

Agenda

Strathfield Internal Development Assessment Panel Meeting

Notice is hereby given that a Strathfield Internal Development Assessment Panel Meeting will be held at Main Building Meeting Room, 65 Homebush Road, Strathfield on:

Friday, 3 April 2020

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

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TO: Strathfield Internal Development Assessment Panel Meeting - 3 April 2020
REPORT: IDAP – Report No. 1
SUBJECT: DA2019/186 31 HOWARD STREET, STRATHFIELD
LOT 207 DP 15259
DA NO. 2019/186

SUMMARY

Proposal: Demolition of existing buildings and construction of a two (2) storey dwelling and basement level.
Applicant: M. Sukkar
Owner: M. Sukkar & M. Sukkar
Date of lodgement: 6 November 2019
Notification period: 18 November 2019 to 2 December 2019
Submissions received: Nil
Assessment officer: ND
Estimated cost of works: \$1,074,631
Zoning: R2 Low Density Residential - SLEP 2012
Heritage: No
Flood affected: No
Is a Clause 4.6 variation proposed? No
RECOMMENDATION OF OFFICER: **REFUSAL**

EXECUTIVE SUMMARY

The application seeks Council consent for the demolition of the existing building and construction of a two (2) storey dwelling and basement level.

The plans and documentation were notified in accordance with Part L of the Strathfield Consolidated Development Control Plan (SCDCP) 2005 from 18 November 2019 to 2 December 2019. No written submissions were received.

As discussed in this report, the proposed development presents a number of non-compliances with Council's DCP requirements including the protrusion of the basement above the natural ground level, building articulation, bulk and scale, stormwater drainage and the basement outside of the building footprint. During the assessment process letters were sent to the applicant requesting amended plans to address the non-compliances. Whilst amended plans were submitted, the non-compliances were not addressed to a satisfactory level.

Accordingly, the development application is not supported and is recommended for refusal.

BACKGROUND

6 November 2019: The application was lodged at Council.

18 November 2019 to
2 December 2019: The application was notified in accordance with Part L of the SCDCP 2005.

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Lot 207 DP 15259 (Cont'd)**

- 3 December 2019: A letter was sent to the applicant requesting additional information and amended plans to address the following:
- a) Non-compliances with SLEP 2012:
 - i) Basement level does not comply with definition; and
 - ii) Floor space ratio.
 - b) Non-compliances with SCDCP 2005 controls including:
 - i) Section 2.2.1 and 2.2.5, double-height vertical elements on façades;
 - ii) Section 2.2.3, no building articulation to southern side elevation;
 - iii) Section 4.2.2, the dwelling exceeds 7.8m building control for flat roofs;
 - iv) Section 4.2.2, the dwelling does not respond to the gradient of the site;
 - v) Section 8.2.3, basement not contained within building footprint;
 - c) Additional information:
 - i) Front fence details
 - ii) Roof colour and material and
 - d) Non-compliant stormwater concept plan.
- 10 December 2019: At the request of the applicant, a meeting was held with the owner, project architect, Assessment Officer and Senior Planner. The following were discussed at the meeting:
- a) The basement level does not comply with SLEP 2012 definition. Three (3) storey dwellings are not supported in R2 Low Density Residential zones;
 - b) The dwelling must present as a two (2) storey dwelling to the public domain;
 - c) A non-compliant FSR will require a Clause 4.6 variation under the SLEP 2012, however is unlikely to be supported;
 - d) The dwelling is excessively elevated and should respond to the topography of the site, incorporating a stepped design was discussed;
 - e) If the basement level is to be retained, the upper level is to be deleted so the dwelling does not exceed two storeys;
 - f) The void space on the first floor is excessive and will be included in FSR calculation;
 - g) Southern side elevation is not sufficiently articulated, resulting in a visual bulk and building envelope that is not compatible with the streetscape; and
 - h) Non-compliant driveway width.
- 8 January 2020: Amended plans and a cover letter were submitted to Council to address the above matters. The plans included the following changes:
- a) Basement level layout modified and RL lowered by 300mm;
 - b) Minor modifications to dwelling resulting in a compliant FSR;
 - c) Frosted glass incorporated to southern side elevation;
 - d) Minor reduction of maximum building height; and
 - e) Front fence details.
- 3 February 2020: A letter was sent to the applicant requesting amended plans to address the following non-compliances:
- a) Non-compliances with SLEP 2012:
 - i) Basement level does not comply with definition; and
 - b) Non-compliances with SCDCP 2005 controls including:

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- i) Section 2.2.1 and 2.2.5, double-height vertical elements on façades;
 - ii) Section 2.2.3, frosted windows do not satisfy development control;
 - iii) Section 4.2.2, the dwelling presents as three (3) storey dwelling at western and side elevations;
 - iv) Section 4.2.2, the dwelling does not respond to the gradient of the site;
 - v) Section 7.2.3, the ground floor balcony is excessive resulting in adverse privacy impacts;
 - vi) Section 8.2.3, the basement not contained within building footprint; and
- c) The submitted shadow diagrams incorrectly illustrate the shadow cast by the development on the winter solstice.

14 February 2020: Amended plans were submitted to Council.

18 February 2020: A letter was sent to the applicant stating that the amended plans did not satisfactorily address the outstanding non-compliances including the protrusion of the basement above the natural ground level. It was suggested that a compliant design could be achieved by deleting bedroom 2.

2 March 2020: An email was received by the applicant suggesting the incorporation of zinc cladding along the southern side elevation to address the building articulation non-compliance. However, the protrusion of the basement and other non-compliance were not addressed.

DESCRIPTION OF THE SITE AND LOCALITY

The subject site is located on the western side of Howard Street near the intersection of Howard Street and Shortland Avenue and commonly known as 31 Howard Street, Strathfield (Figure 1). The site has a street frontage of 14.305m and an area of 661.4m². It slopes from the front to the rear of site and has a cross-fall of 2.4m. In addition, the site falls 0.28m from north to south.

The site is presently occupied by a single storey dwelling, detached garage and in-ground swimming pool (Figure 2). The streetscape is characterised by a mix of older, traditional single and two (2) storey dwellings and modern two (2) storey dwellings including a mixture of pitched and flat roofs, exposure facebrick, rendered masonry and cladding.

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



Figure 2: View of the subject site from Howard Street

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

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The application seeks Council approval for demolition of existing buildings and construction of a two (2) storey dwelling and basement level (Figures 3 to 6).

The specific elements of the proposal are:

Demolition:

- Single storey dwelling; and
- Detached garage.

Basement level:

- Three (3) car parking spaces;
- Laundry; and
- Storage.

Ground floor level:

- Open plan living room, dining room and kitchen;
- Walk-in-pantry;
- Balcony;
- Bedroom with ensuite;
- Bathroom; and
- Office.

First floor level:

- Media room;
- Bedroom with balcony, ensuite and walk-in-wardrobe;
- Two (2) bedrooms; and
- Bedroom with ensuite.

External works:

- Front fence; and
- Alterations to existing swimming pool.

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Figure 3: Photomontage of proposed development

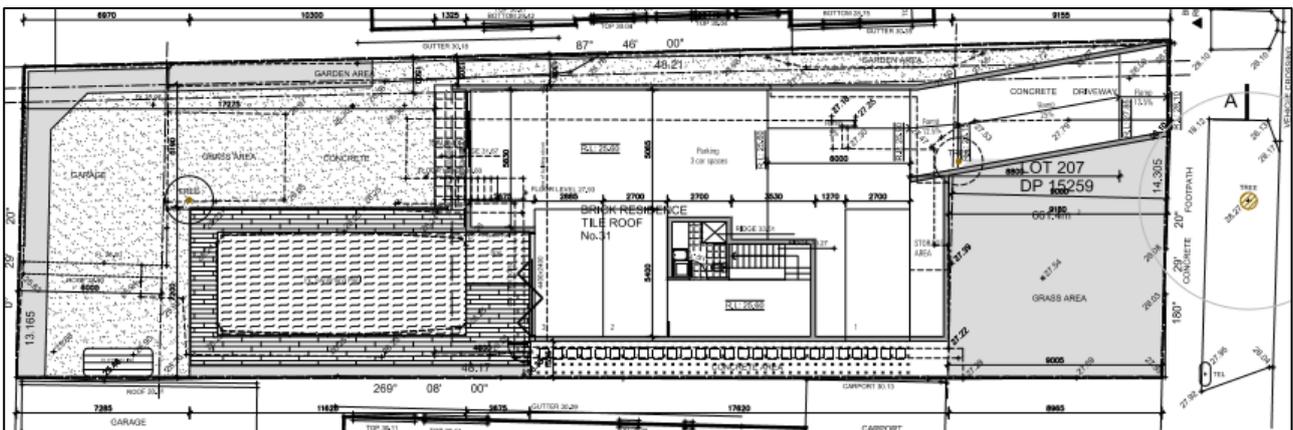


Figure 4: Proposed basement level

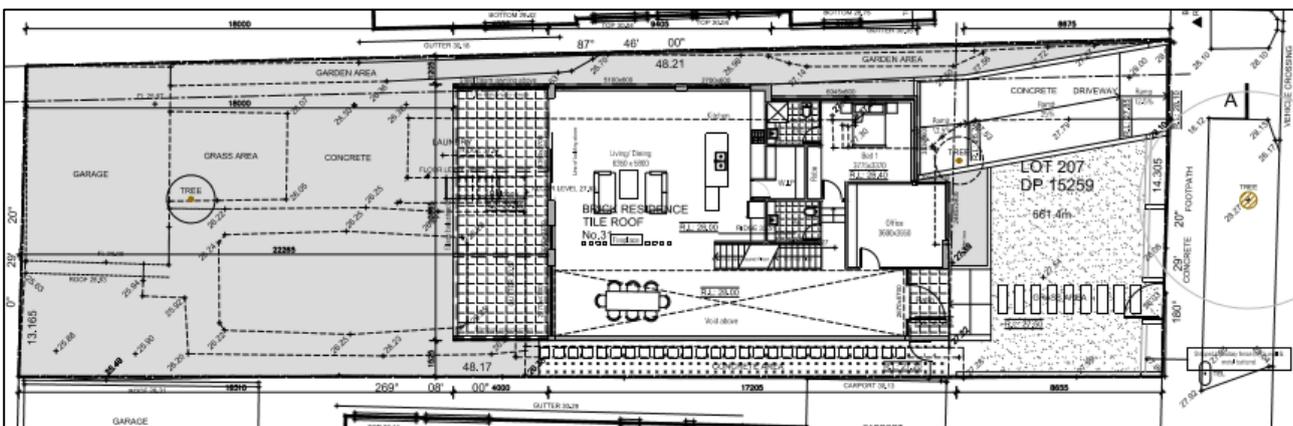


Figure 5: Proposed ground floor level

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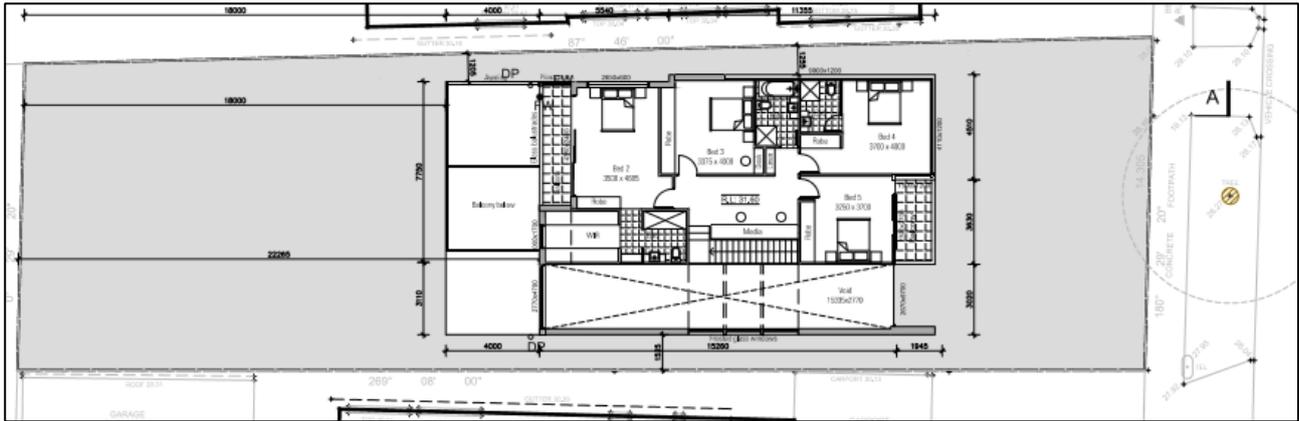


Figure 6: Proposed first floor level

REFERRALS

INTERNAL REFERRALS

Engineering Comments

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

"The application proposes an onsite stormwater detention system. In accordance with Section 4.5 of Council Stormwater Management Code, connection to Council's drainage system must be by gravity means unless genuine attempts at acquiring a downstream easement have failed. As there is an existing Council drainage easement behind the subject site which the site drainage system can connect to the proposed system is not supported."

Landscaping Comments

Council's Tree Coordinator offered no objections to the proposal.

Traffic Comments

Council's Traffic Engineer offered no objections to the proposal.

SECTION 4.15 CONSIDERATIONS – EP&A Act, 1979

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

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

STATE ENVIRONMENTAL PLANNING POLICY (SEPP) – BASIX 2004

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

A BASIX Certificate was submitted as part of the application indicating that the proposal meets the required reduction targets.

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

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

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

The objectives outlined within SEPP55 are considered to be satisfied.

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

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

The intent of this SEPP is consistent with the objectives of the repealed Standard where the primary aims/objectives are related to the protection of the biodiversity values of trees and other vegetation on the site. The subject site does not contain any trees that require Council consent for removal. During the assessment process the location of the driveway was amended to utilise the existing driveway crossover and layback and protect the street tree.

STATE ENVIRONMENTAL PLANNING POLICY (COASTAL MANAGEMENT) 2018

The Coastal Management SEPP does not apply as the subject site is not flood affected.

STRATHFIELD LOCAL ENVIRONMENTAL PLAN 2012 (SLEP 2012)

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

Cl. 1.2(2)	Aims	Complies
(a)	<i>To achieve high quality urban form by ensuring that new development exhibits design excellence and reflects the existing or desired future character of particular localities and neighbourhoods in Strathfield</i>	No
(b)	<i>To promote the efficient and spatially appropriate use of land, the sustainable revitalisation of centres, the improved integration of transport and land use, and an appropriate mix of uses by regulating land use and development</i>	N/A
(c)	<i>To promote land uses that provide a wide range of employment, recreation, retail, cultural, service, educational and other facilities for the local community</i>	N/A
(d)	<i>To provide opportunities for economic growth that will enhance the local community</i>	N/A
(e)	<i>To promote future development that integrated land use and transport planning, encourages public transport use, and reduced the traffic and environmental impacts of private vehicle use</i>	N/A
(f)	<i>To identify and protect environmental and cultural heritage</i>	N/A
(g)	<i>To promote opportunities for social, cultural and community activities</i>	N/A
(h)	<i>To minimise risk to the community by identifying land subject to flooding and restricting incompatible development</i>	N/A

Comments: The proposal does not achieve the objectives of the SLEP 2012 resulting in a three (3) storey dwelling with a building envelope that does not respond to the topography of the site and is inconsistent with the character of the streetscape.

Permissibility

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

“dwelling houses means a building containing only one dwelling”

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

Zone Objectives

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

Objectives	Complies
➤ <i>To provide for the housing needs of the community within a low density residential environment.</i>	Yes
➤ <i>To enable other land uses that provide facilities or services to meet the day to day needs of 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>	N/A

Comments: The proposed development consists of the construction of a dwelling house which provides for the housing needs of the community in a low density residential setting. Therefore, the proposal complies with the objectives of the R2 Low Density Residential zone.

Part 4: Principal development standards

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

Height of building

Cl.	Standard	Controls	Proposed	Complies
4.3	Height of building	9.5m	7.41m	Yes

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

Comments: The proposed dwellings has a maximum building height of 7.41m, achieving compliance with the maximum 9.5m building height standard.

Floor space ratio

Cl.	Standard	Controls	Proposed	Complies
4.4	Floor space ratio	0.60:1 (396.84m ²)	0.58:11 (386.32m ²)	Yes

Objectives	Complies
(a) <i>To ensure that dwellings are in keeping with the built form character of the local area</i>	No
(b) <i>To provide consistency in the bulk and scale of new dwellings in residential areas</i>	No
(c) <i>To minimise the impact of new development on the amenity of adjoining properties</i>	No
(d) <i>To minimise the impact of development on heritage conservation areas and heritage items</i>	N/A
(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>	N/A

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	<i>ii. to provide space for the strategic implementation of economic, social and cultural goals that create an active, lively and people-oriented development</i>	
(f)	<i>In relation to Parramatta Road Corridor – to encourage a sustainable consolidation pattern that optimises floor space capacity in the Corridor</i>	N/A

Comments: The proposed development achieves a compliant FSR of 0.58:11 (386.32m²). The excessive void areas on the first floor and a third car parking space have been included in the FSR calculation. Whilst the proposal numerically complies with the maximum floor space ratio permissible on the site, the building envelope results in a bulk that is not in keeping with the built form of the streetscape with unreasonable amenity impacts on the adjoining properties.

Part 5: Miscellaneous Provisions

Not applicable

Part 6: Local Provisions

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

6.1 Acid sulfate soils

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

6.2 Earthworks

The proposal involves excavation and the removal of soil to facilitate the basement level of the proposed dwelling. The size of the basement is considered excessive, exceeding the building footprint of ground floor level above. Accordingly the proposed earthworks are not supported.

6.3 Flood planning

The subject site is not flood affected.

