Agenda

Strathfield Internal Development Assessment Panel Meeting

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

Thursday, 7 March 2019

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

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TO: **Strathfield Internal Development Assessment Panel Meeting - 7 March 2019**

REPORT: **IDAP – Report No. 1**

SUBJECT: **DA2018/145 - 6 WALLIS STREET AVENUE, STRATHFIELD - LOT A DP 332047**

DA NO. **DA2018/145**

SUMMARY

Proposal:	Demolition of existing structures and construction of a two (2) storey single dwelling, with basement, in-ground pool, cabana and front boundary fence.
Applicant:	Sydesign Pty Ltd
Owner:	Sam Nachabe
Date of lodgement:	16 October 2018
Notification period:	22 October 2018 to 9 November 2018
Submissions received:	Nil
Assessment officer:	DS
Estimated cost of works:	$973,000.00
Zoning:	R2 Low Density Residential - SLEP 2012
Heritage:	No
Flood affected:	No
RECOMMENDATION OF OFFICER:	**APPROVAL**

EXECUTIVE SUMMARY

1.0 The application seeks approval for the construction of a new two (2) storey single dwelling with basement, in-ground pool, cabana and front boundary fence.

2.0 The application was notified in accordance with Part L of the Strathfield Consolidated Development Control Plan (SCDCP) 2005 with no submissions raised during this time.

3.0 Amended plans were requested to reduce the size of the rear balcony. Additional information was also requested, including the relative levels of adjoining dwellings, coping levels of the swimming pool and more accurate shadow diagrams.

4.0 The application is considered appropriate and is therefore recommended for approval, subject to the recommended conditions of consent.

BACKGROUND

16 October 2018: The subject development application was lodged to Council.

2 October 2018: The development application was notified from 22 October to 9 November 2019.

26 October 2018: A site visit was undertaken.

16 November 2018: A letter was sent to the applicant requesting amended plans and additional

information relating to the size of the rear balcony, RLs of the adjoining dwelling windows, coping levels of the swimming pool and more accurate shadow diagrams.

20 November 2018: Amended plans were submitted detailing the RLs of the adjoining dwelling windows, the coping levels of the swimming pool, a more detailed shadow diagram and reducing the size of the rear balcony.

DESCRIPTION OF THE SITE AND LOCALITY

The subject site is legally described as Lot A in DP 332047 and is commonly known as 6 Wallis Avenue, Strathfield (Figure 1). The site is located on the eastern side of Wallis Avenue and north of Newton Road and has an area of 727.2m^2. The site is rectangular in shape and has a frontage of 16.8m to the west and side boundary length of 43.7m.

Existing development on the site comprises a single storey residential dwelling with exposed face brick to exterior walls and a tiled pitch roof form (Figure 2). Vehicular access is provided to the site via an existing driveway to the western end. The current streetscape is primarily characterised by two (2) storey residential dwellings that have tiled pitched roof forms and exposed brick and rendered exterior walls.

Figure 1: The site and the surrounding context.

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

Figure 3: Residential dwelling neighbouring the subject site.

Figure 4: Residential dwelling neighbouring the subject site.

Figure 5: Residential dwelling located in the immediate vicinity 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 the demolition of existing structures and construction of a two (2) storey single dwelling with basement, in-ground pool, cabana and front boundary.

The specific elements of the proposal are:

Basement level:
- Two (2) parking spaces;
- Turning bay;
- Storage; and
- Lift

Ground floor level:
- Kitchen;
- Dining room;
- Laundry;
- Pantry;
- Two (2) living rooms;
- Study;
- Lift;
- Family room; and
- Bathroom

First floor level:
- Four (4) bedrooms;
- Rumpus;
- Three (3) ensuites;
- Walk in robe

External works:
- Alfresco;
- Recreation room;
- Swimming pool; and
- Front boundary fence

An elevation of the proposed residential dwelling is shown below in Figure 6.

Figure 6: Western elevation of the site frontage subject to this development application.

REFERRALS

INTERNAL REFERRALS

Engineering Comments

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

Traffic Comments

Council's Traffic Engineer raised 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 4.15 of the Environmental Planning and Assessment Act, 1979 as relevant to the development application:

4.15(1)(a) the provisions of:

(i) any environmental planning instrument

STATE ENVIRONMENTAL PLANNING POLICY (SEPP) – BASIX 2004

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

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

State Environmental Planning Policy No 55 – Remediation of Land

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

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

The objectives outlined within SEPP55 are considered to be satisfied.

State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017

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

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

The development application proposes the removal of seven (7) trees on the subject site. Conditions of consent have been imposed to ensure the retention and protection of existing significant trees. These conditions also require separate approval for the removal of any trees to accommodate the development.

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STRATHFIELD LOCAL ENVIRONMENTAL PLAN (SLEP) 2012

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

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

Comments: The proposed works will result in a two (2) storey residential dwelling of a high quality built contribution and reflects the existing and future character of the area.

Permissibility

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

'***Dwelling houses***' are permissible within the R2 Zone with consent and is defined under SLEP 2012 as follows:

> *"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 within the R2 Zone with consent.

Zone Objectives

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

Objectives	*Complies*
➢ ***To provide for the housing needs of the community within a low density residential zone.***	**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 proposal will result in a high quality residential dwelling that will provide for the needs of future residents located on the subject site. The subject site is situated in the vicinity of heritage listed items and the design considers the existing and the future desired character of the wider streetscape, to ensure that the amenity is being retained.

Part 4: Principal development standards

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

Height of building

Cl.	*Standard*	*Controls*	*Proposed*	*Complies*
4.3	*Height of building*	9.5m	9.3m	**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*	**N/A**
(c)	*To achieve a diversity of small and large development options.*	**N/A**

Comments: The residential dwelling proposes a maximum building height of 9.3m, which is consistent with Council's 9.5m requirement as provided by Clause 4.3 of the SLEP 2012.

Floor space ratio

Cl.	*Standard*	*Controls*	*Proposed*	*Complies*
4.4	*Floor space ratio*	0.575:1 (418.14m^2)	0.471:1 (342.8m^2)	**Yes**

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

Comments: The proposal seeks a maximum floor space of 0.471:1 (342.8m^2) that is consistent with the 0.575:1 (418.14m^2) maximum requirement as provided by Clause 4.4 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 not identified as having Class 5 soils and is not located within 500m of Class 1, 2, 3 or 4 soils. Therefore, the proposed development was not required to be accompanied by an Acid Sulfate Soils Management Plan and has satisfied the requirements of Clause 6.1 of the SLEP, 2012.

6.2 Earthworks

Construction of the dwelling and basement requires excavation to stabilise the dwelling within the building footprint and to minimise the disruption of the land and soil stability. The basement is substantially limited to the building footprint of the ground floor above and therefore the extent of excavation is minimised. Notwithstanding, a condition of consent is recommended to ensure the appropriate management of soils during the construction phases of development.

6.4 Essential services

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

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

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

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

STRATHFIELD CONSOLIDATED DEVELOPMENT CONTROL PLAN (SCDCP) 2005

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

PART A – DWELLING HOUSES AND ANCILLARY STRUCTURES

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.*	**Yes**
J.	*To protect and retain the amenity of adjoining properties.*	**Yes**

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2.2	Development Controls		Complies
.1.	*Streetscape Presentation*		
	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.	*Scale, Massing & Rhythm of Street*		
	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.	*Building Forms*		
	1	Building form articulated.	**Yes**
	3	Attic located within roof space of 1 or 2-storey dwelling or garage via internal stairs.	**Yes**
.4.	*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**
	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**
	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**
	Colours		
	8	New development incorporates traditional colour schemes	**Yes**
	9	The external colours integrate harmoniously with the external design of the building	**Yes**
.6.	*Dormers*		
	1	Dormers to be traditionally proportioned and rectilinear	**Yes**
	2	Form and location of dormers do not overwhelm or detract from the integrity of the original building	**Yes**

Comments: The proposed built form is compatible with the existing streetscape in that it incorporates a tiled pitched roof form and exposed face brick to exterior walls. The proposed schedule of colours and finishes seek a brown finish to the exterior brick walls with a dark grey tiled roof form (Figure 7). These finishes are replicated throughout the neighbourhood, remaining consistent with and sympathetic of the existing area.

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The dormer windows proposed to the western elevation have been reasonably proportioned and do not detract from the integrity of the original building.

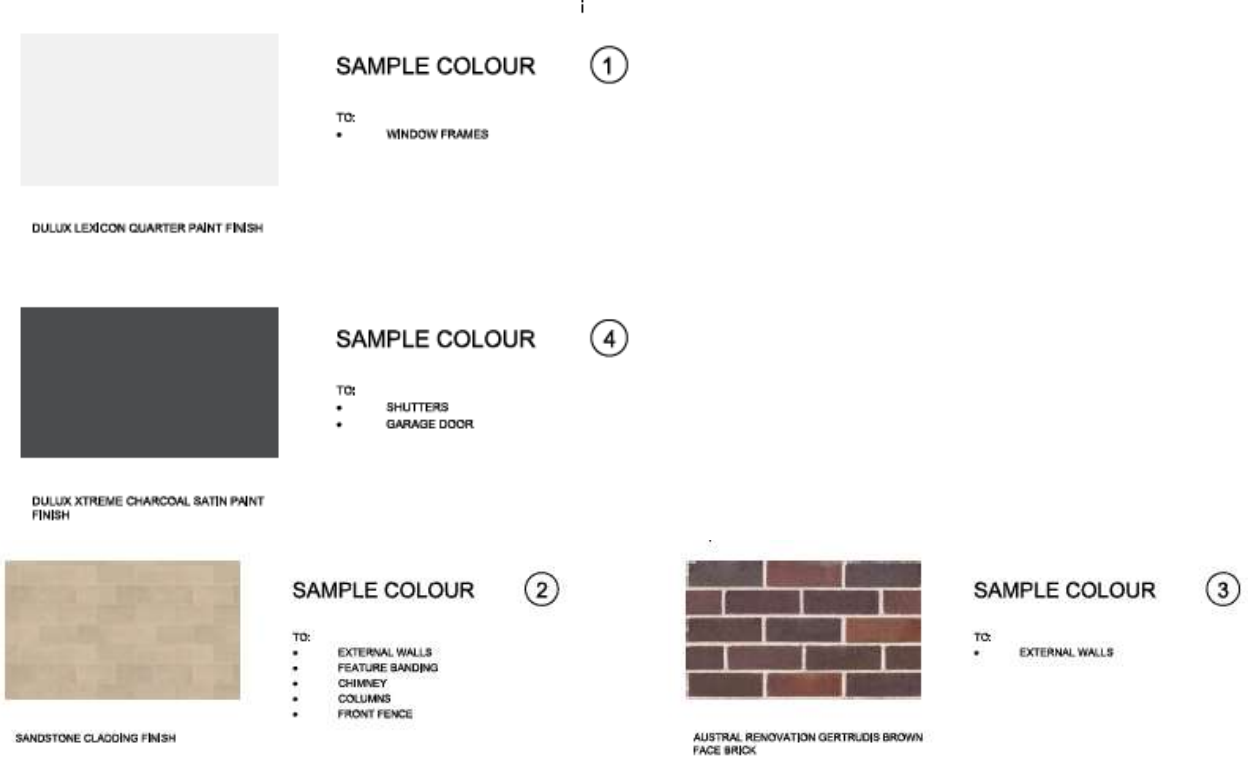

Figure 7: Schedule of colours and finishes.

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***
.1.	*Floor Space Ratio*	**Yes**
	1 Floor Space Ratio permissible pursuant to SLEP 2012	**Yes**
	2 Development compatible with the lot size	**Yes**

	Building Height		
.2.	1	Height of building permissible pursuant to SLEP 2012	**Yes**
	2	Height of outbuildings, detached garages and carports is 3.5m (max) measured at the highest point on the roof above NGL	**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**
.3.1.	*Street Setbacks*		
	1	Setbacks consistent with minimum requirements of Table A.1	**No, refer to comments.**
.3.2.	*Side and Rear Setbacks*		
	1	A combined side setback of 20% of the width of the block (incorporating a 1.2m min side setback on each side).	**Yes**
	2	A rear setback of 6m (min)	**Yes**
	3	Subject to meeting the minimum landscaped area (as per section 5 of this part of the DCP) in the rear of the site, ancillary facilities such as garages/outbuildings may be located within the rear setback area.	**Yes**
	4	Garages and carports setbacks consistent with Table A.2	**Yes**
.4.	*East-West Lots*		
	1	Where primary street frontage faces east, the minimum side setback located on northern side.	**Yes**
	2	The southern side setback utilised for driveway/garage entry.	**No**

Comments: The proposal has demonstrated compliance with Clause 4.3 and Clause 4.4C of the SLEP 2012 by seeking a maximum building height of 9.3m and floor space of 0.471:1 (342.8m^2).

The proposal is setback a minimum 8.8m from the street frontage contrary to the minimum 9m setback control. Notwithstanding, the proposal will maintain the existing building line located along the eastern side of Wallis Street. The proposal has included appropriate side and rear setbacks which ensures there are minimal adverse impacts on neighbouring allotments. Although the subject dwelling will include a first floor level, it is unlikely that view corridors will be unreasonably impacted.

5: Landscaping

5.1	***Objectives***	***Satisfactory***
A.	*To encourage landscaping that is appropriate to the style and scale of the dwelling and adjoining development, and to the streetscape.*	**Yes**
B.	*To enhance the existing streetscape and promote a scale and density of planting that softens the visual impact of buildings, structures, vehicle circulation and ancillary areas.*	**Yes**
C.	*To preserve existing landscape elements on site (such as existing trees) and encourage their integration into the design of proposals.*	**Yes**

D.	*To ensure adequate deep soil planting is retained on each allotment.*		**Yes**
E.	*To ensure developments make an equitable contribution to the landscape setting of the locality.*		**Yes**
F.	*To ensure both existing and new landscaping provides suitable shade and facilitates convective cooling breeze paths in summer.*		**Yes**
G.	*To encourage the use of native flora such as open woodland canopy trees, to provide a habitat for native fauna.*		**Yes**
H.	*To ensure that landscaped areas are designed to minimise water use.*		**Yes**
I.	*To provide functional private open spaces for active or passive use by residents.*		**Yes**
J.	*To provide private open areas with provision for clothes drying facilities screened from the street and lane or a public place.*		**Yes**
K.	*To ensure the protection of trees during construction*		**Yes**
L.	*To ensure suitable fencing is provided to reduce acoustic impacts and enhance visual privacy between neighbouring residents whilst enabling front fences passive surveillance of the street.*		**Yes**
M.	*To maximise the amenity of existing and proposed developments, including solar access, privacy and open space.*		**Yes**
5.2	***Development Controls***		***Complies***
.1.	*Landscaped area*		
	1	Landscaped area in accordance with Table A.3	**Yes**
	2	At least 50% of the minimum landscaped area located behind the building line to the rear boundary	**Yes**
	3	At least 50% of the front yard maintained as deep soil soft landscaping	**Yes**
	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**
.3.	*Private Open Space*		
	1	Provided in a single parcel rather than a fragmented space, directly accessible from internal living areas	**Yes**
	2	Includes a deep soil area compliant with the minimum landscaped area.	**Yes**
	3	Terraces and decks (at least 10m²) 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.	*Fencing*		
	1	Fencing designed to be compatible and sympathetic to the style of the dwelling,	**Yes**

	adjoining properties and the streetscape	
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	**No**
5	Side and rear fences limited to 1.8m (max)	**Yes**
6	Side fences forward of the FBL taper down to the front fence.	**Yes**
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**
12	A splay adjacent to a road intersection or driveway entrance must be landscaped	**Yes**
13	Significant trees maintained	**Yes**
14	Stormwater flows through or under fencing on sloping sites	**Yes**
15	Dividing fences constructed of timber palings (lapped and capped) with height of 1.8m (max)	**Yes**
16	Gates or entries from private property onto Council parks, reserves, open space, etc. are permitted	**Yes**

Comments: The proposed works will result in a total of 44.1% (320.7m^2) of deep soil landscaping which is consistent with the minimum requirement of 43% (312.696m^2), prescribed by the SCDCP 2005. Proposed works will not result in any additional impacts to existing street trees located along the site frontage, thus ensuring the health of the surrounding environment and public domain elements are minimally impacted.

The development application proposes a 1.6m pier and infill masonry fence that comprises vertical metal piers. The proposed fence height aligns with the height, form and style of the neighbouring fence which also exceeds the maximum development control of 1.5m along the front boundary (Figure 8). The proposed non-compliance is considered appropriate as it is consistent with the scale and form of fencing along Wallis Avenue. It is noted that the fence has been designed to enable visual permeability, allowing for passive surveillance of the public domain.

Figure 8: Adjoining 1.6m front fence.

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

Comments: The proposal seeks to construct a double storey dwelling upon an east-west oriented allotment. The proposal has been designed such that neighbouring allotments and all living areas will receive a minimum of three (3) hours of solar access between 9:00am and 3:00pm during the winter solstice.

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**

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	3	Windows directly facing balconies or courtyards are narrow, incorporate obscure glazing and/or a sill height of 1.7m (min) above FFL	**Yes**
	Elevated Decks Verandahs and Balconies		
	1	Elevated decks, verandahs and upper storey balconies not permitted on side boundaries (exceptions apply)	**Yes**
.3.	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		
	1	SEPP (Infrastructure) 2007 and Development near Rail Corridors and Busy Roads Interim Guideline considered	**Yes**
.4.	2	Noise-sensitive rooms located away from noise sources	**Yes**
	3	Suitable acoustic screen barriers or other noise mitigation measures are required where physical separation cannot be achieved	**Yes**
	4	An acoustic report (where relevant) demonstrates that habitable rooms achieve internal noise levels of no greater than 35 dBA	**Yes**

Comments: Three balconies are sought on the first floor of the dwelling (one being at the front and two at the rear). The orientation of the balcony towards Wallis Avenue will help support greater passive surveillance, whilst not imposing on the visual privacy of adjoining properties. The two rear balconies incorporate a maximum width of 1m and length of 2m and have been appropriately setback from the side and rear boundaries. Each balcony will also include solid walls to the adjacent boundaries so as to assist in providing privacy for adjoining dwellings.

All side elevation windows have been appropriately located and/or treated (where required for active rooms) so as to minimise opportunities for overlooking.

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.*	**Yes**
G.	*To minimise excavation to reduce disturbance to natural ground level particularly adjacent to site boundaries.*	**Yes**
H.	*To ensure that any proposed basement minimises disturbance to natural drainage systems and that flooding, drainage or ventilation impacts would not be created for the site, or for adjoining or nearby properties.*	**Yes**
8.2	***Development Controls***	***Complies***

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.1.	*Driveway and Grades*		
	1	Existing driveways must be used (exceptions apply)	**Yes**
	2	The width of driveways at the property boundary is to be 3m	**Yes**
	3	The edge of driveway crossings located 1m (min) clear of any existing stormwater pits or poles and 2m clear of tree trunks	**Yes**
	4	Parking and access points easily accessible and recognisable, non-disruptive to pedestrian flow and safety and located to minimise traffic hazards and potential for vehicles to queue.	**Yes**
	5	One (1) vehicular crossing (max) to any public road (exceptions apply)	**Yes**
	6	Vehicles accessing sites which front main roads shall be capable of entering and exiting in a forward direction	**Yes**
	7	Vehicular turning areas for garages complies with relevant Australian Standard	**Yes**
	9	Driveways avoid long and straight appearance by using variations and landscaping	**Yes**
	10	Driveway set back 0.5 metres (min) from side boundaries	**Yes**
	11	Driveways incorporate unit paving into the design	**Yes**
	12	Areas of concrete visible from a public road are to be minimal and coloured charcoal, grey or brown	**Yes**
	13	Coloured concrete is not permitted in the driveway crossing outside the property boundary	**Yes**
.2.	*Garages, Carports and Car Spaces*		
	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**
.3.	*Basements*		
	1	The area of a basement shall be limited to and contained within the ground level footprint of the dwelling	**No**
	2	Excavation not permitted within the minimum side setbacks.	**Yes**
	3	The maximum height of the basement above NGL is limited to 1m measured to the predominant finished floor level of the level above.	**Yes**
	4	Internal clearance of 2.2m (min)	**Yes**
	5	Driveways have a maximum 1:4 gradient and comply with Australian Standards	**Yes**
	6	Basement entries and ramps/driveways not greater than 3.5m wide	**Yes**
	7	Driveway ramps are perpendicular to the property boundary at the street frontage	**Yes**
	8	Basements permit vehicles to enter and exit the basement in a forward direction	**Yes**
	9	Basements are discretionary on flood affected sites	**Yes**
	10	Pump-out systems and stormwater prevention in accordance with Council's Stormwater Management Code	**Yes**

	11	Basements are not to be used for habitable purposes	**Yes**

Comments:It is noted that the basement extends beyond the building footprint of the dwelling house above which is contrary to the provisions of Section 8.2.3(1) of the SCDCP 2005. Specifically the basement wall to the eastern elevation extends 2.98m beyond the ground level to provide room for a turning bay. Given that this portion of the basement is located to the north-east rear of the dwelling and it is setback 1.675m from the northern side boundary, the minor non-compliance is unlikely to have any adverse impacts to adjoining dwellings and is accepted in this instance.

