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, 9 April 2020

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

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TO:	**Strathfield Internal Development Assessment Panel Meeting - 10 April 2020**
REPORT:	**IDAP – Report No. 1**
SUBJECT:	**DA2017/106/02: 41 OXFORD ROAD, STRATHFIELD LOT 2 DP 1132993**
DA NO.	**2017/106/02**

SUMMARY

Proposal:	Section 4.55(1A) modification application involving internal and external configuration changes, reduction in overall height, window changes and finished level changes.
Applicant:	Daniel Younan and Associates
Owner:	Dr. DJ & Mrs. S Younan
Date of lodgment:	24 February 2020
Notification period:	3 March 2020 to 17 March 2020.
Submissions received:	Nil
Assessment officer:	LG
Estimated cost of works:	Nil
Zoning:	R2 Low Density Residential - SLEP 2012
Heritage:	No
Flood affected:	Yes
RECOMMENDATION OF OFFICER:	**APPROVAL**

EXECUTIVE SUMMARY

On 6 September 2017, Strathfield Internal Development Assessment Panel (IDAP) approved Development Application No. 2017/106 for demolition of existing structures and construction of a new two (2) storey dwelling, with swimming pool and front fence.

The current application seeks to modify Development Consent No. 2017/106 under Section 4.55(1A) of the *Environmental Planning and Assessment Act 1979.*

The proposed modification involves minor variations to the internal configuration and external appearance of the dwelling, including the side setbacks, external finishes, a reduction in overall building height, finished floor levels and a revised window schedule. These modifications are considered to involve minimal environmental impact.

The modified proposal achieves an improved outcome by appropriately addressing the natural gradient of the site and increased streetscape compatibility. Overall, the modification application is considered acceptable and accordingly, is recommended for approval.

BACKGROUND

6 September 2017	DA2017/106 involving demolition of existing structures and construction of a new two (2) storey dwelling with swimming pool and front fence was approved by IDAP.
24 February 2020	The subject application was lodged with Council.

3 March 2020 to 17 March 2020	The proposal was placed on public notification in accordance with Part L of the SCDCP 2005. No submissions received during this time.
18 March 2020	Council's Assessment Officer undertook site inspection.

DESCRIPTION OF THE SITE AND LOCALITY

The subject site is located upon the northern side of Oxford Road, east of the intersection of Heyde Avenue with Oxford Road. The site is a regular-shaped residential allotment containing a slight splay to the far north-eastern corner of the site. The site provides a frontage width of 15.24m, a depth of 43.585m to the west, a depth of 45.390m to the east and a total site area of 692m^2. The site contains a gradual fall to the rear.

The site currently contains an existing single storey red brick cottage with a pitched tiled roof form, typical of the traditional housing in the area. The streetscape is in a state of transition from traditional dwellings to contemporary, two (2) storey dwellings of grander proportions.

Figure 1: *Aerial view of existing site and surrounding residential development.*

DA2017/106/02: 41 Oxford Road, Strathfield
Lot 2 DP 1132993 (Cont'd)

Figure 2: *View of existing dwelling from Oxford Road.*

DESCRIPTION OF THE PROPOSED MODIFICATION

The specific elements of the application involve internal and external modifications to the dwelling as well as modifications to conditions of consent. These are specified below as follows:

Ground Floor

- Reposition of central courtyard to align with front building line of adjoining property at 39 Oxford Road;
- Internal reconfiguration of office ensuite including removal of wardrobe;
- 40mm reduction in the eastern side setback provided by the dwelling from 1.55m to 1.51m;
- Extension of theatre room to align with garage setback along western side elevation;
- 160mm reduction in the western side setback from 1.7m to 1.54m;
- Increased rear setback to main dwelling from 6m to 7.2m;
- Reduction in depth of rear alfresco area from 4.75m to 4.36m; and
- Revised finished floor levels from RL27.6 to RL27.090 to the front portion of the dwelling and from RL26.725 to 26.580 to the rear portion of the dwelling.

First Floor

- Internal reconfiguration of bedroom and bathroom layout; and
- Incorporation of void space immediately adjoining bedroom 3.

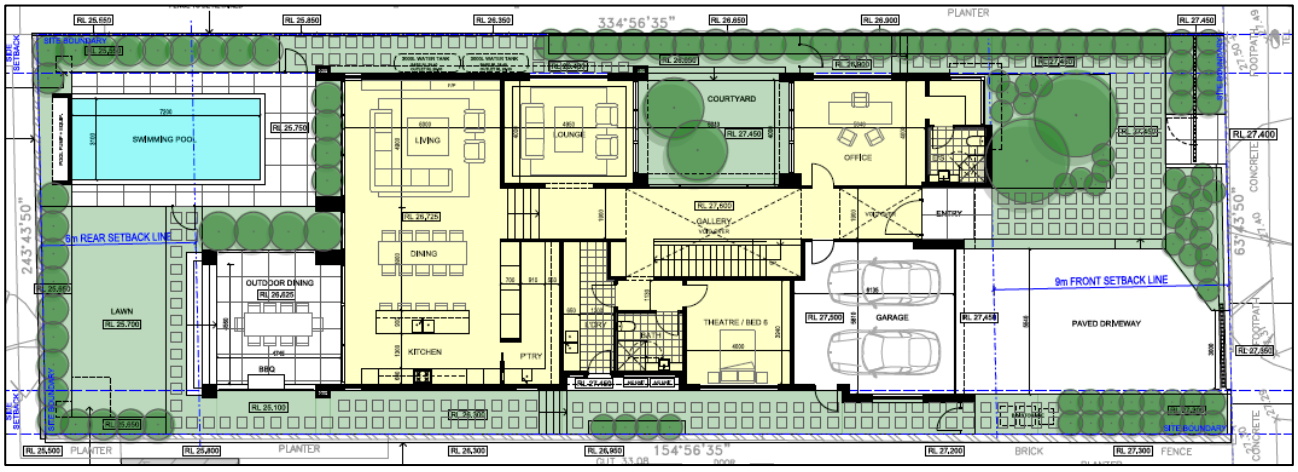

Figure 3: *Approved Ground Floor Plan*

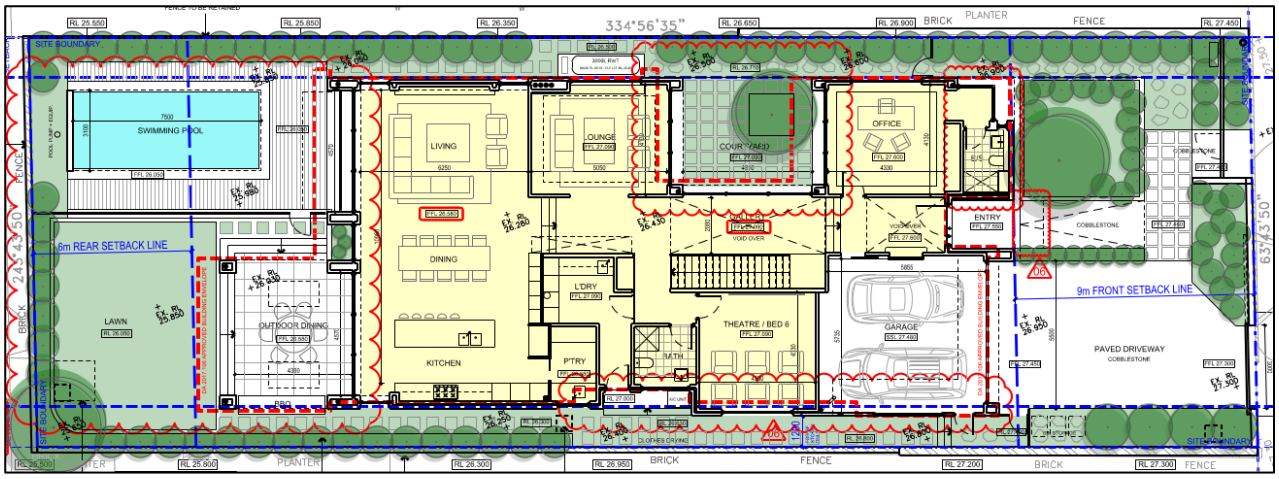

Figure 4: *Proposed Ground Floor Plan*

DA2017/106/02: 41 Oxford Road, Strathfield
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External Modifications

- Reduction in overall building height by 500mm from 8.82m to 8.32m;
- Revised front façade to include deeper roof overhangs to windows and larger window openings;
- Revised window schedule;
- Addition of planter bed to western side elevation of dwelling adjoining master suite and balcony to bedroom 2; and
- Revised external colours and finishes to incorporate off-form concrete and revised stone finish.

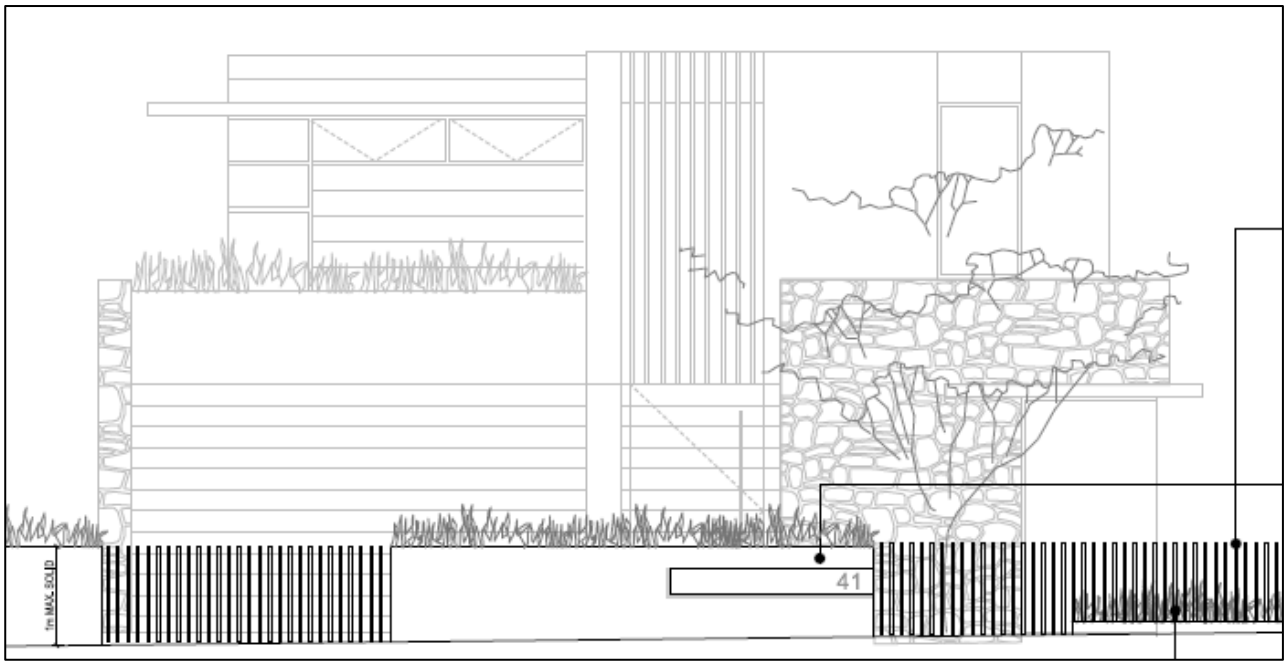

Figure 5: *Approved Front Elevation of dwelling*

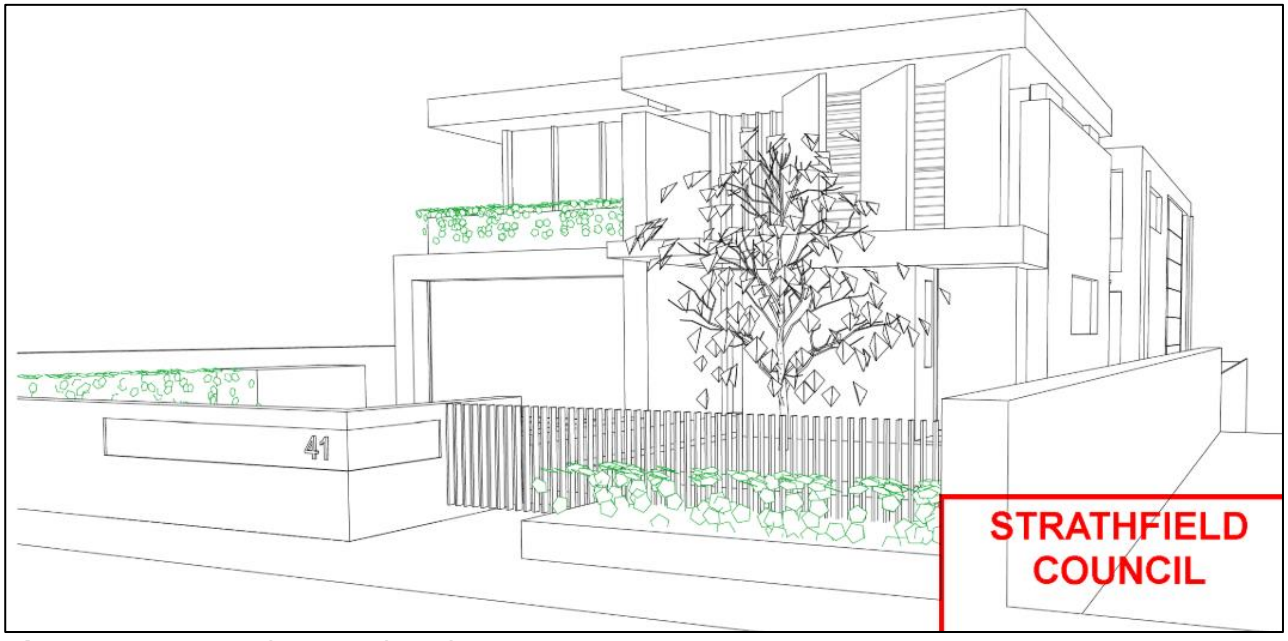

Figure 6: *Proposed Front Elevation Montage*

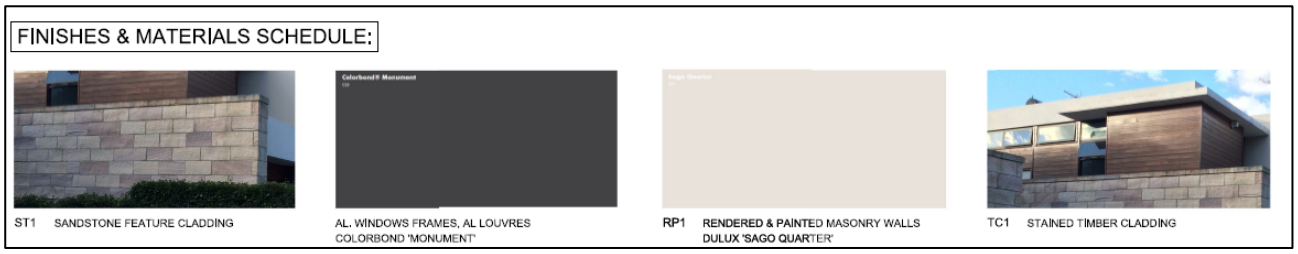

Figure 7: *Approved External Colours and Finishes Schedule*

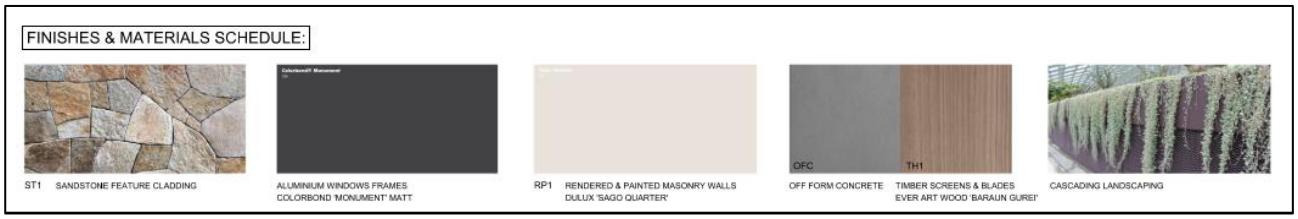

Figure 8: *Proposed External Colours and Finishes Schedule*

Proposed Modifications to Consent Conditions

- Deletion of Condition 1

The application proposes deletion of Condition 1 which states as follows:

1. ***AIR CONDITIONING UNIT (SC)***

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

(Reason: Minimise noise affectation to adjoining residents)

The Applicant has identified that installation of an air conditioning unit is covered by the Exempt and Complying Development Code 2008. The proposal has sought to install the system 150mm from the adjoining property boundary and will be floor mounted, thus reducing elevated aural sound transmission.

- Deletion of Condition 39

The application proposes to delete Condition 39 requiring a Construction Traffic Management Plan to be prepared prior to the issue of a Construction Certificate.

- Modification of Condition 4

The application proposes to update Condition 4 "Flooding - comply with flood impact report" to reflect the revised flood impact report.

- Deletion of Condition 41

It is proposed to delete Condition 41 which states as follows:

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

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

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

The applicant seeks to delete Condition 41 of DA2017/106 requiring a works permit prior to the issue of a Construction Certificate. Works permits are valid for a time period of only 3 months from issue. As a result the new driveway crossing would need to be constructed prior to the dwelling, or the works permit would expire.

Additionally, Condition 41 is superfluous as Condition 28 of DA Consent 2017/106 already addresses the need for a works permit to be sought for the construction of a new driveway crossing.

- Deletion of Condition 55

Under this modification application it is proposed to delete Condition 55 which states:

55. ***STORMWATER - COVENANT AND RESTRICTION AS TO USER FOR STORMWATER CONTROLLED SYSTEMS (OC)***

Prior to the issue of any Occupation Certificate, the applicant shall register a Positive Covenant and a Restriction as to User under section 88E and or section 88B of the Conveyancing Act as appropriate in favour of Council, ensuring the ongoing retention, maintenance and operation of the stormwater facility ***pump-out*** *and* ***charged lines****.*

Where any drainage line or service conduit is to traverse any property other than that which it serves, an appropriate easement will be required. In this case, the applicant shall register an easement no less than 1200mm wide over the proposed drainage line or service concurrently with any subdivision registration.

The wording on the 88B Instrument is to make reference to the Council file where the Construction plans and the Work As Executed (as built), plans are held. Typical wording can be obtained from Council's Specification for the Management of Stormwater document.

(Reason: To ensure the on-site detention and/or pump system is maintained to an appropriate operational standard.)

The applicant seeks deletion of this condition as no easements are required for this property for the discharge of stormwater, neither are there any systems on the site that are for the benefit of Council (OSD tank). The discharge of stormwater does not rely of the traversing of other properties.

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

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

"4.55 Modifications of consents – generally

(1A) Modifications involving minimal environmental impact

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

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

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

(c) it has notified the application in accordance with:

(i) the regulations, if the regulations so require, or

(ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and

(d) it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.

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

With regards to subclause 'a', it is considered that the modifications sought as part of this application are of minimal environmental impact, in terms of amenity impacts to neighbouring developments and streetscape compatibility. The revised window schedule does not result in adverse visual privacy impacts of the adjoining properties.

As regards to subclause 'b', Council is satisfied that the development to which the consent as modified relates is substantially the same development for which consent was originally granted.

In answering this threshold question, a comparative analysis of the approved development as modified has been undertaken. In this regard, the proposed residential use does not change; the external building appearance in terms of bulk and scale as viewed from the adjoining properties and public domain is not altered in a significant manner; and amenity impacts to neighbouring development in terms of privacy, views, solar access and overshadowing are essentially the same as that of the approved development. Accordingly, the development as modified is considered to satisfy the 'substantially the same' test in that it will result in essentially and materially the same development as that originally approved.

As regards subclause 'c' and 'd' the application was notified in accordance with Part L of SCDCP 2005 and no submissions were received.

(3) *In determining an application for modification of a consent under this section, the consent authority must take into consideration such of the matters referred to in section 4.15(1) as are of relevance to the development the subject of the application. The consent authority must also take into consideration the reasons given by the consent authority for the grant of the consent that is sought to be modified.*

As regards to clause '3' an assessment of the modification application against the matters referred in Section 4.15(1) of the *Environmental Planning and Assessment Act 1979* are included in this report.

The original development application was approved by IDAP 6 September 2017. In accordance with Clause 4.55(3), the recommendation report presented at the IDAP meeting has been taken into consideration. The report stated that:

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

With regard to the above, the subject application continues to adhere to the statement above. The development achieves an acceptable outcome for the site which has considered the amenity of adjoining properties.

REFERRALS

INTERNAL REFERRALS

Engineering Comments

Council's Engineer has raised no objections to the revised finished floor levels to the development and amendment to Condition No. 4 "*Flooding - comply with flood impact report"* to reflect the revised flood impact report.

Council's Engineer has raised objection to the deletion Condition No. 55 requiring the registration of a covenant and restriction on the pump out and charged lines of the approved stormwater design. Council's Engineer advised that as the site falls to the rear, the proposed drainage must remain as a charged system. A revised condition is therefore recommended to ensure that a Positive Covenant is placed only on the charged lines required for the site.

No further objections were raised subject to revised conditions of consent.

SECTION 4.15 CONSIDERATIONS – EP&A Act, 1979

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

4.15(1)(a) the provisions of:

(i) any environmental planning instrument

STATE ENVIRONMENTAL PLANNING POLICY (SEPP) – BASIX 2004

In accordance with the BASIX SEPP all new housing in NSW is required to meet a designated target for energy and water reduction. The subject application was supported by an amended BASIX certificate to ensure future compliance with these targets.

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*	**N/A**
(c)	*To promote land uses that provide a wide range of employment, recreation, retail, cultural, service, educational and other facilities for the*	**N/A**

	local community	
(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: This section 4.55(1A) modification application involves minimal environmental impact and maintains compliance with the general aims of the SLEP 2012.

Permissibility

There is no change proposed to the approved use of the site for the purpose of a dwelling house, which is permissible within the R2 – Low Density Residential Zone with consent.

Zone Objectives

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**

Comments: The proposal has considered the zone objectives through providing a detached two (2) storey dwelling which provides for the housing needs of the community in a low-density setting.

Part 4: Principal development standards

The modification application seeks to amend the approved building height and floor space as follows:

Height of building

Cl.	***Standard***	***Controls***	***Approved***	***Proposed***	***Complies***
4.3	*Height of building*	9.5m	8.82m	8.32m	**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 achieves compliance with the building height requirements of Clause 4.3 of the SLEP 2012

Floor space ratio

Cl.	***Standard***	***Controls***	***Approved***	***Proposed***	***Complies***
4.4C	*Floor space ratio*	0.60:1 (423.43m^2)	0.55:1 (410.98m^2)	0.572:1 (421.6m^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 achieves compliance with the maximum permissible FSR requirements of Clause 4.4C of the SLEP 2012. This demonstrates that the development is suitable for the site in terms of bulk and scale.

Part 5: Miscellaneous Provisions

This modification application involves no changes to the assessment of the original application against the relevant provisions contained within Part 5 of the SLEP 2012.

Part 6: Local Provisions

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

6.3 Flood planning

The subject site is flood affected in accordance with Council's Powells Creek and Saleyard Creek flood study. An amended flood management plan was submitted with the application in conjunction with amended architectural plans. The development demonstrates that the dwelling will achieve a minimum 500mm freeboard in accordance with Council's Flood Planning requirements. Council's Stormwater Engineer raised no objections to the proposal from a flooding context.

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 to establish 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

DA2017/106/02: 41 Oxford Road, Strathfield
Lot 2 DP 1132993 (Cont'd)

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**

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**
.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**
		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**
.5.		*Two (2) storey Porticoes*	
	1	Two (2) storey porticoes in scale and compatible with the proposed dwelling, streetscape and any adjoining heritage items	**Yes**
	2	Two (2) storey porticoes vertically articulated or broken to reduce height	**Yes**

	3	Porticoes or associated porches do not protrude 1m forward of the front building façade.	**Yes**
	4	Porticoes do not extend beyond the understorey of the eaves/guttering.	**Yes**

Comments: The façade incorporates uniform parapets/banding along the roofline of the single storey elements, as well as the main roofline. This articulation in turn improves the proportionality between the ground and first floor levels of the dwelling by providing definition. The combined elements as well as the overall reduction in building height reduces the scale and mass of the development in comparison to the original approved development. The revised schedule of finishes incorporate accents of off-form concrete to the front, side and rear elevations of the dwelling.

The articulation, colour scheme and reduction in height improve the general design of the proposed dwelling form. These revised design elements contribute to an overall reduction in the perceived mass and bulk of the proposed development. The proposal meets to requirements of Section 2 of Part A of the SCDCP 2005.

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***
	2.	The maximum height to the top of parapet for flat roofed dwelling houses is to be 7.8 metres.	No – 8.35m proposed
	3	The maximum height of the parapet wall for flat roofed dwelling houses is to be 0.8 metres above the uppermost ceiling level.	**Yes**
	4	The maximum height of the external wall from the existing ground level to the underside of the uppermost ceiling level is to be 7.2 metres.	**Yes**
	5	The maximum internal floor to ceiling height is to be 3.0 metres for any residential level	**Yes**

4.2	***Development Controls***		***Complies***
	5	The maximum internal floor to ceiling height is to be 3.0 metres for any residential level	**Yes**
.3.1.	*Street Setbacks*		
	1	Setbacks consistent with minimum requirements of Table A.1	**Yes**
.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. Increased to 7m**

4	Garages and carports setbacks consistent with Table A.2	**Yes**

Comments: The proposal reduces the maximum building height of the dwelling by 500mm to 8.35m which is beyond the maximum 7.8m building height permitted for flat roofed dwellings. This is considered acceptable as the proposed dwelling height is consistent with the prevailing building rhythm in the streetscape.

The proposed modifications result in minor variations to the side and rear setbacks provided by the development. The eastern side setback has been slightly reduced from 1.55m to 1.51m and the western side setback has been reduced from 1.7m to 1.5m and from 1.5m to 1.2m. The 1.2m setback is confined to the garage and theatre. Therefore, the general footprint of the proposed dwelling would be slightly wider than the previously approved form presenting a 350mm departure from the combined setback requirements. This is considered acceptable as the departure is confined to the front portion of the dwelling only which complies with the minimum 1.2m setback controls. It is further acknowledged that the intent of the combined setback control is to achieve articulation throughout the dwelling which is already achieved through the use of recessed walls, balconies and window to the facade.

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**
	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**
	6	Opportunities for planting new canopy trees within the front setback	**Yes**
.2.	7	At least one (1) canopy tree provided in the rear yard.	**Yes**
	8	Trunk of a proposed canopy tree planted 4m (min) from built structures, or 3m (min) from pier beam footings	**Yes**
	9	Planting on side boundaries a 0.6m (min) deep root deflection barrier provided 1.5m (min) either side of the tree center	**Yes**
	10	Driveway construction does not result in the removal, lopping or root damage to any street tree	**Yes**
	11	25% (min) of canopy trees and other vegetation shall be locally sourced indigenous species	**Yes**
	Private Open Space		
.3.	1	Provided in a single parcel rather than a fragmented space, directly accessible from internal living areas	**Yes**
	2	Includes a deep soil area compliant with the minimum landscaped area.	**Yes**
	5	Private open space located at the rear of the property.	**Yes**

Comments: Based on the amended landscape plans submitted to Council, the proposed landscape design remains relatively unchanged. The development continues to achieve 49.27% (340.98m^2) deep soil zone which complies with the minimum 42% (290.64m^2) required for the site.

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***
	Sunlight Access		
.1.	1	New dwellings - 3 hours solar access between 9.00am and 3.00pm on June 21 to the windows of habitable rooms and 50% of private open space	**Yes - unchanged**
	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 - unchanged**
	4	The proposed development does not further reduce the amount of solar access	**Yes - unchanged**

Comments: The site benefits from a north-south orientation. Accordingly, the proposal will achieve a minimum 3 hours direct solar access to adjoining properties.

7: Privacy

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

B.	*To maintain reasonable sharing of views from public places and living areas*	**Yes**
C.	*To ensure that public views and vistas are protected, maintained and where possible, enhanced*	**Yes**
D.	*To ensure that canopy trees take priority over views*	**Yes**
E.	*To ensure that the siting and design of buildings minimises noise impacts from abutting roads, rail corridors and other noise-generating land uses*	**N/A**

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)	**Yes**
	2	Elevated decks, verandahs and balconies incorporate privacy screens	**Yes**
	3	Rear balconies (no more than 1m (depth) x 2m (length) permitted if the balcony does not unreasonably impact on adjoining premises	**Yes**
	4	Balconies extending the full width of the front façade are not permitted	**Yes**

Comments: All windows are appropriately designed so as not to result in adverse visual privacy impacts upon adjoining properties. The rear alfresco area has been reduced in height by 45mm to align more closely to the natural ground level of the site. It is anticipated this would reduce privacy impacts.

10: Water and Soil Management

10.1	***Objectives***	***Satisfactory***
A.	*To encourage the incorporation of Water Sensitive Urban Design (WSUD) and Botany Improvement Plan principles in the development.*	**N/A**
B.	*To ensure compliance with Council's Stormwater Management Code*	**Yes**
C.	*To ensure compliance with the NSW State Government's Flood Prone Lands Policy.*	**Yes**
D.	*To ensure that appropriate soil erosion and sediment control measures are implemented on all sites that involve soil disturbances during construction.*	**Yes**
E.	*To ensure new building work does not detrimentally affect the existing drainage system of any area of the Municipality.*	**Yes**
F.	*To ensure that new development in areas that may be affected by acid sulphate soils do not adversely impact the underlying ground conditions, soil acidity and water quality.*	**Yes**
G.	*To appropriately manage stormwater and overland flow to minimise damage to occupants and property*	**Yes**

10.2	***Development Controls***	***Complies***

.1.	*Stormwater Management and Flood Prone areas*		
	2	Compliance with Council's Stormwater Management Code	**Yes**
	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**

Comments: As previously discussed, the proposal has considered the flood affectation of the site and designed the finished floor levels of the dwelling accordingly. The plans have been reviewed by Council's Development Engineer and found to be acceptable as proposed.

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	**Yes**

Comments: The proposal continues to provide separate pedestrian and driveway entrances from Oxford Road. The development continues to achieve passive surveillance to the street through multiple incorporation of windows and openings to the dwelling façade.

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***
.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**
.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 swimming pool will achieve a minimum 1.51m setback from the eastern side boundary of the site. As previously discussed, Condition No. 1 regarding the air-conditioning unit is recommended to be amended to reflect are more achievable outcome for requirements surrounding installation of the air conditioning unit.

The application proposes deletion of Condition 1 which states as follows:

2. ***AIR CONDITIONING UNIT (SC)***

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

(Reason: Minimise noise affectation to adjoining residents)

The Applicant has identified that installation of an air conditioning unit is covered by the Exempt and Complying Development Code 2008. The proposal has sought to install the system 150mm from the adjoining property boundary and will be floor mounted, thus reducing elevated aural sound transmission.

Rather than delete the condition in its entirety, it is recommended that the condition be revised to comply with the Protection of the Environment Operations Act 1997 and Protection of the Environment Operations (Noise Control) Regulation 2008.

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: An amended BASIX Certificate was submitted as part of the proposal. The revised design meets the designated targets for energy and water reduction.

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*.

(i) any coastal zone management plan

These matters were assessed under the previous application and no additional matters of consideration have been raised.

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

The proposed modifications have considered the natural and built environment as well as environmental impacts surrounding the site. The revised window schedule demonstrates a reduction in overlooking to the adjoining sites and therefore the proposed modification application should reduce privacy impacts. The proposed modifications have considered the flood affectation

of the land to avoid any redirection of flood waters through the site and any risk to the safety of residents of the site. The proposed development is therefore considered an appropriate development for the site which will achieve an appropriate level of streetscape compatibility.

The application proposes to delete Condition 39 requiring a Construction Traffic Management Plan to be prepared prior to the issue of a Construction Certificate. A Construction Traffic Management is not required for such a project and is therefore supported for deletion.

The applicant seeks to delete Condition 41 of DA2017/106 requiring a works permit prior to the issue of a Construction Certificate. Works permits are valid for a time period of only 3 months from issue. As a result the new driveway crossing would need to be constructed prior to the dwelling, or the works permit would expire.

Additionally, Condition 41 is not required as Condition 28 of DA Consent 2017/106 already addresses the need for a works permit to be sought for the construction of a new driveway crossing. The applicant's justification for the deletion of this condition is reasonable and it is recommended that it be deleted.

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

The approved development as modified by the current section 4.55(1A) application does not alter the suitability of the development to the site. The modifications sought as part of this application involve minimal environmental impact and will result in substantially the same development for which consent was originally granted.

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

The application was notified in accordance with Part L of the SCDCP 2005 from 3 March 2020 to 17 March 2020. There were no submissions were received during this time.

