

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 March 2020

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 DA2019/183 - 3 Merley Road, Strathfield - Lot 12 DP 19348	3
IDAP - Report No. 2 DA2000/337/07: 1-5 Underwood Road, Homebush Lot 100 DP 1042833	50
IDAP - Report No. 3 DA2019/204: 26-28 Birnam Grove Strathfield Lot 2425 in DP79156	64
IDAP - Report No. 4 DA2008/087/10: 1-5 UNDERWOOD ROAD, HOMEBUSH LOT 100 DP 1042833	96
IDAP - Report No. 5 DA2018/064/03: 3 Homebush Road, Strathfield Lot 20 DP 1101067	119

TO: Strathfield Internal Development Assessment Panel Meeting - 6 March 2020
REPORT: IDAP – Report No. 1
SUBJECT: DA2019/183 - 3 MERLEY ROAD, STRATHFIELD - LOT 12 DP 19348
DA NO. 2019/183

SUMMARY

Proposal: Demolition of existing buildings and construction of two (2) storey dwelling with basement level, swimming pool and associated front fence and landscaping

Applicant: Bechara Chan & Associates Pty Ltd

Owner: Fady Bechara

Date of lodgement: 4 November 2019

Notification period: 18 November to 2 December 2019

Submissions received: One (1) submission

Assessment officer: MR

Estimated cost of works: \$2,288,000

Zoning: R2 – Low Density Residential - SLEP 2012
Not a heritage item

Heritage: Not within a heritage conservation area
In the vicinity of heritage item I178 – *Inveresk Park*

Flood affected: No

Is a Clause 4.6 variation proposed? No

RECOMMENDATION OF OFFICER: **APPROVAL**

EXECUTIVE SUMMARY

The proposal involves the demolition of existing buildings and the construction of a two (2) storey dwelling with basement level, swimming pool and associated front fence and landscaping.

The application was publicly notified on 18 November 2019, in accordance with Part L of the Strathfield Consolidated Development Control Plan 2005 (SCDCP 2005), with the last date for public submissions being 2 December 2019. One (1) submission was received as a result. The key issues in the submission were as follows:

- Visual privacy;
- Air conditioner;
- Alignment of windows;
- Swimming pool;
- Front boundary fence;
- Removal of trees;
- Relocate rainwater tank; and
- Noise from spa/swimming pool filter.

The proposed development is considered acceptable and generally supportable, complying with most of the relevant development standards and controls under the Strathfield Local Environmental

DA2019/183 - 3 Merley Road, Strathfield - Lot 12 DP 19348 (Cont'd)

2012 (SLEP 2012) and SCDCP 2005. The final design of the proposed development is compatible with the low density, residential character and tree-lined suburban setting of the locality as well as the site's unique environmental constraints and its proximity to an open, vegetated public space and heritage item being Inveresk Park.

Accordingly, the application is recommended for approval.

BACKGROUND

04 November 2019	The subject application was lodged.
18 November 2019	The application was placed on publicly notified, with the last date for submissions being 2 December 2019.
11 December 2019	A deferral letter was issued to the applicant, raising a number of issues and concerns including floor space ratio (FSR), building height, basement level, landscaped area, finished floor levels, streetscape and visual privacy.
20 December 2019	The applicant submitted additional information to Council to address the issues raised in the letter.
13 January 2020	A deferral letter in response to the information provided on 20 December 2019, was issued to the applicant, raising heritage matters associated with the roof design, front façade, articulation of the side elevations and front fencing.
28 January 2020 and 6 February 2020	The applicant submitted additional information to Council to resolve the matters raised in the letter.
20 February 2020	The applicant was advised that no consent was issued for the removal of the existing <i>Melaleuca bracteata</i> tree located in the north-western section of the rear yard.
25 February 2020	The applicant submitted amended plans reflecting the relocation of the proposed pool and spa. These elements were relocated to avoid the existing <i>Melaleuca bracteata</i> tree.

DESCRIPTION OF THE SITE AND LOCALITY

The subject site is legally described as Lot 12 in DP 19348 and commonly known as No. 3 Merley Road, Strathfield. The site is within the R2 – Low Density Residential zone, pursuant to the provisions of SLEP 2012. It is a rectangular shaped allotment that is located on the northern side of Merley Road and has an area of 712.7m², a maximum depth of 48.575m and a 16.23m wide frontage (refer to Figure 1). The site is primarily flat with a fall of 0.22m towards the western side boundary.

The property is currently occupied by a single storey, red brick house with ancillary structures such as front brick fencing, an outbuilding containing a laundry and garage, carport and shed (refer to Figures 2 and 3). The site benefits from having access via an existing driveway off Merley Road. The site is predominantly modified with the only vegetation comprising scattered shrubs, grassed lawn areas and three (3) trees. One (1) tree is located within the road reserve.

The subject site is located within a typical low density, suburban area characterised by tree-lined streets and single detached dwellings of varying design and scale (refer to Figures 4 to 7).

DA2019/183 - 3 Merley Road, Strathfield - Lot 12 DP 19348 (Cont'd)

Common architectural features and traits in the immediate vicinity include pitched roofing, exposed brick façades (in light brown or dark red), rendered cement façades (in cream/off-white/beige or grey), and front boundary fencing comprising bricks, sandstone or rendered cement.

The site is surrounded by the following properties:

- Adjoining the eastern boundary: a two (2) storey, rendered dwelling that is under construction at No. 1 Merley Road, Strathfield (refer to Figure 8);
- Adjoining the western boundary: a two (2) storey rendered dwelling house with a swimming pool in the rear yard at No. 5 Merley Road, Strathfield (refer to Figure 9);
- Adjoining the northern boundary: a two (2) storey brick and rendered dwelling with detached ancillary structure in the rear yard at No. 8 Coventry Road, Strathfield; and
- South-west of the site and across the road: Inveresk Park, a public open space and locally listed heritage item containing grassed lawn areas, native trees and playground equipment (refer to Figure 10).



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

DA2019/183 - 3 Merley Road, Strathfield - Lot 12 DP 19348 (Cont'd)



Figure 2: Front façade of existing dwelling at No. 3 Merley Road



Figure 3: Rear (northern) façade of existing dwelling at No. 3 Merley Road

DA2019/183 - 3 Merley Road, Strathfield - Lot 12 DP 19348 (Cont'd)



Figure 4: Existing housing styles along Merley Road (west of the site)



Figure 5: Existing housing styles along Merley Road (west of the site)

DA2019/183 - 3 Merley Road, Strathfield - Lot 12 DP 19348 (Cont'd)



Figure 6: Existing housing styles along Merley Road (west of the site)



Figure 7: Existing housing styles along Merley Road (east of the site)

DA2019/183 - 3 Merley Road, Strathfield - Lot 12 DP 19348 (Cont'd)



Figure 8: Existing dwelling at No. 1 Merley Road



Figure 9: Existing dwelling at No. 5 Merley Road

DA2019/183 - 3 Merley Road, Strathfield - Lot 12 DP 19348 (Cont'd)



Figure 10: Inveresk Park, viewed from No. 3 Merley Road

PROPERTY BURDENS AND CONSTRAINTS

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

DESCRIPTION OF THE PROPOSED DEVELOPMENT

The application seeks Council approval for the demolition of existing buildings and the construction of a two (2) storey dwelling with basement level, swimming pool and associated front fence and landscaping.

The proposed new dwelling will feature the following:

- Basement level comprising:
Two (2) vehicular spaces and a workshop/storage room;
- Ground floor comprising:
A bedroom, study/office, bathrooms, laundry, an open plan living, dining and kitchen area, pantry, alfresco and an in-ground swimming pool;
- First floor comprising:
A master bedroom having two (2) walk-in-robos, an ensuite, minibar and a retreat/lounge, four (4) bedrooms and a two (2) bathrooms.

A Ground Floor Plan and Elevations of the proposed dwelling are shown in Figures 11 to 12.

DA2019/183 - 3 Merley Road, Strathfield - Lot 12 DP 19348 (Cont'd)

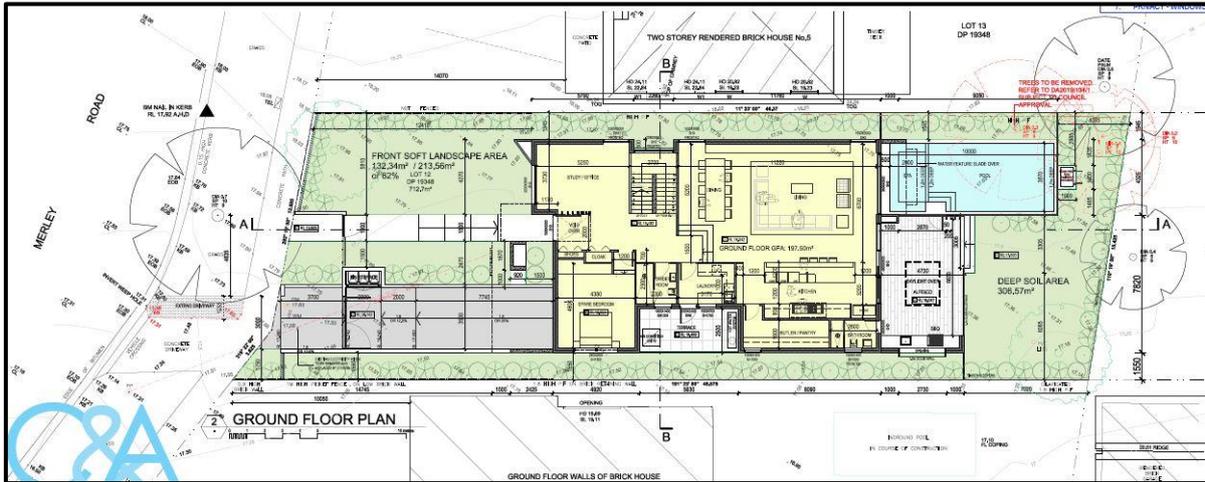


Figure 11: Ground floor plan



Figure 12: Western elevation of proposed dwelling

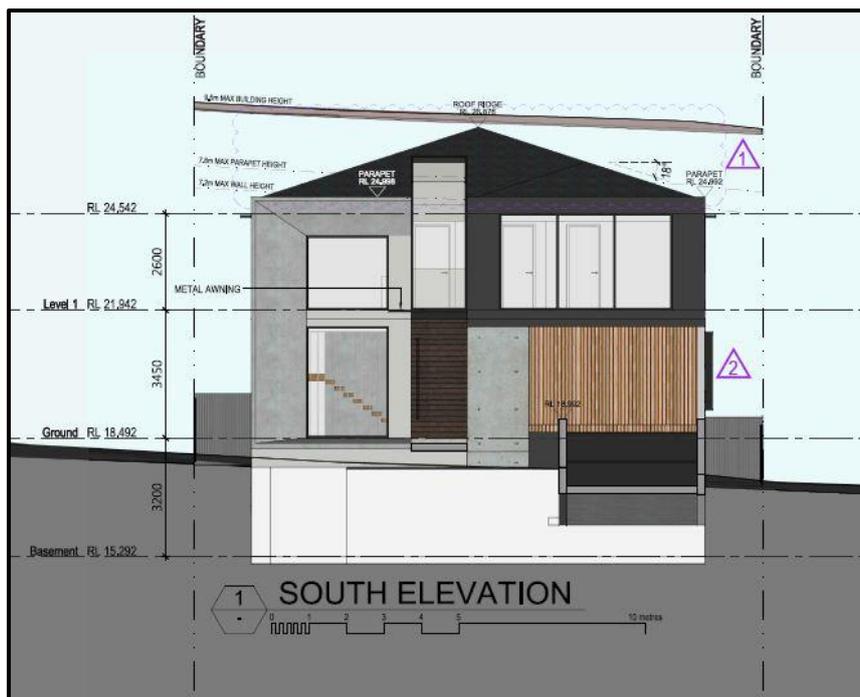


Figure 13: Southern elevation (front façade) of proposed dwelling

The proposed development will also involve the construction an in-ground swimming pool and spa in the rear yard and front fencing. Extensive landscaping to be established within the site include:

DA2019/183 - 3 Merley Road, Strathfield - Lot 12 DP 19348 (Cont'd)

- Grassed turf areas in the front setback and centrally located in the rear yard;
- Garden beds along the perimeters of the site that contain a mixture of shrubs and groundcovers (including *Dichondra* 'Silver Falls', *Viburnum odoratissimum*, *Ajuger reptans*, *Liriope muscari*); and
- Two (2) Ussurian Pear trees (*Pyrus ussuriensis*), one (1) located in the front setback and one (1) located in the rear yard.

The proposed development does not involve the removal of any trees on the site. It is noted that a separate approval was obtained for the removal of two (2) Leighton Green Cypress (*Cupressus x leylandii*) in the rear yard (DA2019/134). This approval did not provide consent for the removal of one (1) *Melaleuca bracteata* growing in the rear yard.

REFERRALS

INTERNAL REFERRALS

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 the flooding characteristics of the subject land. Council's Stormwater Engineer confirmed that there are no objections to the proposed stormwater system and the proposal is appropriately designed in accordance with the flooding constraints of the site, subject to suitable conditions of consent.

Traffic Comments

The application was referred to Council's Traffic Engineer who undertook an assessment of the proposal with regards to vehicular access and parking, and advised that should the proposed development be supported, the proposed access and parking for the dwelling may be supported, subject to suitable conditions of consent.

Heritage Advisor Comments

Council's Heritage Advisor reviewed the final design of the proposal and confirmed that the proposal is appropriately designed in context of the current streetscape character of the surrounding area and adjacent heritage item – Inveresk Park.

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.

DA2019/183 - 3 Merley Road, Strathfield - Lot 12 DP 19348 (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 SEPP 55 are considered to be satisfied.

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

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

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

As mentioned above, the site is predominantly modified and is generally devoid of any remnant native vegetation worthy of retaining. One (1) *Melaleuca bracteata* growing in the rear yard has been identified by Council's Tree Coordinator as a healthy specimen with a medium amenity value and therefore, is worthy of retention and protection. The final design of the proposal ensures this tree will be retained as well as the existing street tree. To re-inforce this, a condition is recommended.

STRATHFIELD LOCAL ENVIRONMENTAL PLAN 2012 (SLEP 2012)

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

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

Permissibility

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

Dwelling houses are permissible with consent within the R2 – Low Density Residential Zone with consent and is defined under SLEP 2012 as follows:

“dwelling house means a building containing only one dwelling”

DA2019/183 - 3 Merley Road, Strathfield - Lot 12 DP 19348 (Cont'd)

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

Zone Objectives

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

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.	Yes
➤ To ensure that development of housing does not adversely impact the heritage significance of adjacent heritage items and conservation areas.	Yes

Comments: The proposal involves the demolition of existing buildings onsite and the construction of a two (2) storey dwelling with basement level, and an in-ground swimming pool. Overall, the proposal incorporates a relatively contemporary design, layout and finish. The design featuring a pitched roof, conservative and neutral treatments to the façade and the provision of deep soil plantings and a generous setback from Merley Road ensures that the proposal provides an appropriate design response to the rhythm of residential development along the street and within the immediate vicinity of the site. The proposal is also compatible with the site's setting being adjacent to Inveresk Park as its siting and design is not considered excessive and will not have a dominant appearance when viewed from this public space.

The proposal ensures that the low density residential character of the locality is preserved and the housing needs of the community are met.

Part 4: Principal development standards

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

Height of building

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

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

Floor space ratio

Cl.	Standard	Controls	Proposed	Complies
4.4	<i>Floor space ratio</i>	0.575:1 (409.8m ²)	0.575:1 (409.8m ²)	Yes

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

DA2019/183 - 3 Merley Road, Strathfield - Lot 12 DP 19348 (Cont'd)

(d)	To minimise the impact of development on heritage conservation areas and heritage items	Yes
(e)	In relation to Strathfield Town Centre: i. to encourage consolidation and a sustainable integrated land use and transport development around key public transport infrastructure, and ii. to provide space for the strategic implementation of economic, social and cultural goals that create an active, lively and people-oriented development	N/A
(f)	In relation to Parramatta Road Corridor – to encourage a sustainable consolidation pattern that optimises floor space capacity in the Corridor	N/A

Comments: The proposed development complies with the maximum height and maximum floor space ratio development standards under the SLEP 2012. As such, the new development is appropriately designed and scaled in accordance with these standards and in relation to the dimensions of the subject site. The proposed development will result in a new dwelling and pool that are consistent in terms of design, bulk and scale with the existing residential development featured along Merley Road and the surrounding locality.

Part 5: Miscellaneous Provisions

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

5.10 Heritage Conservation

	Objectives	Complies
(a)	To conserve the environmental heritage of Strathfield	Yes
(b)	To conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views	Yes
(c)	To conserve archaeological sites	Yes
(d)	To conserve Aboriginal objects and Aboriginal places of heritage significance	Yes

Subclause 2 of Clause 5.10 states that development consent is required for *the demolishing or moving of a building of a heritage item or a building, work, relic or tree within a heritage conservation area*. The subject site does not contain any heritage items and is not within a heritage conservation area, and therefore, the proposal does not trigger Subclause 2. It is noted; however, that the site is adjacent to heritage item I178 – Inveresk Park and less than 150m east of the Merley Road Conservation Area, Inter-war bungalow style group (C13). This conservation area features an intact streetscape dominated by Inter-War California bungalow style houses. The few Federation period houses in the street blend well with the Inter-War houses due to the use of gables facing the street, front verandahs, terracotta tiled roofs and face brick walling contrasted with small areas of render and/or battened fibre and shingles. The final design of the new dwelling comprises a distinct pitched roof as well as a combination of off-white and dark grey rendering, timber cladding and off-form concrete finishes on the façade. Council’s Heritage Advisor advised that this design is considered appropriate in context of the surrounding area, and the adjacent heritage item and nearby conservation area. Therefore, the proposed development meets the above objectives under Clause 5.10 of the 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

DA2019/183 - 3 Merley Road, Strathfield - Lot 12 DP 19348 (Cont'd)

AHD and is likely to lower the water table below 1m AHD on adjacent Class 1, 2, 3 or 4 ASS land. Given the subject land is not located within 500m of Class 1, 2, 3, or 4 ASS land, the proposed development is not required to be accompanied by an Acid Sulfate Soils Management Plan, and therefore, satisfies the requirements of Clause 6.1.

6.2 Earthworks

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

6.4 Essential services

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

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

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

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

STRATHFIELD CONSOLIDATED DEVELOPMENT CONTROL PLAN 2005 (SCDCP 2005)

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

PART P – HERITAGE (SCDCP 2005)

2: Development of Heritage Items

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>	N/A
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>	N/A
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>	N/A
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>	N/A
F.	<i>To provide an appropriate visual setting for heritage items, including landscaping, fencing and car parking.</i>	Yes

Comments: As mentioned previously, the subject site does not contain any heritage items and is not within a heritage conservation area. The site is within the vicinity of heritage item I178 – Inveresk Park. Inveresk Park is an open, vegetated public space containing minimal buildings and structures aside from playground equipment and shade structures.

DA2019/183 - 3 Merley Road, Strathfield - Lot 12 DP 19348 (Cont'd)

The proposed development does not involve the demolition of any contributory elements of the above heritage item.

The proposed development involves the construction of a new two (2) storey dwelling with basement level and a swimming pool in the rear yard; ensuring a single dwelling residential character is maintained next to the heritage item. The proposed development does not obscure significant views of the heritage item and will have negligible impacts on the significance and value of this heritage item. In light of the above, the proposed development meets the above objectives.

3: Development in the Vicinity of Heritage Items

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

3.2: Setting

	Objectives	Satisfactory
A.	To ensure the setting of heritage items is not compromised by development in the vicinity of the heritage item.	Yes
B.	To ensure that new development respects the contribution of heritage items to the streetscape and/or townscape.	Yes

	Controls	Satisfactory
1.	Development in the vicinity of a heritage item should not be of such bulk or height that it visually dominates or overshadows the heritage item. Ensure the setting of heritage items is not compromised by development in the vicinity of the heritage item.	Yes
2.	Views to or from a heritage item should not be obscured by new development.	Yes
3.	Where a heritage item is part of a streetscape of buildings of consistent style, form and materials, development in the vicinity of the heritage item should incorporate elements of the dominant style, form and materials in the streetscape.	Yes
4.	Where trees are integral to the significance of a heritage item, development should not be allowed beneath the drip zone of the trees. An arborist report may be required to establish the development will not impact upon trees on nearby heritage items.	Yes

Comments: The proposed development is considered an appropriate design, bulk and scale that respects the significance and value of the heritage item. Given that the heritage item is an expansive open space with numerous and scattered tree plantings, few structures and no buildings, the proposed development is unlikely to visually dominate or overshadow the heritage item.

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

The heritage item, being an open, vegetated public park, is quite distinct from the adjacent and surrounding residential development. The proposal mirrors this development as it proposes a new dwelling that features a number of architectural features and traits that are similar in design and scale to the residential dwellings along Merley Road, Dickson Street and Beresford Road, which

DA2019/183 - 3 Merley Road, Strathfield - Lot 12 DP 19348 (Cont'd)

surround Inveresk Park. Consequently, the proposal will have little impact on the character and significance of the heritage item.

3.3: Scale

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

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

3.4: Siting

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

Comments: The siting and setback of the proposed development are consistent with the residential properties along Merley Road. The proposed development does not obscure any important views to or from the heritage item and does not affect the landscape setting of the heritage item. The proposed landscaping treatments in the front setback further ensure that the proposal is compatible with the streetscape and maintains a suitable aesthetic that respects the setting of the heritage item.

3.5: Materials and Colours

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

DA2019/183 - 3 Merley Road, Strathfield - Lot 12 DP 19348 (Cont'd)

Comments: The architectural features and traits of the dwelling as a whole creates a single dwelling appearance that is consistent with the residential designs along Merley Road, Dickson Street and Beresford Road. As mentioned above, common architectural features and traits in the immediate vicinity of the subject site include pitched roofing, exposed brick façades (in light brown or dark red), rendered cement façades (in cream/off-white/beige or grey), and front boundary fencing comprising bricks, sandstone or rendered cement. Most of these elements have been suitably integrated into the final design of the proposal. Further, it is apparent that the heritage item is a distinct and highly visual element compared to the residential development surrounding it. Given its relative prominence, the heritage significance of Inveresk Park will not be adversely affected by the proposed development.

3.6 Excavation

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

Controls		Satisfactory
i.	<i>Applications involving excavation adjacent to a heritage item must demonstrate that the proposed excavation will not compromise the structural integrity of the heritage item and will not detract from its setting.</i>	Yes

Comments: The proposed development involves some ground disturbance due to the proposed creation of the basement level. Given that the heritage item is south of the site and across the road and does not contain any buildings, it is unlikely that any excavation required will compromise the structural integrity of the heritage item.

PART A – DWELLING HOUSES AND ANCILLARY STRUCTURES

2: Architectural Design & Streetscape Presentation

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

DA2019/183 - 3 Merley Road, Strathfield - Lot 12 DP 19348 (Cont'd)

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

Comments: The proposed development feature an acceptable design, scale, density, materials and finishes that are consistent and compatible with the surrounding area, adjacent heritage item and the heritage conservation area in proximity of the site. The proposed development meets the above requirements.

4: Building Envelope

4.1	Objectives	Satisfactory
A.	<i>To ensure that dwellings are compatible with the built form of the local area and that overall bulk and scale, size and height of dwellings relative to natural ground level responds to the adjoining dwellings, topography and desired future character.</i>	Yes
B.	<i>To minimise impact on the amenity of adjoining properties.</i>	Yes

DA2019/183 - 3 Merley Road, Strathfield - Lot 12 DP 19348 (Cont'd)

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

Building Height

	1	Height of building permissible pursuant to SLEP 2012	Yes
	4	The maximum height of the external wall from the existing ground level to the underside of the uppermost ceiling level is to be 7.2 metres	Yes 6.25m
.2.	5	The maximum internal floor to ceiling height is to be 3.0 metres for any residential level.	No 3.3m (See below)
	6	Height of outbuildings, detached garages and carports is 3.5m (max) measured at the highest point on the roof above NGL	Yes
	7	Dwelling houses and any ancillary structures 2-storeys (max)	Yes – Two (2) storeys proposed
	8	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 12.41m

.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). 20% = 3.085m (min. 1.54m each side)	Yes East: 1.55m West: 1.545m 20% combined
	2	A rear setback of 6m (min)	Yes – over 7m
	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

DA2019/183 - 3 Merley Road, Strathfield - Lot 12 DP 19348 (Cont'd)

4	Garages and carports setbacks consistent with Table A.2	Yes
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Comments: The proposed development generally complies with the relevant requirements under the SLEP 2012 and SCDCP 2005 in terms of maximum building height, FSR, maximum height, building articulation and setback from property boundaries.

It is noted that the rear portion of the ground floor of the new dwelling has a floor to ceiling height of 3.3m, which is a variation to the maximum floor to ceiling height requirement (3m). This results from the stepping down of this portion of the dwelling, which reflects the natural topography of the site. This portion, which contains the primary living and dining areas, kitchen, butler/pantry and a bathroom, has a lowered floor plate with three (3) steps flowing into the sunken space. The increased height does not result in an excessively massed and scaled built form. The additional 300mm provides additional amenity to the rear portion whilst maintaining the proposed first floor slab and a consistent roof line and does not result in any additional overshadowing, privacy and amenity impacts upon adjoining neighbours. As such, the proposed variation is considered acceptable and supportable.

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	

DA2019/183 - 3 Merley Road, Strathfield - Lot 12 DP 19348 (Cont'd)

	1	Landscaped area in accordance with Table A.3 Minimum required: 43% (306.46m²)	Yes 43.7% (311.7m²)
	2	At least 50% of the minimum landscaped area located behind the building line to the rear boundary	Yes Over 50%
	3	At least 50% of the front yard maintained as deep soil soft landscaping Minimum required: 50% of 217.3m² = 108.65m²	Yes 61% (132.6m²)
	4	Minimise hard surface area (concrete/brick/stone paving and bitumen). Run-off directed to permeable surfaces.	Yes
	5	Planting areas soften the built form	Yes
	6	Front gardens respond and contribute to the garden character of Strathfield.	Yes
	7	Retain and reinforce the prevailing streetscape and surrounding locality	Yes
	8	Plant species must be retained, selected and planted to improve amenity	Yes
<i>Tree Protection</i>			
	3	Development provides for the retention and protection of existing significant trees	Yes
	4	New dwellings and alterations and additions are set back in accordance with the Arboricultural Impact Assessment Report	Yes
	6	Opportunities for planting new canopy trees within the front setback	Yes
.2.	7	At least one (1) canopy tree provided in the rear yard.	Yes
	8	Trunk of a proposed canopy tree planted 4m (min) from built structures, or 3m (min) from pier beam footings	Yes
	9	Planting on side boundaries a 0.6m (min) deep root deflection barrier provided 1.5m (min) either side of the tree center	Yes
	10	Driveway construction does not result in the removal, lopping or root damage to any street tree	Yes
	11	25% (min) of canopy trees and other vegetation shall be locally sourced indigenous species	Yes
<i>Private Open Space</i>			
	1	Provided in a single parcel rather than a fragmented space, directly accessible from internal living areas	Yes
	2	Includes a deep soil area compliant with the minimum landscaped area.	Yes
.3.	3	Terraces and decks (at least 10m ²) with one length or width 3m (min) and directly accessible from an internal living area. Decks cannot be located more than 500mm above NGL	Yes
	4	Unless 3m (min) width, areas within setbacks are not to be included as private open space	Yes
	5	Private open space located at the rear of the property.	Yes
.4.	<i>Fencing</i>		

DA2019/183 - 3 Merley Road, Strathfield - Lot 12 DP 19348 (Cont'd)

1	Fencing designed to be compatible and sympathetic to the style of the dwelling, adjoining properties and the streetscape	Yes
2	Landscaping used when the streetscape is characterised by the absence of front fences	Yes
3	Fencing forward of FBL shall not exceed 1.5m. Solid components shall not exceed 0.7m above NGL with the exception of brick piers	Yes 1.09m Open form with 26mm by 170mm (with 61mm spacing) metal infill panels
7	Front fences visually permeable	Yes
8	Front fences on busy roads designed to provide acoustic attenuation	Yes
9	Listed undesirable materials and finishes not used forward FBL	Yes
13	Significant trees maintained	Yes
14	Stormwater flows through or under fencing on sloping sites	Yes
16	Gates or entries from private property onto Council parks, reserves, open space, etc. are permitted	Yes

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

The proposed landscaping treatments comprise of:

- Retention of an existing street tree;
- Grassed turf areas in the front setback and centrally located in the rear yard;
- Garden beds along the perimeters of the site that contain a mixture of shrubs and groundcovers (including *Dichondra* 'Silver Falls', *Viburnum odoratissimum*, *Ajugar reptans*, *Liriope muscari*); and
- Two (2) Ussurian Pear trees (*Pyrus ussuriensis*), one (1) located in the front setback and one (1) located in the rear yard.