The proposal seeks to construct a driveway which aligns with the existing layback to the site. The location of the driveway is situated 1800mm from the northern boundary with a maximum width of 3500mm on the subject site and 3000mm at the property boundary. The basement will seek a total of two (2) car parking spaces with an internal clearance of 2420mm.

9: Altering Natural Ground Level (Cut and Fill)

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

9.2		***Development Controls***	***Complies***
	1	Fill limited to 1m (max) above NGL	**Yes**
	2	Clean fill used only	**Yes**
	3	Cut and fill batters stabilised consistent with the soil properties	**Yes**
	4	Vegetation or structural measures are implemented when the site is disturbed.	**Yes**
	5	Areas of excavation setback from property boundaries in line with building setback controls. No excavation permitted within the minimum required setbacks.	**Yes**
	6	The work does not affect or undermine the soil stability or structural stability of buildings and Council assets on adjoining properties.	**Yes**
	7	A dilapidation report for all buildings which adjoin proposed excavation areas as required	**Yes, with condition**
	8	Avoid excessive fill that creates the potential for overlooking of adjoining properties	**Yes**

Comments: Excavation is sought as part of the works required for the swimming pool and the basement. A condition is recommended to ensure the cut and fill is being completed with minimal onsite disturbance and impacts to surrounding trees is being minimised.

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**

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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 Clause6.1 SLEP 2012	**Yes**
.3.	*Soil Erosion and Sediment Control*		
	1	Soil erosion and sediment control measures detailed and implemented prior to the commencement of work.	**Yes**
	2	Sediment control measures applied	**Yes**
	3	Plans provided detailing stormwater quality treatment	**Yes**

Comments: Council's Development Engineer has raised no concerns with the proposed method of stormwater drainage subject to conditions of consent.

11: Access, Safety and Security

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

11.2	***Development Controls***		***Complies***
.1.	*Address and Entry Sightlines*		
	1	Occupants able to overlook public places to maximise passive surveillance	**Yes**
	2	Landscaping design around dwellings and ancillary structures to accommodate	**Yes**

		plant maturation	
	3	External lighting enhance safe access and security and light spill does not adversely impact on adjoining properties.	**Yes**
	4	Crime Prevention through Environmental Design (CPTED) principles incorporated.	**Yes**
.2.	*Pedestrian Entries*		
	1	Pedestrian entries and vehicular entries suitably separated	**Yes**
	2	Dwelling entrances easily identifiable	**Yes**
	3	House numbers are to be clearly visible from the street	**Yes**

Comments: Pedestrian and vehicular entry onto the subject site will be provided via two (2) separate entries located along the site frontage. Both entries are suitably separated, ensuring that the safety of pedestrians is maintained at all times. Further, the front fence design achieves passive surveillance onto the subject site and onto public areas utilizing vertical infill panels on the front fence that are evenly spaced at 200mm apart.

12: Ancillary Development

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

12.2	***Development Controls***		***Complies***
.2.	*Outbuildings*		
	1	Outbuilding located behind the front building line	**Yes**
	2	Side and rear setback is 0.5m (min)	**No**
	3	New garden sheds, studios, cabanas and the like are limited 40sqm (max)	**Yes**
	4	Windows do not face an adjoining property (exceptions apply)	**No**
	5	The roof area is not accessible for any purpose	**Yes**
	6	Outbuildings are not to be used for habitable purposes	**Yes**
	7	Kitchen facilities are not permitted in an outbuilding	**Yes**
	8	Any external lighting of an outbuilding is to be positioned or shielded to prevent glare to adjoining premises	**Yes**
.3.	*Retaining Walls*		
	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**
.4.	*Air-conditioning*		
	1	Located away from the habitable rooms of adjoining properties and/or screened by	**Yes**

		acoustic treatments	
	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**
	Satellite Dishes		
	1	A maximum of one (1) satellite dish per property	**Yes**
	2	Located behind the front building line of the dwelling	**Yes**
.5.	*3*	Located below the fence-line on corner allotments.	**Yes**
	4	A height of 2.4m (max) from NGL to the top of the satellite dish	**Yes**
	5	Satellite dishes set back 3m (min) from the side or rear boundary.	**Yes**
	6	Satellite dishes constructed of pre-finished steel in recessive colours	**Yes**
	Swimming Pools		
	1	Side and rear setbacks from the outside edge of the pool concourse are 1m (min) wide and comprise deep soil soft landscape area	**Yes**
	2	If greater than 1m above ground, the space between the bond beam/concourse and the ground is finished to Council's satisfaction	**Yes**
.6.	3	The pool filter and pump equipment designed and located to not emit a noise level that exceeds 5dBA above the ambient background noise level measured at any property boundary. The pool equipment shall be located within an enclosed structure so as to not be readily visible	**Yes**
	4	Lighting positioned to prevent light spillage and minimise any nuisance to adjoining premises	**Yes**
	5	Enclosures shall comply with the Swimming Pools Act and relevant Australian Standards as amended.	**Yes**

Comments: The proposed swimming pool has included appropriate side and rear boundary setbacks of at least 1m. All supportive pool equipment will be located in the existing pool recreation room next to the swimming pool (north east of the subject site). To ensure that this is being designed in accordance with the *Swimming Pools Act 1992,* **Condition 30** is recommended in the consent.

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**
.3.	*Water Tanks*		
	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**
	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**
.4.	*Hot Water Heater Units*		
	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 design locates all internal living areas to the northern/eastern elevations of the dwelling, maximising solar access. The BASIX Certificate submitted indicates that the proposal satisfies the required water, thermal comfort and energy ratings.

PART H - WASTE MANAGEMENT (SCDCP 2005)

The development application has provided a waste management plan ensuring that the disposing of waste will be done in accordance of Part H of the SCDCP 2005.

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

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

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

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

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

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

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

The subject site is considered suitable for the proposed development and generally complies with Council's LEP and DCP requirements. Through the imposition of appropriate conditions, the amenity of the surrounding streetscape will be maintained.

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

The application was notified in accordance with Part L of the SCDCP 2005 from **22 October 2018** to **9 November 2018**, with **no** submissions received as a result.

4.15(1)(e) the public interest

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

LOCAL INFRASTRUCTURE CONTRIBUTIONS

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

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

STRATHFIELD INDIRECT SECTION 7.12 CONTRIBUTIONS PLAN

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

Local Amenity Improvement Levy **$9,730.00**

CONCLUSION

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

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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. DA2018/145 for the demolition of existing structures and construction of a two (2) storey single dwelling with basement, in-ground pool, cabana and front boundary fence at 6 Wallis Avenue, Strathfield be **Approved**, subject to the following conditions:

GENERAL CONDITIONS (GC)

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

The development, except where modified by a condition(s) of consent, is to be carried out in accordance with the following plans and reference documentation:
Plans affixed with Council's 'Development Consent' stamp relating to Development Consent No. DA2018/145:

Drawing No.	Title/Description	Prepared by	Issue / Revision & Date	Date received by Council
DA01	Site Plan, Site Analysis and Demolition Plan	sydesign	17 September 2018	20 November 2018
DA02	Sediment and Erosion Control Plan	sydesign	17 September 2018	20 November 2018
DA03	Basement Plan	sydesign	17 September 2018	20 November 2018
DA04	Ground Floor Plan	sydesign	17 September 2018	20 November 2018
DA05	First Floor Plan	sydesign	17 September 2018	20 November 2018
DA06	Roof Plan	sydesign	17 September 2018	20 November 2018
DA07	North Elevation	sydesign	17 September 2018	20 November 2018
DA08	South Elevation	sydesign	17 September 2018	20 November 2018
DA09	East Elevation	sydesign	17 September 2018	20 November 2018
DA10	West Elevation	sydesign	17 September 2018	20 November 2018
DA11	Section A-A	sydesign	17 September 2018	20 November 2018
DA12	Section B-B	sydesign	17 September 2018	20 November 2018
DA13	Section C-C (Driveway Section)	sydesign	17 September 2018	20 November 2018
DA14	Streetscape Elevation	sydesign	17 September 2018	20 November 2018
DA18	Schedule of Materials and Finishes	sydesign	17 September 2018	20 November 2018

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DA19	BASIX Commitments	sydesign	17 September 2018	20 November 2018
SWDP01	Cover Sheet	Capital engineering consultants	25 September 2018	16 October 2018
SWDP02	Erosion and Sediment Control Plan	Capital engineering consultants	25 September 2018	16 October 2018
SWDP03	Basement Plan	Capital engineering consultants	25 September 2018	16 October 2018
SWDP04	Ground Floor Plan & Details	Capital engineering consultants	25 September 2018	16 October 2018
2018.051DA 1	Landscape Plan	TGS Landscape Architects	5 October 2018	16 October 2018
TMP1	Tree Management Plan	Horticultural Resources Consulting Group	16 July 2018	16 October 2018

Reference Documentation affixed with Council's 'Development Consent' stamp relating to Development Consent No. DA2018/145:

Title / Description	Prepared by	Issue/Revision & Date	Date received by Council
Arboricultural Implication Assessment	Horticultural Resources Consulting Group	16 July 2018	16 October 2018
BASIX Certificate	Sustainability-Z Pty Ltd	25 September 2018	16 October 2018
Geotechnical Report	Ground Technologies Pty Ltd	9 October 2018	16 October 2018
NatHERS	Sustainability-Z	25 September 2018	16 October 2018
Waste Management Plan	Sydesign	21 February 2018	16 October 2018

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

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

2. **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) 22.756 to the roof ridge of the building.

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

3**. CONSTRUCTION HOURS (GC)**

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

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

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

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

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

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

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

5. **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.)

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

All street trees and trees on private property proposed for removal are protected under Council's controls. They are to be retained and protected and are subject to a separate written development application if removal is proposed. The felling, lopping, pruning, topping, ringbarking, wilful destruction (including branch, trunk and root damage) or removal of any tree/s unless in conformity with this approval or subsequent approval is prohibited. This development application shall include a detailed arborist report from an Australian Qualification Framework (AQF) Level 5 Arborist, detailing the tree species, size, location, health and condition of each of the trees proposed to be removed and the impacts on these trees from the proposed site works.

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

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

7. **PROTECTION OF EXISTING TREES – FRONT FENCE (GC)**

The masonry brick boundary fence is to be constructed so as to support all brick in-fill panels using a lintel. This lintel is to be installed above ground level along the entire length of each in-fill panel.

(Reason: Environmental protection, protection of existing tree roots and landscape amenity.)

8**. MATERIALS – CONSISTENT WITH SUBMITED SCHEDULE (GC)**

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

(Reason: To ensure compliance with this consent.)

9**. 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.)

10**. SITE MANAGEMENT (DURING DEMOLITION AND CONSTRUCTION WORKS)**

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

i) All demolition is to be carried out in accordance with Australian Standard AS 2601-2001.
ii) Demolition must be carried out by a registered demolition contractor.
iii) A single entrance is permitted to service the site for demolition and construction. Protection pads are to be installed to the kerb, gutter and nature strip where trucks and vehicles enter the site.
iv) No blasting is to be carried out at any time during construction of the building.
v) Care must be taken during demolition/ excavation/ building/ construction to prevent any damage to adjoining buildings.
vi) Adjoining owner property rights and the need for owner's permission must be observed at all times, including the entering onto land for the purpose of undertaking works.
vii) Any demolition and excess construction materials are to be recycled wherever practicable.
viii) The disposal of construction and demolition waste must be in accordance with the requirements of the Protection of the Environment Operations Act 1997.

ix) All waste on the site is to be stored, handled and disposed of in such a manner as to not create air pollution (including odour), offensive noise or pollution of land and/or water as defined by the Protection of the Environment Operations Act 1997. All excavated material should be removed from the site in an approved manner and be disposed of lawfully to a tip or other authorised disposal area.
x) All waste must be contained entirely within the site.
xi) A site plan including temporary waste storage locations, construction material storage areas and vehicular access to and from the site must be included with application.
xii) Section 143 of the Protection of the Environment Operations Act 1997 requires waste to be transported to a place which can lawfully accept it. All non-recyclable demolition materials are to be disposed of at an approved waste disposal depot in accordance with legislation.
xiii) Details as to the method and location of disposal of demolition materials (weight dockets, receipts, etc.) should be kept on site as evidence of approved methods of disposal or recycling and must be presented to Council and/or Principal Certifying Authority upon request.
xiv) All materials on site or being delivered to the site are to generally be contained within the site. The requirements of the Protection of the Environment Operations Act 1997 must be complied with when placing/stockpiling loose material, disposing of concrete waste, or other activities likely to pollute drains or water courses.
xv) Any materials stored on site must be stored out of view or in such a manner so as not to cause unsightliness when viewed from nearby lands or roadways.
xvi) Public footways, include nature strips and roadways adjacent to the site must be maintained and cleared of obstructions during construction. No building materials, waste containers or skips may be stored on the road reserve or footpath without prior separate approval from Council, including payment of relevant fees.
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.)

11. **UTILITIES 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.)

12. **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 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.)

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

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

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

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

14. **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.)

15. **BASIX COMMITMENTS (CC)**

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

Where a change or changes are proposed in the BASIX commitments, the applicant must submit a new BASIX Certificate to the Principal Certifying Authority and Council. If any proposed change in the BASIX commitments is inconsistent with the development consent

the applicant will be required to submit a modification to the development consent to Council under Section 4.55 of the Environmental Planning and Assessment Act 1979.

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

(Reason: Statutory compliance.)

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

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

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

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

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

17. **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.)

18. **CAR PARKING - VEHICULAR ACCESS RAMPS (CC)**

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

i) Longitudinal section along the extreme wheel paths of each driveway/access ramp at a scale of 1:25 demonstrating compliance with the scraping provisions of AS/NZS 2890.1:2004. It shall include all levels and grades, including those levels stipulated as boundary levels, both existing and proposed. It shall extend from the centre-line of the roadway through to the parking area.
ii) Sections showing the clearance to the underside of any overhead structure (minimum headroom requirements 2200mm minimum for standard headroom clearance or 2400mm where disabled access provisions are to be provided) demonstrating compliance with the provisions of AS/NZS 2890.1:2004.
iii) Longitudinal section along the gutter line showing how it is intended to transition the vehicular crossing into the existing kerb and gutter. Boundary levels shall generally

run parallel with the kerb levels.

iv) Location of verge trees, street furniture and service installations.

v) Superimposition of vehicle turning circles for access into parking spaces.

vi) Certification that the design complies with AS/NZS 2890.1:2004 by a Qualified Engineer.

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

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

19**. 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.)

20**. 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.)

23**. 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.)

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

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

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

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

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

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

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

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

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

(Reason: Council requirement.)

22. **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.)

23**. SECTION 7.11 CONTRIBUTION PAYMENT - INDIRECT CONTRIBUTIONS PLAN) (CC)**

In accordance with the provisions of Section 7.11 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 **$9,730.00**

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

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

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

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

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

guarantee in lieu of cash bond applies in accordance with Council's adopted Fees and Charges.

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

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.)

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

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

(Reason: Compliance and amenity.)

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. **TREE BONDS (CC)**

A tree bond of **$6,600** for each street tree adjacent to the site and proposed works (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.

This bond will be held for 12 months following the issue of the Occupation certificate. 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 where replacement/planted trees have become fully established and are over 6 metres in height.

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

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

28**. 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 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.)

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

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

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

(Reason: Statutory requirement.)

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

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

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

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

31**. 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.

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

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

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

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

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

(Reason: Maintenance of public infrastructure.)

33. **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.)

34. **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.)

35. **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.)

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 - 7 March 2019**

REPORT: **IDAP – Report No. 2**

SUBJECT: **DA2018/156 - 62 BAREENA STREET, STRATHFIELD**
LOT 108 IN DP 14613

DA NO. **DA2018/156**

SUMMARY

Proposal:	Demolition of existing building and the construction of a single dwelling with basement level, in-ground pool and boundary fencing.
Applicant:	Melissa Licenblat
Owner:	Melissa Licenblat
Date of lodgement:	2 November 2018
Notification period:	7 November to 26 November
Submissions received:	Nil
Assessment officer:	DS
Estimated cost of works:	$1,500,000
Zoning:	R2 Low Density Residential- SLEP 2012
Heritage:	No
Flood affected:	No
RECOMMENDATION OF OFFICER:	**Approval**

EXECUTIVE SUMMARY

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

2.0 The application was notified in accordance with Part L of the Strathfield Consolidated Development Control Plan (SCDCP) 2005 from 7 November 2018 to 26 November 2018. No submissions were received as a result.

3.0 Additional information was requested by Council, including reduced levels of adjoining property windows, coping levels of the swimming pool and an amended stormwater design.

4.0 The application is considered appropriate and is recommended for approval, subject to the recommended conditions of consent.

BACKGROUND

4 July 2018: A pre-development application meeting was held at Strathfield Council regarding the demolition of existing structures and construction of a new two (2) storey residential dwelling, basement and swimming pool.

2 November 2018: The subject application was lodged to Council.

DA2018/156 - 62 Bareena Street, Strathfield
Lot 108 in DP 14613 (Cont'd)

7 November 2018: The application was notified from 7 November 2018 to 26 November 2018.

27 November 2018: A deferral letter was sent to the applicant requesting additional information including the RLs of adjoining windows, coping levels of the swimming pool and a revised stormwater concept design.

11 December 2018: Amended plans and additional information were provided, which generally responded to the concerns raised by Councils Planning Officer.

DESCRIPTION OF THE SITE AND LOCALITY

The subject site is legally described as Lot 108 in DP 14613 and is commonly known as 62 Bareena Street, Strathfield. The site is located on a corner allotment and is bounded by Bareena Road to the west and Yarrowee Road to the south. The subject site has an area of 622.1m^2 (Figure 1).

The site is rectangular in shape and has a primary frontage to Bareena Street of 12.19m and a depth of 38.10m. Existing development on the site comprises of a single storey residential dwelling with exposed face brick to exterior walls and a tiled pitch roof form (Figure 2). Vehicular access is provided to the site via a driveway on the eastern end of the secondary site frontage, along Yarrowee Road.

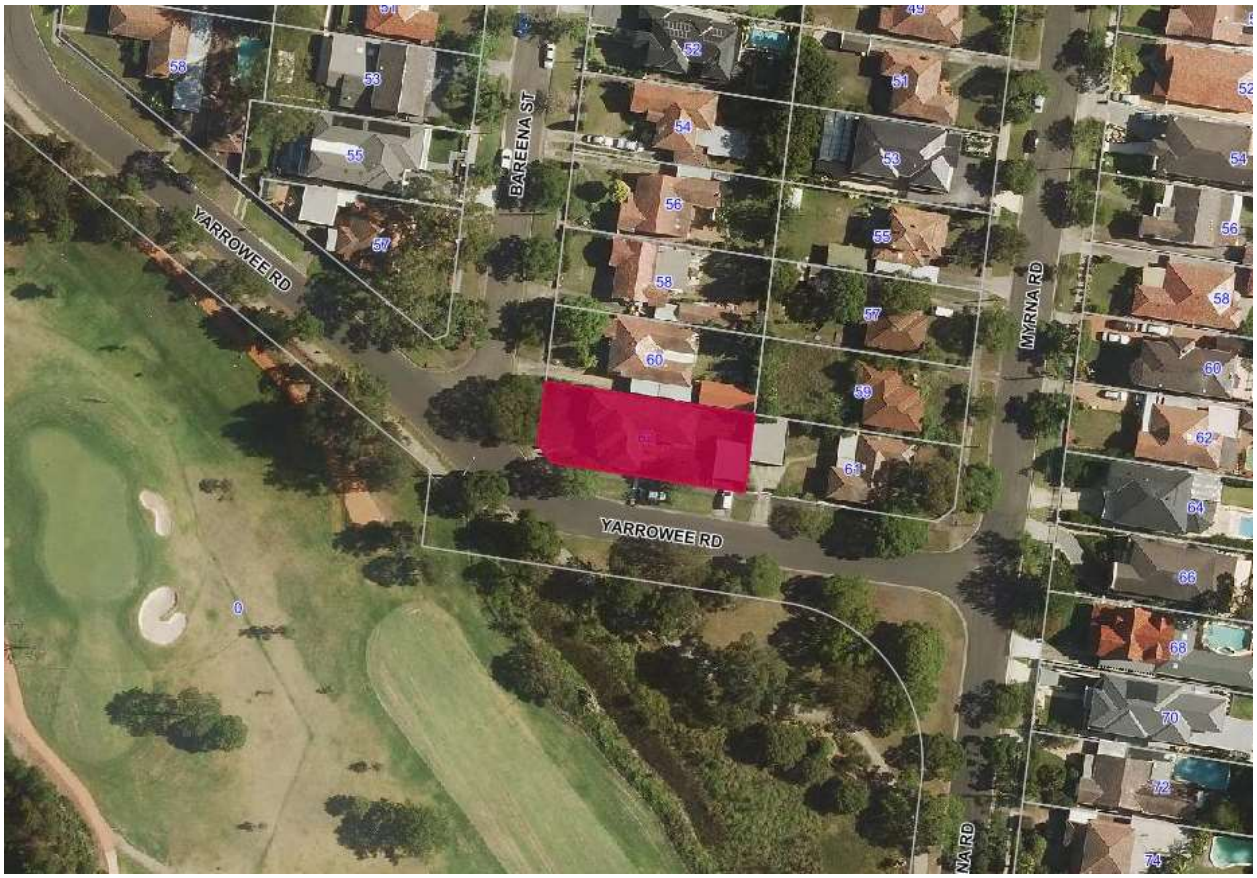

Figure 1: The site (as highlighted) and the surrounding context.