4.15(1)(e) the public interest

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

SECTION 7.11 CONTRIBUTIONS

This section 4.55(1A) application does not trigger any changes to the original condition of consent requiring payment of a Section 7.11 contribution in accordance with Council's Section 94 Contributions Plan.

CONCLUSION

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

PEER REVIEW

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

DA2017/106/02: 41 Oxford Road, Strathfield
Lot 2 DP 1132993 (Cont'd)

RECOMMENDATION

Pursuant to Section 4.55(1A) of the *Environmental Planning and Assessment Act 1979*, the proposed modification(s) to Development Consent No. 2017/106 involving internal and external configuration changes, reduction in overall height, window changes and finished level changes at 41 Oxford Road, Strathfield be **APPROVED**, subject to:

1. The original conditions of consent of Development Application No. (DA2017/106) as approved by IDAP on 6 September 2017 for demolition of existing structures and construction of a new two (2) storey dwelling with swimming pool and front fence

2. As modified by the Section 4.55(1A) application (DA2017/106/02) as follows:

    - Amend Special Condition 1;
    - Amend Special Condition 4;
    - Amend Condition 5;
    - Amend Condition 6;
    - Delete Condition 39;
    - Delete Condition 41; and
    - Amend Condition 55.

Accordingly, Development Consent No. DA2017/106/02 is approved as following:

SPECIAL CONDITIONS (SC)

1. **AIR CONDITIONING UNIT (SC)**

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

All air-conditioning units are to be installed as follows:

a) Only residential grade aid conditioners are to be installed; and b) Installed to comply with the Protection of the Environment Operations Act 1997 and Protection of the Environment Operations (Noise Control) Regulation 2008; and

Documentation demonstrating compliance with the above measures is to be submitted to and approved by the Principal Certifying Authority prior to the issue of a Construction Certificate.

(Reason: Minimise noise affectation to adjoining residents)

MODIFIED: DA2017/106/02 – DATED: 10 APRIL 2020

2**. OUTDOOR DINING AREA (SC)**

The outdoor dining area immediately adjoining the kitchen to the rear shall remain as an open structure with three (3) sides remaining open at all times so as not to constitute as floor area.

(Reason: to maintain compliance with the maximum permissible floor area permitted for the site)

3**. PUMP OUT PIT (SC)**

The lid of the pump out pit at the rear of the site shall not be grated as the pit is within the 1 in 100yr ARI event. An amended plan shall be submitted to the Principal Certifying Authority for approval **prior to issue of a Construction Certificate.**

(Reason: Ensure stormwater system does not adversely impact flow of flood waters)

4**. FLOODING - COMPLY WITH FLOOD IMPACT REPORT (CC)**

~~The development shall comply with *Section 4 "Flood Plain Management" of the Flood Management Plan* prepared by Leading Engineers dated 28.8.2017. A certificate from a suitably qualified Engineer shall be submitted to the Certifying Authority stating compliance with these recommendations, prior to the issue of a Construction Certificate.~~

The development shall comply with *Section 4 "Flood Plain Management" of the Flood Management Plan* prepared by Leading Engineers dated 23.03.2020. A certificate from a suitably qualified Engineer shall be submitted to the Certifying Authority stating compliance with these recommendations, prior to the issue of a Construction Certificate.

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

MODIFIED: DA2017/106/02 – DATED: 10 APRIL 2020

GENERAL CONDITIONS (GC)

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

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

Plans affixed with Council's 'Development Consent' stamp relating to Development Consent No. 2017/106:

Drawing No.	Title/Description	Prepared by	Issue / Revision & Date	Date received by Council
DA_100_01	Detailed Site Analysis Plan	Daniel Younan & Associates	02	18 July 2017
~~DA_100_20~~	~~Proposed Ground Floor Plan~~	~~Daniel Younan & Associates~~	~~02~~	~~18 July 2017~~
~~DA_100_30~~	~~Proposed First Floor Plan~~	~~Daniel Younan & Associates~~	~~02~~	~~18 July 2017~~
~~DA_100_40~~	~~Proposed Roof Plan~~	~~Daniel Younan & Associates~~	~~02~~	~~18 July 2017~~
~~DA_200_00~~	~~Proposed Elevations, External Finishes & Materials~~	~~Daniel Younan & Associates~~	~~02~~	~~18 July 2017~~
~~DA_200_50~~	~~Streetscape Elevation & Fence Elevation~~	~~Daniel Younan & Associates~~	~~02~~	~~18 July 2017~~

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~~DA_300_00~~	~~Sections and Perspectives~~	~~Daniel Younan & Associates~~	~~02~~	~~18 July 2017~~
DA_100_20	Proposed Ground Floor Plan	Daniel Younan & Associates	06	25 March 2020 **MODIFIED: DA2017/106/02 DATED: 10 APRIL 2020**
DA_100_30	Proposed First Floor Plan	Daniel Younan & Associates	06	25 March 2020 **MODIFIED: DA2017/106/02 DATED: 10 APRIL 2020**
DA_100_40	Proposed Roof Plan	Daniel Younan & Associates	06	25 March 2020 **MODIFIED: DA2017/106/02 DATED: 10 APRIL 2020**
DA_200_00	Proposed Elevations, External Finishes & Materials	Daniel Younan & Associates	06	25 March 2020 **MODIFIED: DA2017/106/02 DATED: 10 APRIL 2020**
DA_200_0	Proposed Rendered Elevations	Daniel Younan & Associates	06	25 March 2020 **MODIFIED: DA2017/106/02 DATED: 10 APRIL 2020**
DA_300_00	Sections and Perspectives	Daniel Younan & Associates	06	25 March 2020 **MODIFIED: DA2017/106/02 DATED: 10 APRIL 2020**
~~LPDA 17 – 364/1~~	~~Landscape Plan~~	~~Conzept Landscape Architects~~	~~C~~	~~18 July 2017~~
LPDA 17 – 364/1	Landscape Plan	Conzept Landscape Architects	D	31 March 2020 **MODIFIED: DA2017/106/02 DATED: 10 APRIL 2020**
LPDA 17 - 364 / 2	Landscape Plan - Details	Conzept Landscape Architects	C	18 July 2017
LPDA 17 - 364 / 3	Landscape Plan - Specification	Conzept Landscape Architects	C	18 July 2017
	General Notes –	Leading	A	18 July 2017

2025-C01-A	Stormwater Drawings	Engineers		
2025-C02-A	Sediment and Erosion Control Notes	Leading Engineers	A	18 July 2017
2025-C03-A	Sediment and Erosion Control Plans	Leading Engineers	A	18 July 2017
2025-C04-A	Stormwater Drainage Plan & Details	Leading Engineers	A	18 July 2017
2025-C05-A	Stormwater Drainage Details	Leading Engineers	A	18 July 2017

Reference Documentation affixed with Council's 'Development Consent' stamp relating to Development Consent No. 2017/106:

Title / Description	Prepared by	Issue/Revision & Date	Date received by Council
~~Statement of Environmental Effects~~	~~Daniel Younan & Associates~~	~~July 2017~~	~~18 July 2017~~
~~BASIX Certificate~~		~~Cert No.830663S issued 14 June 2017~~	~~18 July 2017~~
BASIX Certificate	-	Cert No:1072669S_03	Issued 23 February 2020 **MODIFIED: DA2017/106/02 DATED**
~~Flood Management Plan~~	~~Leading Engineers~~	~~A~~	~~18 July 2017~~
Flood Management Plan	Leading Engineers	Dated 23 March 2020	25 March 2020 **MODIFIED: DA2017/106/02 DATED**
Waste Management Plan	Daniel Younan & Associates	A	18 July 2017

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

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

MODIFIED: DA2017/106/02 – DATED: 10 APRIL 2020

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

~~The height of the building measured to Australian Height Datum (AHD) must not exceed Relative Level (RL) 34.725mAHD to the roof ridge of the building.~~

The height of the building measured to Australian Height Datum (AHD) must not exceed Relative Level (RL) 34.30AHD to the roof ridge of the building.

MODIFIED: DA2017/106/02 – DATED: 10 APRIL 2020

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

7**. 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.)

8**. 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.)

9**. 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.)

10**. 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 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.)

11**. 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.)

12**. LANDSCAPING - CANOPY TREES IN FRONT SETBACK (GC)**

New development shall provide at least two (2) canopy trees within the front setback adjacent the front boundary (existing trees may be included). New canopy trees shall be at least three (3) metres high at the time of planting and capable of reaching a mature height of 10m.

Species shall be selected from Council's Recommended Tree List (Available from Council's website or from the Customer Service Centre). Compliance with this condition is to be demonstrated to the Principal Certifying Authority, prior to the issue of any Occupation Certificate.

(Reason: To ensure the landscape character of the locality is maintained.)

13**. LANDSCAPING - TREE PRESERVATION (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 Australian Standard AS4970 – Protection of Trees on Development 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.)

14**. MATERIALS – CONSISTENT WITH SUBMITTED SCHEDULE (GC)**

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

(Reason: To ensure compliance with this consent.)

15**. 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.)

16**. PRIVACY - SCREEN PLANTING TO SIDE AND REAR BOUNDARIES (GC)**

Evergreen shrubs with a minimum 5 litre container size achieving a minimum mature height of 3m shall be planted along the side and rear boundaries to provide suitable privacy screening. Screen planting shall be maintained at all times. Details of the selected plants shall be submitted to and approved by the Principal Certifying Authority. Compliance with this condition shall be certified by the Principal Certifying Authority, prior to occupation of the premises.

(Reason: To maintain privacy amenity to neighbouring residences.)

17**. 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. The footway and nature strip at the service entrance must be planked out.
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) 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.
xii) 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.

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.

xiv) 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.

xv) 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.

xvi) 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.

xvii) 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.

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

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

xx) Protection pads are to be installed to the kerb and gutter where trucks and vehicles enter the site.

(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.)

18**. 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.)

19**. SYDNEY WATER - STAMPED PLANS PRIOR TO COMMENCEMENT (GC)**

The approved plans must be submitted to a Sydney Water Quick Check agent or Customer Centre to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. Plans will be appropriately stamped.

For Quick Check agent details please refer to the web site www.sydneywater.com.au (see Building Developing and Plumbing then Quick Check) or telephone 13 20 92. The consent authority or a Certifying Authority must ensure that a Quick Check agent/Sydney Water has stamped the plans before the commencement of work.

(Reason: Compliance with Sydney Water requirements.)

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

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

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

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

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

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

(Reason: To ensure protection of Council assets.)

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

21**. 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 96 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.)

22**. NATIONAL CONSTRUCTION CODE (NCC)- COMPLIANCE WITH (CC)**

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

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.)

23**. 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.)

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

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

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

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

25**. 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.

(Reason: Compliance with SCDCP 2005.)

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

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

Demolition of any part of a building triggers 'commencement of erection of building' pursuant of section 81A(2) of the EP&A Act 1979. Accordingly, demolition works must not commence until a Construction Certificate has been issued, a Principal Certifying Authority has been appointed and a Notice of Commencement has been issued.

(Reason: To ensure compliance with statutory provisions.)

27**. 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.)

28. **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 Permit
This permit must be applied for if you intend to erect a Class A (fence type) or Class B (overhead type) hoarding 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)

29**. EROSION AND SEDIMENTATION CONTROL PLAN (CC)**

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

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

certificate).

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

(Reason: Environmental protection.)

30**. LANDSCAPING - LANDSCAPE PLAN REQUIRED (CC)**

A landscape plan prepared by a qualified landscape architect or landscape consultant to a scale of 1:100 or 1:200, conforming to all relevant conditions of consent is to be submitted to the satisfaction of the Principal Certifying Authority with the Construction Certificate application.

The plan must include the following information:

i) Details demonstrating compliance with SCDCP 2005 in relation to landscaping requirements;
ii) Location of all existing and proposed landscape features including materials to be used;
iii) All trees to be retained, removed or transplanted;
iv) Existing and proposed finished ground levels;
v) Top and bottom wall levels for both existing and proposed retaining and free standing walls; and
vi) A detailed plant schedule which includes proposed species listed by botanical (genus and species) and common names, quantities of each species, pot sizes and the estimated size at maturity. A minimum of 25% of species shall be locally sourced indigenous species. Species shall be predominantly selected from Council's Recommended Tree List.

Consideration within the design should be given to the scale of planting in proportion to the proposed development, consistency with the existing landscape character of the area, potential views, solar access and privacy for neighbouring development.

(Reason: Landscape quality.)

31**. LANDSCAPING - MAINTENANCE STRATEGY (CC)**

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

(Reason: Ensure landscape survival.)

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

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

(Reason: Privacy amenity.)

33**. SECTION 94 CONTRIBUTION PAYMENT - INDIRECT CONTRIBUTIONS PLAN) (CC)**

In accordance with the provisions of Section 94A(1) of the Environmental Planning and Assessment Act 1979 and the Strathfield Indirect Development Contributions Plan 2010-2030, a contribution in the form of cash, cheque or credit card (financial transaction fee applies) shall be paid to Council for the following purposes:

Local Amenity Improvement Levy **$10, 321.77**

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 94 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.)

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

A security (damage deposit) of **$15,000** (calculated in accordance with Council's adopted Fees and Charges) shall be paid to Council, prior to the issue of a Construction Certificate.

The deposit is required as security against any damage to 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.)

35**. 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.)

36**. STORMWATER DRAINAGE (CC)**

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

i) Grated drains shall be provided along the 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.)

37**. 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.)

38**. 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.)

~~39. 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.)~~

TO BE DELETED

MODIFIED: DA2017/106/02 – DATED: 10 APRIL 2020

40**. TREE BONDS (CC)**

A tree bond of **$6,600** (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.

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

~~41. VEHICULAR CROSSINGS - WORKS PERMIT FOR CONSTRUCTION OF (CC)~~

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

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

TO BE DELETED

MODIFIED: DA2017/106/02 – DATED: 10 APRIL 2020

42**. 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.)

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

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

(Reason: To maintain streetscape character.)

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

44**. 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.)

45**. 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.)

46**.** **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)

47**.** **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.)

48. **SITE REQUIREMENTS DURING DEMOLITION AND CONSTRUCTION**

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 Standards 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. The footway and nature strip at the service entrance must be planked out with close boarded, hardwood timber footpath protection pads. The pad shall cover the entire width of the footpath opening for the full width of the fence.
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.
x) All excavated material should be removed from the site in the approved manner and be disposed of lawfully to a tip or other authorised disposal area.
xi) 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.
xii) All materials on site or being delivered to the site are to generally be contained within the site. The requirement s 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.
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 and recycling.
xiv) 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.
xv) Public footways and roadways adjacent to the site must be fully maintained and cleared of obstructions during construction unless prior separate approval from Council is obtained including payment of relevant fees.
xvi) 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.
xvii) 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.
xviii) Stamped plans, specifications, documentation and the consent shall be available on site at all times during construction.

(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.)

49**. 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)

50. 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.)

51. 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.)

52. 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.)

53**. 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.)

54**. 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.)

55**. STORMWATER - COVENANT AND RESTRICTION AS TO USER FOR STORMWATER CONTROLLED SYSTEMS (OC)**

~~Prior to the issue of any Occupation Certificate, the applicant shall register a Positive Covenant and a Restriction as to User under section 88E and or section 88B of the Conveyancing Act as appropriate in favour of Council, ensuring the ongoing retention, maintenance and operation of the stormwater facility **pump-out** and **charged lines**.~~

~~Where any drainage line or service conduit is to traverse any property other than that which it serves, an appropriate easement will be required. In this case, the applicant shall register an easement no less than 1200mm wide over the proposed drainage line or service concurrently with any subdivision registration.~~

~~The wording on the 88B Instrument is to make reference to the Council file where the Construction plans and the Work As Executed (as built), plans are held. Typical wording can be obtained from Council's Specification for the Management of Stormwater document.~~

Prior to the issue of any Occupation Certificate, the applicant shall register a Positive Covenant and a Restriction as to User under section 88E and or section 88B of the

Conveyancing Act as appropriate in favour of Council, ensuring the ongoing retention, maintenance and operation of the stormwater facility charged lines.

The wording on the 88E and or 88B Instrument is to make reference to the Council file where the Construction plans and the Work As Executed (as built), plans are held. Typical wording can be obtained from Council's Specification for the Management of Stormwater document.

(Reason: To ensure the on-site detention and/or pump system is maintained to an appropriate operational standard.)

MODIFIED: DA2017/106/02 – DATED: 10 APRIL 2020

56**. 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 - 10 April 2020**

REPORT: **IDAP – Report No. 2**

SUBJECT: **DA2018/143/02 11 FIRTH AVENUE, STRATHFIELD LOT 93 DP 8778**

DA NO. **DA2018/143/02**

SUMMARY

Proposal:	Section 4.55 (2) modification application involving the conversion of excess parking to a home theatre room, removal of front entry ground floor columns & arches, addition of front (east) facing balcony above front entry, enlargement of north-west rear balcony, enclosure of first floor area, amendments to the window schedule, relocation of pool equipment, relocation of lift, extension of outbuilding and deletion of outdoor bathroom.
Applicant:	Nicholas Lycenko
Owner:	W. Sun & Y. Sunpan
Date of lodgement:	5 February 2020
Notification period:	17 February 2010 to 2 March 2020
Submissions received:	Nil
Assessment officer:	DS
Zoning:	R2 Low Density Residential - SLEP 2012
Heritage:	No
Flood affected:	No
Is a Clause 4.6 variation proposed?	No
RECOMMENDATION OF OFFICER:	**Approval**

EXECUTIVE SUMMARY

On 7 February 2019, IDAP approved Development Application No. DA2018/143/01 for the demolition of all existing structures and the construction of a two (2) storey single dwelling house with attached garage, in-ground swimming pool, outbuilding, boundary fencing and associated landscaping.

This modification application is made under Section 4.55(2) of the *Environmental Planning and Assessment Act 1979.* It seeks to convert excess parking to a home theatre room, remove the ground floor columns & arches at the front entry, enclose the first-floor area, add a front (east) facing balcony above front entry, increase the size of the north-west rear balcony, amend the window schedule, relocate the pool equipment, relocate the lift, extend the outbuilding and delete the outdoor bathroom.

The proposed enlargement of the north-west rear balcony creates privacy concerns for the western adjoining neighbour and is not supported.

The application was notified in accordance with Part L of the SCDCP 2005 from 17 February 2020 to 2 March 2020. No written submissions were received.

DA2018/143/02 11 Firth Avenue, Strathfield Lot 93 DP 8778 (Cont'd)

Overall, the proposed modification is considered to be acceptable and is recommended for approval subject to conditions of consent.

SECTION 4.55 OF THE EP&A ACT 1979

Section 4.55 of the *Environmental Planning and Assessment 1979* states as follows:

> ***"4.55 Modifications of consents – generally***
>
> ***(2) Other modifications***
> *A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:*
> *(a) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all), and*
> *(b) it has consulted with the relevant Minister, public authority or approval body (within the meaning of Division 5) in respect of a condition imposed as a requirement of a concurrence to the consent or in accordance with the general terms of an approval proposed to be granted by the approval body and that Minister, authority or body has not, within 21 days after being consulted, objected to the modification of that consent, and*
> *(c) it has notified the application in accordance with:*
> *(i) the regulations, if the regulations so require, or*
> *(ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and*
> *(d) it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.*
>
> *Subsections (1) and (1A) do not apply to such a modification."*

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

In answering this threshold question, a comparative analysis of the approved development as modified has been undertaken. In this regard, the proposed use does not change; the external building appearance in terms of bulk and scale as viewed from the adjoining properties and public domain is not altered in a significant or readily discernible manner; and amenity impacts to neighbouring development in terms of privacy, views, solar access and overshadowing are essentially the same as that of the approved development. Accordingly, the development as modified is considered to satisfy the 'substantially the same' test in that it will result in essentially and materially the same development as that originally approved.

In regards to subclause 'b', this does not apply as the original development application did not require concurrence.

With regards to subclause 'c', the application was notified in accordance with Part L of SCDCP 2005 and no submissions were received.

Subclause 'd' is not applicable given that no submissions were received during the notification period.

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

Development consent for the approved development was granted on 7 February 2019 by the IDAP. In accordance with Clause 4.55(3), the conclusion of the recommendation report has been taken into consideration. The development as modified will largely maintain the approved building envelope and maintain the amenity of adjoining residents.

BACKGROUND

7 February 2019:	DA2018/143/01 was approved by IDAP for the demolition of all existing structures and the construction of a two (2) storey single dwelling house with attached garage, in-ground swimming pool, outbuilding, boundary fencing and associated landscaping.
5 February 2020:	The subject modification application (DA2018/143/02) was submitted to Council.
17 February 2020 - 2 March 2020:	The subject application was neighbor notified in accordance with the requirements of Part L of the SCDCP 2005. No written submissions were received.

DESCRIPTION OF THE SITE AND LOCALITY

The subject site is legally described as Lot 93 in DP 8778 and commonly known as 11 Firth Avenue, Strathfield. The site is located on the western side of Firth Avenue, between Newton Road and Ada Avenue (Figure 1).

The site is rectangular in shape and has a frontage of 20.9m, a depth of 63.9m and a total site area of 1284.3m^2. Existing development on the site comprises a single storey residential dwelling with exposed face brick to exterior walls and a pitched tile roof.

The current streetscape is characterised by a mixture of traditional housing stock and recently constructed dwellings with pitched tile roof forms. Surrounding dwellings consist of facebrick and painted render all in neutral coloured finishes. Dwellings throughout the street are well articulated and include generous front setbacks.

DA2018/143/02 11 Firth Avenue, Strathfield Lot 93 DP 8778 (Cont'd)

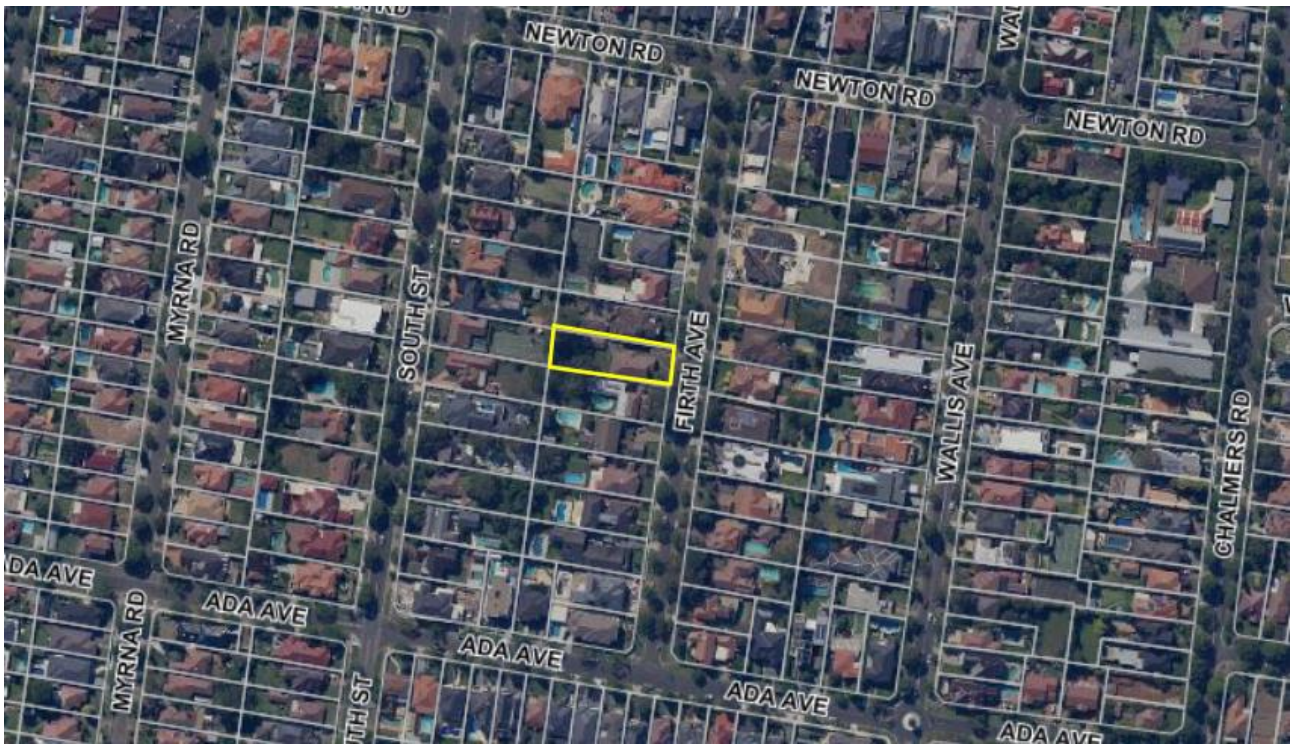

Figure 1: The site (as outlined) and the surrounding context.

DESCRIPTION OF THE PROPOSED MODIFICATION(S)

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

Ground floor level:

- Remove A/C room at the south-west corner of the garage;
- Relocate A/C unit from south-west corner of garage to a sound attenuation enclosure along the south elevation of the dwelling;
- Convert excess car parking area in garage to theatre room;
- Add two (2) south facing windows in new theatre room;
- Relocate and reduce floor area of lift by $1m^2$;
- Increase floor area of staircase by $1.8m^2$;
- Delete guest room, walk-in-rob and ensuite and replace with media room;

First floor level:

- Add a flat roof over the front (east facing) balcony above the front entry with two support columns on each side;
- Addition of a front (east facing) balcony above the front entry;
- Increase the floor area of Bedroom 4 by $5.96m^2$;
- Enclose south-west balcony at the rear of the dwelling;
- Increase the floor area of the rumpus room by $7.31m^2$;
- Increase the size of north west rear balcony by $3.46m^2$;

External works:

- Replace arch shaped design of garage to a rectangular shaped design;
- Remove semicircular arches and two (2) circular columns at the rear elevation;
- Delete the outdoor bathroom;

DA2018/143/02 11 Firth Avenue, Strathfield Lot 93 DP 8778 (Cont'd)

- Remove pool equipment area and extend the outbuilding by 3.66m^2 for pool equipment storage.

A first-floor plan, east (front) elevation plan and west (rear) elevation plan are included below:

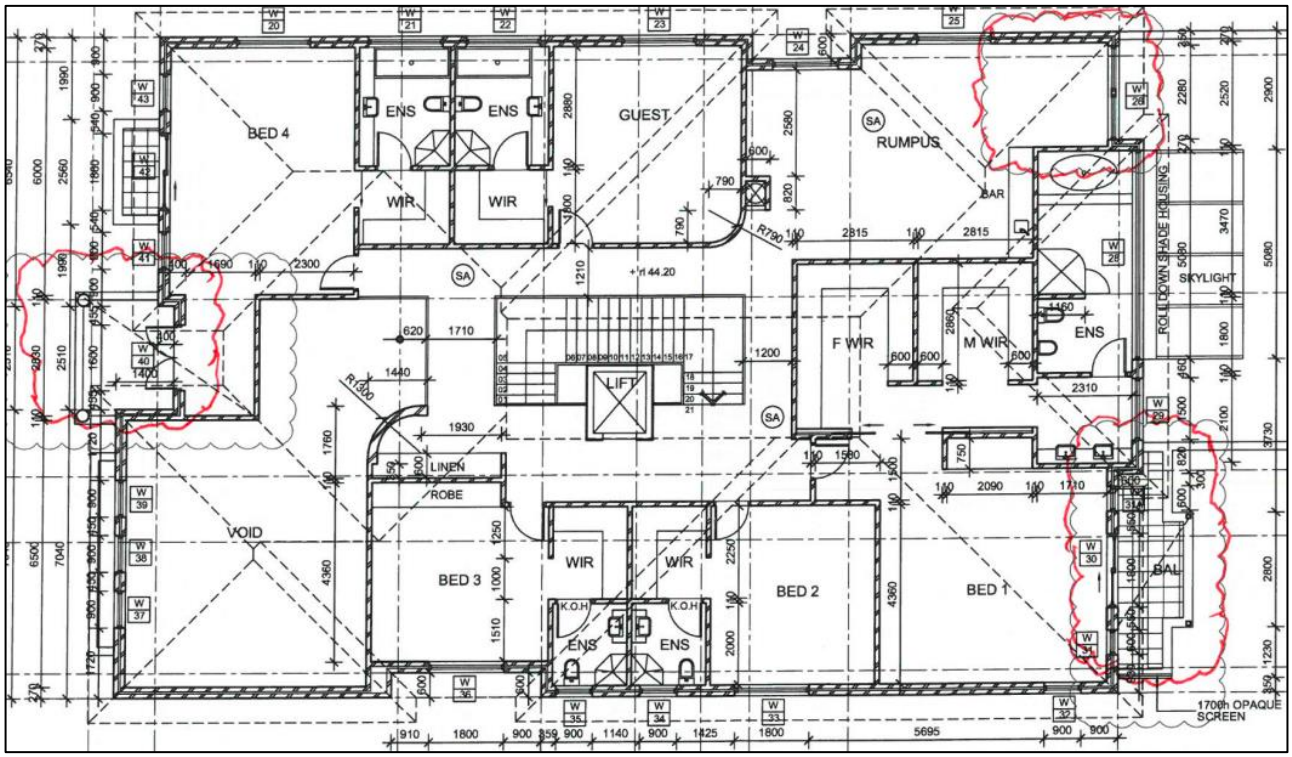

Figure 2: First floor plan modifications

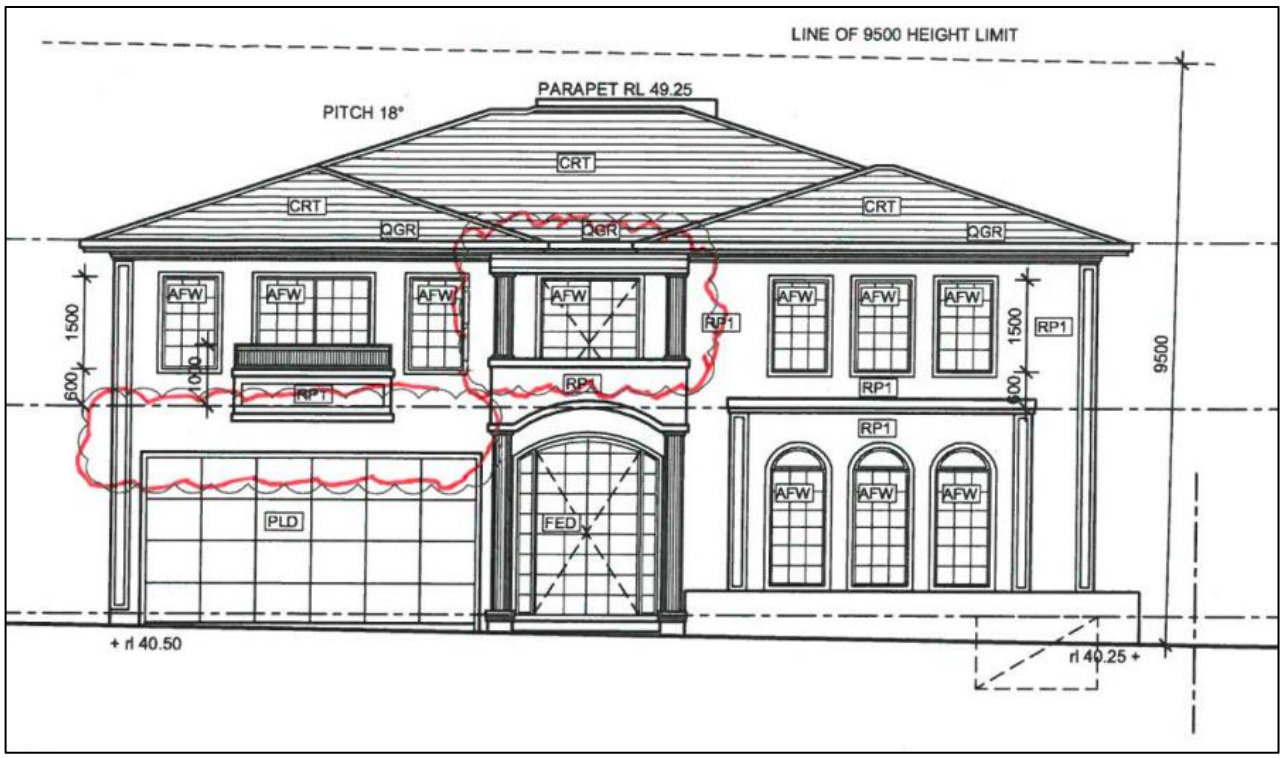

Figure 3: East (front) elevation modifications

DA2018/143/02 11 Firth Avenue, Strathfield Lot 93 DP 8778 (Cont'd)

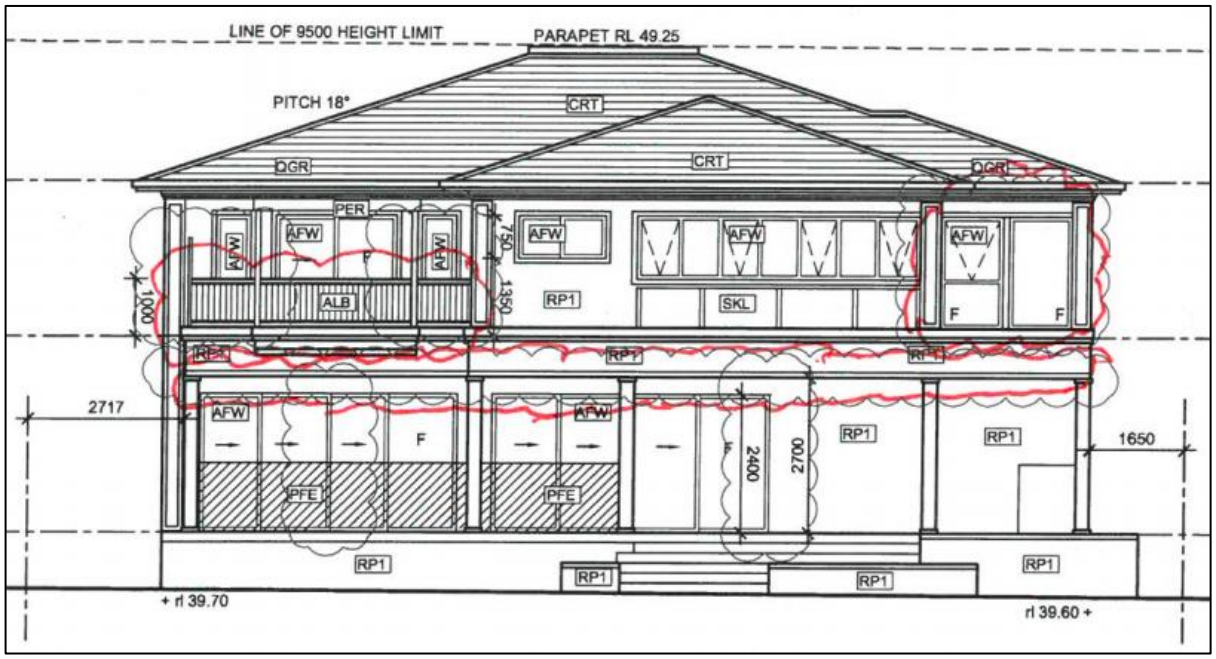

Figure 4: West (rear) elevation modifications

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.

