

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, 6 December 2019

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

TABLE OF CONTENTS

Item	Page No.
IDAP AGENDA ITEMS	
IDAP - Report No. 1 DA2019/120 - 96 Arthur Street, Strathfield Lot 74 DP 10182.....	3
IDAP - Report No. 2 DA2019/157- 23 Newton Road Strathfield - Lot 2 DP 539835.....	42
IDAP - Report No. 3 DA2019/152 - 81 Chalmers Road, Strathfield - Lot 24 DP 12876.....	80

TO: Strathfield Internal Development Assessment Panel Meeting - 6 December 2019

REPORT: IDAP – Report No. 1

SUBJECT: DA2019/120 - 96 ARTHUR STREET, STRATHFIELD
LOT 74 DP 10182

DA NO. 2019/120

SUMMARY

Proposal: Change of use of part of the existing dwelling into two (2) health consulting rooms (general practice) operating Monday to Friday 9am to 5pm and Saturdays from 9am to 12pm, and associated internal and external works.

Applicant: Palfreeman Sweeney Architects

Owner: K.L Phan

Date of lodgement: 5 August 2019

Notification period: 22 August 2019 to 5 September 2019

Submissions received: Two (2) written submissions were received.

Assessment officer: ND

Estimated cost of works: \$100,000

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

The application seeks Council approval for the change of use of part of the existing dwelling into two (2) health consulting rooms (general practice) operating Monday to Friday 9am to 5pm and Saturdays from 9am to 12pm, and associated internal and external works.

The application was notified in accordance with Part L of the Strathfield Consolidated Development Control Plan (SCDCP) 2005 from 22 August 2019 to 5 September 2019. Two (2) written submissions were received as a result raising concerns regarding traffic congestion, hours of operation, proposed use and pedestrian safety.

Additional information and amended plans were submitted during the assessment process to address a number of initial concerns including access report, plan of management, business identification signage and the layout of the car parking area so vehicles can enter and exit the site in a forward direction.

To ensure the provided health services are accessible for patrons a condition of consent has been recommended for Car Space 4 to be a designated accessible car parking space with an adjoining share zone.

DA2019/120 - 96 Arthur Street, Strathfield
Lot 74 DP 10182 (Cont'd)

The amended proposed development is suitable for the site and is recommended for approval, subject to the imposition of conditions of consent.

BACKGROUND

- 5 August 2019** The current development application (DA2019/120) was lodged.
- 7 August 2019** A letter was sent to the applicant noting that, the entirety of the dwelling was proposed to be converted to a health consulting room. This is a prohibited use in the zone.
- 19 August 2019** Amended plans and documentation was submitted to Council seeking to convert a portion of the existing dwelling to a health consulting room.
- 22 August 2019 to 5 September 2019** The application was publicly notified in accordance with Part L of the SCDCP 2005. Two (2) objections were received during this time.
- 11 September 2019** A letter was sent to the applicant requesting the following information:
- BASIX Certificate to be submitted;
 - Accessibility Report to be submitted;
 - Plan of Management to be submitted;
 - Waste Management Plan provide separate service for the general practice and residential components;
 - Amend architectural plans to demonstrate that each car is able to enter and exit the site in a forward direction;
 - Amend architectural plans to identify paved and deep soil landscaped areas; and
 - Include relative levels of the car park area are to be included in the plans.
- 19 September 2019** The applicant sent a letter requesting an extension for the submission of the additional information and amended plans requested on 11 September 2019. Council's Assessment Officer granted an extension.
- 11 October 2019** Amended plans satisfying the initial concerns were submitted to Council.
- 27 November 2019** A schedule of colours and external materials for the proposed business identification signage was requested.
- 2 December 2019** Plans of the proposed business identification signage including colours and materials were submitted.

DESCRIPTION OF THE SITE AND LOCALITY

The subject site is located on the southern side of Arthur Street, near the round-a-bout intersection of Arthur Street and Pemberton Street (Figure 1). The site is a rectangular shape, with a 15.24m frontage to Arthur Street and 45.72m² in depth resulting in a total site area of 696.8m².

DA2019/120 - 96 Arthur Street, Strathfield
Lot 74 DP 10182 (Cont'd)

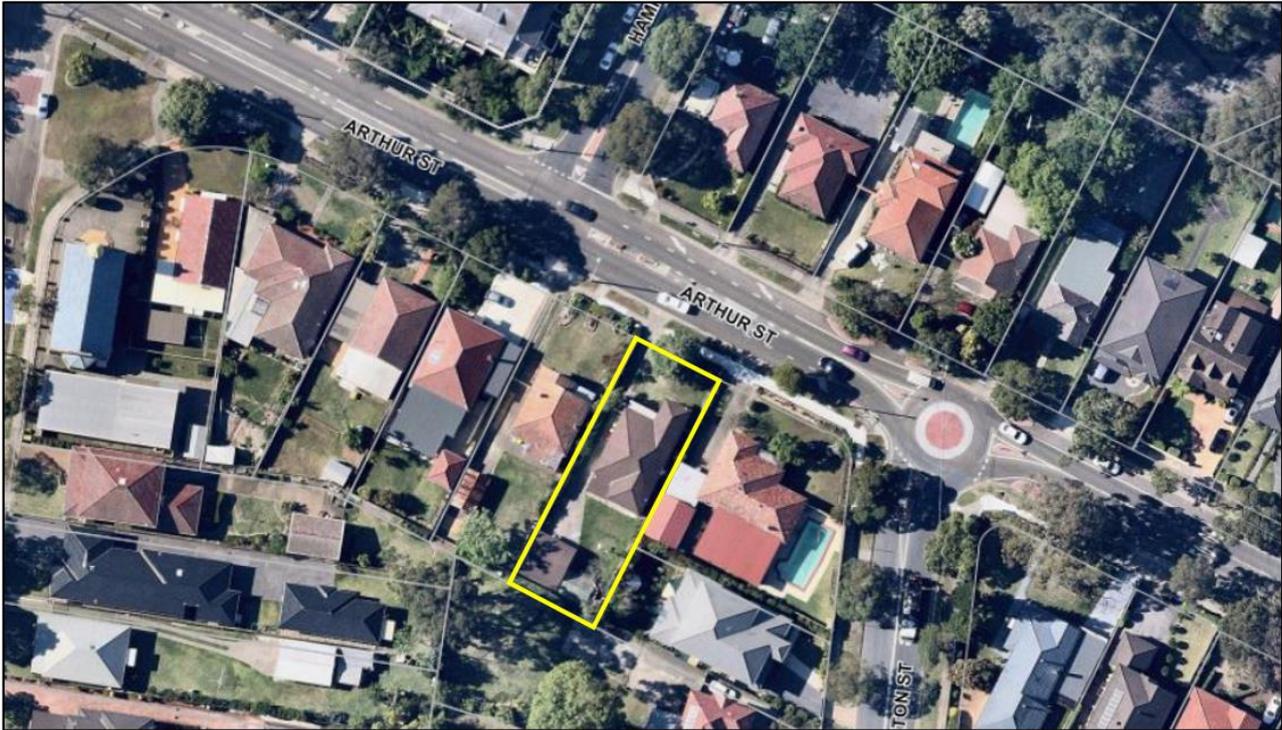


Figure 1: Locality plan. The subject site is outlined in yellow.

The site is presently occupied by a single storey rendered masonry dwelling and a detached double garage (Figure 2). Vehicle access is provided to the site via an existing driveway from Arthur Street. The surrounding streetscape consists of single dwellings and a four (4) storey residential flat building. Immediately opposite the site is a general practice health consulting room.



Figure 2: View of the existing dwelling from Arthur Street.

PROPERTY BURDENS AND CONSTRAINTS

DA2019/120 - 96 Arthur Street, Strathfield
Lot 74 DP 10182 (Cont'd)

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

DESCRIPTION OF THE PROPOSED DEVELOPMENT

The application seeks Council approval for change of use of part of the existing dwelling into two (2) health consulting rooms (general practice) operating Monday to Friday 9am to 5pm and Saturdays from 9am to 12pm, and associated internal and external works.

The specific elements of the internal reconfiguration of the existing dwelling involve:

General Practice:

- Two (2) consultation rooms;
- Storage;
- Accessible bathroom; and
- Reception area.

Residence:

- Living room;
- Kitchen/dining room;
- Bedroom;
- Bathroom; and
- Laundry.

The external works of the proposal involve:

- Construction of an accessibility ramp from Arthur Street to the front porch of the dwelling;
- Construction of pedestrian entrance from Arthur Street to front door;
- Construction of a vehicle parking and manoeuvring area at the rear of the site to accommodate four (4) vehicle spaces;
- Installation of business identification signage; and
- Demolition of outdoor patio and concrete area.

Operation of the General Practice involves:

Hours of Operation:

- Monday to Friday: 9am - 5pm
- Saturday: 9am to 12pm
- Sunday: Closed

Staff:

- One (1) full-time general practice doctor;
- One (1) part-time doctor; and
- One (1) receptionist.

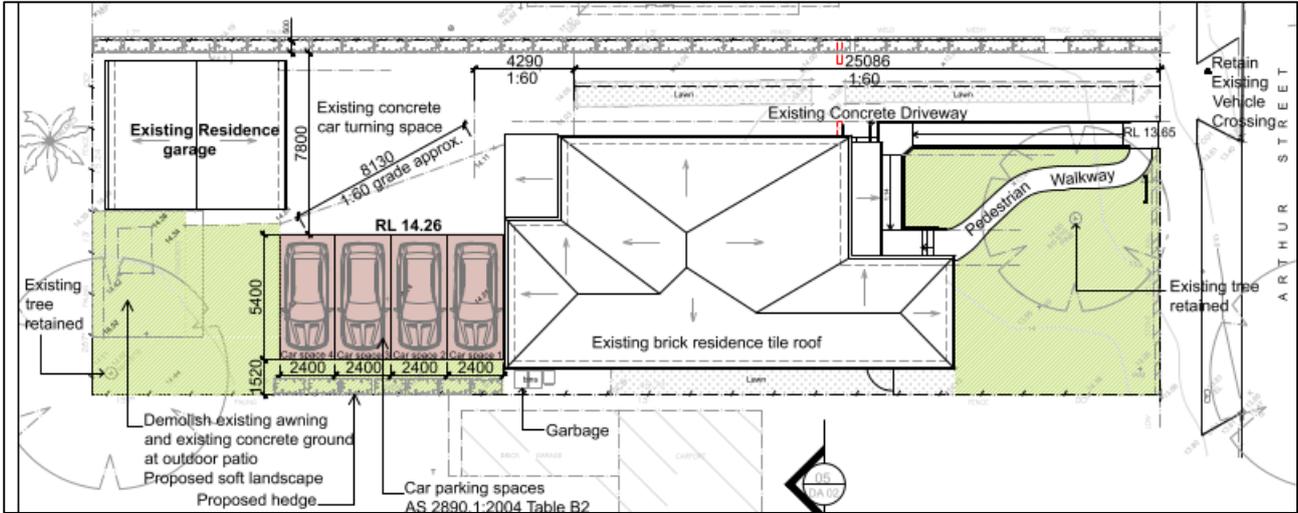
Car Parking

- Two (2) car spaces provided for the residents in the existing garage: and
- Four (4) allocated for the general practice at the rear.

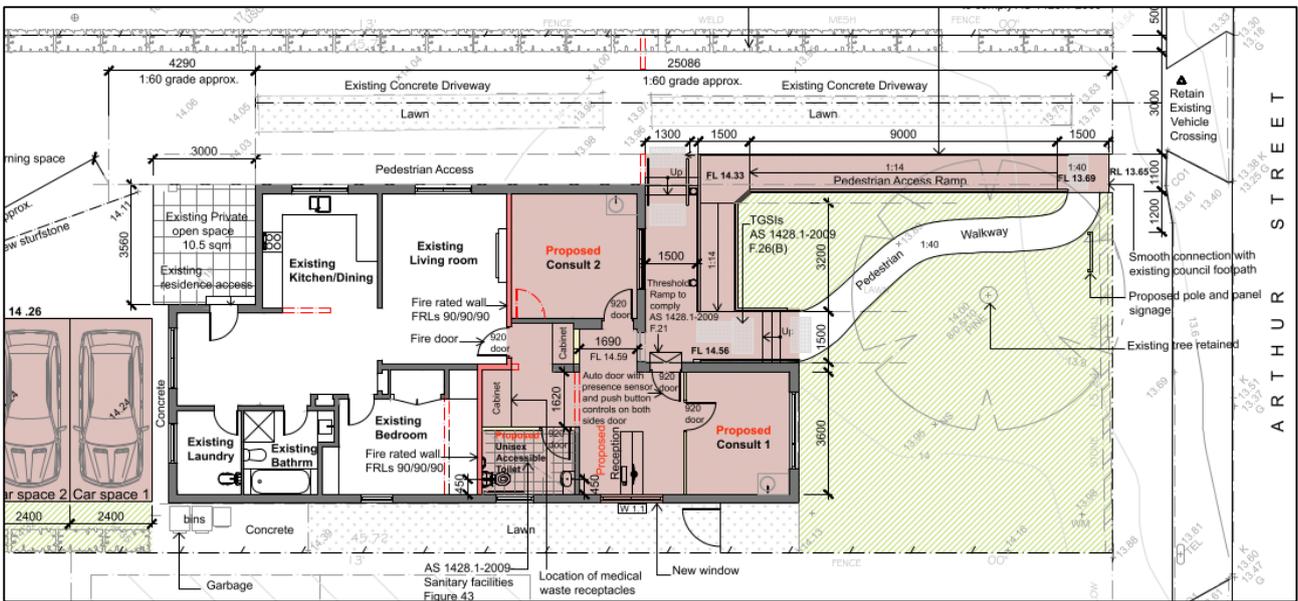
Signage:

- One (1) business identification signage located within the front setback.

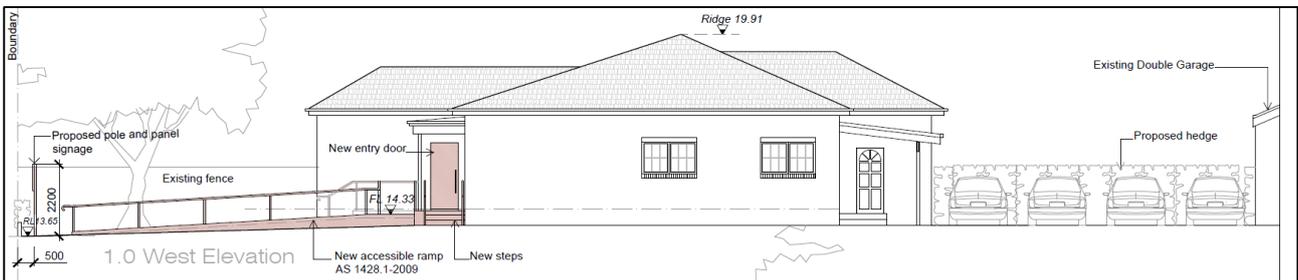
DA2019/120 - 96 Arthur Street, Strathfield
 Lot 74 DP 10182 (Cont'd)



Proposed site plan

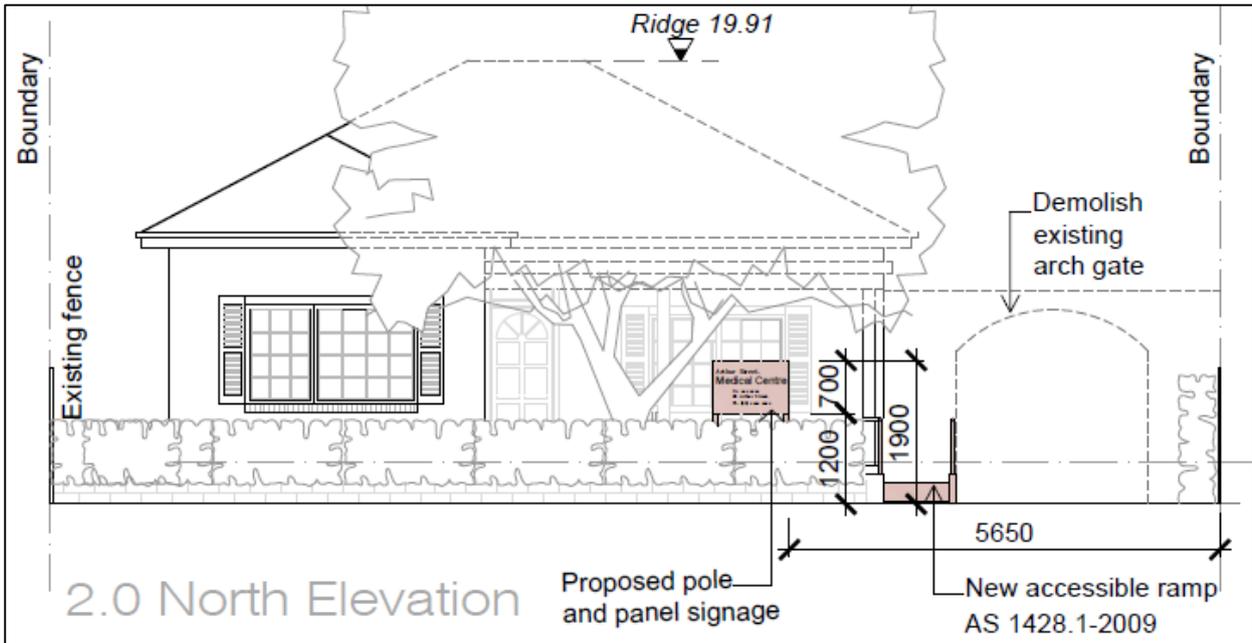


Proposed ground floor plan

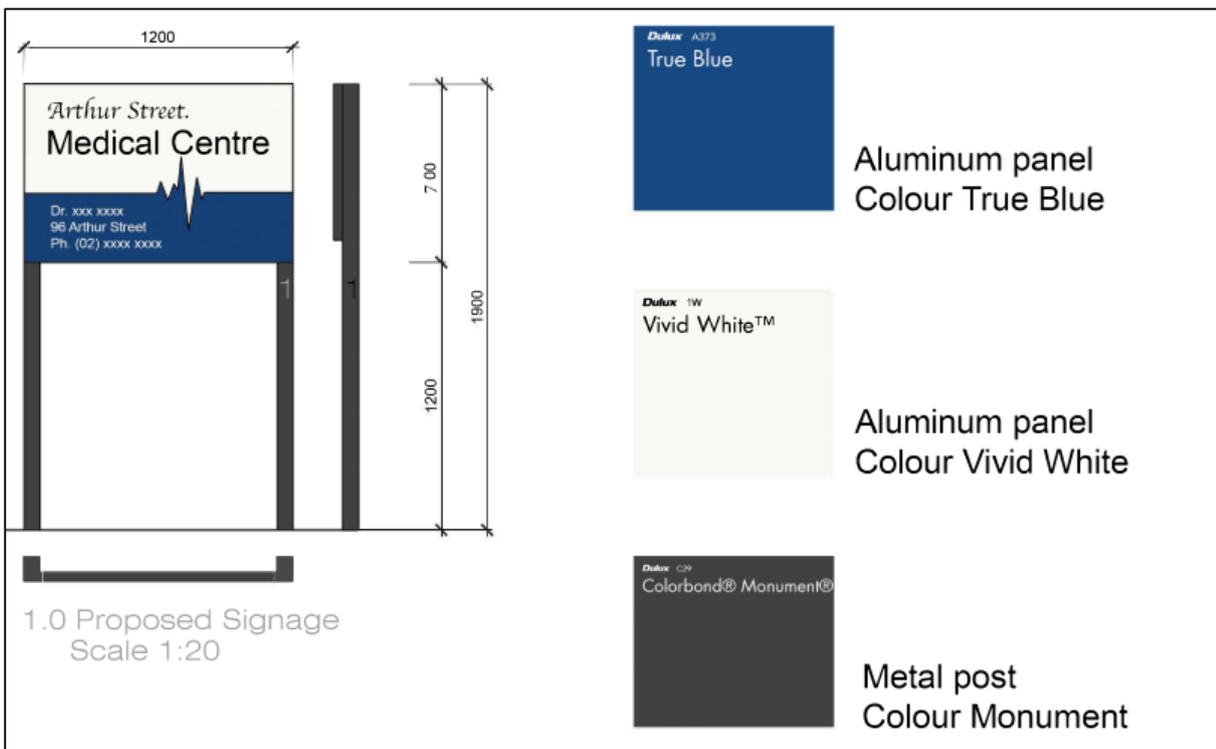


Proposed western elevation

DA2019/120 - 96 Arthur Street, Strathfield
 Lot 74 DP 10182 (Cont'd)



Proposed streetscape elevation



Proposed business identification signage

REFERRALS

INTERNAL REFERRALS

Stormwater Comments

Council’s Building Officer offered no objections to the proposal, subject to the imposition of standard conditions of consent and the following special condition:

“STORMWATER DRAINAGE PLAN

DA2019/120 - 96 Arthur Street, Strathfield
Lot 74 DP 10182 (Cont'd)

Stormwater management plan reflecting proposed new turfstone drainage shall be submitted to Council for approval prior to issue of a Construction Certificate.

