

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, 9 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 - 9 August 2019
REPORT: IDAP – Report No. 1
SUBJECT: DA2019/036 - 18 CHISWICK STREET, STRATHFIELD SOUTH
LOT 73 DP 11110
DA NO. DA2019/036

SUMMARY

Proposal: Demolition of existing structures and construction of a new two (2) storey dwelling with basement level, relocation of vehicle entry, front boundary fence and outbuilding

Applicant: In Vision Design

Owner: C. Mitri & P. Mitri

Date of lodgement: 14 March 2019

Notification period: 21 March 2019 to 4 April 2019

Submissions received: One (1) written submission was received.

Assessment officer: ND

Estimated cost of works: \$1,073,082

Zoning: R2 Low Density Residential - SLEP 2012

Heritage: N/A

Flood affected: Yes

Is a Clause 4.6 variation proposed? No

RECOMMENDATION OF OFFICER: **APPROVAL**

EXECUTIVE SUMMARY

- 1.0 The application seeks Council approval for the demolition of existing buildings and the construction of a two (2) storey dwelling with basement level and front boundary fence.
- 2.0 The plans and documentation were notified in accordance with Part L of the Strathfield Consolidated Development Control Plan (SCDCP) 2005. One (1) written submission was received, raising concerns regarding overlooking, solar access and overall bulk and scale of the proposed dwelling. In response to the visual privacy and solar access concerns amended plans were submitted reducing the roof height of the alfresco from two (2) storeys to a single storey, fixed privacy louvres were incorporated to the side elevations of the alfresco and the eastern facing dining room window was altered to a highlight window. Conditions of consent have been recommended for the eastern facing windows of the Scullery, Laundry and Formal Dining Rooms to be finished in frosted glass or modified to a highlight window to ensure reasonable privacy between adjoining properties are maintained.
- 3.0 During the assessment process amended plans were submitted which relocated the driveway in order to utilise the existing driveway crossover and layback and incorporated banding along the side elevations to visually soften the built form. Additional information was submitted to address the flood affectation and acid sulfate soil classification of the site. The amended plans also included the modifications to address the neighbours concerns as addressed above.

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4.0 The proposal is acceptable and is recommended for approval subject to the recommended conditions of consent.

BACKGROUND

- 14 March 2019** The subject application (DA2019/036) was lodged.
- 19 March 2019** A letter was sent to the Applicant requesting the submission of a Quantity Surveyors Detailed Cost Report of the proposed development as the proposed development constitutes works with a value greater than \$1,000,000.
- 21 March to 4 April 2019** The application was notified in accordance with Part L of the SCDCP 2005. One (1) written submission was received.
- 9 April 2019** The Assessment Officer undertook a site inspection of the subject site and visited the objector's property to discuss the concerns raised in their submission.
- 9 April 2019** A Quantity Surveyors Detailed Cost Report of the proposed development was submitted with an updated cost of \$1,073,082.
- 10 April 2019** A letter was sent to the Applicant raising the following concerns:
- Demonstration of genuine attempt to acquire connection to the downstream easement;
 - Re-location of the driveway is not supported due to the proximity to an existing stormwater pit and the existing driveway layback to be utilised;
 - The proposed design exceeds the maximum floor space ratio permissible under Clause 4.4C of the Strathfield Local Environmental Plan (SLEP) 2012;
 - Non-compliances with the development controls contained within Part A of the SCDCP 2005, including minimum 20% combined side setbacks, dwelling front setback, height of two storey portico feature, height of rear patio, floor to ceiling height, deep soil landscaping deficiency and additional information regarding acid sulfate soil assessment; and
 - Requested to address visual privacy and overshadowing concerns raised in the submission and discussions with the objector (adjoining neighbour).
- 6 May 2019** Amended architectural plans were provided by the Applicant which had responses to the concerns raised by Council. The main amendments included:
- An 'overland flow' void between the basement and ground floor slab,
 - Relocation of the basement and driveway utilising the existing driveway cross over,
 - Reduction of the FSR,
 - Reduction of the floor to ceiling height of the ground floor level,
 - Increase the side setbacks,
 - Deletion of a chimney (the chimney closest to the front property boundary),
 - Reduction of the protrusion of the front porch,
 - Alfresco roof lowered to a single storey and privacy screens added to the side elevations of the alfresco.
- 7 May 2019** A letter was sent to the Applicant detailing outstanding non-compliances that had not been addressed in the amended plans such as the height of the front boundary fence and lack of articulation on the side elevations.

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- 20 May 2019** Amended plans were provided by the Applicant that generally addressed the non-compliances raised in the letter dated 10 April 2019 and again on 7 May 2019.
- 26 June 2019** Amended stormwater plans and additional information relating to acid sulfate soils was submitted by the applicant.
- 3 July 2019** The Assessment Officer attempted to contact the objector to discuss the amended plans with no response.
- 18 July 2019** The Assessment Officer called the objector to discuss the amended plans with no response.
- 1 August 2019** The Assessment Officer contacted the objector to discuss the amended plans. The amended plans were emailed to the objector.
- 2 August 2019** Meeting held with objector to discuss visual privacy concerns.

DESCRIPTION OF THE SITE AND LOCALITY

The subject site is a rectangular shaped allotment located on the southern side of Chiswick Street, and has an area of 710.7m² (Figure 1). The site features a 15.545m frontage to Chiswick Street and adjoins the Southend Tennis Centre to the south. The site is currently occupied by a single storey dwelling house with a detached garage and shed located at the rear (Figure 2).

The existing streetscape is undergoing a state of transition with dwelling styles comprising a mixture of original inter-war Californian bungalows and weatherboard housing stock, exposed facebrick with pitched roof forms and recently constructed modern and contemporary styles with finished in rendered masonry, exposed facebrick and cladding.

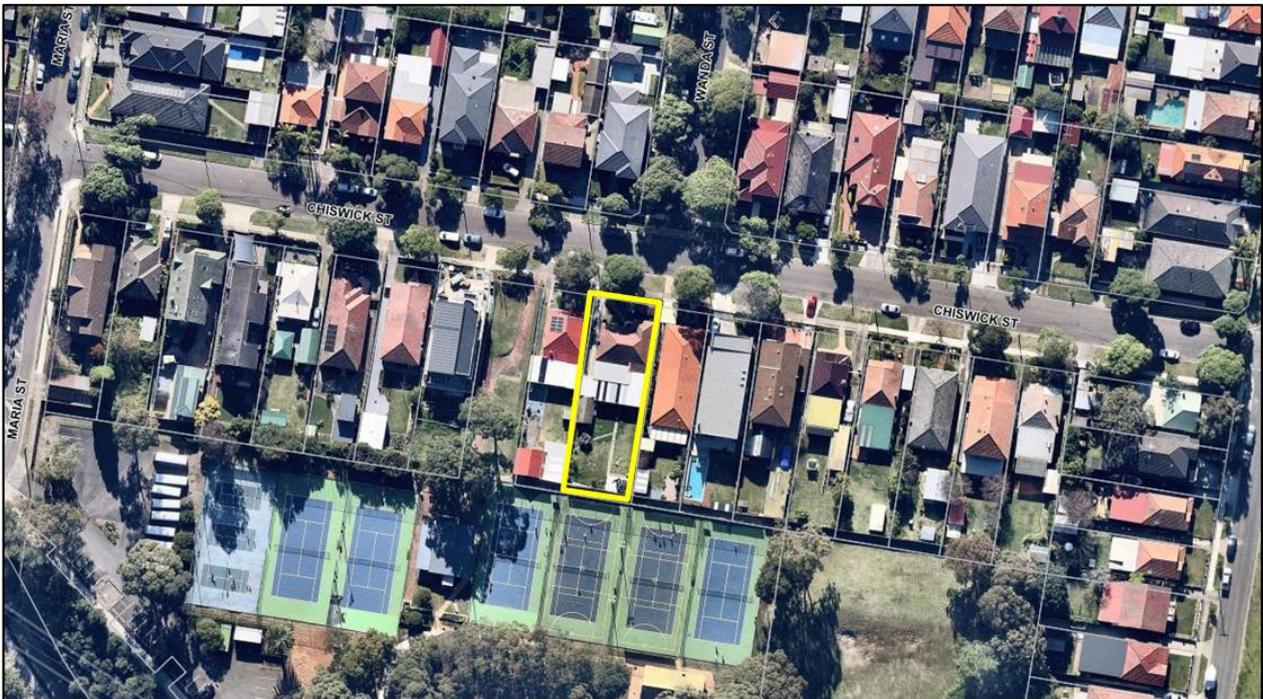


Figure 1: Locality plan. The subject site is outlined in yellow.

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Figure 2: Existing dwelling as viewed from Chiswick Street.

PROPERTY BURDENS AND CONSTRAINTS

An easement to drain water runs adjacent to the rear property boundary (Figure 3).