6.4 Essential services

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

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

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

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

STRATHFIELD CONSOLIDATED DEVELOPMENT CONTROL PLAN 2005 (SCDCP 2005)

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

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PART A – DWELLING HOUSES AND ANCILLARY STRUCTURES

2: Architectural Design & Streetscape Presentation

2.1 Objectives		Satisfactory
A.	To ensure that development respects the predominant height, scale, character, type, form, colour, materials and architectural qualities of the existing dwelling house (in the case of alterations and additions) and surrounding neighbourhood especially any adjoining or nearby heritage item or heritage conservation area.	No
B.	To achieve quality architecture in new development through the appropriate composition and articulation of building elements.	No
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.	No
D.	To ensure that new dwellings have facades, which define, address and enhance the public domain.	No
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.	No
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.	No
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.	No
2.2 Development Controls		Complies
Streetscape Presentation		
.1.	1 New dwellings address street frontage with clear entry.	Yes
	2 Consistently occurring building features integrated within dwelling design.	Yes
	3 Consideration of streetscape elements	Yes
	4 Integrated security grilles/screens, ventilation louvres and garage doors	Yes
Scale, Massing & Rhythm of Street		
.2.	1 Scale, massing, bulk and layout complement the existing streetscape and the dominant building rhythm	No
	2 Building height and mass maintains amenity to adjacent properties open space or the public domain	No
Building Forms		
.3.	1 Building form articulated.	No
Roof Forms		
.4.	1 Roof form complements predominant form in the locality	Yes
	2 Roof form minimises bulk and scale of building and remains an important architectural element in the street.	Yes

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<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>			
9	The external colours integrate harmoniously with the external design of the building	Yes	
<i>Two (2) storey Porticoes</i>			
1	Two (2) storey porticoes in scale and compatible with the proposed dwelling, streetscape and any adjoining heritage items	No	
.5.	2	Two (2) storey porticoes vertically articulated or broken to reduce height	No
	3	Porticoes or associated porches do not protrude 1m forward of the front building façade.	Yes
	4	Porticoes do not extend beyond the understorey of the eaves/guttering.	Yes

Comments: Howard Street comprises a mix of traditional and contemporary style dwellings with examples of flat roof dwellings (Figures 8 and 9). The proposal seeks to construct a two (2) storey contemporary style dwelling house with a flat roof design and basement level and is consistent with recently constructed dwellings in the street. (Figure 7). The schedule of colours and external finishes includes rendered masonry in 'Ashville Grey' and 'Flooded Gym', sandstone and timber cladding. The use of cladding is consistent with the more recently constructed dwellings in the street (Figure 8). No colour or external material was nominated for the roof.



Figure 7: Photomontage of proposed development.

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Figure 8: Existing contemporary style dwelling at 16 Howard Street (directly opposite subject site).



Figure 9: Existing dwellings at No. 24 and 25 Howard Street.

Section 2.2.5 requires that two (2) storey porticoes are compatible with the streetscape and are vertically articulated. The proposed two (2) storey portico does not comply with the development controls and is not supported contributing to the bulk of the dwelling that is not compatible with the streetscape. The double storey unarticulated height reinforces the box-like profile of the southern elevation.

Contrary to Section 2.2.3, the southern side elevation provides no building articulation. The non-compliance was raised during the assessment process and frosted windows were incorporated (Figure 10). However, this is considered unsatisfactory. The unbroken southern side elevation results in a building form with an excessive visual bulk that is not compatible with the existing dwellings in the streetscape.

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5	Maximum internal floor to ceiling height is 3m for any residential level.	No
7	Dwelling houses and any ancillary structures 2-storeys (max)	No
8	Building height responds to the gradient of the site to minimise cut and fill	No

Street Setbacks

.3.1.

1	Setbacks consistent with minimum requirements of Table A.1	Yes
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Side and Rear Setbacks

.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).	No, acceptable on merit.
2	A rear setback of 6m (min)	Yes

East-West Lots

.4.

1	Where primary street frontage faces east, the minimum side setback located on northern side.	Yes
2	The southern side setback utilised for driveway/garage entry.	No. Existing driveway utilized.

Comments: The proposed basement protrudes more than 1m above the natural ground level and as such does not constitute as a basement in accordance with the definition of a 'basement' under the SLEP 2012 (Figure 11). Consequently, the proposal results in a three (3) storey dwelling contrary to Section 4.2.2 above. The building envelope is considered incompatible relative to the natural ground level and does not appropriately respond to the topography of the site. Whilst the streetscape elevation of the dwelling presents as a two (2) storey dwelling. The design of the dwelling has not been designed in response to the topography of the site and consequently the western elevation presents as a three (3) storey dwelling (Figure 12).

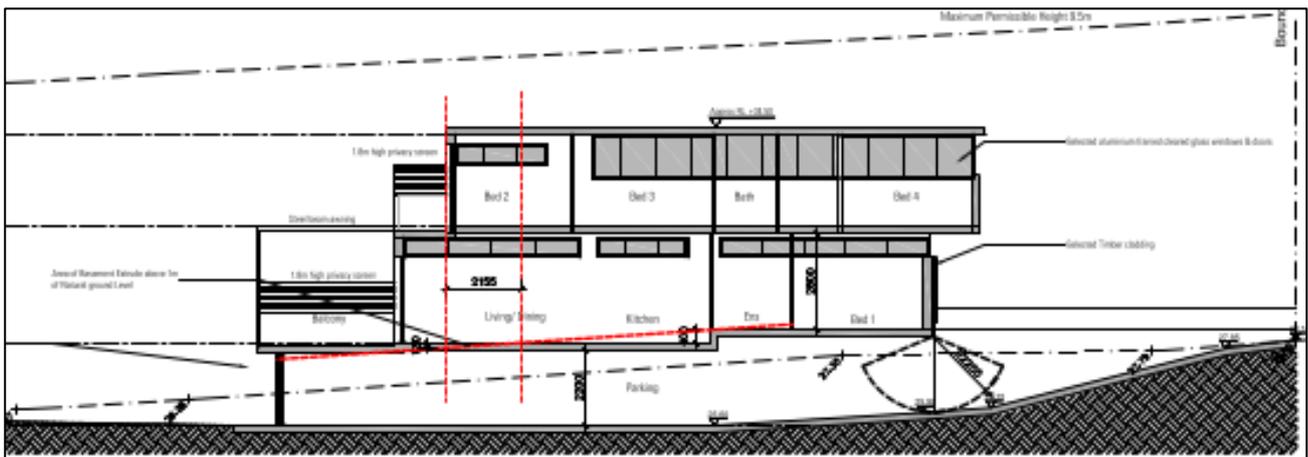


Figure 11: Section plan.

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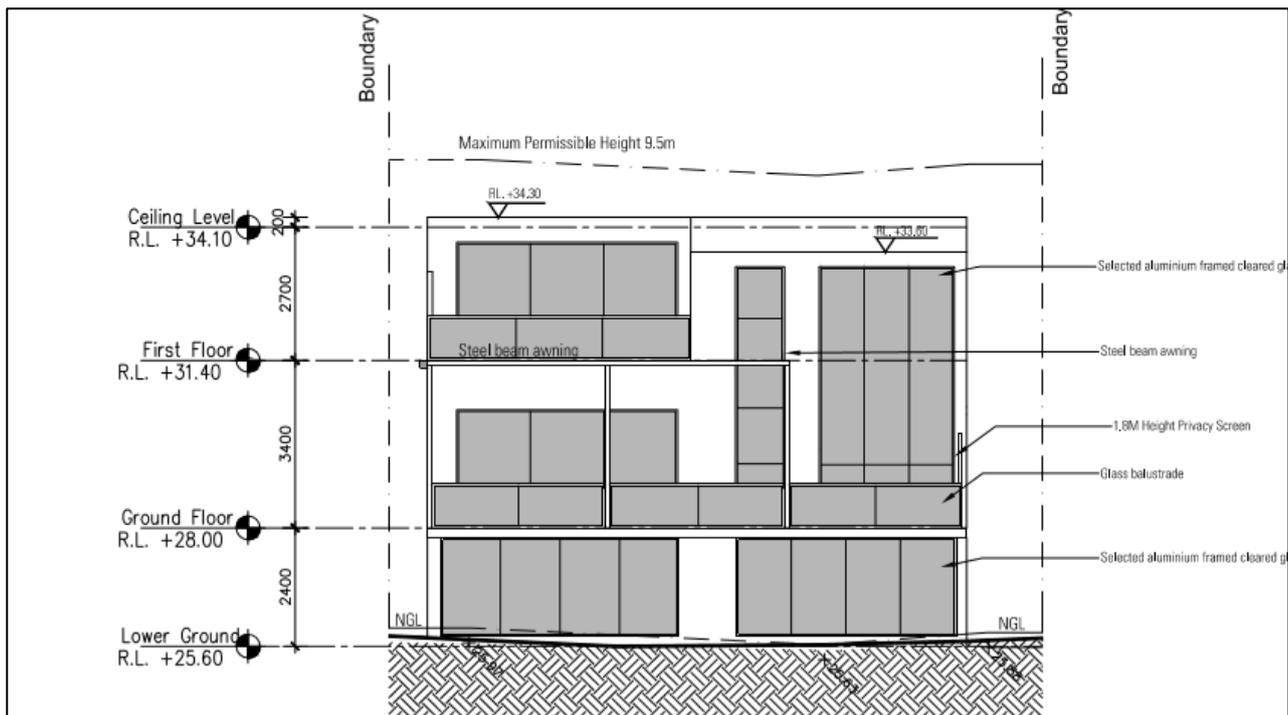


Figure 12: Proposed western (rear) elevation

The proposal incorporates floor to ceiling heights of 2.7m to Bedroom 1 on the ground floor and 3.2m to the remainder of the ground floor level. The floor to ceiling height of the first floor level is 2.7m. The 3.2m internal floor to ceiling height of the ground floor is contrary to the 3.0m development control and is unnecessary. The proposed maximum height of the external walls (measures from the existing ground level to the underside of the eaves) is 7.21m contrary to the development controls.

The first floor void space over the entrance and dining room is excessive, adding unnecessary bulk and scale to the proposed dwelling and negatively influencing the presentation of the southern side elevation which is unarticulated.

The front setback complies with the relevant controls, whilst it is less than 9m it is no less than the front setback of the existing dwelling house and appropriate in the context of the front setbacks of the dwellings on the western side of Howard Street. The side setbacks of the dwelling comply with the minimum 1.2m requirement on each side, however as the width of the site narrows from 14.305m at the front property boundary to 13.165m at the rear property boundary, the combined side setbacks ranges from a non-compliant 19.89% to a compliant 2.074%. Given the site attributes the proposed side setbacks are considered acceptable.

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

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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.	No

5.2 Development Controls

Complies

		Complies	
.1.	<i>Landscaped area</i>		
	1	Landscaped area in accordance with Table A.3	No
	2	At least 50% of the minimum landscaped area located behind the building line to the rear boundary	Yes
	3	At least 50% of the front yard maintained as deep soil soft landscaping	Yes
	4	Minimise hard surface area (concrete/brick/stone paving and bitumen). Run-off directed to permeable surfaces.	Yes
	6	Front gardens respond and contribute to the garden character of Strathfield.	Yes
	7	Retain and reinforce the prevailing streetscape and surrounding locality	Yes
	8	Plant species must be retained, selected and planted to improve amenity	Yes
.2.	<i>Tree Protection</i>		
	3	Development provides for the retention and protection of existing significant trees	Yes
	6	Opportunities for planting new canopy trees within the front setback	No
	7	At least one (1) canopy tree provided in the rear yard.	No
	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	
.3.	<i>Private Open Space</i>		
	1	Provided in a single parcel rather than a fragmented space, directly accessible from internal living areas	No
3	Terraces and decks (at least 10m ²) with one length or width 3m (min) and directly accessible from an internal living area. Decks cannot be located more than 500mm above NGL	No	

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	5	Private open space located at the rear of the property.	Yes
.4.	<i>Fencing</i>		
	1	Fencing designed to be compatible and sympathetic to the style of the dwelling, adjoining properties and the streetscape	Yes
	3	Fencing forward of FBL shall not exceed 1.5m. Solid components shall not exceed 0.7m above NGL with the exception of brick piers	Yes
	7	Front fences visually permeable	Yes

Comments: Under Section 5.2.1 a minimum of 41.5% (274.481m²) of the site is to be provided as deep soil landscaping. The proposal provides 38.65% (255.67m²) contrary to this requirement and the submitted Landscape Plan does not detail any canopy trees. During the assessment process the location of the driveway cross-over was amended to utilise the existing cross-over and layback to minimise root disturbance to the street tree.

A private open space is provided at the rear of the dwelling and the existing in-ground swimming pool to be retained. Contrary to Section 5.2.3, the private open space is not directly accessible from the internal living areas with access to the rear yard via the basement level. The balcony adjoining the living and dining room does not constitute as a private open space as it is located 1.59m above the natural ground level and does not contain a deep soil landscaping component.

The proposed pier and infill style front fence is a maximum 1m in height. The pier and infill style with vertically orientated infill is consistent with the prevailing fence style of the streetscape. The height of the fence enables passive surveillance opportunities of the street. The neutral colour of the sandstone cladding complements the colour tones of the dwelling.

6: Solar Access

6.1	Objectives	Satisfactory	
A.	To ensure the design of new dwelling houses and alterations and additions maximises solar access to living areas and open space areas.	Insufficient information	
B.	To minimise overshadowing of adjoining properties.	Insufficient information	
6.2	Development Controls	Complies	
.1.	<i>Sunlight Access</i>		
	1	New dwellings - 3 hours solar access between 9.00am and 3.00pm on June 21 to the windows of habitable rooms and 50% of private open space	No
	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	No

Comments: The shadow diagrams accompanying the development application incorrectly show the shadow cast by the proposed development at 9:00am, 12 noon and 3:00pm on the winter solstice. During the assessment process amended shadow diagrams were requested and not submitted. As the subject site has an east-west orientation there is potential for adverse overshadowing impacts onto the adjoining southern property. Accordingly, the objectives of Section 6 have not been satisfied.

7: Privacy

7.1	Objectives	Satisfactory
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DA2019/186 31 Howard Street, Strathfield
Lot 207 DP 15259 (Cont'd)

A.	<i>Development that is designed to provide reasonable privacy to adjacent properties</i>		No
B.	<i>To maintain reasonable sharing of views from public places and living areas</i>		No
C.	<i>To ensure that public views and vistas are protected, maintained and where possible, enhanced</i>		No
D.	<i>To ensure that canopy trees take priority over views</i>		Yes
E.	<i>To ensure that the siting and design of buildings minimises noise impacts from abutting roads, rail corridors and other noise-generating land uses</i>		Yes
7.2	Development Controls		Complies
	<i>Visual Privacy</i>		
.1.	1	Protect POS, bedrooms, balconies and living rooms of proposed and any existing adjoining dwellings from direct overlooking	Yes
	2	Provide adequate separation of buildings	Yes
	3	Ensure elevation of finished floor levels above NGL is not excessive	No
	<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
	<i>Elevated Decks Verandahs and Balconies</i>		
.3.	2	Elevated decks, verandahs and balconies incorporate privacy screens	No
	3	Rear balconies (no more than 1m (depth) x 2m (length) permitted if the balcony does not unreasonably impact on adjoining premises	No
	<i>Acoustic Privacy</i>		
z.4.	3	Suitable acoustic screen barriers or other noise mitigation measures are required where physical separation cannot be achieved	No

Comments: The location and sill heights of the proposed dwelling are appropriate and not anticipated to result in any adverse amenity impacts. The proposed balcony off Bedroom 2 whilst exceeding the 1m depth by 2m length development controls is considered acceptable in this instance given its relatively small size (7m²) and incorporation of privacy screens.

The rear ground floor balcony adjoins the living room and dining area and is significantly elevated above the proposed natural level. The size of the balcony (42.4m²) with direct access from the living room and dining room suggest that the area will be used as the principal outdoor area. Whilst 1.8m privacy screens are proposed to the northern and southern elevations the size of the balcony is excessive and result in adverse acoustic privacy impacts for the adjoining properties.

8: Vehicle Access and Parking

8.1	Objectives	Satisfactory
A.	<i>To provide adequate and convenient on-site car parking.</i>	Yes

DA2019/186 31 Howard Street, Strathfield
Lot 207 DP 15259 (Cont'd)

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.	No	
F.	To ensure basements have discreet entries, safe access and a high degree of natural cross-ventilation.	Yes	
G.	To minimise excavation to reduce disturbance to natural ground level particularly adjacent to site boundaries.	No	
H.	To ensure that any proposed basement minimises disturbance to natural drainage systems and that flooding, drainage or ventilation impacts would not be created for the site, or for adjoining or nearby properties.	Yes	
8.2	Development Controls	Complies	
.1.	<i>Driveway and Grades</i>		
	1	Existing driveways must be used (exceptions apply)	Yes
	2	The width of driveways at the property boundary is to be 3m	No
	3	The edge of driveway crossings located 1m (min) clear of any existing stormwater pits or poles and 2m clear of tree trunks	Yes
	4	Parking and access points easily accessible and recognisable, non-disruptive to pedestrian flow and safety and located to minimise traffic hazards and potential for vehicles to queue.	Yes
	5	One (1) vehicular crossing (max) to any public road (exceptions apply)	Yes
	6	Vehicles accessing sites which front main roads shall be capable of entering and exiting in a forward direction	Yes
	7	Vehicular turning areas for garages complies with relevant Australian Standard	Yes
	9	Driveways avoid long and straight appearance by using variations and landscaping	Yes
	10	Driveway set back 0.5 metres (min) from side boundaries	No
.2.	<i>Garages, Carports and Car Spaces</i>		
	1	Two (2) car parking spaces required behind the FBL of all new dwellings (exceptions apply)	Yes
.3.	<i>Basements</i>		
	1	The area of a basement shall be limited to and contained within the ground level footprint of the dwelling	No
	2	Excavation not permitted within the minimum side setbacks.	Yes
	3	The maximum height of the basement above NGL is limited to 1m measured to the predominant finished floor level of the level above.	No
	4	Internal clearance of 2.2m (min)	Yes
	5	Driveways have a maximum 1:4 gradient and comply with Australian Standards	Yes
	6	Basement entries and ramps/driveways not greater than 3.5m wide	No
	8	Basements permit vehicles to enter and exit the basement in a forward direction	Yes

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Lot 207 DP 15259 (Cont'd)

11	Basements are not to be used for habitable purposes	Yes
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Comments: During the assessment process, the location of the driveway was re-located to utilise the existing driveway cross over and layback so as not to conflict with the existing street tree. The driveway will provide vehicular access to the basement with a 2.2m internal clearance and 2.2m internal floor to ceiling height accommodating three (3) car parking spaces, laundry and storage area. The area of the basement is not contained within the ground level footprint of the dwelling as prescribed under Section 8.2.3. The basement has sufficient maneuvering space for the cars to enter and exit the basement in a forward direction. Contrary to Section 8.2, the driveway at the basement entry is 3.9m and 3.7m at the front property boundary.

