

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 September 2019

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

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IDAP AGENDA ITEMS

IDAP - Report No. 1

DA2019/066 - 37 Fraser Street, Strathfield

Lot 2 DP 5370053

TO: Strathfield Internal Development Assessment Panel Meeting - 20 September 2019

REPORT: IDAP – Report No. 1

SUBJECT: DA2019/066 - 37 FRASER STREET, STRATHFIELD
LOT 2 DP 537005

DA NO. DA2019/066

SUMMARY

Proposal: Demolition of the existing dwelling and construction of a new two (2) storey dwelling house with a cabana, and associated landscaping works.

Applicant: Planning Approvals – Jeremy and Eileen Moy

Owner: Murugesu Govintharajah

Date of lodgement: 6 May 2019

Notification period: 13 May 2019 – 27 May 2019

Submissions received: Two (2) written submissions.

Assessment officer: ER

Estimated cost of works: \$905,424.00

Zoning: R2 Low Density Residential - SLEP 2012

Heritage: No – located directly opposite Heritage Item I132 ‘St Patrick’s College – Brother Hickey Building and Heritage Conservation Area C12 ‘Marion Street.’

Flood affected: Yes

Is a Clause 4.6 variation proposed? No

RECOMMENDATION OF OFFICER: **APPROVAL**

EXECUTIVE SUMMARY

The application seeks Council approval for the demolition of existing structures and construction of a new two (2) storey dwelling house with a cabana and associated landscaping works.

The application was notified in accordance with Part L of the Strathfield Consolidated Development Control Plan (SCDCP) 2005 from 13 May 2019 to 27 May 2019. Two (2) written submissions were received during this time where concerns were raised in relation to potential overlooking onto the adjoining private open space, streetscape amenity, insufficient parking, the need for a Pooja within a dwelling house and overhanging trees.

The Architectural Plans originally detailed construction works that would have adverse impacts on trees numbered 4, 5 and 6 (located within the front setback of the site). This conflicted with the recommendations made in the Arboricultural Report. Additional information and amended plans were submitted detailing tree protection zones, landscaping and an updated Arborist Report.

The amended proposal is generally compliant with the relevant development standards and controls under the Strathfield Local Environmental Plan (SLEP) 2012 and SCDCP 2005, with the

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Lot 2 DP 537005 (Cont'd)**

exception of the floor to ceiling height of the ground floor level, the width and location of the driveway and the number of car parking spaces provided behind the front building line.

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

BACKGROUND

- 6 May 2019** The application was lodged at Council.
- 13 May 2019** The application was notified in accordance with Part L of the SCDP 2005 from 13 May 2019 to 27 May 2019. Two (2) written submissions were received during this time where concerns were raised in relation to potential overlooking onto the adjoining private open space, streetscape amenity, insufficient parking, the need for a Pooja within a dwelling house and overhanging trees.
- 22 May 2019** A deferral letter was sent to the applicant detailing that additional information is required in the Arboricultural Report. Specifically, this related to the proposed cutting and filling for the dwelling house as they would have adverse impacts on trees located within the front setback of the site.
- 24 May 2019** Councils Planning Officer contacted the objectors to further discuss their submissions.
- 28 June 2019** Amended plans and additional information were provided by the applicant, generally responding to the concerns raised by Councils Tree Management Officer.
- 26 July 2019** A Tree Management Plan was provided by the applicant.

DESCRIPTION OF THE SITE AND LOCALITY

The subject site is legally described as Lot 2 DP 537005 and is commonly known as 37 Fraser Street, Strathfield (**Figure 1**). The site is located on the south-western side of Fraser Street and has a total site area of 696.8m². The site is rectangular in shape and has a frontage of 15.24m to the east and side boundary length of 45.72m to the north and south. The site slopes from east to west and is located in an area that is affected by overland flood extents.

The site is currently occupied by a single storey residential dwelling with face brick external walls and a tile pitched roof form (**Figure 2**). Vehicular access is provided to the site via an existing driveway located on the eastern side of the site frontage that leads to a single garage located at the rear of the property (as shown in **Figure 2**).

The current streetscape is of the south-western side of Fraser Street is characterised by single and two (2) storey residential dwellings with exposed facebrick and tile pitched roof forms (**Figures 3 and 4**). St Patricks College is located on the north-eastern side of Fraser Street. Various Heritage significant properties are located in the vicinity of the site including Heritage Item I132 'St Patrick's College – Brother Hickey Building' (east) and Heritage Conservation Area C12 'Marion Street' (west) (refer to **Figure 5**).

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



Figure 2: The existing dwelling located on the site (37 Fraser Street, Strathfield).

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Figure 3: The neighbouring residential dwellings (35 Fraser Street, Strathfield and 33 Fraser Street, Strathfield).



Figure 4: The adjoining residential dwelling (5 Edgar Street, Strathfield).

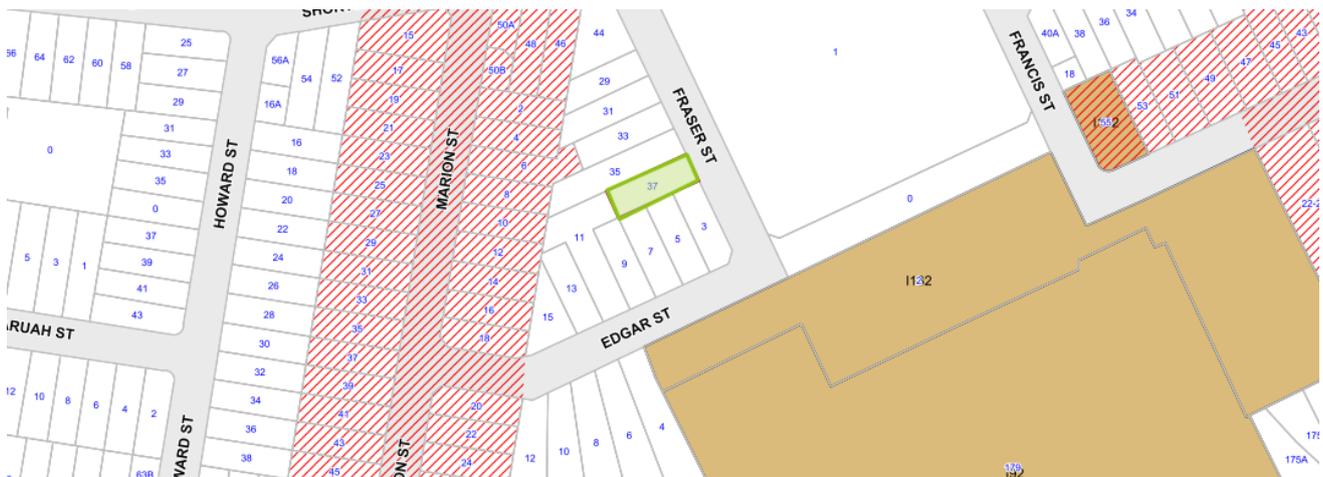
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Figure 5: The site (as highlighted in green) and the surrounding Heritage significant properties (heritage conservation areas shown in red hatch, and heritage items coloured brown).

