

## **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, 4 April 2019**

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

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**TO:** Strathfield Internal Development Assessment Panel Meeting - 4 April 2019  
**REPORT:** IDAP – Report No. 1  
**SUBJECT:** DA0203/112/3 - 64-76 COSGROVE ROAD, ENFIELD  
LOT 1 IN DP 1060514  
**DA NO.** 0203/112/3

## SUMMARY

**Proposal:** Section 4.55(2) modification application to modify condition 43 of the consent to extend the operating hours of the existing use to 6:30am – 5pm Monday to Friday, 6:30am – 3:00pm Saturdays and 7:00am – 2:00pm Sundays.

**Applicant:** Chapman Planning Pty Ltd

**Owner:** A & C Thuillier Pty Ltd

**Date of lodgement:** 24 April 2018

**Notification period:** 8 May 2018 – 25 May 2018

**Submissions received:** Seven (7)

**Assessment officer:** RG

**Estimated cost of works:** N/A

**Zoning:** IN1 – General Industrial - SLEP 2012

**Heritage:** N/A

**Flood affected:** No

**Is a Clause 4.6 variation proposed?** No

**RECOMMENDATION OF OFFICER:** REFUSAL

## EXECUTIVE SUMMARY

- 1.0 On 11 February 2003, Council approved Development Application No. DA0203/112 for the receipt, sorting, storage and dispatch of stainless scrap metal as well as concreting rear yard, drainage works and refresh of existing storage building and refurbishment of 2 storey brick building.
- 2.0 The current application seeks to modify condition 43 relating to the approved operating hours of Development Consent No. DA0203/112 under Section 4.55(2) of the *Environmental Planning and Assessment Act 1979*.
- 3.0 Condition 43 currently specifies the approved operating hours as 7.30am – 4.00pm Weekdays and 7.30am – 3.30pm Saturdays with no works to be undertaken on Sundays. The subject application seeks to modify and extend the operating hours to 6.30am- 5.00pm Monday to Friday, 6.30am – 3.00pm Saturdays and 7.00am – 2.00pm Sundays.
- 4.0 On face value, this application appears to be in response to a letter sent to the owners, reminding them of the approved operating hours set out in Condition 43 of the consent.
- 5.0 The application was notified from 8 May 2018 to 25 May 2018 in accordance with the provisions of Part L of Strathfield Consolidated Development Control Plan 2005. Seven (7) individual submissions were received as a result, all were objecting to the modification. Key

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issues raised in the submissions included increased noise and air pollution from the existing scrap metal yard, with particular concerns over operations commencing earlier in the day, as well as on Sundays.

- 6.0 There is a history of the surrounding industrial area having noise impacts on the nearby residential areas. Given the number and nature of the objections received and lack of information/ acoustic assessment demonstrating that the proposed extension to the operating hours is compatible with the nearby residential zoned areas, the proposal is anticipated to have an adverse impact on the acoustic amenity of surrounding residents.
- 7.0 In response to IDAP's decision to defer their decision on the subject application, the hours of operation for industrial premises under State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 has been considered, but are not considered appropriate for application in this case.

As a result of the likely residential amenity impacts of the proposed modification, and the lack of an acoustic report which demonstrates that the proposed extended hours of operation would be able to satisfy the relevant industry standards for noise, the application is recommended for refusal.

## **BACKGROUND**

- 11 February 2003** Council approved DA0203/112 for the receipt, sorting, storage and dispatch of stainless scrap metal as well as concreting rear yard, drainage works and refresh of existing storage building and refurbishment of 2 storey brick building.
- 14 February 2003** Council approved DA0203/112/1 to remove all parts of item 79, item 981 and item 41 from the original consent.
- 22 August 2003** Council approved DA0203/112/2 to delete conditions 79(i)(a)(b) (c) (d)(2). Delete item 81(i)(ii) & item 41(2).
- 4 July 2003** Council approved DA0203/398 for the erection of a new factory building to replace the existing building and to be used in conjunction with the use approved under consent No. DA0203/112 for receipting, sorting, storage and dispatch of stainless steel scrap metal.
- 15 September 2017** Letter sent to the owners reminding them of Condition 43 of the consent (DA0203/112) which sets out the approved hours of operation.
- 15 September 2017** Letter sent to the owners in relation to alleged unauthorised usage of the premises as a bus storage facility.
- 24 April 2018** The current application under Section 4.55(2) of the *Environmental Planning & Assessment Act 1979* seeking amendments to condition 43 of the consent, so as to extend the hours of operation, was submitted to council.
- 29 November –  
17 December 2018** The current application was placed on neighbor notification. Seven (7) submissions, all objecting to the proposal, were received as a result.
- 16 October 2018** The applicant was requested to submit an acoustic report to demonstrate that no adverse noise impacts would result.

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- 5 November 2018** The applicant was advised that the requested acoustic report had not been received to date.
- 27 November 2018** The applicant advised Council via an email that they were engaging an acoustic consultant to prepare the acoustic report.
- 11 December 2018** The applicant was requested to provide a timeframe for the submission of the acoustic report.
- 8 January 2019** The applicant was informed that no acoustic report had been received to date and that the application will proceed to determination.
- 31 January 2019** The application was recommended for refusal at the IDAP meeting. IDAP deferred their decision to allow for consideration of reduced operating hours consistent with the provisions contained within the State Environmental Planning Policy (Exempt and Complying Development) – Commercial & Industrial Codes.
- 12 March 2019** Council's Environmental Health Officer was consulted as to the hours of operation that may be acceptable without an acoustic assessment. They advised that they would not support the proposed modified hours of operation, or any extension of hours of operation set out in the approval without the submission of an Acoustic Report.
- 14 March 2019** The applicant verbally confirmed that they had not proceeded with obtaining an Acoustic Report for the proposed modified hours of operation.

#### **DESCRIPTION OF THE SITE AND LOCALITY**

The subject site is located on the north-eastern side of Cosgrove Road, in a block bound by Cleveland Street to the north and other industrial properties to the east and south. The site is legally described as Lot 1 DP 1060514 and commonly known as 64- 76 Cosgrove Road, Strathfield South.

The subject site is mostly rectangular in shape and is located in the central portion of the block. The site is currently operated by ELG Recycling Processors Pty Ltd and comprises a car parking area within the front setback, a two-storey building fronting Cosgrove Road and a rear yard area. Canterbury Timber and Building Supplies Mitre 10 are located in the northern portion of the block and Bankstown Coaches are located within the southern portion of the block.

The site has a street frontage of approximately 44 metres and an area of approximately 5,812 square metres.

The site is surrounded mostly by industrial, warehouse and commercial land uses. The Southern Sydney Freight Line (SSFL) is located opposite the site on the western side of Cosgrove Road. The nearest residential properties are located approximately 240 metres to the north-east of the subject site, along Dean Street and Gregory Street.

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Figure 1: Locality plan (subject site highlighted in purple)

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**Figure 2: Aerial Photograph of Site**



**Figure 3: North-easterly view of entry to the site from Cosgrove Road**

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**Figure 4: Aerial Photograph of Locality**

#### **DESCRIPTION OF THE PROPOSED MODIFICATION(S)**

The application seeks to modify and extend the approved operating hours of the existing warehouse/ resource transfer station site, as prescribed in condition 43 of the original consent (DA0203/112) and detailed as follows.

#### **Condition 43**

##### Existing:

*"43. The hours of operation shall be restricted to weekdays 7:30am-4:00pm and Saturday's 7:30am-3:30pm. No activity shall be undertaken on Sundays or public holidays.*

*(2) The delivery of goods, material and the like to the premises and the dispatch of goods, material and the like from the premises shall only take place between the nominated hours of operation and no good, materials or the like shall be delivered or despatched outside these hours."*

##### Proposed:

*"43. The hours of operation shall be restricted to weekdays 6:30- 5:00pm, Saturday's 6:30am-3:00pm and Sundays 7:00am-2:00pm.*

*(2) The delivery of goods, material and the like to the premises and the dispatch of goods, material and the like from the premises shall only take place between the nominated hours of operation and no good, materials or the like shall be delivered or dispatched outside these hours."*

The applicant did not set out any proposed modification to this condition in terms of operating hours on public holidays.

In support of the application, the following documentation was submitted:

- Statement of Environmental Effects prepared by Chapman Planning Pty Ltd;
- Occupational Noise Assessment prepared by JTA Health, Safety & Noise Specialists Pty Ltd.

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In response to feedback received from Council's Environmental Health officers during the assessment process, the applicant was contacted on 16<sup>th</sup> October 2018 requesting an acoustic report prepared by a suitably qualified consultant in accordance with the Noise Policy for Industry 2017 to be submitted for review. Despite previous advise to the contrary, on 14 March 2019 the applicant confirmed that they had not proceeded with the preparation of an Acoustic Report for the proposed amended hours of operation.

## PROPERTY BURDENS AND CONSTRAINTS

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

## SECTION 4.55 OF THE EP&A ACT 1979

Section 4.55(2) of the Environmental Planning and Assessment 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 4.8) in respect of a condition imposed as a requirements 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."*

In regards subclause 'a', Council is satisfied that the development to which the consent as modified relates is substantially the same development for which consent was originally granted and before that consent as originally granted was modified (if at all), in that the development remains to be for the purposes of the receipt, sorting, storage and dispatch of stainless scrap metal. The proposed modification does not include any building works.

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

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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.

With regards to subclause (b), concurrence is not required for the subject application.

With regard to subclauses (c) and (d), the application was notified from 8 May 2018 to 25 May 2018 in accordance with the provisions of Part L of Strathfield Consolidated Development Control Plan 2005. Seven (7) individual submissions (all objecting to the proposed modification) were received as a result. These submissions are considered later in this report.

## REFERRALS

### INTERNAL REFERRALS

#### Traffic Comments

Council's Traffic Engineer offered no objections to the proposal.

#### Environmental Health Comments

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

*"The Noise Assessment attached to the application is an OH&S assessment for the impact of noise to workers at the factory.*

*The SEE considers the impact of Noise and Water pollution. I haven't had the opportunity to review the original consent, but given the application is to extend hours of operation, I concur with "2.14.1 general" in regards to air and water pollution. I don't foresee any air or water pollution from the proposed extension of hours.*

*However, given the objections, I do not agree with the SEE "2.14.2 Noise" which claims "The proposed additional hours of operation will not impact the acoustic amenity of nearby residential receivers noting 240m separation" and the proposal "will not cause unacceptable impacts to adjoining industrial landuses."*

*While 240m may seem a substantial distance, given the history of industry in the area impacting the nearby Belfield and South Strathfield it is prudent that the proposal demonstrate compliance with the Noise Policy for Industry 2017.*

*In this regard, the applicant should submit an acoustic report, prepared by a suitably qualified consultant in accordance with the Noise Policy for Industry 2017 that demonstrates the proposed hours will not cause an offensive noise to any receivers"*

On 16 October 2018, the applicant was requested to submit an acoustic report prepared by a suitably qualified consultant in accordance with the Noise Policy for Industry 2017. Despite repeated requests this has not been submitted. The applicant has since advised that they have not proceeded with obtaining an Acoustic Report for the proposed modified hours of operation.

