

## Agenda

# Strathfield Independent Hearing and Assessment Panel Meeting

Notice is hereby given that a Strathfield Independent Hearing and Assessment Panel Meeting will be held at Council Town Hall (Supper Room), 65 Homebush Road, Strathfield on:

**Thursday, 6 July 2017**

Commencing at 10:30am for the purpose of considering items included on the Agenda

Persons in the gallery are advised that the proceedings of the meeting are being recorded for the purpose of ensuring the accuracy of the Minutes. However, under the Local Government Act 1993, no other tape recording is permitted without the authority of the Council or Committee. Tape recording includes a video camera and any electronic device capable of recording speech.

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**TO:** Strathfield Independent Hearing and Assessment Panel Meeting - 6 July 2017  
**REPORT:** SIHAP – Report No. 1  
**SUBJECT:** 21 COSGROVE ROAD, STRATHFIELD SOUTH  
LOT 23 IN DP 1776  
**DA NO.** DA2016/175/1

## SUMMARY

**Proposal:** S82A Review of determination of refusal for use of the site for the manufacture and distribution of juice products  
**Applicant:** Vegpress Jucery – Stratton Constructions  
**Owner:** John & Anna Staikos  
**Date of lodgement:** 22 March 2017  
**Notification period:** N/A  
**Submissions received:** Nil  
**Assessment officer:** KL  
**Estimated cost of works:** \$Nil  
**Zoning:** IN1 General Industrial - SLEP 2012  
**Heritage:** N/A  
**Flood affected:** No  
**RECOMMENDATION OF OFFICER:** APPROVAL

## EXECUTIVE SUMMARY

- 1.0 The current application seeks a review of determination of DA No. 2016/175/1 pursuant to Section 82A of the EP&A Act 1979. The application for use of the site for the manufacture and distribution of juice products was originally refused by Council.
- 2.0 The subject application involves use of the site for the manufacture and distribution of juice products. The applicant's consultant contends that minor changes have been made to address the issues raised previously for refusal.
- 3.0 In accordance with Part L of the Strathfield Consolidated DCP 2005, the proposed development was not required to be notified.
- 4.0 Notwithstanding, the subject application is substantially similar to the original development application, the reasons for refusal including parking, location of waste disposal and insufficient details on delivery vehicles are considered to have been adequately addressed. As such, the application is recommended for approval, subject to the recommended conditions of consent.

## BACKGROUND

19 April 1991 Approval was granted for the change of use from a concrete business to a Panel Beating business.

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7 December 1993 Approval was granted for 21 Cosgrove Road for the use of the site as a panel beating business in conjunction with 23 Cosgrove Road, including the ancillary towing of vehicles.

Note: It is understood that the site has been utilised as a milk storage and distribution facility since 2008 without development consent.

15 March 2016 Approval was granted for the construction of two (2) internal coolrooms under DA2015/163.

24 November 2016 A Notice of Proposed Order was issued regarding the use of the site as a food manufacturing premise which is operating without consent.

Note: A number of investigations have been undertaken by Council's Environmental Health Officer due to numerous complaints regarding waste management and odour. Investigations reveal that there are two (2) additional businesses operating on site however the applicant has failed to provide adequate details regarding the use and operation of these businesses.

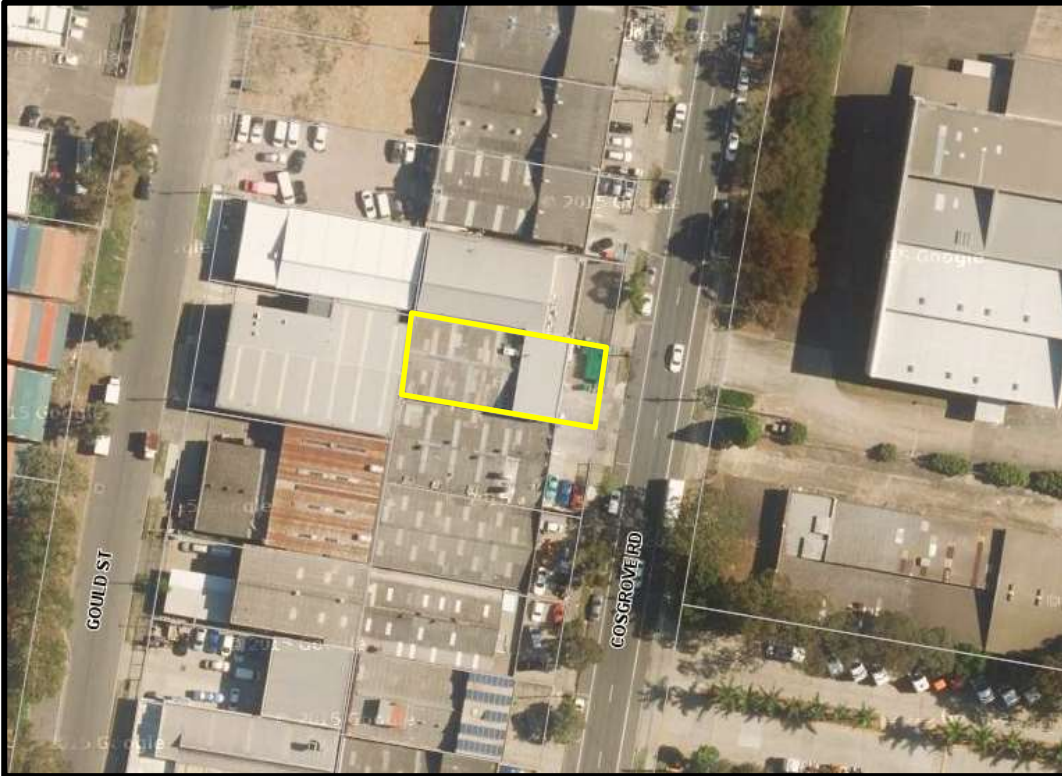
25 January 2017 The proposed Development Application for the use of the site for the manufacture and distribution of juice products was refused for the following reasons:

1. *The proposal does not achieve compliance with Section 3.8.1 of Part I of the SCDCP 2005 in that the proposal only provides two (2) off-street carparking spaces which is a departure of six (6) of the 8 (7.65) spaces required to be provided. The departure in off-street parking spaces would fail to accommodate for the use of the site and would encourage on-street parking in a high use industrial street (Section 79C (1)(a)(iii) of the Environmental Planning and Assessment Act 1979).*
2. *The proposed unenclosed waste storage space located in the front carpark of the site fails to achieve compliance with Section 3.9 of Part H of the SCDCP 2005 which requires a waste storage room to be provided within the internal footprint of the building and suitably enclosed, covered and maintained at all times to minimise spread of odours and possible contaminants (Section 79C (1)(a)(iii) of the Environmental Planning and Assessment Act 1979).*
3. *The proposal provides insufficient detail regarding the size of vehicles utilising the site, the location of the loading bay, the details of additional businesses currently operating site and waste storage details for the site (Section 79C (1)(a)(iv) of the Environmental Planning and Assessment Act 1979).*
4. *The proposed location of the uncovered waste storage space within the front carpark of the site would adversely impact upon the ongoing use of adjoining industrial sites in terms of odour, the attraction of contaminants and the ability to encourage illegal dumping (Section 79C(b) of the Environmental Planning and Assessment Act 1979).*

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

The subject site is located on the western side of Cosgrove Road positioned directly south of the intersection with Cosgrove Road and Liverpool Road, Strathfield South. The subject site is located on a regular-sized allotment with a frontage of 15.2m, a depth of 36.67m and a total site area of 557.40m<sup>2</sup>.

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**Figure 1:** Aerial photograph of the subject site and surrounding industrial development.

The site is comprised of a freestanding warehouse which shares a dividing wall with the warehouse adjoining the site on the southern allotment. The warehouse on the subject site features a white painted brick façade with a roller shutter door fronting Cosgrove Road. The ground level is comprised of a loading dock, cool rooms, workspace and storage space. The first floor level is comprised of partitioned offices with a meeting room, reception area and bathroom.

The site is located within the IN1 – General Industrial Zone, which is dominated by a presence of warehouses of varying uses. The warehouse was previously used as a milk storage and distribution facility without development consent. The site is currently occupied and is operating without development consent.

## **PROPERTY BURDENS AND CONSTRAINTS**

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

## **DESCRIPTION OF THE PROPOSED DEVELOPMENT**

The application seeks Council approval for the use of the site for the manufacturing and distribution of juice products.

The elements of the proposal are:

### Hours of Operation

24 hours a day seven (7) days a week.

### Staff Numbers

A maximum of five (5) staff on site at any given time.

### Deliveries

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A maximum of two (2) deliveries per day between Monday-Friday.

#### Off-Street Parking

Three (3) off-street car parking spaces are provided in the front setback of the site.

#### Waste Disposal

All liquid waste to be disposed of in sewer drains as approved by Sydney Waster.

All remaining waste to be collected 2-3 days per week whereby it will first be stored in coolroom 2 and relocated to front of property for a maximum of 24 hours on collection days.

#### Signage

No signage proposed.

## **REFERRALS**

### **INTERNAL REFERRALS**

#### **Waste Comments**

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

#### **Environmental Health Comments**

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

## **SECTION 79C CONSIDERATIONS – EP&A Act, 1979**

In determining a development application, the consent authority is to take into consideration the following matters of consideration contained within section 79C of the Environmental Planning and Assessment Act, 1979 as relevant to the development application:

### ***79C(1)(a) the provisions of:***

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

### **S.82A OF THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979: REVIEW OF DETERMINATION**

In accordance with Section 82A(4) of the EP&A Act, the council may review an application and may confirm or change its previous determination.

An application made under s82A of the EP&A Act must be notified in accordance with the regulations (if they so require) or a development control plan. In this respect, in accordance with Part L of the Strathfield Consolidated DCP 2005, the proposed development was not required for public notification.

In accordance with Section 82A(4)(c) of the EP&A Act, the Council may review the determination in the event that the applicant has made amendments to the development described in the original application, is substantially the same development as the development described in the original application. In this regard, the application indicated minor changes to the original development application addressing the issues raised for refusal, yet remains substantially the same development as the original application.

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The application has been made and will be determined within six (6) months from the date of the previous determination (12 December 2016) in accordance with s82A(2a) of the EP&A Act.

**Previous Reasons for Refusal:**

1. *The proposal does not achieve compliance with Section 3.8.1 of Part I of the SCDCP 2005 in that the proposal only provides two (2) off-street car parking spaces which is a departure of six (6) of the 8 (7.65) spaces required to be provided. The departure in off-street parking spaces would fail to accommodate for the use of the site and would encourage on-street parking in a high use industrial street (Section 79C (1)(a)(iii) of the Environmental Planning and Assessment Act 1979).*

Comment: The building has previously been approved by Council as a concrete business and a panel beater including the use of towing vehicles. Three (3) car spaces have been satisfactory for these uses.

The applicant proposes that the three (3) approved car parking spaces will remain as dedicated car parking spaces due to all waste receptacles being located within the confines of the building. The loading and unloading will take place in the approved loading dock area.

2. *The proposed unenclosed waste storage space located in the front carpark of the site fails to achieve compliance with Section 3.9 of Part H of the SCDCP 2005 which requires a waste storage room to be provided within the internal footprint of the building and suitably enclosed, covered and maintained at all times to minimise spread of odours and possible contaminants (Section 79C (1)(a)(iii) of the Environmental Planning and Assessment Act 1979).*

Comment: The issue has been resolved by the placement of all waste within the confines of the building. Furthermore, all perishable waste is now to be located within the cool room to eliminate the issues of odour, vermin and hygiene.

Given that the location of the waste is satisfactory and is within the confines of the building, condition of consent is to be imposed to ensure that waste is only removed from the building on collection days and that it must not impeded the car parking and access areas of the site.

3. *The proposal provides insufficient detail regarding the size of vehicles utilising the site, the location of the loading bay, the details of additional businesses currently operating site and waste storage details for the site (Section 79C (1)(a)(iv) of the Environmental Planning and Assessment Act 1979).*

Comment: Additional information provided indicates that the service vehicles that will be loading and unloading from this site are utes, small vans and vehicles up to a maximum of a 4.5 tonne delivery vehicle.

4. *The proposed location of the uncovered waste storage space within the front carpark of the site would adversely impact upon the ongoing use of adjoining industrial sites in terms of odour, the attraction of contaminants and the ability to encourage illegal dumping (Section 79C(b) of the Environmental Planning and Assessment Act 1979).*

Comment: The amended proposal have resolved abovementioned issue via locating the storage of all waste within the building. It is indicated that it is only removed to the front of the site for collection within the early hours of the day.

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

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

<b>Cl. 1.2(2) Aims</b>	<b>Complies</b>
------------------------	-----------------

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

**Comments:** The proposal is consistent with the objectives of the IN1 zone as it will preserve the use of the site for employment-generating activities thereby continuing to provide employment opportunities.

### Permissibility

The subject site is Zoned IN1 – General Industrial under Strathfield Local Environmental Plan (SLEP) 2012. Use of the site for the manufacture and distribution of juice products permissible within the IN1 – General Industrial Zone with consent and is defined under SLEP 2012 as follows:

**General industry** means a building or place (other than a heavy industry or light industry) that is used to carry out an industrial activity.

### Zone Objectives

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

Objectives	Complies
➤ To provide a wide range of industrial and warehouse land uses	Yes
➤ To encourage employment opportunities	Yes
➤ To minimize any adverse effect of industry on other land uses	Yes
➤ To support and protect industrial land for industrial uses	Yes
➤ To minimize fragmentation of valuable industrial land, and provide large sites for integrated and large floorplate activities	Yes

**Comments:** The proposal is consistent with the objectives of the IN1 zone as it will preserve the use of the site for employment-generating activities thereby continuing to provide employment opportunities.

### Part 6: Local Provisions

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



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#### 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 proposed development 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.

#### 79C(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.

#### 79C(1)(a)(iii) any development control plan

### STRATHFIELD CONSOLIDATED DEVELOPMENT CONTROL PLAN (SCDCP) 2005

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

#### PART D – INDUSTRIAL DEVELOPMENT

An assessment of the proposal against the objectives contained within Clause 1.2 of Part d of SCDCP 2005 is included below:

No.	Objectives	Complies
A	To improve the quality of industrial development within the Strathfield Municipality	Yes
B	To ensure the orderly development of industrial sites to minimise their environmental impact while maximising their functional potential	Yes
C	To ensure development is consistent with the principles of Ecologically Sustainable Development	Yes
D	To encourage high quality building design and industrial streetscape aesthetics	Yes
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	Yes
F	To promote high quality landscape areas which complement the overall development of the site and which assist in enhancing streetscape quality	Yes
G	To ensure that development will not unreasonably impact upon the amenity of any residential area in the vicinity	Yes
H	To ensure that traffic generated by industrial development does not adversely impact upon local or regional traffic movements	Yes
I	To ensure that each development has adequate on-site parking and manoeuvring areas for vehicles	Yes
J	To encourage employee amenity within industrial developments	Yes

**Comments:** The proposed development is compatible with the streetscape characteristics of the surrounding area where the existing landscaping will be maintained to which compliments the existing streetscape quality.

#### Building Requirements and Materials

Cl.	Element Controls	Complies
2.7.1	Front walls and walls visible from any public place shall be substantially faced with brick, stone, concrete, glass (non-reflective) or like materials, but not cement render	Yes
2.7.2	Walls/surfaces that are easily accessible to public places are to be	Yes

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	<i>treated (eg screened by plants) to discourage graffiti</i>	
2.7.3	<i>No service plumbing or pipes, other than downpipes for the conveyance of roof water, shall be external to the building where visible from any public place</i>	<b>Yes</b>
2.7.4	<i>Long blank walls on street frontages are to be avoided. Where this is not possible, they are to be screened by appropriate landscaping or incorporate design features into the walls</i>	<b>Yes</b>
2.7.5	<i>On corner sites, the proposed building shall aim to address both frontages. Where the secondary frontage cannot also be addressed, suitable landscaping is to be proposed (see section 2.10.6) and/or design features incorporated into the wall</i>	<b>Yes</b>
2.7.6	<i>Building materials and colours used on facades facing the street shall be compatible with those of adjoining industrial buildings</i>	<b>Yes</b>
2.7.7	<i>Non-industrial aspects of the development, ie offices or showrooms ancillary to the development, shall face the street</i>	<b>Yes</b>
2.7.9	<i>Applicants will be required to indicate on development application plans building materials and colours proposed.</i>	<b>Yes</b>

**Comments:** No external works are proposed for the development.

### Parking

<b>Cl.</b>	<b>Element</b>	<b>Controls</b>	<b>Complies</b>
2.9.1		<i>The design of off-street parking areas is to be guided by and meet the requirements of Australian Standard (AS) 2890.1-1993 – Off-street car parking, AS2890.2-1989 – Commercial vehicles and Strathfield Part I - Provision of Off-Street Parking Facilities</i>	<b>Yes</b>
2.9.2		<i>Provision of spaces:</i> <ul style="list-style-type: none"> <li>• <i>Industry: 1 space per 50m<sup>2</sup> GFA where any office component is under 20%. If the office component is greater than 20% that additional area will be assessed at a rate of 1 space per 40m<sup>2</sup> GFA.</i></li> <li>• <i>Warehouses: 1 space per 300m<sup>2</sup> GFA.</i></li> <li>• <i>Delivery and service vehicles associated with a development: 1 space per 800m<sup>2</sup> GFA up to 8,000m<sup>2</sup> GFA plus 1 space per 1,000m<sup>2</sup> GFA thereafter.</i></li> </ul> <i>Note: Car parking calculations are to be rounded up.</i>	<b>No</b>
2.9.3		<i>Car parking areas should ideally be located in the front setback for easy access.</i>	<b>Yes</b>
2.9.4		<i>Loading/unloading and parking areas are to be separated so as not to cause conflict. A variation to this may be considered if, for example all deliveries are made outside of business hours</i>	<b>Yes</b>
2.9.5		<i>Car parking areas are to be suitably landscaped which should include trees for shading. Refer to Section 2.10.13 and 2.10.14 for landscaping requirements</i>	<b>Yes</b>
2.9.6		<i>No parking shall be located within any proposed buildings (this does not include underground car parking)</i>	<b>Yes</b>
2.9.7		<i>Pedestrian thoroughfares shall be provided to separate vehicular from pedestrian traffic in large parking areas</i>	<b>Yes</b>

**Comments:** In accordance with Clause 2.9.2, (8) spaces are to be provided. However, there are currently three (3) spaces existing on site. It is noted that there are no changes proposed to the existing building form and a maximum of five (5) employees to be working at any given time. Considering the historical use of the site and close proximity to existing bus routes, a shortfall of parking spaces in this situation is considered acceptable.

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

The proposal was accompanied by a Waste Management Plan prepared in accordance with Part H of the SCDCP 2005. The waste minimisation strategies detailed in this waste management plan are to an acceptable standard.

### **79C(1)(iia) any planning agreement or draft planning agreement**

No planning agreement has been entered into under section 93F of the *Environmental Planning and Assessment Act 1979*.

#### **(i) matters prescribed by the regulations**

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

Having regard to these prescribed matters, the proposed development is not located on land subject to the Government Coastal Policy as determined by Clause 92(1)(a)(ii) and does not involve the demolition of a building for the purposes of *AS 2601 – 1991: The Demolition of Structures*.

#### **(ii) any coastal zone management plan**

The NSW Government projects sea levels to rise by 40cm in 2050 and by 90cm in 2100 above the relative mean sea level in 1990. These planning benchmarks are to be considered in the assessment of development applications through the applicable coastal zone management plan or alternatively the provisions of the *NSW Coastal Planning Guideline: Adapting to Sea Level Rise*.

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

The proposed development is 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*.

### **79C(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**

#### **Parking**

In accordance with Part D of SCDCP 2005 'Industrial Development', Clause 2.9.2, (8) spaces are to be provided. However, there are currently three (3) spaces existing on site. It is noted that there are no changes proposed to the existing building form and a maximum of five (5) employees to be working at any given time. Considering the historical use of the site and close proximity to existing bus routes, a shortfall of parking spaces in this situation is considered acceptable.

#### **Hours of operation**

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The proposed development seeks 24 hours operation. The subject site is located in IN1 – General Industrial Zone with no residential developments in close proximity. In addition, the proposed use of the site is compatible with surrounding uses and would have no adverse impact on noise emissions. As such, the proposed 24 hours operation is recommended for a condition approval of 12 month trial period.

#### **79C(1)(c) the suitability of the site for the development**

The proposed use of the site as for manufacture and distribution of juice products generally complies with the provisions outlined in Part D, 'Industrial Development' of Strathfield Consolidated Development Control Plan 2005. The subject site is therefore, considered to be suitable in its current state for the purposes of the proposed development.

#### **79C(1)(d) any submissions made in accordance with this Act or the regulations**

The application and plans were not required to be notified in accordance with Part L of the Strathfield Consolidated DCP 2005 as the proposal relates to the re-use of an existing industrial warehouse.

#### **79C(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.

### **CONCLUSION**

The application has been assessed having regard to Section 79C of the Environmental Planning and Assessment Act 1979, the Strathfield Local Environmental Plan 2013 and the Strathfield Development Control Plan 2005 and is considered to be satisfactory for approval, subject to the recommended conditions of consent.

### **RECOMMENDATION**

That Development Application No. DA2016/175/1 for the use of the site for the manufacture and distribution of juice products at 21 Cosgrove Road, Strathfield South be **APPROVED**, subject to the following conditions:

#### **SPECIAL CONDITIONS (SC)**

##### **1. GARBAGE LOCATION (SC)**

The garbage and/or recycling storage area shall be clearly delineated and separated when the room has multiple uses.

The floor of garbage rooms shall be:

- (a) impervious;
- (b) covered at the intersection with the walls with coving integral to the floor; and
- (c) graded and drained to a floor waste fully connected to the sewerage system and traps (where required) of the premises.

Walls shall be finished with a smooth, impervious surface.

The room shall be:

- (i) ventilated

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- (ii) proofed against pests; and
- (iii) provided with a hose tap connected to the water supply

Note: In premises that have potable and no-potable supplies, water used for cleaning garbage areas may be non-potable.

(Reason: To ensure compliance with Council's Health Regulations )

## 2. GARBAGE CONTAINERS (SC)

All garbage and recyclable matter shall be enclosed in bins, hoppers or other containers used for storing garbage or recyclable material at all times.

Bins, hoppers and other containers used for storing garbage or recyclable material shall be—

- (a) constructed of impervious material such as metal or plastic; and
- (b) have tight fitting lids or be kept inside pest-proofed areas of the premises.

Bins that cannot be lifted for draining after cleaning shall have drainage bungs at the base.

(Reason: To ensure compliance with Council's Health Regulations )

## 3. CONTAINERS FOR RECYCLABLE MATERIAL (SC)

Containers for clean, dry, recyclable material may be constructed of materials such as reinforced polythene material, wire mesh or similar material.

Containers for any other recyclable material (e.g., putrescible material and oil) shall **meet the requirements for garbage containers.**

(Reason: To ensure compliance with Council's Health Regulations )

## GENERAL CONDITIONS (GC)

### 4. 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. DA2016/175/1:

Drawing No.	Title/Description	Prepared by	Issue / Revision & Date	Date received by Council
1511 – PLAN 1	Layout of use areas	J L		16 March 2017
1511 – PLAN 2	Waste Storage	J L		16 March 2017

Reference Documentation affixed with Council's 'Development Consent' stamp relating to Development Consent No. DA2016/175/1:

Title / Description	Prepared by	Issue/Revision & Date	Date received by Council
Development Assessment Report	Ingham Planning	Job No. 17059	16 March 2017

In the event of any inconsistency between the approved plans and supplementary documentation, the plans will prevail. However, the conditions of this consent shall prevail to the extent of any inconsistency.

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

5. **WASTE BINS**

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.)

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

6. **CAR PARKING – STACKED (CC)**

All waste storage bins are to be located within the warehouse and not in the parking lot. The amended waste management plan with location of waste bins being internal to the building must be submitted to PCA prior to **Occupation Certificate**.

(Reason: To minimize visual impacts of the development.)

7. **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.)

8. **WASTE MANAGEMENT PLAN (CC)**

A Waste Management Plan (WMP) is to be provided in accordance with Part H of Strathfield Consolidated Development Control Plan 2005. All requirements of the approved Waste Management Plan must be implemented during demolition, construction and on-going use of the premises.

The WMP must identify the types of waste that will be generated and all proposals to re-use, recycle or dispose of the waste. The WMP is to be submitted to the Principal Certifying Authority, prior to issue of the Construction Certificate.

(Reason: To ensure appropriate management of waste.)

9. **WASTE AND RECYCLING COLLECTION HOURS (OU)**

The collection of waste and recycling must only occur between 6.00am and 8.00pm weekdays and 9.00am and 5.00pm weekends and public holidays, to avoid noise disruption to the surrounding area.

Garbage and recycling must not be placed on the kerbside for collection more than one hour before the scheduled collection time. Bins and containers are to be removed from the kerbside within one (1) hour of collection and returned to the designated garbage storage area(s).

The garbage and recyclable storage area and bins must be adequate to contain the volume

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and type of garbage and recyclable matter of the food premises.

All garbage and recyclable matter must be enclosed in the waste bins with lids completely closed at all times.

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

10. **WASTE - CONTROL OF LITTER (OU)**

The occupant or person in control of the premises must take all practicable steps to ensure that the area of public footpath or public area adjacent to the premises is maintained in a clean and tidy condition. Where a litter problem arises and the offending material is found to usually include wrappers, containers or the like, and remains of goods or items which it might reasonably be assumed were purchased at the subject premises, the shopkeeper must comply with any direction of Strathfield Council with regard to the regular sweeping, collection and disposal of rubbish.

(Reason: Environmental health.)

11. **WASTE REQUIREMENTS FOR INDUSTRIAL WASTE MATERIALS (OU)**

The applicant shall ensure that industrial waste materials must not be discharged onto the site, or onto neighbouring land or into any road, drain, pipeline or watercourse.

- i) Storage tanks, fuelling areas, product mixing, filling and preparation areas, and the like and wash bays provided for cleaning and maintenance of vehicles, machinery, equipment and the like, must be bunded and all waste water collected and discharged to the sewer in accordance with the requirements of Sydney Water and the EPA.
- ii) Documentary evidence of compliance with the Sydney Water's requirements must be submitted to the Principal Certifying Authority, prior to use or occupation of the building/additions. Vehicles, machinery, equipment or the like, must not be washed or steam cleaned or the like, except in areas provided especially for the purpose in accordance with this condition.
- iii) Where the approval of Sydney Water, in accordance with the requirements of this condition, is not forthcoming, some other method of treatment and removal of wastes must be installed and/or implemented to the satisfaction the Principal Certifying Authority.
- iv) Any overflow or spillage of fuel, oil, solid or liquid chemicals, or the like, must be dealt with in accordance with the requirements for treatment of waste materials as set out in (i) and (ii) of this condition.

(Reason: Environmental health.)

12. **HOURS OF OPERATION (INDUSTRIAL PREMISES)**

*The hours of operation of the use shall be restricted as follows:*

<b>Type of Activity</b>	<b>Hours Permitted</b>	<b>Days Permitted</b>
<i>Internal warehouse operation.</i>	<i>24 hours</i>	<i>Monday to Sunday</i>
	<i>6:00am – 6:00pm</i>	<i>Saturday and Sunday</i>
<i>Office and administration operation.</i>	<i>24 hours</i>	<i>Monday to Sunday</i>
<i>Deliveries and dispatch of goods.</i>	<i>6:00am – 10:00pm</i>	<i>Monday to Friday</i>

21 Cosgrove Road, Strathfield South  
Lot 23 in DP 1776 (Cont'd)

*\* Prior to the expiration of the 12 month trial period, a further application shall be made to Council to continue 24 hour operation of the premise. Should no future application be received, the operation shall become 6:00am to 10:00pm Monday to Sunday.*

*(Reason: Ensure the industry operates between approved hours.)*

13. STAFF NUMBERS

A maximum of five (5) staff members are to be present upon the subject site at any time.

*(Reason: To ensure the development operates as proposed.)*

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

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

- 1) The Food Act 2003;
- 2) Food Regulation 2015;
- 3) Australia and New Zealand Food Standards Code;
- 4) Australian Standard AS 4674 – 2004 (Design, construction and fit-out of a food premises).
- 5) Building Code of Australia

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

*(Reason: Environmental health.)*

15. **FOOD PREMISES (ONGOING USE OF)**

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

- Food Act 2003
- Food Regulations 2004
- Australian Standard AS4674-2004: Construction and fit out of food premises
- Australia and New Zealand Food Standards Code 3.2.3: Food Premises and Equipment
- Australia and New Zealand Food Standards Code 3.2.2: Food Safety Practices and General Requirements

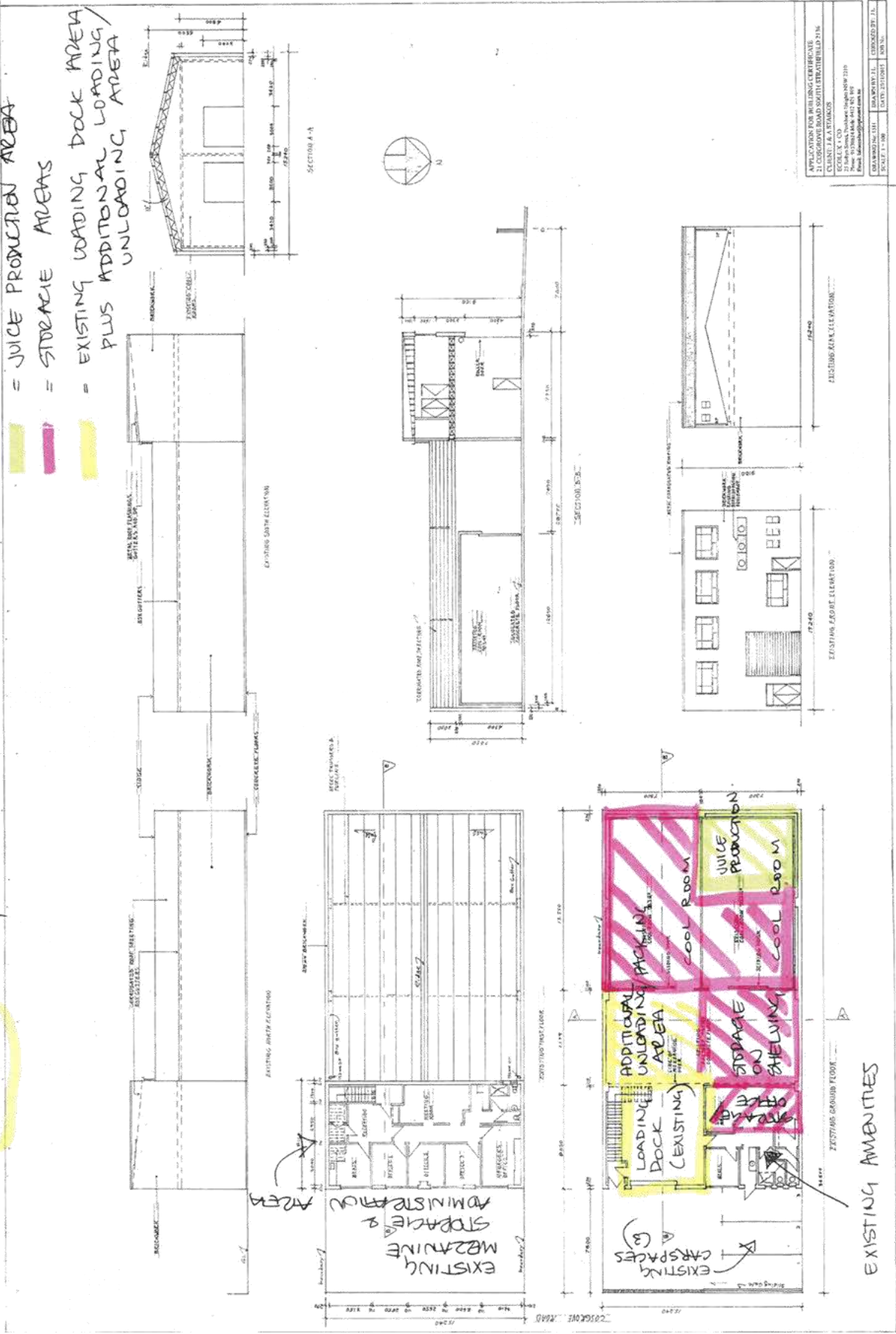
*(Reason: Environmental health.)*

**ATTACHMENTS**

1. [↓](#) plans



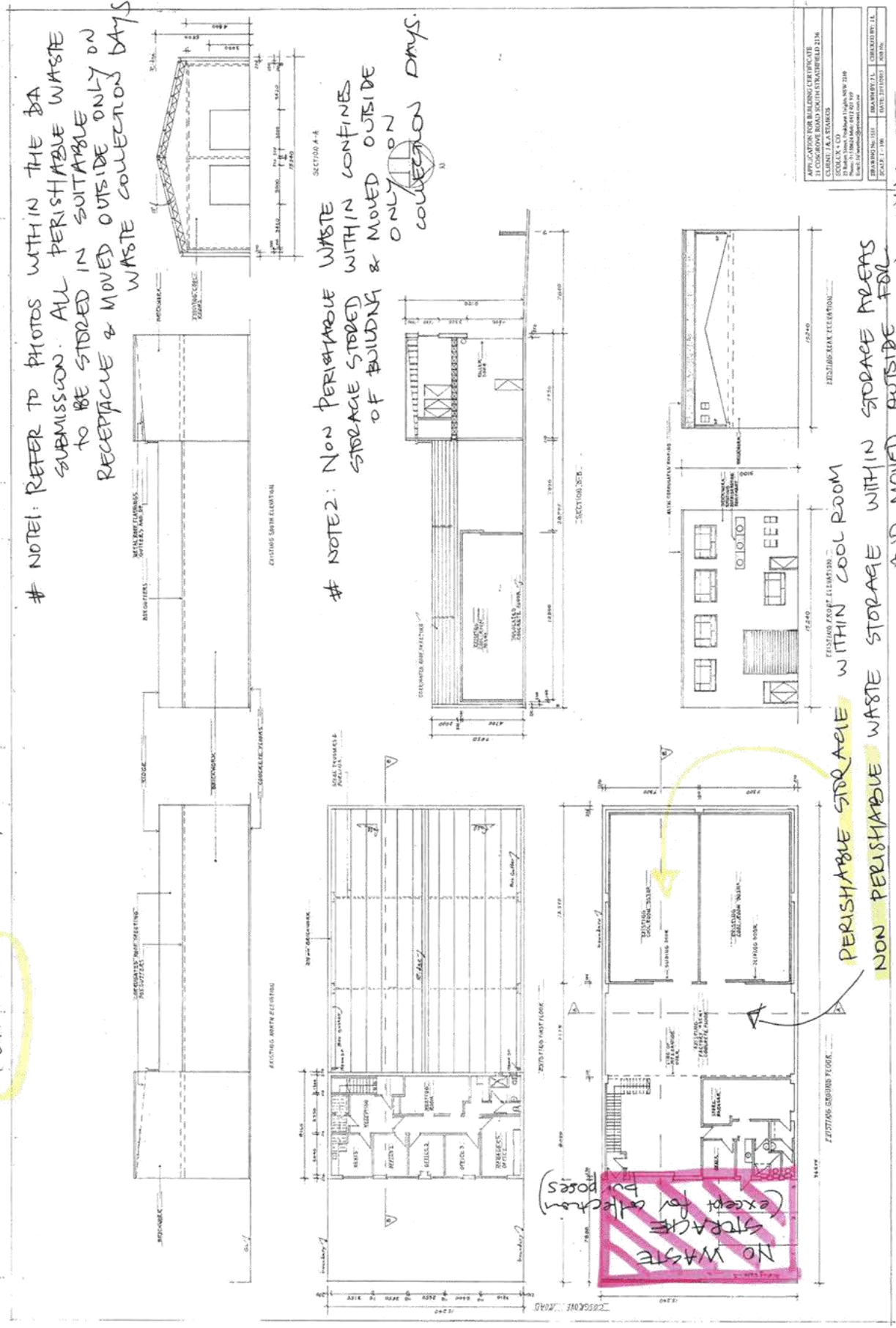
**PLAN 1** - LAYOUT OF USE AREAS



**PLAN 2 - WASTE STORAGE**

# NOTE1: REFER TO PHOTOS WITHIN THE DA SUBMISSION. ALL PERISHABLE WASTE TO BE STORED IN SUITABLE RECEPTACLE & MOVED OUTSIDE ONLY ON WASTE COLLECTION DAYS

# NOTE2: NON PERISHABLE WASTE STORAGE STORED WITHIN CONFINES OF BUILDING & MOVED OUTSIDE ONLY ON COLLECTION DAYS.



PERISHABLE STORAGE WITHIN COOL ROOM  
NON PERISHABLE WASTE STORAGE WITHIN STORAGE AREAS  
AS IN MANUAL OUTSIDE FOR

TYPE OF WORK FOR BUILDING CERTIFICATE 21 CONDUKE ROAD SOUTH STRATHFIELD NSW CLIENT: J.A. STAVROS ARCHITECT: J.A. STAVROS PHONE: 02 9624 4444 FAX: 02 9624 4444 DRAWING NO: 1111 DATE: 11/11/2016 SCALE: 1:100 DRAWN BY: J.A. STAVROS CHECKED BY: J.A. STAVROS
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**TO:** Strathfield Independent Hearing and Assessment Panel Meeting - 6 July 2017  
**REPORT:** SIHAP – Report No. 2  
**SUBJECT:** 34 NOBLE AVENUE, STRATHFIELD  
SP88307  
**DA NO.** 2017/031

## SUMMARY

**Proposal:** Alterations and additions to an affordable rental housing development (Three (3) additional units)  
**Applicant:** Baraz Construction Pty Ltd  
**Owner:** Baraz Construction Pty Ltd: and  
The Owners of SP88307  
**Date of lodgement:** 2 March 2017  
**Notification period:** 14 March 2017 to 29 March 2017  
**Submissions received:** Three (3)  
**Assessment officer:** LP  
**Estimated cost of works:** \$641,056.00  
**Zoning:** R3 Medium Density Residential - SLEP 2012  
**Heritage:** N/A  
**Flood affected:** No  
**Is a Clause 4.6 variation proposed?** Yes - Building height  
**Extent of the variation supported?** 26% (2.5m)  
**Peer review of Clause 4.6 variation:** A peer review of the Clause 4.6 variation has been undertaken and the assessment officer's recommendation is supported.

**RECOMMENDATION OF OFFICER:** **APPROVAL**

## EXECUTIVE SUMMARY

- 1.0 The subject application seeks approval for alterations and additions to an existing two (2) storey residential flat building including the addition of three (3) x 2 storey units resulting in a part four (4) storey, part two (2) storey residential flat building comprised of (15) units over a single level of basement car parking.
- 2.0 The subject application was lodged under the "infill affordable housing" provisions of State Environmental Planning Policy (Affordable Rental Housing) 2009 (ARHSEPP) as six (6) units or 36% (381.92m<sup>2</sup>) of the gross floor area is provided as affordable housing.
- 3.0 The application and plans were notified in accordance with of Part L of the Strathfield Consolidated Development Control Plan 2005 from 14 March 2017 to 29 March 2017. Three (3) written submissions were received raising concerns over the legitimacy of the owner's consent, construction impacts and privacy.

**34 Noble Avenue, Strathfield  
SP88307 (Cont'd)**

- 4.0 Whilst the development generally complies with the design requirements of the Affordable Rental Housing SEPP, SEPP 65 and the Apartment Design Guide, the proposed development does not comply with the building height plane requirements of the Strathfield Local Environmental Plan 2012. A Clause 4.6 variation request to vary the maximum permitted height of 9.5m by 2.5m or 26% was submitted as part of the application and has been further analysed in this assessment. The proposed height variation is considered to be acceptable as the additional building height is contained to a portion of the fourth storey located towards the rear of the site. The additional building height allows the structure to achieve greater compatibility with existing residential flat buildings and recent development approvals upon the adjoining allotments which consist of three and four (4) storey residential flat buildings. Further, the additional building height does not result in any significant additional overshadowing or visual privacy impacts.
- 5.0 Overall, the development is considered a good outcome for the redevelopment of the site in recognition of its R3 Medium Density Residential zoning and is recommended for approval.

**BACKGROUND****DA2010/215**

- 13 December 2010 Pre- Lodgement meeting held.
- 30 December 2010 Development Application lodged for demolition of the existing single storey dwelling and construction of a new two (2) storey town house development including one (1) x one (1) bedroom unit and 11, (2) two bedroom units, with basement parking including strata subdivision under the State Environmental Planning Policy (Affordable Rental Housing) 2009 (ARHSEPP).
- 11 March 2011 Class 1 appeal lodged with the NSW Land & Environment Court.
- 21 June 2011 DA2010/215 approved by the NSW Land & Environment Court for the construction of (12) residential units with basement parking and strata subdivision under State Environmental Planning Policy (Affordable Rental Housing Scheme) 2009.
- 4 April 2012 A further pre-lodgement meeting was held regarding the addition of a third storey comprised of five (5) additional units based upon amendments to the Affordable Rental Housing SEPP and the impending gazettal of the Strathfield Local Environmental Plan 2012.

Construction works relating to DA2010/215 have subsequently been undertaken and a final Occupation Certificate was issued by Essential Certifiers on 24 April 2013. The strata subdivision of the site was subsequently registered with NSW Land & Property Information.

**DA2014/083**

- 27 May 2014 Development Application lodged for the construction of a third floor addition comprising six (6) units to the existing residential flat building under the State Environmental Planning Policy (Affordable Rental Housing Scheme) 2009

34 Noble Avenue, Strathfield  
SP88307 (Cont'd)

(ARHSEPP).

9 July 2014 DA2014/083 was refused by Council Officers under delegated authority as the application was not accompanied by sufficient evidence demonstrating that the owner of the land consented to the application.

### **DA2017/031**

2 March 2017 Subject application lodged

30 March 2017 Deferral letter sent to applicant raising concerns over the proposed basement configuration and additional massing in the upper proportions.

12 April 2017 Amended plans received including a revised basement configuration, removing a number of void spaces from the proposed fourth storey and providing glazing elements to the western elevation.

### **State Environmental Planning Policy (Affordable Rental Housing) 2009**

DA2010/215 was assessed under State Environmental Planning Policy (Affordable Rental Housing) 2009 (as in force at the time) and the former Strathfield Planning Scheme Ordinance. Subsequent amendments to State Environmental Planning Policy (Affordable Rental Housing) 2009 and the gazettal of the Strathfield Local Environmental Plan 2012 have allowed for an increase in building height and FSR upon the subject site. The subject application seeks to bring the proposal into line with additional density available under current controls.

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

The site is identified as SP88307 and is located at 34 Noble Avenue, Strathfield.

The site is an irregular shape, with five boundaries and a narrow frontage onto Noble Avenue. The lot has the following dimensions:

**Site Area (approx.):** 1132m<sup>2</sup>  
**Dimensions (approx.):** 47.785m x 21.33m x 20.13m x 47.27m x 9.65m

The land is generally flat with a slight fall from the rear of the site to the front (west) boundary of approximately 2.78m across a horizontal distance of approximately 60m. The site measures approximately 28.2m at its widest point.

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SP88307 (Cont'd)



**Figure 1: Locality plan**

The site accommodates a two (2) storey residential flat building comprised of (12) units) over a single level of basement parking accessed by a driveway located along the western boundary (Refer Figure 2).



**Figure 2: Existing structures upon the subject site.**

34 Noble Avenue, Strathfield  
SP88307 (Cont'd)

Immediately to the east of the subject site is a recently completed three (3) storey residential flat building (32 Noble Avenue, Strathfield) and consent was recently granted by the NSW Land & Environment Court for the construction of a four (4) storey residential flat building upon the site immediately to the west (36 Noble Avenue). Further, within close proximity to the site there are a number of residential flat buildings of similar height and densities.

## PROPERTY BURDENS AND CONSTRAINTS

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

## DESCRIPTION OF THE PROPOSED DEVELOPMENT

The application seeks Council approval for alterations and additions to an existing residential flat building.

The specific elements of the proposal are:

- Reconfiguration of the existing basement layout to provide two (2) additional parking spaces resulting in a total of (13) parking spaces comprised of:
  - (13) resident spaces including two (2) accessible spaces; and
  - Two (2) visitor parking spaces;
- The construction of three (3) x two (2) storey 1 bedroom units above the existing two (2) storey structure resulting in a part four (4) storey, part two (2) storey residential flat building comprised of (15) units over a single level of basement parking; and
- A total of six (6) units or 36% (381.92m<sup>2</sup>) of the gross floor area being retained as affordable housing.

## REFERRALS

### INTERNAL REFERRALS

#### Engineering Comments

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

#### Traffic Comments

Initial concerns were raised over the functionality of the basement parking arrangements. Following the submission of amended plans Council's Traffic Engineer offered no objections to the proposal, subject to the imposition of recommended conditions of consent.

## SECTION 79C CONSIDERATIONS – EP&A Act, 1979

In determining a development application, the consent authority is to take into consideration the following matters of consideration contained within section 79C of the Environmental Planning and Assessment Act, 1979 as relevant to the development application:

### **79C(1)(a) the provisions of:**

34 Noble Avenue, Strathfield  
SP88307 (Cont'd)

**(i) any environmental planning instrument**

**STATE ENVIRONMENTAL PLANNING POLICY (SEPP) – BASIX 2004**

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

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

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

The proposed development has been lodged under Part 2, Division 1 of the ARH SEPP which relates to the provision of 'in-fill affordable housing'. The State Environmental Planning Policy (Affordable Rental Housing) 2009 aims to provide a consistent planning regime for the provision of affordable rental housing.

An assessment of the proposed development against the development standards for in-fill affordable housing under the ARHSEPP is presented in the table below.

It is relevant to note that the ARHSEPP states that Council is unable to refuse an application where it complies with the minimum standards provided by Clause 14 (refer to shaded section of table).

Clause	Development Control	Required	Proposal	Compliance
10	Permissibility	Permissible under SLEP 2012	The site is zoned R3 – Medium Density Residential under the SLEP in which residential flat buildings are permissible with Council consent.	Yes.
	Location and access to facilities	Located within an <b>accessible area</b> being land that is within: 400 metres walking distance of a bus stop used by a regular bus service (within the meaning of the <a href="#">Passenger Transport Act 1990</a> ) that has at least one bus per hour servicing the bus stop between 06.00 and 21.00 each day from Monday to Friday (both days inclusive) and between 08.00 and 18.00 on each Saturday and Sunday	The proposed development is located within 400m of several bus stops located on Liverpool Road and Homebush Road serviced by the 480 and 483 routes that achieve the required minimum service levels.	Yes.
13	Affordable housing	Minimum 20% (211.8m <sup>2</sup> )  Bonus FSR is 0.36:1 (381.92m <sup>2</sup> )  Max permissible FSR: 0.99:1 (1,121.62m <sup>2</sup> )	36% (381.92m <sup>2</sup> ) of the gross floor area of development upon the site is to be provided as affordable housing.  Proposed: 0.93:1 (1,059.13m <sup>2</sup> )	Yes.  Yes.



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SP88307 (Cont'd)

Clause	Development Control	Required	Proposal	Compliance
14 Note: Unable to refuse based on these provisions	Site area	Min 450m <sup>2</sup>	Site area is 1138m <sup>2</sup>	Yes.
	Landscaping	Min 30% (341.4m <sup>2</sup> )	30.4% (345.93m <sup>2</sup> ) landscaping provided throughout the site.	Yes.
	Deep Soil	Min 15% (170.7m <sup>2</sup> ) with minimum dimension of 3m Preferably to the rear of the site	17.5% (199.62m <sup>2</sup> ) of the site is provided as deep soil landscaping with a minimum dimension of 3m located predominantly to the rear of the development.	Yes.
	Solar Access	Living rooms and private open spaces of a minimum of 70% (10) units receive min 3 hours direct sunlight	60% (9 units) of units receive a minimum of 3hrs solar access. However, complies with ADG solar access provisions.	Acceptable on merit.
	Parking	1 bed – 0.5 spaces Required: <b>2 spaces</b> 2 bed – 1 space Required: <b>11 spaces</b> <b>TOTAL: 13 spaces.</b>	A total of (13) off-street resident parking spaces are proposed within the basement including two (2) visitor spaces.	Yes.
Dwelling size	Studio 35m <sup>2</sup> 1 bed 50m <sup>2</sup> 2 bed 70m <sup>2</sup>	The proposal provides for compliant unit sizes as follows: 1 bedroom: minimum 85.63m <sup>2</sup>	Yes.	
15	Design requirements	SEPP 65 compliant	An assessment against the relevant ADG requirements is provided further in the report.	Yes.
16	Character	Compatible with character of local area	The proposal is located within an area zoned for medium density development with a number of surrounding allotments containing residential flat buildings of similar bulk and scale to that proposed. As such, the proposed development is considered to be compatible with the character of the local area.	Yes.
17	Affordable housing	Must be used as affordable housing for 10 years from the issue of OC  Must be managed by a registered community housing provider  88E instrument	A positive covenant is currently registered over the existing affordable units upon the site. As a result of the subject application the affordable units will be required to be retained for a period of 10 years for the date of issue of an Occupation Certificate for the subject application. A condition of consent is recommended requiring the wording of the existing positive covenant be amended to reflect this requirement.	Condition recommended
18	Subdivision	May be subdivided with consent.	No subdivision proposed.	Yes.

34 Noble Avenue, Strathfield  
SP88307 (Cont'd)

Clause	Development Control	Required	Proposal	Compliance

## STATE ENVIRONMENTAL PLANNING POLICY NO. 65 – DESIGN QUALITY OF RESIDENTIAL FLAT BUILDINGS

State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Buildings (SEPP 65) aims to improve the design quality of residential flat development in New South Wales. SEPP 65 recognises that the design of residential apartments is of significance due to the economic, environmental, cultural and social benefits of high quality design.

Strathfield Council does not have a design review panel referred to under Clause 28 however an assessment of the design quality of the development against the design principles of the SEPP and the relevant design criteria of the Apartment Design Guide has been undertaken in the table below:

Principle	Objective	Proposed
<b>Context and neighbourhood character</b>	<p><i>Responding to context involves identifying the desirable elements of an area's existing or future character.</i></p> <p><i>Well designed buildings respond to and enhance the qualities and identity of the area including the adjacent sites, streetscape and neighbourhood.</i></p> <p><i>Consideration of local context is important for all sites, including sites in established areas, those undergoing change or identified for change.</i></p>	<p>The area surrounding the subject site is undergoing a transition from low density residential development dominated by single storey dwellings, to medium density residential development as a result of the gazettal of the SLEP 2012.</p> <p>The proposed design responds to the future character of the locality as envisaged by the SLEP 2012 and recent approvals within the immediate streetscape which consist of three (3) to four (4) storey residential flat buildings similar to that proposed and contemporary two (2) storey dwellings.</p>
<b>Built form and scale</b>	<p><i>Good design achieves a scale, bulk and height appropriate to the existing or desired future character of the street and surrounding buildings.</i></p> <p><i>Good design also achieves an appropriate built form for a site and the building's purpose in terms of building alignments, proportions, building type, articulation and the manipulation of building elements.</i></p> <p><i>Appropriate built form defines the public domain,</i></p>	<p>The proposed development places the bulk of the proposed structure towards the rear of the site so as to minimise the perceived bulk of the structure when viewed from the public realm. Further, amendments have been made to the proposal throughout the assessment process to reduce massing in the upper proportions by deleting a number of void areas that contributed to the visual bulk of the structure.</p>

34 Noble Avenue, Strathfield  
SP88307 (Cont'd)

<b>Principle</b>	<b>Objective</b>	<b>Proposed</b>
	<i>contributes to the character of streetscapes and parks, including their views and vistas, and provides internal amenity and outlook.</i>	
<b>Density</b>	<p><i>Good design achieves a high level of amenity for residents and each apartment, resulting in a density appropriate to the site and its context.</i></p> <p><i>Appropriate densities are consistent with the area's existing or projected population.</i></p> <p><i>Appropriate densities can be sustained by existing or proposed infrastructure, public transport, access to jobs, community facilities and the environment.</i></p>	<p>The proposed development achieves an acceptable level of residential amenity to the proposed units by orientating glazed elements to the north-east so as to optimize solar access and provide each unit with opportunities for cross ventilation. A large northern orientated consolidated area of communal open space is retained at ground level for the enjoyment of residents.</p>
<b>Sustainability</b>	<p><i>Good design combines positive environmental, social and economic outcomes.</i></p> <p><i>Good sustainable design includes use of natural cross ventilation and sunlight for the amenity and liveability of residents and passive thermal design for ventilation, heating and cooling reducing reliance on technology and operation costs. Other elements include recycling and reuse of materials and waste, use of sustainable materials and deep soil zones for groundwater recharge and vegetation.</i></p>	<p>The proposed development employs the use of natural cross ventilation to reduce the dependency of the building on mechanical ventilation.</p> <p>Further, the proposed units optimise solar access to reduce the dependency on artificial lighting.</p> <p>The application is supported with a BASIX Certificate.</p>
<b>Landscape</b>	<i>Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in attractive developments with good amenity. A positive image and contextual fit of well designed developments is achieved by contributing to</i>	<p>The proposal involves no change to existing landscaping treatments which include a single consolidated area of communal open space within the south eastern corner of the site.</p> <p>32.45% (369.25m<sup>2</sup>) of the total site area provided as communal open space incorporating various</p>

34 Noble Avenue, Strathfield  
 SP88307 (Cont'd)

Principle	Objective	Proposed
	<p><i>the landscape character of the streetscape and neighbourhood.</i></p> <p><i>Good landscape design enhances the development's environmental performance by retaining positive natural features which contribute to the local context, co-ordinating water and soil management, solar access, micro-climate, tree canopy, habitat values and preserving green networks.</i></p> <p><i>Good landscape design optimises useability, privacy and opportunities for social interaction, equitable access, respect for neighbours' amenity and provides for practical establishment and long term management.</i></p>	<p>treatments including integrated seating and facilities.</p>
<p><b>Amenity</b></p>	<p><i>Good design positively influences internal and external amenity for residents and neighbours. Achieving good amenity contributes to positive living environments and resident well being.</i></p> <p><i>Good amenity combines appropriate room dimensions and shapes, access to sunlight, natural ventilation, outlook, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts and service areas and ease of access for all age groups and degrees of mobility.</i></p>	<p>As discussed, the proposal achieves a high level of residential amenity through the provision of a large area of communal open space, and maximising cross ventilation and solar access to the proposed units.</p>
<p><b>Safety</b></p>	<p><i>Good design optimises safety and security within the development and the public domain. It provides for quality public and private spaces that are clearly defined and fit for the intended purpose. Opportunities to maximise passive surveillance of public</i></p>	<p>The proposed units provide additional opportunities for passive surveillance of communal open space.</p>

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 SP88307 (Cont'd)

Principle	Objective	Proposed
	<p><i>and communal areas promote safety.</i></p> <p><i>A positive relationship between public and private spaces is achieved through clearly defined secure access points and well lit and visible areas that are easily maintained and appropriate to the location and purpose.</i></p>	
<p><b>Housing diversity and social interaction</b></p>	<p><i>Good design achieves a mix of apartment sizes, providing housing choice for different demographics, living needs and household budgets. Well designed apartment developments respond to social context by providing housing and facilities to suit the existing and future social mix.</i></p> <p><i>Good design involves practical and flexible features, including different types of communal spaces for a broad range of people and providing opportunities for social interaction among residents.</i></p>	<p>The proposal provides the following housing mix:</p> <ul style="list-style-type: none"> <li>• Four (4) x 1 bedroom; and</li> <li>• (11) x 2 bedroom units.</li> </ul> <p>The proposed housing mix is considered acceptable and provides for a variety of housing types.</p> <p>The large ground level of communal open space provides a well-defined and integrated area of communal open space.</p>
<p><b>Aesthetics</b></p>	<p><i>Good design achieves a built form that has good proportions and a balanced composition of elements, reflecting the internal layout and structure.</i></p> <p><i>Good design uses a variety of materials, colours and textures. The visual appearance of a well designed apartment development responds to the existing or future local context, particularly desirable elements and repetitions of the streetscape.</i></p>	<p>The proposal featuring a stepped built form is consistent with existing and likely future development upon adjoining sites. Throughout the assessment of the subject application a number of void spaces were deleted to achieve a reduced foot print in the upper level</p> <p>Further, the building composition is balanced through changes in material treatment and articulation in the built form.</p>

**APARTMENT DESIGN GUIDE**

34 Noble Avenue, Strathfield  
SP88307 (Cont'd)

Design Criteria	Required	Proposed	Compliance
2E - Building Depth	12m – 18m	Varies from 9m to 10.1m	Yes.
3B – Orientation	<p><i>Responsive to streetscape and site. Designed to optimise solar access and minimise overlooking.</i></p> <p><i>2 hours solar access retained to neighbouring buildings or does not further reduce solar access by more than 20%</i></p>	<p>Responsive to irregular shape of the site.</p> <p>The proposed development retains a minimum of 2 hour solar access to all surrounding residences with the shadow cast by the structure predominantly affecting a portion of the telecommunications interchange located to the south of the site (481 Liverpool Road)</p>	Yes.
3C – Public Domain Interface	<i>Balconies/windows orientated to overlook the public domain</i>	The proposed development retains existing balconies fronting Noble Avenue that provide opportunities for passive surveillance.	Yes.
3D – Communal Open Space	<p><i>Min. 25% (284.60m<sup>2</sup>)</i></p> <p><i>Min 2h to 50% communal open space at mid-winter</i></p> <p><i>Consolidated area</i></p> <p><i>Min dimension of 3m</i></p> <p><i>Equitable access</i></p>	32.45% (369.25m <sup>2</sup> ) of the total site area is provided as communal open space. More than 50% of the communal open space receives more than 2 hours solar access.	Yes.
3E – Deep Soil Zones	<p><i>Min. 7% (79.69m<sup>2</sup>)</i></p> <p><i>650m<sup>2</sup> to 1,500m<sup>2</sup></i></p> <p><i>3m min. dimension</i></p>	17.54% (199.62m <sup>2</sup> ) of the total site area provided as deep soil landscaped area.	Yes.
3F – Visual Privacy	<p><i>Up to 4 storeys:</i></p> <ul style="list-style-type: none"> <li>• <i>12m between habitable rooms/balconies</i></li> <li>• <i>9m between habitable and non-habitable rooms</i></li> <li>• <i>6m between non-habitable rooms</i></li> </ul>	<p>North-east: 8m</p> <p>South-east: 1m blank wall</p> <p>South-west: 3m</p> <p>North-west: 9m (no change)</p>	No, refer to discussion.
3G – Pedestrian Access and Entries	<i>Entry addresses public domain</i>	The proposed entries are clearly identifiable with a central pedestrian entry path.	Yes.
3H – Vehicle Access	<p><i>Integrated into façade</i></p> <p><i>Visual impact minimised.</i></p> <p><i>Entry behind the building line or from secondary frontage.</i></p> <p><i>Clear sight lines.</i></p> <p><i>Garbage collection screened</i></p> <p><i>Pedestrian and vehicle access separated</i></p>	No change	Yes.
4A – Solar and	<i>Min. 70% (10 units) receive 2</i>	73% (11 units) of units receive	Yes

34 Noble Avenue, Strathfield  
SP88307 (Cont'd)

Design Criteria	Required	Proposed	Compliance
Daylight Access	<p><i>hours solar access</i></p> <p><i>Max. 15% units have no solar access</i></p> <p><i>Light wells, skylights and highlight windows are only to be a secondary source where sunlight is limited</i></p> <p><i>Design incorporates shading and glare control</i></p>	<p>a minimum of 2hr solar access.</p> <p>13.3% (2) of units receive no direct solar access.</p>	
4B – Natural Ventilation	<p><i>Min. 60% (9 units) are cross ventilated</i></p> <p><i>Cross-over/Cross-through Max 18m depth. Light wells are not the primary source of ventilation for habitable rooms. Single aspect units have limited depth to maximise ventilation</i></p>	<p>86.6% (13 units) are cross ventilated.</p>	Yes.
4C – Ceiling Heights	<p><i>Habitable: 2.7m</i></p> <p><i>Non-habitable: 2.4m</i></p> <p><i>2 storey apartments: 2.7m main living area, 2.4m mezzanine</i></p> <p><i>Mixed Use: 3.3m ground floor</i></p>	<p>Minimum 2.7m ceiling height to units.</p>	Yes.
4D – Apartment Size and Layout	<p><i>Studio: 35m<sup>2</sup></i></p> <p><i>1 bed: 50m<sup>2</sup></i></p> <p><i>2 bed: 70m<sup>2</sup></i></p> <p><i>3 bed: 90m<sup>2</sup></i></p> <p><i>Additional bathrooms +5m<sup>2</sup></i></p> <p><i>Each habitable room must have a window &gt; 10% floor area of the room.</i></p> <p><i>Habitable room depths</i></p> <p><i>=max 2.5 x ceiling height</i></p> <p><i>Or if open plan layout</i></p> <p><i>=max 8m from a window</i></p> <p><i>Master bed: min 10m<sup>2</sup></i></p> <p><i>Other bedroom: min 9m<sup>2</sup></i></p> <p><i>Living room min. width:</i></p> <p><i>Studio and 1 bed: 3.6m</i></p> <p><i>2 and 3 bed: 4m</i></p> <p><i>Crossover/through: min 4m</i></p>	<p>The proposal provides compliant unit sizes as follows:</p> <p>1 bedroom: minimum 85.63m<sup>2</sup></p> <p>An additional 5m<sup>2</sup> is provided for all units with additional bathrooms.</p>	Yes.
4E – Private Open Space and Balconies	<p><i>Studio: 4m<sup>2</sup></i></p> <p><i>1 bed: 8m<sup>2</sup>, min depth 2m</i></p> <p><i>2 bed: 10m<sup>2</sup>, min depth 2m</i></p> <p><i>3 bed: 12m<sup>2</sup>, min depth 2.4m</i></p>	<p>The proposal provides compliant open space as follows:</p> <ul style="list-style-type: none"> <li>1 bed: min 10m<sup>2</sup></li> </ul>	Yes.
4G – Storage	<p><i>Studio: 4m<sup>3</sup></i></p> <p><i>1 bed: 6m<sup>3</sup></i></p> <p><i>2 bed: 8m<sup>3</sup></i></p> <p><i>3 bed: 10m<sup>3</sup></i></p> <p><i>At least 50% within the basement</i></p>	<p>Storage area within basement and units.</p>	Yes.
4H – Acoustic	<p><i>Orientate building away from</i></p>	<p>Like rooms located adjacent to</p>	Yes.

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Design Criteria	Required	Proposed	Compliance
Privacy	<i>noise sources Party walls limited or insulated, like rooms together Noise sources (e.g. garage doors, driveways) located at least 3m from bedrooms</i>	like rooms. Acoustic treatments proposed between party walls.	
4K – Apartment Mix	<i>Variety of apartment types Appropriate apartment mix Different apartments distributed throughout the building</i>	The proposal provides the following housing mix: <ul style="list-style-type: none"> <li>• Four (4) x 1 bedroom; and</li> <li>• (11) x 2 bedroom units.</li> </ul> The proposed housing mix is considered acceptable and provides for a variety of housing types.	Yes.
4M – Facades	<i>Composition of building elements Defined base, middle and top Building services integrated into the façade</i>	Incorporates a defined base, middle and top element through change in materials, and scale.	Yes.
4N – Roof Design	<i>Roof design integrated into the building. Incorporates sustainability features. May include common open space.</i>	The proposed skillion roof design is integrated within the structure.	Yes.
4O – Landscape Design	<i>Responsive to streetscape Viable and sustainable</i>	The proposed development incorporates no change to the existing landscaping treatments upon the site.	Yes.
4U – Energy Efficiency	<i>Adequate natural light to habitable areas. Adequate natural ventilation. Screened areas for clothes drying. Shading on northern and western elevations.</i>	Compliant with BASIX Certificate requirements	Yes.
4V – Water Management and Conservation	<i>Efficient fixtures /fittings. WSUD integrated. Rainwater storage and reuse</i>	Compliant with BASIX Certificate requirements	Yes
4W – Waste Management	<i>Minimise impact on streetscape, building entry and amenity</i>	Existing screened at-grade bin collection area is capable of accommodating for additional waste generation.	Yes.
4X – Building Maintenance	<i>Material selection reduces ongoing maintenance costs</i>	The proposal incorporates a mix of face brick, weatherboard, painted render and glazed elements. The proposed material selection is considered appropriate and will reduce the ongoing maintenance costs of the building.	Yes.



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## STRATHFIELD LOCAL ENVIRONMENTAL PLAN (SLEP) 2012

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

<b>Cl. 1.2(2)</b>	<b>Aims</b>	<b>Complies</b>
(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>	<b>Yes</b>
(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>	<b>Yes</b>
(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>	<b>N/A</b>
(d)	<i>To provide opportunities for economic growth that will enhance the local community</i>	<b>N/A</b>
(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>	<b>Yes</b>
(f)	<i>To identify and protect environmental and cultural heritage</i>	<b>Yes</b>
(g)	<i>To promote opportunities for social, cultural and community activities</i>	<b>N/A</b>
(h)	<i>To minimise risk to the community by identifying land subject to flooding and restricting incompatible development</i>	<b>Yes</b>

**Comments:** The proposed development providing for additional housing in a medium density setting within close proximity to transport services is considered to be consistent with the aim of the SLEP 2012.

### Permissibility

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

Residential flat buildings are permissible within the R3 Medium Density Residential Zone with consent and is defined under SLEP 2012 as follows:

**“Residential flat building** means a building containing 3 or more dwellings, but does not include an attached dwelling or multi dwelling housing.”

### Zone Objectives

An assessment of the proposal against the objectives of the R3 Medium Density Residential Zone is included below:

<b>Objectives</b>	<b>Complies</b>
➤ <b><i>To provide for the housing needs of the community within a medium density residential environment.</i></b>	<b>Yes</b>
➤ <b><i>To provide a variety of housing types within a medium density residential environment.</i></b>	<b>Yes</b>
➤ <b><i>To enable other land uses that provide facilities or services to meet the day to day needs of residents.</i></b>	<b>N/A</b>

### Part 4: Principal development standards

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

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### Height of building

Cl.	Standard	Controls	Proposed	Complies
4.3	Height of building	9.5m	12m	No

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

**Comments:** Refer Clause 4.6 discussion below.

### Floor space ratio

Cl.	Standard	Controls	Proposed	Complies
4.4	Floor space ratio	0.65:1 (739.98m <sup>2</sup> )	0.93:1 (1059.13m <sup>2</sup> )	No, however complies with ARHSEPP

	Objectives	Complies
(a)	To ensure that dwellings are in keeping with the built form character of the local area	Yes
(b)	To provide consistency in the bulk and scale of new dwellings in residential areas	Yes
(c)	To minimise the impact of new development on the amenity of adjoining properties	Yes
(d)	To minimise the impact of development on heritage conservation areas and heritage items	Yes
(e)	In relation to Strathfield Town Centre: <ul style="list-style-type: none"> <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>	Yes
(f)	In relation to Parramatta Road Corridor – to encourage a sustainable consolidation pattern that optimises floor space capacity in the Corridor	Yes

### Clause 4.6 Exceptions to Development Standards

Under Clause 4.6 of the SLEP 2012, the consent authority may consider a variation, where that variation would achieve a better outcome.

As demonstrated in the table above, the proposed development fails to comply with the maximum building height permitted under Clause 4.3 of the SLEP 2012. The area of non-compliance relates to a portion of the upper storey (Refer Figure 3) that extends a maximum of 2.5m above the maximum permissible building height of 9.5m resulting in a departure of 26%. The proposed fourth storey retains the additional bulk of the structure to the rear of the site allowing the development to achieve the additional density available under the controls of State Environmental Planning Policy (Affordable Rental Housing) 2009 with minimal streetscape or amenity impacts. The proposed four (4) storey structure is consistent with existing development and recent development approvals upon the adjoining sites which both consist of three (3) and four (4) storey structures (Refer Figures 4 and 5).

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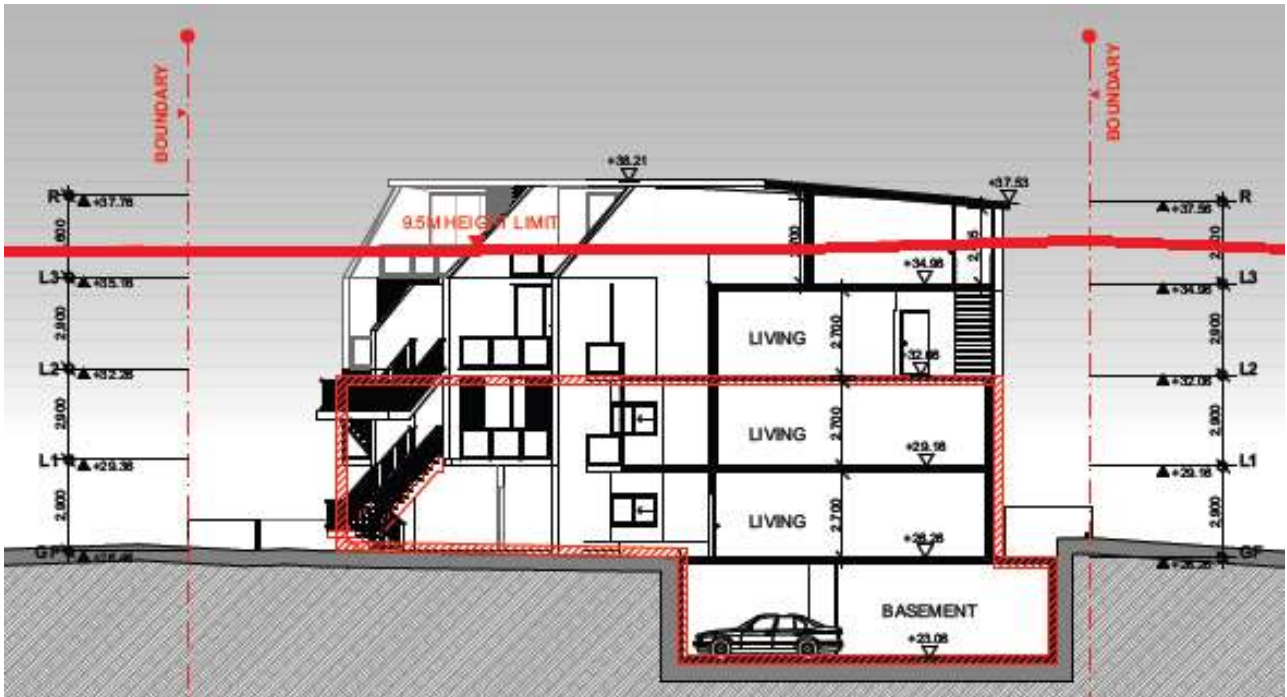


Figure 3: Section view looking south noting the extent of the proposed building height variation.



Figure 4: Existing three (3) storey development at 32 Noble Avenue, Strathfield.

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**Figure 5: Architectural render of the approved four (4) storey development at 36 Noble Avenue, Strathfield.**

Clause 4.6(3) of the SLEP 2012 states the following:

*“Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:*

- (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case; and*
- (b) that there are sufficient environmental planning grounds to justify contravening the development standard.”*

The applicant has provided a written request that seeks to justify the proposed contravention of the maximum building height development standard on the following grounds:

- The proposal results in no adverse impacts upon surrounding residential developments;
- The proposal is consistent with existing and recently approved developments upon the adjoining properties (32 and 36 Noble Avenue);
- The proposal concentrates the building bulk towards the B4 Mixed use and SP1 zoned land to the rear of the site as to minimise visual impacts from surrounding residences; and
- The proposed development is responsive to the broader transitional context of the locality and complements the established scale and character of the streetscape of Noble Avenue.

Clause 4.6(4) of the SLEP 2012 states the following:

*“Development consent must not be granted for a development that contravenes a development standard unless:*

- (a) the consent authority is satisfied that:*
  - (i) the applicant’s written request has adequately addressed the matters required to be demonstrated by subclause (3)*

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The applicant's written request to justify the contravention of the building height standard adequately addresses the matters required to be demonstrated in subclause 4.6(3), specifically, that compliance with the standard is unnecessary or unreasonable in the circumstances of the case, and that there are sufficient environmental planning grounds to justify contravening the development standard. The written request is considered to provide sufficient substantive information on the environmental planning grounds relating to streetscape, bulk, scale and amenity

- (ii) *the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out.*

#### Development Standard Objectives

An assessment of the proposed development against the objectives of the development standard follows:

#### **Ensure that the development is of a height that is generally compatible with or which improves the appearance of the existing area.**

As previously noted, the area surrounding the subject site is undergoing a transition from low to medium density residential development as a result of the gazettal of the SLEP 2012. As such, giving consideration to the compatibility of the development with the surrounding area it is appropriate to give weight to recent approvals within the area and the building heights as envisaged under the SLEP 2012.

The SLEP 2012 envisages a predominant maximum building height of 9.5m to the surrounding properties fronting Noble Avenue, a height of 13m to the properties fronting Homebush Road and 11m to the properties fronting Liverpool Road. The recently completed development to the east of the subject site (32 Noble Avenue) features a maximum building height of 9.5m, while the approved development to west of the site (36 Noble Avenue) features a maximum building height of 12.2m. Within the broader streetscape, development consent was granted by the NSW Land & Environment Court for the construction of a four (4) storey residential flat building at 50 Noble Avenue with a maximum building height of 11.5m.

As such, giving consideration to the compatibility of the proposed 12m building height to permissible building heights upon the subject site and adjoining allotments and recent approvals within the locality which range from two (2) storeys to four (4) storeys in height; the proposed building height is considered to be compatible with the appearance of existing and likely future development within the area.

#### **Encourage a consolidation pattern that leads to the optimum sustainable capacity height for the area.**

The planned residential density as established throughout the maximum permissible FSR controls of the SLEP 2012 and State Environmental Planning Policy (Affordable Rental Housing) 2009 are considered to provide a suitable reflection of the optimum sustainable capacity for the area. In recognition of a nature of the use of the site for the purposes of affordable rental housing and the bonus FSR that is available to such an application the building envelope is required to be expanded to accommodate for the additional residential density beyond the scope of the Strathfield Local Environmental Plan 2012. As the proposed additional building height brings the proposal into line with the maximum permissible floor space ratio, not allowing for an expansion of the building envelope to accommodate for the additional floor space ratio would result in a suboptimal capacity. Further, Justice O'Neil in *Abdul-Rahman v Ashfield Council [2015] NSWLEC 112 (28 April 2015)* established that the principle of an expanded building envelope to facilitate for the delivery of new affordable rental housing is a relevant matter in considering the contravention of a development standard. However, Justice O'Neil also noted that any such increase in height must remain

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compatible with the local area being the future character of development within the visual catchment. In applying this test to the proposed development the additional building height is a direct consequence of the affordable rental housing component of the development and as previously discussed results in a development that is consistent with existing three (3) to four (4) storey developments within the locality.

Zone Objectives

The site is Zoned R3 Medium Density Residential under SLEP 2012. An assessment of the proposed development against the objectives of the zone follows:

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

The proposed development providing for additional residential tenancies with a medium density residential setting without adversely impacting upon existing residential development within the locality is considered to be consistent with the objectives of the R3 Medium Density Residential Zone.

*(b) the concurrence of the Secretary has been obtained."*

Council may assume the concurrence of the Director-General under the Planning Circular PS 08-003 issued in May 2008.

In conclusion, the applicant's written request to justify the contravention of the maximum building height development standard is considered to be well founded in that the applicant has satisfactorily demonstrated that compliance with the standard is unnecessary or unreasonable in the circumstances of the case, and that there are sufficient environmental planning grounds to justify contravening the development standard.

**79C(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.

**79C(1)(a)(iii) any development control plan**

**STRATHFIELD CONSOLIDATED DEVELOPMENT CONTROL PLAN (SCDCP) 2005**

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

**PART C – MULTIPLE-UNIT HOUSING**

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

<b>No.</b>	<b>Objectives</b>	<b>Complies</b>
<b>1</b>	<i>To maintain and improve the amenity and character of medium density residential areas in the Council area.</i>	<b>Yes</b>
<b>2</b>	<i>To ensure that new residential development is of a type, scale, height,</i>	<b>Yes</b>

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	<i>bulk and character that is compatible with the particular streetscape characteristics of the area in which it is proposed.</i>	
3	<i>To promote residential development that is attractive, functional, innovative and is of a high quality.</i>	Yes
4	<i>To maximise solar access and privacy to existing and proposed developments.</i>	Yes
5	<i>To provide an acceptable acoustic environment for residents through appropriate design, layout and construction measures, which mitigate noise and vibration impacts from nearby road and rail transport activities.</i>	Yes
6	<i>To preserve existing mature vegetation and encourage the planting of native vegetation suitable for the area.</i>	Yes
7	<i>To ensure that an adequate number of on-site car parking spaces are provided for residents and visitors.</i>	Yes
8	<i>To ensure that adequate provision is made for landscaped open space for the enjoyment of residents.</i>	Yes
9	<i>To promote high quality landscaped areas which complement the overall development and which assist in maintaining existing streetscape quality.</i>	Yes
10	<i>To ensure that the heritage value of individual buildings and conservation areas is not compromised by new multiple-unit residential development.</i>	Yes

<b>Cl.</b>	<b>Element</b>	<b>Controls</b>	<b>Complies</b>
2.2	Site Requirements	Minimum site area of 1000m <sup>2</sup> and a minimum street frontage of 30m.	ARHSEPP Prevails
2.3	Dwelling Unit and Building Design	One (1) main entry with barrier free access provided	Yes
	Dwelling Unit and Building Design	Parking for people with disabilities with convenient access to the building.	Yes
	Dwelling Unit and Building Design	Building materials and finishes are to be sympathetic to with the adjoining buildings and the streetscape.	Yes
	Unit Sizes and Lot Layout	1 bed = 70m <sup>2</sup> 2 bed = 85m <sup>2</sup>	ARHSEPP prevails
2.4.2.2	Solar Access	50% of the principle private open space achieves a minimum of 3 hours sunlight during the winter solstice.	Yes
	Solar Access	Solar access to habitable rooms and private open space of adjoining properties be provided for a minimum of 3 hours during the winter solstice.	ARHSEPP prevails
2.4.3	Natural Space Heating and Cooling	Reduce the need to artificially heat and cool dwellings.	Yes
2.4.4	Natural Lighting	Reduce reliance on artificial lighting	Yes
2.5	Streetscape orientation	Compatible with the existing character and address the street frontage.	Yes
	Streetscape orientation	Dwellings facing the street will have frontage and apparent access.	No change to street frontage
2.7	Open space and landscaping	50% of the total site area must equate to open space at ground level (this area can include driveways).	ARHSEPP prevails
		35% of the landscaped area is to be provided as deep	ARHSEPP

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		soil landscaping this excludes basement underneath areas.	prevails
2.8	Privacy and Security	Windows to be offset from adjoining dwelling by 0.5m; Have a sill height of 1.7m or have obscure glazing to a height of 1.7m.	Yes
		Bedrooms not to adjoin living rooms/ garages of adjoining dwellings.	Yes
2.9	Car Parking	Car parking is required to be provided: 1 bed = 1 space 2 bed = 1.5 spaces <b>Required = (21) spaces</b>	ARHSEPP prevails
		Dimensions of garage car spaces to comply with Australian standard	Yes
	Ramp Driveway Gradient/ design	Complies with AS2890.1	Yes

## PART H - WASTE MANAGEMENT (SCDCP 2005)

The subject application proposes to utilise the existing screened ground level bin storage area for the storage of waste prior to on-street collection in accordance with existing waste management measures.

In accordance with Part H of the SCDCP 2005, waste storage is to be provided at the following rates:

**General Waste:** 120L/unit/week

**Recycling:** 120L/unit/fortnight

Having regard to the above rates, a minimum of eight (8) x 240L bins are to be provided for general waste and (8) x 240L bins are to be provided for recycling waste.

The waste storage room provides sufficient space for eight (8) waste bins and eight (8) recycling bins.

The subject application was accompanied by a Waste Management Plan outlining the proposed measures of minimising waste generation throughout the proposed construction works and for the ongoing operation of the site. A condition of consent will be recommended requiring ongoing compliance with the measures outlined within the plan.

### **79C(1)(iia) any planning agreement or draft planning agreement**

No planning agreement has been entered into under section 93F of the *Environmental Planning and Assessment Act 1979*.

### **(i) matters prescribed by the regulations**

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

Having regard to these prescribed matters, the proposed development is not located on land subject to the Government Coastal Policy as determined by Clause 92(1)(a)(ii) and does not involve the demolition of a building for the purposes of AS 2601 – 1991: *The Demolition of Structures*.

### **(ii) any coastal zone management plan**



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The NSW Government projects sea levels to rise by 40cm in 2050 and by 90cm in 2100 above the relative mean sea level in 1990. These planning benchmarks are to be considered in the assessment of development applications through the applicable coastal zone management plan or alternatively the provisions of the *NSW Coastal Planning Guideline: Adapting to Sea Level Rise*.

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

The proposed development is 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*.

**79C(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**

#### Solar Access

Clause 14(e) of State Environmental Planning Policy (Affordable Rental Housing) 2009 requires a minimum of 70% (ten (10) units) of units receive a minimum of 3 hours solar access in mid-winter. The proposed development providing 60% (nine (9) units) with three (3) hours solar access fails to satisfy this requirement. However, the proposed development involves no reduction to the existing solar access upon the site and provides the three (3) proposed units with more than 3 hours solar access. Further, the proposed development satisfies the solar access provisions of Section 4A of the Apartment Design Guide with 73% (11 units) of units receiving more than 2 hours solar access. As such, a departure from the development standard is considered to be acceptable as an appropriate level of amenity is provided to existing and proposed dwellings upon the site.

#### Separation

Section 3F of the Apartment Design Guide requires a minimum of 6m separation be provided from habitable rooms to property boundaries and 3m to non-habitable areas. The proposed development follows the footprint of the existing structure providing a minimum of 3m separation from habitable rooms. While the proposed development appropriately offsets windows to avoid potential for overlooking, a proposed third storey balcony to unit 202 provides opportunities for overlooking to the adjoining site to the west (36 Noble Avenue). As unit 202 also features a northern facing balcony that achieves the minimum private open space provisions of the Apartment Design Guide a condition of consent is recommended that the south facing balcony to unit 202 be deleted and provided as non-trafficable roof area. With the imposition of such a condition the proposed separation is considered unlikely to result in any significant visual privacy impacts and is considered to be acceptable.

**79C(1)(c) the suitability of the site for the development**

The subject site is relatively unconstrained and is considered to be suitable in its current state for the purposes of the proposed development is considered to be suitable to the site in that

**79C(1)(d) any submissions made in accordance with this Act or the regulations**

The application was notified in accordance with Part L of the SDCP 2005 from **14 March 2017** to **29 March 2017**, with **three (3)** submissions received, raising the following concerns:

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### 1. *Owners consent*

Concern was raised over the legitimacy of the owner's consent accompanying the subject application.

Assessing officer's comments: The subject application was accompanied by the common seal of the owner's corporation of Strata Plan 88307 and the endorsed minutes of an extraordinary meeting resolving to allow for the lodgement of a development application. Such documentation satisfies the provisions of Schedule 1 of the Environmental Planning and Assessment Regulation 2000. Any contention regarding the validity of the Strata scheme resolution is a civil matter beyond the scope of section 79C consideration.

### 2. *Construction impacts*

Concern was raised over potential impacts of construction works upon existing residents of the site.

Assessing officer's comments: The proposed construction works are temporary in nature and considered unlikely to result in any lasting impacts. Nonetheless, conditions of consent are recommended limiting construction hours, requiring the implementation of dust mitigation measures and requiring the submission of a Construction Site Management Plan prepared in consultation with residents of the site as to minimise potential impacts upon the existing residents of the site.

### 3. *Privacy*

Concern was raised over potential privacy impacts of the proposed units upon existing residences upon the site.

Assessing officer's comments: As the proposed development is for the construction of three (3) units located immediately above existing residences upon the site the proposed development is unlikely to result in direct overlooking to any existing dwelling upon the site.

## **79C (1) (e) the public interest**

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

## **SECTION 94 CONTRIBUTIONS**

Section 94 of the EP&A Act 1979 relates to the collection of monetary contributions from applicants for use in developing key local infrastructure. The Act reads as follows:

- "(1) If a consent authority is satisfied that development for which development consent is sought will or is likely to require the provision of or increase the demand for public amenities and public services within the area, the consent authority may grant the development consent subject to a condition requiring:*
- (a) the dedication of land free of cost, or*
  - (b) the payment of a monetary contribution,*
- or both.*

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- (2) *A condition referred to in subsection (1) may be imposed only to require a reasonable dedication or contribution for the provision, extension or augmentation of the public amenities and public services concerned."*

### STRATHFIELD DIRECT SECTION 94 CONTRIBUTIONS PLAN

Section 94 Contributions are applicable to the proposed development in accordance with the Strathfield Direct Development Contributions Plan 2010-2030 as follows:

Provision of Community Facilities	\$6,462.12
Provision of Major Open Space	\$29,400.71
Provision of Local Open Space	\$6,469.86
Provision Roads and traffic Management	\$1,425.62
Administration	\$557.21
<b>TOTAL</b>	<b>\$44,315.53</b>

### CONCLUSION

The application has been assessed having regard to Section 79C of the Environmental Planning and Assessment Act 1979, the Strathfield Local Environmental Plan 2013 and the Strathfield Development Control Plan 2005 and is considered to be satisfactory for approval, subject to the recommended conditions of consent.

### RECOMMENDATION

In consideration of the written request made by the applicant pursuant to Clause 4.6 of the Strathfield Local Environmental Plan 2012, the consent authority is satisfied that compliance with the development standard contained in Clause 4.3 height of buildings of the SLEP 2012 is well founded and that there are sufficient environmental planning grounds to justify contravening the development standard.

That Development Application No. 2017/031 for alterations and additions to an existing residential flat buildings comprised of three (3) additional units at 34 Noble Avenue, Strathfield be **APPROVED**, subject to the following conditions:

### SPECIAL CONDITIONS (SC)

#### 1. UNIT 202 BALCONY (SC)

The south facing balcony to unit 202 is to be deleted and the area provided as non-trafficable roof area. The doorway to the balcony is to be converted to a window. Plans including such changes are to be submitted to the Principal Certifying Authority **prior to the issue of a Construction Certificate.**

(Reason: To provide appropriate visual privacy to adjoining development.)

#### 2. CONSTRUCTION SITE MANAGEMENT PLAN (SC)

Prior to the issue of a Construction Certificate a Construction Site Management Plan is to be prepared in consultation with existing residents of the site to minimise potential impacts of the construction process upon the existing residents. Such a plan shall include as a minimum the following:

- Building schedule/timeframe of construction;
- Location of site storage sheds and offices if any;

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- Location of any hoardings;
- Location of building materials i.e. Bricks, sand, timber etc.;
- Location of site toilets;
- Location of rubbish receptacles;
- Traffic management including, vehicle access and parking i.e. Tradesman vehicles, delivery drop off areas etc.;
- Fully dimensioned site plans must accompany the Site management plan;
- Means of providing of temporary communal open space areas;
- A daily site maintenance schedule including the removal of any dust and/or debris generated by construction works; and
- A complaints hotline and register.

Full compliance is to be given to the measures contained within the plan throughout all construction works.

(Reason: To minimise impacts of construction works upon residents of the site.)

### 3. AFFORDABLE RENTAL HOUSING (SC)

The Positive Covenant lodged under Section 88E of the Conveyancing Act on the title of the property shall be amended to state that units 4, 5, 6, 10, 11 and 12 shall be managed by a Community Housing Provider and used for the purpose of affordable rental housing for a minimum period of ten (10) years from the date of issue of an Occupation Certificate for DA2017/031.

The wording of the Instrument shall be submitted to, co-signed and approved by Council prior to lodgement at Land & Property Information NSW. Council must be a signatory to the instrument which cannot be extinguished without the prior consent of Council.

The Instrument shall be registered and a registered copy of the document shall be submitted to and approved by the consent authority **prior to the issue of an Occupation Certificate**.

(Reason: In accordance with the requirements of State Environmental Planning Policy (Affordable Rental Housing) 2009.)

## GENERAL CONDITIONS (GC)

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

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

Plans affixed with Council's 'Development Consent' stamp relating to Development Consent No.2017/031:

Drawing No.	Title/Description	Prepared by	Issue / Revision & Date	Date received by Council
A1201	Basement 01 Plan	Ghazi Al Ali Architects	B	12 April 2017
A1204	Level 02 Plan	Ghazi Al Ali Architects	B	12 April 2017
A1205	Level 03 Plan	Ghazi Al Ali Architects	B	12 April 2017

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A1207	Roof Plan	Ghazi Al Ali Architects	B	12 April 2017
A1301	East & West Elevations	Ghazi Al Ali Architects	B	12 April 2017
A1302	North & South Elevations	Ghazi Al Ali Architects	B	12 April 2017
A1401	Sections	Ghazi Al Ali Architects	B	12 April 2017
217022/H1	Concept & Existing Stormwater Drainage, On-site Detention & Rainwater Reuse Underground Tank	AWG Engineers & Associates Pty Ltd	B	3 March 2017

Reference Documentation affixed with Council's 'Development Consent' stamp relating to Development Consent No. 2017/031:

Title / Description	Prepared by	Issue/Revision & Date	Date received by Council
Statement of Environmental Effects	Ghazi Al Ali Architects	January 2017	3 March 2017
Waste Management Plan	Ghazi Al Ali Architects	January 2017	3 March 2017
BASIX Certificate	Sustainable Thermal Solutions	789973M	3 March 2017

In the event of any inconsistency between the approved plans and supplementary documentation, the plans will prevail. However, the conditions of this consent shall prevail to the extent of any inconsistency.

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

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

The height of the building measured to Australian Height Datum (AHD) must not exceed Relative Level (RL) 38.21 AHD to the ridge of the building.

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

**6. CONSTRUCTION HOURS (GC)**

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

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

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

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

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

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

All healthy trees and shrubs identified for retention on the approved drawings are to be suitably protected in accordance with Australian Standard AS4970 – Protection of Trees on Development Sites, prior to the commencement of any works (including any demolition and excavation) and maintained for the duration of the works.

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

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

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

(Reason: To ensure compliance with this consent.)

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

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

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

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

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

(Reason: Statutory requirement.)

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

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

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

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

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

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

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

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

#### **13. BASIX COMMITMENTS (CC)**

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

Where a change or changes are proposed in the BASIX commitments, the applicant must submit a new BASIX Certificate to the Principal Certifying Authority and Council. If any proposed change in the BASIX commitments is inconsistent with the development consent the applicant will be required to submit a modification to the development consent to Council under Section 96 of the Environmental Planning and Assessment Act 1979.

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

(Reason: Statutory compliance.)

#### **14. 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.)

#### **15. CAR PARKING - REQUIREMENTS FOR MULTIPLE USE BUILDINGS (CC)**

The following car parking and service vehicle requirements apply:-

- i) (13) car spaces shall be provided on the development site. This shall consist of:
  - (11) Residential spaces including two (2) car parking spaces for people with mobility impairment, in accordance with AS 2890.1.; and
  - (2) Visitor spaces;



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**(13) Total**

- ii) All car spaces shall be allocated and marked according to this requirement.
- iii) If the development is to be strata subdivided, the car park layout must reflect the above allocation and thereafter be regarded as part of the entitlement of that strata lot.
- iv) Under no circumstances shall parking spaces be sold, let or otherwise disposed of for use other than in accordance with this condition.
- v) Each car parking space shall have minimum dimensions in accordance with the relevant Australian Standard and be provided on-site in accordance with the approved plans.
- vi) The parking bays shall be delineated by line marking.
- vii) Visitor spaces shall be clearly line marked and/or signposted and shall only be used by persons visiting residents of the property or commercial/business/retail premises located within the development. Visitor spaces shall not be allocated as permanent residential parking spaces. Access to visitor parking spaces shall not be restricted without development approval and a sign shall be erected at the vehicular entrance indicating the availability of visitor parking.

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

(Reason: To ensure car parking provision in accordance with this consent.)

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

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

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

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

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

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

(Reason: To ensure compliance with statutory provisions.)

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

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

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

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- iii) The proposed areas within the site to be used for a builder's site office and amenities, the storage of excavated material, construction materials and waste containers during the construction period.
- iv) Erosion and sediment control, detailing measures and procedures consistent with the requirements of Council's guidelines for managing stormwater, including:
  - the collection and treatment of stormwater and wastewater generated on site prior to discharge; and
  - procedures to prevent run-off of solid material and waste from the site.
- v) Waste management, including:
  - details of the types and estimated volumes of waste materials that will be generated;
  - procedures for maximising reuse and recycling of construction materials; and
  - details of the off-site disposal or recycling facilities for construction waste.
- vi) Dust control, outlining measures to minimise the generation and off-site transmission of dust and fine particles, such as watering or damp cloth fences.
- vii) A soil and water management plan, which includes:
  - measures to minimise the area of soils exposed at any one time and conserve top soil;
  - identification and protection of proposed stockpile locations;
  - preservation of existing vegetation and revegetation;
  - measures to prevent soil, sand, sediments leaving the site in an uncontrolled manner;
  - measures to control surface water flows through the site in a manner that diverts clean run-off around disturbed areas, minimises slope gradient and flow distance within disturbed areas, ensures surface run-off occurs at non-erodible velocities, and ensures disturbed areas are promptly rehabilitated;
  - details of sediment and erosion control measures in place before work commences;
  - measures to ensure materials are not tracked onto the road by vehicles entering or leaving the site; and
  - details of drainage to protect and drain the site during works.
- viii) Asbestos management procedures:
  - Anyone who removes, repairs or disturbs bonded or a friable asbestos material must hold a current removal licence from Workcover NSW holding either a Friable (Class A) or a Non- Friable (Class B) Asbestos Removal License which ever applies and a current WorkCover Demolition License where works involve demolition. To find a licensed asbestos removalist please see [www.workcover.nsw.gov.au](http://www.workcover.nsw.gov.au)
  - Removal of asbestos by a person who does not hold a Class A or Class B asbestos removal license is permitted if the asbestos being removed is 10m<sup>2</sup> or less of non-friable asbestos (approximately the size of a small bathroom). Friable asbestos materials must only be removed by a person who holds a current Class A asbestos license.
  - Before starting work, a work site-specific permit approving each asbestos project must be obtained from Workcover NSW. A permit will not be granted without a current Workcover licence. All removal, repair or disturbance of or to asbestos material must comply with the following:
    - The Work Health and Safety Act 2011;
    - The Work Health and Safety Regulation 2011;
    - How to Safety Remove Asbestos Code of Practice – WorkCover 2011; and
    - Safe Work Australia Code of Practice for the Management and Control of Asbestos in the Workplace.
  - Following completion of asbestos removal works undertaken by a licensed asbestos removalist re-occupation of a workplace must not occur until an independent and suitably licensed asbestos removalist undertakes a clearance

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inspection and issues a clearance certificate.

- The developer or demolition contractor must notify adjoining residents at least two (2) working days (i.e. Monday to Friday exclusive of public holidays) prior to the commencement of asbestos removal works. Notification is to include, at a minimum:
  - the date and time when asbestos removal works will commence;
  - the name, address and business hours contact telephone number of the demolisher, contractor and/or developer;
  - the full name and license number of the asbestos removalist/s; and
  - the telephone number of WorkCover's Hotline 13 10 50
  - warning signs informing all people nearby that asbestos removal work is taking place in the area. Signs should be placed at all of the main entry points to the asbestos removal work area where asbestos is present. These signs should be weatherproof, constructed of light-weight material and adequately secured so they remain in prominent locations. The signs should be in accordance with AS 1319-1994 Safety signs for the occupational environment for size, illumination, location and maintenance; and
  - appropriate barricades installed as appropriate to prevent public access and prevent the escape of asbestos fibres. Barricades must be installed prior to the commencement of asbestos removal works and remain in place until works are completed.

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

19. **DILAPIDATION REPORT - PRE-COMMENCEMENT (CC)**

Subject to access being granted, a pre-commencement Dilapidation Report is to be undertaken on all existing site structures and adjoining properties, which in the opinion of a suitably qualified engineer, could be potentially affected by the construction of the project. The Dilapidation Report shall be carried out prior to the issue of a Construction Certificate.

The Dilapidation Report is to be prepared by a suitably Qualified Engineer with current Corporate Membership with the Institution of Engineers, Australia or Geotechnical Practitioner. The report shall include a photographic survey of existing structures and adjoining properties detailing the physical condition of those properties, both internally and externally, including walls, ceilings, roof, structural members and other such items.

If access for undertaking the dilapidation survey is denied by an adjoining owner, the applicant must demonstrate, in writing, to Council's satisfaction attempts have been made to obtain access and/or advise the affected property owner of the reason for the survey and these attempts have been unsuccessful. Written concurrence must be obtained from Council in such circumstances.

The Report shall cover structural and geotechnical factors likely to arise from the development. A copy of this Report shall be submitted to Council as a record. The person having the benefit of the development consent must, at their own cost, rectify any damage caused to other properties during the construction of the project.

