

## **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, 19 July 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 - 19 July 2019  
**REPORT:** IDAP – Report No. 1  
**SUBJECT:** DA2019/032 - 25 NEWTON ROAD, STRATHFIELD  
LOT 101 DP 547766  
**DA NO.** 2019/032

## SUMMARY

**Proposal:** Demolition of existing structures and construction of a new two (2) storey dwelling house with basement car parking, in-ground swimming pool and front boundary fence.

**Applicant:** Bechara Chan & Associates

**Owner:** Dinh Thieu Neuyen and Dung Thi Thuy Tang

**Date of lodgement:** 6 March 2019

**Notification period:** 18 March 2019 – 1 April 2019; and  
17 June 2019 – 28 June 2019.

**Submissions received:** One (1) submission received in total.

**Assessment officer:** LM

**Estimated cost of works:** \$ 2,821,256.00

**Zoning:** R2 Low Density Residential - SLEP 2012

**Heritage:** No – The site neighbours Heritage Item I183 'Inter-War Old English Style House'.

**Flood affected:** No

**Is a Clause 4.6 variation proposed?** No

**RECOMMENDATION OF OFFICER:** APPROVAL

## EXECUTIVE SUMMARY

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

The application was notified in accordance with Part L of the Strathfield Consolidated Development Control Plan (SCDCP) 2005. One (1) submission was received during this time, where concerns were raised in relation to the removal of trees and potential privacy impacts from the rear alfresco and first floor master bedroom side facing windows.

The application was renotified for a period of 10 days from 17 June 2019 to 28 June 2019 as the plans were amended to rectify a labelling error on eastern and western elevations plans. No additional submissions were received during this time.

The application has demonstrated compliance with the relevant provisions under the Strathfield Local Environmental Plan (SLEP) 2012 and the SCDCP 2005, with the exception of the floor to ceiling height on the ground level of the dwelling, the overall landscaped area and the side setback from the driveway to the site boundary.

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The application is considered acceptable and therefore is recommended for approval, subject to the imposition of recommended conditions of consent.

## BACKGROUND

- 6 March 2019** The development application was lodged with Council.
- 18 March 2019** The application was notified in accordance with Part L of the SCDCP 2005 for a period of 14 days from 18 March 2019 to 1 April 2019. One (1) submission was received as a result, raising concerns in relation to the removal of trees and potential privacy impacts from the rear alfresco and side facing first floor windows from the master bedroom.
- 19 March 2019** A deferral letter was sent to the applicant, raising the following concerns:
- The size of the basement level is considered to be excessive;
  - The proposal results in a total floor space of 0.592:1 (543.74m<sup>2</sup>), contrary to the 0.525:1 (481.79m<sup>2</sup>) standard under Clause 4.4C 'Exceptions to Floor Space (Zone R2)' of the SLEP 2012;
  - The application is to be accompanied by an Arboriculture Report as the building footprint of the dwelling house has the potential to impact the health of trees located within the front setback of the site, which are listed in Councils Significant Tree Register; and
  - The design of the dwelling house is not considered to be sympathetic with the neighbouring Heritage listed item.
- 15 April 2019** Amended plans were provided by the applicant, which had generally responded to the concerns raised by Council. Changes were made to the external colours and finishes, and a reduction to the size of the basement level. The amended plans still detailed the removal of Trees number 2 and 3, which was not supported by Council as they are listed in Councils Significant Tree Register for protection.
- 15 April 2019** The assessment officer called the objector to discuss the amended plans and additional information provided by the applicant.
- 16 April 2019** A second deferral letter was sent to the applicant, detailing that the design of the dwelling needs to be reconsidered to allow for the protection of Trees numbered 2 and 3.
- 2 May 2019** Amended plans were provided by the applicant, detailing the protection of Trees numbered 2 and 3.
- 5 June 2019** A third deferral letter was sent to the applicant as an error was identified on the architectural plans. The error specifically related to the eastern and western elevations which were incorrectly labelled.
- 12 June 2019** Amended plans were provided by the applicant to rectify the error noted on the elevations.
- 17 June 2019** The application was renotified for a period of 10 days from 17 June 2019 to 28 June 2019. No additional submissions were received.
- 4 July 2019** An update on the application was provided to the objector via email.

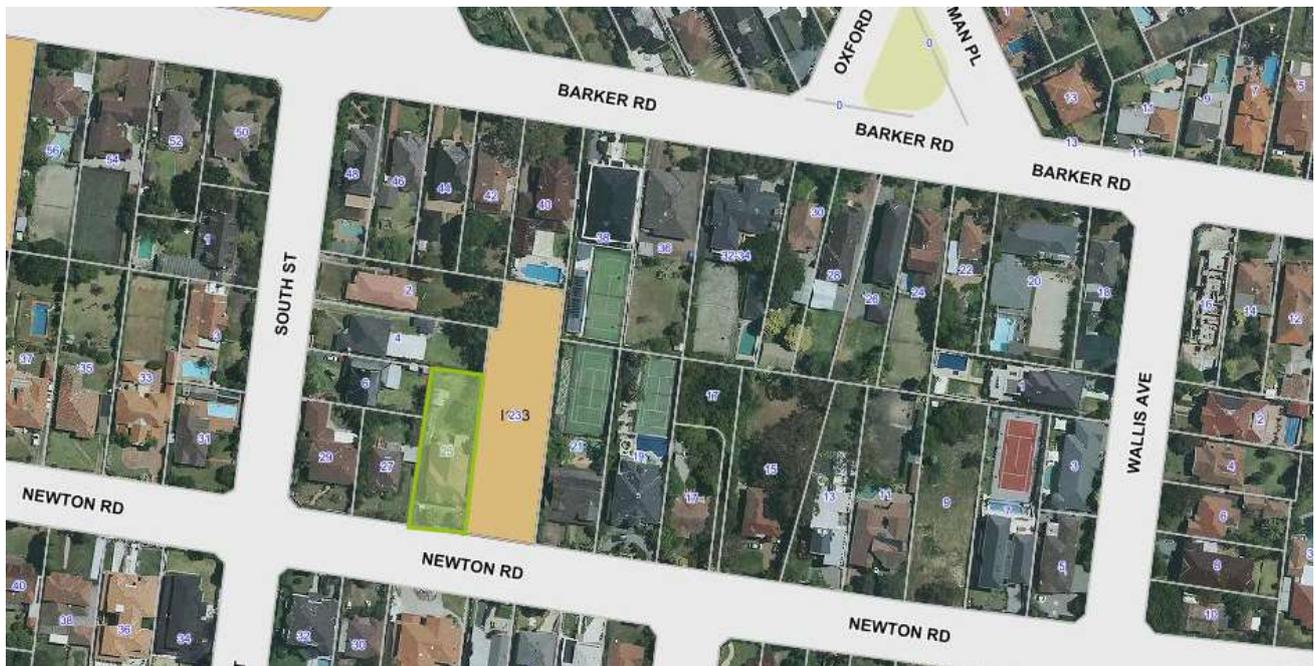
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## DESCRIPTION OF THE SITE AND LOCALITY

The subject site is legally described as Lot 101 DP 547766 and is commonly known as 25 Newton Road, Strathfield (**Figure 1**). The site is located on the northern side of Newton Road and has a total site area of 917.7m<sup>2</sup>. The site is rectangular in shape and has a frontage of 17.07m to the south and side boundary length of 53.80m to the east and west. Adjoining the site to the east is 23 Newton Road, Strathfield, which is a Heritage Listed Item (Item I183) under Schedule 5 of the SLEP 2012 (refer to **Figure 1 and 3**).

The site comprises a single storey residential dwelling with facebrick external walls and a tile pitched roof form (**Figure 2**). There are two (2) trees located within the front setback, which are listed on Councils Significant Tree Register (refer to **Figure 2**). Vehicular access is provided to the site via an existing driveway located on the western side of the site frontage that leads to a single garage located at the rear of the property.

The current streetscape is characterised by contemporary and traditional-style two (2) storey residential dwellings with a mixture of rendered and facebrick external walls and tile pitched roof forms (refer to **Figures 4 and 5**).



**Figure 1:** The site (as highlighted in green) and the surrounding context. The neighbouring Heritage listed property under Schedule 5 of the SLEP 2012 is coloured in beige.

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**Figure 2:** The existing residential dwelling on the subject site.

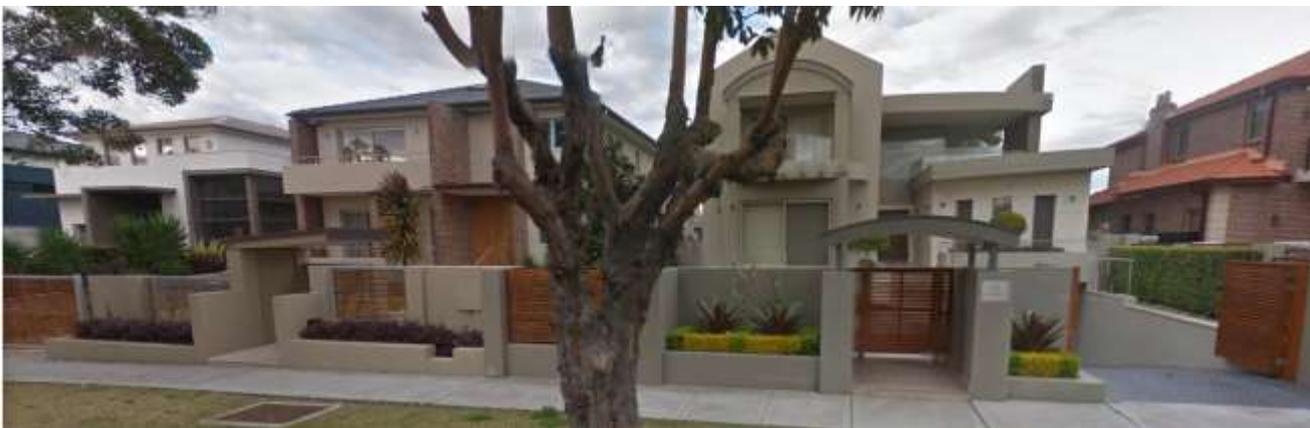


**Figure 3:** The neighbouring residential dwelling (23 Newton Road, Strathfield) that is Heritage Listed under Schedule 5 of the SLEP 2012 (Heritage Item I183).

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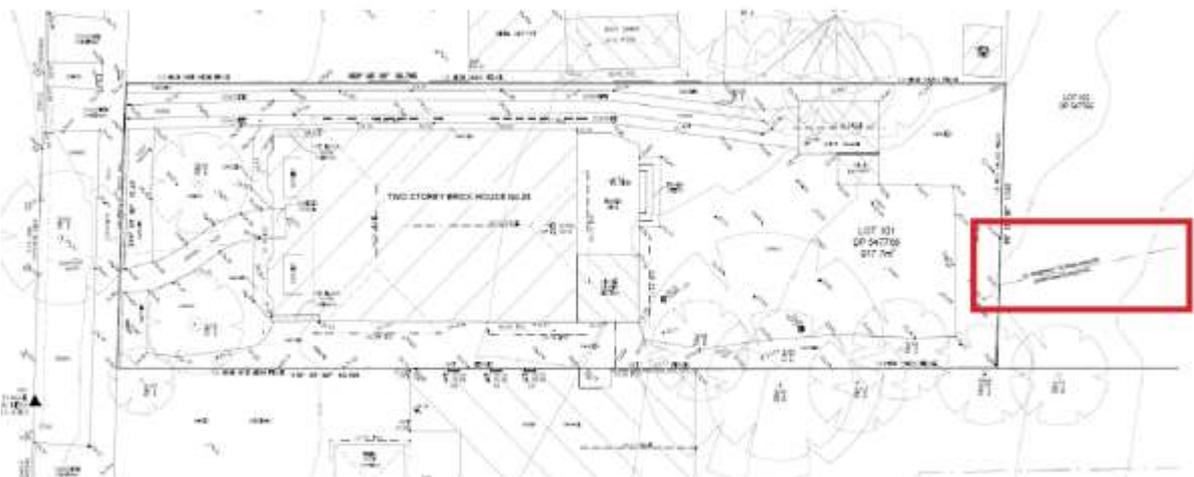
**Figure 4:** A residential dwelling located in close proximity to the subject site at 21 Newton Road, Strathfield.



**Figure 5:** Residential dwellings located in close proximity to the site, including 22, 24 and 26 Newton Road, Strathfield.

## PROPERTY BURDENS AND CONSTRAINTS

There is an easement located at the rear of the site (refer to **Figure 6**). As the proposed structures are setback over 13 metres from the easement, the proposal is not anticipated to adversely impact this.



**Figure 6:** The easement located at the rear of the site (as outlined in red).

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## DESCRIPTION OF THE PROPOSED DEVELOPMENT

The application seeks Council approval for the demolition of existing structures and construction of a two (2) storey dwelling house, with basement car parking, in-ground swimming pool and front boundary fence. The specific elements of the proposal are as follows:

### Basement level:

- Storage/workshop and plant room (9.38m<sup>2</sup>);
- Stairs, Lift and a lobby; and
- Two (2) car parking spaces.

### Ground floor level:

- Study;
- Butler kitchen and laundry;
- Dining room, Family room, Gallery Kitchen and Pantry;
- Two (2) Bathrooms;
- Wine showroom; and
- Guest bedroom with an Ensuite.

### First floor level:

- Five (5) bedrooms;
- Four (4) walk in robes;
- Five (5) ensuites;
- Meditation room;
- Lift and Stairs; and
- Foyer.

### External works:

- Courtyard;
- Rear alfresco area;
- Swimming pool;
- Front boundary fence;
- First floor rear balcony with a planter outside Bedroom 4 and the Master Bedroom;
- Pedestrian pathway and vehicular driveway; and
- Associated landscaping.

An extract of the proposed southern elevation is shown below in **Figure 7**. The proposed Ground Floor plan is shown below in **Figure 8**. The proposed First Floor is shown below in **Figure 9**. The proposed front boundary fence is shown below in **Figure 10**.



**Figure 7:** An extract of the front (southern) elevation of the proposed dwellinghouse.

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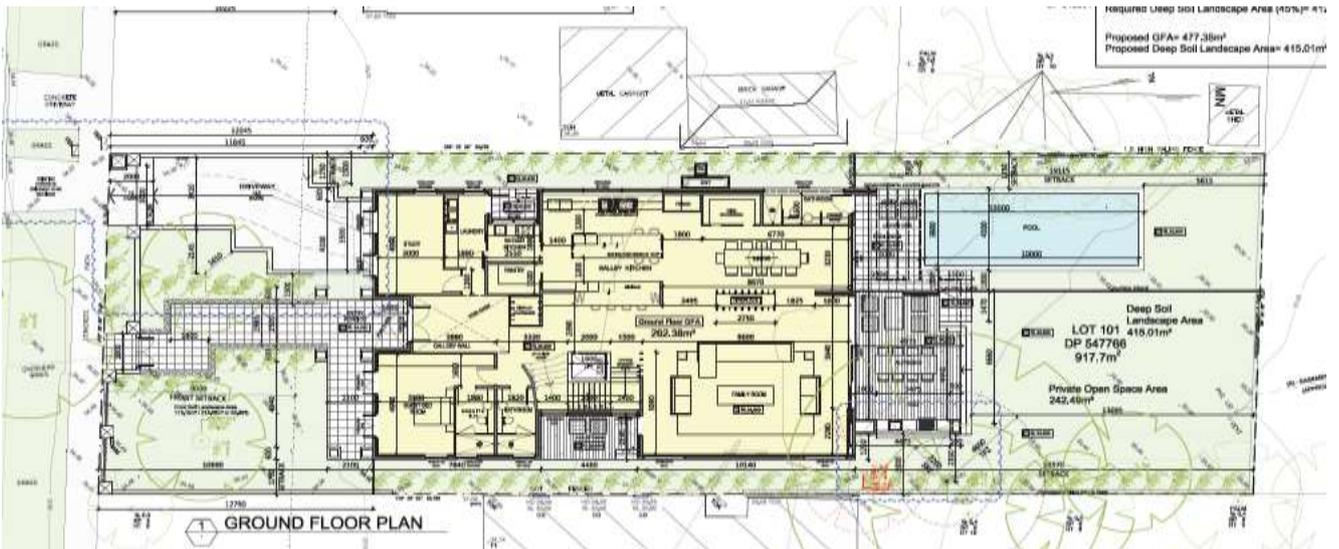


Figure 8: An extract of the proposed site plan and ground floor plan.

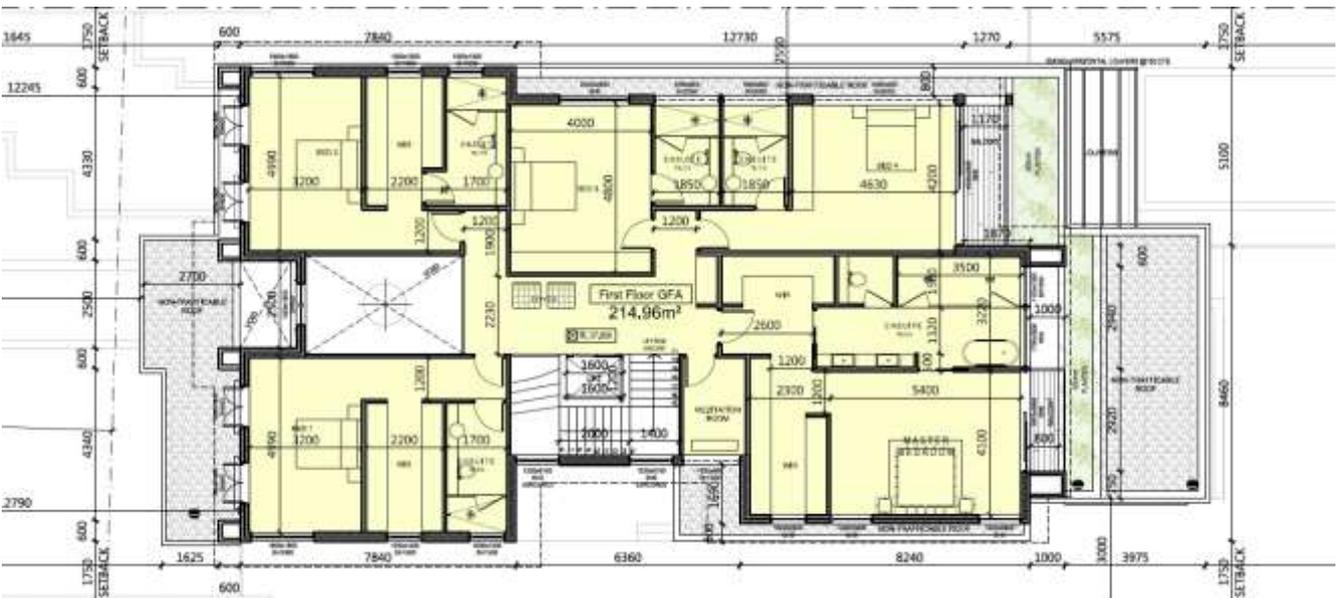


Figure 9: An extract of the proposed first floor plan of the dwelling.



Figure 10: An extract of the front elevation of the proposed front boundary fence.

**REFERRALS**

**INTERNAL REFERRALS**

**Engineering Comments**

The application was referred to Councils Stormwater Engineer where the following comments were made:

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*'The subject site has a natural fall to the rear, but **charged drainage system** has enabled the applicant to submit a compliant design. The provision of water sensitive urban design is not required as the site is less than 2000m<sup>2</sup>. OSD provision is not required as the site cumulative impervious area is less than 65% of total site area. The site discharges to the street kerb and gutter by means of a gravity pipe via the boundary pit. Roof runoff drains into proposed above ground rainwater tank in accordance with BASIX requirements by charged means via downpipes. Overflow from the rainwater tank charges to the boundary pit. Proposed basement drains into the pump out tank by gravity means via subsoil drainage and grated trench drain. From an engineering perspective, the concept plan is feasible and there are no objections to its approval.'*

The application is therefore supported from an Engineering perspective, subject to the imposition of recommended conditions of consent.

### Landscaping Comments

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

*'I do not support this development application in its existing form. The Arborist report by Horticultural Management Services, dated 25 February 2019 is not supported and generally gives an inappropriate landscape significance rating to a number of the trees on the site. Tree 1 is a healthy and mature Lophostmon confertus and it is significant to the site and street. The existing driveway footprint and width is to be used to maintain the existing setback and nature strip area. Trees 2 and 3 are healthy and significant Canary Island Date Palms. These trees have a low risk rating and a high landscape significance. These trees must be retained and protected to maintain the character of the site and area. The submitted Architectural plans and Arborist report are in conflict. Trees 4, 7 and 9 are shown to be removed in the architectural and retained and protected in the arborist report. The Melaleuca (T4) is a very large tree and the building and site level changes are not appropriate within more than 10% of the Root Protection Area (presently it is over 25%). The applicant to amend their design to relocate the driveway to better protect T1 by reimposing the existing driveway footprint, retain the neighbours 4x trees (T10-T13), retain and protect trees T2 and T3 in the front yard and retain and protect the trees T4, T7 and T9 in the rear yard.'*

In response to the comments made by Councils Tree Management Officer, amended plans were provided by the applicant. Councils Tree Management Officer has commented on the amended plans and the additional information, stating that the removal of Trees numbered 5, 6 and 8 are supported, subject to replacement planting (refer to **Condition 10**). Councils Tree Management Officer was satisfied that the amended proposal adequately protected the Significant trees located on the site, subject to the imposition of conditions of consent. No other issues were raised from a landscaping perspective.

Overall, the Council's Tree Coordinator supported the application, subject to the imposition of recommended conditions of consent.

### Heritage Comments

Council's Heritage Advisor reviewed the original development application and made the following comments:

*'Based on the proposed design and the information available, the proposal is not acceptable on heritage grounds. The proposal should be reconsidered in terms of the overall form, siting, materiality, fencing, landscaping, and requires greater consideration of the impact of the development on the neighbouring heritage item, particularly in terms of the basement garage.'*

*The amended DA should also be accompanied by a Statement of Heritage Impact to demonstrate due consideration of the impact of the proposal on the neighbouring heritage item and should demonstrate how the proposal accords with the provisions of Part P and Clause 5.10.'*

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The applicant subsequently submitted a Heritage Impact Statement prepared by Edwards Heritage Consulting. Amended plans were also prepared where changes were made to the front elevation of the dwelling including the external colours and finishes. The amended proposal was referred to Councils Heritage Advisor where the following comments were made:

- *“Modifications to the driveway entry and basement arrangements to facilitate the retention of the two canary island date palms identified on Council’s significant tree register.*
- *Also amended are the external finishes and proposed front fence. The height of the proposed fence is slightly higher than the existing but allows views to and from the heritage item to be retained.*
- *The proposed colour and materials palette is warmer and more in keeping with the neighbouring heritage item and locality in response to Council’s concerns. However, the infill panels proposed to the top of the solid walls are not ideal.*

*The form of the building is acceptable, with the single storey open portico an acceptable element forward of the front building line*

*The Heritage Impact Statement provided by Edwards Heritage Consultants contends that the amended proposal sits quietly within the streetscape which is of a mixed character. The report includes recommendations for the management of the traditional building materials surplus to the requirements of the project and these recommendations provided in Section 10.2 reflect the intent of several of Council’s standard conditions.’*

In summary, Councils Heritage Advisor did not raise any objections to the amended design of the dwelling and the conclusions drawn in the Heritage Impact Statement. In accordance with the comments made by Councils Heritage Advisor and the recommendations in the Heritage Impact Statement, **Condition 45** is recommended in the consent.

#### **SECTION 4.15 CONSIDERATIONS – EP&A Act, 1979**

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

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

#### **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 indicated that the proposal meets the required reduction targets. **Condition 19** is imposed in the consent to ensure future compliance with these targets.

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

SEPP 55 applies to the land and pursuant to Section 4.15 is a relevant consideration. A review of the available history for the site gives no indication that the land associated with this development is contaminated. There were no historic uses that would trigger further site investigations. The objectives outlined within SEPP55 are considered to be satisfied.

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

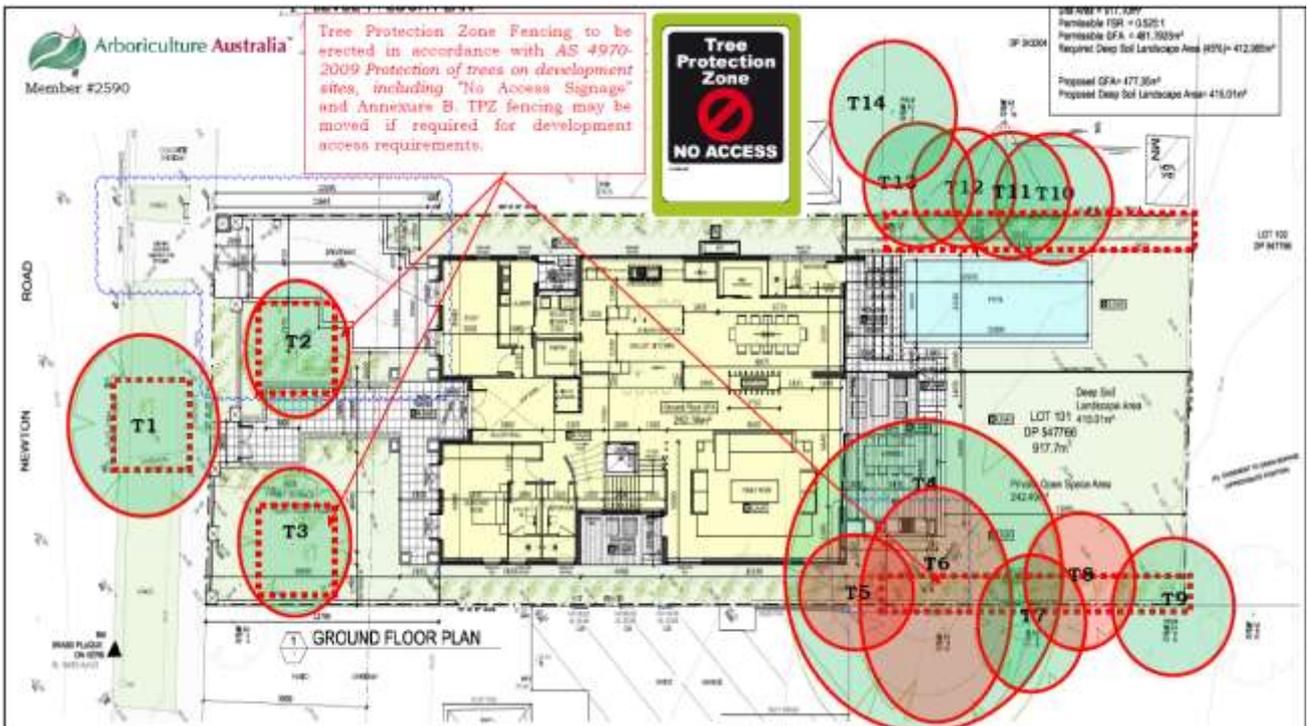
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State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 replaces the repealed provisions of Clause 5.9 of SLEP 2012 relating to the preservation of trees and vegetation. The intent of this SEPP is consistent with the objectives of the repealed Standard where the primary aims/objectives are related to the protection of the biodiversity values of trees and other vegetation on the site.

The proposal originally sought to remove three (3) trees located in the rear yard (Trees 5, 6 and 8) and two (2) trees that are listed in Councils Significant Tree Register (Trees 2 and 3) located within the front yard (**Figure 11**). During the course of the assessment, amended plans and an amended Arborist Report were submitted in response to comments from Council's Tree Coordinator. The amended plans and information retained Significant Trees 2 and 3 and incorporated greater protection measures to Trees 1 and 4. Council's Tree Coordinator agreed with the conclusions of the amended Arborist report including that Trees 5, 6 and 8 have nil to low landscape/ visual significance and low ecological significance and therefore, the removal of these trees is supported subject to replacement planting (**Condition 10**).

