 SECTION 1 DP 581

DA NO. DA2013/043/01

SUMMARY

Proposal: Section 4.55(2) modification application for alterations and additions to the two (2) storey rear extension, alfresco and garage/studio.

Applicant: Joanne Michael

Owner: Joanne Michael

Date of lodgement: 31 May 2019

Notification period: 6 June 2019 – 21 June 2019

Submissions received: One (1) written submission received

Assessment officer: LG

Estimated cost of works: Nil.

Zoning: R2 – Low Density Residential - SLEP 2012
Heritage Item Item 1136 “Norwood” and “Wrexham”—

Heritage: *Victorian villas, garden and front fence (14 and 16 Florence Street)*

Flood affected: Yes

RECOMMENDATION OF OFFICER: APPROVAL

EXECUTIVE SUMMARY

On 19 September 2013, Council approved Development Application No. 2013/043 for demolition of part of the existing dwelling and construction of a two (2) storey addition to the rear and the construction of a first floor studio above the existing garage to the rear of the site.

The current application seeks to modify Development Consent No. 2013/043 under Section 4.55(2) of the *Environmental Planning and Assessment Act 1979* and involves minimal environmental impact.

The proposal was notified for a period of 14 days with one (1) written submission received during this time. The submission raises concern for overlooking as a result of the first floor studio above the existing garage structure. These matters are discussed in further detail in this report.

Overall, the proposal is considered appropriate for the site and is recommended for approval subject to modifications to the conditions of consent.

DA2013/043/01 - 16 Florence Street, Strathfield
LOT 20 SECTION 1 DP 581 (Cont'd)

BACKGROUND

- 19 September 2013: DA2013/043 was approved by Council for demolition of part of the existing dwelling and construction of a two (2) storey addition to the rear and the construction of a first floor studio above the existing garage to the rear of the site.
- 2 July 2019: An Email was sent to the Applicant noticing the date from which consent was issued and that due to there being (what appears to be) no commencement of works, the consent has lapsed.
- 5 July 2019: Correspondence received by Essential Certifiers explaining commencement of works on site with the Construction Certificate issued 10th September 2018.
- 8 July 2019: Council's Deputy CEO/General Manager Planning, Environment and Urban Services accepted the Essential Certifier's explanation and deemed the works substantially commenced.
- 23 July 2019: A site inspection was carried out by the Council Officer.
- 30 July 2019: Council Officer responded to objector's submission and addressed overlooking concerns via email. Whilst the Council Officer had requested a phone conversation to discuss these matters in further detail, no further correspondence was received by the objector.
- 6 August 2019: An amended Section Plan was submitted by the Applicant at Council's request. This is to enable the originally approved section plan to be superseded and replaced with the amended plan.

DESCRIPTION OF THE PROPOSED MODIFICATION(S)

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

Ground Floor addition:

- Internal reconfiguration of living, kitchen, laundry and stairs with the addition of a powder room; and
- Extension of the size of adjoining rear alfresco area.

First Floor addition:

- Deletion of master bedroom, study and walk in robe and replacement with a rumpus, bathroom and void space.

NOTE: An inconsistency has been noted regarding the proposed modified roof plan. The roof plan shows that the rear addition will align with the roof line of the original dwelling however the elevation plans propose a cut into the existing roof line. As this is not supported by Council Officers on heritage grounds, a condition of consent has been recommended to ensure the building separation is improved so that the original roof line of the dwelling remain intact. Consequently, the amended plans will supersede the currently proposed roof plan.

Garage

- Extension of width and depth of garage to ground floor;
- Extension of width of the first floor and reconfiguration of upstairs studio bathroom.

Finishes

- Replacement of fibre cement sheet cladding finish with painted render and brickwork.

The elevation plans of the approved and proposed modified development are provided below:

DA2013/043/01 - 16 Florence Street, Strathfield
 LOT 20 SECTION 1 DP 581 (Cont'd)

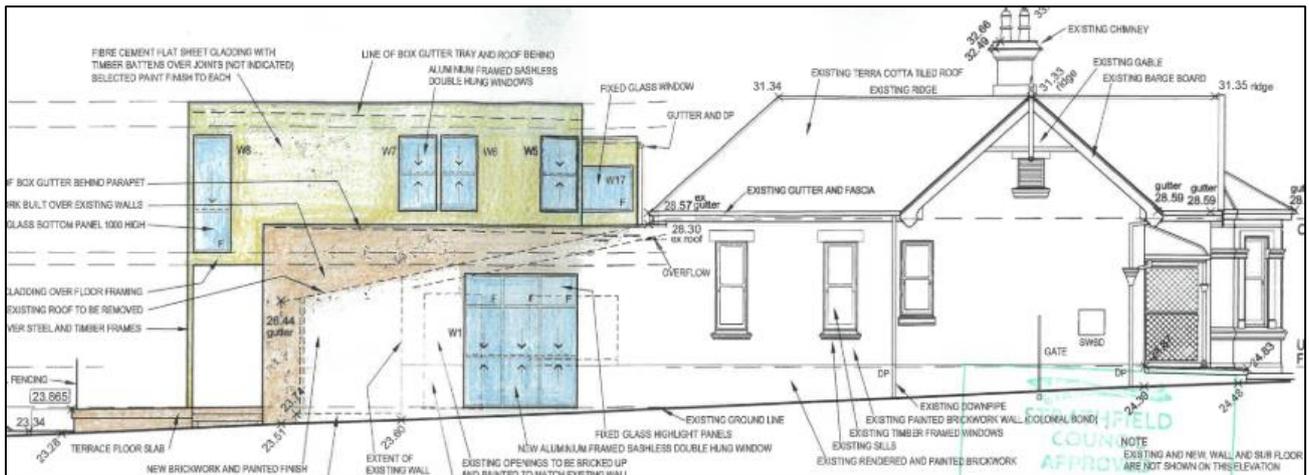


Figure 1: Approved rear extension (northern side elevation)