These treatments are considered appropriate for the site and consistent with the surrounding area. The retention of the established street tree ensures the relationship and context of the road reserve adjacent to existing tree planting in Inveresk Park are preserved.

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
.1.	Sunlight Access	
	1 New dwellings - 3 hours solar access between 9.00am and 3.00pm on June 21 to the windows of habitable rooms and 50% of private open space	Yes
	2 Alterations or Additions – maintain 3 hours solar access between 9.00am and 3.00pm on June 21 to the windows of habitable rooms and to the majority of private open space	Yes

DA2019/183 - 3 Merley Road, Strathfield - Lot 12 DP 19348 (Cont'd)

	3	50% of the principal private open space of any adjoining premises receives 3 hours solar access between 9.00am and 3.00pm on June 21	Yes
	4	The proposed development does not further reduce the amount of solar access	Yes

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

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
	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
Windows			
.2.	1	Windows do not directly face the windows, balconies and courtyards of adjoining dwelling	Yes
	2	A window within 9m of another window in a habitable room of an adjoining dwelling is offset by 0.5m (min) or a sill height of 1.7m (min) above the FFL	Yes
	3	Windows directly facing balconies or courtyards are narrow, incorporate obscure glazing and/or a sill height of 1.7m (min) above FFL	Yes
Elevated Decks Verandahs and Balconies			
.3.	1	Elevated decks, verandahs and upper storey balconies not permitted on side boundaries (exceptions apply)	Yes
	2	Elevated decks, verandahs and balconies incorporate privacy screens	Yes
	3	Rear balconies (no more than 1m (depth) x 2m (length) permitted if the balcony does not unreasonably impact on adjoining premises	Yes
	4	Balconies extending the full width of the front façade are not permitted	Yes
Acoustic Privacy			
.4.	1	SEPP (Infrastructure) 2007 and Development near Rail Corridors and Busy Roads Interim Guideline considered	Yes

DA2019/183 - 3 Merley Road, Strathfield - Lot 12 DP 19348 (Cont'd)

2	Noise-sensitive rooms located away from noise sources	Yes
3	Suitable acoustic screen barriers or other noise mitigation measures are required where physical separation cannot be achieved	N/A
4	An acoustic report (where relevant) demonstrates that habitable rooms achieve internal noise levels of no greater than 35 dBA	N/A

Comments: The proposed development complies with the relevant controls under the SDCDP 2005 with regard to building separation and privacy for future occupants and neighbouring properties. The final design has considered the flooding characteristics of the site and ensures that the finished floor level of the dwelling steps down with the natural topography of the subject site and are not significantly elevated. The proposal also involves no changes to the existing ground levels within the side setbacks or areas beyond the footprint of the dwelling. As such, the topography of the site and surrounds are respected and not compromised, resulting in an appropriate relationship between buildings, private open spaces and neighbouring properties.

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

- The large west-facing window for the stairwell is fixed and frosted and will therefore, have minimal overlooking impacts.
- The terrace on the eastern side is elevated (0.95m above ground) compared to the eastern neighbour due to existing slope falling to the east. Considering this terrace is only 2.5m wide, is off a laundry and contains air conditioning units and a hot water system, it is unlikely to result in any significant overlooking impacts;
- The entire first floor comprises windows in bedrooms, bathrooms, and a walk-in-robe and retreat/lounge for the master bedroom. These spaces are considered low activity spaces and will not likely generate adverse overlooking impacts;
- The proposed alfresco is minimally elevated (0.277m above ground);
- The coping level of the proposed swimming pool is located close to existing ground.

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

8: Vehicle Access and Parking

8.1	Objectives	Satisfactory
A.	To provide adequate and convenient on-site car parking.	Yes
B.	To ensure that the location and design of driveways, parking spaces and other areas used from the movement of motor vehicles are efficient, safe and convenient.	Yes
C.	To ensure garages, carports, basements and hard standing areas for cars do not visually dominate the street façade of the dwelling.	Yes
D.	To ensure that construction materials used for driveways respect the architectural qualities of the dwelling.	Yes
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

DA2019/183 - 3 Merley Road, Strathfield - Lot 12 DP 19348 (Cont'd)

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

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

9: Altering Natural Ground Level (Cut and Fill)

9.1	Objectives	Satisfactory
A.	To maintain existing ground levels and minimise cut and fill to reduce site disturbance.	Yes
B.	To ensure existing trees and shrubs are undisturbed, ground water tables are maintained and impacts on overland flow/drainage are minimised.	Yes
9.2	Development Controls	Complies
1	Fill limited to 1m (max) above NGL	Yes

DA2019/183 - 3 Merley Road, Strathfield - Lot 12 DP 19348 (Cont'd)

2	Clean fill used only	Yes
3	Cut and fill batters stabilised consistent with the soil properties	Yes
4	Vegetation or structural measures are implemented when the site is disturbed.	Yes
5	Areas of excavation setback from property boundaries in line with building setback controls. No excavation permitted within the minimum required setbacks.	Yes
6	The work does not affect or undermine the soil stability or structural stability of buildings and Council assets on adjoining properties.	Yes
7	A dilapidation report for all buildings which adjoin proposed excavation areas as required	N/A
8	Avoid excessive fill that creates the potential for overlooking of adjoining properties	Yes

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

10: Water and Soil Management

10.1	Objectives	Satisfactory	
A.	To encourage the incorporation of Water Sensitive Urban Design (WSUD) and Botany Improvement Plan principles in the development.	Yes	
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		
	1	Applicant contacted Council regarding site being flood prone land	Yes
	2	Compliance with Council's Stormwater Management Code	Yes
	3	Flood affected properties comply with Council's Interim Flood Prone Lands Policy (Flood Prone Areas & Through Site Drainage)	Yes
	4	Minimum habitable floor height advice obtained for flood affected sites	Yes
	5	A drainage/flood report prepared by a hydraulics engineer submitted for sites affected by overland flows	Yes
	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

DA2019/183 - 3 Merley Road, Strathfield - Lot 12 DP 19348 (Cont'd)

Soil Erosion and Sediment Control

.3.	1	Soil erosion and sediment control measures detailed and implemented prior to the commencement of work.	Yes
	2	Sediment control measures applied	Yes
	3	Plans provided detailing stormwater quality treatment	Yes

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

11: Access, Safety and Security

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

Comments: The new dwelling has clearly defined pedestrian and vehicular entries. The front entrance of the dwelling will be visible from the street as the door design is quite distinct from the rest of the front façade. The landscaping treatments including the retained street tree and the fencing design direct the line of sight towards either the front door or the driveway passage. The overall scheme has been adequately designed with a generous street setback to formalise access and to ensure that the above access, safety and security controls are met.

12: Ancillary Development

12.1	Objectives	Satisfactory
A.	To ensure that ancillary development is compatible with the design of the principal dwelling, streetscape and adjoining dwellings in form, materials and colours	Yes

DA2019/183 - 3 Merley Road, Strathfield - Lot 12 DP 19348 (Cont'd)

B.	<i>To limit the size, bulk and scale of ancillary structures and minimise their visibility from the public domain.</i>	Yes
C.	<i>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.</i>	Yes
D.	<i>To ensure that the provision of ancillary structures, such as air conditioning units, are considered at the design stage of a proposed development.</i>	Yes
12.2	Development Controls	Complies
	<i>Air-conditioning</i>	
.4.	1 Located away from the habitable rooms of adjoining properties and/or screened by acoustic treatments	Yes
	2 Any building work must not reduce the structural integrity of existing buildings	Yes
	3 Installation of residential grade air conditioners only	Yes
	4 Installation to comply with the Protection of the Environment Operations Act 1997 and Protection of the Environment Operations (Noise Control) Regulation 2008	Yes
	<i>Swimming Pools</i>	
.6.	1 Side and rear setbacks from the outside edge of the pool concourse are 1m (min) wide and comprise deep soil soft landscape area	Yes
	2 If greater than 1m above ground, the space between the bond beam/concourse and the ground is finished to Council's satisfaction	N/A
	3 The pool filter and pump equipment designed and located to not emit a noise level that exceeds 5dBA above the ambient background noise level measured at any property boundary. The pool equipment shall be located within an enclosed structure so as to not be readily visible	Yes
	4 Lighting positioned to prevent light spillage and minimise any nuisance to adjoining premises	Yes
	5 Enclosures shall comply with the Swimming Pools Act and relevant Australian Standards as amended.	Yes

Comments: The proposed development meets the above requirements.

13: Ecologically Sustainable Development

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

DA2019/183 - 3 Merley Road, Strathfield - Lot 12 DP 19348 (Cont'd)

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

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

PART H - WASTE MANAGEMENT (SCDCP 2005)

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

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

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

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

DA2019/183 - 3 Merley Road, Strathfield - Lot 12 DP 19348 (Cont'd)

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

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

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

The proposed development has been designed with consideration of its setting within flood prone land, and in relation to adjoining residential properties. The proposed development will not generate significant privacy, amenity and overshadowing impacts as detailed above. The final design of the proposed development has demonstrated consistency and compatibility within the streetscape of Merley Road and the site's position being adjacent to a heritage item and 150m east of a heritage conservation area. Therefore, the likely impacts of the development are considered minimal and the proposal is considered an acceptable and supportable planning outcome.

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

The proposed development is considered to be suitable for the site given that it involves a single detached dwelling with ancillary structures, ensuring that the low density residential character of the locality is preserved. The subject site does not have any significant environmental constraints that would prevent the development of a single dwelling. Therefore, the 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 SDCDP 2005 from 18 November to 2 December 2019, with one submission received from the west-adjointing neighbour (No. 5 Merley Road, Strathfield), raising the following concerns:

1. *Objector raised visual privacy concerns from windows and elevated pool and spa deck on western elevation*

Assessing officer's comments: An assessment of potential privacy impacts have been detailed above. The proposed pool and spa deck have been relocated to the eastern side in the final design in order to avoid an existing site tree. It is further noted that these elements are not significantly elevated above existing ground. As mentioned above, the windows will have minimal privacy impacts.

2. *Objector raised concern with regard to air conditioners – should be 3m from boundary line, indoor and/or if treated for acoustic containment, should show full location of position*

Assessing officer's comments: The proposed development will have an air conditioner situated on the ground floor terrace that faces east. It is well-away from the west-adjointing neighbour.

3. *Objector raised concern regarding window alignment*

Assessing officer's comments: All of the west-facing windows on both floors that appear to align with the neighbour's windows are frosted.

4. *Objector raised concern regarding swimming pool*

DA2019/183 - 3 Merley Road, Strathfield - Lot 12 DP 19348 (Cont'd)

Assessing officer's comments: The proposed pool is not significantly elevated above natural ground level. A condition is recommended to minimise noise impacts associated with the pool filter/equipment.

5. *Objector raised concern regarding details on front boundary fence*

Assessing officer's comments: The proposed front fence is appropriately designed and is less than 1.5m above existing ground. The fence tapers down with the natural slope of the front setback, which falls to the east.

6. *Objector raised concern regard tree removal*

Assessing officer's comments: The proposed development does not involve the removal of any trees within the site. The proposed development has been re-designed to avoid the removal of a single tree in the rear yard. It is further noted that a separate approval has been obtained for the removal two (2) trees in the rear yard.

7. *Objector raised concern regarding rainwater tank location*

Assessing officer's comments: The proposed developments involves a 5,000L rainwater tank that is located below the alfresco area and will not be highly visible from any adjoining neighbours.

8. *Objector raised concern regarding noise from proposed spa and pool*

Assessing officer's comments: A condition will be imposed to address operational noise impacts from the proposed spa and pool.

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 *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

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

Local Amenity Improvement Levy	\$22,880.00
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CONCLUSION

The application has been assessed having regard to Section 4.15 of the *Environmental Planning and Assessment Act 1979*, the Strathfield Local Environmental Plan 2012 and the Strathfield

DA2019/183 - 3 Merley Road, Strathfield - Lot 12 DP 19348 (Cont'd)

Development Control Plan 2005 and is considered to be satisfactory for approval, subject to the recommended conditions of consent.

PEER REVIEW

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

RECOMMENDATION

That Development Application No. DA2019/183 for demolition of existing buildings and construction of two (2) storey dwelling with basement level, pool and associated front fence and landscaping at 3 Merley Road, Strathfield be **APPROVED**, subject to the following conditions:

SPECIAL CONDITIONS (SC)

1. **REVISED STORMWATER PLAN AND LANDSCAPE PLAN (SC)**

A revised Stormwater Plan and revised Landscape Plan must be provided, which reflects the final design of the approved development including the relocated swimming pool and spa. The revised Stormwater Plan must indicate that the rainwater tank is situated below the proposed alfresco area. The revised Landscape Plan must delete any annotations of any trees being removed. This consent does not approve any tree removal. The existing *Melaleuca bracteata* tree in the rear yard must be shown as an existing tree to be retained.

The revised Stormwater Plan and revised Landscape Plan must be submitted as part of the documentation required for the Construction Certificate, and must be approved by the Principal Certifying Authority prior to the issue of any Construction Certificate.

(Reason: To ensure consistency with the approved architectural plans.)

GENERAL CONDITIONS (GC)

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

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

Plans affixed with Council's 'Development Consent' stamp relating to Development Consent No. DA2019/183:

Drawing No.	Title/Description	Prepared by	Issue / Revision & Date	Date received by Council
DA.02	Level 1 Floor Plan Ground Floor Plan	Bechara Chan & Associates Pty Ltd	Rev H 25.02.20	25.02.20
DA.03	Basement Level Plan Roof & Site Plan	Bechara Chan & Associates Pty Ltd	Rev H 25.02.20	25.02.20
DA.04	Level 1 Floor Plan Ground Floor Plan	Bechara Chan & Associates Pty Ltd	Rev H 25.02.20	25.02.20

DA2019/183 - 3 Merley Road, Strathfield - Lot 12 DP 19348 (Cont'd)

DA.05	Elevations	Bechara Chan & Associates Pty Ltd	Rev H 25.02.20	25.02.20
DA.06	Section A-A, B-B Front Fence	Bechara Chan & Associates Pty Ltd	Rev H 25.02.20	25.02.20
L01/1 - K24620	Landscape Planting Plan	Bechara Chan & Associates Pty Ltd	Rev B 18.12.19	20.12.19
D00	Cover Sheet, Legend and Drawing Schedule	LOKA Consulting Engineers	Rev A 10.10.19	20.12.19
D01	Basement Stormwater Drainage Plan & Details	LOKA Consulting Engineers	Rev A 10.10.19	20.12.19
D02	Ground Floor / Site Stormwater Drainage Plan	LOKA Consulting Engineers	Rev A 10.10.19	20.12.19
D03	Erosion and Sediment Control Plan and Details	LOKA Consulting Engineers	Rev A 10.10.19	20.12.19

Reference Documentation affixed with Council's 'Development Consent' stamp relating to Development Consent No. DA2019/183:

Title / Description	Prepared by	Issue/Revision & Date	Date received by Council
BASIX Certificate	Loka Consulting Engineers Pty Ltd	Certificate No. 1042394S 22.10.19	04.11.19
Nationwide House Energy Rating Scheme Certificate	Nermein Loka	Certificate No. IFASXJA166 22.10.19	22.10.19
Job No. 19NL064-FR01	Flood Risk Management Plan	14.10.19	04.11.19
Gihad Bechara	Waste Management Plan	23.10.19	04.11.19

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

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

3. CONSTRUCTION HOURS (GC)

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

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

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

DA2019/183 - 3 Merley Road, Strathfield - Lot 12 DP 19348 (Cont'd)

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

4. CONSTRUCTION WITHIN BOUNDARIES (GC)

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

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

5. 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.)

6. 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.)

7. 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.

DA2019/183 - 3 Merley Road, Strathfield - Lot 12 DP 19348 (Cont'd)

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

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

8. **WASTE – TRACKABLE (GC)**

Removal of trackable waste (as defined by the NSW Environment Protection Authority) from the site must comply with the Protection of the Environment Operations (Waste) Regulation 2005 for the transportation, treatment and disposal of waste materials. Waste materials must not be disposed on land without permission of the land owner and must with the provisions of the Protection of the Environment and Operations Act 1997.

(Reason: To ensure compliance with legislation.)

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

A detailed Stormwater Management Plan (SWMP) in line with Council's Stormwater

DA2019/183 - 3 Merley Road, Strathfield - Lot 12 DP 19348 (Cont'd)

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.)

10. **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.)

11. **UTILITIES AND SERVICES - PROTECTION OF (GC)**

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

- i) All footings and excavation must be located wholly within the site and clear of any easement boundaries;
- ii) All footings and excavation must be located a minimum of 1000mm from the centreline of the pipeline or 500mm from the outside of the pipeline, whichever is the greater distance from the centreline; and
- iii) footings must extend to at least the depth of the invert of the pipeline unless the footings are to be placed on competent bedrock.

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

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

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

(Reason: To ensure protection of Council assets.)

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

12. **BASIX COMMITMENTS (CC)**

The approved BASIX Certificate shall be submitted to the Principal Certifying Authority with

DA2019/183 - 3 Merley Road, Strathfield - Lot 12 DP 19348 (Cont'd)

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.)

13. 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.)

14. CAR PARKING - BASEMENT CAR PARKING REQUIREMENTS (CC)

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

- i) Minimal internal clearance of the basement is 2.2m in accordance with BCA requirements.
- ii) Driveways shall comply with Australian/New Zealand Standard AS/NZS 2890.1:2004 - Parking facilities - Off-street car parking and achieve a maximum gradient of 1:4.
- iii) Basement entries and ramps/driveways within the property are to be no more than 3.5m wide.
- iv) Provision of pump-out systems and stormwater prevention shall be in accordance with Council's Stormwater Management Guide.

(Reason: To ensure suitable development.)

15. 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.

DA2019/183 - 3 Merley Road, Strathfield - Lot 12 DP 19348 (Cont'd)

- 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) A minimum 1m by 1m splay must be provided at the vehicular access driveway to maintain sight distances for pedestrians and motorists. The areas should be kept clear from obstructions and only allow ground cover vegetation/landscaping as per Council DCP Part A, Clause 5.2.4.
- vii) Certification that the design complies with AS/NZS 2890.1:2004 by a Qualified Engineer.

The certification referred to in (vii) 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.)

16. **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.)

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

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

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

(Reason: Compliance with SCDCP 2005.)

18. **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.)

DA2019/183 - 3 Merley Road, Strathfield - Lot 12 DP 19348 (Cont'd)

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

Works Permit

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

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

Standing Plant Permit

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

Skip Bin Permit

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

Temporary Full or Part Road Closure Permit

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

Hoarding/Fencing Permit

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

Work Zone Permit

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

Ground Anchoring Permit

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

(Reason: Council requirement.)

DA2019/183 - 3 Merley Road, Strathfield - Lot 12 DP 19348 (Cont'd)

20. EROSION AND SEDIMENTATION CONTROL PLAN (CC)

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

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

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

(Reason: Environmental protection.)

21. FLOODING - COMPLY WITH FLOOD IMPACT REPORT (CC)

The applicant shall comply with the flood recommendations provided in the Flood Risk Management Plan prepared by Loka Consulting Engineers Pty Ltd, Job No. 1914 October 2019. A certificate from a suitably qualified Engineer shall be submitted to the Certifying Authority stating compliance with these recommendations, prior to the issue of a Construction Certificate.

(Reason: To mitigate flood risk and associated damage.)

22. NOISE – CONSTRUCTION CC)

All works carried out on site during construction/demolition/excavation/earthworks shall comply with the NSW Protection of the Environment Operations Act 1997, the Department of Environment and Climate Changes “Interim construction noise guideline” and AS 2436-2010 – “Guide to noise and vibration control on construction, demolition and maintenance sites” for the control of construction noise which specifies that:

- Construction period of 4 weeks and under – The L90 Level measured over a period of not less than 15 minutes when the construction site is operating must not exceed the background level by more than 20 dB(A) at the boundary.
- Construction period greater than 4 weeks but not exceeding 26 weeks – The L90 level

DA2019/183 - 3 Merley Road, Strathfield - Lot 12 DP 19348 (Cont'd)

measured over a period of not less than 15 minutes when the construction site is operating must not exceed the background level by more than 10 dB(A) at the boundary.

- Construction period exceeding 26 weeks – The L90 level measured over a period of not less than 15 minutes when the construction site is operating must not exceed the background level by more than 5 dB(A) at the boundary.

Should complaints of a noise nuisance be substantiated, Council may require the acoustic treatment of the premises to ensure compliance with the NSW Department of Environment and Climate Changes “Interim construction noise guideline” and AS 2436-2010 – “Guide to noise and vibration control, demolition and maintenance sites” for the control of construction noise. A further acoustic assessment and report will be required to be provided to Council assessing the premises in working order.

(Reason: Noise attenuation.)

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

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

Local Amenity Improvement Levy	\$22,880.00
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The total amount of the contribution is valid as at the date of determination and is subject to quarterly indexation. The amount of the contribution under this condition shall be indexed in accordance with clause 4.12 of the Strathfield Indirect Development Contributions Plan 2010-2030.

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

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

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

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

24. **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.)

25. **STORMWATER DRAINAGE (CC)**

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

DA2019/183 - 3 Merley Road, Strathfield - Lot 12 DP 19348 (Cont'd)

- 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.)

26. **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.)

27. **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.)

28. **TREE BONDS (CC)**

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

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

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

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

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

DA2019/183 - 3 Merley Road, Strathfield - Lot 12 DP 19348 (Cont'd)

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

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

A security (damage deposit) of **\$18,000.00** (calculated in accordance with Council's adopted Fees and Charges) shall be paid to Council, prior to the issue of a Construction Certificate.

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

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

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

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

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

(Reason: Protection of Council infrastructure.)

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

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

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

31. **WORKS ZONE - APPROVAL BY COUNCIL'S TRAFFIC COMMITTEE (CC)**

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

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

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

DA2019/183 - 3 Merley Road, Strathfield - Lot 12 DP 19348 (Cont'd)

Zone or to waive the requirement to provide a Works Zone prior to the commencement of any site work.

(Reason: Council requirement.)

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

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

(Reason: To maintain streetscape character.)

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

33. **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.)

DA2019/183 - 3 Merley Road, Strathfield - Lot 12 DP 19348 (Cont'd)

34. 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.)

35. NOTICE OF COMMENCEMENT (CW)

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

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

(Reason: Statutory requirement.)

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

36. FILL MATERIAL (DW)

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

DA2019/183 - 3 Merley Road, Strathfield - Lot 12 DP 19348 (Cont'd)

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

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

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

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

37. 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.)

38. 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.)

39. OCCUPATION OF BUILDING (OC)

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

DA2019/183 - 3 Merley Road, Strathfield - Lot 12 DP 19348 (Cont'd)

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

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

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

(Reason: Statutory requirement.)

40. RAINWATER TANKS (OC)

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

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

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

(Reason: To protect public health and amenity.)

ATTACHMENTS

There are no attachments for this report.

TO: Strathfield Internal Development Assessment Panel Meeting - 6 March 2020
REPORT: IDAP – Report No. 2
SUBJECT: DA2000/337/07: 1-5 UNDERWOOD ROAD, HOMEBUSH
LOT 100 DP 1042833
DA NO. 2000/377/07

SUMMARY

Proposal: Section 4.55(1A) application for internal reconfiguration of Level 3 at DFO.
Applicant: Vicinity Centres
Owner: Vicinity Centres
Date of lodgement: 9 September 2019
Notification period: 13 September – 27 September 2019
Submissions received: Nil.
Assessment officer: LG
Zoning: IN1 – General Industrial - SLEP 2012
Heritage: No
Flood affected: Yes
Is a Clause 4.6 variation proposed? No
RECOMMENDATION OF OFFICER: APPROVAL

EXECUTIVE SUMMARY

On 30 May 2000, Council approved Development Application No. DA2000/377 (DA9900/377 under Council's previous record system) for alterations to Level 3 for use as a factory outlet centre and the continued use of Level 2 as an exhibition space.

The current modification application (DA2000/377/07) seeks minor amendments to the approved Level 3 floor plan of the building to reflect the current tenancy layout. The proposed modification is considered to have minimal environmental impacts as per Section 4.55(1A) of the *Environmental Planning and Assessment Act 1979*.

The application was notified in accordance with Part L of the Strathfield Consolidated Development Control Plan (SCDCP) 2005 from 13 until 27 September 2019. There were no submissions received during the exhibition period.

The proposed modification has been assessed under the Strathfield Local Environmental Plan 2012 and the SCDCP 2005. The proposal is acceptable and recommended for approval subject to conditions of consent.

DESCRIPTION OF THE SITE AND LOCALITY

The subject site is known as No. 1-5 Underwood Road, Homebush and is located on the south-western side of the major intersection of Homebush Bay Drive and Underwood Road. The site is an irregular shaped allotment with a total site area of 5.206 hectares and is currently occupied by an expansive premises known as Direct Factory Outlets (DFO) Homebush. The site has a frontage of approximately 220m to Homebush Bay Drive and 80m to Underwood Road. Vehicular access to

DA2000/337/07: 1-5 Underwood Road, Homebush
 Lot 100 DP 1042833 (Cont'd)

the site is provided on the far western side of Homebush Bay Drive and at the far eastern end of Underwood Road.

The immediately surrounding development includes Sydney Olympic Park to the west, industrial warehouse complexes to the east and south and the Mason Park Electricity substation which immediately adjoins the site to the west.



Figure 1: Locality and context of the subject site (outlined in red).

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

Section 4.55(1A) of the *Environmental Planning and Assessment Act (EP&A ACT) 1979* states as follows:

“4.55(1A) Modifications involving minimal environmental impact

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

- (a) it is satisfied that the proposed modification is of minimal environmental impact, and*
- (b) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all), and*
- (c) it has notified the application in accordance with—*
 - (i) the regulations, if the regulations so require, or*

DA2000/337/07: 1-5 Underwood Road, Homebush
Lot 100 DP 1042833 (Cont'd)

- (ii) *a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and*
- (d) *it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.*
- Subsections (1), (2) and (5) do not apply to such a modification.*
- (3) *In determining an application for modification of a consent under this section, the consent authority must take into consideration such of the matters referred to in section 4.15(1) as are of relevance to the development the subject of the application. The consent authority must also take into consideration the reasons given by the consent authority for the grant of the consent that is sought to be modified.*
- (4) *The modification of a development consent in accordance with this section is taken not to be the granting of development consent under this Part, but a reference in this or any other Act to a development consent includes a reference to a development consent as so modified.*

A comparative analysis of the original application and this modification application has been undertaken. The proposal does not change the land uses; floor space; building envelope; and loading and vehicle access arrangements. Accordingly, the development as modified is considered to satisfy the 'substantially the same' test in that it will result in materially the same development as that which was originally approved and hence would have minimal environmental impact.

The original application sought Level 3 for use as a factory outlet centre. As this use would continue under the proposed modification it is considered that the intent of the original consent is to be retained.

The application was notified in accordance with Part L of SCDCP 2005 and there were no submissions forwarded to Council.

Given the scale of the proposed modification and compliance with Council's notification process, this application is considered to satisfy the requirements of Section 4.55(1A).

