

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, 15 November 2019

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

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TO: Strathfield Internal Development Assessment Panel Meeting - 15 November 2019

REPORT: IDAP – Report No. 1

SUBJECT: DA2018/124/02 - 14 MERLEY ROAD, STRATHFIELD
LOT 3 IN DP 236123

DA NO. DA2018/124/02

SUMMARY

Proposal: Section 4.55(2) modification application to amend approved alterations and additions by extending rear terrace and garden shed.

Applicant: Brad Inwood Architects

Owner: A & E.J Feofiloff

Date of lodgement: 16 August 2019

Notification period: 27 August 2019 to 10 September 2019

Submissions received: Nil

Assessment officer: ND

Zoning: R2 Low Density Residential - SLEP 2012

Heritage: Located within Merley Road Heritage Conservation Area

Flood affected: Yes

Is a Clause 4.6 variation proposed? No

Extent of the variation supported? No

Peer review of Clause 4.6 variation: A peer review of the Clause 4.6 variation has been undertaken and the assessment officer's recommendation is supported.

RECOMMENDATION OF OFFICER: **APPROVAL**

EXECUTIVE SUMMARY

- 1.0 On 28 February 2019, IDAP approved Development Application No. 2018/124 for alterations and additions to an existing dwelling including a first floor addition in the Merley Road Heritage Conservation Area.
- 2.0 This modification application is made under Section 4.55(2) of the *Environmental Planning and Assessment Act 1979*, seeking to increase the size of the approved detached shed, rear terrace and to modify the configuration of the laundry.
- 3.0 The proposed modifications are located at the rear of the dwelling and will not alter the appearance of the dwelling when viewed from the public domain as approved under the original development consent.
- 4.0 The application is recommended for approval, subject to the conditions of consent.

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Lot 3 in DP 236123 (Cont'd)

BACKGROUND

- 28 February 2019** Development consent was granted for DA2018/124 for alterations and additions to an existing dwelling including a first floor addition in the Merley Road Heritage Conservation Area.
- 16 August 2019** The subject Section 4.55(2) modification application was submitted to modify development consent DA2018/124 for to amend approved alterations and additions by extending rear terrace and garden shed.
- 27 August 2019 to
10 September 2019** The modification application was notified in accordance with the requirements of Part L of the Strathfield Consolidated Development Control Plan (SCDP) 2005.

DESCRIPTION OF THE SITE AND LOCALITY

The subject site is located on the southern side of Merley Road. It has a 15.24m street frontage and a total site area of 696.6m² (Figure 1). The site is currently occupied by a single storey dwelling, carport, detached shed and covered BBQ area (Figure 2). Although the site is not listed as a heritage item, it is located within the Merley Road Conservation Area. Whilst the existing streetscape is characterised by Inter-War Californian Bungalows and Federation period houses some of which include second storey additions to the rear. There is a prevailing pattern of gable and hipped roof forms along the street which provides the streetscape with its distinctive built form character.



Figure 1: Locality plan. The subject site is outlined in yellow and the Merley Road Heritage Conservation Area is outlined in red.

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Figure 2: The existing dwelling viewed from Merley Road.

DESCRIPTION OF THE PROPOSED MODIFICATION(S)

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

- Increase the size of the detached shed from 6.7m² to 8.8m²;
- Increase the size of the rear terrace area; and
- Internal re-configuration of the laundry.

A plan of the approved and proposed modifications of the development is shown below.

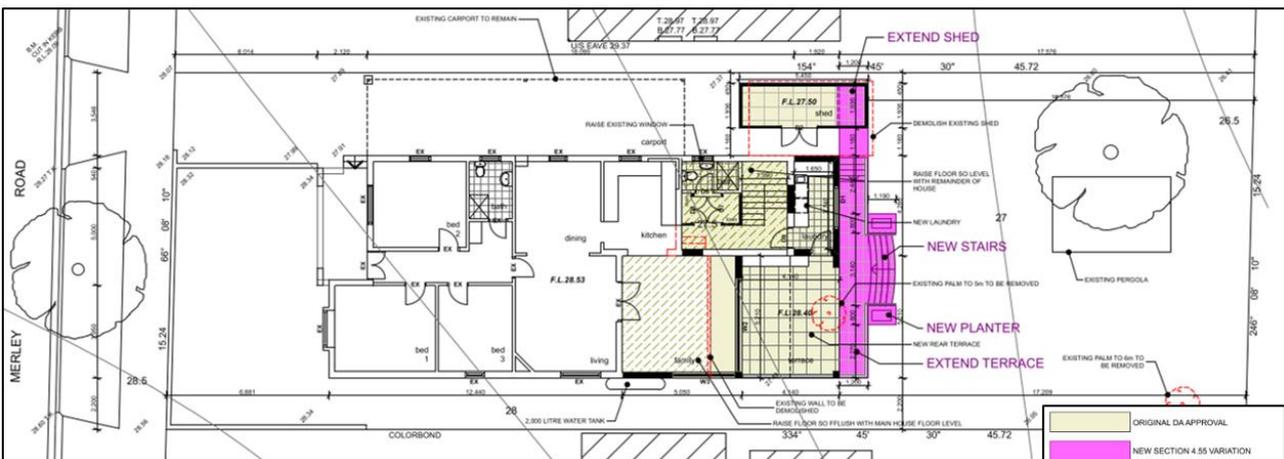


Figure 3: Ground floor plan illustrating the original approved development (yellow) and proposed amendments (fuchsia).

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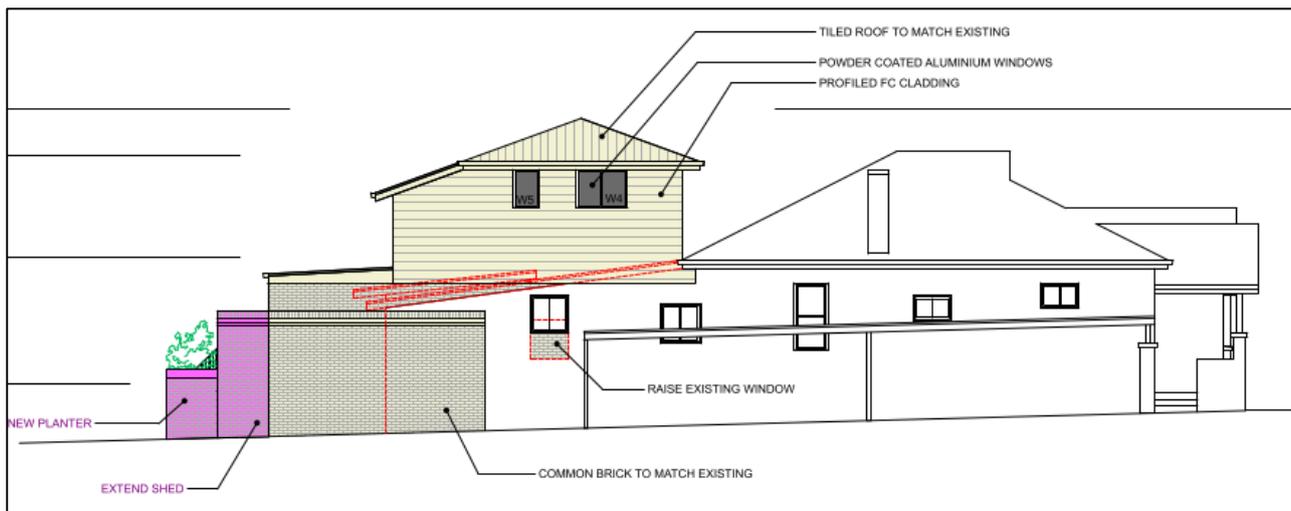


Figure 4: Eastern elevation plan illustrating the original approved development (yellow) and proposed amendments (fuchsia).

SECTION 4.55 OF THE EP&A ACT 1979

Section 4.55 of the Environmental Planning and Assessment Act 1979 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 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 regard to subclause ‘a’, Council is satisfied that the development to which the consent as modified relates is substantially the same development for which consent was originally granted.

To answer this threshold question, a comparative analysis of the approved development as modified has been undertaken. In this regard, the proposed use as a dwelling does not change; the external building appearance as viewed from Merley Road is not altered in a discernible manner; and amenity impacts to neighbouring development in terms of privacy, views, solar access and

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overshadowing are essentially the same as that of the approved development. Accordingly, the development as modified is considered to satisfy the 'substantially the same' test in that it will result in essentially and materially the same development as that originally approved.

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

In regards to subclause 'c' and 'd', the application was notified from 27 August 2019 to 10 September 2019 in accordance with Part L of the SCDCP 2005. 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 relevance to the development the subject of the application. The consent authority must also take into consideration the reasons given by the consent authority for the grant of the consent that is sought to be modified.*

In regards to clause '3' an assessment of the modification application against the matters referred 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 28 February 2019 by the Strathfield Internal Development Assessment Panel. 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 proposal is considered an acceptable outcome for the site which will not compromise the amenity of the adjoining residents or detract from the heritage characteristics of the Merley Road Heritage Conservation Area."

The development as proposed to be modified is consistent with the above statement in that the amendments are located at the rear of the existing dwelling and not visible from the streetscape and are not anticipated to result in additional amenity impacts. Accordingly, it is satisfied that the reasons given for the grant of the original consent are consistent with the subject application.

REFERRALS**INTERNAL REFERRALS****Engineering Comments**

Council's Engineer offered no objections to the proposal 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 of consideration contained within section 4.15C 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*

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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.

The provided BASIX Certificate meets the designated energy and water targets. An appropriate condition is included under the original consent to ensure compliance with 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).

An Arborist Report was submitted to, and assessed by Council under the parent application. Conditions of consent were imposed under the original consent for the approved in relation to the retention and removal of specific trees. Whilst the proposal results in modifications to the approved building footprint (increase in shed and rear terrace size), the development maintains appropriate setbacks and is unlikely to adversely impact the trees to be retained.

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 modification application is consistent with the general aims of the SLEP 2012. The overall development scheme is considered to be appropriate to the streetscape character of the Merley Road Heritage Conservation Area.

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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 as follows:

Floor space ratio

Cl.	Standard	Controls	Approved	Proposed	Complies
4.4	Floor space ratio	0.60:1 (417.96m ²)	0.29:1 (202.89m ²)	0.30:1 (211.69m ²)	Yes

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

Comments: The proposal results in an overall increase of 8.8m² of floor space compared to the originally approved development. The modified development achieves compliance with the FSR development standard for the site and is of an appropriate scale and form that will integrate well with the existing dwelling and surrounding streetscape.

Part 5: Miscellaneous Provisions

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

5.10 Heritage Conservation

Clause 5.10(5) of the SLEP 2012 requires consideration be given to the potential impacts of development upon heritage conservation areas and heritage listed items including associated fabric, settings and views. The subject site is located within the Merley Road Heritage Conservation Area which is typified by its distinctive building form character comprising of Interwar Californian bungalow style and Federation period houses. The subject application seeks to extend the size of the detached shed, rear terrace and laundry approved under the original development consent. The proposed works are appropriately located behind the existing dwelling, are not highly

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visible from the public domain and do not detract from the original architectural features that characterise the dwelling. Therefore, the proposed modifications will have minimal impacts on the heritage significance of the Merley Road Heritage Conservation Area and achieve the objectives of Clause 5.10 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:

6.3 Flood planning

Council's Stormwater Engineer has raised no objection to the modified proposal and the conditions of consent imposed under the approved development consent.

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

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

4.15(1)(a)(iii) any development control plan**STRATHFIELD CONSOLIDATED DEVELOPMENT CONTROL PLAN (SCDCP) 2005**

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

PART A – DWELLING HOUSES AND ANCILLARY STRUCTURES

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

2: Architectural Design & Streetscape Presentation

2.1	Objectives	Satisfactory
A.	<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
B.	<i>To achieve quality architecture in new development through the appropriate composition and articulation of building elements.</i>	Yes
C.	<i>To ensure that the dominant building rhythm of the streetscape is reflected in the building design in terms of the spacing and proportion of the built elements.</i>	Yes
E.	<i>To encourage contemporary architecture that is innovative, uses high quality detailing, and incorporates elements characteristic of Strathfield.</i>	Yes
F.	<i>To promote the continuance of pyramidal roof forms within Strathfield where they are already prevalent.</i>	Yes
G.	<i>To retain a feeling of openness and space between built elements by maintaining landscaped setbacks and preserve the appearance of dwellings set in the treelined streets and park-like environment.</i>	Yes
H.	<i>To reduce the use of highly reflective colours and materials that create visual prominence.</i>	Yes
J.	<i>To protect and retain the amenity of adjoining properties.</i>	Yes

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2.2	Development Controls	Complies
.1.	<i>Streetscape Presentation</i>	
	2 Consistently occurring building features integrated within dwelling design.	Yes
	3 Consideration of streetscape elements	Yes
.2.	<i>Scale, Massing & Rhythm of Street</i>	
	1 Scale, massing, bulk and layout complement the existing streetscape and the dominant building rhythm	Yes
	2 Building height and mass maintains amenity to adjacent properties open space or the public domain	Yes
.3.	<i>Building Forms</i>	
	1 Building form articulated.	Yes
.4.	<i>Roof Forms</i>	
	1 Roof form complements predominant form in the locality	Yes
	2 Roof form minimises bulk and scale of building and remains an important architectural element in the street.	Yes
	<i>Materials</i>	
	5 Materials compatible with the existing dwelling house, adjoining dwelling houses and the streetscape (type, form and colour)	Yes
	<i>Colours</i>	
	8 New development incorporates traditional colour schemes	Yes
	9 The external colours integrate harmoniously with the external design of the building	Yes

Comments: The proposed works are proportionate to the original dwelling with a schedule of colours and finishes including terracotta roof tiles and exposed facebrick that complement appropriately.

4: Building Envelope

4.1	Objectives	Satisfactory
A.	<i>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.</i>	Yes
B.	<i>To minimise impact on the amenity of adjoining properties.</i>	Yes
C.	<i>To establish and maintain the desired setbacks from the street and define the street edge.</i>	Yes
D.	<i>To create a perception or reinforce a sense of openness in the locality.</i>	Yes
E.	<i>To maintain view corridors between dwellings</i>	Yes
F.	<i>To assist in achieving passive surveillance whilst protecting visual privacy.</i>	Yes
G.	<i>To provide a transitional area between public and private space.</i>	Yes

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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>Side and Rear Setbacks</i>		
.3.2.	2	A rear setback of 6m (min)	Yes

Comments: As previously discussed, the proposal as modified achieves numerical compliance with the FSR development standard under Clause 4.4C of the SLEP 2012. In accordance with Section 4.2 of the SCDP 2005, the rear terrace is setback 16.37m from the rear property boundary. The built form of the modified development will integrate well with the existing dwellings in the streetscape which also contain two storey extensions.

5: Landscaping

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

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	1	Landscaped area in accordance with Table A.3	Yes
	2	At least 50% of the minimum landscaped area located behind the building line to the rear boundary	Yes
<i>Private Open Space</i>			
	1	Provided in a single parcel rather than a fragmented space, directly accessible from internal living areas	Yes
.3.	2	Includes a deep soil area compliant with the minimum landscaped area.	Yes
	3	Terraces and decks (at least 10m ²) with one length or width 3m (min) and directly accessible from an internal living area. Decks cannot be located more than 500mm above NGL	No, however acceptable on merit.
	5	Private open space located at the rear of the property.	Yes

Comments: The proposal provides 45% (313.52m²) of deep soil landscaping over the site, exceeding the 41.5% (289.08m²) minimum requirement. The rear terrace is directly accessible from the family room and connects to a large single parcel of open space. Contrary to Section 5.2.3.3 the rear terrace is located 900mm above the NGL, the relative level of the terrace was considered acceptable under the original consent as it responds to the raised elevation of the original dwelling and the topography of the site.

6: Solar Access

6.1	Objectives		Satisfactory
A.	To ensure the design of new dwelling houses and alterations and additions maximises solar access to living areas and open space areas.		Yes
B.	To minimise overshadowing of adjoining properties.		Yes
6.2	Development Controls		Complies
	<i>Sunlight Access</i>		
.1.	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 subject site has a north-south orientation and is not considered to result in any additional adverse overshadowing impacts than what was approved under the original development consent.

7: Privacy

7.1	Objectives		Satisfactory
A.	Development that is designed to provide reasonable privacy to adjacent properties		Yes
B.	To maintain reasonable sharing of views from public places and living areas		Yes
C.	To ensure that public views and vistas are protected, maintained and where possible, enhanced		Yes

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D.	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
.1.	Visual Privacy	
	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

Comments: From a visual privacy context, the terrace is located 16.37m from the rear boundary and the detached garage of the western adjoining residence obscuring the line of sight into the adjoining western property. As a result, no privacy measures have been recommended.

12: Ancillary Development

12.1	Objectives	Satisfactory
A.	To ensure that ancillary development is compatible with the design of the principal dwelling, streetscape and adjoining dwellings in form, materials and colours	Yes
B.	To limit the size, bulk and scale of ancillary structures and minimise their visibility from the public domain.	Yes
D.	To ensure that the provision of ancillary structures, such as air conditioning units, are considered at the design stage of a proposed development.	Yes
12.2	Development Controls	Complies
.2.	Outbuildings	
	1 Outbuilding located behind the front building line	Yes
	2 Side and rear setback is 0.5m (min)	Refer to Condition No. 2
	3 New garden sheds, studios, cabanas and the like are limited 40sqm (max)	Yes
	5 The roof area is not accessible for any purpose	Yes
	6 Outbuildings are not to be used for habitable purposes	Yes

Comments: The proposal seeks to expand the detached shed approved under the original development consent from 6.7m² to 8.8m². Condition No. 2 of the consent requires the shed to be setback 500mm from the eastern side boundary to achieve compliance with the SCDP 2005 controls.

PART P- HERITAGE

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

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1.5: Objectives of this DCP Part

1.5	Objectives	Satisfactory
a.	To encourage development which complements existing heritage items and heritage Conservation Areas in a modern context.	Yes
b.	To ensure that development in the vicinity of heritage items is designed and sited to protect the heritage significance of the item.	Yes
c.	To retain any significant horticultural or landscape features that assist in the interpretation of Strathfield's heritage.	Yes

Comments: The development as proposed to be modified by the subject application incorporates a schedule of colours and external finishes to match the existing dwelling with a built form that compliments the Inter-War style of the dwelling.

4. Development in Conservation Areas

4.5: Materials and colours

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

4.5.2	Development Controls	Complies
(5)	Colour schemes for existing and new development in Conservation Areas should have a hue and tonal relationship with traditional colour schemes for the dominant style of development found in the Conservation Area	Yes

Comments: The subject application proposes no changes to the schedule of colours and materials approved under the original development application. The schedule of colours and finishes of the proposed addition have a tonal relationship with the traditional brown, cream and beige colours of the original dwelling

5. Additional controls for development within the Residential Conservation Areas

5.1: General objectives

5.1	Objectives	Complies
1	To conserve the existing character and heritage significance of Strathfield's residential Conservation Areas.	Yes
2	To facilitate sympathetic and appropriate alterations and additions, whilst minimising the impact on the heritage significance of the dwellings and streetscapes within residential Conservation Areas.	Yes
3	To ensure that new development is sympathetic to the particular building and/or relevant Conservation Area in terms of siting, form, massing, articulation and detail composition.	Yes
4	To ensure that the proposed form of roof and details, the style, size, proportion and position of openings of windows and doors, the colours, textures, style, size and type of finish of materials to be used on the exterior of the building is	Yes

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compatible with similar features and materials used in the existing building on the site and within the relevant Conservation Area

7	<i>To promote an understanding of the importance of conserving the fabric of existing buildings and its context within the relevant Conservation Area.</i>	Yes
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Comments: The proposal generally complies with the above objectives, achieving an outcome that is sympathetic to the existing dwelling and wider streetscape. This is achieved through the siting of the rear addition immediately behind the existing dwelling with a colour palette and external materials that are sympathetic with the original dwelling.