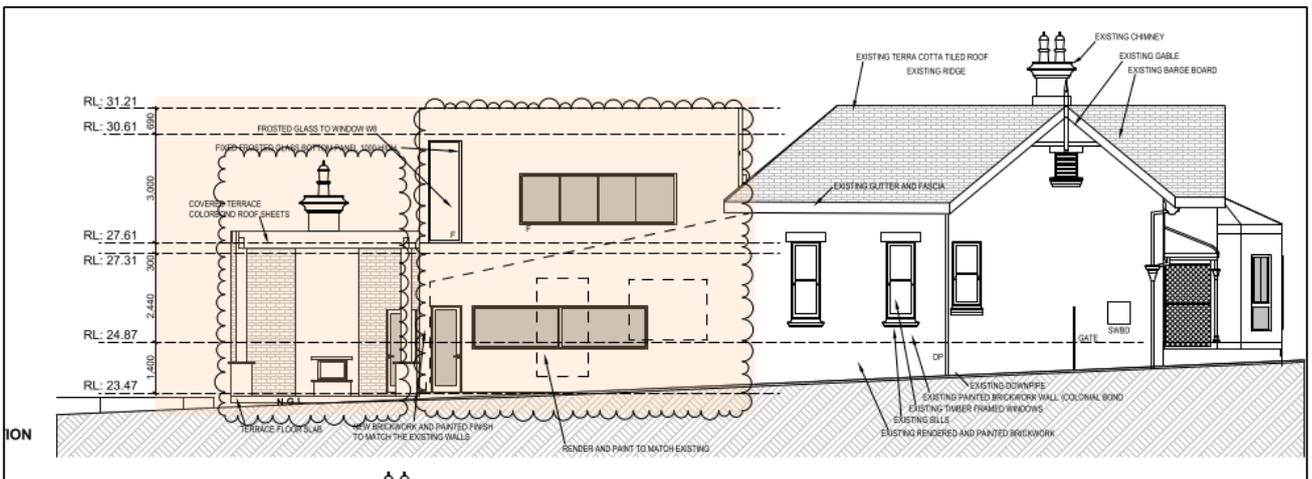


Figure 2: Proposed modified rear extension (northern side elevation)

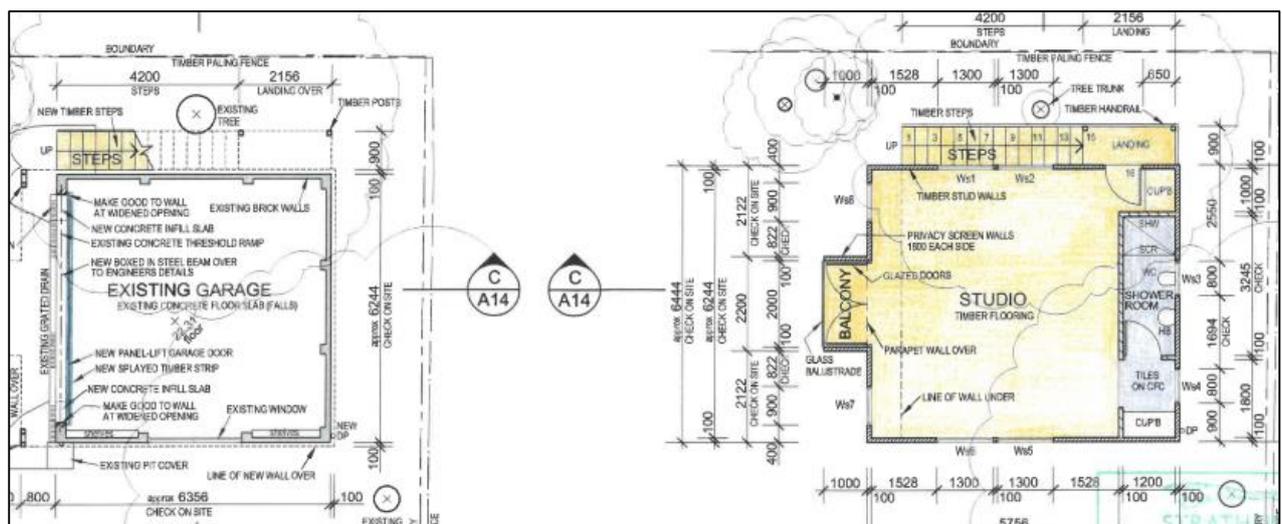


Figure 3: Approved studio above garage

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 LOT 20 SECTION 1 DP 581 (Cont'd)

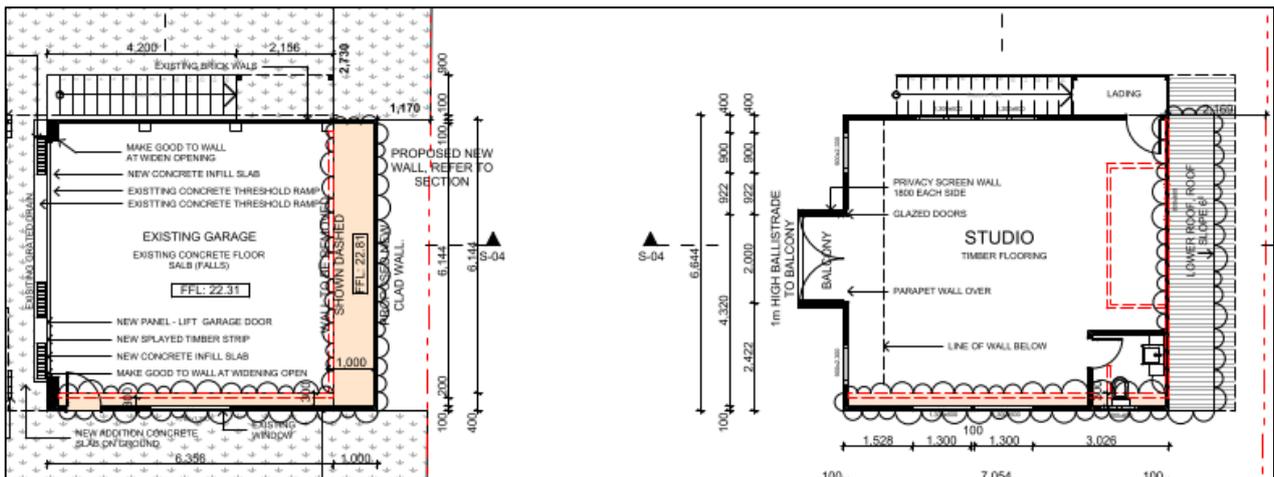


Figure 4: Proposed modifications to garage and studio.

SECTION 4.55(2) OF THE EP&A ACT 1979

Section 4.55(2) of the Environmental Planning and Assessment states as follows:

(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 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 4.8) 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 the 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.