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 dwelling and construction of a new two (2) storey dwelling with a cabana and associated landscaping works. The specific elements of the proposal are as follows:

Ground floor level:

- Single space garage;
- Pooja;
- Living area;
- Study;
- Stairs and storage room underneath;
- Open planned kitchen with pantry, family/ dining room;
- Two (2) bedrooms with a shared ensuite; and
- Laundry and powder room.

First floor level:

- Four (4) bedrooms where three (3) have walk in robes, one (1) bedroom has an ensuite and two (2) other bedrooms share an ensuite;
- Gallery; and
- Linen store.

External works:

- Alfresco;
- Cabana; and
- Associated landscape works.

The proposed ground floor plan is shown below in **Figure 6**. The proposed first floor plan is shown below in **Figure 7**. An extract of the proposed front elevation of the dwelling house is shown below in **Figure 8**.

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It is noted that the application was notified as also involving the construction of a front boundary fence. This is considered to be an error as these works were not included on the application form as works which consent is sought for, the submitted plans have not shown a proposed new fence and the Statement of Environmental Effects clarifies that the existing picket fence is to be retained. Therefore, the reference to a proposed new front boundary fence has been deleted from the proposal description.

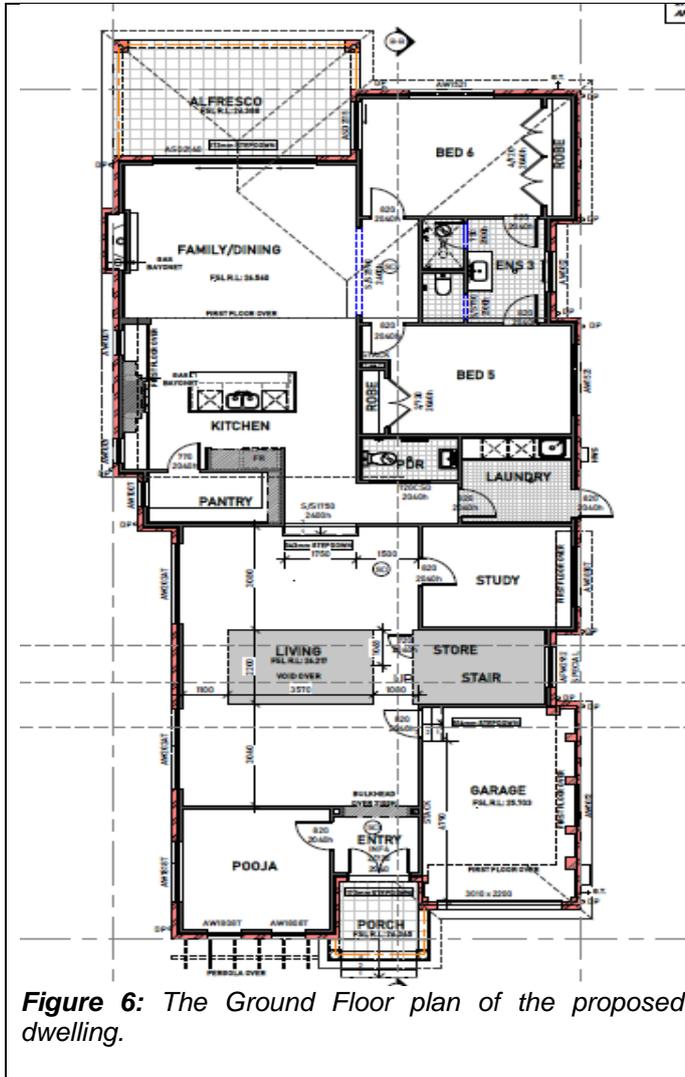


Figure 6: The Ground Floor plan of the proposed dwelling.

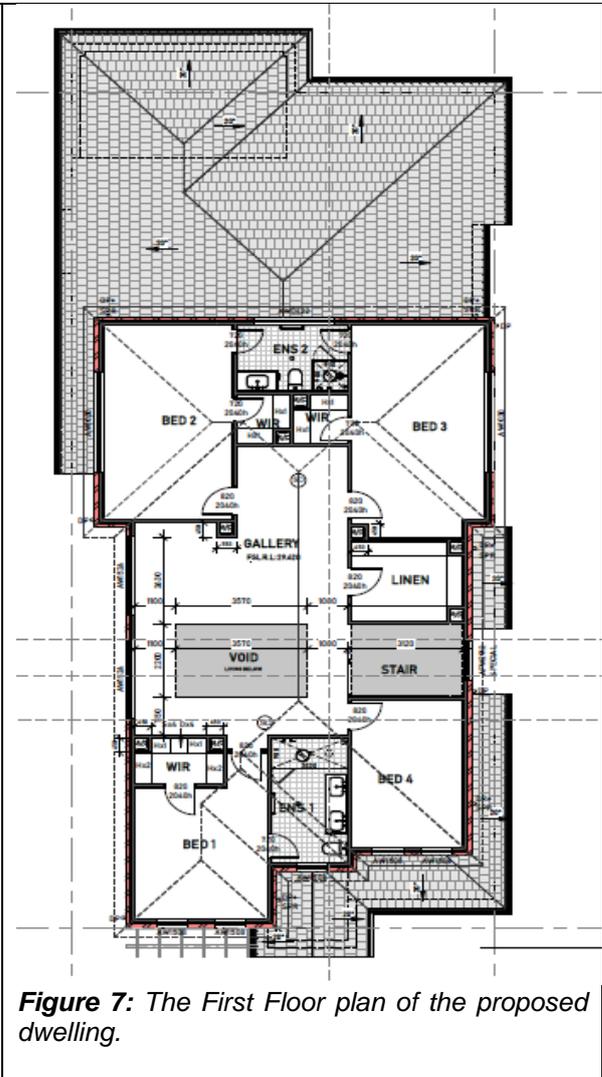


Figure 7: The First Floor plan of the proposed dwelling.

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Figure 8: An extract of the proposed dwelling frontage via the eastern elevation.

