

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, 13 December 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 - 13 December 2019

REPORT: IDAP – Report No. 1

SUBJECT: DA2008/087/10- 1-5 UNDERWOOD ROAD, HOMEBUSH
LOT 100 DP1042833

DA NO. 2008/087/10

SUMMARY

Proposal: Section 4.56 application for internal reconfiguration of Level 3 at DFO.

Applicant: Vicinity Centres

Owner: Vicinity Centres

Date of lodgement: 9 September 2019

Notification period: 13 September – 27 September 2019

Submissions received: Nil.

Assessment officer: LG

Zoning: IN1 – General Industrial - SLEP 2012

Heritage: No

Flood affected: Yes

Is a Clause 4.6 variation proposed? No

RECOMMENDATION OF OFFICER: APPROVAL

EXECUTIVE SUMMARY

On 10 August 2009, the Land and Environment Court granted Deferred Commencement consent of DA2008/087 for the *change of use and alterations and additions to part of an existing building at 1-5 Underwood Road, Homebush (the site) to allow for bulky goods retailing and associated car parking*. The deferred commencement conditions have since been satisfied.

On 13 November 2012, Council approved a Section 96 application which sought to modify the internal layout and construct additional on-site car parking spaces.

On 12 September 2016, a Section 96AA application to reconfigure the existing car parking areas and pedestrian access to accommodate for coach parking adjacent to the Underwood Road frontage was approved by Council. This resulted in minor modifications to the Level 3 floor layout.

A number of changes to the level 3 floor plan have since occurred following various Complying Development Certificate (CDC) approvals which have modified various tenancy sizes and layouts. Accordingly, the subject application has sought to amend the overall level 3 floor plan under Section 4.56 of the *Environmental Planning and Assessment Act 1979* to reflect the current tenancy layout. The modification is being assessed concurrently with DA2000/377/07 to ensure consistency in the level 3 layout plan of the site.

The proposed modifications are considered minor in nature and accordingly, is recommended for approval subject to modified conditions of consent.

DA2008/087/10- 1-5 Underwood Road, Homebush
Lot 100 DP1042833 (Cont'd)

DESCRIPTION OF THE SITE AND LOCALITY

The subject site is known as DFO Homebush and is located on the south-western side of the major intersection of Homebush Bay Drive and Underwood Road. The site is an irregular shaped allotment with a total site area of 5.206 hectares. The site has a frontage of approximately 220m to Homebush Bay Drive and 80m to Underwood Road. Vehicular access to the site is provided on the far western side of Homebush Bay Drive as well as at the far eastern end of Underwood Road.

The immediately surrounding development includes Sydney Olympic Park to the west, industrial warehouse complexes to the east and south and the Mason Park Electricity substation which immediately adjoins the site to the west.



Figure 1: Locality and context of the subject site (outlined in red).

SECTION 4.56 OF THE EP&A ACT 1979

Section 4.56 of the Environmental Planning and Assessment states as follows:

“4.56 Modifications by consent authorities of consents granted by the Court

- (1) *A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the Court and subject to and in accordance with the regulations, modify the development consent if:*
 - (a) *it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all), and*
 - (b) *it has notified the application in accordance with:*
 - (i) *the regulations, if the regulations so require, or*
 - (ii) *a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and*

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- (c) *it has notified, or made reasonable attempts to notify, each person who made a submission in respect of the relevant development application of the proposed modification by sending written notice to the last address known to the consent authority of the objector or other person, and*
- (d) *it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be."*

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

In answering this threshold question, a comparative analysis of the approved development as modified has been undertaken. In this regard, the proposal does not change the land uses, floor space, building envelope and loading and vehicle access arrangements. Accordingly, the development as modified is considered to satisfy the 'substantially the same' test in that it will result in essentially and materially the same development as that which was originally approved being for the purposes of bulky goods retaining and associated car parking.

In regards subclause 'b', the application was notified in accordance with Part L of SCDCP 2005 and in regards to subclause 'c' reasonable attempts were made to notify each person who made a submission in respect of the original development application. In regards to subclause 'd', no submissions were received.

RELEVANT BACKGROUND

- 30 May 2000** Council approved DA9900/377 for *alterations to Level 3 for use as a factory outlet Centre and continues use of Level 2 as an exhibition space.*
- 14 October 2008** Council's Planning Committee resolved to refuse DA2008/087 which proposed a *change of use and alterations and additions to part of an existing building at 1-5 Underwood Road, Homebush (the site) to allow for bulky goods retaining and associated car parking.*
- 10 August 2009** The Land and Environment Court overturned Council's refusal of DA2008/087 subject to a number of deferred commencement conditions, including the lodgement of a Section 96 Application to provide a minimum of 1,928 car parking spaces. The deferred commencement conditions have since been satisfied.
- 13 November 2012** A Section 96 application seeking to modify the internal layout and construct additional on-site car parking spaces was approved by Council.
- 12 September 2016** A Section 96AA application to reconfigure existing parking areas and pedestrian access to accommodate for coach parking adjacent to the Underwood Road frontage was approved by Council. This resulted in minor modifications to the Level 3 floor layout.
- 30 November 2016** A Section 96AA application to extend the trading hours by two (2) hours on a Thursday to 8pm and also to introduce extended trading hours during the Christmas period (18th December – 8th January inclusive) from Monday to Sunday, 8am to 8pm, was approved under delegated authority.
- 9 September 2019** The current Section 4.56 modification application was submitted to Council.

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23 August – The subject modification application was notified in accordance
6 September 2019 with the requirements of Part L of SCDCP 2005. No submissions were received during this time.

It is noted that references to Section 96 applications above are now referred to as Section 4.55 or Section 4.56 Applications due to the new planning laws and overhaul of the Environmental Planning and Assessment Act 1979 which came into effect in NSW on 1 March 2018.

DESCRIPTION OF THE PROPOSED MODIFICATION(S)

The proposal has sought minor amendments to the approved level 3 floor plan of the building to reflect the current tenancy layout:

Specifically, the tenancy layouts have been modified to reflect the following (refer to Figure 2 and 3):

- Reduction in Tenancy 3-013 size;
- Reduction in Tenancy 3-015 size
- Increase in Tenancy 3-016 size;
- Deletion of Tenancy 3-017;
- Reduction of Tenancy 3-018 size;
- Increase in Tenancy 3-023 size;
- Reduction of Tenancy 3-024 size;
- Deletion of Tenancy 3-028 size; and
- Increase in Tenancy 3-028 size.

The above changes have occurred through various Complying Development Certificates. The intention of this application is to reflect the entire level 3 floor plate. No building works are proposed.

Note: The modification application DA2000/377/07 (originally approved as DA9900/377) which permitted the "*alterations to Level 3 for use as a factory outlet centre and the continued use of Level 2 as an exhibition space*" is being assessed concurrently with this application.

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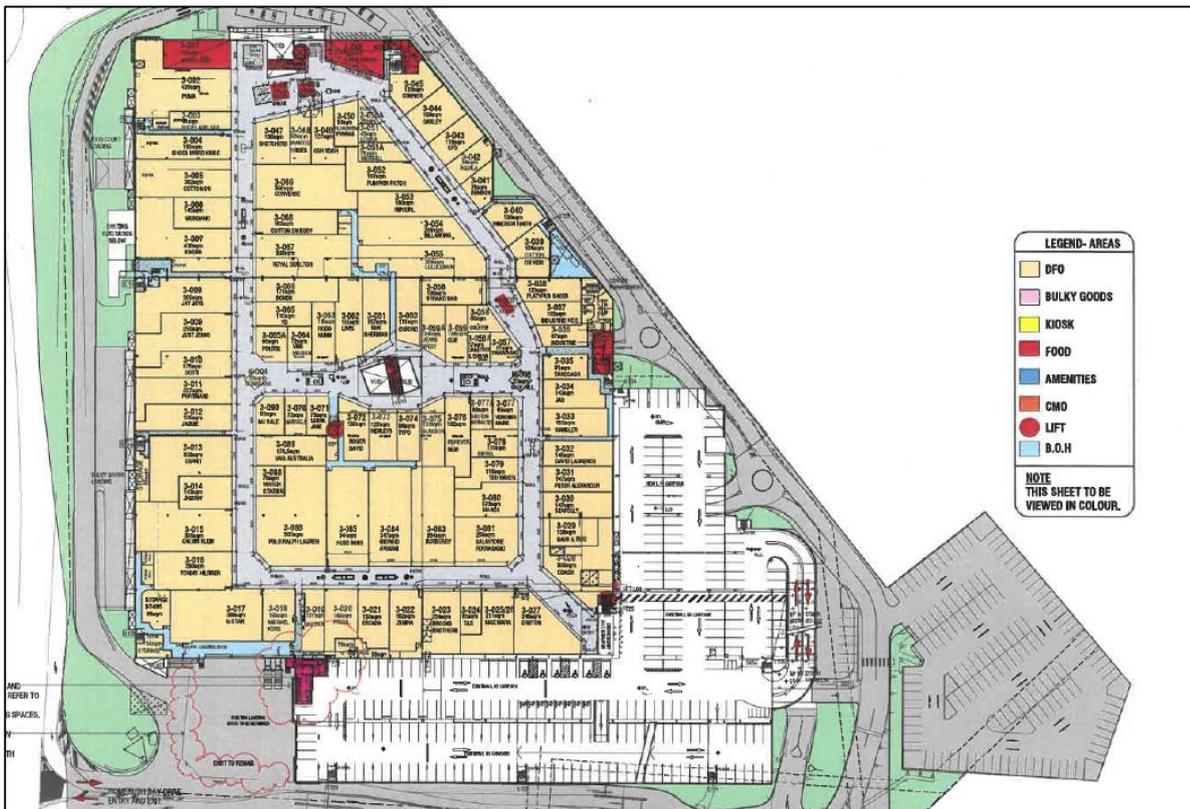


Figure 2: Approved Tenancy Layout Plan as per DA2008/087/6.

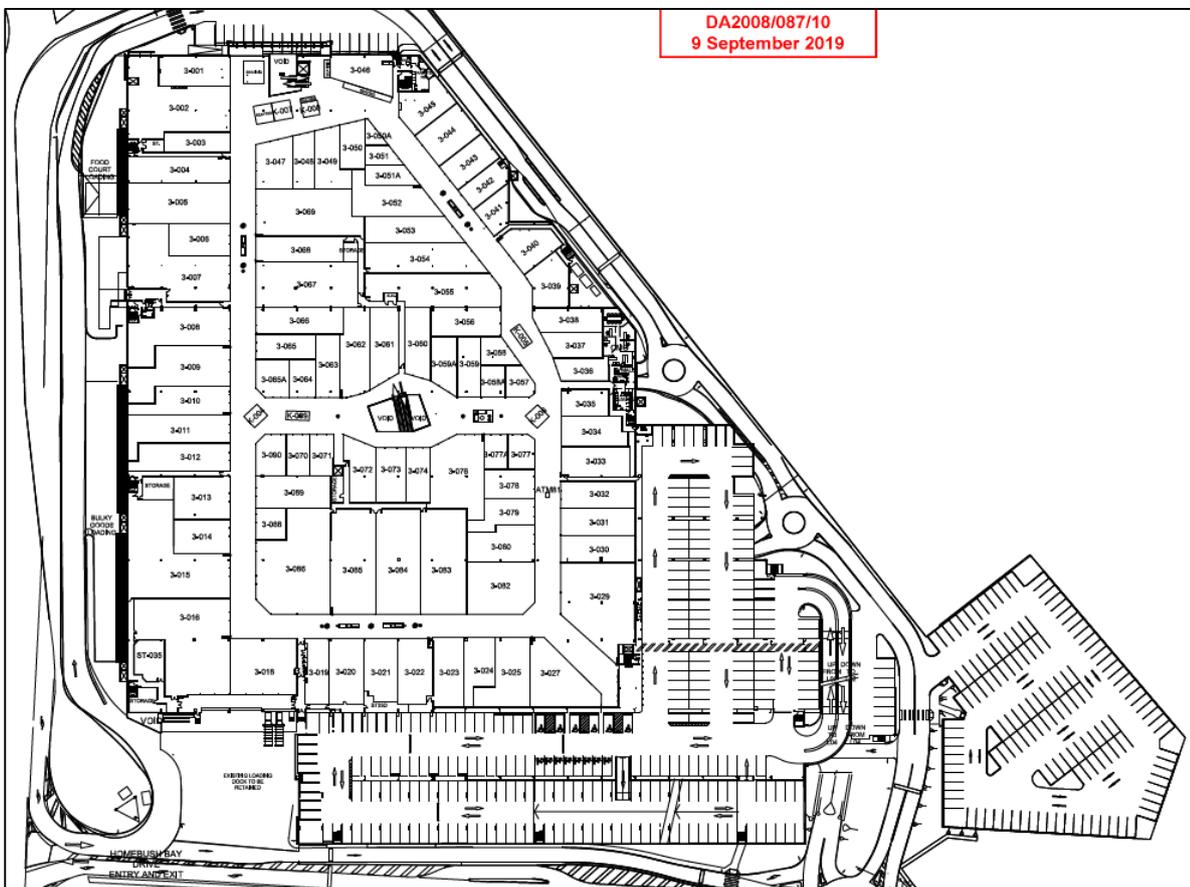


Figure 3: Proposed Level 3 tenancy layout plan.

REFERRALS

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No referrals were required.

SECTION 4.15 CONSIDERATIONS – EP&A Act, 1979

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

4.15(1)(a) the provisions of:

(i) any environmental planning instrument

Strathfield Local Environmental Plan (SLEP) 2012

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

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

Comments: The approved development as modified by this current section 4.56 modification application is consistent with the general aims of SLEP 2012.

Permissibility

The site is zoned IN1 – General Industrial under the Strathfield Local Environmental Plan 2012 (SLEP 2012). The parent consent (DA 2008/087) was for the *change of use and alterations and additions to part of an existing building to allow for bulky goods retailing*. However, 'bulky goods premises', and 'specialised retail premises' as it is now known (Planning Circular PS18-008), is prohibited in the IN1- General Industrial zone.

Section 4.70 of the EP&A Act 1979 states that:

“(1) Nothing in an environmental planning instrument prohibits, or requires a further development consent to authorise, the carrying out of development in accordance with a consent that has been granted and is in force.

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- (2) *This section:*
- (a) *applies to consents lawfully granted before or after the commencement of this Act, and*
 - (b) *does not prevent the lapsing revocation or modification, in accordance with this Act, of a consent, and*
 - (c) *has effect despite anything to the contrary in section 4.66 or 4.68.*
- (3) *This section is taken to have commenced on the commencement of this Act."*

Therefore, as development consent DA2008/87 is still active, it is preserved by Section 4.70 of the EP&A Act 1979. The proposed modification does not change or impact on the approved use of the site as a bulky goods premises.

Zone Objectives

The modification(s) sought as part of this application are still generally consistent with the objectives of the IN1- General Industrial Zone as it seeks to encourage employment opportunities.

Part 4: Principal development standards

This modification application does not involve any changes to the assessment of the original application against the relevant provisions contained within Part 4 of the SLEP 2012.

Part 5: Miscellaneous Provisions

This modification application does not involve any changes to the assessment of the original application against the relevant provisions contained within Part 5 of the SLEP 2012.

Part 6: Local Provisions

This modification application does not involve any changes to the assessment of the original application against the relevant provisions contained within Part 6 of the SLEP 2012.

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

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

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

STRATHFIELD CONSOLIDATED DEVELOPMENT CONTROL PLAN (SCDCP) 2005

The modification application does not involve any changes to the assessment of the original application against the relevant provisions contained within the SCDCP 2005.