(3) *In determining an application for modification of a consent under this section, the consent authority must take into consideration such of the matters referred to in section 4.15 (1) as are of relevance to the development the subject of the application. The consent authority must also take into consideration the reasons given by the consent authority for the grant of the consent that is sought to be modified.*

DA2013/043/01 - 16 Florence Street, Strathfield
LOT 20 SECTION 1 DP 581 (Cont'd)

(4) *The modification of a development consent in accordance with this section is taken not to be the granting of development consent under this Part, but a reference in this or any other Act to a development consent includes a reference to a development consent as so modified.*

As regards subclause 'a', Council is satisfied that the modification(s) sought as part of this application is substantially the same development as the development for which consent was originally sought.

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

As regard subclause 'b' concurrence was not required.

As regard subclause 'c' and 'd' the application was notified for period of (14) days in accordance with Council's SCDCP 2005 requirements. One (1) written submission was received during this period which is discussed in section 4.15(1)(d) *Submissions* of this report.

REFERRALS

INTERNAL REFERRALS

Engineering Comments

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

"As the site impervious areas doesn't increase and there was an approved site and roof drainage plan for the site, amended drainage plans will be required prior to issue of a Construction Certificate."

Conditions of consent were imposed under the parent application (Conditions 13-24) to ensure that the method of Stormwater disposal through the site accord with Council's Stormwater Management Code. This included the requirement for drainage details to be prepared by a suitably qualified civil engineer with approval from a Private Certifier prior to the issue of a Construction Certificate.

Landscaping Comments

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

"The previous report is now 6 years old and does not mention the trees between the dwelling and pool area which are likely to be affected, even if not proposed for removal the applicant needs to detail how the trees will be protected during the development."

The report needs to cover all trees that may be affected by any element of the development ie street trees to be protected during deliveries, trees on adjoining property etc"

Council's Arborist has raised concern for the protection of the trees on the site. These trees were located on the site at the time of the original development consent however, this matter was not identified as a concern in the original proposal. It is noted that the original consent does not involve any removal of trees and that the proposed modification application does not propose any removal. Further, the proposed modification does not result in any changes to the overall building footprint

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compared to that which was originally approved and as such, any additional impacts on existing trees on the site is unlikely.

Notwithstanding, Conditions 25-29 of the parent consent include measures for protection of trees throughout the site and the requirement of a protection zone around the trees required for retention.

Whilst Council's Tree Coordinator requested that the Arborist Report be revised to show how trees throughout the site be protected, this is considered heavily onerous of the Applicant to prepare as part of this modification application particularly considering that the overall building footprint is to remain unchanged. As there are pre-existing conditions in the original consent which protect the existing trees on the site, an amended Arborist Report was not requested.

Heritage Comments

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

"The proposed amendments which reduce the length of the ground and two storey addition remove the cantilevered element and are a marginally better heritage outcome when compared with the original approval. However, these amendments also remove the inset first floor which helped break up the apparent massing of the approved addition.

The removal of habitable space from the approved first floor level presented an opportunity to reconsider the design to reduce the bulk of the addition but this opportunity has not been taken and it is anticipated that there is a ceiling height of over 6m to the kitchen and dining room - although as no sections have been submitted this cannot be confirmed.

The use of reproduction Victorian era chimney detailing to the rear alfresco borders on pastiche and should not be encouraged.

I do not support the proposed modifications to the garage which increases the footprint of the approved development.

Recommendation:

- 1. The proposed amendments to the approved first floor additions to remove floor space should be reconsidered to reduce the bulk of the addition.*
- 2. The use of reproduction period detailing to the chimney is not supported. This element should be reconsidered using a more appropriate modern detail.*
- 3. The changes to the ground floor level configuration are acceptable."*

The matters raised by Council's Heritage Advisor are addressed later in this report.

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(1) 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. An amended BASIX Certificate was lodged with the

DA2013/043/01 - 16 Florence Street, Strathfield
 LOT 20 SECTION 1 DP 581 (Cont'd)

proposal. Compliance with these targets are required and shall be enforced via amended conditions of consent.

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. It appears that the site has historically been occupied for habitable purposes only. There were no historic uses that would trigger further site investigations.

The objectives outlined within SEPP55 are considered to be satisfied.

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

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

The intent of this SEPP is consistent with the objectives of the repealed Standard where the primary aims/objectives are related to the protection of the biodiversity values of trees and other vegetation on the site. The proposal will not result in any removal of trees on the site.

An Arborist Report was submitted to, and assessed by, Council under the parent application. Conditions of consent were imposed under the original consent to ensure trees both in and around the site are protected and retained. Whilst the proposal results in modifications to the overall layout and design of the new rear extension and studio, no changes are proposed to the building footprint (it is noted that the rear extension of the garage will be cantilevered). Thus, the proposed modifications are unlikely to adversely impact upon any surrounding tree root systems. Compliance with the existing tree protection and retention conditions remain imposed (Conditions 25-29).

Strathfield Local Environmental Plan (SLEP) 2012

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

Cl. 1.2(2)	Aims	Complies
(a)	<i>To achieve high quality urban form by ensuring that new development exhibits design excellence and reflects the existing or desired future character of particular localities and neighbourhoods in Strathfield</i>	Yes
(b)	<i>To promote the efficient and spatially appropriate use of land, the sustainable revitalisation of centres, the improved integration of transport and land use, and an appropriate mix of uses by regulating land use and development</i>	Yes
(c)	<i>To promote land uses that provide a wide range of employment, recreation, retail, cultural, service, educational and other facilities for the local community</i>	N/A
(d)	<i>To provide opportunities for economic growth that will enhance the local community</i>	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

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 LOT 20 SECTION 1 DP 581 (Cont'd)

Comments: This Section 4.55(2) modification application involves a reduced environmental impact from the original approval and will not alter the approved developments compliance with the general aims of the SLEP 2012.

Permissibility

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

Zone Objectives

An assessment of the proposal against the objectives of the R2- Low Density Residential Zone is as follows:

Objectives	Complies
➤ To provide for the housing needs of the community within a low density residential environment.	Yes
➤ To enable other land uses that provide facilities or services to meet the day to day needs of residents.	No
➤ To ensure that development of housing does not adversely impact the Heritage significance of adjacent Heritage items and conservation areas.	Yes

Comments: The proposed modifications are not inconsistent with the abovementioned objectives of the R2 Low Density Residential zone. In regards to the objective regarding the impact on the heritage significance of the conservation area, this is discussed later in this report.