REFERRALS

INTERNAL REFERRALS

Engineering Comments

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

*"I have referred to the development application referenced above and reviewed the stormwater drainage concept plan prepared by **ACOR Consultants issue A drawing no. C1-C3 project no. CC190060 dated 12.04.2019**. The subject site has a natural fall to the front and disposal by means of gravity is attainable hence enabling the applicant to submit a compliant design. The provision of water sensitive urban design is not required as the site is less than 2000m². OSD provision is not required as the site cumulative imperviousness is less than 65% of total site area. The site discharges to the street kerb and gutter by means of a gravity pipe via the boundary pit. Roof runoff drains into the proposed above ground rainwater in accordance with BASIX requirements by charged means via downpipes. Overflow from the tank drains into the boundary pit by gravity means via the overflow pipe. Pervious areas drain into the boundary pit by gravity means via grated surface inlet pits. From an engineering perspective, the concept plan is feasible and there are no objections to its approval subject to the following conditions attached."*

Landscaping Comments

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

"The proposed demolition of existing dwelling and construction of a new two storey house, cabana and retaining walls will cause adverse impacts to significant trees within the front yard of the subject property that is not supported by tree management staff."

*The applicant is to submit an amended design for the proposed driveway and stormwater service that will allow the successful retention of trees 4, 5 and 6 *Corymbia citriodora*.*

The applicant is also required to provide a tree protection plan prepared by an AQF5 qualified consulting arborist detailing how all adverse impacts to the subject trees will be avoided during the works; tree management recommendations will have due regard for the provisions of the Australian Standard AS4970-2009, Protection of Trees on Development Sites"

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Amended Architectural Plans were submitted to Council on 28 June 2019. To address these comments. Councils Tree Management Officer commented on the revised proposal as follows:

“The arborist report dated 21 June by RBOREPORT is noted. The arborist relies on the Tree Management Plan to address points 3, 5, 6, & 7. Given the importance of the Tree Protection Plan /Tree Management Plan as a tool for protection of the trees on site, it is important that this document be provided prior to the writing of the Demolition Plan and the Site Management Plan so that they can adopt fully its requirements. It is therefore important to maintain Council control of this process prior the development consent (DC), to ensure that the tree issues do not “fall through the cracks” when Demolition Plan and the Site Management Plan are being written.

On this basis I see no reason why the Tree Protection Plan /Tree Management Plan should not be provided prior to the DC.”

A deferral letter was sent to the applicant, detailing that a Tree Management Plan is to be prepared in accordance with the recommendations in the Arboricultural Report.

The additional information was provided by the applicant on 26 July 2019 and was forwarded to Councils Tree Management Officer. Councils Tree Management Officer advised that the Tree Management Plan is acceptable.

Heritage Comments

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

SECTION 4.15 CONSIDERATIONS – EP&A Act, 1979

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

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

STATE ENVIRONMENTAL PLANNING POLICY (SEPP) – BASIX 2004

In accordance with the BASIX SEPP, all new housing in NSW is required to meet a designated target for energy and water reduction. A BASIX Certificate was submitted with the application, indicating that the proposal meets the required reduction targets. A condition of consent is recommended 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 submitted plans and Arborist report detail that trees no. 7 – 13 are proposed to be removed (Figure 9) as there is an unavoidable major encroachment into the tree protection zone and also tree no. 14 as it is of low significance. The submitted plans and Arborist report detail that tree nos 1-6 will be retained and protected (trees no. 1-3 are street trees and trees no. 4-6 are located within the front yard of the subject site) (Figure 9).

Council's Tree Management Officer commented on the original proposal as follows:

"The proposed demolition of existing dwelling and construction of a new two storey house, cabana and retaining walls will cause adverse impacts to significant trees within the front yard of the subject property that is not supported by tree management staff.

The applicant is to submit an amended design for the proposed driveway and stormwater service that will allow the successful retention of trees 4, 5 and 6 Corymbia citriodora.

The applicant is also required to provide a tree protection plan prepared by an AQF5 qualified consulting arborist detailing how all adverse impacts to the subject trees will be avoided during the works; tree management recommendations will have due regard for the provisions of the Australian Standard AS4970-2009, Protection of Trees on Development Sites."

It is noted that Council's Tree Management Officer did not object to the removal of trees no. 7-13 but required additional protection measures for trees 4-6.

Amended plans and additional information including a Tree Protection Plan was received and Council's Tree Management Officer advised that the Tree Management Plan is suitable for approval.

Council's Tree Management Officer has supported the amended Landscape Plan and the Tree Management Plan, subject to the imposing of recommended conditions of consent.

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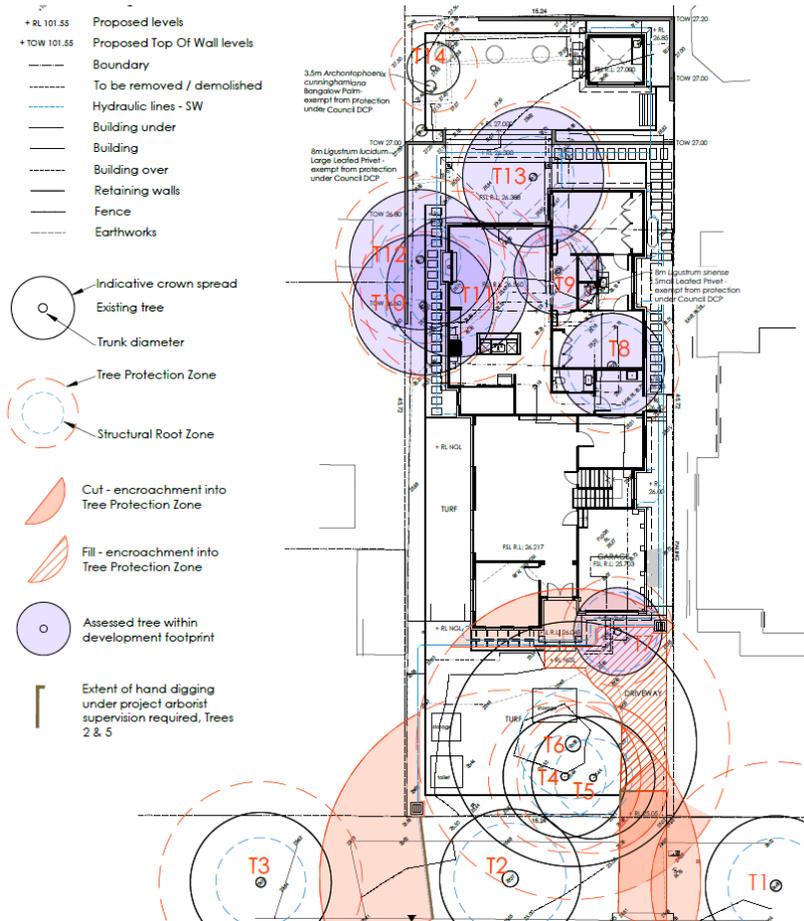


Figure 9: A site plan detailing the trees on site where the trees proposed to be removed are highlighted in purple.

STATE ENVIRONMENTAL PLANNING POLICY (COASTAL MANAGEMENT) 2018

The Coastal Management SEPP does not apply to the site.