**Condition 18** is recommended to ensure that appropriate protection measures are carried out for trees which are to be protected on the site, on adjoining sites and also the street tree.

Overall, the application is considered appropriate and can therefore be supported in its current form, subject to the imposition of recommended conditions of consent.



**Figure 11:** An extract of The Tree Management Plan. Proposed trees that are to be removed are shaded in red.

**STATE ENVIRONMENTAL PLANNING POLICY (COASTAL MANAGEMENT) 2018**

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

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### STRATHFIELD LOCAL ENVIRONMENTAL PLAN 2012 (SLEP 2012)

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

<b>Cl.</b>	<b>Aims</b>	<b>Complies</b>
<b>1.2(2)</b>		
<b>(a)</b>	<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>	<b>Yes</b>
<b>(b)</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>	<b>Yes</b>
<b>(c)</b>	<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>	<b>N/A</b>
<b>(d)</b>	<i>To provide opportunities for economic growth that will enhance the local community</i>	<b>Yes</b>
<b>(e)</b>	<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>	<b>N/A</b>
<b>(f)</b>	<i>To identify and protect environmental and cultural heritage</i>	<b>Yes</b>
<b>(g)</b>	<i>To promote opportunities for social, cultural and community activities</i>	<b>N/A</b>
<b>(h)</b>	<i>To minimise risk to the community by identifying land subject to flooding and restricting incompatible development</i>	<b>N/A</b>

**Comments:** The application is not inconsistent with the abovementioned objectives of the SLEP 2012.

#### Permissibility

The subject site is zoned R2 Low Density Residential the SLEP 2012. '**Dwelling houses**' are permissible within the R2 Low Density Residential zone with consent and is defined under the SLEP 2012 as follows:

*"A building containing only one dwelling."*

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

#### Zone Objectives

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

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

**Comments:** The proposal is not inconsistent 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.

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### Height of building

Cl.	Standard	Controls	Proposed	Complies
4.3	Height of building	9.5m	8.85m	Yes

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

**Comment:** The dwelling seeks a maximum building height which complies with the maximum 9.5m height control under the SLEP 2012.

### Floor space ratio

Cl.	Standard	Controls	Proposed	Complies
4.4	Floor space ratio	0.525:1 (481.79m <sup>2</sup> )	0.517:1 (474.88m <sup>2</sup> )	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

**Comment:** The application seeks a maximum floor space of 0.517:1 which complies with the maximum FSR permitted for the site.

## Part 5: Miscellaneous Provisions

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

### 5.10 Heritage Conservation

The eastern adjoining property to the site is Heritage Item I183 (refer to **Figure 1** above). The external walls of the dwelling house includes a rendered finish, with stone works and timber cladding feature walls and a tile pitched roof form. Colours proposed include grey, brown and white, which are finishes used on the neighbouring Heritage listed item, as well as other dwellings located in close proximity.

Councils Heritage Advisor confirmed that they had no objection to the amended proposal and the conclusions of the amended Heritage Impact Assessment including that the proposal sits quietly within the streetscape, which currently is of a mixed character. Furthermore, the amended Heritage Impact Statement (HIS) includes recommendations for the management of the traditional building materials, surplus to the requirements of the project. As a result, appropriate conditions are included in the consent to ensure that the recommendations of the HIS are carried out during the ongoing demolition and construction phase of the proposal.

Overall, it is considered that the proposal respects the significance of Heritage Item I183 and the objectives of this Clause have been satisfied.

## Part 6: Local Provisions

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

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### 6.1 Acid sulfate soils

The site is affected by Class 5 soils and is not located within 500m of Class 1, 2, 3 or 4 Acid Sulfate Soils. Therefore, an Acid Sulfate Soils Management Plan is not required to be submitted. As a result, the objectives under this Clause are considered to be satisfied.

### 6.2 Earthworks

The proposal includes the construction of a two (2) storey residential dwelling over a basement level and an in-ground swimming pool, thereby requiring excavation and the removal of soils across the site. The extent of cut for the basement level has been minimised by ensuring that the basement footprint is contained within the footprint of the ground floor level, and the floor to ceiling heights of the basement are not excessive.

Subject to the imposition of **Condition 29** relating to ensuring stability of adjoining land, the extent of earthworks for the basement level and swimming pool is considered acceptable as the earthworks are not anticipated to have a detrimental impact on the environmental functions and processes, neighbouring uses, cultural or heritage items or features. Furthermore, Council's Stormwater Engineer has raised no objection to the proposal and it is not anticipated to affect surrounding drainage patterns.

### 6.3 Flood planning

The site is not identified as being flood affected. Nevertheless, the application was referred to Council's Stormwater Engineer for comment. Council's Stormwater Engineer confirmed that the subject site has a natural fall to the rear and the charged drainage system has enabled the applicant to submit a compliant design. Further, the site discharges to the street kerb and gutter by a gravity pipe via the boundary pit and the roof runoff drains in accordance with the BASIX standards. Overall, the design is feasible from a stormwater perspective, subject to the imposition of recommended conditions of consent. Therefore, the proposal is considered to be consistent with the objectives under this Clause.

### 6.4 Essential services

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

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

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

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

#### **STRATHFIELD CONSOLIDATED DEVELOPMENT CONTROL PLAN 2005 (SCDCP 2005)**

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

#### **Heritage and Conservation**

<b>Cl. 1.11</b>	<b>Aims</b>	<b>Complies</b>
<b>A</b>	<i>To preserve and enhance the visual and environmental amenity of heritage items and heritage conservation areas within the municipality of Strathfield</i>	<b>Yes</b>
<b>B</b>	<i>Ensure all new development affecting heritage items and conservation areas is</i>	<b>Yes</b>

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	<i>designed to be compatible in setting, scale, setbacks, form, materials and character with the building and surrounding area</i>	
<b>C</b>	<i>Ensure that development in the vicinity of a heritage item or conservation area does not have any adverse impact on the heritage significance or setting and that development is compatible in setting, scale, setbacks, form, materials and character with the item or conservation area</i>	<b>Yes</b>
<b>D</b>	<i>Conserve archaeological sites and places of Aboriginal significance</i>	<b>Yes</b>
<b>Cl. 1.11</b>	<b>Controls</b>	<b>Complies</b>
<b>(1)</b>	<i>A Statement of Heritage Impact is required for proposed development:</i> a) <i>affecting a heritage item;</i> b) <i>within a heritage conservation area; or</i> c) <i>in the vicinity of an item or heritage conservation area</i>	<b>Yes</b>
<b>(2)</b>	<i>This statement must set out the heritage significance of the structure or place and assess the extent to which carrying out of the proposed development would affect the significance of the heritage item or heritage conservation area concerned and outline measures to minimise any identified impact</i>	<b>Yes</b>

**Comments:** The eastern adjoining property, No. 23 Newton Road is a Heritage listed item (I183) under Schedule 5 of SLEP 2012. As a result, the application was supported by a Heritage Impact Statement as consideration was required to ensure the proposal would not adversely impact the significance of this Item.

It is considered that the design of the dwelling is proportionate and appropriately setback from the neighbouring Heritage listed item. Councils Heritage Advisor raised no objection to the amended proposal and confirmed that proposed external colours and finishes are in keeping with the neighbouring Heritage Item, which therefore contributes positively to the overall streetscape amenity. Furthermore, the proposal is considered appropriate from a Heritage perspective and therefore can be supported, subject to the imposition of recommended conditions of consent.

## PART A – DWELLING HOUSES AND ANCILLARY STRUCTURES

### 2: Architectural Design & Streetscape Presentation

<b>2.1</b>	<b>Objectives</b>	<b>Satisfactory</b>
<b>A.</b>	<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>	<b>Yes</b>
<b>B.</b>	<i>To achieve quality architecture in new development through the appropriate composition and articulation of building elements.</i>	<b>Yes</b>
<b>C.</b>	<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>	<b>Yes</b>
<b>D.</b>	<i>To ensure that new dwellings have facades, which define, address and enhance the public domain.</i>	<b>Yes</b>
<b>E.</b>	<i>To encourage contemporary architecture that is innovative, uses high quality detailing, and incorporates elements characteristic of Strathfield.</i>	<b>Yes</b>
<b>F.</b>	<i>To promote the continuance of pyramidal roof forms within Strathfield where they are already prevalent.</i>	<b>Yes</b>
<b>G.</b>	<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>	<b>Yes</b>
<b>H.</b>	<i>To reduce the use of highly reflective colours and materials that create visual prominence.</i>	<b>Yes</b>
<b>I.</b>	<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>	<b>Yes</b>

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

**Comments:** The external face of the dwelling house incorporates a rendered finish with a stone and timber cladding feature wall and a tile pitched roof form. Proposed colours include white, grey and brown which are all used on the neighbouring Heritage item. The external colours and finishes are therefore considered to be sympathetic to the adjoining Heritage item, and in character with the traditional and contemporary style dwellings in the street. The dwelling includes articulation on all elevations, which enables a design outcome that is proportionate with other dwellings located in close proximity to the site. As a result, the design of the dwelling in its revised form achieves quality architecture, therefore contributing to the existing streetscape amenity.

The proposal involves a new front boundary fence (refer to **Figure 9** above) that comprises of rendered brick and vertical metal piers. The design of the fence is considered to be sympathetic to dwellings within the streetscape whilst also allowing for casual surveillance of the public road to be achieved at all times (refer to **Figures 12 and 13**).

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Figure 12: Front boundary fence of 26 Newton Road, Strathfield.



Figure 13: Front boundary fence of 22 Newton Road, Strathfield.

**4: Building Envelope**

4.1 Objectives		Satisfactory	
A.	To ensure that dwellings are compatible with the built form of the local area and that overall bulk and scale, size and height of dwellings relative to natural ground level responds to the adjoining dwellings, topography and desired future character.	Yes	
B.	To minimise impact on the amenity of adjoining properties.	Yes	
C.	To establish and maintain the desired setbacks from the street and define the street edge.	Yes	
D.	To create a perception or reinforce a sense of openness in the locality.	Yes	
E.	To maintain view corridors between dwellings	Yes	
F.	To assist in achieving passive surveillance whilst protecting visual privacy.	Yes	
G.	To provide a transitional area between public and private space.	Yes	
4.2 Development Controls		Complies	
<i>Floor Space Ratio</i>			
.1.	1	Floor Space Ratio permissible pursuant to SLEP 2012	Yes
	2	Development compatible with the lot size	Yes
<i>Building Height</i>			
.2.	1	The maximum height of dwelling houses in accordance with the SLEP 2012 Height of Buildings Map is 9.5 metres.	Yes

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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 – See below.
7	Dwelling houses and any ancillary structures are to be no more than two (2) storeys high.	Yes
8	The building height should respond to the gradient of any given site and minimise the need for cut and fill.	Yes
<i>Street Setbacks</i>		
<b>.3.1.</b>		
1	Setbacks consistent with minimum requirements of Table A.1	Yes
<i>Side and Rear Setbacks</i>		
<b>.3.2.</b>		
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
3	Subject to meeting the minimum landscaped area (as per section 5 of this part of the DCP) in the rear of the site, ancillary facilities such as garages/outbuildings may be located within the rear setback area.	Yes

**Comments:** The proposal demonstrates compliance with Clause 4.3 (Building Height) and 4.4C (Floor Space Ratio in R2 Zones) of the SLEP 2012.

The dwelling house includes sufficient articulation on all elevations, which enables a design that is proportionate for the site and is generally consistent with the massing of residential dwellings located in proximity to the site. Designing the dwelling in this way allows for an appropriate level of bulk on the site, which therefore reduces the visual massing when viewed from neighbouring properties.

The proposed dwellinghouse includes a front setback of 9m, which maintains the existing building line, consistent with the neighbouring properties. A minimum side setback of 1.75m is provided to both the side boundaries, which accords with the side setback controls under Part A of the SCDCP 2005.

The ground level of the dwelling includes a floor to ceiling height of 3100mm. Although this is contrary to the 3000mm standard under the SCDCP 2005, it is noted that the first floor has a floor to ceiling height of 2.8m, less than the 3m maximum allowed. Furthermore, the dwelling incorporates a maximum external wall height of 6.9m, which is compliant with the 7.2m maximum standard. As a result, the ground floor to ceiling height is considered acceptable in this instance.

## 5: Landscaping

5.1	Objectives	Satisfactory
A.	To encourage landscaping that is appropriate to the style and scale of the dwelling and adjoining development, and to the streetscape.	Yes
B.	To enhance the existing streetscape and promote a scale and density of planting that softens the visual impact of buildings, structures, vehicle circulation and ancillary areas.	Yes
C.	To preserve existing landscape elements on site (such as existing trees) and encourage their integration into the design of proposals.	Yes

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D.	To ensure adequate deep soil planting is retained on each allotment.	Yes
E.	To ensure developments make an equitable contribution to the landscape setting of the locality.	Yes
F.	To ensure both existing and new landscaping provides suitable shade and facilitates convective cooling breeze paths in summer.	Yes
G.	To encourage the use of native flora such as open woodland canopy trees, to provide a habitat for native fauna.	Yes
H.	To ensure that landscaped areas are designed to minimise water use.	Yes
I.	To provide functional private open spaces for active or passive use by residents.	Yes
J.	To provide private open areas with provision for clothes drying facilities screened from the street and lane or a public place.	Yes
K.	To ensure the protection of trees during construction	Yes
L.	To ensure suitable fencing is provided to reduce acoustic impacts and enhance visual privacy between neighbouring residents whilst enabling front fences passive surveillance of the street.	Yes
M.	To maximise the amenity of existing and proposed developments, including solar access, privacy and open space.	Yes

**5.2 Development Controls**

**Complies**

<i>Landscaped area</i>			
.1.	1	Landscaped area in accordance with Table A.3	No – See below.
	2	At least 50% of the minimum landscaped area located behind the building line to the rear boundary	Yes
	3	At least 50% of the front yard maintained as deep soil soft landscaping	Yes
	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
<i>Tree Protection</i>			
.2.	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	Yes
	4	New dwellings and alterations and additions are set back in accordance with the Arboricultural Impact Assessment Report	Yes
	5	Council may request the applicant to engage a project Arborist	Yes
	6	Opportunities for planting new canopy trees within the front setback	Yes
	7	At least one (1) canopy tree provided in the rear yard.	Yes

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	8	Trunk of a proposed canopy tree planted 4m (min) from built structures, or 3m (min) from pier beam footings	Yes
	10	Driveway construction does not result in the removal, lopping or root damage to any street tree	Yes
	11	25% (min) of canopy trees and other vegetation shall be locally sourced indigenous species	Yes
<b>.3.</b>	<i>Private Open Space</i>		
	1	Provided in a single parcel rather than a fragmented space, directly accessible from internal living areas	Yes
	2	Includes a deep soil area compliant with the minimum landscaped area.	Yes
	3	Terraces and decks (at least 10m <sup>2</sup> ) with one length or width 3m (min) and directly accessible from an internal living area. Decks cannot be located more than 500mm above NGL	Yes
	4	Unless 3m (min) width, areas within setbacks are not to be included as private open space	Yes
	5	Private open space located at the rear of the property.	Yes
<b>.4.</b>	<i>Fencing</i>		
	1	Fencing designed to be compatible and sympathetic to the style of the dwelling, adjoining properties and the streetscape	Yes
	3	Fencing forward of FBL shall not exceed 1.5m. Solid components shall not exceed 0.7m above NGL with the exception of brick piers	Yes
	7	Front fences visually permeable	Yes
	13	Significant trees maintained	Yes
	14	Stormwater flows through or under fencing on sloping sites	Yes

**Comments:** The proposal results in a total landscaped area of 408.58m<sup>2</sup> (44.5%), which is deficient by 4.39m<sup>2</sup> with the 412.97m<sup>2</sup> (45%) requirement under Part A of the SCDP 2005. Given that the non-compliance is relatively minor, the proposal retains significant trees on the site, and provides a landscape plan that details a number of landscaping species within the front and rear setback. As a result, the non-compliance within this instance is considered acceptable.

Due to a number of amendments made to the design of the dwelling, the landscape plan is inconsistent with the latest plans and Arboricultural Report. As a result, **Condition 3** is recommended in the consent, detailing that the an amended Landscape Plan is to be prepared that is consistent with the recommendations outlined in the Arboricultural report and the Architectural plans.

The proposal includes the removal of three (3) trees (Trees 5, 6 and 8) to support the construction works of the dwelling. Councils Tree Management Officer supported the removal of these trees, subject to replacement planting (one for one). This is detailed in **Condition 10** of the consent.

To ensure that the appropriate protection measures are carried out for Trees numbered 1, 2, 3, 4, 7, 10, 11, 12 and 13 (including the trees listed on Council's Significant Tree Register), **Condition 18** is recommended in the consent.

Recommendations from Councils Tree Management Officer sought the inclusion of an additional condition, detailing that evergreen shrubs with a minimum 5 litre container size and minimum mature height of 3m shall be planted along the side and rear boundaries to therefore act as a privacy measure for the neighbouring properties. As the subject site already includes a 1.5m high side boundary fence, and adequate landscaping is provided across the site, this condition is not recommended.

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A front boundary fence is proposed with a rendered finish and vertical metal piers, with a maximum building height of 1.41m from the natural ground level. This fencing design is visually permeable and therefore allows for overlooking onto the public road, whilst also delineating public and private property. External colours and finishes for the front fence match those used on the external elevations of the dwelling house. The design and finishes of the front fence are in character with other front fences in the surrounding streetscape, therefore contributing to the streetscape amenity.

## 6: Solar Access

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

**Comments:** The dwelling has been designed so that a minimum of three (3) hours of solar access will be achieved on site and on the neighbouring properties between 9am and 3pm during the winter solstice.

## 7: Privacy

7.1 Objectives		Satisfactory
A.	Development that is designed to provide reasonable privacy to adjacent properties	No – See below.
B.	To maintain reasonable sharing of views from public places and living areas	Yes
C.	To ensure that public views and vistas are protected, maintained and where possible, enhanced	Yes
D.	To ensure that canopy trees take priority over views	Yes
E.	To ensure that the siting and design of buildings minimises noise impacts from abutting roads, rail corridors and other noise-generating land uses	Yes
7.2 Development Controls		Complies
Visual Privacy		
.1.	1 Protect POS, bedrooms, balconies and living rooms of proposed and any existing adjoining dwellings from direct overlooking	No – See below.
	2 Provide adequate separation of buildings	Yes
	3 Ensure elevation of finished floor levels above NGL is not excessive	Yes

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	4	Improve privacy to adjacent properties with screen planting	Yes
<i>Windows</i>			
	1	Windows do not directly face the windows, balconies and courtyards of adjoining dwelling	No – See below
.2.	2	A window within 9m of another window in a habitable room of an adjoining dwelling is offset by 0.5m (min) or a sill height of 1.7m (min) above the FFL	Yes
	3	Windows directly facing balconies or courtyards are narrow, incorporate obscure glazing and/or a sill height of 1.7m (min) above FFL	Yes
<i>Acoustic Privacy</i>			
.4.	2	Noise-sensitive rooms located away from noise sources	Yes

**Comments:** It is considered that the positioning of the ground floor side facing windows on the dwelling house will not result in unreasonable opportunities for overlooking onto the adjoining properties. This is because the site is screened by 1.5m high side boundary fence which restricts an unreasonable extent of overlooking onto the adjoining properties.

The first floor western side facing windows are not anticipated to result in any adverse overlooking opportunities as the western adjoining property, 27 Newton Road is single storey in height and these windows will only overlook the roof of this property. Furthermore, a number of windows incorporate raised sills or opaque glazing in the lower portion of the window.

No unreasonable extent of overlooking is anticipated to the eastern adjoining property, No. 23 Newton Road as the first floor eastern facing windows are setback between 1.75m - 4m from the eastern side boundary, and a further 8m from the side facing windows on the eastern adjoining property. An objection has been received in relation to the privacy impacts from the first floor eastern facing windows from the master bedroom. It is noted that these windows are full height but incorporate opaque glazing up to 1.4m in height measured from the finished floor level. The submission has requested that the sill be raised to 1.5m however, this is not considered to be necessary as it will not result in any substantial additional privacy to the neighbouring property beyond the existing proposal. This is due to the substantial setbacks between these windows and the side facing windows on the adjoining property which provides an acceptable level of privacy.

Despite the rear alfresco being setback 3m from the eastern side boundary, the height of the alfresco and the orientation of the kitchenette towards the eastern side boundary has the potential to result in unreasonable overlooking opportunities to the adjoining property. It is also noted that there is an objection received in relation to this. To assist with achieving an adequate level of privacy, **Condition 2** is recommended in the consent, requiring a 1.8m high privacy screen to be provided for the full depth of the eastern side of the alfresco area. It is considered that the imposition of this condition will adequately protect a reasonable extent of privacy for the neighbouring property.

## 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

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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
<b>8.2</b>	<b>Development Controls</b>	<b>Complies</b>
	<i>Driveway and Grades</i>	
.1.	1 Existing driveways must be used (exceptions apply)	No – See below.
	2 The width of driveways at the property boundary is to be 3m	Yes
	3 The edge of driveway crossings located 1m (min) clear of any existing stormwater pits or poles and 2m clear of tree trunks	Yes
	4 Parking and access points easily accessible and recognisable, non-disruptive to pedestrian flow and safety and located to minimise traffic hazards and potential for vehicles to queue.	Yes
	5 One (1) vehicular crossing (max) to any public road (exceptions apply)	Yes
	6 Vehicles accessing sites which front main roads shall be capable of entering and exiting in a forward direction	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	No – See below.
	<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
.3.	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 includes a basement level with an internal clearance of 2.21m and the provision of two (2) car parking spaces. To ensure that the construction of the basement level is

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undertaken in accordance with the relevant Australian Standards, **Conditions 25, 26 and 27** are recommended in the consent.

A vehicular entrance is located on the western end of the site frontage, where a minimum nil setback is provided from the side boundary. This is not provided for the entirety of the length of the driveway, as the portion of the driveway close to the front building line is setback 2.2m from the side boundary. Designing the driveway in this way allows for the protection of the street tree and Trees numbered 2 and 3 which are listed in Councils Significant Tree Register and so a reduced side setback for a portion of the driveway is considered acceptable in this instance.

Councils Stormwater Engineer has confirmed that the basement level drains into the pump out tank by gravity, via subsoil drainage and the grated trench drain. Councils Stormwater Engineer has confirmed that the stormwater concept plan is feasible and therefore the application can be supported.

### 9: Altering Natural Ground Level (Cut and Fill)

9.1 Objectives		Satisfactory
A.	To maintain existing ground levels and minimise cut and fill to reduce site disturbance.	Yes
B.	To ensure existing trees and shrubs are undisturbed, ground water tables are maintained and impacts on overland flow/drainage are minimised.	Yes
9.2 Development Controls		Complies
1	Fill limited to 1m (max) above NGL	Yes
2	Clean fill used only	Yes
3	Cut and fill batters stabilised consistent with the soil properties	Yes
4	Vegetation or structural measures are implemented when the site is disturbed.	Yes
5	Areas of excavation setback from property boundaries in line with building setback controls. No excavation permitted within the minimum required setbacks.	Yes
6	The work does not affect or undermine the soil stability or structural stability of buildings and Council assets on adjoining properties.	Yes
7	A dilapidation report for all buildings which adjoin proposed excavation areas as required	Yes
8	Avoid excessive fill that creates the potential for overlooking of adjoining properties	Yes

**Comments:** The proposal includes the construction of an in-ground swimming pool and basement level that will result in the removal and disruption of soils. **Condition 29** is recommended in the consent, detailing that the carrying of excavation works are to be done in a way where there is minimal on site disturbance and impacts to the structural stability of buildings on the neighbouring properties.

A condition of consent is recommended for a dilapidation report on adjoining properties to be undertaken prior to the commencement of works (refer to **Condition 24**).

### 10: Water and Soil Management

10.1 Objectives		Satisfactory
A.	To encourage the incorporation of Water Sensitive Urban Design (WSUD) and Botany Improvement Plan principles in the development.	Yes

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<b>B.</b>	To ensure compliance with Council's Stormwater Management Code	<b>Yes</b>
<b>D.</b>	To ensure that appropriate soil erosion and sediment control measures are implemented on all sites that involve soil disturbances during construction.	<b>Yes</b>
<b>E.</b>	To ensure new building work does not detrimentally affect the existing drainage system of any area of the Municipality.	<b>Yes</b>
<b>F.</b>	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.	<b>Yes</b>
<b>G.</b>	To appropriately manage stormwater and overland flow to minimise damage to occupants and property	<b>Yes</b>

<b>10.2</b>	<b>Development Controls</b>	<b>Complies</b>
<b>.2.</b>	Acid Sulfate Soils	
	1 Site managed consistent with the provisions contained in Clause 6.1 SLEP 2012	<b>Yes</b>
<b>.3.</b>	Soil Erosion and Sediment Control	
	1 Soil erosion and sediment control measures detailed and implemented prior to the commencement of work.	<b>Yes</b>
	2 Sediment control measures applied	<b>Yes</b>
	3 Plans provided detailing stormwater quality treatment	<b>Yes</b>

**Comments:** Council's Development Control Engineer has raised no concerns with the proposed methods for stormwater drainage and sediment control, subject to the conditions of consent.

### 11: Access, Safety and Security

<b>11.1</b>	<b>Objectives</b>	<b>Satisfactory</b>
<b>A.</b>	To encourage the incorporation of crime prevention principles in the design of the proposed developments.	<b>Yes</b>
<b>B.</b>	To increase the safety and perception of safety in public and semi-public spaces.	<b>Yes</b>
<b>C.</b>	To provide passive surveillance of the public domain to promote a safe pedestrian environment whilst maintaining the privacy of residents	<b>Yes</b>
<b>D.</b>	To ensure the safety of pedestrians by separating pedestrian access from vehicular access.	<b>Yes</b>
<b>11.2</b>	<b>Development Controls</b>	<b>Complies</b>
<b>.1.</b>	Address and Entry Sightlines	
	1 Occupants able to overlook public places to maximise passive surveillance	<b>Yes</b>
	2 Landscaping design around dwellings and ancillary structures to accommodate plant maturation	<b>Yes</b>
	3 External lighting enhance safe access and security and light spill does not adversely impact on adjoining properties.	<b>Yes</b>
<b>.2.</b>	Pedestrian Entries	
	1 Pedestrian entries and vehicular entries suitably separated	<b>Yes</b>
	2 Dwelling entrances easily identifiable	<b>Yes</b>
	3 House numbers are to be clearly visible from the street	<b>No – See</b>

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below.

**Comments:** A front boundary fence is proposed with a rendered finish and vertical metal panels. This will allow for overlooking onto the public road, whilst delineating private and public land. Separate entrances are provided for vehicles and pedestrians within the front setback of the site. As the number of the property is not clearly distinguishable on the front fence, **Condition 1** is included in the consent, detailing that the property number is to be clearly visible on the front fence, from the public road.