Following the IDAP meeting of 31 January 2019, Council's Environmental Health Officer was requested to provide advice as to the hours of operation that may be acceptable without requiring an acoustic report. Further comments as follows:

*I would not feel comfortable approving any extension to the hours of operation without an acoustic report demonstrating that the proposal complies with the requirements of the Noise Policy for Industry 2017.*

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*The main issue with extending hours of operation will be noise pollution and the application fails to demonstrate the extended hours comply with the Policy and will not cause noise pollution.*

*The area in general has a history of noise complaints and Council wrote to the site in September 2017 regarding breaches of hours of operation of the hours of operation. This letter was prompted by enquiries to Council.*

*I note the planner advised an acoustic report was being prepared but has not been provided to Council (see below)*

*Given these factors I recommend refusal of the application.*

#### **SECTION 4.15 CONSIDERATIONS – EP&A Act, 1979**

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

##### **4.15(1)(a) the provisions of:**

##### **(i) any environmental planning instrument**

#### **State Environmental Planning Policy (Infrastructure) 2007**

The subject site is located within the vicinity of the Southern Sydney Freight Line (SSFL). The modification application relates to hours of operation only and no physical works are proposed. As such, Clause 84-97 of the State Environmental Planning Policy (Infrastructure) 2007 [SEPP (Infrastructure) 2007] relating to development in or adjacent to rail corridors do not apply to the subject application.

The approved waste/ resource transfer facility (DA0203/112) is permissible under Clause 121 of SEPP (Infrastructure) 2007, noting IN1 – General Industrial zone is a prescribed zone. The subject application does not seek to alter the use of the site, as approved under DA0203/112, apart from the hours of operation.

#### **Strathfield Local Environmental Plan (SLEP) 2012**

##### **Aims of Plan**

The proposed modification is not inconsistent with the aims of the plan.

##### **Permissibility & Zone Objectives**

The current use of the site may be defined as development for the purpose of 'waste or resource transfer station' meaning *a building or place used for the collection and transfer of waste material or resources, including the receipt, sorting, compacting, temporary storage and distribution of waste or resources and the loading or unloading of waste or resources onto or from road or rail transport.*

The site is zoned 'IN1 General Industrial' under the provisions of SLEP 2012. Development for the purposes of 'waste or resource transfer station' (as proposed by the current application) is

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prohibited under this LEP. However, the use of the site is permissible with consent in the general industrial zone under clause 121 of the SEPP (Infrastructure) 2007 (refer to figure 7 below). This SEPP prevails over Council's LEP. The proposed modification is not inconsistent with the relevant objectives of the general industrial zone.



Figure 5: Zoning Map of Site & Locality

**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 2005 (SCDCP 2005)**

An assessment of the proposed modification against the relevant provisions of Part D of SCDCP 2005 relating to development of land in industrial zones is as follows.

**1.2 Objectives**

	<b>Objectives</b>	<b>Complies</b>
a)	To improve the quality of industrial development within the Strathfield Municipality	N/A
b)	To ensure the orderly development of industrial sites to minimise their environmental impact while maximising their functional potential	N/A
c)	To ensure development is consistent with the principles of Ecologically Sustainable Development	N/A
d)	To encourage high quality building design and industrial streetscape aesthetics	N/A
e)	To ensure that new industrial development is of a type, scale, height, bulk and character that is compatible with the streetscape characteristics of the surrounding area	N/A
f)	To promote high quality landscape areas which complement the overall	N/A

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	<i>development of the site and which assist in enhancing streetscape quality</i>	
<b>g)</b>	<i>To ensure that development will not unreasonably impact upon the amenity of any residential area in the vicinity</i>	<b>No</b>
<b>h)</b>	<i>To ensure that traffic generated by industrial development does not adversely impact upon local or regional traffic movements</i>	<b>Yes</b>
<b>i)</b>	<i>To ensure that each development has adequate on-site parking and manoeuvring areas for vehicles</i>	<b>N/A</b>
<b>j)</b>	<i>To encourage employee amenity within industrial developments</i>	<b>N/A</b>

### **Comments:**

The proposal involves modifying and extending the operating hours at the approved waste/resource transfer station.

The subject site is located approximately 240 metres from residential receptors and there is a history of the surrounding industrial area impacting the nearby Belfield and South Strathfield areas in terms of noise. It is noted that the waste/resource transfer station has a large amount of metal scrap material and this material is not contained within an enclosed area (**Figure 3**).

The applicant has submitted an OH&S assessment for the impact of noise to workers at the transfer station. However, no acoustic assessment has been prepared in terms of the potential noise impact to nearby residential properties. Given the history of amenity impacts to nearby residential properties from the industrial area, as well as the number of objections received to this application, it is considered reasonable that an acoustic report, prepared by a suitably qualified consultant in accordance with the Noise Policy for Industry 2017, be submitted in order to demonstrate that the proposed extension of operating hours would not cause any additional offensive noise to any residential receivers.

On 16 October 2018 the applicant was given opportunity to submit an acoustic report to support the proposed modified hours of operation. However, despite previous advice, on 14 March 2019 the applicant confirmed that they had not proceeded with preparing an Acoustic Report.

The IDAP on 31 January 2019 deferred their decision to give consideration to hours of operation permitted under the State Environmental Planning Policy (Exempt and Complying Development) – Commercial & Industrial Codes. Clause 21 Part 4 of Schedule 8 in the State Environmental Planning Policy (Exempt and Complying Development) – Commercial & Industrial Codes sets out the hours of operation for complying development contained within the Commercial and Industrial Alterations Code, and the Commercial and Industrial (New Buildings and Additions) Code, as follows:

### **21 Hours of operation**

- (1) *If there are existing conditions on a development consent applying to hours of operation, the development must not be operated outside the hours specified in those conditions.*
- (2) *If there are no existing conditions on a development consent applying to hours of operation, the development must not be operated outside the following hours:*
  - (a) *if the development involves a new use as specialised retail premises or other commercial premises—7.00 am to 10.00 pm Monday to Saturday and 7.00 am to 8.00 pm on a Sunday or a public holiday,*
  - (b) *if the development involves a new use as something other than a specialised retail premises or other commercial premises and adjoins or is opposite a residential lot within a residential zone or Zone RU5 Village—7.00 am to 7.00 pm Monday to Saturday and no operation on a Sunday or a public holiday,*

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- (c) *in any other case not referred to in paragraph (a) or (b)—7.00 am to 7.00 pm Monday to Saturday and 9.00 am to 6.00 pm on a Sunday or a public holiday.*

Clause 21(c) sets out hours of operation for industrial premises when there are no existing conditions on a development consent applying to hours of operation. However, condition 43 of the original consent sets out the hours of operation and therefore Clause 21(c) does not apply in this instance.

In this instance, it is not considered appropriate to allow for an extension to the approved hours of operation given the existing history of noise complaints to nearby residential receivers. Officers have made it clear to the applicant that a modification to the hours of operation could be considered on the submission of an Acoustic Report that demonstrates that the extended hours would not unreasonably impact upon the amenity of residential areas in the vicinity (as well as compliance with relevant industry standards) however, this has not been forthcoming from the applicant.

Council's Environmental Health officer is satisfied that the proposal would not result in any detrimental air or water pollution.

The submission has clarified that the existing on-site parking, access, loading and unloading arrangements, as well as waste management provisions would remain as approved under DA0203/112. Furthermore, the proposed modification does not involve an increase in site vehicle movements and the total volume of material throughout the site would remain unchanged. As such, no adverse impact on the surrounding road network is anticipated. It is noted that Council's Traffic Engineer raised no objections to the proposed modification.

#### 2.9.14 Air, Noise and Water Pollution

<b>Objective</b>	<b>Complies</b>
➤ <b><i>To ensure industrial developments do not create a pollution problem by discharge of an unacceptable level of air, noise and/or water emissions</i></b>	<b>No</b>
<b>Guidelines</b>	<b>Complies</b>
2. <i>The proximity of the proposal to residential areas will influence the type of land use or machinery that will be permissible.</i>	<b>N/A</b>
3. <i>The proposed building(s) must be designed (orientation, insulation etc) to inhibit the transmission of noise. Hours of operation and access to the site through residential streets may be restricted where the proposed development involves the generation of noise likely to affect residential areas. Council may require an acoustic report from a suitably qualified acoustic consultant where a proposed development may create excessive noise.</i>	<b>No</b>
4. <i>The use of the premises including plant equipment will be subject to strict compliance with the NSW Environmental Protection Authority's Environmental Noise Control Manual and the Industrial Noise Policy 2000.</i>	<b>N/A</b>

#### **Comments:**

As outlined earlier in this report, Council's Environmental Health Officer remains concerned that it has not been demonstrated through the submission of an acoustic report that the proposed extension of hours would be able to comply with the Noise Policy for Industry 2017. Given the proximity of residential receptors to the site, the history of noise impacts from the surrounding industrial area the nearby residential properties, number and nature of the submissions made to the subject application and that the fact that yard of the existing site is not enclosed by any means, the proposal is likely to cause an offensive noise to residential receivers.

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

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

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

Not applicable.

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

#### **Acoustic Impacts**

The proposal seeks to extend the approved operating hours as follows:

Day	Approved Operating Hours	Proposed Modified Operating Hours
<b>Monday – Friday</b>	7:30am - 4:00pm	6:30am - 5:00pm
<b>Saturday</b>	7:30am – 3:30pm	6:30am – 3:00pm
<b>Sundays (and public holidays)</b>	N/A	7:00am - 2:00pm

The proposal represents an increase in 10.5 hours of operating hours per week, including commencing operations an hour earlier from Monday – Saturday and operations on a Sunday (with restricted hours).

This has implications for noise emissions associated with machinery operation (including plasma cutting, trammel sorting, cutting and grinding equipment, air compressors, dropping of metal objects on hard surfaces) and vehicle movements (including general truck movements and loading shipping containers by driving the forklift into the container). It is noted scrap metal stored in the rear yard is not enclosed.

