

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, 31 May 2019

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

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TO: Strathfield Internal Development Assessment Panel Meeting - 31 May 2019
REPORT: IDAP – Report No. 1
SUBJECT: DA2019/041 - 350-374 PARRAMATTA ROAD, HOMEBUSH WEST
LOT 1 DP1184509
DA NO. DA2019/041

SUMMARY

Proposal: Installation of external signage to Building G
Applicant: Wormald Australia Pty Limited
Owner: The Trust Company Limited
Date of lodgement: 22 March 2019
Notification period: 29 March 2019 – 12 April 2019
Submissions received: None
Assessment officer: AT
Estimated cost of works: \$9,900
Zoning: IN1 - General Industrial - SLEP 2012
Heritage: Located within curtilage of Heritage Item (I63)
Flood affected: Yes
Is a Clause 4.6 variation proposed? No
RECOMMENDATION OF OFFICER: APPROVAL

EXECUTIVE SUMMARY

- 1.0 The subject application seeks approval for the installation of external signage to Building G at the entrance of the site from Parramatta Road.
- 2.0 The application was notified in accordance with Part L of the Strathfield Consolidated Development Control Plan 2005. No submissions were received.
- 3.0 The proposal is considered suitable and appropriate for the existing use on the site. The application is recommended for approval, subject to the conditions of consent.

BACKGROUND

22 March 2019 The subject application was submitted.

29 March 2019 The application was neighbour notified for a period of 14 days. No submissions were received as a result.

DESCRIPTION OF THE SITE AND LOCALITY

The subject site is legally described as Lot 1 in DP 1184509 and is commonly known as 350-374 Parramatta Road, Strathfield, or Campus Business Park. The site is located on the southern side of Parramatta Road and has an area of 12.18ha (**Figure 1**). Campus Business Park comprises a number of warehouses and industrial premises and the proposal specifically relates to Building G,

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located on the eastern side of the sites frontage (**Figure 1 and 2**) and currently operated by Wormald.

Campus Business Park comprises a locally listed heritage item (Heritage Item I63 prescribed in Schedule 5 of SLEP 2012) which is the brick façade of the former Ford factory building, located on the western side of the sites frontage (**Figure 2**).

The southern side of Parramatta Road comprises a mixture of uses including residential, commercial and industrial uses.



Figure 1: Aerial view of the subject site (highlighted in red), Building G (location identified in blue) and the surrounding area.

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Figure 2: Photograph of the site frontage, including Building G (LHS) and the brick façade of the former Ford factory building (Heritage Item I63, RHS).

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 proposal is for the installation of business identification signage flat mounted onto an existing oblique concrete wall at the entrance to the site and Building G, fronting Parramatta Road. The location of the proposed sign is shown in **Figure 3 and 5**.

The proposed sign is 4000mm in width, 700mm in height and 40mm in depth. The sign will be contained entirely within the elevation of the wall it is to be mounted on and it is a minimum 1.4m in height from the ground level. The sign contains the name of the business, 'Wormald' and the associated business logo (**Figure 4 and 5**). The proposed sign is internally illuminated with a 'halo' effect.

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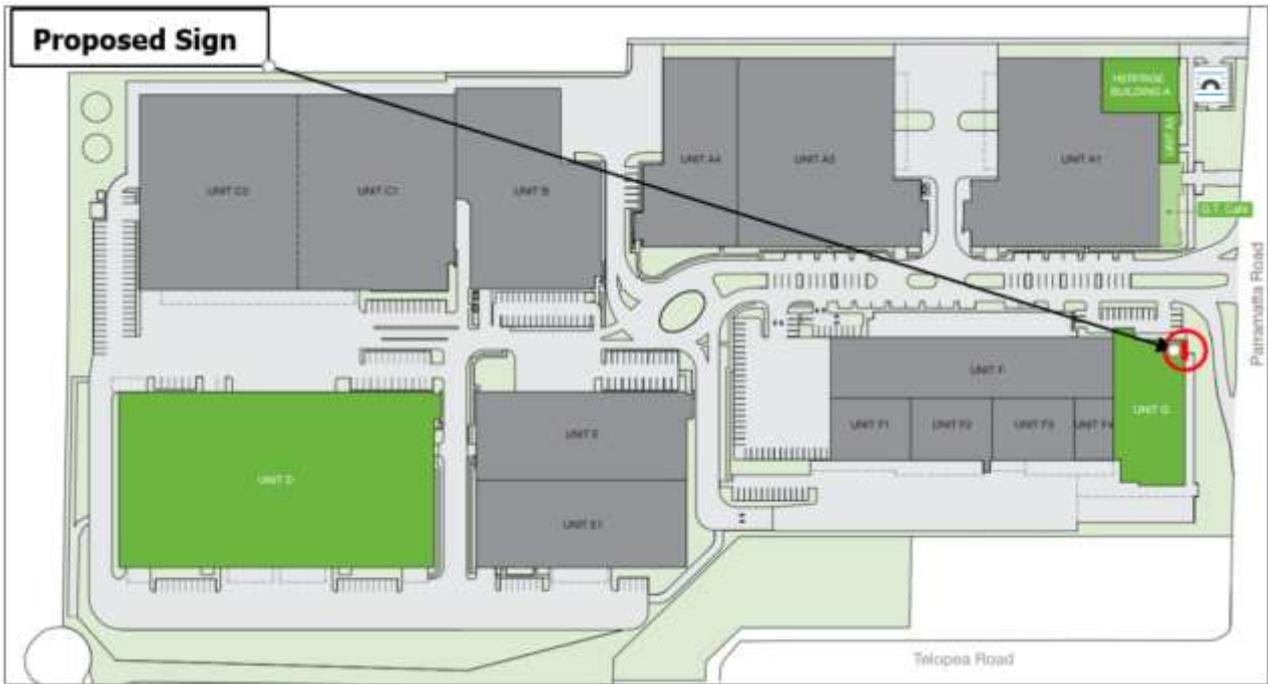


Figure 3: Extract of the site plan showing the location of the proposed sign (identified in red)



Figure 4: The proposed signage



Figure 5: Photomontage of the proposed wall-mounted sign

REFERRALS

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INTERNAL REFERRALS

Heritage Comments

Council's Heritage Advisor provided comments on the proposal as follows:

The existing building is a multi-storey commercial building that forms part of a larger business park on the site. Located within the business park is a listed item under Schedule 5 of the Strathfield Local Environmental Plan 2012 being the former Ford Factory (item I 63) which specifically lists the façade of the building as being of heritage significance. It is noted that the building that the subject of the proposed works is located is within the curtilage of the heritage item, but not physically attached.

Heritage Impact Statement

A brief Statement of Heritage Impact was submitted with the development application for assessment. It is noted that the SoEE submitted does not address the provisions of Part P of the DCP.

LEP/DCP

The proposal involves installation of signage associated with the use of Building G, located at the entry to the business park on an existing wall. The HIS describes the proposed works as involving a modern rendered concrete wall outside Building G, using welded aluminium L-angled frames which will be attached with screws.

The HIS states that, while being within the identified curtilage of the item, there will be no impacts to the former Ford Factory Building which lies to the north west of Building G. Building G forms part of the later complex and is physically separated from the item by the central access road. The proposal is therefore considered to be acceptable on heritage grounds.

Recommendations

The proposal raises no concerns on heritage grounds and no special conditions are recommended.

In summary, Council's Heritage Advisor raised no objection 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 NO. 55 – REMEDIATION OF LAND (SEPP 55)

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

The existing use of the site is a service station, and therefore the site may be contaminated. Clause 7(1) of SEPP 55 states:

- (1) A consent authority must not consent to the carrying out of any development on land unless:
- (a) it has considered whether the land is contaminated, and

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- (b) *if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*
- (c) *if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.*

As the proposal is for wall-mounted signage and no groundworks are involved, no further site investigation is required. The objectives outlined within SEPP55 are considered to be satisfied.

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

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

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

No trees are proposed to be removed as part of this application, and given the nature of the proposal and the substantial separation between the proposed replacement signage and any tree, no further investigation is required.

STATE ENVIRONMENTAL PLANNING POLICY (INFRASTRUCTURE) 2007

The proposed development is required to be assessed against the objectives of Clause 101 of the Infrastructure SEPP 2007 as the site provides a frontage to a classified road, being Parramatta Road. The objectives of Clause 101(1) of the Infrastructure SEPP require development:

- (a) *To ensure that new development does not compromise the effective and ongoing operation and function of classified roads, and*
- (b) *To prevent or reduce the potential impact of traffic noise and vehicle emission on development adjacent to classified roads.*

The proposed sign is for business identification purposes and it is to be mounted on an existing oblique wall located at the site and Building G entry. The proposed works will not interfere with the existing vehicular access onto the site or within the site itself as it will be mounted flush to the wall and contained within the elevation of the wall. The proposed sign will be setback substantially (approximately 18m) from Parramatta Road. The signage will be internally illuminated using a halo effect around the lettering. It is considered suitable to impose a condition requiring the signage to comply with Australian Standard AS 4282-1997: Control of the Obtrusive Effects of Outdoor Lighting. Furthermore, a condition of consent is recommended so that the sign does not flash and distract road users. Accordingly, the proposed development is unlikely to create a distraction for road users on Parramatta Road and therefore satisfies the requirements of the Infrastructure SEPP 2007.

STATE ENVIRONMENTAL PLANNING POLICY NO 64 – ADVERTISING AND SIGNAGE

SEPP 64 aims to ensure outdoor advertising is compatible with the desired amenity and visual character of an area, provides effective communication in suitable locations, and is of high-quality design and finish. It is acknowledged, Strathfield Council is the consent authority and must not grant development consent unless it is satisfied with Clause 8 which states the following:

- (a) *That the signage is consistent with objectives of this Policy as set out in Clause 3 (1) (a), and*

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(b) That the signage the subject of the application satisfies the assessment criteria specified in Schedule 1.

The objectives of this Policy as set out in Clause 3 (1) (a) are:

(1) This Policy aims:

(a) to ensure that signage (including advertising):

(i) is compatible with the desired amenity and visual character of an area, and

(ii) provides effective communication in suitable locations, and

(iii) is of high quality design and finish, and

(b) to regulate signage (but not content) under Part 4 of the Act, and

(c) to provide time-limited consents for the display of certain advertisements, and

(d) to regulate the display of advertisements in transport corridors, and

(e) to ensure that public benefits may be derived from advertising in and adjacent to transport corridors.

(2) This Policy does not regulate the content of signage and does not require consent for a change in the content of signage.

The table below provides an assessment of the proposal against the assessment criteria in Schedule 1 of SEPP 64.