## 12: Ancillary Development

12.1	Objectives	Satisfactory
C.	To ensure that the provision of ancillary structures improves the amenity of residents whilst ensuring that the amenity of surrounding dwellings and neighbouring lots is maintained.	Yes
D.	To ensure that the provision of ancillary structures, such as air conditioning units, are considered at the design stage of a proposed development.	Yes
12.2	Development Controls	Complies
	Swimming Pools	
1	Side and rear setbacks from the outside edge of the pool concourse are 1m (min) wide and comprise deep soil soft landscape area	Yes
2	If greater than 1m above ground, the space between the bond beam/concourse and the ground is finished to Council's satisfaction	Yes
.6.	3 The pool filter and pump equipment designed and located to not emit a noise level that exceeds 5dBA above the ambient background noise level measured at any property boundary. The pool equipment shall be located within an enclosed structure so as to not be readily visible	Yes
4	Lighting positioned to prevent light spillage and minimise any nuisance to adjoining premises	Yes
5	Enclosures shall comply with the Swimming Pools Act and relevant Australian Standards as amended.	Yes

**Comments:** An in-ground swimming pool is proposed at the rear of the site and to ensure compliant swimming pool fencing (in accordance with the *Swimming Pools Act 1992*), **Condition 35** is recommended in the consent. As details have not been provided in relation to the location of pool equipment, **Condition 48** is recommended in the consent, detailing that all equipment is to be located within an enclosed area and is not to emit noise above 5dBA above the ambient background noise levels. This will reduce any potential noise impacts onto the adjoining properties.

## 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

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13.2	Development Controls	Complies
	<i>Natural Lighting and Heating</i>	
.1.	1 Living areas facing north, sleeping areas facing east/south, and utility areas orientated west/south to maximise winter solar access.	Yes
	2 Trees planted to the north of the dwelling must be deciduous to allow solar access during the winter	Yes
	3 Materials used of high thermal mass	Yes
	<i>Natural Cooling and Ventilation</i>	
.2.	1 Windows and walls on northern facades shaded by shading devices, trees, eaves and louvres sympathetic to the dwelling	Yes
	2 Windows positioned to capture breezes and allow for cross-ventilation	Yes

**Comments:** The application was accompanied by a BASIX Certificate, which has satisfied the relevant targets specified for water, thermal comfort and energy ratings.

#### PART H - WASTE MANAGEMENT (SCDCP 2005)

A Waste Management Plan was submitted as part of the Development Application. It was detailed that the carrying out and the disposing of waste will be done in accordance with Part H of the SCDCP 2005.

#### **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 likely impacts of the development, including the environmental impacts on both the natural and built environments, and social economic impacts in the locality have been addressed elsewhere in this report and are considered to be acceptable.

Amendments that were made to the front elevation of the proposed dwellinghouse during the assessment period of the application are considered to be more sympathetic with the neighbouring Heritage item and in keeping with the existing streetscape character. The pitched roof form and articulation to the external walls on the ground and first floor provides a built form which is of visual interest and is not overly dominant in the streetscape.

The location and positioning of proposed works are unlikely to impact the health of trees located within the front setback of the site, including those listed in Council's Significant Tree Register.

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Appropriate conditions are included in the consent to ensure the appropriate protection measures are carried out in accordance with the Australian Standards.

Overall, the proposed design has been considered with respect to adjoining properties to minimise adverse impacts to adjoining neighbours and achieve an appropriate level of streetscape compatibility.

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

The subject site is suitable for the proposed development as the site is zoned R2 – Low Density Residential whereby dwelling houses are permissible within consent in this zone. Furthermore, the site is not known to be contaminated and it is not flood affected. The site does not have any constraints which render it unsuitable for the proposed development. The proposal has been designed to respect the significance of the adjoining heritage item. Therefore, the site is considered suitable for the proposed development.

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

The application was originally publicly notified from 18 March 2019 to 1 April 2019 in accordance with the provisions of Part L of SCDP 2005. One (1) submission was received as a result. The issues raised in the submissions received are summarised and addressed as follows:

1. The proposal seeks the removal of two (2) mature trees that are listed in Council's significant tree register, located within the front setback of the site (Tree 2 and 3). These trees should not be removed.

**Assessing officer's comments:** Amended plans were submitted to Council on 2 May 2019, which detailed the protection of Trees numbered 2 and 3 (the trees listed on Council's Significant Tree Register). The appropriate protection measures that are therefore to be carried out during the demolition and construction phase of the proposal is detailed in the submitted Arboricultural Report and is imposed through **Condition 18** of the consent. Further, Council's Tree Officer raised no objection to the amended plans and the recommendations made in the Arboricultural Report.

2. The tree numbering detailed on the Architectural Plans are inconsistent with the tree numbering in the Arboriculture Report. It is therefore difficult to determine which trees are sought for removal or retention.

**Assessing officer's comments:** This error has been rectified in the submission of amended architectural plans and an amended Arboricultural Report.

3. The trees located along the eastern boundary of the site include mature landscaping which contributes to maintaining privacy for the neighbouring residents. It is requested that these trees are retained. The rear alfresco area is elevated by 1m above the ground level. The eastern elevation is essentially open with a low balustrade. No screening or privacy treatment is provided. With the removal of Trees 5, 6 and 8 and the elevated alfresco, privacy screening is sought along this elevation.

**Assessing officer's comments:** Council's Tree Coordinator agreed with the conclusions of the amended Arborist report including that Trees 5, 6 and 8 have nil to low landscape/ visual significance and low ecological significance and therefore, the removal of these trees is supported subject to replacement planting (**Condition 10**). To prevent overlooking onto the neighbouring property from the proposed alfresco area, **Condition 2** is recommended in the consent, detailing that a 1.8m privacy screen is to be included on the eastern side of the alfresco. This will prevent any unreasonable overlooking opportunities to the neighbouring property from the rear alfresco.

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4. A window is proposed on the first floor outside the master bedroom which includes opaque glazing. It is preferred that a 1.5m sill height to these openings is included instead.

**Assessing officer's comments:** These windows are full height and incorporate opaque glazing to a minimum height of 1.4m from the finished floor level. It is not considered suitable to require the sill to be raised or for additional opaque glazing to be incorporated in these windows as they overlook the roof of the garage of No. 23 Newtown and will not result in any unreasonable overlooking opportunities to this neighbour.

The application was renotified for a period of 10 days from 17 June 2019 to 28 June 2019. This was because a labelling error was rectified on the eastern and western elevation. No additional submissions were received during this time.

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

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

### **LOCAL INFRASTRUCTURE CONTRIBUTIONS**

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

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

### **STRATHFIELD INDIRECT SECTION 7.12 DEVELOPMENT CONTRIBUTIONS PLAN**

Section 7.12 Contributions are applicable to the proposed development in accordance with the Strathfield Indirect Contributions Plan 2010-2030 as follows:

<b>Local Amenity Improvement Levy</b>	<b>\$28,212.56</b>
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### **CONCLUSION**

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

### **PEER REVIEW**

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

### **RECOMMENDATION**

That Development Application No. 2019/032 for the demolition of existing structures and construction of a new two (2) storey basement with a basement, in-ground swimming pool and front fence at 25 Newton Road, Strathfield be **APPROVED**, subject to the following conditions:

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### **SPECIAL CONDITIONS (SC)**

#### **1. HOUSE NUMBER ON THE FRONT FENCE (SC)**

The property number is to be clearly identified on the front boundary fence. Details shall be submitted to and approved by a Principle Certifying Authority, **prior to the issue of a Construction Certificate.**

(Reason: To demonstrate compliance with Part A of the SCDCP 2005.)

#### **2. FIXED SCREENING ON THE EASTERN END OF THE ALFRESCO OPENING (SC)**

The openings along the eastern side of the alfresco area are to be infilled with a minimum 1.8m high fixed privacy screening for the full depth of the eastern side. The privacy screen is to be:

- (a) a structure that provides a screen or visual barrier between the alfresco on the subject site and an adjoining lot that:
  - (i) has no individual opening more than 30mm wide, and
  - (ii) has a total area of all openings that is no more than 30% of the surface area of the screen or barrier,

Details shall be submitted to and approved by a Principle Certifying Authority, **prior to the issue of a Construction Certificate.**

(Reason: To reduce privacy and overlooking to the adjoining property)

#### **3. LANDSCAPING - LANDSCAPE PLAN REQUIRED (SC)**

An amended landscape plan is to be prepared by a qualified landscape architect or landscape consultant, drawn to a scale of 1:100 or 1:200, is to be submitted to, and approved by the Principal Certifying Authority. The amended landscape plan is to comply with the conditions of this consent, and reflect the amended architectural plans as approved.

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 (in accordance with the Arboriculture Report prepared by Horticultural Management Services, dated 24 April 2019);
- iv. existing and proposed finished ground levels;
- v. top and bottom wall levels for both existing and proposed retaining and free standing walls;
- 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; and
- vii. The landscape plan shall incorporate 2 x 45 litre Cupaniopsis anacardiosdes at the rear yard.

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,

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potential views, solar access and privacy for neighbouring development.

(Reason: Landscape quality.)

#### GENERAL CONDITIONS (GC)

#### 4. 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. 2019/032:

Drawing No.	Title/Description	Prepared by	Issue / Revision & Date	Date received by Council
L-01	Landscape Plan	Sussan Zindo Landscape Architect	Revision A / 16 December 2018	28 May 2019
-	Schedule of Colours and Finishes	Bechara and Chan & Associates	-	6 March 2019
DA.02	Ground Floor Plan, Level 1 Floor Plan	Bechara and Chan & Associates	Issue F / 18 April 2019	2 May 2019
DA.03	Basement Plan Roof and Site Plan	Bechara and Chan & Associates	Issue F / 18 April 2019	2 May 2019
DA.04	Elevations	Bechara and Chan & Associates	Issue F / 18 April 2019	2 May 2019
DA.05	Section A-A, B-B Sections	Bechara and Chan & Associates	Issue F / 18 April 2019	2 May 2019
A8427-SW01	Sediment and Control Plan	Alpha Engineering and Development	Issue C / 19 December 2018	6 March 2019
A8427-SW02	Basement Drainage Plan	Alpha Engineering and Development	Issue C / 19 December 2018	6 March 2019
A8427-SW03	Ground Floor Drainage Plan	Alpha Engineering and Development	Issue C / 19 December 2018	6 March 2019
A8427-SW04	First Floor and Roof Drainage Plan	Alpha Engineering and Development	Issue C / 19 December 2018	6 March 2019
A8427-SW05	Stormwater Sections and Details	Alpha Engineering and Development	Issue C / 19 December 2018	6 March 2019

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Reference Documentation affixed with Council's 'Development Consent' stamp relating to Development Consent No. 2019/032:

Title / Description	Prepared by	Issue/Revision & Date	Date received by Council
Waste Management Plan	Peter Chan	12 December 2018	6 March 2019
Arboricultural Report	Horticultural Management Services	Amended 24 April 2019	2 May 2019
BASIX Certificate – Certificate number 979652S	-	19 December 2019	6 March 2019
Heritage Impact Statement	Edwards Heritage Consultants	April 2019	2 May 2019

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

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

#### 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.)

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#### 8. DEMOLITION - SITE SAFETY FENCING (GC)

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

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

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

(Reasons: Statutory requirement and health and safety.)

#### 9. LANDSCAPING ADJACENT SWIMMING POOLS/SPAS (GC)

A minimum one (1) metre wide landscape strip is to be provided between the swimming pool and adjacent common boundaries. The landscape strip is to be planted with a continuous row of evergreen shrubs of a minimum five (5) litre container size and capable of achieving a minimum mature height of three (3) metres. Details of the selected plants shall be submitted to and approved by the Principal Certifying Authority. Compliance with this condition shall be certified by the Principal Certifying Authority, prior to occupation of the premises.

(Reason: Privacy amenity of adjoining properties.)

#### 10. 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>Jacaranda mimosifolia</i>	Rear yard
6	<i>Jacaranda mimosifolia.</i>	Rear yard
8	<i>Morus nigra</i>	Rear yard

All trees recommended to be removed as submitted in the amended arborist report by Horticultural Management Services and dated 2 May 2019 are permitted to be removed to accommodate the proposed development.

All prescribed trees permitted to be removed by this consent shall be replaced with a total of two (2) trees by species selected from Council's Recommended Tree List and must have a minimum mature height of 8 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.

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

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

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

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

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

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

#### 11. ENVIRONMENTAL PROTECTION – TREE (GC)

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

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

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

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

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

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

## 12. 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.)

## 13. PRINCIPAL CERTIFYING AUTHORITY (PCA) IDENTIFICATION SIGN (GC)

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

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

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

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

(Reason: Statutory requirement.)

## 14. SITE MANAGEMENT (DURING DEMOLITION AND CONSTRUCTION WORKS)

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

- i) All demolition is to be carried out in accordance with Australian Standard AS 2601-2001.
- ii) Demolition must be carried out by a registered demolition contractor.
- iii) A single entrance is permitted to service the site for demolition and construction. Protection pads are to be installed to the kerb, gutter and nature strip where trucks and vehicles enter the site.
- iv) No blasting is to be carried out at any time during construction of the building.
- v) Care must be taken during demolition/ excavation/ building/ construction to prevent any damage to adjoining buildings.

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

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

15. **STORMWATER MANAGEMENT PLAN - CERTIFICATION REQUIREMENT (GC)**

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

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

16. **SYDNEY WATER - TAP IN™ (GC)**

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

(Reason: Compliance with Sydney Water requirements.)

17. **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.

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.)

18. **TREE PRESERVATION (SC)**

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

All healthy trees and shrubs identified for retention on the approved drawings are to be suitably protected in accordance with Australian Standard AS4970 - 2009, Protection of Trees on Development Sites prior to the commencement of any works (including any

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demolition and excavation) and maintained for the duration of the works.

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

19. **FIREPLACES (GC)**

Use of any fireplace for the purpose of wood fired fuel and coal burning is prohibited. Fireplaces may only be used with natural gas and electricity only.

(Reason: To maintain health and safety to surrounding residences and reduce air pollution.)

20. **NON-TRAFFICABLE ROOF (GC)**

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

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

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

21. **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.)

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

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

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

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

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

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**23. 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.)

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

Works Permit

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

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

Standing Plant Permit

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

Skip Bin Permit

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

Temporary Full or Part Road Closure Permit

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

Hoarding/Fencing Permit

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

Work Zone Permit

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

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Lot 101 DP 547766 (Cont'd)

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.)

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

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

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

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

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

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

26. **CAR PARKING - VEHICULAR ACCESS RAMPS (CC)**

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

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

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Lot 101 DP 547766 (Cont'd)

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

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

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

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

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

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

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

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

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

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

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

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

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

DA2019/032 - 25 Newton Road, Strathfield  
Lot 101 DP 547766 (Cont'd)

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

(Reason: Environmental protection.)

30. **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.)

31. **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.)

32. **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:

<b>Local Amenity Improvement Levy</b>	<b>\$28,212.56</b>
---------------------------------------	--------------------

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

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

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

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

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

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Lot 101 DP 547766 (Cont'd)

**33. 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.)

**34. STORMWATER DRAINAGE (CC)**

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

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

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

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

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

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

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

(Reason: Safety and statutory compliance.)

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

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

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

**37. 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.

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Lot 101 DP 547766 (Cont'd)

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.)

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

A security (damage deposit) of **\$18,000.00** (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.)

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

### **39. 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.

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Lot 101 DP 547766 (Cont'd)

- 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.)

#### 40. HOME BUILDING COMPENSATION FUND (CW)

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

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

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Lot 101 DP 547766 (Cont'd)

- 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.)

#### 41. NOTICE OF COMMENCEMENT (CW)

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

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

(Reason: Statutory requirement.)

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

#### 42. FILL MATERIAL (DW)

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

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

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

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

#### 43. 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.)

#### 44. 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

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Lot 101 DP 547766 (Cont'd)

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.)

**45. SITE REQUIREMENTS DURING DEMOLITION AND CONSTRUCTION (SC)**

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

- i) All protected trees are to be managed in accordance with Australian Standard AS4970 - 2009 , Protection of Trees on Development Sites
- ii) Stamped plans, specifications, documentation and the consent shall be available on site at all times during construction.

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

**46. HERITAGE - HISTORIC RELICS FOUND DURING WORKS (DW)**

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

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

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

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

**47. RAINWATER TANKS (OC)**

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

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

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

(Reason: To protect public health and amenity.)

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Lot 101 DP 547766 (Cont'd)

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

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

(Reason: Adequate stormwater management.)

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

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

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

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

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

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

(Reason: Safety and statutory compliance.)

**50. 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.)

**51. LANDSCAPING – CERTIFICATION OF COMPLETED LANDSCAPING AND TREE PLANTING (OC)**

Prior to the issue of the Occupation Certificate an AQF Level 5 Landscape Designer, or Landscape Architect, is to certify that all landscape works and tree planting has been carried out in accordance with the approved landscape design and conditions of

**DA2019/032 - 25 Newton Road, Strathfield**  
**Lot 101 DP 547766 (Cont'd)**

development consent. Additionally the certification is to include a statement that all plants are healthy and that the landscaped areas are well maintained, safe and free of biosecurity issues (pests, diseases and weeds).

(Reason: Tree preservation and environmental amenity.)

## **ATTACHMENTS**

There are no attachments for this report.

**TO:** Strathfield Internal Development Assessment Panel Meeting - 19 July 2019  
**REPORT:** IDAP – Report No. 2  
**SUBJECT:** DA2019/013 - 27 GLENARVON STREET, STRATHFIELD  
LOT 213 DP 11856  
**DA NO.** 2019/013

## SUMMARY

**Proposal:** Demolition of existing structures and tree removal and construction of a two (2) storey dwelling with a basement, in-ground swimming pool, associated landscaping and boundary fencing.

**Applicant:** Nicholas Lycenko  
**Owner:** Zena Bechara  
**Date of lodgement:** 11 February 2019  
**Notification period:** 14 February 2019 to 28 February 2019  
**Submissions received:** Nil (0)  
**Assessment officer:** LM  
**Estimated cost of works:** \$1,500,000.00  
**Zoning:** R2 Low Density Residential - SLEP 2012  
**Heritage:** No  
**Flood affected:** No  
**Is a Clause 4.6 variation proposed?** No  
**RECOMMENDATION OF OFFICER:** **APPROVAL**

## EXECUTIVE SUMMARY

The application is seeking Council approval for the demolition of existing structures and tree removal and construction of a two (2) storey dwelling with a basement level, in-ground swimming pool, associated landscaping and boundary fencing.

The application was notified in accordance with Part L of the Strathfield Consolidated Development Control Plan (SCDCP) 2005 from 14 February 2019 to 28 February 2019. No submissions were received during this time.

The application has demonstrated compliance with the relevant objectives under the Strathfield Local Environmental Plan (SLEP) 2012 and the SCDCP 2005, with the exception of the floor to ceiling heights for the basement and ground floor level and the under provision of landscaped area. These non-compliances are considered acceptable or have been addressed by way of a condition of consent.

The application is considered acceptable and is therefore recommended for approval, subject to the imposition of the recommended conditions of consent.

## BACKGROUND

DA2019/013 - 27 Glenarvon Street, Strathfield  
Lot 213 DP 11856 (Cont'd)

- 11 February 2019** The application was lodged with Council.
- 12 February 2019** A Quantity Surveyors Report was requested by Council.
- 14 February 2019** The application was notified for a period of 14 days from 14 February 2019 to 28 February 2019. No submissions were received as a result.
- 11 April 2019** A deferral letter was sent to the applicant requiring articulation on the western elevation, and a more sympathetic roof form to the surrounding area.
- 9 May 2019** Correspondence was provided by the applicant, justifying that the proposed dwelling design would contribute to the future character of the area. This is because flat roof forms are becoming a more prominent element on residential dwellings that are being constructed in the surrounding area.
- 11 June 2019** A second deferral letter was sent to the applicant, detailing that the floor to ceiling heights of the proposed basement level is considered to be excessive for a non-habitable space and would result in an unnecessary extent of cut across the site.
- 20 June 2019** A meeting was held between the applicant and Councils Planning Officer. The applicant agreed to a condition of consent restricting the floor to ceiling height of the basement level to a maximum of 2.6m.

## DESCRIPTION OF THE SITE AND LOCALITY

The subject site is legally described as Lot 213 DP 11856 and commonly known as 27 Glenarvon Street, Strathfield (refer to **Figure 1**). The site is located on the northern side of Glenarvon Street and has a total site area of 612.9m<sup>2</sup>. The site is rectangular in shape and has a front boundary length of 15.24m to the south, and side boundary lengths of 40.234m. The site falls to the south from the rear and is not located in a flood affected area.

The site comprises a single storey residential dwelling with face brick external walls and a tile pitched roof form (**Figure 2**). Vehicular access is provided to the site via an existing driveway located on the eastern side of the site frontage that leads to an attached single space carport located to the side of the dwelling (refer to **Figure 2**).

The streetscape is characterised by two (2) storey residential dwellings presenting a mixture of rendered and facebrick external walls, and tiled pitched and flat roof forms (refer to **Figures 3 and 4**).



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Lot 213 DP 11856 (Cont'd)

*Figure 1: The site (as highlighted) and the surrounding context.*



*Figure 2: The existing residential dwelling located on the subject site.*



*Figure 3: The neighbouring residential dwelling (29 Glenarvon Street, Strathfield).*

DA2019/013 - 27 Glenarvon Street, Strathfield  
Lot 213 DP 11856 (Cont'd)



*Figure 4: Residential dwelling located adjacent the subject site (19 Glenarvon Street, Strathfield).*

## PROPERTY BURDENS AND CONSTRAINTS

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

## DESCRIPTION OF THE PROPOSED DEVELOPMENT

The application seeks Council approval for the demolition of existing structures and one (1) tree, and construction of a new two (2) storey residential dwelling with a basement level, in-ground swimming pool, associated landscaping and boundary fence. The specific elements of the proposal are as follows:

### Basement level:

- Four (4) car parking spaces;
- Stairs and a lift;
- Wine cellar; and
- Storage, plant and battery room.

### Ground floor level:

- Home office with a bathroom;
- Study, linen cupboard and bathroom;
- Dining room;
- Family room;
- Kitchen, butler's pantry and cool room;
- Stairs and a lift; and
- Laundry.

### First floor level:

- Multi-purpose room;
- Four (4) bedrooms whereby two (2) have ensuites;
- Lift and stairs; and
- One (1) bathroom.

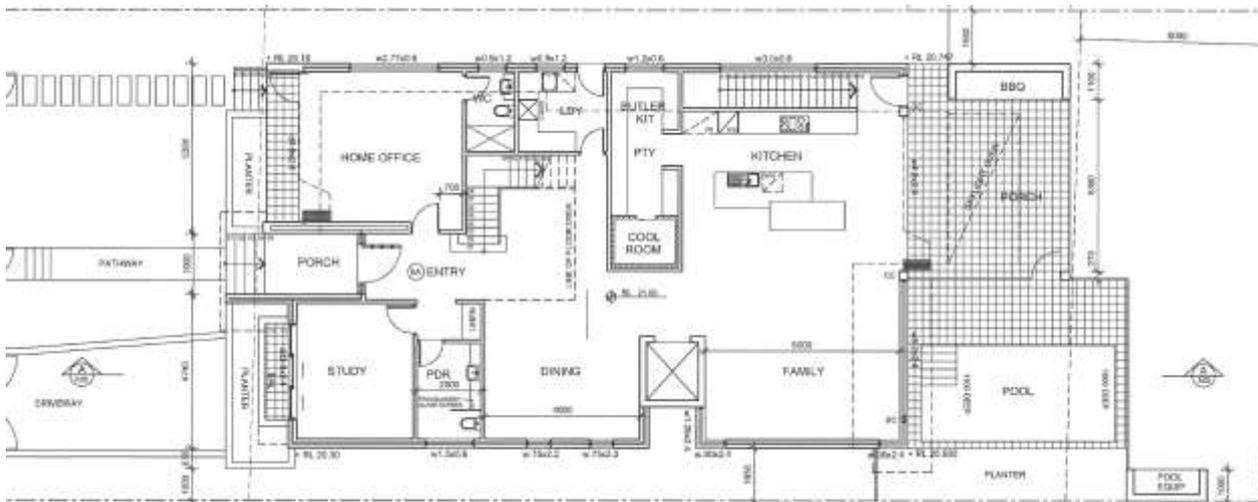
### External works:

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 Lot 213 DP 11856 (Cont'd)

- First floor balcony outside the Multi-purpose room, Bedroom 3 and Bedroom 1;
- A rear terrace and BBQ area;
- In ground swimming pool and associated swimming pool equipment enclosure;
- Associated landscaping works including the removal of one (1) tree located at the rear of the site.

It is noted that the application form detailed the inclusion of ‘fencing’ in the development description. The application with a proposal description which included ‘fencing’ was notified however, the submitted plans have not shown any proposed fencing, apart from the swimming pool enclosure. Whilst the applicant verbally confirmed that front boundary fencing was meant to be included in the proposal, it is not considered to form part of this application as the application form was not explicit, the submitted plans do not include any details of a proposed front boundary fence and the application was not notified in this regard. The applicant has been informed of this and no objections were raised.

An extract of the site plan including the proposed ground floor plan and extract of the proposed first floor plan is shown below in **Figures 5** and **6**. The front elevation (northern) of the proposed subject dwelling is shown below in **Figure 7**.



**Figure 5:** An extract of the proposed ground level.



**Figure 6:** An extract of the proposed first floor level.

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 Lot 213 DP 11856 (Cont'd)

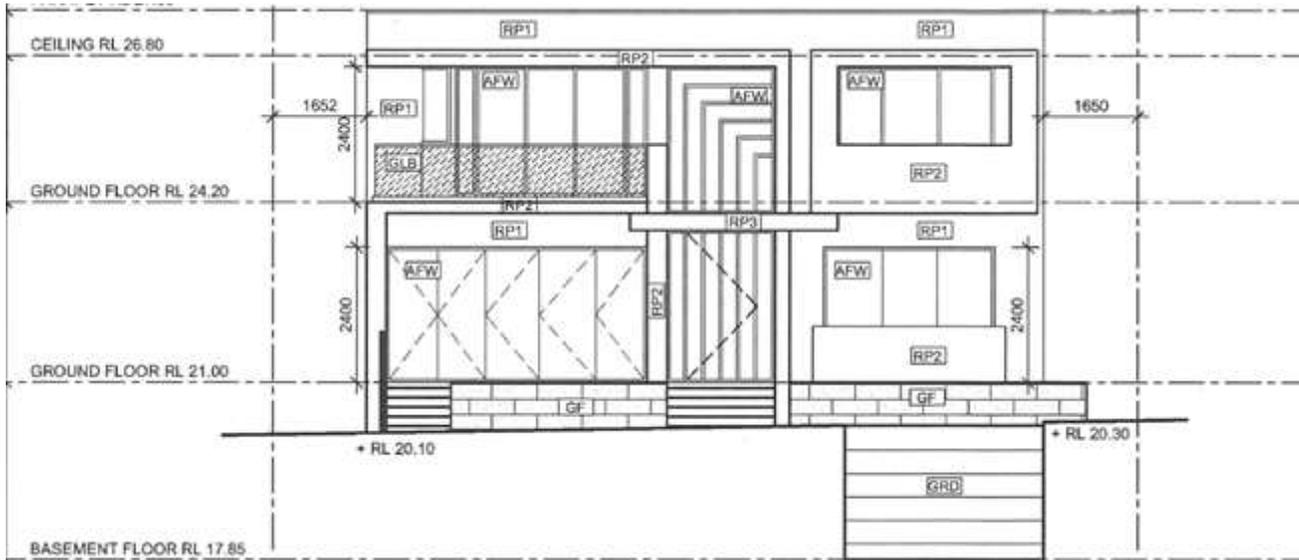


Figure 7: An extract of the proposed front elevation (north) of the dwelling.

