

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, 21 February 2020

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

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IDAP AGENDA ITEMS

IDAP - Report No. 1

DA2019/171 121 Albert Road, Strathfield

Lot 1 in DP 2262483

TO: Strathfield Internal Development Assessment Panel Meeting - 21 February 2020

REPORT: IDAP – Report No. 1

SUBJECT: DA2019/171 121 ALBERT ROAD, STRATHFIELD
LOT 1 IN DP 226248

DA NO. DA2019/171

SUMMARY

Proposal: Alterations and additions to existing dwelling and front boundary fencing.

Applicant: Thanh Trung Do

Owner: Thanh Trung Do

Date of lodgement: 22 October 2019

Notification period: 1 November 2019 to 15 November 2019

Submissions received: Nil

Assessment officer: ND

Estimated cost of works: \$70,000

Zoning: R2 Low Density Residential - Strathfield Local Environmental Plan (SLEP) 2012

Heritage: The site is not located within a heritage conservation area or a heritage listed item. The site is located within the vicinity of multiple heritage items listed under Schedule 5 of the SLEP 2012.

Flood affected: Yes

Is a Clause 4.6 variation proposed? No

RECOMMENDATION OF OFFICER: **APPROVAL**

EXECUTIVE SUMMARY

The application seeks Council approval for alterations and additions to an existing dwelling and front boundary fence.

The plans and documentation were notified in accordance with Part L of the Strathfield Consolidated Development Control Plan (SCDCP) 2005 from 1 November 2019 to 15 November 2019. No written submissions were received.

As discussed in this report, the proposed works achieve compliance with the relevant parts of the SLEP 2012 and SCDCP 2005 generally with special conditions of consent recommended to ensure adequate tree protection and privacy outcomes.

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

BACKGROUND

DA2019/171 121 Albert Road, Strathfield
Lot 1 in DP 226248 (Cont'd)

- 22 October 2019** The subject application (DA2019/171) was lodged.
- 1 November 2019 to
15 November 2019** The application was notified in accordance with Part L of the SDCDP 2005. No written submissions were received.
- 18 November 2019** A letter was sent to the Applicant requesting a BASIX Certificate and additional details in the schedule of colours and external finishes.
- 27 November 2019** The applicant submitted an amended schedule of colours and finishes and a BASIX Certificate.
- 13 February 2020** Correspondence was sent to the Applicant detailing Council's Tree Officer's concerns regarding the encroachment of the proposed roof works into the adjoining property tree.
- 18 February 2020** Written consent from the owners of No. 123 Albert Road permitting tree pruning was submitted to Council.

DESCRIPTION OF THE SITE AND LOCALITY

The subject site is located on the northern side of Albert Road and is commonly known as No. 121 Albert Road, Strathfield (Figure 1). The site is rectangular in shape and features a 15.24m street frontage to Albert Road and a total site area of 1,069m². The site is presently occupied by a two storey dwelling (Figure 2). The existing streetscape comprises of traditional and modern style dwelling featuring exposed facebrick and rendered masonry exterior walls and pitched tiled roof forms. The site is located within the vicinity of the following heritage items listed under Schedule 5 of the Strathfield Local Environmental Plan (SLEP) 2012:

- Item I73 – 'Cofu' – Federation House at No. 113 Albert Road;
- Item I74 – 'Glenfarne' – Victorian Italianate Villa at No. 164 Albert Road; and
- Item I175 – Victorian Villas at No. 174 and 186 Albert Road.

DA2019/171 121 Albert Road, Strathfield
Lot 1 in DP 226248 (Cont'd)



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



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

PROPERTY BURDENS AND CONSTRAINTS

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

DA2019/171 121 Albert Road, Strathfield
Lot 1 in DP 226248 (Cont'd)

DESCRIPTION OF THE PROPOSED DEVELOPMENT

The application seeks Council approval for alterations and additions to existing dwelling and front boundary fencing.

The specific elements of the proposal are:

Lower ground floor level:

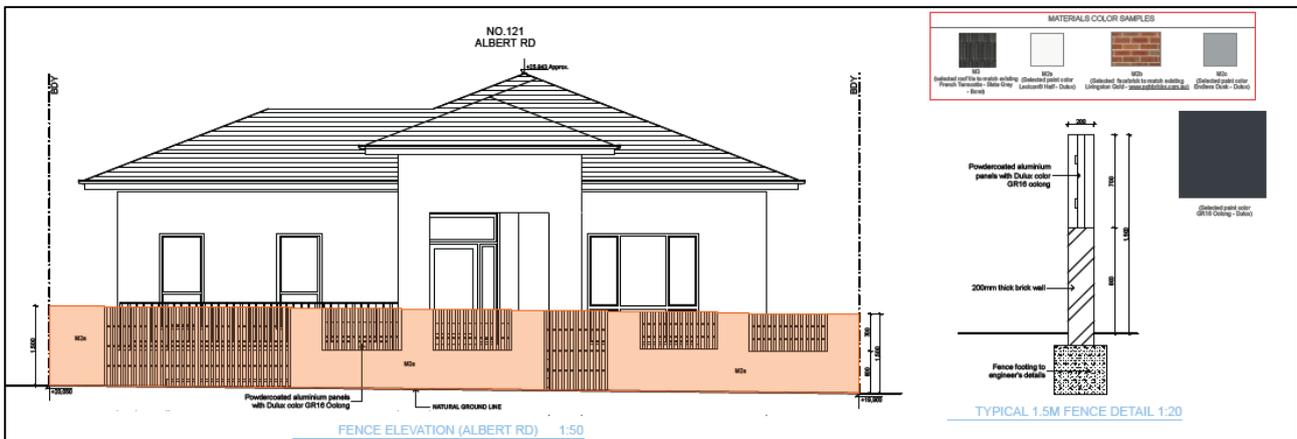
- Demolition and construction of internal walls to convert the existing games room, storage, kitchen, living room to an open plan family room dining room and entertainment bar, billiard room, storage, two (2) bedrooms and laundry/bathroom;
- Installation of two (2) windows on the western elevation; and
- Installation of one (1) additional window on the eastern elevation.