An appropriate condition is included under the original consent to ensure future compliance with these targets. The current Section 4.55(2) application does not trigger any changes to the condition imposed.

Strathfield Local Environmental Plan (SLEP) 2012

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

Cl. 1.2(2)	*Aims*	*Complies*
(a)	*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*	**N/A**

	community	
(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 approved development as modified by this current section 4.55 modification application is consistent with the general aims of SLEP 2012.

Permissibility

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

Zone Objectives

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

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

Comments: The modifications sought are generally considered to be reasonable and are consistent with the objectives of the R2 – Low Density Residential zone.

Part 4: Principal development standards

The modification application seeks to amend the approved floor space as follows:

Floor space ratio

Cl.	***Standard***	***Controls***	***Approved***	***Proposed***	***Complies***
4.4	*Floor space ratio*	0.5:1 (642.15m^2)	0.48:1 (617.2m^2)	0.494:1 (635m^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*	**Yes**

(f)	*In relation to Parramatta Road Corridor – to encourage a sustainable consolidation pattern that optimises floor space capacity in the Corridor*	**Yes**

Comments: It is noted that an assessment of the original application indicated a maximum floor space ratio of 0.48:1 (617.2m^2). However, a re-calculation of the original application was undertaken during the assessment of the subject modification application, indicating a true floor space ratio of 0.489:1 (628.6m^2).

The modification application seeks to increase the size of Bedroom 4 and the rumpus room, convert the excess garage space into habitable floor space, reduce the size of the lift and increase the size of the staircase. Combined, these amendments will result in an additional floor area of 6.4m^2. The proposed additional floor space will contribute to a total FSR of 0.494:1 (635m^2) which is compliant with the maximum allowable FSR of 0.5:1 (642.1m^2).

Part 5: Miscellaneous Provisions

This modification application involves no changes to the assessment of the original application against the relevant provisions contained within Part 5 of the SLEP 2012.

Part 6: Local Provisions

This modification application involves no changes to the assessment of the original application against the relevant provisions contained within Part 6 of the SLEP 2012.

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

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

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

STRATHFIELD CONSOLIDATED DEVELOPMENT CONTROL PLAN (SCDCP) 2005

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

PART A – DWELLING HOUSES AND ANCILLARY STRUCTURES

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**

DA2018/143/02 11 Firth Avenue, Strathfield Lot 93 DP 8778 (Cont'd)

G.	*To retain a feeling of openness and space between built elements by maintaining landscaped setbacks and preserve the appearance of dwellings set in the treelined streets and park-like environment.*	**Yes**
H.	*To reduce the use of highly reflective colours and materials that create visual prominence.*	**Yes**
I.	*To ensure fencing is sympathetic to the design of the dwelling and the street and enhances the character of both the individual house and street whilst maintaining casual surveillance of the neighbourhood.*	**N/A**
J.	*To protect and retain the amenity of adjoining properties.*	**Yes**

2.2	***Development Controls***		***Complies***
.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**
.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**
.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**

Comments: This modification application seeks to add a front (east) balcony above the front entry with a flat roof, and replace the arch shaped design of the garage with a rectangular shaped design. The approved development as modified by this section 4.55(1A) application complies with the above controls and will maintain a positive contribution to the streetscape. The bulk and scale of the development as modified is not altered in a significant or readily discernible manner and maintains the previously approved streetscape and residential amenity outcomes in terms of privacy, views, visual bulk and overshadowing (Figure 5 and 6).

DA2018/143/02 11 Firth Avenue, Strathfield Lot 93 DP 8778 (Cont'd)

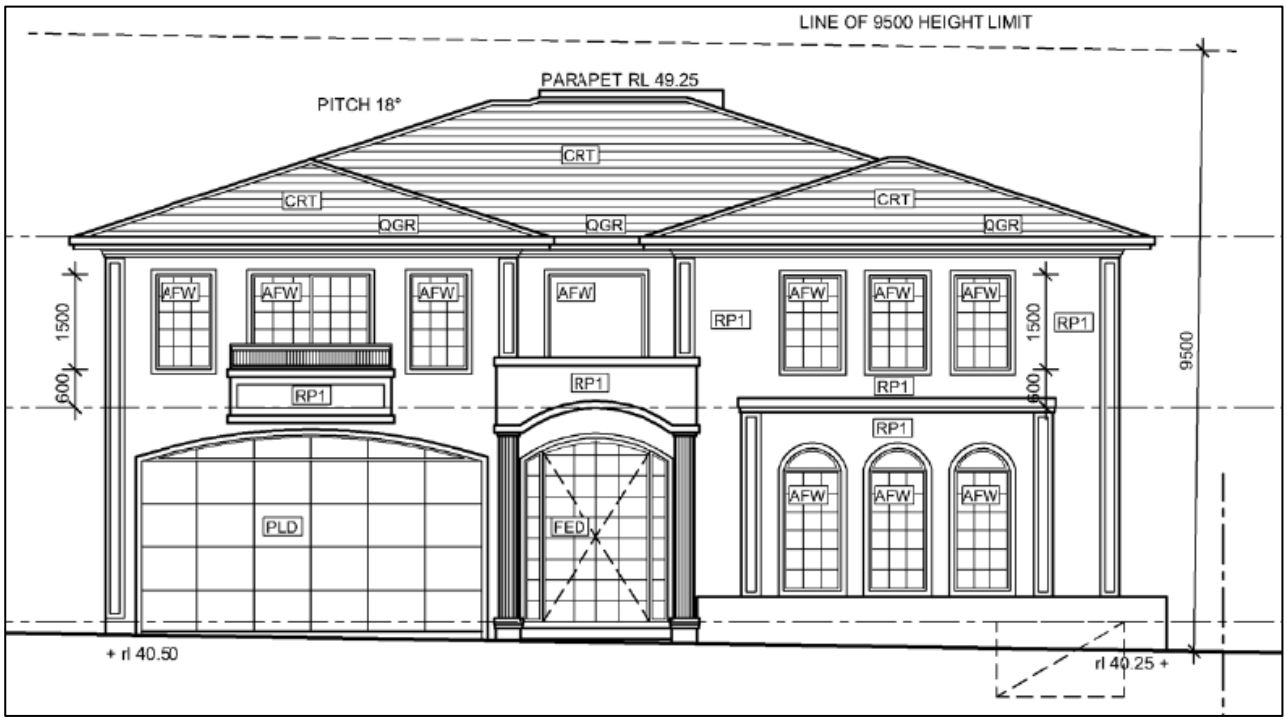

Figure 5: Front (east) elevation approved under original application.

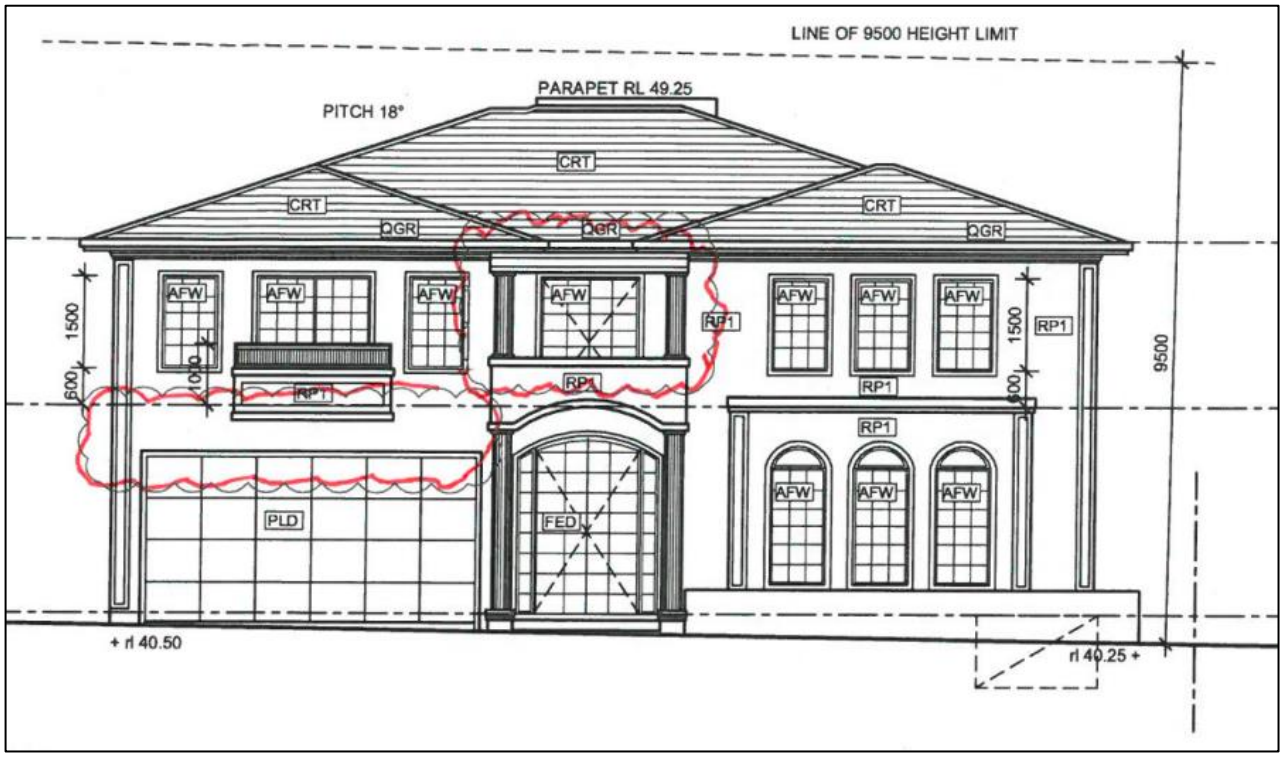

Figure 6: Proposed modifications to front (east) elevation.

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

Comments: An assessment of the original application indicated a maximum floor space ratio of 0.48:1 (617.2m^2). However, a re-calculation of the original application was undertaken during the assessment of the subject modification application, indicating a true floor space ratio of 0.489:1 (628.6m^2).

The modification application seeks to increase the size of Bedroom 4 and the rumpus room, convert the excess garage space into habitable floor space, reduce the size of the lift and increase the size of the staircase. Combined, these amendments will result in an additional floor area of 6.4m^2. The proposed additional floor space will contribute to a total FSR of 0.494:1 (635m^2) which is compliant with the maximum allowable FSR of 0.5:1 (642.1m^2).

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	**No, refer to comments**
.3.	*Elevated Decks Verandahs and Balconies*		

	3	Rear balconies (no more than 1m (depth) x 2m (length) permitted if the balcony does not unreasonably impact on adjoining premises	**No, refer to comments**

Comments: A slight variation to the maximum allowable rear balcony dimensions of Balcony 1 was permitted under the original DA (1.8m x 2.8m) subject to a 1.7m privacy screen being installed along the northern side. The modification seeks a further enlargement of the north-west rear balcony which will increase overlooking opportunities onto the northern adjoining dwelling and create privacy issues. A further departure from the DCP requirement is not supported and a condition will be included in the consent which does not approve this particular amendment.

8: Vehicle Access and Parking

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

8.2	***Development Controls***		***Complies***
.2.	*Garages, Carports and Car Spaces*		
	1	Two (2) car parking spaces required behind the FBL of all new dwellings (exceptions apply)	**Yes**
	4	Dimensions of parking spaces and garages comply with the Australian Standards	**Yes**

Comments: The modification application seeks to reduce the size of the garage and convert the excess garage parking space to a theatre room. Conditions included in the original consent will require the new garage dimensions to comply with the relevant Australian Standards.

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***
.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**
.6.	*Swimming Pools*		
	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**

Comments: The modification application involves the relocation of the air-conditioning unit from the south-west corner of the garage to the side setback, along the dwelling's southern elevation. The architectural plans indicate that the air-conditioning unit will be screened by a sound attenuated enclosure for acoustic protection.

The swimming pool equipment has also been re-located to the inside of the alfresco. A condition was included as part of the original application which restricts the noise level of the pool filter and pump equipment so as to protect the acoustic amenity of adjoining residents.

PART H - WASTE MANAGEMENT (SCDCP 2005)

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

4.15 (1)(a)(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 Australian Standard *AS2601–1991: The Demolition of Structures*, in the determination of a development application.

Having regard to these prescribed matters, the proposed development involves the demolition of a building for the purposes of *AS 2601 – 1991: The Demolition of Structures*.

Appropriate conditions were included on the original consent to ensure compliance with any relevant regulations.

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

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

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

The approved development as modified by the current section 4.55 application does not alter the suitability of the development to the site. The modification(s) sought as part of this application involve minimal environmental impact and will result in substantially the same development for which consent was originally granted.

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

The application was not required to be notified in accordance with Part L of the SCDCP 2005. No submissions were received.

4.15 (1)(e) the public interest

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

LOCAL INFRASTRUCTURE CONTRIBUTIONS

Section 7.13 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).*

This section 4.55 application does not trigger any changes to the original condition of consent requiring payment of a section 94 contribution in accordance with Council's Section 94 Contributions Plan.

CONCLUSION

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

PEER REVIEW

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

RECOMMENDATION

Pursuant to Section 4.55(2) of the *Environmental Planning and Assessment Act 1979*, the proposed modification(s) to Development Consent No. DA2018/143/02 involving conversion of excess parking to a home theatre room, removal of front entry ground floor columns & arches, addition of front (east) facing balcony above front entry, enclosure of first floor area, amendments to the window schedule, relocation of pool equipment, relocation of lift, extension of outbuilding and deletion of outdoor bathroom at 11 Firth Avenue be **APPROVED**, subject to:

1. The original conditions of consent of Development Application No. (DA2018/143/01) as approved by IDAP on 7 February 2019 for the demolition of all existing structures and the

construction of a two (2) storey single dwelling house with attached garage, in-ground swimming pool, outbuilding, boundary fencing and associated landscaping.

2. As modified by the Section 4.55(2) application (DA2018/143/02) as follows:

- Addition of Special Condition 1A – Rear Balcony Enlargement
- Modify Condition 1 – Approved Plans & Reference Documentation

Accordingly, Development Consent No. DA2018/143/02 is approved as following:

SPECIAL CONDITIONS (SC)

1A. **REAR BALCONY ENLARGEMENT (SC)**

The enlargement of the north-west rear balcony off Bedroom 1 does not form part of this approval.

(Reason: To maintain amenity to adjoining landowners.)

GENERAL CONDITIONS (GC)

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

The development, except where modified by the condition(s) of this 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. 2018/143:

Drawing No.	Title/Description	Prepared by	Issue / Revision & Date	Date received by Council
~~A01~~	~~Site Plan~~	~~N. Lycenko~~	~~12 September 2018~~	~~16 November 2018~~
A01 **MODIFIED: 10 April 2020 (DA2018/143/02)**	Site Plan	N. Lycenko	Issue 3 January 2020	5 February 2020
~~A02~~	~~Ground Floor Plan~~	~~N. Lycenko~~	~~12 September 2018~~	~~16 November 2018~~
A02 **MODIFIED: 10 April 2020 (DA2018/143/02)**	Ground Floor Plan	N. Lycenko	Issue 3 January 2020	5 February 2020
~~A02A~~	~~Ground~~	~~N. Lycenko~~	~~12 September~~	~~16 November~~

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	~~Floor Plan Rear~~		~~2018~~	~~2018~~
A02A **MODIFIED: 10 April 2020 (DA2018/143/02)**	Ground Floor Plan Rear	N. Lycenko	Issue 3 January 2020	5 February 2020
~~A03~~ A03 **MODIFIED: 10 April 2020 (DA2018/143/02)**	~~First Floor Plan~~ First Floor Plan	~~N. Lycenko~~ N. Lycenko	~~12 September 2018~~ Issue 3 January 2020	~~16 November 2018~~ 5 February 2020
A04	Roof Plan	N. Lycenko	12 September 2018	16 November 2018
~~A05~~ A05 **MODIFIED: 10 April 2020 (DA2018/143/02)**	~~Elevations 01~~ Elevations 01	~~N. Lycenko~~ N. Lycenko	~~12 September 2018~~ Issue 3 January 2020	~~16 November 2018~~ 5 February 2020
~~A06~~ **DELETED: 10 April 2020 (DA2018/143/02)**	~~Elevations 02~~	~~N. Lycenko~~	~~12 September 2018~~	~~16 November 2018~~
~~A07~~ A06 **MODIFIED: 10 April 2020 (DA2018/143/02)**	~~Section / Outbuilding Elevs~~ Section/Outbuilding Elevs	~~N. Lycenko~~ N. Lycenko	~~12 September 2018~~ Issue 3 January 2020	~~16 November 2018~~ 5 February 2020
~~A08~~	~~Section /~~	~~N. Lycenko~~	~~12 September~~	~~16 November~~

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A06 **MODIFIED: 10 April 2020 (DA2018/143/02)**	~~Outbuilding Elevs~~ Section/Outbuilding Elevs (Window schedule)	N. Lycenko	~~2018~~ Issue 3 January 2020	~~2018~~ 5 February 2020
A10	Soil Management Plan	N. Lycenko	12 September 2018	12 October 2018
A11	Demolition Plan	N. Lycenko	12 September 2018	12 October 2018
-	Landscape Plan	Zenith Landscape Designs Pty Ltd	8 October 2018	12 October 2018
-	Schedule of Colours and Finishes	N. Lycenko		12 October 2018
~~-~~ **MODIFIED: 10 April 2020 (DA2018/143/02)**	~~BASIX Certificate~~ BASIX Certificate	~~Geo Consulting Pty Ltd~~ GEC Consulting Pty Ltd	~~10 October 2018~~ 30 January 2020	~~12 October 2018~~ 5 February 2020
-	Waste Management Plan	N. Lycenko	11 October 2018	12 October 2018
ADDED: 10 April 2020 (DA2018/143/02)	ABSA Assessor Certificate	GEC Consulting Group Pty Ltd	30 January 2020	5 February 2020

(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) 49.25 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**. MATERIALS – CONSISTENT WITH SUBMITTED SCHEDULE (GC)**

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

(Reason: To ensure compliance with this consent.)

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.

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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**. 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.)

9. **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 and topping, ringbarking, willful 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 to be removed and the impacts on these trees from the proposed site works.

All protected trees are to be suitably managed and 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.)

10. **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.)

11. **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)

12. 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.)

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

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

In the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance in force in accordance with Part 6 of that Act, such a contract of insurance is to be in force before any building work authorised to be carried out by the consent commences.
Details demonstrating compliance with this condition are to be submitted to the Principle Certifying Authority, prior to issue of the Construction Certificate.

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

14. CAR PARKING - 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.)

15. 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.)

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**. 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.)

18**. 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.)

19**. 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 **$16,000.00**

The total amount of the contribution is valid as at the date of determination and is subject to quarterly indexation. The amount of the contribution under this condition shall be indexed in

accordance with clause 4.12 of the Strathfield Indirect Development Contributions Plan 2010-2030.

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.)

20**. 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.)

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

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

(Reason: Compliance and amenity.)

22. **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.)

23. **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)

24**. 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.)

25**. 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)

26**. PUBLIC INFRASTRUCTURE AND SERVICES (DW)**

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

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

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

27. **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.)

28**. 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.)

29**. 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.)

30**. 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.)

31**. 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.)

32. **STORMWATER - COVENANT AND RESTRICTION AS TO USER FOR STORMWATER CONTROLLED SYSTEMS (OC)**

Prior to the issue of any Occupation Certificate, the applicant shall register a Positive Covenant and a Restriction as to User under section 88E and or section 88B of the Conveyancing Act as appropriate in favour of Council, ensuring the ongoing retention, maintenance and operation of the stormwater facility (on-site detention, pump-out, charged lines, etc).

Where any drainage line or service conduit is to traverse any property other than that which it serves, an appropriate easement will be required. In this case, the applicant shall register an easement no less than 1200mm wide over the proposed drainage line or service concurrently with any subdivision registration.

The wording on the 88E and/or the 88B Instrument is to make reference to the Council file where the Construction plans and the Work As Executed (as built), plans are held. Typical wording can be obtained from Council's Specification for the Management of Stormwater document.

(Reason: To ensure the on-site detention and/or pump system is maintained to an appropriate operational standard.)

ATTACHMENTS

There are no attachments for this report.

TO: **Strathfield Internal Development Assessment Panel Meeting - 10 April 2020**

REPORT: **IDAP – Report No. 3**

SUBJECT: **DA2020/04 - 50 NOBLE AVENUE, STRATHFIELD - LOT 36 DP 35941**

DA NO. **DA2020/04**

SUMMARY

Proposal:	Demolition of existing building and construction of a two (2) storey dual occupancy with basement level, front boundary fence and Strata subdivision
Applicant:	BR Building Service
Owner:	HT Yang & WJ Liu
Date of lodgement:	7 January 2020
Notification period:	24 January 2020 to 10 February 2020
Submissions received:	Nil
Assessment officer:	MR
Estimated cost of works:	$997,325
Zoning:	R3 – Medium Density Residential zone - SLEP 2012
Heritage:	No heritage items or heritage conservation areas In the vicinity of a heritage item I184 – Edwards Park
Flood affected:	No
Is a Clause 4.6 variation proposed?	No
RECOMMENDATION OF OFFICER:	**APPROVAL**

EXECUTIVE SUMMARY

The proposal involves the demolition of an existing dwelling and the construction of a two (2) storey dual occupancy with basement level, front boundary fence and Strata subdivision.

The application was publicly notified on 24 January 2020, in accordance with Part L of the Strathfield Consolidated Development Control Plan 2005 (SCDCP 2005), with the last date of the notification period being 10 February 2020. No submissions were received during this period.

The proposed development is considered acceptable and supportable, generally complying with the relevant development standards and controls under the Strathfield Local Environmental 2012 (SLEP 2012) and SCDCP 2005. Despite some minor non-compliances with landscaping, access and parking and roof form controls under the SCDCP 200, the final design of the proposed development is considered compatible with the residential suburban character of Noble Avenue, and responds appropriately to the site's environmental constraints and its proximity to a heritage item (Edwards Park). Further, conditions will be imposed to ensure landscaping treatments incorporate canopy trees.

Accordingly, the application is recommended for approval.

BACKGROUND

7 January 2020	The subject application was lodged.
24 January 2020	The application was publicly notified, with the last date for submissions being 10 February 2020. No submissions were received.
26 February 2020	A deferral letter was issued to the applicant, raising a number of issues including floor space ratio (FSR), basement level, landscaped area, streetscape presentation, parking and rear-facing balconies.
10 March 2020	Council officers met with the applicant to discuss the issues raised in the letter.
19 March 2020	The applicant submitted additional information to Council to address the issues raised in the letter.

DESCRIPTION OF THE SITE AND LOCALITY

The subject site is legally described as Lot 36 in DP 35941 and commonly known as No. 50 Noble Avenue, Strathfield. The site is within the R3 – Medium Density Residential zone, pursuant to the provisions of SLEP 2012. It is a rectangular shaped allotment that is located on the southern side of Noble Avenue (refer to Figure 1). The site has an area of 579.2m^2, a maximum depth of 45.72m, a 16.47m wide frontage and a slight fall of 4.9% towards the street.

The property is currently occupied by a single storey house with ancillary structures including a detached double car garage and a roofed patio area (refer to Figures 2 and3). The site has vehicular access via an existing driveway off Noble Avenue. The site is predominantly modified with minimal vegetation comprising a grassed lawn area in the front setback and informal garden beds in the rear yard. A single street tree (a Brush Box – *Lophostemon confertus*) is situated within the road reserve directly in front of the subject site (refer to Figure 4).

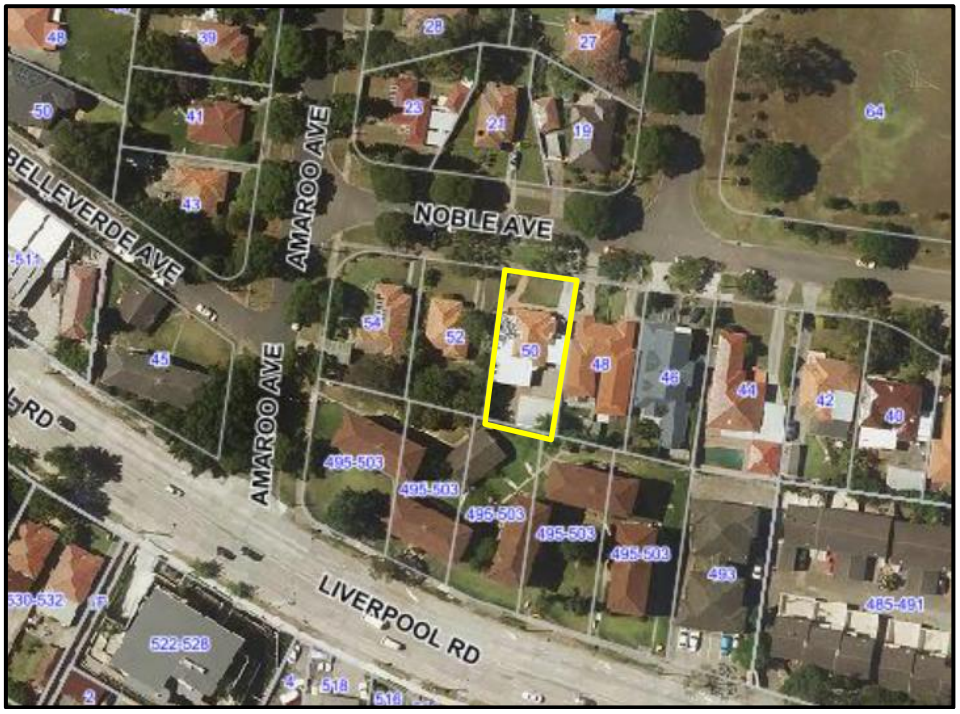

Figure 1. The subject site (as highlighted in yellow) and the surrounding context

DA2020/04 - 50 Noble Avenue, Strathfield - Lot 36 DP 35941 (Cont'd)

Figure 2. The existing dwelling at No. 50 Noble Avenue

Figure 3. The existing detached garage at No. 50 Noble Avenue

Figure 4. Existing street tree in road reserve

The subject site is located within a medium density residential area; however, it is adjacent to lower density neighbourhoods. An open public reserve and locally listed heritage item – I184 (Edwards Park) is also within close proximity of the site. The streetscape of the immediate vicinity is characterised by tree-lined streets and a mixture of single detached dwellings and dual occupancies (refer to Figures 5 and 6).

The lots on the southern and south-eastern side of Noble Avenue are within the R3 – Medium Density Residential zone, with most of the southern lots generally adjoining low-rise residential flat buildings that front a classified road (Liverpool Road) (refer to Figure 7). The property is uniquely placed, as it is mostly surrounded by a diverse range of residential built forms – with dwelling houses and dual occupancies across the road and on either side, and a number of older style, low-rise residential flat buildings adjoining the rear (southern) boundary. This context is generally reflected in the land use zoning of the site and surrounding area (refer to Figure 7).

Most of the residences along Noble Avenue and nearby streets (such as Macarthur Avenue, Amaroo Avenue and High Street) have a traditional design with tiled, pitch roofing, exposed red/brown bricks or brick render (light tones such as light grey or off-white), and conservative entry porches under roof eaves. Low masonry fencing or open palisade fencing commonly occur within the streetscape.

DA2020/04 - 50 Noble Avenue, Strathfield - Lot 36 DP 35941 (Cont'd)

Figure 5: Streetscape on the western side of Noble Avenue

Figure 6: Streetscape on the eastern side of Noble Avenue

DA2020/04 - 50 Noble Avenue, Strathfield - Lot 36 DP 35941 (Cont'd)

Figure 7: Land Use Zoning Map of subject site (as highlighted in blue) and surrounding area. Dark red areas indicate land zoned R3 – Medium Density Residential and pink areas indicate land zoned R2 – Low Density Residential

The site is surrounded by the following properties:

- Adjoining the eastern boundary: a single storey dual occupancy at No. 48 Noble Avenue, Strathfield (refer to Figure 8);
- Adjoining the western boundary: a single storey dwelling at No. 52 Noble Avenue, Strathfield (refer to Figure 9). It is noted that there is a current complying development approval (refer to CDC No. PC 19423) for this property that involves the construction of a two (2) storey rendered dwelling with a contemporary design, dark grey and white rendering and a flat roof (refer to Figure 10);
- Adjoining the southern boundary: red brick, low-rise residential flat buildings at No. 493-503 Liverpool Road, Strathfield (refer to Figures 11 and 12); and
- North of the site and across the road: single storey dwellings at No. 19 and No. 21, Noble Avenue, Strathfield (refer to Figures 13 and 14).

A photograph of Edwards Park, viewed from the north-eastern corner of the front setback of the subject site is shown in Figure 15.