DA2018/156 - 62 Bareena Street, Strathfield
Lot 108 in DP 14613 (Cont'd)

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

Figure 3: 60 Bareena Road, Strathfield (neighbouring property)

DA2018/156 - 62 Bareena Street, Strathfield
Lot 108 in DP 14613 (Cont'd)

Figure 4: Residential dwellings located in close proximity to 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 the demolition of the existing dwelling and the construction of a two (2) storey dwelling with basement, in-ground pool and side boundary fence.

The specific elements of the proposal are:

Basement level:

- Two (2) car parking spaces and turning bay;
- Laundry;
- Storage room;
- Bicycle and motorbike parking

Ground floor level:

- Entry;
- Dining room;
- Staircase;
- Living room;
- Study;
- Guest bedroom;
- Kitchen;
- Butler's pantry;
- Bathroom

First floor level:

DA2018/156 - 62 Bareena Street, Strathfield
Lot 108 in DP 14613 (Cont'd)

- Four (4) bedrooms;
- Three (3) ensuites;
- Three (3) Walk in robes;
- Bathroom;
- Lounge room

External works:

- One balcony located on the southern side of the first floor level;
- Swimming pool and associate equipment;
- Retain existing and replacement of eastern end of boundary fence along Yarrowee Road;
- Associated landscaping works;
- Courtyard on the northern side of the dwelling at ground floor level;
- Vehicular driveway entry; and
- Pedestrian entry.

A photo montage of the proposed dwelling is shown below in Figure 5. The assessment contained in this report is based upon the amended plans received on 11 December 2018. The main amendments involved changes to the proposed stormwater concept design. Additional information was also provided on the ground floor and first floor plans, including the RL's of adjoining property windows and coping levels of the swimming pool.

Figure 5: Photo montage of the proposed dwelling.

REFERRALS

INTERNAL REFERRALS

Engineering Comments

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

Landscaping Comments

Council's Tree Preservation Officer raised 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 4.15 of the Environmental Planning and Assessment Act, 1979 as relevant to the development application:

4.15(1)(a) the provisions of:

(i) any environmental planning instrument

STATE ENVIRONMENTAL PLANNING POLICY (SEPP) – BASIX 2004

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

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

State Environmental Planning Policy No 55 – Remediation of Land

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

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

The objectives outlined within SEPP55 are considered to be satisfied.

State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017

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

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

The proposal was referred to Council's Tree Management Officer who recommended specific conditions to be imposed with any development consent in order to ensure the protection of these trees.

Further, no objection was raised to the removal of one tree on the subject site. Council's Tree Preservation Officer did suggest tree replacement, however given that only Tree 4 is proposed to be removed in order to facilitate the proposed dwelling, replacement planting is not required in this instance.

STRATHFIELD LOCAL ENVIRONMENTAL PLAN (SLEP) 2012

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

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

(b)	*To promote the efficient and spatially appropriate use of land, the sustainable revitalisation of centres, the improved integration of transport and land use, and an appropriate mix of uses by regulating land use and development*	**Yes**
(c)	*To promote land uses that provide a wide range of employment, recreation, 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*	**Yes**
(f)	*To identify and protect environmental and cultural heritage*	**Yes**
(g)	*To promote opportunities for social, cultural and community activities*	**Yes**
(h)	*To minimise risk to the community by identifying land subject to flooding and restricting incompatible development*	**Yes**

Comments: The existing streetscape comprises a mixture of exposed facebrick original housing stock and recently constructed rendered modern masonry dwellings. The proposed dwelling comprises a variation of building materials, colours and built form features that are generally consistent with the recently constructed dwellings in the streetscape.

Permissibility

The subject site is Zoned R2 Low Density Residential under Strathfield Local Environmental Plan (SLEP) 2012. A '***dwelling house***' is permissible with consent in the R2 Low Density Residential zone and is defined under SLEP 2012 as follows:

"A building containing only one dwelling."

The proposed development for the purpose of a '***dwelling house***' is permissible within the R2 Low Density Residential Zone with consent.

Zone Objectives

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

Objectives	***Complies***
➢ ***To provide for the housing needs of the community within a low density residential environment.***	**Yes**
➢ ***To ensure that development of housing does not adversely impact the heritage significance of adjacent heritage items and conservation areas.***	**Yes**
➢ ***To ensure that development of housing does not adversely impact the heritage significance of adjacent heritage items and conservation areas.***	**N/A**

Part 4: Principal development standards

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

Height of building

Cl.	***Standard***	***Controls***	***Proposed***	***Complies***
4.3	*Height of building*	9.5m	7.55m	**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*	**N/A**
(c)	*To achieve a diversity of small and large development options.*	**Yes**

Comments: The proposed residential dwelling has a maximum building height of 7.55m, which is consistent with Council's maximum 9.5m building height requirement.

Floor space ratio

Cl.	***Standard***	***Controls***	***Proposed***	***Complies***
4.4	*Floor space ratio*	0.60:1 (373.26m^2)	0.54:1 (336.5m^2)	**Yes**

	Objectives	***Complies***
(a)	*To ensure that dwellings are in keeping with the built form character of the local area*	**Yes**
(b)	*To provide consistency in the bulk and scale of new dwellings in residential areas*	**Yes**
(c)	*To minimise the impact of new development on the amenity of adjoining properties*	**Yes**
(d)	*To minimise the impact of development on heritage conservation areas and heritage items*	**N/A**
(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 proposal has a floor space ratio of 0.54:1 (336.5m^2), which is consistent with the maximum 0.60:1 (373.26m^2) FSR.

Part 5: Miscellaneous Provisions

There are no relevant provisions contained within Part 5 of the SLEP 2012 that are applicable to this development.

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 not identified as having Class 5 soils and is not located within 500m of Class 1, 2, 3 or 4 soils. Therefore, the proposed development was not required to be accompanied by an Acid Sulfate Soils Management Plan and has satisfied the requirements of Clause 6.1 of the SLEP, 2012.

6.2 Earthworks

Construction of the dwelling and basement requires excavation to stabilise the dwelling within the building footprint and to minimise the disruption of the land and soil stability. The basement is limited to the building footprint of the ground floor above and therefore the extent of excavation is

minimised. Notwithstanding, a condition of consent is recommended to ensure the appropriate management of soils during the construction phases of development.

6.4 Essential services

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

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

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

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

STRATHFIELD CONSOLIDATED DEVELOPMENT CONTROL PLAN (SCDCP) 2005

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

PART A – DWELLING HOUSES AND ANCILLARY STRUCTURES

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

2: 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.*	**Yes**
J.	*To protect and retain the amenity of adjoining properties.*	**Yes**

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2.2	Development Controls		Complies
.1.	*Streetscape Presentation*		
	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.	*Scale, Massing & Rhythm of Street*		
	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.	*Building Forms*		
	1	Building form articulated.	**Yes**
	2	Dwellings on corner sites address both street frontages and articulated	**Yes**
	3	Attic located within roof space of 1 or 2-storey dwelling or garage via internal stairs.	**N/A**
.4.	*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**
	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**
	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**
	Colours		
	8	New development incorporates traditional colour schemes	**Yes**
	9	The external colours integrate harmoniously with the external design of the building	**Yes**

Comments: The chosen design outcome of the built form is compatible with the wider streetscape in that it incorporates a flat roof and exposed face brick to the exterior face. The proposed schedule of colours and finishes comprise a mix of oak-stained timber paneling and chapel red face brick. These finishes are replicated on other residential dwellings situated within the immediate vicinity of the subject site, which ensures the design outcome of the built form is sympathetic with the existing character.

4: Building Envelope

4.1	Objectives	Satisfactory

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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***
.1.	*Floor Space Ratio*		
	1	Floor Space Ratio permissible pursuant to SLEP 2012	**Yes**
	2	Development compatible with the lot size	**Yes**
.2.	*Building Height*		
	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**
.3.1.	*Street Setbacks*		
	1	Setbacks consistent with minimum requirements of Table A.1	**No, refer to comments**
.3.2.	*Side and Rear Setbacks*		
	1	A combined side setback of 20% of the width of the block (incorporating a 1.2m min side setback on each side).	**Yes**
	2	A rear setback of 6m (min)	**Yes**
	3	1Subject to meeting the minimum landscaped area (as per section 5 of this part of the DCP) in the rear of the site, ancillary facilities such as garages/outbuildings may be located within the rear setback area.	**Yes**
	4	Garages and carports setbacks consistent with Table A.2	**Yes**
.4.	*East-West Lots*		
	1	Where primary street frontage faces east, the minimum side setback located on northern side.	**N/A**

	2	The southern side setback utilised for driveway/garage entry.	**No, refer to comments.**

Comments: The proposal is setback a minimum 6.2m from the street frontage and will maintain the existing building line located along the eastern side of Bareena Street. The proposal has included appropriate side and rear setbacks which ensures there are minimal adverse impacts on neighbouring allotments. Although the subject dwelling will include a first floor level, it is unlikely that view corridors will be unreasonably impacted.

Given that the site is located on a corner allotment, the driveway will be located at the northern side setback so as minimise potential traffic hazards along the intersection (Bareena Street and Yarrowee Road).

5: Landscaping

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

5.2	***Development Controls***		***Complies***
.1.	*Landscaped area*		
	1	Landscaped area in accordance with Table A.3	**Yes**
	2	At least 50% of the minimum landscaped area located behind the building line to the rear boundary	**Yes**

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	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**
	Tree Protection		
	1	Arboricultural Impact Assessment Report prepared by an AQF Level 5 Arborist	**Yes**
	2	The Arboricultural Impact Assessment Report address minimum criteria	**Yes**
	3	Development provides for the retention and protection of existing significant trees	**Yes**
	4	New dwellings and alterations and additions are set back in accordance with the Arboricultural Impact Assessment Report	**Yes**
	5	Council may request the applicant to engage a project Arborist	**Yes**
.2.	6	Opportunities for planting new canopy trees within the front setback	**Yes**
	7	At least one (1) canopy tree provided in the rear yard.	**Yes**
	8	Trunk of a proposed canopy tree planted 4m (min) from built structures, or 3m (min) from pier beam footings	**Yes**
	9	Planting on side boundaries a 0.6m (min) deep root deflection barrier provided 1.5m (min) either side of the tree center	**Yes**
	10	Driveway construction does not result in the removal, lopping or root damage to any street tree	**Yes**
	11	25% (min) of canopy trees and other vegetation shall be locally sourced indigenous species	**Yes**
	Private Open Space		
	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 10m²) 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**
5.2	*Development Controls*		*Complies*
	Fencing		
	1	Fencing designed to be compatible and sympathetic to the style of the dwelling, adjoining properties and the streetscape	**Yes**
.4.	2	Landscaping used when the streetscape is characterised by the absence of front fences	**Yes**
	14	Stormwater flows through or under fencing on sloping sites	**Yes**

	15	Dividing fences constructed of timber palings (lapped and capped) with height of 1.8m (max)	**Yes**

Comments: Based on the landscape plans submitted to Council, adequate deep soil landscaped area will be provided both within the front and rear setbacks of the site. The current plans indicate the landscaped area is satisfactory, totaling 45.1% (579.2m^2) of the site area. Council's Tree Preservation Officer has raised no objections to the proposal, subject to the imposition of standard conditions of consent.

The proposal includes rebuilding the eastern portion of the southern side boundary fencing to a maximum height of 1.8m from natural ground level, demonstrating compliance with Section 5.2.4(5) of the SCDCP 2005. The proposal seeks to retain and repaint the existing 1.5m front and western portion of the southern side boundary fence in a dulux "monument" finish.

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

Comments:The proposal seeks to construct a double storey dwelling upon an east-west oriented allotment. The proposal has been designed such that neighbouring allotments and all living areas will receive a minimum of three (3) hours of solar access between 9:00am and 3:00pm during the winter solstice.

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**

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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*		
	1	Elevated decks, verandahs and upper storey balconies not permitted on side boundaries (exceptions apply).	**No, refer to comments**
	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	**N/A**
	4	Balconies extending the full width of the front façade are not permitted	**N/A**
.4.	*Acoustic Privacy*		
	1	SEPP (Infrastructure) 2007 and Development near Rail Corridors and Busy Roads Interim Guideline considered	**N/A**
	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: One balcony is sought on the first floor of the dwelling, along the southern side boundary. Given that the site is on a corner allotment, the balcony will face Yarrowee Road and will not have any adverse visual privacy impacts on adjoining properties. The side balcony's orientation to the secondary frontage will help support greater passive surveillance of the public domain.

All windows to the northern and eastern elevation have been appropriately located and/or treated (where required for active rooms) so as to minimise opportunities for overlooking.

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**

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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.*	**Yes**
G.	*To minimise excavation to reduce disturbance to natural ground level particularly adjacent to site boundaries.*	**Yes**
H.	*To ensure that any proposed basement minimises disturbance to natural drainage systems and that flooding, drainage or ventilation impacts would not be created for the site, or for adjoining or nearby properties.*	**Yes**

8.2	***Development Controls***		***Complies***
.1.	*Driveway and Grades*		
	1	Existing driveways must be used (exceptions apply)	**No, refer to comments**
	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**
.3.	*Basements*		
	1	The area of a basement shall be limited to and contained within the ground level footprint of the dwelling	**Yes**
	2	Excavation not permitted within the minimum side setbacks.	**Yes**
	3	The maximum height of the basement above NGL is limited to 1m measured to the predominant finished floor level of the level above.	**Yes**
	4	Internal clearance of 2.2m (min)	**Yes**
	5	Driveways have a maximum 1:4 gradient and comply with Australian Standards	**Yes**

	6	Basement entries and ramps/driveways not greater than 3.5m wide	**Yes**
	7	Driveway ramps are perpendicular to the property boundary at the street frontage	**Yes**
	8	Basements permit vehicles to enter and exit the basement in a forward direction	**Yes**
	9	Basements are discretionary on flood affected sites	**Yes**
	10	Pump-out systems and stormwater prevention in accordance with Council's Stormwater Management Code	**Yes**
	11	Basements are not to be used for habitable purposes	**Yes**

Comments: The proposal seeks to construct a new driveway along the northern side of the Bareena Road frontage with a maximum width of 3m at the property boundary and 4.2m on the subject site. The relocated driveway is setback 0.52m from the northern side boundary and 3.8m from the street tree trunk and is therefore considered acceptable in its location and setbacks. The application was referred to Council's Traffic Engineer who raised no objections to the relocation of the driveway, subject to the imposition of conditions of consent.

The basement is shown to provide adequate car parking (2 spaces) to comply with the provisions of the SCDCP and provides an internal clearance of 2.4m to enable adequate vehicular access. The extent of the basement is limited to the building footprint of the dwelling house above.

Based on the amended stormwater plans submitted, the edge of the driveway crossing will be located 1m clear of existing stormwater pits in line with Section 8.2.1 of the SCDCP 2005.

9: Altering Natural Ground Level (Cut and Fill)

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

9.2		***Development Controls***	***Complies***
	1	Fill limited to 1m (max) above NGL	**Yes**
	2	Clean fill used only	**Yes**
	3	Cut and fill batters stabilised consistent with the soil properties	**Yes**
	4	Vegetation or structural measures are implemented when the site is disturbed.	**Yes**
	5	Areas of excavation setback from property boundaries in line with building setback controls. No excavation permitted within the minimum required setbacks.	**Yes**
	6	The work does not affect or undermine the soil stability or structural stability of buildings and Council assets on adjoining properties.	**Yes**
	7	A dilapidation report for all buildings which adjoin proposed excavation areas as required	**Yes, with condition**
	8	Avoid excessive fill that creates the potential for overlooking of adjoining properties	**Yes**

Comments:Excavation is sought as part of the works required for the proposed swimming pool and the basement. A condition is recommended to ensure the cut and fill is being completed with minimal onsite disturbance and impacts to surrounding trees is being minimised.

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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	**N/A**
	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)	**N/A**
	4	Minimum habitable floor height advice obtained for flood affected sites	**N/A**
	5	A drainage/flood report prepared by a hydraulics engineer submitted for sites affected by overland flows	**N/A**
	6	Stormwater Management Code compliance	**Yes**
.2.		*Acid Sulfate Soils*	
	1	Site managed consistent with the provisions contained in Clause6.1 SLEP 2012	**Yes**
.3.		*Soil Erosion and Sediment Control*	
	1	Soil erosion and sediment control measures detailed and implemented prior to the commencement of work.	**Yes**
	2	Sediment control measures applied	**Yes**
	3	Plans provided detailing stormwater quality treatment	**Yes**

Comments: Council's Development Engineer raised no concerns with the proposed method of stormwater drainage subject to conditions of consent.

11: Access, Safety and Security

11.1	Objectives	Satisfactory
A.	*To encourage the incorporation of crime prevention principles in the design of the proposed developments.*	**Yes**
B.	*To increase the safety and perception of safety in public and semi-public spaces.*	**Yes**

C.	*To provide passive surveillance of the public domain to promote a safe pedestrian environment whilst maintaining the privacy of residents*	**Yes**
D.	*To ensure the safety of pedestrians by separating pedestrian access from vehicular access.*	**Yes**

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

Comments: Pedestrian and vehicular entries to the subject site are provided via two (2) separate entries located along the primary street frontage, Bareena Street. Both entries are suitably separated, ensuring the safety of pedestrians is maintained at all times. Further, the existing 1.5m front fence has been designed so as to allow for passive surveillance of the street, whilst enhancing security and privacy for future residents on the subject site.

12: Ancillary Development

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

12.2	***Development Controls***		***Complies***
.3.	*Retaining Walls*		
	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**
.4.	*Air-conditioning*		
	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**
.5.	*Satellite Dishes*		
	1	A maximum of one (1) satellite dish per property	**Yes**
	2	Located behind the front building line of the dwelling	**Yes**
	3	Located below the fence-line on corner allotments.	**Yes**
	4	A height of 2.4m (max) from NGL to the top of the satellite dish	**Yes**
	5	Satellite dishes set back 3m (min) from the side or rear boundary.	**Yes**
	6	Satellite dishes constructed of pre-finished steel in recessive colours	**Yes**
.6.	*Swimming Pools*		
	1	Side and rear setbacks from the outside edge of the pool concourse are 1m (min) wide and comprise deep soil soft landscape area	**Yes**
	2	If greater than 1m above ground, the space between the bond beam/concourse and the ground is finished to Council's satisfaction	**Yes**
	3	The pool filter and pump equipment designed and located to not emit a noise level that exceeds 5dBA above the ambient background noise level measured at any property boundary. The pool equipment shall be located within an enclosed structure so as to not be readily visible	**Yes**
	4	Lighting positioned to prevent light spillage and minimise any nuisance to adjoining premises	**Yes**
	5	Enclosures shall comply with the Swimming Pools Act and relevant Australian Standards as amended.	**Yes**

Comments: The proposed swimming pool has included appropriate side and rear boundary setbacks of at least 1.5m. A retaining wall is sought along the eastern side of the swimming pool, which does not protrude more than 500mm above the finished ground level of the yards. Conditions of consent are recommended to ensure the swimming pool complies with relevant legislation.

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**
	Natural Cooling and Ventilation		
.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**
	Water Tanks		
	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**
	Hot Water Heater Units		
	1	Located behind the dwelling or wholly behind the dwelling	**Yes**
.4.	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:Proposed living areas are primarily located on the northern and eastern sides of the building to ensure maximum passive solar access is achieved throughout the dwelling. The BASIX Certificate submitted indicates that the proposal satisfies the required water, thermal comfort and energy ratings. Specifically, the development proposes solar panels and a 3500L rainwater tank which has been setback 800mm from the northern boundary.

PART H - WASTE MANAGEMENT (SCDCP 2005)

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

DRAFT PART A OF STRATHFIELD CONSOLIDATED DEVELOPMENT CONTROL PLAN (2005)

On 5 February 2019, Council resolved to publically exhibit the draft amendments to Part A of Strathfield DCP 2005 for Dwelling Houses & Ancillary Structures in accordance with the EP&A Act 1979 & EP&A Regulation 2000. Given that this development application was lodged 2 November 2018 and amended plans were received 11 December 2018, prior to the draft amendments being

presented to Council, and the amendments being exhibited, strict compliance is unwarranted in this instance.