(Reason: Compliance with Council requirement)"

Building Comments

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

Waste Comments

Council's Waste Officer offered no objections to the proposal, subject to the imposition of the recommended conditions of consent to ensure clinical waste and sharps are collected by a licensed/accredited medical waste contractor in accordance with NSW Health Requirements.

Traffic Comments

Council's Traffic Officer provided the following comments:

"Considering the visibility and safety aspects, it is recommended to provide Rear to Kerb Parking Spaces specifically the parking spaces 1 & with appropriate signs and wheel stops as per AS 2890.1:2004 – Off Street Car Parking.

The proposed application shall provide one disability parking with shared zone AS 2890.6:2009 – Off Street Car Parking for people with disabilities.

All the vehicles are to enter and exit in a forward direction."

Environmental Health Comments

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

SECTION 4.15 CONSIDERATIONS – EP&A Act, 1979

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

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

STATE ENVIRONMENTAL PLANNING POLICY (SEPP) – BASIX 2004

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

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

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

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

DA2019/120 - 96 Arthur Street, Strathfield
Lot 74 DP 10182 (Cont'd)

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

The objectives outlined within SEPP55 are considered to be satisfied.

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

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

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

The proposed development is suitably distanced from all existing trees and street trees. Accordingly, standard conditions of consent have been recommended to ensure the protection of these trees.

STATE ENVIRONMENTAL PLANNING POLICY (SEPP) NO. 64 – ADVERTISING AND SIGNAGE

Clause 13 of SEPP 64 requires Council to consider the aims and objectives of SEPP 64 as well as the assessment criteria outlined in Schedule 1, in the assessment of the proposed business identification signage. An assessment of the proposed development against the requirements of SEPP 64 is found below:

Part 1, Clause 3:

(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,*

Comments: The subject application is for the part conversion of the existing dwelling to a health consulting room and associated business identification signage. The signage text clearly identifies the nature of the business and is positioned near the pedestrian and vehicle entrances to the site. The signage is of a height and scale that is appropriate for the business identification nature of the sign.

Section	Assessment Criteria	Required	Proposed	Compliance
1	Character of the Area	Compatible with the existing and future likely character of the area.	The proposed signage through the use of text provides information of the health consulting rooms on the subject site. The simplistic colour palette (blue, white and black) of the signage complements the neutral colour tones of the building façade so as to integrate with the surrounding residential area.	Yes .
2	Special Areas	Does the proposal detract from the	The site is not located within a heritage conservation area.	Yes.

DA2019/120 - 96 Arthur Street, Strathfield
Lot 74 DP 10182 (Cont'd)

Section	Assessment Criteria	Required	Proposed	Compliance
		amenity or visual quality of: a) heritage areas; b) natural or other conservation areas; or c) residential areas?	The simplistic design of the signage and scale is appropriate within the context of the residential streetscape.	
3	Views and Vistas	Does the proposal: a) Obscure or compromise important view? b) Dominate the skyline and reduce the quality of vistas?	Council's Traffic Engineer has raised no objections to the location or size of the signage from a sightlines and pedestrian safety perspective. There are no heritage items within the immediate vicinity of the site.	Yes .
4	Streetscape Setting or Landscape	Is the scale, proportion and form appropriate?	The 1.2m width of the signage will occupy 7.87% of the front property frontage and a maximum structure height of 1.2m. The width and height of the signage structure is considered to be proportionate to the existing single storey dwelling and canopy tree on the site.	Yes
		Does the proposal: a) Contribute to visual interest?	a) The design of the signage is simplistic and clearly conveys the nature of the business. The light colours of the sign are in keeping with the colour tones of the surrounding residential buildings in the street.	Yes.
		b) Reduce clutter by rationalising and simplifying existing signage?	b) There is no existing signage on the site.	Yes.
		c) Screen unsightliness?	c) The sign will not screen unsightliness.	Yes.
		d) Protrude above buildings, structures or tree canopies?	d) The sign will not protrude above the existing dwelling or mature tree located on the site.	Yes.
		e) Require ongoing vegetation management?	e) No vegetation management is required.	Yes.

DA2019/120 - 96 Arthur Street, Strathfield
Lot 74 DP 10182 (Cont'd)

Section	Assessment Criteria	Required	Proposed	Compliance
5	Site and building	<p>Is the proposal compatible with the scale, proportion and other characteristics of the site?</p> <p>Does the proposal respect 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>The proposed pylon business identification signage will be located 500mm from the front property boundary with similar colour tones to the existing dwelling. The scale of the sign and overall structure is proportional to the single storey dwelling and canopy tree located within the front setback. Furthermore the width of the sign will occupy 7.87% of the width of the front property, reinforcing the ancillary purpose of the sign. It is therefore considered that the proposed signage respects the feature of the site.</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 pylon sign will not be illuminated.</p> <p>No logos are included on the signage.</p>	N/A
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) Distract from nearby residence or accommodation?</p>	The proposed pylon sign will not be illuminated.	N/A
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>a) The proposed sign will not affect road safety on Arthur Street, as the sign is not illuminated and it will be appropriately setback 500mm from the front property boundary.</p> <p>b & c) As the sign will be wholly</p>	<p>Yes</p> <p>Yes.</p>

DA2019/120 - 96 Arthur Street, Strathfield
Lot 74 DP 10182 (Cont'd)

Section	Assessment Criteria	Required	Proposed	Compliance
		c) Reduce safety, for children by obscuring sight lines from public areas?	within the subject site sightlines will not be affected.	

STRATHFIELD LOCAL ENVIRONMENTAL PLAN 2012 (SLEP 2012)

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

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

Comments: The proposal facilitates the provision of a health consulting facility in the community in addition to maintaining the predominant residential use

Permissibility

The subject site is Zoned R2 Low Density Residential under Strathfield Local Environmental Plan (SLEP) 2012.

'Dwelling Houses' and 'Health consulting rooms' are permissible within the R2 Low Density Residential Zone with consent and are defined under SLEP 2012 as follows:

"health consulting rooms means premises comprising one or more rooms within (or within the curtilage of) a dwelling house used by not more than 3 health care professionals at any one time."

The proposed development involves the part conversion of the existing dwelling to a health consulting room with two (2) doctors (general medical practice). The proposal includes internal alterations to the dwelling house that will result in a residence that is capable of occupation as a separate domicile. As such, the proposal is consistent with the definition of a health consulting room and is permissible within the R2 Low Density Residential Zone with consent.

Zone Objectives

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

DA2019/120 - 96 Arthur Street, Strathfield
Lot 74 DP 10182 (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>	Yes
➤ <i>To ensure that development of housing does not adversely impact the heritage significance of adjacent heritage items and conservation areas.</i>	Yes

Comments: The proposed development involves alterations and additions to the existing dwelling resulting in part conversion of the dwelling to a general practice. The general practice is proposed to operate Monday to Fridays 9am to 5pm and Saturdays 9am to 12pm with one (1) full-time and one (1) part-time general practitioners and one (1) receptionist. The proposal is consistent with the objectives of the R2 Low Density Residential zone, providing for the ongoing residential use of the existing dwelling and a general practice that provides a service for the community.

Part 4: Principal development standards

The proposed development will not alter the floor space ratio or the building height of the existing dwelling house.

Part 5: Miscellaneous Provisions

No Clauses under Part 5 of the SLEP 2012 are applicable to the subject application.

Part 6: Local Provisions

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

6.1 Acid sulfate soils

The subject site is identified as having Class 5 acid sulfate soils and is located within 500m of class 3 soils. The proposed development involves minimal excavation and the site is not below 5 AHD. As a result, an Acid Sulfate Management Plan is not required. Therefore, given this and the extent of the proposed works, the proposal is not anticipated to disturb, expose or drain acid sulfate soils and is consistent with the objectives of this Clause.

6.2 Earthworks

The proposed development involves minimal excavation, confined to the removal of soil to accommodate the vehicle parking area and the construction of the business identification signage. Accordingly, conditions of consent have been recommended to ensure the appropriate management of soils during the construction phases of the development.

DA2019/120 - 96 Arthur Street, Strathfield
Lot 74 DP 10182 (Cont'd)

6.3 Flood planning

In accordance with the Powells Creek and Saleyards Creek Revised Flood Study, the subject site is identified as being affected by the overland flow of stormwater waters 1 in 100 year storm event. To ensure the proposed car parking area including the turfstone area adequately drainages in response to the flood affectation of the site, a condition of consent has been imposed for a stormwater management plan of the area to be submitted to Council for approval prior to the issue of a Construction Certificate.

6.4 Essential services

The subject site is located within a well serviced area and features existing water and electricity connections and access to Council's stormwater drainage system.

6.6 Erection or display of signage

Clause 6.6 of the SLEP 2012 requires consideration be given to the compatibility of the proposed signage with the amenity and visual character of the area. The proposed development incorporates a pylon sign identifying the name and nature of the business (general practice) on the site. The pylon sign is not illuminated and is appropriately located within the front setback so as not to detract from the residential character of the street.

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

5: Landscaping

5.1	Objectives	Satisfactory
A.	To encourage landscaping that is appropriate to the style and scale of the dwelling and adjoining development, and to the streetscape.	Yes
B.	To enhance the existing streetscape and promote a scale and density of planting that softens the visual impact of buildings, structures, vehicle circulation and ancillary areas.	Yes
C.	To preserve existing landscape elements on site (such as existing trees) and encourage their integration into the design of proposals.	Yes
D.	To ensure adequate deep soil planting is retained on each allotment.	Yes
E.	To ensure developments make an equitable contribution to the landscape setting of the locality.	Yes
F.	To ensure both existing and new landscaping provides suitable shade and facilitates convective cooling breeze paths in summer.	Yes

DA2019/120 - 96 Arthur Street, Strathfield
Lot 74 DP 10182 (Cont'd)

G.	<i>To encourage the use of native flora such as open woodland canopy trees, to provide a habitat for native fauna.</i>		Yes
H.	<i>To ensure that landscaped areas are designed to minimise water use.</i>		Yes
I.	<i>To provide functional private open spaces for active or passive use by residents.</i>		Yes, subject to conditions
J.	<i>To provide private open areas with provision for clothes drying facilities screened from the street and lane or a public place.</i>		Yes
K.	<i>To ensure the protection of trees during construction</i>		Yes
L.	<i>To ensure suitable fencing is provided to reduce acoustic impacts and enhance visual privacy between neighbouring residents whilst enabling front fences passive surveillance of the street.</i>		N/A
M.	<i>To maximise the amenity of existing and proposed developments, including solar access, privacy and open space.</i>		Yes, subject to conditions
5.2	Development Controls		Complies
	<i>Landscaped area</i>		
.1.	1	Landscaped area in accordance with Table A.3	No, refer to below
	4	Minimise hard surface area (concrete/brick/stone paving and bitumen). Run-off directed to permeable surfaces.	Yes
	<i>Private Open Space</i>		
.3.	1	Provided in a single parcel rather than a fragmented space, directly accessible from internal living areas	Yes
	5	Private open space located at the rear of the property.	Yes

Comments: The proposal provides 37.23% (259.43m²) of deep soil landscaping, resulting in a shortfall of the 41.5% (289.17m²) minimum requirement under Section 5.2.1 of the SCDP 2005. The provided deep soil landscaping comprises a mixture of grass and turfstone over a portion of the vehicle turning area. To maintain visual separation between the adjoining properties the existing hedging along the western side boundary is to remain with the development proposing the planting of evergreen shrubs along the eastern property boundary.

The proposal includes the construction of a pedestrian ramp from Arthur Street to the entrance of the health consulting rooms. As such, the addition of a pedestrian walkway is not necessary and will further reduce the provision of deep soil landscaping on the site. Therefore, a condition of consent has been recommended for the area marked 'pedestrian walkway' to be deleted and retained as grass to provide additional deep soil landscaping.

Although the proposal does not meet the minimum deep soil landscaping requirements the provided landscaped area is of a high quality, retaining the two (2) existing canopy trees and gardens and proposing additional planting.

In regards to private open space for the residents, the kitchen/dining and living room have access to a covered patio area. Although the patio area is small (10.5m²), it is considered to be appropriate for the one-bedroom composition of the residence. To provide a reasonable level of privacy for the residents utilising the patio and visitors of the health consulting rooms, a condition of consent has been recommended for a 1.5m fixed privacy screen to be installed to the southern elevation of the patio.

DA2019/120 - 96 Arthur Street, Strathfield
Lot 74 DP 10182 (Cont'd)

7: Privacy

7.1 Objectives		Satisfactory
A.	Development that is designed to provide reasonable privacy to adjacent properties	Yes
B.	To maintain reasonable sharing of views from public places and living areas	Yes
C.	To ensure that public views and vistas are protected, maintained and where possible, enhanced	Yes
D.	To ensure that canopy trees take priority over views	Yes
E.	To ensure that the siting and design of buildings minimises noise impacts from abutting roads, rail corridors and other noise-generating land uses	Yes
7.2 Development Controls		Complies
Visual Privacy		
.1.	1 Protect POS, bedrooms, balconies and living rooms of proposed and any existing adjoining dwellings from direct overlooking	Yes
	4 Improve privacy to adjacent properties with screen planting	Yes
Windows		
.2.	1 Windows do not directly face the windows, balconies and courtyards of adjoining dwelling	Yes

Comments: As previously discussed shrubs are proposed to be planted along the eastern elevation of the four (4) car parking spaces to increase visual separation between the adjoining property and visitors utilising the vehicle parking areas. The proposed additional window to the eastern elevation of the dwelling (W1.1) is appropriately offset to the adjoining residential property.

8: Vehicle Access and Parking

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

DA2019/120 - 96 Arthur Street, Strathfield
Lot 74 DP 10182 (Cont'd)

.1.	<i>Driveway and Grades</i>		
	4	Parking and access points easily accessible and recognisable, non-disruptive to pedestrian flow and safety and located to minimise traffic hazards and potential for vehicles to queue.	Yes, subject to conditions
.2.	<i>Garages, Carports and Car Spaces</i>		
	1	Two (2) car parking spaces required behind the FBL of all new dwellings (exceptions apply)	Yes
	4	Dimensions of parking spaces and garages comply with the Australian Standards	Yes, subject to conditions

Comments: The existing dwelling provides two (2) car parking spaces in a detached garage located at the rear of the subject site. The existing car parking spaces are to remain for the use of residents as required by Section 8.2.2 of Part A of the SCDCP 2005.

10: Water and Soil Management

10.1	Objectives		Satisfactory
A.	To encourage the incorporation of Water Sensitive Urban Design (WSUD) and Botany Improvement Plan principles in the development.		N/A
B.	To ensure compliance with Council's Stormwater Management Code		Yes, subject to conditions
C.	To ensure compliance with the NSW State Government's Flood Prone Lands Policy.		Yes
D.	To ensure that appropriate soil erosion and sediment control measures are implemented on all sites that involve soil disturbances during construction.		Yes
E.	To ensure new building work does not detrimentally affect the existing drainage system of any area of the Municipality.		Yes, subject to conditions
F.	To ensure that new development in areas that may be affected by acid sulphate soils do not adversely impact the underlying ground conditions, soil acidity and water quality.		Yes
G.	To appropriately manage stormwater and overland flow to minimise damage to occupants and property		Yes
10.2	Development Controls		Complies
.1.	<i>Stormwater Management and Flood Prone areas</i>		
	2	Compliance with Council's Stormwater Management Code	Subject to conditions
	3	Flood affected properties comply with Council's Interim Flood Prone Lands Policy (Flood Prone Areas & Through Site Drainage)	Subject to conditions
.2.	<i>Acid Sulfate Soils</i>		
	1	Site managed consistent with the provisions contained in Clause 6.1 SLEP 2012	Yes
.3.	<i>Soil Erosion and Sediment Control</i>		
	1	Soil erosion and sediment control measures detailed and implemented prior to the commencement of work.	Subject to conditions.

Comments: As previously discussed all of the conditions recommended by Council's Stormwater Engineer are to be imposed to ensure compliance with Council's Stormwater Management Code and Interim Flood Prone Lands Policy. A condition of consent has been recommended for a soil erosion and sediment control plan to be prepared and approved for implementation by the Principal Certifying Authority prior to the issue of a Construction Certificate.

DA2019/120 - 96 Arthur Street, Strathfield
Lot 74 DP 10182 (Cont'd)

11: Access, Safety and Security

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

Comments: The existing garage and proposed vehicle parking area are located behind the dwelling. The residential and general health practice components of the building have separate entrances.

PART H - WASTE MANAGEMENT (SCDCP 2005)

Section 2.1 of Part H of the SCDCP 2005 requires that all development applications be accompanied by a Waste Management Plan. The subject application was accompanied by a Waste Management Plan and Plan of Management, outlining the measures of minimising waste generation during the demolition/construction process and ongoing use of the residential and general practice components of the dwelling.

The Waste Management Plan and accompanying architectural plans indicate that recycling and general waste generated from the residential and general health practice will be stored and collected separately. The waste generated by the residential component will be stored in the bins located outside at the eastern side of the site and collected by Council waste services. With regards to the general health practice, general waste and recycling are to be collected by a private contractor. Further, clinical waste and sharps are to be stored in a specific secured container and collected by a licensed/accredited medical waste contractor in accordance with NSW Health Requirements.

Overall the proposed Waste Management Plan is suitable for the proposed use and will be enforced via conditions of consent.

PART I – PROVISION OF OFF-STREET PARKING FACILITIES

Under Section 3.3.2 of Part I 'Provision of off-street parking facilities', professional consulting rooms must provide a minimum of three (3) spaces per surgery plus one (1) space per two (2) employees. The proposal seeks to provide a total of six (6) on-site car parking spaces, two (2) allocated for the dwelling house use (accommodated by the existing garage) and four (4) for the proposed the health consulting rooms. As one of the staff members will reside at the premises the total number of car parking spaces will sufficiently meet the demand of the residents, staff and visitors.