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

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

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

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

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

Appropriate conditions are included on the original consent to ensure compliance with any relevant regulations.

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

The proposal involves minor modifications to the level 3 floor plan to reflect the current layout. The proposal does not result in any change to the floor space approved for the site and will not require any changes to the parking or access arrangements currently provided for the site.

Overall, the proposed modifications are internal to the site and is therefore unlikely to adversely impact adjoining property owners.

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

The approved development as modified by the current section 4.56 application does not alter the suitability of the development to the site.

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

The application was notified in accordance with Part L of the SDCDP 2005 and no submissions were received.

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

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

LOCAL INFRASTRUCTURE CONTRIBUTIONS

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

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

This section 4.56 application does not trigger any changes to the original condition of consent requiring payment of a section 7.11 contribution in accordance with Council's Section 94 Contributions Plan.

CONCLUSION

The application has been assessed having regard to Section 4.56 of the Environmental Planning and Assessment Act 1979, the Strathfield Local Environmental Plan 2012 and the Strathfield Development Control Plan 2005 and is considered to be satisfactory for approval.

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PEER REVIEW

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

RECOMMENDATION

Pursuant to Section 4.56 of the Environmental Planning and Assessment Act 1979, the proposed modification(s) to Development Consent No. 2008/087 involving internal reconfiguration of level 3 at DFO at 1-5 Underwood Road, Homebush be APPROVED, subject to:

- The original conditions of consent of Development Application No. (DA2008/087) as approved by The Land and Environment Court on 29 September 2009 for the change of use and alterations and additions to part of an existing building at 1-5 Underwood Road, Homebush to allow for bulky goods retailing and associated car parking;
- As modified by the Section 96AA Application (DA2008/087/01) as approved by Council's Liveable Neighbourhoods Committee on 13 November 2012 to modify the internal layout and construct additional on-site car parking;
- As modified by the Section 96AA Application (DA2008/087/02) as approved by Council on 14 November 2013 to modify the internal layout of 2 tenancies;
- As modified by the Section 96AA application (DA2008/087/03) as approved by Council on 23 June 2014 to correct a typographical error;
- As modified by the Section 96AA application (DA2008/087/04) as approved by Council on 17 June 2015 to permit the installation of pair car parking and associated infrastructure;
- As modified by the Section 96AA application (DA2008/087/05) as approved by Council on 24 March 2016 to alter carparking to provide coach parking and amenities;
- As modified by the Section 96AA application (DA2008/087/06) as approved by Council on 12 September 2016 to alter carparking to provide coach parking and amenities;
- As modified by the Section 96AA application (DA2008/087/07) as approved by Council on 13 November 2016 to modify conditions to permit extended trading hours; and
- As modified by the Section 4.56 application (DA2008/087/09) as approved by Council on 8 November 2019 to modify conditions to permit extended trading hours.

Accordingly, Development Consent No. DA2008/087 is approved as following:

PART B – OTHER CONDITIONS

Roads and Traffic Authority Conditions

- 1.1A. The intersection design for the dual circulation and the associated slip lane intersection with Homebush Bay Drive – West shall be carried out generally in accordance with the conditions set out in the letters from the Roads and Traffic Authority to Gilbert + Tobin dated 3 April 2009 and the Roads and Traffic Authority to Gilbert + Tobin dated 10 June 2009 (subject to any amendments required by the Roads and Traffic Authority) and the conditions of any approval provided by Auburn Council.

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- 1.2A. The intersection design will be required to meet the current RTA standards and practices, in particular the *Roads Design Guide*, plus relevant Austroads and Australian Standards.
- 1.3A. The intersection design shall be based on Drawing ES10846 MOD1, prepared by GTA Consultants and as set out in Appendix of the GTA Revised Traffic and Parking Report dated 5 February 2009 subject to any necessary amendments required by the Roads and Traffic Authority or Auburn Council.
- 1.4A. The intersection design must be prepared by a qualified practicing engineer and be approved by the RTA prior to the commencement of works.
- 1.5A. Where land acquisitions or dedications are required as a result of the intersection design, a separate application must be made to and approved by the relevant consent authorities. A plan of subdivision prepared by a registered surveyor must be submitted with the design plans showing the proposed lot(s) to be dedicated or acquired and the remnant land.
- 1.6A. All proposed works in the public road reserve must be submitted to and approved by the relevant road authority in writing in accordance with s38 and s139 of the Roads Act 1993 prior to the commencement of works.
- 1.7A. The works approved under condition 1.6A shall be carried out in accordance with the plans approved by the relevant roads authority.
- 1.8A. Unless the Applicant and Sydney Olympic Park Authority reach agreement on cost sharing for the design and construction of the intersection, all costs associated with the design and construction of the intersection shall be borne by the Applicant.
- 1.9A. Copies of all approved and endorsed plans including the detailed engineering design and supporting documentation shall be forwarded to Strathfield Council and the principle certifier.

Plans

- 1.1 The development shall be completed generally in accordance with the approved plans and documents listed below, prior to that part of the building the subject of this consent being used or occupied, and any variation as required by the conditions of this consent:

Plan No/s: 0146DA-0IG; 0146DA-02G; 0146DA-03F; 0146DA-04C, 0146DA-05C, 0146EX-01A, 0146EX-02A, 0146EX-03A, 0146EX-04A, 0146EX-05A by D + R Architects dated 26 March 2008 and 'Level 1, 2 and 3 showing proposed passenger lift and pedestrian link' 0146 SKI-01 by D + R Architects undated; and

SET A – CONTEXT DRAWINGS AND PROPOSED MODIFICATIONS

DA-A000 Cover Page, Location Plan, Drawing List and Schedules;
DA-A001 Site Plan – Location and Aerial;
DA-A002 Site Plan – Existing Plan;
DA-A003 Site Plan – Proposed;
DA-A004 Site Plan – Proposed Traffic Circulation;

DA-A010 Demolition Plan Overview Levels 1 and 2;
DA-A011 Demolition Plan Overview Levels 3 and 4;

Proposed Level 1 Drawing No.DA-B001 Issue A prepared by The Buchan Group, received by Council 21 April 2016.

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Proposed Level 2 Drawing No.DA-B002 Issue A prepared by The Buchan Group, received by Council 21 April 2016.

~~Proposed Level 3 Drawing No.DAB003 Issue A prepared by The Buchan Group, received by Council 21 April 2016.~~

Existing Level 3 Dwg No.DFOH_Level3_E, Revision 11, received by Council 9 September 2019

(MODIFIED: DA2008/087/10, 29 NOVEMBER 2019).

Proposed Level 4 Drawing No.DAB004 Issue A prepared by The Buchan Group, received by Council 21 April 2016.

Proposed Level 5 Drawing No.DAB005 Issue A prepared by The Buchan Group, received by Council 21 April 2016.

Proposed Elevations Drawing No.DAB006 Issue A prepared by The Buchan Group, received by Council 21 April 2016.

DA - A200 Sections – Proposed;
DA – A300 Sections – Proposed;

DA – A600 Sections – Aerial View;
DA – A700 Sections – External Finishes Board; and

Drawing No. C0-00 Revision E, C2-00 Revision E, C2-01 Revision F, C2-02 Revision F, C2-03 Revision G, C2-04 Revision G, C2-05 Revision G, C2-06 Revision A, C3-82 Revision B, C4-00 Revision A, C4-01 Revision A, C4-30 Revision and C4-60 Revision A, prepared by Brown Smart Consulting Job No. 20111800 and received by Council on 10 October 2012.

Construction Certificate must be obtained either from Council or a privately accredited person before commencement of any construction/demolition associated with this consent.

The Principal Certifying Authority must be appointed prior to work commencing to supervise the work and authorise occupation/use of the building when completed.

- The Applicant will provide a Staging Plan prior to the issue of a Construction Certificate generally in accordance with the stages set out in the Statement of Environmental Effects by JBA Planning submitted with the Development Application. The staging plans will provide for the construction of the additional carparking spaces required by deferred commencement Part A condition (b) at the appropriate time.

The conditions contained herein shall apply to all stages of demolition and construction unless specifically stated otherwise.

- A Construction Management Plan for each stage of the proposed development, covering both demolition and construction shall be prepared by a suitable qualified person and submitted to an approved by the Principal Certifying Authority prior to the issue of a Construction Certificate. That Construction Management Plan will include the following plans:
 - A Traffic and Parking Management Plan addressing the following matters:

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- A Service Plan of Management detailing how all of the loading docks are to be used and the circulation path of service vehicles. The Plan should minimise conflicts between service vehicles and cars and eliminate queuing into and from the site;
- A Parking Management Plan to ensure the provision and maintenance of the maximum number of car parking spaces possible at each stage of the development. The Applicant will use reasonable efforts to make additional car parking spaces available on the adjoining land owned by EnergyAustralia, subject to agreement with EnergyAustralia. All spaces shall be made available free of charge to customers, visitors and employees. These spaces shall only be used for the parking of motorcycles, sedans, utilities, vans and similar vehicles up to two (2) tonne capacity; and
- internal circulation and safe access and egress arrangements to and from the site, and
- Sediment and Erosion Control Plan
- A copy of the endorsed stamped plans and specifications, together with a copy of the Development Consent, Construction Certificate and any approved Traffic Management Plan are to be retained on site at all times.

Special Conditions

- 2.1. This consent does not authorise the use of the individual tenancies within the development. Development consent for use of any tenancy must be obtained prior to use of that tenancy.
- 1.2 Closed Circuit Television (CCTV) and surveillance mirrors shall be installed throughout the car park and premises, and in particular in areas of congregation, to reduce theft, reduce anti-social activities and provide personal security.
- 2.2a The new tenancies identified as DFO outlets on Level 2 are not to be used as commercial/retail premises. Development consent for use of these tenancies must be obtained prior to use of these tenancies.
- 2.3 A Safety and Security Management Plan shall be prepared in consultation with NSW Police (Flemington Local Area Command) including the following safety and security measures which shall be incorporated into the design of the development:
 - (i) Designated car parking provided for emergency vehicles near the pedestrian entrances from the car park to the building;
 - (ii) Warning signs to be erected throughout car parks and at and around pedestrian entry and exit points (i.e. Warning: don't leave valuables in inside your car);
 - (iii) Removable barriers are to be provided to prevent after hours trespassing through sections of the building which are not subject to late trading hours;
 - (iv) Security patrols both during day operations and after hours; and
 - (v) Suitable measures to deter criminal activity from occurring on site including the erection of warning signs, e.g. warning these premises are under constant surveillance and Warning: shoplifters will be prosecuted
 - (vi) Special safety and security precautions for the week leading up to and the week following Christmas.

The Safety and Security management Plan shall be submitted to Council for approval prior to the commencement of extended trading hours.

General

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- 3.1. All advertising signage is subject to a further and separate development application.
- 3.2. That part of the building the subject of this consent shall not be occupied or used until the development has been completed in accordance with the conditions of this consent, construction has been completed in accordance with the Construction Certificate and an Occupation Certificate has been issued by the Principal Certifying Authority.
- 3.3. A Works Permit shall be obtained from Council's Customer Service Centre at least 48 hours prior to undertaking any works on public/ Council controlled areas. The permit must be retained on site at all times.
- 3.4. All exhaust and other emissions including noise from the premises shall comply with the provisions of the Protection of the Environment Operations Act 197 and Regulations.

Financial Matters

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

Parking/ Traffic Matters

- 5.1. A total of 2,022 off-street parking spaces, hardpaved, linemarked, labelled and drained, shall be provided on the subject allotment for all of the uses carried out on the allotment (and not just the use of the subject of this consent). These spaces shall only be used for the parking of motorcycles, sedans, utilities, vans and similar vehicles up to two (2) tonne capacity.
- 5.2. The design grade of all ramps to be used by heavy vehicles shall be modified to have a gradient of no greater than 1:8 as required by AS2890.2.
- 5.3. On site parking facilities shall be maintained and utilised by persons under the employ of tenants within the building, visitors and customers. Parking facilities shall not be operated as a commercial parking station for the use of persons other than those associated with the onsite business.

The onsite car parking spaces together with access driveways shall be available at all times to employees and customers subject to the Safety and Security Management Plan required under Condition 2.3.

- 5.4. All vehicles associated with the approved use shall be parked within the parking spaces on the site and not on adjacent footpaths, access driveways or landscaped areas.
- 5.5. A sign shall be erected in a suitable location on approach to the site advising that parking is available for visitors/ customers.
- 5.6. The entry and exit driveways shall be suitably signposted and directional arrows shall be painted on the internal roadway.
- 5.7. All vehicles entering and leaving the site shall be driven in a forward direction only.
- 5.8. All driveways shall be separated from landscaped areas by a minimum 150mm high by 150mm wide concrete kerb or similar.
- 5.9. No vehicle spaces shall be enclosed with walls or meshed security screens without the prior approval of Council.

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- 5.10. No loading dock shall be used for storage purposes at any time.
- 5.11. All redundant vehicular crossings shall be removed and replaced with kerb and gutter and footpath at no cost to Council.
- 5.12. Where the footpath, kerb and gutter is damaged, it shall be reconstructed to Council's specifications for the full frontage of the development site at the completion of all building works.
- 5.13. All works as required, including the dual circulating roundabout and associated slip lane (as detailed in the RTA's Correspondence of 3 April 2009 and 10 June 2009) to Underwood Road/ Australia Drive/ Homebush Bay Drive intersection shall be fully constructed in accordance with the approved plans **prior to the issue of Occupation Certificate.**
- 5.14 A maximum of four (4) coaches are permitted to access and park on site at any time. The provision of coach parking shall be restricted via a booking system controlled by Centre Management.
- 5.15 Coaches are to enter the site from Homebush Bay Drive and exit via Underwood Road only.

Drainage/ Stormwater

- 1.0 Adequate access point shall be incorporated into the existing on-site Stormwater detention (OSD) system for cleaning and maintenance which shall include at least an access gate and a permanent stepladder. A rustproof debris screen shall also be installed at the outlet of the existing OSD system.
- 1.1 An adequately sized gross pollutant trap (HumeGard or equivalent) shall be installed upstream of the existing on-site detention system to remove gross pollutants and coarse sediments from stormwater runoff prior to discharging to the existing on-site detention basin. Details of the system prepared by a qualified engineer shall be submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate.
- 6.2. An underground or above ground OSD system designed in accordance with Council's Stormwater Management Code shall be provided within the South-western car park. Details of the system prepared by a qualified engineer shall be submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate.
- 6.3 An adequately sized (in keeping with best practice) stormwater treatment measure (StormTilters or equivalent) shall be installed upstream of the existing pumpout system within the South-eastern car park. Details of the system prepared by a qualified engineer shall be submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate.
- 6.4 An Enviropod or similar shall be installed into at least 43 stormwater drainage pits within the site as shown in the MUSIC model prepared by Brown Smart Consulting File No. X12422-DFO Homebush Rev01. Details of the system prepared by a qualified engineer shall be submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate.
- 6.5 Rainwater tank(s) of minimum 450,000 Litres shall be installed within the site to collect runoff from as much roof area as possible but no less than 7200 m² as shown in the MUSIC model prepared by Brown Smart Consulting File No. X12422- DFO Homebush Rev01. The applicant must connect the rainwater tank(s) to the cooling tower of the air conditioning system within the development and one outdoor tap near landscaping areas. Details of the system prepared by a qualified engineer shall be submitted to the Principal Certifying

**DA2008/087/10- 1-5 Underwood Road, Homebush
Lot 100 DP1042833 (Cont'd)**

Authority prior to the issue of a Construction Certificate. This rainwater tank must meet and be installed in accordance with. The requirements of all applicable regulatory authorities. NSW health does not recommend that rainwater be used for human consumption in areas with potable water supply.