Ground floor level:

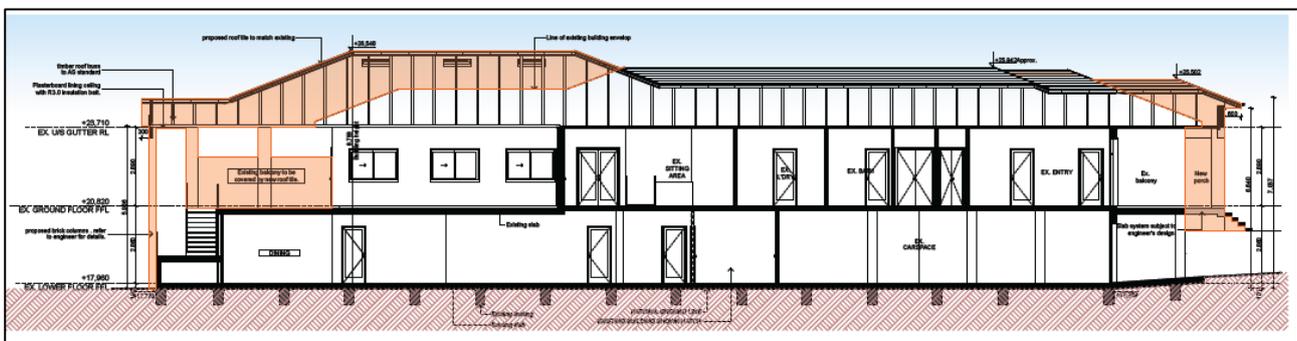
- Extension of the front porch including roof; and
- Extension of existing hip roof over the rear verandah to create a covered outdoor area;

Other works:

- Construction of a 1.5m high pier and infill style front fence; and
- Associated stormwater works.



Proposed streetscape elevation and schedule of colours and finishes.



Proposed section plan.

DA2019/171 121 Albert Road, Strathfield
Lot 1 in DP 226248 (Cont'd)



Proposed streetscape elevation

REFERRALS

INTERNAL REFERRALS

Engineering Comments

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

Landscaping Comments

Council's Tree Coordinator offered no objections to the proposal, subject to consent being obtained from the adjoining property (No. 123 Albert Road) for the *Melaleuca linnarifolia* tree to be pruned by a qualified Arborist due to the encroachment of the tree canopy into the proposed roof area.

Heritage Comments

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

"The modification to the front of the house (the portico) is unlikely to have an impact on the heritage items in the vicinity as it's a minor change to the bulk and form of the dwelling which is well set back from the street (see Image 2). The fence, is similar in style and form as the adjoining fence and therefore should blend into the streetscape.

The schedule shows that the M2a colour will be Lexicon Half – Dulux – an off white colour. This is an acceptable colour which is unlikely to impact on the heritage items located across the road from the site.

The proposal is therefore supported on heritage grounds."

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

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STATE ENVIRONMENTAL PLANNING POLICY (SEPP) – BASIX 2004

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

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

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

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

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

The objectives outlined within SEPP 55 are considered to be satisfied.

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

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

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

The proposal does not seek to remove any trees, however Council's Tree Coordinator noted that the proposed roof area over the existing rear balcony will encroach into the tree canopy of the neighbouring tree at No. 123 Albert Road. Consequently the applicant approached the owners of the adjoining property and obtained written consent permitting the tree to be pruned for the purpose of the development application. Conditions of consent pertaining to the tree pruning including for it to be undertaken by a qualified arborist and in accordance with Australian Standards are to be imposed.

To minimise excavation works associated with the construction of the front fence and protect the existing street tree, a condition of consent requiring the foundations of the existing fence or alternatively using a lintel system has been included.

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Figure 3: Rear view of the existing dwelling and adjoining property tree.

STRATHFIELD LOCAL ENVIRONMENTAL PLAN 2012 (SLEP 2012)

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

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

Comments: The proposed development will not detract from the nearby heritage listed dwellings and is not anticipated to impact on the amenity of the adjoining properties.

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Permissibility

The subject site is Zoned R2 Low Density Residential under Strathfield Local Environmental Plan (SLEP) 2012. Dwelling houses are permissible within the R2 Low Density Residential Zone with consent and are defined under SLEP 2012 as follows:

“dwelling house means a building containing only one dwelling”

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

Zone Objectives

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

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

Comments: The proposed development involves alterations and additions to an existing two storey dwelling which provides for the housing needs of the community in a low density residential setting. Therefore, the proposal generally complies with the objectives of the R2 – Low Density Residential zone.