There is a history of noise impacts from the surrounding industrial area on nearby residential receptors, including properties at the western end of Dean and Gregory Streets and the southern end of Dunlop Street. The submissions received during the public exhibition period for this application provide an insight into the likely noise impacts if the application is approved. Whilst it is acknowledged that there is likely to be an ongoing issue with noise given the inherit issues with industrial/ residential zone interfaces, it is considered reasonable that the applicant demonstrate that the proposed modification would comply with the Noise Policy for Industry 2017. However, an acoustic assessment report to this affect has not been submitted.

On 16 October 2018 the applicant was given the opportunity to submit an acoustic report to support the proposed modified hours of operation. However, on 14 March 2019 the applicant advised that they had not proceeded with preparing an Acoustic Report.

The IDAP on 31 January 2019 deferred their decision to give consideration to hours of operation permitted under the State Environmental Planning Policy (Exempt and Complying Development) – Commercial & Industrial Codes. Clause 21 Part 4 of Schedule 8 in the State Environmental Planning Policy (Exempt and Complying Development) – Commercial & Industrial Codes sets out the hours of operation for complying development contained within the Commercial and Industrial Alterations Code, and the Commercial and Industrial (New Buildings and Additions) Code, as follows:

#### **21 Hours of operation**

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- (1) *If there are existing conditions on a development consent applying to hours of operation, the development must not be operated outside the hours specified in those conditions.*
- (2) *If there are no existing conditions on a development consent applying to hours of operation, the development must not be operated outside the following hours:*
  - (a) *if the development involves a new use as specialised retail premises or other commercial premises—7.00 am to 10.00 pm Monday to Saturday and 7.00 am to 8.00 pm on a Sunday or a public holiday,*
  - (b) *if the development involves a new use as something other than a specialised retail premises or other commercial premises and adjoins or is opposite a residential lot within a residential zone or Zone RU5 Village—7.00 am to 7.00 pm Monday to Saturday and no operation on a Sunday or a public holiday,*
  - (c) *in any other case not referred to in paragraph (a) or (b)—7.00 am to 7.00 pm Monday to Saturday and 9.00 am to 6.00 pm on a Sunday or a public holiday.*

Clause 21(c) sets out hours of operation for industrial premises when there are no existing conditions on a development consent applying to hours of operation. However, condition 43 of the original consent sets out the hours of operation and therefore Clause 21(c) does not apply in this instance. The hours of operation were originally imposed to minimise potential noise impacts on the neighbourhood given the nature of the proposed use.

In this instance, it is not considered appropriate to allow for an extension to the approved hours of operation given the existing history of noise complaints from nearby residential receivers. Officers have made it clear to the applicant that a modification to the hours of operation could be considered upon submission of an Acoustic Report that demonstrates that the extended hours would not unreasonably impact upon the amenity of residential areas in the vicinity (as well as compliance with relevant industry standards). However, this report has not been forthcoming from the applicant.

### **Traffic Impacts**

The submission has clarified that the existing on-site parking, access, loading and unloading arrangements, as well as waste management provisions would remain as approved under DA0203/112. Furthermore, the proposed modification does not involve an increase in site vehicle movements and the total volume of material throughout the site would be unchanged. As such, no adverse impact on the surrounding road network is anticipated. It is noted that Council's Traffic Engineer raised no objections to the proposed modification.

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

The subject site is located within a general industrial zone which is near the vicinity of a low density residential zone. The risks of adverse residential amenity impacts are therefore increased. These risks are further heightened by the on-site operations being carried out within an open yard rather than within an enclosed building.

Having regard to the unique circumstances and constraints as set out above and in the absence of and acoustic report which demonstrates compliance with industry standards on noise levels

The current restriction on operating hours specified in condition 43 of the consent is appropriate in the circumstances and ensures that residential amenity is reasonably maintained.

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

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The application was notified from 8 May 2018 to 25 May 2018 in accordance with the provisions of Part L of Strathfield Consolidated Development Control Plan 2005. Seven (7) individual submissions, all objecting to the proposed modification, were received as a result.

Key issues raised in the submissions included noise and air pollution, dust nuisance and traffic congestion associated with the increased truck movements both within and to and from the site.

The specific issues raised in the submissions are detailed as follows:

- Extended times of noise pollution from noisy machinery and scraping/ dropping metal
- Extended operating hours will disturb sleep (especially in the early hours of the morning) and disturb peaceful times on the weekends
- The site has already been operating outside of the approved operating hours
- Operating hours should not replicate operating hours of adjoining sites as this does not consider the additional noise generated by the subject operations over the neighbouring industrial sites (such as the timber yard to the north of the site)
- Increased dust pollution

The above issues are concurred with for the most part and are substantially addressed elsewhere in this report.

With regard to dust and noise pollution, Council's Environmental Health officer was satisfied that the proposal would not result in such pollution.

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

The public interest is served through the detailed assessment of this application under the relevant local planning controls and legislation, including consideration of any submissions received. The proposed modification has not demonstrated that there would be no adverse loss of amenity to surrounding residential properties. Accordingly, the proposed modification is not considered to be in the public interest.

### **LOCAL INFRASTRUCTURE CONTRIBUTIONS**

Section 7.11 of the EP&A Act 1979 relates to the collection of monetary contributions from applicants for use in developing key local infrastructure. No such contributions are applicable in this case given the nature of the proposed modification.

### **CONCLUSION**

This application has been assessed having regard to the relevant matters for consideration under Section 4.15 of the *Environmental Planning and Assessment Act 1979*. The proposed modification is considered to be unsatisfactory and is recommended for refusal.

### **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 to Development Consent No. DA0203/112 involving modification of condition 43 of the consent by modifying and extending the hours of operation of the existing use at 64-76 Cosgrove Road, Strathfield South be **REFUSED**, for the following reasons:

**DA0203/112/3 - 64-76 Cosgrove Road, Enfield**  
**Lot 1 in DP 1060514 (Cont'd)**

1. The proposed modification does not satisfy the objective (g) in Part D – Industrial Development of the Strathfield Consolidated Development Control Plan 2005, as the extended operating hours will adversely affect the acoustic amenity of surrounding residential properties (*Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979 (as amended)*).
2. The proposed modification does not satisfy the objective of section 2.9.14 in Part D – Industrial Development of the Strathfield Consolidated Development Control Plan 2005, as the extended operating hours will result in a pollution problem by discharge of an unacceptable level of noise (*Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979 (as amended)*).
3. The proposed modification is not in the public interest (*Section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979 (as amended)*).

**ATTACHMENTS**

There are no attachments for this report.

**TO:** Strathfield Internal Development Assessment Panel Meeting - 4 April 2019  
**REPORT:** IDAP – Report No. 2  
**SUBJECT:** DA2018/161 - 14 CECILY STREET BELFIELD  
 LOT 28 IN DP 35173  
**DA NO.** DA2018/161

**SUMMARY**

**Proposal:** Additions and alterations to existing dwelling and construction of a detached secondary dwelling.  
**Applicant:** Rana Jaber  
**Owner:** Dr Zaffar Hussain & Shamima Hussain  
**Date of lodgement:** 15 November 2018  
**Notification period:** 21 November to 10 December 2018  
**Submissions received:** Nil  
**Assessment officer:** DS  
**Estimated cost of works:** \$170,000  
**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 seeks Council approval for additions and alterations to the existing dwelling and construction of a detached secondary dwelling.

The application was notified from 21 November to 10 December 2018 in accordance with Part L of the Strathfield Consolidated Development Control Plan 2005. No submissions were received as a result.

The proposal complies with building height and FSR standards in SLEP 2012. The non-compliance in relation to the secondary dwelling rear setback is not acceptable on merit and has been resolved via conditions of consent.

The application is considered acceptable on merit and recommended for approval subject to conditions of consent.

**BACKGROUND**

<b>15 November 2018:</b>	The development application was submitted to Council.
<b>21 November 2018:</b>	The subject application was neighbour notified from 21 November 2018 to 10 December 2018 with no objections received as a result.
<b>12 December 2018:</b>	A deferral letter was sent to the applicant

**DA2018/161 - 14 Cecily Street Belfield  
Lot 28 in DP 35173 (Cont'd)**

	requesting changes in relation to stormwater management, balcony size, front setback and secondary dwelling rear setback. Additional information was also requested, specifically a schedule of proposed colours and finishes and the RLs of adjoining dwellings.
<b>31 January 2019:</b>	A meeting was held with the applicant in relation to the design changes requested in the deferral letter.
<b>9 February 2019:</b>	Amended plans and additional information were provided, which adequately responded to the above concerns with the exception of the secondary dwelling rear setback. This outstanding issue has been resolved via conditions of consent.

**DESCRIPTION OF THE SITE AND LOCALITY**

The subject site is legally described as Lot 28 in DP 35173 and commonly known as 14 Cecily Street, Belfield. It is located off the eastern side of Cecily Street between Blanche Street and Punchbowl Road (Figure 1).

The site is almost rectangular in shape and has an area of 678.8m<sup>2</sup>, a street frontage of 19.5m and a maximum depth of 44.54m. It is occupied by a single storey dwelling with face brick to the exterior walls and a pitched tile roof (Figure 2). Vehicular access is provided to the site via an existing driveway at the southern end of the street frontage.

The current streetscape comprises a mix of single and double storey dwelling houses with pitched tile roofs and exposed face brick and rendered exterior walls (Figure 3 and 4).



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

DA2018/161 - 14 Cecily Street Belfield  
Lot 28 in DP 35173 (Cont'd)



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



*Figure 3: 16 Cecily Street (neighbouring property to the south)*

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Lot 28 in DP 35173 (Cont'd)



*Figure 4: 12 Cecily Street (neighbouring property to the north)*

## 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 additions and alterations to the existing dwelling and construction of a detached secondary dwelling.

The specific elements of the proposal are:

### Alterations to the ground floor level (Main dwelling):

- Entry, foyer and steps to the ground floor;
- Garage;
- Kitchen;
- Laundry;
- One (1) bathroom;
- Sun room;

### A new first floor level (Main dwelling):

- Three (3) bedrooms;
- Three (3) walk-in-wardrobes;
- Lounge area;
- One (1) ensuite;
- One (1) bathroom;
- Two (2) front balconies;

DA2018/161 - 14 Cecily Street Belfield  
Lot 28 in DP 35173 (Cont'd)

- One (1) rear balcony;

External works:

- Associated landscaping;

Secondary dwelling:

- Kitchen;
- Living room;
- Two (2) bedrooms;
- One (1) bathroom

The front elevation of the main dwelling is shown below.