- 6.6 Overflow from rainwater tank must be collected and discharged by means of a gravity pipe system and shall be connected to the downstream drainage system approved for the development.
- 6.7 Overflow paths shall be provided to allow for flows in excess of the capacity of the pipe/drainage system draining the site, as well as from any on-site stormwater detention storage.
- 6.8 Details of the proposed method of stormwater disposal shall be prepared by a suitably qualified professional civil engineer in accordance with the endorsed concept plans AND/OR the requirements of Council's Stormwater Management Code and approved by the Principal Certifying Authority prior to the issue of a Construction Certificate. In this project the above engineering plans are satisfactory as Concept plans. The assessment authority, (either (a) Council, or (b) a Private Certifier) is to satisfy themselves of the adequacy of the above plans for the purposes of Construction. They are to independently determine what details, if any, are to be added to the Construction Certificate plans, in order for the issue of the Construction Certificate. Where a Private Certifier issues the Construction Certificate a copy must be provided to Council, once the Construction Certificate is issued.
- 6.9 Allowance shall be made for surface runoff from adjacent properties, and to retain existing surface flow path system draining the site (if any).
- 6.10 Drainage plans for the proposed car park areas shall be prepared by a qualified engineer prior to the issue of a Construction Certificate.
- 6.11 All turning circles, aisle widths, car parking spaces and access shall strictly comply with the minimum requirements set out in AS2890. 2:2004 (Australia/New Zealand Standard Part 2: Off-street car parking).
- 6.12 Detailed design of the water sensitive urban design(WSUD) components (stormwater treatment measures) including but not limited to batters, levels, underdrains, high flow bypass details, clean out points. filter media details, mulching details, material specification, planting details, inlet scour protection areas, maintenance access ramps and maintenance schedule(s) shall be prepared by a suitably qualified professional engineer experienced in Water Sensitive Urban Design in accordance with the approved plans, approval conditions, Strathfield Council DCP 2005 Part N- Water Sensitive Urban Design, Strathfield Council WSUD Reference Guideline and WSUD Technical Design Guidelines for South East Queensland (SEQ Healthy Waterways Partnership) Version 1 June 2006 or subsequent versions that may be updated prior to the issue of a Construction Certificate.
- 6.13 The filter media of the bioretention basin (rain garden) shall comply with the requirements set out in "Strathfield Council WSUD Reference Guideline", "Guidelines for Soil Filter Media in Bioretention Systems" (Facility for Advancing Water Biofiltration) and the minimum hydraulic conductivity approved as part of the Stormwater Quality Management Plan.
- 6.14 A minimum of eight (8) plants per square metre is recommended for the rain garden. The rain garden should be kept off-line during the establishment of plants and until the end of the construction phase.

**DA2008/087/10- 1-5 Underwood Road, Homebush
Lot 100 DP1042833 (Cont'd)**

- 6.15 An Operational Management and Maintenance Report is required to be submitted to the Principle Certifying Authority prior to the issue of an Occupation Certificate to provide an outline of the proposed long term operational management and maintenance requirements of the stormwater system on the site. A schedule or timetable for the proposed regular inspection and monitoring of the devices, maintenance techniques, reporting and record keeping requirements and associated rectification procedure shall be included in the report. Council recommends a visual inspection at least 2 times per year. Inspection should be made not less than 24 hours and not more than 72 hours after the (cessation of rainfall if the total rainfall on any day exceeds 30mm.
- 6.16 The stormwater system (including the OSD and WSUD components) within the site shall be kept free of rubbish and debris. A maintenance certificate shall be submitted to Council on an annual basis.
- 6.17 A Positive Covenant under Section 88E of the Conveyancing Act shall be created on the title of lot 23A detailing the:
- a) on-site stormwater detention system(s)
 - b) water sensitive urban design components)
- incorporated in the development. The wording of the Instrument shall be submitted to, and approved by Council prior to lodgement at Land & Property Information NSW. The Instrument shall be registered and a registered copy of the document shall be submitted to and accepted by Council prior to the issue of a Subdivision Certificate. The positive covenant referred to in (1) above is required to prevent future modification or alteration without the written consent of Council, and to ensure suitable maintenance is carried out.
- 6.18 Prior to the issue of the Occupation Certificate, written verification from a suitably qualified professional civil engineer shall be obtained, stating that all stormwater drainage and related work has been constructed in accordance with the approved plans and conditions of approval.
- 6.19 In addition, full works-as-executed plans, prepared and signed by a registered surveyor, shall be submitted to and accepted by Council. Where changes have occurred the plans shall be marked-up in red ink and shall include levels and location for all drainage structures and works, buildings and finished ground and pavement surface levels and water sensitive urban design components.
- 6.20 Certification is also required from a suitably qualified stormwater quality specialist to verify that the bioretention works and other stormwater treatment measures have been constructed generally in accordance with the approved plans, conditions of approval and Construction and Establishment Guidelines: Swales, Bioretention Systems and Wetlands (SEQ Healthy Waterways Partnership) Version 1. 1 April 2010 or subsequent versions that may be updated.
- 6.21 Temporary measures shall be provided and regularly maintained during demolition, excavation and construction to prevent sediment and polluted waters discharging from site. Plans showing such measures in accordance with the NSW Department of Housing, Managing Urban Stormwater, Soils and Construction Manual dated August 1998 shall be submitted to and approved by the Principal Certifying Authority prior to the issue of a Construction Certificate.
- 6.22 The applicant or any contractors carrying out works in public or Council controlled lands shall have public liability insurance cover to the value of \$10 million, and shall provide proof of such cover prior to carrying out the works.

DA2008/087/10- 1-5 Underwood Road, Homebush
Lot 100 DP1042833 (Cont'd)

(1) A Works Permit shall be obtained from Council's Customer Service Centre at least 48 hours prior to undertaking any works on public/Council controlled areas. This includes any work on the nature strip, footpaths, driveways, stormwater outlets. Council's drainage, kerb & guttering and roadways.

(2) The permit must be retained on site at all times and produced on request from any Council Officer.

6.23 For drainage works:

- a) Within Council controlled lands
- b) Connecting to Council's stormwater drainage system inspections will be required:
 - i. After the excavation of pipeline trenches.
 - jj. After laying of all pipes prior to backfilling.
 - iii. After the completion of alt pits and connection points,

a minimum of 48 hours notice shall be given to Council to inspect works. Inspections may be arranged by telephoning Council's Infrastructure Planning Section on 9748-9999 during office hours and work is not to proceed until the Works are inspected and approved by Council.

Landscaping/ Tree Matters

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

<u>Tree</u>	<u>Location</u>	<u>Protection Zone (m)</u>	<u>Excavation Zone (m)</u>
1) Trees within Road reserve	Homebush Bay Drive frontage extending to Cnr of Underwood Road	2m	2m

and protected by the establishment of a **protection zone** before any site works being (including any demolition/ excavation). The protection zone shall be maintained for the duration of works and implemented as follows:

- A minimum 1.2m high barrier (made of hardwood/metal stakes with suitable hessian or canvas material) shall be erected around the perimeter of the stated Protection Zone as measured from the base of the tree (or where practical). The barrier shall be constructed so as to prevent pedestrian and vehicular entry into the protection zone. The barrier shall not project beyond the kerb onto the roadway or any adjacent footpath.
- No concrete slurry or wash, building materials, builders' rubble, excavation spoil or similar shall be placed or stored within the tree protection zone.
- The whole of the tree protection zone shall be mulched to a minimum depth of 75mm.
- The tree protection zone shall be regularly watered
- Any major structural roots which are encountered shall be pruned by a qualified Arborist.
- **No excavation or construction shall be carried out** within the stated Excavation Zone distances from the base of the trunk surface.

Only permeable surfaces (e.g. decomposed granite, gravel. Turfpave, permeable paving systems or soft landscaping) are permitted within the canopy spread of the trees to be

**DA2008/087/10- 1-5 Underwood Road, Homebush
Lot 100 DP1042833 (Cont'd)**

protected.

- 7.2. All noxious weeds on the site shall be removed and destroyed as per their classification under the Noxious Weeds Act.
- 7.3. A minimum of two (2) street trees shall be provided within Council's nature strip in Underwood Road, Homebush in accordance with the following:
- Plants shall be a minimum 50 litre container size. Plants shall be vigorous and well established, free from disease and pests, of good form, consistent with species or variety, hardened off, not soft or forced, with large healthy roots systems with no evidence of root curl, restriction or damage. Trees are to have a single leader and clear straight trunk.
 - 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.
 - Apply soil conditioner/ fertilizer/ moisture retention additive/s in accordance with manufacturer's recommendation, and mix into the backfilling soil after planting tree/s.
 - Minimum 75mm depth of organic mulch shall be placed within an area 0.5m from the base of the tree.
- 7.4. General maintenance of Council's nature strip adjoining the development site, including regular lawn mowing, edging, irrigation of the lawn and street trees and restricting the storage of materials, rubbish and parking or driving of vehicles on the nature strip, must be carried out during the full period of all approved works (including any demolition and excavation).
- 7.5. All landscape areas including all planters are to have full coverage by a fully automatic irrigation system. The design, materials and installation are to be in accordance with Sydney Water codes and all relevant Australian Standards.
- 7.6. All plants specified for industrial developments are to be native Australian plant species.

Site Operation

- 8.1. The hours of operation shall be restricted to the following:

Monday to Wednesday and Friday to Sunday: 10:00am -6:00pm; and
Thursday: 10:00am -8:00pm.

The hours of operation for the Holiday trading period shall be restricted to the following:

Monday to Sunday: 8:00am - 10:00pm

NOTE: The extended Holiday trading is restricted to the following dates: 15 November –17th January inclusive.

MODIFIED: DA2008/087/09 27 September 2019

- 8.2. The delivery and dispatch of goods, material and the like to and from the premises shall only take place between 7.00am and 6.00pm Monday to Saturday. No goods of any kind shall be delivered or dispatched from the subject allotment outside these hours.
- 8.3. All operations/ activities shall be carried out wholly within that part of the building the subject

**DA2008/087/10- 1-5 Underwood Road, Homebush
Lot 100 DP1042833 (Cont'd)**

of this consent.

- 8.4. The storage of goods, materials, equipment, machinery, refuse, or refuse bins (including industrial waste containers) shall be carried out in an area specifically designed for that purpose and not within the road reserve except in accordance with Council's Materials on the Footpath Policy.
- 8.5. Any proposed lighting of the site shall be designed, located or shielded to ensure the amenity of the surrounding area is not adversely affected by light overspill and details shall be submitted and approved by the Principal Certifying Authority **prior to the installation** thereof.
- 8.6. No flashing lights or flashing animated signs shall be erected on that part of the building the subject of this consent.
- 8.7. No advertising flags, banners or the like are to be erected on the subject site or attached that part of to the building the subject of this consent at any point.
- 8.8. No advertising, corporate colours, logos or decal are to be applied or painted or placed within 1 metre of any shopfront windows so as to be visible from outside without the prior written approval of Council.
- 8.9. (DELETED) 13 November 2012

Construction Matters

- 9.1. A Building Code of Australia /Fire Safety Audit Report identifying existing non compliances of that part of the building the subject of this consent with the relevant provisions of the BCA and including recommended upgrade works where it is considered occupant fire and life safety is deficient, must be prepared by a Grade A1 Accredited Certifying Authority and submitted to the Principal Certifying Authority for approval **prior to the issue of the an Construction Certificate.**
- 9.2. Any non compliances identified in the BCA Audit Report, referred to in 9.1 above, shall be undertaken so as to comply with the relevant provision(s) of the BCA (Vol.1 2012) and shall be implemented **prior to the issue of an Occupation Certificate.**
- 9.3. Where demolition materials are proposed to be reused as fill, the applicant shall undertake to have the following completed:
 - (a) all materials validated as clean by a suitably qualified environmental auditor prior to being reused on site; and
 - (b) the site verified by a geotechnical engineer as being suitable for the construction.All relevant and appropriate validation certificates shall be retained by the applicant and be presented on request. Any materials not identified as being suitable for re-use shall be disposed in accordance with the relevant regulations and controls.
- 9.4. If the soil conditions require it, retaining walls associated with the erection or demolition of a building or other approved methods of preventing movement of the soil must be provided, and adequate provision must be made for drainage.
- 9.5. Certification shall be obtained from a registered surveyor at the following stage(s) of construction confirming that that part of the building the subject of this consent has been constructed in accordance with the approved plans including any approved amendments

**DA2008/087/10- 1-5 Underwood Road, Homebush
Lot 100 DP1042833 (Cont'd)**

(S.96 approvals) and plans and details required by the Principal Certifying Authority (PCA_ as conditions of development consent:

- (a) footings excavation prior to placement of concrete;
- (b) car park/ garage level prior to placement of concrete or pavement;
- (c) ground floor and first floor levels;
- (d) vehicular ramp gradients.

Copies of the surveyor's certificates must be submitted to and accepted by the Principal Certifying Authority (PCA) at the stages nominated above.

- 9.6. The existing ground levels shall not be altered except in accordance with the levels shown on the approved plans as part of this consent. Finished ground surface levels shall match the existing levels at the property boundary. Any survey plan shall also show the extension of these levels in relation to adjoining properties.

If the existing ground levels are altered during construction, the Principal Certifying Authority may require a survey plan of the finished ground levels to be prepared and submitted **prior to issue of Occupation Certificate** to determine if there have been changes to the pre-development levels and if there are any impacts on adjoining properties as a result.

- 9.7. All construction, demolition and excavation work shall be restricted to 7am and 5pm (Eastern Standard Time) on Mondays to Saturdays (inclusive) and prohibited on Sundays and public holidays.
- 9.8. The public area adjacent to a work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.
- 9.9. All excavations and backfilling associated with the approved works must be executed safely and in accordance with appropriate professional standards. All excavations must be properly guarded and protected to prevent them from being dangerous to life or property.
- 9.10. To maintain pedestrian safety suitable lighting is to be provided on the development site adjoining each street frontage and near pedestrian main entrances to the site. Details shall be submitted to and approved by the Principal Certifying Authority **prior to the installation** thereof.
- 9.11. All temporary buildings/ structures shall be removed from the site at the completion of construction of the whole of the development and prior to occupation such that no building/ structure shall interfere with the operation and functionality of the site.

Building Matters

- 10.1. The materials to be used in the external finish shall be such as to match as closely as possible the finish of the existing building.
- 10.2. The proposed metal roof for the new loading docks the subject of this consent shall be of a pre-coated, low-reflective finish in a dark, recessive colour which is compatible with the building design and surrounding development.
- 10.3. Property identification numbers are to be clearly displayed at each frontage of the premises

DA2008/087/10- 1-5 Underwood Road, Homebush
Lot 100 DP1042833 (Cont'd)

and be easily visible from the street to assist emergency services in identifying the premises.

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

Demolition

11.1. Demolition shall be carried out in accordance with Australian Standard 2601- 'The demolition of structures' or any subsequent standard and the relevant legislation.

11.2. The demolition of that part of the building subject to this consent shall be carried out by a licensed demolition contractor. A copy of the license shall be submitted to Council and the Principal Certifying Authority **prior to any works commencing on site.**

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

11.4. The cleared ground surface of the site shall be suitably stabilized to prevent the generation of dust and erosion of soil on the site.

Fire Safety Measures

12.1. Upon completion of works a final fire safety certificate is to be issued from a properly qualified person in respect of each essential fire safety measure installed within that part of the building the subject of this consent and specified in the fire safety schedule. The final fire safety certificate shall be provided **prior to issue of Occupation Certificate.**

12.2. As soon as practicable after a final safety certificate is issued, the owner of the building to which it relates:

- Shall submit a copy of the Certificate (together with a copy of the current fire safety schedule) to the Commissioner of NSW Fire Brigades, and
- Shall ensure the current fire safety schedule is prominently displayed in the building.

