

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, 14 February 2020

Commencing at 10:00am10:00amfor the purpose of considering items included on the Agenda

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TO: Strathfield Internal Development Assessment Panel Meeting - 14 February 2020

REPORT: IDAP – Report No. 1

SUBJECT: DA2019/033/02 24 OXFORD ROAD, STRATHFIELD
LOT A IN DP 334827

DA NO. 2019/033/02

SUMMARY

Proposal: Section 4.55(2) modification application to delete the basement level and construct a garage, modify internal layout and amend window schedule.

Applicant: AMA Associates Sydney

Owner: A. Sritharan, I. Sritharan & S. Sritharan

Date of lodgement: 20 November 2019

Notification period: 2 December 2019 to 16 December 2019

Submissions received: Nil

Assessment officer: ND

Zoning: R2 Low Density Residential - SLEP 2012

Heritage: Adjoins a heritage listed item

Flood affected: Yes

Is a Clause 4.6 variation proposed? No

RECOMMENDATION OF OFFICER: **APPROVAL**

EXECUTIVE SUMMARY

On 14 June 2019, the Internal Development Assessment Panel (IDAP) approved Development Application No. 2019/033 for the demolition of an existing dwelling and construction of a two (2) storey dwelling with basement car parking, attached secondary dwelling and new front boundary fence.

This modification application is made under Section 4.55(2) of the *Environmental Planning and Assessment Act 1979*. It seeks to delete the basement level and construct a ground level garage, modify the internal layout and window sizes of the approved dwelling.

The proposed amendments will result in a dwelling house that is compatible with the surrounding streetscape and generally achieves compliance with the relevant planning controls.

The modification application is considered acceptable and recommended for approval subject to the modified conditions of consent.

BACKGROUND

14 June 2019 IDAP approved DA2019/033 for the demolition of existing dwelling and construction of a two (2) storey dwelling with basement car parking, attached secondary dwelling and new front boundary fence.

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Lot A in DP 334827 (Cont'd)

20 November 2019 The current modification application was lodged.

**2 December 2019 to
16 December 2019** The modification application was notified in accordance with the requirements of Part L of the Strathfield Consolidated Development Control Plan (SCDCP) 2005.

DESCRIPTION OF THE SITE AND LOCALITY

The subject site is located on the southern side of Oxford Road and has an area of 569m² (Figure 1). The site is rectangular in shape with a 15.24m frontage to Oxford Road, a depth of 37.34m. The site slopes gently towards the front boundary. and is currently occupied by a single storey exposed facebrick dwelling (Figure 2). The subject site adjoins a local heritage listed item (Item I189 under Schedule 5 of the SLEP 2012) to the rear, No. 81 Redmyre Road.



Figure 1: Locality plan with the subject site outlined in yellow and the heritage listed items outlined in red.

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Figure 2: View of the existing dwelling from Oxford Road.

DESCRIPTION OF THE PROPOSED MODIFICATION(S)

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

- Basement level deleted;
- Addition of a double garage and amended driveway;
- Re-location of the guest bedroom and adjoining ensuite;
- Minor modification to bedroom 2;
- Modification to western side setback of the stair case; and
- Location of laundry modified from western to eastern side of the dwelling.

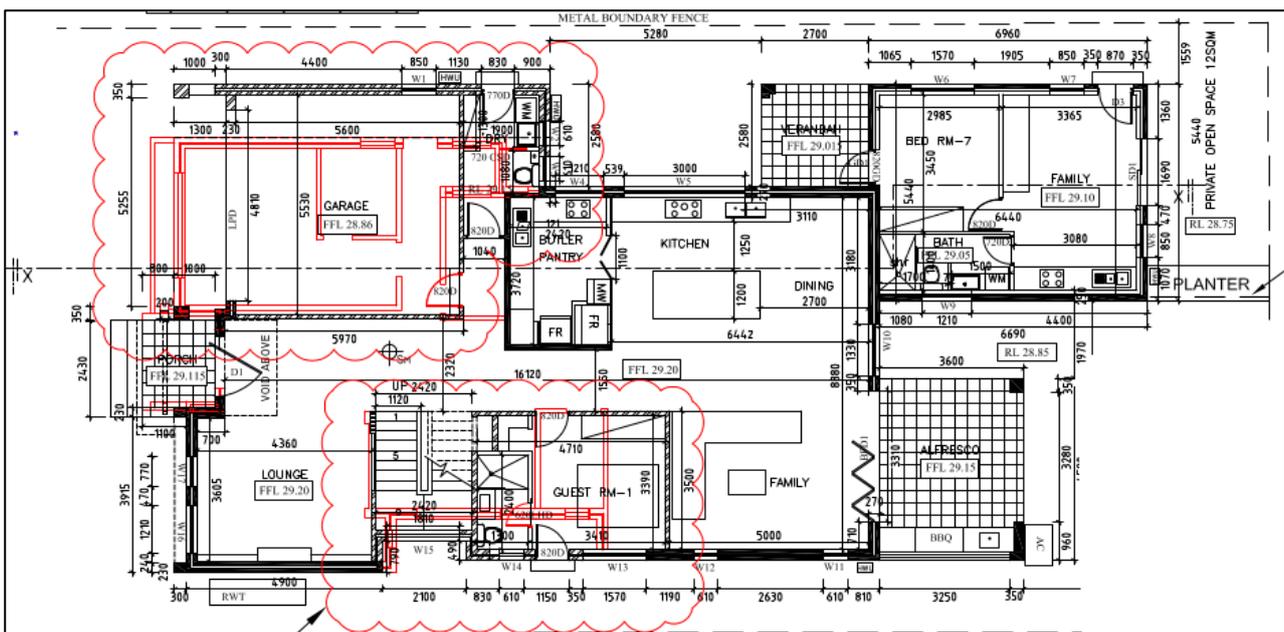


Figure 3: Proposed modified ground floor plan

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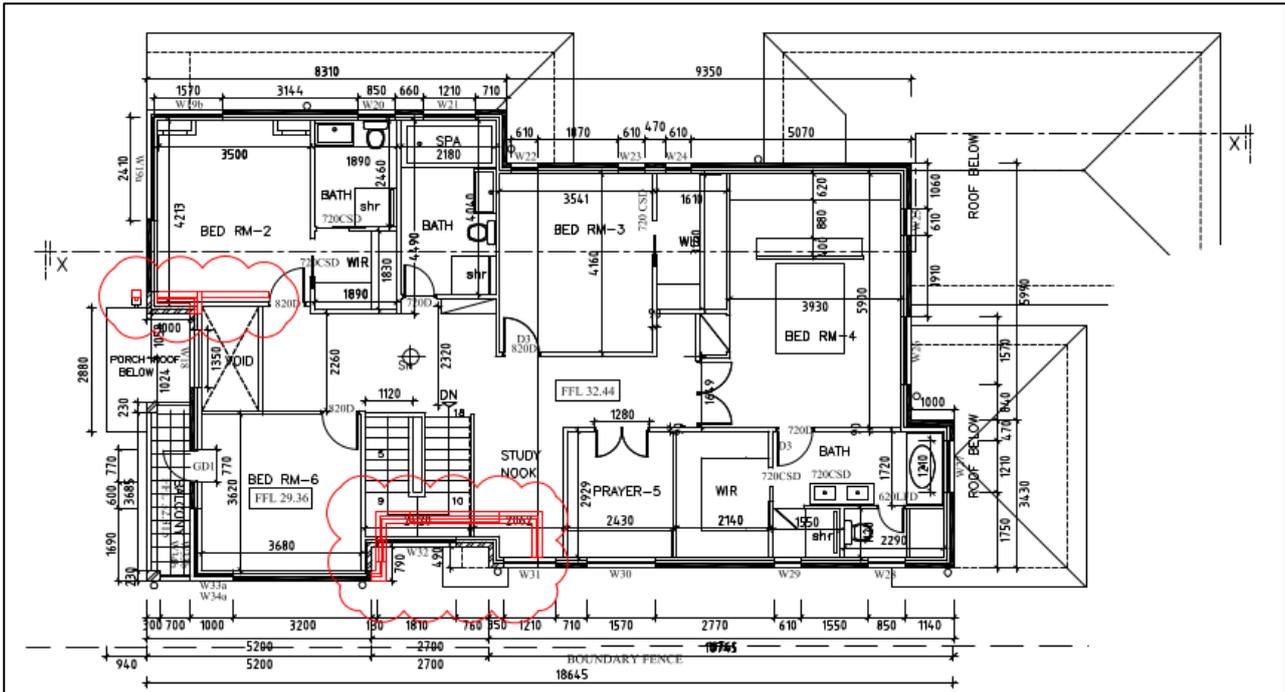
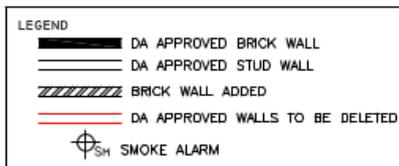


Figure 4: Proposed modified first floor plan



REFERRALS

INTERNAL REFERRALS

Engineering Comments

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

SECTION 4.55 OF THE EP&A ACT 1979

Section 4.55 of the *Environmental Planning and Assessment* states as follows:

"4.55 Modifications of consents – generally

(2) Other modifications

A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:

- (a) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all), and
- (b) it has consulted with the relevant Minister, public authority or approval body (within the meaning of Division 5) in respect of a condition imposed as a requirement of a concurrence to the consent or in accordance with the general terms of an approval proposed to be granted by the approval

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- body and that Minister, authority or body has not, within 21 days after being consulted, objected to the modification of that consent, and*
- (c) *it has notified the application in accordance with:*
- (i) *the regulations, if the regulations so require, or*
 - (ii) *a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and*
- (d) *it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.*

Subsections (1) and (1A) do not apply to such a modification.”

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

To answer this threshold question, a comparative analysis of the approved development as modified has been undertaken. In this regard, the proposed residential use does not change; the external building appearance in terms of bulk and scale as viewed from Oxford Road is not altered in a significant manner; and amenity impacts to neighbouring development in terms of privacy, views, solar access and overshadowing are essentially the same as that of the approved development. Accordingly, the development as modified is considered to satisfy the ‘substantially the same’ test in that it will result in essentially and materially the same development as that originally approved.

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

As regards subclause ‘c’ and ‘d’ the application was notified in accordance with Part L of SCDPCP 2005 from 2 December 2019 to 16 December 2019. No submissions were received as a result.

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

In regards to Clause ‘3’ an assessment of the modification application against the matters referred to in Section 4.15(1) of the *Environmental Planning and Assessment Act 1979* is included in this report. The original development application was granted approval on 14 June 2019 by IDAP. In accordance with Clause 4.55(3), the recommendation report presented at the IDAP meeting has been taken into consideration.

Section 4.15(1)(c) suitability of the site for the development of report comments,

“The proposed development will result in a principal and secondary dwelling that are compatible with the existing streetscape and is considered suitable for the subject site. The design of the driveway has been appropriately designed in accordance with the minor flood affectation of the subject site.
”

The development as proposed to be modified is consistent with the above statement in that it incorporates architectural features found in the surrounding streetscape and complies with Council’s flood planning policies. Accordingly, Council is satisfied that the reasons given for the grant of the original consent are consistent with the subject application.

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SECTION 4.15 CONSIDERATIONS – EP&A Act, 1979

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

4.15(1)(a) the provisions of:

(i) any environmental planning instrument

STATE ENVIRONMENTAL PLANNING POLICY (SEPP) – BASIX 2004

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

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

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

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

The consented scheme was assessed against the provisions of this SEPP and was considered acceptable. The proposed modifications are not located within close proximity to any trees to be retained. Accordingly, the development is still considered acceptable in terms of complying with the aims and objectives of this SEPP.

STRATHFIELD LOCAL ENVIRONMENTAL PLAN (SLEP) 2012

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

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

Comments: The approved development as modified by this current Section 4.55 modification application is consistent with the general aims of SLEP 2012, providing a high quality development that is compatible with the surrounding streetscape.

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Permissibility

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

Zone Objectives

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

Part 4: Principal development standards

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

Floor space ratio

Cl.	Standard	Controls	Approved	Proposed	Complies
4.4	Floor space ratio	0.625:1 (355.62m ²)	0.574:1 (327.16m ²)	0.549:1 (312.50m ²)	Yes
Objectives					Complies
(a)	To ensure that dwellings are in keeping with the built form character of the local area				Yes
(b)	To provide consistency in the bulk and scale of new dwellings in residential areas				Yes
(c)	To minimise the impact of new development on the amenity of adjoining properties				Yes
(d)	To minimise the impact of development on heritage conservation areas and heritage items				Yes
(e)	In relation to Strathfield Town Centre: i. to encourage consolidation and a sustainable integrated land use and transport development around key public transport infrastructure, and ii. to provide space for the strategic implementation of economic, social and cultural goals that create an active, lively and people-oriented development				N/A
(f)	In relation to Parramatta Road Corridor – to encourage a sustainable consolidation pattern that optimises floor space capacity in the Corridor				N/A

Comments: The proposal results in an overall decrease of 14.66m² of floor space compared to the originally approved development. The reduction in floor space is a result of deleting the basement level and modifying the ground floor layout to accommodate a double garage.

Part 5: Miscellaneous Provisions

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

Part 6: Local Provisions

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

6.2 Earthworks

The modification application seeks to delete the basement level and provide an at-grade double garage, thereby reducing the amount of earthworks originally proposed under the parent consent. Appropriate conditions of consent were included under the original consent regarding the management of soils during the excavation and construction phases of the development.

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6.3 Flood planning

The subject site is identified as being affected by overland flows in the 1 in 100 year storm event with the affectation confined to the front setback only (illustrated in Figure 5). A flood control hump and grates are located at the front property boundary to mitigate flood waters. Council’s Stormwater Engineer raised no objections to the proposal subject to the deletion of conditions to reflect the deletion of the basement level.



Figure 5: Flood map, subject site is outlined in yellow.

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

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

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

STRATHFIELD CONSOLIDATED DEVELOPMENT CONTROL PLAN (SCDCP) 2005

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

PART A – DWELLING HOUSES AND ANCILLARY STRUCTURES

An assessment of the proposal against Part A of SCDCP 2005 is included below:

2: Architectural Design & Streetscape Presentation

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

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

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

Comments: The modified design and appearance of the dwelling accords with the character of the streetscape. The proposed double garage is setback from the porch and the bedroom immediately above on the first floor so as not to dominate the front building façade. The proposal does not seek to alter the approved schedule of colours and external finishes. The proposed deletion of the basement is considered an improved outcome that is more consistent with the streetscape given that the immediate surrounding dwelling features at-grade parking.

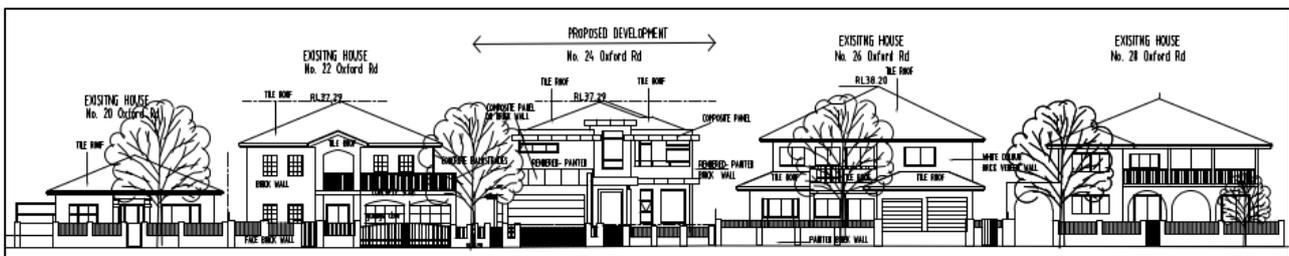


Figure 7: Proposed modified streetscape elevation.

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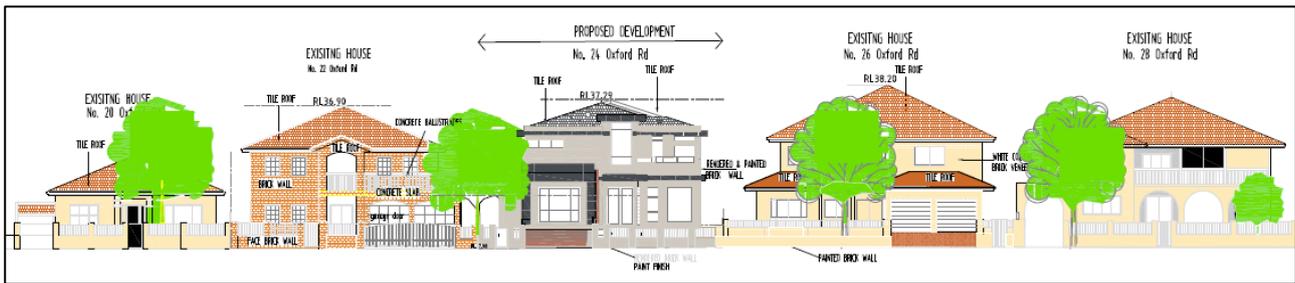


Figure 6: Originally approved streetscape elevation.

4: Building Envelope

4.1 Objectives		Satisfactory
A.	To ensure that dwellings are compatible with the built form of the local area and that overall bulk and scale, size and height of dwellings relative to natural ground level responds to the adjoining dwellings, topography and desired future character.	Yes
B.	To minimise impact on the amenity of adjoining properties.	Yes
C.	To establish and maintain the desired setbacks from the street and define the street edge.	Yes
D.	To create a perception or reinforce a sense of openness in the locality.	Yes
E.	To maintain view corridors between dwellings	Yes
F.	To assist in achieving passive surveillance whilst protecting visual privacy.	Yes
G.	To provide a transitional area between public and private space.	Yes
4.2 Development Controls		Complies
<i>Floor Space Ratio</i>		
.1.	1 Floor Space Ratio permissible pursuant to SLEP 2012	Yes
	2 Development compatible with the lot size	Yes
<i>Street Setbacks</i>		
.3.1.	1 Setbacks consistent with minimum requirements of Table A.1	Yes
<i>Side and Rear Setbacks</i>		
.3.2.	1 A combined side setback of 20% of the width of the block (incorporating a 1.2m min side setback on each side).	No
	4 Garages and carports setbacks consistent with Table A.2	Yes

Comments: The proposed modifications will result in a reduced FSR from the approved 0.574:1 (327.16m²) to 0.549:1 (312.50m²) as result of the ground floor reconfiguration to accommodate a double garage. Section 4.2.3.2 requires new dwellings to have a combined side setback equivalent to 20% of the width of the site. The front portion of the dwelling comprising of the double garage, entrance and lounge room does not achieve compliance with this control, providing a combined

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side setback of 19.88% (3.03m) contrary to the 20% (3.048m) requirement. This minor numerical non-compliance (18mm) is considered acceptable given that it results in a building envelope that creates a sense of openness between dwellings.