Part 4: Principal development standards

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

Height of building

Cl.	Standard	Controls	Proposed	Complies
4.3	<i>Height of building</i>	9.5m	8.788m	Yes

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

Comments: The proposed development will result in the dwelling house having a maximum building height of 8.78m, achieving compliance with the maximum 9.5m building height standard (Figure 4).

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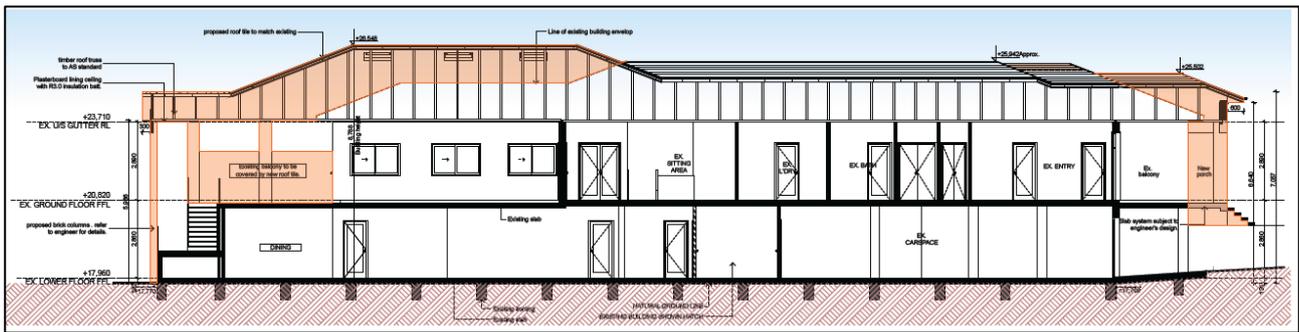


Figure 4: Section plan of the development (proposed works shaded in orange).

Floor space ratio

Cl.	Standard	Controls	Existing	Proposed	Complies
4.4	Floor space ratio	0.50:1 (534.5m ²)	0.47:1 (509.53m ²)	Unchanged	Yes

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

Comments: The proposed development will not increase the compliant floor space ratio of the existing dwelling.

Part 5: Miscellaneous Provisions

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

5.10 Heritage Conservation

Clause 5.10(5) of the SLEP 2012 requires consideration be given to the potential impacts of development upon the nearby heritage items including associated fabric, settings and views. As previously detailed, the subject site is located within the vicinity of multiple heritage listed dwellings. Whilst the proposed works will result in a minor change to the bulk and form of the dwelling when viewed from the public domain, the overall form is consistent with the streetscape and will not detract from the heritage listed items. The proposed pier and infill style front fence is also consistent with the surrounding streetscape. The colour palette of the proposed works can be described as recessive with neutral colour tones including 'Lexicon', 'GR16 Oolong' and 'Endless Dusk' that complement the existing dwelling and do not detract from the heritage items. Council's Heritage Advisor raised no objection to the development application.

Part 6: Local Provisions

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

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6.1 Acid sulfate soils

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

6.2 Earthworks

The proposal involves minimal earthworks, nonetheless appropriate conditions of consent including the implementation of the submitted soil erosion and sediment control plan are recommended.

6.3 Flood planning

The subject site is identified as being affected by overland floodwaters in the 1 in 100 year floor event. The proposal does not increase the existing building footprint and submitted stormwater drainage plans achieving compliance with Council's Stormwater Management Code. Council's Stormwater Engineer raised no objection to the proposal, subject to the imposition of the recommended conditions.

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.	N/A

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E.	To encourage contemporary architecture that is innovative, uses high quality detailing, and incorporates elements characteristic of Strathfield.	Yes	
F.	To promote the continuance of pyramidal roof forms within Strathfield where they are already prevalent.	Yes	
G.	To retain a feeling of openness and space between built elements by maintaining landscaped setbacks and preserve the appearance of dwellings set in the treelined streets and park-like environment.	Yes	
H.	To reduce the use of highly reflective colours and materials that create visual prominence.	Yes	
I.	To ensure fencing is sympathetic to the design of the dwelling and the street and enhances the character of both the individual house and street whilst maintaining casual surveillance of the neighbourhood.	Yes	
J.	To protect and retain the amenity of adjoining properties.	Yes	
2.2 Development Controls		Complies	
<i>Streetscape Presentation</i>			
.1.	2	Consistently occurring building features integrated within dwelling design.	Yes
	3	Consideration of streetscape elements	Yes
<i>Scale, Massing & Rhythm of Street</i>			
.2.	1	Scale, massing, bulk and layout complement the existing streetscape and the dominant building rhythm	Yes
	2	Building height and mass maintains amenity to adjacent properties open space or the public domain	Yes
<i>Building Forms</i>			
.3.	1	Building form articulated.	Yes
<i>Roof Forms</i>			
.4.	1	Roof form complements predominant form in the locality	Yes
	<i>Materials</i>		
	5	Materials compatible with the existing dwelling house, adjoining dwelling houses and the streetscape (type, form and colour)	Yes
	<i>Colours</i>		
	8	New development incorporates traditional colour schemes	Yes
9	The external colours integrate harmoniously with the external design of the building	Yes	

Comments: The proposed additions are consistent with the character of the surrounding streetscape and also complement the features of the existing dwelling including the single storey portico. Specifically, the roof form of the single storey portico and rear balcony are pitched to match the existing dwelling and is also the predominant roof form in Albert Road. The pier and infill style front fence with vertically orientated infill battens are in keeping with the dominant fencing style of the street.