Part 4: Principal development standards

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

Height of building

Cl.	Standard	Controls	Approved	Proposed	Complies
4.3	Height of building	9.5m	Rear extension: 7.81m	Unchanged	Yes
			Studio/garage: 5.75m	Unchanged	

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

Comments: The proposal will not result in any changes to the overall height of the development. It is noted however that a portion of the first floor addition to the rear has been deleted and thus a reduction in the building height of the dwelling to the rear.

Floor space ratio

Cl.	Standard	Controls	Approved	Proposed	Complies
4.4C	Floor space ratio	0.525:1 (483.16m ²)	0.39:1 (357.8m ²)	0.33:1 (301.5m ²)	Yes

Objectives	Complies
(a) To ensure that dwellings are in keeping with the built form character of the local	Yes

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 LOT 20 SECTION 1 DP 581 (Cont'd)

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

Comments: The proposal results in an overall reduction of 56.3m² floor space compared to that which was originally approved. Overall, the proposal meets the abovementioned floor space ratio objectives which demonstrates that the bulk and scale of the development is generally acceptable.

Part 5: Miscellaneous Provisions

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

5.10 Heritage Conservation

The site is identified as Heritage Item I136 (Norwood and Wrexham 14 and 16 Florence Street, Strathfield"—Victorian villas, garden and front fence) under Schedule 5 of the SLEP 2012. The proposal is generally consistent with the Heritage Conservation objectives under Clause 5.10 of the SLEP which seek to:

- (a) Conserve the environmental heritage of Strathfield, and
- (b) Conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views.

The proposal has retained the original heritage dwelling features. The modifications will continue to remain hidden from view from the street so as not to impact upon the presentation of the heritage dwelling in the streetscape. The proposed modifications will result in a substantial reduction in the bulk and scale of the development whereby it will become more in keeping with the bulk and scale of the existing heritage dwelling on the site.

Whilst some improvement has been made to the revised design of the rear addition, a condition of consent is recommended to improve the level of separation between the first floor of the new rear addition and the original dwelling roof line. This will enable the new addition to read separately to that of the original dwelling whilst allowing the roof line of the heritage dwelling to remain intact (*Condition 43*).

With regard to the chimney proposed to the new alfresco area, Council's Heritage Advisor has not supported this element as it is not appropriate for the heritage site. This was discussed with the owner upon site inspection who has agreed to its deletion. Accordingly, a condition is recommended to reflect this change (*Condition 42*).

With regard to the garage and studio, it is noted that the garage is not considered as part of the heritage features of the site. Accordingly, the proposed modifications are considered to have a negligible impact upon the heritage significance of the heritage dwelling upon the site.

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 LOT 20 SECTION 1 DP 581 (Cont'd)

Part 6: Local Provisions

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

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

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

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

STRATHFIELD CONSOLIDATED DEVELOPMENT CONTROL PLAN (SCDCP) 2005

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

Heritage and Conservation

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

Comments: The proposed modifications involve a two (2) storey addition to the rear of the heritage listed item (1136). As discussed under Clause 5.10 of the SLEP 2012, the proposal results in a significant reduction in the overall bulk and scale of the addition which is less imposing on the heritage item upon the site. As previously discussed, the owner has agreed to deletion of the new chimney flue to the rear so to respect the original heritage elements of the dwelling.

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

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 LOT 20 SECTION 1 DP 581 (Cont'd)

C.	To ensure that the dominant building rhythm of the streetscape is reflected in the building design in terms of the spacing and proportion of the built elements.	Yes
D.	To ensure that new dwellings have facades, which define, address and enhance the public domain.	Yes
E.	To encourage contemporary architecture that is innovative, uses high quality detailing, and incorporates elements characteristic of Strathfield.	Yes
F.	To promote the continuance of pyramidal roof forms within Strathfield where they are already prevalent.	Yes
G.	To retain a feeling of openness and space between built elements by maintaining landscaped setbacks and preserve the appearance of dwellings set in the treelined streets and park-like environment.	Yes
H.	To reduce the use of highly reflective colours and materials that create visual prominence.	Yes
I.	To ensure fencing is sympathetic to the design of the dwelling and the street and enhances the character of both the individual house and street whilst maintaining casual surveillance of the neighbourhood.	Yes
J.	To protect and retain the amenity of adjoining properties.	Yes

2.2	Development Controls	Complies	
.1.	<i>Streetscape Presentation</i>		
	1	New dwellings address street frontage with clear entry.	Yes
	2	Consistently occurring building features integrated within dwelling design.	Yes
	3	Consideration of streetscape elements	Yes
	4	Integrated security grilles/screens, ventilation louvres and garage doors	Yes
.2.	<i>Scale, Massing & Rhythm of Street</i>		
	1	Scale, massing, bulk and layout complement the existing streetscape and the dominant building rhythm	Yes
	2	Building height and mass maintains amenity to adjacent properties open space or the public domain	Yes
.3.	<i>Building Forms</i>		
	1	Building form articulated.	Yes
.4.	<i>Roof Forms</i>		
	1	Roof form complements predominant form in the locality	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

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 LOT 20 SECTION 1 DP 581 (Cont'd)

Comments: The proposed modifications have resulted in a significant reduction in floor space to the second storey addition to the rear. This in turn has resulted in a substantial reduction in the overall bulk and scale of the addition which is less imposing upon the original heritage dwelling on the site compared to that which was originally approved. The addition will continue to remain hidden from view from the street so as not to impact upon the presentation of the heritage dwelling in the streetscape. The amended schedule of materials including concrete render and facebrick to the rear addition is considered a more suitable finish compared to the fibro cement sheet cladding which was originally approved. Overall, the proposal adheres to the streetscape provisions above.

4: Building Envelope

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

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 LOT 20 SECTION 1 DP 581 (Cont'd)

	2	The southern side setback utilised for driveway/garage entry.	No
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Comments: No changes are proposed to the side setbacks with regard to the new rear extension to the dwelling. With regard to the garage/outbuilding, the garage footprint has been extended by 200mm in width and by 1m in depth resulting in a 1.17m setback from the rear western property boundary. This is considered acceptable as the structure will continue to meet the minimum 500mm setback requirements as required above. It is noted however that this new extension is cantilevered and will not result in new foundations at natural ground level.