DA2020/04 - 50 Noble Avenue, Strathfield - Lot 36 DP 35941 (Cont'd)

Figure 8: Existing dual occupancy at No. 48 Noble Avenue

Figure 9: Existing dwelling at No. 52 Noble Avenue

DA2020/04 - 50 Noble Avenue, Strathfield - Lot 36 DP 35941 (Cont'd)

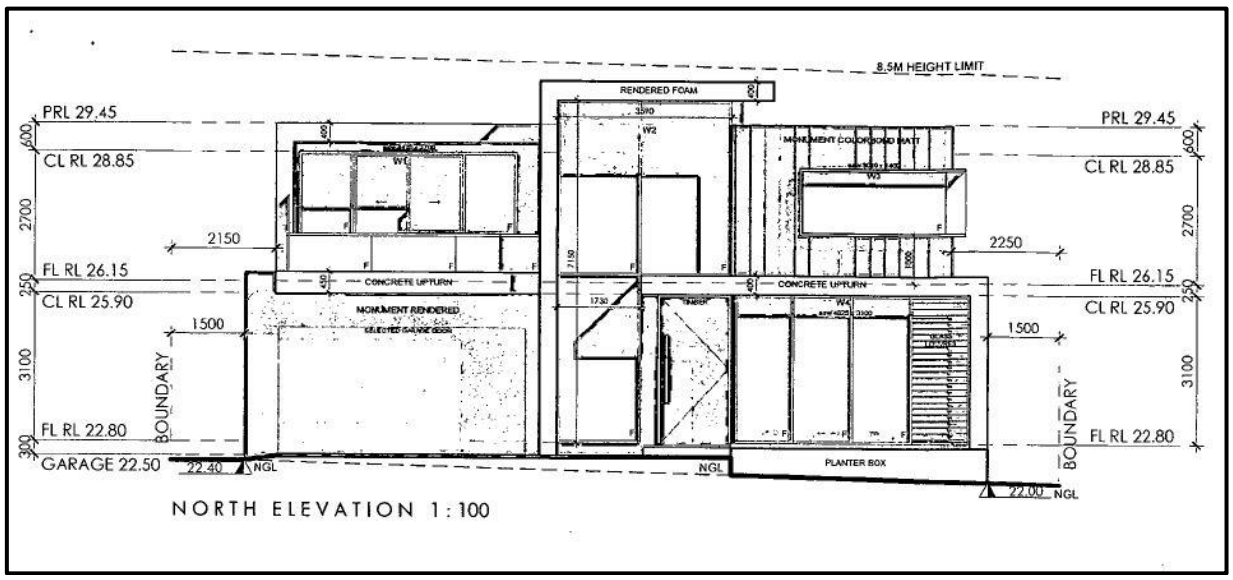

Figure 10: North Elevation of approved dwelling (CDC No. PC 19423) at No. 52 Noble Avenue

Figure 11: Residential flat buildings at No. 493-503 Liverpool Road

DA2020/04 - 50 Noble Avenue, Strathfield - Lot 36 DP 35941 (Cont'd)

Figure 12: Residential flat buildings at No. 493-503 Liverpool Road

Figure 13: Existing dwelling at No. 19 Noble Avenue

Figure 14: Existing dwelling at No. 21 Noble Avenue

Figure 15: Edwards Park, viewed from the north-eastern corner of the front setback of No. 50 Noble Avenue

PROPERTY BURDENS AND CONSTRAINTS

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

DESCRIPTION OF THE PROPOSED DEVELOPMENT

The application seeks Council approval for the construction of an attached, two (2) storey dual occupancy with basement level, as well as the construction of front fencing and landscaping works.

Each dwelling within the proposed dual occupancy will feature the following:

- Basement level comprising:
  Garden storage, wine cellar and household storage areas;

- Ground floor comprising:
  Single car garage;
  Study, bathroom, living room, meals room, kitchen and tea room, laundry and an attached outdoor alfresco area with BBQ facility;

- First floor comprising:
  A master bedroom with walk-in-robe and ensuite, three (3) bedrooms, a bathroom and a front facing balcony off a bedroom.

The proposed development also involves the construction of a brick rendered front boundary fence measured at 0.9m high (maximum) and landscaping treatments in the form of:

- Grassed turf areas in the front setback and rear yard of each dwelling;
- Garden beds containing shrubs and groundcover species along the perimeters of the property boundaries and centrally within the front setback; and
- A single tree planted in the rear yard of each dwelling.

A Site Plan and Elevations of the proposed dwelling are shown in Figures 16 to 18.

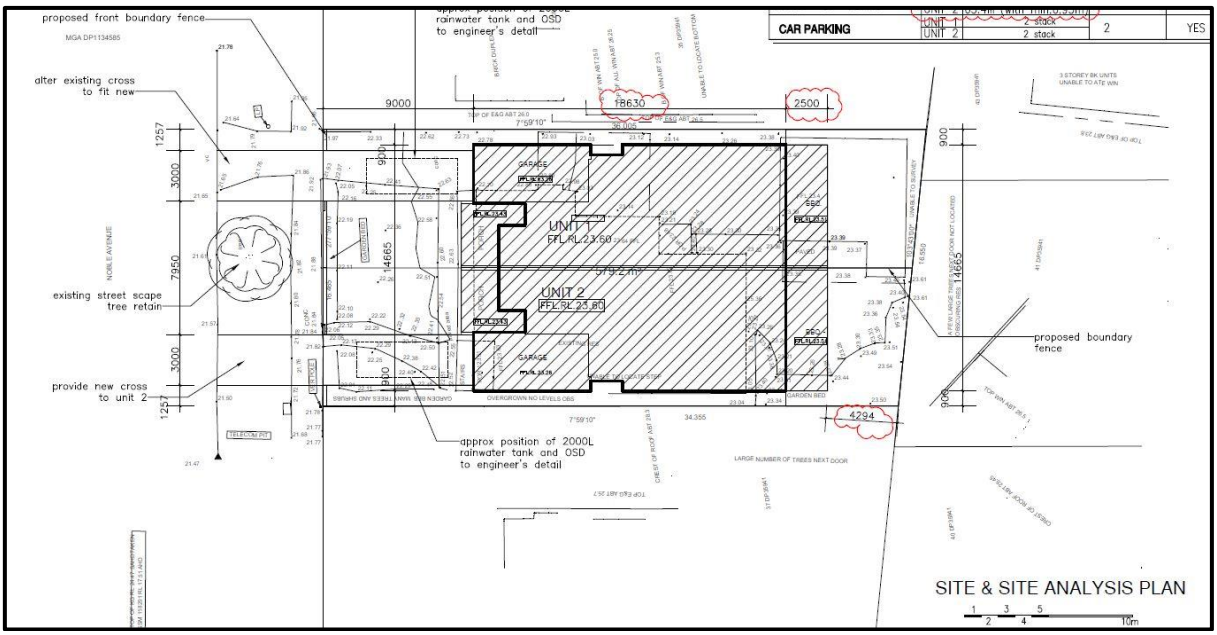

Figure 16: Site Plan

DA2020/04 - 50 Noble Avenue, Strathfield - Lot 36 DP 35941 (Cont'd)

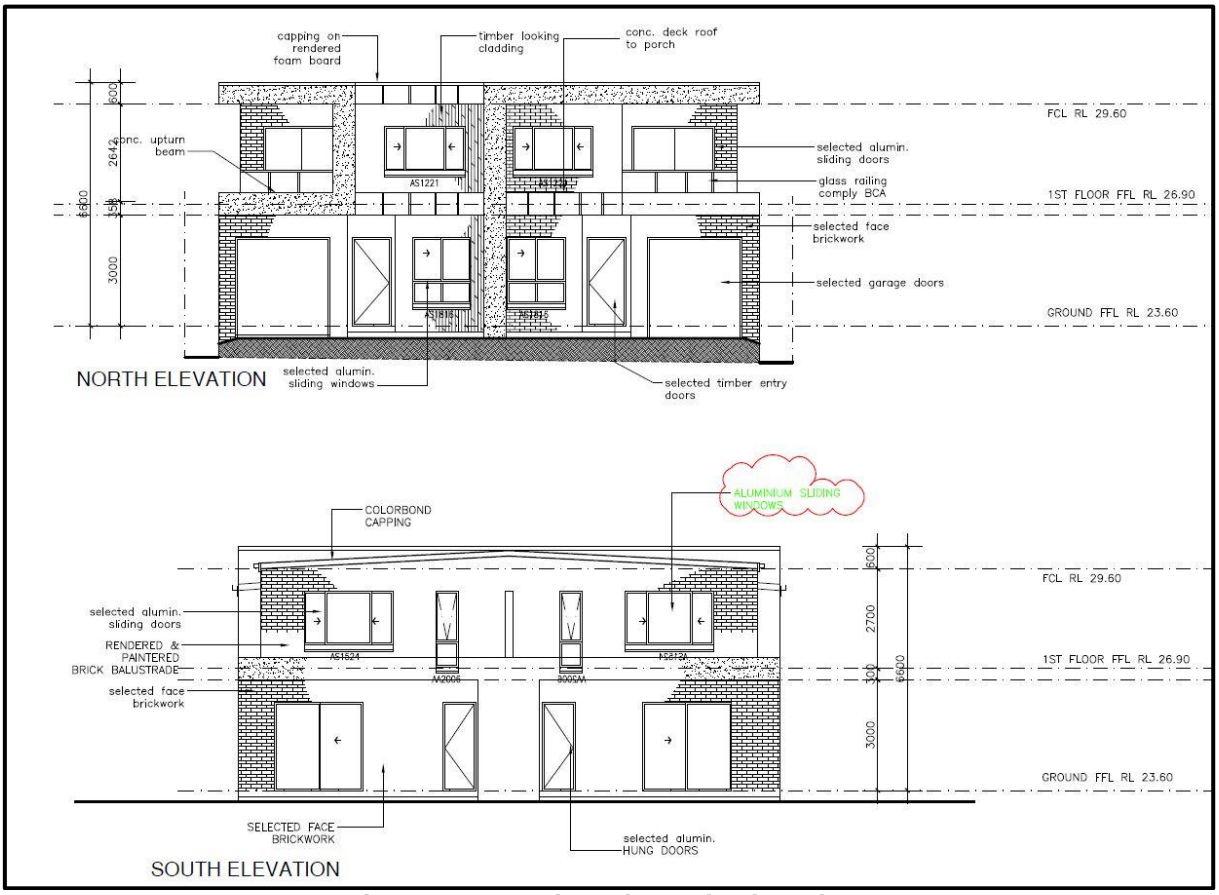

Figure 17: North and South Elevations

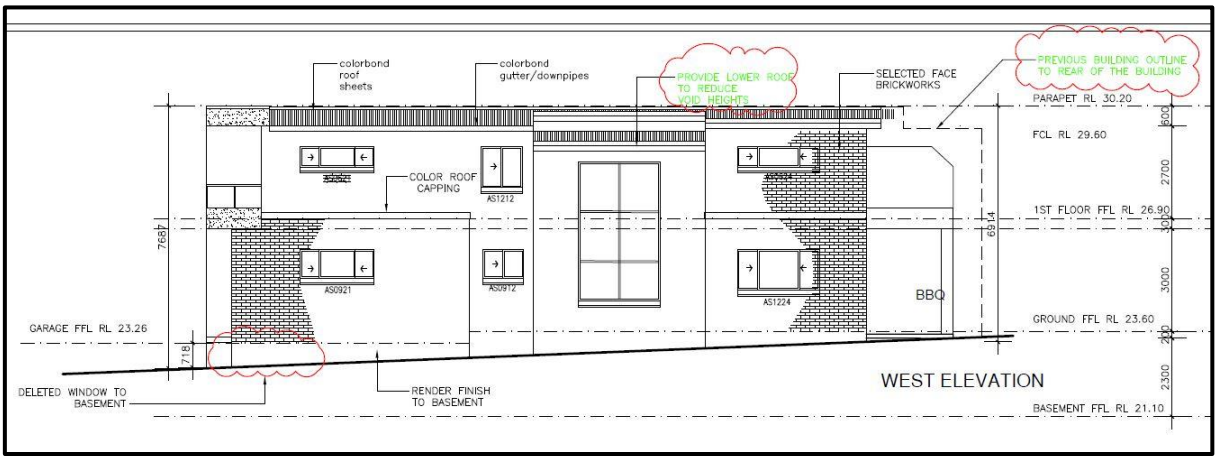

Figure 18: West Elevation

The proposed development also involves Strata subdivision of the dual occupancy.

REFERRALS

INTERNAL REFERRALS

Heritage Advisor Comments

Council's Heritage Advisor verbally confirmed that a formal referral is not required given the distance of the proposal from the heritage item and the general nature and features of the heritage item being an open, public reserve.

Stormwater Engineer Comments

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

Traffic Engineer Comments

Council's Traffic Engineer provided the following comments:

"Pursuant to Council CDCP Part B Clause 2.9, for dwellings exceeding 150m^2 in GFA, a minimum of two (2) carparking spaces for each dwelling shall be provided on-site.

In line with Council CDCP Part B Clause 2.2, which requires all car parking structures and designated surface parking areas to be located behind the front building alignment, the designated hardstand parking is not supported.

Given the ample on-street parking supply, the off-street parking provision of a single garage is considered acceptable.

The front boundary fence appears to affect sight lines to pedestrians and vehicles. Similar to sight splay requirements for single dwellings under Council's DCP, the design shall provide a minimum 1m x 1m splay at the vehicular access driveways, to maintain sight distances for pedestrians and motorists. The proposed fence shall be modified to ensure the sight lines to pedestrians and motorists are not obstructed."

Conditions will be imposed as recommended by Council's Traffic Engineer. An evaluation of the proposal against the minimum two (2) parking spaces control under the SCDCP 2005 are contained below under SCDCP 2005 – Part B.

SECTION 4.15 CONSIDERATIONS – EP&A Act, 1979

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

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

STATE ENVIRONMENTAL PLANNING POLICY (SEPP) – BASIX 2004

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

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

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

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

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

The objectives outlined within SEPP 55 are considered to be satisfied.

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

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

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

The proposal does not involve the removal of any existing trees. A review of the landscaping treatments confirms that the proposed landscaped areas including new plantings are considered appropriate. Conditions are recommended to ensure the existing street tree is retained and protected.

STRATHFIELD LOCAL ENVIRONMENTAL PLAN 2012 (SLEP 2012)

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

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

Permissibility

The subject site is zoned R3 – Medium Density Residential zone under Strathfield Local Environmental Plan 2012 (SLEP 2012).

Attached dual occupancy is defined under SLEP 2012 as follows:

> *"**Dual occupancy (attached)** means 2 dwellings on one lot of land that are attached to each other, but does not include a secondary dwelling."*

The proposed development for the purpose of an attached dual occupancy is consistent with the above definition and is therefore, permissible within the R3 – Medium Density Residential zone, with consent.

Zone Objectives

An assessment of the proposal against the objectives of the R3 – Medium Density Residential zone is as follows:

Objectives	*Complies*
➢ ***To provide for the housing needs of the community within a medium density residential environment.***	**Yes**
➢ ***To provide a variety of housing types within a medium density residential environment.***	**Yes**
➢ ***To enable other land uses that provide facilities or services to meet the day to day needs of residents.***	**Yes**

Comments: The proposal involves the construction an attached dual occupancy. This land use ensures the housing needs of the community are met by providing a residential use that is both permissible and occurring within the vicinity. A diverse range of housing types are noted in the locality, with single detached dwelling houses, older style dual occupancies and residential flat buildings. The proposed dual occupancy adds to the existing diversity. It is further noted that the site is capable of facilitating and sustaining a dual occupancy development.

Part 4: Principal development standards

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

Clause 4.1A Minimum lot size for dual occupancies, multi dwelling housing and residential flat buildings

Cl.	*Standard*	*Controls*	*Proposed*	*Complies*
4.2	*Minimum lot size for dual occupancies*	560m²	579.2m²	**Yes**

	Objectives	*Complies*
(1)	*The objective of this clause is to achieve planned residential density in certain zones.*	**Yes**

Comments: The subject site meets the above minimum lot size for dual occupancies proposed on land zoned R3 – Medium Density Residential. The proposal is able to achieve the planned residential density in this zone.

Clause 4.3 Height of building

Cl.	*Standard*	*Controls*	*Proposed*	*Complies*
4.3	*Height of building*	9.5m	7.7m	**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 complies with the maximum building height prescribed under Clause 4.3 and is consistent with the objectives of the standard.

Clause 4.4 Floor space ratio

Cl.	*Standard*	*Controls*	*Proposed*	*Complies*
4.4	*Floor space ratio*	0.65:1 (376.48m^2)	0.648:1 (375.2m^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 complies with the maximum floor space ratio (FSR) prescribed under Clause 4.4 and is consistent with the objectives of the standard. Conditions are recommended to ensure no windows are installed for any basement area and that the maximum floor to ceiling height of the entire basement level is 2.2m. These conditions ensure that the basement level is utilised as an expansive storage area and will not be converted to habitable spaces, bathrooms or other utility rooms that can be included as gross floor area and part of calculating the maximum FSR.

Part 5: Miscellaneous Provisions

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

5.6 Architectural roof features

The objectives of Clause 5.6 are as follows:

- *"to ensure that architectural roof features to which this clause applies are decorative elements only,*
- *to ensure that the majority of the roof features are contained within the prescribed building height."*

Given that the proposed development does not comprise any decorative elements within the flat roof and has a height that is well-below the maximum building height limit prescribed in Clause 4.3 of the SLEP 2012, the proposed development is acceptable with regard to Clause 5.6.

5.10 Heritage Conservation

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

Subclause 2 of Clause 5.10 states that development consent is required for *the demolishing or moving of a building of a heritage item or a building, work, relic or tree within a heritage conservation area*. The subject site does not contain any heritage items and is not within a heritage conservation area, and therefore, the proposal does not trigger Subclause 2. It is noted; however, that the site is 38m south-west of heritage item I184 – Edwards Park. Council's Heritage Advisor advised that given that the proposal will have a negligible effect on the value and significance of this heritage item.

Edwards Park, being a large, open, public reserve predominantly containing grassed turf fields and canopy trees, ensures that this heritage item remains as a highly distinguished and dominant element amongst the surrounding residential built forms. The only notable buildings and structures within Edwards Park are concentrated towards the northern end of the park, adjacent to High Street and Macarthur Avenue. Given their location, these buildings/structures will not be impacted by the proposal. Therefore, in considering the above, the proposal's design and scale are considered appropriate in context of the surrounding area and the nearby heritage item. Therefore, the proposed development meets the above objectives under Clause 5.10 of the SLEP 2012.

Part 6: Local Provisions

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

6.1 Acid sulfate soils

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

6.2 Earthworks

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

6.4 Essential services

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

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

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

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

STRATHFIELD CONSOLIDATED DEVELOPMENT CONTROL PLAN 2005 (SCDCP 2005)

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

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PART P – HERITAGE

2: Development of Heritage Items

2.1: General objectives

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

Comments: As mentioned previously, the subject site does not contain any heritage items and is not within a heritage conservation area. The site is within the vicinity of heritage item I184 – Edwards Park. Edwards Park is an open, vegetated public space containing some buildings and structures on the northern portion of the park, adjacent to High Street and Macarthur Avenue.

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

The proposed development maintains the residential character of the area surrounding Edwards Park. Given its design and location, the proposal will not obscure significant views of the park and will have negligible impacts on the significance and value of this heritage item. In light of the above, the proposed development meets the above objectives.

3: Development in the Vicinity of Heritage Items

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

3.2: Setting

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

	Controls	*Satisfactory*

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

Comments: The proposed development is considered an appropriate design, bulk and scale that respects the significance and value of the heritage item. Given that the heritage item is an expansive open space with numerous tree plantings and limited structures and buildings, the proposed development is unlikely to visually dominate or overshadow the heritage item.

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

The proposal is consistent with the residential development surrounding the heritage item as it proposes a new dual occupancy that features some architectural features and traits that are similar in design and scale to the residential dwellings along Noble Avenue and Macarthur Avenue, which surround Edwards Park. Consequently, the proposal will have little impact on the character and significance of the heritage item.

3.3: Scale

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

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

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

3.4: Siting

	Objectives	***Satisfactory***
A.	*To ensure new development in the vicinity of a heritage item is sited so that it does not obscure important views to or from the heritage item.*	**Yes**
B.	*To ensure that new development in the vicinity of a heritage item does not adversely impact landscape elements that are significant or are associated with a heritage item*	**Yes**

	Controls	***Satisfactory***

i.	*The siting and setback of new development (including alterations and additions) in the vicinity of a heritage item should ensure that important views to or from the heritage item are not adversely impacted on.*	**Yes**
ii.	*The siting and setback of new development in the vicinity of a heritage item should ensure that landscape elements associated with or listed as a heritage item are not adversely affected by the development.*	**Yes**

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

3.5: Materials and Colours

	Objectives	***Satisfactory***
A.	*To ensure that new development in the vicinity of a heritage item does not detract from the significance of the heritage item.*	**Yes**

	Controls	***Satisfactory***
i.	*Materials and colours for development in the vicinity of a heritage item shall be selected to avoid stark contrast with the adjacent development where this would result in the visual importance and significance of the heritage item being reduced.*	**Yes**

Comments: The architectural features and traits of the dual occupancy as a whole creates a dual dwelling appearance that is consistent with the residential designs along Noble Avenue. As mentioned above, common architectural features and traits in the immediate vicinity of the subject site such as exposed brick (dark brown), rendering (off-white), entry porches and front boundary fencing, have been integrated into the final scheme. Further, it is apparent that the heritage item is a distinct and highly visual element compared to the residential development surrounding it. Given its relative prominence, the heritage significance of Edwards Park will not be adversely affected by the proposed development.

3.6 Excavation

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

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

Comments: The proposed development involves some ground disturbance due to the proposed creation of the basement level. Given that the heritage item is 38m north-east of the site and across the road, it is unlikely that any excavation required will compromise the structural integrity of the heritage item.

PART B – DUAL OCCUPANCY HOUSING

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

1: Introduction

1.2	***Objectives***	***Satisfactory***

.1.	*To maintain and improve the amenity and character of residential areas in the Council area.*	**Yes**
.2.	*To ensure that new dual occupancy development is of a type, scale, height, bulk and character that is compatible with the particular streetscape characteristics of the area in which it is proposed.*	**Yes**
.3.	*To promote residential development that is attractive, functional, innovative and is of a high quality.*	**Yes**
.4.	*To maximise solar access and privacy to existing and proposed developments*	**Yes**
.5.	*To provide an acceptable acoustic environment for residents through appropriate design, layout and construction measures, which mitigate noise and vibration impacts from nearby road and rail transport activities.*	**Yes**
.6.	*To preserve existing mature vegetation and encourage the planting of native vegetation suitable for the area.*	**Yes**
.7.	*To ensure that an adequate number of on-site car parking spaces are provided for residents and visitors.*	**Yes**
.8.	*To ensure that adequate provision is made for landscaped open space for the enjoyment of residents.*	**Yes**
.9.	*To promote high quality landscaped areas which complement the overall development and which assist in maintaining existing streetscape quality.*	**Yes**
.10.	*To promote ecologically sustainable development by requiring the construction of energy smart dual occupancy dwelling houses.*	**Yes**
.11.	*To ensure that the heritage value of individual buildings and conservation areas is not compromised by dual occupancy development.*	**Yes**
.12.	*To promote ecologically sustainable development.*	**Yes**

Comments: The proposed development involves a two (2) storey dual occupancy outcome comprising a basement level and modern styling. The bulk, scale and massing of the building is appropriate and complies with the maximum height and floor space ratio requirements under the SLEP 2012.

The proposed development fails to meet the relevant landscaped area and site coverage controls under the SCDCP 2005; however, any proposed landscaping treatments to assist in balancing the overall scheme are considered sufficient. Of particular note are the formalised garden beds and centralised garden beds in the front setback and low front fencing that provide a softer and complementary aesthetic to the streetscape and ensure consistency with nearby and surrounding residences.

A condition is recommended to provide two (2) trees within the front setback to further improve its presentation when viewed from Noble Avenue. A discussion of these matters is contained under sections 2.2 Site Requirements and 2.7 Open Space and Landscaping, below. This is further aided by the retention of the existing street tree and the generous setback of the building line.

The proposed development will involve a modern style façade with a flat roof. This element will be visible and noticeable amongst the pitched roof forms that generally occur along Noble Avenue. However, the overall scheme marries this roof with other architectural elements and colours that are common within the vicinity. For instance, the combination of exposed dark brown brick and white rendering, conservative entry porches and low masonry front fencing are featured within the streetscape. Additionally, it is noted that a modern dwelling with flat roof has been approved for the adjoining neighbour (No. 52 Noble Avenue).

As mentioned above, the subject site is uniquely set within a medium density residential zone adjacent to a low density suburban area. Notwithstanding this context, it is envisioned that the older style housing within the R3 – Medium Density Residential zone along Noble Avenue and surrounds, will be redeveloped into denser outcomes with more modern designs that reflect current trends and styling. The proposed development is considered a sympathetic planning outcome that incorporates materials and design that respond to the existing built forms within the adjacent R2 – Low Density Residential zone.

Given the above reasons, the proposed development's appearance is considered a supportable design outcome given that it reflects the diverse forms of residential development that are anticipated to occur within the vicinity and remains consistent with the character of the immediate locality. Given the above considerations, the proposed development is not considered a contrary outcome to the type and form of development anticipated for Noble Avenue.

2.1: Site Analysis and Design Principles

2.1	***Objectives***	***Satisfactory***
A.	*To ensure that site layout and building design consider the existing characteristics, opportunities and constraints of the site and the surrounds, which will result in a design sensitive to its environment and of high quality.*	**Yes**

2.1	***Guidelines***		***Complies***
.1.	Development application includes a site drawing demonstrating the following items:		**Yes**
	Site		
	(a)	Survey details, including changes of levels	**Yes**
	(b)	Easements (drainage or service)	**Yes**
	(c)	Existing vegetation and other significant site features	**Yes**
	(d)	Existing buildings or structures	**Yes**
	(e)	Site orientation and solar access	**Yes**
	(f)	Significant noise sources	**Yes**
	(g)	Views	**Yes**
	(h)	Pedestrian and vehicle access	**Yes**
	(i)	Natural drainage	**Yes**
	Surroundings		
	(a)	Location, height and use of neighbouring buildings (including location of doors or windows facing the site)	**Yes**
	(b)	Predominant built form and character of locality (including fencing and garden styles)	**Yes**
	(c)	Private open space areas adjacent to site	**Yes**
	(d)	Adjacent public open space	**Yes**

	(e)	Location of major trees on adjacent properties	**Yes**
	(f)	Elements of street frontage (street trees, vehicular cross-overs, bus stops etc)	**Yes**
	(g)	Differences on levels between site and neighbouring properties	**Yes**
	(h)	Significant noise sources, such as railway or roads.	**Yes**

2.1	***Design Principles***	***Complies***
1.	The development is compatible with the predominant height, bulk, scale and character of existing residential development in the vicinity	**Yes**
2.	The proposed development is generally consistent with the existing streetscape character of the locality	**Yes**
3.	The height, scale, character and external detailing of the development is compatible with any adjoining heritage item or conservation area	**Yes**
4.	The development is unlikely to adversely affect the amenity of any existing residential development in terms of overshadowing, privacy, excess noise, loss of views or otherwise.	**Yes**

Comments: A sufficiently detailed and annotated Site Analysis Plan was submitted as part of the subject application. This document complies with the above requirements.

The proposed development demonstrates compatibility with the predominant height, bulk, scale and character of existing residential development in the vicinity and maintains consistency with the prevailing streetscape character of Noble Avenue and surrounds.

2.2: Site Requirements

2.2	***Objectives***	***Satisfactory***
A.	*To ensure dual occupancy developments are compatible with the streetscape*	**Yes**
B.	*To retain a single dwelling character of development in the 2(a) zones*	**Yes**
C.	*To clearly define appropriate site requirements for dual occupancy development*	**Yes**

2.2	***Development Standards***	***Complies***
	Allotment Requirements	
1	A dual occupancy development is not permitted on allotments less than 560m^2 in area.	**Yes 579.2m^2**
2	The frontage of the site is a sufficient width to permit adequate and safe vehicular access, and side boundary setbacks.	**Yes**
	General Site Coverage	
1	The site coverage does not exceed 65% of the total site area.	**No 70%**

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	Maximum site coverage = 65% (376.48m^2)		**(405.44m^2)**
2	For the purpose of calculating site coverage, the following is included: house, garage, driveway, paved or concreted areas (including pool concourse), side setback areas between the boundary and house (paved or unpaved) 1500mm or less in width, pools, footpaths, BBQ areas, covered awnings, outbuildings, tennis courts and the like.		**Yes**
	Frontage		
1	The proportion of the frontage to be built upon does not exceed 50% or 90m^2 (whichever is the lesser)		**Yes 60% (86.6m^2)**
		Front Setbacks	
	I.	Front boundary setback achieves a reasonably consistent arrangement and alignment of buildings to the street	**Yes**
	II.	A minimum setback of 9m from the front of the development to the front property boundary	**Yes 9m**
	V.	Car parking structures and designated surface parking areas are located behind the front building alignment. On corner sites in particular, such areas are designed and suitably landscaped to ensure the character and visual amenity of the streetscape is maintained and not compromised.	**Yes** **Slight recess of the study and entry from garage door is considered acceptable.**
		Side and Rear Boundary Setbacks	
	I	Setbacks maintain a reasonably consistent relationship between buildings, allotment boundaries and adjacent development and limit overlooking of neighbouring buildings and private recreation areas.	**Yes**
	II.	A 900mm minimum setback from side and rear boundaries for walls of less than 3.0 metres in height	**Yes** **GF: 0.9m**
	III.	A 1.5 metre minimum setback from side and rear boundaries for walls greater than 3 metres in height.	**No** **FF: 0.9m for void only**
	IV.	Buildings sited within a building envelope determined by a plane projected at an angle of 45 degrees over the site from a height of 4.5m above natural ground level along the side and rear boundaries of the land, subject to the matters listed below.	

		(i)	Minor encroachments to the minimum setback are considered on their merits for elements such as eaves, pergolas, electricity or gas meters, steps, ramps or the like;	**N/A**
		(ii)	Side setbacks for buildings containing 2 storeys are determined by the building envelope, and the ability of the development to comply with Solar Access and Privacy requirements as set out in sections 2.4 and 2.7 of this Plan.	**Yes**
	V.	Buildings sited in a manner, which is consistent with the principles contained in the Streetscape Analysis included in Appendix 1, and maintains or enhances the existing streetscape, particularly where there is an established building line.		**Yes**
		Basement Setbacks		
	I	The outer walls of basements shall comply with the setbacks required in this section.		**Yes**
		Setback from Easements		
	I	Buildings and structures are at least one metre from any easement or public sewer main as required by the Sydney Water Corporation. Development also complies with the Corporation's requirements for building over or adjacent to sewer mains.		**Yes**

Comments: The proposed development involves a site coverage of 70% (405.44m^2) of the total site area, which fails to comply with the maximum site coverage requirement (65% - 376.48m^2). The variation of 28.96m^2 is considered acceptable and primarily relates to proposed dual driveways. This variation and the dual driveway design are considered acceptable as a wider, centralised driveway will result in the loss of a street tree and reduces the ability for the front setback to provide good quality landscaping. Additionally, the proposed landscaping treatments (subject to conditions) will ensure an appropriate streetscape presentation and balanced aesthetic. The proposed development complies with the maximum building height and maximum FSR prescribed in the SLEP 2012, ensuring that the overall scheme does not represent an overdevelopment of the site.

The proposed development involves a slight wall encroachment for the void spaces on the first floor of each dwelling, which features the same side setback as the ground floor (0.9m). This setback is a variation to the minimum side setback control (1.5m for upper floors). This variation is considered acceptable given that the purpose of the void space is to provide additional height and improved amenity for the living spaces below. Further, the rest of the first floor walls comply with the control and the reduced setbacks do not contribute to additional and unreasonable overshadowing, amenity or privacy impacts upon neighbouring properties.

Aside from the variations discussed above, the proposed development generally complies with the above requirements.

2.3: Density, Bulk and Scale

2.3	***Objectives***	***Satisfactory***
A.	*To ensure that residential development is of a type, height and scale that is generally compatible with or which improves the existing scale, appearance and character of the existing buildings in the street;*	**Yes**

B.	*To maintain a residential density that is compatible with the established built environment and streetscape;*	**Yes**
C.	*To ensure that overshadowing and overlooking of private yard spaces, windows in adjoining living areas and public space is minimised.*	**Yes**

2.3	***Development Standards***	***Complies***
2.3.1.	The maximum floor space ratio for dual occupancy developments (attached and detached) is 0.5:1. This excludes the area of any carport or garage.	**N/A** **SLEP 2012 prevails**

Comments: The proposed development is appropriately massed and complies with the maximum floor space ratio prescribed in the SLEP 2012.