The application also seeks minor changes to the western side setbacks of the dwelling corresponding with the stair well and guest room on the ground floor and the stair well and study nook on the first floor. The increased side setbacks achieve compliance with the side setback controls and provide sufficient building articulation to the western side elevation.

5: Landscaping

5.1 Objectives		Satisfactory	
A.	To encourage landscaping that is appropriate to the style and scale of the dwelling and adjoining development, and to the streetscape.	Yes	
B.	To enhance the existing streetscape and promote a scale and density of planting that softens the visual impact of buildings, structures, vehicle circulation and ancillary areas.	Yes	
C.	To preserve existing landscape elements on site (such as existing trees) and encourage their integration into the design of proposals.	Yes	
D.	To ensure adequate deep soil planting is retained on each allotment.	Yes	
E.	To ensure developments make an equitable contribution to the landscape setting of the locality.	Yes	
F.	To ensure both existing and new landscaping provides suitable shade and facilitates convective cooling breeze paths in summer.	Yes	
G.	To encourage the use of native flora such as open woodland canopy trees, to provide a habitat for native fauna.	Yes	
H.	To ensure that landscaped areas are designed to minimise water use.	Yes	
I.	To provide functional private open spaces for active or passive use by residents.	N/A	
J.	To provide private open areas with provision for clothes drying facilities screened from the street and lane or a public place.	Yes	
K.	To ensure the protection of trees during construction	N/A	
L.	To ensure suitable fencing is provided to reduce acoustic impacts and enhance visual privacy between neighbouring residents whilst enabling front fences passive surveillance of the street.	N/A	
M.	To maximise the amenity of existing and proposed developments, including solar access, privacy and open space.	Yes	
5.2 Development Controls		Complies	
.1.	Landscaped area		
	1	Landscaped area in accordance with Table A.3 Required: 38.5% (219.065m ²) Approved: 37.9% (215.65m ²)	No
	3	At least 50% of the front yard maintained as deep soil soft landscaping	Yes

Comments: The modified proposal provides 36.75% (209.141m²) deep soil landscaping, contrary to the 38.5% (219.065m²) requirement and less than the 37.9% (215.65m²) under the parent

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consent. The reduction in landscaped area is a result of the modified driveway design proposing a 5m wide driveway within the front setback. Condition No. 21 has been modified requiring the driveway at the front property boundary to be no more than 3m and tapered back to the double garage door. The driveway areas removed are to be replaced with deep soil landscaped areas (such as grassed turf or garden beds). The recommended condition will provide approximately an additional 9.5m² deep soil landscaping.

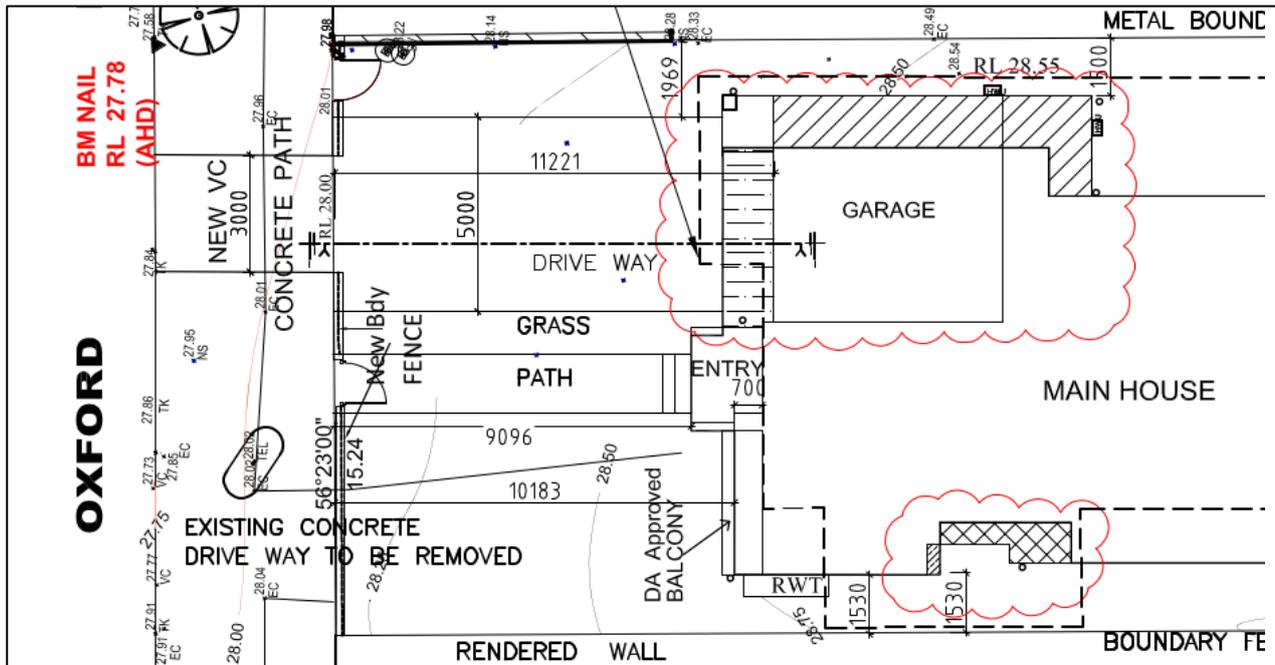


Figure 7: Proposed driveway and garage.

6: Solar Access

6.1	Objectives	Satisfactory
A.	To ensure the design of new dwelling houses and alterations and additions maximises solar access to living areas and open space areas.	Yes
B.	To minimise overshadowing of adjoining properties.	Yes
6.2	Development Controls	Complies
.1.	Sunlight Access	
1	New dwellings - 3 hours solar access between 9.00am and 3.00pm on June 21 to the windows of habitable rooms and 50% of private open space	Yes

Comments: The site has a north-west to south-west orientation and the modified dwelling design achieves compliance with the solar access DCDGP 2005 controls.

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

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C.	<i>To ensure that public views and vistas are protected, maintained and where possible, enhanced</i>		Yes
D.	<i>To ensure that canopy trees take priority over views</i>		Yes
E.	<i>To ensure that the siting and design of buildings minimises noise impacts from abutting roads, rail corridors and other noise-generating land uses</i>		Yes
7.2	Development Controls		Complies
	<i>Visual Privacy</i>		
.1.	1	Protect POS, bedrooms, balconies and living rooms of proposed and any existing adjoining dwellings from direct overlooking	Yes
	2	Provide adequate separation of buildings	Yes
	<i>Windows</i>		
.2.	1	Windows do not directly face the windows, balconies and courtyards of adjoining dwelling	Yes

Comments: All of the proposed amendments to the window schedule do not result in windows which directly face the windows, balconies or courtyard of the adjoining dwellings.

8: Vehicle Access and Parking

8.1	Objectives		Satisfactory
A.	<i>To provide adequate and convenient on-site car parking.</i>		Yes
B.	<i>To ensure that the location and design of driveways, parking spaces and other areas used from the movement of motor vehicles are efficient, safe and convenient.</i>		Yes
C.	<i>To ensure garages, carports, basements and hard standing areas for cars do not visually dominate the street façade of the dwelling.</i>		Yes
D.	<i>To ensure that construction materials used for driveways respect the architectural qualities of the dwelling.</i>		Yes
E.	<i>To minimise the area of access driveways to minimise impermeable surfaces and maximise landscaped areas.</i>		Yes
F.	<i>To ensure basements have discreet entries, safe access and a high degree of natural cross-ventilation.</i>		N/A
G.	<i>To minimise excavation to reduce disturbance to natural ground level particularly adjacent to site boundaries.</i>		Yes
H.	<i>To ensure that any proposed basement minimises disturbance to natural drainage systems and that flooding, drainage or ventilation impacts would not be created for the site, or for adjoining or nearby properties.</i>		N/A
8.2	Development Controls		Complies
	<i>Driveway and Grades</i>		
.1.	2	The width of driveways at the property boundary is to be 3m	No
	10	Driveway set back 0.5 metres (min) from side boundaries	Yes
	<i>Garages, Carports and Car Spaces</i>		
.2.	1	Two (2) car parking spaces required behind the FBL of all new dwellings (exceptions apply)	Yes
	2	Garages recessed behind the main front facade and/or non-dominant	Yes

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3	Garages not more than 150mm above NGL at entry unless the slope of the site exceeds 1:8 (12.5%)	Yes
4	Dimensions of parking spaces and garages comply with the Australian Standards	Yes

Comments: The modified dwelling design provides two (2) car parking spaces within a double garage that is recessed from the main front façade in accordance with the development controls. As the modification application seeks to delete the basement level and provide an at-grade garage, conditions of consent are recommended to be modified to reflect the design, specifically the deletion of conditions pertaining to the previous basement design. Previously discussed in Section 5, the modified driveway design increases the width of the driveway from the garage to the front property boundary to 5m, contrary to the 3m control. The non-compliance is not supported, reducing the provision of deep soil landscaping in the front setback. Subsequently a condition of consent is to be imposed requiring the width of the driveway to be reduced and any areas previously occupied by the driveway be replaced with deep soil landscaped areas.

10: Water and Soil Management

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

Comments: An amended Stormwater Drainage Concept Plan accompanied the modification application. Council's Stormwater Engineer raised no concerns to the amended development, subject to the recommended amended conditions of consent.

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

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

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

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

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

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

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

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

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

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

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

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

LOCAL INFRASTRUCTURE CONTRIBUTIONS

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

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

STRATHFIELD INDIRECT CONTRIBUTIONS PLAN

This Section 4.55 application does not trigger any changes to the original condition of consent requiring payment of a Section 7.11 contribution in accordance with Council's Contributions Plan.

CONCLUSION

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Lot A in DP 334827 (Cont'd)

The application has been assessed having regard to Section 4.55 of the *Environmental Planning and Assessment Act 1979*, the Strathfield Local Environmental Plan 2012 and the Strathfield Development Control Plan 2005 and is considered to be satisfactory for approval.

PEER REVIEW

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

RECOMMENDATION

Pursuant to Section 4.55(2) of the *Environmental Planning and Assessment Act 1979*, the proposed modifications to Development Consent No. DA2019/033 to delete the basement level and construct a garage, modify internal layout and amend window schedule at 24 Oxford Road, Strathfield be **APPROVED**, subject to:

1. The original conditions of consent of Development Application No. (DA2019/033) as approved by IDAP on 14 June 2019 for the demolition of existing dwelling and construction of (2) storey dwelling with basement car parking, attached secondary dwelling and new front boundary fence.
2. As modified by the Section 4.55(2) application (DA2019/033/02) as follows:
 - Modified Condition No. 1 to reflect the amended plans;
 - Deletion Condition No. 18 to reflect the deletion of the basement level;
 - Modified Condition No. 21 to reduce width of driveway and increase deep soil landscaping within the front setback; and
 - Modified Condition No. 43 to reflect the deletion of the basement level.

Accordingly, Development Consent No. DA2019/033 is approved as following:

Development Description:

Demolition of existing dwelling and construction of a two (2) storey dwelling, attached secondary dwelling and front boundary fence.

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.2019/033:

Drawing No.	Title/Description	Prepared by	Issue / Revision & Date	Date received by Council
A-02 A-01	Site Plan	AMA Associates Sydney	Rev 03 23 October 2019	7 June 2019 20 November 2019 Modified 14 February 2020 (DA2019/033/02)

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A-03	Basement Plan	AMA Associates Sydney	Rev 03	21 May 2019
A-04 A-02	Ground Floor Plan	AMA Associates Sydney	Rev-01 23 October 2019	21 May 2019 20 November 2019 Modified 14 February 2020 (DA2019/033/02)
A-05 A-03	First Floor Plan	AMA Associates Sydney	Rev-01 23 October 2019	21 May 2019 20 November 2019 Modified 14 February 2020 (DA2019/033/02)
A-06 A-04	Sectional Elevation X- X	AMA Associates Sydney	Rev-01 12 July 2019	21 May 2019 20 November 2019 Modified 14 February 2020 (DA2019/033/02)
A-07 A-05	Elevations Front & South West	AMA Associates Sydney	Rev-01 12 July 2019	21 May 2019 20 November 2019 Modified 14 February 2020 (DA2019/033/02)
A-08 A-06	Elevations Rear & North East	AMA Associates Sydney	Rev-01 12 July 2019	21 May 2019 20 November 2019 Modified 14 February 2020 (DA2019/033/02)
A-09	Colour Schedule of External Finishes	AMA Associates Sydney	Amended 2	7 June 2019
A-09 A-07	Streetscape Elevation	AMA Associates Sydney	Rev-02 23 October 2019	21 May 2019 20 November 2019 Modified 14 February 2020 (DA2019/033/02)
A-10	Demolition Plan	AMA Associates Sydney	-	6 March 2019
A-14	Parking & Garaging Details	AMA Associates Sydney	-	6 March 2019 Deleted 14 February 2020 (DA2019/033/02)
A-16 A-11	Roof Plan	AMA Associates Sydney	12 July 2019	21 May 2019 20 November 2019 Modified 14 February 2020 (DA2019/033/02)
1984.G D.01	Landscape Plan	Greenland Design	Issue B Issue C	7 June 2019 20 November

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				2019 Modified 14 February 2020 (DA2019/033/02)
Sheet 1	Stormwater Management & Sediment Control Plan	Hydro Civil Engineers	Issue B F	6 March 2019 20 November 2019 Modified 14 February 2020 (DA2019/033/02)
Sheet 2	Stormwater Management & Sediment Control Plan	Hydro Civil Engineers	Issue B F	6 March 2019 20 November 2019 Modified 14 February 2020 (DA2019/033/02)
Sheet 3	Stormwater Management & Sediment Control Plan	Hydro Civil Engineers	Issue B F	6 March 2019 20 November 2019 Modified 14 February 2020 (DA2019/033/02)
Sheet 4	Stormwater Management & Sediment Control Plan	Hydro Civil Engineers	Issue B	6 March 2019 Deleted 14 February 2020 (DA2019/033/02)

Reference Documentation affixed with Council's 'Development Consent' stamp relating to Development Consent No.2019/033:

Title / Description	Prepared by	Issue/Revision & Date	Date received by Council
BASIX Certificate	No. 976844M_02 No. 976844M_05	Issued on 5 June 2019 Issued on 16 November 2019	7 June 2019 20 November 2019 Modified 14 February 2020 (DA2019/033/02)
Arboricultural Impact Assessment	Complete Arborcare	Dated 30 April 2019	8 May 2019
Waste Management Plan	AMA Associates Sydney	Dated December 2018	6 March 2019

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

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

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

The height of the building measured from Australian Height Datum (AHD) must not exceed

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Relative Level (RL) RL37.29AHD to the 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.)

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)

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

Tree No. in Arborist Report	Tree	Location
T2	Black Tea Tree (<i>Melaleuca bracteata</i>)	Rear yard

All trees permitted to be removed by this consent shall be replaced (1 trees for each tree removed) by species selected from Council's Recommended Tree List and must have a minimum mature height of 10 metres.

Replacement trees shall be a minimum 200 litre container size. Trees are to conform to the NATSPEC guide and Guide for assessing the quality of and purchasing of landscape trees by Ross Clarke, 2003. Trees are to be true to type, healthy and vigorous at time of delivery and planting, shall be pest and disease free, free from injury and wounds and self-supporting; and shall be maintained until maturity.

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

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

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

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

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

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

8. ENVIRONMENTAL PROTECTION – TREE (GC)

The following trees are to be retained:

Tree No. in Arborist Report	Tree	Location
T1	Alexander Palm (<i>Archontophoenix Alexandrae</i>)	Rear yard

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

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

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excavation) and maintained for the duration of the works.

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

- i. A Tree Protection (Management) Plan prepared by a AQF Level 5 Arborist is to be available on site at all times prior to the issue of the Constriction Certificate, for all demolition and site works. This Tree Protection (Management) Plan must be shown on the demand of Authorised Council staff.
- ii. Protective perimeter fencing must be consistent with AS 4687, using metal fence posts greater than 20mm diameter and solid or chain wire mesh 2 metres in height supported on concrete pads/feet at 2-2.5 metre spacing. Fencing placement should not be closer than 2.5 metres from the trunk of each protected tree, or at a distance as specified by the approved Tree Protection (Management) Plan and approved by Council's Tree Management Officer. Shade cloth is to be used to prevent entry of dust and contaminated liquids into the root protection area.
- iii. Signs must be placed on the Fencing. These signs must comply with AS1319. The signs must state the purpose of the fencing and the name and contact details of the builder and the appointed AQF Level 5 consultant arborist.
- iv. Root protection is to be provided in the form of mulching to a depth of 50-100mm, inside of the fenced tree protection zone.
- v. Ground (Root) Trunk and Branch Protection must comply with the diagram of Figure 4 of AS4970 – 2009. Ground protection within the tree protection zone and drip line should be in the form of heavy steel plates or timber rumble boards over mulch or aggregate. Trunk and branch protection should be to a minimum height of 2 metres and must include measures to protect the tree/s against damage from the movement of trucks, plant equipment and materials at greater heights above ground level.
- vi. Temporary signs, cables, wires must not be attached to, or suspended, on any street tree or protected tree.
- vii. Above ground utilities must not be placed within the canopy of an existing protected tree, or create the future need for clearance pruning.
- viii. Below ground utilities/services must not be located inside the fenced tree protection zone.
- ix. Scaffolding must not be located in the fenced tree protection zone unless authorised by the approved Tree Protection (Management) Plan and Council's Tree Management Officer
- x. Council must be notified in writing within 24 hours, for all temporary removal of the tree protection fencing ground (root) trunk and branch protection within the root protection area.
- xi. Pruning of a street tree is prohibited without the written consent of Council.

