



## 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:

**Thursday, 28 February 2019**

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

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**TO:** Strathfield Internal Development Assessment Panel Meeting - 28 February 2019

**REPORT:** IDAP – Report No. 1

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

**DA NO.** 2018/124

## **SUMMARY**

**Proposal:** Alterations and additions to an existing dwelling including a first floor addition in the Merley Road Heritage Conservation Area.

**Applicant:** Brad Inwood Architects

**Owner:** A. Feofiloff, E. Feofiloff & S. Lahood

**Date of lodgement:** 6 September 2018

**Notification period:** 10 September 2018 to 28 September 2018

**Submissions received:** Nil

**Assessment officer:** ND

**Estimated cost of works:** \$200,000

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

**Heritage:** Yes – Located within Merley Road Heritage Conservation Area

**Flood affected:** Yes

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

**RECOMMENDATION OF OFFICER:** APPROVAL

## **EXECUTIVE SUMMARY**

- 1.0 The application seeks Council approval for alterations and additions to an existing dwelling including a first floor addition in the Merley Road Heritage Conservation Area.
- 2.0 The plans and accompanying documentation were notified from 10 September 2018 to 28 September 2018 in accordance with Part L of the Strathfield Consolidated Development Control Plan (SCDCP) 2005. No written submissions were received as a result.
- 3.0 During the assessment process, amended plans were submitted to Council increasing the separation of the upper level addition and the roof form of the existing dwelling and modifying the design of the street elevation windows to complement the window style of the existing dwelling. The proposed development will integrate well with the Merley Road Heritage Conservation Area and complements the Inter-War style of the existing dwelling.
- 4.0 The proposal is considered acceptable and recommended for approval subject to the recommended conditions of consent.

**DA2018/124 - 14 Merley Road, Strathfield  
Lot 3 in DP 236123 (Cont'd)**

## BACKGROUND

6 September 2018: The current development application (DA2018/124) was lodged.

10 September 2018 to

28 September 2018: Application publicly notified. No written submissions were received as a result.

27 September 2018: A deferral letter was sent to the applicant requesting the first floor addition to be setback further, amendments to the design and spacing of the windows to better reflect the Merley Road Heritage Conservation and the submission of an Arboricultural Impact Report and Landscape Plan.

25 October 2018: Amended architectural plans, Arboricultural Impact Report and Landscape Plan submitted to Council.

## DESCRIPTION OF THE SITE AND LOCALITY

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



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

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**Figure 2:** View of the existing dwelling

### **PROPERTY BURDENS AND CONSTRAINTS**

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

### **DESCRIPTION OF THE PROPOSED DEVELOPMENT**

The application seeks Council approval for alterations and additions to the existing dwelling including a first floor addition.

The specific elements of the proposal are:

#### Demolition:

- Rear detached shed;

#### Ground Floor:

- Alfresco;
- Laundry;
- Bathroom;

#### First Floor:

- Bathroom;
- Storage;
- Kitchentte;
- Family room

#### External:

- Detached shed;
- Landscaping;
- Stormwater works

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## 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 concurs with the recommendations contained in the submitted Arborist Report, subject to replacement planting in lieu of the trees to be removed.

#### Heritage Comments

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

*"I refer to the amended plans submitted to Council for the above application and my previous advice of 10 September 2018.*

*Previously, the application was generally acceptable, subject to the following minor amendments required:*

1. *The first floor addition should be amended to avoid intrusion into the main roof form of the existing dwelling house.*
2. *First floor street elevation window openings visible from the Public Domain should be of proportions and details that relate to existing window openings.*
3. *Clarification is required as to whether additional shading devices are to be added to the front elevation first floor windows W9 and W10 prior to the further assessment of this application as the eaves do not appear to meet the >=450mm requirement of the BASIX Certificate.*

*In response to this, the proposed first floor addition has been set back, the proportions of the windows have been altered and the eaves have been enlarged to achieve the BASIX Commitments. As such, the amended plans address all of the previously raised concerns and is supported on heritage grounds subject to the imposition of appropriate conditions."*

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

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

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

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

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

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

The objectives outlined within SEPP55 are considered to be satisfied.

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

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

The intent of this SEPP is consistent with the objectives of the repealed Standard where the primary aims/objectives are related to the protection of the biodiversity values of trees and other vegetation on the site. During the assessment process, an Arboricultural Impact Assessment was submitted and forwarded to Council's Tree Officer. The recommendations of the Arboricultural Report are concurred with. Specific conditions to ensure the protection of the trees to be retained have been recommended.

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

The Coastal Management SEPP does not apply to the site.

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 proposed development is located on a site that is affected by the 1% AEP overland flood event. Standard slab construction as proposed is sufficient to mitigate the flood risks of the site.

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

An assessment of the proposal against the general aims of SLEP 2012 is included below:

<b>Cl. 1.2(2) Aims</b>	<b>Complies</b>
(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

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

**Comments:** The proposal is considered to be appropriate to the streetscape character of the Merley Road Heritage Conservation Area. Specifically, the siting and external finishes of the proposed addition will not detract from the prevailing architectural characteristics of the Conservation Area.

### 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 is defined under SLEP 2012 as follows:

***"dwelling house means a building containing only one dwelling"***

The proposed development for the purpose of alterations and additions to a dwelling house is consistent with the definition above and is permissible within the R2 Zone with consent.

### Zone Objectives

An assessment of the proposal against the objectives of the R2 Low Density Residential Zone is included below:

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

**Comments:** The development contributes to the housing needs of the community in a low density residential setting.

### Part 4: Principal development standards

An assessment of the proposal against the relevant provisions contained within Part 4 of the SLEP 2012 is provided below.

#### Height of building

<b>Cl.</b>	<b>Standard</b>	<b>Controls</b>	<b>Proposed</b>	<b>Complies</b>
4.3	<i>Height of building</i>	9.5m	7.51m	Yes

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

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(c) To achieve a diversity of small and large development options.

N/A

**Comments:** The proposed development will result in a maximum dwelling height of 7.51m, well below the 9.5m maximum building height standard. Additionally, the proposed height will result in an integrated streetscape outcome.

#### Floor space ratio

Cl.	Standard	Controls	Proposed	Complies
4.4	Floor space ratio	0.60:1 (417.96m <sup>2</sup> )	0.29:1 (202.89m <sup>2</sup> )	Yes

	Objectives	Complies
(a)	To ensure that dwellings are in keeping with the built form character of the local area	Yes
(b)	To provide consistency in the bulk and scale of new dwellings in residential areas	Yes
(c)	To minimise the impact of new development on the amenity of adjoining properties	Yes
(d)	To minimise the impact of development on heritage conservation areas and heritage items	Yes

**Comments:** The proposed addition achieves an appropriate scale and form that will integrate well with the existing dwelling and surrounding streetscape.



**Figure 3:** Proposed streetscape elevation (subject site No. 14).

#### Part 5: Miscellaneous Provisions

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

##### 5.10 Heritage Conservation

Clause 5.10(5) of the SLEP 2012 requires consideration be given to the potential impacts of development upon heritage conservation areas and heritage listed items including associated fabric, settings and views. The subject site is located within the Merley Road Heritage Conservation Area and the existing dwelling is considered a contributory item in the street. Dwellings in the Conservation Area are predominantly Inter-War Californian Bungalow style, with some Federation period dwellings. Later first floor additions that are articulated and proportionate to the original single storey dwellings are also evident in the street.

During the assessment process the setback of the first floor level was increased to avoid intrusion into the main roof form of the existing dwelling house and the proportions of the first floor street elevation windows were amended to complement the three panel windows of the existing dwelling.

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The proposed rear addition has incorporated a hip roof form to complement the existing gable roof form of the front portion of the dwelling and is compatible with upper level rear additions in the streetscape. Further, the off-white fibre cement cladding and terracotta roof tiles match the colour scheme of the existing dwelling.

Overall, the application achieves the objectives of Clause 5.10 of the *SLEP 2012* in that the proposed development is appropriately designed so as to integrate with the Merley Road Heritage Conservation Area.

## **Part 6: Local Provisions**

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

### **6.1 Acid sulfate soils**

The subject site is identified as 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**

Minimal earthworks are proposed. 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 at or below the flood planning level. Accordingly, the proposed standard slab construction is sufficient to mitigate the flooding risks of the site.

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

Not applicable.

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

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

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

## **PART A – DWELLING HOUSES AND ANCILLARY STRUCTURES**

### **Heritage and Conservation**

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

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<b>Cl. 1.11 Controls</b>	<b>Complies</b>
(1) A Statement of Heritage Impact is required for proposed development: a) affecting a heritage item; b) within a heritage conservation area; or c) in the vicinity of an item or heritage conservation area	Yes
(2) This statement must set out the heritage significance of the structure or place and assess the extent to which carrying out of the proposed development would affect the significance of the heritage item or heritage conservation area concerned and outline measures to minimise any identified impact	Yes

**Comments:** A Heritage Impact Statement was submitted with the development application having regard to the location of the site within the Merley Road Heritage Conservation Area. The proposal has been assessed against the objectives of Clause 5.10 Heritage Conservation of the SLEP 2012 and is considered satisfactory in this respect.

## 2: Architectural Design & Streetscape Presentation

<b>2.1 Objectives</b>	<b>Satisfactory</b>	
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	
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	
J. To protect and retain the amenity of adjoining properties.	Yes	
<b>2.2 Development Controls</b>	<b>Complies</b>	
<i>Streetscape Presentation</i>		
.1. 2	Consistently occurring building features integrated within dwelling design.	Yes
	3 Consideration of streetscape elements	Yes
<i>Scale, Massing &amp; 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>		

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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
<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 rear addition is proportionate to the original dwelling and complements the original features of the dwelling through the schedule of colours and finishes comprising of exposed brown facebrick, terracotta roof tiles and off-white horizontal profiled fibre cement cladding. This will allow the new addition to integrate well with existing dwellings in the streetscape which also contain similar built form elements.

#### 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

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3	Dwelling houses and any ancillary structures 2-storeys (max)	Yes
4	Building height responds to the gradient of the site to minimise cut and fill	Yes
<i>Street Setback</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
	2 A rear setback of 6m (min)	Yes

**Comments:** As previously discussed, the proposed addition achieves numerical compliance with the FSR and building height standards under Clauses 4.3 and 4.4C of the *SLEP 2012*. In accordance with Section 4.2 of the SCDCP 2005, the proposal provides a 17.2m rear setback and a combined side setback of 5.74m (37.66% of the total width of the allotment). The side setbacks are also considered appropriate in relation to the side setbacks of the existing dwelling.

## 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
M.	To maximise the amenity of existing and proposed developments, including solar access, privacy and open space.	Yes

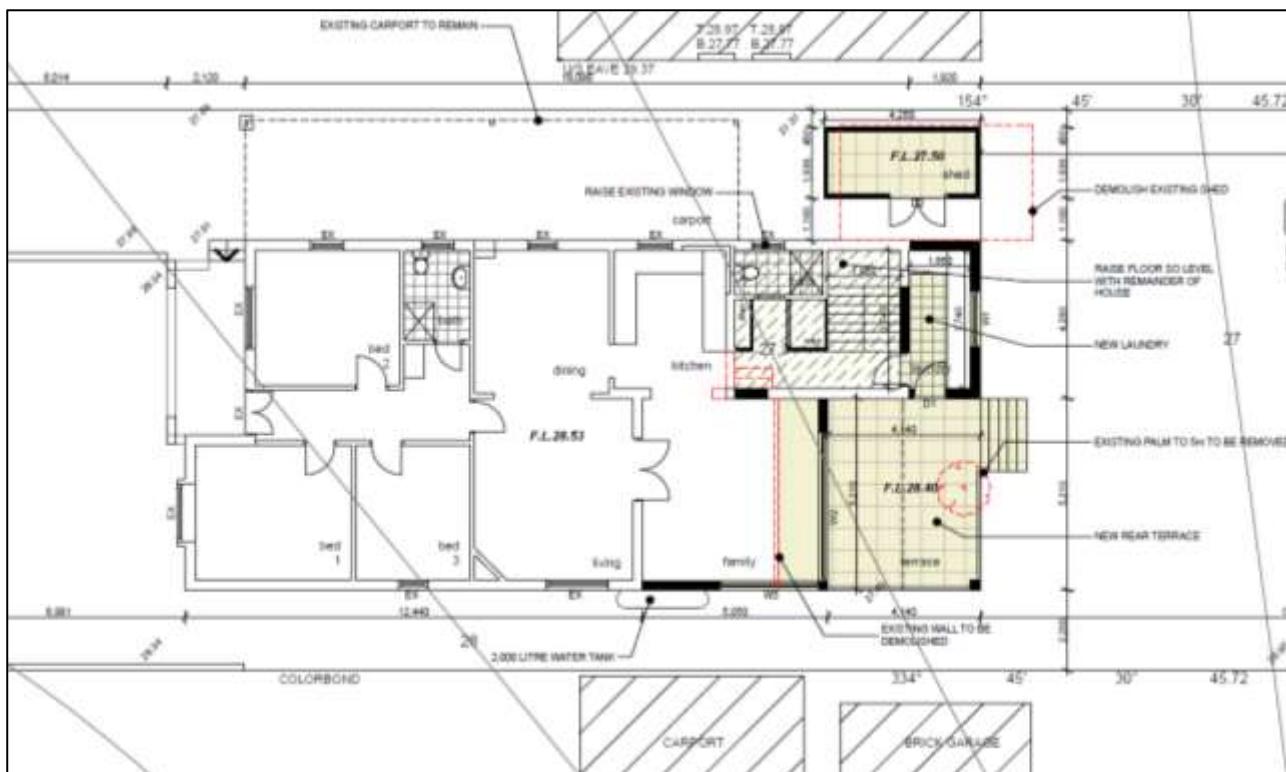
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<b>5.2 Development Controls</b>		<b>Complies</b>
<b>.1.</b>	<i>Landscaped area</i>	
	1 Landscaped area in accordance with Table A.3	<b>Yes</b>
	2 At least 50% of the minimum landscaped area located behind the building line to the rear boundary	<b>Yes</b>
	3 At least 50% of the front yard maintained as deep soil soft landscaping	<b>Yes</b>
	4 Minimise hard surface area (concrete/brick/stone paving and bitumen). Run-off directed to permeable surfaces.	<b>Yes</b>
	6 Front gardens respond and contribute to the garden character of Strathfield.	<b>Yes</b>
<b>.2.</b>	<i>Tree Protection</i>	
	1 Arboricultural Impact Assessment Report prepared by an AQF Level 5 Arborist	<b>Yes</b>
	3 Development provides for the retention and protection of existing significant trees	<b>Yes</b>
	7 At least one (1) canopy tree provided in the rear yard.	<b>Yes</b>
<b>.3.</b>	<i>Private Open Space</i>	
	1 Provided in a single parcel rather than a fragmented space, directly accessible from internal living areas	<b>Yes</b>
	2 Includes a deep soil area compliant with the minimum landscaped area.	<b>Yes</b>
	3 Terraces and decks (at least 10m <sup>2</sup> ) with one length or width 3m (min) and directly accessible from an internal living area. Decks cannot be located more than 500mm above NGL	<b>No, however acceptable on merit.</b>
	5 Private open space located at the rear of the property.	<b>Yes</b>

**Comments:** The proposal provides 45.79% (319m<sup>2</sup>) of deep soil landscaping over the site, exceeding the 41.5% (289.08m<sup>2</sup>) minimum requirement. No works are proposed within the front setback. This setback contains an adequate amount of deep soil landscaping with a mixture of plants and trees. During the assessment process an Arboricultural Impact Assessment was submitted recommending the removal of two (2) trees. Council's Tree Officer concurs with the recommendations of the recommendations contained in the Arborist Report. The submitted Landscape Plan identifies the existing Liquidambar in the rear setback to be removed, contrary to the submitted Arborist Report. A condition of consent is to be imposed to the effect that the architectural and landscape plans be amended to include the retention of this tree, prior to the issue of a Construction Certificate.

Contrary to Section 5.2.3.3, the proposed terrace is located 900mm above the NGL. The terrace is positioned 130mm lower than the finished floor level of the existing dwelling and the proposed rear addition. The elevation of the terrace is not considered to be excessive, responding to the topography and flood affectation of the site. From a visual privacy context, the terrace is located 17.2m from the rear boundary and 9m from the adjoining western residence, with that residence's garage obscuring the majority of line of sight (shown in Figure 4). In this instance the non-compliance is acceptable.

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**Figure 4:** Proposed ground floor plan.

## 6: Solar Access

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

**Comments:** The subject site has a north-south orientation and accordingly, overshadowing to adjoining properties will be minimal. Both eastern and western adjoining properties will receive adequate solar access to the living areas and private open space.

## 7: Privacy

<b>7.1 Objectives</b>		<b>Satisfactory</b>
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

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C.	To ensure that public views and vistas are protected, maintained and where possible, enhanced	Yes
D.	To ensure that canopy trees take priority over views	Yes
E.	To ensure that the siting and design of buildings minimises noise impacts from abutting roads, rail corridors and other noise-generating land uses	Yes
<b>7.2 Development Controls</b>	<b>Complies</b>	
<i>Visual Privacy</i>		
.1.	1 Protect POS, bedrooms, balconies and living rooms of proposed and any existing adjoining dwellings from direct overlooking	Yes
	2 Provide adequate separation of buildings	Yes
	3 Ensure elevation of finished floor levels above NGL is not excessive	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	Yes

**Comments:** All windows are appropriately off-set with the proposition of the proposed terrace suitably separated, therefore not requiring the installation of any privacy measures.

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

<b>9.1 Objectives</b>	<b>Satisfactory</b>	
A.	To maintain existing ground levels and minimise cut and fill to reduce site disturbance.	Yes
B.	To ensure existing trees and shrubs are undisturbed, ground water tables are maintained and impacts on overland flow/drainage are minimised.	Yes
<b>9.2 Development Controls</b>	<b>Complies</b>	
1 Fill limited to 1m (max) above NGL		Yes
4 Vegetation or structural measures are implemented when the site is disturbed.		Yes
6 The work does not affect or undermine the soil stability or structural stability of buildings and Council assets on adjoining properties.		Yes

**Comments:** The proposed rear addition appropriately responds to the topography of the site by constructing the addition on pier and beam footings, minimising the need for fill due to the gradient of the site.

## 10: Water and Soil Management

<b>10.1 Objectives</b>	<b>Satisfactory</b>	
B.	To ensure compliance with Council's Stormwater Management Code	Yes

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

**10.2 Development Controls** **Complies**

	Stormwater Management and Flood Prone areas	
.1.	1 Applicant contacted Council regarding site being flood prone land	Yes
	2 Compliance with Council's Stormwater Management Code	Yes
	3 Flood affected properties comply with Council's Interim Flood Prone Lands Policy (Flood Prone Areas & Through Site Drainage)	Yes
	4 Minimum habitable floor height advice obtained for flood affected sites	Yes
	5 A drainage/flood report prepared by a hydraulics engineer submitted for sites affected by overland flows	Yes
.2.	Acid Sulfate Soils	
	1 Site managed consistent with the provisions contained in Clause 6.1 SLEP 2012	Yes
.3.	Soil Erosion and Sediment Control	
	1 Soil erosion and sediment control measures detailed and implemented prior to the commencement of work.	Yes

**Comments:** Conditions of consent have been recommended to ensure the submitted soil erosion and sediment control measures are implemented during the demolition and construction phases of the development. Council's Development Engineer raised no objection to the proposed stormwater design subject to the recommended conditions of consent.

## 12: Ancillary Development

**12.1 Objectives** **Satisfactory**

A.	To ensure that ancillary development is compatible with the design of the principal dwelling, streetscape and adjoining dwellings in form, materials and colours	Yes
B.	To limit the size, bulk and scale of ancillary structures and minimise their visibility from the public domain.	Yes
D.	To ensure that the provision of ancillary structures, such as air conditioning units, are considered at the design stage of a proposed development.	Yes

**12.2 Development Controls** **Complies**

	Outbuildings	
.2.	1 Outbuilding located behind the front building line	Yes
	2 Side and rear setback is 0.5m (min)	No. Condition is

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		recommended
3	New garden sheds, studios, cabanas and the like are limited 40sqm (max)	Yes
5	The roof area is not accessible for any purpose	Yes
6	Outbuildings are not to be used for habitable purposes	Yes

**Comments:** The proposal seeks consent for the construction of a detached 6.8m<sup>2</sup> shed. Contrary to Section 12.2.2.2, the proposed detached shed is located 450mm from the eastern side boundary, short of the 500mm minimum requirement. To achieve compliance a condition of consent has been recommended.

### 13: Ecologically Sustainable Development

13.1	Objectives	Satisfactory
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
D.	<i>To encourage the use of new technology that reduces energy consumption, minimises greenhouse emissions and results in cost savings</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
.2.	Natural Cooling and Ventilation	
	1 Windows and walls on northern facades shaded by shading devices, trees, eaves and louvres sympathetic to the dwelling	Yes
	2 Windows positioned to capture breezes and allow for cross-ventilation	Yes

**Comments:** The BASIX Certificate submitted with the development application indicated that the designated targets for energy and water use reduction are satisfied. In accordance with the Certificate, an instantaneous gas hot water system and shading devices on specific windows are to be installed. Compliance with the submitted BASIX Certificate shall be imposed via a condition of consent.

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

The development application was accompanied by a Waste Management Plan prepared in accordance with part H of the SCDCP 2005. Compliance with the waste minimisation strategies of the submitted document and plans shall be enforced via conditions of consent.

