

## Agenda

# Strathfield Local Planning Panel Meeting

Notice is hereby given that a Strathfield Local Planning Panel Meeting will be held at Town Hall (Supper Room), 65 Homebush Road, Strathfield on:

**Thursday, 4 April 2019**

Commencing at 10:00am 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 Local Planning Panel Meeting - 4 April 2019  
**REPORT:** SLPP – Report No. 1  
**SUBJECT:** DA2019/016 - 102 THE CRESCENT, HOMEBUSH WEST  
LOT 1 DP 304126  
**DA NO.** DA2019/016

## SUMMARY

**Proposal:** Change of content from Telstra Standard Telephone Advertising to allow for third-party advertising (Adjacent to 102 The Crescent, Homebush West)

**Applicant:** JCDecaux Australia Pty Ltd

**Owner:** Strathfield Municipal Council

**Date of lodgement:** 20 February 2019

**Notification period:** 25 February 2019 to 11 March 2019

**Submissions received:** One (1)

**Assessment officer:** DS

**Estimated cost of works:** \$1,500

**Zoning:** B4 Mixed Use - SLEP 2012

**Heritage:** No

**Flood affected:** Yes

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

**Reason for Referral** Development located on Council owned land

**RECOMMENDATION OF OFFICER:** Approval

## EXECUTIVE SUMMARY

- 1.0 The subject application seeks approval for the change of content in an advertisement on a payphone structure, from Telstra Standard Telephone service (STS) to allow for third party advertising.
- 2.0 The application was notified in accordance with Part L of the Strathfield Consolidated Development Control Plan 2005. One (1) submission was received as a result.
- 3.0 On 15 March 2019, confirmation was provided by the applicant in relation to night time luminance levels.
- 4.0 The proposal is recommended for approval, subject to the recommended conditions of consent.

## BACKGROUND

23 August 2007: Council approved DA0506/086 for the installation and display of commercial advertising signage on a Telstra telephone booth adjacent to 5 Henley Avenue, Homebush West.

20 February 2019: The subject application was lodged and allocated to the responsible

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 Lot 1 DP 304126 (Cont'd)

- 25 February 2019: officer.  
 The subject application was neighbour notified and one (1) objection was received as a result.
- 13 March 2019: The applicant was advised that the application would be considered at the Strathfield Local Planning Panel (SLPP) in April.
- 15 March 2019 Confirmation was provided by the applicant in relation to night time luminance levels.

**DESCRIPTION OF THE SITE AND LOCALITY**

The subject site relates to the payphone structure located on the road reserve adjacent to Lot 1 in DP 304126, commonly known as 102 The Crescent, Homebush West (Figure 1 and Figure 2). The existing payphone structure is to be replaced and the proposed advertising content relates to the replacement payphone structure, however, the replacement payphone structure itself does not form part of this proposal.

No. 102 The Crescent currently contains an Optometry Clinic on ground level and a Massage Therapy Clinic on the first floor level. The immediate area predominately comprises commercial uses however, the site is also surrounded by residential developments further east, south and west of the site.



**Figure 1: Locality plan with the location of the existing telephone structure highlighted in red.**

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**Figure 2: Existing payphone structure and associated signage.**

## **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 to change the content in an advertisement on a payphone structure, from Telstra Standard Telephone Service (STS) advertising to allow for third-party advertising. There is an existing payphone structure which is to be replaced and the proposed advertising relates to this replacement structure. However, the subject application does not relate to the replacement payphone structure itself.

The replacement payphone structure comprises a 75-inch advertising screen on the rear side which is a maximum 1.973m in height, 1.2m in width, and located 2.727m from ground level. The