5.3: Building Form

5.3	<i>Development Controls</i>	<i>Complies</i>
	(1) Any development proposal should retain the particular building character of each Residential Conservation Area as identified in the particular Statement of Significance for the Area.	Yes
	(2) Extensions should be sited to the rear of a dwelling within a Conservation Area, and are to be consistent and complement the existing dwelling. Alterations to the original main part of a building (other than a non-conforming building), including front and side facades, verandahs and roof forms, are discouraged.	Yes

Comments: As previously discussed throughout this report, the proposed works are located at the rear of the approved development, ensuring that the original dwelling and its original architectural features are conserved.

5.9.10: Merely Road Heritage Conservation Area

5.9.10.2	<i>Development Controls</i>	<i>Complies</i>
	(1) Gables should be restored, repaired or replaced to follow the consistent pattern throughout the Conservation Area.	N/A
	(2) Replacement roof materials are to match original materials on dwellings within this Conservation Area, such as unglazed terra cotta Marseilles tiles.	N/A
	(3) The original shape and materials of the front and side walls of dwellings within this Conservation Area shall not be altered. Face brickwork with render should be repaired or replaced where appropriate.	N/A
	(3) Existing original front verandahs are to be kept and repaired or reinstated where necessary.	N/A

Comments: The subject modification application does not propose any works relevant to Section 5.9.10.

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

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

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

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

Appropriate conditions of consent were imposed under the original development consent addressing these requirements.

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

As previously discussed, the subject site is located within the Merley Road Heritage Conservation Area which is typified by its distinctive building form character comprising of Interwar Californian bungalow style and Federation period houses in the street. The proposed amendments are positioned behind the existing dwelling and the originally approved extensions. The subject application is not considered to result in any additional adverse environmental or social impacts than what was approved under the original development consent.

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

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

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

The application was notified from 27 August 2019 to 10 September 2019 in accordance with Part L of the SCDCP 2005 and no submissions were received.

4.15(1)(e) the public interest

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

LOCAL INFRASTRUCTURE CONTRIBUTIONS

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

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

STRATHFIELD INDIRECT CONTRIBUTIONS PLAN

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

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Lot 3 in DP 236123 (Cont'd)

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.

PEER REVIEW

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

RECOMMENDATION

Pursuant to Section 4.55(2) of the Environmental Planning and Assessment Act 1979, the proposed modification(s) to Development Consent No. 2018/124 involving amendments to approved alterations and additions by extending rear terrace and garden shed at 14 Merley Road, Strathfield be **APPROVED**, subject to:

1. The original conditions of consent of Development Application No. (DA2018/124) as approved by IDAP on 28 February 2019 for Alterations and additions to an existing dwellings including a first floor addition in the Merley Road Heritage Conservation Area.
2. As modified by the Section 4.55(2) application (DA2018/124/02) as follows:
 - Modification to Condition No. 3 relating to the approved plans;

Accordingly, Development Consent No. DA2018/124 is approved as following:

Development Description:

Alterations and additions to an existing dwellings including a first floor addition in the Merley Road Heritage Conservation Area.

SPECIAL CONDITIONS (GC)

1. LANDSCAPE PLAN – AMENDED (SC)

Tree Nos. 3-8 as identified in the Arboricultural Impact Assessment prepared by The Ents Tree Consultancy dated 5th October 2018 and received by Council on 25 October 2018 are to be retained.

Amended plans identifying their retention shall be submitted and approved by the Principal Certifying Authority **prior to the issue of a Construction Certificate.**

(Reason: To ensure consistency between plans.)

2. SHED – SETBACK (SC)

The detached shed shall be located at least 500mm from the eastern side boundary.

Amended plans demonstrating compliance with this condition shall be submitted and

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approved by the Principal Certifying Authority prior to the issue of a Construction Certificate.

(Reason: Compliance with SCDCP 2005).

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.2018/124:

Drawing No.	Title/Description	Prepared by	Issue /Revision	Date received by Council
0909-02A MODIFIED: DA2018/124/02 15 NOVEMBER 2019	Ground Floor	Brad Inwood Architects	-	25 October 2018 16 August 2019
0909-03A MODIFIED: DA2018/124/02 15 NOVEMBER 2019	First Floor	Brad Inwood Architects	-	25 October 2018 16 August 2019
0909-04A MODIFIED: DA2018/124/02 15 NOVEMBER 2019	Roof Plan	Brad Inwood Architects	-	25 October 2018 16 August 2019
0909-05A MODIFIED: DA2018/124/02 15 NOVEMBER 2019	Section	Brad Inwood Architects	-	25 October 2018 6 August 2019
0909-06A MODIFIED: DA2018/124/02 15 NOVEMBER 2019	Elevations 01	Brad Inwood Architects	-	25 October 2018 16 August 2019
0909-07A MODIFIED: DA2018/124/02 15 NOVEMBER 2019	Elevations 02	Brad Inwood Architects	-	25 October 2018 16 August 2019
0909-08	Erosion & Sedimentation	Brad Inwood Architects	-	6 September 2018
0909-09 0909-09A MODIFIED: DA2018/124/02	Site Management Plan	Brad Inwood Architects	-	6 September 2019 16 August 2019

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15 NOVEMBER 2019				
0909-12A	Colours & Materials	Brad Inwood Architects	-	25 October 2018
1345-01 MODIFIED: DA2018/124/02 15 NOVEMBER 2019	Landscape Plan	Acevski Landscape Designs	- A	25 October 2018 16 August 2019
1345-02 MODIFIED: DA2018/124/02 15 NOVEMBER 2019	Landscape Plan	Acevski Landscape Designs	- A	25 October 2018 16 August 2019
1345-03 MODIFIED: DA2018/124/02 15 NOVEMBER 2019	Landscape Plan	Acevski Landscape Designs	-	25 October 2018 16 August 2019
D001	Proposed Drainage Plan	CW Consultants	Rev 1 Rev 2	6 September 2019 16 August 2019

Reference Documentation affixed with Council's 'Development Consent' stamp relating to Development Consent No.2018/124:

Title / Description	Prepared by	Issue/Revision & Date	Date received by Council
Arboricultural Impact Assessment	The Ents Tree Consultancy	Dated 5 October 2018	25 October 2018
BASIX Certificate MODIFIED: DA2018/124/02 15 NOVEMBER 2019	No. A326923_02 No. A326923_04	Issued 18 October 2018 Issued 11 August 2019	25 October 2018 16 August 2019
Heritage Impact Statement	Watermark Planning and Brad Inwood Architects	Dated 8 August 2018	6 September 2018
Construction & Site Management Plan	Brad Inwood Architects	-	6 September 2018
Construction Noise & Vibration Management Plan	Brad Inwood Architects	Dated 29 August 2018	6 September 2018
Demolition Work Plan	Brad Inwood Architects	-	6 September 2018
Waste Management Plan	Brad Inwood Architects	-	6 September 2018

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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Lot 3 in DP 236123 (Cont'd)

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

The height of the building measured from Australian Height Datum (AHD) must not exceed Relative Level (RL) 35.03AHD to the roof ridge of the building.

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

5. **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.)

6. **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.)

7. **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.)

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.

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(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 No. in Arborist Report	Tree	Location
1	<i>Syagrus romanzoffiana</i> Cocos Palm	Western side boundary
2	<i>Archontophoenix cunninghamiana</i> Bangalow Palm	Rear yard

All trees recommended to be removed as submitted in the Arboricultural Impact Assessment prepared by The Ents Tree Consultancy dated 5th October 2018 and received by Council on 25 October 2018 are permitted to be removed to accommodate the proposed development.

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.

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)

The trees listed below shall be retained at all times:

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Lot 3 in DP 236123 (Cont'd)

<u>Tree No.</u>	<u>Tree</u>	<u>Height/ Spread (m)</u>	<u>Location</u>	<u>Protection Zone (m)</u>	<u>Structur al Root Zone (m)</u>
3	<i>Howea forsteriana</i> Lord Howe Island Palm	6 x 4	Eastern side boundary	2	1.5
4	<i>Livistona australis</i> Cabbage Palm	6 x 5	Rear yard	4.2	2.35
5	<i>Arbutus unedo</i> Irish Strawberry	6 x 6	Eastern side boundary	3	2.15
6	<i>Liquidambar styraciflua</i> Sweetgum	17 x 14	Rear yard	7.2	2.85
7	6 x <i>Cupressus macrocarpa</i> Gold Monterey Cypress	5 x 4	Rear property boundary	4.2	2.35
8	<i>Lophostemon confertus</i> Brush Box	9 x 11	Road Reserve	6	2.7

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 recommendations, including Tree Protection Fencing contained in the Arboricultural Impact Assessment prepared by The Ents Tree Consultancy dated 5th October 2018 and received by Council on 25 October 2018 are to be implemented and complied with.

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

11. 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.)

12. 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

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- iii) 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.)

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)
- x) All waste on the site is to be stored, handled and disposed of in such a manner as to not create air pollution (including odour), offensive noise or pollution of land and/or water as defined by the Protection of the Environment Operations Act 1997. 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.
- xi) All waste must be contained entirely within the site.
- xii) 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.
- xiii) 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.
- xiv) Details as to the method and location of disposal of demolition materials (weight dockets, receipts, etc.) should be kept on site as evidence of approved methods of disposal or recycling and must be presented to Council and/or Principal Certifying Authority upon request.
- xv) 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.
- xvi) Any materials stored on site must be stored out of view or in such a manner so as

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- not to cause unsightliness when viewed from nearby lands or roadways.
- xvii) 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.
 - xviii) 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.
 - xix) 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.
 - xx) Any work must not prohibit or divert any natural overland flow of water.
 - xxi) 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 - STAMPED PLANS PRIOR TO COMMENCEMENT (GC)

The approved plans must be submitted to a Sydney Water Quick Check agent or Customer Centre to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. Plans will be appropriately stamped.

For Quick Check agent details please refer to the web site www.sydneywater.com.au (see Building Developing and Plumbing then Quick Check) or telephone 13 20 92. The consent authority or a Certifying Authority must ensure that a Quick Check agent/Sydney Water has stamped the plans before the commencement of work.

(Reason: Compliance with Sydney Water requirements.)

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

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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.)

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. 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.)

19. CONSTRUCTION AND ENVIRONMENTAL MANAGEMENT PLAN (CC)

The applicant must prepare and submit a Construction and Environmental Management Plan (CEMP) to the Principal Certifying Authority, including:

- i) Detailed information on any approvals required from other authorities prior to or during construction.
- ii) Traffic management, including details of:
 - ingress and egress of vehicles to the site;
 - management of loading and unloading of materials;
 - the location of heavy vehicle parking off-site; and
 - designated routes for vehicles to the site.
- iii) The proposed areas within the site to be used for a builder's site office and amenities, the storage of excavated material, construction materials and waste containers during the construction period.

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

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two (2) working days (i.e. Monday to Friday exclusive of public holidays) prior to the commencement of asbestos removal works. Notification is to include, at a minimum:

- the date and time when asbestos removal works will commence;
- the name, address and business hours contact telephone number of the demolisher, contractor and/or developer;
- the full name and license number of the asbestos removalist/s; and
- the telephone number of WorkCover's Hotline 13 10 50
- warning signs informing all people nearby that asbestos removal work is taking place in the area. Signs should be placed at all of the main entry points to the asbestos removal work area where asbestos is present. These signs should be weatherproof, constructed of light-weight material and adequately secured so they remain in prominent locations. The signs should be in accordance with AS 1319-1994 Safety signs for the occupational environment for size, illumination, location and maintenance; and
- appropriate barricades installed as appropriate to prevent public access and prevent the escape of asbestos fibres. Barricades must be installed prior to the commencement of asbestos removal works and remain in place until works are completed.

(Reason: Safety, amenity and protection of public infrastructure and the environment.)

20. COUNCIL PERMITS – FOR ALL ACTIVITIES ON COUNCIL LAND (CC)Works Permit

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

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

Standing Plant Permit

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

Skip Bin Permit

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

Temporary Full or Part Road Closure Permit

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

Hoarding/Fencing Permit

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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.)

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

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

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

22. DEMOLITION - HERITAGE ITEMS (GC)

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

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

(Reason: Heritage conservation.)

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

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

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

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

24. **PRIVACY - OBSCURE GLAZING IN WET AREAS (CC)**

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

(Reason: Privacy amenity.)

25. **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	\$1,000.00
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The total amount of the contribution is valid as at the date of determination and is subject to quarterly indexation. The amount of the contribution under this condition shall be indexed in accordance with clause 4.12 of the Strathfield Indirect Development Contributions Plan 2010-2030.

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

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

Note: A copy of Strathfield Council's Section 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.)

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

A security (damage deposit) of **\$5,200.00** (calculated in accordance with Council's adopted Fees and Charges) shall be paid to Council, prior to the issue of a Construction Certificate.

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

Payment may be accepted in the form of cash, bank guarantee, cheque or credit card (financial transactions fees apply). Note: Additional fees apply for the lodgement of a bank

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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.)

27. TRAFFIC - CONSTRUCTION TRAFFIC MANAGEMENT PLAN (CC)

A Construction Traffic Management Plan (CTMP) is to be prepared by an appropriately qualified Traffic Management Consultant and submitted to and approved by Council's Engineering Section, prior to the commencement of any works including demolition.

The following matters should be addressed in the CTMP (where applicable):

- i) description of the demolition, excavation and construction works;
- ii) site plan/s showing the site, roads, footpaths, site access points and vehicular movements;
- iii) size, type and estimated number of vehicular movements (including removal of excavated materials, delivery of materials and concrete to the site);
- iv) proposed route(s) from the arterial (state) road network to the site and the proposed route from the site back to the arterial road network;
- v) impacts of the work and vehicular movements on the road network, traffic and pedestrians and proposed methods to safely manage pedestrians and construction related vehicles in the frontage roadways;
- vi) any Traffic Control Plans (TCP's) proposed to regulate traffic and pedestrian movements for construction activities (such as concrete pours, crane installation/removal etc.);
- vii) proposed hours of construction related activities and vehicular movements to and from the site;
- viii) current/proposed approvals from other Agencies and Authorities (including Roads and Maritime Services, Police and State Transit Authority);
- ix) any activities proposed to be located or impact upon Council's road, footways or any public place;
- x) measures to maintain public safety and convenience;
- xi) any proposed road and/or footpath closures;
- xii) turning areas within the site for construction and spoil removal vehicles, allowing a forward egress for all construction vehicles on the site;
- xiii) locations of work zones (where it is not possible for loading/unloading to occur on the site) in the frontage roadways accompanied by supporting documentation that such work zones have been approved by the Local Traffic Committee and Council;
- xiv) location of any proposed crane and concrete pump and truck standing areas on and off the site (and relevant approvals from Council for plant on road);
- xv) a dedicated unloading and loading point within the site for all construction vehicles, plant and deliveries;

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- xvi) material, plant and spoil bin storage areas within the site, where all materials are to be dropped off and collected;
- xvii) on-site parking area for employees, tradespersons and construction vehicles as far as possible;
- xviii) proposed areas within the site to be used for the storage of excavated material, construction materials and waste and recycling containers during the construction period; and
- xix) how it is proposed to ensure that soil/excavated material is not transported onto surrounding footpaths and roadways.

(Reason: To mitigate traffic impacts on the surrounding area during the construction period.)

28. 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.)

CONDITIONS TO BE SATISFIED PRIOR TO THE COMMENCEMENT OF WORKS (CW)**29. APPOINTMENT OF A PRINCIPAL CERTIFYING AUTHORITY (PCA) (CW)**

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

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

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Lot 3 in DP 236123 (Cont'd)**

- 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.)

30. HOME BUILDING COMPENSATION FUND (CW)

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

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

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

Note: Where arrangements for doing residential building work change while the work is in progress so that the above information becomes out of date, the PCA (where not the

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Lot 3 in DP 236123 (Cont'd)

Council) must provide Council with written notice of the updated information.

(Reason: Statutory requirement.)

31. NOTICE OF COMMENCEMENT (CW)

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

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

(Reason: Statutory requirement.)

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

32. 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.)

33. PUBLIC INFRASTRUCTURE AND SERVICES (DW)

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

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

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

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

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

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

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Lot 3 in DP 236123 (Cont'd)

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

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

35. DRAINAGE SYSTEM - MAINTENANCE OF EXISTING SYSTEM (OC)

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

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

(Reason: Maintenance and environment.)

36. ENGINEERING WORKS (CERTIFICATION OF)

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

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

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

For major works, such as subdivisions, works within the road reserve (requiring separate S138 approval) and as where specified by Council, a Part 4A Certificate will be required. It is strongly recommended that an Engineer supervise all engineering related works.

Where Council is not the Principal Certifying Authority, an electronic copy of the above documents is to be provided to Council, prior to the issue of any Occupation Certificate.

(Reason: Asset management.)

37. 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:

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- 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.)

38. 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.)

39. 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.)

40. STORMWATER - COVENANT AND RESTRICTION AS TO USER FOR STORMWATER CONTROLLED SYSTEMS (OC)

Prior to the issue of any Occupation Certificate, the applicant shall register a Positive Covenant and a Restriction as to User under section 88E and or section 88B of the Conveyancing Act as appropriate in favour of Council, ensuring the ongoing retention, maintenance and operation of the stormwater facility (on-site detention, pump-out, charged lines, etc).

Where any drainage line or service conduit is to traverse any property other than that which it serves, an appropriate easement will be required. In this case, the applicant shall register an easement no less than 1200mm wide over the proposed drainage line or service concurrently with any subdivision registration.

The wording on the 88E and/or the 88B Instrument is to make reference to the Council file where the Construction plans and the Work As Executed (as built), plans are held. Typical wording can be obtained from Council's Specification for the Management of Stormwater document.

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Lot 3 in DP 236123 (Cont'd)

(Reason: To ensure the on-site detention and/or pump system is maintained to an appropriate operational standard.)

ATTACHMENTS

There are no attachments for this report.

TO: Strathfield Internal Development Assessment Panel Meeting - 15 November 2019

REPORT: IDAP – Report No. 2

SUBJECT: DA2017/059 - 47-48 LOFTUS CRESCENT AND 12-18 BRIDGE STREET, HOMEBUSH - LOTS 2 & 1 IN DP 841916 AND LOTS A, B, C, D IN DP 313831

DA NO. DA2017/059/02

SUMMARY

Proposal: Section 4.55(2) modification application for internal configurations including conversion of one bedroom units into a 3 bedroom unit

Applicant: George Saade – UrbanLink Pty Ltd

Owner: Charlie & Sue P/L, AREZ P/L, TSSA Group P/L

Date of lodgement: 15 October 2019

Notification period: 30 October 2019 to 13 November 2019

Submissions received: Nil

Assessment officer: MR

Estimated cost of works: Nil

Zoning: R4 – High Density Residential zone – SLEP 2012

Heritage: N/A

Flood affected: No
Yes

Is a Clause 4.6 variation proposed? Maximum Floor Space Ratio development standard under Clause 4.4A of the SLEP 2012
Extent of variation: 0.37% or 18.55m².

Extent of the variation supported? Yes

Peer review of Clause 4.6 variation: N/A – the applicant did not provide a written request for Clause 4.6 variation. This is not required for modification applications.

RECOMMENDATION OF OFFICER: **APPROVAL**

EXECUTIVE SUMMARY

Approval is sought for internal configurations for an approved residential flat building, including conversion of one bedroom units into a 3 bedroom unit (the '**proposed modification**').

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

The proposed modification involves a slight variation of 0.37% (or 18.55m²) to the maximum Floor Space Ratio (FSR) development standard under the Strathfield Local Environmental Plan 2012

DA2017/059 - 47-48 Loftus Crescent and 12-18 Bridge Street, Homebush - Lots 2 & 1 in DP 841916 and Lots A, B, C, D in DP 313831 (Cont'd)

(SLEP 2012). Despite this breach, the overall built form appropriately responds to the character of the surrounding locality and is considered to have minimal impacts in terms of streetscape quality, amenity, overshadowing and privacy.

In light of the above matters, the proposal is considered acceptable as it achieves key objectives and requirements under the State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development (SEPP 65) and Council's development controls. Accordingly, the proposal is recommended for approval.