The external colours and materials include 'Slate Grey' roof tiles (to match the existing roof) and Lexicon Half', 'GR16 Oolong' and 'Endless Dusk' paint colours. The paint colours and rendered masonry finish accord with the colour tones and materials of more contemporary dwellings within the streetscape. Council's Heritage Officer raised no objections to the proposed paint colours.

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4: Building Envelope

4.1	Objectives	Satisfactory
A.	To ensure that dwellings are compatible with the built form of the local area and that overall bulk and scale, size and height of dwellings relative to natural ground level responds to the adjoining dwellings, topography and desired future character.	Yes
B.	To minimise impact on the amenity of adjoining properties.	Yes
C.	To establish and maintain the desired setbacks from the street and define the street edge.	Yes
D.	To create a perception or reinforce a sense of openness in the locality.	Yes
E.	To maintain view corridors between dwellings	Yes
F.	To assist in achieving passive surveillance whilst protecting visual privacy.	Yes
G.	To provide a transitional area between public and private space.	Yes
4.2	Development Controls	Complies
	<i>Floor Space Ratio</i>	
.1.	1 Floor Space Ratio permissible pursuant to SLEP 2012	Yes
	2 Development compatible with the lot size	Yes
	<i>Building Height</i>	
.2.	1 Height of building permissible pursuant to SLEP 2012	Yes
	<i>Street Setbacks</i>	
.3.1.	1 Setbacks consistent with minimum requirements of Table A.1	Yes

Comments: The proposed additions achieve numerical compliance with the building height standards and does not increase the compliant FSR of the dwelling under Clause 4.3 and 4.4C of the SLEP 2012. The development does not alter the side or rear setbacks of the existing dwelling as the proposed roof is to cover the existing rear balcony. In accordance with Section 4.2.3.1 the development provides a compliant 13.33m front setback and is in keeping with the front setback rhythm of the street.

5: Landscaping

5.1	Objectives	Satisfactory
A.	To encourage landscaping that is appropriate to the style and scale of the dwelling and adjoining development, and to the streetscape.	N/A
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.	N/A
C.	To preserve existing landscape elements on site (such as existing trees) and encourage their integration into the design of proposals.	N/A

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D.	To ensure adequate deep soil planting is retained on each allotment.	N/A
E.	To ensure developments make an equitable contribution to the landscape setting of the locality.	N/A
F.	To ensure both existing and new landscaping provides suitable shade and facilitates convective cooling breeze paths in summer.	N/A
G.	To encourage the use of native flora such as open woodland canopy trees, to provide a habitat for native fauna.	N/A
H.	To ensure that landscaped areas are designed to minimise water use.	N/A
I.	To provide functional private open spaces for active or passive use by residents.	N/A
J.	To provide private open areas with provision for clothes drying facilities screened from the street and lane or a public place.	N/A
K.	To ensure the protection of trees during construction	Yes
L.	To ensure suitable fencing is provided to reduce acoustic impacts and enhance visual privacy between neighbouring residents whilst enabling front fences passive surveillance of the street.	Yes
M.	To maximise the amenity of existing and proposed developments, including solar access, privacy and open space.	Yes
5.2	Development Controls	Complies
	<i>Tree Protection</i>	
.2.	4 New dwellings and alterations and additions are set back an appropriate distance from all trees.	Yes
	<i>Private Open Space</i>	
.3.	3 Terraces and decks (at least 10m ²) with one length or width 3m (min) and directly accessible from an internal living area. Decks cannot be located more than 500mm above NGL	No. Refer to discussion below.
	<i>Fencing</i>	
.4.	1 Fencing designed to be compatible and sympathetic to the style of the dwelling, adjoining properties and the streetscape	Yes
	3 Fencing forward of FBL shall not exceed 1.5m. Solid components shall not exceed 0.7m above NGL with the exception of brick piers	Yes
	7 Front fences visually permeable	Yes

Comments: During the assessment process Council's Tree Coordinator noted that the *Melaleuca linnarifolia* tree at No. 123 Albert Road would be impacted by the proposed roof extension as the tree overhangs into the subject site. As previously discussed, the sites' owner approached the owner of the adjoining property and obtained written consent for the tree to be pruned as part of the development works. All tree pruning works are to be undertaken by a qualified arborist.

The proposal includes a pier and infill style front fence with a maximum height of 1.5m. The design of the fence with vertically orientated infill is consistent with the streetscape and is appropriately stepped in response to the topography of the site. Contrary to the development control, the solid component of the fence (excluding the piers) is 800mm in contrast to the 700mm control. A condition of consent requiring the front fence to achieve compliance with the control is recommended. Additionally, to protect the existing street tree from excavation works associated

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with the construction of the front fence, the foundations of the existing fence are to be utilised or alternatively an above ground lintel system.