## REFERRALS

### INTERNAL REFERRALS

#### Engineering Comments

The application was referred to Councils Stormwater Engineer where the following comments were made:

*“The site discharges to the street kerb and gutter by means of a gravity pipe via the boundary pit. Roof runoff on the northern and eastern boundary drains into the proposed above ground rainwater tank in accordance with BASIX requirements by charged means via downpipes. Overflow from the tank and roof runoff on the western boundary drain into the boundary pit by gravity means via overflow pipe and downpipes. Proposed basement drains into the pump pit by gravity means via subsoil drainage and grated trench drain. Rising main from the pump pit connects to the boundary pit. From an engineering perspective, the concept plan is feasible and therefore there is no objection to its approval.”*

Councils Stormwater Engineer supported the application, subject to the imposition of recommended conditions of consent.

#### Traffic Comments

The assessment officer raised concerns with the floor to ceiling heights and the size of the basement level however; the applicant has not submitted amended plans to address these concerns. **Conditions 1-3** are recommended in the consent to address these issues and it is noted that the applicant agreed to a condition of consent which restricts the floor to ceiling height of the basement level to a maximum 2.6m. This is to accommodate vehicular access and a sufficient head height for the lift whilst reducing the extent of excavation required. The application was referred to Councils Traffic Engineer for comment on these recommended conditions. It was confirmed by Councils Traffic Engineer that the implementation of these conditions will still allow for reasonable access into the basement with sufficient space for maneuverability of vehicles.

In summary, Councils Traffic Engineer supported the application, subject to the imposition of recommended conditions of consent.

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**Landscaping Comments**

The application was referred to Councils Tree Management Officer as the proposal seeks the removal of one mature tree (Tree 1) located at the rear of the site (refer to **Figure 7**), two (2) exempt trees located on the eastern and western boundary and associated landscaping works. Councils Tree Management Officer agreed with the findings and recommendations of the Arboricultural Report prepared by Jacksons Nature Works, which confirmed that that Tree 1 is currently in poor health condition. As a result, the removal of Tree 1 is supported, subject to a replacement tree planting (refer to **Condition 16**), as well as the removal of the two (2) smaller trees (Figure 7).

It was also noted that construction works will occur within the vicinity of Trees No. 4 and 5 which are located on the neighbouring property, 25 Glenarvon Street, Strathfield. To ensure that the appropriate protection measures are carried out in accordance with AS 4970 – 2009, **Condition 10** is recommended in the consent.

In summary, Council’s Tree Management Officer raised no objection to the proposal, subject to conditions of consent.



**Figure 7:** An extract of the proposed site plan of the subject site and the location of the trees which proposed to be removed (identified in red)

**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, indicating that the proposal meets the required reduction targets. An appropriate condition of consent will be imposed to ensure future compliance with these targets.

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

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SEPP 55 applies to the land and pursuant to Section 4.15. 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, therefore determining that the objectives outlined within SEPP 55 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.

As the proposal is seeking the removal of one (1) mature tree (Tree 1), an Arboricultural Report was prepared, detailing the existing health standards of the tree and the likely implications construction works will have on other trees located in proximity. Council's Tree Officer agreed with the findings of the Arboricultural Report in that Tree 1 is in poor health, and therefore its removal is supported, subject to a replacement tree planting. Further, Council's Tree Management Officer agreed that Trees No. 4 and 5 (located on the side boundary of 25 Glenarvon Street, Strathfield) are unlikely to be impacted by the proposal but a condition of consent is to be imposed to ensure the adequate protection of these trees.

No issues were raised in relation to the removal of the two (2) trees located adjacent the western and eastern elevation of the dwelling house as they are considered to have minor significance.

Council's Tree Management Officer supported the recommendations made in the Arboricultural Report, subject to the imposition of recommended conditions of consent.

Overall, the proposal has appropriately considered the relevant conditions under the objectives under the Vegetation SEPP 2017.

**STATE ENVIRONMENTAL PLANNING POLICY (COASTAL MANAGEMENT) 2018**

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

**STRATHFIELD LOCAL ENVIRONMENTAL PLAN 2012 (SLEP 2012)**

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

<b>Cl. 1.2(2)</b>	<b>Aims</b>	<b>Complies</b>
<b>(a)</b>	<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>	<b>Yes</b>
<b>(b)</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>	<b>Yes</b>
<b>(c)</b>	<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>	<b>N/A</b>
<b>(d)</b>	<i>To provide opportunities for economic growth that will enhance the local community</i>	<b>N/A</b>
<b>(e)</b>	<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>	<b>N/A</b>

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

**Comments:** The application is not inconsistent with the abovementioned objectives of the SLEP 2012.

### Permissibility

The subject site is zoned R2 Low Density Residential under the SLEP 2012. **'Dwelling houses'** are permissible with consent in an R2 Low Density Residential zone and is defined under SLEP 2012 as follows:

*"A building containing only one dwelling."*

The proposed development for the purpose of a **'dwelling house'** is consistent with the definition above and is therefore permissible with development consent in an R2 Low Density Residential zone.

### Zone Objectives

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

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

**Comments:** The proposal is not inconsistent with the abovementioned objectives of the R2 Low Density Residential zone.

### Part 4: Principal development standards

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

#### Height of building

Cl.	Standard	Controls	Proposed	Complies
4.3	Height of building	9.5m	7.5m	Yes

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

**Comment:** The proposal seeks a maximum building height of 7.5m from the natural ground level, which complies with the maximum building height permitted for the site.

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### **Floor space ratio**

<b>Cl.</b>	<b>Standard</b>	<b>Controls</b>	<b>Proposed</b>	<b>Complies</b>
<b>4.4C</b>	<i>Floor space ratio</i>	0.60:1 (367.74m <sup>2</sup> )	0.557:1 (344.45m <sup>2</sup> )	<b>Yes</b>
<b>Objectives</b>				<b>Complies</b>
<b>(a)</b>	<i>To ensure that dwellings are in keeping with the built form character of the local area</i>			<b>Yes</b>
<b>(b)</b>	<i>To provide consistency in the bulk and scale of new dwellings in residential areas</i>			<b>Yes</b>
<b>(c)</b>	<i>To minimise the impact of new development on the amenity of adjoining properties</i>			<b>Yes</b>

**Comments:** The proposal seeks a maximum floor space 344.45m<sup>2</sup> (0.557:1), which is compliant with the 0.60:1 (367.74m<sup>2</sup>) FSR standard under Clause 4.4C of the SLEP 2012.

### **Part 5: Miscellaneous Provisions**

There are no relevant provisions under Part 5 of the SLEP 2012.

#### **6.1 Acid sulfate soils**

The site is affected by Class 5 soils and is not located within 500m of Class 1, 2, 3 or 4 Acid Sulfate Soils. Therefore, an Acid Sulfate Management Plan was not required to be submitted and the objectives under this Clause are considered to be satisfied.

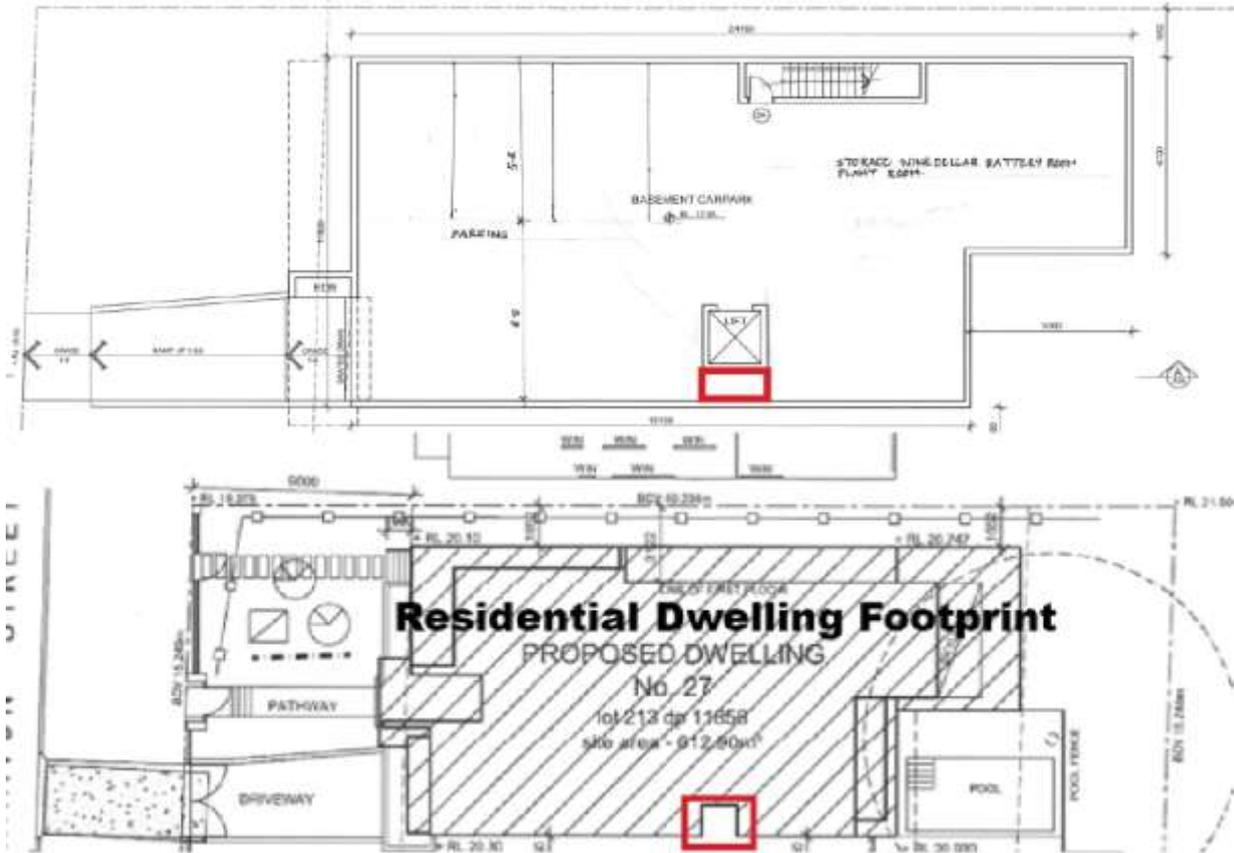
#### **6.2 Earthworks**

The proposal includes the construction of a two (2) storey residential dwelling over a basement level and an in-ground swimming pool at the rear of the site, thereby requiring the excavation and the removal of soils. The construction of the basement level is considered excessive as the basement footprint exceeds the footprint of the ground floor level of the dwellinghouse (refer to **Figure 7**).

Furthermore, the basement incorporates a floor to ceiling height of 3.1m and development controls specify that only basement level floor to ceiling heights of 2.2m are required to obtain adequate clearance for vehicles. To reduce the potential environmental impacts and extent of cut required, conditions are recommended which detail that the basement footprint is to be reconfigured in a way so it does not protrude the footprint of the ground floor level and the overall floor to ceiling height is reduced to a maximum of 2.6m. The condition only requires the floor to ceiling height of the basement level to be reduced to 2.6m (and not 2.2m which is the minimum required for vehicle access) as the applicant has confirmed that 2.6m basement floor to ceiling heights are required minimum to gain adequate clearance for the proposed lift. It is noted that the applicant agreed the imposition of this condition.

Subject to the imposition of conditions, the extent of earthworks for the basement level and swimming pool is considered acceptable for the property. Council's Stormwater Engineer raised no objection to the proposal and so the extent of excavation is not anticipated to adversely impact the site.

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**Figure 7:** An extract of the proposed basement level, and the footprint of the proposed ground floor level of the dwelling house. The area of the basement level that protrudes the building footprint of the level above is outlined in red.

Conditions of consent will reduce the overall excavation and the removal of soils, it is considered that the subject development will not result in a detrimental impact to the environmental functions and processes or to neighbouring properties. As a result, the application has satisfied the objectives under this Clause.

**6.3 Flood planning**

Although the site is not identified as being flood affected, the application was forwarded to Councils Stormwater Engineer for comment. It was confirmed that stormwater discharges to the street kerb and gutter by a gravity pipe via the boundary pit. Roof runoff on the northern and eastern boundary drains into the ground rainwater tank, which is in accordance with the relevant BASIX requirements. The proposal is not considered to be inconsistent with the objectives of this Clause.

**6.4 Essential services**

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

**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**

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## STRATHFIELD CONSOLIDATED DEVELOPMENT CONTROL PLAN 2005 (SCDCP 2005)

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

### PART A – DWELLING HOUSES AND ANCILLARY STRUCTURES

#### 2: Architectural Design & Streetscape Presentation

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

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	in the street.	
3	First floor additions complement the architectural style of the ground floor and delineate the existing roof form, slope and ridge	Yes
4	Roof structures are not visible from the public domain	Yes
<i>Materials</i>		
5	Materials compatible with the existing dwelling house, adjoining dwelling houses and the streetscape (type, form and colour)	Yes
7	New buildings and facades do not result in glare (Reflectivity Report may be required)	Yes
<i>Colours</i>		
8	New development incorporates traditional colour schemes	Yes
9	The external colours integrate harmoniously with the external design of the building	Yes

**Comments:** The external face of the dwelling incorporates a rendered finish with a timber feature wall and a flat roof form. External colours of the primary dwelling include various shades of grey, which is considered to be acceptable as they are sympathetic with more contemporary styled dwellings located in close proximity to the site (refer to **Figures 8, 9 and 10**).

It is noted that the applicant was requested to incorporate articulation to the ground floor western elevation to reduce the overall bulk and visual massing of the dwelling. The applicant responded that the side articulations are in accordance with more contemporary styled dwellings in the surrounding area (refer to **Figures 8, 9 and 10**). It is noted that the side wall of the western elevation of the first floor is setback from the side wall of the western elevation of the ground floor which assists with reducing the overall bulk and massing of the western elevation. Considering this, and the applicant's response, the extent of the articulation of the western elevation is considered acceptable in this instance. It is noted that there is a small building articulation in the eastern elevation which is sufficient in reducing the visual bulk of the dwelling on this side.

It is therefore considered that the dwelling in its current form achieves quality architecture and positively contributes to the existing streetscape character.

It is noted that the application form detailed the inclusion of 'fencing' in the development description. The application with a proposal description which included 'fencing' was notified however, the submitted plans have not shown any proposed fencing, apart from the swimming pool enclosure. Whilst the applicant verbally confirmed that front boundary fencing was meant to be included in the proposal, it is not considered to form part of this application as the application form was not explicit, the submitted plans do not include any details of a proposed front boundary fence and the application was not notified in this regard. The applicant has been informed of this and no objections were raised. A condition of consent is recommended which clarifies that this consent is not for any boundary fencing.

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***Figure 8: Side elevation of a residential dwelling located in close proximity to the site.***



***Figure 9: Side elevation of a residential dwelling located in close proximity to the site.***

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Figure 10: A portion of a side elevation of residential dwellings located in close proximity to the site.

**4: Building Envelope**

4.1 Objectives		Satisfactory	
A.	To ensure that dwellings are compatible with the built form of the local area and that overall bulk and scale, size and height of dwellings relative to natural ground level responds to the adjoining dwellings, topography and desired future character.	Yes	
B.	To minimise impact on the amenity of adjoining properties.	Yes	
C.	To establish and maintain the desired setbacks from the street and define the street edge.	Yes	
D.	To create a perception or reinforce a sense of openness in the locality.	Yes	
E.	To maintain view corridors between dwellings	Yes	
F.	To assist in achieving passive surveillance whilst protecting visual privacy.	Yes	
G.	To provide a transitional area between public and private space.	Yes	
4.2 Development Controls		Complies	
<i>Floor Space Ratio</i>			
.1.	1	Floor Space Ratio permissible pursuant to SLEP 2012	Yes
	2	Development compatible with the lot size	Yes
<i>Building Height</i>			
.2.	1	Height of building permissible pursuant to SLEP 2012	Yes
	2	The maximum height to the top of the 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

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	5	The maximum internal floor to ceiling height is to be 3.0 metres for any residential level.	Yes
	7	Dwelling houses and any ancillary structures 2-storeys (max)	Yes
	8	Building height responds to the gradient of the site to minimise cut and fill	Yes
<i>Street Setbacks</i>			
<b>.3.1.</b>	1	Setbacks consistent with minimum requirements of Table A.1	Yes
<i>Side and Rear Setbacks</i>			
	1	A combined side setback of 20% of the width of the block (incorporating a 1.2m min side setback on each side).	Yes
<b>.3.2.</b>	2	A rear setback of 6m (min)	Yes
	3	Subject to meeting the minimum landscaped area (as per section 5 of this part of the DCP) in the rear of the site, ancillary facilities such as garages/outbuildings may be located within the rear setback area.	Yes

**Comments:** The proposal demonstrates compliance with Clause 4.3 (Building Height) and 4.4C (Floor Space Ratio in R2 Low Density Residential Zones) of the SLEP 2012.

The proposal complies with the development controls for maximum floor to ceiling heights for residential levels, external wall height and maximum height for flat roofed dwelling houses.

The proposal seeks a side setback of 3.3m (combined) to the east and west, front setback of 9m to the south and rear setback of 6.75m to the north. These setback are compliant with the development controls and allow for a relatively consistent front building line along Glenarvon Street, and providing a building footprint which is relatively consistent with more modern dwellings within the street.

## 5: Landscaping

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

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<i>I.</i>	<i>To provide functional private open spaces for active or passive use by residents.</i>	<b>Yes</b>
<i>J.</i>	<i>To provide private open areas with provision for clothes drying facilities screened from the street and lane or a public place.</i>	<b>Yes</b>
<i>K.</i>	<i>To ensure the protection of trees during construction</i>	<b>Yes</b>
<i>L.</i>	<i>To ensure suitable fencing is provided to reduce acoustic impacts and enhance visual privacy between neighbouring residents whilst enabling front fences passive surveillance of the street.</i>	<b>Yes</b>
<i>M.</i>	<i>To maximise the amenity of existing and proposed developments, including solar access, privacy and open space.</i>	<b>Yes</b>

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

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	2	Includes a deep soil area compliant with the minimum landscaped area.	Yes
	3	Terraces and decks (at least 10m <sup>2</sup> ) with one length or width 3m (min) and directly accessible from an internal living area. Decks cannot be located more than 500mm above NGL	Yes
	4	Unless 3m (min) width, areas within setbacks are not to be included as private open space	Yes
	5	Private open space located at the rear of the property.	Yes
	<i>Fencing</i>		
<b>.4.</b>	1	Fencing designed to be compatible and sympathetic to the style of the dwelling, adjoining properties and the streetscape	See below.

**Comments:** The proposal results in a total landscaped area of 227.32m<sup>2</sup> (37.09%), which is deficient by 27.03m<sup>2</sup> with the 254.35m<sup>2</sup> (41.5%) requirement under Part A of the SCDP 2005. Notwithstanding, it is noted that the landscape plan includes various types of landscaping as well as conditions of consent requiring replacement planting that is to have a minimum mature height of 10m. As a result, it is considered that the overall landscaped area proposed is sufficient for the site.

The overall landscaped area is distributed in a way where there is a large portion of private open space at the rear of the site that is directly accessible via the kitchen, family room and the alfresco area. Although the proposal results in the removal of one (1) mature tree (and two exempt trees), a replacement tree will be required of the consent. Comments from Councils Tree Management Officer have confirmed that the proposed landscaping works on site are considered appropriate and therefore are unlikely to impose additional environmental impacts.

It is noted that the application form detailed the inclusion of 'fencing' in the development description. The application with a proposal description which included 'fencing' was notified however, the submitted plans have not shown any proposed fencing, apart from the swimming pool enclosure. Whilst the applicant verbally confirmed that front boundary fencing was meant to be included in the proposal, it is not considered to form part of this application as the application form was not explicit, the submitted plans do not include any details of a proposed front boundary fence and the application was not notified in this regard. The applicant has been informed of this and no objections were raised. A condition of consent is recommended which clarifies that this consent is not for any boundary fencing.

## 6: Solar Access

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

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**Comments:** The primary dwelling has been designed in a way where a minimum of three (3) hours of solar access will be achieved on site and on the neighbouring properties between 9am and 3pm during the winter solstice.

## 7: Privacy

7.1	Objectives	Satisfactory	
A.	Development that is designed to provide reasonable privacy to adjacent properties	No – see below.	
B.	To maintain reasonable sharing of views from public places and living areas	Yes	
C.	To ensure that public views and vistas are protected, maintained and where possible, enhanced	Yes	
D.	To ensure that canopy trees take priority over views	Yes	
E.	To ensure that the siting and design of buildings minimises noise impacts from abutting roads, rail corridors and other noise-generating land uses	Yes	
7.2	Development Controls	Complies	
.1.	<i>Visual Privacy</i>		
	1	Protect POS, bedrooms, balconies and living rooms of proposed and any existing adjoining dwellings from direct overlooking	No – see below.
	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
.2.	<i>Windows</i>		
	1	Windows do not directly face the windows, balconies and courtyards of adjoining dwelling	No – See below.
	2	A window within 9m of another window in a habitable room of an adjoining dwelling is offset by 0.5m (min) or a sill height of 1.7m (min) above the FFL	No – See below.
.3.	<i>Elevated Decks Verandahs and Balconies</i>		
	1	Elevated decks, verandahs and upper storey balconies not permitted on side boundaries (exceptions apply)	Yes
	3	Rear balconies (no more than 1m (depth) x 2m (length) permitted if the balcony does not unreasonably impact on adjoining premises	No, see below
	4	Balconies extending the full width of the front façade are not permitted	Yes
.4.	<i>Acoustic Privacy</i>		
	2	Noise-sensitive rooms located away from noise sources	Yes

**Comments:** The windows located on the western elevation at first floor level outside the Bathroom and Bedroom 2 (eastern elevation) have a minimum sill height of 1m. As the neighbouring property on the eastern elevation is a single storey dwelling (refer to **Figure 10**), these windows will overlook the roof of the neighbouring property. Therefore, no adverse privacy impacts are anticipated to the western adjoining property from these windows.

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There are seven (7) windows located on the western elevation at first floor level. Four (4) of these incorporate minimum sill heights of 1.8m and therefore will not result in any privacy impacts to the western adjoining property. Four (4) of the windows incorporate minimum sill height of 1 metre and have the potential to overlook first floor windows of the western adjoining property. One (1) of these windows is from the multi-purpose room and this room has front facing windows which will provide an adequate level of outlook for future occupiers. Therefore, it is considered acceptable to impose a condition requiring the sill height to be raised to a minimum height of 1.6m, or to incorporate frosted glass to a height of 1.6m. Another window is located from the hallway and given that it is slightly offset from first floor windows on the western adjoining property, and given that it is from a circulation space, any privacy impact is not anticipated to be substantial.

One (1) double pane window is located on the western elevation at first floor level and this is from Bedroom 4. It incorporates a minimum sill height of 1m and is likely to result in adverse overlooking opportunity to the western adjoining property as it is not adequately offset from first floor windows on this adjoining property. A condition of consent is recommended, detailing that the window outside bedroom 4 is to be reconfigured in a way where it is offset a minimum of 500mm from the windows of the adjoining property (**Figure 11**). This can be achieved by rearranging the ensuite (associated with Bedroom 4) and Bedroom 4 to accommodate this amendment. This will prevent direct overlooking onto the neighbouring property, therefore maintaining privacy from the adjoining residents. It is not considered suitable to raise the sill height or require obscure glazing to this window as it is the only window to this habitable room.

Two (2) first floor front balconies are proposed outside the Multi-purpose room and Bedroom 3. As these balconies are not located in areas where they can directly overlook any windows or private open space on the neighbouring properties, privacy screens are not considered necessary within this instance.

One (1) first floor balcony with sliding louvers on the outside of the balustrading is proposed outside Bedroom 1 at the rear of the dwelling (refer to **Figure 12**). The balcony is 1 metre in depth and 4.8 metres in length whereby the length does not comply with the development controls. The balcony incorporates solid walls on either side however, there is still potential to overlook onto the neighbouring property. As a result, a condition of consent is recommended which requires the louvers shown on the northern side of the balcony are to be fixed and a minimum of 1m in length.



**Figure 11: The windows on the adjoining property (as outlined in red) where there is potential for direct overlooking.**

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Figure 12: The first floor of the subject dwelling where the rear balcony is outlined in red.

**8: Vehicle Access and Parking**

8.1	Objectives	Satisfactory	
A.	To provide adequate and convenient on-site car parking.	Yes	
B.	To ensure that the location and design of driveways, parking spaces and other areas used from the movement of motor vehicles are efficient, safe and convenient.	Yes	
C.	To ensure garages, carports, basements and hard standing areas for cars do not visually dominate the street façade of the dwelling.	Yes	
D.	To ensure that construction materials used for driveways respect the architectural qualities of the dwelling.	Yes	
E.	To minimise the area of access driveways to minimise impermeable surfaces and maximise landscaped areas.	Yes	
F.	To ensure basements have discreet entries, safe access and a high degree of natural cross-ventilation.	Yes	
G.	To minimise excavation to reduce disturbance to natural ground level particularly adjacent to site boundaries.	Yes	
H.	To ensure that any proposed basement minimises disturbance to natural drainage systems and that flooding, drainage or ventilation impacts would not be created for the site, or for adjoining or nearby properties.	Yes	
8.2	Development Controls	Complies	
.1.	Driveway and Grades		
	1	Existing driveways must be used (exceptions apply)	Yes
	2	The width of driveways at the property boundary is to be 3m	Yes
	3	The edge of driveway crossings located 1m (min) clear of any existing stormwater pits or poles and 2m clear of tree trunks	Yes
	4	Parking and access points easily accessible and recognisable, non-disruptive to pedestrian flow and safety and located to minimise traffic hazards and potential for vehicles to queue.	Yes
	5	One (1) vehicular crossing (max) to any public road (exceptions apply)	Yes

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	6	Vehicles accessing sites which front main roads shall be capable of entering and exiting in a forward direction	Yes
	9	Driveways avoid long and straight appearance by using variations and landscaping	Yes
	10	Driveway set back 0.5 metres (min) from side boundaries	Yes
	11	Driveways incorporate unit paving into the design	Yes
	12	Areas of concrete visible from a public road are to be minimal and coloured charcoal, grey or brown	Yes
	13	Coloured concrete is not permitted in the driveway crossing outside the property boundary	Yes
	<i>Garages, Carports and Car Spaces</i>		
.2.	1	Two (2) car parking spaces required behind the FBL of all new dwellings (exceptions apply)	Yes
	4	Dimensions of parking spaces and garages comply with the Australian Standards	Yes
	<i>Basements</i>		
	1	The area of a basement shall be limited to and contained within the ground level footprint of the dwelling	No – See below.
	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
.3.	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 basement level includes four (4) car parking spaces, lift and stairs, storage room, wine cellar, plant and a battery room. The floor to ceiling of the basement is considered to be excessive and will therefore result in unnecessary excavation works on site. Conditions of consent are recommended to reduce the overall cut and fill across the site. These conditions relate to the following:

- Reducing the overall footprint to be reconfigured in a way that will not protrude beyond the footprint of the ground floor level;
- The floor to ceiling height on the basement level is to be reduced to a maximum of 2.6m; and
- With the exclusion of the car parking spaces, all non-habitable rooms in the basement level are to be detailed on the plans and not exceed a maximum area of 20m<sup>2</sup>.

To ensure that the conditions of consent which reduce the size of the basement, and the floor to ceiling height of the basement will result in a feasible design for the basement level, the application was referred to Council's Traffic Engineer. It was confirmed by Council's Traffic Engineer that a floor to ceiling height of 2.6m within the basement level will still allow for adequate vehicle clearance and maneuverability. As a result, the imposition of these conditions will result in a feasible

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basement level design that is consistent with the relevant statutory provisions under the SLEP 2012 and the SCDCP 2005.