5: Landscaping

5.1	Objectives	Satisfactory	
A.	To encourage landscaping that is appropriate to the style and scale of the dwelling and adjoining development, and to the streetscape.	Yes	
B.	To enhance the existing streetscape and promote a scale and density of planting that softens the visual impact of buildings, structures, vehicle circulation and ancillary areas.	Yes	
C.	To preserve existing landscape elements on site (such as existing trees) and encourage their integration into the design of proposals.	Yes	
D.	To ensure adequate deep soil planting is retained on each allotment.	Yes	
E.	To ensure developments make an equitable contribution to the landscape setting of the locality.	Yes	
F.	To ensure both existing and new landscaping provides suitable shade and facilitates convective cooling breeze paths in summer.	Yes	
G.	To encourage the use of native flora such as open woodland canopy trees, to provide a habitat for native fauna.	Yes	
H.	To ensure that landscaped areas are designed to minimise water use.	Yes	
I.	To provide functional private open spaces for active or passive use by residents.	Yes	
J.	To provide private open areas with provision for clothes drying facilities screened from the street and lane or a public place.	Yes	
K.	To ensure the protection of trees during construction	Yes	
L.	To ensure suitable fencing is provided to reduce acoustic impacts and enhance visual privacy between neighbouring residents whilst enabling front fences passive surveillance of the street.	Yes	
M.	To maximise the amenity of existing and proposed developments, including solar access, privacy and open space.	Yes	
5.2	Development Controls	Complies	
.1.	Landscaped area		
	1	Landscaped area in accordance with Table A.3	Yes - Unchanged at 60.8% (560m ²)
	2	At least 50% of the minimum landscaped area located behind the building line to the rear boundary	Yes
	3	At least 50% of the front yard maintained as deep soil soft landscaping	Yes
	4	Minimise hard surface area (concrete/brick/stone paving and bitumen). Run-off directed to permeable surfaces.	Yes

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 LOT 20 SECTION 1 DP 581 (Cont'd)

	5	Planting areas soften the built form	Yes
	6	Front gardens respond and contribute to the garden character of Strathfield.	Yes
	7	Retain and reinforce the prevailing streetscape and surrounding locality	Yes
	8	Plant species must be retained, selected and planted to improve amenity	Yes

Tree Protection

	1	Arboricultural Impact Assessment Report prepared by an AQF Level 5 Arborist	Yes – under parent application
	2	The Arboricultural Impact Assessment Report address minimum criteria	Refer below
.2.	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	Refer below
	5	Council may request the applicant to engage a project Arborist	Refer below
	7	At least one (1) canopy tree provided in the rear yard.	Yes

Comments: As previously discussed, the proposal was referred to Council’s Tree Manager for comment. No concerns were raised subject to the imposition of conditions.

6: Solar Access

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

Comments: Due to the proposed partial removal of the second storey addition to the rear of the dwelling, overshadowing to the southern adjoining property will be reduced compared to that which was originally approved. This is therefore an improvement to what was originally approved.

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

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D.	<i>To ensure that canopy trees take priority over views</i>	Yes
E.	<i>To ensure that the siting and design of buildings minimises noise impacts from abutting roads, rail corridors and other noise-generating land uses</i>	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
	2 Provide adequate separation of buildings	Yes
	3 Ensure elevation of finished floor levels above NGL is not excessive	Yes
	4 Improve privacy to adjacent properties with screen planting	Yes
	<i>Windows</i>	
.2.	1 Windows do not directly face the windows, balconies and courtyards of adjoining dwelling	Yes
	2 A window within 9m of another window in a habitable room of an adjoining dwelling is offset by 0.5m (min) or a sill height of 1.7m (min) above the FFL	Yes
	3 Windows directly facing balconies or courtyards are narrow, incorporate obscure glazing and/or a sill height of 1.7m (min) above FFL	Yes

Comments: With regard to the modified rear addition, frosted glass is proposed to the upper northern elevation windows and will not result in overlooking opportunities to the adjoining site. Highlight windows with a minimum sill height of 1.8m above the floor have been proposed upon the southern elevation which is an improvement to retaining privacy to the southern adjoining property compared to that which was originally approved.

With regard to the studio outbuilding, all windows to the northern, eastern and southern elevations have been designed as highlight windows with a minimum sill height of 1.8m above the floor. This meets the visual privacy requirements for windows as per the SCDCP 2005 and is unlikely to result in opportunities for overlooking to adjoining properties.

8: Vehicle Access and Parking

8.1	Objectives	Satisfactory
A.	<i>To provide adequate and convenient on-site car parking.</i>	Yes
B.	<i>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.</i>	Yes
C.	<i>To ensure garages, carports, basements and hard standing areas for cars do not visually dominate the street façade of the dwelling.</i>	Yes
D.	<i>To ensure that construction materials used for driveways respect the architectural qualities of the dwelling.</i>	Yes
E.	<i>To minimise the area of access driveways to minimise impermeable surfaces and maximise landscaped areas.</i>	Yes
F.	<i>To ensure basements have discreet entries, safe access and a high degree of natural cross-ventilation.</i>	N/A
G.	<i>To minimise excavation to reduce disturbance to natural ground level particularly adjacent to site boundaries.</i>	Yes

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H.	<i>To ensure that any proposed basement minimises disturbance to natural drainage systems and that flooding, drainage or ventilation impacts would not be created for the site, or for adjoining or nearby properties.</i>	N/A
8.2	Development Controls	Complies
	<i>Garages, Carports and Car Spaces</i>	
.1.	1 Two (2) car parking spaces required behind the FBL of all new dwellings (exceptions apply)	Yes
.2.	2 Garages recessed behind the main front facade and/or non-dominant	Yes
	3 Garages not more than 150mm above NGL at entry unless the slope of the site exceeds 1:8 (12.5%)	Yes
	4 Dimensions of parking spaces and garages comply with the Australian Standards	Yes

Comments: The proposal seeks to retain the existing garage which will accommodate two (2) car parking spaces.

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
	<i>Stormwater Management and Flood Prone areas</i>	
.1.	2 Compliance with Council's Stormwater Management Code	Yes
	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

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Comments: The site has been identified as flood prone in accordance with Council's Interim Flood Prone Lands Policy. Notwithstanding, no changes have been made to the approved floor levels, and only very minor changes have been made to the overall building footprint and impervious areas through the site. As such, the proposed modifications satisfy the abovementioned requirements.