12.3. Essential fire or other safety measures must be installed, to the minimum standard to which these measures must be designed, installed and/or maintained under Part 7B of the Environmental Planning & Assessment Regulation, and in accordance with the requirements of the Building code of Australia.

Hoardings

13.1. No advertisements of any kind shall be affixed to hoardings except for a board not exceeding 2.4m x 1.8m on which may be shown the architect's/builder's/demolisher's names or any particulars regarding that part of the building the subject of this consent and notices regarding the existing or further occupancies in that part of the building the subject of this consent.

13.2. Hoardings/ overhead protective structures at ground level shall have mesh wire or other such material fixed to the surface to a height at least 2 metres in order to preclude the fixing of posters.

13.3. A sign with the words "Billposters Will Be Prosecuted" shall be attached or printed on the

**DA2008/087/10- 1-5 Underwood Road, Homebush
Lot 100 DP1042833 (Cont'd)**

hoarding/overhead protective structures at regular intervals so it is visible from the street or any adjoining public place.

13.4. Any hoarding, fence or awning is to be removed when the work has been completed.

Air Quality

14.1. As required by the Protection of the Environment Operations (Noise Control) Regulation 2008, air-conditioning units or heat pump water heaters shall not be audible in the habitable rooms of any other residential premises before 8am or after 10pm on any Saturday, Sunday or public holiday, or before 7am or after 10pm on any other day.

14.2. Dust emissions from the stockpiles shall be suppressed by a permanently installed irrigation system and details shall be submitted to the Principal Certifying Authority for approval **prior to issue of Construction Certificate.** The irrigation system shall be installed in accordance with the approved details prior to the work/use commencing and maintained at all times to Council's satisfaction.

14.3. The use of the premises shall not give rise to:

(a) The transmission of unacceptable vibration to any surrounding occupancy; and

(b) A noise level exceeding the background (L_{90}) noise level by more than 5dB(A) when measured from an adjoining premises. The source noise level shall be assessed as an $LA_{eq,15min}$ reading and adjusted in accordance with current EPA Guidelines for tonality, frequency weighting, impulsive characteristics, fluctuations and intermittency or any subsequent guidelines.

14.4. Any noise generated on the premises from the use at any time shall not have any detrimental effect on the occupants of any adjoining residential dwellings.

14.5. In the event of Council receiving complaints regarding excessive noise, the person(s) in control of the premises shall at their own cost arrange for an acoustic investigation to be carried out (by a suitably qualified person) and submit a report to Council specifying the proposed methods for the control of noise emanating from the premises. Such measures are to be installed at no cost to Council and may require further development consent from Council.

Food Shop

15.1. The fitout of the food shops including preparation and food storage areas shall comply with the Australian/ New Zealand Food Safety Standards Code and relevant standards.

Note: Copies of the Code are available from the Food Standards Australia New Zealand website at <http://www.foodstandards.gov.au/>

15.2. Plans and specifications showing details of all mechanical ventilation systems shall be submitted to the Principal Certifying Authority and approval obtained **prior to issue of Construction Certificate.**

Disabled Access

16.1. Access to that part of the building the subject of this consent for persons with disabilities shall be in accordance with the requirements of the Building Code of Australia and the relevant standards. Details shall be submitted to and approved by the Principal Certifying Authority

DA2008/087/10- 1-5 Underwood Road, Homebush
Lot 100 DP1042833 (Cont'd)

prior to issue of Construction Certificate.

- 16.2. Sanitary facilities for persons with disabilities shall be provided in part of the building the subject of this consent in accordance with the Building Code of Australia and the relevant standards. Details shall be submitted to approved by the Principal Certifying Authority **prior to issue of Construction Certificate.**
- 16.3. Carparking spaces for persons with disabilities shall be provided in accordance with the Building Code of Australia and the relevant standards. Details shall be submitted to and approved by the Principal Certifying Authority **prior to issue of Construction Certificate.** Parking spaces shall be strategically located on each parking level to be in close proximity to each entrance.

Waste Management

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

- Type and likely quantity of waste arising from the demolition and construction activities;
- Storage, disposal and recycling measures for all demolition and construction waste, including specific disposal points and arrangements;
- Type and likely quantity of trade and operational waste arising from the proposed development, including storage and collection details. Note: Strathfield council does not provide a trade waste service;
- Storage, disposal, collection and recycling arrangement for all trade and operational waste; and
- Fitout details of any garbage/ waste enclosures and storage areas.

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

- 17.2. A waste storage room shall be designed to comply with the relevant standards and details shall be submitted to and approved by the Principal Certifying Authority **prior to issue of Construction Certificate.**

ATTACHMENTS

There are no attachments for this report.

TO: Strathfield Internal Development Assessment Panel Meeting - 13 December 2019

REPORT: IDAP – Report No. 2

SUBJECT: DA2019/132- 6 WEST STREET, STRATHFIELD
LOT 3 DP12824

DA NO. 2019/132

SUMMARY

Proposal: Demolition of existing dwelling and structures and construction of a two (2) storey dwelling house with basement level, in-ground swimming pool, outbuilding, front boundary fence and tree removal.

Applicant: Dreamscapes Architects

Owner: D Huang

Date of lodgement: 22 August 2019

Notification period: 29 August 2019 – 12 September 2019

Submissions received: Nil

Assessment officer: LG

Estimated cost of works: \$1,536,700.00

Zoning: R2- Low Density Residential - SLEP 2012

Heritage: No

Flood affected: Yes

Is a Clause 4.6 variation proposed? No

RECOMMENDATION OF OFFICER: APPROVAL

EXECUTIVE SUMMARY

The application seeks Council approval for demolition of an existing dwelling and structures and construction of a two (2) storey dwelling house with basement level, in-ground swimming pool, outbuilding, front boundary fence and tree removal.

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

Council's Assessment Officer raised concern for non-compliance with the prescribed FSR controls, scale of the front portico, colours and materials, rear setback, deep soil landscaping, visual privacy, driveway location and front fence details proposed in the original proposal.

Amended plans were submitted during the assessment process to resolve the issues raised by the Assessment Officer. The proposed development now achieves a suitable outcome for the site that generally meets compliance with Council's development controls.

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

DA2019/132- 6 West Street, Strathfield
LOT 3 DP12824 (Cont'd)

BACKGROUND

- 22 August 2019: The application was lodged with Council.
- 11 September 2019: A deferral letter was issued raising concern for the following matters:
 - Non-compliance with the prescribed FSR controls;
 - Non-compliance with depth, height and scale of front portico;
 - Colours and materials;
 - Non-compliance with rear setback;
 - Non-compliance with deep soil landscaping;
 - Location of proposed side elevation windows and rear upper level balcony which present adverse visual privacy impacts to adjoining residents;
 - Proposed 3.46m width of driveway at property boundary;
 - Insufficient details regarding proposed front fence (if any proposed at all).
- 3 October 2019: Amended plans were received by Council seeking to address all matters raised in the previous deferral letter. The plans still failed to address the following matters:
 - Non-compliance with the prescribed FSR controls;
 - Non-compliance with deep soil landscaping;
 - Location of proposed side elevation windows and rear upper level balcony which present adverse visual privacy impacts to adjoining residents;
 - Non-compliance with height and scale of front portico; and
 - Colours and materials.
- 8 October 2019: Council's Assessing Officer advised the Applicant that a number of initial matters raised in the deferral letter remained non-compliant as listed above.
- 25 October 2019: Amended plans were received which demonstrated:
 - Deletion of rear upper level balcony;
 - Articulation to the front portico element; and
 - Improvement to provision of material finishes.
- 15 November 2019: The application was deferred at IDAP seeking to:

"Re-design the top floor to remove the excessive use of void areas, which adds unnecessary bulk and scale to the development and the Landscape Plan is amended to delete the swimming pool, cabana, pergola and associated decking area and reinstated with deep soil planting."
- 3 December 2019: Amended architectural plans were submitted to Council demonstrating that the void space above the living room and dining room area has been reduced in height. The rear portion of the dwelling over the living/dining room area now achieves a maximum height of 4.8m above NGL. This is considered to substantially reduce the overall bulk and scale of the development which is more compatible with the surrounding built forms in the streetscape.
- 9 December 2019: Amended landscape plans were submitted to Council demonstrating deletion of the swimming pool and cabana on the site. The proposal now complies with the minimum deep soil zone required for the site.

DA2019/132- 6 West Street, Strathfield
LOT 3 DP12824 (Cont'd)

DESCRIPTION OF THE SITE AND LOCALITY

The subject site is legally described as Lot 3 In DP12824 and is commonly known as 6 West Street, Strathfield (refer to Figure 1). The site is located on the southern side of West Street immediately west of Chalmers Road. The site is a regular-shaped residential allotment providing a frontage width of 16.76m, a depth of 41.70m and a total site area of 699m².

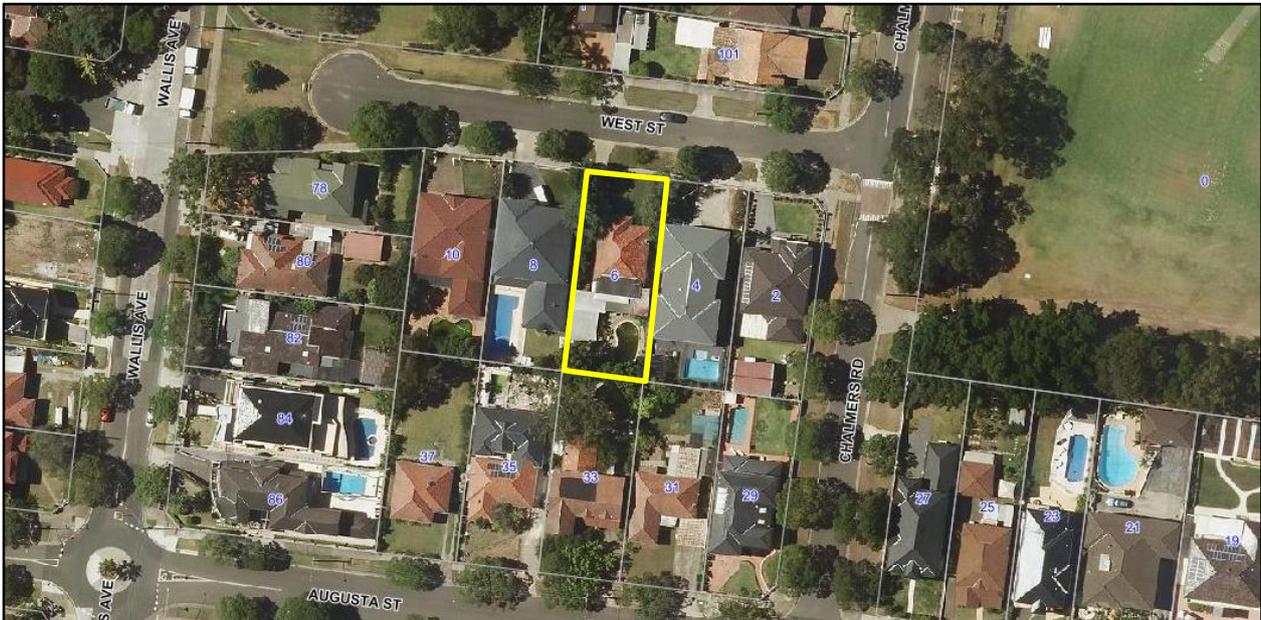


Figure 1: Locality plan with the subject site outlined in yellow.

The site currently comprises a single storey Californian bungalow dwelling with attached tandem carport and facebrick garage to the rear. Vehicular access is provided to the site via an existing driveway which is located upon the western side boundary (refer to Figure 2).



Figure 2: View of existing dwelling

**DA2019/132- 6 West Street, Strathfield
LOT 3 DP12824 (Cont'd)**

West Street is a cul-de-sac, containing six (6) dwellings which provide a primary frontage to the street. Of the six (6) dwellings in the streetscape, most are more recent constructions which present as modern-style rendered brick dwellings with pitched tiled roof forms and neutral colour schemes (Figures 3 and 4). There are some examples of more traditional-style dwellings both in the immediate and surrounding streetscape which feature facebrick finishes with pitched tiled roof forms (refer to Figure 6).



Figure 3: 4 West Street, Strathfield.



Figure 4: 8 West Street, Strathfield

DA2019/132- 6 West Street, Strathfield
LOT 3 DP12824 (Cont'd)



Figure 5: 1 West Street, Strathfield



Figure 6: 10 West Street, Strathfield

PROPERTY BURDENS AND CONSTRAINTS

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

DESCRIPTION OF THE PROPOSED DEVELOPMENT

**DA2019/132- 6 West Street, Strathfield
LOT 3 DP12824 (Cont'd)**

The application seeks Council approval for demolition of the existing dwelling and structures and construction of a two (2) storey dwelling house with basement level, in-ground swimming pool, outbuilding, front boundary fence and tree removal.

The specific elements of the proposal are:

Basement level:

- Single level to accommodate two (2) car parking spaces and storage space.

Ground floor level:

- Lounge room;
- Bedroom with ensuite;
- Laundry; and
- Open plan dining, kitchen and living room.

First floor level:

- Four (4) bedrooms; and
- Rumpus room.

External works:

- Alfresco;
- Associated landscaping and drainage works; and
- Removal of nine (9) trees.



Figure 7: Front Elevation of proposed dwelling house

REFERRALS

DA2019/132- 6 West Street, Strathfield
LOT 3 DP12824 (Cont'd)

INTERNAL REFERRALS

Engineering Comments

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

Landscaping Comments

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

"The Arborist report by Australis Tree Management dated 22 July 2019 is noted.

The Tristaniopsis Laurina (tree 14) in the nature strip is in a poor condition. It is proposed to remove the tree for the new driveway. The street tree is to be replaced as a condition of consent with one replacement street tree of the species Lophostemon confertus (brush Box), from a 100 Litre container in the middle of the nature strip, 3 metres from the west side of the relocated driveway.

The proposed retention and protection of the trees numbered #1, #2, #3 and #4 is supported. These trees are to be protected in accordance with the submitted Arborist Report (Section 7 (pages 23-25) and the Appendix (pages 26-38)).

The proposed removal of the trees numbered #5, #6, #7, #8, #9, #10, #11 and #12-13 is also supported. Provided the applicant plants 2 replacement trees in the rear yard capable of a potential mature height of 10 metres from 100 litre containers and one replacement tree in the front yard capable of a potential mature height of 10 metres also from a 200 litre container prior to the issue of the occupation certificate.

Recommendation:

I have no objection to the approval of this application subject to the completion of the above replacement tree planting."

Traffic Comments

"I have referred to the architectural drawings and foresee no concerns with regards to traffic perspective for this development"

SECTION 4.15 CONSIDERATIONS – EP&A Act, 1979

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

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

STATE ENVIRONMENTAL PLANNING POLICY (SEPP) – BASIX 2004

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

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

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

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

A review of the available history for the site gives no indication that the land associated with this development is contaminated. There were no historic uses that would trigger further site investigations. The objectives outlined within SEPP55 are considered to be satisfied.

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

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

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

In this instance, the proposal has sought removal of (9) trees including the removal of the Council street tree to accommodate the proposed new driveway. Council's Tree Officer has stated that the council street tree on the nature strip is in a poor condition. Accordingly, no objections are raised to the removal of the tree subject to replacement tree planting 3m west of the proposed new driveway.