Section	Assessment Criteria	Required	Proposed	Compliance
1	Character of the Area	Compatible with existing and future likely character of the area.	The proposed signage is appropriately sited and compatible with the size and scale of existing development on the site and with similar commercial and industrial developments along the southern side of Parramatta Road.	Yes.
2	Special Areas	Does the proposal detract from the amenity or visual quality of environmentally sensitive areas, heritage areas, natural or other conservation areas, open space, waterways, rural landscapes or residential areas?	<p>Whilst residential land uses are located to the east and west of the site (but not directly adjoining), the proposed sign is orientated away and adequately setback from these residential properties. As such, the proposal is unlikely to detract from the amenity of residents.</p> <p>The proposed signage will include measures to automatically adjust the light intensity and consequent glare according to different times of the day.</p> <p>The proposed sign is within the curtilage of a Heritage Item, and as discussed previously in this report, Council's Heritage Advisor had no objections to the proposal as the sign is adequately separated from the Heritage Item through the width of the vehicle entry to the Business Park.</p> <p>There are no other neighbouring environmentally sensitive areas,</p>	Yes.

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Section	Assessment Criteria	Required	Proposed	Compliance
			natural or other conservation areas, open space, waterways or rural landscaped areas.	
3	Views and Vistas	Does the proposal: a) Obscure or compromise important view? b) Dominate the skyline and reduce the quality of vistas? c) Respect the viewing rights of other advertisers?	Given that the subject site is a business park and the sign is to be mounted on, and contained within the elevation of an existing wall, it will not obscure or compromise any views.	Yes.
4	Streetscape, Setting or Landscape	Is the scale, proportion and form appropriate? Does the proposal: a) Contribute to visual interest? b) Reduce clutter by rationalising and simplifying existing signage? b) Screen unsightliness? c) Protrude above buildings, structures or tree canopies? d) Require ongoing vegetation management?	The proposed signage is contained within the elevation of an existing wall and has dimensions which are common for business signage used elsewhere in the business park. a) The proposal will not detract from the visual quality of the surrounding area as it is not out of character with the existing business park and other commercial and industrial uses along Parramatta Road. b) Whilst the proposal does not reduce clutter or rationalise signage, the simplistic design is not considered to result in a cluttered appearance. Its design and appearance is in character with other business identification signage for the business park. c) The proposal does not screen unsightliness. d) The proposal does not protrude above the existing wall it is to be mounted on. e) The proposal does not require ongoing vegetation management.	Yes. Yes. Yes. Yes. Yes.
5	Site and Building	Is the proposal compatible with the scale, proportion and other characteristics of the site? Does the proposal respect	The proposed sign will be flush to the entry wall and will be contained within the elevation of this wall. The size and scale of the proposed sign is similar to other business identification signs in the business park. The proposal will not require the	Yes. Yes.

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Section	Assessment Criteria	Required	Proposed	Compliance
		<p>important features of the site or building or both?</p> <p>Does the proposal show innovation and imagination in its relationship to the site or building or both?</p>	<p>removal of any mature trees and does not affect features of the business park. As previously discussed, the proposal will not detract from the significance of the heritage item located on the site.</p> <p>The signage is for business identification purposes, and given this and the setting of the sign it is not considered that the sign needs to show innovation and imagination.</p>	Yes.
6	Associated Devices and Logos	Have any safety devices, platforms, lighting devices or logos been designed as part of the structure?	<p>The proposed sign will be internally illuminated using a halo effect around the lettering. A condition of consent is recommended for the illuminance levels to comply with Australian Standards and also to restrict the lighting from flashing.</p> <p>The sign includes the logo of the business which will assist with business identification and wayfinding.</p>	Yes.
7	Illumination	<p>Would illumination:</p> <p>a) Result in unacceptable glare?</p> <p>b) Affect safety for pedestrians, vehicles or aircraft?</p> <p>c) Detract from nearby residence or accommodation?</p>	<p>The proposed sign will be internally illuminated using a halo effect around the lettering. A condition of consent is recommended for the illuminance levels to comply with Australian Standards and also to restrict the lighting from flashing.</p> <p>Subject to these conditions of consent, the proposed sign is not anticipated affect safety for pedestrians, vehicles or aircraft.</p>	Yes, refer to conditions.
8	Safety	<p>Would the proposal:</p> <p>a) Reduce safety for any public road?</p> <p>b) Reduce safety for pedestrians or cyclists?</p> <p>c) Reduce safety, for children by obscuring sight lines from public areas?</p>	<p>The proposed sign will not affect road safety on Parramatta Road, due to the substantial setback from the road and relatively low height (1.4m from ground level). Furthermore, conditions of consent are recommended to restrict luminance levels and flashing. As the sign will be affixed to the elevation of an existing wall, sightlines will not be affected.</p>	Yes.

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Section	Assessment Criteria	Required	Proposed	Compliance
22	Wall advertisements	<p>Only one wall advertisement may be displayed per building elevation.</p> <p>Does the wall advertisement:</p> <p>a) Protrude more than 300mm from the wall?</p> <p>b) Protrude above the parapet or eaves?</p> <p>c) Extend over a window or other opening?</p> <p>d) Obscure significant architectural elements of the building?</p>	<p>The western elevation will be limited to one wall advertisement.</p> <p>a) The wall advertisement protrudes 40mm from the wall.</p> <p>b) The wall advertisement is contained within the dimensions of the wall (i.e. does not protrude above the height or past the sides of the wall)</p> <p>c) The wall does not contain any openings.</p> <p>d) The proposed signage does not obscure architectural elements of the wall.</p>	Yes.

STRATHFIELD LOCAL ENVIRONMENTAL PLAN 2012 (SLEP 2012)

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

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

Permissibility

The subject site is zoned IN1 - General Industrial under Strathfield Local Environmental Plan (SLEP) 2012.

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A business identification sign is permissible within the General Industrial Zone with consent and is defined under SLEP 2012 as follows:

“Signage means any sign, notice, device, representation or advertisement that advertises or promotes any goods, services or events and any structure or vessel that is principally designed for, or that is used for, the display of signage, and includes any of the following:

- (a) an advertising structure,
- (b) a building identification sign,
- (c) a business identification sign,

business identification sign means a sign:

- (a) that indicates:
 - (i) the name of the person or business, and
 - (ii) the nature of the business carried on by the person at the premises or place at which the sign is displayed, and
- (b) that may include the address of the premises or place and a logo or other symbol that identifies the business,”

The site is currently operating as one of the buildings within Campus Business Park complex, containing a number of warehouses and industrial premises. The proposed development would be specifically contained to Warehouse Unit G, which is located along Parramatta Road frontage.

Development for the purposes of advertising and signage is permissible with consent under SEPP 64.

Zone Objectives

The proposed sign is not inconsistent with the objectives of the IN1 – General Industrial zone.

Part 4: Principal development standards

There are no relevant provisions contained within Part 4 of the SLEP 2012 which relate to the proposed development.

Part 5: Miscellaneous Provisions

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

5.10 Heritage Conservation

The Campus Business Park comprises a locally listed heritage item (Item 163 in Schedule 5 of SLEP 2012). Council’s Heritage Advisor provided the following comments on the proposal:

The proposal involves installation of signage associated with the use of Building G, located at the entry to the business park on an existing wall. The HIS describes the proposed works as involving a modern rendered concrete wall outside Building G, using welded aluminium L-angled frames which will be attached with screws.

The HIS states that, while being within the identified curtilage of the item, there will be no impacts to the former Ford Factory Building which lies to the north west of Building G. Building G forms part of the later complex and is physically separated from the item by the central access road. The proposal is therefore considered to be acceptable on heritage grounds.

Recommendations

The proposal raises no concerns on heritage grounds and no special conditions are recommended

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In summary, Council's Heritage Advisor raised no objection to the proposal as it is not considered to affect the significance of the heritage item.

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 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 Clause 6.1 of the SLEP, 2012. Furthermore, the proposal is for the replacement of wall-mounted signage, and so will not impact on the acid sulfate soils.

6.2 Earthworks

The development application is for a wall-mounted digital sign and does not require any earthworks.

6.3 Flood Planning

The subject site is identified as being within the 1 in 100yr ARI storm event extent in accordance with Cooks River and Cox Creek flood study. The flood area affecting the site is minor and given that the proposal is for wall-mounted replacement signage, a Flood Impact Statement is not required.

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.

6.6 Erection or display of signage

Clause 6.6 of the SLEP 2012 requires consideration to be given for the compatibility of the proposed signage with the desired amenity and visual character of the area. The proposed development incorporates a sign identifying the name of the business operating on the site which is compatible with the area and an assessment of this has been provided against the provisions of SEPP 64.

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 J – ERECTION AND DISPLAY OF ADVERTISING SIGNS AND STRUCTURES

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

Cl. 1.3	Aims	Complies
1	<i>To encourage signage which complements the dominant urban character of an area, including the built and landscape character.</i>	Yes
2	<i>To provide guidelines for the display of advertisements and ensure that outdoor advertising: (a) conveys an advertiser's messages and images while complementing and conforming with the visual appearance of the building or structure on which it is displayed and the amenity of the surrounding environment; (b) does not adversely affect the area in which it is located in terms of appearance, size, illumination, overshadowing, loss of amenity, or in any other way; (c) does not lead to visual clutter through the proliferation of signs; (d) is designed and installed to an acceptable level of safety and serviceability; and (e) is designed to have minimal adverse impacts on driver or pedestrian safety.</i>	Yes
3	<i>To implement a plan which enables an assessment of the proposed advertisement to be made.</i>	Yes

Comments: The proposed signage is simplistic in design and will not add visual clutter is suitably separated from other signage within the business park. The signage is considered appropriate to the commercial uses within the business park and the surrounding uses along the southern side of Parramatta Road. The proposed signage will not result in any adverse amenity impacts to neighbouring properties, nor result in any safety hazards.

2.1: Signs in all areas

	Special Provisions	Complies
(ii)	Sign is not prone to deterioration in appearance and is not redundant, unsightly or objectionable	Yes
(iii)	Advertisements, signs and advertising structures are not displayed in a manner which obscures or interferes with road traffic signs	Yes
(iv)	Advertising sign must be displayed in English and can be translated in another language. Translation is accurate and complete. Wording and/or numbers is not greater than the English message.	Yes

The advertisement/ sign is not any of the following:

(vi)	(a)	Roof sign or wall sign projecting above the roof or wall to which it is affixed;	Yes
	(b)	Flashing or moving signs or advertisements;	Yes
	(c)	Signs, not defined as a temporary sign, made of canvas, fabric, or any type of airborne sign except a temporary sign;	Yes
	(d)	Fly posters	Yes
	(e)	Signs affixed to the surface of a public footway or public roadway	Yes

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(f)	Signs which may obscure, obstruct or interfere with any road traffic	Yes
(g)	Signs prohibited under the Tobacco Advertising Prohibition Act 1992	Yes
(h)	Signs other than a business identification sign, directional sign, real estate sign or temporary sign within the R2, R3 and R4 zones.	Yes

Comments: The proposed sign will be setback approximately 18m behind Parramatta Road. Whilst it is to be internally illuminated, this is just through the halo affect around the lettering and logo. A condition of consent is recommended to ensure that lighting complies with Australian Standards and does not include flashing.