As discussed earlier in this report, the proposed basement level does not comply with the definition of a 'basement' under the SLEP 2012 with the floor level of the storey immediately above the basement not less than 1m above the existing ground level.

9: Altering Natural Ground Level (Cut and Fill)

9.1	Objectives	Satisfactory
A.	To maintain existing ground levels and minimise cut and fill to reduce site disturbance.	No
B.	To ensure existing trees and shrubs are undisturbed, ground water tables are maintained and impacts on overland flow/drainage are minimised.	Yes

9.2	Development Controls	Complies
1	Fill limited to 1m (max) above NGL	Yes
5	Areas of excavation setback from property boundaries in line with building setback controls. No excavation permitted within the minimum required setbacks.	Yes
6	The work does not affect or undermine the soil stability or structural stability of buildings and Council assets on adjoining properties.	Yes
7	A dilapidation report for all buildings which adjoin proposed excavation areas as required	Yes
8	Avoid excessive fill that creates the potential for overlooking of adjoining properties	Yes

Comments: The subject site has a 2.4m fall from the front to the rear (east to west) and a 0.28m cross-fall from north to south. The proposed development does not respond appropriately to the topography of the site. This is demonstrated by the non-compliant basement level and three (3) storey appearance of the dwelling along the side and rear elevations. Although minimal cut is proposed in the front setback and southern side elevation, no RL's are provided for the proposed cut to the rear setback illustrated on the section plans (Figure 9).

10: Water and Soil Management

10.1	Objectives	Satisfactory
A.	To encourage the incorporation of Water Sensitive Urban Design (WSUD) and Botany Improvement Plan principles in the development.	N/A
B.	To ensure compliance with Council's Stormwater Management Code	No
C.	To ensure compliance with the NSW State Government's Flood Prone Lands Policy.	N/A

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Lot 207 DP 15259 (Cont'd)

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.	No
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	N/A
10.2	Development Controls	Complies
.1.	Stormwater Management and Flood Prone areas	
	2 Compliance with Council's Stormwater Management Code	No
.2.	Acid Sulfate Soils	
	1 Site managed consistent with the provisions contained in Clause6.1 SLEP 2012	Yes
.3.	Soil Erosion and Sediment Control	
	1 Soil erosion and sediment control measures detailed and implemented prior to the commencement of work.	Yes

Comments:The site is not subject to flooding or affected by acid sulfate soils. The proposed stormwater drainage plan does not comply with Section 4.5 of the Stormwater Management Code and consequently is not supported.

11: Access, Safety and Security

11.1	Objectives	Satisfactory
A.	To encourage the incorporation of crime prevention principles in the design of the proposed developments.	Yes
B.	To increase the safety and perception of safety in public and semi-public spaces.	Yes
C.	To provide passive surveillance of the public domain to promote a safe pedestrian environment whilst maintaining the privacy of residents	Yes
D.	To ensure the safety of pedestrians by separating pedestrian access from vehicular access.	Yes
11.2	Development Controls	Complies
.1.	Address and Entry Sightlines	
	1 Occupants able to overlook public places to maximise passive surveillance	Yes
	2 Landscaping design around dwellings and ancillary structures to accommodate plant maturation	Yes
	3 External lighting enhance safe access and security and light spill does not adversely impact on adjoining properties.	Yes
	4 Crime Prevention through Environmental Design (CPTED) principles incorporated.	Yes
.2.	Pedestrian Entries	
	1 Pedestrian entries and vehicular entries suitably separated	Yes
	2 Dwelling entrances easily identifiable	Yes

DA2019/186 31 Howard Street, Strathfield
Lot 207 DP 15259 (Cont'd)

3	House numbers are to be clearly visible from the street	Yes
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Comments: The dwelling is orientated to Howard Street with the porch area forming a clear and identifiable pedestrian entrance. The front building façade comprises multiple windows on the ground and first floor thereby creating passive surveillance opportunities

12: Ancillary Development

12.1	Objectives	Satisfactory
A.	To ensure that ancillary development is compatible with the design of the principal dwelling, streetscape and adjoining dwellings in form, materials and colours	Insufficient information
B.	To limit the size, bulk and scale of ancillary structures and minimise their visibility from the public domain.	Insufficient information
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.	Insufficient information
D.	To ensure that the provision of ancillary structures, such as air conditioning units, are considered at the design stage of a proposed development.	Insufficient information
12.2	Development Controls	Complies
	<i>Retaining Walls</i>	
.3.	1 Retaining walls 1.2m (max) in height.	Insufficient information
	2 Retaining walls in excess of 0.6m are fully designed and documented by a qualified practising engineer	Insufficient information
	<i>Air-conditioning</i>	
.4.	1 Located away from the habitable rooms of adjoining properties and/or screened by acoustic treatments	Insufficient information
	3 Installation of residential grade air conditioners only	Insufficient information
	<i>Swimming Pools</i>	
.6.	1 Side and rear setbacks from the outside edge of the pool concourse are 1m (min) wide and comprise deep soil soft landscape area	No
	5 Enclosures shall comply with the Swimming Pools Act and relevant Australian Standards as amended.	Yes

Comments: The submitted architectural plans do not nominate a location for the proposed air-conditioning unit or hot water unit. The proposal seeks to retain the existing in-ground swimming pool and construct a spa that is connected to the swimming pool. Contrary to Section 12.2.6 the edge of the swimming pool concourse is 530mm from the southern side property boundary.

Retaining walls are proposed along the northern side property boundary and the north-western corner. Insufficient information accompanied the application pertaining to the maximum height of the walls.

13: Ecologically Sustainable Development

13.1	Objectives	Satisfactory
A.	To encourage passive and active strategies in the design of dwellings and ancillary structures that promotes the achievement of ecologically sustainable practices and BASIX requirements.	Yes

DA2019/186 31 Howard Street, Strathfield
Lot 207 DP 15259 (Cont'd)

B.	To ensure dwellings are designed to allow sufficient natural ventilation and lighting whilst minimising heat gain during summer and maximising solar access during winter, thereby reducing the need for artificial cooling and heating.		Yes
C.	To minimise the over use of Sydney's limited high quality domestic water supply by ensuring new dwellings incorporate water storage tanks for use in toilet flushing, landscape irrigation and to encourage new dwellings, additions and alterations to incorporate water saving devices and water conservation strategies.		Yes
D.	To encourage the use of new technology that reduces energy consumption, minimises greenhouse emissions and results in cost savings		Yes
E.	To encourage the re-use of building materials, thereby reducing waste to landfill, transportation costs, conserving raw materials and reducing energy expenditure. (Refer to Part H Waste Minimisation and Management of SCDCP 2005).		Yes
13.2	Development Controls		Complies
	<i>Natural Lighting and Heating</i>		
.1.	1	Living areas facing north, sleeping areas facing east/south, and utility areas orientated west/south to maximise winter solar access.	Yes
	3	Materials used of high thermal mass	Yes
	<i>Natural Cooling and Ventilation</i>		
.2.	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: A Basix Certificate was submitted as part of the development application meeting the designated targets for energy and water reduction. In accordance with the Certificate an instantaneous gas hot water system and rainwater tank are to be installed.

PART H - WASTE MANAGEMENT (SCDCP 2005)

A Waste Management Plan prepared in accordance with Part H of the SCDCP 2005 accompanied the architectural plans. The waste minimisation strategies detailed in the waste management plan are to an acceptable standard.

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

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

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

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

Although the proposed development involve the demolition of a building, as the application is recommended for refusal no conditions of consent pertaining to AS2601-1991 are required.

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 seeks to construct a two (2) storey dwelling with a basement level, front fence and retention of the existing in-ground swimming pool. As discussed in this report, the proposed basement level does not comply with the definition of basement in accordance with the SLEP 2012 presenting as a storey and therefore, the proposed dwelling is three (3) storeys.

DA2019/186 31 Howard Street, Strathfield
Lot 207 DP 15259 (Cont'd)

The building envelope does not appropriately respond to the topography of the site, presenting as three (3) distinctive levels when viewed from Boden Reserve adjoining the site at the rear property boundary. Additionally, no building articulation is provided to the southern elevation and the composition of the front building façade creates a visually bulky and boxed-type structure rather than an articulated design consistent with the streetscape character.

The proposed use of the large ground floor balcony as the principal private open space is not supported resulting in unreasonable acoustic privacy impacts to the adjoining residential properties.

Given the proposal results in a non-compliant three (3) storey dwelling with adverse impacts onto the adjoining properties and a building form that is incompatible with the surrounding streetscape, the development application is not supported and recommended for refusal.

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

The proposed development is unsuitable for the site given it is not compatible with the attributes of the subject site and the surrounding streetscape.

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

The application was publicly notified from 18 November 2019 to 2 December 2019 in accordance with the provisions of Part L of SCDCP 2005. No submissions were received as a result.

4.15(1)(e) The public interest

The public interest is served through the detailed assessment of this development application under the relevant local planning controls and legislation and consideration of any submissions received relating to it by Council. The proposed development is considered to be contrary to the public interest.

LOCAL INFRASTRUCTURE CONTRIBUTIONS

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

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

STRATHFIELD INDIRECT CONTRIBUTIONS PLAN

Section 7.12 Indirect Contributions are applicable to the proposed development in accordance with the Strathfield Indirect Development Contributions Plan. However, as the proposed development is recommended for refusal, the Section 7.12 Contributions have not been calculated.

CONCLUSION

Having regard to the relevant matters for consideration under Section 4.15 of the Environmental Planning and Assessment Act 1979, the proposal is considered to be unacceptable on its merits and is recommended for refusal for the reasons outlined in the report.

PEER REVIEW

DA2019/186 31 Howard Street, Strathfield
Lot 207 DP 15259 (Cont'd)

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

RECOMMENDATION

That Development Application No. 2019/186 for demolition of existing buildings and construction of a two (2) storey dwelling and basement level at 31 Howard Street, Strathfield be **REFUSED**, for the following reasons:

1. In accordance with Section 4.15(1)(a)(iii) of the *Environmental Planning and Assessment Act 1979*, the proposed development does not comply with the maximum number of storeys as prescribed in Section 4.2.2 of Part A of the Strathfield Consolidated Development Control Plan 2005.
2. In accordance with Section 4.15(1)(a)(iii) of the *Environmental Planning and Assessment Act 1979*, the proposed development provides no building articulation to the southern side elevation contrary to Section 2.2.3 of Part A of the Strathfield Consolidated Development Control Plan 2005.
3. In accordance with Section 4.15(1)(a)(iii) of the *Environmental Planning and Assessment Act 1979*, the proposed development does not comply with the minimum landscaped area as prescribed in Section 5.2.1 of Part A of the Strathfield Consolidated Development Control Plan 2005.
4. In accordance with Section 4.15(1)(a)(iii) of the *Environmental Planning and Assessment Act 1979*, the internal floor to ceiling height of the ground floor of the dwelling fails to comply with Section 4.2.2 of the Part A of the Strathfield Consolidated Development Control Plan 2005.
5. In accordance with Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979, the area of the basement is not contained within the ground level footprint of the dwelling contrary to Section 8.2.3 of Part A of the Strathfield Consolidated Development Control Plan 2005.
6. In accordance with Section 4.15(1)(a)(iii) of the *Environmental Planning and Assessment Act 1979*, the proposed development fails to comply with Council's Stormwater Management Code demonstrating a feasible stormwater drainage concept plan.
7. In accordance with Section 4.15(1)(b)) of the Environmental Planning and Assessment Act 1979, the proposed development is excessively elevated above natural ground level resulting in unreasonable privacy and visual bulk impacts on adjoining properties contrary to the provisions of Part A of the Strathfield Consolidated Development Control Plan 2005.
8. In accordance with Section 4.15(1)(b) of the Environmental Planning and Assessment Act 1979, the application provided insufficient information to determine the overshadowing impacts of the development onto the adjoining properties.
9. In accordance with Section 4.15(1)(c) of the *Environmental Planning and Assessment Act 1979*, the proposal is unsuitable for the topography of the site.
10. Pursuant to the provisions of Section 4.15(1)(e) of the *Environmental Planning and Assessment Act 1979*, it is considered that the proposed development would not be in the public interest.

**DA2019/186 31 Howard Street, Strathfield
Lot 207 DP 15259 (Cont'd)**

ATTACHMENTS

There are no attachments for this report.

TO: Strathfield Internal Development Assessment Panel Meeting - 3 April 2020
REPORT: IDAP – Report No. 2
SUBJECT: DA2016.144.02 - 7 ADA AVENUE STRATHFIELD - LOT 3 DP534392
DA NO. DA2016.144.02

SUMMARY

Proposal: Section 4.55(1A) Modification Application to amend external façade treatment, window schedule, and first floor internal layout.

Applicant: Vision Group Architects

Owner: P & DS Hong

Date of lodgement: 24 December 2019

Notification period: 13 January 2020 to 28 January 2020

Submissions received: One (1)

Assessment officer: DS

Zoning: R2 Low Density Residential - SLEP 2012

Heritage: No

Flood affected: No

Is a Clause 4.6 variation proposed? No

RECOMMENDATION OF OFFICER: Approval

EXECUTIVE SUMMARY

On 2 December 2016, Development Application No. DA2016/144 for the demolition of existing structures and construction of a new two (2) storey dwelling with basement car parking, an in-ground swimming pool and front fence was approved under delegation.

The current application seeks to modify Development Consent No. DA2016/144 and includes amendments to the external façade treatment, re-location of windows and a reconfiguration of the internal first floor layout. This modification application is identified as having minimal environmental impact per Section 4.55(1A) of the *Environmental Planning and Assessment Act 1979*.

The application was notified in accordance with Part L of the SCDCP 2005 from 13 January 2020 to 28 January 2020. One (1) submission was received during this time.

Overall, the proposed modifications to the external façade treatment, window schedule and the reconfiguration of the internal first floor layout is considered to be acceptable and recommended for approval subject to conditions of consent.

BACKGROUND

2 December 2016: DA2016/144 was approved under delegation involving the demolition of existing structures and construction of a new two (2) storey dwelling with basement car parking, an in-ground swimming pool and front fence.

DA2016.144.02 - 7 Ada Avenue Strathfield - Lot 3 DP534392 (Cont'd)

- 24 December 2019:** The subject modification application was submitted to Council.
- 13 January 2020 – 28 January 2020:** The subject modification application was notified for a period of (14) days. One (1) submission was received during this time.
- 24 March 2020:** An email was sent to the applicant which requested corrections to be made to the proposed eastern elevation plan and proposed first floor plan. The proposed modification to the eastern elevation windows were inconsistent across these plans.
- 24 March 2020:** Amended plans were submitted which adequately addressed the concerns raised above. The proposed modifications were made consistent across all plans.

SITE DESCRIPTION

The subject site is legally described as Lot 3 in DP 534392 and commonly known as 7 Ada Avenue, Strathfield. The site is located on the northern side of Ada Avenue, between Wallis Avenue and Firth Avenue (Figure 1).

The site is rectangular in shape and has a frontage of 20.1m, a depth of 43.59m and a total site area of 866m². The subject site currently comprises a single storey dwelling featuring a pitched tiled roof and rendered exterior walls. The streetscape is predominately comprised of two (2) storey contemporary-style dwellings which provide flat roofs, rendered brick exterior walls and neutral coloured finishes.

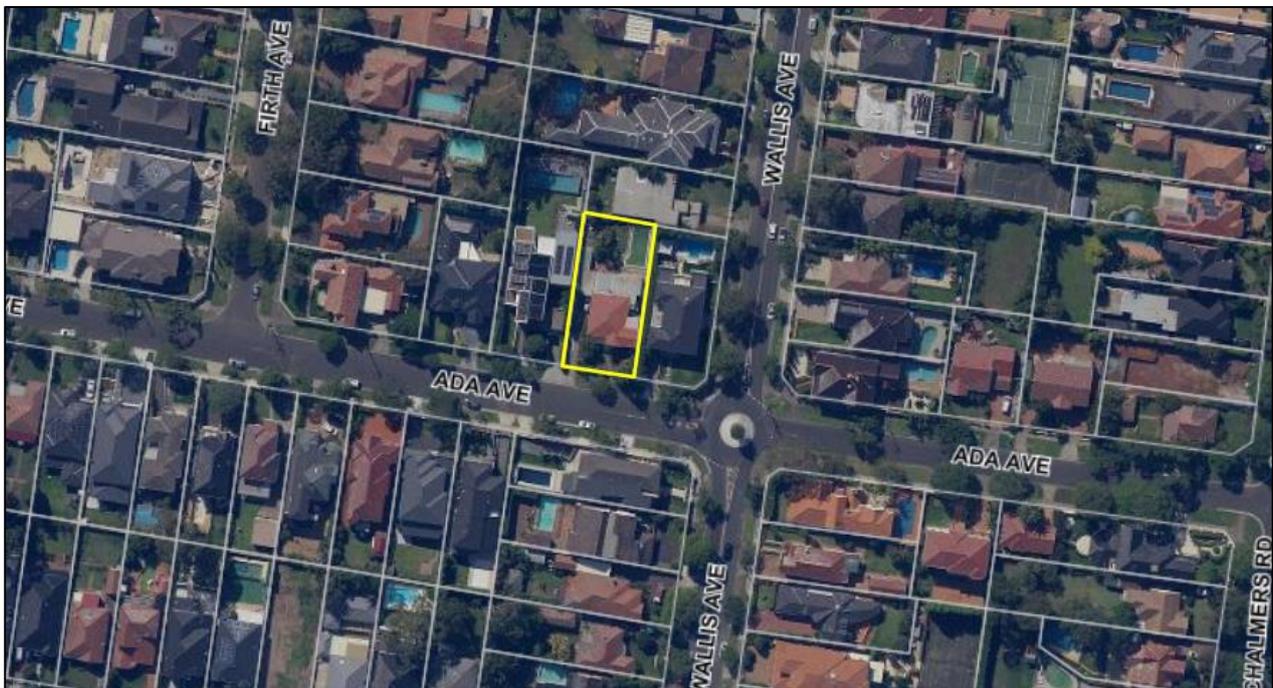


Figure 1: The site (as highlighted) and the surrounding context.

DA2016.144.02 - 7 Ada Avenue Strathfield - Lot 3 DP534392 (Cont'd)



Figure 2: View of the existing dwelling from the streetscape.