**9: Altering Natural Ground Level (Cut and Fill)**

<b>9.1 Objectives</b>		<b>Satisfactory</b>
<b>A.</b>	<i>To maintain existing ground levels and minimise cut and fill to reduce site disturbance.</i>	<b>Yes</b>
<b>B.</b>	<i>To ensure existing trees and shrubs are undisturbed, ground water tables are maintained and impacts on overland flow/drainage are minimised.</i>	<b>Yes</b>
<b>9.2 Development Controls</b>		<b>Complies</b>
1	Fill limited to 1m (max) above NGL	<b>Yes</b>
2	Clean fill used only	<b>Yes</b>
3	Cut and fill batters stabilised consistent with the soil properties	<b>Yes</b>
4	Vegetation or structural measures are implemented when the site is disturbed.	<b>Yes</b>
5	Areas of excavation setback from property boundaries in line with building setback controls. No excavation permitted within the minimum required setbacks.	<b>Yes</b>
6	The work does not affect or undermine the soil stability or structural stability of buildings and Council assets on adjoining properties.	<b>Yes</b>
7	A dilapidation report for all buildings which adjoin proposed excavation areas as required	<b>Yes</b>
8	Avoid excessive fill that creates the potential for overlooking of adjoining properties	<b>Yes</b>

**Comments:** The proposal seeks the construction of an in-ground basement level and in-ground swimming pool that will therefore result in the removal of soils. A condition of consent is recommended, detailing that the carrying of excavation works are to be done in a way where there is minimal on site disturbance and impacts to surrounding landscaping species.

Conditions of consent are recommended for a dilapidation report on adjoining properties to be undertaken prior to the commencement of works.

**10: Water and Soil Management**

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

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10.2	Development Controls		Complies
	6	Stormwater Management Code compliance	Yes
<i>Acid Sulfate Soils</i>			
.2.	1	Site managed consistent with the provisions contained in Clause 6.1 SLEP 2012	Yes
<i>Soil Erosion and Sediment Control</i>			
.3.	1	Soil erosion and sediment control measures detailed and implemented prior to the commencement of work.	Yes
	2	Sediment control measures applied	Yes
	3	Plans provided detailing stormwater quality treatment	Yes

**Comments:** Council's Development Control Engineer has raised no concerns with the proposed methods for stormwater drainage and sediment control, subject to the conditions of consent.

### 11: Access, Safety and Security

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

**Comments:** The vehicular and pedestrian entranceways are suitably separated and clearly distinguishable by way of soft landscaping. Two (2) separate pedestrian entrances are proposed within the front setback of the site, which are considered to be excessive for the site (refer to **Figure 13**). As a result, a condition of consent is recommended which details that one (1) of the pedestrian entrances is to be deleted and replaced with deep soil landscaping.

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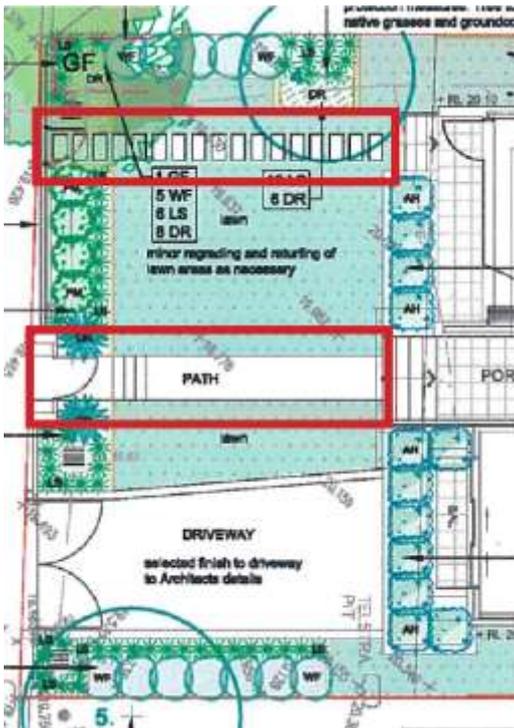


Figure 13: An extract of the landscaped plan, highlighting the two separate pedestrian entrances in red.

12: Ancillary Development

12.1	Objectives	Satisfactory	
A.	To ensure that ancillary development is compatible with the design of the principal dwelling, streetscape and adjoining dwellings in form, materials and colours	Yes	
B.	To limit the size, bulk and scale of ancillary structures and minimise their visibility from the public domain.	Yes	
C.	To ensure that the provision of ancillary structures improves the amenity of residents whilst ensuring that the amenity of surrounding dwellings and neighbouring lots is maintained.	Yes	
D.	To ensure that the provision of ancillary structures, such as air conditioning units, are considered at the design stage of a proposed development.	Yes	
12.2	Development Controls	Complies	
.6.	Swimming Pools		
	1	Side and rear setbacks from the outside edge of the pool concourse are 1m (min) wide and comprise deep soil soft landscape area	Yes
	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 – see below.
	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:** An in-ground swimming pool is located at the rear of the site a. Conditions of consent are recommended to ensure that the design of the swimming pool is in accordance with the *Swimming Pools Act 1992* and complies with the *Protection of the Environmental Operations Act 1997*.

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A pool equipment enclosure is proposed adjacent to the eastern side boundary of the subject site. Due to insufficient information provided in relation to the mitigation measures for pool equipment (relating to noise onto the adjoining property), a condition of consent is recommended to ensure compliance. This condition details that all pool equipment is to be located within an enclosed area and is not to emit noise above 5dBA above the ambient background noise levels. This will prevent potential noise implications onto the adjoining property.

### 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
.1.	Natural Lighting and Heating	
	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
.2.	Natural Cooling and Ventilation	
	1 Windows and walls on northern facades shaded by shading devices, trees, eaves and louvres sympathetic to the dwelling	Yes
	2 Windows positioned to capture breezes and allow for cross-ventilation	Yes

**Comments:** The application was accompanied by a BASIX certificate, demonstrating that the proposal has met the designated targets for energy and water reduction.

### PART H - WASTE MANAGEMENT (SCDCP 2005)

The Development Application was accompanied by a Waste Management Plan, detailing that the carrying out and disposing of waste materials will be carried out in accordance with Part H of the SCDCP 2005.

#### 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

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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 development application has appropriately considered the likely impacts the proposal will have on the natural and built environment from a social and economic perspective, which are discussed above in this report. Subject to the imposition of recommended conditions, it is considered that the proposed development has been designed in a way where there are minimal implications to the environment and onto the neighbouring properties. Overall, the proposed design has been considered with respect to adjoining properties to minimise adverse impacts to adjoining neighbours and therefore achieves an appropriate level of streetscape compatibility.

Overall, the likely impacts of the development, including environmental impacts on the natural and built environments, and social and economic impacts on the locality, are considered to be acceptable.

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

The subject site is considered suitable for the proposed development as the site is zoned R2 – Low Density Residential and dwelling houses are a permissible uses with consent in this zone. Furthermore, the site is surrounded by other similar residential developments. The site is not flood affected and is not situated in the vicinity of any Heritage items or Heritage Conservation Areas. The site is not known to be contaminated and therefore the site is considered suitable for the proposed development.

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

The application was publicly notified from 14 February 2019 to 28 February 2019 in accordance with the provisions of Part L of SCDP 2005. No submissions were received as a result.

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

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

## **LOCAL INFRASTRUCTURE CONTRIBUTIONS**

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

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

### **STRATHFIELD INDIRECT SECTION 7.12 DEVELOPMENT CONTRIBUTIONS PLAN**

Section 7.12 Contributions are applicable to the proposed development in accordance with the Strathfield Indirect Contributions Plan 2010-2030 as follows:

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Local Amenity Improvement Levy

\$15,000.00

## CONCLUSION

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

## PEER REVIEW

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

## RECOMMENDATION

That Development Application No. 2018/105 for the demolition of existing structures and construction of a new two (2) storey residential dwelling with a basement level, in-ground swimming pool, associated landscaping and front fence at 27 Glenarvon Street, Strathfield be **APPROVED**, subject to the recommended conditions of consent:

## SPECIAL CONDITIONS (SC)

### 1. FLOOR TO CEILING HEIGHT OF THE BASEMENT LEVEL (SC)

The floor to ceiling height of the basement level is to be reduced to a maximum of 2.6m. Amended plans detailing compliance with this condition, including amended RLs for the basement level are to be submitted to, and approved by a **Principle Certifying Authority, prior to the issuing of a Construction Certificate.**

(Reason: To reduce the extent of excavation across the site.)

### 2. BASEMENT LEVEL FOOTPRINT (SC)

The floor area of the basement level shall not protrude beyond the building footprint of the ground floor level of the dwelling house. Amended plans complying with this condition are to be submitted to, and approved by a **Principle Certifying Authority, prior to the issuing of a Construction Certificate.**

(Reason: To ensure compliance with Part A of the SCDP 2005.)

### 3. FIXED LOUVERS ON THE FIRST FLOOR REAR BALCONY (SC)

The privacy louvers shown on the northern side of the balcony are to be fixed and be a minimum of 1 metre in length, and a minimum height of 1.8 metres from the finished floor level of the associated balcony.

(Reason: Privacy amenity.)

### 4. APPROVAL - SEPARATE APPROVAL REQUIRED (GC)

This consent does not include approval for any boundary fencing.

(Reason: To reflect the proposed development on the approved plans.)

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#### 5. WINDOW OUTSIDE BEDROOM 4 OF THE FIRST FLOOR

The first floor window located on the western elevation outside bedroom 4 is to be relocated so that it is offset a minimum of 500mm from the first floor windows of the western adjoining property. Bedroom 4 and the associated ensuite may be reconfigured to allow for compliance with this condition. Amended plans complying with this condition are to be prepared and approved by a **Principle Certifying Authority, prior to the issuing of a Construction Certificate**.

(Reason: To protect the privacy amenity of the adjoining property.)

#### 6. REMOVAL OF THE PEDESTRIAN ENTRANCE (SC)

The pedestrian entrance within the front setback that provides access between the street and the 'home office' located (the most western pedestrian entrance) is to be removed and replaced with deep soil landscaping. Amended plans are to be prepared to demonstrate compliance with this condition and approved by a Principle Certifying Authority, **prior to the issue of a Construction Certificate**

(Reason: To provide an adequate amount of deep soil landscaping within the front setback of the subject site.)

### GENERAL CONDITIONS (GC)

#### 7. APPROVED PLANS AND REFERENCE DOCUMENTATION (GC)

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

Plans affixed with Council's 'Development Consent' stamp relating to Development Consent No. 2019/013:

Drawing No.	Title/Description	Prepared by	Issue / Revision & Date	Date received by Council
A02	Basement Floor Plan	N. LYCENKO Architect	Issue A / December 2018	11 February 2019
A03	Ground Floor Plan	N. LYCENKO Architect	Issue A / December 2018	11 February 2019
A04	First Floor Plan	N. LYCENKO Architect	Issue A / December 2018	11 February 2019
A05	Roof Floor Plan	N. LYCENKO Architect	Issue A / December 2018	11 February 2019
A06	Elevations 01	N. LYCENKO Architect	Issue A / December 2018	11 February 2019
A07	Elevations 02	N. LYCENKO Architect	Issue A / December 2018	11 February 2019
A08	Sections / Outbuilding Elves	N. LYCENKO Architect	Issue A / December 2018	11 February 2019
A10	Soil Management Plan	N. LYCENKO Architect	Issue A / December 2018	11 February 2019
A12	Demolition Plan	N. LYCENKO Architect	Issue A / December 2018	11 February 2019
-	External Materials and Colours for a new	N. LYCENKO Architect	Issue A / December 2018	11 February 2019

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	residence at No. 27 Glenarvon Street, Strathfield NSW 2315			
18-3775 L01	Landscape Plan	N. LYCENKO Architect	Issue A / December 2018	11 February 2019
DG 1631	Basement Drainage Plan & Details	KD Stormwater Pty Ltd	Issue A / 06 December 2018	11 February 2019
DG 1631	Drainage Concept Plan & Details	KD Stormwater Pty Ltd	Issue A / 06 December 2018	11 February 2019

Reference Documentation affixed with Council's 'Development Consent' stamp relating to Development Consent No. 2019/013:

Title / Description	Prepared by	Issue/Revision & Date	Date received by Council
Arboricultural Report	Jackson Natures Works	23 July 2018	11 February 2019
Waste Management Plan	Nicholas Lycenko	31 January 2019	11 February 2019
BASIX Certificate No. 945102S_02	Mjh design pty ltd	04 December 2019	11 February 2019

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

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

#### 8. LANDSCAPING - TREE PRESERVATION (GC)

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

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

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

#### 9. 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.

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

10. **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.)

11. **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.)

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

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

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

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

(Reasons: Statutory requirement and health and safety.)

13. **LANDSCAPING ADJACENT SWIMMING POOLS/SPAS (GC)**

A minimum one (1) metre wide landscape strip is to be provided between the swimming pool and adjacent common boundaries. The landscape strip is to be planted with a continuous row of evergreen shrubs of a minimum five (5) litre container size and capable of achieving a minimum mature height of three (3) metres. Details of the selected plants shall be submitted to and approved by the Principal Certifying Authority. Compliance with this condition shall be certified by the Principal Certifying Authority, prior to occupation of the premises.

(Reason: Privacy amenity of adjoining properties.)

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

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

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Tree No. in Arborist Report	Tree	Location
1	<i>Liquidambar styraciflua</i>	Rear yard
2	<i>Syagrus sp.</i>	Rear yard
3	<i>Citrus sp.</i>	Rear yard

All trees recommended to be removed as submitted in the arborist report by Jackson's Nature Works and dated 23 July 2018 are permitted to be removed to accommodate the proposed development.

All the trees permitted to be removed by this consent shall be replaced by a total of two (2) trees whereby the species are to be 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.)

#### 15. **STORMWATER MANAGEMENT PLAN - CERTIFICATION REQUIREMENT (GC)**

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

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16. **SYDNEY WATER - TAP IN™ (GC)**

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

(Reason: Compliance with Sydney Water requirements.)

17. **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.)

18. **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.)

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. 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

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- works.
- viii) Any demolition and excess construction materials are to be recycled wherever practicable.
  - ix) The disposal of construction and demolition waste must be in accordance with the requirements of the Protection of the Environment Operations Act 1997.
  - x) All waste on the site is to be stored, handled and disposed of in such a manner as to not create air pollution (including odour), offensive noise or pollution of land and/or water as defined by the Protection of the Environment Operations Act 1997. 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 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.)

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

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

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

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

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

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

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

(Reason: Protection of Council infrastructure.)

**21. 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.)

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

**22. 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.)

**23. 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.

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- ii) Sections showing the clearance to the underside of any overhead structure (minimum headroom requirements 2200mm minimum for standard headroom clearance or 2400mm where disabled access provisions are to be provided) demonstrating compliance with the provisions of AS/NZS 2890.1:2004.
- iii) Longitudinal section along the gutter line showing how it is intended to transition the vehicular crossing into the existing kerb and gutter. Boundary levels shall generally run parallel with the kerb levels.
- iv) Location of verge trees, street furniture and service installations.
- v) Superimposition of vehicle turning circles for access into parking spaces.
- vi) Certification that the design complies with AS/NZS 2890.1:2004 by a Qualified Engineer.

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

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

**24. 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.)

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

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

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

(Reason: To ensure suitable development.)

**26. CAR PARKING - VEHICULAR 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 SCDGP 2005.)

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**27. 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.)

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

Works Permit

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

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

Standing Plant Permit

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

Skip Bin Permit

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

Temporary Full or Part Road Closure Permit

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

Hoarding/Fencing Permit

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

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.)

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

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

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

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

(Reason: Environmental protection.)

**30. 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.

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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.)

31. **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.)

32. **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	<b>\$15,000.00</b>
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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.)

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

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

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

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

(Reason: Safety and statutory compliance.)

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

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

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

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

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

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

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

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

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

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

**36. 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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- 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.)

**37. HOME BUILDING COMPENSATION FUND (CW)**

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

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

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

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

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(Reason: Statutory requirement.)

**38. 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)**

**39. 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.)

**40. 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.)

**41. 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.)

**42. SITE REQUIREMENTS DURING DEMOLITION AND CONSTRUCTION**

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

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- i) All protected trees are to be managed in accordance with Australian Standard AS4970 - 2009 , Protection of Trees on Development Sites
- ii) Stamped plans, specifications, documentation and the consent shall be available on site at all times during construction.

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

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

#### **43. ENGINEERING WORKS (CERTIFICATION OF)**

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

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

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

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.)

#### **44. RAINWATER TANKS (OC)**

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

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

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

(Reason: To protect public health and amenity.)

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Lot 213 DP 11856 (Cont'd)

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

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

(Reason: Adequate stormwater management.)

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

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

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

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

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

(Reason: Statutory requirement.)

47. **LANDSCAPING – CERTIFICATION OF COMPLETED LANDSCAPING AND TREE PLANTING (OC)**

Prior to the issue of the Occupation Certificate an AQF Level 5 Landscape Designer, or Landscape Architect, is to certify that all landscape works and tree planting has been carried out in accordance with the approved landscape design and conditions of development consent. Additionally the certification is to include a statement that all plants are healthy and that the landscaped areas are well maintained, safe and free of biosecurity issues (pests, diseases and weeds).

(Reason: Tree preservation and environmental amenity.)

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

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

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

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

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

**DA2019/013 - 27 Glenarvon Street, Strathfield**  
**Lot 213 DP 11856 (Cont'd)**

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

(Reason: Safety and statutory compliance.)

**ATTACHMENTS**

There are no attachments for this report.

**TO:** Strathfield Internal Development Assessment Panel Meeting - 19 July 2019  
**REPORT:** IDAP – Report No. 3  
**SUBJECT:** DA2019/028 - 27 WAKEFORD ROAD, STRATHFIELD  
LOT 10 DP 15343  
**DA NO.** 2019/028

## SUMMARY

**Proposal:** Demolition of existing buildings and construction of a two (2) storey dwelling with basement level and front boundary fence.

**Applicant:** Br Building Services Pty Ltd

**Owner:** H. Yang & W. Liu

**Date of lodgement:** 1 March 2019

**Notification period:** 7 March 2019 to 22 March 2019

**Submissions received:** One written submission received.

**Assessment officer:** ND

**Estimated cost of works:** \$2,600,000

**Zoning:** R2 Low Density Residential - SLEP 2012

**Heritage:** No

**Flood affected:** No

**Is a Clause 4.6 variation proposed?** No

**RECOMMENDATION OF OFFICER:** **APPROVAL**

## EXECUTIVE SUMMARY

- 1.0 The application seeks Council for the demolition of existing buildings and the construction of a two (2) storey dwelling with basement level and front boundary fence.
- 2.0 The plans and documentation were notified in accordance with Part L of the Strathfield Consolidated Development Control Plan (SCDCP) 2005. One (1) written submission was received, raising concerns regarding visual privacy and solar access.
- 3.0 The proposed development is of an appropriate style that incorporates external finishes and features found within the surrounding streetscape including rendered masonry and pitched roof form.
- 4.0 To ensure visual privacy between the proposed dwelling and adjoining properties is achieved, conditions requiring the installation of privacy screens and window treatments have been imposed.
- 5.0 Overall, the proposal is acceptable and is recommended for approval subject to the recommended conditions of consent.

## BACKGROUND

DA2019/028 - 27 Wakeford Road, Strathfield  
Lot 10 DP 15343 (Cont'd)

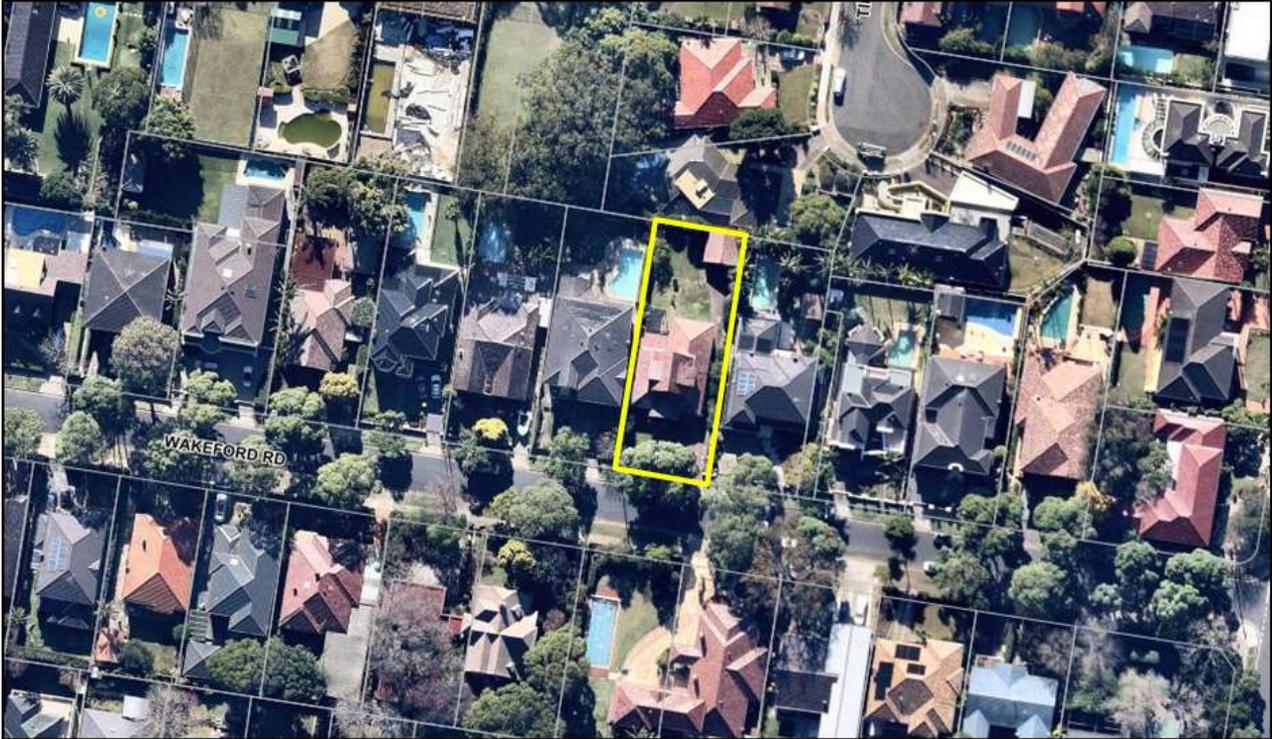
- 1 March 2019:** The subject Development Application (DA2019/028) was lodged.
- 7 March to  
22 March 2019:** The application was publicly notified in accordance with Part L of the SCDCP 2005. One (1) written submission was received as a result.
- 28 March 2019:** A letter was sent to the applicant requesting revised plans addressing non-compliances in relation to the basement footprint and setbacks, protrusion of the basement above the natural ground level, provision of landscaping and internal floor to ceiling height.
- 8 April 2019:** Meeting was held with Council Officers, site owner and the project architect to discuss the non-compliances outlined in the letter sent on 28 March 2019.
- 29 April 2019:** Amended architectural plans were submitted.
- 9 May 2019:** Correspondence was sent to the applicant identifying non-compliances that has not been resolved in the submitted amended plans.
- 15 May 2019:** Amended architectural plans were submitted.
- 31 May 2019:** Meeting was held with Council Officers, site owner and the project architect to discuss outstanding proposal non-compliances.
- 6 June 2019:** Amended architectural plans were submitted.

#### **DESCRIPTION OF THE SITE AND LOCALITY**

The subject site is located on the northern side of Wakeford Road and is rectangular in shape (as shown in Figure 1). The site features a 16.46m frontage to Wakeford Road with a total site area of 750.4m<sup>2</sup>. The site is currently occupied by a two (2) storey dwelling and a detached garage located at the rear (shown in Figure 2).

The existing streetscape comprises of a mixture of single and two (2) storey dwellings with pitched roofs, exposed facebrick and rendered masonry external finishes in both traditional and modern styles. The dwellings in Ravenna Street vary from simplistic to grander proportions.

DA2019/028 - 27 Wakeford Road, Strathfield  
Lot 10 DP 15343 (Cont'd)



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



**Figure 2:** View of the existing dwelling from Wakeford Road.

### **PROPERTY BURDENS AND CONSTRAINTS**

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

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Lot 10 DP 15343 (Cont'd)

## DESCRIPTION OF THE PROPOSED DEVELOPMENT

The application seeks Council approval for demolition of existing buildings and construction of a two (2) storey dwelling with basement level and front boundary fence.

The specific elements of the proposal are:

### Demolition:

- Two (2) storey dwelling;
- Detached garage; and
- Front boundary fence.

### Basement level:

- Garage;
- General storage room;
- Stairs and lift;

### Ground floor level:

- Guest room with walk-in-wardrobe and ensuite;
- Lounge room;
- Laundry;
- Cinema room;
- Bathroom;
- Open plan kitchen, dining room and family room;
- Patio with built-in BBQ and attached bathroom;

### First floor level:

- Three (3) bedrooms with walk-in-wardrobes and ensuites;
- Bedroom;
- Bathroom;
- Balcony;

### External works:

- Stormwater works;
- Landscaping; and
- Front boundary fence.

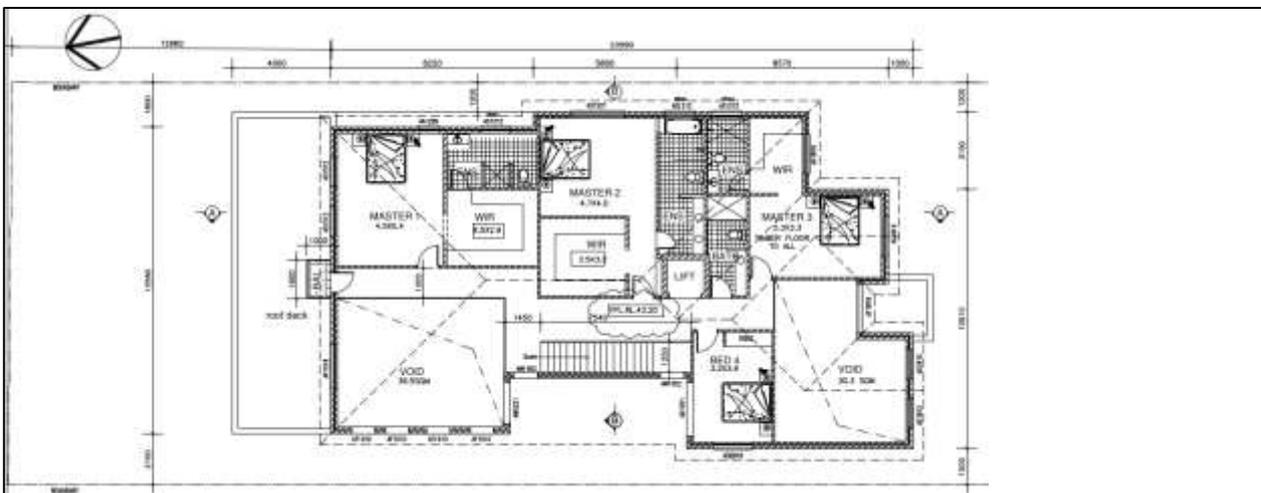
DA2019/028 - 27 Wakeford Road, Strathfield  
Lot 10 DP 15343 (Cont'd)



Proposed Streetscape Elevation



Proposed Ground Floor



Proposed First Floor

DA2019/028 - 27 Wakeford Road, Strathfield  
Lot 10 DP 15343 (Cont'd)

## **REFERRALS**

### **INTERNAL REFERRALS**

#### **Engineering Comments**

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

#### **Landscaping Comments**

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

## **SECTION 4.15 CONSIDERATIONS – EP&A Act, 1979**

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

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

#### **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.

The objectives outlined within SEPP55 are considered to be satisfied.