### PART P – HERITAGE (SCDCP 2005)

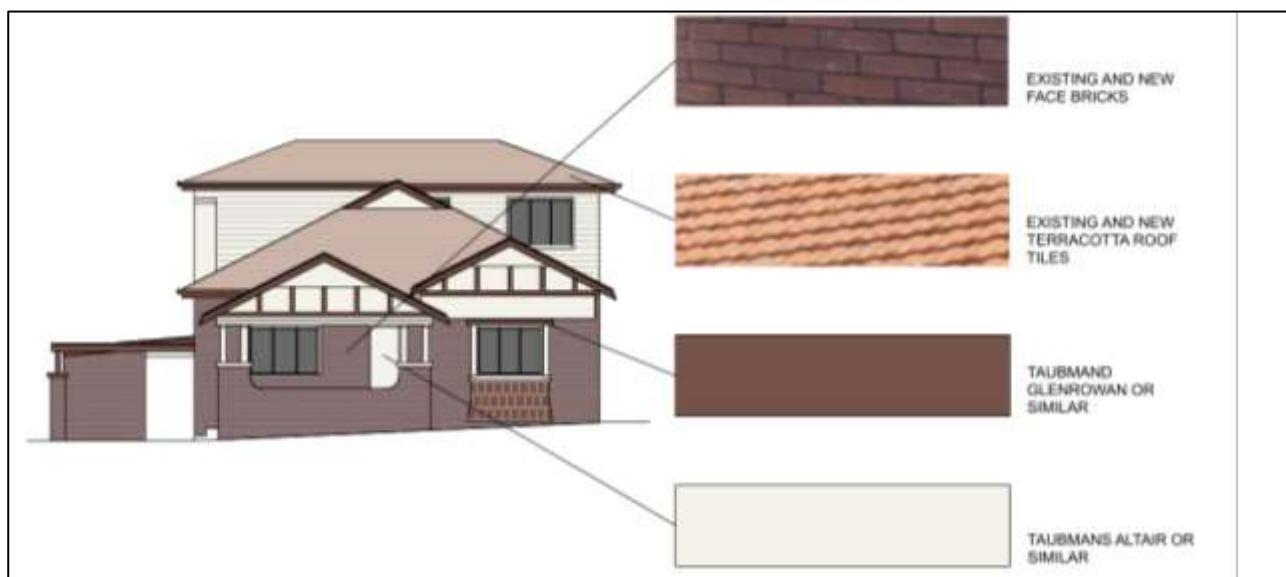
#### 1.5: Objectives of this DCP Part

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

**Comments:** The existing dwelling on the site is a single storey Inter-War Californian Bungalow with exposed facebrick and terracotta tile roof and is considered to be a contributory item in the Merley Road Heritage Conservation Area. During the assessment process, the setback of the upper level was increased enabling the existing main roof form to be retained in its entirety and the streetscape elevation windows altered to the same grouping and proportionality as the ground floor. The schedule of colours and external finishes including exposed facebrick, terracotta roof tiles and off-white profiled fibre cement cladding complement the Inter-War style of the existing dwelling and will not adversely impact upon the identifiable character of the Conservation Area.



**Figure 5:** The proposed development with schedule of colours and finishes.

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

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

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

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

A suitable condition addressing these requirements is recommended.

#### **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**

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As previously discussed, the subject site is located within the Merley Road Heritage Conservation Area which is typified by its distinctive building form character comprising of Interwar Californian bungalow style and Federation period houses in the street. The proposed rear addition is appropriately positioned behind the existing dwelling, incorporating features to be sympathetic to the Inter-War style of the existing dwelling. Overall, the proposed design has been considered with respect to the adjoining properties and achieves an appropriate level of streetscape compatibility.

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

The proposal is considered an acceptable outcome for the site which will not compromise the amenity of the adjoining residents or detract from the heritage characteristics of the Merley Road Heritage Conservation Area.

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

The application was notified in accordance with Part L of the SCDCP 2005 from 10 September 2018 to 28 September 2018. No written submissions were received.

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

The public interest is served through the detailed assessment of this development application under the relevant local planning controls and legislation 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 DIRECT SECTION 7.12 CONTRIBUTIONS PLAN**

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

Local Amenity Improvement Levy	<b>\$2,000.00</b>
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### **CONCLUSION**

The application has been assessed having regard to Section 4.15 of the Environmental Planning and Assessment Act 1979, the Strathfield Local Environmental Plan 2012 and the Strathfield Development Control Plan 2005 and is considered to be satisfactory for approval, subject to the recommended conditions of consent.

### **PEER REVIEW**

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

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## RECOMMENDATION

That Development Application No. 2018/124 for alterations and additions to an existing dwelling including a first floor addition in the Merley Road Heritage Conservation Area at 14 Merley Road, Strathfield be **APPROVED**, subject to the following conditions:

## SPECIAL CONDITIONS (GC)

### 1. LANDSCAPE PLAN – AMENDED (SC)

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

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

(Reason: To ensure consistency between plans.)

### 2. SHED – SETBACK (SC)

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

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

(Reason: Compliance with SCDCP 2005).

## GENERAL CONDITIONS (GC)

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

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

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

Drawing No.	Title/Description	Prepared by		Issue / Revision & Date	Date received by Council
0909-02A	Ground Floor	Brad Inwood	Architects	-	25 October 2018
0909-03A	First Floor	Brad Inwood	Architects	-	25 October 2018
0909-04A	Roof Plan	Brad Inwood	Architects	-	25 October 2018
0909-05A	Section	Brad Inwood	Architects	-	25 October 2018
0909-06A	Elevations 01	Brad Inwood	Architects	-	25 October 2018
0909-07A	Elevations 02	Brad Inwood	Architects	-	25 October 2018

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0909-08	Erosion & Sedimentation	Brad Architects	Inwood	-	6 September 2018
0909-09	Site Management Plan	Brad Architects	Inwood	-	6 September 2018
0909-12A	Colours & Materials	Brad Architects	Inwood	-	25 October 2018
1345-01	Landscape Plan	Acevski Landscape Designs	Landscape	-	25 October 2018
1345-02	Landscape Plan	Acevski Landscape Designs	Landscape	-	25 October 2018
1345-03	Landscape Plan	Acevski Landscape Designs	Landscape	-	25 October 2018
D001	Proposed Drainage Plan			Rev 1	6 September 2018

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

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

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

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

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

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

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

#### **5. CONSTRUCTION HOURS (GC)**

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

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

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

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

## **6. CONSTRUCTION WITHIN BOUNDARIES (GC)**

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

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

## **7. DEMOLITION – GENERALLY (GC)**

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

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

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

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

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

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

(Reasons: Statutory requirement and health and safety.)

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

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

Tree No. in Arborist Report	Tree	Location
1	<i>Syagrus romanzoffiana</i> Cocos Palm	Western side boundary

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

2	<i>Archontophoenix cunninghamiana</i> Bangalow Palm	Rear yard
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All trees recommended to be removed as submitted in the Arboricultural Impact Assessment prepared by The Ents Tree Consultancy dated 5<sup>th</sup> October 2018 and received by Council on 25 October 2018 are permitted to be removed to accommodate the proposed development.

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

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

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

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

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

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

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

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

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

The trees listed below shall be retained at all times:

<u>Tree No.</u> <u>Arborist Report</u>	<u>Tree</u>	<u>Height/Spread (m)</u>	<u>Location</u>	<u>Protection Zone (m)</u>	<u>Structural Root Zone (m)</u>
3	<i>Howea forsteriana</i> Lord Howe Island Palm	6 x 4	Eastern side boundary	2	1.5
4	<i>Livistona australis</i> Cabbage Palm	6 x 5	Rear yard	4.2	2.35
5	<i>Arbutus unedo</i>	6 x 6	Eastern side	3	2.15

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	Irish Strawberry		boundary		
6	<i>Liquidambar styraciflua</i> Sweetgum	17 x 14	Rear yard	7.2	2.85
7	6 x <i>Cupressus macrocarpa</i> Gold Monterey Cypress	5 x 4	Rear property boundary	4.2	2.35
8	<i>Lophostemon confertus</i> Brush Box	9 x 11	Road Reserve	6	2.7

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

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

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

#### **11. MATERIALS – CONSISTENT WITH SUBMITED SCHEDULE (GC)**

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

(Reason: To ensure compliance with this consent.)

#### **12. PRINCIPAL CERTIFYING AUTHORITY (PCA) IDENTIFICATION SIGN (GC)**

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

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

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

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

(Reason: Statutory requirement.)

#### **13. PRIVACY - SCREEN PLANTING TO SIDE AND REAR BOUNDARIES (GC)**

Evergreen shrubs with a minimum 5 litre container size achieving a minimum mature height of 3m shall be planted along the side and rear boundaries to provide suitable privacy

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screening. Screen planting shall be maintained at all times. Details of the selected plants shall be submitted to and approved by the Principal Certifying Authority. Compliance with this condition shall be certified by the Principal Certifying Authority, prior to occupation of the premises.

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

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

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

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

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- xvii) Building operations such as brick-cutting, washing tools or paint brushes, and mixing mortar not be performed on the roadway or public footway or any other locations which could lead to the discharge of materials into the stormwater drainage system.
- xviii) All site waters during excavation and construction must be contained on site in an approved manner to avoid pollutants entering into waterways or Council's stormwater drainage system.
- xix) Any work must not prohibit or divert any natural overland flow of water.
- xx) Toilet facilities for employees must be provided in accordance with WorkCover NSW.

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

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

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

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

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

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

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

(Reason: Compliance with Sydney Water requirements.)

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

**17. BASIX COMMITMENTS (CC)**

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

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

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

(Reason: Statutory compliance.)

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

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

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

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

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

**19. COMMENCEMENT OF WORKS (NO WORKS UNTIL A CC IS OBTAINED)**

Building work, demolition or excavation must not be carried out until a Construction Certificate has been issued by either Strathfield Council or a Principal Certifying Authority.

Demolition of any part of a building triggers 'commencement of erection of building' pursuant of section 4.19 of the EP&A Act 1979. Accordingly, demolition works must not commence until a Construction Certificate has been issued, a Principal Certifying Authority has been appointed and a Notice of Commencement has been issued.

(Reason: To ensure compliance with statutory provisions.)

**20. CONSTRUCTION AND ENVIRONMENTAL MANAGEMENT PLAN (CC)**

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

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

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

**DA2018/124 - 14 Merley Road, Strathfield  
Lot 3 in DP 236123 (Cont'd)**

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

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

**21. 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.

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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.)

**22. HERITAGE - REUSE OF SIGNIFICANT BUILDING ELEMENTS (CC)**

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

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

**23. DEMOLITION - HERITAGE ITEMS (GC)**

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

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

(Reason: Heritage conservation.)

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

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

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

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

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

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

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

(Reason: Privacy amenity.)

**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	<b>\$2,000.00</b>
--------------------------------	-------------------

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

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

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

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

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

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

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

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

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

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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.)

**28. TRAFFIC - CONSTRUCTION TRAFFIC MANAGEMENT PLAN (CC)**

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

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

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

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

- period; and
- xix) how it is proposed to ensure that soil/excavated material is not transported onto surrounding footpaths and roadways.

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

**29. TREE BONDS (CC)**

A tree bond of **\$6,600.00** (calculated in accordance with Council's adopted Fees and Charges) shall be paid to Council, prior to the issue of a Construction Certificate.

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

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

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

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

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

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

**30. 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.

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- 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.)

### **31. HOME BUILDING COMPENSATION FUND (CW)**

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

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

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

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

(Reason: Statutory requirement.)

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Lot 3 in DP 236123 (Cont'd)

### 32. NOTICE OF COMMENCEMENT (CW)

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

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

(Reason: Statutory requirement.)

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

### 33. 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.)

### 34. 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.)

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

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

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

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

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

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

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Lot 3 in DP 236123 (Cont'd)

**36. 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.)

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

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

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

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Lot 3 in DP 236123 (Cont'd)

term retention of the tree/s.

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

**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.)

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

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

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

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

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

**ATTACHMENTS**

There are no attachments for this report.

**TO:** Strathfield Internal Development Assessment Panel Meeting - 28 February 2019

**REPORT:** IDAP – Report No. 2

**SUBJECT:** DA2015/065/03 - 153 PARRAMATTA ROAD, HOMEBUSH  
LOTS 13, 14 & 15 IN DP 7876 SECTION B

**DA NO.** 2015/065/03

## **SUMMARY**

**Proposal:** Section 4.55(1A) application to enlarge the retail space C02, modify stormwater management and provide a roof to the basement entrance.

**Applicant:** GM Architects

**Owner:** Homebush Constructions Pty Ltd

**Date of lodgement:** 6 December 2018

**Notification period:** 14 December 2018 to 7 January 2019

**Submissions received:** NIL

**Assessment officer:** ND

**Zoning:** B4 Mixed Use - SLEP 2012

**Heritage:** No

**Flood affected:** Yes

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

**RECOMMENDATION OF OFFICER:** APPROVAL

## **EXECUTIVE SUMMARY**

- 1.0 On 27 June 2016 deferred commencement consent was granted by the Land and Environment Court for Development Application No. 2015/065 for the demolition of the existing structures and construction of a (13) storey mixed use development containing two (2) ground floor commercial tenancies, (72) residential units comprising (26) x 1 bedroom, (44) x 2 bedroom and two (2) x 3 bedroom units above three (3) levels of basement car parking and associated landscaping and strata subdivision. The deferred commencement matters have been satisfied, with the consent operative from 10 October 2016.
- 2.0 On 14 February 2018, IDAP approved a Section 96(1A) application involving reconfiguration of the ground floor and increase of the building height.
- 3.0 The current application was lodged under Section 4.55(1A) of the *Environmental Planning and Assessment Act 1979*, proposing alterations to the stormwater drainage design, increasing the retail tenancy space and construction of a basement ramp roof.
- 4.0 The plans and accompanying documentation were put on notification from 14 December 2018 to 7 January 2019. No written submissions were received as a result of the notification.

**DA2015/065/03 - 153 Parramatta Road, Homebush  
Lots 13, 14 & 15 in DP 7876 Section B  
(Cont'd)**

- 5.0 The proposed modifications are considered to be of minimal environmental impact. The enlargement of the floor area of the ground floor commercial tenancy will create more flexibility in regarding to potential business opportunities.
- 6.0 The modifications sought in the application are acceptable on their merits and recommended for APPROVAL, subject to the recommended conditions of consent.

## **BACKGROUND**

27 June 2016: Deferred commencement consent granted by the Land and Environment Court for DA 2015/065 for the demolition of the existing structures and construction of a (13) storey mixed use development containing two (2) ground floor commercial tenancies, (72) residential units comprising (26) x 1 bedroom, (44) x 2 bedroom and two (2) x 3 bedroom units above three (3) levels of basement car parking and associated landscaping and strata subdivision.

10 October 2016: Council issued a letter notifying the applicant that the deferred commencement matters had been satisfied and the consent was operative (DA2015/065/01).

14 February 2018: Section 96(1A) modification (DA2015/065/02) to reconfigure the ground floor and increase the building height was approved by Council's IDAP.

6 December 2018: The current application (DA2015/065/03) was lodged. The application seeks to enlarge the retail space C02, modify stormwater management and provide coverage to the basement entrance.

14 December 2018 to

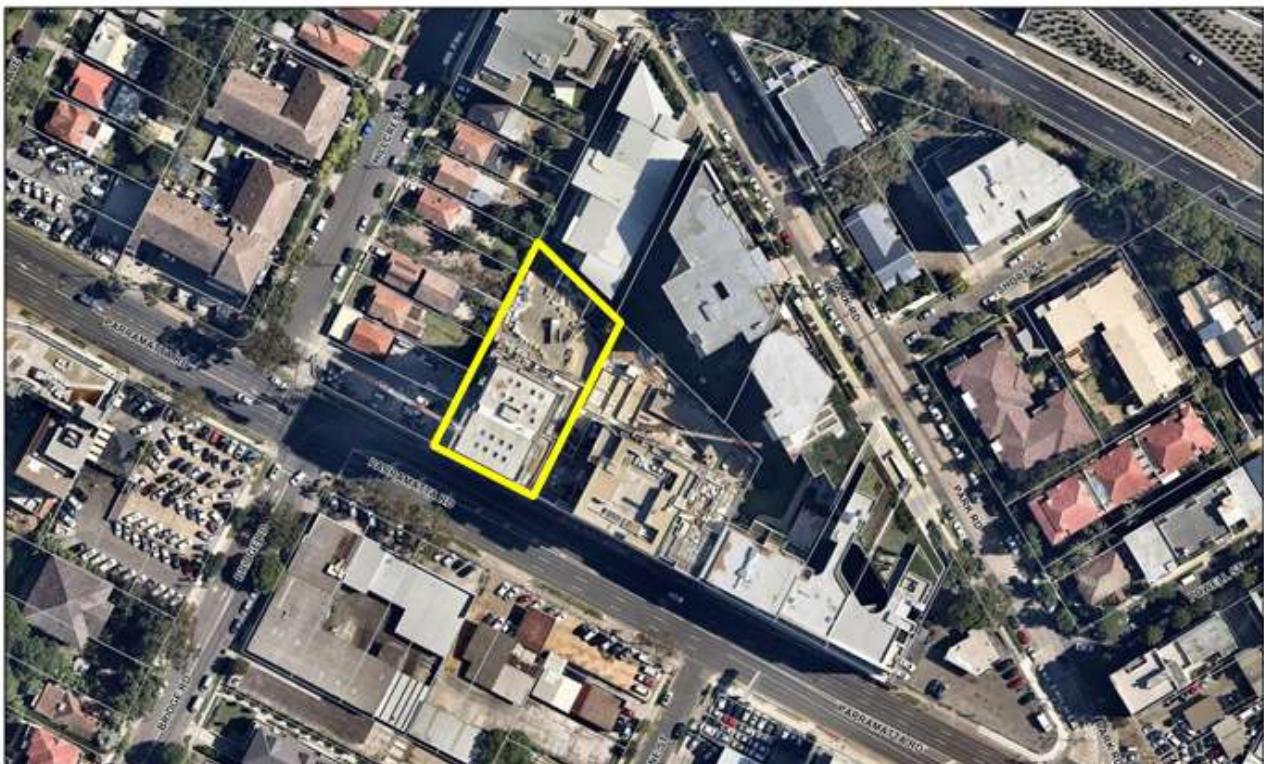
7 January 2019: The application was publicly notified. No written submissions were received as a result.

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

The subject site is located on the northern side of Parramatta Road in Homebush (Figure 1). The site has a frontage of 30m to Parramatta Road and an overall site area of 1,756m<sup>2</sup>.

The surrounding streetscape is undergoing transition from low density residential, light industrial and commercial uses primarily characterised by car sale yards and mechanical workshops to medium and high density mixed use development. A number of high density residential flat buildings are under construction. Construction of the approved mixed use development has commenced (Figure 2).

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Lots 13, 14 & 15 in DP 7876 Section B  
(Cont'd)



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



**Figure 2:** View of the approved mixed use development under construction.

## **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 MODIFICATION(S)**

DA2015/065/03 - 153 Parramatta Road, Homebush  
Lots 13, 14 & 15 in DP 7876 Section B  
(Cont'd)

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

- Conversion of the fire control room on the ground floor into additional retail/commercial space, increasing the floor area of the tenancy from 46m<sup>2</sup> to 61m<sup>2</sup>;
- Construction of a roof over the vehicle ramp from the ground level to the basement at the rear of the site; and
- Modification of the stormwater drainage system such that it drains to Park Road instead of Parramatta Road.

## SECTION 4.55(1A) OF THE EP&A ACT 1979

Section 4.55(1A) of the Environmental Planning and Assessment states as follows:

### ***“4.55 Modifications of consents – generally”***

#### ***(1A) Modifications involving minimal environmental impact***

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

*(a) it is satisfied that the proposed modification is of minimal environmental impact, and*

**Comment:** The modifications sought as part of this application are considered to be of minimal environment impact. Existing impacts on neighbouring development and the residents of the approved development in terms of privacy, views, solar access and overshadowing remain unchanged.

*(b) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all), and*

**Comment:** The proposal will not alter the external appearance of the mixed use development from the streetscape in any discernible manner especially in terms of bulk and scale. Further, the use of the development for which consent was originally granted being a mixed use development with commercial tenancies on the ground floor and residential units above has not been altered. The development as modified is considered to satisfy the ‘substantially the same’ test as that which was originally approved.

*(c) it has notified the application in accordance with:*  
*(i) the regulations, if the regulations so require, or*  
*(ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and*

**Comment:** In accordance with Part L of the SCDCP 2005, the application was publicly notified from 14 December 2018 to 7 January 2019.

*(d) It has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.*

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**Comment:** No written submissions were received as a result of the notification.

(3) In determining an application for modification of a consent under this section, the consent authority must take into consideration such of the matters referred to in Section 4.15(1) as are of relevance to the development the subject of the application.

**Comment:** An assessment of the modification application against the matters referred to in Section 4.15(1) of the *Environmental Planning and Assessment Act 1979* is included in this report.

## REFERRALS

### INTERNAL REFERRALS

#### Engineering Comments

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

*"From an engineering perspective, the concept plan is feasible and there are no objections to its approval subject to the recommended conditions."*

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

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

#### 4.15(1)(a) the provisions of:

##### (i) any environmental planning instrument

#### STATE ENVIRONMENTAL PLANNING POLICY (SEPP) – BASIX 2004

An appropriate condition is included under the original consent to ensure future compliance with these targets. No amended BASIX Certificate was required to be submitted with the modification application.

#### STATE ENVIRONMENTAL PLANNING POLICY NO. 65 – DESIGN QUALITY OF RESIDENTIAL FLAT DEVELOPMENT (SEPP 65)

The proposed modifications will not alter the configuration or number of approved residential units and parking requirements for residents and visitors as per the development consent.

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

An assessment of the proposal against the general aims of SLEP 2012 is included below:

Cl. 1.2(2)	Aims	Complies
(a)	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,	Yes

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	<i>retail, cultural, service, educational and other facilities for the local community</i>	
(d)	<i>To provide opportunities for economic growth that will enhance the local community</i>	<b>Yes</b>
(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>	<b>Yes</b>
(f)	<i>To identify and protect environmental and cultural heritage</i>	<b>Yes</b>
(g)	<i>To promote opportunities for social, cultural and community activities</i>	<b>Yes</b>
(h)	<i>To minimise risk to the community by identifying land subject to flooding and restricting incompatible development</i>	<b>Yes</b>

**Comments:** This section 4.55(1A) modification application involves minimal environmental impact and will not alter the approved developments compliance with the general aims of the SLEP 2012.