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

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

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

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

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

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

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

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

The proposed development is considered to be suitable to the site given the nature of the use and the proposal's substantial compliance with the controls.

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

The application was notified in accordance with Part L of the SCDCP 2005 from **7 November 2018** to **26 November 2018**, with **no** submissions received as a result.

4.15(1)(e) the public interest

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

LOCAL INFRASTRUCTURE CONTRIBUTIONS

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

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

STRATHFIELD INDIRECT SECTION 7.12 CONTRIBUTIONS PLAN

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

Local Amenity Improvement Levy **$15,000**

CONCLUSION

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

PEER REVIEW

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

RECOMMENDATION

That Development Application No. DA2018/156 for the demolition of the existing building and the construction of a single dwelling with basement level, in-ground pool and boundary fencing at 62 Bareena Street, Strathfield be **approved**, subject to the following conditions:

GENERAL CONDITIONS (GC)

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

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

Plans affixed with Council's 'Development Consent' stamp relating to Development Consent No. DA2018/156:

Drawing No.	Title/Description	Prepared by	Issue / Revision & Date	Date received by Council
A – 104	Driveway Location Plan	Huppauf Chesterman Architects	Issue A Revision A 24 September 2018	2 November 2018
A - 200	Bareena Street Elevation	Huppauf Chesterman Architects	Issue A Revision A 24 September 2018	2 November 2018
A - 201	Bareena Street and Rear Elevation	Huppauf Chesterman Architects	Issue A Revision A 24 September 2018	2 November 2018
A - 202	South-Yarrowee Road Elevation	Huppauf Chesterman Architects	Issue A Revision A 24 September 2018	2 November 2018
A - 203	North Elevation	Huppauf Chesterman Architects	Issue A Revision A 24 September 2018	2 November 2018
A - 204	Cross Sections One	Huppauf Chesterman Architects	Issue A Revision A 24 September	2 November 2018

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			2018	
A - 205	Cross Sections Two	Huppauf Chesterman Architects	Issue A Revision A 24 September 2018	2 November 2018
A - 206	Long Section One	Huppauf Chesterman Architects	Issue A Revision A 24 September 2018	2 November 2018
A - 011	Existing Roof Plan	Huppauf Chesterman Architects	Issue A Revision A 24 September 2018	2 November 2018
A – 100	Site and Roof Plan	Huppauf Chesterman Architects	Revision B May 2018	10 December 2018
A - 101	Ground Floor Plan	Huppauf Chesterman Architects	Revision B May 2018	10 December 2018
A - 102	First Floor Plan	Huppauf Chesterman Architects	Revision B May 2018	10 December 2018
A - 103	Basement and Driveway plan	Huppauf Chesterman Architects	Issue A Revision A 24 September 2018	2 November 2018
A8284-SW01	Sediment and Erosion Control Plan	Alpha Engineering & Development	Revision E 10 December 2018	10 December 2018
A8284-SW02	Basement Drainage Plan	Alpha Engineering & Development	Revision E 10 December 2018	10 December 2018
A8284-SW03	Ground Floor Drainage Plan	Alpha Engineering & Development	Revision E 10 December 2018	10 December 2018
A8284 – SW04	First Floor & Roof Drainage Plan	Alpha Engineering & Development	Revision E 10 December 2018	10 December 2018
LS01	Existing trees	Melissa Wilson Landscape Architects	24 September 2018	2 November 2018
LS02	Groundfloor landscape	Melissa Wilson Landscape Architects	24 September 2018	2 November 2018
A8284-SW05	Stormwater Sections and Details	Alpha Engineering & Development	Revision E 10 December 2018	10 December 2018

Reference Documentation affixed with Council's 'Development Consent' stamp relating to Development Consent No. DA2018/156:

Title / Description	Prepared by	Issue/Revision & Date	Date received by Council
Statement of Environmental Effects	Happauf Chesterman Architects	1 November 2018	2 November 2018
Arboricultural Impact Assessment Report & Method Statement	Glenyss Laws Consulting Arborist	7 August 2018	2 November 2018
Traffic Report	Transport and Traffic Planning Associates	13 July 2018	2 November 2018
Waste Management Plan	Melissa Licenblat	-	2 November 2018
BASIX Certificate	Damian O'Toole Town Planning P/L	4 October 2018	2 November 2018

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

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

2**. 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) 27.18.

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

3**. CONSTRUCTION HOURS (GC)**

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

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

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

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

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

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

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

5**. 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. **LANDSCAPING ADJACENT SWIMMING POOLS/SPAS (GC)**

A minimum one (1) metre wide landscape strip is to be provided between the swimming pool and adjacent common boundaries. The landscape strip is to be planted with a continuous row of evergreen shrubs of a minimum five (5) litre container size and capable of achieving a minimum mature height of three (3) metres. Details of the selected plants shall be submitted to and approved by the Principal Certifying Authority. Compliance with this condition shall be certified by the Principal Certifying Authority, prior to occupation of the premises.

(Reason: Privacy amenity of adjoining properties.)

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 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 SUBMITED SCHEDULE (GC)**

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

(Reason: To ensure compliance with this consent.)

10**. 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.)

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 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. **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.)

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

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

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

14. **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 Building Developing and Plumbing then Quick Check) or telephone 13 20 92. The consent authority or a Certifying Authority must ensure that a Quick Check agent/Sydney Water has stamped the plans before the commencement of work.

(Reason: Compliance with Sydney Water requirements.)

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

15. **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.)

16**. 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.)

17**. 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.)

18**. 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.)

19**. CAR PARKING - VEHICULAR ACCESS RAMPS (CC)**

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

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

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

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

20**. 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.)

21**. 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.)

22**. 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.)

23**. 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.)

24**. 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.)

DA2018/156 - 62 Bareena Street, Strathfield
Lot 108 in DP 14613 (Cont'd)

25**. 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.)

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

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

Local Amenity Improvement Levy **$15,000**

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

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

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

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

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

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

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

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

Payment may be accepted in the form of cash, bank guarantee, cheque or credit card (financial transactions fees apply). Note: Additional fees apply for the lodgement of a bank guarantee in lieu of cash bond applies in accordance with Council's adopted Fees and Charges.
Any costs associated with works necessary to be carried out to rectify any damages caused by the development, shall be deducted from the Damage Deposit.

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

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

(Reason: Protection of Council infrastructure.)

28**. 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.)

29**. 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.)

30**. 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.)

31. **TREE BONDS (CC)**

A tree bond of **$6,600** for each street tree adjacent to the site and proposed works (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.

This bond will be held for 12 months following the issue of the Occupation certificate. 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 where replacement/planted trees have become fully established and are over 6 metres in height.

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

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

32**. 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.)

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 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.)

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

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

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

(Reason: Statutory requirement.)

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

35. 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.)

36. 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.

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

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

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

37. CAR PARKING - SURPLUS VEHICULAR CROSSINGS (OC)

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

(Reason: Maintenance of public infrastructure.)

38. 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.)

39**. 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.)

40**. 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.)

41**. 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.)

42**. 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.)

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

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

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

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

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

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

(Reason: Safety and statutory compliance.)

ATTACHMENTS

There are no attachments for this report.

TO: **Strathfield Internal Development Assessment Panel Meeting - 7 March 2019**

REPORT: **IDAP – Report No. 3**

SUBJECT: **DA2018/131 - SHOP 2 /162-170 PARRAMATTA ROAD HOMEBUSH LOT 60 SP 91021**

DA NO. **DA2018/131**

SUMMARY

Proposal:	Fit-out & use as a cafe and associated signage of premises.
Applicant:	Carmela Litonjua
Owner:	Steven & Pauline Orfanos
Date of lodgement:	28/09/18
Notification period:	4/10/18 - 21/10/18
Submissions received:	Nil
Assessment officer:	AT
Estimated cost of works:	$65,000.00
Zoning:	ZONE B4 - Mixed Use - SLEP 2012
Heritage:	N/A
Flood affected:	Yes
Is a Clause 4.6 variation proposed?	No

RECOMMENDATION OF OFFICER: **APPROVAL**

EXECUTIVE SUMMARY

1.0 The application seeks Council approval for the fit-out of an existing commercial tenancy as a café with a maximum patron capacity of 25-30 and associated business identification signage.

2.0 In accordance with Part L of the Strathfield Consolidated DCP 2005 the subject application was publicly notified. No submissions were received.

3.0 During the assessment process amended plans were requested and have been submitted to Council and were found satisfactory.

4.0 The proposed fit out of Unit 2/162-170 Parramatta Road Homebush for a cafe is consistent with the objectives of the zone as it seeks to preserve the existing use of the site for employment and economic activity purposes. The proposed works for the building complies with the parking provisions outlined in Part I 'Provision of Off-Street Parking Facilities', Part J 'Advertising Signs and Structures' and the 'Parramatta Road Corridor Area' of the Strathfield Consolidated Development Control Plan 2005. The subject site is considered to be suitable in its current state for the purposes of the proposed development.

5.0 The applicant has responded to Council's referral comments and amended their plans satisfactorily.

DA2018/131 - Shop 2 /162-170 Parramatta Road Homebush
Lot 60 SP 91021 (Cont'd)

BACKGROUND

The building is a recent construction and the subject site is a new tenancy within the building. The historical background for this application is listed below;

2 October 2018 Application received

2 October 2018 Referred to EHO

4 October - 21 October 2018 Neighbour notification

4 October 2018 Initial comments received EHO requiring amended plans

13 November 2018 Applicant requested clarification regarding EHO comments and a time extension of 3 weeks

16 November 2018 Comments received EHO

31 January 2019 Amended plans received

15 February 2019 Final referral comments received / amended plans are satisfactory

DESCRIPTION OF THE SITE AND LOCALITY

The subject site is legally described as Lot 60 - SP 91021 and is commonly known as Shop 2, 162-170 Parramatta Road Homebush. The site is located on the southern side of Parramatta Road and has an area of 1,610m^2 (Figure 1). The shop is part of a newly constructed mixed use development comprising commercial tenancies at ground floor level, 9 levels of residential apartments and 2 levels of basement parking. The development fronts the Parramatta and Park Road intersection in Strathfield. The commercial tenancy is currently unoccupied and has a GFA of 136m^2.

Figure 1: Aerial view of locality with subject site highlighted in red above.

DA2018/131 - Shop 2 /162-170 Parramatta Road Homebush
Lot 60 SP 91021 (Cont'd)

The site is located approximately 600m north west of Homebush Railway Station and approximately 820m to south west of North Strathfield Railway Station. Vehicle access to the basement level car park is via a rear lane (Loftus Lane) along the south western boundary where two (2) car parking spaces are provided for subject tenancy. The surrounding area is characterised by commercial and mixed use development along Parramatta Road and is consistent with the zoning while residential development is prevalent to the south. Solid concrete walls separate the individual lots as shown in the image below.

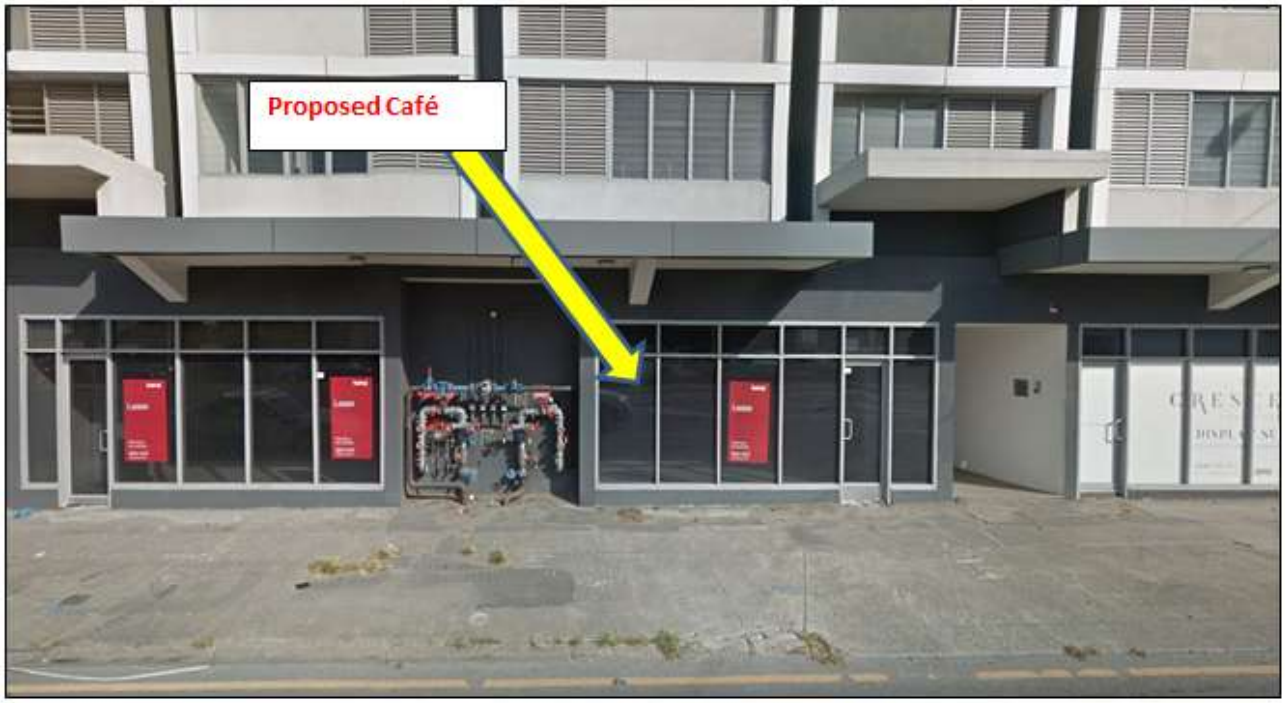

Figure 2: Street view of the building façade along Parramatta Road with existing tenancy to be fitted and used for the purpose of a café.

The subject application relates to Shop 2, which is located in the north-eastern corner of the building complex. Other existing tenancies adjoining the site are commercial based premises and few are currently vacant (Figure 2).

PROPERTY BURDENS AND CONSTRAINTS

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

DESCRIPTION OF THE PROPOSED DEVELOPMENT

This application seeks Council approval for the fit out and use of an existing commercial tenancy as a café with associated signage .

The specific elements of the proposal are:

Basement level: The provision of two (2) off-street car parking spaces

Ground level: Tenancy Unit 2

- Fit-out of an existing commercial tenancy as a Cafe including lounge area, table seating, bar counter, kitchen, cold room, toilet facilities.

- Installation of one (1) new under awning business identification sign;

- Hours of operation; Monday to Thursday: 7am to 7pm, Friday: 7am to 10pm, Saturday and Sunday: 8am to 10pm;

- A maximum occupancy rate of 25-30 patrons at any time.

REFERRALS

INTERNAL REFERRALS

Waste Comments

All waste management related concerns have been fulfilled. No other objections were raised subject to the imposition of recommended standard conditions of consent.

Environmental Health Comments

Council's Environmental Health Officer has informed the applicant by email advising that home cooked food will not be permitted as part of the proposal and the following comments were provided:

1. *"Food that is made from within a residential premises ie. A home, cannot be sold within the business unless the residential home is licensed as a home based business, or has a whole sale license with the food authority. If the applicant is living in Strathfield and is planning on manufacturing high risk foods and to be registered as a homebased business, the Environmental Health team will not permit this. Please see the following link https://www.strathfield.nsw.gov.au/business/food-safety/home-based-business/*
2. *Due to the amount of space and the varied types of food that are proposed to be made on the premises, it is a recommendation that the business sells hot/ cold beverages, pre-made snacks/ pastries, sandwiches/ wraps, and salads within the premises."*

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

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

(i) any environmental planning instrument

In determining a development application, the consent authority is to take into consideration the following matters of consideration contained within section 4.15 (1)(a) of the Environmental Planning and Assessment Act, 1979 as relevant to the development application:

Sydney Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

A BASIX certificate is not required for the fit out and use as a café.

State Environmental Planning Policy No. 55 – Remediation of Land

The provisions of SEPP 55 require Council to consider the potential for a site to be contaminated. Given that the proposal involves the use of newly constructed building, no issues arise in this respect.

STATE ENVIRONMENTAL PLANNING POLICY (INFRASTRUCTURE) 2004

The subject site fronts a classified road (Parramatta Road). Clause 101 of SEPP Infrastructure requires that where development has frontage to a classified road, alternative vehicular access be

obtained from a road other than the classified road, and that the development not impact upon the safety, efficiency and ongoing operation of the classified road.

The proposed development obtains vehicular access from Loftus Lane and involves no actions likely to impact upon the ongoing operation of Parramatta Road. As such the proposed development satisfies the requirements of Clause 101 of SEPP Infrastructure.

Clause 104 of SEPP (Infrastructure) identifies certain development as Traffic Generating Development and requires such development to be referred to the NSW Roads and Maritime Service (RMS) for comment.

STATE ENVIRONMENTAL PLANNING POLICY NO 64 - SEPP 64 – ADVERTISING AND SIGNAGE

SEPP 64 establishes a number of considerations for development involving the installation of signage. An assessment of the proposed development against the requirements of SEPP 64 is provided below:

The application seeks approval for new business identification signage on the subject site.

The sign will be situated on the shopfront facing Parramatta Road and under the awning of the building. Subsequently, the advertising signs have been assessed against the following clause of SEPP 64:

Part 1, Clause 3 of SEPP 64 requires advertising signs to meet the following aims and objectives:

(i) is compatible with the desired amenity and visual character of an area, and
(ii) provides effective communication in suitable locations, and
(iii) is of high quality design and finish, and

The proposed advertising signs are compatible with the above aims and objectives of SEPP 64.

In addition, the advertising signs meet the following assessment criteria as stated in Schedule 1 of the SEPP 64:

	Schedule 1 – Assessment Criteria	Compliance
1	**Character of the area**	
•	Is the proposal compatible with the character of the area or locality in which it is proposed to be located?	Complies - the advertising signs are compatible with the character of the locality and they are business identification signage.
•	Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	Complies - There is no particular theme for outdoor advertising in the locality.
2	**Special areas**	
•	Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?	Complies - The site is not within any conservation areas or open space and does not detract from any visual quality or amenity.
3	**Views and vistas**	
•	Does the proposal obscure or compromise important views?	Complies -The advertising signs will not obscure or compromise any potential vista.

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• Does the proposal dominate the skyline and reduce the quality of vistas?	Complies - The signage will not dominate the skyline nor does it reduce the quality of Parramatta Road's potential vista.
• Does the proposal respect the viewing rights of other advertisers?	Complies - The advertising signs are not considered to compromise the viewing rights of other advertisers.
4 Streetscape, setting or landscape	
• Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	Complies. The dimension of the signage under awning measures 1.2m in length and 0.5m in height and has a thickness of 0.08m. The height from pavement level is 2.8m and is to be attached under an existing awning. Plans show window signage (not illuminated) is also proposed which comprise of 3 x signs facing the street with a coffee mug symbol and the business name. These signs are to be positioned 500mm off ground level and be 1.0m x 0.9m in size.
• Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	Complies - It is sympathetic to the surrounding development and has a simple design with acceptable tones.
• Does the proposal reduce clutter by rationalising and simplifying existing advertising?	N/A
• Does the proposal screen unsightliness?	N/A
• Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	Complies. The location of the signs are appropriate.
• Does the proposal require ongoing vegetation management?	N/A
5 Site and building	
• Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?	Complies
• Does the proposal respect important features of the site or building, or both?	Complies - the advertising signs are complimentary to the existing features of the building.
• Does the proposal show innovation and imagination in its relationship to the site or building, or both	Complies - The proposal demonstrates an appropriate level of imagination and innovation.
6 Associated devices and logos with advertisements and advertising structures	
• Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?	Complies - Lighting devices and logos form the integral part of the signs.
7 Illumination	
• Would illumination result in unacceptable glare?	Complies - The signage is not proposed to have any illumination.
8 Safety	

• Would the proposal reduce the safety for any public road?	Complies - The advertising signs will not affect road safety.
• Would the proposal reduce the safety for pedestrians or cyclists?	Complies - The advertising signs will not affect pedestrian or cyclists' safety.
• Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?	Complies - The advertising signs will not obscure any sightlines from public areas.

Based on the above assessment it is considered that the proposed advertising signage is to be satisfactory, having regard to the aims and objectives as well as the Assessment Criteria of SEPP 64 - *Advertising and Signage*.

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

The Vegetation SEPP is not applicable to this application.

STRATHFIELD LOCAL ENVIRONMENTAL PLAN 2012 (SLEP 2012)

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

Cl. 1.2(2)	***Aims***	***Complies***
(a)	*To achieve high quality urban form by ensuring that new development exhibits design excellence and reflects the existing or desired future character of particular localities and neighbourhoods in Strathfield*	**Yes**
(b)	*To promote the efficient and spatially appropriate use of land, the sustainable revitalisation of centres, the improved integration of transport and land use, and an appropriate mix of uses by regulating land use and development*	**Yes**
(c)	*To promote land uses that provide a wide range of employment, recreation, 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 reduce the traffic and environmental impacts of private vehicle use*	**Yes**
(f)	*To identify and protect environmental and cultural heritage*	**Yes**
(g)	*To promote opportunities for social, cultural and community activities*	**Yes**
(h)	*To minimise risk to the community by identifying land subject to flooding and restricting incompatible development*	**Yes**

Comments: The proposed development provides for additional employment and dining opportunities within an accessible area that is compatible with the mixed-use zoning of the site. As discussed in this report, appropriate conditions of consent are recommended to maintain the amenity of the residential units above and in the adjacent occupancies.