(Reason: To ensure no damage to adjoining properties occurs.)

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

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

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

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

(Reason: Environmental protection.)

## 21. NOISE AND VIBRATION MANAGEMENT PLAN (CC)

Prior to the issue of a Construction Certificate, a Noise and Vibration Management Plan is to be prepared by a suitably qualified person addressing the likely noise and vibration from demolition, excavation and construction of the proposed development and provided to Council or the Principal Certifying Authority.

The Plan is to identify amelioration measures to ensure the noise and vibration levels will be compliance with the relevant legislation and Australian Standards. The report that itemises equipment to be used for excavation works. The Plan shall address, but shall not be limited to, the following matters:

- i) identification of activities carried out and associated noise sources;
- ii) identification of potentially affected sensitive receivers, including residences, churches, commercial premises, schools and properties containing noise sensitive equipment;
- iii) determination of appropriate noise and vibration objectives for each identified sensitive receiver;
- iv) noise and vibration monitoring, reporting and response procedures;
- v) assessment of potential noise and vibration from the proposed demolition, excavation and construction activities, including noise from construction vehicles;
- vi) description of specific mitigation treatments, management methods and procedures to be implemented to control noise and vibration during construction;
- vii) construction timetabling to minimise noise impacts including time and duration restrictions, respite periods and frequency;
- viii) procedures for notifying residents of construction activities likely to affect their amenity through noise and vibration; and
- ix) contingency plans to be implemented in the event of non-compliances and/or noise complaints. A register should be kept of complaints received, and the action taken to

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remediate the issue.

(Reason: To protect acoustic amenity of surrounding properties and the public.)

## 22. SECTION 94 CONTRIBUTION PAYMENT - DIRECT CONTRIBUTIONS PLAN (CC)

In accordance with the provisions of Section 94(1)(b) 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	\$6,462.12
Provision of Major Open Space	\$29,400.71
Provision of Local Open Space	\$6,469.86
Provision Roads and traffic Management	\$1,425.62
Administration	\$557.21
<b>TOTAL</b>	<b>\$44,315.53</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.

Note: A copy of Strathfield Council's Section 94 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. SECURITY PAYMENT - DAMAGE DEPOSIT FOR COUNCIL INFRASTRUCTURE (CC)

A security payment of **\$4,127.00** in the form of cash, bank guarantee, cheque or credit card (financial transactions fees apply) shall be paid to Council prior to the issue of a Construction Certificate. The security payment is GST inclusive and comprises the following:

Refundable works bond	\$4,000.00
<u>Non-refundable administration fee (\$127/bond)</u>	<u>\$127.00</u>
<b>TOTAL</b>	<b>\$4,127.00</b>

The security payment covers the following matters and will be released upon satisfactory completion of these items:

- i) road and stormwater drainage works in roadways and public areas;
- iii) installation and maintenance of sediment control measures for the duration of construction activities; and
- v) inspection that no damage has occurred to or building debris/materials have been left on Council land including the footpath, nature strip, kerb and gutter.

Note: The security bond may be used to recover the costs incurred by Council in cleaning and restoring the land to its original condition.

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(Reason: Protection of Council infrastructure.)

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

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

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

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

(Reason: To mitigate traffic impacts on the surrounding area during the construction period.)

**25. WASTE MANAGEMENT PLAN (CC)**

A Waste Management Plan (WMP) is to be provided in accordance with Part H of Strathfield

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Consolidated Development Control Plan 2005. All requirements of the approved Waste Management Plan must be implemented during demolition, construction and on-going use of the premises.

The WMP must identify the types of waste that will be generated and all proposals to re-use, recycle or dispose of the waste. The WMP is to be submitted to the Principal Certifying Authority, prior to issue of the Construction Certificate.

(Reason: To ensure appropriate management of waste.)

26. **WORKS PERMIT (CC)**

A Works Permit shall be obtained from Strathfield Council at least five (5) working days prior any work (including demolition, excavation and the erection of site fencing/hording). The approved Works Permit and any approved Construction Traffic Management Plan must be complied with at all times until all demolition, building, engineering and construction work associated with the development has been completed. The permit must be retained on site at all times.

(Reason: Council requirement.)

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

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

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

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

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

34 Noble Avenue, Strathfield  
SP88307 (Cont'd)

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

(Reason: Statutory requirement.)

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

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

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

In the case of work to be done by an owner-builder:

- the name of the owner-builder; and
- if the owner-builder is required to hold an owner-builder permit under the Home Building Act 1989, the number of the owner-builder permits.

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

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

(Reason: Statutory requirement.)

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

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

- 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.)



34 Noble Avenue, Strathfield  
SP88307 (Cont'd)

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

#### **30. SURVEY REPORT OF APPROVED LEVELS DURING AND POST CONSTRUCTION (DW)**

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

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

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

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

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

#### **31. DRAINAGE SYSTEM - MAINTENANCE OF EXISTING SYSTEM (OC)**

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

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

(Reason: Maintenance and environment.)

#### **32. 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
- 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

34 Noble Avenue, Strathfield  
SP88307 (Cont'd)

is strongly recommended that an Engineer supervise all engineering related works.

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

(Reason: Asset management.)

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

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

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

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

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

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

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

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

(Reason: Fire safety and statutory requirement.)

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

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

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

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

34 Noble Avenue, Strathfield  
SP88307 (Cont'd)

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

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

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

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

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

(Reason: Statutory requirement.)

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

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

(Reason: Adequate stormwater management.)

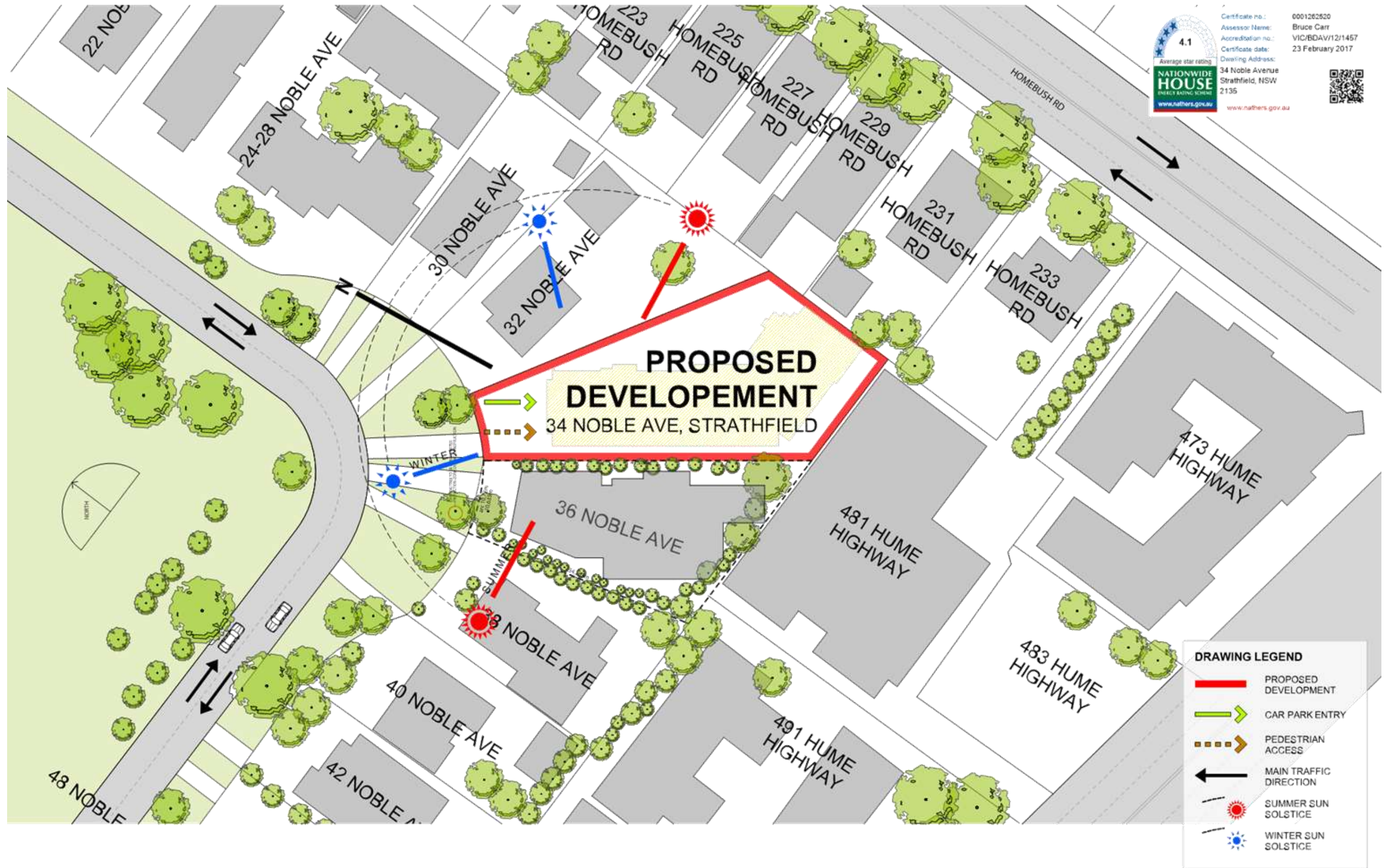
**ATTACHMENTS**

1. [↓](#) Plans





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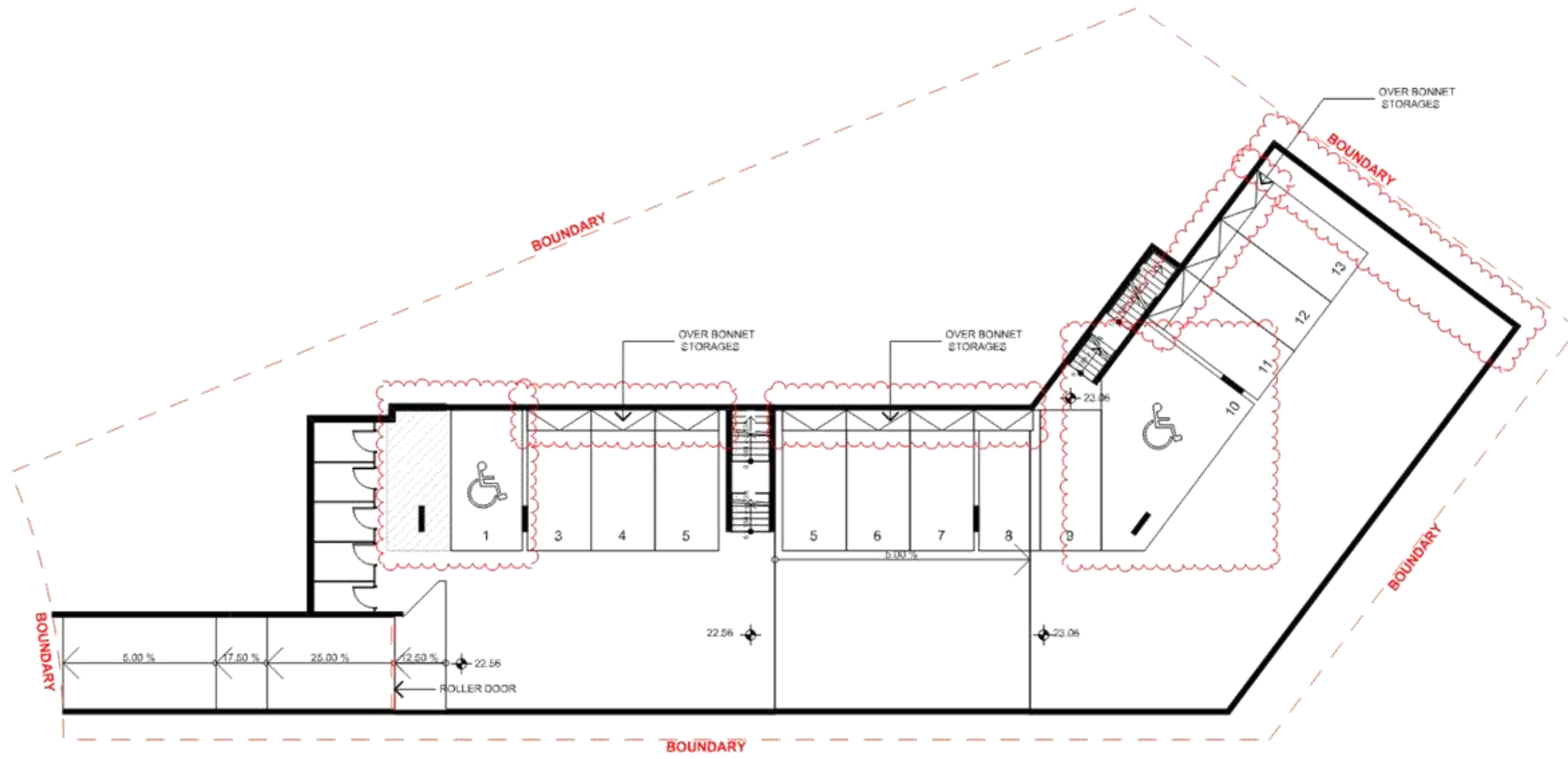
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 Assessor Name: Bruce Carr  
 Accreditation no.: VIC/BDAY/12/1457  
 Certificate date: 23 February 2017  
 Dwelling Address: 34 Noble Avenue, Strathfield, NSW 2135  
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**DRAWING LEGEND**

- PROPOSED DEVELOPEMENT
- CAR PARK ENTRY
- PEDESTRIAN ACCESS
- MAIN TRAFFIC DIRECTION
- SUMMER SUN SOLSTICE
- WINTER SUN SOLSTICE

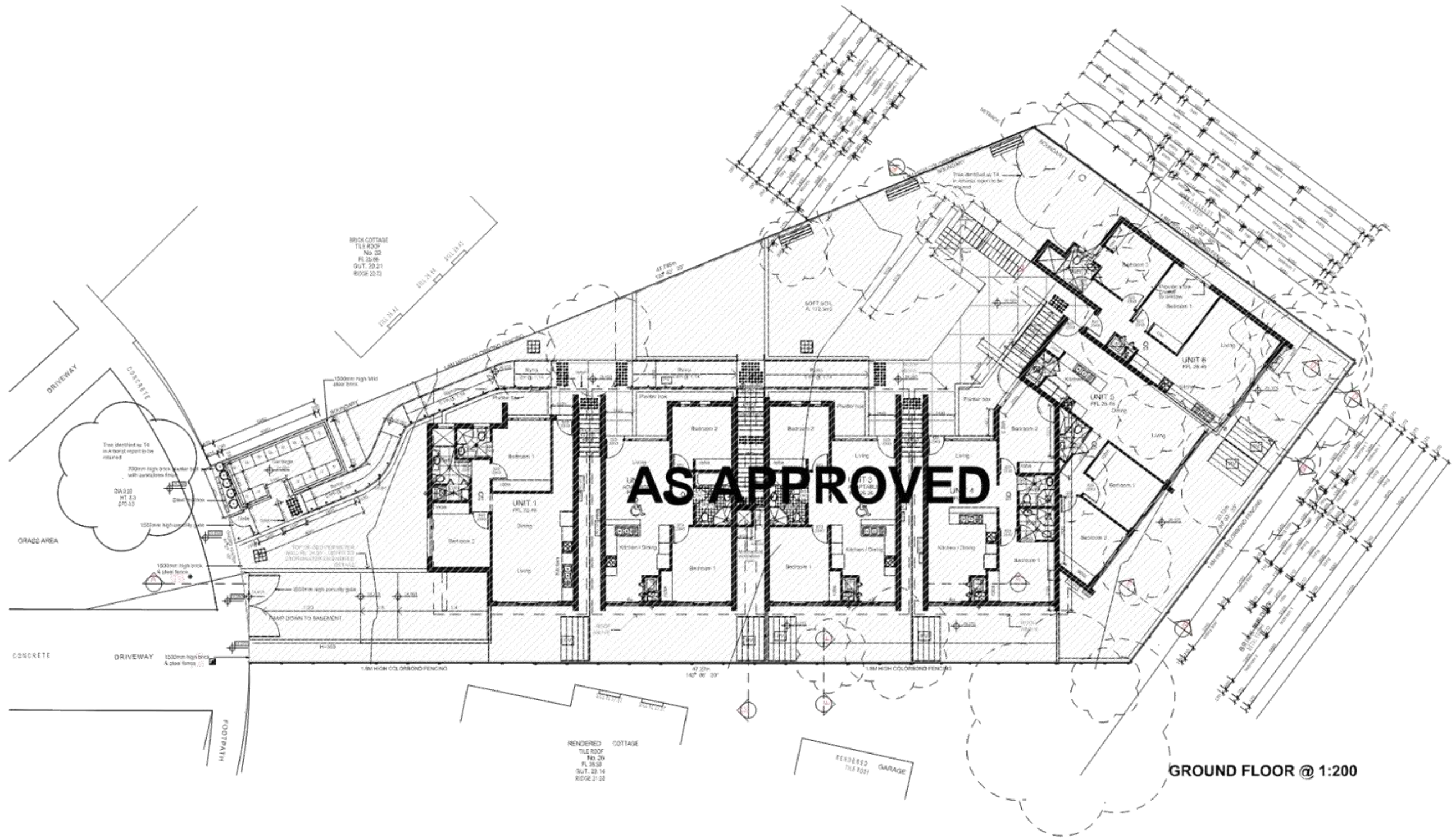
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BASEMENT @ 1:200



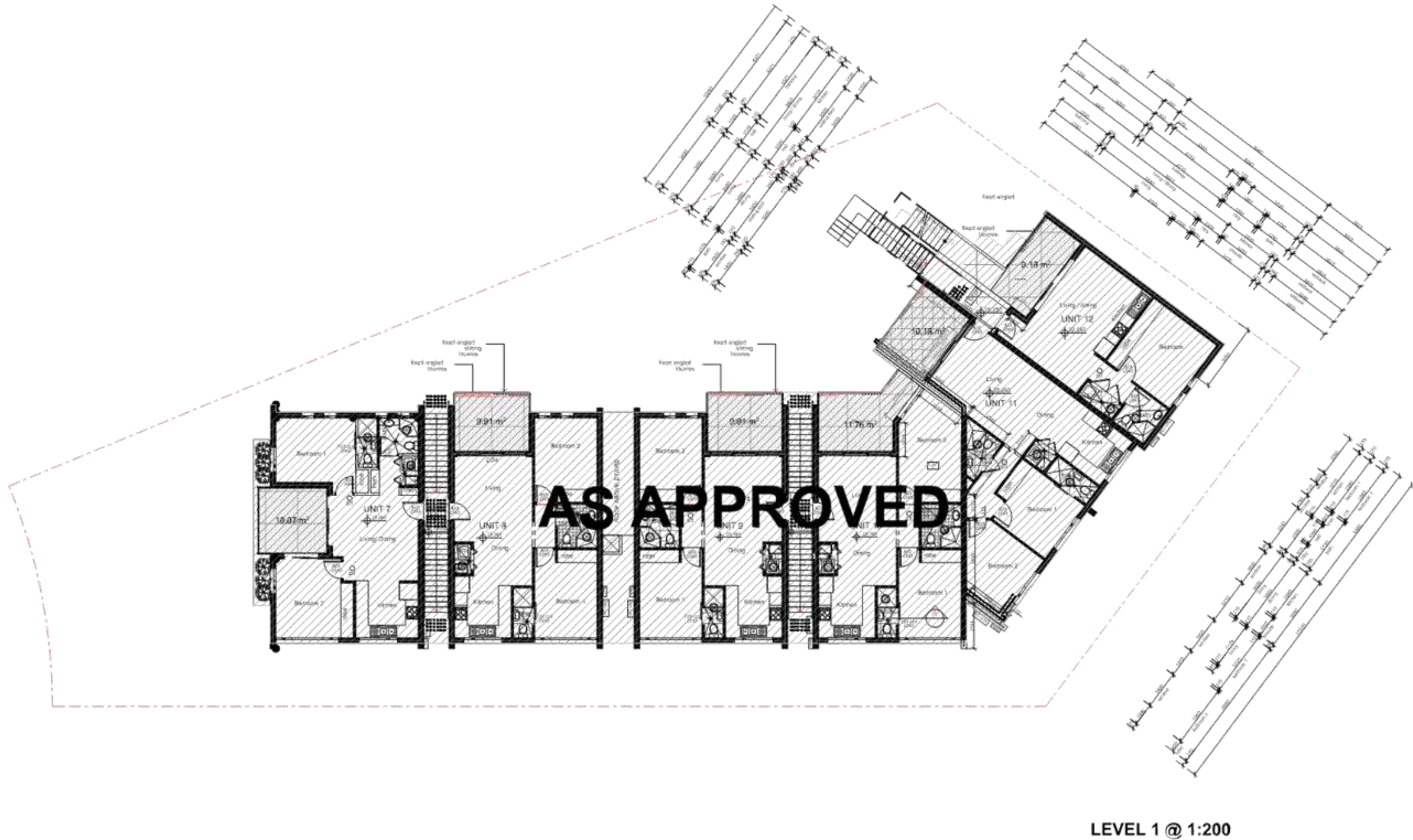
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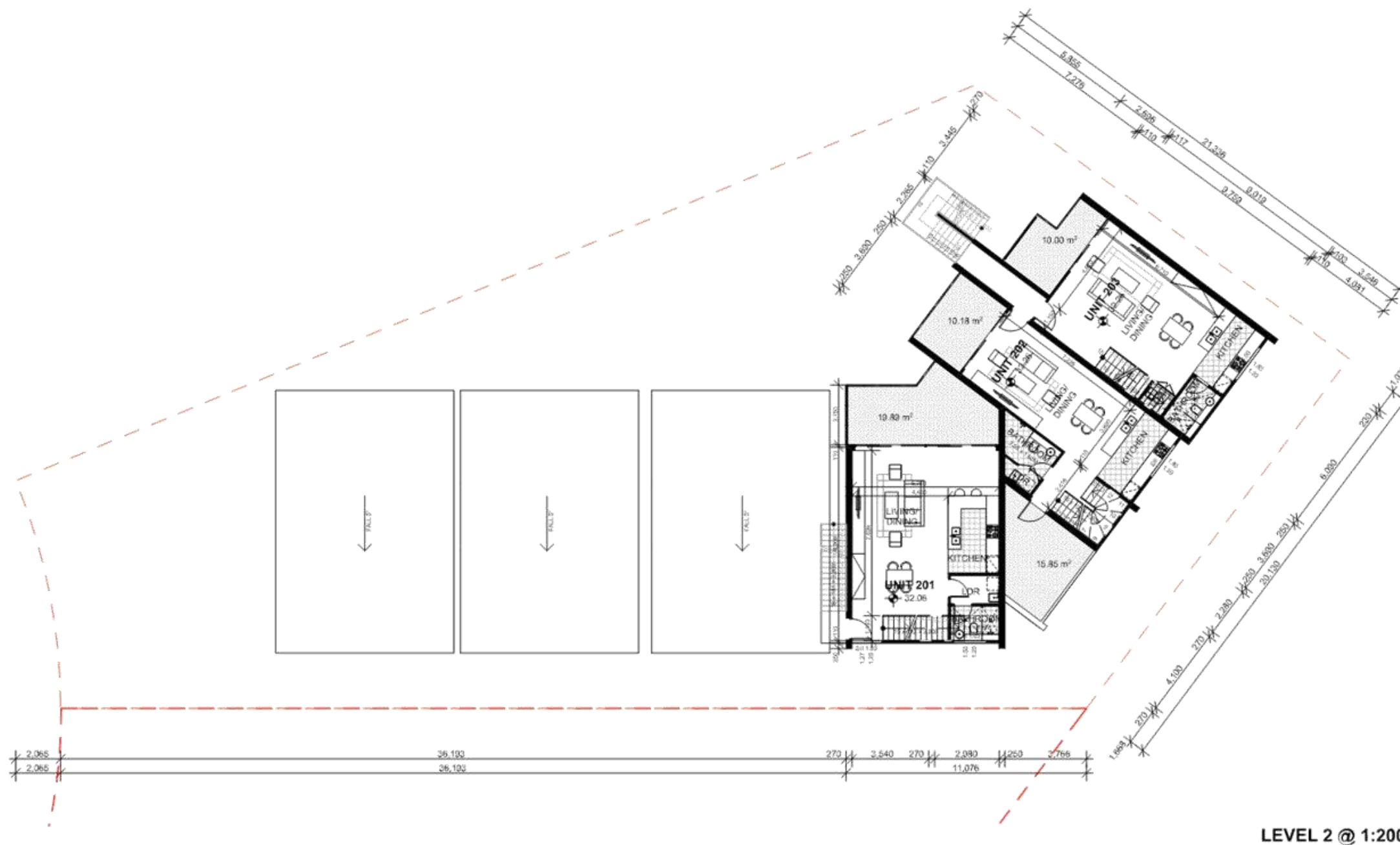
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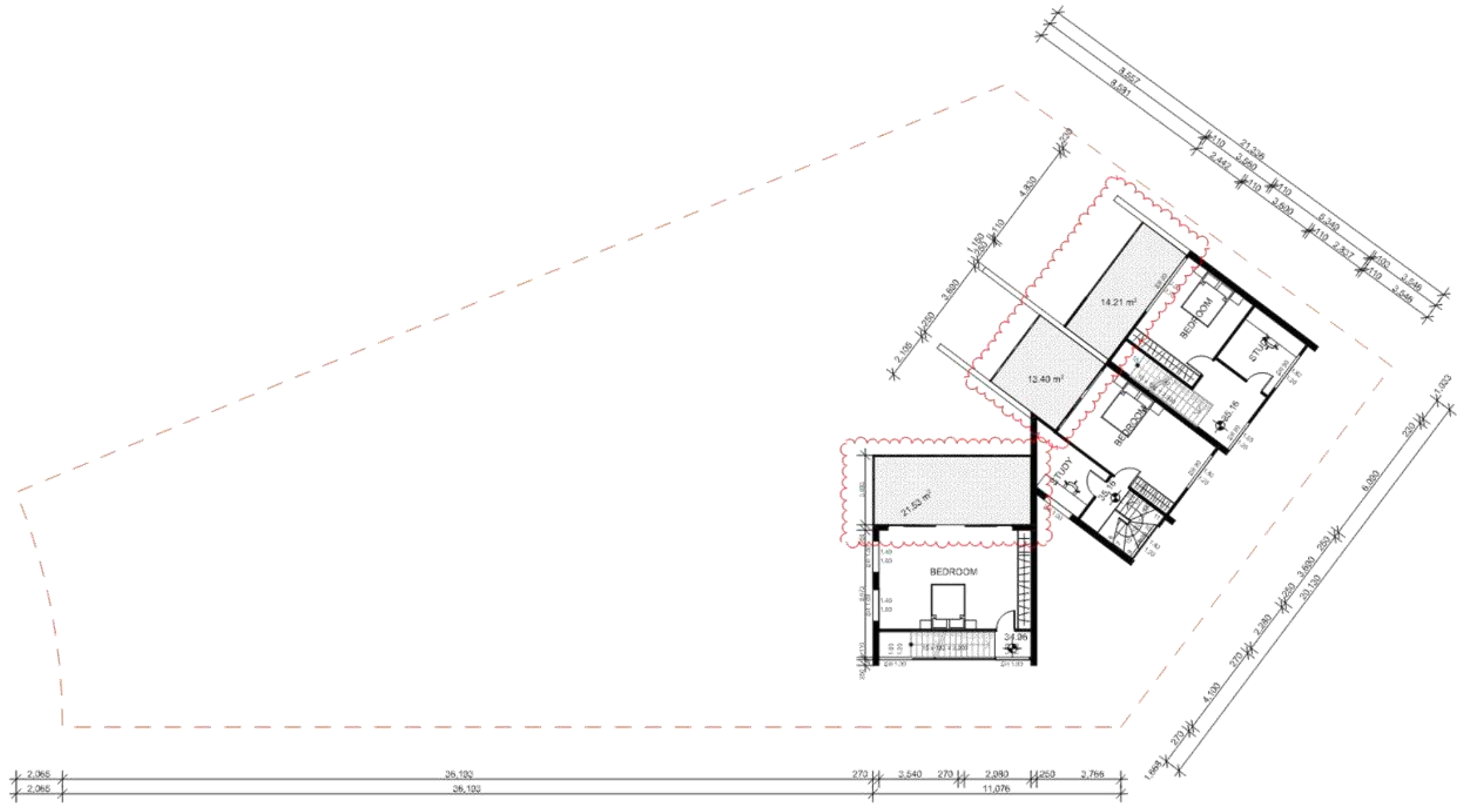
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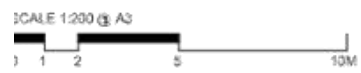
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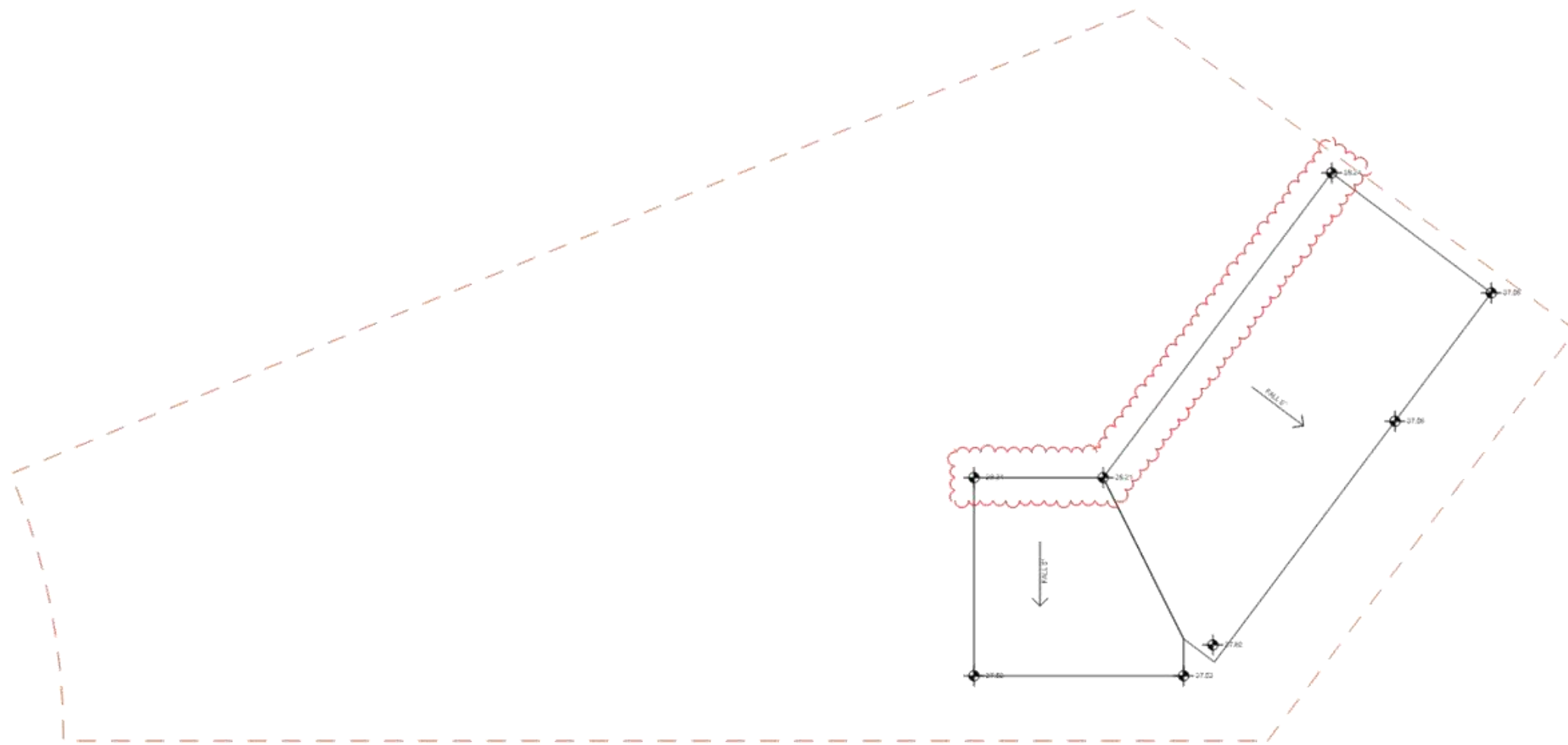
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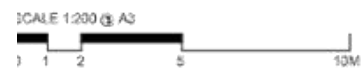
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ROOF @ 1:200



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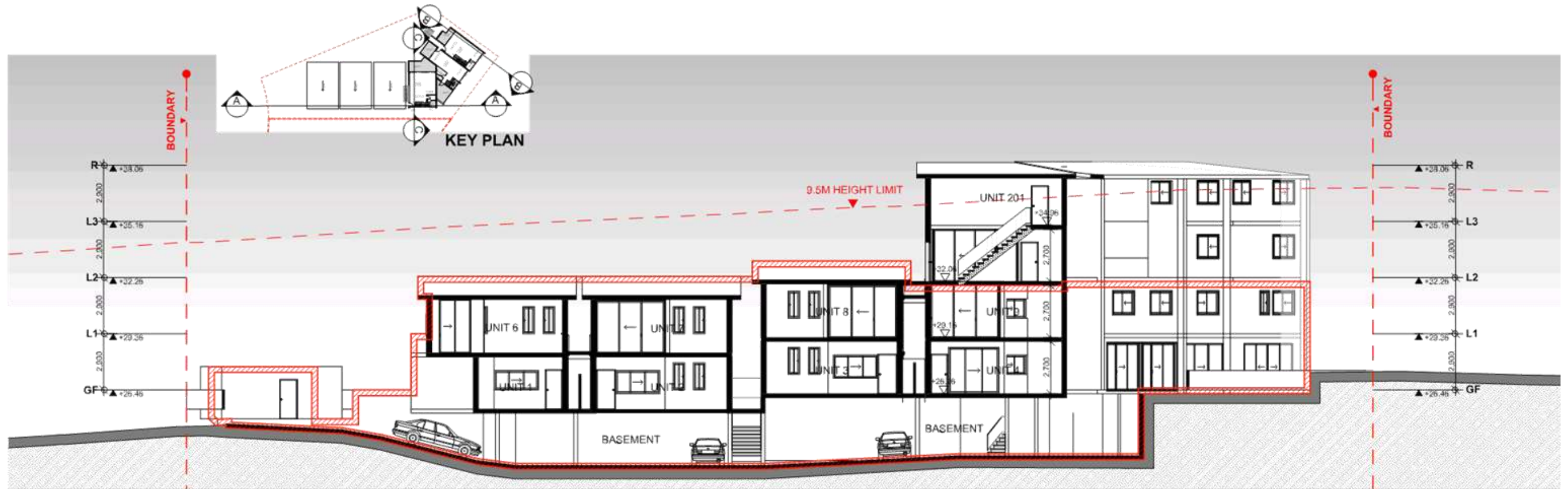
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SOUTH ELEVATION @ 1:200



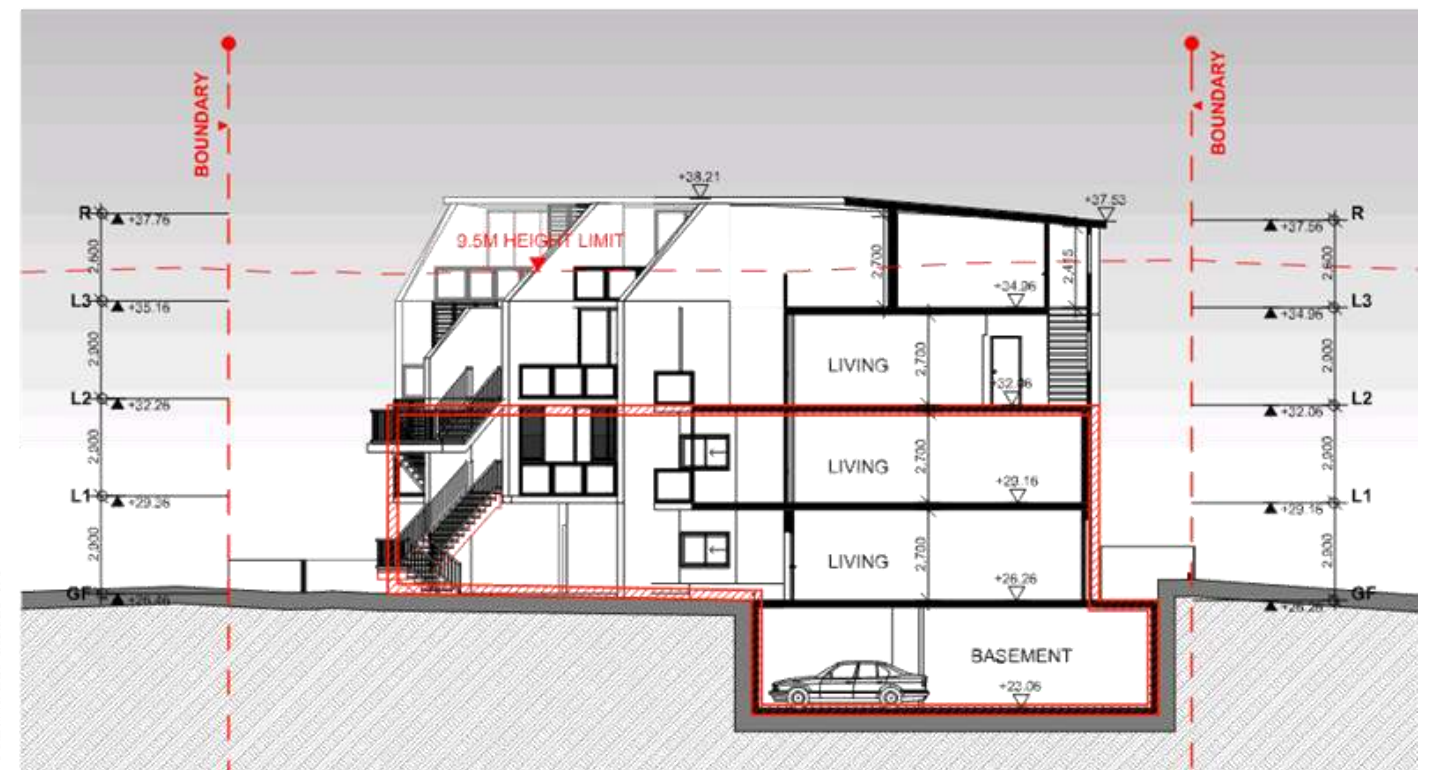
FOR DA PURPOSES ONLY NOT FOR CONSTRUCTION <b>DA</b>	A3 Drawing Register Date	© COPYRIGHT DO NOT SCALE DWGS. USE DIMENSIONS ONLY. REFER ANY DISCREPANCIES TO ARCHITECT PRIOR TO CONSTRUCTION. THESE DRAWINGS ARE SUBJECT TO COPYRIGHT.		ADDRESS 34 NOBLE AVE, STRATHFIELD, NSW 2159 P: 02 9622 9222 E: info@ghazialali.com.au	TRAFFIC Mullen Traffic Engineers Pty Ltd P: 0415 285 225 E: info@mte.com.au	BCA Design-RC P: 045 225 278 E: info@design-rc.com.au	HYDRAULIC AWS Engineers & Associated Pty Ltd P: 02 9522 2100 F: 0419 211 719 E: info@awsengineers.com.au	BAZIL Sustainable Thermal Solutions P: 045 210 721 E: bazil@stts.com.au	PLANNING GHAZI AL ALI ARCHITECTS WASTE MANAGEMENT GHAZI AL ALI ARCHITECTS	ARCHITECT GHAZI AL ALI ARCHITECTS P: 0415 285 225 F: 02 9622 9222 E: info@ghazialali.com.au 14/05/2017	PROJECT 34 NOBLE AVE, STRATHFIELD CLIENT BARAZ CONSTRUCTION DATE 1/2017 DRAWN BY AL	DRAWING CODE NORTH & SOUTH ELEVATIONS DRAWING NUMBER DA PROJECT ARCHITECT Ju PROJECT STRUCTURE GA	PROJECT NUMBER 49.16 SCALE A 1302 SHEET NUMBER B
				THESE DRAWINGS ARE SUBJECT TO COPYRIGHT.	THESE DRAWINGS ARE SUBJECT TO COPYRIGHT.	THESE DRAWINGS ARE SUBJECT TO COPYRIGHT.	THESE DRAWINGS ARE SUBJECT TO COPYRIGHT.	THESE DRAWINGS ARE SUBJECT TO COPYRIGHT.	THESE DRAWINGS ARE SUBJECT TO COPYRIGHT.	THESE DRAWINGS ARE SUBJECT TO COPYRIGHT.	THESE DRAWINGS ARE SUBJECT TO COPYRIGHT.	THESE DRAWINGS ARE SUBJECT TO COPYRIGHT.	THESE DRAWINGS ARE SUBJECT TO COPYRIGHT.



SECTION A @ 1:200



SECTION B @ 1:200



SECTION C @ 1:200

SCALE 1:200 @ A3

1 2 5 10M

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ADDRESS: 34/37 Noble Ave, Strathfield, NSW 2159. TEL: (02) 9620 9022. WWW: WWW.GHAZI.ALI.COM.AU

TRAFFIC: Mott MacDonald Engineering Pty Ltd. TEL: (04) 525 2200. E: strathfield@mm.com.au

BCA: Design-RC. TEL: (04) 222 2278. E: vicki@design-rc.com.au

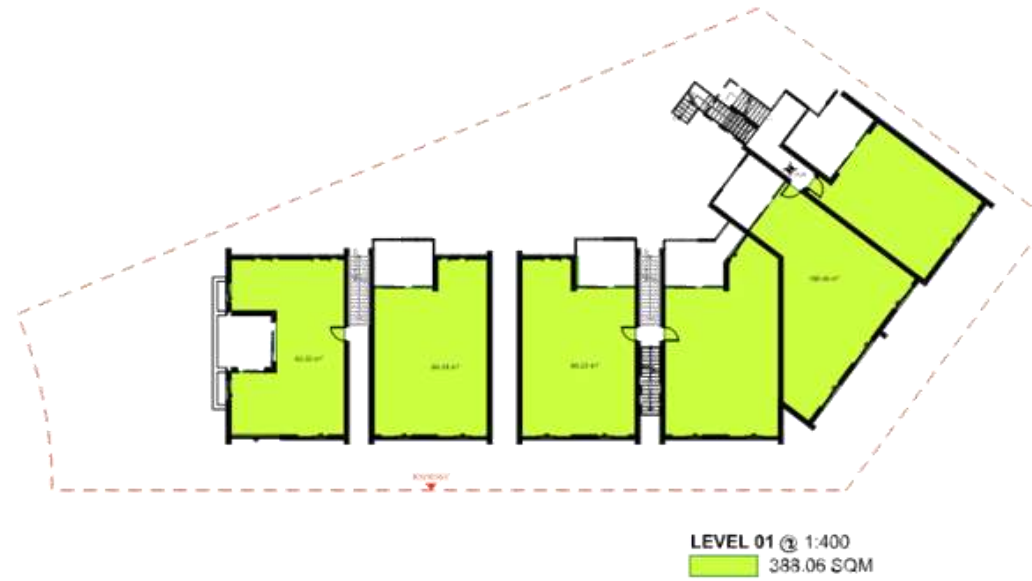
HYDRAULIC: AWS Engineers & Associated Pty Ltd. ADDRESS: PO Box 2160, Rozelle NSW 2058. TEL: (02) 9619 2111. E: chris@awsengineers.com.au

BASEX: Sustainable Thermal Solutions. TEL: (04) 212 7211. E: tom@sttsolutions.com

PLANNING: GHAZI AL ALI ARCHITECTS. WASTE MANAGEMENT: GHAZI AL ALI ARCHITECTS.

PROJECT: 34 NOBLE AVE, STRATHFIELD. BARAZ CONSTRUCTION. SCALE: 1:200. DATE: 07/06/2017. PROJECT ARCHITECT: AL. PROJECT ENGINEER: JU. PROJECT SURVEYOR: GA.

SECTIONS. DRAWING NO: DA. PROJECT NO: A 1401. SHEET NO: 49.16. SCALE: B.



**GFA CALCULATION**

SITE AREA: 1138 SQM  
PERMISSIBLE FSR: 0.65:1  
PERMISSIBLE GFA: 739.98 SQM

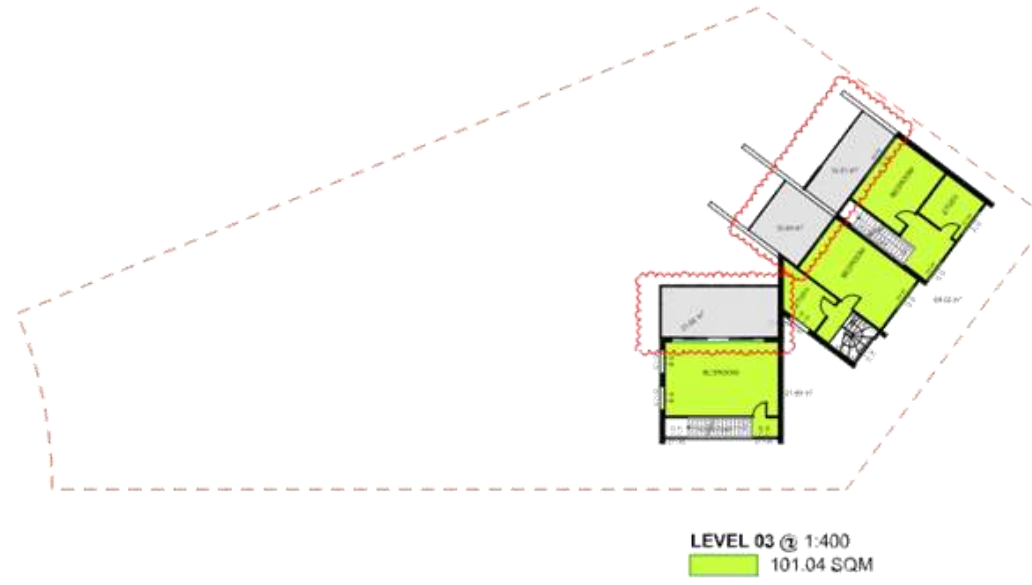
1059.13 SQM

**TOTAL GFA: 1059.13 SQM**  
**TOTAL FSR: 0.93:1**

**UNIT MIX**

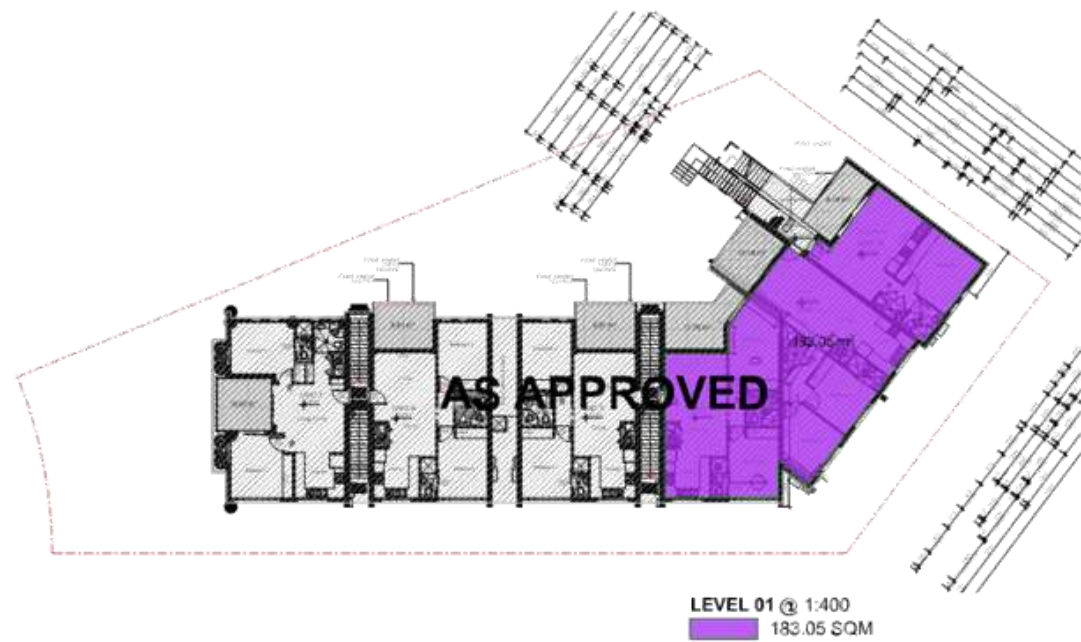
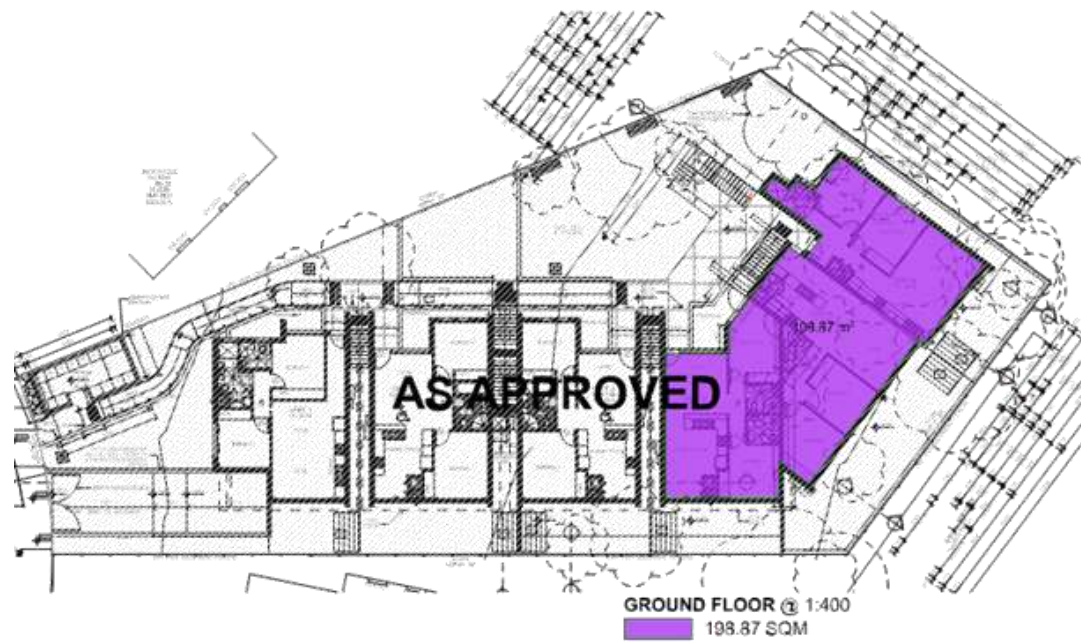
1 BED: 1 (+3)  
2 BED: 11

**TOTAL : 12 (+3)**



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		DATE FOR DA			34 NOBLE AVE, STRATHFIELD	Mullan Traffic Engineers Pty Ltd	Design RC	AWS Engineers & Associated Pty Ltd	Deutermann Thermal Solution	GHAZI AL ALI ARCHITECT	GHAZI AL ALI ARCHITECT	34 NOBLE AVE, STRATHFIELD NSW 2159	PROJECT APPROVED
													49.16
													B



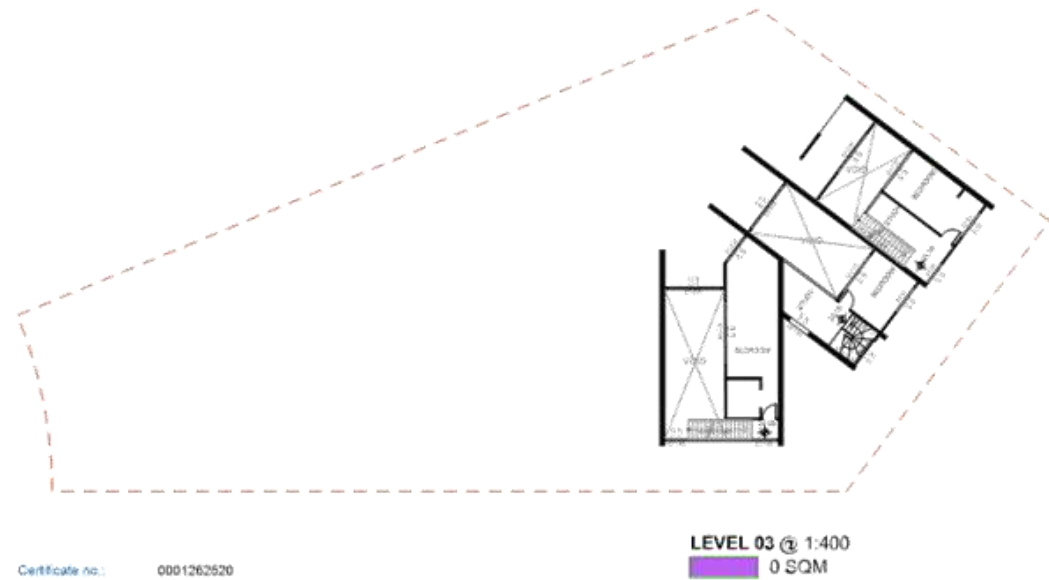


**AFFORDABLE GFA ALLOCATION**

REQUIRED ARH GFA : 25% OF TOTAL PROPOSED GF  
= 1018.54 x 0.25 = 254.635 SQM

TOTAL ALLOCATED ARH GFA : 381.92 SQM

ALLOCATED ARH UNITS :  
4,5,6,10,11,12



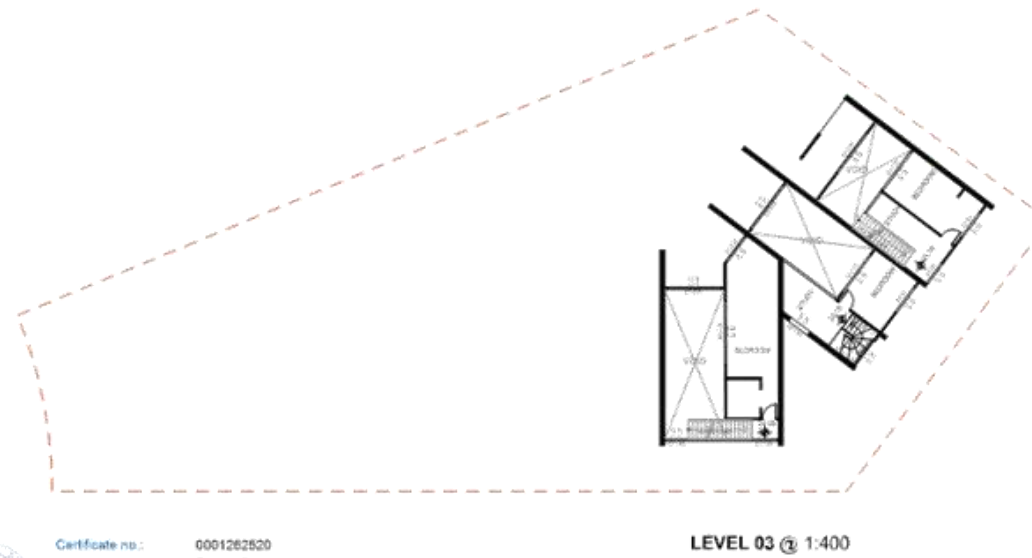
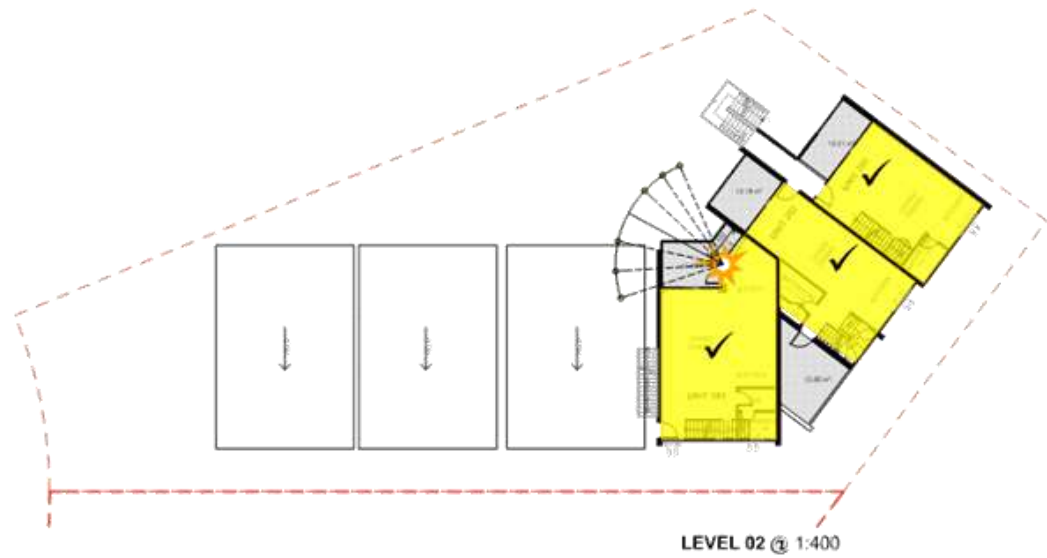
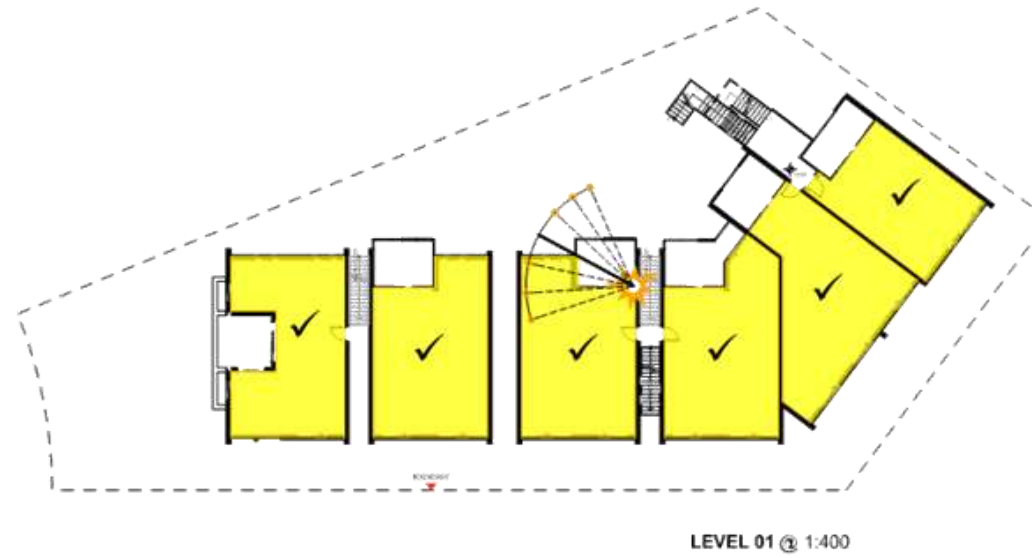
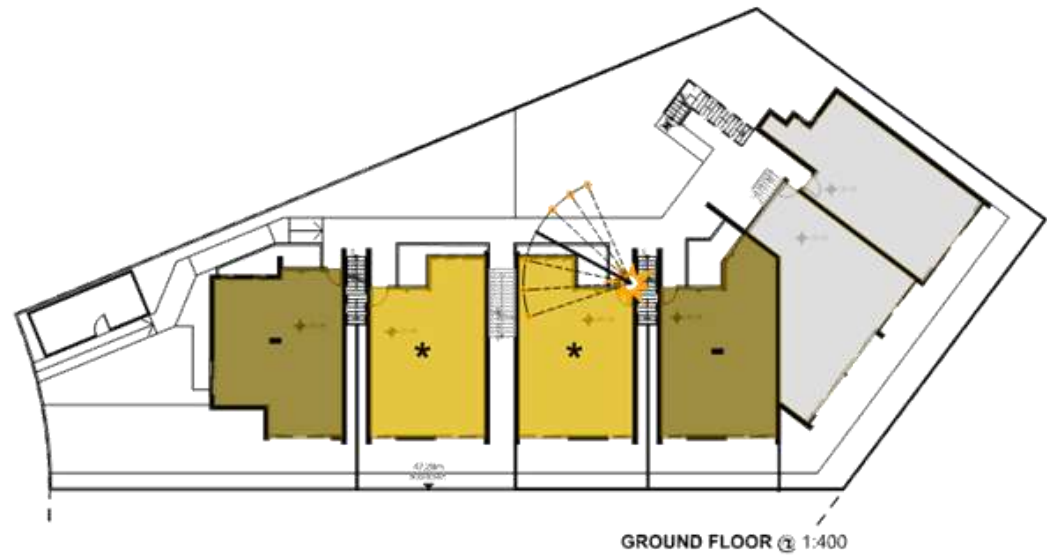
**4.1**  
Average star rating

**NATIONWIDE HOUSE**  
ENERGY RATING SCHEME  
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Certificate no.: 0001262520  
Assessor Name: Bruce Carr  
Accreditation no.: VIC/BDAY/12/1457  
Certificate date: 23 February 2017  
Dwelling Address: 34 Noble Avenue, Strathfield, NSW 2135

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**SOLAR ACCESS STUDY**

- ≥ 3HRS SOLAR ACCESS
- 3HRS - 2HRS SOLAR ACCESS
- < 2HRS SOLAR ACCESS
- NO DIRECT SUNLIGHT

SOLAR ACCESS ≥ 3HRS: 9 (60,1%)  
 SOLAR ACCESS 3HRS - 2HRS: 2 (13,3%)  
 < 2HRS SOLAR ACCESS: 2 (13,3%)  
 NO DIRECT SUNLIGHT: 2 (13,3%)  
 TOTAL NUMBER OR UNITS: 15

**4.1**  
Average star rating

**NATIONWIDE HOUSE ENERGY RATING SCHEME**  
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Certificate no.: 0001262520  
 Assessor Name: Bruce Carr  
 Accreditation no.: VIC/BDAV/12/1457  
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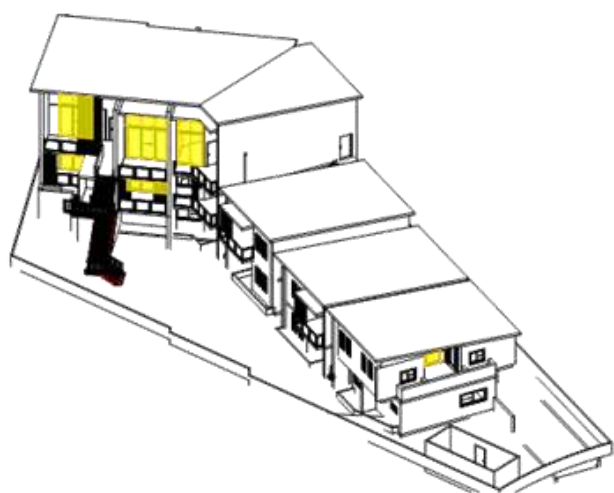
9 AM



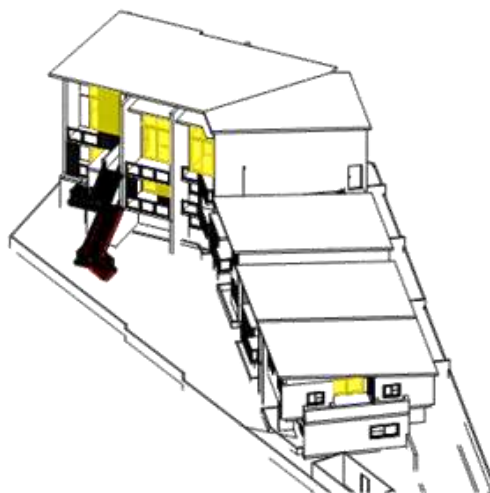
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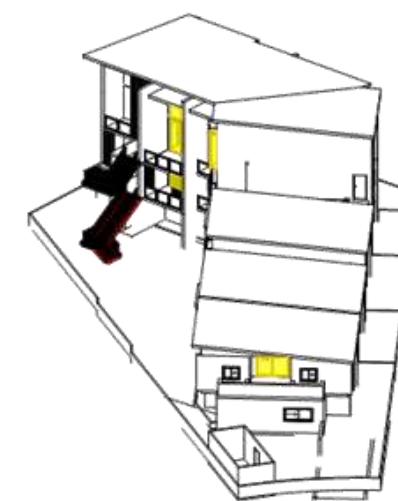
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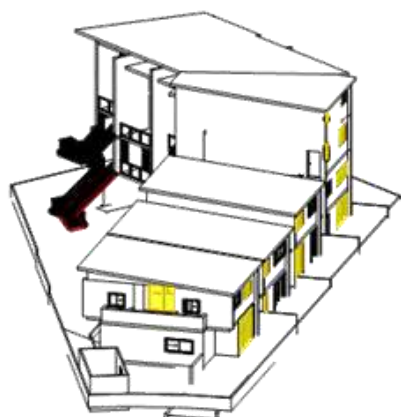
12 PM



1 PM



2 PM



3 PM

**SOLAR ACCESS STUDY**

SOLAR ACCESS TO LIVING ROOMS AND PRIVATE OPEN SPACES

- SOLAR ACCESS ≥ 3HRS: 9 (60,1%)
- SOLAR ACCESS 3HRS - 2HRS: 2 (13,3%)
- < 2HRS SOLAR ACCESS: 2 (13,3%)
- NO DIRECT SUNLIGHT: 2 (13,3%)
- TOTAL NUMBER OF UNITS: 15



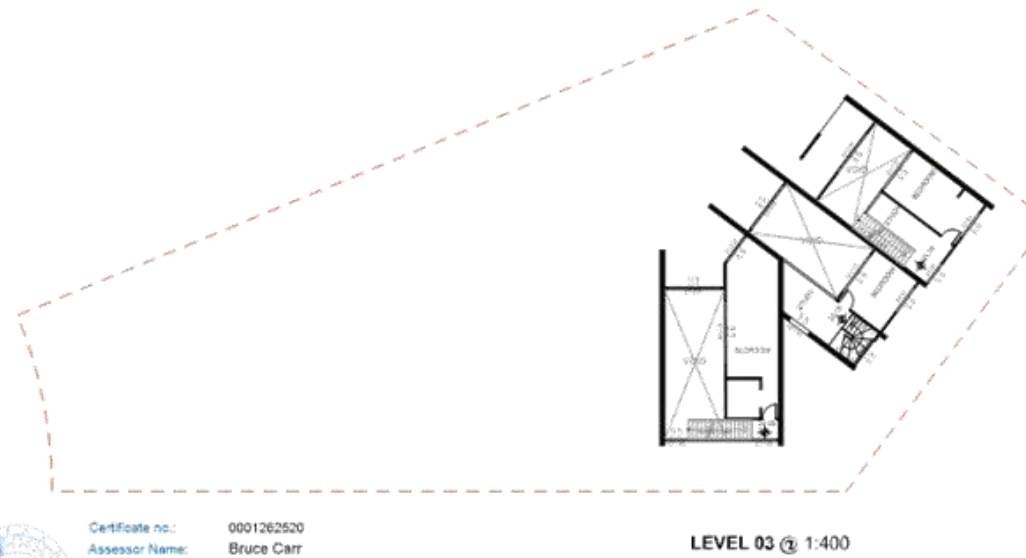
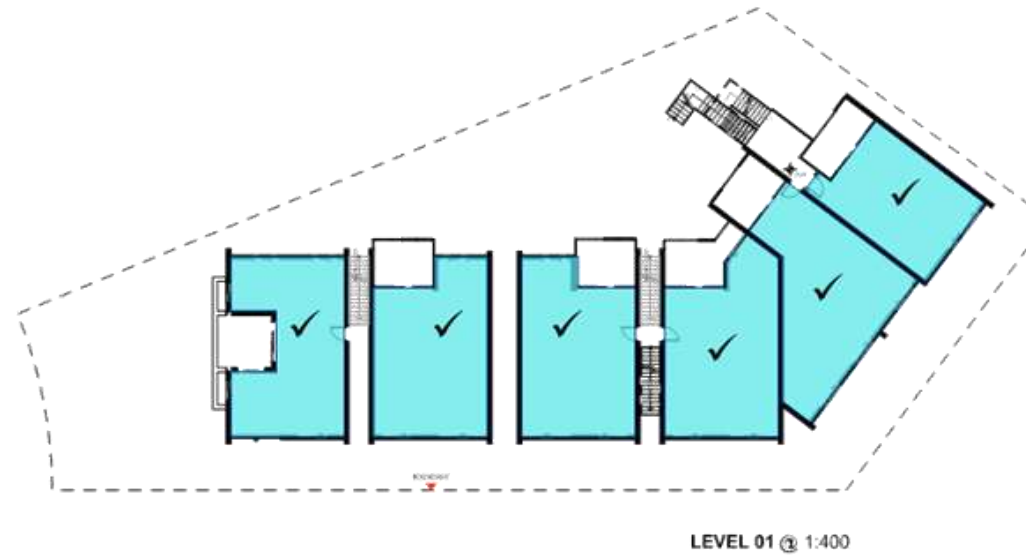
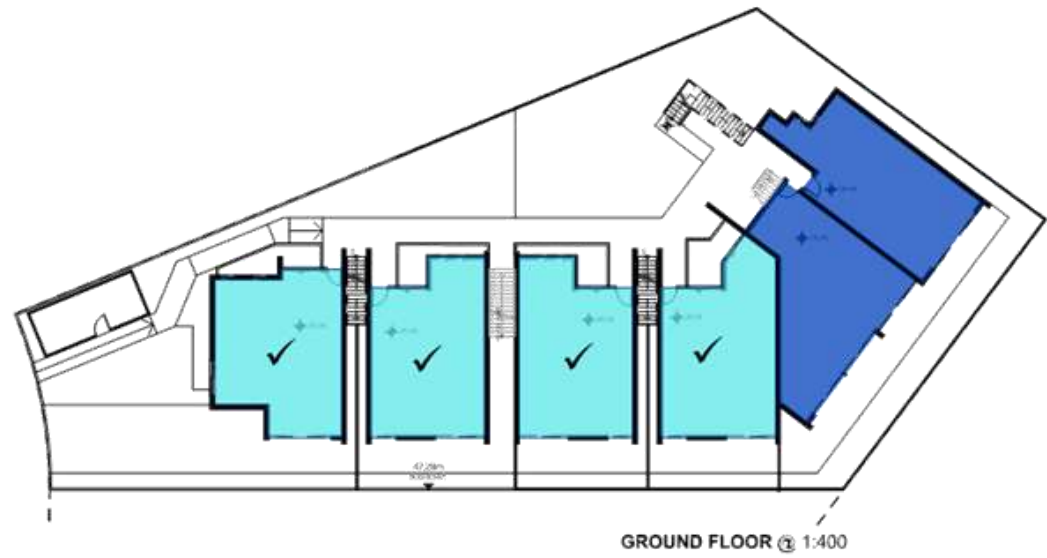
Certificate no.: 0001262520  
 Assessor Name: Bruce Carr  
 Accreditation no.: VIC/BD/AV/12/1457  
 Certificate date: 23 February 2017

Dwelling Address:  
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 2135

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**CROSS-VENTILATION STUDY**

- ✓ CROSS-VENTILATED
- NOT CROSS-VENTILATED

CROSS VENTILATED: 13 (86.7%)  
 NOT CROSS VENTILATED: 2 (23.3%)  
 TOTAL NUMBER OF UNITS: 15

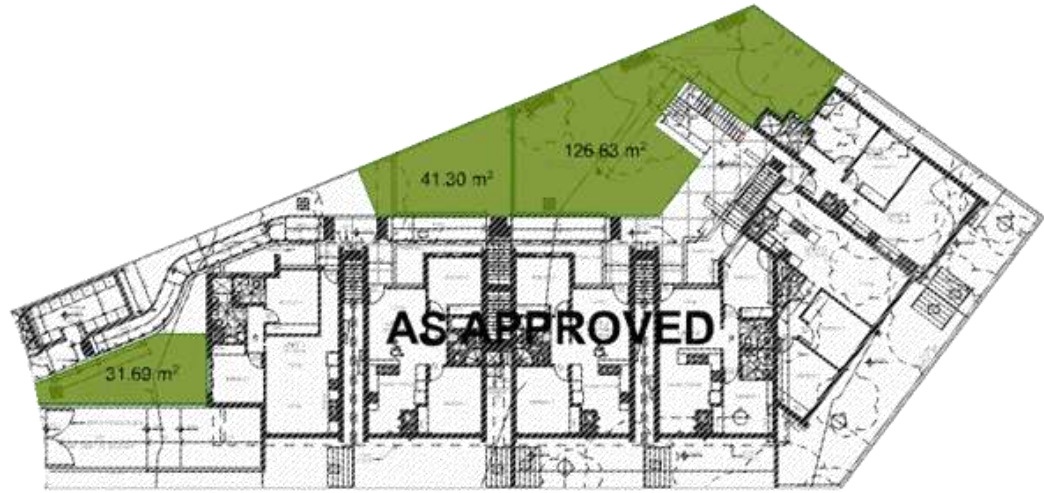
**4.1**  
 Average star rating

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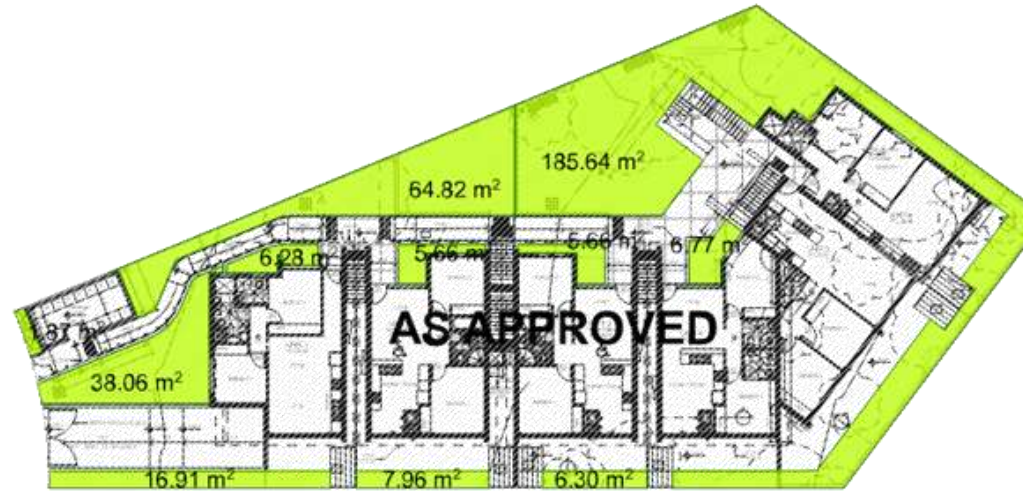
Certificate no.: 0001262520  
 Assessor Name: Bruce Carr  
 Accreditation no.: VIC/BDV/12/1457  
 Certificate date: 23 February 2017  
 Dwelling Address:  
 34 Noble Avenue  
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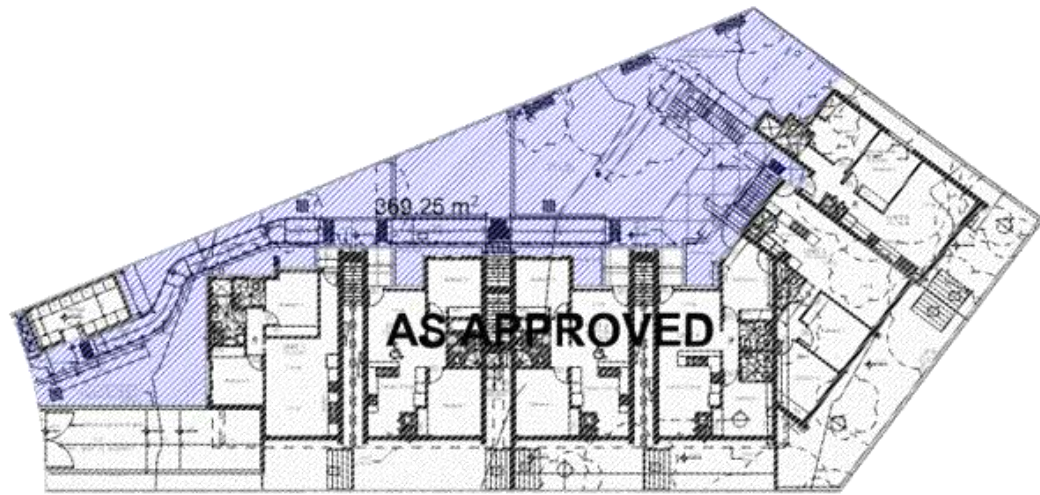
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GROUND FLOOR - DEEP SOIL @ 1:400  
189.62 SQM



GROUND FLOOR - LANDSCAPE @ 1:400  
345.93 SQM



GROUND FLOOR - COMMUNAL OPEN SPACE @ 1:400  
369.25 SQM

LANDSCAPE CALCULATION

- DEEP SOIL
- LANDSCAPING
- COMMUNAL OPEN SPACE

DEEP SOIL: 189.62 SQM (17.54%)  
 LANDSCAPING: 345.93 SQM (30.40%)  
 COMMUNAL OPEN SPACE: 369.25 SQM (32.45%)

SITE AREA: 1138 SQM

4.1  
Average star rating

Certificate no.: 0001262520  
 Assessor Name: Bruce Carr  
 Accreditation no.: VIC/BDAV/12/1457  
 Certificate date: 23 February 2017  
 Dwelling Address:  
 34 Noble Avenue  
 Strathfield, NSW  
 2135

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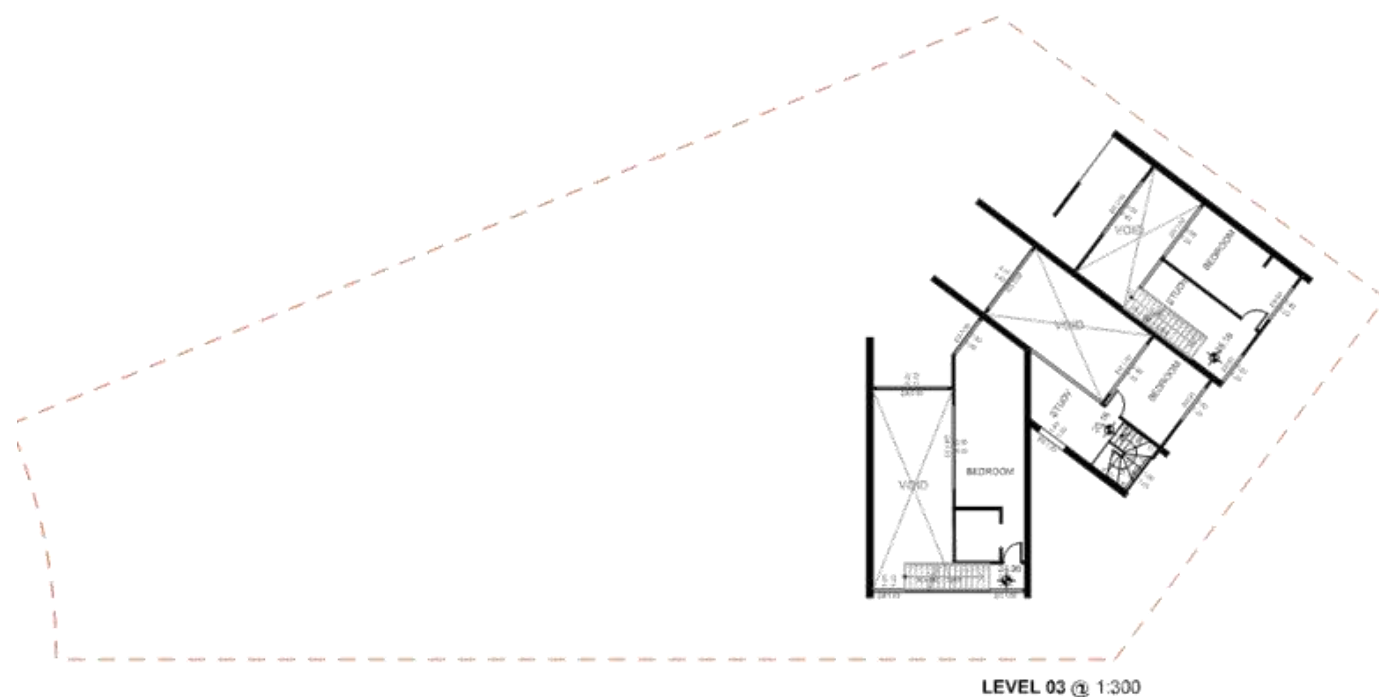
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**STORAGE DIAGRAM**

**UNIT STORAGE**

UNIT NO.	TYPE	MIN. REQ <sup>1</sup>	STORAGE UNIT	STORAGE BASEMENT	TOTAL
<b>LEVEL 02</b>					
201	1 BED	6 M <sup>2</sup>	9.26 M <sup>2</sup>	0 M <sup>2</sup>	9.26 M <sup>2</sup>
202	1 BED	6 M <sup>2</sup>	7.15 M <sup>2</sup>	0 M <sup>2</sup>	7.15 M <sup>2</sup>
203	1 BED	6 M <sup>2</sup>	6.23 M <sup>2</sup>	0 M <sup>2</sup>	6.23 M <sup>2</sup>



**4.1**  
Average star rating

**NATIONWIDE HOUSE ENERGY RATING SCHEME**

Certificate no.: 0001262520  
 Assessor Name: Bruce Carr  
 Accreditation no.: VIC/BDV/12/1457  
 Certificate date: 23 February 2017  
 Dwelling Address:  
 34 Noble Avenue  
 Strathfield, NSW  
 2135

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**Certificate Details**

Certificate number	Unit number	Heating load	Cooling load	Total load	Star Rating
0001262401	201	45	41	86	4.1
0001262385	202	62	32	94	3.8
0001262393	203	46	32	78	4.4

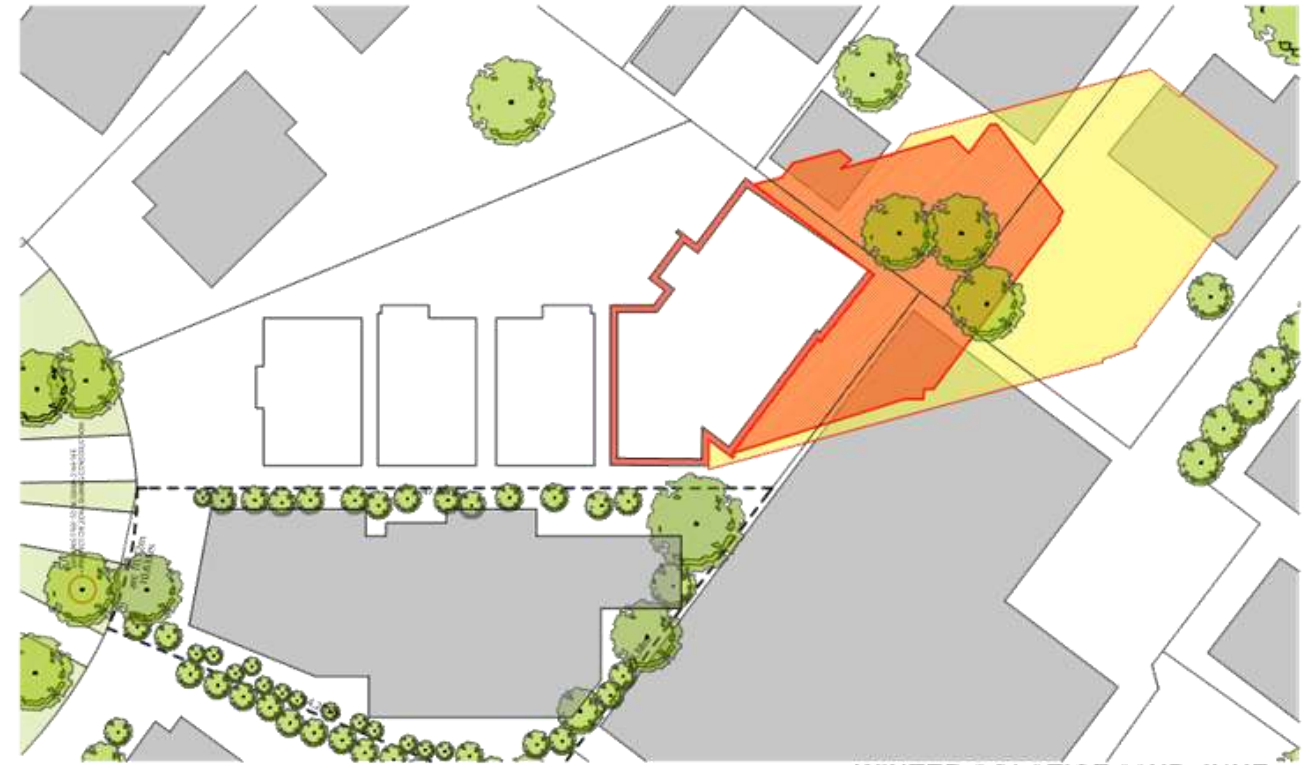
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---	----	---	---	--	--	--	---	---	--	--	---	---	--



WINTER SOLSTICE 22ND JUNE - SHADOW DIAGRAM 9AM



WINTER SOLSTICE 22ND JUNE - SHADOW DIAGRAM 12PM



WINTER SOLSTICE 22ND JUNE - SHADOW DIAGRAM 15PM

**DRAWING LEGEND**

- PROPOSED DEVELOPMENT
- EXISTING SHADOW
- PROPOSED SHADOW 21 JUNE WINTER SOLSTICE

**4.1**  
Average star rating  
**NATIONWIDE HOUSE**  
ENERGY RATING SCHEME  
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Assessor Name: Bruce Carr  
Accreditation no.: VIC/BD/AV/12/1457  
Certificate date: 23 February 2017  
Dwelling Address: 34 Noble Avenue  
Strathfield, NSW 2135



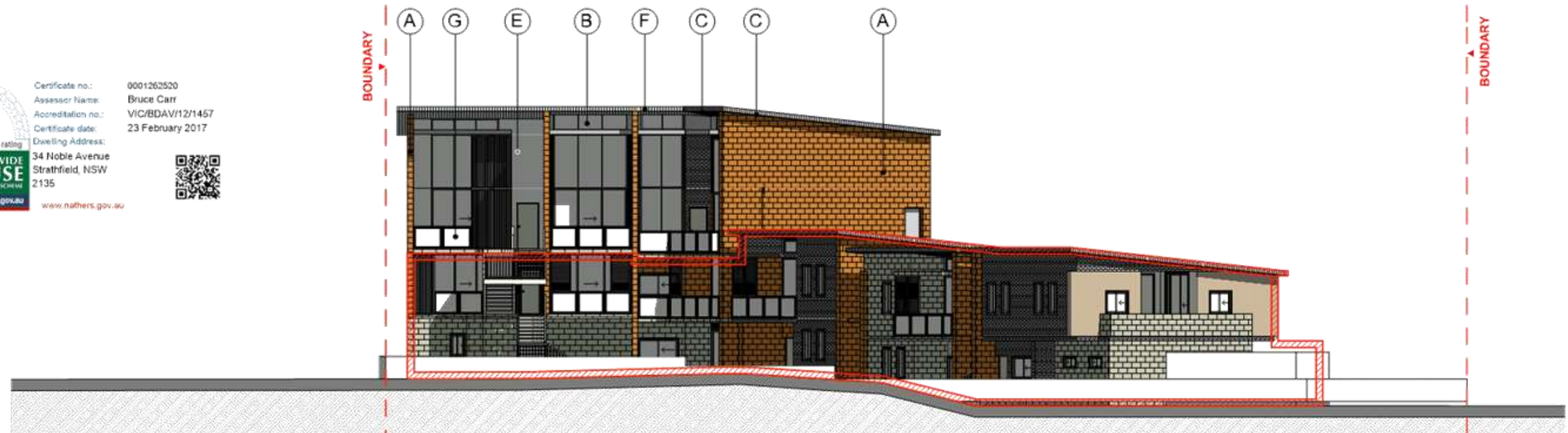
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MATERIAL SCHEDULE - EAST ELEVATION @ 1:200

Certificate no.: 0001262520  
 Assessor Name: Bruce Carr  
 Accreditation no.: VIC/BDAV/12/1457  
 Certificate date: 23 February 2017  
 Dwelling Address:  
 34 Noble Avenue  
 Strathfield, NSW  
 2135  
 www.nathers.gov.au



MATERIAL SCHEDULE - WEST ELEVATION @ 1:200

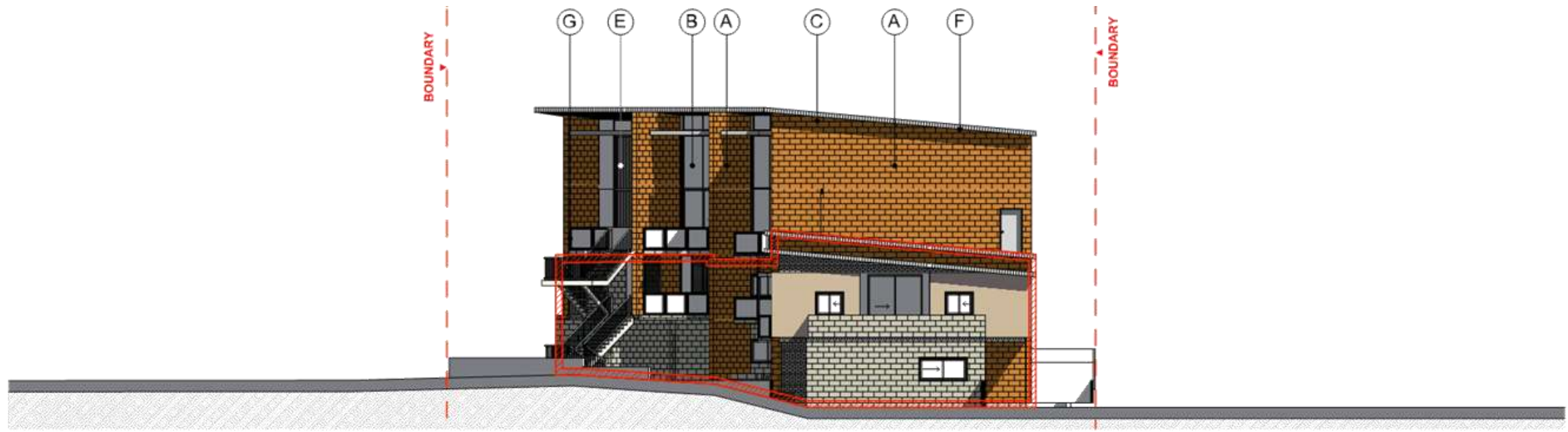
EXISTING BUILT BUILDING

SCALE 1:200 @ A3  
 1 2 5 10M

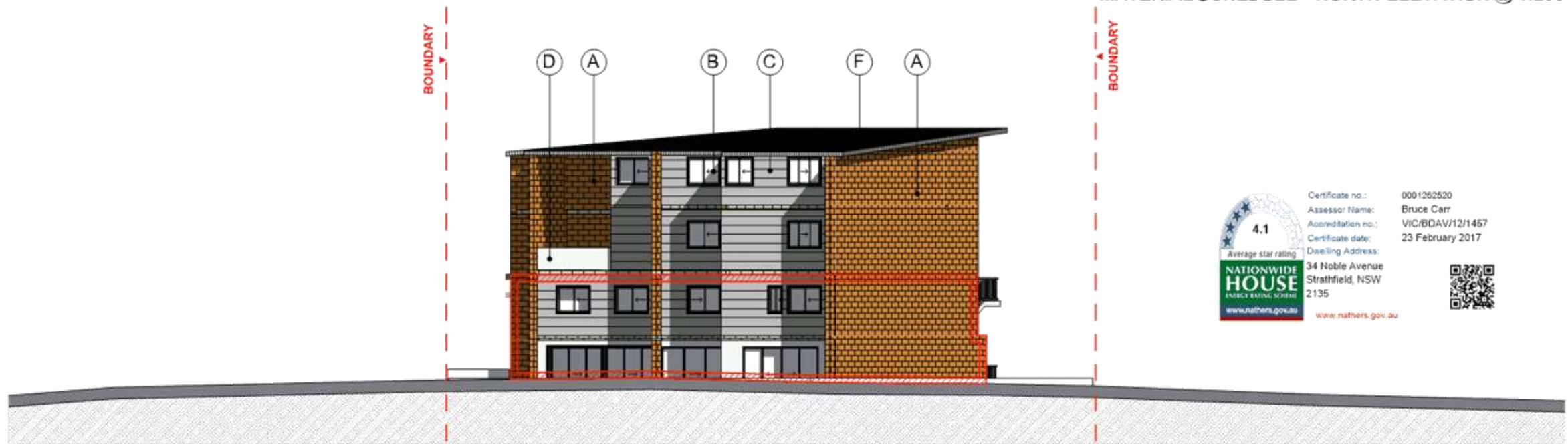


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MATERIAL SCHEDULE - NORTH ELEVATION @ 1:200



MATERIAL SCHEDULE - SOUTH ELEVATION @ 1:200



EXISTING BUILT BUILDING



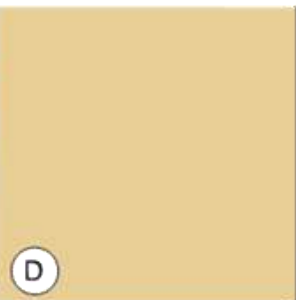
A BRICK VENEER - SELECTED BRICK FINISH



B ALUMINIUM FRAME WINDOWS



C WEATHERBOARD - SELECTED COLOUR FINISH



D PAINT - SELECTED COLOUR 1



E PAINT - SELECTED COLOUR 2



F COLORBOND ROOF



G GLASS BALUSTRADE

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**TO:** Strathfield Independent Hearing and Assessment Panel Meeting - 6 July 2017  
**REPORT:** SIHAP – Report No. 3  
**SUBJECT:** 4 SUMMIT PLACE, STRATHFIELD  
LOT 5 DP 238947  
**DA NO.** 2016/176/01

## SUMMARY

**Proposal:** Section 82A – Review of previous refusal for the demolition of existing structures and construction of a new two (2) storey dwelling and in-ground swimming pool.  
**Applicant:** Space 0.618:1  
**Owner:** Mr H. Mar & Ms WC. Tam  
**Date of lodgement:** 3 May 2017  
**Notification period:** 16 May 2017 to 31 May 2017  
**Submissions received:** NIL  
**Assessment officer:** ND  
**Estimated cost of works:** \$650,000  
**Zoning:** R2 Low Density Residential - SLEP 2012  
**Heritage:** Adjoins to rear Heritage Item I214.  
**Flood affected:** No  
**RECOMMENDATION OF OFFICER:** APPROVAL

## EXECUTIVE SUMMARY

- 1.0 Approval is sought for Council to review its previous determination to refuse DA No. 2016/176/01 involving demolition of existing structures and construction of a new two (2) storey dwelling and in-ground swimming pool.
- 2.0 The application and plans were notified in accordance with Part L of the Strathfield Consolidated Development Control Plan 2005 from 16 May 2017 to 31 May 2017. No written submissions were received.
- 3.0 The subject application is substantially similar to the original development application that was previously refused with minor changes to the front, side and rear setbacks and changes to the render colour of the exterior walls. The proposed development, as modified is considered to satisfactorily address the original reasons for refusal.
- 4.0 The proposed development results in a two (2) storey dwelling house with a skillion and flat roof design incorporating rendered masonry, sandstone tiles and timber cladding in a contemporary-style. As discussed throughout this report, the dwelling style whilst contemporary, utilizes colour tones and a stepped building footprint so as integrate with the immediate streetscape and prevailing building line established by adjoining development.
- 5.0 It is recommended that the Development Application be approved subject to conditions.

## BACKGROUND

4 Summit Place, Strathfield  
Lot 5 DP 238947 (Cont'd)

**7 December 2017** DA2016/176 for the demolition of existing structures and construction of a new two (2) storey dwelling and in-ground swimming pool was lodged.

**8 February 2017** DA2016/176 for the demolition of existing structures and construction of a new two (2) storey dwelling and in-ground swimming pool was refused by Council's Internal Development Assessment Panel (IDAP) for the following reasons:

1. *The proposal contravenes objective (a) of Section 1.2(2) of Strathfield Local Environmental Plan (SLEP 2012) in that the proposal does not achieve a high quality urban form that exhibits design excellence and reflects the existing or desired future character of the locality (Section 79C (1)(a)(i) of the Environmental Planning and Assessment Act 1979).*
2. *The proposal contravenes Section 3.3.3 of Part A of Strathfield Consolidated Development Control Plan (SCDCP 2005) in that the proposal seeks to remove trees within the front setback of the site and provides minimal opportunities to accommodate for tree plantings. Further, the requirement under subclause (4) for at least 50% of the frontage to consist of deep soil soft landscaping has not been met (Section 79C (1)(a)(iii) of the Environmental Planning and Assessment Act 1979).*
3. *The application does not achieve compliance with Section 3.3.2 (1) and (2) of Part A of SCDCP 2005 in that the proposal is not in keeping with the dominant character of the streetscape and is inconsistent with the massing of surrounding residential dwellings (Section 79C (1)(a)(iii) and (b) of the Environmental Planning and Assessment Act 1979).*
4. *The proposed three (3) south facing windows will result in direct overlooking into the rear private open space area of the southern adjoining property contrary to Section 14.3.3 of Part A of SCDCP 2005 which requires private open space, recreation areas and living rooms of proposed and any existing adjoining dwellings to be protected from direct overlooking within 9m (Section 79C (1)(a)(iii) of the Environmental Planning and Assessment Act 1979).*
5. *The proposed flat roof form contravenes Section 3.4.4(1) of SCDCP 2005 in that the roof design is not consistent with the pitch, materials and colours of roofs within the immediate streetscape (Section 79C (1)(a)(iii) of the Environmental Planning and Assessment Act 1979).*
6. *The proposal seeks to provide only one (1) canopy tree within the front setback of the site which is contrary to Section 9.3.2(2) of Part A of SCDCP 2005, which requires a minimum two (2) canopy trees to be provided within the front setback of the site (Section 79C (1)(a)(iii) of the Environmental Planning and Assessment Act 1979).*
7. *The proposal is not consistent with the prevailing front setback established by adjoining and nearby buildings (Section 79C (1)(a)(iii) of the Environmental Planning and Assessment Act 1979).*
8. *The proposal does not comply with the minimum 450mm setback required to be provided between the proposed rainwater tank and the boundary line in accordance with Section 6.3.5 of Part A of the SCDCP*

4 Summit Place, Strathfield  
Lot 5 DP 238947 (Cont'd)

*2005 (Section 79C (1)(a)(iii) of the Environmental Planning and Assessment Act 1979).*

9. *The site is unsuitable for the proposed development in that the controls relating to landscaping, development siting, streetscape, and bulk and scale contained within Part A of the SCDCP 2005 have not been complied with. Further the proposed building height does not respond appropriately to the height of adjoining development (Section 79C (1)(a)(iii) of the Environmental Planning and Assessment Act 1979).*
10. *The proposal is not in the public interest in that the visual amenity of the streetscape will be compromised by the proposed development (Section 79C (1)(e) of the Environmental Planning and Assessment Act 1979).*

**3 May 2017**

Section 82A application to review the determination of the application was lodged.