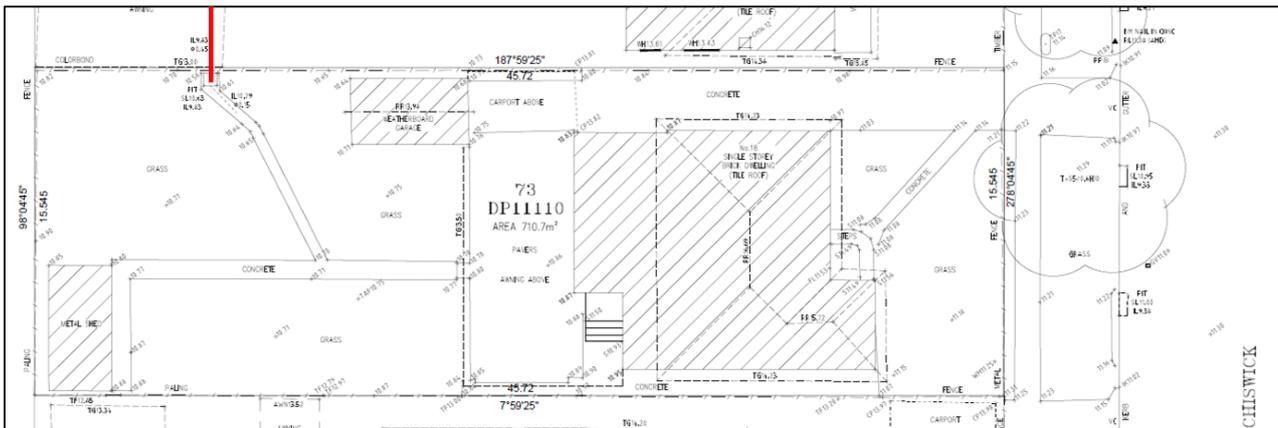


Figure 3: Extract of the survey plan with the location of the easement identified in red.

DESCRIPTION OF THE PROPOSED DEVELOPMENT

The application originally sought Council approval for demolition of existing structures and construction of a new two (2) storey dwelling with basement level, relocation of vehicle entry, front boundary fence and outbuilding.

The specific elements of the proposal are:

Demolition:

- Single storey dwelling;
- Detached garage;
- Detached shed;

Basement level:

- Storage room;

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- Two (2) car parking spaces;

Ground floor level:

- Guest room and ensuite,
- Formal dining and lounge room;
- Laundry;
- Open plan kitchen, dining room and living room;
- Bathroom;
- Alfresco

First floor level:

- Master bedroom with walk-in-wardrobe and ensuite;
- Four (4) bedrooms;
- Bathroom;

External works:

- Detached outbuilding with bathroom;
- Stormwater works; and
- Landscaping works.

Amended plans have been received during the course of the assessment period and the proposal now seeks to re-use the existing vehicle crossover and layback. The other main amendments to the proposal are as follows:

- Reduction in the height of the alfresco roof from a two (2) storey structure to single storey,
- Reduction in the height of the parapet associated with the front portico
- Articulation to the side elevations of the dwelling including the incorporating of banding and varying materials,
- Increase in the provision of deep soil landscaping.

Extracts of the modified dwelling design are below:



Figure 4: Proposed streetscape elevation.

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Figure 5: Proposed basement floor plan.

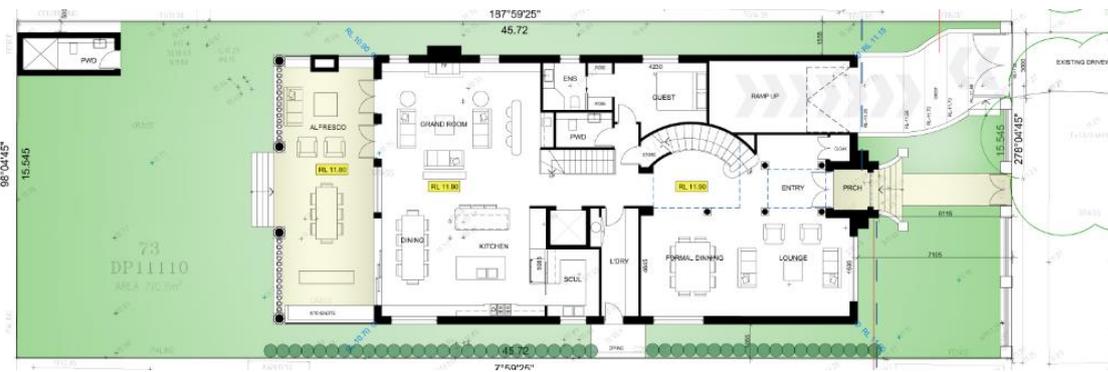


Figure 6: Proposed site plan and ground floor plan.



Figure 7: Proposed first floor plan.

REFERRALS

INTERNAL REFERRALS

Engineering Comments

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

- *In accordance with section 4.5 of Council’s stormwater management code exception to gravity disposal may be given at the discretion of Council’s Director Operations for sites that do not drain to the street, only for single residential dwelling construction where genuine attempts at acquiring a downstream easement have failed. Site has Council’s stormwater pit at the rear adjacent to boundary with 20 Chiswick Street which subject site can connect and have a gravity fed system. Drainage plan attached below.*

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- *Overland flow of the 1 in 100yr ARI storm event is both along the block (front to rear) and across the block (side to side) and in accordance with Council's Interim Flood Prone Land Policy the new building should have a footprint no bigger than the building it replaces, hence any extension beyond the existing footprint should be suspended to allow overland flow through the site.*
- *In accordance with section 8.2.1 of DCP Part A 2005 edge of driveway crossings, including apron and layback shall be located a minimum of 1m clear of any existing stormwater pits or poles and 2m clear of the trunk of any trees within the road reserve.*

Based on issues highlighted above, concept plan is not feasible and cannot be supported in its current format.

In response to the comments by Council's Engineer, amended plans were submitted. Council's Engineer raised no objections to the amended plans subject to the following special conditions:

FLOODING

Amended Flood Impact Statement reflecting amended architectural and amended stormwater plans shall be submitted to Council and Principal Certifying Authority prior to issue of a Construction Certificate.

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

Environmental Comments

Acid Sulfate Soils

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

Information provided by the proponent in their Acid Sulfate Soil Assessment appears to satisfy preliminary assessment requirements set out in the NSW Government Acid Sulfate Soils Assessment Guidelines. The Acid Sulfate Soil Assessment recommends that an acid sulfate management plan is not necessary. Determination of this assessment has been made with referral to all three documents submitted to Council including the Acid Sulfate Soil Assessment, Letter to Council dated 1st June 2019 and Email to Council dated 26th July 2019. No objection to the proposal is raised subject to the imposition of the condition below:

ACID SULPHATE SOILS CONSULTANT'S REPORT (CC)

All recommendations made in the Acid Sulfate Soil Assessment dated 14th February prepared by GeoEnviro Consultancy Pty Ltd must be implemented. Any change made to the site that will or is likely to impact the recommendations of the Acid Sulfate Soil Assessment will require a further assessment and is to be provided to Council prior to the commencement of works.

As such, Council's Projects Officer has raised no objection to the proposal in regards to acid sulfate soils, subject to the imposition of recommended conditions of consent.

Landscaping Comments

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

*"The use of the existing driveway is noted.
Widening the driveway will potentially impact on the root system of the Lophosemon confertus street tree. In this regard the driveway crossing should have a maximum width of 2.5 metres as is existing."*

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In summary, Council's Tree Coordinator raised not objection to the proposal, subject to a maximum driveway crossing width of 2.5m and protection of the existing street tree.

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.

An amended BASIX Certificate was submitted as part of the application which reflects the most recent set of amended plans and indicates that the proposal meets the required reduction targets. An appropriate condition of consent will be imposed to ensure future compliance with these targets.

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

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

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

The objectives outlined within SEPP55 are considered to be satisfied.

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

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

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

The proposal was referred to Council's Tree Management Officer who raised no objection to the proposal, subject to the existing driveway crossover and layback not being widened beyond the existing condition in order to protect the root system of the existing street tree. Whilst the existing driveway is proposed to be widened, this is only to a very minor extent and is considered acceptable, subject to the imposition of a condition requiring the protection of the street tree.

There are no trees proposed to be removed, and the proposal is substantially setback from trees located on neighbouring sites.

As such, the proposal is considered to be acceptable in regards to the objectives and provisions of this SEPP.

STATE ENVIRONMENTAL PLANNING POLICY (COASTAL MANAGEMENT) 2018

Whilst the Coastal Management SEPP does not apply to the site, it is subject to flooding attributed to the Cook's River and Cox's Creek. The flood hazard is categorised as low with a maximum flood

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depth of 0.27m and velocity of 0.9m per second. The submitted plans demonstrate compliance with Council's 1 in 100 year storm event habitable and non-habitable finished floor level requirements and a driveway crest to prevent water from entering the basement. The proposal has been assessed against Clause 6.3 Flood Planning of the SLEP 2012.