The NSW Government projects sea levels to rise by 40cm in 2050 and by 90cm in 2100 above the relative mean sea level in 1990. These planning benchmarks are to be considered in the assessment of development applications through the applicable coastal zone management plan or alternatively the provisions of the *NSW Coastal Planning Guideline: Adapting to Sea Level Rise*.

Although Council is not subject to a coastal zone management plan, the sea level rise planning benchmarks have also been established in order to assess the likely increase in the frequency, duration and height of flooding and as a consequence likely property and infrastructure damage on affected and potentially affected land. Council is therefore required to consider the impact of sea level rise and resultant flooding from Powell’s Creek and Cook’s River which are tributaries of Sydney Harbour (Parramatta River) and Botany Bay respectively.

The subject site is affected by overland extents. Although potential impacts are considered to be relatively minor, it is considered that potential flooding will be a result of the planning benchmarks for sea level rise. Accordingly, the proposed development has been assessed against the relevant provisions of the *NSW Coastal Planning Guideline: Adapting to Sea Level Rise*.

STRATHFIELD LOCAL ENVIRONMENTAL PLAN 2012 (SLEP 2012)

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

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

Comments: Proposed works are not inconsistent with the abovementioned aims under the SLEP 2012.

Permissibility

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

"A building containing only one dwelling."

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

Zone Objectives

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

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 is consistent with the objectives of the R2 – Low Density Residential zone in that it contributes towards providing for the housing needs of the community and does not adversely impact the significance of surrounding heritage significant properties.

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	8.51m	Yes

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	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 dwelling house seeks a maximum building height of 8.51m from the existing ground level which complies with the maximum 9.5m height control under the SLEP 2012. Furthermore, the proposal complies with the objectives of this Clause.

Floor space ratio

Cl.	Standard	Controls	Proposed	Complies
4.4C	Floor space ratio	0.60:1 (418.08m ²)	0.507:1 (353.82m 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

Comments: The application seeks a maximum floor space of 0.507:1, which complies with the maximum FSR permitted for the site.

Part 5: Miscellaneous Provisions

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

5.10 Heritage Conservation

The subject site is located approximately 70m from the property boundary of 2 Edgar Street (Item I132 - St Patrick's College Brother Hickey Building) and is physically separated from the rear boundary of the Marion Street Heritage Conservation Area (C12) by more than 2 properties. Council's Heritage Advisor advised that given the distance of the proposed development from the nearby heritage item and conservation area, that the proposal is not anticipated to give rise to any undue impact upon the heritage significance of the item or conservation area.

Therefore, it is considered that the objectives of this Clause have been satisfied.

Part 6: Local Provisions

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

6.1 Acid sulfate soils

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

6.2 Earthworks

The application is not proposing any excessive excavation works on site. As a result, the application is considered to have satisfied the objectives under this Clause.

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6.3 Flood planning

The site is affected by overland extends and was referred to Councils Stormwater Engineer for further comment. Councils Stormwater Engineer confirmed that the site discharges to the street kerb and gutter by means of a gravity pipe via the boundary pit. Roof runoff drains into the proposed above ground rainwater, which is in accordance with BASIX requirements. As the site has a natural fall to the front of the site, the provided stormwater concept plan is considered to be feasible for the site. Furthermore, Council's Stormwater Engineer has raised no objection to the proposal and therefore the proposal can be supported, subject to the imposition of recommended conditions of consent. Subject to the imposition of conditions, the objectives of this Clause are considered to be satisfied.

6.4 Essential services

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

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

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

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

STRATHFIELD CONSOLIDATED DEVELOPMENT CONTROL PLAN 2005 (SCDCP 2005)

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

PART A – DWELLING HOUSES AND ANCILLARY STRUCTURES

2: Architectural Design & Streetscape Presentation

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

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<i>H.</i>	<i>To reduce the use of highly reflective colours and materials that create visual prominence.</i>	Yes
<i>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
	3 Consideration of streetscape elements	Yes
	4 Integrated security grilles/screens, ventilation louvres and garage doors	Yes
	<i>Scale, Massing & Rhythm of Street</i>	
.2.	1 Scale, massing, bulk and layout complement the existing streetscape and the dominant building rhythm	Yes
	2 Building height and mass maintains amenity to adjacent properties open space or the public domain	Yes
.3.	<i>Building Forms</i>	
	1 Building form articulated.	Yes
.4.	<i>Roof Forms</i>	
	1 Roof form complements predominant form in the locality	Yes
	2 Roof form minimises bulk and scale of building and remains an important architectural element in the street.	Yes
	3 First floor additions complement the architectural style of the ground floor and delineate the existing roof form, slope and ridge	Yes
	4 Roof structures are not visible from the public domain	Yes
	<i>Materials</i>	
	5 Materials compatible with the existing dwelling house, adjoining dwelling houses and the streetscape (type, form and colour)	Yes
	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 dwelling house incorporates a grey rendered finish to external walls with a charcoal tile pitched roof form (Figure 8). The external facades of the dwelling house and cabana are considered to be a contemporary finish that is also sympathetic with the surrounding heritage significant properties. It is also considered these finishes are becoming more prominent within the wider streetscape as original housing stock is being replaced by more contemporary styled dwellings in the surrounding area.

The dwelling house includes sufficient articulation on all elevations, which enables a design that is proportionate for the site and generally consistent with the built form of residential dwellings

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located in proximity to the site. The pitch roof form continues the built rhythm in the street and allows an appropriate level of bulk and scale that is generally compatible with neighbouring 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	Yes	
F.	To assist in achieving passive surveillance whilst protecting visual privacy.	Yes	
G.	To provide a transitional area between public and private space.	Yes	
4.2 Development Controls		Complies	
<i>Floor Space Ratio</i>			
.1.	1	Floor Space Ratio permissible pursuant to SLEP 2012	Yes
	2	Development compatible with the lot size	Yes
<i>Building Height</i>			
.2.	1	The maximum height of dwelling houses in accordance with the SLEP 2012 Height of Buildings Map is 9.5 metres.	Yes
	4	The maximum height of the external wall from the existing ground level to the underside of the uppermost ceiling level is to be 7.2 metres.	Yes
	5	The maximum internal floor to ceiling height is to be 3.0 metres for any residential level.	No - See below.
	7	Dwelling houses and any ancillary structures are to be no more than two (2) storeys high.	Yes
	8	The building height should respond to the gradient of any given site and minimise the need for cut and fill.	Yes
<i>Street Setbacks</i>			
.3.1.	1	Setbacks consistent with minimum requirements of Table A.1	Yes
<i>Side and Rear Setbacks</i>			
.3.2.	1	A combined side setback of 20% of the width of the block (incorporating a 1.2m min side setback on each side).	Yes

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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
4	Garages and carports setbacks consistent with Table A.2	Yes

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

The proposal results in a front setback of 10m, which allows for the existing building line to be retained along Fraser Street. A minimum side setback of 1500mm is provided on the northern boundary and 2005mm on the southern boundary, which accords with the minimum requirements under Part A of the SCDCP 2005.