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Lot 1 DP 304126 (Cont'd)**

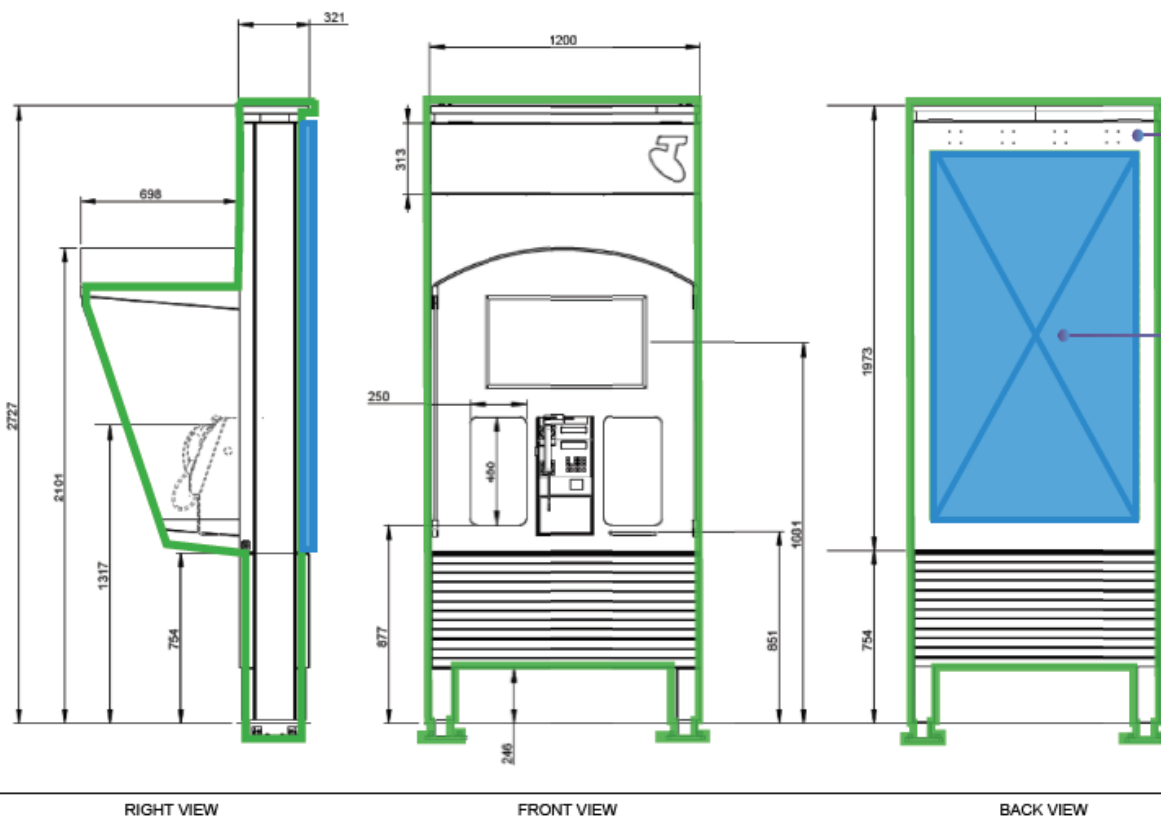
proposal seeks to allow for third-party advertising on the screen and will display a total of six (6) advertisements per one (1) minute with:

- An outdoor LCD flat panel display; and
- Automatic light-sensitive system

The applicant has indicated that the maximum luminance will be:

- 2,500 cd/m<sup>2</sup> – direct sun on panel
- 1,500 cd/m<sup>2</sup> – daytime
- 1,000 cd/m<sup>2</sup> – inclement weather
- 500 cd/m<sup>2</sup> – night time

An image of the proposed signage is illustrated in Figure 3 below.



**Figure 3: Proposed electronic sign on a payphone structure.**

## REFERRALS

### Traffic Comments

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

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

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

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

**(i) any environmental planning instrument**

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

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

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

The proposal is seeking approval for the display of third-party advertising in an advertisement on a payphone structure and as such, it is not inconsistent with the aims of this SEPP.

**State Environmental Planning Policy No 55 – Remediation of Land**

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

Clause 7(1) of SEPP 55 states:

- (1) *A consent authority must not consent to the carrying out of any development on land unless:*
- (a) *it has considered whether the land is contaminated, and*
  - (b) *if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*
  - (c) *if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.*

As the proposal is for the change of content in an advertisement on a payphone structure, from Telstra Standard Telephone service (STS) advertising to allow for third party, no groundworks are involved and therefore no further site investigation is required. The objectives outlined within SEPP55 are considered to be satisfied.

**State Environmental Planning Policy No 64 – Advertising and Signage**

Clause 13 of SEPP 64 requires Council to consider the aims and objectives of SEPP 64 as well as the assessment criteria outlined in Schedule 1, in the assessment of the proposed more comprehensive advertising. An assessment of the proposed development against the requirements of SEPP 64 is found below:

Part 1, Clause 3:

1) *This policy aims to:*

- a. *To ensure that signage (including advertising):*
  - i. *Is compatible with the desired amenity and visual character of an area, and*
  - ii. *Provides effective communication in suitable locations, and*
  - iii. *Is of high quality design and finish.*

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**Comments:** The development application is for the change of content in an advertisement on a payphone structure, from Telstra Standard Telephone service (STS) advertising to allow for third party. The proposal does not enlarge the size of the advertisement on the payphone structure and it will not be dissimilar to existing advertising on the payphone structure nor what is commonplace for other payphone structures in Strathfield.