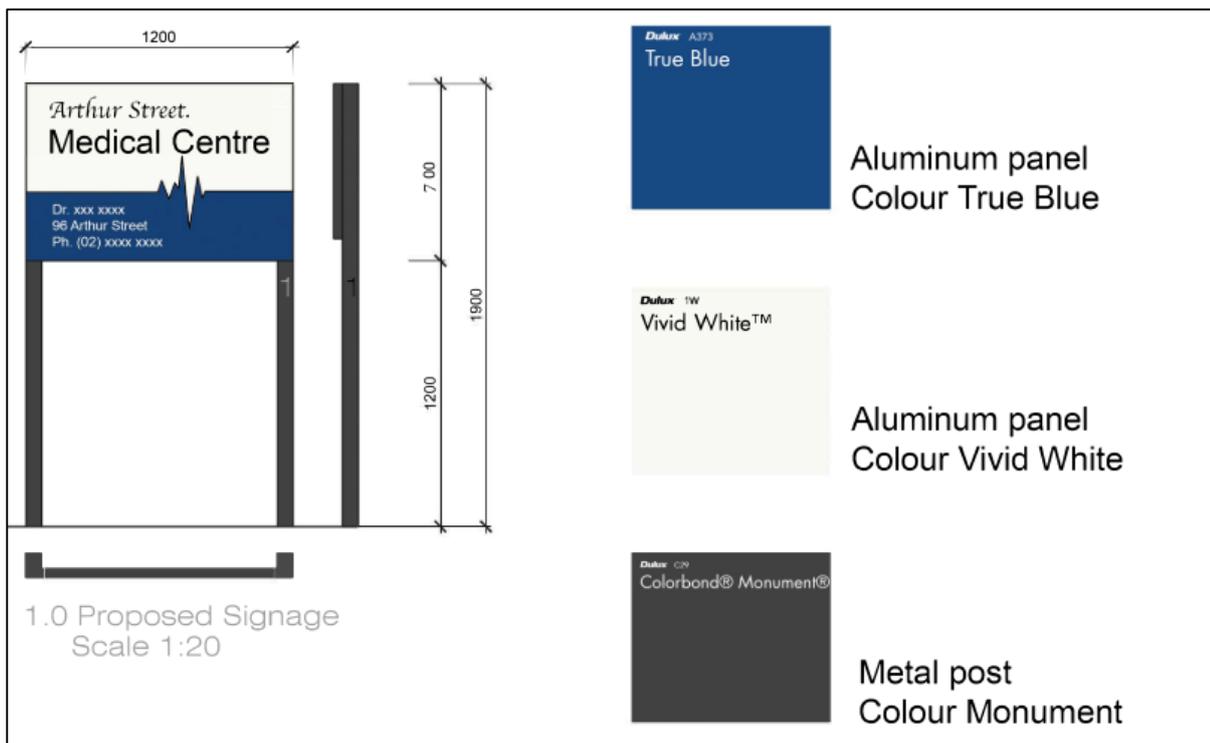
Taking into consideration the nature of the proposed business being, a general health practice it is reasonable for an accessible car parking space to be provided. Accordingly, a condition of consent has been recommended for the areas adjoining Car Space No. 4 to be a shared zone in accordance with Australian Standards 2890.6:2009. The proposed on-site parking arrangements include a manoeuvring area to enable all vehicles to enter and exit in a forward direction. Furthermore, Council's Traffic Engineer has recommended that for visibility and safety aspects the parking is marked as 'Rear to Kerb'.

PART J – ADVERTISING SIGNS AND STRUCTURES (SCDCP 2005)

DA2019/120 - 96 Arthur Street, Strathfield
 Lot 74 DP 10182 (Cont'd)

1.3	Objectives of Part J	Complies
1.	To encourage signage which complements the dominant urban character of an area, including the built and landscape character.	Yes
2.	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;	Yes
	(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;	Yes
	(c) does not lead to visual clutter through the proliferation of signs;	Yes
	(d) is designed and installed to an acceptable level of safety and serviceability;	Yes
	(e) is designed to have minimal adverse impacts on driver or pedestrian safety.	Yes

Comments: The proposed signage provides conveys the nature of the business in a clear and concise way. The size of the sign is considered to be appropriate for its purpose, to identify and provide contact details about the business. Illumination of the sign is not proposed and is appropriate within the streetscape context. The proposed signage is not anticipated to result in adverse residential amenity impacts.



2.2 Signs in R2, R3 and R4 Zones Standard	Comment
(i) Ensure that any advertisement displayed on a residential premises does not dominate the premises from a public place.	The 1.9 maximum height of the signage structure is compatible with the single storey height of the existing dwelling. The sign will occupy 7.87% (1.2m) of the 15.24m street frontage and considered to be appropriate. The scale of the sign will not dominate the premises when viewed from the public domain.
(ii) The advertisement must relate to an activity carried out on the premises;	The text on the sign states the business name 'Arthur Street Medical Centre' contact details (address, doctor and phone number) only.

DA2019/120 - 96 Arthur Street, Strathfield
Lot 74 DP 10182 (Cont'd)

(iv)	<i>preserve the residential amenity of the locality within which the sign is to be displayed.</i>	External colours and finishes are considered to complement the existing dwelling and surrounding streetscape.
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4: Schedule 2

ITEM 10- Pole or pylon signs

	<i>Development Controls</i>	<i>Complies</i>
(a)	<i>The pole or pylon sign does not project more than 1.2m over any road alignment</i>	Yes
(b)	<i>In cases where it does project over any road alignment, it is not less than 2.6m above the ground where it so projects</i>	Yes
(c)	<i>The pole or pylon sign has a maximum advertising area of 44.6m²</i>	Yes
(d)	<i>The pole or pylon sign is not more than 15.2m above the ground.</i>	Yes

Comments: The pylon sign will be located wholly within the site and setback 500mm from the front property boundary. The pylon sign has a display area of 2m² and a maximum height of 1.2m. As previously discussed, the scale and location of the proposed business identification sign is appropriate and not dominate the subject site.

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

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

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

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

The proposed development involve demolition works of a building. Should this application be approved, appropriate conditions of consent may be imposed to ensure compliance with the requirements of the above standard.

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

The proposal has been appropriately designed, satisfying the definition of a 'health consulting room' with the general health practice and residential component of the dwelling capable of independent function. Further, the intensity of the health practice is considered to be ancillary and appropriate for the residential zoning of the site, with operations confined to Monday to Friday 9am to 5pm and Saturday 9am to 12pm. The proposed car parking arrangement will enable vehicles to enter and exit the site in a forward direction and is not anticipated to impact on the functioning ability of the surrounding road network.

DA2019/120 - 96 Arthur Street, Strathfield
Lot 74 DP 10182 (Cont'd)

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

The proposal is considered an acceptable outcome for the site which will not compromise the amenity of the adjoining residents and will provide a service for the local community.

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

The application was publicly notified from 22 August 2019 to 5 September 2019 in accordance with the provisions of Part L of SCDCP 2005. Two (2) submissions were received as a result.

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

1. Parking Congestion

The location of the proposed development is not appropriate as Arthur Street is a busy street and the patients from the practice will cause further car parking congestion. The proposal needs to take into account of emergency vehicles that may need to park in front of the house.

Assessing Officer's Comments: The proposal includes the provision of six (6) car parking space of which four (4) spaces are to be dedicated to the general health practice. The general health practice comprises of two (2) consulting rooms and is not anticipated to generate significant car parking demand. Presently only emergency vehicles are able to park at the front of the subject site as a large portion of Arthur Street is under a "No stopping" road scheme.

2. Road Safety

The proposal will create more traffic movements and is dangerous for vehicles to turn in and out of the dwelling so close to the roundabout at Pemberton Street. Furthermore, patients walking along Arthur Street outside the premises poses a safety risk.

Assessing Officer's Comments: The proposal includes the provision of four (4) car parking spaces at the rear of the premises for the health practice with sufficient maneuvering room to ensure the vehicles enter and exit the site in a forward direction. The proposed development will utilise the existing dwelling driveway providing sufficient sight lines.

3. Site suitability

Strathfield should be kept as a resident friendly area for young and elderly. If a general practice is approved, others may follow suit and expand their commercial space into our neighbourhood. The appropriateness of Saturday trading hours 9am to 12pm is also raised.

Assessing Officer's Comments: The proposed development involves the part conversion of the existing dwelling to a health consulting room with two (2) doctors. Under the Strathfield Local Environmental Plan 2012, health consulting rooms are permissible with consent in R2 Low Density Residential zoned land. The proposal does not seek the entire conversion of the dwelling to a general doctors practice, rather the dwelling will function as a residence and also a general medical practice. The proposed hours of operation Monday to Friday 9am to 5pm and Saturday 9am to 12pm are considered to be suitable given the scale of the practice (two consulting rooms) and the nature of the business, a general medical practice.

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.

DA2019/120 - 96 Arthur Street, Strathfield
Lot 74 DP 10182 (Cont'd)

LOCAL INFRASTRUCTURE CONTRIBUTIONS

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

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

STRATHFIELD INDIRECT CONTRIBUTIONS PLAN

Section 7.12 Contributions are not applicable to the proposed development in accordance with the Strathfield Indirect Contribution Plan as follows the cost of works is less than \$100,001.

CONCLUSION

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

PEER REVIEW

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

RECOMMENDATION

That Development Application No. 2019/120 for the change of use of part of the existing dwelling into two (2) health consulting rooms (general practice) operating Monday to Friday 9am to 5pm and Saturdays from 9am to 12pm, and associated internal and external works be **APPROVED**, subject to the following conditions:

SPECIAL CONDITIONS (GC)

1. SIGNAGE DISPLAY (SC)

The business identification signage must not have/use:

- a) Flashing lights;
- b) Illumination either directly or indirectly
- c) Moving parts;

(Reason: Residential amenity).

2. STORMWATER DRAINAGE PLAN (SC)

A stormwater management plan illustrating how the turfstone area is to be drained shall be submitted to Council for approval prior to issue of a Construction Certificate.

(Reason: To ensure compliance with Council's Stormwater Management Code.)

3. LANDSCAPING (SC)

The area identified as 'pedestrian walkway' (not the pedestrian ramp) in the front setback of the site is to be retained as grass.

DA2019/120 - 96 Arthur Street, Strathfield
Lot 74 DP 10182 (Cont'd)

(Reason: To increase the amount of deep soil landscaping).

4. PARKING (SC)

All car parking spaces are to provided with 'Rear to Kerb' signage and wheel stops in accordance with AS 2890.1:2004 - Off Street Car Parking.

A certificate shall be provided by a suitably qualified person to confirm that the signage has been installed, to the satisfaction of the Principal Certifying Authority prior to the issue of any Occupation Certificate.

(Reason: Traffic safety)

GENERAL CONDITIONS (GC)

5. APPROVED PLANS AND REFERENCE DOCUMENTATION (GC)

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

Plans affixed with Council's 'Development Consent' stamp relating to Development Consent No.2019/120:

Drawing No.	Title/Description	Prepared by	Issue / Revision & Date	Date received by Council
DA02	Site Plan, Vehicle Manoeuvring	Palfreeman Sweeney Architects	Rev B	11 October 2019
DA03	Proposed Floor Plan	Palfreeman Sweeney Architects	Rev B	11 October 2019
DA04	Elevations & Signage	Palfreeman Sweeney Architects	Rev B	2 December 2019
DA05	Proposed Signage	Palfreeman Sweeney Architects	Rev B	2 December 2019
DA05	Proposed Landscape Plan	Palfreeman Sweeney Architects	Rev B	11 October 2019

Reference Documentation affixed with Council's 'Development Consent' stamp relating to Development Consent No.2019/120:

Title / Description	Prepared by	Issue/Revision & Date	Date received by Council
Access Report	Ergon Consulting	Rev B	11 October 2019
BASIX Certificate	No. A360058	Issued 7 October 2019	11 October 2019
Waste Management Plan	Palfreeman Sweeney Architects	-	11 October 2019
Plan of Management	Palfreeman Sweeney Architects	Dated 7 October 2019	11 October 2019

DA2019/120 - 96 Arthur Street, Strathfield
Lot 74 DP 10182 (Cont'd)

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

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

6. 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.)

7. 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.)

8. DEMOLITION – GENERALLY (GC)

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

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

9. DEMOLITION - SITE SAFETY FENCING (GC)

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

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

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

(Reasons: Statutory requirement and health and safety.)

DA2019/120 - 96 Arthur Street, Strathfield
Lot 74 DP 10182 (Cont'd)

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

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

All healthy trees and shrubs identified for retention on the approved drawings are to be suitably protected in accordance with Section 4, Tree protection measures, and Appendix C Tree Protection Zone Sign, of Australian Standard AS4970 - 2009, Protection of Trees on Development Sites, prior to the commencement of any works (including any demolition and excavation) and maintained for the duration of the works.

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

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

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

DA2019/120 - 96 Arthur Street, Strathfield
Lot 74 DP 10182 (Cont'd)

11. 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 approval of Council.

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

12. MATERIALS – CONSISTENT WITH SUBMITTED SCHEDULE (GC)

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

(Reason: To ensure compliance with this consent.)

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

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

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

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

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

(Reason: Statutory requirement.)

14. SITE MANAGEMENT (DURING DEMOLITION AND CONSTRUCTION WORKS)

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

- i) All demolition is to be carried out in accordance with Australian Standard AS 2601-2001.
- ii) Demolition must be carried out by a registered demolition contractor.
- iii) A single entrance is permitted to service the site for demolition and construction. Protection pads are to be installed to the kerb, gutter and nature strip where trucks and vehicles enter the site.
- iv) No blasting is to be carried out at any time during construction of the building.
- v) Care must be taken during demolition/ excavation/ building/ construction to prevent any damage to adjoining buildings.
- vi) Adjoining owner property rights and the need for owner's permission must be observed at all times, including the entering onto land for the purpose of undertaking works.
- vii) Any demolition and excess construction materials are to be recycled wherever

DA2019/120 - 96 Arthur Street, Strathfield
Lot 74 DP 10182 (Cont'd)

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

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

15. HAZARDOUS GOODS AND WASTE (GC)

Dangerous and hazardous goods shall be stored in accordance with NSW WorkCover requirements and AS1940-2004 - The Storage and Handling of Flammable and Combustible Liquids.

Hazardous waste must be contained, managed and disposed of in a responsible manner in accordance with the Protection of Environment and Operations Act 1997, NSW Environment Protection Authority (EPA) and the New South Wales WorkCover Authority.

Material Safety Data Sheets of all hazardous substances used, such as bleaches and nail products must be kept on site and readily available to all staff. Staff must be trained how to safely use and store these chemicals prior to the commencement of work.

DA2019/120 - 96 Arthur Street, Strathfield
Lot 74 DP 10182 (Cont'd)

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

(Reason: Health and safety.)

16. STORMWATER MANAGEMENT PLAN - CERTIFICATION REQUIREMENT (GC)

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

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

17. SYDNEY WATER - TAP IN™ (GC)

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

(Reason: Compliance with Sydney Water requirements.)

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

18. ACCESS - ACCESS FOR PEOPLE WITH DISABILITIES (CC)

Access for people with disabilities must be provided in accordance with the requirements of the Building Code of Australia, relevant Australian Standards and with regard to the Disability Discrimination Act 1992. Plans shall be notated demonstrating compliance and approved by the Principal Certifying Authority, prior to the issue of a Construction Certificate.

Note: Disability (Access to Premises - Buildings) Standards 2010 - As of 1 May 2011, if access is provided to the extent covered by this Standard, then such access cannot be viewed as unlawful under the Disability Discrimination Act 1992.

(Reason: To provide equitable access for people(s) with disabilities in accordance with the relevant legislation and Australian Standards.)

19. ACCESS - DISABLED TOILETS (CC)

Plans and details of the disabled toilet/s complying with the relevant Australian Standards,

DA2019/120 - 96 Arthur Street, Strathfield
Lot 74 DP 10182 (Cont'd)

the Building Code of Australia, and with regard to the Disability Discrimination Act 1992. Plans shall be notated demonstrating compliance and approved by the Principal Certifying Authority, prior to the issue of a Construction Certificate.

Note: Disability (Access to Premises - Buildings) Standards 2010 - As of 1 May 2011, if access is provided to the extent covered by this Standard, then such access cannot be viewed as unlawful under the Disability Discrimination Act 1992.

(Reason: To provide equitable access for people(s) with disabilities in accordance with the relevant legislation and Australian Standards.)

20. **BASIX COMMITMENTS (CC)**

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

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

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

(Reason: Statutory compliance.)

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

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

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

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

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

22. **CAR PARKING - DISABLED CAR PARKING SPACES (CC)**

Car Space No. 4 shall be provided as a disabled car parking space with a shared zone adjoining the space. The space shall be a minimum of 2.4m wide x 5.4m long and located near pedestrian access routes designed for disabled persons. Each space shall be clearly marked as such. A shared area 2.4 m wide x 5.4m long shared area should be provided. Bollard shall be placed in this shared area.

Car parking for people with disabilities shall be provided in accordance with the Building Code of Australia, relevant Australian Standards and with regard to the Disability Discrimination Act 1992. Prior to the issue of a Construction Certificate, the plans shall be notated to demonstrate compliance.

DA2019/120 - 96 Arthur Street, Strathfield
Lot 74 DP 10182 (Cont'd)

The above details shall be submitted to and approved by the Principal Certifying Authority prior to the issue of a Construction Certificate.

(Reason: To ensure adequate parking for persons with a disability.)

23. CAR PARKING - VEHICULAR ACCESS RAMPS (CC)

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

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

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

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

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

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

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

25. CAR PARKING - VEHICULAR CIRCULATION, AISLE AND RAMP WIDTHS (CC)

The aisle widths, internal circulation, ramp widths and grades of the car park shall comply with the Roads and Traffic Authority Guidelines and AS/NZS 2890.1:2004 - Off-Street Car Parking Code.

Vehicular manoeuvring paths are to be prepared demonstrating that all vehicles can enter or depart the site in a forward direction without encroaching on required car parking spaces.

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

DA2019/120 - 96 Arthur Street, Strathfield
Lot 74 DP 10182 (Cont'd)

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

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

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

(Reason: To ensure compliance with statutory provisions.)

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

Works Permit

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

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

Standing Plant Permit

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

Skip Bin Permit

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

Temporary Full or Part Road Closure Permit

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

Hoarding/Fencing Permit

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

Work Zone Permit

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

DA2019/120 - 96 Arthur Street, Strathfield
Lot 74 DP 10182 (Cont'd)

Ground Anchoring Permit

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

(Reason: Council requirement.)

28. DRIVEWAY DESIGN - SPEED HUMP AND STOP SIGN ON EXIT (CC)

The applicant shall install a stop sign and a speed hump at the exit from the site. The stop sign must be accompanied by the associated line marking and the speed hump shall be set back by 1.5 metres from the boundary alignment. The devices shall be designed and constructed in accordance with the provision of all relevant Australian Standards. The building plans shall indicate compliance with this requirement, prior to the issue of a Construction Certificate.

(Reason: Traffic safety and management.)

29. EROSION AND SEDIMENTATION CONTROL PLAN (CC)

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

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

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

(Reason: Environmental protection.)

DA2019/120 - 96 Arthur Street, Strathfield
Lot 74 DP 10182 (Cont'd)

30. **FIRE SAFETY UPGRADE - CHANGE OF BUILDING USE (CC)**

Council considers pursuant to clause 93 of the Environmental Planning and Assessment Regulation 2000 that it is appropriate to require the existing building to be upgraded to total or partial conformity with the BCA.

The Construction Certificate plans and specification required to be submitted to the Certifying Authority pursuant to clause 139 of the Regulation must detail building upgrade works required by for the approved use.

The Certifying Authority must be satisfied that such work, to be implemented as part of the development, will upgrade the building to bring it into compliance with the provisions of the BCA in force at the date of issue of the Construction Certificate.

Note: The Certifying Authority issuing the Construction Certificate has no power to remove the requirement to upgrade the existing building as required by this condition. Where this condition specifies compliance with performance requirements of the BCA, the Certifying Authority (subject to their level of accreditation) may be satisfied as to such matters. Where this condition specifies compliance with prescriptive (deemed to satisfy) provisions of the BCA, these prescriptive requirements must be satisfied and cannot be varied unless this condition is reviewed under section 82A or amended under section 4.55 of the Act.

(Reason: Fire safety.)

31. **FIRE SAFETY SCHEDULE (CC)**

A Fire Safety Schedule specifying the fire safety measures (both current and proposed) which should be implemented in the building premises must be submitted with the Construction Certificate application, in accordance with Part 9 of Clause 168 of the Environmental Planning and Assessment Regulation 2000.

Note: A Construction Certificate cannot be issued until a Fire Safety Schedule is received.

(Reason: Compliance with the Environmental Planning and Assessment Act 1979.)