**Figure 5: West (front) elevation of the main dwelling.**

## REFERRALS

### INTERNAL REFERRALS

#### Engineering Comments

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

## SECTION 4.15 CONSIDERATIONS – EP&A Act, 1979

In determining a development application, the consent authority is to take into consideration the following matters 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**

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Lot 28 in DP 35173 (Cont'd)

#### **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)**

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

The objectives outlined within SEPP55 are considered to be satisfied.

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

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

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

No trees are directly affected or proposed to be removed as part of this application. Notwithstanding, conditions of consent have been imposed to ensure the retention and protection of existing significant trees in the vicinity of the building works.

#### **STATE ENVIRONMENTAL PLANNING POLICY (COASTAL MANAGEMENT) 2018**

The Coastal Management SEPP does not apply to the site. The proposed development is not located on a site that is subject to flooding attributed to either Powell's Creek or Cook's River and is therefore not required to be considered under the provisions of the *NSW Coastal Planning Guideline: Adapting to Sea Level Rise*.

#### **STATE ENVIRONMENTAL PLANNING POLICY (AFFORDABLE RENTAL HOUSING) 2009**

Pursuant to Clause 19 of State Environmental Planning Policy (Affordable Rental Housing) 2009, development for the purpose of a **secondary dwelling** includes the following:

- (a) *The erection of, or alterations or additions to a secondary dwelling,*
- (b) *Alterations or additions to a principal dwelling for the purpose of a secondary dwelling.*

The standard instrument defines secondary dwelling as follows:

*Secondary dwelling means a self-contained dwelling that:*

- a) Is established in conjunction with another dwelling (the principal dwelling), and*
- b) Is on the same lot of land (not being an individual lot in a strata plan or community title scheme) as the principal dwelling, and*
- c) Is located within or is attached to or is separate from the principal dwelling."*

The proposed development meets the definition of "secondary dwelling" under the Affordable Rental Housing SEPP and standard instrument.

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 Lot 28 in DP 35173 (Cont'd)

Division 2 of the Affordable Rental Housing SEPP sets out the requirements for secondary dwellings as follows:

Clause	Requirement	Complies
20 – Land to Which Division Applies.	Applies to land within the R2 General Residential Zone.	Yes – the site is zoned R2 Low Density Residential.
21 – Development to which Division Applies	Applies to development for the purposes of a secondary dwelling.	Yes – the proposal includes a secondary dwelling.
22 - Development May be Carried out with Consent	<p>(1) Development to which this Division applies may be carried out with consent.</p> <p>(2) A consent authority must not consent to development to which this Division applies if there is on the land, or if the development would result in there being on the land, any dwelling other than the principal dwelling and the secondary dwelling.</p> <p>(3) A consent authority must not consent to development to which this Division applies unless:</p> <p>(a) the total floor area of the principal dwelling and the secondary dwelling is no more than the maximum floor area allowed for a dwelling house on the land under another environmental planning instrument, and</p> <p>(b) the total floor area of the secondary dwelling is no more than 60 square metres</p> <p>(4) A consent authority must not refuse consent to development to which this Division applies on either of the following grounds:</p> <p>(a)</p> <p>i. The secondary dwelling is located within, or is attached to, the principal dwelling, or</p>	<p>Yes. The proposed dwelling secondary dwelling may be carried out with consent.</p> <p>Yes. The proposal results in a principal dwelling and secondary dwelling only.</p> <p>Yes. The proposed total FSR of 0.56:1 (377.4m<sup>2</sup>) (for both the principal dwelling and the secondary dwelling) has demonstrated compliance with the maximum allowable FSR of 0.6:1 (407.28m<sup>2</sup>) under Clause 4.4C of the SLEP 2012.</p> <p>Yes. The total floor area of the secondary dwelling is 58.4m<sup>2</sup>.</p> <p>The proposal is for a detached secondary dwelling located behind the principal dwelling.</p>

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Lot 28 in DP 35173 (Cont'd)

	<p>ii. The site area is at least 450 square metres</p> <p>(b) if no additional parking is to be provided on the site.</p>	<p>The site area is 678.8m<sup>2</sup>.</p> <p>No parking spaces are proposed for the secondary dwelling.</p>
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## STRATHFIELD LOCAL ENVIRONMENTAL PLAN 2012 (SLEP 2012)

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

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

**Comments:** The existing streetscape comprises a mixture of original brick/tile housing stock and recently constructed rendered masonry dwellings. The proposed dwelling includes a variety of building materials and colours that are generally consistent with the recently constructed dwellings in the streetscape. The dwelling provides an appropriate level of articulation throughout the front and side elevations resulting in a compatible bulk and scale.

### Permissibility

The subject site is located within the R2 Low Density Residential zone. Development for the purposes of a '**dwelling house**' and '**secondary dwelling**' are permissible with consent in the R2 Low Density Residential zone and defined as follows:

"Dwelling house means a building containing only one dwelling."

"Secondary dwelling means a self-contained dwelling that:

- (a) Is established in conjunction with another dwelling (the principal dwelling), and
- (b) Is on the same lot of land as the principal dwelling, and
- (c) Is located within, or is attached to, or is separate from, the principal dwelling."

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

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Lot 28 in DP 35173 (Cont'd)

### Zone Objectives

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

<b>Objectives</b>	<b>Complies</b>
➤ 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.	N/A

### Part 4: Principal development standards

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

#### Height of building

<b>Cl.</b>	<b>Standard</b>	<b>Controls</b>	<b>Proposed</b>	<b>Complies</b>
4.3	Height of building	9.5m	7.3m (dwelling house)	Yes
			4m (secondary dwelling)	Yes

<b>Objectives</b>	<b>Complies</b>
(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

#### Floor space ratio

<b>Cl.</b>	<b>Standard</b>	<b>Controls</b>	<b>Proposed</b>	<b>Complies</b>
4.4C	Floor space ratio	0.6:1 (407.28m <sup>2</sup> )	0.56:1 (377.4m <sup>2</sup> )	Yes

<b>Objectives</b>	<b>Complies</b>
(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: <ul style="list-style-type: none"> <li>i. to encourage consolidation and a sustainable integrated land use and transport development around key public transport infrastructure, and</li> <li>ii. to provide space for the strategic implementation of economic, social and cultural goals that create an active, lively and people-oriented development</li> </ul>	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

### Part 5: Miscellaneous Provisions

There are no relevant provisions in this part.

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Lot 28 in DP 35173 (Cont'd)

## Part 6: Local Provisions

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

### 6.1 Acid sulfate soils

The subject site is identified as having Class 5 Acid Sulfate Soils and located within 500m of Class 4 Acid Sulfate Soils. Notwithstanding, development consent is not required for the carrying out of the excavation works associated with the proposal pursuant to this clause as the works are located well above 5m Australian Height Datum.

### 6.2 Earthworks

Proposed cut and fill will be restricted to foundation works associated with the building footprint of the secondary dwelling and the rear portion of the primary dwelling, along with ancillary drainage works. The proposed ancillary earthworks will not result in any adverse environmental impacts in terms of the matters for consideration under this clause.

### 6.3 Flood planning

The subject site is not affected by a flood planning level pursuant to this clause.

### 6.4 Essential services

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

#### 4.15(1)(a)(ii) *The provisions of any draft environmental planning instrument*

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)

The relevant provisions of this development control plan are addressed 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

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 Lot 28 in DP 35173 (Cont'd)

<b>F.</b>	<i>To promote the continuance of pyramidal roof forms within Strathfield where they are already prevalent.</i>	<b>Yes</b>
<b>G.</b>	<i>To retain a feeling of openness and space between built elements by maintaining landscaped setbacks and preserve the appearance of dwellings set in the treelined streets and park-like environment.</i>	<b>Yes</b>
<b>H.</b>	<i>To reduce the use of highly reflective colours and materials that create visual prominence.</i>	<b>Yes</b>
<b>I.</b>	<i>To ensure fencing is sympathetic to the design of the dwelling and the street and enhances the character of both the individual house and street whilst maintaining casual surveillance of the neighbourhood.</i>	<b>Yes</b>
<b>J.</b>	<i>To protect and retain the amenity of adjoining properties.</i>	<b>Yes</b>

<b>2.2</b>	<b>Development Controls</b>	<b>Complies</b>	
<b>.1.</b>	<i>Streetscape Presentation</i>		
	1	New dwellings address street frontage with clear entry.	<b>Yes</b>
	2	Consistently occurring building features integrated within dwelling design.	<b>Yes</b>
	3	Consideration of streetscape elements	<b>Yes</b>
	4	Integrated security grilles/screens, ventilation louvres and garage doors	<b>Yes</b>
<b>.2.</b>	<i>Scale, Massing &amp; Rhythm of Street</i>		
	1	Scale, massing, bulk and layout complement the existing streetscape and the dominant building rhythm	<b>Yes</b>
	2	Building height and mass maintains amenity to adjacent properties open space or the public domain	<b>Yes</b>
<b>.3.</b>	<i>Building Forms</i>		
	1	Building form articulated.	<b>Yes</b>
	2	Dwellings on corner sites address both street frontages and articulated	<b>Yes</b>
	3	Attic located within roof space of 1 or 2-storey dwelling or garage via internal stairs.	<b>Yes</b>
<b>.4.</b>	<i>Roof Forms</i>		
	1	Roof form complements predominant form in the locality	<b>Yes</b>
	2	Roof form minimises bulk and scale of building and remains an important architectural element in the street.	<b>Yes</b>
	3	First floor additions complement the architectural style of the ground floor and delineate the existing roof form, slope and ridge	<b>Yes</b>
	4	Roof structures are not visible from the public domain	<b>Yes</b>
	<i>Materials</i>		
	5	Materials compatible with the existing dwelling house, adjoining dwelling houses and the streetscape (type, form and colour)	<b>Yes</b>
	6	Monotone face brick walls and terracotta tiles for roofs where common in the streetscape	<b>Yes</b>
	7	New buildings and facades do not result in glare (Reflectivity Report may be required)	<b>Yes</b>
	<i>Colours</i>		
8	New development incorporates traditional colour schemes	<b>Yes</b>	

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Lot 28 in DP 35173 (Cont'd)**

	9	The external colours integrate harmoniously with the external design of the building	Yes
	<i>Two (2) storey Porticoes</i>		
.5.	1	Two (2) storey porticoes in scale and compatible with the proposed dwelling, streetscape and any adjoining heritage items	N/A
	2	Two (2) storey porticoes vertically articulated or broken to reduce height	N/A
	3	Porticoes or associated porches do not protrude 1m forward of the front building façade.	N/A
	4	Porticoes do not extend beyond the understorey of the eaves/guttering.	N/A
	<i>Dormers</i>		
.6.	1	Dormers to be traditionally proportioned and rectilinear	N/A
	2	Form and location of dormers do not overwhelm or detract from the integrity of the original building	N/A

**Comments:** The proposed built forms of the dwelling house and secondary dwelling are compatible with the wider streetscape in that they incorporate pitched roofs and a rendered finish to the exterior walls. The proposed schedule of colours and finishes seek a beige finish to the exterior walls and a dark grey tiled roof. These finishes are replicated throughout the neighbourhood, thus remaining consistent with and sympathetic to the existing area.