RELEVANT BACKGROUND

30 May 2000

Council endorsed application No. DA2000/377 (DA9900/377 under Council's previous record system) which sought alterations to Level 3 for use as a factory outlet centre and the continued use of Level 2 as an exhibition space. The following five modifications have been approved under delegation since this time:

- DA2000/377/02 relocation of the western food court area in the north-western corner to allow for rationalisation of tenancies T4-T9 and reduce floor space by approximately 300m².
- DA2000/377/03 three food tenancy uses.
- DA2000/377/04 use of an approved tenancy being specially Michel's Patisserie in tenancy T4.
- DA2000/377/05 use of approved food tenancy for Georgios Café.
- DA2000/377/06 use of Sushi Pack.

Given the wording of the original conditions of consent was not amended through these applications, no further details are warranted or referenced throughout this report.

9 September 2019

The subject Section 4.55(1A) modification, DA2000/377/07 was submitted to Council.

DA2000/337/07: 1-5 Underwood Road, Homebush
 Lot 100 DP 1042833 (Cont'd)

13 September 2019 The application was notified for a period of 14 days, until 27 September 2019. This is in accordance with the requirements of Part L of SCDOP 2005. There were no submissions submitted to Council as part of the exhibition process.

DESCRIPTION OF THE PROPOSED MODIFICATION(S)

The proposal has sought minor amendments to the approved Level 3 floor plan of the building to reflect the current tenancy layout:

Specifically, the tenancy layouts have been modified to reflect the following (refer to Figure 2 and 3):

- Reduction in Tenancy 3-013 size;
- Reduction in Tenancy 3-015 size
- Increase in Tenancy 3-016 size;
- Deletion of Tenancy 3-017;
- Reduction of Tenancy 3-018 size;
- Increase in Tenancy 3-023 size;
- Reduction of Tenancy 3-024 size;
- Deletion of Tenancy 3-028 size;
- Increase in Tenancy 3-028 size;

No physical works are proposed and no changes to the overall floor space of the site are proposed. The proposal is intended to update the tenancy layouts throughout Level 3 of the complex.

Note: The modification application DA2008/087/10 to permit the internal reconfiguration of Level 3 is consistent with this application and being assessed concurrently with this application.

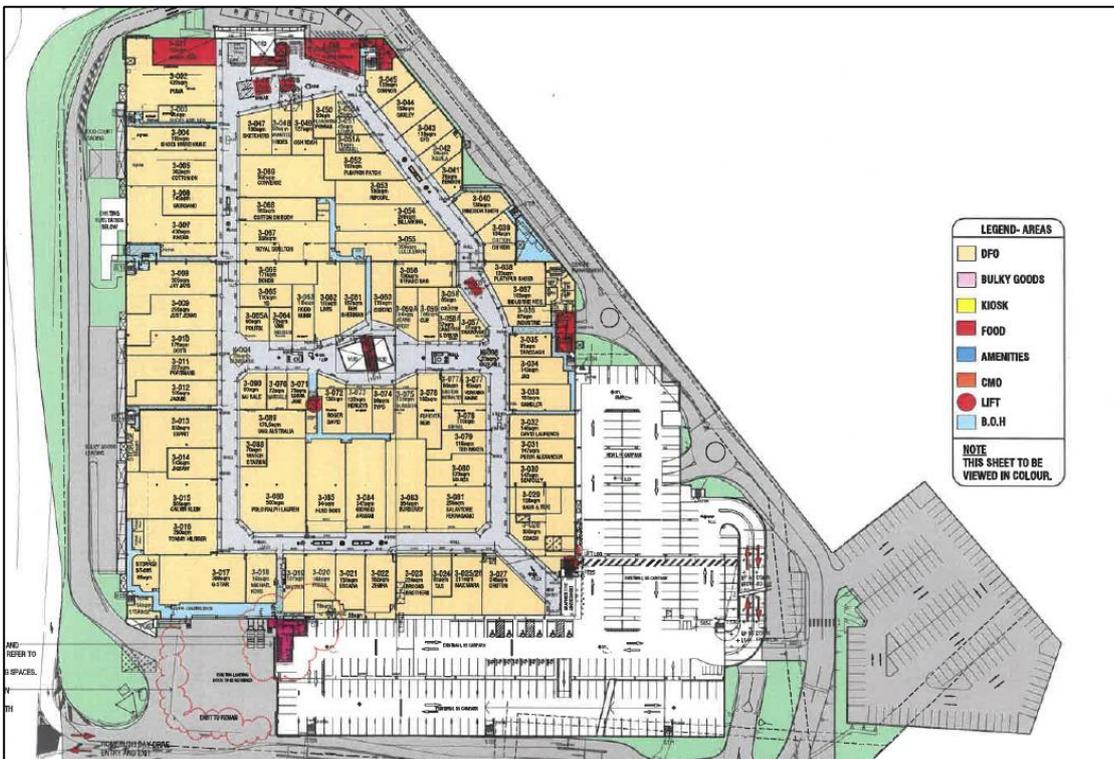


Figure 2: Approved Tenancy Layout Plan as per DA2008/087/6 (this is the most recent approval for the Level 3 floor plan)

DA2000/337/07: 1-5 Underwood Road, Homebush
 Lot 100 DP 1042833 (Cont'd)

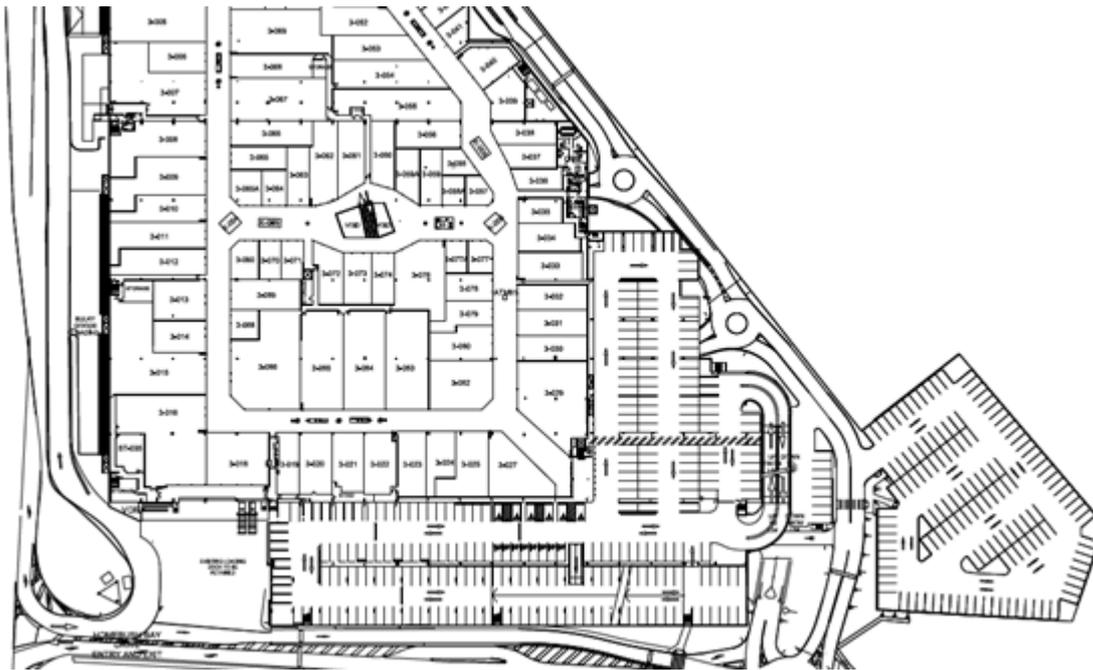


Figure 3: proposed level 3 tenancy layout plan.

REFERRALS

There were no referral to any internal specialists or external authorities required.

SECTION 4.15 CONSIDERATIONS – EP&A Act, 1979

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

4.15(1)(a) the provisions of:

- (i) any environmental planning instrument

Strathfield Local Environmental Plan (SLEP) 2012

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

Cl. 1.2(2)	Aims	Complies
(a)	To achieve high quality urban form by ensuring that new development exhibits design excellence and reflects the existing or desired future character of particular localities and neighbourhoods in Strathfield	N/A
(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

DA2000/337/07: 1-5 Underwood Road, Homebush
Lot 100 DP 1042833 (Cont'd)

(f)	To identify and protect environmental and cultural heritage	N/A
(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	N/A

Zone Objectives

The modification(s) sought as part of this application are still generally consistent with the objectives of the IN1- General Industrial Zone as it seeks to encourage employment opportunities.

Comments: The approved development as modified by this current section 4.55(1A) modification application is consistent with the general aims of SLEP 2012 and the objectives of the IN1-General Industrial Zone.

Permissibility

The site is zoned IN1 – General Industrial under the Strathfield Local Environmental Plan 2012 (SLEP 2012). The parent consent (DA 2000/377) was for alterations to Level 3 for use as a factory outlet centre and the continued use of Level 2 as an exhibition space. These terms are not defined under the Standard Instrument – Principal Local Environmental Plan. Under the SLEP 2012 these land uses most closely identify as a ‘retail premises’, which is prohibited in the IN1-General Industrial zone.

Section 4.70 of the EP&A Act 1979 states that:

“(1) Nothing in an environmental planning instrument prohibits, or requires a further development consent to authorise, the carrying out of development in accordance with a consent that has been granted and is in force.

(2) This section:

(a) applies to consents lawfully granted before or after the commencement of this Act, and

(b) does not prevent the lapsing revocation or modification, in accordance with this Act, of a consent, and

(c) has effect despite anything to the contrary in section 4.66 or 4.68.

(3) This section is taken to have commenced on the commencement of this Act.”

Therefore, as development consent DA2000/377 is still active, it is preserved by Section 4.70 of the EP&A Act 1979. The proposed modification does not change or impact on the approved use of the site as a retail premises.

Part 4: Principal development standards

This modification application does not involve any changes to the assessment of the original application against the relevant provisions contained within Part 4 of the SLEP 2012.

Part 5: Miscellaneous Provisions

This modification application does not involve any changes to the assessment of the original application against the relevant provisions contained within Part 5 of the SLEP 2012.

Part 6: Local Provisions

This modification application does not involve any changes to the assessment of the original application against the relevant provisions contained within Part 6 of the SLEP 2012.

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

DA2000/337/07: 1-5 Underwood Road, Homebush
Lot 100 DP 1042833 (Cont'd)

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

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

STRATHFIELD CONSOLIDATED DEVELOPMENT CONTROL PLAN (SCDCP) 2005

The modification application does not involve any changes to the assessment of the original application against the relevant provisions contained within the SCDCP 2005.

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

Division 8 of the *Environmental Planning and Assessment (EP&A) Regulation 2000* requires Council to take into consideration Australian Standard AS2601–1991: *The Demolition of Structures*, in the determination of a development application. Having regard to these prescribed matters, the proposal does not involve the demolition of a building for the purposes of AS 2601 – 1991: *The Demolition of Structures*.

Appropriate conditions are included on the original consent 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

The proposal involves minor modifications to the Level 3 floor plan to reflect the current layout. The proposal does not result in any change to the floor space approved for the site and will not require any changes to the parking or access arrangements currently provided for the site.

Overall, the proposed modifications are internal to the site and is therefore unlikely to adversely impact adjoining property owners.

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

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

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

The application was notified in accordance with Part L of the SCDCP 2005 and no submissions were received.

4.15(1)(e) the public interest

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

DA2000/337/07: 1-5 Underwood Road, Homebush
Lot 100 DP 1042833 (Cont'd)

SECTION 7.11 CONTRIBUTIONS

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

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

This section 4.55(1A) application does not trigger any changes to the original condition of consent requiring payment of a section 7.11 contribution in accordance with Council's Direct Development Contributions Plan 2010-2030.

CONCLUSION

The application has been assessed having regard to Section 4.55(1A) of the *Environmental Planning and Assessment Act 1979*, the Strathfield Local Environmental Plan 2012 and the Strathfield Development Control Plan 2005 and is considered to be satisfactory for approval.

PEER REVIEW

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

RECOMMENDATION

Pursuant to Section 4.55(1A) of the Environmental Planning and Assessment Act 1979, the proposed modification(s) to Development Consent No. 2000/377 for internal reconfiguration of level 3 at DFO at 1-5 Underwood Road, Homebush be APPROVED, subject to:

The original conditions of consent of Development Application No. (DA2000/377) as approved by Council on 30 May 2000 for alterations to Level 3 for use as a factory outlet Centre and the continued use of Level 2 as an exhibition space.

Accordingly, Development Consent No. DA2000/377/07 is approved as following:

PART B OTHER CONDITIONS

Plans

The following conditions have been imposed to ensure the development is in accordance with the approved plans and specific requirements of Council.

1. (1) The development shall be completed in accordance with the approved plans outlined below, prior to the building being used or occupied but subject to any variation as required by the conditions detailed herein.

Existing Level 3 Dwg No.DFOH_Level3_E, Revision 11, received by Council 9

DA2000/337/07: 1-5 Underwood Road, Homebush
Lot 100 DP 1042833 (Cont'd)

September 2019

(ADDED: DA2000/377/07 6 March 2020)

- (2) A separate application must be lodged with the Principal Certifying Authority and be approved if it is proposed to use or occupy all or part of the building prior to the development-being completed.
 - (3) A Construction Certificate must be obtained from the Principal Certifying Authority (Council or a privately accredited person) before commencement of any construction/demolition associated with this consent.
2. The premises shall comply generally with the requirements of the Building Code of Australia for a Class 6 building of type A construction.

Financial Matters

The following conditions have been imposed to require payment for identified works or services, to require bonds to ensure compliance with various conditions and to safeguard against damage to Council property.

3. *(1) Where Council is requested to carry out the post approval inspections, a fee of \$368 based on Council's adopted fee of \$46 per inspection and calculated in accordance with Council's Schedule of inspections shall be payable **prior to the carrying out of any of the inspections.**
 - (2) Any additional inspections required over and above those shown on Council's Schedule of Inspections shall be charged at the rate of \$46 per inspection. Any such additional fee will be notified in writing by Council and shall be paid **prior to release of the damage deposit.** If the additional fee is not paid it will be deducted from the damage deposit.
 - (3) Any re-inspection which is necessary due to defective work, poor workmanship or the matter not being ready for inspection will be charged at the rate of \$46 per re-inspection. Any such additional re-inspection fee will be notified in writing by Council and shall be paid **prior to release of the damage deposit.** If the additional fee is not paid it will be deducted from the damage deposit
 - (4) Any inspections carried out on or after 1 July 2000 will attract GST even if the inspection fee is paid before 1 July 2000. In this case any GST charges must be paid before an Occupation Certificate is issued and before any bonds/deposits are refunded.
4. (1) Payment of the Long Service Levy as required by section 109F(1) of the Environmental Planning & Assessment Act 1979 for at] building work over \$25,000. Note: *The cost of the building work must be rounded to the nearest \$100.*
- *(2) The levy of 0.2% of the cost MUST be paid at the Council (or provide evidence of payment direct to the Long Service Payments Corporation) **prior to issue of the Construction Certificate.**

Parking/Traffic Matters

The following conditions have been imposed to require compliance with Council's parking requirements and to assist in traffic safety.

5. (1) The existing 804 off-street parking spaces shall be maintained and linemarked in accordance with the approved plans.

**DA2000/337/07: 1-5 Underwood Road, Homebush
Lot 100 DP 1042833 (Cont'd)**

- (2) For the purpose of this condition a parking space shall only be used for the parking of motorcycles, sedans, utilities, vans and similar vehicles up to two (2) tonne capacity.
6. The owners of the land shall instruct the Manager of the use that all employee and company vehicles connected with the use shall be parked within the carpark during business hours of the premises.
7. The loading docks and car parking spaces shall not be used for storage purposes at any time.

Site Operation

The following conditions have been imposed to ensure the operation of the development has minimal impact on the neighbourhood.

8. All loading and unloading of goods, material, equipment and the like shall take place within the site.
9. (1) The hours of operation shall be restricted to 9am-6pm Monday to Saturday, 6pm-9pm Thursdays and 10am-6pm Sundays.
- (2) The delivery of goods, material and the like to the premises and the despatch of goods, material and the like from the premises shall only take place between 9am-6pm Monday to Saturday, 6pm-9pm Thursdays and 10am-6pm Sundays and no goods, material or the like shall be delivered or despatched outside these hours.
10. No storage of goods, material, equipment, machinery, refuse, or refuse bins (including industrial waste containers) shall take place between the building and the street alignment and nor shall the same be stored or placed within the road reserve except in accordance with Council's Materials on the Footpath Policy.
11. The use of the premises shall comply at all times with the following definition:
"factory outlets centre" means a building or place the primary function of which is used for the discounted sale of surplus stock, out-of-season (previously offered for sale on a retail basis), factory seconds and the like, at one or more outlets. It does not include a shop, supermarket, hypermarket, discount department store, a building or place used for personal services (including hairdressers, barbers, beauty parlours and the like), a travel or real estate agency, a bank, an insurance or financial institution, or other commercial premises, a newsagency, a bulk grocer/ store, a building or place at which food items are sold or other activities not otherwise associated with or ancillary to the primary function of the building or place. It may include automatic teller machines
12. (1) *Separate Council consent shall be obtained for any additional signage associated with the approved use other than the erection of business identification signs on previously approved advertising structures on the site.*
- (2) *"business identification sign" means an advertisement which in respect of any place or premises to which it is affixed contains all or any of the following:*
- a) a reference to the identification or description of the place or premises;*
 - b) a reference to the identification -or description of any person residing or carrying on an occupation at the place or premises;*
 - c) particulars of any occupation carried on at the place or premises;*
 - d) such directions or cautions as are usual or necessary relating to the place or premises or any occupation carried on there;*
 - e) particulars or notifications required or permitted to be displayed by or under any Act or any Act of Parliament or the Commonwealth;*

DA2000/337/07: 1-5 Underwood Road, Homebush
Lot 100 DP 1042833 (Cont'd)

- f) particulars relating to the goods, commodities or services dealt with or provided at the place or premises;
- g) particulars of any activities held or to be held at the place or premises;
- h) a reference to an affiliation with a trade, professional or other association relevant to the business conducted on the place or premises.

13. The panel and any subsequent advertising shall be non-illuminated and shall not be floodlit.
14. No flashing lights or flashing animated signs shall be erected.
15. Any noise emanating from the use at any time shall:
 - (a) not have any detrimental effect on the adjoining residential amenity
 - (b) generally comply with the criteria in chapters 20 & 21 of the Environmental Noise Control Manual published by the Environment Protection Authority.
16. This consent does not permit any use of public address systems, amplified music or the like in the carpark area of the site.

Construction Matters

The following conditions have been imposed in relation to site matters during construction.

17. *A certificate and steel details from a structural engineer (see Advice 5 at the end of this consent) to be furnished prior to issue of the Construction Certificate indicating that the size of the footings, reinforcing steel, the floor slab and stairway construction are satisfactory for the proposed building.
18. (1) All construction work and demolition work shall be:
 - (a) Restricted to 7am and 5pm (Eastern Standard Time) and 7am to 7pm (Daylight Saving Time).
 - (b) Restricted to Mondays to Saturdays (inclusive).
 - (c) Prohibited on Sundays.(2) Construction hours may be varied with the written approval of the Director, Planning, Building & Environmental Services in special circumstances in accordance with the following:
 - (a) Written request. must be made in advance with sufficient time given to consider such request, including notification to adjoining residents if necessary;
 - (b) The construction hours may only be varied upon receipt of the written approval.
19. "The following **MUST** be inspected by Council staff or other suitably qualified person. All inspections by Council staff must be arranged by telephoning 9748-9911 by 4pm on the day before the inspection is required. Council cannot guarantee inspections arranged after this time:
 - (a) Any structural components (i. e. timber framework, structural steelwork or the like) before fixing any lining or covering.
 - (b) Wet area damp proofing and flashing before covering.
 - (c) The reinforcing steel after it has been placed in position prior to pouring of any concrete.
 - (d) The completion of all work associated with the building.(2) A **Compliance Certificate** shall be issued before the building is occupied/used certifying that all inspections were carried out and that all requirements were satisfactory at time of inspection.

DA2000/337/07: 1-5 Underwood Road, Homebush
Lot 100 DP 1042833 (Cont'd)

Demolition

The following conditions have been imposed to control/regulate demolition associated with the proposal.

20. Demolition shall be carried out in accordance with Australian Standard 2601 1991.

Fire Safety Measures

The following conditions have been imposed to ensure adequate fire safety measures are included in the building.

21. The building must be maintained in a stable condition during the proposed alterations and additions and work must be carried out in a safe and proper manner so as to:
 - (a) Prevent injury to persons using the building;
 - (b) Not reduce the existing level of safety including fire safety afforded to persons using the building; and
 - (c) Not adversely affect the fire performance of the building including the existing level of fire resistance to the building structure and safeguards against the spread of fire within and/or to adjoining buildings.
22. All required exit doors are to be readily-openable without a key from the side that faces a person seeking egress, by a single hand downward action or pushing action on a single device which is located between 900mm and 1200mm from the floor in accordance with Clause D2.21 of the Building Code of Australia 96.
23. A notice warning of offences relating to fire exits must be displayed in a conspicuous position adjacent to each doorway providing access to but not within a:
 - (a) Fire-isolated stairway;
 - (b) Fire-isolated passageway; and
 - (c) Fire-isolated ramp,

in accordance with Clause 80GG of the Environmental Planning & Assessment Regulation 1998.
24. Electrical switchboards and electrical conductors located within the building and which supply power to emergency equipment designed and/or required to operate in the emergency mode must be suitably protected from fire within the building in accordance with Clause C2. 13 of the Building Code of Australia 96.
25. Openings to the fire-isolated stairs and passageways must be protected in accordance with Clause C3.8 of the Building Code of Australia 96.
26. The building and works must be constructed to achieve the required fire resistance levels listed in Table 3 of Specification C1. 1 (Type A fire-resisting construction) of the Building Code of Australia 96.
27. Fire-isolated passageways and stairs must be constructed in accordance with Part D2 of the Building Code of Australia.
28. Materials and assemblies in the building must resist the spread of fire and limit the generation of smoke to a degree that maintains a tenable environment during evacuation. Compliance with the provisions of Specification C1. 10 of the Building Code of Australia 96 satisfies these requirements.
29. While the building work is being carried out, not less than one fire extinguisher to suite class

DA2000/337/07: 1-5 Underwood Road, Homebush
Lot 100 DP 1042833 (Cont'd)

A, B and C fires and electrical fires must be provided at all times adjacent to each required exit or temporary stairway or exit in accordance with Clause E1.9 of the Building Code of Australia 96.

30. Fire fighting equipment is to be provided to the building/site in accordance with Part E1 of the Building Code of Australia 96 with particular reference to:
 - (a) Fire hydrants as required by Clause E1.3;
 - (b) Hose reels as required by Clause E1.4; and
 - (c) Portable fire extinguishers as required by Clause E1.6.
31. Emergency lighting in accordance with Clause E4.2 of the Building Code of Australia 96 and exit/directional signs in accordance with Clause E4.5 and NSW E4. 6 of the Building Code of Australia 96 are to be provided in the building.
32. The building must be provided with an automatic sprinkler system in accordance with Clause E1.5 and Specification E1.5 of the Building Code of Australia 96 and maintained during the proposed works.
33. An emergency warning and intercommunication system (EWIS) must be provided in the building in accordance with Clause E4.9 of the Building Code of Australia 96.
34. The building must be provided with a Fire Control Centre in accordance with Clause E1. 8 of the Building Code of Australia.
35. The building must comply with the Building Code of Australia with particular attention directed to the following:
 - (a) Clause C2. 2 - floor area and volume limitations;
 - (b) Table E2.2b - Smoke hazard management systems for Class 6 buildings containing enclosed common walkways or mails;
 - (c) Clauses D1.4 - maximum travel distance and fire exit provisions with specific D1. 6 & D1.7 reference to:
 - The discharge point of the fire-isolated passageway serving area T46,
 - Travel distance from areas T46, T49 and T65;
 - All areas/shops to ensure alternative exits are available in different directions at the maximum 20m travel distance point (D1 .4(c));
 - Doorways of rooms other than those permitted by Clause D1. 7(a) opening into fire-isolated passageways;
 - Sufficient exits for the number of persons accommodated in accordance with Table D1. 13.

Details of the methods of compliance with the above must be submitted to and accepted by Council **prior to issue of the Construction Certificate.**

Note: If an alternative solution is proposed to comply with the BCA compliance must be given to Clause 79F of the Environmental Planning & Assessment Regulation 1994 where the alternative solution is proposed to meet the performance requirements contained in any one or more of the 'Category 2' fire safety provisions defined in-the Regulation.

Building Matters

The following conditions have been imposed to ensure specific aspects of the building are in accordance with Council policy and legislative requirements.

36. Lightweight construction used in a wall system required to have a fire resistance level (FRL)

DA2000/337/07: 1-5 Underwood Road, Homebush
Lot 100 DP 1042833 (Cont'd)

must comply with Clause C1. 8 of the Building Code of Australia 96. Details of the wall system verifying compliance with this requirement must be submitted to and approved by Council **prior to issue of the Construction Certificate.**

37. The proposed concrete external walls (panels) must comply with Specification C1. 1 (fire-resistance levels including structural adequacy) of the Building Code of Australia. Such construction must be certified by a suitably qualified practising structural engineer and submitted to and noted by Council **prior to issue of the Construction Certificate.**
38. Mechanical ventilation or an air-conditioning system complying with As1668.2 - Mechanical Ventilation for Acceptable Indoor-air Quality - must be provided in the building in accordance with Clause F4.6 of the Building Code of Australia 96. Details as to the method of providing mechanical ventilation are to be provided to Council **prior to issue of the Construction Certificate.**

Disabled Access

The following conditions have been imposed to ensure that the development provides for adequate access and facilities for persons with disabilities

39. Access to the building for persons with disabilities shall be in accordance with the requirements of the Building Code of Australia Part D3 - "Access for People with Disabilities" AS1428.1 and Disability Discrimination Act.
40. Facilities for disabled persons shall be provided in the building in accordance with Part F2.4 and Table F2.3 of the Building Code of Australia. Details shall be provided with plans submitted with the Construction Certificate.

ATTACHMENTS

There are no attachments for this report.

TO: Strathfield Internal Development Assessment Panel Meeting - 6 March 2020
REPORT: IDAP – Report No. 3
SUBJECT: DA2019/204: 26-28 BIRNAM GROVE STRATHFIELD
LOT 2425 IN DP79156
DA NO. 2019/204

SUMMARY

Proposal: Alterations and rear additions to an existing dwelling
Applicant: Atrium Projects Pty Ltd
Owner: G & M Daaboul
Date of lodgement: 28 November 2019
Notification period: 16 December 2019 – 21 January 2020
Submissions received: One (1) written submission received
Assessment officer: LG
Estimated cost of works: \$415,000
Zoning: R2 – Low Density Residential - SLEP 2012
Heritage: No
Flood affected: No
RECOMMENDATION OF OFFICER: **APPROVAL**

EXECUTIVE SUMMARY

Approval is sought for alterations and rear additions to an existing dwelling.

The application was notified in accordance with Part L of the SCDCP 2005. One (1) written submission was received during this time raising concern for overshadowing, visual privacy and sediment fencing. These matters are discussed further in this report.

Overall, the proposal has been designed having consideration for the amenity of adjoining residents and complies with Council's planning controls. Accordingly, the proposal is recommended for approval subject to conditions of consent.

BACKGROUND

28 November 2019: The subject application was lodged with Council.

16 December 2019 –
21 January 2020: The application was notified. One (1) written submission was received during this time.

17 December 2019: A deferral letter was issued to the applicant raising concern with the following:

- Landscaping;
- External colours and finishes;
- Visual privacy;
- Swimming pool decking area; and
- Details regarding cut and fill.

DA2019/204: 26-28 Birnam Grove Strathfield
Lot 2425 in DP79156 (Cont'd)

30 January 2020: The Applicant responded to the matters raised in the deferral letter which has now resolved these issues.

DESCRIPTION OF THE SITE AND LOCALITY

The subject site is legally described as Lot 2425 in DP793156 and is commonly known as 26-28 Birnam Grove, Strathfield. The site is located on the southern side of Birnam Grove and located east of the intersection with Chalmers Road and Birnam Grove.

The site is regular-shaped residential allotment providing a 29.25m frontage width, a depth of 48.8m and a total site area of 1,427m². The site contains a significant slope toward the rear.