**14 June 2017**

Deferral letter was forwarded to the applicant advising of non-compliances including compatibility of the main building façade with the surrounding streetscape, roof form and articulation.

**20 June 2017**

Email received from the applicant advising that the owners do not wish to amend the application and request for it to be determined as is at the Strathfield Independent Hearing and Assessment Panel (SIHAP).

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

The subject site is located within the south-eastern end of the cul-de-sac of Summit Place which adjoins Victoria Road to the north (as shown in Figure 1). The site is an irregular residential allotment carrying a 13.41m frontage to Summit Place, a depth of 37.67m across the site's northern side boundary and a depth of 39.66m across the site's southern side boundary. The site provides a total site area of 698.2m<sup>2</sup>.

4 Summit Place, Strathfield  
Lot 5 DP 238947 (Cont'd)



**Figure 1:** Aerial view of subject site and surrounding residential development. The subject site is outlined in yellow.

The subject site is presently comprised of a two (2) storey brown brick dwelling featuring a skillion roof and attached carport (as shown in Figure 2). The site also includes an in-ground swimming pool and an alfresco area attached to the rear of the dwelling.

The streetscape comprises a mix of original housing stock and recently constructed dwellings featuring a variety of single and two (2) storey dwellings with predominantly exposed brick exteriors and various styles of pitched roofs. There are also two (2) examples of more recently constructed dwellings which provide a more contemporary-style design with rendered brick finishes.

4 Summit Place, Strathfield  
Lot 5 DP 238947 (Cont'd)



**Figure 2:** View of existing dwelling from Summit Place.

## 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 a review of a previous decision to refuse DA No. 2016/176 for the demolition of existing structures and construction of a new two (2) storey dwelling and in-ground swimming pool. The elements of the proposal are:

### Demolition

- Demolition of existing structures including the in-ground swimming pool.

### Ground Floor

- The ground floor of the dwelling is to be comprised of a garage to provide for two (2) cars, butler's kitchen, kitchen, rumpus, media room, stufy with an attached ensuite, laundry, bathroom, dinning room and lounge room.

### First Floor

- The first floor of the dwelling is to be comprised of four (4) bedrooms, three (3) bathrooms, retreat and three (3) balconies.

The proposal also seeks approval for:

- Construction of a rear turf alfresco area;
- Construction of an attached cabana; and
- Installation of a spa and 1.2m deep in-ground lap swimming pool.

## REFERRALS

4 Summit Place, Strathfield  
Lot 5 DP 238947 (Cont'd)

## INTERNAL REFERRALS

### Engineering Comments

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

### Landscaping Comments

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

## SECTION 82A CONSIDERATIONS – EP&A Act, 1979

### SECTION 82A: REVIEW OF DETERMINATION

In accordance with Section 82A(4) of the EP&A Act, the Council may review an application and may confirm or change its previous determination.

An application made under S82A of the EP&A Act must be notified in accordance with the regulations (if they so require) or a development control plan. In this respect, in accordance with Part L of the Strathfield Consolidated Development Control Plan the subject application was publicly notified from 16 May 2017 to 31 May 2017. No written submission was received.

In accordance with Section 82A(4)(c) of the EP&A Act, the Council may review the determination in the event that the applicant has made amendments to the development described in the original application, is substantially the same development as the development described in the original application. In this regard, the application despite minor changes to the front, side and rear setbacks, location of the rainwater tank, replacement of the rear sunroom with a balcony and rendered paint colour, remains to be for the principal purpose of a two (2) storey dwelling house is considered to be substantially the same development as that considered in the original application.

The application has been made and will be determined within six (6) months from the date of the previous determination (12 December 2016) in accordance with S82A(2a) of the EP&A Act.

## SECTION 79C CONSIDERATIONS – EP&A Act, 1979

In determining a development application, the consent authority is to take into consideration the following matters of consideration contained within section 79C of the Environmental Planning and Assessment Act, 1979 as relevant to the development application:

### **79C(1)(a) the provisions of:**

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

### STATE ENVIRONMENTAL PLANNING POLICY (SEPP) – BASIX 2004

In accordance with the BASIX SEPP all new housing in NSW is required to meet a designated target for energy and water reduction. A BASIX Certificate was submitted as part of the application which indicates that the proposal meets the required reduction targets.

### STRATHFIELD LOCAL ENVIRONMENTAL PLAN (SLEP) 2012

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

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



4 Summit Place, Strathfield  
Lot 5 DP 238947 (Cont'd)

<i>character of particular localities and neighbourhoods in Strathfield</i>		
<b>(b)</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>	<b>Yes</b>
<b>(c)</b>	<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>	<b>Yes</b>
<b>(d)</b>	<i>To provide opportunities for economic growth that will enhance the local community</i>	<b>Yes</b>
<b>(e)</b>	<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>	<b>Yes</b>
<b>(f)</b>	<i>To identify and protect environmental and cultural heritage</i>	<b>Yes</b>
<b>(g)</b>	<i>To promote opportunities for social, cultural and community activities</i>	<b>Yes</b>
<b>(h)</b>	<i>To minimise risk to the community by identifying land subject to flooding and restricting incompatible development</i>	<b>Yes</b>

**Comments:** The existing streetscape comprises of a mixture of contemporary and traditional style dwellings featuring rendered masonry and exposed face brick. The proposed dwelling incorporates a mixture of rendered masonry, sandstone and timber cladding with a skillion and flat roof form. A detailed discussion of the compatibility of the proposed dwelling design and the surrounding streetscape is found in the Likely Impacts section of this report.

### Permissibility

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

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

*“dwelling house means a building containing only one dwelling”*

### Zone Objectives

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

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

### Comments:

The proposed development provides a two (2) storey dwelling which provides for the housing needs of the community in a low density setting.

### Part 4: Principal development standards

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

#### Height of building

<b>Cl.</b>	<b>Standard</b>	<b>Controls</b>	<b>Proposed</b>	<b>Complies</b>
<b>4.3</b>	<i>Height of building</i>	9.5m	9.22m	<b>Yes</b>

4 Summit Place, Strathfield  
Lot 5 DP 238947 (Cont'd)

	<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	Yes
(c)	To achieve a diversity of small and large development options.	Yes

**Comments:**

- The proposed development seeks a maximum height of 9.22m which demonstrates compliance with Clause 4.3 of the SLEP 2012.

**Exceptions to floor space ratio**

<b>Cl.</b>	<b>Standard</b>	<b>Controls</b>	<b>Proposed</b>	<b>Complies</b>
4.4C	Lot area 600-699m <sup>2</sup>	0.60:1 (418.92m <sup>2</sup> )	0.53:1 (374.46m <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	Yes

**Comments:**

- The proposed development achieves compliance with the relevant FSR provisions.
- A stepped building footprint has been utilised to accommodate for the irregular shape of the allotment.

**Part 5: Miscellaneous Provisions**

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

**5.10 Heritage Conservation**

The subject site adjoins to the rear Heritage Item I214 'Bellevue' a two (2) storey Federation Arts and Crafts style house. The proposed development will not be visible from Victoria Street or have any impact upon the curtilage of the heritage item. Overall, the proposal complies with the objectives of Clause 5.10 of the SLEP 2012.

**Part 6: Local Provisions**

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

**6.1 Acid sulfate soils**

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

4 Summit Place, Strathfield  
Lot 5 DP 238947 (Cont'd)

## 6.2 Earthworks

The proposed development involves no earthworks considered likely to result in any significant impacts upon drainage within the locality, any future redevelopment of the site, adjoining development or any environmentally sensitive areas.

## 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 proposed development 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.

### 79C(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.

### 79C(1)(a)(iii) any development control plan

## STRATHFIELD CONSOLIDATED DEVELOPMENT CONTROL PLAN (SCDCP) 2005

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

### PART A – DWELLING HOUSES AND ANCILLARY STRUCTURES

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

No.	Objectives	Complies
A	To preserve and enhance the residential amenity and heritage value of buildings in the Strathfield Municipality	Yes
B	To encourage construction of environmentally sustainable dwelling houses and ancillary structures	Yes
C	To preserve the appearance of dwellings in tree-lined streets and park-like settings	Yes
D	To maintain compatible architectural styles of dwelling houses within the streetscape	Yes
E	To encourage innovation in housing design and detail	Yes
F	To maintain continuity of streetscape by requiring new and altered dwellings to be constructed to a similar size and scale to adjoining developments	Yes
G	To provide a high standard of dwelling house design, construction and finish	Yes
H	To maximise solar access to existing and proposed developments	Yes
I	To provide adequate and convenient on-site car parking	Yes

#### Comments:

- Refer to Likely Impacts section for discussion on the architectural style, colours and materials of the proposed dwelling.

#### Streetscape

Cl. 3.2 Objectives	Complies
A. Ensure that development respects the height, scale, character, materials	Yes

4 Summit Place, Strathfield  
 Lot 5 DP 238947 (Cont'd)

	<i>and architectural qualities of the surrounding neighbourhood, including any adjoining or nearby heritage item or heritage conservation area</i>	
<b>B.</b>	<i>Protect and retain the amenity of adjoining properties</i>	<b>Yes</b>
<b>C.</b>	<i>Discourage the use of non-responsive streetscape elements</i>	<b>Yes</b>
<b>D.</b>	<i>Ensure that each new dwelling, addition or alteration respects the predominant height, bulk and scale of existing residential development in the immediate vicinity</i>	<b>Yes</b>
<b>E.</b>	<i>Ensure that the dominant building rhythm of the streetscape is reflected in the building design in terms of the spacing and proportion of the built elements</i>	<b>Yes</b>
<b>F.</b>	<i>Retain a feeling of openness and space between built elements by maintaining landscaped setbacks</i>	<b>Yes</b>
<b>G.</b>	<i>Ensure that new dwellings have facades, which define, address, and enhance the public domain</i>	<b>Yes</b>
<b>H.</b>	<i>Preserve the appearance of dwellings set in the tree lined streets and park-like environment</i>	<b>Yes</b>
<b>I.</b>	<i>Achieve quality architecture in new development through the appropriate composition and articulation of building elements</i>	<b>Yes</b>
<b>J.</b>	<i>Encourage building materials, colours and finishes that are sympathetic to the materials and finishes of surrounding buildings and can be integrated into the overall building form</i>	<b>Yes</b>
<b>K.</b>	<i>To ensure fencing is sympathetic to the design of the dwelling and enhances the character of both the individual house and street</i>	<b>Yes</b>

<b>Cl.</b>	<b>Element</b>	<b>Controls</b>	<b>Complies</b>
<b>3.3.1</b>	<i>Neighbourhood character and amenity</i>	(1) <i>New dwellings positioned and oriented to address the street frontage and complement the existing pattern of development in the street</i> (2) <i>Consistently occurring positive building façade features within existing streetscape incorporated into the dwelling design</i>	<b>No</b>
<b>3.3.2</b>	<i>Scale, massing and rhythm</i>	(1) <i>Overall scale, massing, bulk and layout to complement existing streetscape</i> (2) <i>New buildings, alterations and additions shall reflect dominant building rhythm in the street</i>	<b>Yes</b>
<b>3.3.3</b>	<i>Street edge and garden setting</i>	(1) <i>Retain existing trees within the front setback</i> (2) <i>At least two (2) canopy trees within the front setback with minimum mature height of 10m</i> (3) <i>Driveway location must not necessitate the removal of any street tree</i> (4) <i>At least 50% of the front setback area must comprise deep soil landscaping</i>	<b>No</b>
<b>3.3.4</b>	<i>Materials, colours, roof forms and architectural detailing</i>	(1) <i>Roof design to be similar in pitch, materials and colour to roofs in the immediate streetscape</i> (2) <i>Colours of garages, window frames, ventilation and downpipes and balustrading on main facades and elevation to complement external design of the building</i> (3) <i>Building form to be articulated to avoid large expanses of unbroken wall.</i> (4) <i>In relation to heritage items or buildings within a conservation area, cement render of previously unrendered masonry is not permitted</i> (5) <i>Materials used for additions and ancillary structures to be compatible with the existing dwelling house</i> (6) <i>Monotone face brick walls and tiled roofs used where they are existing in the immediate streetscape</i> (7) <i>Highly reflective materials are not acceptable for</i>	<b>No</b>

4 Summit Place, Strathfield  
 Lot 5 DP 238947 (Cont'd)

		<i>roof or wall cladding</i>	
<b>3.3.5</b>	<i>Fencing</i>	(1) <i>Front and side fencing facing a secondary street to be sympathetic to the style of the dwelling.</i> (2) <i>Any fencing forward of the building line may be topped by an additional 0.8m high open timber picket, wrought iron, palisade or similar element. Brick piers over 1m are permitted to support decorative elements, provided they are equally spaced along the street, and do not exceed a height of 1.8m.</i> (3) <i>Solid fencing forward of the building line shall not exceed 1m above NGL.</i> (4) <i>Solid fencing up to 1.8m along a secondary frontage.</i> (5) <i>Side and rear fences permitted up to 1.8m high.</i> (6) <i>Materials not supported for front fences: unrendered cement block, galvanised or aluminium sheeting, fibre-cement board, brushwood, barbed wire, or fencing with a spear type design.</i> (7) <i>Side fencing shall be stepped to reflect the topography of the street.</i> (8) <i>Side and rear fences to allow stormwater to flow through or under the fence.</i> (9) <i>Fencing on corner allotments to incorporate a minimum 1.5m x 1.5m splay adjacent to the road intersection to maintain sight distances for pedestrians and drivers.</i> (10) <i>Solid fences adjoining vehicular access driveways to be provided with a minimum 1m x 1m splay to maintain sight distances for pedestrians and drivers.</i> (11) <i>Corner splays must be landscaped.</i> (12) <i>Council does not permit trees to be removed to facilitate a fence design.</i>	<b>Yes</b>

**Comments:**

- The proposal seeks to construct a two (2) storey contemporary style dwelling with a flat and skillion roof form. Dwellings within the streetscape are predominantly two (2) storey exposed brick dwellings with pitched tiled roofs. There is one (1) example of a contemporary style dwelling located within the immediate streetscape. A detailed assessment of the proposed building form and schedule of colours and materials is found in the Likely Impacts section of this report.
- The proposal has sought to accommodate for the irregular shape of the subject site by providing a stepped building form along the southern side boundary.
- 46.45% (57.05m<sup>2</sup>) of the front setback is proposed as deep soil zone. Refer to Likely Impacts section for discussion.
- One (1) canopy tree is proposed within the front setback, contrary to the required two (2). Refer to Likely Impacts section for discussion.
- The proposed front fence comprises of a solid masonry fence with a maximum height of 940mm with a metal horizontal slat gate and matching separate entry. Only one (1) dwelling within the immediate streetscape has a front fence, in a pier and infill style.

**Architectural Design and Details**

<b>Cl. 5.2 Objectives</b>	<b>Complies</b>
<b>A.</b> <i>Encourage architecture that is innovative and that uses high quality detailing, blending elements characteristic of Strathfield with contemporary</i>	<b>Yes</b>

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<i>materials and features</i>		
<b>B.</b>	<i>Encourage building materials and finishes which are sympathetic to the materials and finishes within the surrounding context</i>	<b>Yes</b>
<b>C.</b>	<i>Require the use of colours that are sympathetic to the surrounding dwelling and streetscape that is within proximity of the new development.</i>	<b>Yes</b>
<b>D.</b>	<i>Reduce the use of highly reflective colours and materials that create visual prominence</i>	<b>Yes</b>
<b>E.</b>	<i>Building forms should be compatible with the existing dwelling house (in the case of alteration and additions) or with adjoining dwelling houses and the streetscape in terms of type, form and colour</i>	<b>Yes</b>

<b>Cl.</b>	<b>Element</b>	<b>Controls</b>	<b>Complies</b>
<b>5.3.1</b>	<i>Building forms</i>	<i>(1) Flat roofs may be considered where there are similar roof forms present in the immediate street. Flat roofs are not appropriate in the case of heritage items or heritage conservation areas.</i>	<b>Yes</b>

**Comments:**

- As previously discussed, the proposal seeks to provide a flat and skillion roof form. The compatibility of the proposed building form is discussed in the Likely Impacts discussion.

**Ecologically Sustainable Development**

<b>Cl. 6.2</b>	<b>Objectives</b>	<b>Complies</b>
<b>A.</b>	<i>Encourage passive and active strategies in the design of dwellings and promote the achievement of ecologically sustainable practices</i>	<b>Yes</b>
<b>B.</b>	<i>Ensure dwellings are designed to allow sufficient natural ventilation and lighting whilst minimising heat gain during summer and maximising solar access during winter, thereby reducing the need for artificial cooling and heating</i>	<b>Yes</b>
<b>C.</b>	<i>Minimise the over use of Sydney's limited high quality domestic water supply by ensuring new dwellings incorporate water storage tanks for use in toilet flushing, landscape irrigation and to encourage new dwellings, additions and alterations to incorporate water saving devices and water conservation strategies</i>	<b>Yes</b>
<b>D.</b>	<i>Utilise low greenhouse impact water systems technology in all new dwellings</i>	<b>Yes</b>
<b>E.</b>	<i>Achieve greater efficiency in domestic energy consumption, thereby helping to alleviate the effects of greenhouse emissions</i>	<b>Yes</b>

<b>Cl.</b>	<b>Element</b>	<b>Controls</b>	<b>Complies</b>
<b>6.3.1</b>	<i>Solar access and natural lighting</i>	<p><i>(1) The design of new dwellings should ensure that living areas face north, sleeping areas face to the east or south, and utility areas to the west or south to maximise winter solar access.</i></p> <p><i>(2) In new dwellings, solar access to the windows of habitable rooms and to at least 50% of private open space must be provided or achieved for a minimum period of 4 hours between 9.00am and 3.00pm at the winter solstice (June 22).</i></p> <p><i>(3) In the case of alterations or additions to existing dwellings, solar access to the windows of habitable rooms and to the majority of private open space of adjoining properties must be substantially maintained or achieved for a minimum period of 3 hours between 9.00am and 3.00pm at the winter solstice (June 22).</i></p>	<b>Yes</b>

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6.3.2	Natural heating	(1) Living areas should be oriented to the north to maximise direct solar access (2) Where it is proposed to plant trees to the north of the dwelling they must be deciduous to allow solar access during the winter (3) Materials with a high thermal mass are encouraged	Yes
6.3.3	Natural cooling	(1) Windows and walls should be shaded by the use of shading devices, eaves, louvres and trees. Shading devices should be sympathetic to dwelling design and not detract from the appearance of the dwelling (2) Windows should be positioned to capture breezes and allow for cross-ventilation	Yes
6.3.5	Water tanks	(1) Above ground water tanks shall be located behind the dwelling. Where it is not possible to locate a water tank wholly behind the dwelling, it should be located behind the front building line and screened from view from the public domain with appropriate landscaping (2) Above ground water tanks must be located at least 450mm from any property boundary	Yes
6.3.6	Hot water heater units	(1) Hot water units shall be located behind the dwelling. Where it is not possible to locate the unit either internally or wholly behind the dwelling, it must be located behind the front building line and screened from view from the public domain with appropriate landscaping (2) Hot water systems are not to be located on balconies unless they are screened from public view	Yes

**Comments:**

- The proposed development will cast a shadow over a large portion of the southern adjoining dwelling at 9am during the winter solstice. Albeit, this shadow will provide direct solar access to the bulk of the dwelling and private open space between 12pm-3pm and is therefore considered acceptable.
- A BASIX Certificate was submitted as part of the development application meeting designated energy and water reduction targets. In accordance with the BASIX Certificate a 3,000L rainwater tank is to be installed 1.14m from the southern boundary.

**Building Height**

Cl. 8.2	Objectives	Complies
A.	Dwelling houses and ancillary structures, including garages are to be no more than two (2) storey's high	Yes
B.	Ensure that the overall size and height of dwellings relative to NGL responds to the adjoining dwellings, site topography and the desired future scale of buildings in the street.	Yes
C.	Provide suitable anchor points on the external load bearing walls for where additions are proposed	N/A
D.	Promote the continuation of pyramidal roof forms within Strathfield where they are already prevalent	No
E.	Achieve development that does not reduce or restrict reasonable solar access to living and outdoor areas	Yes

Cl.	Element	Controls	Complies
8.3.1	Building height	(1) 3.5m maximum height for outbuildings, detached garages and carports (2) The building height shall follow the gradient for any given site	Yes
8.3.2	Roof	(1) Pitched roofs should be designed with a pitch between	No

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pitches and shape	<p>23.5 and 45 degrees.</p> <p>(2) An attic may be built in the roof space of either a two (2) storey dwelling or a single storey dwelling or garage provided access to the attic is via internal stairs.</p> <p>(3) Flat roofs will be considered where they are already present in the street or where a street has no discernible architecture style.</p> <p>(4) Balconies are not permitted in the attic of a garage, unless:</p> <p>a) less than 1.8m<sup>2</sup> in area;</p> <p>b) they are located in the centre of the wall or roof facing into the site; and</p> <p>c) do not allow any significant overlooking of adjoining properties.</p>
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**Comments:**

- As previously discussed, the proposal seeks to provide a flat and skillion roof form. The compatibility of the proposed building form with the streetscape is discussed in the 'Likely Impacts' section of this report.

**Landscaped Areas**

<b>Cl. 9.2</b>	<b>Objectives</b>	<b>Complies</b>
<b>A.</b>	Encourage landscaping that is appropriate to the style and scale of the dwelling and adjoining development	<b>Yes</b>
<b>B.</b>	Encourage new dwellings to preserve existing landscape elements on site and encourage the integration of existing landscape elements in the design of the proposal	<b>No</b>
<b>C.</b>	Ensure adequate deep soil planting is retained on each allotment	<b>Yes</b>
<b>D.</b>	Ensure both existing and new landscaping provides suitable shade and facilitates convective cooling breeze paths in summer	<b>Yes</b>
<b>E.</b>	Encourage the use of native flora such as open woodland canopy trees, to provide a habitat for native fauna	<b>No</b>
<b>G.</b>	Provide functional private open and outdoor spaces for active or passive use by residents	<b>Yes</b>
<b>H.</b>	Provide private open areas with provision for clothes drying facilities screened from the street and lane or a public place	<b>Yes</b>
<b>I.</b>	Encourage the greater provision of more effective shade within the community	<b>Yes</b>
<b>J.</b>	Encourage the integration of existing trees into the design of the new or altered dwelling	<b>No</b>
<b>K.</b>	Require owners assess the feasibility of retaining existing site trees prior to the design of a development	<b>No</b>
<b>L.</b>	Ensure protection of trees during construction is adequate	<b>Yes</b>

<b>Cl.</b>	<b>Element</b>	<b>Controls</b>	<b>Complies</b>
<b>9.3.1</b>	Minimum landscaped area	42% (293.24m <sup>2</sup> ) as per Table 2 of Part A SCDGP 2005	<b>Yes</b>
<b>9.3.2</b>	Planting of landscaped areas	<p>(1) Minimum 25% of canopy trees to comprise locally sourced indigenous species</p> <p>(2) Planting areas shall include a mix of low-lying shrubs, medium-high shrubs and canopy trees in location where they will soften the built form.</p> <p>(3) Where no existing canopy trees are present on a site at least two (2) canopy trees must be provided in the front yard and one (1) canopy tree in the rear yard.</p> <p>(4) New structures shall be positioned to provide for the retention and protection of existing significant trees, especially near property boundaries, and</p>	<b>No</b>



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*natural features such as rock outcrops.*

<b>9.3.3</b>	<i>Private outdoor living space</i>	<i>Private open space is to be provided in a single parcel rather than a fragmented space and shall be directly accessible from internal living areas of the dwelling</i>	<b>Yes</b>
<b>9.3.4</b>	<i>Tree removal and preservation</i>	<p>(1) <i>Development shall provide for the retention and protection of existing significant trees, especially near property boundaries</i></p> <p>(2) <i>The trunk of a proposed canopy tree must be planted a minimum of 4m from built structures, or a minimum of 3m from pier beam footings</i></p> <p>(3) <i>New dwellings must be setback a minimum of 5m from any significant tree listed in Council's significant tree register</i></p> <p>(4) <i>Building works should be located outside of the canopy spread of existing trees, with suitable setbacks depending upon species and size</i></p> <p>(5) <i>Trees planted on side boundaries adjacent to neighbouring dwellings and structures must have a minimum 0.6m deep root deflection barrier provided for a minimum of 1.5m either side of the tree centre</i></p>	<b>Yes</b>

**Comments:**

- The proposal seeks to provide 44.09% (307.85m<sup>2</sup>) of deep soil landscaping, thereby satisfying the 42% requirement.
- One (1) canopy tree in the front setback and eight (8) canopy trees in the rear attaining a mature height of 6m are proposed.
- Access to the private open space is directly accessible from the internal living areas of the dwelling.
- Refer to Likely Impacts section of this report for discussion on non-compliances.

**Setbacks**

<b>CI</b>	<b>Objectives</b>	<b>Complies</b>
<b>10.2</b>		
<b>A.</b>	<i>Establish and maintain the desired setbacks from the street and define the street edge</i>	<b>Yes</b>
<b>B.</b>	<i>Provide a transitional area between public and private space</i>	<b>Yes</b>
<b>C.</b>	<i>Create a perception of openness in streets</i>	<b>Yes</b>
<b>D.</b>	<i>Assist in achieving passive surveillance whilst protecting visual privacy</i>	<b>Yes</b>
<b>E.</b>	<i>Preserve and enhance the established garden settings within each local area</i>	<b>Yes</b>
<b>F.</b>	<i>Ensure new development is compatible with the established streetscape character</i>	<b>Yes</b>
<b>G.</b>	<i>Maintain view corridors between dwellings</i>	<b>Yes</b>
<b>H.</b>	<i>Reinforce a sense of openness of the locality</i>	<b>Yes</b>
<b>I.</b>	<i>Ensure that all new and existing dwellings achieve adequate visual and acoustic privacy</i>	<b>Yes</b>
<b>J.</b>	<i>Allow for appropriate access for services and utilities easements</i>	<b>Yes</b>
<b>K.</b>	<i>Minimise overshadowing of neighbouring properties from new developments</i>	<b>Yes</b>

<b>CI.</b>	<b>Element</b>	<b>Controls</b>	<b>Complies</b>
<b>10.3.1</b>	<i>Street setback</i>	<p>(1) <i>9m or prevailing setback in the street block</i></p> <p>a) <i>1.5m for secondary street setbacks for dwellings on corner allotments</i></p> <p>b) <i>3m where main entrance to dwelling from secondary frontage</i></p>	<b>Yes</b>

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		(2) <i>Despite subclause (1), a primary street setback of less than 9m may be considered where:</i> a) <i>the predominant setback is the street block is less than 9m</i> b) <i>the proposed setback is not less than the setback of the existing dwelling</i> c) <i>the proposed setback would not be in conflict with the character of the existing streetscape</i> (3) <i>The street setback is measured at right angles from the lot boundary to the front wall of a dwelling</i>	
10.3.2	Side and rear setbacks	(1) <i>New dwellings and extensions: 25% of the width of the block with minimum 1.5m setbacks for each side</i> (2) <i>Minimum 6m rear setback to provide adequately sized outdoor living areas and adequate deep soil areas for shading/screening trees</i> (3) <i>Subject to meeting minimum landscaped areas, ancillary facilities such as garages/outbuildings may be located within the rear setback area</i> (4) <i>Following minimum setbacks apply to ancillary structures:</i> a) <i>Nil for detached garages and carport structures open on three (3) sides; 0.5m for all other</i> b) <i>0.5m setback from side and rear boundaries for garden sheds, studios, cabanas</i> c) <i>1m for pool concourse</i>	No
10.3.3	East-west lots	(1) <i>Primary frontage facing west: the southern side setback should be utilised for the driveway/garage entry to reduce overshadowing</i> (2) <i>Primary frontage facing east: minimum side setback should be on the north</i> (3) <i>The wider setbacks on the southern side may require relocation of driveway or crossing</i>	No

**Comments:**

- The front boundary forms part of the cul-de-sac of Summit Place which consequently results in a slight splay carried toward the north-west corner of the site. As such, the front setback across the front façade of the dwelling is varied. The proposal seeks to provide a 10.8m front setback at the northernmost point of the dwelling (garage structure), decreases to 8.3m in the central portion and increases to 10m at the southernmost point of the front façade of the dwelling. As the majority of the proposed dwelling achieves the minimum 9m front setback required to accommodate the irregular frontage, the departure is considered acceptable in this instance.
- A 1m wide landscape strip between the pool concourse and the eastern side boundary is provided.
- Refer to the Likely Impacts section for discussion on side setback non-compliance.

**Vehicle Access and Parking**

Cl. 11.2	Objectives	Complies
A.	<i>Ensure that the area of access driveways is minimised in the design of the new development, addition or alteration</i>	Yes
B.	<i>Ensure driveway widths are kept to a minimum to allow for maximum landscaped areas</i>	Yes
C.	<i>Ensure that construction materials used for driveways respect the architectural qualities of the dwelling</i>	Yes
D.	<i>Garages and carports should not visually dominate the street façade of the dwelling</i>	Yes
Cl.	Element Controls	Complies

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11.3.1	Driveway and grades	<p>(1) Existing driveways must be used unless the applicant can demonstrate that:</p> <p>(a) relocation would improve solar access to the property and/or adjoining properties;</p> <p>(b) the amenity of any adjoining residences would not be unduly affected (with regard to sleeping areas);</p> <p>(c) relocation would not impact on street trees, on street parking or the streetscape; and</p> <p>(d) relocation would not adversely impact the safety of vehicles or pedestrians</p> <p>(2) Kerb and footpath crossings as part of the public domain must only be finished in natural finished concrete and not customised finishes that match the property driveway. Coloured concrete is not permitted in the driveway crossing outside the property boundary.</p> <p>(3) Driveway crossings, including apron and layback shall be located a minimum of 1m clear of any existing stormwater pits, lintels or poles and 2m clear of the trunk of any trees within the road reserve</p> <p>(4) The maximum width of driveways at the property boundary is to be 3m.</p> <p>(5) Vehicles accessing sites which front main roads shall be capable of entering and exiting in a forward direction (i.e., vehicle manoeuvring shall be fully maintained within the site).</p> <p>(6) Vehicular turning areas for garages shall comply with the relevant Australian Standard.</p> <p>(7) Areas of concrete visible from a public road (including driveways and pedestrian ways) are to be kept to a minimum and coloured charcoal, grey or brown.</p>	Yes
11.3.2	Garages and carports	<p>(1) Two (2) car parking spaces are to be provided and maintained behind the front building line of all new dwellings (i.e. garage/or allocated/stacked space). For lots less than 15m in width consideration may be given to one (1) car space. Where alterations and additions to existing dwellings are proposed and two (2) spaces are available, these spaces must be maintained.</p> <p>(2) Garages are to be recessed behind the main front facade of the dwelling and/or designed so as not to dominate the appearance of the building or streetscape.</p> <p>(3) Garages are not to be converted or used for any purpose other than that for which they are approved, that is, garages must not be converted into rumpus rooms, living areas, bedrooms, offices, etc.</p> <p>(4) Garages should be provided no more than at 150mm above ground level at their entry unless the slope of the site exceeds 1:8 (12.5%) in which case a suspended garage may be acceptable.</p> <p>(5) The minimum dimensions of parking spaces and garages shall comply with the relevant standards.</p>	Yes

**Comments:**

- The proposal seeks to utilise the existing driveway to accommodate the garage which provides two (2) car parking spaces.
- The upper level front balcony overhangs 0.5m over the garage door to allow the garage to appear recessed from the streetscape so as not to dominate the streetscape.

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### Altering Natural Ground Level (cut and fill)

<b>Cl. 13.2 Objectives</b>			<b>Complies</b>
<b>A.</b>	<i>Encourage minimal use of cut and fill to reduce site disturbance</i>		<b>Yes</b>
<b>B.</b>	<i>Ensure existing trees and shrubs are undisturbed and maintain ground water tables</i>		<b>Yes</b>
<b>C.</b>	<i>Minimise impacts on overland flow/drainage and encourage the maintenance of existing ground levels</i>		<b>Yes</b>
<b>Cl.</b>	<b>Element</b>	<b>Controls</b>	<b>Complies</b>
<b>13.3.1</b>	<b>Cut and fill</b>	(1) Fill is limited to a maximum of 1m above natural ground level (NGL) (2) For all excavation works that require the use of fill, only clean fill is to be used (3) Cut and fill batters must be stabilised consistent with the soil properties. (4) Vegetation or structural measures are to be implemented as soon as the site is disturbed (5) All areas of excavation shall be setback from property boundaries in accordance with the building setback controls. No excavations shall be made to the ground within the minimum required setbacks (6) Where excavation work is proposed, the work must not affect or undermine the soil stability or structural stability of any buildings on adjoining properties (7) A dilapidation report may be required for all buildings which adjoin proposed excavation areas (8) Avoid excessive fill or floor levels to ensure convenient access between internal spaces and external recreation areas and to minimise potential impacts from overlooking	<b>Yes</b>

#### Comments:

- The proposed development requires minimal fill. The preparation and submission of a Dilapidation Report is required and shall be enforced via conditions of consent.

#### Privacy

<b>Cl. 14.2 Objectives</b>			<b>Complies</b>
<b>A.</b>	<i>Maintain reasonable sharing of views from public places and living areas</i>		<b>Yes</b>
<b>B.</b>	<i>Ensure that public views and vistas are protected, maintained and where possible, enhanced</i>		<b>Yes</b>
<b>C.</b>	<i>Ensure that canopy trees take priority over views</i>		<b>Yes</b>
<b>D.</b>	<i>Ensure that the placement of balconies does not adversely impact on the visual privacy of adjoining properties</i>		<b>Yes</b>
<b>Cl.</b>	<b>Element</b>	<b>Controls</b>	<b>Complies</b>
<b>14.3.1</b>	<b>Views and view sharing</b>	(1) Buildings shall maintain views where possible from surrounding and nearby properties and those available to the public from nearby public domain areas (2) Established building lines are to be maintained to preserve view sharing	<b>Yes</b>
<b>14.3.2</b>	<b>Visual privacy</b>	Private open space, recreation areas and living rooms of proposed and any existing adjoining dwellings are to be protected from direct overlooking within 9m by:	<b>No</b>

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		<p>(1) <i>arranging the layout of a building so as to reduce opportunities for overlooking;</i></p> <p>(2) <i>the use of fixed screening devices;</i></p> <p>(3) <i>the separation of buildings;</i></p> <p>(4) <i>the considered placement of windows and openings;</i></p> <p>(5) <i>appropriate evergreen screen plants and trees; and</i></p> <p>(6) <i>ensuring finished floor levels are not excessively elevated above NGL</i></p>	
<b>14.3.3</b>	<i>Windows</i>	<p><i>Windows shall be designed to avoid overlooking of adjacent dwellings and where a transparent window is to be located within 9m of windows of an adjoining dwelling, the window must:</i></p> <p>(a) <i>be offset from the edge of any windows in the adjoining dwelling by a distance of at least 0.5m; or</i></p> <p>(b) <i>have a sill height of at least 1.7m about the floor; or have fixed, obscure glazing in any part of the window less than 1.7m above the floor</i></p>	<b>No</b>
<b>14.3.4</b>	<i>Balconies and screening</i>	<p>(1) <i>Upper storey balconies are not permitted on side boundaries, except where facing the secondary frontage of a corner lot, and provided other setback controls can be achieved</i></p> <p>(2) <i>Elevated decks, verandahs and balconies shall incorporate privacy screens where necessary and shall be located at the front or rear of the building only</i></p> <p>(3) <i>Small upper floor rear balconies measuring no more than 1m in depth by 2m in length may be permitted where an applicant can demonstrate that the balcony would not unreasonably impact upon the privacy of adjoining premises (including buildings and outdoor spaces)</i></p> <p>(4) <i>Second storey balconies extending for the full width of the front façade are not permitted</i></p>	<b>No</b>
<b>14.3.5</b>	<i>Acoustic privacy</i>	<p>(1) <i>Noise-sensitive rooms, such as bedrooms, should be located away from noise sources, including main roads, parking areas, living areas and recreation areas and the like</i></p> <p>(2) <i>Double glazing, laminated glass, vibration-reducing footings or other materials, should be considered to minimise the effects of noise and/or vibrations</i></p> <p>(3) <i>Suitable acoustic screen barriers or other noise mitigation measures may be required where physical separation is not able to be achieved</i></p>	<b>Yes</b>

**Comments:**

- Section 14.3.4 of Part A of the SDCDP 2005 permits upper level balconies to measure no more than 1m in depth and 2m in length. The proposal seeks to construct a rear upper level balcony adjoining the retreat room proposed to a depth of 3.27m and length of 3.5m. Whilst the dimensions are contrary to Section 14.3.4, the balcony is set within the rear building line and immediately adjoins bedroom on both sides. Given the location and design of the balcony there will be minimal overlooking opportunities to the northern and southern adjoining properties. Accordingly, the departure is considered to be acceptable in this instance.
- The three (3) south facing lounge room windows on the ground floor provide direct opportunities for overlooking into the rear private open space of the southern adjoining property. Accordingly conditions are recommended for the three (3) windows to be amended to highlight windows attaining a minimum height of 1.7m above finished floor level or installed with obscure glazing.

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### Access, Safety and Security

<b>Cl. 15.2</b>	<b>Objectives</b>	<b>Complies</b>
<b>A.</b>	<i>Increase the safety and perception of safety in public and semi-public spaces</i>	<b>Yes</b>
<b>B.</b>	<i>Encourage the incorporation of crime prevention principles in the design of the proposed development</i>	<b>Yes</b>
<b>C.</b>	<i>Provide casual surveillance of the public domain to promote a safe pedestrian environment</i>	<b>Yes</b>
<b>D.</b>	<i>Provide privacy to rooms overlooking the street whilst maintaining surveillance</i>	<b>Yes</b>
<b>E.</b>	<i>Ensure the safety of pedestrians by separating pedestrian access from vehicle access</i>	<b>Yes</b>
<b>F.</b>	<i>Encourage the provision of an accessible entry to dwellings to accommodate a greater range of lifestyles and improve residential amenity and convenience</i>	<b>Yes</b>

<b>Cl.</b>	<b>Element</b>	<b>Controls</b>	<b>Complies</b>
<b>15.3.1</b>	<i>Address and entry sightlines</i>	<ol style="list-style-type: none"> <li>(1) <i>Buildings are to be designed to allow occupants to overlook public places in order to maximise passive surveillance</i></li> <li>(2) <i>Design landscaping and materials around dwellings and buildings, so that when plants are mature they do not unreasonably restrict views of pathways, parking and open space areas</i></li> <li>(3) <i>External lighting should enhance safe access and security around the dwelling and light spill must not adversely impact on adjoining properties</i></li> <li>(4) <i>Lighting must be designed and located so that it minimises the possibility of vandalism or damage, is appropriate for the street and minimises glare</i></li> <li>(5) <i>Security lighting must be fitted with motion detectors to reduce energy use and meet relevant Australian Standards</i></li> </ol>	<b>Yes</b>
<b>15.3.2</b>	<i>Pedestrian entries</i>	<ol style="list-style-type: none"> <li>(1) <i>Pedestrian entries and vehicular entries should be suitably separated to ensure pedestrian and resident safety</i></li> <li>(2) <i>Building entrances and house numbers are to be clearly visible from the street, easily identifiable and appropriately lit</i></li> <li>(3) <i>Walkways and landscaping should be used to direct visitors to the main building entrance</i></li> <li>(4) <i>One (1) entry to the dwelling should be designed to be as accessible as possible. This entry should be a generous width, without steps, and should be located to facilitate movement</i></li> <li>(5) <i>The path to any accessible entry should be appropriately paved, ideally achieve a 1:14 grade, and incorporate barriers or handrails where there is a drop off or change in level at the side of the path</i></li> </ol>	<b>Yes</b>

#### Comments:

- The proposed ground floor and first level windows provided to the front façade of the dwelling will provide passive surveillance to Summit Place.
- The pedestrian entry and vehicle entry are suitably separated.

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Lot 5 DP 238947 (Cont'd)

### Water and Soil Management

<b>Cl. 16.2</b>	<b>Objectives</b>	<b>Complies</b>
<b>A.</b>	<i>Encourage the incorporation of Sydney Water's Water Management Strategies in the development</i>	<b>Yes</b>
<b>B.</b>	<i>Ensure compliance with Council's Stormwater Management Code</i>	<b>Yes</b>
<b>C.</b>	<i>Ensure compliance with the NSW State Governments Flood Prone Lands Policy</i>	<b>Yes</b>
<b>D.</b>	<i>Ensure that appropriate soil erosion and sediment control measures are implemented on all sites that involve soil disturbances during construction</i>	<b>Yes</b>
<b>E.</b>	<i>Ensure new building work does not detrimentally affect the existing drainage system of any area of the Municipality</i>	<b>Yes</b>
<b>F.</b>	<i>Ensure that new development in areas that may be affected by acid – sulfate soils do not adversely impact the underlying ground conditions and soil acidity</i>	<b>Yes</b>
<b>G.</b>	<i>Ensure that economic and social costs, which may arise from damage to property from flooding, are not greater than that which can reasonably be managed by the property owner and general community</i>	<b>Yes</b>

<b>Cl.</b>	<b>Element</b>	<b>Controls</b>	<b>Complies</b>
<b>16.3.1</b>	<i>Onsite water management and stormwater control</i>	1) <i>Developments shall comply with Council's Stormwater Management Code</i> 2) <i>On site detention devices may be required to assist in the management of stormwater on site.</i>	<b>Yes</b>
<b>16.3.2</b>	<i>Acid sulfate soils</i>	<i>Development is to ensure that sites with potential to contain acid sulfate soils are managed in a manner consistent with the provisions contained in Strathfield Draft LEP 2008 and the relevant standards and guidelines</i>	<b>Yes</b>
<b>16.3.4</b>	<i>Soil erosion and sediment control</i>	(1) <i>Appropriate soil erosion and sediment control measures must be detailed in the development application and implemented prior to the commencement of work.</i> (2) <i>The following sediment control measures are recommended:</i> a) <i>perimeter bank and channels;</i> b) <i>turf filter strips;</i> c) <i>sediment fences;</i> d) <i>sediment traps; and</i> e) <i>roof guttering.</i> (3) <i>Applicants may be required to provide plans showing stormwater quality treatment techniques to prevent sediments and polluted waters from discharging from the site during the construction phase. Such plans will show temporary measures designed in accordance with the NSW Department of Housing, Managing Urban Stormwater, Soils and Construction Manual.</i>	<b>Yes</b>

#### Comments:

- Conditions of consent are to be imposed to ensure compliance with the submitted sediment and erosion control plan.
- The stormwater plan that accompanied the development application was forwarded to Council's Development Engineer for comment; there were no objections subject to the imposition of conditions of consent.

### Ancillary Structures

<b>Cl. 20.1</b>	<b>Objectives</b>	<b>Complies</b>
<b>A.</b>	<i>Ensure that the design and location of ancillary structures takes into account the streetscape and overall environmental impact</i>	<b>Yes</b>

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Lot 5 DP 238947 (Cont'd)

<b>B.</b>	<i>Ensure that the provision of ancillary structures, such as air conditioning units, are considered at the design stage of a proposed development</i>	<b>No</b>	
<b>Cl.</b>	<b>Element</b>	<b>Controls</b>	<b>Complies</b>
<b>20.2.4</b>	<i>Air conditioning</i>	<ol style="list-style-type: none"> <li>1) <i>Air-conditioning units are to be located within a proposed dwelling or within a suitable building and appropriately soundproofed from any habitable room of an adjoining property</i></li> <li>2) <i>Where an air-conditioning unit cannot be located in a building or concealed in a structure (as indicated above), it is to be located in the central third of the rear wall of the dwelling and be a minimum of 3m from any boundary</i></li> <li>3) <i>Any building work associated with the installation of an air-conditioning unit must not reduce the structural integrity of any existing buildings</i></li> <li>4) <i>Only residential grade air conditioners are to be installed and not commercial grade air conditioners</i></li> <li>5) <i>Air-conditioning units must be installed to comply with the Protection of the Environment Operations Act 1997 and Protection of the Environment Operations (Noise Control) Regulation 2000</i></li> </ol>	<b>No</b>
<b>20.2.5</b>	<i>Outbuildings</i>	<ol style="list-style-type: none"> <li>1) <i>No outbuilding shall be constructed forward of the front building façade of the dwelling</i></li> <li>2) <i>New garden sheds, studios, cabanas and the like are limited to a maximum gross floor area of 40m<sup>2</sup></i></li> <li>3) <i>Windows will not be permitted facing an adjoining property, unless the windows in the proposed outbuilding are screened by boundary fencing or:</i> <ol style="list-style-type: none"> <li>a) <i>have a sill height of at least 1.7m above the floor; or</i></li> <li>b) <i>have fixed translucent (or otherwise treated) glazing in any part of the window less than 1.7m above the floor</i></li> </ol> </li> <li>4) <i>Any external lighting of an outbuilding is to be positioned or shielded to prevent glare to adjacent premises</i></li> <li>5) <i>Under no circumstances is the roof area of an outbuilding to be accessible for any purpose or used as an entertaining or viewing area</i></li> <li>6) <i>No kitchen facilities will be permitted in an outbuilding. A small fridge and a sink alone are not considered to constitute a kitchen</i></li> <li>7) <i>Outbuildings are not to be used for habitable purposes</i></li> </ol>	<b>Yes</b>
<b>20.2.7</b>	<i>Swimming pools</i>	<ol style="list-style-type: none"> <li>1) <i>Where a pool is more than 1m above ground, the space between the bond beam/concourse and the ground is to be suitably finished with decorative blocks or other approved material and landscaped to Council's satisfaction</i></li> <li>2) <i>Swimming Pool enclosures shall comply with the Swimming Pools Act and relevant Australian Standards as amended</i></li> <li>3) <i>The outside edge of a pool concourse (and any paved/concreted area adjacent to the concourse) must be separated from a property boundary by</i></li> </ol>	<b>No</b>



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*an area of land at least 1m wide of deep soil soft landscape area containing a continuous planting of screening shrubs*

- 4) *An approved depth indicator must be attached to each end of the pool*
- 5) *The pool filter and pump equipment are to be located where they will not create a nuisance to neighbouring property owners/occupiers*
- 6) *Lighting should be installed so as not to cause nuisance*

**Comments:**

- Insufficient detail provided as to the exact location of the A/C unit to enable an accurate assessment. Conditions of consent shall be imposed ensuring compliance with the relevant Acts and Regulations.
- A 1.5m wide soft landscaping between the edge of the swimming pool concourse and the northern side boundary and 1m to the rear boundary. The soft landscaped areas are proposed with turf contrary to Section 20.2.7 requiring the area to contain continuous planting of evergreen shrubs to increase visual privacy between properties. Accordingly, a condition of consent is recommended to achieve compliance.

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

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

**79C(1)(iia)any planning agreement or draft planning agreement**

No planning agreement has been entered into under section 93F of the *Environmental Planning and Assessment Act 1979*.

**(i) matters prescribed by the regulations**

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

Having regard to these prescribed matters, the proposed development is not located on land subject to the Government Coastal Policy as determined by Clause 92(1)(a)(ii) and however does involve the demolition of a building for the purposes of AS 2601 – 1991: *The Demolition of Structures*.

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

**(ii) any coastal zone management plan**

The NSW Government projects sea levels to rise by 40cm in 2050 and by 90cm in 2100 above the relative mean sea level in 1990. These planning benchmarks are to be considered in the assessment of development applications through the applicable coastal zone management plan or alternatively the provisions of the *NSW Coastal Planning Guideline: Adapting to Sea Level Rise*.

Although Council is not subject to a coastal zone management plan, the sea level rise planning benchmarks have also been established in order to assess the likely increase in the frequency,

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duration and height of flooding and as a consequence likely property and infrastructure damage on affected and potentially affected land. Council is therefore required to consider the impact of sea level rise and resultant flooding from Powell's Creek and Cook's River which are tributaries of Sydney Harbour (Parramatta River) and Botany Bay respectively.

The proposed development is 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*.

**79C(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***

**Streetscape**

The proposed development seeks to construct a two (2) storey contemporary-style dwelling with a flat and skillion roof form. The site forms part of the cul-de-sac of Summit Place with the immediately surrounding dwellings comprised of original and recently constructed houses. The original houses are traditional in style featuring exposed brick finished with pitched tiled roofs (illustrated in Figure 3). Within the immediately surrounding streetscape there are two (2) examples of more recently constructed dwellings; and No. 8 Summit Place a more contemporary-style featuring a flat and skillion roof form with predominantly white rendered finishes and No. 9 Summit Place is of a more traditional style displaying a pitched roof with exposed facebrick and rendered masonry finishes (illustrated in Figure 3 and 4).



**Figure 3:** View of existing contemporary-style dwelling at No. 8 Summit Place.

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**Figure 4:** View of existing dwelling at No. 9 Summit Place.

The proposed dwelling uses a single colour of rendered masonry and materials including sandstone and timber-looking cladding for the front building façade. Whilst the dark timber-like cladding is not used in the immediately surrounding dwellings, the dark brown tone of the cladding will integrate well with the various brown toned bricks and roof tiles featured (refer to Figure 5). The use of the cream rendered masonry colour is compatible with the streetscape as it is found consistently in Summit Place including bricks, rendered masonry and garage doors.



**Figure 5:** View of existing dwellings at No. 5 and 6 Summit Place.

### Side Setback

Section 10.3.2 of the SCDGP 2005 requires the combined side setbacks for new dwellings be 25% of the frontage width of the block with minimum 1.5m setback for each side. Whilst the proposed dwelling achieves the minimum 1.5m side setback with 1.5m on the north and 1.62m to 2.71m on the south, it fails to achieve the minimum 25% combined side setback. The southern side setback varies from 1.62m to 2.71m due to the splay of the boundary equating to 19.2 – 22.8%. Notwithstanding, through the proposed stepped design of the dwelling and the provided side

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setbacks to accommodate for the unique allotment shape enables the proposal to achieve the setback objectives in Section 10.2 of the SCDCP 2005, requiring view corridors between dwellings to be maintained, minimise overshadowing of neighbouring properties from new developments and to create a perception of openness in the streets. Accordingly, the departure is considered acceptable in this instance.

### Landscaping

Section 3.3.3 of the SCDCP 2005 requires the subject site to provide a minimum 50% (61.35m<sup>2</sup>) of deep soil zone within the front setback and at least two (2) canopy trees reaching a mature height of 6m. The proposal seeks to provide one (1) canopy tree and 46.45% (27.05m<sup>2</sup>) deep soil zone in the front setback contrary to Section 3.3.3. As such, a condition of consent is recommended for width of the entry path and driveway to be reduced to enable the required deep soil zone to be achieved and an additional one (1) canopy tree to be planted. The additional landscaping will soften built form from the streetscape and be consistent with the landscaping of the adjoining properties.

### Visual Privacy

Section 14.3.2 of Part A of the SCDCP 2005 requires private open space, recreation areas and living rooms of proposed and any existing adjoining dwellings to be protected from direct overlooking within 9m. The proposed three (3) south facing lounge room windows result in direct opportunities for overlooking into the rear private open space of the southern adjoining property. Subsequently, a condition of consent is recommended to be imposed to ensure appropriate privacy measures are installed to the lounge room windows.

### **79C(1)(c) the suitability of the site for the development**

The proposed development is considered to be suitable for the proposed development and generally complies with Council's SCDCP 2005 requirements. The proposal is considered an acceptable outcome for the site which will not compromise the amenity of adjoining residents.

### **79C(1)(d) any submissions made in accordance with this Act or the regulations**

The application was notified in accordance with Part L of the SCDCP 2005 from 16 May 2017 to 31 May 2017, with no written submissions received, raising the following concerns:

### **79C(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. The proposed development is not considered contrary to the public interest.

## **SECTION 94 CONTRIBUTIONS**

Section 94 of the EP&A Act 1979 relates to the collection of monetary contributions from applicants for use in developing key local infrastructure. The Act reads as follows:

- “(1) If a consent authority is satisfied that development for which development consent is sought will or is likely to require the provision of or increase the demand for public amenities and public services within the area, the consent authority may grant the development consent subject to a condition requiring:*
- (a) the dedication of land free of cost, or*
  - (b) the payment of a monetary contribution,*
- or both.*

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- (2) *A condition referred to in subsection (1) may be imposed only to require a reasonable dedication or contribution for the provision, extension or augmentation of the public amenities and public services concerned.*

### STRATHFIELD INDIRECT SECTION 94 CONTRIBUTIONS PLAN

Section 94 Contributions are applicable to the proposed development in accordance with the Strathfield Indirect Development Contributions Plan 2010-2030 as follows:

Local Amenity Improvement Levy	<b>\$6,250.00</b>
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### CONCLUSION

The application has been assessed having regard to Section 79C of the Environmental Planning and Assessment Act 1979, the Strathfield Local Environmental Plan 2013 and the Strathfield Development Control Plan 2005 and is considered to be satisfactory for approval, subject to the recommended conditions of consent.

### RECOMMENDATION

That Development Application No. 2016/176/01 for 82(A) review of previous refusal – construction of two (2) storey dwelling house at 4 Summit Place, Strathfield be **APPROVED** subject to the following conditions:

### SPECIAL CONDITIONS (SC)

#### 1. FENCE DESIGN (SC)

To protect existing trees, masonry fence piers must be setback a minimum 3.0 metre radius from the Tree 1 *Triadica sebifera* referred to in Condition No. 13 and all masonry walling between the piers within this zone must be supported on concrete beams (not strip footings).

(Reason: To minimise disturbance to existing trees.)

#### 2. SOFT LANDSCAPING – FRONT SETBACK (SC)

The submitted Landscape Plan shall be amended to provide at least 50% (61.35m<sup>2</sup>) of deep soil landscaping within the front setback as required in Section 3.3.3 of Strathfield Consolidated Development Control Plan 2005. The amended plan shall be submitted to and approved by the Principal Certifying Authority **prior to the issue of a Construction Certificate.**

(Reason: To achieve the minimum landscaped area in accordance with the Strathfield Consolidated DCP 2005.)

### GENERAL CONDITIONS (GC)

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

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

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Plans affixed with Council's 'Development Consent' stamp relating to Development Consent No.2016/176/01:

Drawing No.	Title/Description	Prepared by	Issue / Revision & Date	Date received by Council
5	Demolition Plan	Space 0.618:1	Rev D.	3 May 2017
6	Proposed Site & Analysis Plan	Space 0.618:1	Rev D.	3 May 2017
7	Soil & Water Management Plan	Space 0.618:1	Rev D.	3 May 2017
8	Concept Drainage Plan	Space 0.618:1	Rev D.	3 May 2017
9	Landscape Plan	Space 0.618:1	Rev D.	3 May 2017
11	Ground Floor Plan	Space 0.618:1	Rev D.	3 May 2017
12	Level 1	Space 0.618:1	Rev D.	3 May 2017
13	Northern Elevation	Space 0.618:1	Rev D.	3 May 2017
14	Western & Front Fence Elevation	Space 0.618:1	Rev D.	3 May 2017
15	Eastern Elevation	Space 0.618:1	Rev D.	3 May 2017
16	Southern Elevation	Space 0.618:1	Rev D.	3 May 2017
17	Section 1	Space 0.618:1	Rev D.	3 May 2017
18	Section 2	Space 0.618:1	Rev D.	3 May 2017
19	Section 3	Space 0.618:1	Rev D.	3 May 2017
20	Streetscape	Space 0.618:1	Rev D.	3 May 2017
21	Materials Schedule	Space 0.618:1	Rev D.	3 May 2017
SW1	Stormwater Concept Plan & Details	L & C Building Design P/L	Nov 16	3 May 2017

Reference Documentation affixed with Council's 'Development Consent' stamp relating to Development Consent No.2016/176/01:

Title / Description	Prepared by	Issue/Revision & Date	Date received by Council
Waste Management Plan	Space 0.618:1	-	3 May 2017
BASIX Certificate	No. 770970S	Issued 25 October 2016	3 May 2017

In the event of any inconsistency between the approved plans and supplementary documentation, the plans will prevail. However, the conditions of this consent shall prevail to the extent of any inconsistency.

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

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

The height of the building measured to Australian Height Datum (AHD) must not exceed Relative Level (RL) 45.784 AHD to the 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.)

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 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.)

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

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

(Reason: Privacy amenity of adjoining properties.)

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

New development shall provide at least two (2) canopy trees within the front setback adjacent the front boundary (existing trees may be included). New canopy trees shall be at least three (3) metres high at the time of planting and capable of reaching a mature height of 6m.

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

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

11. **LANDSCAPING - TREES PERMITTED TO BE REMOVED (GC)**

The following listed trees are permitted to be removed to accommodate the proposed development:

Tree	Height / Spread (m)	Location
<i>Pittosporum undulatum</i>	5 x 4	Front yard

All trees permitted to be removed by this consent shall be replaced by species selected from Council's Recommended Tree List.

Replacement trees shall be a minimum 50 litre container size. Trees are to conform to the NATSPEC guide and Guide for assessing the quality of and purchasing of landscape trees by Ross Clarke, 2003. Trees are to be true to type, healthy and vigorous at time of delivery and planting, shall be pest and disease free, free from injury and wounds and self-supporting; and shall be maintained until maturity.

All trees are to be staked and tied with a minimum of three (3) hardwood stakes. Ties are to be hessian and fixed firmly to the stakes, one tie at half the height of the main stem, others as necessary to stabilise the plant.

Root deflection barriers having a minimum depth of 600mm are to be installed adjacent to all footpaths and driveways.

Soil conditioner/fertilizer/moisture retention additive/s are to be applied in accordance with manufacturer's recommendations, and mixed into the backfilling soil after planting tree/s.

A minimum 75mm depth of organic mulch shall be placed within an area 0.5m from the base of the tree.



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

(Reason: To ensure appropriate planting back onto the site.)

## 12. LANDSCAPING - TREE PRESERVATION (GC)

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

All healthy trees and shrubs identified for retention on the approved drawings are to be suitably protected in accordance with Australian Standard AS4970 – Protection of Trees on Development Sites, prior to the commencement of any works (including any demolition and excavation) and maintained for the duration of the works.

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

## 13. LANDSAPING – TREES TO BE RETAINED

The trees listed below shall be retained at all times:

<u>Tree</u>	<u>Height/ Spread (m)</u>	<u>Location</u>	<u>Protection Zone (m)</u>	<u>Structural Root Zone (m)</u>
1)Triadica sebifera	5 x 4	Road reserve	3.0	2.13

and protected by the establishment of a **protection zone** (in accordance with Australian Standard AS4970-*Protection of trees on development sites*) before any site works begin (including any demolition/excavation). The protection zone shall be maintained for the duration of works and implemented as follows:

- (a) A minimum 1.8m high barrier (Chain wire mesh panels, plywood or wooden paling fence panels: refer to AS4687-*Temporary fencing and hoardings* for fencing requirements) shall be erected around the perimeter of the stated Protection Zone as measured from the base of the tree (or where practical). Shade cloth or similar should be attached to reduce the transport of dust, other particulate matter and liquids into the protected area. Fence posts and supports should have a diameter greater than 20mm and be located clear of roots. The barrier shall be constructed so as to prevent pedestrian and vehicular entry into the protection zone. The barrier shall not project beyond the kerb onto the roadway or any adjacent footpath.
- (b) Signs identifying the Protection Zone should be installed on the fencing and be visible from within the development site. Lettering should comply with AS4970-2009: *Protection of Trees on Development Sites*.
- (c) No concrete slurry or wash, building materials, builders' rubble, excavation soil or similar shall be placed or stored within the tree protection zone.
- (d) The whole of the tree protection zone shall be mulched to a minimum depth of 75mm.
- (e) The tree protection zone shall be regularly watered.
- (f) Any major structural roots which are encountered shall be pruned by a qualified Arborist.
- (g) **No excavation or construction shall be carried out** within the stated *Structural Root Zone* distances from the base of the trunk surface.
- (h) Only permeable surfaces (e.g. decomposed granite, gravel, turfpave, permeable

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

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

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

(Reason: To ensure compliance with this consent.)

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

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

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

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

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

(Reason: Statutory requirement.)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(Reason: Compliance with Sydney Water requirements.)

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

20. **BASIX COMMITMENTS (CC)**

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

Where a change or changes are proposed in the BASIX commitments, the applicant must submit a new BASIX Certificate to the Principal Certifying Authority and Council. If any proposed change in the BASIX commitments is inconsistent with the development consent the applicant will be required to submit a modification to the development consent to Council under Section 96 of the Environmental Planning and Assessment Act 1979.

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

(Reason: Statutory compliance.)

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

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

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

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

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

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

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

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Certificate.

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

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

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

(Reason: Compliance with SCDCP 2005.)

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

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

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

(Reason: To ensure compliance with statutory provisions.)

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

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

- i) Detailed information on any approvals required from other authorities prior to or during construction.
- ii) Traffic management, including details of:
  - ingress and egress of vehicles to the site;
  - management of loading and unloading of materials;
  - the location of heavy vehicle parking off-site; and
  - designated routes for vehicles to the site.
- iii) The proposed areas within the site to be used for a builder's site office and amenities, the storage of excavated material, construction materials and waste containers during the construction period.
- iv) Erosion and sediment control, detailing measures and procedures consistent with the requirements of Council's guidelines for managing stormwater, including:
  - the collection and treatment of stormwater and wastewater generated on site prior to discharge; and
  - procedures to prevent run-off of solid material and waste from the site.
- v) Waste management, including:
  - details of the types and estimated volumes of waste materials that will be generated;
  - procedures for maximising reuse and recycling of construction materials; and
  - details of the off-site disposal or recycling facilities for construction waste.
- vi) Dust control, outlining measures to minimise the generation and off-site transmission of dust and fine particles, such as watering or damp cloth fences.
- vii) A soil and water management plan, which includes:
  - measures to minimise the area of soils exposed at any one time and conserve top soil;
  - identification and protection of proposed stockpile locations;
  - preservation of existing vegetation and revegetation;

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- measures to prevent soil, sand, sediments leaving the site in an uncontrolled manner;
  - measures to control surface water flows through the site in a manner that diverts clean run-off around disturbed areas, minimises slope gradient and flow distance within disturbed areas, ensures surface run-off occurs at non-erodible velocities, and ensures disturbed areas are promptly rehabilitated;
  - details of sediment and erosion control measures in place before work commences;
  - measures to ensure materials are not tracked onto the road by vehicles entering or leaving the site; and
  - details of drainage to protect and drain the site during works.
- viii) Asbestos management procedures:
- Anyone who removes, repairs or disturbs bonded or a friable asbestos material must hold a current removal licence from Workcover NSW holding either a Friable (Class A) or a Non- Friable (Class B) Asbestos Removal License which ever applies and a current WorkCover Demolition License where works involve demolition. To find a licensed asbestos removalist please see [www.workcover.nsw.gov.au](http://www.workcover.nsw.gov.au)
  - Removal of asbestos by a person who does not hold a Class A or Class B asbestos removal license is permitted if the asbestos being removed is 10m<sup>2</sup> or less of non-friable asbestos (approximately the size of a small bathroom). Friable asbestos materials must only be removed by a person who holds a current Class A asbestos license.
  - Before starting work, a work site-specific permit approving each asbestos project must be obtained from Workcover NSW. A permit will not be granted without a current Workcover licence. All removal, repair or disturbance of or to asbestos material must comply with the following:
    - The Work Health and Safety Act 2011;
    - The Work Health and Safety Regulation 2011;
    - How to Safety Remove Asbestos Code of Practice – WorkCover 2011; and
    - Safe Work Australia Code of Practice for the Management and Control of Asbestos in the Workplace.
  - Following completion of asbestos removal works undertaken by a licensed asbestos removalist re-occupation of a workplace must not occur until an independent and suitably licensed asbestos removalist undertakes a clearance inspection and issues a clearance certificate.
  - The developer or demolition contractor must notify adjoining residents at least two (2) working days (i.e. Monday to Friday exclusive of public holidays) prior to the commencement of asbestos removal works. Notification is to include, at a minimum:
    - the date and time when asbestos removal works will commence;
    - the name, address and business hours contact telephone number of the demolisher, contractor and/or developer;
    - the full name and license number of the asbestos removalist/s; and
    - the telephone number of WorkCover's Hotline 13 10 50
    - warning signs informing all people nearby that asbestos removal work is taking place in the area. Signs should be placed at all of the main entry points to the asbestos removal work area where asbestos is present. These signs should be weatherproof, constructed of light-weight material and adequately secured so they remain in prominent locations. The signs should be in accordance with AS 1319-1994 Safety signs for the occupational environment for size, illumination, location and maintenance; and
    - appropriate barricades installed as appropriate to prevent public access and prevent the escape of asbestos fibres. Barricades must be installed prior to the commencement of asbestos removal works and remain in place until

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works are completed.

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

26. **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.

(Reason: Council requirement)

27. **DILAPIDATION REPORT - PRE-COMMENCEMENT (CC)**

Subject to access being granted, a pre-commencement Dilapidation Report is to be undertaken on all adjoining properties, which in the opinion of a suitably qualified engineer, could be potentially affected by the construction of the project. The Dilapidation Report shall be carried out prior to the issue of a Construction Certificate.

The Dilapidation Report is to be prepared by a suitably Qualified Engineer with current Corporate Membership with the Institution of Engineers, Australia or Geotechnical Practitioner. The report shall include a photographic survey of adjoining properties detailing the physical condition of those properties, both internally and externally, including walls, ceilings, roof, structural members and other such items.

If access for undertaking the dilapidation survey is denied by an adjoining owner, the applicant must demonstrate, in writing, to Council's satisfaction attempts have been made to obtain access and/or advise the affected property owner of the reason for the survey and these attempts have been unsuccessful. Written concurrence must be obtained from Council in such circumstances.

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The Report shall cover structural and geotechnical factors likely to arise from the development. A copy of this Report shall be submitted to Council as a record. The person having the benefit of the development consent must, at their own cost, rectify any damage caused to other properties during the construction of the project.

(Reason: To ensure no damage to adjoining properties occurs.)

28. **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.)

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

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

(Reason: Privacy amenity.)

30. **PRIVACY - MEASURES TO BE COMPLIED WITH (CC)**

Prior to the issue of a Construction Certificate, plans are to be amended to include the following privacy measures:

- i) The ground floor south facing windows to the lounge room (W-5, W-6 & W-7) shall have a sill height of at least 1.7m above the finished floor level or have fixed, obscure



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glazing in any part of the windows less than 1.7m above the finished floor level.

(Reason: Privacy amenity.)

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

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

<b>Local Amenity Improvement Levy</b>	<b>\$6,500.00</b>
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The total amount of the contribution is valid as at the date of determination and is subject to quarterly indexation. The amount of the contribution under this condition shall be indexed in accordance with clause 4.12 of the Strathfield Indirect Development Contributions Plan 2010-2030.

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

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

Note: A copy of Strathfield Council's Section 94 Indirect Development Contributions Plan may be downloaded from Council's website.

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

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

A security payment of **\$5,254.00** in the form of cash, bank guarantee, cheque or credit card (financial transactions fees apply) shall be paid to Council prior to the issue of a Construction Certificate. The security payment is GST inclusive and comprises the following:

Refundable tree protection bond	\$1,000.00
Refundable works bond	\$4,000.00
<u>Non-refundable administration fee (\$127/bond)</u>	<u>\$ 254.00</u>
<b>TOTAL</b>	<b>\$5,254.00</b>

The security payment covers the following matters and will be released upon satisfactory completion of these items:

- i) road and stormwater drainage works in roadways and public areas;
- ii) installation and maintenance of sediment control measures for the duration of construction activities;
- iii) tree final inspection to ensure that Council's street trees have been retained, protected or replanted in accordance with conditions of consent and/or Arborists' report for the post final inspection twelve (12) month period; and
- iv) inspection that no damage has occurred to or building debris/materials have been left on Council land including the footpath, nature strip, kerb and gutter.

Note: The security bond may be used to recover the costs incurred by Council in cleaning and restoring the land to its original condition.

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(Reason: Protection of Council infrastructure.)

**33. STORMWATER DRAINAGE (CC)**

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

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

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

**34. SWIMMING POOLS / SPAS (CONSTRUCTION OF)**

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

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

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

(Reason: Safety and statutory compliance.)

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

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

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

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

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

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

- i) description of the demolition, excavation and construction works;
- ii) site plan/s showing the site, roads, footpaths, site access points and vehicular movements;
- iii) size, type and estimated number of vehicular movements (including removal of excavated materials, delivery of materials and concrete to the site);
- iv) proposed route(s) from the arterial (state) road network to the site and the proposed route from the site back to the arterial road network;
- v) impacts of the work and vehicular movements on the road network, traffic and

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

(Reason: To mitigate traffic impacts on the surrounding area during the construction period.)

**37. WASTE MANAGEMENT PLAN (CC)**

A Waste Management Plan (WMP) is to be provided in accordance with Part H of Strathfield Consolidated Development Control Plan 2005. All requirements of the approved Waste Management Plan must be implemented during demolition, construction and on-going use of the premises.

The WMP must identify the types of waste that will be generated and all proposals to re-use, recycle or dispose of the waste. The WMP is to be submitted to the Principal Certifying Authority, prior to issue of the Construction Certificate.

(Reason: To ensure appropriate management of waste.)

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

**38. 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

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

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

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

(Reason: Statutory requirement.)

### 39. HOME BUILDING COMPENSATION FUND (CW)

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

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

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In the case of work to be done by an owner-builder:

- the name of the owner-builder; and
- if the owner-builder is required to hold an owner-builder permit under the Home Building Act 1989, the number of the owner-builder permits.

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

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

(Reason: Statutory requirement.)

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

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

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

(Reason: Statutory requirement.)

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

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

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

- i) All demolition is to be carried out in accordance with Australian Standards AS 2601-2001.
- ii) Demolition must be carried out by a registered demolition contractor.
- iii) A single entrance is permitted to service the site for demolition and construction. The footway and nature strip at the service entrance must be planked out with close boarded, hardwood timber footpath protection pads. The pad shall cover the entire width of the footpath opening for the full width of the fence.
- iv) No blasting is to be carried out at any time during construction of the building.
- v) Care must be taken during demolition/ excavation/ building/ construction to prevent any damage to adjoining buildings.
- vi) Adjoining owner property rights and the need for owner's permission must be observed at all times, including the entering onto land for the purpose of undertaking works.
- vii) Any demolition and excess construction materials are to be recycled wherever practicable.
- viii) The disposal of construction and demolition waste must be in accordance with the requirements of the Protection of the Environment Operations Act 1997.
- ix) All waste on the site is to be stored, handled and disposed of in such a manner as to not create air pollution (including odour), offensive noise or pollution of land and/or water as defined by the Protection of the Environment Operations Act 1997.
- x) All excavated material should be removed from the site in the approved manner and

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- be disposed of lawfully to a tip or other authorised disposal area.
- xi) Section 143 of the Protection of the Environment Operations Act 1997 requires waste to be transported to a place which can lawfully accept it. All non-recyclable demolition materials are to be disposed of at an approved waste disposal depot in accordance with legislation.
  - xii) All materials on site or being delivered to the site are to generally be contained within the site. The requirements of the Protection of the Environment Operations Act 1997 must be complied with when placing/stockpiling loose material, disposing of concrete waste, or other activities likely to pollute drains or water courses.
  - xiii) Details as to the method and location of disposal of demolition materials (weight dockets, receipts etc.) should be kept on site as evidence of approved methods of disposal and recycling.
  - xiv) Any materials stored on site must be stored out of view or in such a manner so as not to cause unsightliness when viewed from nearby lands or roadways.
  - xv) Public footways and roadways adjacent to the site must be fully maintained and cleared of obstructions during construction unless prior separate approval from Council is obtained including payment of relevant fees.
  - xvi) Building operations such as brick cutting, washing tools or paint brushes, and mixing mortar not be performed on the roadway or public footway or any other locations which could lead to the discharge of materials into the stormwater drainage system.
  - xvii) All site waters during excavation and construction must be contained on site in an approved manner to avoid pollutants entering into waterways or Council's stormwater drainage system.
  - xviii) Stamped plans, specifications, documentation and the consent shall be available on site at all times during construction.

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

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

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

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

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

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

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

43. **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

**4 Summit Place, Strathfield  
Lot 5 DP 238947 (Cont'd)**

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 proposed driveway and layback; and/or
- iii) any other civil works

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

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.)

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

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

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

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

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

(Reason: Statutory requirement.)

**45. 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.)

**46. 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.)

4 Summit Place, Strathfield  
Lot 5 DP 238947 (Cont'd)

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

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

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

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

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

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

(Reason: Safety and statutory compliance.)

**ATTACHMENTS**

1. [↓](#) plans



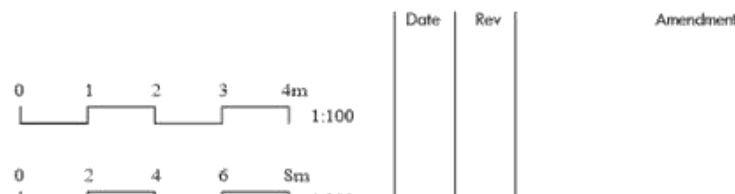
# 4 SUMMIT PLACE, STRATHFIELD LOT 5 D.P. 238947 LGA: STRATHFIELD

PLEASE REFER TO SHEET 0-01 FOR BASIX

1	COVER SHEET
2	BASIX
3	DOOR AND WINDOW SCHEDULE
4	EXISTING SITE & SURVEY PLAN
5	DEMOLITION PLAN
6	PROPOSED SITE & ANALYSIS PLAN
7	SOIL AND WATER MANAGEMENT PLAN
8	CONCEPT DRAINAGE PLAN
9	CONCEPT LANDSCAPE PLAN
11	GROUND FLOOR PLAN
12	LEVEL 1
13	NORTHERN ELEVATION
14	WESTERN + FRONT FENCE ELEVATION
15	EASTERN ELEVATION
16	SOUTHERN ELEVATION
17	SECTION 1
18	SECTION 2
19	SECTION 3
20	STREETSCAPE
21	MATERIALS SCHEDULE
22	WINTER 9AM SHADOW
23	WINTER 12PM SHADOW
24	WINTER 3PM SHADOW
25	EXISTING SHADOWS 9AM
26	EXISTING SHADOWS 12PM
27	EXISTING SHADOWS 3PM

**NOTE:**

- ALL STORMWATER TO BE COMPLETED TO ENGINEER'S DETAILS
- ALL ENGINEERING REQUIRED TO BE READ IN CONJUNCTION WITH THE SUPPLIED DETAILS
- BUILDER TO VERIFY ALL WINDOW OPENINGS WITH THE WINDOW MANUFACTURER
- BUILDER TO VERIFY DIMENSIONS ON SITE DUE TO NATURE OF WORKS
- ALL DISTURBED VEGETATION TO BE REINSTATED
- ALL EROSION AND SEDIMENT CONTROL MEASURES TO BE INSPECTED DAILY BY SITE MANAGER
- MINIMIZE DISTURBED AREAS
- ALL STOCKPILES TO BE CLEAR FROM FOOTPATHS, DRAINS AND GUTTERS
- DRAINAGE IS TO BE CONNECTED TO STORM WATER SYSTEM AS SOON AS POSSIBLE
- ROADS AND FOOT PATH TO BE SWEEPED DAILY
- ALL CONCRETE DELIVERIES TO BE PUMPED ON SITE
- ALL WASH DOWN TO OCCUR ON SITE
- PROVIDE TIMBER FRAME ROOF AS PER LIGHT TIMBER FRAME CODE AS1684
- PROVIDE SELECTED COLOURBOND ROOF
- PROVIDE COLORBOND ALUMINIUM GUTTERS AND DOWNPIPES
- PROVIDE R.C. FLOORS TO ENG. DETAILS
- PROVIDE R.C. STAIRS TO BCA AND ENGINEER'S DETAILS
- PROVIDE SELECTED POWDER COATED ALUMINIUM FRAMED WINDOWS & DOORS
- PROVIDE SOLID CORE WEATHER PROOF DOORS TO EXTERNAL DOORS
- PROVIDE SOLID CORE INTERNAL DOORS
- PROVIDE 270mm CAVITY BRICK WALL CONSTRUCTION TO EXTERNAL WALLS
- PROVIDE 110mm BRICK WALLS TO INTERNAL WALLS
- PROVIDE 250mm BRICK VENEER WHERE STATED
- PROVIDE SELECTED RAILINGS TO BCA
- PROVIDE WATER PROOFING AS PER BCA TO ALL WET AREAS
- PROVIDE DUCTED AIR CONDITIONING, IF DUCTED AIR CONDITIONING DOESN'T FIT IN THE CEILING CAVITY THEN PROVIDE A VRF MULTI SPLIT SYSTEM OR PROVIDE PLASTERBOARD BULKHEADS TO ACCOMMODATE DUCTING AND DIFFUSERS



project:  
**4 SUMMIT PLACE, STRATHFIELD**

**NOT FOR CONSTRUCTION - REV. D**

Verify all dimensions on site before proceeding with construction. Do not scale off drawings. VBAH to confirm dimensions against any discrepancies for resolution. All work to be carried out in accordance with relevant parts of the BCA and the Environmental Planning and Assessment Act and regulations under the Act.  
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**POINT 0618:1**

53 STATION STREET, ARMCUPPE 1534 2205  
E: m.w@space01821.com

DESIGNER:      AUTHOR:      bda BUILDING DESIGNERS

title: COVER SHEET

Lot Number: 5 DP 238947

Job Number: HWARD1    Stage: DA    Class Type: 1A

date: 24/2/17    scale: @ A3    drawings no: 1    rev:

**BASIX Certificate**  
Building Sustainability Index www.basix.nsw.gov.au

**Single Dwelling**  
Certificate number: 238947

This certificate confirms that the proposed development meets the BASIX requirements for sustainability. It is valid in accordance with the requirements set out in the BASIX Act, the BASIX Regulation, and the BASIX Guidelines. The requirements are set out in the BASIX Act, the BASIX Regulation, and the BASIX Guidelines. The requirements are set out in the BASIX Act, the BASIX Regulation, and the BASIX Guidelines.

Project Summary	
Project Name	4 SUMMIT PLACE, STRATHFIELD NSW
Project Address	4 SUMMIT PLACE, STRATHFIELD NSW
Local Government Area	Sutherland Shire Council
Project Status	Approved BASIX
Project Type	Single Dwelling
Project Area	100 sqm
Project Date	21/06/17
Project Stage	Target 60
Project Cost	Target 60

Description of project	
<b>Project address</b>	
Project Name	4 SUMMIT PLACE, STRATHFIELD NSW
Project Address	4 SUMMIT PLACE, STRATHFIELD NSW
Local Government Area	Sutherland Shire Council
Project Status	Approved BASIX
Project Type	Single Dwelling
Project Area	100 sqm
Project Date	21/06/17
Project Stage	Target 60
Project Cost	Target 60

Schedule of BASIX commitments			
Commitment	Due by 28 June	Due by 28 June	Due by 28 June
Water	✓	✓	✓
Thermal	✓	✓	✓
Energy	✓	✓	✓
Other	✓	✓	✓

Water Commitments			
Water	Due by 28 June	Due by 28 June	Due by 28 June
Water	✓	✓	✓
Water	✓	✓	✓
Water	✓	✓	✓

Water, walls and ceiling			
Water	Due by 28 June	Due by 28 June	Due by 28 June
Water	✓	✓	✓
Water	✓	✓	✓
Water	✓	✓	✓

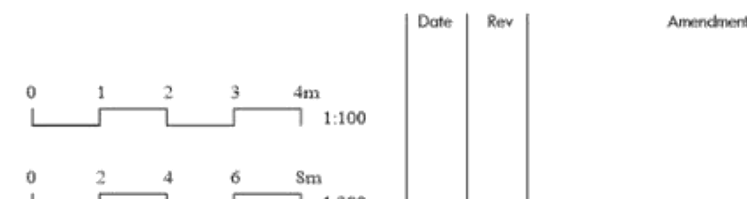
Thermal Commitments			
Thermal	Due by 28 June	Due by 28 June	Due by 28 June
Thermal	✓	✓	✓
Thermal	✓	✓	✓
Thermal	✓	✓	✓

Energy Commitments			
Energy	Due by 28 June	Due by 28 June	Due by 28 June
Energy	✓	✓	✓
Energy	✓	✓	✓
Energy	✓	✓	✓

Energy Commitments			
Energy	Due by 28 June	Due by 28 June	Due by 28 June
Energy	✓	✓	✓
Energy	✓	✓	✓
Energy	✓	✓	✓

Energy Commitments			
Energy	Due by 28 June	Due by 28 June	Due by 28 June
Energy	✓	✓	✓
Energy	✓	✓	✓
Energy	✓	✓	✓

Legend			
Legend	Due by 28 June	Due by 28 June	Due by 28 June
Legend	✓	✓	✓
Legend	✓	✓	✓
Legend	✓	✓	✓



project:  
**4 SUMMIT PLACE, STRATHFIELD**

**NOT FOR CONSTRUCTION - REV. D**

Verify all dimensions on site before proceeding with construction. Do not scale off drawings. VIM: to urban dimensions, require any dimensions for materials. All work to be carried out in accordance with relevant parts of the BCA and the Environmental Planning and Assessment Act and regulations.

DESIGNER: AUTHOR: bda BUILDING DESIGNERS



title: BASIX

Lot Number: 5 DP 238947

Job Number: HWARD1 Stage: DA Class Type: 1A

date: 21/6/17 scale: @ A3 drawings no: 2 rev

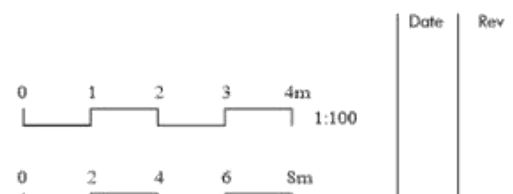
Door Schedule			
Mark	Level	Height	Width
1	GROUND FL	2600	1800
2	GROUND FL	2400	5800
3	GROUND FL	2100	820
4	GROUND FL	2100	820
5	GROUND FL	2100	820
6	GROUND FL	2100	1800
7	GROUND FL	2100	820
8	GROUND FL	2100	820
10	GROUND FL	2100	820
11	GROUND FL	2100	820
12	GROUND FL	2100	820
13	GROUND FL	2100	820
14	LEVEL 1 FL	2100	820
15	LEVEL 1 FL	2100	820
16	LEVEL 1 FL	2100	820
17	LEVEL 1 FL	2100	820
18	LEVEL 1 FL	2100	820
19	LEVEL 1 FL	2100	820
20	LEVEL 1 FL	2100	540
24	GROUND FL	2100	820
25	LEVEL 1 FL	2100	820
26	LEVEL 1 FL	2100	820
27	LEVEL 1 FL	2400	2590
29	GROUND FL	2400	820

Grand total: 24

Window Schedule						
Mark	Location	AREA	Width	Height	Sill Height	Head Height
1	SOUTH	3.41	1310	2600	400	3000
2	SOUTH	6.68	1335	5000	1400	6400
3	SOUTH	0.51	850	600	1800	2400
4	SOUTH	1.30	2170	600	1800	2400
5	SOUTH	1.79	850	2100	300	2400
6	SOUTH	1.79	850	2100	300	2400
7	SOUTH	1.79	850	2100	300	2400
8	SOUTH	0.65	1090	600	1800	2400
9	SOUTH	0.87	1450	600	1800	2400
10	SOUTH	0.73	1210	600	1800	2400
11	SOUTH	1.30	2170	600	1800	2400
12	SOUTH	0.73	1210	600	1800	2400
13	SOUTH	1.30	2170	600	1800	2400
14	SOUTH	7.11	2962	2400	0	2400
15	SOUTH	5.78	2410	2400	0	2400
16	EAST	1.79	850	2100	300	2400
17	EAST	1.79	850	2100	300	2400
18	EAST	1.79	850	2100	300	2400
19	EAST	1.79	850	2100	300	2400
20	EAST	10.97	4570	2400	0	2400
21	EAST	4.34	1810	2400	0	2400
21		2.04	850	2400	0	2400
21		2.04	850	2400	0	2400
22	EAST	7.70	3210	2400	0	2400
23	EAST	2.04	850	2400	0	2400
24	NORTH	10.56	4400	2400	0	2400
25	NORTH	1.79	850	2100	300	2400
26	NORTH	1.79	850	2100	300	2400
27	NORTH	2.04	3400	600	900	1500
28	NORTH	1.30	2170	600	1600	2200
29	NORTH	1.30	2170	600	1800	2400
30	NORTH	1.30	2170	600	1100	1700
31	NORTH	1.30	2170	600	1800	2400
32	NORTH	0.87	1450	600	1800	2400
33	NORTH	1.30	2170	600	1800	2400
34	WEST	13.20	4400	3000	0	3000
35	WEST	5.54	2130	2600	400	3000
36	WEST	14.25	2850	5000	1400	6400
37	WEST	2.04	850	2400	0	2400
38	WEST	1.45	1210	1200	1200	2400
low		7.20	3000	2400	0	2400

note:

- ALL WINDOWS AS PER BASIX CERTIFICATE
- VERIFY ALL WINDOW OPENINGS ON SITE



Amendment

project:  
4 SUMMIT PLACE, STRATHFIELD

NOT FOR CONSTRUCTION - REV. D

Verify all dimensions on site before proceeding with construction. Do not scale off drawings. Voids to urban dimensions require any discrepancies for resolution. All work to be carried out in accordance with relevant parts of the BCA and the Environmental Planning and Assessment Act and regulations under the Act.  
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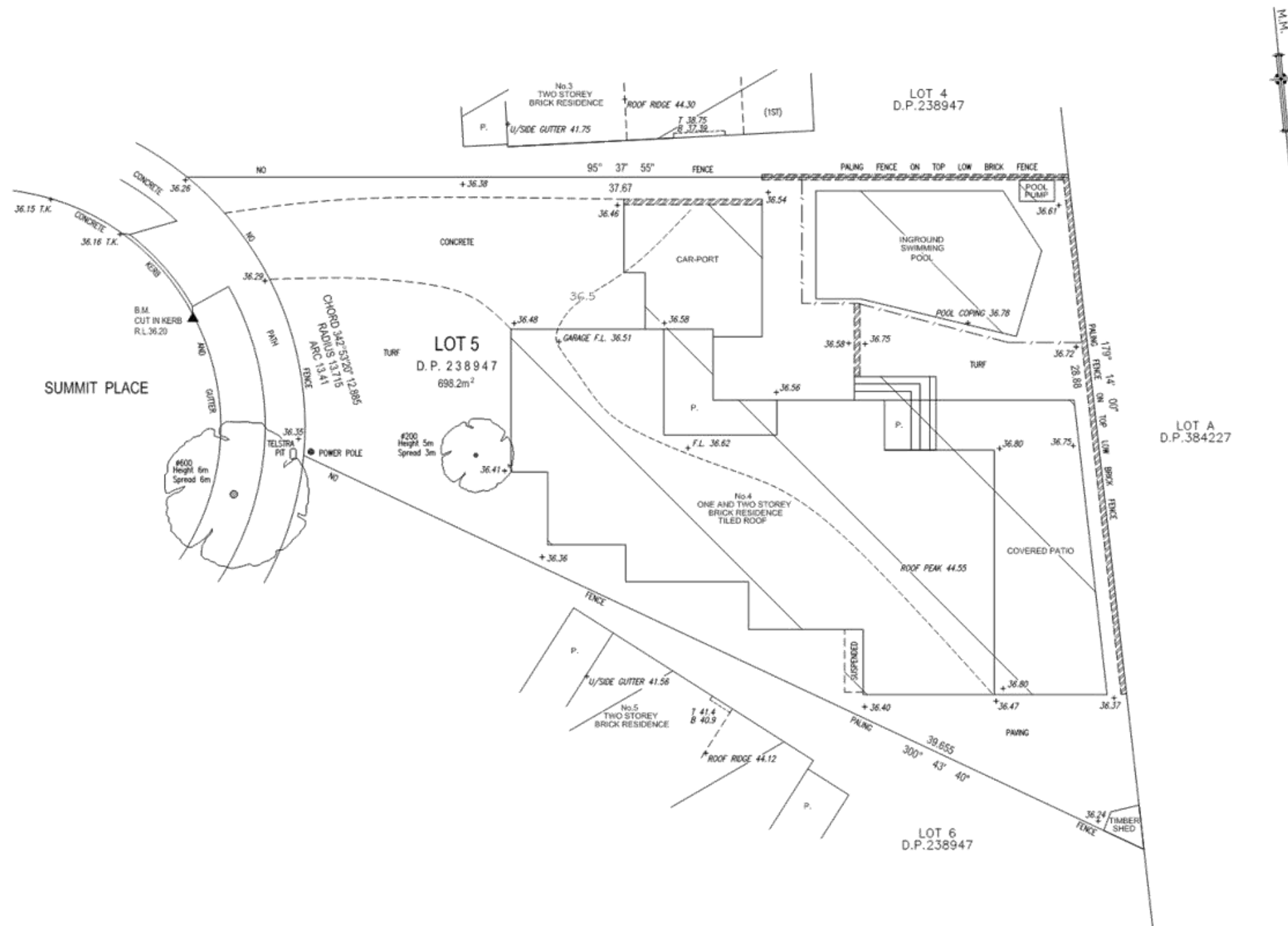
DESIGNER: AUTHOR: bda BUILDING DESIGNERS

title: DOOR AND WINDOW SCHEDULE

Lot Number: 5 DP 238947

Job Number: HWARD1 Stage: DA Class Type: 1A

date: 24/2/17 scale: @ A3 drawings no: 3 rev



**NOTES:**

- NO SURVEY HAS BEEN MADE OF THE TITLE BOUNDARIES. DIMENSIONS SHOWN ARE FROM EXISTING D.P.238947
- NO INVESTIGATION OF UNDERGROUND SERVICES HAS BEEN UNDERTAKEN IN THE PREPARATION OF THIS SURVEY.
- THE BOUNDARIES OF THE LAND SHOULD BE MARKED OUT PRIOR TO ANY CONSTRUCTION.
- ANY DETAIL CRITICAL TO DESIGN MUST BE LOCATED BY A FIELD SURVEY.
- ADOPT SPOT LEVELS IN PREFERENCE TO CONTOURS.
- ALL DETAIL AND FEATURES SHOWN HEREON HAVE BEEN PLOTTED IN RELATION TO THE OCCUPATIONS (FENCES AND/OR WALLS ETC). THESE OCCUPATIONS HAVE NOT YET BEEN ACCURATELY LOCATED IN RELATION TO THE BOUNDARIES.
- ALL TREE DIMENSIONS ARE APPROXIMATE.