#### 4: Building Envelope

<b>4.1</b>	<b>Objectives</b>	<b>Satisfactory</b>	
A.	<i>To ensure that dwellings are compatible with the built form of the local area and that overall bulk and scale, size and height of dwellings relative to natural ground level responds to the adjoining dwellings, topography and desired future character.</i>	Yes	
B.	<i>To minimise impact on the amenity of adjoining properties.</i>	Yes	
C.	<i>To establish and maintain the desired setbacks from the street and define the street edge.</i>	Yes	
D.	<i>To create a perception or reinforce a sense of openness in the locality.</i>	Yes	
E.	<i>To maintain view corridors between dwellings</i>	Yes	
F.	<i>To assist in achieving passive surveillance whilst protecting visual privacy.</i>	Yes	
G.	<i>To provide a transitional area between public and private space.</i>	Yes	
<b>4.2</b>	<b>Development Controls</b>	<b>Complies</b>	
	<i>Floor Space Ratio</i>		
.1.	1	Floor Space Ratio permissible pursuant to SLEP 2012	Yes
	2	Development compatible with the lot size	Yes
	<i>Building Height</i>		
.2.	1	Height of building permissible pursuant to SLEP 2012	Yes

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Lot 28 in DP 35173 (Cont'd)**

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

**Comments:** The proposal maintains the existing 6m setback from the street frontage. The primary dwelling will incorporate appropriate side and rear setbacks, which ensures there are minimal adverse impacts on neighbouring allotments. Although the proposed additions include a new first floor level, it is unlikely that view corridors will be unreasonably impacted.

## 5: Landscaping

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

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Lot 28 in DP 35173 (Cont'd)**

<b>H.</b>	To ensure that landscaped areas are designed to minimise water use.	<b>Yes</b>
<b>I.</b>	To provide functional private open spaces for active or passive use by residents.	<b>Yes</b>
<b>J.</b>	To provide private open areas with provision for clothes drying facilities screened from the street and lane or a public place.	<b>Yes</b>
<b>K.</b>	To ensure the protection of trees during construction	<b>Yes</b>
<b>L.</b>	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.	<b>Yes</b>
<b>M.</b>	To maximise the amenity of existing and proposed developments, including solar access, privacy and open space.	<b>Yes</b>

<b>5.2</b>	<b>Development Controls</b>	<b>Complies</b>	
<b>.1.</b>	<i>Landscaped area</i>		
	1	Landscaped area in accordance with Table A.3	<b>No, refer to comments</b>
	2	At least 50% of the minimum landscaped area located behind the building line to the rear boundary	<b>No, refer to comments</b>
	3	At least 50% of the front yard maintained as deep soil soft landscaping	<b>Yes</b>
	4	Minimise hard surface area (concrete/brick/stone paving and bitumen). Run-off directed to permeable surfaces.	<b>Yes</b>
	5	Planting areas soften the built form	<b>Yes</b>
	6	Front gardens respond and contribute to the garden character of Strathfield.	<b>Yes</b>
	7	Retain and reinforce the prevailing streetscape and surrounding locality	<b>Yes</b>
	8	Plant species must be retained, selected and planted to improve amenity	<b>Yes</b>
<b>.2.</b>	<i>Tree Protection</i>		
	1	Arboricultural Impact Assessment Report prepared by an AQF Level 5 Arborist	<b>N/A</b>
	2	The Arboricultural Impact Assessment Report address minimum criteria	<b>N/A</b>
	3	Development provides for the retention and protection of existing significant trees	<b>Yes</b>
	4	New dwellings and alterations and additions are set back in accordance with the Arboricultural Impact Assessment Report	<b>N/A</b>
	5	Council may request the applicant to engage a project Arborist	<b>N/A</b>
	6	Opportunities for planting new canopy trees within the front setback	<b>Yes</b>
	7	At least one (1) canopy tree provided in the rear yard.	<b>Yes</b>
	8	Trunk of a proposed canopy tree planted 4m (min) from built structures, or 3m (min) from pier beam footings	<b>Yes</b>
	9	Planting on side boundaries a 0.6m (min) deep root deflection barrier provided 1.5m (min) either side of the tree center	<b>Yes</b>
	10	Driveway construction does not result in the removal, lopping or root damage to any street tree	<b>Yes</b>
11	25% (min) of canopy trees and other vegetation shall be locally sourced indigenous species	<b>Yes</b>	

**DA2018/161 - 14 Cecily Street Belfield  
Lot 28 in DP 35173 (Cont'd)**

<i>Private Open Space</i>			
	1	Provided in a single parcel rather than a fragmented space, directly accessible from internal living areas	Yes
	2	Includes a deep soil area compliant with the minimum landscaped area.	Yes
<b>.3.</b>	3	Terraces and decks (at least 10m <sup>2</sup> ) with one length or width 3m (min) and directly accessible from an internal living area. Decks cannot be located more than 500mm above NGL	Yes
	4	Unless 3m (min) width, areas within setbacks are not to be included as private open space	Yes
	5	Private open space located at the rear of the property.	Yes
<i>Fencing</i>			
	1	Fencing designed to be compatible and sympathetic to the style of the dwelling, adjoining properties and the streetscape	N/A
	2	Landscaping used when the streetscape is characterised by the absence of front fences	Yes
	3	Fencing forward of FBL shall not exceed 1.5m. Solid components shall not exceed 0.7m above NGL with the exception of brick piers	N/A
	4	Solid fencing 1.8m (max) is permitted along a secondary street frontage to enclose a private open space	N/A
	5	Side and rear fences limited to 1.8m (max)	Yes
	6	Side fences forward of the FBL taper down to the front fence.	N/A
	7	Front fences visually permeable	N/A
<b>.4.</b>	8	Front fences on busy roads designed to provide acoustic attenuation	N/A
	9	Listed undesirable materials and finishes not used forward FBL	Yes
	10	Corner allotments incorporate a 1.5m x 1.5m (min) splay adjacent to the road intersection	N/A
	11	Solid fences adjoining driveways are provided with 1m x 1m (min) splay	N/A
	12	A splay adjacent to a road intersection or driveway entrance must be landscaped	N/A
	13	Significant trees maintained	Yes
	14	Stormwater flows through or under fencing on sloping sites	N/A
	15	Dividing fences constructed of timber palings (lapped and capped) with height of 1.8m (max)	N/A
	16	Gates or entries from private property onto Council parks, reserves, open space, etc. are permitted	N/A
	17	Gatehouses permitted where compatible with the streetscape.	N/A

**Comments:** The proposed works will result in a total of 211m<sup>2</sup> (31.08%) of deep soil landscaping, contrary to the minimum requirement of 281.7m<sup>2</sup> (41.5%). Notwithstanding, the existing landscaped area is 173m<sup>2</sup> (21.96%) and the proposal will increase the amount of landscaping by 18%. The proposed landscaped area is therefore acceptable in the circumstances.

## 6: Solar Access

<b>6.1</b>	<b>Objectives</b>	<b>Satisfactory</b>
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**Lot 28 in DP 35173 (Cont'd)**

<b>A.</b>	<i>To ensure the design of new dwelling houses and alterations and additions maximises solar access to living areas and open space areas.</i>	<b>Yes</b>
<b>B.</b>	<i>To minimise overshadowing of adjoining properties.</i>	<b>Yes</b>

<b>6.2 Development Controls</b>		<b>Complies</b>
<i>Sunlight Access</i>		
<b>.1.</b>	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	<b>Yes</b>
	2 Alterations or Additions – maintain 3 hours solar access between 9.00am and 3.00pm on June 21 to the windows of habitable rooms and to the majority of private open space	<b>Yes</b>
	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	<b>Yes</b>
	4 The proposed development does not further reduce the amount of solar access	<b>No, refer to comments</b>

**Comments:** The main dwelling being two (2) storeys inevitably results in some loss of solar access for the adjoining property to the south at 16 Cecily Street. Given the site's east-west orientation and the proposal's compliant side boundary setbacks and minimal floor to ceiling heights, such overshadowing is not considered unreasonable. The main dwelling is not substantially elevated, with the finished level of the ground floor being limited to 0.7m above NGL and the overall building height being well below the 9.5m maximum height control. Furthermore, the adjoining dwelling will receive a minimum of three (3) hours of direct solar access to its private open space between 9:00am and 3:00pm during the winter solstice. The shadows cast by the dwelling house are deemed acceptable in the circumstances.

## **7: Privacy**

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

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Lot 28 in DP 35173 (Cont'd)

<i>Windows</i>			
.2.	1	Windows do not directly face the windows, balconies and courtyards of adjoining dwelling	Yes
	2	A window within 9m of another window in a habitable room of an adjoining dwelling is offset by 0.5m (min) or a sill height of 1.7m (min) above the FFL	Yes
	3	Windows directly facing balconies or courtyards are narrow, incorporate obscure glazing and/or a sill height of 1.7m (min) above FFL	Yes
<i>Elevated Decks Verandahs and Balconies</i>			
.3.	1	Elevated decks, verandahs and upper storey balconies not permitted on side boundaries (exceptions apply)	Yes
	2	Elevated decks, verandahs and balconies incorporate privacy screens	Yes
	3	Rear balconies (no more than 1m (depth) x 2m (length) permitted if the balcony does not unreasonably impact on adjoining premises	Yes
	4	Balconies extending the full width of the front façade are not permitted	Yes
<i>Acoustic Privacy</i>			
.4.	1	SEPP (Infrastructure) 2007 and Development near Rail Corridors and Busy Roads Interim Guideline considered	Yes
	2	Noise-sensitive rooms located away from noise sources	Yes
	3	Suitable acoustic screen barriers or other noise mitigation measures are required where physical separation cannot be achieved	Yes
	4	An acoustic report (where relevant) demonstrates that habitable rooms achieve internal noise levels of no greater than 35 dBA	Yes

**Comments:** Based on the amended plans provided, the balcony at the rear north-eastern side of the dwelling house will have a maximum width of 1m and length of 2m and be appropriately setback from the side and rear boundaries.