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

9. **LANDSCAPING – TREE PLANTING (GC)**

At least three (3) canopy trees shall be planted in total at the subject site (excluding the Alexander Palm to be retained). At least one (1) of the canopy trees shall be planted within the front setback adjacent the front boundary. New canopy trees shall be planted from 200 litre containers at the time of planting and capable of reaching a potential mature height of 10 m.

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

Species shall be selected from Council's Recommended Tree List (Available from Council's

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website or from the Customer Service Centre). Compliance with this condition is to be demonstrated to the Principal Certifying Authority, prior to the issue of any Occupation Certificate.

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

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

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

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

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

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

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

10. 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.)

11. 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.)

12. PRIVACY - SCREEN PLANTING TO SIDE AND REAR BOUNDARIES (GC)

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Evergreen shrubs with a minimum 5 litre container size achieving a minimum mature height of 3m shall be planted along the side and rear boundaries to provide suitable privacy screening. Screen planting shall be maintained at all times. Details of the selected plants shall be submitted to and approved by the Principal Certifying Authority. Compliance with this condition shall be certified by the Principal Certifying Authority, prior to occupation of the premises.

(Reason: To maintain privacy amenity to neighbouring residences.)

13. SITE MANAGEMENT (DURING DEMOLITION AND CONSTRUCTION WORKS)

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

- i) All demolition is to be carried out in accordance with Australian Standard AS 2601-2001.
- ii) Demolition must be carried out by a registered demolition contractor.
- iii) A single entrance is permitted to service the site for demolition and construction. Protection pads are to be installed to the kerb, gutter and nature strip where trucks and vehicles enter the site.
- iv) No blasting is to be carried out at any time during construction of the building.
- v) Care must be taken during demolition/ excavation/ building/ construction to prevent any damage to adjoining buildings.
- vi) Adjoining owner property rights and the need for owner's permission must be observed at all times, including the entering onto land for the purpose of undertaking works.
- vii) Any demolition and excess construction materials are to be recycled wherever practicable.
- viii) The disposal of construction and demolition waste must be in accordance with the requirements of the Protection of the Environment Operations Act 1997.
- ix) All waste on the site is to be stored, handled and disposed of in such a manner as to not create air pollution (including odour), offensive noise or pollution of land and/or water as defined by the Protection of the Environment Operations Act 1997. All excavated material should be removed from the site in an approved manner and be disposed of lawfully to a tip or other authorised disposal area.
- x) All waste must be contained entirely within the site.
- xi) A site plan including temporary waste storage locations, construction material storage areas and vehicular access to and from the site must be included with application.
- xii) Section 143 of the Protection of the Environment Operations Act 1997 requires waste to be transported to a place which can lawfully accept it. All non-recyclable demolition materials are to be disposed of at an approved waste disposal depot in accordance with legislation.
- xiii) Details as to the method and location of disposal of demolition materials (weight dockets, receipts, etc.) should be kept on site as evidence of approved methods of disposal or recycling and must be presented to Council and/or Principal Certifying Authority upon request.
- xiv) All materials on site or being delivered to the site are to generally be contained within the site. The requirements of the Protection of the Environment Operations Act 1997 must be complied with when placing/stockpiling loose material, disposing of concrete waste, or other activities likely to pollute drains or water courses.
- xv) Any materials stored on site must be stored out of view or in such a manner so as not to cause unsightliness when viewed from nearby lands or roadways.
- xvi) Public footways, include nature strips and roadways adjacent to the site must be maintained and cleared of obstructions during construction. No building materials,

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- 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.)

14. STORMWATER MANAGEMENT PLAN - CERTIFICATION REQUIREMENT (GC)

A detailed Stormwater Management Plan (SWMP) in line with Council's Stormwater Management Code is to be prepared and certified by a practicing Chartered Professional Engineer on the National Professional Engineer's Register (NPER) at Engineers Australia and submitted to the Principal Certifying Authority and Council, prior to the issue of a Construction Certificate. The SWMP is to be based on the approved development as modified by any conditions of consent.

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

15. 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)

16. 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.

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

(Reason: Statutory compliance.)

17. **BUILDING CODE OF AUSTRALIA - COMPLIANCE WITH (CC)**

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

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

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

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

18. **~~CAR PARKING - BASEMENT CAR PARKING REQUIREMENTS (CC)~~**

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

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

~~(Reason: To ensure suitable development.)~~

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19. **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.

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- 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.)

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

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

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

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

The internal driveway shall have a maximum width of 3m at the front property boundary and shall taper back to the double garage door. The driveway areas removed shall be replaced with deep soil landscaped areas (such as grassed turf or garden beds).

Amended Architectural Plans and landscape Plans details demonstrating compliance are to be submitted to the Principal Certifying Authority, prior to the issue of a Construction Certificate.

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

(Reason: Compliance with SCDCP 2005.)

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22. 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.)

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

Works Permit

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(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.)

24. 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,

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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.)

25. EROSION AND SEDIMENTATION CONTROL PLAN (CC)

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

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

(Reason: Environmental protection.)

26. 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.

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Lot A in DP 334827 (Cont'd)

(Reason: Privacy amenity.)

27. 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:

- i) Windows W25 and W26 on the north-eastern elevation and W32 on the south-western elevation on the first floor depicted on Sheet No. A-05, First Floor Plan prepared by AMA Associates Sydney shall have a sill height of at least 1.7m above the finished floor level or have fixed, obscure glazing in any part of the windows less than 1.7m above the first floor finished floor level.

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

(Reason: Privacy amenity.)

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

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

Provision of Community Facilities	\$1,846.55
Provision of Major Open Space	\$ 8,401.25
Provision of Local Open Space	\$ 2,879.29
Provision Roads and traffic Management	\$781.37
Administration	\$159.22
TOTAL	\$14,067.68

The total amount of the contribution is valid as at the date of determination and is subject to quarterly indexation. Contributions shall be indexed at the time of payment in accordance with clause 2.14 of the Strathfield Direct Development Contributions Plan 2010-2030.

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

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

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

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

29. 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

DA2019/033/02 24 Oxford Road, Strathfield
Lot A in DP 334827 (Cont'd)

Authority, prior to the issue of a Construction Certificate.

(Reason: Compliance and amenity.)

30. **STORMWATER DRAINAGE (CC)**

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

- i) Grated drains shall be provided along the driveway/basement entry at the vehicular crossing(s) and are to connect to the internal drainage system.
- ii) Overflow paths shall be provided to allow for flows in excess of the capacity of the pipe/drainage system draining the site.
- iii) Allowance shall be made for surface runoff from adjacent properties, and to retain existing surface flow path systems through the site. Any redirection or treatment of these flows shall not adversely affect any other properties
- iv) Boundary fencing shall be erected in such a manner as not to interfere with the natural flow of ground and surface water to the detriment of any other party.

(Reason: To ensure the site is drained appropriately and does not interfere with the natural flow of flood waters.)

31. **TREE BONDS (CC)**

A tree bond of **\$6,600.00** (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 existing trees to be retained on Council's road reserve, during works on the site. The applicant must bear the cost of all restoration works to Council's property damaged during the course of this development.

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

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

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

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

32. **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.

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

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.)

33. WATER SUSTAINABILITY – GENERALLY (CC)

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

- i) Toilet flushing;
- ii) Clothes washing;
- iii) Garden irrigation;
- iv) Car washing and similar outdoor uses;
- v) Filling swimming pools, spa pools and ornamental ponds; and
- vi) Fire fighting.

(Reason: To promote sustainable water management practice.)

34. 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)

35. 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

**DA2019/033/02 24 Oxford Road, Strathfield
Lot A in DP 334827 (Cont'd)**

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 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.)

36. 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

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- 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.)

37. NOTICE OF COMMENCEMENT (CW)

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

- 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;
- Details of the appointment of a Principal Certifying Authority (either Council or another Principal Certifying Authority); and
- Details of the name, address and licence details of the Builder.

(Reason: Statutory requirement.)

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

38. FILL MATERIAL (DW)

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

- Virgin excavated material (within the meaning of the Protection of the Environment Operations Act 1997), and
- 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.)

39. 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.)

40. PUBLIC INFRASTRUCTURE AND SERVICES (DW)

The applicant must comply with the requirements (including financial costs) of any relevant

**DA2019/033/02 24 Oxford Road, Strathfield
Lot A in DP 334827 (Cont'd)**

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.)

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

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

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

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

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

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

42. 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.)

43. ENGINEERING WORKS (CERTIFICATION OF)

Prior to occupation of the premises, a Work As Executed (WAE) Plan of all engineering and/or drainage works is to be submitted to the Principal Certifying Authority. The WAE Plan is to be certified by a suitably Qualified Engineer, with Corporate Membership standing in the Institution of Engineers Australia and registered on the National Professional Engineers Register (NPER) under the appropriate professional category, demonstrating that:

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

have been constructed in accordance with the approved plans and any relevant Standards and Council policies/specifications.

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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.)

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44. 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.)

45. 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.)

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

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

(Reason: Adequate stormwater management.)

ATTACHMENTS

There are no attachments for this report.

TO: Strathfield Internal Development Assessment Panel Meeting - 14 February 2020
REPORT: IDAP – Report No. 2
SUBJECT: DA2019/163 - 23 MELVILLE AVENUE, STRATHFIELD - LOT 103 DP 15955
DA NO. DA2019/163

SUMMARY

Proposal: Demolition of existing dwelling and construction of two (2) storey dwelling.
Applicant: Ganon Srour P/L
Owner: Dennis Joseph Hoggart
Date of lodgement: 10 October 2019
Notification period: 18 October to 1 November 2019
Submissions received: None
Assessment officer: MR
Estimated cost of works: \$1,268,470
Zoning: R2 – Low Density Residential zone – SLEP 2012
Heritage: No
Flood affected: Yes
Is a Clause 4.6 variation proposed? No
RECOMMENDATION OF OFFICER: **APPROVAL**

EXECUTIVE SUMMARY

The proposal involves the demolition of an existing dwelling and the construction of a two (2) storey dwelling. It is noted that amendments to the design resulted in the deletion of a new outbuilding that was initially proposed.

The application was publicly notified on 18 October 2019 for a minimum of 14 days, in accordance with Part L of the Strathfield Consolidated Development Control Plan 2005 (SCDCP 2005). No submissions were received as a result.

The proposal is considered acceptable and supportable, complying with most of the relevant development standards and requirements under the Strathfield Local Environmental Plan 2012 (SLEP 2012) and SCDCP 2005. The final design of the proposal appropriately responds to the suburban, tree-lined character of the streetscape and surrounding locality, the unique environmental constraints unique to the site as well as minimising potential impacts on neighbouring residential properties.

Accordingly, the application is recommended for approval.

BACKGROUND

10 October 2019 The subject application was lodged.

DA2019/163 - 23 Melville Avenue, Strathfield - Lot 103 DP 15955 (Cont'd)

- 18 October 2019 The application was placed on exhibition for at least 14 days, with the last date for submissions being 1 November 2019. No submissions were received during the notification period.
- 28 October 2019 A deferral letter was issued to the applicant, raising a number of issues and concerns including landscaped area, front landscaped area, side setback, canopy tree in rear yard, outbuilding, private open space, driveway and blank walls.
- 8 November 2019 and 4 December 2019 The applicant lodged additional information to Council to address the issues and concerns raised in the deferral letter.
- 9 January 2020 The applicant was advised of design-related issues that required resolution and clarification to ensure that the proposed dwelling is consistent with the streetscape.
- 20, 22 and 29 January 2020 and 6 February 2020 The applicant lodged amended plans to address the above issues.

DESCRIPTION OF THE SITE AND LOCALITY

The subject site is legally described as Lot 103 in DP 15955 and is known as No. 23 Melville Avenue, Strathfield. The site is within the R2 – Low Density Residential zone, pursuant to the provisions of SLEP 2012. It is within a typical suburban, low density residential area characterised by tree-lined streets and single detached dwellings of varied design and scale. Residential designs commonly featured in the street comprise of two (2) storey painted and rendered brick veneer triple fronted styles and single storey, traditional postwar bungalows. Common architectural themes and features include pitched roofing and roof eaves, white/grey/cream rendered or exposed red brick finishes and front boundary fencing.

The site has a rectangular shape and is located on the western side of Melville Avenue (refer to Figure 1). It comprises a 15.24m wide frontage, a maximum depth of 47.245m, and an area of 719.7m². The site has a cross-fall of 0.7m from the rear (western) boundary to Melville Avenue. The site currently contains a rendered single storey dwelling house with several ancillary structures including some attached awnings, detached garden sheds and an in-ground swimming pool (refer to Figures 2 and 3). The site is mostly devoid of any native vegetation. The only vegetation within the site consists of grassed turf areas, informal garden beds along the sides and front setback and a number of scattered trees. These trees include the following:

- Front yard: three (3) small *Jacaranda mimosifolia*, one (1) *Liquidamber* species and one (1) Weeping Fig (*Ficus benjamina*).
- Rear yard: four (4) Palm trees and one (1) Bhutan Cypress (*Cupressus torulosa*) (refer to Figure 4).

The existing vehicular access for the site is via a driveway on the northern side of the front setback and adjacent to an existing street tree (Brush Box – *Lophostemon confertus*).

The site is surrounded by the following residential properties:

- Adjoining the northern boundary: a two (2) storey, rendered dwelling with pool at No. 21 Melville Avenue (refer to Figure 5);
- Adjoining the southern boundary: a single storey, red brick dwelling at No. 25 Melville Avenue;
- Adjoining the rear (western) boundary: a single storey, red brick dwelling at No. 70 Pemberton Street; and

DA2019/163 - 23 Melville Avenue, Strathfield - Lot 103 DP 15955 (Cont'd)

- A single storey, red brick dwelling at No. 24 Melville Road, east of the site and across the road.

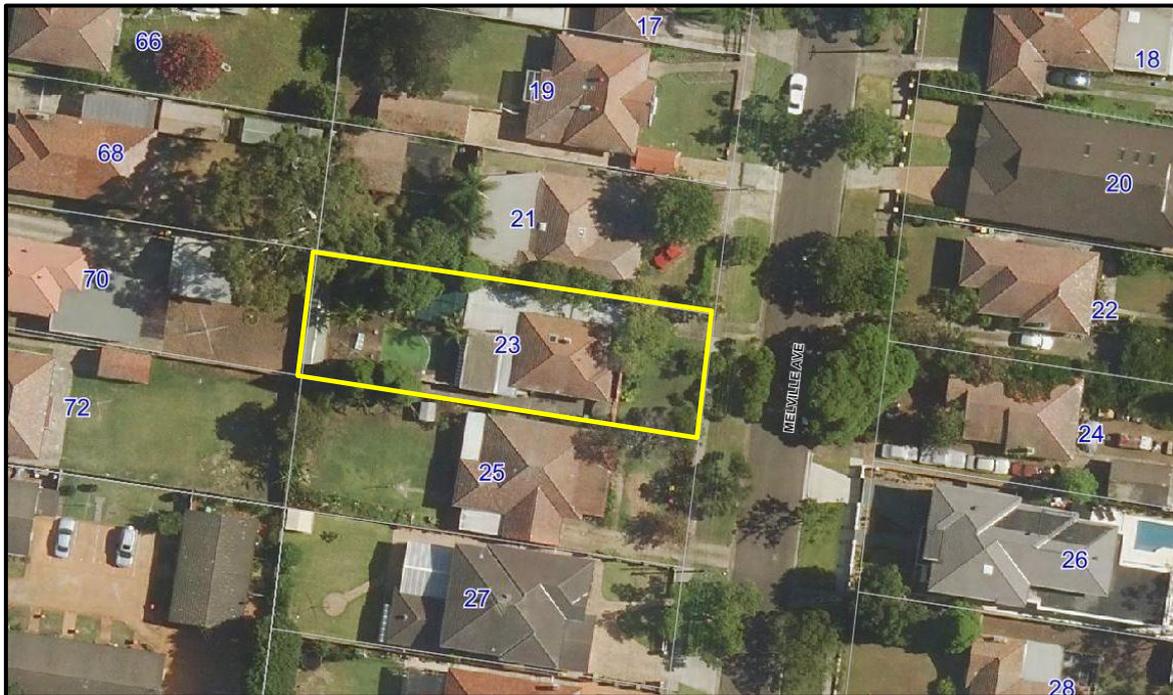


Figure 1: The subject site (as highlighted in yellow) and the surrounding context



Figure 2: Front setback of existing dwelling

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Figure 3: Rear yard with swimming pool and attached awnings



Figure 4: Southern side passage of existing residence with Bhutan Cypress in the rear yard (as highlighted in red).

PROPERTY BURDENS AND CONSTRAINTS

DA2019/163 - 23 Melville Avenue, Strathfield - Lot 103 DP 15955 (Cont'd)

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

DESCRIPTION OF THE PROPOSED DEVELOPMENT

The application seeks Council approval for the demolition of the existing dwelling, retention of the existing in-ground swimming pool and the construction of a two (2) storey dwelling. It is noted that the original design of the proposed development comprised of a detached outbuilding in the rear yard. The design was amended to delete this outbuilding.

The specific elements of the proposed development are as follows:

Ground Floor (refer to Figure 5) comprising:

- A double garage, porch, foyer, kitchen, living and dining areas, office, laundry, powder room and stairwell leading to the first floor; and
- Two (2) open, roofed terraces/outdoor alfresco areas are located on the north-western end and the southern (central) portion of the dwelling. The north-western space leads to the rear yard whilst the southern space is between the garage and the dining area, connecting these with the external side passageway.

First Floor (refer to Figure 6) comprising:

- A master bedroom with a walk-in-robe and ensuite, four (4) bedrooms with separate ensuites and robes, a Family TV room, service area and corridor with stairwell leading to the ground floor.

External Works comprising:

- Grassed turf areas, garden beds, stepping stones/pavers along the southern side of the dwelling and establishment of five (5) trees including four (4) Smooth Leaved Quandong (*Elaeocarpus eumundii*) and a Frangipani (*Plumeria* species). Side hedging will also be incorporated into the final landscape design, with the existing Bhutan Cypress (*Cupressus torulosa*) and the swimming pool to be retained.