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

Comments: The proposed development will result in a high quality dwelling that incorporates external finishes consistent with the streetscape which is undergoing a transition to dwelling that a more contemporary in appearance. The dwelling has been appropriately designed in response to the flood affectation of the site. The proposal is generally consistent with the aims of SLEP 2012.

Permissibility

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

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

“dwelling house means a building containing only one dwelling”

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

Zone Objectives

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

Objectives	Complies
➤ <i>To provide for housing needs of the community within a low density residential environment.</i>	Yes
➤ <i>To enable other land uses that provide facilities or services to meet the day to day needs of residents.</i>	N/A

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➤ **To ensure that development of housing does not adversely impact the heritage significance of adjacent heritage items and conservation areas.** N/A

Comments: The proposed development consists of the construction of a two (2) storey dwelling which provides for the housing needs of the community in a low density residential setting and therefore 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	Complies
4.3	Height of building	9.5m	8.9m	Yes

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

Comments: The proposed dwelling has a maximum building height of 8.9m which is below the 9.5m maximum permitted under Clause 4.3 of the SLEP 2012 (Figure 6). The overall building height is considered appropriate having regards to other more recently constructed two (2) storey dwellings in the surrounding streetscape.

SLEP 2012 defines building height (or height of building) as follows:

- (a) in relation to the height of a building in metres —the vertical distance from ground level (existing) to the highest point of the building, or
- (b) in relation to the RL of a building—the vertical distance from the Australian Height Datum to the highest point of the building,

including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like.

In accordance with the above definition, chimneys are to be excluded in the calculation of building height, and therefore the height of the proposed chimney, located on the western elevation, has not been included in the assessment of the proposal’s compliance with the building height development standard.

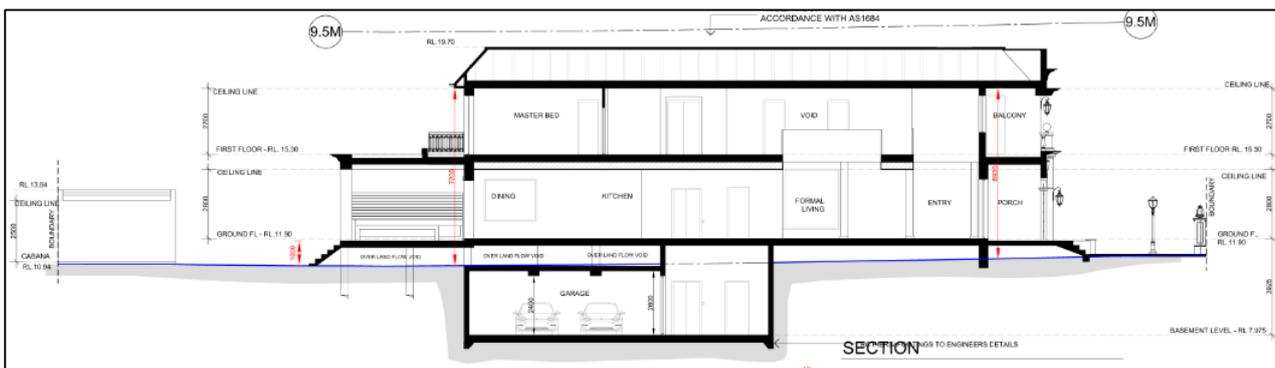


Figure 6: Elevation section of the proposed dwelling house (excludes the chimney).

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Floor space ratio

Cl.	Standard	Controls	Proposed	Complies
4.4	Floor space ratio	0.575:1 (408.65m ²)	0.568:1 (404.05m ²)	Yes

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

Comments: The development proposes an FSR of 0.568:1, below the maximum permissible FSR under the SLEP 2012.

Part 5: Miscellaneous Provisions

There are no provisions contained within Part 5 of the SLEP 2012 that are applicable to the proposed development.

Part 6: Local Provisions

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

6.1 Acid sulfate soils

The subject site is identified as having Class 4 acid sulfate soils. As the proposed works will involve excavation more than 2m below the natural ground surface level an Acid Sulfate Soil Assessment accompanied the application and additional information submitted during the assessment process. Council's Environmental Project Officer raised no objections to the proposal in regards to acid sulfate soils, subject to the recommendations of the Acid Sulfate Soil Assessment being implemented during the excavation and construction phases of the development. This has been included as a recommended condition of consent.

6.2 Earthworks

The proposal involves the construction of a two (2) storey dwelling and one (1) level of basement requiring the excavation and removal of soil. The size of the basement is considered reasonable as it is within the building footprint of the ground floor area and only includes area reasonably required for car parking and a modest sized store room. Conditions of consent have been recommended to ensure the appropriate management of soils during the excavation and construction phases of the development.

In summary, the proposal is not anticipated to have an adverse impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land., and therefore the proposal complies with this Clause.

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6.3 Flood planning

The subject site is identified as being affected by overland flooding in the 1 in 100 year flood event and the flood hazard is categorised as low. The submitted plans demonstrate compliance with the minimum finished floor levels for habitable (FFL11.90AHD) and non-habitable areas for the 1 in 100 year flood event. In accordance with Council's Interim Flood Prone Land Policy an overland flow void between the basement and ground floor slab has been incorporated to allow flood water to flow through the site. Council's Stormwater Engineer has raised no objection to the proposal and it is not anticipated to affect surrounding drainage and flood behavior, subject to the imposition of recommended conditions of consent. Overall, the proposal is consistent with the Flood Planning objectives under Clause 6.3 of the SLEP 2012.

6.4 Essential services

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

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

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

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

STRATHFIELD CONSOLIDATED DEVELOPMENT CONTROL PLAN 2005 (SCDCP 2005)

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

PART A – DWELLING HOUSES AND ANCILLARY STRUCTURES

2: Architectural Design & Streetscape Presentation

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

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<i>I.</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	
<i>J.</i>	<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.	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
<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
<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
	<i>Materials</i>		
	5	Materials compatible with the existing dwelling house, adjoining dwelling houses and the streetscape (type, form and colour)	Yes
<i>Colours</i>			
.5.	8	New development incorporates traditional colour schemes	Yes
	9	The external colours integrate harmoniously with the external design of the building	Yes
	<i>Two (2) storey porticoes</i>		
	1	Two (2) storey porticoes may be considered only where they are in scale with the proposed dwelling and compatible with the streetscape.	Yes
.5.	2	Two (2) storey porticoes are to be vertically articulated or broken to reduce their height.	Yes
	3	No porticoes or associated porches shall protrude more than 1m forward of the front building façade.	Yes
	4	Porticoes are not to extend higher than the understorey of the eaves.guttering.	No

Comments: The design of the proposed dwelling is compatible with the surrounding streetscape through the use of rendered exterior walls, simplistic colour palette and the texture of the free form stone which is sympathetic to the rendered masonry and exposed facebrick external finishes which is emerging in the surrounding streetscape. The neutral colour scheme comprising of white, black and greys are found throughout the street. Whilst the roof style, a pitched roof with a flat top is not featured in Chiswick Street, various roof styles are featured in recently constructed dwellings such as a flat roof at No. 14 and skillion roofs No.s 24 and 32 Chiswick Street.

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The front building façade includes a two (2) storey portico with an associated porch protruding 1m forward of the front building façade and a parapet element extending higher than the understorey of the eaves, contrary to Section 2.2.5.4. Single storey porticoes are a feature in the recently constructed dwellings in Chiswick Street including No.s 15 and 21, and the portico elements are typically in a contrasting colour to the main building façade (as shown in Figures 7 and 8). The height of the proposed parapet element of the portico was reduced during the assessment period so as to reduce its prominence and to better integrate with the front façade. The protrusion of the portico parapet above the eaves is considered acceptable in this instance as the extent of the protrusion is not excessive and it provides visual relief to the roof form front façade of the dwelling.



Figure 7: 15 Chiswick Street.



Figure 8: 21 Chiswick Street.

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Figure 9: Proposed streetscape elevation with a lowered portico parapet.