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

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

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

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

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

Note: Should Council property adjoining the site be defective e.g. cracked footpath, broken kerb etc., this should be reported in writing, or by photographic record, submitted to Council

DA2019/120 - 96 Arthur Street, Strathfield
Lot 74 DP 10182 (Cont'd)

at least seven (7) days prior to the commencement of any work on site. This documentation will be used to resolve any dispute over damage to infrastructure. It is in the applicant's interest for it to be as full and detailed as possible.

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

(Reason: Protection of Council infrastructure.)

33. **SEPARATE WASTE AREAS FOR MIXED-USE DEVELOPMENTS (CC)**

General waste and recycling for the residential and medical practice of the dwelling shall be stored and collected separately.

All waste and recycling generated by the medical practice is to be collected by a private contractor.

(Reason: To ensure separation of commercial and residential waste.)

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

34. **APPOINTMENT OF A PRINCIPAL CERTIFYING AUTHORITY (PCA) (CW)**

No work shall commence in connection with this Development Consent until:

- i) A construction certificate for the building work has been issued by the consent authority or a Principal Certifying Authority.
- ii) The person having the benefit of the development consent has appointed a principal certifying authority for the building work, and notified the principal certifying authority that the person will carry out the building work as an owner/builder, if that is the case.
- iii) The principal certifying authority has, no later than 2 days before the building work commences:
 - notified the Council of his or her appointment, and
 - notified the person having the benefit of the development consent of any critical stage inspections and other inspections that are to be carried out in respect of the building work.
- iv) The person having the benefit of the development consent, if not carrying out the work as an owner-builder, has:
 - appointed a principal contractor for the building work who must be the holder of a contractor licence if any residential building work is involved;
 - notified the principal certifying authority of such appointment; and
 - unless that person is the principal contractor, notified the principal contractor of any critical stage inspections and other inspections that are to be carried out in respect of the building work.
- v) The person having the benefit of the development consent has given at least 2 days' notice to the Council of the person's intention to commence the erection of the building.

Note: If the principal certifying authority is the Council, the nomination will be subject to the payment of a fee for the service to cover the cost of undertaking all necessary inspections and the issue of the appropriate certificates.

Under the Environment Planning and Assessment (Quality of Construction) Act, 2003, a sign must be erected in a prominent position on the work site showing the name, address and telephone number of the principal certifying authority; the name of the principal contractor (if

DA2019/120 - 96 Arthur Street, Strathfield
Lot 74 DP 10182 (Cont'd)

any) for the building work and a telephone number at which that person may be contacted outside working hours. That sign must also state that unauthorised entry is prohibited. The sign must not be removed until all work has been completed.

(Reason: Statutory requirement.)

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

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

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

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

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

(Reason: Statutory requirement.)

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

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

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

(Reason: Statutory requirement.)

DA2019/120 - 96 Arthur Street, Strathfield
Lot 74 DP 10182 (Cont'd)

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

37. 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.)

38. PUBLIC INFRASTRUCTURE AND SERVICES (DW)

The applicant must comply with the requirements (including financial costs) of any relevant utility provider (e.g. Energy Australia, Sydney Water, Telstra, RMS, Council etc.) in relation to any connections, works, repairs, relocation, replacements and/or adjustments to public infrastructure or services affected by the development.

(Reason: To maintain public infrastructure and/or services.)

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

39. CAR PARKING - VISITOR CAR PARKING SIGNAGE (OC)

A sign shall be erected in a suitable location on the property near the driveway entrance indicating where visitor parking is available on the site. Signage shall also be erected above the visitor parking itself. Details demonstrating compliance shall be demonstrated to the Principal Certifying Authority, prior to the issue of any Occupation Certificate.

(Reason: Adequate access and egress.)

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

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

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

(Reason: Maintenance and environment.)

41. FIRE SAFETY CERTIFICATION (OC)

A fire safety certificate shall be obtained in accordance with Part 9, Division 4 of the Environmental Planning and Assessment Regulation 2000, prior to the issue of any Occupation Certificate.

A fire safety certificate is a certificate issued by the owner of a building to the effect that each essential fire safety measure specified in the current fire safety schedule for the part of the building to which the certificate relates:

- i) has been assessed by a properly qualified person; and
- ii) was found, when it was assessed, to be capable of performing to at least the

DA2019/120 - 96 Arthur Street, Strathfield
Lot 74 DP 10182 (Cont'd)

standard required by the current fire safety schedule for the building for which the certificate is issued.

An interim fire safety certificate must be provided before an interim occupation certificate can be used for a building under Clause 153(2) of the Environmental Planning & Assessment Regulation 2000.

A final fire safety certificate must be provided before an interim occupation certificate can be used for a building under Clause 153(1) of the Environmental Planning & Assessment Regulation 2000.

A copy of the fire safety certificate and fire safety schedule shall be:

- i) submitted to Strathfield Council;
- ii) submitted to the Commissioner of the New South Wales Fire Brigade; and
- iii) prominently displayed in the building.

(Reason: Fire safety and statutory requirement.)

42. **OCCUPATION OF BUILDING (OC)**

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

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

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

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

(Reason: Statutory requirement.)

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

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

(Reason: Adequate stormwater management.)

44. **CONTROL OF BIOLOGICAL MATERIALS (OC)**

Hand washing facilities – Hand wash basins must be provided in each treatment room and provided with warm water mixed from a continuous hot and cold water supply through a common spout. A continuous supply of liquid soap and single use hand towels must be provided adjacent to all hand washing basins.

DA2019/120 - 96 Arthur Street, Strathfield
Lot 74 DP 10182 (Cont'd)

Floor Materials – The floor of the treatment rooms are to be constructed of material that is impervious, non-slip, non-abrasive and is capable of being easily and effectively cleaned.

Wall Materials – The walls of the treatment rooms are to be constructed of material that is durable, smooth, easily cleaned and impervious to moisture.

Toilet Facilities – For the purpose of carrying out colonic lavage a toilet must be available within the immediate vicinity of the person undergoing treatment using an open system, and within close proximity to the treatment room, when undergoing a treatment using the closed system.

Equipment Sink – An equipment sink with hot and cold water that is capable of reaching a temperature of 40°C is to be located within the premises for the purpose of cleaning equipment. The sink must be large enough to enable equipment to be scrubbed under water.

Please note: The equipment sink may not be used as staff kitchen sink. A separate sink should be provided for staff to clean eating and drinking utensils and for the preparation of food and drink.

Sterilisation – Equipment used to penetrate the skin must be sterilised in accordance with the AS 2182:1998 sterilizers – steam – benchtop and AS/NZS 4815:2001 “Office based health care facilities – cleaning, disinfection and sterilisation of reusable medical and surgical instruments and equipment and maintenance of the associated environment, and AS 2182:1998 sterilizers – steam – benchtop storage of equipment – cleaned equipment and/or linen are to be stored in a clean, dust free environment, away from soiled equipment/linen to prevent any potential contamination.

Use of Hazardous Substances – Material Safety Data Sheets of all hazardous substances used, such as bleaches and nail products must be kept on site and readily available to all staff. Staff must be trained how to safety use and store these chemicals prior to the commencement of work.

Clinical & Sharps Waste – A separate waste bin is to be provided for the disposal of clinical and sharps waste.

Containers used for the disposal of sharps must comply with the requirements of AS 4261-1994 “reusable container for the collection of sharp items used in human and animal medical applications” or if they are not reusable AS 4031:1992 “non-reusable containers for the collection of sharp medical items used in health care areas”.

Clinical and sharps waste must be collected and disposed of by an authorised contractor in accordance with the Protection of the Environment Operations (Waste) Regulation 2014. Dockets/receipts of hazardous waste disposal must be kept on site for five (5) years and presented to Council when required.

Disposal of Clinical and Sharps waste in the general waste stream is dangerous and highly illegal.

(Reason: Compliance, health and safety.)

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

45. CHEMICAL STORAGE REQUIREMENTS (OU)

All chemicals, and other liquids shall be stored in approved receptacles in an area that has a spill containment system that will minimise the risk of pollution from liquid spills and leaks.

DA2019/120 - 96 Arthur Street, Strathfield
Lot 74 DP 10182 (Cont'd)

Where applicable the construction of bunds must comply with the requirements of:

- i) Australian Standard AS 1940D1993: The storage and Handling of Flammable and Combustible Liquids;
- ii) Australian Standard AS 4452B1997: The storage and Handling of Toxic Substances; and
- iii) The Dangerous goods Act 1975.

(Reason: Environmental protection.)

46. COMMERCIAL PREMISES - NO SIGNAGE OR GOODS ON PUBLIC FOOTWAY (OU)

At no time may any signs including sandwich boards and the like or goods for sale or display, be placed on the public road, public footpath, service land, parking area and driveways, public or private pedestrian walkways outside the premises or in the immediate vicinity without the prior approval of Council.

(Reason: Safety and amenity.)

47. FIRE SAFETY ANNUAL STATEMENT (OU)

Pursuant to Part 9, Division 5 of the Environmental Planning and Assessment Regulation (as amended) the owner of the building shall provide to Council an Annual Fire Safety Statement from an appropriately qualified person certifying the essential fire safety measures in the building. The Annual Fire Safety Statement shall be submitted within 12 months of the issue of the fire safety certificate, and then on an annual basis.

A copy of the Fire Safety Statement obtained and Fire Safety Schedule shall also be:

- i) Forwarded to the Commissioner of the New South Wales Fire Brigade; and
- ii) Prominently displayed in the building.

(Reason: Fire safety.)

48. HOURS OF OPERATION - COMMERCIAL PREMISES (OU)

The hours of operation of the premises (i.e. hours open for business) must not exceed the following, without the prior approval of Council:

Days	Approved hours of operation
Mon-Friday	9am – 5pm
Saturday	9am – 12pm
Sunday and public holidays	Closed

(Reason: To ensure the business operates between the approved hours.)

49. OFFICE / COMMERCIAL USE - PERMITTED ONLY AS ANCILLARY USE (OU)

The proportion of the floor space of the building used for offices, health consulting rooms and the like, must not be increased above that shown on the approved plan(s).

(Reason: To ensure development undertaken on the site is consistent with the approval.)

DA2019/120 - 96 Arthur Street, Strathfield
Lot 74 DP 10182 (Cont'd)

50. **POLLUTION - COMPLIANCE WITH PEOA 1997 GENERALLY (OU)**

The activities carried out on site shall not constitute a nuisance in relation to noise, air or water pollution as specified under the Protection of the Environment Operations Act 1997.

(Reason: Environmental protection.)

51. **STAFF RESTRICTION - HEALTH SERVICES FACILITIES (OU)**

A maximum number of two (2) health care professionals/medical practitioner, can use the dwelling house as medical consulting rooms at any one time.

(Reason: To ensure compliance with the consent.)

52. **VISITOR PARKING RESTRICTION (OU)**

All visitor parking spaces must not at any time be allocated sold or leased to an individual owner/occupier and must be strictly retained as common property by the Owners Corporation.

(Reason: Compliance with approved visitor parking provision.)

53. **WASTE AND RECYCLING COLLECTION (COMMERCIAL AND INDUSTRIAL) (OU)**

- i) The collection of commercial and industrial waste and recycling must only occur between 6.00am and 8.00pm weekdays and 9.00am and 5.00pm on weekends and public holidays, to avoid noise disruption to the surrounding area.
- ii) Commercial and industrial garbage and recycling must be collected on site unless expressly agreed to in OC.
- iii) Where consent is given for commercial and industrial garbage and recycling to be placed kerbside for collection bins must not be placed on the kerbside more than one hour before the scheduled collection time. Bins and containers are to be removed from the kerbside within one (1) hour of collection and returned to the designated garbage storage area(s).
- iv) The garbage and recyclable storage area and bins must be adequate to contain the volume and type of garbage and recyclable matter of the food premises.
- v) All garbage and recyclable matter must be enclosed in the waste bins with lids completely closed at all times.
- vi) Recycling options must be provided for all commercially recyclable waste products including but not limited to paper, cardboard, oil, food waste, plastics, metals, chemicals etc.

(Reason: To regulate noise and garbage collection arrangements.)

ATTACHMENTS

There are no attachments for this report.

TO: Strathfield Internal Development Assessment Panel Meeting - 6 December 2019
REPORT: IDAP – Report No. 2
SUBJECT: DA2019/157- 23 NEWTON ROAD STRATHFIELD - LOT 2 DP 539835
DA NO. DA2019/157

SUMMARY

Proposal: Alterations and additions to existing dwelling including relocation of existing outbuilding and construction of cabana

Applicant: Michleen Geagea

Owner: Rita Touma

Date of lodgement: 30 September 2019

Notification period: 4 to 21 October 2019

Submissions received: One (1) submission

Assessment officer: MR

Estimated cost of works: \$100,000

Zoning: R2 Low Density Residential under SLEP 2012

Heritage: Yes. Item 1183 – *Inter-war Old English style house* under SLEP 2012

Flood affected: No

Is a Clause 4.6 variation proposed? No

RECOMMENDATION OF OFFICER: **APPROVAL**

EXECUTIVE SUMMARY

The proposal involves alterations and additions to an existing dwelling, including demolition of an outbuilding, construction of a cabana (outbuilding) and modifications to an in-ground swimming pool.

The application was publicly notified from 4 to 21 October 2019, in accordance with Part L of the Strathfield Consolidated Development Control Plan 2005 (SCDCP 2005), with the last date for submissions being 21 October 2019. One (1) submission was received during this time. The issues raised in this submission were associated with tree removal and setback from the property boundary.

The proposed development is considered acceptable and supportable as it generally complies with the relevant development standards and requirements under Council policy, including the Strathfield Local Environmental Plan 2012 (SLEP 2012) and the SCDCP 2005. The proposed development has been carefully designed and sited with regard to the unique constraints of the site, including the heritage significance and character of the residence being a heritage item listed under Schedule 5 of the SLEP 2012.

The application is recommended for approval subject to conditions.

DA2019/157- 23 Newton Road Strathfield - Lot 2 DP 539835 (Cont'd)

BACKGROUND

22 February 2017	Development Application No. DA2016/187 was approved for alterations and additions to an existing heritage-listed dwelling comprising an addition to the first floor of the existing dwelling.
25 October 2017	Modification Application No. DA2016/187/01 was approved for the demolition of the internal wall to extend the kitchen and extend the upper level of the dwelling so as to create an additional bedroom with an ensuite.
30 September 2019	The subject application (DA2019/157) was lodged.
4 to 21 October 2019	The application was placed on exhibition for a period of 14 days. One (1) written submission was received.
24 October 2019	A deferral letter was sent to the applicant outlining a number of issues associated with the proposed outbuilding, reduced landscaped area and existing timber shed.
28 October 2019	The applicant submitted additional information, which addressed some of the matters (outbuilding height and timber shed) raised in the deferral letter.
8 November 2019	Amended Landscape Plans were submitted to Council to address the landscaped area issue mentioned in the deferral letter.
19 November 2019	Written correspondence was sent to the applicant requesting clarification on any proposed works for the swimming pool. The applicant confirmed that the internal structure of the existing pool will be re-shaped and modified to create a concrete pool with a new shape and form.

DESCRIPTION OF THE SITE AND LOCALITY

The subject site is legally described as Lot 2 in DP 539835 and is known as No. 23 Newton Road, Strathfield. The site is within the R2 – Low Density Residential zone, pursuant to the provisions of SLEP 2012. It is within a typical low density, suburban area characterised by tree-lined streets and single detached dwelling houses of mixed scale and design. Development in the streetscape generally feature pitched roofing, rendered or exposed brick façades and front fencing.

The site is an irregular shaped allotment that is located on the northern side of Newton Road and has an area of 2041.7m², a maximum length of 86.105m and a 24.385m wide frontage (refer to **Figure 1**). The site is relatively flat with a slight fall of 2.6m to the rear (northern) boundary. The subject site is predominantly modified and currently contains a two (2) storey heritage-listed dwelling (refer to **Figures 2 and 3**). The residence contains a number of ancillary structures such as attached awnings, an in-ground swimming pool, a synthetic grass tennis court and a timber shed. Vegetation within the site consists of garden beds with hedging in the front setback, grassed turf areas in the rear private open space and a number of trees such as Brush Box (*Lophostemon confertus*), Lemon-scented Gum (*Corymbia citriodora*), Conifers (*Cupressocyparis* species) and Paperbarks (*Melaleuca* species) situated along the northern and western property boundaries.

The site is surrounded by the following properties:

DA2019/157- 23 Newton Road Strathfield - Lot 2 DP 539835 (Cont'd)

- A dwelling with a swimming pool and tennis court at No. 21 Newton Road and a dwelling with a tennis court at No. 38 Barker Road, adjoining the eastern boundary;
- Dwellings at No. 25 Newton Road, and No. 2 and 4 South Street, adjoining the western boundary;
- Dwelling at No. 40 Barker Road, adjoining the rear (northern) boundary; and
- Dwellings at No. 24, 26 and 28 Newton Road, south of the site and across the road.

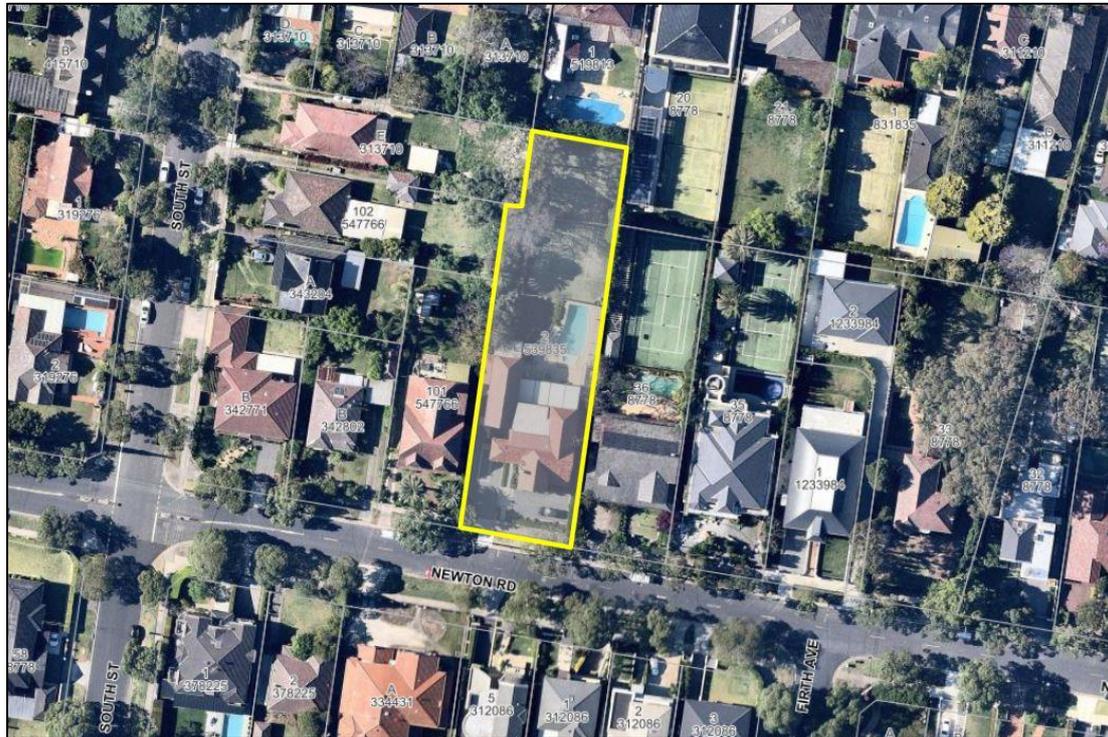


Figure 1: The subject site (as highlighted in yellow) and the surrounding context



Figure 2: Existing Dwelling (front façade – western side)

DA2019/157- 23 Newton Road Strathfield - Lot 2 DP 539835 (Cont'd)



Figure 3: Existing Dwelling (front façade – eastern side)

PROPERTY BURDENS AND CONSTRAINTS

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

DESCRIPTION OF THE PROPOSED DEVELOPMENT

The application seeks Council approval for alterations and additions to existing dwelling including relocation of existing outbuilding and construction of cabana (outbuilding).