Section	Assessment Criteria	Required	Proposed	Compliance
1	Character of the Area	Compatible with existing and future likely character of the area.	The proposed third party advertising will be on the same screen as the STS advertising on the payphone structure. As such, the proposed advertising will not be any further in/out of character than the existing advertising structure.	Yes.
2	Special Areas	Does the proposal detract from the amenity or visual quality of environmentally sensitive areas, heritage areas, natural or other conservation areas, open space, waterways, rural landscapes or residential areas?	The advertisement is not located in close proximity to environmentally sensitive areas, heritage areas, natural or other conservation areas, open space, waterways, rural landscapes or residential areas.  The proposed advertisement will include measures to automatically adjust the light intensity and consequent glare according to different times and associated light levels of the day. A condition of consent is recommended to control luminance levels.	Yes.
3	Views and Vistas	Does the proposal: a) Obscure or compromise important view? b) Dominate the skyline and reduce the quality of vistas? c) Respect the viewing rights of other advertisers?	The proposed advertisement will be in the same location as the existing advertisement (affixed to the back of the Telstra payphone) and will have the same dimensions. Therefore the proposal will not obscure or compromise any views.	Yes.
4	Streetscape, Setting or Landscape	Is the scale, proportion and form appropriate?  Does the proposal: a) Contribute to visual interest?  b) Reduce clutter by rationalising and simplifying existing signage?	The development application does not propose to alter the scale, proportion and form of the existing advertisement.  a) The proposal will not detract from the visual quality of the surrounding area as it is not out of character with existing commercial development along The Crescent and Henley Road.  b) The proposal is for the change of content within an advertisement and therefore	Yes.  Yes.  Yes.



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Section	Assessment Criteria	Required	Proposed	Compliance
		b) Screen unsightliness?  c) Protrude above buildings, structures or tree canopies?  d) Require ongoing vegetation management?	no additional clutter will result from the proposal.  c) The proposal does not screen unsightliness.  d) The proposal does not protrude above the height of the payphone.  e) The proposal does not require ongoing vegetation management.	Yes.  Yes.  Yes.
5	Site and Building	Is the proposal compatible with the scale, proportion and other characteristics of the site?  Does the proposal respect important features of the site or building or both?  Does the proposal show innovation and imagination in its relationship to the site or building or both?	The proposal relates to the change in content of an advertisement and it will therefore be compatible with the payphone structure which already comprises STS advertising.  The advertisement to which this proposal relates is located on the rear side of the payphone structure and respects the predominant use of the structure being the telephone.  The proposal utilises modern technology enabling the advertisements to be displayed in an efficient manner.	Yes.  Yes.  Yes.
6	Associated Devices and Logos	Have any safety devices, platforms, lighting devices or logos been designed as part of the structure?	The advertisement will have flexible brightness levels that can be changed manually or automatically based on the light of the surrounding environment. (See Section for details on illumination.) A condition of consent is recommended for the illuminance levels to comply with Australian Standards.  The advertising content will display a total of six (6) advertisements per minute and given this and the controlled luminance levels, it is not anticipated to be a distraction to road users on The Crescent and Henley Road.	Yes.
7	Illumination	Would illumination: a) Result in unacceptable glare? b) Affect safety for pedestrians, vehicles or aircraft? c) Distract from nearby	The advertisement proposes a maximum luminance of 2,500cd/m <sup>2</sup> . The proposed advertisement will have built-in ambient light sensors to adjust the brightness of the screen based on	Yes, refer to conditions.

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Section	Assessment Criteria	Required	Proposed	Compliance
		residence or accommodation?	the environment. As such, it is unlikely to incur unreasonable glare, spill-over impacts or affect the safety of road users on The Crescent and Henley Road.  A condition of consent is recommended which requires the illumination of the advertisement to comply with Australian Standards.	
8	Safety	Would the proposal: a) Reduce safety for any public road? b) Reduce safety for pedestrians or cyclists? c) Reduce safety, for children by obscuring sight lines from public areas?	The proposed advertising content will not adversely affect road safety on The Crescent and Henley Road as the payphone structure to which the advertisement relates is setback and oriented away from Henley Road, and conditions to restrict luminance levels and flashing are recommended in the consent. As the advertisement will be affixed to the back of the Telstra payphone structure, in the same location as the existing advertisement, sightlines will not be affected.	Yes.