4: Building Envelope

4.1 Objectives		Satisfactory	
A.	To ensure that dwellings are compatible with the built form of the local area and that overall bulk and scale, size and height of dwellings relative to natural ground level responds to the adjoining dwellings, topography and desired future character.	Yes	
B.	To minimise impact on the amenity of adjoining properties.	Yes	
C.	To establish and maintain the desired setbacks from the street and define the street edge.	Yes	
D.	To create a perception or reinforce a sense of openness in the locality.	Yes	
E.	To maintain view corridors between dwellings	Yes	
F.	To assist in achieving passive surveillance whilst protecting visual privacy.	Yes	
G.	To provide a transitional area between public and private space.	Yes	
4.2 Development Controls		Complies	
<i>Floor Space Ratio</i>			
.1.	1	Floor Space Ratio permissible pursuant to SLEP 2012	Yes
	2	Development compatible with the lot size	Yes
<i>Building Height</i>			
.2.	1	Height of building permissible pursuant to SLEP 2012	Yes
	4	Max height of the external wall from the existing ground level to the underside of the uppermost ceiling level is to be 7.2m.	No

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5	Max internal floor to ceiling height is to be 3.0m for any residential level.	Yes
6	Height of outbuildings, detached garages and carports is 3.5m (max) measured at the highest point on the roof above NGL	Yes
7	Dwelling houses and ancillary structures are to be no more than two (2) storeys high.	Yes
8	Building height responds to the gradient of the site to minimise cut and fill	Yes
<i>Street Setbacks</i>		
.3.1.	1 Setbacks consistent with minimum requirements of Table A.1	Yes.
<i>Side and Rear Setbacks</i>		
.3.2.	1 A combined side setback of 20% of the width of the block (incorporating a 1.2m min side setback on each side).	Yes
	2 A rear setback of 6m (min)	Yes

Comments: The proposed dwelling achieves numerical compliance with the FSR and building height provisions under Clauses 4.3 and 4.4C of the SLEP 2012. The building height and envelope is proportionate to the size of the site. The proposal includes a combined side setback which is 20% of the width of the block, with the exception of the chimney on the western side elevation. The reduced setback between the chimney and the western side boundary is considered acceptable as the non-compliance is to a minor portion of the building, and the provides a degree of articulation to the western elevation.

Section 4.2.2 sets out that the height from the existing ground level to the underside of the eaves is not to exceed 7.2m. The proposal mostly complies with this development control, except for a small portion of the dwelling at the rear on the western elevation (see Figure 10) which is a maximum 7.31m in height. The variation is considered acceptable as the non-compliance is not significant and is only to a small portion of the dwelling due to the topography of the site.



Figure 10: Western side elevation with non-compliance highlighted in yellow.

The internal floor to ceiling heights are a maximum of 2.8m at ground floor level and 2.7m at first floor level and these comply with the 3m maximum floor to ceiling heights prescribed by the development controls.

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The front porch and portico element is setback 6.11m, and the main portion of the front building façade is setback 7.1m from the front property boundary. Whilst the front setback is contrary to the 9m front setback requirement, it is no less than the front setback of the existing dwelling and it is consistent with the front setback of the two (2) adjoining properties and the prevailing front setback along the southern side of Chiswick Street. The rear alfresco area is setback 11.78m from the rear property boundary, which complies with the minimum rear setback requirement.

The detached outbuilding (bathroom) has a building height of 2.9m, and this complies with the maximum height permitted for outbuildings which is 3.5m.

The proposal incorporates a chimney on the western side elevation, towards the rear of the building. The chimney is approximately 10.95 metres in height and whilst it is not subject to the maximum 9.5m building height prescribed by Clause 4.3 of SLEP 2012, the height of the chimney is considered excessive and it does not accord with the predominate height of dwelling houses and associated structures within the streetscape. Furthermore, a condition of consent is recommended that any fireplaces are not to be used for the purpose of wood fired fuel and coal burning is prohibited in order to maintain health and safety to surrounding residences and reduce air pollution. Therefore, there is no reason for the chimney to be of such excessive height as a reduced height will still not result in adverse air pollution. Therefore, a condition of consent is recommended to reduce the height of the chimney to a maximum of 9.5m.

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.	Refer to Condition
H.	To ensure that landscaped areas are designed to minimise water use.	Refer to Condition
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	Refer to Condition
L.	To ensure suitable fencing is provided to reduce acoustic impacts and enhance visual privacy between neighbouring residents whilst enabling front fences passive surveillance of the street.	Yes
M.	To maximise the amenity of existing and proposed developments, including solar access, privacy and open space.	Yes

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5.2	Development Controls	Complies	
	<i>Landscaped area</i>		
.1.	1	Landscaped area in accordance with Table A.3	Yes
	2	At least 50% of the minimum landscaped area located behind the building line to the rear boundary	Yes
	3	At least 50% of the front yard maintained as deep soil soft landscaping	Yes
	4	Minimise hard surface area (concrete/brick/stone paving and bitumen). Run-off directed to permeable surfaces.	Yes
	6	Front gardens respond and contribute to the garden character of Strathfield.	Refer to Condition
	7	Retain and reinforce the prevailing streetscape and surrounding locality	Yes
		<i>Tree Protection</i>	
.2.	6	Opportunities for planting new canopy trees within the front setback	Refer to Condition
	7	At least one (1) canopy tree provided in the rear yard.	Refer to Condition
	10	Driveway construction does not result in the removal, lopping or root damage to any street tree	Yes
	11	25% (min) of canopy trees and other vegetation shall be locally sourced indigenous species	Refer to Condition
	<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
	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	No
	7	Front fences visually permeable	Yes
	13	Significant trees maintained	Yes

Comments: The development design originally proposed to re-locate the existing driveway layback and cross over, however the design was amended to utilise the existing crossover as the proposed driveway was in front of a stormwater pit. Although no amended landscape plan reflecting the current location of the driveway has been submitted the architectural plans provide sufficient information regarding the area to be allocated for deep soil landscaping. As such, a condition of consent has been recommended for an amended landscape plan reflecting the current dwelling design and demonstrating compliance with Section 5.2 of the SCDCP 2005 prior to the issue of the construction certificate.

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The proposal also involves the construction of a pier and infill front fence. The pier and infill style with vertically orientated infilled is consistent with the prevailing character of the streetscape. Whilst the annotation on the architectural plans indicate the front boundary fence incorporates a 1.5m maximum height, when measurements were taken from the plans the front boundary fence height was 1.9m. In order to clarify the approved height of the front boundary fence, a condition of consent is recommended which allows for a maximum front boundary fence height of 1.5m (consistent with the streetscape and compliant with the DCP controls).

An amended landscape plan has not been received with the amended architectural plan package. As such, a condition of consent has been recommended for an amended landscape plan reflecting the amended design and demonstrating compliance with Section 5.2 of the SCDCP 2005 to be submitted to the Principal Certifying Authority prior to the issue of the construction certificate.

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.	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

Comments: The subject site has a north-south orientation with the dwelling facing north, resulting in adjoining property to the east receiving full solar access from 9am to 1pm and the adjoining property to the east receiving full solar access from 12pm to 3pm (illustrated below). During the assessment process the adjoining eastern property owner raised concerns regarding solar access and consequently the two (2) storey roof of the alfresco area was reduced to a single storey. As the existing dwelling on the site to be demolished is single storey, a new two storey dwelling is inevitably going to result in the loss of solar access to the neighbouring properties, but the extent of this loss is considered reasonable in the context, and the neighbouring properties will still achieve the minimum amount of solar access required by the development controls.

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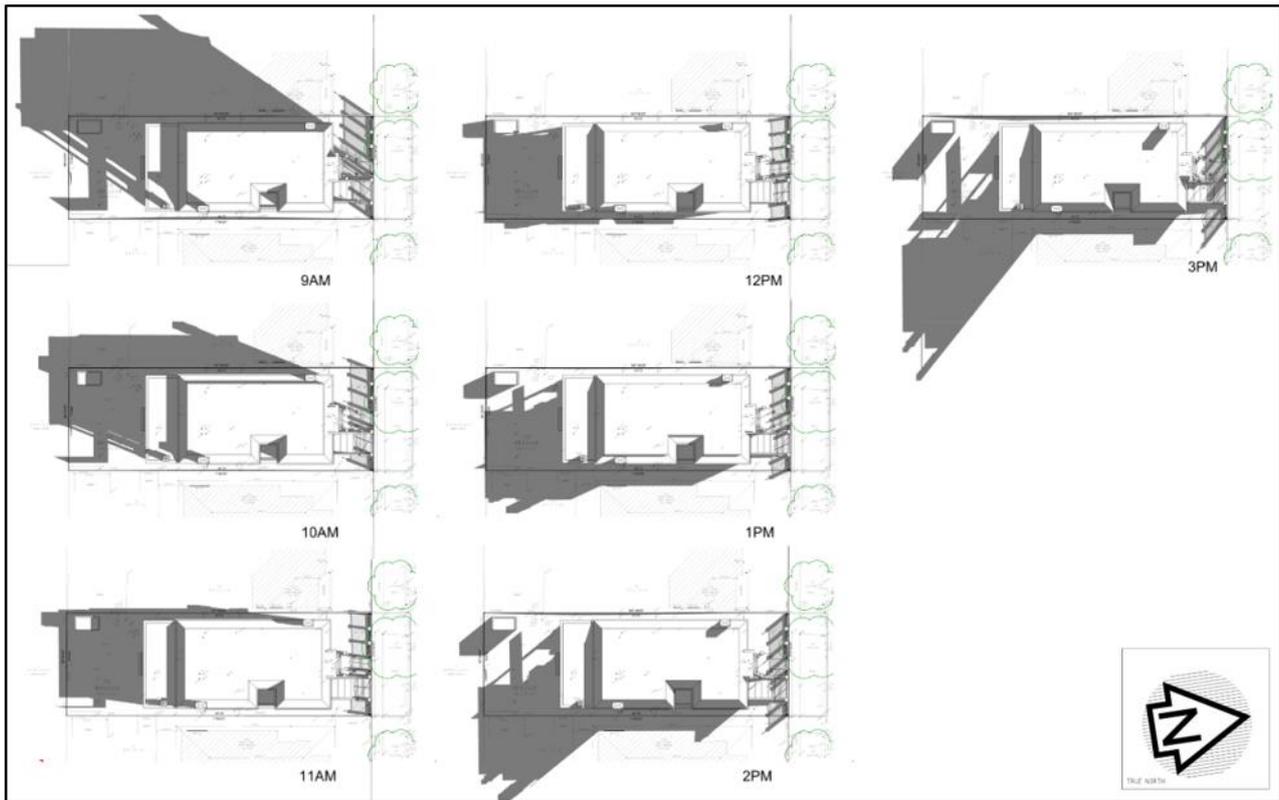


Figure 11: Mid-winter shadow diagrams of the proposed dwelling.

