

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, 20 December 2019

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

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TO: Strathfield Internal Development Assessment Panel Meeting - 20 December 2019
REPORT: IDAP – Report No. 1
SUBJECT: DA2019/140 10 CAMERON STREET, STRATHFIELD LOT 46 DP 7837
DA NO. b

SUMMARY

Proposal: Construction of a swimming pool, alfresco area and associated landscaping.

Applicant: X. Huang c/- Vaughan Milligan Development Consulting Pty Ltd

Owner: X. Huang & W. Wang

Date of lodgement: 30 August 2019

Notification period: 9 September 2019 to 23 September 2019

Submissions received: Nil

Assessment officer: ND

Estimated cost of works: \$87,215

Zoning: R2 Low Density Residential - SLEP 2012

Heritage: N/A

Flood affected: Yes

Is a Clause 4.6 variation proposed? No

RECOMMENDATION OF OFFICER: **APPROVAL**

EXECUTIVE SUMMARY

The application seeks Council approval for the construction of a swimming pool, alfresco area and associated landscaping.

The application was notified in accordance with Part L of the Strathfield Consolidated Development Control Plan (SCDCP) 2005 from 9 September 2019 to 23 September 2019. No written submissions were received.

Amended plans were submitted during the assessment process to address a number of concerns including the close proximity of the swimming pool to neighbouring property tree and the flooding issues raised by Council's Stormwater Engineer. To ensure a reasonable level of privacy is achieved between the subject site and adjoining properties, conditions of consent have been recommended for a fixed privacy screen to be install along the western elevation of the alfresco and the finished floor level of the development reduced.

The development application is recommended for approval, subject to the imposition of conditions of consent.

DA2019/140 10 Cameron Street, Strathfield LOT 46 DP 7837 (Cont'd)

BACKGROUND

- 30 August 2019** The current development application DA2019/140 for the construction of a swimming pool, alfresco area and associated landscaping was lodged.
- 9 September 2019 to 23 September 2019** The application was publicly notified in accordance with Council's SCDCP 2005 requirements. No submissions were received as a result.
- 13 September 2019** DA2019/062 for the construction of a two (2) storey dwelling at the subject site was approved by IDAP.
- 25 October 2019** The applicant was informed of the following outstanding matters:
- The submitted Arborist Report does not include an assessment of the proposed development. An amended Report was requested.
 - The finishes floor levels of the proposed patio are excessive and not consistent with the dwelling house on the site.
 - In accordance with Council's Interim Flood Prone Land Policy swimming pools must be located where possible out of the direct line of the overland flow path and not be more than 200mm above ground level.
 - The swimming pool equipment and all electrical connections are to be above the 1 in 100 year flood level.
- 4 November 2019** Development Application No. 2019/156 for the removal of two (2) trees on the subject site was refused.
- 29 November 2019** The applicant submitted amended plans.

DESCRIPTION OF THE SITE AND LOCALITY

The subject site is legally known as Lot 46 in DP 7837 and commonly known as 10 Cameron Street, Strathfield (Figure 1). The site is located on the southern side of Cameron Street and is rectangular in shape. The site has a total site area of 556.4m², with a 14.63m frontage to Cameron Street and a depth of 38.40m. The site is currently occupied by a single storey rendered masonry dwelling with an attached carport and detached shed (Figure 2). It is noted that Council received notice for a Complying Development Certificate application for the demolition of the existing structures on site.

The existing streetscape comprises of a mixture original housing stock which is primarily single storey, and recently constructed two (2) storey dwellings. The recently constructed dwellings are of a grander scale, more contemporary in appearance and predominately feature pitched roof forms with rendered masonry exterior walls.

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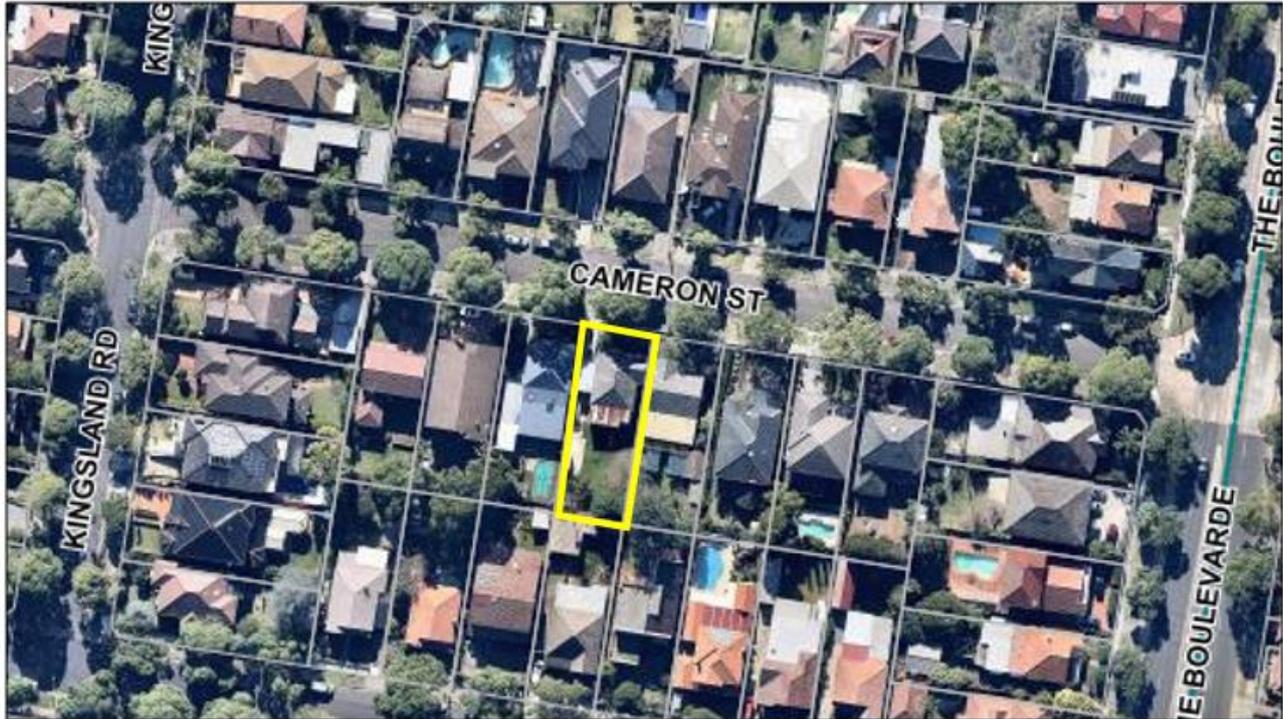


Figure 1: Locality plan. The subject site is outlined in yellow.



Figure 2: Southerly view of the existing dwelling from Cameron Street.

PROPERTY BURDENS AND CONSTRAINTS

A sewage line runs adjacent to the western side boundary on the subject site (Figure 3). This sewage line will not be impacted by the proposal.

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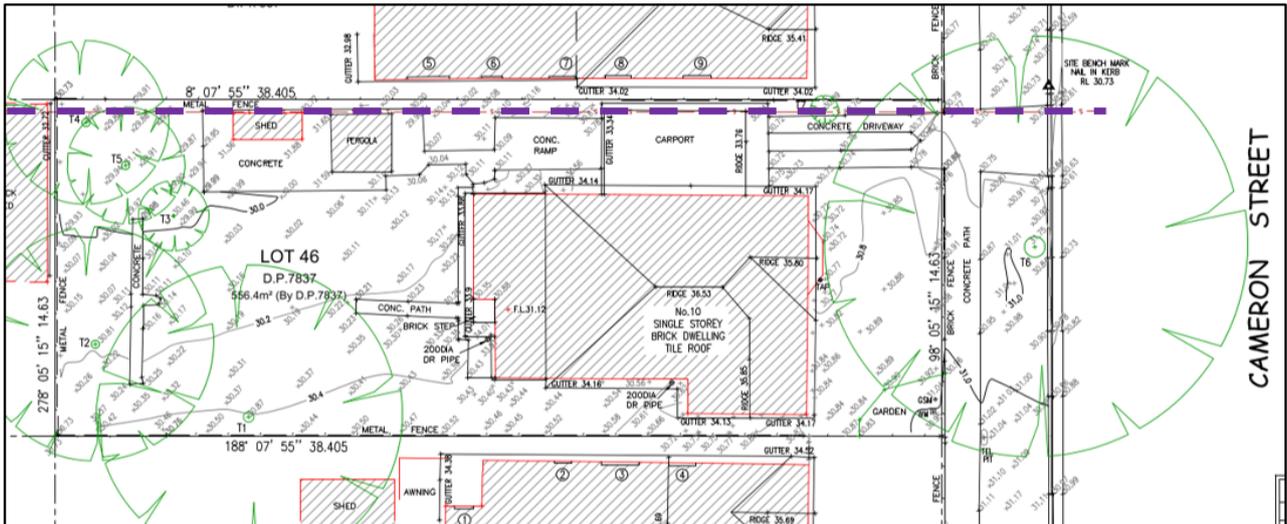


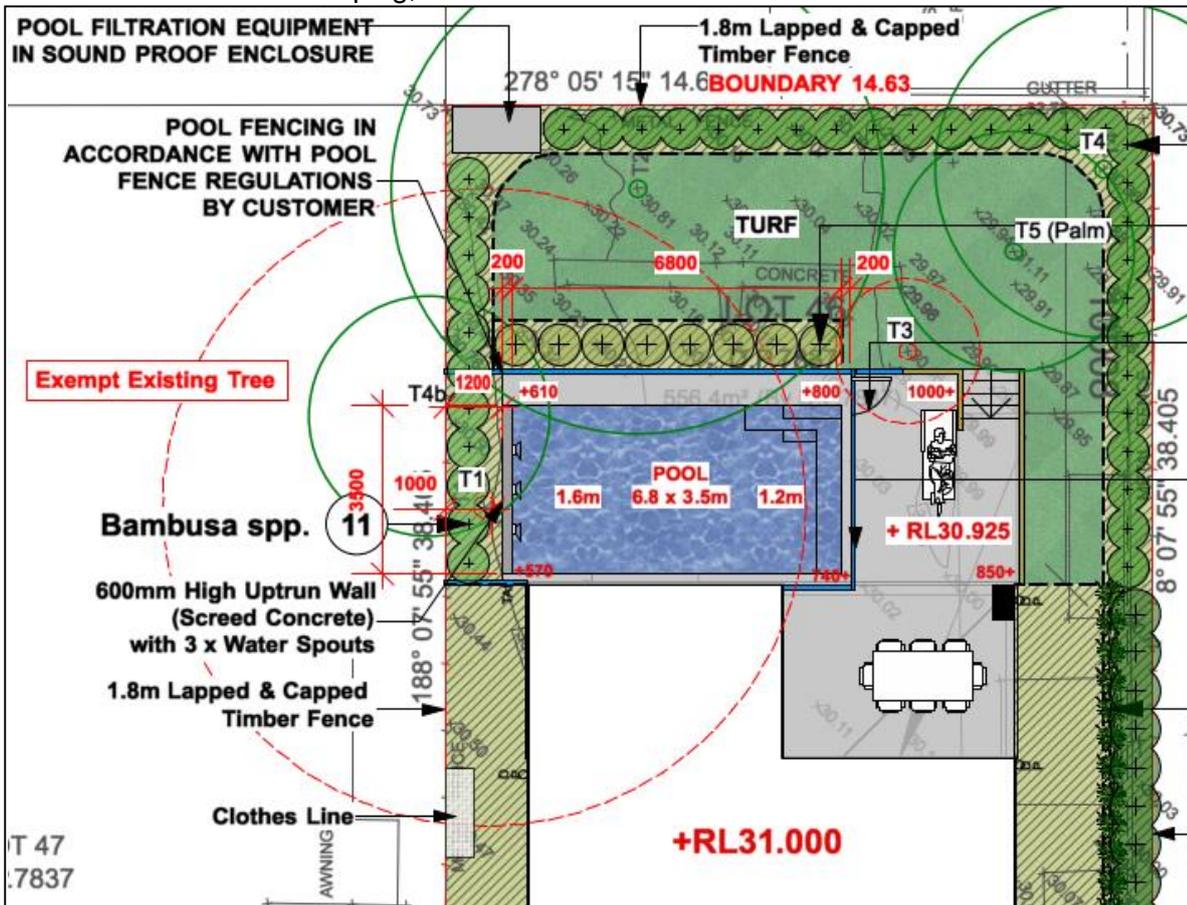
Figure 3: Extract of the survey plan with the location of the sewage line identified in purple.

DESCRIPTION OF THE PROPOSED DEVELOPMENT

The application seeks Council approval for the construction of a swimming pool, alfresco area and associated landscaping (Figures 4.

The specific elements of the proposal are:

- Swimming pool;
- Alfresco area adjoining the swimming pool;
- Pool filtration equipment in an enclosure; and
- Associated landscaping;



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Figure 4: Site plan of the proposed development.

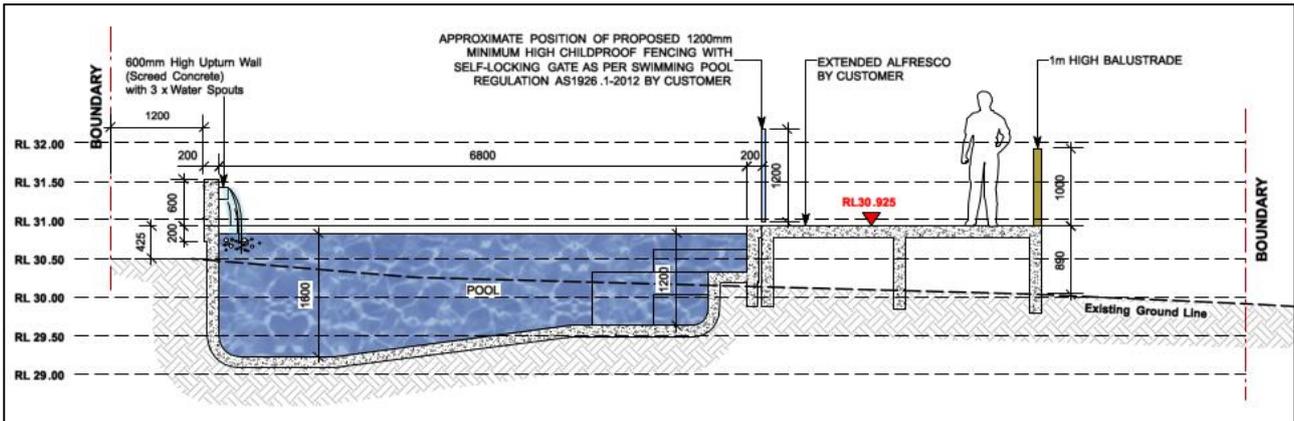


Figure 5: Proposed development section plan.

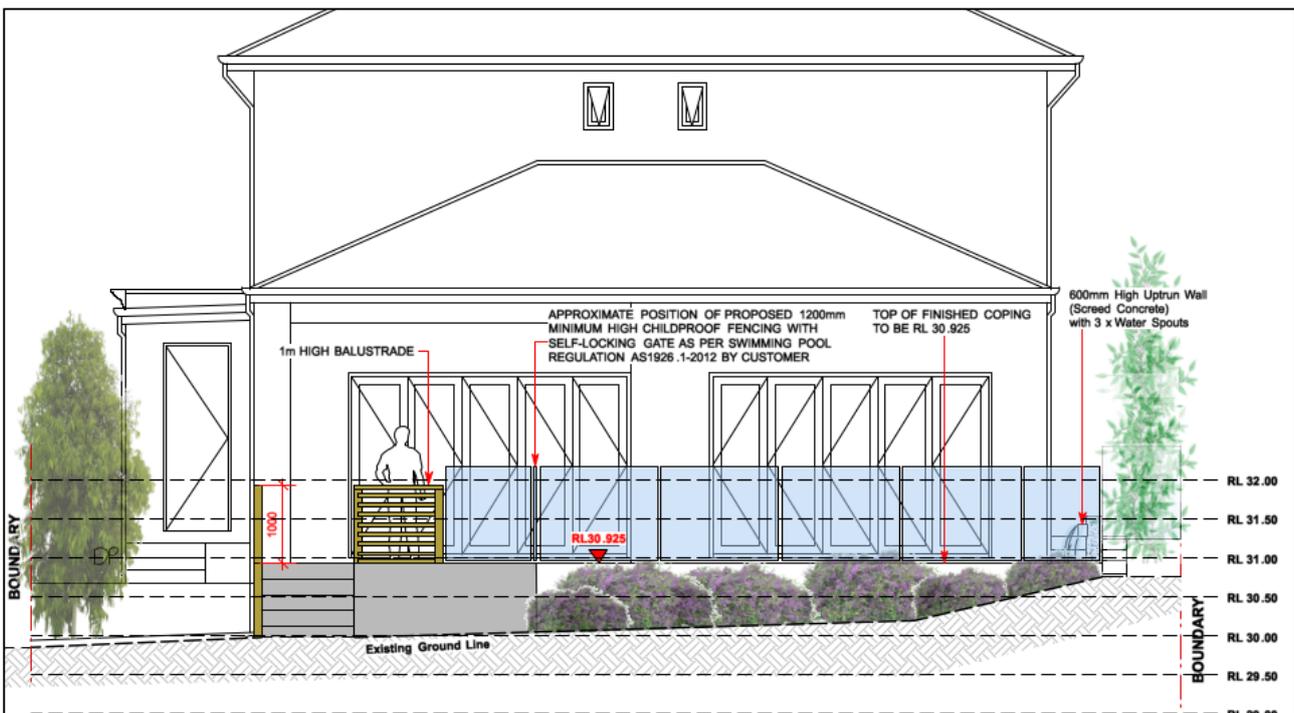


Figure 6: Southern elevation

REFERRALS

INTERNAL REFERRALS

Engineering Comments

Council’s Engineer offered no objections to the proposal, subject to the imposition of the recommended conditions of consent including a special condition that the area beneath the extended alfresco be left open to allow the unobstructed passage of flood water and all electrical connections are above the 1 in 100 year flood level.

Landscaping Comments

Council’s Tree Coordinator offered the following comments:

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“The filtration equipment and pipes will impact on the closed protected Tree (T2). This could all be relocated to be outside of the dripline of Tree 2.”

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.

As the water volume of the swimming pool is less than 40,000 litres a BASIX Certificate was not required to accompany the development application.

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. During the assessment process the location of the swimming pool was modified so the encroachment of the Trees to be retained (T2, T4b) are less than 10%. Council's Tree Coordinator raised no objection to the modified design, subject to the implementation of tree protection measures during the excavation and construction phases of the development and all associated swimming pool equipment (filtration and pipes) are located outside of the driplines of both trees.

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> | N/A |
| (c) | <i>To promote land uses that provide a wide range of employment, recreation, retail, cultural, service, educational and other facilities for the local community</i> | N/A |

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| | | |
|------------|---|------------|
| (d) | <i>To provide opportunities for economic growth that will enhance the local community</i> | N/A |
| (e) | <i>To promote future development that integrated land use and transport planning, encourages public transport use, and reduced the traffic and environmental impacts of private vehicle use</i> | N/A |
| (f) | <i>To identify and protect environmental and cultural heritage</i> | N/A |
| (g) | <i>To promote opportunities for social, cultural and community activities</i> | N/A |
| (h) | <i>To minimise risk to the community by identifying land subject to flooding and restricting incompatible development</i> | Yes |

Comments: The proposed development generally complies with the aims of the SLEP 2012, resulting in a development that is appropriate for the subject site and not result in adverse impacts.

Permissibility

The subject site is zoned R2 Low Density Residential under Strathfield Local Environmental Plan (SLEP) 2012. Ancillary structures to dwelling houses including swimming pools are permissible within the 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 |
|---|-----------------|
| ➤ <i>To provide for housing needs of the community within a low density residential environment.</i> | Yes |
| ➤ <i>To enable other land uses that provide facilities or services to meet the day to day needs of residents.</i> | N/A |
| ➤ <i>To ensure that development of housing does not adversely impact the heritage significance of adjacent heritage items and conservation areas.</i> | Yes |

Comments: The proposed development achieves the objectives of the R2 zone, providing for the housing needs of the community in a low density residential setting.

Part 4: Principal development standards

There are no relevant provisions under Part 4 applicable to the application.

Part 5: Miscellaneous Provisions

There are no relevant provisions under Part 5 applicable to the application.

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 Soils. Therefore, the proposed development was not required to be accompanied by an Acid Sulfate Soils Management Plan and has satisfied the requirements of this Clause.

6.2 Earthworks

The proposed development involves the construction of a swimming pool, requiring excavation and the removal of soil. A condition of consent is recommended to ensure the appropriate management of soils during the excavation and construction phases of the development.

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6.3 Flood planning

In accordance with the Cooks River and Coxs Criver Floody Study, the subject site is identified as being affected by overland flows in the 1 in 100 year flood event and the flood hazard is categorised as high. Council's Stormwater Engineer reviewed the proposed development including the accompanying Flood Assessment Report raising no objection to the proposal subject to the recommended conditions of consent.

6.4 Essential services

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

5: Landscaping

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

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| | | |
|------------|---|-----------------|
| K. | <i>To ensure the protection of trees during construction</i> | Yes |
| L. | <i>To ensure suitable fencing is provided to reduce acoustic impacts and enhance visual privacy between neighbouring residents whilst enabling front fences passive surveillance of the street.</i> | N/A |
| M. | <i>To maximise the amenity of existing and proposed developments, including solar access, privacy and open space.</i> | Yes |
| 5.2 | Development Controls | Complies |
| | <i>Landscaped area</i> | |
| .1. | 1 Landscaped area in accordance with Table A.3 | Yes |
| | 2 At least 50% of the minimum landscaped area located behind the building line to the rear boundary | Yes |
| | 4 Minimise hard surface area (concrete/brick/stone paving and bitumen). Run-off directed to permeable surfaces. | Yes |
| | <i>Tree Protection</i> | |
| .2. | 1 Arboricultural Impact Assessment Report prepared by an AQF Level 5 Arborist | 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 |
| | <i>Private Open Space</i> | |
| .3. | 1 Provided in a single parcel rather than a fragmented space, directly accessible from internal living areas | Yes |
| | 2 Includes a deep soil area compliant with the minimum landscaped area. | Yes |
| | 5 Private open space located at the rear of the property. | Yes |

Comments: The proposal provides 40% (223m²) of deep soil landscaping over the site, achieving compliance with the 38.5% (214.21m²) minimum requirement. During the assessment process the position of the swimming pool was amended so that the encroachment of the swimming pool to any affected trees to be retained (including the adjoining property tree) is less than 10%. The swimming pool and the extended alfresco adjoin the approved outdoor room of the dwelling. Contrary to Section 5.2.1.2, 46.2% (99m²) of the total landscaped area is located within the rear setback. However, the provided landscaped area is in a single functional parcel consisting of quality deep soil landscaping with existing canopy trees and garden beds and grass. In this instance the minor variation is considered acceptable.

7: Privacy

| | | |
|------------|--|------------------------------------|
| 7.1 | Objectives | Satisfactory |
| A. | <i>Development that is designed to provide reasonable privacy to adjacent properties</i> | Yes, conditions recommended |
| B. | <i>To maintain reasonable sharing of views from public places and living areas</i> | Yes |
| C. | <i>To ensure that public views and vistas are protected, maintained and where possible, enhanced</i> | Yes |
| D. | <i>To ensure that canopy trees take priority over views</i> | Yes |

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| | | | |
|---|--|--|---------------------------|
| E. | To ensure that the siting and design of buildings minimises noise impacts from abutting roads, rail corridors and other noise-generating land uses | Yes | |
| 7.2 | Development Controls | Complies | |
| <i>Visual Privacy</i> | | | |
| .1. | 1 | Protect POS, bedrooms, balconies and living rooms of proposed and any existing adjoining dwellings from direct overlooking | Yes |
| | 2 | Provide adequate separation of buildings | Yes |
| | 3 | Ensure elevation of finished floor levels above NGL is not excessive | No, refer comments below. |
| | 4 | Improve privacy to adjacent properties with screen planting | Yes |
| <i>Elevated Decks Verandahs and Balconies</i> | | | |
| .3. | 2 | Elevated decks, verandahs and balconies incorporate privacy screens | Conditions recommended. |

Comments: The level of the pool coping and the finished floor level of the extended alfresco area was amended during the assessment process from RL31.181 to RL30.925 to provide consistency with the approved two (2) storey dwelling on the site. However, these levels are considered to be elevated above the minimum flood level requirements for the non-habitable structures. The elevation of the extended alfresco, being 890mm above the existing ground level will provide direct overlooking opportunities into the private open space of the adjoining western property. To provide a reasonable level of visual privacy between the adjoining properties a fixed privacy screen with a minimum height of 1.7m is to be installed along the western elevation of the alfresco. Furthermore, to reduce the elevation of the proposed development a condition of consent is recommended for the finished floor level of the swimming pool coping level and concourse and alfresco to be no more than RL30.50.

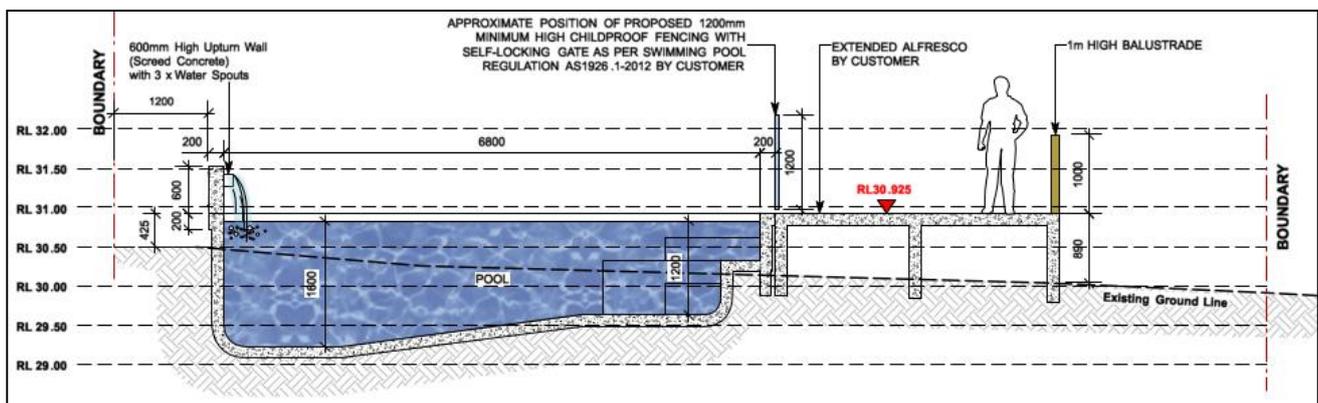


Figure 7: Section plan

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 |

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| | | |
|---|---|-----|
| 1 | Fill limited to 1m (max) above NGL | Yes |
| 2 | Clean fill used only | Yes |
| 4 | Vegetation or structural measures are implemented when the site is disturbed. | Yes |

Comments: The proposed development involves excavation and fill for the construction of the swimming pool and adjoining alfresco area. The areas of excavation are appropriately setback from the property boundaries. The extent of fill required for the development will be minimised through a condition of consent requiring the alfresco area to be suspended as a result of the flood affectation of the site.

10: Water and Soil Management

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

Comments: As previously discussed, the subject site is affected by flooding. Council's Stormwater Engineer raised no objection to the proposed development subject to the recommended conditions of consent including special conditions pertaining to the location of electrical connections above the minimum flood level and the area underneath the alfresco be suspended and kept clear. Conditions of consent are included to ensure the submitted soil erosion and sediment control measures are implemented during the construction phases of the development.

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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. | N/A | |
| 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 |
| 5 | Enclosures shall comply with the Swimming Pools Act and relevant Australian Standards as amended. | Conditions of consent recommended. | |

Comments: The swimming pool concourse is located 1.2m from the western side property boundary with screen planting proposed along the eastern and western elevations of the proposed development. Due to the close proximity of the pool filtration equipment to T2 as raised by Council's Tree Coordinator a condition of consent has been recommended for all pool equipment and electrical connections to be located outside of the dripline of all trees to be retained.

Conditions of consent have been included to ensure the swimming pool and safety gates complies with the Swimming Pools Act and relevant Australian Standards.

PART H - WASTE MANAGEMENT (SCDCP 2005)

The development application was accompanied by a Waste Management Plan prepared in accordance with part H of the SCDCP 2005. Compliance with the waste minimisation strategies for the submitted document and plans shall be enforced via 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 not involve the demolition of a building.

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

As discussed throughout this report the site is subject to overland flood during the 1 in 100 year flood event. The conditions of consent recommended by Council's Stormwater Engineer are concurred with and have been adopted to mitigate the flood risk of the development.

In regards to visual privacy, a condition of consent has been included for a fixed privacy screen to be installed along the western elevation of the alfresco to ensure a reasonable level of privacy is maintained between the adjoining properties.

Through the adoption of the recommended conditions of consent, the proposed development is not considered to result in any adverse environmental or social impacts.

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

The proposed development is considered to be suitable to the site as the R2 Low Density Residential zone is suitable for swimming pools and ancillary structures for detached dwelling houses and the surrounding area predominantly comprises of residential development. The proposal has appropriately design in accordance to the flood affectation of the site.

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

The application was publicly notified from 9 September 2019 to 23 September 2019 in accordance with the provisions of Part L of SCDCP 2005. No submissions were received as a result.

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

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

LOCAL INFRASTRUCTURE CONTRIBUTIONS

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

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

STRATHFIELD INDIRECT CONTRIBUTIONS PLAN

Section 7.12 Contributions are not applicable to the proposed development in accordance with the Strathfield Indirect Contributions Plan as the cost of works is less than \$100,000.

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.

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PEER REVIEW

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

RECOMMENDATION

That Development Application No. 2019/140 at 10 Cameron Street, Strathfield for the construction of a swimming pool, alfresco area and associated landscaping be **APPROVED**, subject to the following conditions:

SPECIAL CONDITIONS (SC)

1. PRIVACY MEASURES (SC)

The western elevation of the extended alfresco is to be installed with a privacy screen attaining a minimum height of 1.7m, measured from the respective finished floor level. The privacy screen is to:

- i) have no individual opening more than 30mm wide; and
- ii) has a total of all openings that is no more than 30% of the surface area of the screen.

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

2. FLOODING (SC)

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

- i) The swimming pool pumps and all electrical connections are to be located above the 1 in 100 year flood levels and outside of the drip line of Tree No. 2 identified in the Arboricultural Impact Assessment prepared by Michael Shaw.
- ii) The extended alfresco area and swimming pool concourse and copping must be no more than the minimum non-habitable flood levels (RL 30.5).
- iii) The alfresco structure is to be suspended with the underside left open to ensure the obstructed flow of flood waters.

(Reason: To mitigate flood risk)

3. FLOOD REPORT (SC)

A Flood Impact Assessment Report for the proposed swimming pool and alfresco area in accordance with Council Interim Flood Prone Land Policy shall be submitted to Council for approval, prior to issue of a Construction Certificate.

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

4. POSITIVE COVENANT (SC)

Positive Covenant under Section 88E of the Conveyancing Act shall be created on the title of the property stating that the underside of the extended alfresco area located at the rear of the dwelling is not to be enclosed or used for storage. The wording of the Instrument shall be submitted to Council prior to lodgement at Land & Property Information NSW. The Instrument shall be registered and a registered copy of the document shall be submitted to

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the consent authority prior to the issue of an Occupation Certificate/use of the building.

(Reason: To mitigate flood risk)

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

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

Plans affixed with Council's 'Development Consent' stamp relating to Development Consent No.2019/140:

| Drawing No. | Title/Description | Prepared by | Issue / Revision & Date | Date received by Council |
|-------------|--------------------------------------|---------------|-------------------------|--------------------------|
| L-01 | Site Plan/Calcs/Sediment/ Waste Plan | Premier Pools | Issue C | 29 November 2019 |
| L-02 | Pool Plan | Premier Pools | Issue C | 29 November 2019 |
| L-03 | Landscape Plan (Rear) | Premier Pools | Issue C | 29 November 2019 |
| L-04 | Section A, B & C | Premier Pools | Issue C | 29 November 2019 |
| L-05 | Elevation D | Premier Pools | Issue C | 29 November 2019 |
| L-06 | Elevation E | Premier Pools | Issue C | 29 November 2019 |
| L-07 | Elevation F | Premier Pools | Issue C | 29 November 2019 |

Reference Documentation affixed with Council's 'Development Consent' stamp relating to Development Consent No.2019/140:

| Title / Description | Prepared by | Issue/Revision & Date | Date received by Council |
|---------------------------------|--|-----------------------|--------------------------|
| Aboricultural Impact Assessment | Michael Shaw | 7 November 2018 | 30 August 2019 |
| Waste Management Plan | Vaughan Milligan Development Consulting Pty Ltd | August 2019 | 30 August 2019 |

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

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

6. CONSTRUCTION HOURS (GC)

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

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

DA2019/140 10 Cameron Street, Strathfield LOT 46 DP 7837 (Cont'd)

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

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

7. 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.)

8. 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.)

9. 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

DA2019/140 10 Cameron Street, Strathfield LOT 46 DP 7837 (Cont'd)

- 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.)

10. MATERIALS – CONSISTENT WITH SUBMITTED SCHEDULE (GC)

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

(Reason: To ensure compliance with this consent.)

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

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

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

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

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

(Reason: Statutory requirement.)

12. SITE MANAGEMENT (DURING DEMOLITION AND CONSTRUCTION WORKS)

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

DA2019/140 10 Cameron Street, Strathfield LOT 46 DP 7837 (Cont'd)

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

DA2019/140 10 Cameron Street, Strathfield LOT 46 DP 7837 (Cont'd)

13. **SYDNEY WATER - TAP IN™ (GC)**

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

(Reason: Compliance with Sydney Water requirements.)

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

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

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

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

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

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

15. **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.)

16. **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.

DA2019/140 10 Cameron Street, Strathfield LOT 46 DP 7837 (Cont'd)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.)

17. 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

DA2019/140 10 Cameron Street, Strathfield LOT 46 DP 7837 (Cont'd)

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.)

18. 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.)

19. 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.)

20. TREE BONDS (CC)

A tree bond of **\$10,000.00** (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 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.)

DA2019/140 10 Cameron Street, Strathfield LOT 46 DP 7837 (Cont'd)

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

21. 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.)

22. 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).

DA2019/140 10 Cameron Street, Strathfield LOT 46 DP 7837 (Cont'd)

- iii) If the work is to be carried out by an owner builder, that the owner builder is the holder of any owner -builder permit required under the Home Building Act 1989.
- iv) Written notice of the following information has been provided to Council (this is a prescribed condition of consent pursuant to clause 98B of the Environmental Planning and Assessment Regulation 2000):
 - In the case of work for which a principal contractor is required to be appointed:
 - the name and licence number of the principal contractor; and
 - the name of the insurer by which the work is insured under Part 6 of the Home Building Act 1989.In the case of work to be done by an owner-builder:
 - the name of the owner-builder; and
 - if the owner-builder is required to hold an owner-builder permit under the Home Building Act 1989, the number of the owner-builder permits.

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

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

(Reason: Statutory requirement.)

23. 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)**24. FILL MATERIAL (DW)**

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

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

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

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

DA2019/140 10 Cameron Street, Strathfield LOT 46 DP 7837 (Cont'd)

25. **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.)