Existing development on the site is comprised of a detached two (2) storey dwelling with in-ground swimming pool to the rear. The site benefits from a dual access driveway within the front setback.

The current streetscape is typified by single and two (2) storey detached residential dwellings featuring pitched tiled roof forms, neutral coloured render and facebrick exterior finishes with mature landscaping.

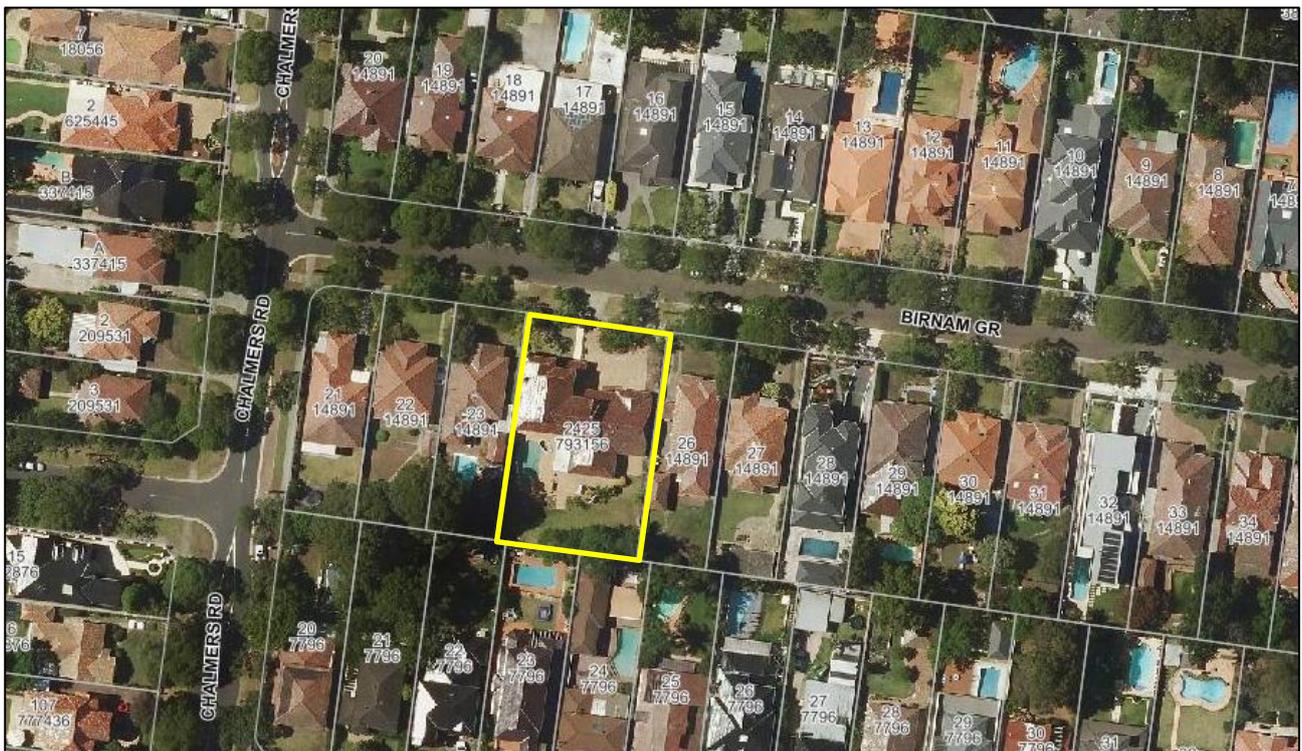


Figure 1: Locality plan

DA2019/204: 26-28 Birnam Grove Strathfield
Lot 2425 in DP79156 (Cont'd)

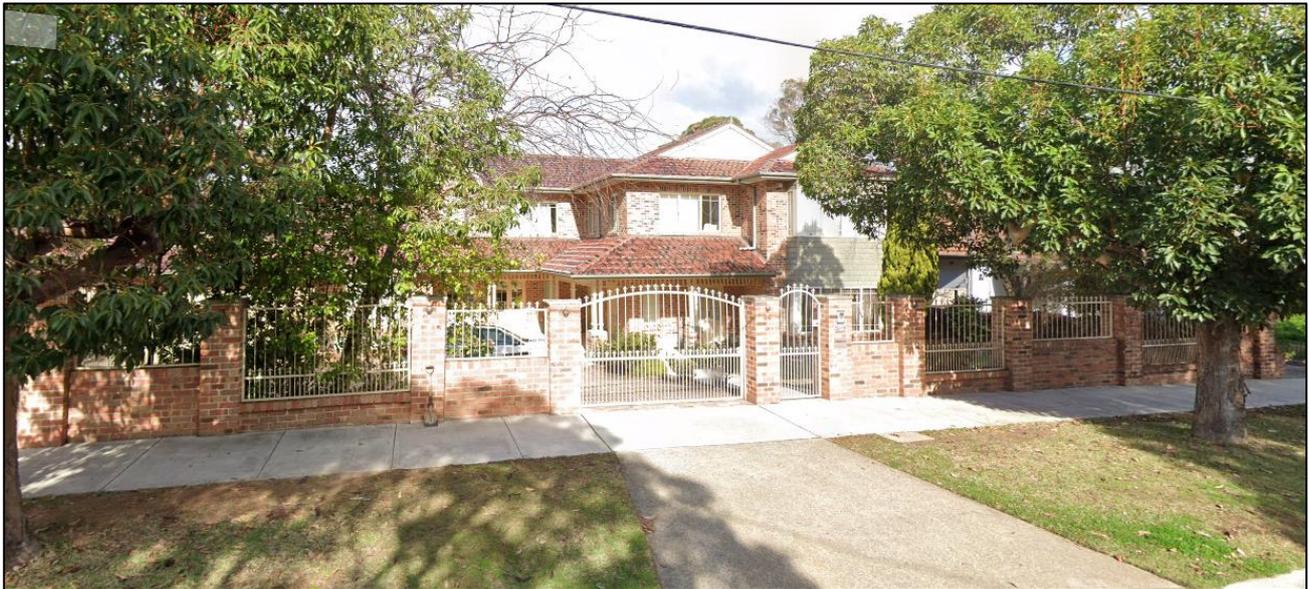


Figure 2: View of the front northern elevation of the subject site.



Figure 3: View of the rear southern elevation of the subject site.

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 rear additions to an existing dwelling.

The specific elements of the proposal are:

DA2019/204: 26-28 Birnam Grove Strathfield
Lot 2425 in DP79156 (Cont'd)

Ground floor level:

- Alter main living area to include bifold doors to the western side elevation;
- Add separate stair to main bedroom;
- Installation of doorway to pantry;
- Relocate kitchen to have open plan kitchen with dining area;
- Construction of two (2) additional bedrooms;
- Construction of a kids retreat with toilet;
- Construction of new retaining walls within rear yard; and
- Construction of new deck adjoining in-ground swimming pool.

First floor level:

- Construction of master bedroom with bathroom and walk-in-wardrobe with balcony.

External:

- Revised external colours and finishes to existing front façade of the dwelling including application of cream coloured render and installation of navy blue roof tiles.

REFERRALS

INTERNAL REFERRALS

Engineering Comments

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

Landscaping Comments

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

DA2019/204: 26-28 Birnam Grove Strathfield
Lot 2425 in DP79156 (Cont'd)

A review of the available history for the site gives no indication that the land associated with this development is contaminated. The site appears to have been for the continual use of residential purposes only. 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.

In this instance, the proposed works will occur within the existing building footprint and accordingly will not require any excavation for such works. Whilst there are trees located at the western boundary of the site, the works will be located away from this area and are unlikely to adversely impact upon the existing trees at the site.

STRATHFIELD LOCAL ENVIRONMENTAL PLAN 2012 (SLEP 2012)

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

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

Comments: The proposed development has been designed having respect for the existing and desired future character of the area. The new rear addition achieves a reasonable level of visual separation from existing buildings surrounding the site.

Permissibility

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

Dwelling houses' are permissible with consent in an R2 Low Density Residential zone and is defined under SLEP 2012 as follows:

DA2019/204: 26-28 Birnam Grove Strathfield
Lot 2425 in DP79156 (Cont'd)

“A building containing only one dwelling.”

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

Zone Objectives

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

Objectives	Complies
➤ To provide for 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.	N/A

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

Part 4: Principal development standards

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

Height of building

Cl.	Standard	Controls	Proposed	Complies
4.3	Height of building	9.5m	9.34m	Yes

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

Comments: The proposed dwelling provides a maximum building height of 9.34m, thus achieving compliance with the maximum 9.5m building height standard.

Floor space ratio

Cl.	Standard	Controls	Proposed	Complies
4.4	Floor space ratio	0.50:1 (713.5m ²)	0.39:1 (555.4m 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	N/A

DA2019/204: 26-28 Birnam Grove Strathfield
Lot 2425 in DP79156 (Cont'd)

<i>heritage items</i>		
(e)	<i>In relation to Strathfield Town Centre:</i> i. <i>to encourage consolidation and a sustainable integrated land use and transport development around key public transport infrastructure, and</i> ii. <i>to provide space for the strategic implementation of economic, social and cultural goals that create an active, lively and people-oriented development</i>	N/A
(f)	<i>In relation to Parramatta Road Corridor – to encourage a sustainable consolidation pattern that optimises floor space capacity in the Corridor</i>	N/A

Comments: The proposed dwelling complies with the maximum permitted FSR for the site which indicates that the dwelling achieves an appropriate form and scale that will integrate well with the existing streetscape.

Part 5: Miscellaneous Provisions

This modification application does not trigger any change to the original assessment undertaken under Part 5 of the SLEP 2012.

Part 6: Local Provisions

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

6.1 Acid sulfate soils

The site is not located within 500m of Class 1, 2, 3 or 4 Acid Sulfate Soils. Therefore, an Acid Sulfate Soils Management Plan is not required to be submitted. As a result, the objectives under this Clause are considered to be satisfied.

6.2 Earthworks

The proposal seeks construction of a rear addition to an existing dwelling and accordingly, earthworks is required with minimum excavation on the site. Whilst excavation is limited, conditions have been recommended to ensure that adjoining premises are protected from possible damage as a result of excavation.

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 on 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.

DA2019/204: 26-28 Birnam Grove Strathfield
Lot 2425 in DP79156 (Cont'd)

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.	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.	N/A
J.	To protect and retain the amenity of adjoining properties.	Yes
2.2 Development Controls		Complies
Scale, Massing & Rhythm of Street		
.2.	1 Scale, massing, bulk and layout complement the existing streetscape and the dominant building rhythm	Yes
	2 Building height and mass maintains amenity to adjacent properties open space or the public domain	Yes
Building Forms		
.3.	1 Building form articulated.	Yes
Roof Forms		
	1 Roof form complements predominant form in the locality	Yes
	2 Roof form minimises bulk and scale of building and remains an important architectural element in the street.	Yes
.4.	3 First floor additions complement the architectural style of the ground floor and delineate the existing roof form, slope and ridge	Yes
	4 Roof structures are not visible from the public domain	Yes
Materials		
	5 Materials compatible with the existing dwelling house, adjoining dwelling houses and the streetscape (type, form and colour)	Yes

DA2019/204: 26-28 Birnam Grove Strathfield
Lot 2425 in DP79156 (Cont'd)

6	Monotone face brick walls and terracotta tiles for roofs where common in the streetscape	Yes
7	New buildings and facades do not result in glare (Reflectivity Report may be required)	Yes
<i>Colours</i>		
8	New development incorporates traditional colour schemes	Yes
9	The external colours integrate harmoniously with the external design of the building	Yes

Comments: The proposed dwelling additions will be contained behind the roofline of the dwelling. The new addition will not be readily visible from the street. Notwithstanding, the rear additions are well articulated, reducing the bulk of the development and maintaining an appropriate bulk and scale which is compatible with existing development in the street. The proposed material colours and finishes schedule is in keeping with the prevailing colours and finishes of existing development within the street. It is further noted that the proposal includes replacement of facebrick finishes in the front elevation with cream coloured render. The proposed finishes will integrate nicely with the streetscape.

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
	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

DA2019/204: 26-28 Birnam Grove Strathfield
Lot 2425 in DP79156 (Cont'd)

<i>Street Setbacks</i>			
.3.1.	1	Setbacks consistent with minimum requirements of Table A.1	Yes
<i>Side and Rear Setbacks</i>			
.3.2.	1	A combined side setback of 20% of the width of the block (incorporating a 1.2m min side setback on each side).	Yes
	2	A rear setback of 6m (min)	Yes

Comments: Street front setback remains unchanged. The 2m western side setback remains unchanged. A 1.5m setback is proposed upon the eastern side boundary of the site. A minimum 20% (5.8m) combined setback required. Only 3.6m is provided in the front portion (however acceptable on merit as the building footprint is unchanged). A combined 16.5m setback is provided in the rear portion of the site which contains the new rear additions and is considered acceptable.

5: Landscaping

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

DA2019/204: 26-28 Birnam Grove Strathfield
Lot 2425 in DP79156 (Cont'd)

<i>Landscaped area</i>			
.1.	1	Landscaped area in accordance with Table A.3	No – refer below
	2	At least 50% of the minimum landscaped area located behind the building line to the rear boundary	No – refer below
	3	At least 50% of the front yard maintained as deep soil soft landscaping	Yes
	4	Minimise hard surface area (concrete/brick/stone paving and bitumen). Run-off directed to permeable surfaces.	Yes
	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>			
.3.	1	Provided in a single parcel rather than a fragmented space, directly accessible from internal living areas	Yes
	2	Includes a deep soil area compliant with the minimum landscaped area.	No – refer below
	3	Terraces and decks (at least 10m ²) with one length or width 3m (min) and directly accessible from an internal living area. Decks cannot be located more than 500mm above NGL	Yes
	4	Unless 3m (min) width, areas within setbacks are not to be included as private open space	Yes
	5	Private open space located at the rear of the property.	Yes

Comments: No tree removal is proposed as part of the subject application. The property currently provides 33% (473m²) deep soil zone which presents a departure of 12% (169.15m²) from the minimum 45% (642.15m²) required. As the proposed works will not result in any further loss of deep soil zone on the site whereby the works will be carried out upon existing built out areas, this departure is considered acceptable.

6: Solar Access

6.1	<i>Objectives</i>	<i>Satisfactory</i>	
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	<i>Development Controls</i>	<i>Complies</i>	
.1.	<i>Sunlight Access</i>		
	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	No –refer to discussion

DA2019/204: 26-28 Birnam Grove Strathfield
Lot 2425 in DP79156 (Cont'd)

Comments: The proposed works are for a first floor addition to the rear of the property. The site benefits from a northern orientation and accordingly, all adjoining properties will still benefit from a minimum 3 hours solar access through the day. A series of shadow diagrams accompanied the application to illustrate that all adjoining properties are capable of achieving a minimum 3 hours direct solar access throughout the day.

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
	2	A window within 9m of another window in a habitable room of an adjoining dwelling is offset by 0.5m (min) or a sill height of 1.7m (min) above the FFL	Yes
	3	Windows directly facing balconies or courtyards are narrow, incorporate obscure glazing and/or a sill height of 1.7m (min) above FFL	Yes
.3.	Elevated Decks Verandahs and Balconies		
	3	Rear balconies (no more than 1m (depth) x 2m (length) permitted if the balcony does not unreasonably impact on adjoining premises	No – refer to discussion
	4	Balconies extending the full width of the front façade are not permitted	Yes

Comments: All windows have been designed having consideration for adjoining properties. The eastern side elevation windows pertaining to the ground floor kid's area and bedrooms will align with the solid garage wall of the adjoining property and will not result in any adverse privacy impacts to the eastern adjoining residents. The eastern elevation windows pertaining to the stairwell and bathroom of the first floor will remain a minimum 7.3m from the eastern adjoining property boundary and are low use rooms and are therefore not considered to result in any adverse privacy impacts.

DA2019/204: 26-28 Birnam Grove Strathfield
Lot 2425 in DP79156 (Cont'd)

9: Altering Natural Ground Level (Cut and Fill)

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

Comments: The works are proposed to be constructed at grade so to enable the existing finished floor levels of the dwelling to be retained.

11: Access, Safety and Security

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

Comments: The pedestrian entrance and vehicular access way within the front setback will remain unchanged.

12: Ancillary Development

12.1 Objectives		Satisfactory
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DA2019/204: 26-28 Birnam Grove Strathfield
Lot 2425 in DP79156 (Cont'd)

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

Retaining Walls

.3.	1	Retaining walls 1.2m (max) in height.	Yes
	2	Retaining walls in excess of 0.6m are fully designed and documented by a qualified practising engineer	Yes

Comments: A replacement retaining wall is proposed within the rear portion of the site to a maximum height of 1.1m from NGL. The retaining wall is proposed to be constructed in accordance with engineer's details.

13: Ecologically Sustainable Development

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

13.2	Development Controls	Complies	
.1.	Natural Lighting and Heating		
	1	Living areas facing north, sleeping areas facing east/south, and utility areas orientated west/south to maximise winter solar access.	Yes
	2	Trees planted to the north of the dwelling must be deciduous to allow solar access during the winter	Yes
	3	Materials used of high thermal mass	Yes
.2.	Natural Cooling and Ventilation		
	1	Windows and walls on northern facades shaded by shading devices, trees, eaves and louvres sympathetic to the dwelling	Yes
	2	Windows positioned to capture breezes and allow for cross-ventilation	Yes

Comments: A BASIX Certificate was submitted as part of the development application meeting the designated targets for energy and water reduction.

DA2019/204: 26-28 Birnam Grove Strathfield
Lot 2425 in DP79156 (Cont'd)

PART H - WASTE MANAGEMENT (SCDCP 2005)

The proposal was accompanied by a Waste Management Plan prepared in accordance with Part H of the SCDCP 2005. Compliance with the waste minimisation strategies of this waste management plan shall be enforced via conditions of consent.

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 does involve the demolition of a building to accommodate the new rear addition. 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

Built Environment Impacts

The proposed rear addition is commensurate with the prevailing type, bulk and scale of the existing dwelling as well as existing development in the streetscape. The rear additions will be concealed from view from the street and unlikely to result in adverse visual amenity impacts for adjoining residents.

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

Rear Decking Area

Insufficient information has been submitted regarding the height of the proposed decking area. The decking area will be constructed a minimum 2m from the western adjoining property. To ensure it does not result in any adverse impacts, a condition of consent is recommended to restrict the height of the structure. Specifically, it is recommended that the decking area be raised no more than 100mm above the finished floor level.

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

The subject site is considered suitable for the proposed development and generally complies with Council's LEP and DCP requirements. The proposal is considered an acceptable outcome for the site which is unlikely to compromise the amenity of adjoining residents.

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

The application was publicly notified from 16 December 2019 to 21 January 2020 in accordance with the provisions of Part L of SCDCP 2005. One (1) submission was received as a result.

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

DA2019/204: 26-28 Birnam Grove Strathfield
Lot 2425 in DP79156 (Cont'd)

1. *Overshadowing – concern is raised that the proposed development will cast a shadow over the pool and garden bed of the adjoining property at 24 Birnam Grove.*

Assessing officer's comments: As previously discussed, the site benefits from a northerly orientation which limits the extent of overshadowing to the eastern adjoining property. The application was supported by a series of shadow diagrams demonstrating that the eastern adjoining property will not be affected by the proposed development until 3pm whereby the rear yard will be cast in shadow only. This is considered acceptable as 24 Birnam Grove is still capable of achieving a minimum 3 hours direct solar access to both the property windows and rear yard.

2. *Open pergola and BBQ location – concern is raised that the open pergola and BBQ location is raised too high above ground level which results in direct overlooking to the adjoining property at 24 Birnam Grove.*

Assessing officer's comments: The pergola is to be constructed on the existing ground level and will not be raised any further above ground. The BBQ area is centrally located and will be enclosed by the rear addition to the east. It is unlikely to result in adverse privacy or amenity impacts for adjoining property owners at 24 Birnam Grove.

3. *Window Location – concern is raised that the windows pertaining to the kids retreat, main bedroom and bifold doors to the kitchen area are too large resulting in privacy impacts.*

Assessing officer's comments: The windows pertaining to the eastern side elevation of the property have been designed having respect to the adjoining property. Specifically, the bedroom 2 window (W01) is aligned 1m away from the adjoining property window. The Bedroom 1 (W02) and kids retreat (W04) windows align with the solid wall of the adjoining property garage and accordingly will not result in adverse overlooking impacts. The bifold doors to the open plan kitchen area are orientated to the south and will not result in adverse privacy impacts for any adjoining residents. Insufficient information has been submitted regarding the height of the proposed decking area. Accordingly, a condition of consent has been recommended to ensure that the decking area be raised no more than 100mm above the finished floor level.

4. *Sediment Fence – the proposed siltation/sediment fence is not sufficient to ensure no loose soil/water run through the property due to the sloping of the land. An expert assessment and recommendation is required to ensure the design addresses all potential risks/issues.*

Assessing officer's comments: A condition of consent is recommended to ensure that the erosion and sediment control plan is to include adequate measures to minimise soil disturbance to adjoining properties.

4.15(1)(e) The public interest

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

LOCAL INFRASTRUCTURE CONTRIBUTIONS

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

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

DA2019/204: 26-28 Birnam Grove Strathfield
Lot 2425 in DP79156 (Cont'd)

STRATHFIELD INDIRECT CONTRIBUTIONS PLAN

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

Local Amenity Improvement Levy **\$4,150.00**

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. 2019/204 for alterations and rear additions to an existing dwelling at 26-28 Birnam Grove, Strathfield be **APPROVED**, subject to the following conditions:

SPECIAL CONDITIONS (SC)

1. HEIGHT OF DECKING AREA ADJOINING SWIMMING POOL (SC)

The rear decking area south of the swimming pool is to be constructed no more than 100mm above the finished ground level. Details demonstrating compliance with this requirement is to be prepared and submitted to a Principal Certifying Authority for approval prior to the issue of a Construction Certificate.

(Reason: Minimise visual privacy impacts to adjoining properties)

GENERAL CONDITIONS (GC)

2. APPROVED PLANS AND REFERENCE DOCUMENTATION (GC)

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

Plans affixed with Council's 'Development Consent' stamp relating to Development Consent No. 2019/204:

Drawing No.	Title/Description	Prepared by	Issue / Revision & Date	Date received by Council
A-01	General Notes	Atrium Projects	Issue B dated 30 Dec 2019	30 January 2020
A-02	Proposed Ground Floor	Atrium Projects	Issue B dated 30 Dec 2019	30 January 2020
A-03	Proposed First Floor	Atrium Projects	Issue B dated 30 Dec 2019	30 January 2020
A-04	Proposed Roof	Atrium Projects	Issue B dated 30 Dec 2019	30 January 2020

DA2019/204: 26-28 Birnam Grove Strathfield
Lot 2425 in DP79156 (Cont'd)

A-05	Proposed West and East Elevation	Atrium Projects	Issue B dated 30 Dec 2019	30 January 2020
A-05	Proposed Section AA	Atrium Projects	Issue B dated 30 Dec 2019	30 January 2020
A-06	Proposed North & South Elevation	Atrium Projects	Issue B dated 30 Dec 2019	30 January 2020
A-10	Proposed Landscape Concept	Atrium Projects	Issue B dated 30 Dec 2019	30 January 2020
A-11	Section BB & CC	Atrium Projects	Issue B dated 30 Dec 2019	30 January 2020
A-01	Proposed Site Plan, Waste management Plan	Atrium Projects	Issue B dated 30 Dec 2019	30 January 2020
L01/1-K24716	Landscape Planting Plan	Michael Siu	18 November 2019	28 November 2019
SW01	Stormwater Drainage Concept Plan	Australia-wide Consulting Services P/L	19 November 2019	28 November 2019
SW02	Stormwater Drainage Concept Plan	Australia-wide Consulting Services P/L	19 November 2019	28 November 2019

Reference Documentation affixed with Council's 'Development Consent' stamp relating to Development Consent No. 2019/204:

Title / Description	Prepared by	Issue/Revision & Date	Date received by Council
BASIX Certificate	-	Issued 21 November 2019	28 November 2019
Waste Management Plan	Atrium Projects	Issue 1 Nov 2019	28 November 2019

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

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

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

The height of the building measured from Australian Height Datum (AHD) must not exceed Relative Level (RL) 38.34AHD to the roof ridge of the building.

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

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.

**DA2019/204: 26-28 Birnam Grove Strathfield
Lot 2425 in DP79156 (Cont'd)**

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. DEMOLITION – GENERALLY (GC)

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

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

7. DEMOLITION - SITE SAFETY FENCING (GC)

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

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

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

(Reasons: Statutory requirement and health and safety.)

8. ENVIRONMENTAL PROTECTION – TREE (GC)

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

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

DA2019/204: 26-28 Birnam Grove Strathfield
Lot 2425 in DP79156 (Cont'd)

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.)

9. **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.)

10. **PRINCIPAL CERTIFYING AUTHORITY (PCA) IDENTIFICATION SIGN (GC)**

**DA2019/204: 26-28 Birnam Grove Strathfield
Lot 2425 in DP79156 (Cont'd)**

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.)

11. 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

DA2019/204: 26-28 Birnam Grove Strathfield
Lot 2425 in DP79156 (Cont'd)

- 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.)

12. **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.)

13. **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.)

DA2019/204: 26-28 Birnam Grove Strathfield
Lot 2425 in DP79156 (Cont'd)

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

14. 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.)

15. 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.)

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

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

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

(Reason: To ensure compliance with statutory provisions.)

17. CONSTRUCTION AND ENVIRONMENTAL MANAGEMENT PLAN (CC)

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

- i) Detailed information on any approvals required from other authorities prior to or during construction.

DA2019/204: 26-28 Birnam Grove Strathfield
Lot 2425 in DP79156 (Cont'd)

- ii) Traffic management, including details of:
 - ingress and egress of vehicles to the site;
 - management of loading and unloading of materials;
 - the location of heavy vehicle parking off-site; and
 - designated routes for vehicles to the site.
- iii) The proposed areas within the site to be used for a builder's site office and amenities, the storage of excavated material, construction materials and waste containers during the construction period.
- iv) Erosion and sediment control, detailing measures and procedures consistent with the requirements of Council's guidelines for managing stormwater, including:
 - the collection and treatment of stormwater and wastewater generated on site prior to discharge; and
 - procedures to prevent run-off of solid material and waste from the site.
- v) Waste management, including:
 - details of the types and estimated volumes of waste materials that will be generated;
 - procedures for maximising reuse and recycling of construction materials; and
 - details of the off-site disposal or recycling facilities for construction waste.
- vi) Dust control, outlining measures to minimise the generation and off-site transmission of dust and fine particles, such as watering or damp cloth fences.
- vii) A soil and water management plan, which includes:
 - measures to minimise the area of soils exposed at any one time and conserve top soil;
 - identification and protection of proposed stockpile locations;
 - preservation of existing vegetation and revegetation;
 - measures to prevent soil, sand, sediments leaving the site in an uncontrolled manner;
 - measures to control surface water flows through the site in a manner that diverts clean run-off around disturbed areas, minimises slope gradient and flow distance within disturbed areas, ensures surface run-off occurs at non-erodible velocities, and ensures disturbed areas are promptly rehabilitated;
 - details of sediment and erosion control measures in place before work commences;
 - measures to ensure materials are not tracked onto the road by vehicles entering or leaving the site; and
 - details of drainage to protect and drain the site during works.
- viii) Asbestos management procedures:
 - Anyone who removes, repairs or disturbs bonded or a friable asbestos material must hold a current removal licence from Workcover NSW holding either a Friable (Class A) or a Non- Friable (Class B) Asbestos Removal License which ever applies and a current WorkCover Demolition License where works involve demolition. To find a licensed asbestos removalist please see www.workcover.nsw.gov.au
 - Removal of asbestos by a person who does not hold a Class A or Class B asbestos removal license is permitted if the asbestos being removed is 10m² or less of non-friable asbestos (approximately the size of a small bathroom). Friable asbestos materials must only be removed by a person who holds a current Class A asbestos license.
 - Before starting work, a work site-specific permit approving each asbestos project must be obtained from WorkCover NSW. A permit will not be granted without a current WorkCover licence. All removal, repair or disturbance of or to asbestos material must comply with the following:
 - The Work Health and Safety Act 2011;

DA2019/204: 26-28 Birnam Grove Strathfield
Lot 2425 in DP79156 (Cont'd)

- The Work Health and Safety Regulation 2011;
- How to Safety Remove Asbestos Code of Practice – WorkCover 2011; and
- Safe Work Australia Code of Practice for the Management and Control of Asbestos in the Workplace.
- Following completion of asbestos removal works undertaken by a licensed asbestos removalist re-occupation of a workplace must not occur until an independent and suitably licensed asbestos removalist undertakes a clearance inspection and issues a clearance certificate.
- The developer or demolition contractor must notify adjoining residents at least two (2) working days (i.e. Monday to Friday exclusive of public holidays) prior to the commencement of asbestos removal works. Notification is to include, at a minimum:
 - the date and time when asbestos removal works will commence;
 - the name, address and business hours contact telephone number of the demolisher, contractor and/or developer;
 - the full name and license number of the asbestos removalist/s; and
 - the telephone number of WorkCover's Hotline 13 10 50
 - warning signs informing all people nearby that asbestos removal work is taking place in the area. Signs should be placed at all of the main entry points to the asbestos removal work area where asbestos is present. These signs should be weatherproof, constructed of light-weight material and adequately secured so they remain in prominent locations. The signs should be in accordance with AS 1319-1994 Safety signs for the occupational environment for size, illumination, location and maintenance; and
 - appropriate barricades installed as appropriate to prevent public access and prevent the escape of asbestos fibres. Barricades must be installed prior to the commencement of asbestos removal works and remain in place until works are completed.