SECTION 4.55 OF THE EP&A ACT 1979

Section 4.55 of the *Environmental Planning and Assessment 1979* 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 4.8) in respect of a condition imposed as a requirement of a concurrence to the consent or in accordance with the general terms of an approval proposed to be granted by the approval body and that Minister, authority or body has not, within 21 days after being consulted, objected to the modification of that consent, and*
- (c) it has notified the application in accordance with:*
 - (i) the regulations, if the regulations so require, or*
 - (ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and*
- (d) it has considered any submissions made concerning the proposed modification within 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 subclause 'a', Council is satisfied that the development to which the consent as modified relates is substantially the same development for which consent was originally granted and before that consent as originally granted was modified (if at all).

In answering this threshold question, a comparative analysis of the approved development as modified has been undertaken. In this regard, the primary proposed use for a residential flat building does not change; the external building appearance in terms of bulk and scale as viewed

DA2017/059 - 47-48 Loftus Crescent and 12-18 Bridge Street, Homebush - Lots 2 & 1 in DP 841916 and Lots A, B, C, D in DP 313831 (Cont'd)

from the adjoining properties and public domain is not altered in a significant or readily discernible manner; and amenity impacts to neighbouring development in terms of privacy, views, solar access and overshadowing are essentially the same as that of the approved development. 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 subclause 'b', this does not apply as the modification application does not involve the modification to a condition imposed as a requirement of a concurrence to the consent.

In regards subclause 'c' and 'd', the application was notified in accordance with Part L of SCDCP 2005 and no submissions were received.

Clause 3 of Section 4.55 of the *Environmental Planning and Assessment 1979* also applies to the modification application. Clause 3 states the following:

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

The reasons for granting consent for the approved development were as follows:

- The subject site, being a relatively unconstrained property within an accessible area, which ensures the proposed land use is appropriate for the site; and
- The proposal has been designed having regard to the orientation of the land and achieves a high quality residential flat building that is suitably integrated with existing development and likely future development within the locality.

Considering the minor nature of the proposed modification, the above reasons for granting consent apply. The proposed modification retains the approved land use as a residential flat building and has been designed with consideration of the site's orientation and context, as well as the streetscape quality and character of the surrounding locality. The proposed modification results in a high quality residential building that is consistent and compatible with the surrounding built forms of within the locality.

BACKGROUND

- | | |
|------------------|--|
| 4 May 2017 | An application for the demolition of existing structures and construction of a part six (6) storey and part seven (7) storey residential flat building containing (70) units over two (2) levels of basement car parking on the subject land (DA2017/059) was lodged to Council. |
| 3 August 2017 | DA2017/059 was granted a Deferred Commencement by the Strathfield Local Planning Panel (SLPP). The SLPP provided delegations to the Deputy CEO, GM Planning, Environment & Urban Services of Council, for any future modification applications for this application. |
| 26 February 2018 | Documentation was received from the applicant confirming that the conditions relating to the Deferred Commencement have been satisfied. The consent was activated accordingly. |

DA2017/059 - 47-48 Loftus Crescent and 12-18 Bridge Street, Homebush - Lots 2 & 1 in DP 841916 and Lots A, B, C, D in DP 313831 (Cont'd)

- 15 October 2019 A Section 4.55(2) modification application for DA2017/059 was lodged to Council.
- 30 October 2019 The modification application (DA2017/059/02) was notified in accordance with Part L of the SCDCP 2005. Notification period ended on 13 November 2019 and no submissions were received.
- 11 & 12 November 2019 The applicant provided a Design Verification Statement, and amended plans to demonstrate the amended design's compliance with SEPP 65 and to indicate the retention of the approved tree within the rooftop open space area.

DESCRIPTION OF THE SITE AND LOCALITY

The subject site is an irregular shaped allotment located on the north-eastern corner of Loftus Crescent and Bridge Road (refer to Figure 1). The site is comprised of six (6) existing allotments legally identified as Lots 1 & 2 in DP 841916 and Lots A, B, C, D in DP 31383. The site contains a primary frontage of 51.86m to Loftus Crescent, a secondary street frontage of 46.34m to Bridge Road, a northern side boundary of 53.39m and a rear eastern boundary of 33.29m. The site provides a total site area of 2,219m².



Figure 1: Locality Plan

The subject site is identified as Key Site 58 and is within the R4 – High Density Residential zone under the Strathfield Local Environmental Plan 2012 (SLEP 2012). The maximum permitted height is 16m to Loftus Crescent and 20m to Bridge Road and an incentive FSR of 2.25:1 is applicable to the site under Clause 4.3A and 4.4A of the SLEP 2012.

The area surrounding the subject site is currently undergoing a transition from low density residential development to high density residential development as a result of the gazettal of the SLEP 2012. Immediately to the east of the subject site (19 Crane Street) is a six (6) storey residential flat building. A six (6) storey residential flat building was recently completed adjacent to the subject site at 19 Bridge Road and 50 Loftus Crescent.

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A site visit conducted on 8 November 2019 indicated that none of the construction works for the approved development have commenced.

PROPERTY BURDENS AND CONSTRAINTS

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

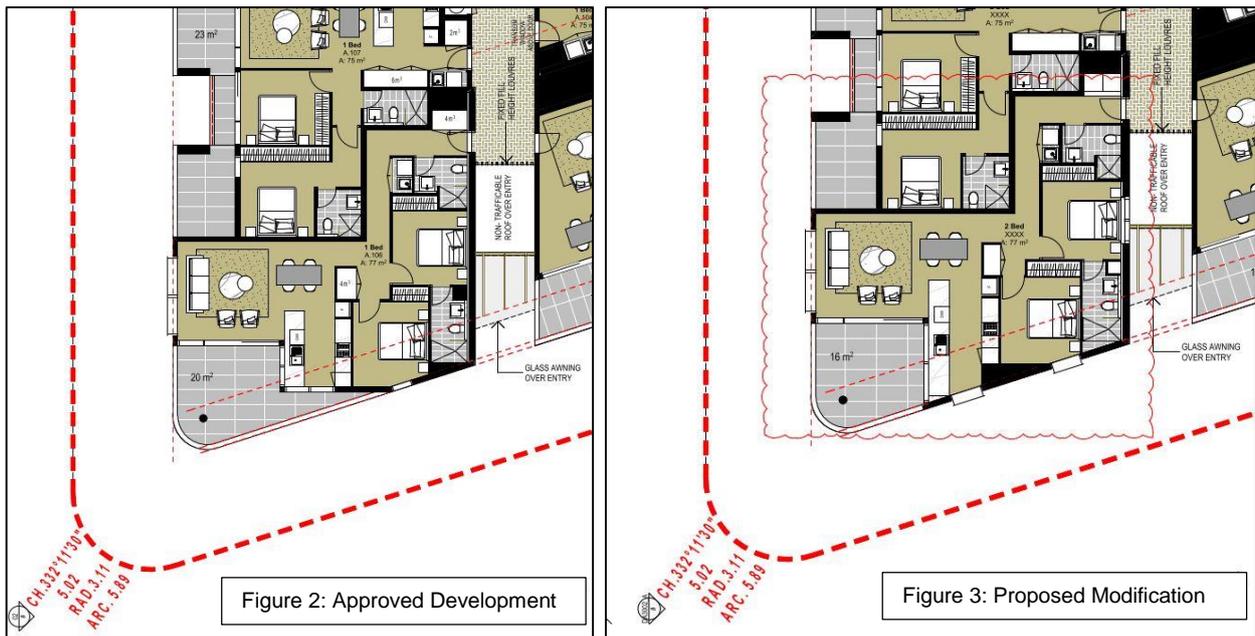
DESCRIPTION OF THE PROPOSAL

The current modification application seeks Council approval for the following changes to the approved residential flat building:

- Changes to the layout and window arrangement of 1 of the units at each level on Levels 1-4;
- Consolidation of 2 of the 2 bedroom units to create a single 3 bedroom unit on Level 6; and
- Removal of the approved roof top communal open space, which has been converted as a roof top private open space for the 3 bedroom unit.

The above elements are referred to in this report collectively as the **'proposed modification'**.

The changed layout and window arrangement of the units on Levels 1-4 are associated with some of the southern-most 2 bedroom units. Figure 2 below shows these units as approved. Figure 3 below shows the proposed modifications to these units.

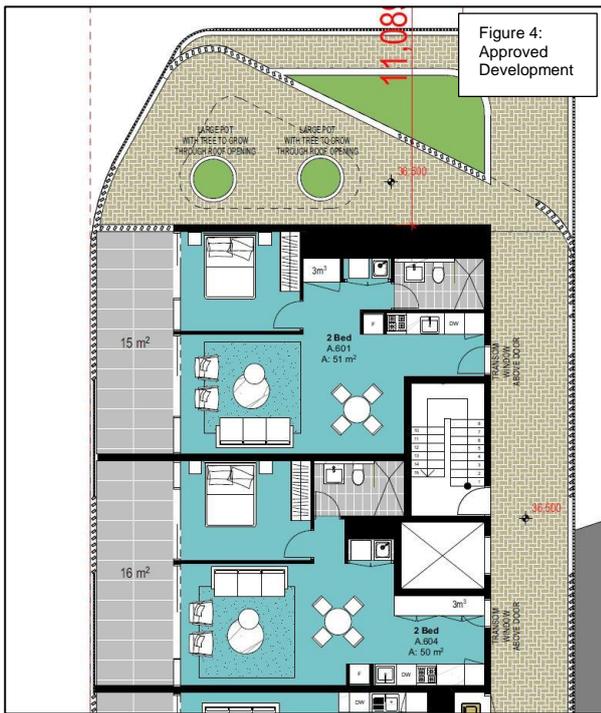


Figures 2 and 3: Southern-most units on Levels 1-4 as per the approved development (left figure) and as per the proposed modification (right figure)

As indicated on the above figures, a portion of the balcony space will be converted to provide additional internal area.

The remaining elements involve modifications to Level 6. Specifically, these involve consolidation of 2 of the 2 bedroom units (units A601 and A602) on the northern side to create a 3 bedroom unit and the conversion of the roof top communal open space into a private open space for this unit. Figure 4 below shows the above elements as approved. Figure 5 below shows the proposed modifications to these elements.

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Figures 4 and 5: Northern portion of Level 6 as per the approved development (left figure) and as per the proposed modification (right figure)

REFERRALS

The modification application did not require referrals to any internal or external specialists and stakeholders given the nature and scale of the changes involved.

SECTION 4.15 CONSIDERATIONS – EP&A Act 1979

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

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

STATE ENVIRONMENTAL PLANNING POLICY (SEPP) – BASIX 2004

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

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

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

SEPP 55 applies to the land and pursuant to Section 4.15 is a relevant consideration. The site is not located in an area of investigation under Part K of the SDCPC 2005, which identifies past known landfill and potentially contaminated sites in the Strathfield local government area.

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A Phase 1 Preliminary Site Investigation was undertaken by Environmental Investigation Services for the approved development. This investigation concluded that the site is considered to be suitable in its current state for the purposes of the approved land use (as a residential flat building). Given that the modification involves no changes to the approved land use, the site is deemed suitable for the proposed modification. Therefore, the objectives outlined within SEPP 55 are considered to be satisfied.

State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development (SEPP 65)

SEPP 65 aims to improve the design quality of residential flat development in New South Wales. SEPP 65 recognises that the design of residential apartments is of significance due to the economic, environmental, cultural and social benefits of high quality design.

Clause 115 of the Environmental Planning and Assessment Regulation 2000 contains the following provisions that apply to the proposed modifications:

“(3) In addition, if an application for the modification of a development consent under section 4.55 (2) or section 4.56 (1) of the Act relates to residential apartment development and the development application was required to be accompanied by a design verification from a qualified designer under clause 50 (1A), the application must be accompanied by a statement by a qualified designer.

(3A) The statement by the qualified designer must—

(a) verify that he or she designed, or directed the design of, the modification of the development and, if applicable, the development for which the development consent was granted, and

(b) provide an explanation of how—

(i) the design quality principles are addressed in the development, and

(ii) in terms of the Apartment Design Guide, the objectives of that guide have been achieved in the development, and

(c) verify that the modifications do not diminish or detract from the design quality, or compromise the design intent, of the development for which the development consent was granted.

(3B) If the qualified designer who gives the design verification under subclause (3) for an application for the modification of development consent (other than in relation to State significant development) does not verify that he or she also designed, or directed the design of, the development for which the consent was granted, the consent authority must refer the application to the relevant design review panel (if any) for advice as to whether the modifications diminish or detract from the design quality, or compromise the design intent, of the development for which the consent was granted.”

With regard to the above, a Design Verification Statement was provided by the applicant, which satisfies the above subclauses. Council has a Design Review Panel; however, given that the modification application has satisfied the above subclauses, a referral to the panel under

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subclause '3B' was not required. Notwithstanding the above, the proposed modification was assessed against the design principles of the SEPP and the relevant design criteria of the Apartment Design Guide (ADG). A summary of this assessment is contained in the table below:

Principle	Objective	Proposed
Context and neighbourhood character	<p>Responding to context involves identifying the desirable elements of an area's existing or future character.</p> <p>Well-designed buildings respond to and enhance the qualities and identity of the area including the adjacent sites, streetscape and neighbourhood.</p> <p>Consideration of local context is important for all sites, including sites in established areas, those undergoing change or identified for change.</p>	<p>The proposed modification is considered to appropriately respond to the local context and the desired future character of the area.</p> <p>The proposed modification only involves minor changes to the building. The most notable change is the conversion of part of the balcony spaces for several units on Levels 1-4, into additional internal areas. Each unit will have an increased floor area of 4.1m², with the total amount of floor area gained for Levels 1-4 calculated at 16.4m². This additional area is concentrated towards the southern side of the building, which addresses Loftus Avenue and is well away from adjoining properties and is within the footprint of the approved built form. These areas also share the same setbacks as the approved development.</p> <p>The proposed consolidation of the 2 bedroom units to create a 3 bedroom unit on Level 6 will result in the kitchen and internal living spaces of this unit to face the northern side and the 3 bedrooms to address the western elevation. This unit will have an increased internal floor area of 3.3m². The additional floor area is created from reducing the access corridor on the eastern side of the level, modifying the void spaces adjacent to the lift and to the open space. The proposed consolidation will result in minor aesthetic changes to the building and share the same setbacks as the approved development. It is noted that the northern elevation will comprise of additional glazing, which add interest to the façade and allows for appropriate solar access for the internal living space.</p> <p>The nominal increase in floor area is relatively minor compared to the scale and mass of the overall development. As such, the resultant changes to the built form are hardly discernible and therefore have a similar response to the site</p>

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Principle	Objective	Proposed
		context and neighbourhood character of the surrounding locality as the approved development.
Built form and scale	<p>Good design achieves a scale, bulk and height appropriate to the existing or desired future character of the street and surrounding buildings.</p> <p>Good design also achieves an appropriate built form for a site and the building's purpose in terms of building alignments, proportions, building type, articulation and the manipulation of building elements.</p> <p>Appropriate built form defines the public domain, contributes to the character of streetscapes and parks, including their views and vistas, and provides internal amenity and outlook.</p>	<p>The proposed modification involves a minor non-compliance to the maximum FSR development standard by enclosing some of the balcony spaces on Levels 1-4 and consolidation of 2 units in Level 6. Views of built form, particularly of the southern elevation, share near identical design attributes as the approved building. The nominal increase in floor area will not be noticeable given that it only involves conversion of some balcony spaces and does not displace landscaping or reduce any setbacks.</p> <p>The proposed consolidation of 2 units on Level 6 to create a 3 bedroom unit is appropriate and does not add a significant amount of additional floor area to the level. The changed layout is contained wholly within the approved building footprint.</p> <p>In relation to the communal open space being deleted; this space will remain an open space and will read accordingly.</p>
Density	<p>Good design achieves a high level of amenity for residents and each apartment, resulting in a density appropriate to the site and its context.</p> <p>Appropriate densities are consistent with the area's existing or projected population. Appropriate densities can be sustained by existing or proposed infrastructure, public transport, access to jobs, community facilities and the environment.</p>	<p>As above.</p> <p>The proposed modification involves a minor non-compliance to the maximum FSR development standard; however, this breach is relatively nominal and the overall building density is considered appropriate to the site and its context.</p>
Sustainability	<p>Good design combines positive environmental, social and economic outcomes.</p> <p>Good sustainable design includes use of natural cross ventilation and sunlight for the amenity and liveability of residents and passive thermal design for ventilation, heating and cooling reducing</p>	<p>The proposal complies with BASIX and provides good solar access and natural ventilation to heat and cool the building alongside building products which provide high insulation properties.</p>

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Principle	Objective	Proposed
	<p>reliance on technology and operation costs. Other elements include recycling and reuse of materials and waste, use of sustainable materials and deep soil zones for groundwater recharge and vegetation.</p>	
Landscape	<p>Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in attractive developments with good amenity. A positive image and contextual fit of well-designed developments is achieved by contributing to the landscape character of the streetscape and neighbourhood.</p> <p>Good landscape design enhances the development's environmental performance by retaining positive natural features which contribute to the local context, co-ordinating water and soil management, solar access, micro-climate, tree canopy, habitat values and preserving green networks.</p> <p>Good landscape design optimises useability, privacy and opportunities for social interaction, equitable access, respect for neighbours' amenity and provides for practical establishment and long term management.</p>	<p>The modification application is not accompanied by a landscape plan. However, the proposed modification involves the deletion of the rooftop communal open space. The proposed removal of this open space is acceptable given that the overall development provides 566.7m² or 25.5% of the site, which complies with the ADG. It is further noted that communal open spaces have been provided on the lower levels are readily accessible to all occupants.</p> <p>The proposed modification results in a similar and desirable outcome in terms of amenity for future occupants and contributing to landscape character of the streetscape and neighbourhood as the approved development.</p>
Amenity	<p>Good design positively influences internal and external amenity for residents and neighbours. Achieving good amenity contributes to positive living environments and resident wellbeing.</p> <p>Good amenity combines appropriate room dimensions and shapes, access to sunlight, natural ventilation, outlook, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts and service areas and ease of access for all age groups and degrees of mobility.</p>	<p>The proposed modification is considered to have good positive design that provides internal and external amenity for both occupants and neighbours. The proposed modification does not result in additional overshadowing, visual amenity or privacy impacts.</p> <p>The deleted areas within the balconies are considered unusable and small in proportion to the resultant balcony areas. Further, the reduced balcony areas satisfy the minimum balcony size and dimension requirements under the ADG and.</p> <p>The deletion of the rooftop communal</p>

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Principle	Objective	Proposed
		open space will likely have reduced privacy impacts as this space is to be replaced with a private open space. This significantly reduces the amount of occupants that would utilise the open area, which thereby reduces overlooking.
Safety	<p>Good design optimises safety and security within the development and the public domain. It provides for quality public and private spaces that are clearly defined and fit for the intended purpose. Opportunities to maximise passive surveillance of public and communal areas promote safety.</p> <p>A positive relationship between public and private spaces is achieved through clearly defined secure access points and well-lit and visible areas that are easily maintained and appropriate to the location and purpose.</p>	The proposed modification involves minimal changes that do not affect this aspect of the ADG. As with the approved development, balconies are orientated to overlook the public domain and ground level private open space to optimise safety and security within the development.
Housing diversity and social interaction	<p>Good design achieves a mix of apartment sizes, providing housing choice for different demographics, living needs and household budgets.</p> <p>Well designed apartment developments respond to social context by providing housing and facilities to suit the existing and future social mix.</p> <p>Good design involves practical and flexible features, including different types of communal spaces for a broad range of people and providing opportunities for social interaction among residents.</p>	<p>The proposed modification provides an acceptable mixture of unit types including (19) x 1 bedroom, (43) x 2 bedroom and (7) x 3 bedroom units.</p> <p>The proposed modification provides a similar design outcome as per the approved development. It will still allow for retention of communal open spaces on the lower levels and these are accessible to all occupants.</p>
Aesthetics	<p>Good design achieves a built form that has good proportions and a balanced composition of elements, reflecting the internal layout and structure. Good design uses a variety of materials, colours and textures.</p> <p>The visual appearance of a well designed apartment development responds to the existing or future</p>	<p>The proposed modification results in a building that is well articulated and avoids large expanses of unbroken wall with balconies orientated to the street to both Loftus Crescent and Bridge Road.</p> <p>Aside from changes to the layout of units and windows, the proposed modification does not involve any changes to the material finishes. The proposed modification, as with the approved</p>

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Principle	Objective	Proposed
	local context, particularly desirable elements and repetitions of the streetscape.	development, incorporates a mixture of exposed brick and metal cladding with a limited extent of render to improve the longevity of the external finishes.