7: Privacy

7.1 Objectives		Satisfactory
A.	Development that is designed to provide reasonable privacy to adjacent properties	Yes
B.	To maintain reasonable sharing of views from public places and living areas	Yes
C.	To ensure that public views and vistas are protected, maintained and where possible, enhanced	Yes
D.	To ensure that canopy trees take priority over views	Yes
E.	To ensure that the siting and design of buildings minimises noise impacts from abutting roads, rail corridors and other noise-generating land uses	Yes
7.2 Development Controls		Complies
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
Windows		
.2.	1 Windows do not directly face the windows, balconies and courtyards of adjoining dwelling	No. See below

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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	No. See below.
	3	Windows directly facing balconies or courtyards are narrow, incorporate obscure glazing and/or a sill height of 1.7m (min) above FFL	Yes
<i>Elevated Decks Verandahs and Balconies</i>			
.3.	1	Elevated decks, verandahs and upper storey balconies not permitted on side boundaries (exceptions apply)	Yes
	2	Elevated decks, verandahs and balconies incorporate privacy screens	Yes
	3	Rear balconies (no more than 1m (depth) x 2m (length) permitted if the balcony does not unreasonably impact on adjoining premises	No. Refer to condition

Comments: During the assessment process the residents of the adjoining eastern property raised concerns that the positioning of the proposed windows and alfresco area would result in overlooking opportunities into their alfresco area and habitable rooms. In response to the neighbour concerns, amended plans were submitted which included fixed privacy screens in the form of louvres to the eastern elevation of the alfresco, and the eastern facing windows of the dining room were altered to a highlight window.

However, as a result of a site inspection at the eastern adjoining property it was noted that multiple windows had not been included on the submitted survey and the proposed location of the windows associated with the scullery, laundry and formal dining room would result in direct overlooking opportunities into the neighbours residence. Whilst these windows are at ground floor level, the privacy issue results from proposed dwelling sitting higher than the neighbouring property (to address flooding issues). As a result, conditions of consent have been recommended for the windows to have frosted glass or modified to highlight windows with a minimum sill height of 1.7m.

The dwelling design includes a first floor rear balcony accessible from the master bedroom that is 1.5m in depth and 6.1m in length. The size of the balcony is contrary to the maximum 1m depth by 2m in length permissible under Section 7.2.3 of the SDCDP 2005. To ensure the balcony does not unreasonably impact on the privacy of the adjoining residents, a condition of consent has been recommended for the eastern elevation of this balcony to be installed with a privacy screen and the roof area of the alfresco not to be trafficable. A privacy screen is not required on the western elevation of the first floor rear balcony as it is setback 7.05m from the western side property boundary.

8: Vehicle Access and Parking

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

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G.	To minimise excavation to reduce disturbance to natural ground level particularly adjacent to site boundaries.	Yes
H.	To ensure that any proposed basement minimises disturbance to natural drainage systems and that flooding, drainage or ventilation impacts would not be created for the site, or for adjoining or nearby properties.	Yes
8.2	Development Controls	Complies
.1.	<i>Driveway and Grades</i>	
	1 Existing driveways must be used (exceptions apply)	Yes
	2 The width of driveways at the property boundary is to be 3m	Yes
	3 The edge of driveway crossings located 1m (min) clear of any existing stormwater pits or poles and 2m clear of tree trunks	Yes
	4 Parking and access points easily accessible and recognisable, non-disruptive to pedestrian flow and safety and located to minimise traffic hazards and potential for vehicles to queue.	Yes
	5 One (1) vehicular crossing (max) to any public road (exceptions apply)	Yes
	6 Vehicles accessing sites which front main roads shall be capable of entering and exiting in a forward direction	Yes
	7 Vehicular turning areas for garages complies with relevant Australian Standard	Refer to Condition
	10 Driveway set back 0.5 metres (min) from side boundaries	No, See below.
	<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
	4 Dimensions of parking spaces and garages comply with the Australian Standards	Yes
.3.	<i>Basements</i>	
	1 The area of a basement shall be limited to and contained within the ground level footprint of the dwelling	Yes
	2 Excavation not permitted within the minimum side setbacks.	Yes
	3 The maximum height of the basement above NGL is limited to 1m measured to the predominant finished floor level of the level above.	Yes
	4 Internal clearance of 2.2m (min)	Yes
	5 Driveways have a maximum 1:4 gradient and comply with Australian Standards	Yes
	6 Basement entries and ramps/driveways not greater than 3.5m wide	No. Refer to Condition
	7 Driveway ramps are perpendicular to the property boundary at the street frontage	Yes
	8 Basements permit vehicles to enter and exit the basement in a forward direction	Yes
	10 Pump-out systems and stormwater prevention in accordance with Council's Stormwater Management Code	Yes
	11 Basements are not to be used for habitable purposes	Yes

Comments: During the assessment process the location of the proposed driveway was relocated to utilise the existing driveway cross over and layback so as not to conflict with existing on-street stormwater pits. However, this has resulted in a non-compliance with the development control requiring driveways to be setback a minimum 500mm from the side boundaries. The driveway will provide vehicular access to the basement with 2.57m internal height clearance and the basement level can accommodate two (2) car parking spaces with sufficient maneuvering space so vehicles

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can enter and exit the basement in a forward direction. The basement is contained within the building footprint of the dwelling and protrudes no more than 1m above the natural ground level. To ensure minimal site disturbance to the nearby street tree, a condition of consent has been recommended that the width of the driveway at the property boundary, driveway cross over and layback remain as existing.

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	Refer to Condition
3	Cut and fill batters stabilised consistent with the soil properties	Yes
4	Vegetation or structural measures are implemented when the site is disturbed.	Yes
5	Areas of excavation setback from property boundaries in line with building setback controls. No excavation permitted within the minimum required setbacks.	Yes
7	A dilapidation report for all buildings which adjoin proposed excavation areas as required	Refer to standard condition

Comments: The dwelling has been appropriately designed in response to the topography and flood affection of the site including the incorporation of an overland flow void between the basement and slab of the ground floor and Council's Flooding Engineer raised no objection to this. Conditions of consent have been recommended to ensure allowance is made for surface runoff from adjacent properties and existing surface flow path systems through the site are retained. Further, conditions requiring the undertaking of a dilapidation report on the adjoining properties prior to the commencement of works has been included in the recommendation.

10: Water and Soil Management

10.1 Objectives		Satisfactory
A.	To encourage the incorporation of Water Sensitive Urban Design (WSUD) and Botany Improvement Plan principles in the development.	N/A
B.	To ensure compliance with Council's Stormwater Management Code	Yes
C.	To ensure compliance with the NSW State Government's Flood Prone Lands Policy.	Yes
D.	To ensure that appropriate soil erosion and sediment control measures are implemented on all sites that involve soil disturbances during construction.	Yes
E.	To ensure new building work does not detrimentally affect the existing drainage system of any area of the Municipality.	Yes
F.	To ensure that new development in areas that may be affected by acid sulphate soils do not adversely impact the underlying ground conditions, soil acidity and water quality.	Yes

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G.	<i>To appropriately manage stormwater and overland flow to minimise damage to occupants and property</i>		Yes
10.2	Development Controls		Complies
.1.	<i>Stormwater Management and Flood Prone areas</i>		
	2	Compliance with Council's Stormwater Management Code	Yes
	3	Flood affected properties comply with Council's Interim Flood Prone Lands Policy (Flood Prone Areas & Through Site Drainage)	Yes
	4	Minimum habitable floor height advice obtained for flood affected sites	Yes
	5	A drainage/flood report prepared by a hydraulics engineer submitted for sites affected by overland flows	Yes
.2.	<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.	Refer to Condition

Comments: The application was accompanied by a Flood Impact Assessment that adequately addresses Clause 6.3 Flooding Planning of the SLEP 2012 with Council's Engineer raising no concerns to the proposal subject to the recommended conditions.

As previously discussed, additional information was submitted during the assessment to satisfy the provisions of Clause 6.1 Acid Sulfate Soils of the SLEP 2012.

Conditions of consent have been recommended to ensure compliance with the sediment and erosion control plan submitted with the application.