All side elevation windows have been appropriately located and/or treated (where required for active rooms) so as to minimise opportunities for overlooking. However, it is noted that the roof area above the sunroom is shown at the same finished level as the balcony off Bedroom 4. A condition of consent has been recommended to ensure this roof area remains non-trafficable (Condition 2).

## 8: Vehicle Access and Parking

8.1	<i>Objectives</i>	<i>Satisfactory</i>
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

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Lot 28 in DP 35173 (Cont'd)**

<b>F.</b>	<i>To ensure basements have discreet entries, safe access and a high degree of natural cross-ventilation.</i>	<b>N/A</b>	
<b>G.</b>	<i>To minimise excavation to reduce disturbance to natural ground level particularly adjacent to site boundaries.</i>	<b>Yes</b>	
<b>H.</b>	<i>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.</i>	<b>N/A</b>	
<b>8.2</b>	<b>Development Controls</b>	<b>Complies</b>	
<b>.1.</b>	<i>Driveway and Grades</i>		
	1	Existing driveways must be used (exceptions apply)	<b>Yes</b>
	2	The width of driveways at the property boundary is to be 3m	<b>No, refer to comments</b>
	3	The edge of driveway crossings located 1m (min) clear of any existing stormwater pits or poles and 2m clear of tree trunks	<b>Yes</b>
	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.	<b>Yes</b>
	5	One (1) vehicular crossing (max) to any public road (exceptions apply)	<b>Yes</b>
	6	Vehicles accessing sites which front main roads shall be capable of entering and exiting in a forward direction	<b>Yes</b>
	7	Vehicular turning areas for garages complies with relevant Australian Standard	<b>Yes</b>
	8	Rear lane / secondary street frontage - parking and access provided from the secondary street/lane	<b>N/A</b>
	9	Driveways avoid long and straight appearance by using variations and landscaping	<b>Yes</b>
	10	Driveway set back 0.5 metres (min) from side boundaries	<b>No, refer to comments</b>
	11	Driveways incorporate unit paving into the design	<b>Yes</b>
	12	Areas of concrete visible from a public road are to be minimal and coloured charcoal, grey or brown	<b>Yes</b>
13	Coloured concrete is not permitted in the driveway crossing outside the property boundary	<b>Yes</b>	
<b>.2.</b>	<i>Garages, Carports and Car Spaces</i>		
	1	Two (2) car parking spaces required behind the FBL of all new dwellings (exceptions apply)	<b>Yes</b>
	2	Garages recessed behind the main front facade and/or non-dominant	<b>Yes</b>
	3	Garages not more than 150mm above NGL at entry unless the slope of the site exceeds 1:8 (12.5%)	<b>Yes</b>
	4	Dimensions of parking spaces and garages comply with the Australian Standards	<b>Yes</b>
5	Garages are not to be converted or used for any purpose other than that for which they are approved	<b>Yes</b>	

**Comments:**The proposal seeks to utilise the existing driveway with a slight increase to its width within the site. The driveway will have a maximum width of 6.5m within the site and 3.6m at the property boundary.

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Lot 28 in DP 35173 (Cont'd)

### 9: Altering Natural Ground Level (Cut and Fill)

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

### 10: Water and Soil Management

10.1 Objectives		Satisfactory
A.	To encourage the incorporation of Water Sensitive Urban Design (WSUD) and Botany Improvement Plan principles in the development.	Yes
B.	To ensure compliance with Council's Stormwater Management Code	Yes
C.	To ensure compliance with the NSW State Government's Flood Prone Lands Policy.	Yes
D.	To ensure that appropriate soil erosion and sediment control measures are implemented on all sites that involve soil disturbances during construction.	Yes
E.	To ensure new building work does not detrimentally affect the existing drainage system of any area of the Municipality.	Yes
F.	To ensure that new development in areas that may be affected by acid sulphate soils do not adversely impact the underlying ground conditions, soil acidity and water quality.	Yes
G.	To appropriately manage stormwater and overland flow to minimise damage to occupants and property	Yes
10.2 Development Controls		Complies
Stormwater Management and Flood Prone areas		
.1.	1 Applicant contacted Council regarding site being flood prone land	Yes
	2 Compliance with Council's Stormwater Management Code	Yes

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Lot 28 in DP 35173 (Cont'd)**

	3	Flood affected properties comply with Council's Interim Flood Prone Lands Policy (Flood Prone Areas & Through Site Drainage)	Yes
	4	Minimum habitable floor height advice obtained for flood affected sites	Yes
	5	A drainage/flood report prepared by a hydraulics engineer submitted for sites affected by overland flows	Yes
	6	Stormwater Management Code compliance	Yes
<i>Acid Sulfate Soils</i>			
<b>.2.</b>	1	Site managed consistent with the provisions contained in Clause 6.1 SLEP 2012	Yes
<i>Soil Erosion and Sediment Control</i>			
<b>.3.</b>	1	Soil erosion and sediment control measures detailed and implemented prior to the commencement of work.	Yes
	2	Sediment control measures applied	Yes
	3	Plans provided detailing stormwater quality treatment	Yes

**Comments:** An amended stormwater drainage concept plan was requested by Council's Development Control Engineer to reflect a gravity fed drainage system. No concerns were raised with the amended stormwater design subject to conditions of consent.

### 11: Access, Safety and Security

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

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**Comments:** Pedestrian and vehicular entries to the subject site are provided via two (2) separate entries located along the primary street frontage. Both entries are suitably separated, ensuring the safety of pedestrians is maintained at all times.

## 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
	Secondary Dwellings	
	1 Floor area is not greater than either 60m <sup>2</sup> ; or 20% of the total floor area of the dwelling	Yes
	2 A minimum setback of 3m to a secondary frontage, 1.5m to the side, 3m to rear	No, refer to comments
	3 Located at the rear of the primary dwelling	Yes
	4 Deep soil planting within the rear setback	Yes
	5 The design, materials, colours, bulk and scale, and location of a compatible with the existing dwelling and surrounding character	Yes
	6 Comply with solar access, visual and acoustic privacy controls	Yes
.1.	7 Accessed via the same street as the principal dwelling	Yes
	8 No blank walls facing the street	Yes
	9 The roof design compatible with the predominant roof forms in the neighbourhood	Yes
	10 A primary private open space provided for the secondary dwelling, directly accessible to the internal living areas and 12sqm (min) and 3m (min) dimension	No, refer to comments
	11 Private open space located to maximise solar access	No, refer to comments
	12 Private open space appropriately landscaped and screened to ensure privacy	No, refer to comments
	13 No additional parking or driveway access	Yes
	14 No garages or carports are to be attached to secondary dwellings	Yes

**Comments:** The proposed secondary dwelling is setback 0.9m from the rear boundary, contrary to the minimum 3m rear setback control (Figure 6). However, it is noted that the existing outbuilding on the site is located 0.4m from the rear boundary for a length of 5.4m. This is similarly the case for a number of outbuildings and dwellings on neighbouring allotments which have been setback less than 1m from rear boundaries.

A 1.5m minimum rear setback is considered appropriate to allow a sufficient area for screen planting to minimise the visual bulk and privacy impacts of the dwelling whilst still enabling access

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for residents. This design change may be addressed by a suitable condition of consent (Condition 12).

It is noted that separate private open space is not provided for the secondary dwelling. In this instance, the recommended additional rear setback will provide a total area of 12sqm of private open space at the north-east rear of the secondary dwelling which can be accessed via the rear kitchen door (Condition 1). Condition 12 will also ensure that this private open space area is appropriately screened for privacy reasons.

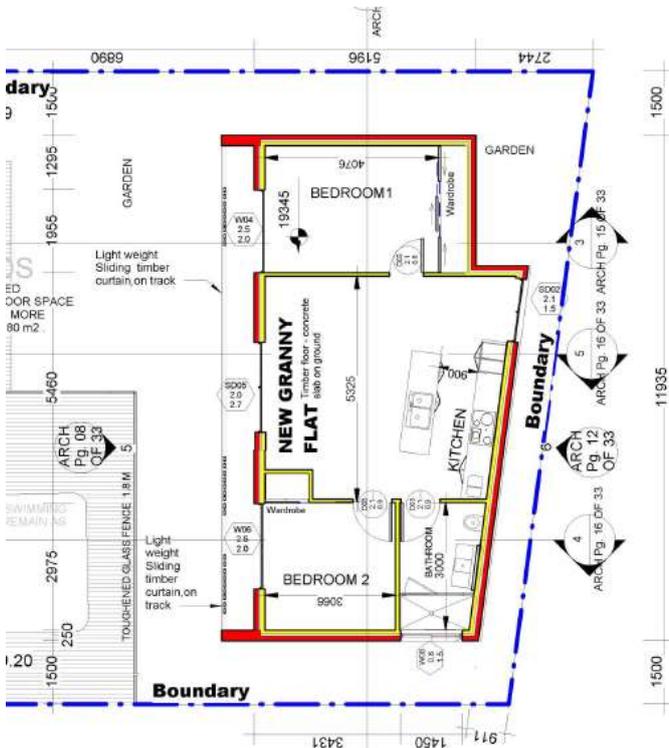


Figure 6: Proposed secondary dwelling

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

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	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.	<i>Natural Cooling and Ventilation</i>		
	1	Windows and walls on northern facades shaded by shading devices, trees, eaves and louvres sympathetic to the dwelling	Yes
	2	Windows positioned to capture breezes and allow for cross-ventilation	Yes
	<i>Water Tanks</i>		
	1	Located behind the dwelling or behind the front building line and screened from view from the public domain	Yes
	2	Associated support structures and plumbing are a colour that complements the dwelling.	Yes
	3	Above ground water tanks located 450mm (min) from any property boundary	Yes
	4	Above ground water tanks do not exceed 3m in height above NGL	Yes
.3.	5	Overflow piped directly to the approved stormwater drainage system except in cases where stormwater is required to be directed to on-site stormwater detention (OSD) storage	Yes
	6	No part of the water tank or support stand may rest on a wall footing	Yes
	7	Installation does not involve the filling of more than 1m above existing ground level	Yes
	8	The tank not located over or adjacent to a water main or sewer main or installed over any associated structure or fittings	Yes
	9	Support structure installed to the requirements of a qualified practicing structural engineer or to the maker's specifications.	Yes

**Comments:** The proposed alterations and additions have located all internal living areas to the eastern side of the dwelling house, thus maximising solar access to these rooms during the morning and reducing afternoon heating. Further, the proposal is accompanied by a BASIX certificate achieving compliance with the minimum water and energy use BASIX requirements. Rainwater tanks are proposed to be located behind the secondary dwelling. A condition of consent has been imposed to ensure the rainwater tanks comply with relevant Australian standards.