### 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 character of particular localities and neighbourhoods in Strathfield</i>	<b>Yes</b>
<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>N/A</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>N/A</b>
<b>(d)</b> <i>To provide opportunities for economic growth that will enhance the local community</i>	<b>N/A</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>N/A</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>N/A</b>
<b>(h)</b> <i>To minimise risk to the community by identifying land subject to flooding and restricting incompatible development</i>	<b>N/A</b>

**Comments:** The proposed development is for the change of content in an advertisement on a payphone structure, from Telstra Standard Telephone service (STS) advertising to allow for third party. The proposal will not alter the size and scale of the existing advertisement and it is

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compatible with surrounding commercial developments along The Crescent and Henley Road. As the advertisement is affixed to the back of a Telstra payphone structure, it will not adversely affect flooding in the surrounding area.

### Permissibility

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

Advertisements are permissible within the B4 Zone with consent and is defined under SLEP 2012 as follows:

*“A sign, notice device or representation in the nature of an advertisement visible from any public place or public reserve or from any navigable water”.*

The proposed development for the purpose of an advertisement is consistent with the definition above and is permissible within the B4 Zone with consent. Whilst the advertisement is to be attached to a payphone, consent for the payphone is not a part of this application.

### Zone Objectives

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

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

**Comments:** The proposed development is for the change in content of an advertisement which is considered suitable for the payphone structure and other commercial developments surrounding the site. The advertisement (and content) is angled away from Henley Road and appropriately setback 600mm from the road reserve so as to not impact on the safe operation of The Crescent and Henley Road.

### Part 4: Principal development standards

There are no relevant provisions contained within Part 4 of the SLEP 2012 which relate to the proposed development.

### Part 5: Miscellaneous Provisions

There are not relevant provisions contained within Part 5 of the SLEP 2012 which relate to the proposed development.

### Part 6: Local Provisions

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

#### 6.1 Acid sulfate soils

The subject site is identified as having Class 5 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,

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2012. Furthermore, the proposal is for a change in advertising content (located above ground), and so will not impact on the acid sulfate soils.

## 6.2 Earthworks

The development application is for a change in advertising content to an advertisement affixed to a payphone structure and does not require any earthworks.

## 6.3 Flood planning

The subject site is identified as being within the 1 in 100yr ARI storm event extent in accordance with Cooks River and Cox Creek flood study. The flood area affecting the site is minor and given that the proposal is for a change in advertising content to an advertisement affixed to a payphone structure, a Flood Impact Statement is not required.

## 6.4 Essential services

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

## 6.6 Erection or display of signage

The proposed third party advertisement content is typical for a payphone structure and it is not out of character with other advertisements in surrounding commercial areas. The size of the advertisement will be unchanged and will not detract from the visual quality of the surrounding area. The advertisement provides effective communication through the use of a high quality electronic design and finish and is suitably located on the footpath reserve retaining adequate pedestrian access. Accordingly, the proposed development satisfies the requirements of Clause 6.6 of the SLEP 2012.

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

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

### 4.151(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 J – ERECTION AND DISPLAY OF ADVERTISING SIGNS AND STRUCTURES

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

Cl. 1.3	Aims	Complies
1	To encourage signage which complements the dominant urban character of an area, including the built and landscape character.	Yes
2	To provide guidelines for the display of advertisements and ensure that outdoor advertising: (a) conveys an advertiser's messages and images while complementing and conforming with the visual appearance of the building or structure on which it is displayed and the amenity of the surrounding environment;	Yes

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- (b) does not adversely affect the area in which it is located in terms of appearance, size, illumination, overshadowing, loss of amenity, or in any other way;
- (c) does not lead to visual clutter through the proliferation of signs;
- (d) is designed and installed to an acceptable level of safety and serviceability; and
- (e) is designed to have minimal adverse impacts on driver or pedestrian safety.

<b>3</b>	To implement a plan which enables an assessment of the proposed advertisement to be made.	<b>Yes</b>
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**Comments:** The proposal is for the change in advertising content and it will not add visual clutter as the dimensions and size of the advertisement screen remain unchanged. The third-party advertising content is considered appropriate for the payphone structure and the commercial character of the surrounding area. The proposed advertising content will not result in any adverse amenity impacts to neighbouring properties, nor result in any safety hazards, subject to the imposition of conditions.