The proposed retention and protection of the trees numbered #1, #2, #3 and #4 are supported by Council's Tree Officer with conditions imposed to ensure they are protected in accordance with the submitted Arborist Report.

The proposed removal of the trees numbered #5, #6, #7, #8, #9, #10, #11 and #12 and #13 are also supported subject to two (2) replacement tree plantings in the rear and one (1) replacement planting in the front setback capable of achieving a minimum mature height of 10m. Relevant conditions of consent have been imposed to ensure compliance with the above requirements.

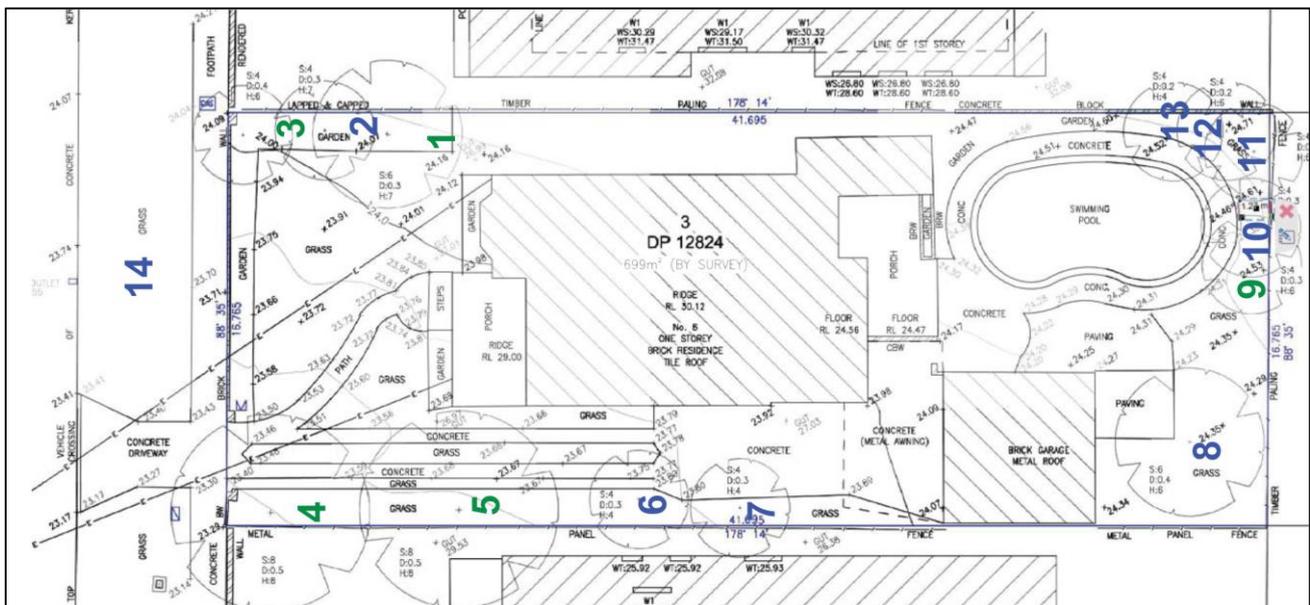


Figure 8: Tree removal/protection plan (Source: Arboriculture Impact Assessment, Australis Tree Management July 2019)

STATE ENVIRONMENTAL PLANNING POLICY (COASTAL MANAGEMENT) 2018

The Coastal Management SEPP applies to the site.

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The proposed development is located on a site that is affected by the existing 1 in 100 year flood event or is likely to be as a result of the planning benchmarks for sea level rise mentioned above. Accordingly, the proposed development has been assessed against the relevant provisions of the *NSW Coastal Planning Guideline: Adapting to Sea Level Rise*.

The site is affected by the 1 in 100 year flood event in accordance with Council's Coxs Creek and Powell's Creek Flood Study to a level of 40m AHD. The development has subsequently sought a 500mm freeboard above the minimum habitable floor level. The proposal was referred to Council's Development Engineer who has raised no concern for the proposal in relation to flood management on the site.

STRATHFIELD LOCAL ENVIRONMENTAL PLAN 2012 (SLEP 2012)

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

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

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

Permissibility

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

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

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

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

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Zone Objectives

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

Comments: The proposed development is consistent with the abovementioned 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	7.56m	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 provides a maximum building height of 7.56m, thus achieving compliance with the maximum 9.5m building height standard. Accordingly, the development will be compatible with the surrounding building heights as shown in Figure 9.

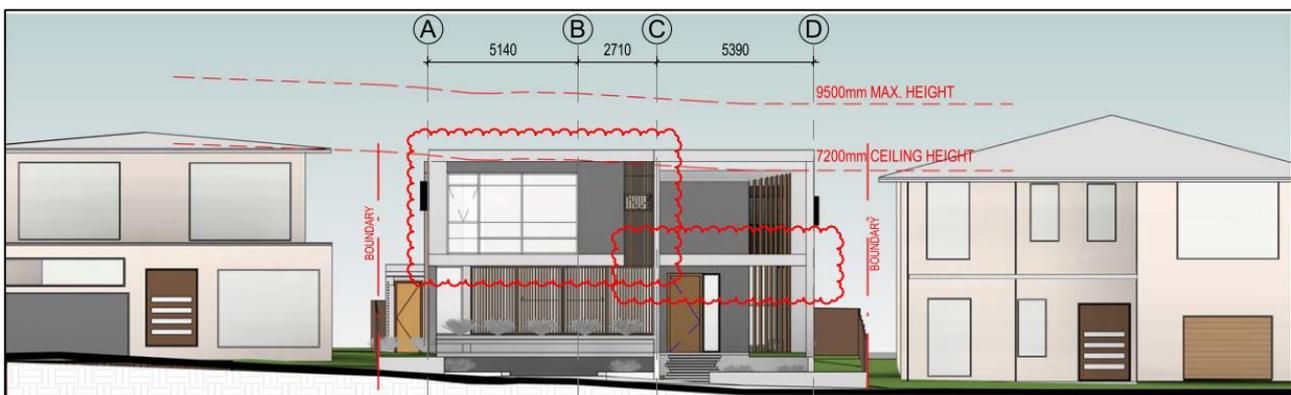


Figure 9: Streetscape elevation demonstrating heights of the proposed dwelling amongst existing development immediately adjoining the site.

Floor space ratio

Cl.	Standard	Controls	Proposed	Complies
4.4	Floor space ratio	0.60:1 (419.5m ²)	0.59:1 (414.14m ²)	Yes

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

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(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: Amended plans were submitted during the assessment process demonstrating that the void spaces above the living/dining room area have been reduced in height. The rear portion of the dwelling now achieves a maximum height of 4.8m above NGL.

Part 5: Miscellaneous Provisions

There are no provisions under Part 5 which relate to this proposal.

Part 6: Local Provisions

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

6.1 Acid sulfate soils

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

6.2 Earthworks

Appropriate conditions of consent will be imposed to minimise the disruption of soils for both the subject site and neighbouring properties. The extent of the cut and fill is considered reasonable and the size of the basement has been limited to within the footprint of the ground floor above.

6.3 Flood planning

Powells Creek and Salesyard Creek revised flood study indicates the subject site is affected by the 1 in 100yr ARI flood event. As previously discussed, the proposed development achieves a minimum 500mm freeboard above the minimum habitable floor level to address the flood affectation of the site. Council's Development Engineer raised no objection to the proposed Stormwater design.

6.4 Essential services

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

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

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

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

STRATHFIELD CONSOLIDATED DEVELOPMENT CONTROL PLAN 2005 (SCDCP 2005)

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

PART A – DWELLING HOUSES AND ANCILLARY STRUCTURES

2: Architectural Design & Streetscape Presentation

2.1	Objectives	Satisfactory	
A.	To ensure that development respects the predominant height, scale, character, type, form, colour, materials and architectural qualities of the existing dwelling house (in the case of alterations and additions) and surrounding neighbourhood especially any adjoining or nearby heritage item or heritage conservation area.	Yes	
B.	To achieve quality architecture in new development through the appropriate composition and articulation of building elements.	Yes	
C.	To ensure that the dominant building rhythm of the streetscape is reflected in the building design in terms of the spacing and proportion of the built elements.	Yes	
D.	To ensure that new dwellings have facades, which define, address and enhance the public domain.	Yes	
E.	To encourage contemporary architecture that is innovative, uses high quality detailing, and incorporates elements characteristic of Strathfield.	Yes	
F.	To promote the continuance of pyramidal roof forms within Strathfield where they are already prevalent.	Yes	
G.	To retain a feeling of openness and space between built elements by maintaining landscaped setbacks and preserve the appearance of dwellings set in the treelined streets and park-like environment.	Yes	
H.	To reduce the use of highly reflective colours and materials that create visual prominence.	Yes	
I.	To ensure fencing is sympathetic to the design of the dwelling and the street and enhances the character of both the individual house and street whilst maintaining casual surveillance of the neighbourhood.	Yes	
J.	To protect and retain the amenity of adjoining properties.	Yes	
2.2	Development Controls	Complies	
.1.	Streetscape Presentation		
	1	New dwellings address street frontage with clear entry.	Yes
	2	Consistently occurring building features integrated within dwelling design.	Yes
	3	Consideration of streetscape elements	Yes
	4	Integrated security grilles/screens, ventilation louvres and garage doors	Yes
.2.	Scale, Massing & Rhythm of Street		
	1	Scale, massing, bulk and layout complement the existing streetscape and the dominant building rhythm	Yes

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	2	Building height and mass maintains amenity to adjacent properties open space or the public domain	Yes
.3.	<i>Building Forms</i>		
	1	Building form articulated.	Yes
.4.	<i>Roof Forms</i>		
	1	Roof form complements predominant form in the locality	Yes
	2	Roof form minimises bulk and scale of building and remains an important architectural element in the street.	Yes
	<i>Materials</i>		
	5	Materials compatible with the existing dwelling house, adjoining dwelling houses and the streetscape (type, form and colour)	Yes
	6	Monotone face brick walls and terracotta tiles for roofs where common in the streetscape	Yes
	7	New buildings and facades do not result in glare (Reflectivity Report may be required)	Yes
	<i>Colours</i>		
	8	New development incorporates traditional colour schemes	Yes
9	The external colours integrate harmoniously with the external design of the building	Yes	
.5.	<i>Two (2) storey Porticoes</i>		
	1	Two (2) storey porticoes in scale and compatible with the proposed dwelling, streetscape and any adjoining heritage items	Yes
	2	Two (2) storey porticoes vertically articulated or broken to reduce height	Yes
	3	Porticoes or associated porches do not protrude 1m forward of the front building façade.	Yes
	4	Porticoes do not extend beyond the understorey of the eaves/guttering.	No – refer below

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LOT 3 DP12824 (Cont'd)

Comments: The proposal has sought a relatively contemporary-style dwelling with a flat roof form, neutral coloured rendered exterior walls and timber louver featured finishes. Whilst the proposed development has sought a flat roof, this is considered appropriate given the relatively modern-style dwellings in the streetscape. The design has been revised throughout the assessment process to improve the presentation of the dwelling from the streetscape and achieve a bulk and scale which is compatible with surrounding development.

The portico element in particular has been amended to protrude no more than 1m forward of the building line and to include horizontal banding across the central portion so to reduce the bulk and scale of the feature. The timber louvers provided along the western elevation of the portico as opposed to a solid wall will assist in creating a sense of openness and further reduce the perceived bulk and scale of the dwelling as viewed in the street.



Figure 10: Front elevation of original dwelling design.



Figure 11: Front elevation of dwelling design as amended.

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LOT 3 DP12824 (Cont'd)**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	
2.	The maximum height to the top of parapet for flat roofed dwelling houses is to be 7.8 metres.	Yes	
3	The maximum height of the parapet wall for flat roofed dwelling houses is to be 0.8 metres above the uppermost ceiling level.	Yes	
4	The maximum height of the external wall from the existing ground level to the underside of the uppermost ceiling level is to be 7.2 metres.	Yes	
5	The maximum internal floor to ceiling height is to be 3.0 metres for any residential level	No- refer below	
4.2 Development Controls		Complies	
2.	The maximum height to the top of parapet for flat roofed dwelling houses is to be 7.8 metres.	Yes	
3	The maximum height of the parapet wall for flat roofed dwelling houses is to be 0.8 metres above the uppermost ceiling level.	Yes	
4	The maximum height of the external wall from the existing ground level to the underside of the uppermost ceiling level is to be 7.2 metres.	Yes	
5	The maximum internal floor to ceiling height is to be 3.0 metres for any residential level	Yes	
.3.1.	<i>Street Setbacks</i>		
	1	Setbacks consistent with minimum requirements of Table A.1	Yes
.3.2.	<i>Side and Rear Setbacks</i>		
	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

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LOT 3 DP12824 (Cont'd)

4	Garages and carports setbacks consistent with Table A.2	Yes
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Comments: The proposed dwelling achieves numerical compliance with the FSR and building height provisions under Clause 4.3 and 4.4C of the SLEP 2012. The building height and envelope is proportionate to the size of the site. Notwithstanding, as previously discussed, concern was raised for the excessive void space above the dining/living room which would constitute floor space. This would subsequently result in an exceedance above the maximum permitted FSR controls which is not supported by Council.

As discussed, amended plans were submitted during the assessment process demonstrating that the living/dining room area achieves a maximum height of 4.8m from NGL. This is considered appropriate as the space is located in the rear portion of the dwelling and will not result in any additional bulk or scale applied to the dwelling.

The dwelling provides significant articulation throughout the side elevations of the building. The proposed front, side and rear boundary setbacks of the dwelling house comply with the relevant setback controls. This includes compliance with the minimum 20% (3.36m) combined side setback requirements (minimum 3.52m is provided).

The proposal has sought to relocate the driveway from the western side boundary to the eastern side of the site. The driveway requires removal of the Council Street tree which, as previously discussed, is considered appropriate in this instance given its poor condition. As discussed, a replacement tree planting 3m west of the new driveway is required to be provided.

5: Landscaping

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

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LOT 3 DP12824 (Cont'd)

<i>L.</i>	<i>To ensure suitable fencing is provided to reduce acoustic impacts and enhance visual privacy between neighbouring residents whilst enabling front fences passive surveillance of the street.</i>	Yes	
<i>M.</i>	<i>To maximise the amenity of existing and proposed developments, including solar access, privacy and open space.</i>	Yes	
5.2	Development Controls	Complies	
.1.	<i>Landscaped area</i>		
	1	Landscaped area in accordance with Table A.3	Yes
	2	At least 50% of the minimum landscaped area located behind the building line to the rear boundary	Yes
	3	At least 50% of the front yard maintained as deep soil soft landscaping	Yes
	4	Minimise hard surface area (concrete/brick/stone paving and bitumen). Run-off directed to permeable surfaces.	Yes
	5	Planting areas soften the built form	Yes
	6	Front gardens respond and contribute to the garden character of Strathfield.	Yes
	7	Retain and reinforce the prevailing streetscape and surrounding locality	Yes
	8	Plant species must be retained, selected and planted to improve amenity	Yes
.2.	<i>Tree Protection</i>		
	1	Arboricultural Impact Assessment Report prepared by an AQF Level 5 Arborist	Yes
	2	The Arboricultural Impact Assessment Report address minimum criteria	Yes
	3	Development provides for the retention and protection of existing significant trees	No – refer to discussion
	4	New dwellings and alterations and additions are set back in accordance with the Arboricultural Impact Assessment Report	No – refer to discussion
	6	Opportunities for planting new canopy trees within the front setback	Yes
	7	At least one (1) canopy tree provided in the rear yard.	Yes
	8	Trunk of a proposed canopy tree planted 4m (min) from built structures, or 3m (min) from pier beam footings	Yes
	9	Planting on side boundaries a 0.6m (min) deep root deflection barrier provided 1.5m (min) either side of the tree center	Yes
	10	Driveway construction does not result in the removal, lopping or root damage to any street tree	No – refer to discussion
	11	25% (min) of canopy trees and other vegetation shall be locally sourced indigenous species	Yes
.3.	<i>Private Open Space</i>		
	1	Provided in a single parcel rather than a fragmented space, directly accessible from internal living areas	Yes
	2	Includes a deep soil area compliant with the minimum landscaped area.	Yes
	5	Private open space located at the rear of the property.	Yes

Comments: Based on the amended landscape plans submitted to Council, the proposal achieves 41.5% (290.1m²) which complies with the minimum requirements.