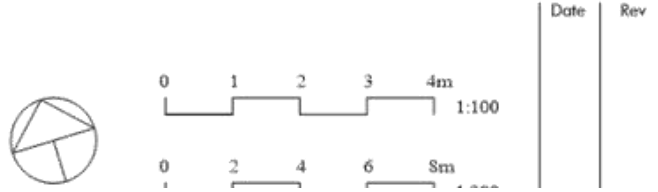
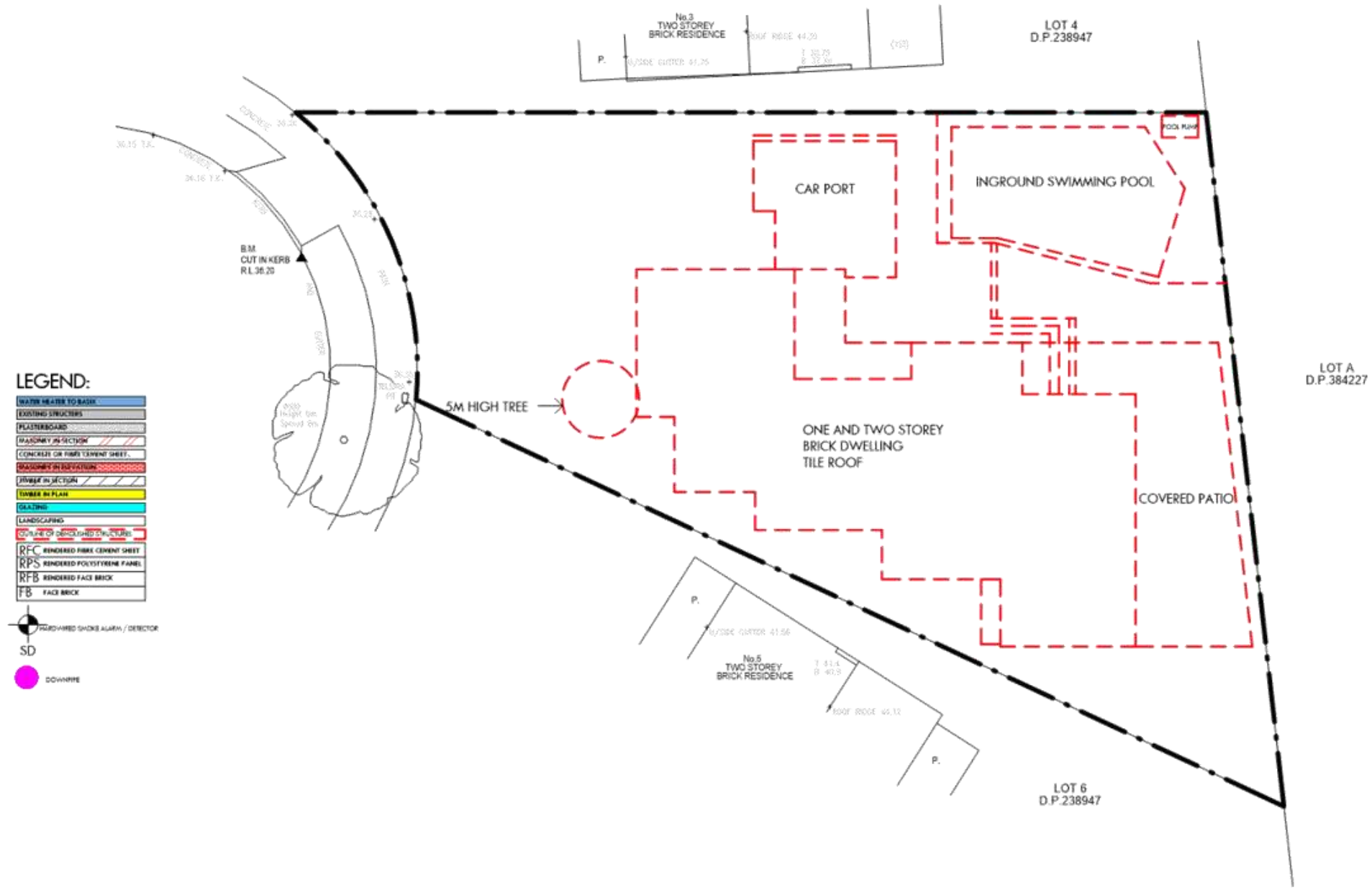
□ DENOTES WINDOW  
 T DENOTES TOP OF WINDOW  
 B DENOTES BOTTOM OF WINDOW

CONTOUR INTERVAL - 0.5 METRES

**PLAN SHOWING  
 SELECTED DETAIL & LEVELS  
 OVER LOT 5 IN D.P.238947 BEING  
 No.4 SUMMIT PLACE, STRATHFIELD**

LGA : STRATHFIELD      DATUM - AHD

PREPARED BY  
**J.P. BATES & INWOOD**  
 REGISTERED SURVEYORS  
 31 KIRCHNER ST, GATLEY, 2223.  
 PHONE: (02) 9570 8251    FAX: (02) 9580 1704



project:  
**4 SUMMIT PLACE, STRATHFIELD**

**NOT FOR CONSTRUCTION - REV. D**

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 POINT  
**06181**

53 STATION STREET,  
 ANGLIFFE NSW 2205  
 E: nsw@space06181.com

DESIGNER: **bda** BUILDING DESIGNERS  
 AUTHOR: **bda** BUILDING DESIGNERS

title: DEMOLITION PLAN

Lot Number: 5 DP 238947

Job Number: HWARD1 Stage: DA Class Type: 1A

date: 24/2/17 scale @ A3 1:200 drawings no: 5

site calculations:

site area: 698.2sqm  
 FSR: 0.6:1 OF 698.2 = 418.92sqm

proposed floor areas:

ground floor: 189sqm  
 first floor: 191sqm  
 total: 380sqm (54%)

proposed site built on and paved areas:

rear alfresco/cabana: 60sqm  
 driveways: 44sqm  
 paths: 13sqm  
 building footprint (dwelling + outbuilding): 258sqm (37%)

proposed landscaped areas:

required: 293sqm (42%)  
 proposed: 285sqm (41%)

front of building line area: 100sqm  
 50% of 100sqm = 50sqm req. landscaping  
 proposed: 50sqm

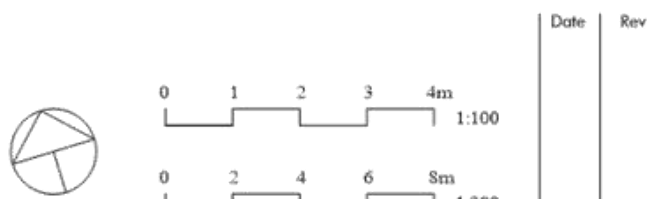
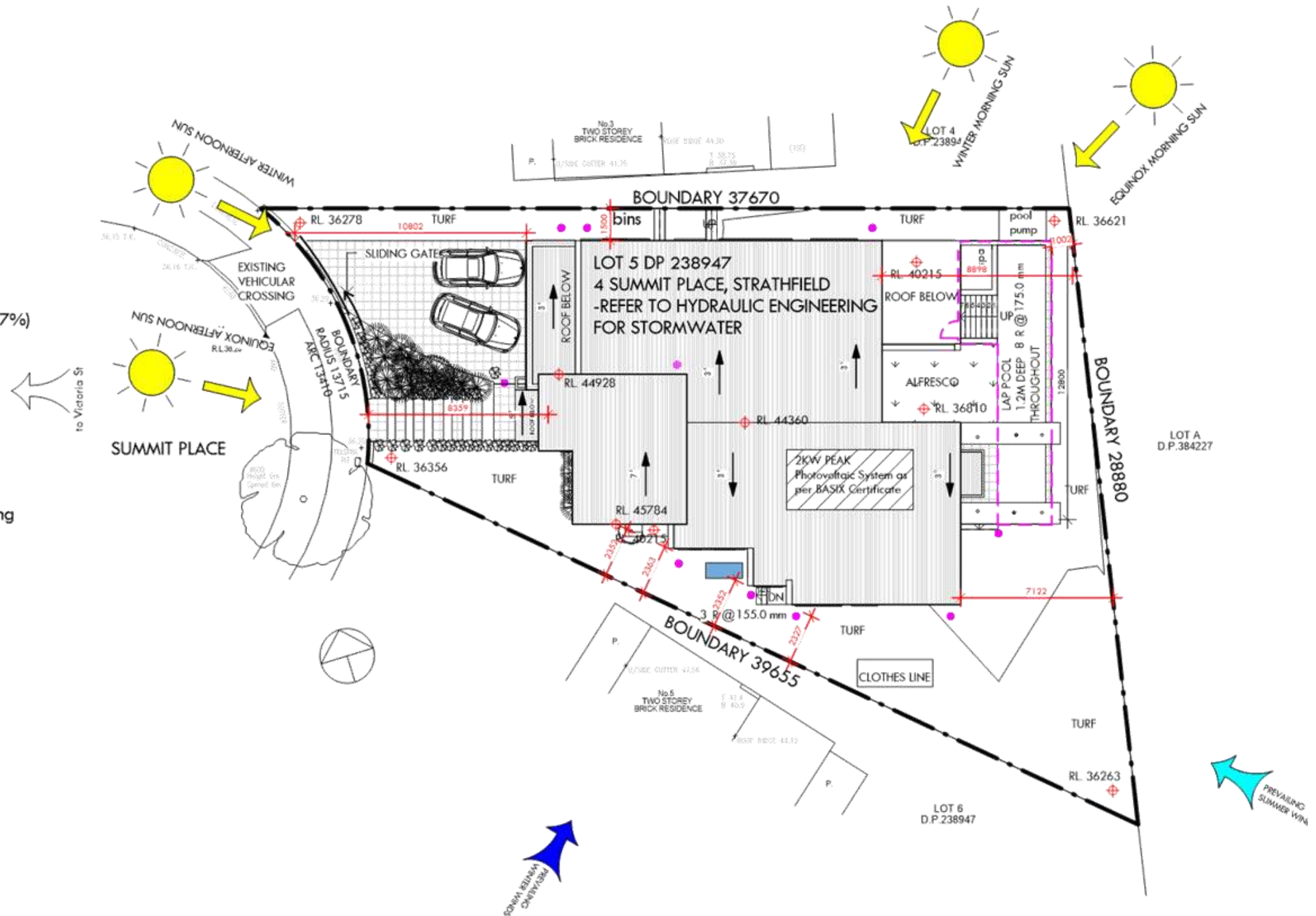
LEGEND:

- WATER FEATURE TO BANK
- EXISTING STRUCTURES
- PLASTERBOARD
- BRICKWORK IN SECTION
- CONCRETE OR FIBRE CEMENT SHEET
- MASONRY IN ELEVATION
- TIMBER IN SECTION
- TIMBER IN PLAN
- GLAZING
- LANDSCAPING
- OUTLINE OF PROPOSED STRUCTURES
- RFC RENDERS FIBRE CEMENT SHEET
- RPS RENDERS POLYSTYRENE PANEL
- RFB RENDERS FACE BRICK
- FB FACE BRICK

SD WIRELESS SHOCK ALARM / DETECTOR

DOWNPIPE

pool fence to AS1926.1 2012



Date	Rev	Amendment

project:  
**4 SUMMIT PLACE, STRATHFIELD**

**NOT FOR CONSTRUCTION - REV. D**

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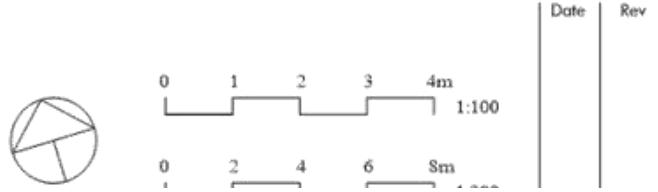
DESIGNER: AUTHOR: **bda** BUILDING DESIGNERS

title: **PROPOSED SITE & ANALYSIS PLAN**

Lot Number: **5 DP 238947**

Job Number: HWARD1 Stage: **DA** Class Type: **1A**

date: 24/2/17 scale @ A3: 1:200 drawing no: **6**



Date	Rev	Amendment

project:  
**4 SUMMIT PLACE, STRATHFIELD**

**NOT FOR CONSTRUCTION - REV. D**

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53 STATION STREET,  
 ANGLICAN HOUSE 2205  
 E. NSW@space06181.com

DESIGNER: AUTHOR: **bda** BUILDING DESIGNERS

title: **SOIL AND WATER MANAGEMENT PLAN**

Lot Number: **5 DP 238947**

Job Number: **HMARD1** Stage: **DA** Class Type: **1A**

date: **24/2/17** scale: **A3 1:200** drawings no: **7**

site area: 698.2sqm  
 FSR: 0.6:1 OF 698.2 = 418.92sqm

proposed floor areas:  
 ground floor: 189sqm  
 first floor: 191sqm  
 total: 380sqm (54%)

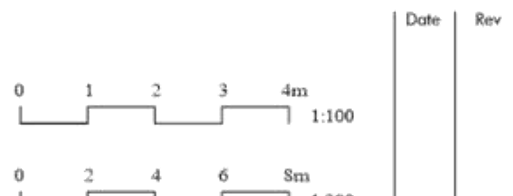
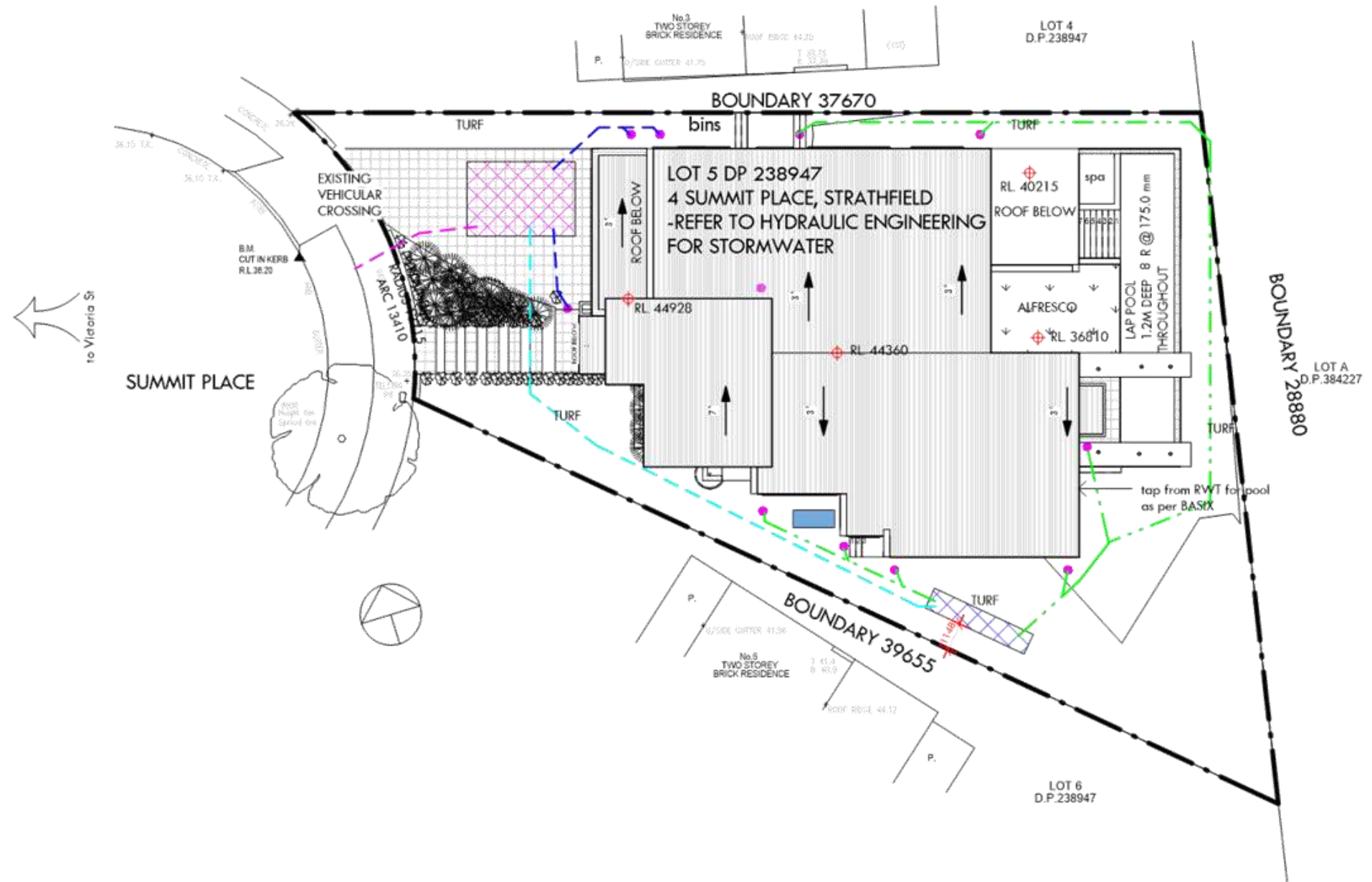
proposed site built on and paved areas:  
 rear alfresco/cabana: 60sqm  
 driveways: 44sqm  
 paths: 13sqm  
 building footprint  
 (dwelling + outbuilding): 258sqm (37%)

proposed landscaped areas:  
 required: 293sqm (42%)  
 proposed: 285sqm (41%)

front of building line area: 100sqm  
 50% of 100sqm = 50sqm req. landscaping  
 proposed: 50sqm

LEGEND:

- WATER FEATURE TO BASIN
- EXISTING STRUCTURE
- PLASTERBOARD
- REFRIGERATOR BY SECTION
- CONCRETE ON FIBRE CEMENT SHEET
- MASONRY BY ELEVATION
- TIMBER BY SECTION
- TIMBER IN PLAN
- CLADDING
- LANDSCAPING
- CABLE OR CONDUIT TO STRUCTURE
- RFC RENDERED FIBRE CEMENT SHEET
- RPS RENDERED POLYSTYRENE PANEL
- RFB RENDERED FACE BRICK
- FB FACE BRICK
- WIRELESS SMOKE ALARM / DETECTOR
- SD
- DOWNPIPE
- DETENTION TANK
- DP TO RWT
- DP TO DETENTION TANK
- PIPE TO STREET DISCHARGE
- RWT TO DETENTION TANK
- RAINWATER TANK TO BASIN



project:  
**4 SUMMIT PLACE, STRATHFIELD**

**NOT FOR CONSTRUCTION - REV. D**

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 POINT  
 06181

53 STATION STREET  
 ARMCUPPE NSW 2205  
 E: nsw@space06181.com

DESIGNER: AUTHOR: **bda** BUILDING DESIGNERS

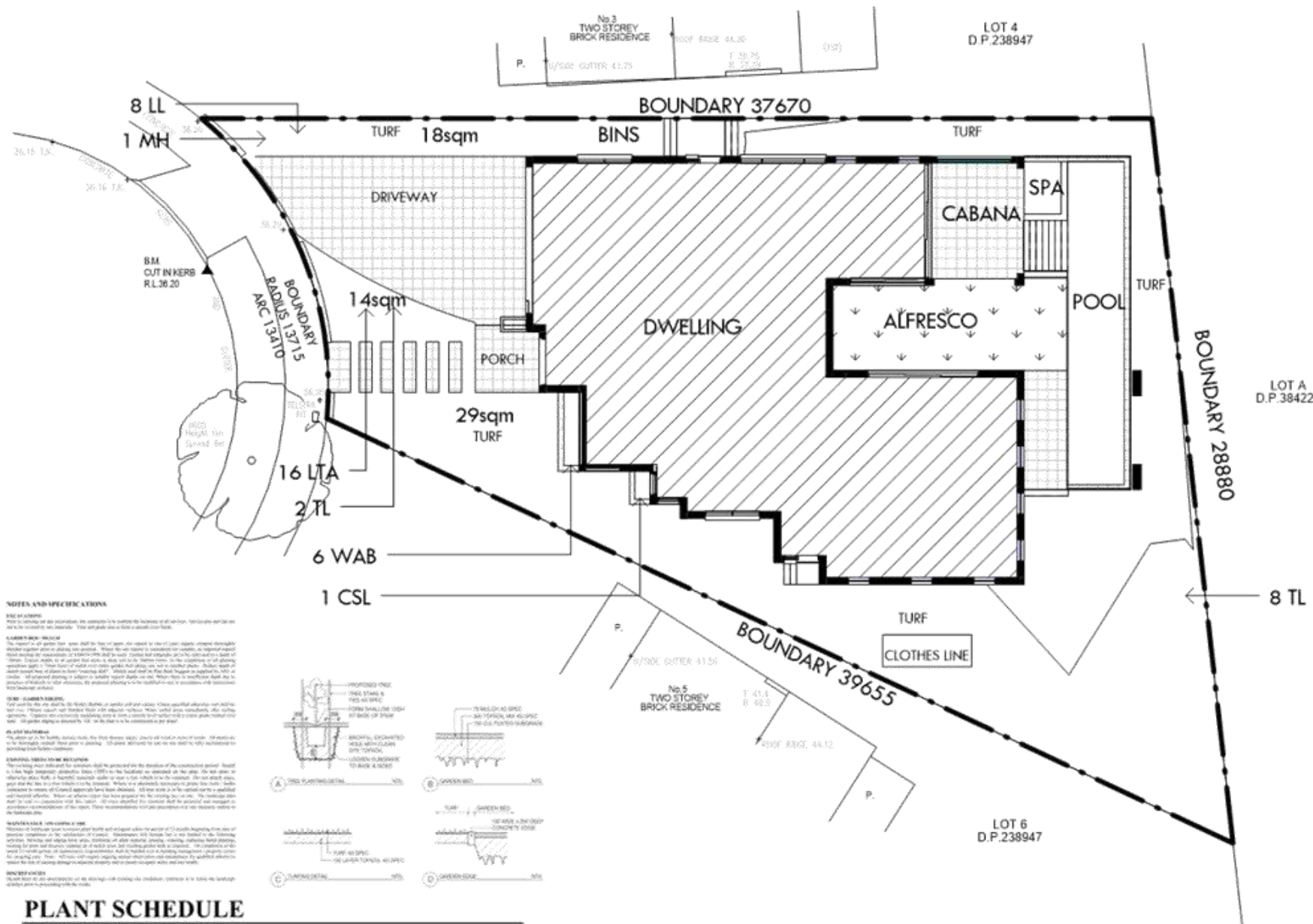
title: **CONCEPT DRAINAGE PLAN**

Lot Number: **5 DP 238947**

Job Number: **HMARD1** Stage: **DA** Class Type: **1A**

date: **24/2/17** scale: **@ A3 1:200** drawings no: **R**





site calculations:

site area: 698.2sqm  
 FSR: 0.6:1 OF 698.2 = 418.92sqm

proposed floor areas:  
 ground floor: 189sqm  
 first floor: 191sqm  
 total: 380sqm (54%)

proposed site built on and paved areas:  
 rear alfresco/cabana: 60sqm  
 driveways: 44sqm  
 paths: 13sqm  
 building footprint (dwelling + outbuilding): 258sqm (37%)

proposed landscaped areas:  
 required: 293sqm (42%)  
 proposed: 285sqm (41%)

front of building line area: 122sqm  
 50% of 122sqm = 61sqm req. landscaping  
 proposed: 61sqm

NOTES AND SPECIFICATIONS

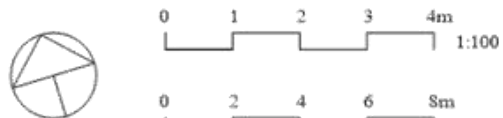
**SIZE OF SITE:**  
 Please refer to the site plan for the location of the boundaries of all sections. The site area is as shown on the site plan.

**LANDSCAPE DESIGN:**  
 The layout of all garden beds, lawns, paths, etc. shall be as shown on the site plan. All plants shall be selected from the list in the plant schedule. The site plan shows the location of all plants and the size of each plant. The site plan also shows the location of all paths and the width of each path. The site plan also shows the location of all lawns and the area of each lawn. The site plan also shows the location of all garden beds and the area of each garden bed. The site plan also shows the location of all paths and the width of each path. The site plan also shows the location of all lawns and the area of each lawn. The site plan also shows the location of all garden beds and the area of each garden bed.

**PLANT SCHEDULE:**  
 The plant schedule is a list of all plants to be used in the landscape. It includes the code, plant name, size, and mature size of each plant. The plant schedule is as follows:

PLANT SCHEDULE

Code	Plant Name	Size	Mature Size
CSL	Callistemon Slim*	300mm	Clipped to 2.0m
LL	Lomandra longifolia*	75mm	1.2m
LTA	Lomandra tanika*	100mm	0.5m
MH	Melaleuca hypericifolia*	200mm	2.0m
TL	Tristaniopsis laurina*	75Litre	6.0m
WAB	Westringia Aussie Box*	200mm	Trim to 0.6m



Date	Rev	Amendment

project:  
 4 SUMMIT PLACE, STRATHFIELD

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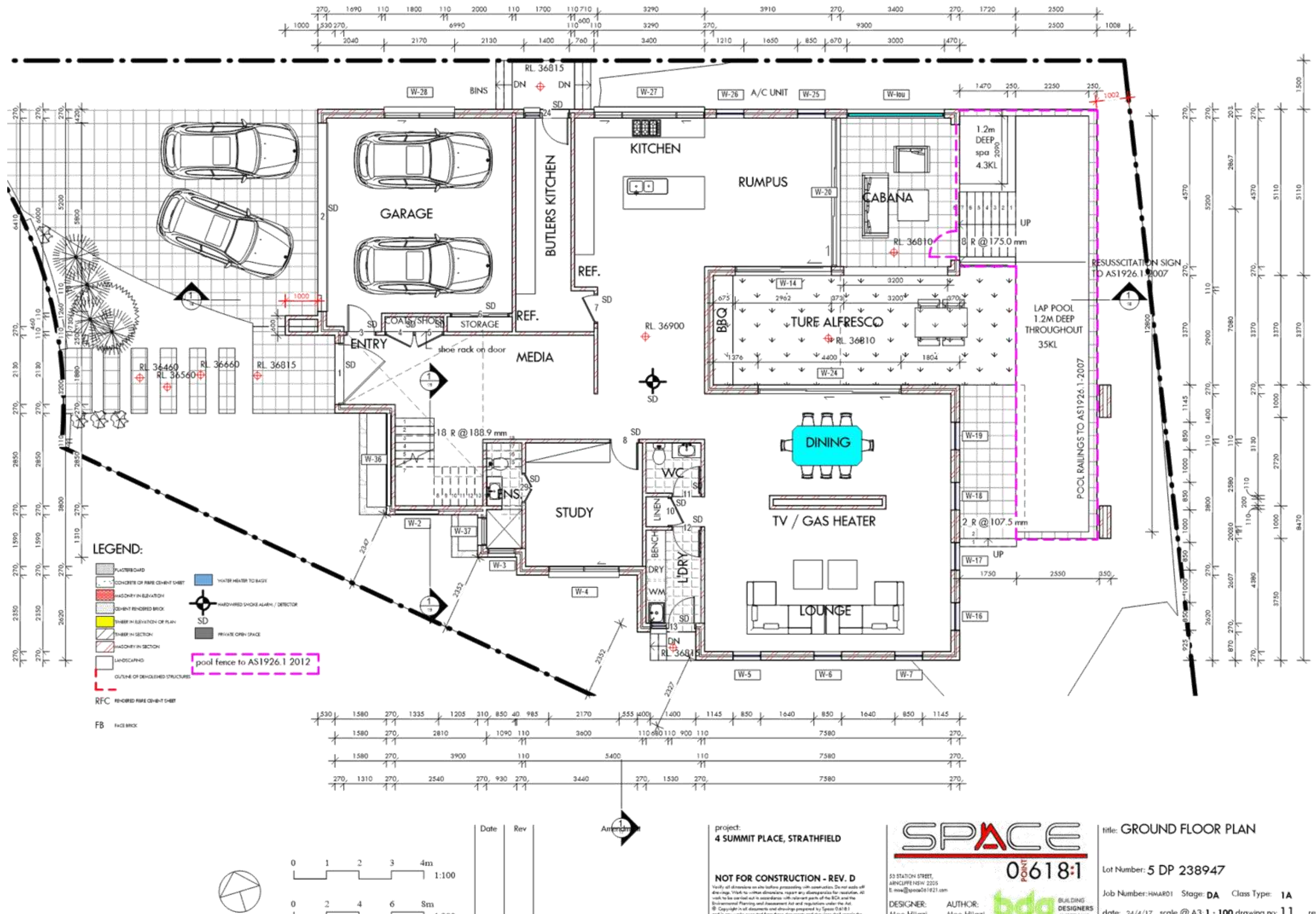
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 53 STATION STREET, ARMCUPPE 1534 2205  
 E: nsw@space061821.com  
 DESIGNER: AUTHOR: bda BUILDING DESIGNERS

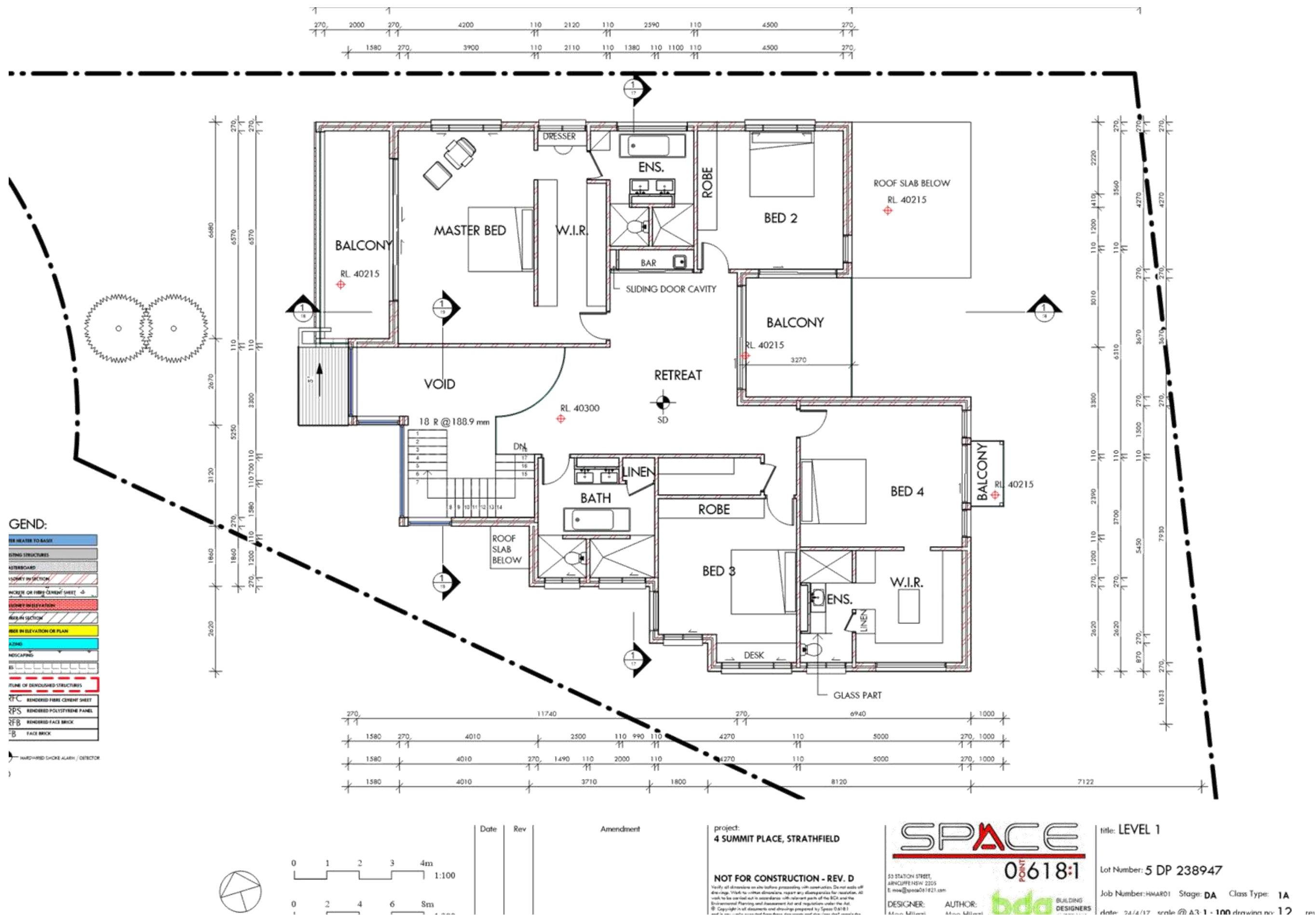
title: CONCEPT LANDSCAPE PLAN

Lot Number: 5 DP 238947

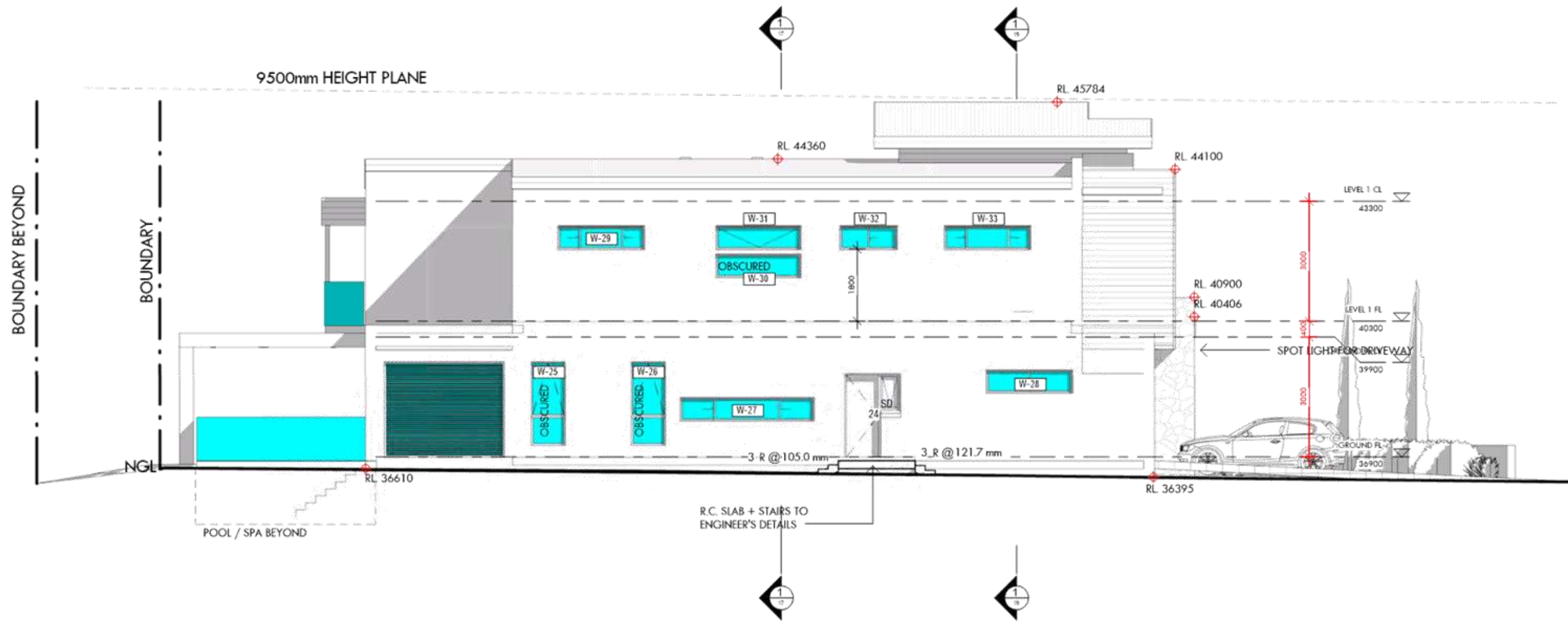
Job Number: HWARD1 Stage: DA Class Type: 1A

date: 24/2/17 scale: @ A3: 1 : 200 drawings no: 9 rev

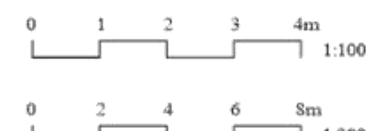




WALLS	CEMENT RENDERED FACE BRICK WALLS - PAINT DUREX <sup>®</sup> SAYANNAH
BRICK COLUMNS	SELECTED STONE
RAILINGS	SELECTED GLAZED RAILINGS TO NCC
FRONT DOOR	SELECTED SOLID CORE WEATHER ROOF TIMBER DOOR
PRIVACY SCREENS	SELECTED FACTORY COLOURED ALUMINIUM TIMBER LOOK TO MATCH CLADDING
WINDOWS	SELECTED FACTORY COLOURED ALUMINIUM TIMBER LOOK TO MATCH CLADDING
GARAGE DOOR	SELECTED FACTORY COLOURED ALUMINIUM PANEL LIFT TIMBER LOOK TO MATCH CLAD
CLADDING	SELECTED BO-WOOD OR UPVC TIMBER LOOK CLADDING
AWNING / SHS	SELECTED BO-WOOD OR UPVC TIMBER LOOK CLADDING
ROOF + GUTTERS	LIGHT COLOURED COLORBOND TO ALL ROOFS WITH PITCH > 3 DEGREES LIGHT COLOURED KLP-LOC TO ROOF WITH PITCH LESS THAN 3 DEGREES SELECTED COLORBOND DP + GUTTERS



Date	Rev	Amendment



project:  
**4 SUMMIT PLACE, STRATHFIELD**

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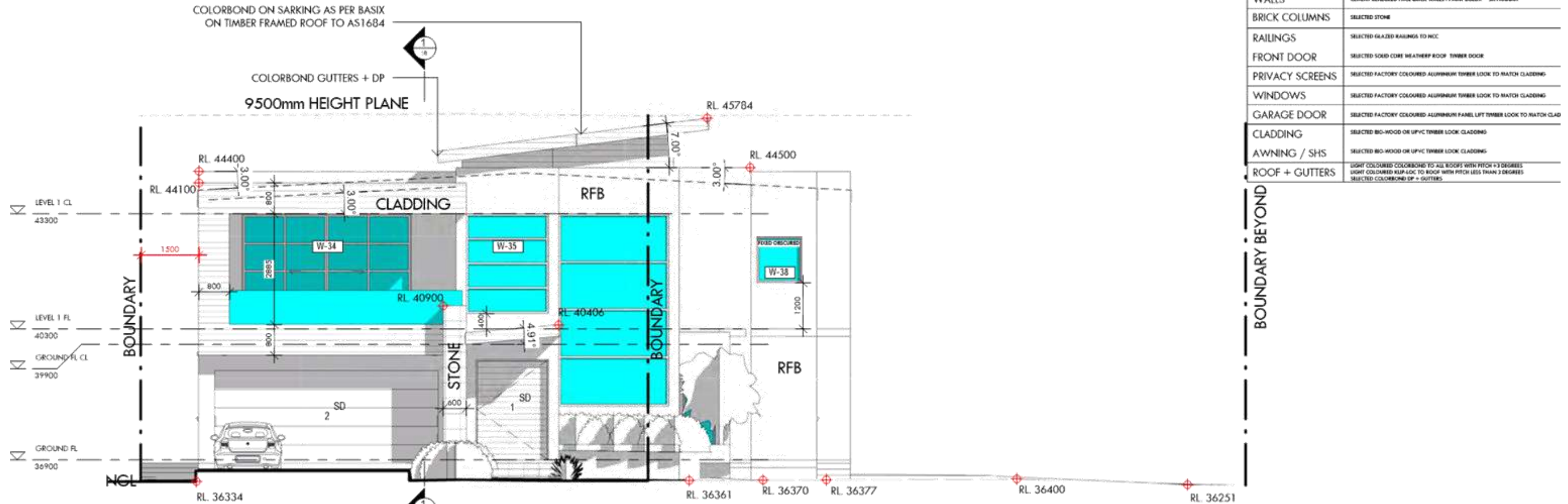
DESIGNER: AUTHOR: **bda** BUILDING DESIGNERS

title: **NORTHERN ELEVATION**

Lot Number: **5 DP 238947**

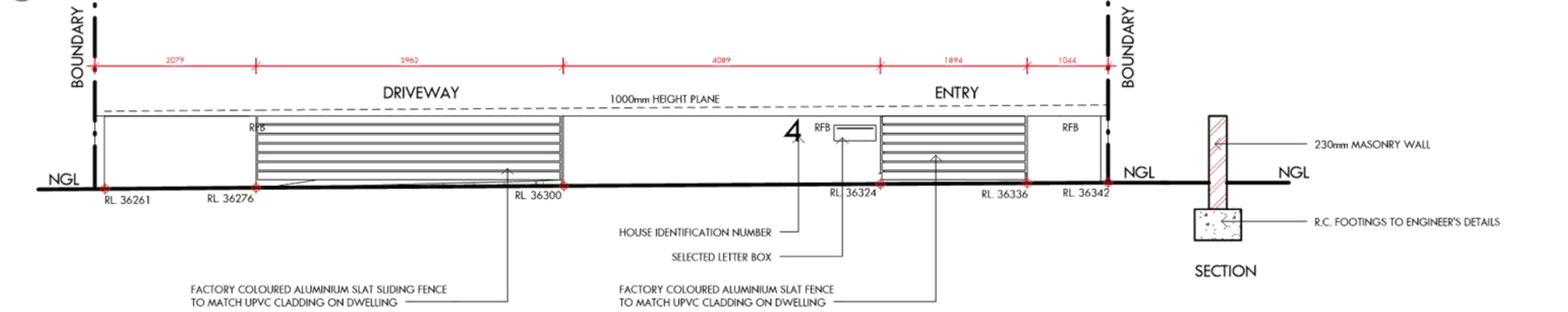
Job Number: **HMARD1** Stage: **DA** Class Type: **1A**

date: **24/2/17** scale: **@ A3 1 : 100** drawings no: **1.3**



WALLS	CEMENT RENDERED FACE BRICK WALLS - PAINT DUREX <sup>®</sup> SAKYANBAY
BRICK COLUMNS	SELECTED STONE
RAILINGS	SELECTED GLAZED RAILINGS TO HCC
FRONT DOOR	SELECTED SOLID CORE WEATHER ROOF TIMBER DOOR
PRIVACY SCREENS	SELECTED FACTORY COLOURED ALUMINIUM TIMBER LOOK TO MATCH CLADDING
WINDOWS	SELECTED FACTORY COLOURED ALUMINIUM TIMBER LOOK TO MATCH CLADDING
GARAGE DOOR	SELECTED FACTORY COLOURED ALUMINIUM PANEL LIFT TIMBER LOOK TO MATCH CLAD
CLADDING	SELECTED B.O. WOOD OR UPVC TIMBER LOOK CLADDING
AWNING / SHS	SELECTED B.O. WOOD OR UPVC TIMBER LOOK CLADDING
ROOF + GUTTERS	LIGHT COLOURED COLORBOND TO ALL ROOFS WITH PITCH > 3 DEGREES LIGHT COLOURED KLP-LOC TO ROOF WITH PITCH LESS THAN 3 DEGREES SELECTED COLORBOND DP + GUTTERS

1 W FRONT ELEVATION  
Scale 1:100



2 FRONT FENCE  
Scale 1:50

Date	Rev	Amendment

project:  
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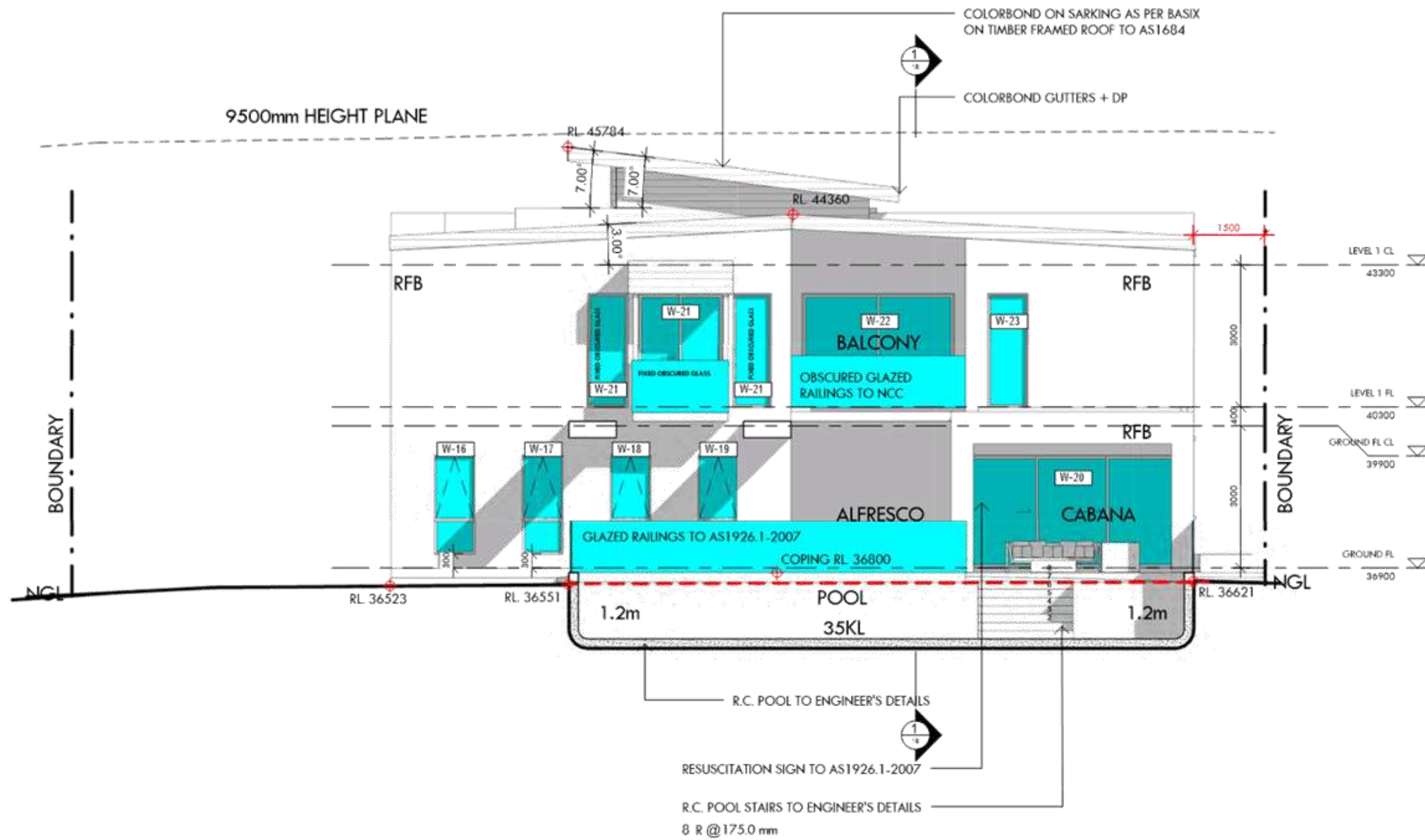
title: WESTERN + FRONT FENCE ELEVATION

Lot Number: 5 DP 238947

Job Number: HWARD1 Stage: DA Class Type: 1A

date: 24/2/17 scale: @ A3 & drawings no: 14 rev

WALLS	CEMENT RENDERED FACE BRICK WALLS - PAINT DUREX <sup>®</sup> SAYANBAY
BRICK COLUMNS	SELECTED STONE
RAILINGS	SELECTED GLAZED RAILINGS TO NCC
FRONT DOOR	SELECTED SOLID CORE WEATHER ROOF TIMBER DOOR
PRIVACY SCREENS	SELECTED FACTORY COLOURED ALUMINIUM TIMBER LOOK TO MATCH CLADDING
WINDOWS	SELECTED FACTORY COLOURED ALUMINIUM TIMBER LOOK TO MATCH CLADDING
GARAGE DOOR	SELECTED FACTORY COLOURED ALUMINIUM PANEL LIFT TIMBER LOOK TO MATCH CLAD
CLADDING	SELECTED BO-WOOD OR UPVC TIMBER LOOK CLADDING
AWNING / SHS	SELECTED BO-WOOD OR UPVC TIMBER LOOK CLADDING
ROOF + GUTTERS	LIGHT COLOURED COLORBOND TO ALL ROOFS WITH PITCH > 3 DEGREES LIGHT COLOURED KLP-LOC TO ROOF WITH PITCH LESS THAN 3 DEGREES SELECTED COLORBOND DP + GUTTERS



Date	Rev

Amendment

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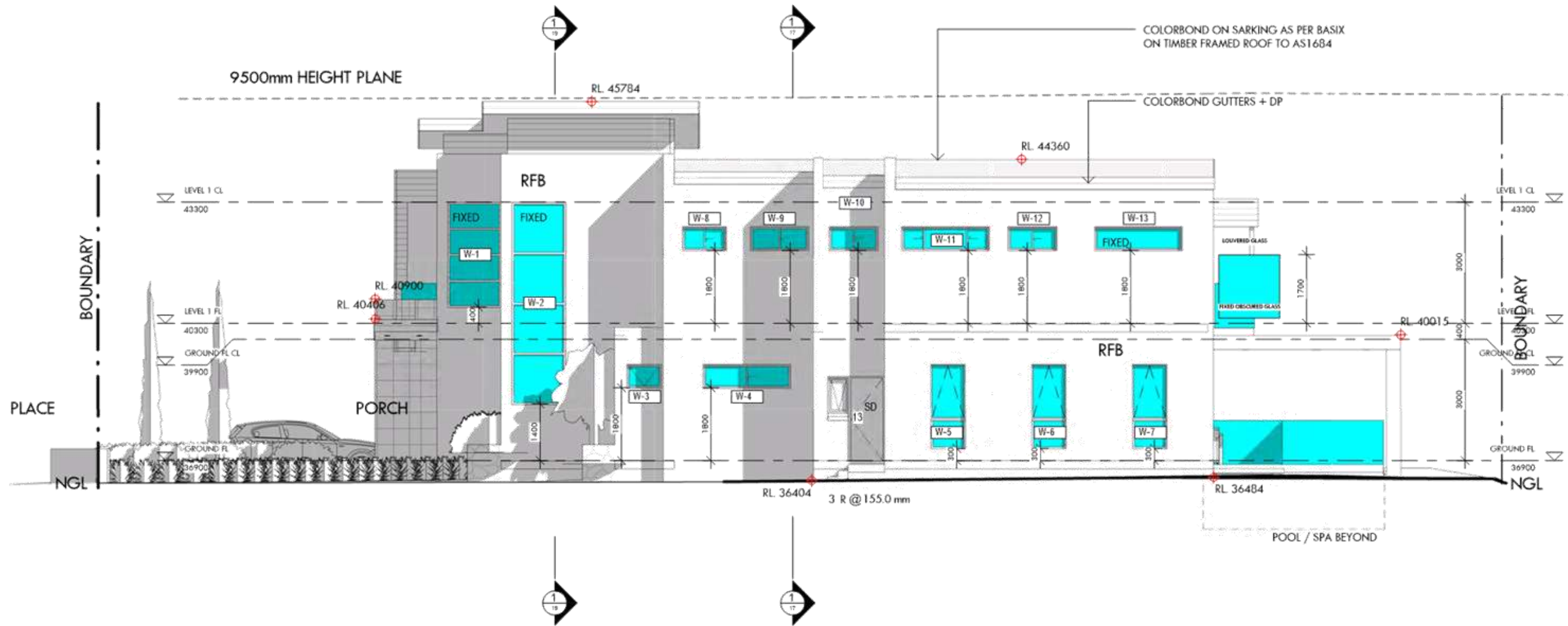
title: EASTERN ELEVATION

Lot Number: 5 DP 238947

Job Number: HWARD1 Stage: DA Class Type: 1A

date: 24/2/17 scale: @ A3 1:100 drawings no: 1.5

WALLS	CEMENT RENDERED FACE BRICK WALLS - PAINT DUREX <sup>®</sup> SAYANBAY
BRICK COLUMNS	SELECTED STONE
RAILINGS	SELECTED GLAZED RAILINGS TO NCC
FRONT DOOR	SELECTED SOLID CORE WEATHER ROOF TIMBER DOOR
PRIVACY SCREENS	SELECTED FACTORY COLOURED ALUMINIUM TIMBER LOOK TO MATCH CLADDING
WINDOWS	SELECTED FACTORY COLOURED ALUMINIUM TIMBER LOOK TO MATCH CLADDING
GARAGE DOOR	SELECTED FACTORY COLOURED ALUMINIUM PANEL LIFT TIMBER LOOK TO MATCH CLAD
CLADDING	SELECTED BO-WOOD OR UPVC TIMBER LOOK CLADDING
AWNING / SHS	SELECTED BO-WOOD OR UPVC TIMBER LOOK CLADDING
ROOF + GUTTERS	LIGHT COLOURED COLORBOND TO ALL ROOFS WITH PITCH > 3 DEGREES LIGHT COLOURED KLP-LDC TO ROOF WITH PITCH LESS THAN 3 DEGREES SELECTED COLORBOND DP + GUTTERS



Date	Rev	Amendment

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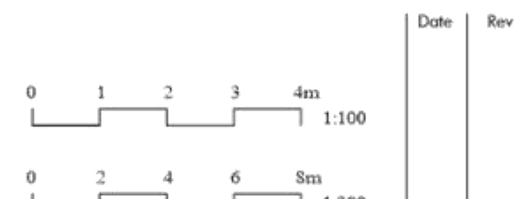
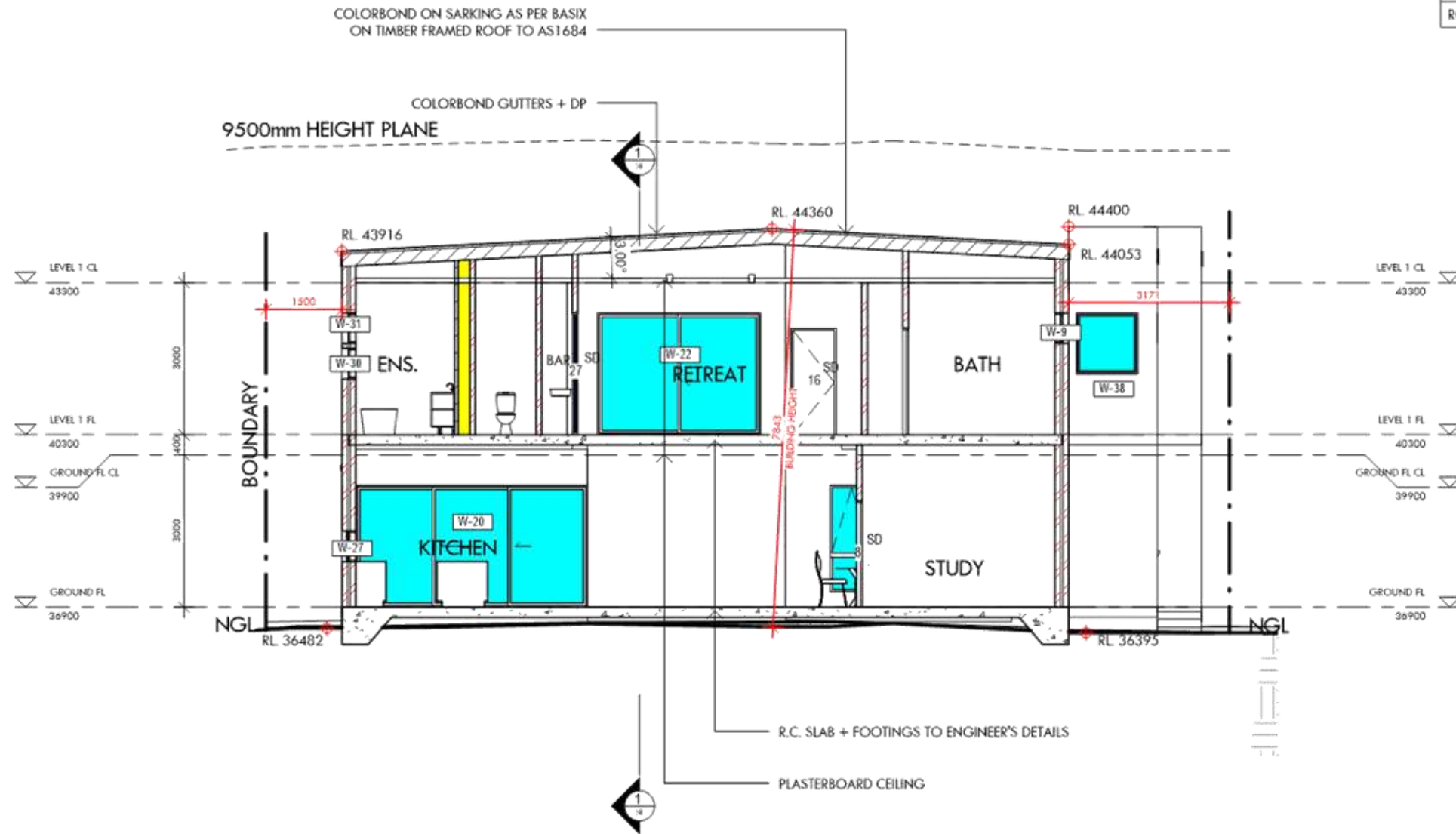
title: SOUTHERN ELEVATION

Lot Number: 5 DP 238947

Job Number: HWARD1 Stage: DA Class Type: 1A

date: 24/2/17 scale: @ A3 1:100 drawings no: 16 rev

WALLS	CEMENT RENDERED FACE BRICK WALLS - PAINT DUREX <sup>®</sup> SAKYANBAY
BRICK COLUMNS	SELECTED STONE
RAILINGS	SELECTED GLAZED RAILINGS TO NCC
FRONT DOOR	SELECTED SOLID CORE WEATHER ROOF TIMBER DOOR
PRIVACY SCREENS	SELECTED FACTORY COLOURED ALUMINIUM TIMBER LOOK TO MATCH CLADDING
WINDOWS	SELECTED FACTORY COLOURED ALUMINIUM TIMBER LOOK TO MATCH CLADDING
GARAGE DOOR	SELECTED FACTORY COLOURED ALUMINIUM PANEL LIFT TIMBER LOOK TO MATCH CLAD
CLADDING	SELECTED BO-WOOD OR UPVC TIMBER LOOK CLADDING
AWNING / SHS	SELECTED BO-WOOD OR UPVC TIMBER LOOK CLADDING
ROOF + GUTTERS	LIGHT COLOURED COLORBOND TO ALL ROOFS WITH PITCH > 3 DEGREES LIGHT COLOURED KLP-LOC TO ROOF WITH PITCH LESS THAN 3 DEGREES SELECTED COLORBOND DP + GUTTERS



project:  
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DESIGNER: AUTHOR: **bda** BUILDING DESIGNERS

title: SECTION 1

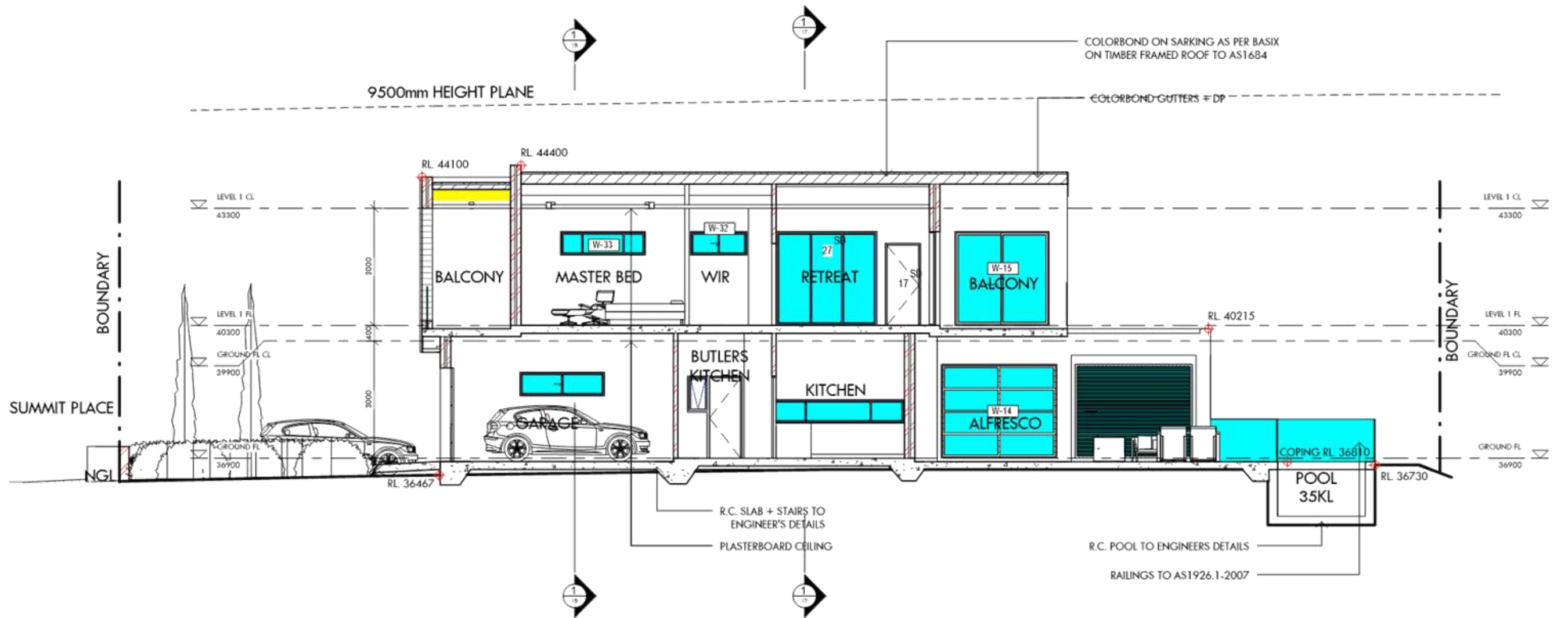
Lot Number: 5 DP 238947

Job Number: HWARD1 Stage: DA Class Type: 1A

date: 24/2/17 scale @ A3 1:100 drawings no: 17



WALLS	CEMENT RENDERED FACE BRICK WALLS - PAINT DUREX <sup>®</sup> SAKYANWAT
BRICK COLUMNS	SELECTED STONE
RAILINGS	SELECTED GLAZED RAILINGS TO NCC
FRONT DOOR	SELECTED SOLID CORE WEATHER ROOF TIMBER DOOR
PRIVACY SCREENS	SELECTED FACTORY COLOURED ALUMINIUM TIMBER LOOK TO MATCH CLADDING
WINDOWS	SELECTED FACTORY COLOURED ALUMINIUM TIMBER LOOK TO MATCH CLADDING
GARAGE DOOR	SELECTED FACTORY COLOURED ALUMINIUM PANEL LIFT TIMBER LOOK TO MATCH CLAD
CLADDING	SELECTED BO-WOOD OR UPVC TIMBER LOOK CLADDING
AWNING / SHS	SELECTED BO-WOOD OR UPVC TIMBER LOOK CLADDING
ROOF + GUTTERS	LIGHT COLOURED COLORBOND TO ALL ROOFS WITH PITCH > 3 DEGREES LIGHT COLOURED KLP-LOC TO ROOF WITH PITCH LESS THAN 3 DEGREES SELECTED COLORBOND DP + GUTTERS



Date	Rev

Amendment

project:  
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DESIGNER: AUTHOR: **bda** BUILDING DESIGNERS

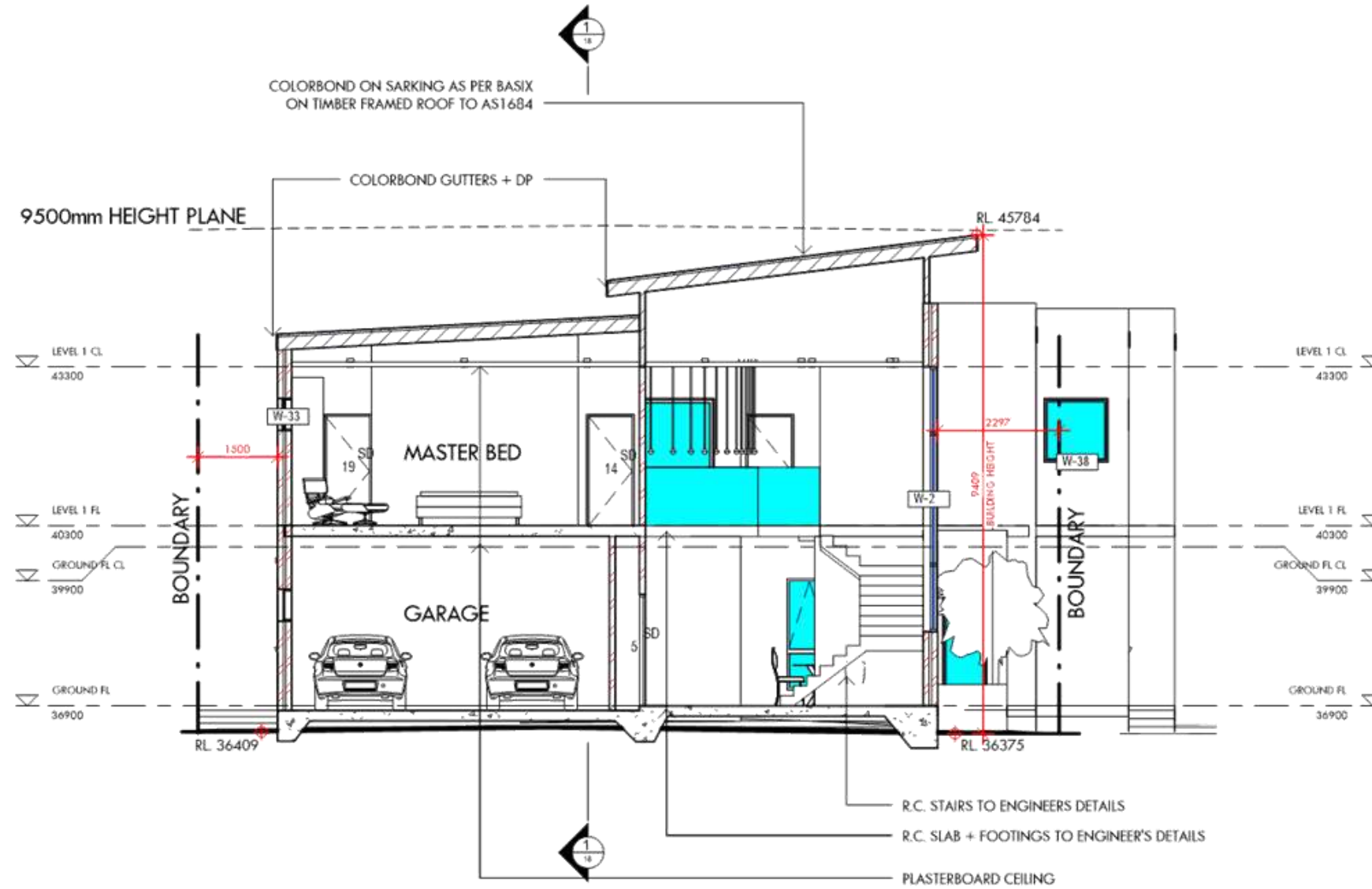
title: SECTION 2

Lot Number: 5 DP 238947

Job Number: HWARD1 Stage: DA Class Type: 1A

date: 24/2/17 scale: @ A3: 1:100 drawings no: 18

WALLS	CEMENT RENDERED FACE BRICK WALLS - PAINT DUREX <sup>®</sup> SAYANBAY
BRICK COLUMNS	SELECTED STONE
RAILINGS	SELECTED GLAZED RAILINGS TO NCC
FRONT DOOR	SELECTED SOLID CORE WEATHER ROOF TIMBER DOOR
PRIVACY SCREENS	SELECTED FACTORY COLOURED ALUMINIUM TIMBER LOOK TO MATCH CLADDING
WINDOWS	SELECTED FACTORY COLOURED ALUMINIUM TIMBER LOOK TO MATCH CLADDING
GARAGE DOOR	SELECTED FACTORY COLOURED ALUMINIUM PANEL LIFT TIMBER LOOK TO MATCH CLAD
CLADDING	SELECTED BQ-WOOD OR UPVC TIMBER LOOK CLADDING
AWNING / SHS	SELECTED BQ-WOOD OR UPVC TIMBER LOOK CLADDING
ROOF + GUTTERS	LIGHT COLOURED COLORBOND TO ALL ROOFS WITH PITCH > 3 DEGREES LIGHT COLOURED KLP-LOC TO ROOF WITH PITCH LESS THAN 3 DEGREES SELECTED COLORBOND DP + GUTTERS



Date	Rev

Amendment

project:  
4 SUMMIT PLACE, STRATHFIELD

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DESIGNER: AUTHOR: **bda** BUILDING DESIGNERS

title: SECTION 3

Lot Number: 5 DP 238947

Job Number: HWARD1 Stage: DA Class Type: 1A

date: 24/2/17 scale: @ A3: 1 : 100 drawings no: 19



Date	Rev	Amendment

project:  
4 SUMMIT PLACE, STRATHFIELD

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DESIGNER: AUTHOR: **bda** BUILDING DESIGNERS

title: STREETScape

Lot Number: 5 DP 238947

Job Number: HWARD1 Stage: DA Class Type: 1A

date: 24/2/17 scale @ A3: 1:200 drawings no: 20 rev



SANDSTONE TILES



BLACK WALNUT ALUMINIUM PANEL LIFT



BLACK WALNUT COLOURED ALUMINIUM

WALLS	CEMENT RENDERED FACE BRICK WALLS - PAINT DULUX 'SAVANNAH'
BRICK COLUMNS	SELECTED STONE
RAILINGS	SELECTED GLAZED RAILINGS TO HCC
FRONT DOOR	SELECTED SOLID CORE WEATHER ROOF TIMBER DOOR
PRIVACY SCREENS	SELECTED FACTORY COLOURED ALUMINIUM TIMBER LOOK TO MATCH CLADDING
WINDOWS	SELECTED FACTORY COLOURED ALUMINIUM TIMBER LOOK TO MATCH CLADDING
GARAGE DOOR	SELECTED FACTORY COLOURED ALUMINIUM PANEL LIFT TIMBER LOOK TO MATCH CLAD
CLADDING	SELECTED BIO-WOOD OR UPVC TIMBER LOOK CLADDING
AWNING / SHS	SELECTED BIO-WOOD OR UPVC TIMBER LOOK CLADDING
ROOF + GUTTERS	LIGHT COLOURED COLORBOND TO ALL ROOFS WITH PITCH > 3 DEGREES LIGHT COLOURED KLP-LOC TO ROOF WITH PITCH LESS THAN 3 DEGREES SELECTED COLORBOND DP + GUTTERS



BLACK WALNUT TIMBER DOOR



BLACK WALNUT UPVC /BIO-WOOD CLADDING



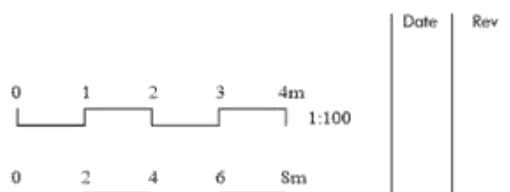
COLORBOND GUTTER + DP



GLAZED BALUSTRADES



DULUX 'SAVANNAH'

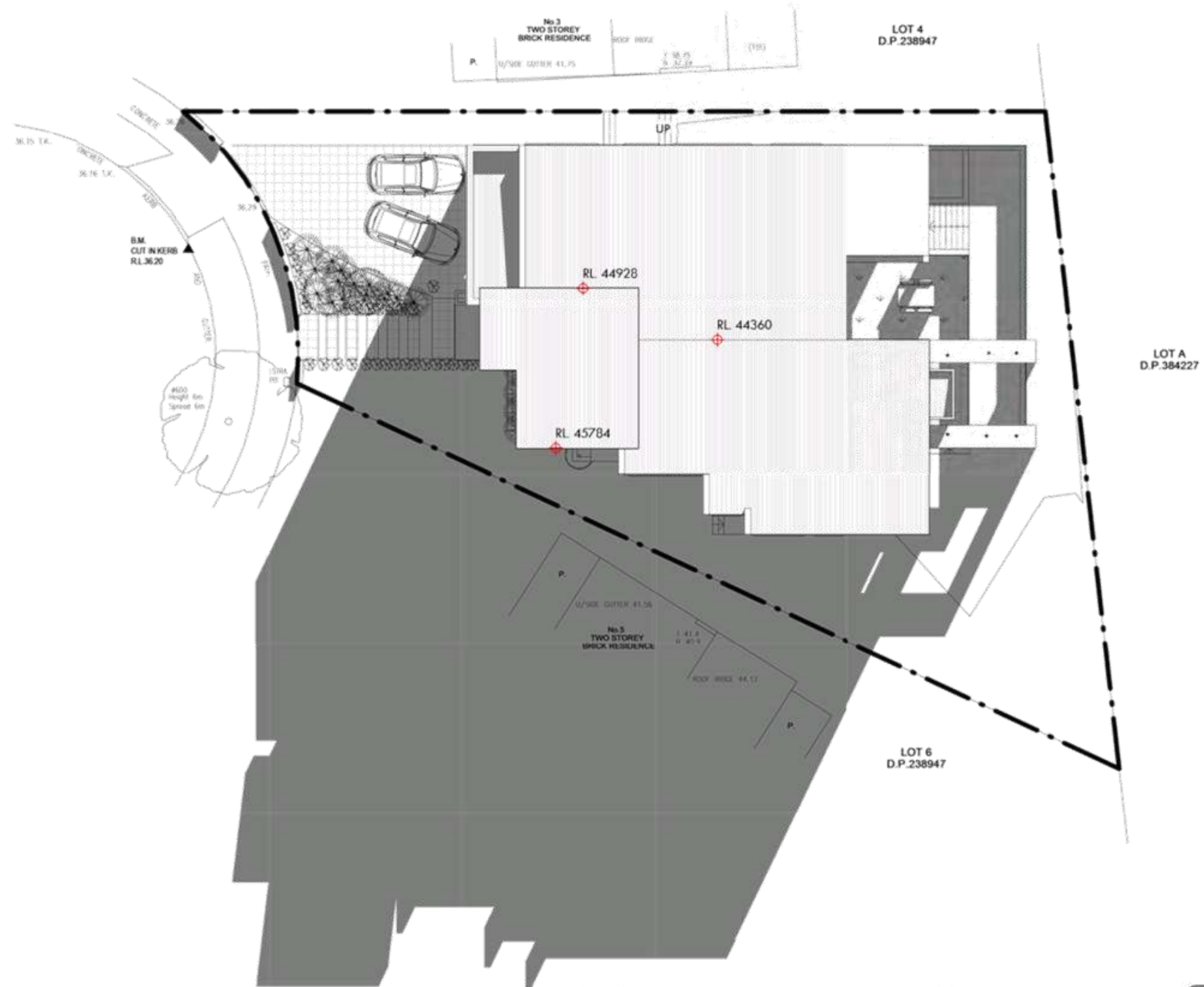


Date	Rev	Amendment

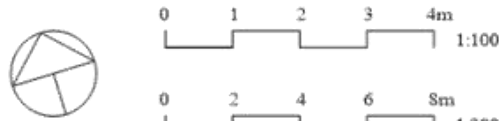
project:  
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 E: info@space06181.com  
 DESIGNER: **bda** BUILDING DESIGNERS  
Author: L2100001

title: **MATERIALS SCHEDULE**  
 Lot Number: **5 DP 238947**  
 Job Number: **HMARD1** Stage: **DA** Class Type: **1A**  
 date: **24/2/17** scale: **@ A3** drawings no: **21** rev



Date	Rev	Amendment



project:  
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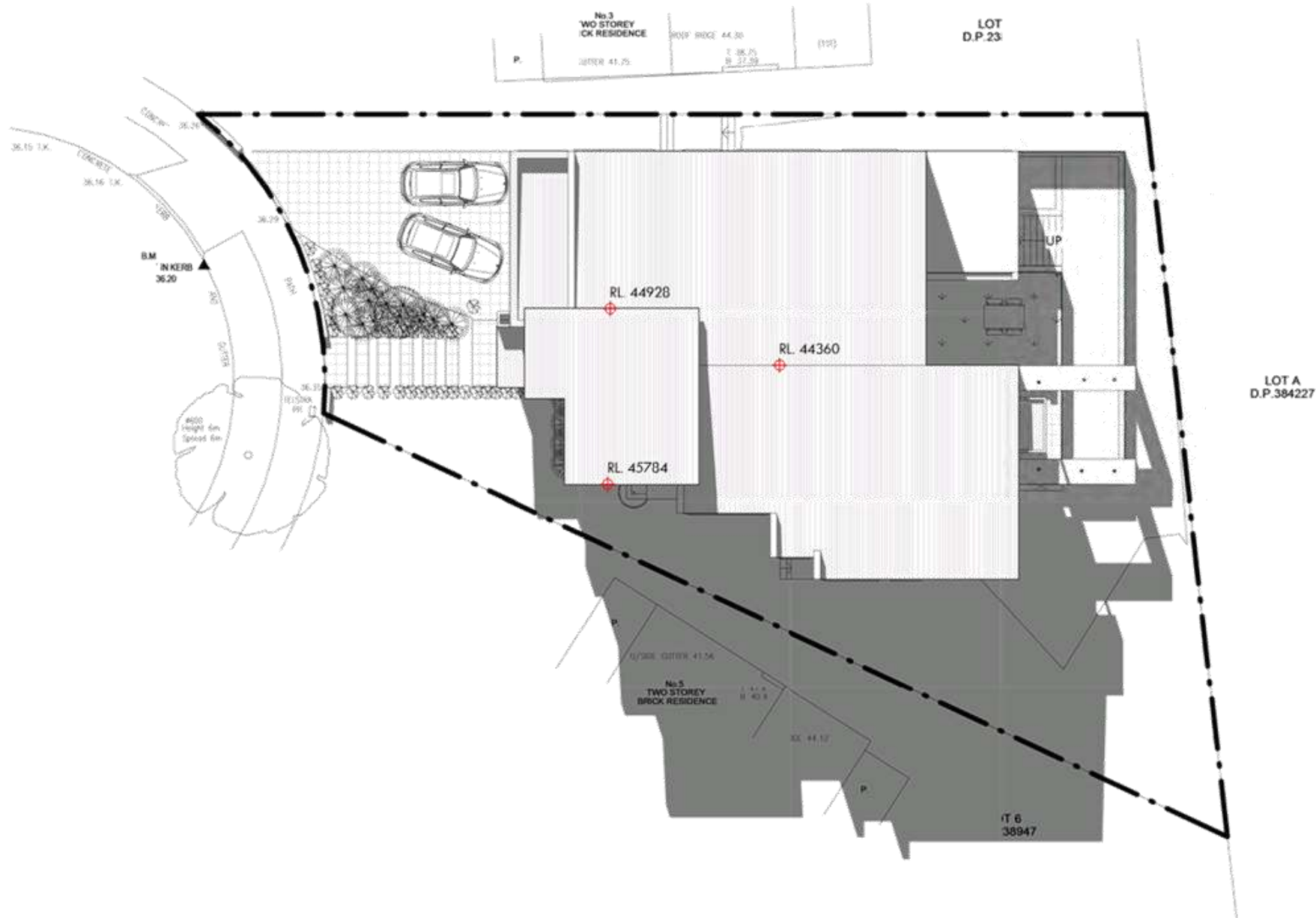
DESIGNER: AUTHOR: **bda** BUILDING DESIGNERS

title: WINTER 9AM SHADOW

Lot Number: 5 DP 238947

Job Number: HWARD1 Stage: DA Class Type: 1A

date: 24/2/17 scale @ A3 1 x 200 drawings no: 22 rev



Date	Rev

Amendment

project:  
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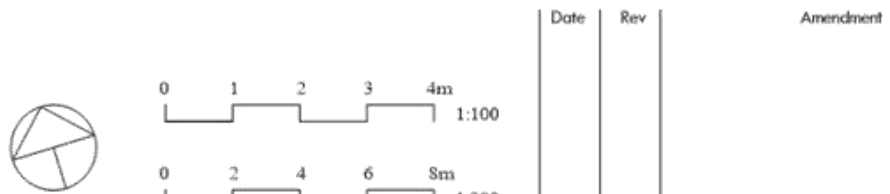
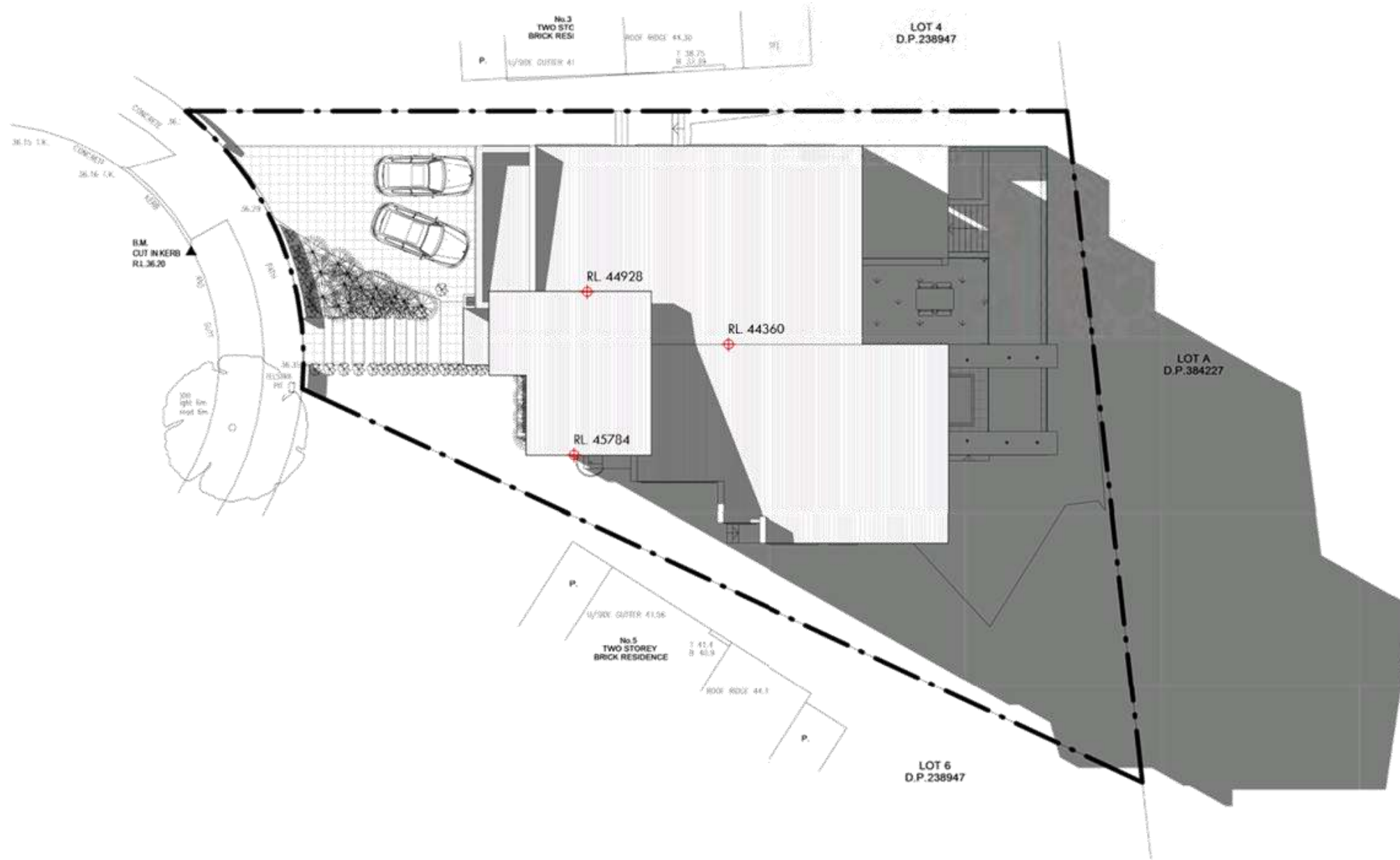
DESIGNER: **bda** BUILDING DESIGNERS  
AUTHOR: **bda** BUILDING DESIGNERS

title: WINTER 12PM SHADOW

Lot Number: 5 DP 238947

Job Number: HWARD1 Stage: DA Class Type: 1A

date: 24/2/17 scale @ A3: 1 : 200 drawings no: 23 rev



project:  
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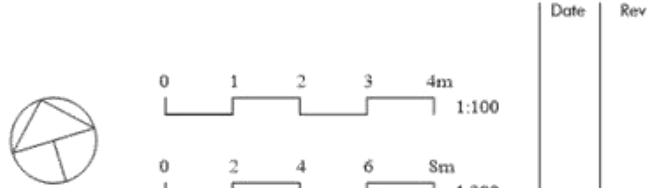
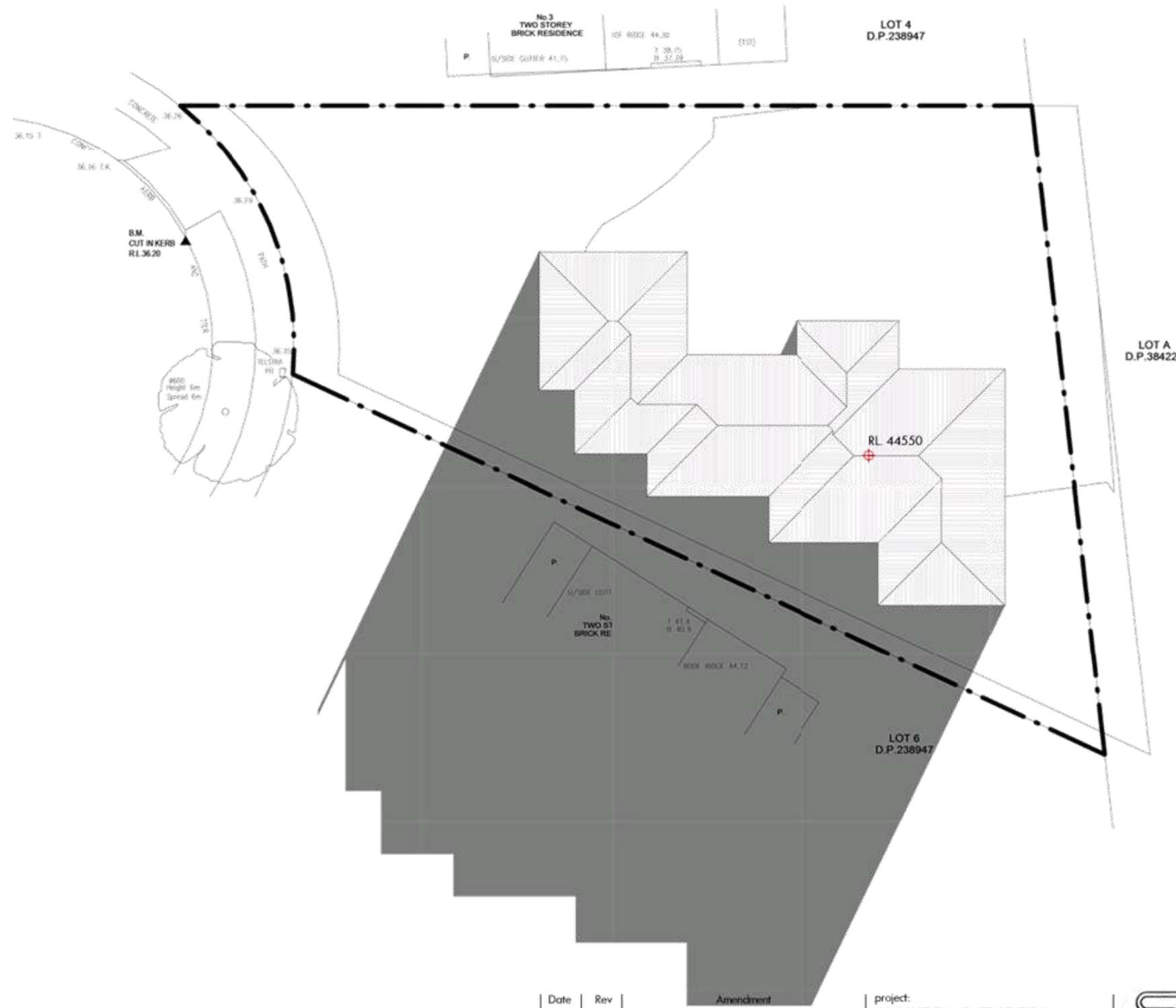
DESIGNER: **bda** BUILDING DESIGNERS  
 AUTHOR: **bda** BUILDING DESIGNERS

title: WINTER 3PM SHADOW

Lot Number: 5 DP 238947

Job Number: HWARD1 Stage: DA Class Type: 1A

date: 24/2/17 scale @ A3 1 : 200 drawings no: 24 rev



project:  
**4 SUMMIT PLACE, STRATHFIELD**

**NOT FOR CONSTRUCTION - REV. D**

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DESIGNER: **bda** BUILDING DESIGNERS  
 AUTHOR: **bda** BUILDING DESIGNERS

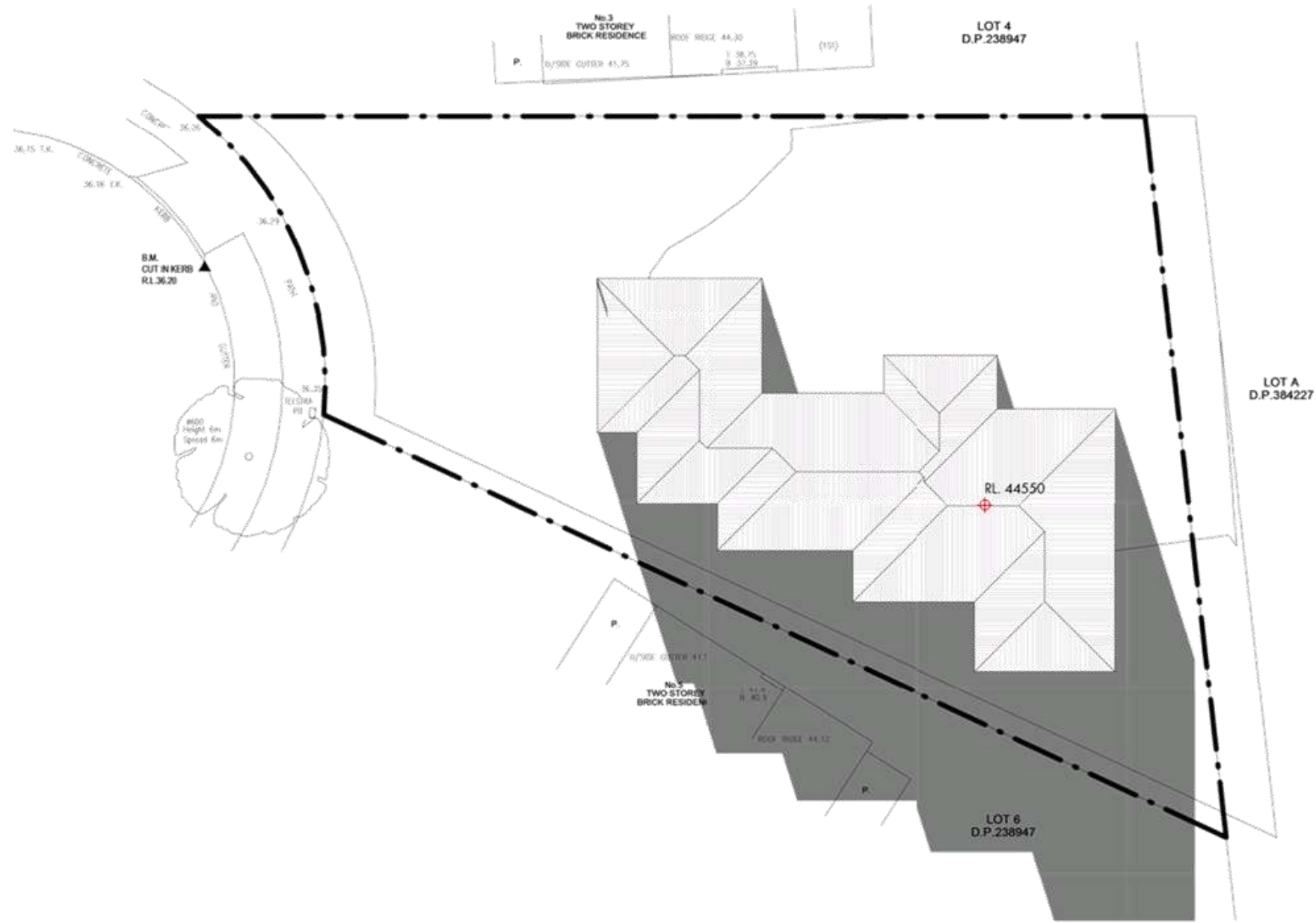
title: EXISTING SHADOWS 9AM

Lot Number: 5 DP 238947

Job Number: HWARD1 Stage: DA Class Type: 1A

date: 24/2/17 scale @ A3 1 x 200 drawings no: 25 rev





Date	Rev

Amendment

project:  
**4 SUMMIT PLACE, STRATHFIELD**

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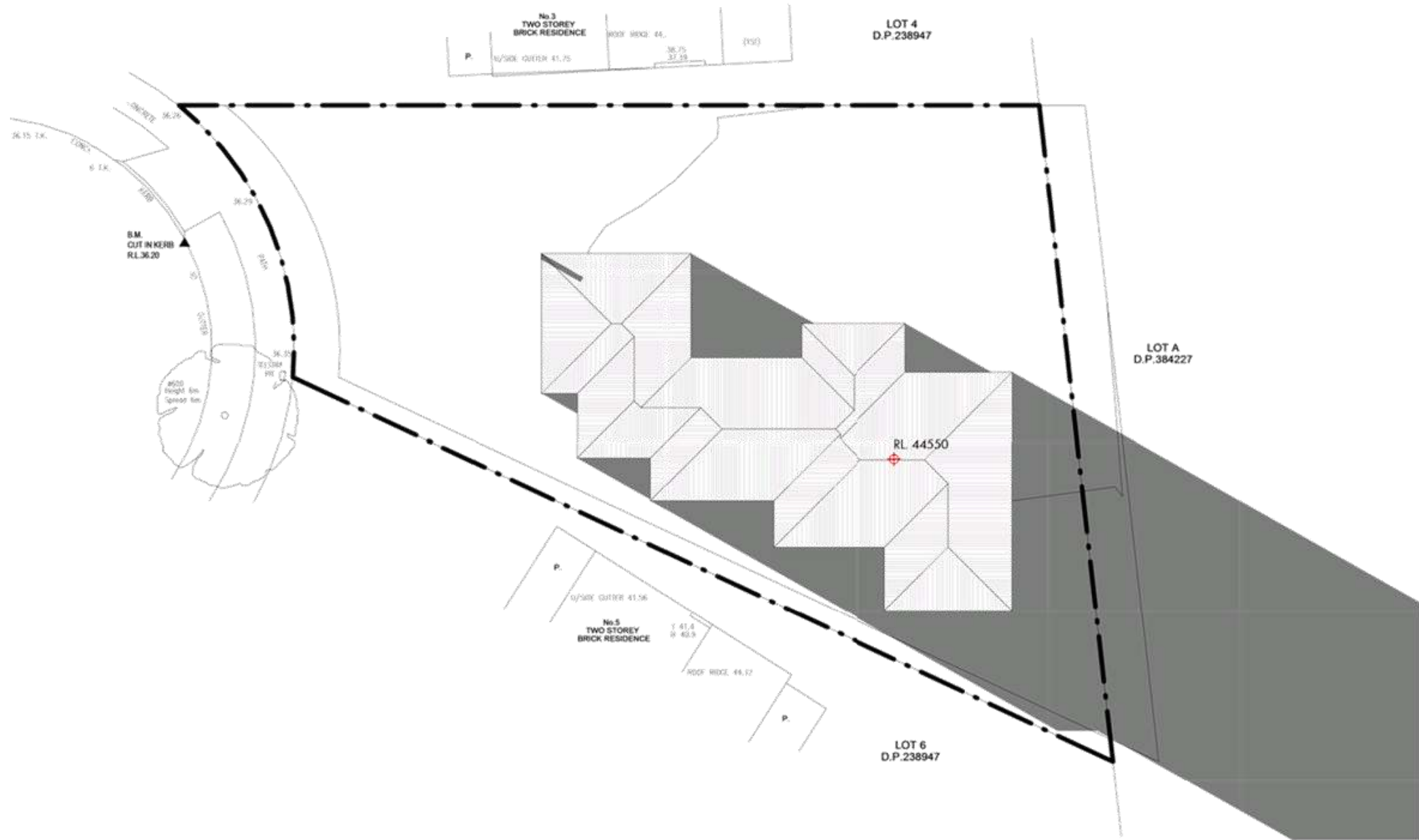
DESIGNER: **bda** BUILDING DESIGNERS  
 AUTHOR: **bda** BUILDING DESIGNERS

title: EXISTING SHADOWS 12PM

Lot Number: 5 DP 238947

Job Number: HWARD1 Stage: DA Class Type: 1A

date: 24/2/17 scale @ A3: 1 : 200 drawings no: 26 rev



Date	Rev

Amendment

project:  
**4 SUMMIT PLACE, STRATHFIELD**

**NOT FOR CONSTRUCTION - REV. D**

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**SPACE**  
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DESIGNER: **bda** BUILDING DESIGNERS  
Author: L210001

title: EXISTING SHADOWS 3PM

Lot Number: 5 DP 238947

Job Number: HWARD1 Stage: DA Class Type: 1A

date: 24/2/17 scale @ A3: 1 : 200 drawings no: 27 rev

**TO:** Strathfield Independent Hearing and Assessment Panel Meeting - 6 July 2017  
**REPORT:** SIHAP – Report No. 4  
**SUBJECT:** 80-82 WATER STREET, BELFIELD  
LOT 5 & 6 IN DP 253882  
**DA NO.** 2017/056

## SUMMARY

**Proposal:** Demolition of existing site structures and construction of a four (4) storey residential flat building containing (13) units comprised of (11) x 2 bedroom and two (2) x 3 bedroom units over one (1) level of basement parking.

**Applicant:** Design Link Australia Pty Ltd

**Owner:** C.Nahkhle and Y.Nakhle

**Date of lodgement:** 27 April 2017

**Notification period:** 9 May 2017 to 24 May 2017

**Submissions received:** Nil.

**Assessment officer:** LM

**Estimated cost of works:** \$3,000,000

**Zoning:** R3 - Medium Density Residential - SLEP 2012

**Flood affected:** Yes

**Is a Clause 4.6 variation proposed?** Yes - building height

**Extent of the variation supported?** Variation of 2.54m or 23%.

**Peer review of Clause 4.6 variation:** A peer review of the Clause 4.6 variation has been undertaken and the assessment officer's recommendation is supported.

**RECOMMENDATION OF OFFICER:** DEFERRED COMMENCEMENT

## EXECUTIVE SUMMARY

- 1.0 Approval is sought for demolition of existing site structures and construction of a four (4) storey residential flat building containing (13) units comprising (11) x 2 bedrooms and two (2) x 3 bedrooms units over one (1) level of basement parking.
- 2.0 Whilst the proposal provides an overall building height of 13.54m, resulting in a 23% (2.54m) height breach to Clause 4.3A of the Strathfield Local Environmental Plan 2012 (SLEP 2012), the proposal generally satisfies the relevant statutory controls applicable to the site under SEPP 55, SEPP 65, SEPP BASIX, the Strathfield Local Environmental Plan 2012 (SLEP) and is generally consistent with the design and built form sought by Part C of the Strathfield Consolidated Development Control Plan 2005.
- 3.0 Deferred Commencement consent was previously granted for substantially the same development on the subject site (DA2016/067). The consent has lapsed resulting in the subsequent lodgement of this application. Having regard for the above, this report has

**80-82 Water Street, Belfield  
LOT 5 & 6 in DP 253882 (Cont'd)**

considered and addressed the issues raised in the one (1) submission received during the notification of the original application.

- 4.0 The built form is modern however is appropriate to the streetscape which is undergoing a state of transition. The built form has responded well to the irregular shape of the site through providing a well-articulated built form combined with appropriate setbacks from all front, side and rear boundaries of the site. The unit layouts are efficient and provide a good level of amenity for future residents. The common open space areas pertaining to the site have been designated toward the side and rear boundaries of the site with an additional open space area provided on the rooftop of the development. Each open space area, including private balconies and terraces, receives an acceptable level of solar access.
- 5.0 The application was notified under the provisions of Part L of the Strathfield Consolidated Development Control Plan 2005 from 9 May 2017 to 24 May 2017. No submissions were received during this time.
- 6.0 Overall, the proposal has demonstrated compliance with the relevant statutory controls applicable to the development and provides a positive outcome for the site and its surrounding streetscape. Accordingly, the proposal is recommended for approval.

**BACKGROUND**

16 August 2016 A Deferred Commencement was granted at Council's Planning Meeting for demolition of existing site structures and construction of a four (4) storey residential flat building containing (13) units comprising (11) x 2 bedrooms and two (2) x 3 bedroom units over one (1) level of basement parking.

Note: The applicant was issued with a total period of 6 months to address the deferred commencement matters. The deferred commencement matters involved modification of the existing drainage easement to demonstrate that the infrastructure is capable of accommodating for additional flows created by the proposed development. The applicant was unable to resolve the deferred commencement matters within the allocated timeframe which has subsequently resulted in the lapsing of the initial consent and a new development application required to be lodged.

**DESCRIPTION OF THE SITE AND LOCALITY**

The subject site is located at 80-82 Water Street, Belfield. The site is irregular in shape containing a splay toward the south-west corner of the site. The site provides a frontage of approximately 35m to Water Street and provides a total area of 1198.6m<sup>2</sup>. Photos of the site and surrounds are provided in the figures below.

The current streetscape is residential in character and currently features predominately single and two (2) storey detached dwellings. The site is immediately adjoined by a two (2) storey dwelling house to the south and a single storey dwelling house to the north.

The streetscape is zoned R3 – Medium Density Residential where immediately adjoining the site to the east and further south is a B2 – Local Centre Zone currently containing relatively large warehouse structures. A Development Application for the mixed use redevelopment of the rear adjoining site at 27-35 Punchbowl Road, Belfield has been recently approved by the Sydney Planning Panel.

80-82 Water Street, Belfield  
LOT 5 & 6 in DP 253882 (Cont'd)



**Figure 1:** Aerial photograph of subject site and surrounding residential development



**Figure 2:** Site viewed from Water Street

80-82 Water Street, Belfield  
LOT 5 & 6 in DP 253882 (Cont'd)



**Figure 3:** Water Street streetscape facing south

### PROPERTY BURDENS AND CONSTRAINTS

The site is serviced by a stormwater drainage easement which immediately abuts the site to the rear and runs parallel to the site in a north-south direction.