DESCRIPTION OF THE PROPOSED MODIFICATION(S)

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

First floor internal:

- Reduce total floor area of master bedroom by 2.97m²;
- Reduce total floor area of walk in robe by 2.5m²;
- Increase total floor area of ensuite by 7.9m²;
- Reduce total floor area of bedroom 2 by 2.79m²;

First floor windows:

Eastern (side) elevation

- Increase width of Ensuite 1 window by 1200mm;
 - Increase width of Bathroom windows by 200mm;
 - Increase width of Ensuite 2 window by 500mm;
- (Note: All windows will remain at sill height of 1700mm)

Western (side) elevation

- Remove privacy screen along western elevation;
- Relocate Bedroom 3 window from western (side) elevation to northern (rear) elevation;
- Treat ensuite window along western (side) elevation with obscure glazing;
- Change study/sitting room windows to highlight windows with dimensions 2900mm x 1200mm and a sill height of 1800mm;

First floor external:

- Re-design of front elevation; and
- Changes to external colours and finishes.

Front elevation plans (original and proposed) and a proposed first floor plan are shown below.

DA2016.144.02 - 7 Ada Avenue Strathfield - Lot 3 DP534392 (Cont'd)



Figure 3: Originally approved south (front) elevation under DA2016/144/01



Figure 4: Proposed south (front) elevation

DA2016.144.02 - 7 Ada Avenue Strathfield - Lot 3 DP534392 (Cont'd)

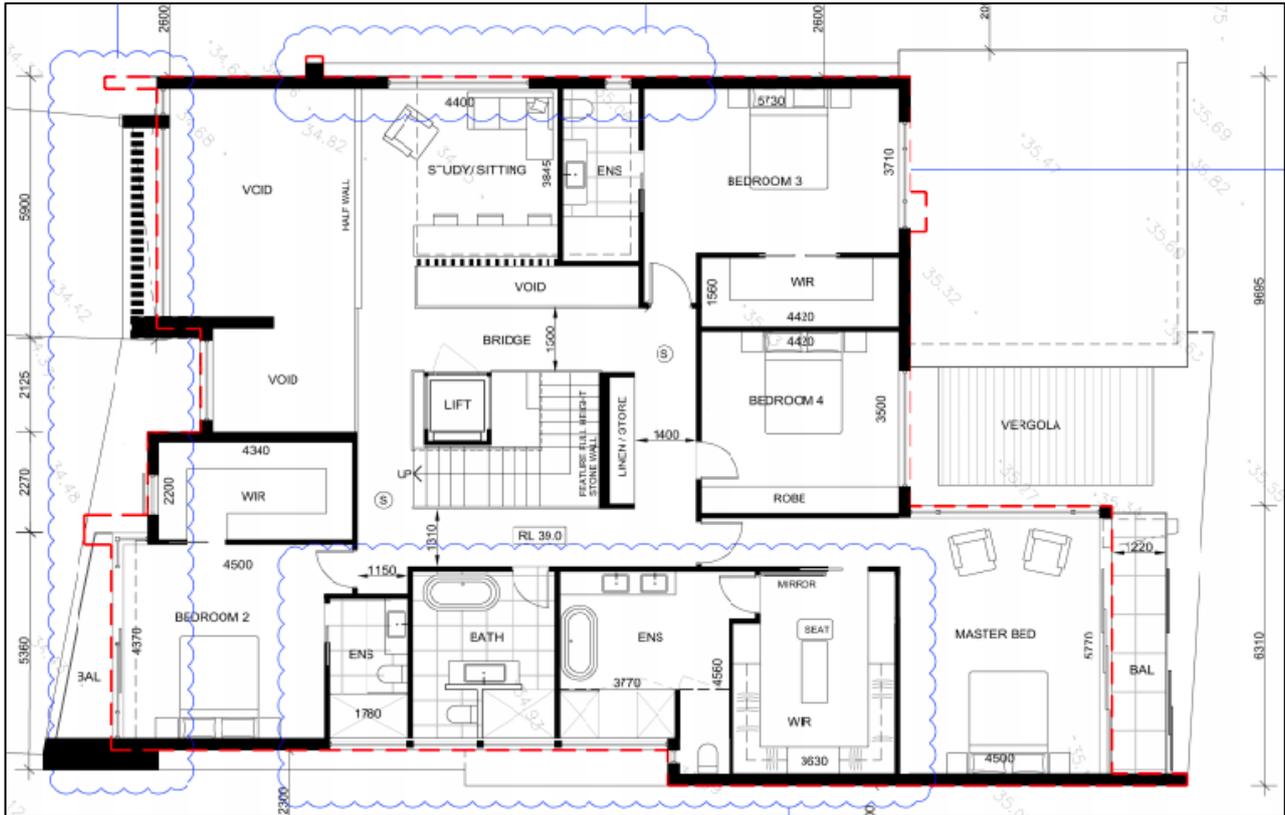


Figure 5: Proposed first floor plan (with modifications outlined in blue)

DA2016.144.02 - 7 Ada Avenue Strathfield - Lot 3 DP534392 (Cont'd)

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*
- (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*
- (c) it has notified the application in accordance with:*
 - (i) the regulations, if the regulations so require, or*
 - (ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and*
- (d) it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.*

Subsections (1), (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.

As regards subclause ‘c’ and ‘d’ the application was notified in accordance with Part L of SCDP 2005 and one (1) submission was received. This is discussed under section 4.51(1)(d) of this report.

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:

DA2016.144.02 - 7 Ada Avenue Strathfield - Lot 3 DP534392 (Cont'd)

(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.

An appropriate condition is included under the original consent to ensure future compliance with these targets. The current section 4.55(1A) application does not trigger any changes to the condition imposed.

Strathfield Local Environmental Plan (SLEP) 2012

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

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

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 site is zoned R2 Low Density Residential under Strathfield Local Environmental Plan (SLEP) 2012 wherein development for the purpose of a residential dwelling is permitted with consent. No change is proposed to the approved use of the site for the purpose of a residential dwelling.

Zone Objectives

The modification(s) sought as part of this application are consistent with the objectives of the R2 Zone.

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

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Comments: The modification application remains consistent with the objectives of the R2 zone, providing housing for the community within a low density residential environment.

Part 4: Principal development standards

This modification application involves no changes to the assessment of the original application against the relevant provisions contained within Part 4 of the SLEP 2012.

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 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:

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

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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.	N/A
J.	To protect and retain the amenity of adjoining properties.	Yes

Comments: The modification application seeks to amend the external façade treatment, modify the window schedule and re-configure the first-floor internal layout. These minor changes involve minimal environmental impact and will not alter the approved developments compliance with the general aims of the SCDCP 2005.

2: Architectural Design & Streetscape Presentation

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

Comments: The approved development as modified by this section 4.55(1A) application complies with the above controls and will maintain a positive contribution to the streetscape. The bulk and scale of the development as modified is not altered in a significant or readily discernible manner and maintains the previously approved streetscape and residential amenity outcomes in terms of privacy, views, visual bulk and overshadowing. The amended schedule of colours and finishes including off-form concrete, sandstone cladding and dark grey wall cladding, is considered to be consistent with the contemporary designs and finishes of existing dwellings along Ada Avenue (Figure 6 and 7).

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Figure 6: Amended schedule of colours and finishes



Figure 7: Existing dwelling on 6 Ada Avenue with similar colours and finishes.

7: Privacy

7.1 Objectives		Satisfactory
A.	Development that is designed to provide reasonable privacy to adjacent properties	Yes
B.	To maintain reasonable sharing of views from public places and living areas	Yes
C.	To ensure that public views and vistas are protected, maintained and where possible, enhanced	Yes
D.	To ensure that canopy trees take priority over views	Yes
E.	To ensure that the siting and design of buildings minimises noise impacts from abutting roads, rail corridors and other noise-generating land uses	Yes
7.2 Development Controls		Complies
Windows		
.2.	1 Windows do not directly face the windows, balconies and courtyards of adjoining dwelling	No, refer to comments
	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

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3	Windows directly facing balconies or courtyards are narrow, incorporate obscure glazing and/or a sill height of 1.7m (min) above FFL	Yes
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Comments: The modification application proposes to increase the width of all east facing windows as follows:

- Increase width of Ensuite 1 window by 1200mm;
- Increase width of Bathroom windows by 200mm;
- Increase width of Ensuite 2 window by 500mm;

Although these windows will be increased in width, they will maintain a sill height of 1700mm from FFL (as proposed under the original application). These window dimensions are of a reasonable size and will not create any unreasonable privacy concerns for the eastern adjoining neighbour.

The modification application seeks to remove the privacy screen along the western side elevation. The removal of this privacy screen is considered to be appropriate as the study room window will have a sill height of 1800mm from FFL. A condition was also imposed under the original consent requiring all west facing windows to be obscured. In this instance, a privacy screen is no longer required as all west facing windows have been appropriately treated and located to reduce direct overlooking opportunities. The condition has been re-worded to exclude the Bedroom 3 window as this window has been relocated to the north rear elevation.

PART H - WASTE MANAGEMENT (SCDCP 2005)

The original application was accompanied by a Waste Management Plan in accordance with Part H of the SCDCP 2005. Compliance with this plan was imposed by a condition of consent. The Waste Management Plan is still relevant to the proposed modification.

4.15 (1)(a)(iia) any planning agreement or draft planning agreement

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

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

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

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

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

Overall, the modification is not considered to result in any additional adverse environmental or social impacts that what was approved under the original development consent.

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

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involve minimal environmental impact and will result in substantially the same development for which consent was originally granted.

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

The application was not required to be notified in accordance with Part L of the SCDCP 2005. One (1) submission was received during this time.

The concerns raised in the submission are outlined and discussed below.

1. *Privacy*

Concern was raised for the study/sitting room, Bedroom 3 and the adjoining ensuite windows along the western elevation in that they would provide direct opportunities for overlooking into the adjoining property.

Council's Response: A condition has already been imposed under the original consent which requires all first floor west-facing windows to be obscure glazed. Bedroom 3 has also been relocated to the rear north elevation.

2. *Excavation Protection Measures*

Excavation protection measures and the submission of a dilapidation report was not imposed as a condition under the original DA. Given that the DA involves basement excavation works, concerns are raised that appropriate shoring will not be carried out to prevent damage to adjoining properties.

Council's Response: This Section 4.55 (1A) Application proposes changes to the external façade treatment, window schedule and first floor internal layout. Excavation works are not relevant to the subject modification application.

4.15(1)(e) the public interest

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

SECTION 7.11 CONTRIBUTIONS

Section 7.11 of the EP&A Act 1979 relates to the collection of monetary contributions from applicants for use in developing key local infrastructure. The Act reads as follows:

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

This section 4.55(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.

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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.

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. DA2016/144/02 to amend the external façade treatment, window schedule and first floor internal layout at 7 Ada Avenue, Strathfield be **APPROVED**, subject to:

1. The original conditions of consent of Development Application No. (DA2016/144) as approved under delegation on 2 December 2016 for the demolition of existing structures and construction of a new two (2) storey dwelling with basement car parking, in-ground swimming pool and front fence.
2. As modified by the Section 4.55(1A) application (DA2016/144/02) as follows:
 - Modification to Condition 1; and
 - Modification to Special Condition 5.

Accordingly, Development Consent No. DA2016/144/02 is approved as follows:

CONDITIONS

PART B – OTHER CONDITIONS

Plans

1. The development shall be completed in accordance with the approved plans and documents listed 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:

Site Analysis/ Sediment Control Plan Job No. 1266 Issue A Sheet No.00 prepared by Invision Design, received by Council 20 September 2016.

Basement Level & Ground Floor Plan Job No.1266 Issue B Sheet No.01 prepared by Invision Design, received by Council 17 November 2016.

First Floor Level and Site Roof Plan and BASIX Commitments No.1266 Issue C Sheet No.02 prepared by Invision Design, received by Council 24 December 2019.

MODIFIED: 3 APRIL 2020 (DA2016/144/02)

Elevations & External Finishes Schedule Job No. 1266 Issue C Sheet No. 03 prepared by Invision Design, received by Council 24 March 2020.

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MODIFIED: 3 APRIL 2020 (DA2016/144/02)

Section A & Streetscape / Front Fence Elevation Plan Job No. 1266 Issue C Sheet No.04 prepared by Invision Design, received by Council 24 December 2019.

MODIFIED: 3 APRIL 2020 (DA2016/144/02)

Stormwater Drainage Notes Drawing No.001011-1 prepared by S.Y. Harb Engineering, received by Council 20 September 2016.

Stormwater Drainage Plan – Site Plan Drawing No.001011-2 prepared by S.Y. Harb Engineering, received by Council 20 September 2016.

Stormwater Drainage Plan – Basement Plan Drawing No.001011-3 prepared by S.Y. Harb Engineering, received by Council 20 September 2016.

Stormwater Drainage Plan – First Floor Plan Drawing No.001011-4 prepared by S.Y. Harb Engineering, received by Council 20 September 2016.

Stormwater Drainage Plan – Roof Plan Drawing No.001011-5 prepared by S.Y. Harb Engineering, received by Council 20 September 2016.

Stormwater Drainage Plan – Floor Waste Detail Plan Drawing No.001011-6 prepared by S.Y. Harb Engineering, received by Council 20 September 2016.

Stormwater Drainage Plan – Section – C Plan Drawing No.001011-7 prepared by S.Y. Harb Engineering, received by Council 20 September 2016.

Landscape Plan – Site Plan Drawing No.1525 Sheet No.L-01 A prepared by Site Design Studios, received by Council 20 September 2016.

Landscape Plan Drawing No.1525 Sheet No.L-02 prepared by Site Design Studios, received by Council 20 September 2016.

Landscape Plan Drawing No.1525 Sheet No.L-03 prepared by Site Design Studios, received by Council 20 September 2016.

Landscape Plan – Details Drawing No.1525 Sheet No.L-05 prepared by Site Design Studios, received by Council 20 September 2016.

Landscape Plan – Step Detail Drawing No.1525 Sheet No.L-06 prepared by Site Design Studios, received by Council 20 September 2016.

Landscape Plan – Specifications Drawing No.1525 Sheet No.L-07 prepared by Site Design Studios, received by Council 20 September 2016.

Waste Management Plan prepared by Invision Design, received by Council 20 September 2016.

BASIX Certificate No.751304S issued 8 September 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

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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. The following privacy measures shall be installed and maintained at all times:
 - (a) Fixed obscure glazing to the west facing, first floor windows to ~~Bedroom 3 and adjoining ensuite~~ **the ensuite of Bedroom 3**, and study/sitting room.

Details of the above measures shall be submitted to the Principal Certifying Authority for approval **prior to the issue of a Construction Certificate**.

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6. The air-conditioning unit which is required to be provided in accordance with the abovementioned BASIX Certificate shall be a residential system and shall be enclosed within an appropriate soundproof box or alternatively be located at least 3m from any boundary. Details demonstrating compliance shall be submitted to and approved by the Principal Certifying Authority **prior to the issue of a Construction Certificate**.

General

7. The building 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.
8. A Works Permit shall be obtained from Strathfield Council at least five (5) working days prior any work (including demolition, excavation and the erection of site fencing/hording). The approved Works Permit and any approved Construction Traffic Management Plan must be complied with at all times until all demolition, building, engineering and construction work associated with the development has been completed. The permit must be retained on site at all times.
9. **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 the consent authority. In the absence of this documentation, the applicant is liable for all damage that occurs to Councils' assets.
10. The applicant or any contractors carrying out works in public or Council controlled lands shall have public liability insurance cover to the value of \$10million and shall provide proof of such cover to Council prior to carrying out works.

Financial Matters

11. In accordance with the provisions of Section 94A(1) 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:

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Local Amenity Improvement Levy **\$12,000.00**

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

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

12. A security payment of **\$5,254.00** 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:

Refundable tree protection bond	\$1,000.00
Refundable works bond	\$4,000.00
Non-refundable administration fee (\$127/bd)	\$254.00
TOTAL	\$5,254.00

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) Installation and maintenance of sediment control measures for the duration of construction activities;
 - (c) Tree final inspection to ensure that Council's street trees have been retained, protected or replanted in accordance with conditions of consent and/or Arborists' report for the post final inspection twelve (12) month period; 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.
13. 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.

14. **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 the local road network. The recommendations of the CTMP are to be implemented during construction and excavation phases of the development. This document shall be submitted

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to Strathfield Council for approval **prior to the issue of a Construction Certificate or commencement of any works including demolition.**

Drainage/Stormwater

15. Stormwater runoff from all roof and paved surfaces shall be collected and discharged by means of a gravity pipe system to the street gutter via the silt arrestor/boundary pit in accordance with Council's standard requirements as depicted on the concept plan prepared by S.Y.Harb Engineering drawing no. 001011-1 – 001011-7 dated 19.08.2016.
16. 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.**

17. **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.

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

19. 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.

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20. All pits shall be constructed in accordance with Australian Standard AS3500.3.
21. All subsoil drainage must be designed to meet the requirements of AS3500;
22. 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.
23. The proposed basement pump out system capacity shall be capable of handling 4 hours of 100yr ARI storm event and the catchment contributing to it shall be limited to the subsoil drainage and the basement access ramp area only. The pipes under the basement shall not be PVC or HDPE. The rising main shall be connected to the Silt Arrestor Pit. Final details of this system are to be submitted with the Construction Certificate application.
24. Grated drains shall be provided along the basement entry at the vehicular crossing(s) and are to connect to the internal drainage system.
25. Overflow paths shall be provided to allow for flows in excess of the capacity of the pipe/drainage system draining the site.
26. 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.
27. 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.