26. **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.)

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

27. **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.)

28. **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.

DA2019/140 10 Cameron Street, Strathfield LOT 46 DP 7837 (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 - 20 December 2019

REPORT: IDAP – Report No. 2

SUBJECT: DA2019/125 - 71 BURLINGTON ROAD, HOMEBUSH
LOT 33 SECTION 11 IN DP 400

DA NO. DA2019/125

SUMMARY

Proposal: Demolition of existing structures and construction of a new two (2) storey dwelling, enclosed in-ground swimming pool, outbuilding, front boundary fence and associated landscaping.

Applicant: Pavela Architects

Owner: A.K & L. Wadhwa

Date of lodgement: 12 August 2019

Notification period: 22 August 2019 to 5 September 2019

Submissions received: Nil

Assessment officer: ND

Estimated cost of works: \$1,538,000

Zoning: R2 Low Density Residential - SLEP 2012

Heritage: Yes. Within the vicinity of Heritage Conservation Area and Heritage Items.

Flood affected: No

Is a Clause 4.6 variation proposed? No

RECOMMENDATION OF OFFICER: **APPROVAL**

The application seeks Council approval for the demolition of existing structures and construction of a new two (2) storey dwelling, enclosed in-ground swimming pool, outbuilding, front boundary fence and associated landscaping.

The application was notified in accordance with Part L of the SCDP 2005 from 22 August 2019 to 5 September 2019. No submissions were received during this time.

The proposal was amended during the assessment process to resolve the issues raised by the Assessment Officer including tree protection, non-compliant side setbacks and considerations of the nearby heritage items. The modified proposal achieves a suitable outcome for the site and the surrounding streetscape.

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

DA2019/125 - 71 Burlington Road, Homebush
Lot 33 Section 11 in DP 400 (Cont'd)

BACKGROUND

- 12 August 2019** The subject application (DA2019/125) was lodged.
- 16 August 2019** A letter was sent to the applicant requesting a quantity surveyors detailed cost report.
- 21 August 2019** A quantity surveyors report was submitted to Council.
- 22 August 2019 to 5 September 2019** The application was notified in accordance with Part L of the SCDCP 2005. No written submissions were received as a result.
- 8 October 2019** A deferral letter was sent to the applicant requesting additional information and amended plans to address the following:
- Proposed re-location of the driveway is not supported due to the proximity of the street tree. The existing driveway crossover and layback to be utilised;
 - Location of stormwater outlet pipe to be re-located due to close proximity with street tree;
 - Proposed outbuilding and absorption trench is to be re-located due to close proximity to neighbouring trees;
 - Non-compliant combined side setbacks; and
 - A section plan of the swimming pool must be provided.
- 18 October 2019** The applicant requested an extension to provide the amended plans.
- 4 November 2019** The applicant submitted additional information including amended plans to resolve/address the matters raised in the deferral letter.
- 26 November 2019:** Correspondence was sent to the applicant with the comments provided by Council's Heritage Advisor.
- 27 November 2019:** The applicant submitted amended plans in accordance with the design changes requested by Council's Heritage Advisor.

DESCRIPTION OF THE SITE AND LOCALITY

The subject site is located on the northern side of Burlington Road, legally described as Lot 33 Section 11 in DP 400 and is commonly known as 71 Burlington Road, Homebush (Figure 1). The site is a regular shaped residential allotment with a frontage width of 15.24m, a depth of 60.96m and a total area of 923.20m².

DA2019/125 - 71 Burlington Road, Homebush
Lot 33 Section 11 in DP 400 (Cont'd)

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

The site is presently occupied by a single storey dwelling, detached secondary dwelling and swimming pool (Figure 2). The existing streetscape comprises a mixture of original housing stock, traditional and modern style dwellings featuring exposed facebrick, rendered masonry exterior walls, stone cladding and pitched tiled roof forms. The site is located within the vicinity of a Heritage Conservation Area 'C3- pair of Federation Queen Anne Style houses' and Heritage Item No. I21 'Finchley' a Victorian style house at No. 61 Burlington Road, Heritage Item No. I22 'Meyrick' a Victorian style house at No. 82 Burlington Road and Heritage Item No. I23 'Marlborough' a Victorian Italianate style house at No. 94-96 Burlington Road (Figure 2).

DA2019/125 - 71 Burlington Road, Homebush
Lot 33 Section 11 in DP 400 (Cont'd)



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

PROPERTY BURDENS AND CONSTRAINTS

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

DESCRIPTION OF THE PROPOSED DEVELOPMENT

The application seeks Council approval for the demolition of existing structures and construction of a new two (2) storey dwelling, enclosed in-ground swimming pool, outbuilding, front boundary fence and associated landscaping (Figures 3 to 5).

The specific elements of the proposal are:

Demolition:

- Single storey dwelling
- In-ground swimming pool;
- Detached secondary dwelling; and
- Front fence.

Ground floor level:

- Double garage;
- Lounge/media room;
- Office;
- Bathroom;
- Guest bedroom with ensuite;
- Enclosed swimming pool;
- Meditation room;
- Open plan kitchen, living and family room; and
- Butler kitchen.

First floor level:

DA2019/125 - 71 Burlington Road, Homebush
Lot 33 Section 11 in DP 400 (Cont'd)

- Master bedroom with walk-in-robe and ensuite;
- Two (2) bedrooms with ensuite;
- Linen room;
- Sitting room; and
- Roof storage.

External works:

- Detached alfresco, shed and bathroom;
- Landscaping works; and
- Re-location of driveway.

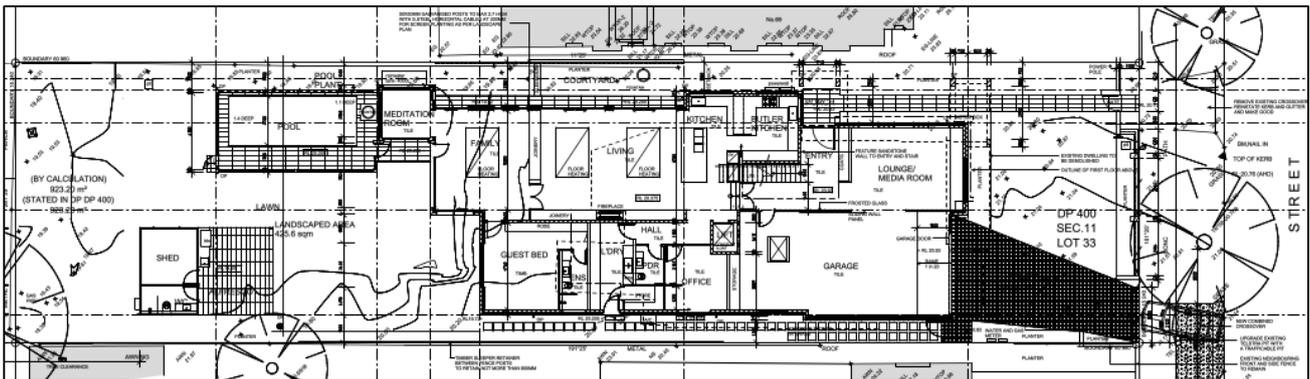


Figure 3: Proposed ground floor plan

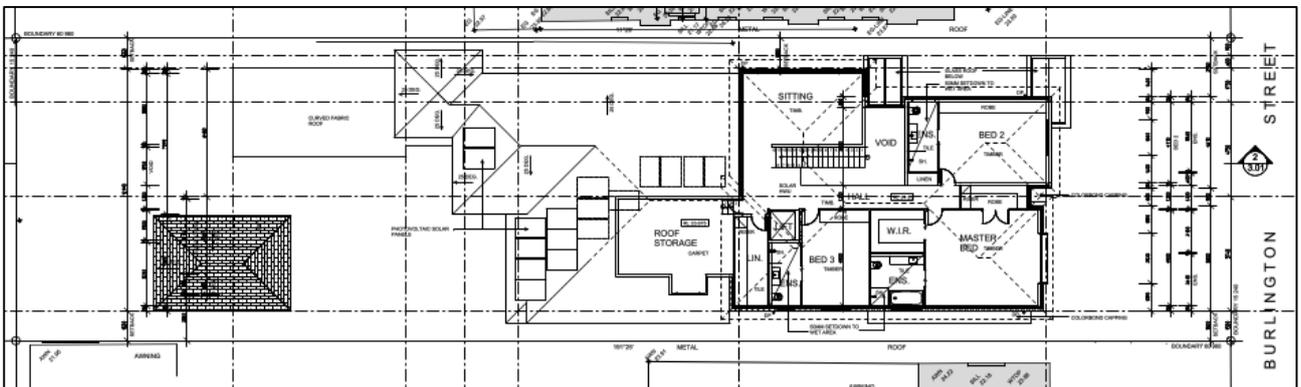


Figure 4: Proposed first floor plan

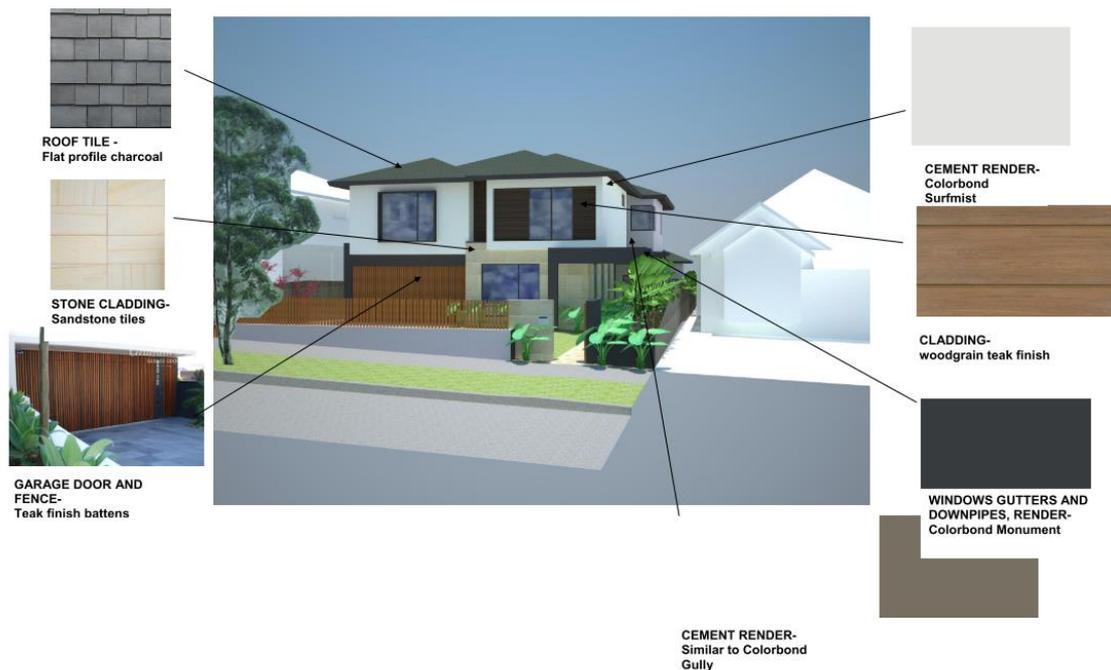
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Figure 5: Photomontage of proposed development (note, front fence modified to pier and infill)

REFERRALS

INTERNAL REFERRALS

Engineering Comments

Council's Engineer offered no objections to the proposal, subject to the imposition of recommended conditions of consent and the following special condition:

“ABSORPTION TRENCH

On-site detention system connecting to a pit and pump system which incorporates twin pumps, needs to provide an emergency overflow system connection into a rubble/absorption pit system. Amended stormwater plans shall be submitted to Council for approval prior to issue of a Construction Certificate.

(Reason: Compliance with Council requirement)”

Landscaping Comments

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

“The application is supported subject to the driveway being 3m from the existing street tree and the setback is maintained from the neighbouring trees in the rear property.”

Traffic Comments

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

“In addition to the standard conditions of consent it is recommended that a sight triangle is provided along the eastern side of the driveway to improve sight lines to pedestrians on the frontage foot path.”

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Heritage Comments

Council's Heritage Advisor has commented on the proposal as follows:

"I recommend a few minor amendments to the fence, landscaping and colour scheme to reduce any potential accumulative effects on nearby heritage items. These are:

- 1. The fence and swing gate is the main element that may dominate the streetscape. I recommend that a pier and post fence be considered instead. This would break up the fence line and the gate.*
- 2. That the mixture of aluminium wood finishes be the same colour. Currently the mixture of finishes and colours could be reduced. This would reduce dominance of the site in the streetscape.*
- 3. That the tree be located into the front setback rather than against the fence line. This would allow for the tree to reduce the impact of the bulk and appearance of the development."*

Amended plans were submitted during the assessment process addressing the above.

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 indicates that the subject site has historically been used for residential purposes. As such there is no indication that the land is contaminated and would trigger further site investigations.

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.

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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.

Council's Tree Coordinator raised concerns regarding the proposed re-location of the existing driveway to the western side of the site with a 2m separation from the existing street tree and the close proximity of the outbuilding and stormwater infrastructure to the trees in the adjoining property. Consequently, amended plans were submitted providing adequate separation to the adjoining property trees and a 3m separation from the proposed driveway and the existing street tree. Council's Tree Coordinator raised no objection to the amended design, subject to the imposition of the recommended conditions of consent including tree protection measures during the demolition and construction phases of the development.

STRATHFIELD LOCAL ENVIRONMENTAL PLAN 2012 (SLEP 2012)

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

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

Comments: The proposed development will result in a dwelling house that incorporates a pitched roof with external walls finished in rendered masonry, stone and timber cladding. The development is compatible with the characteristics of the streetscape and will not detract from the nearby heritage items.

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.

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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. | N/A |

Comments: The proposed development involves the construction of a two (2) storey dwelling which provides for the housing needs of the community in a low density residential setting. Therefore, the proposal generally complies with the objectives of the R2 – Low Density Residential zone.

Part 4: Principal development standards

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

Height of building

| Cl. | Standard | Controls | Proposed | Complies |
|-----|--------------------|----------|----------|----------|
| 4.3 | Height of building | 9.5m | 8.12m | Yes |

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

Comments: The proposed dwelling has a maximum building height of 8.12m, achieving compliance with the maximum 9.5m building height standard (Figure 6). Furthermore, the proposed height responds appropriately to the building rhythm of the streetscape.

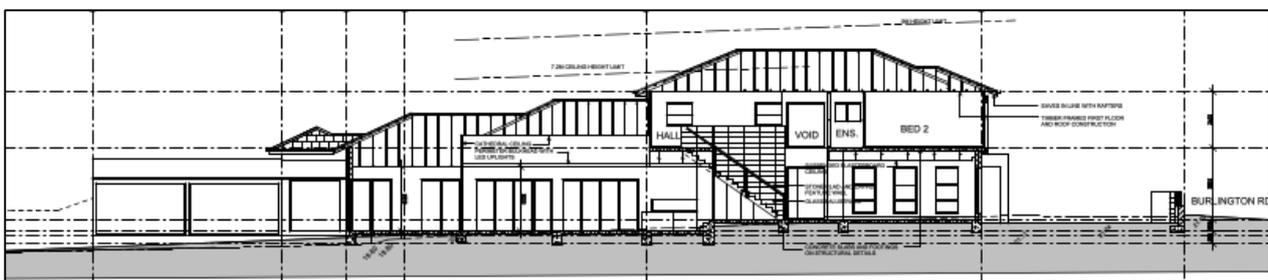


Figure 6: Section plan of proposed development

Floor space ratio

| Cl. | Standard | Controls | Proposed | Complies |
|-----|-------------------|------------------------------------|-----------------------------------|----------|
| 4.4 | Floor space ratio | 0.525:1 (484.68m ²) | 0.50:1 (462.32m ²) | Yes |

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

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| | | |
|-----|--|-----|
| (b) | To provide consistency in the bulk and scale of new dwellings in residential areas | Yes |
| (c) | To minimise the impact of new development on the amenity of adjoining properties | Yes |
| (d) | To minimise the impact of development on heritage conservation areas and heritage items | 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 proposed dwelling achieves an appropriate form and scale that will integrate well within the existing streetscape and not detract from the architectural features of the nearby heritage listed dwelling and heritage conservation area in the street. The proposal is unlikely to impact upon the residential amenity of the adjoining residential properties.

Part 5: Miscellaneous Provisions

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

5.10 Heritage Conservation

Clause 5.10(5) of the *SLEP 2012* requires consideration be given to the potential impacts of development upon the nearby heritage items including associated fabric, settings and views. As previously noted, the subject site is located within the vicinity of a Heritage Conservation Area and multiple heritage listed dwellings.

During the assessment process Council's Heritage Advisor recommended minor changes to the proposal including the front fence style and to simplify the colour palette to reduce the accumulative effects of the development on the nearby heritage items. The external colours and materials include charcoal flat profile roof tiles, sandstone cladding, teak finish garage door and cladding and painted rendered masonry with 'Colorbond gully' and 'Colorbond surfmist'. The colours accord with those found throughout the street and materials of more contemporary dwellings, specifically the sandstone and wood cladding. Additionally, the proposed pier and infill style front fence is appropriate to the style of the proposed dwelling and the wider streetscape.

Overall, the application achieves the objectives of Clause 5.10 of the *SLEP 2012* in that the proposed development is appropriately designed being a balance of traditional and contemporary so as not detract from the heritage listed items within the vicinity of the site.

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 located within 500m of Class 3 acid sulfate soils. As the proposed excavations do not go below 5 metres Australian Height Datum and is not anticipated to lower the watertable, the development was not required to be accompanied by an Acid Sulfate Soils Management Plan and has satisfied the requirements of this Clause.

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6.2 Earthworks

The proposal involves the construction of a two (2) storey dwelling and an in-ground swimming pool requiring the excavation and removal of soil. The size of the swimming pool and excavation for the dwelling is considered to be reasonable. A condition of consent is recommended to ensure the appropriate management of soils during the excavation and construction phases of the development.

6.3 Flood planning

Council's Stormwater Engineer has reviewed the submitted stormwater concept plan and raised no objection, subject to the imposition of conditions.

6.4 Essential services

The subject site is located within a well serviced area and features existing water and electricity connection and access to Council's stormwater drainage system. As such, the subject site is considered to be adequately serviced for the purposes of the proposed development.

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

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

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

STRATHFIELD CONSOLIDATED DEVELOPMENT CONTROL PLAN 2005 (SCDCP 2005)

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

PART A – DWELLING HOUSES AND ANCILLARY STRUCTURES

2: Architectural Design & Streetscape Presentation

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

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| | | |
|------------|--|-----------------|
| <i>I.</i> | <i>To ensure fencing is sympathetic to the design of the dwelling and the street and enhances the character of both the individual house and street whilst maintaining casual surveillance of the neighbourhood.</i> | Yes |
| <i>J.</i> | <i>To protect and retain the amenity of adjoining properties.</i> | Yes |
| 2.2 | Development Controls | Complies |
| | <i>Streetscape Presentation</i> | |
| .1. | 1 New dwellings address street frontage with clear entry. | Yes |
| | 2 Consistently occurring building features integrated within dwelling design. | Yes |
| | 4 Integrated security grilles/screens, ventilation louvres and garage doors | Yes |
| | <i>Scale, Massing & Rhythm of Street</i> | |
| .2. | 1 Scale, massing, bulk and layout complement the existing streetscape and the dominant building rhythm | Yes |
| | 2 Building height and mass maintains amenity to adjacent properties open space or the public domain | Yes |
| | <i>Building Forms</i> | |
| .3. | 1 Building form articulated. | Yes |
| | 3 Attic located within roof space of 1 or 2-storey dwelling or garage via internal stairs. | Yes |
| | <i>Roof Forms</i> | |
| .4. | 1 Roof form complements predominant form in the locality | Yes |
| | 2 Roof form minimises bulk and scale of building and remains an important architectural element in the street. | Yes |
| | <i>Materials</i> | |
| .4. | 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> | |
| .4. | 8 New development incorporates traditional colour schemes | Yes |
| | 9 The external colours integrate harmoniously with the external design of the building | Yes |
| | <i>Dormers</i> | |
| .6. | 1 Dormers to be traditionally proportioned and rectilinear | Yes |

Comments: The design and appearance of the proposed dwelling accords with the character of the streetscape with a façade composition that includes rendered masonry, stone cladding and a pitched roof. The external colours include 'colorbond surfmist' and 'colorbond gully' that are consistent with the various dwelling styles the streetscape including recently constructed houses and original housing stock (Figures 7 and 8). The multiple colour tones and setbacks assist in articulating the entire building form. The proposed pier and infill front fence complements the dwelling design featuring a timber finish and rendered masonry colour that is consistent with the dwelling.

The proposed dwelling design also includes a single dormer on the western elevation. The dormer provides natural light into the storage space located in the attic space within the roof space of the

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single storey component of the dwelling. The storage space is directly accessible via internal stairs on the first floor. There are examples of dwellings with dormers on the side elevations including the adjoining residential property No. 69 Burlington Road.



Figure 7: Recently constructed dwelling at No. 86 Burlington Road.



Figure 8: No. 63 Burlington Road located within a Heritage Conservation Area and No. 61 Burlington Road a listed heritage item.

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 |

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| | | |
|-----------|--|------------|
| C. | To establish and maintain the desired setbacks from the street and define the street edge. | Yes |
| D. | To create a perception or reinforce a sense of openness in the locality. | Yes |
| E. | To maintain view corridors between dwellings | Yes |
| F. | To assist in achieving passive surveillance whilst protecting visual privacy. | Yes |
| G. | To provide a transitional area between public and private space. | Yes |

4.2 Development Controls**Complies**

| | | | |
|--------------|-------------------------------|---|------------|
| | <i>Floor Space Ratio</i> | | |
| .1. | 1 | Floor Space Ratio permissible pursuant to SLEP 2012 | Yes |
| | 2 | Development compatible with the lot size | Yes |
| | <i>Building Height</i> | | |
| .2. | 1 | Height of building permissible pursuant to SLEP 2012 | Yes |
| | 4 | Maximum height of the external wall from the existing ground level to underside of uppermost ceiling level is 7.2m. | Yes |
| | 5 | Maximum internal floor to ceiling height is 3.0m for any residential level. | Yes |
| | 6 | Height of outbuildings, detached garages and carports is 3.5m (max) measured at the highest point on the roof above NGL | Yes |
| | 7 | Dwelling houses and any ancillary structures 2-storeys (max) | Yes |
| | 8 | Building height responds to the gradient of the site to minimise cut and fill | Yes |
| .3.1. | <i>Street Setbacks</i> | | |
| | 1 | Setbacks consistent with minimum requirements of Table A.1 | Yes |
| .3.2. | <i>Side and Rear Setbacks</i> | | |
| | 1 | A combined side setback of 20% of the width of the block (incorporating a 1.2m min side setback on each side). | Yes |
| | 2 | A rear setback of 6m (min) | Yes |
| | 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 proposed dwelling achieves numerical compliance with the FSR and building height provisions under Clause 4.3 and 4.4C of the SLEP 2012. The building height and envelope is proportionate to the size of the site.

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The maximum building height from the existing ground level to the underside of the eaves is 6.62m. The proposal incorporates floor to ceiling heights of 3.0m on the ground floor (except in void areas) and 2.6m on the first floor. The proposed front, side and rear boundary setbacks of the dwelling house comply with the relevant controls, including a 20.01% (3.05m) combined side setback, 9.00m front setback and 10.85m rear setback (from the enclosed swimming pool). The proposed outbuilding comprising containing a shed, bathroom and alfresco area achieves compliance with the 3.5m building height for outbuildings.

5: Landscaping

| 5.1 | Objectives | Satisfactory | |
|------------|---|---|------------|
| A. | <i>To encourage landscaping that is appropriate to the style and scale of the dwelling and adjoining development, and to the streetscape.</i> | Yes | |
| B. | <i>To enhance the existing streetscape and promote a scale and density of planting that softens the visual impact of buildings, structures, vehicle circulation and ancillary areas.</i> | Yes | |
| C. | <i>To preserve existing landscape elements on site (such as existing trees) and encourage their integration into the design of proposals.</i> | Yes | |
| D. | <i>To ensure adequate deep soil planting is retained on each allotment.</i> | Yes | |
| E. | <i>To ensure developments make an equitable contribution to the landscape setting of the locality.</i> | Yes | |
| F. | <i>To ensure both existing and new landscaping provides suitable shade and facilitates convective cooling breeze paths in summer.</i> | Yes | |
| G. | <i>To encourage the use of native flora such as open woodland canopy trees, to provide a habitat for native fauna.</i> | Yes | |
| H. | <i>To ensure that landscaped areas are designed to minimise water use.</i> | Yes | |
| I. | <i>To provide functional private open spaces for active or passive use by residents.</i> | Yes | |
| J. | <i>To provide private open areas with provision for clothes drying facilities screened from the street and lane or a public place.</i> | Yes | |
| K. | <i>To ensure the protection of trees during construction</i> | Yes | |
| L. | <i>To ensure suitable fencing is provided to reduce acoustic impacts and enhance visual privacy between neighbouring residents whilst enabling front fences passive surveillance of the street.</i> | Yes | |
| M. | <i>To maximise the amenity of existing and proposed developments, including solar access, privacy and open space.</i> | Yes | |
| 5.2 | Development Controls | Complies | |
| .1. | <i>Landscaped area</i> | | |
| | 1 | Landscaped area in accordance with Table A.3 | Yes |
| | 2 | At least 50% of the minimum landscaped area located behind the building line to the rear boundary | Yes |
| | 3 | At least 50% of the front yard maintained as deep soil soft landscaping | Yes |
| | 4 | Minimise hard surface area (concrete/brick/stone paving and bitumen). Run-off directed to permeable surfaces. | Yes |
| | 6 | Front gardens respond and contribute to the garden character of Strathfield. | Yes |

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| <i>Tree Protection</i> | | | |
|---------------------------|----|--|----------------------------|
| .2. | 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. | No, condition recommended. |
| | 10 | Driveway construction does not result in the removal, lopping or root damage to any street tree | Yes |
| <i>Private Open Space</i> | | | |
| .3. | 1 | Provided in a single parcel rather than a fragmented space, directly accessible from internal living areas | Yes |
| | 2 | Includes a deep soil area compliant with the minimum landscaped area. | Yes |
| | 5 | Private open space located at the rear of the property. | Yes |
| <i>Fencing</i> | | | |
| .4. | 1 | Fencing designed to be compatible and sympathetic to the style of the dwelling, adjoining properties and the streetscape | Yes |
| | 3 | Fencing forward of FBL shall not exceed 1.5m. Solid components shall not exceed 0.7m above NGL with the exception of brick piers | Yes |
| | 7 | Front fences visually permeable | Yes |

Comments: The proposal seeks to re-locate the driveway from the eastern side to the western side of the site. Council's Tree Coordinator did not support the original driveway re-location due to its close proximity to the existing street tree. As such a modified design was submitted providing a 3m separation between the new driveway and the street tree. Council's Tree Coordinator raised no objection to the modified driveway design.

The controls require a minimum of 45% (415.44m²) of the site to be provide as deep soil landscaping. The proposal complies with 45.84% (423.25m²) of the site as deep soil landscaped areas in the form of grass, shrubs, flowering plants and one (1) canopy tree in the front setback. To achieve compliance with Section 5.2.2 of the SCDPC 2005, a condition of consent has been recommended for one canopy (1) tree is to be provided in the rear yard. The landscape plan denotes a 2.7m high metal trellis with climbing plants. The proposed height of the trellis is considered excessive and a condition of consent has been recommended to reduce the maximum height of the structure to 2.1m.

A private open space area is provided to the rear of the dwelling, with direct access from the family room.

A pier and infill style front fence is proposed with a maximum 1.5m height. The pier and infill style with vertically oriented infill is consistent with the prevailing fence style of the streetscape. The external materials and colours of the front fence complement the proposed dwelling incorporating the same rendered masonry colour and sandstone cladding. The vertical orientated infill ensure that the front fence is permeable and maximises opportunities for passive surveillance of the street.

6: Solar Access

| 6.1 | <i>Objectives</i> | <i>Satisfactory</i> |
|-----|--|---------------------|
| A. | To ensure the design of new dwelling houses and alterations and additions maximises solar access to living areas and open space areas. | Yes |

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| | | |
|------------|---|-----------------|
| B. | <i>To minimise overshadowing of adjoining properties.</i> | Yes |
| 6.2 | Development Controls | Complies |
| .1. | <i>Sunlight Access</i> | |
| | 1 New dwellings - 3 hours solar access between 9.00am and 3.00pm on June 21 to the windows of habitable rooms and 50% of private open space | Yes |
| | 3 50% of the principal private open space of any adjoining premises receives 3 hours solar access between 9.00am and 3.00pm on June 21 | Yes |
| | 4 The proposed development does not further reduce the amount of solar access | Yes |

Comments:The north-south orientation of the subject site enables the adjoining properties to maintain three (3) hours of solar access to habitable rooms and private open space (Figure 9). Further, the dining room and alfresco are located towards the rear of the dwelling to optimise the northerly solar access.

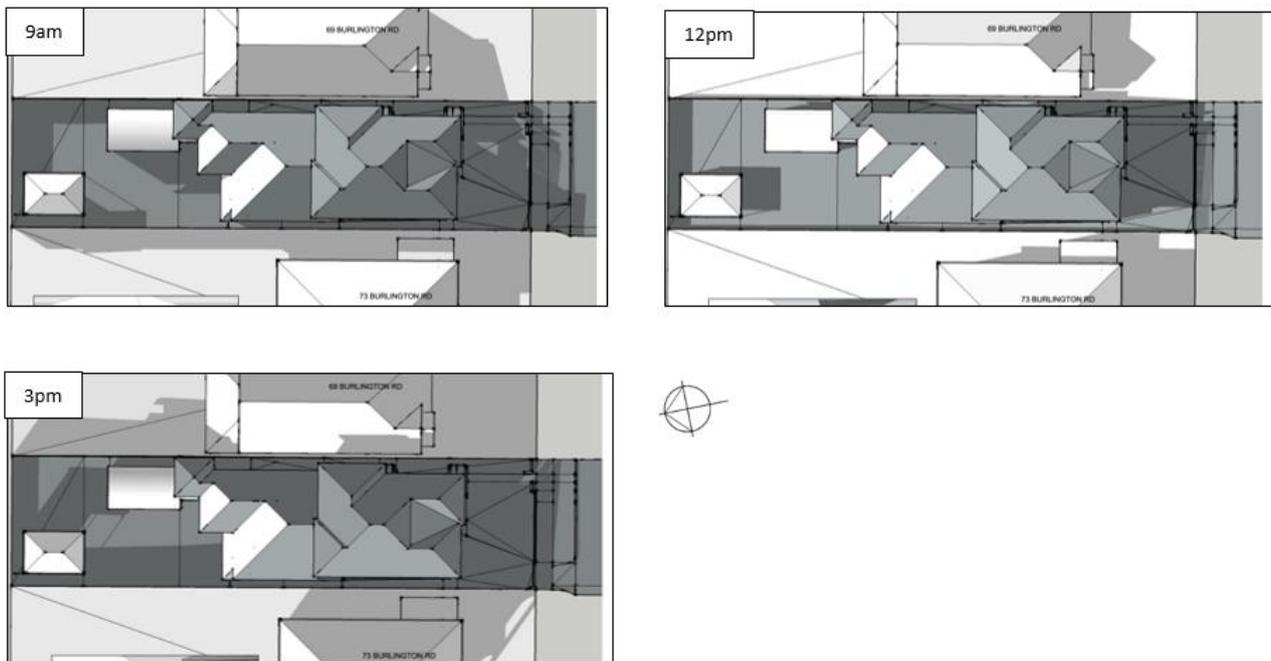


Figure 9: Winter solstice shadow diagrams of the proposed development.

7: Privacy

| | | |
|------------|--|---------------------|
| 7.1 | Objectives | Satisfactory |
| A. | <i>Development that is designed to provide reasonable privacy to adjacent properties</i> | Yes |
| B. | <i>To maintain reasonable sharing of views from public places and living areas</i> | Yes |
| C. | <i>To ensure that public views and vistas are protected, maintained and where possible, enhanced</i> | Yes |
| D. | <i>To ensure that canopy trees take priority over views</i> | Yes |

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| | | |
|------------|---|----------------------------------|
| E. | <i>To ensure that the siting and design of buildings minimises noise impacts from abutting roads, rail corridors and other noise-generating land uses</i> | Yes |
| 7.2 | Development Controls | Complies |
| .1. | <i>Visual Privacy</i> | |
| | 1 Protect POS, bedrooms, balconies and living rooms of proposed and any existing adjoining dwellings from direct overlooking | Refer to comments |
| | 2 Provide adequate separation of buildings | Yes |
| | 3 Ensure elevation of finished floor levels above NGL is not excessive | Yes |
| .2. | <i>Windows</i> | |
| | 1 Windows do not directly face the windows, balconies and courtyards of adjoining dwelling | No, refer comments 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, refer comments below. |
| | 3 Windows directly facing balconies or courtyards are narrow, incorporate obscure glazing and/or a sill height of 1.7m (min) above FFL | Yes |

Comments: Multiple windows on the ground floor eastern elevation directly face windows of the adjoining properties. However, a site inspection of the adjoining property revealed that the windows are for low use rooms including storage room, stairwell and formal living room with no objections raised by the adjoining property owners. Consequently, it is not anticipated that the proposed windows will in any adverse privacy impacts upon the adjoining eastern property.

The roof storage window on the eastern elevation directly faces the living room window of the adjoining property. As the roof storage room is considered to be a low use non-habitable room, it is considered unreasonable to require the window to be obscurely glazed.

8: Vehicle Access and Parking

| | | |
|------------|--|---------------------|
| 8.1 | Objectives | Satisfactory |
| A. | <i>To provide adequate and convenient on-site car parking.</i> | Yes |
| B. | <i>To ensure that the location and design of driveways, parking spaces and other areas used from the movement of motor vehicles are efficient, safe and convenient.</i> | Yes |
| C. | <i>To ensure garages, carports, basements and hard standing areas for cars do not visually dominate the street façade of the dwelling.</i> | Yes |
| D. | <i>To ensure that construction materials used for driveways respect the architectural qualities of the dwelling.</i> | Yes |
| E. | <i>To minimise the area of access driveways to minimise impermeable surfaces and maximise landscaped areas.</i> | Yes |
| F. | <i>To ensure basements have discreet entries, safe access and a high degree of natural cross-ventilation.</i> | N/A |
| G. | <i>To minimise excavation to reduce disturbance to natural ground level particularly adjacent to site boundaries.</i> | Yes |
| H. | <i>To ensure that any proposed basement minimises disturbance to natural drainage systems and that flooding, drainage or ventilation impacts would not be created for the site, or for adjoining or nearby properties.</i> | N/A |

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Lot 33 Section 11 in DP 400 (Cont'd)

| 8.2 | Development Controls | Complies |
|-----|--|------------------------------|
| .1. | <i>Driveway and Grades</i> | |
| | 1 Existing driveways must be used (exceptions apply) | No, refer to comments below. |
| | 2 The width of driveways at the property boundary is to be 3m | Yes |
| | 5 One (1) vehicular crossing (max) to any public road (exceptions apply) | Yes |
| | 7 Vehicular turning areas for garages complies with relevant Australian Standard | Yes |
| | 10 Driveway set back 0.5 metres (min) from side boundaries | No, refer to comments below. |
| .2. | <i>Garages, Carports and Car Spaces</i> | |
| | 1 Two (2) car parking spaces required behind the FBL of all new dwellings (exceptions apply) | Yes |
| | 2 Garages recessed behind the main front facade and/or non-dominant | Yes |
| | 4 Dimensions of parking spaces and garages comply with the Australian Standards | Yes |

Comments: Contrary to Section 8.2.1.1 of Part A of the SCDPC 2005, the proposal re-locates the existing driveway from the eastern side to the western side of the property boundary. The driveway re-location was not supported in the initial assessment stages of the development application as the driveway was located an unacceptable 2m from the street tree and the existing driveway was to be utilised. In response an amended driveway design was submitted with a 3m separation from the street tree and stating the owner's preference for proposed driveway location due to cultural customs regarding the orientation of dwelling entrances. Upon consideration of the cultural reasons for the proposed driveway re-location and Council's Coordinator raising no objections to the modified design, the non-compliance is considered acceptable in this instance.