**2.1: Signs in all areas**

	<b>Special Provisions</b>	<b>Complies</b>
<b>(ii)</b>	Sign is not prone to deterioration in appearance and is not redundant, unsightly or objectionable	<b>Yes</b>
<b>(iii)</b>	Advertisements, signs and advertising structures are not displayed in a manner which obscures or interferes with road traffic signs	<b>Yes</b>
<b>(iv)</b>	Advertising sign must be displayed in English and can be translated in another language. Translation is accurate and complete. Wording and/or numbers is not greater than the English message.	<b>Yes</b>

The advertisement/ sign is not any of the following:

<b>(a)</b>	Roof sign or wall sign projecting above the roof or wall to which it is affixed;	<b>Yes</b>
<b>(b)</b>	Flashing or moving signs or advertisements;	<b>Yes</b>
<b>(c)</b>	Signs, not defined as a temporary sign, made of canvas, fabric, or any type of airborne sign except a temporary sign;	<b>Yes</b>
<b>(vi)</b>	<b>(d)</b> Fly posters	<b>Yes</b>
<b>(e)</b>	Signs affixed to the surface of a public footway or public roadway	<b>Yes</b>
<b>(f)</b>	Signs which may obscure, obstruct or interfere with any road traffic	<b>Yes</b>
<b>(g)</b>	Signs prohibited under the Tobacco Advertising Prohibition Act 1992	<b>Yes</b>
<b>(h)</b>	Signs other than a business identification sign, directional sign, real estate sign or temporary sign within the R2, R3 and R4 zones.	<b>Yes</b>

**Comments:** The proposed advertisement will display a total of six (6) advertisements per one (1) minute and will have built in ambient sensors to adjust the brightness of the screen based on the natural light available. The proposed advertisement will be setback 600mm from the road reserve and angled away from Henley Road so as to not distract road users. A condition of consent has

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been included to ensure that the illuminance of the advertisement complies with Australian Standards.

### 2.3: Signage in the B Zones – Commercial Areas

	<i>Aims</i>	<i>Satisfactory</i>
(i)	<i>Permit the adequate display of information concerning the identification of premises, the name of the occupier and the activity conducted on the land;</i>	<b>Yes</b>
(ii)	<i>Enhance and add to the commercial/retail vitality of the area without adversely affecting the amenity of the locality;</i>	<b>Yes</b>
(iii)	<i>Ensure that signs are in keeping with the scale and character of the building to which they are affixed and not detract from the architectural treatment;</i>	<b>Yes</b>
(iv)	<i>Ensure that all businesses have the opportunity for reasonable exposure for the purposes of identification.</i>	<b>Yes</b>

**Comments:** The proposed advertisement will retain the same dimensions and form as the existing advertisement. The proposal is considered appropriate for the existing Telstra payphone structure and other surrounding commercial developments.

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

A Waste Management Plan is not required for the change in advertising content due to the minor nature of the works.

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

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

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

Not applicable.

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

Overall, the proposal has been considered with respect to adjoining properties to minimise adverse impacts to adjoining neighbours and achieve an appropriate level of streetscape compatibility. Visual and safety impacts will be mitigated through the imposition of conditions relating to luminance and flashing.

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

The proposed advertisement is considered suitable for the site and is unlikely to result in adverse impacts upon the presentation of the streetscape or public safety.

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

The application was notified in accordance with Part L of the SCDCP 2005 from **25 February 2019** to **11 March 2019**, with **one (1)** submission received as a result.

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1. *The payphone structure is an obstacle for pedestrians and also creates a security risk as people use the booth to observe customers for possible robberies.*

Assessing officer's comments: The subject application is for the change of content from Telstra Standard telephone service (STS) to third-party advertising. The subject application does not relate to the replacement payphone structure.

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

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

### **SECTION 7.11 CONTRIBUTIONS**

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

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

### **STRATHFIELD INDIRECT SECTION 7.12 CONTRIBUTIONS PLAN**

Section 7.12 Contributions are not applicable to the proposed development as the cost of works is less than \$100,000, which is the threshold which triggers a contribution payment under the Strathfield Indirect Development Contributions Plan 2010-2030.

### **CONCLUSION**

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

### **PEER REVIEW**

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

### **RECOMMENDATION**

That Development Application No. DA2019/016 for the change of content from Telstra Standard Telephone service (STS) advertising to allow for third-party advertising at 102 The Crescent, Homebush West be **APPROVED**, subject to the following conditions:

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

#### **1. SIGNAGE DISPLAY (SC)**

The proposed development must not have/use:

- a) Flashing lights;

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- b) Animated display, moving parts or stimulated movement;
- c) Complex displays that hold a driver's attention beyond 'glance appreciation'; and
- d) Display resembling traffic signs or signals.
- e) A method of illumination that distracts or dazzles
- f) Red or green as dominant colours

(Reason: to ensure road safety along Henley Road.)

**2. LIGHTING (SC)**

Illumination levels are not to exceed a maximum luminance of 2,500 cd/m<sup>2</sup>.

Any lighting 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.)