Landscaping/Tree Matters

28. The trees listed below shall be retained at all times:

<u>Tree</u>	<u>Height/ Spread (m)</u>	<u>Location</u>	<u>Protection Zone (m)</u>	<u>Structural Root Zone (m)</u>
1)Tristaniopsis laurina	4 x 4	Road reserve	2.52	2.0
2)Cupressis sp.	10 x 4	Front yard	3.6	2.25

and protected by the establishment of a **protection zone** (in accordance with Australian Standard AS4970-*Protection of trees on development sites*) before any site works begin (including any demolition/excavation). The protection zone shall be maintained for the duration of works and implemented as follows:

- (a) A minimum 1.8m high barrier (Chain wire mesh panels, plywood or wooden paling fence panels: refer to AS4687-*Temporary fencing and hoardings* for fencing requirements) shall be erected around the perimeter of the stated Protection Zone as measured from the base of the tree (or where practical). Shade cloth or similar should be attached to reduce the transport of dust, other particulate matter and liquids into the protected area. Fence posts and supports should have a diameter greater than 20mm and be located clear of roots. The barrier shall be constructed so as to prevent pedestrian and vehicular entry into the protection zone. The barrier shall not project beyond the kerb onto the roadway or any adjacent footpath.
- (b) Signs identifying the Protection Zone should be installed on the fencing and be visible from within the development site. Lettering should comply with AS4970-2009: *Protection of Trees on Development Sites*.
- (c) No concrete slurry or wash, building materials, builders' rubble, excavation soil or

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- similar shall be placed or stored within the tree protection zone.
- (d) The whole of the tree protection zone shall be mulched to a minimum depth of 75mm.
 - (e) The tree protection zone shall be regularly watered.
 - (f) Any major structural roots which are encountered shall be pruned by a qualified Arborist.
 - (g) **No excavation or construction shall be carried out** within the stated *Structural Root Zone* distances from the base of the trunk surface.
 - (h) Only permeable surfaces (e.g. decomposed granite, gravel, turfpave, permeable paving systems or soft landscaping) are permitted within the canopy spread of the trees to be protected.

29. **A minimum 600mm deep root deflection barrier shall be provided on both sides of the proposed driveway crossing(s) and footpaths.**

30. **All noxious weeds on the site shall be removed and destroyed as per their classification under the *Noxious Weeds Act 1993*.**

31. **The following listed trees are permitted to be removed to accommodate the proposed development however, any of the trees listed below that are located on adjoining properties must only be removed after consent from the tree's owner has been sought and obtained in writing:**

<u>Tree</u>	<u>Height/ Spread (m)</u>	<u>Location</u>
3) Ligustrum lucidum (Privet)	4 x 3	Front yard
4) Syagrus romanzoffianum (Cocos palm)	8 x 3	Rear yard

32. **General maintenance of Council's nature strip adjoining the development site, including regular lawn mowing, edging, irrigation of the lawn and street trees and restricting the storage of materials, rubbish and parking or driving of vehicles on the nature strip, must be carried out during the full period of all approved works (including any demolition and excavation).**

33. **A minimum of one (1) tree which has a minimum mature height of 6 metres shall be planted between the rear of the building and the rear property boundary. Trees are to conform to the *NATSPEC guide* and *Guide for assessing the quality of and purchasing of landscape trees* by Ross Clarke, 2003.**

34. **Evergreen shrubs with a minimum 5 litre container size achieving a minimum mature height of 3m shall be planted along side and rear boundaries to provide privacy screening and shall be maintained at all times. Details of the selected plants shall be submitted to and approved by the Principal Certifying Authority prior to the issue of a Construction Certificate.**

35. **A minimum one (1) metre wide landscape strip shall be provided between the swimming pool and adjacent common boundaries. The landscape strip is to be planted with a continuous row of evergreen shrubs of a minimum five (5) litre container size achieving a minimum mature height of three (3) metres.**

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36. **To protect existing trees, masonry fence piers must be setback a minimum 3.0 metre radius from the Tree 1 *Tristaniopsis laurina* and Tree 2 *Cupressus sp.* referred to in Condition No. 1 and all masonry walling between the piers within this zone must be supported on concrete beams (not strip footings).**
37. **Manual excavation is required within canopy spread of the Tree 1 *Tristaniopsis laurina* and Tree 2 *Cupressus sp.* referred to in Condition No. 1**

Construction Matters

38. **Prior to the commencement of any construction or demolition work**, the Applicant or principal contractor must, subject to obtaining permission from the respective property owners, provide dilapidation reports prepared by a suitably qualified person (such as a structural engineer), on the buildings located on any lot adjacent to the subject site, inclusive of ancillary structures. A copy of the respective report must be provided to the Principal Certifying Authority and neighbouring property owners that are the subject of that report.
39. 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**.
40. 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).
41. 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.
42. Certification shall be obtained from a registered surveyor at the following stage(s) of construction confirming that the building has been constructed in accordance with the approved plans including any approved amendments (S.96 approvals) and plans and details required by Council as conditions of development consent:
 - (a) Footings excavation prior to placement of concrete;
 - (b) Car park/garage level prior to placement of concrete or pavement;
 - (c) Ground floor and first floor levels;
 - (d) Roof ridge height;
 - (e) All floors of the building, roof eaves and all roof ridges;
 - (f) Wall setbacks from property boundaries and street alignment;
 - (g) Dimensions and areas of balconies/courtyards;
 - (h) Vehicular ramp gradients.

Copies of the surveyor's certificates must be submitted to and accepted by Council at the stages nominated above.
43. 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.
44. 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 levels and if there are any impacts on adjoining properties as a result.

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45. 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.
46. 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.

Sustainability

47. 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:
 - iv)
 - (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.

Demolition

48. Demolition shall be carried out in accordance with Australian Standard 2601 - 'The demolition of structures' or any subsequent standard and the relevant legislation.
49. 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.**
50. 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.**

Swimming Pool

51. The swimming pool shall be provided with safety fencing as required by the Swimming Pool Act, 1992 and in accordance with Australian Standard 1926.1-1993 or any subsequent standard and comply with the following:
 - (a) Any discharge of water from the pool shall be drained to the sewer in accordance with the requirements of Sydney Water.
 - (b) Vertical depth markers shall be permanently fitted so as to be clearly visible at the deep and shallow ends of the pool.
 - (c) A weatherproof resuscitation poster complying with Section 17 of the Swimming Pools Act 1992, legible from a distance of three (3) meters, shall be displayed in a prominent position adjacent to the pool prior to the pool being filled with water.
 - (d) If boundary fencing is to be used as part of the pool safety fence the fence shall be a minimum of 1.8m high above the pool level. The boundary fence is to have no foot or hand holds on the inside of the fence wider than 10mm within a distance of 900mm from the top of the fence.
 - (e) There shall be no climbable landscaping, trees, furniture, equipment or other object within 900mm of the outside or 300mm on the inside of the pool safety fence.
 - (f) The swimming pool safety fence and access gates shall be maintained in good order

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- and repair throughout the life of the swimming pool.
- (g) Any feature wall, waterfall or similar shall have no foot or hand holds wider than 10mm within 900mm of the outside of the safety fence or 300mm of the inside of the safety fence.
 - (h) The swimming pool shall be provided with a swimming pool safety fence in compliance with the Swimming Pools Act 1992, The Swimming Pools Amendment Act 2012 and Australian Standard AS1926.1 2012 Part 1 Safety Barriers for Swimming Pools or any subsequent standard.

Note: Resuscitation posters can be purchased from Council's Customer Service Centre.

52. A permit shall be obtained from Sydney Water prior to the filling of the swimming pool.

Waste Management

53. 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.

ATTACHMENTS

There are no attachments for this report.

TO: Strathfield Internal Development Assessment Panel Meeting - 3 April 2020
REPORT: IDAP – Report No. 3
SUBJECT: DA2019/210 - 21 STRATHFIELD AVENUE, STRATHFIELD - LOT 7 DP 17657
DA NO. DA2019/210

SUMMARY

Proposal: Demolition of existing buildings, construction of a two storey dwelling with basement level, in-ground swimming pool and outbuilding

Applicant: Urban Link Pty Ltd

Owner: 7 Cao & KSM Lim

Date of lodgement: 6 December 2019

Notification period: 12 December 2019 to 17 January 2020

Submissions received: Nil

Assessment officer: MR

Estimated cost of works: \$1,561,400

Zoning: R2 – Low Density Residential zone - SLEP 2012
No heritage items or heritage conservation areas

Heritage: Adjoins heritage item – I198 Inter-war Old English style house

Flood affected: No

Is a Clause 4.6 variation proposed? No

RECOMMENDATION OF OFFICER: **APPROVAL**

EXECUTIVE SUMMARY

The proposal involves the demolition of existing buildings and the construction of a two (2) storey dwelling with basement level, in-ground swimming pool and outbuilding.

The application was publicly notified on 12 December 2019, in accordance with Part L of the Strathfield Consolidated Development Control Plan 2005 (SCDCP 2005), with the last date of the notification period being 17 January 2020. No submissions were received during this period.

The proposed development is considered acceptable and generally supportable, complying with most of the relevant development standards and controls under the Strathfield Local Environmental 2012 (SLEP 2012) and SCDCP 2005. The final design is compatible with the varying streetscapes and low density, residential suburban character of Strathfield Avenue and Nichol Parade. The proposed development also responds appropriately to the site's environmental constraints and its proximity to a heritage item (Inter-war Old English style house).

Accordingly, the application is recommended for approval.

BACKGROUND

DA2019/210 - 21 STRATHFIELD AVENUE, STRATHFIELD - LOT 7 DP 17657 (Cont'd)

6 December 2019	The subject application was lodged.
12 December 2019	The application was publicly notified, with the last date for submissions being 17 January 2020. No submissions were received.
4 February 2020	A deferral letter was issued to the applicant, raising a number of issues including floor space ratio (FSR), basement level, landscaped area, development in the vicinity of heritage item, privacy impacts, secondary dwelling and elevations.
6 March 2020	Council officers met with the applicant to discuss the issues raised in the letter
17 March 2020	The applicant submitted additional information to Council to address the issues raised in the letter.

DESCRIPTION OF THE SITE AND LOCALITY

The subject site is legally described as Lot 7 in DP 17657 and commonly known as No. 21 Strathfield Avenue, Strathfield. The site is within the R2 – Low Density Residential zone, pursuant to the provisions of SLEP 2012. It is a rectangular shaped, corner allotment that is located on the northern side of Strathfield Avenue and the eastern side of Nichol Parade (refer to Figure 1). The site has an area of 735.5m², a maximum depth of 45.72m, a 19m wide splayed frontage and a slight fall of 0.98m towards the northern (rear) boundary.

The property is currently occupied by a two (2) storey, red brick house with ancillary structures such as front brick fencing, an in-ground swimming pool, a detached single car garage and a roofed timber patio area (refer to Figures 2 and 3). The site benefits from having access via existing driveways off Strathfield Avenue and Nichol Parade. The site is predominantly modified with minimal vegetation comprising grassed lawn area, garden beds and a single tree in the rear yard, adjacent to the garage. A number of scattered trees occur within the wide road reserve directly adjacent to the subject site and within Nichol Parade, including three (3) mature Queen Palms (*Syagrus romanzoffiana*).

DA2019/210 - 21 STRATHFIELD AVENUE, STRATHFIELD - LOT 7 DP 17657 (Cont'd)

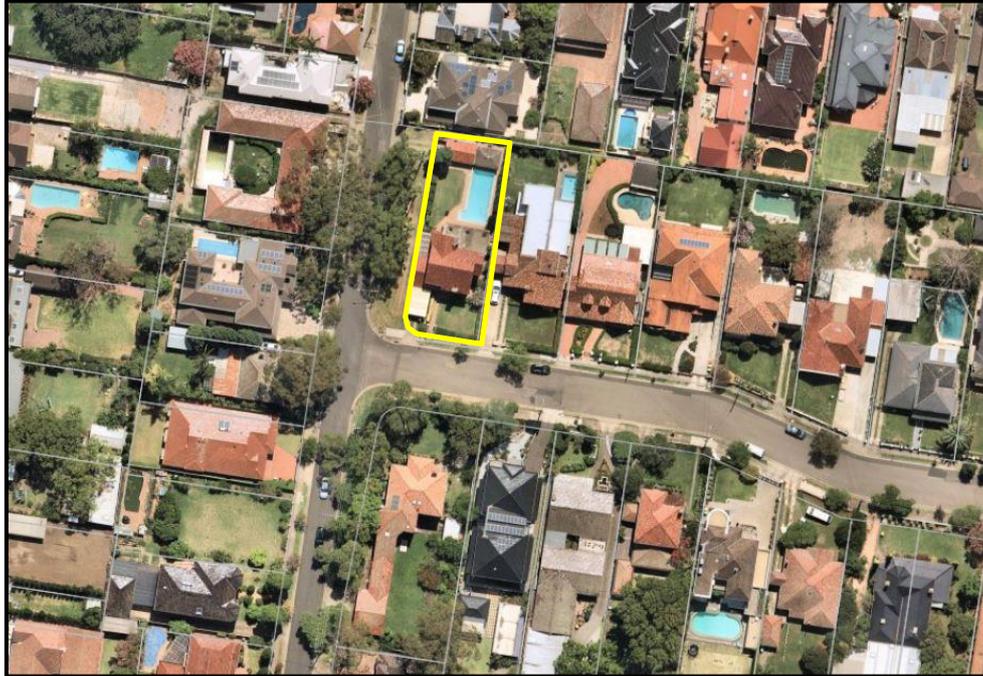


Figure 1. The subject site (as highlighted in yellow) and the surrounding context



Figure 2. The existing dwelling viewed from Strathfield Avenue

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Figure 3. The existing dwelling viewed from Nichol Parade (northern extent of road reserve)

The subject site is located within a typical low density, suburban area generally characterised by tree-lined streets and single detached dwellings of varying design and scale. The property is also uniquely located as it is at the end of Strathfield Avenue, which is slightly more conservative in terms of bulk and scale compared to the southern side and eastern extent of this street, and much of Nichol Parade (refer to Figures 4 to 7). This is reflected by the east-adjointing heritage item (I198 – Inter-war Old English style house) at No. 19 Strathfield Avenue, and a nearby heritage item, situated less than 60m east of the site (I197 – Old English style house and garden) at No. 15 Strathfield Avenue (refer to Figures 8 and 9). Most of the residences along Strathfield Avenue and Nichol Parade have a contemporary design, are multi-storey and are scaled and massed proportionately to their respective land size. Both streets do not contain any heritage conservation areas.

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Figure 4. Streetscape along northern side of Strathfield Avenue (100m from subject site)



Figure 5. Streetscape along southern side of Strathfield Avenue (100m from subject site)

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Figure 6. Streetscape along western side of Nichol Parade (50m west of subject site)



Figure 7. Streetscape along western side of Nichol Parade (50m south-west of subject site)

Common architectural features and traits in the immediate vicinity include pitched tile roofing, exposed brick (in traditional red or brown), light render (in cream/off-white/beige or grey), porticoes/verandahs/balconies and front boundary fencing with material finishes and colouration that generally match the respective dwelling.

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Figure 8. Existing dwelling and heritage item at No. 19 Strathfield Avenue

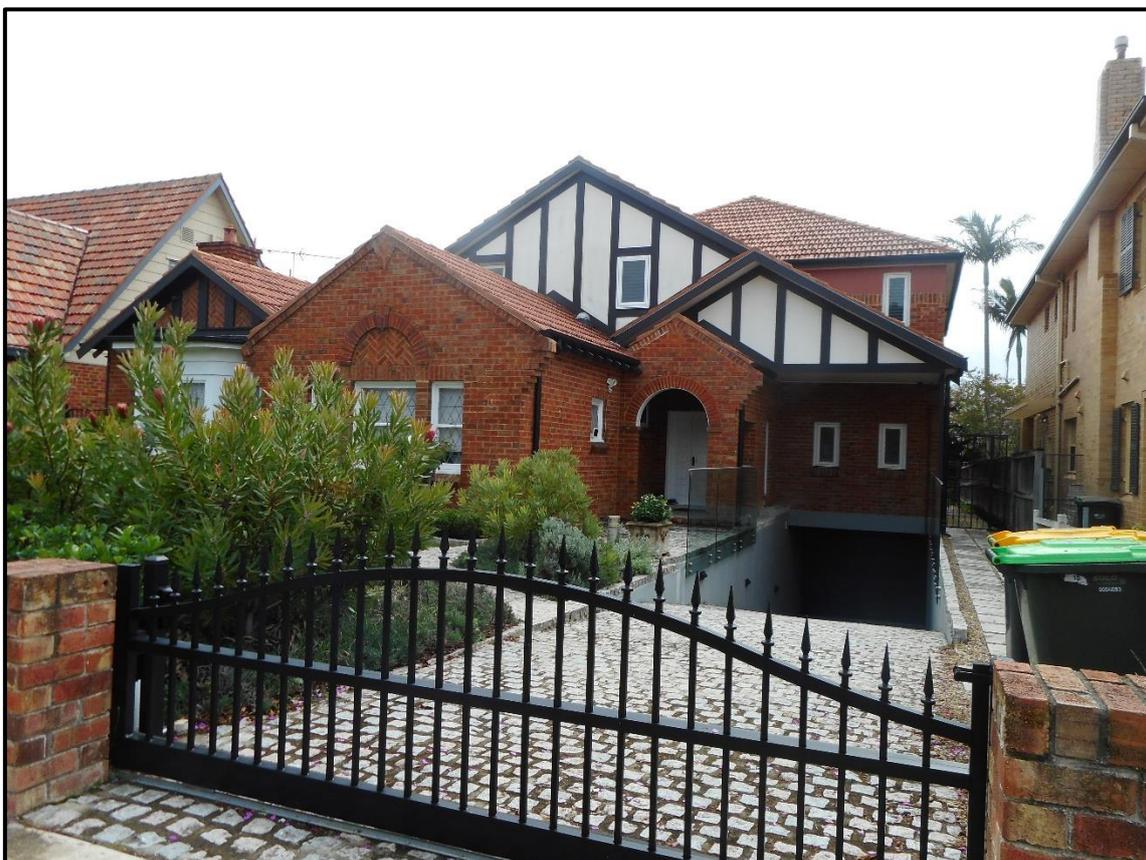


Figure 9. Existing dwelling and heritage item at No. 15 Strathfield Avenue

The site is surrounded by the following properties:

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- Adjoining the eastern boundary: a two (2) storey dwelling at No. 19 Strathfield Avenue, Strathfield (refer to Figure 8). As mentioned above, this residence is a locally listed heritage item (I198 –Inter-war Old English style house). It is noted that the additions and alterations to extend the rear portion of the dwelling and the construction of a swimming pool was approved in 29 April 2014 (DA2014/147) and completed in 2017;
- Adjoining the northern (rear) boundary: a two (2) storey, yellow-cream toned, rendered dwelling at No. 8 Nichol Parade, Strathfield (refer to Figure 10);
- South of the site and across the road: a two (2) storey, red brick dwelling at No. 28 Strathfield Avenue and a two storey dwelling with basement level at No. 26 Strathfield Avenue, Strathfield (refer to Figures 11 and 12).
- West of the site and across the road: a split-level, red brick dwelling at No. 3-5 Nichol Parade and a two (2) storey, white rendered dwelling at No. 7 Nichol Parade, Strathfield (refer to Figures 13 and 14).