Whilst Council's Traffic Engineer raised no objections to the location of the driveway, due to the angle of the driveway at the front property boundary it was recommended that a sight triangle be provided along the eastern side of the driveway to improve sight lines to pedestrians on the foot path. The recommendation has been imposed as a condition of consent.

The garage provides four (4) car parking spaces and a small storage area. As only two (2) car parking spaces are required under Section 8.2.2, the additional garage area has been included in the calculation of the FSR. The positioning of the garage is appropriate and does not dominate the front building façade.

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 |
| 6 | The work does not affect or undermine the soil stability or structural stability of buildings and Council assets on adjoining properties. | Yes |

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Lot 33 Section 11 in DP 400 (Cont'd)

| | |
|---|---|
| 8 | Avoid excessive fill that creates the potential for overlooking of adjoining properties |
|---|---|

Comments: The proposal requires excavation for the in-ground swimming pool. The in-ground swimming pool is appropriately setback from the properties boundaries and the dwelling has been designed in response to the topography of the site requiring minimal cut and fill.

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, subject to condition |
| 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 |
| .3. | Soil Erosion and Sediment Control | |
| | 1 Soil erosion and sediment control measures detailed and implemented prior to the commencement of work. | Yes |

Comments: The site is not subject to flooding. Council's Engineer has raised no objections to the proposed stormwater drainage concept plan subject to the recommended conditions of consent. Conditions of consent have been recommended to ensure the submitted soil erosion and sediment control measures are implemented during the construction phases of the development.

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 |

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| | | | |
|-------------|---|---|-----------------|
| D. | <i>To ensure the safety of pedestrians by separating pedestrian access from vehicular access.</i> | | Yes |
| 11.2 | Development Controls | | Complies |
| .1. | <i>Address and Entry Sightlines</i> | | |
| | 1 | Occupants able to overlook public places to maximise passive surveillance | Yes |
| | 2 | Landscaping design around dwellings and ancillary structures to accommodate plant maturation | Yes |
| | 3 | External lighting enhance safe access and security and light spill does not adversely impact on adjoining properties. | Yes |
| .2. | <i>Pedestrian Entries</i> | | |
| | 1 | Pedestrian entries and vehicular entries suitably separated | Yes |
| | 2 | Dwelling entrances easily identifiable | Yes |
| | 3 | House numbers are to be clearly visible from the street | Yes |

Comments: The dwelling is orientated to Burlington Road with an arch and pedestrian path forming a clearly identifiable pedestrian entrance. The front building façade comprises of multiple windows on the ground and first floor thereby creating passive surveillance opportunities.

12: Ancillary Development

| | | | |
|-------------|--|--|---------------------------------------|
| 12.1 | Objectives | | Satisfactory |
| A. | To ensure that ancillary development is compatible with the design of the principal dwelling, streetscape and adjoining dwellings in form, materials and colours | | Yes |
| B. | <i>To limit the size, bulk and scale of ancillary structures and minimise their visibility from the public domain.</i> | | Yes |
| C. | <i>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.</i> | | Yes |
| D. | <i>To ensure that the provision of ancillary structures, such as air conditioning units, are considered at the design stage of a proposed development.</i> | | Yes |
| 12.2 | Development Controls | | Complies |
| .2. | <i>Outbuildings</i> | | |
| | 1 | Outbuilding located behind the front building line | Yes |
| | 2 | Side and rear setback is 0.5m (min) | Yes |
| | 3 | New garden sheds, studios, cabanas and the like are limited 40sqm (max) | Yes |
| | 5 | The roof area is not accessible for any purpose | Yes |
| | 6 | Outbuildings are not to be used for habitable purposes | Yes |
| .4. | <i>Air-conditioning</i> | | |
| | 1 | Located away from the habitable rooms of adjoining properties and/or screened by acoustic treatments | Yes |
| | 3 | Installation of residential grade air conditioners only | Yes, by conditions of consent. |

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Lot 33 Section 11 in DP 400 (Cont'd)

| | | | |
|-----|-----------------------|--|--------------------------------|
| | 4 | Installation to comply with the Protection of the Environment Operations Act 1997 and Protection of the Environment Operations (Noise Control) Regulation 2008 | Yes, by conditions of consent. |
| .6. | <i>Swimming Pools</i> | | |
| | 1 | Side and rear setbacks from the outside edge of the pool concourse are 1m (min) wide and comprise deep soil soft landscape area | Yes |
| | 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, by conditions of consent. |
| | 4 | Lighting positioned to prevent light spillage and minimise any nuisance to adjoining premises | Yes, by conditions of consent. |
| | 5 | Enclosures shall comply with the Swimming Pools Act and relevant Australian Standards as amended. | Yes, by conditions of consent |

Comments: During the assessment process the location of the proposed outbuilding were amended to provide adequate separation to the neighbouring property trees to the north and west. The amended design provides a 1.5m western side setback and 6.7m rear setback.

The air-conditioning unit is located on the ground floor western side elevation adjoining the laundry and is setback approximately 5.4m from the adjoining property. The location and setback of the air-conditioning is not anticipated to result in any adverse amenity impacts.

The in-ground swimming pool is elevated less than 1m above the ground level and has a 1.5m setback from the eastern side boundary. The swimming pool area is enclosed with highlight windows on the eastern elevation to maintain a reasonable level of amenity between the adjoining properties. Conditions of consent has been recommended to ensure the swimming pool and safety gates are in accordance with the relevant regulations and Australian Standards.

13: Ecologically Sustainable Development

| 13.1 | Objectives | Satisfactory |
|------|---|--------------|
| A. | To encourage passive and active strategies in the design of dwellings and ancillary structures that promotes the achievement of ecologically sustainable practices and BASIX requirements. | Yes |
| B. | To ensure dwellings are designed to allow sufficient natural ventilation and lighting whilst minimising heat gain during summer and maximising solar access during winter, thereby reducing the need for artificial cooling and heating. | Yes |
| C. | To minimise the over use of Sydney's limited high quality domestic water supply by ensuring new dwellings incorporate water storage tanks for use in toilet flushing, landscape irrigation and to encourage new dwellings, additions and alterations to incorporate water saving devices and water conservation strategies. | Yes |
| D. | To encourage the use of new technology that reduces energy consumption, minimises greenhouse emissions and results in cost savings | Yes |
| E. | To encourage the re-use of building materials, thereby reducing waste to landfill, transportation costs, conserving raw materials and reducing energy expenditure. (Refer to Part H Waste Minimisation and Management of SCDCP 2005). | Yes |
| 13.2 | Development Controls | Complies |
| .1. | <i>Natural Lighting and Heating</i> | |
| | 1 Living areas facing north, sleeping areas facing east/south, and utility areas orientated west/south to maximise winter solar access. | Yes |
| .2. | <i>Natural Cooling and Ventilation</i> | |

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| | | |
|---|---|-----|
| 2 | Windows positioned to capture breezes and allow for cross-ventilation | Yes |
|---|---|-----|

Comments: A BASIX Certificate was submitted as part of the development application meeting the designated targets for energy and water reduction. In accordance with the Certificate, 4,000L rainwater tank and a photovoltaic system with the capacity to generate at least 3.5 kilowatts of electricity are to be installed. Conditions of consent are recommended to ensure the hot water system and rainwater tank are installed in accordance with the relevant Australian Standards. The windows and openings of the proposed dwelling provide ample opportunities for cross-ventilation.

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.

PART P- HERITAGE

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

3. Development in the Vicinity of Heritage Items**3.1: Setting**

| 3.1.1 | Objectives | Complies |
|-------|---|----------|
| 1 | To ensure the setting of heritage items is not compromised by development in the vicinity of the heritage item. | Yes |
| 2 | To ensure that new development respects the contribution of heritage items to the streetscape and/or townscape. | Yes |

| 3.1.2 | Development Controls | Complies |
|-------|---|----------|
| | (1) Development in the vicinity of a heritage item should not be of such bulk or height that it visually dominates or overshadows the heritage item. | Yes |
| | (2) Views to or from a heritage item should not be obscured by new development | Yes |
| | (3) Where a heritage item is part of a streetscape of buildings of consistent style, form and materials, development in the vicinity of the heritage item should incorporate elements of the dominant style, form and materials in the streetscape. | Yes |

Comments: The bulk and scale of the proposed development is appropriate in relation to the existing streetscape and the nearby heritage items. This is assisted by the 8.12m building height, well below the 9.5m maximum building height permissible under the SLEP 2012. The proposal has incorporated elements that are sympathetic to the heritage listed items including pitched roof, neutral colour tones (white, beige, charcoal and brown).

3.2: Scale

| 3.2.1 | Objectives | Complies |
|-------|------------|----------|
|-------|------------|----------|

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| | | |
|---|---|-----|
| 1 | To ensure that new development in the vicinity of a heritage item is of a scale that does not detract from the significance of the heritage item. | Yes |
|---|---|-----|

3.2.2 Development Controls Complies

| | | |
|-----|---|-----|
| (1) | The scale of new development in the vicinity of a built heritage item should not be substantially greater than that of the heritage item. | Yes |
| (2) | New development that obscures important views of a heritage item is not permitted. | Yes |

Comments: As previously discussed, the scale of the proposed dwelling is considered to be appropriate with a building height that is in keeping with the building rhythm of the existing streetscape and a building composition that will not detract from the nearby heritage items.

3.3 Siting

3.3.1 Objectives Complies

| | | |
|---|---|-----|
| 1 | To ensure new development in the vicinity of a heritage item is sited so that it does not obscure important views to or from the heritage item. | Yes |
| 2 | To ensure that new development in the vicinity of a heritage item does not adversely impact landscape elements that are significant or are associated with a heritage item. | Yes |

3.3.2 Development Controls Complies

| | | |
|-----|---|-----|
| (1) | The siting and setback of new development (including alterations and additions) in the vicinity of a heritage item should ensure that important views to or from the heritage item are not adversely impacted on. | Yes |
|-----|---|-----|

Comments: The proposed development will not adversely impact on important views to or from the heritage item.

3.4: Materials and colours

3.4.1 Objectives Complies

| | | |
|---|--|-----|
| 1 | To ensure that new development in the vicinity of a heritage item does not detract from the significance of the heritage item. | Yes |
|---|--|-----|

3.4.2 Development Controls Complies

| | | |
|-----|--|-----|
| (1) | Materials and colours for development in the vicinity of a heritage item shall be selected to avoid stark contrast with the adjacent development where this would result in the visual importance and significance of the heritage item being reduced. | Yes |
|-----|--|-----|

Comments: The rendered paint finishes of the dwelling house ("Colorbond Surfemist, Colorbond Gully") proposed with the tiled roof ("Charcoal") and teak finish garage door, wall cladding and front fence are considered to be sympathetic to the nearby heritage items. The small amount of sandstone cladding will not detract from the architectural qualities of the heritage items.

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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 dwelling design has incorporated a pitched roof form, a neutral colour palette and external finishes such as rendered masonry and stone cladding that achieve an acceptable level of streetscape compatibility. As discussed in the report, to improve the sight lines from the driveway to pedestrians on the footpath as a result of the angle of the driveway at the front property boundary, a condition of consent has been recommended by Council's Traffic Engineer for a sight triangle (2m x 2.5m) be provided.

Overall, the proposed development is not considered to result in any adverse environmental or social impacts.

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

The subject site is considered suitable for the proposed development as the R2 Low Density Residential zone is suitable for detached dwelling houses and the surrounding area predominately comprises residential development. The proposal maintains the current land use as a single dwelling house and there are no significant environmental constraints that inhibit this use.

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

The application was publicly notified from 22 August 2019 to 5 September 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).

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STRATHFIELD INDIRECT CONTRIBUTIONS PLAN

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

Local Amenity Improvement Levy **\$15,380.00**

CONCLUSION

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

PEER REVIEW

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

RECOMMENDATION

That Development Application No. 2019/125 for the demolition of existing structures and construction of a new two (2) storey dwelling, enclosed in-ground swimming pool, outbuilding, front boundary fence and associated landscaping at 71 Burlington Road, Homebush be **APPROVED**, subject to the following conditions:

SPECIAL CONDITIONS (SC)

1. METAL TRELLIS EASTERN SIDE BOUNDARY – MAXIMUM HEIGHT (SC)

The galvanised posts with horizontal cables along the eastern side property boundary as depicted in the Ground Floor Plan Site Plan, Drawing No. 1.01, Issue C must be no more than 2.1m in height from the natural ground level.

(Reason: Residential amenity)

2. ABSORPTION TRENCH (SC)

On-site detention system connecting to a pit and pump system which incorporates twin pumps, needs to provide an emergency overflow system connection into a rubble/absorption pit system. Amended stormwater plans shall be submitted to Council for approval prior to issue of a Construction Certificate.

(Reason: Compliance with SCDCP 2005)

3. SIGHT TRIANGLE (SC)

A 2m x 2.5m sight triangle is to be provided at the front property boundary along the eastern side of the driveway and the area is to be kept clear from obstructions to visibilities as per AS/NZS 2890.1:2004 Clause 3.2.4.

Amended plans demonstrating compliance with the above condition 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'.

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(Reason: To ensure compliance with the relevant Australian Standards and to provide safe vehicle access.)

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.2019/125:

| Drawing No. | Title/Description | Prepared by | Issue / Revision & Date | Date received by Council |
|-------------|-----------------------------|-------------------|-------------------------|--------------------------|
| 1.01 | Ground Floor Plan Site Plan | Pavela Architects | Issue B | 4 November 2019 |
| 1.02 | First Floor Plan | Pavela Architects | Issue B | 4 November 2019 |
| 1.03 | Roof Plan | Pavela Architects | Issue B | 4 November 2019 |
| 2.01 | Elevations | Pavela Architects | Issue B | 4 November 2019 |
| 3.01 | Sections Gate Details | Pavela Architects | Issue B | 4 November 2019 |
| - | External Finishes Schedule | Pavela Architects | Ref: fin-1914601 | 12 August 2019 |
| 0.07 | Landscape Plan | Pavela Architects | Rev B | 4 November 2019 |

Reference Documentation affixed with Council's 'Development Consent' stamp relating to Development Consent No.2019/125:

| Title / Description | Prepared by | Issue/Revision & Date | Date received by Council |
|-----------------------|-----------------|--------------------------|--------------------------|
| BASIX Certificate | No. 1026697S_02 | Issued on 10 August 2019 | 12 August 2019 |
| Waste Management Plan | - | Dated 15 July 2019 | 12 August 2019 |

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

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

5. 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) 29.27AHD to the ridge of the building.

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

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6. CONSTRUCTION HOURS (GC)

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

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

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

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

7. 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.)

8. 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.)

9. 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.)

10. 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.

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

11. AIR CONDITIONING UNIT (GC)

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 the Occupation Certificate.

(Reason: Acoustic privacy)

12. LANDSCAPING - CANOPY TREES IN FRONT SETBACK (GC)

New development shall provide at least one (1) 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.)

13. 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

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- 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.)

14. 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.)

15. 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.)

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16. SITE MANAGEMENT (DURING DEMOLITION AND CONSTRUCTION WORKS)

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

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

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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.)

17. STORMWATER MANAGEMENT PLAN - CERTIFICATION REQUIREMENT (GC)

A detailed Stormwater Management Plan (SWMP) in line with Council's Stormwater Management Code is to be prepared and certified by an Accredited Civil/Hydraulic Engineer and submitted to the Principal Certifying Authority and Council, prior to the issue of a Construction Certificate. The SWMP is to be based on the approved development as modified by any conditions of consent.

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

18. SYDNEY WATER - TAP IN™ (GC)

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

(Reason: Compliance with Sydney Water requirements.)

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

19. 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.)

20. 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

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Lot 33 Section 11 in DP 400 (Cont'd)**

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.)

21. CAR PARKING - VEHICULAR ACCESS RAMPS (CC)

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

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

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

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

22. 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.)

23. 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.

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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.)

24. **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.)

25. **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

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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.)

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 benefit of the development consent must, at the person's own expense, comply with the

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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. FEES - ADDITIONAL DEVELOPMENT APPLICATION FEES (CC)

In accordance with Regulation 50(1)(c) and the table to Regulation 246 of the Environmental Planning and Assessment Act Council must charge a development application fee based on the estimated cost of works applied for.

The construction costs of the approved development are estimated at \$1,538,000 and the applicable Development Application Fee on this amount would be \$3,389.72 including a Planning Reform Fee. As a Development Application fee of \$3,191.00 was paid when lodging the application, the difference of **\$110.40 in Development Application Fees** and **\$88.32 Planning Reform Fee**) shall be paid to Council prior to the issue of a Construction Certificate.

(Reason: Statutory requirement.)

29. 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.)

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

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

| | |
|--------------------------------|--------------------|
| Local Amenity Improvement Levy | \$15,380.00 |
|--------------------------------|--------------------|

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

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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.)

31. 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.

32. 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.)

33. 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

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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.)

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

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

(Reason: Environmental protection.)

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

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

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

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

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

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

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

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

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

39. 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.)

40. 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)**41. 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 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.)

42. 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.)

43. 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)

44. 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.)

45. 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.)

46. PUBLIC INFRASTRUCTURE AND SERVICES (DW)

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

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infrastructure or services affected by the development.

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

47. 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)

48. CAR PARKING - SURPLUS VEHICULAR CROSSINGS (OC)

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

(Reason: Maintenance of public infrastructure.)

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

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

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

(Reason: Maintenance and environment.)

50. ENGINEERING WORKS (CERTIFICATION OF)

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

**DA2019/125 - 71 Burlington Road, Homebush
Lot 33 Section 11 in DP 400 (Cont'd)**

- 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.)

51. 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.)

52. 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 33 Section 11 in DP 400 (Cont'd)

53. **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.)

54. **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.)

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

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

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

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

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

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

(Reason: Safety and statutory compliance.)

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56. **POSITIVE COVENANT (OC)**

A Positive Covenant under Section 88E of the Conveyancing Act shall be created on the title of the property as follows:

- (a) Full and free right must be provided to Strathfield Council employees or its authorised contractors to:
 - (i) Enter upon the land and remove any waste products using any vehicle or equipment as necessary;
- (b) The owner of the lot burdened shall be solely responsible for the cost of maintaining in good and sufficient repair at all times the internal roads or access ways used by Strathfield Council for the purpose of exercising its rights as set out in clause (a) above.

The wording of the Instrument shall be submitted to, and approved by Council prior to lodgement at Land & Property Information NSW. The Instrument shall be registered and a registered copy of the document shall be submitted to and approved by the consent authority.

(Reason: To ensure appropriate collection of waste.)

ATTACHMENTS

There are no attachments for this report.

TO: Strathfield Internal Development Assessment Panel Meeting - 20 December 2019
REPORT: IDAP – Report No. 3
SUBJECT: DA2019/100 - 86 REDMYRE ROAD STRATHFIELD - LOT 1 DP 208620
DA NO. DA2019/100

SUMMARY

Proposal: Alterations and rear additions including landscape works and relocation of the swimming pool.
Applicant: Sam Crawford Architects
Owner: Kerry Agius
Date of lodgement: 2 July 2019
Notification period: 8 July 2019 to 22 July 2019
Submissions received: Nil
Assessment officer: DS
Estimated cost of works: \$1,929,883
Zoning: R2 Low Density Residential - SLEP 2012
Heritage: Not a heritage listed item. Located in the Redmyre Road Conservation Area under Schedule 5 of the SLEP 2012.
Flood affected: Yes
Is a Clause 4.6 variation proposed? No
RECOMMENDATION OF OFFICER: **Approval**

EXECUTIVE SUMMARY

The application seeks Council approval for alterations and additions including landscape works and relocation of the swimming pool.

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

On 1 November 2019, the subject application was deferred at IDAP. The panel raised concerns with the proposed hardstand area at the front setback and the associated impact to Tree 12, located in the north-western corner of the front setback.

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

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

BACKGROUND

2 July 2019: The current Development Application (DA2019/100) was lodged.

DA2019/100 - 86 Redmyre Road Strathfield - Lot 1 DP 208620 (Cont'd)

8 July 2019 to 22 July 2019: The current application was notified for a period of two (2) weeks. No written submissions were received.

1 November 2019: The application was deferred at IDAP seeking to:

“Re-consider and re-design the driveway and hardstand areas forward of the building line off Redmyre Road to ensure the existing tree located in the front north-western corner is retained and that no parking spaces forward of the building line are permitted”

29 November 2019: Amended architectural plans were submitted to Council demonstrating that the hardstand area forward of the building line has been re-designed so as to ensure the retention of Tree 12.

DESCRIPTION OF THE SITE AND LOCALITY

The subject site is legally described as Lot 1 in DP 208620 and is commonly known as 86 Redmyre Road, Strathfield. It is located on the southern side of Redmyre Road, where Redmyre Road and Florence Street intersect (Figure 1).

The site is rectangular in shape and has an area of 1243m², a street frontage of 32.5m and a maximum depth of 38.7m. The site contains an existing face brick single storey dwelling house and a detached garage located at the rear of the site, facing Florence Street.

The current streetscape comprises of single and two (2) storey dwellings predominately with pitched roofs and face brick exterior walls (Figures 3 and 4). The site is also located in the Redmyre Road Conservation Area and is located within the vicinity of a number of heritage items including item “I190” at 88-94 Redmyre Road, item “I189” at 81 Redmyre Road and item “I188” at 77-79 Redmyre Road (as per Schedule 5 of the SLEP 2012).



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Figure 1: The subject site (highlighted in red) and the surrounding locality including the surrounding heritage items (highlighted in brown) and the Redmyre Road Conservation Area (hatched in red).



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



Figure 3: The subject site along the Florence Street (secondary) frontage

DA2019/100 - 86 Redmyre Road Strathfield - Lot 1 DP 208620 (Cont'd)



Figure 4: 84 Redmyre Road (neighbouring property to the east)

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 rear additions including landscape works and relocation of the swimming pool.

The specific elements of the proposal are:

Ground floor

- Extend the dwelling house at the rear to accommodate an internal reconfiguration and minor alterations to the family room, laundry, bathroom and kitchen;

External works

- Convert the existing circuit driveway into a standard driveway with the addition of a hardstand area to accommodate two (2) car parking spaces;
- Restore the majority of the original verandah by removing the late addition enclosure to the rear and expanding the alfresco;
- New metal roof above BBQ area;
- Seven new skylights;
- Demolish the partition wall between the front verandah and porch;
- Replace existing metal roof over front verandah and porch;
- Removal of chimney at the western rear of the dwelling;
- Relocation of swimming pool to the south-east corner of the site;
- Replace and widen the existing garage door; and

DA2019/100 - 86 Redmyre Road Strathfield - Lot 1 DP 208620 (Cont'd)

- New pedestrian access gate to Redmyre Road;

Landscaping

- Removal of nine (9) trees and plant four (4) new replacement trees;
- Replace paved area with new private courtyard to the western side of the dwelling at the rear;
- Replacement of eastern side paved area with new stepping stone pathway and hedge; and
- New hedge, climbers and timber screening at the rear side boundary.

A site plan of the proposed alterations and rear addition is included below:

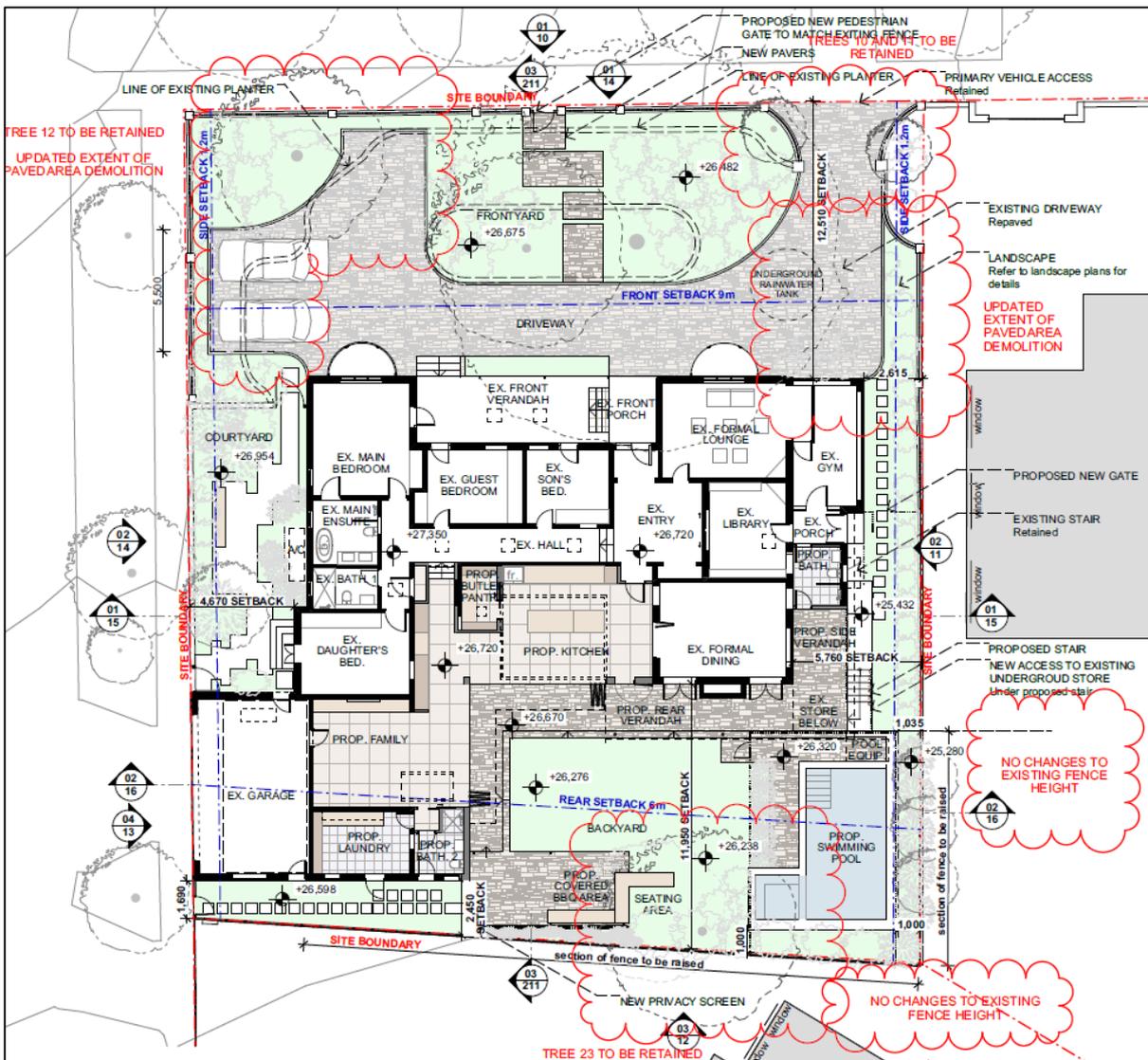


Figure 5: Site plan (internal alterations and rear addition highlighted in grey)

REFERRALS

INTERNAL REFERRALS

Engineering Comments

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

DA2019/100 - 86 Redmyre Road Strathfield - Lot 1 DP 208620 (Cont'd)

Tree Comments

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

- *Amend the design (including the landscape and stormwater management plan) to removal all impacts within the tree protection zones of all retained trees by way of excavation and soil level changes.*
- *Application is to provide replacement trees on a 1:1 basis"*

The proposal was referred to Council's Tree Coordinator who raised no objection to the removal of Tree number 7,16, 21, 22, 24, 25, 26 and 27 on the site subject to replacement planting. Relevant consent conditions will be imposed to ensure the retention and protection of Tree numbers 5, 6, 8, 9, 10, 11, 12, 13, 14, 15, 17. An additional condition of consent will be included, requiring the proposed stormwater pipes to be re-located such that they do not impact on existing trees on and adjacent to the site.

The concerns from Council's Tree Coordinator are noted and have been addressed via conditions in the consent.

Heritage Comments

Council's Heritage Advisor raised no objections to the proposal, subject to the imposition of recommended conditions of consent.

SECTION 4.15 CONSIDERATIONS – EP&A Act, 1979

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

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

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.

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

The proposal was referred to Council's Tree Management Officer who raised no objection to the removal of Tree number 7,16, 21, 22, 24, 25, 26 and 27 on the site subject to replacement planting. Relevant consent conditions will be imposed to ensure the retention and protection of Tree numbers 5, 6, 8, 9, 10, 11, 12, 13, 14, 15, 17 and 23. An additional condition of consent will be included, requiring the proposed stormwater pipes to be re-located such that they do not impact on existing trees on and adjacent to the site.

An amended driveway design was submitted to Council to ensure the retention of the Tree number 12, located in the front north-western corner (Tree number 12). A condition of consent will be imposed to ensure that existing trees are suitably protected in accordance with Council's controls and Australian standards.

STRATHFIELD LOCAL ENVIRONMENTAL PLAN 2012 (SLEP 2012)

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

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

Comments: The proposed alterations and rear addition is generally consistent with the aims of the SLEP 2012.

Permissibility

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

Dwelling houses and secondary dwellings 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 for the purpose of alterations and additions to the existing dwelling house is consistent with the definition above and is permissible within the R2 Zone with consent.

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Zone Objectives

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

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

Comments: The proposal is generally consistent with the aims of the R2 Zone under the SLEP 2012. The proposed alterations and rear addition have been appropriately designed with respect to the heritage character of the site and surrounding sites.

Part 4: Principal development standards

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

Floor space ratio

| Cl. | Standard | Controls | Proposed | Complies |
|------------|--------------------------|---------------------------------|--------------------------------|-----------------|
| 4.4 | <i>Floor space ratio</i> | 0.5:1 (617.5m ²) | 0.27:1 (332m ²) | Yes |

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

Comments: The proposal results in a floor space ratio of 0.27:1 (332m²) which is an overall reduction of 22.5m² to the existing floor area and is compliant with the maximum FSR requirement under the SLEP 2012.

Part 5: Miscellaneous Provisions

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

5.10 Heritage Conservation

Clause 5.10 (5) of the SLEP 2012 requires that consideration be given to the potential impacts of development upon heritage items within the vicinity of the development. The site is located within the *Redmyre Road Conservation Area* and is located within the vicinity of several items of local

DA2019/100 - 86 Redmyre Road Strathfield - Lot 1 DP 208620 (Cont'd)

heritage significance in the SLEP 2012. This includes item "1190" at 88-94 Redmyre Road, item "1189" at 81 Redmyre Road and item "1188" at 77-79 Redmyre Road (as per Schedule 5 of the SLEP 2012). The proposal involves the removal of non-significant fabric dating back to the 1980s and involves the replacement of a modern castellated garage which is an unsympathetic later addition to the dwelling. The proposed siting, form and scale of the proposed alterations and rear addition is unlikely to have an undue impact on the adjoining heritage conservation area and therefore satisfies the provisions of 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 the Class 1, 2, 3 or 4 soils. The proposed development was not required to be accompanied by an Acid Sulfate Management Plan and has therefore satisfied the requirements of this Clause.

6.2 Earthworks

The proposal involves a rear addition, relocation of the existing pool, a new covered BBQ area, a new driveway arrangement, alterations to the front boundary fence, and landscaping works thereby requiring the excavation and removal of soil. The extent of earthworks is not considered to be excessive or unreasonable for a residential property and the works are not anticipated to result in a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land. Therefore, the proposal is considered to accord with the objectives of this Clause.

6.3 Flood planning

The Cooks River and Coxs River Flood Study indicates that the subject site is affected by overland flow of stormwater from adjoining properties of the 1 in 100yr ARI storm event. Council's Stormwater Engineer has raised no objections to the proposal subject to standard conditions of consent.

6.4 Essential services

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

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

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

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

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

PART A – DWELLING HOUSES AND ANCILLARY STRUCTURES

DA2019/100 - 86 Redmyre Road Strathfield - Lot 1 DP 208620 (Cont'd)

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. | N/A |
| E. | To encourage contemporary architecture that is innovative, uses high quality detailing, and incorporates elements characteristic of Strathfield. | Yes |
| F. | To promote the continuance of pyramidal roof forms within Strathfield where they are already prevalent. | Yes |
| G. | To retain a feeling of openness and space between built elements by maintaining landscaped setbacks and preserve the appearance of dwellings set in the treelined streets and park-like environment. | Yes |
| H. | To reduce the use of highly reflective colours and materials that create visual prominence. | Yes |
| I. | To ensure fencing is sympathetic to the design of the dwelling and the street and enhances the character of both the individual house and street whilst maintaining casual surveillance of the neighbourhood. | Yes |
| J. | To protect and retain the amenity of adjoining properties. | Yes |
| 2.2 | Development Controls | Complies |
| .1. | <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 |
| .2. | <i>Scale, Massing & Rhythm of Street</i> | |
| | 1 Scale, massing, bulk and layout complement the existing streetscape and the dominant building rhythm | Yes |
| | 2 Building height and mass maintains amenity to adjacent properties open space or the public domain | Yes |
| .3. | <i>Building Forms</i> | |
| | 1 Building form articulated. | Yes |
| | 2 Dwellings on corner sites address both street frontages and articulated | Yes |
| .4. | <i>Roof Forms</i> | |
| | 1 Roof form complements predominant form in the locality | Yes |
| | 2 Roof form minimises bulk and scale of building and remains an important architectural element in the street. | Yes |
| | <i>Materials</i> | |

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| | | |
|----------------|--|-----|
| 5 | Materials compatible with the existing dwelling house, adjoining dwelling houses and the streetscape (type, form and colour) | Yes |
| 6 | Monotone face brick walls and terracotta tiles for roofs where common in the streetscape | Yes |
| 7 | New buildings and facades do not result in glare (Reflectivity Report may be required) | Yes |
| <i>Colours</i> | | |
| 8 | New development incorporates traditional colour schemes | Yes |
| 9 | The external colours integrate harmoniously with the external design of the building | Yes |

Comments: The proposed alterations and additions are unlikely to adversely impact upon the heritage character of the street due to the siting of the proposed works away from the nearby heritage items and the Redmyre Road streetscape. It is noted that the proposed materials and colours integrate with the colours of the original dwelling and surrounding dwellings.

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 | N/A |
| 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 |

Comments: The proposal results in a floor space ratio of 0.27:1 (332m²) which is an overall reduction of 22.5m² to the existing floor area and is well within the maximum requirement of 0.5:1 (617.5m²) under the SLEP 2012.