Apartment Design Guide Quality Design of Residential Flat Buildings

Design Criteria	Required	Proposed	Compliance
3D – Communal Open Space	<p>Min. 25% (554m²) Min 2h to 50% communal open space at mid-winter Consolidated area Min dimension of 3m Equitable access</p> <p>Where developments are unable to achieve the design criteria, such as on small lots they should;</p> <ul style="list-style-type: none"> - Provide communal open space elsewhere such as a landscape rooftop terrace; - Provide larger balconies or increased private open space' - Demonstrate good proximity to public open space and facilities. 	<p>The deletion of the rooftop communal open space results in 566.7m² or 25.5% of the site that is dedicated as communal open space.</p> <p>The proposed communal open space is capable of receiving a minimum of 2hrs of solar access to at least 50% of open space during mid-winter.</p>	Yes.
3J – Bicycle and Car Parking	<p>Within 800m of a railway station:</p> <p>Min RMS Rate Applies: <u>20 or more units:</u></p> <p>1 bedroom: 0.6 spaces (19 x 0.6 = 11.4 spaces) 2 bedroom: 0.9 spaces (43 x 0.9 = 38.7 spaces) 3 bedroom: 1.4 spaces (7 x 1.4 = 9.8 spaces)</p> <p>Visitor 1 per 5 units (69 / 5 = 14 Spaces)</p> <p>Total requirement = (60) resident spaces and (14) visitor spaces</p>	<p>Unchanged: the proposal provides (71) resident spaces and (14) visitor spaces</p>	Yes

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	Secure undercover bicycle parking should be provided that is easily accessible from both the public domain and common areas.	Unchanged.	Unchanged.
4A – Solar and Daylight Access	Min. 70% (56 units) receive 2 hours solar access. Max. 15% units have no solar access Light wells, skylights and highlight windows are only to be a secondary source where sunlight is limited Design incorporates shading and glare control.	Modifications to the units result in continued compliance with this requirement.	Yes
4B – Natural Ventilation	Min. 60% units are cross ventilated Light wells are not the primary source of ventilation for habitable rooms Single aspect units have limited depth to maximise ventilation.	Modifications to the units result in continued compliance with this requirement.	Yes
4D – Apartment Size and Layout	1 bed: 50m ² 2 bed: 70m ² 3 bed: 90m ² Additional bathrooms +5m ² Each habitable room must have a window > 10% floor area of the room. If open plan layout =max 8m from a window Master bed: min 10m ² Other bedroom: min 9m ² Living room min. width: Studio and 1 bed: 3.6m 2 and 3 bed: 4m Crossover/through: min 4m	The modified units comply with the minimum unit sizes as follows: 2 bedroom: minimum 81m ² 3 bedroom: minimum 107m ² All modified units with additional bathrooms are provided with an additional 5m ² All kitchens are within 8m from a door or window.	Yes.
4E – Private Open Space and Balconies	Studio: 4m ² 1 bed: 8m ² , min depth 2m 2 bed: 10m ² , min depth 2m 3 bed: 12m ² , min depth 2.4m	All modified units are provided with an area of private open space with a minimum dimension of 2m which meets the minimum area requirements.	Yes
4F – Common	Max 8 apartments off a	Modifications to the	Yes

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Circulation and Spaces	single core	units result in continued compliance with this requirement.	
4G – Storage	Studio: 4m ³ 1 bed: 6m ³ 2 bed: 8m ³ 3 bed: 10m ³ At least 50% within the basement	Modifications to the units result in continued compliance with this requirement.	Yes
4K – Apartment Mix	Variety of apartment types Appropriate apartment mix Different apartments distributed throughout the building.	The proposal provides the following housing mix; (19) x 1 bedroom, (43) x 2 bedroom, and (7) x 3 bedroom	Yes.
4N – Roof Design	Roof design integrated into the building Incorporates sustainability features May include common open space	The proposed modification involves removal of a communal open space within the roof top.	No – acceptable as per above.
4V – Water Management and Conservation	Efficient fixtures/fittings WSUD integrated Rainwater storage and reuse	Refer to BASIX Certificate commitments.	Yes.

State Environmental Planning Policy (Infrastructure) 2007

The approved development was referred to Sydney Trains (formerly Rail Corp) in accordance with the requirements of Clause 86(1) of the Infrastructure SEPP as the subject site is within 25m of a Railway Corridor and the development includes excavation for two (2) levels of basement car parking. Concurrence was received by Sydney Trains in correspondence dated 26 July 2017, subject to a number of deferred commencement matters and standard conditions. As of 26 February 2018, the deferred commencement matters have been satisfied and the consent has been activated. The proposed modification involves minor changes that do not affect any matters under the Infrastructure SEPP.

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

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

Comments: The proposed modification involves a slight non-compliance to the maximum FSR development standard under Clause 4.4A of the SLEP 2012. This non-compliance does not result in an excessive built form. The proposed modification ensures that the resultant building reflects the existing and desired future character of the surrounding area and within the Parramatta Road corridor. The increased scale and massing of the residential flat building is very nominal and will not be noticeable from public space or from private properties. The overall design of the scheme is acceptable and meets the above objectives of the SLEP 2012.

Permissibility

The subject site is within the R4 – High Rise Residential zone under Strathfield Local Environmental Plan (SLEP) 2012.

Residential Flat Buildings are permissible within the R4 – High Rise 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 modification involves no changes to the approved land use as a residential flat building and is therefore considered permissible under this zone.

Zone Objectives

An assessment of the proposal against the objectives of the R4 – High Density Residential zone is included below:

Objectives	Complies
To provide for the housing needs of the community within a high density residential environment.	Yes
To provide a variety of housing types within a high density residential environment.	Yes
To enable other land uses that provide facilities or services to meet the day to day needs of residents	Yes

Comments: The proposed modification is for the purposes of a residential flat building which will adequately provide for the needs of the community in a high density residential setting.

Part 4: Principal development standards

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

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Floor space ratio

Cl.	Standard	Controls	Proposed	Complies
4.4	Floor space ratio	2.25:1 (4992.75m ²)	2.26:1 (5011.3m ²)	No
Objectives				Complies
(a)	To ensure that dwellings are in keeping with the built form character of the local area			Yes
(b)	To provide consistency in the bulk and scale of new dwellings in residential areas			Yes
(c)	To minimise the impact of new development on the amenity of adjoining properties			Yes
(d)	To minimise the impact of development on heritage conservation areas and heritage items			N/A
(e)	In relation to Strathfield Town Centre:			N/A
	i. to encourage consolidation and a sustainable integrated land use and transport development around key public transport infrastructure, and			
	ii. to provide space for the strategic implementation of economic, social and cultural goals that create an active, lively and people-oriented development			
(f)	In relation to Parramatta Road Corridor – to encourage a sustainable consolidation pattern that optimises floor space capacity in the Corridor			Yes

Comments: The proposed modification fails to comply with the maximum FSR development standard under Clause 4.4A of the SLEP 2012. Clause 4.4A stipulates a maximum FSR of 2.25:1 (4992.75m²) for the subject site. The proposed modification involves a FSR of 2.26:1 (5011.3m²), which represents a variation of 0.37% or 18.55m². The extent of the variation is very minor and is therefore, not considered excessive. The proposed modification does not result in an enlarged built form. The additional floor area will have a nominal change in terms of the approved massing and scale of the development and will be discernable when viewed from public space or private properties. The slight variation to the maximum FSR development standard also results in minor or negligible impacts, in terms of streetscape, amenity, overshadowing and privacy; compared to the approved development.

The variation meets the objectives of Clause 4.4. The proposed modification is in keeping with the built form character of the local area and is consistent with the scale of new buildings within the immediate locality. As mentioned above, the additional floor area is gained from enclosing a small and unusable portion of balconies in several units on Levels 1-4. This change is nominal particularly compared to the bulk and scale of the overall scheme. Therefore, the proposed modification is considered consistent with the bulk, scale and design of development and residential buildings along Loftus Street, Bridge Street and the Parramatta Road corridor and it continues to encourage a sustainable consolidation pattern within this corridor.

The proposed modification remains in the public interest as it is consistent with the objectives of Clause 4.4 and the R4 – High Density Residential zone.

The contravention to Clause 4.4 do not raise matters of State or regional environmental planning significance. There is no public benefit in adhering to the relevant standards given the extent of the variation and the minor resultant impacts that are anticipated. The proposed modification is able to achieve the relevant objectives and design principles under the SEPP 65, SLEP 2012 and SCDCP

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2005. In conclusion, the variation to the maximum FSR development standard is supportable and acceptable.

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

This has been addressed as per the approved development. The proposed modification involves no changes to the proposed excavation works and therefore, is not required to be accompanied by an Acid Sulfate Soils Management Plan and has satisfied the requirements of Clause 6.1 of the SLEP 2012.

6.2 Earthworks

This has been addressed as per the approved development. The proposed modification involves no changes to the proposed excavation works and therefore, has satisfied the requirements of Clause 6.2 of the SLEP 2012.

6.4 Essential services

This has been addressed as per the approved development. The proposed modification involves no changes to the proposed construction works and therefore, has satisfied the requirements of Clause 6.4 of the SLEP 2012.

6.9 Additional provisions for development in Parramatta Road Corridor

The proposed modification involves a minor variation to the FSR development standard; however, as mentioned above, the development is able to achieve the consolidation pattern required for Key Site 58 and accordingly, results in a residential flat building that suitably responds to the desired character of the locality.

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.

Strathfield Development Control Plan No.20 – Parramatta Road Corridor

DCP – 20 is of relevance to the assessment of an application for a residential flat building within the Parramatta Road Corridor Area and as such applies to the subject modification application.

Clause 6A of SEPP 65 confirms that in the event of any inconsistency between the controls of the ADG and Council's Development Control Plan, the objectives, design criteria and design guidance set out in the ADG prevail.

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This confirms that if a development control plan contains provisions that specify requirements, standards or controls in relation to the following matters, those provisions are of no effect:

- (a) visual privacy,
- (b) solar and daylight access,
- (c) common circulation and spaces,
- (d) apartment size and layout,
- (e) ceiling heights,
- (f) private open space and balconies,
- (g) natural ventilation, and
- (h) storage.

These matters, as of relevance to the application, have been addressed in the ADG assessment above. The proposed modification fails to meet several matters as discussed above.

The remaining matters of relevance provided in the DCP are addressed in the table below:

Section	Development Control	Required	Proposed	Compliance
2.2	Built form/footprint	Proposal to conform to the building footprint shown in Figure 9.	The proposed building footprint generally accords with the Draft Key Sites Map.	N/A
	Land Consolidation	Proposal to conform to the consolidation pattern identified in Figure 12.	Conforms with consolidation pattern of SLEP 2012 (Key Site 58)	Yes
	Minimum Unit Sizes	Proposal to comply to the following min. unit sizes: 1 bed – 70m ² 2 bed - 85m ² 3 bed - 100m ²	The unit sizes of the ADG prevail.	N/A
2.5	Roof Form	Provide an interesting skyline and enhance views from adjoining developments.	Unchanged from approved development.	Yes
2.9	Private Open Space	Proposal to provide 35% deep soil landscape area on the site.	ADG prevails.	N/A
		Retain and protect existing significant trees.	Unchanged from approved development.	Acceptable on merit
		Each contiguous landscape area	Unchanged.	Yes

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Section	Development Control	Required	Proposed	Compliance
		shall provide large trees.		
		Trees and pergolas to shade external areas and control sunlight into buildings.	Unchanged.	Yes
		Proposal to provide common open space to the following dimensions: 10% of site or 100m ² (whichever is greater); Min dimensions of 7m; Positioned to receive sunlight, be conveniently located for residents with good opportunities for passive surveillance and contain durable children's play equipment; Located behind front setback.	ADG prevails	N/A
	Balconies	Dwellings without ground level open space shall have balconies to the following requirements: <ul style="list-style-type: none"> • 12m² up to 2 bed; and • 15m² for 3 or more bed; Min. dimension of 2.0m;	ADG prevails	Yes – the reduced balconies comply with 16m ² of area proposed that are more than 2m wide.

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Section	Development Control	Required	Proposed	Compliance
		Located off living areas and with good solar access; and Balustrades designed to provide privacy and conceal service areas whilst allowing passive surveillance.		
		Achieve required BASIX rating.	BASIX satisfied.	Yes
	Solar Access	Main living and 50% of POS receive min. 3 hours solar access.	ADG prevails	N/A
		Min. 3 hours solar access maintained to habitable rooms and POS of adjoining development.	ADG prevails	N/A

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

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

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

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

The proposed modification involves no changes to the approved development with regard to the demolition works. Should this application be approved, appropriate conditions of consent may be imposed to ensure compliance with the requirements of the above standard.

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

Streetscape Character

The proposal involves minor modifications to the overall appearance of the building, ensuring that the approved scheme's design, scale and massing is predominantly unchanged. As mentioned above, the proposed modification involves a nominal breach to the maximum FSR development

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standard of 0.37% or 18.55m². This non-compliance does not result in an excessive built form as the extra floor area is gained from infilling balconies and void spaces and does not involve further encroachment of the approved building setbacks. Whilst the proposed modifications that contribute to the non-compliance will be visible from public space and from private properties, the overall design of the proposal will have no significant impacts on the streetscape character of Loftus Crescent, Bridge Street and the Parramatta Road corridor. Therefore, the proposal is compatible with the existing and desired future character of the locality.

Communal Private Open Space

The proposed modification involves the removal of the entire communal open space within the rooftop area and the conversion of this area into a private open space for one of the 3 bedroom units. This results in a reduced communal open space of 25.5% (566.7m²) of the site. This is considered supportable given that the remaining communal open spaces comply with the applicable requirements under SEPP 65, including the minimum % of the total site area and solar access.

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

The approved development as modified by the current section 4.55(2) application does not alter the suitability of the development to the site.

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

The application was publicly notified from 30 October 2019 to 13 November 2019 in accordance with the provisions of Part L of SCDP 2005. One submission was received from No. 7-11 Bridge Road, Homebush (not adjoining). The issues raised in this submission are summarised and addressed as follows:

1. *Traffic and parking*

Assessing officer's comments: The proposed modification involves a reduced number of units (69 units as opposed to 70 units), which will require a similar amount of parking spaces compared to the approved development. The approved parking spaces for the residential flat building satisfies the relevant requirements under SEPP 65 and the ADG. The proposed modification does not change the approved parking spaces and therefore, ensures that compliance is maintained.

2. *Overshadowing*

Assessing officer's comments: The proposed modification does not modify the height of the approved built form. The changes are contained wholly within the approved footprint and are considered minor. Consequently, the proposed modification will have identical overshadowing impacts as the approved development, which are considered reasonable and acceptable.

It is further noted that the objector is situated north of the subject site. Therefore, there are no impacts on their solar access resulting from the proposed modification.

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

The public interest is served through the detailed assessment of this development application under the relevant local planning controls and legislation and consideration of any submissions

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received relating to it by Council. The approved development as modified by the current modification application is not 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).

Due to the proposed changes to the number of units and the current indexation, this Section 4.55 application triggers amendments to the original condition of consent requiring a revised payment of a Section 7.11 contribution in accordance with Council's Section 94 Contributions Plan as follows:

Provision of Community Facilities	\$127,205.55
Provision of Major Open Space	\$578,747.16
Provision of Local Open Space	\$377,351.07
Provision Roads and traffic Management	\$35,116.06
Administration	\$12,089.85
TOTAL	\$1,130,509.70

CONCLUSION

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

PEER REVIEW

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

RECOMMENDATION

Pursuant to Section 4.55(2) of the *Environmental Planning and Assessment Act 1979*, the proposed modification for internal configurations including conversion of one bedroom units into a 3 bedroom unit at 47-48 Loftus Crescent and 12-18 Bridge Road, Homebush be **APPROVED**, subject to:

1. The original conditions of consent of Development Application No. (DA2017/059/01) as approved by SLPP on 3 August 2017 for *demolition of existing structures and construction of a part six (6) storey and part seven (7) storey residential flat building containing (70) units over two (2) levels of basement car parking.*
2. As modified by this Section 4.55(2) application (DA2017/059) as follows:
 - Change the development description to reflect the number of approved residential units;
 - Amendment of Condition 5 to ensure that the stamped plans and documentation reflect the supported modifications that are the subject of this application;
 - Amendment of Condition 44 to reflect the revised Section 94 contribution payments that apply to the supported modification.

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Accordingly, Development Consent No. DA2017/059/02 is approved as per the following:

Development Description:

Demolition of existing structures and construction of a part six (6) storey and part seven (7) storey residential flat building containing ~~(70)~~ 69 units over two (2) levels of basement car parking.

SPECIAL CONDITIONS (SC)

1. SYDNEY TRAINS (SC)

- If required by Sydney Trains, prior to the commencement of works, prior to the issue of the Occupation Certificate, or at any time during the excavation and construction period deemed necessary by Sydney Trains, a joint inspection of the rail infrastructure and property in the vicinity of the project is to be carried out by representatives from Sydney Trains and the Applicant. The dilapidation surveys will establish the extent of any existing damage and enable any deterioration during construction to be observed. The submission of a detailed dilapidation report will be required unless otherwise notified by Sydney Trains.
- An acoustic assessment is to be submitted to Council prior to the issue of a construction certificate demonstrating how the proposed development will comply with the Department of Planning's document titled "Development Near Rail Corridor and Busy Roads – Interim Guidelines".
- Prior to the issue of a Construction Certificate the Applicant is to engage an Electrolysis Expert to prepare a report on the Electrolysis Risk to the development from stray currents. The Applicant must incorporate in the development all the measures recommended in the report to control that risk. A copy of the report is to be provided to the Principal Certifying Authority with the application for a Construction Certificate.
- The design, installation and use of lights, signs and reflective materials, whether permanent or temporary, which are (or from which reflected light might be) visible from the rail corridor must limit glare and reflectivity to the satisfaction of Sydney Trains. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
- If required by Sydney Trains, prior to the issue of a Construction Certificate a Risk Assessment/Management Plan and detailed Safe Work Method Statements (SWMS) for the proposed works are to be submitted to Sydney Trains for review and comment on the impacts on rail corridor. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
- If required by Sydney Trains, a track monitoring plan (including instrumentation and the monitoring regime during excavation and construction phase) is to be submitted to Sydney Trains for review and endorsement prior to the issuing of a Construction Certificate. The Principal Certifying Authority is not to issue a Construction Certificate until written confirmation has been received from Sydney Trains advising of the need to undertake the track monitoring plan, and is required, that it has been endorsed.
- Unless advised by Sydney Trains in writing, all excavation, shoring and piling works within 25m of the rail corridor are to be supervised by a geotechnical engineer experienced with such excavation projects.