11: Access, Safety and Security

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

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Comments: The vehicular and pedestrian entranceways are suitably separated and clearly distinguishable by the use of separated gates, landscaping and steps to the porch. Opportunities for passive surveillance of the street are provided by way of the multiple windows and a first floor balcony on the front elevation of the dwelling.

12: Ancillary Development

12.1	Objectives	Satisfactory
A.	To ensure that ancillary development is compatible with the design of the principal dwelling, streetscape and adjoining dwellings in form, materials and colours	Yes
B.	To limit the size, bulk and scale of ancillary structures and minimise their visibility from the public domain.	Yes
C.	To ensure that the provision of ancillary structures improves the amenity of residents whilst ensuring that the amenity of surrounding dwellings and neighbouring lots is maintained.	Yes
D.	To ensure that the provision of ancillary structures, such as air conditioning units, are considered at the design stage of a proposed development.	Yes
12.2	Development Controls	Complies
.2.	<i>Outbuildings</i>	
	1 No outbuilding shall be constructed forward of the front building line.	Yes
	2 Minimum side and rear setback for an outbuilding is 0.5m.	No
	3 New garden shed, studios, cabanas and the like are limited to maximum gross area of 40m ² .	Yes
.4.	<i>Air-conditioning</i>	
	1 Located away from the habitable rooms of adjoining properties and/or screened by acoustic treatments	Refer to condition
	2 Any building work must not reduce the structural integrity of existing buildings	Refer to condition
	3 Installation of residential grade air conditioners only	Refer to condition
	4 Installation to comply with the Protection of the Environment Operations Act 1997 and Protection of the Environment Operations (Noise Control) Regulation 2008	Refer to condition

Comments: The proposal includes a detached outbuilding with a floor area of 6.07m² located at the rear south-western corner of the site containing a bathroom and shower. The side setbacks of the outbuilding comply with the DCP controls, however, a nil setback to the rear property boundary is proposed which is contrary to Section 12.2.2. However, given that the rear adjoining property is the Southend Tennis Centre and no rear windows are proposed, no privacy or visually overbearing appearance will result. Therefore, the non-compliance with the minimum rear boundary setback requirement is accepted in this instance.

Insufficient information accompanied the application regarding the location of the air-conditioning unit. Consequently, conditions of consent have been recommended to ensure a residential grade air-conditioning unit is installed and complies with the relevant pollution control legislation.

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

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B.	<i>To ensure dwellings are designed to allow sufficient natural ventilation and lighting whilst minimising heat gain during summer and maximising solar access during winter, thereby reducing the need for artificial cooling and heating.</i>		Yes
C.	<i>To minimise the over use of Sydney's limited high quality domestic water supply by ensuring new dwellings incorporate water storage tanks for use in toilet flushing, landscape irrigation and to encourage new dwellings, additions and alterations to incorporate water saving devices and water conservation strategies.</i>		Yes
D.	<i>To encourage the use of new technology that reduces energy consumption, minimises greenhouse emissions and results in cost savings</i>		Yes
E.	<i>To encourage the re-use of building materials, thereby reducing waste to landfill, transportation costs, conserving raw materials and reducing energy expenditure. (Refer to Part H Waste Minimisation and Management of SCDCP 2005).</i>		Yes
13.2	Development Controls		Complies
	<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
	3	Materials used of high thermal mass	Yes
	<i>Natural Cooling and Ventilation</i>		
.2.	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.	Yes
	3	Above ground water tanks located 450mm (min) from any property boundary	Yes
.3.	4	Above ground water tanks do not exceed 3m in height above NGL	Yes
	5	Overflow piped directly to the approved stormwater drainage system except in cases where stormwater is required to be directed to on-site stormwater detention (OSD) storage	Yes
	6	No part of the water tank or support stand may rest on a wall footing	Yes
	7	Installation does not involve the filling of more than 1m above existing ground level	Yes
	8	The tank not located over or adjacent to a water main or sewer main or installed over any associated structure or fittings	Yes
	<i>Hot Water Heater Units</i>		
.4.	1	Located behind the dwelling or wholly behind the dwelling	Refer to Condition

Comments: An amended BASIX Certificate was submitted, meeting the designated targets for energy and water reduction. In accordance with the BASIX Certificate, an instantaneous gas hot water system, 2,500L rainwater tank. A condition of consent has been recommended to ensure compliance with the BASIX Certificate. The rainwater tank is suitably located 850mm from the eastern side boundary and will be screened from the public domain by a side gate.

As insufficient information was submitted regarding the location of the hot water system condition of consent are to be imposed to ensure the position is in accordance with Section 13.2.4 of the SCDCP 2005.

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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)(iia) The provisions of any planning agreement or draft planning agreement

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

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

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

The proposed development involves the 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

Visual Privacy

Objective A of Section 7 Privacy of Part A of the SCDCP 2005 requires development to be designed to provide reasonable privacy to adjacent properties. During the assessment process fixed privacy louvres were added to the elevations of the rear alfresco area and the eastern facing window of the dining room was altered to a highlight window. However, the proposed height (raised due to minimum flooding levels) and location of the scullery, laundry and formal dining room have the potential to overlook into the ground floor windows of the eastern adjoining property. Conditions of consent are recommended detailing that these windows are to incorporate frosted glass or the sill height be raised to a minimum height of 1.7m. The conditions of consent will prevent direct overlooking and maintain privacy between the adjoining properties. Further, a condition has been included for the eastern elevation of the upper level balcony to be installed with a fixed privacy screen attaining a height no less than 1.8m to prevent overlooking from the balcony into the private open space of the eastern adjoining property.

Landscaping Plan

A landscape plan was originally submitted with the subject application, however the landscape plan has not been amended to reflect the amended design of the dwelling which utilises the existing driveway layback and crossover. To ensure the landscaping of the proposed development complies with the provisions of the SCDCP 2005 and contribute towards the landscape character of the locality, a condition of consent has been recommended for an amended landscape plan in accordance with Section 5 Landscaping of the SCDCP 2005 including the planting of canopy trees in the front and rear setbacks and a minimum of 25% of the vegetation are indigenous species be submitted and approved by the Principal Certifying Authority prior to the issue of a Construction Certificate.

Driveway Width

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During the assessment process the location of the driveway was amended to utilise the existing driveway cross over and layback as the proposed location was in front of a stormwater pit. Council's Tree Officer has raised concerns any widening of the driveway and crossover may result in adverse impacts to the root system of the existing street. To ensure the protection of the street a condition of consent shall be implemented for the width of the driveway at the front property boundary and crossing shall be no more than is existing. Additionally, the proposed front fence shall be constructed above ground using a lintel system to minimise soil disturbance around the tree.

Acid Sulfate Soils

As discussed in this report the site has Class 4 acid sulfate soils and the proposed works involves excavation more than 2m below the natural ground surface level. An Acid Sulfate Soil Assessment was submitted with the development application stating "*the site is not significantly impacted by acid sulfate soils and therefore an acid sulfate management plan is considered necessary.*" The Assessment and additional information submitted during the assessment process has satisfied the requirements set out in the NSW Government Acid Sulfate Soils Assessment Guidelines. The recommendations contained in the Assessment have been included as conditions of consent.

Flooding

The subject site is affected by overland flooding in the 1 in 100 year flood event and the flood hazard is categorised as low. The design of the dwelling has incorporated an overland flow voids between the basement and the ground floor slab to enable the flow of the flood waters through the site. Additionally, the finished floor level of the alfresco and ground floor are raised in accordance with Council's Interim Flood Prone Land Policy. Through the incorporation of the above measures it is not anticipated that the proposal will impact on the surrounding drainage and flood behaviour.

Overall, 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 acceptable

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

The site is suitable for the proposed development, as dwelling houses are permissible in the R2 zone, the surrounding area is characterised by one (1) and two (2) storey dwellings and the width and size of the allotment is sufficient for the construction of a dwelling house. Whilst the site is affected by acid sulfate soils and flood, the design of the dwelling appropriately responds, thereby demonstrating that these affectations do not render the site unsuitable for the proposed development.

In summary, the site is considered suitable for the proposed development.

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

The application was publicly notified from 21 March 2019 to 4 April 2019 in accordance with the provisions of Part L of SCDCP 2005. One (1) written submission was received as a result.

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

1. Overshadowing

Concern is raised that the height and bulk of the proposed dwelling will cause overshadowing onto the adjoining western property windows' and rear garden.

Assessing officer's comments: During the assessment process the height of the roof of the rear alfresco area was reduced from two storey to single storey in height. This reduced This reduced the overall bulk and massing of the dwelling and provided additional solar access to the eastern

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elevation eastern adjoining property including their side windows and private open space. As the existing dwelling on the site to be demolished is single storey, a new two storey dwelling is inevitably going to result in the loss of solar access to the neighbouring properties. However, the extent of this loss is considered reasonable in the given context, and the neighbouring properties will still achieve the minimum amount of solar access required by the development controls.