**GENERAL CONDITIONS (GC)**

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

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

Plans affixed with Council's 'Development Consent' stamp relating to Development Consent No. DA2019/016:

Title/Description	Prepared by	Issue / Revision & Date	Date received by Council
Municipality of Strathfield – Telstra Payphone	JCDecaux Pty Ltd Australia	9 November 2018	20 February 2019
Telstra Digital Phone	JCDecaux Pty Ltd Australia	7 June 2018	20 February 2019

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

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

**4. CONSTRUCTION HOURS (GC)**

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

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

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



DA2019/016 - 102 The Crescent, Homebush West  
Lot 1 DP 304126 (Cont'd)

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

5. **BUILDING CODE OF AUSTRALIA - COMPLIANCE WITH (GC)**

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).

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

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

6. **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.)

**ATTACHMENTS**

1. [↓](#) DA2019.016-Elevation - 102 The Crescent
2. [↓](#) DA2019.016-Survey- 102 The Crescent



**NOTES:**

- All dimensions are in millimetres
- Construction to be undertaken in accordance with the requirements of AS1428 1-4 Design for Access and Mobility.
- All works shall comply with the ACCESSIBILITY OF PAYPHONES INDUSTRY GUIDELINE 2005



**JCDecaux Australia Pty Ltd**  
 Units 2 & 3, 152 -190 Euroa Road,  
 Alexandria NSW 2015  
 T: 02 9557 6555  
 F: 02 9557 6982

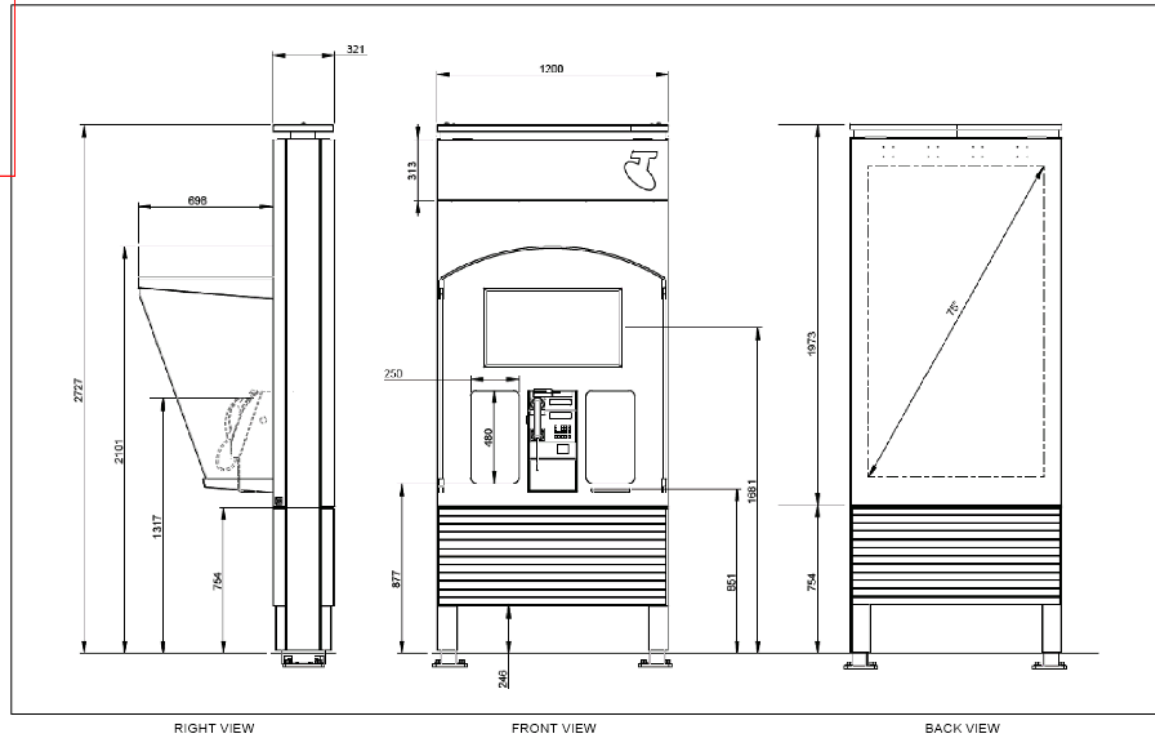
PROJECT TITLE  
**TELSTRA DIGITAL PHONE**

DATE	7 JUNE 2018	Issue	Description	Date	Drawn
SCALE	1:20 (A3)				
DESIGN	JCDECAUX				
DRAWN	JCD				
REVISION					
DRAWING NO.	TEL-001				


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**DA2019/016  
 20 February 2019**