### Permissibility

The subject application does not alter the permissible approved use of the development as a mixed use development comprising of infill affordable rental housing and a commercial tenancy.

### Zone Objectives

The proposed modifications are consistent with the objectives of the B4 Mixed Use, providing a mixed use development in an accessible location.

### Part 4: Principal development standards

The modification application seeks to amend the approved floor space ratio as follows:

#### Floor space ratio

Cl.	Standard	Controls	Approved	Proposed	Complies
<b>4.4A</b>	<i>Exceptions to floor space ratio (Parramatta Road</i>	1.8:1 (as site is not consolidated)	2.95:1 (5,180m <sup>2</sup> )	2.95:1 (5,195m <sup>2</sup> )	No (see below).

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

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**Comments:** The conversion of the redundant fire control room to additional floor area for the ground floor commercial tenancy results in the GFA of the development increasing by 15m<sup>2</sup>. As the additional floor area is located within the approved building envelope, the bulk and scale of the building as viewed from the streetscape will not change. The additional floor space is of a minor scale and will provide more flexibility in regards to potential businesses occupying the commercial tenancy. The existing amenity of adjoining properties will not be further diminished by the modification.

### Part 5: Miscellaneous Provisions

This modification application involves no changes to the assessment of the original application against the relevant provisions contained within Part 5 of the *SLEP 2012*.

### Part 6: Local Provisions

This modification application involves no changes to the assessment of the original application against the relevant provisions contained within Part 6 of the *SLEP 2012*.

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

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

#### 4.15(1)(a)(iii) any development control plan

### STRATHFIELD DEVELOPMENT CONTROL PLAN NO. 20 – PARRAMATTA ROAD CORRIDOR AREA

DCP 20 is of relevance to the assessment of an application for a mixed use development within the Parramatta Road Corridor Area and as such applies to the subject modification application.

Section	Development Control	Required	Proposed	Compliance
2.13.1	On-site car parking	<u>Retail Development</u> For shops less than 500m <sup>2</sup> GFA = one space per 50m <sup>2</sup>	The proposed modification will increase the floor area of the commercial tenancies of the building by 15m <sup>2</sup> , resulting in a total of 183.52m <sup>2</sup> floor area and requiring a total of 4 car parking space. Condition 29 of the development consent states that "retail/commercial parking spaces shall be designated at the following rate: 1 space per 50m <sup>2</sup> of retail/commercial space." Additionally, Condition No. 29 states that a total of 11 car parking spaces are to be allocated to the two commercial tenancies.	Yes

#### 4.15 (1)(a)(iiia) 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*.

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

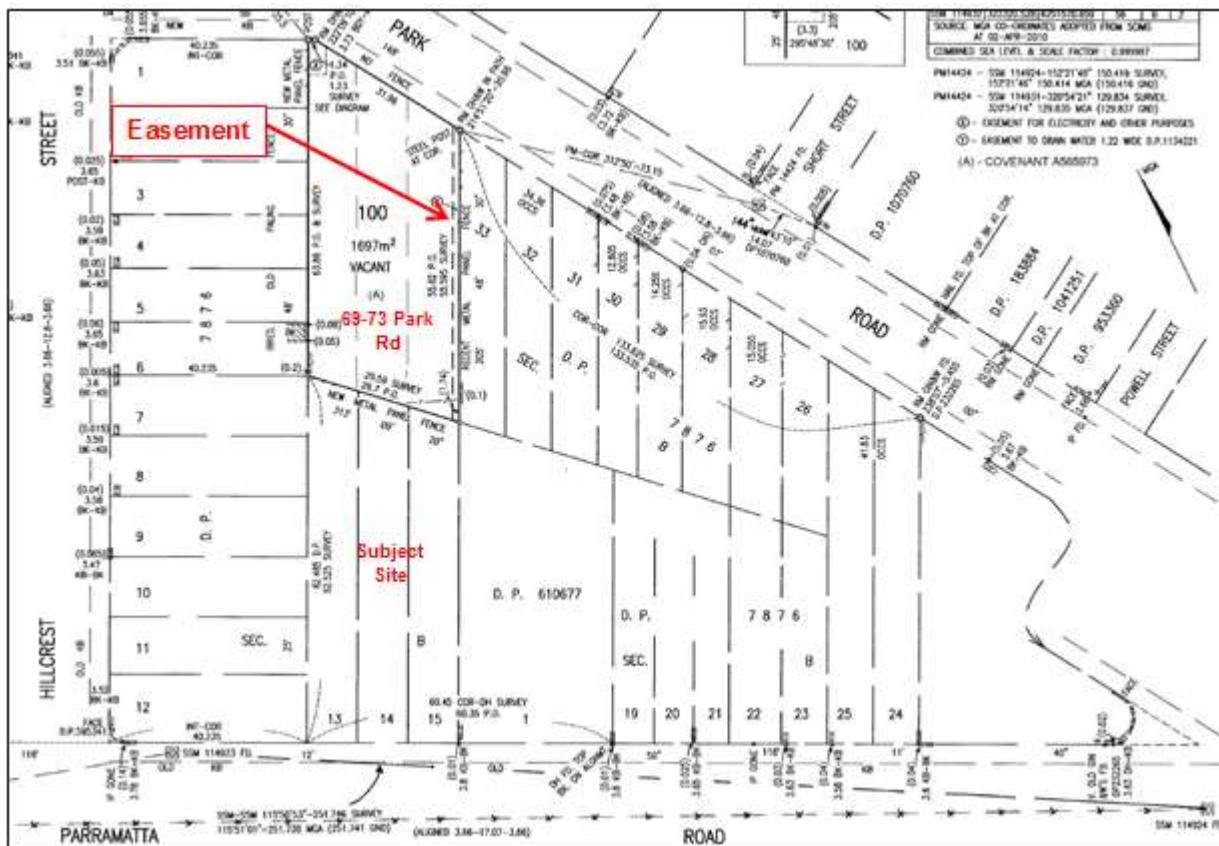
Not applicable.

**(i) any coastal zone management plan**

Whilst the front portion of the site is affected in the 1 in 100 year flood event attributed to Powell's Creek, the proposed modifications will not alter the conditions of consent included on the original consent.

**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 approved stormwater drainage design connecting to the drainage system in Parramatta Road is not achievable.. The applicant has submitted a design proposing a connection via an existing easement through 69-73 Park Road and the construction of a drainage system from Park Road to Council's existing drainage system in Short Street. The registration of the easement along the north-eastern side boundary of 69-73 Park Road has been confirmed. Council's Development Control Engineer raises no objection to the modifications to the stormwater drainage subject to the recommended conditions of consent.



**Figure 3:** Registered plan identifying the 1.22m wide drainage easement along 69-73 Park Road.

In addition to the amendments of the stormwater design, the application seeks to increase the floor area of the ground floor commercial tenancy of the building from 46m<sup>2</sup> to 61m<sup>2</sup>, as the fire control room is no longer required. The increase in the floor area of the commercial tenancy will provide more flexibility in regards to potential businesses occupying the tenancy. The proposed roof

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structure over the open section of the driveway ramp to the basement at the rear of the site is considered acceptable as it will improve stormwater management.

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

The approved development as modified by the current section 4.55(1A) application does not alter the suitability of the site for the development.

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

The application was notified in accordance with Part L of the SCDCP 2005 from 14 December 2018 to 7 January 2019. No written submissions were received.

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

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

### **LOCAL INFRASTRUCTURE CONTRIBUTIONS**

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

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

The 7.11 Contributions applicable to the development application were paid on 27 July 2017. As the subject application results in an increase of the commercial tenancy by 15m<sup>2</sup>, the following payment of additional Section 7.11 contribution fees are required.

Roads and Traffic	\$ 2,545.36
Provision of Community Facilities	\$ 0.00
Provision of Major Open Space	\$ 3,161.94
Provision of Local Open Space	\$ 2,055.26
Administration	\$ 0.00
<b>TOTAL</b>	<b>\$ 7,825.80</b>

### **CONCLUSION**

The application has been assessed having regard to Section 4.15 of the Environmental Planning and Assessment Act 1979, the Strathfield Local Environmental Plan 2012 and the Strathfield Development Control Plan No. 20 and is considered to be satisfactory for approval.

### **PEER REVIEW**

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

### **RECOMMENDATION**

Pursuant to Section 4.55(1A) of the Environmental Planning and Assessment Act 1979, the proposed modification(s) to Development Consent No. 2015/065 to enlarge the retail space C02,

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modify stormwater management and provide a roof to the basement entrance at 153 Parramatta Road, Homebush be **APPROVED**, subject to:

1. The original conditions of consent as approved on a Deferred Commencement basis by the Land and Environment Court on 18 December 2015 (DA2015/065).
2. As modified by the Operative Consent approved on 10 October 2016 (DA2015/065/01);
3. As modified by the Section 96(1A) application (DA2015/065/02) as approved by IDAP on 14 February 2018 involving the reconfiguration of the ground floor and increase of the building height; and
4. As modified by the Section 4.55(1A) application (DA2015/065/03) as follows:
  - Modification of Condition No. 1 to reflect the amended plans;
  - Addition of Condition No. 49A regarding works in the road reserve; and
  - Addition of Condition No. 26A regarding contribution fees.

Accordingly, Development Consent No. DA2015/065 is approved as following:

#### **Development Description:**

Demolition of the existing structures and construction of a (13) storey mixed use development containing two (2) ground floor commercial tenancies, (72) residential units comprising (26) x 1 bedroom, (44) x 2 bedroom and two (2) x 3 bedroom units above three (3) levels of basement car parking and associated landscaping and strata subdivision.

#### **Plans**

1. The development shall be completed in accordance with the approved plans and documents listed in Conditions D1, D2, D3 and below, prior to the building being used or occupied, and subject to any amendments "in red" and any variation as required by conditions of this consent:

Demolition Plan Dwg A102 prepared by GM Architects, filed with Land and Environment Court 11 December 2015.

Building Information Dwg A103 prepared by GM Architects, received by Council 25 June 2015.

Building A Basement 3 Dwg A104 prepared by GM Architects filed with Land and Environment Court 11 December 2015 (Revision 6).

Building A Basement 2 Dwg A105 prepared by GM Architects filed with Land and Environment Court 11 December 2015 (Revision 6).

Building A Basement 1 Dwg A106 prepared by GM Architects filed with Land and Environment Court 11 December 2015 (Revision 6).

Ground Floor Dwg A107, Issue 17 prepared by GM Architects, received by Council 6 December 2018.

Building A Level 1 Dwg A108, Issue 17 prepared by GM Architects, received by Council 6 December 2018.

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Building A Level 2 Dwg A109 prepared by GM Architects filed with Land and Environment Court 11 December 2015 (Revision 6).

Building A Level 3 Dwg A110 prepared by GM Architects filed with Land and Environment Court 11 December 2015 (Revision 6).

Building A Level 4 Dwg A111 prepared by GM Architects filed with Land and Environment Court 11 December 2015 (Revision 6).

Building A Level 5 Dwg A112 prepared by GM Architects filed with Land and Environment Court 11 December 2015 (Revision 6).

Building A Level 6 Dwg A113 prepared by GM Architects filed with Land and Environment Court 11 December 2015 (Revision 6).

Building A Level 7 Dwg A114 prepared by GM Architects filed with Land and Environment Court 11 December 2015 (Revision 6).

Building A Level 8 Dwg A115 prepared by GM Architects filed with Land and Environment Court 11 December 2015 (Revision 6).

Building A Level 9 Dwg A116 prepared by GM Architects filed with Land and Environment Court 11 December 2015 (Revision 6).

Building A Level 10 Dwg A117 prepared by GM Architects filed with Land and Environment Court 11 December 2015 (Revision 6).

Building A Level 11 Dwg A118 prepared by GM Architects filed with Land and Environment Court 11 December 2015 (Revision 6).

Building A Level 12 Dwg A119 prepared by GM Architects filed with Land and Environment Court 11 December 2015 (Revision 6).

Building A Roof Terrace Dwg A120 prepared by GM Architects filed with Land and Environment Court 11 December 2015 (Revision 6).

Level 14 Dwg A121 12679-11 prepared by GM Architects, received by Council 8 February 2018.

Building A North Elevation Dwg A122 prepared by GM Architects filed with Land and Environment Court 11 December 2015 (Revision 6).

Parramatta Road Elevation Dwg A123 prepared by GM Architects filed with Land and Environment Court 11 December 2015 (Revision 6).

Building A East Elevation Dwg A124 prepared by GM Architects filed with Land and Environment Court 11 December 2015 (Revision 6).

Building A West Elevation Dwg A125 prepared by GM Architects filed with Land and Environment Court 11 December 2015 (Revision 6).

Section – Section 1 Dwg A126 12679-11 dated 23.01.2018 prepared by GM Architects, received by Council 8 February 2018.

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Sections – Section 2 Dwg A127 12679-11 prepared by GM Architects, received by Council 8 February 2018.

Ramp Roof Dwg A604, Issue 17, prepared by GM Architects, received by Council 6 December 2018.

Waste Management Ground Floor Dwg A130 12679-11 prepared by GM Architects, received by Council 2 February 2018.

Waste Management Levels Dwg A141 prepared by GM Architects filed with Land and Environment Court 11 December 2015.

Specification of Finishes Building A 153 Parramatta Road prepared by GM Architects received by Council 25 June 2015.

BASIX Certificate No. 479762M\_03 issued 25 June 2015, received by Council 25 June 2015.

Landscape Ground Plan Drawing No.GMAR001 Edition C prepared by DenisChan Landscape Architects, received by Council 1 July 2016.

Landscape Level 1 Plan Drawing No.GMAR001 Edition C prepared by DenisChan Landscape Architects, received by Council 1 July 2016.

Landscape Level 7 Plan Drawing No.GMAR001 Edition C prepared by DenisChan Landscape Architects, received by Council 1 July 2016.

Landscape Roof Terrace Plan Drawing No.GMAR001 Edition C prepared by DenisChan Landscape Architects, received by Council 1 July 2016.

Landscape Details Drawing No.GMAR001 Edition C prepared by DenisChan Landscape Architects, received by Council 1 July 2016.

Site and Roof Drainage Plan Drawing No.10MB4024/D01 Issue D, prepared by United Consulting Engineers, received by Council 1 July 2016.

Ground Floor Drainage Plan Drawing No.10MB4024/D02 Issue D, prepared by United Consulting Engineers, received by Council 1 July 2016.

Level 1 Basement Drainage Plan Drawing No.10MB4024/D02 Issue C, prepared by United Consulting Engineers, received by Council 25 June 2015.

Level 2 Basement Drainage Plan Drawing No.10MB4024/D03 Issue C, prepared by United Consulting Engineers, received by Council 25 June 2015.

Level 3 Basement Drainage Plan Drawing No.10MB4024/D04 Issue C, prepared by United Consulting Engineers, received by Council 25 June 2015.

Details Drawing No.10MB4024/D05 Issue C, prepared by United Consulting Engineers, received by Council 25 June 2015.

Pipe Drainage Plan & Details No.10MB4024/D06 Issue C, prepared by United Consulting Engineers, received by Council 25 June 2015.

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Proposed Pipe Drainage Plan No. 10MB4024/C02, Sheet 2 of 5, Issue G, prepared by United Consulting Engineers, received by Council 13 December 2018.

Pipe Long Section and Details, No. 10MB4024/C03, Sheet 3 of 5, Issue G prepared by United Consulting Engineers, received by Council 13 December 2018.

Acoustic Assessment Report prepared by Acoustic Logic, received by Council 25 June 2015.

Geotechnical Investigation Report prepared by Benviron group received by Council 1 July 2016.

Water Sensitive Urban Design (WSUD) Strategy prepared by United Consulting Engineers, received by Council 1 July 2016.

Substation Option Plan, received by Council 1 July 2016.

2. A Construction Certificate must be obtained either from Council or a privately accredited person before commencement of any construction associated with this consent.
3. The Principal Certifying Authority must be appointed prior to work commencing to supervise the work and authorise occupation/use of the building when completed.
4. A copy of the endorsed stamped plans and specifications, together with a copy of the Development Consent, Construction Certificate and any approved Traffic Management Plan are to be retained on site at all times.

### Special Conditions

5. **Prior to the issue of an Occupation Certificate** a covenant prepared in accordance with Section 88B of the Conveyancing Act 1919 shall be placed on the title of the property and each and every lot in any strata subdivision of the development restricting the maximum size of any vehicle to access the site to be a small rigid vehicle of no more than 6.4m in length and no more than 3.5m in height.  
  
The wording of the Instrument shall be submitted to, and approved by Council prior to lodgement at Land & Property Information NSW. The Instrument shall be registered and a registered copy of the document shall be submitted to and approved by the consent authority **prior to the issue of an Occupation Certificate**.
6. **Prior to the issue of an Occupation Certificate**, a sign shall be affixed in a clearly visible location in the entry lobby and at the vehicular entrance to the site stating: "Vehicles in excess of a Small Rigid Vehicle (6.4m length) are prohibited to access the site at any time."
7. **Prior to the issue of an Occupation Certificate**, the applicant is required to obtain and register an easement for the proposed substation (and any right of way required by Ausgrid to access such substation), in favour of Ausgrid. Such easement to be generally in accordance with the letter prepared by AAPE Pty Ltd.
8. (a) Development consent does not give approval to any works the Road Reserve. The applicant must obtain a separate approval under sections 138 and 139 of the Roads Act 1993 for the works in the road reserve required as part of the development. This

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approval must be obtained **prior to the issue of a Construction Certificate.**

- (b) The required plans and specifications are to be designed in accordance with the General Specification for the Construction of Road and Drainage Works. The drawings must detail existing utility services affected by the works, erosion control requirements and traffic management requirements during the course of works. Survey must be undertaken as required. Traffic management is to be certified on the drawings as being in accordance with the RMS Traffic Control at Work Sites Version 4 (July 2010). Construction of the works must proceed only in accordance with any conditions attached to the Roads Act approval.
9. A minimum of 15% of all units shall be 'Adaptable Housing' in accordance with AS4299 or any subsequent standard. The Principal Certifying Authority must confirm that a minimum of (11) adaptable units with designated disabled parking spaces have been included in the development **prior to the issue of a Construction Certificate.**
10. Fixed/retractable washing lines must be provided on all residential balconies and must be configured to ensure they are not visible from a public place. The installation and acceptable location of washing lines must be confirmed by the Principal Certifying Authority **prior to the issue of a Construction Certificate.**
11. The external finish of the building is to be strictly in accordance with the specifications listed under Condition 1 above. The Principal Certifying Authority must confirm compliance with these colours and material finish specifications **prior to the issue of an Occupation Certificate.**
12. Provision must be made for exhaust ducting from all commercial tenancies with discharge at roof level. Detailed plans demonstrating compliance with this condition and any relevant Australian Standards must be submitted to and approved by the Principal Certifying Authority **prior to the issue of a Construction Certificate.**
13. Concealed under awning lighting must be provided for the full length of the awning to Parramatta Road. Amended plans demonstrating compliance shall be prepared and submitted to the Principal Certifying Authority **prior to the issue of a Construction Certificate.**
14. The entry door to the residential lobby of the development is to be relocated to the property boundary along Parramatta Road. Amended plans demonstrating compliance shall be prepared and submitted for approval to the Principal Certifying Authority **prior to the issue of a Construction Certificate.**
15. **Prior to the issue of the Occupation Certificate** for the applicant must submit original instruments under Section 88B of the Conveyancing Act with the plans of subdivision, plus six (6) copies to Council for approval and endorsement. The S88B Instruments must contain all required easements, rights-of-carriageway, positive covenants, restrictions-on-use or other burdens/benefits as required under this consent. Strathfield Municipal Council must be named as the authority whose consent is required to release, vary or modify the burdens.
- Registered title documents showing the covenants and restrictions must be submitted to and approved by Council prior to the issue of an Occupation Certificate.

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16. **Prior to issue of the Occupation Certificate**, an easement for servicing is to be created under Section 88B of the Conveyancing Act 1919. This is to permit legal access for Council, Ausgrid, Ausgrid contractors or other utilities providers and their vehicles over the subject property for the purpose of accessing the substation. The terms of the easement are to be to the satisfaction of Council's Development Engineer.
17. **Prior to the issue of an Occupation Certificate**, the Principal Certifying Authority shall be satisfied that all commitments listed in BASIX Certificate No. 47976M\_03 have been complied with.

#### General

18. The buildings shall not be occupied or used until the development has been completed in accordance with the conditions of this consent, construction has been completed in accordance with the Construction Certificate and an Occupation Certificate has been issued by the Principal Certifying Authority.
19. A separate application shall be issued for the fit out and use of the ground floor commercial tenancies prior to any occupation thereof.
20. For residential flat developments which are subject to State Environmental Planning Policy (SEPP) No. 65 – Design Quality of Residential Flat Development and required to be accompanied by a design verification from a qualified designer under Clause 50(1A) of the *Environmental Planning and Assessment Regulation 2000*, a certifying authority must not issue:
  - (a) A **Construction Certificate** unless the certifying authority has received a design verification statement from a qualified designer that verifies that the plans and specifications achieve or improve the design quality of the development for which development consent was granted having regard to the design quality principles set out in Part 2 of SEPP No. 65, in accordance with Clause 143A of the Regulations; and
  - (b) an **Occupation Certificate** to authorise a person to commence occupation or use of the residential flat building unless the certifying authority has received a design verification statement from a qualified designer that verifies that the residential flat development achieves the design quality of the development as shown in the plans and specifications in respect of which the construction certificate was issued, having regard to the design quality principles set out in Part 2 of SEPP No. 65, in accordance with Clause 154A of the Regulations.
21. The standing of delivery vehicles to the site, during the period of construction of the proposed development, shall be permitted only within the 'Works Zone' allocated to the site, and to that effect the applicant shall make a separate application to Council for the provision of such a Works Zone; and the use of any portion of the public street outside the Works Zone shall be strictly prohibited for queuing of vehicles waiting to deliver building materials to the site.
22. **Prior to the issue of a Construction Certificate**, photographs documenting any existing damage to the kerb and gutter and footpaths adjacent to the property shall be submitted to

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the consent authority.