2.3: Signage in the B Zones – Commercial Areas

	Aims	Satisfactory
(i)	Permit the adequate display of information concerning the identification of premises, the name of the occupier and the activity conducted on the land;	Yes
(ii)	Enhance and add to the commercial/retail vitality of the area without adversely affecting the amenity of the locality;	Yes
(iii)	Ensure that signs are in keeping with the scale and character of the building to which they are affixed and not detract from the architectural treatment;	Yes
(iv)	Ensure that all businesses have the opportunity for reasonable exposure for the purposes of identification.	Yes

Comments: Whilst the subject site is in an industrial zone, the site comprises a business park with predominately commercial uses. The proposed replacement signage will be flush to an existing wall at the entry to the site and also Building G and will be contained within the elevation of the wall. Therefore, it is considered to be suitably located and to integrate well into the surrounds. The signage is appropriate for the business park, and other nearby commercial and industrial developments.

4: Schedule 2

ITEM 6 - Flush wall signs

	Development Controls	Complies
(a)	Where it is illuminated, the flush wall sign is not less than 2.6m above the ground	No, see comments below
(b)	The flush wall sign does not extend laterally beyond the wall of the building to which it is attached	Yes
(c)	The flush wall sign does not project above the top of the wall to which it is attached more than - (i) 2.4m; or (ii) 50% of its height, whichever is the lesser	Yes
(d)	Where of a skeleton letter type, the flush wall sign does not have an	Yes

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advertising area greater than 4.6 times the distance (to the nearest whole metre) between the lowest part of the sign and the ground

(e)	Where not of a skeleton letter type, the flush wall sign does not have an advertising area, in square metres, greater than three times the distance (to the nearest whole metre) between the lowest part of the sign and the ground.	Yes
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Comments: The signage will remain flush to the elevation of an existing wall, be contained within the dimensions of the wall and is only 40mm in depth. Whilst the sign is internally illuminated it is only 1.4m above the ground. Whilst the controls require the flush wall sign to be not less than 2.6m above the ground, the height of the sign is considered acceptable in this instance given that the location of the sign is ideal at the entrance to the site and Building G, and the height of the sign is limited by the height of the existing wall.

2.6 Guidelines for the Erection and Display of Advertisements along Parramatta Road

	Performance Criteria	Complies
(i)	<i>Advertisements, in general, identify the building and its function but don't advertise the products sold on the subject premises.</i>	Yes
(v)	<i>Illuminated advertisements at night are permissible provided they comply with the guidelines set out elsewhere in the DCP.</i>	Yes

Comments: The proposal sign identifies the business through the name and logo and it does not advertise the products sold on the subject premises, in accordance with the controls. A condition of consent is recommended that the illumination levels comply with Australian Standards and do not comprise any flashing.

PART P – HERITAGE

2.15 Signage

Objectives

- a. To allow for appropriate signage on heritage items, complementing the historic character of the building
- b. To ensure the original details of heritage items are not obscured by inappropriate signage.
- c. To conserve existing heritage signs which have cultural significance. Controls

(i) Signage on commercial buildings is to be confined to:

- an under-awning sign of appropriate size;
- a window sign in the ground floor shopfront of appropriate design; or
- a first floor sign contained within a purpose designed panel on the building façade.

(ii) The architectural details of a building are not to be obscured or damaged by commercial signage.

(iii) Signage for the use of residential buildings for professional rooms or commercial purposes is to be designed to have minimal impact on the significance of the heritage item.

(iv) Backlight signs and neon signs should only be allowed for under-awning signs on commercial buildings.

(v) Advertising structures are not permitted.

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Comment: The Campus Business Park comprises a locally listed heritage item (Item I63 in Schedule 5 of SLEP 2012). Council's Heritage Advisor provided the following comments on the proposal:

The proposal involves installation of signage associated with the use of Building G, located at the entry to the business park on an existing wall. The HIS describes the proposed works as involving a modern rendered concrete wall outside Building G, using welded aluminium L-angled frames which will be attached with screws.

The HIS states that, while being within the identified curtilage of the item, there will be no impacts to the former Ford Factory Building which lies to the north west of Building G. Building G forms part of the later complex and is physically separated from the item by the central access road. The proposal is therefore considered to be acceptable on heritage grounds.

In summary, Council's Heritage Advisor raised no objection to the proposal as it is not considered to affect the significance of the heritage item. The proposed does not obscure or damage any architectural elements of the heritage item.

PART H - WASTE MANAGEMENT (SCDCP 2005)

Whilst a Waste Management Plan was not submitted as part of the development application it is considered acceptable as the proposal is not anticipated to produce any substantial amount of waste.

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

N/A

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

Overall, the proposed design has been considered with respect to adjoining properties to minimise adverse impacts to adjoining neighbours and achieve an appropriate level of streetscape compatibility.

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

The site comprises Campus Business Park and the site is considered suitable for the proposed signage which relates to a commercial use on the site. There are no environmental constraints affecting the site which make it unsuitable for the proposed development.

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

The application was publicly notified from **29 March 2019** to **12 April 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

DA2019/041 - 350-374 Parramatta Road, Homebush West
LOT 1 DP1184509 (Cont'd)

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

LOCAL INFRASTRUCTURE CONTRIBUTIONS

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

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

STRATHFIELD INDIRECT SECTION 7.12 CONTRIBUTIONS PLAN

Section 7.12 Contributions are not applicable to the proposed development as the cost of works is less than \$100,000, which is the threshold which triggers a contribution payment under the Strathfield Indirect Development Contributions Plan 2010-2030.

CONCLUSION

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

PEER REVIEW

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

RECOMMENDATION

That Development Application No. DA2019/041 for the Installation of external signage to Building G at 350-374 Parramatta Road Strathfield be **APPROVED**, subject to the following conditions:

SPECIAL CONDITIONS (SC)

1. SIGNAGE DISPLAY (SC)

The proposed development must not have/use:

- a) Flashing lights;
- b) Animated display, moving parts or stimulated movement;
- c) Complex displays that hold a driver's attention beyond 'glance appreciation'; and
- d) Display resembling traffic signs or signals.

Reason: To ensure road safety along Parramatta Road.

GENERAL CONDITIONS (GC)

2. APPROVED PLANS AND REFERENCE DOCUMENTATION (GC)

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

DA2019/041 - 350-374 Parramatta Road, Homebush West
 LOT 1 DP1184509 (Cont'd)

Plans affixed with Council's 'Development Consent' stamp relating to Development Consent No. 2019/041:

Title/Description	Prepared by	Issue / Revision & Date	Date received by Council
Site Plan	-	-	22 March 2019
Front Elevation and Dimensions	Signarama	-	22 March 2019

Title / Description	Prepared by	Issue/Revision & Date	Date received by Council
Statement of Environmental Effects (including Site Plan)	WillowTree Planning	February 2019	22 March 2019
Heritage Impact Statement	Artefact Heritage	8 February 2019	22 March 2019

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

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

3. CONSTRUCTION HOURS (GC)

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

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

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

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

4. CONSTRUCTION WITHIN BOUNDARIES (GC)

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

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

5. LIGHTING (GC)

Any lighting of the premises shall be installed and maintained in accordance with Australian Standard AS 4282-1997: Control of the Obtrusive Effects of Outdoor Lighting so as to avoid annoyance to the occupants of adjoining premises or glare to motorists on nearby roads.

No flashing, moving or intermittent lighting, visible from any public place may be installed on the premises or external signage associated with the development, without the prior

DA2019/041 - 350-374 Parramatta Road, Homebush West
LOT 1 DP1184509 (Cont'd)

approval of Council.

(Reason: To protect the amenity of surrounding development and protect public safety.)

6. BUILDING CODE OF AUSTRALIA – COMPLIANCE WITH (GC)

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).

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

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

7. 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.)

ATTACHMENTS

There are no attachments for this report.

TO: Strathfield Internal Development Assessment Panel Meeting - 31 May 2019
REPORT: IDAP – Report No. 2
SUBJECT: DA2016/199/01 - 4-6 FIRTH AVENUE, STRATHFIELD
LOT F DP 310749 & LOT 105 DP 8778

DA NO. 2016/199/01

SUMMARY

Proposal: Modification to add a new rear window, reduce the size of the rear roof and proposed new outbuilding.

Applicant: In Vision Design

Owner: Mansor Ahmed and Aliya Natasa Parker

Date of lodgement: 14 March 2019

Notification period: 22 March 2019 – 5 April 2019

Submissions received: One (1)

Assessment officer: LM

Estimated cost of works: N/A

Zoning: R2 Low Density Residential - SLEP 2012

Heritage: N/A

Flood affected: No

Is a Clause 4.6 variation proposed? No

RECOMMENDATION OF OFFICER: Approval

EXECUTIVE SUMMARY

- 1.0 On 22 February 2017, development consent was granted by the Internal Development Assessment Panel (IDAP) for the demolition of existing structures and construction of a new two (2) storey residential dwelling with a basement carpark, in-ground swimming pool, cabana and front fence. As part of this determination, Condition 8 was imposed in the consent, which specified that the cabana is to be removed from the approved plans. This was due to the potential tree impacts, the use of the building being primarily habitable and the overall floor area being contrary to Part A of the Strathfield Consolidated Development Control Plan (SCDCP) 2005.
- 2.0 The current application under Section 4.55 (2) of the *Environmental Planning and Assessment Act* (EP&A Act) 1979 seeks to amend the original consent by adding a new rear window, reducing the size of the rear roof and construction of the proposed new outbuilding.
- 3.0 The application was notified in accordance with Part L of the SCDCP 2005 from 22 March 2019 to 5 April 2019. One (1) submission was received during this time, raising concerns in relation to potential privacy issues from the additional highlight window proposed outside bedroom 2.

DA2016/199/01 - 4-6 Firth Avenue, Strathfield
Lot F DP 310749 & Lot 105 DP 8778
(Cont'd)

- 4.0 The proposed modifications will comply with the relevant standards under the Strathfield Local Environmental Plan (SLEP) 2012 and the SCDCP 2005, with the exception of the floor area of the cabana.
- 5.0 The application is considered appropriate and is therefore recommended for approval, subject to the recommended conditions of consent.