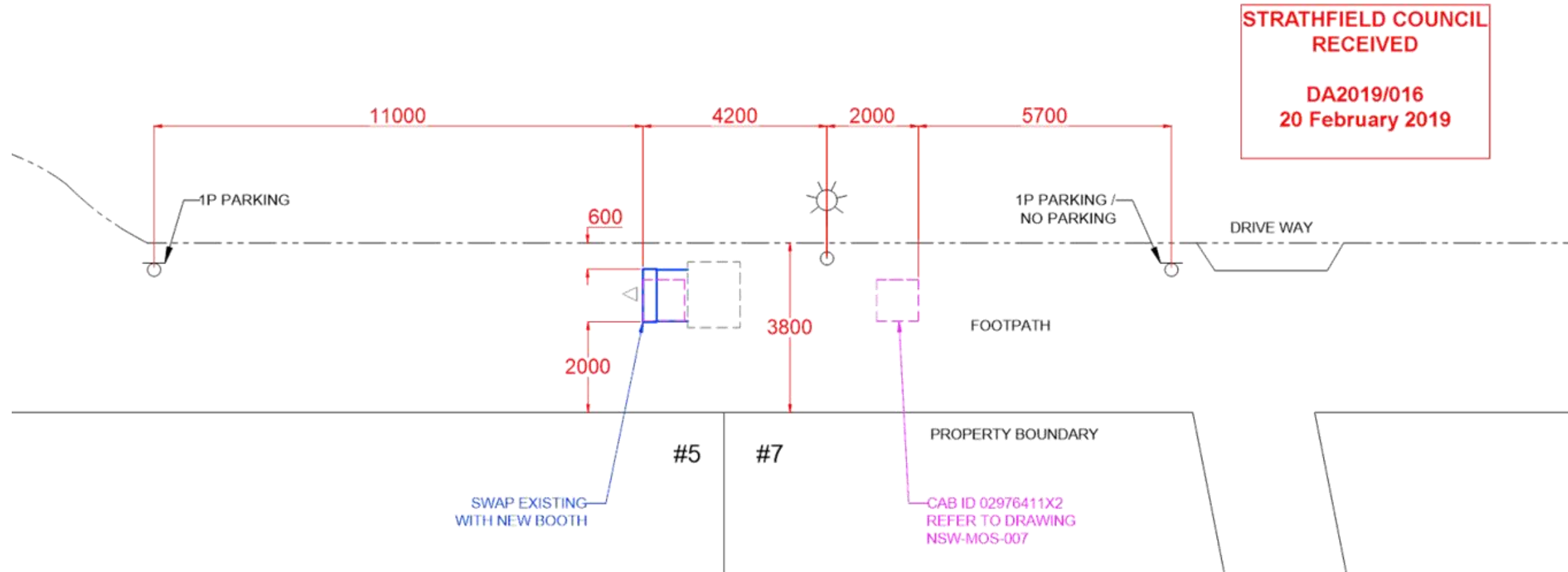
Commercial in Confidence

Cab ID: 02974623X2		 <b>JCDecaux Australia Pty Ltd</b> Units 2 & 3, 182 -190 Euston Road, Alexandria NSW 2015 T: 02 9557 6555 F: 02 9557 6982	PROJECT TITLE	Municipality of Strathfield	DATE	9/11/2018	Issue		Description	Date	Drawn
Main Street: 5 Henley Rd, Homebush West NSW 2140			SCALE	1:100 (A3 Full Bleed)	PRELIMINARY SITE SURVEY						
Before/After / Outside / Opp: The Crescent			DESIGN	JCDECAUX	© This drawing and design is protected by copyright and may not be copied or used without the written approval of JCDecaux Australia Pty Ltd		DRAWN		AC		
Road Direction: NEB			JCDECAUX ASSET NO:		REVISION		SURVEY NO.		NSW-MOS-006		
GPS Info: Latitude: -33.865395 Longitude: 151.070105		<input checked="" type="checkbox"/> ADBOOTH <input type="checkbox"/> TON <input type="checkbox"/> TELSTRA	<input checked="" type="checkbox"/> NO RELOCATION <input type="checkbox"/> < 10 m RELOCATION <input type="checkbox"/> >200 m / GREENFIELD	<input type="checkbox"/> >10 <200 m RELOCATION							



















Note: - All dimensions are in millimetres  
 - Dimensions are estimated and should be used only as indication.  
 - Construction to be undertaken in accordance with the requirements of AS1428.1-4 Design for Access and Mobility  
 - All works shall comply with the ACCESSIBILITY OF PAYPHONES INDUSTRY GUIDELINE 2006