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 |

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| | | | |
|------------|---|---|------------------------------|
| B. | <i>To enhance the existing streetscape and promote a scale and density of planting that softens the visual impact of buildings, structures, vehicle circulation and ancillary areas.</i> | Yes | |
| C. | <i>To preserve existing landscape elements on site (such as existing trees) and encourage their integration into the design of proposals.</i> | Yes | |
| D. | <i>To ensure adequate deep soil planting is retained on each allotment.</i> | Yes | |
| E. | <i>To ensure developments make an equitable contribution to the landscape setting of the locality.</i> | Yes | |
| F. | <i>To ensure both existing and new landscaping provides suitable shade and facilitates convective cooling breeze paths in summer.</i> | Yes | |
| G. | <i>To encourage the use of native flora such as open woodland canopy trees, to provide a habitat for native fauna.</i> | Yes | |
| H. | <i>To ensure that landscaped areas are designed to minimise water use.</i> | Yes | |
| I. | <i>To provide functional private open spaces for active or passive use by residents.</i> | Yes | |
| J. | <i>To provide private open areas with provision for clothes drying facilities screened from the street and lane or a public place.</i> | Yes | |
| K. | <i>To ensure the protection of trees during construction</i> | Yes | |
| L. | <i>To ensure suitable fencing is provided to reduce acoustic impacts and enhance visual privacy between neighbouring residents whilst enabling front fences passive surveillance of the street.</i> | Yes | |
| M. | <i>To maximise the amenity of existing and proposed developments, including solar access, privacy and open space.</i> | Yes | |
| 5.2 | Development Controls | Complies | |
| .1. | <i>Landscaped area</i> | | |
| | 1 | Landscaped area in accordance with Table A.3 | No, refer to comments |
| | 2 | At least 50% of the minimum landscaped area located behind the building line to the rear boundary | No, refer to comments |
| | 3 | At least 50% of the front yard maintained as deep soil soft landscaping | Yes |
| | 4 | Minimise hard surface area (concrete/brick/stone paving and bitumen). Run-off directed to permeable surfaces. | Yes |
| | 5 | Planting areas soften the built form | Yes |
| | 6 | Front gardens respond and contribute to the garden character of Strathfield. | Yes |
| | 7 | Retain and reinforce the prevailing streetscape and surrounding locality | Yes |
| | 8 | Plant species must be retained, selected and planted to improve amenity | Yes |
| .2. | <i>Tree Protection</i> | | |
| | 1 | Arboricultural Impact Assessment Report prepared by an AQF Level 5 Arborist | Yes |
| | 2 | The Arboricultural Impact Assessment Report address minimum criteria | Yes |
| | 3 | Development provides for the retention and protection of existing significant trees | Yes |
| | 4 | New dwellings and alterations and additions are set back in accordance with the | Yes |

DA2019/100 - 86 Redmyre Road Strathfield - Lot 1 DP 208620 (Cont'd)

| Arboricultural Impact Assessment Report | | | |
|---|---|--|-----|
| 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, with condition | |
| 10 | Driveway construction does not result in the removal, lopping or root damage to any street tree | Yes, with condition | |
| <i>Fencing</i> | | | |
| .4. | 1 | Fencing designed to be compatible and sympathetic to the style of the dwelling, adjoining properties and the streetscape | Yes |
| | 3 | Fencing forward of FBL shall not exceed 1.5m. Solid components shall not exceed 0.7m above NGL with the exception of brick piers | Yes |
| | 7 | Front fences visually permeable | Yes |
| | 9 | Listed undesirable materials and finishes not used forward FBL | Yes |

Comments:The proposed works will result in a total of 26.89% (332.1m²) of deep soil landscaping, contrary to the minimum requirement of 45% (531.9m²). However, the existing landscaped area is 19.7% (233m²) and the proposal will result in an 11.2% increase in deep soil area. The front setback will be embellished with high quality landscaping resulting in an overall improvement to the presentation of the dwelling in the streetscape. Notwithstanding the numeric non-compliance with the controls, the development satisfies the objectives of this section and the proposed landscaped area is acceptable in this regard.

The proposal was referred to Council's Tree Coordinator for comments. No objections were raised to the removal of Tree number 7, 16, 21, 22, 24, 25, 26 and 27 on the site subject to replacement tree planting. However, the removal of Tree number 10, 11, 12 and 23 were not supported. Following the outcomes from the IDAP meeting on 1 November 2019, amended landscape plans were submitted to ensure the retention of Trees 10, 11, 12 and 23. As a safety precaution, a condition of consent is recommended to ensure that these trees are suitably protected in accordance with Council's controls. An additional condition of consent is also recommended, which requires the proposed stormwater pipes at the south-east rear of the site to be re-located such that they do not affect existing trees on the subject site and adjacent sites.

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. | N/A |

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| | | |
|------------|---|-----------------|
| G. | To minimise excavation to reduce disturbance to natural ground level particularly adjacent to site boundaries. | Yes |
| H. | To ensure that any proposed basement minimises disturbance to natural drainage systems and that flooding, drainage or ventilation impacts would not be created for the site, or for adjoining or nearby properties. | N/A |
| 8.2 | Development Controls | Complies |
| | <i>Driveway and Grades</i> | |
| 1 | Existing driveways must be used (exceptions apply) | 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 |
| .1. | 8 Rear lane / secondary street frontage - parking and access provided from the secondary street/lane | Yes |
| | 9 Driveways avoid long and straight appearance by using variations and landscaping | Yes |
| | 10 Driveway set back 0.5 metres (min) from side boundaries | Yes |
| | 11 Driveways incorporate unit paving into the design | Yes |
| | 12 Areas of concrete visible from a public road are to be minimal and coloured charcoal, grey or brown | Yes |
| | 13 Coloured concrete is not permitted in the driveway crossing outside the property boundary | Yes |
| | <i>Garages, Carports and Car Spaces</i> | |
| 1 | Two (2) car parking spaces required behind the FBL of all new dwellings (exceptions apply) | Yes |
| 2 | Garages recessed behind the main front facade and/or non-dominant | Yes |
| .2. | 3 Garages not more than 150mm above NGL at entry unless the slope of the site exceeds 1:8 (12.5%) | Yes |
| | 4 Dimensions of parking spaces and garages comply with the Australian Standards | Yes |
| | 5 Garages are not to be converted or used for any purpose other than that for which they are approved | Yes |

Comments: In general, a design involving more than two (2) on-site car parking spaces or spaces forward of the building line are not encouraged due to potentially poor outcomes in terms of streetscape presentation. However, it is noted that a hardstand area for two (2) additional car parking spaces forward of the building line already exists and the proposal does not seek to increase the amount of existing car parking spaces. The proposal also reduces the extent of hardstand area within the front setback by 20.81% (58.5m²). The location of the car parking spaces at the western end of the site frontage is such that these spaces will be screened off by Tree number 12 and any additional deep soil landscaped areas proposed. Therefore, this hardstand area will not visually dominate the street façade of the dwelling.

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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 |
| 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 |
| 8 | Avoid excessive fill that creates the potential for overlooking of adjoining properties | Yes |

Comments:The proposal involves a rear addition, relocation of the existing pool, a new covered BBQ area, a new driveway arrangement, alterations to the front boundary fence, and landscaping works. The extent of earthworks is not considered to be excessive or unreasonable and the works are not anticipated to result in a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.

10: Water and Soil Management

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

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

Comments: The Cooks River and Coxs River Flood Study indicates that the subject site is affected by overland flow of stormwater from adjoining properties of the 1 in 100yr ARI storm event. Council's Stormwater Engineer raised no objections to the proposed alterations and additions subject to the imposition of conditions of consent. It is also noted that the relocation of the swimming pool will be outside of the overland flow path.

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 | Yes |
| | 2 | Landscaping design around dwellings and ancillary structures to accommodate plant maturation | Yes |
| .2. | <i>Pedestrian Entries</i> | | |
| | 1 | Pedestrian entries and vehicular entries suitably separated | Yes |

Comments: The proposed front fence modification includes the addition of a pedestrian gate between two (2) new 1.5m high masonry columns. The addition has been designed so as to match the colours, materials and style of the existing front boundary fence. The separation of vehicular and pedestrian access will ensure the safety of residents and pedestrians along Redmyre Road.

12: Ancillary Development

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

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| | | |
|----|---|-----|
| C. | To ensure that the provision of ancillary structures improves the amenity of residents whilst ensuring that the amenity of surrounding dwellings and neighbouring lots is maintained. | 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. | N/A |

| 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 | Yes, with condition |
| | 5 Enclosures shall comply with the Swimming Pools Act and relevant Australian Standards as amended. | Yes, with condition |

Comments:The proposed relocation of the swimming pool has included appropriate side and rear setbacks of at least 1m. To ensure the swimming pool is designed in accordance with the *Swimming Pools Act 1992*, Condition 23 is recommended in the consent. The location and noise level of the pool filter and pump equipment will also be restricted via Condition 24 so as to protect the acoustic amenity of the adjoining residents.

PART H - WASTE MANAGEMENT (SCDCP 2005)

A Waste Management Plan was submitted as part of the development application and has demonstrated compliance with Part H of the SCDCP 2005.

PART P - HERITAGE (SCDCP 2005)

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

4. Development in Conservation Areas

| 4.3.1 | Objectives | Complies |
|-------|---|----------|
| 1 | To ensure that new development in a Conservation Area relates positively to the dominant forms of existing contributory buildings in the Conservation Area. | Yes |
| 2 | To ensure that buildings that contribute to the character of a Conservation Area retain their importance in the streetscape and/or townscape. | Yes |

| 4.3.2 | Development Controls | Complies |
|-------|--|----------|
| (1) | Important elements of the form of a contributory building in a Conservation Area such as main roof forms, chimneys, parapet walls, verandahs etc. should not be demolished or obscured by alterations and additions. | Yes |
| (2) | New development in a Conservation Area is to complement existing nearby buildings that contribute to the Conservation Area. | Yes |
| (3) | Chimneys and roof features such as ventilation gables should not be removed from contributory buildings in a Conservation Area. | Yes |
| (5) | Additions and alterations to existing buildings that contribute to the character of a Conservation Area should not detract from the original form of the existing building as viewed from the Public Domain. | Yes |

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| | | |
|-----|---|-----|
| (6) | The treatment of the street façade of new development in a Conservation Area should relate to existing nearby buildings that contribute to the Conservation Area. | Yes |
|-----|---|-----|

Comments: Having regard to the Heritage Impact Statement accompanying the development application and the comments provided by Council's Heritage Advisor, the proposal involves the removal of non-significant fabric dating back to the 1980s and involves the replacement of a modern castellated garage which is an unsympathetic addition to the dwelling. The proposal does not seek to alter the overall scale or form of the existing building, the materials and finishes are acceptable and the siting of the new works are considered appropriate. The proposal is therefore considered to be acceptable on heritage grounds.

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

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

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

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

The proposed development involves part demolition of the 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

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

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

The application was publicly notified from 8 July 2019 to 22 July 2019 in accordance with the provisions of Part L of SCDCP 2005. No submissions were received as a result.

4.15(1)(e) The public interest

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

LOCAL INFRASTRUCTURE CONTRIBUTIONS

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

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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.)

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. DA2019/100:

| Drawing No. | Title/Description | Prepared by | Issue / Revision & Date | Date received by Council |
|-------------|--------------------------|-------------------------|-------------------------|--------------------------|
| 03 | Site Analysis Plan | Sam Crawford Architects | Issue B | 29 November 2019 |
| 04 | Demolition Ground Floor | Sam Crawford Architects | Issue B | 29 November 2019 |
| 05 | Demolition Roof Plan | Sam Crawford Architects | Issue B | 29 November 2019 |
| 06 | Proposed Site Plan | Sam Crawford Architects | Issue B | 29 November 2019 |
| 07 | Proposed Ground Floor | Sam Crawford Architects | Issue B | 29 November 2019 |
| 08 | Proposed Roof Plan | Sam Crawford Architects | Issue B | 29 November 2019 |
| 10 | Proposed North Elevation | Sam Crawford Architects | Issue B | 29 November 2019 |
| 11 | Proposed East Elevation | Sam Crawford Architects | Issue B | 29 November 2019 |
| 12 | Proposed South Elevation | Sam Crawford Architects | Issue B | 29 November 2019 |
| 13 | Proposed West Elevation | Sam Crawford Architects | Issue B | 29 November 2019 |

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| | | | | |
|----|----------------------------|-------------------------|---------|------------------|
| 14 | Proposed Street Elevations | Sam Crawford Architects | Issue B | 29 November 2019 |
| 15 | Proposed Section 1 | Sam Crawford Architects | Issue B | 29 November 2019 |
| 16 | Proposed Section 2 | Sam Crawford Architects | Issue B | 29 November 2019 |
| 17 | Proposed Section 3 | Sam Crawford Architects | Issue B | 29 November 2019 |
| 18 | Materials and Finishes | Sam Crawford Architects | Issue B | 29 November 2019 |

Reference Documentation affixed with Council's 'Development Consent' stamp relating to Development Consent No. DA2019/100:

| Title / Description | Prepared by | Issue/Revision & Date | Date received by Council |
|-----------------------|---------------------------------|------------------------|--------------------------|
| Waste Management Plan | Sam Crawford Architects | Issue A 4 June 2019 | 2 July 2019 |
| BASIX Certificate | Damian O'Toole Town Planning | Issue A 1 July 2019 | 2 July 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.

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

8. MATERIALS – CONSISTENT WITH SUBMITTED SCHEDULE (GC)

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

(Reason: To ensure compliance with this consent.)

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

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

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

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

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

(Reason: Statutory requirement.)

10. 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.)

11. SYDNEY WATER - TAP IN™ (GC)

The approved plans must be submitted to a Sydney Water Tap in™ to determine whether the development application will affect Sydney Water's sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met.

The approved plans will be appropriately endorsed. For details please refer to 'Plumbing, building and developing' section of Sydney Water's web site at www.sydneywater.com.au then see 'Building', or telephone 13000 TAP IN (1300 082 746). The Certifying Authority must ensure that a Tap in™ agent has appropriately stamped the plans prior to the issue of the Construction Certificate.

(Reason: Compliance with Sydney Water requirements.)

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

12. 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.)

13. 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.)

14. 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.)

15. 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.

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

16. 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.)

17. 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.)

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

The trees listed below shall be retained at all times:

| Tree No. in Arborist Report | Tree | Location |
|-----------------------------|--|---------------------------------|
| Tree 1 | <i>Lophostemon confertus</i> | Secondary frontage nature strip |
| Tree 2 | <i>Prunus spp</i> | Secondary frontage nature strip |
| Tree 3 | <i>Lophostemon confertus</i> | Secondary frontage nature strip |
| Tree 4 | <i>Lophostemon confertus</i> | Secondary frontage nature strip |
| Tree 5 | <i>Lophostemon confertus</i> | Secondary frontage nature strip |
| Tree 6 | <i>Lophostemon confertus</i> | Secondary frontage nature strip |
| Tree 8 | <i>Lophostemon confertus</i> | Front nature strip |
| Tree 9 | <i>Lophostemon confertus</i> | Front nature strip |
| Tree 10 | <i>Archyontophoenix cunninghamiana</i> | Front setback |
| Tree 11 | <i>Archyontophoenix cunninghamiana</i> | Front setback |
| Tree 12 | <i>Olea europaea</i> | Front setback |
| Tree 13 | <i>Ulmus parvifolia</i> | Front setback |
| Tree 14 | <i>Corymbia citriodora</i> | Front setback |
| Tree 15 | <i>Magnolia grandiflora</i> | Front setback |
| Tree 17 | <i>Archontophoenix</i> | Rear setback |
| Tree 18 | <i>Murraya paniculata</i> | Adjoining eastern side boundary |
| Tree 19 | <i>Murraya paniculata</i> | Adjoining eastern side boundary |
| Tree 20 | <i>Murraya paniculata</i> | Adjoining eastern side boundary |
| Tree 23 | <i>Jacaranda mimosifolia</i> | Rear setback |

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

| Tree No. in Arborist Report | Tree | Location |
|-----------------------------|---|------------|
| Tree 7 | <i>Robinia pseudoacacia</i> 'Frisia' | Front Yard |
| Tree 16 | <i>Rhododendron</i> | Front Yard |
| Tree 21 | <i>Syagrus romanzoffiana</i> | Rear Yard |
| Tree 22 | <i>Phoenix canariensis</i> | Rear Yard |
| Tree 24 | <i>Archontophoenix cunninghamiana</i> | Rear Yard |
| Tree 25 | <i>Archontophoenix cunninghamiana</i> | Rear Yard |
| Tree 26 | <i>Archontophoenix cunninghamiana</i> | Rear Yard |
| Tree 27 | <i>Archontophoenix cunninghamiana</i> | Rear Yard |

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

(Reason: To ensure compliance with the consent.)

19. **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 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.
- 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

DA2019/100 - 86 Redmyre Road Strathfield - Lot 1 DP 208620 (Cont'd)

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.)

20. 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 | \$19,298.83 |
|--------------------------------|--------------------|

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.)

21. 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.)

22. 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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23. **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.)

24. **TREE BONDS (CC)**

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

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

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

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

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

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

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

25. **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:

DA2019/100 - 86 Redmyre Road Strathfield - Lot 1 DP 208620 (Cont'd)

- 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.)

26. 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)**27. 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.)

CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE (POC)**28. DRAINAGE SYSTEM - MAINTENANCE OF EXISTING SYSTEM (OC)**

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

DA2019/100 - 86 Redmyre Road Strathfield - Lot 1 DP 208620 (Cont'd)

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

(Reason: Maintenance and environment.)

29. 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.)

30. 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.)

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

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

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

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

32. 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

DA2019/100 - 86 Redmyre Road Strathfield - Lot 1 DP 208620 (Cont'd)

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.)

33. 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.)

ATTACHMENTS

There are no attachments for this report.

TO: Strathfield Internal Development Assessment Panel Meeting - 20 December 2019
REPORT: IDAP – Report No. 4
SUBJECT: DA2019/142 - 64 BARKER ROAD, STRATHFIELD - LOT 8 DP 8778
DA NO. DA2019/142

SUMMARY

Proposal: Demolition of existing structures and construction of two (2) dwelling houses and Torrens title subdivision.

Applicant: Chun Cheng Wang

Owner: Anthony Sharbel Georges

Date of lodgement: 2 September 2019

Notification period: 11 to 25 September 2019

Submissions received: 1 submission

Assessment officer: MR

Estimated cost of works: \$2,773,625

Zoning: R2 – Low Density Residential – SLEP 2012
In the vicinity of a heritage item *I92 – Australian Catholic University, Strathfield Campus (includes former “Mount Royal”) – various buildings and landscape*

Heritage:

Flood affected: No

RECOMMENDATION OF OFFICER: **APPROVAL**

EXECUTIVE SUMMARY

The application seeks Council approval for the demolition of existing structures and construction of two (2) dwelling houses and Torrens title subdivision.

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 raising concern for the removal of the existing *Eucalyptus* trees within the site. This matter is discussed in further detail in the report.

Council’s Tree Coordinator raised concern for the removal of a healthy canopy tree, a Tallowwood (*Eucalyptus microcorys*), that is located within the south-western portion of the site. Conditions are recommended to re-locate and re-design the proposed dwelling and pool in the southern lot (Lot 2). These elements must be situated closer to the eastern side boundary to ensure that this tree is retained and protected.

The proposal is considered appropriate for the site and is recommended for approval, subject to the imposition of recommended conditions of consent.

DA2019/142 - 64 Barker Road, Strathfield - Lot 8 DP 8778 (Cont'd)

BACKGROUND

- 2 September 2019 The subject application was lodged.
- 11 September 2019 The application was placed on exhibition for 14 days, with the last date for submissions being 25 September 2019. One (1) submission was received during the notification period.
- 4 October 2019 A deferral letter was issued to the applicant, raising a number of issues and concerns including landscaped area, bulk and scale, privacy, ceiling height, occupant amenity and canopy trees in the front setback and rear yards. The letter advised that matters relating to traffic and tree removal are being assessed by the relevant Council officers and may require additional information.
- 22 October 2019 The applicant lodged additional information to Council to address the issues and concerns raised in the deferral letter.
- 6 November 2019 Council's Traffic Engineer provided comments and advised that the new driveway for the north-facing lot (Lot 1) will conflict with a pedestrian refuge crossing. This driveway must be deleted.
- 19 November 2019 Council's Tree Coordinator provided comments and advised that the proposed tree removal is supported except for the removal of the Tallowood (*Eucalyptus microcorys*) in the south-western portion of the site.
- 10 December 2019 A meeting was held with Council officers and the applicant to discuss the re-design and re-location of the southern dwelling and pool to avoid the Tallowood (*Eucalyptus microcorys*). Council's Traffic Engineer confirmed that the proposed driveways can be retained and will not affect the pedestrian refuge crossing.

DESCRIPTION OF THE SITE AND LOCALITY

The subject site is legally described as Lot 8 in DP 8778 and is known as No.64 Barker Road, Strathfield. The site is within the R2 – Low Density Residential zone, pursuant to the provisions of SLEP 2012. The immediate vicinity of the site is regarded as a typical low density, suburban area characterised by tree-lined streets, single detached dwellings of mixed scale and design on the southern side of Barker Road, and the Australian Catholic University – Strathfield campus on the northern side. Common architectural features and traits in the immediate area include pitched roofing and roof eaves, rendered finishes, light and neutral colours and front boundary fencing.

The site is a rectangular shaped, long allotment that is located on the southern side of Barker Road and has an area of 1416m², a maximum length of 70.56m and a 20.115m wide frontage (refer to Figure 1). The site has a slight fall of 2.42m to the rear (southern) boundary. The subject site is predominantly modified and currently contains a dwelling house with some ancillary structures such as a detached brick shed, attached patios and a swimming pool (refer to Figures 2 and 3). The site also contains a large number of trees including:

- Seven (7) Mediterranean Cypress (*Cupressus sempervirens*) along the western boundary and adjacent to the existing driveway (refer to Figure 4);
- A prominent Tallowood (*Eucalyptus microcorys*) and a Smooth-barked Apple (*Angophora costata*) in the rear yard (refer to Figure 5);
- An American Sweetgum (*Liquidambar styraciflua*) centrally located in the southern end of the rear yard; and

DA2019/142 - 64 Barker Road, Strathfield - Lot 8 DP 8778 (Cont'd)

- Three (3) Spotted Gum (*Corymbia maculata*) in south-eastern portion of the rear yard (refer to Figure 6).

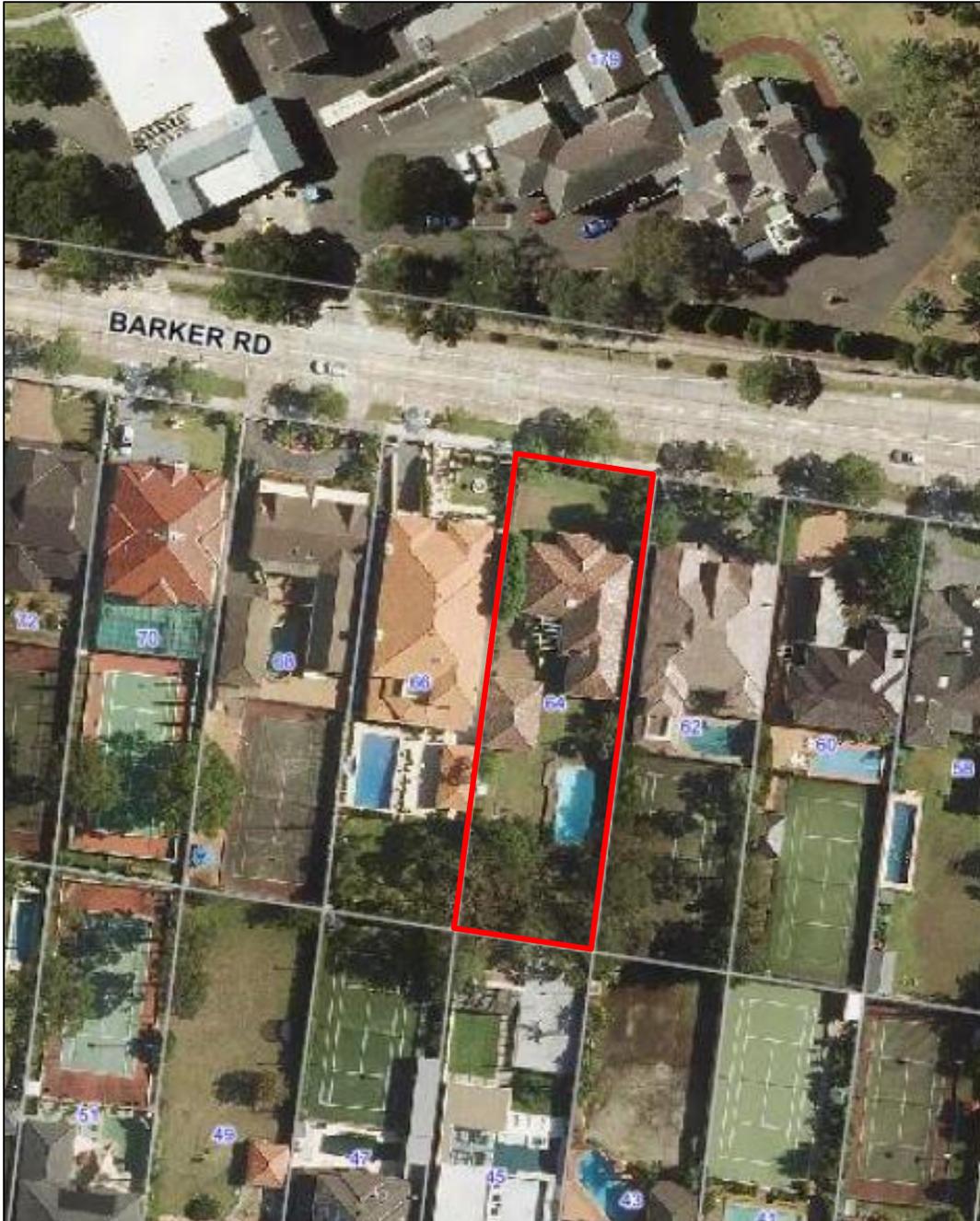


Figure 1. The subject site (as highlighted in red) and the surrounding context.

DA2019/142 - 64 Barker Road, Strathfield - Lot 8 DP 8778 (Cont'd)



Figure 2. The existing dwelling house and front setback zone



Figure 3. The existing brick shed and swimming pool in the rear yard

DA2019/142 - 64 Barker Road, Strathfield - Lot 8 DP 8778 (Cont'd)



Figure 4. Mediterranean Cypress (*Cupressus sempervirens*) adjacent to the existing driveway



Figure 5. Tallowwood (*Eucalyptus microcorys*) and a Smooth-barked Apple (*Angophora costata*) in the rear yard

DA2019/142 - 64 Barker Road, Strathfield - Lot 8 DP 8778 (Cont'd)



Figure 6. Spotted Gum (*Corymbia maculata*) in the rear yard

The site is surrounded by the following properties:

- A 2 storey dwelling with pool and tennis court at No. 62 Barker Road, adjoining the eastern boundary;
- A 2 storey dwelling with basement level and pool at No. 66 Barker Road, adjoining the western boundary;
- A large palatial dwelling at No. 43 Newton Road, adjoining the rear (southern) boundary; and
- The Australian Catholic University – Strathfield campus, north of the site and across the road.

PROPERTY BURDENS AND CONSTRAINTS

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

DESCRIPTION OF THE PROPOSED DEVELOPMENT

A Site Plan illustrating the proposed development is provided below (refer to Figure 7).

The application seeks Council approval for the following elements:

Torrens title subdivision

The subject land will be subdivided to create a street front and a battle-axe allotment (refer to Figure 8). The following lots are proposed:

- Lot 1: northern (street front) lot with a maximum depth of 40m and a total area of 665.24m²; and
- Lot 2: southern (rear) lot with access handle. This battle-axe lot comprises an area of 753.46m² (including the access handle, which is 145.46m²).

DA2019/142 - 64 Barker Road, Strathfield - Lot 8 DP 8778 (Cont'd)

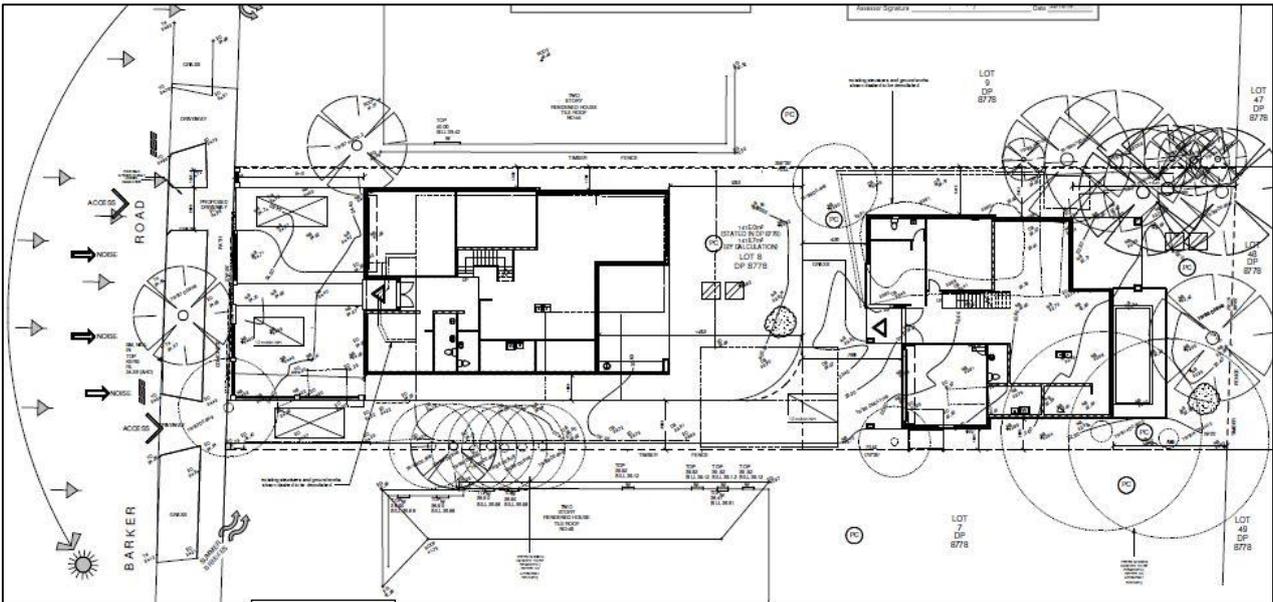


Figure 7. Site Plan

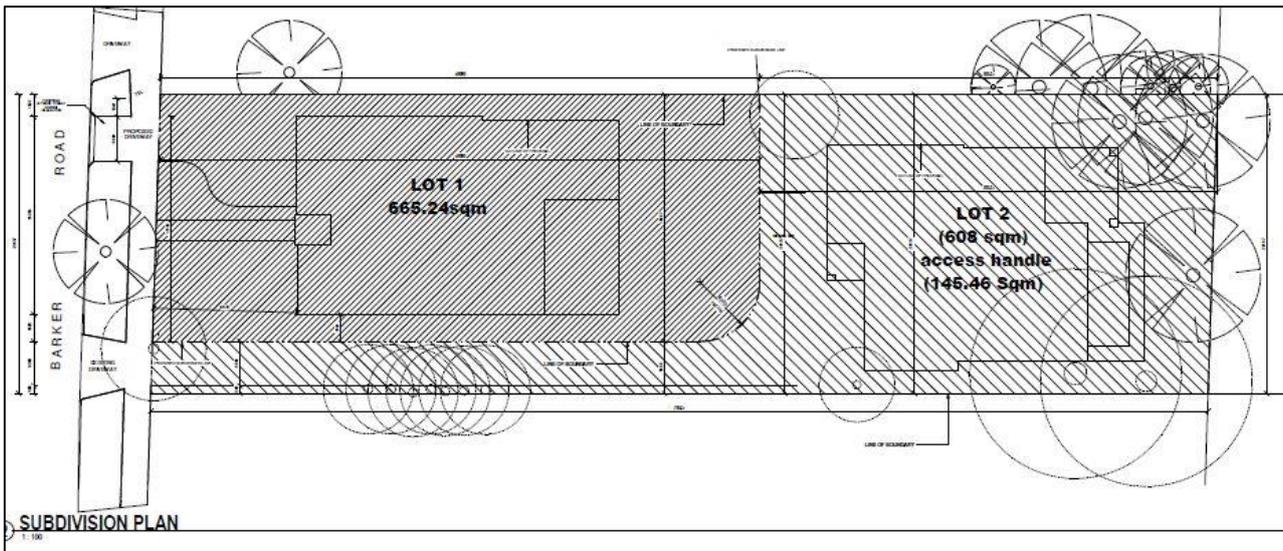


Figure 8. Subdivision Plan

New Dwelling in Lot 1

The proposed dwelling in Lot 1 is a two (2) storey design that comprises:

- Ground floor with double garage, porch, entry foyer, front lounge room, theatre room, 2 bathrooms, laundry, kitchen with butler’s pantry, dining room, sitting/living room and outdoor alfresco area with BBQ space; and
- First floor with a master bedroom with study, walk-in-robos and ensuite, 3 bedrooms, a bathroom, centralised family room with a front-facing balcony.

A 1.5m high rendered masonry fence with evenly metal panel infill is also proposed along the front boundary of Lot 1.

Figure 9 indicates the materials, colours and finishes of this dwelling and front fencing.

DA2019/142 - 64 Barker Road, Strathfield - Lot 8 DP 8778 (Cont'd)

New Dwelling in Lot 2

The proposed dwelling in Lot 2 is a two (2) storey design that comprises:

- Ground floor with double garage, porch, entry foyer, front lounge room, theatre room, a bathroom, water closet, laundry, kitchen with butler’s pantry, dining room, living room and outdoor alfresco area;
- First floor with a master bedroom with study, walk-in-robos and ensuite, 3 bedrooms, a bathroom, and centralised family room; and
- An in-ground swimming pool and pool surrounds, accessed from the alfresco area and located in the rear yard of the dwelling.

Figure 10 indicates the materials, colours and finishes of this dwelling.



Figure 9. Dwelling in Lot 1 – materials, colours and finishes



Figure 10. Dwelling in Lot 2 – materials, colours and finishes

DA2019/142 - 64 Barker Road, Strathfield - Lot 8 DP 8778 (Cont'd)

East elevations of each dwelling are indicated in Figures 11 and 12 below.