DA2019/132- 6 West Street, Strathfield
LOT 3 DP12824 (Cont'd)**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
	4 The proposed development does not further reduce the amount of solar access	Yes

Comments: The site benefits from a northern orientation. Accordingly, the proposal will achieve a minimum 3 hours direct solar access to adjoining properties.

7: Privacy

7.1 Objectives		Satisfactory
A.	Development that is designed to provide reasonable privacy to adjacent properties	Yes
B.	To maintain reasonable sharing of views from public places and living areas	Yes
C.	To ensure that public views and vistas are protected, maintained and where possible, enhanced	Yes
D.	To ensure that canopy trees take priority over views	Yes
E.	To ensure that the siting and design of buildings minimises noise impacts from abutting roads, rail corridors and other noise-generating land uses	N/A
7.2 Development Controls		Complies
Visual Privacy		
.1.	1 Protect POS, bedrooms, balconies and living rooms of proposed and any existing adjoining dwellings from direct overlooking	Yes
	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	Yes
	2 A window within 9m of another window in a habitable room of an adjoining dwelling is offset by 0.5m (min) or a sill height of 1.7m (min) above the FFL	Yes
	3 Windows directly facing balconies or courtyards are narrow, incorporate obscure glazing and/or a sill height of 1.7m (min) above FFL	Yes

DA2019/132- 6 West Street, Strathfield
LOT 3 DP12824 (Cont'd)*Elevated Decks Verandahs and Balconies*

1	Elevated decks, verandahs and upper storey balconies not permitted on side boundaries (exceptions apply)	Yes	
.3.	2	Elevated decks, verandahs and balconies incorporate privacy screens	Yes
3	Rear balconies (no more than 1m (depth) x 2m (length) permitted if the balcony does not unreasonably impact on adjoining premises	Yes	
4	Balconies extending the full width of the front façade are not permitted	Yes	

Comments: Both the ground floor dining room window and bedroom 3 window located on the first floor align with the windows of the adjoining properties. A condition of consent has been recommended to ensure that the window either be designed as a highlight window with a minimum sill height of 1.7m above the floor or provided with fixed obscure glazing or privacy louvers capable of precluding views to the adjoining dwelling.

Furthermore, conditions of consent have been recommended to ensure that all side elevation windows within the wet rooms in the dwelling (laundry and bathrooms) be provided with obscure glazing so to protect the visual amenity of adjoining residents.

8: Vehicle Access and Parking

8.1	Objectives	Satisfactory	
A.	To provide adequate and convenient on-site car parking.	Yes	
B.	To ensure that the location and design of driveways, parking spaces and other areas used from the movement of motor vehicles are efficient, safe and convenient.	Yes	
C.	To ensure garages, carports, basements and hard standing areas for cars do not visually dominate the street façade of the dwelling.	Yes	
D.	To ensure that construction materials used for driveways respect the architectural qualities of the dwelling.	Yes	
E.	To minimise the area of access driveways to minimise impermeable surfaces and maximise landscaped areas.	Yes	
F.	To ensure basements have discreet entries, safe access and a high degree of natural cross-ventilation.	Yes	
G.	To minimise excavation to reduce disturbance to natural ground level particularly adjacent to site boundaries.	Yes	
H.	To ensure that any proposed basement minimises disturbance to natural drainage systems and that flooding, drainage or ventilation impacts would not be created for the site, or for adjoining or nearby properties.	Yes	
8.2	Development Controls	Complies	
.1.	<i>Driveway and Grades</i>		
	1	Existing driveways must be used (exceptions apply)	Acceptable on merit
	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	No – refer to discussion
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	

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LOT 3 DP12824 (Cont'd)

	5	One (1) vehicular crossing (max) to any public road (exceptions apply)	Yes
	6	Vehicles accessing sites which front main roads shall be capable of entering and exiting in a forward direction	Yes
	7	Vehicular turning areas for garages complies with relevant Australian Standard	Yes
	9	Driveways avoid long and straight appearance by using variations and landscaping	Yes
	10	Driveway set back 0.5 metres (min) from side boundaries	Yes
	11	Driveways incorporate unit paving into the design	Yes
	12	Areas of concrete visible from a public road are to be minimal and coloured charcoal, grey or brown	Yes
	<i>Basements</i>		
.3.	1	The area of a basement shall be limited to and contained within the ground level footprint of the dwelling	Yes
	2	Excavation not permitted within the minimum side setbacks.	Yes
	3	The maximum height of the basement above NGL is limited to 1m measured to the predominant finished floor level of the level above.	Yes
	4	Internal clearance of 2.2m (min)	Yes
	5	Driveways have a maximum 1:4 gradient and comply with Australian Standards	Yes
	6	Basement entries and ramps/driveways not greater than 3.5m wide	Yes
	7	Driveway ramps are perpendicular to the property boundary at the street frontage	Yes
	8	Basements permit vehicles to enter and exit the basement in a forward direction	Yes
	9	Basements are discretionary on flood affected sites	Yes
	10	Pump-out systems and stormwater prevention in accordance with Council's Stormwater Management Code	Yes
	11	Basements are not to be used for habitable purposes	Yes

Comments: The proposal seeks to relocate the existing driveway from the western side boundary to the east. The new driveway will achieve a minimum 4.25m from the eastern side boundary of the site. As previously mentioned, Council's Tree Officer has not objected to the proposed removal of the Council Street Tree subject to replacement tree planting. The basement is limited to within the building footprint so to limit the extent of excavation and disturbance of soil.

9: Altering Natural Ground Level (Cut and Fill)

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

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4	Vegetation or structural measures are implemented when the site is disturbed.	Yes
5	Areas of excavation setback from property boundaries in line with building setback controls. No excavation permitted within the minimum required setbacks.	Yes
6	The work does not affect or undermine the soil stability or structural stability of buildings and Council assets on adjoining properties.	Yes
7	A dilapidation report for all buildings which adjoin proposed excavation areas as required	Yes
8	Avoid excessive fill that creates the potential for overlooking of adjoining properties	Yes

Comments: The dwelling is proposed to be constructed relatively on-grade with the natural ground level. The cut required for the basement has been confined to within the footprint of the ground floor of the dwelling and maintains an appropriate degree of separation from adjoining properties.

Conditions of consent will be imposed to ensure clean fill is used and that a dilapidation report is prepared having assessed all adjoining properties.

10: Water and Soil Management

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

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2	Sediment control measures applied	Yes
3	Plans provided detailing stormwater quality treatment	Yes

Comments: As previously discussed, the proposal has considered the flood affectation of the site and designed the finished floor levels of the dwelling accordingly. The plans including the submitted stormwater plan was assessed by Council's Development Engineer and found to be generally acceptable as proposed. Conditions of consent have been recommended to ensure compliance with the submitted sediment control plan.

11: Access, Safety and Security

11.1	Objectives	Satisfactory
A.	To encourage the incorporation of crime prevention principles in the design of the proposed developments.	Yes
B.	To increase the safety and perception of safety in public and semi-public spaces.	Yes
C.	To provide passive surveillance of the public domain to promote a safe pedestrian environment whilst maintaining the privacy of residents	Yes
D.	To ensure the safety of pedestrians by separating pedestrian access from vehicular access.	Yes
11.2	Development Controls	Complies
.1.	Address and Entry Sightlines	
	1 Occupants able to overlook public places to maximise passive surveillance	Yes
	2 Landscaping design around dwellings and ancillary structures to accommodate plant maturation	Yes
	3 External lighting enhance safe access and security and light spill does not adversely impact on adjoining properties.	Yes
	4 Crime Prevention through Environmental Design (CPTED) principles incorporated.	Yes
.2.	Pedestrian Entries	
	1 Pedestrian entries and vehicular entries suitably separated	Yes
	2 Dwelling entrances easily identifiable	Yes
	3 House numbers are to be clearly visible from the street	Yes

Comments: The dwelling is orientated to West Street and provides a clearly identifiable front entrance for both pedestrian and vehicular access. The front building façade comprises of multiple windows on the ground and first floor thereby creating passive surveillance opportunities.

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

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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.	No
D.	To ensure that the provision of ancillary structures, such as air conditioning units, are considered at the design stage of a proposed development.	Yes
12.2	Development Controls	Complies
	<i>Air-conditioning</i>	
.4.	1 Located away from the habitable rooms of adjoining properties and/or screened by acoustic treatments	To be conditioned
	2 Any building work must not reduce the structural integrity of existing buildings	To be conditioned
	3 Installation of residential grade air conditioners only	To be conditioned
	4 Installation to comply with the Protection of the Environment Operations Act 1997 and Protection of the Environment Operations (Noise Control) Regulation 2008	To be conditioned

13: Ecologically Sustainable Development

13.1	Objectives	Satisfactory
A.	To encourage passive and active strategies in the design of dwellings and ancillary structures that promotes the achievement of ecologically sustainable practices and BASIX requirements.	Yes
B.	To ensure dwellings are designed to allow sufficient natural ventilation and lighting whilst minimising heat gain during summer and maximising solar access during winter, thereby reducing the need for artificial cooling and heating.	Yes
C.	To minimise the over use of Sydney's limited high quality domestic water supply by ensuring new dwellings incorporate water storage tanks for use in toilet flushing, landscape irrigation and to encourage new dwellings, additions and alterations to incorporate water saving devices and water conservation strategies.	Yes
D.	To encourage the use of new technology that reduces energy consumption, minimises greenhouse emissions and results in cost savings	Yes
E.	To encourage the re-use of building materials, thereby reducing waste to landfill, transportation costs, conserving raw materials and reducing energy expenditure. (Refer to Part H Waste Minimisation and Management of SCDCP 2005).	Yes
13.2	Development Controls	Complies
	<i>Natural Lighting and Heating</i>	
.1.	1 Living areas facing north, sleeping areas facing east/south, and utility areas orientated west/south to maximise winter solar access.	Yes
	2 Trees planted to the north of the dwelling must be deciduous to allow solar access during the winter	Yes
	3 Materials used of high thermal mass	Yes
	<i>Natural Cooling and Ventilation</i>	
.2.	1 Windows and walls on northern facades shaded by shading devices, trees, eaves and louvres sympathetic to the dwelling	Yes
	2 Windows positioned to capture breezes and allow for cross-ventilation	Yes
	<i>Water Tanks</i>	
.3.	1 Located behind the dwelling or behind the front building line and screened from view from the public domain	Yes
	2 Associated support structures and plumbing are a colour that complements the dwelling.	Yes

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3	Above ground water tanks located 450mm (min) from any property boundary	Yes	
4	Above ground water tanks do not exceed 3m in height above NGL	Yes	
5	Overflow piped directly to the approved stormwater drainage system except in cases where stormwater is required to be directed to on-site stormwater detention (OSD) storage	Yes	
6	No part of the water tank or support stand may rest on a wall footing	Yes	
7	Installation does not involve the filling of more than 1m above existing ground level	Yes	
8	The tank not located over or adjacent to a water main or sewer main or installed over any associated structure or fittings	Yes	
9	Support structure installed to the requirements of a qualified practicing structural engineer or to the maker's specifications.	Yes	
<i>Hot Water Heater Units</i>			
.4.	1	Located behind the dwelling or wholly behind the dwelling	Yes
	2	Not located on balconies unless screened from public view	Yes
	3	Placed within a short distance of the most frequent point of use	Yes

Comments: A BASIX Certificate was submitted as part of the development application meeting the designated targets for energy and water reduction.

PART H - WASTE MANAGEMENT (SCDCP 2005)

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

4.15(1)(a)(iii) The provisions of any planning agreement or draft planning agreement

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

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

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

The proposed development does not involve the demolition of a building. Should this application be approved, appropriate conditions of consent may be imposed to ensure compliance with the requirements of the above standard.

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

The proposed design has been considered with respect to adjoining properties to minimise adverse impacts to adjoining neighbours in terms of visual privacy and solar access. As discussed throughout this report, the proposal requires several modifications via conditions of consent to reduce any potential adverse amenity impacts for adjoining residents.

The proposed dwelling design has incorporated a neutral colour palate and a well-articulated built form through use of side elevation courtyards so to reduce the perceived bulk of the development

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and to blend with the building rhythm of the street. Overall, the proposed development is not considered to result in any adverse environmental or social impacts.

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

The subject site is considered suitable for the proposed development and generally complies with Council's LEP and DCP requirements. The proposal is considered an acceptable outcome for the site which is unlikely to compromise the amenity of adjoining residents.

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

The application was publicly notified from 29 August 2019 to 12 September 2019 in accordance with the provisions of Part L of SCDCP 2005. No submissions were received as a result.

4.15(1)(e) The public interest

The public interest is served through the detailed assessment of this development application under the relevant local planning controls and legislation and consideration of any submissions received relating to it by Council. The proposed development is not considered to be contrary to the public interest.

LOCAL INFRASTRUCTURE CONTRIBUTIONS

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

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

STRATHFIELD INDIRECT CONTRIBUTIONS PLAN

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

Local Amenity Improvement Levy	\$15,367.00
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CONCLUSION

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

PEER REVIEW

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

RECOMMENDATION

Accordingly, Development Consent No. DA2019/132 is approved as following:

Development Description:

Demolition of existing dwelling and structures and construction of a two (2) storey dwelling house with basement level and tree removal.

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GENERAL CONDITIONS (GC)

1. APPROVED PLANS AND REFERENCE DOCUMENTATION (GC)

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

Plans affixed with Council's 'Development Consent' stamp relating to Development Consent No. 2019/132:

Drawing No.	Title/Description	Prepared by	Issue / Revision & Date	Date received by Council
A-001	Site Plan	Dreamscapes Architects	B	3 December 2019
A-002	Demolition Plan	Dreamscapes Architects	A	3 December 2019
A-003	Tree Protection Plan	Dreamscapes Architects	A	3 December 2019
A-009	Basement Level	Dreamscapes Architects	B	3 December 2019
A-110	Ground Floor	Dreamscapes Architects	D	3 December 2019
A-111	First Floor	Dreamscapes Architects	C	3 December 2019
A-112	Roof	Dreamscapes Architects	D	3 December 2019
A-200	Elevations	Dreamscapes Architects	D	3 December 2019
A-204	Section & Streetscape Elevation	Dreamscapes Architects	D	3 December 2019
ST01	Basement Stormwater Drainage and Detail Plan	Stronghold Engineers	D	22 August 2019
ST02	Site Stormwater Drainage and Detail Plan	Stronghold Engineers	D	22 August 2019
ST03	Erosion and Sediment Control Plan and Details	Stronghold Engineers	D	22 August 2019
LP01	Landscape Plan	Affordable Design Studio	Rev H	9 December 2019
LP01	Plant Schedule & Specifications	Affordable Design Studio	Rev H	9 December 2019

Reference Documentation affixed with Council's 'Development Consent' stamp relating to Development Consent No. 2019/132:

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Title / Description	Prepared by	Issue/Revision & Date	Date received by Council
BASIX Certificate	-	20 August 2019	22 August 2019
Arborist Report	Australis Tree Management	22 July 2019	22 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.)