Permissibility

The subject site is zoned B4 - Mixed Use under Strathfield Local Environmental Plan (SLEP) 2012.

Fit out for café purposes with associated signage are permissible within the B4 - Mixed Use Zone with consent and are defined under SLEP 2012 as follows:

> ***"Restaurant or cafe*** *means a building or place the principal purpose of which is the preparation and serving, on a retail basis, of food and drink to people for consumption on*

the premises, whether or not liquor, take away meals and drinks or entertainment are also provided.

Note. *Restaurants or cafes are a type of* ***food and drink premises***

*"**food and drink premises** means premises that are used for the preparation and retail sale of food or drink (or both) for immediate consumption on or off the premises, and includes any of the following:*
(a) a restaurant or cafe,
(b) take away food and drink premises,"

The proposed development for the purpose of fit out for cafe purposes is consistent with the definition above and is permissible within the B4 Mixed Use Zone with consent.

Zone Objectives

An assessment of the proposal against the objectives of the B4 Mixed Use Zone is included below:

Objectives	***Complies***
➢ *To provide a mixture of compatible land uses*	**Yes**
➢ *To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.*	**Yes**
➢ *To facilitate mixed use urban growth around railway stations and transport nodes and corridors, commercial centres and open space.*	**Yes**
➢ *To provide local and regional employment and live and work opportunities.*	**Yes**

Comments: The proposal is consistent with the objectives of the B4 Zone as it will preserve the use of the site for employment-generating activities thereby continuing to provide employment opportunities. The proposal is highly accessible by public transport, walking and cycling and is compatible within surrounding uses within the Parramatta Road Corridor. It maintains a suitable level of amenity to adjoining residential land uses, as such the application is deemed to be an acceptable proposal for the area.

Part 4: Principal development standards
There are no provisions contained within Part 4 of the SLEP 2012 that are applicable to the proposed development.

Part 5: Miscellaneous Provisions
There are no provisions contained within Part 5 of the SLEP 2012 that are applicable to the proposed development.

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

6.6 Erection or display of signage
Clause 6.6 of the SLEP 2012 requires consideration be given to the compatibility of the proposed signage with the desired amenity and visual character of the area. The proposed development incorporates one (1) under awning business identification sign and window signage that are compatible with the building and locality. The signage will be of a high quality design and finish and will provide an effective means of communication without adversely impacting upon road safety or sightlines from public areas.

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

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There are no applicable *draft environmental 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 (SCDCP) 2005

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

SCDCP2005 NO.20 - PARRAMATTA ROAD CORRIDOR AREA

8: Vehicle Access and Car Parking

The following car parking rate applies for the use of commercial/retail space under the Strathfield Consolidated Development Control Plan No.20 (DCP) 2005 - Parramatta Road Corridor Area.

Land Use	Spaces/m2	Complies
Retail less than 500m2 GFA	1 space per 50m2	Yes The retail unit with an internal floor area of 110sqm is allotted two (2) parking spaces as shown in the basement plans. These spaces may be accessed via the car park entry at the rear of the building along Loftus Lane.

Comments: The proposed fitout for a café is under a tenancy within a council-approved building Given that it is a leased property, accessible spaces have already been provisioned for as part of the original building development.

PART H - WASTE MANAGEMENT (SCDCP 2005)

A complying Waste Management Plan in accordance with SCDCP 2005 has been submitted with the development application. It covers details more specific to a fit out in Shop 2 however the recently approved building features a Council approved mix of uses and associated waste management systems / locations and requirements. Existing designs and layouts are according to Council guidelines in design, garbage, recycling and location. Such existing systems and design have been approved by Council in the building consent of which this lot is a part. Standard Conditions have been placed in the consent for this application.

It proposes that all waste generated by the café will be stored in bins located in the Unit 2 designated waste storage area. The applicant has stated in the waste management plan that regular waste collection is to be arranged when the café is operational Conditions of consent have been recommended to ensure that waste generated by the development is appropriately disposed of.

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

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

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

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

building. Having regard to these prescribed matters, the proposed development does not involve the demolition of a building for the purposes of *AS 2601 – 1991: The Demolition of Structures*.

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

Traffic and Parking
As previously noted, the proposed development requires the provision of two (2) parking spaces. Two (2) parking spaces located at Basement Level 1 have been allocated to the tenancy and this would primarily be used by staff.

Noise
Given the subject site's close proximity to medium density residential development, the proposed cafe could potentially result in a loss of acoustic amenity to surroundings residents as a result of patron and kitchen equipment noise emissions. Standard conditions have been imposed to minimise any impact.

The proposal seeks to operate the restaurant between Monday to Thursday: 7am to 7pm, Friday: 7am to 10pm, Saturday and Sunday: 8am to 10pm; seven days a week with a maximum patron capacity of (25-30). These hours of operation are considered reasonable given that it is on a busy road and because the business to operate within a mixed use zone.

Operation of Restaurant
A Plan of Management was requested during the assessment process outlining the procedures and measures to ensure that suitable management practices are in place to minimise the impacts of the development on surrounding residences. It is recommended that a condition of consent is imposed to ensure the Plan of Management is complied with at all times.

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

The proposed fit out and use of Unit 2 for the purposes of a Fit-out and Use as a cafe and associated signage of premises is consistent with the objectives of the Zone, as it seeks to preserve the existing use of the site for employment, and economic purposes.

In addition, the proposed fit-out works for both buildings comply with the parking provisions outlined in *Part I, Provision of Off-Street Parking Facilities, Part J Advertising Signs and Structures* and *DCP 20 Parramatta Road Corridor Area of Strathfield Consolidated Development Control Plan* 2005. The subject site is therefore, considered to be suitable in its current state for the purposes of the proposed development.

As regards hours of operation, being; Monday to Thursday: 7am to 7pm, Friday: 7am to 10pm Saturday and Sunday: 8am to 10pm, are considered to be satisfactory having regard to other approvals for the site and surrounding development. Accordingly, a suitable condition of consent is included within the recommendation reinforcing the proposed hours of operation.

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

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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.

Contributions are not applicable to the proposed development as there is no additional floor space proposed and contributions were paid through the original development application for the construction of the building. The cost of works is less than the threshold.

CONCLUSION

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

PEER REVIEW

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

RECOMMENDATION

That Development Application No. DA2018/131 for fit-out & use as a cafe and associated signage of premises at Shop 2/162-170 Parramatta Road Homebush be APPROVED subject to the following conditions:

SPECIAL CONDITIONS

1. **PREMISES – FOOD AND DRINK (SC)**

   The food business is to only sell hot/cold beverages, pre-made snacks/ pastries, sandwiches/ wraps, and salads within the premises.

   (Reason: To ensure the business does not sell home cooked food)

GENERAL CONDITIONS

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

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

   Plans affixed with Council's 'Development Consent' stamp relating to Development Consent No. DA2018/131:

Drawing No.	Title/Description	Prepared by	Issue / Revision & Date	Date received by Council
01/09	Cover Sheet	Building Drafting Solutions	31/01/19	6/02/19
02/09	Location Plan – Ground Level Floor Plan	Building Drafting Solutions	31/01/19	6/02/19
03/09	Site Plan	Building Drafting Solutions	31/01/19	6/02/19
04/09	Basement parking	Building	31/01/19	6/02/19

		Drafting Solutions		
05/09	Floor Plan (Amended)	Building Drafting Solutions	31/01/19	6/02/19
06/09	Detailed Floor Plan (Amended)	Building Drafting Solutions	31/01/19	6/02/19
07/09	Mechanical Services - Floor Plan (Amended)	Building Drafting Solutions	31/01/19	6/02/19
08/09	Section Plan (AA) (BB) (Amended)	Building Drafting Solutions	31/01/19	6/02/19
09/09	North Elevation (Amended)	Building Drafting Solutions	31/01/19	6/02/19

Reference Documentation affixed with Council's 'Development Consent' stamp relating to Development Consent No. DA2018/131:

Title / Description	Prepared by	Issue/Revision & Date	Date received by Council
Statement of Environmental Effects (Amended)	Building Approval Solutions	31/01/19	6/02/19
Waste Management Plan (Amended)	Building Approval Solutions	31/01/19	6/02/19
Operations Management Plan (Amended)	Building Approval Solutions	31/01/19	6/02/19

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.

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

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

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

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

5**. LIGHTING (GC)**

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

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

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

6**. MATERIALS – CONSISTENT WITH SUBMITED SCHEDULE (GC)**

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

(Reason: To ensure compliance with this consent.)

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

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

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

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

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

(Reason: Statutory requirement.)

8**. SIGNAGE - UNDER AWNING (GC)**

The under awning sign/s must at no point be less than 2.6 m from the finished ground level and a minimum of 600mm from the street gutter.

(Reason: To ensure compliance with SCDCP 2005.)

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9. **SITE MANAGEMENT (DURING DEMOLITION AND CONSTRUCTION WORKS)**

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

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

stormwater drainage system.

xix) Any work must not prohibit or divert any natural overland flow of water.

xx) Toilet facilities for employees must be provided in accordance with WorkCover NSW.

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

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

10. 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.)

11. ACCESS - DISABLED TOILETS (CC)

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

12. 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.)

13**. 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.)

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

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

i) Detailed information on any approvals required from other authorities prior to or during construction.
ii) Traffic management, including details of:
- ingress and egress of vehicles to the site;
- management of loading and unloading of materials;
- the location of heavy vehicle parking off-site; and
- designated routes for vehicles to the site.

iii) The proposed areas within the site to be used for a builder's site office and amenities, the storage of excavated material, construction materials and waste containers during the construction period.
iv) Erosion and sediment control, detailing measures and procedures consistent with the requirements of Council's guidelines for managing stormwater, including:
- the collection and treatment of stormwater and wastewater generated on site prior to discharge; and
- procedures to prevent run-off of solid material and waste from the site.

v) Waste management, including:
- details of the types and estimated volumes of waste materials that will be generated;
- procedures for maximising reuse and recycling of construction materials; and
- details of the off-site disposal or recycling facilities for construction waste.

vi) Dust control, outlining measures to minimise the generation and off-site transmission of dust and fine particles, such as watering or damp cloth fences.
vii) A soil and water management plan, which includes:
- measures to minimise the area of soils exposed at any one time and conserve top soil;
- identification and protection of proposed stockpile locations;
- preservation of existing vegetation and revegetation;
- measures to prevent soil, sand, sediments leaving the site in an uncontrolled manner;
- measures to control surface water flows through the site in a manner that diverts clean run-off around disturbed areas, minimises slope gradient and flow distance within disturbed areas, ensures surface run-off occurs at non-erodible velocities, and ensures disturbed areas are promptly rehabilitated;

- details of sediment and erosion control measures in place before work commences;
- measures to ensure materials are not tracked onto the road by vehicles entering or leaving the site; and
- 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 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.)

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15**. 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.)

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Lot 60 SP 91021 (Cont'd)

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

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

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

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

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

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

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

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

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

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

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

18**. 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 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.)

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

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

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

(Reason: Statutory requirement.)

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

20**. FOOD PREMISES - CONSTRUCTION AND FIT-OUT OF (DW)**

The construction and fit-out of the food premises must comply with the following:

iii) The Food Act 2003;
iv) Food Regulation 2015;
v) Australia and New Zealand Food Standards Code;
vi) Australian Standard AS 4674 – 2004 (Design, construction and fit-out of a food premises); and
vii) The Building Code of Australia.

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Walls in and adjoining food handling areas must be of solid masonry construction (no voids or cavities) and finished as specified in table 3.2 of AS 4674-2004 Design, construction and Fit-out of food premises.Floors with an epoxy resin finish must comply with AS 3554

Floors shall be:
a. appropriate for the area;
b. able to be effectively cleaned;
c. laid in accordance with the relevant Standards (see AS 3958.1 for ceramic tiles) so that there is no likelihood of pooling water and harbourage of pests

Coving shall be a minimum of 25mm radius at the floor wall joint, this will increase to a minimum of 50mm when splayed at 45 degrees. No "feather edge skirting" is permitted. Where vinyl or similar sheeting is installed and the sheeting is turned up to form a cove, a solid preformed coving fillet shall be used to support the sheeting.

Cupboards, cabinets and counter construction must be free of voids, cracks and crevices and designed so they can be easily cleaned and not give harbourage for vermin. They should be fitted a minimum of 150mm above the floor level or situated on a solid plinth a minimum of 75mm in height and meet the same specifications as the floor and be coved.

Fixtures, fittings and equipment shall be designed and constructed in accordance with the requirements given in Table 4.3 and 4.4 of AS 4674-2004 Design, construction and fit-out of food premises.

The ceiling over all food handling areas (including over the servery and bar) must be non-performed and finished free of open joints, cracks and crevices. The ceiling shall be finished with a sealant that is of light colour, washable and an impervious material.
Drop panel type ceilings are not appropriate for these areas.

Hand washbasins must be provided in the food servery/preparation area, preferably installed with hands free taps. A hand wash basin should ideally be located within 5 metres of any food handling and be easily accessible and usable.
Hand washbasins must be provided with:

a. an adequate supply of potable warm running water delivered through a single spout;
b. a supply of liquid soap; and
c. single use hand towel

The premises shall be provided with equipment for cleaning and sanitizing as specified within Tables 4.1 and 4.2 of AS 4674-2004 Design, construction and fit-out of food premises.

Dishwasher and glass washers that are used for sanitizing food contact surfaces and eating and drinking utensils must comply with AS 2945.

Grease arrestors and access openings to the sanitary drainage must not be located within any food preparation and/or handling area.

All service pipes, conducts and electrical wiring shall be either concealed in floors, walls, ceiling of plinths or be fixed on brackets so as to provide at least 25mm clearance between the pipe and the adjacent vertical surface and 100mm between the pipe and the adjacent horizontal surface.

All food preparation areas and areas where food is displayed must be suitably protected from the likelihood of contamination.

All shelving, cupboards, doors and the like must be impervious and easy to clean on all exposed surfaces and as far as practicable and constructed and installed to prevent vermin harbourage.

Sanitary facilities are to comply with the requirements set out within Table F2.3 of the BCA.

Provision must be made for storage of garbage containers and recyclable materials in an external area of the premises or in a room specifically for that purpose.
External garbage areas must be provided with a hose tap connected to the water supply, be paved with an impervious material, be graded and drained to sewer and be designed and constructed so they are easy to clean.

Roomed garbage areas must have impervious floors that are coved at the floor/wall intersection and be graded and drained to the sewage system. Walls of roomed garbage areas must be smoothed and impervious.

The room must be ventilated and proofed against pests and be provided with a hose tap connected to the water supply.

Details demonstrating compliance shall be submitted to the Principal Certifying Authority for approval, prior to any occupation of the premises.

(Reason: Compliance with food premises legislation and standards.)

21**. 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.)

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

22**. FIRE SAFETY CERTIFICATION (OC)**

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

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

i) has been assessed by a properly qualified person; and
ii) was found, when it was assessed, to be capable of performing to at least the standard required by the current fire safety schedule for the building for which the certificate is issued.

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

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

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

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

(Reason: Fire safety and statutory requirement.)

23**. FOOD PREMISES - REGISTRATION REQUIREMENTS (OC)**

Prior to the issue of any Occupation certificate, a Registration of Food Premises Form must be completed and submitted to Council, and the appropriate fees paid. The form is available online. In the instance details on the original registration form change, Council is to be notified of the change within seven (7) days of the change occurring.

(Reason: Registration and notification to relevant authorities.)

24**. 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.)

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

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

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

(Reason: Safety and amenity.)

26**. DELIVERIES (OU)**

All deliveries must not occur before 7.00am or after 8.00pm weekdays and before 8.00am or after 5.00pm weekends and public holidays, to avoid noise disruption to the surrounding area.

(Reason: To control noise impacts.)

27**. FIRE SAFETY ANNUAL STATEMENT (OU)**

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

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

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

(Reason: Fire safety.)

28**. FOOD PREMISES - ONGOING USE OF (OU)**

The ongoing operation and fit out of the premises must be maintained in accordance with the following requirements:

i) Food Act 2003;
ii) Food Regulations 2004;
iii) Australian Standard AS4674-2004: Construction and fit out of food premises;
iv) Australia and New Zealand Food Standards Code 3.2.3: Food Premises and Equipment; and
v) Australia and New Zealand Food Standards Code 3.2.2: Food Safety Practices and General Requirements.

(Reason: To ensure compliance with legislation and to protect public health and safety.)

29**. HOURS OF OPERATION - COMMERCIAL PREMISES (OU)**

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

Days	Approved hours of operation
Mon-Thursday	7am to 7pm
Friday	7am to 10pm
Saturday, Sunday and Public Holiday	8am to 10pm

A sign shall be erected in a prominent position in the building/premises stating the maximum number of persons/seating capacity of the approved cafe.

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

30**. LOADING AND UNLOADING - NO OBSTRUCTION OF PUBLIC ROAD OR FOOTWAY (OU)**

All loading and unloading operations including fork lift trucks or other similar loading, lifting and/or carrying appliances used in conjunction with the premises, shall be carried out wholly within the boundaries of the site, at all times. There shall be no obstruction of any public roadway or footway at any time, without the prior

(Reason: Public safety.)

31**. NOISE - COMPLAINTS RELATING TO USE OR MACHINERY (OU)**

The use of the premises shall comply with the requirements of the Protection of the Environment Operations (Noise Control) Regulation 2008.

Should substantiated complaints or breaches of noise regulations occur, a suitably qualified acoustic consultant shall be engaged by Council to measure noise emanating from the building/premises and to recommend appropriate action. The cost of such an appointment shall be borne by the operator/owner and any works recommended by the acoustic consultant shall also be borne by the operator/owner and carried out within a time frame set by Council.

(Reason: Noise control and amenity.)

32**. NOISE - SIGNAGE TO PATRONS EXITING THE PREMISES (OU)**

A clearly visible sign shall be permanently erected immediately adjacent to the entry/exit doors indicating that patrons are to leave in an orderly fashion and shall leave the vicinity of the premises in a manner that does not disturb the quiet and good order of the neighbourhood.

(Reason: Public interest.)

33**. OUTDOOR DINING PERMIT - SEPARATE APPROVAL REQUIRED (OU)**

This consent does not approve any outdoor eating/seating area proposed as part of this development application. Plans are to be amended to exclude any outdoor eating/seating area, prior to the issue of any Construction Certificate. A separate application for an Outdoor Dining Permit shall be submitted to Council in accordance with the requirements of Section 125 of the Roads Act 1993. A leasing fee will apply for the use of Council's property.

No furniture or other structure is permitted to be fixed to the pavement, without the consent of Strathfield Council.

(Reason: To ensure consistency between any development consent and outdoor eating license.)

34**. SEATING CAPACITY - MAXIMUM PERMITTED (OU)**

The premises shall accommodate a maximum number of 30 patrons at any one time.

A sign shall be erected in a prominent position in the building/premises stating the maximum number of persons/seating capacity of the approved cafe.

(Reason: To ensure development in accordance with the approval and BCA requirements.)

35. **NOISE - NO AMPLIFIED MUSIC (OU)**

Music and other amplified sound played on the premises shall not give rise to offensive noise as defined under the provisions of the Protection of the Environment Operations Act 1997. The sound level output shall not exceed 5 dB(A) above the ambient background level at the received boundary.

Speakers must not be installed and music must not be played in any of the outdoor areas associated with the premises including the public domain. Speakers located within the premises must not be placed so as to direct the playing of music towards the outdoor areas associated with the premises.

(Reason: Environmental amenity.)

36**. SIGNAGE - PORTABLE SIGNS PROHIBITED ON PUBLIC FOOTWAY (OU)**

Portable signs including sandwich boards, goods or the like shall not be placed on the public footway or other public areas.

(Reason: To ensure pedestrian safety.)

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

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

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

38**. CONTROL OF LITTER (OU)**

The occupant or person in control of the premises must take all practicable steps to ensure that the area of public footpath or public area adjacent to the premises is maintained in a clean and tidy condition.

A litter management plan must be included with all applications, litter management plan must include the below:

i) All steps being taken to prevent, reduce and collect any litter produced by the site
ii) Measures such as cleaner to conduct litter collection within a 50m radius to be included.

(Reason: To manage litter throughout the LGA.)

ATTACHMENTS

There are no attachments for this report.