### DESCRIPTION OF THE PROPOSED DEVELOPMENT

The application seeks Council approval for the demolition of existing site structures and construction of a 4-storey residential flat building containing (13) units comprising (11) x 2 bedroom and two (2) x 3 bedroom units over one (1) level of basement parking. A 3D photomontage of the proposal is provided below:



**Figure 4:** 3D Montage of the proposed extracted from the architectural plans.

### REFERRALS

80-82 Water Street, Belfield  
LOT 5 & 6 in DP 253882 (Cont'd)

## INTERNAL REFERRALS

### Drainage Engineer

Council's Drainage Engineer identified the flood affectation of the site which has required the development to achieve a minimum 500mm freeboard above the 1 in 100 year flood event. The plans submitted with the application have sought to achieve the minimum flood planning requirements including raising the finished floor levels a minimum 500mm above the 1 in 100 year flood level in accordance with Council's flood policy.

### Development Engineer

Council's Development Engineer has raised concern over the capacity of the existing infrastructure within the downstream easement benefiting the subject site to accommodate for the additional stormwater flows generated as a result of the proposed development. Accordingly, the proposal is recommended to be granted a deferred commencement pending the submission of a catchment analysis and a hydraulic grade analysis.

### Health and Building Surveyor

No objection subject to conditions.

### Tree Coordinator

The subject application seeks to retain the one (1) *Livistona australis* located in the front setback of the site. Therefore no objections raised to the proposal.

## **SECTION 79C CONSIDERATIONS – EP&A Act, 1979**

The application has been assessed pursuant to the heads of consideration of Section 79C of the Environmental Planning and Assessment Act and the relevant matters described in sub-section (1)(a), (b), (c), (d) and (e) of Section 79C have been considered within this report.

### **(a) (i) Environmental Planning Instruments:**

The following Environmental Planning Instruments (EPI's) are applicable to the assessment of the subject application:

- State Environmental Planning Policy No. 55 – Remediation of Land;
- State Environmental Planning Policy (Building and Sustainability Index - BASIX) 2004;
- State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Buildings;
- Strathfield Local Environmental Plan 2012;
- Strathfield Development Contributions Plan 2010-2030; and
- Strathfield Development Control Plan 2005:
  - Part C – Multiple Unit Housing
  - Part H – Waste Management
  - Part L – Notification

An assessment of the proposal against the relevant provisions of each of these EPI's is provided below.

### **SEPP 55 – Remediation of Land**

**80-82 Water Street, Belfield  
LOT 5 & 6 in DP 253882 (Cont'd)**

State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55) requires Council to consider whether the site is suitable in its current state, contaminated state or following the completion of remediation works for the purpose for which development consent is being sought.

A Phase 1 Preliminary Site Investigation was undertaken by Alliance Geotechnical which has indicated that the site has historically been utilised as a long term residential land use. There is no evidence of commercial/industrial activity causing contaminating activities on site. Notwithstanding, the site inspection, uncovered presence of the following:

- Fill material of unknown origin including in-situ soils in the vicinity of the underground sewerage/stormwater manhole;
- The potential for hazardous building materials to have been used in former/current site buildings; and
- The potential for contamination of near-surface soils due to the construction/demolition of former/ current site structures which had the potential to contain hazardous materials.

It is anticipated that the proposed development (including the construction of the basement) will result in the removal of the hazardous soils and fill material off site. It has therefore been recommended (as per consultant's report) that the soils which are to be removed from the site are appropriately classified in accordance with the *NSW EPA Waste Classification Guidelines 2014 (NSW EPA 2014)*. This will ensure appropriate removal under the Protection of the Environment Operation Act 1997. This is to be enforced via the conditions of consent.

Accordingly, based on the findings of the Phase 1 Preliminary Site Investigation there does not appear to be a need for further investigation of the site and the continued use of the site for residential purposes is therefore suitable subject to conditions of consent.

Accordingly, the provisions of SEPP 55 have been satisfied.

**State Environmental Planning Policy (Building and Sustainability Index - 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 with the application which indicates that the proposal meets the required reduction targets and an appropriate condition of consent will be imposed to ensure future compliance with these targets.

**State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development (SEPP 65)**

State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Buildings (SEPP 65) aims to improve the design quality of residential flat development in New South Wales. SEPP 65 recognises that the design of residential apartments is of significance due to the economic, environmental, cultural and social benefits of high quality design.

Strathfield Council does not have a design review panel referred to under Clause 28 however an assessment of the design quality of the development against the design principles of the SEPP and the relevant design criteria of the Apartment Design Guide has been undertaken in the table below:

<b>Principle</b>	<b>Objective</b>	<b>Proposed</b>
<b>Context and neighbourhood</b>	<i>Responding to context involves identifying the desirable elements</i>	The area surrounding the subject site is undergoing a transition from original low



80-82 Water Street, Belfield  
 LOT 5 & 6 in DP 253882 (Cont'd)

<b>Principle</b>	<b>Objective</b>	<b>Proposed</b>
<b>character</b>	<p><i>of an area's existing or future character.</i></p> <p><i>Well designed buildings respond to and enhance the qualities and identity of the area including the adjacent sites, streetscape and neighbourhood.</i></p> <p><i>Consideration of local context is important for all sites, including sites in established areas, those undergoing change or identified for change.</i></p>	<p>density housing stock and industrial development to medium density housing and mixed use development.</p> <p>The proposed design responds to the desired future character as envisaged by the SLEP 2012 by providing a high quality residential flat building that incorporates a suitable mix of apartments to accommodate a variety of family types.</p> <p>The proposed design will be consistent with the built form of future developments within the locality which increases in height towards Punchbowl Road to the south of the site.</p>
<b>Built form and scale</b>	<p><i>Good design achieves a scale, bulk and height appropriate to the existing or desired future character of the street and surrounding buildings.</i></p> <p><i>Good design also achieves an appropriate built form for a site and the building's purpose in terms of building alignments, proportions, building type, articulation and the manipulation of building elements</i></p> <p><i>Appropriate built form defines the public domain, contributes to the character of streetscapes and parks, including their views and vistas, and provides internal amenity and outlook.</i></p>	<p>While the proposal seeks a departure of 2.54m or 23% from the permitted 11m building height, the proposal achieves compliance with the maximum permitted FSR of 0.85:1 and is considered to achieve an acceptable scale, bulk, and height, that is consistent with the development standards of the SLEP 2012.</p> <p>The development has been well designed having regard to building orientation, separation, privacy and the provision of communal open space areas. This has achieved a high level of residential amenity for the development.</p> <p>The built form incorporates an attractive front façade which is well articulated through its use of recessed walls, front balconies, blade walls and windows. This provides the façade with a clearly definable entrance as well as good passive surveillance to the street.</p>
<b>Density</b>	<p><i>Good design achieves a high level of amenity for residents and each apartment, resulting in a density appropriate to the site and its context.</i></p> <p><i>Appropriate densities are consistent with the area's existing or projected population.</i></p> <p><i>Appropriate densities can be sustained by existing or proposed</i></p>	<p>The proposal complies with the density requirements of the ARHSEPP. The proposal is located within close proximity to public transport and employment opportunities along Punchbowl Road.</p>

80-82 Water Street, Belfield  
 LOT 5 & 6 in DP 253882 (Cont'd)

Principle	Objective	Proposed
	<p><i>infrastructure, public transport, access to jobs, community facilities and the environment.</i></p>	
<p><b>Sustainability</b></p>	<p><i>Good design combines positive environmental, social and economic outcomes.</i></p> <p><i>Good sustainable design includes use of natural cross ventilation and sunlight for the amenity and liveability of residents and passive thermal design for ventilation, heating and cooling reducing reliance on technology and operation costs. Other elements include recycling and reuse of materials and waste, use of sustainable materials and deep soil zones for groundwater recharge and vegetation.</i></p>	<p>The building provides compliance with the minimum solar access requirements to reduce the buildings dependency on artificial lighting.</p> <p>The application is supported with a BASIX Certificate consistent with the amended plans.</p>
<p><b>Landscape</b></p>	<p><i>Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in attractive developments with good amenity. A positive image and contextual fit of well-designed developments is achieved by contributing to the landscape character of the streetscape and neighbourhood.</i></p> <p><i>Good landscape design enhances the development's environmental performance by retaining positive natural features which contribute to the local context, co-ordinating water and soil management, solar access, micro-climate, tree canopy, habitat values and preserving green networks.</i></p> <p><i>Good landscape design optimises useability, privacy and opportunities for social interaction, equitable access, respect for neighbours' amenity and provides for practical establishment and long term management.</i></p>	<p>The subject application was accompanied by a landscape plan which is considered suitable for the scale of development.</p> <p>The landscape design includes three (3) communal open spaces including a landscaped space to the rear eastern portion of the site as well as a rooftop communal open space area. These spaces will attain a high level of solar access and amenity for residents.</p>
<p><b>Amenity</b></p>	<p><i>Good design positively influences internal and external amenity for residents and neighbours. Achieving good amenity contributes to positive living</i></p>	<p>The proposal has been designed to achieve a high level of internal residential amenity through compliant ceiling heights and adequate access to natural light and ventilation</p>

80-82 Water Street, Belfield  
 LOT 5 & 6 in DP 253882 (Cont'd)

<b>Principle</b>	<b>Objective</b>	<b>Proposed</b>
	<p><i>environments and resident wellbeing.</i></p> <p><i>Good amenity combines appropriate room dimensions and shapes, access to sunlight, natural ventilation, outlook, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts and service areas and ease of access for all age groups and degrees of mobility.</i></p>	<p>The proposal has been designed to minimise overlooking to adjoining developments and subject to conditions, is considered to result in minimal privacy impacts.</p> <p>The unit layouts are efficient and comply with the new minimum unit sizes required by the ADG.</p>
<b>Safety</b>	<p><i>Good design optimises safety and security within the development and the public domain. It provides for quality public and private spaces that are clearly defined and fit for the intended purpose. Opportunities to maximise passive surveillance of public and communal areas promote safety.</i></p> <p><i>A positive relationship between public and private spaces is achieved through clearly defined secure access points and well lit and visible areas that are easily maintained and appropriate to the location and purpose.</i></p>	<p>The proposed building has a secure and readily identifiable entry. Balconies are orientated to overlook the public domain and rear open space areas to optimise safety and security within the development.</p>
<b>Housing diversity and social interaction</b>	<p><i>Good design achieves a mix of apartment sizes, providing housing choice for different demographics, living needs and household budgets.</i></p> <p><i>Well designed apartment developments respond to social context by providing housing and facilities to suit the existing and future social mix.</i></p> <p><i>Good design involves practical and flexible features, including different types of communal spaces for a broad range of people and providing opportunities for social interaction among residents.</i></p>	<p>The proposal provides an acceptable mixture of unit types including (11) x 2 bedroom and (2) x 3 bedroom units.</p> <p>The proposal is provided with accessible and well-considered areas of communal open space including a shaded BBQ/picnic area. These are functional outdoor spaces which will support social interaction.</p>
<b>Aesthetics</b>	<p><i>Good design achieves a built form that has good proportions and a balanced composition of elements, reflecting the internal layout and structure. Good design uses a variety of materials, colours and textures.</i></p>	<p>The building is well articulated and avoids large expanses of unbroken wall with balconies orientated to the street and rear eastern portion of the site.</p> <p>The proposal is predominantly facebrick which incorporates a mixture of different</p>

80-82 Water Street, Belfield  
LOT 5 & 6 in DP 253882 (Cont'd)

Principle	Objective	Proposed
	<i>The visual appearance of a well-designed apartment development responds to the existing or future local context, particularly desirable elements and repetitions of the streetscape.</i>	coloured rendered accents provided in neutral grey, beige and brown tones. This will provide an understated appearance which will integrate well with existing and future development in the streetscape.

### Apartment Design Guide

Development Control	Required	Proposed	Compliance
2E - Building Depth	12m – 18m	Maximum 20.56m	Acceptable as the side setbacks are varied with a large recess provided through the central portion of the building. Additionally, the solar access and ventilation rule of thumb is met.
3B – Orientation	Responsive to streetscape and site Designed to optimise solar access and minimise overlooking  Shall not further reduce solar access by more than 20%	The proposal is responsive to the streetscape and is designed to optimise solar access whilst minimising the potential for overlooking.  The proposed development results in a minimum 2 hours direct sunlight to adjoining dwellings.	Yes  Yes.
3C – Public Domain Interface	Direct street entry to ground floor apartments  Balconies/windows orientated to overlook the public domain  Front fence design is permeable Opportunities for concealment minimised	Entry to all ground floor apartments is accessed through the main lobby. The common access pathway which circulates the site combined with generous deep soil landscaped areas will assist in softening the built form and improving the relationship with the public domain.  All balconies and terraces pertaining to western facing apartments directly overlook the street providing an acceptable level of passive surveillance to the street.  Front fence design is a rendered masonry construction with batten infill	No, refer to conditions.  Yes  Yes. Condition of consent recommended to ensure the batten infill element of the the fence provides an appropriate level of

80-82 Water Street, Belfield  
LOT 5 & 6 in DP 253882 (Cont'd)

Development Control	Required	Proposed	Compliance
	<p>Services concealed</p> <p>Access ramps minimised</p>	<p>Services and access ramp concealed and access ramps minimised.</p>	<p>permeability.</p> <p>Yes</p>
3D – Communal Open Space	<p>Min. 25% (299.65m<sup>2</sup>) of site area devoted to communal open space.</p> <p>Consolidated area Min dimension of 3m Equitable access</p> <p>Min 2h to 50% communal open space at mid-winter</p>	<p>51.83% (621.298m<sup>2</sup>) of the site is dedicated as communal open space.</p> <p>The area of communal open space upon the ground level and roof top is consolidated, well landscaped and accessible.</p> <p>The rooftop area of communal open space is capable of receiving a minimum of 2hrs of solar access to at least 50% of open space during mid-winter.</p> <p>The landscape plan is supported with several canopy trees to provide shade.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>
3E – Deep Soil Zones	<p>Min. 7% (83.90m<sup>2</sup>) of site for deep soil.</p>	<p>17.19% (206.03m<sup>2</sup>) of the site is dedicated as consolidated deep soil landscaped space attaining a minimum dimension of 3m.</p>	<p>Yes</p>
3F – Visual Privacy	<p>Up to 4 storeys: 0-12m</p> <ul style="list-style-type: none"> <li>• 6m between habitable rooms/balconies and the boundary</li> <li>• 3m between habitable and non-habitable rooms and the boundary.</li> </ul>	<p>All habitable rooms/balconies pertaining to the development achieve a minimum 5.8m setback from the southern side boundary and 5.3m from the northern side boundary.</p> <p>Non habitable rooms achieve a minimum 4m setback from both the northern and southern side setbacks of the site.</p> <p>Notwithstanding, only a 4.0m rear setback is provided between rear-facing balconies and the rear site boundary. This is a 2m departure from the minimum requirements.</p>	<p>No – refer to discussion.</p>
3G – Pedestrian Access and Entries	<p>Entry addresses public domain</p> <p>Clearly identifiable</p> <p>Steps and ramps integrated into building design</p>	<p>The entry addresses the public domain and is clearly identifiable.</p> <p>Both the vehicle and pedestrian ramps are integrated into the building.</p>	<p>Yes</p>

80-82 Water Street, Belfield  
LOT 5 & 6 in DP 253882 (Cont'd)

Development Control	Required	Proposed	Compliance
3H – Vehicle Access	<p>Integrated into façade Visual impact minimised Entry behind the building line or from secondary frontage Clear sight lines Garbage collection screened Pedestrian and vehicle access separated</p>	<p>Vehicle access is integrated into the front elevation of the building located upon the northern side boundary of the site. The access point provides clear sightlines.</p> <p>Garbage storage is provided within the basement with an on-site collection bay provided in the front setback adjoining the basement driveway. Bin holding area is screened from the street.</p> <p>Pedestrian and vehicle access is separated.</p>	<p>Yes</p> <p>Yes.</p> <p>Yes.</p>
3J – Bicycle and Car Parking	Car parking within 800m of railway or within 400m of B3, B4 or equivalent.	Refer to DCP controls	N/A
4A – Solar and Daylight Access	<p>Living rooms and private open spaces of at least 70% of apartments are to receive minimum of 2 hours direct sunlight between 9am and 3pm at mid-winter.</p> <p>Living areas and private open space of neighbouring properties should receive solar access in accordance with the above.</p>	<p>77% (10) of units receive at least 2 hours solar access to living rooms and balconies.</p> <p>Acceptable level of solar access retained to the dwelling to the south. Windows to habitable rooms of adjoining dwelling achieve a minimum 2 hours of sunlight between 9am and 12pm at mid-winter. Private open space of the adjoining dwelling receives ample sunlight during morning and early afternoon hours.</p>	<p>Yes</p> <p>Yes</p>
4B – Natural Ventilation	<p>Min. 60% units are cross ventilated</p> <p>Light wells are not the primary source of ventilation for habitable rooms Single aspect units have limited depth to maximise ventilation.</p>	100% (13) of the units are cross ventilated.	Yes
4C – Ceiling Heights	<p>Habitable: 2.7m Non-habitable: 2.4m 2 storey apartments: 2.7m main living area,</p>	2.7m ceiling heights to habitable rooms.	Yes

80-82 Water Street, Belfield  
 LOT 5 & 6 in DP 253882 (Cont'd)

Development Control	Required	Proposed	Compliance
	2.4m mezzanine Mixed Use: 3.3m ground floor.		
4D – Apartment Size and Layout	1 bed: 50m <sup>2</sup> 2 bed: 70m <sup>2</sup> 3 bed: 90m <sup>2</sup> Additional bathrooms +5m <sup>2</sup> Each habitable room must have a window > 10% floor area of the room. If open plan layout =max 8m from a window Master bed: min 10m <sup>2</sup> Other bedroom: min 9m <sup>2</sup> Living room min. width: Studio and 1 bed: 3.6m 2 and 3 bed: 4m Crossover/through: min 4m	<ul style="list-style-type: none"> <li>2-bed units min: 75m<sup>2</sup></li> <li>3 bed units min: 95m<sup>2</sup></li> </ul> <p>All units are provided with the minimum unit size requirements. This includes provision of an additional 5m<sup>2</sup> for units with an additional bathroom.</p>	Yes
4E – Private Open Space and Balconies	2 bed: 10m <sup>2</sup> , min depth 2m 3 bed: 12m <sup>2</sup> , min depth 2.4m	All units are provided with an area of private open space with a minimum dimension of 2m and 2.4m which meets the minimum area requirements.	Yes
4F – Common Circulation and Spaces	Max 8 apartments off a single core	No more than four (4) apartments are accessed off a single core.	Yes.
4G – Storage	Studio: 4m <sup>3</sup> 1 bed: 6m <sup>3</sup> 2 bed: 8m <sup>3</sup> 3 bed: 10m <sup>3</sup> At least 50% within the basement	Combination of storage provided in units and in basement.	Yes, and subject to condition.
4H – Acoustic Privacy	Orientate building away from noise sources Party walls limited or insulated, like rooms together Noise sources (e.g. garage doors, driveways) located at least 3m from bedrooms	The subject site is not adjacent to any noise source. Notwithstanding, all habitable rooms are located closest to internal circulation areas to allow all bedrooms to be located furthest away from internal common access ways.	Yes.
4J – Noise and Pollution	Site building to maximise noise insulation Noise attenuation utilised where necessary	The building will be constructed in accordance with the relevant Australian Standards.	Yes.

80-82 Water Street, Belfield  
LOT 5 & 6 in DP 253882 (Cont'd)

Development Control	Required	Proposed	Compliance
4K – Apartment Mix	Variety of apartment types Appropriate apartment mix Different apartments distributed throughout the building.	The proposal provides the following housing mix;  (11) x 2 bedrooms; (2) X 3 bedrooms.	Yes.
4M – Facades	Composition of building elements.  Defined base, middle and top  Building services integrated into the façade	The composition of the building façade is clearly defined through its use of vertically orientated blade walls, balconies and variations in building materials and colours.  The building achieves passive surveillance to the street and incorporates landscaped spaces which are appropriate to the scale of the site. This will assist in softening the built form whilst providing a positive contribution to the streetscape.  Services are integrated into the design.	Yes
4N – Roof Design	Roof design integrated into the building Incorporates sustainability features May include common open space	A flat roof design is proposed which includes a roof top common open space area and is suitable for the scale of development.	Yes
4O – Landscape Design	Responsive to streetscape Viable and sustainable	The landscape scheme is responsive to the streetscape and incorporates a mixture of lower level shrubs and larger canopy trees.	Yes
4Q – Universal Design	Variety of adaptable apartments	20% (2.6) units required to be adaptable. Only two (2) units are identified as being adaptable (unit 02 and 06). This is a departure of one (1) unit.	No, condition of consent is recommended to provide a third additional adaptive unit.
4U – Energy Efficiency	Adequate natural light to habitable areas Adequate natural ventilation Screened areas for clothes drying Shading on northern and western elevations	The proposal achieves compliant cross ventilation outcomes.	Yes
4V – Water Management and Conservation	Efficient fixtures/fittings WSUD integrated Rainwater storage and reuse	Refer to BASIX Certificate commitments.	Yes



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Development Control	Required	Proposed	Compliance
4W – Waste Management	Minimise impact on streetscape, building entry and amenity	The proposal provides a waste storage room in the basement with a temporary collection bay provided in the front setback of the site. Kerb side collection is appropriate for the site given the small number of units proposed. Bins are to be relocated back to the basement garbage holding room immediately following collection.	Yes
4X – Building Maintenance	Material selection reduces ongoing maintenance costs.	<p>The proposed schedule of external finishes is understated and refined to ensure the development will evolve nicely with both existing and future development in the street.</p> <p>The proposed external finishes are predominantly exposed brick with rendered accents and are all in neutral tones.</p> <p>The selected materials are suitable for the scale of the development and are relatively durable to reduce the ongoing maintenance costs of the building.</p>	Yes

### STRATHFIELD LOCAL ENVIRONMENTAL PLAN (SLEP) 2012

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

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

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**Comments:** The proposed development achieves a high quality built form which generally achieves compliance with Council's LEP and DCP controls as well as the provisions contained in the ADG. It is envisioned that the proposed design will be compatible with future medium-density development in the immediate streetscape.

### Permissibility

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

Residential flat buildings are permissible within the R3 Zone with consent and is defined under SLEP 2012 as follows:

**“Residential flat building** means a building containing 3 or more dwellings, but does not include an attached dwelling or multi dwelling housing.”

The proposed development for the purpose of R3 is consistent with the definition above and is permissible within the R3 Zone with consent.

### Zone Objectives

An assessment of the proposal against the objectives of the R3 Zone is included below:

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

**Comments:** The proposed development will adequately provide for the housing needs of the community as it results in the construction of (13) ADG compliant units which achieve a high level of residential amenity.

### Part 4: Principal development standards

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

#### Minimum subdivision lot size

<b>Cl.</b>	<b>Standard</b>	<b>Controls</b>	<b>Proposed</b>	<b>Complies</b>
<b>4.2</b>	Minimum subdivision lot size (excluding strata subdivision)	1,000m <sup>2</sup>	1,198.6m <sup>2</sup>	<b>Yes</b>

	<b>Objectives</b>	<b>Complies</b>
<b>(a)</b>	To promote consistent subdivision and development patterns that reflect and reinforce the predominant subdivision pattern of the area	<b>Yes</b>
<b>(b)</b>	To ensure a variety of lot sizes are maintained of sufficient size and shape to accommodate a variety of development types	<b>Yes</b>
<b>(c)</b>	To preserve large industrial lots in order to provide a range of large-scale sites suitable for industrial activities that require integrated and large floorplates	<b>Yes</b>

#### Height of building

<b>Cl.</b>	<b>Standard</b>	<b>Controls</b>	<b>Proposed</b>	<b>Complies</b>
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80-82 Water Street, Belfield  
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4.3	Height of building	11m	13.54m - variation of 2.54m or 23%.	Yes
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<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		Yes
(c)	To achieve a diversity of small and large development options.		Yes

**Comments:** Refer to Clause 4.6 Variation discussion below.

**Floor space ratio**

<b>Cl.</b>	<b>Standard</b>	<b>Controls</b>	<b>Proposed</b>	<b>Complies</b>
4.4	Floor space ratio	0.9:1 (1,078.74m <sup>2</sup> )	0.85:1 (1,021.74m <sup>2</sup> )	Yes

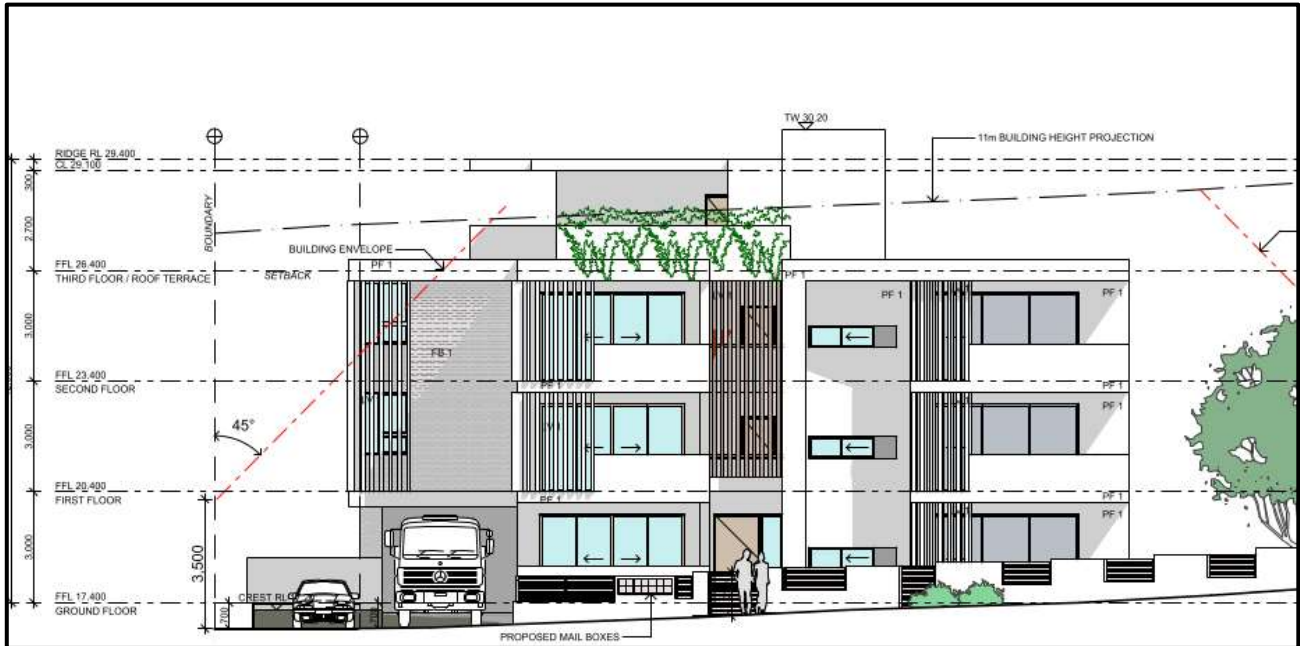
<b>Objectives</b>			<b>Complies</b>
(a)	To ensure that dwellings are in keeping with the built form character of the local area		Yes
(b)	To provide consistency in the bulk and scale of new dwellings in residential areas		Yes
(c)	To minimise the impact of new development on the amenity of adjoining properties		Yes
(d)	To minimise the impact of development on heritage conservation areas and heritage items		Yes
(f)	In relation to Parramatta Road Corridor – to encourage a sustainable consolidation pattern that optimises floor space capacity in the Corridor		Yes

**Comments:** The proposed development provides a bulk and scale which generally aligns with the height and FSR and ADG provisions applying to the site. The proposal is a high quality design which will result in minimal adverse impacts to neighbouring properties. It is envisioned that the remaining streetscape will undertake a state of transition in due course which will be compatible with the proposed development.

Height Non-Compliance

As demonstrated in the table above, the proposed development fails to comply with the maximum building height permitted under Clause 4.3 of the SLEP 2012. The areas of non-compliance relate specifically to the fourth storey which includes a single unit and lift overrun which provides access to the rooftop communal open space area. As such, the proposed development extends 2.54m above the maximum permissible building height of 13.54m resulting in a departure of 23%. (Refer to Figure 5).

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**Figure 5:** View of south-western front façade noting the extent of the proposed building height variation

Clause 4.6 of the SLEP 2012 enables Council to grant consent to a proposed development that contravenes the development standards for building height in the following terms.

Clause 4.6(3) - Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:

- (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and
- (b) that there are sufficient environmental planning grounds to justify contravening the development standard."

The applicant has provided a written request that seeks to justify the proposed contravention of the building height development standards shown in the above table on the following grounds:

- The proposed built form is a better planning outcome for the site compared to a complying form. The footprint of the proposed development provides for a less bulky, more articulated form and has less overall environmental impact than a complying form by providing an increased setback along the southern side of the building which allows sunlight to reach the rear open space of southern adjoining dwellings;
- The development's increased height is compensated for by a reduced building footprint with setbacks along the south boundary that are greater than DCP requirements, resulting in a better relationship to the adjoining dwelling;
- The proposed built form results in less overshadowing of neighbouring properties than a complying form as demonstrated by the submitted shadow diagrams;
- The proposed development's reduced footprint allows for deep soil areas greater than the minimum required by the ADG (17% provided vs 7% required) which results in improved opportunities for landscaping and screening to the boundaries;
- The excess height has minimal visual impact as it is set back from the front façade. As a result of the setbacks, the additional shadow cast by the non-compliant portion of the building is contained within the shadow cast by the compliant levels below;
- The objectives of the development standard are achieved notwithstanding the variation. The development features a height that is generally compatible with the existing area. Notably, the site adjoins land to the west with a 13m height limit. This land currently

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contains a large industrial-type building that appears to exceed the 13m height limit. As such, the proposed development, while it would be higher than development on Water Street, would not be inconsistent with the height of development in the surrounding area.

contravenes a development standard unless:

(a) the consent authority is satisfied that:

(i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3)

The applicant's written request to justify the contravention of the building height standard has adequately addressed the matters required to be demonstrated in subclause 4.6(3), specifically, that compliance with the standard is unnecessary or unreasonable in the circumstances of the case, and that there are sufficient environmental planning grounds to justify contravening the development standard. The written request is considered to provide sufficient substantive information on the environmental planning grounds relating to streetscape, bulk, scale, form and amenity.

It is considered that the height non-compliance is acceptable given that the height non-compliance relates specifically to the fourth storey which includes a single unit as well as the lift over run structure. These structures will be positioned to the rear of the development which will have minimal impact on the bulk and scale of the development as viewed from the street. It is noted that the entire front portion of the development is positioned below the maximum building height limit and that the proposed development is under the permissible FSR requirements 0.85:1 vs 0.9:1 which results in an acceptable bulk and scale which was envisioned for the site.

Accordingly, the development would achieve the objectives of the height control without adversely impacting upon the amenity of surrounding residences.

(ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out

#### Objectives of the Building Height Standard

The objectives of the building height standard in clause 4.3 of the SLEP 2012 are:

##### *4.3 Height of buildings*

*(1) The objectives of this clause are as follows:*

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

The proposed development is considered to be consistent with the objectives of the building height standard having regard to the streetscape, building bulk, scale and form and pattern of development.

#### Objectives for Development within the Zone

The site is zoned R3 Medium Density Residential under the Strathfield Local Environmental Plan, 2012 wherein development for the purposes of a residential flat building is permissible with Council consent. The proposal is generally consistent with the objectives of the R3 Medium Density Residential zone which seek to provide for the housing needs of the community within a medium density residential environment.

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LOT 5 & 6 in DP 253882 (Cont'd)**

As previously noted the area surrounding the subject site is undergoing a state of transition from low to medium density residential development as a result of the gazettal of the SLEP 2012. As such, giving consideration to the compatibility of the development with the surrounding area it is appropriate to give weight to recent approvals within the area and the building heights as envisaged under the SLEP 2012.

While the adjoining site's feature fronting Water Street feature a maximum permissible building height of 11m, the adjoining site to the east (27-35 Punchbowl Road) features a maximum permissible building height of 13m. Further, development consent was recently granted for the construction of a part four (4) storey and part seven (7) storey mixed use development upon the adjoining site to the east (27-35 Punchbowl Road). As such, the proposed building height is considered to be consistent with likely future development within the locality

*b) the concurrence of the Director-General has been obtained.*

Council may assume the concurrence of the Director-General under the Planning Circular PS 08-003 issued in May 2008.

Conclusion on exception to height of building development standard

The applicant's written request to justify the contravention of the building height standard contained within Clause 4.3 of the SLEP 2012 is considered to be well founded in that it has successfully demonstrated that compliance with the standard is unnecessary or unreasonable in the circumstances of the case and that there are sufficient environmental planning grounds to justify contravening the development standard. Further, the variation is considered to be in the public interest given that the height variation has resulted in the provision of a roof top community open space area which will achieve a high level of direct solar access for residents. Furthermore, the variation has resulted in improved front and side setbacks from adjoining boundaries. This will allow for view corridors to be maintained between dwellings whilst allowing for meaningful deep soil landscaped areas to be provided around the site to help soften the built form.

### **Part 5: Miscellaneous Provisions**

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

#### **5.9 Preservation of trees or vegetation**

The landscape plan submitted to Council seeks to retain the existing 1 x *Livistona australis* (cabbage-tree palm) located in the front setback of the site and provide additional tree plantings throughout the site.

### **Part 6: Local Provisions**

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

#### **6.1 Acid sulfate soils**

The subject site is identified as having Class 5 soils and is located within 500m of Class 4 soils, but works will not be below 5 metres Australian Height Datum. Therefore, the proposed development was not required to be accompanied by an Acid Sulfate Soils Management Plan and has satisfied the requirements of Clause 6.1 of the SLEP 2012.

#### **6.2 Earthworks**

Appropriate conditions of consent to be imposed.

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### 6.3 Flood planning

Council's Flood Study for Cooks River and Cox's Creek catchment indicates that 80 Water Street is affected by overland flow of stormwater runoff from adjoining properties to a level of 16.9m AHD at the front of the property and 15.5m AHD at the rear of the property. In accordance with Council's Flood Prone Land Policy the proposed development has been designed to achieve a 500mm freeboard above the 1 in 100 year flood level. Accordingly, the proposal provides a finished floor level of RL17.40. The crest ramp has also been designed 500mm above the 1 in 100 year flood level achieving a crest height of RL17.2m.

### 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 proposed development is located within a well serviced area and features existing water and electricity connections. As such, the subject site is considered to be adequately serviced for the purposes of the proposed development.

#### 79C(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.

#### 79C(1)(a)(iii) any development control plan

### STRATHFIELD CONSOLIDATED DEVELOPMENT CONTROL PLAN (SCDCP) 2005

Clause 6A of SEPP 65 confirms that in the event of any inconsistency between the controls of the ADG and Council's Development Control Plan, the objectives, design criteria and design guidance set out in the ADG prevail.

This confirms that if a development control plan contains provisions that specify requirements, standards or controls in relation to the following matters, those provisions are of no effect:

- (a) visual privacy,
- (b) solar and daylight access,
- (c) common circulation and spaces,
- (d) apartment size and layout,
- (e) ceiling heights,
- (f) private open space and balconies,
- (g) natural ventilation, and
- (h) storage.

These matters, as of relevance to the application, have been addressed in the ADG assessment above where it has been determined that the proposal is satisfactory. The remaining matters of relevance provided in the DCP are addressed in the table below:

### PART C – MULTIPLE UNIT HOUSING (SCDCP 2005)

Section	Development Control	Required	Proposed	Compliance
2.2	Density, Bulk and Scale Site requirements	Site area: 1000sqm  Width: 30m Along arterial roads: min. 25 frontage.	Superseded by SLEP 2012.	NA
	Building Envelope	NA – Site not located within specific density sub-zone.	NA	NA

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Section	Development Control	Required	Proposed	Compliance
		Finished floor level of ground floor units no more than 1200mm above NGL.	<1200mm above NGL	Yes
	Front Setbacks	Min. 9m or less than 9 where predominant setback in street block is less than 9m.	7m	Yes—consistent with adjoining development.
	Building Envelope and Side and Rear Setbacks	Envelope determined by plane projected at angle of 45 degrees over site from height of 3.5m above NGL alongside and rear boundaries. Variations considered for characteristic design elements.  Min. side setback of 4m each side for all development.  Side and rear setbacks for 2+ storey buildings determined by building envelope and ability of development to comply with Solar Access and Privacy requirements.	ADG prevails	NA
2.3	Dwelling Unit and Building Design	Min. 15% adaptable units.  At least one main entry with barrier free access.  Walls adjoining boundaries to be broken or staggered at 10m intervals.  Adequate parking for people with mobile disabilities.  Material, colours and finishes are to be sympathetic with the streetscape.  Preferred finishes are face brick and tile. Mixture of face brick and cement render is permissible; however, face brick must be predominant finishes.	15% (2 units) adaptable  Barrier free access from Water St  No walls adjoining boundary  Two (2) accessible spaces provided  Earthy blue bricks, grey coloured cement render and wood-look coated aluminium used  Brick and render finishes proposed.	Yes  Yes  NA  Yes—one (1) per adaptable unit.  Yes—materials are generally sympathetic and contribute to the variety within the streetscape.  Acceptable on merit.
	Unit Sizes and Layout	Min unit sizes apply:	ADG prevails.	NA



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Section	Development Control	Required	Proposed	Compliance
		1B: 70sqm 2B: 85sqm 3B: 100sqm		
	Attic Space	Council does not permit use of attic space for habitable purposes.	No attic spaces proposed.	Yes.
2.4	Energy Efficiency	All units must achieve min. House Energy Rating of 3.5 stars	Complies with BASIX.	Yes
		A NatHERS assessment must be submitted for each unit plan which has a unique solar orientation and position.	Complies with BASIX.	Yes
	Solar Access	Main living areas and at least 50% of principal private open space of each dwelling shall receive at least three hours of sunlight between 9am and 3pm at the winter solstice.	ADG prevails.	NA
		Solar access to windows of habitable rooms and to majority of private open space of adjoining properties must be substantially maintained or achieved for at least 3 hours between 9am and 3pm at the winter solstice.	ADG prevails.	NA
2.5	Streetscape and Building Orientation	New development, particularly when viewed from the street or other public places is to be compatible with the predominant character and architectural detail of existing residential development in the street.	Development is up to four storeys, with fourth storey set back from front façade.	Complies—the development is compatible with and contributes to the range of architectural styles in the street.
		Garages and parking structures, including underground parking entries, shall be sited and designed not to dominate the street frontage.	Car park entry is set back from the frontage.	Yes
	Front Fences	Front fences or side fences forward of the building line shall generally not exceed a height of 900mm.  Up to 1.8m allowed, where solid portion is only 900mm.	Front fence up to 1.2m in height, with alternating solid and transparent portions. The continuous solid portion is approximately 700mm in height.	Yes – condition of consent imposed to ensure batten infill component of fence achieves appropriate level of permeability.
	Side and Rear Fences	Side and rear fences are to be no more than a	No side fences shown.	Condition of consent

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Section	Development Control	Required	Proposed	Compliance
		maximum 1.8 metres in height (including any retaining walls).		recommended.
2.7	Open Space and Landscaping	Ground level landscaped min. 50% site area.  Note: control does not technically apply as the site is not within a specific density sub-zone.	ADG prevails.	NA
		At least 60 percent of the landscaped area must remain as unpaved or "soft" landscaping.	ADG prevails.	NA
		At least 35% of the required landscaped area is to provide for deep soil landscaping (approx. 209sqm).	ADG prevails.	NA
		Common open space equal to 10% of the total site area or 100m <sup>2</sup> , whichever is the greater, with minimum dimensions of 7m.	ADG prevails.	NA
		Where dwellings do not have access to ground level open space, at least one main balcony having access from each dwelling unit's living area/s is to serve as private open space. The minimum total balcony area is: <ul style="list-style-type: none"> <li>• 12 m<sup>2</sup> for up to 2 bedroom dwellings; and</li> <li>• 15 m<sup>2</sup> for 3 or more bedroom dwellings.</li> </ul>	ADG prevails.	NA
		All balconies must have a minimum width and depth of 2 metres.	ADG prevails.	NA
2.8	Privacy and Security	Suitable screening shall be provided within developments when direct overlooking is likely from proposed dwellings to the private open space areas of adjacent existing dwellings, or to balcony or private open space areas of dwellings within the same development.	Privacy screening provided on balconies to provide privacy between dwellings.	Yes
2.9	Access and Parking	2-bed: 1.5 spaces per dwelling <b>(16.5)</b> 3-bed: 2 spaces per dwelling. <b>(4)</b> Visitor: 1 space per 5 dwellings <b>(2.6)</b> <b>Required: (23.1) spaces</b>	<b>(24)</b> spaces proposed  (21) x Residential Three (3) x visitor	Yes
		Access ways and	Vehicles can enter	Yes

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Section	Development Control	Required	Proposed	Compliance
		driveways shall be designed to provide sufficient manoeuvring areas to enable vehicles to enter and leave the site in a forward direction.	and exit the basement in forward direction.	
		For residential development of 10 or more dwellings a designated car washing bay shall be provided on the site.	A car wash bay is provided in basement.	Yes
	Ramp/Driveway Gradient and Design	<ul style="list-style-type: none"> <li>• Min. width: 3m</li> <li>• Min. transition zone gradient: 1:10</li> <li>• Maximum transition zone length: 2m</li> <li>• Maximum ramp gradient: 1:5</li> </ul>	Condition to be imposed to ensure compliance with Australian Standards.	Yes.

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

The proposal provides for onsite waste collection through the provision of an at grade waste collection bay and bin storage room within the basement.

The loading bay has a minimum dimensions of 10m x 3.6m and a minimum clearance height of 3.5m, which demonstrates compliance with the minimum loading bay dimensions provided by Part H of the SCDCP 2005.

In accordance with Part H of the SCDCP 2005, residential waste storage is to be provided at the following rates:

**General Waste:** 120L/unit/week

**Recycling:** 120L/unit/fortnight

Having regard to the above rates, a minimum of three (3) x 660L bins are to be provided for general waste and seven (7) x 240L bins are to be provided for recycling waste. The waste storage room provides sufficient space for eight (8) recycling bins and three (3) waste bins.

The subject application was accompanied by a Waste Management Plan outlining the proposed measures of minimising waste generation throughout the proposed demolition works, construction works and for the ongoing operation of the site. Ongoing compliance with this document is recommended to be included as a condition of consent.

#### **79C(1)(iia) any planning agreement or draft planning agreement**

No planning agreement has been entered into under section 93F of the *Environmental Planning and Assessment Act 1979*.

#### **(i) matters prescribed by the regulations**

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

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Having regard to these prescribed matters, the proposed development is not located on land subject to the Government Coastal Policy as determined by Clause 92(1)(a)(ii) however does involve the demolition of a building for the purposes of *AS 2601 – 1991: The Demolition of Structures*.

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

**(ii) any coastal zone management plan**

The NSW Government projects sea levels to rise by 40cm in 2050 and by 90cm in 2100 above the relative mean sea level in 1990. These planning benchmarks are to be considered in the assessment of development applications through the applicable coastal zone management plan or alternatively the provisions of the *NSW Coastal Planning Guideline: Adapting to Sea Level Rise*.

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

The proposed development is located on a site that is affected by the existing 1 in 100 year flood event or is likely to be as a result of the planning benchmarks for sea level rise mentioned above. Accordingly, the proposed development has been assessed against the relevant provisions of the *NSW Coastal Planning Guideline: Adapting to Sea Level Rise*.

Council's Flood Study for Cooks River and Cox's Creek catchment indicates that 80 water Street is affected by overland flow of stormwater runoff from adjoining properties to a level of 16.9m AHD at the front of the property and 15.5m AHD at the rear of the property. In accordance with Council's Flood Prone Land Policy the proposed development has been designed to achieve a 500mm freeboard above the 1 in 100 year flood level. Accordingly, the proposal provides a finished floor level of RL17.40. The crest ramp has also been designed 500mm above the 1 in 100 year flood level achieving a crest height of RL17.2m.

**79C(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**

Public Domain Interface

The proposal incorporates an attractive front façade which is well articulated through its use of front balconies, blade walls and a variation in building materials. This provides the façade with a clearly definable entrance as well as good passive surveillance to the street.

Improvements could be made to improving the building's interface with the public domain. Section 3C of the Apartment Design Guide (ADG) requires direct street entry to be provided to ground floor units. This will assist in strengthening the link between the public/private interface whilst improving passive surveillance to the street. Accordingly, a condition of consent is recommended to ensure direct street entry is provided to the two (2) ground floor apartments fronting the street.

The proposed front fence is comprised of a rendered masonry pier fence with batten infill extending along the front and sides of the front portion of the property. Section 3C of the ADG requires the front fence to be permeable to minimise opportunities for concealment. A condition of consent is

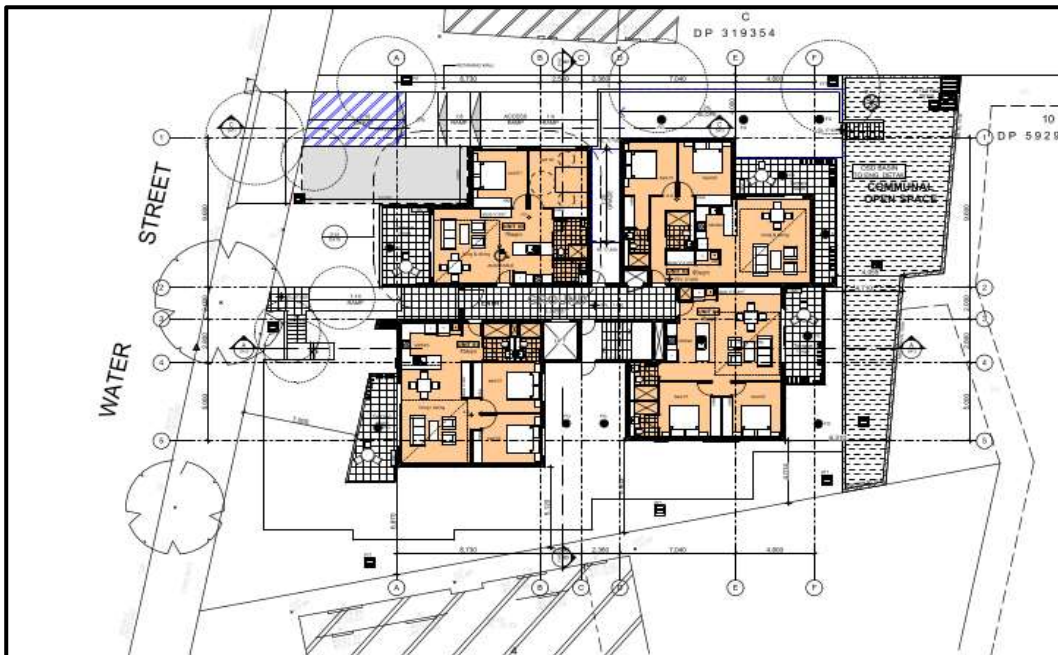
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therefore recommended to ensure the infill component of the front fence is appropriately spaced to achieve an appropriate level of permeability.

Building Separation/ Visual Privacy

In accordance with 3F of the ADG buildings up to a height of four (4) storeys are to provide a minimum 3m separation between non-habitable rooms and the property boundary and a minimum 6m separation between habitable rooms and the nearest property boundary.

All non-habitable rooms are situated around the peripheries of each floorplate and achieve a minimum 3m separation required to be provided as per the abovementioned guideline. (Refer to Figure 6).



**Figure 6:** Proposed ground level building footprint.

Notwithstanding, all rear upper level balconies on level 1 and 2 of the building fail to comply with the minimum 6m side and rear setbacks required to be provided for the site. These balconies only achieve a minimum 5.3m setback to the northern side boundary and a 4m setback to the eastern rear boundary, resulting in a variation of 0.7m and 2m respectively. This, in part, is a consequence of the irregular-shaped allotment of the site. It is further noted that a minimum 11.7m building separation will be achieved between the proposed development and the recently approved mixed use development immediately adjoining the site to the east at 27-35 Punchbowl Road, Belfield. A substantial landscape buffer has also been provided on either side of the adjoining boundaries which will assist in improved visual separation and privacy screening.

Having regard to properties adjoining the side boundaries of the site, a condition of consent is recommended to ensure privacy louvers are extended to span across the full width of the north-western aspect of the balconies pertaining to units 07 and 11 as well as the south-eastern aspect of balconies pertaining to units 05 and 09. This is to provide a privacy buffer between the allotments immediately adjoining the site to the north and south to minimise opportunities for overlooking.

Universal Design

Section 4Q of the ADG requires 20% (2.6) of units to incorporate the Livable Housing Guideline's silver level universal design features. Flexible apartment design is desirable as it allows for the

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future adaptation of a dwelling to accommodate the occupant's needs and cater for a more diverse range of lifestyle needs. Accordingly, a condition of consent is recommended to be imposed to ensure that a minimum three (3) units throughout the development are designed to achieve the Livable Housing Guideline's silver level universal design features.

#### **79C(1)(c) the suitability of the site for the development**

The proposed development presents an overall bulk, height and scale which is commensurate with the relevant statutory controls. The overall layout of the building allows for good solar access and ventilation to units, balconies and common areas. The proposal is consistent with the architectural form and high quality material palate sought by Council and will be compatible with existing, recently approved and likely future development nearby.

Therefore, the proposed development is suitable for the subject site.

#### **79C(1)(d) any submissions made in accordance with this Act or the regulations**

The application was notified in accordance with Part L of the SCDP 2005 from 9 May 2017 to 24 May 2017, with no submissions received.

As previously discussed, this application is a result of the lapsed Deferred Commencement (DA2016/067) consent which was granted for the site. Given that the proposed application is substantially the same development to what is proposed, consideration has been given to the one (1) submission received during the previous notification period. The concerns raised in the submission have been outlined and discussed below.

#### Building Height

*Concern was raised for the proposed height of the development which is not in keeping with the medium-density zoning of the site.*

Assessing officer's comments: As previously discussed, the proposed development seeks a 2.54m or 23% from the maximum permitted height of 11m. The proposed height variation is considered to be acceptable as the building achieves the objectives of the subject zoning with the excess height having no impact on overshadowing or visual privacy. Further, the proposed development provides a compliant FSR of 0.85:1 (1,021.74m<sup>2</sup>) which is considered to be consistent with the planned residential density under the site's R3 Medium Density Residential zoning.

#### Overshadowing

*Concern was raised for the proposed height of the development which would result in reduced sunlight access to adjoining properties.*

Assessing officer's comments: As previously discussed, the proposal would result in a degree of unavoidable overshadowing to the existing dwelling to the south of the site in the afternoon at mid-winter. The introduction of a four (4) storey residential flat building will result in an overall reduction of solar access to the adjoining property. Notwithstanding, the proposal still allows the adjoining land to receive a reasonable level of solar access during the morning and through the day in mid-winter. The shadow diagrams submitted with the application are indicative of the worst case scenario winter Solstice (June 21) whereby the extend of overshadowing will be marginally less throughout the remaining seasons of the year.

#### Visual Privacy

*Concern was raised for the loss in privacy for adjoining residents as a result of the placement and design of windows and balconies which fail to incorporate privacy screening.*

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Assessing officer's comments: The proposed development is generally compliant with the building separation requirements of Part 3F of the Apartment Design Guide (ADG) which requires the development to provide a minimum 3m separation between non-habitable rooms and the property boundary and a minimum 6m separation between habitable rooms and the nearest property boundary. Notwithstanding, a condition of consent has been recommended to ensure privacy louvers are extended to span across the full width of the north-western aspect of the balconies pertaining to units 07 and 11. Furthermore, a standard condition of consent is also recommended to ensure that all bathroom, ensuite and toilet windows are installed with obscure glazing.

### **79C(1)(e) the public interest**

The public interest is best served by the consistent application of relevant Environmental Planning Instruments, Development Control Plans and Council policies. As discussed throughout this report, the proposed development has been assessed against the relevant statutory provisions and is satisfactory. Therefore approval of the proposal would not be contrary to the public interest.

## **SECTION 94 CONTRIBUTIONS**

Section 94 of the EP&A Act 1979 relates to the collection of monetary contributions from applicants for use in developing key local infrastructure. The Act reads as follows:

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

## **STRATHFIELD DIRECT SECTION 94 CONTRIBUTIONS PLAN**

Section 94 Contributions are applicable to the proposed development in accordance with the Strathfield Direct Development Contributions Plan 2010-2030 as follows:

Provision of Community Facilities	\$23,212.62
Provision of Major Open Space	\$105,610.46
Provision of Local Open Space	\$23,240.42
Provision Roads and traffic Management	\$2,723.95
Administration	\$2,001.57
<b>TOTAL</b>	<b>\$156,789.01</b>

## **CONCLUSION**

The application has been assessed having regard to Section 79C of the Environmental Planning and Assessment Act 1979, the Strathfield Local Environmental Plan 2013 and the Strathfield Development Control Plan 2005 and is considered to be satisfactory for approval, subject to the recommended conditions of consent.

## **RECOMMENDATION**

That Development Application No. 2017/056 for demolition of existing site structures and the

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construction of a four (4) storey residential flat building containing (13) units comprising (11) x 2 bedroom and two (2) x 3 bedroom units over one (1) level of basement parking at 80-82 Water Street, Belfield be **APPROVED** on a **DEFERRED COMMENCEMENT** basis subject to the following conditions:

## **DEFERRED COMMENCEMENT CONDITIONS**

### **DEFERRED COMMENCEMENT APPROVAL**

This is a Deferred Commencement Consent under Section 80(3) of the Environmental Planning and Assessment (EP&A Act, 1979). This consent does not become operative until the applicant has satisfied the conditions listed under Schedule A below. All conditions shall be satisfactorily resolved within a period of twelve (12) months from the Determination Date that is shown on this consent. Upon compliance with the conditions under **SCHEDULE A** and written confirmation of this from Council, the consent shall become operative from the 'Date of Endorsement' (to be included on the written notice of determination).

*(Reason: A deferred commencement consent stipulates conditions that must be satisfied before the consent operates in accordance with Section 80(3) of the EP&A Act 1979)*

### **SCHEDULE A**

#### **D1 STORMWATER**

This consent will lapse twelve (12) months from the date of this consent, unless Condition D1 below has been complied with and Council's written confirmation of the satisfaction of the below condition has been issued:

Concept Stormwater Management plans, prepared by a suitably qualified Engineer in accordance with the Strathfield Council Stormwater Management Code 1994 shall be submitted to and approved by Council prior to the consent becoming operable. The plans shall clearly demonstrate that the existing pipe within the easement benefitting the subject site established under DP592982 can cater for additional flows created by this proposed development assuming system failure up to and including the 100 year ARI storm event. A catchment analysis shall be undertaken through DRAINS modelling and the submission of a hydraulic grade analysis. All detailed information shall be submitted to Council for assessment and approval.

## **SPECIAL CONDITIONS (SC)**

### **1. VISUAL PRIVACY (SC)**

Privacy louvers shall be extended to span across the full width of the north-western aspect of the balconies pertaining to units 07 and 11 as well as the full width of the south-eastern aspect of balconies pertaining to units 05 and 09. This is to provide a privacy buffer between the allotments immediately adjoining the site to the north and south so as to minimise opportunities for overlooking. Amended plans demonstrating this shall be prepared and submitted to an Accredited Certifier for approval **prior to the issue of a Construction Certificate.**

*(Reason: Visual privacy)*

### **2. UNIVERSAL DESIGN (SC)**

A minimum three (3) units throughout the development are required to be designed to achieve the Livable Housing Guideline's silver level universal design features as required by



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Section 4A of the Apartment Design Guide. Plans shall be amended to clearly indicate which three (3) units incorporate these universal design features. The amended plans shall be prepared and submitted to an Accredited Certifier for approval **prior to the issue of a Construction Certificate.**

*(Reason: Achieve compliance with Section 4A of the Apartment Design Guide)*

3. **FENCE INFILL (SC)**

The infill component of the front fence and pedestrian entrance shall be horizontally orientated with each slat fixed no more than 100mm wide and each spaced by at least 25mm. Amended plans demonstrating compliance with the above shall be prepared and submitted to Accredited Certifier for approval **prior to the issue of a Construction Certificate.**

*(Reason: To improve permeability as required under Section 3C of the Apartment Design Guide)*

4. **PRELIMINARY SITE INVESTIGATION REPORT (SC)**

Full compliance shall be given to the recommendations contained in the endorsed Preliminary Site Investigation Report prepared by Alliance Geotechnical dated 1 April 2016.

*(Reason: Ensure appropriate management of potentially contaminated soils on site)*

5. **TRAFFIC & PARKING IMPACT REPORT (SC)**

Full compliance shall be given to the recommendations contained in the endorsed Traffic and Parking Impact report prepared by Motion Traffic Engineers dated April 2016.

*(Reason: To ensure on-site parking is suitable for the site)*

6. **DIRECT STREET ENTRY (SC)**

Separate direct street entries are to be provided to both of the ground floor units 01 and 02. Amended plans demonstrating compliance with this requirement shall be prepared and submitted to Accredited Certifier for approval **prior to the issue of a Construction Certificate.**

*(Reason: To improve permeability as required under Section 3C of the Apartment Design Guide)*

7. **LANDSCAPE PLAN (SC)**

**Prior to the issue of a construction certificate** the applicant shall submit and have approved by the Principal Certifying Authority (PCA) a detailed landscape plan prepared generally in accordance with the landscape plan prepared by **TGS Landscape Architects 27 April 2017**. The plans shall include the following:

- (a) Separate direct street entries provided to both of the ground floor units 01 and 02,
- (b) A detailed planting schedule for all garden areas indicating the species type, height, number and size;
- (c) Details of all hard and soft surfaces such as turf, gravel, paving, stepping stones and the like shall be shown;
- (d) Gardens should feature a mix of trees, shrubs, grasses and ground covers. A minimum of 25% of all plantings shall be locally indigenous species;

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- (e) Evergreen shrubs with a minimum 5 litre container size achieving a minimum mature height of 3m shall be planted along side and rear boundaries to provide privacy screening; and
- (f) The plan shall demonstrate compliance with any other landscape condition of consent.

*(Reason: Provide suitable landscaping for the site)*

#### 8. COMMUNAL OPEN SPACE (SC)

The tiled area of communal open space adjacent to Unit 1 is to be replaced with turfed area. Amended plans demonstrating compliance with this requirement shall be prepared and submitted to Accredited Certifier for approval **prior to the issue of a Construction Certificate.**

*(Reason: Provide suitable landscaping for the site and a suitable streetscape interface.)*

### GENERAL CONDITIONS (GC)

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

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

Plans affixed with Council's 'Development Consent' stamp relating to Development Consent No. 2017/056:

Drawing No.	Title/Description	Prepared by	Issue / Revision & Date	Date received by Council
DA06	Site Plan	Design Link Australia	A	27 April 2017
DA07	Demolition Plan	Design Link Australia	A	27 April 2017
DA08	Basement Plan	Design Link Australia	A	27 April 2017
DA09	Ground Floor Plan	Design Link Australia	A	27 April 2017
DA10	First Floor Plan	Design Link Australia	A	27 April 2017
DA11	Second Floor Plan	Design Link Australia	A	27 April 2017
DA12	Roof Terrace – Third Floor Plan	Design Link Australia	A	27 April 2017
DA13	Roof Plan	Design Link Australia	A	27 April 2017
DA14	North & South Elevations	Design Link Australia	B	22 June 2017
DA15	East & West Elevations	Design Link Australia	B	22 June 2017
DA16	Sections & BASIX Commitments	Design Link Australia	A	27 April 2017
DA17	Pre & Post Adaptable Units	Design Link Australia	A	27 April 2017
	Schedule of Materials and Finishes	Design Link Australia	A	21 June 2017
2016.0404 DA1-1	Landscape Plan	TGS Landscape Architects	A	27 April 2017
2016.0404D A1-2	Landscape Plan	TGS Landscape Architects	A	27 April 2017
2016.0404D	Landscape Plan	TGS Landscape	A	27 April 2017

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A1-3		Architects		
A6509 - Cover	General Notes – Stormwater Plan	Alpha Engineering & Development	B	27 April 2017
A6509 – SW01	Sediment and Erosion Control Plan	Alpha Engineering & Development	B	27 April 2017
A6509 – SW02	Basement Drainage Plan	Alpha Engineering & Development	B	27 April 2017
A6509 – SW03	Ground Floor Drainage Plan	Alpha Engineering & Development	B	27 April 2017
A6509 – SW04	First Floor Drainage Plan	Alpha Engineering & Development	B	27 April 2017
A6509 – SW05	Second Floor Drainage Plan	Alpha Engineering & Development	B	27 April 2017
A6509 – SW06	Lower Roof Drainage Plan	Alpha Engineering & Development	B	27 April 2017
A6509 – SW07	Upper Roof Drainage Plan	Alpha Engineering & Development	B	27 April 2017
A6509 – SW08	Stormwater Sections and Details	Alpha Engineering & Development	B	27 April 2017

Reference Documentation affixed with Council's 'Development Consent' stamp relating to Development Consent No. 2017/056:

Title / Description	Prepared by	Issue/Revision & Date	Date received by Council
Statement of Environmental Effects	GAT & Associates	A	27 April 2017
BASIX		Cert Number: 814422M 19 <sup>th</sup> April 2017	27 April 2017
Carpark, Ramp & Driveway Certification	Motion Traffic Engineers	N1615451A (Version 1a)	27 April 2017
Construction & Waste Management Plan	Design Link Australia	A	27 April 2017
Preliminary Site Investigation	Alliance Geotechnical Pty Ltd	A	27 April 2017
Traffic and Parking Impact Report	Motion Traffic Engineers	A	27 April 2017

In the event of any inconsistency between the approved plans and supplementary documentation, the plans will prevail. However, the conditions of this consent shall prevail to the extent of any inconsistency.

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

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

The height of the building measured to Australian Height Datum (AHD) must not exceed Relative Level (RL) 30.20AHD to the ridge of the lift overrun of the building.

**11. CONSTRUCTION HOURS (GC)**

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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.)*

**12. 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.)*

**13. 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.)*

**14. DEMOLITION - SITE SAFETY FENCING (GC)**

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

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

- (i) 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
- (ii) 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.)*

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

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

Species shall be selected from Council's Recommended Tree List (Available from Council's website or from the Customer Service Centre). Compliance with this condition is to be

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demonstrated to the Principal Certifying Authority, prior to the issue of any Occupation Certificate.

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

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

All common and private landscape areas including all planters are to have full coverage by a fully automatic irrigation system. The design, materials and installation are to be in accordance with Sydney Water Codes and satisfy all relevant Australian Standards. Details demonstrating compliance shall be submitted to the Principal Certifying Authority, prior occupation of the premises.

(Reason: To ensure appropriate landscape maintenance.)

**17. LANDSCAPING - TREES PERMITTED TO BE REMOVED (GC)**

The following listed trees are permitted to be removed to accommodate the proposed development:

Tree No. in Arborist Report	Tree	Location
1) <i>Tristaniopsis laurina</i> (Water gum)	6-8m	Nature strip closest to proposed driveway
2) <i>Syzygium smithii</i> (Lilly pilly tree)	Greater than 5m	Corner of Northern boundary
3) <i>Backhousia anisata</i>	Greater than 5m	Northern boundary fence line.

All trees permitted to be removed by this consent shall be replaced by species selected from Council's Recommended Tree List.

Replacement trees shall be a minimum 50 litre container size. Trees are to conform to the *NATSPEC guide* and *Guide for assessing the quality of and purchasing of landscape trees* by Ross Clarke, 2003. Trees are to be true to type, healthy and vigorous at time of delivery and planting, shall be pest and disease free, free from injury and wounds and self-supporting; and shall be maintained until maturity.

All trees are to be staked and tied with a minimum of three (3) hardwood stakes. Ties are to be hessian and fixed firmly to the stakes, one tie at half the height of the main stem, others as necessary to stabilise the plant.

Root deflection barriers having a minimum depth of 600mm are to be installed adjacent to all footpaths and driveways.

Soil conditioner/fertilizer/moisture retention additive/s are to be applied in accordance with manufacturer's recommendations, and mixed into the backfilling soil after planting tree/s.

A minimum 75mm depth of organic mulch shall be placed within an area 0.5m from the base of the tree.

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

(Reason: To ensure appropriate planting back onto the site.)

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

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

All healthy trees and shrubs identified for retention on the approved drawings are to be suitably protected in accordance with Australian Standard AS4970 – Protection of Trees on Development Sites, prior to the commencement of any works (including any demolition and excavation) and maintained for the duration of the works.

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

**19. LIGHTING (GC)**

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

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

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

**20. 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.)*

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

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

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

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

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

*(Reason: Statutory requirement.)*

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

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

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the Principal Certifying Authority, prior to occupation of the premises.

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

**23. Site Management (during demolition and construction works)**

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

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

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- (xviii) Any work must not prohibit or divert any natural overland flow of water.
- (xix) Toilet facilities for employees must be provided in accordance with WorkCover NSW.
- (xx) Protection pads are to be installed to the kerb and gutter where trucks and vehicles enter the site.

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

**24. 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.)*

**25. Sydney Water - stamped plans prior to commencement (GC)**

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

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

*(Reason: Compliance with Sydney Water requirements.)*

**26. Utilities and Services - protection of (GC)**

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

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

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

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



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

*(Reason: To ensure protection of Council assets.)*

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

### 28. **Access - access for people with disabilities (CC)**

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

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

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

### 29. **BASIX Commitments (CC)**

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

Where a change or changes are proposed in the BASIX commitments, the applicant must submit a new BASIX Certificate to the Principal Certifying Authority and Council. If any proposed change in the BASIX commitments is inconsistent with the development consent the applicant will be required to submit a modification to the development consent to Council under Section 96 of the Environmental Planning and Assessment Act 1979.

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

*(Reason: Statutory compliance.)*

### 30. **Bicycle Storage Provision (CC)**

On-site provision for bicycle storage facilities shall be in accordance with the Strathfield Consolidated Development Control Plan 2005. Details demonstrating compliance shall be submitted to the Principal Certifying Authority, prior to the issue of a Construction Certificate.

*(Reason: Compliance with SCDCP 2005 and to encourage sustainable transport options.)*

### 31. **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).

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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.)*

**32. Car Parking - disabled car parking spaces (CC)**

Two (2) of the car parking spaces provided as part of the total requirement shall be reserved for disabled persons. These spaces shall be a minimum of 3.2m wide x 5.5m long and located near pedestrian access routes designed for disabled persons. Each space shall be clearly marked as such.

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

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

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

**33. Car Parking - requirements for multiple use buildings (CC)**

The following car parking and service vehicle requirements apply:-

- (i) (24) car spaces shall be provided on the development site. This shall consist of:
  - 21 residential spaces (including 2 car parking spaces for people with mobility impairment, in accordance with AS 2890.1)
  - 3 visitor spaces.
- (ii) All car spaces shall be allocated and marked according to this requirement.
- (iii) If the development is to be strata subdivided, the car park layout must reflect the above allocation and thereafter be regarded as part of the entitlement of that strata lot.
- (iv) Under no circumstances shall parking spaces be sold, let or otherwise disposed of for use other than in accordance with this condition.
- (v) Each car parking space shall have minimum dimensions in accordance with the relevant Australian Standard and be provided on-site in accordance with the approved plans.
- (vi) The parking bays shall be delineated by line marking.
- (vii) Visitor spaces shall be clearly line marked and/or signposted and shall only be used by persons visiting residents of the property or commercial/business/retail premises located within the development. Visitor spaces shall not be allocated as permanent residential parking spaces. Access to visitor parking spaces shall not be restricted without development approval and a sign shall be erected at the vehicular entrance indicating the availability of visitor parking.
- (viii) The following traffic control measures shall be implemented on site:-
  - Signage indicating 'Entry Only' shall be prominently displayed at the entrance to the development.
  - Signage indicating 'Exit Only' shall be prominently displayed at the exit to

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- the development.
- One-Way directional arrows shall be painted on the driveway pavement to indicate the required vehicular directional movement through the car parking area.

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

*(Reason: To ensure car parking provision in accordance with this consent.)*

**34. Car Parking – stacked (CC)**

Any stacked parking spaces (maximum 2 spaces, nose to tail) must be attached to the same strata title comprising a single dwelling unit or commercial/retail tenancy, subject to the maximum parking limit applying. The stacked parking spaces must be designated (with appropriate signage) for employee or tenant parking only (not visitor parking). Details in this regard must be reflected in the plan documentation to be lodged with a Construction Certificate application. Manoeuvring of stacked vehicles must occur wholly within the property.

*(Reason: Compliance and appropriate allocation of parking.)*

**35. 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.)*

**36. Commencement of Works (no works until a CC is obtained)**

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

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

*(Reason: To ensure compliance with statutory provisions.)*

**37. Construction and Environmental Management Plan (CC)**

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

- (i) Detailed information on any approvals required from other authorities prior to or during construction.
- (ii) Traffic management, including details of:
  - ingress and egress of vehicles to the site;
  - management of loading and unloading of materials;
  - the location of heavy vehicle parking off-site; and
  - designated routes for vehicles to the site.
- (iii) The proposed areas within the site to be used for a builder's site office and amenities, the storage of excavated material, construction materials and waste

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- containers during the construction period.
- (iv) Erosion and sediment control, detailing measures and procedures consistent with the requirements of Council's guidelines for managing stormwater, including:
- the collection and treatment of stormwater and wastewater generated on site prior to discharge; and
  - procedures to prevent run-off of solid material and waste from the site.
- (v) Waste management, including:
- details of the types and estimated volumes of waste materials that will be generated;
  - procedures for maximising reuse and recycling of construction materials; and
  - details of the off-site disposal or recycling facilities for construction waste.
- (vi) Dust control, outlining measures to minimise the generation and off-site transmission of dust and fine particles, such as watering or damp cloth fences.
- (vii) A soil and water management plan, which includes:
- measures to minimise the area of soils exposed at any one time and conserve top soil;
  - identification and protection of proposed stockpile locations;
  - preservation of existing vegetation and revegetation;
  - measures to prevent soil, sand, sediments leaving the site in an uncontrolled manner;
  - measures to control surface water flows through the site in a manner that diverts clean run-off around disturbed areas, minimises slope gradient and flow distance within disturbed areas, ensures surface run-off occurs at non-erodible velocities, and ensures disturbed areas are promptly rehabilitated;
  - details of sediment and erosion control measures in place before work commences;
  - measures to ensure materials are not tracked onto the road by vehicles entering or leaving the site; and
  - details of drainage to protect and drain the site during works.
- (viii) Asbestos management procedures:
- Anyone who removes, repairs or disturbs bonded or a friable asbestos material must hold a current removal licence from Workcover NSW holding either a Friable (Class A) or a Non- Friable (Class B) Asbestos Removal License which ever applies and a current WorkCover Demolition License where works involve demolition. To find a licensed asbestos removalist please see [www.workcover.nsw.gov.au](http://www.workcover.nsw.gov.au)
  - Removal of asbestos by a person who does not hold a Class A or Class B asbestos removal license is permitted if the asbestos being removed is 10m<sup>2</sup> or less of non-friable asbestos (approximately the size of a small bathroom). Friable asbestos materials must only be removed by a person who holds a current Class A asbestos license.
  - Before starting work, a work site-specific permit approving each asbestos project must be obtained from Workcover NSW. A permit will not be granted without a current Workcover licence. All removal, repair or disturbance of or to asbestos material must comply with the following:
    - The Work Health and Safety Act 2011;
    - The Work Health and Safety Regulation 2011;
    - How to Safety Remove Asbestos Code of Practice – WorkCover 2011; and
    - Safe Work Australia Code of Practice for the Management and Control of Asbestos in the Workplace.

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

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

### **38. Dilapidation Report - pre-commencement (CC)**

Subject to access being granted, a pre-commencement Dilapidation Report is to be undertaken on all adjoining properties, which in the opinion of a suitably qualified engineer, could be potentially affected by the construction of the project. The Dilapidation Report shall be carried out prior to the issue of a Construction Certificate.

The Dilapidation Report is to be prepared by a suitably Qualified Engineer with current Corporate Membership with the Institution of Engineers, Australia or Geotechnical Practitioner. The report shall include a photographic survey of adjoining properties detailing the physical condition of those properties, both internally and externally, including walls, ceilings, roof, structural members and other such items.

If access for undertaking the dilapidation survey is denied by an adjoining owner, the applicant must demonstrate, in writing, to Council's satisfaction attempts have been made to obtain access and/or advise the affected property owner of the reason for the survey and these attempts have been unsuccessful. Written concurrence must be obtained from Council in such circumstances.

The Report shall cover structural and geotechnical factors likely to arise from the development. A copy of this Report shall be submitted to Council as a record. The person having the benefit of the development consent must, at their own cost, rectify any damage caused to other properties during

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the construction of the project.

*(Reason: To ensure no damage to adjoining properties occurs.)*

**39. Excavation - affecting adjoining land (CC)**

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

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

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

*(Reason: Structural safety.)*

**40. Fire Safety Schedule (CC)**

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

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

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

**41. Hazardous Goods and Waste (CC)**

- (i) Dangerous and hazardous goods shall be stored in accordance with NSW WorkCover requirements and AS1940-2004 - The Storage and Handling of Flammable and Combustible Liquids.
- (ii) Hazardous waste must be contained, managed and disposed of in a responsible manner in accordance with the Protection of Environment and Operations Act 1997, NSW Environment Protection Authority (EPA) and the New South Wales WorkCover Authority.
- (iii) Material Safety Data Sheets of all hazardous substances used, such as bleaches and nail products must be kept on site and readily available to all staff. Staff must be trained how to safely use and store these chemicals prior to the commencement of work.

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

*(Reason: Health and safety.)*

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**42. Hoardings (CC)**

A Hoarding Application for the erection of a Class A (fence type) or Class B (overhead type) hoarding along the street frontage(s) complying with WorkCover requirements must be obtained.

The relevant application form shall be submitted to Council with a footpath occupancy fee based on the area of footpath to be occupied according to Council's Schedule of Fees and Charges, and the application shall be approved before the commencement of work.

A Public Risk Insurance Policy with a minimum cover of \$20 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 also provided to Council.

The Policy is to note Council as an interested party. The copy is to be provided to Council, prior to the issue of a Construction Certificate.

*(Reason: Public safety.)*

**43. Landscaping - maintenance strategy (CC)**

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

*(Reason: Ensure landscape survival.)*

**44. Landscaping on slab (CC)**

To ensure the site landscaping thrives, the on slab landscaping shown on the approved landscaping plan is to be designed to include a minimum soil depth of 650mm for shrubs and trees; and 300mm for grass and ground covers. Adequate drainage provision and a permanent, automatic irrigation system conforming to Sydney Water requirements shall be included. Details demonstrating compliance shall be submitted to the Principal Certifying Authority with the Construction Certificate application.

*(Reason: Ensure landscape survival.)*

**45. Privacy - obscure glazing in wet areas (CC)**

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

*(Reason: Privacy amenity.)*

**46. Section 94 Contribution Payment - direct contributions plan (CC)**

In accordance with the provisions of Section 94(1)(b) 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:

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Provision of Community Facilities	\$23,212.62
Provision of Major Open Space	\$105,610.46
Provision of Local Open Space	\$23,240.42
Provision Roads and traffic Management	\$2,723.95
Administration	\$2,001.57
<b>TOTAL</b>	<b>\$156,789.01</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 received by Council and submitted to the Accredited Certifier, prior to the issue of any Construction Certificate.

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

Note: A copy of Strathfield Council's Section 94 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.)*

**47. Security payment - damage deposit for Council infrastructure (CC)**

A security payment of **\$6,254.00** in the form of cash, bank guarantee, cheque or credit card (financial transactions fees apply) shall be paid to Council prior to the issue of a Construction Certificate. The security payment is GST inclusive and comprises the following:

Refundable tree protection bond	\$2,000.00
Refundable works bond	\$4,000.00
<u>Non-refundable administration fee (\$127/bond)</u>	<u>\$254.00</u>
<b>TOTAL</b>	<b>\$6,254.00</b>

The security payment covers the following matters and will be released upon satisfactory completion of these items:

- (i) road and stormwater drainage works in roadways and public areas;
- (ii) connection to Council's stormwater drainage system;
- (iii) installation and maintenance of sediment control measures for the duration of construction activities;
- (iv) tree final inspection to ensure that Council's street trees have been retained, protected or replanted in accordance with conditions of consent and/or Arborists' report for the post final inspection twelve (12) month period; and
- (v) inspection that no damage has occurred to or building debris/materials have been left on Council land including the footpath, nature strip, kerb and gutter.

Note: The security bond may be used to recover the costs incurred by Council in cleaning and restoring the land to its original condition.

*(Reason: Protection of Council infrastructure.)*

**48. Stormwater Drainage (CC)**



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

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

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

#### **51. Traffic - construction traffic management plan (CC)**

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

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

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

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- to be dropped off and collected;
- (xvii) on-site parking area for employees, tradespersons and construction vehicles as far as possible;
- (xviii) proposed areas within the site to be used for the storage of excavated material, construction materials and waste and recycling containers during the construction period; and
- (xix) how it is proposed to ensure that soil/excavated material is not transported onto surrounding footpaths and roadways.

*(Reason: To mitigate traffic impacts on the surrounding area during the construction period.)*

**52. Utilities and Telecommunications - electricity connection (CC)**

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

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

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

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

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

*(Reason: Environmental amenity.)*

**53. Utilities and Telecommunications - electricity substation (CC)**

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

Note: Where an electricity substation is required but no provision has been made to place it within the approved building or its site and no details are provided on the approved development consent plans, a section 96 application is required to be submitted to Council for approval of an appropriate location for the required electricity substation.

*(Reason: Access to utility.)*

**54. Utilities and Telecommunications - telecommunications assets (cc)**

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

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

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

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**55. Vehicular Crossings - works permit for construction of (cc)**

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

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

**56. Ventilation Systems – mechanical (cc)**

The mechanical ventilation system is to comply with the following:

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

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

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

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

**57. Waste - garbage rooms or grease arrestor rooms (CC)**

Garbage rooms or grease arrestor rooms must be constructed of solid material: cement rendered and steel trowelled to a smooth even surface. The door to the garbage room is to be designed and constructed to ensure the room is vermin proof and can be opened from the inside at all times. The garbage room is to be ventilated to the external air by natural ventilation or an approved air handling exhaust system.

*(Reason: To keep garbage rooms in a clean and sanitary condition to protect public health.)*

**58. Water Heating Systems - location of (CC)**

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

*(Reason: To maintain streetscape character.)*

**59. Works Permit (CC)**

A Works Permit shall be obtained from Strathfield Council at least five (5) working days prior any work (including demolition, excavation and the erection of site fencing/hording). The approved Works Permit and any approved Construction Traffic Management Plan must be complied with at all times until all demolition, building, engineering and construction work associated with the development has been completed. The permit must be retained on site at all times.

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*(Reason: Council requirement.)*

**60. Works Within the Road Reserve (CC)**

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

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

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

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

All civil engineering works adjacent/near/outside 80-82 Water Street, Belfield are to be fully supervised by Council. A maintenance period of six (6) months shall apply to the work, after it has been completed and approved. In that period the Applicant shall be liable for any part of the work which fails to perform in the manner outlined in Council's specifications, or as would reasonably be expected under the design conditions.

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

**61. Works Zone - approval by Council's traffic committee (CC)**

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

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

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

*(Reason: Council requirement.)*

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

**62. 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

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

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

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

(Reason: Statutory requirement.)

### 63. **Home Building Compensation Fund (CW)**

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

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

80-82 Water Street, Belfield  
LOT 5 & 6 in DP 253882 (Cont'd)

of the *Home Building Act 1989*.

In the case of work to be done by an owner-builder:

- the name of the owner-builder; and
- if the owner-builder is required to hold an owner-builder permit under the *Home Building Act 1989*, the number of the owner-builder permits.

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

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

*(Reason: Statutory requirement.)*

#### **64. Notice of Commencement (CW)**

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

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

*(Reason: Statutory requirement.)*

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

#### **65. Contaminated Land Unexpected Finds (DW)**

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

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

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

*(Reason: To ensure compliance with statutory requirements.)*

#### **66. Fill Material (dw)**

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

- (i) Virgin excavated material (within the meaning of the Protection of the Environment Operations Act 1997), and
- (ii) any other waste-derived material the subject of a resource recovery exemption under cl.51A of the Protection of the Environment Operations (Waste) Regulation

80-82 Water Street, Belfield  
LOT 5 & 6 in DP 253882 (Cont'd)

2005 that is permitted to be used as fill material.

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

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

**67. 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.)*

**68. 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.)*

**69. Site Requirements During Demolition and Construction**

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

- (i) All demolition is to be carried out in accordance with Australian Standards AS 2601-2001.
- (ii) Demolition must be carried out by a registered demolition contractor.
- (iii) A single entrance is permitted to service the site for demolition and construction. The footway and nature strip at the service entrance must be planked out with close boarded, hardwood timber footpath protection pads. The pad shall cover the entire width of the footpath opening for the full width of the fence.
- (iv) No blasting is to be carried out at any time during construction of the building.
- (v) Care must be taken during demolition/ excavation/ building/ construction to prevent any damage to adjoining buildings.
- (vi) Adjoining owner property rights and the need for owner's permission must be observed at all times, including the entering onto land for the purpose of undertaking works.
- (vii) Any demolition and excess construction materials are to be recycled wherever practicable.
- (viii) The disposal of construction and demolition waste must be in accordance with the requirements of the Protection of the Environment Operations Act 1997.
- (ix) All waste on the site is to be stored, handled and disposed of in such a manner as to not create air pollution (including odour), offensive noise or pollution of land and/or water as defined by the Protection of the Environment Operations Act 1997.
- (x) All excavated material should be removed from the site in the approved manner and be disposed of lawfully to a tip or other authorised disposal area.
- (xi) Section 143 of the Protection of the Environment Operations Act 1997 requires

80-82 Water Street, Belfield  
LOT 5 & 6 in DP 253882 (Cont'd)

- waste to be transported to a place which can lawfully accept it. All non-recyclable demolition materials are to be disposed of at an approved waste disposal depot in accordance with legislation.
- (xii) All materials on site or being delivered to the site are to generally be contained within the site. The requirements of the Protection of the Environment Operations Act 1997 must be complied with when placing/stockpiling loose material, disposing of concrete waste, or other activities likely to pollute drains or water courses.
  - (xiii) Details as to the method and location of disposal of demolition materials (weight dockets, receipts etc.) should be kept on site as evidence of approved methods of disposal and recycling.
  - (xiv) Any materials stored on site must be stored out of view or in such a manner so as not to cause unsightliness when viewed from nearby lands or roadways.
  - (xv) Public footways and roadways adjacent to the site must be fully maintained and cleared of obstructions during construction unless prior separate approval from Council is obtained including payment of relevant fees.
  - (xvi) Building operations such as brick cutting, washing tools or paint brushes, and mixing mortar not be performed on the roadway or public footway or any other locations which could lead to the discharge of materials into the stormwater drainage system.
  - (xvii) All site waters during excavation and construction must be contained on site in an approved manner to avoid pollutants entering into waterways or Council's stormwater drainage system.
  - (xviii) Stamped plans, specifications, documentation and the consent shall be available on site at all times during construction.

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

#### **70. Survey Report of Approved Levels during and post construction (dw)**

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

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

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

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

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

#### **71. 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



**80-82 Water Street, Belfield  
LOT 5 & 6 in DP 253882 (Cont'd)**

certified by a suitably Qualified Engineer, with Corporate Membership standing in the Institution of Engineers Australia and registered on the National Professional Engineers Register (NPER) under the appropriate professional category, demonstrating that:

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

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

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

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

*(Reason: Asset management.)*

**72. Fire Safety certification (OC)**

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

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

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

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

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

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

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

*(Reason: Fire safety and statutory requirement.)*

**73. Occupation of Building (OC)**

A person must not commence occupation or use (*or change of use where an existing building*) of

80-82 Water Street, Belfield  
LOT 5 & 6 in DP 253882 (Cont'd)

the whole or any part of a new building (within the meaning of section 109H (4) of the Act) unless an Interim Occupation Certificate or Final Occupation Certificate has been issued in relation to the building or part.

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

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

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

*(Reason: Statutory requirement.)*

**74. 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.)*

**75. 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 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.)*

**76. Ventilation Systems – mechanical (OC)**

The mechanical ventilation system is to comply with the following:

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

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

At the completion of the installation of the mechanical exhaust ventilation system, a certificate from

80-82 Water Street, Belfield  
LOT 5 & 6 in DP 253882 (Cont'd)

a practising mechanical engineer shall be submitted to the Principal Certifying Authority, prior to issue of the Occupation Certificate demonstrating compliance with the above.

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

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

##### **77. Fire Safety annual statement (ou)**

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

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

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

*(Reason: Fire safety)*

##### **78. Waste and Recycling collection hours (ou)**

The collection of waste and recycling must only occur between 6.00am and 8.00pm weekdays and 9.00am and 5.00pm weekends and public holidays, to avoid noise disruption to the surrounding area.

Garbage and recycling must not be placed on the kerbside for collection more than one hour before the scheduled collection time. Bins and containers are to be removed from the kerbside within one (1) hour of collection and returned to the designated garbage storage area(s).

The garbage and recyclable storage area and bins must be adequate to contain the volume and type of garbage and recyclable matter of the food premises.

All garbage and recyclable matter must be enclosed in the waste bins with lids completely closed at all times.

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

##### **80. Water Cooling and Warm Water Systems - microbial control (ou)**

The installation and ongoing operation of the water cooling systems, evaporative coolers and hot/warm water systems within the premises shall be undertaken in accordance with the relevant provisions of:

- ii) Public Health Act 2010 and Public Health Regulation 2012;
- iii) Australian Standard AS/NZS 3666 - Air Handling and Water Systems of Buildings - Microbial Control, Parts 1, 2 & 3 of 2011; and
- iv) 2004 NSW Health Code of Best Practice for the Control of Legionnaires Disease.

Any systems are required to be registered with Council and the Public Health Authority.