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

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

The intent of this SEPP is consistent with the objectives of the repealed Standard where the primary aims/objectives are related to the protection of the biodiversity values of trees and other vegetation on the site. The proposal was referred to Council's Tree Management Officer whom raised no objections to the proposal, subject to the recommended conditions of consent pertaining to the protection of the existing street tree.

#### **STATE ENVIRONMENTAL PLANNING POLICY (COASTAL MANAGEMENT) 2018**

The Coastal Management SEPP does not apply to the site.

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Lot 10 DP 15343 (Cont'd)

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

**Comments:** The proposed development is appropriately articulated and has incorporated various design elements and external finishes including rendered masonry, terracotta roof tiles and a pier and infill style front fence that are prevalent in the surrounding streetscape.

#### Permissibility

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

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

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

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

#### Zone Objectives

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

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

**Comments:** The proposed development consists of the construction of a two (2) storey dwelling which provides for the housing needs of the community in a low density residential setting.

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Lot 10 DP 15343 (Cont'd)

#### Part 4: Principal development standards

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

##### Height of building

Cl.	Standard	Controls	Proposed	Complies
4.3	Height of building	9.5m	9.37m	Yes
<b>Objectives</b>				<b>Complies</b>
(a)	To ensure that development is of a height that is generally compatible with or which improves the appearance of the existing area			Yes
(b)	To encourage a consolidation pattern that leads to the optimum sustainable capacity height for the area			N/A
(c)	To achieve a diversity of small and large development options.			N/A

**Comments:** The proposed dwelling has a maximum building height of 9.37m, achieving compliance with the 9.5m maximum building height permitted under Clause 4.3 of the SLEP 2012. The overall building height is considered appropriate having regards to the predominantly two (2) storey dwellings in the street.

##### Floor space ratio

Cl.	Standard	Controls	Proposed	Complies
4.4	Floor space ratio	0.575:1 (431.48m <sup>2</sup> )	0.572:1 (429.89m <sup>2</sup> )	Yes
<b>Objectives</b>				<b>Complies</b>
(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: i. to encourage consolidation and a sustainable integrated land use and transport development around key public transport infrastructure, and ii. to provide space for the strategic implementation of economic, social and cultural goals that create an active, lively and people-oriented development			N/A
(f)	In relation to Parramatta Road Corridor – to encourage a sustainable consolidation pattern that optimises floor space capacity in the Corridor			N/A

**Comments:** The development proposes an FSR of 0.573:1, which is within the maximum permissible FSR of 575:1 under the SLEP 2012.

#### Part 5: Miscellaneous Provisions

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

#### 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 Acid Sulfate Soils and is not located within 500m of Class 1, 2, 3 or 4 Acid Sulfate Soils. Therefore, the proposed development was not required to be

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Lot 10 DP 15343 (Cont'd)

accompanied by an Acid Sulfate Management Plan and has satisfied the requirements of Clause 6.1 of the SLEP 2012.

## 6.2 Earthworks

The proposal involves the construction of a two (2) storey dwelling and one (1) level of basement requiring the excavation and removal of soil. Accordingly, standard conditions of consent have been recommended, including a pre-commencement dilapidation report on the adjoining properties.

## 6.4 Essential services

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

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

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

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

## STRATHFIELD CONSOLIDATED DEVELOPMENT CONTROL PLAN 2005 (SCDCP 2005)

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

## PART A – DWELLING HOUSES AND ANCILLARY STRUCTURES

### 2: Architectural Design & Streetscape Presentation

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

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Lot 10 DP 15343 (Cont'd)

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

**Comments:** The streetscape character of Wakeford Road comprises of a mixture of traditional and modern single and two (2) storey dwellings with pitched roofs that are finished in rendered masonry and exposed facebrick. The proposed modern style dwelling is in keeping with the existing streetscape, using rendered masonry in neutral colour tones, rectangular shaped windows, two (2) storey dwelling scale and a pitched roof with terracotta tiles.

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 Lot 10 DP 15343 (Cont'd)



Figure 3: Proposed streetscape elevation



Figure 4: Examples of modern style dwellings in the street (No. 23 and 21 Wakeford Road).

4: Building Envelope

4.1	Objectives	Satisfactory
A.	To ensure that dwellings are compatible with the built form of the local area and that overall bulk and scale, size and height of dwellings relative to natural ground level responds to the adjoining dwellings, topography and desired future character.	Yes
B.	To minimise impact on the amenity of adjoining properties.	Yes
C.	To establish and maintain the desired setbacks from the street and define the street edge.	Yes
D.	To create a perception or reinforce a sense of openness in the locality.	Yes
E.	To maintain view corridors between dwellings	Yes
F.	To assist in achieving passive surveillance whilst protecting visual privacy.	Yes

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Lot 10 DP 15343 (Cont'd)

<b>G.</b>	<i>To provide a transitional area between public and private space.</i>		<b>Yes</b>
<b>4.2</b>	<b>Development Controls</b>		<b>Complies</b>
	<i>Floor Space Ratio</i>		
<b>.1.</b>	1	Floor Space Ratio permissible pursuant to SLEP 2012	<b>Yes</b>
	2	Development compatible with the lot size	<b>Yes</b>
	<i>Building Height</i>		
	1	Height of building permissible pursuant to SLEP 2012	<b>Yes</b>
<b>.2.</b>	4	Maximum height of external wall from the existing ground level to the underside of the uppermost ceiling level is 7.2m.	<b>Yes</b>
	5	Maximum internal floor to ceiling height is to be 3.0m for any residential level.	<b>Yes</b>
	7	Dwelling houses and ancillary structures are to be no more than two (2) storeys high.	<b>Yes</b>
	8	Building height should respond to gradient of an given site and minimise need for cut and fill.	<b>Yes</b>
	<i>Street Setbacks</i>		
<b>.3.1.</b>	1	Setbacks consistent with minimum requirements of Table A.1	<b>Yes</b>
	<i>Side and Rear Setbacks</i>		
<b>.3.2.</b>	1	A combined side setback of 20% of the width of the block (incorporating a 1.2m min side setback on each side).	<b>Yes</b>
	2	A rear setback of 6m (min)	<b>Yes</b>

**Comments:** The proposed dwelling achieves compliance with the FSR and maximum building height provisions under Clauses 4.3 and 4.4C of the SLEP 2012. The building height and envelope are proportionate to the lot size of the site particularly in regards to the modern styled dwellings of grander proportions in the street.

The dwelling provides a 9m front setback with the front porch appropriately protruding 800mm into the front setback and is consistent with the front setback of Wakeford Road generally. The 9.08m rear setback provides ample opportunity for a functional private open space and deep soil landscaping. The side setbacks of the proposed dwelling were amended multiple times over the course of the assessment process, with the current design achieving compliance with the individual and combined 20% side setback requirements.

## 5: Landscaping

<b>5.1</b>	<b>Objectives</b>	<b>Satisfactory</b>
<b>A.</b>	<i>To encourage landscaping that is appropriate to the style and scale of the dwelling and adjoining development, and to the streetscape.</i>	<b>Yes</b>
<b>B.</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>	<b>Yes</b>

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 Lot 10 DP 15343 (Cont'd)

C.	To preserve existing landscape elements on site (such as existing trees) and encourage their integration into the design of proposals.	Yes	
D.	To ensure adequate deep soil planting is retained on each allotment.	Yes	
E.	To ensure developments make an equitable contribution to the landscape setting of the locality.	Yes	
F.	To ensure both existing and new landscaping provides suitable shade and facilitates convective cooling breeze paths in summer.	Yes	
G.	To encourage the use of native flora such as open woodland canopy trees, to provide a habitat for native fauna.	Yes	
H.	To ensure that landscaped areas are designed to minimise water use.	Yes	
I.	To provide functional private open spaces for active or passive use by residents.	Yes	
J.	To provide private open areas with provision for clothes drying facilities screened from the street and lane or a public place.	Yes	
K.	To ensure the protection of trees during construction	Yes	
L.	To ensure suitable fencing is provided to reduce acoustic impacts and enhance visual privacy between neighbouring residents whilst enabling front fences passive surveillance of the street.	Yes	
M.	To maximise the amenity of existing and proposed developments, including solar access, privacy and open space.	Yes	
<b>5.2</b>	<b>Development Controls</b>	<b>Complies</b>	
<b>.1.</b>	<i>Landscaped area</i>		
	1	Landscaped area in accordance with Table A.3	Yes
	2	At least 50% of the minimum landscaped area located behind the building line to the rear boundary	Yes
	3	At least 50% of the front yard maintained as deep soil soft landscaping	Yes
	4	Minimise hard surface area (concrete/brick/stone paving and bitumen). Run-off directed to permeable surfaces.	Yes
	5	Planting areas soften the built form	Yes
	6	Front gardens respond and contribute to the garden character of Strathfield.	Yes
	7	Retain and reinforce the prevailing streetscape and surrounding locality	Yes
	8	Plant species must be retained, selected and planted to improve amenity	Yes
<b>.2.</b>	<i>Tree Protection</i>		
	3	Development provides for the retention and protection of existing significant trees	Yes
	6	Opportunities for planting new canopy trees within the front setback	Yes
	7	At least one (1) canopy tree provided in the rear yard.	Yes
<b>.3.</b>	<i>Private Open Space</i>		
	10	Driveway construction does not result in the removal, lopping or root damage to any street tree	Yes
	1	Provided in a single parcel rather than a fragmented space, directly accessible from internal	Yes

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 Lot 10 DP 15343 (Cont'd)

	living areas	
2	Includes a deep soil area compliant with the minimum landscaped area.	Yes
3	Terraces and decks (at least 10m <sup>2</sup> ) with one length or width 3m (min) and directly accessible from an internal living area. Decks cannot be located more than 500mm above NGL	Yes
4	Unless 3m (min) width, areas within setbacks are not to be included as private open space	Yes
5	Private open space located at the rear of the property.	Yes
	<i>Fencing</i>	
1	Fencing designed to be compatible and sympathetic to the style of the dwelling, adjoining properties and the streetscape	Yes
2	Landscaping used when the streetscape is characterised by the absence of front fences	Yes
.4.	3 Fencing forward of FBL shall not exceed 1.5m. Solid components shall not exceed 0.7m above NGL with the exception of brick piers	No. However proposed height is consistent with streetscape.
7	Front fences visually permeable	Yes
13	Significant trees maintained	Yes

**Comments:** The submitted Landscape Plan provides 44.14% (331.25m<sup>2</sup>) deep soil landscaping, exceeding the 43% (322.67m<sup>2</sup>) minimum requirement and includes two (2) canopy trees in the front setback and one (1) in the rear setback. The open plan kitchen, dining room and family room is directly accessible to the patio with a built-in BBQ and a large rear yard. The subject site contains no trees that require development consent removal with conditions of consent recommended to ensure the protection of the existing street trees during construction works.

In addition to the dwelling, the proposal seeks to construct a pier and infill front fence with a 1.65m maximum height (Figure 7). The style and vertically orientated infill is consistent with the streetscape. Whilst the proposed 1.65m maximum height is contrary to the 1.5m maximum permitted under Section 5.2.4, the height is consistent with the height of the eastern and western adjoining properties and the streetscape generally and is therefore considered acceptable in this instance.

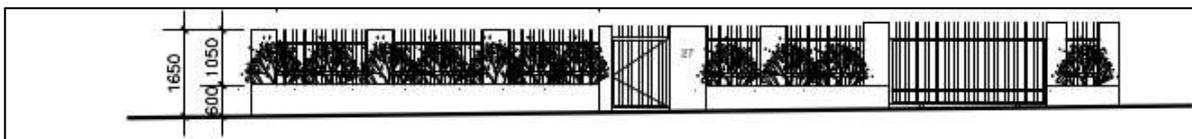


Figure 7: Proposed front fence.

**6: Solar Access**

<b>6.1</b>	<b>Objectives</b>	<b>Satisfactory</b>
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
<b>6.2</b>	<b>Development Controls</b>	<b>Complies</b>
.1.	Sunlight Access	
1	New dwellings - 3 hours solar access between 9.00am and 3.00pm on June 21 to the	Yes

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	windows of habitable rooms and 50% of private open space	
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 north-south orientation of the subject site enables the adjoining properties to maintain three (3) hours of solar access to the habitable rooms and private open spaces (as illustrated in Figure 8). Further, the private open space, family and dining areas of the proposed dwelling are located towards the rear of the dwelling to optimise the northern orientation of the site.

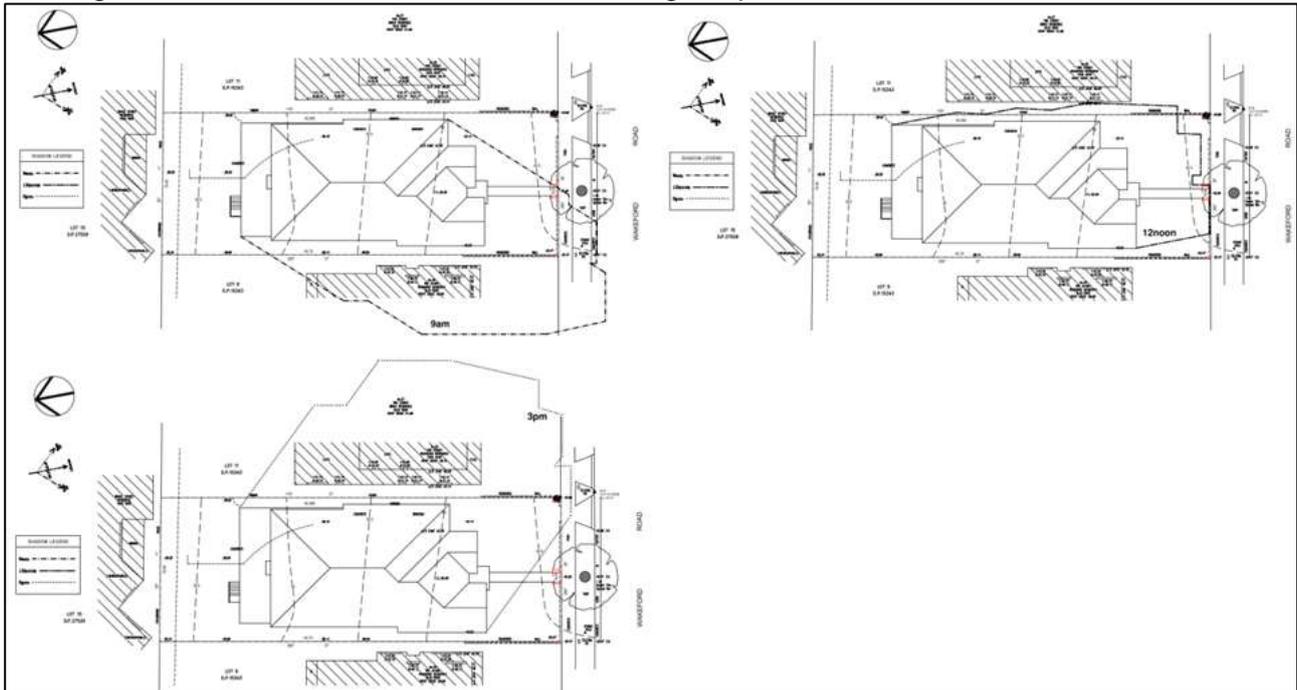


Figure 8: Shadow diagrams of the proposed dwelling house.

7: Privacy

7.1 Objectives		Satisfactory
A.	Development that is designed to provide reasonable privacy to adjacent properties	Yes
B.	To maintain reasonable sharing of views from public places and living areas	Yes
C.	To ensure that public views and vistas are protected, maintained and where possible, enhanced	Yes
D.	To ensure that canopy trees take priority over views	Yes
E.	To ensure that the siting and design of buildings minimises noise impacts from abutting roads, rail corridors and other noise-generating land uses	Yes
7.2 Development Controls		Complies
Visual Privacy		
.1.	1 Protect POS, bedrooms, balconies and living rooms of proposed and any existing adjoining dwellings from direct overlooking	No. Refer to Condition No. 3.
	2 Provide adequate separation of buildings	Yes

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	3	Ensure elevation of finished floor levels above NGL is not excessive	Yes
	4	Improve privacy to adjacent properties with screen planting	Yes
<i>Windows</i>			
	1	Windows do not directly face the windows, balconies and courtyards of adjoining dwelling	No. Refer to Condition No. 3.
.2.	2	A window within 9m of another window in a habitable room of an adjoining dwelling is offset by 0.5m (min) or a sill height of 1.7m (min) above the FFL	Yes
	3	Windows directly facing balconies or courtyards are narrow, incorporate obscure glazing and/or a sill height of 1.7m (min) above FFL	No. Refer to Condition No. 3.
<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	No. Privacy screens recommended.
	3	Rear balconies (no more than 1m (depth) x 2m (length) permitted if the balcony does not unreasonably impact on adjoining premises	No. Privacy screens recommended.

**Comments:** The majority of the windows are off-set in accordance with Section 7 of the SDCDP 2005 except for the kitchen window and stair case. Whilst the kitchen window on the eastern elevation directly faces a window of the adjoining dwelling, the dividing fence is of a sufficient height to maintain an acceptable level of visual privacy. As the stair case windows on the western elevation immediately adjoining the laundry provides direct overlooking opportunities into the adjoining property a condition of consent has been imposed for a fixed louvre to be installed or the windows treated with obscure glazing.

Contrary to Section 7.2.3, the elevation of the rear patio results in overlooking opportunities into the adjoining eastern and western properties. As such, a privacy screen is to be installed to the eastern elevation of the patio and obscure glazing to the wash closet window on the western elevation.

The proposed dwelling design includes a first floor rear balcony accessible from the hallway measuring 1m depth by 1.6m length. A submission was received during the assessment process from the adjoining western property raising concerns of overlooking from the balcony into the swimming pool. To ensure visual privacy to the swimming pools of both adjoining properties, a condition has been recommended for a fixed privacy screen attaining a minimum height of 1.7m is installed on the eastern and western elevation of the balcony. Further, a condition of consent has been recommended that the 'roof deck' area on the first floor is non-trafficable.

## 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

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<b>D.</b>	To ensure that construction materials used for driveways respect the architectural qualities of the dwelling.	<b>Yes</b>
<b>E.</b>	To minimise the area of access driveways to minimise impermeable surfaces and maximise landscaped areas.	<b>Yes</b>
<b>F.</b>	To ensure basements have discreet entries, safe access and a high degree of natural cross-ventilation.	<b>Yes</b>
<b>G.</b>	To minimise excavation to reduce disturbance to natural ground level particularly adjacent to site boundaries.	<b>Yes</b>
<b>H.</b>	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.	<b>Yes</b>
<b>8.2</b>	<b>Development Controls</b>	<b>Complies</b>
<b>.1.</b>	<i>Driveway and Grades</i>	
	1 Existing driveways must be used (exceptions apply)	<b>Yes</b>
	2 The width of driveways at the property boundary is to be 3m	<b>Yes</b>
	5 One (1) vehicular crossing (max) to any public road (exceptions apply)	<b>Yes</b>
	9 Driveways avoid long and straight appearance by using variations and landscaping	<b>Yes</b>
	10 Driveway set back 0.5 metres (min) from side boundaries	<b>Yes</b>
<b>.2.</b>	<i>Garages, Carports and Car Spaces</i>	
	1 Two (2) car parking spaces required behind the FBL of all new dwellings (exceptions apply)	<b>Yes</b>
	4 Dimensions of parking spaces and garages comply with the Australian Standards	<b>Condition No. 19, 20, 21 &amp; 22.</b>
<b>.3.</b>	<i>Basements</i>	
	1 The area of a basement shall be limited to and contained within the ground level footprint of the dwelling	<b>Yes</b>
	2 Excavation not permitted within the minimum side setbacks.	<b>Yes</b>
	3 The maximum height of the basement above NGL is limited to 1m measured to the predominant finished floor level of the level above.	<b>Yes</b>
	4 Internal clearance of 2.2m (min)	<b>Yes</b>
	5 Driveways have a maximum 1:4 gradient and comply with Australian Standards	<b>Yes</b>
	6 Basement entries and ramps/driveways not greater than 3.5m wide	<b>Yes</b>
	7 Driveway ramps are perpendicular to the property boundary at the street frontage	<b>Yes</b>
	8 Basements permit vehicles to enter and exit the basement in a forward direction	<b>Yes</b>
	10 Pump-out systems and stormwater prevention in accordance with Council's Stormwater Management Code	<b>Yes</b>
	11 Basements are not to be used for habitable purposes	<b>Yes</b>

**Comments:** The proposal seeks to re-locate the existing driveway layback 1.6m to the west of its current location so as to integrate with the basement design of the proposed dwelling. The re-location maintains ample separation (4m) from the existing street tree. The driveway will provide vehicular access to the basement with a 2.2m head room clearance and 2.55m internal floor to ceiling height accommodating two (2) cars with sufficient maneuvering space to enter and exit the basement in a forward direction. During the assessment process the area of the basement was amended to be contained within the ground level footprint of the dwelling and the protrusion of the

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basement above natural ground level reduced to 975mm to achieve compliance with Section 8 of the SCDP 2005.

### 9: Altering Natural Ground Level (Cut and Fill)

9.1 Objectives		Satisfactory
A.	To maintain existing ground levels and minimise cut and fill to reduce site disturbance.	Yes
B.	To ensure existing trees and shrubs are undisturbed, ground water tables are maintained and impacts on overland flow/drainage are minimised.	Yes
9.2 Development Controls		Complies
1	Fill limited to 1m (max) above NGL	Yes
2	Clean fill used only	Condition No. 40.
5	Areas of excavation setback from property boundaries in line with building setback controls. No excavation permitted within the minimum required setbacks.	Yes
7	A dilapidation report for all buildings which adjoin proposed excavation areas as required	Condition No. 26.

**Comments:** During the assessment process the eastern side setback of the driveway into the basement was modified from 900mm to 1.2m achieving the minimum side setback controls as required under Section 9.2.5. Conditions of consent are recommended for a dilapidation report on the adjoining properties to be undertaken prior to the commencement of works.

### 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.	N/A
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
.2.	Acid Sulfate Soils	
	1 Site managed consistent with the provisions contained in Clause 6.1 SLEP 2012	Yes

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<i>Soil Erosion and Sediment Control</i>		
.3.	1	Soil erosion and sediment control measures detailed and implemented prior to the commencement of work. <span style="float: right;">Yes</span>

**Comments:** An assessment has been undertaken against Clause 6.1 Acid Sulfate Soils of SLEP 2012 and deemed as satisfactory. Conditions of consent have been recommended to ensure the submitted soil erosion and sediment control measures are implemented during the demolition and construction phases of the development. Council's Engineer has no objections to the proposed stormwater drainage concept 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.	<i>Address and Entry Sightlines</i>	
	1	Occupants able to overlook public places to maximise passive surveillance <span style="float: right;">Yes</span>
	2	Landscaping design around dwellings and ancillary structures to accommodate plant maturation <span style="float: right;">Yes</span>
	3	External lighting enhance safe access and security and light spill does not adversely impact on adjoining properties. <span style="float: right;">Yes</span>
4	Crime Prevention through Environmental Design (CPTED) principles incorporated. <span style="float: right;">Yes</span>	
.2.	<i>Pedestrian Entries</i>	
	1	Pedestrian entries and vehicular entries suitably separated <span style="float: right;">Yes</span>
	2	Dwelling entrances easily identifiable <span style="float: right;">Yes</span>
	3	House numbers are to be clearly visible from the street <span style="float: right;">Yes</span>

**Comments:** The dwelling is orientated to Wakeford Road with the protruding porch element serving as clearly identifiable pedestrian entrance. The vehicular and pedestrian entranceways are suitably separated and clearly distinguishable by way of a grassed area. Opportunities for passive surveillance of the street are provided by way of the multiple windows facing the street.

### 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 <span style="float: right;">Yes</span>	
B.	To limit the size, bulk and scale of ancillary structures and minimise their visibility from the public domain. <span style="float: right;">Yes</span>	

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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.	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.	No
<b>12.2</b>	<b>Development Controls</b>	<b>Complies</b>
	<i>Air-conditioning</i>	
.4.	3 Installation of residential grade air conditioners only	Condition No. 49.
	4 Installation to comply with the Protection of the Environment Operations Act 1997 and Protection of the Environment Operations (Noise Control) Regulation 2008	Condition No. 49.

**Comments:** Insufficient information accompanied the application regarding the location of the air-conditioning unit. Conditions of consent ensuring compliance with Section 12.2.4 of the SCDP 2005 and relevant pollution control legislation have been recommended.

### 13: Ecologically Sustainable Development

<b>13.1</b>	<b>Objectives</b>	<b>Satisfactory</b>
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 SCDP 2005).	Yes
<b>13.2</b>	<b>Development Controls</b>	<b>Complies</b>
	<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
	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

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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>			
1	Located behind the dwelling or wholly behind the dwelling	Condition No. 36.	
.4.	2	Not located on balconies unless screened from public view	Condition No. 36.
	3	Placed within a short distance of the most frequent point of use	Condition No. 36.

**Comments:** The main living areas and bedrooms are appropriately located to optimise solar access and cross ventilation. A BASIX Certificate was submitted as part of the application meeting the designated targets for energy and water reduction. In accordance with the Certificate an instantaneous gas hot water system and a 2,500L rainwater tank are to be installed. A condition of consent has been recommended to ensure compliance with the BASIX Certificate. No information regarding the location of the hot water heater was submitted with the application. Accordingly, conditions have been imposed to ensure the hot water heater is appropriately located.

#### PART H - WASTE MANAGEMENT (SCDCP 2005)

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

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

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

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

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

The proposed development 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**

#### **Visual Privacy**

As previously discussed, the staircase windows, the upper level balcony and the rear patio provide direct overlooking opportunities into the adjoining properties contrary to Section 7 of Part A of the SCDCP 2005. To ensure that the proposed development provides reasonable privacy to the adjacent properties conditions of consent have been recommended for window treatments and fixed privacy screens to be installed.

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

The proposed development is considered to be suitable to the site, contributing to the streetscape character of Wakeford Road and is unlikely to compromise the amenity of the adjoining properties through the installation of privacy measures and window treatments.

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

The application was publicly notified from 7 March 2019 to 22 March 2019 in accordance with the provisions of Part L of SCDCP 2005. One (1) written submission was received as a result.

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

##### *1. Depth*

*The depth of the proposed dwelling is much greater than both adjoining properties. This will impact on privacy and solar access.*

Assessing officer's comments: The application has been assessed against the relevant controls relating to solar access and privacy in Part A of the SCDCP 2005. The proposed dwelling form is articulated and achieves compliance with the minimum solar access requirements. In relation to visual privacy, conditions of consent have been recommended for specific windows and the side elevations of the rear upper level balcony and ground floor patio to be installed with privacy measures including fixed privacy screens and obscure glazing to minimise overlooking opportunities.

##### *2. Visual Privacy*

*Concern is raised that the location of the roof deck will result in overlooking opportunities into the swimming pool, patio, kitchen and living areas of the adjoining western property.*

Assessing officer's comments: A condition of consent has been recommended that the area identified as the 'roof deck' is non-trafficable' and a fixed privacy screen attaining a minimum height of 1.7m is installed to the western and eastern elevation of the rear balcony to prevent overlooking opportunities into the swimming pools of both adjoining properties.

##### *3. Overshadowing*

*Concern is raised of the overshadowing impacts of the proposed development onto eastern elevation of the adjoining western property.*

Assessing officer's comments: A series of shadow diagrams illustrating the shadows of the proposed dwelling onto the adjoining properties at 9am, 12pm and 3pm at the winter solstice was submitted. The diagrams demonstrate that while the eastern elevation of the adjoining western property will be cast in shadow at 9am, by 12pm there will be no overshadowing thereby receiving at least three (3) hours of solar access achieving compliance with the minimum solar access requirements under Section 6.2.1 of the SCDCP 2005.