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.	2 Alterations or Additions – maintain 3 hours solar access between 9.00am and 3.00pm on June 21 to the windows of habitable rooms and to the majority of private open space	Yes

Comments: The south-north orientation of the site and the overall design of the proposal ensures that the adjoining residences will receive at least three (3) hours of solar access on the winter solstice (as illustrated in Figure 5).

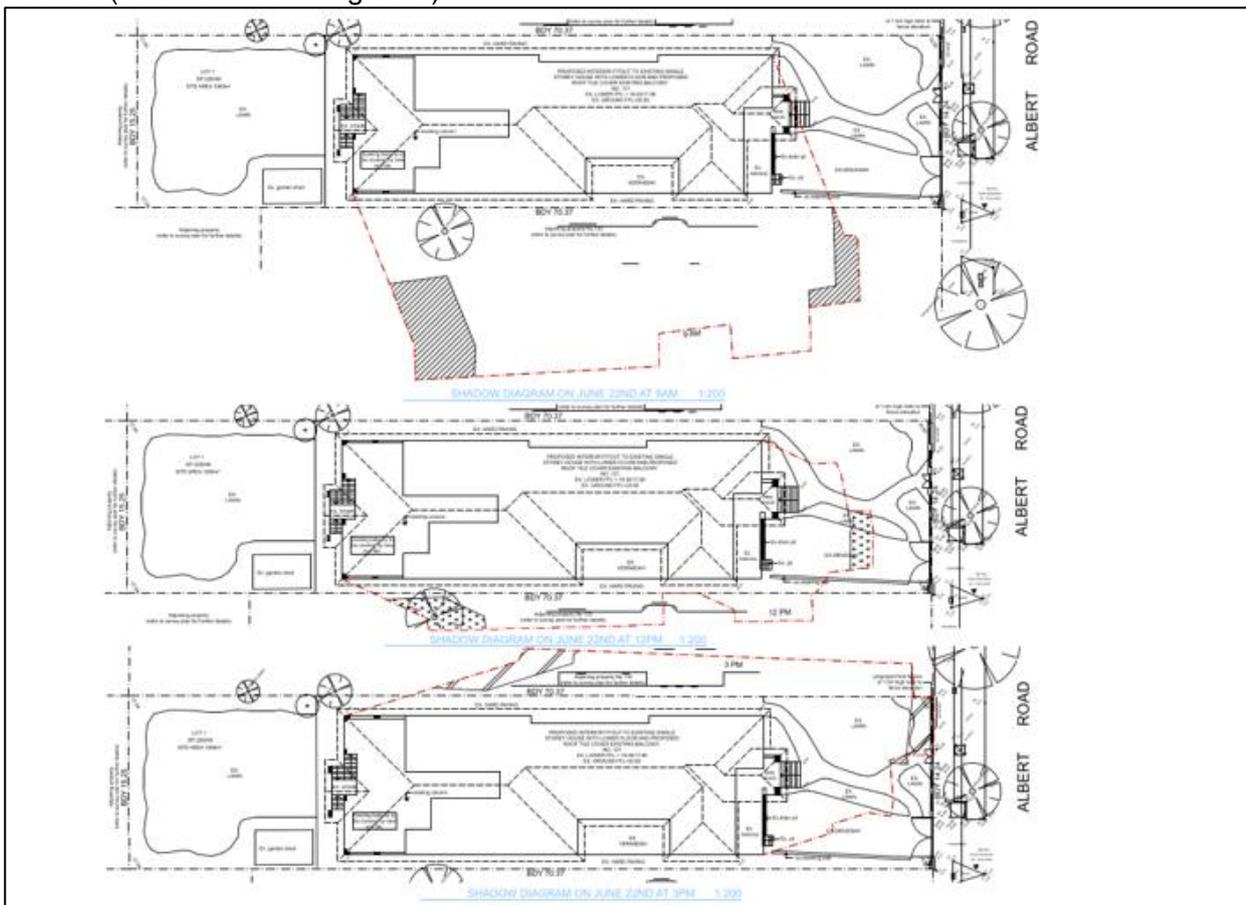


Figure 5: Shadow diagrams of the proposed development at the winter solstice.

7: Privacy

7.1 Objectives		Satisfactory
A.	Development that is designed to provide reasonable privacy to adjacent properties	Yes

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

Comments: The three (3) windows proposed on the lower ground floor are appropriately off-set and do not require any privacy measures.

The proposed roof extension over the existing upper level rear balcony includes three skylights and four (4) x 1.9m high solid walls panels on the side elevations (Figure 7). The solid walls on the side elevations will provide an improved privacy outcome between the residents of the site and adjoining properties, including the swimming pool at No. 119 Albert Road as the existing balcony has no privacy measures installed (see Figure 6). However, the height of the walls exceeds 1.4m and therefore constitutes as floor space under the SLEP 2012 resulting in a non-compliant FSR. As the proposed addition results in an improved amenity outcome, a condition of consent is recommended for the solid walls to be replaced with fixed horizontal privacy louvers attaining a maximum height of 1.7m.