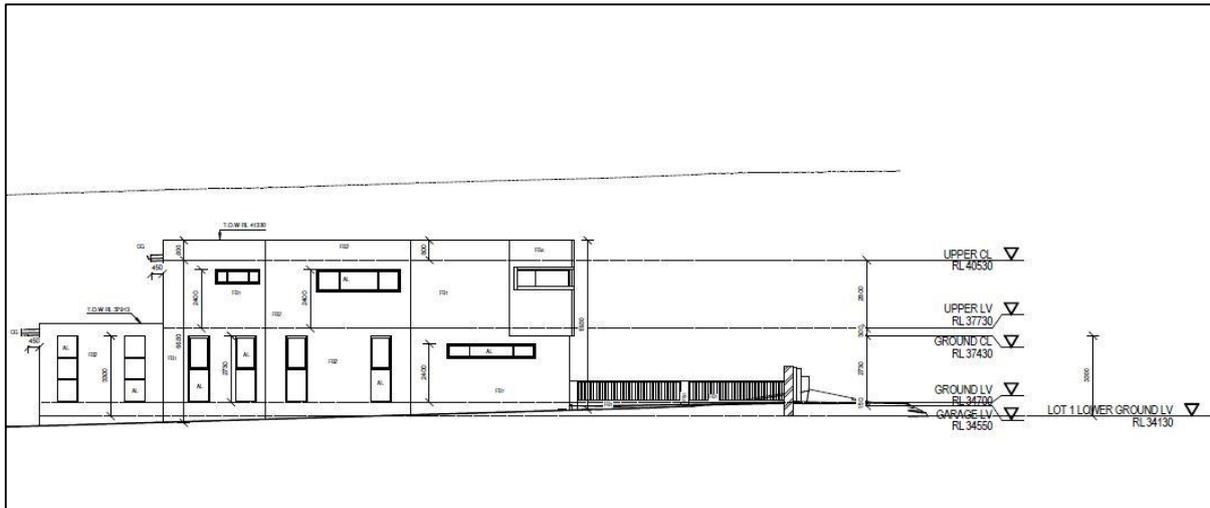


Figure 11. Dwelling in Lot 1 – East Elevation

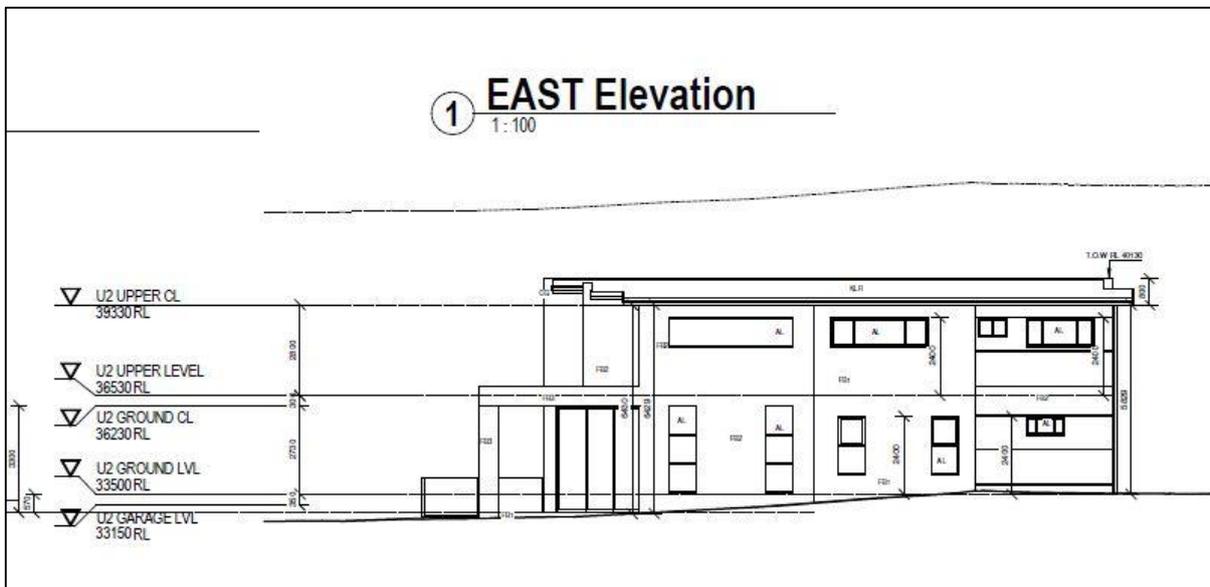


Figure 12. Dwelling in Lot 2 – East Elevation

REFERRALS

Heritage Advisor Comments

Given that the heritage item 192 – Australian Catholic University, Strathfield Campus (includes former “Mount Royal”) – various buildings and landscape is located immediately opposite the site, the application was referred to Council’s Heritage Advisor for comment. The following comments were received:

“I have reviewed the plans submitted as part of modification application for the subject site. The subject site is opposite Heritage Item (192 – 25A Barker Road) and therefore within the vicinity of a heritage item. The heritage items are part of Australian Catholic University. The subject site is in the vicinity of the heritage item and therefore triggers, Clause 5:10 (5) Heritage assessment. The subject site is not in a conservation area.

DA2019/142 - 64 Barker Road, Strathfield - Lot 8 DP 8778 (Cont'd)

The plans (DA2019.142 Floor plans) show that the two (2) dwellings will be behind each other with the existing driveway serving as an access road for Lot 2 and a new driveway proposed to access Lot 1. The dwelling to the front of the property will be set back from the street approximately 9.5m with a height of approximately 7.5m. Landscape plans (DA2019.142) submitted propose significant trees, approx. 10-12m high, will be planted in this setback. Therefore, due to the setback and landscaping, it is unlikely that the dwelling will visually dominate the heritage item opposite.

The driveways may dominate and impact on the surrounding streetscape but it is unlikely that the driveways will impact on the heritage item opposite the site.

The fence will be of a modern design with a top rail. The scale is acceptable being the same height as the neighbouring fence.

I support the proposed development in terms of heritage. As the setback and plantings should mitigate any effects on the heritage item. The site may be compromised with the dominance of the two driveways, however, this is unlikely to impact on the heritage item opposite the site."

The existing dwelling is not considered to contribute to the significance of this heritage item. Therefore, the existing dwelling does not warrant retention on heritage grounds and its demolition is supported.

With regard to potential impacts on the heritage significance and character of the above heritage item, the proposed development is considered acceptable and supportable. The streetscape presentation of the new dwellings; whilst having more contemporary architectural features compared to the surrounding dwelling houses along Barker Road, is also considered appropriate and acceptable.

Stormwater Engineer Comments

The application was referred to Council's Stormwater Engineer who undertook an assessment of the proposal in regards to stormwater management and advised that there are no objections to the proposed stormwater system, subject to suitable conditions of consent.

Traffic Engineer Comments

The application was referred to Council's Traffic Engineer who undertook an assessment of the proposal with regards to vehicular access and parking, and advised that there were no objections to the proposed access, parking and maneuvering, subject to suitable conditions of consent.

Tree Coordinator Comments

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

The proposed removal of a large Tallowwood (*Eucalyptus microcorys*) within the south-western portion of the site is not supported given the size and health of this tree and its landscape contribution to the general locality. Conditions are recommended to re-locate and re-design the proposed dwelling and pool in Lot 2. These elements must be located closer to the eastern side boundary to ensure that this tree is retained and protected.

DA2019/142 - 64 Barker Road, Strathfield - Lot 8 DP 8778 (Cont'd)

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.

Two (2) separate BASIX Certificates were submitted as part of the application which indicates that the proposal meets the required reduction targets. An appropriate condition of consent will be imposed to ensure future compliance with these targets.

State Environmental Planning Policy No 55 – Remediation of Land

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

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

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

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

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

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

As mentioned above, the proposal was referred to Council's Tree Coordinator who confirmed support for the removal of most of the trees within the site, subject to specific conditions. The proposed landscaping treatments are considered satisfactory and it is recommended that conditions are imposed to ensure that the location and design of the dwelling and pool in Lot 2 are modified in a manner that incorporates the existing Tallowwood (*Eucalyptus microcorys*) in the rear yard. Given that this tree provides intrinsic value to the landscape quality of the area, this tree must be protected and retained.

STRATHFIELD LOCAL ENVIRONMENTAL PLAN 2012 (SLEP 2012)

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

DA2019/142 - 64 Barker Road, Strathfield - Lot 8 DP 8778 (Cont'd)

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

Permissibility

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

Torrens title subdivision of the site into two (2) separate allotments and a dwelling house on each lot are permissible within the R2 – Low Density Residential zone with consent and is defined under SLEP 2012 as follows:

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

The proposed development for the purpose of a Torrens title subdivision and dwelling houses on each allotment is consistent with the definition above and is therefore permissible with consent.

Zone Objectives

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

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

Comments: The proposal involves the demolition of an existing dwelling and construction of a contemporary-style dwelling on two (2) separate allotments. Each dwelling will have an appropriate scale and massing facilitated by the lot size and dimensions of each subdivided lot.

The proposal retains a low density residential land use and continues to ensure that the housing needs of the community are met and preserved within the immediate locality. Additionally, by creating 2 new lots, the development allows for an additional dwelling to be accommodated within an appropriately sized Torrens title lot.

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Part 4: Principal development standards

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

Minimum subdivision lot size

| Cl. | Standard | Controls | Proposed | Complies |
|------------|--|-------------------|--|-----------------|
| 4.2 | <i>Minimum subdivision lot size (excluding strata subdivision)</i> | 560m ² | Lot 1: 665.24m ² Lot 2: 753.46m ² | Yes |

| | Objectives | Complies |
|------------|--|-----------------|
| (a) | <i>To promote consistent subdivision and development patterns that reflect and reinforce the predominant subdivision pattern of the area</i> | Yes |
| (b) | <i>To ensure a variety of lot sizes are maintained of sufficient size and shape to accommodate a variety of development types</i> | Yes |
| (c) | <i>To preserve large industrial lots in order to provide a range of large-scale sites suitable for industrial activities that require integrated and large floorplates</i> | Yes |

Comments: The proposal results in two (2) new Torrens title allotments that are fully compliant with the minimum lot size development standard under Clause 4.2. The proposed development will involve the creation of a street-front lot and a battle-axe lot. This subdivision is considered a departure from the typical subdivision pattern that is characteristic of Barker Road and adjoining streets (refer to Figure 13); however, it is noted that on certain parts of the locality similar arrangements do occur (for example, 4A Wilson Street and 59 Newton Road, 82 Barker Road and 1 Wilson Street, 50 Barker Road and 1 South Street). Whilst the proposed subdivision may create future precedence for the current subdivision pattern and rhythm of residential development in the immediate vicinity, the newly created Torrens title allotments are considered acceptable and supportable as both comply with the minimum lot size and dimension requirements under the SLEP 2012 and the SCDCP 2005 and are able to achieve appropriate access to Barker Road and any services located within the road reserve. It is further noted that the proposal demonstrates the ability for each lot to facilitate a single residential dwelling that is of an appropriate design, scale and location. This is evidenced by the fully compliant dwellings proposed for each lot.

The proposed subdivision provides opportunity for dividing elongated allotments with generous frontages and the re-development of sites with adequate area for an additional dwelling, whilst also resulting in a balanced and desirable outcome that achieves the objectives and complies with the relevant development standards and controls under the SLEP 2012 and SCDCP 2005. The proposed subdivision enables a slight increase in the residential density of the locality that is acceptable and reasonable without compromising the streetscape character of Barker Road and surrounds, and the significance and setting of the adjacent heritage item, and without adversely impacting adjoining neighbours. The creation of the battle-axe lot ensures that any re-development of the rear portion of the site will not be highly visible from Barker Road or public space. Therefore, the rhythm of the residential development along Barker Road will not be affected as the overall scheme will generally be read as a single residence per lot as any views of the rear dwelling will be obscured by the street-front dwelling. Given the above considerations, the proposed Torrens title subdivision is acceptable and supportable.

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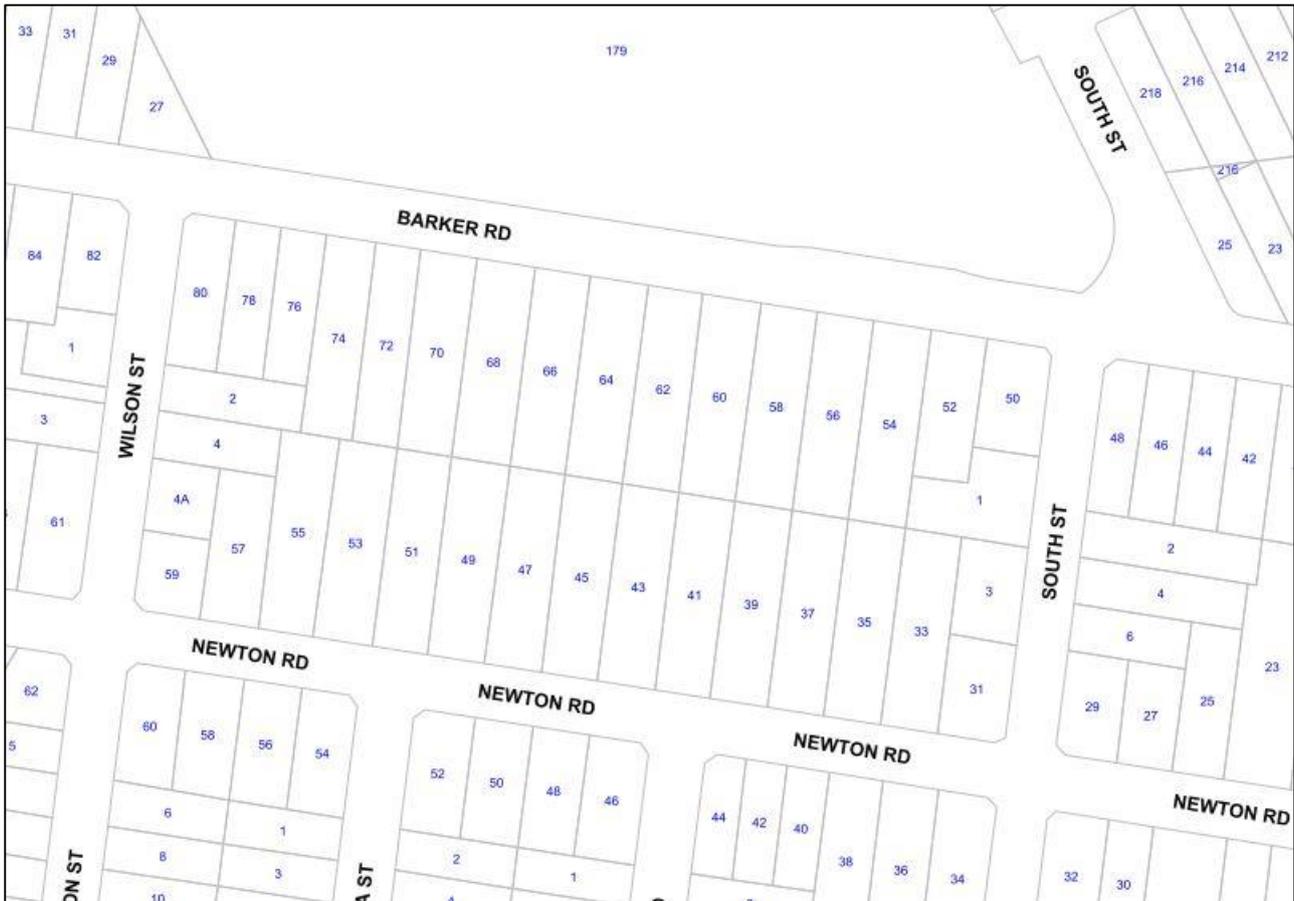


Figure 13. Subdivision pattern of the surrounding area

Height of building

| Cl. | Standard | Controls | Proposed | Complies |
|-----|--------------------|----------|-------------------------|----------|
| 4.3 | Height of building | 9.5m | Both dwellings: 7.8m | Yes |

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

Comments: The proposed dwellings comply with the maximum building height development standard under Clause 4.3 and are well below this numerical control.

Floor space ratio

| Cl. | Standard | Controls | Proposed | Complies |
|-----|-------------------|---|--|----------|
| 4.4 | Floor space ratio | Lot 1: 0.6:1 (399.14m ²) Lot 2: 0.575:1 (433.2m ²) | Lot 1: 0.55:1 (364.7m ²) Lot 2: 0.49:1 (368.6m ²) | Yes |

| | Objectives | Complies |
|-----|---|----------|
| (a) | To ensure that dwellings are in keeping with the built form character of the local area | Yes |
| (b) | To provide consistency in the bulk and scale of new dwellings in residential areas | Yes |

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| | | |
|-----|--|-----|
| (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 involves the demolition of an existing dwelling, the Torrens title subdivision of the subject land into two (2) separate allotments, and the construction of two (2) storey dwellings, one on each lot. Each new dwelling features a modern design with ample internal and external facilities and amenities for future occupants. The proposal ensures that the housing needs of the community are met and the low density, residential character of the locality is preserved. It is noted that the southern (rear) dwelling is positioned as such that it will not be highly visible from Barker Road and thus, the single residence presentation of the subject land is generally preserved.

Part 5: Miscellaneous Provisions

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

Part 6: Local Provisions

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

6.1 Acid sulfate soils

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

6.2 Earthworks

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

6.4 Essential services

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

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

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

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

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

PART P – HERITAGE (SCDCP 2005)**2: Development of Heritage Items (Heritage Item I183 – Inter-war Old English style house)****2.1: General objectives**

| | Objectives | Satisfactory |
|-----------|---|---------------------|
| A. | <i>To ensure that additions to a heritage item and new buildings on the site of a heritage item are of a scale, mass, bulk, orientation, setback and character consistent with the heritage item.</i> | N/A |
| B. | <i>To ensure that new development respects the contribution of a heritage item to the streetscape and/or townscape, and allows an ongoing application of its heritage significance.</i> | Yes |
| C. | <i>To retain or reinstate missing original details that contribute to the aesthetic quality and/or significance of a heritage item and to encourage the removal of inappropriate alterations and additions.</i> | N/A |
| D. | <i>To ensure that important elements of the form or fabric of a heritage item are not obscured or destroyed by alterations and additions.</i> | N/A |
| E. | <i>To ensure that materials and colours used on both the original heritage item and any alterations and additions are consistent with the significance of the heritage item.</i> | N/A |
| F. | <i>To provide an appropriate visual setting for heritage items, including landscaping, fencing and car parking.</i> | Yes |

Comments: As mentioned previously, the subject site does not contain any heritage items and is not within a heritage conservation area. The site is adjacent to a listed heritage item, *192 – Australian Catholic University, Strathfield Campus (includes former “Mount Royal”) – various buildings and landscape*. This heritage item is on the northern side of Barker Road and is immediately adjacent to the site.

The proposed development does not involve the demolition of any contributory elements of the above heritage item.

The proposed development involves two (2) separate dwellings on two (2) separate allotments; which ensures the single dwelling residential character featured on the southern side of Barker Road is maintained. The proposed development does not obscure significant views of the heritage item and will have negligible impacts on the significance and value of this heritage item. In light of the above, the proposed development meets the above objectives.

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3: Development in the Vicinity of Heritage Items

| 3.1 | Objectives | Satisfactory |
|-----|---|--------------|
| A. | To ensure that development located in the vicinity of a heritage item is designed and sited in a manner sympathetic to the significance of the heritage property and its setting. | Yes |
| B. | To ensure that development in the vicinity of a heritage item does not detrimentally impact upon the heritage significance of heritage items and heir settings. | Yes |
| C. | To ensure that new development is compatible with the heritage values of nearby heritage items. | Yes |

3.2: Setting

| | Objectives | Satisfactory |
|----|---|--------------|
| A. | To ensure the setting of heritage items is not compromised by development in the vicinity of the heritage item. | Yes |
| B. | To ensure that new development respects the contribution of heritage items to the streetscape and/or townscape. | Yes |

| | Controls | Satisfactory |
|----|---|--------------|
| 1. | Development in the vicinity of a heritage item should not be of such bulk or height that it visually dominates or overshadows the heritage item. Ensure the setting of heritage items is not compromised by development in the vicinity of the heritage item. | Yes |
| 2. | Views to or from a heritage item should not be obscured by new development. | Yes |
| 3. | Where a heritage item is part of a streetscape of buildings of consistent style, form and materials, development in the vicinity of the heritage item should incorporate elements of the dominant style, form and materials in the streetscape. | Yes |
| 4. | Where trees are integral to the significance of a heritage item, development should not be allowed beneath the drip zone of the trees. An arborist report may be required to establish the development will not impact upon trees on nearby heritage items. | Yes |

Comments: The proposed development is considered an appropriate bulk, height and design that respects the significance and value of the heritage item. Given the sheer scale and features of the heritage item, the proposed development will not visually dominate nor overshadow the heritage item.

The setting of the heritage item is appropriately respected and is not compromised by the proposal. There are no significant views or vistas of the heritage item that are obscured by the proposed development.

The heritage item comprises a number of older style buildings within the Australian Catholic University that are not single dwelling houses. Whilst the proposal features modern architectural features that are not commonly occurring within Barker Road and are differentiated from the university buildings, their design and scale have little impact on the character and significance of the heritage item.

3.3: Scale

| | Objectives | Satisfactory |
|----|---|--------------|
| A. | To ensure that new development in the vicinity of a heritage item is of a scale that does not detract from the significance of the heritage item. | Yes |

| | Controls | Satisfactory |
|--|----------|--------------|
|--|----------|--------------|

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| | | |
|-----|--|-----|
| i. | <i>The scale of new development in the vicinity of a built heritage item should not be substantially greater than that of the heritage item.</i> | Yes |
| ii. | <i>New development that obscures important views of a heritage item is not permitted.</i> | Yes |

Comments: As mentioned above, the proposed development is considered an appropriate bulk, height and design that respects the significance and value of the heritage item. Given the sheer scale and features of the heritage item, the proposed development will not visually dominate nor overshadow the heritage item. There are no significant views or vistas of the heritage item that are obscured by the proposed development.

3.4: Siting

| Objectives | | Satisfactory |
|-------------------|--|---------------------|
| A. | <i>To ensure new development in the vicinity of a heritage item is sited so that it does not obscure important views to or from the heritage item.</i> | Yes |
| B. | <i>To ensure that new development in the vicinity of a heritage item does not adversely impact landscape elements that are significant or are associated with a heritage item</i> | Yes |
| Controls | | Satisfactory |
| i. | <i>The siting and setback of new development (including alterations and additions) in the vicinity of a heritage item should ensure that important views to or from the heritage item are not adversely impacted on.</i> | Yes |
| ii. | <i>The siting and setback of new development in the vicinity of a heritage item should ensure that landscape elements associated with or listed as a heritage item are not adversely affected by the development.</i> | Yes |

Comments: The siting and setback of the proposed development are consistent with the residential properties along Barker Road. The proposed development does not obscure any important views to and from the heritage item and does not affect the landscape setting of the heritage item.

3.5: Materials and Colours

| Objectives | | Satisfactory |
|-------------------|---|---------------------|
| A. | <i>To ensure that new development in the vicinity of a heritage item does not detract from the significance of the heritage item.</i> | Yes |
| Controls | | Satisfactory |
| i. | <i>Materials and colours for development in the vicinity of a heritage item shall be selected to avoid stark contrast with the adjacent development where this would result in the visual importance and significance of the heritage item being reduced.</i> | Yes |

Comments: The modern appearance and neutral colours featured on the proposed dwellings does provide some contrast to the general vicinity as some of the architectural elements are not commonly occurring along Barker Road. However, given the general variation of residential designs along Barker Road and within the vicinity, the overall streetscape presentation of the proposal is considered appropriate. The contrast also does not result in a detrimental effect on the visual importance and significance of the heritage item. It is apparent that the heritage item is a dominant and highly visual element along Barker Road and within the vicinity.

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3.6 Excavation

| <i>Objectives</i> | | <i>Satisfactory</i> |
|-------------------|---|---------------------|
| A. | <i>To ensure that new development does not put nearby heritage items at risk of damage.</i> | Yes |

| <i>Controls</i> | | <i>Satisfactory</i> |
|-----------------|---|---------------------|
| i. | <i>Applications involving excavation adjacent to a heritage item must demonstrate that the proposed excavation will not compromise the structural integrity of the heritage item and will not detract from its setting.</i> | Yes |

Comments: The proposed development involves minimal ground disturbance. Given that the heritage item is north of the site and across the road it is unlikely that any excavation required will compromise the structural integrity of the heritage item.

PART A – DWELLING HOUSES AND ANCILLARY STRUCTURES

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

2: Architectural Design & Streetscape Presentation

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

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| | | | |
|-----|--|--|-----|
| | 4 | Integrated security grilles/screens, ventilation louvres and garage doors | Yes |
| | <i>Scale, Massing & Rhythm of Street</i> | | |
| .2. | 1 | Scale, massing, bulk and layout complement the existing streetscape and the dominant building rhythm | Yes |
| | 2 | Building height and mass maintains amenity to adjacent properties open space or the public domain | Yes |
| .3. | <i>Building Forms</i> | | |
| | 1 | Building form articulated. | Yes |
| | <i>Roof Forms</i> | | |
| | 1 | Roof form complements predominant form in the locality | No |
| | 2 | Roof form minimises bulk and scale of building and remains an important architectural element in the street. | No |
| | 4 | Roof structures are not visible from the public domain | Yes |
| | <i>Materials</i> | | |
| .4. | 5 | Materials compatible with the existing dwelling house, adjoining dwelling houses and the streetscape (type, form and colour) | Yes |
| | 6 | Monotone face brick walls and terracotta tiles for roofs where common in the streetscape | Yes |
| | 7 | New buildings and facades do not result in glare (Reflectivity Report may be required) | Yes |
| | <i>Colours</i> | | |
| | 8 | New development incorporates traditional colour schemes | Yes |
| | 9 | The external colours integrate harmoniously with the external design of the building | Yes |

Comments: The proposed dwellings feature a contemporary design with a modern flat roof, rendered finishes and bold, neutral colours. The flat roof design is not commonly occurring within the vicinity; however, the proposed design is generally recessive and is appropriate for the locality, which is characterised by residential dwellings of varying scales and designs.

Rendered finishes do occur along Barker Road; however, the bold white and dark grey coloration of the dwellings will provide some distinction and contrast to the existing residential development. Given that the lighter coloured dwelling will be contained in the street-front lot and its front façade is visually articulated by the centralised balcony, timber cladding and slats, dark grey window frames, glazing and recessed walls. Collectively, the front façade, combined with the proposed landscaping treatments in the front setback zone and the front boundary fencing, are able to complement the residential character of Barker Road and the general locality.

4: Building Envelope

| | | |
|------------|--|---------------------|
| 4.1 | Objectives | Satisfactory |
| A. | To ensure that dwellings are compatible with the built form of the local area and that overall bulk and scale, size and height of dwellings relative to natural ground level responds to the adjoining dwellings, topography and desired future character. | Yes |
| B. | To minimise impact on the amenity of adjoining properties. | Yes |
| C. | To establish and maintain the desired setbacks from the street and define the street edge. | Yes |

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| | | |
|--------------|--|---|
| D. | <i>To create a perception or reinforce a sense of openness in the locality.</i> | Yes |
| E. | <i>To maintain view corridors between dwellings</i> | Yes |
| F. | <i>To assist in achieving passive surveillance whilst protecting visual privacy.</i> | Yes |
| G. | <i>To provide a transitional area between public and private space.</i> | Yes |
| 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> | |
| | 1 Height of building permissible pursuant to SLEP 2012 | Yes |
| | 2 The maximum height to the top of parapet for flat roofed dwelling houses is to be 7.8 metres. | Yes Lot 1: 7.8m Lot 2: 7.7m |
| | 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 Both: 0.8m |
| .2. | 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 Lot 1: 7m Lot 2: 6.769m |
| | 5 The maximum internal floor to ceiling height is to be 3.0 metres for any residential level. | Yes Both: 3m |
| | 6 Height of outbuildings, detached garages and carports is 3.5m (max) measured at the highest point on the roof above NGL | Yes |
| | 7 Dwelling houses and any ancillary structures 2-storeys (max) | Yes – 2 storeys proposed for each dwelling |
| | 8 Building height responds to the gradient of the site to minimise cut and fill | Yes |
| .3.1. | <i>Street Setbacks</i> | |
| | 1 Setbacks consistent with minimum requirements of Table A.1 | Yes Lot 1: 9m Lot 2: 4.5m |
| .3.2. | <i>Side and Rear Setbacks</i> | |
| | 1 A combined side setback of 20% of the width of the block (incorporating a 1.2m min side setback on each side). | Yes – Lot 1 19.5% 1.5m 1.82m Yes – Lot 2 24.4% 1.5m 3.412m |

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| | | |
|---|---|--------------|
| | | |
| 2 | A rear setback of 6m (min) | Yes – 7.998m |
| 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 |
| 4 | Garages and carports setbacks consistent with Table A.2 | Yes |

Comments: The proposed development complies with the relevant requirements under the SLEP 2012 and SCDCP 2005 in terms of maximum building height, FSR, maximum height of flat roof buildings, parapets and external walls, building articulation and setback from property boundaries.

5: Landscaping

| 5.1 | Objectives | Satisfactory |
|-----|--|--------------|
| A. | To encourage landscaping that is appropriate to the style and scale of the dwelling and adjoining development, and to the streetscape. | Yes |
| B. | To enhance the existing streetscape and promote a scale and density of planting that softens the visual impact of buildings, structures, vehicle circulation and ancillary areas. | Yes |
| C. | To preserve existing landscape elements on site (such as existing trees) and encourage their integration into the design of proposals. | Yes |
| D. | To ensure adequate deep soil planting is retained on each allotment. | Yes |
| E. | To ensure developments make an equitable contribution to the landscape setting of the locality. | Yes |
| F. | To ensure both existing and new landscaping provides suitable shade and facilitates convective cooling breeze paths in summer. | Yes |
| G. | To encourage the use of native flora such as open woodland canopy trees, to provide a habitat for native fauna. | Yes |
| H. | To ensure that landscaped areas are designed to minimise water use. | Yes |
| I. | To provide functional private open spaces for active or passive use by residents. | Yes |
| J. | To provide private open areas with provision for clothes drying facilities screened from the street and lane or a public place. | Yes |
| K. | To ensure the protection of trees during construction | Yes |
| L. | To ensure suitable fencing is provided to reduce acoustic impacts and enhance visual privacy between neighbouring residents whilst enabling front fences passive surveillance of the street. | Yes |
| M. | To maximise the amenity of existing and proposed developments, including solar access, privacy and open space. | Yes |
| 5.2 | Development Controls | Complies |
| .1. | Landscaped area | |
| 1 | Landscaped area in accordance with Table A.3 | Yes for both |
| | Minimum required is: | Lot 1: 48.4% |

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| | | |
|---|---|---|
| | Lot 1: 41.5% (276m ²) Lot 2: 41.5% (252.32m ²) | (322m ²) Lot 2: 42% (256.28m ²) |
| 2 | At least 50% of the minimum landscaped area located behind the building line to the rear boundary | Yes >50% |
| 3 | At least 50% of the front yard maintained as deep soil soft landscaping | Yes 58.4% |
| 4 | Minimise hard surface area (concrete/brick/stone paving and bitumen). Run-off directed to permeable surfaces. | Yes |
| 5 | Planting areas soften the built form | Yes |
| 6 | Front gardens respond and contribute to the garden character of Strathfield. | Yes |
| 7 | Retain and reinforce the prevailing streetscape and surrounding locality | Yes |
| 8 | Plant species must be retained, selected and planted to improve amenity | Yes |

Tree Protection

| | | |
|-----|--|--------------------------------|
| 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 Conditioned accordingly |
| 4 | New dwellings and alterations and additions are set back in accordance with the Arboricultural Impact Assessment Report | Yes |
| .2. | 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 |
| 8 | Trunk of a proposed canopy tree planted 4m (min) from built structures, or 3m (min) from pier beam footings | Yes |
| 9 | Planting on side boundaries a 0.6m (min) deep root deflection barrier provided 1.5m (min) either side of the tree center | Yes |
| 10 | Driveway construction does not result in the removal, lopping or root damage to any street tree | Yes |
| 11 | 25% (min) of canopy trees and other vegetation shall be locally sourced indigenous species | Yes |

Private Open Space

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

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| | | | |
|----------------|----|--|--|
| | 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 |
| | 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 1.5m high 0.6m high masonry |
| .4. | 4 | Solid fencing 1.8m (max) is permitted along a secondary street frontage to enclose a private open space | Yes |
| | 7 | Front fences visually permeable | Yes |
| | 8 | Front fences on busy roads designed to provide acoustic attenuation | Yes |
| | 9 | Listed undesirable materials and finishes not used forward FBL | Yes |
| | 13 | Significant trees maintained | Yes |
| | 14 | Stormwater flows through or under fencing on sloping sites | Yes |
| | 16 | Gates or entries from private property onto Council parks, reserves, open space, etc. are permitted | Yes |

Comments: The proposed development complies with the relevant requirements under the SDCDP 2005 in terms of minimum landscaped area, retention of significant trees, private open space and fencing.

6: Solar Access

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

Comments: The proposed development complies with the relevant requirements under the SDCDP 2005 with regard to providing sufficient solar access to both future occupants and neighbouring properties.

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7: Privacy

| 7.1 Objectives | | Satisfactory |
|--|--|--------------|
| A. | Development that is designed to provide reasonable privacy to adjacent properties | Yes |
| B. | To maintain reasonable sharing of views from public places and living areas | Yes |
| C. | To ensure that public views and vistas are protected, maintained and where possible, enhanced | Yes |
| D. | To ensure that canopy trees take priority over views | Yes |
| E. | To ensure that the siting and design of buildings minimises noise impacts from abutting roads, rail corridors and other noise-generating land uses | Yes |
| 7.2 Development Controls | | Complies |
| Visual Privacy | | |
| .1. | 1 Protect POS, bedrooms, balconies and living rooms of proposed and any existing adjoining dwellings from direct overlooking | Yes |
| | 2 Provide adequate separation of buildings | Yes |
| | 3 Ensure elevation of finished floor levels above NGL is not excessive | Yes |
| | 4 Improve privacy to adjacent properties with screen planting | Yes |
| Windows | | |
| .2. | 1 Windows do not directly face the windows, balconies and courtyards of adjoining dwelling | Yes |
| | 2 A window within 9m of another window in a habitable room of an adjoining dwelling is offset by 0.5m (min) or a sill height of 1.7m (min) above the FFL | Yes |
| | 3 Windows directly facing balconies or courtyards are narrow, incorporate obscure glazing and/or a sill height of 1.7m (min) above FFL | Yes |
| Elevated Decks Verandahs and Balconies | | |
| .3. | 1 Elevated decks, verandahs and upper storey balconies not permitted on side boundaries (exceptions apply) | Yes |
| | 2 Elevated decks, verandahs and balconies incorporate privacy screens | Yes |
| | 3 Rear balconies (no more than 1m (depth) x 2m (length) permitted if the balcony does not unreasonably impact on adjoining premises | Yes |
| | 4 Balconies extending the full width of the front façade are not permitted | Yes |
| Acoustic Privacy | | |
| .4. | 1 SEPP (Infrastructure) 2007 and Development near Rail Corridors and Busy Roads Interim Guideline considered | Yes |
| | 2 Noise-sensitive rooms located away from noise sources | Yes |
| | 3 Suitable acoustic screen barriers or other noise mitigation measures are required where physical separation cannot be achieved | N/A |
| | 4 An acoustic report (where relevant) demonstrates that habitable rooms achieve internal noise levels of no greater than 35 dBA | N/A |

Comments: The proposed development complies with the relevant controls under the SDCDP 2005 with regard to building separation and privacy for future occupants and neighbouring

DA2019/142 - 64 Barker Road, Strathfield - Lot 8 DP 8778 (Cont'd)

properties. The amended design ensures that the finished floor levels of the dwellings step with the natural gradient of the subject site and are not significantly elevated. The proposal also involves no changes to the existing ground levels within the side setbacks or areas beyond the footprint of the dwellings. As such, the topography of the site and surrounds are respected and not compromised, resulting in an appropriate relationship between buildings, private open spaces and neighbouring properties.