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

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

### **LOCAL INFRASTRUCTURE CONTRIBUTIONS**

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

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

### STRATHFIELD INDIRECT SECTION 7.12 CONTRIBUTIONS PLAN

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

Local Amenity Improvement Levy	<b>\$26,000.00</b>
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### CONCLUSION

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

### PEER REVIEW

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

### RECOMMENDATION

That Development Application No. 2019/028 for the demolition of existing buildings and construction of a two (2) storey dwelling with basement level and front boundary fence at 27 Wakeford Road, Strathfield be **APPROVED**, subject to the following conditions:

### SPECIAL CONDITIONS (SC)

1. **ROOF AREA – NON-TRAFFICABLE (SC)**

The roof area outside of the balcony labelled as 'roof deck' shall be non-trafficable and not used for any other purposes. The Plans shall be notated accordingly and details demonstrating compliance demonstrated to the Principal Certifying Authority, **prior to the issue of any Construction Certificate.**

(Reason: To preserve the amenity of adjoining residences and ensure the roof area remains non-trafficable.)

2. **PRIVACY MEASURES (SC)**

Prior to the issue of a Construction Certificate, plans are to be amended to include the following privacy measures so as not to result in overlooking into adjoining properties:

- a) The staircase windows that are immediately adjoining the laundry on the ground floor and Bedroom 4 on the first floor shall have obscure glazing or fixed privacy louvres.
- b) A fixed privacy screen shall be provided to the eastern and western elevations of the balcony on the first floor. The screen shall attain a minimum height of 1.7m.
- c) A fixed privacy screen shall be provided to the eastern elevation of the rear patio and have a minimum height of 1.7m above the finished floor level of the patio.

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

(Reason: Privacy amenity.)

### 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.2019/028:

Drawing No.	Title/Description	Prepared by	Issue / Revision & Date	Date received by Council
1/18	Site and Site Analysis Plan	BR Building Services Pty Ltd	Dated 16 July 2019	16 July 2019
2/18	Basement Floor Plan	BR Building Services Pty Ltd	Dated 16 July 2019	16 July 2019
3/18	Ground Floor Plan	BR Building Services Pty Ltd	Dated 16 July 2019	16 July 2019
4/18	First Floor Plan	BR Building Services Pty Ltd	Dated 16 July 2019	16 July 2019
5/18	Elevations	BR Building Services Pty Ltd	Dated 16 July 2019	16 July 2019
6/18	Side Elevations	BR Building Services Pty Ltd	Dated 16 July 2019	16 July 2019
7/18	Section A-A	BR Building Services Pty Ltd	Dated 16 July 2019	16 July 2019
8/18	Section B-B & Fence Detail	BR Building Services Pty Ltd	Dated 16 July 2019	16 July 2019
9/18	Driveway Gradient	BR Building Services Pty Ltd	Dated 16 July 2019	16 July 2019
10/18	BASIX	BR Building Services Pty Ltd	Dated 16 July 2019	16 July 2019
17/18	Demolition Plan	BR Building Services Pty Ltd	Dated 16 July 2019	16 July 2019
18/18	Soil & Water Management Plan	BR Building Services Pty Ltd	Dated 16 July 2019	16 July 2019
Sheet 1	Stormwater Plan	MBC Engineering	Issue 5	29 April 2019
Sheet 2	Stormwater Plan	MBC Engineering	Issue 5	29 April 2019
L01	Landscape Plan	PH Design	Issue D	6 June 2019
L02	Landscape Hardscape Plan	PH Design	Issue D	6 June 2019
L03	Landscape Planting Plan	PH Design	Issue D	6 June 2019
L04	Landscape Planting Plan / Details / Plant	PH Design	Issue D	6 June 2019

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	Schedule				
-	Schedule Colours Finishes	of &	BR Building Services Pty Ltd	-	10 July 2019

Reference Documentation affixed with Council's 'Development Consent' stamp relating to Development Consent No.2019/028:

Title / Description	Prepared by	Issue/Revision Date	& Date received by Council
BASIX Certificate	No. 989167S_04	Dated 27 April 2019	29 April 2019
Waste Management Plan	BR Building Services Pty Ltd	-	1 March 2019

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

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

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) 48.606AHD to the 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.

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

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

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

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

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

(Reasons: Statutory requirement and health and safety.)

**9. LANDSCAPING - CANOPY TREES IN FRONT SETBACK (GC)**

New development shall provide at least two (2) canopy trees within the front setback adjacent the front boundary (existing trees may be included). New canopy trees shall be at least three (3) metres high at the time of planting and capable of reaching a mature height of 10m.

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

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

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

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

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

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

- i. A Tree Protection (Management) Plan prepared by a AQF Level 5 Arborist is to be available on site at all times prior to the issue of the Constriction Certificate, for all demolition and site works. This Tree Protection (Management) Plan must be shown on the demand of Authorised Council staff.

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

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

#### 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 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.

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

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- xviii) All site waters during excavation and construction must be contained on site in an approved manner to avoid pollutants entering into waterways or Council's stormwater drainage system.
- xix) Any work must not prohibit or divert any natural overland flow of water.
- xx) Toilet facilities for employees must be provided in accordance with WorkCover NSW.

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

14. **STORMWATER MANAGEMENT PLAN - CERTIFICATION REQUIREMENT (GC)**

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

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

15. **SYDNEY WATER - TAP IN™ (GC)**

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

(Reason: Compliance with Sydney Water requirements.)

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

16. **BASIX COMMITMENTS (CC)**

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

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

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

(Reason: Statutory compliance.)

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

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

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

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

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

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

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

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

(Reason: To ensure suitable development.)

**19. CAR PARKING - VEHICULAR ACCESS RAMPS (CC)**

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

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

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

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

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

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

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

**21. CAR PARKING - VEHICULAR CIRCULATION, AISLE AND RAMP WIDTHS (CC)**

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

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

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

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

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

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

(Reason: Compliance with SCDCP 2005.)

**23. 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.)

**24. 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)

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

Standing Plant Permit

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

Skip Bin Permit

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

Temporary Full or Part Road Closure Permit

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

Hoarding/Fencing Permit

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

Work Zone Permit

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

Ground Anchoring Permit

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

(Reason: Council requirement.)

**25. 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.

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

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

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

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

**26. 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.)

**27. 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

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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.)

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

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

(Reason: Privacy amenity.)

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

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

<b>Local Amenity Improvement Levy</b>	<b>\$26,000</b>
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The total amount of the contribution is valid as at the date of determination and is subject to quarterly indexation. The amount of the contribution under this condition shall be indexed in accordance with clause 4.12 of the Strathfield Indirect Development Contributions Plan 2010-2030.

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

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

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

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

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

A security (damage deposit) of **\$18,000.00** (calculated in accordance with Council's adopted Fees and Charges) shall be paid to Council, prior to the issue of a Construction Certificate.

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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.)

**31. 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.)

**32. STORMWATER DRAINAGE (CC)**

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

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

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

**33. TREE BONDS (CC)**

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

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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.)

**34. 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.)

**35. 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)**

**36. 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

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- 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.)

**37. HOME BUILDING COMPENSATION FUND (CW)**

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

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

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

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

(Reason: Statutory requirement.)

**38. 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)**

**39. 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.)

**40. 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.)

**41. PUBLIC INFRASTRUCTURE AND SERVICES (DW)**

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

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

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

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

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

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

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

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

43. **ENGINEERING WORKS (CERTIFICATION OF)**

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

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

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

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.)

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

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

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

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

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

(Reason: Statutory requirement.)

**45. RAINWATER TANKS (OC)**

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

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

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

(Reason: To protect public health and amenity.)

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

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

(Reason: Adequate stormwater management.)

**47. 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.

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

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48. **AIR-CONDITIONING UNIT (OC)**

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

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

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

(Reason: Acoustic privacy).

**ATTACHMENTS**

There are no attachments for this report.

**TO:** Strathfield Internal Development Assessment Panel Meeting - 19 July 2019  
**REPORT:** IDAP – Report No. 4  
**SUBJECT:** DA2019/088 - 36-38 REDMYRE ROAD, STRATHFIELD  
LOT 1 DP 1244199  
**DA NO.** 2019/088

## **SUMMARY**

**Proposal:** Alterations and additions to building 6 'Denise Thomas Building' and new access ramp.  
**Applicant:** Meridan School  
**Owner:** Meridan School  
**Date of lodgement:** 6 June 2019  
**Notification period:** 17 June – 1 July 2019  
**Submissions received:** Nil  
**Assessment officer:** RG  
**Estimated cost of works:** \$1,136,806.00  
**Zoning:** R3 – Medium Density Residential - SLEP 2012  
**Heritage:** Part of the School located in Heritage Conservation Area  
**Flood affected:** Yes  
**Is a Clause 4.6 variation proposed?** No  
**RECOMMENDATION OF OFFICER:** **APPROVAL**

## **EXECUTIVE SUMMARY**

This application seeks council approval for the alterations and additions to building 16 'Denise Thomas Building' and construction of a new access ramp.

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

The proposed alterations and additions will provide additional classrooms and an upgrade of existing facilities whereby the visual appearance accords with the existing building and it is not anticipated to result in any additional amenity impacts, including acoustic and privacy, to neighbouring properties. The proposal does not seek an extension of operating hours or number of students.

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

## **BACKGROUND**

6 June 2019 The development application was lodged with Council.

17 June 2019 The application was neighbour notified for a period of 14 days from 17 June to 1 July 2019, in accordance with Part L of the Strathfield Consolidated Development Control Plan 2005.

**DA2019/088 - 36-38 Redmyre Road, Strathfield  
Lot 1 DP 1244199 (Cont'd)**

- 1 July 2019 A site visit was undertaken.
- 8 July 2019 The applicant was requested to provide additional information, including scalable floor plans of the existing buildings on the site in order to confirm the existing and proposed floor space.
- 16 July 2019 The applicant provided additional information regarding the existing and proposed floor space across the site.

**DESCRIPTION OF THE SITE AND LOCALITY**

The subject site is legally described as Lot 1 DP 1244199 and commonly known as Meriden Junior School, located at 36-38 Redmyre Road, Strathfield. The site is located on the south-eastern intersection of Redmyre Road and Vernon Street, and is bound by Redmyre Road and a residential dwelling to the north, Vernon Street and a residential dwelling to the west, residential dwellings to the south and the Australian School of Remedial Therapies to the west. The Meriden Junior School forms part of the Meriden School Campus which is located across three campuses that are located in close proximity to one another, but are not in adjoining landholdings.

The site is irregular in shape with a total area of 7,571.9m<sup>2</sup>. There are a number of buildings currently occupying the site and the location of the proposed development incorporates a two (2) building predominately comprising classrooms.

The current streetscape along Redmyre Road and Vernon Street is characterised predominately by one (1) and two (2) storey dwelling houses and educational facilities.



**Figure 1: Aerial of the subject site outlined in blue and the part of the site which the proposal relates identified by the green marker.**

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*Figure 2: Northern view of the existing building and location of the proposed development*



*Figure 3: Southern view of the existing building and location of the proposed development*

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Lot 1 DP 1244199 (Cont'd)



*Figure 4: South-eastern view of the existing building*

## PROPERTY BURDENS AND CONSTRAINTS

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

## DESCRIPTION OF THE PROPOSED DEVELOPMENT

The application seeks Council approval for alterations and additions to the existing Building 16 'Denise Thomas Building' and new access ramp.

The specific elements of the proposal are:

- Demolition of parts of shade sails, stairs, part of the south-western wing of the Denise Thomas Building, including two (2) classrooms and one (1) art room on the first floor, and part of the roof form;
- Minor excavation for new stair footings and structure;
- Alterations to the south-western wing of the Denise Thomas Building providing four (4) classrooms, new outdoor corridor at first floor level, new stairs and a modified roof form;
- Demolition of part of the curved outdoor grassed (Figure 2) and walkway area and construction of a new ramp and grassed area to align with existing walkways.

The existing Building 16 'Denise Thomas Building' can be seen in Figures 2-4 and extract of the proposed plans are shown in Figure 5 and 6.

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 Lot 1 DP 1244199 (Cont'd)

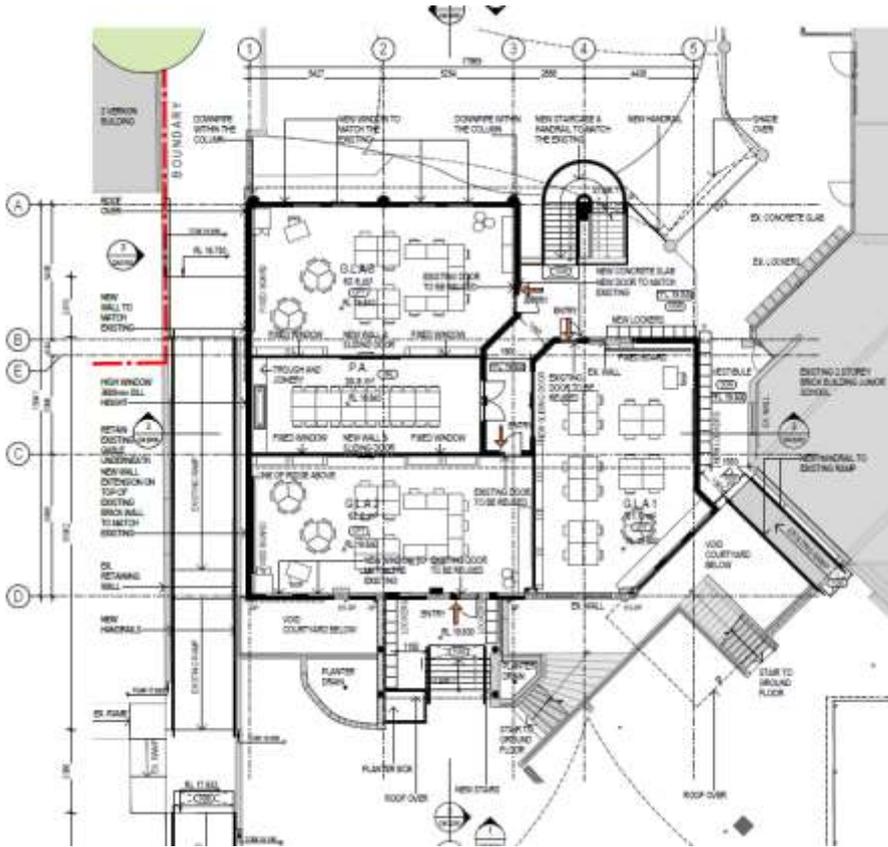


Figure 5: Extract of the proposed first floor plan



Figure 6: Extract of the proposed northern elevation

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Figure 7: Extract of the proposed southern elevation

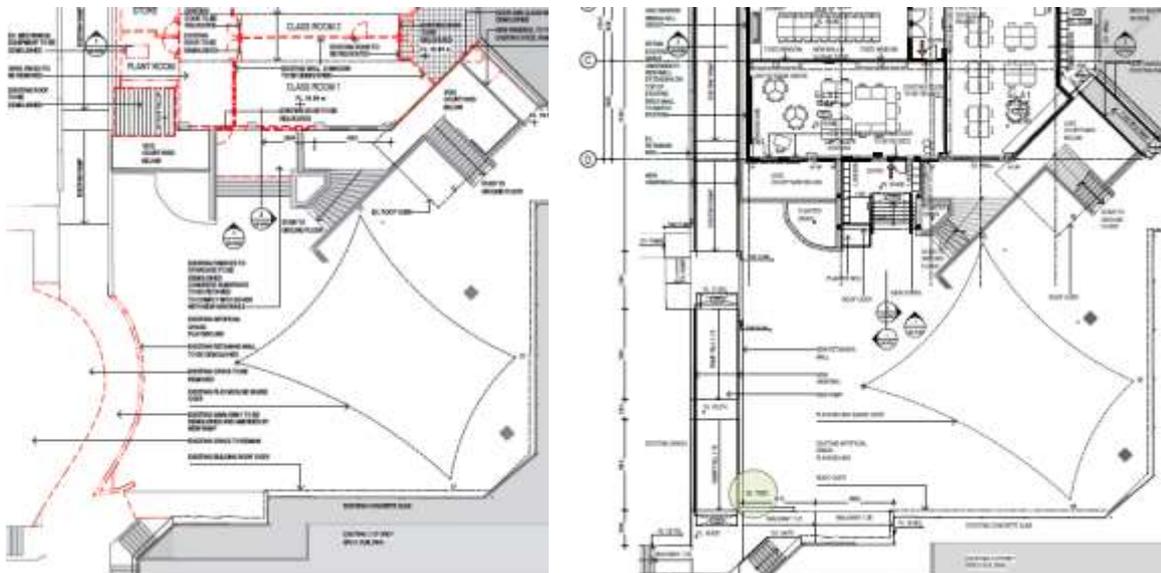


Figure 8: Existing access ramp to be demolished (LHS) and proposed new access ramp (RHS)

**REFERRALS**

**INTERNAL REFERRALS**

**Engineering Comments**

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

*“I have referred to the development application referenced above and reviewed the stormwater drainage concept plan prepared by **HARRIS PAGE & Associates rev B drawing no. SW-00 – SW-04 project no. 6407 dated 30.05.2019**. The subject site has a natural fall to the front and disposal by means of gravity is attainable hence enabling the applicant to submit a compliant design. The site discharges to Council’s drainage system in Redmyre Road, Strathfield by means of a gravity pipe via the proposed surface detention system. Concept plan indicates that all proposed addition and alteration roof and hard paved surface runoffs drain into the proposed below ground detention and retention tank by gravity means via downpipes and grated surface inlet pits. Detention and retention tank and tennis court runoff drain into the surface detention system by gravity via outlet pipe and grated surface inlet pit. From an engineering perspective, the concept plan is feasible and there are no objections to its approval subject to the following conditions attached.”*

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

### Landscaping Comments

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

### Traffic Comments

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

*"Urban Services (Traffic) does not have objections to the development in terms of traffic for the following reasons:*

*Access arrangements, parking arrangements and student numbers are not being changed, thus not raising any concerns with regards to traffic."*

Council's Traffic Engineer offered no objections to the proposal, subject to the imposition of a condition requiring a construction traffic management plan to be prepared.

### Heritage Comments

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

*"I have reviewed the plans and supporting documentation and visited the site on 1 July 2019. The site does not contain a listed heritage item, however part of the site is located within the Redmyre Road Heritage Conservation Area and part is within the Vernon Street Heritage Conservation Area.*

*The building subject of the proposed works is circa 1990s and is not located within either HCA. The proposed works are not likely to be visible from the street within the HCAs and are unlikely to give rise to any undue impacts on either HCA due to their location and the relatively minor scale proposed.*

*The proposal raised no concerns in heritage grounds and no special conditions are required."*

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

### Environmental Health Comments

Council's Environmental Health Officer offered no objections to the proposal in respects to noise and sediment and erosion control, subject to the imposition of recommended conditions of consent.

## SECTION 4.15 CONSIDERATIONS – EP&A Act, 1979

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

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

#### 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.

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Lot 1 DP 1244199 (Cont'd)**

A review of the available history for the site gives no indication that the land associated with this development is contaminated. The heritage report submitted with the application details that the Junior Campus has been used for residential or education purposes since 1892 and therefore the potential for soil contamination is limited.

The proposal retains the existing concrete slab and only a few cuts are required to facilitate new columns and footings. The applicant has confirmed that excavation for new footings will not exceed depths of approximately 1m below existing ground level. Therefore, the proposed excavation works are considered to be minor in nature, and given this and the historic use of the site, the potential exposure to contaminants is considered to be limited.

There were no historic uses that would trigger further site investigations.

The objectives outlined within SEPP55 are considered to be satisfied.

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

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

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

The proposed alterations and additions are contained mostly within the existing building and hard surfaced footprint and they are substantially setback from trees located on the site and on neighbouring sites. Furthermore, the proposal does not involve the removal of any trees. Council's Tree Officer confirmed that the proposed works will not adversely impact the health of any trees and no objection was raised.

Therefore the proposal is not considered to be inconsistent with the aims of State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017.

**STATE ENVIRONMENTAL PLANNING POLICY (EDUCATIONAL ESTABLISHMENTS AND CHILD CARE FACILITIES) 2017**

This State Environmental Planning Policy aims to facilitate the effective delivery of educational establishments and early education and care facilities across NSW.

The proposal involves alterations and additions to an existing educational establishment (school), being Meriden Junior School. R3 – Medium density zones are identified as a 'prescribed zone' under Clause 33 Part 4 of the State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017 (Education SEPP). Clause 35(1) of the Education SEPP permits development for the purpose of a school to be development with consent within a prescribed zone.

*"35 Schools—development permitted with consent*

*(1) Development for the purpose of a school may be carried out by any person with development consent on land in a prescribed zone."*

Accordingly, by way of Clause 35(1) of the Education SEPP, alterations and additions to an educational establishment (school) is permitted as development with consent on the site.

Part 7 of the Education SEPP contains general development controls for all educational establishments and early education and care facilities across the State, with Clause 57 Traffic-generating development also being of relevance. The table below provides an assessment of the proposal against the relevant controls.

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Lot 1 DP 1244199 (Cont'd)

<b>Cl. 35</b>	<b>Control</b>	<b>Proposal</b>	<b>Complies</b>
(1)	Development for the purpose of a school may be carried out by any person with development consent on land in a prescribed zone.	The subject site is zoned R3 – Medium Density Residential which is a prescribed zone in this SEPP.	<b>Yes</b>
(2)	Development for a purpose specified in Clause 39 (1) or 40(2)(e) may be carried out by any person with development consent on land within the boundaries of an existing school.	Development consent is sought for the proposed works.	<b>Yes</b>
(3)	Development for the purpose of a school may be carried out by any person with development consent on land that is not in a prescribed zone if it is carried out on land within the boundaries of an existing school.	The subject site is zoned R3 – Medium Density Residential which is a prescribed zone in this SEPP.	<b>Yes</b>
(4)	Subclause (3) does not require development consent to carry out development on land if that development could, but for this Policy, be carried out on that land without development consent.		<b>N/A</b>
(5)	A school (including any part of its site and any of its facilities) may be used, with development consent, for the physical, social, cultural or intellectual development or welfare of the community, whether or not it is a commercial use of the establishment.	Noted.	<b>Yes</b>
(6)	Before determining a development application for development of a kind referred to in subclause (1), (3) or (5), the consent authority must take into consideration: <ul style="list-style-type: none"> <li>(a) The design quality of the development when evaluated with the design quality principles set out in Schedule 4, and</li> <li>(b) Whether the development enables the use of school facilities (including recreational facilities) to be shared with the community.</li> </ul>	<p>An assessment of the proposal against the design principles in Schedule 4 is provided in the table below.</p> <p>The applicant has confirmed that the community does not use any of the existing school facilities outside of school hours and the subject proposal does not incorporate any changes to this.</p>	<b>Yes</b>
(7)	Subject to subclause (8), the requirement in subclause (6) (a) applies to the exclusion of any provision in another environmental planning instrument that requires, or that relates to a requirement for, excellence (or like standard) in design as a prerequisite to the granting of development consent for development of that kind.	The Strathfield Local Environmental Plan 2012 does not have a requirement for excellence in design as a prerequisite to the granting of development consent for an education establishment.	<b>Yes</b>
(8)	A provision in another environmental planning instrument that requires a competitive design process to be held as a	The proposal has a capital investment value of less than \$50 million and the Strathfield Local	<b>Yes</b>

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	prerequisite to the granting of development consent does not apply to development to which subclause (6) (a) applies that has a capital investment value of less than \$50 million.	Environmental Plan 2012 does not have a requirement for excellence in design as a prerequisite to the granting of development consent	
(9)	A provision of a development control plan that specifies a requirement, standard or control in relation to development of a kind referred to in subclause (1), (2), (3) or (5) is of no effect, regardless of when the development control plan was made.		N/A
(10)	Development for the purpose of a centre-based child care facility may be carried out by any person with development consent on land within the boundaries of an existing school.	The proposal involves alterations and additions to an existing building within a school. The proposal does not involve a centre-based child care facility.	N/A
(11)	Development for the purpose of residential accommodation for students that is associated with a school may be carried out by any person with development consent on land within the boundaries of an existing school.	The proposal involves alterations and additions to an existing building within a school. The proposal does not involve development for the purpose of residential accommodation for students.	N/A
<b>Cl. 57</b>	<b>Control</b>		<b>Complies</b>
(1)	This clause applies to development for the purpose of an educational establishment: <ul style="list-style-type: none"> <li>(a) that will result in the educational establishment being able to accommodate 50 or more additional students, and</li> <li>(b) that involves: <ul style="list-style-type: none"> <li>(i) an enlargement or extension of existing premises, or</li> <li>(ii) new premises,</li> </ul> </li> <li>(c) on a site that has direct vehicular or pedestrian access to any road.</li> </ul>	No increase in student numbers is proposed	Yes

#### Schedule 4 – Design Quality Principles

Clause 35(6) of the Education SEPP requires an assessment of the proposal against the design quality principles in Schedule 4. An assessment is provided below.