BACKGROUND

- 22 February 2017** DA2017/199 was approved by Council for the demolition of existing structures and construction of a new two (2) storey residential dwelling with a basement carpark, in-ground swimming pool and front fence. Condition 8 was included in the consent that specified the cabana is to be deleted from the approved plans. This was due to the potential tree impacts, the proposed floor area being contrary to Part A of the SCDCP 2005 and the overall building being used for habitable purposes.
- 14 March 2019** A modification application was lodged at Council, seeking consent by adding a new rear window, reduce the size of the rear roof and proposed new outbuilding.
- 22 March 2019** The application was notified in accordance with Part L of the SCDCP 2005 from 22 March 2019 to 5 April 2019. One (1) submission was received during this time.
- 28 March 2019** Councils Planning Officer called the objectors to discuss the issues raised in the submission. As there was no answer, a subsequent email was sent. No response was provided.
- 2 April 2019** Councils Planning Officer attended a site inspection.
- 23 April 2019** An email was sent to the applicant seeking further clarification on the use of the cabana. As there was no response was provided within seven (7) days, an assessment continued based on the information that was provided.

DESCRIPTION OF THE SITE AND LOCALITY

The subject site is legally described as Lot F DP310749 & Lot 105 DP 8778 and is commonly known as 4-6 Firth Avenue, Strathfield (**Figure 1**). The subject property covers over two (2) separate lots and has a total site area of 2,132.6m². The site is rectangular in shape and provides a slight cross fall to the north-west. The approved residential dwelling under DA2018/199 is currently under construction on the subject site and is shown in **Figure 2** below. The rear of the subject site currently consists of greenery with one (1) tree that is mature in height (**Figures 3 and 4**).

The current streetscape primarily consists of single and two (2) storey residential dwellings with facebrick and tile pitched roof forms (**Figures 5 and 6**).

DA2016/199/01 - 4-6 Firth Avenue, Strathfield
 Lot F DP 310749 & Lot 105 DP 8778
 (Cont'd)

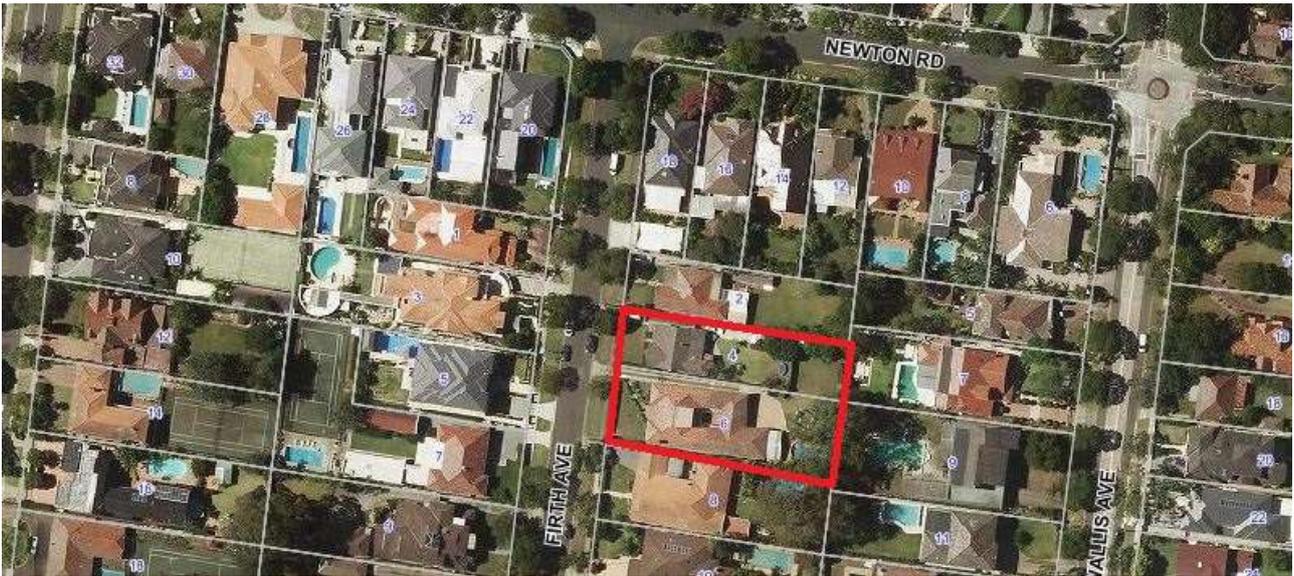


Figure 1: The site (as highlighted in red) and the surrounding context.



Figure 2: The existing dwelling located on site, being constructed (DA2016/199).

DA2016/199/01 - 4-6 Firth Avenue, Strathfield
Lot F DP 310749 & Lot 105 DP 8778
(Cont'd)



Figure 3: The rear of the subject property (southeast) where the cabana is sought to be located.



Figure 4: The tree located at the rear of the property that is to be protected as detailed in the consent and as per the recommendations made in the Arboricultural report.

DA2016/199/01 - 4-6 Firth Avenue, Strathfield
Lot F DP 310749 & Lot 105 DP 8778
(Cont'd)



Figure 5: Nearby residential dwelling located on Firth Avenue.



Figure 6: Nearby residential dwelling located on Firth Avenue.

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

This application seeks to modify the original consent as follows:

- Construction of an additional window outside bedroom 2;
- Removal of Condition 8 to allow for the construction of the cabana (as originally sought under the approved development application); and
- A reduction in height of the roof feature on the ground floor level (outside the kitchen on the ground floor level) by 800mm.

DA2016/199/01 - 4-6 Firth Avenue, Strathfield
 Lot F DP 310749 & Lot 105 DP 8778
 (Cont'd)

Proposed works in red is shown in **Figure 7**.

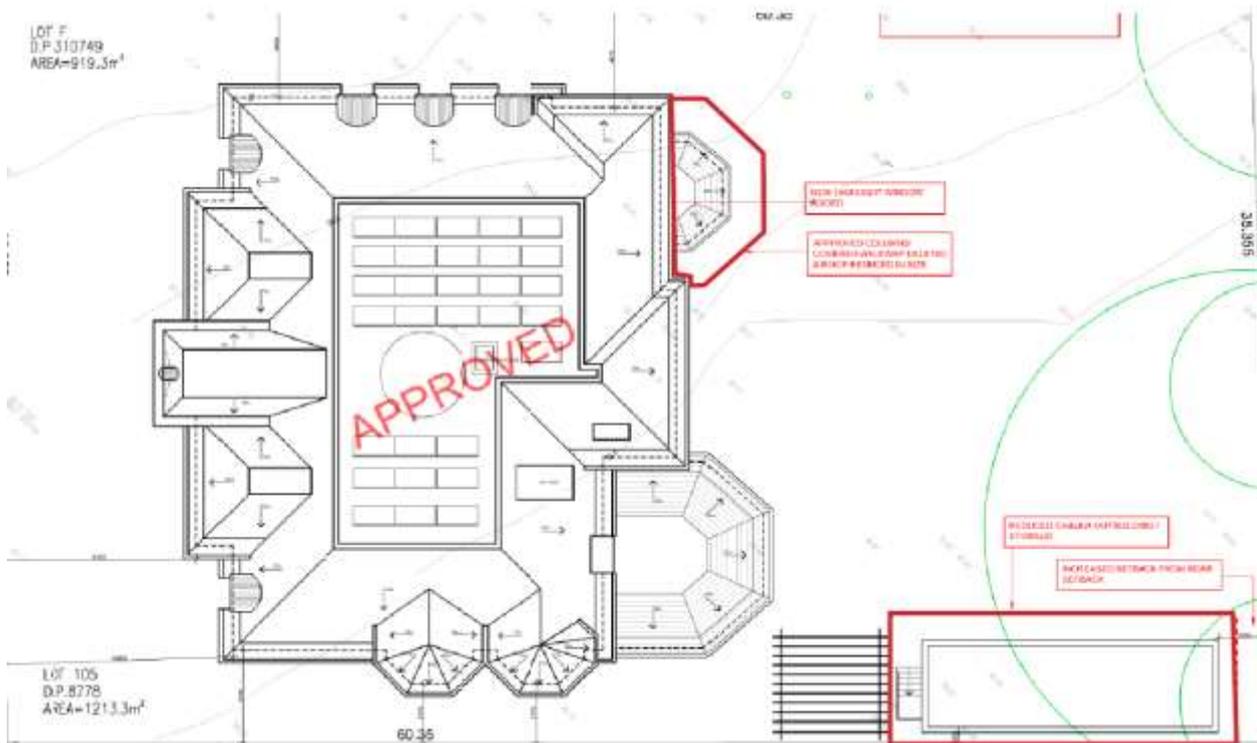


Figure 7: A plan demonstrating the proposed works, as outlined in red.

REFERRALS

INTERNAL REFERRALS

Engineering Comments

Council's Stormwater Engineer offered no further objection to the modification applicable subject to the existing conditions in the original consent remaining active.

Landscaping Comments

Council's Tree Management Officer offered no further objections to the proposal as the construction of the cabana will not result in any additional excavation (as it will be built over the natural ground level). This will therefore minimise the health impact of the nearby tree.

SECTION 4.15 CONSIDERATIONS – EP&A Act, 1979

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

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

STATE ENVIRONMENTAL PLANNING POLICY (SEPP) – BASIX 2004

In accordance with the BASIX SEPP, all new housing in NSW is required to meet a designated target for energy and water reduction. As a new window is proposed outside bedroom 2 (on the first floor), a new BASIX certificate was provided, which indicated that the amended plans will

DA2016/199/01 - 4-6 Firth Avenue, Strathfield
 Lot F DP 310749 & Lot 105 DP 8778
 (Cont'd)

continue to meet the required reduction targets. **Condition 1** has been amended to reflect the updated BASIX certificate.

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

SEPP 55 applies to the land and pursuant to Section 4.15 is a relevant consideration. A review of the available history for the site gives no indication that the land associated with this development is contaminated. There were no historic uses that would trigger further site investigations.

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.

Although this application is not seeking the removal of any additional trees, the application was referred to Councils Tree Management Officer to ensure that the construction of the cabana will not result in any additional health impacts to the tree located at the rear.

It is confirmed that the construction of the cabana will not result in any additional health impacts to the nearby tree as no excavation works are sought. As a result, **Condition 48** will still be imposed in the consent, which specifies that the nearby tree is to be protected.

STATE ENVIRONMENTAL PLANNING POLICY (COASTAL MANAGEMENT) 2018

The Coastal Management SEPP does not apply to the site.

STRATHFIELD LOCAL ENVIRONMENTAL PLAN 2012 (SLEP 2012)

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

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

Comments: The proposed modifications are consistent with the abovementioned aims of the SLEP 2012.