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
	Outbuildings	
1	No outbuilding shall be constructed forward of the front building line of the dwelling.	Yes
2	The minimum side and rear setback for an outbuilding is 0.5m	Yes
.2.	3 New garden sheds, studios, cabanas and the like are limited to a maximum gross floor area of 40m ² .	No – refer below
4	Windows will not be permitted to face an adjoining property, unless the windows in the proposed outbuilding are: (a) screened by boundary fencing; or (b) have a sill height of at least 1.7m above the floor; or (c) have fixed translucent (or otherwise treated) glazing in any part of the window less than 1.7m above the floor	Yes
5	Under no circumstances is the roof area of an outbuilding to be accessible for any purpose or used as an entertaining or viewing area.	Yes
	Outbuildings are not to be used for habitable purposes.	Conditioned.
	No kitchen facilities will be permitted in an outbuilding. A small fridge and a sink alone are not considered to constitute a kitchen.	Yes.
	Any external lighting of an outbuilding is to be positioned or shielded to prevent glare to adjoining premises.	Yes.

Comments: The proposal has sought to increase the overall footprint of the garage to better accommodate two (2) car parking spaces and to also provide a functional storage space for use for the residents. This has resulted in a minor increase in the studio floor space immediately above the garage structure by 1.5m² from 43.1m² to 44.7m². This presents a minor non-compliance with the maximum 40m² floor area requirements. This is considered a negligible encroachment beyond the maximum permitted requirements which is unlikely to result in any adverse overlooking impacts to adjoining residents. The non-compliance is therefore considered acceptable in this instance.

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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

Comments: An amended BASIX Certificate was submitted as part of the application. This has been included in the amended conditions of consent (refer Condition 1).

PART H - WASTE MANAGEMENT (SCDCP 2005)

A condition of consent was previously imposed to ensure waste is appropriately managed.

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

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

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

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

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

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

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

Overall, the amended design has been considered with respect to adjoining properties to minimise adverse impacts to adjoining neighbours. The modifications achieve a more appropriate design outcome for the site compared to that which was originally approved. The likely impacts of the development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality are considered to be lesser than the impacts resulting from the original approval and are therefore acceptable.

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

The approved development as modified by the current section 4.55(2) application does not alter the suitability of the development to the site. The modification(s) sought as part of this application involves minimal environmental impact and will result in substantially the same development for which consent was originally granted.

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

The application was notified in accordance with Part L of the SCDCP 2005 with one (1) written submission received. The concerns are as follows:

1. **Visual Privacy** – *concern is raised for the first floor studio above the existing garage to the rear of the site. This will allow people to directly look into the backyard at 3 Elwin Street, Strathfield where a sunroom and another room is located. If this objection is dismissed then a privacy barrier of trees 5m high to screen the studio has been requested.*

Assessing Officer's comments: As previously discussed, the Council Officer responded to the objector's submission and addressed overlooking concerns via email. It was advised that the windows complied with Council's DCP visual privacy requirements. The Council Officer requested a phone conversation with the objector to discuss these matters in further detail however after making further attempts, the objector failed to provide any further response.

The proposed modifications result in three (3) windows to the southern elevation of the studio (one (1) additional window proposed compared to that of the originally approved design). The windows to this elevation are proposed with a minimum sill height of 1.8m above the floor which meets the minimum 1.7m height windows required as per Part A of the SCDCP 2005. The Applicant has provided an additional 100mm clearance above the minimum sill height requirements. Accordingly, the proposed windows are considered acceptable and unlikely to result in any adverse overlooking impacts to adjoining residents.

4.15(1)(e) *the public interest*

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

SECTION 7.11 CONTRIBUTIONS

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

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

This Section 4.55(2) application does not trigger any changes to the original condition of consent requiring payment of a Section 7.12 contribution in accordance with Strathfield Council's Indirect Development Contributions Plan.

CONCLUSION

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

Signed: Louise Gibson
Senior 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: Rachel Gardner
Senior Planner

RECOMMENDATION

Pursuant to Section 4.55(2) of the Environmental Planning and Assessment Act 1979, the proposed modification(s) to Development Consent No. DA2013/043 for involving alterations and additions to the two (2) storey rear extension, alfresco and garage/studio at 16 Florence Street, Strathfield be **APPROVED**, subject to:

1. The original conditions of consent of Development Application No. (DA2013/043) as approved by Council on 19 September 2013 for demolition of part of the existing dwelling and construction of a two (2) storey addition to the rear and the construction of a first floor studio above the existing garage to the rear of the site.
2. As modified by the Section 4.55(2) application (DA2013/043/1) as follows:
 - Modifications to Condition 1 plans;
 - Insertion of Condition 42; and
 - Insertion of Condition 43.

Accordingly, Development Consent No. DA2013/043/1 is approved as following:

1. The development shall be completed in accordance with the approved plans and documents

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listed below, prior to the building being used or occupied, and subject to any amendments "in red" and any variation as required by conditions of this consent:

New Site Plan, Drawing No. 121003 Sheet No. A3 dated 1/2/2013 prepared by Peter Burford received by Council on 20 May 2013

Demolition Works and Plan at Existing Ground Level, Drawing No. 121005 Sheet No. A5 dated 1/2/2013 prepared by Peter Burford received by Council on 20 May 2013

~~New Ground Floor Plan, Drawing No. 121006 Sheet No. A6 dated 1/2/2013 prepared by Peter Burford received by Council on 20 May 2013~~

~~New First Floor Plan and Ground Floor Roof Plan, Drawing No. 121007 Sheet No. A7 dated 1/2/2013 prepared by Peter Burford received by Council on 20 May 2013~~

~~Section A-A and Section B-B, Drawing No. 121008 Sheet No. A8 dated 1/2/2013 prepared by Peter Burford received by Council on 20 May 2013~~

~~North Elevation and West Elevation, Drawing No. 121009 Sheet No. A9 dated 1/2/2013 prepared by Peter Burford received by Council on 20 May 2013~~

~~South Elevation and East Elevation, Drawing No. 121010 Sheet No. A10 dated 1/2/2013 prepared by Peter Burford received by Council on 20 May 2013~~

~~New Studio and Garage Floor Plans, Drawing No. 121013 Sheet No. A13 dated 1/2/2013 prepared by Peter Burford received by Council on 20 May 2013~~

~~New Studio and Garage Sections C-C and D-D, Drawing No. 121014 Sheet No. A14 dated 1/2/2013 prepared by Peter Burford received by Council on 20 May 2013;~~

~~New Studio and Garage Elevations, Drawing No. 121015 Sheet No. A15 dated 1/2/2013 prepared by Peter Burford received by Council on 20 May 2013~~

New Rear Garden Plan and Landscape Plan, Drawing No. 121012 Sheet No. A12 dated 1/2/2013 prepared by Peter Burford received by Council on 20 May 2013