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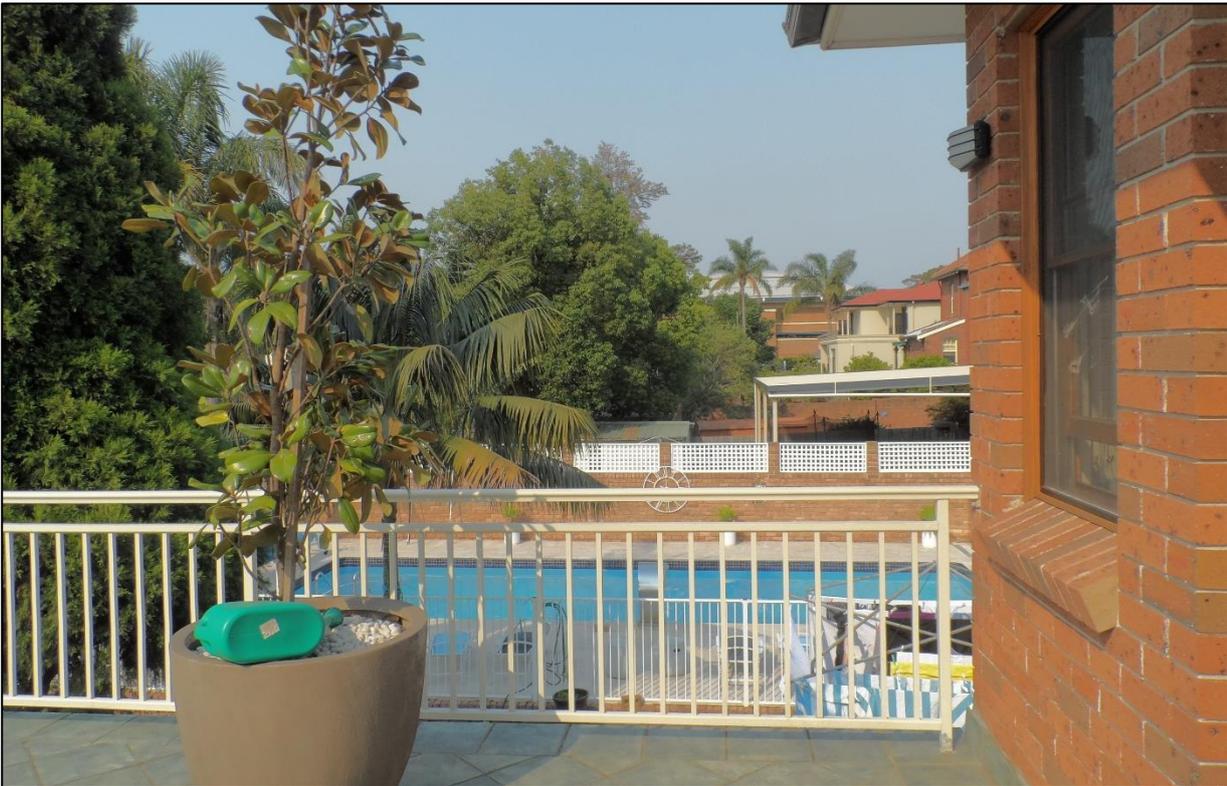


Figure 6: View from existing balcony into adjoining property at No. 119 Albert Road.

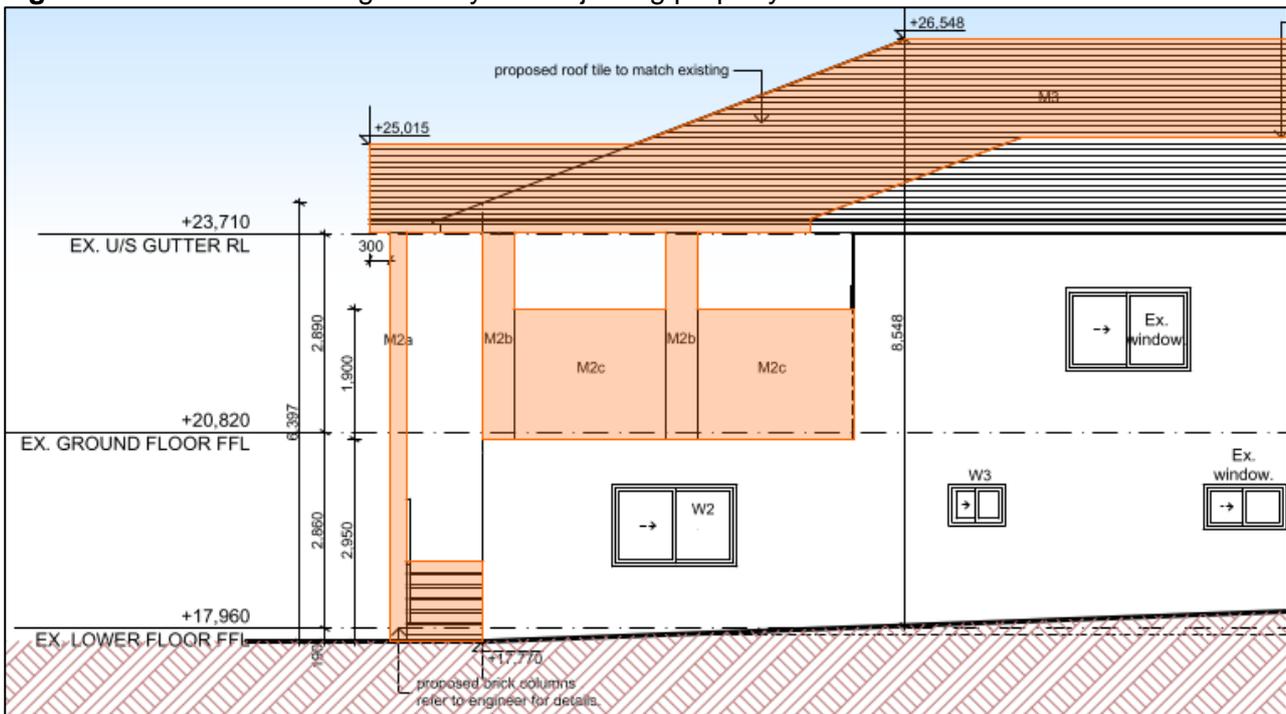


Figure 7: Proposed additions to rear of existing dwelling.