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- No rock anchors/bolts are to be installed into Sydney Trains property or easements.
- Prior to the issuing of an Occupation Certificate the Applicant is to submit as-built drawings to Sydney Trains and Council. The as-built drawings are to be endorsed by a Registered Surveyor confirming that there has been no encroachment into Sydney Trains property or easements, unless agreed to be these authorities. The Principal Certifying Authority is not to issue the final Occupation Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
- Prior to the issue of a Construction Certificate the Applicant is to contact Sydney Trains Rail Corridor Management Group to determine the need for public liability insurance cover. If insurance cover is deemed necessary this insurance be for sum as determined by Sydney Trains and shall not contain any exclusion in relation to works on or near the rail corridor, rail infrastructure. The Applicant is to contact Sydney Trains Rail Corridor Management Group to obtain the level of insurance required for this particular proposal. Prior to issuing the Construction Certificate the Principal Certifying Authority must witness written proof of this insurance in conjunction with Sydney Trains written advice to the Applicant on the level of insurance required.
- Prior to the issue of a Construction Certificate the Applicant is to contact Sydney Trains Rail Corridor Management Group to determine the need for the lodgement of a Bond or Bank Guarantee for the duration of the works. The Bond/Bank Guarantee shall be for the sum determined by Sydney Trains. Prior to the issuing of the Construction Certificate the Principal Certifying Authority must witness written advice from Sydney Trains confirming the lodgement of this Bond/Bank Guarantee.
- Sydney Trains or Transport for NSW (TfNSW), and persons authorised by those entities for the purpose of this condition, are entitled to inspect the site of the development and all structures to enable it to consider whether those structures have been or are being constructed and maintained in accordance with the approved plans and these conditions of consent, on giving reasonable notice to the principal contractor for the development or the owner or occupier of the part of the site to which access is sought.
- Prior to the issuing of a Construction Certificate the Applicant is to submit to Sydney Trains a plan showing all craneage and other aerial operations for the development and must comply with all Sydney Trains requirements. If required by Sydney Trains, the Applicant must amend the plan showing all craneage and other aerial operations to comply with all Sydney Trains requirements. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from the Sydney Trains confirming that this condition has been satisfied.
- Copies of any certificates, drawings, approvals/certification or documents endorsed by, given to or issued by Sydney Trains must be submitted to Council for its records prior to the issuing of a Construction Certificate.
- Any conditions issued as part of Sydney Trains approval/certification of any documentation for compliance with the Sydney Trains conditions of consent, those approval/certification conditions will also form part of the consent conditions that the Applicant is required to comply with.

(Reason: Integrated development)

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2. OFFICE OF WATER (SC)

NSW Office of Water

- An authorisation shall be obtained for the take of groundwater as part of the activity. Groundwater shall not be pumped or extracted for any purpose other than temporary construction dewatering at the site identified in the development application. The authorisation shall be subject to a currency period of 12 months from the date of issue and will be limited to the volume of groundwater take identified.
- The design and construction of the building must prevent any take of groundwater after the authorisation has lapsed by making any below-ground levels that may be impacted by any water table watertight for the anticipated life of the building. Waterproofing of below-ground levels must be sufficiently extensive to incorporate adequate provision for unforeseen high water table elevations to prevent potential future inundation.
- Sufficient permanent drainage shall be provided beneath and around the outside of the watertight structure to ensure that natural groundwater flow is not impeded and:
 - (a) any groundwater mounding at the edge of the structure shall be at a level not greater than 10 % above the level to which the water table might naturally rise in the location immediately prior to the construction of the structure; and
 - (b) any elevated water table is more than 1.0 m below the natural ground surface existent at the location immediately prior to the construction of the structure; and
 - (c) where the habitable part of the structure (not being footings or foundations) is founded in bedrock or impermeable natural soil then the requirement to maintain groundwater flows beneath the structure is not applicable.
- Construction methods and material used in and for construction shall be designed to account for the likely range of salinity and pollutants which may be dissolved in groundwater, and shall not themselves cause pollution of the groundwater.
- DPI Water requires documentation (referred to as 'report') comprising measurements, maps, bore logs, calculations, results, discussion and justification for various matters related to the dewatering process. Information will be required at several stages: prior to construction commencing (initial report - which will accompany the application for the authorisation), at any time when an authorisation renewal is required or a significant change in activities occurs (intermediate report); and at the completion of dewatering and related operations (completion report). Reports need to be submitted to DPI Water at Parramatta Office, in a format consistent with electronic retrieval without editing restrictions; raw data should be presented in Excel spreadsheets without editing restrictions.

Prior to excavation

- The following shall be included in the initial report:
 - (a) measurements of groundwater levels beneath the site from a minimum of three relevant monitoring bores, together with details of the bores used in the assessment including bore logs and three-dimensional identification information.
 - (b) a map of the site and its immediate environs depicting the water table (baseline conditions) shown relative to the topography and approved construction footprint from the surface level and below. An assessment of the potential variation in the water table during the life of the proposed building together with a discussion of the methodology and information on which this assessment is based.

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(c) details of the present and potential groundwater flow paths and hydraulic gradients in and around the site; the latter in response to the final volumetric emplacement of the construction.

(d) a schedule for the ongoing water level monitoring and description of the methodology to be used, from the date of consent until at least two months after the cessation of pumping. [DPI Water prefers that monitoring be undertaken on a continuous basis using automatic loggers in boreholes.]

- The Applicant shall assess the likely impacts of the dewatering activities on other groundwater users or structures or public infrastructure; this assessment will include an appropriate bore, spring or groundwater seep census and considerations relevant to potential subsidence or excessive settlement induced in nearby buildings and property, and be documented together with all calculations and information to support the basis of these in the initial report.
- Groundwater quality testing of samples taken from outside the footprint of the proposed construction, with the intent of ensuring that as far as possible the natural and contaminant hydrochemistry of the potential dewatered groundwater is understood, shall be conducted on a suitable number of samples and tested by a NATA-certified laboratory. Details of the sampling locations and the protocol used, together with the test results accompanied by laboratory test certificates shall be included in the initial report. An assessment of results must be done by suitably qualified persons with the intent of identifying the presence of any contaminants and comparison of the data against accepted water quality objectives or criteria for the intended dewatering purpose. In the event of adverse quality findings, the Applicant must develop a plan to mitigate the impacts of the hydrochemistry on the dewatered groundwater and present the details of all assessments and plans in the initial report.
- Groundwater quality testing generally in accordance with Clause 8, shall be undertaken on any anniversary or other renewal or alteration of any dewatering authorisation.
- A reasonable estimate of the total volume of groundwater to be extracted shall be calculated and included in the initial report; together with details and calculation methods for the parameters and supporting information to confirm their development or measurement (e.g. permeability predicted by slug-testing, pump-testing or other means).
- A copy of a valid consent for the development shall be provided in the initial report.
- The method of disposal of pumped water shall be nominated (i.e. reinjection, drainage to the stormwater system or discharge to sewer) and a copy of the written permission from the relevant controlling authority shall be provided in the initial report. The disposal of any contaminated pumped groundwater (sometimes called "tailwater") must comply with the provisions of the *Protection of the Environment Operations Act 1997* and any requirements of the relevant controlling authority.
- Contaminated groundwater (i.e. above appropriate NEPM 2013 thresholds) shall not be reinjected into any aquifer. The reinjection system design and treatment methods to remove contaminants shall be nominated and included in the initial report and any subsequent intermediate report as necessary. The quality of any pumped water that is to be reinjected must be demonstrated to be compatible with, or improve, the intrinsic or ambient groundwater in the vicinity of the reinjection site.

During excavation

- Engineering measures designed to transfer groundwater around and beneath the basement shall be incorporated into the basement construction to prevent the completed infrastructure from restricting pre-existing groundwater flows.
- Piping, piling or other structures used in the management of pumped groundwater shall not

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create a flooding hazard or induce mounding of groundwater. Control of pumped groundwater is to be maintained at all times during dewatering to prevent unregulated off-site discharge.

- Measurement and monitoring arrangements to the satisfaction of DPI Water are to be implemented. Weekly records of the volumes of all groundwater pumped and the quality of any water discharged are to be kept and a completion report provided after dewatering has ceased. Records of groundwater levels are to be kept and a summary showing daily or weekly levels in all monitoring bores provided in the completion report.

(Reason: Integrated Development)

3. STREET TREE REMOVAL (SC)

Consent is given for the removal of the Tree 13 *Lophostemon confertus* street tree subject to the following:

- (a) A minimum of one (1) replacement *Lophostemon confertus* shall be provided within the nearby street scape in as directed by Council's tree Co-ordinator .
- (b) Trees are to conform to the *NATSPEC guide* and *Guide for assessing the quality of and purchasing of landscape trees* by Ross Clarke, 2003.
- (c) Replacement trees shall be minimum 50 litre container size. 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. Supplied trees are to have an appropriate stem taper. Roots shall generally grow in an outwards (radial) or downwards direction.
- (d) 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.
- (e) Root deflection barriers having a minimum depth of 600mm are to be installed adjacent to all footpaths and driveways.
- (f) Minimum 75mm depth of organic mulch shall be placed within an area 0.5m radius from the base of the tree.

(Reason: Tree removal and replacement)

4. AMENDED LANDSCAPE PLAN (SC)

Prior to the issue of a construction certificate the applicant shall submit and have approved by the Principal Certifying Authority (PCA) a detailed landscape implementation report certifying that landscaping has been provided generally in accordance with the landscape plan prepared by Discount landscape Plans (Drawing No. L/01) dated 4/3/2017 and the Landscape provisions contained within section 10.0 of Part A of the Strathfield Council Development Control Plan. The plans shall include the following:

- (a) A minimum 1.5m wide garden is to be established to the full width of the property frontage (except for vehicular crossings and pedestrian ways). The garden bed is to be planted with suitable shrubs and ground cover plants;
- (b) A detailed planting schedule for all garden areas indicating the species type, height, number and size;
- (c) Soft landscaping shall account for no less than **300m²** of the site;
- (d) Details of all hard and soft surfaces such as turf, gravel, paving, stepping stones and the like shall be shown;
- (e) Gardens should feature a mix of trees, shrubs, grasses and ground covers. A minimum of 25% of all plantings shall be locally indigenous species;
- (f) Evergreen shrubs with a minimum 5 litre container size achieving a minimum mature height of 3m shall be planted along side and rear boundaries to provide privacy screening; and

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(g) The plan shall demonstrate compliance with any other landscape condition of consent.

Should Council not act as the Certifying Authority a copy of the plan shall be forwarded to Council as part of the Construction Certificate.

(Reason: Ensure landscaping is appropriate for the site)

4a. **DRIVEWAY ENTRY (SC)**

The columns attached to the entry driveway on the northern boundary shall be entirely infilled with solid masonry the details of which shall be submitted to the Principal Certifying Authority for approval prior to the issue of the Construction Certificate.

A 1.8m high northern boundary fence shall be constructed for a distance of 2.5m from the column located closest to the front boundary, then dropping down to a horizontal height of 600mm to the Bridge Road boundary.

(Reason: to protect the neighbour's acoustic amenity and for pedestrian safety)

GENERAL CONDITIONS (GC)

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

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

Plans affixed with Council's 'Development Consent' stamp relating to Development Consent No. 2017/059:

Drawing No.	Title/Description	Prepared by	Issue / Revision & Date	Date received by Council
DA1002_A	Site Plan	Urbanlink	A	4 May 2017
DA1002_A MODIFIED DA2017/059/02 15 Nov 2019	Site Plan	Urbanlink	C	12 Nov 2019
DA1003_A	Demolition Site Plan	Urbanlink	B	4 May 2017
DA2001_A	Basement Floor Plan	Urbanlink	B	4 May 2017
DA2001_A MODIFIED DA2017/059/02 15 Nov 2019	Basement Floor Plan	Urbanlink	B	15 Oct 2019
DA2001_A	Basement Floor	Urbanlink	A	4 May 2017

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		Plan			
	DA2001_A	Basement Floor Plan	Urbanlink	B	15 Oct 2019
	MODIFIED DA2017/059/02				
	15 Nov 2019				

	DA2002_A	Ground Floor Plan	Urbanlink	B	4 May 2017
	DA2002_A	Ground Floor Plan	Urbanlink	C	15 Oct 2019
	MODIFIED DA2017/059/02				
	15 Nov 2019				
	DA2004_A	First Floor Plan	Urbanlink	B	4 May 2017
	DA2004_A	Floor Plans Typical 1-4	Urbanlink	C	15 Oct 2019
	MODIFIED DA2017/059/02				
	15 Nov 2019				
	DA2005_A	Floor Plan	Urbanlink	B	4 May 2017
	DA2005_A	Floor Plans Level 05	Urbanlink	C	15 Oct 2019
	MODIFIED DA2017/059/02				
	15 Nov 2019				
	DA2006_A	Floor Plan	Urbanlink	B	4 May 2017
	DA2006_A	Floor Plans Level 06	Urbanlink	C	15 Oct 2019
	MODIFIED DA2017/059/02				
	15 Nov 2019				
	DA2007_A	Roof Floor Plan	Urbanlink	B	4 May 2017
	DA2007_A	Floor Plans Roof	Urbanlink	C	15 Oct 2019
	MODIFIED DA2017/059/02				
	15 Nov 2019				
	DA3001_A	Elevations	Urbanlink	B	4 May 2017
	DA3001_A	North &	Urbanlink	C	15 Oct 2019

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MODIFIED DA2017/059/02 15 Nov 2019	South Elevation			
DA3002_A	Elevations	Urbanlink	B	4 May 2017
DA3002_A MODIFIED DA2017/059/02 15 Nov 2019	East & West Elevation	Urbanlink	C	15 Oct 2019
DA4001_A	Sections	Urbanlink	B	4 May 2017
DA4001_A MODIFIED DA2017/059/02 15 Nov 2019	Section A	Urbanlink	C	15 Oct 2019
DA4002_A	Sections	Urbanlink	B	4 May 2017
DA4002_A MODIFIED DA2017/059/02 15 Nov 2019	Section B	Urbanlink	C	15 Oct 2019
DA4003_A	Sections	Urbanlink	B	4 May 2017
DA4003_A MODIFIED DA2017/059/02 15 Nov 2019	Section C	Urbanlink	C	15 Oct 2019
DA6301_A	External Finishes	Urbanlink	B	4 May 2017
DA6302_A	External Finishes	Urbanlink	B	4 May 2017
DA5007-A	Compliance & Diagrams- Pre and post adaptations	Urbanlink	B	4 May 2017
L/01	Proposed Landscape Plan – Ground Level	Discount Landscape Plans		4 May 2017
L/02	Proposed Landscape Plan – Level 5	Discount Landscape Plans		4 May 2017
L/03	Proposed	Discount		4 May 2017

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	Landscape Plan – Level 6	Landscape Plans		
L/04	Landscape Details	Discount Landscape Plans		4 May 2017
L/05	Landscape Specification	Discount Landscape Plans		4 May 2017
A7079 Cover	General Notes	Alpha Engineering & Development	B	4 May 2017
A7079 SW01	Sediment and Erosion Control Plan	Alpha Engineering & Development	B	4 May 2017
A7079 SW02	Basement 2 Drainage Plan	Alpha Engineering & Development	B	4 May 2017
A7079 SW03	Basement 1 Drainage Plan	Alpha Engineering & Development	B	4 May 2017
A7079 SW04	Ground Floor Drainage Plan	Alpha Engineering & Development	B	4 May 2017
A7079 SW05	Stormwater Section Details & Filtration Chamber Sections	Alpha Engineering & Development	B	4 May 2017
A7079 SW06	Music model catchment plan	Alpha Engineering & Development	B	4 May 2017

Reference Documentation affixed with Council's 'Development Consent' stamp relating to Development Consent No.2017/059:

Title / Description	Prepared by	Issue/Revision & Date	Date received by Council
Statement of Environmental Effects	Planning Ingenuity	A	4 May 2017
Access Compliance Report	Vista Access Architects	A	4 May 2017
Acoustic Report	Acoustic Noise & Vibration Solutions	18 April 2017	4 May 2017
Arborist Report	Redgum Horticultural	A	4 May 2017
BASIX Certificate		Cert No: 812715M	4 May 2017
BASIX Certificate	Building & Energy Consultants Australia	Cert No: 812715M_02	15 Oct 2019
MODIFIED DA2017/059/02			
15 Nov 2019			
Geotechnical &	JK Geotechnics	A	4 May 2017

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Hydrogeological Investigation			
Traffic Assessment	TTM	A	4 May 2017
Waste Management Plan	Urban Link Pty Limites	A	4 May 2017

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

The height of the building measured to Australian Height Datum (AHD) must not exceed Relative Level (RL) 40.50m AHD to the ridge of the lift overrun structure of the building.

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

7. 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.)

8. 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.)

9. 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.)

10. 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.

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

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

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

(Reasons: Statutory requirement and health and safety.)

11. FENCING - FRONT FENCE HEIGHT (GC)

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

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

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

12. LANDSCAPING - IRRIGATION OF COMMON AND PRIVATE LANDSCAPE AREAS (GC)

All common and private landscape areas including all planters of new multi-unit, commercial, mixed-use and industrial development are to have full coverage by a fully automatic irrigation system. The design, materials and installation are to be in accordance with Sydney Water Codes and satisfy all relevant Australian Standards. Details demonstrating compliance shall be submitted to the Principal Certifying Authority, prior occupation of the premises.

(Reason: To ensure appropriate landscape maintenance.)

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

The following listed trees are permitted to be removed to accommodate the proposed development however, any of the trees listed below that are located on adjoining properties must only be removed after consent from the tree's owner has been sought and obtained in writing:

<u>Tree</u>	<u>Height/ Spread (m)</u>	<u>Location</u>
3) Plumeria rubra	5 x 6	Subject property
4) Mangifera indica	4 x 4	Subject property
7) Cinnamomum camphora	10 x 8	Subject property
8) Cinnamomum camphora	7 x 4	Subject property
9) Cinnamomum camphora	6 x 2	Subject property
10) Tibouchina glandulosa	4 x 3	Subject property
13) Lophostemon confertus	8 x 6	Road reserve

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14) Phoenix canariensis	5 x 5	Subject property
15) Archontophoenix cunninghamiana	8 x 3	Subject property
16) Ficus benjamina	7 x 5	Adjoining property to the North
17) Tibouchina glandulosa	7 x 5	Subject property
18) Ilex sp.	6 x 5	Subject property
19) Plumeria rubra	5 x 5	Subject property

All trees permitted to be removed by this consent shall be replaced by species selected from Council's Recommended Tree List.

Replacement trees shall be a minimum 50 litre container size and shall be maintained until maturity.

(a) all tree work must be undertaken by a minimum level 2 (AQF 2) qualified Arborist who is currently a member or eligible for membership to Arboriculture Australia (AA) or the Tree Contractors Association Australia (TCAA) and in accordance with AS4373 – Pruning of amenity trees.

(b) Root pruning/root barrier installation must be undertaken by a minimum level 4 (AQF 4) qualified Arborist who is currently a member or eligible for membership to the Arboriculture Australia (AA) of Tree Contractors Association Australia (TCAA) and in accordance with AS4373 – Pruning of amenity trees.

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

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

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

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

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

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

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

14. LANDSCAPING - TREE PRESERVATION (GC)

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

All healthy trees and shrubs identified for retention on the approved drawings are to be

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suitably protected in accordance with Australian Standard AS4970 – Protection of Trees on Development Sites, prior to the commencement of any works (including any demolition and excavation) and maintained for the duration of the works.

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

15. LIGHTING (GC)

Any lighting of the premises shall be installed and maintained in accordance with Australian Standard AS 4282-1997: Control of the Obtrusive Effects of Outdoor Lighting so as to avoid annoyance to the occupants of adjoining premises or glare to motorists on nearby roads.

No flashing, moving or intermittent lighting, visible from any public place may be installed on the premises or external signage associated with the development, without the prior approval of Council.

(Reason: To protect the amenity of surrounding development and protect public safety.)

16. MATERIALS – CONSISTENT WITH SUBMITTED SCHEDULE (GC)

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

(Reason: To ensure compliance with this consent.)

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

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

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

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

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

(Reason: Statutory requirement.)

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

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

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

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

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(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.)

20. **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.)

21. **SYDNEY WATER - STAMPED PLANS PRIOR TO COMMENCEMENT (GC)**

The approved plans must be submitted to a Sydney Water Quick Check agent or Customer Centre to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. Plans will be appropriately stamped.

For Quick Check agent details please refer to the web site www.sydneywater.com.au (see Building Developing and Plumbing then Quick Check) or telephone 13 20 92. The consent authority or a Certifying Authority must ensure that a Quick Check agent/Sydney Water has stamped the plans before the commencement of work.

(Reason: Compliance with Sydney Water requirements.)

22. **UTILITIES AND SERVICES - PROTECTION OF (GC)**

Any footings or excavation to be located or undertaken adjacent to Council's stormwater must be designed to address the following requirements:

- i) all footings and excavation must be located wholly within the site and clear of any easement boundaries;
- ii) all footings and excavation must be located a minimum of 1000mm from the centreline of the pipeline or 500mm from the outside of the pipeline, whichever is the greater distance from the centreline; and
- iii) footings must extend to at least the depth of the invert of the pipeline unless the footings are to be placed on competent bedrock.