The proposed development involves the following elements:

Construction of an outbuilding

The proposed outbuilding will be situated directly adjacent to the tennis court and within an area currently occupied by a timber shed (refer to **Figure 4**). It features a 40m² open plan configuration with a storage area and bathroom and sliding door openings on the northern, southern and western elevations. It is proposed to have the same external material colouration, textures and finishes as the rear of the existing dwelling.

Ground floor addition to the north-western portion of the existing dwelling

The proposed ground floor addition will be located on the north-western section of the existing dwelling (refer to **Figure 5**). It will comprise a new rumpus/games room with sliding door openings along the northern and eastern elevations. The addition is also proposed to have the same external material colouration, textures and finishes as the existing dwelling.

Demolition of the existing timber shed situated in the north-western portion of the rear yard

DA2019/157- 23 Newton Road Strathfield - Lot 2 DP 539835 (Cont'd)



Figure 4: Location of proposed outbuilding



Figure 5: Location of proposed ground floor addition

Modifications to the in-ground swimming pool

DA2019/157- 23 Newton Road Strathfield - Lot 2 DP 539835 (Cont'd)

The proposed modifications to the existing pool involve re-shaping its internal structure to create a new concrete pool comprising a maximum length of 12.32m and a maximum width of 3.617m (refer to **Figure 6**). The pool coping levels and depth will remain the same as the existing pool. The remaining areas will be filled in with pavers.



Figure 6: Existing in-ground swimming pool

Modifications to the front setback area of the residence

The proposed changes within the front setback will result in the removal of existing paved areas in the south-eastern portion of the front setback and replacement of these areas with deep soil landscaped areas (refer to **Figure 7**). These landscaping treatments consist of mass planting within defined garden beds with shrubs, groundcovers and three (3) Feather Honey myrtle trees (*Melaleuca decora*), and a curved timber bench seat.

It is noted that the proposed development does not involve the removal of any existing trees within the site or in the road reserve.

Complaints made in November 2019 identified some tree removal and trenching works associated with the proposed development were undertaken. Council issued a 'Stop Works Order' to ensure that any external works associated with the proposal are discontinued prior to the determination of the subject application. It is recommended that conditions are imposed to ensure that all landscaping works as annotated on the Landscape Plans, are undertaken and completed prior to the release of an Occupation Certificate.

DA2019/157- 23 Newton Road Strathfield - Lot 2 DP 539835 (Cont'd)



Figure 7: Location of proposed modifications to the front setback

REFERRALS

INTERNAL REFERRALS

Heritage Advisor Comments

The subject site contains a heritage item listed under Schedule 5 of the SLEP 2012 as *I183 – Inter-war Old English style house*. Council's Heritage Advisor provided the following advice with regard to the proposal in relation to this item:

*"The existing dwelling house's heritage features remain intact, however, the plant species contained within most of the front garden does not reflect the typical garden for this style and period of house. The traditional garden for the Old English Style comprise of rose gardens, Jacaranda (*Jacaranda mimosifolia*) and Conifer species. It is noted that the provided documentation indicates that tree removal is not proposed and that all trees (including several Conifer specimens) will be retained and protected.*

The proposed building works will be located at the rear of the property and will be single storey. This rear section was considerably altered before the heritage listing of the dwelling. The proposed development will not be visible from the street. In light of the above, the proposal will not impact on the contributory elements of the dwelling, as seen from Newton Road. It is further noted that the proposed changes to the front setback involving removal of the existing paved area and replacing this area with deep soil landscaping will be an improvement to the current presentation of the front setback."

Given the above considerations, Council's Heritage Advisor raised no concerns for heritage grounds for the proposal.

Stormwater Engineer Comments

The application was referred to Council's Stormwater Engineer who undertook an assessment of the proposal in regards to stormwater management and advised that there are no objections to the proposed stormwater system, subject to suitable conditions of consent.

DA2019/157- 23 Newton Road Strathfield - Lot 2 DP 539835 (Cont'd)

SECTION 4.15 CONSIDERATIONS – EP&A Act, 1979

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

4.15(1)(a) the provisions of:

(i) any environmental planning instrument

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

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

State Environmental Planning Policy No 55 – Remediation of Land

SEPP 55 applies to the land and pursuant to Section 4.15 is a relevant consideration. SEPP 55 requires Council to consider whether the land subject to the development proposal is contaminated; and if the site is contaminated, Council must be satisfied that the site is suitable or can be made suitable (i.e. following remediation) for the proposed land use.

A site inspection identified that the site is currently occupied by a dwelling house. A review of Council’s GIS, records and historical aerial photos has shown that this dwelling has been established since 1936.

A search of Council’s contaminated land register specifies that the site is not potentially contaminated. The site is suitable for the proposed development in accordance with requirements of SEPP 55 and the proposed additions and alterations to the dwelling is supported subject to conditions. As such, the objectives outlined within SEPP 55 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.

As mentioned above, the proposal does not involve the removal of any existing trees within the site or road reserve. The proposed development will create additional deep soil landscaped areas and provide an additional three (3) trees within the site. Conditions are recommended to formalise and create the new landscaped areas as per the provided Landscape Plans.

STRATHFIELD LOCAL ENVIRONMENTAL PLAN (SLEP) 2012

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

Cl. 1.2(2) Aims	Complies
(a) <i>To achieve high quality urban form by ensuring that new development exhibits design excellence and reflects the existing or desired future</i>	Yes

DA2019/157- 23 Newton Road Strathfield - Lot 2 DP 539835 (Cont'd)

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

Permissibility

The subject site is within the R2 – Low Density Residential zone under the Strathfield Local Environmental Plan 2012 (SLEP 2012).

Dwelling houses and ancillary structures for dwelling houses are permissible within this zone with consent and is defined under SLEP 2012 as follows:

“Dwelling house means a building containing only one building.”

The proposed development, for the purpose of additions and alterations to a dwelling house and ancillary structures for a dwelling house, meets the above definition. Therefore, the proposed development is permissible with consent.

Zone Objectives

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

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

Comments: The proposal retains a low density residential land use and continues to ensure that the housing needs of the community are met and preserved within the immediate locality.

Part 4: Principal development standards

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

Height of building

Cl.	Standard	Controls	Proposed	Complies
4.3	<i>Height of building</i>	9.5m	4.5m	Yes

DA2019/157- 23 Newton Road Strathfield - Lot 2 DP 539835 (Cont'd)

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

Floor space ratio

Cl.	Standard	Controls	Proposed	Complies
4.4	Floor space ratio	0.5:1 (1023.55m ²)	0.3:1 (641.1m ²)	Yes

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

Comments: The proposal involves the extension of the ground floor, which has a maximum elevation of 4.5m above existing ground level. The new outbuilding has a maximum height of 3.7m above the natural ground level. As such, the proposal easily complies with the maximum building height development standard. The proposal also involves a slight increase (82m²) to the overall gross floor area of the residence. This nominal increase results in a FSR that is well below the maximum FSR development standard.

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 objectives of Clause 5.10 of the SLEP 2012 are:

- to conserve the environmental heritage of Strathfield,
- to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,
- to conserve archaeological sites, and
- to conserve Aboriginal objects and Aboriginal places of heritage significance.

Subclause 2 of Clause 5.10 states that development consent is required for *the demolishing or moving of a heritage item*. The subject site contains heritage item 1183 – *Inter-war Old English style house*, as listed under Schedule 5 of the SLEP 2012. This house was built in 1936 and is considered a fine example of the Inter-War Old English Style. Characteristics of this style included in this house comprise the steeply pitched gabled roofs, use of imitation half timbering, herringbone brickwork, prominent chimney, rendered trim (to appear as stone) and the incorporation of a porte-cochere. The front fence is brick with imitation stone capping and two (2) stone gateposts. It is

DA2019/157- 23 Newton Road Strathfield - Lot 2 DP 539835 (Cont'd)

noted that the front elevation remains largely intact; however, the rear section has been altered on several occasions between 1945-1960. The latest modifications to the dwelling involved demolition of the internal wall to extend the kitchen and the extension of the upper level to comprise an additional bedroom with an ensuite.

As mentioned previously, Council's Heritage Advisor confirmed that the proposed development is acceptable and supportable as it will have minimal impacts on the value and significance of the heritage item. Council's Heritage Advisor advised that there were no objections to the proposal, subject to the imposition of recommended conditions of consent. Therefore, the proposed development is considered satisfactory in addressing the relevant provisions under Clause 5.10 of SLEP 2012.

Part 6: Local Provisions

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

6.1 Acid sulfate soils

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

6.2 Earthworks

The proposed basement level will not involve significant ground disturbance or excavation works as the new elements will be contained either at ground level or within an existing built-up area. A condition of consent is recommended to ensure an appropriate management of soils is undertaken during earthworks.

6.4 Essential services

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

4.15 (1)(a)(ii) 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.

4.151)(a)(iii) any development control plan**STRATHFIELD CONSOLIDATED DEVELOPMENT CONTROL PLAN (SCDCP) 2005**

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

DA2019/157- 23 Newton Road Strathfield - Lot 2 DP 539835 (Cont'd)

PART P – HERITAGE (SCDCP 2005)**2: Development of Heritage Items (Heritage Item I183 – Inter-war Old English style house)****2.1: General objectives**

	Objectives	Satisfactory
A.	<i>To ensure that additions to a heritage item and new buildings on the site of a heritage item are of a scale, mass, bulk, orientation, setback and character consistent with the heritage item.</i>	Yes
B.	<i>To ensure that new development respects the contribution of a heritage item to the streetscape and/or townscape, and allows an ongoing application of its heritage significance.</i>	Yes
C.	<i>To retain or reinstate missing original details that contribute to the aesthetic quality and/or significance of a heritage item and to encourage the removal of inappropriate alterations and additions.</i>	Yes
D.	<i>To ensure that important elements of the form or fabric of a heritage item are not obscured or destroyed by alterations and additions.</i>	Yes
E.	<i>To ensure that materials and colours used on both the original heritage item and any alterations and additions are consistent with the significance of the heritage item.</i>	Yes
F.	<i>To provide an appropriate visual setting for heritage items, including landscaping, fencing and car parking.</i>	Yes

Comments: The proposed development does not involve demolition or modification to the heritage features and contributory elements of the heritage-listed dwelling and will be mostly situated behind the dwelling. The structures associated with the proposed development will be not be visible from Newton Road or any public space. The new addition (to the rear of the dwelling's ground floor) is appropriately and sensitively designed with consideration of the heritage character, significance, features and fabric that are unique to the dwelling. This addition will have the same external materials and finishes as the rear of the dwelling (including previously approved extensions and modifications). Noting that the primary heritage features of the dwelling are located towards the front and facing Newton Road, Council's Heritage Advisor confirmed that the new addition will have a negligible impact on the dwelling's contributory form and character as a listed heritage item.

The proposed outbuilding and swimming pool modifications are located in the rear yard and are disconnected from the dwelling. The location and minimal scale of these are such as that these ancillary structures are considered as subservient elements within the site. Further, the proposed outbuilding will also feature the same external materials and finishes as the rear of the dwelling and new addition, which will ensure that its design will complement the residence.

The proposed modifications to the front setback to create additional deep soil landscaped areas will greatly improve the presentation of the front setback and will provide a more appropriate, functional and balanced outcome that complements both the dwelling and its setting within the tree-lined landscape of Newton Road.

2.1: Setting

	Objectives	Satisfactory
A.	<i>To provide an appropriate visual setting for heritage items, including landscaping, fencing and car parking;</i>	Yes
B.	<i>To ensure that new development respects the contribution of a heritage item to the streetscape and/or townscape and retains the significance of the item.</i>	Yes

	Controls	Satisfactory
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DA2019/157- 23 Newton Road Strathfield - Lot 2 DP 539835 (Cont'd)

<i>i.</i>	<i>Original elements that contribute to the setting of a heritage item such as landscaping, fences and gates, driveways, seawalls etc. should not be removed and, traditional garden designs should be reinstated where possible.</i>	Yes
<i>ii.</i>	<i>New structures on land on which a heritage item is located such as swimming pools and outbuildings should be located so that they do not adversely impact on the significance of the heritage item.</i>	Yes
<i>iii.</i>	<i>The natural landform and character of the area within which a Heritage Item is located, should be maintained, avoiding any cut and fill to land when constructing new buildings and landscaping grounds.</i>	Yes

Comments: The proposed development does not involve removal of any landscaping, fencing and gates that are considered contributory elements to the heritage item. Council's Heritage Advisor confirmed that the gardens within the front setback do not feature any elements that reflect the typical garden for the style and period of heritage-listed dwelling. It is noted that the proposed development involves additional landscaping within the front setback that will complement the overall presentation of the dwelling when viewed from Newton Road.

The proposed outbuilding and pool modifications are disconnected and well-separated from the dwelling, whilst the proposed addition extends the rear portion of the dwelling that is considered to have no contributory or heritage features that are characteristic of the heritage item.

The proposal involves minimal excavation or filling and will be situated close to the existing ground level of the site.

In light of the above, the proposed development respects the contribution of the heritage item and retains the significance of the item.

2.3: Scale

Objectives		Satisfactory
A.	<i>To ensure that alterations and additions to a heritage item and new buildings on the site of a heritage item are of a scale consistent with the heritage item so as not to detract from the significance of the item.</i>	Yes
Controls		Satisfactory
<i>i.</i>	<i>Development on the site of a heritage item must not dominate the item or detract from its significance.</i>	Yes
<i>ii.</i>	<i>Development shall not obstruct significant views to and from the item of significance.</i>	Yes

Comments: The proposed development is of an appropriate scale that is consistent with the heritage-listed dwelling and does not dominate the item or detract from its significance. As mentioned above, the proposed built structures are located at the rear and do not obstruct significant views to and from the item. The proposed landscaping treatments serve as complementary amendments to the front setback that improve the visual aesthetic of the dwelling and balance and enhance its heritage character.

2.4: Form

Objectives		Satisfactory
A.	<i>To ensure that important elements of the form of a heritage item are not obscured or destroyed by alterations and additions.</i>	Yes
B.	<i>To ensure that the form of a heritage item retains its importance in the streetscape and/or townscape.</i>	Yes
Controls		Satisfactory

DA2019/157- 23 Newton Road Strathfield - Lot 2 DP 539835 (Cont'd)

i.	<i>Important elements of the form of a heritage item such as main roof forms, chimneys, parapet walls, verandahs etc. should not be demolished or obscured by alterations and additions.</i>	Yes
ii.	<i>Development of a heritage item must seek to reconstruct missing architectural detailing of a Heritage Item where possible, including gables, finial trims, front verandahs or bays.</i>	Yes
iii.	<i>Verandahs on the front and sides of a heritage item should not be filled in.</i>	Yes
iv.	<i>Additions and alterations to a heritage item should not detract from important aspects of the form of the heritage item.</i>	Yes
v.	<i>The original shape of the roof of a Heritage Item should not be altered.</i>	Yes

Comments: The proposed development does not involve changes to important elements of the heritage-listed dwelling including its roof, any chimneys, parapets and verandahs. The proposal does not detract from the important aspects of the form of the heritage item.

2.5: Materials and colours

	Objectives	Satisfactory
A.	<i>To ensure that original materials that contribute to the significance of heritage items are not obscured.</i>	Yes
B.	<i>To ensure that colours of paintwork on heritage items are consistent with the significance of the heritage item.</i>	Yes
C.	<i>To ensure that materials on alterations and additions to heritage items are consistent with the materials of the heritage item.</i>	Yes

	Controls	Satisfactory
i.	<i>The original wall treatment of a Heritage Item must be retained where possible. Unpainted brick or stone on a Heritage Item should not be painted or rendered.</i>	Yes
ii.	<i>Original materials of heritage items should not be replaced with different materials or materials of different colour.</i>	Yes
iii.	<i>Non-original materials of heritage items that are being replaced shall, if possible, be replaced with material that matches the original material as closely as possible.</i>	Yes
iv.	<i>Painting, rendering or bagging of original face brickwork and/or stonework is not permitted.</i>	Yes
v.	<i>The texture of original rendered finishes should not be changed.</i>	Yes
vi.	<i>Materials for additions and alterations to heritage items should be compatible with the original materials of the heritage item.</i>	Yes
vii.	<i>Colour schemes for heritage items should have a hue and tonal relationship with traditional colour schemes for the period and style of the heritage item.</i>	Yes
viii.	<i>The use of fluorescent paint on heritage items is not permitted.</i>	Yes
ix.	<i>The façade of a heritage item is not to be painted in a corporate colour scheme</i>	Yes
x.	<i>The use of modern finishes including stencilled concrete for driveways associated with heritage items is not permitted.</i>	Yes
xi.	<i>The original roof cladding of a heritage item (slate, tiles or corrugated iron) should not be changed if it is in good repair.</i>	Yes

DA2019/157- 23 Newton Road Strathfield - Lot 2 DP 539835 (Cont'd)

xii.	<i>Sandblasting to remove paint from brick or stone should not be undertaken on a heritage item as it exposes it to weathering and may change its appearance.</i>	Yes
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Comments: The proposed development does not affect the original fabric of the heritage-listed dwelling. The proposed outbuilding and new addition will have a complementary material, colouration and texture that will match its rear portion. The materials and colours of the proposal are therefore considered appropriate and supportable.

2.6 Alterations and additions

	Objectives	Satisfactory
A.	<i>To support the retention of heritage properties and maintain their heritage significance.</i>	Yes
B.	<i>To allow changes to the rear of heritage items where the new work does not impact the heritage significance of the heritage item.</i>	Yes
C.	<i>To ensure that alterations or additions to heritage properties are sympathetic to the item and reflect the predominant scale, height, proportion, character and setbacks of the existing property and surrounding development.</i>	Yes

	Controls	Satisfactory
i.	<i>Alterations and additions must not adversely impact the significance of a heritage item.</i>	Yes
iii.	<i>Any alterations and additions must be consistent with the scale, form, proportion, details and materials of the heritage item.</i>	Yes
iv.	<i>Alterations and additions to heritage items must be located so as to minimise their visibility and prominence from the street or adjoining streets, and the height must not be seen above the main ridgeline of the building.</i>	Yes
v.	<i>Ancillary buildings on the same site as a heritage item must be located so as to not obscure the significant elements of the Item.</i>	Yes

Comments: Council's Heritage Advisor confirmed that the proposed development results in the heritage features and character of the existing dwelling to remain intact. The proposed built structures will be located at the rear of the property and will be single storey. This ensures these elements are not prominent or visible from the street and are well below the main ridgeline of the dwelling. Given the above considerations, the proposal does not impact the significance of the heritage-listed dwelling.

2.10 Landscaping elements including paving and driveways

	Objectives	Satisfactory
A.	<i>To retain and protect heritage listed landscape elements.</i>	Yes
B.	<i>To retain important landscape elements that contribute to the significance of heritage items.</i>	Yes
C.	<i>To reinforce the significance of the heritage item through appropriate landscaping.</i>	Yes

	Controls	Satisfactory
i.	<i>Original driveways and footpath crossings that relate to a heritage item should not be relocated.</i>	Yes
ii.	<i>Double driveways and footpath crossings will generally not be permitted for houses listed as heritage items.</i>	Yes

DA2019/157- 23 Newton Road Strathfield - Lot 2 DP 539835 (Cont'd)

iii.	Original or early garden layouts that contribute to the significance of the heritage item should not be altered.	Yes
iv.	Established trees and shrubs that contribute to the significance of the heritage item should not be removed unless it can be established by an arborist that the health of the tree or shrub is such that it must be removed.	Yes
v.	Proposals involving substantial works should consider landscaping the front setback in a manner appropriate to the age and style of the dwelling.	Yes

Comments: The proposed development does not involve changes to the existing driveway and does not involve the removal of any trees that would contribute to the heritage character of the dwelling. Notably, the proposed development involves a significant improvement to the front setback area by providing additional deep soil landscaping in the form of garden beds with shrubs, groundcovers and three (3) Feather Honey myrtle trees (*Melaleuca decora*). It is recommended that the granite path is converted to a grassed turf area to provide additional deep soil landscaped area and a functional pedestrian access to the eastern side passage and the rear yard.