8: Vehicle Access and Parking

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

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| | | | |
|-----|---|---|-----|
| | 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 |
| | 2 | Garages recessed behind the main front facade and/or non-dominant | Yes |
| | 3 | Garages not more than 150mm above NGL at entry unless the slope of the site exceeds 1:8 (12.5%) | Yes |
| | 4 | Dimensions of parking spaces and garages comply with the Australian Standards | Yes |
| | 5 | Garages are not to be converted or used for any purpose other than that for which they are approved | Yes |

Comments: The proposed development meets the relevant requirements under the SCDCP 2005 with regard to vehicular access, parking and maneuvering.

9: Altering Natural Ground Level (Cut and Fill)

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

Comments: The proposed development involves minimal changes to the existing ground level of the site. Therefore, the proposal meets the relevant requirements under the SCDCP 2005 with regard to cut and fill.

10: Water and Soil Management

| 10.1 Objectives | | Satisfactory |
|-----------------|--|--------------|
| A. | To encourage the incorporation of Water Sensitive Urban Design (WSUD) and Botany Improvement Plan principles in the development. | Yes |
| B. | To ensure compliance with Council's Stormwater Management Code | Yes |

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| | | |
|----|---|-----|
| C. | To ensure compliance with the NSW State Government's Flood Prone Lands Policy. | Yes |
| D. | To ensure that appropriate soil erosion and sediment control measures are implemented on all sites that involve soil disturbances during construction. | Yes |
| E. | To ensure new building work does not detrimentally affect the existing drainage system of any area of the Municipality. | Yes |
| F. | To ensure that new development in areas that may be affected by acid sulphate soils do not adversely impact the underlying ground conditions, soil acidity and water quality. | Yes |
| G. | To appropriately manage stormwater and overland flow to minimise damage to occupants and property | Yes |

10.2 Development Controls**Complies**

| | | |
|--|--|-----|
| <i>Stormwater Management and Flood Prone areas</i> | | |
| 1 | Applicant contacted Council regarding site being flood prone land | Yes |
| 2 | Compliance with Council's Stormwater Management Code | Yes |
| .1. | 3 Flood affected properties comply with Council's Interim Flood Prone Lands Policy (Flood Prone Areas & Through Site Drainage) | Yes |
| 4 | Minimum habitable floor height advice obtained for flood affected sites | Yes |
| 5 | A drainage/flood report prepared by a hydraulics engineer submitted for sites affected by overland flows | Yes |
| 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 Stormwater Engineer confirmed that the proposal complies with the relevant stormwater and water and soil management controls under the SCDCP 2005 and Council's Stormwater Management Code.

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 |

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| | | | |
|-----|-------------------------------------|---|-----|
| .1. | <i>Address and Entry Sightlines</i> | | |
| | 1 | Occupants able to overlook public places to maximise passive surveillance | Yes |
| | 2 | Landscaping design around dwellings and ancillary structures to accommodate plant maturation | Yes |
| | 3 | External lighting enhance safe access and security and light spill does not adversely impact on adjoining properties. | Yes |
| | 4 | Crime Prevention through Environmental Design (CPTED) principles incorporated. | Yes |
| .2. | <i>Pedestrian Entries</i> | | |
| | 1 | Pedestrian entries and vehicular entries suitably separated | Yes |
| | 2 | Dwelling entrances easily identifiable | Yes |
| | 3 | House numbers are to be clearly visible from the street | Yes |

Comments: The new dwellings have clearly defined pedestrian and vehicular entries. The front entrance of the dwelling on the street-front lot that will be visible from the street. The overall scheme including front setback and access handle have been adequately designed to formalise access and ensure that the above access, safety and security controls are met.

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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 |
| .4. | <i>Air-conditioning</i> | |
| | 1 Located away from the habitable rooms of adjoining properties and/or screened by acoustic treatments | Yes |
| | 2 Any building work must not reduce the structural integrity of existing buildings | Yes |
| | 3 Installation of residential grade air conditioners only | Yes |
| | 4 Installation to comply with the Protection of the Environment Operations Act 1997 and Protection of the Environment Operations (Noise Control) Regulation 2008 | Yes |
| .6. | <i>Swimming Pools</i> | |
| | 1 Side and rear setbacks from the outside edge of the pool concourse are 1m (min) wide and comprise deep soil soft landscape area | Yes |
| | 2 If greater than 1m above ground, the space between the bond beam/concourse and the ground is finished to Council's satisfaction | N/A |
| | 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: The proposed development meets the above requirements.

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 |

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| | | | |
|-------------|--|--|-----------------|
| E. | <i>To encourage the re-use of building materials, thereby reducing waste to landfill, transportation costs, conserving raw materials and reducing energy expenditure. (Refer to Part H Waste Minimisation and Management of SCDCP 2005).</i> | | Yes |
| 13.2 | Development Controls | | Complies |
| .1. | <i>Natural Lighting and Heating</i> | | |
| | 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. | <i>Natural Cooling and Ventilation</i> | | |
| | 1 | Windows and walls on northern facades shaded by shading devices, trees, eaves and louvres sympathetic to the dwelling | Yes |
| | 2 | Windows positioned to capture breezes and allow for cross-ventilation | Yes |
| | <i>Water Tanks</i> | | |
| .3. | 1 | Located behind the dwelling or behind the front building line and screened from view from the public domain | Yes |
| | 2 | Associated support structures and plumbing are a colour that complements the dwelling. | Yes |
| | 3 | Above ground water tanks located 450mm (min) from any property boundary | Yes |
| | 4 | Above ground water tanks do not exceed 3m in height above NGL | Yes |
| | 5 | Overflow piped directly to the approved stormwater drainage system except in cases where stormwater is required to be directed to on-site stormwater detention (OSD) storage | Yes |
| | 6 | No part of the water tank or support stand may rest on a wall footing | Yes |
| | 7 | Installation does not involve the filling of more than 1m above existing ground level | Yes |
| | 8 | The tank not located over or adjacent to a water main or sewer main or installed over any associated structure or fittings | Yes |
| | 9 | Support structure installed to the requirements of a qualified practicing structural engineer or to the maker's specifications. | Yes |
| | <i>Hot Water Heater Units</i> | | |
| .4. | 1 | Located behind the dwelling or wholly behind the dwelling | Yes |
| | 2 | Not located on balconies unless screened from public view | Yes |
| | 3 | Placed within a short distance of the most frequent point of use | Yes |

Comments: The proposed development complies with the relevant requirements under the SCDCP 2005 with regard to ecologically sustainable development and the design and siting of rainwater tanks and hot water heater units.

PART R – SUBDIVISION

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

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2: General

| 2.1 | Objectives | Satisfactory |
|------------|---|---------------------|
| A. | To ensure that subdivision and amalgamation reflects the prevailing subdivision pattern, including the lot size, lot width, dimensions, shape and orientation. | Yes |
| B. | To prevent the fragmentation of land and maintain a variety of lot sizes that are of sufficient size and shape to accommodate a variety of development types that comply with all other relevant DCP controls | Yes |
| C. | To ensure a site's characteristics (features and constraints) are considered | Yes |
| D. | To protect the setting of heritage items and the streetscape character of heritage conservation areas. | Yes |
| E. | To minimise any likely impact of subdivision and development on the amenity of neighbouring properties. | Yes |

| 2.2 | Development Controls | Complies | | | | | | | | | | | | |
|------------|---|--|------------------|------------------|------|---|-------------------|------------------------------|---|--------------------|--------------------------------|---|---------------------|--|
| .1. | Minimum Lot Size | | | | | | | | | | | | | |
| | The size of any lot resulting from a subdivision of land is less than the minimum size shown on the Lot Size Map of SLEP 2012 as shown below. | Yes | | | | | | | | | | | | |
| | <table border="1"> <thead> <tr> <th>SLEP Area</th> <th>Minimum Lot Size</th> <th>Zone</th> </tr> </thead> <tbody> <tr> <td>K</td> <td>560m²</td> <td>R2 – Low Density Residential</td> </tr> <tr> <td>U</td> <td>1000m²</td> <td>R3 –Medium Density Residential</td> </tr> <tr> <td>Z</td> <td>20000m²</td> <td>IN1 – General Industrial IN2 – Light Industrial</td> </tr> </tbody> </table> | | SLEP Area | Minimum Lot Size | Zone | K | 560m ² | R2 – Low Density Residential | U | 1000m ² | R3 –Medium Density Residential | Z | 20000m ² | IN1 – General Industrial IN2 – Light Industrial |
| | SLEP Area | | Minimum Lot Size | Zone | | | | | | | | | | |
| K | 560m ² | R2 – Low Density Residential | | | | | | | | | | | | |
| U | 1000m ² | R3 –Medium Density Residential | | | | | | | | | | | | |
| Z | 20000m ² | IN1 – General Industrial IN2 – Light Industrial | | | | | | | | | | | | |
| 4 | The size of the proposed lots may need to be greater than the area prescribed in the tables above in order to achieve the minimum setbacks required from significant landscape features and/or to address site constraints. | Yes | | | | | | | | | | | | |

General Controls

| | | | |
|-----|---|--|-----|
| .2. | <p>The proposed development considers:</p> <ul style="list-style-type: none"> i) Site topography ii) Existing services iii) Existing vegetation iv) Existing easements or the need for new easements v) Vehicle access vi) Any need for land dedications vii) Existing vegetation viii) Stormwater management requirements ix) Existing buildings or structures x) Heritage items, heritage conservation areas and adjoining heritage items | Yes | |
| | 2 | Subdivision doesn't compromise any significant features or the visual setting of the existing or adjoining sites. | Yes |
| | 3 | Subdivision does not result in the isolation or creation of lots that contain significant site features that would render the land unable to be developed. | Yes |
| | 4 | Newly created allotments are able to accommodate permissible landuses that would comply with all parts of this DCP. | Yes |
| | 5 | Subdivision does not result in the creation of irregularly shaped allotments that would prevent the orderly economic development of land. | No |

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| | | |
|---|---|--|
| 6 | Stormwater is gravity drained to Council's stormwater system. | No – unable to obtain an easement. Check Engineer's response |
| 7 | An inter-allotment drainage easement is provided if proposed lots are not able to drain stormwater runoff from the site to a street or public drain. A letter of consent from the applicable downstream property owners is also provided. | Yes |
| 8 | Developable areas on undeveloped lots are above the 1:100 average recurrent interval flood event. | Yes |

Comments: The proposed development involves the creation of a street-front lot and a rear, battle-axe lot. The battle-axe block features an irregular shape that is not typical of the subdivision pattern within the immediate locality. The proposed subdivision will set a future precedence as the proposal creates a less uniform subdivision that is uncharacteristic of the surrounding locality. Notwithstanding the irregular form of battle-axe block resulting from the subdivision, it is reasonable to anticipate that the existing large and elongated allotments with generous frontages along Barker Road and Newton Road would be subdivided into fully compliant, appropriately sized Torrens title lots. It is also noted that the resultant lots are capable of facilitating dwellings that are able to meet the relevant provisions within the SLEP 2012 and SCDCP 2005 and that respect the streetscape character of the immediate locality and the heritage significance and value of the university.

3: Residential Subdivision

| 3.1 | Development Controls | Complies | | | | | | | | |
|-----------------------------------|--|---|--------------------------------|---|--------------------------------|-----------------------------------|-------------------|--------|----|-----|
| 1. | The minimum lot size resulting from the subdivision of residential zoned land is in accordance with Clause 4.1 of Strathfield LEP 2012. | Yes | | | | | | | | |
| 2. | Subdivision in residential zones maintain a minimum lot width that is compatible with the existing subdivision pattern, measured at the building line, adjacent to the primary street frontage as indicated in the table below: <table border="1" data-bbox="316 1285 1142 1440"> <thead> <tr> <th>Zone</th> <th>Minimum lot Size</th> <th>Minimum lot Width (Frontage access excluding access handle)</th> <th>Minimum width of Access Handle</th> </tr> </thead> <tbody> <tr> <td>R2 – Low Density Residential zone</td> <td>560m²</td> <td>15.24m</td> <td>3m</td> </tr> </tbody> </table> | Zone | Minimum lot Size | Minimum lot Width (Frontage access excluding access handle) | Minimum width of Access Handle | R2 – Low Density Residential zone | 560m ² | 15.24m | 3m | Yes |
| Zone | Minimum lot Size | Minimum lot Width (Frontage access excluding access handle) | Minimum width of Access Handle | | | | | | | |
| R2 – Low Density Residential zone | 560m ² | 15.24m | 3m | | | | | | | |
| 3. | Proposed subdivision is similar to the prevailing subdivision pattern of lots fronting the same street. | No | | | | | | | | |
| 4. | Lot orientation maximises solar access for future dwellings. | Yes | | | | | | | | |
| 5. | Battle-axe Allotments- Access way is excluded from area calculation | Yes | | | | | | | | |
| 6. | Battle-axe Allotments- Access way is included in FSR calculation | Yes | | | | | | | | |

Comments: Refer to comments above that relate to the new battle-axe lot.

5: Accessway Design

| | | |
|------------|---|---------------------|
| 5.1 | Objectives | Satisfactory |
| A. | To ensure access along private accessways to all new lots is simple, safe and direct. | Yes |

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| | | |
|------------|---|-----------------|
| B. | To minimise the visual impact of driveways on the existing streetscape. | Yes |
| C. | To limit the number of driveway crossings and additional dwellings with direct access to main roads to minimise the cumulative impacts on traffic flows and safety. | Yes |
| 5.2 | Development Controls | Complies |
| | <i>General</i> | |
| .1. | 1 Driveway and access details are indicated on plans | Yes |
| | 2 The location of driveways in relation to off-street parking areas and queuing areas is in accordance with AS2890.1 – Off-street car parking, Section 3 – Access driveways. | Yes |
| | 3 Vehicular crossings and driveways are consolidated and street tree planting is retained where possible. | Yes |
| | 4 The distance between adjacent driveways is less than 3 metres or more than 6 metres to avoid the creation of an undersized on-street parking space. | Yes |
| | 5 Where a rear lane is provided to adjoining land, the laneway configuration is continued through the new lot and existing access arrangements to adjoining land maintained. | N/A |
| | <i>Residential Subdivision</i> | |
| .2. | 1 Driveways have a minimum width of 3m. | Yes |
| | 2 Direct vehicular access to main roads is avoided where alternative access can be provided via a local road or service lane. | Yes |
| | 3 A minimum of 0.5m of landscaping is provided on each side of the access corridor for battle-axe lots. Where this is not possible, a 1m landscaping strip is provided on one side. | Yes |

Comments: The proposed development meets the above controls.

PART H - WASTE MANAGEMENT (SCDCP 2005)

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

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

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

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

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

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

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

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*

Subdivision

As mentioned in detail above, the proposed development will involve the creation of a street-front lot and a battle-axe lot that is departure from the general subdivision pattern that is characteristic of Barker Road and adjoining streets. Whilst the subdivision pattern is not commonly occurring within the immediate vicinity, the resultant allotments are compliant with the relevant requirements under the SLEP 2012 and SCDCP 2005 and are capable of facilitating a single dwelling use that relates appropriately with the surrounding properties and with the streetscape. Therefore, the proposed subdivision is acceptable and supportable.

Conditions are recommended to ensure that the final subdivision plan is lodged to and registered by NSW Land Registry Services prior to the issue of the construction certificate. This ensures that the necessary infrastructure and utilities for servicing each new lot are established prior to the construction of any new dwellings and eliminates the risk of a dual occupancy being built within the site. Given that a dual occupancy is not a permissible land use within the R2 – Low Density Residential zone – conditions that ensure subdivision works and the registration of the lots are completed prior to the commencement of construction works for each dwelling are considered critical and therefore, are recommended.

Privacy, Amenity and Overshadowing Impacts

The proposed development will not generate significant privacy and amenity impacts given that most of first floor windows of the new dwellings are from low utility rooms such as bedrooms, parent study rooms, bathrooms and walk-in-robos. The first floor family rooms of each dwelling are centrally located; with the street-front dwelling's family room facing Barker Road and the rear dwelling facing the rear (southern) boundary. The family room and the void space of the rear dwelling contain highlight windows. The front facing balcony in the street-front dwelling is centrally located and provides street surveillance for future occupants. As such, potential privacy impacts are considered minimal with regard to the first floor.

The finished floor levels of the ground floor of both dwellings are predominantly on or close to the natural ground level. The maximum elevation of the ground floor (including alfresco areas) from natural ground level is 0.4m. The generous setbacks of each dwelling from property boundaries ensures that any overlooking from the ground floor will be minimal.

The proposed development involves no changes to the natural ground levels within the rear yards or any areas outside the building footprint of both dwellings and the pool. By retaining these levels and by providing planting within the garden beds along the property boundaries, the proposal is able to achieve adequate privacy for private open spaces whilst maintaining privacy and amenity for the neighbouring residences.

The proposed development will have minimal overshadowing impacts despite the introduction of a new 2 storey building within the rear portion of the site. The location and maximum height of the proposed dwelling combined with the north-south orientation of the site and neighbouring properties ensure that the private open space and living room windows of adjoining properties will

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receive at least 3 hours of solar access during mid-winter. Thus, the proposed development meets the relevant solar access requirements under the SCDCP 2005.

Considering the above aspects, it is evident that the proposed development has been designed to minimise potential privacy, amenity and overshadowing impacts on adjoining properties and is therefore acceptable in this regard.

Tree Removal

As mentioned above, Council's Tree Coordinator assessed the proposed tree removal and confirmed support for the removal except for the Tallowwood (*Eucalyptus microcorys*) located in the south-western portion of the site. In order to minimise impacts on the existing Tallowwood (*Eucalyptus microcorys*) located in the south-western portion of the site and to ensure this tree is retained and protected, conditions are recommended to re-design and re-locate the southern dwelling and pool (the dwelling and pool in Lot 2) as follows:

- The entire southern dwelling (including alfresco area) must be situated closer to the eastern side boundary and must have a setback of 1.5m from this boundary;
- The entire southern dwelling (including alfresco area) must have a setback of at least 4.112m from the western side boundary; and
- The entire pool must have a setback of at least 5.112m from the western side boundary.

A diagram of this modification is shown in Figure 14 below.

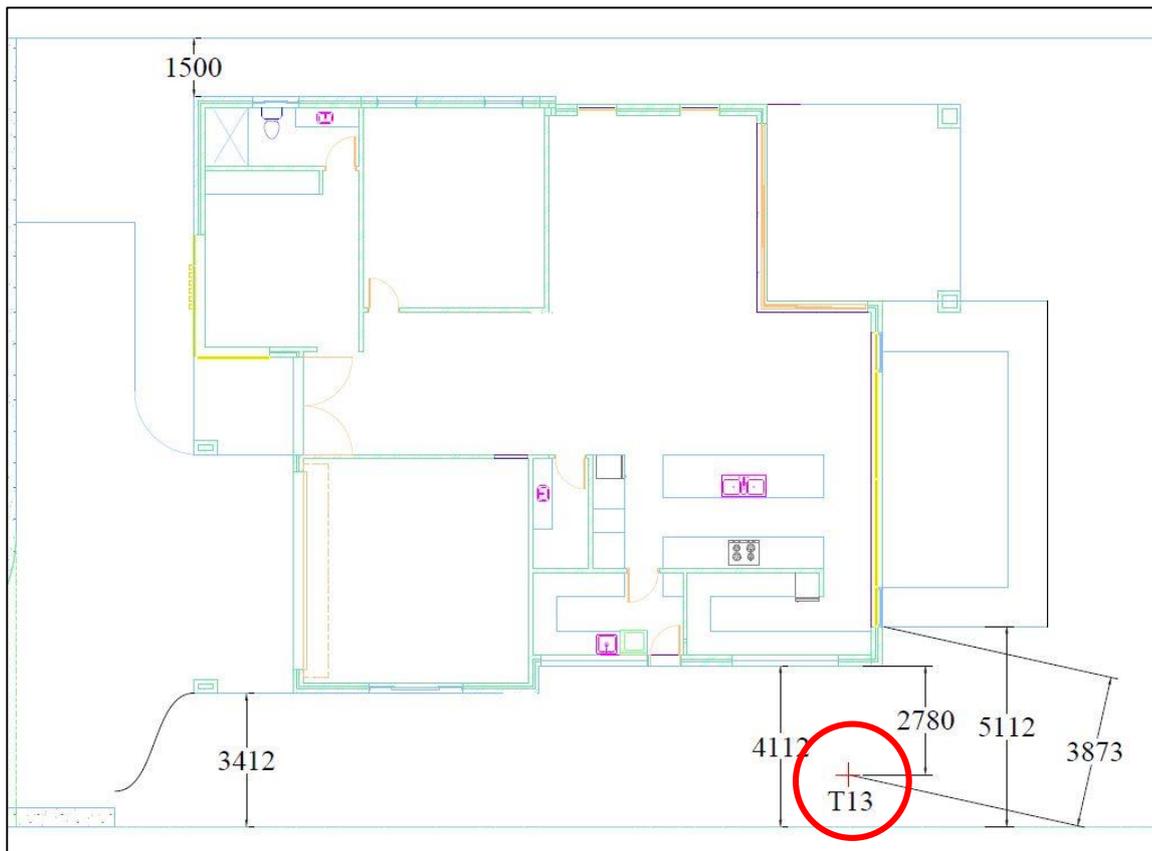


Figure 14. Modification to Southern Dwelling and Pool. T13 – the Tallowwood (*Eucalyptus microcorys*) tree is indicated in red.

Additionally, conditions are recommended for ensuring that any works situated within 3m of the Tallowwood (*Eucalyptus microcorys*) will require supervision by a qualified arborist to ensure that these works do not compromise the health and stability of this tree.

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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 in that it preserves the low density residential use of the site and the character of immediate locality. The subject site does not yield any significant environmental constraints that would prevent development of a single dwelling. Therefore, the subject site is suitable for the proposed development.

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

The application was notified in accordance with Part L of the SCDP 2005 from 11 to 25 September 2019, with one submission received from an unknown address, raising the following concerns:

1. Objector mentioned that the *Eucalyptus* trees should not be removed

Assessing officer's comments: Council's Tree Coordinator confirmed that proposed tree removal is generally acceptable and supportable; given the size, type and condition of the site trees proposed to be removed. The proposed removal of the existing Tallowood (*Eucalyptus microcorys*) is not supported. As noted above, conditions are recommended to re-design and re-locate the southern dwelling and pool to ensure this tree is retained and protected.

4.15(1)(e) The public interest

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

LOCAL INFRASTRUCTURE CONTRIBUTIONS

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

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

STRATHFIELD 7.12 INDIRECT CONTRIBUTIONS PLAN

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

Local Amenity Improvement Levy: \$27,736.25

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.

DA2019/142 - 64 Barker Road, Strathfield - Lot 8 DP 8778 (Cont'd)

RECOMMENDATION

That Development Application No. DA2019/142 for the demolition of existing structures and construction of two (2) dwelling houses and Torrens title subdivision at 64 Barker Road, Strathfield be **APPROVED**, subject to the following conditions:

SPECIAL CONDITIONS (SC)**1. RE-LOCATION AND RE-DESIGN OF SOUTHERN (REAR) DWELLING AND POOL (SC)**

To ensure that the dwelling and pool in Lot 2 are situated further away from the tree protection zone of the existing Tallowwood (*Eucalyptus microcorys*) and to ensure this tree is retained and protected, the following modifications to the dwelling and pool must be incorporated:

- Entire dwelling must have a setback of 1.5m from the eastern side boundary;
- Entire dwelling must have a minimum setback of 4.112m from the western side boundary;
- The pool must have a minimum setback of 5.112m from the western side boundary;
- The additional areas gained from the additional setback from the western side boundary must be modified to comprise of deep soil landscaped areas (such as grassed turf areas and garden beds). The existing ground levels of these areas and any areas comprising the tree protection zone of the Tallowwood (*Eucalyptus microcorys*) must remain unchanged; and
- The driveway access and turning area for the dwelling in Lot 2 must be modified and adjusted to accommodate the changes above. Any areas no longer occupied by the driveway and turning area must comprise of deep soil landscaped areas (such as grassed turf areas and garden beds).

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

(Reason: To ensure the existing canopy tree within the site is retained and protected.)

GENERAL CONDITIONS (GC)**2. APPROVED PLANS AND REFERENCE DOCUMENTATION (GC)**

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

Plans affixed with Council's 'Development Consent' stamp relating to Development Consent No. DA2019/142:

| Drawing No. | Title/Description | Prepared by | Issue / Revision & Date | Date received by Council |
|-----------------------|------------------------------------|--------------|-------------------------|--------------------------|
| Job No. 1973 No. 1 | Site & Sediment Control Plans | Dvyne Design | Issue B August 2019 | 22 Oct 2019 |
| Job No. 1973 No. 2 | Floor Plans | Dvyne Design | Issue B October 2019 | 22 Oct 2019 |
| Job No. 1973 No. 3 | Roof Plan, Subdivision Plan, | Dvyne Design | Issue B October 2019 | 22 Oct 2019 |

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| | | | | |
|-------------------------|----------------------------------|---------------------|-------------------------|-------------|
| | Pool and Fence Details | | | |
| Job No. 1973 No. 4 | Demolition Plan | Dvyne Design | Issue B October 2019 | 22 Oct 2019 |
| Job No. 1973 No. 5 | Elevations Plan | Dvyne Design | Issue B October 2019 | 22 Oct 2019 |
| Job No. 1973 No. 6 | Section, Driveway Profile | Dvyne Design | Issue B October 2019 | 22 Oct 2019 |
| Job No. 1973 No. 10 | Streetscape Elevation | Dvyne Design | Issue B October 2019 | 22 Oct 2019 |
| Job No. 1973 No. 11 | Landscape Area | Dvyne Design | Issue B October 2019 | 22 Oct 2019 |
| | Colour Schedule – Lot 1 Dwelling | Unknown author | | 22 Oct 2019 |
| | Colour Schedule – Lot 1 Dwelling | Unknown Author | | 22 Oct 2019 |
| Drawing No. 3065-1B | Site Landscape Works | Precinct Landscapes | Issue B August 2019 | 22 Oct 2019 |
| Job No. 2019535 Sheet 1 | Stormwater Plan | MBC Engineering | Issue 3 21 Oct 2019 | 22 Oct 2019 |

Reference Documentation affixed with Council's 'Development Consent' stamp relating to Development Consent No. DA2019/142:

| Title / Description | Prepared by | Issue/Revision & Date | Date received by Council |
|--|---------------------------------|-----------------------|--------------------------|
| Statement of Environmental Effects | Planning Approvals – Jeremy Moy | 2 Sept 2019 | 2 Sept 2019 |
| Arboricultural Impact Statement | Advanced Arborist Reporting | 10 July 2019 | 2 Sept 2019 |
| Waste Management Plan | Dvyne Design | Aug 2019 | 2 Sept 2019 |
| BASIX Certificate 1039369S_02 | Eco-Mantra Design | 22 Oct 2019 | 22 Oct 2019 |
| BASIX Certificate 1039650S_02 | Eco-Mantra Design | 22 Oct 2019 | 22 Oct 2019 |
| Thermal Performance Specification 2EZ2BVRQXX(Lot 1) / P0UF8G2XAS (Lot 2) | BDAV/10/1014 | 22 Oct 2019 | 22 Oct 2019 |

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

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

DA2019/142 - 64 Barker Road, Strathfield - Lot 8 DP 8778 (Cont'd)**3. CONSTRUCTION HOURS (GC)**

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

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

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

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

4. CONSTRUCTION WITHIN BOUNDARIES (GC)

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

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

5. DEMOLITION – GENERALLY (GC)

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

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

6. DEMOLITION - SITE SAFETY FENCING (GC)

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

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

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

(Reasons: Statutory requirement and health and safety.)

7. LANDSCAPING - 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

DA2019/142 - 64 Barker Road, Strathfield - Lot 8 DP 8778 (Cont'd)

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.)

8. LANDSCAPING – TREES TO BE RETAINED AND PROTECTED (GC)

No trees within the road reserve or on Council land or within any neighbouring properties are approved to be removed or pruned.

The existing Tallowwood (*Eucalyptus microcorys*) within the south-western portion of the site must be retained and protected at all times.

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

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

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

All trees shown to be removed as submitted on the Landscape Plan and Arboricultural Impact Statement (prepared by Advanced Arborist Reporting), except for the existing Tallowwood (*Eucalyptus microcorys*) within the south-western portion of the site, are permitted to be removed to accommodate the proposed development.

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

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

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

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

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

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

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

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

10. ENVIRONMENTAL PROTECTION – TREE (GC)

All street trees and trees on private property that are protected under Council's controls, shall be retained except where Council's prior written consent has been obtained. The 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.
- 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

DA2019/142 - 64 Barker Road, Strathfield - Lot 8 DP 8778 (Cont'd)

- the root protection area.
- xi. Pruning of a street tree is prohibited without the written consent of Council.
 - xii. Any construction works undertaken within 3m of the Tallowwood (*Eucalyptus microcorys*) must be supervised by a qualified Arborist at all times to ensure that the health and stability of this tree is not compromised. A qualified Arborist must oversee the final completion of all works associated with the southern (rear) dwelling and pool in Lot 2.

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

11. **LANDSCAPING - TREE PRUNING PERMITTED (GC)**

Pruning of the following tree/s is permitted:

| Species | Location |
|---|-----------------------------------|
| Tallowwood (<i>Eucalyptus microcorys</i>) | South-western portion of the site |

No more than 10% of the entire crown is to be removed as part of this approval. The pruning shall not give the crown an unbalanced appearance. All pruning work must be undertaken by a minimum level 2 (AQF 3) qualified Arborist who is currently a member or eligible for membership to Arboriculture Australia (AA) or the Tree Contractors Association Australia (TCAA), in accordance with AS4373—Pruning of Amenity Trees.

(Reason: To ensure tree preservation and pruning is undertaken in accordance with AS4373:2007 – Pruning of amenity trees.)

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:

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

DA2019/142 - 64 Barker Road, Strathfield - Lot 8 DP 8778 (Cont'd)**15. WASTE – TRACKABLE (GC)**

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

(Reason: To ensure compliance with legislation.)

16. CLASSIFICATION OF WASTE (GC)

Prior to the exportation of waste (including fill or soil) from the site, the waste materials must be tested and classified in accordance with the provisions of the protection of the environment operations act 1997 and the NSW EPA waste classification guidelines, part 1: classification of waste (November 2014). Testing is required prior to off-site disposal. In accordance with DECC waste classification guidelines (2014) materials identified for off-site disposal must be removed by a suitably qualified contractor to an appropriately licensed waste facility.

Note: attention is drawn to part 4 of the NSW DECC waste classification guidelines (2014) which makes particular reference to the management and disposal of acid & potential acid sulfate soils. The classification of the material is essential to determine where the waste may be legally taken. The protection of the environment operations act 1997 provides for the commission of an offence for both the waste owner and the transporters if the waste is taken to a place that cannot lawfully be used as a waste facility for the particular class of waste. For the transport and disposal of industrial, hazardous or group a liquid waste advice should be sought from the EPA.

Evidence that the requirements specified above have been satisfied must be provided to the Council and/or Principal Certifying Authority prior to the issue of an occupation certificate. Where an occupation certificate is not required this evidence must be provided to the satisfaction of Council.

(Reason: To ensure compliance with legislation.)

17. STORMWATER MANAGEMENT PLAN - CERTIFICATION REQUIREMENT (GC)

A detailed Stormwater Management Plan (SWMP) in line with Council's Stormwater Management Code is to be prepared and certified by an Accredited Civil/Hydraulic Engineer and submitted to the Principal Certifying Authority and Council, prior to the issue of a Construction Certificate. The SWMP is to be based on the approved development as modified by any conditions of consent.

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

18. 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

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developing' section of Sydney Water's web site at www.sydneywater.com.au then see 'Building', or telephone 13000 TAP IN (1300 082 746). The Certifying Authority must ensure that a Tap in™ agent has appropriately stamped the plans prior to the issue of the Construction Certificate.

(Reason: Compliance with Sydney Water requirements.)

19. 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.)

CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE (PCC)**20. REGISTRATION OF TORRENS TITLE SUBDIVISION**

The final subdivision plan must be **lodged** to **and registered by** NSW Land Registry Services prior to the issue of the construction certificate.

Note: Separate construction certificates are to be issued for the works relating to the approved Torrens title subdivision and for the works relating to the approved dwelling houses.

(Reason: To ensure that the necessary infrastructure and utilities for servicing each new lot are established prior to the construction of any new dwelling/s and to ensure a permissible land use is constructed within the site.)

DA2019/142 - 64 Barker Road, Strathfield - Lot 8 DP 8778 (Cont'd)**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.)

23. 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.)

24. 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.)

DA2019/142 - 64 Barker Road, Strathfield - Lot 8 DP 8778 (Cont'd)**25. 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.)

26. 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.)

27. 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

DA2019/142 - 64 Barker Road, Strathfield - Lot 8 DP 8778 (Cont'd)

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.)

28. 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.)

DA2019/142 - 64 Barker Road, Strathfield - Lot 8 DP 8778 (Cont'd)**29. LANDSCAPING - MAINTENANCE STRATEGY (CC)**

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

(Reason: Ensure landscape survival.)

30. 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.)

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:

| | |
|--------------------------------|--------------------|
| Local Amenity Improvement Levy | \$27,336.25 |
|--------------------------------|--------------------|

DA2019/142 - 64 Barker Road, Strathfield - Lot 8 DP 8778 (Cont'd)

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. 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. TREE BONDS (CC)

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

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

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

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

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

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

35. 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

DA2019/142 - 64 Barker Road, Strathfield - Lot 8 DP 8778 (Cont'd)

- 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.)

36. 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.)

37. 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.)

38. TRAFFIC - CONSTRUCTION TRAFFIC MANAGEMENT PLAN (CC)

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

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

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

DA2019/142 - 64 Barker Road, Strathfield - Lot 8 DP 8778 (Cont'd)

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

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

39. UTILITIES AND TELECOMMUNICATIONS - ELECTRICITY CONNECTION (CC)

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

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

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

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

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

(Reason: Environmental amenity.)

40. UTILITIES AND TELECOMMUNICATIONS - TELECOMMUNICATIONS ASSETS (CC)

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

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

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

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

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

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

42. WATER SUSTAINABILITY – GENERALLY (CC)

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

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

(Reason: To promote sustainable water management practice.)

43. WATER HEATING SYSTEMS - LOCATION OF (CC)

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

(Reason: To maintain streetscape character.)

CONDITIONS TO BE SATISFIED PRIOR TO THE COMMENCEMENT OF WORKS (PCW)**44. APPOINTMENT OF A PRINCIPAL CERTIFYING AUTHORITY (PCA) (CW)**

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

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

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- 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.)

45. 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)**46. 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.

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

47. 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.)

48. 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.)

CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE (POC)**49. ENGINEERING WORKS (CERTIFICATION OF)**

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

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

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

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

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

(Reason: Asset management.)

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

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

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

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

51. 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.)

52. 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.)

53. 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.)

54. 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);

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- 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.)

55. STREET NUMBERING AND PROVISION OF LETTER BOX FACILITIES

Street (house) number must be clearly displayed. Suitable letterbox facilities must be provided in accordance with Australia Post specifications.