23. All exhaust and other emissions including noise from the premises shall comply with the provisions of the *Protection of the Environment Operations Act 1997* and Regulations.
24. The applicant or any contractors carrying out works in public or Council controlled lands shall have public liability insurance cover to the value of \$20million and shall provide proof of such cover to Council prior to carrying out works.
25. The development must be provided with a master TV antenna connected to all residential units **prior to the issue of an Occupation Certificate.**

### Financial Matters

26. In accordance with the provisions of Section 94(1)(b) of the Environmental Planning and Assessment Act 1979 and the Strathfield Direct Development Contributions Plan 2010-2030, a contribution in the form of cash, cheque or credit card (financial transaction fee applies) shall be paid to Council for the following purposes:

Provision of Community Facilities	\$67,933.70
Provision of Major Open Space	\$307,748.02
Provision of Local Open Space	\$123,425.08
Provision Roads and Traffic Management	\$15,570.01
Administration	\$13,107.00
<b>TOTAL</b>	<b>\$527,753.91</b>

The total amount of the contribution is valid as at the date of determination and is subject to quarterly indexation. Contributions shall be indexed at the time of payment in accordance with clause 2.14 of the Strathfield Direct Development Contributions Plan 2010-2030.

The required contribution shall be paid **prior to the issue of a Construction Certificate.**

- 26A. The following contributions are required to be paid to Council for the Section 4.55 Modification application (DA2015/065/03) in accordance with the provisions of Section 7.11 of the *Environmental Planning and Assessment Act 1979* and the Strathfield Direct Development Contributions Plan 2010-2030. The contribution is payable in the form of cash, cheque or credit card (financial transaction fee applies) shall be paid to Council for the following purposes:

Roads and Traffic	\$ 2,545.36
Provision of Community Facilities	\$ 0.00
Provision of Major Open Space	\$ 3,161.94
Provision of Local Open Space	\$ 2,055.26
Administration	\$ 0.00
<b>TOTAL</b>	<b>\$ 7,825.80</b>

27. A security payment of \$10,127.00 in the form of cash, bank guarantee, cheque or credit card (financial transactions fees apply) shall be paid to Council **prior to the issue of a Construction Certificate.** The security payment is GST inclusive and comprises the following:

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Refundable works bond	\$10,000.00
Non-refundable administration fee (\$127/bd)	\$ 127.00
<b>TOTAL</b>	<b>\$10,127.00</b>

The security payment covers the following matters and will be released upon satisfactory completion of these items:

- (a) road and stormwater drainage works in roadways and public areas;
- (b) connection to Council's stormwater drainage system;
- (c) installation and maintenance of sediment control measures for the duration of construction activities; and
- (d) Ensuring no damage occurs to or building debris/materials are left on Council land including footpath, nature strip, kerb and gutter. The security bond may be used to recover the costs incurred by Council in cleaning and restoring the land to its original condition.

28. Fees are payable where Council is appointed as principal certifying authority to carry out the post-approval inspections. A quotation for the fees can be obtained by contacting Council and the fees shall be paid **prior to the carrying out of any of the inspections.**

Any re-inspection which is necessary due to site access not being available, defective work, or the matter not being ready for inspection will be charged in accordance with Council's Fees and Charges Policy. Council will advise in writing if an additional re-inspection is required and the re-inspection fee shall be paid **prior to release of the damage deposit.** If the additional fee is not paid it will be deducted from the damage deposit.

### Parking/Traffic Matters

29. A total of (110) off-street parking spaces, hardpaved, linemarked, labelled and drained, shall be provided in accordance with the approved plans and distributed as follows:

Residents	72
Visitors	14
Unallocated	12
Commercial Loading dock	1
<b>Commercial</b>	<b>11</b>
<b>TOTAL</b>	<b>110</b>

These spaces shall only be used for the parking of motorcycles, sedans, utilities, vans and similar vehicles up to two (2) tonne capacity.

The unallocated spaces are to be provided on Basement Level 1.

- (b) Residential parking spaces shall be designated at the following rates:
  - 1 bedroom units Minimum of 1 space and maximum of 2 spaces per unit
  - 2 bedroom units Minimum of 1 space and maximum of 2 spaces per unit
  - 3 bedroom units Minimum of 2 spaces per unit

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- (c) Retail/commercial parking spaces shall be designated at the following rate:  
1 space per 50 sqm of retail/commercial space
- (d) The unallocated spaces provided on basement level 1 are not to be sold or strata subdivided with residential apartments or commercial lots and are to remain in the ownership and control of the owners corporation for a period of 5 years to facilitate the provision of parking to 16 Hillcrest Street, Homebush in the event that parking is required for that development and the owner of that lot obtains or acquires rights to utilise the parking spaces by agreement with the owners corporation of this site.
30. A sign shall be erected in a suitable location on the site advising that parking is available for visitors/customers.
31. Accessible and functional bicycle storage shall be provided in the basement for use by residents, commercial tenants and visitors to the site. Amended plans shall be prepared and submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate.
32. Where entry points to carpark areas are fitted with security gates/shutter and access to visitor parking is required to be provided a suitable communication system shall be provided at the entry point to allow the security gates/shutter to be opened remotely by occupants/tenants of the building.
33. The entry and exit driveways shall be suitably signposted and directional arrows shall be painted on the internal roadway.
34. All vehicles entering and leaving the site shall be driven in a forward direction only.
35. All driveways shall be separated from landscaped areas by a minimum 150mm high by 150mm wide concrete kerb or similar.
36. The vehicle spaces must not be enclosed with walls or meshed security screens without the prior approval of Council.
37. The loading dock shall not be used for storage purposes at any time.
38. All car washing, engine degreasing and steam cleaning shall be conducted in the wash bay which is drained in accordance with the requirements of Sydney Water.
39. All redundant vehicular crossings shall be removed and replaced with kerb and gutter and footpath at no cost to Council.
40. Reconstruct the footpath, kerb and gutter to Council's specifications for the full frontage of the development site at the completion of all building works.
41. Purpose built storage compartment(s) shall be provided to and within each of the resident car parking bays and/or associated dwellings at the following rate:
- 6m<sup>3</sup> for each one (1) bedroom unit
  - 8m<sup>3</sup> for each two (2) bedroom unit, and
  - 10m<sup>3</sup> for each unit with three (3) bedrooms or more.

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Amended plans showing the location and configuration of each of storage compartment(s) shall be submitted to and approved by the Principal Certifying Authority prior to the issue of the Construction Certificate.

42. **Prior to the Commencement of Works** a Construction Traffic Management Plan (CTMP) shall be prepared by a suitably qualified consultant to demonstrate that the proposed delivery routes for equipment, materials and machinery to and from the site will not disrupt the local traffic network. The CTMP is to nominate waiting zones for the queueing of vehicles pending their loading/unloading at the site in order to manage traffic impact on Parramatta Road. The recommendations of the CTMP are to be implemented during construction and excavation phases of the development. This document shall be submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate.

#### **Drainage/Stormwater**

43. Stormwater runoff from all roof and paved surfaces shall be collected and discharged by means of a gravity pipe system to the new trunk drainage system via the onsite stormwater detention systems and as depicted on the stormwater drainage concept plans.
44. Details of the proposed method of stormwater disposal shall be prepared by a suitably qualified professional civil engineer in accordance with the endorsed concept plans **AND** the requirements of Council's Stormwater Management Code.

In this project the above engineering plans are satisfactory as Concept plans. The assessment authority, (either (a) Council, or (b) a Private Certifier), is to satisfy themselves of the adequacy of the above plans for the purposes of Construction. They are to independently determine what details, if any, are to be added to the Construction Certificate plans, in order for the issue of the Construction Certificate. Where a Private Certifier issues the Construction Certificate, a copy must be provided to Council prior to the issue of a Construction Certificate.

45. On-site stormwater detention storage shall be provided in conjunction with the stormwater disposal system. The storage system shall be designed in accordance with the endorsed concept stormwater plans **AND/OR** Council's Stormwater Management Code. Details of the storage system shall be submitted to and approved by the Principal Certifying Authority prior to the issue of a Construction Certificate.
46. **Prior to the issue of an Occupation Certificate/use of the building,** written verification from a suitably qualified professional civil engineer shall be obtained, stating that all stormwater drainage and related work has been constructed in accordance with the approved plans.

In addition, detailed works-as-executed plans, prepared and signed by a registered surveyor, shall be submitted to and approved by the Principal Certifying Authority. Where changes have occurred the plans shall be marked-up in red ink and shall include levels and location for all drainage structures and works, buildings (including floor levels) and finished ground and pavement surface levels.

47. Temporary measures shall be provided and regularly maintained during demolition, excavation and construction to prevent sediment and polluted waters discharging from site. Plans showing such measures in accordance with the NSW Department of Housing, Managing Urban Stormwater, Soils and Construction Manual dated August 1998 shall be

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

48. For drainage works within public land or connecting to Council's stormwater drainage system the following inspections will be required:-

- (a) After the excavation of pipeline trenches.
- (b) After the laying of all pipes prior to backfilling.
- (c) After the completion of all pits and connection points.

A minimum of 48 hours' notice shall be given to Council to inspect works. Inspections may be arranged by telephoning Council's Engineering Works and Services section on 9748-9999 during office hours. Work is not to proceed until the works are inspected and approved by Council.

49A. Detailed drawings including long and short sections and specifications of all works within existing roads (including but not limited to structures, road works, driveway crossings, footpaths and stormwater drainage) shall be submitted to and approved by Council under Section 138 of the Roads Act 1993 and all fees and charges paid, prior to the issue of a Construction Certificate.

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

All Council trees are to be protected in accordance with Australian Standard AS4970 - 2009 , Protection of Trees on Development Sites.

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

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

All civil engineering works adjacent/near/outside 153 Parramatta Road, Homebush are to be fully supervised by Council. A maintenance period of six (6) months shall apply to the work, after it has been completed and approved. In that period the Applicant shall be liable for any part of the work which fails to perform in the manner outlined in Council's specifications, or as would reasonably be expected under the design conditions.

- 49. All pits shall be constructed in accordance with Australian Standard AS3500.3.
- 50. All subsoil drainage must be designed to meet the requirements of AS3500.
- 51. Access to the basement car park, head room for basement entry, driveway ramp and turning circles shall be designed in accordance with AS 2890.1-2004.
- 52. The proposed basement pump out system is to be strictly in accordance with the requirements set out in Strathfield Council's Stormwater Management Code 2007. The rising main shall be connected to the OSD tank/basin. Final details of this system are to be submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate.

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53. All surface inlet drains upstream of the on-site detention basin must be designed so that there is no overflow before the storage is full.
54. Overflow paths shall be provided to allow for flows in excess of the capacity of the pipe/drainage system draining the site, as well as from any on-site stormwater detention storage.
55. 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.
56. 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.
57. A Positive Covenant under Section 88E of the Conveyancing Act shall be created on the title of the property detailing the:
  - (a) On-site stormwater detention system **AND**
  - (b) All Water Sensitive Urban Design components;

incorporated in the development. The wording of the Instrument shall be submitted to, and approved by Council prior to lodgement at Land & Property Information NSW. The Instrument shall be registered and a registered copy of the document shall be submitted to and approved by the consent authority **prior to the issue of an Occupation Certificate/use of the building.**

The positive covenant is required to prevent future modification or alteration without the written consent of the consent authority, and to ensure suitable maintenance is carried out.

58. A detailed design of the Water Sensitive Urban Design (WSUD) components (stormwater treatment measures) shall be submitted to and approved by the Principal Certifying Authority **prior to the issue of a Construction Certificate** and shall include, but not be limited to:

Batters, levels, underdrains, high flow bypass details, clean out points, filter media details, mulching details, material specification, planting details, inlet scour protection areas, maintenance access ramps and maintenance schedule(s).

The design shall be prepared by a suitably qualified professional engineer experienced in Water Sensitive Urban Design in accordance with the approved plans, conditions of consent, Strathfield Council's Development Control Plan Part N - Water Sensitive Urban Design 2005, Strathfield Council WSUD Reference Guideline and WSUD Technical Design Guidelines for South East Queensland (SEQ Healthy Waterways Partnership) Version 1 June 2006 or subsequent updated versions.

59. All approved stormwater works are required to be carried out in accordance with the conditions of consent, approved construction certificate plans, "Strathfield Council WSUD Reference Guideline" and the Construction and Establishment Guidelines: Swales, Bioretention Systems and Wetlands (SEQ Healthy Waterways Partnership) Version 1.1 April 2010 or subsequent versions that may be updated.

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60. A suitably qualified Engineer is required to inspect and certify the proposed development at the completion of each of the following construction phases(if any):
1. Installation of the overflow pit and bulking out/trimming profiling;
  2. Installation of under drainage;
  3. Installation of cleanout points;
  4. Installation of drainage layer;
  5. Installation of transition layer;
  6. Installation of filtration media;
  7. Laying of geofabric protection for build-out phase;
  8. Laying of turf temporary protection layer, and
  9. Final planting.
61. An Operational Management and Maintenance Report is required to be submitted to the Principal Certifying Authority prior to the issue of a Subdivision Certificate outlining the proposed long term operational management and maintenance requirements of the stormwater system on the site.

A schedule or timetable for the proposed regular inspection and monitoring of the devices, maintenance techniques, reporting and record keeping requirements and associated rectification procedure shall be included in the report.

### **Landscaping/Tree Matters**

62. The *Phoenix canariensis* (Canary Island Date Palm) is to be transplanted to a new location within the property. All transplanting must be undertaken by a suitably qualified tree transplanter.
63. Three (3) x established Tallowood (*eucalypt micorys*) of minimum 100L container size must be planted in the nature strip adjoining the Parramatta Road frontage of the site.

These three (3) specimens are required to be planted at equal intervals and must be provided within tree pits in the Council nature strip adjoining the site along Parramatta Road. These specimens must be planted a minimum of 1.0 metre from the back of kerb, with a minimum 9 metre spacing from their centres. These trees shall be installed using suspended pavements over non-compacted soils in individual tree pits, incorporating CityGreen® Strata Cell® (Series 30) systems. The minimum dimensions of the Strata Cell modular units shall be 5m long x 3m wide x 1m deep, leaving a minimum open base of 1.2m x 1.2m for each tree. The edge of the openings within the suspended pavement shall be offset by 1.0m from the back of the kerb.

The chosen specimens are to be vigorous and well established, free from disease and pests, of good form, consistent with species or variety, hardened off, not soft or forced, with large healthy roots systems with no evidence of root curl, restriction or damage. Trees are to have a single leader and clear straight trunk. Trees are to conform to the *NATSPEC guide and Guide for assessing the quality of and purchasing of landscape trees* by Ross Clarke, 2003.

64. All trees are to be staked and tied with a minimum of three (3) hardwood stakes. Ties are to be hessian and fixed firmly to the stakes, one tie at half the height of the main stem, others as necessary to stabilise the plant.
65. Root deflection barriers having a minimum depth of 600mm are to be installed adjacent to

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- all footpaths and driveways.
66. Soil conditioner/fertilizer/moisture retention additive/s shall be applied to the street trees in accordance with manufacturer's recommendations, and shall be mixed into the backfilling soil after planting tree/s.
67. A minimum 75mm depth of organic mulch shall be placed within an area 0.5m from the base of the tree. Further information regarding this requirement is able to be obtained from Council's Tree Coordinator, during regular business hours on 9748 9999. Should Council not act as the Certifying Authority a copy of the plan shall be forwarded to Council **as part of the Construction Certificate**.
68. **Prior to the issue of any Occupation Certificate**, the footpath along the Parramatta Road frontage of the site shall be **paved with** Raven black granite pavers in an exfoliated finish as follows:
- (a) Size: H =300mm, W = 600mm, D = 40mm
  - (b) Pattern: Stretcher bond
  - (c) The pavers are to be 300 x 600 x 40mm laid in standard stretcher bond pattern, with a 300 x 300 x 40mm header course (to the kerbside edge only)
  - (d) The paving should be laid with 1-3mm grouted joints on a 20mm thick mortar bed, atop a concrete slab (cover/reinforcement and any waterproofing to engineer's specification).
  - (e) All new/existing pit lids within the paved area will require recessed steel lids to integrate the granite paving.

### **Construction Matters**

69. The proposed development shall comply with the National Construction Code and details demonstrating compliance shall be submitted to the Principal Certifying Authority for approval **prior to the issue of a Construction Certificate**.
70. Footings shall be designed in accordance with the soil classification of H, or Highly Reactive (unless determined to the contrary by a suitably qualified person).
71. If the soil conditions require it retaining walls associated with the erection or demolition of a building or other approved methods of preventing movement of the soil must be provided, and adequate provision must be made for drainage.
72. The existing ground levels shall not be altered except in accordance with the levels shown on the approved plans as part of this consent. Finished ground surface levels shall match the existing levels at the property boundary. Any survey plan shall also show the extension of these levels in relation to adjoining properties.
73. If the existing ground levels are altered during construction, Council may require a survey plan of the finished ground levels to be prepared and submitted **prior to the issue of an Occupation Certificate** to determine if there have been changes to the pre-development

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levels and if there are any impacts on adjoining properties as a result.

74. All construction, demolition and excavation work shall be restricted to 7am and 5pm (Eastern Standard Time) on Mondays to Saturdays (inclusive) and prohibited on Sundays and public holidays.
75. All excavations and backfilling associated with the approved works must be executed safely and in accordance with appropriate professional standards. All excavations must be properly guarded and protected to prevent them from being dangerous to life or property.
76. If an excavation associated with the approved works extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made:
  - (a) Must preserve and protect the building from damage; and
  - (b) If necessary, must underpin and support the building in an approved manner, and
  - (c) Must, at least seven (7) days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.

77. There are built structures which may be in the zone of influence of the proposed works and excavations on the site. A qualified practicing geotechnical engineer must prepare a Construction Methodology Report demonstrating that the proposed construction method including any excavation and the configuration of the built structures will have no adverse impact on any surrounding property and infrastructure.

The report must be submitted with the application for a Construction Certificate and must include an investigation to determine the design parameters appropriate to the specific development and site. This would typically include;

- (a) the location and level of nearby foundations and footings (site and neighbouring);
- (b) proposed method of excavation;
- (c) Permanent and temporary support measures for excavation;
- (d) Potential settlements affecting footings and foundations;
- (e) Ground water levels (if any);
- (f) Batter slopes;
- (g) Potential vibration cause by method of excavation; and
- (h) De-watering including seepage and offsite disposal rate (if any).

Excavation, retention, underpinning and construction must be undertaken onsite by an excavation contractor with specialist excavation experience. A suitably qualified geotechnical engineer, specialising in excavation must supervise the excavation procedure.

78. The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.
79. The common access pathways, letterboxes and entry doorways to the building shall be provided with suitable low level artificial lighting systems to ensure safe and convenient

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- access at night. Details shall be submitted to and approved by the Principal Certifying Authority prior to the issue of a Construction Certificate.
80. To maintain pedestrian safety in common areas suitable lighting is to be provided on the development site adjoining each street frontage and near pedestrian main entrances to the site. Details shall be submitted and approved by the Principal Certifying Authority prior to the installation thereof.

### **Building Matters**

81. Identification numbers are to be clearly displayed at the front of the premises and be easily visible from the street.
82. Where building intruder alarms are installed in the building they shall be fitted with an automated "cut-off" timing device and operated as per the Protection of the Environment Operations (Noise Control) Regulation 2008.

### **Sustainability**

83. Water collected in the rainwater tank must be roof water only and not surface water. Water from the rainwater tank must only be used for following purposes and not for human consumption:
- (a) Toilet flushing;
  - (b) Clothes washing;
  - (c) Garden irrigation;
  - (d) Car washing and similar outdoor uses;
  - (e) Filling swimming pools, spa pools and ornamental ponds; and
  - (f) Fire fighting.
84. Water heating systems to multi-unit residential developments shall be located so as not to be visible from public places and the ground level of adjoining properties. Details (type and location) of the water heaters shall be submitted to and approved by the Principal Certifying Authority prior to the issue of a Construction Certificate.

### **Demolition**

85. Demolition shall be carried out in accordance with Australian Standard 2601 - 'The demolition of structures' or any subsequent standard and the relevant legislation.
86. The demolition of the building shall be carried out by a licensed demolition contractor. A copy of the licence shall be submitted to Council and the Principal Certifying Authority prior to any work commencing on site.
87. Details demonstrating that excavated and demolished materials including asbestos-based materials will be disposed of at an approved site shall be submitted to the Principal Certifying Authority prior to any work commencing on site.
88. The cleared ground surface of the site shall be suitably stabilised to prevent the generation of dust and the erosion of soil on the site.

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### Hoardings

89. If 'A' type hoarding is to be erected about the building site, it is to comply with NSW Workcover's requirements; shall have a minimum height of 1.8 m and comply with AS1725-2003 (Galvanized Rail-Less Chain-Wire Security Fences and Gates) or AS 4687-2007 (Temporary Fencing and Hoardings). Inverted trench mesh is not an acceptable 'A' type hoarding and as such does not satisfy AS1725-2003 and as such shall not be installed to the building site.
90. An overhead 'B' type hoarding shall be constructed where buildings over 7.5 m in height above the footpath level and within 3.6 m of the street alignment are being erected or demolished or where the outer part of such a building adjoining a public way is being altered. Where the height of the building or the position of the site is such that danger is likely to occur from falling objects, additional safety hoarding shall be provided to the satisfaction of the principal certifying authority and Workcover NSW.
91. An overhead 'B' type hoarding shall be constructed where material is being hoisted over or across a public way.
92. The following additional requirements apply to the erection of a 'B' type hoarding:
  93. No advertisement of any kind shall be affixed to hoarding with the exception of a board not exceeding 2400 –mm by 1800-mm on which may be shown the architects, builders and principal certifying authority company name / contact details or any particulars regarding the subject building, and notices regarding the existing or future occupancies in the building.
    - a. A sign reading 'Billposters will be Prosecuted' shall be attached or printed upon the front of the hoarding.
    - b. A hydrant or other footpath box shall not be covered in any way or access to it impeded.
    - c. Cranes shall not be placed upon the public way unless a permit has been obtained under section 68 Local Government Act, 1993.
    - d. The hoarding must be so constructed that it will not obstruct the view of traffic lights of motorists or pedestrians.
    - e. The use of the roadway for the storage of building materials is not permitted.
    - f. Where materials are being hoisted over a public way a sign shall be attached or printed upon the front of the hoarding at the decking level with the lettering 'Lifting Operation Above'. The lettering shall not be less than 300-mm in height.
    - g. Persons undertaking the work in accordance with this Approval must hold this Approval/Permit on-site for inspection.
    - h. Approval for a temporary protective structure does not permit use of the roadway for general loading and unloading from construction vehicles. This requires a separate Construction Zone Application.