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

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

2. 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) 31.560 AHD to the roof ridge of the building.

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

3. CONSTRUCTION HOURS (GC)

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

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

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

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

4. CONSTRUCTION WITHIN BOUNDARIES (GC)

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

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

5. DEMOLITION – GENERALLY (GC)

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

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

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6. DEMOLITION - SITE SAFETY FENCING (GC)

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

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

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

(Reasons: Statutory requirement and health and safety.)

7. LANDSCAPING - TREES PERMITTED TO BE REMOVED (GC)

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

Tree No. in Arborist Report	Tree	Location
5	<i>Cedrus deodara</i> (Deodar Cedar)	Western side boundary of site
6	<i>Prunus sp</i> (Ornamental Plum)	Western side boundary of site
7	<i>Prunus sp</i> (Ornamental Plum)	Western side boundary of site
8	<i>Schefflera actinophylla</i> (Queensland Umbrella Tree)	Rear south-western boundary
9	<i>Syzygium paniculatum</i> (Magenta Lilly Pilly)	Rear south-eastern boundary
10	<i>Schefflera actinophylla</i> (Queensland Umbrella Tree)	Rear south-eastern boundary
11	<i>Schefflera actinophylla</i> (Queensland Umbrella Tree)	Rear south-eastern boundary
12	x <i>Cupressocyparis leylandii</i> 'Leighton Green' (Leyland's	Rear south-eastern boundary
13	Cypress)	Rear south-eastern boundary

All trees permitted to be removed by this consent shall be replaced with a total of two (2) trees to be planted in the rear yard and must be capable of a potential mature height of 10 metres from 100 litre containers.

One (1) replacement tree shall also be planted in the front yard, capable of achieving a mature height of 10m from a 200 litre container.

The species shall be selected from Council's Recommended Tree List. Trees are also 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.

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

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

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

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

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

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

8. MATERIALS – CONSISTENT WITH SUBMITTED SCHEDULE (GC)

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

(Reason: To ensure compliance with this consent.)

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

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

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

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

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

(Reason: Statutory requirement.)

10. SITE MANAGEMENT (DURING DEMOLITION AND CONSTRUCTION WORKS)

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

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

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

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

11. STORMWATER MANAGEMENT PLAN - CERTIFICATION REQUIREMENT (GC)

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

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Management Code is to be prepared and certified by an Accredited Civil/Hydraulic Engineer and submitted to the Principal Certifying Authority and Council, prior to the issue of a Construction Certificate. The SWMP is to be based on the approved development as modified by any conditions of consent.

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

12. SYDNEY WATER - TAP IN™ (GC)

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

(Reason: Compliance with Sydney Water requirements.)

CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE (PCC)**13. BASIX COMMITMENTS (CC)**

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

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

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

(Reason: Statutory compliance.)

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

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

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

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

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

15. CAR PARKING - VEHICULAR ACCESS RAMPS (CC)

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

- i) Longitudinal section along the extreme wheel paths of each driveway/access ramp at a scale of 1:25 demonstrating compliance with the scraping provisions of AS/NZS 2890.1:2004. It shall include all levels and grades, including those levels stipulated as boundary levels, both existing and proposed. It shall extend from the centre-line of the roadway through to the parking area.
- ii) Sections showing the clearance to the underside of any overhead structure (minimum headroom requirements 2200mm minimum for standard headroom clearance or 2400mm where disabled access provisions are to be provided) demonstrating compliance with the provisions of AS/NZS 2890.1:2004.
- iii) Longitudinal section along the gutter line showing how it is intended to transition the vehicular crossing into the existing kerb and gutter. Boundary levels shall generally run parallel with the kerb levels.
- iv) Location of verge trees, street furniture and service installations.
- v) Superimposition of vehicle turning circles for access into parking spaces.
- vi) Certification that the design complies with AS/NZS 2890.1:2004 by a Qualified Engineer.

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

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

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

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

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

(Reason: Compliance with SCDP 2005.)

17. 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.)

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

Works Permit

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

A Works Permit is required for construction of a vehicular crossing (driveway), new stormwater down pipe connection to kerb and gutter, new footpath and/or stormwater connection. A Works Permit Application Form is available from Council's Customer Centre or can be downloaded from Council's website. The applicable fees and charges are located on Council's website.

Standing Plant Permit

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

Skip Bin Permit

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

Temporary Full or Part Road Closure Permit

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

Hoarding/Fencing Permit

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

Work Zone Permit

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

Ground Anchoring Permit

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

(Reason: Council requirement.)

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LOT 3 DP12824 (Cont'd)

19. **DILAPIDATION REPORT - PRE-COMMENCEMENT (CC)**

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

The Dilapidation Report is to be prepared by a suitably Qualified Engineer with current Corporate Membership with the Institution of Engineers, Australia or Geotechnical Practitioner. The report shall include a photographic survey of adjoining properties detailing the physical condition of those properties, both internally and externally, including walls, ceilings, roof, structural members and other such items.

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

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

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

20. **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

**DA2019/132- 6 West Street, Strathfield
LOT 3 DP12824 (Cont'd)**

Principal Certifying Authority and the controls being in place on the site.

(Reason: Environmental protection.)

21. EXCAVATION - AFFECTING ADJOINING LAND (CC)

If an excavation associated with the approved development extends below the level of the base of the footings of a building on an adjoining allotment of land, the person having the benefit of the development consent must, at the person's own expense, comply with the requirements of clause 98E of the Environmental Planning and Assessment Regulation 2000, including:

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

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

(Reason: Structural safety.)

22. LANDSCAPING – LANDSCAPE PLAN REQUIRED (CC)

A 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 with the Construction Certificate application.

The plan must include the following information:

- i) details demonstrating compliance with SCDCP 2005 in relation to landscaping requirements;
- ii) location of all existing and proposed landscape features including materials to be used;
- iii) all trees to be retained, removed or transplanted;
- 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. Species shall be predominantly selected from Council's Recommended Tree List.

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: Landscape quality.)

23. LANDSCAPING - MAINTENANCE STRATEGY (CC)

To ensure the survival of landscaping following works, a landscape maintenance strategy

**DA2019/132- 6 West Street, Strathfield
LOT 3 DP12824 (Cont'd)**

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

(Reason: Ensure landscape survival.)

24. 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.)

25. PRIVACY - MEASURES TO BE COMPLIED WITH (CC)

Prior to the issue of a Construction Certificate, plans are to be amended to include the following privacy measures:

Both the ground floor dining room window and bedroom 3 window located to the first shall either be designed as a highlight window with a minimum sill height of 1.7m above the floor or provided with fixed obscure glazing or privacy louvers capable of precluding views to the adjoining dwelling.

(Reason: Privacy amenity.)

26. 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	\$15,367.00
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The total amount of the contribution is valid as at the date of determination and is subject to quarterly indexation. The amount of the contribution under this condition shall be indexed in accordance with clause 4.12 of the Strathfield Indirect Development Contributions Plan 2010-2030.

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

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

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

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

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LOT 3 DP12824 (Cont'd)

27. 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.)

28. 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.)

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

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

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

30. 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:

DA2019/132- 6 West Street, Strathfield
LOT 3 DP12824 (Cont'd)

- 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.)

31. 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)

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

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

- i) A construction certificate for the building work has been issued by the consent authority or a Principal Certifying Authority.
- ii) The person having the benefit of the development consent has appointed a principal certifying authority for the building work, and notified the principal certifying authority that the person will carry out the building work as an owner/builder, if that is the case.
- iii) The principal certifying authority has, no later than 2 days before the building work commences:
 - notified the Council of his or her appointment, and
 - notified the person having the benefit of the development consent of any critical stage inspections and other inspections that are to be carried out in respect of the building work.
- iv) The person having the benefit of the development consent, if not carrying out the work as an owner-builder, has:
 - appointed a principal contractor for the building work who must be the holder of a contractor licence if any residential building work is involved;
 - notified the principal certifying authority of such appointment; and
 - unless that person is the principal contractor, notified the principal contractor of any critical stage inspections and other inspections that are to be carried out in respect of the building work.
- v) The person having the person having the benefit of the development consent has given at least 2 days' notice to the Council of the person's intention to commence the erection of the building.

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

Under the Environment Planning and Assessment (Quality of Construction) Act, 2003, a sign must be erected in a prominent position on the work site showing the name, address and

**DA2019/132- 6 West Street, Strathfield
LOT 3 DP12824 (Cont'd)**

telephone number of the principal certifying authority; the name of the principal contractor (if any) for the building work and a telephone number at which that person may be contacted outside working hours. That sign must also state that unauthorised entry is prohibited. The sign must not be removed until all work has been completed.

(Reason: Statutory requirement.)

33. 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.)

34. 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.

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LOT 3 DP12824 (Cont'd)

(Reason: Statutory requirement.)

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

35. 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.)

36. 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.)

37. 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.)

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

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

- i) At the completion of the first structural floor level prior to the pouring of concrete indicating the level of that floor and the relationship of the building to the boundaries.
- ii) At the completed height of the building, prior to the placement of concrete in form work, or the laying of roofing materials.
- iii) At the completion of the development.

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

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

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LOT 3 DP12824 (Cont'd)

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

39. CAR PARKING - SURPLUS VEHICULAR CROSSINGS (OC)

All surplus vehicular crossings and/or kerb laybacks must be removed and reinstated with concrete kerb and gutter or to the existing edging profile as specified by Council. The nature strip is to be restored and the footpath area reinstated. All of the above are to be restored to the satisfaction of Council's Engineer and at full cost to the applicant, prior to the issue of any Occupation Certificate.

(Reason: Maintenance of public infrastructure.)

40. ENGINEERING WORKS (CERTIFICATION OF)

Prior to occupation of the premises, a Work As Executed (WAE) Plan of all engineering and/or drainage works is to be submitted to the Principal Certifying Authority. The WAE Plan is to be certified by an Accredited Civil/Hydraulic Engineer demonstrating that:

- i) the stormwater drainage system; and/or
- ii) the car parking arrangement and area; and/or
- iii) any related footpath crossing works; and/or
- iv) the proposed basement pump and well system; and/or
- v) the proposed driveway and layback; and/or
- vi) any other civil works

have been constructed in accordance with the approved plans and any relevant Standards 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.)

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

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

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

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LOT 3 DP12824 (Cont'd)

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

42. **LANDSCAPING - STREET TREE REMOVAL AND REPLACEMENT TREE COST (OC)**

Approval is granted for the removal of the *Tristanopsis Laurina* (tree 14) in the nature strip. The applicant shall meet the full cost to remove the tree and plant a replacement tree of 100 litre container size at the time of planting. The species shall be a *Lophostemon confertus* (brush box). The tree planting must be in accordance with NATSPEC specifications and guidelines and maintained for a twelve (12) month establishment phase. If the specimen fails to thrive or is otherwise damaged it shall be replaced at full cost to the applicant and maintained for a further twelve (12) months.

The replacement tree is to be planted within one (1) week of Council's street tree being removed and undertaken prior to the issue of any Occupation Certificate.

(Reason: Tree preservation and environmental amenity.)

43. **OCCUPATION OF BUILDING (OC)**

A person must not commence occupation or use (or change of use where an existing building) of the whole or any part of a new building (within the meaning of section 109H (4) of the Act) unless an Interim Occupation Certificate or Final Occupation Certificate has been issued in relation to the building or part.

The Principal Certifying Authority is required to be satisfied, amongst other things, that:

- i) all required inspections (including each applicable mandatory critical stage inspection) have been carried out; and
- ii) any preconditions to the issue of the certificate required by a development consent have been met.

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

(Reason: Statutory requirement.)

44. **RAINWATER TANKS (OC)**

Rainwater tanks must be installed on residential properties by a suitably qualified and licensed plumber and in accordance with the following:

- i) Australian/New Zealand Standard AS/NZS 3500:2003;
- ii) NSW Code of Practice Plumbing and Drainage, 2006 produced by Committee on Uniformity of Plumbing and Drainage Regulations in NSW (CUPDR); and
- iii) Council's rainwater tank policy.

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

(Reason: To protect public health and amenity.)

45. **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

DA2019/132- 6 West Street, Strathfield
LOT 3 DP12824 (Cont'd)

Occupation Certificate.

(Reason: Adequate stormwater management.)

ATTACHMENTS

There are no attachments for this report.

TO: Strathfield Internal Development Assessment Panel Meeting - 13 December 2019

REPORT: IDAP – Report No. 3

SUBJECT: 2019/191: 1-5 UNDERWOOD ROAD, HOMEBUSH
LOT 100 DP1042833

DA NO. 2019/191

SUMMARY

Proposal: Fit out of an existing tenancy for Hugo Boss retail shop (3-085), including signage and minor internal works

Applicant: Hugo Boss Australia Pty Ltd

Owner: Vicinity Centres

Date of lodgement: 12 November 2019

Notification period: 20 November 2019 – 4 December 2019

Submissions received: Nil.

Assessment officer: LG

Estimated cost of works: \$350,000

Zoning: IN1 – General Industrial - SLEP 2012

Heritage: N/A

Flood affected: Yes

RECOMMENDATION OF OFFICER: APPROVAL

EXECUTIVE SUMMARY

On 10 August 2009, the Land and Environment Court granted Deferred Commencement consent DA2008/087 for the *change of use and alterations and additions to part of an existing building at 1-5 Underwood Road, Homebush (the site) to allow for bulky goods retailing and associated car parking*. The deferred commencement conditions have since been satisfied.

The subject application DA2019/191 seeks development consent for the fit-out and use of an existing tenancy within the existing bulky goods retailing centre known as 'DFO'.

The proposal is considered relatively minor in nature and will facilitate the ongoing use of the premises as a bulky goods retailer without resulting in adverse impacts to adjoining neighbours in terms of additional traffic and noise. Accordingly, the proposal is recommended for approval subject to recommended conditions of consent.

BACKGROUND

14 October 2008 Council resolved to refuse DA2008/087 which proposed a *change of use and alterations and additions to part of an existing building at 1-5 Underwood Road, Homebush (the site) to allow for bulky goods retailing and associated car parking*.

10 August 2009 The Land & Environment Court overturned Council's refusal of DA2008/087 subject to a number of deferred commencement conditions, including the lodgement of a Section 96 Application) to provide a minimum of 1,928 car

2019/191: 1-5 Underwood Road, Homebush
Lot 100 DP1042833 (Cont'd)

parking spaces. The deferred commencement conditions have since been satisfied.

12 November 2019 The subject development application (DA2019/191) was lodged with Council.

**20 November –
4 December 2019** The application was notified in accordance with the requirements of Part L of SCDCP 2005. No submissions were received.

DESCRIPTION OF THE SITE AND LOCALITY

The subject site is known as DFO Homebush and is located on the south-western side of the major intersection of Homebush Bay Drive and Underwood Road. The site is an irregular shaped allotment with a total site area of 5.206 hectares. The site has a frontage of approximately 220m to Homebush Bay Drive and 80m to Underwood Road. Vehicular access to the site is provided on the far western side of Homebush Bay Drive as well as at the far eastern end of Underwood Road.

The application specifically relates to Shop 3-085 located on Level 3 of the existing bulky goods retailer, DFO Homebush. The existing tenancy is 342m² in area and is accessed via an internal mall. The tenancy also benefits from direct access to a back-of-house storage area and egress routes. The tenancy is currently operated by Hugo Boss.

The immediately surrounding development includes Sydney Olympic Park to the west, industrial warehouse complexes to the east and south and the Mason Park Electricity substation which immediately adjoins the site to the west.



Figure 1: Locality and context of the subject site (outlined in red).