The dwellings must have the following address format:

- The northern dwelling in Lot 1 must be known as 64 Barker Road, Strathfield; and
- The southern dwelling in Lot 2 must be known as 64A Barker Road, Strathfield.

CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF A SUBDIVISION CERTIFICATE (PSC)**56. COMMENCEMENT OF SUBDIVISION WORKS - REQUIREMENTS PRIOR TO (SC)**

Any works referred to in this conditions and Conditions 57 to 60 relate to the required works for the approved Torrens title subdivision.

No works relating to the approved dwelling houses must commence prior to the registration of the final subdivision plan by NSW Land Registry Services (LRS) prior to the issue of the construction certificate.

Separate construction certificates are to be issued for the works relating to the approved Torrens title subdivision and for the works relating to the approved dwelling houses.

Subdivision work in accordance with a consent must not commence until:

- i) a Construction Certificate has been issued;
- ii) the person having the benefit of the development consent has appointed the Principal Certifying Authority (PCA);
- iii) the PCA (if not Council) has, no later than two (2) days before the subdivision work commences, notified the Council (or other consent authority where applicable) of the PCA's appointment; and
- iv) the person having the benefit of the consent has given at least two (2) days' notice to the Council of the person's intention to commence the subdivision work.

NB: Crown work certified in accordance with s109R of the Environmental Planning and

DA2019/142 - 64 Barker Road, Strathfield - Lot 8 DP 8778 (Cont'd)

Assessment Act 1979 is exempted from the above requirements.

(Reason: Statutory requirements.)

57. ENGINEERING WORKS - CERTIFICATION OF WORK AS EXECUTED (SC)

Prior to the issue of the Subdivision Certificate, 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 all engineering works including the provision of services, drainage, driveways and earthworks have been constructed in accordance with the approved plans and any relevant Standards and Council policies/specifications.

Where Council is not the Principal Certifying Authority, an electronic copy of the above documents is to be provided to Council.

(Reason: To ensure adequate access and services have been provided for the new lots.)

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

A Subdivision Certificate allows a person to lodge a plan of subdivision with NSW Land Registry Services (LRS). The plan of subdivision identifies each of the allotments approved under the original consent (if required) or each allotment subject to an exempt boundary adjustment. The plan of subdivision is required to be prepared by a registered surveyor.

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

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

(Reason: Statutory requirements.)

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

Once a Subdivision Certificate is issued by the Principal Certifying Authority, the Final Plan of Subdivision must be registered with NSW Land Registry Services (LRS). Documentary evidence that the linen plan has been registered with Land Registry Services must be submitted to Strathfield Council as soon as practicable.

(Reason: Statutory requirement.)

60. SYDNEY WATER - SECTION 73 CERTIFICATE (SC)

A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained before the issue of the Subdivision Certificate. An application must be made through an authorised Water Servicing Coordinator (refer www.sydneywater.com.au).

Following receipt of the application a 'Notice of Requirements' will be issued detailing water and sewer extensions to be built and charges to be paid. Please make early contact with the Water Servicing Coordinator, as building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.

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Sydney Water written advice that you have obtained the Notice of Requirements must be submitted to the Principal Certifying Authority.

The Section 73 Compliance Certificate must be submitted to the Principal Certifying Authority prior to release of the Subdivision Certificate/any occupation of the premises.

(Reason: To comply with the statutory requirements of Sydney Water.)

ATTACHMENTS

There are no attachments for this report.

TO: Strathfield Internal Development Assessment Panel Meeting - 20 December 2019
REPORT: IDAP – Report No. 5
SUBJECT: DA2018/011/04 - 11 MARION STREET, STRATHFIELD - LOT 15 DP 12405
DA NO. DA2018/011/04

SUMMARY

Proposal: Section 4.55(2) Modification Application for internal reconfigurations to approved dwelling.

Applicant: Bechara Chan & Associates

Owner: TL Khoury

Date of lodgement: 18 October 2019

Notification period: 30 October to 13 November 2019

Submissions received: One (1) submission

Assessment officer: MR

Zoning: R2 – Low Density Residential – SLEP 2012
No a heritage item

Heritage: Within a heritage conservation area *C12 – Marion Street Conservation Area, Inter-war bungalow style group*

Flood affected: No

RECOMMENDATION OF OFFICER: **APPROVAL**

EXECUTIVE SUMMARY

Approval is sought for modifications to an existing dwelling (the 'proposed modification').

The application was notified in accordance with the requirements of Part L of the Strathfield Consolidated Development Control Plan 2005 (SCDCP 2005) for a minimum period of (14) days. One (1) submission from No. 45 Shortland Avenue, Strathfield (rear-adjointing neighbour), was received as a result. The issue raised in this submission related to privacy impacts.

The proposed modification predominantly involves internal modifications to the dwellings such as changes to internal walls and windows and addition of internal doors. External changes proposed include a new roof structure, replacing the external timber cladding with a rendered brick finish, addition of an external shower and retention of the existing pool. The proposed modification results in a dwelling and pool that is substantially the same development for which consent was originally granted. The nature of the changes proposed is considered appropriate with regard to the character of the surrounding locality and the site's setting within a heritage conservation area. The proposed modification will have minimal impacts in terms of streetscape quality, amenity, overshadowing and privacy.

The proposal is considered acceptable as it satisfies the relevant provisions under the Section 4.55 of the *Environmental Planning and Assessment Act 1979* and meets the key objectives and requirements under the Strathfield Local Environmental Plan 2012 (SLEP 2012) and the Strathfield

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Consolidated Development Control Plan 2005 (SCDCP 2005). Accordingly, the proposal is recommended for approval.

SECTION 4.55 OF THE EP&A ACT 1979

Section 4.55 of the *Environmental Planning and Assessment Act 1979* states as follows:

“4.55 Modifications of consents – generally**(2) *Other modifications***

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

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

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

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

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

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In regards subclause 'b', this does not apply as the modification application does not involve the modification to a condition imposed as a requirement of a concurrence to the consent.

In regards subclause 'c' and 'd', the application was notified in accordance with Part L of SCDCP 2005 and one (1) submission was received. The concern/s raised in this submission are discussed further in this report.

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

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

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

"The proposed development is considered suitable for the site in that the proposed design is distinguishable but does not detract from the architectural qualities of the existing dwelling or the Marion Street Conservation Area."

Considering the nature of the proposed modification, the above reasons for granting consent apply. The proposed modification retains the approved land use as a dwelling house and has been designed with consideration of the site's orientation and context within the Marion Street Conservation Area, as well as the streetscape quality and character of the surrounding locality. The proposed modification results in a dwelling house that is consistent and compatible with the surrounding built forms within the locality and that appropriately responds to the site's setting within a heritage conservation area.

BACKGROUND

| | |
|-----------------|--|
| 1 February 2018 | An application for alterations and additions to an existing dwelling involving demolition of existing swimming pool and portion of rear dwelling and construction of a second storey addition with new swimming pool (DA2018/011) was lodged to Council. |
| 16 August 2018 | DA2018/011 was approved by the Internal Development Assessment Panel (IDAP). |
| 1 May 2019 | A Section 4.55(1A) modification application for DA2018/011 was lodged to Council (DA2018/011/01). This application was seeking approval for modification to the reconstruction of the garage and amendment of Condition 6 to reflect amended plans. |
| 8 June 2019 | Modification application DA2018/011/01 was approved. |
| 6 August 2019 | A Section 4.55(1) modification application for DA2018/011 was lodged to Council to amend Condition 14 and rationalise Conditions 1 to 6 (DA2018/011/02). |
| 7 August 2019 | Modification application DA2018/011/02 was approved. |
| 18 October 2019 | A Section 4.55(2) modification application for DA2018/011 was lodged to Council (DA2018/011/04). |

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30 October 2019

The modification application (DA2018/011/04) was notified in accordance with Part L of the SCDCP 2005. Notification period ended on 13 November 2019 and one (1) submission was received.

DESCRIPTION OF THE SITE AND LOCALITY

The subject site is legally described as Lot 15 in DP 12405 and is known as No. 11 Marion Street, Strathfield. The site is within the R2 – Low Density Residential zone, pursuant to the provisions of the SLEP 2012. The site is located in a low density residential area characterised by tree-lined streets, single detached dwelling houses and an open, grassed public reserve (Kessell Square). Being within the Marion Street Conservation Area, most of the residential housing in the immediate locality feature single levels, terracotta roof tiles, pitched roofing and roof eaves, dark red brick finishes and timber windows.

The subject site is a rectangular shaped allotment located on the western side of Marion Street and has an area of 710.7m², a maximum length of 28.75m and a frontage of 15.24m (refer to Figure 1). The site is predominantly modified and contains a two (2) storey dwelling house with ancillary structures such as a swimming pool and garage. Several trees occur within the northern portion of the front setback and the south-western portion of the rear yard.

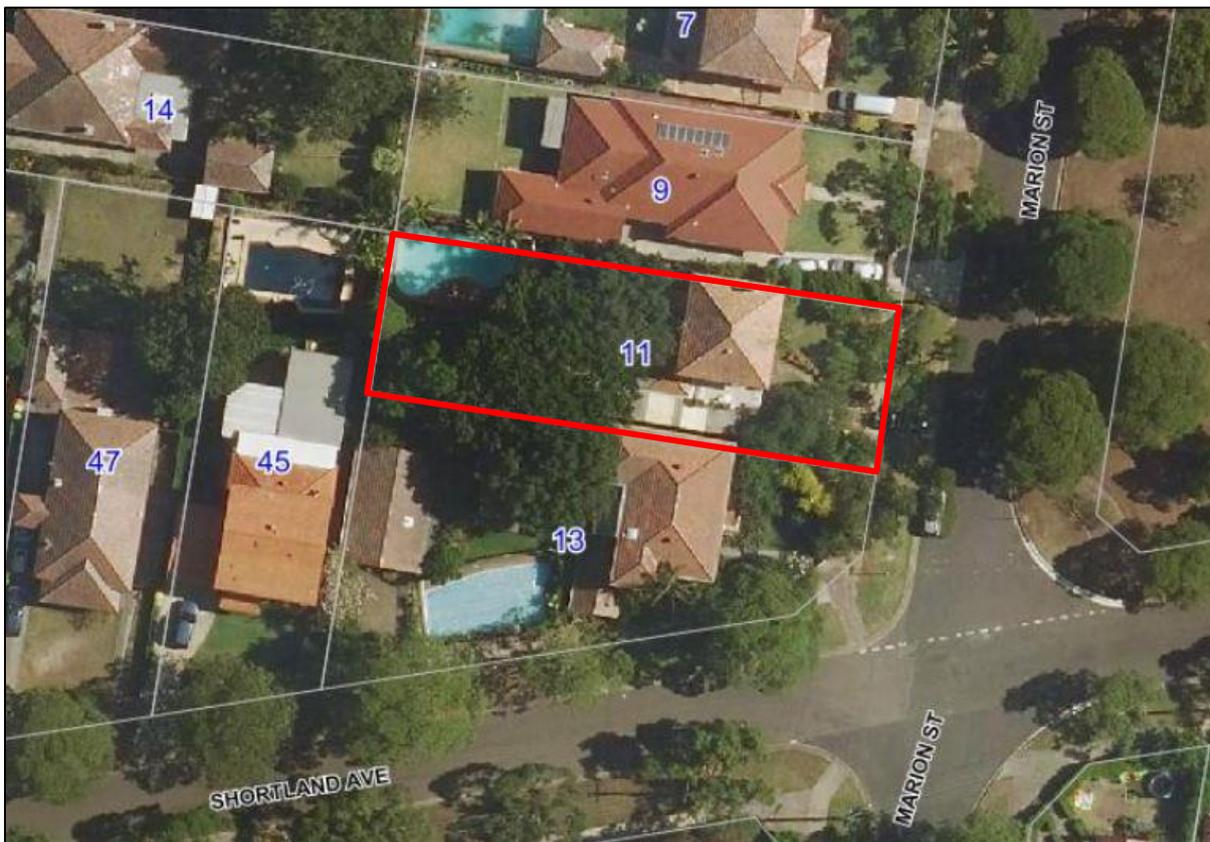


Figure 1: The subject site (as highlighted in red) and the surrounding context

A site visit conducted on 6 December 2019 indicated that the construction works for the approved development have commenced.

PROPERTY BURDENS AND CONSTRAINTS

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

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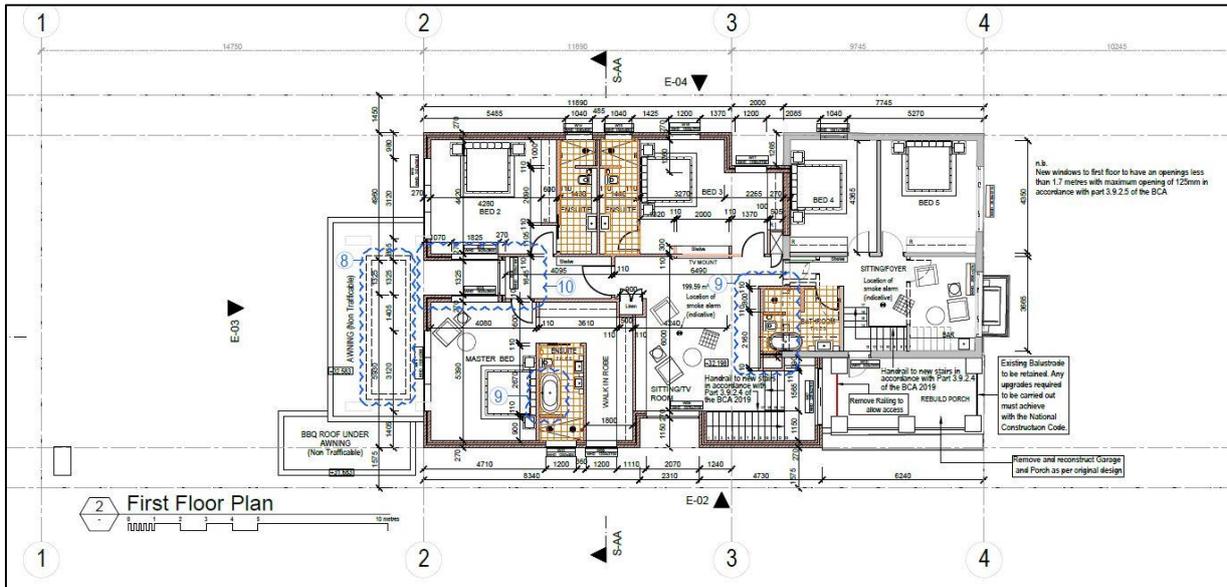


Figure 3. First Floor Plan

REFERRALS

INTERNAL REFERRALS

Engineering Comments

The design of the approved stormwater system is appropriate for the proposed modification. As such, Council’s Engineer offered no objections to the proposal, subject to the imposition of recommended conditions of consent.

Heritage Advisor Comments

The subject site is within a heritage conservation area, and forms part of the *Marion Street Conservation Area (C12)* as listed under Schedule 5 of the SLEP 2012. Council’s Heritage Advisor provided the following advice with respect to potential impacts on the heritage significance and character of the Marion Street Conservation Area:

“I have reviewed the plans submitted for the modification for alteration and additions to the existing dwelling. This includes demolition of existing swimming pool and portion of rear dwelling and construction of new two (2) storey addition with swimming pool. The modification as shown on architecture plan (S4.55-03) shows a schedule of changes to the plan. The external changes to the façade (East Elevation (Front)) as viewed from the street which may affect the heritage contribution of the item to the streetscape is change 11 which changes the roof pitch. Its advised to keep the current roof pitch and style as it’s an important contributory element to the conservation area. The change is paint colour is acceptable as it still reflects the original approved finishes.

To retain the existing roof pitch. The roof pitch of this dwelling is a contributory element to the conservation area. The roof pitch has been identified as an additional control to ensure that the conservation significance of this “Interwar Bungalow Style Group” is retained.”

SECTION 4.15 CONSIDERATIONS – EP&A Act, 1979

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

4.15(1)(a) the provisions of:**(i) any environmental planning instrument****STATE ENVIRONMENTAL PLANNING POLICY NO 55 – REMEDIATION OF LAND**

SEPP 55 applies to the land and pursuant to Section 4.15 is a relevant consideration. Conditions were included in the development consent which required compliance with the recommendations contained within the submitted Stage 1 Environmental Investigation Report. The proposed modifications do not change the assessment of the proposal against the requirements of SEPP 55. As such, the objectives of SEPP55 are still considered to be satisfied.

STATE ENVIRONMENTAL PLANNING POLICY (SEPP) – BASIX 2004

In accordance with the BASIX SEPP all new housing in NSW is required to meet a designated target for energy and water reduction. An appropriate condition is included under the original consent to ensure future compliance with these targets. The current Section 4.55(2) application does not trigger any changes to the condition imposed.

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

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

The consented scheme was assessed against the provisions of this SEPP and was considered to be acceptable. Given the nature of this modification application, the development is still considered acceptable in terms of complying with the aims and objectives of this SEPP.

STRATHFIELD LOCAL ENVIRONMENTAL PLAN (SLEP) 2012

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

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

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Comments: The approved development as modified by this current Section 4.55 modification application is consistent with the general aims of SLEP 2012. The changes to the dwelling house and retention of the pool do not result in change of land use. The nature of the proposed modification is generally considered minor and do not result in any significant changes to the overall appearance of the approved development. The proposed modifications do not extend the approved building footprint of the dwelling house. The proposed increase to the building height is not supported and the condition specifying the maximum height of the roof over the new additions is recommended for retention. In light of the above, the proposed modification ensures an appropriate use of the site whilst having consideration to the significance and quality of the heritage conservation area.

Permissibility

The subject site is within the R2 – Low Density Residential zone under the SLEP 2012.

'**Dwelling houses**' are permissible within the R2 – Low Density Residential zone with consent 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 permissible within the R2 – Low Density Residential zone with consent.

Zone Objectives

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

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

Comments: The proposed modification involves a combination of internal and external changes to the approved dwelling and retention of the existing swimming pool. The proposed modification maintains the single dwelling house land use and ensures the housing needs of the community in a low density residential setting are met.

Part 4: Principal development standards

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

Height of building

| Cl. | Standard | Controls | Proposed | Complies |
|------------|---------------------------|-----------------|-----------------|-----------------|
| 4.3 | <i>Height of building</i> | 9.5m | 8.93m | Yes |

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

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Comments: The proposed modification involves a changed roof structure that is proposed to have an increased pitch and height (RL 38.057) compared to the approved development and existing dwelling (RL 37.68). The difference in height is approximately 0.377m. Condition 1 of the consent stipulates a prescribed RL for the ridge of the roof to be RL 37.68. The intention of this condition was to ensure that the addition does not detract from the existing dwelling. Considering the above, the increased pitch and height proposed is not supported and it is recommended that Condition 1 is retained. The building height, as conditioned, is considered appropriate having regards to the single and two (2) storey dwelling houses in the surrounding streetscape.

Floor space ratio

| Cl. | Standard | Controls | Approved | Proposed | Complies |
|----------|-------------------|---------------------------------|----------------------------------|---------------------------------|----------|
| 4.4 C | Floor space ratio | 0.575:1 408.65m ² | 0.575:1 408.168m ² | 0.575:1 408.12m ² | Yes |

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

Comments: The modification proposes an FSR of 0.575:1(408.12m²), which complies with the maximum permissible FSR of 0.575:1 (408.65m²) under the SLEP 2012.

Part 5: Miscellaneous Provisions

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

5.10 Heritage Conservation

The objectives of Clause 5.10 of the SLEP 2012 are:

- to conserve the environmental heritage of Strathfield,
- to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,
- to conserve archaeological sites, and
- to conserve Aboriginal objects and Aboriginal places of heritage significance.

Subclause 2 of Clause 5.10 states that development consent is required for *the demolishing or moving of a building, work, relic or tree within a heritage conservation area*. The subject site is within a heritage conservation area, and forms part of the *Marion Street Conservation Area, Inter-war bungalow style group (C12)* as listed under Schedule 5 of the SLEP 2012. Marion Street is of local significance as representing a cohesive group of housing from the 1930's and 1940's that retains representative form, scale and detail. The houses are predominantly single storey with tiled hip roofs, dark coloured brick, small front bays and verandahs, timber windows and low brick

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fences. Marion Street has Brush Box (*Lophostemon confertus*) planting and well-kept gardens that add to the overall streetscape value.

The following elements of the proposed modification were assessed against Clause 5.10 of the SLEP 2012:

Changes to the roof structure

The proposed modification to the roof structure was justified by the applicant as a necessary change due to the existing unsafe structural issues and the challenging issue of combining the existing roof structure to the additional roof structure. The proposed roof structure involves the re-building of the entire roof structure to comprise of a simple hipped roof with terracotta tiles that match the existing roof. The applicant also submitted a statement from a licensed carpenter confirming that the change is necessary for structure and proper water dispersion reasons and that the existing dwelling's appearance will be preserved by careful removal and re-use of the existing tiles. Any additional tiles will be matched in terms of colouration and material as the existing tiles to ensure a consistent roof design is maintained. The new roof structure is proposed to have the same ridge and pitch as the existing roof. Further, a condition is recommended to ensure the reuse and recycling of the roof tiles is required and removal and storage of the roof tiles is carefully undertaken, and a detailed plan for execution of the recycling is to be submitted to and approved by Council's Heritage Advisor, prior to issue of a construction certificate.

In light of the above, the proposed changes to the roof structure of the dwelling is acceptable and supportable and ensures the architectural features of the dwelling that are characteristic of the heritage conservation area are preserved. Thus, the value and significance of the dwelling being a contributory element in the heritage conservation area is also maintained.

External finishes

The proposed modification involving changes to the external finishes is considered appropriate as it does not affect any portion of the existing dwelling. The changes relate only to the approved additions that adjoin the rear of the dwelling and involve deleting the timber cladding with a rendered brick finish (coloured 'natural white'). In general, the architectural and design elements of the dwelling that are characteristic of the heritage conservation area remain unchanged and the presentation of the dwelling when viewed from Marion Street or public space is considered appropriate and respectful of the site's setting within a heritage conservation area.

The rest of the modifications

The rest of the modifications are predominantly internal or within the rear yard and relate to the additions to the existing dwelling. As such, these elements have little impact on the existing dwelling's appearance and do not diminish the heritage value and significance of the heritage conservation area.

As mentioned previously, Council's Heritage Advisor confirmed that the proposed modification is acceptable and supportable as this will have minimal impacts on the heritage value and significance of the heritage conservation area. Council's Heritage Advisor advised that there were no objections to the proposal, subject to the imposition of recommended conditions of consent. Therefore, the proposed development is considered satisfactory in addressing the relevant provisions under Clause 5.10 of SLEP 2012.

Part 6: Local Provisions

This modification application involves no changes to the assessment of the original application against the relevant provisions contained within Part 6 of the SLEP 2012.

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

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

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

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

PART P – HERITAGE (SCDCP 2005)**4: Development in Conservation areas: Marion Street Conservation Area (C12)****4.1: Setting**

| | Objectives | Satisfactory |
|-------------|--|---------------------|
| A. | <i>To provide an appropriate visual setting for Heritage Conservation Areas, including landscaping, fencing and car parking.</i> | Yes |
| B. | <i>To maintain and enhance the existing character of the streetscape of a Heritage Conservation Area.</i> | Yes |
| C. | <i>To ensure that new development respects the established patterns in the streetscape of a Heritage Conservation Area, including setbacks, siting, landscaped settings, car parking and fencing.</i> | Yes |
| D. | <i>To protect street trees within Heritage Conservation Areas</i> | Yes |
| | Controls | Satisfactory |
| i. | <i>The side and front setbacks of new development in a Conservation Area should be typical of the spacing of existing buildings in the vicinity of the proposed development in that Conservation Area, such that the rhythm of buildings in the streetscape is retained.</i> | Yes |
| ii. | <i>No new structures should be built forward of the established street building line.</i> | Yes |
| iii. | <i>The established landscape character of the locality including the height of canopy and density of boundary landscape plantings should be retained in any new development.</i> | Yes |
| iv. | <i>Driveways must be placed having regard to street trees that contribute to the character of Heritage Conservation Area. An arborist report may be required for any development in the vicinity of significant street trees.</i> | Yes |

Comments: The proposed modification has been appropriately designed and located with regard to achieving the above requirements and in relation to its unique setting within the heritage conservation area.

4.2: Scale

| | Objectives | Satisfactory |
|-----------|--|---------------------|
| A. | <i>To ensure that new development adjacent to or within a Heritage Conservation Area is of scale consistent with existing development that contributes to the character of the Heritage Conservation Area.</i> | Yes |
| | Controls | Satisfactory |

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| | | |
|-----|--|-----|
| i. | <i>The scale of new development adjacent to or within a Conservation Area should relate to the scale of the adjacent or nearest contributory elements of the Conservation Area.</i> | Yes |
| ii. | <i>Development of a larger scale is allowable only if it can be demonstrated that the new development will not adversely impact the identifiable character of the Conservation Area.</i> | Yes |

Comments: As mentioned above, the proposed modification meets the maximum building height and FSR development standards under the SLEP 2012 and has appropriate scale and massing that are consistent with the surrounding area and the heritage conservation area.

4.3: Form

| | Objectives | Satisfactory |
|-----|---|---------------------|
| A. | <i>To ensure that new development in a Conservation Area relates positively to the dominant forms of existing contributory buildings in the Conservation Area.</i> | Yes |
| B. | <i>To ensure that buildings that contribute to the character of a Conservation Area retain their importance in the streetscape and/or townscape.</i> | Yes |
| | Controls | Satisfactory |
| i. | <i>Important elements of the form of a contributory building in a Conservation Area such as main roof forms, chimneys, parapet walls, verandahs etc. should not be demolished or obscured by alterations and additions.</i> | Yes |
| ii. | <i>New development in a Conservation Area is to complement existing nearby buildings that contribute to the Conservation Area.</i> | Yes |
| vi. | <i>The treatment of the street façade of new development in a Conservation Area should relate to existing nearby buildings that contribute to the Conservation Area.</i> | Yes |

Comments: The proposed modification has a similar contribution to character of the heritage conservation area as the approved development. It retains the hipped roof design of the existing dwelling and other architectural features and elements that are characteristic of the heritage conservation area.

4.4: Siting

| | Objectives | Satisfactory |
|------|--|---------------------|
| A. | <i>To integrate new development in Conservation Areas with the identifiable character of the area.</i> | Yes |
| | Controls | Satisfactory |
| i. | <i>The front setback of new development (including alterations and additions) in Conservation Areas should match that of adjacent contributory development. Where adjacent developments have different setbacks, new development should align with the greater setback.</i> | Yes |
| iii. | <i>Side setbacks of new development (including alterations and additions) in Conservation Areas should match the pattern of adjacent and/or nearby contributory development. This will often include a greater setback on one side of the development to provide vehicular access at the side of a property.</i> | Yes |
| iv. | <i>The orientation of new development should follow the established pattern of development in the Conservation Area.</i> | Yes |
| v. | <i>Where trees are important to a Conservation Area, new buildings should be sited away from the drip line of the trees.</i> | Yes |

Comments: The proposed modification retains the same setbacks as the existing dwelling and the approved development and has little impact on the pattern and rhythm of residential development featured in the streetscape and in the heritage conservation area.

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4.5 Materials and colours

| Objectives | | Satisfactory |
|-------------------|--|------------------------------------|
| A. | <i>To encourage the use of external materials on new development that is consistent with the existing contributory buildings in a Conservation Area.</i> | Yes |
| Controls | | Satisfactory |
| i. | <i>Original materials of contributory buildings in Conservation Areas should not be replaced with different materials or with materials of different colours.</i> | Yes |
| iii. | <i>Painting, rendering or bagging of face brickwork and sandstone is not permitted.</i> | No – acceptable (see below) |
| iv. | <i>The texture of original rendered finishes should not be changed.</i> | Yes |
| v. | <i>Colour schemes for existing and new development in Conservation Areas should have a hue and tonal relationship with traditional colour schemes for the dominant style of development found in the Conservation Area</i> | Yes |
| vi. | <i>The use of fluorescent paint on buildings in Conservation Areas is not permitted.</i> | Yes |

Comments: The proposed modification is consistent with the approved development and the existing dwelling in that the rendered finishes are proposed to continue throughout the external façade. The proposed change to delete the timber cladding and the replacement of this material with a white-coloured, rendered finish is considered appropriate given that the existing dwelling already featured a neutral-coloured (off-white/cream) rendered finish. Whilst this rendered finish is not commonly occurring in the heritage conservation area, other existing elements of the dwelling that are characteristic of the area such as the timber framed windows and the hipped roof are retained, ensuring that the architectural aspects that contribute to the heritage character of the area are preserved and continue to provide a positive offering to the existing and future streetscape character of Marion Street and surrounds.

4.9 Landscape elements including paving and driveways

| Objectives | | Satisfactory |
|-------------------|--|---------------------|
| A. | <i>To retain important landscape elements that contribute to the significance of Conservation Areas.</i> | Yes |
| B. | <i>To reinforce the qualities of the Conservation Area through appropriate landscaping.</i> | Yes |
| Controls | | Satisfactory |
| i. | <i>Street trees in Conservation Areas should not be removed to allow for new development. New and relocated driveways should be located to accommodate existing street tree. An arborist report may be required for works in the vicinity of street trees.</i> | Yes |
| ii. | <i>Existing driveways and footpath crossings that relate to original development in a Conservation Area should not be relocated.</i> | Yes |
| iii. | <i>Double driveways and footpath crossings will not be permitted in Conservation Areas.</i> | Yes |

Comments: The proposed modification involves the re-location of the paved footpath, which allows for a more appropriate and formalised pedestrian access. This new path provides clear separation of this access from the driveway and provides opportunity to create a larger and less interrupted landscaped area within the front setback. The proposed modification meets the above

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requirements and provides a positive and balanced design outcome within the heritage conservation area. The proposed development is also unlikely to adversely impact upon the approved canopy trees to be planted within the site, and any existing street trees.

5.9.8 Marion Street Conservation Area – Inter-war bungalow style group (C12)**Additional controls**

| | Controls | Satisfactory |
|------|---|---------------------|
| i. | <i>The characteristic pattern of street tree planting comprising Brush Box on the verges of this Conservation Area must be retained. New development should be designed to avoid impacting on the health of the street trees.</i> | Yes |
| ii. | <i>New trees using mature Brush Box should be planted where there are gaps in the street tree planting.</i> | N/A |
| iii. | <i>Roof extensions of dwellings within this Conservation Area are to relate sympathetically and subordinately to the original roof in shape, pitch, proportion and materials, with hipped roof forms and Marseilles tiles to be used where appropriate.</i> | Yes |
| iv. | <i>The original shape and materials of the front and side walls of dwellings within this Conservation Area shall not be altered. Characteristic dark coloured brick should be retained, replaced or repaired where appropriate</i> | Yes |
| v. | <i>Existing original small front verandahs and bays which are characteristic of dwellings within this Conservation Area are to be kept and repaired or reinstated where necessary.</i> | Yes |
| vi. | <i>Original low brick front fences which are characteristic of the Conservation Area are to be kept and repaired where possible.</i> | N/A |

Comments: As mentioned above, the proposed modification does not involve changes to the components of the dwelling that are characteristic of the heritage conservation area. The proposed changes to the roof structure results in a singular hipped roof structure with a pitched design and roof tiles that match the existing roof. The external finishes of the existing dwelling remain unchanged, as the proposed development generally relate to the new additions and external elements within the rear yard and front setback. Overall, the presentation of the scheme is near identical to the approved development. The architectural and design elements of the dwelling that are characteristic of the heritage conservation area remain unchanged and the presentation of the dwelling when viewed from Marion Street or public space is considered appropriate and respectful of the site's setting within a heritage conservation area. Therefore, the proposed modification is an acceptable and supportable outcome and meets the above relevant controls that are specific to the Marion Street Conservation Area.

PART A – DWELLING HOUSES AND ANCILLARY STRUCTURES

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

2: Architectural Design & Streetscape Presentation

| | Objectives | Satisfactory |
|----|--|---------------------|
| A. | <i>To ensure that development respects the predominant height, scale, character, type, form, colour, materials and architectural qualities of the existing dwelling house (in the case of alterations and additions) and surrounding neighbourhood especially any adjoining or nearby heritage item or heritage conservation area.</i> | Yes |
| B. | <i>To achieve quality architecture in new development through the appropriate composition and articulation of building elements.</i> | Yes |
| C. | <i>To ensure that the dominant building rhythm of the streetscape is reflected in the building design in terms of the spacing and proportion of the built elements.</i> | Yes |

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| | | |
|--|---|-----------------|
| 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 tree-lined streets and park-like environment. | Yes |
| H. | To reduce the use of highly reflective colours and materials that create visual prominence. | Yes |
| I. | To ensure fencing is sympathetic to the design of the dwelling and the street and enhances the character of both the individual house and street whilst maintaining casual surveillance of the neighbourhood. | Yes |
| J. | To protect and retain the amenity of adjoining properties. | Yes |
| <hr/> | | |
| 2.2 | Development Controls | Complies |
| <i>Streetscape Presentation</i> | | |
| .1. | 2 Consistently occurring building features integrated within dwelling design. | Yes |
| | 3 Consideration of streetscape elements | Yes |
| <i>Scale, Massing & Rhythm of Street</i> | | |
| .2. | 1 Scale, massing, bulk and layout complement the existing streetscape and the dominant building rhythm | Yes |
| | 2 Building height and mass maintains amenity to adjacent properties open space or the public domain | Yes |
| <i>Building Forms</i> | | |
| .3. | 1 Building form articulated. | Yes |
| <i>Roof Forms</i> | | |
| | 1 Roof form complements predominant form in the locality | Yes |
| | 2 Roof form minimises bulk and scale of building and remains an important architectural element in the street. | Yes |
| | 4 Roof structures are not visible from the public domain | Yes |
| <i>Materials</i> | | |
| .4. | 5 Materials compatible with the existing dwelling house, adjoining dwelling houses and the streetscape (type, form and colour) | Yes |
| | 6 Monotone face brick walls and terracotta tiles for roofs where common in the streetscape | Yes |
| | 7 New buildings and facades do not result in glare (Reflectivity Report may be required) | |
| <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: As with the approved development, the proposed modification meets the above objectives and requirements and is compatible with the design, architectural features, streetscape

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presentation, materials and finishes that are featured in surrounding residential development along Marion Street and within the heritage conservation area.