9: Altering Natural Ground Level (Cut and Fill)

9.1	Objectives	Satisfactory
A.	To maintain existing ground levels and minimise cut and fill to reduce site disturbance.	Yes

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B.	<i>To ensure existing trees and shrubs are undisturbed, ground water tables are maintained and impacts on overland flow/drainage are minimised.</i>		Yes
9.2	Development Controls		Complies
	1	Fill limited to 1m (max) above NGL	Yes
	8	Avoid excessive fill that creates the potential for overlooking of adjoining properties	Yes

Comments: The proposed development involves minimal earthworks. Conditions of consent are recommended to ensure all earthworks are undertaken in an appropriate manner and soil erosion and sediment control measures are implemented.

10: Water and Soil Management

10.1	Objectives		Satisfactory
A.	<i>To encourage the incorporation of Water Sensitive Urban Design (WSUD) and Botany Improvement Plan principles in the development.</i>		N/A
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
	<i>Stormwater Management and Flood Prone areas</i>		
.1.	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
.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

Comments: As previously discussed, the subject site is subject to flooding and not affected by potential Acid Sulfate Soils. Council's Development Engineer has raised no concerns with the submitted stormwater drainage plans subject to the conditions of consent.

11: Access, Safety and Security

11.1	Objectives		Satisfactory
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A.	To encourage the incorporation of crime prevention principles in the design of the proposed developments.	Yes
B.	To increase the safety and perception of safety in public and semi-public spaces.	Yes
C.	To provide passive surveillance of the public domain to promote a safe pedestrian environment whilst maintaining the privacy of residents	Yes
D.	To ensure the safety of pedestrians by separating pedestrian access from vehicular access.	Yes

11.2	Development Controls	Complies
	Address and Entry Sightlines	
.1.	1 Occupants able to overlook public places to maximise passive surveillance	Yes
	2 Landscaping design around dwellings and ancillary structures to accommodate plant maturation	Yes
	Pedestrian Entries	
.2.	1 Pedestrian entries and vehicular entries suitably separated	Yes
	2 Dwelling entrances easily identifiable	Yes

Comments: The dwelling is orientated to Albert Road and the new front porch provides a more defined and identifiable pedestrian entry for the dwelling and improved articulation of the front façade. The front building façade comprises of multiple windows facing the public domain thereby creating passive surveillance opportunities.

13: Ecologically Sustainable Development

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

Comments: A BASIX Certificate was submitted as part of the development application meeting the designated targets for energy and water reduction. Conditions of consent have been recommended to ensure compliance with the Certificate.

PART H - WASTE MANAGEMENT (SCDCP 2005)

A Waste Management Plan prepared in accordance with Part H of the SCDCP 2005 accompanied the development application. Conditions of consent have been recommended to ensure the waste generated during the demolition and construction phases of the development are disposed of appropriately.

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

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

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

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

The proposed development 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 proposal maintains the existing land use of the site as a single detached dwelling house achieving an acceptable level of streetscape compatibility. As discussed in this report, concerns were raised by Council's Tree Coordinator regarding potential damage to the canopy of the adjoining property tree attributed to the proposed roof works. Subsequently, the applicant approached the owners of the adjoining property and obtained consent for the tree to be pruned. Conditions of consent have been included to ensure the tree pruning is undertaken by a qualified arborist in accordance with the relevant Australian Standards.

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

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

The subject site is considered suitable for the proposed development as the R2 Low Density Residential zoning is appropriate for detached dwelling houses and the surrounding area predominantly comprises of residential development. There are no significant environmental constraints.

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

The application was publicly notified from 1 November 2019 to 15 November 2019 in accordance with the provisions of Part L of SCDCP 2005. No submissions were received as a result.

4.15(1)(e) The public interest

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

LOCAL INFRASTRUCTURE CONTRIBUTIONS

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

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

STRATHFIELD INDIRECT CONTRIBUTIONS PLAN

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

CONCLUSION

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

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. 2019/171 for alterations and additions to existing dwelling and front boundary fencing at 121 Albert Road, Strathfield be **APPROVED**, subject to the following conditions:

SPECIAL CONDITIONS (SC)

1. FRONT FENCE (SC)

The foundations of the existing masonry front fence are to be utilised or alternatively an above ground lintel system along the entire length of the masonry front fence.

The solid masonry component of the front fence (excluding the piers) shall not exceed a height of 700mm above the natural ground level and topped by an additional 800mm high vertically orientated infill.

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

(Reason: Street tree protection).