*(Reason: Health and safety.)*

80-82 Water Street, Belfield  
LOT 5 & 6 in DP 253882 (Cont'd)

**ATTACHMENTS**

1. [↓](#) Architectural Plans
2. [↓](#) Clause 4.6 Variation Request

# PROPOSED RESIDENTIAL FLAT BUILDING

80-82 WATER STREET BELFIELD NSW 2191  
LOTS 5 & 6 D.P 253 882

### DRAWING REGISTER

DWG NO.	DRAWING TITLE	SCALE	REV.
DA01	Cover Page	NTS	A
DA02	Site Analysis Plan	1:100	A
DA03	Contextual Analysis	NTS	A
DA04	Contextual Analysis	NTS	A
DA05	Contextual Analysis	NTS	A
DA06	Site Plan	1:100	A
DA07	Demolition Plan	1:100	A
DA08	Basement Plan	1:100	A
DA09	Ground Floor Plan	1:100	A
DA10	First Floor Plan	1:100	A
DA11	Second Floor Plan	1:100	A
DA12	Roof Terrace - Third Floor Plan	1:100	A
DA13	Roof Plan	1:100	A
DA14	Elevations	1:100	A
DA15	Elevations & Streetscape	1:100	A
DA16	Section & BASIX Commitments	1:100	A
DA17	Pre & Post Adaptable Units	1:50	A
DA18	Shadow Diagrams	1:200	A
DA19	Solar Access Diagrams	1:200	A
DA20	Cross Flow Ventilation Diagrams	1:200	A
DA21	Sediment & Erosion Control Plan	1:100	A
DA22	Schedule of External Finishes	NTS	A



LOCATION MAP  
NTS



### DEVELOPMENT SUMMARY

TOTAL SITE AREA		1198.6 m <sup>2</sup>	
CONTROL	MAX ALLOWABLE	PROPOSED	COMPLIANCE
FLOOR SPACE RATIO (FSR)	(L) 0.9:1	0.9:1	YES
GROSS FLOOR AREA (GFA)	1078.74m <sup>2</sup>	1078.7m <sup>2</sup>	YES
BUILDING HEIGHT	(L) 11m	10 - 13.54m	NO - REFER TO REC
SETBACK			
Front	9m or Predominate street	7m Predominate Street	YES
Side	Envelope	4m Northern 4m Southern	GENERALLY
Rear	Envelope	5.3m	GENERALLY

CONTROL	MIN. REQUIRED	PROPOSED	COMPLIANCE
SOLAR ACCESS	70% = 9 Units	77% = 10 Units	YES
MAX 15% TO RECEIVE NO SUNLIGHT	MAX ALLOWABLE 15% = 1.95 Units	0% = 0 Units	YES
CROSS VENTILATION	60% = 8 Units	100% = 13 Units	YES
ADAPTABLE UNITS	15% = 1.95 Units	15% = 2 Units	YES
CARPARKING	DCP Part 2.9	24 SPACES	
Resident Parking 1 space/each unit Plus 1 per each 5 x 2 bed Plus 1 per each 2 x 3 bed Visitor: Plus 1 per each 5 units	1.5 space / 2 bed x 11 = 16.5 2 spaces / 3 bed x 2 = 4 Visitor, 1 space / 5 dwell = 2.6	<b>21 Res.</b> <b>3 Vis.</b> <b>Total = 24</b>	YES

LANDSCAPING PROVISIONS			
Landscaped Area	50% / 559.3m <sup>2</sup>	560m <sup>2</sup> / 50%	YES
Deep Soil Area	7% / 83.9m <sup>2</sup>	184m <sup>2</sup> / 15%	YES
COMMON OPEN SPACE	25% / 299.65m <sup>2</sup>	386m <sup>2</sup> / 32.2%	YES

GFA CALCS.	
LEVEL	AREA
GROUND	323.3m <sup>2</sup>
LEVEL 1	340.1m <sup>2</sup>
LEVEL 2	340.1m <sup>2</sup>
LEVEL 3	75.2m <sup>2</sup>
<b>TOTAL</b>	<b>1078.7m<sup>2</sup></b>

UNIT MIX	
BEDROOMS	UNITS
2 BEDS	11
3 BEDS	2
<b>TOTAL</b>	<b>13</b>



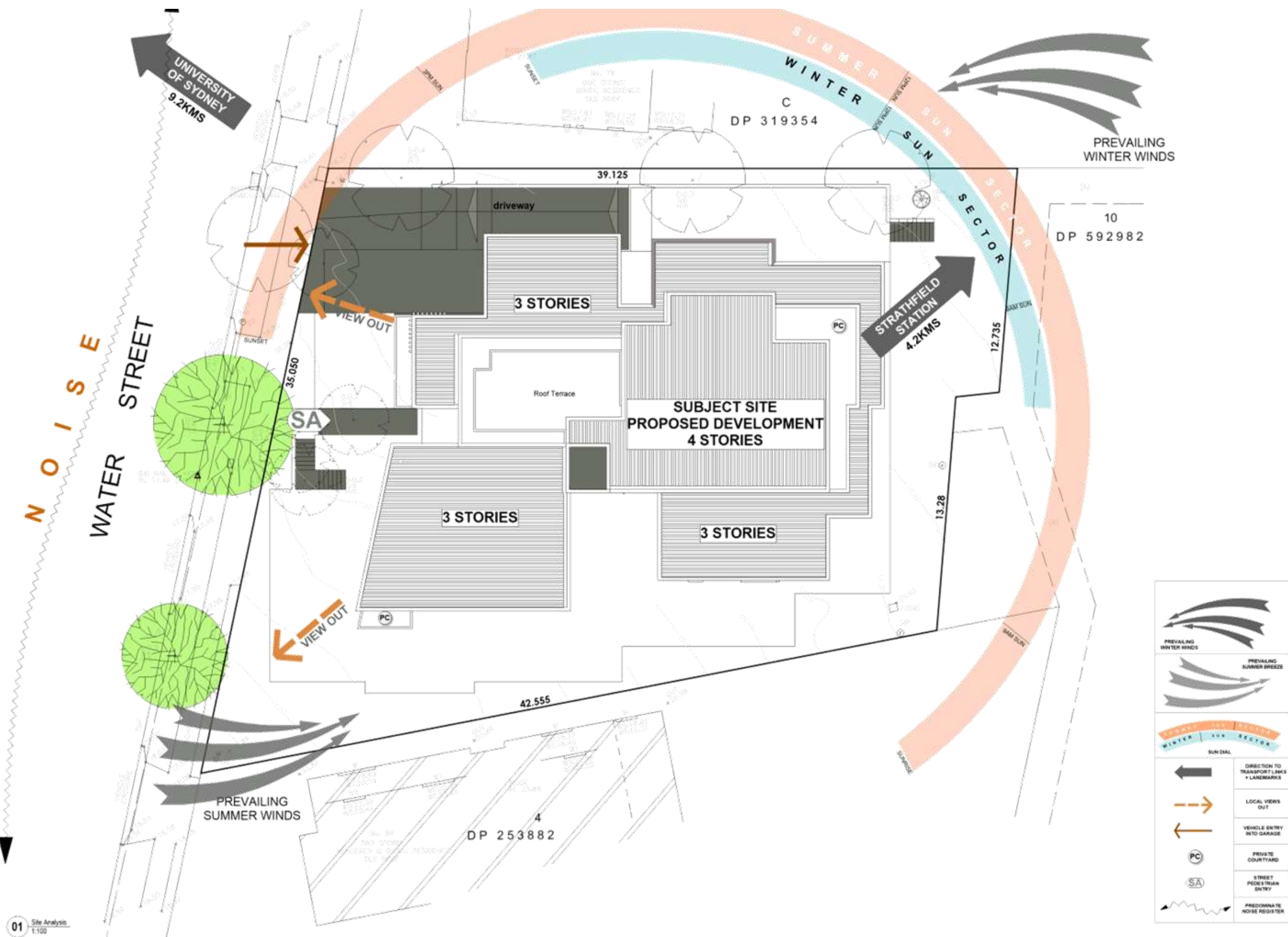
DESCRIPTION	DATE	REVISIONS
ISSUE FOR DEVELOPMENT APPLICATION	26-04-17	AS PER PREVIOUSLY APPROVED DA 201607

NOTES  
1. Refer amendments including: summer setback, additional parking, internal circulation/egress  
2. Raise building by 400mm per floor requirements



PROJECT: 80-82 WATER STREET, STRATHFIELD SOUTH DRAWING TITLE: Cover Page  
CLIENT: CHARLE HANNE DEVELOPMENT APPLICATION

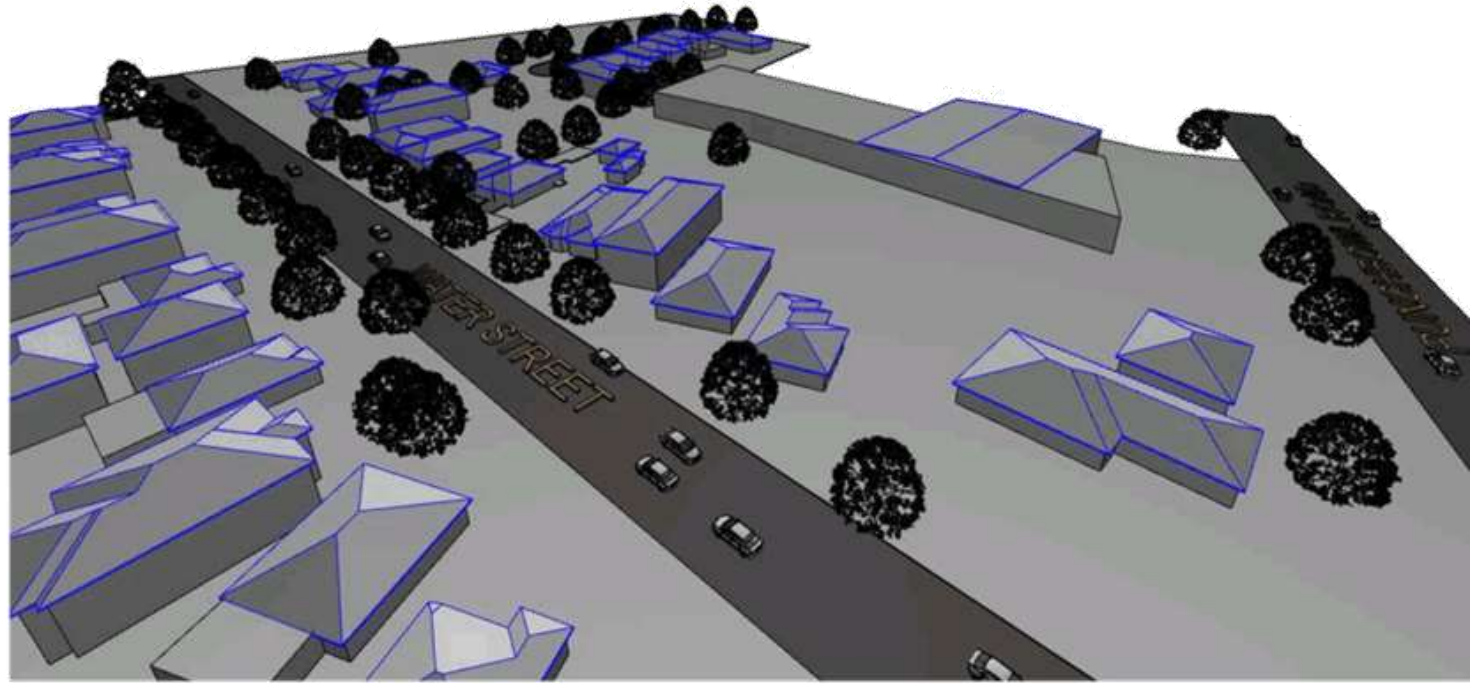
PROPOSED RESIDENTIAL FLAT BUILDING AT 80-82 WATER STREET STRATHFIELD SOUTH



	PREVAILING WINTER WINDS
	PREVAILING SUMMER BREEZE
	SUN DIAL
	DIRECTION TO TRANSPORT LINES + LANDMARKS
	LOCAL VIEWS OUT
	VEHICLE ENTRY INTO GARAGE
	PRIVATE COURTYARD
	STREET PEDESTRIAN ENTRY
	PREDEFINED NOISE REGISTER

01 Site Analysis 1:100

DESCRIPTION ISSUE FOR DEVELOPMENT APPLICATION	DATE 26-04-17	REVISIONS AS PER PREVIOUSLY APPROVED DA 2/15/16/17 1. Adder amenity facilities including: swimming pool, additional parking, outdoor recreation/greenery 2. Increase unit storage & propose a driveway adjustment to address CA deferral letter 3. Water tanking by address per floor requirements	NOTES The plans, drawings and specifications incorporated in this document shall remain the copyright of DESIGNLINK AUSTRALIA PTY LTD. Any use or reproduction of any part of this document without the consent of DESIGNLINK AUSTRALIA PTY LTD.	PROJECT 80-82 WATER STREET, STRATHFIELD SOUTH	DRAWING TITLE Site Analysis	CLIENT CHARLES HARRIS DEVELOPMENT APPLICATION	PROPOSED RESIDENTIAL FLAT BUILDING AT 80-82 WATER STREET STRATHFIELD SOUTH
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01 EXISTING BUILT FORM ANALYSIS  
NTS

02 EXISTING BUILT FORM ANALYSIS 3D PERSPECTIVE  
NTS

- ZONING R2
- ZONING R3
- ZONING B2

DESCRIPTION	DATE	REVISIONS
ISSUE FOR DEVELOPMENT APPLICATION	26-04-17	AS PER PREVIOUSLY APPROVED DA 2016/027 1. Adder amenity areas including, storage area, additional parking, internal road/greenery 2. Increase unit storage & propose service adjustment to address CA Deferral letter 3. Water Ducting by address per local requirements

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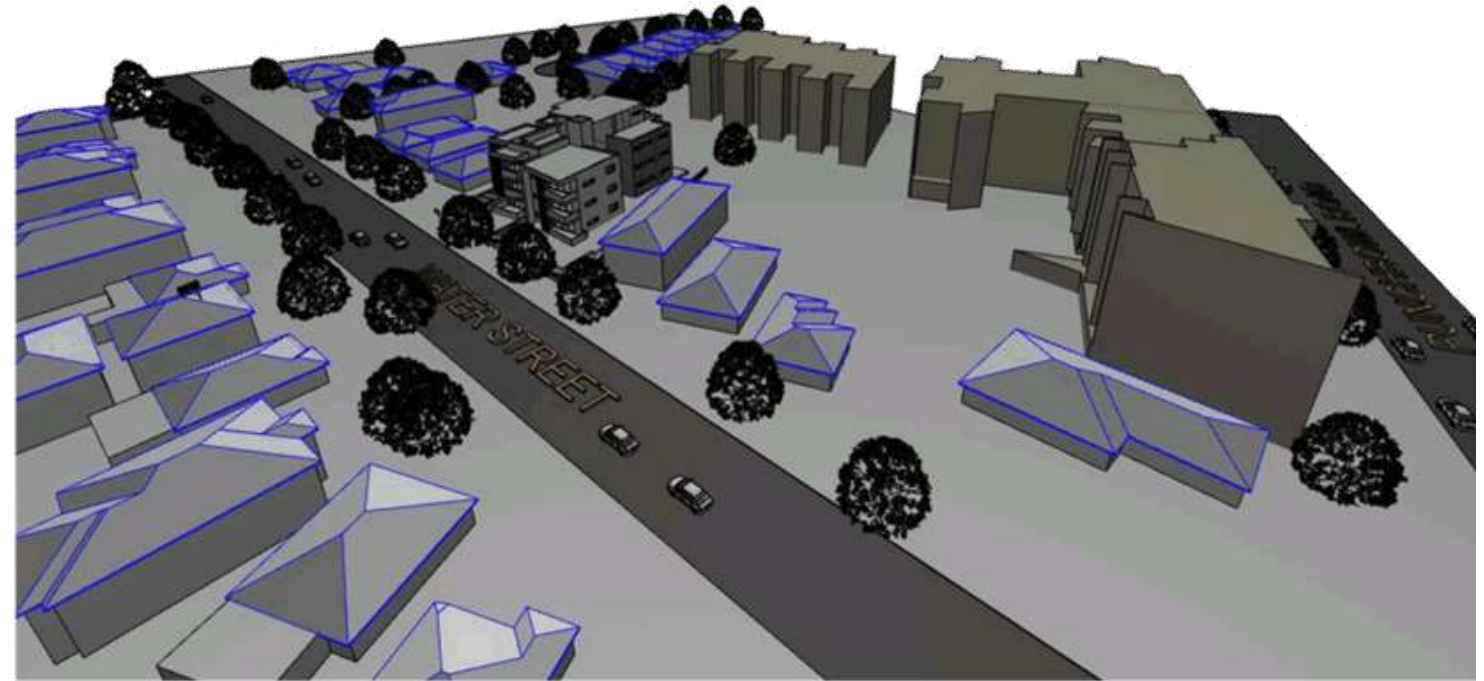


PROJECT: 80-82 WATER STREET, STRATHFIELD SOUTH  
CLIENT: CHARLIE HARRIS  
STATUS: DEVELOPMENT APPLICATION

DRAWING TITLE: Contextual Analysis



PROPOSED RESIDENTIAL FLAT BUILDING  
AT 80-82 WATER STREET  
STRATHFIELD SOUTH



02 PROPOSED BUILT FORM ANALYSIS 3D PERSPECTIVE  
NTS

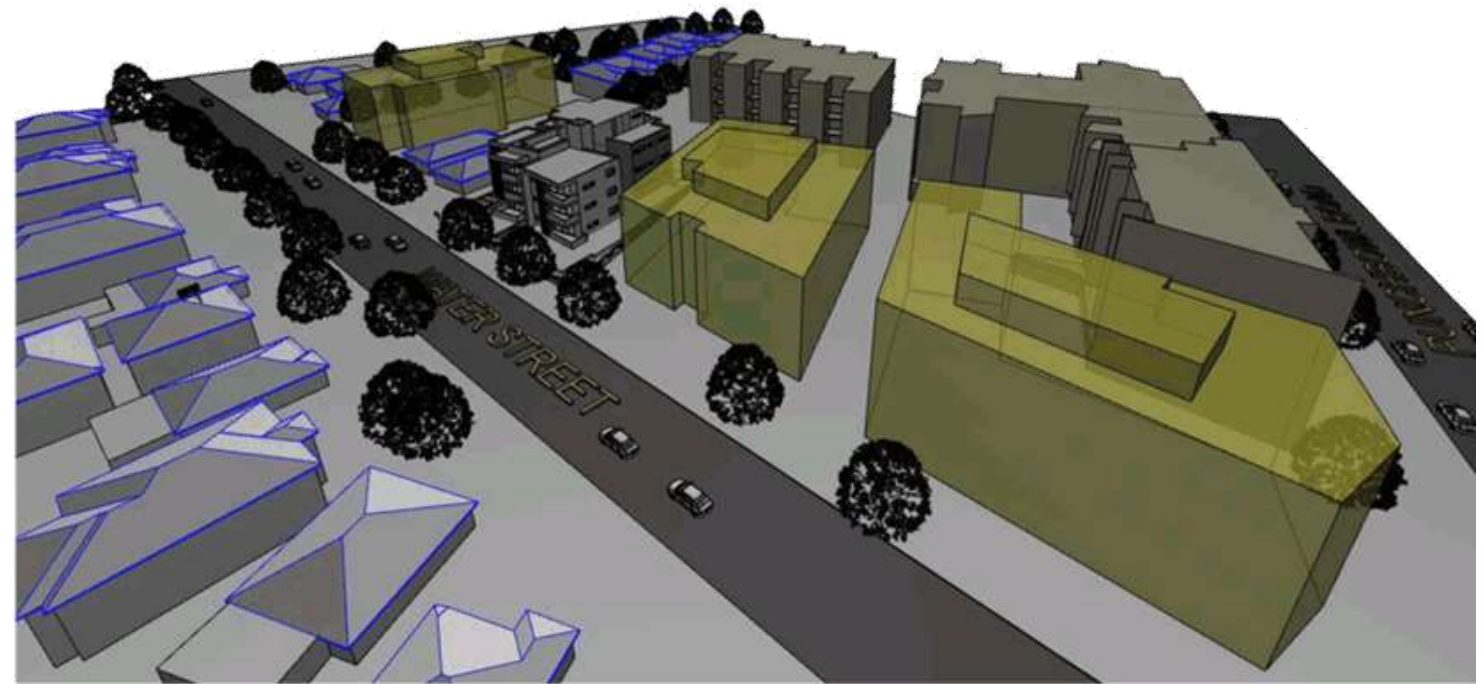
- ZONING R2
- ZONING R3
- ZONING B2

01 PROPOSED BUILT FORM ANALYSIS  
NTS

DESCRIPTION ISSUE FOR DEVELOPMENT APPLICATION	DATE 26/04/17	REVISIONS AS PER PREVIOUSLY APPROVED DA 2016/27 1. Adder amenity areas including: storage area, additional parking, internal recycling/greenery 2. Increase unit storage & provide ensuite adjustment to address CA-deferral letter 3. Water building by address per local requirements	NOTES The plans, drawings and specifications incorporated in this document shall remain the copyright of DESIGNLINK AUSTRALIA PTY LTD and shall not be used, reproduced or copied, wholly or in part without prior written consent of DESIGNLINK AUSTRALIA.	PROJECT 80-82 WATER STREET, STRATHFIELD SOUTH	DRAWING TITLE Contextual Analysis		PROPOSED RESIDENTIAL FLAT BUILDING AT 80-82 WATER STREET STRATHFIELD SOUTH
CLIENT CHARLES HARRIS		STATUS DEVELOPMENT APPLICATION					







02 LIKELY FUTURE BUILT FORM ANALYSIS 3D PERSPECTIVE  
NTS



01 LIKELY FUTURE BUILT FORM ANALYSIS  
NTS

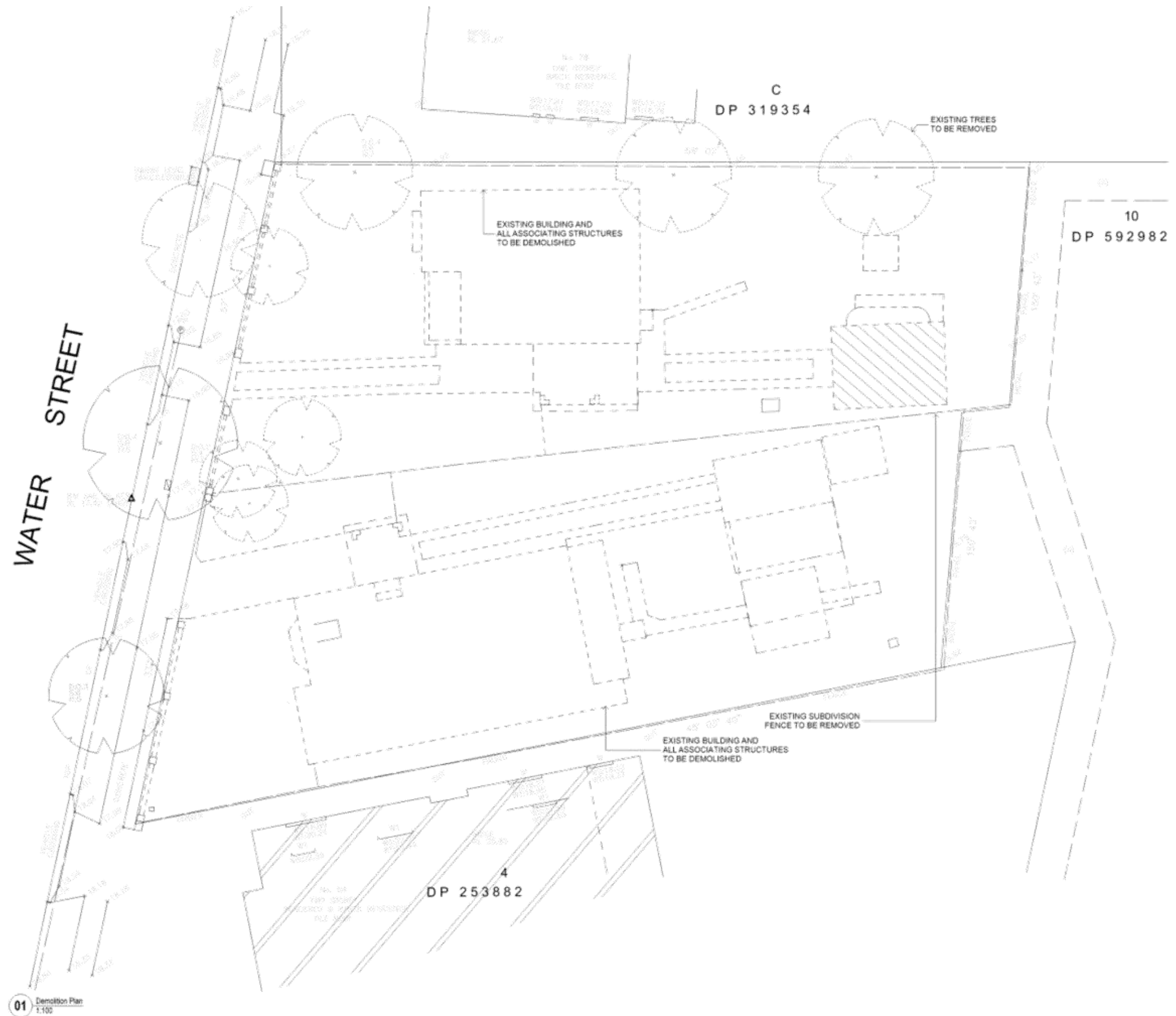
DESCRIPTION ISSUE FOR DEVELOPMENT APPLICATION	DATE 26-04-17	REVISIONS AS PER PREVIOUSLY APPROVED DA 2016/07 1. Adder amenity details including: storage unit, additional parking, internal access/greenery 2. Increase unit storage & proposed driveway adjustment to address CA-deferral notes 3. Water building by address per local requirements	NOTES The plans, drawings and specifications incorporated in this document shall remain the copyright of DESIGNLINK AUSTRALIA PTY LTD and may not be used, reproduced or copied, wholly or in part without prior written consent of DESIGNLINK AUSTRALIA.	PROJECT 80-82 WATER STREET, STRATHFIELD SOUTH	DRAWING TITLE Contextual Analysis	CLIENT CHARLES HANFEE	STATUS DEVELOPMENT APPLICATION	PROPOSED RESIDENTIAL FLAT BUILDING AT 80-82 WATER STREET STRATHFIELD SOUTH
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01 Site Plan  
1:100



DESCRIPTION	DATE	REVISIONS	NOTES	PROJECT	CLIENT	STATUS	DRAWING TITLE	PROPOSED RESIDENTIAL FLAT BUILDING AT 80-82 WATER STREET STRATHFIELD SOUTH
ISSUE FOR DEVELOPMENT APPLICATION	26-04-17	AS PER PREVIOUSLY APPROVED DA 2/15/16 1. Minor amendments including: summer outlook, additional parking, internal recycling/greenhouse, increase unit storage & propose driveway adjustment to address CA deferral letter 2. Riser building by address per floor requirements	The plans, drawings and specifications incorporated in this document shall remain the copyright of DESIGNLINK AUSTRALIA PTY LTD and shall not be used, reproduced or copied without the prior written consent of DESIGNLINK AUSTRALIA.	80-82 WATER STREET, STRATHFIELD SOUTH	CHARLES HANFEE	DEVELOPMENT APPLICATION	Site Plan	



DESCRIPTION	DATE	REVISIONS
ISSUE FOR DEVELOPMENT APPLICATION	26-04-17	AS PER PREVIOUSLY APPROVED DA 2/15/16/17
		1. Adder amendments including: increase setbacks, additional parking, internal road/greenery
		increase unit storage & proposed driveway adjustment to address CA/deferral letter
		2. Water building by address per local requirements

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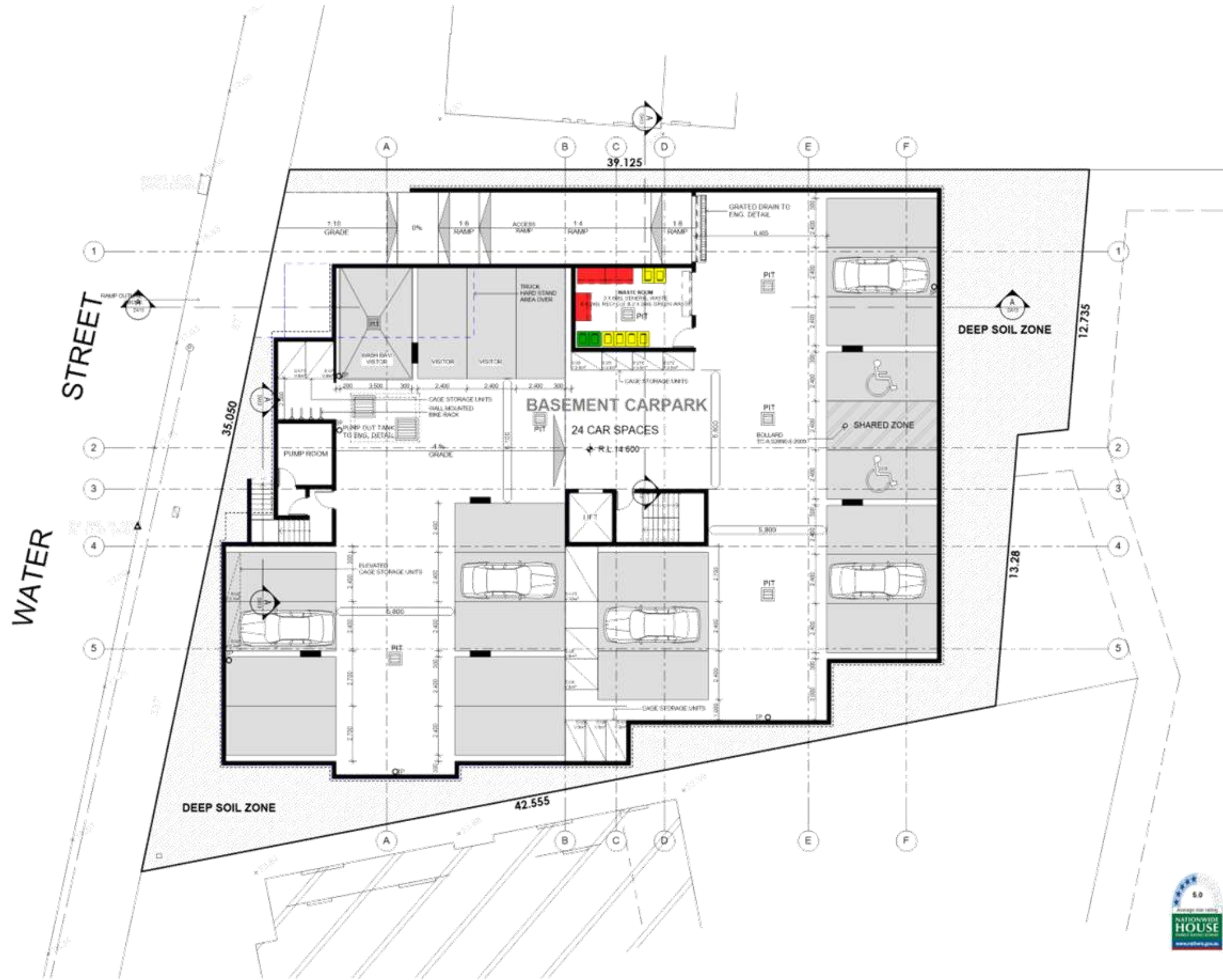


PROJECT: 80-82 WATER STREET, STRATHFIELD SOUTH  
 CLIENT: CHANGIE HANHE  
 STATUS: DEVELOPMENT APPLICATION

DRAWING TITLE: Demolition Plan



PROPOSED RESIDENTIAL FLAT BUILDING  
 AT 80-82 WATER STREET  
 STRATHFIELD SOUTH



01 BASEMENT PLAN  
1:100



DESCRIPTION	DATE	REVISIONS
ISSUE FOR DEVELOPMENT APPLICATION	26/04/17	AS PER PREVIOUSLY APPROVED DA 2016/27
		1. Minor amendments including: narrower setbacks, additional parking, internal circulation/greenery
		2. Increase unit storage & propose revised adjustment to address CR deferral letter
		3. Water building by address per local requirements

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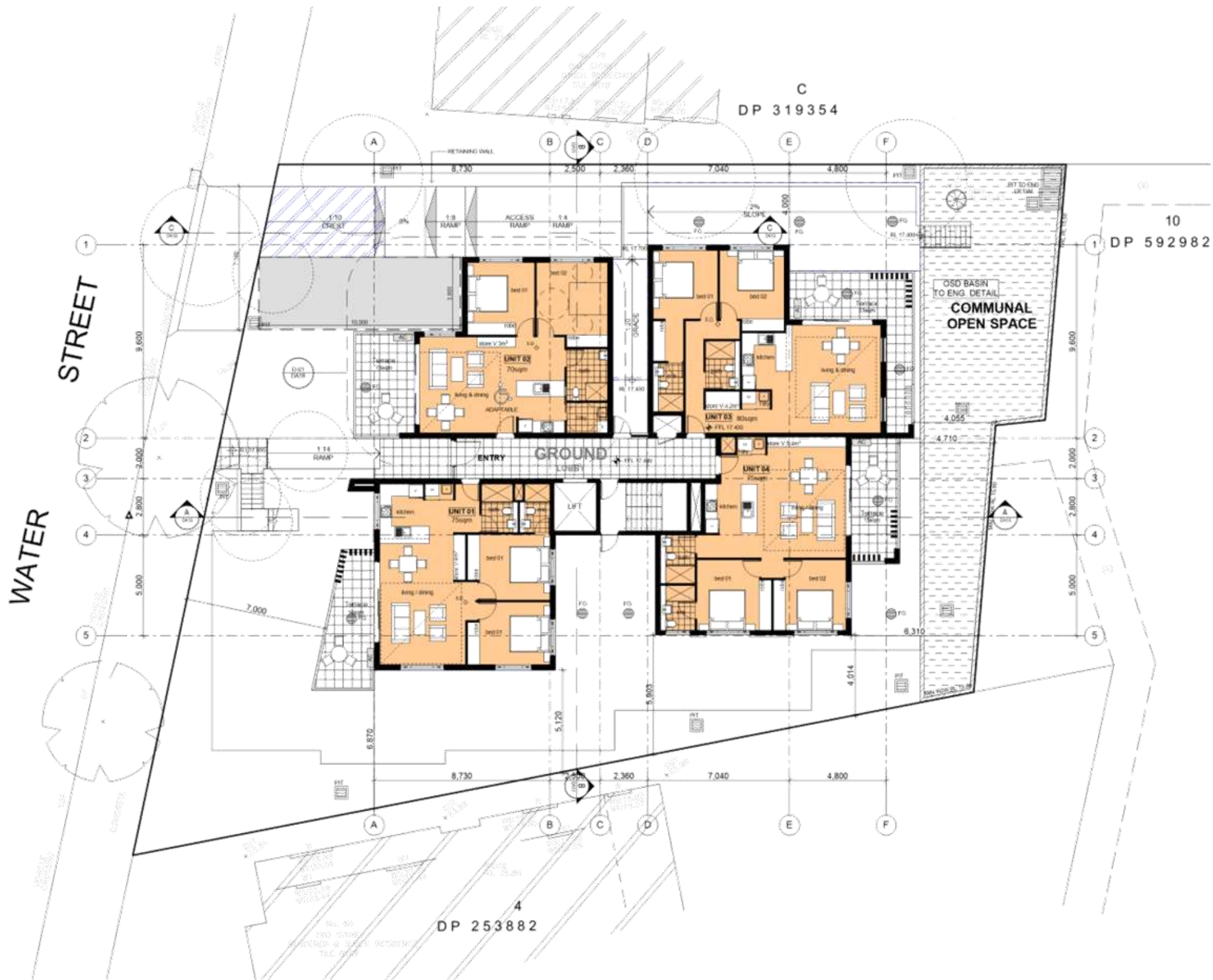


PROJECT: 80-82 WATER STREET, STRATHFIELD SOUTH  
CLIENT: CHARLES HARRIS  
STATUS: DEVELOPMENT APPLICATION

DRAWING TITLE: Basement Plan



PROPOSED RESIDENTIAL FLAT BUILDING  
AT 80-82 WATER STREET  
STRATHFIELD SOUTH



01 GROUND FLOOR PLAN  
1:100



DESCRIPTION	DATE	REVISIONS
ISSUE FOR DEVELOPMENT APPLICATION	26/04/17	AS PER PREVIOUSLY APPROVED DA 25/04/17
		1. Adder amendments including: narrower setbacks, additional parking, internal circulation/amenity, increase unit storage & proposed driveway adjustment to address CA/deferral letter
		2. Water building by address per local requirements

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PROJECT: 80-82 WATER STREET, STRATHFIELD SOUTH  
CLIENT: CHAIRS PARTNER  
STATUS: DEVELOPMENT APPLICATION

DRAWING TITLE: Ground Floor Plan



PROPOSED RESIDENTIAL FLAT BUILDING  
AT 80-82 WATER STREET  
STRATHFIELD SOUTH



01 FIRST FLOOR PLAN  
1:100



DESCRIPTION	DATE	REVISIONS
ISSUE FOR DEVELOPMENT APPLICATION	26-04-17	AS PER PREVIOUSLY APPROVED DA 201602
		1. Adder amendments including: enclosure setback, additional parking, internal circulation/greenery
		2. Increase unit storage & proposed driveway adjustment to address CA department letter
		3. Water building to address per local requirements

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PROJECT: 80-82 WATER STREET, STRATHFIELD SOUTH  
CLIENT: CHARLES HARRIS  
STATUS: DEVELOPMENT APPLICATION

DRAWING TITLE: First Floor Plan

PROPOSED RESIDENTIAL FLAT BUILDING  
AT 80-82 WATER STREET  
STRATHFIELD SOUTH



01 SECOND FLOOR PLAN  
1:100



DESCRIPTION	DATE	REVISIONS
ISSUE FOR DEVELOPMENT APPLICATION	26-04-17	AS PER PREVIOUSLY APPROVED DA 2016/027
		1. Alter amenity areas including: increase outdoor, additional parking, internal access/greenery
		2. Increase unit storage & provide bin area adjustment to address CA deferral letter
		3. Repair building to address per floor requirements

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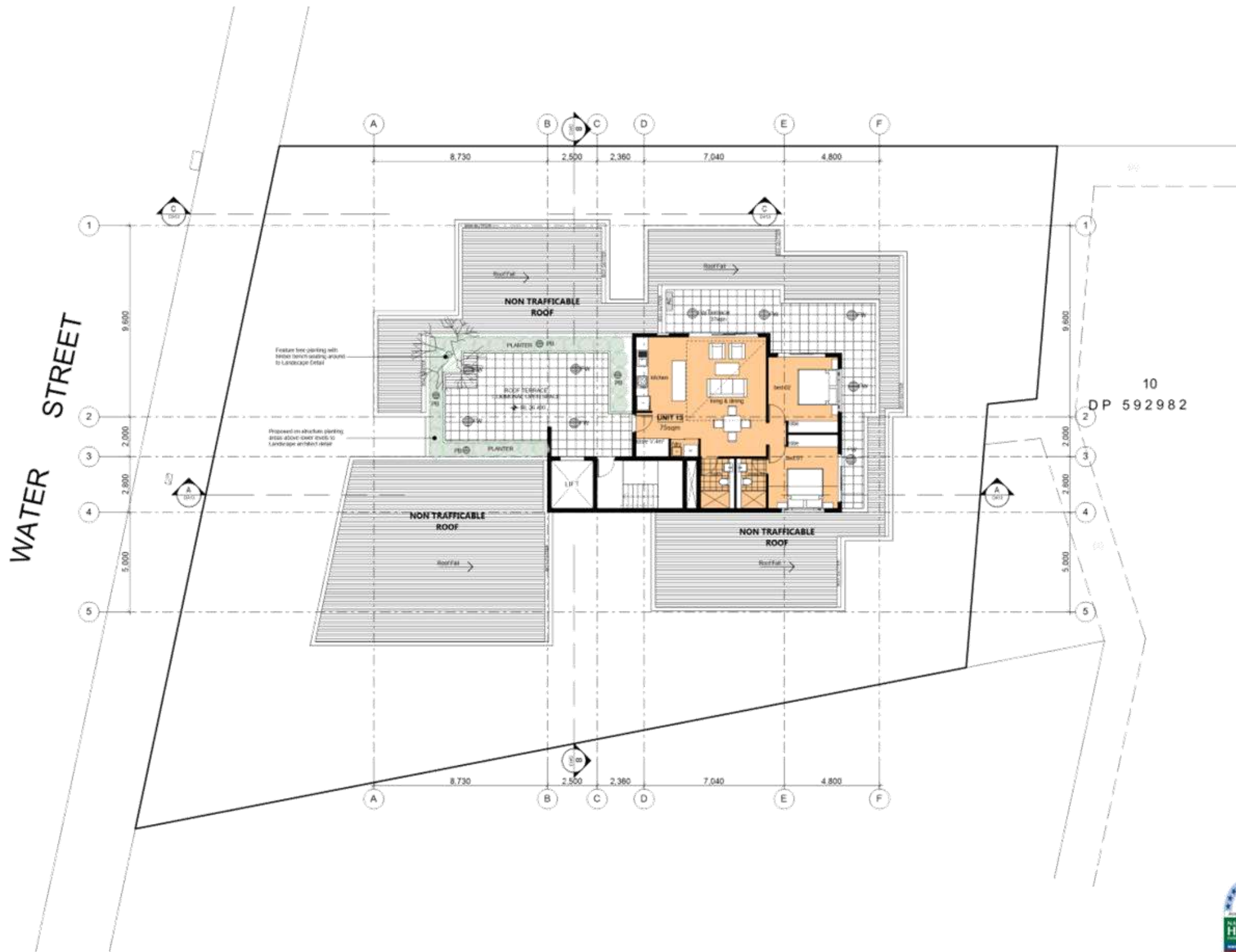


PROJECT: 80-82 WATER STREET, STRATHFIELD SOUTH  
CLIENT: CHARLIE HARRIS  
STATUS: DEVELOPMENT APPLICATION

DRAWING TITLE: Second Floor Plan



PROPOSED RESIDENTIAL FLAT BUILDING  
AT 80-82 WATER STREET  
STRATHFIELD SOUTH



10  
DP 592982

01 THIRD FLOOR PLAN  
1:100



DESCRIPTION	DATE	REVISIONS
ISSUE FOR DEVELOPMENT APPLICATION	26-04-17	AS PER PREVIOUSLY APPROVED DA 2016/07
		1. Alter amenity areas including: increase outdoor, additional parking, internal circulation/greenery
		2. Increase unit storage & proposed driveway adjustment to address CR deferral letter
		3. Water tanking by address per floor requirements

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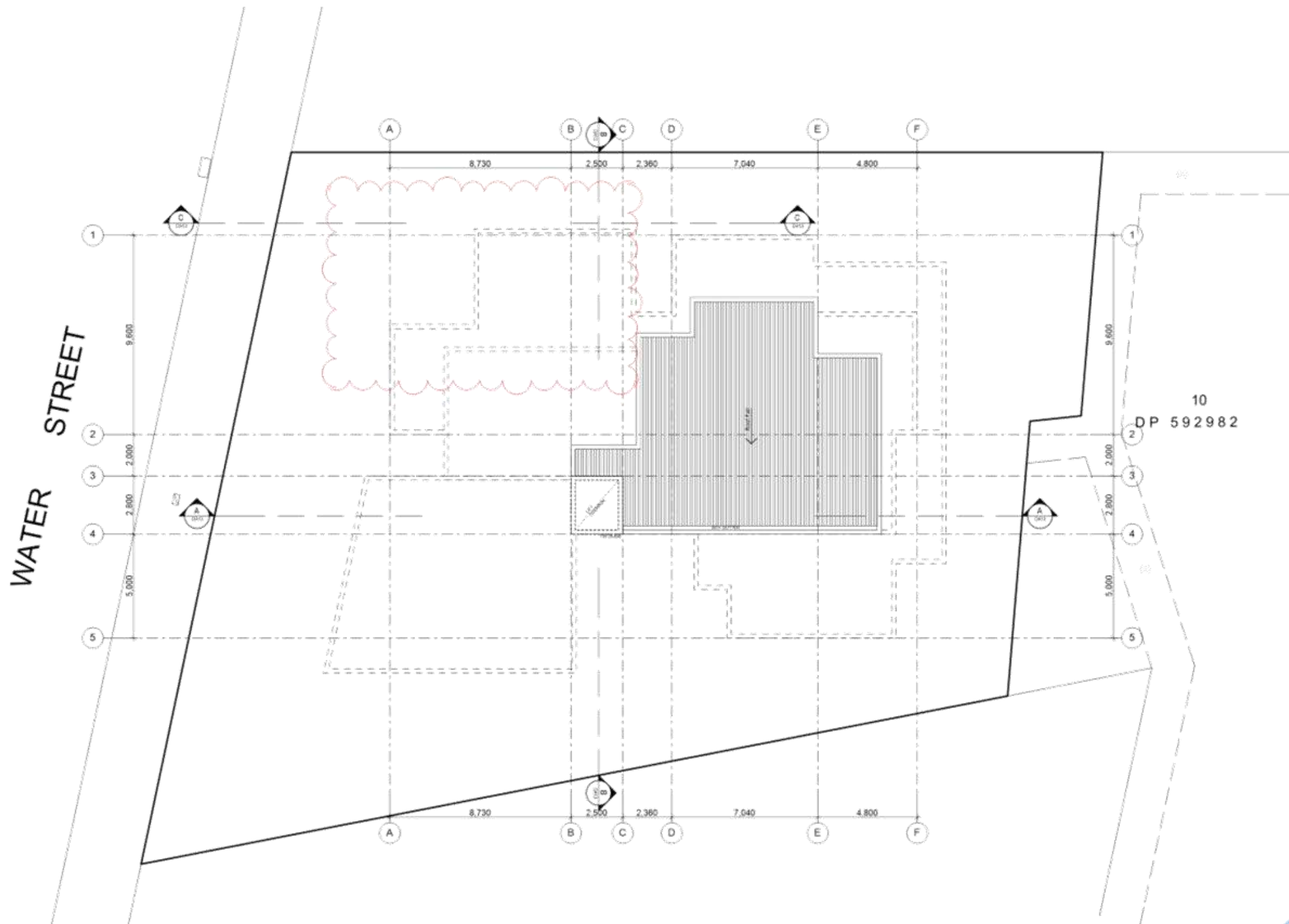
PROJECT: 80-82 WATER STREET, STRATHFIELD SOUTH  
CLIENT: CHARLE HAPPEL  
STATUS: DEVELOPMENT APPLICATION

DRAWING TITLE: Roof Terrace - Third Floor Plan



PROPOSED RESIDENTIAL FLAT BUILDING  
AT 80-82 WATER STREET  
STRATHFIELD SOUTH





10  
DP 592982

01 ROOF PLAN  
1:100



DESCRIPTION	DATE	REVISIONS
ISSUE FOR DEVELOPMENT APPLICATION	26-04-17	AS PER PREVIOUSLY APPROVED DA 2158267
		1. Add new amenity including: storage unit, additional parking, internal recycling/greenery
		2. Increase unit storage & proposed driveway adjustment to address CA default letter
		3. Water tanking by address per floor requirements

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PROJECT: 80-82 WATER STREET, STRATHFIELD SOUTH  
CLIENT: CHARLE HARRIS  
STATUS: DEVELOPMENT APPLICATION

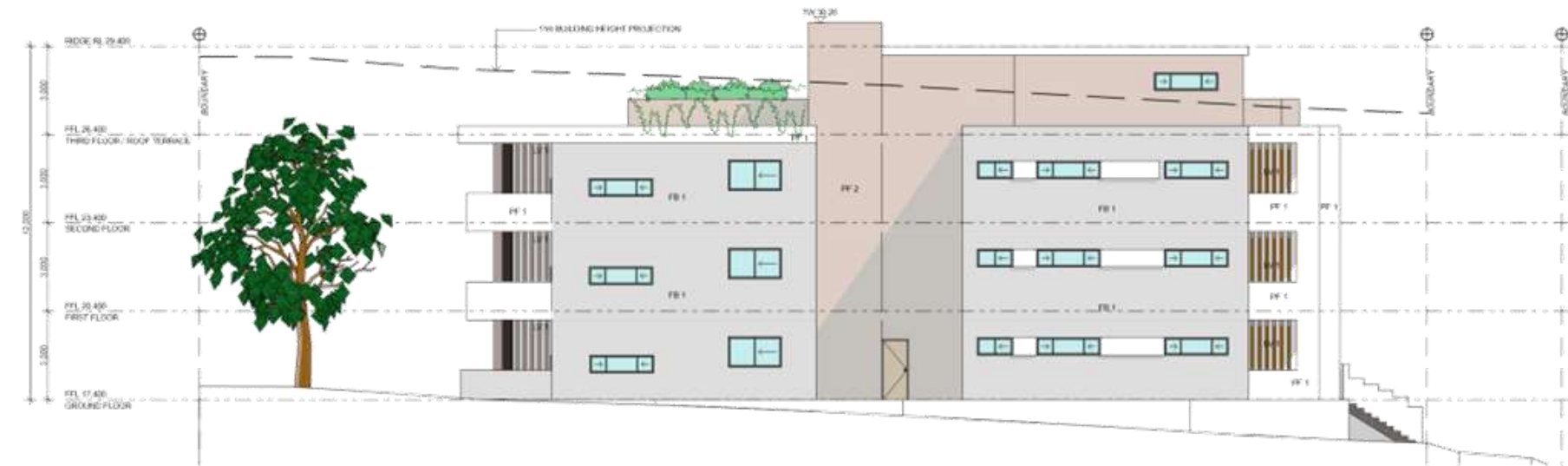
DRAWING TITLE: Roof Plan



PROPOSED RESIDENTIAL FLAT BUILDING  
AT 80-82 WATER STREET  
STRATHFIELD SOUTH



01 North Elevation  
1:100



02 South Elevation  
1:100

- KEY**
- CHINA WHITE DULUX - PF 1
  - BEIGE ROYAL DULUX - PF 2
  - TIMELESS GREY DULUX - PF 2
  - FACE BRICK -BOWRAL BLUE - FB 1
  - NATURAL WOOD LOOK - LV 1
  - COATED ALUMINIUM - VERTICAL SCREEN



DESCRIPTION	DATE	REVISIONS
ISSUE FOR DEVELOPMENT APPLICATION	26-04-17	AS PER PREVIOUSLY APPROVED DA 2/15/16/17
		1. Adder amendments including: narrower setbacks, additional parking, internal courtyard/greenery
		2. Increase unit storage & provide driveway adjustment to address CA default letter
		3. Raise building by 400mm per floor requirements

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PROJECT: 80-82 WATER STREET, STRATHFIELD SOUTH  
 CLIENT: CHARLIE HARRIS  
 STATUS: DEVELOPMENT APPLICATION

DRAWING TITLE: Elevations

PROPOSED RESIDENTIAL FLAT BUILDING  
 AT 80-82 WATER STREET  
 STRATHFIELD SOUTH



- KEY**
- CHINA WHITE DULUX - PF 1
  - BEIGE ROYAL DULUX - PF 2
  - TIMELESS GREY DULUX - PF 2
  - FACE BRICK -BOWRAL BLUE - FB 1
  - NATURAL WOOD LOOK COATED ALUMINIUM VERTICAL SCREEN - LV 1



DESCRIPTION	DATE	REVISIONS
ISSUE FOR DEVELOPMENT APPLICATION	26.04.17	AS PER PREVIOUSLY APPROVED DA 201607
ISSUE FOR APPROVAL	21.06.17	1. Adder amenity area including outdoor, additional parking, internal road/greenery 2. Increase unit storage & proposed driveway adjustment to address CA deferral letter 3. Water Ducting by address per floor requirements

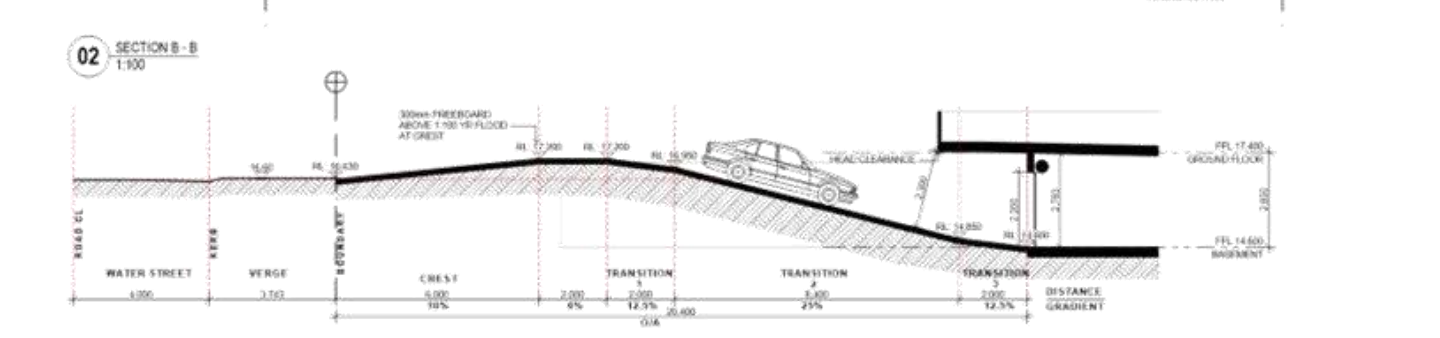
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PROJECT: 80-82 WATER STREET, STRATHFIELD SOUTH  
CLIENT: CHARLE HARRIS  
STATUS: DEVELOPMENT APPLICATION

DRAWING TITLE: Elevations & Streetscape

PROPOSED RESIDENTIAL FLAT BUILDING AT 80-82 WATER STREET STRATHFIELD SOUTH



### WATER COMMITMENTS

#### 1. Commitments for Residential Flat buildings - Building

##### (a) Drinking

Water	Water	Water	Water	Water	Water	Water	Water	Water	Water
1.1	1 phase	1 phase	1 phase	1 phase	1 phase	1 phase	1 phase	1 phase	1 phase
1.2	1 phase	1 phase	1 phase	1 phase	1 phase	1 phase	1 phase	1 phase	1 phase

##### (b) Thermal Comfort

Water	Water	Water	Water	Water	Water	Water	Water	Water	Water
1.1	1 phase	1 phase	1 phase	1 phase	1 phase	1 phase	1 phase	1 phase	1 phase
1.2	1 phase	1 phase	1 phase	1 phase	1 phase	1 phase	1 phase	1 phase	1 phase

### ENERGY COMMITMENTS

#### (a) Energy

Energy	Energy	Energy	Energy	Energy	Energy	Energy	Energy	Energy	Energy
1.1	1 phase	1 phase	1 phase	1 phase	1 phase	1 phase	1 phase	1 phase	1 phase
1.2	1 phase	1 phase	1 phase	1 phase	1 phase	1 phase	1 phase	1 phase	1 phase

#### (b) Common area and central systems/facilities

Common area	Common area	Common area	Common area	Common area	Common area	Common area	Common area	Common area	Common area
1.1	1 phase	1 phase	1 phase	1 phase	1 phase	1 phase	1 phase	1 phase	1 phase
1.2	1 phase	1 phase	1 phase	1 phase	1 phase	1 phase	1 phase	1 phase	1 phase

### COMMON AREA & CENTRAL SYSTEM REQUIREMENTS

#### (a) Common area and central systems/facilities

Common area	Common area	Common area	Common area	Common area	Common area	Common area	Common area	Common area	Common area
1.1	1 phase	1 phase	1 phase	1 phase	1 phase	1 phase	1 phase	1 phase	1 phase
1.2	1 phase	1 phase	1 phase	1 phase	1 phase	1 phase	1 phase	1 phase	1 phase

#### (b) Energy

Energy	Energy	Energy	Energy	Energy	Energy	Energy	Energy	Energy	Energy
1.1	1 phase	1 phase	1 phase	1 phase	1 phase	1 phase	1 phase	1 phase	1 phase
1.2	1 phase	1 phase	1 phase	1 phase	1 phase	1 phase	1 phase	1 phase	1 phase

### THERMAL COMFORT COMMITMENTS

#### (a) Thermal Comfort

Thermal Comfort	Thermal Comfort	Thermal Comfort	Thermal Comfort	Thermal Comfort	Thermal Comfort	Thermal Comfort	Thermal Comfort	Thermal Comfort	Thermal Comfort
1.1	1 phase	1 phase	1 phase	1 phase	1 phase	1 phase	1 phase	1 phase	1 phase
1.2	1 phase	1 phase	1 phase	1 phase	1 phase	1 phase	1 phase	1 phase	1 phase

#### (b) Common area and central systems/facilities

Common area	Common area	Common area	Common area	Common area	Common area	Common area	Common area	Common area	Common area
1.1	1 phase	1 phase	1 phase	1 phase	1 phase	1 phase	1 phase	1 phase	1 phase
1.2	1 phase	1 phase	1 phase	1 phase	1 phase	1 phase	1 phase	1 phase	1 phase

<p>DESCRIPTION: ISSUE FOR DEVELOPMENT APPLICATION</p> <p>DATE: 26/04/17</p> <p>REVISIONS: AS PER PREVIOUSLY APPROVED DA 25/08/17</p> <p>NOTES: 1. All drawings including, however not limited to, additional parking, internal circulation, increase unit storage &amp; provide driveway adjustment to address CA details below. 2. Repair building by address per floor requirements.</p>	<p>PROJECT: 80-82 WATER STREET, STRATHFIELD SOUTH</p> <p>CLIENT: CHARLE HARRIS</p> <p>STATUS: DEVELOPMENT APPLICATION</p> <p>DRAWING TITLE: Sections &amp; BASIX Commitments</p>	<p>DESIGNLINK AUSTRALIA PTY LTD</p> <p>PROPOSED RESIDENTIAL FLAT BUILDING AT 80-82 WATER STREET STRATHFIELD SOUTH</p>
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PRE - ADAPTABLE UNIT 02

01 ADAPTABLE UNIT 02 - PRE & POST  
1:50

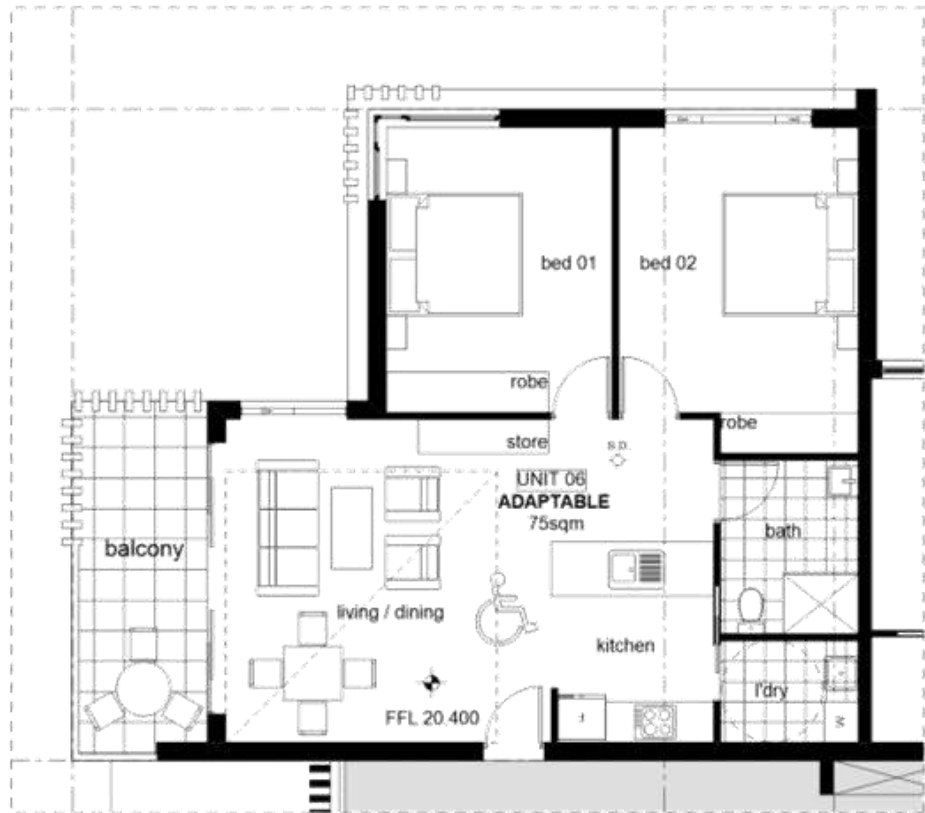


POST - ADAPTABLE UNIT 02

**AS4299 Adaptable Housing**

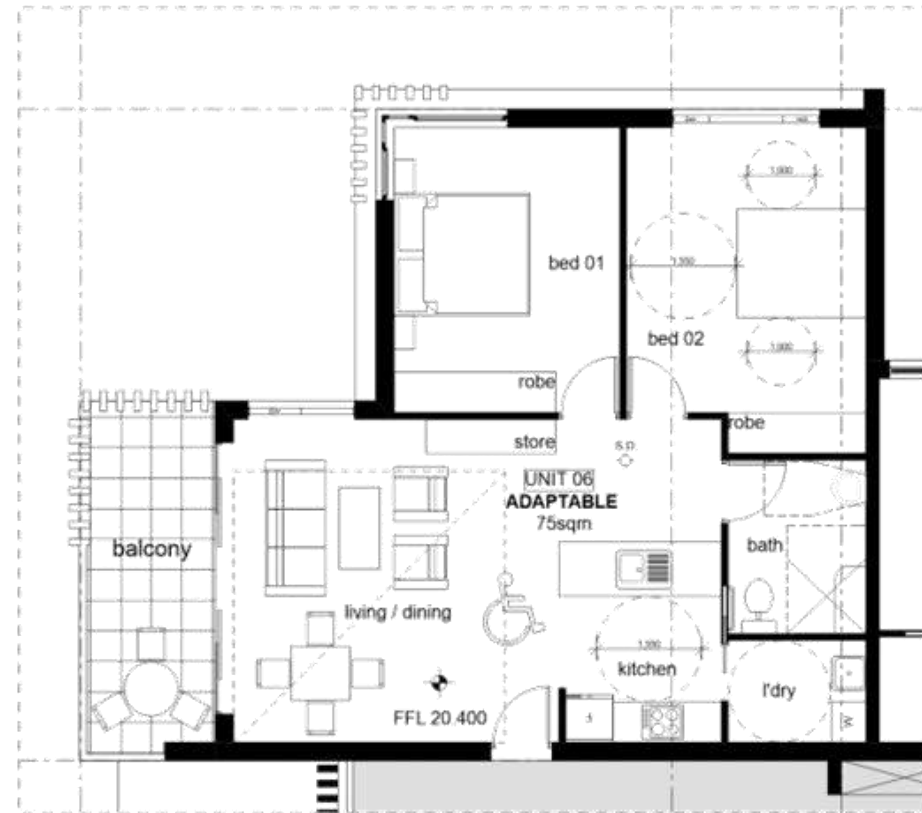
- 920 Entry door(s) with lever handle 1000-1100mm AFFL (including foyer entry and ground floor) and 520mm latch side clearance as shown.
- 870 (mm) internal doors with lever handles 1000-1100mm AFFL with 470mm latch side clearance as shown to the main bedroom.
- Level transition where changes in internal flooring (carpet to tiles / timber).
- Slip resistant flooring to R10 or equivalent for the bathrooms, kitchen, laundry, outdoor terrace.
- Low level threshold (50mm maximum) to outdoor terrace / balcony to enable wheelchair access.
- Light switches 1000-1100mm AFFL.
- Double GPO's 600-1100mm AFFL.
- Double GPO's, TV and phone outlets as shown (minimum required by AS4299).
- Fridge GPO or two-way isolating switch to be in a reachable position (900-1100AFFL) when the fridge is in-situ.
- Double GPO over the 800mm length workbench within 300mm of the front of the bench.
- Isolating switch for the cooktop.
- Lever taps throughout, including a long lever kitchen tap.
- Ensuite toilet setback 450-460 from near side wall to pan centre.
- Walls adjacent the ensuite toilet, shower and bathtub shall be strengthened to enable future grabrail installations. Eg. Stud walls include 12mm ply sheeting at appropriate locations for future grabrails.
- Kitchen shall provide a wall oven, cooktop and 800mm length workbench adjacent that can be adjusted in height at a later date if required by an occupant.
- Carpark spaces shall provide opportunity to provide 3800mm width X 6000mm length X 2500mm height on a generally level surface.

Ramps to be provided with handrails as per AS1428.1 & AS1428.2



PRE - ADAPTABLE UNIT 06

02 ADAPTABLE UNIT 06 - PRE & POST  
1:50



POST - ADAPTABLE UNIT 06

DESCRIPTION	DATE	REVISIONS
ISSUE FOR DEVELOPMENT APPLICATION	15-04-16	AS PER PREVIOUSLY APPROVED DA 2015067
		1. Adder amendments including: increase outdoor, additional parking, internal rec'd/greenery
		2. Increase unit storage & provide ensuite adjustment to address CA deferral letter
		3. Repair building by adding per floor requirements

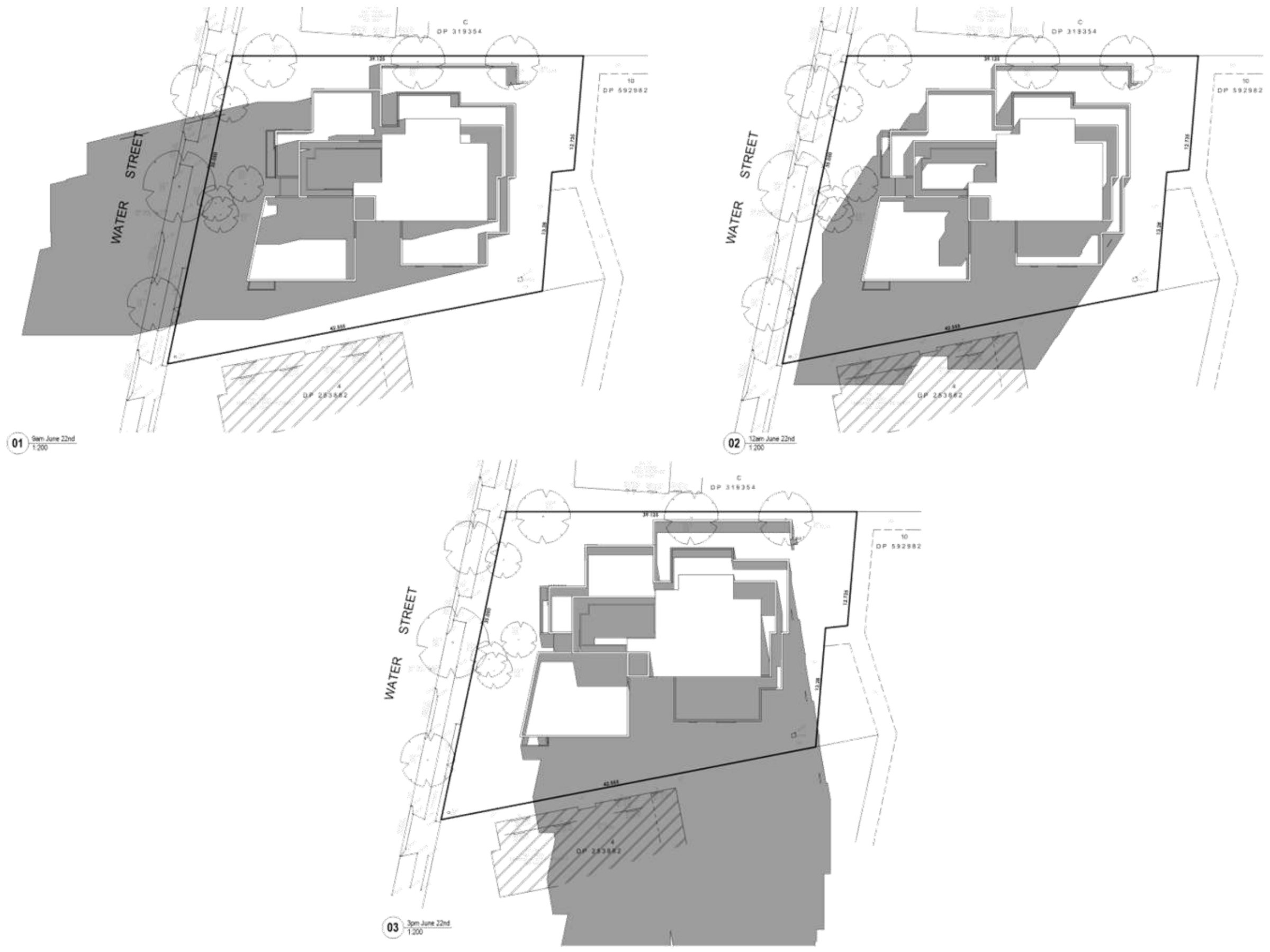
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PROJECT: 80-82 WATER STREET, STRATHFIELD SOUTH DRAWING TITLE:  
CLIENT: CHARLE HANNE DEVELOPMENT APPLICATION  
STATUS: DEVELOPMENT APPLICATION

Pre & Post Adaptable Units

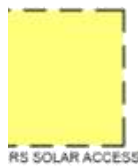
PROPOSED RESIDENTIAL FLAT BUILD  
AT 80-82 WATER STREET  
STRATHFIELD SOUTH



DESCRIPTION	DATE	REVISIONS	NOTES	PROJECT	DRAWING TITLE
ISSUE FOR DEVELOPMENT APPLICATION	26-04-17	AS PER PREVIOUSLY APPROVED DA 201602		80-82 WATER STREET, STRATHFIELD SOUTH	Shadow Diagrams
		1. Add new amenity areas including: entrance walkway, additional parking, internal courtyard/greenery		CLIENT	CHARLES HARRIS
		2. Increase unit storage & propose new amenity area to address CA deferral letter		STATUS	DEVELOPMENT APPLICATION
		3. Water tanking by address per local requirements			



**PROPOSED RESIDENTIAL FLAT BUILDING**  
AT 80-82 WATER STREET  
STRATHFIELD SOUTH



DESCRIPTION	DATE	REVISIONS
ISSUE FOR DEVELOPMENT APPLICATION	26-04-17	AS PER PREVIOUSLY APPROVED DA 215846Z
		1. Add new amenity areas including: swimming pool, additional parking, internal courtyard/greenery
		2. Increase unit storage & provide new amenity area to address CA deferral letter
		3. Repair building by address per local requirements

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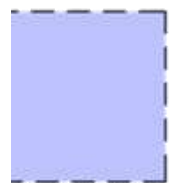
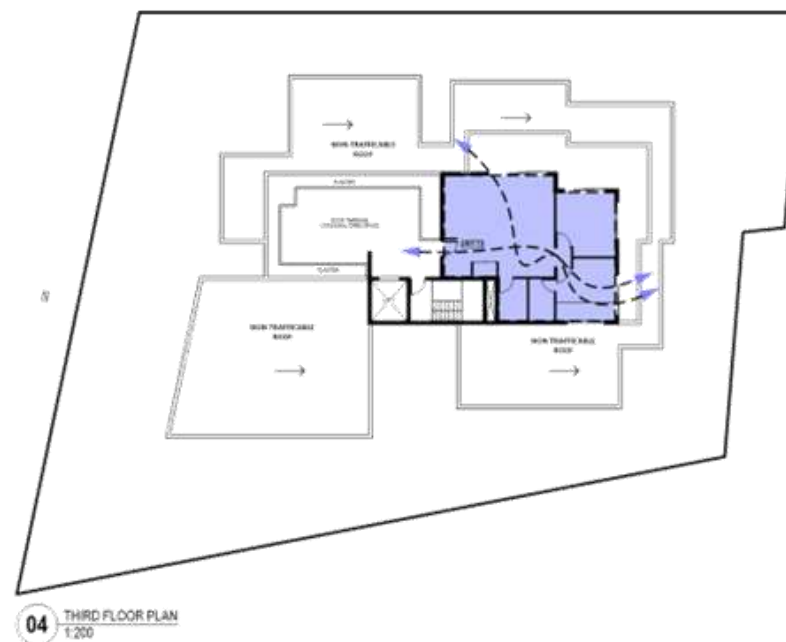
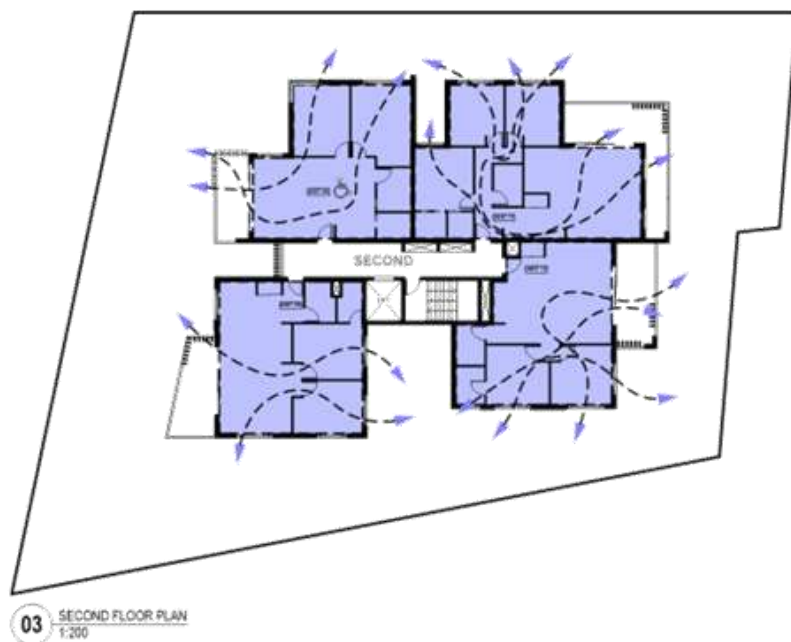
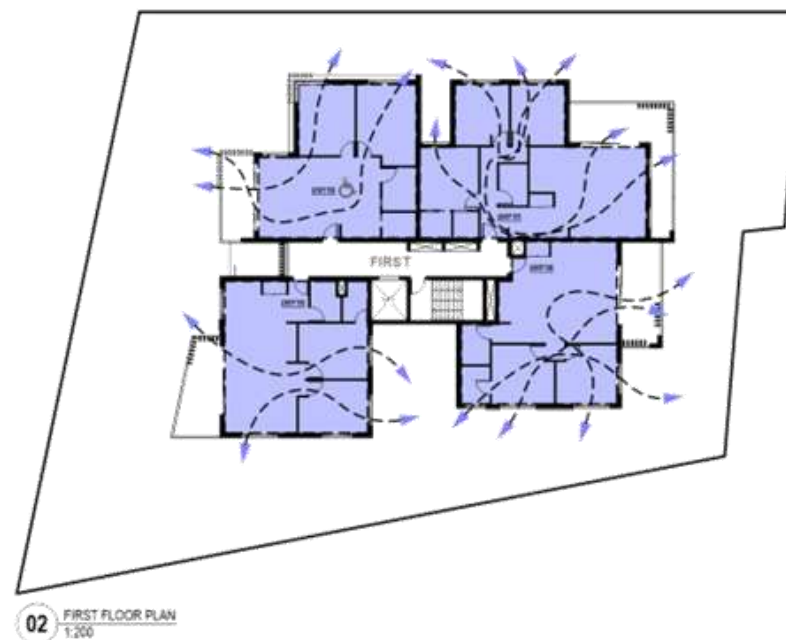


PROJECT 80-82 WATER STREET, STRATHFIELD SOUTH  
CLIENT CHARLES HARRIS  
STATUS DEVELOPMENT APPLICATION

DRAWING TITLE  
**Solar Access Diagrams**



**PROPOSED RESIDENTIAL FLAT BUILDING**  
AT 80-82 WATER STREET  
STRATHFIELD SOUTH



DESCRIPTION	DATE	REVISIONS
ISSUE FOR DEVELOPMENT APPLICATION	26-04-17	AS PER PREVIOUSLY APPROVED DA 201602
		1. Add new amenity areas including: swimming pool, additional parking, internal courtyard/greenery
		2. Increase unit storage & proposed bin room adjustment to address CA deferral letter
		3. Water tanking by address per local requirements

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PROJECT: 80-82 WATER STREET, STRATHFIELD SOUTH  
CLIENT: CHAIRMANE  
STATUS: DEVELOPMENT APPLICATION

DRAWING TITLE: Cross Flow Diagrams

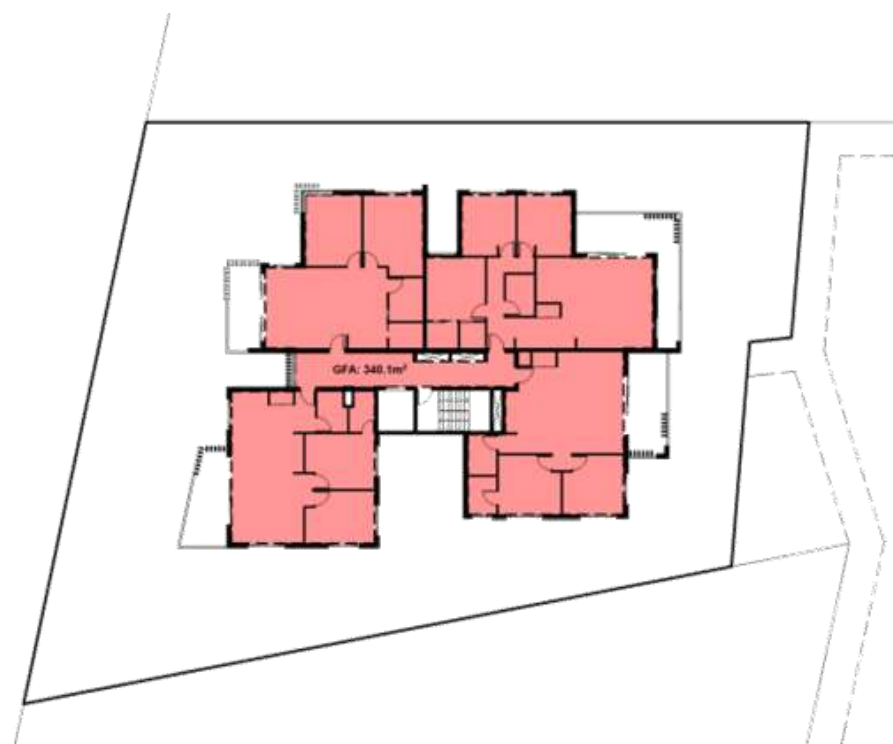


PROPOSED RESIDENTIAL FLAT BUILDING  
AT 80-82 WATER STREET  
STRATHFIELD SOUTH

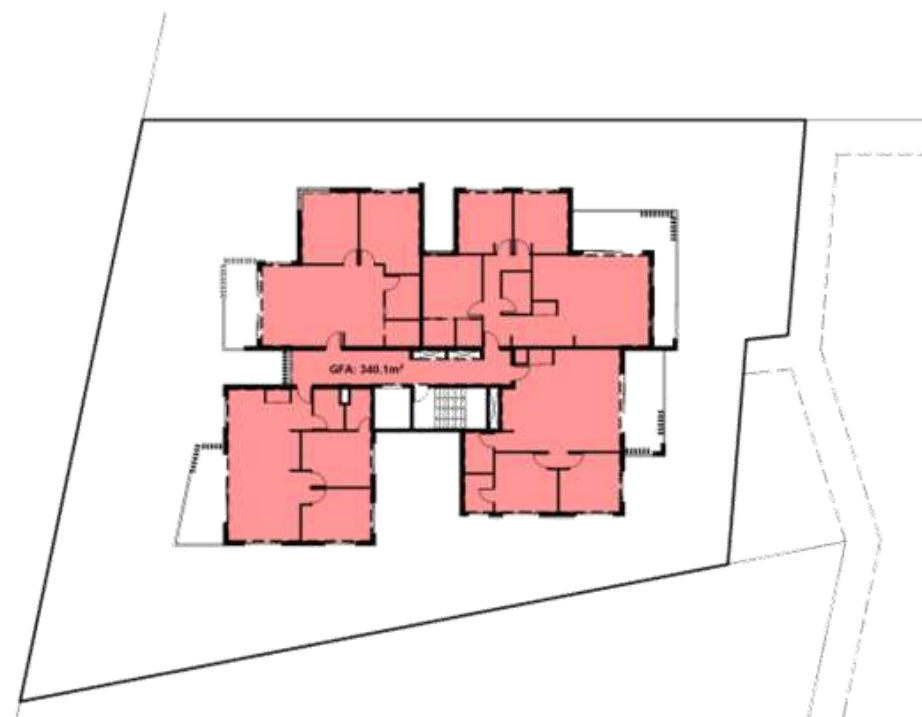




**GFA PLAN - GROUND FLOOR**  
SCALE: 1:200



**GFA PLAN - FIRST FLOOR**  
SCALE: 1:200



**GFA PLAN - SECOND FLOOR**  
SCALE: 1:200



**GFA PLAN - THIRD FLOOR**  
SCALE: 1:200

GFA CALCS.	
LEVEL	AREA
GROUND	323.3m <sup>2</sup>
LEVEL 1	340.1m <sup>2</sup>
LEVEL 2	340.1m <sup>2</sup>
LEVEL 3	75.2m <sup>2</sup>
TOTAL	1078.7m <sup>2</sup>

DESCRIPTION	DATE	REVISIONS
ISSUE FOR DEVELOPMENT APPLICATION	26/04/17	AS PER PREVIOUSLY APPROVED DA 2016/02
		1. Add new amenity rooms including: storage room, additional parking, internal access/greenery
		2. Increase unit storage & provide storage adjustment to address CA deferral letter
		3. Water Ducting by 400mm per floor requirements

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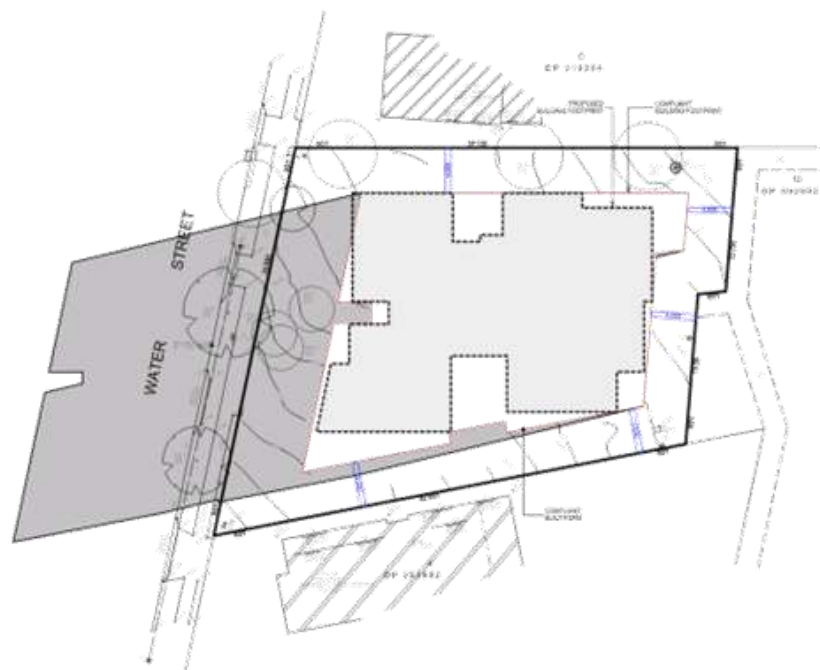


PROJECT: 80-82 WATER STREET, STRATHFIELD SOUTH  
CLIENT: CHANGIE HANSEN  
STATUS: DEVELOPMENT APPLICATION

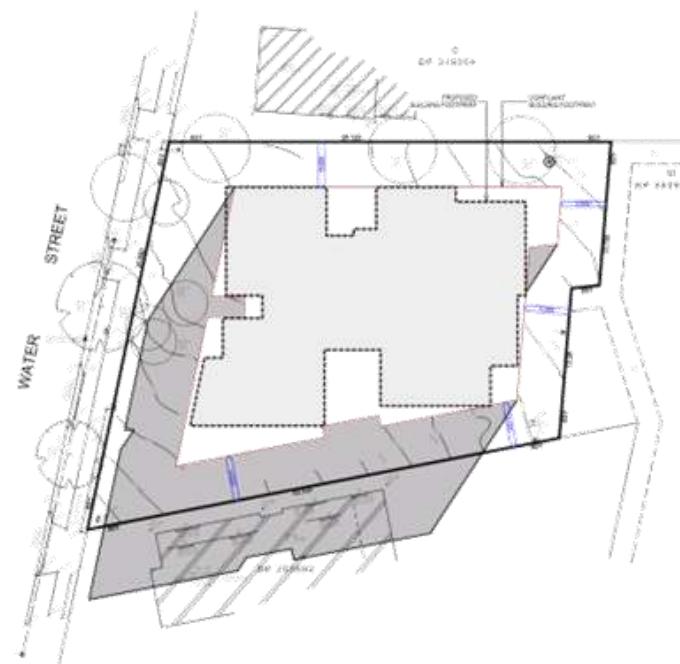
DRAWING TITLE: GFA plans



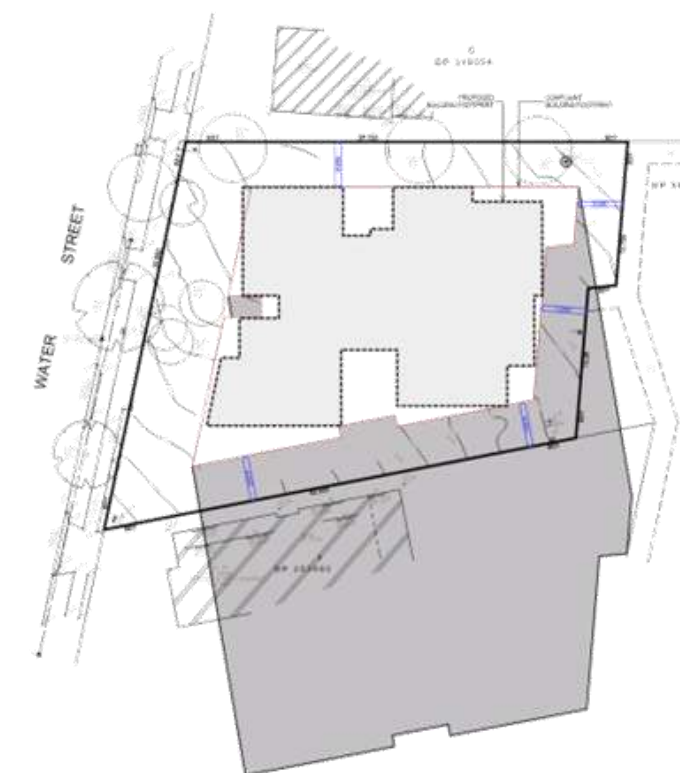
**PROPOSED RESIDENTIAL FLAT BUILDING**  
AT 80-82 WATER STREET  
STRATHFIELD SOUTH



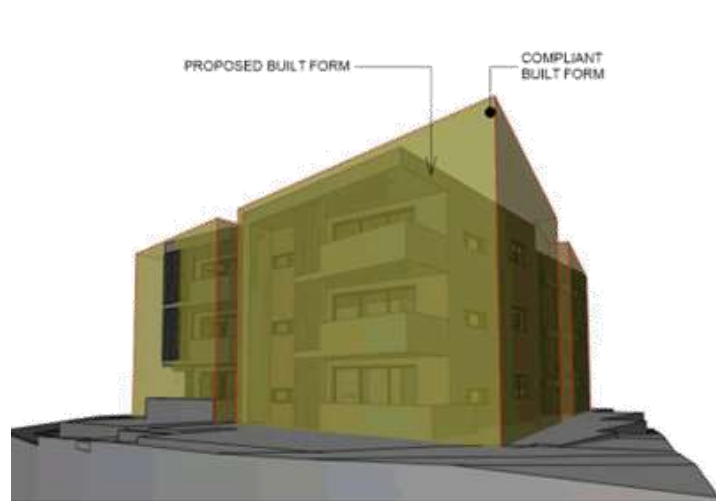
01 Shadow 22 June - 9am  
1:300



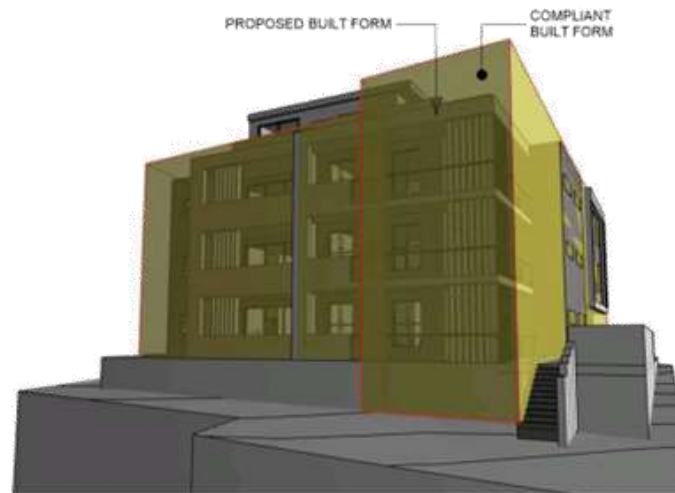
02 Shadow 22 June - 12pm  
1:300



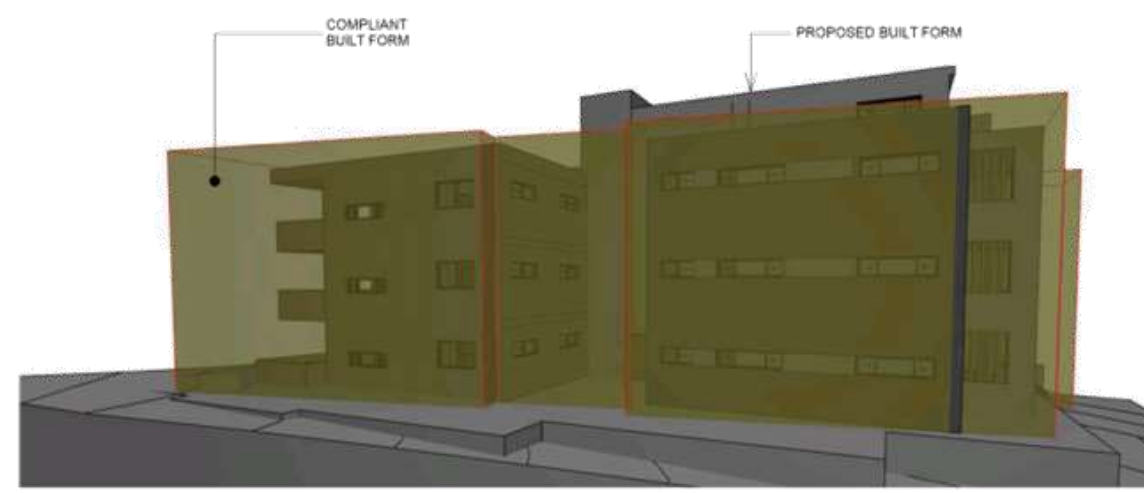
03 Shadow 22 June - 3pm  
1:300



MASSING MODEL 1 - SOUTH-EAST  
NTS



MASSING MODEL 2 - EAST  
NTS



MASSING MODEL 3 - SOUTH  
NTS

DESCRIPTION	DATE	REVISIONS
ISSUE FOR DEVELOPMENT APPLICATION	06-07-16	AS PER PREVIOUSLY APPROVED DA DESIGN
		1. Address amenity issues including: narrower setbacks, additional parking, internal circulation/greenery
		2. Increase unit storage & proposed bin room adjustment to address CA deferral letter
		3. Water tanking by address per floor requirements

NOTES  
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PROJECT: 80-82 WATER STREET, STRATHFIELD SOUTH  
CLIENT: CHARLES HARRIS  
STATUS: DEVELOPMENT APPLICATION

DRAWING TITLE: Building Massing



PROPOSED RESIDENTIAL FLAT BUILDING  
AT 80-82 WATER STREET  
STRATHFIELD SOUTH

**APPENDIX A: REVISED CLAUSE 4.6 VARIATION**

**REVISED CLAUSE 4.6 VARIATION TO CLAUSE 4.3  
OF THE STRATHFIELD LOCAL ENVIRONMENTAL PLAN 2012**

**1. Introduction**

---

This submission seeks a variation to Clause 4.3 of the Strathfield Local Environmental Plan 2012, which relates to the building height.

This submission has been prepared in relation to a Development Application for a proposed residential flat building comprising of 13 units over four (4) storeys and basement parking on land known as 80-82 Water Street, Belfield.

As detailed in this written request for a variation to the height of buildings development standard under the Strathfield LEP 2012, the proposed development meets the requirements prescribed under Clause 4.6 of the Strathfield LEP 2012.

This submission is made under Clause 4.6 of the Strathfield Local Environmental Plan 2012 – Exceptions to development standards. Clause 4.6 states the following:

**"4.6 Exceptions to development standards**

- (1) *The objectives of this clause are as follows:*
  - (a) *to provide an appropriate degree of flexibility in applying certain development standards to particular development,*
  - (b) *to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*
- (2) *Development consent may, subject to this clause, be granted for a development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.*
- (3) *Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:*
  - (a) *that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
  - (b) *that there are sufficient environmental planning grounds to justify contravening the development standard.*
- (4) *Development consent must not be granted for development that contravenes a development standard unless:*
  - (a) *the consent authority is satisfied that:*
    - (i) *the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and*
    - (ii) *the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and*
  - (b) *the concurrence of the Secretary has been obtained.*
- (5) *In deciding whether to grant concurrence, the Secretary must consider:*
  - (a) *whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and*
  - (b) *the public benefit of maintaining the development standard, and*

- (c) *any other matters required to be taken into consideration by the Secretary before granting concurrence.*
- (6) *Development consent must not be granted under this clause for a subdivision of land in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots, Zone RU6 Transition, Zone R5 Large Lot Residential, Zone E2 Environmental Conservation, Zone E3 Environmental Management or Zone E4 Environmental Living if:*
- (a) *the subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or*
- (b) *the subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard.*
- Note.** *When this Plan was made it did not include any of these Zones.*
- (7) *After determining a development application made pursuant to this clause, the consent authority must keep a record of its assessment of the factors required to be addressed in the applicant's written request referred to in subclause (3).*
- (8) *This clause does not allow development consent to be granted for development that would contravene any of the following:*
- (a) *a development standard for complying development,*
- (b) *a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 applies or for the land on which such a building is situated,*
- (c) *clause 5.4".*

The use of Clause 4.6 to enable an exception to this development control is appropriate in this instance and the consent authority may be satisfied that all requirements of Clause 4.6 have been satisfied in terms of merits of the proposed development and the content in this Clause 4.6 variation request report.

Clause 4.6 Exceptions to development standards establishes the framework for varying development standards applying under a local environmental plan. Subclause 4.6(3)(a) and 4.6(3)(b) requires that a consent authority must not grant consent to a development that contravenes a development standard unless a written request has been received from the applicant that seeks to justify the contravention of the standard by demonstrating that:

*4.6(3)(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*

*4.6(3)(b) that there is sufficient environmental planning grounds to justify contravening the development standard.*

In addition, 4.6(4)(a)(i) and (ii) requires that development consent must not be granted to a development that contravenes a development standard unless the:

- (a) *the consent authority is satisfied that:*
- (i) *the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and*
- (ii) *the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and*

The Environmental Planning Instrument to which this variation relates to is Strathfield LEP 2012.

The development standard to which this objection relates to is Clause 4.3 of the Strathfield LEP 2012, which reads as follows:

**4.3 Height of buildings**

- "(1) The objectives of this clause are as follows:
- (a) to ensure that development is of a height that is generally compatible with or which improves the appearance of the existing area,
  - (b) to encourage a consolidation pattern that leads to the optimum sustainable capacity height for the area,
  - (c) to achieve a diversity of small and large development options.

(2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map".

A maximum building height of 11m applies to the subject site.

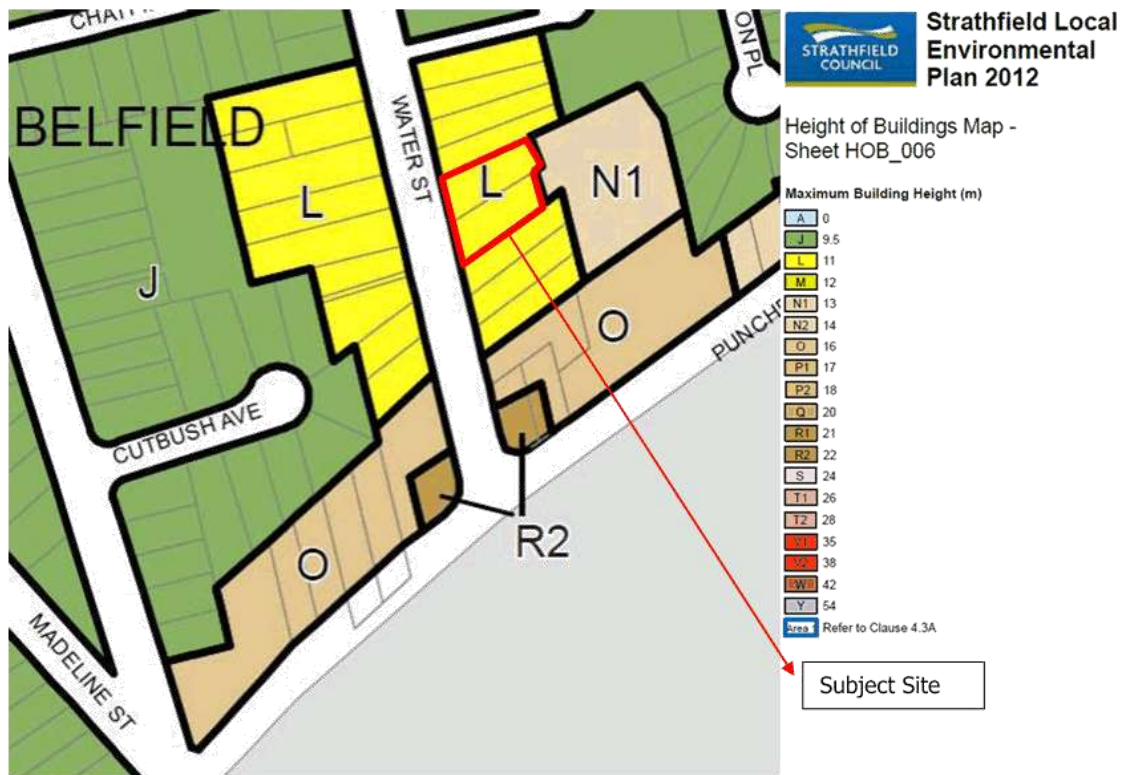


Figure A. Height of Buildings Map  
Source: Strathfield Local Environmental Plan 2012.

A written justification for the proposed variation to the height of buildings standard development standard in accordance with Clause 4.6 of the Strathfield LEP 2012 is required.

**2. Extent of Non-Compliance**

As noted above, Clause 4.3 of the Strathfield Local Environmental Plan 2012 states that the subject land is subject to a maximum building height of 11 metres.

Referring to the architectural plans submitted, it is noted that the maximum building height is 13.54 metres, exceeding the maximum permitted by 2.54 metres. The non-compliance relates specifically to the fourth storey.

Although the proposal breaches the height of buildings standard, the development is compliant with the maximum floor space ratio control and provides for a slender built form allowing for generous common open space with landscaping, well above Apartment Design Guide (ADG) provisions, ensuring that the bulk and scale of the development is in our submission, more compatible with the future desired character of the area that is undergoing built form change via the up zoning of the area.

As the fourth storey has been setback from the edge of the floors below, the non-compliance will not be obvious and will not impact on the amenity of the development or adjoining properties as detailed within this statement.

**3. Is Compliance With the Development Standard Unreasonable or Unnecessary in the Circumstances of the Case?**

The proposed variation from the development standard is assessed against the accepted "5 Part Test" for the assessment of a development standard variation established by the NSW Land and Environment Court in *Wehbe vs Pittwater Council (2007) LEC 827*.

In the matter of Four2Five, the Commissioner stated within the judgement the following, in reference to a variation:

*"...the case law developed in relation to the application of SEPP 1 may be of assistance in applying Clause 4.6. While Wehbe concerned an objection under SEPP 1, in my view the analysis is equally applicable to a variation under Clause 4.6 where Clause 4.6 (3)(a) uses the same language as Clause 6 of SEPP 1."*

It is therefore our submission that the Wehbe test is of relevance in the consideration of a standard to determine whether or not it is unreasonable or unnecessary in the circumstances of the case and it is evident in the Four2Five matter, the above test is relevant.

In the decision of *Wehbe vs Pittwater Council (2007) LEC 827*, Chief Justice Preston expressed the view that there are five (5) different ways in which an objection may be well founded and that approval of the objection may be consistent with the aims of the policy. This attributes to determining whether compliance with the standard is unreasonable or unnecessary in the circumstances of the case as set out below:

<b>First</b>	<p><i>The most commonly invoked way is to establish that compliance with the development standards is unreasonable or unnecessary because the objectives of the development standard are achieved notwithstanding non-compliance with the standard.</i></p> <p><i>The rationale is that development standards are not ends in themselves but means of achieving ends. The ends are environmental or planning objectives. If the proposed development proffers an alternative means of achieving the objective, strict compliance with the standard would be unnecessary and unreasonable.</i></p>
<b>Second</b>	<p><i>A second way is to establish that the underlying objective or purpose is not relevant to the development with the consequence that compliance is unnecessary.</i></p>
<b>Third</b>	<p><i>A third way is to establish that the underlying objective or purpose would be</i></p>

	<i>defeated or thwarted if compliance was required with the consequence that compliance is unreasonable.</i>
<b>Fourth</b>	<i>A fourth way is to establish that the development standard has been virtually abandoned or destroyed by the Council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable.</i>
<b>Fifth</b>	<i>A fifth way is to establish that "the zoning of particular land" was "unreasonable or inappropriate" so that "a development standard appropriate for that zoning was also unreasonable or unnecessary as it applied to that land" and that "compliance with the standard in that case would also be unreasonable or unnecessary.</i>

The following discussion is provided in response to each of the above:

***i. the objectives of the standard are achieved notwithstanding non-compliance with the standard;***

The objectives supporting the height of buildings control identified in Clause 4.3 are discussed below. Consistency with the objectives and the absence of any environmental impacts, would demonstrate that strict compliance with Clause 4.3 would be both unreasonable and unnecessary in this instance. The discussion provided below demonstrates how the proposal is consistent with the objectives of Clause 4.3.

The development as proposed will be in the public interest as it is consistent with the objectives of the development standard (being Clause 4.3), which are as follows:

- "(1) The objectives of this clause are as follows:*
- (a) to ensure that development is of a height that is generally compatible with or which improves the appearance of the existing area,*
  - (b) to encourage a consolidation pattern that leads to the optimum sustainable capacity height for the area,*
  - (c) to achieve a diversity of small and large development options".*

The maximum height proposed is 13.54m, as measured from the existing ground level, resulting in a numerical breach of 2.54m.

This proposal is for a four storey building in an area which has no controls with respect to the maximum number of storeys, only a maximum height standard. The variation to the height standard occurs through the proposed fourth storey of the building which has been setback from the edge of the floors below and is visually recessed.

The proposed building is of a high architectural standard and has been specifically designed to maximise solar access and cross ventilation to the units by creating an "I" shaped building.

The proposed development is considered to be well articulated to Water Street and is well modulated along both side boundaries ensuring that the actual and perceived bulk of the building is minimised not only from the street but also as viewed from the adjoining properties.

It is considered that the proposal is in keeping with the future desired scale and character of the locality. It should be noted that there is a current proposal with Council for the redevelopment of the adjoining rear property at No. 27-35 Punchbowl Road, for a part-five and part-seven storey mixed use development. This adjoining development proposes a breach to the 13m and 16m maximum height limited afforded to the site, clearly depicting



the intended desired future scale and character of the area. The subject proposal abuts this large development site and would achieve a suitable built form that interacts with the neighbouring site/development and provides a transition between development.

As such, the subject proposal provides for the orderly and economic development of the site, given the site's orientation, location and context it is considered that the site is well suited for the proposed residential flat development.

It is considered that this submission provides sufficient environmental planning grounds to justify contravening the development standard. As demonstrated, the objectives of the standard have been achieved.

**ii. *the underlying objective or the purpose of the standard is not relevant to the development and therefore compliance is unnecessary;***

The underlying objective or purpose of the standard is relevant to the development and is achieved as outlined in (i) above. Therefore, this clause is not applicable.

**iii. *the underlying object or purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable;***

Not applicable as the underlying objective or purpose would not be defeated or thwarted if compliance was required.

**iv. *the development standard has been virtually abandoned or destroyed by the Council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable; and***

This particular aspect is not applicable in this instance.

**v. *the zoning of the land is unreasonable or inappropriate so that a development standard appropriate for that zoning is also unreasonable and unnecessary as it applies to the land and compliance with the standard would be unreasonable or unnecessary. That is, the particular parcel of land should not have been included in the particular zone.***

Not applicable as the zoning of the site is appropriate.

**4. Are there Sufficient Environmental Planning Grounds?**

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The assessment above and shown throughout the submitted SEE demonstrates that the resultant environmental impacts of the proposal will be satisfactory. The revised Clause 4.6 variation provides further justification to allow for a variation.

The proposed variation to the development standard is 2.54 metres. Notwithstanding the variation, the proposed works represent a well-considered development that addresses the site constraints, streetscape and relevant objectives of both the standards and the zone. The proposal will maintain good levels of solar access to the proposed units and communal open space.

The proposed development is compliant with Council's floor space ratio (FSR) control, demonstrating that the proposed density is appropriate for the site and not an overdevelopment. It is our submission that we have simply reshaped the density on site to provide for a better planning outcome.

A sketch is provided showing the built form of a fully compliant development with the floor space ratio and height standard. When compared to the proposal, a fully compliant development would result in a bulkier form, which would cause a loss in landscaped open space for common enjoyment. Refer to Figure B and the amended plans.

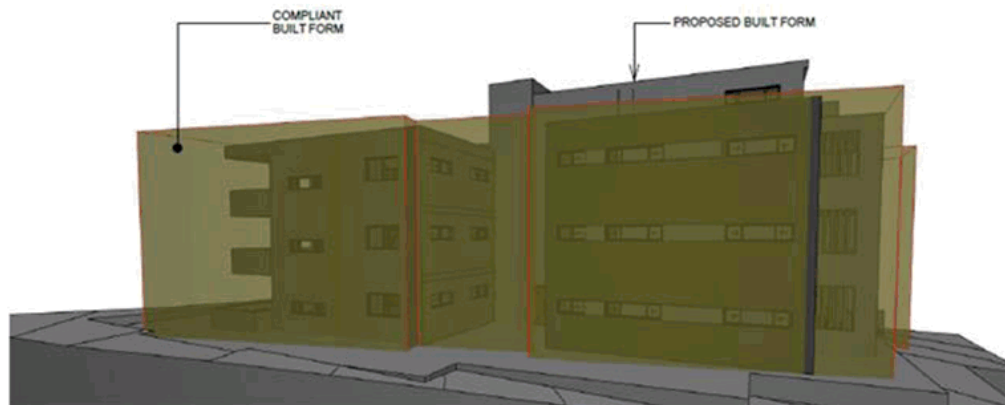


Figure B. Massing diagram showing a compliant built form in relation to the proposed built form.  
Source: DesignLink Australia 2016.

Although the proposal exceeds the maximum height limit by an additional storey, the proposal provides for a better environmental outcome as the development responds to the orientation and constraints of the site by producing a slender form of development to the site by modulating its side elevations. This creates an "I" shape building. This enables the development to provide for 50% (560m<sup>2</sup>) of the site area as landscaped open space, this is generous and well above the minimum ADG requirement of 25% of the site area (299.65m<sup>2</sup>).

This design maximises solar access to the units given the "I" shape and provides greater communal open space whilst locating new residential accommodation in an area well serviced by public transport services and local infrastructure. In addition, the additional height allows areas to a common roof terrace that improves the amenity of the residents. Roof terraces are encouraged by the ADG.

In essence, the proposal seeks to provide a slender built form within the FSR control that achieves greater amount of landscaped and common areas to the ground floor. This enhances the visual benefit of the site to the streetscape and reduces the actual and perceived bulk of the development when viewed from adjoining properties.