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- i. An appropriate qualified practising structural engineer shall certify the structural stability / adequacy of the erected 'B' type hoarding. A copy of the certificate shall be forward to the principal certifying authority and to Council, where Council is not the principal certifying authority.
94. The builder shall erect and maintain all necessary hoardings, barricades and warning signs required to provide adequate public safety. Night warning lamps are to be provided where necessary and must be in place before the approved activity commences.
95. Permits are required to erect Class 'A' or 'B' type hoardings. If any type hoarding is to occupy a section of Council's property, that section will require a permit for the occupation of Council's property. The applicant, owner, builder or site supervisor must apply for specific permits. The application form is available from Council's Customer Service Department.

### Air Quality

96. As required by the Protection of the Environment Operations (Noise Control) Regulation 2008, air-conditioning units or heat pump water heaters shall not be audible in the habitable rooms of any other residential premises before 8am or after 10pm on any Saturday, Sunday or public holiday, or before 7am or after 10pm on any other day.
97. Full compliance shall be given to the recommendations contained in the endorsed acoustic consultant's report and the requirements of Clause 102 of SEPP (Infrastructure) 2007.
98. Air Conditioning plant and commercial ventilation details shall be submitted to a suitable Acoustic Consultant for review. A supplementary acoustic report shall be prepared and submitted to the Principal Certifying Authority for review and any recommendations shall be incorporated into architectural plans **prior to the issue of a Construction Certificate.**
99. Loading dock hours, movements and closing of loading dock entry door shall be imposed in accordance with the endorsed Acoustic Report, as follows:
  - a) Hours of use: 7am to 6pm, Monday to Sunday;
  - b) Maximum of two (2) vehicle movements per hour, and
  - c) Loading dock entry door must be closed after vehicle has entered and before unloading occurs.

### Disabled Access

100. Access to the building and communal rooftop area for persons with disabilities shall be in accordance with the requirements of the Building Code of Australia and the relevant standards. Details shall be submitted to and approved by the Principal Certifying Authority **prior to the issue of a Construction Certificate.**
101. A carparking space for persons with disabilities shall be provided in accordance with the Building Code of Australia and the relevant standards. Details shall be submitted to and approved by the Principal Certifying Authority **prior to the issue of a Construction Certificate.**

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### **Waste Management**

102. Full compliance must be given to the endorsed Waste Management Plan submitted for the proposed development. Copies of any weighbridge receipts from all approved waste disposal facilities shall be retained for presentation to the Principal Certifying Authority upon request.

The waste storage room shall be designed to comply with the relevant standards and details shall be submitted to and approved by the Principal Certifying Authority **prior to the issue of a Construction Certificate.**

### **Integrated Development**

103. Full compliance is required with the below conditions as required by the NSW Office of Water:
- a. An authorisation shall be obtained for the take of groundwater as part of the activity;
  - b. Groundwater shall not be pumped or extracted for any purpose other than temporary construction dewatering at the site identified in the development application. The authorisation shall be subject to a currency period of 12 months from the date of issue and will be limited to the volume of groundwater take identified;
  - c. The design and construction of the structure shall preclude the need for permanent dewatering by waterproofing those areas that may be impacted by any water table (i.e. a fully tanked structure) with adequate provision for unforeseen fluctuations of water table levels to prevent potential future inundation;
  - d. Construction methods and material used in and for construction shall not cause pollution of the groundwater;
  - e. Prior to excavation, measurements of groundwater levels beneath the site from a minimum of three monitoring bores shall be taken and a report provided to the NSW Office of Water. A schedule and indicative plans of the proposed ongoing water level monitoring from the date of consent until at least two months after the cessation of pumping shall be included in the report;
  - f. Prior to excavation, a reasonable estimate of the total volume of groundwater to be extracted shall be calculated and a report provided to the NSW Office of Water. Details of the calculation method shall be included in the report;
  - g. Prior to excavation, a copy of a valid development consent for the project shall be provided to the NSW Office of Water;
  - h. Prior to excavation, groundwater quality testing shall be conducted and a report supplied to the NSW Office of Water. Samples must be taken prior to the commencement of pumping, and a schedule of the ongoing testing throughout the dewatering activity shall be included in the report. Collection and testing and interpretation of results must be done by suitably qualified persons and NATA certified laboratory identifying the presence of any contaminants and comparison of the data

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against accepted water quality objectives or criteria;

- i. Prior to excavation, the method of disposal of pumped water shall be nominated (i.e. street drainage to the stormwater system or discharge to sewer) and a copy of the written permission from the relevant controlling authority shall be provided to the NSW Office of Water. The disposal of any contaminated pumped groundwater (tailwater) must comply with the provisions of the *Protection of the Environment Operations Act 1997* and any requirements of the relevant controlling authority;
- j. Prior to excavation, contaminated groundwater shall not be reinjected into any aquifer. The reinjection system design and treatment methods to remove contaminants shall be nominated and a report provided to the NSW Office of Water. The quality of any pumped water (tailwater) that is to be reinjected must be compatible with, or improve the intrinsic or ambient groundwater in the vicinity of the reinjection site;
- k. During excavation, piping or other structures used in the management of pumped groundwater (tailwater) shall not create a flooding hazard. Control of pumped groundwater (tailwater) is to be maintained at all times during dewatering to prevent unregulated off-site discharge;
- l. During excavation, measurement and monitoring arrangements to the satisfaction of the NSW Office of Water are to be implemented. Monthly records of the volumes of all groundwater pumped and the quality of any water discharged are to be kept and a report provided to the NSW Office of Water after dewatering has ceased. Daily records of groundwater levels are to be kept and a report provided to the NSW Office of Water after dewatering has ceased;
- m. During excavation, pumped groundwater (tailwater) shall not be allowed to discharge off-site (e.g. adjoining roads, stormwater system, sewerage system, etc) without the controlling authorities approval and/or owners consent. The pH of discharge water shall be managed to be between 6.5 and 8.5. The requirements of any other approval for the discharge of pumped groundwater (tailwater) shall be complied with;
- n. During excavation, dewatering shall be undertaken in accordance with groundwater related management plans applicable to the excavation site. The requirements of any management plan (such as acid sulphate soils management plan or remediation action plan) shall not be compromised by the dewatering activity;
- o. During excavation, the location and construction of groundwater extraction works that are abandoned are to be recorded and a report provided to the NSW Office of Water after dewatering has ceased. The method of abandonment is to be identified in the documentation;
- p. During excavation, access to groundwater management works used in the activity is to be provided to permit inspection when required by the NSW Office of Water under appropriate safety precautions, and
- q. Following excavation, all monitoring records must be provided to the NSW Office of Water after the required monitoring period has ended together with a detailed

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interpreted hydrogeological report identifying all actual resource and third party impacts.

### Land Contamination

104. The site shall be remediated in accordance with the recommendations of the approved Phase 2 Detailed Site Investigation endorsed in the deferred commencement condition D1. Copies of all weighbridge receipts must be provided to Council to ensure contaminated soil and waste is classified and disposed to suitable landfill in accordance with the "Waste Classification Guidelines, Part 1: Classifying Waste" NSW DEC (2009) **prior to the issue of a Construction Certificate.**
105. If during any site works, significant odours and/or evidence of gross contamination not previously detected are encountered, or any other significant unexpected occurrence, site works should cease in that area and Council, the Principal Certifying Authority and a suitably qualified Environmental Consultant shall be immediately notified.
106. **Prior to the issue of a Construction Certificate,** a report from a suitably qualified Environmental Consultant must be provided to Council stating that the site has been remediated to a suitable level for its intended use.
107. All fill imported on to the site shall be validated by an appropriately qualified person/body to ensure the imported fill is suitable, from a contamination perspective, for the proposed land use. Fill imported onto the site shall also be compatible with the existing soil characteristics for site drainage purposes.
108. Details of the appropriate validation of imported fill material are to be submitted with any application for future development of the site. All fill imported onto the site is to be validated during remediation works by sampling and analysis of the fill material in accordance with the applicable guidelines to ensure that the material is not contaminated.

### Roads and Maritime Services

109. All buildings and structures (other than pedestrian footpath awnings) as to be clear of the Parramatta road reserve (unlimited in height or depth).
110. All entry and exit to the site shall be by left in/left out vehicular movements only. Roads and Maritime requires separate splayed entry and exit driveways to be constructed to enforce the left in/left out vehicular movements only. The proposed raised concrete median within the footway is not supported; a turfed area would be supported. The driveways shall be designed so that the largest vehicle accessing the site can enter and exit from the kerbside lane.

The design and construction of the kerb and gutter crossings on Parramatta Road shall be in accordance with Roads and Maritime requirements. Details of these requirements should be obtained from Roads and Maritime Services, manager Developer Works, Statewide Delivery, Parramatta (telephone 9598 7798).

Detailed design plans and turn paths for the proposed gutter crossing are to be submitted to Roads and Maritime for approval **prior to the issue of Occupation Certificate and commencement of any road works.**

DA2015/065/03 - 153 Parramatta Road, Homebush  
Lots 13, 14 & 15 in DP 7876 Section B  
(Cont'd)

A plan checking fee (amount to be advised) and lodgement of a performance bond may be required from the applicant prior to the release of the approved road design plans by Roads and Maritime.

111. The redundant driveways on the Parramatta Road boundary shall be removed and replaced with kerb and gutter to match existing.
112. Detailed design plans and hydraulic calculations of any changes to the stormwater drainage system are to be submitted to Roads and Maritime for approval, prior to the commencement of any works.

Details should be forwarded to:  
The Sydney Asset Management  
Roads and Maritime Services  
PO BOX 973 Parramatta CBD 2124.

A Plan checking fee will be payable and a performance bond may be required before Roads and Maritime approval is issued. With regard to the Civil Works requirement please contact the Roads and Maritime Project Engineer, External Works Ph: 8849 2114 or Fax: 8849 2766.

113. A Road Occupancy Licence should be obtained from Transport Management Centre for any works that may impact on traffic flows on Parramatta Road during demolition/construction activities. A construction zone will not be permitted on Parramatta Road.
114. The developer is to submit design drawings and documents relating to the excavation of the site and support structures to Roads and Maritime for assessment, in accordance with Technical Direction GTD2012/001.

The developer is to submit all documentation at least six (6) weeks prior to commencement of construction and is to meet the full cost of the assessment by Roads and Maritime.

The report and any enquiries should be forwarded to:

Project Engineer, External Works  
Sydney Asset Management  
Roads and Maritime Services  
PO BOX 973 Parramatta CBD 2124.

Telephone 8849 2114  
Fax 8849 2766

If it is necessary to excavate below the level of the base of the footings of the adjoining roadways, the person acting on the consent shall ensure that the owner/s of the roadway is/are given at least seven (7) days' notice of the intention to excavate below the base of the footings. The notice is to include complete details of the work.

## ATTACHMENTS

There are no attachments for this report.

**TO:** Strathfield Internal Development Assessment Panel Meeting - 28 February 2019

**REPORT:** IDAP – Report No. 3

**SUBJECT:** DA2018/149 - 3 ABBOTSFORD ROAD, HOMEBUSCH  
LOT 21 SECTION 3 IN DP 400

**DA NO.** DA2018/149

## **SUMMARY**

<b>Proposal:</b>	Alterations and additions to the existing residential dwelling that includes demolition of the existing carport and outbuilding and construction of a single storey rear addition, in-ground swimming pool, detached double and single spaced carport, detached secondary dwelling and new front fence.
<b>Applicant:</b>	The Site Foreman
<b>Owner:</b>	NG & MJ Birbara
<b>Date of lodgement:</b>	24 October 2018
<b>Notification period:</b>	29 October 2018 – 15 November 2018
<b>Submissions received:</b>	Nil
<b>Assessment officer:</b>	LM
<b>Estimated cost of works:</b>	\$300,000.00
<b>Zoning:</b>	R2 Low Density Residential - SLEP 2012
<b>Heritage:</b>	Heritage Conservation Area (Abbotsford Road Conversation Area)
<b>Flood affected:</b>	No
<b>RECOMMENDATION OF OFFICER:</b>	<b>APPROVAL</b>

## **EXECUTIVE SUMMARY**

- 1.0 The application seeks Council approval for alterations and additions to the existing residential dwelling that includes demolition works to the existing carport and outbuilding and construction of a single storey rear addition, in-ground swimming pool, detached double and single spaced carport, detached secondary dwelling and new front fence.
- 2.0 The application was notified in accordance with Part L of the Strathfield Consolidated Control Plan (SCDCP) 2005 from 29 October 2018 to 15 November 2018. No submissions were received as a result.
- 3.0 A deferral letter was sent to the applicant on 12 November 2018, in relation to a number of outstanding matters.
- 4.0 Council received amended plans and additional information on 1 February 2019, which had generally responded to the issues raised in Council's deferral letter, with the exception of protecting Tree 7, 9 and 11. To reflect the long term protection of these trees, an amended Stormwater Drainage Plan was provided on 14 Feb 2019.

**DA2018/149 - 3 Abbotsford Road, Homebush  
Lot 21 Section 3 in DP 400 (Cont'd)**

5.0 The provided information is considered satisfactory for approval, subject to the recommended conditions of consent.

## **BACKGROUND**

- 24 October 2018** The Development Application was lodged with Council.
- 29 October 2018** The Development application was on public notification for a period of 14 days.
- 12 November 2018** A deferral letter was sent to the applicant in relation to a number of outstanding matters including:
- Submission of an Arborist report detailing all 13 trees on site and on the surrounding properties;
  - Insufficient landscaping; and
  - An assessment against Part P Heritage of the SCDCP 2005.
- 14 November 2018** Additional time to address the outstanding matters was granted by Planning Admin until 14 December 2018.
- 17 December 2018** Additional time to address the outstanding matters was confirmed via email by Councils Planning Officer for an additional 14 days.
- 15 January 2019** An email was sent to the applicant by Councils Planning Officer, seeking an update on the outstanding matters detailed in Councils original deferral letter.
- 21 January 2019** Councils Planning Officer called the applicant, seeking an update on the development application. The applicant was unable to take the call and therefore Councils Planning Officer spoke to the administration officer. A message was left requesting an immediate call back.
- 21 January 2019** A letter was sent to the applicant providing a final seven **(7) day** notice for the outstanding matters detailed in Councils deferral letter.
- 23 January 2019** Councils Planning Officer called the applicant (final notice) seeking any additional updates on the subject development application. It was discussed that a tree inspection had only just occurred and the external landscapers were on leave until 28 January 2019. An additional **(7) days** was requested by the applicant to address the matters in the deferral letter.
- 1 February 2019** Amended plans were lodged with Council, generally responding to the concerns raised in the deferral letter.
- 4 February 2019** Council requested a cost summary statement to ensure the correct calculation of development contribution fees.
- 4 February 2019** Councils Planning Officer and Councils Heritage Advisor spoke to the landowners of the subject property, raising concerns in relation to the amended plans submitted on 1 February 2019.
- 5 February 2019** Concerns were raised from Councils Tree Management Officer in relation to the location of the stormwater drainage system, secondary dwelling and the attached single spaced carport as it would have the potential to impact the

**DA2018/149 - 3 Abbotsford Road, Homebush  
Lot 21 Section 3 in DP 400 (Cont'd)**

long term health of the trees that are to be protected (as detailed in the submitted arborist report).

**14 February 2019** An amended Stormwater Drainage Plan was submitted to Council.

**18 February 2019** An amended Schedule of Colours and Finishes was submitted to Council in response to the comments made by Council's Heritage Advisor.

**25 February 2019** Comments from Council's Stormwater Engineer and Tree Management Officer were provided, confirming that the amended plans would ensure the long term protection of Tree 7, 9 and 11, subject to the imposition of conditions of consent.

**DESCRIPTION OF THE SITE AND LOCALITY**

The subject site is legally described as Lot 21 Section 3 in DP 400 and is commonly known as 3 Abbotsford Road, Homebush (**Figure 1**). The site is located on the north-eastern side of Abbotsford Road, between Homebush Road to the east and Melrose Street to the west and is located within the Abbotsford Road Heritage Conservation Area. The site is rectangular in shape with a total site area of 929m<sup>2</sup>.

The site comprises a single storey residential dwelling with exposed face brick to the exterior and a tile pitch roof form (**Figure 2**). The area is predominately characterised by single storey traditional-styled residential dwellings, primarily comprising of exposed face brick and tile pitched roof forms (refer **Figure 3** and **4**). There are two (2) Heritage listed items located on the southern side of Abbotsford Road including the 'Inter-war house and garden' (Item I4 in SLEP 2012) (refer to **Figure 5**) and 'Townbridge – Federation House' (Item I5 in SLEP 2012) (refer to **Figure 6**).



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

DA2018/149 - 3 Abbotsford Road, Homebush  
Lot 21 Section 3 in DP 400 (Cont'd)



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



**Figure 3:** 1 Abbotsford Road, Homebush (neighbouring residential dwelling).



**Figure 4:** Residential dwelling located directly opposite the subject site.

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Lot 21 Section 3 in DP 400 (Cont'd)



Figure 5: 10 Abbotsford Road, Homebush – Inter-wall house and garden (Item I4).



Figure 6: 16 Abbotsford Road, Homebush – ‘Townbridge – Federation House’ (Item I5 in SLEP 2012)

Source: Office of Environment & Heritage

## PROPERTY BURDENS AND CONSTRAINTS

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

## DESCRIPTION OF THE PROPOSED DEVELOPMENT

The application seeks Council approval for alterations and additions to the existing residential dwelling that includes demolition of the existing carport and outbuilding and construction of a single storey rear addition, in-ground swimming pool, detached double and single spaced carport, detached secondary dwelling and new front fence. Specific elements of the proposal include:

DA2018/149 - 3 Abbotsford Road, Homebush  
Lot 21 Section 3 in DP 400 (Cont'd)

**Rear addition:**

- Kitchen;
- Living room;
- Storeroom;
- Laundry;
- Toilet;
- Pantry; and
- Extension to the attic.

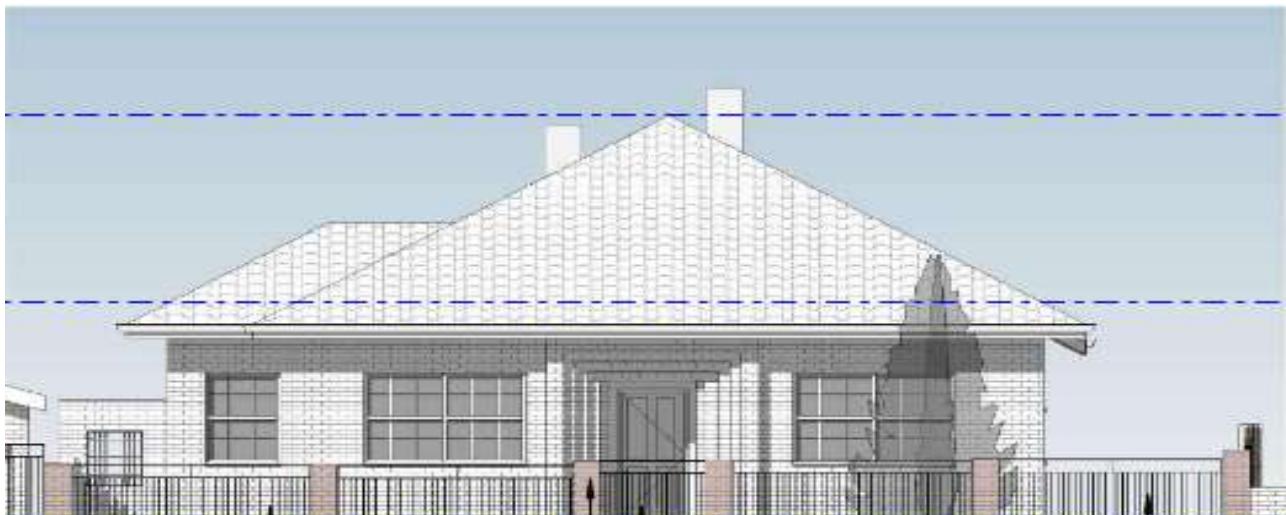
**Secondary dwelling:**

- Two (2) bedrooms;
- Kitchen;
- Living room;
- Laundry; and
- Bathroom.

**External works:**

- Double spaced carport (detached);
- Covered awning between the principal dwelling and the detached carport;
- Secondary dwelling;
- Single spaced carport (attached to the secondary dwelling);
- In-ground swimming pool;
- Front fence; and
- Associated landscaping works.

An extract of the proposed front elevation and front fence (**Figure 7**).



**Figure 7: Extract the proposed front elevation of the principle dwelling and front fence.**

An extract of the proposed site plan is shown below in **Figure 8**.

**DA2018/149 - 3 Abbotsford Road, Homebush  
Lot 21 Section 3 in DP 400 (Cont'd)**



**Figure 8: The proposed site plan of the subject application.**

## REFERRALS

### INTERNAL REFERRALS

#### Engineering Comments

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

As an amended Stormwater Concept plan was required detailing the protection of Tree 7, 9 and 11, additional comments were provided by Council's Stormwater Engineer. It was noted that the amended Concept plan did not include a backup absorption trench for the pump out pit. As a result, **Condition 1** is recommended in the consent, specifying an amended Concept plan that includes a backup absorption trench for the pump out pit.