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

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

Works Permit

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

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

Standing Plant Permit

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

Skip Bin Permit

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

DA2019/204: 26-28 Birnam Grove Strathfield
Lot 2425 in DP79156 (Cont'd)

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).

DA2019/204: 26-28 Birnam Grove Strathfield
Lot 2425 in DP79156 (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. **EXCAVATION - AFFECTING ADJOINING LAND (CC)**

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

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

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

(Reason: Structural safety.)

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

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

(Reason: Privacy amenity.)

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

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

Local Amenity Improvement Levy	\$4,150.00
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The total amount of the contribution is valid as at the date of determination and is subject to quarterly indexation. The amount of the contribution under this condition shall be indexed in accordance with clause 4.12 of the Strathfield Indirect Development Contributions Plan 2010-2030.

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

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

DA2019/204: 26-28 Birnam Grove Strathfield
Lot 2425 in DP79156 (Cont'd)

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

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

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

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

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

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

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

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

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

(Reason: Protection of Council infrastructure.)

24. **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.)

25. **TREE BONDS (CC)**

A tree bond of **\$20,000.00** (calculated in accordance with Council's adopted Fees and Charges) shall be paid to Council, prior to the issue of a Construction Certificate.

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

**DA2019/204: 26-28 Birnam Grove Strathfield
Lot 2425 in DP79156 (Cont'd)**

restoration works to Council's property damaged during the course of this development.

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

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

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

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

26. WATER HEATING SYSTEMS - LOCATION OF (CC)

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

(Reason: To maintain streetscape character.)

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

27. 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.

**DA2019/204: 26-28 Birnam Grove Strathfield
Lot 2425 in DP79156 (Cont'd)**

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.)

28. 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.)

29. NOTICE OF COMMENCEMENT (CW)

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

DA2019/204: 26-28 Birnam Grove Strathfield
Lot 2425 in DP79156 (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)

30. FILL MATERIAL (DW)

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

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

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

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

31. 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.)

32. 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.)

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

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

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

DA2019/204: 26-28 Birnam Grove Strathfield
Lot 2425 in DP79156 (Cont'd)

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

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

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

34. 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.)

35. OCCUPATION OF BUILDING (OC)

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

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

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

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

(Reason: Statutory requirement.)

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

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

(Reason: Adequate stormwater management.)

ATTACHMENTS

There are no attachments for this report.

TO: Strathfield Internal Development Assessment Panel Meeting - 6 March 2020
REPORT: IDAP – Report No. 4
SUBJECT: DA2008/087/10: 1-5 UNDERWOOD ROAD, HOMEBUSH LOT 100 DP 1042833
DA NO. 2008/087/10

SUMMARY

Proposal: Section 4.56 application for internal reconfiguration of Level 3 at DFO.

Applicant: Vicinity Centres

Owner: Vicinity Centres

Date of lodgement: 9 September 2019

Notification period: 23rd August 2019 – 6th September 2020

Submissions received: Nil.

Assessment officer: LG

Zoning: IN1 – General Industrial - SLEP 2012

Heritage: No

Flood affected: Yes

Is a Clause 4.6 variation proposed? No

RECOMMENDATION OF OFFICER: APPROVAL

EXECUTIVE SUMMARY

On 10 August 2009, the Land and Environment Court granted Deferred Commencement consent of DA2008/087 for the *change of use and alterations and additions to part of an existing building at 1-5 Underwood Road, Homebush (the site) to allow for bulky goods retailing and associated car parking*. The deferred commencement conditions have since been satisfied.

On 13 November 2012, Council approved a Section 96 application which sought to modify the internal layout and construct additional on-site car parking spaces.

On 12 September 2016, a Section 96AA application to reconfigure the existing car parking areas and pedestrian access to accommodate for coach parking adjacent to the Underwood

Road frontage was approved by Council. This resulted in minor modifications to the Level 3 floor layout.

A number of changes to the level 3 floor plan have since occurred following various Complying Development Certificate (CDC) approvals which have modified various tenancy sizes and layouts. Accordingly, the subject application has sought to amend the overall level 3 floor plan under Section 4.56 of the *Environmental Planning and Assessment Act 1979* to reflect the current tenancy layout. The modification is being assessed concurrently with DA2000/377/07 to ensure consistency in the level 3 layout plan of the site.

The proposed modifications are considered minor in nature and accordingly, is recommended for approval subject to modified conditions of consent.

DA2008/087/10: 1-5 UNDERWOOD ROAD, HOMEBUSH LOT 100 DP 1042833 (Cont'd)

DESCRIPTION OF THE SITE AND LOCALITY

The subject site is known as DFO Homebush and is located on the south-western side of the major intersection of Homebush Bay Drive and Underwood Road. The site is an irregular shaped allotment with a total site area of 5.206 hectares. The site has a frontage of approximately 220m to Homebush Bay Drive and 80m to Underwood Road. Vehicular access to the site is provided on the far western side of Homebush Bay Drive and at the far eastern end of Underwood Road.

The immediately surrounding development includes Sydney Olympic Park to the west, industrial warehouse complexes to the east and south and the Mason Park Electricity substation which immediately adjoins the site to the west.



Figure 1: Locality and context of the subject site (outlined in red).

SECTION 4.56 OF THE EP&A ACT 1979

Section 4.56 of the Environmental Planning and Assessment states as follows:

“4.56 Modifications by consent authorities of consents granted by the Court

- (1) *A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the Court and subject to and in accordance with the regulations, modify the development consent if:*
 - (a) *it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all), and*
 - (b) *it has notified the application in accordance with:*

DA2008/087/10: 1-5 UNDERWOOD ROAD, HOMEBUSH LOT 100 DP 1042833 (Cont'd)

- (i) *the regulations, if the regulations so require, or*
- (ii) *a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and*
- (c) *it has notified, or made reasonable attempts to notify, each person who made a submission in respect of the relevant development application of the proposed modification by sending written notice to the last address known to the consent authority of the objector or other person, and*
- (d) *it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be."*

As regards subclause 'a', Council is satisfied that the development to which the consent as modified relates is substantially the same development for which consent was originally granted and before that consent as originally granted was modified (if at all).

In answering this threshold question, a comparative analysis of the approved development as modified has been undertaken. In this regard, the proposal does not change the land uses; floor space; building envelope; and loading and vehicle access arrangements. Accordingly, the development as modified is considered to satisfy the 'substantially the same' test in that it will result in materially the same development as that which was originally approved.

In regards to subclause 'b', the application was notified in accordance with Part L of SCDCP 2005 and in regards to subclause 'c' reasonable attempts were made to notify each person who made a submission in respect to the original development application. Council has satisfied subclause 'd', as no submissions were received.

RELEVANT BACKGROUND

- 30 May 2000** Council approved DA9900/377 for *alterations to Level 3 for use as a factory outlet Centre and continues use of Level 2 as an exhibition space.*
- 14 October 2008** Council's Planning Committee resolved to refuse DA2008/087 which proposed a *change of use and alterations and additions to part of an existing building at 1-5 Underwood Road, Homebush (the site) to allow for bulky goods retailing and associated car parking.*
- 10 August 2009** The Land and Environment Court overturned Council's refusal of DA2008/087 subject to a number of deferred commencement conditions, including the lodgement of a Section 96 Application) to provide a minimum of 1,928 car parking spaces. The deferred commencement conditions have since been satisfied.
- 13 November 2012** A Section 96 application seeking to modify the internal layout and construct additional on-site car parking spaces was approved by Council's Liveable Neighbourhoods Committee.
- 12 September 2016** A Section 96AA application to reconfigure existing parking areas and pedestrian access to accommodate for coach parking adjacent to the Underwood Road frontage was approved by Council. This resulted in minor modifications to the Level 3 floor layout.
- 30 November 2016** A Section 96AA application to extend the trading hours by 2 hours on a Thursday to 8pm and also to introduce extended trading hours during the Christmas period (18th December – 8th January inclusive) from Monday to Sunday, 8am to 8pm, was approved under delegated authority.

DA2008/087/10: 1-5 UNDERWOOD ROAD, HOMEBUSH LOT 100 DP 1042833 (Cont'd)

- 9 September 2019** The current Section 4.56 modification application was submitted to Council.
- 23 August –
6 September 2019** The subject modification application was notified in accordance with the requirements of Part L of SCDCP 2005. There were no submissions were received during this time.
- 13 December 2019** This modification application was considered by the Strathfield Internal Development Assessment Panel Meeting. It was resolved the defer the determination of the application 'to be reconsidered concurrently with the other development application referred to in the report' that being application 2000/377/7 which is subject to determination at this meeting.

It is noted that references to Section 96 applications above are now referred to as Section 4.55 or Section 4.56 Applications due to the new planning laws and overhaul of the Environmental Planning and Assessment Act 1979 which came into effect in NSW on 1 March 2018.

DESCRIPTION OF THE PROPOSED MODIFICATION(S)

The proposal has sought minor amendments to the approved level 3 floor plan of the building to reflect the current tenancy layout:

Specifically, the tenancy layouts have been modified to reflect the following (refer to Figure 2 and 3):

- Reduction in Tenancy 3-013 size;
- Reduction in Tenancy 3-015 size
- Increase in Tenancy 3-016 size;
- Deletion of Tenancy 3-017;
- Reduction of Tenancy 3-018 size;
- Increase in Tenancy 3-023 size;
- Reduction of Tenancy 3-024 size;
- Deletion of Tenancy 3-028 size;
- Increase in Tenancy 3-028 size;

No physical works are proposed and no changes to the overall floor space of the site are proposed. The proposal is simply to update the tenancy layouts throughout Level 3 of the complex.

Note: The modification application DA2000/377/07 to permit the internal reconfiguration of level 3 is consistent with this application and being assessed concurrently with this application.

DA2008/087/10: 1-5 UNDERWOOD ROAD, HOMEBUSH LOT 100 DP 1042833 (Cont'd)

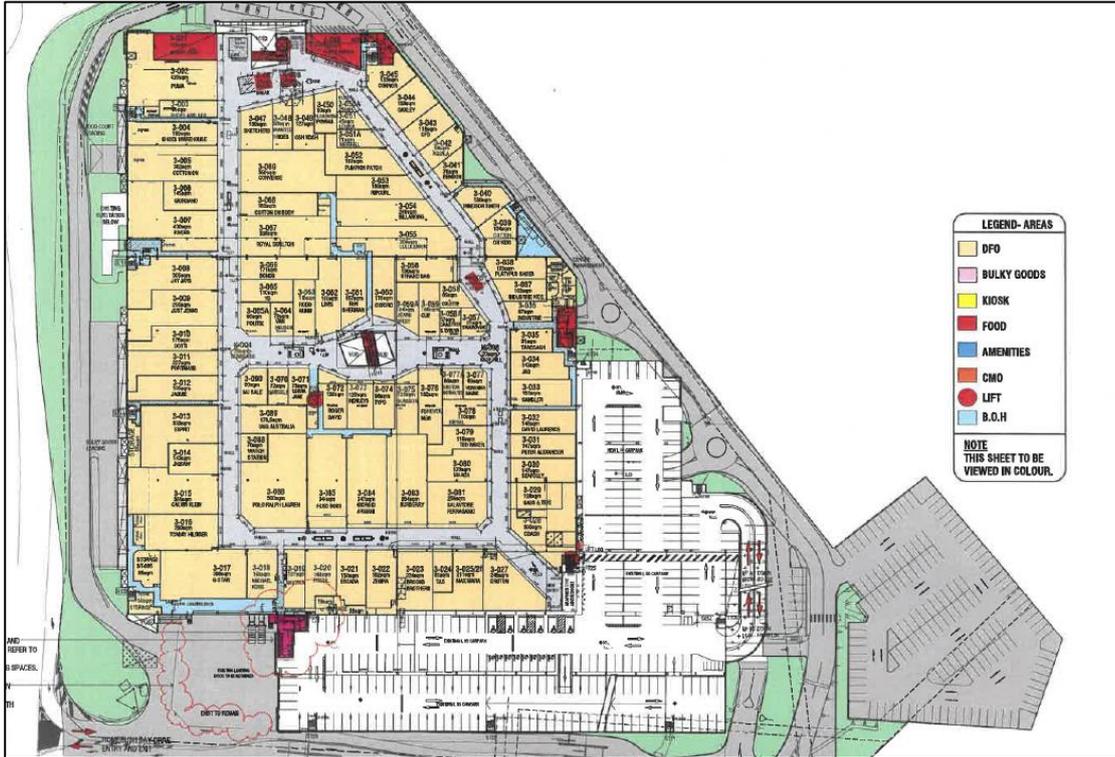


Figure 2: Approved Tenancy Layout Plan as per DA2008/087/6.

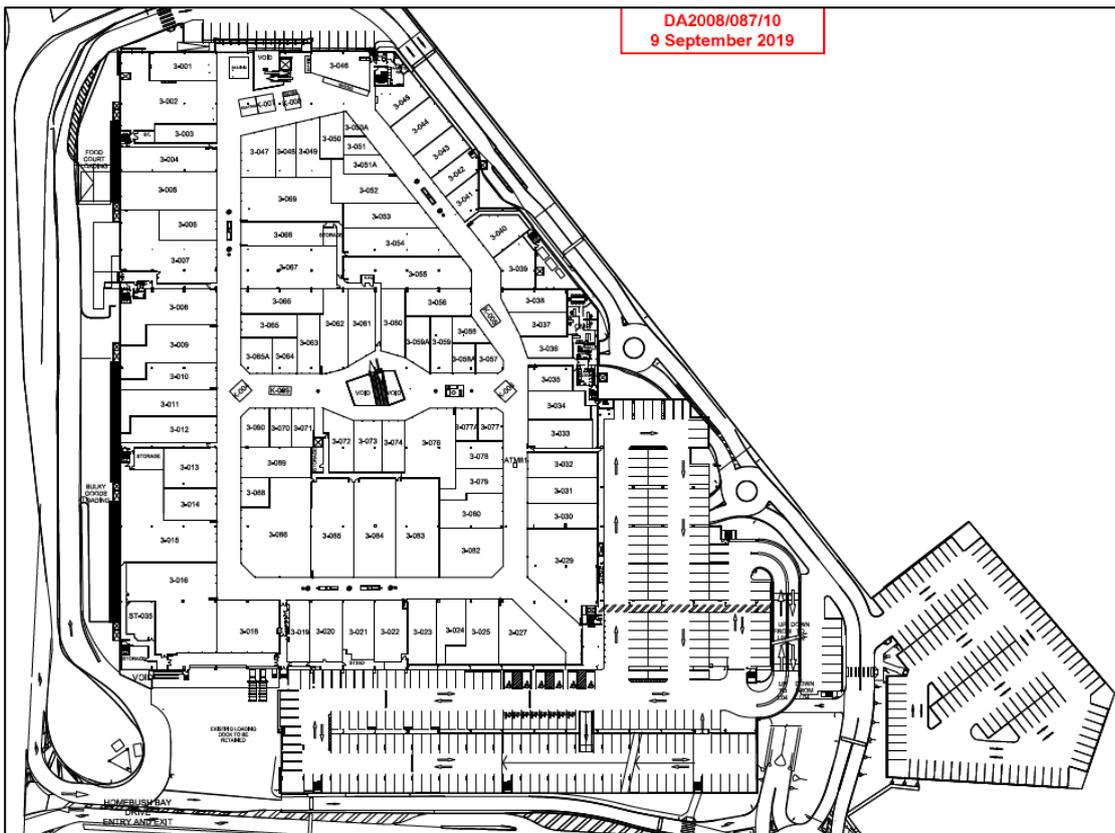


Figure 3: proposed level 3 tenancy layout plan.

REFERRALS

No referrals were required.

DA2008/087/10: 1-5 UNDERWOOD ROAD, HOMEBUSH LOT 100 DP 1042833 (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 4.15C of the Environmental Planning and Assessment Act, 1979 as relevant to the development application:

4.15(1)(a) the provisions of:

(i) any environmental planning instrument

Strathfield Local Environmental Plan (SLEP) 2012

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

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

Comments: The approved development as modified by this current section 4.56 modification application is consistent with the general aims of SLEP 2012.

Permissibility

The site is zoned IN1 – General Industrial under the Strathfield Local Environmental Plan 2012 (SLEP 2012). The parent consent (DA 2008/087) was for the *change of use and alterations and additions to part of an existing building to allow for bulky goods retailing*. However, ‘bulky goods premises’, and ‘specialised retail premises’ as it is now known (Planning Circular PS18-008), is prohibited in the IN1- General Industrial zone.

Section 4.70 of the EP&A Act 1979 states that:

“(1) Nothing in an environmental planning instrument prohibits, or requires a further development consent to authorise, the carrying out of development in accordance with a consent that has been granted and is in force.

DA2008/087/10: 1-5 UNDERWOOD ROAD, HOMEBUSH LOT 100 DP 1042833 (Cont'd)

(2) *This section:*

- (a) *applies to consents lawfully granted before or after the commencement of this Act, and*
- (b) *does not prevent the lapsing revocation or modification, in accordance with this Act, of a consent, and*
- (c) *has effect despite anything to the contrary in section 4.66 or 4.68.*

(3) *This section is taken to have commenced on the commencement of this Act."*

Therefore, as development consent DA2008/87 is still active, it is preserved by Section 4.70 of the EP&A Act 1979. The proposed modification does not change or impact on the approved use of the site as a bulky goods premises.

Zone Objectives

The modification(s) sought as part of this application are still generally consistent with the objectives of the IN1- General Industrial Zone as it seeks to encourage employment opportunities.

Part 4: Principal development standards

This modification application does not involve any changes to the assessment of the original application against the relevant provisions contained within Part 4 of the SLEP 2012.

Part 5: Miscellaneous Provisions

This modification application does not involve any changes to the assessment of the original application against the relevant provisions contained within Part 5 of the SLEP 2012.

Part 6: Local Provisions

This modification application does not involve any changes to the assessment of the original application against the relevant provisions contained within Part 6 of the SLEP 2012.

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

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

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

STRATHFIELD CONSOLIDATED DEVELOPMENT CONTROL PLAN (SCDCP) 2005

The modification application does not involve any changes to the assessment of the original application against the relevant provisions contained within the SCDCP 2005.

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

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

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

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

Having regard to these prescribed matters, the proposed development is not located on land subject to the Government Coastal Policy as determined by Clause 92(1)(a)(ii) and does not

DA2008/087/10: 1-5 UNDERWOOD ROAD, HOMEBUSH LOT 100 DP 1042833 (Cont'd)

involve the demolition of a building for the purposes of AS 2601 – 1991: *The Demolition of Structures*.

Appropriate conditions are included on the original consent 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*

The proposal involves minor modifications to the level 3 floor plan to reflect the current layout. The proposal does not result in any change to the floor space approved for the site and will not require any changes to the parking or access arrangements currently provided for the site.

Overall, the proposed modifications are internal to the site and is therefore unlikely to adversely impact adjoining property owners.

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

The approved development as modified by the current section 4.56 application does not alter the suitability of the development to the site.

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

The application was notified in accordance with Part L of the SCDCP 2005 and no submissions were received.

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

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

LOCAL INFRASTRUCTURE CONTRIBUTIONS

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

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

This section 4.56 application does not trigger any changes to the original condition of consent requiring payment of a section 7.11 contribution in accordance with Council's Direct Development Contributions Plan 2010-2030.

CONCLUSION

DA2008/087/10: 1-5 UNDERWOOD ROAD, HOMEBUSH LOT 100 DP 1042833 (Cont'd)

The application has been assessed having regard to Section 4.55 of the Environmental Planning and Assessment Act 1979, the Strathfield Local Environmental Plan 2012 and the Strathfield Development Control Plan 2005 and is considered to be satisfactory for approval.

PEER REVIEW

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

RECOMMENDATION

Pursuant to Section 4.56 of the Environmental Planning and Assessment Act 1979, the proposed modification(s) to Development Consent No. 2008/087/10 for internal reconfiguration of level 3 at DFO at 1-5 Underwood Road, Homebush be APPROVED, subject to:

- The original conditions of consent of Development Application No. (DA2008/087) as approved by The Land and Environment Court on 29 September 2009 for the change of use and alterations and additions to part of an existing building at 1-5 Underwood Road, Homebush to allow for bulky goods retailing and associated car parking;
- As modified by the Section 96AA Application (DA2008/087/01) as approved by Council's Liveable Neighbourhoods Committee on 13 November 2012 to modify the internal layout and construct additional on-site car parking;
- As modified by the Section 96AA Application (DA2008/087/02) as approved by Council on 14 November 2013 to modify the internal layout of 2 tenancies;
- As modified by the Section 96AA application (DA2008/087/03) as approved by Council on 23 June 2014 to correct a typographical error;
- As modified by the Section 96AA application (DA2008/087/04) as approved by Council on 17 June 2015 to permit the installation of pair car parking and associated infrastructure;
- As modified by the Section 96AA application (DA2008/087/05) as approved by Council on 24 March 2016 to alter carparking to provide coach parking and amenities;
- As modified by the Section 96AA application (DA2008/087/06) as approved by Council on 12 September 2016 to alter carparking to provide coach parking and amenities;
- As modified by the Section 96AA application (DA2008/087/07) as approved by Council on 13 November 2016 to modify conditions to permit extended trading hours; and
- As modified by the Section 4.56 application (DA2008/087/09) as approved by Council on 8 November 2019 to modify conditions to permit extended trading hours.

Accordingly, Development Consent No. DA2008/087/10 is approved as following:

PART B – OTHER CONDITIONS

Roads and Traffic Authority Conditions

DA2008/087/10: 1-5 UNDERWOOD ROAD, HOMEBUSH LOT 100 DP 1042833 (Cont'd)

- 1.1A. The intersection design for the dual circulation and the associated slip lane intersection with Homebush Bay Drive – West shall be carried out generally in accordance with the conditions set out in the letters from the Roads and Traffic Authority to Gilbert + Tobin dated 3 April 2009 and the Roads and Traffic Authority to Gilbert + Tobin dated 10 June 2009 (subject to any amendments required by the Roads and Traffic Authority) and the conditions of any approval provided by Auburn Council.
- 1.2A. The intersection design will be required to meet the current RTA standards and practices, in particular the *Roads Design Guide*, plus relevant Austroads and Australian Standards.
- 1.3A. The intersection design shall be based on Drawing ES10846 MOD1, prepared by GTA Consultants and as set out in Appendix of the GTA Revised Traffic and Parking Report dated 5 February 2009 subject to any necessary amendments required by the Roads and Traffic Authority or Auburn Council.
- 1.4A. The intersection design must be prepared by a qualified practicing engineer and be approved by the RTA prior to the commencement of works.
- 1.5A. Where land acquisitions or dedications are required as a result of the intersection design, a separate application must be made to and approved by the relevant consent authorities. A plan of subdivision prepared by a registered surveyor must be submitted with the design plans showing the proposed lot(s) to be dedicated or acquired and the remnant land.
- 1.6A. All proposed works in the public road reserve must be submitted to and approved by the relevant road authority in writing in accordance with s38 and s139 of the Roads Act 1993 prior to the commencement of works.
- 1.7A. The works approved under condition 1.6A shall be carried out in accordance with the plans approved by the relevant roads authority.
- 1.8A. Unless the Applicant and Sydney Olympic Park Authority reach agreement on cost sharing for the design and construction of the intersection, all costs associated with the design and construction of the intersection shall be borne by the Applicant.
- 1.9A. Copies of all approved and endorsed plans including the detailed engineering design and supporting documentation shall be forwarded to Strathfield Council and the principle certifier.

Plans

- 1.1 The development shall be completed generally in accordance with the approved plans and documents listed below, prior to that part of the building the subject of this consent being used or occupied, and any variation as required by the conditions of this consent:

Plan No/s: 0146DA-01G; 0146DA-02G; 0146DA-03F; 0146DA-04C, 0146DA-05C, 0146EX-01A, 0146EX-02A, 0146EX-03A, 0146EX-04A, 0146EX-05A by D + R Architects dated 26 March 2008 and 'Level 1, 2 and 3 showing proposed passenger lift and pedestrian link' 0146 SKI-01 by D + R Architects undated; and

SET A – CONTEXT DRAWINGS AND PROPOSED MODIFICATIONS

DA-A000 Cover Page, Location Plan, Drawing List and Schedules;
DA-A001 Site Plan – Location and Aerial;
DA-A002 Site Plan – Existing Plan;
DA-A003 Site Plan – Proposed;

DA2008/087/10: 1-5 UNDERWOOD ROAD, HOMEBUSH LOT 100 DP 1042833 (Cont'd)

DA-A004 Site Plan – Proposed Traffic Circulation;

DA-A010 Demolition Plan Overview Levels 1 and 2;

DA-A011 Demolition Plan Overview Levels 3 and 4;

Proposed Level 1 Drawing No.DA-B001 Issue A prepared by The Buchan Group, received by Council 21 April 2016.

Proposed Level 2 Drawing No.DA-B002 Issue A prepared by The Buchan Group, received by Council 21 April 2016.

~~Proposed Level 3 Drawing No.DAB003 Issue A prepared by The Buchan Group, received by Council 21 April 2016.~~

Existing Level 3 Dwg No.DFOH_Level3_E, Revision 11, received by Council 9 September 2019

(MODIFIED: DA2008/087/10 6 March 2020).

Proposed Level 4 Drawing No.DAB004 Issue A prepared by The Buchan Group, received by Council 21 April 2016.

Proposed Level 5 Drawing No.DAB005 Issue A prepared by The Buchan Group, received by Council 21 April 2016.

Proposed Elevations Drawing No.DAB006 Issue A prepared by The Buchan Group, received by Council 21 April 2016.

DA - A200 Sections – Proposed;
DA – A300 Sections – Proposed;

DA – A600 Sections – Aerial View;
DA – A700 Sections – External Finishes Board; and

Drawing No. C0-00 Revision E, C2-00 Revision E, C2-01 Revision F, C2-02 Revision F, C2-03 Revision G, C2-04 Revision G, C2-05 Revision G, C2-06 Revision A, C3-82 Revision B, C4-00 Revision A, C4-01 Revision A, C4-30 Revision and C4-60 Revision A, prepared by Brown Smart Consulting Job No. 20111800 and received by Council on 10 October 2012.

Construction Certificate must be obtained either from Council or a privately accredited person before commencement of any construction/demolition associated with this consent.

The Principal Certifying Authority must be appointed prior to work commencing to supervise the work and authorise occupation/use of the building when completed.