The proposed floor to ceiling height of the ground floor level is a maximum 3.095m at the front of the dwelling (except for the garage where it is 3.264m) and 2.75m at the rear of the dwelling. The SCDCP 2005 specifies that the maximum floor to ceiling heights of habitable floors is 3m. The minor non-compliance for the maximum floor to ceiling heights at the ground floor level are considered acceptable given that the extent of the non-compliance is contained to the front of the ground floor only, the first floor level complies with the maximum floor to ceiling heights and the dwelling house complies with the overall maximum external wall height development control which is 7.2m.

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

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L.	To ensure suitable fencing is provided to reduce acoustic impacts and enhance visual privacy between neighbouring residents whilst enabling front fences passive surveillance of the street.	Yes
M.	To maximise the amenity of existing and proposed developments, including solar access, privacy and open space.	Yes
5.2	Development Controls	Complies
	<i>Landscaped area</i>	
	1 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
.1.	4 Minimise hard surface area (concrete/brick/stone paving and bitumen). Run-off directed to permeable surfaces.	Yes
	5 Planting areas soften the built form	Yes
	6 Front gardens respond and contribute to the garden character of Strathfield.	Yes
	7 Retain and reinforce the prevailing streetscape and surrounding locality	Yes
	8 Plant species must be retained, selected and planted to improve amenity	Yes
	<i>Tree Protection</i>	
	1 Arboricultural Impact Assessment Report prepared by an AQF Level 5 Arborist	Yes
	2 The Arboricultural Impact Assessment Report address minimum criteria	Yes
	4 New dwellings and alterations and additions are set back in accordance with the Arboricultural Impact Assessment Report	Yes
.2.	6 Opportunities for planting new canopy trees within the front setback	No – See below
	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
	<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
	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 proposal results in a total landscaped area of 345.60m² (49.6%), which is compliant with the 289.17m² (41.5%) minimum requirement under Part A of the SCDP 2005. The landscape plan includes various new species, whilst also detailing existing trees that are to be retained.

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Within the front setback of the site there are three (3) significant trees that are to be protected during the demolition and construction phase of the proposal. As these trees are mature in height, there are limited opportunities for additional trees to be planted within the front setback. Therefore, in this instance it is considered acceptable that the proposal does not incorporate any additional tree plantings within the front setback.

There are eight (7) trees located in the proposed building footprint which are proposed to be removed and Council's Tree Management Officer raised no objection to this. It is noted that there are discrepancies between the amended landscape plan and Arborist Report as to whether tree No. 14 is to be removed or retained. Given the low significance of this tree no objection is made to its removal. The amended landscape plan shows that two (2) Luscious Water Gums which are of a 100L pot size and reach a mature height of 12m are proposed within the rear setback which is considered suitable to compensate and replace the trees to be removed.

A Tree Management Plan was submitted to protect the three (3) trees located within the front setback (trees T4-T6) and the three (3) street trees located in front of the subject site (T2) and the two neighbouring sites (T1 and T3). remaining trees and Council's Tree Management Officer was supportive of this proposal. As a result, the approved plans must adopt the Tree Management Plan protection methods as a recommended condition of the consent.

6: Solar Access

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

Comments: The proposed two-storey dwelling will inevitably result in additional shadows cast to the east. However, the built form has been designed in a way where a minimum of three (3) hours of solar access will be achieved on site and on the neighbouring properties between 9am and 3pm during the winter solstice.

7: Privacy

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

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D.	To ensure that canopy trees take priority over views	Yes	
E.	To ensure that the siting and design of buildings minimises noise impacts from abutting roads, rail corridors and other noise-generating land uses	Yes	
7.2	Development Controls	Complies	
	<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	
	3	Ensure elevation of finished floor levels above NGL is not excessive	Yes
	4	Improve privacy to adjacent properties with screen planting	Yes
	<i>Windows</i>		
.2.	1	Windows do not directly face the windows, balconies and courtyards of adjoining dwelling	Yes
	2	A window within 9m of another window in a habitable room of an adjoining dwelling is offset by 0.5m (min) or a sill height of 1.7m (min) above the FFL	Yes
	3	Windows directly facing balconies or courtyards are narrow, incorporate obscure glazing and/or a sill height of 1.7m (min) above FFL	No – See below.
	<i>Acoustic Privacy</i>		
.4.	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	Yes

Comments: The southern side boundary is shared with the rear boundaries of three (3) adjoining properties. This presents a constraint in that the first floor windows located on the southern side elevation have the potential to directly overlook the rear yards of the southern adjoining properties. It is noted that objections have been received in this regard. Three (3) first floor windows are proposed along the southern elevation, whereby two (2) of these are from the gallery and one (1) is from bedroom 2. The gallery windows have a minimum sill height of 900mm and the bedroom 2 window has a minimum sill height of 1.5m. It is considered suitable to impose a condition requiring any part of the gallery windows lower than 1.7m from the finished floor level to be obscurely glazed to restrict overlooking opportunities to the neighbouring property. However, it is not considered suitable to impose a similar condition to bedroom 2 as this window is the only window to this room and a condition to this regard will adversely impact the amenity of future occupiers of this room in regards to outlook and light. Therefore, a condition of consent is recommended to relocate this window to southern rear elevation (western) as this is adequately setback from the rear adjoining property so as to not result in any adverse and unreasonable overlooking opportunities.

As the Bedroom 3 window (Window AW1030) located on the northern side elevation at first floor level will not directly overlook any windows located at first floor level of the northern neighbouring dwelling, the window is considered acceptable as proposed.

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

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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	
G.	To minimise excavation to reduce disturbance to natural ground level particularly adjacent to site boundaries.	Yes	
8.2 Development Controls		Complies	
.1.	<i>Driveway and Grades</i>		
	1	Existing driveways must be used (exceptions apply)	Yes
	2	The width of driveways at the property boundary is to be 3m	No – See below
	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
	7	Vehicular turning areas for garages complies with relevant Australian Standard	Yes
	10	Driveway set back 0.5 metres (min) from side boundaries	No – See 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)	No – See below.
	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 existing driveway is located on the eastern side of the site frontage and is proposed to be retained as part of the subject application. The existing driveway incorporates a 0.4m side setback from the northern side boundary and has a minimum width of 2.68m. As there are no changes sought to the existing driveway, the non-compliance is considered acceptable in this instance.