#### Landscaping Comments

Council's Tree Management Coordinator originally commented on the proposal, stating that a Tree Arborist report will be required, specifically detailing all (13) trees located on site and on the neighbouring properties.

On 1 February 2019, an Arborist report was submitted to Council, where the following comments were made by Council's Trees Management Coordinator:

*"I have no objection to the removal of the trees numbered 2, 3, 4, 5, 6, 10, 12 and 13. The trees 7, 8, 9 and 11 are healthy and significant trees and are to be retained and protected. In this regard I do not support the construction of the proposed Granny Flat, stormwater management plan or the location of the proposed carport due to the major encroachment of more than 10% into the Tree protection Zone (TPZ)."*

*Accordingly the granny flat should not be approved, the stormwater management plan is to be amended to remove all encroachments into the TPZ of trees 7, 8, 9 and 11, and the proposed double carport is to be relocated to the eastern side property boundary and rotated 90 degrees clockwise."*

As an amended Concept Plan was provided, additional comments were provided by Council's Tree Management Coordinator. It was confirmed that the amended Concept Plan would assist with the long term protection of Tree 7, 9 and 11. Further, the removal of the proposed Secondary Dwelling and the attached single spaced carport is no longer recommended.

It was also recommended by Council's Tree Management Officer that two (2) new trees are planted within the front setback. The assessing officer agrees that the replacement planting should be required due to the proposed removal of a number of trees to the side and rear of the property. Replacement planting is secured by Condition 12 and so the recommended condition by Councils

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Lot 21 Section 3 in DP 400 (Cont'd)**

Tree officer where two (2) trees are planted within the front setback is not considered appropriate within this circumstance.

As trees approved for its removal are to be replaced (as detailed in **Condition 12**), it is recommended that the additional two (2) trees are not planted within the front setback (as proposed by Councils Tree Management Officer). Further, including the planting of these trees by way of a condition of consent is not recommended.

**Heritage Comments**

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

*"That the application is amended in accordance with this advice and the HIS be redrafted to include assessment of the applicable provisions of Part P - Heritage of the SCDCP2005. Specifically, the following amendments are recommended:*

1. *Reduce the overall height of the fence to not more than 1m and reconsider the design to be more appropriate to the age and style of the dwelling.*
2. *Set down the ridge of the extension by not less than 300mm*
3. *Consider the greater retention of landscaping and trees.*
4. *Update elevations and perspectives to more accurately demonstrate the proposed development."*

Councils Heritage Advisor has commented on the amended plans, stating that the design has enabled a clearer understanding of the proportion of the building, achieving compliance with Part P, Section 4.3 'Forms' and 5.4 'Roof forms in conservation areas.' An amendment to the front fence height is considered to be more appropriate with the age and style of the subject dwelling, whilst responding to the overall streetscape amenity.

Confirmation in relation to the materiality of proposed fencing was confirmed to be woodgrain aluminum slats, via the amended plans submitted to Council on 18 February 2019. No concerns were raised by Councils Heritage advisor in relation to the proposed Schedule of Colours and Finishes.

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

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

**4.15(1)(a) the provisions of:**

- (i) **any environmental planning instrument**

**State Environmental Planning Policy (SEPP) – BASIX 2004**

In accordance with the BASIX SEPP, all new housing in NSW is required to meet a designated target for energy and water reduction. A BASIX Certificate was submitted as part of the application which indicated that the proposal will continue to meet the required targets under the BASIX Certificate. A condition is recommended to ensure future compliance with these targets (**Condition 13**).

**State Environmental Planning Policy No 55 – Remediation of Land**

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Lot 21 Section 3 in DP 400 (Cont'd)**

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**

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

An Arborist report and an amended Concept Plan was reviewed by Councils Tree Management Officer for comment. It was confirmed that the proposal can be supported in its current state, subject to the recommended conditions of consent.

**State Environmental Planning Policy (Affordable Rental Housing) 2009 (SEPP 2009)**

Division 2 of the SEPP 2009 sets out the requirements for secondary dwellings. An assessment against the general aims of the SEPP 2009 is provided below.

Clause	Requirement	Complies
<b>20 – Land to Which Division Applies.</b>	Division applies to land within the R2 General Residential Zone.	Yes.
<b>21 – Development to which Division Applies</b>	Division 2 applies to development, on land to which this Division applies, for the purposes of a secondary dwelling.	Yes
<b>22 – Development May be Carried out with Consent</b>	(1) <i>Development to which this Division applies may be carried out without consent.</i>	Yes. The Division applies to the proposed development on the subject site.
	(2) <i>A consent authority must not consent to development to which this Division applies if there is on the land, or if the development would result in there being on the land, any dwelling other than the principal dwelling and the secondary dwelling.</i>	Yes. The proposal results in a principal dwelling and a secondary dwelling only.
	(3) <i>A consent authority must not consent to development to which this Division applies unless:</i>  (a) <i>the total floor area of the principal dwelling and the secondary dwelling is no more than the maximum floor area allowed for a dwelling house on the land under another environmental planning instrument, and</i>	a) The proposal will result in a maximum floor space of 0.304:1 (282.24m <sup>2</sup> ), which demonstrates

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Lot 21 Section 3 in DP 400 (Cont'd)**

(b) the total floor area of the secondary dwelling is no more than 60 square metres or, if greater floor area is permitted in respect of a secondary dwelling on the land under another environmental planning instrument.	compliance with the maximum standard of 0.525:1 (487.725m <sup>2</sup> ).
b) Yes. The proposal includes a total floor space of 58.62m <sup>2</sup> .	
(4) A consent authority must not refuse consent to development to which this Division applies on either of the following grounds:  (b) Parking if no additional parking is to be provided on the site.	One (1) additional car parking is sought within the attached single spaced carport (to the secondary dwelling) at the rear of the site.

The provisions of the ARH SEPP establishes a number of development standards specific to development involving the erection of secondary dwellings that are to be utilised as a best practice guide for the purpose of the proposed development. An assessment of the proposed development against the provisions of the Schedule is as follows:

Clause	Development Control	Required	Proposed	Compliance
4(1)	Secondary Dwelling: Maximum Floor Area	60m <sup>2</sup> or 20% of the GFA of the principal dwelling (whichever is the greater).	58.62m <sup>2</sup> .	Yes, the proposal meets the maximum standard.
6	Building Height	Maximum height 8.5m above existing ground level.	3.52m	Yes.
9(1)	Setbacks from Side Boundaries	(450m <sup>2</sup> – 900m <sup>2</sup> ) 0.9m for the site area.	1.5m (minimum) side setback on the eastern and western elevation.	Yes
10(1)	Setbacks from Rear boundaries	450m <sup>2</sup> – 900m <sup>2</sup> 3m (for the site area)	3m	Yes.

### STRATHFIELD LOCAL ENVIRONMENTAL PLAN (SLEP) 2012

An assessment of the proposal against the general aims of SLEP 2012 is included below:

Cl. 1.2(2) Aims	Complies
(a) 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	Yes

**DA2018/149 - 3 Abbotsford Road, Homebush  
Lot 21 Section 3 in DP 400 (Cont'd)**

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

**Comments:** The proposed development is considered to be satisfactory with the general aims of the SLEP 2012, subject to the recommended conditions of consent.

### Permissibility

The subject site is zoned R2 Low Density Residential under the Strathfield Local Environmental Plan (SLEP) 2012. '**Dwelling houses**' and '**secondary dwellings**' are both permissible uses within the R2 Low Density Residential zone with consent. Under the SLEP 2012, a '**dwelling house**' is defined as 'a building containing only one dwelling.' A '**secondary dwelling**' is defined as 'a self-contained dwelling that:

- (a) is established in conjunction with another dwelling (the **principal dwelling**), and
- (b) is on the same lot of land as the principal dwelling, and
- (c) is located within, or is attached to, or is separate from, the principal dwelling'.

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

### Zone Objectives

An assessment of the proposal against the objectives of the R2 Low Density Residential zone is included below:

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

**Comments:** The proposal appropriately reflects the abovementioned provisions as provided for an R2 Low Density Residential zone.

### Part 4: Principal development standards

An assessment of the proposal against the relevant provisions contained within Part 4 of the SLEP 2012 is provided below.

### Height of building

<b>CI.</b>	<b>Standard</b>	<b>Controls</b>	<b>Existing/Proposed</b>	<b>Complies</b>

**DA2018/149 - 3 Abbotsford Road, Homebush  
Lot 21 Section 3 in DP 400 (Cont'd)**

4.3	Height of building	9.5m	6.39m	Yes
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<b>Objectives</b>		<b>Complies</b>
(a)	To ensure that development is of a height that is generally compatible with or which improves the appearance of the existing area	Yes
(b)	To encourage a consolidation pattern that leads to the optimum sustainable capacity height for the area	N/A
(c)	To achieve a diversity of small and large development options.	N/A

**Floor space ratio**

Cl.	Standard	Controls	Proposed	Complies
4.4	Floor space ratio	0.525:1 (487.725m <sup>2</sup> )	0.304:1 (282.24m <sup>2</sup> )	Yes

<b>Objectives</b>		<b>Complies</b>
(a)	To ensure that dwellings are in keeping with the built form character of the local area	Yes
(b)	To provide consistency in the bulk and scale of new dwellings in residential areas	Yes
(c)	To minimise the impact of new development on the amenity of adjoining properties	Yes
(d)	To minimise the impact of development on heritage conservation areas and heritage items	Yes

**Part 5: Miscellaneous Provisions**

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

**5.10 Heritage Conservation**

The subject site is situated in a Heritage Conservation Area and two (2) Heritage listed items are located on the southern side of Abbotsford Road (refer to **Figure 9**). Council's Heritage Advisor originally raised concerns in relation to the overall design intent of the proposal as it had the potential to reduce the overall heritage significance of the wider streetscape. Notwithstanding, the amended plans have included a reduction to the front fence and roof height as well as specification in relation to the front fence finish (being woodgrain aluminum slats). These design changes are considered to be a more sympathetic design outcome with the wider streetscape, thus reflective of the unique Heritage character.

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Lot 21 Section 3 in DP 400 (Cont'd)



**Figure 9:** The site (as highlighted in green) and the surrounding area, identifying the heritage conservation area hatched and location of the heritage items in brown.

## Part 6: Local Provisions

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

### 6.1 Acid sulfate soils

The subject site is affected by Class 5 Soils and is not located within 500m of Class 1, 2, 3 or 4 soils. As a result, an acid sulfate report was not required for this development application.

### 6.3 Flood Planning

The site is not flood affected and therefore no concerns were raised from a flooding perspective. It was noted that the amended Concept plan did not include a backup absorption trench for the pump out pit. As a result, **Condition 2** is recommended in the consent, specifying an amended Concept plan that includes a backup absorption trench for the pump out pit. This is in accordance with Councils Stormwater Engineer comments.

### 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 an 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 subject development.

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

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

#### 4.15 (1)(a)(iii) any development control plan

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Lot 21 Section 3 in DP 400 (Cont'd)

## STRATHFIELD CONSOLIDATED DEVELOPMENT CONTROL PLAN (SCDCP) 2005

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

### Part P – Heritage and Conservation

<b>Section</b>	<b>General Objectives</b>	<b>Complies</b>
<b>5.1</b>		
<b>A</b>	To conserve the existing character and heritage significance of Strathfield's residential Conservation Areas	<b>Yes</b>
<b>B</b>	To facilitate sympathetic and appropriate alterations and additions, whilst minimising the impact on the heritage significance of the dwellings and streetscapes within residential Conservation Areas.	<b>Yes</b>
<b>C</b>	To ensure that new development is sympathetic to the particular building and/or relevant Conservation Area in terms of siting, form, massing, articulation and detail composition.	<b>Yes</b>
<b>D</b>	To ensure that the proposed form of roof and details, the style, size, proportion and position of openings of windows and doors, the colours, textures, style, size and type of finish of materials to be used on the exterior of the building is compatible with similar features and materials used in the existing building on the site and within the relevant Conservation Area.	<b>Yes</b>
<b>E</b>	To retain any horticultural or landscape features within the relevant Conservation Area.	<b>Yes</b>
<b>F</b>	To retain the subdivision pattern of the relevant Conservation Area.	<b>N/A</b>
<b>G</b>	To promote an understanding of the importance of conserving the fabric of existing buildings and its context within the relevant Conservation Area.	<b>Yes</b>

**Comments:** The application was accompanied by a Heritage Impact Statement, prepared by TP Consulting Sydney. The statement had generally responded to the requirements as provided under Section 5.10 of the SLEP 2012. Although an assessment was not made against Part P Heritage of the SCDCP 2005, it is considered that the amended plans do not detract from the overall significance of the Abbotsford Road Heritage Conservation Area.

### PART A – DWELLING HOUSES AND ANCILLARY STRUCTURES

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

#### 2: Architectural Design & Streetscape Presentation

<b>2.1</b>	<b>Objectives</b>	<b>Satisfactory</b>
<b>A.</b>	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.	<b>Yes</b>
<b>B.</b>	To achieve quality architecture in new development through the appropriate composition and articulation of building elements.	<b>N/A</b>
<b>C.</b>	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.	<b>No – see below</b>
<b>D.</b>	To ensure that new dwellings have facades, which define, address and enhance the public domain.	<b>N/A</b>
<b>E.</b>	To encourage contemporary architecture that is innovative, uses high quality detailing, and incorporates elements characteristic of Strathfield.	<b>Yes</b>

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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
<b>2.2 Development Controls</b>		<b>Complies</b>
	<i>Streetscape Presentation</i>	
.1.	2 Consistently occurring building features integrated within dwelling design.	Yes
	3 Consideration of streetscape elements	Yes
	<i>Scale, Massing &amp; Rhythm of Street</i>	
.2.	1 Scale, massing, bulk and layout complement the existing streetscape and the dominant building rhythm	Yes
	2 Building height and mass maintains amenity to adjacent properties open space or the public domain	Yes
	<i>Building Forms</i>	
.3.	1 Building form articulated.	Yes
	<i>Roof Forms</i>	
	1 Roof form complements predominant form in the locality	Yes
	2 Roof form minimises bulk and scale of building and remains an important architectural element in the street.	Yes
	4 Roof structures are not visible from the public domain	Yes
	<i>Materials</i>	
.4.	5 Materials compatible with the existing dwelling house, adjoining dwelling houses and the streetscape (type, form and colour)	Yes
	6 Monotone face brick walls and terracotta tiles for roofs where common in the streetscape	Yes
	<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 proposal includes a rear addition that is sympathetic with the existing subject dwelling. This is made evident through the inclusion of roof tiles and exposed face brick, which are replicated on the external face of the primary dwelling. The rear addition has also been set down 300mm from the root ridge of the existing dwelling, ensuring that it is not overly visible from the front setback. These design elements allow for the existing streetscape amenity to be maintained.

Under Section 2.2.3 'Building Form,' attics are not generally supported within a Heritage Conservation Area or within Heritage listed items. Due to proposal being compliant with Clause

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4.4C 'Exceptions to Floor Space Ratio' of the SLEP 2012, the inclusion of the attic is considered acceptable in this instance.

#### 4: Building Envelope

<b>4.1 Objectives</b>		<b>Satisfactory</b>
A.	<i>To ensure that dwellings are compatible with the built form of the local area and that overall bulk and scale, size and height of dwellings relative to natural ground level responds to the adjoining dwellings, topography and desired future character.</i>	Yes
B.	<i>To minimise impact on the amenity of adjoining properties.</i>	Yes
C.	<i>To establish and maintain the desired setbacks from the street and define the street edge.</i>	Yes
D.	<i>To create a perception or reinforce a sense of openness in the locality.</i>	Yes
E.	<i>To maintain view corridors between dwellings</i>	Yes
F.	<i>To assist in achieving passive surveillance whilst protecting visual privacy.</i>	Yes
G.	<i>To provide a transitional area between public and private space.</i>	Yes
<b>4.2 Development Controls</b>		<b>Complies</b>
.3.1.	Street Setbacks	
1	Setbacks consistent with minimum requirements of Table A.1	Yes
.3.2.	Side and Rear Setbacks	
1	A combined side setback of 20% of the width of the block (incorporating a 1.2m min side setback on each side).	Yes
2	A rear setback of 6m (min)	Yes
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 includes a rear addition with appropriate scale and bulk. This is done with the pitched roof form being set down 300mm and is well articulated on both the western and eastern elevations. The proposal also includes a rear setback of 14.5m and a minimum side setback of 3.05m to the east and west, allowing for the existing view corridors and spaciousness between each dwelling along Abbotsford Road to be retained.

#### 5: Landscaping

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

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

**5.2 Development Controls** **Complies**

<b>Landscaped area</b>		
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
<b>Tree Protection</b>		
1	Arboricultural Impact Assessment Report prepared by an AQF Level 5 Arborist	Yes
.2.	2 The Arboricultural Impact Assessment Report address minimum criteria	Yes
	3 Development provides for the retention and protection of existing significant trees	Yes
	4 New dwellings and alterations and additions are set back in accordance with the Arboricultural Impact Assessment Report	Yes

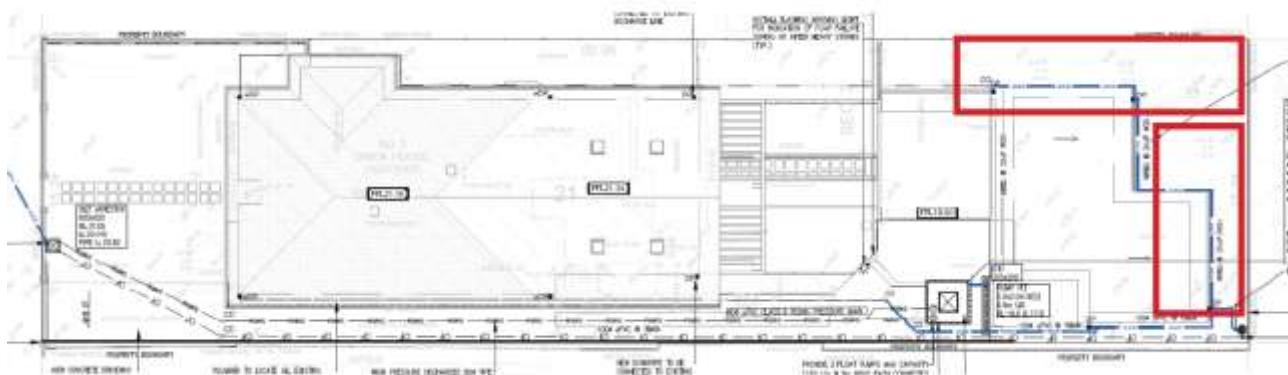
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6	Opportunities for planting new canopy trees within the front setback	Yes
7	At least one (1) canopy tree provided in the rear yard.	Yes
8	Trunk of a proposed canopy tree planted 4m (min) from built structures, or 3m (min) from pier beam footings	Yes
10	Driveway construction does not result in the removal, lopping or root damage to any street tree	Yes
11	25% (min) of canopy trees and other vegetation shall be locally sourced indigenous species	Yes
<b>Private Open Space</b>		
1	Provided in a single parcel rather than a fragmented space, directly accessible from internal living areas	Yes
.3.	2 Includes a deep soil area compliant with the minimum landscaped area.	Yes
	4 Unless 3m (min) width, areas within setbacks are not to be included as private open space	Yes
	5 Private open space located at the rear of the property.	Yes
<b>Fencing</b>		
.4.	1 Fencing designed to be compatible and sympathetic to the style of the dwelling, adjoining properties and the streetscape	Yes
	2 Landscaping used when the streetscape is characterised by the absence of front fences	Yes
	3 Fencing forward of FBL shall not exceed 1.5m. Solid components shall not exceed 0.7m above NGL with the exception of brick piers	Yes
	6 Side fences forward of the FBL taper down to the front fence.	Yes
	7 Front fences visually permeable	Yes
	12 A splay adjacent to a road intersection or driveway entrance must be landscaped	Yes
	13 Significant trees maintained	Yes
	14 Stormwater flows through or under fencing on sloping sites	Yes

**Comments:** An Arborist report was submitted to Council, which detailed the 13 trees located on site and on the adjoining properties (as required in Council's deferral letter). It was stated within the Arborist report that Tree number 7, 9 and 11 are to be protected, despite what was shown on the plans. Further, it was noted that the location of the Stormwater Drainage System (refer to **Figure 10**), would adversely impact the health of Tree number 7, 9 and 11. To ensure the long term protection of trees located at the rear, an amended Concept plan was provided, demonstrating that the downpipes around the tree routes will be excavated manually (by hand) in accordance with the recommendations in the Arborist report.

Notwithstanding, it was noted within the amended Concept plan that a backup absorption trench for the pump out pit was not included. In accordance with Council's Stormwater Engineers comments, **Condition 1** is recommended in the consent, requiring an amended Stormwater Concept plan that includes a backup absorption trench for the pump out pit. This will allow for the adequate protection of trees 7, 9 and 11.

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**Figure 10:** The location of the amended stormwater drainage system (in blue). The location of Tree 7, 9 and 11 are outlined in red.

## 6: Solar Access

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

**Comments:** The proposal will enable the subject site (and surrounding dwellings) to maintain a minimum of three (3) hours of solar access to the windows of habitable rooms and to the majority of private open space during the winter solstice.

## 7: Privacy

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

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<b>7.2 Development Controls</b>		<b>Complies</b>
<i>Visual Privacy</i>		
<b>.1.</b>	1 Protect POS, bedrooms, balconies and living rooms of proposed and any existing adjoining dwellings from direct overlooking	Yes
	2 Provide adequate separation of buildings	Yes
	3 Ensure elevation of finished floor levels above NGL is not excessive	Yes
	4 Improve privacy to adjacent properties with screen planting	Yes
<i>Windows</i>		
<b>.2.</b>	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

**Comments:** As the proposed extension to the existing dwelling is at ground level only, the height of the boundary fence will mostly prevent overlooking onto the neighbouring properties. As the front fence design includes piers that are spaced 75mm apart, overlooking onto public areas is still achievable, thereby assisting with surveillance of the street, whilst also allowing for maximum privacy of future residents of the subject site.