PROPERTY BURDENS AND CONSTRAINTS

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

DESCRIPTION OF THE PROPOSED DEVELOPMENT

2019/191: 1-5 Underwood Road, Homebush
Lot 100 DP1042833 (Cont'd)

The application seeks Council approval for fit-out of an existing tenancy known as Shop 3-085 located on Level 3 of the existing bulky goods retailer, DFO Homebush (Refer Figure 2). The specific elements of the proposal are:

Use

- Display and sale of men’s and women’s clothing and accessories; and
- Hours of operation are consistent with the approved hours for the DFO Centre being 10am-6pm (8pm on Thursday) Monday to Sunday.

Internal Fit-Out

- The installation of wall partitions for the creation of four (4) fitting rooms and two (2) store rooms to be separated from the display area;
- The installation of retail fixtures within the display area, including display racks and point-of-sale retail counter;
- The installation of new signage on front store displays.

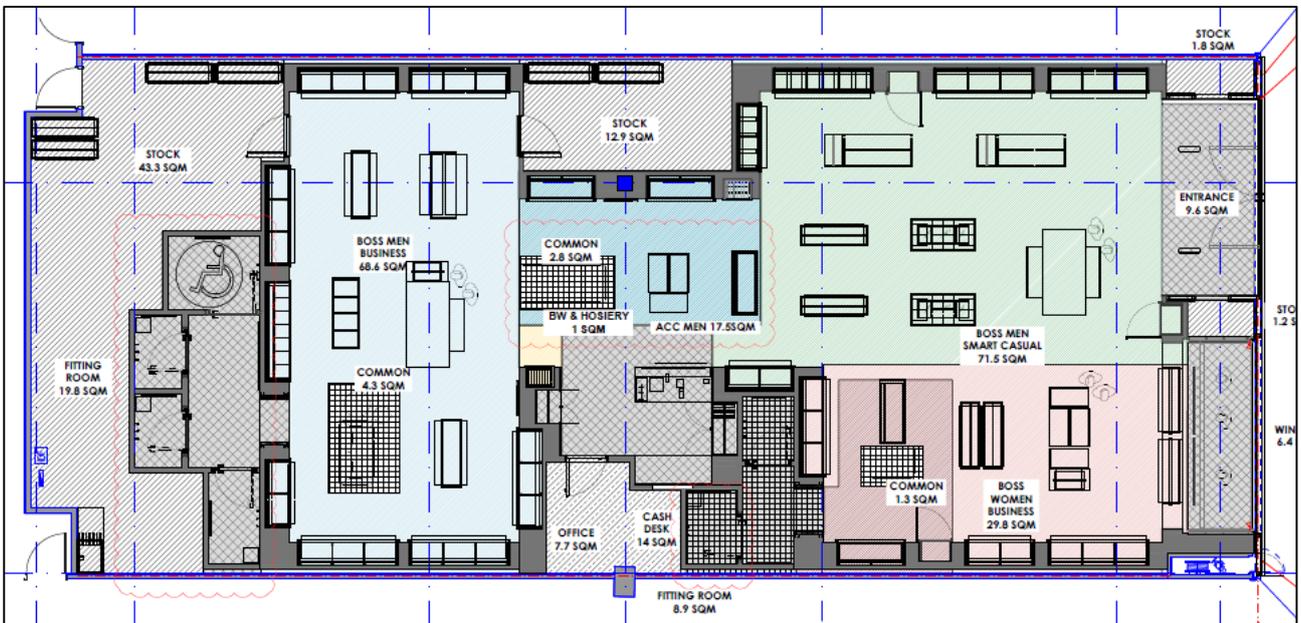


Figure 2: Proposed tenancy layout

REFERRALS

The application was not referred to any internal referral officers or external referral bodies.

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

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
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2019/191: 1-5 Underwood Road, Homebush
Lot 100 DP1042833 (Cont'd)

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

Comments: The proposal is considered to be consistent with the aims of SLEP 2012. The proposal relates to the fit-out of an existing commercial tenancy which will provide employment and economic growth opportunities.

Permissibility

The site is zoned IN1 – General Industrial under the Strathfield Local Environmental Plan 2012 (SLEP 2012). The overarching consent (DA 2008/087) for the site was for the *change of use and alterations and additions to part of an existing building to allow for bulky goods retailing*. However, ‘bulky goods premises’, and ‘specialised retail premises’ as it is now known (Planning Circular PS18-008), is prohibited in the IN1- General Industrial zone.

Notwithstanding this prohibition, DA2008/087, which required the lodgment of development applications for the use of individual tenancies, was granted development consent by the Land & Environment Court on 10 August 2009.

Section 4.70 of the EP&A Act 1979 states that:

“(1) Nothing in an environmental planning instrument prohibits, or requires a further development consent to authorise, the carrying out of development in accordance with a consent that has been granted and is in force.

(2) This section:

(a) applies to consents lawfully granted before or after the commencement of this Act, and (b) does not prevent the lapsing revocation or modification, in accordance with this Act, of a consent, and

(c) has effect despite anything to the contrary in section 4.66 or 4.68.

(3) This section is taken to have commenced on the commencement of this Act.”

As development consent DA2008/087 is still active, it is preserved by Section 4.70 of the EP&A Act 1979. Therefore, the subject application for the use of tenancy 3-085 for bulky goods retailing is permissible with consent.

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The information submitted in support of the application sufficiently demonstrates that the proposed use satisfies the relevant definition for 'bulky goods salesroom or showroom' as prescribed in Clause 61BD(2) of the Strathfield Planning Scheme Ordinance 1969 as follows:

In this clause, "bulky goods, salesroom or showroom" means a building or place used for the sale by retail or auction, the hire or the display of items (whether goods or materials) which are of such a size, shape or weight as to require-

- (a) *a large area for handling, storage or display; and*
- (b) *direct vehicular access to the site of the building or place by members of the public, for the purpose of loading items into their vehicles after purchase or hire, and are of such a kind that they are required to be displayed in premises not easily accommodated in traditional commercial centres.*

Part 5: Miscellaneous Provisions

There are no provisions under this part which are relevant to the application.

Part 6: Local Provisions

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

6.1 Acid sulfate soils

The subject site is located on both Class 2 and Class 5 soils. Notwithstanding this, as the proposed development involves internal fitout works within an existing development, no further investigation was required. Accordingly, the proposed development satisfies this control.

6.3 Flood planning

The subject site is located in a flood prone area and is therefore affected in a 1-in-100 flood event. Notwithstanding, the minor alterations will not inflict any additional impacts to future users of the site as well as those situated on surrounding land uses. Due to the likely impacts, a flood impact statement was not required.

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)

PART D – INDUSTRIAL DEVELOPMENT

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

1.2: Objectives of Part D

1.2	Objectives	Satisfactory
A.	<i>To improve the quality of industrial development within the Strathfield Municipality</i>	Yes

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B.	<i>To ensure the orderly development of industrial sites to minimise their environmental impact while maximising their functional potential</i>	Yes
C.	<i>To ensure development is consistent with the principles of Ecologically Sustainable Development</i>	Yes
D.	<i>To encourage high quality building design and industrial streetscape aesthetics</i>	Yes
E.	<i>To ensure that new industrial development is of a type, scale, height, bulk and character that is compatible with the streetscape characteristics of the surrounding area</i>	Yes
F.	<i>To promote high quality landscape areas which complement the overall development of the site and which assist in enhancing streetscape quality</i>	Yes
G.	<i>To ensure that development will not unreasonably impact upon the amenity of any residential area in the vicinity;</i>	Yes
H.	<i>To ensure that traffic generated by industrial development does not adversely impact upon local or regional traffic movements</i>	Yes
I.	<i>To ensure that each development has adequate on-site parking and manoeuvring areas for vehicles</i>	Yes
J.	<i>To encourage employee amenity within industrial developments.</i>	Yes

Comments: The proposed development is for the internal alterations of Shop 3-085 of the existing DFO Homebush Building. The proposal is consistent with the objectives of the IN1 zone as it will preserve the use of the site for employment generating activities thereby continuing to provide employment opportunities.

2.5: Density, Bulk and Scale

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

Comments: The proposed development does not alter the existing height and floor space ratio.

2.7: Building Requirements and Materials

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

Comments: The proposed works are to a high standards and is in keeping with the prevailing character of the centre. The proposed internal alterations are unlikely to detract from the overall amenity of the area and are therefore considered appropriate for the intended use.

PART H - WASTE MANAGEMENT (SCDCP 2005)

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A Waste Management Plan was not accompanied with the development application. To ensure the carrying out of waste during the replacement of signs is done in accordance with the required standards under Part H of the SCDCP 2005, a condition is recommended to ensure the preparation and approval of a plan prior to issue of a Construction Certificate.

4.15(1)(a)(iia) The provisions of any planning agreement or draft planning agreement

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

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

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

The proposed development does not involve the demolition of a building. Should this application be approved, appropriate conditions of consent may be imposed to ensure compliance with the requirements of the above standard.

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

The proposed development is considered to be suitable to the site in that it will support the ongoing use of the premises, thus influencing the overall generation of economic activity within the area.

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

The proposed development is considered to be suitable to the site in that it proposes minor internal alterations which are compatible with the use and surrounding uses within the commercial warehouse building.

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

The application was publicly notified from 20 November 2019 – 4 December 2019 in accordance with the provisions of Part L of SCDCP 2005. No submissions were received as a result.

4.15(1)(e) The public interest

The public interest is served through the detailed assessment of this development application under the relevant local planning controls and legislation and consideration of any submissions received relating to it by Council. The proposed development is not considered to be contrary to the public interest.

LOCAL INFRASTRUCTURE CONTRIBUTIONS

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

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

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STRATHFIELD INDIRECT CONTRIBUTIONS PLAN

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

Local Amenity Improvement Levy **\$3,500.00**

CONCLUSION

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

PEER REVIEW

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

RECOMMENDATION

That Development Application No. 2019/191 for fit out of an existing tenancy for Hugo Boss retail shop (3-085), including signage and minor internal works at 1-5 Underwood Road, Homebush be **APPROVED**, subject to the following conditions:

GENERAL CONDITIONS (GC)

1. APPROVED PLANS AND REFERENCE DOCUMENTATION (GC)

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

Plans affixed with Council's 'Development Consent' stamp relating to Development Consent No. DA2019/191:

Drawing No.	Title/Description	Prepared by	Issue / Revision & Date	Date received by Council
TP-3-085_1	Tenancy Plan Sheet 1 of 2	The Buchanan Group	Issue E	12 November 2019
TP-3-085_2	Tenancy Plan Sheet 2 of 2	The Buchanan Group	Issue E	12 November 2019
TP-D01	Premium Mall Tenancy Detail Sheet	The Buchanan Group	Issue D	12 November 2019
105	Demolition Plan	Bluedot	Issue A	12 November 2019
110	Demolition Plan	Bluedot	Issue D	12 November 2019
18107_BDID_FP-01	Executive Fixture Plan	Bluedot	Issue C	2 December 2019
18107_BDID_WP-01	Executive Wall Finishes Plan	Bluedot	Issue C	12 November 2019
18107_BDID_FF-01	Executive Floor Finishes Plan	Bluedot	Issue C	12 November 2019

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18107_BDID_ RC-01	Executive Reflected Ceiling Plan	Bluedot	Issue C	12 November 2019
18107_BDID_ ME-01	Executive M&E Plan	Bluedot	Issue C	12 November 2019
18107_BDID_ EL-01	Elevation 1	Bluedot	Issue C	2 December 2019
18107_BDID_ EL-02	Elevation 2-1	Bluedot	Issue C	12 November 2019
18107_BDID_ EL-03	Elevation 2-2	Bluedot	Issue C	12 November 2019
18107_BDID_ EL-04	Elevation 3-1	Bluedot	Issue C	12 November 2019
18107_BDID_ EL-05	Elevation 3-2	Bluedot	Issue C	12 November 2019
18107_BDID_ EL-05	Elevation 3-2	Bluedot	Issue C	12 November 2019
18107_BDID_ EL-06	Elevation 4	Bluedot	Issue C	12 November 2019
18107_BDID_ EL-07	Elevation 5	Bluedot	Issue C	12 November 2019
18107_BDID_ EL-08	Elevation 6a	Bluedot	Issue C	12 November 2019
18107_BDID_ EL-09	Elevation 6b	Bluedot	Issue C	12 November 2019
18107_BDID_ EL-10	Elevation 7-16	Bluedot	Issue C	12 November 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.)

2. **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 the 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 the issue of the Construction Certificate.

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

3. **CONSTRUCTION HOURS (GC)**

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

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

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

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

4. CONSTRUCTION WITHIN BOUNDARIES (GC)

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

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

5. DEMOLITION – GENERALLY (GC)

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

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

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

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

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

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

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

(Reason: Statutory requirement.)

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

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

- i) the Principal Certifying Authority (PCA) by showing the name, address and telephone number of the PCA;
- ii) the Principal Contractor by showing the Principal Contractor's name, address and telephone number (outside of work hours) for that person; and

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- iii) the sign must state that unauthorised entry to the work site is prohibited.

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

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

(Reason: Statutory requirement.)

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

8. FIRE SAFETY SCHEDULE (CC)

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

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

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

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

Approved building works 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.)

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

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

Local Amenity Improvement Levy	\$3,500.00
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The total amount of the contribution is valid as at the date of determination and is subject to quarterly indexation. The amount of the contribution under this condition shall be indexed in accordance with clause 4.12 of the Strathfield Indirect Development Contributions Plan 2010-2030.

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

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

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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.)

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

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

The WMP must identify the types of waste that will be generated, all proposals to re-use, recycle or dispose of the waste and designs of the waste storage and collection areas. The WMP is to be submitted to council for comment prior to approval by the Principal Certifying Authority, approval must be provided prior to the issuing of the Construction Certificate.

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

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

(Reason: To ensure appropriate management of waste.)

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

12. **APPOINTMENT OF A PRINCIPAL CERTIFYING AUTHORITY (PCA) (CW)**

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

- i) A construction certificate for the building work has been issued by the consent authority or a Principal Certifying Authority.
- ii) The person having the benefit of the development consent has appointed a principal certifying authority for the building work, and notified the principal certifying authority that the person will carry out the building work as an owner/builder, if that is the case.
- iii) The principal certifying authority has, no later than 2 days before the building work commences:
 - notified the Council of his or her appointment, and
 - notified the person having the benefit of the development consent of any critical stage inspections and other inspections that are to be carried out in respect of the building work.
- iv) The person having the benefit of the development consent, if not carrying out the work as an owner-builder, has:
 - appointed a principal contractor for the building work who must be the holder of a contractor licence if any residential building work is involved;
 - notified the principal certifying authority of such appointment; and
 - unless that person is the principal contractor, notified the principal contractor of any critical stage inspections and other inspections that are to be carried out in

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- 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.)

13. 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.)

14 . FIRE SAFETY ANNUAL STATEMENT (OU)

Pursuant to Part 9, Division 5 of the Environmental Planning and Assessment Regulation (as amended) the owner of the building shall provide to Council an Annual Fire Safety Statement from an appropriately qualified person certifying the essential fire safety measures in the building. The Annual Fire Safety Statement shall be submitted within 12 months of the issue of the fire safety certificate, and then on an annual basis.

A copy of the Fire Safety Statement obtained and Fire Safety Schedule shall also be:

- i) Forwarded to the Commissioner of the New South Wales Fire Brigade; and
- ii) Prominently displayed in the building.

(Reason: Fire safety.)

15. HOURS OF OPERATION

The hours of operation shall remain consistent with the approved hours of operation for the entire DFO premises.

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

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ATTACHMENTS

There are no attachments for this report.

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