DA2016/199/01 - 4-6 Firth Avenue, Strathfield
 Lot F DP 310749 & Lot 105 DP 8778
 (Cont'd)

Permissibility

The subject site is zoned R2 Low Density Residential under the SLEP 2012. The proposed modification will not alter the approved use of the subject application, being for the purpose of a '**dwelling house**.' The proposed cabana is an ancillary development to the '**dwelling house**.'

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>	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

Comments: The amended plans are consistent with the general aims for the R2 Low Density Residential zone under the SLEP 2012.

Height of building

Cl.	Standard	Controls	Proposed	Complies
4.3	Height of building	8.8m	No Change.	Yes

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

Comments: No changes are sought to the maximum building height of the dwelling.

Floor space ratio

Cl.	Standard	Controls	Approved	Proposed	Complies
4.4	Floor space ratio	0.50:1 (1066.30m ²)	0.44:1 (938.64m ²)	0.472:1 (1007.42m ²)	Yes

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

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 (Cont'd)

Part 6: Local Provisions

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

6.1 Acid sulfate soils

The site is situated in Class 5 Acid Sulfate Soils and is not situated within 500m of Class 1, 2, or 4 soils. As a result, the objectives under this Clause are considered to be satisfied.

6.2 Earthworks

No additional activities that may result in the disruption of soils are proposed as part of this modification application.

6.4 Essential services

Proposed works will not influence the availability and access of services to the site.

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

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

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

STRATHFIELD CONSOLIDATED DEVELOPMENT CONTROL PLAN 2005 (SCDCP 2005)

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

PART A – DWELLING HOUSES AND ANCILLARY STRUCTURES

2.1 Objectives	Satisfactory
A. To ensure that development respects the predominant height, scale, character, type, form, colour, materials and architectural qualities of the existing dwelling house (in the case of alterations and additions) and surrounding neighbourhood especially any adjoining or nearby heritage item or heritage conservation area.	Yes
B. To achieve quality architecture in new development through the appropriate composition and articulation of building elements.	Yes

Comments: The proposal will result in reduction to the roof height at the rear of the primary dwelling (outside the approved kitchen), to reflect the additional window outside Bedroom 2. The overall architectural design of the subject dwelling is generally consistent from what was originally approved as the building design is still well articulated, thus ensuring that the overall bulk and scale of the dwelling is generally consistent with the neighbouring dwellings.

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

7.2 Development Controls	Complies
.1. Visual Privacy	

DA2016/199/01 - 4-6 Firth Avenue, Strathfield
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 (Cont'd)

	1	Protect POS, bedrooms, balconies and living rooms of proposed and any existing adjoining dwellings from direct overlooking	Yes
.2.	Windows		
	1	Windows do not directly face the windows, balconies and courtyards of adjoining dwelling	Yes

Comments: An additional highlight window is proposed on the rear of the primary dwelling (outside Bedroom 2) to enable for additional natural lighting. The window will measure 2m wide, 1.02m in length and have a minimum sill height of 1.5m from the first floor finished floor level (refer to **Figure 8**). The window is setback approximately 26m from the rear boundary which minimises any potential overlooking onto the property located east of the site.

Overall, the proposed modification has appropriately considered the neighbouring properties, in that they will still achieve reasonable privacy for neighbouring properties and maintain existing views as there will be no additional overlooking beyond the situation. Therefore the application can be supported in its current form.

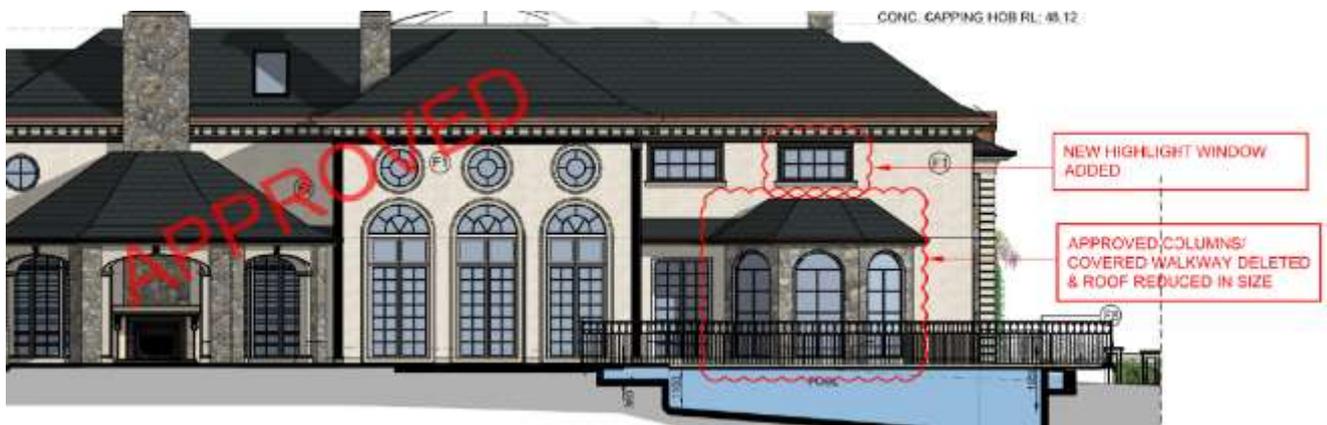


Figure 8: An extract of the modified rear elevations, highlighting the proposed new window outside bedroom 2 and the reduction of the roof feature.

10: Water and Soil Management

10.1	Objectives	Satisfactory
A.	To encourage the incorporation of Water Sensitive Urban Design (WSUD) and Botany Improvement Plan principles in the development.	Yes
B.	To ensure compliance with Council's Stormwater Management Code	Yes
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
G.	To appropriately manage stormwater and overland flow to minimise damage to occupants and property	Yes

Comments: Councils stormwater engineer has commented on the proposal, stating that no additional stormwater conditions are required. The application is therefore considered satisfactory from a stormwater perspective.

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 Lot F DP 310749 & Lot 105 DP 8778
 (Cont'd)

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.	No – See below
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
12.2	Development Controls	Complies
.2.	<i>Outbuildings</i>	
	1 Outbuilding located behind the front building line	Yes
	2 Side and rear setback is 0.5m (min)	Yes
	3 New garden sheds, studios, cabanas and the like are limited 40sqm (max)	No – See below
	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	No – See below
	7 Kitchen facilities are not permitted in an outbuilding	No – See below

Comments: Condition 8 of the original consent required the proposed cabana and tennis court to be excluded from the approval. Condition 8 was imposed due to the cabana being used for habitable purposes, having potential health implications on the tree located at the rear of the site and the overall building footprint of the outbuilding being contrary to the 40m² maximum standard allowed under the SCDCP 2005. The site plan has since been modified with the following changes to the cabana:

- Increasing the rear setback by 1.53m;
- Removing the bedroom and replacing it with a storage room;
- Removing the door (into the bedroom) to a linen space; and
- The kitchen being replaced by a bar.

An extract of the floor plan for the previously imposed cabana which was required to be deleted by Condition 8 is shown in **Figure 9**. The amended site plan, demonstrated the abovementioned changes subject to this modification application to the cabana is shown below in **Figure 10**.

With these modifications, it is still considered that the cabana will be used for habitable purposes, which may impose further implications to the neighbours located south of the site, whilst also still being contrary to the maximum 40m² floor space standard allowed for outbuildings in the SCDCP 2005. To ensure that this space is not used as a living area and is compliant with the SCDCP 2005, the following conditions are recommended in the consent:

Condition 5A: The cabana shall not be used as a separate habitable living area at any given time.

Condition 5B: The storage room of the cabana shall be deleted and is to have a maximum floor space of 40m² within the cabana. Amended plans detailing compliance this are to be prepared and signed off by a Principal Certifying Authority, prior to the issuing of a Construction Certificate.

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 Lot F DP 310749 & Lot 105 DP 8778
 (Cont'd)

Condition 5C: The northern end of the cabana is to be completely open (with the exception of the bathroom) and cannot be closed off at any given time. Amended plans detailing compliance this are to be prepared and signed off by a Principal Certifying Authority, prior to the issuing of a Construction Certificate.



Figure 9: The floorplan of the cabana that was excluded in the original consent.

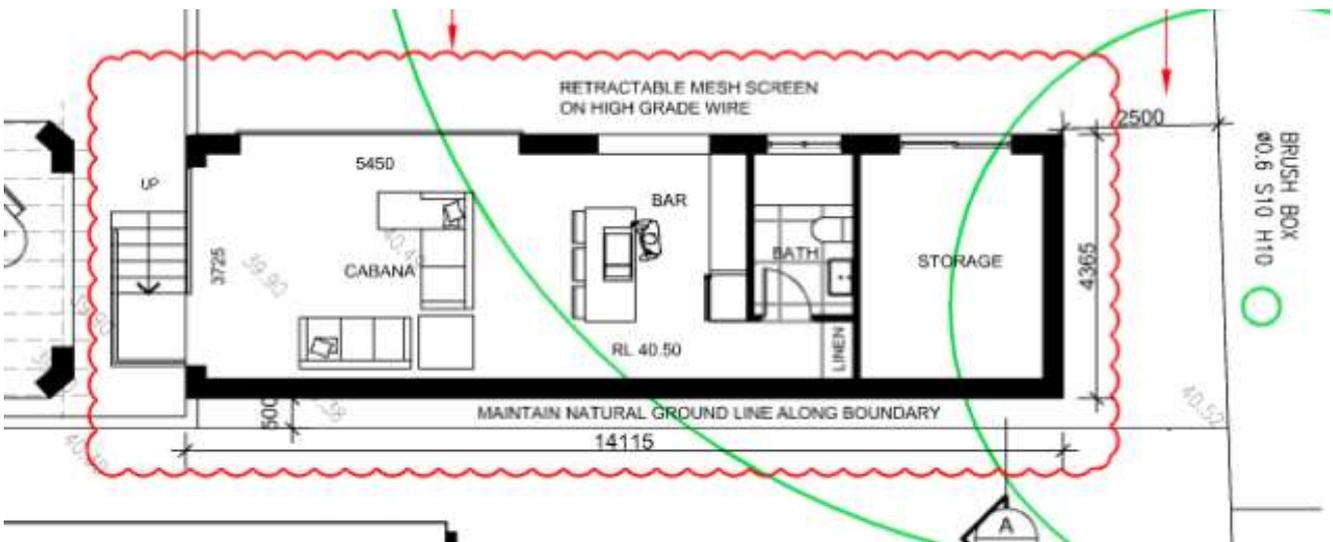


Figure 10: The proposed floorplan of the cabana under this modification application.

Due to the removal of **Condition 8**, it is recommended that Conditions 79-82 are deleted from the consent. These conditions specifically relate to the Tennis Court, which was removed from the approved plans, as detailed under the original assessment.