Figure 10. Existing dwelling at No. 8 Nichol Parade.

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Figure 11. Existing dwelling at No. 28 Strathfield Avenue.



Figure 12. Existing dwelling at No. 8 Nichol Parade.

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Figure 13. Existing dwelling at No. 3-5 Nichol Parade.



Figure 14. Existing dwelling at No. 7 Nichol Parade.

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PROPERTY BURDENS AND CONSTRAINTS

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

DESCRIPTION OF THE PROPOSED DEVELOPMENT

The application seeks Council approval for the demolition of existing buildings and the construction of a two (2) storey dwelling with basement level, in-ground swimming pool and outbuilding.

The specific elements of the proposal are:

Basement level comprising:

- Two (2) vehicular parking spaces and maneuvering areas. Both are capable of accommodating disabled access;
- Storage room;
- Pool equipment room; and
- Access stairs and lift to access the upper levels.

Ground floor level comprising:

- Stairs and lift; and
- Front facing living room, bedroom, water closet, dining room, kitchen with walk-in-pantry, laundry, rear family room with fireplace and storage room; and
- An outdoor alfresco area with BBQ facility.

First floor level comprising:

- Stairs and lift void;
- A master bedroom with walk-in-closet, study, ensuite and rear-facing balcony;
- Three (3) bedrooms and two (2) bathrooms.

External works comprising:

- An in-ground swimming pool in the rear yard;
- An outbuilding in the rear yard. The outbuilding will be adjacent to the pool and comprises an enclosed living area with sink, storage room and bathroom;
- Fencing along the front and secondary front boundaries. The proposed fencing will be constructed of masonry columns and open metal panels; and
- A new driveway is proposed on the eastern side of the front setback. The existing driveways and crossings will be removed and re-instated with landscaping, verge and guttering.

Deep soil landscaped areas to be established within the site include:

- A grassed turf area in the south-western portion of the front setback;
- A grassed turf area in the north-western portion of the rear yard. The existing tree in the rear yard is proposed to be retained;
- Garden beds in the front setback including areas directly in front of the ground floor bedroom and along perimeters (such as the eastern and western sides of the new driveway). These garden beds comprise a mixture of trees, shrubs and ground covers such as Ivory Curl (*Buckinghamia celsissima*), Ornamental Pear (*Pyrus calleryana* 'Capital'), Bower Wattle (*Acacia cognata*), New Zealand Rock Lily (*Arthropodium cirratumi*) and Silver Ponysfoot (*Dichondra argentea* 'Silver Falls'); and
- Hedging with Lily Pilly (*Syzygium australe*) along the secondary front boundary, northern (rear) boundary and eastern side boundary.

A Ground Floor Plan and Elevations of the proposed development are shown in Figures 15 to 18.

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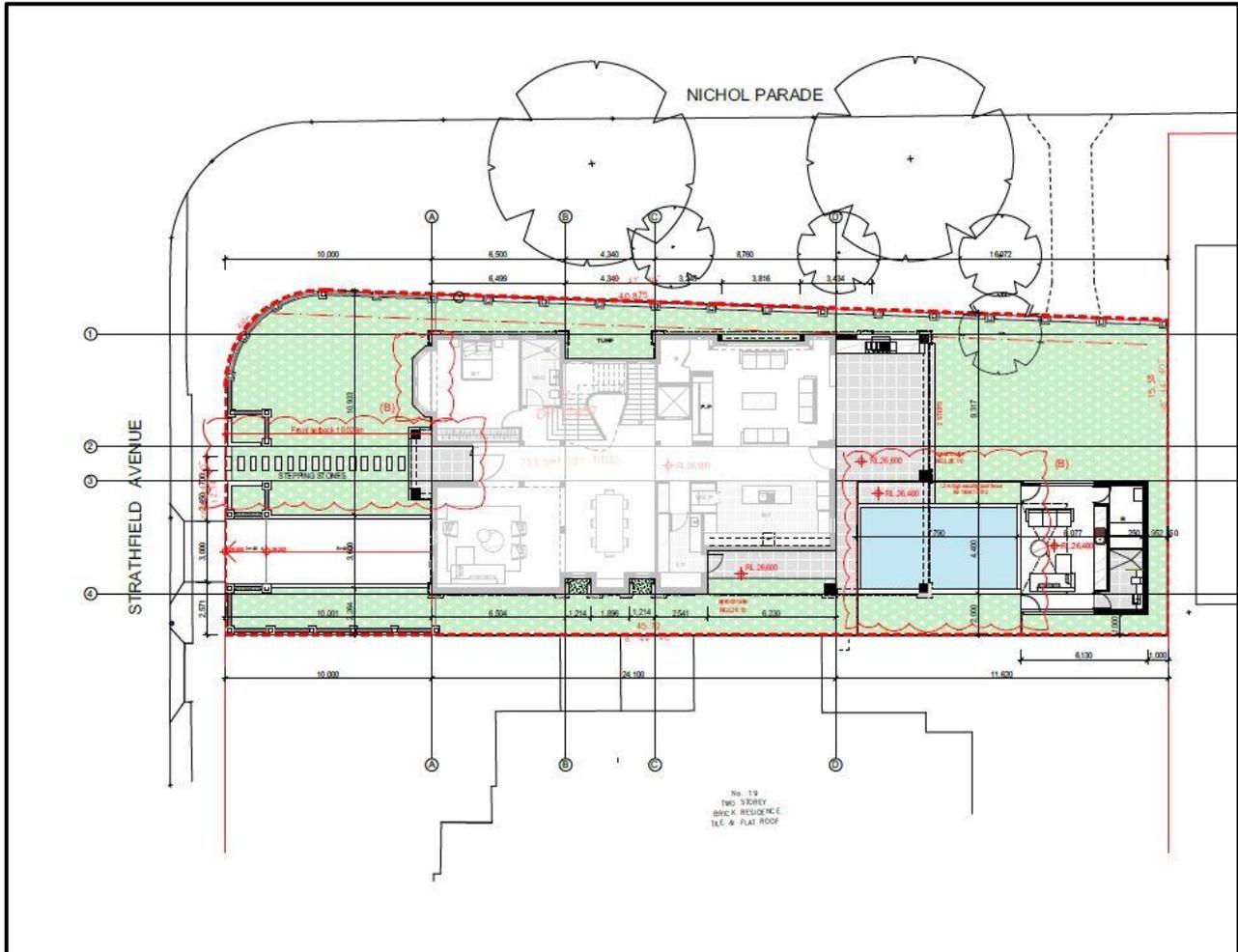


Figure 15. Site Plan



Figure 16. Front (Southern) Elevation

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Figure 17. Eastern (side) Elevation



Figure 18. Western (side) Elevation

REFERRALS

INTERNAL REFERRALS

Engineering Comments

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

Traffic Comments

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

Heritage Comments

Council's Heritage Advisor provided the following comments on the initial design of the proposed development:

"In my opinion the demolition of the existing dwelling house and the new two (2) storey house does not achieve the objectives of the LEP and DCP. The existing dwelling is of the same period as the neighbouring houses but is not listed as a heritage item and the area is not a conservation area. Therefore, a new dwelling is ermitted but it should not dominate the adjoining heritage item.

Therefore, I request that the applicant modify the bulk and the material of the house to better reflect the controls in the DCP. The building should be brick and not rendered. The bricks from the original house and the fence should be reused to build the new dwelling or of similar colour. If a similar brick is used it will need to be approved prior to construction. The colour of the mortar will need to be consistent with the neighbouring development (red mortar). The window frames will need to be white and preferably wooden to match with the neighbouring heritage dwelling. The fence should be of the same pattern as the existing fence with the reuse of the bricks. It is recommended that the corner detailing on the dwelling should be sandstone or the same dark brick or removed. Detailing should be removed from the front fence and a more traditional infill element

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such as palisade iron in a colour that matches the brickwork should be used. Front setback landscaping should be consistent with the current landscaping.

The bulk should be reduced as not to dominate the neighbouring heritage item.

Excavation is approximately 2.264m from the heritage item. A condition on excavation next to this site is recommended.”

Upon receiving additional information from the applicant, a second referral was provided to Council's Heritage Advisor. The following advice was reviewed subsequent to their review of the final design:

“The site is located on the corner of the street next to the heritage item. The current dwelling fits in well with heritage item and the streetscape. To maintain a consistent non-dominate new dwelling it is recommended that the same/similar material is used that reflects the neighbouring dwellings. That is the same colour cement tiles as the neighbouring dwelling and the same bricks with the white detailing around the windows.

The amendments introduce a bay window which will aid to tie in the development with the neighbouring heritage item. The proposal needs not to be in stark contrast with the neighbouring development by introducing a mix of darker colours into the pallet.

The modern fence next to a heritage item will be intrusive. Thus is recommended that the fence has a top rail and a darker colour for the finish.

Recommendations:

That the following conditions be added to the conditions:

- *Conditions on materials and colour pallet to be approved by heritage consultant prior to CC.*
- *Condition that the fence is to introduce a top rail.*
- *Conditions on demolition next to a heritage item and ensuring that a dilapidation report.”*

Accordingly, the above conditions are recommended as part of the consent to address the heritage-related issues raised by Council's Heritage Advisor.

SECTION 4.15 CONSIDERATIONS – EP&A Act, 1979

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

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

STATE ENVIRONMENTAL PLANNING POLICY (SEPP) – BASIX 2004

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

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

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

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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 existing dwelling has been in existence since the 1940's. The proposed development involves a new dwelling, thereby retaining the current land use of a dwelling house. As such, the objectives prescribed in SEPP 55 are satisfied.

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

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

The intent of this SEPP is consistent with the objectives of the repealed Standard where the primary aims/objectives are related to the protection of the biodiversity values of trees and other vegetation on the site. The proposed development does not involve the removal of any existing trees. Therefore, the objectives outlined in this SEPP are satisfied.

STRATHFIELD LOCAL ENVIRONMENTAL PLAN 2012 (SLEP 2012)

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

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

Permissibility

The subject site is zoned R2 – Low Density Residential pursuant of the SLEP 2012. Dwelling house is permissible with consent within the R2 – Low Density Residential Zone and is defined under the SLEP 2012 as follows:

“dwelling house means a building containing only one dwelling”

The proposed development for the purpose of a dwelling house and associated ancillary structures is consistent with the definition above and is permissible with consent

Zone Objectives

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

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

Comments: The proposal involves the construction of new dwelling with basement level, which will provide for the needs of the community within a low density, residential setting. The design is of an appropriate bulk, scale and form, which appropriately responds to the adjoining heritage item as well as the existing development in the streetscape.

The proposal retains the single dwelling use of the subject site and thereby ensures that the low density residential character of the locality is preserved and the housing needs of the community are met.

Part 4: Principal development standards

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

Clause 4.3: Height of building

Cl.	Standard	Controls	Proposed	Complies
4.3	Height of building	9.5m	9.2m	Yes

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

Comments: The proposed development complies with the maximum building height requirement prescribed in Clause 4.3 of the SLEP 2012.

Clause 4.4: Floor space ratio (FSR)

Cl.	Standard	Controls	Proposed	Complies
4.4	Floor space ratio (FSR)	0.575:1 (421.76m ²)	0.575:1 (421m ²)	Yes

Objectives	Complies
(a) To ensure that dwellings are in keeping with the built form character of the local area	Yes
(b) To provide consistency in the bulk and scale of new dwellings in residential areas	Yes
(c) To minimise the impact of new development on the amenity of adjoining properties	Yes
(d) To minimise the impact of development on heritage conservation areas and heritage items	Yes
(e) In relation to Strathfield Town Centre: <ul style="list-style-type: none"> i. to encourage consolidation and a sustainable integrated land use and transport development around key public transport infrastructure, and ii. to provide space for the strategic implementation of economic, social and cultural goals that create an active, lively and people-oriented development 	N/A

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(f)	<i>In relation to Parramatta Road Corridor – to encourage a sustainable consolidation pattern that optimises floor space capacity in the Corridor</i>	N/A
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Comments: The proposed development complies with the FSR requirement prescribed in Clause 4.4 of the SLEP 2012.

Part 5: Miscellaneous Provisions

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

5.10 Heritage Conservation

Subclause 2 of Clause 5.10 states that development consent is required for the demolishing or moving of a building of a heritage item or a building, work, relic or tree within a heritage conservation area. The subject site does not contain any heritage items and is not within a heritage conservation area, and therefore, the proposal does not trigger Subclause 2. As mentioned above, the subject site adjoins a locally listed heritage item (I198 –Inter-war Old English style house). It is noted that additions and alterations to extend this dwelling was completed in 2017. This extension is visible from Nichol Parade and is a contemporary design comprising modern materials, brown timber tone, squared-off façade with a flat roof. As such, any original features of this dwelling that would contribute to its heritage significance are predominantly contained within the front (southern) portion that addresses Strathfield Avenue and its sides. Aside from this heritage item, the only other element relevant within the respective streetscape and applicable to Clause 5.10 is a second heritage item at No. 15 Strathfield Avenue (I197 – Old English style house and garden). The streetscapes of both Strathfield Avenue and Nichol Parade are dominated by dwelling houses of generally larger scale, and featuring a palatial and modern style, reflected by a mixture of materials and coloration. As such, the two (2) heritage items appear as outliers within this setting. Whilst the proposed dwelling will appear larger than these heritage items, it will comply with the applicable requirements associated with bulk and scale and will not appear out of place given its setting, which generally features palatial dwelling houses.

The design of the proposed dwelling is predominantly French Provincial, incorporating some modern finishes and materials, and a white colour palette. The scheme marries some common elements in the streetscape (e.g. a pitched tile roof, neutral and light colours, stone materials and entry portico) within a unique built form that addresses both Strathfield Avenue and Nichol Parade. The provision of deep soil zones with various trees and screen plantings ensures that the proposal provides an appropriate balance of structural and softer elements within the site whilst responding to the adjacent heritage item as well as the types and forms of residential development featured within both streets.

Whilst the proposed dwelling is proportioned in accordance with the site's dimensions and area and complies with the maximum floor space ratio (FSR) development standard, there is potential for this building to overwhelm the front portion of the existing heritage item. In order to minimise potential impacts upon the significance and value of the adjacent heritage item, the final design features generous setbacks from the front and eastern side boundaries with suitable articulation on the eastern side of the dwelling. It is apparent, however, that the proposed dwelling incorporates generous setbacks from the front and eastern side boundaries with suitable articulation on the eastern side of the dwelling. These effectively create visual break-up of the building, minimise bulk, and provide an opportunity to establish dense screen planting. Garden beds with various plant species, proposed on the eastern side of the front setback will further screen the new dwelling and driveway, and provide greater visual separation and an additional interruption of views of the heritage item.

The final design of the proposed dwelling also comprises the following three (3) notable characteristics that are also featured on the heritage item: chimneys, bay windows and the use of stone material. These elements will be visible from Strathfield Avenue and assist in providing a more harmonious built form that responds appropriately in context of being adjacent to this

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heritage item. The above combination of design techniques will result in a more sympathetic building. By providing sufficient separation between the proposal and the heritage item and by incorporating several architectural elements common to the immediate vicinity and the heritage item, the overall scheme is considered to be compatible with the streetscape and not excessive when viewed from the heritage item and from public space, including Strathfield Avenue.

In context of the above aspects, the final design of the proposed development responds to its unique context and setting, is compatible with the character of the surrounding locality and will generate minimal impacts on the adjoining heritage item. Accordingly, the objectives of Clause 5.10 will be achieved by the proposal, ensuring conservation of environmental heritage within Strathfield and the significance and value of existing heritage items and heritage conservation areas, including associated fabric, settings and views.

Part 6: Local Provisions

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

6.1 Acid sulfate soils

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

6.2 Earthworks

The proposed basement level will involve more than 1m of excavation. A condition of consent is recommended to ensure appropriate management of soils is undertaken during earthworks.

6.4 Essential services

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

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

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

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

STRATHFIELD CONSOLIDATED DEVELOPMENT CONTROL PLAN 2005 (SCDCP 2005)

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

PART P – HERITAGE

3: Development in the Vicinity of Heritage Items

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

Comments: As mentioned previously, the subject site does not contain any heritage items and is not within a heritage conservation area. The site is adjoins heritage item I198 – Inter-war Old English style house at No. 19 Strathfield Avenue and is located less than 60m from a second heritage item at No. 15 Strathfield Avenue (I197 – Old English style house and garden). The proposed development does not involve the demolition of any contributory elements of the above

The final design of the proposal incorporates a number of elements that assist in minimising potential impacts on the adjoining heritage item. These include generous setbacks from the front and eastern (side) boundary, wall articulation of the side walls, use of common architectural features in the streetscape (such as a pitched tile roof, neutral and light colours, stone materials and entry portico), use of some architectural features that are also on the heritage item (i.e. chimneys, bay windows and stone material), and the provision of deep soil zones within the front and side setbacks in the form of Lily Pilly (*Syzygium australe*) hedging and garden beds. The final design is considered an appropriate and balanced outcome that is consistent with the streetscapes of Strathfield Avenue and Nichol Parade and is compatible with the low density suburban character of the surrounding locality and the adjoining heritage item.

The proposed development involves the construction of a new dwelling with basement level and ancillary structures in the rear yard; ensuring a single dwelling residential character is maintained next to the heritage item. As mentioned above, the most significant views of the adjoining heritage item is primarily from Strathfield Avenue. The proposed development does not obscure any significant views of this item and will have minimal impacts on the significance and value of this item. In light of the above, the proposed development meets the above objectives.