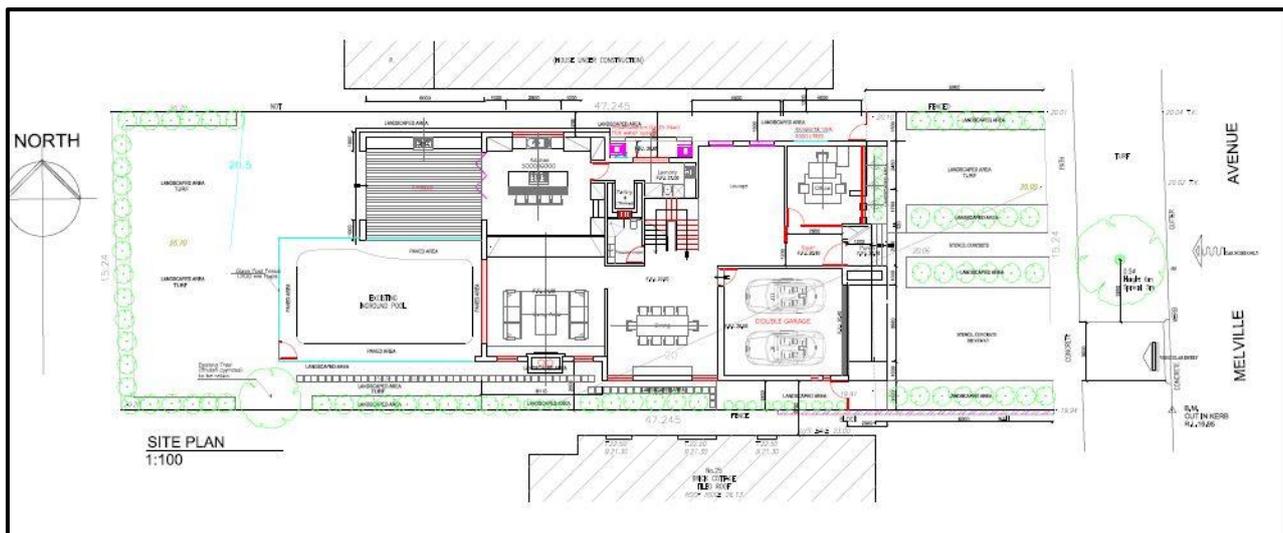


Figure 5: Site Plan and Ground Floor Plan of New Dwelling

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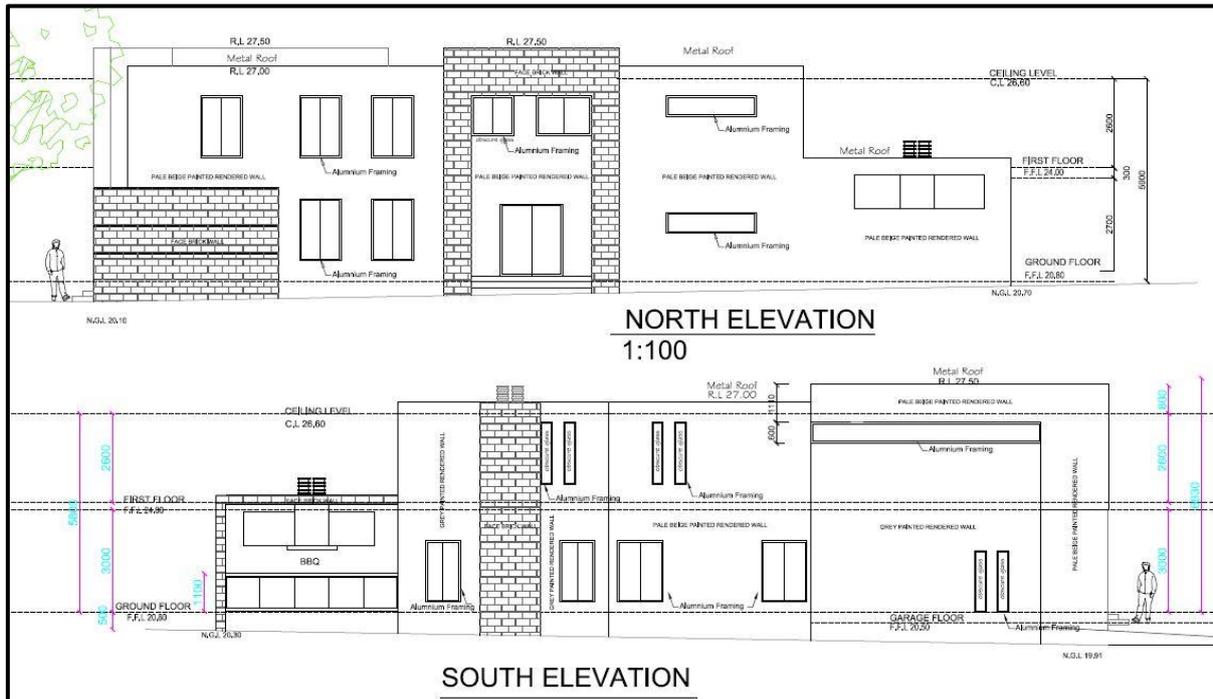


Figure 8: North and South Elevation of New Dwelling

REFERRALS

INTERNAL REFERRALS

Stormwater Engineer Comments

The application was referred to Council’s Stormwater Engineer who undertook an assessment of the proposal that related to the flooding characteristics of the subject site and the proposed stormwater management. Council’s Stormwater Engineer advised that there are no objections to the proposed development, subject to suitable conditions of consent.

Tree Coordinator Comments

The application was referred Council’s Tree Coordinator who confirmed that the landscaping works are appropriate and acceptable and the proposed removal of most of the site trees is supported, subject to conditions of consent requiring replacement tree planting.

The proposed removal of the Bhutan Cypress (*Cupressus torulosa*) within the south-western portion of the site was not supported given the size, health and location of this tree and its landscape contribution to the general locality. The proposed development was subsequently amended to ensure this tree is retained and protected.

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

DA2019/163 - 23 Melville Avenue, Strathfield - Lot 103 DP 15955 (Cont'd)

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 applies to the land and pursuant to Section 4.15 is a relevant consideration. SEPP 55 requires Council to consider whether the land subject to the development proposal is contaminated; and if the site is contaminated, Council must be satisfied that the site is suitable or can be made suitable (i.e. following remediation) for the proposed land use.

A site inspection identified that the site is currently occupied by a dwelling house. A review of Council's GIS and historical aerial photos has shown that this dwelling has been established since at least 1943.

A search of Council's contaminated land register specifies that the site is not potentially contaminated. The site is suitable for the proposed development in accordance with requirements of SEPP 55 and the proposed dwelling use and subdivision are supported subject to conditions. As such, the objectives outlined within SEPP 55 are considered to be satisfied.

State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017

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

The 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.

As mentioned above, the proposal was referred to Council's Tree Coordinator who confirmed support for the removal of most of the trees within the site, subject to specific conditions. The proposed landscaping treatments are considered satisfactory. As advised by Council's Tree Coordinator, the existing Bhutan Cypress (*Cupressus torulosa*) in the rear yard will be retained and protected given that this tree provides intrinsic value to the landscape quality of the area.

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</i>	Yes

DA2019/163 - 23 Melville Avenue, Strathfield - Lot 103 DP 15955 (Cont'd)

	<i>community</i>	
(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

Permissibility

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

A dwelling house is a permissible land use 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 is consistent with the definition above and is therefore permissible with consent.

Zone Objectives

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

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

Comments: The proposal involves the demolition of an existing dwelling and construction of a contemporary style dwelling within the subject land. The new dwelling will have an appropriate scale and massing facilitated by the lot size and dimensions of the site as well as the relevant development standards and requirements under SLEP 2012 and SCDCP 2005 that apply.

The proposal retains a low density residential land use and continues to ensure that the housing needs of the community are met and preserved within the immediate locality.

Part 4: Principal development standards

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

Height of building

Cl.	Standard	Controls	Proposed	Complies
4.3	<i>Height of building</i>	9m	7.59m	Yes

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

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(c)	<i>To achieve a diversity of small and large development options.</i>	Yes
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Comments: The proposed dwelling complies with the maximum building height development standard under Clause 4.3.

Floor space ratio

Cl.	Standard	Controls	Proposed	Complies
4.4	Floor space ratio	0.575:1 (413.828m ²)	0.51:1 (367.2m ²)	Yes

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

Comments: The proposal involves the demolition of an existing dwelling and the construction of a two (2) storey dwelling. The new dwelling features a modern design with ample internal and external facilities and amenities for future occupants. The proposal ensures that the housing needs of the community are met and the low density, residential character of the locality is preserved.

Part 5: Miscellaneous Provisions

There are no provisions under Part 5 of the SLEP 2012 that apply to the proposal.

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 identified as within Acid Sulfate Soils (ASS) – Class 5 land and the provisions of Clause 6.1 are applicable. The objectives of this clause are to ensure that development does not disturb, expose or drain acid sulfate soils and cause environmental damage. Within Class 5, the trigger under SLEP 2012 is works within 500m of adjacent Class 1,2,3 or 4 land that is below 5m AHD and is likely to lower the water table below 1m AHD on adjacent Class 1,2,3 or 4 ASS land. Given the subject land is not located within 500m of Class 1, 2, 3, and 4 land, the proposed development is not required to be accompanied by an Acid Sulfate Soils Management Plan, and therefore, satisfies the requirements of Clause 6.1.

6.2 Earthworks

The proposed development will involve minimal cut and fill as the dwelling has been designed to step with the natural topography of the site. A condition of consent is recommended to ensure an appropriate management of soils is undertaken during earthworks.

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6.3 Flood planning

Council records indicate that the majority of the subject site is affected by the 1 in 100 year flood event. Given the proposal involves a new residential dwelling, the provisions under Clause 6.3 are triggered. The flood level at the south-eastern corner of the front property boundary is RL20.20. The flood level at the south-western corner of the rear property boundary is RL20.50. The proposed finished floor levels of the ground floor of the front and rear sections of the dwelling are RL20.70 and RL21.00, respectively. These levels are 500mm above the highest flood levels for the site. Therefore, the finished floor levels of the habitable areas within the proposed dwelling are appropriate and achieve compliance under Clause 6.3. Council's Stormwater Engineer raised no objection, subject to conditions of consent.

6.4 Essential services

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

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

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

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

STRATHFIELD CONSOLIDATED DEVELOPMENT CONTROL PLAN 2005 (SCDCP 2005)

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

PART A – DWELLING HOUSES AND ANCILLARY STRUCTURES

2: Architectural Design & Streetscape Presentation

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

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<i>H.</i>	<i>To reduce the use of highly reflective colours and materials that create visual prominence.</i>	Yes
<i>I.</i>	<i>To ensure fencing is sympathetic to the design of the dwelling and the street and enhances the character of both the individual house and street whilst maintaining casual surveillance of the neighbourhood.</i>	Yes
<i>J.</i>	<i>To protect and retain the amenity of adjoining properties.</i>	Yes
2.2	Development Controls	Complies
.1.	<i>Streetscape Presentation</i>	
	1 New dwellings address street frontage with clear entry.	Yes
	2 Consistently occurring building features integrated within dwelling design.	Yes
	3 Consideration of streetscape elements	Yes
	4 Integrated security grilles/screens, ventilation louvres and garage doors	Yes
.2.	<i>Scale, Massing & Rhythm of Street</i>	
	1 Scale, massing, bulk and layout complement the existing streetscape and the dominant building rhythm	Yes
	2 Building height and mass maintains amenity to adjacent properties open space or the public domain	Yes
.3.	<i>Building Forms</i>	
	1 Building form articulated.	Yes
.4.	<i>Roof Forms</i>	
	1 Roof form complements predominant form in the locality	Yes
	2 Roof form minimises bulk and scale of building and remains an important architectural element in the street.	Yes
	4 Roof structures are not visible from the public domain	Yes
	<i>Materials</i>	
	5 Materials compatible with the existing dwelling house, adjoining dwelling houses and the streetscape (type, form and colour)	Yes
	6 Monotone face brick walls and terracotta tiles for roofs where common in the streetscape	Yes
7 New buildings and facades do not result in glare (Reflectivity Report may be required)	Yes	
.4.	<i>Colours</i>	
	8 New development incorporates traditional colour schemes	Yes
	9 The external colours integrate harmoniously with the external design of the building	Yes

Comments: The two (2) storey development featured in the streetscape and the surrounding area is generally dominated by pitched roofed housing with porticoes, awnings and front-facing balconies that highlight the front entrances (refer to Figures 9, 10 and 11). This is typical of the style popularised in Australian suburban areas in the 1960's.

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Figure 9: Dwelling at No. 26 Melville Avenue



Figure 10: Dwelling at No. 14 Melville Avenue

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Figure 11: Two (2) Storey Dwellings along Melville Avenue

Despite the prevailing streetscape character, the adjoining properties at No. 21 and No. 25 Melville Avenue have complying development approvals for two (2) storey dwellings with a flat or semi-skillion roof and a similar contemporary and boxy design as the proposal (refer to Figures 12 and 13). It is noted that works for the approved dwelling at No. 25 Melville Avenue have yet to commence (CDC reference 2019/115) and the approved dwelling at No. 21 Melville Avenue is completed and occupied (CDC reference 8029462).

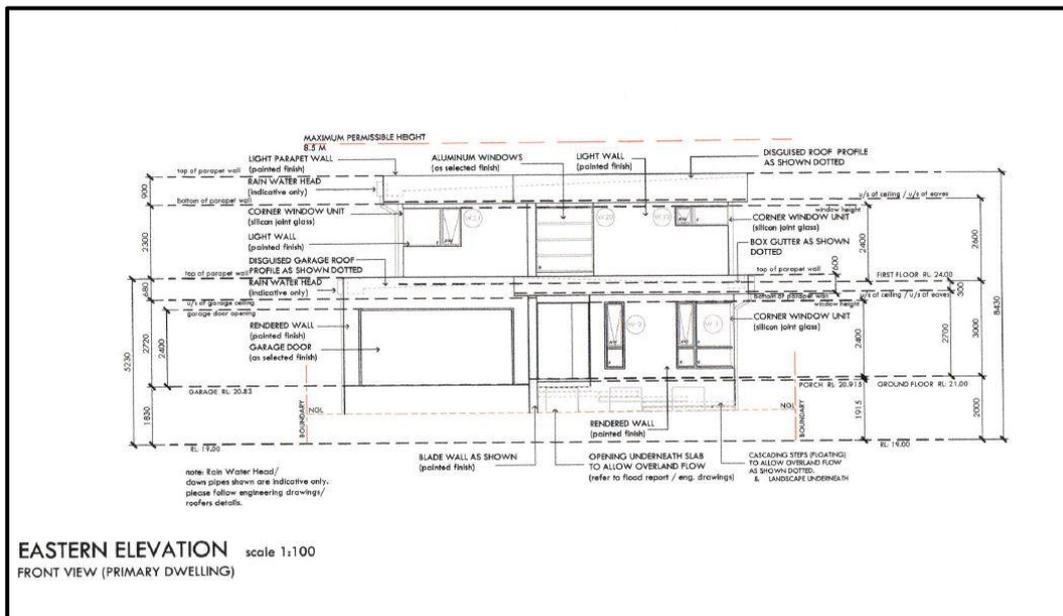


Figure 12: Approved Dwelling at No. 25 Melville Avenue (CDC reference 2019/115)

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Figure 13: Approved Dwelling at No. 21 Melville Avenue (CDC reference 2019/115)

The proposal introduces a modern and flat-roofed residential built form to the streetscape that provides some variation and interest to the locality that is similar in terms of design and scale as the approved dwellings at No. 21 and No. 25 Melville Avenue. Whilst the proposal offers a variation to the dominant and prevailing style featured in the streetscape, the proposed rendered finishes, varied colouration (comprising beige, black, brown and grey), wall articulation and mixture of materials (incorporating exposed grey brick and timber-looking metal) are considered complementary to the streetscape. The overall design of the proposal ensures that the distinct design has an appropriate presentation and aesthetic response to the general character of the locality.

The proposed flat roof form does not result in excessive walls and a bulky design as the overall scale and density of the building complies with the relevant development standards and the floor to ceiling heights are minimised to 3m (maximum). Visual relief of all elevations are achieved through increased setbacks, changes to materials and numerous glazing (window) treatments throughout. In addition, landscaped areas extending to the property boundaries provide adequate balance between the building and hardscaped elements and the proposed deep soil landscaping treatments (in the form of garden beds, grassed turf and trees).

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

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<i>D.</i>	<i>To create a perception or reinforce a sense of openness in the locality.</i>	Yes
<i>E.</i>	<i>To maintain view corridors between dwellings</i>	Yes
<i>F.</i>	<i>To assist in achieving passive surveillance whilst protecting visual privacy.</i>	Yes
<i>G.</i>	<i>To provide a transitional area between public and private space.</i>	Yes
4.2	Development Controls	Complies
	<i>Floor Space Ratio</i>	
.1.	1 Floor Space Ratio permissible pursuant to SLEP 2012	Yes Please see above
	2 Development compatible with the lot size	Yes
	<i>Building Height</i>	
	1 Height of building permissible pursuant to SLEP 2012	Yes
	2 The maximum height to the top of parapet for flat roofed dwelling houses is to be 7.8 metres.	Yes 7.59m max.
.2.	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 0.46m max.
	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 5.9m
	5 The maximum internal floor to ceiling height is to be 3.0 metres for any residential level.	Yes 3m
	7 Dwelling houses and any ancillary structures 2-storeys (max)	Yes 2 storeys max.
	8 Building height responds to the gradient of the site to minimise cut and fill	Yes
	<i>Street Setbacks</i>	
.3.1.	1 Setbacks consistent with minimum requirements of Table A.1	Yes 9m min.
	<i>Side and Rear Setbacks</i>	
.3.2.	1 A combined side setback of 20% of the width of the block (incorporating a 1.2m min side setback on each side).	Yes 24.3% North = 1.2m min. South = 1.5m min.
	2 A rear setback of 6m (min)	Yes 7m min.
	4 Garages and carports setbacks consistent with Table A.2	Yes

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East-West Lots

.4.	1	Where primary street frontage faces east, the minimum side setback located on northern side should be on the north and the larger side setback should be on the south so that overshadowing is reduced.	Yes
	2	The southern side setback utilised for driveway/garage entry.	Yes

Comments: The proposal meets the above requirements in terms of maximum building height, FSR, building articulation and setback from property boundaries. Additional setback is employed on the southern side boundary (1.5m to 2.5m) to assist in minimising potential overshadowing on the southern neighbour (No. 25 Melville Avenue).