In this case, strict compliance with the development standard for height of buildings in the Strathfield LEP 2012 is unnecessary and unreasonable.

## **5. Is the Variation in the Public Interest?**

Clause 4.6 states that the development consent must not be granted for development that contravenes a development standard unless the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is to be carried out.

It is considered that this submission provides sufficient environmental planning grounds to justify contravening the development standard under Part 4.

Reference should be made to Section 3 of this submission.

## **6. Public Benefit of Maintaining the Standard**

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It is considered that the public benefit will not be undermined by varying the standard.

As noted under Section 4, the development provides for generous common landscaped area through designing a slender form with a fully compliant FSR, thereby reducing the building's footprint. This minimises the actual and perceived bulk of the building, providing for increased visual benefit to the site when viewed from the street and from neighbouring developments.

Furthermore, the amended shadow diagrams show that a compliant development would not significantly alter the shadows cast by the proposed scheme onto its southern neighbour, being No. 84 Water Street. As stated within the Statement of Environmental Effects, the dwelling to the south will receive good solar access in mid-winter in the morning and would be overshadowed from midday. It should be noted that by 12noon, the rear private open space of No. 84 will achieve more than 50% sunlight, but would be fully overshadowed by 3pm. This is a factor of the orientation of the sites.

It is not considered that the variation sought raises any matter of significance for State or regional environmental planning.

The departure from Clause 4.3 within the Strathfield LEP 2012 allows for the orderly and economic use of the site in a manner which achieves the outcomes and objectives of the relevant planning controls.

## **7. Is the Variation Well Founded?**

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It is considered that this has been adequately addressed in Parts 4 and 5 of this submission. In summary, this Clause 4.6 Variation is well founded as required by Clause 4.6 of the Strathfield LEP 2012 in that:

- Compliance with the development standard would be unreasonable and unnecessary in the circumstances of the development;
- There are sufficient environmental planning grounds to justify the departure from the standard;
- The proposed development is in the public interest and there is no public benefit in maintaining the standard;
- The breach does not raise any matter of State or Regional Significance; and
- The development submitted aligns with Council's Development Control Plan.
- The proposed design, being an "I" shaped building provides for an improved planning outcome and amenity to the development noting the building is compliant with the FSR control.

Based on the above, the variation is considered to be well founded.

## 8. General

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Clause 4.6 also states that:

*"(6) Development consent must not be granted under this clause for a subdivision of land in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots, Zone RU6 Transition, Zone R5 Large Lot Residential, Zone E2 Environmental Conservation, Zone E3 Environmental Management or Zone E4 Environmental Living if:*

- (a) the subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or*
- (b) the subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard.*

**Note.** *When this Plan was made it did not include any of these zones.*

*(7) After determining a development application made pursuant to this clause, the consent authority must keep a record of its assessment of the factors required to be addressed in the applicant's written request referred to in subclause (3).*

*(8) This clause does not allow development consent to be granted for development that would contravene any of the following:*

- (a) a development standard for complying development,*
- (b) a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 applies or for the land on which such a building is situated,*
- (c) clause 5.4".*

### Comment:

This variation does not relate to the subdivision of land. The variation sought is not contrary to subclause (6).

Should the exception to the development standard sought under this submission be supported by Council, the Council must retain a record of the assessment of this submission.

The development proposed is not complying development.

A BASIX certificate has been prepared in relation to the proposed development and is submitted under separate cover

The development is not affected by clause 5.4.

## 9. Conclusion

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The proposal does not strictly comply with the height of buildings control as prescribed by Clause 4.3 of the Strathfield Local Environmental Plan 2013. Having evaluated the likely affects arising from this non-compliance, we are satisfied that the objectives of Clause 4.6 of the Strathfield LEP 2012 are satisfied as the breach to the height of buildings does not create any adverse environmental impacts.

Consequently, strict compliance with this development standard is unreasonable and unnecessary in this particular instance and that the use of Clause 4.6 of the Strathfield LEP 2012 to vary this development control is appropriate in this instance.

10

Based on the above, it is sensible to conclude that strict compliance with the height of buildings control is not necessary and that a better outcome is achieved for this development by allowing flexibility in the application.

**Philip Tan**  
**Planner**

GAT & Associates  
July 2016  
Plan 2862

**TO:** Strathfield Independent Hearing and Assessment Panel Meeting - 6 July 2017  
**REPORT:** SIHAP – Report No. 5  
**SUBJECT:** 240-242 HOMEBUSH ROAD, STRATHFIELD  
LOT 14 DP940953 AND LOT 13 DP7142  
**DA NO.** 2017/054

## **SUMMARY**

<b>Proposal:</b>	Demolition of existing structures and construction of a multi-dwelling housing development
<b>Applicant:</b>	CK Design
<b>Owner:</b>	F.Di Vito, L.J Di Vito, D.Yap, and C.Chan
<b>Date of lodgement:</b>	13 April 2017
<b>Notification period:</b>	24 April 2017 to 10 May 2017
<b>Submissions received:</b>	One (1)
<b>Assessment officer:</b>	LP
<b>Estimated cost of works:</b>	\$2,471,221.00
<b>Zoning:</b>	R3 Medium Density Residential- SLEP 2012
<b>Heritage:</b>	N/A
<b>Flood affected:</b>	No
<b>Is a Clause 4.6 variation proposed?</b>	No
<b>RECOMMENDATION OF OFFICER:</b>	<b>APPROVAL</b>

## **EXECUTIVE SUMMARY**

- 1.0 Approval is sought for the demolition of existing site structures and construction of a multi-dwelling housing development comprised of seven (7), two (2) storey townhouses over a single level of basement car parking and strata subdivision of the site.
- 2.0 The proposed development is generally consistent with the strategic vision for the locality as established under the Strathfield Local Environmental Plan 2012 and the Strathfield Consolidated Development Control Plan 2005, resulting in a high quality multi-dwelling housing development.
- 3.0 The subject application was notified in accordance with Part L “Public Notification of Development Applications” of the Strathfield Consolidated Development Control Plan 2005 from 24 April 2017 to 10 May 2017. One (1) written submission was received raising concern over visual privacy.
- 4.0 Overall, the proposal has demonstrated compliance with the relevant statutory controls applicable to the development and is considered to provide a positive outcome for the site and its surrounding streetscape. Accordingly, the proposal is recommended for approval, subject to the recommended conditions of consent.

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

**240-242 Homebush Road, Strathfield  
Lot 14 DP940953 and Lot 13 DP7142 (Cont'd)**

The subject site is legally described as Lot 14 DP940933 and Lot 13 DP7142 and is commonly known as 240-242 Homebush Road, Strathfield. The site is located on the eastern side of Homebush Road and has an area of 1,340.6m<sup>2</sup>.

The site is regular in shape and has a frontage of 30.48m to the west, rear boundary of 30.48m to the east, side boundary length of 44.27m to the north, and side boundary length of 44.28m to the south.

The site slopes from south-east to north-west and has a cross-fall of approximately 1.31m.

Existing development on the site comprises two single storey dwellings and detached outbuilding structures (Refer Figures 2 and 3).

The surrounding streetscape consists predominantly of single and two (2) storey dwelling houses, however as a result of the gazettal of the Strathfield Local Environmental Plan 2012 several residential flat building developments have recently been constructed to the south of the site towards the intersection of Homebush Road and Liverpool Road. The subject site is adjoined to the east by Strathfield South Public School.



**Figure 1: Locality plan**

240-242 Homebush Road, Strathfield  
Lot 14 DP940953 and Lot 13 DP7142 (Cont'd)



**Figure 2:** Existing dwellings at 240 and 242 Homebush Road.



**Figure 3:** View of Homebush Road facing the Homebush Road and Liverpool Road Intersection.



240-242 Homebush Road, Strathfield  
Lot 14 DP940953 and Lot 13 DP7142 (Cont'd)

## 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 demolition of existing site structures and construction of a multi-dwelling housing development comprised of seven (7), two (2) storey townhouses over a single level of basement car parking and strata subdivision of the site. A 3D photomontage of the proposal is provided below.



**Figure 4:** 3D Montage of the proposed extracted from the architectural plans.

## REFERRALS

### INTERNAL REFERRALS

#### Engineering Comments

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

#### Waste Comments

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

#### Landscaping Comments

Council's Tree Coordinator has reviewed the subject application and noted that the removal of one (1) street tree is proposed to accommodate for the proposed driveway. However, no objection is raised to the proposed tree removal as the tree is not well established and of limited significance. As such, Council's Tree Coordinator raised no objections to the proposal, subject to the imposition of recommended conditions of consent including the provision of a suitable replacement street tree.

240-242 Homebush Road, Strathfield  
Lot 14 DP940953 and Lot 13 DP7142 (Cont'd)

### Environmental Health Comments

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

### SECTION 79C CONSIDERATIONS – EP&A Act, 1979

In determining a development application, the consent authority is to take into consideration the following matters of consideration contained within section 79C of the Environmental Planning and Assessment Act, 1979 as relevant to the development application:

#### **79C(1)(a) the provisions of:**

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

The following Environmental Planning Instruments (EPI's) are applicable to the assessment of the subject application:

- State Environmental Planning Policy No. 55 – Remediation of Land;
- State Environmental Planning Policy (Building and Sustainability Index - BASIX) 2004;
- Strathfield Local Environmental Plan 2012;
- Strathfield Development Contributions Plan 2010-2030; and
- Strathfield Development Control Plan 2005:
  - Part C – Multiple Unit Housing
  - Part H – Waste Management
  - Part L – Notification

### STATE ENVIRONMENTAL PLANNING POLICY 55 – REMEDIATION OF LAND

State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55) requires Council to consider whether the site is suitable in its current state, contaminated state or following the completion of remediation works for the purpose for which development consent is being sought.

The site is not located in an area of investigation under Part K of the Strathfield Consolidated DCP 2005 (SCDCP 2005) which identifies past known landfill and potentially contaminated sites in the Strathfield local government area.

Nonetheless, the subject application was accompanied by a Phase 1 Preliminary Site Investigation was prepared by Aargus Environmental which identifies the subject site as being suitable for the purposes of the proposed development.

As such, the proposed development has satisfied the requirements of SEPP 55.

### 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.

### STRATHFIELD LOCAL ENVIRONMENTAL PLAN (SLEP) 2012

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

240-242 Homebush Road, Strathfield  
Lot 14 DP940953 and Lot 13 DP7142 (Cont'd)

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

### Permissibility

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

Development for the purposes of multi-dwelling housing are permissible with consent within the R3 Medium Density Residential Zone and is defined under SLEP 2012 as follows:

*“multi dwelling housing means 3 or more dwellings (whether attached or detached) on one lot of land, each with access at ground level, but does not include a residential flat building.”*

Development for the purposes of subdivision is permissible with consent upon the subject site under Clause 2.6 of the SLEP 2016.

### Zone Objectives

An assessment of the proposal against the objectives of the R3 Medium Density Residential Zone is included below:

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

**Comments:** The proposed development providing for additional residential housing within a medium density environment is considered to be consistent with the objectives of the R3 Medium Density Zone.

### Part 4: Principal development standards

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

240-242 Homebush Road, Strathfield  
Lot 14 DP940953 and Lot 13 DP7142 (Cont'd)

**Minimum lot sizes for dual occupancies, multi-dwelling housing and residential flat buildings**

<b>Cl.</b>	<b>Standard</b>	<b>Controls</b>	<b>Proposed</b>	<b>Complies</b>
4.1A	Multi Dwelling Housing (R3)	1,000m <sup>2</sup>	1,340.6m <sup>2</sup>	Yes

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

**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	7.4m	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			Yes
(c)	To achieve a diversity of small and large development options.			Yes

<b>Cl.</b>	<b>Standard</b>	<b>Controls</b>	<b>Proposed</b>	<b>Complies</b>
4.4	Floor space ratio	0.65:1 (871.39m <sup>2</sup> )	0.61:1 (820.5m <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			Yes
(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**

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

**5.10 Heritage Conservation**

Clause 5.10 of the SLEP 2012 require consideration be given to the impacts of development upon the heritage significance of any heritage item upon of adjoining the subject site. The adjoining site immediately to the east (457 Liverpool Road (Strathfield South Public School)) is listed under Schedule 5 of the SLEP 2012 as heritage item I228 being the former Leigh College including E Vickery Memorial Hall. The proposed development adjoins a contemporary three storey structure upon the school site and is physically isolated from any building of significance. Further, the

240-242 Homebush Road, Strathfield  
Lot 14 DP940953 and Lot 13 DP7142 (Cont'd)

proposed development is of a scale that will not overbear or detract from the adjoining heritage item. As such, the proposed development is considered unlikely to result in any impacts upon the adjoining heritage item.

## Part 6: Local Provisions

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

### 6.1 Acid sulfate soils

Clause 6.1 of the SLEP 2012 requires consideration be given to the likely impact of development upon areas of acid sulfate soils. As the subject site is identified as having Class 5 soils and is located more than 500m from any Class 1,2,3 or 4 Land. The subject application was not required to be accompanied by an Acid Sulfate Soils Management Plan.

### 6.2 Earthworks

Clause 6.2 of the SLEP 2012 requires consideration be given to the impacts of the proposed ancillary earthworks may have upon drainage within the locality, the future redevelopment of the site, adjoining development and any environmentally sensitive areas. The proposed development involves no earthworks considered likely to result in any significant impacts upon drainage within the locality, any future redevelopment of the site, adjoining development or any environmentally sensitive areas. Nonetheless, conditions of consent are recommended requiring the implementation of appropriate shoring and erosion and sediment control measures throughout the proposed excavation works so as to mitigate any potential impacts.

### 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 proposed development is located within a well serviced area and features existing water and electricity connections and direct vehicular access. As such, the subject site is considered to be adequately serviced for the purposes of the proposed development.

#### 79C(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.

#### 79C(1)(a)(iii) any development control plan

## STRATHFIELD CONSOLIDATED DEVELOPMENT CONTROL PLAN (SCDCP) 2005

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

### PART C – MULTIPLE-UNIT HOUSING

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

No.	Objectives	Complies
1	To maintain and improve the amenity and character of medium density residential areas in the Council area.	Yes
2	To ensure that new residential development is of a type, scale, height, bulk and character that is compatible with the particular streetscape characteristics of the area in which it is proposed.	Yes

240-242 Homebush Road, Strathfield  
Lot 14 DP940953 and Lot 13 DP7142 (Cont'd)

3	To promote residential development that is attractive, functional, innovative and is of a high quality.	Yes
4	To maximise solar access and privacy to existing and proposed developments.	Yes
5	To provide an acceptable acoustic environment for residents through appropriate design, layout and construction measures, which mitigate noise and vibration impacts from nearby road and rail transport activities.	Yes
6	To preserve existing mature vegetation and encourage the planting of native vegetation suitable for the area.	Yes
7	To ensure that an adequate number of on-site car parking spaces are provided for residents and visitors.	Yes
8	To ensure that adequate provision is made for landscaped open space for the enjoyment of residents.	Yes
9	To promote high quality landscaped areas which complement the overall development and which assist in maintaining existing streetscape quality.	Yes
10	To ensure that the heritage value of individual buildings and conservation areas is not compromised by new multiple-unit residential development.	Yes

Cl.	Element	Controls	Complies
2.2	Site Requirements	Minimum site area of 1000m <sup>2</sup> and a minimum street frontage of 30m.	Yes
	Building Street Setback	Minimum 9m or predominant	Yes
	Building Envelope	3.5m vertically at boundary & project inwards at 45°.	No
	Rear Setback	Determined by the building envelope, exceptions are for sites which adjoin open space.	Yes
	Side setback	Minimum 4m.	No
2.3	Dwelling Unit and Building Design	15% of the development is required to be designed as adaptable housing for older people or people with disabilities.	Yes
	Dwelling Unit and Building Design for townhouses	50% of the development is required to have at least one bedroom and bathroom facility located on the ground floor.	Yes
	Dwelling Unit and Building Design	No single building should have a continuous wall length of more than 30m without separation.	Yes
	Dwelling Unit and Building Design	Walls greater than 10m in length to be broken down or staggered.	No
	Dwelling Unit and Building Design	Parking for people with disabilities with convenient access to the building.	Yes
	Dwelling Unit and Building Design	Building materials and finishes are to be sympathetic to with the adjoining buildings and the streetscape.	Yes
	Unit Sizes and Lot Layout	2 bed townhouse = 100m <sup>2</sup> 3 bed townhouse = 110m <sup>2</sup> < than 3 bed t/house = 120m <sup>2</sup>	No
2.4.2.2	Solar Access	50% of the principle private open space achieves a minimum of 3 hours sunlight during the winter solstice.	Yes
	Solar Access	Solar access to habitable rooms and private open	No

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		space of adjoining properties be provided for a minimum of 3 hours during the winter solstice.	
2.4.3	Natural Space Heating and Cooling	Reduce the need to artificially heat and cool dwellings.	Yes
2.4.4	Natural Lighting	Reduce reliance on artificial lighting	Yes
2.4.6	Water Management	Mandatory water storage 10 dwell= 500lt / dwell each dwell thereafter = 250 lt/ dwell	Yes
	Water Management	Tanks to be located underground or at least behind the front building line. Located 900mm from front boundary	Yes
2.5	Streetscape orientation	Compatible with the existing character and address the street frontage.	Yes
	Streetscape orientation	Dwellings facing the street will have frontage and apparent access.	Yes
2.5	Front Fences	Sympathetic to street.	Yes
		Height of fence is to be less than 900mm of solid material.	Yes
	Side and rear fences	1.8m maximum height.	Yes
2.7	Open space and landscaping	40% (533.4m <sup>2</sup> ) of the total site area for 2-3 storey townhouses must equate to open space at ground level (this area can include driveways).	Yes 56.8% (762.16m <sup>2</sup> )
		Townhouses – 70% (533.5m <sup>2</sup> ) to be unpaved or 'soft' positive contribution to streetscape	Yes 70.3% (536.24m <sup>2</sup> )
		35% of the landscaped area (266.7m <sup>2</sup> ) is to be provide as deep soil landscaping this excludes basement underneath areas.	Yes 50.1% (381.8m <sup>2</sup> )
		Townhouses are required to have a minimum of 40m <sup>2</sup> of private open space per dwelling.	Yes
2.8	Privacy and Security	Windows are not to be located less than 9m apart from other dwellings or be offset from adjoining dwelling by 0.5m; have a sill height of 1.7m or have obscure glazing to a height of 1.7m.	Yes
		Bedrooms not to adjoin living rooms/ garages of adjoining dwellings.	Yes
		A balcony on the second storey of a townhouse must not overlook and adjoining property.	Yes
		Locked Shared pedestrian entries.	Yes
		Casual surveillance of street and public areas.	Yes
2.9	Car Parking	Car parking is required to be provided: 1 bed = 1 space 2 bed = 1.5 spaces 3 + bed = 2 spaces <b>Required = 14 resident spaces</b>	Yes (14) resident spaces
		Dimensions of garage car spaces to comply with AS2890.1	Yes
		1 visitor space is to be provided per 5 units. <b>Required = (2) visitor spaces</b>	Yes
	Ramp Driveway Gradient/ design	Complies with AS2890.1	Yes

**Comments:** As identified within the table above the proposed development seeks a departure from the solar access, unit size and setback controls established under Part C of the SCDP 2005. These non-compliances are discussed in detail within the likely impacts section of this report.

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

Part H "Waste Minimisation and Management Plan" of the Strathfield Consolidated Development Control Plan 2005 establishes a number of development controls relating to the minimisation and management of waste throughout development processes.

Section 2.1 of Part H requires that all development applications be accompanied by a Waste Management Plan outlining the proposed measures of minimising waste generation and waste disposal throughout demolition, construction works and the ongoing use of the site. The subject application was accompanied by a Waste Management Plan prepared by Waste Tech outlining the proposed measures of minimising waste generation and waste disposal throughout the proposed construction and demolition works and the ongoing management operation of the site.

Section 3.3 of Part H of the Strathfield Development Control Plan 2005 outlines for the purposes of small scale multi-unit housing each individual dwelling will be responsible for the management of their own waste. The proposed development, providing for bin storage within the basement level garage of each townhouse, complies with this requirement.

Further, Section 3.6.3 of Part H, requires waste storage be provided at the following rates:

**General Waste:** 120L/unit/week

**Recycling:** 120L/unit/fortnight

Having regard to the above rates, a minimum of (7) x 240L bins are to be provided for general waste and (7) x 240L bins are to be provided for recycling waste.

As such, the proposed development satisfies the requirements of Part H of the SCDCP 2005.

### **79C(1)(iia) any planning agreement or draft planning agreement**

No planning agreement has been entered into under section 93F of the *Environmental Planning and Assessment Act 1979*.

### **(i) matters prescribed by the regulations**

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

Having regard to these prescribed matters, the proposed development is not located on land subject to the Government Coastal Policy as determined by Clause 92(1)(a)(ii) and however does involve the demolition of a building for the purposes of AS 2601 – 1991: *The Demolition of Structures*.

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

### **(ii) any coastal zone management plan**

The NSW Government projects sea levels to rise by 40cm in 2050 and by 90cm in 2100 above the relative mean sea level in 1990. These planning benchmarks are to be considered in the assessment of development applications through the applicable coastal zone management plan or alternatively the provisions of the *NSW Coastal Planning Guideline: Adapting to Sea Level Rise*.



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

The proposed development is 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*.

**79C(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***

### Streetscape

The proposal seeks to construct seven (7) x two (2) storey townhouses which will attain an overall maximum building height of 7.6m. This will be sympathetic to dwellings surrounding the site which are both single storey and two (2) storey structures. It is noted that the proposed development is also suited to the intended future character of the area whereby higher density development is centred upon the intersection of Liverpool Road and Homebush Road with heights and densities gradually tapering down away from the intersection.

Section 2.2 of Part C of the SCDCP 2005 requires buildings to be sited within a building envelope determined by a plane projected at a 45 degree angle from a height of 3.5m above NGL. Whilst Building C achieves compliance with this requirement, Buildings A and B fail to sit under the required building envelope plane. This is due to the flat roof and simple "box-shaped" design proposed. The development is well-articulated through its use of blade walls, recessed walls and balconies applied to the front façade. The 4m driveway separation provided between Block A and Block B will also assist in providing visual relief between structures whilst also maintaining the building rhythm in the street.

As regards the proposed roof profile, whilst this is generally supported as proposed, it is noted that an alternative design may improve the visual impact of the development on the streetscape by reducing the 'box' like form of the development. Suggested design improvements include provision of an eave on the side elevations in addition to a cantilevered roof element in the centre of the development such that it overhangs the driveway. Notwithstanding these suggestions, a condition to this effect is not included for imposition, however it is recommended the Independent Hearing and Assessment Panel consider the proposed roof form in their deliberation of the application.

On balance, the proposed townhouse development is considered to be appropriate to the existing streetscape but also the intended future character of the area.

### Overshadowing

Section 2.4.2.2 of Part C of the SCDCP 2005 requires a minimum 3 hours of direct solar access to be provided to habitable rooms and private open space areas of adjoining properties. The east-west orientation of the site will result in an unavoidable degree of overshadowing to the southern adjoining allotment at 244 Homebush Road.

The shadow diagrams submitted with the application indicate that at 9am, the proposed development will cast a shadow over the vast majority of the southern adjoining site with a small portion of the rear yard receiving direct sunlight. At 12pm, overshadowing is contained to the northern side elevation of the adjoining dwelling and metal carport located to the rear of the site. The remainder of the dwelling including all east and west facing openings as well as front and rear

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yard will receive direct solar access. By 3pm, the shadow will move east providing direct solar access to most northern aspect windows and entire front portion of the site including portions of the rear open space area.

The plans submitted to Council are indicative of the worst case scenario being June 21 (Winter Solstice) where the degree of overshadowing will be significantly less throughout remaining times of the year. The proposed development is two (2) storeys providing a maximum building height of 7.4m which is considerably less than the 9.5m maximum permitted building height. Further, the development sits below the maximum permitted FSR which demonstrates that the development is suitable for the site.

### Unit Sizes

Section 2.3 of Part C of the SCDCP 2005 requires compliance with the minimum unit sizes provided for the construction of townhouse development. The proposal seeks to provide three (3) bedrooms located on the first floor of each townhouse including an additional separate family/guest room located upon the ground floor. Accordingly, each townhouse will provide four (4) bedrooms thus requiring a minimum unit size of 120m<sup>2</sup> in accordance with the above control.

The three (3) townhouses proposed to be provided for Block C each only achieve a maximum floor space of 115.5m<sup>2</sup>, which falls short of the minimum requirements. A condition of consent is therefore recommended to ensure each townhouse pertaining to Block C is increased by an additional 1m in width. This will result in an additional 19.2m<sup>2</sup> being allocated to each of the three (3) townhouses of Block C.

It is noted that the four (4) townhouses fronting Homebush Road pertaining to Blocks A and B each provide a total unit size of 118.5m<sup>2</sup> from the minimum 120m<sup>2</sup> required. Given that the departure is relatively minor and that the development has been designed to a high quality, the departure is considered acceptable.

### Wall length

A solid building wall of approximately 14.2m in length is proposed to be provided along the northern side elevation of Block A as well as the southern side elevation of Block B. This is contrary to Section 2.3 of Part C of the SCDCP 2005 which requires walls greater than 10m in length to be broken down or staggered. In order to improve articulation to the northern and southern side elevations of the development, a condition of consent is recommended to allow for additional windows to be provided. This will improve amenity to rooms throughout the townhouses of proposed Lot 1 and Lot 4 whilst improving articulation.

### Side Setbacks

A 2.49m side setback is proposed between the side boundaries and the northern and southern side elevation of the site contrary to the minimum 4m separation required by Section 2.2 of Part C of the SCDCP 2005. As previously discussed in the abovementioned sections, this is considered appropriate given that the development is broken up by the provision of a 4m wide driveway located between Blocks A and B. The townhouses of Blocks A and B will therefore present as detached dwellings as viewed from Homebush Road.

### Stormwater

A concept Stormwater Drainage Plan was submitted with the application. Council's Engineer has commented on these as follows:

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*"The stormwater Drainage Concept Plan prepared by United Consulted Engineers that accompanied the subject application shows a proposed pit on the eastern side of Homebush Road. It is noted that Council's drainage main is located on the western side of Homebush Road. In recognition of the inability of the development to connect to Council street drainage system it is recommended that stormwater runoff from the subject development site be connected to the street gutter. If the required maximum rate of discharge cannot be achieved using twin 100mm PVC pipes or single RHS section, then volume of the On-site Stormwater Detention storage (OSD) shall be increased using hydrologic or Swinburne method."*

Comments: In order to ensure compliance with Council's Stormwater Management Code and to satisfactorily address the concerns raised by Council's Engineer, the following condition is recommended for imposition:

#### **STORMWATER MANAGEMENT PAN - CERTIFICATION REQUIREMENT**

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 for approval, 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 and a copy provided to Council.

(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.)

#### **79C(1)(c) the suitability of the site for the development**

The proposed development presents an overall bulk, height and scale which is commensurate with the relevant statutory controls. The overall layout of the building allows for good solar access and ventilation to units, balconies and common areas. The proposal is consistent with the architectural form and high quality material palate sought by Council and will be compatible with existing, recently approved and likely future development nearby.

Therefore, the proposed development is suitable for the subject site.

#### **79C(1)(d) any submissions made in accordance with this Act or the regulations**

The subject application was notified in accordance with Part L "Public Notification of Development Applications" of the Strathfield Consolidated Development Control Plan 2005 from 24 April 2017 to 10 May 2017. One (1) written submission was received raising the following concern:

1. *"I want Council to ensure that any windows or openings on the south side of the building, facing our home, are abiding by the Council's policies and privacy rules."*

Assessing officer's comments: The windows located upon the side elevations of the development have been designed as highlight windows so as to preclude views from adjoining property windows and openings. A standard condition of consent is recommended to ensure all bathrooms, wet rooms and ensuites are provided with obscure glazing.

#### **79C(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

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received relating to it by Council. The proposed development is not considered to be contrary to the public interest.

## SECTION 94 CONTRIBUTIONS

Section 94 of the EP&A Act 1979 relates to the collection of monetary contributions from applicants for use in developing key local infrastructure. The Act reads as follows:

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

## STRATHFIELD DIRECT SECTION 94 CONTRIBUTIONS PLAN

Section 94 Contributions are applicable to the proposed development in accordance with the Strathfield Direct Development Contributions Plan 2010-2030 as follows:

Provision of Community Facilities	\$14,955.38
Provision of Major Open Space	\$68,042.49
Provision of Local Open Space	\$14,973.29
Provision Roads and traffic Management	\$2,601.16
Administration	\$1289.57
<b>TOTAL</b>	<b>\$101,861.88</b>

## CONCLUSION

The application has been assessed having regard to Section 79C of the Environmental Planning and Assessment Act 1979, the Strathfield Local Environmental Plan 2013 and the Strathfield Development Control Plan 2005 and is considered to be satisfactory for approval, subject to the recommended conditions of consent.

## RECOMMENDATION

That Development Application No. 2017/054 for demolition of existing structures and construction of a multi-dwelling housing development comprised of seven (7) townhouses above a single level of basement car parking including strata subdivision of the site at 240-242 Homebush Road, Strathfield be **APPROVED**, subject to the following conditions:

## SPECIAL CONDITIONS (SC)

### 1. UNIT SIZES (SC)

An additional 19.2m<sup>2</sup> floor space shall be allocated to each of the three (3) townhouses located in Block C. This shall be undertaken through increasing the width of each townhouse by an additional 1m. The additional floor space shall be allocated toward the northern side elevation of each townhouse so as to shift the additional floor space toward the northern side boundary of the site. Amended plans demonstrating compliance with the above shall be prepared and submitted to Accredited Certifier for approval prior to the issue

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of a Construction Certificate.

*(Reason: Compliance with minimum unit sizes)*

## 2. ARTICULATION (SC)

The following additional windows shall be provided to both the northern and southern side elevations of the development so as to provide further articulation to the development as well as to improve amenity to rooms throughout the townhouse.

Northern Elevation of Development:

- Lot 1: Ground floor family guest room – window providing a minimum width of 1m.
- Lot 1: First floor Main bedroom – window providing a sill height of 1.8m providing a minimum width of 1m.
- Lot 1: First floor Bedroom 3 – window providing a minimum sill height of 1.8m providing a minimum width of 1m.
- Lot 7: First floor Bedroom 2 window - window providing a minimum sill height of 1.8m providing a minimum width of 1m.

Southern Elevation of Development:

- Lot 4: Ground floor family guest room – window providing a minimum width of 1m.
- Lot 4: Ground floor living room – window providing a minimum width of 1m.
- Lot 4: First floor Main bedroom – window providing a sill height of 1.8m providing a minimum width of 1m.
- Lot 4: First floor bedroom 3 – window providing a sill height of 1.8m providing a minimum width of 1m.

## 3. COMMUNAL OPEN SPACE (SC)

The common open space area located in the rear northern portion of the site shall be re-allocated to the townhouses to Lot 1 and Lot 7. Amended plans demonstrating compliance with this requirement shall be prepared and submitted to Accredited Certifier for approval prior to the issue of a Construction Certificate.

*(Reason: Improve residential amenity.)*

## 5. STORMWATER MANAGEMENT PLAN - CERTIFICATION REQUIREMENT (SC)

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 for approval, 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 and a copy provided to Council.

*(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.)*

## 6. TREE REPLACEMENT (SC)

Consent is given for the removal of the existing *Tristanopsis laurina* street tree subject to the following:

- (a) A minimum of one (1) replacement *Tristanopsis laurina* shall be provided within

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- Council's nature strip in Homebush Rd in consultation with Council's Tree Management Co-ordinator
- (b) Trees are to conform to the *NATSPEC guide* and *Guide for assessing the quality of and purchasing of landscape trees* by Ross Clarke, 2003.
  - (c) Replacement trees shall be minimum 50 litre container size. Trees are to be true to type, healthy and vigorous at time of delivery and planting, shall be pest and disease free, free from injury and wounds and self-supporting. Supplied trees are to have an appropriate stem taper. Roots shall generally grow in an outwards (radial) or downwards direction.
  - (d) All trees are to be staked and tied with a minimum of three (3) hardwood stakes. Ties are to be hessian and fixed firmly to the stakes, one tie at half the height of the main stem, others as necessary to stabilise the plant.
  - (e) Root deflection barriers having a minimum depth of 600mm are to be installed adjacent to all footpaths and driveways.
  - (f) Minimum 75mm depth of organic mulch shall be placed within an area 0.5m radius from the base of the tree.

*(Reason: Ensure suitable replacement of Council Street Tree).*

#### 7. TREE PRESERVATION (SC)

To protect existing trees, masonry fence piers must be setback a minimum 3.0 metre radius from Tree 2 *Tristaniopsis laurina* referred to in Condition No. 1 and all masonry walling between the piers within this zone must be supported on concrete beams (not strip footings).

Manual excavation is required within canopy spread of the retained trees referred to in Condition No. 1.

*(Reason: preserve trees)*

#### 8. LANDSCAPING (SC)

Prior to the issue of a construction certificate the applicant shall submit and have approved by the Principal Certifying Authority (PCA) a detailed landscape implementation report certifying that landscaping has been provided in accordance with the landscape plan prepared by RFA Landscape Architects (Drawing No. L0-1) 20 March 2017 and the Landscape provisions contained within section 10.0 of Part A of the Strathfield Council Development Control Plan. The plans shall include the following:

- (a) A minimum 1.5m wide garden is to be established to the full width of the property frontage (except for vehicular crossings and pedestrian ways). The garden bed is to be planted with suitable shrubs and ground cover plants;
- (b) A detailed planting schedule for all garden areas indicating the species type, height, number and size;
- (c) Soft landscaping shall be provided in accordance with the submitted landscape plan;
- (d) Details of all hard and soft surfaces such as turf, gravel, paving, stepping stones and the like shall be shown;
- (e) Gardens should feature a mix of trees, shrubs, grasses and ground covers. A minimum of 25% of all plantings shall be locally indigenous species;
- (f) Evergreen shrubs with a minimum 5 litre container size achieving a minimum mature height of 3m shall be planted along side and rear boundaries to provide privacy screening; and
- (g) The plan shall demonstrate compliance with any other landscape condition of consent.

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(Reason: ensure landscaping is appropriate to the site)

### GENERAL CONDITIONS (GC)

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

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

Plans affixed with Council's 'Development Consent' stamp relating to Development Consent No. 2017/054:

Drawing No.	Title/Description	Prepared by	Issue / Revision & Date	Date received by Council
A104	Subdivision Plan	CK Design	A	14 June 2017
A106	Site & Demolition Plan	CK Design	A	14 June 2017
A107	Basement Floor Plan	CK Design	A	14 June 2017
A108	Ground Floor Plan	CK Design	A	14 June 2017
A109	First Floor Plan	CK Design	A	14 June 2017
A110	Roof Plan	CK Design	A	14 June 2017
A111	Elevations	CK Design	A	14 June 2017
A112	Elevations & Sections	CK Design	A	14 June 2017
A116	Schedule of Finishes	CK Design	B	14 June 2017
A119	Fence Details	CK Design	B	14 June 2017
A121	Longitudinal Section Plan	CK Design	A	14 June 2017
L-01	Landscape Plan	RFA Landscape Architects	A	13 April 2017
Sheet 1 of 3	Site and Roof Drainage Plan	United Consulting Engineers	A	13 April 2017
Sheet 2 of 3	Drainage Details	United Consulting Engineers	A	13 April 2017
Sheet 3 of 3	Drainage Details	United Consulting Engineers	A	13 April 2017
Sheet 1 of 1	Soil and Water Management Plan	United Consulting Engineers	A	13 April 2017

Reference Documentation affixed with Council's 'Development Consent' stamp relating to Development Consent No. 2017/054:

Title / Description	Prepared by	Issue/Revision & Date	Date received by Council
Statement of Environmental Effects	D-Plan Urban Planning Consultants Pty Ltd	A	13 April 2017
BASIX		Cert Number: 805216M_02	13 April 2017
Demolition, Construction and Use of Premises	CK Design	A	13 April 2017

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In the event of any inconsistency between the approved plans and supplementary documentation, the plans will prevail. However, the conditions of this consent shall prevail to the extent of any inconsistency.

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

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

The height of the building measured to Australian Height Datum (AHD) must not exceed Relative Level (RL) 30.05AHD to the ridge of the lift overrun of the building.

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

**11. 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.)*

**12. 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.)*

**13. 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.)*

**14. DEMOLITION - SITE SAFETY FENCING (GC)**

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

If applicable, a separate Hoarding Application for the erection of an A class (fence type) or B class (overhead type) hoarding along the street frontage(s) complying with WorkCover



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requirements must be obtained including:

- (i) 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
- (ii) 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.)

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

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

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

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

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

All common and private landscape areas including all planters are to have full coverage by a fully automatic irrigation system. The design, materials and installation are to be in accordance with Sydney Water Codes and satisfy all relevant Australian Standards. Details demonstrating compliance shall be submitted to the Principal Certifying Authority, prior occupation of the premises.

(Reason: To ensure appropriate landscape maintenance.)

**17. LANDSCAPING - TREES PERMITTED TO BE REMOVED (GC)**

The following listed trees are permitted to be removed to accommodate the proposed development:

<i>Tree No. in Arborist Report</i>	<i>Tree</i>	<i>Location</i>
3)Tristaniposis laurina	4 x 2	Road reserve

All trees permitted to be removed by this consent shall be replaced by species selected from Council's Recommended Tree List.

Replacement trees shall be a minimum 50 litre container size. Trees are to conform to the *NATSPEC guide* and *Guide for assessing the quality of and purchasing of landscape trees* by Ross Clarke, 2003. Trees are to be true to type, healthy and vigorous at time of delivery and planting, shall be pest and disease free, free from injury and wounds and self-supporting; and shall be maintained until maturity.

All trees are to be staked and tied with a minimum of three (3) hardwood stakes. Ties are to be hessian and fixed firmly to the stakes, one tie at half the height of the main stem, others as necessary to stabilise the plant.

Root deflection barriers having a minimum depth of 600mm are to be installed adjacent to all

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footpaths and driveways.

Soil conditioner/fertilizer/moisture retention additive/s are to be applied in accordance with manufacturer's recommendations, and mixed into the backfilling soil after planting tree/s.

A minimum 75mm depth of organic mulch shall be placed within an area 0.5m from the base of the tree.

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

*(Reason: To ensure appropriate planting back onto the site.)*

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

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

All healthy trees and shrubs identified for retention on the approved drawings are to be suitably protected in accordance with Australian Standard AS4970 – Protection of Trees on Development Sites, prior to the commencement of any works (including any demolition and excavation) and maintained for the duration of the works.

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

**19. LIGHTING (GC)**

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

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

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

**20. 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.)*

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

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

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

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

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

(Reason: Statutory requirement.)

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

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

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

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

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

- (i) All demolition is to be carried out in accordance with Australian Standard AS 2601-2001.
- (ii) Demolition must be carried out by a registered demolition contractor.
- (iii) A single entrance is permitted to service the site for demolition and construction. The footway and nature strip at the service entrance must be planked out.
- (iv) No blasting is to be carried out at any time during construction of the building.
- (v) Care must be taken during demolition/ excavation/ building/ construction to prevent any damage to adjoining buildings.
- (vi) Adjoining owner property rights and the need for owner's permission must be observed at all times, including the entering onto land for the purpose of undertaking works.
- (vii) Any demolition and excess construction materials are to be recycled wherever practicable.
- (viii) The disposal of construction and demolition waste must be in accordance with the requirements of the Protection of the Environment Operations Act 1997.
- (ix) All waste on the site is to be stored, handled and disposed of in such a manner as to not create air pollution (including odour), offensive noise or pollution of land and/or water as defined by the Protection of the Environment Operations Act 1997. All excavated material should be removed from the site in an approved manner and be disposed of lawfully to a tip or other authorised disposal area.
- (x) All waste must be contained entirely within the site.
- (xi) Section 143 of the Protection of the Environment Operations Act 1997 requires waste to be transported to a place which can lawfully accept it. All non-recyclable demolition materials are to be disposed of at an approved waste disposal depot in accordance with legislation.
- (xii) All materials on site or being delivered to the site are to generally be contained within the site. The requirements of the Protection of the Environment Operations Act 1997 must be complied with when placing/stockpiling loose material, disposing of concrete waste, or other activities likely to pollute drains or water courses.

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- (xiii) Details as to the method and location of disposal of demolition materials (weight dockets, receipts, etc.) should be kept on site as evidence of approved methods of disposal or recycling.
- (xiv) Any materials stored on site must be stored out of view or in such a manner so as not to cause unsightliness when viewed from nearby lands or roadways.
- (xv) Public footways and roadways adjacent to the site must be maintained and cleared of obstructions during construction. No building materials, waste containers or skips may be stored on the road reserve or footpath without prior separate approval from Council, including payment of relevant fees.
- (xvi) Building operations such as brick-cutting, washing tools or paint brushes, and mixing mortar not be performed on the roadway or public footway or any other locations which could lead to the discharge of materials into the stormwater drainage system.
- (xvii) All site waters during excavation and construction must be contained on site in an approved manner to avoid pollutants entering into waterways or Council's stormwater drainage system.
- (xviii) Any work must not prohibit or divert any natural overland flow of water.
- (xix) Toilet facilities for employees must be provided in accordance with WorkCover NSW.
- (xx) Protection pads are to be installed to the kerb and gutter where trucks and vehicles enter the site.

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

**24. 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.)

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

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

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

(Reason: Compliance with Sydney Water requirements.)

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

Any footings or excavation to be located or undertaken adjacent to Council's stormwater must

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be designed to address the following requirements:

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

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

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

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

(Reason: To ensure protection of Council assets.)

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

##### **27. ACCESS - ACCESS FOR PEOPLE WITH DISABILITIES (CC)**

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

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

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

##### **28. BASIX COMMITMENTS (CC)**

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

Where a change or changes are proposed in the BASIX commitments, the applicant must submit a new BASIX Certificate to the Principal Certifying Authority and Council. If any proposed change in the BASIX commitments is inconsistent with the development consent the applicant will be required to submit a modification to the development consent to Council under Section 96 of the Environmental Planning and Assessment Act 1979.

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

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(Reason: Statutory compliance.)

29. **BICYCLE STORAGE PROVISION (CC)**

On-site provision for bicycle storage facilities shall be in accordance with the Strathfield Consolidated Development Control Plan 2005. Details demonstrating compliance shall be submitted to the Principal Certifying Authority, prior to the issue of a Construction Certificate.

(Reason: Compliance with SCDCP 2005 and to encourage sustainable transport options.)

30. **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.)

31. **CAR PARKING - REQUIREMENTS FOR MULTIPLE USE BUILDINGS (CC)**

The following car parking and service vehicle requirements apply:-

- (i) (16) car spaces shall be provided on the development site. This shall consist of:
  - 14 residential spaces
  - 2 visitor spaces.
- (ii) All car spaces shall be allocated and marked according to this requirement.
- (iii) If the development is to be strata subdivided, the car park layout must reflect the above allocation and thereafter be regarded as part of the entitlement of that strata lot.
- (iv) Under no circumstances shall parking spaces be sold, let or otherwise disposed of for use other than in accordance with this condition.
- (v) Each car parking space shall have minimum dimensions in accordance with the relevant Australian Standard and be provided on-site in accordance with the approved plans.
- (vi) The parking bays shall be delineated by line marking.
- (vii) Visitor spaces shall be clearly line marked and/or signposted and shall only be used by persons visiting residents of the property or commercial/business/retail premises located within the development. Visitor spaces shall not be allocated as permanent residential parking spaces. Access to visitor parking spaces shall not be restricted without development approval and a sign shall be erected at the vehicular entrance indicating the availability of visitor parking.
- (viii) The following traffic control measures shall be implemented on site:-
  - Signage indicating 'Entry Only' shall be prominently displayed at the entrance to the development.
  - Signage indicating 'Exit Only' shall be prominently displayed at the exit to the development.

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- One-Way directional arrows shall be painted on the driveway pavement to indicate the required vehicular directional movement through the car parking area.

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

(Reason: To ensure car parking provision in accordance with this consent.)

**32. CAR PARKING – STACKED (CC)**

Any stacked parking spaces (maximum 2 spaces, nose to tail) must be attached to the same strata title comprising a single dwelling unit or commercial/retail tenancy, subject to the maximum parking limit applying. The stacked parking spaces must be designated (with appropriate signage) for employee or tenant parking only (not visitor parking). Details in this regard must be reflected in the plan documentation to be lodged with a Construction Certificate application. Manoeuvring of stacked vehicles must occur wholly within the property.

(Reason: Compliance and appropriate allocation of parking.)

**33. 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.)

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

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

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

(Reason: To ensure compliance with statutory provisions.)

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

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

- (i) Detailed information on any approvals required from other authorities prior to or during construction.
- (ii) Traffic management, including details of:
  - ingress and egress of vehicles to the site;
  - management of loading and unloading of materials;
  - the location of heavy vehicle parking off-site; and
  - designated routes for vehicles to the site.
- (iii) The proposed areas within the site to be used for a builder's site office and

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- amenities, the storage of excavated material, construction materials and waste containers during the construction period.
- (iv) Erosion and sediment control, detailing measures and procedures consistent with the requirements of Council's guidelines for managing stormwater, including:
- the collection and treatment of stormwater and wastewater generated on site prior to discharge; and
  - procedures to prevent run-off of solid material and waste from the site.
- (v) Waste management, including:
- details of the types and estimated volumes of waste materials that will be generated;
  - procedures for maximising reuse and recycling of construction materials; and
  - details of the off-site disposal or recycling facilities for construction waste.
- (vi) Dust control, outlining measures to minimise the generation and off-site transmission of dust and fine particles, such as watering or damp cloth fences.
- (vii) A soil and water management plan, which includes:
- measures to minimise the area of soils exposed at any one time and conserve top soil;
  - identification and protection of proposed stockpile locations;
  - preservation of existing vegetation and revegetation;
  - measures to prevent soil, sand, sediments leaving the site in an uncontrolled manner;
  - measures to control surface water flows through the site in a manner that diverts clean run-off around disturbed areas, minimises slope gradient and flow distance within disturbed areas, ensures surface run-off occurs at non-erodible velocities, and ensures disturbed areas are promptly rehabilitated;
  - details of sediment and erosion control measures in place before work commences;
  - measures to ensure materials are not tracked onto the road by vehicles entering or leaving the site; and
  - details of drainage to protect and drain the site during works.
- (viii) Asbestos management procedures:
- Anyone who removes, repairs or disturbs bonded or a friable asbestos material must hold a current removal licence from Workcover NSW holding either a Friable (Class A) or a Non- Friable (Class B) Asbestos Removal License which ever applies and a current WorkCover Demolition License where works involve demolition. To find a licensed asbestos removalist please see [www.workcover.nsw.gov.au](http://www.workcover.nsw.gov.au)
  - Removal of asbestos by a person who does not hold a Class A or Class B asbestos removal license is permitted if the asbestos being removed is 10m<sup>2</sup> or less of non-friable asbestos (approximately the size of a small bathroom). Friable asbestos materials must only be removed by a person who holds a current Class A asbestos license.
  - Before starting work, a work site-specific permit approving each asbestos project must be obtained from Workcover NSW. A permit will not be granted without a current Workcover licence. All removal, repair or disturbance of or to asbestos material must comply with the following:
    - The Work Health and Safety Act 2011;
    - The Work Health and Safety Regulation 2011;
    - How to Safety Remove Asbestos Code of Practice – WorkCover 2011; and
    - Safe Work Australia Code of Practice for the Management and Control of Asbestos in the



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Workplace.

- Following completion of asbestos removal works undertaken by a licensed asbestos removalist re-occupation of a workplace must not occur until an independent and suitably licensed asbestos removalist undertakes a clearance inspection and issues a clearance certificate.
- The developer or demolition contractor must notify adjoining residents at least two (2) working days (i.e. Monday to Friday exclusive of public holidays) prior to the commencement of asbestos removal works.

Notification is to include, at a minimum:

- the date and time when asbestos removal works will commence;
- the name, address and business hours contact telephone number of the demolisher, contractor and/or developer;
- the full name and license number of the asbestos removalist/s; and
- the telephone number of WorkCover's Hotline 13 10 50
- warning signs informing all people nearby that asbestos removal work is taking place in the area. Signs should be placed at all of the main entry points to the asbestos removal work area where asbestos is present. These signs should be weatherproof, constructed of light-weight material and adequately secured so they remain in prominent locations. The signs should be in accordance with AS 1319-1994 Safety signs for the occupational environment for size, illumination, location and maintenance; and
- appropriate barricades installed as appropriate to prevent public access and prevent the escape of asbestos fibres. Barricades must be installed prior to the commencement of asbestos removal works and remain in place until works are completed.

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

### 36. **DILAPIDATION REPORT - PRE-COMMENCEMENT (CC)**

Subject to access being granted, a pre-commencement Dilapidation Report is to be undertaken on all adjoining properties, which in the opinion of a suitably qualified engineer, could be potentially affected by the construction of the project. The Dilapidation Report shall be carried out prior to the issue of a Construction Certificate.

The Dilapidation Report is to be prepared by a suitably Qualified Engineer with current Corporate Membership with the Institution of Engineers, Australia or Geotechnical Practitioner. The report shall include a photographic survey of adjoining properties detailing the physical condition of those properties, both internally and externally, including walls, ceilings, roof, structural members and other such items.

If access for undertaking the dilapidation survey is denied by an adjoining owner, the applicant must demonstrate, in writing, to Council's satisfaction attempts have been made to obtain access and/or advise the affected property owner of the reason for the survey and these attempts have been unsuccessful. Written concurrence must be obtained from Council in such circumstances.

The Report shall cover structural and geotechnical factors likely to arise from the

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development. A copy of this Report shall be submitted to Council as a record. The person having the benefit of the development consent must, at their own cost, rectify any damage caused to other properties during the construction of the project.

(Reason: To ensure no damage to adjoining properties occurs.)

**37. EXCAVATION - AFFECTING ADJOINING LAND (CC)**

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

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

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

(Reason: Structural safety.)

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

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

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

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

**39. HAZARDOUS GOODS AND WASTE (CC)**

- (i) Dangerous and hazardous goods shall be stored in accordance with NSW WorkCover requirements and AS1940-2004 - The Storage and Handling of Flammable and Combustible Liquids.
- (ii) Hazardous waste must be contained, managed and disposed of in a responsible manner in accordance with the Protection of Environment and Operations Act 1997, NSW Environment Protection Authority (EPA) and the New South Wales WorkCover Authority.
- (iii) Material Safety Data Sheets of all hazardous substances used, such as bleaches and nail products must be kept on site and readily available to all staff. Staff must be trained how to safely use and store these chemicals prior to the commencement of work.

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

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(Reason: Health and safety.)

40. **HOARDINGS (CC)**

A Hoarding Application for the erection of a Class A (fence type) or Class B (overhead type) hoarding along the street frontage(s) complying with WorkCover requirements must be obtained.

The relevant application form shall be submitted to Council with a footpath occupancy fee based on the area of footpath to be occupied according to Council's Schedule of Fees and Charges, and the application shall be approved before the commencement of work.

A Public Risk Insurance Policy with a minimum cover of \$20 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 also provided to Council.

The Policy is to note Council as an interested party. The copy is to be provided to Council, prior to the issue of a Construction Certificate.

(Reason: Public safety.)

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

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

(Reason: Ensure landscape survival.)

42. **LANDSCAPING ON SLAB (CC)**

To ensure the site landscaping thrives, the on slab landscaping shown on the approved landscaping plan is to be designed to include a minimum soil depth of 650mm for shrubs and trees; and 300mm for grass and ground covers. Adequate drainage provision and a permanent, automatic irrigation system conforming to Sydney Water requirements shall be included. Details demonstrating compliance shall be submitted to the Principal Certifying Authority with the Construction Certificate application.

(Reason: Ensure landscape survival.)

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

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

(Reason: Privacy amenity.)

44. **SECTION 94 CONTRIBUTION PAYMENT - DIRECT CONTRIBUTIONS PLAN (CC)**

In accordance with the provisions of Section 94(1)(b) 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)

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shall be paid to Council for the following purposes:

Provision of Community Facilities	\$14,955.38
Provision of Major Open Space	\$68,042.49
Provision of Local Open Space	\$14,973.29
Provision Roads and traffic Management	\$2,601.16
Administration	\$1289.57
<b>TOTAL</b>	<b>\$101,861.88</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.

Note: A copy of Strathfield Council's Section 94 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.)

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

A security payment of **\$6,254.00** in the form of cash, bank guarantee, cheque or credit card (financial transactions fees apply) shall be paid to Council prior to the issue of a Construction Certificate. The security payment is GST inclusive and comprises the following:

Refundable tree protection bond	\$2,000.00
Refundable works bond	\$4,000.00
<u>Non-refundable administration fee (\$127/bond)</u>	<u>\$254.00</u>
<b>TOTAL</b>	<b>\$6,254.00</b>

The security payment covers the following matters and will be released upon satisfactory completion of these items:

- (i) road and stormwater drainage works in roadways and public areas;
- (ii) connection to Council's stormwater drainage system;
- (iii) installation and maintenance of sediment control measures for the duration of construction activities;
- (iv) tree final inspection to ensure that Council's street trees have been retained, protected or replanted in accordance with conditions of consent and/or Arborists' report for the post final inspection twelve (12) month period; and
- (v) inspection that no damage has occurred to or building debris/materials have been left on Council land including the footpath, nature strip, kerb and gutter.

Note: The security bond may be used to recover the costs incurred by Council in cleaning and restoring the land to its original condition.

(Reason: Protection of Council infrastructure.)

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46. **STORMWATER DRAINAGE (CC)**

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

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

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

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

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

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

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

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- (xvi) material, plant and spoil bin storage areas within the site, where all materials are to be dropped off and collected;
- (xvii) on-site parking area for employees, tradespersons and construction vehicles as far as possible;
- (xviii) proposed areas within the site to be used for the storage of excavated material, construction materials and waste and recycling containers during the construction period; and
- (xix) how it is proposed to ensure that soil/excavated material is not transported onto surrounding footpaths and roadways.

(Reason: To mitigate traffic impacts on the surrounding area during the construction period.)

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

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

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

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

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

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

(Reason: Environmental amenity.)

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

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

Note: Where an electricity substation is required but no provision has been made to place it within the approved building or its site and no details are provided on the approved development consent plans, a section 96 application is required to be submitted to Council for approval of an appropriate location for the required electricity substation.

(Reason: Access to utility.)

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

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

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

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

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

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

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

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

The mechanical ventilation system is to comply with the following:

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

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

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

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

**53. WASTE - GARBAGE ROOMS OR GREASE ARRESTOR ROOMS (CC)**

Garbage rooms or grease arrester rooms must be constructed of solid material: cement rendered and steel trowelled to a smooth even surface. The door to the garbage room is to be designed and constructed to ensure the room is vermin proof and can be opened from the inside at all times. The garbage room is to be ventilated to the external air by natural ventilation or an approved air handling exhaust system.

(Reason: To keep garbage rooms in a clean and sanitary condition to protect public health.)

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

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

(Reason: To maintain streetscape character.)

**55. WORKS PERMIT (CC)**

A Works Permit shall be obtained from Strathfield Council at least five (5) working days prior any work (including demolition, excavation and the erection of site fencing/hording). The

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Lot 14 DP940953 and Lot 13 DP7142 (Cont'd)

approved Works Permit and any approved Construction Traffic Management Plan must be complied with at all times until all demolition, building, engineering and construction work associated with the development has been completed. The permit must be retained on site at all times.

(Reason: Council requirement.)

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

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

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

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

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

All civil engineering works adjacent/near/outside 80-82 Water Street, Belfield are to be fully supervised by Council. A maintenance period of six (6) months shall apply to the work, after it has been completed and approved. In that period the Applicant shall be liable for any part of the work which fails to perform in the manner outlined in Council's specifications, or as would reasonably be expected under the design conditions.

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

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

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

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

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

(Reason: Council requirement.)

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



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

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

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

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

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

(Reason: Statutory requirement.)

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

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

- (i) A contract of insurance in accordance with Part 6 of the Home Building Act 1989 is entered into and in force, where such a contract is required under that Act (this is a prescribed condition of consent pursuant to clause 981(b) Environmental Planning and Assessment Regulation 2000.
- (ii) The PCA is satisfied that the principal contractor for the work is the holder of the appropriate licence and is covered by the appropriate insurance, in each case if required by the Home Building Act 1989 (unless the work is to be carried out by an owner-builder).
- (iii) If the work is to be carried out by an owner builder, that the owner builder is the

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- holder of any owner-builder permit required under the Home Building Act 1989.
- (iv) Written notice of the following information has been provided to Council (this is a prescribed condition of consent pursuant to clause 98B of the Environmental Planning and Assessment Regulation 2000):

In the case of work for which a principal contractor is required to be appointed:

- the name and licence number of the principal contractor; and
- the name of the insurer by which the work is insured under Part 6 of the Home Building Act 1989.

In the case of work to be done by an owner-builder:

- the name of the owner-builder; and
- if the owner-builder is required to hold an owner-builder permit under the Home Building Act 1989, the number of the owner-builder permits.

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

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

(Reason: Statutory requirement.)

#### 60. NOTICE OF COMMENCEMENT (CW)

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

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

(Reason: Statutory requirement.)

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

#### 61. CONTAMINATED LAND UNEXPECTED FINDS (DW)

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

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

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

(Reason: To ensure compliance with statutory requirements.)

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**62. FILL MATERIAL (DW)**

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

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

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

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

**63. 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.)

**64. 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.)

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

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

- (i) All demolition is to be carried out in accordance with Australian Standards AS 2601-2001.
- (ii) Demolition must be carried out by a registered demolition contractor.
- (iii) A single entrance is permitted to service the site for demolition and construction. The footway and nature strip at the service entrance must be planked out with close boarded, hardwood timber footpath protection pads. The pad shall cover the entire width of the footpath opening for the full width of the fence.
- (iv) No blasting is to be carried out at any time during construction of the building.
- (v) Care must be taken during demolition/ excavation/ building/ construction to prevent any damage to adjoining buildings.
- (vi) Adjoining owner property rights and the need for owner's permission must be observed at all times, including the entering onto land for the purpose of undertaking works.
- (vii) Any demolition and excess construction materials are to be recycled wherever practicable.
- (viii) The disposal of construction and demolition waste must be in accordance with

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Lot 14 DP940953 and Lot 13 DP7142 (Cont'd)

- the requirements of the Protection of the Environment Operations Act 1997.
- (ix) All waste on the site is to be stored, handled and disposed of in such a manner as to not create air pollution (including odour), offensive noise or pollution of land and/or water as defined by the Protection of the Environment Operations Act 1997.
  - (x) All excavated material should be removed from the site in the approved manner and be disposed of lawfully to a tip or other authorised disposal area.
  - (xi) Section 143 of the Protection of the Environment Operations Act 1997 requires waste to be transported to a place which can lawfully accept it. All non-recyclable demolition materials are to be disposed of at an approved waste disposal depot in accordance with legislation.
  - (xii) All materials on site or being delivered to the site are to generally be contained within the site. The requirements of the Protection of the Environment Operations Act 1997 must be complied with when placing/stockpiling loose material, disposing of concrete waste, or other activities likely to pollute drains or water courses.
  - (xiii) Details as to the method and location of disposal of demolition materials (weight dockets, receipts etc.) should be kept on site as evidence of approved methods of disposal and recycling.
  - (xiv) Any materials stored on site must be stored out of view or in such a manner so as not to cause unsightliness when viewed from nearby lands or roadways.
  - (xv) Public footways and roadways adjacent to the site must be fully maintained and cleared of obstructions during construction unless prior separate approval from Council is obtained including payment of relevant fees.
  - (xvi) Building operations such as brick cutting, washing tools or paint brushes, and mixing mortar not be performed on the roadway or public footway or any other locations which could lead to the discharge of materials into the stormwater drainage system.
  - (xvii) All site waters during excavation and construction must be contained on site in an approved manner to avoid pollutants entering into waterways or Council's stormwater drainage system.
  - (xviii) Stamped plans, specifications, documentation and the consent shall be available on site at all times during construction.

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

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

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

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

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

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

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

### **67. ENGINEERING WORKS (CERTIFICATION OF)**

Prior to occupation of the premises, a Work As Executed (WAE) Plan of all engineering and/or drainage works is to be submitted to the Principal Certifying Authority. The WAE Plan is to be certified by a suitably Qualified Engineer, with Corporate Membership standing in the Institution of Engineers Australia and registered on the National Professional Engineers Register (NPER) under the appropriate professional category, demonstrating that:

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

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

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

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

(Reason: Asset management.)

### **68. FIRE SAFETY CERTIFICATION (OC)**

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

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

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

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

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

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

- (i) submitted to Strathfield Council;

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Lot 14 DP940953 and Lot 13 DP7142 (Cont'd)

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

(Reason: Fire safety and statutory requirement.)

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

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

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

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

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

(Reason: Statutory requirement.)

**70. 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.)

**71. 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 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.)

**72. VENTILATION SYSTEMS – MECHANICAL (OC)**

The mechanical ventilation system is to comply with the following:

240-242 Homebush Road, Strathfield  
Lot 14 DP940953 and Lot 13 DP7142 (Cont'd)

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

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

At the completion of the installation of the mechanical exhaust ventilation system, a certificate from a practising mechanical engineer shall be submitted to the Principal Certifying Authority, prior to issue of the Occupation Certificate demonstrating compliance with the above.

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

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

#### **73. FIRE SAFETY ANNUAL STATEMENT (OU)**

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

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

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

(Reason: Fire safety)

#### **74. WASTE AND RECYCLING COLLECTION HOURS (OU)**

The collection of waste and recycling must only occur between 6.00am and 8.00pm weekdays and 9.00am and 5.00pm weekends and public holidays, to avoid noise disruption to the surrounding area.

Garbage and recycling must not be placed on the kerbside for collection more than one hour before the scheduled collection time. Bins and containers are to be removed from the kerbside within one (1) hour of collection and returned to the designated garbage storage area(s).

The garbage and recyclable storage area and bins must be adequate to contain the volume and type of garbage and recyclable matter of the food premises.

All garbage and recyclable matter must be enclosed in the waste bins with lids completely closed at all times.

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

#### **75. WATER COOLING AND WARM WATER SYSTEMS - MICROBIAL CONTROL (OU)**

The installation and ongoing operation of the water cooling systems, evaporative coolers and hot/warm water systems within the premises shall be undertaken in accordance with the relevant provisions of:

**240-242 Homebush Road, Strathfield  
Lot 14 DP940953 and Lot 13 DP7142 (Cont'd)**

- (i) Public Health Act 2010 and Public Health Regulation 2012;
- (ii) Australian Standard AS/NZS 3666 - Air Handling and Water Systems of Buildings - Microbial Control, Parts 1, 2 & 3 of 2011; and
- (iii) 2004 NSW Health Code of Best Practice for the Control of Legionnaires Disease.

Any systems are required to be registered with Council and the Public Health Authority.

(Reason: Health and safety.)

#### **ATTACHMENTS**

1. plans



Sheet List	
Sheet Number	Sheet Name
A101	COVER PAGE
A102	BASIX COMMITMENT SHEET
A103	SURVEY PLAN
A104	SUBDIVISION PLAN
A105	SITE ANALYSIS
A106	SITE & DEMOLITION PLAN
A107	BASEMENT FLOOR PLAN
A108	GROUND FLOOR PLAN
A109	FIRST FLOOR PLAN
A110	ROOF PLAN
A111	ELEVATIONS
A112	ELEVATIONS & SECTION
A113	SHADOW DIAGRAMS
A114	SHADOW DIAGRAMS
A115	SHADOW DIAGRAMS
A116	SCHEDULE OF FINISHES
A117	CALCULATION SHEET
A118	3D PERSPECTIVE
A119	FENCE DETAILS
A120	SOLAR ACCESS & CROSS VENTILATION
A121	LONGITUDINAL SECTION
A122	ELEVATIONAL SHADOW DIAGRAMS



Strathfield Municipal Council  
 14 JUN 2017  
 2017/054



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 OF THE BUILDING CODE OF AUSTRALIA.

Issue	Description	Date
A	AMENDMENTS AS PER COUNCIL'S LETTER DATED 19-05-2017	29-05-2017

**PROPOSED TOWNHOUSE  
 DEVELOPMENT  
 DEVELOPMENT APPLICATION**

ADDRESS:  
**240-242 HOMEBUSH RD, STRATHFIELD**

CLIENT:  
**KREDDE INVESTMENTS PTY LTD & MB PROPERTY GROUP**

**Schedule of BASIX commitments**

The commitments set out below regulate how the proposed development is to be carried out. It is a condition of any development consent granted, or complying development certificate issued, for the proposed development, that BASIX commitments be complied with.

**1. Commitments for multi-dwelling houses**

**(a) Dwellings**

(i) Water	Show on DA plans	Show on CC/CDC plans & specs	Certifier check
(a) The applicant must comply with the commitments listed below in carrying out the development of a dwelling listed in a table below.			
(b) The applicant must plant indigenous or low water use species of vegetation throughout the area of land specified for the dwelling in the "Indigenous species" column of the table below, as private landscaping for that dwelling. (This area of indigenous vegetation is to be contained within the "Area of garden and lawn" for the dwelling specified in the "Description of Project" table).	✓	✓	
(c) If a rating is specified in the table below for a fixture or appliance to be installed in the dwelling, the applicant must ensure that each such fixture and appliance meets the rating specified for it.		✓	✓
(d) The applicant must install an on demand hot water recirculation system which regulates all hot water use throughout the dwelling, where indicated for a dwelling in the "HW recirculation or diversion" column of the table below.		✓	✓
(e) The applicant must install: (aa) a hot water diversion system to all showers, kitchen sinks and all basins in the dwelling, where indicated for a dwelling in the "HW recirculation or diversion" column of the table below, and (bb) a separate diversion tank (or tanks) connected to the hot water diversion systems of at least 100 litres. The applicant must connect the hot water diversion tank to all toilets in the dwelling.		✓	✓
(e) The applicant must not install a private swimming pool or spa for the dwelling, with a volume exceeding that specified for it in the table below.	✓	✓	
(f) If specified in the table, that pool or spa (or both) must have a pool cover or shading (or both).		✓	
(g) The pool or spa must be located as specified in the table.	✓	✓	
(h) The applicant must install, for the dwelling, each alternative water supply system, with the specified size, listed for that dwelling in the table below. Each system must be configured to collect run-off from the areas specified (excluding any area which supplies any other alternative water supply system), and to divert overflow as specified. Each system must be connected as specified.	✓	✓	✓

Dwelling no.	Fixtures			Appliances			Individual pool			Individual spa				
	All shower-heads	All toilet flushing systems	All kitchen taps	All bathroom taps	HW recirculation or diversion	All clothes washers	All dish-washers	Volume (max volume)	Pool cover	Pool location	Pool shaded	Volume (max volume)	Spa cover	Spa shaded
All dwellings	3 star (> 4.5 but <= 6 L/min)	3 star	3 star	3 star	no	-	-	-	-	-	-	-	-	-

Dwelling no.	Alternative water source							
	Alternative water supply systems	Size	Configuration	Landscape connection	Toilet connection (s)	Laundry connection	Pool top-up	Spa top-up
All dwellings	individual water tank (no. 1)	Tank size (min) 2000.0 litres	To collect run-off from at least: 40.0 square metres of roof area; 0.0 square metres of impervious area; 0.0 square metres of garden and lawn area; and 0.0 square metres of planter box area.	yes	no	no	no	no
None	-	-	-	-	-	-	-	-

(ii) Energy	Show on DA plans	Show on CC/CDC plans & specs	Certifier check
(a) The applicant must comply with the commitments listed below in carrying out the development of a dwelling listed in a table below.			
(b) The applicant must install each hot water system specified for the dwelling in the table below, so that the dwelling's hot water is supplied by that system. If the table specifies a central hot water system for the dwelling, then the applicant must connect that central system to the dwelling, so that the dwelling's hot water is supplied by that central system.	✓	✓	✓
(c) The applicant must install, in each bathroom, kitchen and laundry of the dwelling, the ventilation system specified for that room in the table below. Each such ventilation system must have the operation control specified for it in the table.		✓	✓
(d) The applicant must install the cooling and heating system/s specified for the dwelling under the "Living areas" and "Bedroom areas" headings of the "Cooling" and "Heating" columns in the table below, in/for at least 1 living/bedroom area of the dwelling. If no cooling or heating system is specified in the table for "Living areas" or "Bedroom areas", then no systems may be installed in any such areas. If the term "zoned" is specified beside an air conditioning system, then the system must provide for day/night zoning between living areas and bedrooms.		✓	✓
(e) This commitment applies to each room or area of the dwelling which is referred to in a heading to the "Artificial lighting" column of the table below (but only to the extent specified for that room or area). The applicant must ensure that the "primary type of artificial lighting" for each such room in the dwelling is fluorescent lighting or light emitting diode (LED) lighting. If the term "dedicated" is specified for a particular room or area, then the light fittings in that room or area must only be capable of being used for fluorescent lighting or light emitting diode (LED) lighting.		✓	✓
(f) This commitment applies to each room or area of the dwelling which is referred to in a heading to the "Natural lighting" column of the table below (but only to the extent specified for that room or area). The applicant must ensure that each such room or area is fitted with a window and/or skylight.	✓	✓	✓
(g) This commitment applies if the applicant installs a water heating system for the dwelling's pool or spa. The applicant must: (aa) install the system specified for the pool in the "Individual Pool" column of the table below (or alternatively must not install any system for the pool). If specified, the applicant must install a timer, to control the pool's pump; and (bb) install the system specified for the spa in the "Individual Spa" column of the table below (or alternatively must not install any system for the spa). If specified, the applicant must install a timer to control the spa's pump.		✓	✓
(h) The applicant must install in the dwelling: (aa) the kitchen cook-top and oven specified for that dwelling in the "Appliances & other efficiency measures" column of the table below; (bb) each appliance for which a rating is specified for that dwelling in the "Appliances & other efficiency measures" column of the table, and ensure that the appliance has that minimum rating; and (cc) any clothes drying line specified for the dwelling in the "Appliances & other efficiency measures" column of the table.		✓	✓
(i) If specified in the table, the applicant must carry out the development so that each refrigerator space in the dwelling is "well ventilated".		✓	✓
(j) The applicant must install the photovoltaic system specified for the dwelling under the "Photovoltaic system" heading of the "Alternative energy" column of the table below, and connect the system to that dwelling's electrical system.	✓	✓	✓

Dwelling no.	Hot water	Bathroom ventilation system		Kitchen ventilation system		Laundry ventilation system	
	Hot water system	Each bathroom	Operation control	Each kitchen	Operation control	Each laundry	Operation control
All dwellings	gas instantaneous 4 star	individual fan, ducted to façade or roof	manual switch on/off	individual fan, ducted to façade or roof	manual switch on/off	individual fan, ducted to façade or roof	manual switch on/off

(iii) Thermal Comfort	Show on DA plans	Show on CC/CDC plans & specs	Certifier check
(a) The applicant must attach the certificate referred to under "Assessor details" on the front page of this BASIX certificate (the "Assessor Certificate") to the development application and construction certificate application for the proposed development (or, if the applicant is applying for a complying development certificate for the proposed development, to that application). The applicant must also attach the Assessor Certificate to the application for a final occupation certificate for the proposed development.			
(b) The Assessor Certificate must have been issued by an Accredited Assessor in accordance with the Thermal Comfort Protocol.			
(c) The details of the proposed development on the Assessor Certificate must be consistent with the details shown in this BASIX Certificate, including the details shown in the "Thermal Loads" table below.			
(d) The applicant must show on the plans accompanying the development application for the proposed development, all matters which the Thermal Comfort Protocol requires to be shown on those plans. Those plans must bear a stamp of endorsement from the Accredited Assessor, to certify that this is the case.			
(e) The applicant must show on the plans accompanying the application for a construction certificate (or complying development certificate, if applicable), all thermal performance specifications set out in the Assessor Certificate, and all aspects of the proposed development which were used to calculate those specifications.			
(f) The applicant must construct the development in accordance with all thermal performance specifications set out in the Assessor Certificate, and in accordance with those aspects of the development application or application for a complying development certificate which were used to calculate those specifications.		✓	✓
(g) Where there is an in-slab heating or cooling system, the applicant must: (aa) Install insulation with an R-value of not less than 1.0 around the vertical edges of the perimeter of the slab; or (bb) On a suspended floor, install insulation with an R-value of not less than 1.0 underneath the slab and around the vertical edges of the perimeter of the slab.	✓	✓	✓
(h) The applicant must construct the floors and walls of the development in accordance with the specifications listed in the table below.	✓	✓	✓

Dwelling no.	Thermal loads	
	Area adjusted heating load (in MJ/m <sup>2</sup> /yr)	Area adjusted cooling load (in MJ/m <sup>2</sup> /yr)
A1	47.0	11.0
A2	40.0	12.0
B1	41.0	13.0
B2	45.0	12.0
C1	42.0	13.0

**3. Commitments for common areas and central systems/facilities for the development (non-building specific)**

**(b) Common areas and central systems/facilities**

(i) Water	Show on DA plans	Show on CC/CDC plans & specs	Certifier check
(a) If, in carrying out the development, the applicant installs a showerhead, toilet, tap or clothes washer into a common area, then that item must meet the specifications listed for it in the table.		✓	✓
(b) The applicant must install (or ensure that the development is serviced by) the alternative water supply system(s) specified in the "Central systems" column of the table below. In each case, the system must be sized, be configured, and be connected, as specified in the table.	✓	✓	✓
(c) A swimming pool or spa listed in the table must not have a volume (in kLs) greater than that specified for the pool or spa in the table.	✓	✓	
(d) A pool or spa listed in the table must have a cover or shading if specified for the pool or spa in the table.		✓	
(e) The applicant must install each fire sprinkler system listed in the table so that the system is configured as specified in the table.		✓	✓
(f) The applicant must ensure that the central cooling system for a cooling tower is configured as specified in the table.		✓	✓

Common area	Showerheads rating	Toilets rating	Taps rating	Clothes washers rating
All common areas	no common facility	no common facility	no common facility	no common laundry facility

(ii) Energy	Show on DA plans	Show on CC/CDC plans & specs	Certifier check
(a) If, in carrying out the development, the applicant installs a ventilation system to service a common area specified in the table below, then that ventilation system must be of the type specified for that common area, and must meet the efficiency measure specified.		✓	✓
(b) In carrying out the development, the applicant must install, as the "primary type of artificial lighting" for each common area specified in the table below, the lighting specified for that common area. This lighting must meet the efficiency measure specified. The applicant must also install a centralised lighting control system or Building Management System (BMS) for the common area, where specified.		✓	✓
(c) The applicant must install the systems and fixtures specified in the "Central energy systems" column of the table below. In each case, the system or fixture must be of the type, and meet the specifications, listed for it in the table.	✓	✓	✓



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**BASIX COMMITMENT SHEET**

**PROPOSED TOWNHOUSE DEVELOPMENT DEVELOPMENT APPLICATION**

Scale: \_\_\_\_\_

Drawn by: **Author** Date: **FEB 2017**

Checked by: **Checker** Sheet number: \_\_\_\_\_

Project number: **17001-05** A102

CLIENT: **KREDDE INVESTMENTS PTY LTD & MB PROPERTY GROUP**

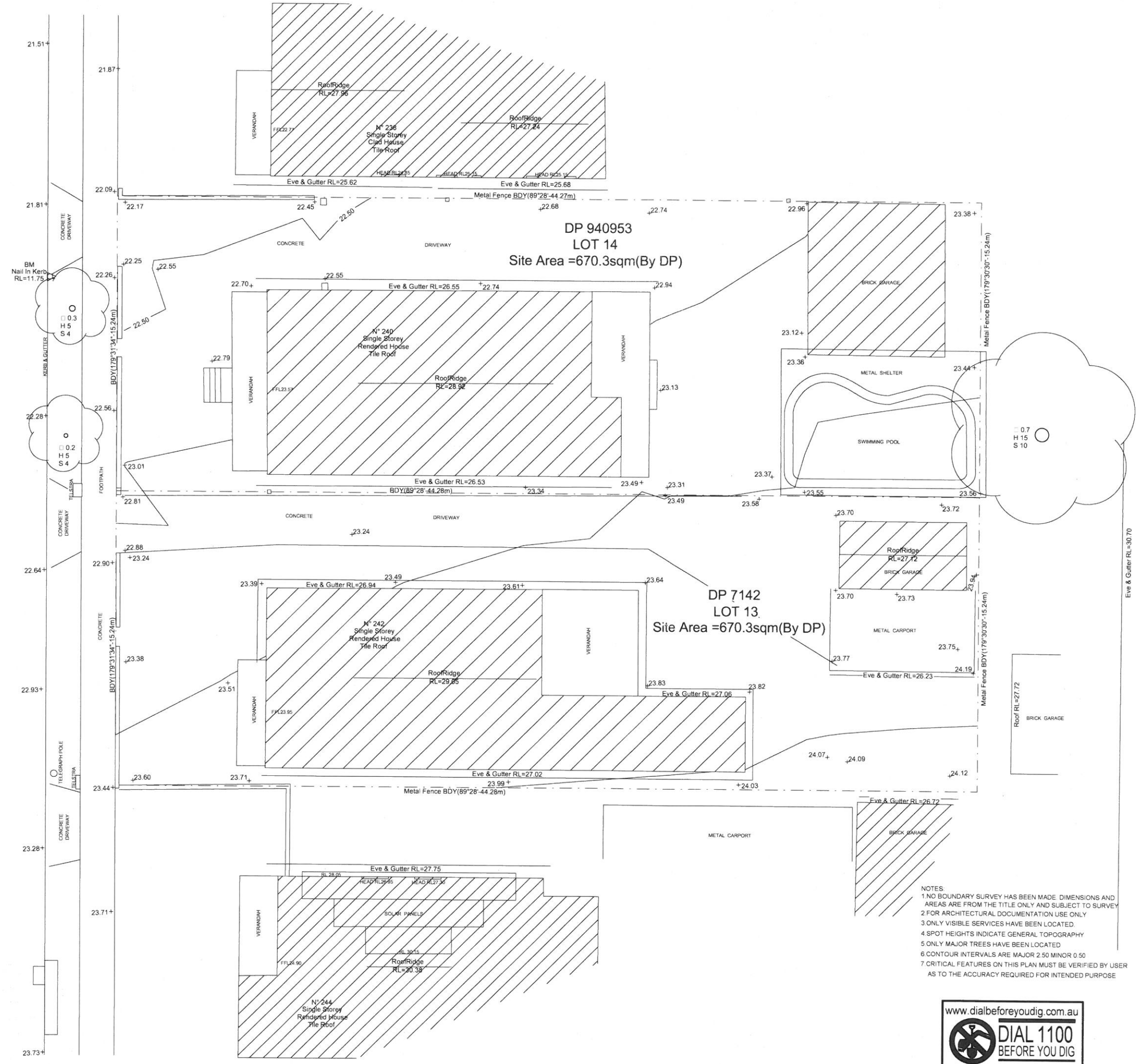
ADDRESS: **240-242 HOMEBUSH RD, STRATHFIELD**

MN

APPROX. TRUE NORTH  
BY D.P. 7142

ROAD

HOME BUSH



DP 940953  
LOT 14  
Site Area = 670.3sqm (By DP)

DP 7142  
LOT 13  
Site Area = 670.3sqm (By DP)

- NOTES:
- 1 NO BOUNDARY SURVEY HAS BEEN MADE. DIMENSIONS AND AREAS ARE FROM THE TITLE ONLY AND SUBJECT TO SURVEY
  - 2 FOR ARCHITECTURAL DOCUMENTATION USE ONLY
  - 3 ONLY VISIBLE SERVICES HAVE BEEN LOCATED
  - 4 SPOT HEIGHTS INDICATE GENERAL TOPOGRAPHY
  - 5 ONLY MAJOR TREES HAVE BEEN LOCATED
  - 6 CONTOUR INTERVALS ARE MAJOR 2.50 MINOR 0.50
  - 7 CRITICAL FEATURES ON THIS PLAN MUST BE VERIFIED BY USER AS TO THE ACCURACY REQUIRED FOR INTENDED PURPOSE



ABN 65 605 667 918  
4 BRUCE AVE PANANIA 2213  
MOB 0414642411 Email: nathan@njsurveying.com.au

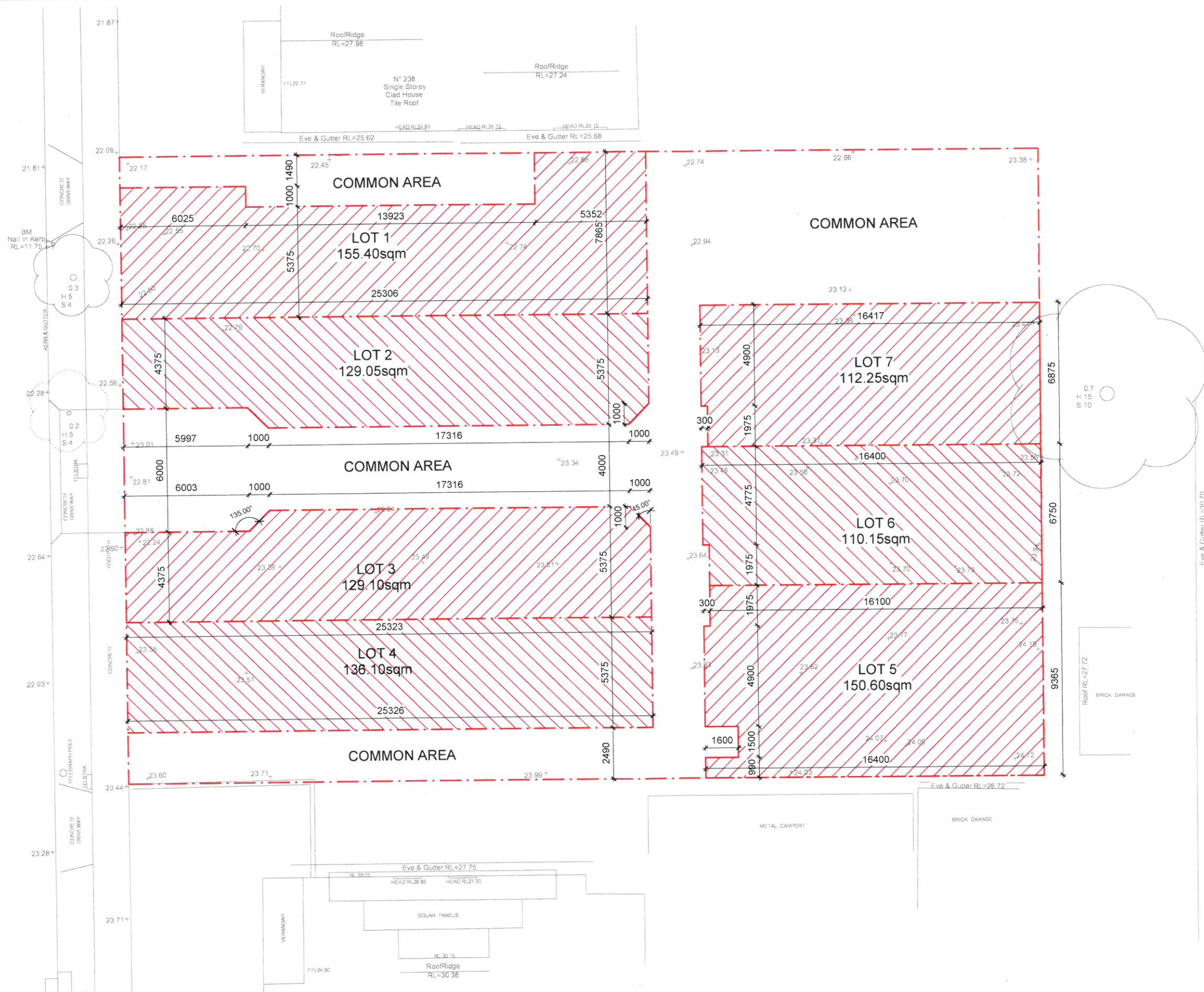
PLAN SHOWING DETAIL & LEVELS

240-242 HOME BUSH ROAD  
STRATHFIELD N.S.W 2135

ORIGIN OF LEVELS SSM 69331  
AHD = 20.058  
NO BDY WORK HAS BEEN DONE

PROJECT	DETAIL SURVEY
CLIENT	
DATE	20.12.16
REFERENCE	N.B
ISSUE	1
SCALE	1:100 A1

ROAD HOMEBUSH

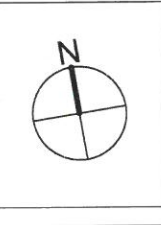


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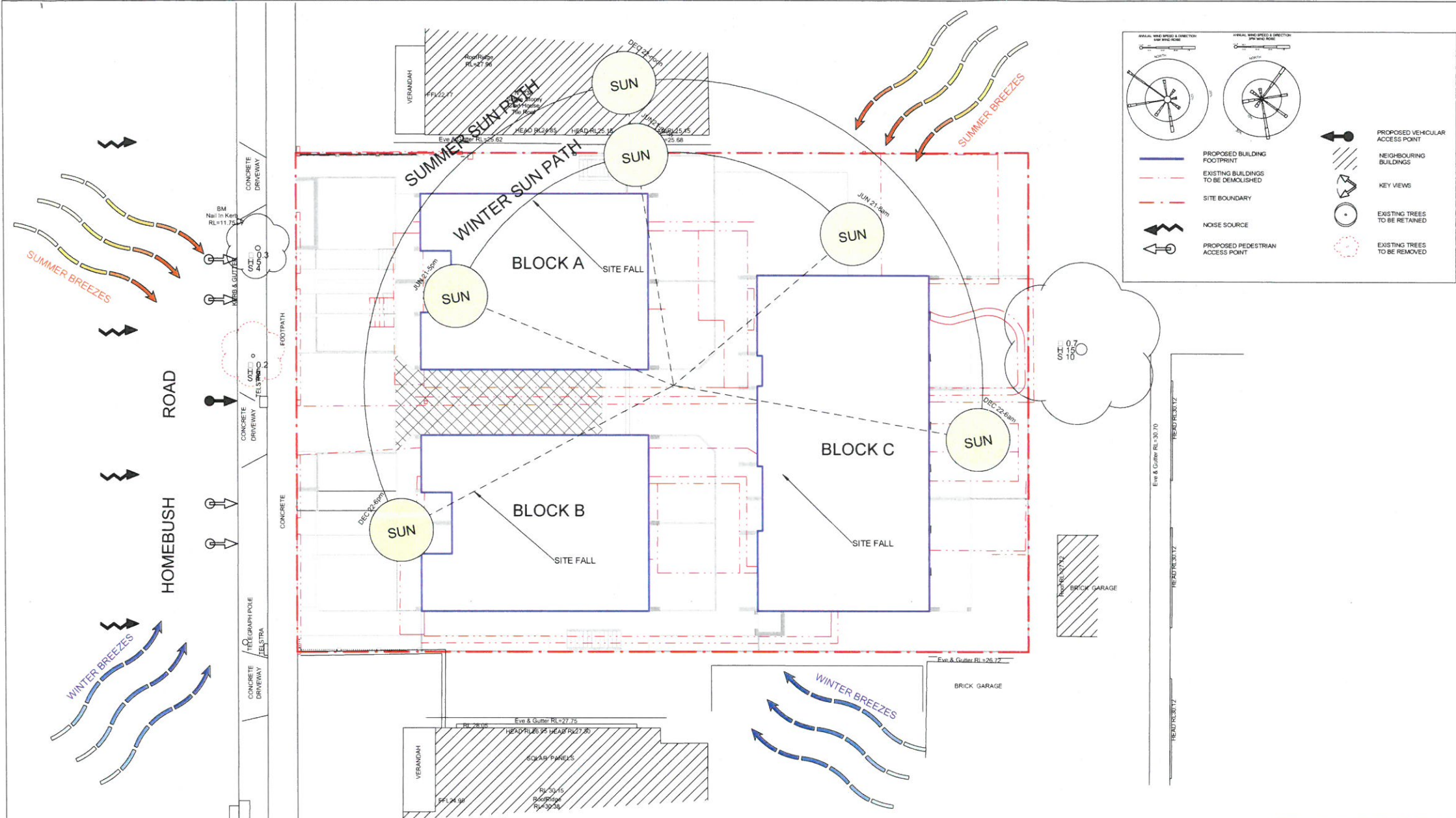
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**SUBDIVISION PLAN**

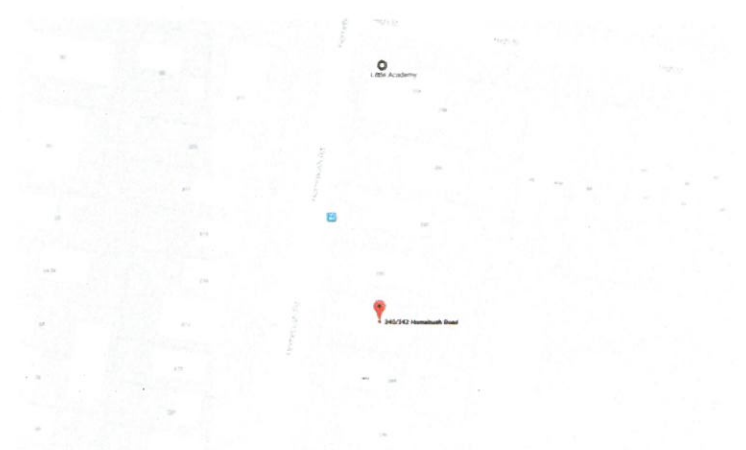


**PROPOSED TOWNHOUSE DEVELOPMENT**  
**DEVELOPMENT APPLICATION**  
 CLIENT:  
 KREDDE INVESTMENTS PTY LTD & MB PROPERTY  
 GROUP  
 ADDRESS:  
 240-242 HOME BUSH RD, STRATHFIELD

Scale	A1 1 : 100/ A3 1:200	
Drawn by	TA	Date FEB 2017
Checked by	CK	Sheet number
Project number	17001-05	A104



AERIAL IMAGE



SITE LOCATION

**1 SITE ANALYSIS**  
A1 1 : 150 / A3 1:300



EXISTING STREETSCAPE

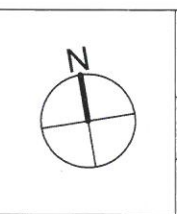
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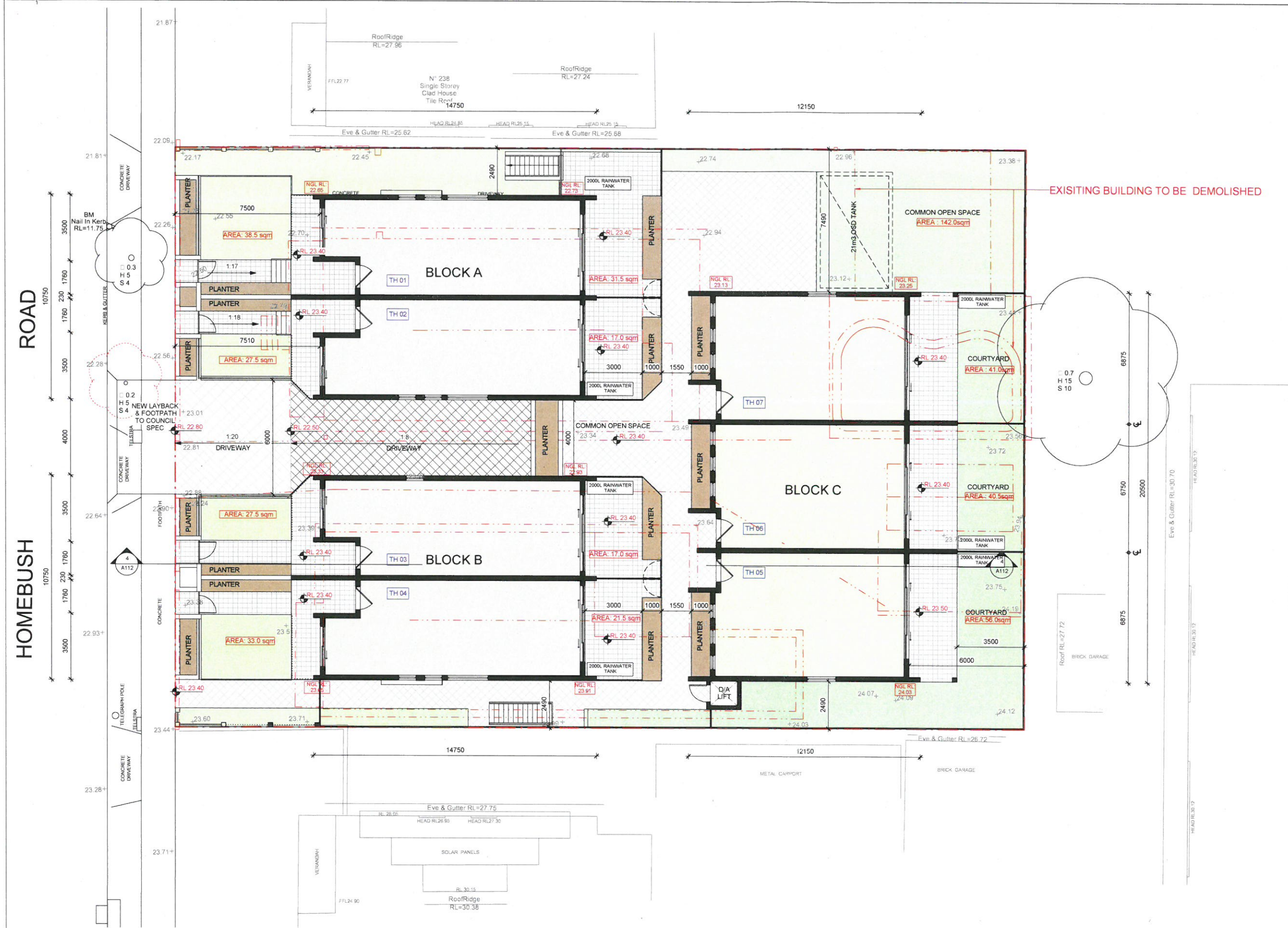
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**SITE ANALYSIS**



<b>PROPOSED TOWNHOUSE DEVELOPMENT</b>		Scale	As indicated
DEVELOPMENT APPLICATION		Drawn by	SS
CLIENT: KREDDE INVESTMENTS PTY LTD & MB PROPERTY GROUP		Checked by	CK
ADDRESS: 240-242 HOMEBUSH RD, STRATHFIELD		Project number	17001-05
		Date	FEB 2017
		Sheet number	A105



**CONSTRUCTION MANAGEMENT PLAN**

A SIGN MUST BE PLACED ON SITE DETAILING THE BUILDERS NAME, LICENCE NUMBER AND CONTACT DETAILS

SEDIMENT TRAPS AND FILTERS MUST BE PLACED AROUND ALL DRAINS AFFECTED BY CONSTRUCTION WORKS TO PREVENT SEDIMENT ENTERING THE STORMWATER SYSTEM. SEDIMENT CONTROL TRAPS ARE TO BE CHECKED REGULARLY.

THE SITE SHOULD BE SECURED BY A CONTINUOUS FENCE, HOARDING OR SUITABLE BARRIER CONSTRUCTED IN ACCORDANCE WITH PUBLIC SAFETY AND AMENITY 'A CODE OF GOOD PRACTICE AT CONSTRUCTION SITES'

BEFORE AND DURING WORK, EXCAVATIONS MUST BE FENCED SO THEY DO NOT POSE A DANGER TO LIFE OR PROPERTY TO THE SATISFACTION OF THE RELEVANT BUILDING SURVEYOR

ANY DAMAGE TO FOOTPATH, ROAD, KERB, CHANNEL, STORMWATER DRAINS OR STREET FURNITURE THAT RESULTS FROM EXCAVATION, DEMOLITION OR BUILDING WORKS IS THE RESPONSIBILITY OF THE BUILDER OR THE DEVELOPER. ANY DAMAGE THAT MAY IMPACT PEDESTRIANS, CYCLISTS AND MOTORISTS SAFETY SHALL BE REPAIRED IMMEDIATELY.