2. Visual Privacy

Concern is raised that the position and size of the windows on the eastern elevation of the proposed dwelling results in visual privacy impacts onto the adjoining property.

Assessing officer's comments: During the assessment process site inspections of the subject site and the adjoining neighbours property were undertaken. Amended plans were received during the assessment process which incorporated fixed privacy louvers to the eastern elevation of the rear alfresco area, and the eastern facing window of the dining room were amended to a highlight window. As visual privacy concerns remain to the scullery, laundry and formal dining rooms on the ground floor eastern elevation, conditions of consent have been recommended for the windows to be frosted or altered to highlight windows. Further, a fixed privacy screen shall be installed to the upper level balcony adjoining the master bedroom.

3. Streetscape Character

Concern is raised that the bulk and style of the dwelling is not in keeping with the style of the majority of properties in the street which are either single storey or inter-war bungalows.

Assessing officer's comments: Chiswick Street is undergoing a state of transition with original housing stock primarily of single storey height and inter-war styles being demolished and replaced with two (2) storey dwellings in varying styles (traditional, modern and contemporary). The proposed dwelling design has incorporated a colour palette and external materials such as rendered masonry that are found on dwellings within the surrounding streetscape. Whilst the proposed roof style (pitched with a flat top) is not found in Chiswick street the pitched/angled component is compatible with the prevailing pitched roof forms. During the assessment process the height of the parapet associated with the portico on the front building façade was reduced, one chimney deleted, and banding varying materials incorporated along the side elevations in order to reduce the visual bulk of the dwelling. Therefore, in this instance, the bulk and style of the proposed dwelling is considered to be in character with contemporary styled dwellings which are emerging in the surrounding streetscape.

4. Dilapidation Report

It is requested that a dilapidation report is undertaken by an engineer prior to any excavation works.

Assessing officer's comments: A condition of consent has been included in the recommendation which requires a dilapidation report to be undertaken prior to the issue of a Construction Certificate.

5. Scaffolding

The applicant requested that the scaffolding incorporate mesh so as to minimise dust and damage to their property.

Assessing officer's comments: Standard conditions of consent have been recommended requiring site safety fencing to be in accordance with Australian Standards. Any issues raised in regards to dust from construction processes will be subject to separate environmental health investigations and compliance.

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 INDIRECT 7.12 CONTRIBUTIONS PLAN

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

Local Amenity Improvement Levy **\$10,730.82**

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. 2019/036 for the demolition of existing structures and construction of a new two (2) storey dwelling with basement level, front boundary fence and outbuilding at 18 Chiswick Street, Strathfield South be **APPROVED**, subject to the following conditions:

SPECIAL CONDITIONS (GC)

1. PRIVACY MEASURES – BALCONY (SC)

The full width of the eastern elevation of the first floor rear balcony (adjoining the Master Bedroom) shall be installed with a fixed privacy screen attaining a minimum height of 1.8m. The privacy screen is to:

- i) Have no individual opening more than 30mm wide, and
- ii) Have a total area of all openings that is no more than 30% of the surface area of the screen or barrier.

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

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

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2. **PRIVACY MEASURES – WINDOWS (SC)**

The eastern facing ground floor windows of the scullery, laundry and formal dining room are to be amended as follows:

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

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

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

3. **FLOODING – AMENDED FLOOD IMPACT STATEMENT (SC)**

An amended Flood Impact Statement reflecting the amended architectural and stormwater plans shall be submitted to Council and the Principal Certifying Authority prior to issue of a Construction Certificate. A certificate from a suitably qualified Engineer shall be submitted to the Certifying Authority stating compliance with the recommendations contained in the approved Flood Impact Statement, prior to the issue of a Construction Certificate.

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

4. **CAR PARKING - VEHICULAR CROSSING WIDTH AT PROPERTY BOUNDARY (SC)**

Amended plans demonstrating compliance with the following are to be submitted to and approved by the Principal Certifying Authority, prior to the issue of a Construction Certificate.

- i) The width of the vehicular crossing at the property boundary and the associated layback shall not be widened and shall be no closer to the street tree than is existing.

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

5. **NON-TRAFFICABLE ROOF (SC)**

All parts of the roof of the dwelling shall be non-trafficable, except for the purpose of maintenance only.

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

6. **AIR CONDITIONING UNIT (SC)**

All air-conditioning units are to be installed as follows:

- a) Only residential grade air conditioners are to be installed; and
- b) Installed to comply with the Protection of the Environment Operations Act 1997 and Protection of the Environment Operations (Noise Control) Regulation 2008; and

Documentation demonstrating compliance with the above measures is to be submitted to and approved by the Principal Certifying Authority prior to the issue of the Occupation Certificate.

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(Reason: Acoustic privacy)

7. FRONT BOUNDARY FENCE DESIGN (SC)

The front boundary fence is to be designed so that:

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

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

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

8. CHIMNEY HEIGHT (SC)

The chimney is to be reduced in height so that it does not exceed 9.5m measured from natural ground level.

(Reason: To reduce the visual dominance of the chimney and to accord with the height of buildings and associated structures within the streetscape).

GENERAL CONDITIONS (GC)

9. APPROVED PLANS AND REFERENCE DOCUMENTATION (GC)

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

Plans affixed with Council's 'Development Consent' stamp relating to Development Consent No.2019/036:

Drawing No.	Title/Description	Prepared by	Issue / Revision & Date	Date received by Council
00	Site Analysis	In Vision Design	Issue A	14 March 2019
01	Ground Floor, Basement Plan & Calculation Sheet	In Vision Design	Issue D	1 August 2019
02	Roof, Site Plan, First Floor, BASIX Commitments	In Vision Design	Issue C	26 June 2019
03	Elevations, Section	In Vision Design	Issue D	1 August 2019
D01	Site and Roof Drainage Plan	Zait Engineering Solutions Pty Ltd	Rev B	26 June 2019
D02	Drainage Details	Zait Engineering Solutions Pty	Rev A	14 March 2019

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		Ltd		
D03	Basement Drainage Plan	Zait Engineering Solutions Pty Ltd	Rev B	26 June 2019

Reference Documentation affixed with Council's 'Development Consent' stamp relating to Development Consent No.2019/036:

Title / Description	Prepared by	Issue/Revision & Date	Date received by Council
Site Construction, Waste Management & Soil and Water Management Erosion Sediment Control Plan	In Vision Design	-	14 March 2019
Acid Sulfate Soil Assessment	GeoEnviro Consultancy Pty Ltd	Dated 14 February 2019	14 March 2019
BASIX Certificate	Certificate No. 997665S_02	Issued on 5 August 2019	5 August 2019

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

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

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

The height of the building measured from Australian Height Datum (AHD) must not exceed Relative Level (RL) 19.70AHD to the ridge of the building.

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

11. 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.)

12. 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.)

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13. **DEMOLITION – GENERALLY (GC)**

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

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

14. **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.)

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

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

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

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

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

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

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

16. MATERIALS – CONSISTENT WITH SUBMITTED SCHEDULE (GC)

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

(Reason: To ensure compliance with this consent.)

17. 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.

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(Reason: Statutory requirement.)

18. SITE MANAGEMENT (DURING DEMOLITION AND CONSTRUCTION WORKS)

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

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

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- 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.)

19. **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.)

20. **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.)

21. **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.)

22. **LANDSCAPING - LANDSCAPE PLAN REQUIRED (GC)**

An amended landscape plan prepared by a qualified landscape architect or landscape consultant to a scale of 1:100 or 1:200, conforming to all relevant conditions of consent is to be submitted to the satisfaction of the Principal Certifying Authority prior to the issue of a Construction Certificate.

The plan must include the following information:

- i) One (1) canopy tree in the front setback and one (1) canopy tree in the rear setback;

New canopy trees shall be planted from 200 litre containers at the time of planting and capable of reaching a potential mature height of 8m.

The new trees must not be planted closer than 1.5 metres from a structure or property boundary.

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

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.

- ii) location of all existing and proposed landscape features including materials to be used;
- iii) all trees to be retained;
- iv) existing and proposed finished ground levels;
- v) top and bottom wall levels for both existing and proposed retaining and free standing walls; and
- vi) a detailed plant schedule which includes proposed species listed by botanical (genus and species) and common names, quantities of each species, pot sizes and the estimated size at maturity. A minimum of 25% of species shall be locally sourced indigenous species.

Consideration within the design should be given to the scale of planting in proportion to the proposed development, consistency with the existing landscape character of the area, potential views, solar access and privacy for neighbouring development.

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

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

23. BASIX COMMITMENTS (CC)

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

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

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

(Reason: Statutory compliance.)

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

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

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

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

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

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

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

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

(Reason: To ensure suitable development.)