TO: **Strathfield Internal Development Assessment Panel Meeting - 7 March 2019**

REPORT: **IDAP – Report No. 4**

SUBJECT: **DA2018/153 - 29 ABBOTSFORD ROAD, HOMEBUSH LOT E DP 101322**

DA NO. **2018/153**

SUMMARY

Proposal:	Construction of an in-ground swimming pool, cabana and associated landscaping works within a Heritage Conservation Area.
Applicant:	Space Landscape Design Pty Ltd
Owner:	D. & M Garde
Date of lodgement:	31 October 2018
Notification period:	6 November 2018 to 23 November 2018
Submissions received:	Nil
Assessment officer:	ND
Estimated cost of works:	$98,500
Zoning:	R2 Low Density Residential - SLEP 2012
Heritage:	Yes – Located within Abbotsford Road Heritage Conservation Area
Flood affected:	Yes
Is a Clause 4.6 variation proposed?	No
RECOMMENDATION OF OFFICER:	**APPROVAL**

EXECUTIVE SUMMARY

1.0 The application seeks Council approval for the construction of an in-ground swimming pool, cabana and associated landscaping works within a Heritage Conservation Area.

2.0 The plans and documentation were notified in accordance with Part L of the Strathfield Consolidated Development Control Plan (SCDCP) 2005 from 6 November 2018 to 23 November 2018. No written submissions were received.

3.0 During the assessment process, amended plans were submitted to Council reducing the height of the cabana, thereby minimising its visibility from the streetscape with a schedule of colours and finishes that complement the existing dwelling. To increase the provision of deep soil landscaping and ensure tree protection, conditions of consent have been recommended for the width of the swimming pool structure to be reduced by 2m and replaced with deep soil landscaping.

4.0 The proposal is considered acceptable and recommended for approval subject to the recommended conditions of consent.

DA2018/153 - 29 Abbotsford Road, Homebush
Lot E DP 101322 (Cont'd)

BACKGROUND

31 October 2018: The current application (DA2018/153) was lodged.

6 November 2018 to
23 November 2018: Application was publicly notified. No written submissions were received.

12 December 2018: A deferral letter was sent to the applicant requesting an Arboricultural Impact Assessment, reduction in the height of the cabana, streetscape elevation plan and an increase the extent of deep soil landscaping.

17 December 2018: Amended architectural plans and Arborist Report submitted.

DESCRIPTION OF THE SITE AND LOCALITY

The subject site is located on the northern side of Abbotsford Road. It has a 15.24m street frontage and a total site area of 929m^2 (Figure 1). The site is currently occupied by a two (2) storey dwelling and attached carport. Although the site is not listed as a heritage item, it is located within the Abbotsford Road Heritage Conservation Area. The existing streetscape is characterised by Federation period houses.

Figure 1: Locality plan. The subject site is outlined in yellow, the Abbotsford Road Heritage Conservation Area shaded in red and heritage listed items outlined in red.

DA2018/153 - 29 Abbotsford Road, Homebush
Lot E DP 101322 (Cont'd)

Figure 2: View of the existing dwelling.

PROPERTY BURDENS AND CONSTRAINTS

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

DESCRIPTION OF THE PROPOSED DEVELOPMENT

The application seeks Council approval for construction of an in-ground swimming pool, cabana and associated landscaping works within a Heritage Conservation Area.

The specific elements of the proposal are:

- Construction of a swimming pool and spa;
- Construction of a cabana;
- Sunken seating area; and
- Associated landscaping works.

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 has commented on the proposal as follows:

> *"Given the importance of the trees on the site I recommend that the swimming pool be relocated 2 metres closer to the dwelling and that the norther pool surround and paving be reduced or eliminated, to ensure that there are no structures that encroach greater than 10% of the Tree protection Zone of the trees numbered 10-16."*

Heritage Comments

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

> *"The amended plans received have reduced the overall height of the cabana in a manner that would make the structure unlikely to be visible from the Abbotsford Road Conservation Area, especially when the existing carport door is closed. As such, the proposal is not contrary to the provisions of Part P 4.10 of the SDCP2005 and the proposal is considered to be acceptable on heritage grounds."*

SECTION 4.15 CONSIDERATIONS – EP&A Act, 1979

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

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

STATE ENVIRONMENTAL PLANNING POLICY (SEPP) – BASIX 2004

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

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

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

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

The objectives outlined within SEPP55 are considered to be satisfied.

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

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

The intent of this SEPP is consistent with the objectives of the repealed Standard where the primary aims/objectives are related to the protection of the biodiversity values of trees and other vegetation on the site. During the assessment process, an Arboricultural Impact Assessment was submitted and forwarded to Council's Tree Officer. Whilst Council's Tree Officer generally concurs with the recommendations of the document, to eliminate the need for root mapping investigations and increase deep soil landscaping, a condition of consent has been recommended for the swimming pool structure (including spa, associated paving and sunken lounge) to be reduced by no less than 2m in width, taken from the northern side and replaced with deep soil landscaping.

STATE ENVIRONMENTAL PLANNING POLICY (COASTAL MANAGEMENT) 2018

Although Council is not subject to a coastal zone management plan, the sea level rise planning benchmarks have also been established in order to assess the likely increase in the frequency, duration and height of flooding and as a consequence likely property and infrastructure damage on affected and potentially affected land. Council is therefore required to consider the impact of sea level rise and resultant flooding from Powell's Creek and Cook's River which are tributaries of Sydney Harbour (Parramatta River) and Botany Bay respectively.

The proposed development is located on a site that is affected by the existing 1 in 100 year flood event. The application was forwarded to Council's Development Control Engineer who offered no objections, subject to the recommended conditions of consent.

STRATHFIELD LOCAL ENVIRONMENTAL PLAN 2012 (SLEP 2012)

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

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

Comments: The proposed development, specifically the cabana have been appropriately designed so as not to be overly visible from the streetscape.

Permissibility

The subject site is zoned R2 Low Density Residential under Strathfield Local Environmental Plan (SLEP) 2012. Ancillary structures to dwelling houses are permissible within the R2 Low Density Residential Zone with consent.

Zone Objectives

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

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

Comments: The development achieves the objectives of the R2 zone, providing for the housing needs of the community in a low density residential setting.

Height of building

Cl.	*Standard*	*Controls*	*Proposed*	*Complies*
4.3	*Height of building*	9.5m	3.58m	**Yes**

DA2018/153 - 29 Abbotsford Road, Homebush
Lot E DP 101322 (Cont'd)

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

Comments: The proposed cabana provides a maximum height of 3.58m, demonstrating compliance with the 9.5m maximum building height standard. The structure is to sit below the building height of the existing carport, minimising its visibility from the streetscape.

Part 5: Miscellaneous Provisions

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

5.10 Heritage Conservation

Clause 5.10(5) of the *SLEP 2012* required consideration be consideration be given to the potential impacts of development upon heritage conservation areas and heritage listed items including associated fabric, settings and views. The subject site is located within the Abbotsford Road Heritage Conservation Area and the existing dwelling is considered a contributory item in the street. During the assessment process the height of the cabana was reduced from 4.23m to 3.58m, minimising the visibility of the structure from the streetscape. The charcoal roof tiles and off-white rendered masonry external finishes of the cabana are compatible with the traditional colour scheme of the existing dwelling. Overall, the application achieves the objectives of Clause 5.10 of the *SLEP 2012*, in that the proposed development is appropriately responds to the sites' location in the Abbotsford Road Heritage Conservation Area. Council's heritage Advisor reviewed the amended proposal and raised no objections to the modified design, subject to the imposition of conditions.

Part 6: Local Provisions

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

6.1 Acid sulfate soils

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

6.2 Earthworks

The proposed development involves the construction of a swimming pool, requiring excavation and the removal of soil. Accordingly, conditions of consent including the preparation of a dilapidation report and the implementation of the submitted soil erosion and sediment control plan are recommended.

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

There are no relevant draft planning instruments on public exhibition to consider as part of this assessment.

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

DA2018/153 - 29 Abbotsford Road, Homebush
Lot E DP 101322 (Cont'd)

STRATHFIELD CONSOLIDATED DEVELOPMENT CONTROL PLAN (SCDCP) 2005

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

PART A – DWELLING HOUSES AND ANCILLARY STRUCTURES

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

Heritage and Conservation

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

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

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

5: Landscaping

5.1	*Objectives*	*Satisfactory*
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**
I.	*To provide functional private open spaces for active or passive use by residents.*	**Yes**
K.	*To ensure the protection of trees during construction*	**Yes**
M.	*To maximise the amenity of existing and proposed developments, including solar access, privacy and open space.*	**Yes**
5.2	***Development Controls***	***Complies***

.1.	*Landscaped area*		
	1	Landscaped area in accordance with Table A.3	**No**
	2	At least 50% of the minimum landscaped area located behind the building line to the rear boundary	
.2.	*Tree Protection*		
	1	Arboricultural Impact Assessment Report prepared by an AQF Level 5 Arborist	**Yes**
	3	Development provides for the retention and protection of existing significant trees	**Yes**
.3.	*Private Open Space*		
	2	Includes a deep soil area compliant with the minimum landscaped area.	**Yes**
	5	Private open space located at the rear of the property.	**Yes**

Comments: The proposal provides 39% (362.1m^2) of deep soil landscaping over the site, resulting in a 6% (55.9m^2) shortfall based on the 45% (418m^2) minimum requirement. During the assessment process an Arboricultural Impact Assessment was submitted to Council. The Assessment identified major encroachments of more than 10% of the TPZ area of two (2) trees due to the location of the swimming pool and paving. To increase the separation between the proposed structures and trees to be retained and provision of deep soil landscaping, it is recommended for the northern component of the structure to be reduced by a width of 2m and replaced with deep soil landscaping.

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*		
	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**

Comments: The north-south orientation of the subject site enables the adjoining properties to maintain three (3) hours of solar access to habitable rooms and private open space.

7: Privacy

7.1	***Objectives***	***Satisfactory***
A.	*Development that is designed to provide reasonable privacy to adjacent properties*	**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**

Comments: The proposed development is appropriately designed, requiring no additional privacy measures to be conditioned. There are no proposed western facing windows to the cabana.

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**
	7	A dilapidation report for all buildings which adjoin proposed excavation areas as required	**Yes**

Comments: The subject site is relatively flat which minimises the cut and fills requirements of the cabana. A condition of consent is recommended for dilapidation reports of the adjoining properties be undertaken prior to the commencement of works.

10: Water and Soil Management

10.1	***Objectives***	***Satisfactory***
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**

10.2	***Development Controls***		***Complies***
.1.	*Stormwater Management and Flood Prone areas*		
	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**
.2.	*Acid Sulfate Soils*		
	1	Site managed consistent with the provisions contained in Clause6.1 SLEP 2012	**Yes**
.3.	*Soil Erosion and Sediment Control*		
	1	Soil erosion and sediment control measures detailed and implemented prior to the commencement of work.	**Yes**

Comments: Conditions of consent have been recommended to ensure the submitted soil erosion and sediment control measures are implemented during the demolition and construction phases of

the development. Council's Development Engineer raised no objection to the proposed stormwater design subject to the recommended conditions of consent.

12: Ancillary Development

12.1	***Objectives***		***Satisfactory***
A.	To ensure that ancillary development is compatible with the design of the principal dwelling, streetscape and adjoining dwellings in form, materials and colours		**Yes**
B.	*To limit the size, bulk and scale of ancillary structures and minimise their visibility from the public domain.*		**Yes**
C.	*To ensure that the provision of ancillary structures improves the amenity of residents whilst ensuring that the amenity of surrounding dwellings and neighbouring lots is maintained.*		**Yes**
12.2	***Development Controls***		***Complies***
.2.	*Outbuildings*		
	1	Outbuilding located behind the front building line	**Yes**
	2	Side and rear setback is 0.5m (min)	**Yes**
	3	New garden sheds, studios, cabanas and the like are limited 40sqm (max)	**Yes**
	4	Windows do not face an adjoining property (exceptions apply)	**Yes**
	5	The roof area is not accessible for any purpose	**Yes**
	6	Outbuildings are not to be used for habitable purposes	**Yes**
.6.	*Swimming Pools*		
	1	Side and rear setbacks from the outside edge of the pool concourse are 1m (min) wide and comprise deep soil soft landscape area	**Yes**
	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	**Condition recommended.**
	5	Enclosures shall comply with the Swimming Pools Act and relevant Australian Standards as amended.	**Condition recommended.**

Comments: The proposal seeks consent for a detached 30.7m^2 cabana that is located 1m from the western side boundary. No windows are located on the western elevation of the cabana ensuring visual privacy between the adjoining properties are protected. As previously discussed, the height of the cabana was reduced to 3.58m during the assessment process to minimise the visibility of the structure from the public domain. The schedule of colours and external finishes including off-white rendered masonry and charcoal coloured roof tiles complement the traditional colour and material scheme of the existing dwelling. In accordance with Section 12.2.2 of the SCDCP 2005, a condition is to be imposed stating that the cabana is not be enclosed or used for habitable purposes.

The swimming pool concourse is located 1.4m from the eastern property boundary with existing planting between the swimming pool and dividing fence to be retained. To protect the acoustic amenity of the adjoining residents, conditions of consent have been recommended for the pool filter and pump equipment to be acoustically treated to comply with the Protection of the Environment Operations Act 1997. Additionally, conditions of consent are recommended to ensure the swimming pool complies with the Swimming Pools Act and relevant Australian Standards.

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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**
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**

13.2	*Development Controls*		*Complies*
.3.	*Water Tanks*		
	1	Located behind the dwelling or behind the front building line and screened from view from the public domain	**Yes**
	3	Above ground water tanks located 450mm (min) from any property boundary	**No. Condition is recommended.**
	4	Above ground water tanks do not exceed 3m in height above NGL	**Yes**
	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**

Comments: The application was accompanied by a BASIX Certificate, requiring the installation of 5,862L rainwater tank. Compliance with the submitted BASIX Certificate shall be imposed via a condition of consent. To achieve compliance with Section 13.2.3, a condition is recommended for the required rainwater tank to be re-located a minimum of 450mm from any property boundary.

PART H - WASTE MANAGEMENT (SCDCP 2005)

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

PART P – HERITAGE (SCDCP 2005)

1.5: Objectives of this DCP Part

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

Comments: The subject site is located within the Abbotsford Road Heritage Conservation Area which is of *"particular significance for its architectural and aesthetic qualities".* As previously discussed throughout the report, the height of the cabana has been reduced to minimise its visibility from the streetscape. The schedule of colours and external complement the traditional scheme of the existing dwelling and the wider Conservation Area.

4.15(1)(a)(iiia) 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 proposed development does not involve the demolition of a building.

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

As previously discussed, the proposed development will result in a 6% (55.9m^2) departure in the minimum deep soil landscaping requirement under Part A of the SCDCP 2005. Additionally, the swimming pool and associated paving will encroach more than 10% of the TPZ of a mature grevillea located in the north eastern corner of the site with the submitted Arborist Report recommending root mapping investigations due to the encroachment. To minimise the deep soil non-compliance and to provide additional separation between the proposed development and on-site trees, a condition of consent has been recommended for the swimming pool structure (including spa and associated paving) be reduced by a total width of 2m from the northern section.

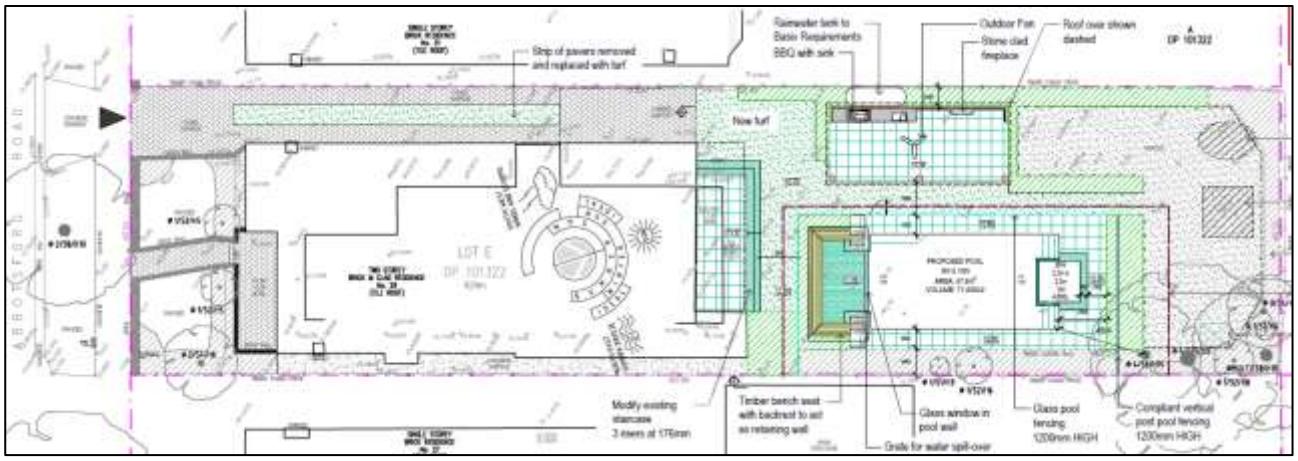

Figure 3: Site plan of proposed development.

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

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

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

The application was notified in accordance with Part L of the SCDCP 2005 from 6 November 2018 to 23 November 2018. No written submissions were received.

4.15(1)(e) The public interest

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

LOCAL INFRASTRUCTURE CONTRIBUTIONS

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

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

STRATHFIELD INDIRECT SECTION 7.12 CONTRIBUTIONS PLAN

Section 7.12 Contributions are not applicable to the proposed development in accordance with the Strathfield Indirect Development Contributions Plan as the costs of works are less than $100,000.

CONCLUSION

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

PEER REVIEW

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

RECOMMENDATION

That Development Application No. 2018/153 for construction of an in-ground swimming pool, cabana and associated landscaping works within a Heritage Conservation Area at 29 Abbotsford Road, Homebush be **APPROVED**, subject to the following conditions:

SPECIAL CONDITIONS (SC)

1. **CABANA (SC)**

   The cabana shall not be completely enclosed or used for habitable purposes.

   (Reason: To ensure the structure is not used for habitable purposes.)

2. **SWIMMING POOL (SC)**

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

   i) The structure including the swimming pool, sunken lounge, spa and associated paving is to be reduced by no less than 2m in width, taken from the northern side of the structure and replaced with deep soil landscaping (grass, shrubs);
   ii) The swimming pool, spa and associated copping and paving shall not encroach more than 10% of the TPZ of Tree No's 10 to 15 (as identified in the Arborist Report prepared by Urban Arbor); and
   iii) Paving to be no more than 1m wide at any point around the swimming pool and spa.

   (Reason: To increase deep soil landscaping and tree protection).

GENERAL CONDITIONS (GC)

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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. 2018/153:

Drawing No.	Title/Description	Prepared by	Issue / Revision & Date	Date received by Council
DA-01	Site Plan/ Site Analysis/ Sediment Control Plan	Space Landscape Designs Pty Ltd	C	17 December 2018
DA-02	Section / Elevations	Space Landscape Designs Pty Ltd	C	17 December 2018
DA-03	Landscape Plan	Space Landscape Designs Pty Ltd	C	17 December 2018
DA-04	Detail & Specifications	Space Landscape Designs Pty Ltd	B	31 October 2018
DA-05	Concept Stormwater Drainage Plan	Space Landscape Designs Pty Ltd	A	31 October 2018
DA-06	Colour & Materials Schedule	Space Landscape Designs Pty Ltd	A	31 October 2018

Reference Documentation affixed with Council's 'Development Consent' stamp relating to Development Consent No.2018/153:

Title / Description	Prepared by	Issue/Revision & Date	Date received by Council
Arboricultural Impact Assessment Report	Urban Arbor	C	17 December 2018
BASIX Certificate	No. A332189	Issued 26 October 2018	31 October 2018
Statement of Heritage Impact	Space Landscape Designs Pty Ltd	Dated 12 October 2018	31 October 2018
Waste Management Plan	Space Landscape Designs Pty Ltd	Dated 23 October 2017	31 October 2018

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

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

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

The height of the cabana measured from Australian Height Datum (AHD) must not exceed Relative Level (RL) 16.10AHD.

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

5**. CONSTRUCTION HOURS (GC)**

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

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

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

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

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

The development including but not limited to footings, walls, roof 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.)

7**. LANDSCAPING ADJACENT SWIMMING POOLS/SPAS (GC)**

A minimum one (1) metre wide landscape strip is to be provided between the swimming pool and adjacent common boundaries. The landscape strip is to be planted with a continuous row of evergreen shrubs of a minimum five (5) litre container size and capable of achieving a minimum mature height of three (3) metres. Details of the selected plants shall be submitted to and approved by the Principal Certifying Authority. Compliance with this condition shall be certified by the Principal Certifying Authority, prior to occupation of the premises.

(Reason: Privacy amenity of adjoining properties.)

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 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 SUBMITED SCHEDULE (GC)**

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

(Reason: To ensure compliance with this consent.)

10**. 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.)

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

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

13. **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 Building Developing and Plumbing then Quick Check) or telephone 13 20 92. The consent authority or a Certifying Authority must ensure that a Quick Check agent/Sydney Water has stamped the plans before the commencement of work.

(Reason: Compliance with Sydney Water requirements.)