PART H - WASTE MANAGEMENT (SCDCP 2005)

No changes are sought to the approved methods for the carrying out and disposing of waste materials during the construction phase of the subject application.

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*.

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Lot F DP 310749 & Lot 105 DP 8778
(Cont'd)

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 cabana was noted to have various non-compliances with Part A of the SCDCP 2005, whilst also having the potential to impose greater noise and privacy impacts to the property located south of the site. Conditions 5A, 5B and 5C are therefore recommended in the consent to ensure that the cabana is not used as a living space at any given time, which therefore minimises the direct impacts onto the adjoining property.

Overall, the amended design has been considered with respect to adjoining properties to minimise adverse impacts to adjoining neighbours and achieve an appropriate level of streetscape compatibility.

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

The proposed development is considered to be suitable to the site in that it will

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

The application was publicly notified from 22 March 2019 to 5 April 2019 in accordance with the provisions of Part L of SCDCP 2005. One (1) submission was received as a result.

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

1. *The proposed new window at the back of the dwelling will look straight into our backyard and patio and the kitchen. They will see right into our living areas and this new window with further invade our privacy.*

Assessing officer's comments: The subject dwelling is located approximately 25m from the rear boundary. Further, it is unlikely that overlooking can occur onto the property located behind the subject site that will add further privacy issues.

2. *The house has too many windows and we do not want another window that can view our property.*

Assessing officer's comments: The window will be located outside Bedroom 2 which is a habitable room. This window will enable for additional sunlight into the bedroom as there is currently minimal natural lighting. The additional window will not allow for any additional overlooking opportunities beyond the approval and therefore it is considered appropriate within its current circumstance.

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

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

LOCAL INFRASTRUCTURE CONTRIBUTIONS

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

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

DA2016/199/01 - 4-6 Firth Avenue, Strathfield
Lot F DP 310749 & Lot 105 DP 8778
(Cont'd)

Proposed modifications will not trigger any additional development contribution payments beyond those required as part of the original consent.

CONCLUSION

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

PEER REVIEW

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

RECOMMENDATION

That Development Application No. 2016/199/01 for the construction of a new window, reduction of building height at the rear of the primary dwelling and the construction of a cabana at 4-6 Firth Avenue, Strathfield is Approved subject to:

- Deletion of Condition 8;
- Amendment to Condition 1;
- Deletion of Condition 5A;
- Deletion of Condition 5B;
- Deletion of Condition 5C;
- Deletion of Condition 79;
- Deletion of Condition 80;
- Deletion of Condition 81; and
- Deletion of Condition 82.

The notice of determination shall now read as follows:

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:

~~Ground Floor Level Plan, Job No.1276, Issue B, Sheet 1, prepared by Invision Design, received by Council 8 February 2017.~~

Ground Floor Plan, Job Number 1276.S96, Issue E, Sheet 01, prepared by Invision Design, dated March 2017, received By Council 14 March 2019.

~~First Floor Level Plan, Job No.1276, Issue B, Sheet 2, prepared by Invision Design, received by Council 8 February 2017.~~

First Floor Plan, Job Number 1276.S96, Issue E, Sheet 02, prepared by Invision Design, dated March 2017, received By Council 14 March 2019.

Basement Level Plan, Job No.1276, Issue B, Sheet 3, prepared by Invision Design, received by Council 8 February 2017.

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~~Site Roof Plan, Job No.1276, Issue B, Sheet 4, prepared by Invision Design, received by Council 8 February 2017.~~

Site Roof Plan, Job Number 1276.S96, Issue E, Sheet 03, prepared by Invision Design, dated March 2017, received by Council 14 March 2019.

Front and Rear Elevation + Section, Job Number 1276.S96, Issue E, Sheet 04, prepared by Invision Design, dated March 17, received by Council 14 March 2019.

~~Elevations 01 Plan, Job No.1276, Issue B, Sheet 5, prepared by Invision Design, received by Council 8 February 2017.~~

Side Elevations, Job Number 1276.S96, Issue E, Sheet 05, prepared by Invision Design, dated March 17, received by Council 14 March 2019.

Elevations 02 & Driveway Profile Section Plan, Job No.1276, Issue B, Sheet 6, prepared by Invision Design, received by Council 8 February 2017.

Streetscape Elevation & Comparison Elevation Plan, Job No.1276, Issue B, Sheet 7, prepared by Invision Design, received by Council 8 February 2017.

Elevation 03, Section A and External Finishes Schedule Plan, Job No.1276, Issue B, Sheet 8, prepared by Invision Design, received by Council 8 February 2017.

Landscape Plans, Drawing No.1577, Pages L-01 & L-02, prepared by Invision Design, received by Council 23 December 2016.

Stormwater Drainage & Sediment Control Details, Drawing H985-S1/6, Revision A, prepared by T AA Consulting Engineers, received by Council 23 December 2016.

Stormwater Drainage & Sediment Control Details, Drawing H985-S2/6, Revision A, prepared by T AA Consulting Engineers, received by Council 23 December 2016.

Stormwater Drainage & Sediment Control Details, Drawing H985-S3/6, Revision A, prepared by T AA Consulting Engineers, received by Council 23 December 2016.

Stormwater Drainage & Sediment Control Details, Drawing H985-S4/6, Revision A, prepared by T AA Consulting Engineers, received by Council 23 December 2016.

Stormwater Drainage & Sediment Control Details, Drawing H985-S5/6, Revision A, prepared by T AA Consulting Engineers, received by Council 23 December 2016.

Stormwater Drainage & Sediment Control Details, Drawing H985-S6/6, Revision A, prepared by T AA Consulting Engineers, received by Council 23 December 2016.

BASIX Certificate No.785861M_02, Issued 12 March 2019.

Arboricultural Impact Assessment, prepared by NSW Tree Services, received by Council 23 December 2016.

Site Construction, Waste Management & Soil and Water Management Plan, prepared by Invision Design, received by Council 23 December 2016.

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

Special Conditions

- 5A. The cabana shall not be used as a separate habitable living area at any given time.
- 5B. The storage room of the cabana shall be deleted and is to have a maximum floor space of 40m² within the cabana. Amended plans detailing compliance this are to be prepared and signed off by a Principal Certifying Authority, prior to the issuing of a Construction Certificate.
- 5C. The northern end of the cabana is to be completely open (with the exception of the bathroom) and cannot be closed off at any given time. Amended plans detailing compliance this are to be prepared and signed off by a Principal Certifying Authority, prior to the issuing of a Construction Certificate.
5. The following privacy measures shall be installed and maintained at all times:
 - (a) The ground floor north facing window to the laundry, scullery and kitchen shall consist of obscured glass below a height of 1.6m above finished floor level, or attached with suitable fixed external privacy screening capable of precluding direct overlooking to the adjoining property to the south.
 - (b) The first floor north facing window to bedroom 2 shall consist of obscured glass below a height of 1.6m above finished floor level, or attached with suitable fixed external privacy screening capable of precluding direct overlooking to the adjoining property to the south.
 - (c) The south facing bay windows shall consist entirely of fixed opaque glazing, or attached with suitable fixed external privacy screening capable of precluding direct overlooking to the adjoining property to the north.

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

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.
7. The front fence shall not exceed a maximum height of 1.8m above natural ground level. Details demonstrating compliance shall be submitted to and approved by the Principal Certifying Authority prior to the issue of a Construction Certificate.

~~8. The cabana structure and tennis court shall be excluded from the approval and deleted from the plans. Deep soil landscaping shall be provided as a replacement of these structures.~~

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~~Details demonstrating compliance shall be submitted to and approved by the Principal Certifying Authority prior to the issue of a Construction Certificate.~~

9. Deep soil landscaping within the front setback of the site is required to achieve compliance with the minimum 50% (162m²) deep soil landscaping requirements of Section 3.3.3 of Part A of the SCDCP 2005. Details demonstrating compliance shall be submitted to and approved by the Principal Certifying Authority prior to the issue of a Construction Certificate.
10. The existing driveway crossover and layback servicing 6 Firth Avenue shall be removed and reinstated with Council footpath in accordance with Council's specifications.
11. The existing driveway crossover servicing 4 Firth Avenue shall be retained with the adjoining brush box tree located upon the Council verge required to be retained. Details demonstrating the retention of the Council street tree and driveway shall be submitted to and approved by the Principal Certifying Authority prior to the issue of a Construction Certificate.
12. A minimum 500mm wide landscaping strip shall be provided between the side boundary line and the basement driveway. Details demonstrating compliance shall be submitted to and approved by the Principal Certifying Authority prior to the issue of a Construction Certificate.
13. If stumps from trees removed are to be ground out using a stump grinder within TPZ of trees to be retained, an AQF level 5 Arborist must be appointed to oversee the works to ensure remaining trees are undamaged.
14. Appropriate tree sensitive construction measures are to be taken to ensure the demolition of the existing swimming pool will not adversely affect trees to be retained. This includes retention of neighbouring trees from adjoining properties. An AQF level 5 Arborist must be appointed to oversee the works to ensure the remaining trees are undamaged.
15. The stormwater drainage concept plan does not show WSUD strategy incorporated in the design principles. As such, prior to issue of a Construction Certificate, an amended stormwater concept plan prepared by a suitably qualified Hydraulic Engineer and submitted to the Principal Certifying Authority for approval demonstrating the following modification:

Water sensitive urban design strategy incorporated into the design principles.
16. The submitted Landscape Plan is to be amended to include suitable screen planting, at least 6m high at maturity, along the northern, eastern and southern rear boundaries.
17. Planting is to be in accordance with the submitted Landscape Plan as amended by Condition No. 16 (Drawing Nos L-01 and L-02 prepared by Site Design and Studios undated and received by Council on 23 December 2016). Details demonstrating compliance are to be submitted to the Principal Certifying Authority, prior to the issue of any Occupation Certificate.
18. Use of any of the proposed fireplaces for the purpose of wood and coal burning is prohibited. Fireplaces may be retained for use with natural gas or electricity only.

General

19. 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.

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20. The cabana shall be used in association with the dwelling house on the allotment and must not be used as a separate domicile.
21. 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.
22. Prior to the issue of a Construction Certificate, photographs documenting any existing damage to the kerb and gutter and footpaths adjacent to the property shall be submitted to the consent authority. In the absence of this documentation, the applicant is liable for all damage that occurs to Councils' assets.
23. 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

24. 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:

Local Amenity Improvement Levy	\$36,859.50
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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.

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

25. A security payment of \$6,254.00 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	\$ 2,000.00
Refundable works bond	\$ 4,000.00
<u>Non-refundable administration fee (\$127 /bd)</u>	\$ 254.00
TOTAL	\$ 6,254.00

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

- (a) installation and maintenance of sediment control measures for the duration of construction activities;
- (b) 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
- (c) 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

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condition.