2.4: Energy Efficiency and Water Conservation

2.4	***Objectives***	***Satisfactory***
A.	*To achieve a high level of energy efficiency in the design of new dual occupancy dwellings and in the design of alterations and additions to existing dwellings.*	**Yes**
B.	*To locate buildings and open space areas so that existing and proposed dwellings will have reasonable access to sunlight, shade and have optimal outlook and aspect*	**Yes**
C.	*To achieve energy smart urban housing, using passive solar design, that provides residents with all year round comfort and reduces energy consumption*	**Yes**
D.	*To conserve water via the use of rainwater tanks and water-saving appliances.*	**Yes**
E.	*To encourage the use of devices which promote energy efficiency and water conservation and which respect the residential qualities of the areas in which they are located.*	**Yes**
F.	*To promote the reduction of greenhouse gas emissions through ensuring a thermally efficient building envelope and the use of greenhouse gas friendly hot water systems.*	**Yes**
G.	*To encourage building materials and insulation, which assist in thermal performance and maintain internal comfort levels.*	**Yes**
H.	*To encourage recycled building materials where appropriate.*	**Yes**

2.4	***Development Controls***		***Complies***
2.4.1.	<u>*House Energy Rating*</u>		
	1	All proposals for dual occupancy dwelling houses achieve a minimum House Energy Rating of 3.5 stars (using Nationwide House Energy Rating Software NatHERS or equivalent), assessed by an accredited HMB Assessor - accredited by the House Energy Rating Management Body (HMB).	**Yes**
	2	Alterations and additional to dual occupancy dwelling houses achieve minimum levels of insulation under Australian Standards AS 2627.1-1993 Thermal insulation of dwellings for ceiling, roof and walls.	**Yes**

	3		Appropriate shading devices for protection against summer heat have been included to living areas, bedrooms and all north facing windows of each dwelling.	**Yes**
2.4.2.	*Solar Access*			
	1		Site layout and design ensures:	
		(i)	Reasonable solar access to the site;	**Yes**
		(ii)	The protection of solar access to neighbouring properties;	**Yes**
		(iii)	Buildings to maximise the benefits of solar access in terms of reducing winter heat loss and the impact of summer afternoon sun	**Yes**
		(iv)	Adequate natural light to the living areas of dwellings for normal domestic duties	**Yes**
		(v)	Orientation to the north, with priority in dwelling layout being given to living areas and bedrooms	**Yes**
	2		Dual occupancy developments are designed to maximise solar access to living areas and private open space.	
		(i)	Main living areas and at least 50 per cent of the principal private open space of each dwelling have 4 hours of sunlight between 9am and 3pm on June 22 (winter solstice)	**Yes**
		(ii)	Sunlight access to the main living areas and principal private open space of adjacent properties is not unreasonably reduced by the proposal	**Yes**
	3		In the case of alterations or additions to existing dwellings, solar access to the windows of habitable rooms and to the majority of private open space are substantially maintained or achieved for a minimum period of 4 hours between 9.00am and 3.00pm at the winter solstice (June 22).	**Yes**
	4		Where already existing, solar access to the windows of habitable rooms and to the majority of private open space of adjoining properties are substantially maintained or achieved for a minimum period of 4 hours between 9.00am and 3.00pm at the winter solstice (June 22).	**Yes**
	5		Solar access to existing neighbouring solar collectors including solar hot water systems and photovoltaic systems aremaintained or enhanced.	**Yes**
	6		Shadow diagrams for 9am, midday and 3pm for 22 December (summer equinox) and 22 June (winter solstice) show:	**Yes**
		(i)	Shadows cast by the existing structures on the site, including the dwelling, outbuildings, fences and any	**Yes**

			significant trees (including where those shadows extend off the site onto adjoining properties); and	
		(ii)	Shadows cast by the structures on the site when the proposed development is complete, (including where those shadows extend off the site onto adjoining properties) including an indication of where these shadows differ from those cast by the existing structures. Note: Shadow casts in elevation to determine the extent of overshadowing may be required if windows of adjoining buildings are affected.	**Yes**
	7	Shadow Diagrams are in accordance with the Department of Environment and Planning's (now Department of Planning) 'Technical Bulletin 13: Sunlight Indicators'.		**Yes**
2.4.3.	*Natural Space Heating and Cooling*			
	1	Artificial heating and cooling devices are minimised		**Yes**
	2	Dual Occupancy dwelling houses are designed/oriented in a manner which minimises heat gain during summer and maximises solar access during winter		**Yes**
	3	The need to artificially heat each dwelling during winter is minimised.		**Yes**
	4	The need to artificially cool a dwelling during summer is minimised.		**Yes**
	5	Council discourages the use of domestic solid fuel combustion heaters.		**Yes**
2.4.4.	*Natural Lighting*			
	1	The need to artificially light each dwelling during the day is minimised by allowing as much natural light as possible to enter the building		**Yes**
2.4.5.	*Building Materials*			
	1	Building materials and insulation that assist in providing acceptable thermal conditions are used wherever possible.		**Yes**
	2	Materials of high thermal mass are used for living areas and located to receive maximum sun during cooler months.		**Yes**
	3	Existing buildings, which are in sound condition, can be converted in whole or in part for dual occupancy dwellings.		**Yes**
2.4.6.	*Water Management*			
		Greenhouse Gas Friendly Hot Water Systems		

	1		The greenhouse gas friendly hot water system achieves a minimum 3.5 SEDA Hot Water Greenhouse Score. Systems comply with the requirement listed in table 2.4.6.1.	**Yes**
	2		The installation and use of electric or gas boosted solar hot water systems is encouraged.	**Yes**
	3		Installation details of proposed solar hot water systems include:	
		a.	Position on roof and orientation	**Yes**
		b.	Type of system – eg split system, direct or indirect system	**Yes**
		c.	Size of system and colour of tank and collectors	**Yes**
		d.	Specifications for attaching the system to the host structure	**Yes**
			Solar water heaters should generally be located below the ridge line of a roof and, where possible, should be located on a section of roof that is not visible from the street.	**Yes**
	4		All new or replacement hot water systems include a mixing device which delivers hot water at a maximum temperature of 50 degrees Celsius to all taps, shower heads and other outlets.	**Yes**
	Water Saving Devices			
	1		Development is fitted with appliances and plumbing hardware which have a "AAA" Australian Standards Water Conservation Rating and meet the manual of Assessment Procedure for Water Efficient Appliances SAA MP64-1995	**Yes**
	Mandatory Rainwater Tanks			
	1		A rainwater collection tank of at least 1000 litres capacity for each dwelling is included in the application. The use of tank water for outdoor purposes have the effect of 'saving' higher-grade water.	**Yes**
	2		Subject to the conditions indicated in Schedule 13 of the Strathfield Planning Scheme Ordinance (SPSO), Domestic water tanks with a capacity of 3000 litres or less are classified as Exempt development and therefore do not require Council approval.	**Yes**
	3		The following controls apply to all water tanks that are not classified as Exempt development under the SPSO:	**Yes**
		a.	The water tank(s) is located behind the dual occupancy dwellings or behind the front building line to reduce visibility from the street.	**Yes**

			b.	The water tank(s) and any associated support structure and plumbing is the same colour as each dwelling or a colour which complements each dwelling. **Yes**
			c.	The water tank(s) is located at least 900mm from any property boundary. **Yes**
			d.	The top of the tank(s) is located below the top of the nearest fenceline or 1.8 metres, whichever is the lesser. **Yes**
			e.	The water tank(s) is positioned to collect rainwater which falls on the roof of the dwelling. Tank water is used for non-drinking/nonconsumption purposes only. Taps are clearly marked 'NOT FOR DRINKING'. **Yes**
			f.	Overflow from the water tank(s) is piped directly to the approved stormwater drainage system. **Yes**
			g.	Plumbing from the water tank(s) is kept separate from the reticulated water supply system. **Yes**
			h.	The water tank(s) inlet is to screened to prevent entry of any foreign/animal matter and insects.The water tank(s) is enclosed. **Yes**
			i.	No part of the water tank(s) or support stand rests on a wall footing. **Yes**
			j.	The water tank(s) is installed in accordance with the manufacturer's specifications. **Yes**
			k.	The design of any water tank(s) support structure is in accordance with the requirements of a qualified practising structural engineer or to the maker's specifications. **Yes**
			l.	A pump associated with the tank(s) is housed in an enclosure and is no louder than 5dBA above background noise levels. **Yes**
2.4.7.	*Energy Smart Appliances*			
	1.	The use of top star rated energy smart appliances and lighting is included. **Yes**		
	2.	The Label Star Energy Rating System gives a rating to a range of appliances based on their energy efficiency. The more stars you see, the more efficient the model. **Yes**		
	3.	The use of natural lighting is maximised wherever possible. **Yes**		

Comments: The proposed dual occupancy complies with the above requirements in relation to providing solar access to both future occupants and neighbouring properties and achieving adequate levels of energy efficiency and water sustainability. A condition of consent is recommended to ensure BASIX commitments are fulfilled in accordance with the submitted BASIX certificate.

2.5: Streetscape and Building Orientation and Materials

2.5	***Objectives***	***Satisfactory***
A.	*To provide design solutions which will assist in achieving residential development which is attractive, functional and convenient for residents*	**Yes**
B.	*To ensure street facing facades incorporate appropriate decorative elements to provide interest to the development and address the street frontage.*	**Yes**
C.	*To encourage materials used in new or altered dual occupancy developments to be compatible with an existing dwelling if applicable, adjoining dwelling houses and the streetscape in terms of type, form and colour.*	**Yes**

2.5	***Guidelines***	***Complies***
2.5.1	New development is compatible with the predominant character and architectural detail of existing residential development in the street and with any existing building to be retained on the site. New development also addresses the street frontage.	**Yes** **See below**
2.5.2	In areas where one period or style of architecture predominates, new development is to reflect either that style or the main stylistic features.	**Yes**
2.5.3	Building materials, finishes and colours are sympathetic with the materials, finishes and colours of any existing buildings to be retained, adjoining buildings and buildings in the streetscape.	**Yes**
2.5.4	In order to maintain the character of the Municipality, the preferred finish of buildings are face brick and tile. The following requirements apply to brickwork:	
	a. Dark and light toned bricks of different colours are not used together in the same brickwork.	**N/A**
	b. Darker and lighter toned bricks of the same colour may be used in brickwork where the colour and appearance of the different tones add interest and are sympathetic to the streetscape.	**Yes**
	c. Mottled colours and mottled tones of the same colour in the composition of individual bricks, may be used in brickwork where the colours and appearance are sympathetic to the streetscape.	**N/A**
2.5.5	All building elements are integrated in design detailing, including the design of carports, garage openings, verandah and balcony balustrades, gateways and fencing.	**Yes**
2.5.6	Cement rendering or textured finish are only used where brick and tile colours cannot be matched. Colours used on the proposed finishes are natural/subdued tones do not detract from the streetscape. Where cement rendering or textured finishes are proposed to be used, the colours of the proposed finishes are to be provided by way of colour charts submitted with the development application.	**Yes**
2.5.7	Council will consider the use of other materials provided the applicant has considered the following:	
	a. The aims and objectives of Part B are not compromised.	**Yes**
	b. The materials are compatible and sympathetic with the	**Yes**

		streetscape and the dwelling style.	
	d.	For first floor additions in brick cannot be supported by existing ground floor foundations. An engineer's certificate must accompany such applications.	**Yes**
	e.	Non-tile roofing materials are architecturally appropriate to the style of the dwelling and the locality.	**Yes**
2.5.8	The dwelling/s facing the street frontage have their entry readily apparent from the street so as to convey a sense of individual street address		**Yes**
2.5.9	Garages and parking structures, are sited and designed not to dominate the street frontage		**Yes**
	Front fences		
	1.	Fences and gates are sympathetic to the design of the development to maintain and unify the character of both the dwellings and the street.	**Yes**
	2.	Front fences or side fences forward of the building line do not exceed a height of 900mm.	**Yes**
	6.	Provision is made for access to public utility installations by the relevant authorities. If the gate is locked, an intercom system is provided at the front gate.	**Yes**

Comments: The proposed dual occupancy features a flat roof, a mixture of dark brown brick and white brick render, charcoal grey window frames, timber front doors and cedar brown garage doors (refer to Figure 19). As mentioned above the flat roof is not common in the streetscape and may appear out of place. However, on balance, the overall design outcome is considered appropriate and reasonable and is sympathetic to the streetscape character of the surrounding locality. Accordingly, the scheme proposed is considered acceptable and supportable.

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Figure 19: Schedule of Colours and Finishes

The proposed front fencing will feature a white brick render and a maximum height of 0.9m. (refer to Figure 20). The recessive tone and minimal height of this fence demonstrates compliance with the above requirements and ensures that the final design of the proposal incorporates minimal structural elements in the front setback. This is considered an appropriate and supportable outcome.

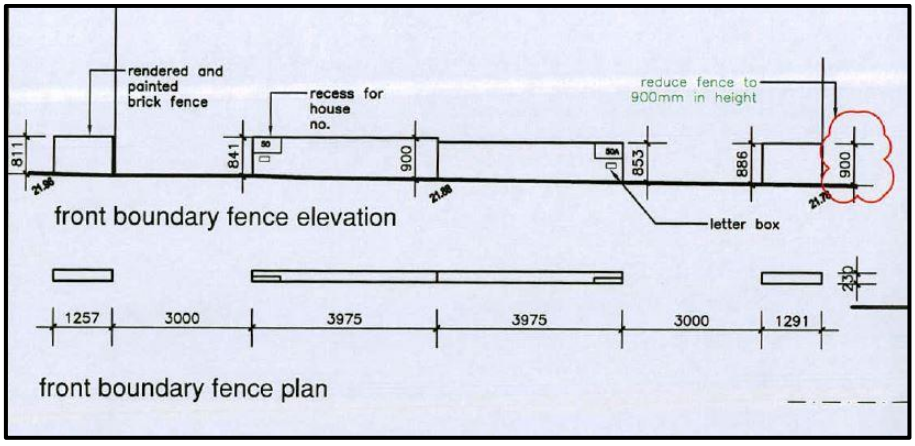

Figure 20: Front Fence Elevation and Plan

2.7: Open Space and Landscaping

2.7	*Objectives*	*Satisfactory*
A.	*To ensure that adequate land is provided around the building for landscaping, ventilation and sunlight penetration between dwellings*	**Yes**

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B.	*To ensure open landscaped space relates well to the living areas of dwellings*	**Yes**
C.	*To ensure that within environmentally sensitive areas, buildings do not dominate or degrade the quality of the environment*	**Yes**
D.	*To maintain the park-like vistas of the Council area*	**Yes**
E.	*To retain existing vegetation where appropriate*	**Yes**

2.7	***Development Standard***	***Complies***
2.7.1	A minimum of 40% of the site area is landscaped open space or private yard space. **Minimum landscaped open space requirement = 40% (231.68m^2)**	**Yes** **30% (174.2m^2)**
2.7.2	For dual occupancy development each dwelling is immediately adjacent to and has direct access to private landscaped open space with a minimum boundary length of 4 metres and a minimum area of 40m^2 .	**Yes**
2.7.3	Any landscaped area having a width and depth of less than 2 metres is not counted as part of the required landscaped open space unless densely planted for screening purposes.	**Yes**
2.7.42	Areas used for driveways, carparking and other service areas are not included as part of the required landscaped open space.	**Yes**
2.7.5	A landscape strip of 1 metre width is provided between the driveway and the boundary fence where the driveway on the adjoining property is not on the same boundary.	**Yes**
2.7.6	The whole of the site other than the area of the site occupied by buildings is landscaped.	**Yes**
2.7.7	For the purposes of calculating a courtyard, areas under balconies or eaves can be included where the projection or overhang does not extend more than 1500mm from the external face of the building at the courtyard level.	**Yes**
2.7.9	Trees and shrubs with invasive root systems are not planted over existing service infrastructure.	**Yes**

Comments: The proposed development provides a landscaped area of 30% (174.2m^2), which fails to comply with the minimum landscaped open space requirement (40% - 231.68m^2). The proposed landscaped area represents a variation of 57.48m^2. This variation is considered acceptable given that it is contextually appropriate, with the site being situated in a medium density area, adjoining residential flat buildings and a dual occupancy. The proposed development has a reduced amount as the side setback areas would be exempt from inclusion as these areas are less than 2m wide. The proposed landscaping treatments in the front setback will soften the appearance of the proposed development and further improve its presentation when viewed from the street and from Edwards Park. Further, a condition is recommended to ensure two (2) canopy trees within the front setback are established.

2.8: Privacy and Security

2.8	***Objectives***	***Satisfactory***

A.	*To ensure the siting and design of buildings provides visual privacy for residents and their neighbours in their dwellings and open space areas*	**Yes**
B.	*To provide personal and property security for residents and visitors and enhance perceptions of community safety*	**Yes**

2.8	***Guidelines***		***Complies***
2.8.1	The siting and layout of buildings ensure that windows and doors are designed/located to reduce direct overlooking into an adjoining dwelling. Where the windows are less than 9 metres apart from an adjoining dwelling, the windows in the proposed dwelling:		**Yes**
	i)	are offset from the edge of the windows in the adjoining dwelling by a distance of at least 0.5 metres	**Yes**
	ii)	have a sill height of at least 1.7 metres above the floor	**N/A**
	iii)	have fixed obscure glazing in any part of the window below 1.7 metres above the floor	**N/A**
2.8.2	Suitable screening is provided within developments when direct overlooking is likely from proposed dwellings to the private open space areas of adjacent existing dwellings, or to balcony or private open space areas of dwellings on the same allotment		**N/A**
2.8.3	The acoustic privacy of residents is considered in the context of the proposed development itself and its relationship to the surrounding. The site layout and building design ensures that:		**Yes**
	i)	communal areas, parking areas, accessways and service equipment areas are separated from bedrooms and minimise the entry of high levels of external noise to dwellings	**Yes**
	ii)	bedrooms of one dwelling do not adjoin living rooms or garages of adjacent dwellings	**Yes**
2.8.4	The siting and layout of buildings ensure that buildings adjacent to public streets or spaces are designed to allow casual surveillance and should have at least one habitable room window facing that area		**Yes**

Comments: The proposed development will not generate significant privacy and amenity impacts. All first floor windows of each attached dwelling are from bedrooms and a void space, which are considered low activity spaces. The finished floor levels of the ground floors (including the rear alfrescos) are not elevated above the existing ground level, and will therefore not result in unreasonable overlooking. The proposed development involves minimal changes to the natural ground levels within the rear yards, ensuring any areas/spaces of similar utility and activity adjoin each other.

2.9: Access and Parking

2.9	***Objectives***	***Satisfactory***
A.	*To provide adequate off-street car parking for residents and visitors for each dwelling*	**Yes**
B.	*To ensure that access driveways and manoeuvring areas are provided which are adequate for the convenience and safety of residents and visitors to the site*	**Yes**

C.	*To encourage the integrated design of access and parking facilities to minimise visual and environmental impacts*	**Yes**
2.9	***Development Standards***	***Complies***
2.9.2	For dwellings exceeding 150m^2 in gross floor area, an additional on-site space for the occupants is provided. Car parking spaces may be stacked, but only to the extent of one car space behind one other for each dwelling.	**No** **One space provided per dwelling**
2.9.3	Dimensions of access driveways and manoeuvring areas are in accordance with the provisions of "Policy and Guidelines for Traffic Generating Developments" published by the RTA.	**Yes**
2.9.5	Minimum internal dimensions of a single lock up garage are 3m x 5.5m unobstructed, with any car access opening being at least 2.4m wide.	**Yes**
2.9.6	Where practicable, garage doors shall not be sited to face the street to which the building has its main frontage.	**No** **Acceptable as consistent within streetscape**
2.9.7	Driveways are classified as hardpaving and are included within the 65% maximum built on site coverage and frontage standards contained in Section 2.5 of Part B.	**Yes**
2.9.8	Construction materials blend architecturally with the development. If concrete is used and is visible from a public road, all paved areas are coloured charcoal or brown or finished in exposed aggregate. Other paving materials will be considered on their merits. However, grasscrete (or similar) is not favoured for permanent parking spaces or for turning areas.	**Yes**
2.9.9	The maximum width of driveways at the property boundary is 3 metres to allow for maximum landscaped areas	**Yes**
2.9.10	Vehicular turning paths for garages are a minimum of 6 metres wide. Where the turning path is less, the garage is widened accordingly.	**Yes**
2.9.11	For sites fronting main roads, cars are able to enter and leave the site in a forward direction	**Yes**
2.9.12	No additional driveway installed without the prior consent of Council.	**Yes**

Comments: The proposed development generally complies with the relevant requirements under the SCDCP 2005 in relation to vehicular access, parking and maneuvering.

Each dwelling has a GFA of 187.6m^2. As such the proposed parking comprising a single vehicular space per attached dwelling fails to meet the minimum requirement of two (2) spaces for each dwelling with a GFA of greater than 150m^2. The variations to this requirement are considered acceptable given that the additional GFA is not considered to generate any increased parking demand and the provision of an additional tandem space would result in an impractical parking

arrangement and a further enlargement of the building as the extra car space/s are not calculated into the FSR. Further, the existing dual occupancy development along Noble Avenue feature single car garaging for each dwelling. This signifies that the single car garages are consistent within the streetscape. Lastly, the provision of dual driveways, a generous front setback and ample parking along the street ensures the parking demand associated with the proposed development will be facilitated accordingly.

2.10: Site Facilities and Water Management

2.10	***Objectives***	***Satisfactory***
A.	*To preserve and protect the amenity and property of residents, property owners and the community*	**Yes**
B.	*To ensure the safety of residents and the community*	**Yes**
C.	*To protect the physical environment and receiving waters of the catchment;*	**Yes**
D.	*To ensure that site facilities and essential services and amenities are well integrated into residential developments, and are unobtrusive*	**Yes**
E.	*To ensure that site facilities are adequate, convenient and easy to maintain*	**Yes**

2.10	***Development Controls***		***Complies***
	Site Drainage and Water Management		
	1	Stormwater runoff from all roof and paved surfaces is collected and discharged by means of a gravity pipe system to the Council's drainage system.	**Yes**
	2	Where gravity drainage is not feasible to the street frontage, a private easement for stormwater drainage is obtained to enable gravity discharge of stormwater from the site. Where private easements are used, the Certificate of Title, both of the dominant and subservient tenement, is submitted to Council before construction certificate plans are released, to ensure that the grants of the easement have been registered and such easements must contain a clause that they shall not be extinguished without the written consent of the Council.	**Yes**
	3	In accordance with Council's Stormwater Management Code, the development includes a system of on-site stormwater detention and provision for overland flow of stormwater.	**Yes**
	4	A Positive Covenant under Section 88E of the Conveyancing Act is created on the title of the property detailing the on-site stormwater detention system and surface flowpaths.	**Yes** **To be conditioned**
	5	In accordance with Council's Stormwater Management Code the development provides and regularly maintains during construction measures to prevent sediment and polluted waters discharging from the site.	**Yes**
	6	Pervious areas adjoin paved areas to reduce stormwater run-off	**Yes**
	Letterboxes		

	1	Letterboxes suit the front fence and dwelling		**Yes** **To be conditioned**
	2	Deliveries will only be provided to one point at each property		**Yes** **To be conditioned**
	3	The point of delivery should entail the least possible deviation by delivery staff from the public footpath		**Yes** **To be conditioned**
	4	Letterboxes are between 900mm and 1200mm from the ground		**Yes** **To be conditioned**
	5	Letterboxes are included in or on the structure of the front fence or are a separate structure located within the property along the pedestrian accessway		**Yes** **To be conditioned**
	6	Letterboxes are in clear view from the public footpath and not surrounded by trees, shrubs and rocks that make it difficult to deliver mail		**Yes** **To be conditioned**
	7	Letterboxes have Australia Post approved minimum dimensions:		
		(i)	230mm wide	**Yes** **To be conditioned**
		(ii)	330mm long	**Yes** **To be conditioned**
		(iii)	160mm high	**Yes** **To be conditioned**
		(iv)	the slot is the full width of the box (230mm), 30mm deep and is positioned at least 130mm above the base of the box	**Yes** **To be conditioned**
	8	In all developments, the existing house number is retained. One dwelling has an 'A' number and the second dwelling has a 'B' number		**Yes** **To be conditioned**
	Clothes Drying Facilities			

	1	Each dwelling contains a separate laundry of sufficient area to contain at least one washtub and clothes washing facilities - and if a clothes dryer is not provided, external clothes drying areas are provided. All such external clothes drying areas are completely screened from any public road.	**Yes**

Comments: The proposal will be conditioned to comply with the above letter box requirements (as indicated). Clothes drying facilities can be provided in the rear yards of each attached dwelling.

2.11: Section 94 Contributions

2.11	***Development Controls***	***Complies***
1	Council has the ability under the EP&A Act to charge a developer/applicant a monetary contribution towards the provision of community infrastructure such as open space, traffic management and community facilities. (Refer to Council's Section 94 Developer Contributions Plan).	**Yes** **To be conditioned**

2.13: Excavation of Sites

2.13	***Development Controls***	***Complies***
2.13.1	All areas of excavation are setback from property boundaries in accordance with the building setbacks required in section 2.2 – Front Setbacks and Side and Rear Boundary Setbacks. No cut is made to the ground within the required setbacks.	**Yes**
2.13.2	The work does not affect or undermine the soil stability or structural stability of any buildings on adjoining properties. Adequate precautions will be undertaken during excavation to ensure there is no soil subsidence or slip.	**Yes**
2.13.3	The provisions of the Building Code of Australia are complied with to ensure that earthworks will be carried out safely and avoid potential damage to adjoining structures and property through soil collapsing or subsiding during building works.	**Yes**
2.13.4	All excavations and backfilling associated with the erection or demolition of a building are executed safely and in accordance with appropriate professional standards	**Yes**
2.13.5	All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.	**Yes**
2.13.6	A dilapidation report is provided for all buildings, which adjoin proposed excavation areas	**N/A**

Comments: Conditions will be imposed to ensure appropriate developer contributions are provided.

The proposed development complies with the relevant requirements under the SCDCP 2005 with regard to excavation.

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PART Q – URBAN DESIGN CONTROLS

2.2: Streetscape

2.2.1	Objectives	Satisfactory
A.	To ensure that all development contributes positively to the street and locality.	**Yes**
B.	To ensure new development responds to, reinforces and sensitively relates to the spatial characteristics of the existing urban environment.	**Yes**
C.	To increase the legibility of streetscapes and urban spaces so that the interrelationship between development and the Public Domain is visually coherent and harmonious.	**Yes**
D.	To maximise opportunities for buildings to define the Public Domain.	**Yes**
E.	To encourage attractive street frontages and improve pedestrian amenity	**Yes**

2.2.2	Development Controls	Complies
1.	Building height at the street frontage and building alignment must maintain a compatible scale with adjacent development, whilst having regard to this Plan's height controls;	**Yes**
2.	Buildings and fences must be designed to complement and/or visually improve existing streetscapes	**Yes**
3.	Development must respond and sensitively relate to the broader urban context including topography, block patterns and subdivision, street alignments, landscape, views and vistas and the patterns of development within the area.	**Yes**
4.	Building design and landscaping must be in harmony with the form, mass and proportions of the streetscape.	**Yes**
5.	New buildings must recognise and reinforce the elements of facades within the street. Designs must have regard to the horizontal and vertical proportions of building elements which create the visual scene	**Yes**
6.	New buildings must recognise and reinforce the elements of facades within the street. Designs must have regard to the horizontal and vertical proportions of building elements which create the visual scene	**Yes**
7.	Buildings on corner sites must be designed and articulated to address each street frontage and must define corners (refer Figure 4).	**Yes**
8.	Development adjoining land use zone boundaries must provide a transition in form, height, scale, appearance, materials and setbacks with adjoining development and the Public Domain	**Yes**
9.	Buildings must be constructed of suitably robust and durable materials which contribute to the overall quality of the streetscape	**Yes**
10.	The use of security devices, such as roller shutters or grilles on shopfronts, shall not compromise natural surveillance of streets and public places. Solid roller shutters will not be permitted as security devices on shop fronts (windows and doors).	**Yes**
11.	Where side setbacks are an important part of the local streetscape character, these are to be maintained	**Yes**

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Comments: As mentioned previously, the proposed development will introduce a modern style residential building to the streetscape. However, in context of being within a medium density residential area and surrounded by traditional, older style housing that are likely to be redeveloped in the future; the overall scheme is considered an appropriate planning outcome. The proposed development appropriately responds to the unique context of the site as well as its constraints. It will reflect the existing and desired streetscape variants in both housing design and types featured along Noble Avenue and surrounding streets.

2.4: Building Envelope

2.4.1	Objectives	Satisfactory
A.	To ensure the scale and bulk of future development is compatible with site conditions, surrounding development and the existing and desired future character of the streetscape and locality.	Yes

2.4.2	Development Controls	Complies
1.	The bulk and scale of any development must reflect the existing and future character of the existing street and surrounding locality	Yes
2.	The bulk and scale of any development must be compatible with the amenity of the immediately and surrounding locality.	Yes
3.	Buildings must not be designed to be outside the building envelope even if they do not achieve 100% of the permissible Gross Floor Area (GFA) or maximum height permitted.	Yes

Comments: The proposed development is appropriately massed and scaled and is not considered an overdevelopment of the site. It is well within the maximum building height and floor space ratio as prescribed in the SLEP 2012.

2.5: Building Massing and Scale

2.5.1	Objectives	Satisfactory
A.	To ensure buildings are compatible in form relative to the spatial characteristics of the local area.	Yes
B.	To ensure building mass and form reinforces, complements and enhances the visual character of the street.	Yes
C.	To ensure the building height and mass preserves and enhances the Public Domain, neighbourhood amenity, and site characteristics.	Yes
D.	To ensure that where changes in building scale, mass and/or height is proposed, it occurs in a manner that is sensitive to amenity issues of surrounding or nearby development.	Yes

2.5.2	Development Controls	Complies
1.	Buildings must be of a height that responds to the topography and shape of the site.	Yes
2.	Buildings, or their individual elements, must be appropriately scaled to reinforce the surrounding character	Yes
3.	Building heights are to be reduced and setbacks increased to provided appropriate transitions to heritage buildings and places or sensitive uses such as public recreation areas and schools.	N/A
4.	The proportion and massing of buildings must relate favourably to the form, proportions and massing of existing and proposed building	Yes

	patterns in the street.	
5.	Building height and mass must not result in loss of amenity to adjacent properties, open space or the Public Domain.	**Yes**
6.	The form and massing of buildings must provide a transition between adjoining land use zones and building types.	**Yes**
7.	Building form and massing must support individual and communal entries.	**Yes**

Comments: The proposed development is appropriately massed and scaled and is not considered an overdevelopment of the site. It is well within the maximum building height and floor space ratio as prescribed in the SLEP 2012.

2.8: Roof Forms

2.8.1	**Objectives**	**Satisfactory**
A.	To treat roof spaces and forms as an important element of the overall building appearance.	**Yes**
B.	To encourage roof forms that provide continuity and consistent character in the streetscape.	**No** **See below**
C.	To encourage roof designs that integrate with the building composition and form.	**Yes**
2.8.2	**Development Controls**	**Complies**
1.	Plant and lift overrun structures must be incorporated into the roof design. Plant equipment, vents or lift over-runs or solar energy and stormwater collectors are to be be designed to avoid visibility from the surrounding spaces and buildings.	**N/A**
2.	The roof is to be designed to provide for rainwater and solar energy collection.	**Yes**
3.	The proposed roof form shall minimise the appearance of bulk and scale of the building and be treated as an important architectural element in the street, which can reinforce continuity and character	**No** **See below**
4.	Roof forms are to respond to the neighbouring roofs, in particular in terms of scale and pitch. Roof forms should complement, but not necessarily replicate the predominant form in the locality and in particular those of adjacent buildings.	**No** **See below**
5.	Roofs must be designed to avoid or minimise loss of views from adjacent and nearby properties and public spaces, however, this does not justify a roof form that is inconsistent with the prevailing streetscape character.	**Yes**
6.	Attics are to be designed to fit within the building envelope with the exception of dormer windows.	**N/A**

Comments: The proposed development will involve a modern style façade with a flat roof. This element will be visible and noticeable amongst the pitched roof forms that generally occur along Noble Avenue. However, as mentioned above, the overall scheme marries this roof with other architectural elements and colours that are common within the vicinity. Additionally, it is noted that a modern dwelling with flat roof has been approved for the adjoining neighbour (No. 52 Noble Avenue). Given the above reasons, the proposed development's appearance is considered a

supportable design outcome given that it reflects the diverse forms of residential development that are anticipated to occur within the vicinity.

3.3: Visual and Acoustic Privacy

3.3.1	Objectives	Satisfactory
A.	To ensure that development does not cause unreasonable overlooking of habitable rooms and principal private open spaces of dwellings.	**Yes**
B.	To ensure that visual privacy is provided both within a development and between a development and its neighbours.	**Yes**
C.	To ensure that the siting and design of development minimises the impacts of noise transmission between properties.	**Yes**
3.3.2	**Development Controls**	**Complies**
1.	New development must ensure adequate visual and acoustic privacy levels for neighbours and residents	**Yes**
2.	Development must be located, oriented and designed to maximise visual and acoustic privacy between buildings.	**Yes**
3.	The internal layout of buildings must be designed to minimise overlooking of living areas, private open spaces and adjoining school yards.	**Yes**
4.	Building elements such as balconies and decks must be designed to minimise overlooking of living areas, private open spaces of adjoining dwellings and adjoining school yards	**Yes**
5.	The windows of dwellings must be located so they do not provide direct and close views into the windows of other dwellings, particularly those of living areas.	**Yes**
6.	Building design elements shall be used to increase visual and acoustic privacy such as recessed balconies and/or vertical fins between adjacent balconies, oblique windows, fencing, vegetation and louvres and pergolas which limit overlooking of lower dwellings, private open space and adjoining school yards (refer Figure 10).	**Yes**
7.	The internal layout of buildings including windows must be designed so as to reduce the effects of noise transmission. For example, dwellings with common party walls should locate noise generating rooms such as living rooms adjacent the noise generating rooms of other dwellings	**Yes**
8.	Appropriate building materials shall be used to provide acoustic privacy.	**Yes**

Comments: This has been addressed in the above assessment under 2.8: Privacy and Security of Part B of the SCDCP 2005.