An attached integrated single garage is proposed on the eastern side of the dwelling house and will include accommodate one (1) car parking space. This will therefore result in a non-compliance as only one car parking space will be provided behind the building line. Nevertheless, there are opportunities for more than one car to park on the existing driveway in a tandem form. As a result, the non-compliance is considered acceptable within this instance.

10: Water and Soil Management

10.1	Objectives	Satisfactory
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A.	<i>To encourage the incorporation of Water Sensitive Urban Design (WSUD) and Botany Improvement Plan principles in the development.</i>	Yes
B.	<i>To ensure compliance with Council's Stormwater Management Code</i>	Yes
C.	<i>To ensure compliance with the NSW State Government's Flood Prone Lands Policy.</i>	Yes
D.	<i>To ensure that appropriate soil erosion and sediment control measures are implemented on all sites that involve soil disturbances during construction.</i>	Yes
E.	<i>To ensure new building work does not detrimentally affect the existing drainage system of any area of the Municipality.</i>	Yes
F.	<i>To ensure that new development in areas that may be affected by acid sulphate soils do not adversely impact the underlying ground conditions, soil acidity and water quality.</i>	Yes
G.	<i>To appropriately manage stormwater and overland flow to minimise damage to occupants and property</i>	Yes
10.2	Development Controls	Complies
.1.	<i>Stormwater Management and Flood Prone areas</i>	
	2 Compliance with Council's Stormwater Management Code	Yes
	3 Flood affected properties comply with Council's Interim Flood Prone Lands Policy (Flood Prone Areas & Through Site Drainage)	Yes
	4 Minimum habitable floor height advice obtained for flood affected sites	Yes
	5 A drainage/flood report prepared by a hydraulics engineer submitted for sites affected by overland flows	Yes
	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 site is situated within a flood affected area and therefore was referred to Council's Stormwater Engineer who confirmed that the proposal has been designed in accordance with Council's Stormwater Management Code, subject to the imposition of conditions.

11: Access, Safety and Security

11.1	Objectives	Satisfactory
A.	<i>To encourage the incorporation of crime prevention principles in the design of the proposed developments.</i>	Yes
B.	<i>To increase the safety and perception of safety in public and semi-public spaces.</i>	Yes
C.	<i>To provide passive surveillance of the public domain to promote a safe pedestrian environment whilst maintaining the privacy of residents</i>	Yes

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<i>D.</i>	<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	No- See below
	2 Dwelling entrances easily identifiable	Yes

Comments: In this instance it is considered acceptable that the pedestrian and vehicular entries are not separated as the existing front boundary fence is retained (which does not include pedestrian entrance separate to the driveway).

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
	4 Windows do not face an adjoining property (exceptions apply)	Yes
	5 The roof area is not accessible for any purpose	Yes
	6 Outbuildings are not to be used for habitable purposes	Yes
	7 Kitchen facilities are not permitted in an outbuilding	Yes
.3.	<i>Retaining Walls</i>	
	1 Retaining walls 1.2m (max) in height.	Yes

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Comments: The cabana is proposed to be located at the rear of the site and is not visible via the front setback. Proposed schedule of colours and finishes will match the external walls of the proposed dwelling house, being a rendered finish with a tile pitch roof form, comprising of grey and charcoal.

The cabana has a total floor area of 10.7m² and a maximum building height of 3.46m from the natural ground level, which is compliant with the relevant standards under the SCDP 2005. The cabana is setback a minimum of 1.5m from the northern boundary and 900mm from the rear boundary. No windows are proposed on the northern or western side of the cabana. It is considered that this building will result in minimal privacy impacts on the adjoining properties.

Retaining walls are sought along the southern boundary and at the rear of the site in order to create a flat turfed area and step down to the alfresco and dwelling. There are three (3) steps to the turfed area and a height difference of 0.62m. The retaining walls are in excess of 600mm, therefore a qualified practicing engineer is required to design and document the construction of the retaining walls (Condition 3).

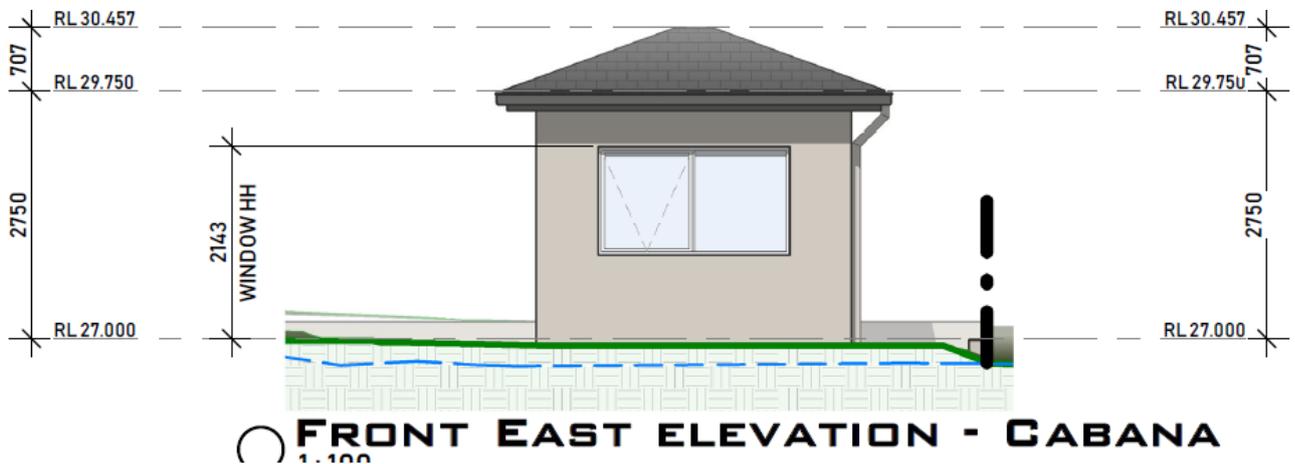


Figure 10: An extract of the cabana via the eastern elevation of the site.



Figure 11: An extract of the rear of the dwelling house where the retaining walls are outlined in red.

13: Ecologically Sustainable Development

13.1 Objectives

Satisfactory

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A.	<i>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.</i>		Yes
B.	<i>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.</i>		Yes
C.	<i>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.</i>		Yes
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
	<i>Natural Lighting and Heating</i>		
.1.	1	Living areas facing north, sleeping areas facing east/south, and utility areas orientated west/south to maximise winter solar access.	Yes
	3	Materials used of high thermal mass	Yes
	<i>Natural Cooling and Ventilation</i>		
.2.	2	Windows positioned to capture breezes and allow for cross-ventilation	Yes
	9	Support structure installed to the requirements of a qualified practicing structural engineer or to the maker's specifications.	Yes

Comments: The application was accompanied by a BASIX Certificate, which demonstrates compliance with the designated targets for water and energy reduction.