26. CAR PARKING - VEHICULAR ACCESS RAMPS (CC)

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

- i) Longitudinal section along the extreme wheel paths of each driveway/access ramp at a scale of 1:25 demonstrating compliance with the scraping provisions of AS/NZS 2890.1:2004. It shall include all levels and grades, including those levels stipulated as boundary levels, both existing and proposed. It shall extend from the centre-line of the roadway through to the parking area.
- ii) Sections showing the clearance to the underside of any overhead structure (minimum headroom requirements 2200mm minimum for standard headroom

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- clearance or 2400mm where disabled access provisions are to be provided) demonstrating compliance with the provisions of AS/NZS 2890.1:2004.
- iii) Longitudinal section along the gutter line showing how it is intended to transition the vehicular crossing into the existing kerb and gutter. Boundary levels shall generally run parallel with the kerb levels.
 - iv) Location of verge trees, street furniture and service installations.
 - v) Superimposition of vehicle turning circles for access into parking spaces.
 - vi) Certification that the design complies with AS/NZS 2890.1:2004 by a Qualified Engineer.

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

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

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

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

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

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

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

Vehicular manoeuvring paths are to be prepared demonstrating that all vehicles can enter or depart the site in a forward direction without encroaching on required car parking spaces.

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

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

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

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

(Reason: To ensure compliance with statutory provisions.)

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

Works Permit

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

A Works Permit is required for construction of a vehicular crossing (driveway), new

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stormwater down pipe connection to kerb and gutter, new footpath and/or stormwater connection. A Works Permit Application Form is available from Council's Customer Centre or can be downloaded from Council's website. The applicable fees and charges are located on Council's website.

Standing Plant Permit

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

Skip Bin Permit

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

Temporary Full or Part Road Closure Permit

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

Hoarding/Fencing Permit

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

Work Zone Permit

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

Ground Anchoring Permit

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

(Reason: Council requirement.)

31. DILAPIDATION REPORT - PRE-COMMENCEMENT (CC)

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

The Dilapidation Report is to be prepared by a suitably Qualified Engineer with current Corporate Membership with the Institution of Engineers, Australia or Geotechnical

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Practitioner. The report shall include a photographic survey of adjoining properties detailing the physical condition of those properties, both internally and externally, including walls, ceilings, roof, structural members and other such items.

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

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

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

32. EROSION AND SEDIMENTATION CONTROL PLAN (CC)

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

- i) Compliance with the approved Soil and Water Management Plan.
- ii) Removal or disturbance of vegetation and top soil is confined to within 3m of the approved building area (no trees to be removed without approval).
- iii) All uncontaminated run-off is diverted around cleared or disturbed areas.
- iv) Silt fences or other devices are installed to prevent sediment and other debris escaping from the cleared or disturbed areas into drainage systems or waterways.
- v) All erosion and sediment controls are fully maintained for the duration of demolition/development works.
- vi) Controls are put into place to prevent tracking of sediment by vehicles onto adjoining roadways.
- vii) All disturbed areas are rendered erosion-resistant by turfing, mulching, paving or similar.
- viii) All water pumped or otherwise removed from excavations or basement areas is filtered to achieve suspended solids/non filterable residue levels complying with the Australian Water Quality guidelines for Fresh and Marine Waters.
- ix) Pumped or overland flows of water are discharged so as not to cause, permit or allow erosion before the commencement of work (and until issue of the occupation certificate).

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

(Reason: Environmental protection.)

33. EXCAVATION - AFFECTING ADJOINING LAND (CC)

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

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2000, including:

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

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

(Reason: Structural safety.)

34. ACID SULPHATE SOILS CONSULTANT'S REPORT (CC)

All recommendations made in the Acid Sulfate Soil Assessment dated 14th February prepared by GeoEnviro Consultancy Pty Ltd must be implemented as follows:

- i) The construction works are to be monitored for the presence of acid sulfate soil and the following measures are to be undertaken during construction:
 - The subsurface soils are to be noted for presence of acid sulfate soil which usually occurs as black organic clay and soft peat with sulfuric odour.
 - Suspect acid sulfate soils are to be noted for signs of reaction (eg oxidation). Common reaction includes pungent odour being released into the air, discolouration of soil (eg green and blue tinge) and leaching of iron from the soil.
 - Sampling of soil and laboratory analysis is to be carried out to confirm acid sulfate if required.
- ii) In the event where acid sulfate soils are identified, the soil should be properly managed as follows;
 - The excavation is to be backfilled and capped as soon as practicable.
 - The stockpiles are to be placed in a designated area. This area is to be lined and appropriate silt fences should be erected to prevent migration of fines.
 - The stockpile may either be treated on site using 10% by weight of lime or removed offsite to a landfill for treatment and disposal.
 - All material to be removed from the site is to be carried out by a licensed contractor. This material is to be sealed and contained on the truck during haulage using appropriate lining and capping material.
 - All stockpile material on site which could not be immediately attended to is to be covered and capped to retard the oxidation process.

(Reason: To ensure the development does not disturb, expose or drain acid sulfate soils and cause environmental damage.)

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

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

(Reason: Privacy amenity.)

36. FEES - ADDITIONAL DEVELOPMENT APPLICATION FEES (CC)

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In accordance with Regulation 50(1)(c) of the Environmental Planning and Assessment Regulation 2000 Council must charge a development application fee based on the estimated cost of works applied for.

A Quantity Surveyor Report was submitted with a cost of works estimated at \$1,073,082. The applicable Development Application Fee on this amount would be \$2,720.24 which includes a Planning Reform Fee of \$686.77. As a Development Application fee of \$2,417.40 was paid when lodging the application, the difference of \$302.84 (including \$104.37 Planning Reform Fee) shall be paid to Council prior to the issue of a Construction Certificate.

(Reason: Statutory requirement.)

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

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

Local Amenity Improvement Levy	\$10,730.82
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The total amount of the contribution is valid as at the date of determination and is subject to quarterly indexation. The amount of the contribution under this condition shall be indexed in accordance with clause 4.12 of the Strathfield Indirect Development Contributions Plan 2010-2030.

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

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

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

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

38. STORMWATER - RAINWATER RE-USE (CC)

A rainwater re-use system shall be provided in accordance with either the BASIX minimum requirements, any relevant Council Rainwater Policy and/or specification of the management of stormwater, whichever is applicable. A detailed stormwater plan showing the proposed re-use system shall be submitted to and approved by the Principal Certifying Authority, prior to the issue of a Construction Certificate.

(Reason: Compliance and amenity.)

39. STORMWATER DRAINAGE (CC)

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

- i) Grated drains shall be provided along the driveway/basement entry at the vehicular crossing(s) and are to connect to the internal drainage system.

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- 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.)

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

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

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

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

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

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

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

(Reason: Protection of Council infrastructure.)

41. TREE BONDS (CC)

A tree bond of **\$10,000** (calculated in accordance with Council's adopted Fees and Charges) shall be paid to Council, prior to the issue of a Construction Certificate.

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

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

A refund of the Tree Bond must be made in writing.

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

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

42. **WATER SUSTAINABILITY – GENERALLY (CC)**

Water collected in the rainwater tank must comprise roof water only and not surface water. Water from the rainwater tank must only be used for following purposes and not for human consumption:

- i) toilet flushing;
- ii) clothes washing;
- iii) garden irrigation;
- iv) car washing and similar outdoor uses;
- v) filling swimming pools, spa pools and ornamental ponds; and
- vi) fire fighting.

(Reason: To promote sustainable water management practice.)

43. **WATER HEATING SYSTEMS - LOCATION OF (CC)**

Water heating systems shall be located so as not to be visible from public places and the ground level of adjoining properties. Details (type and location) of the water heaters shall be submitted to and approved by the Principal Certifying Authority, prior to the issue of a Construction Certificate.

(Reason: To maintain streetscape character.)

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

44. **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

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- any critical stage inspections and other inspections that are to be carried out in respect of the building work.
- v) The person having the person having the benefit of the development consent has given at least 2 days' notice to the Council of the person's intention to commence the erection of the building.

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

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

(Reason: Statutory requirement.)

45. 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.)

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46. NOTICE OF COMMENCEMENT (CW)

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

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

(Reason: Statutory requirement.)

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

47. FILL MATERIAL (DW)

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

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

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

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

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

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

(Reason: To maintain public access and safety.)

49. PUBLIC INFRASTRUCTURE AND SERVICES (DW)

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

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

50. SURVEY REPORT OF APPROVED LEVELS DURING AND POST CONSTRUCTION (DW)

A Survey Certificate to Australian Height Datum shall be prepared by a Registered Surveyor as follows:

- i) At the completion of the first structural floor level prior to the pouring of concrete indicating the level of that floor and the relationship of the building to the boundaries.

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- ii) At the completed height of the building, prior to the placement of concrete form work, or the laying of roofing materials.
- iii) At the completion of the development.

Progress certificates in response to points (1) through to (3) shall be provided to the Principal Certifying Authority at the time of carrying out relevant progress inspections. Under no circumstances is work allowed to proceed until such survey information is submitted to and approved by the Principal Certifying Authority.

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

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

51. 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.)

52. 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.)

53. OCCUPATION OF BUILDING (OC)

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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.)

54. **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.)

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

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

(Reason: Adequate stormwater management.)

ATTACHMENTS

There are no attachments for this report.

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