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## PROPOSED AMENDMENTS TO PART A OF STRATHFIELD CONSOLIDATED DEVELOPMENT CONTROL PLAN 2005

On 5 February 2019, Council resolved to publicly exhibit draft amendments to the height controls in Part A of Strathfield Consolidated DCP 2005. The proposal satisfies the draft height controls under this part.

### PART H - WASTE MANAGEMENT (SCDCP 2005)

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

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

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

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

The requirements of Australian Standard *AS2601–1991: The Demolition of Structures* are relevant to the determination of a development application involving demolition works.

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**

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

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

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

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

The application was publicly notified from **21 November 2018** to **10 December 2018** in accordance with the provisions of Part L of SCDCP 2005. **No** submissions were received as a result.

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

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:

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*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 DIRECT SECTION 7.11 CONTRIBUTIONS PLAN

Section 7.11 Contributions are applicable to the proposed development in accordance with the Strathfield Direct Development Contribution Plan 2010-2030 as follows:

Provision of Community Facilities	\$1496.12
Provision of Major Open Space	\$6806.92
Provision of Local Open Space	\$1497.92
Provision Roads and traffic Management	\$367.84
Administration	\$129.01
<b>TOTAL</b>	<b>\$10,297.80</b>

## 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. DA2018/161 for additions and alterations to the existing dwelling and construction of a detached secondary dwelling at 14 Cecily Street, Belfield be **APPROVED**, subject to the following conditions:

## SPECIAL CONDITIONS (SC)

### 1. SECONDARY DWELLING RELOCATION

The secondary dwelling is to be relocated such that it has a setback of at least 1.5m from the rear boundary. Details of this design change are to be included on the plans accompanying the construction certificate for the development.

(Reason: To reduce visual bulk and privacy impacts to adjoining properties)

### 2. ROOF AREA (SC)

The roof area above the sunroom is to remain non-trafficable at all times, except in the case of access for maintenance purposes. These roofs shall be constructed of sheet metal in accordance with the approved plans.

(Reason: To ensure the roof area is not used for recreational purposes)

## GENERAL CONDITIONS (GC)

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### 3. APPROVED PLANS AND REFERENCE DOCUMENTATION (GC)

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

Plans affixed with Council's 'Development Consent' stamp relating to Development Consent No. DA2018/161:

Drawing No.	Title/Description	Prepared by	Issue / Revision & Date	Date received by Council
3/33	Demolition Plan	Rana Majeed Architects Pty Ltd	Issue 1 9 February 2019	15 November 2018
6/33	Site Works/Waste Management	Rana Majeed Architects Pty Ltd	Issue 1 14 November 2018	9 February 2019
7/33	Ground floor plan/ Main Dwelling	Rana Majeed Architects Pty Ltd	Issue 1 9 February 2019	9 February 2019
8/33	Elevation & Sections / Granny Flat	Rana Majeed Architects Pty Ltd	Issue 1 9 February 2019	9 February 2019
9/33	First Floor Plan	Rana Majeed Architects Pty Ltd	Issue 1 9 February 2019	9 February 2019
10b/33	Landscape Plan	Rana Majeed Architects Pty Ltd	Issue 1 15 January 2019	9 February 2019
11/33	Landscape Notes	Rana Majeed Architects Pty Ltd	Issue 1 9 February 2019	9 February 2019
12/33	Elevations	Rana Majeed Architects Pty Ltd	Issue 1 9 February 2019	2 April 2019
14/33	Elevations	Rana Majeed Architects Pty Ltd	Issue 1 9 February 2019	2 April 2019
15/33	Sections/1,2,3	Rana Majeed Architects Pty Ltd	Issue 1 1 April 2019	2 April 2019
16/33	Sections/ 4,5	Rana Majeed Architects Pty Ltd	Issue 1 1 April 2019	2 April 2019
17/33	Schedule of Colours and Finishes	Rana Majeed Architects Pty Ltd	Issue 1 15 January 2019	9 February 2019
27/33	BASIX Details / Main dwelling	Rana Majeed Architects Pty Ltd	Issue 1 14 November 2018	15 November 2018
28/33	BASIX Details / Secondary dwelling	Rana Majeed Architects Pty Ltd	Issue 1 14 November 2018	15 November 2018
C00	General notes	ASM Engineering & Design	Issue A 6 February 2019	9 February 2019

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C01	Concept Stormwater Plan	ASM Engineering & Design	Issue A 6 February 2019	9 February 2019
C02	Stormwater details	ASM Engineering & Design	Issue A 6 February 2019	9 February 2019
C03	Stormwater Details	ASM Engineering & Design	Issue A 6 February 2019	9 February 2019
1/1	Hydraulic Design Certificate	ASM Engineering & Design	7 February 2019	9 February 2019

Reference Documentation affixed with Council's 'Development Consent' stamp relating to Development Consent No. DA2018/161:

Title / Description	Prepared by	Issue/Revision & Date	Date received by Council
BASIX Certificate	Rana Jaber	14 November 2018	15 November 2018

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

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

**4. 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) 26.674 AHD to the roof ridge of the building.

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

**5. CONSTRUCTION HOURS (GC)**

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

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

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

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

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

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

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

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Lot 28 in DP 35173 (Cont'd)

**7. 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.)

**8. 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.)

**9. LANDSCAPING – TREE PRESERVATION (GC)**

All street trees and trees on private property are protected under Council's controls. They are to be retained and protected and are subject to a separate written development application if removal is proposed. The felling, lopping, pruning, topping, ringbarking, wilful destruction (including branch, trunk and root damage) or removal of any tree/s.

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

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

**10. 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.)

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

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

- i) the Principal Certifying Authority (PCA) by showing the name, address and

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Lot 28 in DP 35173 (Cont'd)

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

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

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

(Reason: Statutory requirement.)

## 12. **PRIVACY - SCREEN PLANTING TO REAR BOUNDARY (GC)**

Evergreen shrubs with a minimum 5 litre container size achieving a minimum mature height of 3m shall be planted along the rear boundary 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.)

## 13. **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

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- 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.)

**14. WASTE – TRACKABLE (GC)**

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

(Reason: To ensure compliance with legislation.)

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

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

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

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

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16. **BASIX COMMITMENTS (CC)**

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

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

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

(Reason: Statutory compliance.)

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

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

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

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

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

18. **CAR PARKING - 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.)

19. **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.)

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

Works Permit

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

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

Standing Plant Permit

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

Skip Bin Permit

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

Temporary Full or Part Road Closure Permit

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

Hoarding/Fencing Permit

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

Work Zone Permit

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

Ground Anchoring Permit

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

(Reason: Council requirement.)

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## 21. 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.)

## 22. 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	\$1496.12
Provision of Major Open Space	\$6806.92
Provision of Local Open Space	\$1497.92
Provision Roads and traffic Management	\$367.84
Administration	\$129.01
<b>TOTAL</b>	<b>\$10,297.80</b>

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.

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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.)

23. **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.)

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

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 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.

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(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 (DBW)**

**26. 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.)

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

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

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

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

**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.

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Lot 28 in DP 35173 (Cont'd)**

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. 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.)

**30. 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.)

**31. 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.)

**DA2018/161 - 14 Cecily Street Belfield  
Lot 28 in DP 35173 (Cont'd)**

**ATTACHMENTS**

There are no attachments for this report.

**TO:** Strathfield Internal Development Assessment Panel Meeting - 4 April 2019  
**REPORT:** IDAP – Report No. 3  
**SUBJECT:** DA2019/023 - 6-8 BRAIDWOOD STREET STRATHFIELD  
LOT 232 IN DP 844782  
**DA NO.** 2019/023

## SUMMARY

**Proposal:** Three (3) lot strata subdivision.  
**Applicant:** Sattouts Legal Pty Ltd  
**Owner:** MJA Invest Pty Ltd  
**Date of lodgement:** 25 February 2019  
**Notification period:** 1 March 2019 – 15 March 2019  
**Submissions received:** Nil  
**Assessment officer:** ER  
**Estimated cost of works:** Nil  
**Zoning:** B6 Enterprise Corridor - SLEP 2012  
Opposite Heritage Item No. 220 – “Weston Milling—NB  
**Heritage:** Love building and administration block—old flour mill and  
administrative building” at 22-28 Braidwood Street.  
**Flood affected:** Yes  
**RECOMMENDATION OF OFFICER:** APPROVAL

## EXECUTIVE SUMMARY

This application seeks council approval for the three (3) lot strata subdivision of a warehouse unit complex on site.

The application was notified in accordance with Part L of the SCDCP 2005. No written submissions were received as a result.

The allocation of lots and associated car parking and storage areas is generally consistent with the approved plans for the warehouse unit complex.

The proposal is recommended for approval subject to conditions of consent.

## BACKGROUND

17 March 1995: Development application (DA94/86) to construct a warehouse unit complex on the subject site was approved. This building was subsequently constructed.

22 February 1999: Development application (DA9899/196) for a change of use to a bakery in warehouse Unit 3 was approved.

5 June 2001: Development application (DA1/273) for a factory fit out for food processing uses in warehouse Unit 2 was approved.

**DA2019/023 - 6-8 Braidwood Street Strathfield  
Lot 232 in DP 844782 (Cont'd)**

10 June 2015: Development application (DA2015/28) for the use of the existing warehouse as a gymnasium (recreation facility (indoor)) in Unit 1 was approved.

25 February 2019: The current application was lodged with Council.

1 March 2019: Development application (DA2019/023) was notified for two (2) weeks.

6 March 2019: An inspection of the site and surrounding locality was undertaken.

### **DESCRIPTION OF THE SITE AND LOCALITY**

The subject site is legally described as Lot 232 DP 844782 and commonly known as 6-8 Braidwood Street, Strathfield. It is located off the eastern side of Braidwood Street just south of Liverpool Road. This part of Braidwood is a no-through road. The site is irregular in shape and has a street frontage of 66.6m and a site area of approximately 2148m<sup>2</sup>. There is a right of carriageway along the southern boundary allowing access from Braidwood Street to Gould Lane.

The site is occupied by a three (3) unit warehouse building with different uses including an Inner West Barbell Club, storage for Frattelli's Fresh Pasta and Gina's Bakery. Vehicular access is provided via an existing driveway off the right-of-carriage way to the onsite car parking area located in the south western corner of the lot. Service vehicular access into each warehouse unit is available from this on-site car parking area.