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

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.
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;
  - 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.

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**. 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.)

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**. 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.)

22**. 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. The rainwater tank shall be located a minimum of 450mm from any property boundary. 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.)

23**. 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.)

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**. 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.)

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

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

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

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

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

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

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

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

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

i) description of the demolition, excavation and construction works;
ii) site plan/s showing the site, roads, footpaths, site access points and vehicular movements;

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

28**. TREE BONDS (CC)**

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

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

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

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

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

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

29**. 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.)

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

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

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

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

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

(Reason: Statutory requirement.)

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

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

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

    In the case of work to be done by an owner-builder:
    - the name of the owner-builder; and
    - if the owner-builder is required to hold an owner-builder permit under the Home Building Act 1989, the number of the owner-builder permits.

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

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

(Reason: Statutory requirement.)

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

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

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

(Reason: Statutory requirement.)

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

33. HERITAGE - HISTORIC RELICS FOUND DURING WORKS (DW)

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

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

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

34. 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.)

35. 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.)

36. 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.

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.)

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Lot E DP 101322 (Cont'd)

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

37. 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.)

38. 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.)

39. 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.)

40**. 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.)

41**. 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, located at least 450mm from any property boundary.

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.)

42**. 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.)

43**. 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

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pool or spa pool. Note: This requirement does not apply to a lot in strata or community title schemes with more than two lots.

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

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

(Reason: Safety and statutory compliance.)

ATTACHMENTS

There are no attachments for this report.

TO: **Strathfield Internal Development Assessment Panel Meeting - 7 March 2019**

REPORT: **IDAP – Report No. 5**

SUBJECT: **DA2018/151 - 41/378 PARRAMATTA ROAD, HOMEBUSH WEST LOT 41 SP 60097**

DA NO. **2018/151**

SUMMARY

Proposal:	Use of an existing premise for the storage, packaging and distribution of flowers.
Applicant:	S. Moawad
Owner:	M. & M. Makary
Date of lodgement:	25 October 2018
Notification period:	1 November 2018 to 18 November 2018
Submissions received:	One (1) written submission received.
Assessment officer:	ND
Estimated cost of works:	Nil
Zoning:	IN1 – General Industrial - SLEP 2012
Heritage:	No
Flood affected:	No
Is a Clause 4.6 variation proposed?	No
RECOMMENDATION OF OFFICER:	**APPROVAL**

EXECUTIVE SUMMARY

1.0 The application seeks approval for use of the existing premises for the storage, packaging and distribution of flowers.

2.0 The plans and documentation were notified in accordance with part L of the Strathfield Consolidated Development Control Plan (SCDCP) 2005 from 1 November 2018 to 18 November 2018. One written submission was received raising concerns regarding noise and close proximity to residential uses.

3.0 The proposed use is considered to be appropriate for the zoning of the site with conditions of consent recommended to ensure compliance with the submitted Acoustic Report and compliance with relevant industry regulations. To protect the acoustic amenity of the surrounding residential properties, the hours of operation shall be limited to 6:00am to 6:00pm Monday to Saturday.

4.0 The application is recommended for approval, subject to the recommended conditions of consent.

BACKGROUND

19 August 1997: BA52/97 for the construction of 48 factory units at 378 Parramatta Road was approved by Council.

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Lot 41 SP 60097 (Cont'd)

19 June 2018: A Prevention Notice under the *Protection of the Environment Operations Act 1997* was issued by Council as a result of noise complaints received regarding the cool room. The Notice requested an Acoustic Report be prepared and submitted to Council.

9 July 2018: A Prevention Notice was issued by Council in response to the Acoustic Report submitted identifying that the cool room rooftop plant was emitting noise at levels exceeding the NSW Noise Policy for Industry, 2017. The Prevention Notice required the recommendations of the Acoustic Report to be implemented.

19 September 2018: A Development Control Order under the *Environmental Planning and Assessment Act 1979* was issued by Council indicating that the current use of the site for the storage, preparation and distribution of flowers was being undertaken without approval.

25 October 2018: The current application (DA2018/151) was lodged.

1 November 2018 to
18 November 2018: Application was publicly notified. One (1) written submission was received raising noise concerns.

20 November 2018: A deferral letter was sent to the applicant requesting additional information in relation to waste management.

21 November 2018: A Noise Control Notice under the *Protection of the Environment Operations Act 1997* was issued by Council specifying maximum noise levels for the tenancy.

3 December 2018: Amended Waste Management Plan submitted to Council.

DESCRIPTION OF THE SITE AND LOCALITY

The site is located on the southern side of Parramatta Road within an industrial complex known as Homebush Business Park. The subject application specifically relates to Unit 41 located in the south-western corner of the Business Park (Figures 1 and 2). The tenancies within the industrial complex are occupied by similar uses including mechanics, storage and warehousing of good and wood working. The rear property boundary of the subject tenancy adjoins the residential housing estate Centenary Park.

DA2018/151 - 41/378 Parramatta Road, Homebush West
Lot 41 SP 60097 (Cont'd)

Figure 1: Locality plan. The subject site is outlined in red and the subject tenancy (Unit 41) in yellow.

Figure 2: Entrance to the Homebush Business Park from Parramatta 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 change of use of the existing premises for the storage, packaging and distribution of flowers.

The specific elements of the proposal are:

- Change of use of the existing premises to storage, packaging and distribution of flowers.

Use:

- Storage, packaging and distribution of flowers.

Signage:

- No signage is proposed.

Hours of operation:

- Monday to Saturday: 6am – 7pm

Staff:

- Maximum of four (4) people at any one time.

Parking:

- Two (2) car parking spaces.

Deliveries:

- Two (2) deliveries per day.

REFERRALS

INTERNAL REFERRALS

Waste Comments

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

Environmental Health Comments

Council's Environmental Health Officer has commented on the proposal as follows:

> *"The premises currently operates as a warehouse for the preparation and storage of flowers. The site was subject to noise complaints about the cool room condensors situated on the roof. The Acoustic Report accompanying the application has already been considered as part of the investigation into the noise complaint. It was not found to be satisfactory. A Noise Control Notice under the Protection of the Environment Operations Act 1997 has been issued requiring the noise from the condensers to be maintained at suitable levels and the matter will continue to be regulated under the Protection of the Environment Operations Act 1997. In this regard, the issue of noise currently being emitted has been addressed.*
>
> *I have reviewed I have reviewed the proposed hours of operation against the Noise Policy for Industry (the NPI). The NPI sets the evening hours of operation as from 6pm to 10pm for the purpose of an Amenity Noise Level, which in this case will be the project noise trigger level for the evening period, based on the measurements provided in the noise report. The noise report attached to the application does not address the operation of the business in the evening hours, and as such, it is recommended the hours of operation be 6:00am to 6:00pm, Monday to Saturday.*
>
> *It is recommended that the application be approved subject to conditions.* "

SECTION 4.15 CONSIDERATIONS – EP&A Act, 1979

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

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

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

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

A review of the available history for the site gives no indication that the land associated with this development is contaminated. The proposal relates to the use of an existing tenancy, no ground breaking works are proposed. The objectives outlined within SEPP55 are considered to be satisfied.

STRATHFIELD LOCAL ENVIRONMENTAL PLAN 2012 (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**
(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**

Comments: The proposal is consistent with the general aims of the *SLEP 2012*, in that it proposes an appropriate business within the existing business park and provides employment generating activities.

Permissibility

The subject site is zoned IN1 General Industrial under Strathfield Local Environmental Plan (SLEP) 2012. The use of the site for the storage, preparation and distribution of flowers is permissible within the IN1 – General Industrial zone with consent and is defined under the *SLEP 2012* as follows:

> *"***warehouse or distribution centre** *means a building or place used mainly or exclusively for storing or handling items (whether goods or materials) pending their sale, but from which no retail sales are made.*"

DA2018/151 - 41/378 Parramatta Road, Homebush West
Lot 41 SP 60097 (Cont'd)

Zone Objectives

An assessment of the proposal against the objectives of the IN1 General Industrial Zone is included below:

Objectives	*Complies*
➢ *To provide a wide range of industrial and warehouse land uses.*	**Yes**
➢ *To encourage employment opportunities.*	**Yes**
➢ *To minimise any adverse effect of industry on other land uses.*	**Yes**
➢ *To minimize fragmentation of valuable industrial land and provide large sites for integrate and large floorplate activities.*	**N/A**

Comments: The proposal is consistent with the objectives of the IN1 zone as it will continue the use of the site for employment-generating activities. The use of the tenancy for storage and distribution purposes is consistent with other tenancies operating with the business park.

Part 4: Principal development standards

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

Height of building

Cl.	*Standard*	*Controls*	*Proposed*	*Complies*
4.3	*Height of building*	12m	Unchanged	**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 proposal will preserve the existing height of the building on the subject site.

Floor space ratio

Cl.	*Standard*	*Controls*	*Proposed*	*Complies*
4.4	*Floor space ratio*	1:1	Unchanged	**Yes**

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

Comments: The proposal seeks no change to the existing building floor area.

Part 5: Miscellaneous Provisions

There are no provisions contained with Part 5 of the *SLEP 2012* that are applicable to the proposed development.

Part 6: Local Provisions

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

6.1 Acid sulfate soils

The subject site is identified as having Class 5 acid sulfate soil and is not located within 500mm of Class 1, 2, 3 or 4 acid sulfate soils. Therefore the proposed development was not required to be accompanied by an Acid Sulfate management Plan.

6.2 Earthworks

No cut or fill works are proposed with the development application.

6.4 Essential services

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 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 (SCDCP) 2005

PART D – INDUSTRIAL DEVELOPMENT

Parking:
The subject application does not propose any alterations to the building height or floor space of the tenancy. The tenancy currently has two (2) car parking spaces located directly opposite the unit and one (1) loading dock. The submitted plans demonstrate that there is sufficient maneuvering space for the delivery van to enter and exit the site in a forward direction. The provision of two (2) car parking spaces is considered appropriate as a maximum of four (4) staff members are proposed.

Acoustic Amenity:
Given the close proximity of the site to medium density residential development, the proposed use has the potential to result in a loss of acoustic amenity to the surroundings residents. As stated in the Background section of the report, a Prevention Notice and subsequent Noise Control Order was issued by Council in response to complaints received in relation to the noise emitted from the coolroom condensers located on the roof. Consequently an acoustic dampening enclosure has been installed meeting acoustic levels under the *Protection of the Environment Operations Act 1997.* Conditions of consent pertaining to noise have been recommended in accordance with Council's Environmental Health Officer's comments.

Hours of Operation:
The proposal seeks to operate Monday to Saturday 6am to 7pm. The proposed hours are not responsive to the close proximity of the site to the adjoining residential flat building. Taking into consideration the noise levels provided in the Acoustic Report, the nature of the business and the Noise Policy For Industry 2017, a condition of consent has been recommended for the operational hours to be limited to Monday to Saturday 6:00am to 6:00pm.

PART H - WASTE MANAGEMENT (SCDCP 2005)

The architectural plans and Waste Management Plan accompanying the application indicate that all waste generated from the use will be temporary stored within the tenancy then transferred to the communal waste and recycling storage area adjacent to the unit prior to on-site collection by a private waste collector. The submitted Waste Management Plan will be enforced by way of a condition of consent.

4.15(1)(a)(iiia) 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

Not applicable

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

As discussed throughout this report, the nature of the proposed business is permissible within the IN1 General Industrial zoning of the subject site and is consistent with other business within the Homebush Business Park. Given the subject site's close proximity to medium density residential development (Figure 3), the propose use has the potential to result in the loss of acoustic amenity to the surrounding residents. To ensure that noise emitted from the use and associated machinery is to an acceptable level, conditions of consent have been recommended limiting hours of operation and compliance with relevant industry regulations.

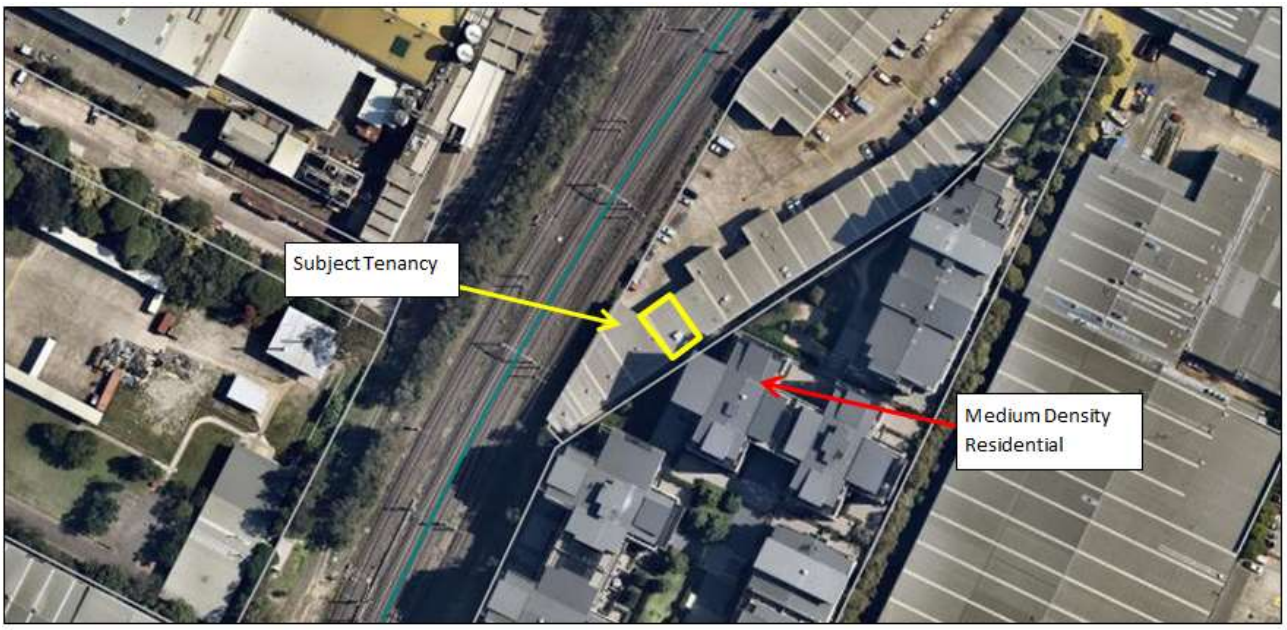

Figure 3: Aerial view identifying the subject tenancy and adjoining residential flat buildings.

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

The proposed use is consistent with the objectives of the zoning of the site, as it seeks to preserve the use of the site for employment and industrial purposes. Through the imposition of the recommended conditions of consent, the amenity of nearby residents will be kept at an acceptable level.

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

The application was notified in accordance with Part L of the SCDCP 2005 from 1 November 2018 to 18 November 2018 with one (1) written submission received, raising the following concerns:

Proposed use and noise

The use of the site as a business with a cool room rooftop plan is not in the public interest, particularly due to the close proximity of residents. The noise measurements in the Acoustic Report was only for 1 hour, at night on a cool day. What will the measurement be on a hot day and where was the measurement taken.

Assessing officer's comments: A Prevention Notice and Noise Control Notice was issued by Council under the *Protection of the Environment Operations Act 1997* in response to noise complaints received in relation to cool room condensers located on the roof of the tenancy. Consequently, an acoustic dampening structure has been installed and a Noise Control Notice issued by Council identifying a maximum noise level of 40dB(A) at the boundary of the nearest residential property. In relation to the subject development application, conditions of consent have been recommended to ensure compliance with relevant noise regulations. Additionally the hours of operation shall be limited to 6am to 6pm Monday to Saturday to be consistent with the Noise Policy For Industry 2017 and to ensure reasonable amenity is maintained.

4.15(1)(e) The public interest

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

LOCAL INFRASTRUCTURE CONTRIBUTIONS

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

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

STRATHFIELD INDIRECT SECTION 7.12 CONTRIBUTIONS PLAN

Section 7.12 Contributions are not applicable to the proposed development in accordance with the Strathfield Indirect Development Contribution Plans as the cost of works is less than $100,000.

CONCLUSION

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

PEER REVIEW

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

DA2018/151 - 41/378 Parramatta Road, Homebush West
Lot 41 SP 60097 (Cont'd)

RECOMMENDATION

That Development Application No. 2018/151 for use of an existing premise for the storage, packaging and distribution of flowers at 41/378 Parramatta Road, Homebush West be **APPROVED** , subject to the following conditions:

GENERAL CONDITIONS (GC)

1. 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.2018/151:

Drawing No.	Title/Description	Prepared by	Issue / Revision & Date	Date received by Council
Sheet 1/2	Site Plan	S. Moawad	-	25 October 2018
Sheet 2/2	Ground Floor, Mezzanine, Front Elevation, Section Plans	S. Moawad	-	25 October 2018
Sheet 3	Storage Details	S. Moawad	-	25 October 2018

Reference Documentation affixed with Council's 'Development Consent' stamp relating to Development Consent No.2018/151:

Title / Description	Prepared by	Issue/Revision & Date	Date received by Council
Acoustic Report	Acoustic Works	Dated 8 October 2018	25 October 2018
Waste Management Plan	S. Moawad	Dated 25 November 2018	3 December 2018

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

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

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

2. CHEMICAL STORAGE REQUIREMENTS (OU)

All chemicals, paints and other liquids shall be stored in approved receptacles in an area that is bunded or has a spill containment system that will minimise the risk of pollution from liquid spills and leaks. Where applicable the construction of bunds must comply with the requirements of:

i) Australian Standard AS 1940D1993: The storage and Handling of Flammable and Combustible Liquids;
ii) Australian Standard AS 4452B1997: The storage and Handling of Toxic Substances; and

iii) The Dangerous goods Act 1975.

(Reason: Environmental protection.)

3**. DELIVERIES (OU)**

All deliveries must not occur before 7.00am Monday to Friday and before 8.00am weekends and public holidays, to avoid noise disruption to the surrounding area.

(Reason: To control noise impacts.)

4**. FIRE SAFETY ANNUAL STATEMENT (OU)**

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

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

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

(Reason: Fire safety.)

5**. HOURS OF OPERATION - INDUSTRIAL PREMISES (OU)**

The hours of operation of the approved industrial premises must not exceed the following, without the prior approval of Council:

Days	Approved hours of operation
Monday - Saturday	6:00am to 6pm

The premises must not open for business on Sundays or Public Holidays.

This condition does not apply in respect of refrigeration equipment unless they create a nuisance or were not part of the original consent.

(Reason: Ensure industry operates between approved hours.)

6**. NOISE - COMPLAINTS RELATING TO USE OR MACHINERY (OU)**

The use of the premises shall comply with the requirements of the Protection of the Environment Operations (Noise Control) Regulation 2008.

Should substantiated complaints or breaches of noise regulations occur, a suitably qualified acoustic consultant shall be engaged by Council to measure noise emanating from the building/premises and to recommend appropriate action. The cost of such an appointment shall be borne by the operator/owner and any works recommended by the acoustic consultant shall also be borne by the operator/owner and carried out within a time frame set by Council.

(Reason: Noise control and amenity.)

DA2018/151 - 41/378 Parramatta Road, Homebush West
Lot 41 SP 60097 (Cont'd)

7**. NOISE - COMPLIANCE WITH ACOUSTIC ASSESSMENT REPORT (OU)**

All recommendations contained in the approved Acoustic Assessment Report prepared by Acoustic Works shall be adopted, implemented, and adhered to.

The Principal Certifying Authority (PCA) shall obtain a statement from an appropriately qualified acoustic consultant, certifying that the acoustic mitigation measures outlined in the above stated report have been suitably incorporated into the development and that relevant noise criteria have been satisfied prior to the issue of any Occupation Certificate.

Any changes made to the proposal that would alter the acoustic assessment will require a further acoustic assessment and a copy of this further report shall be provided to Council for approval prior to the commencement of works and any recommendations adopted, implemented, and adhered to.

(Reason: Noise control and amenity.)

8**. NOISE - REQUIREMENTS FOR INDUSTRIAL PREMISES (OU)**

The use of the premises shall comply with the requirements of the NSW Environment Protection Authority Industrial Noise Policy 2000 and shall not give rise to the transmission of offensive noise as defined in the Protection of the Environment Operation Act 1997 (NSW).

(Reason: Noise control and amenity.)

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

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

(Reason: Environmental protection.)

10. **POLLUTION CONTROL (OU)**

The premises must ensure appropriate measures are implemented to ensure flower clippings and other water generated by the use of the premises cannot enter waterways, stormwater or Sydney Water assets.

(Reason: Environmental Protection)

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

i) The collection of commercial and industrial waste and recycling must only occur between 6.00am and 8.00pm weekdays and 9.00am and 5.00pm on weekends and public holidays, to avoid noise disruption to the surrounding area.
ii) Commercial and industrial garbage and recycling must be collected on site unless expressly agreed to in OC.
iii) All garbage and recyclable matter must be enclosed in the waste bins with lids completely closed at all times.