WHEN USING SKIP OR RUBBISH BINS, TAKE THE FOLLOWING STEPS TO PREVENT DISRUPTION TO PUBLIC AREAS

PROTECT PAVEMENTS AND STREETS AND CONDUCT DILAPIDATION SURVEYS BEFORE AND AFTER WORKS HAVE TAKEN PLACE

ADEQUATE BARRIERS MUST BE INSTALLED TO PREVENT THE PUBLIC FROM ACCESSING THE CONSTRUCTION AREA. ANY OCCUPATION OR ACTIVITY PRESENTING A HAZARD TO THE PUBLIC MUST BE PROVIDED WITH SUITABLE BARRIERS IN ACCORDANCE WITH THE PUBLIC SAFETY AND AMENITY 'A CODE OF GOOD PRACTICE AT CONSTRUCTION SITES'

EXCAVATIONS ADJACENT TO OR IN CLOSE PROXIMITY TO A ROAD OR PATHWAY MUST BE DESIGNED TO SUPPORT THE ROAD OR PATHWAY IN ACCORDANCE WITH THE PUBLIC SAFETY AND AMENITY 'A CODE OF GOOD PRACTICE AT CONSTRUCTION SITES'. DIAL 1100 (DIAL BEFORE YOU DIG) TO LOCATE SERVICES ON FOOTPATH PRIOR TO EXCAVATION

ALL EXISTING TREES MUST BE PROTECTED WHEREVER POSSIBLE WHERE THEY ARE NEAR PROPOSED DEMOLITION, EXCAVATION AND CONSTRUCTION WORKS

PERMITTER FENCING MUST BE DESIGNED TO MINIMISE THE IMPACT OF DUST ON ADJOINING PROPERTIES AND THE GENERAL PUBLIC

ENSURE SEDIMENT FROM THE BUILDING SITE IS RETAINED ON SITE DURING CONSTRUCTION

PREVENT CONTAMINATION OR DAMAGE TO STORMWATER DRAINS AND WATERWAYS

MAINTAIN ALL DETAILS AS PER STORMWATER MANAGEMENT PLAN

LIAISE WITH NEIGHBOURS RESIDENCES TO APPLY FULL TRAFFIC CONTROL WHEN CONCRETING

ENSURE ALL DUST IS CONTAINED WITHIN THE CONSTRUCTION SITE AND THAT SURROUNDING RESIDENCES AND NOT AFFECTED

**CONSTRUCTION WORKS PLAN**

**GENERAL NOTES**

- # ALL GAS, POWER, WATER TO BE TEMPORARILY DISCONNECTED BEFORE DEMOLITION BEGINS
- # ESTIMATED DURATION OF DEMOLITION = 2 WEEKS
- # NO EXTERNAL SCAFFOLDING TO BE USED
- # TEMPORARY HOARDING TO COUNCIL PROPERTY - MAXIMUM TIME 4 WEEKS

ALL WORKS ARE TO ENSURE SAFE ACCESS AND EGRESS FROM THE SITE. ALL ROAD AND FOOTPATH AREAS ARE TO BE PROTECTED FROM BUILDING ACTIVITIES

ALL LOADING AND UNLOADING OF GOODS AND MATERIALS IS TO BE ON SITE WITH THE APPROPRIATE SAFETY MEASURES TAKEN TO ENSURE SAFETY OF ALL WORKERS ON SITE

EXISTING NATIVE VEGETATION TO BE RETAINED UNLESS NOTED OTHERWISE

SOIL AND EXCAVATED MATERIAL IS NOT TO BE TRANSPORTED ONTO SURROUNDING FOOTPATHS AND ROADSWAYS

THE METHOD OF SUPPORT TO ANY EXCAVATION ADJACENT TO ADJOINING PROPERTIES OR ROAD RESERVES, IS TO BE DETAILED AND DESIGNED BY A CHARTERED CIVIL ENGINEER WITH NATIONAL PROFESSIONAL ENGINEERING REGISTRATION (NPER) IN THE CONSTRUCTION OF CIVIL WORKS OR A SURVEY COMPANY OF REGISTERED SURVEYORS WITH 'PRELIMINARY ACCREDITATION' FROM THE INSTITUTE OF SURVEYORS NSW INC OR AN ACCREDITED CERTIFIER

SEPARATE APPROVAL UNDER OTHER LEGISLATION IS REQUIRED WHERE IT IS PROPOSED TO ERECT A HOARDING OR TEMPORARY FENCE ON COUNCIL LAND (ROADS ACT 1993)

**DEMOLITION WORKS PLAN**

1. PRIOR TO DEMOLITION, THE APPLICANT SHALL SUBMIT THIS WORK PLAN IN ACCORDANCE WITH AS AS 2601 - 2001 AND OTHER RELEVANT STANDARDS
2. HAZARDOUS DUST MUST NOT BE ALLOWED TO ESCAPE FROM THE SITE OR CONTAMINATE THE IMMEDIATE ENVIRONMENT. THE USE OF FINE MESH DUST PROOF SCREENS AT WORK (NSW-ISC 1012, 1994) AND AS/NZS 2178 1:1994 WET LEAD SAFE WORK PRACTICES OR OTHER MEASURES IS REQUIRED.
3. ALL CONTRACTORS DIRECTLY INVOLVED IN THE REMOVAL OF HAZARDOUS DUSTS AND SUBSTANCES SHALL WEAR PROTECTIVE EQUIPMENT CONFORMING TO AS/NZS 1716:2003
4. ANY EXISTING ACCUMULATION OF DUST (EG. CEILINGS VOIDS, AND WALL CAVITIES, MUST BE REMOVED BY THE USE OF AN INDUSTRIAL VACUUM FITTED WITH A HIGH EFFICIENCY PARTICULATE STREET GUTTER AND STORMWATER SYSTEMS AIR (HEPA) FILTER AND DISPOSED OF EFFICIENTLY AND APPROPRIATELY.
5. ALL DUSTY SURFACES AND DUST CREATED FROM WORK IS TO BE SUPPRESSED BY A FINE WATER SPRAY. WATER USED AS A SUPPRESSANT SPRAY IS NOT TO BE ALLOWED TO ENTER THE
6. DEMOLITION IS NOT TO BE PERFORMED DURING HIGH WINDS THAT MAY CAUSE DUST TO SPREAD BEYOND THE SITE BOUNDARIES WITHOUT ADEQUATE CONTAINMENT
7. ALL LEAD CONTAMINATED MATERIAL IS TO BE DISPOSED OF IN ACCORDANCE WITH THE NSW ENVIRONMENTAL PROTECTION AUTHORITY REQUIREMENTS



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**SITE & DEMOLITION PLAN**

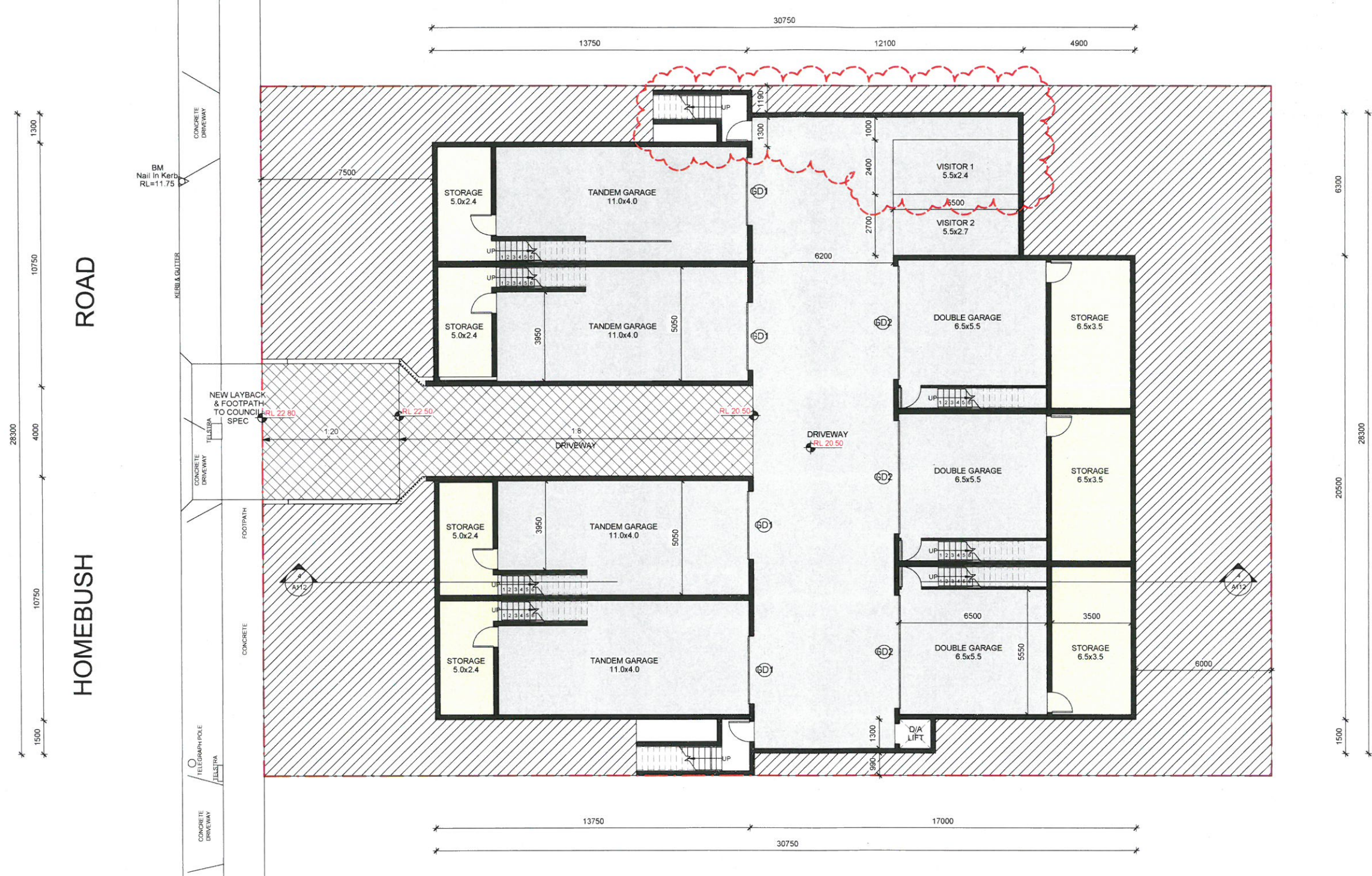


**PROPOSED TOWNHOUSE DEVELOPMENT**  
**DEVELOPMENT APPLICATION**

CLIENT:  
 KREDDE INVESTMENTS PTY LTD & MB PROPERTY GROUP

ADDRESS:  
 240-242 HOMEBUSH RD, STRATHFIELD

Scale	A1 1 : 100/ A3 1:200
Drawn by	SS
Date	FEB 2017
Checked by	CK
Sheet number	A106
Project number	17001-05



Window Schedule				
Mark	Width	Height	Count	
01	900	900	12	
02	2100	600	3	
03	1500	600	2	
04	750	2100	9	
05	1200	900	4	
06	1500	900	6	
07	1500	2400	3	
08	2100	900	12	
09	900	2100	6	

Grand total: 57

Door Schedule				
Mark	Width	Height	Function	Count
01	1200	2400	Exterior	7
02	2100	2400	Exterior	11
03	4000	2400	Exterior	4
04	5000	2400	Exterior	3
GD1	3000	2400	Exterior	4
GD2	5000	2400	Exterior	3

Grand total: 32

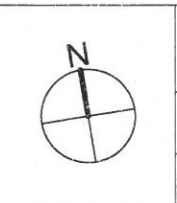
NOTE:  
 1 ALL WINDOWS 2.0m ABOVE GROUND LEVEL ARE REQUIRED TO HAVE A BARRIER DEVICE TO LIMIT THE WINDOW OPENING TO NO MORE THAN 125mm IN ACCORDANCE WITH CLAUSE 3.9.2.5 OF BCA  
 2 ALL WINDOWS AND DOOR SIZES TO BE CONFIRMED ON SITE PRIOR TO MANUFACTURING AND INSTALLATION  
 3 REFER TO BASIS FOR ALL WINDOW AND DOOR SPECIFICATION AND RATINGS  
 4 ALL STAIR TREADS AND NOSING STRIP TO COMPLY WITH AS 4586:2013 AND TABLE 3.9.1.1 OF BCA  
 5 ALL SMOKE ALARMS ARE TO BE INTERCONNECTED

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No.	Description	Date
A	AMENDMENTS AS PER COUNCIL'S LETTER DATED 19-05-2017	29-05-2017

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**BASEMENT FLOOR PLAN**



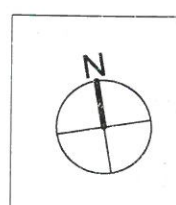
**PROPOSED TOWNHOUSE DEVELOPMENT**  
 DEVELOPMENT APPLICATION  
 CLIENT: KREDDE INVESTMENTS PTY LTD & MB PROPERTY GROUP  
 ADDRESS: 240-242 HOMEBUSH RD, STRATHFIELD

Scale: A1 1 : 100/ A3 1:200  
 Drawn by: SS Date: FEB 2017  
 Checked by: CK Sheet number:  
 Project number: 17001-05 A107

No.	Description	Date

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**GROUND FLOOR PLAN**

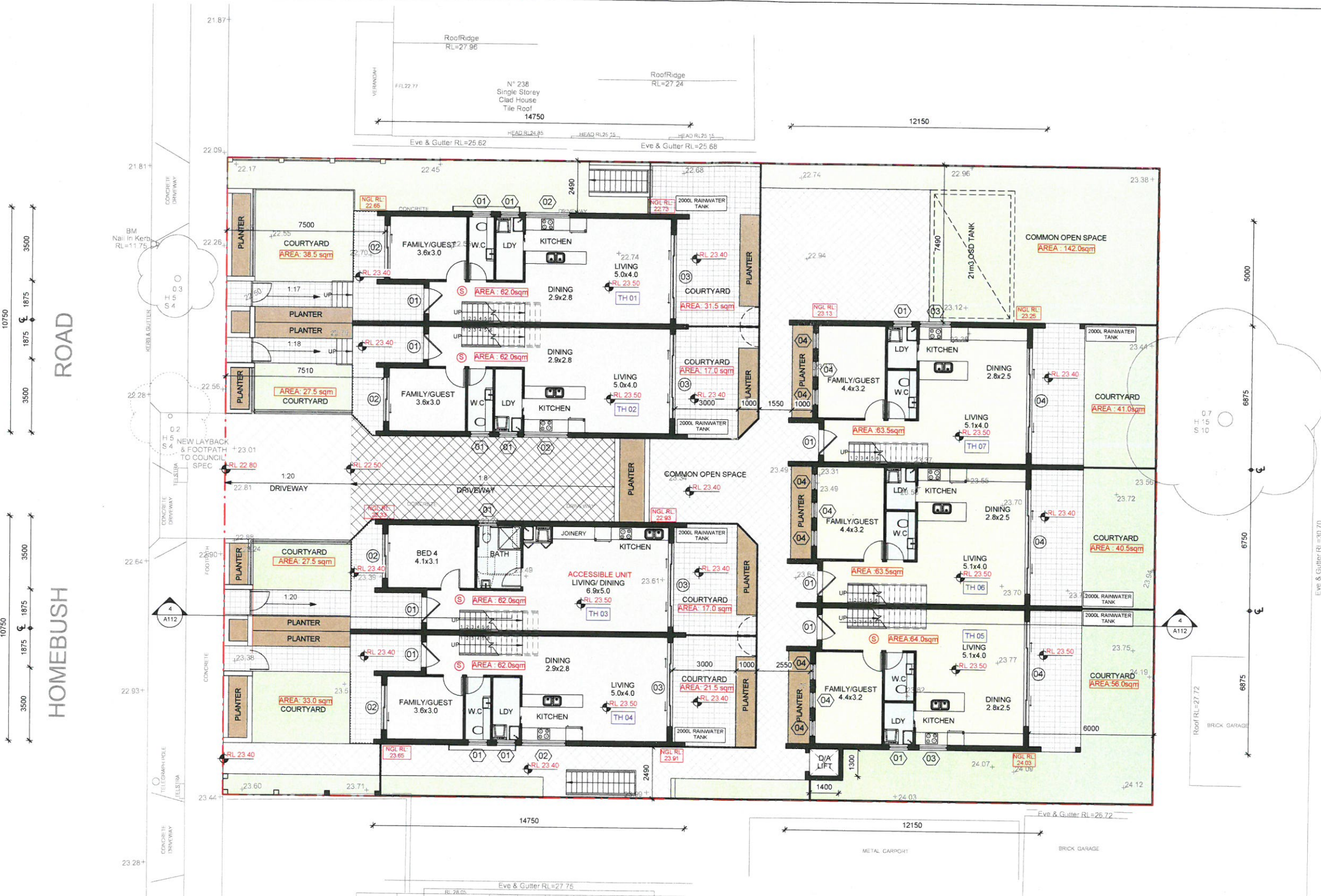


**PROPOSED TOWNHOUSE DEVELOPMENT**  
DEVELOPMENT APPLICATION  
CLIENT: KREDDE INVESTMENTS PTY LTD & MB PROPERTY GROUP  
ADDRESS: 240-242 HOMEBUSH RD, STRATHFIELD

Mark	Width	Height	Function	Count
01	1200	2400	Exterior	7
02	2100	2400	Exterior	11
03	4000	2400	Exterior	4
04	5000	2400	Exterior	3
GD1	3000	2400	Exterior	4
GD2	5000	2400	Exterior	3
Grand total: 32				

Mark	Width	Height	Count
01	900	900	12
02	2100	600	3
03	1500	600	2
04	750	2100	9
05	1200	900	4
06	1500	900	6
07	1500	2400	3
08	2100	900	12
09	900	2100	6
Grand total: 57			

NOTE:  
1 ALL WINDOWS 2.0m ABOVE GROUND LEVEL ARE REQUIRED TO HAVE A BARRIER DEVICE TO LIMIT THE WINDOW OPENING TO NO MORE THAN 125mm IN ACCORDANCE WITH CLAUSE 3.9.2.5 OF BCA  
2 ALL WINDOWS AND DOOR SIZES TO BE CONFIRMED ON SITE PRIOR TO MANUFACTURING AND INSTALLATION  
3 REFER TO BASIS FOR ALL WINDOW AND DOOR SPECIFICATION AND RATINGS  
4 ALL STAIR TREADS AND RISING STRIP TO COMPLY WITH AS 4985-2013 AND TABLE 3.9.1.1 CF BCA  
5 ALL SMOKE ALARMS ARE TO BE INTERCONNECTED



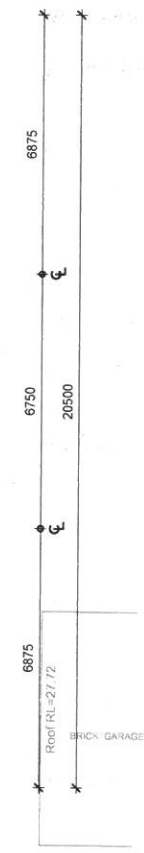
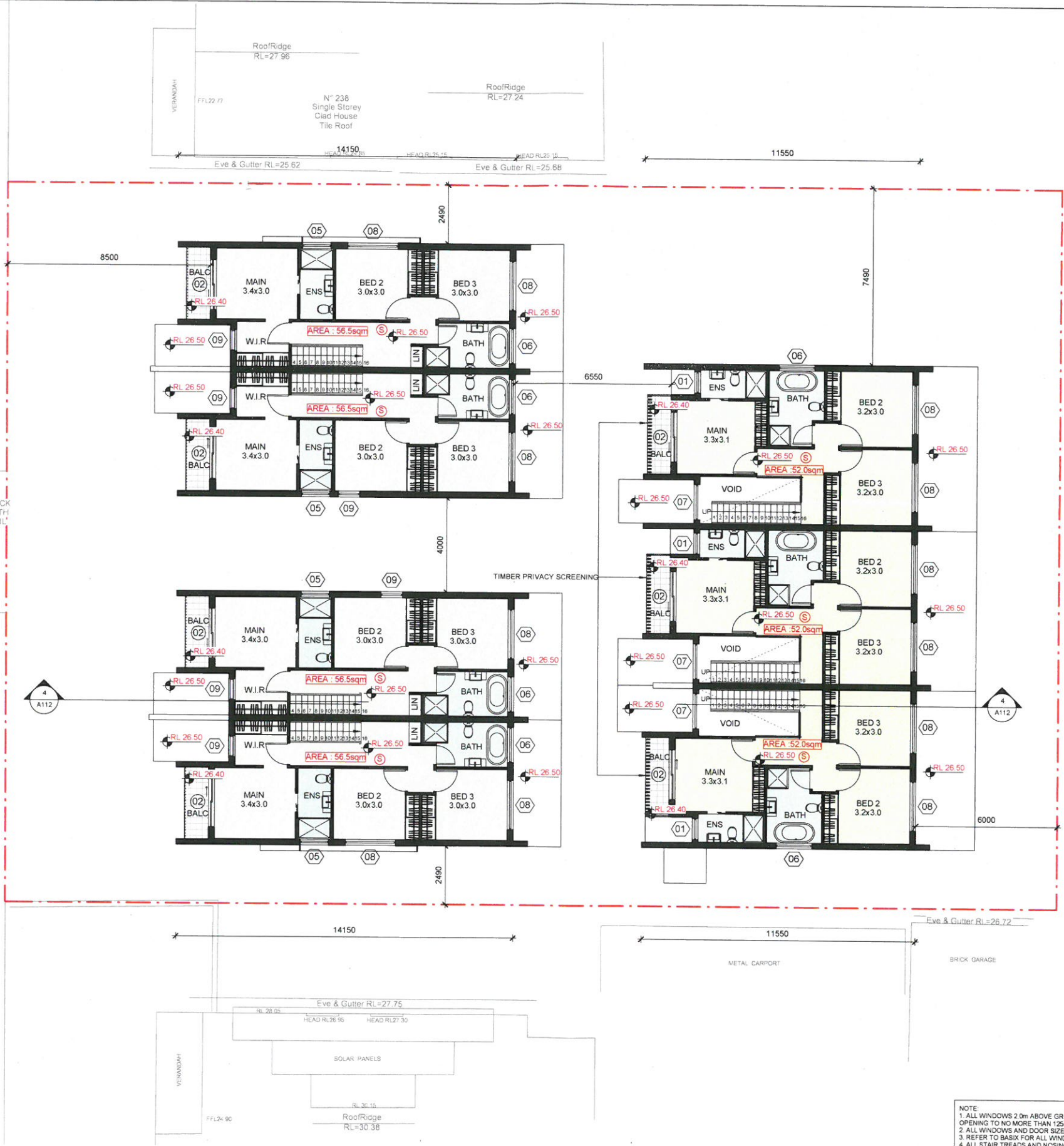
ROAD  
HOMEBUSH



BRICK GARAGE  
Roof RL=27.72  
Eve & Gutter RL=30.70



ROAD  
HOME BUSH



Window Schedule			
Mark	Width	Height	Count
01	900	900	12
02	2100	600	3
03	1500	600	2
04	750	2100	9
05	1200	900	4
06	1500	900	6
07	1500	2400	3
08	2100	900	12
09	900	2100	6
Grand total: 57			

Door Schedule				
Mark	Width	Height	Function	Count
01	1200	2400	Exterior	7
02	2100	2400	Exterior	11
03	4000	2400	Exterior	4
04	5000	2400	Exterior	3
GD1	3000	2400	Exterior	4
GD2	5000	2400	Exterior	3
Grand total: 32				

NOTE:  
 1 ALL WINDOWS 2.0m ABOVE GROUND LEVEL ARE REQUIRED TO HAVE A BARRIER DEVICE TO LIMIT THE WINDOW OPENING TO NO MORE THAN 125mm IN ACCORDANCE WITH CLAUSE 3.9.2.5 OF BCA  
 2 ALL WINDOWS AND DOOR SIZES TO BE CONFIRMED ONSITE PRIOR TO MANUFACTURING AND INSTALLATION  
 3 REFER TO BASIX FOR ALL WINDOW AND DOOR SPECIFICATION AND RATINGS  
 4 ALL STAIR TREADS AND NOSING STRIP TO COMPLY WITH AS 4986:2013 AND TABLE 3.9.1.1 OF BCA  
 5 ALL SMOKE ALARMS ARE TO BE INTERCONNECTED



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FIRST FLOOR PLAN

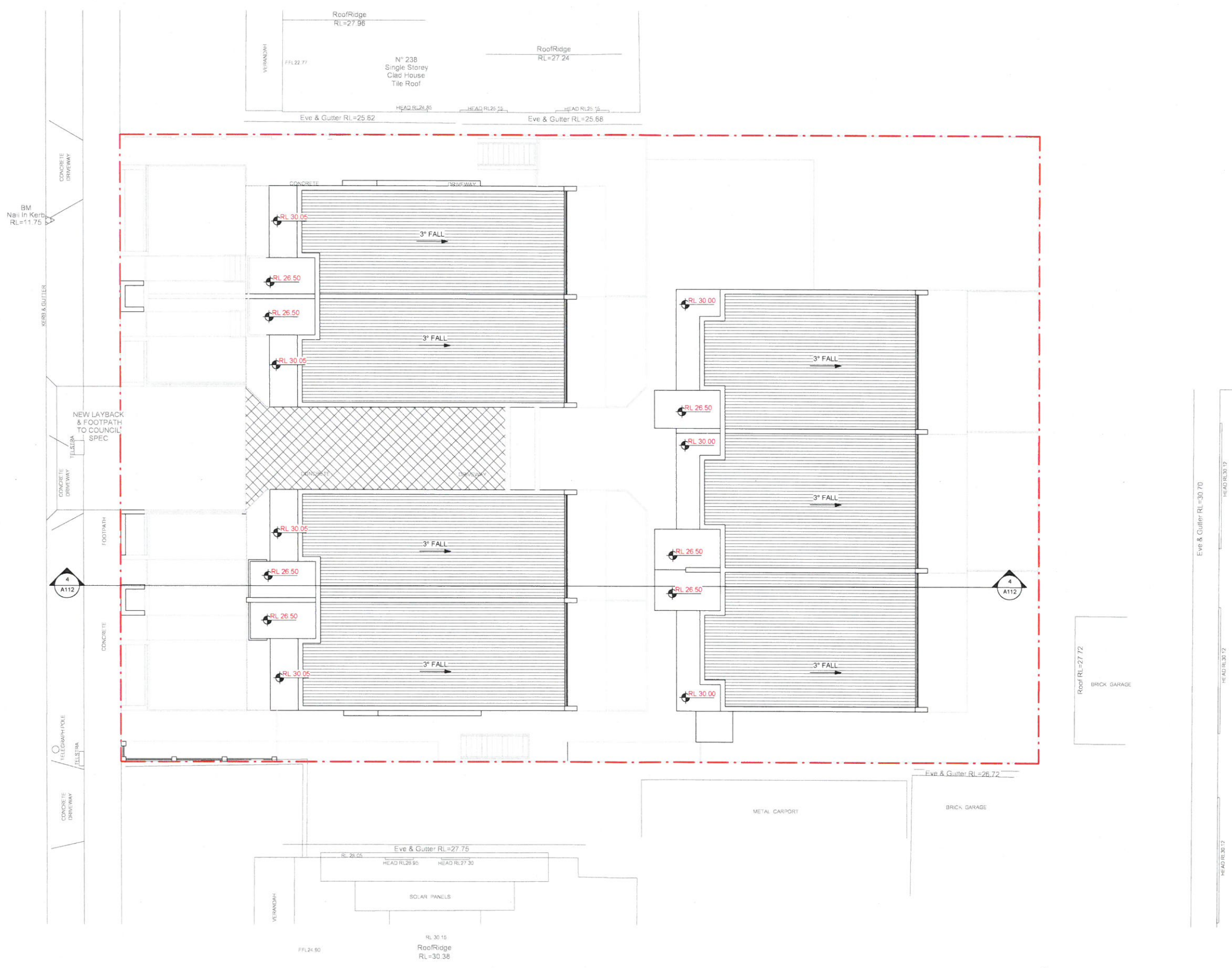


**PROPOSED TOWNHOUSE DEVELOPMENT**  
**DEVELOPMENT APPLICATION**  
 CLIENT:  
**KREDDE INVESTMENTS PTY LTD & MB PROPERTY GROUP**  
 ADDRESS:  
**240-242 HOME BUSH RD, STRATHFIELD**

Scale  
**A1 1 : 100/ A3 1:200**  
 Drawn by **SS** Date **FEB 2017**  
 Checked by **CK** Sheet number  
 Project number **17001-05** **A109**

ROAD

HOME BUSH

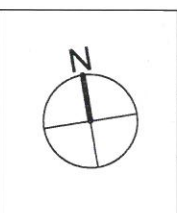


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**ROOF PLAN**



**PROPOSED TOWNHOUSE DEVELOPMENT**  
 DEVELOPMENT APPLICATION  
 CLIENT: KREDDE INVESTMENTS PTY LTD & MB PROPERTY GROUP  
 ADDRESS: 240-242 HOME BUSH RD, STRATHFIELD

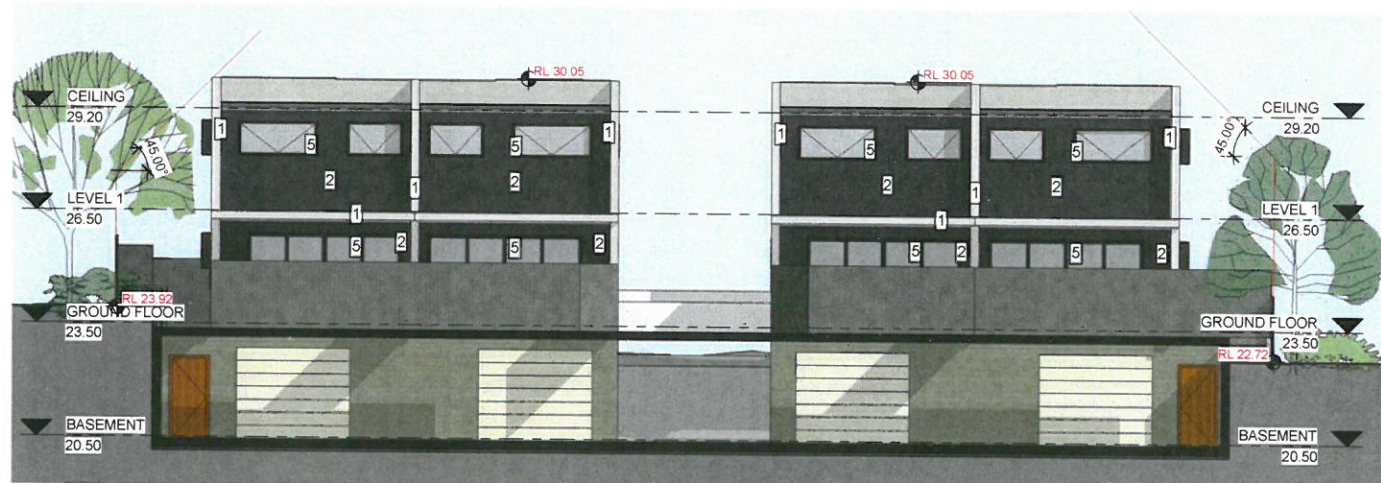
Scale	A1 1 : 100/ A3 1:200	
Drawn by	SS	Date FEB 2017
Checked by	CK	Sheet number
Project number	17001-05	A110



1 WEST ELEVATION (HOMEBUSH RD)  
A1 1 : 100/A3 1:200



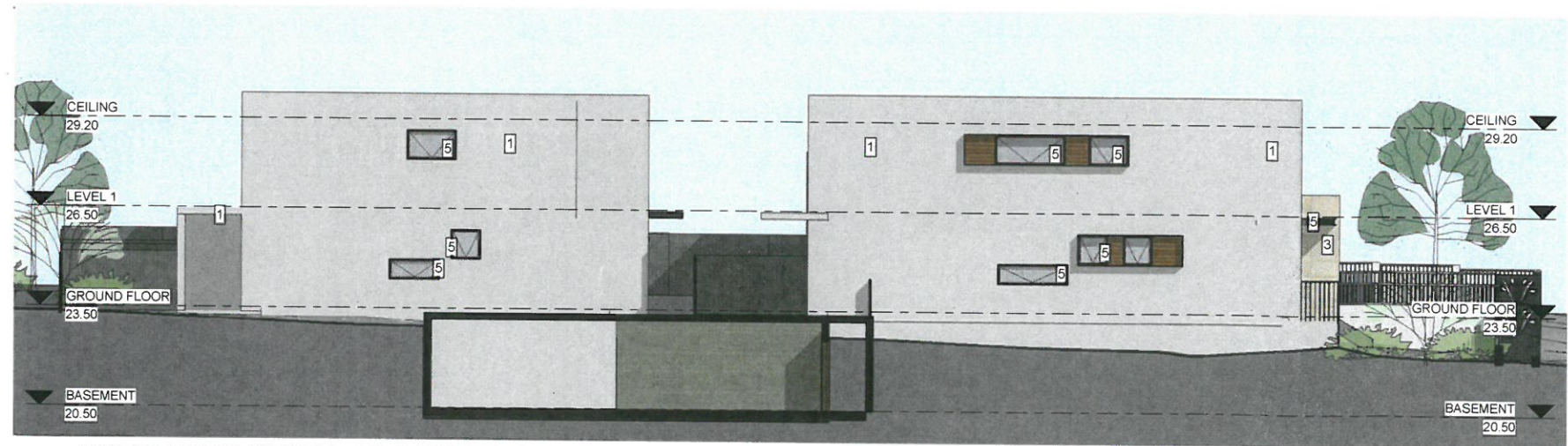
2 WEST ELEVATION - BLOCK C  
A1 1 : 100/A3 1:200



3 EAST ELEVATION - BLOCK A & B  
A1 1 : 100/ A3 1:200



4 EAST ELEVATION - BLOCK C  
A1 1 : 100/ A3 1:200



5 NORTH ELEVATION - BLOCK A & C  
A1 1 : 100/ A3 1:200

 1	 2	 3
PAINTED RENDER DULUX - MOUNT BULLER OR SIMILAR	PAINTED RENDER DULUX - DOMINO OR SIMILAR	SANDSTONE WALL TILE OR SIMILAR
 4	 5	
STAINED TIMBER CLADDING WESTERN RED CEDAR OR SIMILAR	WINDOW & DOOR FRAME - POWDERCOATED BLACK OR SIMILAR	

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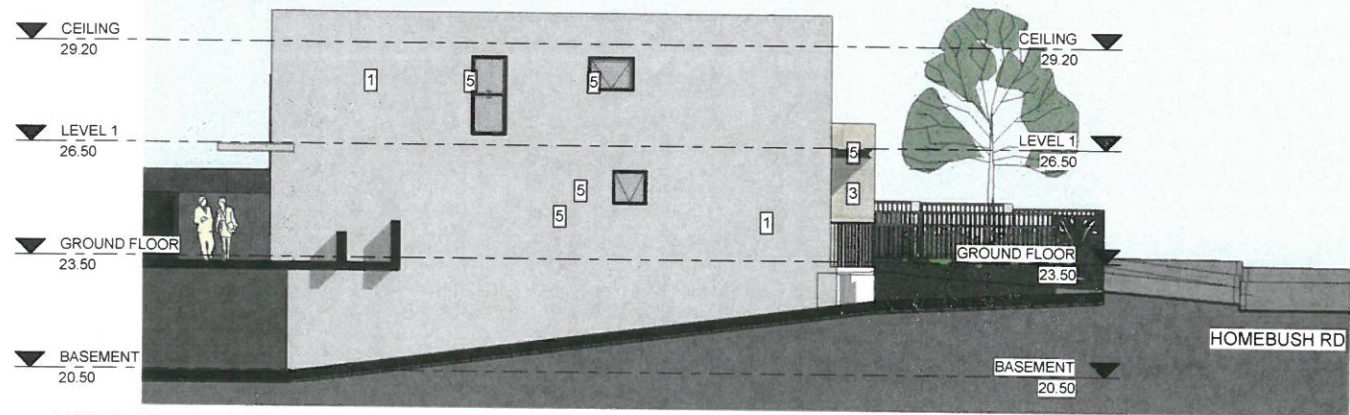
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No.	Description	Date

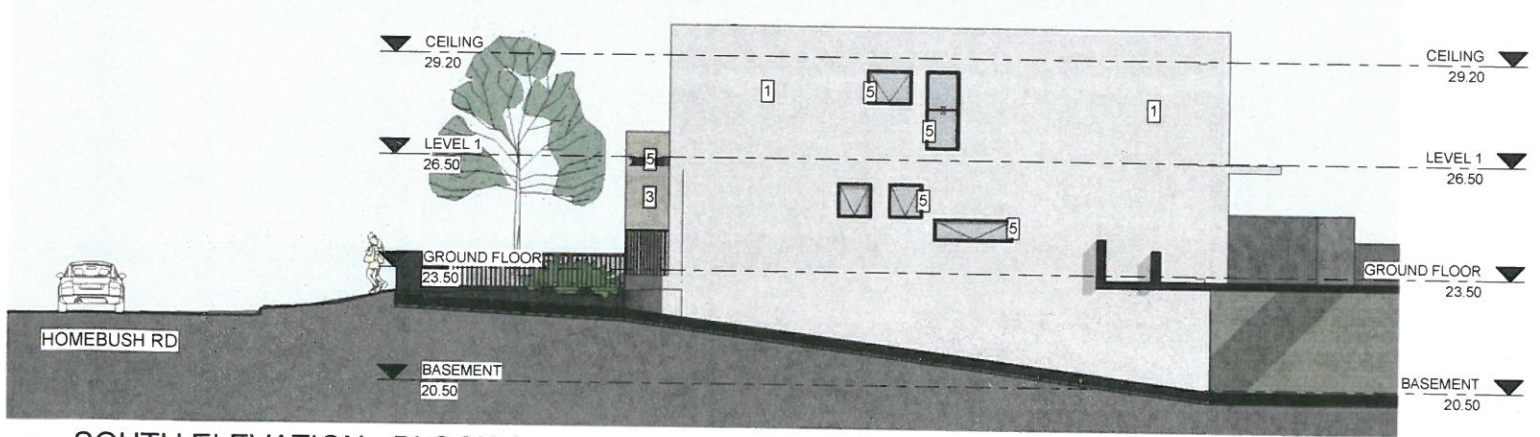
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ELEVATIONS

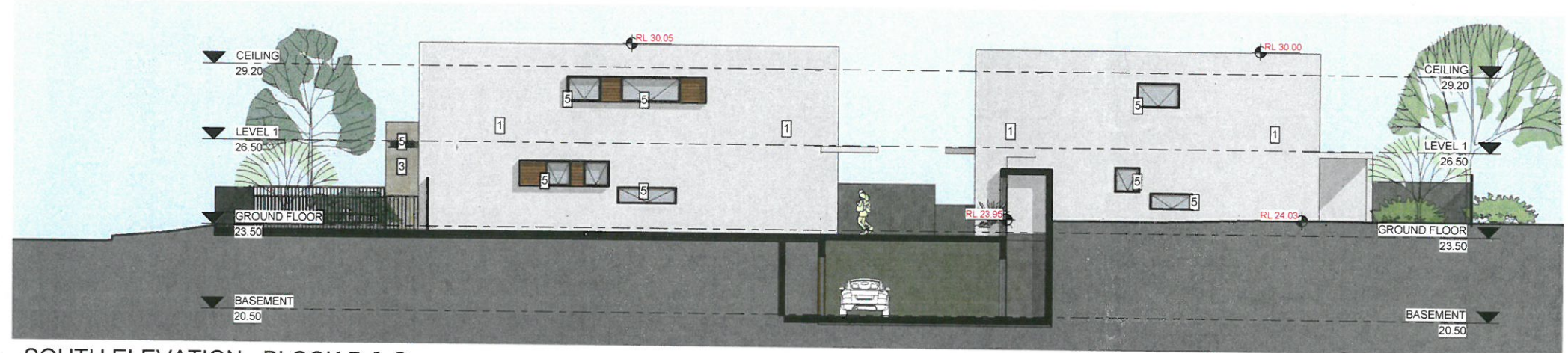
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<b>DEVELOPMENT APPLICATION</b>		Drawn by SS	Date FEB 2017
CLIENT: KREDDE INVESTMENTS PTY LTD & MB PROPERTY GROUP		Checked by CK	Sheet number
ADDRESS: 240-242 HOMEBUSH RD, STRATHFIELD		Project number 17001-05	A111



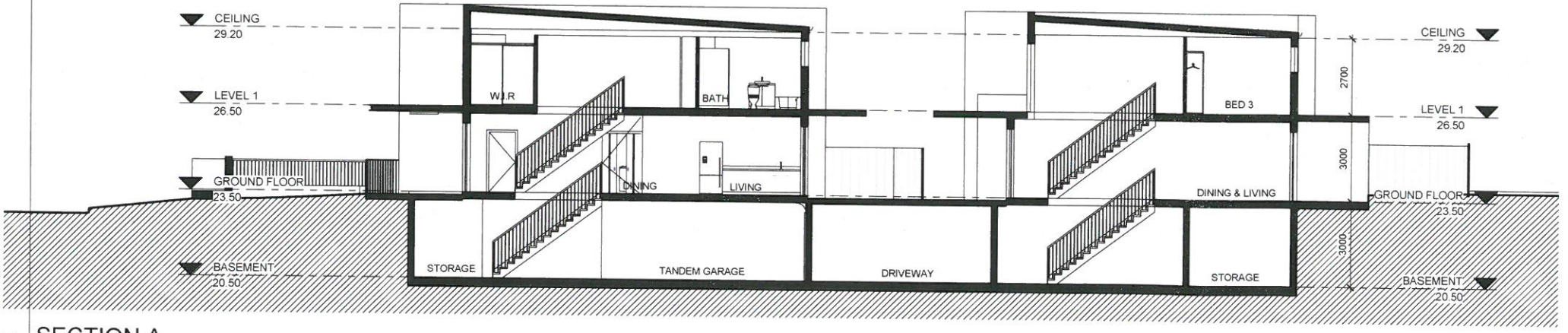
1 NORTH ELEVATION - BLOCK B  
A1 1 : 100/ A3 1:200



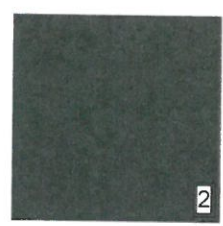
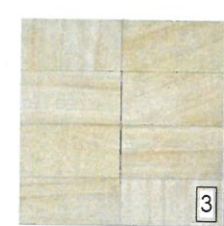
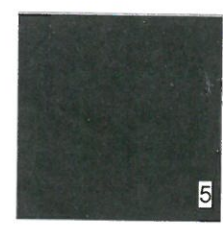
2 SOUTH ELEVATION - BLOCK A  
A1 1 : 100/ A3 1:200



3 SOUTH ELEVATION - BLOCK B & C  
A1 1 : 100/ A3 1:200



4 SECTION A  
A1 1 : 100/ A3 1:200

 1	 2	 3
PAINTED RENDER DULUX - MOUNT BULLER OR SIMILAR	PAINTED RENDER DULUX - DOMINO OR SIMILAR	SANDSTONE WALL TILE OR SIMILAR
 4	 5	
STAINED TIMBER CLADDING WESTERN RED CEDAR OR SIMILAR	WINDOW & DOOR FRAME - POWDERCOATED BLACK OR SIMILAR	

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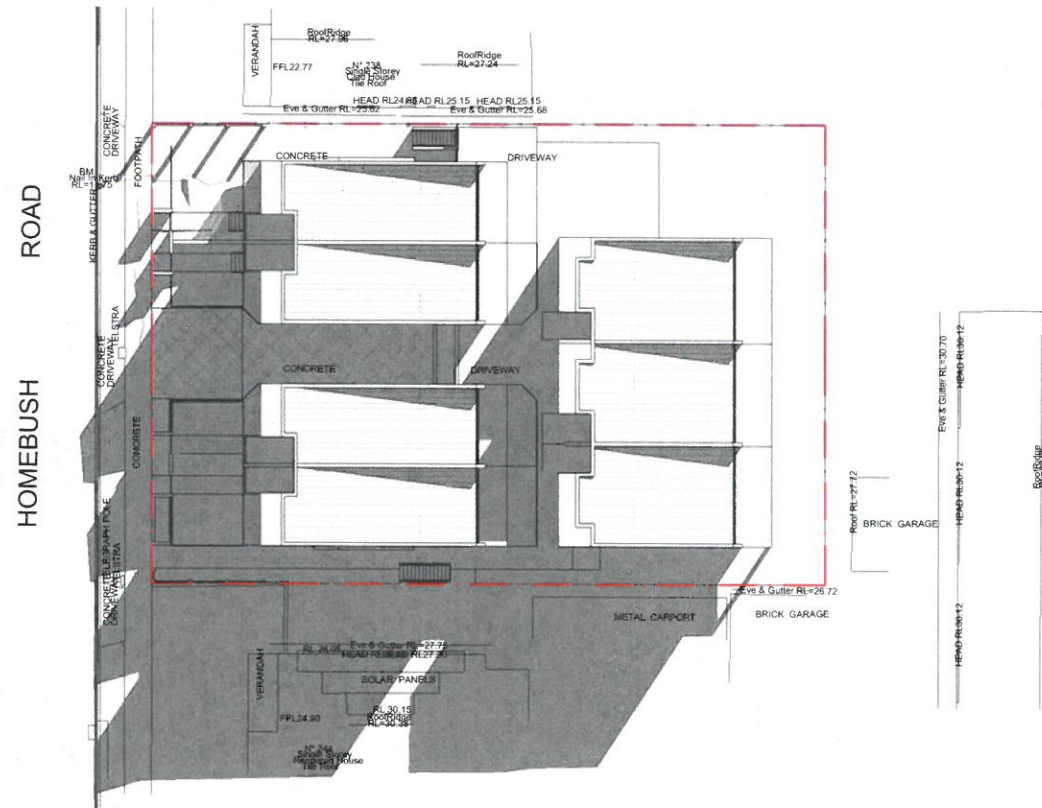
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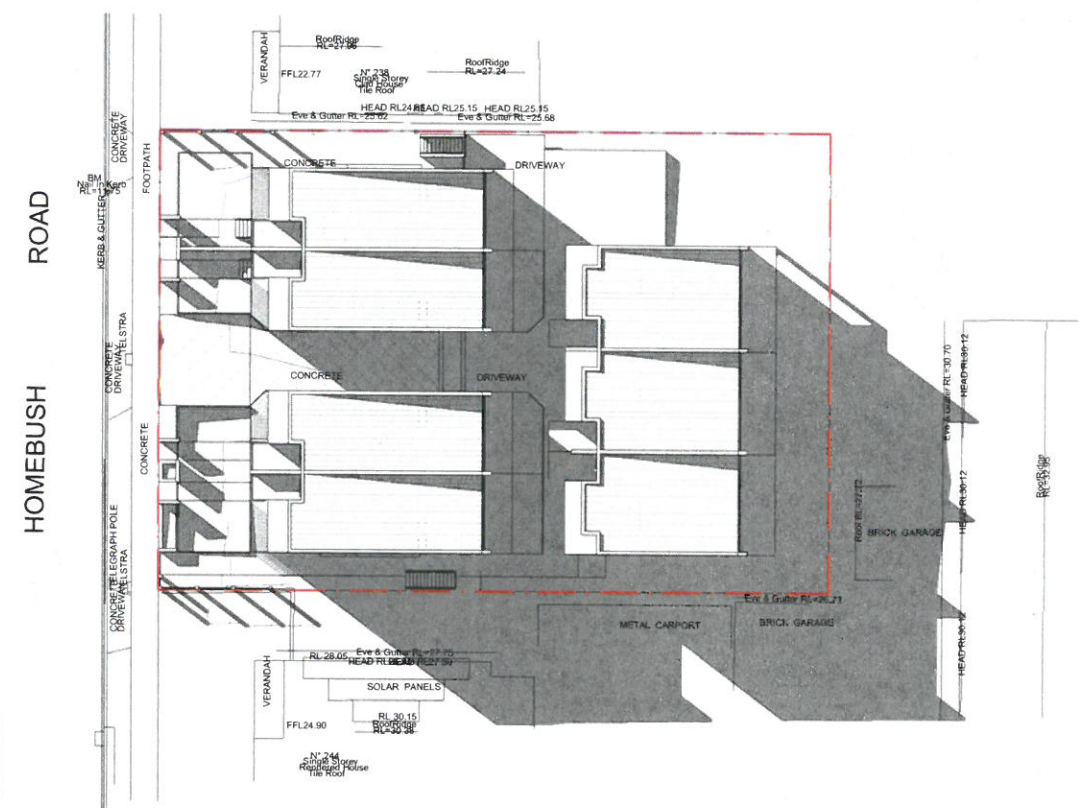
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## ELEVATIONS & SECTION

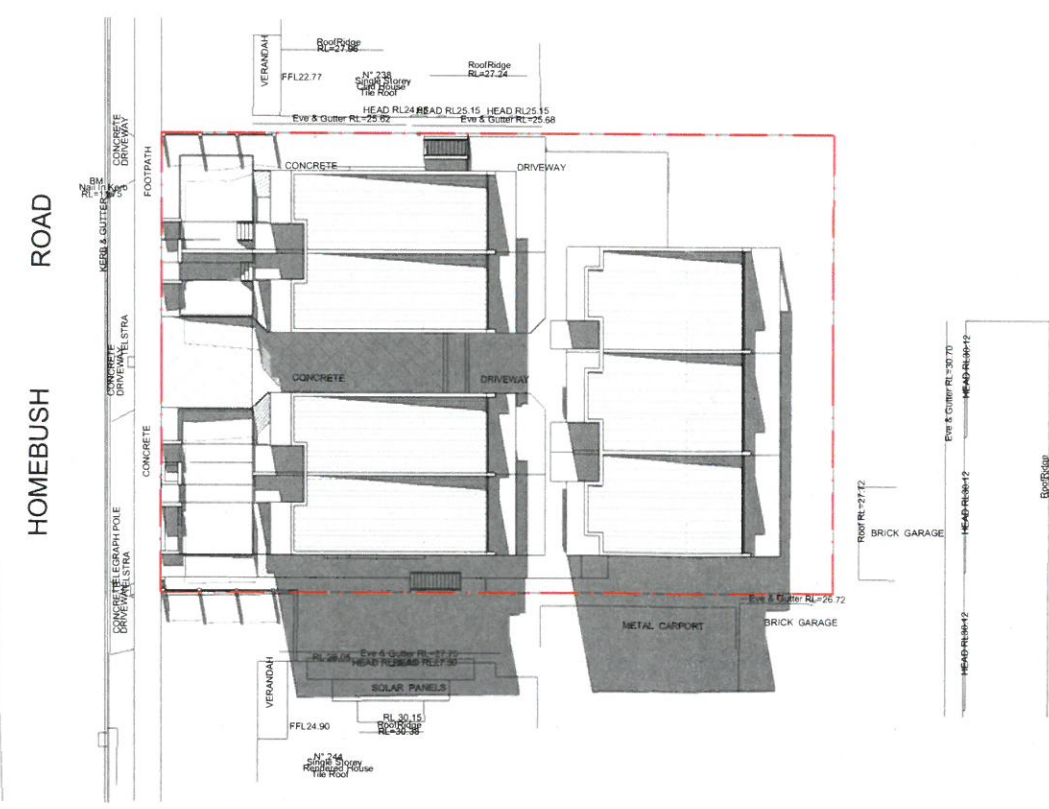
<b>PROPOSED TOWNHOUSE DEVELOPMENT</b>		Scale A1 1 : 100/ A3 1:200
DEVELOPMENT APPLICATION		Drawn by SS
CLIENT: KREDDE INVESTMENTS PTY LTD & MB PROPERTY GROUP	Checked by CK	Date FEB 2017
ADDRESS: 240-242 HOMEBUSH RD, STRATHFIELD	Project number 17001-05	Sheet number A112



1 SHADOW DIAGRAMS JUNE 22nd 9.00am  
A1 1 : 250/ A3 1:500



3 SHADOW DIAGRAMS JUNE 22nd 3.00pm  
A1 1 : 250/ A3 1:500



2 SHADOW DIAGRAMS JUNE 22nd 12.00pm  
A1 1 : 250/ A3 1:500

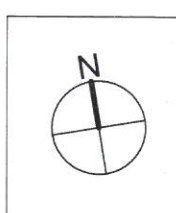
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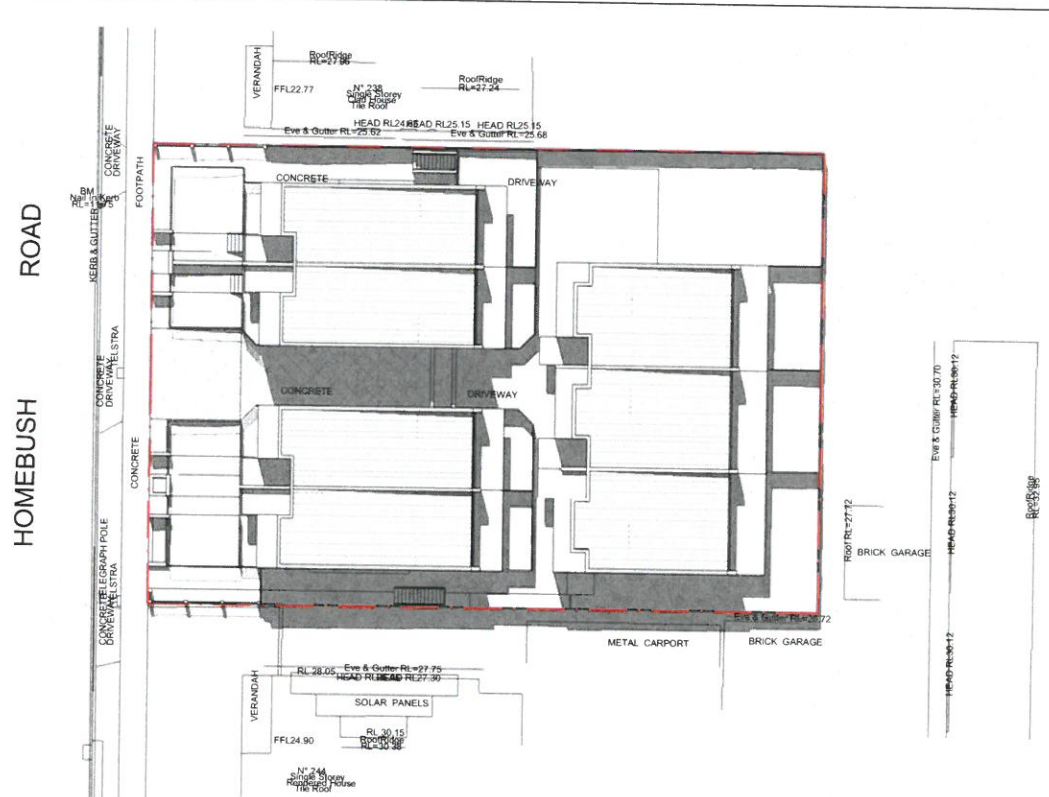
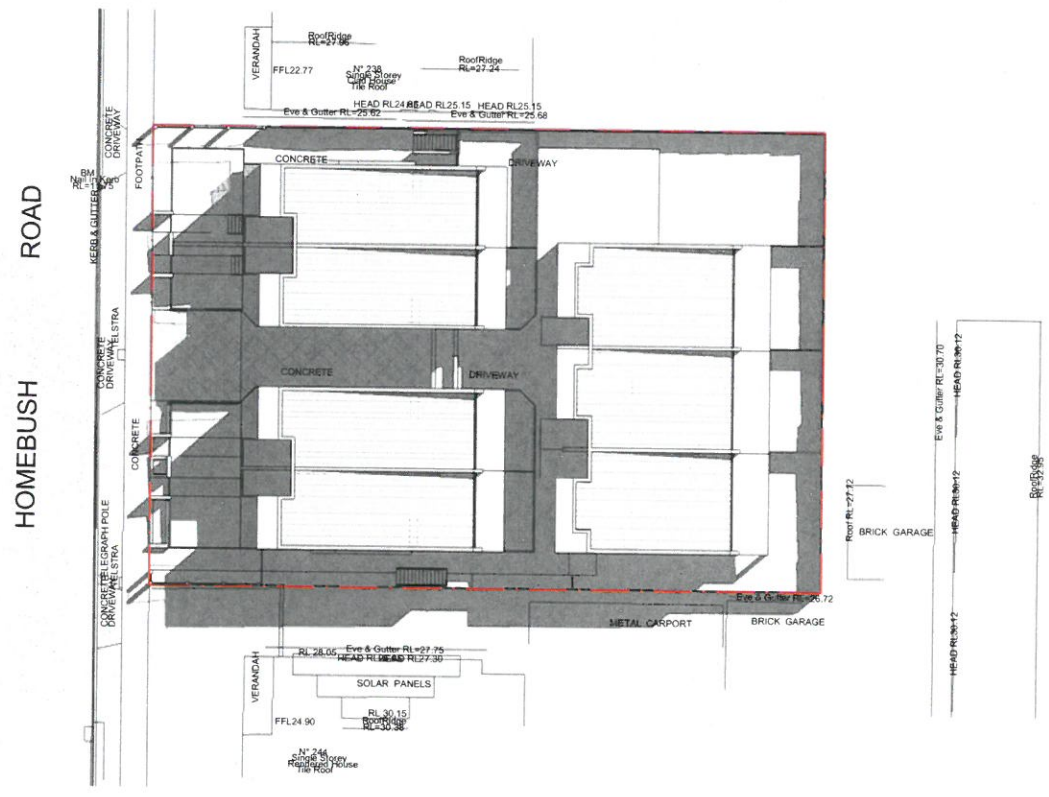
SHADOW DIAGRAMS



**PROPOSED TOWNHOUSE DEVELOPMENT**  
DEVELOPMENT APPLICATION

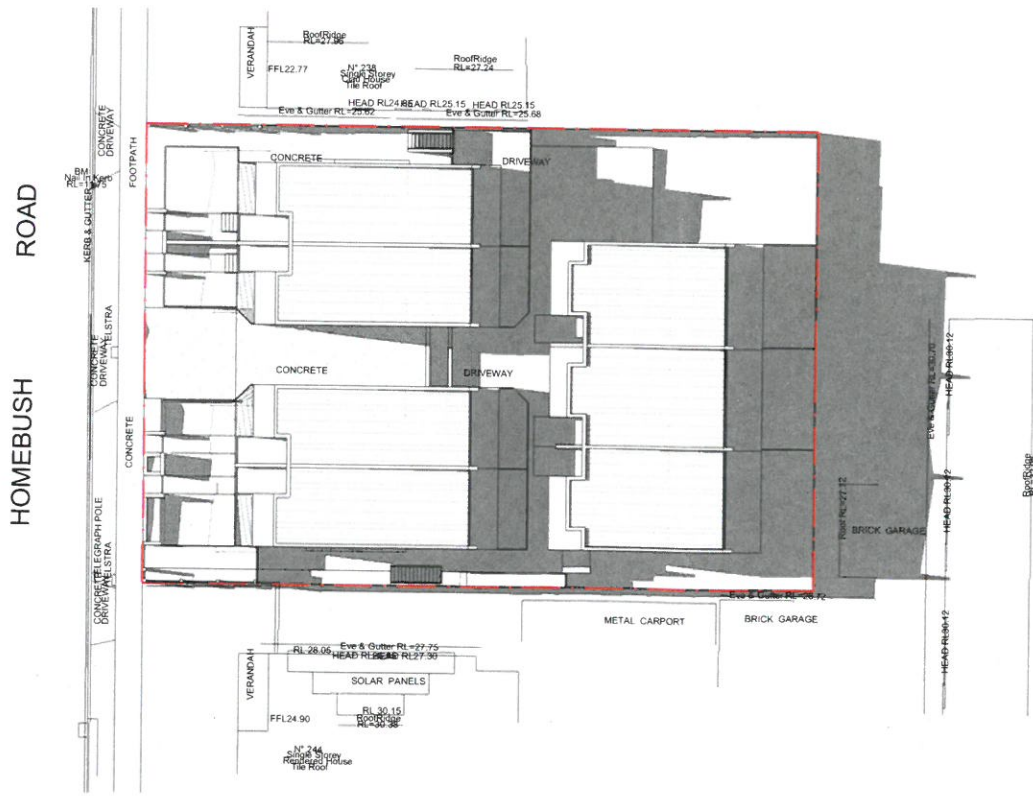
CLIENT:  
KREDDE INVESTMENTS PTY LTD & MB PROPERTY GROUP  
ADDRESS:  
240-242 HOMEBUSH RD, STRATHFIELD

Scale	A1 1 : 250/ A3 1:500	
Drawn by	SS	Date FEB 2017
Checked by	CK	Sheet number
Project number	17001-05	A113



1 SHADOW DIAGRAMS DEC 22nd 9.00am  
A1 1 : 250/ A3 1:500

2 SHADOW DIAGRAMS DEC 22nd 12.00pm  
A1 1 : 250/ A3 1:500



3 SHADOW DIAGRAMS DEC 22nd 3.00pm  
A1 1 : 250/ A3 1:500

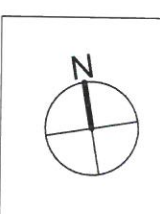
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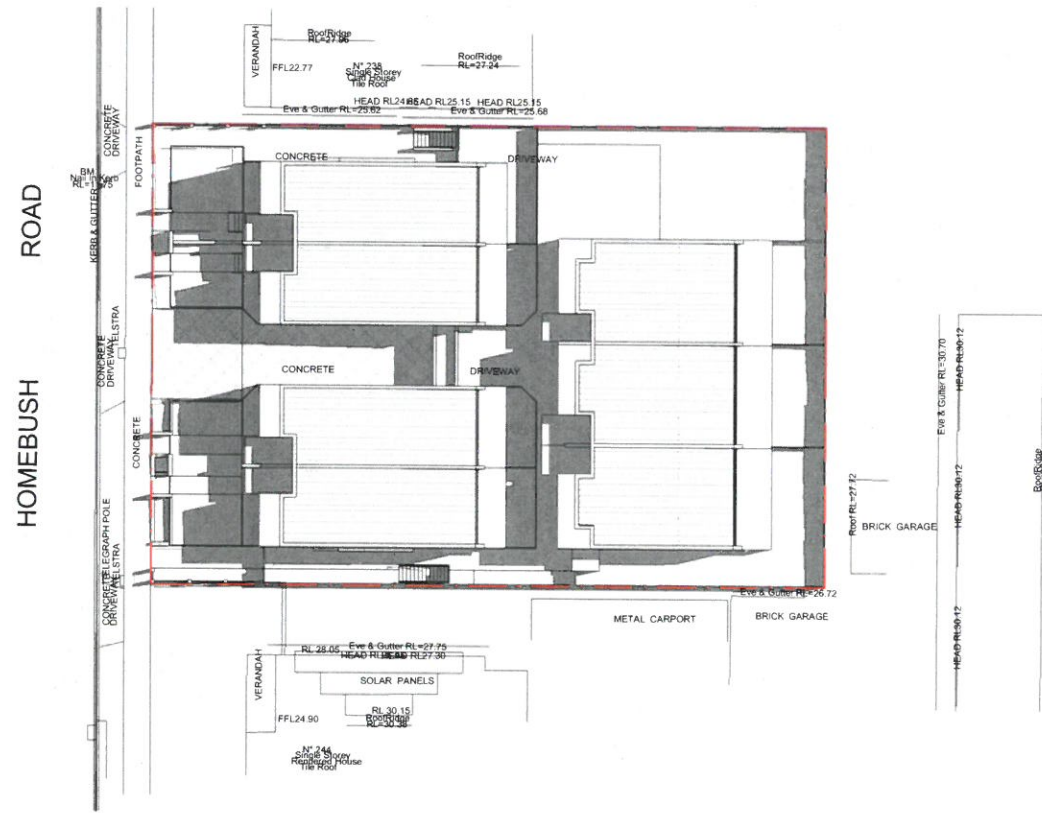
No.	Description	Date

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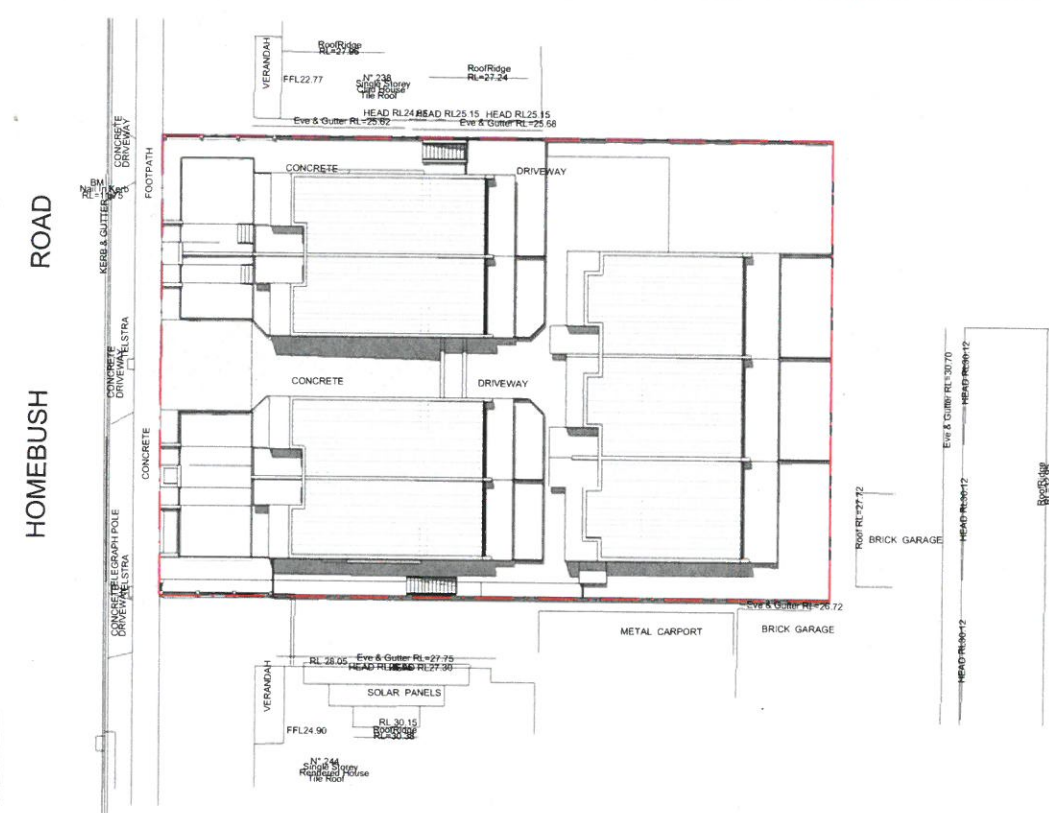
SHADOW DIAGRAMS



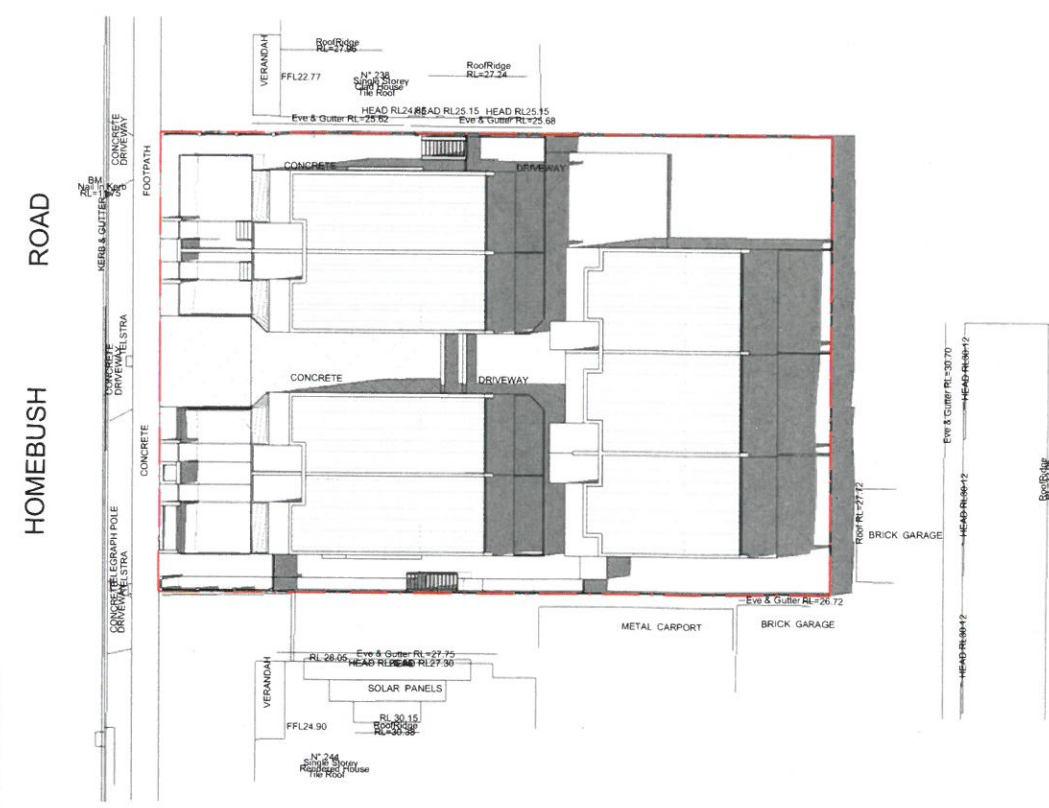
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		Drawn by	SS
CLIENT: KREDDE INVESTMENTS PTY LTD & MB PROPERTY GROUP		Date	FEB 2017
		Checked by	CK
ADDRESS: 240-242 HOMEBUSH RD, STRATHFIELD		Project number	17001-05
		Sheet number	A114



1 SHADOW DIAGRAMS SEP 21ST 9.00am  
A1 1 : 250/ A3 1:500



2 SHADOW DIAGRAMS SEP 21ST 12.00pm  
A1 1 : 250/ A3 1:500



3 SHADOW DIAGRAMS SEP 21ST 3.00pm  
A1 1 : 250/ A3 1:500



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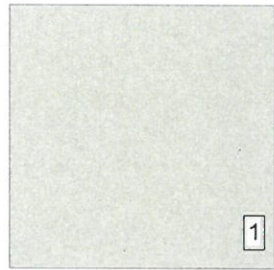
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SHADOW DIAGRAMS

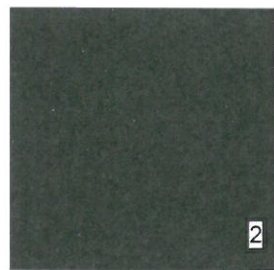


**PROPOSED TOWNHOUSE DEVELOPMENT**  
**DEVELOPMENT APPLICATION**  
CLIENT: KREDDE INVESTMENTS PTY LTD & MB PROPERTY GROUP  
ADDRESS: 240-242 HOMEBUSH RD, STRATHFIELD

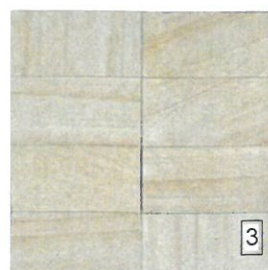
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Drawn by	SS	Date FEB 2017
Checked by	CK	Sheet number
Project number	17001-05	A115



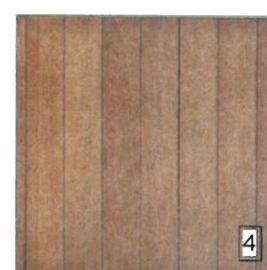
1  
PAINTED RENDER  
DULUX - MOUNT BULLER  
OR SIMILAR



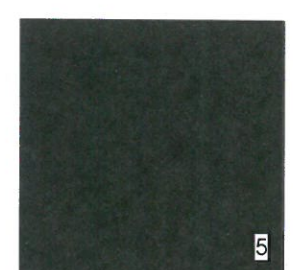
2  
PAINTED RENDER  
DULUX - DOMINO  
OR SIMILAR



3  
SANDSTONE  
WALL TILE  
OR SIMILAR



4  
STAINED TIMBER CLADDING  
WESTERN RED CEDAR  
OR SIMILAR



5  
WINDOW & DOOR FRAME -  
POWDERCOATED BLACK  
OR SIMILAR



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### SCHEDULE OF FINISHES

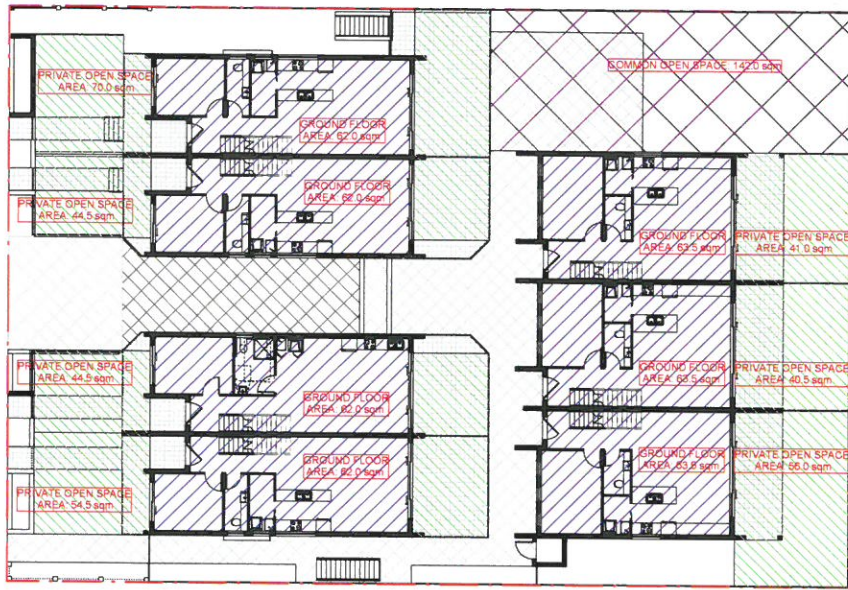
#### PROPOSED TOWNHOUSE DEVELOPMENT DEVELOPMENT APPLICATION

CLIENT:  
KREDDE INVESTMENTS PTY LTD & MB PROPERTY  
GROUP

ADDRESS:  
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Scale	
Drawn by	SS
Date	FEB 2017
Checked by	CK
Sheet number	
Project number	17001-05
	A116

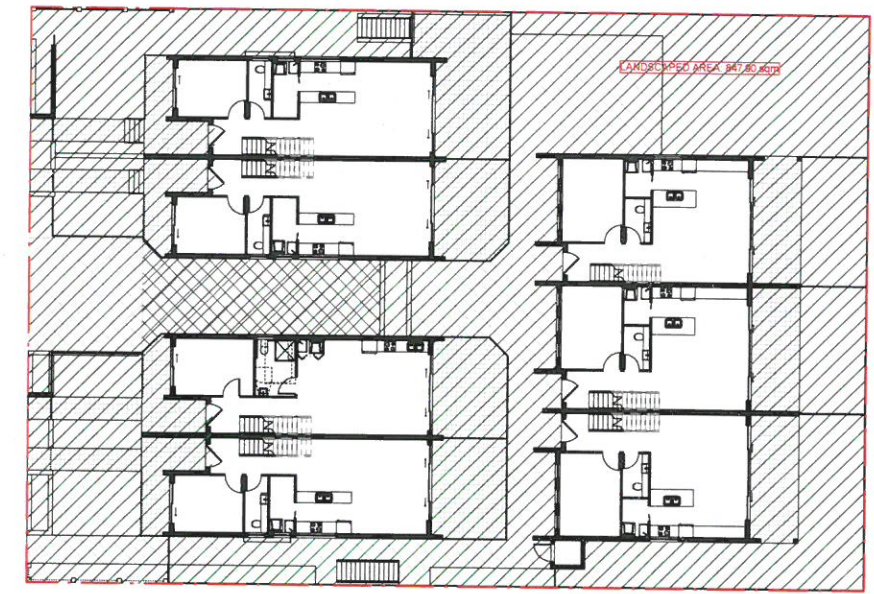




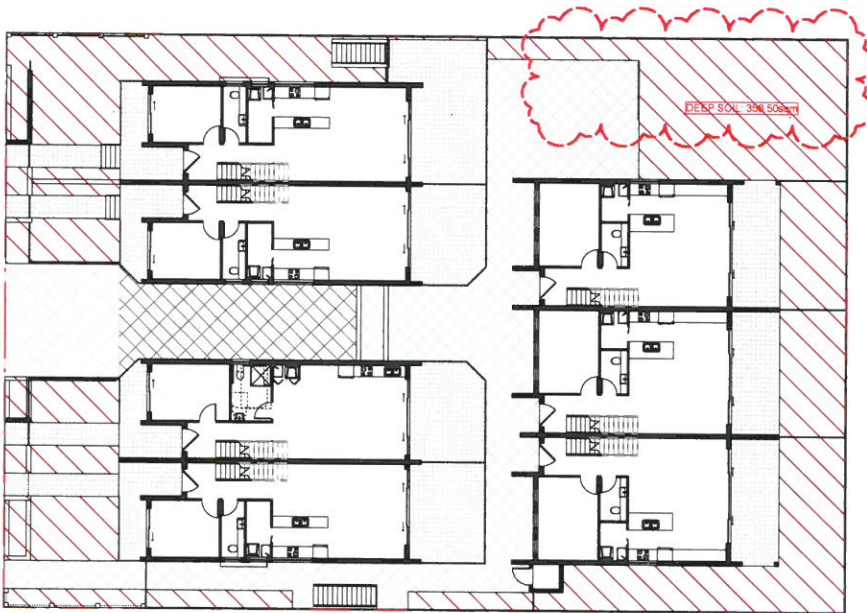
1 CALCULATION - GROUND FLOOR  
A1 1 : 200/ A3 1:400



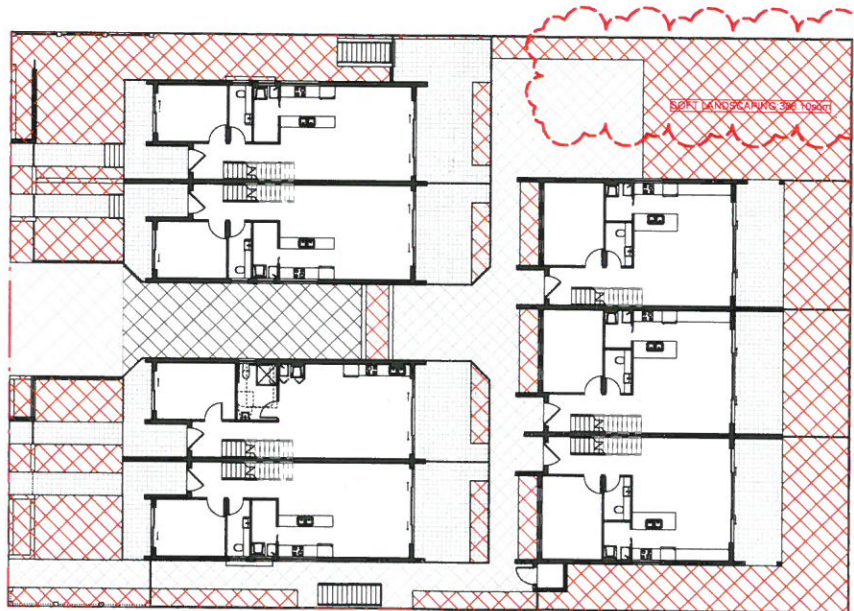
2 CALCULATION - LEVEL 1  
A1 1 : 200/ A3 1:400



3 CALCULATION - LANDSCAPE  
A1 1 : 200/ A3 1:400



4 CALCULATION - DEEP SOIL  
A1 1 : 200/ A3 1:400



5 CALCULATION - SOFT LANDSCAPING  
A1 1 : 200/ A3 1:400

SITE CALCULATIONS NEW RESIDENCE			
	DCP	PROPOSAL	COMPLIES
SITE AREA	1340.6sqm	1340.6 sqm (BY DP)	YES
<b>FLOOR SPACE RATIO</b>			
GROUND FLOOR		438.5 sqm	
LEVEL 1 FLOOR		382.0 sqm	
TOTAL FLOOR AREA	871.39sqm	820.5 sqm	
TOTAL F.S.R	0.65:1	0.61:1	YES
<b>BUILDING HEIGHT</b>			
	3 STOREY (MAX)	2 STOREY (MAX)	YES
<b>COMMON OPEN SPACE</b>			
	7.0m x 7.0m (MIN)	7.0m x > 7.0m	YES
	10%	10.5%	YES
	134.6 sqm	142.0 sqm	YES
<b>MIN DIMENSION OF PRIVATE OPEN SPACE FOR EACH DWELLING</b>			
	4.0m x 4.0m (MIN)	4.0m x >4.0m	YES
	40.0sqm	MIN 40.5sqm	YES
<b>LANDSCAPED AREA</b>			
	40%	63.24%	YES
LANDSCAPED AREA	536.24 sqm	847.90 sqm	YES
SOFT LANDSCAPING	70%	72.37%	YES
	375.4 sqm	388.10 sqm	YES
DEEP SOIL LANDSCAPING	35%	66.85%	YES
	187.7 sqm	358.50 sqm	YES
<b>PARKING FOR EACH DWELLING</b>			
	2 SPACES	2 SPACES	YES
<b>VISITOR PARKING</b>			
	2 SPACE	2 SPACE	YES

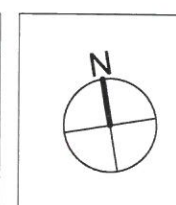
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No.	Description	Date
A	AMENDMENTS AS PER COUNCIL'S LETTER DATED 19-05-2017	29-05-2017

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CALCULATION SHEET



**PROPOSED TOWNHOUSE DEVELOPMENT**  
DEVELOPMENT APPLICATION

CLIENT: KREDDE INVESTMENTS PTY LTD & MB PROPERTY GROUP  
ADDRESS: 240-242 HOMEBUSH RD, STRATHFIELD

Scale	A1 1 : 200/ A3 1:400		
Drawn by	SS	Date	FEB 2017
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Project number	17001-05		A117



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3D PERSPECTIVE

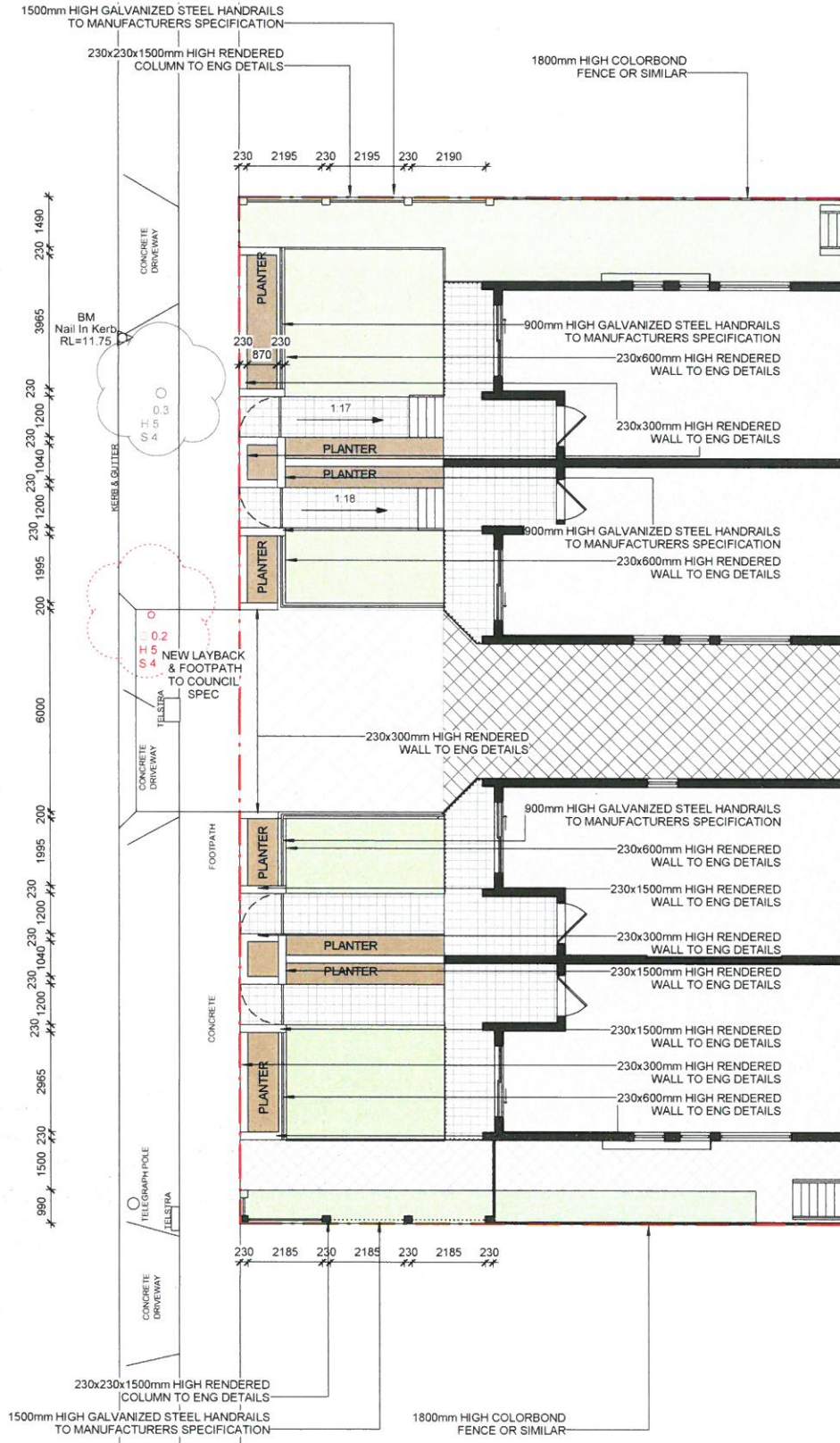
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**DEVELOPMENT APPLICATION**

CLIENT:  
KREDDE INVESTMENTS PTY LTD & MB PROPERTY  
GROUP  
ADDRESS:  
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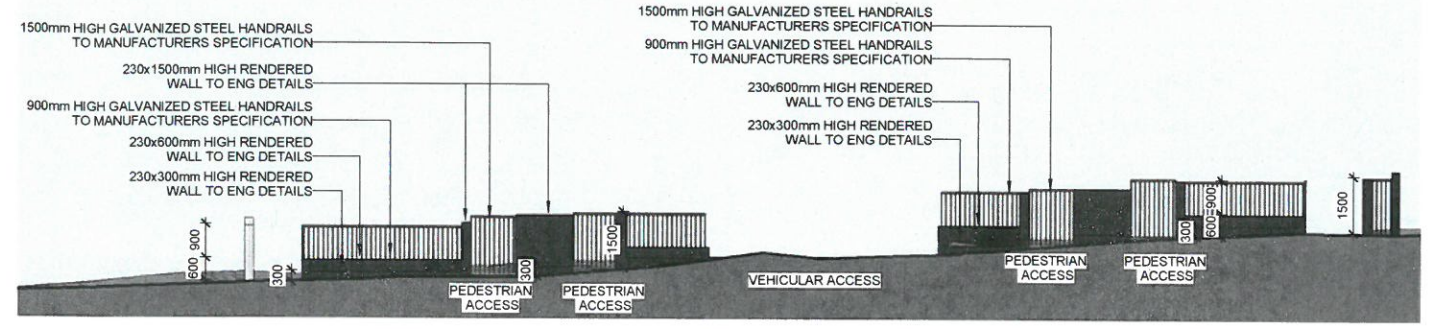
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Date	FEB 2017
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Sheet number	A118
Project number	17001-05

ROAD

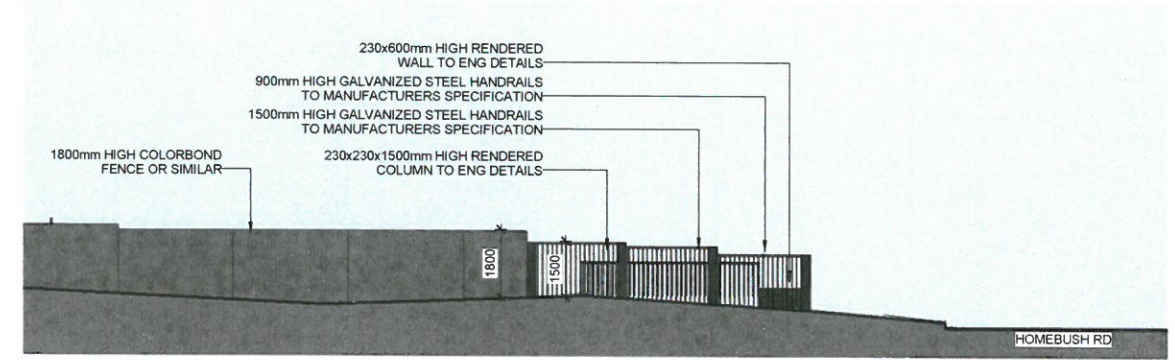
HOMEBUSH



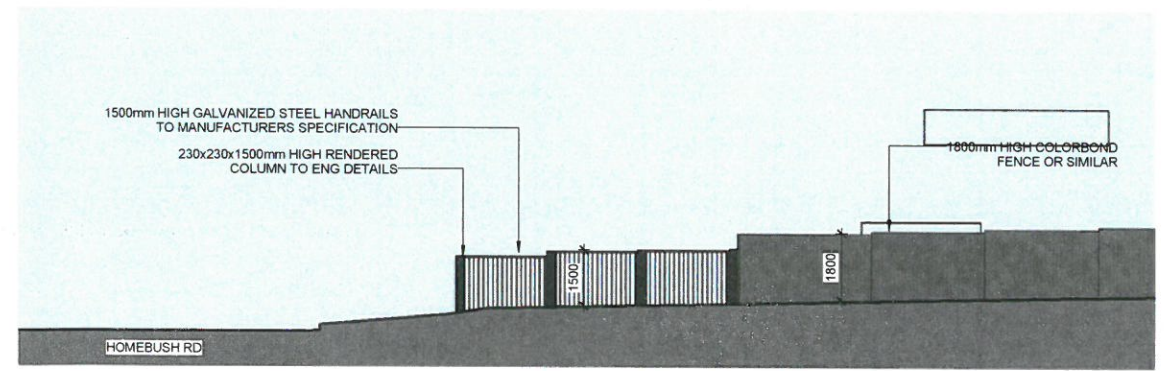
1 FENCE DETAILS  
A1 1 : 100/ A3 1:200



2 WEST - FENCE ELEVATION  
A1 1 : 100/ A3 1:200



3 NORTH - FENCE ELEVATION  
A1 1 : 100/ A3 1:200



4 SOUTH - FENCE ELEVATION  
A1 1 : 100/ A3 1:200

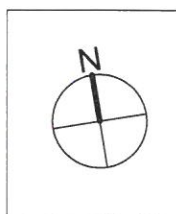
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FENCE DETAILS



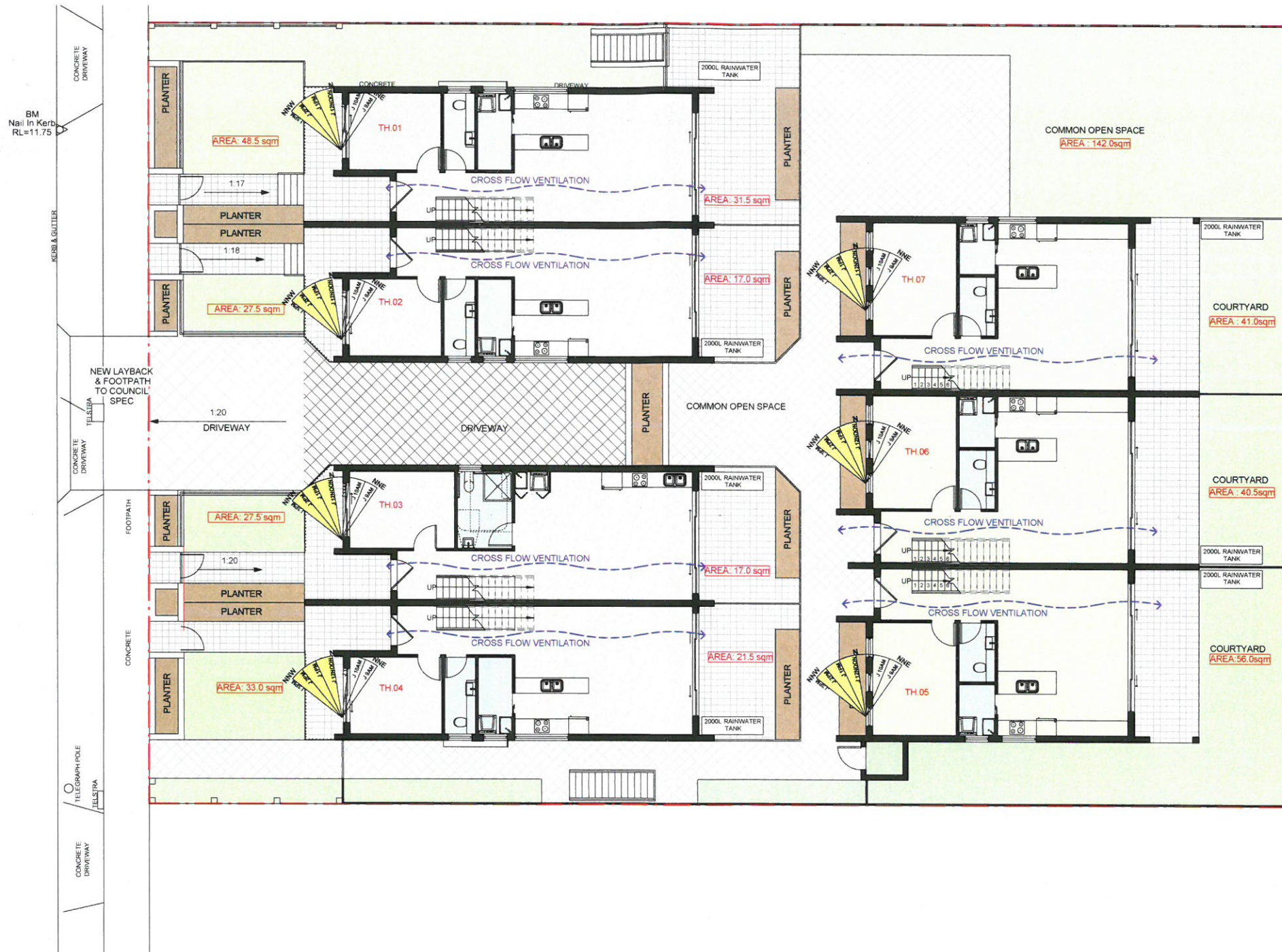
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Project number **17001-05** **A119**

ROAD

HOMEBUSH



Solar Access & Cross Ventilation Calculations

Dwelling	9AM	10AM	11AM	12NOON	1PM	2PM	Total	Total 2hrs	Total 3hrs	Count	Count Calc	Count Calc Percent	Solar 2hrs Percent	Solar Access 2hrs	Solar 3hrs Percent	Solar Access 3hrs	Cross Vent	Cross Vent Calc	Cross Vent Percent	Cross Ventilation	
TH 01	No	No	No	Yes	Yes	Yes	3	1	1	1	1	14%	14%	Yes	14%	Yes	Yes	1	14%	Yes	
TH 02	No	No	No	Yes	Yes	Yes	3	1	1	1	1	14%	14%	Yes	14%	Yes	Yes	1	14%	Yes	
TH 03	No	No	No	Yes	Yes	Yes	3	1	1	1	1	14%	14%	Yes	14%	Yes	Yes	1	14%	Yes	
TH 04	No	No	No	Yes	Yes	Yes	3	1	1	1	1	14%	14%	Yes	14%	Yes	Yes	1	14%	Yes	
TH 05	No	No	No	Yes	Yes	Yes	3	1	1	1	1	14%	14%	Yes	14%	Yes	Yes	1	14%	Yes	
TH 06	No	No	No	Yes	Yes	Yes	3	1	1	1	1	14%	14%	Yes	14%	Yes	Yes	1	14%	Yes	
TH 07	No	No	No	Yes	Yes	Yes	3	1	1	1	1	14%	14%	Yes	14%	Yes	Yes	1	14%	Yes	
Grand total: 7								7	7	7	7	100%	100%		100%		Yes	1	100%		Yes



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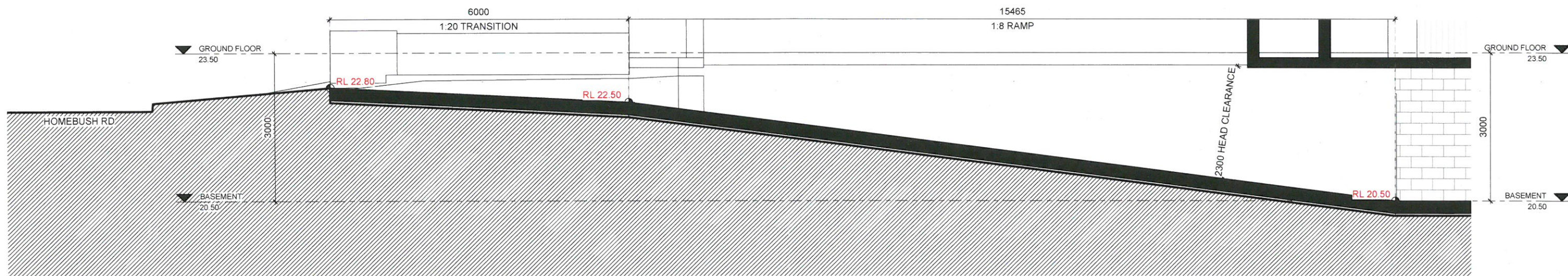
SOLAR ACCESS & CROSS VENTILATION



PROPOSED TOWNHOUSE DEVELOPMENT  
 DEVELOPMENT APPLICATION

CLIENT: KREDDE INVESTMENTS PTY LTD & MB PROPERTY GROUP  
 ADDRESS: 240-242 HOMEBUSH RD, STRATHFIELD

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Project number	17001-05
	A120

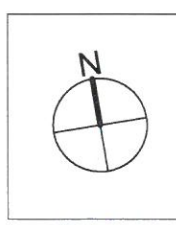


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**LONGITUDINAL SECTION**



**PROPOSED TOWNHOUSE DEVELOPMENT**  
 DEVELOPMENT APPLICATION  
 CLIENT:  
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Checked by	CK
Sheet number	A121
Project number	17001-05