- The Applicant will provide a Staging Plan prior to the issue of a Construction Certificate generally in accordance with the stages set out in the Statement of Environmental Effects by JBA Planning submitted with the Development Application. The staging plans will provide for the construction of the additional carparking spaces required by deferred commencement Part A condition (b) at the appropriate time.

The conditions contained herein shall apply to all stages of demolition and construction unless specifically stated otherwise.

- A Construction Management Plan for each stage of the proposed development, covering

DA2008/087/10: 1-5 UNDERWOOD ROAD, HOMEBUSH LOT 100 DP 1042833 (Cont'd)

both demolition and construction shall be prepared by a suitable qualified person and submitted to an approved by the Principal Certifying Authority prior to the issue of a Construction Certificate. That Construction Management Plan will include the following plans:

- A Traffic and Parking Management Plan addressing the following matters:
- A Service Plan of Management detailing how all of the loading docks are to be used and the circulation path of service vehicles. The Plan should minimise conflicts between service vehicles and cars and eliminate queuing into and from the site;
- A Parking Management Plan to ensure the provision and maintenance of the maximum number of car parking spaces possible at each stage of the development. The Applicant will use reasonable efforts to make additional car parking spaces available on the adjoining land owned by EnergyAustralia, subject to agreement with EnergyAustralia. All spaces shall be made available free of charge to customers, visitors and employees. These spaces shall only be used for the parking of motorcycles, sedans, utilities, vans and similar vehicles up to two (2) tonne capacity; and
- internal circulation and safe access and egress arrangements to and from the site, and
- Sediment and Erosion Control Plan
- A copy of the endorsed stamped plans and specifications, together with a copy of the Development Consent, Construction Certificate and any approved Traffic Management Plan are to be retained on site at all times.

Special Conditions

- 2.1. This consent does not authorise the use of the individual tenancies within the development. Development consent for use of any tenancy must be obtained prior to use of that tenancy.
- 2.2 Closed Circuit Television (CCTV) and surveillance mirrors shall be installed throughout the car park and premises, and in particular in areas of congregation, to reduce theft, reduce anti-social activities and provide personal security.
 - 2.2a The new tenancies identified as DFO outlets on Level 2 are not to be used as commercial/retail premises. Development consent for use of these tenancies must be obtained prior to use of these tenancies.
- 2.3 A Safety and Security Management Plan shall be prepared in consultation with NSW Police (Flemington Local Area Command) including the following safety and security measures which shall be incorporated into the design of the development:
 - (i) Designated car parking provided for emergency vehicles near the pedestrian entrances from the car park to the building;
 - (ii) Warning signs to be erected throughout car parks and at and around pedestrian entry and exit points (i.e. Warning: don't leave valuables in inside your car);
 - (iii) Removable barriers are to be provided to prevent after hours trespassing through sections of the building which are not subject to late trading hours;
 - (iv) Security patrols both during day operations and after hours; and
 - (v) Suitable measures to deter criminal activity from occurring on site including the erection of warning signs, e.g. warning these premises are under constant surveillance and Warning: shoplifters will be prosecuted
 - (vi) Special safety and security precautions for the week leading up to and the week following Christmas.

DA2008/087/10: 1-5 UNDERWOOD ROAD, HOMEBUSH LOT 100 DP 1042833 (Cont'd)

The Safety and Security management Plan shall be submitted to Council for approval prior to the commencement of extended trading hours.

General

- 3.1. All advertising signage is subject to a further and separate development application.
- 3.2. That part of the building the subject of this consent shall not be occupied or used until the development has been completed in accordance with the conditions of this consent, construction has been completed in accordance with the Construction Certificate and an Occupation Certificate has been issued by the Principal Certifying Authority.
- 3.3. A Works Permit shall be obtained from Council's Customer Service Centre at least 48 hours prior to undertaking any works on public/ Council controlled areas. The permit must be retained on site at all times.
- 3.4. All exhaust and other emissions including noise from the premises shall comply with the provisions of the Protection of the Environment Operations Act 197 and Regulations.

Financial Matters

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

Parking/ Traffic Matters

- 5.1. A total of 2,022 off-street parking spaces, hardpaved, linemarked, labelled and drained, shall be provided on the subject allotment for all of the uses carried out on the allotment (and not just the use of the subject of this consent). These spaces shall only be used for the parking of motorcycles, sedans, utilities, vans and similar vehicles up to two (2) tonne capacity.
- 5.2. The design grade of all ramps to be used by heavy vehicles shall be modified to have a gradient of no greater than 1:8 as required by AS2890.2.
- 5.3. On site parking facilities shall be maintained and utilised by persons under the employ of tenants within the building, visitors and customers. Parking facilities shall not be operated as a commercial parking station for the use of persons other than those associated with the onsite business.

The onsite car parking spaces together with access driveways shall be available at all times to employees and customers subject to the Safety and Security Management Plan required under Condition 2.3.

- 5.4. All vehicles associated with the approved use shall be parked within the parking spaces on the site and not on adjacent footpaths, access driveways or landscaped areas.
- 5.5. A sign shall be erected in a suitable location on approach to the site advising that parking is available for visitors/ customers.
- 5.6. The entry and exit driveways shall be suitably signposted and directional arrows shall be painted on the internal roadway.
- 5.7. All vehicles entering and leaving the site shall be driven in a forward direction only.

DA2008/087/10: 1-5 UNDERWOOD ROAD, HOMEBUSH LOT 100 DP 1042833 (Cont'd)

- 5.8. All driveways shall be separated from landscaped areas by a minimum 150mm high by 150mm wide concrete kerb or similar.
- 5.9. No vehicle spaces shall be enclosed with walls or meshed security screens without the prior approval of Council.
- 5.10. No loading dock shall be used for storage purposes at any time.
- 5.11. All redundant vehicular crossings shall be removed and replaced with kerb and gutter and footpath at no cost to Council.
- 5.12. Where the footpath, kerb and gutter is damaged, it shall be reconstructed to Council's specifications for the full frontage of the development site at the completion of all building works.
- 5.13. All works as required, including the dual circulating roundabout and associated slip lane (as detailed in the RTA's Correspondence of 3 April 2009 and 10 June 2009) to Underwood Road/ Australia Drive/ Homebush Bay Drive intersection shall be fully constructed in accordance with the approved plans **prior to the issue of Occupation Certificate.**
- 5.14. A maximum of four (4) coaches are permitted to access and park on site at any time. The provision of coach parking shall be restricted via a booking system controlled by Centre Management.
- 5.15. Coaches are to enter the site from Homebush Bay Drive and exit via Underwood Road only.

Drainage/ Stormwater

- 6.1. Adequate access point shall be incorporated into the existing on-site Stormwater detention (OSD) system for cleaning and maintenance which shall include at least an access gate and a permanent stepladder. A rustproof debris screen shall also be installed at the outlet of the existing OSD system.

An adequately sized gross pollutant trap (HumeGard or equivalent) shall be installed upstream of the existing on-site detention system to remove gross pollutants and coarse sediments from stormwater runoff prior to discharging to the existing on-site detention basin. Details of the system prepared by a qualified engineer shall be submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate.
- 6.2. An underground or above ground OSD system designed in accordance with Council's Stormwater Management Code shall be provided within the South-western car park. Details of the system prepared by a qualified engineer shall be submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate.
- 6.3. An adequately sized (in keeping with best practice) stormwater treatment measure (StormTilters or equivalent) shall be installed upstream of the existing pumpout system within the South-eastern car park. Details of the system prepared by a qualified engineer shall be submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate.
- 6.4. An Enviropod or similar shall be installed into at least 43 stormwater drainage pits within the site as shown in the MUSIC model prepared by Brown Smart Consulting File No. X12422-DFO Homebush Rev01. Details of the system prepared by a qualified engineer shall be submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate.
- 6.5. Rainwater tank(s) of minimum 450,000 Litres shall be installed within the site to collect runoff from as much roof area as possible but no less than 7200 m² as shown in the MUSIC

DA2008/087/10: 1-5 UNDERWOOD ROAD, HOMEBUSH LOT 100 DP 1042833 (Cont'd)

model prepared by Brown Smart Consulting File No. X12422- DFO Homebush Rev01. The applicant must connect the rainwater tank(s) to the cooling tower of the air conditioning system within the development and one outdoor tap near landscaping areas. Details of the system prepared by a qualified engineer shall be submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate. This rainwater tank must meet and be installed in accordance with the requirements of all applicable regulatory authorities. NSW health does not recommend that rainwater be used for human consumption in areas with potable water supply.

- 6.6 Overflow from rainwater tank must be collected and discharged by means of a gravity pipe system and shall be connected to the downstream drainage system approved for the development.
- 6.7 Overflow paths shall be provided to allow for flows in excess of the capacity of the pipe/drainage system draining the site, as well as from any on-site stormwater detention storage.
- 6.8 Details of the proposed method of stormwater disposal shall be prepared by a suitably qualified professional civil engineer in accordance with the endorsed concept plans AND/OR the requirements of Council's Stormwater Management Code and approved by the Principal Certifying Authority prior to the issue of a Construction Certificate. In this project the above engineering plans are satisfactory as Concept plans. The assessment authority, (either (a) Council, or (b) a Private Certifier) is to satisfy themselves of the adequacy of the above plans for the purposes of Construction. They are to independently determine what details, if any, are to be added to the Construction Certificate plans, in order for the issue of the Construction Certificate. Where a Private Certifier issues the Construction Certificate a copy must be provided to Council, once the Construction Certificate is issued.
- 6.9 Allowance shall be made for surface runoff from adjacent properties, and to retain existing surface flow path system draining the site (if any).
- 6.10 Drainage plans for the proposed car park areas shall be prepared by a qualified engineer prior to the issue of a Construction Certificate.
- 6.11 All turning circles, aisle widths, car parking spaces and access shall strictly comply with the minimum requirements set out in AS2890. 2:2004 (Australia/New Zealand Standard Part 2: Off-street car parking).
- 6.12 Detailed design of the water sensitive urban design (WSUD) components (stormwater treatment measures) including but not limited to batters, levels, underdrains, high flow bypass details, clean out points, filter media details, mulching details, material specification, planting details, inlet scour protection areas, maintenance access ramps and maintenance schedule(s) shall be prepared by a suitably qualified professional engineer experienced in Water Sensitive Urban Design in accordance with the approved plans, approval conditions, Strathfield Council DCP 2005 Part N- Water Sensitive Urban Design, Strathfield Council WSUD Reference Guideline and WSUD Technical Design Guidelines for South East Queensland (SEQ Healthy Waterways Partnership) Version 1 June 2006 or subsequent versions that may be updated prior to the issue of a Construction Certificate.
- 6.13 The filter media of the bioretention basin (rain garden) shall comply with the requirements set out in "Strathfield Council WSUD Reference Guideline", "Guidelines for Soil Filter Media in Bioretention Systems" (Facility for Advancing Water Biofiltration) and the minimum hydraulic conductivity approved as part of the Stormwater Quality Management Plan.
- 6.14 A minimum of eight (8) plants per square metre is recommended for the rain garden. The

DA2008/087/10: 1-5 UNDERWOOD ROAD, HOMEBUSH LOT 100 DP 1042833 (Cont'd)

rain garden should be kept off-line during the establishment of plants and until the end of the construction phase.

- 6.15 An Operational Management and Maintenance Report is required to be submitted to the Principle Certifying Authority prior to the issue of an Occupation Certificate to provide an outline of the proposed long term operational management and maintenance requirements of the stormwater system on the site. A schedule or timetable for the proposed regular inspection and monitoring of the devices, maintenance techniques, reporting and record keeping requirements and associated rectification procedure shall be included in the report. Council recommends a visual inspection at least 2 times per year. Inspection should be made not less than 24 hours and not more than 72 hours after the (cessation of rainfall if the total rainfall on any day exceeds 30mm.
- 6.16 The stormwater system (including the OSD and WSUD components) within the site shall be kept free of rubbish and debris. A maintenance certificate shall be submitted to Council on an annual basis.
- 6.17 A Positive Covenant under Section 88E of the Conveyancing Act shall be created on the title of lot 23A detailing the:
- a) on-site stormwater detention system(s)
 - b) water sensitive urban design components
- incorporated in the development. The wording of the Instrument shall be submitted to, and approved by Council prior to lodgement at Land & Property Information NSW. The Instrument shall be registered and a registered copy of the document shall be submitted to and accepted by Council prior to the issue of a Subdivision Certificate. The positive covenant referred to in (1) above is required to prevent future modification or alteration without the written consent of Council, and to ensure suitable maintenance is carried out.
- 6.18 Prior to the issue of the Occupation Certificate, written verification from a suitably qualified professional civil engineer shall be obtained, stating that all stormwater drainage and related work has been constructed in accordance with the approved plans and conditions of approval.
- 6.19 In addition, full works-as-executed plans, prepared and signed by a registered surveyor, shall be submitted to and accepted by Council. Where changes have occurred the plans shall be marked-up in red ink and shall include levels and location for all drainage structures and works, buildings and finished ground and pavement surface levels and water sensitive urban design components.
- 6.20 Certification is also required from a suitably qualified stormwater quality specialist to verify that the bioretention works and other stormwater treatment measures have been constructed generally in accordance with the approved plans, conditions of approval and Construction and Establishment Guidelines: Swales, Bioretention Systems and Wetlands (SEQ Healthy Waterways Partnership) Version 1. 1 April 2010 or subsequent versions that may be updated.
- 6.21 Temporary measures shall be provided and regularly maintained during demolition, excavation and construction to prevent sediment and polluted waters discharging from site. Plans showing such measures in accordance with the NSW Department of Housing, Managing Urban Stormwater, Soils and Construction Manual dated August 1998 shall be submitted to and approved by the Principal Certifying Authority prior to the issue of a Construction Certificate.
- 6.22 The applicant or any contractors carrying out works in public or Council controlled lands shall

DA2008/087/10: 1-5 UNDERWOOD ROAD, HOMEBUSH LOT 100 DP 1042833 (Cont'd)

have public liability insurance cover to the value of \$10 million, and shall provide proof of such cover prior to carrying out the works.

(1) A Works Permit shall be obtained from Council's Customer Service Centre at least 48 hours prior to undertaking any works on public/Council controlled areas. This includes any work on the nature strip, footpaths, driveways, stormwater outlets. Council's drainage, kerb & guttering and roadways.

(2) The permit must be retained on site at all times and produced on request from any Council Officer.

6.23 For drainage works:

- a) Within Council controlled lands
- b) Connecting to Council's stormwater drainage system inspections will be required:
 - i. After the excavation of pipeline trenches.
 - jj. After laying of all pipes prior to backfilling.
 - iii. After the completion of alt pits and connection points,

a minimum of 48 hours notice shall be given to Council to inspect works. Inspections may be arranged by telephoning Council's Infrastructure Planning Section on 9748-9999 during office hours and work is not to proceed until the Works are inspected and approved by Council.

Landscaping/ Tree Matters

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

<u>Tree</u>	<u>Location</u>	<u>Protection Zone (m)</u>	<u>Excavation Zone (m)</u>
1) Trees within Road reserve	Homebush Bay Drive frontage extending to Cnr of Underwood Road	2m	2m

and protected by the establishment of a **protection zone** before any site works being (including any demolition/ excavation). The protection zone shall be maintained for the duration of works and implemented as follows:

- o A minimum 1.2m high barrier (made of hardwood/metal stakes with suitable hessian or canvas material) shall be erected around the perimeter of the stated Protection Zone as measured from the base of the tree (or where practical). The barrier shall be constructed so as to prevent pedestrian and vehicular entry into the protection zone. The barrier shall not project beyond the kerb onto the roadway or any adjacent footpath.
- o No concrete slurry or wash, building materials, builders' rubble, excavation spoil or similar shall be placed or stored within the tree protection zone.
- o The whole of the tree protection zone shall be mulched to a minimum depth of 75mm.
- o The tree protection zone shall be regularly watered
- o Any major structural roots which are encountered shall be pruned by a qualified Arborist.
- o **No excavation or construction shall be carried out** within the stated Excavation Zone distances from the base of the trunk surface.

Only permeable surfaces (e.g. decomposed granite, gravel. Turfpave, permeable paving

DA2008/087/10: 1-5 UNDERWOOD ROAD, HOMEBUSH LOT 100 DP 1042833 (Cont'd)

systems or soft landscaping) are permitted within the canopy spread of the trees to be protected.

- 7.2. All noxious weeds on the site shall be removed and destroyed as per their classification under the Noxious Weeds Act.
- 7.3. A minimum of two (2) street trees shall be provided within Council's nature strip in Underwood Road, Homebush in accordance with the following:
- Plants shall be a minimum 50 litre container size. Plants shall be vigorous and well established, free from disease and pests, of good form, consistent with species or variety, hardened off, not soft or forced, with large healthy roots systems with no evidence of root curl, restriction or damage. Trees are to have a single leader and clear straight trunk.
 - All trees are to be staked and tied with a minimum of three (3) hardwood stakes. Ties are to be hessian and fixed firmly to the stakes, one tie at half the height of the main stem, others as necessary to stabilise the plant.
 - Root deflection barriers having a minimum depth of 600mm are to be installed adjacent to all footpaths and driveways.
 - Apply soil conditioner/ fertilizer/ moisture retention additive/s in accordance with manufacturer's recommendation, and mix into the backfilling soil after planting tree/s.
 - Minimum 75mm depth of organic mulch shall be placed within an area 0.5m from the base of the tree.
- 7.4. General maintenance of Council's nature strip adjoining the development site, including regular lawn mowing, edging, irrigation of the lawn and street trees and restricting the storage of materials, rubbish and parking or driving of vehicles on the nature strip, must be carried out during the full period of all approved works (including any demolition and excavation).
- 7.5. All landscape areas including all planters are to have full coverage by a fully automatic irrigation system. The design, materials and installation are to be in accordance with Sydney Water codes and all relevant Australian Standards.
- 7.6. All plants specified for industrial developments are to be native Australian plant species.

Site Operation

- 8.1. The hours of operation shall be restricted to the following:

Monday to Wednesday and Friday to Sunday: 10:00am -6:00pm; and
Thursday: 10:00am -8:00pm.

The hours of operation for the Holiday trading period shall be restricted to the following:

Monday to Sunday: 8:00am - 10:00pm

NOTE: The extended Holiday trading is restricted to the following dates: 15 November –17th January inclusive.

MODIFIED: DA2008/087/09 27 September 2019

- 8.2. The delivery and dispatch of goods, material and the like to and from the premises shall only take place between 7.00am and 6.00pm Monday to Saturday. No goods of any kind shall be delivered or dispatched from the subject allotment outside these hours.
- 8.3. All operations/ activities shall be carried out wholly within that part of the building the subject

DA2008/087/10: 1-5 UNDERWOOD ROAD, HOMEBUSH LOT 100 DP 1042833 (Cont'd)

of this consent.

- 8.4. The storage of goods, materials, equipment, machinery, refuse, or refuse bins (including industrial waste containers) shall be carried out in an area specifically designed for that purpose and not within the road reserve except in accordance with Council's Materials on the Footpath Policy.
- 8.5. Any proposed lighting of the site shall be designed, located or shielded to ensure the amenity of the surrounding area is not adversely affected by light overspill and details shall be submitted and approved by the Principal Certifying Authority **prior to the installation** thereof.
- 8.6. No flashing lights or flashing animated signs shall be erected on that part of the building the subject of this consent.
- 8.7. No advertising flags, banners or the like are to be erected on the subject site or attached that part of to the building the subject of this consent at any point.
- 8.8. No advertising, corporate colours, logos or decal are to be applied or painted or placed within 1 metre of any shopfront windows so as to be visible from outside without the prior written approval of Council.
- 8.9. (DELETED) 13 November 2012

Construction Matters

- 9.1. A Building Code of Australia /Fire Safety Audit Report identifying existing non compliances of that part of the building the subject of this consent with the relevant provisions of the BCA and including recommended upgrade works where it is considered occupant fire and life safety is deficient, must be prepared by a Grade A1 Accredited Certifying Authority and submitted to the Principal Certifying Authority for approval **prior to the issue of the an Construction Certificate.**
- 9.2. Any non compliances identified in the BCA Audit Report, referred to in 9.1 above, shall be undertaken so as to comply with the relevant provision(s) of the BCA (Vol.1 2012) and shall be implemented **prior to the issue of an Occupation Certificate.**
- 9.3. Where demolition materials are proposed to be reused as fill, the applicant shall undertake to have the following completed:
 - (a) All materials validated as clean by a suitably qualified environmental auditor prior to being reused on site; and
 - (b) The site verified by a geotechnical engineer as being suitable for the construction.

All relevant and appropriate validation certificates shall be retained by the applicant and be presented on request. Any materials not identified as being suitable for re-use shall be disposed in accordance with the relevant regulations and controls.
- 9.4. If the soil conditions require it, retaining walls associated with the erection or demolition of a building or other approved methods of preventing movement of the soil must be provided, and adequate provision must be made for drainage.
- 9.5. Certification shall be obtained from a registered surveyor at the following stage(s) of construction confirming that that part of the building the subject of this consent has been constructed in accordance with the approved plans including any approved amendments (S.96 approvals) and plans and details required by the Principal Certifying Authority (PCA_

DA2008/087/10: 1-5 UNDERWOOD ROAD, HOMEBUSH LOT 100 DP 1042833 (Cont'd)

as conditions of development consent:

- (a) Footings excavation prior to placement of concrete;
- (b) Car park/ garage level prior to placement of concrete or pavement;
- (c) Ground floor and first floor levels;
- (d) Vehicular ramp gradients.

Copies of the surveyor's certificates must be submitted to and accepted by the Principal Certifying Authority (PCA) at the stages nominated above.

- 9.6. The existing ground levels shall not be altered except in accordance with the levels shown on the approved plans as part of this consent. Finished ground surface levels shall match the existing levels at the property boundary. Any survey plan shall also show the extension of these levels in relation to adjoining properties.

If the existing ground levels are altered during construction, the Principal Certifying Authority may require a survey plan of the finished ground levels to be prepared and submitted **prior to issue of Occupation Certificate** to determine if there have been changes to the pre-development levels and if there are any impacts on adjoining properties as a result.

- 9.7. All construction, demolition and excavation work shall be restricted to 7am and 5pm (Eastern Standard Time) on Mondays to Saturdays (inclusive) and prohibited on Sundays and public holidays.
- 9.8. The public area adjacent to a work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.
- 9.9. All excavations and backfilling associated with the approved works must be executed safely and in accordance with appropriate professional standards. All excavations must be properly guarded and protected to prevent them from being dangerous to life or property.
- 9.10. To maintain pedestrian safety suitable lighting is to be provided on the development site adjoining each street frontage and near pedestrian main entrances to the site. Details shall be submitted to and approved by the Principal Certifying Authority **prior to the installation** thereof.
- 9.11. All temporary buildings/ structures shall be removed from the site at the completion of construction of the whole of the development and prior to occupation such that no building/ structure shall interfere with the operation and functionality of the site.

Building Matters

- 10.1. The materials to be used in the external finish shall be such as to match as closely as possible the finish of the existing building.
- 10.2. The proposed metal roof for the new loading docks the subject of this consent shall be of a pre-coated, low-reflective finish in a dark, recessive colour which is compatible with the building design and surrounding development.
- 10.3. Property identification numbers are to be clearly displayed at each frontage of the premises and be easily visible from the street to assist emergency services in identifying the premises.
- 10.4. Where building intruder alarms are installed in that part of the building the subject of this consent they shall be fitted with an automated "cut-off" timing device and operated as per the

DA2008/087/10: 1-5 UNDERWOOD ROAD, HOMEBUSH LOT 100 DP 1042833 (Cont'd)

Protection of the Environment Operations (Noise Control) Regulation 2008.

Demolition

- 11.1. Demolition shall be carried out in accordance with Australian Standard 2601- 'The demolition of structures' or any subsequent standard and the relevant legislation.
- 11.2. The demolition of that part of the building subject to this consent shall be carried out by a licensed demolition contractor. A copy of the license shall be submitted to Council and the Principal Certifying Authority **prior to any works commencing on site.**
- 11.3. Details demonstrating that excavation and demolished materials including asbestos-based materials will be disposed of at an approved site shall be submitted to the Principal Certifying Authority **prior to any work commencing on site.**
- 11.4. The cleared ground surface of the site shall be suitably stabilized to prevent the generation of dust and erosion of soil on the site.

Fire Safety Measures

- 12.1. Upon completion of works a final fire safety certificate is to be issued from a properly qualified person in respect of each essential fire safety measure installed within that part of the building the subject of this consent and specified in the fire safety schedule. The final fire safety certificate shall be provided **prior to issue of Occupation Certificate.**
- 12.2. As soon as practicable after a final safety certificate is issued, the owner of the building to which it relates:
 - Shall submit a copy of the Certificate (together with a copy of the current fire safety schedule) to the Commissioner of NSW Fire Brigades, and
 - Shall ensure the current fire safety schedule is prominently displayed in the building.
- 12.3. Essential fire or other safety measures must be installed, to the minimum standard to which these measures must be designed, installed and/or maintained under Part 7B of the Environmental Planning & Assessment Regulation, and in accordance with the requirements of the Building code of Australia.

Hoardings

- 13.1. No advertisements of any kind shall be affixed to hoardings except for a board not exceeding 2.4m x 1.8m on which may be shown the architect's/builder's/demolisher's names or any particulars regarding that part of the building the subject of this consent and notices regarding the existing or further occupancies in that part of the building the subject of this consent.
- 13.2. Hoardings/ overhead protective structures at ground level shall have mesh wire or other such material fixed to the surface to a height at least 2 metres in order to preclude the fixing of posters.
- 13.3. A sign with the words "Billposters Will Be Prosecuted" shall be attached or printed on the hoarding/overhead protective structures at regular intervals so it is visible from the street or any adjoining public place.
- 13.4. Any hoarding, fence or awning is to be removed when the work has been completed.

DA2008/087/10: 1-5 UNDERWOOD ROAD, HOMEBUSH LOT 100 DP 1042833 (Cont'd)

Air Quality

- 14.1. As required by the Protection of the Environment Operations (Noise Control) Regulation 2008, air-conditioning units or heat pump water heaters shall not be audible in the habitable rooms of any other residential premises before 8am or after 10pm on any Saturday, Sunday or public holiday, or before 7am or after 10pm on any other day.
- 14.2. Dust emissions from the stockpiles shall be suppressed by a permanently installed irrigation system and details shall be submitted to the Principal Certifying Authority for approval **prior to issue of Construction Certificate.** The irrigation system shall be installed in accordance with the approved details prior to the work/use commencing and maintained at all times to Council's satisfaction.
- 14.3. The use of the premises shall not give rise to:
 - (a) The transmission of unacceptable vibration to any surrounding occupancy; and
 - (b) A noise level exceeding the background (L_{90}) noise level by more than 5dB(A) when measured from an adjoining premises. The source noise level shall be assessed as an LAeq,15min reading and adjusted in accordance with current EPA Guidelines for tonality, frequency weighting, impulsive characteristics, fluctuations and intermittency or any subsequent guidelines.
- 14.4. Any noise generated on the premises from the use at any time shall not have any detrimental effect on the occupants of any adjoining residential dwellings.
- 14.5. In the event of Council receiving complaints regarding excessive noise, the person(s) in control of the premises shall at their own cost arrange for an acoustic investigation to be carried out (by a suitably qualified person) and submit a report to Council specifying the proposed methods for the control of noise emanating from the premises. Such measures are to be installed at no cost to Council and may require further development consent from Council.

Food Shop

- 15.1. The fitout of the food shops including preparation and food storage areas shall comply with the Australian/ New Zealand Food Safety Standards Code and relevant standards.