26. 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.

Drainage/Stormwater

27. 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 proposed boundary pits in accordance with Council's standard requirements as depicted on the concept plan prepared by T AA Consulting Engineers rev A drawing no. H985-S1/6- H985-S6/6 dated 19.12.2016.
28. 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.

29. 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.

30. 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.
31. 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.

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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 97 48-9999 during office hours. Work is not to proceed until the works are inspected and approved by Council.

32. All pits shall be constructed in accordance with Australian Standard AS3500.3.
33. All subsoil drainage must be designed to meet the requirements of AS3500;
34. 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.
35. The proposed basement pump out system capacity shall be capable of handling 4 hours of 1 00yr 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 HOPE. 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.
36. Dilapidation report shall be submitted to Council for approval prior to the issue of a Construction Certificate.
37. Application for Works Zone shall be submitted and approved by Council. Approved Works Zone shall be installed prior to the commencement of works.
38. Grated drains shall be provided along the basement entry at the vehicular crossing(s) and are to connect to the internal drainage system.
39. Overflow paths shall be provided to allow for flows in excess of the capacity of the pipe/drainage system draining the site.
40. 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.
41. 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.
42. A Positive Covenant under Section 88E of the Conveyancing Act shall be created on the title of the property detailing the:
 - (a) All Water Sensitive Urban Design components incorporated in the development. The wording of the Instrument shall be submitted to, and approved by Council prior to lodgement at Land & Property Information NSW. The Instrument shall be registered and a registered copy of the document shall be submitted to and approved by the consent authority prior to the issue of an Occupation Certificate/use of the building.

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

43. The sediment tank shall be inspected quarterly and cleaned as necessary. The accumulated sediment should be disposed off site as per standard practice and National guidelines. A record of quarterly maintenance of the sediment tank shall be kept and produced when requested by Council.

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

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

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

46. A suitably qualified Engineer is required to inspect and certify the proposed development at the completion of each of the following construction phases (if any):

- (i) Installation of the overflow pit and bulking out/trimming profiling;
- (ii) Installation of under drainage;
- (iii) Installation of cleanout points;
- (iv) Installation of drainage layer;
- (v) Installation of transition layer;
- (vi) Installation of filtration media;
- (vii) Laying of geofabric protection for build-out phase;
- (viii) Laying of turf temporary protection layer, and
- (ix) Final planting.

47. An Operational Management and Maintenance Report is required to be submitted to the Principal Certifying Authority **prior to the issue of an Occupation Certificate** outlining the proposed long term operational management and maintenance requirements of the stormwater system on the site.

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

Landscaping/Tree Matters

48. 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)Lophostemon confertus (Brush Box)	9m x 8m	Nature strip	3m both sides of trunk	NA
2) Lophostemon confertus (Brush Box)	5m x 7m	Nature strip	3m both sides of trunk	NA
3) Lophostemon confertus (Brush Box)	7m x 8m	Nature strip	3m both sides of trunk	NA
4)Corymbia citriodora (Lemon)	20m x 20m	Rear property	10.8m	3.31m

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scented gum)				
5)Howea forestiana (Kentia palm)	6m x 4m	Adjoining property	3m	2.1m
6)Howea forestiana (Kentia palm)	6m x 4m	Adjoining property	3m	2.1m
7)Howea forestiana (Kentia palm)	6m x 4m	Adjoining property	3m	2.1m
8)Lophostemon confertus (Brush Box)	12m x 10m	Adjoining property	5.04m	2.67m
9)Lophostemon confertus (Brush Box)	10m x 7m	Adjoining property	3.6m	2.25m
10)Lophostemon confertus (Brush Box)	13m x 13m	Adjoining property	6.6m	2.76m
11)Lophostemon confertus (Brush Box)	13m x 10m	Adjoining property	4.8m	2.47m
12)Jacaranda mimosifolia (Jacaranda)	13m x 10m	Rear property	4.8m	2.47m

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 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.

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- 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.
49. A minimum 600mm deep root deflection barrier shall be provided on both sides of the proposed driveway crossing(s) and footpaths.
50. All noxious weeds on the site shall be removed and destroyed as per their classification under the *Noxious Weeds Act 1993*.
51. 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>
1) Phoenix canariensis (Date palm)	7m x 6m	Rear property
2) Phoenix canariensis (Date palm)	6m x 6m	Rear property
3) Phoenix canariensis (Date palm)	8m x 6m	Rear property
4) Harpephyllum caffrum (Kaffir Plum)	10m x 7m	Rear property
5) Cupressus sp (Cypress pine)	7m x 6m	Rear property
6) Murraya paniculata (Murraya)	6m x 7m	Mid - rear property
7) Magnolia x soulangeana (Chinese magnolia)	7m x 8m	Mid – rear property
8) Camellia sasanqua (small leaved sasanqua)	6m x 4m	Mid property

52. All trees permitted to be removed by this consent shall be replaced by species selected from Council's recommended planting list. Replacements shall be a minimum 50 litre container size and shall be maintained until maturity.
53. 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).
54. 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.
55. 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.
56. Prior to the issue of a construction certificate the applicant shall submit and have approved by the Principal Certifying Authority (PCA) a detailed landscape plan prepared generally in

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accordance with the landscape plan prepared by Site Design Studios (Drawing No. 1577) and the Landscape provisions contained within section 10.0 of Part A of the Strathfield Council Development Control Plan. The plans shall include the following:

- (a) A minimum 1.5m wide garden is to be established to the full width of the property frontage (except for vehicular crossings and pedestrian ways). The garden bed is to be planted with suitable shrubs and ground cover plants;
- (b) A detailed planting schedule for all garden areas indicating the species type, height, number and size;
- (c) Details of all hard and soft surfaces such as turf, gravel, paving, stepping stones and the like shall be shown;
- (d) Gardens should feature a mix of trees, shrubs, grasses and ground covers. A minimum of 25% of all plantings shall be locally indigenous species;
- (e) 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
- (f) The plan shall demonstrate compliance with any other landscape condition of consent.

Should Council not act as the Certifying Authority a copy of the plan shall be forwarded to Council as part of the Construction Certificate.

Construction Matters

57. 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.
58. 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.
59. 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).
60. 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.
61. 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;

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- (h) vehicular ramp gradients.

Copies of the surveyor's certificates must be submitted to and accepted by Council at the stages nominated above.

62. 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.
63. 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.
64. 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.
65. 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.
66. If an excavation associated with the approved works extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made:
- (a) Must preserve and protect the building from damage; and
 - (b) If necessary, must underpin and support the building in an approved manner, and
 - (c) Must, at least seven (7) days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.
67. There are built structures which may be in the zone of influence of the proposed works and excavations on the site. A qualified practicing geotechnical engineer must prepare a Construction Methodology Report demonstrating that the proposed construction method including any excavation and the configuration of the built structures will have no adverse impact on any surrounding property and infrastructure.

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

- (a) The local and level of nearby foundations and footings (site and neighbouring);
- (b) Proposed method of excavation;
- (c) Permanent and temporary support measures for excavation;
- (d) Potential settlements affecting footings and foundations;
- (e) Ground water levels (if any);
- (f) Batter Slopes;
- (g) Potential vibrations cause by method of excavation; and
- (h) De-watering including seepage and off-site disposal rate (if any).

Excavation, retention, underpinning and construction must be undertaken onsite by an excavation contractor with specialist excavation experience. A suitably qualified

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geotechnical engineer, specialising in excavation must supervise the excavation procedure.

68. The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

Sustainability

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

- (a) Toilet flushing;
- (b) Clothes washing;
- (c) Garden irrigation;
- (d) Car washing and similar outdoor uses;
- (e) Filling swimming pools, spa pools and ornamental ponds; and
- (f) Fire fighting.

Demolition

70. Demolition shall be carried out in accordance with Australian Standard 2601 'The demolition of structures' or any subsequent standard and the relevant legislation.
71. 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.
72. 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.

Works Zone

73. An application for a 'Works Zone' must be submitted to and approved by the Strathfield Council Traffic Committee prior to the commencement of any site work (including demolition).

The suitability of the proposed length and duration of the Works Zone is to be demonstrated in the application for the Works Zone. The application for the Works Zone must be submitted to Council at least six (6) weeks prior to the commencement of work on the site to allow for assessment and tabling of agenda for the Strathfield Council Traffic Committee.

The requirement for a Works Zone may be varied or waived only if it can be demonstrated in the Construction Traffic Management Plan (to the satisfaction of Council) that all construction related activities (including all loading and unloading operations) can and will be undertaken wholly within the site. The written approval of Council must be obtained to provide a Works Zone or to waive the requirement to provide a Works Zone prior to the commencement of any site work.

74. A detailed Construction Site Traffic Management Plan (CTMP) must be submitted to and approved by Council, prior to commencement of any site work (including demolition). The CTMP must be prepared by a suitably qualified person and must include the following details, to the satisfaction of Council:

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(Cont'd)

- (a) A description of the demolition, excavation and construction works
- (b) A site plan/s showing the site, roads, footpaths, site access points and vehicular movements
- (c) Any proposed road and/or footpath closures
- (d) Proposed site access locations for personnel, deliveries and materials
- (e) Size, type and estimated number of vehicular movements (including removal of excavated materials, delivery of materials and concrete to the site)
- (f) Provision for loading and unloading of goods and materials
- (g) Proposed route(s) from the arterial (state) road network to the site and the proposed route from the site back to the arterial road network
- (h) Impacts of the work and vehicular movements on the road network, traffic and pedestrians
- (i) Proposed hours of construction related activities and vehicular movements to and from the site
- (j) Current/proposed approvals from other Agencies and Authorities (including Roads and Maritime Services, Police and State Transit Authority).
- (k) Any activities proposed to be located or impact upon Council's road, footways or any public place.
- (l) Measures to maintain public safety and convenience.
- (m) Any Traffic Control Plans (TCP's) proposed to regulate traffic and pedestrian movements for construction activities (such as concrete pours, crane installation/removal etc).

Swimming Pool

75. 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 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.

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76. A permit shall be obtained from Sydney Water prior to the filling of the swimming pool.
77. The only fill material that may be received at the development site is virgin excavated natural material (VENM) defined in accordance with the Protection of the Environment Operations Act, 1997. Documentation confirming compliance with this condition shall be submitted to Strathfield Council within 7 days of works commencing.
78. Immediately following the completion of the demolition and infill of the swimming pool, the applicant shall lay turf over all disturbed areas in the rear of the property.