3.9: Landscaping

3.9.1	Objectives	Satisfactory
A.	To enhance the existing streetscape and promote a scale and density of planting that softens the visual impact of buildings	**Yes**
B.	To ensure developments make an equitable contribution to the landscape setting of the locality	**Yes**

C.	To maximise the provision of open space for recreational needs of the occupier and provide privacy and shade	**Yes**
3.9.2	**Development Controls**	**Complies**
1.	The design, quantity and quality of open space must respond to the character of the street and surrounding area and contribute to the garden character of Strathfield.	**Yes**
2.	Existing trees within the front setback shall be retained. Front setback areas must contain at least two (2) canopy trees adjacent the front boundary and comprise at least 50% of the setback is to be for deep soil planting.	**Yes**
3.	Existing trees on Council's Road Reserve area must be retained and protected. New driveway locations that necessitate removal of a Council street tree will not be supported.	**Yes**
4.	In higher density areas the provision of adequate private open space and landscaped areas must maximise residential amenity. Site works must be minimised to protect natural features.	**Yes**
5.	Landscaping must be designed to protect the amenity of existing and future residents and minimise the impact of new development, including alterations and additions, on privacy, views, solar access and general amenity of adjoining and nearby properties including noise and vibration impacts.	**Yes**
6.	Where the landscape pattern in the prevailing streetscape and surrounding locality is desirable, this must be retained.	**Yes**
7.	In areas adjacent to native habitat, the design of development must be sympathetic to the natural environment in order to protect and enhance the area as habitat for native fauna	**Yes**
8.	In relation to conservation and energy efficiency, plant species must be retained, selected and planted to achieve: • shaded buildings in summer; • reduced glare from hard surfaces; • sunlight access into living rooms in cooler months; • cooling air currents channelled into the dwelling in summer; and • windbreaks where desirable.	**Yes**
9.	Natural features on the site, such as trees, rock outcrops, cliffs, ledges, indigenous species and vegetation communities must be retained and incorporated into the design of development.	**Yes**
10.	Landscaping must enhance the visual setting and accentuate the design qualities of the built form. Landscaping solutions shall be used to create a screening effect for visually obtrusive land uses or building elements	**Yes**
11.	Trees must be planted at the front and rear of properties to encourage tree canopy, to soften the built environment and to encourage the continuity of the landscape pattern	**Yes**
12.	Landscaping is to be designed so as to minimise overlooking between properties.	**Yes**
13.	The amount of hard surface area shall be minimised to reduce run-off. Run-off from hard surfaces is to be directed to permeable surfaces such as garden beds.	**Yes**

DA2020/04 - 50 Noble Avenue, Strathfield - Lot 36 DP 35941 (Cont'd)

Comments: This has been addressed in the above assessment under 2.7: Open Space and Landscaping of Part B of the SCDCP 2005.

3.10: Private Open Space

3.10.1	Objectives	Satisfactory
A.	To ensure that private open space is designed to provide residents with quality usable private outdoor living areas for recreational and outdoor activities.	**Yes**
B.	To ensure that private open space is designed for privacy, solar access, and is well integrated with living areas.	**Yes**
C.	To provide low maintenance communal open space areas for residents that facilitate opportunities for recreational and social activities, passive amenity, landscaping and deep soil planting	**Yes**
3.10.2	**Development Controls**	**Complies**
1.	Private open space must be: • Provided for all dwellings (with the exception of secondary dwellings, which are able to share the private open space of the principal dwelling). Open space within the front setback does not constitute private open space. • Directly accessible from the living area of the dwelling and capable of serving as an extension of the dwelling for relaxation, entertainment and recreation. Designed to ensure visual and acoustic privacy of the occupants of adjacent buildings and within the proposed development • Located so as to maximise solar access. • Designed to focus on the quality of the space in terms of its outlook, orientation, relationship to the dwelling, size and shape and its enclosure and landscape treatment.	**Yes**

Comments: The proposed development complies with the above requirements associated with private open space.

4.2: Front Fences

4.2.1	Objectives	Satisfactory
A.	To avoid creating inactive frontages as a result of fencing private open spaces	**Yes**
B.	To ensure fences complement and conserve the visual character of the street and neighbourhood.	**Yes**
C.	To contribute positively to the Public Domain.	**Yes**
4.2.2	**Development Controls**	**Complies**
1.	Front fences shall generally be low, open or partially transparent.	**Yes**
2.	Front fences are to be consistent with the existing character or contribute to establishing a new neighbourhood character.	**Yes**
3.	Front fences and landscaping shall allow residents to view street activity, thereby encouraging passive surveillance of the Public Domain.	**Yes**
4.	Colours and materials of new fences are to be consistent with the associated building and adjoining fences.	**Yes**

5.	Fences must respond to the architectural character of the street and/or area and the buildings that they front, with streetscape character maintained on all street frontages.	**Yes**
6.	Front fences must not be erected where the streetscape is characterised by an absence of front fences. In these instances, landscaping shall be used to create identifiable street address and privacy	**Yes**
7.	Use of continuous lengths of blank walls at street level must be avoided	**Yes**

Comments: The proposed development complies with the above requirements in relation to front fencing.

PART H - WASTE MANAGEMENT (SCDCP 2005)

The subject application was accompanied by a Waste Management Plan prepared in accordance with Part H of the SCDCP 2005, and is satisfactory.

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

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

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

Any potential and likely impacts have been addressed elsewhere in the report, or are considered to be satisfactory and thus, do not warrant further consideration.

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

The proposed development is considered to be suitable for the site given that it involves a dual occupancy development, ensuring that the medium density residential character of the locality is preserved. The subject site does not have any significant environmental constraints that would prevent the development of a dual occupancy. Therefore, the site is suitable for the proposed development.

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

The application was publicly notified in accordance with the provisions of Part L of SCDCP 2005. No submissions were received during the notification period.

4.15(1)(e) The public interest

DA2020/04 - 50 Noble Avenue, Strathfield - Lot 36 DP 35941 (Cont'd)

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

LOCAL INFRASTRUCTURE CONTRIBUTIONS

Section 7.13 of the *Environmental Planning and Assessment Act 1979* relates to the collection of monetary contributions from applicants for use in developing key local infrastructure. This section prescribes in part as follows:

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

STRATHFIELD INDIRECT SECTION 7.11 CONTRIBUTIONS PLAN

Payment of a Section 7.11 Contribution applies to the development in accordance with the Strathfield Direct Development Contributions Plan 2010-2030, as follows:

Provision of Community Facilities	$2,913.88
Provision of Major Open Space	$13,257.28
Provision of Local Open Space	$2,917.37
Provision Roads and traffic Management	$660.21
Administration	$251.26
TOTAL	**$20,000**

Note: The site is located in Precinct 6.
As such, a total contribution payment of $20,000 applies.

CONCLUSION

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

PEER REVIEW

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

RECOMMENDATION

That Development Application No. DA2020/04 for demolition of existing building and construction of a two (2) storey dual occupancy with basement level, front boundary fence and Strata subdivision at 50 Noble Avenue, Strathfield be **APPROVED**, subject to the following conditions:

SPECIAL CONDITIONS (SC)

1. **BASEMENT LEVEL (SC)**

   The maximum floor to ceiling height of the entire basement level must be 2.2m.

The entire basement level must not comprise of any external windows or openings.

This modification must be reflected in the revised set of architectural plans and any other documentation to be submitted and approved by the Principal Certifying Authority prior to the issue of any Construction Certificate.

(Reason: To ensure the basement level is not adapted or utilised as habitable spaces.)

2. **LETTER BOXES (SC)**

The design and location of any letter boxes must be in accordance with the relevant provisions under Council's DCP.

(Reason: To comply with Council's DCP).)

3. **UNIT NUMBERING AND ADDRESSES (SC)**

Any unit numbering and changes to the address of the dual occupancy for the site at No. 50 Noble Avenue, Strathfield, are subject to a separate application to Council.

Any unit numbering and changes to the address must be confirmed an approved by Council.

(Reason: Statutory requirement.)

4. **FRONT FENCE (SC)**

The front boundary fence appears to affect sight lines to pedestrians and vehicles. Similar to sight splay required for single dwellings under Council's DCP, the design shall provide a minimum 1m x 1m splay at the vehicular access driveways, to maintain sight distances for pedestrians and motorists. The proposed fence shall be modified to ensure the sight lines to pedestrians and motorists are not obstructed."

This modification must be reflected in the revised set of architectural plans and any other documentation to be submitted and approved by the Principal Certifying Authority prior to the issue of any Construction Certificate.

(To maintain sight lines and ensure pedestrian and traffic safety.)

5. **PLAN OF STRATA SUBDIVISION (SC)**

A Plan of Strata Subdivision must be submitted to Council prior to any application for a Construction Certificate. Written confirmation from Council must be received confirming that the Plan of Strata Subdivision is acceptable.

The Plan of Strata Subdivision must be submitted and approved by the Principal Certifying Authority prior to the issue of any Construction Certificate.

(To ensure compliance and consistency with this consent.)

GENERAL CONDITIONS (GC)

6**. 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. DA2020/04:

Drawing No.	Title/Description	Prepared by	Issue / Revision & Date	Date received by Council
Job No. 1703441 Drawing 1/0	Site & Site Analysis Plan	BR Building Service Pty Ltd	16 Mar 2020	10 Mar 2020
Job No. 1703441 Drawing 1/1	Demolition Plan	BR Building Service Pty Ltd	14 Dec 2019	7 Jan 2020
Job No. 1703441 Drawing 2/0	Proposed Basement Plan	BR Building Service Pty Ltd	16 Mar 2020	10 Mar 2020
Job No. 1703441 Drawing 3/0	Proposed Ground Floor Plan	BR Building Service Pty Ltd	16 Mar 2020	10 Mar 2020
Job No. 1703441 Drawing 4/0	Proposed First Plan	BR Building Service Pty Ltd	16 Mar 2020	10 Mar 2020
Job No. 1703441 Drawing 5/0	Proposed Roof Plan	BR Building Service Pty Ltd	16 Mar 2020	10 Mar 2020
Job No. 1703441 Drawing 6/0	Proposed Section Front Boundary Fence	BR Building Service Pty Ltd	16 Mar 2020	10 Mar 2020
Job No. 1703441 Drawing 7/0	Proposed North & South Elevation	BR Building Service Pty Ltd	16 Mar 2020	10 Mar 2020
Job No. 1703441 Drawing 8/0	Proposed East & West Elevation	BR Building Service Pty Ltd	16 Mar 2020	10 Mar 2020
Job No. 1703441 Drawing 1/1	Landscape & Open Space Analysis Plan	BR Building Service Pty Ltd	16 Mar 2020	10 Mar 2020
C00	Stormwater Notes	KHH Consulting Engineers Pty Ltd	14 Dec 2019	7 Jan 2020
C01	Site Stormwater Drainage Plan	KHH Consulting Engineers Pty Ltd	14 Dec 2019	7 Jan 2020
C02	Basement Drainage Plan	KHH Consulting Engineers Pty Ltd	14 Dec 2019	7 Jan 2020
C03	OSD 1 Tank Section Detail	KHH Consulting Engineers Pty Ltd	14 Dec 2019	7 Jan 2020
C04	OSD 2 Tank	KHH	14 Dec 2019	7 Jan 2020

	Section Detail	Consulting Engineers Pty Ltd		
C05	Pump Pit & Drainage Details	KHH Consulting Engineers Pty Ltd	14 Dec 2019	7 Jan 2020
C06	Drainage Details	KHH Consulting Engineers Pty Ltd	14 Dec 2019	7 Jan 2020
L01	Landscape Plan	PH Design	12 Dec 2019	7 Jan 2020
L02	Landscape Planting Plan	PH Design	12 Dec 2019	7 Jan 2020
L03	Landscape Specification / Details / Plant Schedule	PH Design	12 Dec 2019	7 Jan 2020

Reference Documentation affixed with Council's 'Development Consent' stamp relating to Development Consent No. DA2020/04:

Title / Description	Prepared by	Issue/Revision & Date	Date received by Council
BASIX Certificate	Elam Architectural Drafting	Cert. No. 1065771M 14 Dec 2019	7 Jan 2020
Waste Management Plan	BR Building Service	-	7 Jan 2020
Schedule of Colours and Finishes For Proposed New Dual Occupancy with Front Boundary fence To No. 50 Noble Ave, Strathfield	BR Building Service	-	7 Jan 2020

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.)

7**. 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.)

8**. 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.)

9**. 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.)

10**. 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.)

11**. LANDSCAPING - CANOPY TREES IN FRONT SETBACK (GC)**

New development shall provide at least two (2) canopy trees within the front setback adjacent the front boundary (existing trees may be included). New canopy trees shall be at least three (3) metres high at the time of planting and capable of reaching a mature height of 10m.

Species shall be selected from Council's Recommended Tree List (Available from Council's website or from the Customer Service Centre). Compliance with this condition is to be demonstrated to the Principal Certifying Authority, prior to the issue of any Occupation Certificate.

(Reason: To ensure the landscape character of the locality is maintained.)

12**. LANDSCAPING - IRRIGATION OF COMMON AND PRIVATE LANDSCAPE AREAS (GC)**

All common and private landscape areas including all planters of new multi-unit, commercial, mixed-use and industrial development are to have full coverage by a fully

automatic irrigation system. The design, materials and installation are to be in accordance with Sydney Water Codes and satisfy all relevant Australian Standards. Details demonstrating compliance shall be submitted to the Principal Certifying Authority, prior occupation of the premises.

(Reason: To ensure appropriate landscape maintenance.)

13. **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.)

14**. 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.)

15**. 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.)

16**. 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.)

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

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

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

18**. SYDNEY WATER - TAP IN ™ (GC)**

The approved plans must be submitted to a Sydney Water Tap in™ to determine whether

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

(Reason: Compliance with Sydney Water requirements.)

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

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

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

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

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

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

(Reason: To ensure protection of Council assets.)

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

20. **BASIX COMMITMENTS (CC)**

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

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

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

(Reason: Statutory compliance.)

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

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

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

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

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

22. **CAR PARKING - 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.)

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

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

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

(Reason: Compliance with SCDCP 2005.)

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

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

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

(Reason: To ensure compliance with statutory provisions.)

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

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

Roads Act 1993)

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

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

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

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

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

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

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

(Reason: Council requirement.)

26. **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.)

27**. LANDSCAPING - MAINTENANCE STRATEGY (CC)**

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

(Reason: Ensure landscape survival.)

28**. NOISE – CONSTRUCTION CC)**

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

- Construction period of 4 weeks and under – The L90 Level measured over a period of not less than 15 minutes when the construction site is operating must not exceed the background level by more than 20 dB(A) at the boundary.
- Construction period greater than 4 weeks but not exceeding 26 weeks – The L90 level measured over a period of not less than 15 minutes when the construction site is operating must not exceed the background level by more than 10 dB(A) at the boundary.
- Construction period exceeding 26 weeks – The L90 level measured over a period of not less than 15 minutes when the construction site is operating must not exceed the

background level by more than 5 dB(A) at the boundary.

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

(Reason: Noise attenuation.)

29**. SECTION 7.11 CONTRIBUTION PAYMENT - DIRECT CONTRIBUTIONS PLAN (CC)**

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

Provision of Community Facilities	$2,913.88
Provision of Major Open Space	$13,257.28
Provision of Local Open Space	$2,917.37
Provision Roads and Traffic Management	$660.21
Administration	$251.26
TOTAL	**$20,000**

The total amount of the contribution is valid as at the date of determination and is subject to quarterly indexation. Contributions shall be indexed at the time of payment in accordance with clause 2.14 of the Strathfield Direct Development Contributions Plan 2010-2030.

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

Please present a copy of this condition when paying the contribution at the Customer Service Centre so that it can be recalculated.

Note: A copy of Strathfield Council's Section 7.11 Direct Development Contributions Plan may be downloaded from Council's website.

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

30**. 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.)

31**. 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.)

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

A security (damage deposit) of $12,200.00 (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.)

33**.** **TREE BONDS (CC)**

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

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

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

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

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

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

34**. UTILITIES AND TELECOMMUNICATIONS - ELECTRICITY CONNECTION (CC)**

Provision must be made for connection to future underground distributions mains. This must be achieved by installing:

i) An underground service line to a suitable existing street pole; or
ii) Sheathed underground consumers mains to a customer pole erected near the front property boundary (within 1 metre).

Note: A limit of one (1) pole per site will apply.

Any costs associated with the relocation of the above are at the requestor's expense. Any disturbance to public land as a result of the undergrounding of services shall be restored at no cost to Council.

Details are to be submitted to the Principal Certifying Authority with the Construction Certificate Application.

(Reason: Environmental amenity.)

35**. UTILITIES AND TELECOMMUNICATIONS - ELECTRICITY SUBSTATION (CC)**

Any required electricity substation must be located within the boundaries of the site. Documentary evidence of compliance with the energy authority's requirements, including correspondence from the energy authority is to be provided to the Principal Certifying Authority, prior to the issue of a Construction Certificate.

Note: Where an electricity substation is required but no provision has been made to place it within the approved building or its site and no details are provided on the approved development consent plans, a section 4.55 application is required to be submitted to Council for approval of an appropriate location for the required electricity substation.

(Reason: Access to utility.)

36**. UTILITIES AND TELECOMMUNICATIONS - TELECOMMUNICATIONS ASSETS (CC)**

Provision must be made for relocation of telecommunications network assets including underground placement of any existing aerial cables and infrastructure. Any costs associated with the relocation of the above are at the requestor's expense. Any disturbance to public land as a result of the undergrounding of services shall be restored at no cost to Council.

Details are to be submitted to the Principal Certifying Authority with the Construction Certificate application.

(Reason: To ensure suitable relocation of telecommunications infrastructure if required.)

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

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

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

38**. VENTILATION SYSTEMS – MECHANICAL (CC)**

The mechanical ventilation system is to comply with the following:

i) The Building Code of Australia;
ii) Protection of the Environment Operations Act 1997; and
iii) Australian Standard AS1668-1991.

In addition, odour control measures, such as activated carbon or catalytic oxidisers, must be used to treat ventilation gases prior to discharge. The method of odour control must be designed by a suitably qualified mechanical ventilation engineer.

Details demonstrating compliance with the above are to be submitted to the Principal Certifying Authority, prior to the issue of a Construction Certificate.

(Reason: To ensure the mechanical ventilation system complies with the relevant requirements/standards.)

39**. SPECIALISED WASTE EQUIPMENT (CC)**

Details of any specialised waste disposal equipment to be used in the development i.e. compactors (carousel and linear), bin tugs, chutes, crushers, bunding, oil water separators (coalescing plate separators), etc. to be provided to Council for approval.

(Reason: To ensure compliance with legislation.)

40**. BIN ALLOCATION (CC)**

Residential Developments comprising of no more than two (2) dwellings.

The development will require the provision of the following waste and recycling facilities:

- Domestic Waste – 1 x 120 litre mobile bin per unit/dwelling.
- Domestic Recycling – 1 x 240 litre mobile bin per unit/dwelling.
- Domestic Garden Waste – 1 x 240 litre mobile bin per unit/dwelling.

(Reason: To ensure sufficient space and waste collection containers provided.)

41**. 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.)

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

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

(Reason: To maintain streetscape character.)

43**. WORKS WITHIN THE ROAD RESERVE (CC)**

Detailed drawings including long and short sections and specifications of all works within existing roads (including but not limited to structures, road works, driveway crossings, footpaths and stormwater drainage) shall be submitted to and approved by Council under Section 138 of the Roads Act 1993 and all fees and charges paid, prior to the issue of a Construction Certificate.

Detailed drawings and specifications are to be prepared and certified by an appropriately qualified Civil Engineer.

Pruning of the branches and roots of Council trees is prohibited unless approved by Council in writing.

All Council trees are to be protected in accordance with Australian Standard AS4970 - 2009 Protection of Trees on Development Sites.

Upon completion of the works, the Applicant is to provide to Council with electronic copies of 'Work as Executed Plans'. The plans are to show relevant dimensions and finished levels and are to be certified by a surveyor.

The Applicant is to provide to Council, in an approved format, details of all public infrastructure created as part of the works.

All civil engineering works adjacent/near/outside No. 50 Noble Avenue, Strathfield, are to be fully supervised by Council. A maintenance period of six (6) months shall apply to the work, after it has been completed and approved. In that period the Applicant shall be liable for any part of the work which fails to perform in the manner outlined in Council's specifications, or as would reasonably be expected under the design conditions.

(Reason: To ensure compliance of engineering works/Council assets are constructed to acceptable standards for engineering works.)

44**. DUST CONTROL (CC)**

Where a dust nuisance is likely to occur, suitable screens and/or barricades shall be erected during the demolition, excavation and building works. If necessary, water sprays shall be used on the site to reduce the emission of dust. Screening shall consist of minimum 2 metres height of shade cloth or similar material secured to a chain wire fence of the like and shall be modified as directed by the Council should it fail to adequately control any dust nuisance.

Major Works
The following measures must be implemented (in part or in total) as directed by Council to control the emission of dust:

(a) Dust screens must be erected around the perimeter of the site and be kept in good repair for the duration of the work.
(b) All dusty surfaces must be wet down and any dust created must be suppressed by means of a fine water spray. Water used for dust suppression must not be contaminated or allowed to enter the stormwater system
(c) All stockpiles of materials that are likely to generate dust must be kept damp or covered.
(d) All stockpiles of soil or other materials shall be placed away from drainage lines, gutters or stormwater pits or inlets.
(e) All stockpiles of soil or other materials likely to generate dust or odours shall be covered.
(f) All stockpiles of contaminated soil shall be stored in a secure area and be covered if remaining more than 24 hours or as directed by Council.

(Reason: Environmental amenity.)

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

45. 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.)

46**. 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.)

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

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

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

(Reason: Statutory requirement.)

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

48. CONTAMINATED LAND UNEXPECTED FINDS (DW)

In the instance works cause the generation of odours or uncovering of unexpected contaminants works are to immediately cease, Council is to be notified and a suitably qualified environmental scientist appointed to further assess the site.

The contaminated land situation is to be evaluated by the supervising environmental consultant and an appropriate response determined in consultation with the applicant, which is agreed to by Strathfield Council's Environmental Services Manager.

Note: Council may also request that a NSW EPA accredited site auditor is involved to assist with the assessment of the contaminated land situation and review any new contamination information. The applicant must also adhere to any additional conditions which may be imposed by the accredited site auditor.

(Reason: To ensure compliance with statutory requirements.)

49. FILL MATERIAL (DW)

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

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

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

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

50. 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.)

51. 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.)

52**. 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 (POC)

53**. ATTACHED DWELLINGS - CROSS EASEMENT FOR SUPPORT (OC)**

A cross easement for support must be registered with Land and Property Information (LPI) NSW, prior to the issue of a Final Occupation Certificate.

(Reason: To protect the rights of residents of both dwellings and long term structural integrity of the party wall between the dwellings.)

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

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

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

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.)

55**. 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.)

56**. 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.)

57**. 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.)

58**. STORMWATER - COVENANT AND RESTRICTION AS TO USER FOR STORMWATER CONTROLLED SYSTEMS (OC)**

Prior to the issue of any Occupation Certificate, the applicant shall register a Positive Covenant and a Restriction as to User under section 88E and or section 88B of the Conveyancing Act as appropriate in favour of Council, ensuring the ongoing retention, maintenance and operation of the stormwater facility (on-site detention, pump-out, charged lines, etc).

Where any drainage line or service conduit is to traverse any property other than that which it serves, an appropriate easement will be required. In this case, the applicant shall register an easement no less than 1200mm wide over the proposed drainage line or service concurrently with any subdivision registration.

The wording on the 88E and/or the 88B Instrument is to make reference to the Council file

where the Construction plans and the Work As Executed (as built), plans are held. Typical wording can be obtained from Council's Specification for the Management of Stormwater document.

(Reason: To ensure the on-site detention and/or pump system is maintained to an appropriate operational standard.)

CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF A SUBDIVISION CERTIFICATE (PSC)

59. STRATA CERTIFICATE TO CONFIRM WITH DEVELOPMENT CONSENT (SC)

The Strata Certificate must confirm with this development consent. All works required by this development consent must be completed prior to the release of a Strata Certificate.

(Reason: Statutory requirements.)

60. ALLOCATION OF COMMON PROPERTY (SC)

The common wall between the two (2) attached dwellings must be allocated as Common Property in the Strata Plan. Common Property must not be allocated by the Owners Corporation for the exclusive use of a proprietor.

61. STRATA CERTIFICATE - REQUIREMENTS PRIOR TO THE ISSUE OF (SC)

A Strata Certificate allows a person to lodge a plan of subdivision with NSW Land registry Services (LRS). The plan of subdivision identifies each of the allotments approved under the original consent (if required) or each allotment subject to an exempt boundary adjustment. The plan of subdivision is required to be prepared by a registered surveyor.

All types of subdivision (Torrens, Strata and Community Title) are required to be registered with NSW LRS before a new 'allotment' of a subdivision of land can be created.

The release of a Strata Certificate confirms that the Certifier (Council or Accredited Certifier) is satisfied that works are completed in accordance with the applicable Development Consent and that the land is suitable to occupy.

Prior to the issuing of any Strata Certificate under Part 4 of the Strata Schemes Development Act 2015 and Part 4 of the Strata Schemes Development regulation 2016, the Certifier is required to be satisfied that:

i) The floors, external walls and ceilings depicted in the plan correspond to those of the building as constructed; and
ii) The floors, external walls and ceilings of the building as constructed correspond to those depicted in the building plans and specifications that accompanied the construction certificate for the building; and
iii) Any facilities required by the relevant development consent (such as parking spaces, terraces and courtyards) have been provided in accordance with those requirements.

As construction of the building nears completion, or after it has been completed, the Certifier must inspect the building and the common property areas around the building, so as to be satisfied, as required by Part 4 of the Strata Schemes Development Regulations 2016, that the above requirements have been met.

(Reason: Statutory requirements.)

DA2020/04 - 50 Noble Avenue, Strathfield - Lot 36 DP 35941 (Cont'd)

62**. SUBDIVISION - LODGEMENT OF FINAL PLAN OF SUBDIVISION (SC)**

Once a Strata Certificate is issued by the Principal Certifying Authority, the Final Plan of Strata Subdivision must be registered with NSW Land Registry Services (LRS). Documentary evidence that the linen plan has been registered with Land Registry Services must be submitted to Strathfield Council as soon as practicable.

(Reason: Statutory requirement.)

63**. SYDNEY WATER - SECTION 73 CERTIFICATE (SC)**

A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained before the issue of the Subdivision Certificate. An application must be made through an authorised Water Servicing Coordinator (refer www.sydneywater.com.au).

Following receipt of the application a 'Notice of Requirements' will be issued detailing water and sewer extensions to be built and charges to be paid. Please make early contact with the Water Servicing Coordinator, as building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.

Sydney Water written advice that you have obtained the Notice of Requirements must be submitted to the Principal Certifying Authority.

The Section 73 Compliance Certificate must be submitted to the Principal Certifying Authority prior to release of the Subdivision Certificate/any occupation of the premises.

(Reason: To comply with the statutory requirements of Sydney Water.)

ATTACHMENTS

There are no attachments for this report.

TO: **Strathfield Internal Development Assessment Panel Meeting - 10 April 2020**

REPORT: **IDAP – Report No. 4**

SUBJECT: **DA2019/216 - 14 STRATHLORA STREET, STRATHFIELD**
LOT 167 DP 11856

DA NO. **2019/216**

SUMMARY

Proposal:	Demolition of existing building and construction of a two (2) storey dwelling, in-ground swimming pool and front boundary fence.
Applicant:	ES Design
Owner:	J. Shehata & B. Shehata
Date of lodgement:	16 December 2019
Notification period:	23 December 2019 to 24 January 2020
Submissions received:	One (1)
Assessment officer:	ND
Estimated cost of works:	$849,000
Zoning:	R2 Low Density Residential - SLEP 2012
Heritage:	No
Flood affected:	No
Is a Clause 4.6 variation proposed?	No
RECOMMENDATION OF OFFICER:	**APPROVAL**

EXECUTIVE SUMMARY

The application has sought Council consent for the demolition of the existing building and construction of a two (2) storey dwelling, in-ground swimming pool and front boundary fence.

The plans and documentation were notified in accordance with Part L of the Strathfield Consolidated Development Control Plan (SCDCP) 2005. One (1) written submission was received raising concerns regarding visual privacy, bulk and scale, alteration of natural ground level, stormwater and landscaping.

Amended plans were submitted to Council to address a number of initial concerns. This included re-locating the driveway to provide greater separation from the existing street tree, lowering the finished floor level of the ground floor and submitting an updated schedule of colours and finishes.

The proposed development achieves an appropriate balance of traditional and contemporary styles that will integrate well within the surrounding streetscape.

The proposal is acceptable on its merits and is recommended for approval subject to conditions of consent.

BACKGROUND

16 December 2019: The application was lodged at Council

23 December 2019 to 24 January 2020:	The application was notified in accordance with the SCDCP 2005. One (1) submission was received.
27 February:	A site inspection and discussions were held with the Assessment Officer and the objector.
3 February 2020:	A letter was sent to the applicant requesting additional information and amended plans to address the following: a) Non-compliant side setbacks; b) Excessive finished floor level of ground floor; c) Excessive void areas on first floor; d) Proposed driveway location does not provide sufficient separation from street tree; e) Non-compliant swimming pool side setback; f) Additional information: i) Streetscape elevation plan; ii) Inconsistencies in schedule of colours and finishes; and iii) Landscaping clarification.
17 February 2020:	Amended plans and a cover letter were submitted to Council to address the above matters. The plans included the following changes: a) Streetscape elevation provided; b) Updated schedule of colours and external materials; c) Landscape plan updated with a 1m wide landscaped area between the swimming pool concourse and the side property boundary.
10 March 2020:	A letter was sent to the applicant requesting amended plans to address the following non-compliances: a) Driveway location does not provide sufficient separation from street tree; b) Stormwater system does not provide sufficient separation from existing trees; c) Non-compliant side setbacks d) Excessive finished floor level of ground floor; e) Non-compliant rear upper level balcony
19 March 2020:	Amended plans were submitted to Council to address the above matters. The plans included the following changes: a) Step added lowering the finished floor level of ground floor, alfresco and swimming pool; b) Driveway located 3m from street tree; and c) Privacy screen added to rear master bedroom balcony.

DESCRIPTION OF THE SITE AND LOCALITY

The subject site is located on the southern side of Strathlora Street and is commonly known as 14 Strathlora Street, Strathfield (Figure 1). The site comprises a 13.72m street frontage to Strathlora Street and a total site area of 672m^2 with a slope towards the rear.

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

The site is presently occupied by a single storey dwelling and a detached garage located at the rear (Figure 2). The existing streetscape is undergoing transition, with a mixture of traditional-style dwellings featuring exposed facebrick exterior walls and pitched tiled roof forms as well as modern dwellings with pitched and flat roof forms, extensive use of rendered masonry and aluminium cladding.

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

PROPERTY BURDENS AND CONSTRAINTS

A Sydney water sewerage pipe traverses the rear of the site (Figure 3)

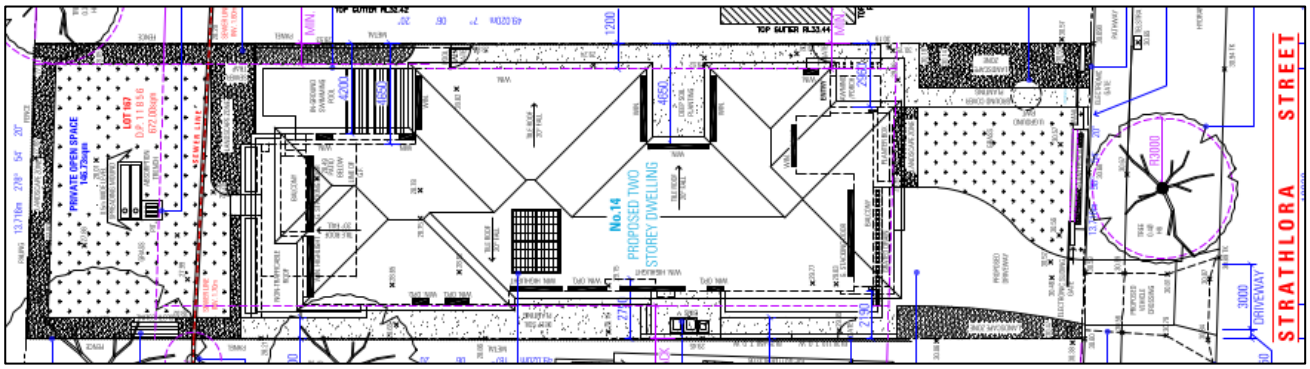

Figure 3: Extract of the site plan with the location of the sewerage pipe.