Note: Copies of the Code are available from the Food Standards Australia New Zealand website at <http://www.foodstandards.gov.au/>
- 15.2. Plans and specifications showing details of all mechanical ventilation systems shall be submitted to the Principal Certifying Authority and approval obtained **prior to issue of Construction Certificate.**

Disabled Access

- 16.1. Access to that part of the building the subject of this consent for persons with disabilities shall be in accordance with the requirements of the Building Code of Australia and the relevant standards. Details shall be submitted to and approved by the Principal Certifying Authority **prior to issue of Construction Certificate.**
- 16.2. Sanitary facilities for persons with disabilities shall be provided in part of the building the subject of this consent in accordance with the Building Code of Australia and the relevant standards. Details shall be submitted to and approved by the Principal Certifying Authority **prior to issue of Construction Certificate.**

DA2008/087/10: 1-5 UNDERWOOD ROAD, HOMEBUSH LOT 100 DP 1042833 (Cont'd)

16.3. Carparking spaces for persons with disabilities shall be provided in accordance with the Building Code of Australia and the relevant standards. Details shall be submitted to and approved by the Principal Certifying Authority **prior to issue of Construction Certificate.** Parking spaces shall be strategically located on each parking level to be in close proximity to each entrance.

Waste Management

17.1. Submission of a comprehensive Waste Management Plan to the Principal Certifying Authority for approval **prior to issue of Construction Certificate.** Such plan shall address demolition, construction and operation waste arising from the development and shall include:-

- Type and likely quantity of waste arising from the demolition and construction activities;
- Storage, disposal and recycling measures for all demolition and construction waste, including specific disposal points and arrangements;
- Type and likely quantity of trade and operational waste arising from the proposed development, including storage and collection details. Note: Strathfield council does not provide a trade waste service;
- Storage, disposal, collection and recycling arrangement for all trade and operational waste; and
- Fitout details of any garbage/ waste enclosures and storage areas.

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

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

ATTACHMENTS

There are no attachments for this report.

TO: Strathfield Internal Development Assessment Panel Meeting - 6 March 2020
REPORT: IDAP – Report No. 5
SUBJECT: DA2018/064/03: 3 HOMEBUSH ROAD, STRATHFIELD
LOT 20 DP 1101067
DA NO. 2018/064/03

SUMMARY

Proposal: Section 4.55(1A) modification application to amend Condition 3 and delete Condition 49 relating to waste management.

Applicant: Samsara Enterprises Pty Ltd

Owner: Sunil Lal

Date of lodgement: 4 October 2019

Assessment officer: LG

Estimated cost of works: Nil

Zoning: R3 – Medium Density Residential - SLEP 2012

Heritage: No

Flood affected: Yes

Is a Clause 4.6 variation proposed? No

RECOMMENDATION OF OFFICER: **APPROVAL**

EXECUTIVE SUMMARY

On 4 October 2018, SLPP approved Development Application No. 2018/064 for demolition of an existing residential flat building and construction of a boarding house comprised of (36) rooms accommodating up to (72) people over two (2) levels of basement parking under the State Environmental Planning Policy (Affordable Rental Housing) (ARH SEPP) 2009.

On 4 October 2019, a second modification application (DA2018/064/03) was lodged along with the subject application seeking alterations and additions to the approved boarding house including internal reconfiguration to provide two (2) additional rooms, new communal roof terrace, enclosure of lobbies and revised window and finishes schedule. This application is to be determined by SLPP on 6 March 2020.

The proposal involves modifications to Conditions 3 and 49 of the consent which relate to waste management of the site. The conditions as currently imposed do not allow for ample waste storage to be provided and for waste collection to occur wholly within the site.

The plans have been amended during the assessment process to relocate the bin storage areas within the front setback and basement of the development. Further, an at-grade loading bay has been provided to enable waste collection within the front setback of the site.

The application is recommended for approval subject to amended conditions of consent.

DA2018/064/03: 3 Homebush Road, Strathfield
Lot 20 DP 1101067 (Cont'd)

BACKGROUND

- 4 October 2018 Strathfield Local Planning Panel on 4 October 2018 approved DA2018/064, for the demolition of existing residential flat building and construction of a boarding house comprising (36) rooms accommodating up to (72) people over (2) levels of basement parking under the Affordable Rental Housing SEPP 2009.
- 4 October 2019 The subject application was lodged.
- 4 October 2019 DA2018/064/02 was lodged with Council seeking alterations and additions to the approved boarding house including internal reconfiguration to provide two (2) additional rooms, new communal roof terrace, enclosure of lobbies and revised window and finishes schedule. The application is scheduled for determination at the 6 March SLPP meeting.
- 8 November 2019 Council's Waste Officer raised concern for the proposal due to insufficient room for an on-site collection area.
- 12 November 2019 The Applicant has requested to provide amended plans demonstrating compliance with Council's waste collection requirements.
- 16 December 2019 Amended plans were submitted to Council demonstrating that an at-grade loading bay is provided within the front setback of the site. The design was supported by a loading design statement. Council's Traffic Engineer requested a swept path analysis be provided to ensure the waste collection vehicle will not adversely impact on-street traffic.
- 28 January 2020 Amended documentation was submitted to Council including an amended waste management plan, loading bay design and architectural plans.
- 4 February 2020: Further amended documentation was submitted to Council including a revised vehicle swept paths plan to satisfy Council's Traffic Engineer's requirements.

DESCRIPTION OF THE SITE AND LOCALITY

The subject site is legally described as Lot 20 in DP1101067 and is commonly known as 3 Homebush Road, Strathfield. The site is located on the western side of Homebush Road north of the intersection of Homebush Road and Burlington Road and south of the railway line.

The site is a rectangular-shaped allotment with a skew to the south-eastern corner of the site fronting Homebush Road. The site provides a frontage width of 15.585m, a depth between 50.77m – 54.05m and a total site area of 796.7m². The site slopes from west to east and has gradual slope toward Homebush Road.

Existing development on the site comprises a three (3) storey residential flat building with vehicular access provided via the northern portion of the site fronting Homebush Road. The site currently contains (8) x 2 bedroom low rental residential units and is comprised of a red facebrick with painted white coloured banding. The current streetscape is characterised by traditional-style facebrick medium density residential development with some modern-style medium density developments having been approved and or/constructed within the streetscape.

DA2018/064/03: 3 Homebush Road, Strathfield
Lot 20 DP 1101067 (Cont'd)



Figure 1: Locality plan



Figure 2: View of existing development on subject site

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

Section 4.55(1A) of the *Environmental Planning and Assessment Act 1979* (EP&A Act 1979) states as follows:

“4.55 Modifications of consents – generally

(1A) Modifications involving minimal environmental impact

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

DA2018/064/03: 3 Homebush Road, Strathfield
Lot 20 DP 1101067 (Cont'd)

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

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

- (3) *The consent authority must also take into consideration the reason given by the consent authority for the grant of the consent that is sought to be modified."*

As regards subclause 'a', it is considered that the modification(s) sought as part of this application are of minimal environmental impact in terms of amenity impacts to neighbouring development and visual impacts to the streetscape.

As regards subclause 'b', Council is satisfied that the development to which the consent as modified relates is substantially the same development for which consent was originally granted and before that consent as originally granted was modified (if at all). The development remains for the purposes of a boarding house development over basement parking.

In answering this threshold question, a comparative analysis of the approved development as modified has been undertaken. In this regard, the proposed use does not change; the external building appearance in terms of bulk and scale as viewed from the adjoining properties and public domain is not altered in a significant or readily discernible manner; and amenity impacts to neighbouring development in terms of privacy, views, solar access and overshadowing are essentially the same as that of the approved development. Accordingly, the development as modified is considered to satisfy the 'substantially the same' test in that it will result in essentially and materially the same development as that originally approved.

As regards subclause 'c' and 'd', the application is not required to be notified in accordance with Part L of SCDCP 2005.

As regards subclause (3), consent for the approved development was granted on 4 October 2018 by SLPP. In accordance with Clause 4.55(3), the resolution has been taken into consideration.

"The panel generally accepts the Planning Officer's report and has refined the proposal to provide better amenity for the occupants and for better outcome for the streetscape."

The proposed modification application has sought to improve the provision of waste management on the site. Currently, the approved design cannot adequately provide for the waste management requirements on the site. The plans have been amended to include a garbage room within level 2 of the basement so that only a temporary bin storage area is to be provided at ground level. The modified design results in better amenity for occupants and a better outcome for the streetscape. Therefore, the proposal has considered and satisfied the requirements of Clause 4.55(3) of the *EP&A Act 1979*.

DESCRIPTION OF THE PROPOSED MODIFICATION(S)

DA2018/064/03: 3 Homebush Road, Strathfield
Lot 20 DP 1101067 (Cont'd)

The specific elements of the modification(s) sought are to amend Condition 3 and delete condition relating to waste management.

Condition 3 relates to the approved plans and reference documentation. The proposal has sought to include the submitted amended waste management plan as part of the reference documentation of the consent.

Condition 49 states as follows:

49. **ONSITE WASTE COLLECTION**

Onsite waste and recycling collection is to be provided, all onsite collection areas must meet the following conditions:

- i) *Minimum vehicle access and standing area dimensions:*
 - Width 3.6m*
 - Height 3.6m*
 - Length 14m*
 - Path of travel of waste collection vehicle must be identified on plans; ensure turning circle, height and width requirements are met throughout entire path of travel.*
- ii) *Maximum grade of ramps and driveway 1:5 (20%) suitable for collection vehicle access.*
- iii) *Waste collection area must have room for all waste receptacles and the waste collection vehicle.*
- iv) *Applicant can select the following:*

At-grade collection

- A waste collection point is to be provided:*
 - behind the front building line,*
 - alongside the driveway into the site.*
 - Collection vehicles may access the at grade collection point in a forward or backwards direction and exit in a forward direction only (waste vehicles must not reverse along a main road).*
- v) *Collection vehicles must not impede access to, within or from the site for other users.*
- vi) *The path of travel for moving bins from the storage area to the identified collection point (if collection is to occur away from the storage area) should be clearly identified.*
- vii) *The waste collection point shall be no more than 15m from the property boundary at the street.*
- viii) *There should be convenient and step free access between the waste storage room/area and the collection point.*
- ix) *The collection area must be designed so that the bin standing area, and the standing area for the vehicle, is level.*
- x) *The collection area must be designed so that there is sufficient room for the standing and manoeuvring of all waste receptacles as well as standing room for the collection vehicle.*
- xi) *Any shutter or roller door providing access to the site/waste collection point must be fitted with a master key to Council's requirements to allow access.*

(Reason: To ensure an efficient and effective collection system.)

As previously discussed in the background section of this report, Council's Waste Officer has expressed the site's necessity in providing waste collection wholly from within the site. Accordingly, during the assessment of the subject application, various amendments were made to the design of

DA2018/064/03: 3 Homebush Road, Strathfield
Lot 20 DP 1101067 (Cont'd)

the development to accommodate for such requirements. The revised design now provides an at-grade collection bay in the front setback of the site with a temporary waste storage area immediately adjoining this area. A bin storage and a separate bulky storage area is now provided within basement level 2 of the building. Accordingly, bins will no longer be stored along the southern side boundary of the site as was previously required under the parent consent.

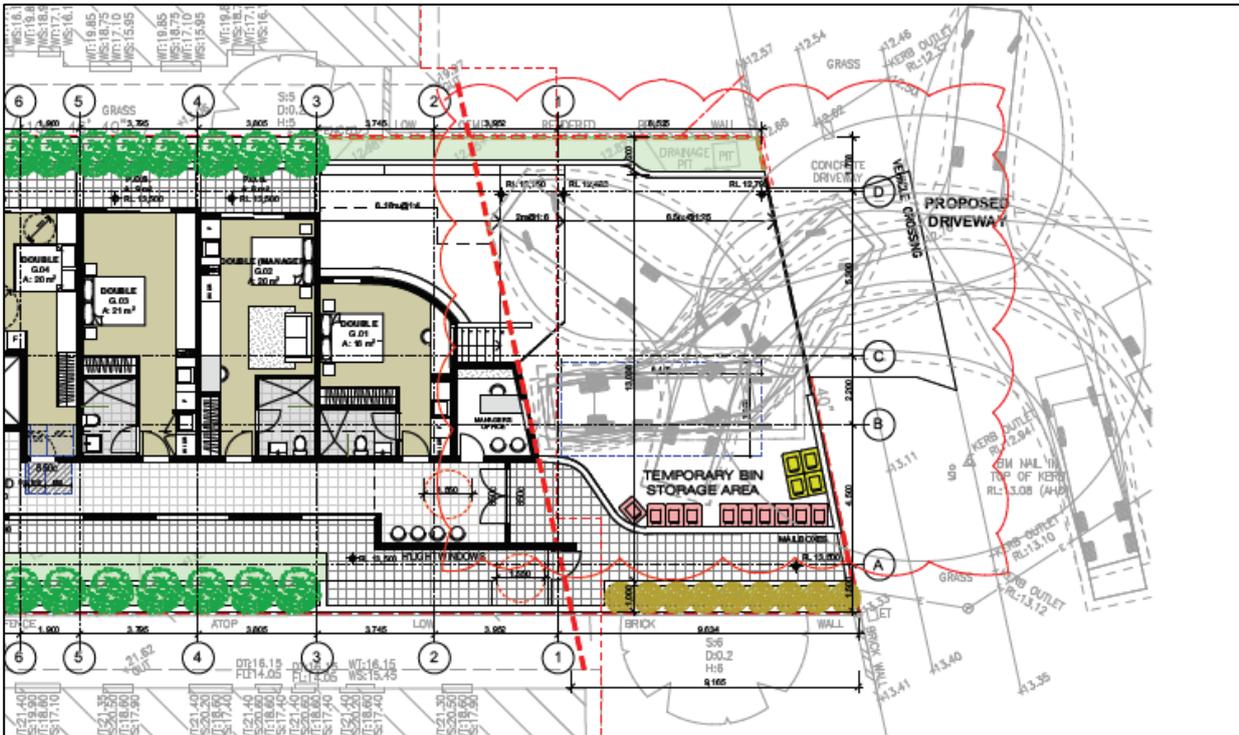


Figure 3: Proposed new ground floor plan demonstrating location of temporary storage area and at-grade loading bay.

NOTE: Due to the design changes required to be made to the development, it is recommended that the development description of the subject modification application be modified. It is recommended that the development description reads as follows:

Section 4.55(1A) Modification Application involving alterations and additions to existing development to provide an at-grade waste collection bay and waste storage areas

REFERRALS

INTERNAL REFERRALS

Waste Comments

Council’s Waste Officer has commented on the proposal as follows:

“Architectural plans indicate waste room for 9 X 240L waste bins, which is not sufficient even with Waste Management Plan indicating general waste service 2 times per week and recyclables serviced 1 time per week.

- *Waste bin storage area must accommodate easy access to all waste bins at a rate of 1.1m² per 240L bin and 2.03m² per 660L bin.*
- *For 38 rooms, bin requirements are:*
 - a. *Recycling bins*

DA2018/064/03: 3 Homebush Road, Strathfield
Lot 20 DP 1101067 (Cont'd)

- o **60L per room per week**
- o 7 (seven) x 660L Recycling Bins (fortnight collection)
- b. **Garbage Bins**
- o **120L per room per week**
- o 7 (seven) 660L Garbage Bins (weekly collection)
- Concerns in regards to future use of property should guarantee they maintain collection frequency or provide enclosed waste room for 14 X 660L waste bins.
- Onsite collection required and waste vehicle must not block access or disturb traffic. Waste collection vehicles must enter and exit the site in a forward direction. Collections must occur within the boundaries of the site without obstructing vehicle access to or from the site.
- Waste room must be enclosed to avoid odour, birds and other animals.
- Waste Management Plan shows written evidence from private contractor to provide onsite collection with Mini-Rear Loader Waste Collection Vehicle (Length: 6.345m; Width 1.700m; Height 2.080m)
- Modified architectural plans do not indicate bulk collection area. Bulk collection area must be provided at a rate of 4m² per 10 units, which must have minimum 15.2 m².

Amended plans were submitted to Council on 28 January 2020. The amended plans were referred to Council's Waste Officer for comment.

"Architectural plans and Waste Management Report 2 provided by Gary Dickens, Waste Management Consultant at Dickens Solutions Pty Ltd on 22nd January 2020 determined that:

- *Waste collection (general, recycling and bulky goods) will be collected onsite by Waste Wise (private licensed contractor) and vehicle will not obstruct vehicle access to or from the site, nor disturb traffic. Vehicles will exist site in forward direction.*
- *All services will be provided from within the site using a rear loading SRV.*
- *General waste will be collected twice per week (3 X 1100L waste bins)*
- *Recycling waste will be collected once per week (3 X 1100L waste bins)*
- *A 16 m² bulky waste room area will be provided on Basement 2*

Waste Management Plan must be amended according to Waste Report 2 and architectural plan must include 16m² bulky waste room. WMP and plans must then be submitted to Council to satisfy waste conditions."

The amended plans demonstrate that a 16m² bulky storage area is to be provided within basement level 2. Council's Waste Officer offered no objections to the proposal, subject to the imposition of recommended conditions of consent.

Traffic Comments

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

"The swept path analysis has not taken into consideration of the existing on-street parking in Homebush Road which may affect the SRV maneuverability.

Recommendation

Council's Traffic Engineer has determined that insufficient information has been submitted to enable an assessment of the proposal. The following information is required before any further assessment of the application can be undertaken:

DA2018/064/03: 3 Homebush Road, Strathfield
Lot 20 DP 1101067 (Cont'd)

- Amended swept paths to be superimposed on the plans that clearly indicate the kerb lines, existing on-street parking and traffic devices such as traffic islands and linemarkings
- Minimum 300mm vehicle body clearance to be adopted
- Council will not consider alter any existing on-street parking or traffic devices to cater for off-street parking access at the subject development.”

Amended plans and documentation were submitted to Council on 28 January 2020. The additional information was referred to Council’s Traffic Officer for comment.

“Assessment

The swept path analysis has been assessed and considered satisfactory.”

Council’s Traffic Engineer 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 of consideration contained within section 4.15C of the *Environmental Planning and Assessment Act, 1979* as relevant to the development application:

4.15(1)(a) the provisions of:

(i) any environmental planning instrument

State Environmental Planning Policy (SEPP) – BASIX 2004

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

The value of works is less than \$50,000 and as a result there is no requirement for the application to be assessed in accordance with the BASIX SEPP.

State Environmental Planning Policy (Affordable Rental Housing) 2009

The proposed development has been lodged under Part 2, Division 3 of the ARH SEPP which relates to the provision of ‘boarding houses’.

An assessment of the development against the development standards for boarding houses under the ARH SEPP is presented in the table below.

Clause	Development Control	Required	Proposal	Compliance
26	Permissibility	Permissible in the following zones: <ul style="list-style-type: none"> • R2 Low Density Residential • R3 Medium Density Residential • R4 High Density Residential • B1 Neighbourhood Centre • B2 Local Centre • B4 Mixed Use 	Within a prescribed zone (R3 – Medium Density Residential) under `SLEP	Yes.
27(2)	Location and access to facilities	If it is located in R2 – must be within an ‘accessible area’	N/A – not located in R2 zone	N/A.

DA2018/064/03: 3 Homebush Road, Strathfield
Lot 20 DP 1101067 (Cont'd)

29 Note: Unable to refuse based on compliance these standards	FSR	Max as per SLEP 2012: 1.45:1 (1,155.21m ²) PLUS incentive of 0.5:1 if the max FSR is > 2.5:1 = 1.95:1 (1,553.57m ²)	No change	Yes.
	Height	Max as per SLEP: 14m	No change	Yes.
	Landscaping	Front setback is compatible with streetscape	The front setback of the development is to remain unchanged. Whilst the proposal results in a minor reduction in landscaping in the front setback, a continuous row of screen planting will still be provided along the side and rear boundaries of the site.	Yes.
	Parking	In an 'accessible area': 0.5 spaces per room 35 lodger rooms are proposed, therefore 18 (17.5) spaces are required.	The proposal will not result in any loss of parking to be provided on the site.	Yes
30A	Character	A consent authority must not consent to development to which this division applies unless it has taken into consideration whether the design of the development is compatible with the character of the local area.	The proposal will continue to achieve a suitable level of compatibility with the medium density character of the area. The proposed development will continue to provide visual interest in the streetscape whilst providing a suitable level of amenity for future occupants of the site.	Yes.

DA2018/064/03: 3 Homebush Road, Strathfield
Lot 20 DP 1101067 (Cont'd)

Strathfield Local Environmental Plan (SLEP) 2012

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

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

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

Permissibility

Boarding houses are permissible within the R3 – Medium Density Residential Zone with consent. No change is proposed to the approved use of the site for the purpose of a boarding house.

Conditions of consent were imposed under the parent consent to ensure the boarding house operates within the confines of its approved use in accordance with the abovementioned boarding house definition provided by the SLEP 2012 (refer to Condition 4).

Zone Objectives

An assessment of the proposal against the objectives of the R3 – Medium Density Residential Zone as included below:

Objectives	Complies
• To provide for the housing needs of the community within a medium density residential environment.	Yes
• To provide a variety of housing types within a medium density residential environment.	Yes
• To enable other land uses that provide facilities or services to meet the day to day needs of residents.	Yes

Comments: The proposed modifications will enable the adequate provision of waste management, which is required for the site. The site can now be serviced by the waste contractor elected to service the site with bin areas suitably provided within the basement and ground floor levels of the site. The proposed modifications are considered compatible with prevailing residential flat developments within the streetscape.

DA2018/064/03: 3 Homebush Road, Strathfield
Lot 20 DP 1101067 (Cont'd)

Part 4: Principal development standards

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

Part 5: Miscellaneous Provisions

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

Part 6: Local Provisions

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

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

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

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

STRATHFIELD CONSOLIDATED DEVELOPMENT CONTROL PLAN (SCDCP) 2005

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

PART H - WASTE MANAGEMENT (SCDCP 2005)

The original approval provided for an at-grade bin storage area which was to be allocated along the southern side boundary of the site. A condition of consent was imposed to ensure that a larger bin area be provided along the southern side boundary of the site which achieves compliance with the minimum bin numbers as per Part H of the SCDCP 2005.

The Applicant identified that opportunities to provide the required amount of bins along the southern side boundary of the site are not possible. The space along the southern side portion of the site is already heavily restricted by the common walkway which provides access to the site as well as the boundary screen planting. Consequently, in order to enable waste collection to occur wholly from within the site as well as to provide sufficient space for bin storage, the design was required to be modified.

The amended plans submitted during the assessment of this application now propose an at-grade waste collection bay to be provided within the front portion of the site. A series of turning circles have been submitted as part of this application to support the location of the bay and demonstrate that the waste collection vehicle is capable of entering and exiting the site in a forward direction. This is now supported by Council's Traffic Engineer.

The plans have further been amended to include a waste collection area within basement level 2 of the development. A 16m² bulky storage area is also provided immediately adjacent the basement garbage bin room which meets the waste management requirements of the site. This is supported by Council's Waste Officer.

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*.

DA2018/064/03: 3 Homebush Road, Strathfield
Lot 20 DP 1101067 (Cont'd)

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

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

Having regard to these prescribed matters, the proposed development is located on land subject to the Government Coastal Policy as determined by Clause 92(1)(a)(ii) and does not 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

Overall, the proposal has been considered with respect to adjoining properties to minimise adverse impacts to adjoining neighbours and achieve an appropriate level of streetscape compatibility. The proposal will result in an improved streetscape and planning outcome by providing sufficient waste collection areas thereby reducing potential disruptions to traffic flow.

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

The approved development as modified by the current Section 4.55(1A) application does not alter the suitability of the development to the site. The modification(s) sought as part of this application involve minimal environmental impact and will result in substantially the same development for which consent was originally granted.

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

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

4.15(1)(e) the public interest

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

SECTION 7.11 CONTRIBUTIONS

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

- “(1) If a consent authority is satisfied that development for which development consent is sought will or is likely to require the provision of or increase the demand for public amenities and public services within the area, the consent authority may grant the development consent subject to a condition requiring:
- (a) the dedication of land free of cost, or
 - (b) the payment of a monetary contribution, or both.

DA2018/064/03: 3 Homebush Road, Strathfield
Lot 20 DP 1101067 (Cont'd)

- (2) *A condition referred to in subsection (1) may be imposed only to require a reasonable dedication or contribution for the provision, extension or augmentation of the public amenities and public services concerned.*

This Section 4.55(1A) application does not trigger any changes to the original condition of consent requiring payment of a Section 7.11 contribution in accordance with Council's Section 94 Contributions Plan.

CONCLUSION

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

PEER REVIEW

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

RECOMMENDATION

Pursuant to Section 4.55(1A) of the Environmental Planning and Assessment Act 1979, the proposed modification(s) to Development Consent No. 2018/064 involving modifications to waste management on the site to include at-grade waste collection bay and waste storage areas at 3 Homebush Road, Strathfield be APPROVED, subject to:

1. The original conditions of consent of Development Application No. (DA2018/064) as approved by SLPP on 4 October 2018 for demolition of existing residential flat building and construction of a boarding house comprised of (36) rooms accommodating up to (72) people over two (2) levels of basement parking under the Affordable Rental Housing SEPP 2009.
2. As modified by the Section 4.55(1A) application (DA2018/064/03) as follows:
 - Modify Development Description of modification;
 - Modify Condition 3; and
 - Modify Condition 49.

Development Description of Modification: Alterations and additions to existing development to provide an at-grade waste collection bay and waste storage areas

SPECIAL CONDITIONS (SC)

1. AMENDED LANDSCAPE PLAN (SC)

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

The plan must include the following information:

- i) Details demonstrating compliance with SCDCP 2005 in relation to landscaping requirements;
- ii) location of all existing and proposed landscape features including materials to be

DA2018/064/03: 3 Homebush Road, Strathfield
Lot 20 DP 1101067 (Cont'd)

- used;
- iii) All trees to be retained, removed or transplanted;
 - iv) Existing and proposed finished ground levels;
 - v) Top and bottom wall levels for both existing and proposed retaining and free standing walls; and
 - vi) A detailed plant schedule which includes proposed species listed by botanical (genus and species) and common names, quantities of each species, pot sizes and the estimated size at maturity. A minimum of 25% of species shall be locally sourced indigenous species. Species shall be predominantly selected from Council's Recommended Tree List.
 - vii) Details demonstrating that the common open space area has been relocated to the north-western portion of the site as dictated by the endorsed architectural plans.

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

(Reason: Landscape quality.)

2. **RE-ALLOCATION OF PARKING SPACE AND BICYCLE PARKING BAY (SC)**

The bicycle parking bay on level 2 of the basement shall be redesigned as a carparking space which achieves compliance with AS/NZS 2890.1:2004. Bicycle parking is to be provided at-grade preferably along the southern side boundary of the site. Amended plans demonstrating compliance with these requirements shall be submitted to and approved by Council and a Principal Certifying Authority **prior to the issue of a Construction Certificate**.

(Reason: To achieve compliance with requirements of the ARH SEPP 2009)

GENERAL CONDITIONS (GC)

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

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

Plans affixed with Council's 'Development Consent' stamp relating to Development Consent No. 2018/064:

Drawing No.	Title/Description	Prepared by	Issue / Revision & Date	Date received by Council
DA1003	Demolition Plan	Urbanlink	C	20 August 2018
DA2001	Basement 02	Urbanlink	C G	20 August 2018 28 January 2020 MODIFIED: DA2018/064/02
DA2002	Basement 04	Urbanlink	C G	20 August 2018 28 January 2020 MODIFIED: DA2018/064/02

DA2018/064/03: 3 Homebush Road, Strathfield
Lot 20 DP 1101067 (Cont'd)

DA2003	Ground Floor Plan	Urbanlink	C G	20 August 2018 28 January 2020 MODIFIED: DA2018/064/02
DA2004	Level 01	Urbanlink	C	20 August 2018
DA2005	Level 02	Urbanlink	C	20 August 2018
DA2005	Level 03	Urbanlink	C	20 August 2018
DA2005	Roof Plan	Urbanlink	C	20 August 2018
DA3001	North & South Elevations	Urbanlink	C	20 August 2018
DA3002	East & West Elevations and Streetscape	Urbanlink	C	20 August 2018
DA4001	Section AA & Ramp Section	Urbanlink	C	20 August 2018
DA6301	Colour Schedule	Urbanlink	C	20 August 2018
LS01	Landscape Plan	Melissa Wilson Landscape Architects	B	19 July 2018
A8180 - COVER	Stormwater Plans - Cover	Alpha Engineering	C	19 July 2018
A8180 – SW01	Sediment and Erosion Control Plan	Alpha Engineering	C	19 July 2018
A8180-SW02	Basement 2 Drainage Plan	Alpha Engineering	C	19 July 2018
A8180-SW03	Basement 1 Drainage Plan	Alpha Engineering	C	19 July 2018
A8180-SW04	Ground Floor Drainage Plan	Alpha Engineering	C	19 July 2018
A8180-SW05	Roof Drainage Plan	Alpha Engineering	C	19 July 2018
A8180-SW06	Stormwater Sections & Details	Alpha Engineering	C	19 July 2018

Reference Documentation affixed with Council's 'Development Consent' stamp relating to Development Consent No. 2018/064:

Title / Description	Prepared by	Issue/Revision & Date	Date received by Council
Flood Impact Report	Alpha Engineering	Ref.: A8180 - REV C Issue Date: 18th of JULY 2018	19 July 2018
Arboricultural Impact Assessment and Tree Management Plan	Redgum Horticultural	Prepared 20 June 2018	20 August 2018
Traffic Report	Varga Traffic Planning	18 July 2018 Ref 17262	19 July 2018
Waste Management	Dickens Solutions	Dated 22 January	28 January 2020

DA2018/064/03: 3 Homebush Road, Strathfield
Lot 20 DP 1101067 (Cont'd)

Report	Pty Ltd	2020	MODIFIED: DA2018/064/02
Loading Bay Design Advice	TTM Consulting Pty LTD	21 January 2020	28 January 2020 MODIFIED: DA2018/064/02

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.)