Site and Roof Drainage Plan, Drawing Number 12MB5433/D01, Sheet 1 of 2 dated 18/1/13 received by Council on 3 April 2013

Sediment And Erosion Control Plan received by Council on 3 April 2013;

~~Heritage Impact Statement dated January 2013 prepared by Architectural Projects Pty Ltd received by Council on 3 April 2013~~

Arboriculture Report dated 28 July 2013 received by Council on 4 2013

~~BASIX Certificate No. A151565 issued 17 December 2012~~

Colours Schedule received by Council on 3 April 2013

Ground Floor Plan, Drawing No. A3 Sheet .2, Issue A, prepared by Arch Build, dated November 2018, received by Council 31 May 2019

First Floor Plan, Drawing No. A3 Sheet .3 Issue A prepared by Arch Build, dated November 2018, received by Council 31 May 2019

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Roof Plan, Drawing No. A3 Sheet .4, Issue A, prepared by Arch Build, dated November 2018, received by Council 31 May 2019

North and South Elevation Plan, Drawing No. A3 Sheet .6, Issue A, prepared by Arch Build, dated November 2018, received by Council 31 May 2019

West Elevation Plan, Drawing No. A3 Sheet .7, Issue A, prepared by Arch Build, dated November 2018, received by Council 31 May 2019

Section B Plan, Drawing No. A3 Sheet .10, Issue A, prepared by Arch Build, dated November 2018, received by Council 6 August 2019

Studio Elevation Plan, Drawing No. A3 Sheet .8, Issue A, prepared by Arch Build, dated November 2018, received by Council 31 May 2019

Studio Floor Plans, Drawing No. A3 Sheet .9, Issue A, prepared by Arch Build, dated November 2018, received by Council 31 May 2019

Studio Section Plans, Drawing No. A3 Sheet .10, Issue A, prepared by Arch Build, dated November 2018, received by Council 31 May 2019

BASIX Certificate issued 8 May 2019, received by Council 31 May 2019.

**MODIFIED: (MODIFICATION REFERENCE NUMBER- DA2013/043/01
MODIFICATION APPROVAL DATE: (IDAP- 23 AUGUST 2019)**

2. Construction Certificate must be obtained either from Council or a privately accredited person before commencement of any construction associated with this consent.
3. The Principal Certifying Authority must be appointed prior to work commencing to supervise the work and authorise occupation/use of the building when completed.
4. A copy of the endorsed stamped plans and specifications, together with a copy of the Development Consent, Construction Certificate and any approved Traffic Management Plan are to be retained on site at all times.

Special Conditions

5. The detached studio shall be used in association with the dwelling house on the allotment and must not be used as a separate domicile.

General

6. The building shall not be occupied or used until the development has been completed in accordance with the conditions of this consent, construction has been completed in accordance with the Construction Certificate and an Occupation Certificate has been issued by the Principal Certifying Authority.
7. A Works Permit shall be obtained from Council's Customer Service Centre at least 48 hours prior to undertaking any works on public/Council-controlled areas. The permit must be retained on site at all times.
8. Prior to the issue of a Construction Certificate, photographs documenting any existing damage to the kerb and gutter and footpaths adjacent to the property shall be submitted to the consent authority. In the absence of this documentation, the applicant is liable for all damage that

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occurs to Councils' assets.

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

Financial Matters

10. 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 \$4, 000. 00

The total amount of the contribution is valid as at the date of determination and is subject to annual indexation. If the contribution is paid after 1st July in any year, the amount of the contribution under this condition shall be indexed in accordance with clause 4. 12 of the Strathfield Indirect Development Contributions Plan 2010-2030.

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

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

Refundable tree protection bond \$1 ,000.00
Refundable works bond \$4, 000. 00
Non-refundable administration fee (\$127/bd) \$ 254. 00
TOTAL \$5, 254. 00

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

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

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

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

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it will be deducted from the damage deposit.

Drainage/Stormwater

13. Stormwater runoff from all roof and paved surfaces shall be collected and discharged by means of a pump out system via a silt arrester pit to the kerb & gutter on Florence Street and as depicted on the stormwater drainage concept plans prepared by United Consulting Engineers Pty Ltd, Drawing Number 12MB5433/D01, Sheet 1 of 2 dated 18/1/13.
14. Details of the proposed method of stormwater disposal shall be prepared by a suitably qualified professional civil engineer in accordance with the endorsed concept plans and the requirements of Council's Stormwater Management Code.

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

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

15. On-site stormwater detention/Pump Out storage shall be provided in conjunction with the stormwater disposal system. The storage system shall be designed in accordance with the endorsed concept stormwater plans and Council's Stormwater Management Code. The proposed back-up absorption trench system shall be designed at 1 lineal metre for every 15m² of impervious area draining into it. Details of the storage system and absorption trench system shall be submitted to and approved by the Principal Certifying Authority **prior to the issue of a Construction Certificate.**
16. The proposed Back-up Absorption Trench System design and location shall be certified by a Structural Engineer with NPER Registration that the trench system seepage created by the absorption trench system during all storm events will not impact on the structural integrity of the new studio and existing garage prior to the issue of a Construction Certificate.
17. Prior to the issue of an Occupation Certificate/use of the building, written verification from a suitably qualified professional civil engineer shall be obtained, stating that all stormwater drainage and related work has been constructed in accordance with the approved plans.

In addition, detailed works-as-executed plans, prepared and signed by a registered surveyor, shall be submitted to and approved by the Principal Certifying Authority. Where changes have occurred the plans shall be marked-up in red ink and shall include levels and location for all drainage structures and works, buildings (including floor levels) and finished ground and pavement surface levels.
18. Temporary measures shall be provided and regularly maintained during demolition, excavation and construction to prevent sediment and polluted waters discharging from site. Plans showing such measures in accordance with the NSW Department of Housing, Managing Urban Stormwater, Soils and Construction Manual dated August 1998 shall be submitted to and approved by the Principal Certifying Authority prior to the issue of a Construction Certificate.
19. For drainage works within public land or connecting to Council's stormwater drainage system the following inspections will be required:-
 - (a) After the excavation of pipeline trenches.
 - (b) After the laying of all pipes prior to backfilling.

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(c) After the completion of all pits and connection points.

A minimum of 48 hours notice shall be given to Council to inspect works.

Inspections may be arranged by telephoning Council's Engineering Works and Services section on 9748-9999 during office hours. Work is not to proceed until the works are inspected and approved by Council.