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

DA2018/151 - 41/378 Parramatta Road, Homebush West
Lot 41 SP 60097 (Cont'd)

12**. CONTROL OF LITTER (OU)**

The occupant or person in control of the premises must take all practicable steps to ensure that the area of public footpath or public area adjacent to the premises is maintained in a clean and tidy condition.

A litter management plan must be included with all applications, litter management plan must include the below:

i) All steps being taken to prevent, reduce and collect any litter produced by the site
ii) Measures such as cleaner to conduct litter collection within a 50m radius to be included.

(Reason: To manage litter throughout the LGA.)

13**. INDUSTRIAL WASTE MATERIALS (OU)**

i) The applicant shall ensure that industrial waste materials must not be discharged onto the site, or onto neighbouring land or into any road, drain, pipeline or watercourse.
ii) Storage tanks, fuelling areas, product mixing, filling and preparation areas, and the like and wash bays provided for cleaning and maintenance of vehicles, machinery, equipment and the like, must be bunded and all waste water collected and discharged to the sewer in accordance with the requirements of Sydney Water and the EPA.
iii) Documentary evidence of compliance with the Sydney Water's requirements must be submitted to the Principal Certifying Authority, prior to use or occupation of the building/additions. Vehicles, machinery, equipment or the like, must not be washed or steam cleaned or the like, except in areas provided especially for the purpose in accordance with this condition.
iv) Where the approval of Sydney Water, in accordance with the requirements of this condition, is not forthcoming, some other method of treatment and removal of wastes must be installed and/or implemented to the satisfaction the Principal Certifying Authority.
v) Any overflow or spillage of fuel, oil, solid or liquid chemicals, or the like, must be dealt with in accordance with the requirements for treatment of waste materials as set out in (i) and (ii) of this condition.

(Reason: Manage industrial waste in the LGA.)

14**. PLANT NOISE FROM INDUSTRIAL PREMISES (OU)**

Noise emissions from plant and equipment operating on the site shall be minimised by installing and regularly maintaining efficient silencers, low noise mufflers (residential standard) and by replacing reversing alarms with alternative silent measures, such as flashing lights (subject to occupational health and safety requirements). All reverse alarms fitted to equipment on site are to be of low decibel broadband smart alarms (quacker type).

(Reason: To minimise the noise disturbance during construction and operation of the premise)

ATTACHMENTS

There are no attachments for this report.

TO: **Strathfield Internal Development Assessment Panel Meeting - 7 March 2019**

REPORT: **IDAP – Report No. 6**

SUBJECT: **DA2018/167 - 103/ 23-25 CHURCHILL AVENUE, STRATHFIELD LOT 8 SP 96307**

DA NO. **2018/167**

SUMMARY

Proposal:	Construction of a balcony enclosure to first floor residential unit, No. 103.
Applicant:	Peng Gu
Owner:	Peng Gu
Date of lodgement:	4 December 2018
Notification period:	13 December 2018 – 7 January 2019
Submissions received:	Nil
Assessment officer:	RG
Estimated cost of works:	$23,870.00
Zoning:	B4 Mixed Use - SLEP 2012
Heritage:	N/A
Flood affected:	Yes
Is a Clause 4.6 variation proposed?	No
RECOMMENDATION OF OFFICER:	**APPROVAL**

EXECUTIVE SUMMARY

1.0 The application seeks Council approval for the enclosure of an existing wrap-around balcony of unit No. 103 at first floor level of the mixed use building, with clear glass windows.

2.0 The application and plans were notified in accordance with Part L of the Strathfield Consolidated Development Control Plan 2005 from 13 December 2018 to 7 January 2019. No submissions were received.

3.0 The proposal is similar to the approved balcony enclosure at unit No. 303 (DA2017/173) of the same building.

4.0 The proposed development is considered to be minor in nature and generally complies with the relevant matters for consideration. Therefore, the proposed development is recommended for approval.

BACKGROUND

16 June 2015 The Planning Committee granted approval for the demolition of existing structures and construction of a ten (10) storey mixed used development comprising 51 residential units.

DA2018/167 - 103/ 23-25 Churchill Avenue, Strathfield
Lot 8 SP 96307 (Cont'd)

Note:	The construction of the approved ten (10) storey mixed use development has been completed and the subject application refers to unit 103 of 23-25 Churchill Avenue, Strathfield which is located at first floor level of the building.
18 April 2018	IDAP approved DA2017/173 for the construction of a clear glass balcony enclosure at 303/23-25 Churchill Avenue, Strathfield
4 December 2018	The subject Development Application No. 2018/167 was submitted to the Council.
13 December 2018 – 7 January 2019	The application was notified in accordance with Part L of the Strathfield Consolidated Development Control Plan 2005. No submissions were received.
24 December 2018	Deferral letter was sent to the applicant requesting amended plans and the submission of a waste management plan.
9 January 2019	Amended plans and a waste management plan was submitted.

DESCRIPTION OF THE SITE AND LOCALITY

The site is located on the north western corner of Raw Square and Churchill Avenue. It comprises a single allotment including strata lots and common property forming Strata Plan 96307 and is commonly known as 23-25 Churchill Avenue, Strathfield. It is almost rectangular shaped, having street frontages of 22.95m and 38.29m to Churchill Avenue and Raw Square respectively and an overall area of 987m^2.

The site is occupied by a recently completed ten (10) storey mixed use building, including four (4) levels of basement car parking, ground floor commercial space and 51 residential apartments above.

The site is located just outside the western periphery of the Strathfield Town Centre and within a short walking distance of Strathfield Railway Station and adjacent bus interchange. The Churchill Avenue Heritage Conservation Area is located to the southwest of the site beyond Eva Street.

DA2018/167 - 103/ 23-25 Churchill Avenue, Strathfield
Lot 8 SP 96307 (Cont'd)

Figure 1: Aerial photograph of the site (identified in blue) and the immediate locality

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 enclosure of the existing wrap-around balcony with clear glass windows at unit No. 103, located at first floor level of the existing building (**Figure 2** and **Figure 3**). The windows are a mixture of entirely fixed windows and windows which comprise a fixed panel below and opening window element above.

DA2018/167 - 103/ 23-25 Churchill Avenue, Strathfield
Lot 8 SP 96307 (Cont'd)

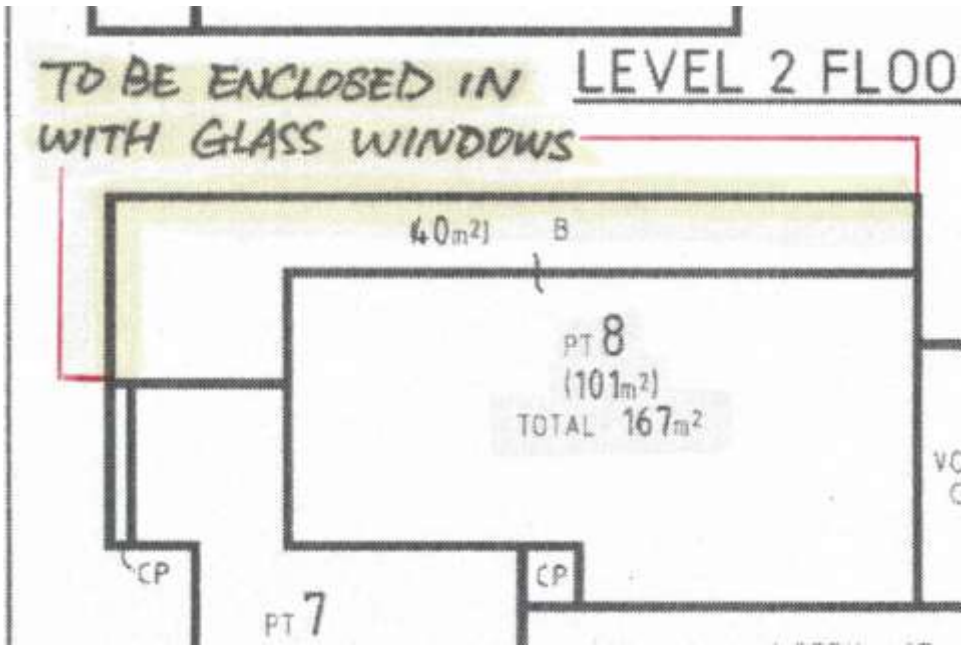

Figure 2: Extract of the strata plan showing the area of the subject unit, and the balcony area proposed to be enclosed.

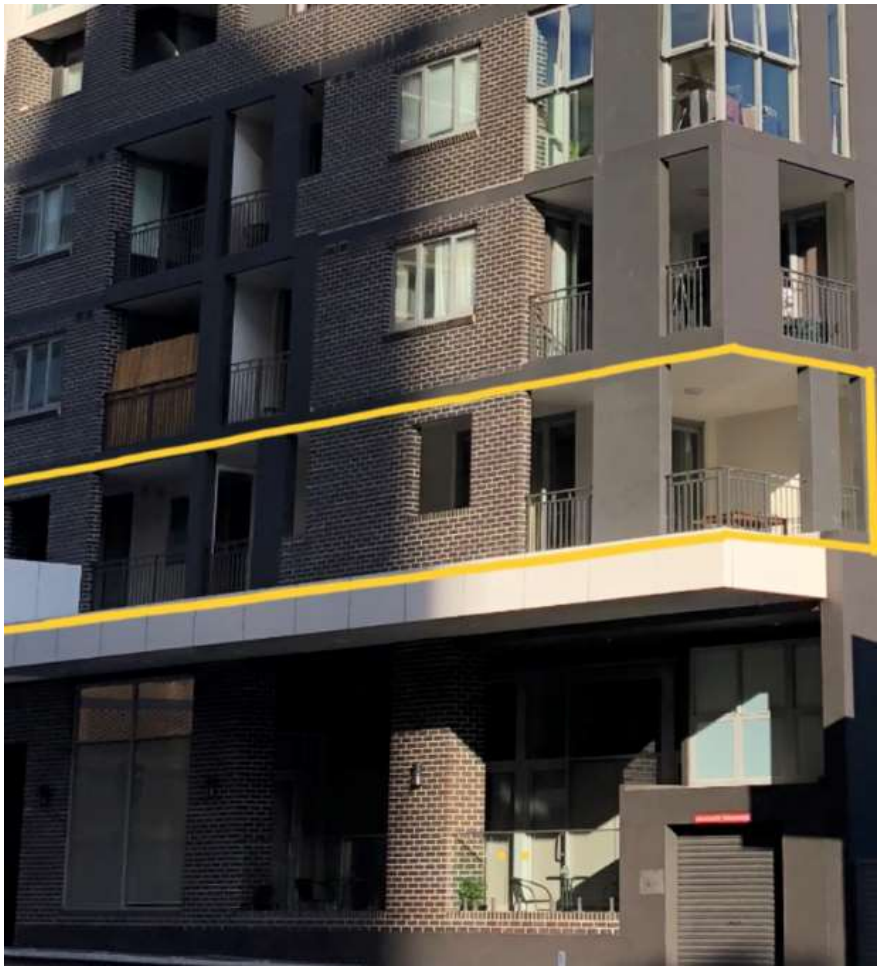

Figure 3: Location of the existing wrap-around balcony to be enclosed outlined in yellow.

REFERRALS

No internal referrals were required with this development application.

SECTION 4.15 CONSIDERATIONS – EP&A Act, 1979

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

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

STATE ENVIRONMENTAL PLANNING POLICY (SEPP) – BASIX 2004

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 NO. 55 – REMEDIATION OF LAND (SEPP 55)

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

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

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

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

The proposed development application is in relation to the glass infill enclosure of an existing balcony located at first floor level, and as such no tree removal, or impact to any nearby trees will result.

STATE ENVIRONMENTAL PLANNING POLICY (COASTAL MANAGEMENT) 2018

Although Council is not subject to a coastal zone management plan, the sea level rise planning benchmarks have also been established in order to assess the likely increase in the frequency, duration and height of flooding and as a consequence likely property and infrastructure damage on affected and potentially affected land. Council is therefore required to consider the impact of sea level rise and resultant flooding from Powell's Creek and Cook's River which are tributaries of Sydney Harbour (Parramatta River) and Botany Bay respectively.

The proposed development is located on a site that is affected by the existing 1 in 100 year flood event. As the subject proposal relates to the enclosure of an existing first floor balcony, the proposal is not inconsistent with the aims of this SEPP.

STATE ENVIRONMENTAL PLANNING POLICY (INFRASTRUCTURE) 2007

The provisions of clause 101 relating to development fronting classified roads are relevant to the proposal as Raw Square located adjacent to the site is a 'classified road'. No issues are raised in terms of the matters for consideration as prescribed in this particular clause as the proposal is for the enclosure of an existing residential balcony located at first floor level.

STATE ENVIRONMENTAL PLANNING POLICY NO 65 – DESIGN QUALITY OF RESIDENTIAL APARTMENT DEVELOPMENT

SEPP 65 aims to improve the design quality of residential apartment development in New South Wales. It also recognises that the design of residential apartments is of significance due to the economic, environmental, cultural and social benefits of high quality design.

The proposed development, involving the enclosure of an existing balcony located at first floor level of the existing mixed use building is assessed in terms of design quality against the relevant design principles of SEPP 65 and the relevant design criteria of the Apartment Design Guide (ADG) as follows:

4E Design Guide	*Complies*
Balcony use may be limited in some proposals by: • **Consistently high wind speeds at 10 storeys and above** • **Close proximity to road, rail or other noise sources** • **Exposure to significant levels of aircraft noise** • **Heritage and adaptive reuse of existing building** In these situations, Juliet balconies, operable walls, enclosed wintergardens or bay windows may be appropriate, and other amenity benefits for occupants should also be provided in the apartments or in the development or both. Natural ventilation also needs to be demonstrated.	Yes

Comments: The applicant seeks to enclose the existing wrap-around balcony of unit no. 103, located at first floor level and orientated towards Raw Square. Given the close proximity of the balcony to the busy road there are associated noise and air quality impacts resulting to the occupants of the apartment. As such, the proposed enclosure of the balcony with awning windows is considered acceptable in this regard.

The application is lacking details regarding the proposed materials and finishes. A condition of consent is recommended, requiring the window glass and frames to match, in colour and form, those of the existing building.

It is noted that a similar balcony infill enclosure was approved for unit no. 303 of the same building under DA 2017/173.

STRATHFIELD LOCAL ENVIRONMENTAL PLAN 2012 (SLEP 2012)

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

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

Comments: The proposed development for the enclosure of an existing residential balcony located at first floor level with clear glass and awning windows, is not inconsistent with the general aims of SLEP 2012.

Permissibility

The subject site is zoned B4 – Mixed Use under Strathfield Local Environmental Plan (SLEP) 2012.

Residential flat buildings are permissible within the B4 Zone with consent and is defined under SLEP 2012 as follows:

> *"means a building containing 3 or more dwellings, but does not include an attached dwelling or multi dwelling housing"*

The proposed development for the purpose of the enclosure of an existing balcony is ancillary works to the existing residential flat building and is consistent with the definition above and is permissible within the B4 Zone with consent.

Zone Objectives

An assessment of the proposal against the objectives of the B4 Zone is included below:

Objectives	***Complies***
➢ ***To provide a mixture of compatible land uses.***	**Yes**
➢ ***To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.***	**Yes**
➢ ***To facilitate mixed use urban growth around railway stations and transport nodes and corridors, commercial centres and open space.***	**Yes**
➢ ***To provide local and regional employment and live and work opportunities.***	**Yes**

Comments: The proposal is not inconsistent with the objectives of the B4 zone.

Part 4: Principal development standards

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

Floor space ratio

Cl.	***Standard***	***Controls***	***Proposed***	***Complies***
4.4	*Floor space ratio*	4.2:1 (4145.4m^2)	4.185:1 (4131m^2)	**Yes**

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

(e)	*In relation to Strathfield Town Centre:* *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 existing balcony is 40m^2 in area and given that this is proposed to be enclosed, an additional 40m^2 is to be added to the overall gross floor area of the building. Nevertheless, the proposal still complies with the maximum FSR permitted for the site. The proposal is not inconsistent with the objectives of Clause 4.4.*

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 site is identified as being located within class 5 acid sulfate soils. As the proposal does not include any earthworks, the provisions of this clause are not triggered in this case. An acid sulfate soils management plan is not required.

6.2 Earthworks

As the current application does not propose any earthworks, the matters for consideration under this clause are not relevant.

6.3 Flood planning

The matters for consideration under this clause are relevant as the site is at or below the flood planning level. These matters were thoroughly addressed in the assessment and approval of the parent development application (DA2014/171) for the construction of the mixed use development on the site. The current proposal does not raise any significant implications in terms of the provisions of this clause, as it is confined to the existing footprint of the mixed use building on the site.

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 (SCDCP) 2005

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

DA2018/167 - 103/ 23-25 Churchill Avenue, Strathfield
Lot 8 SP 96307 (Cont'd)

PART C – MULTIPLE UNIT HOUSING

The proposal involves the enclosure of an existing first floor balcony with a combination of fixed, and fixed and opening windows. The windows will fit within the existing balcony opening and will match the form and proportion of windows on the external façade of the existing building. A condition of consent will require the materials and finishes of the window glass and frames to match those of the existing building and therefore, the proposed windows are considered to accord with the appearance of the existing building and wider streetscape. As such, the proposal is not contrary to the guidance contained within Part C of the SDCP 2005.

It is noted that special condition 1 was included in the development consent for DA2017/173, specifying that window coverings to the balcony enclosure are not to be used, thereby restricting the use of the balcony as a habitable room. It is considered suitable that this condition be similarly imposed in this consent so that the enclosed space is more akin to a winter balcony.

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 the conditions of consent.

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

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

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

Clause 92 of the *Environmental Planning and Assessment (EP&A) Regulation 2000* requires Council to take into consideration the provisions of Australian Standard *AS2601–1991: The Demolition of Structures*, in the determination of a development application for the demolition of a building. As the proposed development does not involve the demolition of a building, the provision of this standard are not relevant.

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

Overall, the proposed design has been considered with respect to adjoining properties to minimise adverse impacts to adjoining neighbours and to achieve an appropriate level of streetscape compatibility. The proposal is similar to the enclosure of the balcony of unit no. 303 of the same building, and therefore the proposal will not detract from the character of the streetscape. The window frames will be required by condition to match those of the existing building.

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

The proposed development is considered to be suitable for the site in that the proposed works seek to minimise the impacts of noise and air pollution from the adjacent main road upon the occupants of the unit.

Unit no. 303 of the same building has already enclosed their balcony with clear class and awning windows (DA2017/173) and the subject proposal is not dissimilar to this previous proposal.

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

The application was notified in accordance with Part L of the SCDCP 2005 from **13 December 2018** to **7 January 2019**, and no submissions were received as a result.

4.15(1)(e) The public interest

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

LOCAL INFRASTRUCTURE CONTRIBUTIONS

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

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

STRATHFIELD INDIRECT SECTION 7.11 CONTRIBUTIONS PLAN

Section 7.11 Contributions are not applicable to the proposed development in accordance with the Strathfield Indirect Development Contributions Plan 2010-2030 as the proposed works are less than $100,000.00

CONCLUSION

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

PEER REVIEW

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

RECOMMENDATION

That Development Application No. 2018/167 for the balcony enclosure to a first floor residential unit at 103/ 23-25 Churchill Avenue, Strathfield be **APPROVED**, subject to the following conditions:

SPECIAL CONDITIONS (SC)

1**. WINDOW COVERINGS (SC)**

No window coverings (e.g. blinds, curtains, shutter etc) are to be affixed to the enclosed balcony.

(Reason: To restrict the use of the balcony as a habitable room.)

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. 2018/167:

Drawing No.	Title/Description	Prepared by	Issue / Revision & Date	Date received by Council
202	Elevations 03 + 04	Creative Nine	29/11/2018 – Rev A	9 January 2019
SP96307	Level 1 Floor Plan	Mony C Seng	29/09/2017	9 January 2019
-	Window Details	Carl's Glass Pty Ltd	-	4 December 2018

Reference Documentation affixed with Council's 'Development Consent' stamp relating to Development Consent No. 2018/167:

Title / Description	Prepared by	Issue/Revision & Date	Date received by Council
Statement of Environmental Effects	-	-	4 December 2018
Waste Management Plan	-	-	9 January 2019

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

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

3**. CONSTRUCTION HOURS (GC)**

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

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

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

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

4**. 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.)

5**. MATERIALS – SHEDULE OF EXTERNAL FINISHES TO BE SUBMITTED (GC)**

All external materials, colours and finishes including window glass and frames must be of high quality, and match those previously used on the external façade of the subject building. All external materials and colours shall be of low glare and reflectivity.

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

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

6**. SITE MANAGEMENT (DURING DEMOLITION AND CONSTRUCTION WORKS)**

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

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

xvi) Public footways, include nature strips and roadways adjacent to the site must be maintained and cleared of obstructions during construction. No building materials, waste containers or skips may be stored on the road reserve or footpath without prior separate approval from Council, including payment of relevant fees.
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.)

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

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

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

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

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

(Reason: Statutory requirement.)

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

8**. 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 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.)

ATTACHMENTS

There are no attachments for this report.

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