2. PRIVACY MEASURES (SC)

The four (4) x 1.9m solid wall sections on the side elevations on the upper rear balcony are to be deleted and substituted with fixed horizontal privacy louvers attaining a maximum height of 1.7m.

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

(Reason: Visual privacy between properties).

GENERAL CONDITIONS (GC)

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3. APPROVED PLANS AND REFERENCE DOCUMENTATION (GC)

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

Plans affixed with Council's 'Development Consent' stamp relating to Development Consent No.2019/171:

Drawing No.	Title/Description	Prepared by	Issue / Revision & Date	Date received by Council
1	Site Plan & Site Management	HVTD Design Pty Ltd	Dated 20 November 2019	27 November 2019
2	Lower Floor Plan	HVTD Design Pty Ltd	Dated 20 November 2019	27 November 2019
3	Ground Floor Plan	HVTD Design Pty Ltd	Dated 20 November 2019	27 November 2019
4	Roof Plan	HVTD Design Pty Ltd	Dated 20 November 2019	27 November 2019
5	Elevations & Sections	HVTD Design Pty Ltd	Dated 20 November 2019	27 November 2019
6	North East and South West Elevations	HVTD Design Pty Ltd	Dated 20 November 2019	27 November 2019
7	Fence & Streetscape Elevation	HVTD Design Pty Ltd	Dated 12 February 2020	12 February 2020
8	Conceptual Stormwater Drainage Plan	HVTD Design Pty Ltd	Dated 20 November 2019	27 November 2019

Reference Documentation affixed with Council's 'Development Consent' stamp relating to Development Consent No.2019/171:

Title / Description	Prepared by	Issue/Revision & Date	Date received by Council
BASIX Certificate	No. A364467	Issued 20 November 2019	27 November 2019
Waste Management Plan	-	-	22 October 2019

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

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

4. CONSTRUCTION HOURS (GC)

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

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

Where the development involves the use of jackhammers/rock breakers and the like or

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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.)

5. 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.)

6. 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.)

7. DEMOLITION - SITE SAFETY FENCING (GC)

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

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

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

(Reasons: Statutory requirement and health and safety.)

8. 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.

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

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

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

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

Pruning of the following tree/s is permitted:

Species	Location
Melaleuca linnarifolia (snow in summer)	Adjoining property (No. 123 Albert Road)

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

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

10. MATERIALS – CONSISTENT WITH SUBMITTED SCHEDULE (GC)

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

(Reason: To ensure compliance with this consent.)

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

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

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

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

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

(Reason: Statutory requirement.)

12. SITE MANAGEMENT (DURING DEMOLITION AND CONSTRUCTION WORKS)

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

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

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

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

13. STORMWATER MANAGEMENT PLAN - CERTIFICATION REQUIREMENT (GC)

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

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

14. UTILITIES AND SERVICES - PROTECTION OF (GC)

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

- i) All footings and excavation must be located wholly within the site and clear of any easement boundaries;
- ii) All footings and excavation must be located a minimum of 1000mm from the

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- centrelines of the pipeline or 500mm from the outside of the pipeline, whichever is the greater distance from the centreline; and
- iii) Footings must extend to at least the depth of the invert of the pipeline unless the footings are to be placed on competent bedrock.

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

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

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

(Reason: To ensure protection of Council assets.)

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

15. BASIX COMMITMENTS (CC)

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

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

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

(Reason: Statutory compliance.)

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

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

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

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

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

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17. 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.)

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

Works Permit

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

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

Standing Plant Permit

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

Skip Bin Permit

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

Temporary Full or Part Road Closure Permit

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

Hoarding/Fencing Permit

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

Work Zone Permit

This permit must be applied for if you require permanent parking along the kerbside at the front of the site during construction works. A Work Zone Permit Application Form is

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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.)

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

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

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

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

(Reason: Environmental protection.)

20. **STORMWATER - RAINWATER RE-USE (CC)**

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

(Reason: Compliance and amenity.)

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21. **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.)

22. **TREE BONDS (CC)**

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

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

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

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

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

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

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

A security (damage deposit) of **\$2,700.00** (calculated in accordance with Council's adopted Fees and Charges) shall be paid to Council, prior to the issue of a Construction Certificate.

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

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

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

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

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

(Reason: Protection of Council infrastructure.)

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

24. 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.

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(Reason: Statutory requirement.)

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

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

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

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

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

(Reason: Statutory requirement.)

26. **NOTICE OF COMMENCEMENT (CW)**

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

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

(Reason: Statutory requirement.)

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

27. OBSTRUCTION OF PUBLIC WAY NOT PERMITTED DURING WORKS (DW)

The public way must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances, without the prior approval of Council.

(Reason: To maintain public access and safety.)

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

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

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

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

(Reason: Maintenance and environment.)

29. ENGINEERING WORKS (CERTIFICATION OF)

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

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

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

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

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

(Reason: Asset management.)

30. OCCUPATION OF BUILDING (OC)

A person must not commence occupation or use (or change of use where an existing building) of the whole or any part of a new building (within the meaning of section 109H (4)

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of the Act) unless an Interim Occupation Certificate or Final Occupation Certificate has been issued in relation to the building or part.

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

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

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

(Reason: Statutory requirement.)

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

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

(Reason: Adequate stormwater management.)

ATTACHMENTS

There are no attachments for this report.

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