The secondary dwelling will have a maximum building height of 3.52m. With the height of the side boundary fence and the minimum 3m setback from the boundaries, overlooking onto the neighbouring property will mostly be prevented. As the architectural plans do not include a maximum RL, **Condition 1A** is recommended to ensure the Secondary Dwelling does not exceed a maximum building height of 3.52m.

## **8: Vehicle Access and Parking**

<b>8.1 Objectives</b>		<b>Satisfactory</b>
<b>A.</b>	To provide adequate and convenient on-site car parking.	Yes
<b>B.</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
<b>C.</b>	To ensure garages, carports, basements and hard standing areas for cars do not visually dominate the street façade of the dwelling.	Yes
<b>D.</b>	To ensure that construction materials used for driveways respect the architectural qualities of the dwelling.	Yes
<b>E.</b>	To minimise the area of access driveways to minimise impermeable surfaces and maximise landscaped areas.	Yes
<b>F.</b>	To ensure basements have discreet entries, safe access and a high degree of natural cross-ventilation.	Yes
<b>G.</b>	To minimise excavation to reduce disturbance to natural ground level particularly adjacent to site boundaries.	Yes
<b>H.</b>	To ensure that any proposed basement minimises disturbance to natural drainage systems and that flooding, drainage or ventilation impacts would not be created for the site, or for adjoining or nearby properties.	Yes
<b>8.2 Development Controls</b>		<b>Complies</b>
<b>.1.</b>	Driveway and Grades	

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	1 Existing driveways must be used (exceptions apply)	Yes
	2 The width of driveways at the property boundary is to be 3m	Yes
	4 Parking and access points easily accessible and recognisable, non-disruptive to pedestrian flow and safety and located to minimise traffic hazards and potential for vehicles to queue.	Yes
	5 One (1) vehicular crossing (max) to any public road (exceptions apply)	Yes
	6 Vehicles accessing sites which front main roads shall be capable of entering and exiting in a forward direction	Yes
	7 Vehicular turning areas for garages complies with relevant Australian Standard	Yes
	9 Driveways avoid long and straight appearance by using variations and landscaping	Yes
	10 Driveway set back 0.5 metres (min) from side boundaries	Yes
	11 Driveways incorporate unit paving into the design	Yes
	12 Areas of concrete visible from a public road are to be minimal and coloured charcoal, grey or brown	Yes
	13 Coloured concrete is not permitted in the driveway crossing outside the property boundary	Yes
<b>.2.</b>	<i>Garages, Carports and Car Spaces</i>	
	1 Two (2) car parking spaces required behind the FBL of all new dwellings (exceptions apply)	Yes
	4 Dimensions of parking spaces and garages comply with the Australian Standards	Yes

**Comments:** Vehicular access will be provided to the site via the existing driveway that will lead to the proposed double spaced carport located at the rear of the site. The double spaced detached carport will have a maximum building height of 3.17m and will be designed in accordance with the Australian Standards. This is confirmed through the imposition of **Condition 15** of the consent.

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

9.1	<i>Objectives</i>	<i>Satisfactory</i>
A.	To maintain existing ground levels and minimise cut and fill to reduce site disturbance.	Yes
B.	To ensure existing trees and shrubs are undisturbed, ground water tables are maintained and impacts on overland flow/drainage are minimised.	Yes

**Comments:** Proposed excavation of the pool is unlikely to impose health risks on the trees sought for protection. Appropriate conditions are included in the consent to ensure the appropriate protection measures are being carried out during the ongoing construction and operational phase of the swimming pool (**Condition 19**).

## 11: Access, Safety and Security

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

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D. To ensure the safety of pedestrians by separating pedestrian access from vehicular access.

Yes

<b>11.2 Development Controls</b>		<b>Complies</b>
<b>.1.</b>	Address and Entry Sightlines	
	1 Occupants able to overlook public places to maximise passive surveillance	Yes
	2 Landscaping design around dwellings and ancillary structures to accommodate plant maturation	Yes
	3 External lighting enhance safe access and security and light spill does not adversely impact on adjoining properties.	Yes
<b>.2.</b>	4 Crime Prevention through Environmental Design (CPTED) principles incorporated.	Yes
	<i>Pedestrian Entries</i>	
	1 Pedestrian entries and vehicular entries suitably separated	Yes
	2 Dwelling entrances easily identifiable	Yes
	3 House numbers are to be clearly visible from the street	Yes

**Comments:** The design of the front fence is sympathetic with the existing heritage character through the chosen colours and finishes being sympathetic of the eternal materials and finishes of the existing dwelling. The fence includes a minimum 75mm separation to assist with the passive surveillance of the street. Pedestrian and vehicular entries are suitably separated, assisting with the pedestrian safety.

## 12: Ancillary Development

<b>12.1 Objectives</b>		<b>Satisfactory</b>
A.	To ensure that ancillary development is compatible with the design of the principal dwelling, streetscape and adjoining dwellings in form, materials and colours	Yes
B.	To limit the size, bulk and scale of ancillary structures and minimise their visibility from the public domain.	Yes
C.	To ensure that the provision of ancillary structures improves the amenity of residents whilst ensuring that the amenity of surrounding dwellings and neighbouring lots is maintained.	Yes
D.	To ensure that the provision of ancillary structures, such as air conditioning units, are considered at the design stage of a proposed development.	Yes

<b>12.2 Development Controls</b>		<b>Complies</b>
<b>.6.</b>	Swimming Pools	
	1 Side and rear setbacks from the outside edge of the pool concourse are 1m (min) wide and comprise deep soil soft landscape area	Yes
	2 If greater than 1m above ground, the space between the bond beam/concourse and the ground is finished to Council's satisfaction	Yes
	3 The pool filter and pump equipment designed and located to not emit a noise level that exceeds 5dBA above the ambient background noise level measured at any property boundary. The pool equipment shall be located within an enclosed structure so as to not be readily visible	Yes
	4 Lighting positioned to prevent light spillage and minimise any nuisance to adjoining premises	Yes
	5 Enclosures shall comply with the Swimming Pools Act and relevant Australian Standards as amended.	Yes

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**Comments:** The swimming pool has been designed in accordance with the Swimming Pools Act 1979 and the relevant Australian Standards. To ensure ongoing compliance, **Condition 23, 24 and 33** is recommended in the consent.

### 13: Ecologically Sustainable Development

<b>13.1 Objectives</b>		<b>Satisfactory</b>
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
D.	<i>To encourage the use of new technology that reduces energy consumption, minimises greenhouse emissions and results in cost savings</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
<b>13.2 Development Controls</b>		<b>Complies</b>
.1.	<i>Natural Lighting and Heating</i>	
	1	<i>Living areas facing north, sleeping areas facing east/south, and utility areas orientated west/south to maximise winter solar access.</i>
	2	<i>Trees planted to the north of the dwelling must be deciduous to allow solar access during the winter</i>
	3	<i>Materials used of high thermal mass</i>
.2.	<i>Natural Cooling and Ventilation</i>	
	1	<i>Windows and walls on northern facades shaded by shading devices, trees, eaves and louvres sympathetic to the dwelling</i>
	2	<i>Windows positioned to capture breezes and allow for cross-ventilation</i>

**Comments:** The BASIX Certificate submitted with the development application has demonstrated compliance with the designated targets for energy and water reduction. **Condition 13** is included in the consent to ensure ongoing compliance.

### Water and Soil Management

<b>10.1 Objectives</b>		<b>Satisfactory</b>
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

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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

**Comments:** To ensure the long term protection of Tree 7, 9 and 11 (as detailed in the arborist report), an amended Stormwater Concept Plan was provided. The amended plan demonstrated that the downpipes around the tree routes will be excavated manually (by hand) in accordance with the recommendations of the Arborist report. Carrying out the works in this way will ensure the protection of Tree 7, 9 and 11, whilst also being feasible from a stormwater perspective.

Notwithstanding, it was noted that the pump out pit did not include a backup absorption trench for the pump out pit as required by the Council's Stormwater Management. Further, an Stormwater Concept amended plan which included a backup absorption trench for the pump out pit will be required, prior to the issuing of a construction certificate (**Condition 1**).

## PART H - WASTE MANAGEMENT (SCDCP 2005)

A Waste Management Plan was submitted with the development application, appropriately reflecting the requirements under Part H of the SCDCP 2005.

### **4.15 (1)(a)(iiia) 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)(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 does not result in any adverse amenity impacts to the neighbouring properties. Overall, the proposed design has been considered with respect to achieve an appropriate level of streetscape compatibility, whilst minimising the direct amenity impacts on the neighbouring allotments. This is being discussed earlier in the report.

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

The proposed development is considered to be suitable to the site in that it will assist in providing for the ongoing housing needs of future residents on site.

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

The application was notified in accordance with Part L of the SCDCP 2005 from 29 October 2019 to 15 November 2019, with no submissions received.

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

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

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## SECTION 7.13 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. The Act reads as follows:

- "(1) If a consent authority is satisfied that development for which development consent is sought will or is likely to require the provision of or increase the demand for public amenities and public services within the area, the consent authority may grant the development consent subject to a condition requiring:
- (a) the dedication of land free of cost, or
  - (b) the payment of a monetary contribution, or both.
- (2) A condition referred to in subsection (1) may be imposed only to require a reasonable dedication or contribution for the provision, extension or augmentation of the public amenities and public services concerned."

Section 7.13 Contributions are applicable to the proposed development in accordance with the Strathfield Direct and Indirect Development Contributions Plan 2010-2030 as follows:

## STRATHFIELD DIRECT SECTION 7.11 CONTRIBUTIONS PLAN

Section 7.11 Contributions are applicable to the proposed development in accordance with the Strathfield Direct Development Contributions Plan 2010-2030 as follows:

Provision of Community Facilities	\$1,433.79
Provision of Major Open Space	\$6,523.30
Provision of Local Open Space	\$2,235.68
Provision Roads and traffic Management	\$561.60
Administration	\$123.63
<b>TOTAL</b>	<b>\$10,877.99</b>

As the application will require Section 7.11 Development Contribution payments, Section 7.12 Development Contributions are not applicable within this circumstance.

## CONCLUSION

The application has been assessed having regard to Section 4.15 of the Environmental Planning and Assessment Act 1979, the Strathfield Local Environmental Plan 2012 and the Strathfield Development Control Plan 2005 and is considered to be satisfactory for approval, subject to the recommended conditions of consent.

## PEER REVIEW

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

## RECOMMENDATION

That Development Application No. 2018/149 for alterations and additions to the existing residential dwelling that includes demolition works to the existing carport and outbuilding and construction of a single storey rear addition, in-ground swimming pool, detached double and single spaced carport, detached secondary dwelling and new front fence at 3 Abbotsford Road be **APPROVED**, subject to the following conditions of consent:

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

#### **1. ABSORPTION TRENCH FOR THE PUMP OUT PIT (SC)**

An amended Concept Plan is to include a backup absorption trench for the pump out pit. An Amended Concept plan detailing a backup absorption trench for the pump out pit is to be approved and signed off by a Principle Certifying Authority, prior to issue of a Construction Certificate.

(Reason: Compliance with Council's requirement).

#### **1A. MAXIMUM HEIGHT OF THE SECONDARY DWELLING (SC)**

The maximum height of the Secondary Dwelling shall not exceed RL22.88. Details are to be indicated on plans and approved by a Principle Certifying Authority, prior to issue of a Construction Certificate.

(Reason: To ensure the height of the secondary dwelling does not exceed a maximum height of 3.52m as indicated on the architectural plans).

### **GENERAL CONDITIONS (GC)**

#### **2. APPROVED PLANS AND REFERENCE DOCUMENTATION (GC)**

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

Plans affixed with Council's 'Development Consent' stamp relating to Development Consent No. DA2018/149:

Drawing No.	Title/Description	Prepared by	Issue / Revision & Date	Date received by Council
A1.02 D	Site Analysis Plan Demolishing Plan	The Site Foreman	Issue D / 31 January 2019	1 February 2019
A1.03 E	Site Plan	The Site Foreman	Issue E / 31 January 2019	1 February 2019
A1.04 E	Site Calculation Plans	The Site Foreman	Issue E / 31 January 2019	1 February 2019
A1.05 F	Ground Floor Plan	The Site Foreman	Issue F / 31 January 2019	1 February 2019
A1.06 C	Attic Plan	The Site Foreman	Issue C / 31 January 2019	1 February 2019
A1.07 F	Roof Plan	The Site Foreman	Issue F / 31 January 2019	1 February 2019
A2.01 F	South and West Elevations	The Site Foreman	Issue F / 31 January 2019	1 February 2019
A2.02 F	North and East Elevations	The Site Foreman	Issue F / 31 January 2019	1 February 2019
A2.03 E	Granny Flat Elevations	The Site Foreman	Issue E / 31 January 2019	1 February 2019
A2.04 C	Window Schedule	The Site Foreman	Issue F / 31 January 2019	1 February 2019

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A3.01 E	Sections External Finishes	The Site Foreman	Issue E / 18 February 2019	18 February 2019
A5.01 B	Basix Certificate Number: A317668	The Site Foreman	Issue B / 31 January 2019	1 February 2019
A5.02 B	Basix Certificate Number: A317668	The Site Foreman	Issue B / 31 January 2019	1 February 2019

Reference Documentation affixed with Council's 'Development Consent' stamp relating to Development Consent No. DA2018/149:

Title / Description	Prepared by	Issue/Revision & Date	Date received by Council
Arboricultural Impact Assessment	Rennie Bros. Tree Surgeons	22 January 2019	1 February 2019
Heritage Impact Statement	TP Consulting Sydney	Issue A / April 2018	24 October 2018
Waste Management Plan	The Site Foreman	24 October 2018	24 October 2018

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

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

### **3. CONSTRUCTION HOURS (GC)**

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

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

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

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

### **4. CONSTRUCTION WITHIN BOUNDARIES (GC)**

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

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

### **5. DEMOLITION – GENERALLY (GC)**

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

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

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#### 6. 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.)

#### 7. 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.)

#### 8. 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.)

#### 9. SYDNEY WATER - STAMPED PLANS PRIOR TO COMMENCEMENT (GC)

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

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

(Reason: Compliance with Sydney Water requirements.)

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#### 10. SITE MANAGEMENT (DURING CONSTRUCTION WORKS)

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

- i. A single entrance is permitted to service the site for construction. Protection pads are to be installed to the kerb, gutter and nature strip where trucks and vehicles enter the site.
- ii. No blasting is to be carried out at any time during construction of the building.
- iii. Care must be taken during excavation/ building/ construction to prevent any damage to adjoining buildings.
- iv. 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.
- v. The disposal of construction waste must be in accordance with the requirements of the Protection of the Environment Operations Act 1997.
- vi. 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.
- vii. All waste must be contained entirely within the site.
- viii. 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.
- ix. 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.
- x. 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.
- xi. 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.
- xii. 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.
- xiii. 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.
- xiv. 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.
- xv. 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.
- xvi. Any work must not prohibit or divert any natural overland flow of water.
- xvii. Toilet facilities for employees must be provided in accordance with WorkCover NSW.

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Lot 21 Section 3 in DP 400 (Cont'd)**

(Reason: To ensure that 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.)

**11. LANDSCAPING - TREE PRESERVATION (GC)**

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

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

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

**12. 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
2, 3, 4, 5, 6, 10, 12 and 13.	Various species	Rear yard

All trees permitted to be removed by this consent shall be replaced (1 tree for each tree removed) by species selected from Council's Recommended Tree List and must have a minimum mature height of 8 metres.

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

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

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

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

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

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

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

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

### **13. 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.)

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

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

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

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

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

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

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

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

### **16. COMMENCEMENT OF WORKS (NO WORKS UNTIL A CC IS OBTAINED)**

Building work, demolition or excavation must not be carried out until a Construction Certificate has been issued by either Strathfield Council or a Principal Certifying Authority.

Demolition of any part of a building triggers 'commencement of erection of building' pursuant of section 4.19 of the EP&A Act 1979. Accordingly, demolition works must not commence until a Construction Certificate has been issued, a Principal Certifying Authority

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has been appointed and a Notice of Commencement has been issued.

(Reason: To ensure compliance with statutory provisions.)

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

**Works Permit**

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

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

**Standing Plant Permit**

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

**Skip Bin Permit**

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

**Temporary Full or Part Road Closure Permit**

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

**Hoarding/Fencing Permit**

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

**Work Zone Permit**

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

**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).

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(Reason: Council requirement.)

#### 18. 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.)

#### 19. EXCAVATION - AFFECTING ADJOINING LAND (CC)

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

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

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

(Reason: Structural safety.)

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**20. LANDSCAPING - LANDSCAPE PLAN REQUIRED (CC)**

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

The plan must include the following information:

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

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

(Reason: Landscape quality.)

**21. SECTION 7.11 CONTRIBUTION PAYMENT - DIRECT CONTRIBUTIONS PLAN (CC)**

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

Provision of Community Facilities	\$1,433.79
Provision of Major Open Space	\$6,523.30
Provision of Local Open Space	\$2,235.68
Provision Roads and traffic Management	\$561.60
Administration	\$123.63
<b>TOTAL</b>	<b>\$10,877.99</b>

The total amount of the contribution is valid as at the date of determination and is subject to quarterly indexation. Contributions shall be indexed at the time of payment in accordance with clause 2.14 of the Strathfield Direct Development Contributions Plan 2010-2030.

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

Please present a copy of this condition when paying the contribution at the Customer Service Centre so that it can be recalculated.

Note: A copy of Strathfield Council's Section 7.11 Direct Development Contributions Plan may be downloaded from Council's website.

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

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

A security (damage deposit) of **\$8,100.00** (calculated in accordance with Council's adopted Fees and Charges) shall be paid to Council, prior to the issue of a Construction Certificate.

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

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

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

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

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

(Reason: Protection of Council infrastructure.)

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

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

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

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

(Reason: Safety and statutory compliance.)

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

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

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

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**25. 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.)

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

**26. 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.)

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## 27. 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.)

## 28. NOTICE OF COMMENCEMENT (CW)

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

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

(Reason: Statutory requirement.)

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

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**29. 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.)

**30. 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 (OC)**

**31. 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.)

**32. 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.)

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

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

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

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

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

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

(Reason: Safety and statutory compliance.)

**34. RAINWATER TANKS (OC)**

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

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

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

(Reason: To protect public health and amenity.)

**35. 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.)

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

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

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

**DA2018/149 - 3 Abbotsford Road, Homebush  
Lot 21 Section 3 in DP 400 (Cont'd)**

concurrently with any subdivision registration.

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

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

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

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

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

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

**ATTACHMENTS**

There are no attachments for this report.

**TO:** Strathfield Internal Development Assessment Panel Meeting - 28 February 2019

**REPORT:** IDAP – Report No. 4

**SUBJECT:** DA2015/149/02 - 32 OXFORD ROAD, STRATHFIELD  
LOT C IN DP 358667

**DA NO.** DA2015/149/02

## **SUMMARY**

<b>Proposal:</b>	Deletion of Special Condition 2 requiring the semi-circular driveway to be extended to the western boundary.
<b>Applicant:</b>	Nicholas Lycenko
<b>Owner:</b>	Devendra & Susma Kumar
<b>Date of lodgement:</b>	8 February 2019
<b>Notification period:</b>	8 February 2019 to 28 February 2019
<b>Submissions received:</b>	Nil
<b>Assessment officer:</b>	DS
<b>Estimated cost of works:</b>	Nil
<b>Zoning:</b>	R2 Low Density Residential - SLEP 2012
<b>Heritage:</b>	No
<b>Flood affected:</b>	No
<b>Is a Clause 4.6 variation proposed?</b>	No
<b>RECOMMENDATION OF OFFICER:</b>	<b>Approval</b>

## **EXECUTIVE SUMMARY**

- 1.0 On 20 December 2018, IDAP approved Development Application No. 2015/149/01 to enclose the alfresco area, remove Tree 3 and 4, increase the expanse of driveway and construct a front boundary fence subject to conditions of consent.
- 2.0 The current application was lodged under Section 4.55(1A) of the *Environmental Planning and Assessment Act 1979* and is of minimal environmental impact. Works on the site have already commenced, with the development nearing completion.
- 3.0 The subject application seeks to delete Special Condition No.2 which requires the semi-circular driveway extension to be extended to the western boundary.
- 4.0 The modification sought in the application is acceptable and recommended for approval, subject to the recommended conditions of consent.

## **BACKGROUND**

<b>16 February 2018</b>	DA2015/149 was approved by Council for the demolition of existing structures and construction of a new two (2) storey dwelling and front fence.
<b>20 December 2018</b>	DA2015/149/01 was approved by Council to enclose the alfresco area, increase the expanse of driveway, remove

DA2015/149/02 - 32 Oxford Road, Strathfield  
Lot C in DP 358667 (Cont'd)

**8 February 2019**

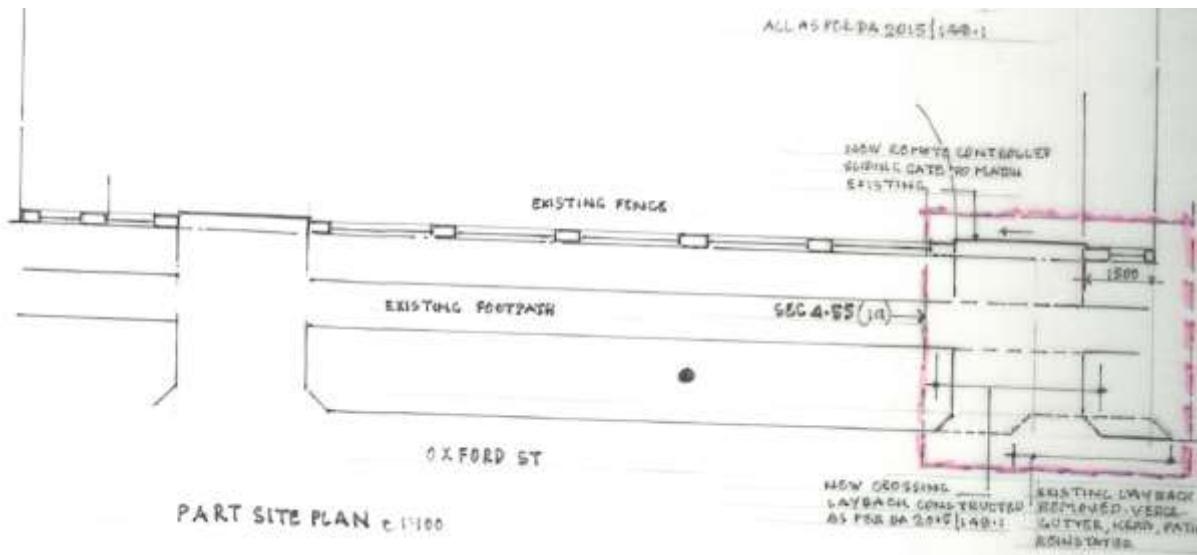
trees 3 and 4 and construct a front boundary fence.  
The current application was lodged to Council.