If permanent excavation is proposed beneath the obvert of the pipeline, suitable means to protect the excavation and proposed retaining structures from seepage or other water flow from the pipeline and surrounding subsoil, must be provided. The design must be prepared by a qualified practicing Structural/Civil Engineer.

Construction plans must be approved by the appropriate utility's office (e.g. council, Sydney Water Corporation) to demonstrate that the development complies with the utility's requirements.

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The applicant must provide written evidence (e.g. compliance certificate, formal advice) of compliance with the requirements of all relevant utility providers (e.g. Water, Energy, Telecommunications, Gas).

(Reason: To ensure protection of Council assets.)

23. WASTE – TRACKABLE (GC)

Removal of trackable waste (as defined by the NSW Environment Protection Authority) from the site must comply with the Protection of the Environment Operations (Waste) Regulation 2005 for the transportation, treatment and disposal of waste materials. Waste materials must not be disposed on land without permission of the land owner and must with the provisions of the Protection of the Environment and Operations Act 1997.

(Reason: To ensure compliance with legislation.)

CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE (CC)**24. ACCESS - ACCESS FOR PEOPLE WITH DISABILITIES (CC)**

Access for people with disabilities must be provided in accordance with the requirements of the Building Code of Australia, relevant Australian Standards and with regard to the Disability Discrimination Act 1992. The applicant shall comply with the Access Compliance Report prepared by Vista Access architect dated 4 May 2017.

Plans shall be notated demonstrating compliance and approved by the Principal Certifying Authority, prior to the issue of a Construction Certificate.

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

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

25. BASIX COMMITMENTS (CC)

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

Where a change or changes are proposed in the BASIX commitments, the applicant must submit a new BASIX Certificate to the Principal Certifying Authority and Council. If any proposed change in the BASIX commitments is inconsistent with the development consent the applicant will be required to submit a modification to the development consent to Council under Section 96 of the Environmental Planning and Assessment Act 1979.

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

(Reason: Statutory compliance.)

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26. **BICYCLE STORAGE PROVISION (CC)**

On-site provision for bicycle storage facilities shall be in accordance with the Strathfield Consolidated Development Control Plan 2005. Details demonstrating compliance shall be submitted to the Principal Certifying Authority, prior to the issue of a Construction Certificate.

(Reason: Compliance with SCDCP 2005 and to encourage sustainable transport options.)

27. **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.)

28. **CAR PARKING - REQUIREMENTS FOR MULTIPLE USE BUILDINGS (CC)**

The following car parking and service vehicle requirements apply:-

- i) (73) car spaces shall be provided on the development site. This shall consist of:
 - (59) residential spaces;
 - (14) visitor spaces;
- ii) All car spaces shall be allocated and marked according to this requirement.
- iii) If the development is to be strata subdivided, the car park layout must reflect the above allocation and thereafter be regarded as part of the entitlement of that strata lot.
- iv) Under no circumstances shall parking spaces be sold, let or otherwise disposed of for use other than in accordance with this condition.
- v) Each car parking space shall have minimum dimensions in accordance with the relevant Australian Standard and be provided on-site in accordance with the approved plans.
- vi) The parking bays shall be delineated by line marking.
- vii) Visitor spaces shall be clearly line marked and/or signposted and shall only be used by persons visiting residents of the property or commercial/business/retail premises located within the development. Visitor spaces shall not be allocated as permanent residential parking spaces. Access to visitor parking spaces shall not be restricted without development approval and a sign shall be erected at the vehicular entrance indicating the availability of visitor parking.
- viii) The following traffic control measures shall be implemented on site:-
 - Signage indicating 'Entry Only' shall be prominently displayed at the entrance to the development.
 - Signage indicating 'Exit Only' shall be prominently displayed at the exit to the development.

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- One-Way directional arrows shall be painted on the driveway pavement to indicate the required vehicular directional movement through the car parking area.

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

(Reason: To ensure car parking provision in accordance with this consent.)

29. 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.)

30. 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 81A(2) of the EP&A Act 1979. Accordingly, demolition works must not commence until a Construction Certificate has been issued, a Principal Certifying Authority has been appointed and a Notice of Commencement has been issued.

(Reason: To ensure compliance with statutory provisions.)

31. CONSTRUCTION AND ENVIRONMENTAL MANAGEMENT PLAN (CC)

The applicant must prepare and submit a Construction and Environmental Management Plan (CEMP) to the Principal Certifying Authority, including:

- Detailed information on any approvals required from other authorities prior to or during construction.
- Traffic management, including details of:
 - ingress and egress of vehicles to the site;
 - management of loading and unloading of materials;
 - the location of heavy vehicle parking off-site; and
 - designated routes for vehicles to the site.
- The proposed areas within the site to be used for a builder's site office and amenities, the storage of excavated material, construction materials and waste containers during the construction period.
- Erosion and sediment control, detailing measures and procedures consistent with the requirements of Council's guidelines for managing stormwater, including:
 - the collection and treatment of stormwater and wastewater generated on site prior to discharge; and
 - procedures to prevent run-off of solid material and waste from the site.
- Waste management, including:
 - details of the types and estimated volumes of waste materials that will be generated;
 - procedures for maximising reuse and recycling of construction materials; and
 - details of the off-site disposal or recycling facilities for construction waste.

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- vi) Dust control, outlining measures to minimise the generation and off-site transmission of dust and fine particles, such as watering or damp cloth fences.
- vii) A soil and water management plan, which includes:
- measures to minimise the area of soils exposed at any one time and conserve top soil;
 - identification and protection of proposed stockpile locations;
 - preservation of existing vegetation and revegetation;
 - measures to prevent soil, sand, sediments leaving the site in an uncontrolled manner;
 - measures to control surface water flows through the site in a manner that diverts clean run-off around disturbed areas, minimises slope gradient and flow distance within disturbed areas, ensures surface run-off occurs at non-erodible velocities, and ensures disturbed areas are promptly rehabilitated;
 - details of sediment and erosion control measures in place before work commences;
 - measures to ensure materials are not tracked onto the road by vehicles entering or leaving the site; and
 - details of drainage to protect and drain the site during works.
- viii) Asbestos management procedures:
- Anyone who removes, repairs or disturbs bonded or a friable asbestos material must hold a current removal licence from Workcover NSW holding either a Friable (Class A) or a Non- Friable (Class B) Asbestos Removal License which ever applies and a current WorkCover Demolition License where works involve demolition. To find a licensed asbestos removalist please see www.workcover.nsw.gov.au
 - Removal of asbestos by a person who does not hold a Class A or Class B asbestos removal license is permitted if the asbestos being removed is 10m² or less of non-friable asbestos (approximately the size of a small bathroom). Friable asbestos materials must only be removed by a person who holds a current Class A asbestos license.
 - Before starting work, a work site-specific permit approving each asbestos project must be obtained from Workcover NSW. A permit will not be granted without a current Workcover licence. All removal, repair or disturbance of or to asbestos material must comply with the following:
 - The Work Health and Safety Act 2011;
 - The Work Health and Safety Regulation 2011;
 - How to Safety Remove Asbestos Code of Practice – WorkCover 2011; and
 - Safe Work Australia Code of Practice for the Management and Control of Asbestos in the Workplace.
 - Following completion of asbestos removal works undertaken by a licensed asbestos removalist re-occupation of a workplace must not occur until an independent and suitably licensed asbestos removalist undertakes a clearance inspection and issues a clearance certificate.
 - The developer or demolition contractor must notify adjoining residents at least two (2) working days (i.e. Monday to Friday exclusive of public holidays) prior to the commencement of asbestos removal works. Notification is to include, at a minimum:
 - the date and time when asbestos removal works will commence;
 - the name, address and business hours contact telephone number of the demolisher, contractor and/or developer;
 - the full name and license number of the asbestos removalist/s; and
 - the telephone number of WorkCover's Hotline 13 10 50
 - warning signs informing all people nearby that asbestos removal work is taking place in the area. Signs should be placed at all of the main entry

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- points to the asbestos removal work area where asbestos is present. These signs should be weatherproof, constructed of light-weight material and adequately secured so they remain in prominent locations. The signs should be in accordance with AS 1319-1994 Safety signs for the occupational environment for size, illumination, location and maintenance; and
- appropriate barricades installed as appropriate to prevent public access and prevent the escape of asbestos fibres. Barricades must be installed prior to the commencement of asbestos removal works and remain in place until works are completed.

(Reason: Safety, amenity and protection of public infrastructure and the environment.)

32. COUNCIL PERMITS – FOR ALL ACTIVITIES ON COUNCIL LAND (CC)**Works Permit**

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

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

Standing Plant Permit

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

Skip Bin Permit

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

Temporary Full or Part Road Closure Permit

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

Hoarding Permit

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

Work Zone Permit

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

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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)

33. **EROSION AND SEDIMENTATION CONTROL PLAN (CC)**

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

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

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

(Reason: Environmental protection.)

34. **EXCAVATION - AFFECTING ADJOINING LAND (CC)**

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

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

The condition referred to in subclause (i) does not apply if the person having the benefit of

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the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying. Details shall be submitted to the Principal Certifying Authority, prior to the issue of a Construction Certificate.

(Reason: Structural safety.)

35. EXCAVATION – SHORING (CC)

Where any shoring for excavation is to be located on or is supporting Council's property, or any adjoining private property, engineering drawings and specifications certifying the shoring will be adequate for their intended purpose and must be submitted to the Council/Principal Certifying Authority for approval with the Construction Certificate. The documentation prepared and certified by an appropriately qualified and practicing structural engineer is to show all details, including the extent of encroachment and the method of removal and de-stressing of shoring elements. A copy of this documentation must be provided to the Council for record purposes at the time of Construction Certificate application.

(Reason: To ensure the protection of existing public infrastructure and adjoining properties.)

36. FIRE SAFETY SCHEDULE (CC)

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

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

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

37. 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.)

38. LANDSCAPING ON SLAB (CC)

To ensure the site landscaping thrives, the on slab landscaping shown on the approved landscaping plan is to be designed to include a minimum soil depth of 650mm for shrubs and trees; and 300mm for grass and ground covers. Adequate drainage provision and a permanent, automatic irrigation system conforming to Sydney Water requirements shall be included. Details demonstrating compliance shall be submitted to the Principal Certifying Authority with the Construction Certificate application.

(Reason: Ensure landscape survival.)

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39. **NOISE AND VIBRATION MANAGEMENT PLAN (CC)**

Prior to the issue of a Construction Certificate, a Noise and Vibration Management Plan is to be prepared by a suitably qualified person addressing the likely noise and vibration from demolition, excavation and construction of the proposed development and provided to Council or the Principal Certifying Authority.

The Plan is to identify amelioration measures to ensure the noise and vibration levels will be in compliance with:

- a. Construction noise management levels established using the *Interim Construction Noise Guideline (DECC, 2009)*;
- b. Vibration criteria established using the assessing vibration: *Technical guideline (DEC, 2006)* (for human exposure); and
- c. The vibration limits set out in the German Standard DIN 4150-3: *Structural Vibration-effects of vibration on structures* (for structural damage)

The report that itemises equipment to be used for excavation works. The Plan shall address, but shall not be limited to, the following matters:

- i) identification of activities carried out and associated noise sources;
- ii) identification of potentially affected sensitive receivers, including residences, churches, commercial premises, schools and properties containing noise sensitive equipment;
- iii) determination of appropriate noise and vibration objectives for each identified sensitive receiver;
- iv) noise and vibration monitoring, reporting and response procedures;
- v) assessment of potential noise and vibration from the proposed demolition, excavation and construction activities, including noise from construction vehicles;
- vi) description of specific mitigation treatments, management methods and procedures to be implemented to control noise and vibration during construction;
- vii) construction timetabling to minimise noise impacts including time and duration restrictions, respite periods and frequency;
- viii) procedures for notifying residents of construction activities likely to affect their amenity through noise and vibration; and
- ix) contingency plans to be implemented in the event of non-compliances and/or noise complaints. A register should be kept of complaints received, and the action taken to remediate the issue.

(Reason: To protect acoustic amenity of surrounding properties and the public.)

40. **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.)

41. **REMEDIAL WORKS - PRE-COMMENCEMENT ENVIRONMENTAL MANAGEMENT PLAN (CC)**

A Construction Environmental Management Plan (CEMP) shall be prepared for the proposed remedial works in accordance with the requirements of the approved Remedial Action Plan.

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The CEMP must be prepared by an appropriately qualified and experienced environmental consultant.

The CEMP for Remediation must include, but is not be limited to, the following:

- i) asbestos management plan;
- ii) project contact information;
- iii) site security details;
- iv) timing and sequencing information;
- v) site soil and water management plan;
- vi) noise and vibration control plan;
- vii) dust control plan;
- viii) air monitoring;
- ix) odour control plan;
- x) health and safety plan;
- xi) waste management plan;
- xii) incident management contingency; and
- xiii) unexpected finds protocol.

The CEMP must be prepared and implemented to the satisfaction of the supervising environmental consultant. The environmental site management measures must remain in place and be maintained throughout the period of the remediation works, until completion of site remediation and the site has been validated.

Note: An appropriately qualified and experienced environmental consultant certified under the Certified Environmental Practitioner" (CEnvP) Scheme or equivalent.

(Reason: To ensure compliance with statutory requirements.)

42. **REMEDIAL WORKS - POST WORKS ENVIRONMENTAL MANAGEMENT PLAN (CC)**

On completion of remedial works, an Environmental Management Plan (EMP) shall be prepared by an appropriately qualified and experienced environmental consultant. The EMP must be prepared in accordance with relevant NSW EPA Guidelines.

This Long-term EMP shall describe the nature and location of the contamination and prescribe how the contaminants will be managed and the responsible parties for this management in the long-term.

The Long-term EMP shall be submitted for review by a NSW EPA accredited site auditor prior to the commencement of construction and the issue of a construction certificate.

Any future intrusive ground works carried out that have the potential to conflict with any residual contamination remaining onsite must only be carried out in accordance with the Environmental Management Plan as referenced by the Site Auditor on the final Site Audit Statement and approved by the Council.

Note: A Long-term Environmental Management Plan (EMP) is also known as a Long-term Site Management Plan (SMP).

(Reason: Environmental protection and safety.)

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43. REMEDIATION - SITE AUDIT STATEMENT AND VALIDATION REPORT (CC)

Prior to the issue of a Construction Certificate:

All remediation work is to be carried out in accordance with State Environmental Planning Policy No. 55 – Remediation of Land, any contaminated land planning guidelines issued under Section 145C of the Act, any guidelines in force under the Contaminated Land Management Act 1997, and the remediation plan approved under this consent.

- i) A Site Audit Statement (SAS) is to be obtained from a NSW EPA Accredited Site Auditor and submitted to Council. The SAS must confirm that the site has been remediated in accordance with the approved Remediation Action Plan and clearly state that the site is suitable for the proposed use. Where the SAS is subject to conditions that require ongoing review by the Auditor or Council these should be reviewed and approved by Council before the SAS is issued. In circumstances where the SAS conditions (if applicable) are not consistent with the consent, a Section 96 application pursuant to the Environmental Planning & Assessment Act 1979 shall be submitted to ensure that they form part of the consent conditions.
- ii) A Site Validation Report is to be forwarded to Council for approval on completion of the remedial works. The validation report is to be prepared by a NSW EPA accredited site auditor. The report is to satisfactorily document the following:
 - the extent of validation sampling and the results of the validation testing;
 - that the remediation and validation of the site has been undertaken in accordance with Remedial Action Plan, prepared by <insert>, dated <insert>, with reference <insert>; and
 - that the site is suitable for the proposed use.

The applicant must engage an appropriately qualified and experienced supervising environmental consultant to supervise all aspects of site remediation and validation.

(Reason: To ensure compliance with statutory requirements in relation to site remediation works.)

44. SECTION 94 CONTRIBUTION PAYMENT - DIRECT CONTRIBUTIONS PLAN (CC)

In accordance with the provisions of Section 94(1)(b) 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	\$124,090.64
Provision of Major Open Space	\$564,575.27
Provision of Local Open Space	\$368,110.80
Provision Roads and traffic Management	\$34,114.58
Administration	\$10,700.03
TOTAL	\$1,101,591.33

Provision of Community Facilities	\$127,205.55
Provision of Major Open Space	\$578,747.16
Provision of Local Open Space	\$377,351.07
Provision Roads and traffic Management	\$35,116.06
Administration	\$12,089.85
TOTAL	\$1,130,509.70

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The total amount of the contribution is valid as at the date of determination and is subject to quarterly indexation. 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 94 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.)

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

A security (damage deposit) of **\$33,000.00** (calculated in accordance with Council's adopted Fees and Charges) shall be paid to Council, prior to the issue of a Construction Certificate.

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

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

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

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

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

(Reason: Protection of Council infrastructure.)

46. STORMWATER - RAINWATER RE-USE (CC)

A rainwater re-use system shall be provided in accordance with either the BASIX minimum

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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.)

47. STORMWATER DRAINAGE (CC)

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

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

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

48. STORMWATER - SILT ARRESTORS AND GROSS POLLUTANT TRAPS (CC)

Silt and gross pollutant traps shall be fitted in all new stormwater pits and designed in accordance with Council's specification for the management of stormwater. Details demonstrating compliance are to be submitted to the Principal Certifying Authority, prior to the issue of a Construction Certificate.

(Reason: Environmental protection.)

49. TRAFFIC - CONSTRUCTION TRAFFIC MANAGEMENT PLAN (CC)

A Construction Traffic Management Plan (CTMP) is to be prepared by an appropriately qualified Traffic Management Consultant and submitted to and approved by Council's Engineering Section, prior to the commencement of any works including demolition.

The following matters should be addressed in the CTMP (where applicable):

- i) description of the demolition, excavation and construction works;
- ii) site plan/s showing the site, roads, footpaths, site access points and vehicular movements;
- iii) size, type and estimated number of vehicular movements (including removal of excavated materials, delivery of materials and concrete to the site);
- iv) proposed route(s) from the arterial (state) road network to the site and the proposed route from the site back to the arterial road network;
- v) impacts of the work and vehicular movements on the road network, traffic and pedestrians and proposed methods to safely manage pedestrians and construction related vehicles in the frontage roadways;
- vi) any Traffic Control Plans (TCP's) proposed to regulate traffic and pedestrian movements for construction activities (such as concrete pours, crane installation/removal etc.);
- vii) proposed hours of construction related activities and vehicular movements to and

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- from the site;
- viii) current/proposed approvals from other Agencies and Authorities (including Roads and Maritime Services, Police and State Transit Authority);
 - ix) any activities proposed to be located or impact upon Council's road, footways or any public place;
 - x) measures to maintain public safety and convenience;
 - xi) any proposed road and/or footpath closures;
 - xii) turning areas within the site for construction and spoil removal vehicles, allowing a forward egress for all construction vehicles on the site;
 - xiii) locations of work zones (where it is not possible for loading/unloading to occur on the site) in the frontage roadways accompanied by supporting documentation that such work zones have been approved by the Local Traffic Committee and Council;
 - xiv) location of any proposed crane and concrete pump and truck standing areas on and off the site (and relevant approvals from Council for plant on road);
 - xv) a dedicated unloading and loading point within the site for all construction vehicles, plant and deliveries;
 - xvi) material, plant and spoil bin storage areas within the site, where all materials are to be dropped off and collected;
 - xvii) on-site parking area for employees, tradespersons and construction vehicles as far as possible;
 - xviii) proposed areas within the site to be used for the storage of excavated material, construction materials and waste and recycling containers during the construction period; and
 - xix) how it is proposed to ensure that soil/excavated material is not transported onto surrounding footpaths and roadways.

(Reason: To mitigate traffic impacts on the surrounding area during the construction period.)

50. TREE BONDS (CC)

A tree bond of **\$46,200.00** (calculated in accordance with Council's adopted Fees and Charges) shall be paid to Council, prior to the issue of a Construction Certificate.