The current streetscape is characterised by commercial and industrial warehousing uses including George Weston Foods milling operation at 22-28 Braidwood Street opposite the site. To the north of the site is a Coles Express petrol station and adjoining the site to the east is an Ibis Budget Hotel. The surrounding area is characterised by fast food take-away restaurants located along Liverpool Road and warehouses.





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 Lot 232 in DP 844782 (Cont'd)

Figure 3: Plan of Subdivision showing easements and right of carriageways.

**DESCRIPTION OF THE PROPOSED DEVELOPMENT**

The application seeks Council approval for three (3) lot strata subdivision in Lot 232 DP 844782.

The specific elements of the three (3) lot strata subdivision are:

Lot 1:

- Ground floor area 178m<sup>2</sup> + mezzanine floor area 30m<sup>2</sup> = Total area 208m<sup>2</sup> ;
- Three (3) parking spaces;

Lot 2:

- Ground floor area 238m<sup>2</sup> + mezzanine floor area 30m<sup>2</sup> = Total area 268m<sup>2</sup> ;
- Four (4) parking spaces;
- An air-conditioning unit is attached externally to the warehouse;

Lot 3:

- Ground floor area 870m<sup>2</sup> + mezzanine floor area 36m<sup>2</sup> = Total area 906m<sup>2</sup> ;
- Five (5) parking spaces and a two car carport (total of seven (7) spaces);
- Storage areas located off the side boundaries;

Common Property:

- Vehicular access and manoeuvring areas.

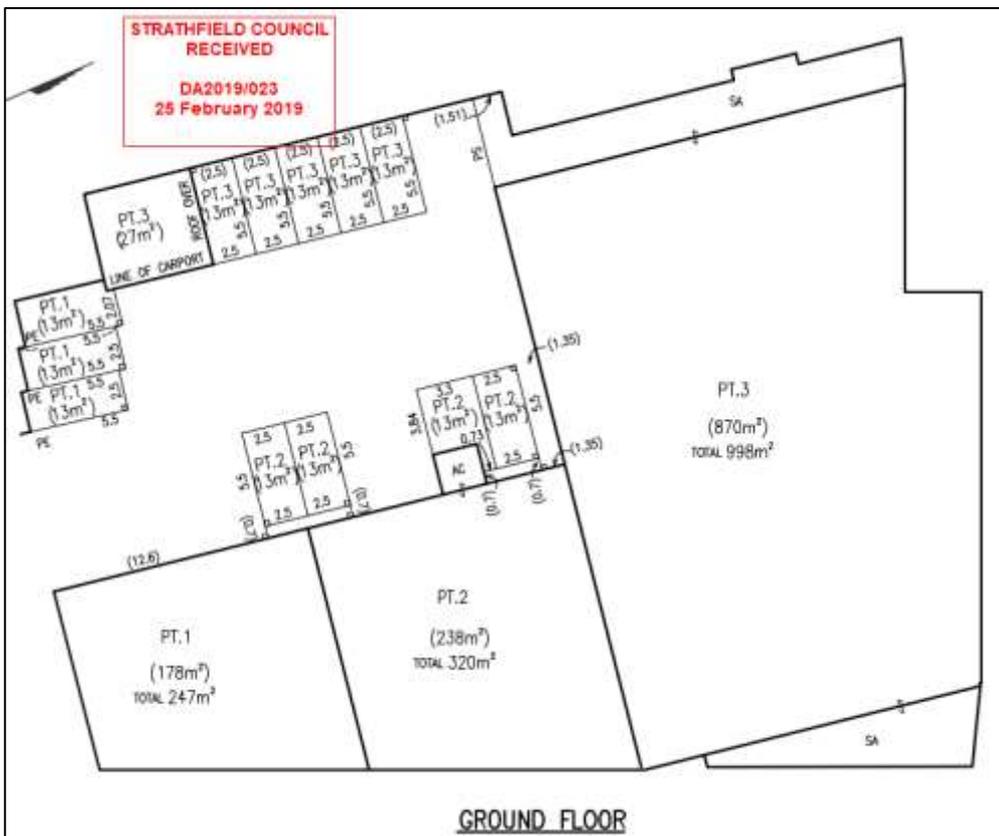


Figure 4: Ground floor plan of strata subdivision.

**REFERRALS**

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## INTERNAL REFERRALS

### Engineering Comments

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

## SECTION 4.15 CONSIDERATIONS – EP&A Act, 1979

In determining a development application, the consent authority is to take into consideration the following matters 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

#### STRATHFIELD LOCAL ENVIRONMENTAL PLAN 2012 (SLEP 2012)

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

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

#### Permissibility

The subject site is zoned B6 Enterprise Corridor under Strathfield Local Environmental Plan (SLEP) 2012.

Warehouse or distribution centres are permissible within the B6 Zone with consent and is defined under SLEP 2012 as follows:

*“building or place used mainly or exclusively for storing or handling items (whether goods or materials) pending their sale, but from which no retail sales are made, and includes local distribution premises”*

The proposed development for the purpose of a three (3) lot strata subdivision of a warehouse is consistent with the definition above and is permissible within the B6 Enterprise Corridor Zone with consent.

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### Zone Objectives

The proposal is not inconsistent with the relevant land use objectives for B6 Enterprise Corridor zone.

### Subdivision – consent requirements

Land to which this Plan applies may be subdivided, but only with development consent. The Warehouse Unit Complex is located within the B6 Enterprise Corridor zone and the proposed development for a three (3) lot strata subdivision does not result in a lot size less than the requires 1000m<sup>2</sup>.

### 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 partly located at or below the flood planning level and raises no issues in terms of the matters for consideration under the clause.

#### 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 R – SUBDIVISION

An assessment of the proposal against the objectives and development controls contained within Part R of SCDCP 2005 is as follows:

#### 6: Strata Subdivision

<b>6.1</b>	<b>Objectives</b>	<b>Satisfactory</b>
<b>A.</b>	<i>To ensure that common areas are clearly defined, access is maintained from all proposed strata allotments and they are appropriately managed.</i>	<b>Yes</b>
<b>6.2</b>	<b>Development Controls</b>	<b>Complies</b>
<b>1.</b>	Proposed subdivision does not contravene any conditions of consent applied to the development or building which is the subject of the proposed subdivision.	<b>Yes</b>

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2.	Communal areas or right of way are shown within the common property of the development to be managed either by a body corporate or strata body.	Yes
3.	Car parking or other purposes of the specific unit is included in the same strata lot as the unit and indicated on the strata subdivision plan.	Yes

**Comments:** All shared and communal areas including right of way are shown on the submitted site plans as common property. All parking spaces have been clearly shown on the strata subdivision plan and labeled according to each unit. The warehouse consent (DA94/86) provided 17 car parking spaces (Figure 5), however a carport is now located in the south-western corner of the car park and an air-conditioning unit located in the north-eastern corner of the car park. The current car park provides 14 spaces in total, which have been divided up appropriately to the size of each warehouse unit space.



**Figure 5: Stamped approved plans (DA94/86) of the warehouse development at 6-8 Braidwood Street, Strathfield.**

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

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

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

Not applicable.

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

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The original development consent (DA94/86) for the warehouse unit complex did not specify parking requirements in the conditions. However, the stamped approved plans indicated 17 spaces available on site. Some of these car spaces have been removed due to widening the driveway width, construction of the carport and access into the restricted storage area. It is physically impossible to provide additional off-street parking. The car parking is allocated appropriately according to the warehouse unit sizes.

An assessment against Section 3.8.2 – Warehouses and Bulk Stores of the Strathfield Development Control Plan is shown in the table below. This section only applies to existing buildings proposed to be used as a warehouse or bulk store and where no building work is proposed. The control is 1 space per 100m<sup>2</sup> gross floor area; or 1 space for each 2 employees whichever provides the greater number of spaces.

<b>Unit</b>	<b>Unit 1</b>	<b>Unit 2</b>	<b>Unit 3</b>
<b>Calculation of total FSR</b>	178 + 30 =208 m <sup>2</sup>	238 + 30 =268 m <sup>2</sup>	870 + 36 =906 m <sup>2</sup>
<b>Requirement</b>	2.08 car spaces	2.68 car spaces	9.06 car spaces
<b>Proposed</b>	3	4	7
<b>Complies</b>	Yes	Yes	No

Unit 3 is two (2) parking spaces under the control but the minor non-compliance of car spaces provided by Unit 3 is deemed acceptable as the existing warehouse cannot provide additional parking on site. There is adequate on-street parking located along Braidwood Street which would facilitate parking spaces for employees and visitors to the warehouse units.

The proposal results in no unreasonable impacts.

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

The site is appropriately zoned and there are no major environmental constraints.

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

The application was publicly notified from **1 March 2019** to **15 March 2019** in accordance with the provisions of Part L of SDCDP 2005. **No** written submissions were received as a result.

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

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

**LOCAL INFRASTRUCTURE CONTRIBUTIONS**

Section 7.13 of the *EP&A Act 1979* is the mechanism for the collection of monetary contributions from applicants for use in developing key local infrastructure. Contribution fees are not applicable to the proposed development as no building works or additional gross floor areas are proposed.

**CONCLUSION**

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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. 2019/023 for Three (3) lot strata subdivision in Lot 232 DP 844782 at 6-8 Braidwood Street, Strathfield be **APPROVED**, subject to the following conditions:

### GENERAL CONDITIONS (GC)

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

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

Plans affixed with Council's 'Development Consent' stamp relating to Development Consent No. 2019/023:

Drawing No.	Title/Description	Prepared by	Issue / Revision & Date	Date received by Council
Sheet 1 of 3	Location Plan	Victor John Mansell	7/02/2019	25/02/2019
Sheet 2 of 3	Ground Floor	Victor John Mansell	7/02/2019	25/02/2019
Sheet 3 of 3	First Floor	Victor John Mansell	7/02/2019	25/02/2019

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 (PSC)

#### 2. BUILDING CERTIFICATE – REQUIRED PRIOR TO THE LODGEMENT OF FINAL PLAN OF SUBDIVISION (SC)

A Building Certificate of the whole Warehouse Unit Complex is required to be obtained and submitted to Council prior to the lodgement of the Final Plan of Subdivision.

(Reason: Building compliance)

#### 3. SUBDIVISION - LODGEMENT OF FINAL PLAN OF SUBDIVISION (SC)

Once a Subdivision Certificate is issued by the Principal Certifying Authority, 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.

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(Reason: Statutory requirement.)

4. **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](http://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.

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