## DESCRIPTION OF THE PROPOSED MODIFICATION(S)

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

- Removal of Special Condition No.2 which requires the semi-circular driveway extension to be modified and extended to the western boundary to utilise the existing layback.

The proposed double driveway design sought under this application is shown below in Figure 1.



**Figure 1: The proposed double driveway design at the front boundary/road reserve.**

## SECTION 4.55(1A) OF THE EP&A ACT 1979

Section 4.55(1A) of the Environmental Planning and Assessment states as follows:

### **"4.55 Modifications of consents – generally**

#### **(1A) Modifications involving minimal environmental impact**

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

- it is satisfied that the proposed modification is of minimal environmental impact, and
- it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all), and
- it has notified the application in accordance with:
  - the regulations, if the regulations so require, or
  - a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and
- it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.

DA2015/149/02 - 32 Oxford Road, Strathfield  
Lot C in DP 358667 (Cont'd)

*Subsections (1), (2) and (5) do not apply to such a modification."*

As regards subclause 'a', it is considered that the modification(s) sought as part of this application are of minimal environmental impact in terms of amenity impacts to neighbouring development and visual impacts to the streetscape.

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

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

The application was notified in accordance with Part L of SCDCP 2005 with no submissions received as a result.

## REFERRALS

### INTERNAL REFERRALS

#### Engineering Comments

Council's Civil Assets Engineer raised no objections to the modified footpath crossing.

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

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

#### 4.15(1)(a) the provisions of:

- (i) any environmental planning instrument

### **Strathfield Local Environmental Plan (SLEP) 2012**

#### Permissibility

No change is proposed to the approved use of the site for the purpose of a dwelling house.

#### Zone Objectives

The modification(s) sought as part of this application are consistent with the objectives of the R2 Zone.

#### Part 4: Principal development standards

The modification application does not seek to amend the approved height and floor space ratio.

DA2015/149/02 - 32 Oxford Road, Strathfield  
Lot C in DP 358667 (Cont'd)

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

This modification application involves no changes to the assessment of the original application against the relevant provisions contained within Part 5 of the SLEP 2012.

### **Part 6: Local Provisions**

This modification involves no changes to the assessment of the original application against the relevant provisions contained within Part 6 of the SLEP 2012.

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

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

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

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

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

### **PART A – DWELLING HOUSES AND ANCILLARY STRUCTURES**

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

#### **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.	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

**DA2015/149/02 - 32 Oxford Road, Strathfield  
Lot C in DP 358667 (Cont'd)**

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.	N/A
M.	To maximise the amenity of existing and proposed developments, including solar access, privacy and open space.	N/A

**Comments:** The removal of Special Condition 2 will not alter the amount of landscaping approved under the original consent.

## 8: Vehicle Access and Parking

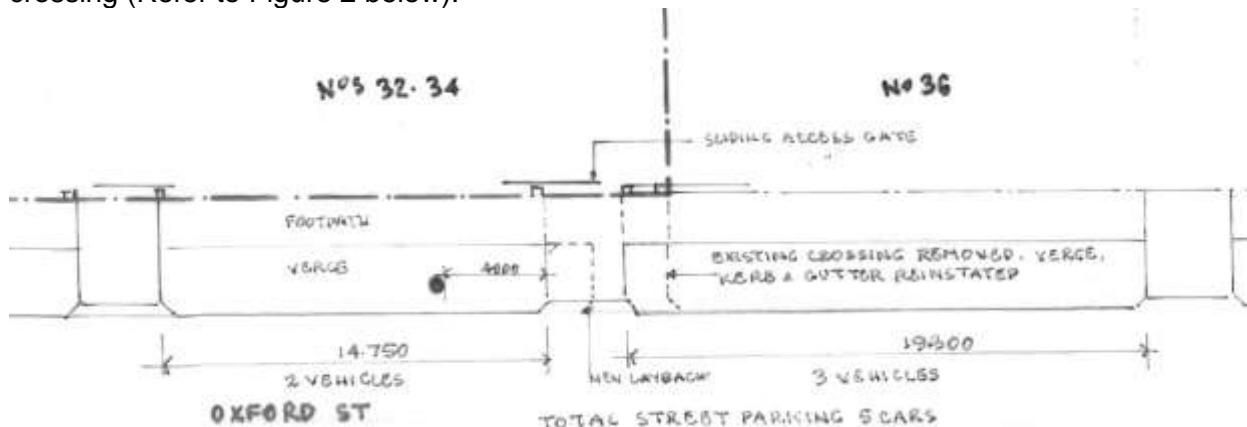
8.1	Objectives	Satisfactory
A.	To provide adequate and convenient on-site car parking.	Yes
B.	To ensure that the location and design of driveways, parking spaces and other areas used from the movement of motor vehicles are efficient, safe and convenient.	Yes
C.	To ensure garages, carports, basements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

8.2	Development Controls	Complies
	Driveway and Grades	
1.	Existing driveways must be used (exceptions apply)	Yes
2	The width of driveways at the property boundary is to be 3m	Yes
3	The edge of driveway crossings located 1m (min) clear of any existing stormwater pits or poles and 2m clear of tree trunks	Yes
4	Parking and access points easily accessible and recognisable, non-disruptive to pedestrian flow and safety and located to minimise traffic hazards and potential for vehicles to queue.	Yes
5	One (1) vehicular crossing (max) to any public road (exceptions apply)	No
6	Vehicles accessing sites which front main roads shall be capable of entering and exiting in a forward direction	Yes
7	Vehicular turning areas for garages complies with relevant Australian Standard	Yes
8	Rear lane / secondary street frontage - parking and access provided from the secondary street/lane	N/A

**DA2015/149/02 - 32 Oxford Road, Strathfield  
Lot C in DP 358667 (Cont'd)**

9	Driveways avoid long and straight appearance by using variations and landscaping	Yes
10	Driveway set back 0.5 metres (min) from side boundaries	Yes
11	Driveways incorporate unit paving into the design	Yes
12	Areas of concrete visible from a public road are to be minimal and coloured charcoal, grey or brown	Yes
13	Coloured concrete is not permitted in the driveway crossing outside the property boundary	Yes

**Comments:** The removal of Special Condition 2 will provide additional opportunity for landscaping along the side boundary by setting back the driveway 1.4m from the western boundary. Based on the minimum car parking dimensions set out in *Australian Standard 2890.1 - Off Street Parking*, shifting the footpath crossing 1.4m to the east will enable an additional kerbside parking space to the west of the site, whilst still leaving a sufficient distance for two vehicles to the east of the crossing (Refer to Figure 2 below).



**Figure 2: Provision of off-street parking**

**4.15 (1)(a)(iiia) 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)(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 removal of Special Condition 2 is considered acceptable with respect to the residential context and is unlikely to adversely impact adjoining neighbours. Kerbside parking capacity is not reduced and the provision of a landscaping strip will soften the visual impact of the site driveway as viewed from adjoining properties and the street.

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

The approved development as modified by the current section 4.55(1A) application does not alter the suitability of the development to the site. The modification(s) sought as part of this application involve minimal environmental impact and will result in substantially the same development for which consent was originally granted.

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

DA2015/149/02 - 32 Oxford Road, Strathfield  
Lot C in DP 358667 (Cont'd)

The application was notified in accordance with Part L of the SCDCP 2005 and no submissions were received.

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

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

#### **LOCAL INFRASTRUCTURE CONTRIBUTIONS**

This section 4.55(1A) application does not trigger any changes to the original condition of consent requiring payment of a section 7.11 contribution in accordance with Council's Section 94 Contributions Plan.

#### **CONCLUSION**

The application has been assessed having regard to Section 4.15 of the Environmental Planning and Assessment Act 1979, the Strathfield Local Environmental Plan 2012 and the Strathfield Development Control Plan 2005 and is considered to be satisfactory for approval.

#### **PEER REVIEW**

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

#### **RECOMMENDATION**

Pursuant to Section 4.55(1A) of the Environmental Planning and Assessment Act 1979, the proposed modification(s) to Development Consent No. DA2015/149 including the removal of Special Condition 2 be **APPROVED** subject to:

1. The original conditions of consent of Development Application No. (DA2015/149) as approved by IDAP on 16 February 2016 for the demolition of existing structures and construction of a new two (2) storey dwelling.
2. As modified by the Section 4.55(1A) application (DA2015/149/01) to enclose the southern portion of the alfresco, remove Tree 3 and 4 to the rear of the site, increase the expanse of the driveway and construct a 1.8m front boundary fence.
3. Deletion of Special Condition 2.

Accordingly Development Consent No. 2015/149 is approved as follows:

**Development Description:** Demolition of existing structures and construction of a new two (2) storey dwelling.

#### **SPECIAL CONDITIONS**

##### **1. REAR ALFRESCO AREA**

The western side of the alfresco area is to remain unenclosed at a height above 1400mm.

(Reason: To comply with the development standard for Floor Space Ratio.)

DA2015/149/02 - 32 Oxford Road, Strathfield  
Lot C in DP 358667 (Cont'd)

## 2. SEMI CIRCULAR DRIVEWAY EXTENSION

~~The semi-circular driveway extension shall be modified and extended to the western boundary to utilise the existing layback.~~

(Reason: To maximise on street parking)

## STANDARD CONDITIONS (GC)

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

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

Plans affixed with Council's 'Development Consent' stamp relating to Development Consent No. DA2015/149:

Drawing No.	Title/Description	Prepared by	Issue / Revision & Date	Date received by Council
A.01	<b>Site Plan</b>	Nicholas Lycenko	8 February 2019	8 February 2019
	Floor Plans. Elevations & Sections	Residential Logistics	Revision C	23 December 2015
A.01	Site Plan	Nicholas Lycenko	10/07/18	19 July 2018
A.02	Part Site Plan	Nicholas Lycenko	10/07/18	19 July 2018

Reference Documentation affixed with Council's 'Development Consent' stamp relating to Development Consent No. DA2015/149:

Title / Description	Prepared by	Issue/Revision & Date	Date received by Council
BASIX Certificate	Residential Logistics	2 November 2015	9 June 2016
Stormwater Management Plan	StormCivil Engineering Solution	27 October 2015	17 November 2015
Landscape Plan	Concept Landscape Architects	28 October 2015	17 November 2018
Waste Management Plan	Residential Logistics	11 November 2015	16 February 2016
Schedule of External Colours and Finishes	Residential Logistics	29 October 2015	17 November 2015

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.

DA2015/149/02 - 32 Oxford Road, Strathfield  
Lot C in DP 358667 (Cont'd)

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.)

#### 5. CONSTRUCTION WITHIN BOUNDARIES (GC)

The development including but not limited to footings, walls, roof bargeboards 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 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. LANDSCAPING – TREE PRESERVATION (GC)

All street trees and trees on private property that are protected under Council's controls, shall be retained except where Council's prior written consent has been obtained. The felling, lopping, ring barking, 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 suitable protected in accordance with Australian Standard AS4970 – 2009, Protection of Trees on Development Sites prior to the commencement of any works (including any demolition and excavation) and maintained for the duration of the works.

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

#### 8. LANDSCAPING - CANOPY TREES IN FRONT SETBACK (GC)

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

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

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

DA2015/149/02 - 32 Oxford Road, Strathfield  
Lot C in DP 358667 (Cont'd)

## 9. ENVIRONMENTAL PROTECTION – TREES (GC)

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

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

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

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

DA2015/149/02 - 32 Oxford Road, Strathfield  
Lot C in DP 358667 (Cont'd)

**10. PROTECTION OF EXISTING TREES – FRONT FENCE (GC)**

The masonry brick boundary fence is to be constructed so as to support all brick in-fill panels using a lintel. This lintel is to be installed above ground level along the entire length of each in-fill panel.

(Reason: Environmental protection, protection of existing tree roots and landscape amenity.)

**11. LANDSCAPING – ARBORIST'S FOLLOW UP REPORT OF TREE/S TO BE RETAINED (OC)**

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

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

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

**12. MATERIALS – CONSISTENT WITH SUBMITTED SCHEDULE (GC)**

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

(Reason: To ensure compliance with this consent.)

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

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

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

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

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

(Reason: Statutory requirement.)

DA2015/149/02 - 32 Oxford Road, Strathfield  
Lot C in DP 358667 (Cont'd)

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

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

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

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

#### **15. UTILITIES AND SERVICES - PROTECTION OF (GC)**

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

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

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

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

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

(Reason: To ensure protection of Council assets.)

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

#### **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. CONSTRUCTION AND ENVIRONMENTAL MANAGEMENT PLAN (CC)

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

- i) Detailed information on any approvals required from other authorities prior to or during construction.
- ii) Traffic management, including details of:
  - ingress and egress of vehicles to the site;
  - management of loading and unloading of materials;
  - the location of heavy vehicle parking off-site; and
  - designated routes for vehicles to the site.
- iii) The proposed areas within the site to be used for a builder's site office and amenities, the storage of excavated material, construction materials and waste containers during the construction period.
- iv) Erosion and sediment control, detailing measures and procedures consistent with the requirements of Council's guidelines for managing stormwater, including:
  - the collection and treatment of stormwater and wastewater generated on site prior to discharge; and
  - procedures to prevent run-off of solid material and waste from the site.
- v) Waste management, including:
  - details of the types and estimated volumes of waste materials that will be generated;
  - procedures for maximising reuse and recycling of construction materials; and
  - details of the off-site disposal or recycling facilities for construction waste.
- vi) Dust control, outlining measures to minimise the generation and off-site transmission of dust and fine particles, such as watering or damp cloth fences.
- vii) A soil and water management plan, which includes:
  - measures to minimise the area of soils exposed at any one time and conserve top soil;
  - identification and protection of proposed stockpile locations;
  - preservation of existing vegetation and revegetation;
  - measures to prevent soil, sand, sediments leaving the site in an uncontrolled manner;
  - measures to control surface water flows through the site in a manner that diverts clean run-off around disturbed areas, minimises slope gradient and flow distance within disturbed areas, ensures surface run-off occurs at non-erodible velocities, and ensures disturbed areas are promptly rehabilitated;
  - details of sediment and erosion control measures in place before work commences;
  - measures to ensure materials are not tracked onto the road by vehicles entering or leaving the site; and

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- details of drainage to protect and drain the site during works.
- viii) Asbestos management procedures:
  - Anyone who removes, repairs or disturbs bonded or a friable asbestos material must hold a current removal licence from Workcover NSW holding either a Friable (Class A) or a Non- Friable (Class B) Asbestos Removal License which ever applies and a current WorkCover Demolition License where works involve demolition. To find a licensed asbestos removalist please see [www.workcover.nsw.gov.au](http://www.workcover.nsw.gov.au)
  - Removal of asbestos by a person who does not hold a Class A or Class B asbestos removal license is permitted if the asbestos being removed is 10m<sup>2</sup> or less of non-friable asbestos (approximately the size of a small bathroom). Friable asbestos materials must only be removed by a person who holds a current Class A asbestos license.
  - Before starting work, a work site-specific permit approving each asbestos project must be obtained from Workcover NSW. A permit will not be granted without a current Workcover licence. All removal, repair or disturbance of or to asbestos material must comply with the following:
    - The Work Health and Safety Act 2011;
    - The Work Health and Safety Regulation 2011;
    - How to Safety Remove Asbestos Code of Practice – WorkCover 2011; and
    - Safe Work Australia Code of Practice for the Management and Control of Asbestos in the Workplace.
  - Following completion of asbestos removal works undertaken by a licensed asbestos removalist re-occupation of a workplace must not occur until an independent and suitably licensed asbestos removalist undertakes a clearance inspection and issues a clearance certificate.
  - The developer or demolition contractor must notify adjoining residents at least two (2) working days (i.e. Monday to Friday exclusive of public holidays) prior to the commencement of asbestos removal works. Notification is to include, at a minimum:
    - the date and time when asbestos removal works will commence;
    - the name, address and business hours contact telephone number of the demolisher, contractor and/or developer;
    - the full name and license number of the asbestos removalist/s; and
    - the telephone number of WorkCover's Hotline 13 10 50
    - warning signs informing all people nearby that asbestos removal work is taking place in the area. Signs should be placed at all of the main entry points to the asbestos removal work area where asbestos is present. These signs should be weatherproof, constructed of light-weight material and adequately secured so they remain in prominent locations. The signs should be in accordance with AS 1319-1994 Safety signs for the occupational environment for size, illumination, location and maintenance; and
    - appropriate barricades installed as appropriate to prevent public access and prevent the escape of asbestos fibres. Barricades must be installed prior to the commencement of asbestos removal works and remain in place until works are completed.

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

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

##### Works Permit

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

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

#### Standing Plant Permit

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

#### Skip Bin Permit

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

#### Temporary Full or Part Road Closure Permit

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

#### Hoarding/Fencing Permit

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

#### Work Zone Permit

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

#### Ground Anchoring Permit

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

(Reason: Council requirement)

## 20. EROSION AND SEDIMENTATION CONTROL PLAN (CC)

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

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

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

(Reason: Environmental protection.)

**21. TREE BONDS (CC)**

A tree bond of **\$13,200.00** (calculated in accordance with Council's adopted Fees and Charges) shall be paid to Council, prior to the issue of a Construction Certificate.

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

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

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.)

**22. WASTE MANAGEMENT PLAN (CC)**

A Waste Management Plan (WMP) is to be provided in accordance with Part H of Strathfield Consolidated Development Control Plan 2005. All requirements of the approved Waste Management Plan must be implemented during demolition, construction and on-going use of the premises.

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The WMP must identify the types of waste that will be generated, all proposals to re-use, recycle or dispose of the waste and designs of the waste storage and collection areas. The WMP is to be submitted to council for comment prior to approval by the Principal Certifying Authority, approval must be provided prior to the issuing of the Construction Certificate.

Full compliance must be given to the endorsed Waste Management Plan submitted for the proposed development. Copies of any weighbridge receipts from all approved waste disposal facilities shall be retained for presentation to the Principal Certifying Authority upon request.

NOTE: The property must be inspected by a Council Waste Officer prior to the issue of an Occupation Certificate so as to ensure that the correct number of general waste and recycling bins are ordered from Strathfield Council.

(Reason: To ensure appropriate management of waste.)

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

### 23. 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

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prohibited. The sign must not be removed until all work has been completed.

(Reason: Statutory requirement.)

**24. 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.)

**25. 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 (DW)****26. SITE REQUIREMENTS DURING DEMOLITION AND CONSTRUCTION**

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

- i) All demolition is to be carried out in accordance with Australian Standards AS 2601-2001.
- ii) Demolition must be carried out by a registered demolition contractor.
- iii) A single entrance is permitted to service the site for demolition and construction. The footway and nature strip at the service entrance must be planked out with close boarded, hardwood timber footpath protection pads. The pad shall cover the entire width of the footpath opening for the full width of the fence.
- iv) No blasting is to be carried out at any time during construction of the building.
- v) Care must be taken during demolition/ excavation/ building/ construction to prevent any damage to adjoining buildings.
- vi) Adjoining owner property rights and the need for owner's permission must be observed at all times, including the entering onto land for the purpose of undertaking works.
- vii) Any demolition and excess construction materials are to be recycled wherever practicable.
- viii) The disposal of construction and demolition waste must be in accordance with the requirements of the Protection of the Environment Operations Act 1997.
- ix) All waste on the site is to be stored, handled and disposed of in such a manner as to not create air pollution (including odour), offensive noise or pollution of land and/or water as defined by the Protection of the Environment Operations Act 1997.
- x) All excavated material should be removed from the site in the approved manner and be disposed of lawfully to a tip or other authorised disposal area.
- xi) Section 143 of the Protection of the Environment Operations Act 1997 requires waste to be transported to a place which can lawfully accept it. All non-recyclable demolition materials are to be disposed of at an approved waste disposal depot in accordance with legislation.
- xii) All materials on site or being delivered to the site are to generally be contained within the site. The requirements of the Protection of the Environment Operations Act 1997 must be complied with when placing/stockpiling loose material, disposing of concrete waste, or other activities likely to pollute drains or water courses.
- xiii) Details as to the method and location of disposal of demolition materials (weight dockets, receipts etc.) should be kept on site as evidence of approved methods of disposal and recycling.
- xiv) Any materials stored on site must be stored out of view or in such a manner so as not to cause unsightliness when viewed from nearby lands or roadways.
- xv) Public footways and roadways adjacent to the site must be fully maintained and cleared of obstructions during construction unless prior separate approval from Council is obtained including payment of relevant fees.
- xvi) Building operations such as brick cutting, washing tools or paint brushes, and mixing mortar not be performed on the roadway or public footway or any other locations which could lead to the discharge of materials into the stormwater drainage system.
- xvii) All site waters during excavation and construction must be contained on site in an approved manner to avoid pollutants entering into waterways or Council's stormwater drainage system.
- xviii) Stamped plans, specifications, documentation and the consent shall be available on site at all times during construction.
- xix) All protected trees are to be managed in accordance with Australian Standard AS4970 - 2009 , Protection of Trees on Development Sites.

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

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

### 27. OCCUPATION OF BUILDING (OC)

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

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

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

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

(Reason: Statutory requirement.)

## ATTACHMENTS

There are no attachments for this report.

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