2.11 Outbuildings

Objectives		Satisfactory
A.	To minimise visual intrusion on views of heritage items due to outbuildings.	Yes
Controls		Satisfactory
1.	Outbuildings should be located in the rear yard of heritage items.	Yes
2.	Outbuildings should be single storey and designed so that they have negligible if any impact on important views of heritage items.	Yes
3.	Outbuildings must not be greater in height or bulk than the heritage item	Yes

Comments: As previously mentioned, the proposed outbuilding and new addition are located in the rear yard of the dwelling, are single storey and are minimal in terms of bulk and scale compared to the dwelling. The proposed development complies with the above controls and ensures minimal intrusion on views of the heritage item due to the additional structures.

PART A – DWELLING HOUSES AND ANCILLARY STRUCTURES

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

2: Architectural Design & Streetscape Presentation

2.1	Objectives	Satisfactory
A.	To ensure that development respects the predominant height, scale, character, type, form, colour, materials and architectural qualities of the existing dwelling house (in the case of alterations and additions) and surrounding neighbourhood especially any adjoining or nearby heritage item or heritage conservation area.	Yes
B.	To achieve quality architecture in new development through the appropriate composition and articulation of building elements.	Yes
C.	To ensure that the dominant building rhythm of the streetscape is reflected in the building design in terms of the spacing and proportion of the built elements.	Yes
D.	To ensure that new dwellings have facades, which define, address and enhance the public domain.	Yes

DA2019/157- 23 Newton Road Strathfield - Lot 2 DP 539835 (Cont'd)

E.	To encourage contemporary architecture that is innovative, uses high quality detailing, and incorporates elements characteristic of Strathfield.	Yes	
F.	To promote the continuance of pyramidal roof forms within Strathfield where they are already prevalent.	Yes	
G.	To retain a feeling of openness and space between built elements by maintaining landscaped setbacks and preserve the appearance of dwellings set in the treelined streets and park-like environment.	Yes	
H.	To reduce the use of highly reflective colours and materials that create visual prominence.	Yes	
I.	To ensure fencing is sympathetic to the design of the dwelling and the street and enhances the character of both the individual house and street whilst maintaining casual surveillance of the neighbourhood.	Yes	
J.	To protect and retain the amenity of adjoining properties.	Yes	
<hr/>			
2.2	Development Controls	Complies	
.1.	<i>Streetscape Presentation</i>		
	1	New dwellings address street frontage with clear entry.	Yes
	2	Consistently occurring building features integrated within dwelling design.	Yes
	3	Consideration of streetscape elements	Yes
.2.	<i>Scale, Massing & Rhythm of Street</i>		
	1	Scale, massing, bulk and layout complement the existing streetscape and the dominant building rhythm	Yes – not visible from the street
	2	Building height and mass maintains amenity to adjacent properties open space or the public domain	Yes
.3.	<i>Building Forms</i>		
	1	Building form articulated.	Yes
.4.	<i>Roof Forms</i>		
	1	Roof form complements predominant form in the locality	Yes
	2	Roof form minimises bulk and scale of building and remains an important architectural element in the street.	Yes
	<i>Materials</i>		
	5	Materials compatible with the existing dwelling house, adjoining dwelling houses and the streetscape (type, form and colour)	Yes
.4.	6	Monotone face brick walls and terracotta tiles for roofs where common in the streetscape	Yes
	7	New buildings and facades do not result in glare (Reflectivity Report may be required)	Yes
	<i>Colours</i>		
.4.	8	New development incorporates traditional colour schemes	Yes
	9	The external colours integrate harmoniously with the external design of the building	Yes

Comments: The proposed development complies with the above requirements. It is noted that all new additions and structures will be within the rear yard, hidden from Newton Road.

DA2019/157- 23 Newton Road Strathfield - Lot 2 DP 539835 (Cont'd)

4: Building Envelope

4.1 Objectives		Satisfactory	
A.	To ensure that dwellings are compatible with the built form of the local area and that overall bulk and scale, size and height of dwellings relative to natural ground level responds to the adjoining dwellings, topography and desired future character.	Yes	
B.	To minimise impact on the amenity of adjoining properties.	Yes	
C.	To establish and maintain the desired setbacks from the street and define the street edge.	Yes	
D.	To create a perception or reinforce a sense of openness in the locality.	Yes	
E.	To maintain view corridors between dwellings	Yes	
F.	To assist in achieving passive surveillance whilst protecting visual privacy.	Yes	
G.	To provide a transitional area between public and private space.	Yes	
4.2 Development Controls		Complies	
<i>Floor Space Ratio</i>			
.1.	1	Floor Space Ratio permissible pursuant to SLEP 2012	Yes
	2	Development compatible with the lot size	Yes
<i>Building Height</i>			
.2.	1	Height of building permissible pursuant to SLEP 2012	Yes
	2	Height of outbuildings, detached garages and carports is 3.5m (max) measured at the highest point on the roof above NGL	No
	3	Dwelling houses and any ancillary structures 2-storeys (max)	Yes
	4	Building height responds to the gradient of the site to minimise cut and fill	Yes
.3.1.	<i>Street Setbacks</i>		
	1	Setbacks consistent with minimum requirements of Table A.1	Yes
.3.2.	<i>Side and Rear Setbacks</i>		
	1	A combined side setback of 20% of the width of the block (incorporating a 1.2m min side setback on each side).	Yes 2.5m (west)
	2	A rear setback of 6m (min)	Yes >15m
	3	Subject to meeting the minimum landscaped area (as per section 5 of this part of the DCP) in the rear of the site, ancillary facilities such as garages/outbuildings may be located within the rear setback area.	Yes

Comments: The proposed development generally complies with the above requirements.

DA2019/157- 23 Newton Road Strathfield - Lot 2 DP 539835 (Cont'd)

The roof/gutter line of the proposed outbuilding complies with the maximum height requirement for outbuildings (3.5m); however, its parapet on the northern, eastern and southern elevation will have a height of approximately 3.7m above existing ground level due to the existing fall at these elevations. Given that the variation is relatively minor (200mm), and the entire structure featuring a 1.7m setback from the western property boundary, and will be screened by numerous existing trees and shrubs, this is considered an acceptable and supportable outcome. The proposed variation will also have negligible impacts in terms of visual amenity, privacy and overshadowing on adjoining neighbours.

5: Landscaping

5.1 Objectives		Satisfactory	
A.	To encourage landscaping that is appropriate to the style and scale of the dwelling and adjoining development, and to the streetscape.	Yes	
B.	To enhance the existing streetscape and promote a scale and density of planting that softens the visual impact of buildings, structures, vehicle circulation and ancillary areas.	Yes	
C.	To preserve existing landscape elements on site (such as existing trees) and encourage their integration into the design of proposals.	Yes	
D.	To ensure adequate deep soil planting is retained on each allotment.	Yes	
E.	To ensure developments make an equitable contribution to the landscape setting of the locality.	Yes	
F.	To ensure both existing and new landscaping provides suitable shade and facilitates convective cooling breeze paths in summer.	Yes	
G.	To encourage the use of native flora such as open woodland canopy trees, to provide a habitat for native fauna.	Yes	
H.	To ensure that landscaped areas are designed to minimise water use.	Yes	
I.	To provide functional private open spaces for active or passive use by residents.	Yes	
J.	To provide private open areas with provision for clothes drying facilities screened from the street and lane or a public place.	Yes	
K.	To ensure the protection of trees during construction	Yes	
L.	To ensure suitable fencing is provided to reduce acoustic impacts and enhance visual privacy between neighbouring residents whilst enabling front fences passive surveillance of the street.	Yes	
M.	To maximise the amenity of existing and proposed developments, including solar access, privacy and open space.	Yes	
5.2 Development Controls		Complies	
.1.	Landscaped area		
	1	Landscaped area in accordance with Table A.3 Minimum requirement: 918.765m² (45%)	No Conditioned to have 554.6m² (23.45%)
	2	At least 50% of the minimum landscaped area located behind the building line to the rear boundary	Yes
	3	At least 50% of the front yard maintained as deep soil soft landscaping	Yes
	4	Minimise hard surface area (concrete/brick/stone paving and bitumen). Run-off	Yes

DA2019/157- 23 Newton Road Strathfield - Lot 2 DP 539835 (Cont'd)

		directed to permeable surfaces.	
	5	Planting areas soften the built form	Yes
	6	Front gardens respond and contribute to the garden character of Strathfield.	Yes
	7	Retain and reinforce the prevailing streetscape and surrounding locality	Yes
	8	Plant species must be retained, selected and planted to improve amenity	Yes
<i>Private Open Space</i>			
	1	Provided in a single parcel rather than a fragmented space, directly accessible from internal living areas	Yes
.3.	2	Includes a deep soil area compliant with the minimum landscaped area.	Yes
	4	Unless 3m (min) width, areas within setbacks are not to be included as private open space	Yes
	5	Private open space located at the rear of the property.	Yes

Comments: The existing landscaped area, as approved under DA2016/187/2, covered only 7.27% (148.38m²) of the total site area. The proposed development significantly improves the amount of deep soil landscaping, providing 554.6m² (23.45%) of landscaped area within the site. It is noted that the proposed development does not involve the removal of any trees. Further, the front setback will be greatly improved by removing some of the existing paved areas and replacing with garden beds with shrubs, groundcovers and three (3) Feather Honey myrtle trees (*Melaleuca decora*), a curved timber bench seat and decomposed granite path with metal edge. To ensure the granite path constitutes deep soil landscaped area that enables appropriate pedestrian access to the eastern side passage and the rear yard a condition is recommended to change this path to grassed turf area.

6: Solar Access

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

Comments: The south-north orientation of the site and the scale and location of the proposed addition ensures that the proposed development complies with the above requirements and will have minimal overshadowing impacts.

DA2019/157- 23 Newton Road Strathfield - Lot 2 DP 539835 (Cont'd)

7: Privacy

7.1 Objectives		Satisfactory	
A.	Development that is designed to provide reasonable privacy to adjacent properties	Yes	
B.	To maintain reasonable sharing of views from public places and living areas	Yes	
C.	To ensure that public views and vistas are protected, maintained and where possible, enhanced	Yes	
D.	To ensure that canopy trees take priority over views	Yes	
E.	To ensure that the siting and design of buildings minimises noise impacts from abutting roads, rail corridors and other noise-generating land uses	Yes	
7.2 Development Controls		Complies	
.1.	Visual Privacy		
	1	Protect POS, bedrooms, balconies and living rooms of proposed and any existing adjoining dwellings from direct overlooking	Yes
	2	Provide adequate separation of buildings	Yes
	3	Ensure elevation of finished floor levels above NGL is not excessive	Yes
	4	Improve privacy to adjacent properties with screen planting	Yes
.2.	Windows		
	1	Windows do not directly face the windows, balconies and courtyards of adjoining dwelling	Yes

Comments: The proposed development will have minimal privacy impacts given that the new additions are close to existing ground level and have windows and openings that generally face the rear yard, away from adjoining properties. A number of existing landscaping treatments along the western property boundary also assist in screening any potential overlooking from the new additions.

9: Altering Natural Ground Level (Cut and Fill)

9.1 Objectives		Satisfactory	
A.	To maintain existing ground levels and minimise cut and fill to reduce site disturbance.	Yes	
B.	To ensure existing trees and shrubs are undisturbed, ground water tables are maintained and impacts on overland flow/drainage are minimised.	Yes	
9.2 Development Controls		Complies	
	1	Fill limited to 1m (max) above NGL	Yes
	2	Clean fill used only	Yes
	3	Cut and fill batters stabilised consistent with the soil properties	Yes
	4	Vegetation or structural measures are implemented when the site is disturbed.	Yes
	5	Areas of excavation setback from property boundaries in line with building setback controls. No excavation permitted within the minimum required setbacks.	Yes

DA2019/157- 23 Newton Road Strathfield - Lot 2 DP 539835 (Cont'd)

6	The work does not affect or undermine the soil stability or structural stability of buildings and Council assets on adjoining properties.	Yes
8	Avoid excessive fill that creates the potential for overlooking of adjoining properties	Yes

Comments: The proposed development does not involve any excess cut or fill as the finished floor levels of the new additions will be predominantly at natural ground level. Therefore, the proposed development complies with the above requirements.

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

Comments: Council's Stormwater Engineer supported the proposed stormwater management system for the new additions. Therefore, the proposed development complies with the above requirements, subject to conditions of consent.

12: Ancillary Development

12.1	Objectives	Satisfactory
A.	To ensure that ancillary development is compatible with the design of the principal dwelling, streetscape and adjoining dwellings in form, materials and colours	Yes
B.	To limit the size, bulk and scale of ancillary structures and minimise their visibility from the public domain.	Yes

DA2019/157- 23 Newton Road Strathfield - Lot 2 DP 539835 (Cont'd)

C.	To ensure that the provision of ancillary structures improves the amenity of residents whilst ensuring that the amenity of surrounding dwellings and neighbouring lots is maintained.	Yes
D.	To ensure that the provision of ancillary structures, such as air conditioning units, are considered at the design stage of a proposed development.	Yes

12.2	Development Controls	Complies
	<i>Outbuildings</i>	
	1 Outbuilding located behind the front building line	Yes
	2 Side and rear setback is 0.5m (min)	Yes 1.7m
	3 New garden sheds, studios, cabanas and the like are limited 40sqm (max)	Yes Maximum 40m² for the outbuilding
.2.	4 Windows do not face an adjoining property (exceptions apply)	Yes
	5 The roof area is not accessible for any purpose	Yes
	6 Outbuildings are not to be used for habitable purposes	Yes Conditioned accordingly
	7 Kitchen facilities are not permitted in an outbuilding	Yes
	8 Any external lighting of an outbuilding is to be positioned or shielded to prevent glare to adjoining premises	Yes None proposed
	<i>Swimming Pools</i>	
	1 Side and rear setbacks from the outside edge of the pool concourse are 1m (min) wide and comprise deep soil soft landscape area	Yes
	2 If greater than 1m above ground, the space between the bond beam/concourse and the ground is finished to Council's satisfaction	Yes
.6.	3 The pool filter and pump equipment designed and located to not emit a noise level that exceeds 5dBA above the ambient background noise level measured at any property boundary. The pool equipment shall be located within an enclosed structure so as to not be readily visible	Yes
	4 Lighting positioned to prevent light spillage and minimise any nuisance to adjoining premises	Yes
	5 Enclosures shall comply with the Swimming Pools Act and relevant Australian Standards as amended.	Yes

Comments: Both the proposed outbuilding and modifications to the existing swimming pool comply with the above requirements.

PART H - WASTE MANAGEMENT (SCDCP 2005)

A condition is recommended to provide a Waste Management Plan outlining the management of waste during proposed works.

DA2019/157- 23 Newton Road Strathfield - Lot 2 DP 539835 (Cont'd)

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

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

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

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

Having regard to these prescribed matters, the proposed development does involve the demolition of a building for the purposes of *AS 2601 – 1991: The Demolition of Structures*. Should this application be approved, appropriate conditions of consent are included within the recommended to ensure compliance with any relevant regulations.

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

Heritage

All of the proposed built structures are contained at the rear of the dwelling and are not visible from Newton Road or any public space. The built elements are considered minor and subservient compared to the overall scale and design of the existing dwelling. Further, the additional deep soil landscaped areas proposed in the front setback improve the visual setting of the heritage item and its presentation to Newton Road. The potential impacts on the heritage-listed dwelling have been assessed in detail by Council's Heritage Advisor and it was confirmed that the proposed development will have negligible impacts on the significance and character of the heritage-listed dwelling.

Landscaped Area

The subject site currently has a deficiency in landscaped area, comprising only 7.27% (148.38m²). This is well-below the minimum landscaped area requirement under the SCDP 2005. The proposal involves additional deep soil landscaping within the site that will result in a significant increase (additional 406.22m²) in landscaped area and a greatly improved front setback that complements both the heritage-listed dwelling and the streetscape. The proposal will provide a total of 554.6m² (23.45%) of landscaped area within the site. Despite the additional landscaping failing to achieve the minimum landscaped area requirement under the SCDP 2005, the overall design and planning outcome of the proposal is considered a significant improvement and is therefore, an acceptable and supportable variation.

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 preserves the low density residential use of the site and the character of immediate locality. The subject site does not yield any significant environmental constraints that would prevent an extension of a single dwelling and construction of ancillary structures for the dwelling. Therefore, the subject site is suitable for the proposed development.

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

The application was notified in accordance with Part L of the SCDP 2005 from 4 to 21 October 2019, with one submission received from No. 4 South Street, Strathfield (west-adjointing neighbour), raising the following concerns:

DA2019/157- 23 Newton Road Strathfield - Lot 2 DP 539835 (Cont'd)

1. *Tree removal: the objector commented that trees should not be removed within the site*

Assessing officer's comments: The proposed development does not involve the removal of any existing trees and the provided Landscape Plans demonstrate this. Further, the proposal involves an additional three (3) trees to be established in the front setback, which would offset any removal.

It is recommended that conditions will be imposed to ensure any existing trees are retained and protected.

2. *Setback from correct property boundaries: the objector commented that the setbacks of the proposed outbuilding from the western-side boundary are incorrectly shown*

Assessing officer's comments: The subject application contains a Survey Plan by a registered surveyor that indicates that the correct property boundaries for the site. The provided Architectural Plans match these boundaries and it is therefore assumed that the provided setbacks are from the correct property boundaries.

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.

SECTION 7.11 CONTRIBUTIONS

Section 7.13 of the *Environmental Planning and Assessment 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

The proposed development has a value of \$100,000 and therefore does not trigger the contribution requirements as per the above plan.

CONCLUSION

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

PEER REVIEW

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

DA2019/157- 23 Newton Road Strathfield - Lot 2 DP 539835 (Cont'd)

RECOMMENDATION

That Development Application No. DA2019/157 for alterations and additions to existing dwelling including relocation of existing outbuilding and construction of cabana at 23 Newton Road, Strathfield be **APPROVED**, subject to the following conditions:

SPECIAL CONDITIONS (SC)**1. DESIGN CHANGE – DELETE GRANITE PATH (SC)**

The proposed soilbond stabilized decomposed granite path with metal edge must be deleted and replaced with grassed turf area with appropriate edging. Details of this design change must be included in the revised Landscape Plans and in the documentation submitted with the application for a Construction Certificate.

(Reason: To provide additional deep soil landscaped area that provides functional access to the eastern side passage and the rear yard.)

2. AMENDED LANDSCAPE PLANS (SC)

No internal works to the existing dwelling are approved as part of this consent. All approved Landscape Plans must be modified to delete all internal works indicated and annotated. The revised Landscape Plans must be submitted to Council and included in the documentation submitted with the application for a Construction Certificate.

(Reason: To eliminate inconsistencies with proposed development.)