3.2: Setting

Objectives		Satisfactory
A.	<i>To ensure the setting of heritage items is not compromised by development in the vicinity of the heritage item.</i>	Yes
B.	<i>To ensure that new development respects the contribution of heritage items to the streetscape and/or townscape.</i>	Yes
Controls		Satisfactory
1.	<i>Development in the vicinity of a heritage item should not be of such bulk or height that it visually dominates or overshadows the heritage item. ensure the setting of heritage items is not compromised by development in the vicinity of the heritage item.</i>	Yes
2.	<i>Views to or from a heritage item should not be obscured by new development.</i>	Yes
3.	<i>Where a heritage item is part of a streetscape of buildings of consistent style, form and materials, development in the vicinity of the heritage item should incorporate elements of the dominant style, form and materials in the streetscape.</i>	Yes

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4.	<i>Where trees are integral to the significance of a heritage item, development should not be allowed beneath the drip zone of the trees. An arborist report may be required to establish the development will not impact upon trees on nearby heritage items.</i>	Yes
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Comments: The proposed development is considered an appropriate design, bulk and scale that respects the significance and value of the adjoining heritage item. The bulk and height of the proposed development is proportionate to the subject site and complies with the relevant requirements associated with bulk and scale under Council policy including the maximum building height and maximum FSR prescribed in SLEP 2012.

The streetscapes of Strathfield Avenue and Nichol Parade are dominated by more modern dwelling houses of varying styles, materials, finishes and colours. The heritage item appears to be an anomaly amongst these built forms, particularly any re-developed properties with multi-storey, palatial dwellings. Whilst the scale of the proposed development will appear to dominate the front of the heritage item, the final design does incorporate a number of features to assist in minimising its impact. These have been described above. On balance, the final design responds appropriately to the site context and provides a sympathetic scheme that will not visually dominate or overshadow the heritage item.

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

The proposed development, whilst adopting a French Provincial aesthetic, comprises a number of architectural features that are common within the streetscape. It also comprises several architectural features that are also found on the front façade of the heritage item. A condition is recommended to modify the colour of the stone material for the entry portico to comprise of a darker tone/colouration that provides a better contrast to the dominant white render material of the building, which will ensure that this feature provides visual interest and improve compatibility within the streetscape.

3.3: Scale

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

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

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

3.4: Siting

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

Comments: The siting and setback of the proposed development are consistent with the residential properties along Strathfield Avenue and Nichol Parade. The new dwelling addresses both streets and responds appropriately in context of the site being a corner allotment. The proposed development does not obscure any important views to or from the heritage item and does not affect the landscape setting of the heritage item. The proposed landscaping treatments in the front and side setbacks further ensure that the proposal is compatible with the streetscape and maintains a suitable aesthetic that respects the setting of the heritage item.

3.5: Materials and Colours

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

Comments: The French Provincial design of the proposed development will provide a visual contrast between the proposal and the adjoining heritage item. It is also noted that this style is not evident along Strathfield Avenue and Nichol Parade. As such, given the proposal's position as a corner allotment, it will have a strong visual presence in the vicinity. However, as mentioned above, many of the proposed development's architectural features (including materials and colour palette) are commonly found within the streetscape, some of which are also found on the adjoining heritage item. It is unlikely that the final design of the proposed development will result in a reduced visual importance and significance of the heritage item. Additionally, by providing a more modern built form that reflects the styles featured in re-developed residential properties within the vicinity and the current trends at present, the distinct characteristics and heritage significance of the adjoining heritage item are further highlighted by the proposal.

3.6 Excavation

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

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<i>i.</i>	<i>Applications involving excavation adjacent to a heritage item must demonstrate that the proposed excavation will not compromise the structural integrity of the heritage item and will not detract from its setting.</i>	Yes
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Comments: The proposed development involves some ground disturbance due to the proposed creation of the basement level. Given that the heritage item is 2.26m east of the site, a condition is recommended to provide dilapidation reports before and after construction works to confirm that the structural integrity of this item is not compromised

PART A – DWELLING HOUSES AND ANCILLARY STRUCTURES

2: Architectural Design & Streetscape Presentation

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

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	1	Building form articulated.	Yes
	2	Dwellings on corner sites address both street frontages and articulated	Yes
<i>Roof Forms</i>			
	1	Roof form complements predominant form in the locality	Yes
	2	Roof form minimises bulk and scale of building and remains an important architectural element in the street.	Yes
	4	Roof structures are not visible from the public domain	Yes
<i>Materials</i>			
.4.	5	Materials compatible with the existing dwelling house, adjoining dwelling houses and the streetscape (type, form and colour)	Yes
	6	Monotone face brick walls and terracotta tiles for roofs where common in the streetscape	Yes
	7	New buildings and facades do not result in glare (Reflectivity Report may be required)	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
<i>Two (2) storey Porticoes</i>			
.5.	1	Two (2) storey porticoes in scale and compatible with the proposed dwelling, streetscape and any adjoining heritage items	Yes
	2	Two (2) storey porticoes vertically articulated or broken to reduce height	Yes
	3	Porticoes or associated porches do not protrude 1m forward of the front building façade.	Yes
	4	Porticoes do not extend beyond the understorey of the eaves/guttering.	Yes

Comments: The proposed development comprises an acceptable design, scale, density, materials and finishes that are consistent and compatible with with the site's setting within a suburban area and its context being adjacent to a heritage item and contained within a corner allotment. On balance, the proposal is not considered excessive and will not have a dominant appearance when viewed from private properties, Strathfield Avenue and Nichol Parade. Therefore, the proposed development meets the above requirements.

4: Building Envelope

4.1	Objectives	Satisfactory
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

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F.	<i>To assist in achieving passive surveillance whilst protecting visual privacy.</i>		Yes
G.	<i>To provide a transitional area between public and private space.</i>		Yes
4.2	Development Controls		Complies
	<i>Floor Space Ratio</i>		
.1.	1	Floor Space Ratio permissible pursuant to SLEP 2012	Yes
	2	Development compatible with the lot size	Yes
	<i>Building Height</i>		
.2.	1	Height of building permissible pursuant to SLEP 2012	Yes
	2	Height of outbuildings, detached garages and carports is 3.5m (max) measured at the highest point on the roof above NGL	No 4m (see below)
	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
.3.1.	<i>Street Setbacks</i>		
	1	Setbacks consistent with minimum requirements of Table A.1 Minimum front setback requirement = 9m	Yes 10m
.3.2.	<i>Side and Rear Setbacks</i>		
	1	A combined side setback of 20% of the width of the block (incorporating a 1.2m min side setback on each side). Combined side setback required = 3.076m (20%)	No Combined side setback: 3m (19.5%) Secondary street setback: 1m East (side) setback: 2m (see below)
	2	A rear setback of 6m (min)	Yes 11.6m
	3	Subject to meeting the minimum landscaped area (as per section 5 of this part of the DCP) in the rear of the site, ancillary facilities such as garages/outbuildings may be located within the rear setback area.	Yes

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

The proposed outbuilding will have a pitched roof that has a maximum height of 4m above existing ground, which is a variation to the maximum height requirement for outbuildings. This variation is primarily associated with the pitched roof, which matches the pitch of the new dwelling. The height of the entire outbuilding that is below the roofline complies with this requirement. Due to the

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position, orientation and design of the outbuilding, the proposed variation is unlikely to pose significant overshadowing or visual amenity impacts. As such, strict compliance with the maximum height requirement will not result in a significant improvement for any affected neighbouring properties. Therefore, the proposed variation is acceptable as there are sufficient and reasonable grounds for its support.

The proposed dwelling features a combined side setback of 19.5% and a reduced secondary front setback of 1m. These are minor variations to the respective setback requirements stipulated above. In assessing the merit of these variations, the following matters have been considered:

- A generous 2m setback is proposed on the eastern side boundary, which is more than the minimum 1.2m setback requirement. Further it provides adequate separation between the new dwelling and the adjoining heritage item. Additional wall articulation is provided across the entire elevation on both levels of the dwelling, which assist in breaking up and interrupting the built form;
- The variation is a point variation only that is mostly associated with the open alfresco area in the rear – the rest of the new dwelling has a setback of more than 1.2m and therefore is mostly compliance with the minimum 1.2m setback requirement;
- The existing two (2) storey residence currently has a nil secondary front setback. The proposal will provide a greater setback from this boundary. This setback, combined with the design of the western elevation ensures an improved streetscape outcome by better addressing the Nichol Parade frontage; and
- The road reserve adjacent to the secondary front boundary is relatively wide with ample space and vegetation that would screen some of the proposal when viewed from Nichol Parade. This unique aspect ensures that the minor variations proposed will not be highly visible or noticeable within the streetscape and will therefore, have a minor or negligible adverse effect.

Considering the above matters, these above variations are considered supportable and acceptable.

The amended basement level appears slightly excessive and a further reduction can be issued. Conditions are recommended to further reduce this basement level at its north-western extent and to ensure a maximum clearance (floor to ceiling height) of 2.2m is provided (refer to Figure 19). This minimises any necessary excavation, reduces the basement level footprint, and ensures the basement level is not utilised for habitable purposes.

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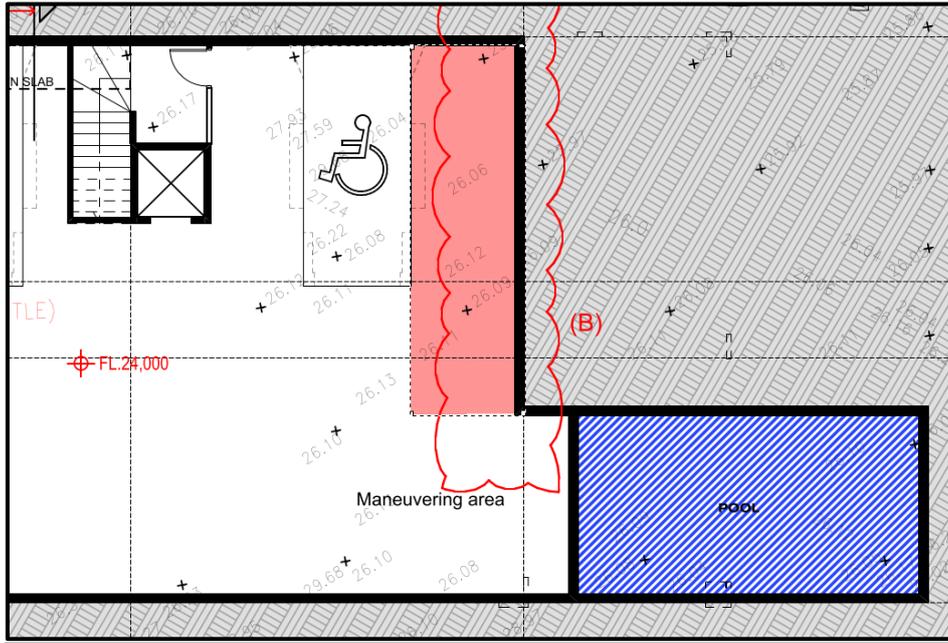


Figure 19. Basement level with north-western portion to be deleted (shown in red)

5: Landscaping

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

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5.2	Development Controls	Complies	
	<i>Landscaped area</i>		
.1.	1	Landscaped area in accordance with Table A.3 Minimum landscaped area requirement = 43% (315.4m²)	Yes 43.76% (321m²)
	2	At least 50% of the minimum landscaped area located behind the building line to the rear boundary	Yes >50%
	3	At least 50% of the front yard maintained as deep soil soft landscaping	Yes >50%
	4	Minimise hard surface area (concrete/brick/stone paving and bitumen). Run-off directed to permeable surfaces.	Yes
	5	Planting areas soften the built form	Yes
	6	Front gardens respond and contribute to the garden character of Strathfield.	Yes
	7	Retain and reinforce the prevailing streetscape and surrounding locality	Yes
	8	Plant species must be retained, selected and planted to improve amenity	Yes
	<i>Tree Protection</i>		
.2.	3	Development provides for the retention and protection of existing significant trees	Yes
	6	Opportunities for planting new canopy trees within the front setback	Yes
	7	At least one (1) canopy tree provided in the rear yard.	Yes
	8	Trunk of a proposed canopy tree planted 4m (min) from built structures, or 3m (min) from pier beam footings	Yes
	9	Planting on side boundaries a 0.6m (min) deep root deflection barrier provided 1.5m (min) either side of the tree center	Yes
	10	Driveway construction does not result in the removal, lopping or root damage to any street tree	Yes
	11	25% (min) of canopy trees and other vegetation shall be locally sourced indigenous species	Yes
	<i>Private Open Space</i>		
.3.	1	Provided in a single parcel rather than a fragmented space, directly accessible from internal living areas	Yes
	2	Includes a deep soil area compliant with the minimum landscaped area.	Yes
	3	Terraces and decks (at least 10m ²) with one length or width 3m (min) and directly accessible from an internal living area. Decks cannot be located more than 500mm above NGL	Yes
	4	Unless 3m (min) width, areas within setbacks are not to be included as private open space	Yes
	5	Private open space located at the rear of the property.	Yes
	<i>Fencing</i>		
.4.	1	Fencing designed to be compatible and sympathetic to the style of the dwelling, adjoining properties and the streetscape	Yes – to be conditioned (see below)
	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 – to be conditioned

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		(see below)
4	Solid fencing 1.8m (max) is permitted along a secondary street frontage to enclose a private open space	Yes
6	Side fences forward of the FBL taper down to the front fence.	Yes – to be conditioned (see below)
7	Front fences visually permeable	Yes
9	Listed undesirable materials and finishes not used forward FBL	Yes
10	Corner allotments incorporate a 1.5m x 1.5m (min) splay adjacent to the road intersection	Yes
11	Solid fences adjoining driveways are provided with 1m x 1m (min) splay	Yes – to be conditioned (see below)
12	A splay adjacent to a road intersection or driveway entrance must be landscaped	Yes – to be conditioned (see below)
13	Significant trees maintained	Yes
14	Stormwater flows through or under fencing on sloping sites	Yes
17	Gatehouses permitted where compatible with the streetscape.	Yes – to be conditioned (see below)

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

In order to improve compatibility and visual aesthetic within the streetscape and locality, a condition is recommended to modify the fencing along the secondary front boundary from the front building line to rear portion of the new dwelling (excluding the outdoor alfresco portion) to comprise of either:

- A fence featuring a maximum height of 1.8m with a solid component measured at 1.2m (maximum) above existing ground and 0.6m open form above; or
- A fence featuring a maximum height of 1.5m with a solid component measured at 1m (maximum) above existing ground and 0.5m open form above.

A condition is recommended to ensure all fencing must gradually step with the natural topography of the site.

To maintain sight lines and provide safe vehicular access and pedestrian movement, conditions are recommended to provide the necessary vegetated splays for the portion of fencing directly adjacent to the front section of the internal driveway.

6: Solar Access

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

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B. To minimise overshadowing of adjoining properties.

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

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

7: Privacy

7.1 Objectives		Satisfactory	
A.	<i>Development that is designed to provide reasonable privacy to adjacent properties</i>	Yes	
B.	<i>To maintain reasonable sharing of views from public places and living areas</i>	Yes	
C.	<i>To ensure that public views and vistas are protected, maintained and where possible, enhanced</i>	Yes	
D.	<i>To ensure that canopy trees take priority over views</i>	Yes	
E.	<i>To ensure that the siting and design of buildings minimises noise impacts from abutting roads, rail corridors and other noise-generating land uses</i>	Yes	
7.2 Development Controls		Complies	
<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
.3.	<i>Elevated Decks Verandahs and Balconies</i>		

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1	Elevated decks, verandahs and upper storey balconies not permitted on side boundaries (exceptions apply)	Yes
2	Elevated decks, verandahs and balconies incorporate privacy screens	Yes
3	Rear balconies (no more than 1m (depth) x 2m (length) permitted if the balcony does not unreasonably impact on adjoining premises	Yes
4	Balconies extending the full width of the front façade are not permitted	Yes
<i>Acoustic Privacy</i>		
.4.	2 Noise-sensitive rooms located away from noise sources	Yes
	3 Suitable acoustic screen barriers or other noise mitigation measures are required where physical separation cannot be achieved	Yes

Comments: The proposed development complies with the relevant controls under the SDCDP 2005 with regard to building separation and privacy for future occupants and neighbouring properties. The final design comprises finished floor levels of the dwelling and outbuilding that are 0.5m (maximum) and 0.4m (maximum) above existing ground, respectively. The proposal also involves no changes to the existing ground levels within the side setbacks or areas beyond the footprint of the dwelling. As such, the topography of the site and surrounds are respected and not compromised, resulting in an appropriate relationship between buildings, private open spaces and neighbouring properties.

The following aspects have been considered in relation to privacy impacts:

- The large west-facing window for the stairwell faces Nichol Parade and will therefore, have minimal overlooking impacts.
- The entire first floor comprises windows in bedrooms, bathrooms, and a walk-in-robe. These spaces are considered low activity spaces and will not likely generate adverse overlooking impacts;
- The rear-facing first floor balcony off the master bedroom has a limited width of 1.5m and is located in the north-western portion of the building and well away from any residential neighbours. Some views of the east-adjointing neighbour will be obscured the side wall of the balcony;
- Any views from the outbuilding will be obscured by boundary fencing;
- The outdoor alfresco area is situated to the north-western portion of the building and away from any residential neighbours. The finished floor level of this area is 0.5m (maximum) above the existing ground; and
- The coping level of the proposed swimming pool is located close to existing ground.

Therefore, the proposed development has been designed to minimise potential privacy impacts on adjoining properties and is acceptable in this regard.