DESCRIPTION OF THE PROPOSED DEVELOPMENT

The application seeks Council approval for demolition of the existing building and construction of a two (2) storey dwelling, in-ground swimming pool and front boundary fence (Figures 4 to 6).

The specific elements of the proposal are:

Demolition:

- Single storey dwelling; and
- Detached garage.

Ground floor level:

- Office;
- Garage;
- Bathroom;
- Laundry;
- Guest bedroom with ensuite;
- Open plan dining room, kitchen and living room; and
- Alfreso

First floor level:

- Master bedroom with ensuite and walk-in-robe;
- Three (3) bedrooms, two (2) bathrooms;
- Family retreat area

External works:

- In-ground swimming pool;
- Front fence; and
- Landscaping and stormwater works.

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Figure 4: Photomontage of proposed development

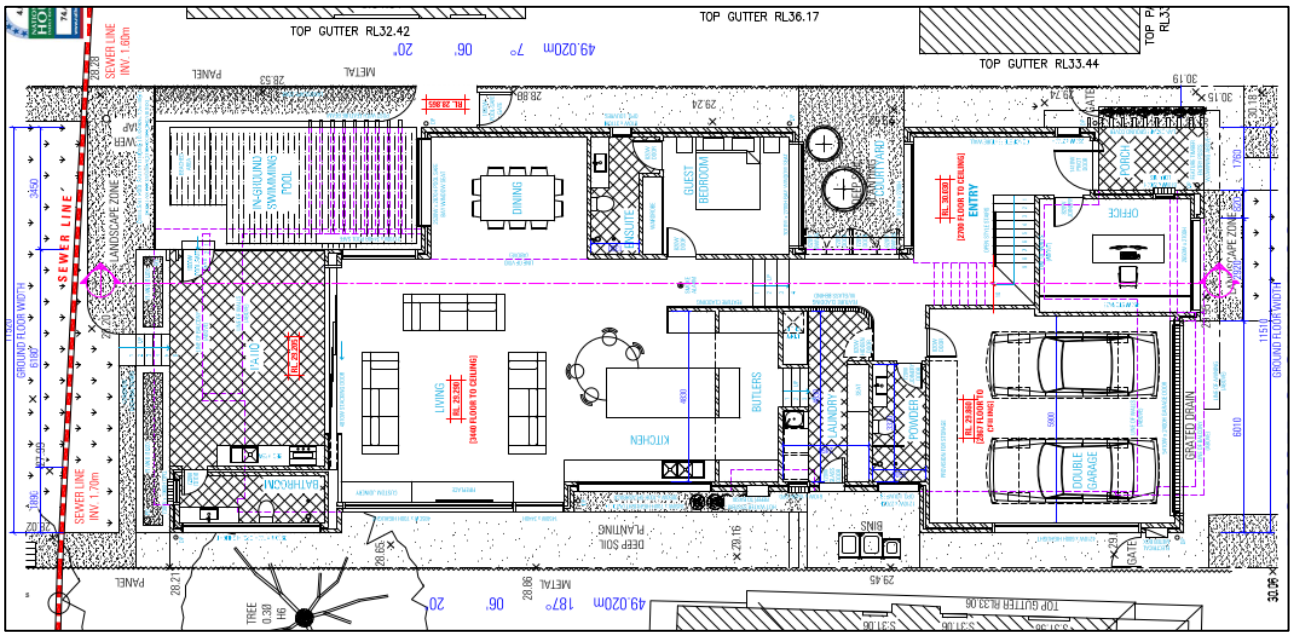

Figure 5: Proposed ground floor

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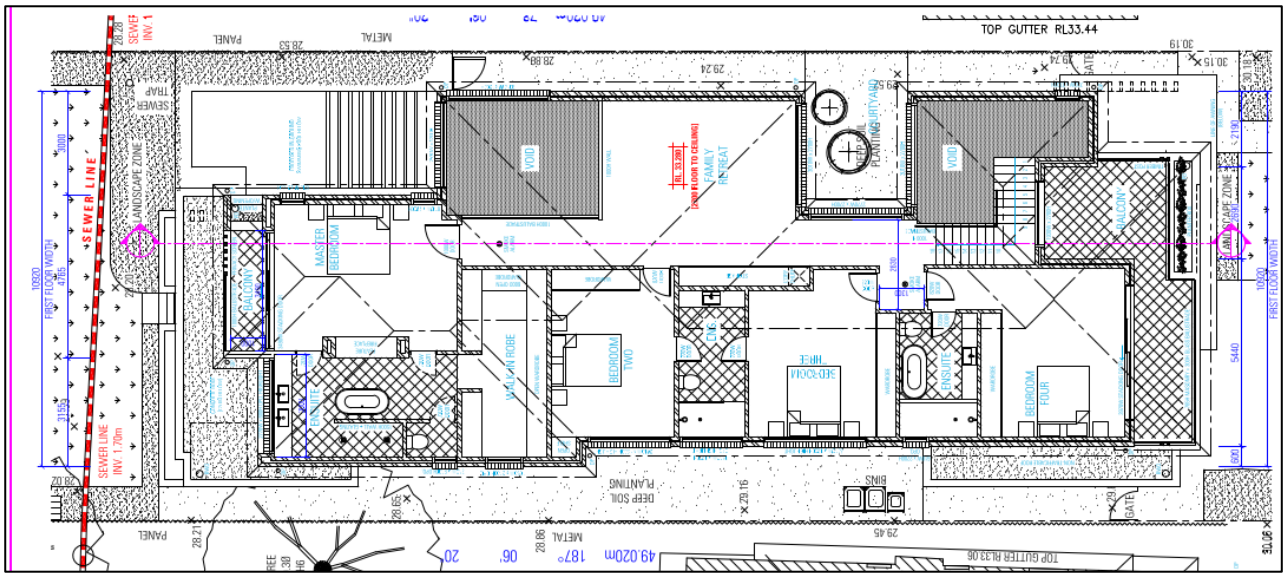

Figure 6: Proposed first floor

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:

> *"The proposed relocation (and widening) of the driveway crossing and lay back appears is not unnecessary and not supported.*
> *The trenching required to install the stormwater pipes from the site to the kerb and gutter will significantly impact on the protected street tree. Accordingly the structure will need to be relocated well clear of the root protection zones of the street tree and comply with Australian Standard 4970:2009.*

Amended plans were submitted during the assessment process re-locating the driveway 3m from the trunk of the existing street tree and is supported. A condition of consent has been recommended requiring the stormwater pipes to be located outside of the root protection zone of the tree and comply with AS4970:2009.

SECTION 4.15 CONSIDERATIONS – EP&A Act, 1979

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

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

STATE ENVIRONMENTAL PLANNING POLICY (SEPP) – BASIX 2004

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

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

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

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

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

Council's Tree Coordinator raised concerns regarding the proposed re-location of the driveway with a 2.2m separation from the existing street tree. Consequently, amended plans were submitted providing an adequate 3m separation from the proposed driveway and street tree. Council's Tree Coordinator also raised concerns in relation to the close proximity of the proposed stormwater drainage system to the street tree. To ensure the street tree is adequately protected, a condition of consent has been recommended requiring the drainage system and associated trenching works to be located outside of the root protection zone of the tree and comply with AS4970:2009.

The subject site contains no trees that require Council approval for removal.

STATE ENVIRONMENTAL PLANNING POLICY (COASTAL MANAGEMENT) 2018

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

STRATHFIELD LOCAL ENVIRONMENTAL PLAN 2012 (SLEP 2012)

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

Cl. 1.2(2)	***Aims***	***Complies***
(a)	*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 development will result in a dwelling house that incorporates a pitched roof with external materials including rendered masonry, timber and off-form concrete. The development is compatible with the characteristics of the streetscape.

Permissibility

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

> *"**dwelling house** means a building containing only one dwelling*"

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

Zone Objectives

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

Objectives	***Complies***
➢ *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.*	**N/A**

Comments: The proposed development involves the construction of a two (2) storey dwelling which provides for the housing needs of the community in a low-density residential setting. Therefore, the proposal generally complies with the objectives of the R2 – Low Density Residential zone.

Part 4: Principal development standards

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

Height of building

Cl.	***Standard***	***Controls***	***Proposed***	***Complies***
4.3	*Height of building*	9.5m	9.1m	**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 proposed dwelling has a maximum building height of 9.1m, achieving compliance with the maximum 9.5m building height standard. Furthermore, the proposed height responds appropriately to the building rhythm of the streetscape.

Floor space ratio

Cl.	*Standard*	*Controls*	*Proposed*	*Complies*
4.4	*Floor space ratio*	0.60:1 (403.2m^2)	0.58:1 (390.07m^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 proposed dwelling achieves an appropriate form and scale that will integrate well with the existing streetscape and a compliant FSR of 0.58:1 (390.07m^2).

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

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

6.1 Acid sulfate soils

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

6.2 Earthworks

The proposal involves the construction of a two (2) storey dwelling and an in-ground swimming pool requiring the excavation and removal of soil. The size of the swimming pool and excavation for the dwelling is considered to be reasonable. A condition of consent is recommended to ensure the appropriate management of soils during the excavation and construction phases of the development.

6.3 Flood planning

The subject site is not flood affected.

6.4 Essential services

Clause 6.4 of the SLEP 2012 requires consideration to be given to the adequacy of essential services available to the subject site. The subject site is located within a well serviced area and

features existing water and electricity connection and access to Council's stormwater drainage system. As such, the subject site is considered to be adequately serviced for the purposes of the proposed development.

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

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

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

STRATHFIELD CONSOLIDATED DEVELOPMENT CONTROL PLAN 2005 (SCDCP 2005)

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

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**

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**

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.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**
.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**
	Materials		
	5	Materials compatible with the existing dwelling house, adjoining dwelling houses and the streetscape (type, form and colour)	**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 design and appearance of the proposed dwelling accords with the character of the streetscape with a façade composition that includes rendered masonry, off-form concrete and timber external materials and a pitched roof (Figure 7). The external colours and materials achieve an appropriate balance of traditional and contemporary styles that will integrate well with the streetscape (Figures 8 and 9). The multiple colour tones and setbacks achieve an articulated building form.

Figure 7: Photomontage of proposed development

Figure 8: Existing dwellings at No. 13 and 11 Strathlora Street.

Figure 9: Existing dwellings at No. 8 and 10 Strathlora Street.

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**

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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**
	4	Maximum height of the externa wall from the existing ground level to the underside of uppermost ceiling level is 7.2m.	**No**
	5	Maximum internal floor to ceiling height is 3.0m for any residential level.	**No**
	7	Dwelling houses and any ancillary structures 2 storeys (max)	**Yes**
	8	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	**Yes**
.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).	**No**
	2	A rear setback of 6m (min)	**Yes**

Comments: The proposed dwelling achieves numerical compliance with the FSR and building height provisions under Clause 4.3 and 4.4C of the SLEP 2012.

Section 4.2.2 states that the maximum building height of the external wall from the existing ground level to the underside of the uppermost ceiling level is 7.2m. The proposal complies with this development control, except for a small portion located at the rear of the dwelling (Figure 10) which is a maximum of 7.6m. The variation is considered acceptable as it is confined to a small portion of the dwelling and attributed to the topography of the site.

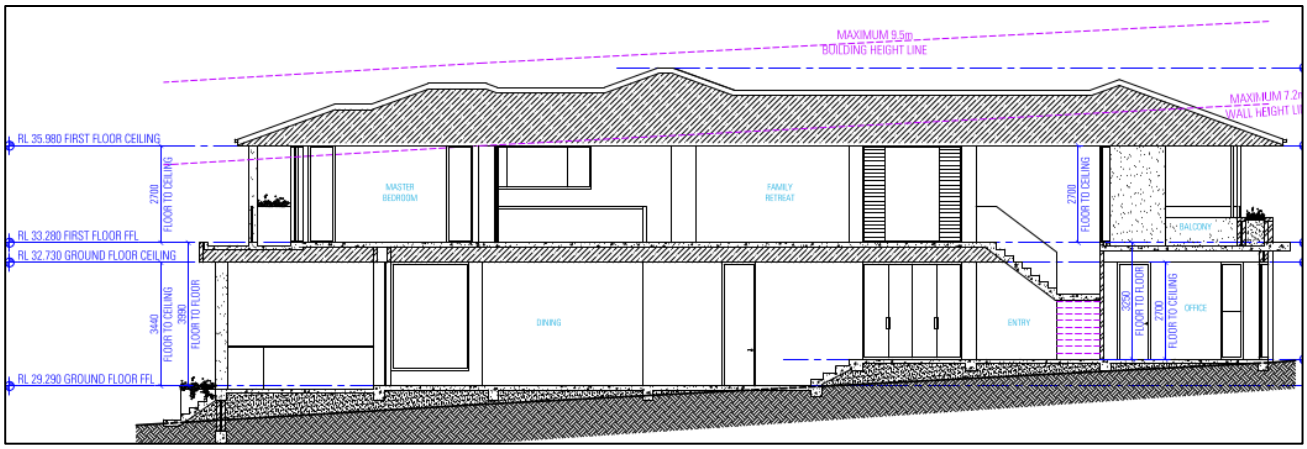

Figure 10: Section plan

The proposal incorporates floor to ceiling heights of 2.7m at the front half and 3.44m at the rear half of the ground floor and 2.7m on the first floor. The rear half of the ground floor exceeding the 3m control is acceptable as the variation is attributed to the split level design of the dwelling accommodating for the topography of the site.

The proposed dwelling has a 9m front setback and 10.92m rear setback achieving compliance with the controls. The dwelling complies with the minimum 1.2m side setbacks and combined 20% side setbacks (2.74m) except in two places; the garage component providing only 1m eastern side setback and a combined 2.2m setback and the bathroom adjoining the rear patio with a 1m eastern side setback. The non-compliance pertaining to the garage element is considered acceptable in this instance, given the width of the site (13.716m) is considered narrow within the context of the locality, a 2.96m western side setback at the entrance of the dwelling is provided and a 24.71% (3.39m) combined side setback on the first floor alleviating the visual bulk of the front façade. Whilst the applicant submitted a justification for the non-compliant rear patio western side setback, it is not supported and a condition of consent has been recommended for the setback to be increased to a compliant 1.2m. The additional 200mm will provide additional separation between the proposed development and adjoining property Crepe Myrtle.

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**
	6	Front gardens respond and contribute to the garden character of Strathfield.	**Yes**
.2.	*Tree Protection*		
	3	Development provides for the retention and protection of existing significant trees	**Yes**
	6	Opportunities for planting new canopy trees within the front setback	**Yes**
	7	At least one (1) canopy tree provided in the rear yard.	**Yes**
	8	Trunk of a proposed canopy tree planted 4m (min) from built structures, or 3m (min) from pier beam footings	**Yes**
	9	Planting on side boundaries a 0.6m (min) deep root deflection barrier provided 1.5m (min) either side of the tree center	**Yes**
	10	Driveway construction does not result in the removal, lopping or root damage to any street tree	**Yes**
	11	25% (min) of canopy trees and other vegetation shall be locally sourced indigenous species	**Yes**
.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	**No**
	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, adjoining properties and the streetscape	**Yes**
	3	Fencing forward of FBL shall not exceed 1.5m. Solid components shall not exceed 0.7m above NGL with the exception of brick piers	**Yes**
	7	Front fences visually permeable	**Yes**

Comments: Under Section 5.2.1, a minimum of 41.5% (278.88m^2) of the site is to be provided as deep soil landscaping. The proposal provides a compliant 42% (282.66m^2) of deep soil landscaping with a planting schedule comprising of canopy trees, shrubs, grass and groundcovers including native species. It is noted that the proposed canopy tree within the front setback is located within close proximity to the proposed underground rainwater tank. To minimise conflict between the tree and the underground tank, a condition of consent has been recommended for the tank to be re-located 5m away from the tree. During the assessment process, the location of the driveway was amended to be sufficiently distanced from the existing street tree. The site does not contain any trees of a height that require Council approval for removal.

A private open space area is provided to the rear of the dwelling, with direct access from the living room and rear patio. Contrary to Section 5.2.3, the rear patio is located 715mm above the natural ground level. The elevation of the patio is attributed to the topography of the site and will not result in any adverse privacy impacts to the adjoining properties.

The proposal includes a front fence with vertically orientated slats, rendered masonry walls and a planter box design with a maximum 1.5m height (Figure 11). The rendered masonry finish and vertically orientated slats is consistent with the streetscape. The planter box component whilst not strictly in keeping with streetscape, is visually permeable, of an appropriate height and contributes to the landscape setting of the locality. A condition of consent is recommended to ensure the front fence is constructed in accordance with the submitted plans specifically the planter box void.

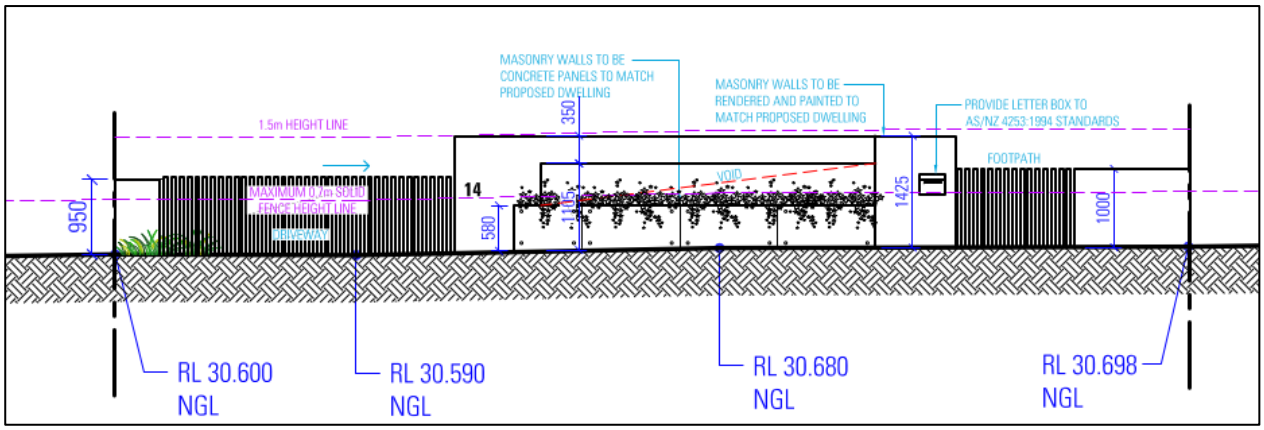

Figure 11: Proposed front fence.

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 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 (Figure12).

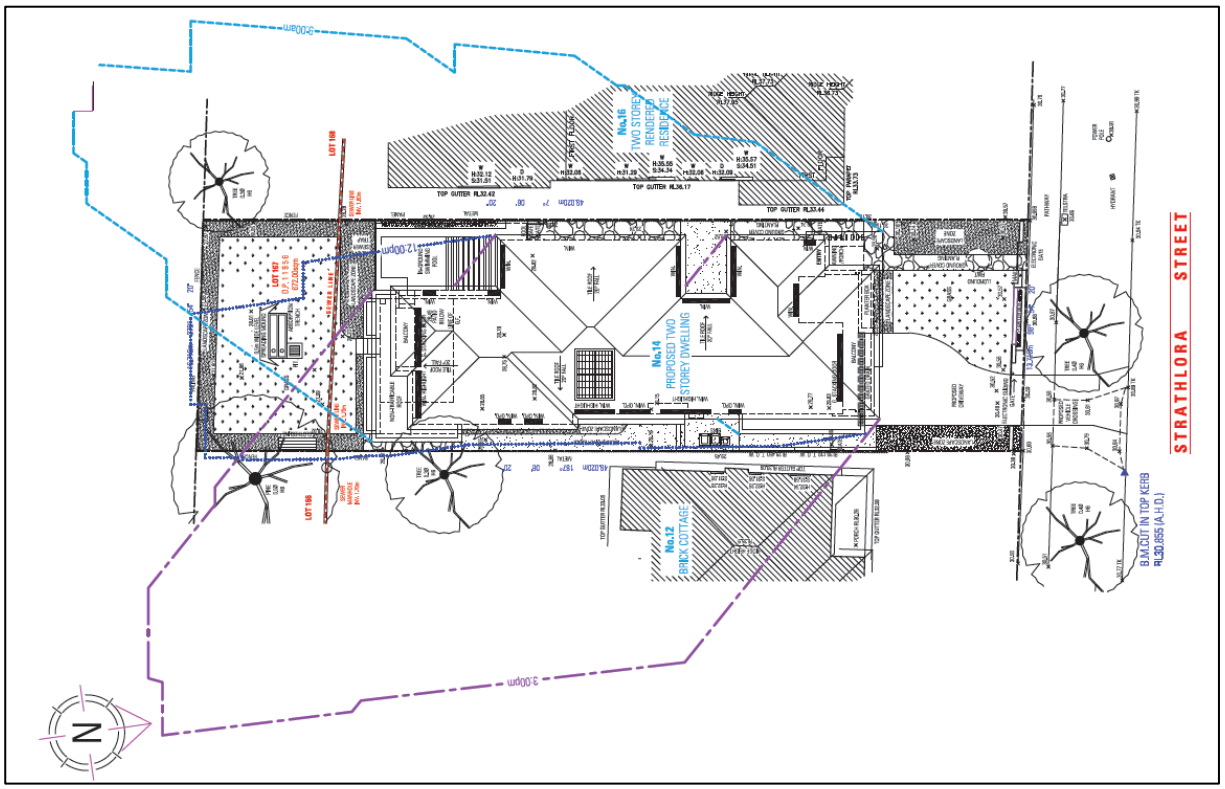

Figure 12: Winter solstice shadow diagrams of the proposed development.

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

Comments: During the assessment process, the finished floor levels of the ground floor including the rear patio were lowered to respond to the topography of the site. All of the eastern and western side elevation windows are appropriately offset or are wet areas which require obscure glazing as per standard condition of consent. It is considered unreasonable to require the rear facing windows to be obscurely glazed given the ground floor (patio) is setback 10.48m and the balcony 11.55m from the rear property boundary.

The balcony off the Master Bedroom is 1m (depth) by 3.49m (length) contrary to the 1m (depth) by 2m (length) planning controls. The dimensions of the balcony are acceptable in this instance with a privacy screen positioned across 1.28m of the length of the balcony and located 11.55m from the rear adjoining property.

8: Vehicle Access and Parking

8.1	***Objectives***	***Satisfactory***
A.	*To provide adequate and convenient on-site car parking.*	**Yes**
B.	*To ensure that the location and design of driveways, parking spaces and other areas used from the movement of motor vehicles are efficient, safe and convenient.*	**Yes**
C.	*To ensure garages, carports, basements and hard standing areas for cars do not visually dominate the street façade of the dwelling.*	**Yes**
D.	*To ensure that construction materials used for driveways respect the architectural qualities of the dwelling.*	**Yes**
E.	*To minimise the area of access driveways to minimise impermeable surfaces and maximise landscaped areas.*	**Yes**
F.	*To ensure basements have discreet entries, safe access and a high degree of natural cross-ventilation.*	**N/A**

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

8.2	***Development Controls***		***Complies***
.1.	*Driveway and Grades*		
	1	Existing driveways must be used (exceptions apply)	**Re-location acceptable.**
	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**
	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**
.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**

Comments: The proposal relocates the existing driveway crossover 600m west from the current location to accommodate the attached garage design and is appropriately distanced from the existing street tree. The integrated garage provides two (2) car parking spaces and positioned so it does not dominant the front building façade.

9: Altering Natural Ground Level (Cut and Fill)

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

9.2	***Development Controls***		***Complies***
	1	Fill limited to 1m (max) above NGL	**Yes**
	2	Clean fill used only	**Yes**
	3	Cut and fill batters stabilised consistent with the soil properties	**Yes**

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

Comments: The proposal requires excavation for the in-ground swimming pool and is setback in accordance with Section 12.2.6 of the planning controls. During the assessment process, the finished ground floor level was lowered to achieve a dwelling design that responds to the topography of the site with no more than 715mm of fill above the natural ground level. A condition requiring the undertaking of a dilapidation report on the adjoining properties prior to the commencement of works has been included in the recommendation.

10: Water and Soil Management

10.1	***Objectives***	***Satisfactory***
A.	*To encourage the incorporation of Water Sensitive Urban Design (WSUD) and Botany Improvement Plan principles in the development.*	**N/A**
B.	*To ensure compliance with Council's Stormwater Management Code*	**Yes**
C.	*To ensure compliance with the NSW State Government's Flood Prone Lands Policy.*	**N/A**
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*	**N/A**

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

Comments: The site is not subject to flooding. Council's Engineer has raised no objections to the proposed stormwater drainage concept plan subject to the recommended conditions of consent. Conditions of consent have been recommended to ensure the submitted soil erosion and sediment control measures are implemented during the construction phases of the development.

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	**Yes**

Comments: The dwelling is orientated to Strathlora Street with a pedestrian path forming a clearly identifiable pedestrian entrance. The front building façade comprises of multiple windows on the ground and first floor thereby creating passive surveillance opportunities.

12: Ancillary Development

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

	1	Located away from the habitable rooms of adjoining properties and/or screened by acoustic treatments	**Insufficient information**
	2	Any building work must not reduce the structural integrity of existing buildings	**Insufficient information**
	3	Installation of residential grade air conditioners only	**Insufficient information**
	4	Installation to comply with the Protection of the Environment Operations Act 1997 and Protection of the Environment Operations (Noise Control) Regulation 2008	**Insufficient information**
.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	**N/A**
	3	The pool filter and pump equipment designed and located to not emit a noise level that exceeds 5dBA above the ambient background noise level measured at any property boundary. The pool equipment shall be located within an enclosed structure so as to not be readily visible	**Condition recommended.**
	5	Enclosures shall comply with the Swimming Pools Act and relevant Australian Standards as amended.	**Condition recommended.**

Comments: The submitted plans do not nominate a location of the proposed air-conditioning unit. Accordingly, conditions of consent are recommended to ensure the installed air-conditioning unit complies with the above planning controls.

The in-ground swimming pool and associated hardpaved area is elevated less than 1m above the ground level with a 1m wide landscaped area between the edge of the swimming pool concourse and the western side boundary. Conditions of consent has been recommended to ensure the swimming pool and safety gates are in accordance with the relevant regulations and Australian Standards.

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*	
	3 Materials used of high thermal mass	**Yes**
.2.	*Natural Cooling and Ventilation*	

	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**
	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**
	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**
	3	Placed within a short distance of the most frequent point of use	**Yes**

Comments: A BASIX Certificate was submitted as part of the development application meeting the designated targets for energy and water reduction. In accordance with the Certificate an instantaneous gas hot water system, 2,000L rainwater tank and a photovoltaic system with the capacity to generate at least 1.2 peak kilowatts of electricity are to be installed. Conditions of consent have been recommended to ensure the hot water system and rainwater tank are installed in accordance with the relevant Australian Standards.

PART H - WASTE MANAGEMENT (SCDCP 2005)

A Waste Management Plan prepared in accordance with Part H of the SCDCP 2005 accompanied the development application. Compliance with the 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

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

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

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

The proposed dwelling design has incorporated a pitched roof form, a neutral colour palette and external finishes including rendered masonry, off-form concrete and timber that achieve an acceptable level of streetscape compatibility. The non-compliances against Part A of the SCDCP 2005 have been discussed in the report and conditions of consent imposed where required.

Overall, the proposed development is not considered to result in any adverse environmental or social impacts.

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

The proposed development is considered to be suitable given that it involves the construction of a dwelling with ancillary structures, ensuring that the low-density residential character of the surrounding streetscape is preserved. The subject site does not have any significant environmental constraints that would prevent the development of a dwelling house. Therefore, the site is suitable for the proposed development.

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

The application was publicly notified from 23 December 2019 to 24 January 2020 in accordance with the provisions of Part L of SCDCP 2005. One (1) submission was received as a result.

The issues raised in the submission by the rear adjoining property at No. 13 Ravenna Street are summarised and addressed as follows:

1. Bulk and scale
The dwelling is large and bulk for its site which results in an undesirable environmental impact on my property and adjoining residences. As it is located to our north, this bulk will reduce our sunlight and overshadow the neighbours. The void over the dining room should be deleted and the rear setback increased to reduce the bulk and scale of the dwelling.

Assessing Officer's comments: The proposal complies with the FSR development standard under Clause 4.4C of the SLEP 2012. The voids over the dining room and entrance are included in the compliant FSR calculation. In regards to solar access, the proposal complies with the relevant planning controls under Section 6 of the SCDCP 2005.

2. Visual privacy and elevation of dwelling
The ground floor is elevated and is higher than our ground floor, resulting in the ground floor looking directly at our first floor. The rear patio is elevated more than 500mm above the natural ground level, exceeding the planning controls.

Assessing officer's comments: The elevation of the ground level including the patio is not excessive in the context of the topography of the site. Revised plans were submitted during the assessment process lowering the rear portion of the dwelling by 170mm from the initial design. The ground floor and first floor rear setbacks exceed 10m and considered unreasonable to impose visual privacy measures.

3. *Master bedroom balcony*
Concern is raised that the balcony and sliding door off the Master Bedroom results in direct overlooking opportunity into the private open space and habitable areas. The balcony exceeds the SCDCP 2005 controls for upper level balconies. It is requested that all first floor glazing overlooking our private outdoor space and rooms have visual protection measures.

Assessing officer's comments: As discussed in this report, the size of the balcony off the Master Bedroom is acceptable, given the dimensions (1m depth x 3.49m length) and the incorporation of a 1.28m length privacy screen. It is considered unreasonable to require the rear facing windows to be obscurely glazed as the 10.48m ground floor rear setback and 11.55m first floor setback.

4. External wall
The proposed external wall height of the dwelling prescribed in Section 4.2.2 of the SCDCP 2005. The non-compliance against to the overall bulk and scale of the proposed dwelling.

Assessing officer's comments: The proposal complies with the 7.2m development control except for a small portion located at the rear of the dwelling at 7.6m. The variation is considered acceptable as it is confined to a small portion of the dwelling and is attributed to the topography of the site.

5. Stormwater
Concern is raised that the proposed size of the absorption trench is not sufficient for the proposed development. Additionally the fill to the rear yard by approximately 200-300mm above the existing ground levels will further existing overland flow issues.

Assessing officer's comments: Council's Engineer has reviewed the submitted Stormwater Drainage Plan and raised no objections to the proposal including the size of the absorption trench. The subject site is not flood affected. The 320mm fill to the rear setback is considered reasonable and will assist in slowing the rate of any runoff water onto the rear adjoining property.

6. Landscaping
The proposed Tuckeroos and Weeping Lilly Pilly along the rear southern boundary will block solar access to our swimming pool throughout summer and overshadow our yard and landscaping. The trees will drop leaves and seed pods into our pool.

Assessing officer's comments: The proposed landscape plan achieves the objectives of Section 5 Landscaping of the SCDCP 2005. Tuckeroos and Weeping Lilly Pilly's are native Australian species and Council encourages the planting of native species that will increase the locality's tree canopy coverage.

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 CONTRIBUTIONS PLAN

Section 7.11 Indirect Contributions are applicable to the proposed development in accordance with the Strathfield Indirect Contributions Plan as follows:

Local Amenity Improvement Levy **$8,490.00**

CONCLUSION

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

PEER REVIEW

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

RECOMMENDATION

That Development Application No. 2019/216 for demolition of the existing building and construction of a two (2) storey dwelling, in-ground swimming pool and front boundary fence at 14 Strathlora Street, Strathfield be **APPROVED,** subject to the following conditions:

SPECIAL CONDITIONS (SC)

1. **LOCATION OF RAINWATER TANK (SC)**

   The underground rainwater tank shall be located no less than 5m from any canopy tree planting.

   Amended plans demonstrating compliance with this condition are to be submitted to and approved by the Principal Certifying Authority prior to the issue of a Construction Certificate.

   (Reason: Tree protection)

2. **STORMWATER SYSTEM (SC)**

   All stormwater infrastructure and associated trenching works shall be located in accordance with Australian Standard 4970:2009 Protection of Trees on Development Sites.

   Amended plans demonstrating compliance with this condition are to be submitted to and approved by the Principal Certifying Authority prior to the issue of a Construction Certificate.