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

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

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

23. The rainwater tank shall be located at least 450mm from any property boundary.

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

- (a) On-site stormwater detention/Pump Out system incorporated in the development. The wording of the Instrument shall be submitted to, and approved by Council prior to lodgement at Land & Property Information NSW. The Instrument shall be registered and a registered copy of the document shall be submitted to and approved by the consent authority prior to the issue of an Occupation Certificate/use of the building.

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

Landscaping/Tree Matters

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

Tree	Height/spread	location	Protection zone (m)	Structural Root Zone (m)
1) Syncarpia glomulifera (Turpentine)	17.0x9.0	Rear set back eastern side	8.4	2.85
2) Corymbia citriodora (Lemon Scented Gum)	18.0x11.0	Rear set back, eastern side	6.0	2.47

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

- (a) A minimum 1.8m high barrier (Chain wire mesh panels, plywood or wooden paling fence panels: refer to AS4687-7-empora/-y fencing and hoardings for fencing requirements) shall be erected around the perimeter of the stated Protection Zone as measured from the base of the tree (or where practical). Shade cloth or similar should be attached to reduce the transport of dust, other particulate matter and liquids into the protected area. Fence posts and supports should have a diameter greater than 20mm and be located clear of roots. The

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barrier shall be constructed so as to prevent pedestrian and vehicular entry into the protection zone. The barrier shall not project beyond the kerb onto the roadway or any adjacent footpath.

- (b) Signs identifying the Protection Zone should be installed on the fencing and be visible from within the development site. Lettering should comply with AS 1319-Safety signs for the occupational environment.
- (c) No concrete slurry or wash, building materials, builders' rubble, excavation soil or similar shall be placed or stored within the tree protection zone.
- (d) The whole of the tree protection zone shall be mulched to a minimum depth of 75mm.
- (e) The tree protection zone shall be regularly watered.
- (f) Any major structural roots which are encountered shall be pruned by a qualified Arborist.
- (g) No excavation or construction shall be carried out within the stated Structural Root Zone distances from the base of the trunk surface.
- (h) Only permeable surfaces (e. g. decomposed granite, gravel, turfpave, permeable paving systems or soft landscaping) are permitted within the canopy spread of the trees to be protected.

26. All noxious weeds on the site shall be removed and destroyed as per their classification under the Noxious IVeec/s/AcM993.

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

28. The following branch or root pruning works are permitted to accommodate the proposed development:

Tree	Approved Works
1) <i>Corymbia citriodora</i> (Lemon Scented Gum)	Works as per Arborist Report dated 28 July 2013

- (a) All pruning work must be undertaken by a minimum level 2 (AQF 2) qualified Arborist who is currently a member or eligible for membership to Arboriculture Australia (AA) or the Tree Contractors Association Australia (TCAA) and in accordance with AS4373-Pruning of amenity trees.
- (b) No climbing spikes/spurs are to be worn.
- (c) Root pruning/root barrier installation must be undertaken by a minimum level 4 (AQF 4) qualified Arborist who is currently a member or eligible for membership to the Arboriculture Australia (AA) or Tree Contractors Association Australia (TCAA) and in accordance with AS4373-Pruning of amenity trees.

29. A minimum level 5 (AQF5) Consultant Arborist who is currently a member or is eligible for membership to the Institute of Australian Consulting Arboriculturists (IACA) or Arboriculture Australia (AA) is to be contracted by the applicant to undertake/monitor pruning of the required branches of the *Corymbia cithodora* (Lemon Scented Gum) located at the rear of the site.

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Construction Matters

30. The proposed development shall comply with the National Construction Code and details demonstrating compliance shall be submitted to the Principal Certifying Authority for approval prior to the issue of a Construction Certificate.
31. Footings shall be designed in accordance with the soil classification of H, or Highly Reactive (unless determined to the contrary by a suitably qualified person).
32. If the soil conditions require it retaining walls associated with the erection or demolition of a building or other approved methods of preventing movement of the soil must be provided, and adequate provision must be made for drainage.
33. If the existing ground levels are altered during construction, Council may require a survey plan of the finished ground levels to be prepared and submitted prior to the issue of an Occupation Certificate to determine if there have been changes to the pre-development levels and if there are any impacts on adjoining properties as a result.
34. All construction, demolition and excavation work shall be restricted to 7am and 5pm (Eastern Standard Time) on Mondays to Saturdays (inclusive) and prohibited on Sundays and public holidays.
35. The existing ground levels shall not be altered except in accordance with the levels shown on the approved plans as part of this consent. Finished ground surface levels shall match the existing levels at the property boundary. Any survey plan shall also show the extension of these levels in relation to adjoining properties.

Building Matters

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

Sustainability

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

Demolition

38. Demolition shall be carried out in accordance with Australian Standard 2601 - The demolition of structures' or any subsequent standard and the relevant legislation.
39. The demolition of the building shall be carried out by a licensed demolition contractor. A copy of the licence shall be submitted to Council and the Principal Certifying Authority prior to any work commencing on site.

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

Waste Management

41. Submission of a comprehensive Waste Management Plan to the Principal Certifying Authority for approval prior to the issue of a Construction Certificate. Such plan shall address demolition, construction and operation waste arising from the development and shall include:-

(a) type and likely quantity of waste arising from the demolition and construction activities;

(b) storage, disposal and recycling measures for all demolition and construction waste, including specific disposal points and arrangements;

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

- 42. The chimney flue to the new rear addition above the alfresco area shall be deleted.**

(Reason: To protect the heritage fabric of existing heritage dwelling).

**MODIFIED: (MODIFICATION REFERENCE NUMBER- DA2013/043/01
MODIFICATION APPROVAL DATE: (IDAP- 23 AUGUST 2019)**

- 43. The first floor rear addition to the dwelling shall not encroach within the existing roof line of the original heritage dwelling so to achieve improved visual separation between the new addition and the original heritage dwelling. The roof line of the original dwelling shall remain intact. Amended plans demonstrating compliance with this requirement shall be prepared and submitted to the Principal Certifying Authority for approval prior to the issue of a Construction Certificate.**

(Reason: To protect the heritage fabric of existing heritage dwelling).

**MODIFIED: (MODIFICATION REFERENCE NUMBER- DA2013/043/01
MODIFICATION APPROVAL DATE: (IDAP- 23 AUGUST 2019)**

ATTACHMENTS

There are no attachments for this report.

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