5: Landscaping

5.1	Objectives	Satisfactory
A.	To encourage landscaping that is appropriate to the style and scale of the dwelling and adjoining development, and to the streetscape.	Yes
B.	To enhance the existing streetscape and promote a scale and density of planting that softens the visual impact of buildings, structures, vehicle circulation and ancillary areas.	Yes
C.	To preserve existing landscape elements on site (such as existing trees) and encourage their integration into the design of proposals.	Yes
D.	To ensure adequate deep soil planting is retained on each allotment.	Yes
E.	To ensure developments make an equitable contribution to the landscape setting of the locality.	Yes
F.	To ensure both existing and new landscaping provides suitable shade and facilitates convective cooling breeze paths in summer.	Yes
G.	To encourage the use of native flora such as open woodland canopy trees, to provide a habitat for native fauna.	Yes
H.	To ensure that landscaped areas are designed to minimise water use.	Yes
I.	To provide functional private open spaces for active or passive use by residents.	Yes
J.	To provide private open areas with provision for clothes drying facilities screened from the street and lane or a public place.	Yes
K.	To ensure the protection of trees during construction	Yes
L.	To ensure suitable fencing is provided to reduce acoustic impacts and enhance visual privacy between neighbouring residents whilst enabling front fences passive surveillance of the street.	Yes
M.	To maximise the amenity of existing and proposed developments, including solar access, privacy and open space.	Yes
5.2	Development Controls	Complies
.1.	Landscaped area	
	1	Landscaped area in accordance with Table A.3 Min. required: 309.471m ² (43%)

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	2	At least 50% of the minimum landscaped area located behind the building line to the rear boundary	Yes >50%
	3	At least 50% of the front yard maintained as deep soil soft landscaping	Yes >50%
	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

Tree Protection

	3	Development provides for the retention and protection of existing significant trees	Yes
	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
.2.	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	Yes
	11	25% (min) of canopy trees and other vegetation shall be locally sourced indigenous species	Yes

Private Open Space

	1	Provided in a single parcel rather than a fragmented space, directly accessible from internal living areas	Yes
	2	Includes a deep soil area compliant with the minimum landscaped area.	Yes
.3.	3	Terraces and decks (at least 10m ²) with one length or width 3m (min) and directly accessible from an internal living area. Decks cannot be located more than 500mm above NGL	Yes
	4	Unless 3m (min) width, areas within setbacks are not to be included as private open space	Yes
	5	Private open space located at the rear of the property.	Yes

Comments: The proposed development is slightly deficient in deep soil landscaped area. This is partly due to the wide internal driveway and the numerous stepping stones/pavers leading from the southern side passageway. In order to meet compliance it is recommended that conditions are provided to:

- Delete the concrete path in the front setback and in front of the Office and replace with deep soil landscaped areas;
- Reduce the number of stepping stones/pavers from 73 to 36 pieces on the southern side; and Delete a portion of the gravel mulch/stepping stones area on the northern side and converting this area to grassed turf area.

The proposed landscaping treatments include:

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- A front setback comprising several garden beds containing four (4) trees (Smooth Leaved Quandong – *Elaeocarpus eumundii*), groundcovers and shrubs such as Japanese Box (*Buxus microphylla*), and an open grassed turf area;
- Perimeter planting along the southern side to assist in providing privacy for the pool area and obscuring views of the building;
- Perimeter planting along the rear (western) edge comprising shrubs such as *Camellia sasanqua* and Orange Jessamine (*Murraya paniculata*) to provide privacy for the rear yard; and
- A large grassed turf area with a centrally located tree (Callery Pear – *Pyrus calleryana*). The existing Bhutan Cypress (*Cupressus torulosa*) on the southern end of the rear yard will be retained.

The above landscaping works are considered appropriate for the overall scheme and allow for adequate softening of the built form, balancing of hardscaped areas and provision of suitable facilities, access and open areas for future occupants to utilise.

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
	2 Alterations or Additions – maintain 3 hours solar access between 9.00am and 3.00pm on June 21 to the windows of habitable rooms and to the majority of private open space	Yes
	3 50% of the principal private open space of any adjoining premises receives 3 hours solar access between 9.00am and 3.00pm on June 21	Yes
	4 The proposed development does not further reduce the amount of solar access	Yes

Comments: The proposed development will have minimal overshadowing impacts. The location and maximum height of the new dwelling combined with the additional setback from the southern side boundary and the east-west orientation of the site and neighbouring properties ensure that the private open space and living room windows of adjoining properties will receive at least 3 hours of solar access during mid-winter. Thus, the proposed development meets the relevant solar access requirements under the SCDP 2005 with regard to providing sufficient solar access to both future occupants and neighbouring 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

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

Comments: The proposed development will not generate significant privacy and amenity impacts. The first floor windows of the new dwelling are mostly from bedrooms, bathrooms and a walk-in-robe, which are considered low utility spaces. The Family TV room on the first floor comprises two (2) windows that face north and potentially align with windows of the neighbouring residence. To minimise potential overlooking from this space it is recommended that both windows are modified to be highlight windows (minimum sill height of 1.6m). In general, the additional recessing and setbacks of the first floor provides a sufficient visual break-up of the dwelling, thereby minimising its bulk when viewed from adjoining neighbours.

The finished floor levels of the ground floor are elevated due to the flooding characteristics of the subject site; however, these levels are not excessive and where possible, have been reduced to minimise potential overlooking. The north-western Living Area and the Dining Room have minimal glazing that face the northern and southern neighbours. The Living Area does comprise windows that face south; however, the generous setback from the southern side boundary ensures any privacy impacts will be minimal. The finished floor levels of the two (2) open, roofed terraces/outdoor alfresco areas are not significantly elevated above the natural ground level. It is noted that the north-western outdoor space is semi-enclosed by the northern wall and therefore, will have negligible privacy impacts on the northern neighbour. External steps leading from the dwelling to the southern (centralised) outdoor space will also further minimise potential privacy impacts associated with this space.

The proposed development involves minimal changes to the natural ground levels within the rear yard. By retaining these levels and by providing planting within the garden beds along the property boundaries, the proposal is able to achieve appropriate privacy for this extensive private open space whilst maintaining privacy and amenity for the neighbouring residences. Suitable conditions of consent are recommended for minimising potential noise impacts associated with the swimming pool filter and equipment.

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In conclusion, the proposed development complies with the relevant requirements in relation to providing appropriate building separation and privacy to both future occupants and neighbouring properties.

8: Vehicle Access and Parking

8.1 Objectives		Satisfactory
A.	<i>To provide adequate and convenient on-site car parking.</i>	Yes
B.	<i>To ensure that the location and design of driveways, parking spaces and other areas used from the movement of motor vehicles are efficient, safe and convenient.</i>	Yes
C.	<i>To ensure garages, carports, basements and hard standing areas for cars do not visually dominate the street façade of the dwelling.</i>	Yes
D.	<i>To ensure that construction materials used for driveways respect the architectural qualities of the dwelling.</i>	Yes
E.	<i>To minimise the area of access driveways to minimise impermeable surfaces and maximise landscaped areas.</i>	Yes
F.	<i>To ensure basements have discreet entries, safe access and a high degree of natural cross-ventilation.</i>	Yes
G.	<i>To minimise excavation to reduce disturbance to natural ground level particularly adjacent to site boundaries.</i>	Yes
H.	<i>To ensure that any proposed basement minimises disturbance to natural drainage systems and that flooding, drainage or ventilation impacts would not be created for the site, or for adjoining or nearby properties.</i>	Yes
8.2 Development Controls		Complies
.1.	<i>Driveway and Grades</i>	
	1 Existing driveways must be used (exceptions apply)	Yes
	2 The width of driveways at the property boundary is to be 3m	Yes
	3 The edge of driveway crossings located 1m (min) clear of any existing stormwater pits or poles and 2m clear of tree trunks	Yes
	4 Parking and access points easily accessible and recognisable, non-disruptive to pedestrian flow and safety and located to minimise traffic hazards and potential for vehicles to queue.	Yes
	5 One (1) vehicular crossing (max) to any public road (exceptions apply)	Yes
	6 Vehicles accessing sites which front main roads shall be capable of entering and exiting in a forward direction	Yes
	7 Vehicular turning areas for garages complies with relevant Australian Standard	Yes
	8 Rear lane / secondary street frontage - parking and access provided from the secondary street/lane	Yes
	9 Driveways avoid long and straight appearance by using variations and landscaping	Yes
	10 Driveway set back 0.5 metres (min) from side boundaries	Yes
	11 Driveways incorporate unit paving into the design	Yes
	12 Areas of concrete visible from a public road are to be minimal and coloured charcoal, grey or brown	Yes
13 Coloured concrete is not permitted in the driveway crossing outside the property boundary	Yes	

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<i>Garages, Carports and Car Spaces</i>			
.2.	1	Two (2) car parking spaces required behind the FBL of all new dwellings (exceptions apply)	Yes
	2	Garages recessed behind the main front facade and/or non-dominant	Yes
	3	Garages not more than 150mm above NGL at entry unless the slope of the site exceeds 1:8 (12.5%)	Yes
	4	Dimensions of parking spaces and garages comply with the Australian Standards	Yes
	5	Garages are not to be converted or used for any purpose other than that for which they are approved	Yes

Comments: The proposal complies with the relevant requirements under the SCDCP 2005 in relation to vehicular access, parking and maneuvering.

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
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 proposal involves minimal excavation/ground disturbance and filling and therefore, meets the above requirements.

10: Water and Soil Management

10.1 Objectives		Satisfactory
A.	To encourage the incorporation of Water Sensitive Urban Design (WSUD) and Botany Improvement Plan principles in the development.	Yes
B.	To ensure compliance with Council's Stormwater Management Code	Yes
C.	To ensure compliance with the NSW State Government's Flood Prone Lands Policy.	Yes

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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
	<i>Stormwater Management and Flood Prone areas</i>	
.1.	1 Applicant contacted Council regarding site being flood prone land	Yes
	2 Compliance with Council's Stormwater Management Code	Yes
	3 Flood affected properties comply with Council's Interim Flood Prone Lands Policy (Flood Prone Areas & Through Site Drainage)	Yes
	4 Minimum habitable floor height advice obtained for flood affected sites	Yes
	5 A drainage/flood report prepared by a hydraulics engineer submitted for sites affected by overland flows	Yes
.2.	<i>Acid Sulfate Soils</i>	
	1 Site managed consistent with the provisions contained in Clause 6.1 SLEP 2012	Yes
.3.	<i>Soil Erosion and Sediment Control</i>	
	1 Soil erosion and sediment control measures detailed and implemented prior to the commencement of work.	Yes
	2 Sediment control measures applied	Yes

Comments: Council's Stormwater Engineer confirmed that the proposal complies with the relevant stormwater and water and soil management controls under the SCDCP 2005 and Council's Stormwater Management Code, subject to the imposition of recommended conditions.

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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
<i>Address and Entry Sightlines</i>		
.1.	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
<i>Pedestrian Entries</i>		
.2.	1 Pedestrian entries and vehicular entries suitably separated	Yes
	2 Dwelling entrances easily identifiable	Yes
	3 House numbers are to be clearly visible from the street	Yes

Comments: The proposed dwelling has clearly identifiable pedestrian and vehicular access and entries and a front entrance that is visible from the street. The overall design features a front setback that has been appropriately configured to ensure that the above access, safety and security controls are met.

12: Ancillary Development

12.1 Objectives		Satisfactory
A.	To ensure that ancillary development is compatible with the design of the principal dwelling, streetscape and adjoining dwellings in form, materials and colours	Yes
B.	To limit the size, bulk and scale of ancillary structures and minimise their visibility from the public domain.	Yes
C.	To ensure that the provision of ancillary structures improves the amenity of residents whilst ensuring that the amenity of surrounding dwellings and neighbouring lots is maintained.	Yes
D.	To ensure that the provision of ancillary structures, such as air conditioning units, are considered at the design stage of a proposed development.	Yes
12.2 Development Controls		Complies
<i>Air-conditioning</i>		
.4.	1 Located away from the habitable rooms of adjoining properties and/or screened by acoustic treatments	Yes

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	2	Any building work must not reduce the structural integrity of existing buildings	Yes
	3	Installation of residential grade air conditioners only	Yes
	4	Installation to comply with the Protection of the Environment Operations Act 1997 and Protection of the Environment Operations (Noise Control) Regulation 2008	Yes
<i>Swimming Pools</i>			
	1	Side and rear setbacks from the outside edge of the pool concourse are 1m (min) wide and comprise deep soil soft landscape area	Yes
	2	If greater than 1m above ground, the space between the bond beam/concourse and the ground is finished to Council's satisfaction	Yes
.6.	3	The pool filter and pump equipment designed and located to not emit a noise level that exceeds 5dBA above the ambient background noise level measured at any property boundary. The pool equipment shall be located within an enclosed structure so as to not be readily visible	Yes
	4	Lighting positioned to prevent light spillage and minimise any nuisance to adjoining premises	Yes
	5	Enclosures shall comply with the Swimming Pools Act and relevant Australian Standards as amended.	Yes

Comments: Conditions are recommended to ensure potential noise impacts from any air conditioning unit/s and the pool filter/equipment are minimised and the existing pool and pool area comply with the relevant legislation and standards.

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 SCDGP 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

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<i>Water Tanks</i>			
1	Located behind the dwelling or behind the front building line and screened from view from the public domain	Yes	
2	Associated support structures and plumbing are a colour that complements the dwelling.	Yes	
3	Above ground water tanks located 450mm (min) from any property boundary	Yes	
4	Above ground water tanks do not exceed 3m in height above NGL	Yes	
.3.	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: The proposed development complies with the relevant requirements in relation to ecologically sustainable development and the design and siting of rainwater tanks and hot water heater units.

PART H - WASTE MANAGEMENT (SCDCP 2005)

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

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

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

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

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

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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 has been designed to minimise potential privacy, amenity and overshadowing impacts on adjoining properties and is therefore acceptable in this regard.

The proposed development involves a contemporary dwelling house that has been proportioned and designed in relation to the subject site's dimensions and unique environmental constraints, and in accordance with the development standards and requirements that apply. The proposal maintains the existing land use as a single detached dwelling house it does not result in any changes to the land use and built forms that typically occur within the R2 – Low Density Residential zone and along Melville Avenue. Therefore, on balance, the contemporary design and scale of the new dwelling is acceptable and supportable.

In light of the above, the likely impacts of the proposed development in terms of environmental impacts on natural and built environments, and social and economic impacts on the locality are considered minimal and are addressed by the recommended conditions of consent.

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

The proposed development is considered to be suitable for the site given that it involves a single detached dwelling with ancillary structures, ensuring that the low density residential character of the locality is preserved. The subject site does not have any significant environmental constraints that would prevent the development of a single dwelling. Therefore, the site is suitable for the proposed development.

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

The application was notified in accordance with Part L of the SCDCP 2005 from 18 October to 1 November 2019, with no submissions 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 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 *Environmental Planning and Assessment 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 7.12 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: \$12,684.70

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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

That Development Application No. DA2019/163 for demolition of existing dwelling and construction of a two (2) storey dwelling at 23 Melville Avenue, Strathfield be **APPROVED**, subject to the following conditions:

SPECIAL CONDITIONS (SC)

1. REMOVAL OF STEPPING STONES/PAVERS (SC)

The number of stepping stones/pavers along the southern side of the dwelling must be reduced to a total number of 36 pieces (maximum). The size and dimensions of the stepping stones/pavers must remain unchanged.

Any areas previously occupied by stepping stones/pavers must be replaced with deep soil landscaped areas (such as grassed turf areas or garden beds).

This modification must be included and reflected in the revised set of Architectural Plans, Landscape Plans and Stormwater Plans, and any other documentation that are to be submitted and approved by the Principal Certifying Authority prior to the issue of any Construction Certificate.

(Reason: To ensure compliance with the minimum landscaped area requirement under SCDCP 2005.)

2. CONCRETE PATH IN FRONT OF OFFICE (SC)

The concrete path in front of the Office must be deleted and replaced with deep soil landscaped areas (such as grassed turf areas or garden beds).

This modification must be included and reflected in the revised set of Architectural Plans, Landscape Plans and Stormwater Plans, and any other documentation that are to be submitted and approved by the Principal Certifying Authority prior to the issue of any Construction Certificate.

(Reason: To ensure compliance with the minimum landscaped area requirement under SCDCP 2005.)

3. HIGHLIGHT WINDOWS IN FAMILY TV ROOM (SC)

Any windows in the Family TV Room on the first floor of the new dwelling must be modified to be highlight windows, comprising a minimum sill height of 1.6m.

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This modification must be included and reflected in the revised set of Architectural Plans and any other documentation that are to be submitted and approved by the Principal Certifying Authority prior to the issue of any Construction Certificate.

(Reason: Minimise privacy impacts.)

4. **PRECAST CONCRETE STEPPING STONES IN DECORATIVE GRAVEL MULCH (SC)**

The areas containing precast concrete stepping stones in decorative mulch on the northern side of the dwelling and adjacent to the Pantry, Laundry, Lounge and Office must be deleted and replaced with grassed turf areas.

This modification must be included and reflected in the revised set of Architectural Plans, Landscape Plans and Stormwater Plans, and any other documentation that are to be submitted and approved by the Principal Certifying Authority prior to the issue of any Construction Certificate.

(Reason: To ensure compliance with the minimum landscaped area requirement under SCDCP 2005.)