MODIFIED: DA2018/064/02 – 6 March 2020

4. BOARDING HOUSE - APPROVED USE (GC)

- The boarding house must be operated in accordance with the Boarding Houses Act 2012.
- The boarding house is required to be registered on a register administered by NSW Fair Trading within 28 days where a proprietor takes over an existing, or begins operating a new, registrable boarding house.

Council will carry out initial (within the first 12 months) and ongoing inspections in accordance with the Boarding Houses Act 2012 subject to payment of inspection fees as detailed in Council's Fees and Charges schedule.

- The boarding house is to comply with the approved Plan of Management required by this consent.
- The use of the premises as a boarding house must comply always with the following:
 - a) A copy of the Plan of Management and House Rules must be annexed to every tenancy/occupation agreement for a room;
 - b) A copy of the approved Plan of Management and House Rules must be clearly displayed within the common room in the building at all times;
 - c) All tenancy/occupation agreements for rooms within the premises must be for a minimum period of three (3) months;
 - d) The premises must be used exclusively as a boarding house containing a maximum total of **72** residents including 70 lodgers and 2 residents in the on-site manager's room, with **2** lodger(s) permitted per lodger room;
 - e) The premises must not be adapted for use as backpacker's accommodation, serviced apartments or a residential flat building;
 - f) All common rooms/areas and recreation rooms/areas must be maintained at all times for the use of the lodgers;
 - g) Each self-contained room be fitted out with washing up facilities, a cooktop, microwave oven, fridge and storage space with such utilities being maintained in working order at all times;
 - h) All rooms within the boarding house must be connected to a centralised electricity, water and gas (if installed) service and room tariffs must not include a separate charge for these services; and
 - i) The communal room shall be provided with an oven and cooktop.
- The Plan of Management must be updated to reflect the requirements outlined within this condition.

DA2018/064/03: 3 Homebush Road, Strathfield
Lot 20 DP 1101067 (Cont'd)

- Any proposed amendments to the Management Plan are to be submitted to Council for consideration and approval prior to any amendments being made.
- If the operator of the boarding house alters from the operator nominated in the Plan of Management, a new Plan of Management is to be submitted to Council within 28 days of the change in operator unless it is confirmed in writing that the new operator will comply with the Plan of Management approved as part of this consent.

(Reason: To ensure the development is the permanent place of residence for occupants and ensure occupants abide by the rules and regulations identified in the Plan of Management.)

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

The height of the building must not exceed RL25.5 to the roof ridge of the building.

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

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

DA2018/064/03: 3 Homebush Road, Strathfield
Lot 20 DP 1101067 (Cont'd)

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.)

10. **LANDSCAPING - CANOPY TREES IN FRONT SETBACK (GC)**

New development shall provide at least two (2) canopy trees within the front setback adjacent the front boundary (existing trees may be included). New canopy trees shall be at least three (3) metres high at the time of planting and capable of reaching a mature height of 10m.

Species shall be selected from Council's Recommended Tree List (Available from Council's website or from the Customer Service Centre). Compliance with this condition is to be demonstrated to the Principal Certifying Authority, prior to the issue of any Occupation Certificate.

(Reason: To ensure the landscape character of the locality is maintained.)

11. **LANDSCAPING - IRRIGATION OF COMMON AND PRIVATE LANDSCAPE AREAS (GC)**

All common and private landscape areas including all planters of new multi-unit, commercial, mixed-use and industrial development are to have full coverage by a fully automatic irrigation system. The design, materials and installation are to be in accordance with Sydney Water Codes and satisfy all relevant Australian Standards. Details demonstrating compliance shall be submitted to the Principal Certifying Authority, prior occupation of the premises.

(Reason: To ensure appropriate landscape maintenance.)

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

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

All trees recommended to be removed as submitted in the arborist report by Redgum Horticultural prepared 20 June 2018 received by Council 20 August 2018 are permitted to be removed to accommodate the proposed development.

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

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

DA2018/064/03: 3 Homebush Road, Strathfield
Lot 20 DP 1101067 (Cont'd)

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

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

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

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

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

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

13. SITE ACCESS AND UTILITY SERVICES – TREE PRESERVATION (GC)

All street trees and trees on private property are protected under Council's planning controls.

All healthy trees and shrubs identified for retention on the approved drawings are to be suitably protected in accordance with Australian Standard AS4970 - 2009, Protection of Trees on Development Sites.

All protected trees are to be pruned in accordance with AS 4373 – 2007, Pruning of amenity trees, by and Australian Qualification framework level 3 qualified arborist.

Existing utility connections are to be maintained so that they do not impact on the canopy or root systems of Council's trees. No new utility services (including the temporary or permanent relocation of domestic power pole and connections) are to be located within the canopy or root zone of Councils Street trees without the written consent of Council.

The pruning of a Council tree for site access without Council's written consent is prohibited. Applicants are to make an application for street tree pruning 28 days prior to commencement of all demolition or site works. Applications for site access pruning are to include precise detailed information and support documentation regarding the branches to be pruned. As a general rule clearance pruning of branches of greater than 50mm diameter and a clearance height of 3.5 metres will not be approved.

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

14. 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

DA2018/064/03: 3 Homebush Road, Strathfield
Lot 20 DP 1101067 (Cont'd)

approval of Council.

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

15. 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.)

16. 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.)

17. PRIVACY - SCREEN PLANTING TO SIDE AND REAR BOUNDARIES (GC)

Evergreen shrubs with a minimum 5 litre container size achieving a minimum mature height of 3m shall be planted along the side and rear boundaries to provide suitable privacy screening. Screen planting shall be maintained at all times. Details of the selected plants shall be submitted to and approved by the Principal Certifying Authority. Compliance with this condition shall be certified by the Principal Certifying Authority, prior to occupation of the premises.

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

18. 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.

**DA2018/064/03: 3 Homebush Road, Strathfield
Lot 20 DP 1101067 (Cont'd)**

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

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

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

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

For Quick Check agent details please refer to the web site www.sydneywater.com.au (see

DA2018/064/03: 3 Homebush Road, Strathfield
Lot 20 DP 1101067 (Cont'd)

Building Developing and Plumbing then Quick Check) or telephone 13 20 92. The consent authority or a Certifying Authority must ensure that a Quick Check agent/Sydney Water has stamped the plans before the commencement of work.

(Reason: Compliance with Sydney Water requirements.)

20. **UTILITIES AND SERVICES - PROTECTION OF (GC)**

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

- i) All footings and excavation must be located wholly within the site and clear of any easement boundaries;
- ii) All footings and excavation must be located a minimum of 1000mm from the centreline of the pipeline or 500mm from the outside of the pipeline, whichever is the greater distance from the centreline; and
- iii) Footings must extend to at least the depth of the invert of the pipeline unless the footings are to be placed on competent bedrock.

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

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

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

(Reason: To ensure protection of Council assets.)

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

21. **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.)

22. **ACCESS - DISABLED TOILETS (CC)**

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

DA2018/064/03: 3 Homebush Road, Strathfield
Lot 20 DP 1101067 (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.)

23. **BICYCLE STORAGE PROVISION (CC)**

On-site provision for bicycle storage facilities shall be in accordance with the provisions of Clause 30 of the ARH SEPP. Details demonstrating compliance shall be submitted to the Principal Certifying Authority, prior to the issue of a Construction Certificate.

(Reason: Compliance with SCDGP 2005 and to encourage sustainable transport options.)

24. **BOARDING HOUSE - CONSTRUCTION OF (CC)**

The construction of the boarding house shall comply with all applicable legislation/regulation and standards, including:

- i) Boarding Houses Act 2012;
- ii) Boarding Houses Regulation 2013;
- iii) Local Government Act 1993; and
- iv) Local Government Regulation 2005.

Details demonstrating compliance shall be submitted to the Principal Certifying Authority, prior to occupation of the premises.

(Reason: To ensure compliance with relevant legislation.)

25. **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.)

26. **CAR PARKING - BASEMENT CAR PARKING REQUIREMENTS (CC)**

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

**DA2018/064/03: 3 Homebush Road, Strathfield
Lot 20 DP 1101067 (Cont'd)**

- i) Minimal internal clearance of the basement is 2.2m in accordance with BCA requirements.
- ii) Driveways shall comply with Australian/New Zealand Standard AS/NZS 2890.1:2004 - Parking facilities - Off-street car parking and achieve a maximum gradient of 1:4.
- iii) Basement entries and ramps/driveways within the property are to be no more than 3.5m wide.
- iv) Provision of pump-out systems and stormwater prevention shall be in accordance with Council's Stormwater Management Guide.

(Reason: To ensure suitable development.)

27. CAR PARKING - DISABLED CAR PARKING SPACES (CC)

Two (2) of the car parking spaces provided as part of the total requirement shall be reserved for disabled persons. These spaces 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.

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.)

28. 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

**DA2018/064/03: 3 Homebush Road, Strathfield
Lot 20 DP 1101067 (Cont'd)**

Certifying Authority prior to the issue of any Occupation Certificate for the 'as-built works'.

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

29. 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.)

30. 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.)

31. 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.)

32. CONSTRUCTION AND ENVIRONMENTAL MANAGEMENT PLAN (CC)

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

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

DA2018/064/03: 3 Homebush Road, Strathfield
Lot 20 DP 1101067 (Cont'd)

- the collection and treatment of stormwater and wastewater generated on site prior to discharge; and
- procedures to prevent run-off of solid material and waste from the site.
- v) Waste management, including:
 - details of the types and estimated volumes of waste materials that will be generated;
 - procedures for maximising reuse and recycling of construction materials; and
 - details of the off-site disposal or recycling facilities for construction waste.
- vi) Dust control, outlining measures to minimise the generation and off-site transmission of dust and fine particles, such as watering or damp cloth fences.
- vii) A soil and water management plan, which includes:
 - measures to minimise the area of soils exposed at any one time and conserve top soil;
 - identification and protection of proposed stockpile locations;
 - preservation of existing vegetation and revegetation;
 - measures to prevent soil, sand, sediments leaving the site in an uncontrolled manner;
 - measures to control surface water flows through the site in a manner that diverts clean run-off around disturbed areas, minimises slope gradient and flow distance within disturbed areas, ensures surface run-off occurs at non-erodible velocities, and ensures disturbed areas are promptly rehabilitated;
 - details of sediment and erosion control measures in place before work commences;
 - measures to ensure materials are not tracked onto the road by vehicles entering or leaving the site; and
 - details of drainage to protect and drain the site during works.
- viii) Asbestos management procedures:
 - Anyone who removes, repairs or disturbs bonded or a friable asbestos material must hold a current removal licence from Workcover NSW holding either a Friable (Class A) or a Non- Friable (Class B) Asbestos Removal License which ever applies and a current WorkCover Demolition License where works involve demolition. To find a licensed asbestos removalist please see www.workcover.nsw.gov.au
 - Removal of asbestos by a person who does not hold a Class A or Class B asbestos removal license is permitted if the asbestos being removed is 10m² or less of non-friable asbestos (approximately the size of a small bathroom). Friable asbestos materials must only be removed by a person who holds a current Class A asbestos license.
 - Before starting work, a work site-specific permit approving each asbestos project must be obtained from WorkCover NSW. A permit will not be granted without a current WorkCover licence. All removal, repair or disturbance of or to asbestos material must comply with the following:
 - The Work Health and Safety Act 2011;
 - The Work Health and Safety Regulation 2011;
 - How to Safety Remove Asbestos Code of Practice – WorkCover 2011; and
 - Safe Work Australia Code of Practice for the Management and Control of Asbestos in the Workplace.
 - Following completion of asbestos removal works undertaken by a licensed asbestos removalist re-occupation of a workplace must not occur until an independent and suitably licensed asbestos removalist undertakes a clearance inspection and issues a clearance certificate.
 - The developer or demolition contractor must notify adjoining residents at least two (2) working days (i.e. Monday to Friday exclusive of public holidays) prior to the commencement of asbestos removal works. Notification is to include, at a

DA2018/064/03: 3 Homebush Road, Strathfield
Lot 20 DP 1101067 (Cont'd)

minimum:

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

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

33. 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

DA2018/064/03: 3 Homebush Road, Strathfield
Lot 20 DP 1101067 (Cont'd)

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.)

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

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

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

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

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

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

35. **DRIVEWAY WIDTH - MULTI-UNIT DEVELOPMENT (CC)**

The internal driveway must be a minimum 5.50m wide (clear width) for the first 6 metres inside the property so as to allow entering & exiting vehicles to pass within the site. Should the driveway narrow after this point it is then to be designed with a minimum 1.5m x 1.5m splay to allow the passing to work. Details demonstrating compliance shall be submitted to the Principal Certifying Authority, prior the issue of a Construction Certificate.

(Reason: Safety and traffic management.)

DA2018/064/03: 3 Homebush Road, Strathfield
Lot 20 DP 1101067 (Cont'd)

36. **DRIVEWAY DESIGN – CONVEX MIRROR AND STOP SIGN ON EXIT (CC)**

The applicant shall install a stop sign and a convex mirror at the exit from the site. The stop sign must be accompanied by the associated line marking. 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.)

37. **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.)

38. **EXCAVATION - AFFECTING ADJOINING LAND (CC)**

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

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

DA2018/064/03: 3 Homebush Road, Strathfield
Lot 20 DP 1101067 (Cont'd)

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

(Reason: Structural safety.)

39. **FLOODING - COMPLY WITH FLOOD IMPACT REPORT (CC)**

The applicant shall comply with the flood recommendations provided in the Flood Impact Report prepared by ALPHA Engineering and Development ref: A8180 – REV C dated 18 July 2018. A certificate from a suitably qualified Engineer shall be submitted to the Certifying Authority stating compliance with these recommendations, prior to the issue of a Construction Certificate.

(Reason: To mitigate flood risk and associated damage.)

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

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

Provision of Community Facilities	\$35,755.42
Provision of Major Open Space	\$162,676.45
Provision of Local Open Space	\$55,752.76
Provision Roads and Traffic Management	\$16,180.46
Administration	\$3,083.10
TOTAL	\$273,448.19

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

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

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

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

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

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

A security (damage deposit) of **\$24,000.00** (calculated in accordance with Council's adopted Fees and Charges) shall be paid to Council, prior to the issue of a Construction Certificate.

The deposit is required as security against any damage to Council property during works on the site. The applicant must bear the cost of all restoration works to Council's property

DA2018/064/03: 3 Homebush Road, Strathfield
Lot 20 DP 1101067 (Cont'd)

damaged during the course of this development. All building work must be carried out in accordance with the Building Code of Australia.

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

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

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

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

(Reason: Protection of Council infrastructure.)

42. **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.)

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

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

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

- i) description of the demolition, excavation and construction works;
- ii) site plan/s showing the site, roads, footpaths, site access points and vehicular movements;
- iii) size, type and estimated number of vehicular movements (including removal of excavated materials, delivery of materials and concrete to the site);
- iv) proposed route(s) from the arterial (state) road network to the site and the proposed route from the site back to the arterial road network;
- v) impacts of the work and vehicular movements on the road network, traffic and

DA2018/064/03: 3 Homebush Road, Strathfield
Lot 20 DP 1101067 (Cont'd)

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

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

44. **TREE BONDS (CC)**

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

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

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

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

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

DA2018/064/03: 3 Homebush Road, Strathfield
Lot 20 DP 1101067 (Cont'd)

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

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

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

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

46. **BIN ALLOCATION (CC)**

(a) Multi Dwelling Housing Developments requiring communal bin storage and the residential component of shop top housing developments.

The development will require the provision of the following waste and recycling facilities:

- Domestic Waste – [10] x [240L] mobile bins.
- Domestic Recycling – [4] x [240L] mobile bins.

Applicants requesting 660L bins must provide onsite collection and have a large hardstand for bin presentation.

(Reason: To ensure sufficient space and waste collection containers provided.)

47. **WASTE AND RECYCLING STORAGE ROOMS (CC)**

Waste (including grease arrestor rooms) and recycling storage rooms must meet all of the following conditions:

- i) The waste and recycling storage room must be of adequate dimensions to comfortably accommodate the required number of waste and recycling bins
 - 240L bin must have 1.1m² of space per bin
 - 660L bin must have 2.03m² of space per bin
- ii) The layout of the waste and recycling storage room must allow easy unobstructed access to all bins (stacked bin arrangements are not acceptable) and allow the bins to be easily removed for servicing purposes.
- iii) A smooth concrete floor graded and drained to a floor waste connected to the sewer of the Water Board.
- iv) The walls being cement rendered with the intersection of the walls and floor being coved to a radius of not less than 25mm.
- v) The door being close fitting to prevent the access of rats and mice.
- vi) A cold water hose cock being provided for the cleaning of containers and the room itself.
- vii) Ventilation being provided by means of direct connection to the outside air to the satisfaction of Council.
- viii) The ceiling of all waste storage rooms must be constructed of a rigid smooth faced non-absorbent material. The ceiling must be a minimum of 2.4m high to accommodate Council's standard bins. This enables access for use, cleaning and enables the lids of bins to be fully opened.
- ix) Contain a sign, minimum size 600mm x 600mm, directing residents not to place recyclables in garbage carts and encouraging residents to recycle. Sample artwork and signs available from Council.

DA2018/064/03: 3 Homebush Road, Strathfield
Lot 20 DP 1101067 (Cont'd)

- x) Arrangements must be in place regarding the regular maintenance and cleaning of waste management facilities.
- xi) A caretaker or individual(s) shall be nominated as being responsible for transferring the bins to the collection point and back into the waste storage room/area.
- xii) Detailed plans of waste and recycling storage rooms must be submitted along with Waste Management Plan and Waste and Recycling Storage Room/Area Design Checklist.

(Reason: To keep garbage rooms in a clean and sanitary condition to protect public health.)

48. **BULKY WASTE STORAGE (CC)**

A store room for storage of bulky household waste such as lounges is to be provided which meets the following conditions:

- i) Bulky waste rooms/areas must be a minimum of 4m² per 10 dwellings.
- ii) Bulky waste (Clean Up) rooms/areas should be located adjacent to waste and recycling storage rooms.
- iii) Bulky waste rooms/areas must contain a sign, minimum size 600mm x 600mm, directing residents the types of waste which can be deposited and the collection process. Sample artwork and signs available from Council.

(Reason: To ensure hard waste is separated and collected efficiently.)

49. **ONSITE WASTE COLLECTION**

~~Onsite waste and recycling collection is to be provided, all onsite collection areas must meet the following conditions:~~

- ~~i) Minimum vehicle access and standing area dimensions:
 - Width 3.6m
 - Height 3.6m
 - Length 14m
 - Path of travel of waste collection vehicle must be identified on plans; ensure turning circle, height and width requirements are met throughout entire path of travel.~~
- ~~ii) Maximum grade of ramps and driveway 1:5 (20%) suitable for collection vehicle access.~~
- ~~iii) Waste collection area must have room for all waste receptacles and the waste collection vehicle.~~
- ~~iv) Applicant can select the following:~~

At-grade collection

- ~~• A waste collection point is to be provided:
 - behind the front building line,
 - alongside the driveway into the site.
 - Collection vehicles may access the at grade collection point in a forward or backwards direction and exit in a forward direction only (waste vehicles must not reverse along a main road).~~
- ~~v) Collection vehicles must not impede access to, within or from the site for other users.~~
- ~~vi) The path of travel for moving bins from the storage area to the identified collection point (if collection is to occur away from the storage area) should be clearly identified.~~

DA2018/064/03: 3 Homebush Road, Strathfield
Lot 20 DP 1101067 (Cont'd)

- ~~vii) The waste collection point shall be no more than 15m from the property boundary at the street.~~
- ~~viii) There should be convenient and step free access between the waste storage room/area and the collection point.~~
- ~~ix) The collection area must be designed so that the bin standing area, and the standing area for the vehicle, is level.~~
- ~~x) The collection area must be designed so that there is sufficient room for the standing and manoeuvring of all waste receptacles as well as standing room for the collection vehicle.~~
- ~~xi) Any shutter or roller door providing access to the site/waste collection point must be fitted with a master key to Council's requirements to allow access.~~

Onsite waste and recycling collection is to be provided in accordance with the Waste Management Report prepared by Dickens Solutions Pty Ltd dated 22 January 2020.

(Reason: To ensure an efficient and effective collection system.)

MODIFIED DA2018/062/03 – 6 March 2020

50. WATER SUSTAINABILITY – GENERALLY (CC)

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

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

(Reason: To promote sustainable water management practice.)

51. WORKS ZONE - APPROVAL BY COUNCIL'S TRAFFIC COMMITTEE (CC)

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

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

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

(Reason: Council requirement.)

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

DA2018/064/03: 3 Homebush Road, Strathfield
Lot 20 DP 1101067 (Cont'd)

52. 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.)

53. 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.)

DA2018/064/03: 3 Homebush Road, Strathfield
Lot 20 DP 1101067 (Cont'd)

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

54. FILL MATERIAL (DW)

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

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

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

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

55. 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.)

56. 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.)

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

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

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

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

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

CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE

DA2018/064/03: 3 Homebush Road, Strathfield
Lot 20 DP 1101067 (Cont'd)

(OC)

58. ENGINEERING WORKS (CERTIFICATION OF)

Prior to occupation of the premises, a Work As Executed (WAE) Plan of all engineering and/or drainage works is to be submitted to the Principal Certifying Authority. The WAE Plan is to be certified by a suitably Qualified Engineer, with Corporate Membership standing in the Institution of Engineers Australia and registered on the National Professional Engineers Register (NPER) under the appropriate professional category, demonstrating that:

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

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

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

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

(Reason: Asset management.)

59. 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.)

60. 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:

DA2018/064/03: 3 Homebush Road, Strathfield
Lot 20 DP 1101067 (Cont'd)

- 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.)

61. 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.)

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

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

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

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

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

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

63. BOARDING HOUSES - OPERATIONAL PLAN OF MANAGEMENT (OU)

An Operational Plan of Management is to be formulated and submitted to Council for approval, prior to the issue of any Occupation Certificate.

The Plan of Management must include the minimum criteria as stipulated in Schedule 2 (Standards for Places of Shared Accommodation) of the Local Government (General) Regulation, 2005 under the Local Government Act 1993, the Public Health Act, 1991, Boarding Houses Act 2012 and Boarding Houses Regulation 2013.

The plan shall be dated and the name and signature of the author of the document shall be included. The Plan of Management shall be displayed in prominent locations within the premises and a copy of the Plan shall be provided to all residents of the boarding house.

**DA2018/064/03: 3 Homebush Road, Strathfield
Lot 20 DP 1101067 (Cont'd)**

The on-site Caretaker shall be responsible for ensuring that the terms of the Plan are adhered to at all times.

This Operational Plan of Management must incorporate the following:

- i) All the measures to be implemented on the premises in terms of safety & security, amenity and health including but not limited to matters relating to curfews and after-hours access, bringing of visitors on to the site, drug and alcohol policy (including smoking), and use of communal areas etc.
- ii) All the responsibilities of the Caretaker/Manager.
- iii) An Incident Register to be maintained by the Caretaker. This Register must be produced upon demand by any Council officer or NSW Police Officer. The Register must contain a direction that all incidents of a criminal nature are to be reported to the Police immediately.
- iv) Prior to commencement of the boarding house use, a notification letter shall be forwarded to Council, the Police and neighbours providing contact details for the Caretaker/Manager so that any issues regarding the operation of the premises etc can be addressed promptly. Evidence of this letter being forwarded as required in this condition shall be provided to the Principal Certifying Authority, prior to the issue of any Occupation Certificate and commencement of the use.

The Plan of Management referred to in this condition shall be reviewed by Council annually from the date of issue of an Occupation Certificate by the Principal Certifying Authority. The operator of the boarding house shall contact Council annually to carry out this review and the review shall include the Incident Register referred to in point (iii) above. Should amendments be made to the Plan of Management an updated version of same shall be provided to Council and the residents of the boarding house within one (1) month of the annual review being completed.

(Reason: To minimise the impact of the use on surrounding residences.)

64. BOARDING HOUSE - ONGOING USE OF (OU)

Ongoing operation of the approved use for the purpose of a boarding house shall comply with the following:

- i) Use of the premises shall remain consistent with the definition of 'boarding house' as defined under Strathfield Local Environmental Plan 2012 as a building that:
 - is wholly or partly let in lodgings, and
 - provides lodgers with a principal place of residence for 3 months or more, and
 - may have shared facilities, such as a communal living room, bathroom, kitchen or laundry, and
 - has rooms, some or all of which may have private kitchen and bathroom facilities, that accommodate one or more lodgers but does not include backpackers" accommodation, a group home, a serviced apartment, seniors housing or hotel or motel accommodation.
- ii) Subdivision of the approved boarding house under strata or community title is prohibited.
- iii) The use and operation of the boarding house shall comply with all applicable legislation/regulation and standards, including:
 - Boarding Houses Act 2012;
 - Boarding Houses Regulation 2013;
 - Local Government Act 1993; and
 - Schedule 2 (Standards for Places of Shared Accommodation) of the Local

DA2018/064/03: 3 Homebush Road, Strathfield
Lot 20 DP 1101067 (Cont'd)

Government (General) Regulation 2005.

- iv) The maximum number of persons accommodated in a bedroom, or in a cubicle of a dormitory, must not exceed the number determined by allowing a minimum floor area within the bedroom or cubicle in accordance with the relevant provisions under the Public Health Act 1991 for each person.
- v) No speakers or music is permitted outdoors or in the communal areas.
- vi) The Boarding house is required to be registered on a register administered by NSW Fair Trading.

(Reason: To minimise the impact of the boarding house on surrounding residences.)

65. MAINTENANCE AND PROTECTION OF LANDSCAPING AND SOFT LANDSCAPED AREAS (OU)

The applicant and property owner/s are to maintain and enhance the completed landscape works in all private and strata areas, in accordance with the approved landscape design and conditions of development (inclusive of the maintenance and protection of all retained and planted trees).

In this regard the applicant is to provide an annual statement to Council, on or by the 1 July of each calendar year, for the first 5 years after the issue of the occupation certificate, from an AQF Level 5 Landscape Designer or Landscape Architect certifying that;

- All plants (including planted and retained trees) are in a healthy safe condition.
- The turf areas are well maintained.
- The landscaped area is free of all notifiable weeds, pests and diseases as detailed in the NSW Biosecurity Act 2015.
- The landscaped area is free of hazards.
- The mulched areas are well maintained.
- The irrigation systems, sub soil drainage and lighting systems are in a good condition and operating according to both design and manufacturers specifications.
- That all missing plants have been replaced and are establishing well.

This annual statement shall also include reports and information from relevant expert consultants, in support of the statements made and as evidence of proof, in the annual statement.

(Reason: To protect landscape amenity and community environmental values)

ATTACHMENTS

There are no attachments for this report.

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