GENERAL CONDITIONS (GC)**3. APPROVED PLANS AND REFERENCE DOCUMENTATION (GC)**

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

Plans affixed with Council's 'Development Consent' stamp relating to Development Consent No. DA2019/157:

Drawing No.	Title/Description	Prepared by	Issue / Revision & Date	Date received by Council
DA05	Ground Floor Demolition Plan	AJH Architecture & Interiors Pty Ltd	Issue B 25 Oct 2019	28 Oct 2019
DA10	Ground Floor	AJH Architecture & Interiors Pty Ltd	Issue B 25 Oct 2019	28 Oct 2019
DA16	Roof Plan	AJH Architecture & Interiors Pty Ltd	Issue B 25 Oct 2019	28 Oct 2019
DA15	Ground Floor	AJH Architecture & Interiors Pty Ltd	Issue B 25 Oct 2019	28 Oct 2019
DA20	East/West Elevation	AJH Architecture &	Issue B 25 Oct 2019	28 Oct 2019

DA2019/157- 23 Newton Road Strathfield - Lot 2 DP 539835 (Cont'd)

		Interiors Pty Ltd		
DA 01	Landscape Site Plan & Plant Schedule	Studio Rewild Kirsty Kendall	Rev A 8 Nov 2019	8 Nov 2019
DA 02	Landscape Plan – Front Garden	Studio Rewild Kirsty Kendall	Rev A 8 Nov 2019	8 Nov 2019
DA 03	Landscape Site Plan – Back Garden	Studio Rewild Kirsty Kendall	Rev A 8 Nov 2019	8 Nov 2019
DA 04	Landscape Specification Notes	Studio Rewild Kirsty Kendall	Rev A 8 Nov 2019	8 Nov 2019
C1	Cover Sheet & Notes	Natasi & Associates	Rev A 21 Aug 2019	30 Sept 2019
C2	Drainage Plans	Natasi & Associates	Rev A 21 Aug 2019	30 Sept 2019
C3	Design Summary	Natasi & Associates	Rev A 21 Aug 2019	30 Sept 2019
C4	Stormwater Details	Natasi & Associates	Rev A 21 Aug 2019	30 Sept 2019

Reference Documentation affixed with Council's 'Development Consent' stamp relating to Development Consent No. DA2019/157:

Title / Description	Prepared by	Issue/Revision & Date	Date received by Council
Statement of Environmental Effects	AJH Architecture & Interiors Pty Ltd		30 Sept 2019
Heritage Assessment	Robert Lee Architects Pty Ltd	23 Sept 2019	30 Sept 2019
BASIX Certificate	Adrian Hernandez	24 Sept 2019	30 Sept 2019

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

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

4. CONSTRUCTION HOURS (GC)

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

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

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

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

5. CONSTRUCTION WITHIN BOUNDARIES (GC)

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

DA2019/157- 23 Newton Road Strathfield - Lot 2 DP 539835 (Cont'd)

not open onto any footpath or adjoining land.

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

6. DEMOLITION - HERITAGE ITEMS (GC)

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

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

(Reason: Heritage conservation.)

7. DEMOLITION - SITE SAFETY FENCING (GC)

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

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

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

(Reasons: Statutory requirement and health and safety.)

8. LANDSCAPING ADJACENT SWIMMING POOLS/SPAS (GC)

A minimum one (1) metre wide landscape strip is to 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 and capable of achieving a minimum mature height of three (3) metres. Details of the selected plants shall be submitted to and approved by the Principal Certifying Authority. Compliance with this condition shall be certified by the Principal Certifying Authority, prior to occupation of the premises.

(Reason: Privacy amenity of adjoining properties.)

9. ENVIRONMENTAL PROTECTION – TREE (GC)

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

DA2019/157- 23 Newton Road Strathfield - Lot 2 DP 539835 (Cont'd)

All healthy trees and shrubs identified for retention on the approved drawings are to be suitably protected in accordance with Section 4, Tree protection measures, and Appendix C Tree Protection Zone Sign, of Australian Standard AS4970 - 2009, Protection of Trees on Development Sites, prior to the commencement of any works (including any demolition and excavation) and maintained for the duration of the works.

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

- i. A Tree Protection (Management) Plan prepared by a AQF Level 5 Arborist is to be available on site at all times prior to the issue of the Construction Certificate, for all demolition and site works. This Tree Protection (Management) Plan must be shown on the demand of Authorised Council staff.
- ii. Protective perimeter fencing must be consistent with AS 4687, using metal fence posts greater than 20mm diameter and solid or chain wire mesh 2 metres in height supported on concrete pads/feet at 2-2.5 metre spacing. Fencing placement should not be closer than 2.5 metres from the trunk of each protected tree, or at a distance as specified by the approved Tree Protection (Management) Plan and approved by Council's Tree Management Officer. Shade cloth is to be used to prevent entry of dust and contaminated liquids into the root protection area.
- iii. Signs must be placed on the Fencing. These signs must comply with AS1319. The signs must state the purpose of the fencing and the name and contact details of the builder and the appointed AQF Level 5 consultant arborist.
- iv. Root protection is to be provided in the form of mulching to a depth of 50-100mm, inside of the fenced tree protection zone.
- v. Ground (Root) Trunk and Branch Protection must comply with the diagram of Figure 4 of AS4970 – 2009. Ground protection within the tree protection zone and drip line should be in the form of heavy steel plates or timber rumble boards over mulch or aggregate. Trunk and branch protection should be to a minimum height of 2 metres and must include measures to protect the tree/s against damage from the movement of trucks, plant equipment and materials at greater heights above ground level.
- vi. Temporary signs, cables, wires must not be attached to, or suspended, on any street tree or protected tree.
- vii. Above ground utilities must not be placed within the canopy of an existing protected tree, or create the future need fo

10. MATERIALS – SCHEDULE OF EXTERNAL FINISHES TO BE SUBMITTED (GC)

A schedule detailing all external materials, colours and finishes including windows, doors and roofing materials shall be submitted to Council for approval.

All external materials, colours and finishes including windows and doors and roofing materials must be of high quality and compatible with those of the surrounding streetscape and locality. All external materials and colours shall be of low glare and reflectivity. Details demonstrating compliance with this condition shall be provided to the Principal Certifying Authority, prior to the issue of any Construction Certificate.

(Reason: To ensure a positive contribution to the streetscape and to minimise excessive glare and reflectivity.)

DA2019/157- 23 Newton Road Strathfield - Lot 2 DP 539835 (Cont'd)

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

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

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

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

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

(Reason: Statutory requirement.)

12. SITE MANAGEMENT (DURING DEMOLITION AND CONSTRUCTION WORKS)

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

- i) All demolition is to be carried out in accordance with Australian Standard AS 2601-2001.
- ii) Demolition must be carried out by a registered demolition contractor.
- iii) A single entrance is permitted to service the site for demolition and construction. Protection pads are to be installed to the kerb, gutter and nature strip where trucks and vehicles enter the site.
- iv) No blasting is to be carried out at any time during construction of the building.
- v) Care must be taken during demolition/ excavation/ building/ construction to prevent any damage to adjoining buildings.
- vi) Adjoining owner property rights and the need for owner's permission must be observed at all times, including the entering onto land for the purpose of undertaking works.
- vii) Any demolition and excess construction materials are to be recycled wherever practicable.
- viii) The disposal of construction and demolition waste must be in accordance with the requirements of the Protection of the Environment Operations Act 1997.
- ix) All waste on the site is to be stored, handled and disposed of in such a manner as to not create air pollution (including odour), offensive noise or pollution of land and/or water as defined by the Protection of the Environment Operations Act 1997. All excavated material should be removed from the site in an approved manner and be disposed of lawfully to a tip or other authorised disposal area.
- x) All waste must be contained entirely within the site.
- xi) A site plan including temporary waste storage locations, construction material storage areas and vehicular access to and from the site must be included with application.
- xii) Section 143 of the Protection of the Environment Operations Act 1997 requires waste to be transported to a place which can lawfully accept it. All non-recyclable demolition materials are to be disposed of at an approved waste disposal depot in accordance with legislation.
- xiii) Details as to the method and location of disposal of demolition materials (weight dockets, receipts, etc.) should be kept on site as evidence of approved methods of disposal or recycling and must be presented to Council and/or Principal Certifying Authority upon request.

DA2019/157- 23 Newton Road Strathfield - Lot 2 DP 539835 (Cont'd)

- xiv) All materials on site or being delivered to the site are to generally be contained within the site. The requirements of the Protection of the Environment Operations Act 1997 must be complied with when placing/stockpiling loose material, disposing of concrete waste, or other activities likely to pollute drains or water courses.
- xv) Any materials stored on site must be stored out of view or in such a manner so as not to cause unsightliness when viewed from nearby lands or roadways.
- xvi) Public footways, include nature strips and roadways adjacent to the site must be maintained and cleared of obstructions during construction. No building materials, waste containers or skips may be stored on the road reserve or footpath without prior separate approval from Council, including payment of relevant fees.
- xvii) Building operations such as brick-cutting, washing tools or paint brushes, and mixing mortar not be performed on the roadway or public footway or any other locations which could lead to the discharge of materials into the stormwater drainage system.
- xviii) All site waters during excavation and construction must be contained on site in an approved manner to avoid pollutants entering into waterways or Council's stormwater drainage system.
- xix) Any work must not prohibit or divert any natural overland flow of water.
- xx) Toilet facilities for employees must be provided in accordance with WorkCover NSW.

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

13. STORMWATER MANAGEMENT PLAN - CERTIFICATION REQUIREMENT (GC)

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

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

CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE (PCC)**14. WASTE MANAGEMENT PLAN**

A Waste Management Plan detailing the waste management relating to the proposed works must be submitted to Council and included in the documentation submitted with the application for a Construction Certificate.

(Reason: Waste management during construction works.)

15. BASIX COMMITMENTS (CC)

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

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

DA2019/157- 23 Newton Road Strathfield - Lot 2 DP 539835 (Cont'd)

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

(Reason: Statutory compliance.)

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

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

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

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

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

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

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

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

(Reason: To ensure compliance with statutory provisions.)

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

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

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

Standing Plant Permit

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

Skip Bin Permit

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

DA2019/157- 23 Newton Road Strathfield - Lot 2 DP 539835 (Cont'd)

Council's website.

Temporary Full or Part Road Closure Permit

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

Hoarding/Fencing Permit

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

Work Zone Permit

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

Ground Anchoring Permit

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

(Reason: Council requirement.)

19. EROSION AND SEDIMENTATION CONTROL PLAN (CC)

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

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

DA2019/157- 23 Newton Road Strathfield - Lot 2 DP 539835 (Cont'd)

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

(Reason: Environmental protection.)

20. LANDSCAPING - MAINTENANCE STRATEGY (CC)

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

(Reason: Ensure landscape survival.)

21. STORMWATER - RAINWATER RE-USE (CC)

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

(Reason: Compliance and amenity.)

22. STORMWATER DRAINAGE (CC)

The following stormwater precautions are required to be provided on the site:

- i) Grated drains shall be provided along the driveway/basement entry at the vehicular crossing(s) and are to connect to the internal drainage system.
- ii) Overflow paths shall be provided to allow for flows in excess of the capacity of the pipe/drainage system draining the site.
- iii) Allowance shall be made for surface runoff from adjacent properties, and to retain existing surface flow path systems through the site. Any redirection or treatment of these flows shall not adversely affect any other properties
- iv) Boundary fencing shall be erected in such a manner as not to interfere with the natural flow of ground and surface water to the detriment of any other party.

(Reason: To ensure the site is drained appropriately and does not interfere with the natural flow of flood waters.)

23. SWIMMING POOLS / SPAS (CONSTRUCTION OF)

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

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

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

(Reason: Safety and statutory compliance.)

DA2019/157- 23 Newton Road Strathfield - Lot 2 DP 539835 (Cont'd)

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

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

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

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

25. APPOINTMENT OF A PRINCIPAL CERTIFYING AUTHORITY (PCA) (CW)

No work shall commence in connection with this Development Consent until:

- i) A construction certificate for the building work has been issued by the consent authority or a Principal Certifying Authority.
- ii) The person having the benefit of the development consent has appointed a principal certifying authority for the building work, and notified the principal certifying authority that the person will carry out the building work as an owner/builder, if that is the case.
- iii) The principal certifying authority has, no later than 2 days before the building work commences:
 - notified the Council of his or her appointment, and
 - notified the person having the benefit of the development consent of any critical stage inspections and other inspections that are to be carried out in respect of the building work.
- iv) The person having the benefit of the development consent, if not carrying out the work as an owner-builder, has:
 - appointed a principal contractor for the building work who must be the holder of a contractor licence if any residential building work is involved;
 - notified the principal certifying authority of such appointment; and
 - unless that person is the principal contractor, notified the principal contractor of any critical stage inspections and other inspections that are to be carried out in respect of the building work.
- v) The person having the benefit of the development consent has given at least 2 days' notice to the Council of the person's intention to commence the erection of the building.

Note: If the principal certifying authority is the Council, the nomination will be subject to the payment of a fee for the service to cover the cost of undertaking all necessary inspections and the issue of the appropriate certificates.

Under the Environment Planning and Assessment (Quality of Construction) Act, 2003, a sign must be erected in a prominent position on the work site showing the name, address and telephone number of the principal certifying authority; the name of the principal contractor (if any) for the building work and a telephone number at which that person may be contacted outside working hours. That sign must also state that unauthorised entry is prohibited. The sign must not be removed until all work has been completed.

(Reason: Statutory requirement.)

26. NOTICE OF COMMENCEMENT (CW)

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

DA2019/157- 23 Newton Road Strathfield - Lot 2 DP 539835 (Cont'd)

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

(Reason: Statutory requirement.)

CONDITIONS TO BE SATISFIED DURING DEMOLITION AND BUILDING WORKS (DBW)**27. OBSTRUCTION OF PUBLIC WAY NOT PERMITTED DURING WORKS (DW)**

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

(Reason: To maintain public access and safety.)

28. PUBLIC INFRASTRUCTURE AND SERVICES (DW)

The applicant must comply with the requirements (including financial costs) of any relevant utility provider (e.g. Energy Australia, Sydney Water, Telstra, RMS, Council etc.) in relation to any connections, works, repairs, relocation, replacements and/or adjustments to public infrastructure or services affected by the development.

(Reason: To maintain public infrastructure and/or services.)

CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE (POC)**29. DRAINAGE SYSTEM - MAINTENANCE OF EXISTING SYSTEM (OC)**

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

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

(Reason: Maintenance and environment.)

30. ENGINEERING WORKS (CERTIFICATION OF)

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

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

DA2019/157- 23 Newton Road Strathfield - Lot 2 DP 539835 (Cont'd)

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

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

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

(Reason: Asset management.)

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

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

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

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

32. OCCUPATION OF BUILDING (OC)

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

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

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

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

(Reason: Statutory requirement.)

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

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

(Reason: Adequate stormwater management.)

DA2019/157- 23 Newton Road Strathfield - Lot 2 DP 539835 (Cont'd)

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

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

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

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

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

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

(Reason: Safety and statutory compliance.)

ATTACHMENTS

There are no attachments for this report.

TO: Strathfield Internal Development Assessment Panel Meeting - 6 December 2019
REPORT: IDAP – Report No. 3
SUBJECT: DA2019/152 - 81 CHALMERS ROAD, STRATHFIELD - LOT 24 DP 12876
DA NO. DA2019/152

SUMMARY

Proposal: Alterations and additions to the existing front boundary fence.

Applicant: One Stop Design Studio

Owner: FE & SE Ghitany

Date of lodgement: 19 September 2019

Notification period: 26 September 2019 to 11 October 2019

Submissions received: Nil

Assessment officer: DS

Estimated cost of works: \$25,000.00

Zoning: R2 Low Density Residential - SLEP 2012

Heritage: No

Flood affected: Yes

Is a Clause 4.6 variation proposed? No

RECOMMENDATION OF OFFICER: Approval (in part)

EXECUTIVE SUMMARY

Approval is sought for alterations and additions to the existing front boundary fence at 81 Chalmers Road, Strathfield. The proposal includes tree removal to accommodate a fourth parking space in the front setback of the site.

The application was notified in accordance with Part L of the SCDCP 2005 for a minimum period of (14) days. No submissions were received during this time.

The solid masonry wall proposed along the northern side boundary is not considered to be appropriate given the flood affectation of the site. Further, the removal of trees to accommodate an additional car parking space is considered to unreasonable and excessive and is not supported. Conditions of consent are recommended to ensure the retention of existing trees.

It is recommended that the Development Application be approved in part (all proposed works except tree removal) subject to conditions of consent.

BACKGROUND

16 August 2002: DA0102/405 was approved under delegation for the construction of a pool room and a small bathroom.

19 September 2019: The current Development Application (DA2019/152) was lodged.

DA2019/152 - 81 Chalmers Road, Strathfield - Lot 24 DP 12876 (Cont'd)

- 26 September to 11 October 2019:** The current application was notified for a period of (14) days. No written submissions were received.
- 16 October 2019:** An email was sent to the applicant which requested scaled elevation plans of the proposed front boundary fence to be submitted. The email also requested a north point to be detailed on the architectural plans.
- 22 October 2019:** The applicant submitted amended plans which adequately addressed the concerns raised above.

DESCRIPTION OF THE SITE AND LOCALITY

The subject site is legally described as Lot 24 in DP 12876 and is commonly known as 81 Chalmers Road, Strathfield (Figure 1). The site is located on the western side of Chalmers Road, between Ada Avenue and West Street, and directly across Strathfield Park.

The site is rectangular in shape and has an area of approximately 975.6m², a street frontage of 15.2m and a maximum depth of 63.8m. The site contains a two (2) storey dwelling house with face brick exterior walls and a pitched roof. The site also contains a 1m high masonry infill front boundary fence (Figure 2).

The current streetscape is predominately characterised by masonry infill fencing comprising a variety of external materials and finishes. The existing front boundary fences along Chalmers Road range from 1m to 1.8m in height (Figure 3).



Figure 1: Locality plan with the subject site highlighted in red.

DA2019/152 - 81 Chalmers Road, Strathfield - Lot 24 DP 12876 (Cont'd)



Figure 2: The existing two (2) storey dwelling on the subject site.



Figure 3: Existing 1.8m high front boundary fence located at 83 Chalmers Road.

PROPERTY BURDENS AND CONSTRAINTS

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

DA2019/152 - 81 Chalmers Road, Strathfield - Lot 24 DP 12876 (Cont'd)

DESCRIPTION OF THE PROPOSED DEVELOPMENT

The application seeks Council approval for alterations and additions to the existing front boundary fence. The specific elements of this proposal include:

- Existing 1m high masonry wall and piers to be clad with sandstone;
- New black metal infill panels to replace the existing infill panels;
- New 1.57m high black metal gate between 1.78m high sandstone clad brick piers; and
- Removal of small tree on the southern end of the site frontage.

An elevation plan and site plan of the proposed alterations and additions to the front boundary fence are shown below:

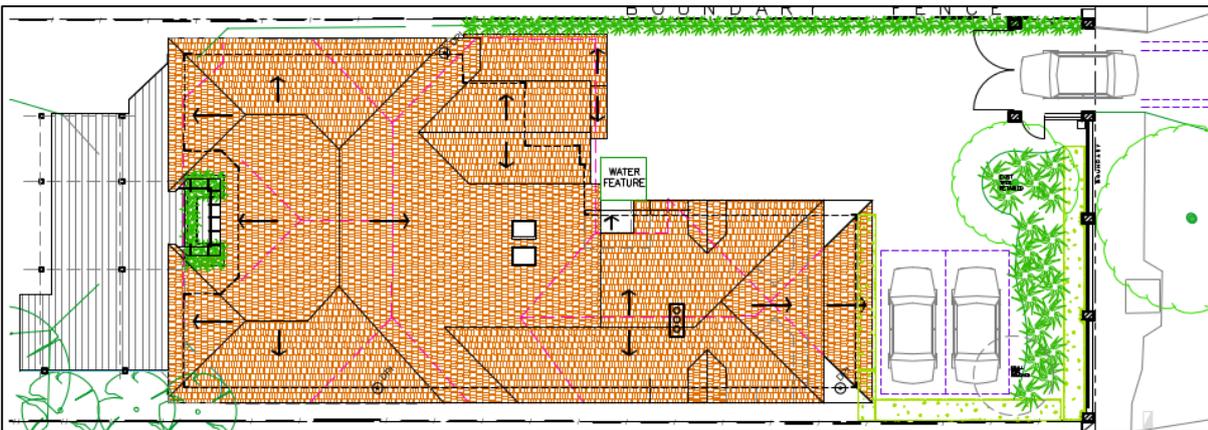


Figure 4: Proposed site plan

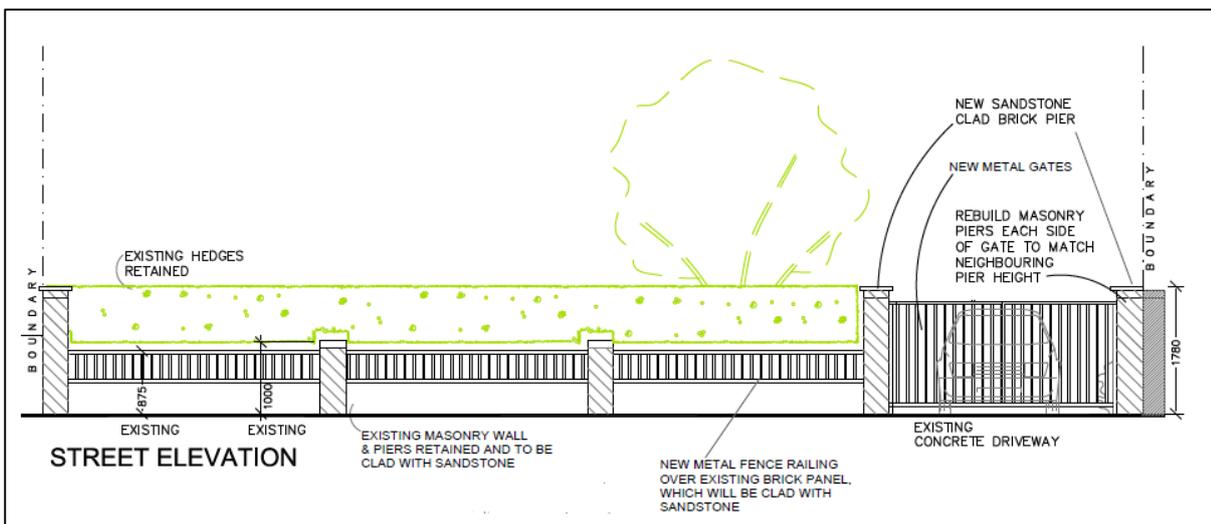


Figure 5: Proposed western (front) elevation plan

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

DA2019/152 - 81 Chalmers Road, Strathfield - Lot 24 DP 12876 (Cont'd)

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

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

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

The objectives outlined within SEPP55 are considered to be satisfied.