GENERAL CONDITIONS (GC)

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

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

Plans affixed with Council's 'Development Consent' stamp relating to Development Consent No. DA2019/163:

Drawing No.	Title/Description	Prepared by	Issue / Revision & Date	Date received by Council
Project No. 03/19 Sheet 1/3 Rev B	Site Plan Ground Floor First Floor	Greenline Development Pty Ptd	22 Jan 2020	22 Jan 2020
Project No. 03/19 Sheet 1/3 Rev B	Roof Plan West Elevation East Elevation South Elevation North Elevation Section A-A Section B-B	Greenline Development Pty Ptd	28 Jan 2020	29 Jan 2020
Project No. 03/19 Sheet 3/3 Rev A	Revised Schedule of Finishes and Colours	Greenline Development Pty Ptd	28 Jan 2020	29 Jan 2020
Project No. 4534c Drawing No. L-01	Landscape Plan	RFA Landscape Architect	6 Feb 2020	6 Feb 2020

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Rev C				
H818 – S1/2 Rev C	Stormwater Drainage and Sediment Control Details	TAA Consulting Engineers	30 Jan 2020	6 Feb 2020
H818 – S2/2 Rev C	Stormwater Drainage and Sediment Control Details	TAA Consulting Engineers	30 Jan 2020	6 Feb 2020

Reference Documentation affixed with Council's 'Development Consent' stamp relating to Development Consent No. DA2019/163:

Title / Description	Prepared by	Issue/Revision & Date	Date received by Council
Construction Site Traffic Management Waste Management Plan	Greenline Developments Pty Ltd	5 Oct 2019	10 Oct 2019
Flood Impact Statement	TAA Consulting Engineers	12 Sept 2019	10 Oct 2019
BASIX Certificate Certificate No. 1041553S	Noura Al Hazzouri	4 Oct 2019	10 Oct 2019
Nationwide House Energy Rating Scheme Certificate	Noura Al Hazzouri	4 Oct 2019	10 Oct 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.)

6. CONSTRUCTION HOURS (GC)

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

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

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

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

7. DEMOLITION – GENERALLY (GC)

Alteration and demolition of the existing building is limited to that documented on the

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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.)

8. **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.)

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

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

Tree	Location
Three (3) small <i>Jacaranda mimosifolia</i>	Front yard
One (1) Liquidamber species	Front yard
One (1) Weeping Fig (<i>Ficus benjamina</i>)	Front yard
Four (4) Palm trees	Rear yard

All trees permitted to be removed by this consent shall be replaced (2 trees for each tree removed) by species selected from Council's Recommended Tree List and must have a minimum mature height of 10 metres.

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

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

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

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

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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.)

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

All street trees and trees on private property that are protected under Council's controls, shall be retained except where Council's prior written consent has been obtained. The existing Bhutan Cypress (*Cupressus torulosa*) in the rear yard and the existing street tree (Brush Box – *Lophostemon confertus*) in the road reserve and adjacent to the new driveway, must be retained and protected at all times. The felling, lopping, topping, ringbarking, wilful destruction or removal of any tree/s unless in conformity with this approval or subsequent approval is prohibited.

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

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

- i. A Tree Protection (Management) Plan prepared by a AQF Level 5 Arborist is to be available on site at all times prior to the issue of the Construction Certificate, for all demolition and site works. This Tree Protection (Management) Plan must be shown on the demand of Authorised Council staff.
- ii. Protective perimeter fencing must be consistent with AS 4687, using metal fence posts greater than 20mm diameter and solid or chain wire mesh 2 metres in height supported on concrete pads/feet at 2-2.5 metre spacing. Fencing placement should not be closer than 2.5 metres from the trunk of each protected tree, or at a distance as specified by the approved Tree Protection (Management) Plan and approved by Council's Tree Management Officer. Shade cloth is to be used to prevent entry of dust and contaminated liquids into the root protection area.
- iii. Signs must be placed on the Fencing. These signs must comply with AS1319. The signs must state the purpose of the fencing and the name and contact details of the builder and the appointed AQF Level 5 consultant arborist.
- iv. Root protection is to be provided in the form of mulching to a depth of 50-100mm, inside of the fenced tree protection zone.
- v. Ground (Root) Trunk and Branch Protection must comply with the diagram of Figure 4 of AS4970 – 2009. Ground protection within the tree protection zone and drip line should be in the form of heavy steel plates or timber rumble boards over mulch or aggregate. Trunk and branch protection should be to a minimum height of 2 metres and must include measures to protect the tree/s against damage from the movement of trucks, plant equipment and materials at greater heights above ground level.
- vi. Temporary signs, cables, wires must not be attached to, or suspended, on any street tree or protected tree.

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- vii. Above ground utilities must not be placed within the canopy of an existing protected tree, or create the future need for clearance pruning.
- viii. Below ground utilities/services must not be located inside the fenced tree protection zone.
- ix. Scaffolding must not be located in the fenced tree protection zone unless authorised by the approved Tree Protection (Management) Plan and Council's Tree Management Officer
- x. Council must be notified in writing within 24 hours, for all temporary removal of the tree protection fencing ground (root) trunk and branch protection within the root protection area.
- xi. Pruning of a street tree is prohibited without the written consent of Council.

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

11. LANDSCAPING - CANOPY TREES IN FRONT YARD (GC)

At least two (2) new trees planted within the front yard shall have a minimum container size of 200 litres at the time of planting. Any new trees in the front yard must be capable of reaching a potential mature height of at least 8m.

Any new trees must not be planted closer than 1.5 metres from an existing or approved structure or building.

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

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

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

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

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

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

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

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

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

A schedule detailing all external materials, colours and finishes including windows, doors and roofing materials shall be submitted to Council for approval.

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

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

13. 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.)

14. SITE MANAGEMENT (DURING DEMOLITION AND CONSTRUCTION WORKS)

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

- i) All demolition is to be carried out in accordance with Australian Standard AS 2601-2001.
- ii) Demolition must be carried out by a registered demolition contractor.
- iii) A single entrance is permitted to service the site for demolition and construction. Protection pads are to be installed to the kerb, gutter and nature strip where trucks and vehicles enter the site.
- iv) No blasting is to be carried out at any time during construction of the building.
- v) Care must be taken during demolition/ excavation/ building/ construction to prevent any damage to adjoining buildings.
- vi) Adjoining owner property rights and the need for owner's permission must be observed at all times, including the entering onto land for the purpose of undertaking works.
- vii) Any demolition and excess construction materials are to be recycled wherever practicable.
- viii) The disposal of construction and demolition waste must be in accordance with the requirements of the Protection of the Environment Operations Act 1997.
- ix) All waste on the site is to be stored, handled and disposed of in such a manner as to not create air pollution (including odour), offensive noise or pollution of land and/or water as defined by the Protection of the Environment Operations Act 1997. All excavated material should be removed from the site in an approved manner and be disposed of lawfully to a tip or other authorised disposal area.
- x) All waste must be contained entirely within the site.

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- 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.)

15. STORMWATER MANAGEMENT PLAN - CERTIFICATION REQUIREMENT (GC)

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

16. 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.

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(Reason: Compliance with Sydney Water requirements.)

(Reason: To ensure protection of Council assets.)

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

17. 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.)

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

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

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

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

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

19. 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.)

20. CAR PARKING - VEHICULAR ACCESS RAMPS (CC)

Vehicular access ramps shall comply with the provisions of AS/NZS 2890.1:2004. Plans to

DA2019/163 - 23 Melville Avenue, Strathfield - Lot 103 DP 15955 (Cont'd)

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.)

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

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

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

22. **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.)

23. **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.

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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.)

24. **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.

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- v) All erosion and sediment controls are fully maintained for the duration of demolition/development works.
- vi) Controls are put into place to prevent tracking of sediment by vehicles onto adjoining roadways.
- vii) All disturbed areas are rendered erosion-resistant by turfing, mulching, paving or similar.
- viii) All water pumped or otherwise removed from excavations or basement areas is filtered to achieve suspended solids/non filterable residue levels complying with the Australian Water Quality guidelines for Fresh and Marine Waters.
- ix) Pumped or overland flows of water are discharged so as not to cause, permit or allow erosion before the commencement of work (and until issue of the occupation certificate).

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

(Reason: Environmental protection.)

25. FLOODING - COMPLY WITH FLOOD IMPACT REPORT (CC)

The applicant shall comply with the flood recommendations provided in the Flood Impact Statement prepared by TAA Consulting Engineers, dated 12 September 2019. A certificate from a suitably qualified Engineer shall be submitted to the Certifying Authority stating compliance with these recommendations, prior to the issue of a Construction Certificate.

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

26. 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.

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(Reason: Landscape quality.)

27. **LANDSCAPING - MAINTENANCE STRATEGY (CC)**

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

(Reason: Ensure landscape survival.)

28. **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.)

29. **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	\$12,684.70
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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.)

30. **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.)

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31. **STORMWATER DRAINAGE (CC)**

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

- i) Grated drains shall be provided along the driveway/basement entry at the vehicular crossing(s) and are to connect to the internal drainage system.
- ii) Overflow paths shall be provided to allow for flows in excess of the capacity of the pipe/drainage system draining the site.
- iii) Allowance shall be made for surface runoff from adjacent properties, and to retain existing surface flow path systems through the site. Any redirection or treatment of these flows shall not adversely affect any other properties
- iv) Boundary fencing shall be erected in such a manner as not to interfere with the natural flow of ground and surface water to the detriment of any other party.

(Reason: To ensure the site is drained appropriately and does not interfere with the natural flow of flood waters.)

32. **SWIMMING POOLS / SPAS (CONSTRUCTION OF)**

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

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

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

(Reason: Safety and statutory compliance.)

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

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

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

34. **TREE BONDS (CC)**

A tree bond of **\$3000** (calculated in accordance with Council's adopted Fees and Charges) shall be paid to Council, prior to the issue of a Construction Certificate.

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

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

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

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

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

35. 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.)

36. WATER SUSTAINABILITY – GENERALLY (CC)

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

- i) Toilet flushing;
- ii) Clothes washing;
- iii) Garden irrigation;
- iv) Car washing and similar outdoor uses;
- v) Filling swimming pools, spa pools and ornamental ponds; and
- vi) Fire fighting.

(Reason: To promote sustainable water management practice.)

37. 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)

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

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

- i) A construction certificate for the building work has been issued by the consent authority or a Principal Certifying Authority.
- ii) The person having the benefit of the development consent has appointed a principal certifying authority for the building work, and notified the principal certifying authority that the person will carry out the building work as an owner/builder, if that is the case.
- iii) The principal certifying authority has, no later than 2 days before the building work commences:
 - notified the Council of his or her appointment, and

DA2019/163 - 23 Melville Avenue, Strathfield - Lot 103 DP 15955 (Cont'd)

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

(Reason: Statutory requirement.)

39. HOME BUILDING COMPENSATION FUND (CW)

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

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

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

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

(Reason: Statutory requirement.)

40. NOTICE OF COMMENCEMENT (CW)

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

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

(Reason: Statutory requirement.)

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

41. 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.)

42. 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.)

43. 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.

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

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

44. 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.)

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

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

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

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

46. 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:

DA2019/163 - 23 Melville Avenue, Strathfield - Lot 103 DP 15955 (Cont'd)

- 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.)

47. 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.)

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

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

(Reason: Adequate stormwater management.)

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

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

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

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

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

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

(Reason: Safety and statutory compliance.)

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ATTACHMENTS

There are no attachments for this report.

TO: Strathfield Internal Development Assessment Panel Meeting - 14 February 2020
REPORT: IDAP – Report No. 3
SUBJECT: DA2019/190 - 1-9 SMALLWOOD AVENUE, HOMEBUSH - LOT 103 DP 1246774
DA NO. DA2019/190

SUMMARY

Proposal: Installation of solar panels above approved mixed use building.

Applicant: D.R. Design (NSW) Pty Ltd

Owner: The Loft lii Pty Ltd

Date of lodgement: 12 November 2019

Notification period: 4 December 2019 to 20 December 2019

Submissions received: Nil

Assessment officer: DS

Estimated cost of works: \$37,000

Zoning: B4 Mixed Use - SLEP 2012

Heritage: No

Flood affected: No

Is a Clause 4.6 variation proposed? No

RECOMMENDATION OF OFFICER: **Approval**

EXECUTIVE SUMMARY

Approval is sought for the installation of solar panels to the rooftop of the approved six (6) storey mixed use development.

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

The development generally complies with the requirements of State Environmental Planning Policy No. 65, State Environmental Planning Policy (Infrastructure) 2007, Strathfield Local Environmental Plan (SLEP) 2012 and Strathfield Consolidated Development Control Plan (SCDCP) 2005.

The proposed solar panels will produce positive environmental and economic outcomes with minimal impacts on residential amenity and overall building appearance.

The application is considered appropriate and is recommended for approval subject to conditions of consent.

BACKGROUND

15 June 2017: Sydney Central Planning Panel approved DA2016/196 for the demolition of the existing site structures and construction of a new six (6) storey mixed use development containing 447m² commercial area and (102) residential units over two (2) levels of

DA2019/190 - 1-9 Smallwood Avenue, Homebush - Lot 103 DP 1246774 (Cont'd)

basement car parking.

12 November 2019: The subject application (DA2019/190) was submitted to Council.

4 December 2019 to 20 December 2020: The application was notified for a period of (14) days. No written submissions were received.

17 December 2019: A site visit was conducted.

DESCRIPTION OF THE SITE AND LOCALITY

The subject site is legally described as Lot 103 in DP 1246774 and is commonly known as 1-9 Smallwood Avenue, Strathfield (Figure 1). The site has an area of 3,028m² with a frontage of 60.96m to Parramatta Road, 50.3m to Smallwood Avenue and 59.44m to Dalton Avenue. The subject site was previously used as a car yard with associated office and workshop. Construction of the approved mixed use development under DA2016/196 has commenced (Figure 2). The character of the surrounding streetscape is undergoing a transition from low density commercial to high density mixed use developments with multiple buildings under construction within the immediate vicinity of the subject site.



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

DA2019/190 - 1-9 Smallwood Avenue, Homebush - Lot 103 DP 1246774 (Cont'd)



Figure 2: View of the subject site at the corner of Smallwood Avenue and Parramatta Road.

PROPERTY BURDENS AND CONSTRAINTS

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

DESCRIPTION OF THE PROPOSED DEVELOPMENT

The application seeks Council approval for the installation of solar panels on the rooftop of the approved mixed use building. The specific details of the proposal are as follows:

- Installation of 30kW 'Longi' Solar Panels on the roof of the mixed use building
- Individual panel dimensions are 1683mm (length) x 996mm (width) x 40mm (depth)
- Panels will have a maximum height of 150mm, with an RL of 30.05. Note: The solar panels do not protrude above the approved maximum building height of RL 30.50.
- Panels are to be setback 900mm from the roof edge of the mixed use building and setback 450mm from drainage holes

A roof plan and elevation plan of the proposed works are shown below:

DA2019/190 - 1-9 Smallwood Avenue, Homebush - Lot 103 DP 1246774 (Cont'd)

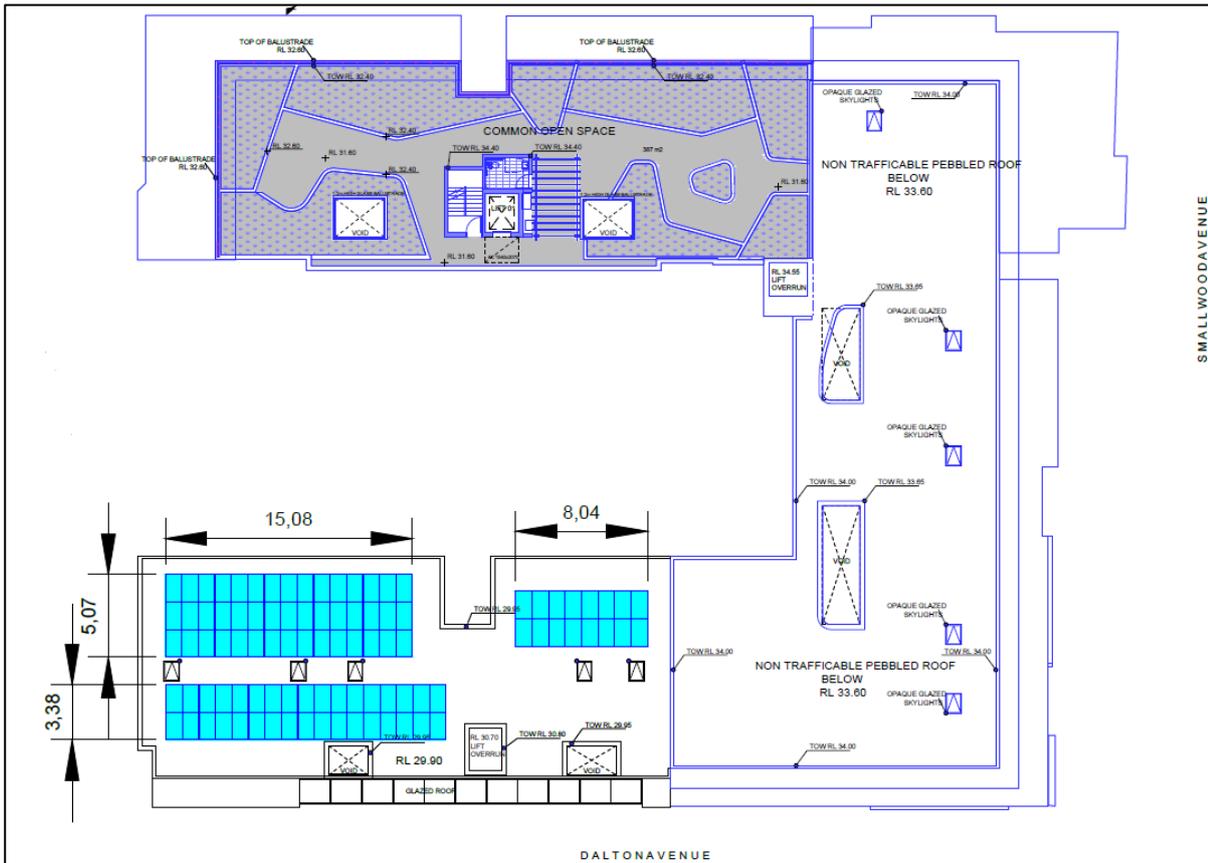


Figure 3: Roof plan (proposed solar panels highlighted in light blue)

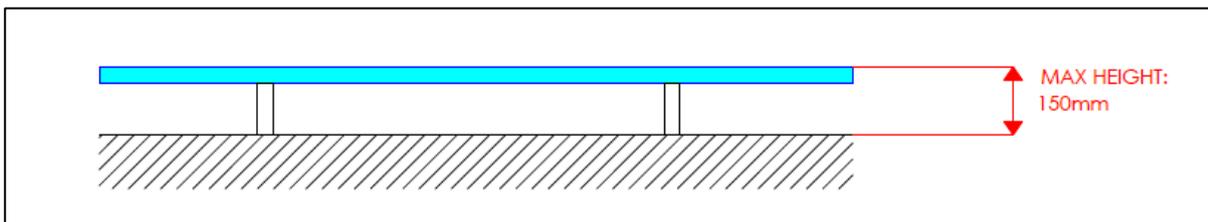


Figure 4: Elevation plan of proposed solar panels

REFERRALS

INTERNAL REFERRALS

Building Comments

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

SECTION 4.15 CONSIDERATIONS – EP&A Act, 1979

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

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

DA2019/190 - 1-9 Smallwood Avenue, Homebush - Lot 103 DP 1246774 (Cont'd)

STATE ENVIRONMENTAL PLANNING POLICY (INFRASTRUCTURE) 2007

Division 4 of the Infrastructure SEPP applies to the site. The policy comprises provisions for the installation of solar energy systems as 'development with consent' for prescribed residential zones only. In this regard, no further assessment is required as the site is located within a B4 Mixed Use zone.