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

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E.	To minimise the area of access driveways to minimise impermeable surfaces and maximise landscaped areas.	Yes
F.	To ensure basements have discreet entries, safe access and a high degree of natural cross-ventilation.	Yes
G.	To minimise excavation to reduce disturbance to natural ground level particularly adjacent to site boundaries.	Yes
H.	To ensure that any proposed basement minimises disturbance to natural drainage systems and that flooding, drainage or ventilation impacts would not be created for the site, or for adjoining or nearby properties.	Yes

8.2	Development Controls	Complies
	<i>Driveway and Grades</i>	
.1.	1 Existing driveways must be used (exceptions apply)	Yes
	2 The width of driveways at the property boundary is to be 3m	Yes
	3 The edge of driveway crossings located 1m (min) clear of any existing stormwater pits or poles and 2m clear of tree trunks	Yes
	4 Parking and access points easily accessible and recognisable, non-disruptive to pedestrian flow and safety and located to minimise traffic hazards and potential for vehicles to queue.	Yes
	5 One (1) vehicular crossing (max) to any public road (exceptions apply)	Yes
	6 Vehicles accessing sites which front main roads shall be capable of entering and exiting in a forward direction	Yes
	7 Vehicular turning areas for garages complies with relevant Australian Standard	Yes
	8 Rear lane / secondary street frontage - parking and access provided from the secondary street/lane	Yes
	9 Driveways avoid long and straight appearance by using variations and landscaping	Yes
	10 Driveway set back 0.5 metres (min) from side boundaries	Yes
	11 Driveways incorporate unit paving into the design	Yes
	12 Areas of concrete visible from a public road are to be minimal and coloured charcoal, grey or brown	Yes
	13 Coloured concrete is not permitted in the driveway crossing outside the property boundary	Yes
	<i>Garages, Carports and Car Spaces</i>	
.2.	1 Two (2) car parking spaces required behind the FBL of all new dwellings (exceptions apply)	Yes
	2 Garages recessed behind the main front facade and/or non-dominant	Yes
	3 Garages not more than 150mm above NGL at entry unless the slope of the site exceeds 1:8 (12.5%)	Yes
	4 Dimensions of parking spaces and garages comply with the Australian Standards	Yes
	5 Garages are not to be converted or used for any purpose other than that for which they are approved	Yes
	<i>Basements</i>	
.3.	1 The area of a basement shall be limited to and contained within the ground level footprint of the dwelling	Yes
	2 Excavation not permitted within the minimum side setbacks.	Yes

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3	The maximum height of the basement above NGL is limited to 1m measured to the predominant finished floor level of the level above.	Yes
4	Internal clearance of 2.2m (min)	Yes
5	Driveways have a maximum 1:4 gradient and comply with Australian Standards	Yes
6	Basement entries and ramps/driveways not greater than 3.5m wide	Yes
7	Driveway ramps are perpendicular to the property boundary at the street frontage	Yes
8	Basements permit vehicles to enter and exit the basement in a forward direction	Yes
9	Basements are discretionary on flood affected sites	Yes
10	Pump-out systems and stormwater prevention in accordance with Council's Stormwater Management Code	Yes
11	Basements are not to be used for habitable purposes	Yes

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

9: Altering Natural Ground Level (Cut and Fill)

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

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

10: Water and Soil Management

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

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B.	To ensure compliance with Council's Stormwater Management Code	Yes
C.	To ensure compliance with the NSW State Government's Flood Prone Lands Policy.	Yes
D.	To ensure that appropriate soil erosion and sediment control measures are implemented on all sites that involve soil disturbances during construction.	Yes
E.	To ensure new building work does not detrimentally affect the existing drainage system of any area of the Municipality.	Yes
F.	To ensure that new development in areas that may be affected by acid sulphate soils do not adversely impact the underlying ground conditions, soil acidity and water quality.	Yes
G.	To appropriately manage stormwater and overland flow to minimise damage to occupants and property	Yes
10.2	Development Controls	Complies
.1.	Stormwater Management and Flood Prone areas	
	2 Compliance with Council's Stormwater Management Code	Yes
.2.	Acid Sulfate Soils	
	1 Site managed consistent with the provisions contained in Clause 6.1 SLEP 2012	Yes
.3.	Soil Erosion and Sediment Control	
	1 Soil erosion and sediment control measures detailed and implemented prior to the commencement of work.	Yes
	2 Sediment control measures applied	Yes
	3 Plans provided detailing stormwater quality treatment	Yes

Comments: Council's Stormwater Engineer confirmed that the proposal complies with the relevant stormwater and water and soil management controls under the SCDCP 2005 and Council's Stormwater Management Code.

11: Access, Safety and Security

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

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	adversely impact on adjoining properties.	
4	Crime Prevention through Environmental Design (CPTED) principles incorporated.	Yes
<i>Pedestrian Entries</i>		
.2.	1 Pedestrian entries and vehicular entries suitably separated	Yes
	2 Dwelling entrances easily identifiable	Yes
	3 House numbers are to be clearly visible from the street	Yes

Comments: The proposed dwelling will have clearly defined pedestrian and vehicular entries, which will be visible from Strathfield Avenue. This does not differentiate from the existing situation; however, it is proposed that the second driveway and crossing off Nichol Parade is removed and re-instated with verge and guttering. Consequently, this better defines the new residence's outdoor spaces and transitional zones by clearly separating the rear yard and perimeter spaces from any access points to the premises. The front entrance of the dwelling will be visible from the street, enhanced and distinguished by the stone finished portico that frames this access point. An open access gate and driveway with retaining walls will ensure vehicular access is clearly visible from the street. As such, the proposed dwelling is appropriately designed with a sufficient street setback, front façade, front setback and landscaping treatments, to clearly define and formalise access points and to ensure that the above access, safety and security controls are met.

12: Ancillary Development

12.1	Objectives	Satisfactory
A.	To ensure that ancillary development is compatible with the design of the principal dwelling, streetscape and adjoining dwellings in form, materials and colours	Yes
B.	To limit the size, bulk and scale of ancillary structures and minimise their visibility from the public domain.	Yes
C.	To ensure that the provision of ancillary structures improves the amenity of residents whilst ensuring that the amenity of surrounding dwellings and neighbouring lots is maintained.	Yes
D.	To ensure that the provision of ancillary structures, such as air conditioning units, are considered at the design stage of a proposed development.	Yes
12.2	Development Controls	Complies
<i>Outbuildings</i>		
.2.	1 Outbuilding located behind the front building line	Yes
	2 Side and rear setback is 0.5m (min)	Yes
	3 New garden sheds, studios, cabanas and the like are limited 40sqm (max)	Yes
	4 Windows do not face an adjoining property (exceptions apply)	Yes
	5 The roof area is not accessible for any purpose	Yes
	6 Outbuildings are not to be used for habitable purposes	Yes
	7 Kitchen facilities are not permitted in an outbuilding	Yes
	8 Any external lighting of an outbuilding is to be positioned or shielded to prevent glare to adjoining premises	Yes
<i>Retaining Walls</i>		
.3.	1 Retaining walls 1.2m (max) in height.	Yes

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	2	Retaining walls in excess of 0.6m are fully designed and documented by a qualified practising engineer	Yes
.4.	<i>Air-conditioning</i>		
	1	Located away from the habitable rooms of adjoining properties and/or screened by acoustic treatments	Yes
	2	Any building work must not reduce the structural integrity of existing buildings	Yes
	3	Installation of residential grade air conditioners only	Yes
	4	Installation to comply with the Protection of the Environment Operations Act 1997 and Protection of the Environment Operations (Noise Control) Regulation 2008	Yes
<i>Swimming Pools</i>			
.6.	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

Comments: The ancillary elements (pool, retaining walls, air conditioning, outbuilding) of the proposed development complies with the above requirements.

The proposed outbuilding appears to have a configuration that presents as a conservative secondary dwelling rather than a pool cabana. A condition is recommended to ensure that the outbuilding shall not be adapted for use as a separate domicile to the dwelling.

13: Ecologically Sustainable Development

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

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	2	Trees planted to the north of the dwelling must be deciduous to allow solar access during the winter	Yes
	3	Materials used of high thermal mass	Yes
.2.	<i>Natural Cooling and Ventilation</i>		
	1	Windows and walls on northern facades shaded by shading devices, trees, eaves and louvres sympathetic to the dwelling	Yes
	2	Windows positioned to capture breezes and allow for cross-ventilation	Yes
	<i>Water Tanks</i>		
	1	Located behind the dwelling or behind the front building line and screened from view from the public domain	Yes
	2	Associated support structures and plumbing are a colour that complements the dwelling.	Yes
	3	Above ground water tanks located 450mm (min) from any property boundary	Yes
	4	Above ground water tanks do not exceed 3m in height above NGL	Yes
.3.	5	Overflow piped directly to the approved stormwater drainage system except in cases where stormwater is required to be directed to on-site stormwater detention (OSD) storage	Yes
	6	No part of the water tank or support stand may rest on a wall footing	Yes
	7	Installation does not involve the filling of more than 1m above existing ground level	Yes
	8	The tank not located over or adjacent to a water main or sewer main or installed over any associated structure or fittings	Yes
	9	Support structure installed to the requirements of a qualified practicing structural engineer or to the maker's specifications.	Yes
	<i>Hot Water Heater Units</i>		
.4.	1	Located behind the dwelling or wholly behind the dwelling	Yes
	2	Not located on balconies unless screened from public view	Yes
	3	Placed within a short distance of the most frequent point of use	Yes

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

PART H - WASTE MANAGEMENT (SCDCP 2005)

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

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

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

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

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

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

PEER REVIEW

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

RECOMMENDATION

That Development Application No. DA2019/210 for the demolition of existing buildings, construction of a two storey dwelling with basement level, in-ground swimming pool and outbuilding at 21 Strathfield Avenue, Strathfield be **APPROVED**, subject to the following conditions:

SPECIAL CONDITIONS (SC)

1. **BASEMENT LEVEL (SC)**

The portion shaded in red and as annotated on the approved Basement Floor Plan must be deleted.

The maximum floor to ceiling height of the entire basement level must be 2.2m (or 2.4m if disabled access provisions are to be provided).

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

(Reason: To minimise excavation and the basement level footprint and to ensure the basement level is not utilised for habitable purposes.)

2. **ENTRY PORTICO (SC)**

The colour of the stone material for the entry portico must comprise of a darker tone/colouration that provides a clear contrast to the dominant white render material of the building. A colour palette or revised schedule of material finishes must be submitted to Council to confirm that this condition has been satisfied.

Upon receipt of written confirmation from Council, this modification must be included and reflected in the revised set of Architectural Plans, Landscape Plans and Stormwater Plans, and any other documentation that are to be submitted and approved by the Principal Certifying Authority prior to the issue of any Construction Certificate.

(Reason: To provide visual interest and improve compatibility within the streetscape.)

3. **FENCING (SC)**

The proposed fencing along the secondary front boundary starting from the front building line to rear portion of the new dwelling (excluding the outdoor alfresco portion) must

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comprise of either:

- A fence featuring a maximum height of 1.8m with a solid component measured at 1.2m (maximum) above existing ground and 0.6m open form above; or
- A fence featuring a maximum height of 1.5m with a solid component measured at 1m (maximum) above existing ground and 0.5m open form above.

All fencing addressing Strathfield Avenue and Nichol Parade must comprise of a top rail.

Any fencing must gradually step with the natural topography of the site.

Vegetated splays must be incorporated in any section of fencing directly adjacent to the internal driveway.

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

(Reason: To improve streetscape compatibility and to maintain sight lines and provide safe vehicular access and pedestrian movement.)

4. **WINDOW FRAMES (SC)**

All window frames situated in the front (southern) elevations of the building must be constructed of timber and have a white colour.

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

(Reason: To provide greater compatibility with the adjoining heritage item.)

5. **EXISTING TREE IN REAR YARD (SC)**

The existing tree in the north-western portion of the rear yard must be retained, and incorporated as part of the landscaping treatments for the site.

This modification must be included and reflected in the revised set of Landscape Plans and any other documentation that are to be submitted and approved by the Principal Certifying Authority prior to the issue of any Construction Certificate.

(Reason: To maintain consistency with approved plans.)

6. **CORRECT ORIENTATIONS (SC)**

All approved architectural plans including Elevations and Sections must be amended to have the correct orientations (North, South, East, West) of development annotated.

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

(Reason: To maintain consistency with approved plans.)

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GENERAL CONDITIONS (GC)

7. APPROVED PLANS AND REFERENCE DOCUMENTATION (GC)

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

Plans affixed with Council's 'Development Consent' stamp relating to Development Consent No. 2019/210:

Drawing No.	Title/Description	Prepared by	Issue / Revision & Date	Date received by Council
DA1002	Site Plan	Urban Link	B	17 Mar 2020
DA2001	Basement 01	Urban Link	A	17 Mar 2020
DA2002	Ground Floor Plan	Urban Link	A	17 Mar 2020
DA2003	Level 1	Urban Link	B	17 Mar 2020
DA2004	Roof Plan	Urban Link	D	17 Mar 2020
DA2901	Demolition Plan	Urban Link	C	17 Mar 2020
DA3001	Elevations	Urban Link	D	17 Mar 2020
DA3002	Streetscape Analysis	Urban Link	D	17 Mar 2020
DA4001	Sections	Urban Link	D	17 Mar 2020
SW01	Sediment and Erosion Control Plan	Alpha Engineering and Development	B	6 Dec 2019
SW02	Basement Drainage Plan	Alpha Engineering and Development	B	6 Dec 2019
SW03	Ground Floor Drainage Plan	Alpha Engineering and Development	B	6 Dec 2019
SW04	First Floor and Roof Drainage Plan	Alpha Engineering and Development	B	6 Dec 2019
SW05	Stormwater Sections and Details	Alpha Engineering and Development	B	6 Dec 2019
L/00	Cover Sheet	A Total Concept Landscape Architects	B	6 Dec 2019
L/01	Proposed Landscape Plan	A Total Concept Landscape Architects	B	6 Dec 2019

Reference Documentation affixed with Council's 'Development Consent' stamp relating to Development Consent No. 2019/210:

Title / Description	Prepared by	Issue/Revision & Date	Date received by Council
BASIX Certificate	architeck	Cert. No. 1039441S_02 2 Dec 2019	6 Dec 2019
Waste Management	Urban Link	-	6 Dec 2019

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Plan			
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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.)

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

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

8. 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.)

9. CONSTRUCTION WITHIN BOUNDARIES (GC)

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

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

10. 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.)

11. 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

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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.)

12. LANDSCAPING TREES TO BE RETAINED

The existing tree in the north-western portion of the rear yard must be retained and protected.

13. REVISED SCHEDULE OF MATERIALS AND FINISHES (GC)

A revised and detailed schedule of materials and finishes must be submitted and approved by Council to confirm that the materials, finishes and colours are adequate with regard to the general streetscape character of the immediate vicinity and the adjoining heritage item.

Once written confirmation from Council has been received, the revised schedule must be submitted and approved by the Principal Certifying Authority prior to the issue of any Construction Certificate.

(Reason: To improve compatibility within the streetscape and the adjoining heritage item.)

14. 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.)

15. 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

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

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

16. STORMWATER MANAGEMENT PLAN - CERTIFICATION REQUIREMENT (GC)

A detailed Stormwater Management Plan (SWMP) in line with Council's Stormwater Management Code is to be prepared and certified by an Accredited Civil/Hydraulic Engineer and submitted to the Principal Certifying Authority and Council, prior to the issue of a

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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.)

17. **SYDNEY WATER - TAP IN™ (GC)**

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

(Reason: Compliance with Sydney Water requirements.)

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

18. **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.)

19. **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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20. CAR PARKING - BASEMENT CAR PARKING REQUIREMENTS (CC)

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

- i) Minimal internal clearance of the basement is 2.2m in accordance with BCA requirements. The maximum floor to ceiling height within the entire basement must be 2.2m (2.4m if disabled access provisions are to be provided) to ensure that the basement level is not utilised for habitable purposes.
- ii) Any parking spaces indicated within the basement must be capable of allowing vehicles to enter and exit the basement in a forward direction. Turning circles must be indicated on the relevant documentation to be submitted as part of the Construction Certificate.
- iii) Driveways shall comply with Australian/New Zealand Standard AS/NZS 2890.1:2004 - Parking facilities - Off-street car parking and achieve a maximum gradient of 1:4.
- iv) Basement entries and ramps/driveways within the property are to be no more than 3.5m wide.
- iv) Provision of pump-out systems and stormwater prevention shall be in accordance with Council's Stormwater Management Guide.

(Reason: To ensure suitable development.)

21. CAR PARKING - VEHICULAR ACCESS RAMPS (CC)

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

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

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

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

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

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

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Certificate.

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

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

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

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

(Reason: Compliance with SCDCP 2005.)

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

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

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

(Reason: To ensure compliance with statutory provisions.)

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

Works Permit

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

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

Standing Plant Permit

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

Skip Bin Permit

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

Temporary Full or Part Road Closure Permit

This permit must be applied for if you require a full or a part road closure to take place to assist in your construction works. Please use the Works Permit Application Form, which is

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available from Council's Customer Service Centre or can be downloaded from Council's website. The applicable fees and charges are located on Council's website. Please note a Road Closure Permit is not required for standing plant.

Hoarding/Fencing Permit

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

Work Zone Permit

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

Ground Anchoring Permit

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

(Reason: Council requirement.)

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

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

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

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

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

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

27. **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

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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.)

28. 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.)

29. LANDSCAPING - MAINTENANCE STRATEGY (CC)

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

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(Reason: Ensure landscape survival.)

30. **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.)

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

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

Local Amenity Improvement Levy	\$15,614.00
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The total amount of the contribution is valid as at the date of determination and is subject to quarterly indexation. The amount of the contribution under this condition shall be indexed in accordance with clause 4.12 of the Strathfield Indirect Development Contributions Plan 2010-2030.

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

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

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

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

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

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

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

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

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

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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.)

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

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

(Reason: Compliance and amenity.)

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

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

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

35. **WATER SUSTAINABILITY – GENERALLY (CC)**

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

- i) Toilet flushing;
- ii) clothes washing;
- iii) Garden irrigation;
- iv) Car washing and similar outdoor uses;
- v) Filling swimming pools, spa pools and ornamental ponds; and
- vi) Fire fighting.

(Reason: To promote sustainable water management practice.)

36. **WATER HEATING SYSTEMS - LOCATION OF (CC)**

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

(Reason: To maintain streetscape character.)

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

37. 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.)

38. 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).

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- 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.)

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

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

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

(Reason: Statutory requirement.)

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

40. **FILL MATERIAL (DW)**

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

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

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

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

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41. **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.)

42. **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.)

43. **SURVEY REPORT OF APPROVED LEVELS DURING AND POST CONSTRUCTION (DW)**

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

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

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

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

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

44. **CAR PARKING - SURPLUS VEHICULAR CROSSINGS (OC)**

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

(Reason: Maintenance of public infrastructure.)

45. **ENGINEERING WORKS (CERTIFICATION OF)**

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

- i) The stormwater drainage system; and/or
- ii) The car parking arrangement and area; and/or

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- 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.)

46. OCCUPATION OF BUILDING (OC)

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

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

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

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

(Reason: Statutory requirement.)

47. 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.)

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

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

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(Reason: Adequate stormwater management.)

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

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

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

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

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

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

(Reason: Safety and statutory compliance.)

CONDITIONS TO BE SATISFIED DURING ONGOING USE OF THE PREMISES (OU)

50. **SINGLE DWELLING USE (OU)**

The outbuilding must not be used or adapted for use as a separate domicile to the dwelling.

(Reason: To maintain the single dwelling use as approved by this consent.)

ATTACHMENTS

There are no attachments for this report.

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