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 Maximum FSR of 0.575:1 (408.65m ²) | Yes 0.575:1 (408.12m ²) |
| | 2 | Development compatible with the lot size | Yes |
| <i>Building Height</i> | | | |
| .2. | 1 | Height of building permissible pursuant to SLEP 2012 | Yes |
| | 3 | Dwelling houses and any ancillary structures 2-storeys (max) | Yes |
| | 4 | Building height responds to the gradient of the site to minimise cut and fill | Yes |
| <i>Side and Rear Setbacks</i> | | | |
| .3.2. | 1 | A combined side setback of 20% of the width of the block (incorporating a 1.2m min side setback on each side). Combined side setback of 3.048m (20% of 15.24m). Min 1.2m on each side. | No Combined: 3.025m (19.8%) North: 1.45m West: 1.575m |

Comments: The proposed modification generally complies with the above relevant objectives and controls. It does involve a reduced northern side setback of the approved additions to the existing dwelling. The applicant confirmed that this was due to an error on the measured setback of the existing dwelling as indicated in the Survey Plan that was provided in the original development

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application. An amended Survey Plan identified the correct setback of the existing dwelling to be 1.45m instead of 1.551m. The proposed modification involves reflecting and correcting this setback and results in the new additions having the same setback as the existing dwelling. Consequently, the proposed modification has a slight variation to the combined side setback control of 20% of the lot width (0.023m variation). This variation is considered acceptable given that the additions share the same setback as the existing building and will not significantly affect its presentation when viewed from Marion Street or public space. Imposing a more compliant setback does not result in a significantly improved planning outcome nor minimise any associated amenity, overshadowing or privacy impacts. Notwithstanding the above, the minimum side setback control of 1.2m is easily met by the proposed modification and ensures appropriate building separation and articulation of the built form are provided.

5: Landscaping

| 5.1 Objectives | | Satisfactory | |
|--------------------------|--|---|---------------------------------------|
| A. | To encourage landscaping that is appropriate to the style and scale of the dwelling and adjoining development, and to the streetscape. | Yes | |
| B. | To enhance the existing streetscape and promote a scale and density of planting that softens the visual impact of buildings, structures, vehicle circulation and ancillary areas. | Yes | |
| C. | To preserve existing landscape elements on site (such as existing trees) and encourage their integration into the design of proposals. | Yes | |
| D. | To ensure adequate deep soil planting is retained on each allotment. | Yes | |
| E. | To ensure developments make an equitable contribution to the landscape setting of the locality. | Yes | |
| F. | To ensure both existing and new landscaping provides suitable shade and facilitates convective cooling breeze paths in summer. | Yes | |
| G. | To encourage the use of native flora such as open woodland canopy trees, to provide a habitat for native fauna. | Yes | |
| H. | To ensure that landscaped areas are designed to minimise water use. | Yes | |
| I. | To provide functional private open spaces for active or passive use by residents. | Yes | |
| J. | To provide private open areas with provision for clothes drying facilities screened from the street and lane or a public place. | Yes | |
| K. | To ensure the protection of trees during construction | Yes | |
| L. | To ensure suitable fencing is provided to reduce acoustic impacts and enhance visual privacy between neighbouring residents whilst enabling front fences passive surveillance of the street. | Yes | |
| M. | To maximise the amenity of existing and proposed developments, including solar access, privacy and open space. | Yes | |
| 5.2 Development Controls | | Complies | |
| .1. | Landscaped area | | |
| | 1 | Landscaped area in accordance with Table A.3 Minimum requirement is 43% (305.6m ²) | No 38.3% (272.1m ²) |
| | 2 | At least 50% of the minimum landscaped area located behind the building line to the rear boundary | Yes >50% |

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| | | | |
|---------------------------|---|---|-------------|
| | 3 | At least 50% of the front yard maintained as deep soil soft landscaping | Yes >50% |
| | 4 | Minimise hard surface area (concrete/brick/stone paving and bitumen). Run-off directed to permeable surfaces. | Yes |
| | 5 | Planting areas soften the built form | Yes |
| | 6 | Front gardens respond and contribute to the garden character of Strathfield. | Yes |
| | 7 | Retain and reinforce the prevailing streetscape and surrounding locality | Yes |
| | 8 | Plant species must be retained, selected and planted to improve amenity | Yes |
| <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. | 3 | Terraces and decks (at least 10m ²) with one length or width 3m (min) and directly accessible from an internal living area. Decks cannot be located more than 500mm above NGL | Yes |
| | 4 | Unless 3m (min) width, areas within setbacks are not to be included as private open space | Yes |
| | 5 | Private open space located at the rear of the property. | Yes |

Comments: The approved development failed to comply with the minimum landscaped area requirement (43%) as it involved a total landscaped area of 298.2m² (41.95% of the site). The proposed modification to delete the approved swimming pool and retain the existing pool and include an acoustic enclosure for the pool equipment will result in a further non-compliance as it results in a landscaped area of 272.1m² (38.3% of the site). Despite the reduction of landscaped area proposed, the reduced landscaped area is primarily attributed to the difference in size of the approved pool and the existing pool. The rest of the proposed modification involves internal and roof/façade changes to the approved dwelling additions that have no effect on the approved landscaping treatments. The resultant landscaped area will be capable of providing an appropriate and well-balanced treatment of the site that is able to counter the approved built form and structural elements. Both the approved pool and the existing pool are located within a similar portion of the site, ensuring that the loss of landscaped area is not substantial and do not involve the removal of good quality deep soil landscaped areas. Further, the landscaping treatments within the front setback remain largely unchanged by the proposed modification and are able to provide an adequate presentation of the overall scheme in context of being within a heritage conservation area.

6: Solar Access

| | | |
|------------|---|---------------------|
| 6.1 | Objectives | Satisfactory |
| A. | To ensure the design of new dwelling houses and alterations and additions maximises solar access to living areas and open space areas. | Yes |
| B. | To minimise overshadowing of adjoining properties. | Yes |
| 6.2 | Development Controls | Complies |
| | <i>Sunlight Access</i> | |
| .1. | 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 |

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| | | |
|---|---|-----|
| 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: Given the nature of the elements being primarily internal, the built form remains largely unchanged in terms of scale and mass with most of the windows retained, the proposed modification meets the relevant requirements in terms of providing solar access to both future occupants and neighbouring properties.

7: Privacy

| 7.1 | Objectives | Satisfactory | |
|-----|---|--|-----|
| A. | Development that is designed to provide reasonable privacy to adjacent properties | Yes | |
| B. | To maintain reasonable sharing of views from public places and living areas | Yes | |
| 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 | |
| 7.2 | Development Controls | Complies | |
| .1. | Visual Privacy | | |
| | 1 | Protect POS, bedrooms, balconies and living rooms of proposed and any existing adjoining dwellings from direct overlooking | Yes |
| | 2 | Provide adequate separation of buildings | Yes |
| | 3 | Ensure elevation of finished floor levels above NGL is not excessive | Yes |
| | 4 | Improve privacy to adjacent properties with screen planting | Yes |
| .2. | Windows | | |
| | 1 | Windows do not directly face the windows, balconies and courtyards of adjoining dwelling | Yes |
| | 2 | A window within 9m of another window in a habitable room of an adjoining dwelling is offset by 0.5m (min) or a sill height of 1.7m (min) above the FFL | Yes |
| | 3 | Windows directly facing balconies or courtyards are narrow, incorporate obscure glazing and/or a sill height of 1.7m (min) above FFL | Yes |

Comments: The proposed modification does not involve changes to the configuration and function of internal spaces of the dwelling and corresponding additions, as approved. The only window change proposed is the reduced length of the kitchen window, which is a splash-back window. Therefore, in terms of providing appropriate building separation and privacy to both future occupants and neighbouring properties, the proposed modification is near identical to the approved development.

10: Water and Soil Management

| 10.1 | Objectives | Satisfactory |
|------|------------|--------------|
|------|------------|--------------|

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| | | |
|-------------|---|-----------------|
| A. | To encourage the incorporation of Water Sensitive Urban Design (WSUD) and Botany Improvement Plan principles in the development. | Yes |
| B. | To ensure compliance with Council's Stormwater Management Code | Yes |
| C. | To ensure compliance with the NSW State Government's Flood Prone Lands Policy. | Yes |
| D. | To ensure that appropriate soil erosion and sediment control measures are implemented on all sites that involve soil disturbances during construction. | Yes |
| E. | To ensure new building work does not detrimentally affect the existing drainage system of any area of the Municipality. | Yes |
| F. | To ensure that new development in areas that may be affected by acid sulphate soils do not adversely impact the underlying ground conditions, soil acidity and water quality. | Yes |
| G. | To appropriately manage stormwater and overland flow to minimise damage to occupants and property | Yes |
| 10.2 | Development Controls | Complies |
| .1. | Stormwater Management and Flood Prone areas | |
| | 1 Stormwater Management Code compliance | Yes |
| .2. | Acid Sulfate Soils | |
| | 1 Site managed consistent with the provisions contained in Clause 6.1 SLEP 2012 | Yes |
| .3. | Soil Erosion and Sediment Control | |
| | 1 Soil erosion and sediment control measures detailed and implemented prior to the commencement of work. | Yes |
| | 2 Sediment control measures applied | Yes |

Comments: It was confirmed with the applicant that the approved Stormwater Plan applies to the proposed modification as the surface area of the development is unchanged and the dispersal of stormwater will be the same as the approved development. Therefore, as per the approved development, the proposed modification complies with the relevant stormwater and water and soil management controls under the SCDCP 2005 and Council's Stormwater Management Code.

11: Access, Safety and Security

| | | |
|-------------|---|---------------------|
| 11.1 | Objectives | Satisfactory |
| A. | To encourage the incorporation of crime prevention principles in the design of the proposed developments. | Yes |
| B. | To increase the safety and perception of safety in public and semi-public spaces. | Yes |
| C. | To provide passive surveillance of the public domain to promote a safe pedestrian environment whilst maintaining the privacy of residents | Yes |
| D. | To ensure the safety of pedestrians by separating pedestrian access from vehicular access. | Yes |
| 11.2 | Development Controls | Complies |
| .1. | Address and Entry Sightlines | |
| | 1 Occupants able to overlook public places to maximise passive surveillance | Yes |

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| | | | |
|---------------------------|---|---|-----|
| | 2 | Landscaping design around dwellings and ancillary structures to accommodate plant maturation | Yes |
| | 3 | External lighting enhance safe access and security and light spill does not adversely impact on adjoining properties. | Yes |
| | 4 | Crime Prevention through Environmental Design (CPTED) principles incorporated. | Yes |
| <i>Pedestrian Entries</i> | | | |
| .2. | 1 | Pedestrian entries and vehicular entries suitably separated | Yes |
| | 2 | Dwelling entrances easily identifiable | Yes |
| | 3 | House numbers are to be clearly visible from the street | Yes |

Comments: The proposed modification to change the pedestrian access path in the front setback provides clear separation of this access from the driveway and provides opportunity to create a larger and less interrupted landscaped area within the front setback. The proposed modification meets the above requirements as it will have clearly identifiable pedestrian and vehicular access and entries and a front entrance that is visible from the street. The amended front setback has been appropriately configured to ensure that the above access, safety and security controls are met.

12: Ancillary Development

| 12.1 | Objectives | Satisfactory | |
|------|---|--|---|
| A. | To ensure that ancillary development is compatible with the design of the principal dwelling, streetscape and adjoining dwellings in form, materials and colours | Yes | |
| B. | To limit the size, bulk and scale of ancillary structures and minimise their visibility from the public domain. | Yes | |
| C. | To ensure that the provision of ancillary structures improves the amenity of residents whilst ensuring that the amenity of surrounding dwellings and neighbouring lots is maintained. | Yes | |
| D. | To ensure that the provision of ancillary structures, such as air conditioning units, are considered at the design stage of a proposed development. | Yes | |
| 12.2 | Development Controls | Complies | |
| .6. | <i>Swimming Pools</i> | | |
| | 1 | Side and rear setbacks from the outside edge of the pool concourse are 1m (min) wide and comprise deep soil soft landscape area | Yes |
| | 2 | If greater than 1m above ground, the space between the bond beam/concourse and the ground is finished to Council's satisfaction | N/A |
| | 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 Proposed modification involves an acoustic enclosure for the pool equipment |
| | 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 | |

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Comments: The proposed modification to retain the existing pool ensures compliance with the above controls. The existing pool is situated well-away from neighbouring properties and is concentrated towards the north-western corner of the dwelling. Conditions of consent, as per the approved development, will be imposed to ensure the pool safety barriers comply with relevant legislation and any pool filters and associated equipment have restricted noise. The proposed acoustic enclosure for the pool equipment will assist in minimising noise impacts.

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

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

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

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.

Having regard to these prescribed matters, the proposed modification does not involve the demolition of a building for the purposes of *AS 2601 – 1991: The Demolition of Structures*.

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

The proposal minimises potential adverse impacts on adjoining properties and achieves a reasonable level of streetscape compatibility. The proposed development is not considered to result in any adverse or social impacts.

It is noted that whilst the configuration and layout of the internal spaces of the approved development remain unchanged, the proposed modification to provide additional internal doors appears unnecessary. These internal doors interrupt the general flow of the spaces and provide distinct separation of certain portions of the dwelling and additions that also have independent external entry/exit doors. In light of this, there is concern that the dwelling and additions are not appropriately used as per the approval (i.e. as a single dwelling house) and may be used as a boarding house or stacked dual occupancy or some form of multi-dwelling with more than one single domicile on the site. It is therefore recommended that a condition be included to ensure the development is occupied and used as a single dwelling house only.

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

The approved development as modified by the current Section 4.55(2) application does not alter the suitability of the development to the site. The proposed modification sought as part of this application involve minimal environmental impact and will result in substantially the same development for which consent was originally granted.

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

The application was publicly notified from 30 October to 13 November 2019 in accordance with the provisions of Part L of SCDCP 2005. One (1) submission was received on during this time. This submission was from No. 45 Shortland Avenue, Strathfield (rear/west-adjointing neighbour). The following issue was raised in this submission:

1. Objector raised concerns with regard to privacy impacts within their private open space and swimming pool area

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Assessing officer's comments: The proposed modification involves no changes to the configuration and spaces of the approved dwelling and associated additions. The proposed modification involves retaining the existing pool and does not involve an increased encroachment towards the rear boundary. Therefore, in terms of overlooking from internal and external spaces, the proposed modification will have the same impacts as the approved development.

4.15(1)(e) the public interest

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

SECTION 7.11 CONTRIBUTIONS

Section 7.11 of the EP&A Act 1979 relates to the collection of monetary contributions from applicants for use in developing key local infrastructure. The Act reads as follows:

- “(1) If a consent authority is satisfied that development for which development consent is sought will or is likely to require the provision of or increase the demand for public amenities and public services within the area, the consent authority may grant the development consent subject to a condition requiring:*
- (a) the dedication of land free of cost, or*
 - (b) the payment of a monetary contribution,*
- or both.*
- (2) A condition referred to in subsection (1) may be imposed only to require a reasonable dedication or contribution for the provision, extension or augmentation of the public amenities and public services concerned.”*

This Section 4.55(2) application does not trigger any changes to the original condition of consent requiring payment of a section 7.11 contribution in accordance with Council's Section 94 Contributions Plan.

CONCLUSION

The application has been assessed having regard to Section 4.15 of the *Environmental Planning and Assessment Act 1979*, the Strathfield Local Environmental Plan 2012 and the Strathfield Development Control Plan 2005 and is considered to be satisfactory for approval.

PEER REVIEW

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

RECOMMENDATION

Pursuant to Section 4.55(2) of the *Environmental Planning and Assessment Act 1979*, the proposed modification(s) to Development Consent No. DA2018/011 involving internal reconfigurations to approved dwelling at 11 Marion Street, Strathfield be APPROVED, subject to:

1. The original conditions of consent of Development Application No. (DA2018/011) as approved by IDAP on 8 June 2019 for alterations and additions to an existing dwelling involving demolition of existing swimming pool and portion of rear dwelling and construction of a new two (2) storey addition with swimming pool.
2. As modified by the Section 4.55(1A) Application (DA2018/011/01) as approved by Council

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on 8 June 2011 for modification to the reconstruction of the garage and amendment of Condition 6 to reflect amended plans.

3. As modified by the Section 4.55 (1) Application (DA2018/011/02) as approved by Council on 7 August 2019 to amend Condition 14 and rationalise Conditions 1 to 6f.
4. As modified by the Section 4.55(2) application (DA2018/011/04) as follows:
 - Modify Development Description
 - Modify Condition 5A;
 - Modify Condition 6;
 - Include Condition 18A; and
 - Include Condition 59.

Accordingly, Development Consent No. DA2018/011 is approved as following:

Development Description:

Alterations and additions to an existing dwelling involving **retention** ~~demolition~~ of existing swimming pool and portion of rear dwelling and construction of a new two (2) storey addition ~~with swimming pool~~

SPECIAL CONDITIONS (GC)**1. MAXIMUM BUILDING HEIGHT (SC)**

The overall maximum building height of the proposed addition must not exceed RL37. 68. Amended plans demonstrating compliance with this condition are to be submitted and approved by the Principal Certifying Authority **prior to the issue of a Construction Certificate**.

(Reason: To ensure the addition does not detract from the existing building)

2. FRONT ELEVATION BALUSTRADE (SC)

The existing balustrading to the trafficable area above the garage and the matching chevron window grille to the ground floor level front elevation window is to be retained and any upgrades required to be carried out must achieve compliance with the National Construction Code.

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

(Reason: To retain fabric that contributes to the heritage value of the dwelling house and the Marion Street Conservation Area.)

2A. HERITAGE - SUBMISSION OF PHOTOGRAPHIC SURVEY (CC)

A photographic survey is to be made of the existing garage structure (including the interiors and exteriors) prior to demolition. Two copies are to be submitted to Council's satisfaction prior to the issue of a Construction Certificate. Written confirmation that the Council reserves the right to use the photographs for its own purposes and genuine research purposes is also to be included.

(Reason: To provide a historic record of heritage significant works on the site for archival purposes.)

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3. AIR CONDITIONING UNIT (SC)

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

- a) Only residential grade air conditioners are to be installed;
- b) Installed to comply with the Protection of the Environment Operations Act 1997 and Protection of the Environment Operations (Noise Control) Regulation 2008; and
- c) If located less than 3m from any property boundary then the unit is to be placed in an acoustic dampening enclosure.

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

(Reason: Acoustic Privacy)

4. BBQ AREA - SIDE SETBACK (SC)

The wall of the BBQ area is to be setback a minimum of 500mm from the southern side setback. Amended plans demonstrating compliance with the above is to be submitted to and approved by the Principal Certifying Authority **prior to the issue of the Construction Certificate.**

(Reason: To ensure compliance with the setback requirements).

5. NON-TRAFFICABLE ROOF AREA (SC)

The roof area of the alfresco and BBQ area is to be non-trafficable and not used for any other purposes. Amended plans demonstrating compliance with the above is to be submitted and approved by the Principal Certifying Authority **prior to the issue of a Construction Certificate.**

(Reason: To ensure the roof area is non-trafficable).

5A. SWIMMING POOL (SC)

The ~~proposed~~ **existing** swimming pool shall not be enclosed without the prior approval of Council.

(Reason: To minimise the cumulative impact of additional structures)

(Modified DA2018/011/04 – 20 December 2019)

GENERAL CONDITIONS (GC)**6. APPROVED PLANS AND REFERENCE DOCUMENTATION (GC)**

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

Plans affixed with Council's 'Development Consent' stamp relating to Development Consent No. 2018/011:

| Drawing No. | Title/Description | Prepared by | Issue / Revision & Date | Date received by Council |
|-------------|-------------------|---------------------------|-------------------------|--------------------------|
| S4.55_01 | Floor Plans | Bechara Chan & Associates | Issue A | March 2019 |
| S4.55_01 | Demolition Plan, | Bechara | Issue D | 18 Oct 2019 |

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| | | | | |
|-----------------|--|--------------------------------------|--------------------------------|--------------------|
| | Roof Plan & Site Plan | Chan & Associates | 16 Oct 2019 | |
| S4.55_02 | Demolition Plan, Roof and Site Plan | Bechara Chan & Associates | Issue A | March 2019 |
| S4.55_02 | Ground Floor and First Floor Plan | Bechara Chan & Associates | Issue A | March 2019 |
| S4.55_03 | Elevations and Sections (including Finishes Schedule) | Bechara Chan & Associates | Issue C | March 2019 |
| S4.55_03 | Elevations and Sections (including Finishes Schedule) | Bechara Chan & Associates | Issue D 16 Oct 2019 | 18 Oct 2019 |
| D00 | Cover sheet, Legend & Drawing Schedule | Loka Consulting Engineers | Rev A | 1 February 2018 |
| D01 | Ground Floor / Site Stormwater Drainage Plan | Loka Consulting Engineers | Rev A | 1 February 2018 |
| D02 | Erosion & Sediment Control Plan & Details | Loka Consulting Engineers | Rev A | 1 February 2018 |

Reference Documentation affixed with Council's 'Development Consent' stamp relating to Development Consent No.2018/011:

| Title / Description | Prepared by | Issue/Revision & Date | Date received by Council |
|-----------------------------------|---------------------------|------------------------|--------------------------|
| BASIX Certificate | No. 895671S | Issued 31 January 2018 | 1 February 2018 |
| Heritage Impact Statement | Ruth Daniell | Dated January 2018 | 1 February 2018 |
| Heritage Impact Statement (S4.55) | Ruth Daniell | 30 April 2019 | 1 May 2019 |
| Arboricultural Impact Assessment | NSW Tree Services Pty Ltd | Dated 12 July 2018 | 12 July 2018 |
| Waste Management Plan | G. Bechara | Dated 24 April 2017 | 1 February 2018 |

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

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

(Modified DA2018/011/04 – 20 December 2019)**1. CONSTRUCTION HOURS (GC)**

No construction or any other work related activities shall be carried out on the site outside

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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.)

2. 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.)

3. 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.)

4. 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.)

5. 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.)

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6. 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. New canopy trees shall be planted from 200 litre containers at the time of planting and capable of reaching a potential mature height of **12 m**.

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

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

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

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

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

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

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

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

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

7. LANDSCAPING - CANOPY TREES IN REAR YARD (GC)

New development shall provide at least two (2) canopy trees within the rear yard. New canopy trees shall be planted from 200 litre containers at the time of planting and capable of reaching a potential mature height of 12 m.

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

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

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

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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 the landscape character of the locality is maintained.)

8. 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 |
|-----------------------------|---------------------|------------|
| Tree number #2 | Jacaranda | Rear yard |
| Tree number #3 | Lilly pily | Rear yard |
| Tree number #4 | Lily pily | Rear yard |
| Tree number #5 | Cypress | Front yard |
| Tree number #6 | Cedar | Front yard |
| Tree number #7 | Smooth bark cypress | Front yard |
| Tree number#8 | Cypress | Front yard |

All trees permitted to be removed by this consent shall be replaced (1 tree for each tree removed) by species selected from Council's Recommended Tree List.

New canopy trees shall be planted from 200 litre containers at the time of planting and capable of reaching a potential mature height of **12** m and shall be distributed in a manner that complies with the requirements of Conditions 12 and 13 of this consent.

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

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

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

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

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

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

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

9. 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.)

10. MATERIALS – CONSISTENT WITH SUBMITTED SCHEDULE (GC)

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

(Reason: To ensure compliance with this consent.)

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

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

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

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

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

(Reason: Statutory requirement.)

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

Evergreen shrubs with a minimum 5 litre container size achieving a minimum mature height of 3m shall be planted along the side and rear boundaries to provide suitable privacy screening. Screen planting shall be maintained at all times. Details of the selected plants

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shall be submitted to and approved by the Principal Certifying Authority. Compliance with this condition shall be certified by the Principal Certifying Authority, prior to occupation of the premises.

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

13. SITE MANAGEMENT (DURING DEMOLITION AND CONSTRUCTION WORKS)

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

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

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- xix) Toilet facilities for employees must be provided in accordance with WorkCover NSW.
- xx) Protection pads are to be installed to the kerb and gutter where trucks and vehicles enter the site.

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

14. STORMWATER MANAGEMENT PLAN - CERTIFICATION REQUIREMENT (GC)

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

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

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

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

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

(Reason: Compliance with Sydney Water requirements.)

16. UTILITIES AND SERVICES - PROTECTION OF (GC)

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

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

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

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

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

(Reason: To ensure protection of Council assets.)

CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE (CC)**17. BASIX COMMITMENTS (CC)**

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

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

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

(Reason: Statutory compliance.)

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

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

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

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

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

18A. HERITAGE – REUSE OF SIGNIFICANT BUILDING ELEMENTS (CC)

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

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

DA2018/011/04 - 11 Marion Street, Strathfield - Lot 15 DP 12405 (Cont'd)**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.

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

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

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

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

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

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

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.)

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

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

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

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has been appointed and a Notice of Commencement has been issued.

(Reason: To ensure compliance with statutory provisions.)

23. CONSTRUCTION AND ENVIRONMENTAL MANAGEMENT PLAN (CC)

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

- i) Detailed information on any approvals required from other authorities prior to or during construction.
- ii) Traffic management, including details of:
 - ingress and egress of vehicles to the site;
 - management of loading and unloading of materials;
 - the location of heavy vehicle parking off-site; and
 - designated routes for vehicles to the site.
- iii) The proposed areas within the site to be used for a builder's site office and amenities, the storage of excavated material, construction materials and waste containers during the construction period.
- iv) Erosion and sediment control, detailing measures and procedures consistent with the requirements of Council's guidelines for managing stormwater, including:
 - the collection and treatment of stormwater and wastewater generated on site prior to discharge; and
 - procedures to prevent run-off of solid material and waste from the site.
- v) Waste management, including:
 - details of the types and estimated volumes of waste materials that will be generated;
 - procedures for maximising reuse and recycling of construction materials; and
 - details of the off-site disposal or recycling facilities for construction waste.
- vi) Dust control, outlining measures to minimise the generation and off-site transmission of dust and fine particles, such as watering or damp cloth fences.
- vii) A soil and water management plan, which includes:
 - measures to minimise the area of soils exposed at any one time and conserve top soil;
 - identification and protection of proposed stockpile locations;
 - preservation of existing vegetation and revegetation;
 - measures to prevent soil, sand, sediments leaving the site in an uncontrolled manner;
 - measures to control surface water flows through the site in a manner that diverts clean run-off around disturbed areas, minimises slope gradient and flow distance within disturbed areas, ensures surface run-off occurs at non-erodible velocities, and ensures disturbed areas are promptly rehabilitated;
 - details of sediment and erosion control measures in place before work commences;
 - measures to ensure materials are not tracked onto the road by vehicles entering or leaving the site; and
 - details of drainage to protect and drain the site during works.
- viii) Asbestos management procedures:
 - Anyone who removes, repairs or disturbs bonded or a friable asbestos material must hold a current removal licence from Workcover NSW holding either a Friable (Class A) or a Non- Friable (Class B) Asbestos Removal License which ever applies and a current WorkCover Demolition License where works involve demolition. To find a licensed asbestos removalist please see

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www.workcover.nsw.gov.au

- Removal of asbestos by a person who does not hold a Class A or Class B asbestos removal license is permitted if the asbestos being removed is 10m² or less of non-friable asbestos (approximately the size of a small bathroom). Friable asbestos materials must only be removed by a person who holds a current Class A asbestos license.
- Before starting work, a work site-specific permit approving each asbestos project must be obtained from Workcover NSW. A permit will not be granted without a current Workcover licence. All removal, repair or disturbance of or to asbestos material must comply with the following:
 - The Work Health and Safety Act 2011;
 - The Work Health and Safety Regulation 2011;
 - How to Safely Remove Asbestos Code of Practice – WorkCover 2011; and
 - Safe Work Australia Code of Practice for the Management and Control of Asbestos in the Workplace.
- Following completion of asbestos removal works undertaken by a licensed asbestos removalist re-occupation of a workplace must not occur until an independent and suitably licensed asbestos removalist undertakes a clearance inspection and issues a clearance certificate.
- The developer or demolition contractor must notify adjoining residents at least two (2) working days (i.e. Monday to Friday exclusive of public holidays) prior to the commencement of asbestos removal works. Notification is to include, at a minimum:
 - the date and time when asbestos removal works will commence;
 - the name, address and business hours contact telephone number of the demolisher, contractor and/or developer;
 - the full name and license number of the asbestos removalist/s; and
 - the telephone number of WorkCover's Hotline 13 10 50
 - warning signs informing all people nearby that asbestos removal work is taking place in the area. Signs should be placed at all of the main entry points to the asbestos removal work area where asbestos is present. These signs should be weatherproof, constructed of light-weight material and adequately secured so they remain in prominent locations. The signs should be in accordance with AS 1319-1994 Safety signs for the occupational environment for size, illumination, location and maintenance; and
 - appropriate barricades installed as appropriate to prevent public access and prevent the escape of asbestos fibres. Barricades must be installed prior to the commencement of asbestos removal works and remain in place until works are completed.

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

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

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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.

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

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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 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.)

28. LANDSCAPING - MAINTENANCE STRATEGY (CC)

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

(Reason: Ensure landscape survival.)

29. 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.)

30. SECTION 7.11 CONTRIBUTION PAYMENT - INDIRECT CONTRIBUTIONS PLAN) (CC)

In accordance with the provisions of Section 7.11 of the Environmental Planning and Assessment Act 1979 and the Strathfield Indirect Development Contributions Plan 2010-2030, a contribution in the form of cash, cheque or credit card (financial transaction fee applies) shall be paid to Council for the following purposes:

| | |
|--------------------------------|--------------------|
| Local Amenity Improvement Levy | \$10,000.00 |
|--------------------------------|--------------------|

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

A security (damage deposit) of **\$12,200.00** (calculated in accordance with Council's adopted Fees and Charges) shall be paid to Council, prior to the issue of a Construction Certificate.

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

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

32. **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.)

33. **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.)

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34. 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.)

35. 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.)

36. TRAFFIC - CONSTRUCTION TRAFFIC MANAGEMENT PLAN (CC)

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

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

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

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- work zones have been approved by the Local Traffic Committee and Council;
- xiv) location of any proposed crane and concrete pump and truck standing areas on and off the site (and relevant approvals from Council for plant on road);
 - xv) a dedicated unloading and loading point within the site for all construction vehicles, plant and deliveries;
 - xvi) material, plant and spoil bin storage areas within the site, where all materials are to be dropped off and collected;
 - xvii) on-site parking area for employees, tradespersons and construction vehicles as far as possible;
 - xviii) proposed areas within the site to be used for the storage of excavated material, construction materials and waste and recycling containers during the construction period; and
 - xix) how it is proposed to ensure that soil/excavated material is not transported onto surrounding footpaths and roadways.

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

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.

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. WASTE MANAGEMENT PLAN (CC)

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

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

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

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request.

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

(Reason: To ensure appropriate management of waste.)

39. 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.)

40. 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 (CW)**41. APPOINTMENT OF A PRINCIPAL CERTIFYING AUTHORITY (PCA) (CW)**

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

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

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

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

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

(Reason: Statutory requirement.)

42. HOME BUILDING COMPENSATION FUND (CW)

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

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

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

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

(Reason: Statutory requirement.)

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43. NOTICE OF COMMENCEMENT (CW)

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

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

(Reason: Statutory requirement.)

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

44. CONTAMINATED LAND UNEXPECTED FINDS (DW)

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

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

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

(Reason: To ensure compliance with statutory requirements.)

45. 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.)

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

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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.)

47. 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.)

48. 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.)

49. SITE REQUIREMENTS DURING DEMOLITION AND CONSTRUCTION

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

- i) All demolition is to be carried out in accordance with Australian Standards AS 2601-2001.
- ii) Demolition must be carried out by a registered demolition contractor.
- iii) A single entrance is permitted to service the site for demolition and construction. The footway and nature strip at the service entrance must be planked out with close boarded, hardwood timber footpath protection pads. The pad shall cover the entire width of the footpath opening for the full width of the fence.
- iv) No blasting is to be carried out at any time during construction of the building.
- v) Care must be taken during demolition/ excavation/ building/ construction to prevent any damage to adjoining buildings.
- vi) Adjoining owner property rights and the need for owner's permission must be observed at all times, including the entering onto land for the purpose of undertaking works.
- vii) Any demolition and excess construction materials are to be recycled wherever practicable.
- viii) The disposal of construction and demolition waste must be in accordance with the requirements of the Protection of the Environment Operations Act 1997.
- ix) All waste on the site is to be stored, handled and disposed of in such a manner as to not create air pollution (including odour), offensive noise or pollution of land and/or water as defined by the Protection of the Environment Operations Act 1997.
- x) All excavated material should be removed from the site in the approved manner and be disposed of lawfully to a tip or other authorised disposal area.
- xi) Section 143 of the Protection of the Environment Operations Act 1997 requires waste to be transported to a place which can lawfully accept it. All non-recyclable

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- demolition materials are to be disposed of at an approved waste disposal depot in accordance with legislation.
- xii) All materials on site or being delivered to the site are to generally be contained within the site. The requirements of the Protection of the Environment Operations Act 1997 must be complied with when placing/stockpiling loose material, disposing of concrete waste, or other activities likely to pollute drains or water courses.
 - xiii) Details as to the method and location of disposal of demolition materials (weight dockets, receipts etc.) should be kept on site as evidence of approved methods of disposal and recycling.
 - xiv) Any materials stored on site must be stored out of view or in such a manner so as not to cause unsightliness when viewed from nearby lands or roadways.
 - xv) Public footways and roadways adjacent to the site must be fully maintained and cleared of obstructions during construction unless prior separate approval from Council is obtained including payment of relevant fees.
 - xvi) Building operations such as brick cutting, washing tools or paint brushes, and mixing mortar not be performed on the roadway or public footway or any other locations which could lead to the discharge of materials into the stormwater drainage system.
 - xvii) All site waters during excavation and construction must be contained on site in an approved manner to avoid pollutants entering into waterways or Council's stormwater drainage system.
 - xviii) Stamped plans, specifications, documentation and the consent shall be available on site at all times during construction.
 - xviii) All protected trees are to be managed in accordance with Australian Standard AS4970 - 2009 , Protection of Trees on Development Sites.

(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.)

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

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

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

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

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

CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE (OC)**51. DRAINAGE SYSTEM - MAINTENANCE OF EXISTING SYSTEM (OC)**

Where elements of the existing drainage system are to be utilised, the existing drainage

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system shall be overhauled and maintained clear of silt and accumulated debris. Silt and the like shall be removed, not flushed from the system.

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

(Reason: Maintenance and environment.)

52. ENGINEERING WORKS (CERTIFICATION OF)

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

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

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

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

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

(Reason: Asset management.)

53. FUEL HEATERS - DOMESTIC SOLID (OC)

Prior to the issue of any Occupation Certificate the Principal Certifying Authority must be satisfied through the issue of appropriate certification that system as installed complies with the standard specified in the Environment Protection Authority's Environmental Guidelines for Selecting, Installing and Operating Domestic Solid Fuel Heaters; AS/NZS 2918: 2001 Domestic solid fuel burning appliances-Installation and the Building Code of Australia. Details demonstrating compliance with the requirements of this condition is to be submitted to the satisfaction of the Principal Certifying Authority prior to the issue of any interim / final occupation certificate.

(Reason: To mitigate harmful environmental impacts and maintain public safety.)

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

As part of the on-going assessment of the tree/s to be retained, the consulting arborist engaged by the applicant is to assess their health and any impacts suffered by them as a

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result of the proposed approved development, prior to the issue of an Occupation Certificate. Findings are to be compiled in a detailed report and submitted to the Principle Certifying Authority, which documents the following:

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

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

55. 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.)

56. 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.)

57. 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.)

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58. **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.)

CONDITIONS TO BE SATISFIED DURING ONGOING USE OF THE PREMISES (OU)

59. **USE AS A SINGLE DWELLING HOUSE**

The approved development is to be used as a single dwelling house only. The approved development is not to be used as more than a single domicile.

(Reason: To ensure occupation of the development is as per approval and is a permissible land use.)

ATTACHMENTS

There are no attachments for this report.

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