The deposit is required as security against any damage to 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.

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

51. UTILITIES AND TELECOMMUNICATIONS - ELECTRICITY CONNECTION (CC)

Provision must be made for connection to future underground distributions mains. This must be achieved by installing:

- i) an underground service line to a suitable existing street pole; or
- ii) sheathed underground consumers mains to a customer pole erected near the front property boundary (within 1 metre).

Note: A limit of one (1) pole per site will apply.

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Any costs associated with the relocation of the above are at the requestor's expense. Any disturbance to public land as a result of the undergrounding of services shall be restored at no cost to Council.

Details are to be submitted to the Principal Certifying Authority with the Construction Certificate Application.

(Reason: Environmental amenity.)

52. UTILITIES AND TELECOMMUNICATIONS - ELECTRICITY SUBSTATION (CC)

Any required electricity substation must be located within the boundaries of the site. Documentary evidence of compliance with the energy authority's requirements, including correspondence from the energy authority is to be provided to the Principal Certifying Authority, prior to the issue of a Construction Certificate.

Note: Where an electricity substation is required but no provision has been made to place it within the approved building or its site and no details are provided on the approved development consent plans, a section 96 application is required to be submitted to Council for approval of an appropriate location for the required electricity substation.

(Reason: Access to utility.)

53. UTILITIES AND TELECOMMUNICATIONS - TELECOMMUNICATIONS ASSETS (CC)

Provision must be made for relocation of telecommunications network assets including underground placement of any existing aerial cables and infrastructure. Any costs associated with the relocation of the above are at the requestor's expense. Any disturbance to public land as a result of the undergrounding of services shall be restored at no cost to Council.

Details are to be submitted to the Principal Certifying Authority with the Construction Certificate application.

(Reason: To ensure suitable relocation of telecommunications infrastructure if required.)

54. 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.)

55. VENTILATION SYSTEMS – MECHANICAL (CC)

The mechanical ventilation system is to comply with the following:

- i) The Building Code of Australia;
- ii) Protection of the Environment Operations Act 1997; and
- iii) Australian Standard AS1668-1991.

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In addition, odour control measures, such as activated carbon or catalytic oxidisers, must be used to treat ventilation gases prior to discharge. The method of odour control must be designed by a suitably qualified mechanical ventilation engineer.

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

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

56. WASTE - GARBAGE ROOMS OR GREASE ARRESTOR ROOMS (CC)

Garbage rooms or grease arrester rooms must be constructed of solid material: cement rendered and steel trowelled to a smooth even surface. The door to the garbage room is to be designed and constructed to ensure the room is vermin proof and can be opened from the inside at all times. The garbage room is to be ventilated to the external air by natural ventilation or an approved air handling exhaust system.

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

57. WASTEWATER CONTROL (CC)

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

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

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

58. WATER SUSTAINABILITY - WATER SENSITIVE URBAN DESIGN (CC)

Details of the Water Sensitive Urban Design (WSUD) components (stormwater treatment measures) shall be submitted to and approved by the Principal Certifying Authority prior to the issue of a Construction Certificate. Details shall demonstrate compliance with the water conservation and stormwater quality targets set out under Sections 3.1 and 3.2 respectively under Part N of the SCDCP 2005, and be prepared by a suitably qualified professional engineer.

(Reason: To promote Water Sensitive Urban Design.)

59. 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.

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(Reason: To promote sustainable water management practice.)

60. 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.)

61. WORKS WITHIN THE ROAD RESERVE (CC)

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

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

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

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

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

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

62. WORKS ZONE - APPROVAL BY COUNCIL'S TRAFFIC COMMITTEEM (CC)

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

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

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

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provide a Works Zone or to waive the requirement to provide a Works Zone prior to the commencement of any site work.

(Reason: Council requirement.)

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

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

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

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

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

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

64. 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;

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

(Reason: Statutory requirement.)

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

65. CONTAMINATED LAND UNEXPECTED FINDS (DW)

In the instance works cause the generation of odours or uncovering of unexpected contaminants works are to immediately cease, Council is to be notified and a suitably qualified environmental scientist appointed to further assess the site.

The contaminated land situation is to be evaluated by the supervising environmental consultant and an appropriate response determined in consultation with the applicant, which is agreed to by Strathfield Council's Environmental Services Manager.

Note: Council may also request that a NSW EPA accredited site auditor is involved to assist with the assessment of the contaminated land situation and review any new contamination information. The applicant must also adhere to any additional conditions which may be imposed by the accredited site auditor.

(Reason: To ensure compliance with statutory requirements.)

66. 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.)

67. 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.)

68. 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

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infrastructure or services affected by the development.

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

69. SITE REQUIREMENTS DURING DEMOLITION AND CONSTRUCTION

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

- i) All demolition is to be carried out in accordance with Australian Standards AS 2601-2001.
- ii) Demolition must be carried out by a registered demolition contractor.
- iii) A single entrance is permitted to service the site for demolition and construction. The footway and nature strip at the service entrance must be planked out with close boarded, hardwood timber footpath protection pads. The pad shall cover the entire width of the footpath opening for the full width of the fence.
- iv) No blasting is to be carried out at any time during construction of the building.
- v) Care must be taken during demolition/ excavation/ building/ construction to prevent any damage to adjoining buildings.
- vi) Adjoining owner property rights and the need for owner's permission must be observed at all times, including the entering onto land for the purpose of undertaking works.
- vii) Any demolition and excess construction materials are to be recycled wherever practicable.
- viii) The disposal of construction and demolition waste must be in accordance with the requirements of the Protection of the Environment Operations Act 1997.
- ix) All waste on the site is to be stored, handled and disposed of in such a manner as to not create air pollution (including odour), offensive noise or pollution of land and/or water as defined by the Protection of the Environment Operations Act 1997.
- x) All excavated material should be removed from the site in the approved manner and be disposed of lawfully to a tip or other authorised disposal area.
- xi) Section 143 of the Protection of the Environment Operations Act 1997 requires waste to be transported to a place which can lawfully accept it. All non-recyclable demolition materials are to be disposed of at an approved waste disposal depot in accordance with legislation.
- xii) All materials on site or being delivered to the site are to generally be contained within the site. The requirements of the Protection of the Environment Operations Act 1997 must be complied with when placing/stockpiling loose material, disposing of concrete waste, or other activities likely to pollute drains or water courses.
- xiii) Details as to the method and location of disposal of demolition materials (weight dockets, receipts etc.) should be kept on site as evidence of approved methods of disposal and recycling.
- xiv) Any materials stored on site must be stored out of view or in such a manner so as not to cause unsightliness when viewed from nearby lands or roadways.
- xv) Public footways and roadways adjacent to the site must be fully maintained and cleared of obstructions during construction unless prior separate approval from Council is obtained including payment of relevant fees.
- xvi) Building operations such as brick cutting, washing tools or paint brushes, and mixing mortar not be performed on the roadway or public footway or any other locations which could lead to the discharge of materials into the stormwater drainage system.
- xvii) All site waters during excavation and construction must be contained on site in an approved manner to avoid pollutants entering into waterways or Council's stormwater drainage system.
- xviii) Stamped plans, specifications, documentation and the consent shall be available on site at all times during construction.

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(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.)

70. **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 (OC)

71. **DELETED**

72. **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.)

73. **CAR PARKING - VISITOR CAR PARKING SIGNAGE (OC)**

A sign shall be erected in a suitable location on the property near the driveway entrance indicating where visitor parking is available on the site. Signage shall also be erected above the visitor parking itself. Details demonstrating compliance shall be demonstrated to the Principal Certifying Authority, prior to the issue of any Occupation Certificate.

(Reason: Adequate access and egress.)

74. **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:

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- 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.)

75. FIRE SAFETY CERTIFICATION (OC)

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

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

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

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

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

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

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

(Reason: Fire safety and statutory requirement.)

76. 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

DA2017/059 - 47-48 Loftus Crescent and 12-18 Bridge Street, Homebush - Lots 2 & 1 in DP 841916 and Lots A, B, C, D in DP 313831 (Cont'd)

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.)

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

No existing street trees can be removed without Council approval. Where such approval is granted, the applicant shall meet the full cost to remove the tree and plant a replacement tree of 200 litre container size at the time of planning and selected from Council's Recommended Tree List. Specimens must be in accordance with NATSPEC specifications and guidelines and maintained for a twelve (12) month establishment phase. If the specimen fails to thrive or is otherwise damaged it shall be replaced at full cost to the applicant and maintained for a further twelve (12) months.

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

(Reason: Tree preservation and environmental amenity.)

78. 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.)

79. STORMWATER - COVENANT AND RESTRICTION AS TO USER FOR STORMWATER CONTROLLED SYSTEMS (OC)

Prior to the issue of any Occupation Certificate, the applicant shall register a Positive Covenant and a Restriction as to User under section 88E and or section 88B of the Conveyancing Act as appropriate in favour of Council, ensuring the ongoing retention, maintenance and operation of the stormwater facility (on-site detention, pump-out, charged lines, etc.).

Where any drainage line or service conduit is to traverse any property other than that which it serves, an appropriate easement will be required. In this case, the applicant shall register an easement no less than 1200mm wide over the proposed drainage line or service concurrently with any subdivision registration.

The wording on the 88B Instrument is to make reference to the Council file where the Construction plans and the Work As Executed (as built), plans are held. Typical wording can be obtained from Council's Specification for the Management of Stormwater document.

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(Reason: To ensure the on-site detention and/or pump system is maintained to an appropriate operational standard.)

80. SUBDIVISION - EVIDENCE OF CONSOLIDATION (OC)

The existing allotments shall be consolidated into a single lot. Evidence that the plan of consolidation has been registered as a deposited plan with the Land and Property Information Office must be submitted to Council, prior to occupation of the site.

(Reason: Proper management of land.)

81. SEPARATE APPLICATION FOR STRATA SUBDIVISION (SC)

This consent does not imply approval to create a separate title, by subdivision or otherwise. Should it be intended to subdivide the approved development into strata title allotments, Council will require the lodgement of a separate development application for consideration.

(Reason: To ensure compliance with the consent.)

CONDITIONS TO BE SATISFIED DURING ONGOING USE OF THE PREMISES (OU)**82. NOISE - COMPLIANCE WITH ACOUSTIC ASSESSMENT REPORT (OU)**

All recommendations contained in the approved Acoustic Assessment Report prepared by Acoustic Noise and Vibration Solutions Pty Ltd shall be adopted, implemented, and adhered to.

The Principal Certifying Authority (PCA) shall obtain a statement from an appropriately qualified acoustic consultant, certifying that the acoustic mitigation measures outlined in the above stated report have been suitably incorporated into the development and that relevant noise criteria have been satisfied prior to the issue of any Occupation Certificate.

Any changes made to the proposal that would alter the acoustic assessment will require a further acoustic assessment and a copy of this further report shall be provided to Council for approval prior to the commencement of works and any recommendations adopted, implemented, and adhered to.

(Reason: Noise control and amenity.)

83. POLLUTION - COMPLIANCE WITH PEOA 1997 GENERALLY (OU)

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

(Reason: Environmental protection.)

84. WASTE AND RECYCLING COLLECTION HOURS (OU)

The collection of waste and recycling must only occur between 6.00am and 8.00pm weekdays and 9.00am and 5.00pm weekends and public holidays, to avoid noise disruption to the surrounding area.

Garbage and recycling must not be placed on the kerbside for collection more than one hour before the scheduled collection time. Bins and containers are to be removed from the kerbside within one (1) hour of collection and returned to the designated garbage storage

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area(s).

The garbage and recyclable storage area and bins must be adequate to contain the volume and type of garbage and recyclable matter of the food premises.

All garbage and recyclable matter must be enclosed in the waste bins with lids completely closed at all times.

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

ATTACHMENTS

There are no attachments for this report.

TO: Strathfield Internal Development Assessment Panel Meeting - 15 November 2019
REPORT: IDAP – Report No. 3
SUBJECT: DA2019/132 - 6 WEST STREET, STRATHFIELD - LOT 3 DP12824
DA NO. 2019/132

SUMMARY

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

Applicant: Dreamscapes Architects

Owner: D Huang

Date of lodgement: 22 August 2019

Notification period: 29 August 2019 – 12 September 2019

Submissions received: Nil

Assessment officer: LG

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

Zoning: R2- Low Density Residential - SLEP 2012

Heritage: No

Flood affected: Yes

Is a Clause 4.6 variation proposed? No

RECOMMENDATION OF OFFICER: APPROVAL

EXECUTIVE SUMMARY

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

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

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

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

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

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

BACKGROUND

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

As discussed, the amended plans fail to resolve issues raised in the deferral letter. Conditions of consent are therefore recommended to achieve compliance and improve amenity.

DESCRIPTION OF THE SITE AND LOCALITY

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

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

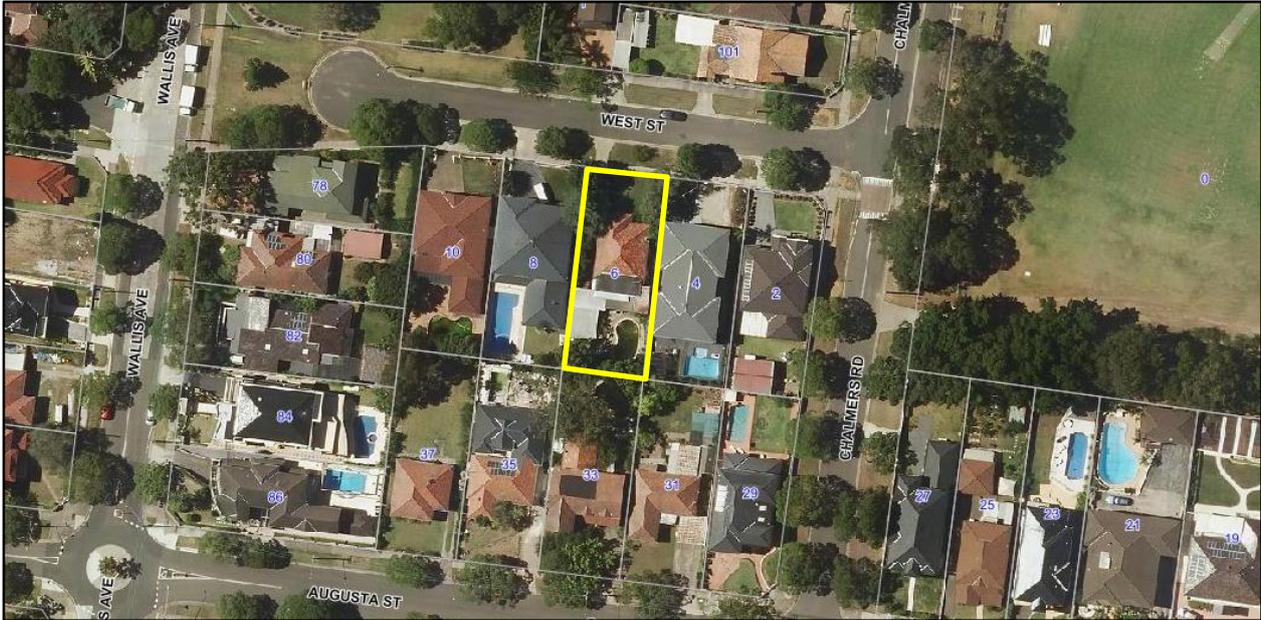


Figure 1: Locality plan with the subject site outlined in yellow.

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



Figure 2: View of existing dwelling

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

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



Figure 3: 4 West Street, Strathfield.



Figure 4: 8 West Street, Strathfield

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



Figure 5: 1 West Street, Strathfield



Figure 6: 10 West Street, Strathfield

PROPERTY BURDENS AND CONSTRAINTS

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

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

DESCRIPTION OF THE PROPOSED DEVELOPMENT

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

The specific elements of the proposal are:

Basement level:

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

Ground floor level:

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

First floor level:

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

External works:

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



Figure 7: Front Elevation of proposed dwelling house

REFERRALS**INTERNAL REFERRALS****Engineering Comments**

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

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

Landscaping Comments

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

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

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

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

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

Recommendation:

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

Traffic Comments

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

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

SECTION 4.15 CONSIDERATIONS – EP&A Act, 1979

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

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

STATE ENVIRONMENTAL PLANNING POLICY (SEPP) – BASIX 2004

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

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

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

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

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

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

The objectives outlined within SEPP55 are considered to be satisfied.

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

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

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

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

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

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

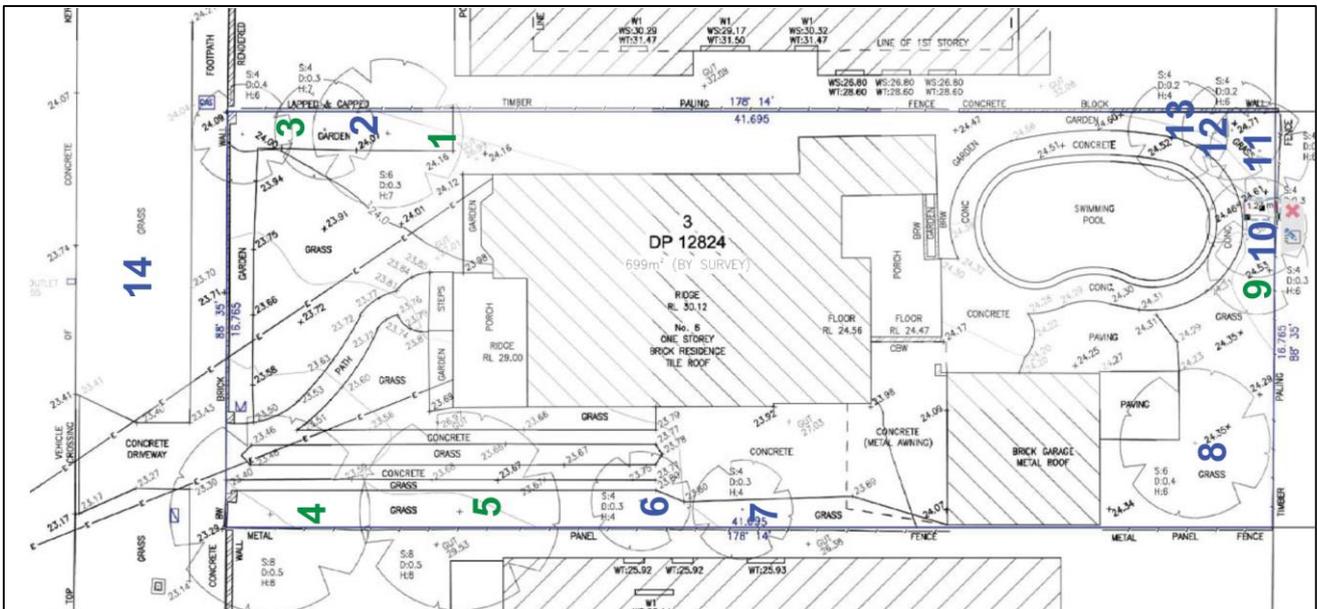


Figure 8: Tree removal/protection plan (Source: Arboriculture Impact Assessment, Australis Tree Management July 2019)

STATE ENVIRONMENTAL PLANNING POLICY (COASTAL MANAGEMENT) 2018

The Coastal Management SEPP applies to the site.

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

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

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

STRATHFIELD LOCAL ENVIRONMENTAL PLAN 2012 (SLEP 2012)

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

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

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

Permissibility

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

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

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

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

Zone Objectives

Objectives	Complies
➤ <i>To provide for the housing needs of the community within a low density residential</i>	Yes

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

<i>environment.</i>	
➤ <i>To enable other land uses that provide facilities or services to meet the day to day needs of residents.</i>	N/A
➤ <i>To ensure that development of housing does not adversely impact the Heritage significance of adjacent Heritage items and conservation areas.</i>	N/A

Comments: The proposed development is consistent with the abovementioned objectives of the R2 Low Density Residential zone.