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

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

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

The application seeks to remove the tree at the southern end of the site frontage to accommodate an additional hardstand car parking space. A site visit revealed that the subject site already comprises two (2) car parking spaces in the existing garage and one (1) additional car parking space forward of the building line. The proposal was referred to Council's Tree Management Officer for comment. In this instance, the removal of the tree to accommodate a fourth car space on the site is considered excessive and unreasonable. Accordingly, Council's Tree Officer does not support the tree removal and relevant conditions have been imposed to ensure the retention of this tree and deletion of the fourth car space.

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 proposal is generally consistent with the aims of the SLEP 2012. The proposed front boundary fence has been appropriately designed with respect to the character of the site and surrounding sites.

DA2019/152 - 81 Chalmers Road, Strathfield - Lot 24 DP 12876 (Cont'd)

Permissibility

The site is located within the R2 Low Density Residential zone wherein the development for the purpose of a 'dwelling house' is permissible with consent. A 'dwelling house' is defined as follows:

"...a building containing only one dwelling"

The proposed development, being for the purpose of alterations and additions to the existing front boundary fence, is considered to be ancillary to the existing dwelling house located on site. The proposal is consistent with the definition above and is therefore permissible within the R2 Low Density Residential zone with consent.

Zone Objectives

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

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

Comments: The proposal is generally consistent with the aims of the SLEP 2012. The proposal involves alterations and additions to the existing front boundary fence which provides for the housing needs of residents within a low density residential setting.

Part 4: Principal development standards

There are no relevant provisions in this Part which are relevant to the subject proposal.

Part 5: Miscellaneous Provisions

There are no relevant provisions in this Part which are relevant to the subject proposal.

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.

6.2 Earthworks

The extent of cut required for the additions to the front boundary fence is considered to be minimal. The extent of earthworks is unlikely to have a detrimental impact on environmental functions and processes.

6.3 Flood planning

The subject is identified as being within the extent of the 1 in 100yr ARI storm event in accordance with the Cooks River and Cox Creek Flood Study. As per Council's Interim Flood Prone Lands Policy, all fencing should be designed so as not to impede the overland flow path. It is noted that 1.78m high solid masonry wall is proposed along the northern side boundary. Given the extent of

DA2019/152 - 81 Chalmers Road, Strathfield - Lot 24 DP 12876 (Cont'd)

flood affectation on the site, a condition of consent will be included which requires the proposed side boundary fencing along the northern side boundary to be of an open type style.

6.4 Essential services

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

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

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

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

STRATHFIELD CONSOLIDATED DEVELOPMENT CONTROL PLAN 2005 (SCDCP 2005)

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

PART A – DWELLING HOUSES AND ANCILLARY STRUCTURES

2: Architectural Design & Streetscape Presentation

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

DA2019/152 - 81 Chalmers Road, Strathfield - Lot 24 DP 12876 (Cont'd)

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

Comment: The proposal seeks to change the materials of the existing front boundary fence from exposed face brick to sandstone cladding which is considered to be compatible with the external finishes of the existing dwelling house and adjoining dwellings. The proposed colours, in addition to the masonry infill fence style are a common design outcome within the wider streetscape, allowing for the overall amenity of the streetscape to be maintained.

5: Landscaping

5.1	Objectives	Satisfactory
A.	To encourage landscaping that is appropriate to the style and scale of the dwelling and adjoining development, and to the streetscape.	Yes
B.	To enhance the existing streetscape and promote a scale and density of planting that softens the visual impact of buildings, structures, vehicle circulation and ancillary areas.	Yes
C.	To preserve existing landscape elements on site (such as existing trees) and encourage their integration into the design of proposals.	No, refer to comments
D.	To ensure adequate deep soil planting is retained on each allotment.	Yes
E.	To ensure developments make an equitable contribution to the landscape setting of the locality.	Yes
F.	To ensure both existing and new landscaping provides suitable shade and facilitates convective cooling breeze paths in summer.	N/A
G.	To encourage the use of native flora such as open woodland canopy trees, to provide a habitat for native fauna.	N/A
H.	To ensure that landscaped areas are designed to minimise water use.	N/A
I.	To provide functional private open spaces for active or passive use by residents.	N/A
J.	To provide private open areas with provision for clothes drying facilities screened from the street and lane or a public place.	N/A

DA2019/152 - 81 Chalmers Road, Strathfield - Lot 24 DP 12876 (Cont'd)

K.	<i>To ensure the protection of trees during construction</i>	No, refer to comments
L.	<i>To ensure suitable fencing is provided to reduce acoustic impacts and enhance visual privacy between neighbouring residents whilst enabling front fences passive surveillance of the street.</i>	Yes
M.	<i>To maximise the amenity of existing and proposed developments, including solar access, privacy and open space.</i>	Yes
5.2	Development Controls	Complies
	<i>Tree Protection</i>	
.2.	3 Development provides for the retention and protection of existing significant trees	No, refer to comments
	<i>Fencing</i>	
	1 Fencing designed to be compatible and sympathetic to the style of the dwelling, adjoining properties and the streetscape	Yes
	3 Fencing forward of FBL shall not exceed 1.5m. Solid components shall not exceed 0.7m above NGL with the exception of brick piers	No, refer to comments
	5 Side and rear fences limited to 1.8m (max)	Yes
.4.	6 Side fences forward of the FBL taper down to the front fence.	Yes
	7 Front fences visually permeable	Yes
	11 Solid fences adjoining driveways are provided with 1m x 1m (min) splay	Yes
	14 Stormwater flows through or under fencing on sloping sites	No, refer to comments
	15 Dividing fences constructed of timber palings (lapped and capped) with height of 1.8m (max)	Yes

Comments: The proposal seeks to include a 1.57m high vehicular access gate in between 1.78m high masonry sandstone piers. With the exception of the proposed 1.57m high vehicular access gate and 1.78m high masonry piers, the remainder of the front boundary fence will attain a maximum height of 1m from NGL.

The proposed 1.57m high vehicular access gate and 1.78m high masonry piers align with the height, form and style of the neighbouring front boundary fences which also exceed the maximum DCP fence height control of 1.5m along the front boundary (Figure 3). The proposed non-compliance is considered appropriate in this instance as it is consistent with the scale and form of fencing along Chalmers Road. It is noted that the fence has been designed to enable visual permeability, allowing for passive surveillance of the public domain.

The application seeks to remove the tree at the southern end of the site frontage to make way for an additional hardstand car parking space. A site visit revealed that the subject site already comprises a total of (3) car parking spaces. In this instance, a fourth additional car parking space is considered to be excessive and unreasonable and the tree removal is therefore not supported. Relevant conditions will be imposed to ensure the retention of this tree and deletion of the fourth car space.

10: Water and Soil Management

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

DA2019/152 - 81 Chalmers Road, Strathfield - Lot 24 DP 12876 (Cont'd)

B.	<i>To ensure compliance with Council's Stormwater Management Code</i>	Yes
C.	<i>To ensure compliance with the NSW State Government's Flood Prone Lands Policy.</i>	Yes
D.	<i>To ensure that appropriate soil erosion and sediment control measures are implemented on all sites that involve soil disturbances during construction.</i>	Yes
E.	<i>To ensure new building work does not detrimentally affect the existing drainage system of any area of the Municipality.</i>	Yes
F.	<i>To ensure that new development in areas that may be affected by acid sulphate soils do not adversely impact the underlying ground conditions, soil acidity and water quality.</i>	Yes
G.	<i>To appropriately manage stormwater and overland flow to minimise damage to occupants and property</i>	Yes
10.2	Development Controls	Complies
	<i>Stormwater Management and Flood Prone areas</i>	
.1.	2 Compliance with Council's Stormwater Management Code	Yes
	3 Flood affected properties comply with Council's Interim Flood Prone Lands Policy (Flood Prone Areas & Through Site Drainage)	No, refer to comments
	6 Stormwater Management Code compliance	Yes
.2.	<i>Acid Sulfate Soils</i>	
	1 Site managed consistent with the provisions contained in Clause 6.1 SLEP 2012	Yes
.3.	<i>Soil Erosion and Sediment Control</i>	
	1 Soil erosion and sediment control measures detailed and implemented prior to the commencement of work.	Yes
	2 Sediment control measures applied	Yes

Comments: In accordance with Council's Interim Flood Prone Lands Policy, all fencing should be designed so as not to impede the overland flow path. It is noted that a 1.78m high solid masonry wall is proposed along the northern side boundary of the site. Given the extent of flood affectation on the site, a condition of consent will be included requiring the proposed boundary fencing along the northern side boundary to be of an open type style.

11: Access, Safety and Security

11.1	Objectives	Satisfactory
A.	<i>To encourage the incorporation of crime prevention principles in the design of the proposed developments.</i>	Yes
B.	<i>To increase the safety and perception of safety in public and semi-public spaces.</i>	Yes
C.	<i>To provide passive surveillance of the public domain to promote a safe pedestrian environment whilst maintaining the privacy of residents</i>	Yes
D.	<i>To ensure the safety of pedestrians by separating pedestrian access from vehicular access.</i>	Yes
11.2	Development Controls	Complies
	<i>Address and Entry Sightlines</i>	
.1.	1 Occupants able to overlook public places to maximise passive surveillance	Yes
	2 Landscaping design around dwellings and ancillary structures to accommodate	Yes

DA2019/152 - 81 Chalmers Road, Strathfield - Lot 24 DP 12876 (Cont'd)

		plant maturation	
<i>Pedestrian Entries</i>			
.2.	1	Pedestrian entries and vehicular entries suitably separated	Yes
	2	Dwelling entrances easily identifiable	Yes

Comments: The proposed front boundary fence comprises vertical metal piers spaced at 870mm apart. The masonry infill fence design will enable for passive surveillance to the street whilst still maintaining an appropriate level of privacy of residents on the subject site. It is noted that vehicular and pedestrian access to the site have been appropriately separated to ensure the safety of residents and pedestrians.

PART H - WASTE MANAGEMENT (SCDCP 2005)

A Waste Management Plan was submitted as part of the development application and has demonstrated compliance with Part H of the SCDCP 2005.

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

The proposal achieves an appropriate level of streetscape compatibility. The proposed fence design is considered acceptable with respect to its residential context and is unlikely to adversely impact adjoining neighbours.

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

The subject site is considered suitable for the proposed development. It is not subject to any major site constraints or environmental hazards.

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

The application was publicly notified from 26 September 2019 to 11 October 2019 in accordance with the provisions of Part L of SCDCP 2005. No submissions were received as a result.

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

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:

DA2019/152 - 81 Chalmers Road, Strathfield - Lot 24 DP 12876 (Cont'd)

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. DA2019/152 for alterations and additions to the existing front boundary fence at 81 Chalmers Road, Strathfield be **PART APPROVED**, subject to the following conditions:

SPECIAL CONDITIONS (SC)**1. TREE REMOVAL (SC)**

This consent does not include approval for any tree removal or additional hardstand area. Amended plans shall be prepared and submitted to the Principal Certifying Authority for approval prior to the issue of a Construction Certificate.

(Reason: To ensure tree retention)

2. SIDE BOUNDARY FENCE DESIGN (SC)

New fencing along the northern side boundary is to be of an open type.

(Reason: To not impede the overland flow path)

GENERAL CONDITIONS (GC)**3. APPROVED PLANS AND REFERENCE DOCUMENTATION (GC)**

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

Plans affixed with Council's 'Development Consent' stamp relating to Development Consent No. DA2019/152:

Drawing No.	Title/Description	Prepared by	Issue / Revision & Date	Date received by Council
CD01	Elevations & Site	Scott &	Revision 2	22 October

DA2019/152 - 81 Chalmers Road, Strathfield - Lot 24 DP 12876 (Cont'd)

	Plan	Ryland Architects	Sept 2019	2019
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Reference Documentation affixed with Council's 'Development Consent' stamp relating to Development Consent No. DA2019/152:

Title / Description	Prepared by	Issue/Revision & Date	Date received by Council
Schedule of colours and finishes	One Stop design Studio	Revision 1	19 September 2019
Waste Management Plan	One Stop design Studio	Revision 1	19 September 2019

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

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

4. CONSTRUCTION HOURS (GC)

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

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

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

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

5. CONSTRUCTION WITHIN BOUNDARIES (GC)

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

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

6. ENVIRONMENTAL PROTECTION – TREE (GC)

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

All healthy trees and shrubs identified for retention on the approved drawings are to be suitably protected in accordance with Section 4, Tree protection measures, and Appendix C Tree Protection Zone Sign, of Australian Standard AS4970 - 2009, Protection of Trees on Development Sites, prior to the commencement of any works (including any demolition and excavation) and maintained for the duration of the works.

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

DA2019/152 - 81 Chalmers Road, Strathfield - Lot 24 DP 12876 (Cont'd)

7. MATERIALS – CONSISTENT WITH SUBMITTED SCHEDULE (GC)

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

(Reason: To ensure compliance with this consent.)

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

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

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

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

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

(Reason: Statutory requirement.)

9. SITE MANAGEMENT (DURING DEMOLITION AND CONSTRUCTION WORKS)

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

- i) All demolition is to be carried out in accordance with Australian Standard AS 2601-2001.
- ii) Demolition must be carried out by a registered demolition contractor.
- iii) A single entrance is permitted to service the site for demolition and construction. Protection pads are to be installed to the kerb, gutter and nature strip where trucks and vehicles enter the site.
- iv) No blasting is to be carried out at any time during construction of the building.
- v) Care must be taken during demolition/ excavation/ building/ construction to prevent any damage to adjoining buildings.
- vi) Adjoining owner property rights and the need for owner's permission must be observed at all times, including the entering onto land for the purpose of undertaking works.
- vii) Any demolition and excess construction materials are to be recycled wherever practicable.
- viii) The disposal of construction and demolition waste must be in accordance with the requirements of the Protection of the Environment Operations Act 1997.
- ix) All waste on the site is to be stored, handled and disposed of in such a manner as to not create air pollution (including odour), offensive noise or pollution of land and/or water as defined by the Protection of the Environment Operations Act 1997. All excavated material should be removed from the site in an approved manner and be disposed of lawfully to a tip or other authorised disposal area.
- x) All waste must be contained entirely within the site.
- xi) A site plan including temporary waste storage locations, construction material storage areas and vehicular access to and from the site must be included with application.
- xii) Section 143 of the Protection of the Environment Operations Act 1997 requires

DA2019/152 - 81 Chalmers Road, Strathfield - Lot 24 DP 12876 (Cont'd)

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

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

CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE (PCC)**10. SECURITY PAYMENT - DAMAGE DEPOSIT FOR COUNCIL INFRASTRUCTURE (CC)**

A security (damage deposit) of **\$630.00** (calculated in accordance with Council's adopted Fees and Charges) shall be paid to Council, prior to the issue of a Construction Certificate.

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

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

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

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

DA2019/152 - 81 Chalmers Road, Strathfield - Lot 24 DP 12876 (Cont'd)

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

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

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

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

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

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

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

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

(Reason: To ensure compliance with statutory provisions.)

13. EROSION AND SEDIMENTATION CONTROL PLAN (CC)

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

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

Details of the proposed soil erosion and sedimentation controls are to be submitted to the

DA2019/152 - 81 Chalmers Road, Strathfield - Lot 24 DP 12876 (Cont'd)

Principal Certifying Authority with the Construction Certificate Application. Under no circumstances are any works to commence, prior to these details being approved by the Principal Certifying Authority and the controls being in place on the site.

(Reason: Environmental protection.)

CONDITIONS TO BE SATISFIED PRIOR TO THE COMMENCEMENT OF WORKS (PCW)**14. APPOINTMENT OF A PRINCIPAL CERTIFYING AUTHORITY (PCA) (CW)**

No work shall commence in connection with this Development Consent until:

- i) A construction certificate for the building work has been issued by the consent authority or a Principal Certifying Authority.
- ii) The person having the benefit of the development consent has appointed a principal certifying authority for the building work, and notified the principal certifying authority that the person will carry out the building work as an owner/builder, if that is the case.
- iii) The principal certifying authority has, no later than 2 days before the building work commences:
 - notified the Council of his or her appointment, and
 - notified the person having the benefit of the development consent of any critical stage inspections and other inspections that are to be carried out in respect of the building work.
- iv) The person having the benefit of the development consent, if not carrying out the work as an owner-builder, has:
 - appointed a principal contractor for the building work who must be the holder of a contractor licence if any residential building work is involved;
 - notified the principal certifying authority of such appointment; and
 - unless that person is the principal contractor, notified the principal contractor of any critical stage inspections and other inspections that are to be carried out in respect of the building work.
- v) The person having the benefit of the development consent has given at least 2 days' notice to the Council of the person's intention to commence the erection of the building.

Note: If the principal certifying authority is the Council, the nomination will be subject to the payment of a fee for the service to cover the cost of undertaking all necessary inspections and the issue of the appropriate certificates.

Under the Environment Planning and Assessment (Quality of Construction) Act, 2003, a sign must be erected in a prominent position on the work site showing the name, address and telephone number of the principal certifying authority; the name of the principal contractor (if any) for the building work and a telephone number at which that person may be contacted outside working hours. That sign must also state that unauthorised entry is prohibited. The sign must not be removed until all work has been completed.

(Reason: Statutory requirement.)

15. NOTICE OF COMMENCEMENT (CW)

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

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

DA2019/152 - 81 Chalmers Road, Strathfield - Lot 24 DP 12876 (Cont'd)

- another Principal Certifying Authority); and
- iii) details of the name, address and licence details of the Builder.

(Reason: Statutory requirement.)

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

16. 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.)

17. PUBLIC INFRASTRUCTURE AND SERVICES (DW)

The applicant must comply with the requirements (including financial costs) of any relevant utility provider (e.g. Energy Australia, Sydney Water, Telstra, RMS, Council etc.) in relation to any connections, works, repairs, relocation, replacements and/or adjustments to public infrastructure or services affected by the development.

(Reason: To maintain public infrastructure and/or services.)

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

18. OCCUPATION OF BUILDING (OC)

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

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

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

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

(Reason: Statutory requirement.)

ATTACHMENTS

There are no attachments for this report.

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