<b>Principles</b>	<b>Comments</b>
<p><b>Principle 1: Context, built form and landscape</b></p> <p><i>Schools should be designed to respond to and enhance the positive qualities of their setting, landscape and heritage, including Aboriginal cultural heritage. The design and spatial organisation of buildings and the spaces between them should be informed by site conditions such as topography, orientation and climate.</i></p> <p><i>Landscape should be integrated into the design of school developments to enhance on-site amenity, contribute to the streetscape and mitigate negative impacts on neighbouring sites.</i></p> <p><i>School buildings and their grounds on land that is identified in or under a local environmental plan as a scenic</i></p>	<p>The proposal involves alterations and additions to the existing building and is contained primarily within the existing building and hard surfaced footprint.</p> <p>Council's Heritage Advisor has confirmed that no objection is raised on heritage grounds, in particular to the surrounding heritage conservation areas.</p> <p>The school already comprises landscaped and play areas and the proposal would not reduce the extent or quality of these.</p>

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<p><i>protection area should be designed to recognise and protect the special visual qualities and natural environment of the area, and located and designed to minimise the development's visual impact on those qualities and that natural environment.</i></p>	
<p><b>Principle 2: Sustainable, efficient and durable</b></p> <p><i>Good design combines positive environmental, social and economic outcomes. Schools and school buildings should be designed to minimise the consumption of energy, water and natural resources and reduce waste and encourage recycling.</i></p> <p><i>Schools should be designed to be durable, resilient and adaptable, enabling them to evolve over time to meet future requirements.</i></p>	<p>The proposed alterations and additions are to incorporate materials and finishes to match the existing building. The materials include bricks, aluminium frame windows and doors, metal roof sheeting and concrete which are considered to be durable and resilient.</p>
<p><b>Principle 3: Accessible and inclusive</b></p> <p><i>School buildings and their grounds should provide good wayfinding and be welcoming, accessible and inclusive to people with differing needs and capabilities.</i></p> <p><i>Note.</i>  <i>Wayfinding refers to information systems that guide people through a physical environment and enhance their understanding and experience of the space.</i></p> <p><i>Schools should actively seek opportunities for their facilities to be shared with the community and cater for activities outside of school hours</i></p>	<p>The submitted Statement of Compliance – Access for People with a Disability confirms that the proposal complies with the access provisions of the BCA and the Access to Premises Standard.</p> <p>On the southern side of the building, the proposal involves a new gabled entry to assist with wayfinding and legibility of the entrance to the building.</p> <p>The existing school does not share facilities with the community outside of school hours and given that the proposal relates to relatively minor alterations and additions to an existing building in the school, it would be unreasonable to require this.</p>
<p><b>Principle 4: Health and safety</b></p> <p><i>Good school development optimises health, safety and security within its boundaries and the surrounding public domain, and balances this with the need to create a welcoming and accessible environment.</i></p>	<p>The existing school is secure through the provision of boundary fencing. The proposed alterations and additions will not be visible from the public domain and are not anticipated to result in any health, safety or security issues within the school grounds.</p> <p>The new accessibility ramp is an upgrade of the existing and provides a more direct route through the school.</p>
<p><b>Principle 5: Amenity</b></p> <p><i>Schools should provide pleasant and engaging spaces that are accessible for a wide range of educational, informal and community activities, while also considering the amenity of adjacent development and the local neighbourhood.</i></p> <p><i>Schools located near busy roads or near rail corridors should incorporate appropriate noise mitigation measures to ensure a high level of amenity for occupants.</i></p>	<p>The proposal provides an upgrade to and additional classrooms and spaces within the Denise Thomas Building. The alterations and additions are considered to improve the amenity within the existing building and enhances the circulation spaces into and within the building.</p> <p>The new rooms are of varying sizes to cater for different learning needs.</p>

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<p>Schools should include appropriate, efficient, stage and age appropriate indoor and outdoor learning and play spaces, access to sunlight, natural ventilation, outlook, visual and acoustic privacy, storage and service areas.</p>	<p>The proposal is no closer to the adjoining property at 2 Vernon Street than the existing. Whilst additional height along the western elevation of the building, the adjoining property is still anticipated to receive good levels of outlook and sunlight. The new windows on the western elevation incorporate high sills which will restrict overlooking to this neighbouring property.</p>
<p><b>Principle 6: Whole of life, flexible and adaptive</b></p> <p><i>School design should consider future needs and take a whole-of-life-cycle approach underpinned by site wide strategic and spatial planning. Good design for schools should deliver high environmental performance, ease of adaptation and maximise multi-use facilities.</i></p>	<p>The applicant has confirmed that the proposed new classrooms are part of a campus wide program of the progressive improvements to the school. The design of the proposed classrooms are flexible and adaptable to the needs of students.</p>
<p><b>Principle 7: Aesthetics</b></p> <p><i>School buildings and their landscape setting should be aesthetically pleasing by achieving a built form that has good proportions and a balanced composition of elements. Schools should respond to positive elements from the site and surrounding neighbourhood and have a positive impact on the quality and character of a neighbourhood.</i></p> <p><i>The built form should respond to the existing or desired future context, particularly, positive elements from the site and surrounding neighbourhood, and have a positive impact on the quality and sense of identity of the neighbourhood.</i></p>	<p>The proposed alterations and additions to the existing school building respect the scale, design and architectural language of the existing building.</p> <p>Council's Heritage Advisor has confirmed that no objection is raised on heritage grounds, in particular to the surrounding heritage conservation areas.</p>

### 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>	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>	Yes

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<b>(h)</b>	<i>To minimise risk to the community by identifying land subject to flooding and restricting incompatible development</i>	<b>Yes</b>
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**Comments:** The alterations and additions to the existing school building results in an efficient use of land that is consistent with the existing schools promotion in providing a range of employment and educational facilities for the local community. The proposed alterations and additions will not have an adverse impact on the heritage significance in the surrounding area. Overall the proposal is not inconsistent with the aims of SLEP 2012.

### Permissibility

The current use of the site may be defined as development for the purpose of 'educational establishment' meaning a

*"building or place used for education (including teaching), being*

- (a) a school, or*
- (b) a tertiary institution, including a university or a TAFE establishment, that provides formal education and is constituted by or under an Act."*

The site is zoned R3 – Medium Density Residential under the provisions of SLEP 2012. Development for the purpose of an educational establishment is prohibited under this LEP. However, the use of the site for an educational establishment (school) is permissible with consent in the R3 - Medium Density Residential zone under Clause 33 and Clause 35(1) of Part 4 of the Education SEPP. This SEPP prevails over Council's LEP.

### Zone Objectives

An assessment of the proposal against the objectives of the R3 – Medium Density Residential Zone is as follows:

<b>Objectives</b>	<b>Complies</b>
➤ <i>To provide for the housing needs of the community within a medium density residential environment.</i>	<b>No</b>
➤ <i>To provide a variety of housing types within a medium density residential environment.</i>	<b>No</b>
➤ <i>To enable other land uses that provide facilities or services to meet the day to day needs of residents.</i>	<b>Yes</b>

**Comments:** The existing use of the site is for a school and whilst this does not provide for housing needs, or provide a variety of housing types within the medium density residential environment, it provides a different land use that assists in meeting the day to day educational needs for students of junior school age. The proposal results in additional classrooms and an upgrade to existing facilities to assist in meeting the education need. The proposal is not inconsistent with the objectives of the R3 zone.

### Part 4: Principal development standards

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

#### Height of building

<b>Cl.</b>	<b>Standard</b>	<b>Controls</b>	<b>Proposed</b>	<b>Complies</b>
<b>4.3</b>	<i>Height of building</i>	11m	9m	<b>Yes</b>
<b>Objectives</b>				<b>Complies</b>
<b>(a)</b>	<i>To ensure that development is of a height that is generally compatible with or which improves the appearance of the existing area</i>			<b>Yes</b>

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

**Comments:** The proposed alterations and additions do not result in any increase to the overall building height of buildings currently on the site. The proposed alterations and additions are a maximum 9m in height, which complies with the maximum building height prescribed by this Clause.

#### Floor space ratio

Cl.	Standard	Controls	Proposed	Complies
4.4	Floor space ratio	1.2:1 (9,086.28m <sup>2</sup> )	~0.437:1 (3,350.7m <sup>2</sup> )	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	N/A
(c)	To minimise the impact of new development on the amenity of adjoining properties	Yes
(d)	To minimise the impact of development on heritage conservation areas and heritage items	Yes
(e)	In relation to Strathfield Town Centre: i. to encourage consolidation and a sustainable integrated land use and transport development around key public transport infrastructure, and ii. to provide space for the strategic implementation of economic, social and cultural goals that create an active, lively and people-oriented development	N/A
(f)	In relation to Parramatta Road Corridor – to encourage a sustainable consolidation pattern that optimises floor space capacity in the Corridor	N/A

**Comments:** The proposal results in an increase in floor area of 40m<sup>2</sup>, and the proposed FSR across the site has been calculated by the applicant as 0.437:1. Whilst scalable floor plans of all the existing and proposed buildings on the site would usually be required in order to make an accurate assessment of the proposal against the FSR development standard, in this instance the applicant has submitted a mixture of scalable floor plans of existing buildings on site, and also estimates of floor areas contained within single storey buildings on the site using surveys and aerials. Whilst this is not ideal and not completely accurate, the applicant's floor space calculation is likely to be greater than the actual floor space across the site given that there is likely to be floor area in their calculations which does not count towards the calculation of gross floor area, such as voids, storage areas etc. Furthermore, the applicant's plans and calculations have been checked against floor plans that the Council have of existing buildings on the site and the calculations provided by the applicant appear to be relatively accurate. Given this, and that the estimated proposed floor space ratio is well within the maximum permitted for the site, it can be reasonably accepted in this instance that the proposal complies with the maximum floor space development standard permitted for the site.

#### Part 5: Miscellaneous Provisions

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

##### 5.10 Heritage Conservation

The subject site does not contain a listed heritage item however, part of the site is located within the Redmyre Road Heritage Conservation Area and part of the site is located within the Vernon Street Heritage Conservation Area. However, the part of the site where the proposed works relate

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is not located within either HCA. The applicant submitted a Heritage Impact Statement which concluded that:

*“Overall the proposed works are considered to be minor and will not result in any detrimental heritage outcomes...The proposed works are considered acceptable and reasonable from a heritage perspective and are recommended for approval.”*

The application was referred to Council's Heritage Advisor who advised that:

*“The building subject of the proposed works is circa 1990s and is not located within either HCA. The proposed works are not likely to be visible from the street within the HCAs and are unlikely to give rise to any undue impacts on either HCA due to their location and the relatively minor scale proposed.*

*The proposal raised no concerns in heritage grounds and no special conditions are required.”*

As no objections are raised on heritage grounds, the proposal is considered to be consistent with this Clause.

## **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 acid sulfate soils and is not located within 500m of Class 1, 2, 3 or 4 acid sulfate 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. Furthermore, the proposal is for the replacement of wall-mounted signage, and so will not impact on the acid sulfate soils.

### **6.2 Earthworks**

The proposal retains the existing concrete slab and only a few cuts are required to facilitate new columns and footings. The excavation for new footings will not exceed depths of approximately 1m below existing ground level. Therefore, the proposed excavation works are considered to be minor in nature and are not anticipated to have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage item or features of the surrounding land. As such, the considerations under Clause 6.2(3) are considered to be acceptable.

### **6.3 Flood planning**

The part of the site to which the proposal relates is not flood affected however, the northern portion of the Meriden Junior School site is located within the Powells Creek Flood Study area. The application was referred to Council's Stormwater Engineer who raised no concerns to the proposal, subject to imposition of recommended conditions of consent including compliance with the stormwater concept plan submitted with the proposal. Therefore, the proposal is considered to be compatible with the surrounding flood hazard and is not likely to adversely affect the flood behaviors in the surrounding area. As such, the proposal is consistent with the objectives of this Clause.

### **6.4 Essential services**

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

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

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

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

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

**STRATHFIELD CONSOLIDATED DEVELOPMENT CONTROL PLAN 2005 (SCDCP 2005)**

Clause 35(9) of the Education SEPP states that:

*A provision of a development control plan that specifies a requirement, standard or control in relation to development of a kind referred to in subclause (1), (2), (3) or (5) is of no effect, regardless of when the development control plan was made.*

Clause 35(1) of the Education SEPP states that development for the purpose of a school may be carried out by any person with development consent on land in a prescribed zone. As the proposal relates to alterations and additions to an existing school within a prescribed zone, the Strathfield Development Control Plan 2005 does not relate to the subject application, as set out in Clause 35(9) of the Education SEPP.

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

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

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

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

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

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

Visual appearance and heritage

The location of the proposed alterations and additions are setback from the street and are located fairly centrally within the site. The height and massing of the proposal is sympathetic to, and responds to the massing of the existing building. The proposal continues the architectural language and external materials and finishes of the existing building. The new gable entry on the southern elevation improves the legibility of the entrance to the building, which assists with wayfinding across the site.

As detailed earlier in the report, Council's Heritage Advisor raised no objection to the proposal in respects to the impact on the significance of the surrounding heritage conservation areas.

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### Accessibility

The application was supported by a Statement of Compliance – Access for People with a Disability. The report concludes that the proposal can achieve compliance with the access provisions of the BCA and the Access to Premises Standard. The alterations to the existing accessibility ramp will provide a more direct accessible route through the school and upgrade the existing facility.

### Stormwater and flooding

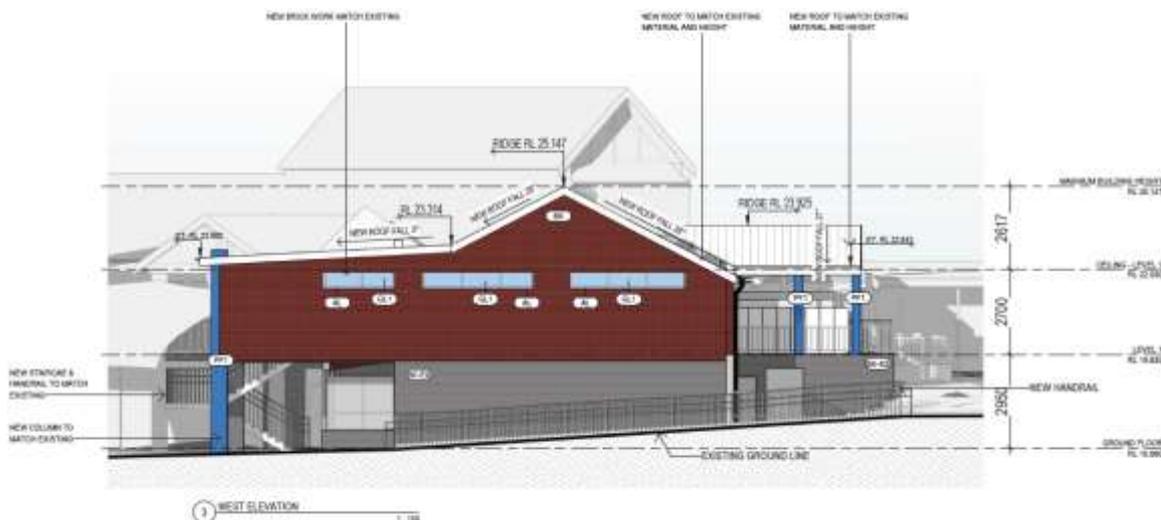
The part of the site to which the proposal relates is not flood affected however, the northern portion of the Meriden Junior School site is located within the Powells Creek Flood Study area. The application was referred to Council's Stormwater Engineer who raised no concerns to the proposal, subject to imposition of recommended conditions of consent including compliance with the stormwater concept plan submitted with the proposal. Therefore, the proposal is considered to be compatible with the surrounding flood hazard and is not likely to adversely affect the flood behaviors in the surrounding area. As such, the proposal is consistent with the objectives of this Clause.

### Amenity impacts to neighbouring properties

The location of the proposed alterations and additions is mostly surrounding by the existing school buildings, except the western side which is adjoined by No. 2 Vernon Street.

The proposed alterations and additions are contained primarily within the existing building and hard surface footprint. The building will be no closer to the western adjoining property, No. 2 Vernon Street than the existing building however, it involves an increase in height along the western side of the building and the portion of the building opposite this adjoining property is approximately 6m in height. The proposed height still complies with the height development standard prescribed by Clause 4.3 of the SLEP 2012, and given the proposed height and separation distance of over 9m to this adjoining dwelling, no adverse visual amenity impacts are anticipated to result to this neighbour.

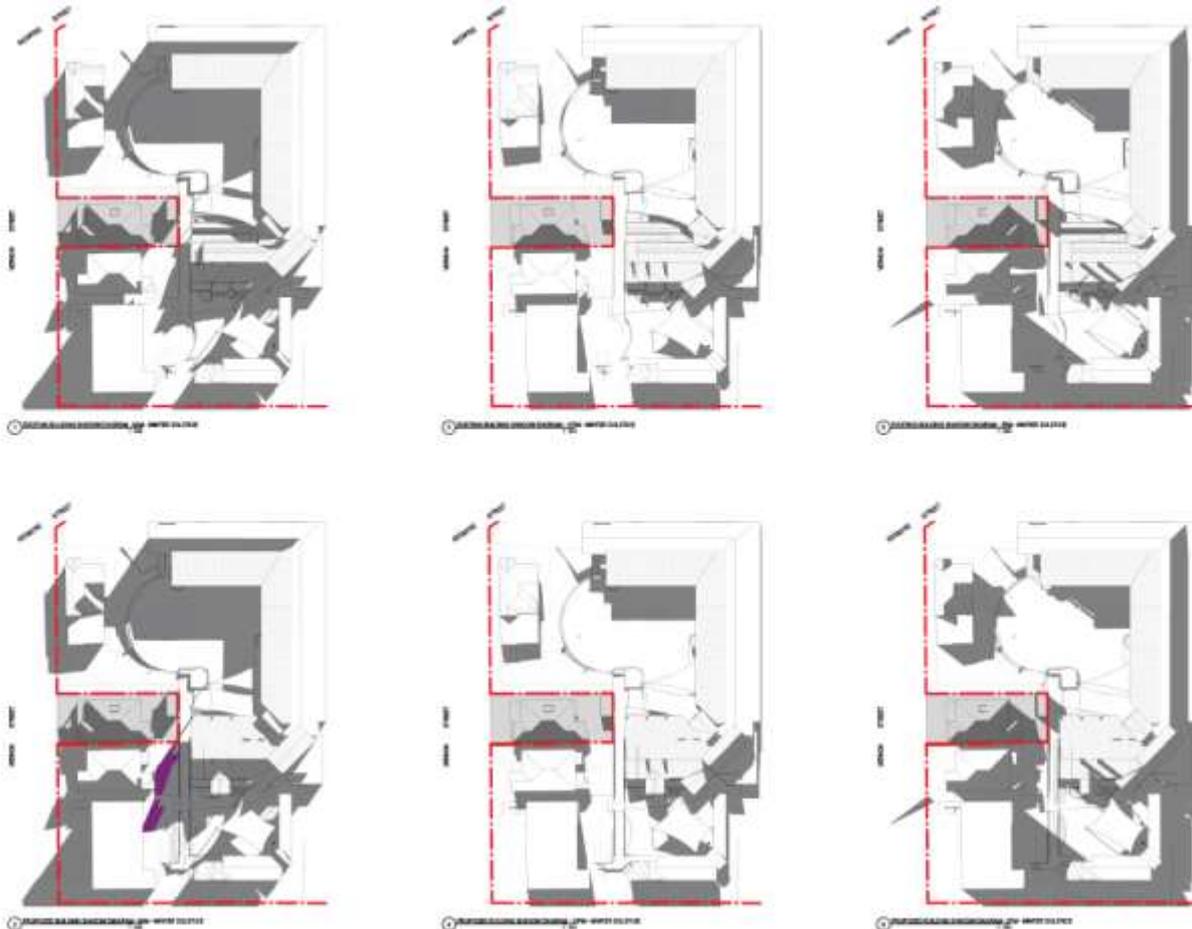
Furthermore, the new windows located on the western elevation incorporate a raised sill (Figure 9) so as to restrict any potential overlooking to the western adjoining property.



**Figure 9: Extract of the proposed western elevation**

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Given the orientation of the site, relationship with this adjoining property (including orientation and setback) and the height of the proposed alterations and additions, no additional overshadowing is anticipated to this neighbour and this is confirmed in the shadow diagrams submitted with the application (Figure 10).



**Figure 10: Extract of the shadow diagrams (additional overshadowing shown in purple)**

The application has been supported by an Acoustic Report and Council's Environmental Health officer has no objection to the proposal, subject to compliance with the recommendations of this report. Subject to the imposition of conditions requiring compliance with this report, the proposal is not anticipated to result in any adverse noise levels as it does not involve an increase in student number or variation to existing operating hours.

#### Traffic

The proposal does not involve an increase in student numbers or an increase in operation hours. Therefore, the proposal is not anticipated to adversely affect the existing traffic generated by the site.

#### Waste

A Waste Management Plan has been submitted with the application which details waste minimisation strategies which shall be enforced via the conditions of consent.

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Overall, the proposal is not anticipated to result in any significant adverse impacts in respects to environmental impacts on both the natural and built environments, and social and economic impacts in the locality.

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

The site is suitable for the proposed alterations and additions to an existing school building as the site is already operating as an educational establishment, Meriden Junior School and the site is located within a prescribed zone under the Education SEPP. The site is capable of accommodating the proposed works without resulting in any undue impacts on surrounding residential properties, including privacy, overshadowing or visual amenity impacts. The part of the site which the proposal relates is not affected by any significant site constraints, including flooding. Therefore, the site is considered suitable for the proposed development.

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

The application was publicly notified from **17 June 2019** to **1 July 2019** in accordance with the provisions of Part L of SDCDP 2005. **No** submissions were received as a result.

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

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

### **LOCAL INFRASTRUCTURE CONTRIBUTIONS**

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

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

#### **STRATHFIELD INDIRECT SECTION 7.12 CONTRIBUTIONS PLAN**

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

Local Amenity Improvement Levy	<b>\$11,368.06</b>
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### **CONCLUSION**

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

### **PEER REVIEW**

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

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## RECOMMENDATION

That Development Application No. 2019/088 for alterations and additions to Building 16 'Denise Thomas Building' and new access ramp at 36-38 Redmyre Road, Strathfield be **APPROVED**, subject to the following conditions:

## GENERAL CONDITIONS (GC)

### 1. APPROVED PLANS AND REFERENCE DOCUMENTATION (GC)

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

Plans affixed with Council's 'Development Consent' stamp relating to Development Consent No. 2019/088:

Drawing No.	Title/Description	Prepared by	Issue / Revision & Date	Date received by Council
DA0000	Cover Sheet	Allen Jack + Cottier	D 29/05/2019	6 June 2019
DA1001	Site Plan - Proposed	Allen Jack + Cottier	D 29/05/2019	6 June 2019
DA1002	Demolition Plan – Ground Level	Allen Jack + Cottier	D 29/05/2019	6 June 2019
DA1003	Demolition Plan – Level 1	Allen Jack + Cottier	D 29/05/2019	6 June 2019
DA1004	Demolition Plan – Roof Level	Allen Jack + Cottier	D 29/05/2019	6 June 2019
DA1005	Demolition - Elevations	Allen Jack + Cottier	D 29/05/2019	6 June 2019
DA1006	Demolition-Sections	Allen Jack + Cottier	D 29/05/2019	6 June 2019
DA2100	Ground Level Plan	Allen Jack + Cottier	D 29/05/2019	6 June 2019
DA2101	Level 1 Plan	Allen Jack + Cottier	D 29/05/2019	6 June 2019
DA2102	Roof Plan	Allen Jack + Cottier	D 29/05/2019	6 June 2019
DA3100	Elevations	Allen Jack + Cottier	D 29/05/2019	6 June 2019
DA3200	Sections	Allen Jack + Cottier	D 29/05/2019	6 June 2019
DA3300	Material Board	Allen Jack + Cottier	B 29/05/2019	6 June 2019
SW-00	Stormwater Services Cover Sheet, Legend & Drawing Schedule	Harris Page & Associates	B 30/05/2019	6 June 2019
SW-01	Stormwater Services Ground Floor Plan	Harris Page & Associates	B 30/05/2019	6 June 2019
SW-02	Stormwater Services Level 1 Floor Plan	Harris Page & Associates	B 30/05/2019	6 June 2019

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SW-03	Stormwater Services Roof Plan	Harris Page & Associates	B 30/05/2019	6 June 2019
SW-04	Stormwater Services Sediment & Erosion Control Plan	Harris Page & Associates	A 27/05/2019	6 June 2019

Reference Documentation affixed with Council's 'Development Consent' stamp relating to Development Consent No. 2019/088:

Title / Description	Prepared by	Issue/Revision & Date	Date received by Council
Statement of Environmental Effects	Urbis	5 May 2019	6 June 2019
Waste Management Plan	-	15/05/2019	6 June 2019
Statement of Compliance Access for People with a Disability	Accessible Building Solutions	-	6 June 2019
Heritage Impact Statement	Urbis	Rev. 02 21 May 2019	6 June 2019
Acoustic Report	Acoustic Logic	Rev. 02 30/05/2019	6 June 2019

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

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

## 2. 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.)

## 3. CONSTRUCTION WITHIN BOUNDARIES (GC)

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

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

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**4. 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.)

**5. DEMOLITION - SAFETY FENCING (GC)**

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

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

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

(Reasons: Statutory requirement and health and safety.)

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

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

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

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

**7. 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.)

**8. 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:

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- 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.)

## 9. 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:

- All demolition is to be carried out in accordance with Australian Standard AS 2601-2001.
- Demolition must be carried out by a registered demolition contractor.
- 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.
- No blasting is to be carried out at any time during construction of the building.
- Care must be taken during demolition/ excavation/ building/ construction to prevent any damage to adjoining buildings.
- 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.
- Any demolition and excess construction materials are to be recycled wherever practicable.
- The disposal of construction and demolition waste must be in accordance with the requirements of the Protection of the Environment Operations Act 1997.
- 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.
- All waste must be contained entirely within the site.
- 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.
- 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.
- 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.
- 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.

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- 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.
- 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.
- 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.
- 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.
- Any work must not prohibit or divert any natural overland flow of water.
- 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.)

10. **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](http://www.sydneywater.com.au) then see 'Building', or telephone 13000 TAP IN (1300 082 746). The Certifying Authority must ensure that a Tap in™ agent has appropriately stamped the plans prior to the issue of the Construction Certificate.

(Reason: Compliance with Sydney Water requirements.)

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

11. **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.)

12. **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:

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- 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.)

**13. NOISE – CONSTRUCTION CC)**

All works carried out on site during construction/demolition/excavation/earthworks shall comply with the NSW Protection of the Environment Operations Act 1997, the Department of Environment and Climate Changes “Interim construction noise guideline” and AS 2436-2010 – “Guide to noise and vibration control on construction, demolition and maintenance sites” for the control of construction noise which specifies that:

- Construction period of 4 weeks and under – The L90 Level measured over a period of not less than 15 minutes when the construction site is operating must not exceed the background level by more than 20 dB(A) at the boundary.
- Construction period greater than 4 weeks but not exceeding 26 weeks – The L90 level measured over a period of not less than 15 minutes when the construction site is operating must not exceed the background level by more than 10 dB(A) at the boundary.
- Construction period exceeding 26 weeks – The L90 level measured over a period of not less than 15 minutes when the construction site is operating must not exceed the background level by more than 5 dB(A) at the boundary.

Should complaints of a noise nuisance be substantiated, Council may require the acoustic treatment of the premises to ensure compliance with the NSW Department of Environment and Climate Changes “Interim construction noise guideline” and AS 2436-2010 – “Guide to noise and vibration control, demolition and maintenance sites” for the control of construction noise. A further acoustic assessment and report will be required to be provided to Council assessing the premises in working order.

(Reason: Noise attenuation.)

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14. **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** **\$11,368.08**

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.)

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

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

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

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

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

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

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

(Reason: Protection of Council infrastructure.)

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

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

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

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

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

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

(Reason: Statutory requirement.)

**17. 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.)

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

#### **18. 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.)

#### **19. OBSTRUCTION OF PUBLIC WAY NOT PERMITTED DURING WORKS (DW)**

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

(Reason: To maintain public access and safety.)

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

#### **20. 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.

A 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:

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- 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.)

21. **NOISE – COMPLIANCE WITH ACOUSTIC ASSESSMENT REPORT (OC)**

All recommendations contained in the approved Acoustic Assessment Report prepared by Acoustic Logic Consultancy 20190592.1 shall be adopted, implemented, and adhered to. These include:

- building shell construction:
  - All new glazed elements are to be 4mm thick with full perimeter acoustic seals installed. The overall  $R_w$  rating of the glazed system should be a minimum of 27
  - Roofing system to the first floor classrooms is to be constructed as per Table 5 on page 15 of the approved Acoustic Report, any penetrations through the external skin of the roof sheeting should be sealed with an acoustic grade sealant.
- New condenser units to be installed on one layer of Embelton Supershearflex or equal
- In the event new public address systems are proposed to be installed, a detailed acoustic review should be undertaken to ensure they comply with the requirement of Strathfield Council DCP in which states no more than 5dB(A) above background.

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.)

22. **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.)

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

#### **23. NOISE - COMPLAINTS RELATING TO USE OR MACHINERY (OU)**

The use of the premises shall comply with the requirements of the Protection of the Environment Operations (Noise Control) Regulation 2017.

Should substantiated complaints or breaches of noise regulations occur, a suitably qualified acoustic consultant shall be engaged by Council to measure noise emanating from the building/premises and to recommend appropriate action. The cost of such an appointment shall be borne by the operator/owner and any works recommended by the acoustic consultant shall also be borne by the operator/owner and carried out within a time frame set by Council.

(Reason: Noise control and amenity.)

#### **24. POLLUTION – COMPLIANCE WITH PEOA 1997 GENERALLY (OU)**

The activities carried out on the 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: Noise control and amenity.)

### **ATTACHMENTS**

There are no attachments for this report.

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