PART H - WASTE MANAGEMENT (SCDCP 2005)

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

PART P - HERITAGE AND CONSERVATION

Cl.	Aims	Complies
1.11		
A	<i>To preserve and enhance the visual and environmental amenity of heritage items and heritage conservation areas within the municipality of Strathfield</i>	Yes
B	<i>Ensure all new development affecting heritage items and conservation areas is designed to be compatible in setting, scale, setbacks, form, materials and character with the building and surrounding area</i>	Yes
C	<i>Ensure that development in the vicinity of a heritage item or conservation area does not have any adverse impact on the heritage significance or setting and that development is compatible in setting, scale, setbacks, form, materials and character with the item or conservation area</i>	Yes
D	<i>Conserve archaeological sites and places of Aboriginal significance</i>	N/A

Comments: The subject site is located approximately 70m from the property boundary of 2 Edgar Street (Item I132 - St Patrick's College Brother Hickey Building) and is physically separated from the rear boundary of the Marion Street Heritage Conservation Area (C12) by more than 2 properties. Council's Heritage Advisor advised that given the distance of the proposed development from the nearby heritage item and conservation area, that the proposal is not anticipated to give rise to any undue impact upon the heritage significance of the item or conservation area.

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

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

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

The requirements of Australian Standard *AS2601–1991: The Demolition of Structures* is relevant to the determination of a development application for the demolition of a building. The proposed development involves the demolition of a building. Should this application be approved, appropriate conditions of consent may be imposed to ensure compliance with the requirements of the above standard.

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

The likely impacts of the development, including the environmental impacts on both the natural and built environments, and social economic impacts in the locality have been addressed in this report.

Amendments have been made to the initial Landscape and Stormwater Concept Plan during the assessment period as there was a number of conflicting issues identified with the recommendations in the Arboricultural Report. Specifically, this related to the cutting and filling works for the dwelling house having adverse impacts to the trees located within the front setback of the site. Amended Architectural plans and a Tree Management Plan has since been provided, detailing the appropriate protection measures that are to be carried out for trees located within the front setback of the site.

The southern side boundary is shared with the rear boundaries of three (3) adjoining properties. This presents a constraint in that the first floor windows located on the southern side elevation have the potential to directly overlook the rear yards of the southern adjoining properties. It is noted that objections have been received in this regard. Three (3) first floor windows are proposed along the southern elevation, whereby two (2) of these are from the gallery and one (1) is from bedroom 2. The gallery windows have a minimum sill height of 900mm and the bedroom 2 window has a minimum sill height of 1.5m. It is considered suitable to impose a condition requiring any part of the gallery windows lower than 1.7m from the finished floor level to be obscurely glazed to restrict overlooking opportunities to the neighbouring property. However, it is not considered suitable to impose a similar condition to bedroom 2 as this window is the only window to this room and a condition to this regard will adversely impact the amenity of future occupiers of this room in regards to outlook and light. Therefore, a condition of consent is recommended to relocate this window to southern rear elevation (western) as this is adequately setback from the rear adjoining property so as to not result in any adverse and unreasonable overlooking opportunities.

Overall, the subject proposal 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 site is considered to be suitable for the proposed development as the site is zoned R2 – Low Density Residential whereby dwelling houses are permissible with development consent in this zone. The surrounding area is predominately residential in nature. It is considered that the design of the dwelling house has appropriately considered the existing streetscape character as respects the significance of surrounding heritage items and conservation areas. The proposed dwelling has been designed to respond to the flood affectation of the site. There are no other affectations which would render the site unsuitable for the proposed development.

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Therefore, the site is considered suitable for the proposed development.

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

The application was notified from 13 May 2019 to 27 May 2019 in accordance with the provisions of Part L of SCDCP 2005. Two (2) written submissions objecting to the proposal were received. These neighbours were contacted by phone to discuss the matters raised in their submissions.

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

1. *The windows on the first floor, southern elevation will overlook the adjoining private open space (for 5 Edgar Street, Strathfield), therefore creating adverse privacy impacts. It is therefore considered that these windows should have appropriate screening to prevent overlooking onto the private open space.*

Assessing officer's comments: As stated previously in this report, in regards to the south facing first floor gallery windows, a condition of consent is recommended to incorporate obscured glazing up to a height of 1.7m of this window measured from the finished floor level. It is also recommended that the southern facing Bedroom 2 window is relocated to the southern (rear) elevation so as to address unreasonable privacy impacts to this neighbour.

2. *There is not enough car parking spaces for a six (6) bedroom house.*

Assessing officer's comments: Under Part A of the SCDCP 2005, a minimum of two (2) car parking spaces are to be provided on site. Although only one (1) car parking space is provided behind the front building line, there is opportunity for parking on the existing driveway in a tandem configuration. As a result, it is considered that the site has been designed with appropriate consideration to on-site car parking.

3. *There is no need for a Pooja. Holding religious ceremonies will attract additional traffic onto Fraser Street.*

Assessing officer's comments: The proposal is for a single dwelling house where the Pooja is incorporated into the design of the dwelling and is only 12.78m² in size. Therefore, the use of this room is to be ancillary to the use of the dwelling, and therefore unlikely to generate any additional traffic to the site beyond the traffic generated by the approved use (dwelling house). Any uses which are undertaken on the site outside of the development consent addressed by way of enforcement action.

4. *The chosen external finishes of the dwelling house are considered to not be sympathetic with the existing streetscape character. DA1996/097 was required to retain the red brick and terracotta tile roof that is currently reflective within the wider streetscape.*

Assessing officer's comments: Council's development controls and policies have changed since this previous application was under consideration. Furthermore, the context of the site has changed whereby it is noted that a number of older housing stock have been replaced by more contemporary styled dwellings which now form the character of the surrounding area. The proposed external finishes and colours are considered to be sympathetic with the existing streetscape character and does not detract from the significance of nearby heritage items and conservation areas.

5. *There are overhanging branches onto the adjoining property (35 Fraser Street, Strathfield). As a result, there are significant safety risks as they directly overhang power lines into the property. It is therefore requested that these branches are removed.*

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Assessing officer's comments: It is noted that the objector is referring to Tree number 6. The application does not involve the removal or pruning of this tree. As this is a Significant tree a separate application will be required for pruning or the removal of this tree.

4.15(1)(e) The public interest

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

LOCAL INFRASTRUCTURE CONTRIBUTIONS

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

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

STRATHFIELD INDIRECT SECTION 7.12 CONTRIBUTIONS PLAN

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

Local Amenity Improvement Levy	\$9,054.24
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CONCLUSION

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

PEER REVIEW

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

RECOMMENDATION

That Development Application No. 2019/066 for the demolition of existing structures and construction of a new two (2) storey dwelling house, cabana and associated landscaping works at 37 Fraser Street, Strathfield is **APPROVED**, subject to the following conditions of consent.