   (Reason: Tree protection)

3. **FRONT FENCE – PLANTER BOX (SC)**

   The planter box element of the front fence must contain a void as depicted in Drawing No. Front Fence Details, Issue C received by Council 19 March 2020.

   (Reason: To ensure compliance with SCDCP 2005).

4. **REAR PATIO – SIDE SETBACK (SC)**

   The bathroom adjoining the rear patio shall be setback no less than 1.2m from the eastern side property boundary.

   Amended plans demonstrating compliance with this condition are to be submitted to and approved by the Principal Certifying Authority prior to the issue of a Construction Certificate.

   (Reason: Compliance with SCDCP 2005 and tree protection)

GENERAL CONDITIONS (GC)

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

The development, except where modified by a condition(s) of consent, is to be carried out in

accordance with the following plans and reference documentation:

Plans affixed with Council's 'Development Consent' stamp relating to Development Consent No.2019/216:

Drawing No.	Title/Description	Prepared by	Issue / Revision	Date received by Council
02	Demolition Plan	ES Design	Issue C	19 March 2020
03	Site Plan	ES Design	Issue C	19 March 2020
04	Ground Floor Plan	ES Design	Issue C	19 March 2020
05	First Floor Plan	ES Design	Issue C	19 March 2020
06	North & East Elevations	ES Design	Issue C	19 March 2020
07	South & West Elevations	ES Design	Issue C	19 March 2020
08	Section View	ES Design	Issue C	19 March 2020
09	Front Fence Details	ES Design	Issue C	19 March 2020
10	Driveway Grade Section & Details	ES Design	Issue C	19 March 2020
11	Schedule of External Materials, Colours & Finishes	ES Design	Issue C	19 March 2020
12	In-Ground Swimming Pool Details	ES Design	Issue C	19 March 2020
-	Exterior Finishes	Minosa	-	16 December 2019
L-01	Site Plan	Site Design & Studios	Issue B	17 February 2020
L-02	Detailed Plan	Site Design & Studios	Issue B	17 February 2020
L-03	Detailed Plan	Site Design & Studios	Issue B	17 February 2020
L-04	Planting Plan	Site Design & Studios	Issue B	17 February 2020
L-05	Planting Plan	Site Design & Studios	Issue B	17 February 2020
L-06	Plant/Material Palette	Site Design & Studios	Issue B	17 February 2020
L-07	Notes & Specification	Site Design & Studios	Issue B	17 February 2020
SWDP01	Cover Sheet	Capital Engineering Consultants	Rev A	16 December 2019
SWDP02	Erosion & Sediment Control Plan	Capital Engineering Consultants	Rev A	16 December 2019
SWDP03	Site Stormwater Plan & Details	Capital Engineering Consultants	Rev A	16 December 2019
SWDP04	First Floor Plan & Details	Capital Engineering Consultants	Rev A	16 December 2019

Reference Documentation affixed with Council's 'Development Consent' stamp relating to

Development Consent No.2019/216:

Title / Description	Prepared by	Issue/Revision & Date	Date received by Council
BASIX Certificate	No. 1062557S	Issued 11 December 2019	16 December 2019
Waste Management Plan	ES Design	Dated 10 December 2019	16 December 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.)

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

The height of the building measured from Australian Height Datum (AHD) must not exceed Relative Level (RL) 38.070AHD to the ridge of the building.

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

7**. 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.)

8**. 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.)

9**. 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.)

10**. 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.)

11. **AIR CONDITIONING UNIT (GC)**

All air-conditioning units are to be installed as follows:

a) Located away from the habitable rooms of adjoining properties;
b) Only residential grade air conditioners are to be installed; and
b) Installed to comply with the Protection of the Environment Operations Act 1997 and Protection of the Environment Operations (Noise Control) Regulation 2008; and

Documentation demonstrating compliance with the above measures is to be submitted to and approved by the Principal Certifying Authority prior to the issue of the Occupation Certificate.

(Reason: Acoustic privacy).

12**.** **FIREPLACES (GC)**

Use of any fireplace for the purpose of wood fired fuel and coal burning is prohibited. Fireplaces may only be used with natural gas and electricity only.

(Reason: To maintain health and safety to surrounding residences and reduce air pollution.)

13**.** **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.)

14**.** **LANDSCAPING - CANOPY TREES IN FRONT SETBACK (GC)**

New development shall provide at least two (1) canopy trees within the front setback adjacent the front boundary (existing trees may be included). New canopy trees shall be at least three (3) metres high at the time of planting and capable of reaching a mature height of 10m.

Compliance with this condition is to be demonstrated to the Principal Certifying Authority, prior to the issue of any Occupation Certificate.

(Reason: To ensure the landscape character of the locality is maintained.)

15**. 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.)

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

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

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

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

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

(Reason: Statutory requirement.)

17**. 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.)

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

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

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

19**. SYDNEY WATER - TAP IN ™ (GC)**

The approved plans must be submitted to a Sydney Water Tap in™ to determine whether the development application will affect Sydney Water's sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. The approved plans

will be appropriately endorsed. For details please refer to 'Plumbing, building and developing' section of Sydney Water's web site at www.sydneywater.com.au then see 'Building', or telephone 13000 TAP IN (1300 082 746). The Certifying Authority must ensure that a Tap in™ agent has appropriately stamped the plans prior to the issue of the Construction Certificate.

(Reason: Compliance with Sydney Water requirements.)

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

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

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

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

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

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

(Reason: To ensure protection of Council assets.)

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

21. **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.)

22**. 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.)

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

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

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

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

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

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

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

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

25**. CAR PARKING - VEHICULAR 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.)

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

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

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

(Reason: To ensure compliance with statutory provisions.)

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

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

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

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

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

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

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

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

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

(Reason: Council requirement.)

28**. 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.)

29**. EROSION AND SEDIMENTATION CONTROL PLAN (CC)**

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

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

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

(Reason: Environmental protection.)

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

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

(Reason: Privacy amenity.)

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

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

Local Amenity Improvement Levy **$8,490.00**

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 7.12 Indirect Development Contributions Plan

may be downloaded from Council's website.

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

32**. 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.)

33**. 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.)

34**. 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.)

35**. 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.)

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

A security (damage deposit) of **$12,200.00** (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.

37**. TREE BONDS (CC)**

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

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

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

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

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

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

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

Full-width, heavy-duty concrete vehicular crossing(s) shall be provided across the footpath at the entrance(s) and/or exit(s) to the site and designed in accordance with Council's

guidelines and specifications. In this regard, a Works Permit is to be obtained (available from Council's Customer Services Centre or downloaded from Council's website), and the appropriate fees and charges paid, prior to the lodgement of a Construction Certificate.

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

39**. 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.)

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

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

(Reason: To maintain streetscape character.)

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

41**. 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.)

42**. 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.)

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

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

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

(Reason: Statutory requirement.)

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

44**. FILL MATERIAL (DW)**

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

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

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

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

45**. 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.)

46**. 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.)

47**. 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 (POC)

48. 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.)

49. ENGINEERING WORKS (CERTIFICATION OF)

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

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

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.)

50**. FUEL HEATERS - DOMESTIC SOLID (OC)**

Prior to the issue of any Occupation Certificate the Principal Certifying Authority must be satisfied through the issue of appropriate certification that system as installed complies with the standard specified in the Environment Protection Authority's Environmental Guidelines for Selecting, Installing and Operating Domestic Solid Fuel Heaters; AS/NZS 2918: 2001 Domestic solid fuel burning appliances-Installation and the Building Code of Australia. Details demonstrating compliance with the requirements of this condition is to be submitted to the satisfaction of the Principal Certifying Authority prior to the issue of any interim / final occupation certificate.

(Reason: To mitigate harmful environmental impacts and maintain public safety.)

51**. 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.)

52**. 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.)

53**. 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.)

54**. STORMWATER - COVENANT AND RESTRICTION AS TO USER FOR STORMWATER CONTROLLED SYSTEMS (OC)**

Prior to the issue of any Occupation Certificate, the applicant shall register a Positive Covenant and a Restriction as to User under section 88E and or section 88B of the Conveyancing Act as appropriate in favour of Council, ensuring the ongoing retention, maintenance and operation of the stormwater facility (on-site detention, pump-out, charged lines, etc).

Where any drainage line or service conduit is to traverse any property other than that which it serves, an appropriate easement will be required. In this case, the applicant shall register an easement no less than 1200mm wide over the proposed drainage line or service concurrently with any subdivision registration.

The wording on the 88E and/or the 88B Instrument is to make reference to the Council file where the Construction plans and the Work As Executed (as built), plans are held. Typical wording can be obtained from Council's Specification for the Management of Stormwater document.

(Reason: To ensure the on-site detention and/or pump system is maintained to an appropriate operational standard.)

55**. 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 - 10 April 2020**

REPORT: **IDAP – Report No. 5**

SUBJECT: **DA2019/159/02 - 29-35 BURLINGTON ROAD, HOMEBUSH LOT 100 DP 1235624**

DA NO. **DA2019/159/02**

SUMMARY

Proposal:	Section 4.55(1A) modification application to adjust the boundaries of stratum lots 1 and 3 to be consistent with basement plans for DA2011/195/08.
Applicant:	Homebush Project Developments Pty Ltd
Owner:	Homebush Project Developments Pty Ltd
Date of lodgement:	27 March 2020
Notification period:	Notification not required.
Submissions received:	N/A
Assessment officer:	ND
Zoning:	B4 Mixed Use - SLEP 2012
Heritage:	Yes – Item I44 (*Former Homebush RSL Memorial Park)* under Schedule 5 of the SLEP 2012.
Flood affected:	Yes
Is a Clause 4.6 variation proposed?	No
RECOMMENDATION OF OFFICER:	**APPROVAL**

EXECUTIVE SUMMARY

On 26 November 2019 Development Application No. 2019/159 was approved for the stratum subdivision into three (3) lots for the residential apartments, community hall and basement carpark.

This modification application is made under Section 4.55(1A) of the *Environmental Planning and Assessment Act 1979* seeking to modify the boundaries of the stratum lots so is consistent with the basement levels of DA2011/195/08. The modification application is of minimal environmental impact.

The modification application is acceptable and is recommended for approval.

BACKGROUND

13 July 2012	Sydney East Joint Regional Planning Panel approved the application for a residential flat development comprising 126 units, two (2) retail tenancies, a community facility and (202) parking spaces in three basement levels.
10 July 2012	A Voluntary Planning Agreement was entered into by the Developer and Strathfield Council pursuant to Section 7.4 (previously Section 93F) of the Environmental Planning and Assessment Act 1979 including the dedication of Council Facility land.

DA2019/159/02 - 29-35 Burlington Road, Homebush
Lot 100 DP 1235624 (Cont'd)

4 October 201	Approval was granted to modify the development description to read as: *Demolition of all existing onsite structures and construction of a mixed use building (part 4 and 7 storeys in height) comprising 121 residential units, ground floor community centre, 1 retail tenancy and 3 basement car park levels with 205 car spaces*. The modification also included approval to modify off-street parking spaces provided for the site.
17 July 2012	Approval was granted at Strathfields' IDAP (DA2011/195/06) involving reconfiguration of basement levels 1 and 3, deletion of garage chutes throughout the building and provision of bin collection on the ground floor.
26 November 2019	Approval was granted for stratum subdivision into three (3) lots for the residential apartments, community hall and basement car park.
13 March 2020	Section 4.55 modification application DA2011/195/08 was approved at IDAP to modify the basement layout including the provision of 10 additional car parking spaces.

DESCRIPTION OF THE SITE AND LOCALITY

The subject site is legally described as Lot 100 in DP1235624 and is commonly known as 29-35 Burlington Road, Homebush (refer to Figure 1). The site benefits from two (2) separate street frontages to both Burlington Road to the south and The Crescent to the north. Immediately to the east of the site is a green grocer shop, to the west are medium density three storey residential apartment buildings of earlier construction and north of the site is the railway line. Construction of the approved mixed use development on the site is nearing completion (refer to Figure 2).

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

Figure 2: Approved development under construction as viewed from Burlington Road.

DESCRIPTION OF THE PROPOSED MODIFICATION

The application seeks to modify the boundaries of the approved stratum Lots 1 and 3 on Basement Level 01. The proposed modification will result in the boundaries of the stratum subdivision being consistent with the approved mixed use development under DA2011/195/08.

REFERRALS

INTERNAL REFERRALS

No referrals required.

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

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

> *"4.55 Modifications of consents – generally*
>
> ***(1A) Modifications involving minimal environmental impact***
> *A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:*
> *(a) it is satisfied that the proposed modification is of minimal environmental impact, and*
> *(b) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all), and*
> *(c) it has notified the application in accordance with:*
> *(i) the regulations, if the regulations so require, or*

> *(ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and*
>
> *(d) it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.*
>
> *Subsections (1), (2) and (5) do not apply to such a modification."*

As regards subclause 'a', it is considered that the modification(s) sought as part of this application are of minimal environmental. The proposed changes are located in basement level 01 with the external appearance of the building and size of the basement footprint unaltered.

As regards subclause 'b', Council is satisfied that the development to which the consent as modified relates is substantially the same development for which consent was originally granted and before that consent as originally granted was modified. The development for which consent was originally granted being for the stratum subdivision of a mixed use building into three (3) lots has not been altered. The external appearance of the mixed use building as viewed from the adjoining properties and the public domain is not altered in a readily discernible manner. The amenity impacts to neighbouring development in terms of privacy, views, solar access and overshadowing are essentially the same as that of the approved development. Accordingly, the development as modified is considered to satisfy the 'substantially the same' test in that it will result in essentially and materially the same development as that originally approved.

As regards subclause 'c', the application is not required to be notified in accordance with Part L of SCDCP 2005.

> ***(3)*** *In determining an application for modification of a consent under this section, the consent authority must take into consideration such of the matters referred to in Section 4.15(1) as are of relevance to the development the subject of the application. The consent authority must also take into consideration the reason given by the consent authority for the grant of the consent that is sought to be modified.*

In regards to Clause 3, an assessment of the modification application against the matters referred to in Section 4.15(1) of the *Environmental Planning and Assessment Act 1979,* are included in this report.

Development consent for the approved development was granted on 26 November 2019 under delegated authority. In accordance with Clause 4.55(3), the recommendation report has been taken into consideration. The purpose of the development, to separate the components of the approved mixed use building into retail tenancy, community facility and residential use is unaltered.

SECTION 4.15 CONSIDERATIONS – EP&A Act, 1979

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

4.15(1)(a) the provisions of:

(i) any environmental planning instrument

STRATHFIELD LOCAL ENVIRONMENTAL PLAN (SLEP) 2012

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

Cl. 1.2(2)	*Aims*	*Complies*
(a)	*To achieve high quality urban form by ensuring that new development exhibits design excellence and reflects the existing or desired future character of particular localities and neighbourhoods in Strathfield*	**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 proposed modification application is consistent with the general aims of the SLEP 2012, resulting in a mixed use development that is located within close proximity to public transport and shops.

Permissibility

The subject site is zoned B4 – Mixed Use under the Strathfield Local Environmental Plan 2012. The modification application does not alter the approved development for the purpose of stratum subdivision of mixed use building.

Part 4: Principal development standards

As the proposal relates to stratum subdivision, the minimum subdivision lot sizes set out by Clause 4.1 of the SLEP 2012 do not apply.

Part 5: Miscellaneous Provisions

There are no provisions contained within Part 5 of the SLEP which are relevant to the proposal.

Part 6: Local Provisions

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

6.3 Flood planning

The site is affected by overland flooding in the 1 in 100 year storm event in accordance with the Powell's Creek flood studies. The approved mixed use building on the site has been design in accordance with Council's Interim Flood Prone Land Policy. The proposal does not seek any building works, therefore no further assessment against Clause 6.3 is required.

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

There are no Parts of the Strathfield Consolidated Development Control Plan 2005 that are relevant to stratum subdivision.

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 Australian Standard AS2601–1991: The Demolition of Structures, in the determination of a development application. The subject application 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

The original development application sought to stratum subdivide the mixed use building on the site into commercial, residential and Council community facility components. The subject modification application seeks to adjust the boundaries of stratum lots Lot 1 (Council community facility) and Lot 3 (residential use) to align with the latest approved development consent of the mixed use building (DA2011/195/08). The modification will result in substantially the same development for which consent was originally grant and is not considered to result in any additional adverse environmental or social impacts than what was approved under the original development.

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

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

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

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

4.15(1)(e) the public interest

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

LOCAL INFRASTRUCTURE CONTRIBUTIONS

Section 7.11 Contributions are not applicable to the proposal in accordance with the Strathfield Direct Contribution Plans 2010-2030, as monetary contributions were levied previously under DA2011/195 and DA2016/004 for the construction of the mixed use building.

CONCLUSION

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

PEER REVIEW

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

RECOMMENDATION

Pursuant to Section 4.55(1A) of the *Environmental Planning and Assessment Act 1979*, the proposed modifications to Development Consent No. 2019/159 to adjust the boundaries of stratum lots 1 and 3 at 29-35 Burlington Road, Homebush be **APPROVED**, subject to:

1. The original conditions of consent of Development Application No. (DA2019/159) as approved under delegated authority on 26 November 2019 for the stratum subdivision into three (3) lots for the residential apartment, community hall and basement carpark.

2. As modified by the Section 4.55(1A) application (DA2019/159/02) as follows:

GENERAL CONDITIONS (GC)

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

The development, except where modified by a condition of this consent, is to be carried out in accordance with the following plans:

Plans affixed with Council's 'Development Consent' stamp relating to Development Consent No. DA2018/084.

Drawing No.	Title/Description	Prepared by	Issue / Revision & Date	Date received by Council
Sheet 1 of 4	Plan of Subdivision of Lot 100	Sydney Registered Surveyors	21 August 2019	3 October 2019
~~Sheet 2 of 4~~	~~Plan of Subdivision of Lot 100~~	~~Sydney Registered Surveyors~~	~~21 August 2019~~	~~3 October 2019~~
Sheet 2 of 5	Plan of Subdivision of Lot 100 – Basement Level 1	Sydney Registered Surveyors	25 March 2020	27 March 2020 **MODIFIED DA2019/159** **10 APRIL 2020**
Sheet 3 of 4	Plan of Subdivision of Lot 100	Sydney Registered Surveyors	21 August 2019	3 October 2019
Sheet 4 of 4	Plan of Subdivision of Lot 100	Sydney Registered Surveyors	21 August 2019	3 October 2019
Sheet 1 of 13	Plan of Subdivision of Lot 100	Sydney Registered Surveyors	21 August 2019	3 October 2019

Sheet 4 of 13	Plan of Subdivision of Lot 100	Sydney Registered Surveyors	21 August 2019	3 October 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.)

CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF A SUBDIVISION CERTIFICATE (SC)

2. **ACCESSIBILITY TO PREMISES (SC)**

Registration of easements relating to access for people and vehicles through the site shall be included on the Final Plan of Subdivision. Details of easements are to be included on the Final Plan of Subdivision.

(Reason: To ensure that suitable pedestrian and vehicular access for those residents and visitors is available)

3. **SYDNEY WATER – SECTION 73 CERTIFICATE (SC)**

A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained before the issue of the Subdivision Certificate. An application must be made through an authorised Water Servicing Coordinator (referwww.sydneywater.com.au).

(Reason: To comply with the statutory requirements of Sydney Water.)

4. **PROVISION OF LOADING DOCK (SC)**

The loading dock adjacent the Council spaces in Basement level 1 of the building shall be allocated to Council. Details demonstrating the allocation of one (1) general loading dock in addition to the (11) parking spaces allocated to Council shall be included in the Final Plan of Subdivision.

ATTACHMENTS

There are no attachments for this report.

TO: **Strathfield Internal Development Assessment Panel Meeting - 10 April 2020**

REPORT: **IDAP – Report No. 6**

SUBJECT: **DA2019/175 - ADDENDUM REPORT - 29-35 BURLINGTON ROAD, HOMEBUSH**
LOT 100 DP 1235624

DA NO. **2019/175**

SUMMARY

Proposal:	Strata subdivision of Stratum Lot 3 into 139 residential lots, car parking spaces and storage.
Applicant:	Homebush Project Developments Pty Ltd
Owner:	Homebush Project Developments Pty Ltd
Date of lodgement:	25 October 2019
Notification period:	6 November 2019 to 20 November 2019
Submissions received:	Nil
Assessment officer:	ND
Estimated cost of works:	Nil
Zoning:	B4 Mixed Use – SLEP 2012
Heritage:	Yes – Item I44 (Former Homebush RSL Memorial Park) under Schedule 5 of SLEP 2012.
Flood affected:	Yes
Is a Clause 4.6 variation proposed?	No
RECOMMENDATION OF OFFICER:	APPROVAL

EXECUTIVE SUMMARY

Approval is sought for the strata subdivision of stratum Lot 3 into 139 residential lots; car parking spaces and storage.

On 20 March 202, the Internal Development Assessment Panel (IDAP) determined the application and provided the following resolution: "*DEFERRED so that the parking arrangement can be modified to suit the amended parking arrangement as approved under development application DA2011/195/08 (approved by IDAP on 16/03/2020) with particular reference to the relocation of the Council Facility parking spaces.*

A further condition is to be inserted detailing the final number of car parking spots and their allocation including visitor parking and adaptable parking spaces."

On 26 March 2020, the applicant provided amended plans swapping Council Facility car parking spaces 22 and 23 with visitor spaces 10 and 11 in accordance with the IDAP resolution.

This Addendum Report provides confirmation that the deferred matter has been satisfactorily addressed by the submitted amended plans. Accordingly, the application is recommended for approval, subject to the imposition of the recommended conditions of consent.

BACKGROUND

This report is to be read as an addendum to the Officer's recommendation report prepared for IDAP (Report No. 3) on 20 March 2020.

20 March 2020: The subject application was deferred by IDAP as follows: *DEFERRED so that the parking arrangement can be modified to suit the amended parking arrangement as approved under development application DA2011/195/08 (approved by IDAP on 16/03/2020) with particular reference to the relocation of the Council Facility parking spaces.*

A further condition is to be inserted detailing the final number of car parking spots and their allocation including visitor parking and adaptable parking spaces."

The above IDAP resolution is to be read in conjunction with the IDAP resolution of DA2011/195/08 made on 13 March 2020, specifically in reference to the Council Facility parking spaces as follows:

"*The Panel is concerned that the proposed parking layout on Basement 1 is inconsistent with the Stratum subdivision DA2019/159 and in particular the location of parking spaces as part of Stratum lot 1 which is to be dedicated to Council as part of the Community Facility. The spaces as shown on basement plan 1 fall outside the boundaries of Stratum lot 1 and the spaces are inappropriately located and should be situated together and within close proximity of the lift access. In this regard, special condition 4A is to be added to read as follows:*

4A ALLOCATION OF COUNCIL FACILITY PARKING SPACES

Parking spaces identified as Council Facility spaces 22 and 23 are to be swapped with visitor spaces marked 10 and 11. This may necessitate a modification application under the provisions of 4.55(1A) of Environmental Planning and Assessment Act 1979 to DA2019/159 to adjust the boundaries of Stratum lot 1 and 3."

26 March 2020: Amended plans were submitted by the applicant swapping Council Facility car parking spaces 22 and 23 with visitor spaces 10 and 11 on Basement Level 1.

ASSESSMENT

Deferred matter raised by IDAP:

The subject application was deferred by IDAP as follows:

DEFERRED so that the parking arrangement can be modified to suit the amended parking arrangement as approved under development application DA2011/195/08 (approved by IDAP on 16/03/2020) with particular reference to the relocation of the Council Facility parking spaces.

A further condition is to be inserted detailing the final number of car parking spots and their allocation including visitor parking and adaptable parking spaces."

Assessment:

The applicant submitted amended plans swapping the Council Facility car parking spaces 22 and 23 with residential visitor spaces 10 and 11 on Basement 1 level. The amended plans have

modified the layout of Basement Level 1 of the approved mixed use building as prescribed in the DA2019/175 IDAP resolution.

On the 27 March 2020, the applicant submitted a Section 4.55(1A) modification application to DA2019/159 to modify the boundaries of stratum lots 1 and 3 so the boundaries align with the car parking allocations for the Council Facility and residential units recently approved under DA2011/195/08. The subject application (DA2019/175) is in relation to Lot 3 of the stratum subdivision created under DA2011/159. As a result of the modification application to DA2019/159, the allocation of car parking spaces in Basement Level 1 of the mixed use building on the subject shall be consistent across the development applications for the building, the stratum subdivision and the strata subdivision of the residential component.

In accordance with the IDAP resolution, this Addendum Report recommends the imposition of the following condition detailing the final number of car parking spaces:

> *"**CAR PARKNG***
>
> *A total of 198 off-street parking spaces, hardpaved, linemarked, labelled and drained, shall be provided for the residential component of the building in accordance with the approved plans and distributed as follows:*

Residents	*147*
Resident - Disabled	*21*
Visitor	*19*
Visitor – Disabled	*9*
Washbay	*1*
General loading	*1*
TOTAL	***198***

> *No unit shall have more than two (2) spaces.*
>
> *These spaces shall only be used for the parking of motorcyles, sedans, utilities, vans and similar vehicles of up to two (2) tonne capacity."*

The additional condition of consent will ensure that the allocation car parking spaces for the residential component of the mixed use building are consistent with the development consent DA2011/15.

CONCLUSION

The applicant has submitted amended plans that sufficiently address the deferred IDAP matter. Accordingly the deferred matters by IDAP are appropriately resolved. Having regard to the relevant matters for consideration under Section 4.15 of the *Environmental Planning and Assessment Act 1979*, the proposal is considered to be acceptable on its merits and is recommended for approval subject to conditions of consent.

PEER REVIEW

The content and recommendation of the Addendum Report has undergone peer review and is satisfactory for consideration by the Panel.

RECOMMENDATION

That Development Application No. 2019/175 for the strata subdivision of stratum lot 3 into 139

residential lots, car parking spaces and storage at 29-35 Burlington Road, Homebush 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.2019/175:

Drawing No.	Title/Description	Prepared by	Issue / Revision & Date	Date received by Council
Sheet 1 of 14	Location Plan – Ground Floor	Richard Guy Wilkinson	-	26 March 2020
Sheet 2 of 14	Basement Parking Level 3	Richard Guy Wilkinson	-	26 March 2020
Sheet 3 of 14	Basement Parking Level 2	Richard Guy Wilkinson	-	26 March 2020
Sheet 4 of 14	Basement Parking Level 1	Richard Guy Wilkinson	-	26 March 2020
Sheet 5 of 14	Basement Parking Level 1 – Plan of Existing Easements Only	Richard Guy Wilkinson	-	26 March 2020
Sheet 6 of 14	Ground Floor Plan	Richard Guy Wilkinson	-	26 March 2020
Sheet 7 of 14	1st Floor Plan Level 1	Richard Guy Wilkinson	-	26 March 2020
Sheet 8 of 14	2nd Floor Plan Level 2	Richard Guy Wilkinson	-	26 March 2020
Sheet 9 of 14	3rd Floor Plan Level 3	Richard Guy Wilkinson	-	26 March 2020
Sheet 10 of 14	4th Floor Plan Level 4	Richard Guy Wilkinson	-	26 March 2020
Sheet 11 of 14	5th Floor Plan Level 5	Richard Guy Wilkinson	-	26 March 2020
Sheet 12 of 14	6th Floor Plan Level 6	Richard Guy Wilkinson	-	26 March 2020
Sheet 13 of 14	7th Floor Plan Level 7	Richard Guy Wilkinson	-	26 March 2020
Sheet 14 of 14	8th Floor Plan Level 8	Richard Guy Wilkinson	-	26 March 2020

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

2. NUMBERING OF UNITS AND CAR PARKING SPACES (GC)

The lot numbers and unit numbers shall be the same as those nominated on the approved plans. Car parking spaces shall have the same lot number as the residential portion and

shall not be numbered separately.

(Reason: To ensure compliance with conditions of DA2011/195)

CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF A SUBDIVISION CERTIFICATE (PSC)

3. SUBDIVISION CERTIFICATE - REQUIREMENTS PRIOR TO THE ISSUE OF (PSC)

A Subdivision Certificate allows a person to lodge a plan of subdivision with NSW Land registry Services (LRS). The plan of subdivision identifies each of the allotments approved under the original consent (if required) or each allotment subject to an exempt boundary adjustment. The plan of subdivision is required to be prepared by a registered surveyor.

All types of subdivision (Torrens, Strata and Community Title) are required to be registered with NSW LRS before a new 'allotment' of a subdivision of land can be created.

The release of a Subdivision Certificate confirms that the Certifier (Council or Accredited Certifier) is satisfied that works are completed in accordance with the applicable Development Consent and that the land is suitable to occupy.

Prior to the issuing of any Subdivision Certificate under Part 4 of the Strata Schemes Development Act 2015 and Part 4 of the Strata Schemes Development regulation 2016, the Certifier is required to be satisfied that:

i) The floors, external walls and ceilings depicted in the plan correspond to those of the building as constructed; and
ii) The floors, external walls and ceilings of the building as constructed correspond to those depicted in the building plans and specifications that accompanied the construction certificate for the building; and
iii) Any facilities required by the relevant development consent (such as parking spaces, terraces and courtyards) have been provided in accordance with those requirements.

As construction of the building nears completion, or after it has been completed, the Certifier must inspect the building and the common property areas around the building, so as to be satisfied, as required by Part 4 of the Strata Schemes Development Regulations 2016, that the above requirements have been met.

(Reason: Statutory requirements.)

4. STORAGE CAGES (PSC)

Prior to the issue of a Strata Certificate and lodgment of the final plan of subdivision, the Principal Certifying Authority or Council must be satisfied that storage cages have been provided to the associated units at the rates set out by Condition 15 of DA2016/004 and SEPP No. 65:

- $4m^3$ for each studio unit;
- $6m^3$ for each one (1) bedroom unit;
- $8m^3$ for each two (2) bedroom unit; and
- $10m^3$ for each unit with three (3) bedroom unit.

(Reason: To ensure compliance with conditions of DA2016/004 and DA2011/195 and to

provide good quality amenity for occupants.)

5. **ACCESSIBLE PARKING (PSC)**

Prior to the issue of the Strata Certificate and lodgment of the final plan of subdivision, the Principal Certifying Authority or Council must be satisfied that all of the adaptable units have been allocated at least one (1) accessible car parking space.

(Reason: To provide good quality amenity for occupants.)

6. **RESTRICTIONS ON UTILITY LOTS (PSC)**

Prior to the registration of a plan for which a Strata Certificate is sought that would result in the creation of a utility lot (within the meaning of the Strata Schemes Development Act 2015), the Council or the accredited certifier must impose a condition (a restrictive use condition) on the strata certificate restricting the use of the utility lot to use by an owner or occupier of a lot or proposed lot (other than a utility lot) in the strata scheme to which the plan relates in accordance with section 63 of the *Strata Schemes Development Act 2015*. Each utility lot within the development shall be burdened by this restriction pursuant to Section 63 of the *Strata Schemes Development Act 2015*.

(Reason: To ensure compliance

7**. SUBDIVISION - LODGEMENT OF FINAL PLAN OF SUBDIVISION (PSC)**

Once a Subdivision Certificate is issued by the Principal Certifying Authority/Council, the Final Plan of Subdivision must be registered with NSW Land Registry Services (LRS). Documentary evidence that the linen plan has been registered with Land Registry Services must be submitted to Strathfield Council as soon as practicable.

(Reason: Statutory requirement.)

8**. SYDNEY WATER - SECTION 73 CERTIFICATE (PSC)**

A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained before the issue of the Subdivision Certificate. An application must be made through an authorised Water Servicing Coordinator (refer www.sydneywater.com.au).

Following receipt of the application a 'Notice of Requirements' will be issued detailing water and sewer extensions to be built and charges to be paid. Please make early contact with the Water Servicing Coordinator, as building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.

Sydney Water written advice that you have obtained the Notice of Requirements must be submitted to the Principal Certifying Authority.

The Section 73 Compliance Certificate must be submitted to the Principal Certifying Authority prior to release of the Subdivision Certificate/any occupation of the premises.

(Reason: To comply with the statutory requirements of Sydney Water.)

9. **CAR PARKNG**

A total of 198 off-street parking spaces, hardpaved, linemarked, labelled and drained, shall be provided in accordance with the approved plans and distributed as follows:

Residents	147
Resident - Disabled	21
Visitor	19
Visitor – Disabled	9
Washbay	1
General loading	1
TOTAL	**198**

No unit shall have more than two (2) spaces.

These spaces shall only be used for the parking of motorcyles, sedans, utilities, vans and similar vehicles of up to two (2) tonne capacity.

(Reason: To ensure consistency with DA2011/195)

ATTACHMENTS

There are no attachments for this report.

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