Nevertheless, the Infrastructure SEPP defines the proposed development as follows:

“Solar energy system means any of the following systems –

- (a) a photovoltaic electricity generating system,
- (b) a solar hot water system,
- (c) a solar air heating system”

The proposed development for the purpose of a solar energy system is consistent with the decision above.

STATE ENVIRONMENTAL PLANNING POLICY NO. 65 – DESIGN QUALITY OF RESIDENTIAL FLAT DEVELOPMENT (NSW)

An assessment of the proposal against the provisions of SEPP 65 are as follows:

Principle	Objective	Proposed
Resource, energy and water efficiency	<p><i>Good design makes efficient use of natural resources, energy and water throughout its full life cycle, including construction.</i></p> <p><i>Sustainability is integral to the design process. Aspects include demolition of existing structures, recycling of materials, selection of appropriate and sustainable materials, adaptability and reuse of buildings, layouts and built form, passive solar design principles, efficient appliances and mechanical services, soil zones for vegetation and reuse of water.</i></p>	The installation of solar panels will improve the environmental performance of the approved mixed use building by harvesting solar energy and reducing demand on non-renewable energy.

STRATHFIELD LOCAL ENVIRONMENTAL PLAN 2012 (SLEP 2012)

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

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

DA2019/190 - 1-9 Smallwood Avenue, Homebush - Lot 103 DP 1246774 (Cont'd)

(d)	To provide opportunities for economic growth that will enhance the local community	N/A
(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	N/A
(f)	To identify and protect environmental and cultural heritage	N/A
(g)	To promote opportunities for social, cultural and community activities	N/A
(h)	To minimise risk to the community by identifying land subject to flooding and restricting incompatible development	N/A

Comments: The proposed solar panels will produce positive environmental and economic outcomes by harvesting renewable energy and ensuring the running costs of the approved mixed use building are reduced. As such, the proposal is generally consistent with the aims of the SLEP 2012.

Permissibility

The subject site is zoned B4 Mixed Use under Strathfield Local Environmental Plan (SLEP) 2012.

Mixed use developments comprised of commercial premises and residential apartments are permissible within the B4 Mixed Use Zone with consent and are defined under SLEP 2012 as follows:

“mixed use development means a building or place comprising two or more different land uses”

The proposed development for the purpose of a solar energy system is considered to be ancillary works to the approved mixed use building on the site. As such, the proposal is consistent with the definition above and is permissible within the B4 Zone with consent.

Zone Objectives

An assessment of the proposal against the objectives of the B4 Zone is as follows:

Objectives	Complies
➤ To provide a mixture of compatible land uses.	Yes
➤ To integrate suitable business, office, residential and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.	N/A
➤ To facilitate mixed use urban growth around railway stations and transport node and corridors, commercial centres and open space.	N/A
➤ To provide local and regional employment and live and work opportunities.	N/A

Comments: The installation of solar energy systems will enable the approved development to facilitate mixed use urban growth in an energy efficient and sustainable fashion. The proposal is therefore consistent with the objectives of the B4 zone.

Part 4: Principal development standards

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

Height of building

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

DA2019/190 - 1-9 Smallwood Avenue, Homebush - Lot 103 DP 1246774 (Cont'd)

(b)	<i>To encourage a consolidation pattern that leads to the optimum sustainable capacity height for the area</i>	Yes
(c)	<i>To achieve a diversity of small and large development options.</i>	Yes

Comments: The proposal does not seek to amend the pre-approved maximum building height.

It is noted that under DA2016/196, Sydney Central Planning Panel approved a Clause 4.6 variation request to vary the maximum permitted height of 20m by 3.73m or 18.65%. The approved maximum height of the mixed use building measured from Australian Height Datum is Relative Level (RL) 30.50. The proposed solar panels will have a finished RL of 30.05AHD which is well under the pre-approved variation of RL30.50AHD. As a safety precaution, a special condition of consent will be included which restricts the maximum height of the solar panels to a finished RL of 30.05AHD.

Part 6: Local Provisions

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

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 Q OF STRATHFIELD CONSOLIDATED DEVELOPMENT CONTROL PLAN 2005 – URBAN DESIGN CONTROLS

2.8 Roof forms

Cl. 2.8.1 Objectives	Complies
(a) <i>To treat roof spaces and forms as an important element of the overall building appearance.</i>	Yes
(b) <i>To encourage roof forms that provide continuity and consistent character in the streetscape.</i>	Yes
(c) <i>To encourage roof designs that integrate with the building composition and form.</i>	N/A
Cl. 2.8.2 Controls	Complies
(a) <i>Plant equipment, vents or lift over-runs or solar energy and stormwater collectors are to be designed to avoid visibility from the surrounding spaces and buildings.</i>	Yes
(b) <i>The roof is to be designed to provide for rainwater and solar energy collection.</i>	Yes
(c) <i>Roofs must be designed to avoid or minimise loss of views from adjacent and nearby properties and public spaces, however, this does not justify a roof form that is inconsistent with the prevailing streetscape character.</i>	N/A

DA2019/190 - 1-9 Smallwood Avenue, Homebush - Lot 103 DP 1246774 (Cont'd)

Comments: The proposal will not compromise any communal or publicly accessible areas as the solar energy panels will be located on a non-trafficable portion of the rooftop of the building. The proposed solar panels will be flush and level with the roof so as to not be visible from the streetscape and compromise any views. Overall, the proposal will successfully reduce the carbon footprint of the mixed use building, with minimal impact on the roof form and overall building appearance.

STRATHFIELD DEVELOPMENT CONTROL PLAN NO 20 – PARRAMATTA ROAD CORDDIOR AREA**2.10 Energy Efficiency and Water Conservation**

Cl. 2.10	Objectives	Complies
(a)	<i>To promote ecologically sustainable development through the design, construction and use of buildings.</i>	Yes
(b)	<i>To locate buildings and open space areas so that existing and proposed dwellings have reasonable access to sunlight, shade and have optimal outlook and aspect; and</i>	N/A
(c)	<i>To achieve a high level of energy efficient urban housing, using passive solar design, that provides residents with all year round comfort and reduces energy consumption; and</i>	Yes
(d)	<i>To conserve water via the use of rainwater tanks and water-saving appliances; and</i>	N/A
(e)	<i>To encourage the use of devices which promote energy efficiency and water conservation and which respect the residential qualities of the areas in which they are located; and</i>	Yes
(f)	<i>To promote the reduction of greenhouse gas emissions through ensuring a thermally efficient building envelope and the use of greenhouse gas friendly hot water systems; and</i>	Yes
(g)	<i>To encourage building materials and insulation which assist in thermal performance and maintain internal comfort levels; and</i>	Yes
(h)	<i>To encourage the use of recycled building materials where appropriate.</i>	N/A
(i)	<i>To encourage use of public transport services.</i>	N/A

Comments: The proposal will allow for a reduction in energy consumption and greenhouse gas emissions by harvesting renewable energy and reducing reliance on non-renewable energy in the continued use of the building. Overall, the proposal will achieve a more sustainable and energy-efficient development that better achieves the objectives of SCDCP No 20.

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

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

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

The proposed solar panels will produce positive environmental and economic outcomes by harvesting renewable energy and ensuring the running costs of the approved mixed use building are reduced. The solar panels have been appropriately located on the non-trafficable portion of the rooftop of the building so as to not compromise residential amenity and the overall appearance of the building.

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

DA2019/190 - 1-9 Smallwood Avenue, Homebush - Lot 103 DP 1246774 (Cont'd)

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

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

The application was publicly notified from 4 December 2019 to 20 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).

STRATHFIELD 7.12 INDIRECT CONTRIBUTIONS PLAN

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

CONCLUSION

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

PEER REVIEW

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

RECOMMENDATION

That Development Application No. DA2019/190 for the installation of solar panels above the approved mixed use buildings at 1-9 Smallwood Avenue, Homebush be **approved**, subject to the following conditions:

SPECIAL CONDITIONS (SC)**1. SOLAR PANEL HEIGHT - MAXIMUM RL TO BE COMPLIED WITH (SC)**

The height of the solar energy system measured from Australian Height Datum (AHD) must not exceed Relative Level (RL) 30.05AHD.

(Reason: To ensure the approved height of the solar energy system is complied with.)

DA2019/190 - 1-9 Smallwood Avenue, Homebush - Lot 103 DP 1246774 (Cont'd)

2. FIRE SAFETY (SC)

A certificate of design is to be prepared by a fire engineer that demonstrates that the proposed solar panels will not impact the current fire engineering report or alternatively provide an amended fire safety report that takes the panels into consideration in the assessment of the engineered performance solution for the building.

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

(Reason: Fire Safety)

GENERAL CONDITIONS (GC)**3. APPROVED PLANS AND REFERENCE DOCUMENTATION (GC)**

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

Plans affixed with Council's 'Development Consent' stamp relating to Development Consent No. DA2019/176:

Title/Description	Prepared by	Issue / Revision & Date	Date received by Council
PV Panel Layout	Arcrenewable Group	5 September 2019	12 November 2019
PV Panels Side Profile Flush Mount	Arcrenewable Group	5 September 2019	12 November 2019

Reference Documentation affixed with Council's 'Development Consent' stamp relating to Development Consent No. DA2019/176:

Title / Description	Prepared by	Issue/Revision & Date	Date received by Council
Waste Management Plan	Dickson Rothschild	Revision A 12 November 2019	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.)

4. CONSTRUCTION HOURS (GC)

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

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

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

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

DA2019/190 - 1-9 Smallwood Avenue, Homebush - Lot 103 DP 1246774 (Cont'd)

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

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

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

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

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

(Reason: Statutory requirement.)

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

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

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

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

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

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

7. 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.)

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

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

DA2019/190 - 1-9 Smallwood Avenue, Homebush - Lot 103 DP 1246774 (Cont'd)

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

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

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

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

(Reason: Statutory requirement.)

9. NOTICE OF COMMENCEMENT (CW)

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

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

(Reason: Statutory requirement.)

CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE (POC)**10. OCCUPATION OF BUILDING (OC)**

DA2019/190 - 1-9 Smallwood Avenue, Homebush - Lot 103 DP 1246774 (Cont'd)

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.)

ATTACHMENTS

There are no attachments for this report.

TO: Strathfield Internal Development Assessment Panel Meeting - 14 February 2020

REPORT: IDAP – Report No. 4

SUBJECT: 2019/164: 81-86 COURALLIE AVENUE, HOMEBUSH WEST
LOT 357 SP 87674, LOT 1026 SP 97853, LOT 1142 & 1143 SP 9864

DA NO. 2019/164

SUMMARY

Proposal: Strata subdivision of four (4) utility lots (Lot 357 in SP 87674, Lot 1026 in SP 97853 and Lots 1142 & 1143 in SP 98641) into 49 utility lots

Applicant: Hallmark Constructions P/L

Owner: Telmet Ventures P/L

Date of lodgement: 11 October 2019

Notification period: 18 October 2019 – 1 November 2019

Submissions received: One (1) written submission received.

Assessment officer: LG

Estimated cost of works: Nil

Zoning: R3 – Medium Density Residential - SLEP 2012

Heritage: No

Flood affected: Yes

Is a Clause 4.6 variation proposed? No

RECOMMENDATION OF OFFICER: **APPROVAL**

EXECUTIVE SUMMARY

Approval is sought for the strata subdivision of four (4) utility lots into a total of 49 utility lots of an existing residential flat building development (known as Stage 1B, 1D and 2) at 81-86 Courallie Avenue, Homebush West.

The application was notified for a period of 14 days in accordance with Part L of the SCDCP 2005. One (1) written submission was received during this time raising concern for the high density of the project and the lack of visitor parking spaces provided for the site. These concerns are addressed in further detail in this report.

The proposal is specifically in relation to the strata subdivision of the approved development including allocation of spare utility lots for the use of additional parking spaces and storage areas purchased by owners of the property. Parking was allocated to the units of the development and previously approved by Council under DA0405/160, DA0405/176 and DA2013/120.

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

BACKGROUND

The following applications provide a relevant background to the subject site:

2019/164: 81-86 Courallie Avenue, Homebush West
Lot 357 SP 87674, Lot 1026 SP 97853, Lot 1142 & 1143 SP 9864 (Cont'd)

Stage 2

DA2013/120: Consent was granted by Council on 16 December 2014 for the construction of one (1) x 6 storey residential flat building and one (1) x 5 storey residential flat building comprising a total of eight (8) x studio, (19) x 1 bedroom, (84) x 2 bedroom and nine (9) x 3 bedroom units above basement parking.

Stages 1B and 1C

DA0405/160 10 July 2007, Council approved Stage 1B & 1C to construct a residential development comprising 40 x 1 bedroom units; 305 x 2 bedroom units; 37 x 3 bedroom units; and 4 townhouses with basement parking.

DA0405/160/02 14 March 2011, Council approved modifications to Stage 1B only involving a reduction of the seven (7) approved buildings to four (4) buildings, increase the height of four (4) remaining buildings by one (1) storey, from five (5) storeys to six (6) storeys and omitting the spine access road that runs northwards from the round-about through to the middle of the development and relocation of the two (2) vehicle access points to the south side of Stage 1B.

Stages 1D and 1E

0405/176 12 June 2007 Stage 1D & 1E of "Centenary Park" residential estate comprising 389 apartment units approved by Council.

0405/176/01 Section 96 Application to extend the lapse date was refused by Council 13 May 2008.

0405/176/02 S96(2) to modify the Stage 1E and the design of buildings 7, 8 and 9, incorporating the additional FSR from buildings 11 and 12 which was modified under DA0405/160/03 and DA2013/132. This application was approved on 12 December 2013.

0405/176/03 S96(2) to reconfigure the footprints of five (5) residential flat buildings which were approved as Stage 1D including consent for (303) residential units and an additional second level of basement parking. This application was approved on 24 August 2015.

0405/176/04 S96(1A) to modify the terrace and balcony sizes throughout buildings 7,8 and 9 of Stage 1E was approved 4 December 2015.

0405/176/05 S96(2) to increase the heights of three (3) residential flat buildings which were approved in Stage 1D and which are identified as Buildings B2, B3 and B4 was refused at Council meeting 6 October 2015.

0405/176/06 S96(1A) to modify conditions 53 and 59 to permit extended construction hours of 6:30am to 9:00pm on three (3) separate occasions to allow for concrete pouring and finishing of the transfer slabs was refused 8 February 2017.

0405/176/07 A Section 82A review was lodged however was subsequently withdrawn 20 March 2017.

0405/176/08 96(1A) to remove conflict in approved plans resulting in four (4) additional units located in the top level of buildings 2, 3 and 6 of Stage 1D was lodged. This was later withdrawn.

2019/164: 81-86 Courallie Avenue, Homebush West
Lot 357 SP 87674, Lot 1026 SP 97853, Lot 1142 & 1143 SP 9864 (Cont'd)

- 0405/176/09 S96(2) to modify the approved 29 x 3 bedroom dual access units into 29 x 2 bedroom units and 29 x studio units as well as deletion of lower basement parking of Building 6 under Stage 1D was refused by SIHAP 16 August 2017.
- 0405/176/10 A Section 82A review was lodged 3 October 2017 however was withdrawn 1 November 2017.
- 0405/176/09 S96(2) approved 23 January 2018 following Court judgement in the matter of Michael Raad Architects Pty Ltd v Strathfield Municipal Council [2018] NSWLEC 1019 permitting the deletion of lower basement parking of Building 6 under Stage 1D. The proposal to modify the approved unit mix was removed during the court proceedings.

DESCRIPTION OF THE SITE AND LOCALITY

The subject site is located at 81-86 Courallie Avenue (formerly 78 Marlborough Road) Homebush West. The site has a curvilinear shape with an area of approximately 60,000m². The subject portion of the site (Stage 2A) is 8,200m² in area and is relatively flat. The site is bordered to the south and west by the Western Railway line and is located between Lidcombe (1.3km) and Flemington (700m) Railway Stations.