SPECIAL CONDITIONS (SC)

1. OBSCURE GLAZING

The south-facing gallery windows located at first floor level (windows AW1524) are to be obscurely glazed up to a height of 1.7m measured from finished floor level.

Amended plans demonstrating compliance with this condition are to be submitted to and approved by a Principle Certifying Authority, prior to the issue of a construction certificate.

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

2. RELOCATION OF BED 2 WINDOW

The south-facing Bedroom 2 window located at first floor level (window AW1030) is to be relocated to the western elevation (rear).

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

3. UPDATE DEMOLITION PLAN TO REFLECT TREE MANAGEMENT PLAN (SC)

The Demolition Plan must be updated to reflect the protection zones and requirements in the Tree Protection Plan/Tree Management Plan. Amended Plans complying with this condition is to be prepared and approved by a Principle Certifying Authority, prior to the issuing of a construction certificate.

(Reason: To protect the existing trees on site.)

4. RETAINING WALLS (SC)

Retaining walls which are in excess of 0.6m in height are to be fully designed and documented by a qualified practising engineer. Plans detailing the retaining wall are to be submitted to, and approved by the Principal Certifying Authority prior to issuing a Construction Certificate.

(Reason: To comply with Council's Development Control Plan Part A.)

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. 2019/066:

Drawing No.	Title/Description	Prepared by	Issue / Revision & Date	Date received by Council
O1F	Colour Selections	Charleston Homes Pty Ltd	Issue H / 28 September 2018	6 May 2019
L – 01	Landscape Plan	Eco Design	Revision C / 18 June 2019	28 June 2019
C1	Cover Sheet and Notes	Charleston Homes Pty Ltd	Issue B / April 2019	28 June 2019
C2	Stormwater Management Plan	Charleston Homes Pty Ltd	Issue B / April 2019	28 June 2019
C3	Stormwater Management Details Sheet No.1	Charleston Homes Pty Ltd	Issue B / April 2019	28 June 2019
TMP – 01	Tree	Arboreport	Revision A / 25	26 July 2019

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	Management Plan		July 2019	
TMP – 02	Tree Management Plan	Arboreport	Revision A / 25 July 2019	26 July 2019
TMP – 03	Tree Management Plan	Arboreport	Revision A / 25 July 2019	26 July 2019
O1	Site Plan	Charleston Homes Pty Ltd	Issue 1 / 28 September 2018	28 June 2019
O1A	Site Management Plan	Charleston Homes Pty Ltd	Issue 1 / 28 September 2018	28 June 2019
O1H	Demolition Plan	Charleston Homes Pty Ltd	Issue 1 / 28 September 2018	28 June 2019
O2	Ground Floor Plan	Charleston Homes Pty Ltd	Issue 1 / 28 September 2018	28 June 2019
O2A	First Floor Plan	Charleston Homes Pty Ltd	Issue 1 / 28 September 2018	28 June 2019
O2B	Cabana	Charleston Homes Pty Ltd	Issue 1 / 28 September 2018	28 June 2019
O3	Roof Plan	Charleston Homes Pty Ltd	Issue 1 / 28 September 2018	28 June 2019
O4	Elevations	Charleston Homes Pty Ltd	Issue 1 / 28 September 2018	28 June 2019
O4A	Elevations	Charleston Homes Pty Ltd	Issue 1 / 28 September 2018	28 June 2019
O4B	Perspectives	Charleston Homes Pty Ltd	Issue 1 / 28 September 2018	28 June 2019
O5	Sections	Charleston Homes Pty Ltd	Issue 1 / 28 September 2018	28 June 2019
O6	Basix	Charleston Homes Pty Ltd	Issue 1 / 28 September 2018	28 June 2019

Reference Documentation affixed with Council's 'Development Consent' stamp relating to Development Consent No. 2019/066:

Title / Description	Prepared by	Issue/Revision & Date	Date received by Council
Arboricultural Report	Arboreport Vegetation Management Consultants	15 April 2019	6 May 2019

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Waste Management Plan	Jeremy Moy	25 April 2019	6 May 2019
Certificate Number: 1008231S	BASIX Certificate	23 April 2019	6 May 2019

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

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

6. **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.)

7. **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.)

8. **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.

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- 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.)

9. 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.)

10. 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

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- ii) 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.)

11. 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.)

12. 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.)

13. 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.)

14. 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
T7	Frangipani	Front yard
T8	Weeping Bottlebrush	Rear yard
T9	Murraya	Rear yard

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T10	Weeping Fig	Rear yard
T11	Water Gum	Rear yard
T12	Weeping Fig	Rear yard
T13	Silky Oak	Rear yard
T14	Alexandra Palm	Rear yard

All trees shown to be removed as submitted on the site plan/landscape plan by Arboreport, sheet number T-01, revision B and dated 12 April 2019 are permitted to be removed to accommodate the proposed development.

(Reason: To clarify trees permitted to be removed.)

15. TREE REPLACEMENT (GC)

Tree replacement is to be in accordance with the Landscape Plan prepared by Eco Design, Revision C dated 18 June 2019 and received by Council on 28 June 2019.

Replacement 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 replacement 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 adequate landscaping is provided on site.)

16. 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

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protected as described below;

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

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

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

17. 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

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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.)

18. TREE BONDS (CC)

A tree bond totaling **\$20,000.00** (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.)

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.

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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 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

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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.

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

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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.)

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

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

Local Amenity Improvement Levy	\$9,054.24
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The total amount of the contribution is valid as at the date of determination and is subject to quarterly indexation. The amount of the contribution under this condition shall be indexed in accordance with clause 4.12 of the Strathfield Indirect Development Contributions Plan 2010-2030.

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

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

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

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

27. PRIVACY - OBSCURE GLAZING IN WET AREAS (CC)

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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.)

28. 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.)

29. STORMWATER - RAINWATER RE-USE (CC)

A rainwater re-use system shall be provided in accordance with either the BASIX minimum requirements, any relevant Council Rainwater Policy and/or specification of the management of stormwater, whichever is applicable. A detailed stormwater plan showing the proposed re-use system shall be submitted to and approved by the Principal Certifying Authority, prior to the issue of a Construction Certificate.

(Reason: Compliance and amenity.)

30. 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.

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- 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.)

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

31. 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.)

32. HOME BUILDING COMPENSATION FUND (CW)

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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.)

33. 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)

34. 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.

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(Reason: To maintain public access and safety.)

35. 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)

36. 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.)

37. 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.)

38. RAINWATER TANKS (OC)

Rainwater tanks must be installed on residential properties by a suitably qualified and

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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.)

39. 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.)

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

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

(Reason: Adequate stormwater management.)

ATTACHMENTS

There are no attachments for this report.

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