Tennis Court

79. ~~The tennis court shall not be used for any commercial or business purpose.~~
80. ~~The tennis court shall be enclosed to a maximum height of 3.6m with plastic coated chain wire on suitable galvanised iron pipe frame. The colour of the chain wire shall be black or dark green.~~
81. ~~The tennis court shall not be illuminated without the prior consent of Council.~~
82. ~~The approved tennis court lighting systems must be extinguished no later than 10pm on any evening.~~

Waste Management

83. 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 - 31 May 2019
REPORT: IDAP – Report No. 3
SUBJECT: DA1987/077/01 - 168-172 ALBERT ROAD, STRATHFIELD
SP 35901
DA NO. DA1987/077/01

SUMMARY

Proposal: Section 4.55(1A) application to modify condition 34 of consent regarding Trust Monies.
Applicant: Owners Corporation SP 35901
Owner: Owners Corporation SP 35901
Date of lodgement: 30 April 2019
Notification period: Notification not required
Assessment officer: ND
Estimated cost of works: Nil
Zoning: R2 Low Density Residential - SLEP 2012
Heritage: No
Flood affected: Yes
Is a Clause 4.6 variation proposed? No
RECOMMENDATION OF OFFICER: APPROVAL

EXECUTIVE SUMMARY

- 1.0 On 10 December 1987, Council approved Development Application No.1987/077 for the construction of units for aged or disabled persons.
- 2.0 The current application seeks to modify Condition 34 of the Development Consent No. 1987/077 under Section 4.55(1A) of the *Environmental Planning and Assessment Act 1979*.
- 3.0 Under Condition No. 34 of the original development consent, trust monies were held and invested by Council and distributed quarterly to the Owners Corporation to cover the on-going services and facilities costs of the approved development.
- 4.0 On 3 February 2005, Council approved a Section 99 application transferring the management of the Trust Monies to the strata management agent (J.A Somerville Pty Ltd).
- 5.0 The subject application proposes to modify Condition No. 34, 34A and 34B whereby the trust monies is held in the capital works fund and managed by the Owners Corporation.
- 6.0 The proposed modification is acceptable and is recommended for approval, subject to the trust monies and its generated income being utilised solely for the provision of services, facilities and the ongoing maintenance of the premises.

BACKGROUND

10 December 1987: Development approval granted for the construction of an aged care facility.

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SP 35901 (Cont'd)

3 February 2005: Modification application was approved amending Condition 34 and the addition of Condition 34A and 34B.

30 April 2019: The current application (DA1987/077/01) was lodged.

DESCRIPTION OF THE SITE AND LOCALITY

The subject site is located on the southern side of Albert Road and has a site area of 3,677m² (Figure 1) and is occupied by five (5) buildings used as an aged care facility.

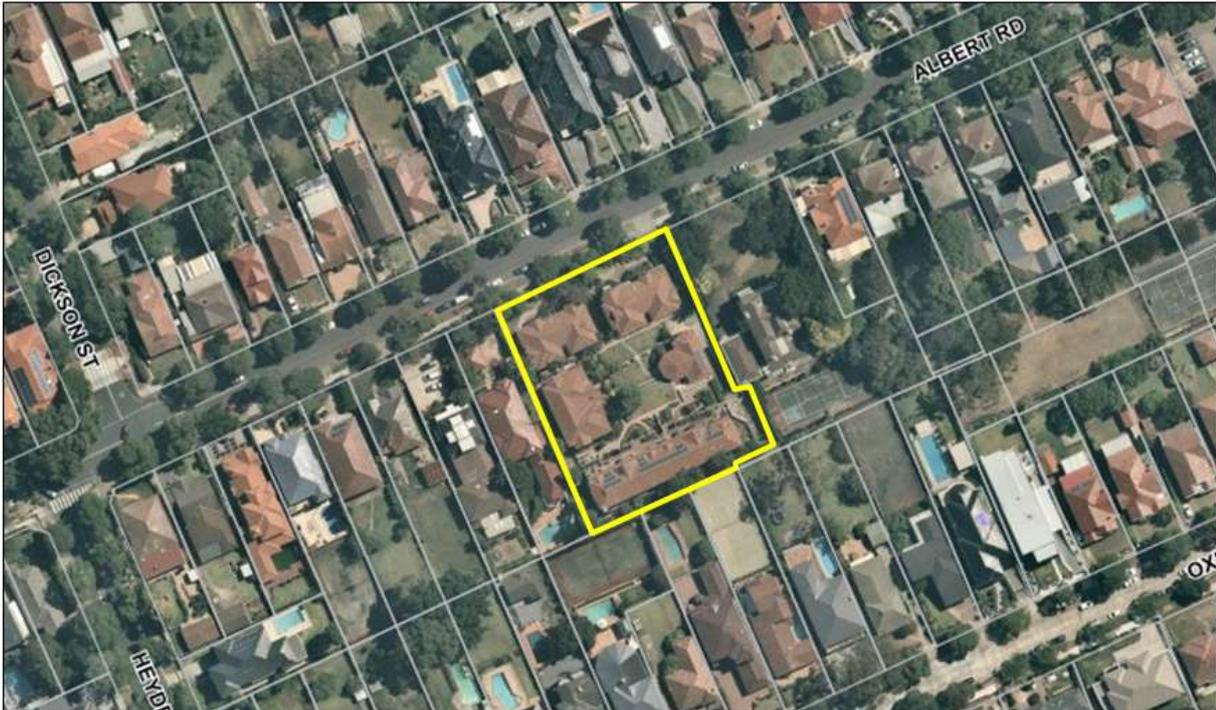


Figure 1: Locality plan with the subject site outlined in yellow.



Figure 2: View of the site from Albert Road.

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DESCRIPTION OF THE PROPOSED MODIFICATION(S)

The specific elements of the modification sought are as follows:

Existing:

34. *The trustee for the register proprietors for the life of the development must hold and invest the following with an authorised trustee approved institution within the Commonwealth of Australia:*
- a) *The sum of \$100,000 (as adjusted by the Consumer Price Index) lodged by the applicant prior to occupation of the development and or issue and uplifting of a section 317AE Certificate and since invested with an authorised trustee approved institution within the Commonwealth of Australia; and*
 - b) *The net income derived from this investment not deployed to pay incomes taxes and administration fees or distributed to the Body Corporate in the terms set out below at Condition 34A.*
- 34A. *The trustee must distribute 80% of the net income of the investment after payment of all income taxes and administration fees to the Body Corporate on a quarterly basis to defray the costs of providing services and facilities of the development as provided for under Condition 28 and 30 hereof.*
- Balance of the net income shall be re-invested by the Trustee.*
- 34B. *For the purposes of Conditions 34 and 34A the appointed trustee is JA Somerville Pty Ltd.*

Proposed:

34. *Trust monies to the sum of \$100,000 and the net income derived from this investment is to be held and managed by the Owners Corporation of the building.*
- 34A. *All trust monies and its generated income must be used for the provision of services, facilities and maintenance of the building.*
- 34B. *DELETED*

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

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

“4.55 Modifications of consents – generally

(1A) Modifications involving minimal environmental impact

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

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

Comment: The modifications sought do not involve any building works and relate only to the management of Trust Monies. Accordingly, the application is considered to be of minimal environmental impact

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SP 35901 (Cont'd)

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

Comment: The subject application does not propose any building works or alter the use of the premises which development consent was originally granted. The development as modified is considered to satisfy the 'substantially the same' test as that which was originally approved.

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

Comment: The application was not required to be notified in accordance with Part L of the SCDPCP 2005.

- (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.*

Comment: The application was not publicly notified.

REFERRALS

INTERNAL REFERRALS

No referrals were required.

SECTION 4.15 CONSIDERATIONS – EP&A Act, 1979

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

4.15(1)(a) the provisions of:

- (i) *any environmental planning instrument*

STRATHFIELD LOCAL ENVIRONMENTAL PLAN (SLEP) 2012

The modification application does not propose any building works or amendments to the site operations of the premises. Accordingly, the proposal does not alter the approved development's assessment against the relevant provisions of the Strathfield Local Environmental Plan 2012.

Permissibility

The subject site is Zoned R2 Low Density Residential under the Strathfield Local Environmental Plan 2012 with the approved use as a residential care facility is permissible in the zone. The modification application will not change the approved use of the building.

Zone Objectives

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

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SP 35901 (Cont'd)

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

The modification sought as part of this application is consistent with the objectives of the R2 Low Density Residential zone, providing housing for the community in a low density residential environment.

Part 4: Principal development standards

The modification application will not alter the building height and FSR of the development as originally approved.

Part 5: Miscellaneous Provisions

The proposed modification will not alter the assessment of Part 5 of the SLEP 2012 as originally approved.

Part 6: Local Provisions

The proposed modification will not alter the assessment of Part 6 of the SLEP 2012 as originally approved.

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

No works are proposed as part of this application. Accordingly, the proposal does not alter the approved development's assessment against the relevant provisions of the Strathfield Consolidated Development Control Plan (SCDCP) 2005.

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

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

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

Not relevant to the subject application.

(i) any coastal zone management plan

Not relevant to the subject application.

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

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The subject application seeks to modify the conditions of consent pertaining to the holding and management of Trust Monies. A modification application approved in 2005 transferred the trustee of the trust monies from Council to the strata managing agent. As the services of the current strata managing agent are to terminate, the Owners Corporation of the building has requested that the trust monies and its management be transferred to the Owners Corporation. There are no objections to this request, subject to the recommended condition that the trust monies and its generated income are utilised solely for the provision of services, facilities and ongoing maintenance of the premises.

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

No changes are proposed to the originally approved development and its deemed suitability to the site.

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 SDCDP 2005.

4.15(1)(e) the public interest

The proposed modification application is not contrary to the public interest.

LOCAL INFRASTRUCTURE CONTRIBUTIONS

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

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

The Section 4.55 application does not trigger any changes to the Section 7.11 contributions.

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 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 modifications to Development Consent No. 1987/077 involving modifications to the management of Trust Monies at 168-172 Albert Road, Strathfield be **APPROVED**, subject to:

1. The original conditions of consent of Development Application No. (DA1987/077) as approved by Council on 10 December 1987 for the construction of an aged care facility.

DA1987/077/01 - 168-172 Albert Road, Strathfield
SP 35901 (Cont'd)

2. As modified by the Section 4.55(1A) application (DA1987/077/01) as follows:

- Amendment of Condition No. 34 and 34A regarding the management of trust monies;
and
- Deletion of Condition No. 34B.

34. *Trust monies to the sum of \$100,000 and the net income derived from this investment is to be held and managed by the Owners Corporation of the building.*

34A. *All trust monies and its generated income must be used for the provision of services, facilities and maintenance of the building.*

34B. *DELETED*

ATTACHMENTS

There are no attachments for this report.

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