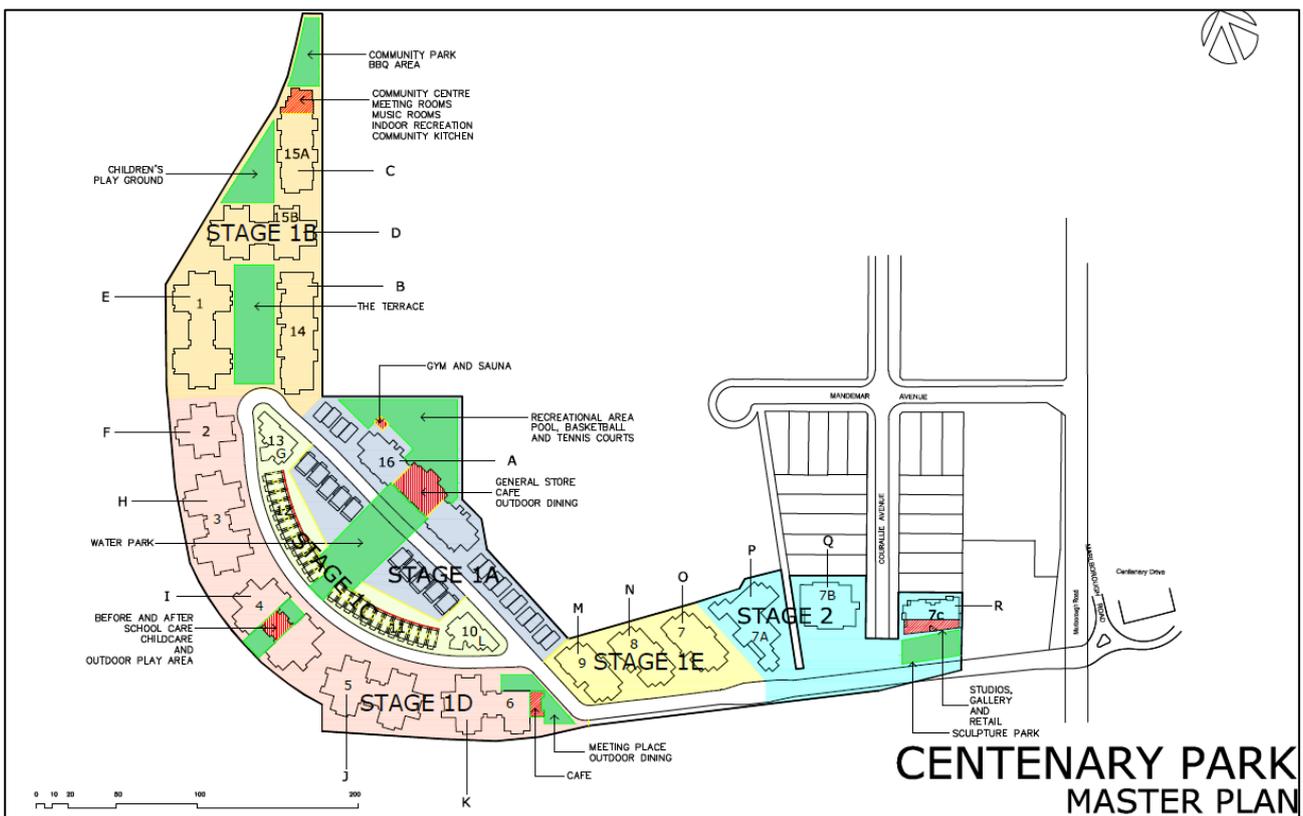


Figure 1: Diagram of Centenary Park Complex. The proposed strata subdivision is specifically in relation to car parking and storage spaces within Building E of Stage 1B, Buildings 2,3,4,5 and 7 of Stage 1D and Buildings 7A and 7B of Stage 2.

PROPERTY BURDENS AND CONSTRAINTS

2019/164: 81-86 Courallie Avenue, Homebush West
Lot 357 SP 87674, Lot 1026 SP 97853, Lot 1142 & 1143 SP 9864 (Cont'd)

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

DESCRIPTION OF THE PROPOSED DEVELOPMENT

The proposal involves strata subdivision of existing utility lots to create additional car spaces with some storage along with single storage space through buildings within the complex. The elements of the proposal are:

- Lot 357 in SP87674 is to be subdivided into thirty-two (32) Strata Title utility lots to create:
 - Twenty-nine (29) single car space lots being proposed lots 1156-1184,
 - Two (2) single car spaces with attached storage lots being proposed lots 1154-1155 and;
 - One (1) residual utility lot proposed lot 1192.
- Lot 1026 in SP97853 is to be subdivided into eleven (11) strata utility lots to create;
 - Nine (9) single car-space lots being proposed lots 1144, 1145 and 1147-1153,
 - One (1) single car-space with attached storage space being proposed lot 1146 and,
 - One (1) residual utility lot being proposed lot 1191.
- Lots 1142-1143 in SP98641 are to be subdivided into ten (1) strata title utility lots to create;
 - Seven (7) single car-space lots being proposed lots 1185, 1187-1190 and 1195-1196,
 - One (1) storage space lot being proposed lot 1186 and,
 - Two (2) residual lots being proposed lots 1191 and 1194.

NOTE: The proposal will not impact upon the existing carparking spaces and storage areas currently provided on the site. The new lots are to be utilised by owners of the buildings. A condition of consent is recommended to ensure the use of the new allotments is restricted to owners of the complex only.

REFERRALS

No referrals 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 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
(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>	N/A
(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</i>	Yes

2019/164: 81-86 Courallie Avenue, Homebush West
Lot 357 SP 87674, Lot 1026 SP 97853, Lot 1142 & 1143 SP 9864 (Cont'd)

<i>land use and development</i>		
(c)	<i>To promote land uses that provide a wide range of employment, recreation, retail, cultural, service, educational and other facilities for the local community</i>	N/A
(d)	<i>To provide opportunities for economic growth that will enhance the local community</i>	N/A
(e)	<i>To promote future development that integrated land use and transport planning, encourages public transport use, and reduced the traffic and environmental impacts of private vehicle use</i>	N/A
(f)	<i>To identify and protect environmental and cultural heritage</i>	N/A
(g)	<i>To promote opportunities for social, cultural and community activities</i>	N/A
(h)	<i>To minimise risk to the community by identifying land subject to flooding and restricting incompatible development</i>	N/A

Comments: The proposed development is consistent with the aims of the SLEP 2012.

Permissibility

The subject site is Zoned R3 – Medium Density Residential under Strathfield Local Environmental Plan (SLEP) 2012.

Residential Flat Buildings are permissible within the R3 – Medium Density Residential Zone with consent and is defined under SLEP 2012 as follows:

“Residential flat building means a building containing 3 or more dwellings, but does not include an attached dwelling or multi dwelling housing.”

The proposed development for the purpose of strata subdivision of an approved residential flat building is permissible within the R3 – Medium Density Residential Zone with consent.

Zone Objectives

An assessment of the proposal against the objectives of the R3 – Medium Density Residential Zone is included below:

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

Comments: The proposed development being specifically for strata subdivision of Building E of Stage 1B, Buildings 2,3,4,5 and 7 of Stage 1D and Buildings 7A and 7B of Stage 2 is in accordance with the objectives of the R3 - Medium Density Residential zone.

2.6 Subdivision – Consent Requirements

Under Clause 2.6 of the SLEP 2012, subdivision of the subject site is permitted with Council consent.

Part 4: Principal development standards

As the proposal relates to the subdivision of land by way of strata subdivision, the minimum subdivision lot size prescribed in Clause 4.1 do not apply.

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

STRATHFIELD CONSOLIDATED DEVELOPMENT CONTROL PLAN (SCDCP) 2005

Part R – Subdivision

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

6: Strata Subdivision

6.1	Objectives	Satisfactory
A.	To ensure that common areas are clearly defined, access is maintained from all proposed strata allotments and they are appropriately managed.	Yes
6.2	Development Controls	Complies
1.	Proposed subdivision does not contravene any conditions of consent applied to the development or building which is the subject of the proposed subdivision.	Yes-conditions to be imposed
2.	Communal areas or right of way are shown within the common property of the development to be managed either by a body corporate or strata body.	N/A
3.	Car parking or other purposes of the specific unit is included in the same strata lot as the unit and indicated on the strata subdivision plan.	No

Comments: The proposal will create new allotments for car parking and storage spaces to be utilised by residents of the site. The proposal is unlikely to contravene any communal areas already provided through the complex and will be created within the existing basements of the complex.

4.15 (1)(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)(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

Car parking Provisions

The proposed development seeks to strata subdivide existing car parking and storage spaces. The parking spaces are proposed to be distributed to the following buildings of the complex as follows:

Stage 1B (DA0405/160)

- Thirty-two (32) new allotments comprised of (31) car spaces and one (1) residual utility lot. Two (2) of the car spaces are to include attached storage lots.

Stage 1D (DA0405/176)

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- Eleven (11) new allotments comprised of (10) single car spaces and one (1) residual utility lot.

Stage 2 (DA2013/120)

- Ten (10) new allotments comprised of seven (7) car spaces, one (1) storage space and two (2) residual lots.

The proposal will not result in the loss of any visitor car parking spaces or storage cages already provided on the site. Simply, the proposal involves the subdivision of spare utility lots through the development to provide additional parking spaces and storage areas purchased by owners/occupiers of the site. The proposal will not increase the bulk, scale or density of the development as the subdivision is to occur within the previously constructed basement parking areas of the complex. Notwithstanding this, conditions of consent are recommended to ensure that the spaces are restricted in use and to ensure that the new residual utility lots are restricted to use of an owner or occupier of the lot.

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 additional parking spaces will be allocated to owners of the site without compromising the parking and storage cages currently provided on the site.

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

The application was publicly notified from 18 October 2019 to 1 November 2019 in accordance with the provisions of Part L of SCDCP 2005. One (1) submission was received as a result.

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

1. *As you may be aware, the project has caused many issues like parking, rubbish, traffic etc. These issues are due to the density of this project which is one of the most high density projects in Australia with almost 0 visitor parking.*

Assessing officer's comments: The proposal is simply strata subdivision of spare utility lots into additional car spaces and storage spaces for use of the residents of the complex. The proposal will not result in any increased density beyond which has been approved. Visitor parking spaces have been provided across all basement parking areas of the complex under previous development applications.

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 7.11 Contributions are not applicable to the proposed development in accordance with the Strathfield Direct Development Contributions Plan 2010-2030 as contributions were levied under previously approved applications.

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CONCLUSION

The application has been assessed having regard to Section 4.15 of the *Environmental Planning and Assessment Act 1979*, the Strathfield Local Environmental Plan 2012 and the Strathfield Development Control Plan 2005 and is considered to be satisfactory for approval, subject to the recommended 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. 2019/164 for strata subdivision of 4 utility lots (Lot 357 in SP 87674, Lot 1026 in SP 97853 and Lots 1142 & 1143 in SP 98641) into 49 utility lots at 81-86 Courallie Avenue, Homebush West be **APPROVED** subject to the following conditions:

SPECIAL CONDITIONS (SC)

1. BY-LAW CONDITION (SC)

The by-law instrument registered with the Strata Scheme under section 134(1) of the *Strata Schemes Management Act 2015 (NSW)* is to include provisions which have the effect of:

- (i) restricting the use of the basement car parking spaces to vehicles up to a maximum two tonne capacity.
- (ii) restricting the use of the areas identified as storage cages on the following plans in the table below to their built purpose:

Sheet No.	Drawing Title	Prepared by	Received by Council
1 of 15	Building 7A, 7 & 8 Basement Level 2 and 1 Floor Plan	Anthony Guy Mitchel	11 October 2019
2 of 15	Building 8 Basement Level 2 Floor Plan	Anthony Guy Mitchel	11 October 2019
3 of 15	Building 7A, 7 & 8 Basement Level 2 Floor Plan	Anthony Guy Mitchel	11 October 2019
4 of 15	Building 9 & 7 Basement Level 1 Floor Plan	Anthony Guy Mitchel	11 October 2019
5 of 15	Buildings 2-4 Basement Level 2 and 1 Floor Plan	Anthony Guy Mitchel	11 October 2019
6 of 15	Buildings 3-4 Basement Level 2 Floor Plan	Anthony Guy Mitchel	11 October 2019
7 of 15	Buildings 2-3 Basement Level 2 Floor Plan	Anthony Guy Mitchel	11 October 2019
8 of 15	Buildings 2-5 Basement Level 1 Floor Plan	Anthony Guy Mitchel	11 October 2019
9 of 15	Building 4 & 5 Basement Level 1	Anthony Guy Mitchel	11 October 2019

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	Floor Plan		
10 of 15	Building 2 and 3 Basement Level 1 Floor Plan	Anthony Guy Mitchel	11 October 2019
11 of 15	Building 1 Basement Level 2 Floor Plan	Anthony Guy Mitchel	11 October 2019
12 of 15	Building 1 Basement Level 2 Floor Plan	Anthony Guy Mitchel	11 October 2019
13 of 15	Building 1 Basement Level 1 Floor Plan	Anthony Guy Mitchel	11 October 2019
14 of 15	Building 1 Basement Level 1 Floor Plan	Anthony Guy Mitchel	11 October 2019
15 of 15	Building 1 Basement Level 1 Floor Plan	Anthony Guy Mitchel	11 October 2019

- (iii) Prohibiting the removal of any storage cages (and security devices installed on the storage cages) installed as required under this consent;
- (iv) Restricting the use of residential and visitor parking spaces to the parking of registered vehicles or motors bikes and bicycles only and prohibiting the storage of any material or article within the parking spaces;
- (v) Requiring that the Owners Corporation must provide a copy of the Traffic Management and Visitor Parking Plan to each owner and each tenant of the strata scheme. The Owners Corporation's managing agent must annex to the Meeting Notice for each Annual General Meeting a copy of a Traffic Management and Visitor Parking Plan.

(Reason: To ensure compliance with conditions of DA0405/160, DA0405/176, DA2013/120)

2. RESTRICTIONS ON UTILITY LOTS (SC)

Prior to the registration of a plan for which a strata certificate is sought that would result in the creation of a utility lot (within the meaning of the *Strata Schemes Development Act 2015*), the Council or the accredited certifier must impose a condition (a *restrictive use condition*) on the strata certificate restricting the use of the utility lot to use by an owner or occupier of a lot or proposed lot (other than a utility lot) in the strata scheme to which the plan relates in accordance with section 63 of the *Strata Schemes Development Act 2015*. Each utility lot within the development shall be burdened by this restriction pursuant to section 63 of the *Strata Schemes Development Act 2015*.

(Reason: To ensure compliance with conditions of consent)

GENERAL CONDITIONS (GC)

3. APPROVED PLANS AND REFERENCE DOCUMENTATION (GC)

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

Plans affixed with Council's 'Development Consent' stamp relating to Development Consent

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No. 2019/164:

Sheet No.	Drawing Title	Prepared by	Received by Council
1 of 15	Building 7A, 7 & 8 Basement Level 2 and 1 Floor Plan	Anthony Guy Mitchel	11 October 2019
2 of 15	Building 8 Basement Level 2 Floor Plan	Anthony Guy Mitchel	11 October 2019
3 of 15	Building 7A, 7 & 8 Basement Level 2 Floor Plan	Anthony Guy Mitchel	11 October 2019
4 of 15	Building 9 & 7 Basement Level 1 Floor Plan	Anthony Guy Mitchel	11 October 2019
5 of 15	Buildings 2-4 Basement Level 2 and 1 Floor Plan	Anthony Guy Mitchel	11 October 2019
6 of 15	Buildings 3-4 Basement Level 2 Floor Plan	Anthony Guy Mitchel	11 October 2019
7 of 15	Buildings 2-3 Basement Level 2 Floor Plan	Anthony Guy Mitchel	11 October 2019
8 of 15	Buildings 2-5 Basement Level 1 Floor Plan	Anthony Guy Mitchel	11 October 2019
9 of 15	Building 4 & 5 Basement Level 1 Floor Plan	Anthony Guy Mitchel	11 October 2019
10 of 15	Building 2 and 3 Basement Level 1 Floor Plan	Anthony Guy Mitchel	11 October 2019
11 of 15	Building 1 Basement Level 2 Floor Plan	Anthony Guy Mitchel	11 October 2019
12 of 15	Building 1 Basement Level 2 Floor Plan	Anthony Guy Mitchel	11 October 2019
13 of 15	Building 1 Basement Level 1 Floor Plan	Anthony Guy Mitchel	11 October 2019
14 of 15	Building 1 Basement Level 1 Floor Plan	Anthony Guy Mitchel	11 October 2019
15 of 15	Building 1 Basement Level 1 Floor Plan	Anthony Guy Mitchel	11 October 2019

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

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

CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF A SUBDIVISION CERTIFICATE (SC)

4. SUBDIVISION CERTIFICATE - REQUIREMENTS PRIOR TO THE ISSUE OF (SC)

A Subdivision Certificate allows a person to lodge a plan of subdivision with NSW Land and

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Property Information (LPI). The plan of subdivision identifies each of the allotments approved under the original consent (if required) or each allotment subject to an exempt boundary adjustment. The plan of subdivision is required to be prepared by a registered surveyor.

All types of subdivision (Torrens, Strata and Community Title) are required to be registered with NSW LPI before a new 'allotment' of a subdivision of land can be created.

The release of a Subdivision Certificate confirms that the Principal Certifying Authority (Council or Accredited Certifier) is satisfied that works are completed in accordance with the applicable Development Consent and that the land is suitable to occupy.

Prior to the issuing of any Subdivision Certificate under section 37A of the Strata Schemes (Freehold Development) Act 1973, and section 66A of the Strata Schemes (Leasehold Development) Act 1986, and in accordance with section 29A of the Strata Schemes (Freehold Development) Regulation 2007 and section 30A of the Strata Schemes (Leasehold Development) Regulation 2007, the PCA is required to be satisfied that:

- i) The floors, external walls and ceilings depicted in the proposed strata plan for the building correspond to those of the building as constructed;
- ii) The floors, external walls and ceilings of the building as constructed correspond to those depicted in the building plans that accompanied the construction certificate for the building; and
- iii) Any facilities required by the relevant development consent (such as parking spaces, terraces and courtyards) have been provided in accordance with those requirements.

As construction of the building nears completion, or after it has been completed, the Principal Certifying Authority must inspect the building and the common property areas around the building, so as to be satisfied, as required by section 66AA of the Act, that the above requirements have been met.

The Principal Certifying Authority shall also be satisfied 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 or complying development certificate have been met.

The Subdivision Certificate must not be issued until the Principal Certifying Authority has issued the Final Occupation Certificate in relation to the approved development.

(Reason: Statutory requirements.)

5. SUBDIVISION - LODGEMENT OF FINAL PLAN OF SUBDIVISION (SC)

Once a Subdivision Certificate is issued by the Principal Certifying Authority, the Final Plan of Subdivision must be registered with Land and Property Information. Documentary evidence that the linen plan has been registered with Land and Property Information must be submitted to Strathfield Council as soon as practicable.

(Reason: Statutory requirement.)

ATTACHMENTS

There are no attachments for this report.

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