Part 4: Principal development standards

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

Height of building

Cl.	Standard	Controls	Proposed	Complies
4.3	<i>Height of building</i>	9.5m	7.56m	Yes

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

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

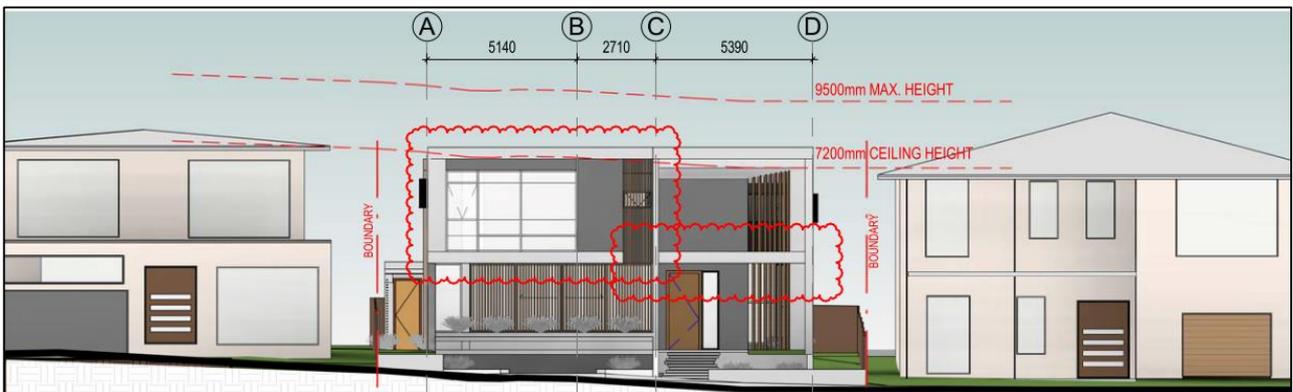


Figure 9: Streetscape elevation demonstrating heights of the proposed dwelling amongst existing development immediately adjoining the site.

Floor space ratio

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

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(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> ii. <i>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: During the assessment process, Council's Assessing Officer raised concern that the proposed void spaces through the dwelling were considered excessive and thus constituted as floor space. This would result in the development's non-compliance with the prescribed FSR controls. The matter was raised with the applicant that whilst the void space over the front entrance of the dwelling was considered acceptable, the void space over the rear living/dining room was excessive and required deletion. The Applicant has requested that for amenity and aesthetic reasons that the void space be reduced in height rather than deleted in its entirety. The amended plans now propose a floor to ceiling height of 2.15m for the overhead void space resulting in a total floor to ceiling height of 5.84m from finished ground level. This is still considered excessive and would result in additional unnecessary bulk applied to the dwelling. Accordingly, a condition of consent is recommended to ensure that the total floor to ceiling heights over the living/dining room is no more than 4.8m from finished floor level.

Part 5: Miscellaneous Provisions

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

Part 6: Local Provisions

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

6.1 Acid sulfate soils

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

6.2 Earthworks

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

6.3 Flood planning

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

6.4 Essential services

Clause 6.4 of the SLEP 2012 requires consideration to be given to the adequacy of essential services available to the subject site. The subject site is located within a well serviced area and features existing water and electricity connection and access to Council's stormwater drainage

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

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

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

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

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

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

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

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



Figure 10: Front elevation of original dwelling design.



Figure 11: Front elevation of dwelling design as amended.

4: Building Envelope

4.1 Objectives

Satisfactory

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

A.	To ensure that dwellings are compatible with the built form of the local area and that overall bulk and scale, size and height of dwellings relative to natural ground level responds to the adjoining dwellings, topography and desired future character.	Yes
B.	To minimise impact on the amenity of adjoining properties.	Yes
C.	To establish and maintain the desired setbacks from the street and define the street edge.	Yes
D.	To create a perception or reinforce a sense of openness in the locality.	Yes
E.	To maintain view corridors between dwellings	Yes
F.	To assist in achieving passive surveillance whilst protecting visual privacy.	Yes
G.	To provide a transitional area between public and private space.	Yes
4.2	Development Controls	Complies
2.	The maximum height to the top of parapet for flat roofed dwelling houses is to be 7.8 metres.	Yes
3	The maximum height of the parapet wall for flat roofed dwelling houses is to be 0.8 metres above the uppermost ceiling level.	Yes
4	The maximum height of the external wall from the existing ground level to the underside of the uppermost ceiling level is to be 7.2 metres.	Yes
5	The maximum internal floor to ceiling height is to be 3.0 metres for any residential level	No- refer below
4.2	Development Controls	Complies
2.	The maximum height to the top of parapet for flat roofed dwelling houses is to be 7.8 metres.	Yes
3	The maximum height of the parapet wall for flat roofed dwelling houses is to be 0.8 metres above the uppermost ceiling level.	Yes
4	The maximum height of the external wall from the existing ground level to the underside of the uppermost ceiling level is to be 7.2 metres.	Yes
5	The maximum internal floor to ceiling height is to be 3.0 metres for any residential level	Yes
.3.1.	Street Setbacks	
1	Setbacks consistent with minimum requirements of Table A.1	Yes
.3.2.	Side and Rear Setbacks	
1	A combined side setback of 20% of the width of the block (incorporating a 1.2m min side setback on each side).	Yes
2	A rear setback of 6m (min)	Yes
4	Garages and carports setbacks consistent with Table A.2	Yes

Comments: The proposed dwelling achieves numerical compliance with the FSR and building height provisions under Clause 4.3 and 4.4C of the SLEP 2012. The building height and envelope

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is proportionate to the size of the site. Notwithstanding, as previously discussed, concern was raised for the excessive void space above the dining/living room which would constitute floor space. This would subsequently result in an exceedance above the maximum permitted FSR controls which is not supported by Council.

As discussed, a condition of consent is recommended to reduce the overall internal floor to ceiling height of the living/dining room to 4.8m from FFL. Whilst this fails to comply with the maximum 3m internal floor to ceiling heights required under the DCP, this is considered appropriate as the space is located in the rear portion of the dwelling and will not result in any additional bulk or scale applied to the dwelling.

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

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

5: Landscaping

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

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

Comments: Based on the amended plans submitted to Council, the proposal provides 38.34% (268m²) deep soil landscaping which fails to achieve compliance with the minimum 41.5% (290.1m²) deep soil zone controls. Accordingly, a condition of consent is recommended requiring the pool, cabana and associated decking area to be deleted so to comply with this control. If these features are deleted and reinstated with deep soil zone, the site will achieve a minimum 43.78% (306m²) deep soil landscaping and will also provide a more consolidated parcel of deep soil zone.

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Conditions of consent are also recommended to ensure that the pergola above the rear alfresco adjoining the living room area is removed as a separate shaded alfresco area adjoining the kitchen is already provided. This is to ensure the longevity of the deep soil zone provided directly beneath.

6: Solar Access

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

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

7: Privacy

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

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

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

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

8: Vehicle Access and Parking

8.1 Objectives		Satisfactory
A.	To provide adequate and convenient on-site car parking.	Yes
B.	To ensure that the location and design of driveways, parking spaces and other areas used from the movement of motor vehicles are efficient, safe and convenient.	Yes
C.	To ensure garages, carports, basements and hard standing areas for cars do not visually dominate the street façade of the dwelling.	Yes
D.	To ensure that construction materials used for driveways respect the architectural qualities of the dwelling.	Yes
E.	To minimise the area of access driveways to minimise impermeable surfaces and maximise landscaped areas.	Yes
F.	To ensure basements have discreet entries, safe access and a high degree of natural cross-ventilation.	Yes
G.	To minimise excavation to reduce disturbance to natural ground level particularly adjacent to site boundaries.	Yes
H.	To ensure that any proposed basement minimises disturbance to natural drainage systems and that flooding, drainage or ventilation impacts would not be created for the site, or for adjoining or nearby properties.	Yes
8.2 Development Controls		Complies
<i>Driveway and Grades</i>		
.1.	1 Existing driveways must be used (exceptions apply)	Acceptable on merit
	2 The width of driveways at the property boundary is to be 3m	Yes
	3 The edge of driveway crossings located 1m (min) clear of any existing stormwater pits or poles and 2m clear of tree trunks	No – refer to discussion
	4 Parking and access points easily accessible and recognisable, non-disruptive to	Yes

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

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

9: Altering Natural Ground Level (Cut and Fill)

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

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

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

10: Water and Soil Management

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

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1	Soil erosion and sediment control measures detailed and implemented prior to the commencement of work.	Yes
2	Sediment control measures applied	Yes
3	Plans provided detailing stormwater quality treatment	Yes

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

11: Access, Safety and Security

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

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

12: Ancillary Development

12.1	Objectives	Satisfactory
A.	To ensure that ancillary development is compatible with the design of the principal dwelling, streetscape and adjoining dwellings in form, materials and colours	Yes
B.	To limit the size, bulk and scale of ancillary structures and minimise their visibility from the public domain.	Yes

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C.	To ensure that the provision of ancillary structures improves the amenity of residents whilst ensuring that the amenity of surrounding dwellings and neighbouring lots is maintained.	No
D.	To ensure that the provision of ancillary structures, such as air conditioning units, are considered at the design stage of a proposed development.	Yes
12.2	Development Controls	Complies
	<i>Outbuildings</i>	
	1 Outbuilding located behind the front building line	Yes
	2 Side and rear setback is 0.5m (min)	No
	3 New garden sheds, studios, cabanas and the like are limited 40sqm (max)	Yes
.2.	4 Windows do not face an adjoining property (exceptions apply)	Yes
	5 The roof area is not accessible for any purpose	Yes
	6 Outbuildings are not to be used for habitable purposes	Yes
	7 Kitchen facilities are not permitted in an outbuilding	Yes
	8 Any external lighting of an outbuilding is to be positioned or shielded to prevent glare to adjoining premises	Yes
	<i>Air-conditioning</i>	
	1 Located away from the habitable rooms of adjoining properties and/or screened by acoustic treatments	To be conditioned
.4.	2 Any building work must not reduce the structural integrity of existing buildings	To be conditioned
	3 Installation of residential grade air conditioners only	To be conditioned
	4 Installation to comply with the Protection of the Environment Operations Act 1997 and Protection of the Environment Operations (Noise Control) Regulation 2008	To be conditioned
	<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	No
	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	No
	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: The proposal has sought a swimming pool with associated cabana and decking area in the rear portion of the site. The proposed swimming pool is setback 835mm from the rear site boundary and the cabana, a 450mm setback from the eastern side boundary both of which are contrary to the abovementioned controls. As previously discussed, a condition of consent has been recommended to delete these structures to enable the site to achieve compliance with the prescribed deep soil zone controls.

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13: Ecologically Sustainable Development

13.1	Objectives	Satisfactory
A.	To encourage passive and active strategies in the design of dwellings and ancillary structures that promotes the achievement of ecologically sustainable practices and BASIX requirements.	Yes
B.	To ensure dwellings are designed to allow sufficient natural ventilation and lighting whilst minimising heat gain during summer and maximising solar access during winter, thereby reducing the need for artificial cooling and heating.	Yes
C.	To minimise the over use of Sydney's limited high quality domestic water supply by ensuring new dwellings incorporate water storage tanks for use in toilet flushing, landscape irrigation and to encourage new dwellings, additions and alterations to incorporate water saving devices and water conservation strategies.	Yes
D.	To encourage the use of new technology that reduces energy consumption, minimises greenhouse emissions and results in cost savings	Yes
E.	To encourage the re-use of building materials, thereby reducing waste to landfill, transportation costs, conserving raw materials and reducing energy expenditure. (Refer to Part H Waste Minimisation and Management of SCDCP 2005).	Yes
13.2	Development Controls	Complies
	<i>Natural Lighting and Heating</i>	
.1.	1 Living areas facing north, sleeping areas facing east/south, and utility areas orientated west/south to maximise winter solar access.	Yes
	2 Trees planted to the north of the dwelling must be deciduous to allow solar access during the winter	Yes
	3 Materials used of high thermal mass	Yes
	<i>Natural Cooling and Ventilation</i>	
.2.	1 Windows and walls on northern facades shaded by shading devices, trees, eaves and louvres sympathetic to the dwelling	Yes
	2 Windows positioned to capture breezes and allow for cross-ventilation	Yes
	<i>Water Tanks</i>	
.3.	1 Located behind the dwelling or behind the front building line and screened from view from the public domain	Yes
	2 Associated support structures and plumbing are a colour that complements the dwelling.	Yes
	3 Above ground water tanks located 450mm (min) from any property boundary	Yes
	4 Above ground water tanks do not exceed 3m in height above NGL	Yes
	5 Overflow piped directly to the approved stormwater drainage system except in cases where stormwater is required to be directed to on-site stormwater detention (OSD) storage	Yes
	6 No part of the water tank or support stand may rest on a wall footing	Yes
	7 Installation does not involve the filling of more than 1m above existing ground level	Yes
	8 The tank not located over or adjacent to a water main or sewer main or installed over any associated structure or fittings	Yes
	9 Support structure installed to the requirements of a qualified practicing structural engineer or to the maker's specifications.	Yes
	<i>Hot Water Heater Units</i>	
.4.	1 Located behind the dwelling or wholly behind the dwelling	Yes
	2 Not located on balconies unless screened from public view	Yes
	3 Placed within a short distance of the most frequent point of use	Yes

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

PART H - WASTE MANAGEMENT (SCDCP 2005)

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

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

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

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

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

The proposed development does involve the demolition of a building. Should this application be approved, appropriate conditions of consent may be imposed to ensure compliance with the requirements of the above standard.

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

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

The proposed dwelling design has incorporated a neutral colour palate and a well-articulated built form through use of side elevation courtyards so to reduce the perceived bulk of the development and to blend with the building rhythm of the street. Overall, the proposed development is not considered to result in any adverse environmental or social impacts.

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

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

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

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

4.15(1)(e) The public interest

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

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

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

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

Drawing No.	Title/Description	Prepared by	Issue / Revision & Date	Date received by Council
A-001	Site Plan	Dreamscapes Architects	B	25 October 2019
A-002	Demolition Plan	Dreamscapes Architects	A	25 October 2019
A-003	Tree Protection Plan	Dreamscapes Architects	A	25 October 2019
A-009	Basement Level	Dreamscapes Architects	B	25 October 2019
A-110	Ground Floor	Dreamscapes Architects	C	25 October 2019
A-111	First Floor	Dreamscapes Architects	C	25 October 2019
A-112	Roof	Dreamscapes Architects	B	25 October 2019
A-200	Elevations	Dreamscapes Architects	C	25 October 2019
A-204	Section & Streetscape Elevation	Dreamscapes Architects	C	25 October 2019
ST01	Basement Stormwater Drainage and Detail Plan	Stronghold Engineers	D	22 August 2019
ST02	Site Stormwater Drainage and Detail Plan	Stronghold Engineers	D	22 August 2019
ST03	Erosion and Sediment Control Plan and Details	Stronghold Engineers	D	22 August 2019

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

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

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

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

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

The height of the building measured from Australian Height Datum (AHD) must not exceed Relative Level (RL) 31.560 AHD to the roof ridge of the building.

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

5. 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.)

6. 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.)

7. 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.)

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

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

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

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

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

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.

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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. 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. 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

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- disposed of lawfully to a tip or other authorised disposal area.
- x) All waste must be contained entirely within the site.
 - xi) A site plan including temporary waste storage locations, construction material storage areas and vehicular access to and from the site must be included with application.
 - xii) Section 143 of the Protection of the Environment Operations Act 1997 requires waste to be transported to a place which can lawfully accept it. All non-recyclable demolition materials are to be disposed of at an approved waste disposal depot in accordance with legislation.
 - xiii) Details as to the method and location of disposal of demolition materials (weight dockets, receipts, etc.) should be kept on site as evidence of approved methods of disposal or recycling and must be presented to Council and/or Principal Certifying Authority upon request.
 - xiv) All materials on site or being delivered to the site are to generally be contained within the site. The requirements of the Protection of the Environment Operations Act 1997 must be complied with when placing/stockpiling loose material, disposing of concrete waste, or other activities likely to pollute drains or water courses.
 - xv) Any materials stored on site must be stored out of view or in such a manner so as not to cause unsightliness when viewed from nearby lands or roadways.
 - xvi) Public footways, include nature strips and roadways adjacent to the site must be maintained and cleared of obstructions during construction. No building materials, waste containers or skips may be stored on the road reserve or footpath without prior separate approval from Council, including payment of relevant fees.
 - xvii) Building operations such as brick-cutting, washing tools or paint brushes, and mixing mortar not be performed on the roadway or public footway or any other locations which could lead to the discharge of materials into the stormwater drainage system.
 - xviii) All site waters during excavation and construction must be contained on site in an approved manner to avoid pollutants entering into waterways or Council's stormwater drainage system.
 - xix) Any work must not prohibit or divert any natural overland flow of water.
 - xx) Toilet facilities for employees must be provided in accordance with WorkCover NSW.

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

13. 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.)

14. 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

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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)**15. 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.)

16. 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.)

17. CAR PARKING - VEHICULAR ACCESS RAMPS (CC)

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

- i) Longitudinal section along the extreme wheel paths of each driveway/access ramp at a scale of 1:25 demonstrating compliance with the scraping provisions of AS/NZS 2890.1:2004. It shall include all levels and grades, including those levels stipulated as boundary levels, both existing and proposed. It shall extend from the centre-line of the roadway through to the parking area.
- ii) Sections showing the clearance to the underside of any overhead structure (minimum headroom requirements 2200mm minimum for standard headroom clearance or 2400mm where disabled access provisions are to be provided) demonstrating compliance with the provisions of AS/NZS 2890.1:2004.
- iii) Longitudinal section along the gutter line showing how it is intended to transition the

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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.)

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

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

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

(Reason: Compliance with SCDCP 2005.)

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

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

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

Standing Plant Permit

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

Skip Bin Permit

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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.)

21. DILAPIDATION REPORT - PRE-COMMENCEMENT (CC)

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

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

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

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

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caused to other properties during the construction of the project.

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

22. EROSION AND SEDIMENTATION CONTROL PLAN (CC)

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

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

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

(Reason: Environmental protection.)

23. EXCAVATION - AFFECTING ADJOINING LAND (CC)

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

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

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

(Reason: Structural safety.)

DA2019/132 - 6 West Street, Strathfield - LOT 3 DP12824 (Cont'd)**24. LANDSCAPING – AMENDED LANDSCAPE PLAN REQUIRED (CC)**

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

The plan must include the following information:

- i) details demonstrating compliance with SCDCP 2005 in relation to landscaping requirements;
- ii) location of all existing and proposed landscape features including materials to be used;
- iii) all trees to be retained, removed or transplanted;
- iv) existing and proposed finished ground levels;
- v) top and bottom wall levels for both existing and proposed retaining and free standing walls; and
- vi) a detailed plant schedule which includes proposed species listed by botanical (genus and species) and common names, quantities of each species, pot sizes and the estimated size at maturity. A minimum of 25% of species shall be locally sourced indigenous species. Species shall be predominantly selected from Council's Recommended Tree List.

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

(Reason: Landscape quality.)

25. 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.)

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.

(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:

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

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adjoining dwelling.

(Reason: Privacy amenity.)

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

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

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

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

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

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

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

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

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

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

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

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

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

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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.)

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.)

31. 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.)

32. 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.)

33. 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)

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

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

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- 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.)

35. 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):

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- In the case of work for which a principal contractor is required to be appointed:
- the name and licence number of the principal contractor; and
- the name of the insurer by which the work is insured under Part 6 of the Home Building Act 1989.

In the case of work to be done by an owner-builder:

- the name of the owner-builder; and
- if the owner-builder is required to hold an owner-builder permit under the Home Building Act 1989, the number of the owner-builder permits.

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

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

(Reason: Statutory requirement.)

36. 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)**37. 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.)

DA2019/132 - 6 West Street, Strathfield - LOT 3 DP12824 (Cont'd)**38. 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.)

39. PUBLIC INFRASTRUCTURE AND SERVICES (DW)

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

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

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

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

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

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

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

CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE (POC)**41. 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.)

42. 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

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- 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.)

43. 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.)

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

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

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

(Reason: Tree preservation and environmental amenity.)

45. 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)

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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.)

46. 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.)

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

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

(Reason: Adequate stormwater management.)

ATTACHMENTS

There are no attachments for this report.

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