→ HENLEY RD  
 ←

**STRATHFIELD COUNCIL RECEIVED**  
**DA2019/016**  
**20 February 2019**



**LEGEND**

-  NEW PAYPHONE BOOTH L 1019 x W 1200 mm
-  EXISTING PAYPHONE BOOTH 950 x 950 mm
-  EXCLUSION ZONE 1200 X 1500 mm
-  TREE
-  POWER POLE
-  LIGHT POLE
-  COMMS PIT
-  POWER PIT
-  ELECTRICITY PILLAR
-  GAS PIT
-  WATER PIT
-  TRAFFIC LIGHT
-  SIGN POST
-  FIRE HYDRANT
-  BIKE RACK
-  GRASS / BERM
-  BIN
-  SEAT

Reinstatement:

Asphalt	<input checked="" type="checkbox"/> Brick	Concrete	Concrete paving
Specialist paving:		Blue stone	Green granite
Unmade	Other:		

Checked / Signature: \_\_\_\_\_

Powerline arrangement:

- Overhead
- Underground





**TO:** Strathfield Local Planning Panel Meeting - 4 April 2019  
**REPORT:** SLPP – Report No. 2  
**SUBJECT:** DA2019/017 - 191 THE BOULEVARDE, STRATHFIELD  
LOT 2 IN DP 221064  
**DA NO.** DA2019/017

## SUMMARY

**Proposal:** Change of content from Telstra Standard Telephone service (STS) to allow for third party advertising. (Adjacent to 191 The Boulevarde, Strathfield).

**Applicant:** JCDecaux Australia Pty Ltd

**Owner:** Strathfield Municipal Council

**Date of lodgement:** 20 February 2019

**Notification period:** 25 February 2019 to 11 March 2019

**Submissions received:** Nil (0)

**Assessment officer:** DS

**Estimated cost of works:** \$1,500

**Zoning:** B2 Local Centre - SLEP 2012

**Heritage:** No

**Flood affected:** No

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

**Reason for Referral** Development located on Council owned land

**RECOMMENDATION OF OFFICER:** Approval

## EXECUTIVE SUMMARY

- 1.0 The subject application seeks approval for the change of content in an advertisement on a payphone structure, from Telstra Standard Telephone service (STS) to allow for third party advertising.
- 2.0 The application was notified in accordance with Part L of the Strathfield Consolidated Development Control Plan 2005. No submissions were received as a result.
- 3.0 On 15 March 2019, confirmation was provided by the applicant in relation to night time luminance levels.
- 4.0 The proposed works are of a minor nature and are unlikely to adversely impact on the road safety of The Boulevarde. The proposal is recommended for approval, subject to the recommended conditions of consent.

## BACKGROUND

23 August 2007: Council approved DA0506/093 for the installation and display of commercial advertising signage on a Telstra telephone booth.

20 February 2019: The subject application was lodged and allocated to the responsible

DA2019/017 - 191 The Boulevard, Strathfield  
 Lot 2 in DP 221064 (Cont'd)

- 25 February 2019: officer.  
 The subject application was neighbour notified and no objections were received as a result.
- 13 March 2019: The applicant was advised that the application would be considered at the Strathfield Local Planning Panel (SLPP) in April.
- 15 March 2019: Confirmation was provided by the applicant in relation to night time luminance levels.

**DESCRIPTION OF THE SITE AND LOCALITY**

The subject site relates to the payphone structure located on the road reserve adjacent to Lot 2 in DP221064, commonly known as 191 The Boulevard (Figure 1 and Figure 2). The existing payphone is to be replaced and the proposed advertising content relates to the replacement payphone structure, however, the replacement payphone structure itself does not form part of this proposal.

No. 191 The Boulevard currently contains a food and drink retail premises and it adjoins a number of other retail premises. The immediate area predominately comprises commercial uses however, the site is also surrounded by residential developments further north and west of the site.



**Figure 1: Locality plan with the location of the existing telephone structure highlighted in red.**

DA2019/017 - 191 The Boulevard, Strathfield  
Lot 2 in DP 221064 (Cont'd)



*Figure 2: Existing payphone structure and associated signage.*

## **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 to change the content in an advertisement on a payphone structure, from Telstra Standard Telephone Service (STS) advertising to allow for third-party advertising. There is an existing payphone structure which is to be replaced and the proposed advertising relates to this replacement structure. However, the subject application does not relate to the replacement payphone structure itself.

The replacement payphone structure comprises a 75-inch advertising screen on the rear side which is a maximum 1.973m in height, 1.2m in width, and located 2.727m from ground level. The

**DA2019/017 - 191 The Boulevard, Strathfield  
Lot 2 in DP 221064 (Cont'd)**

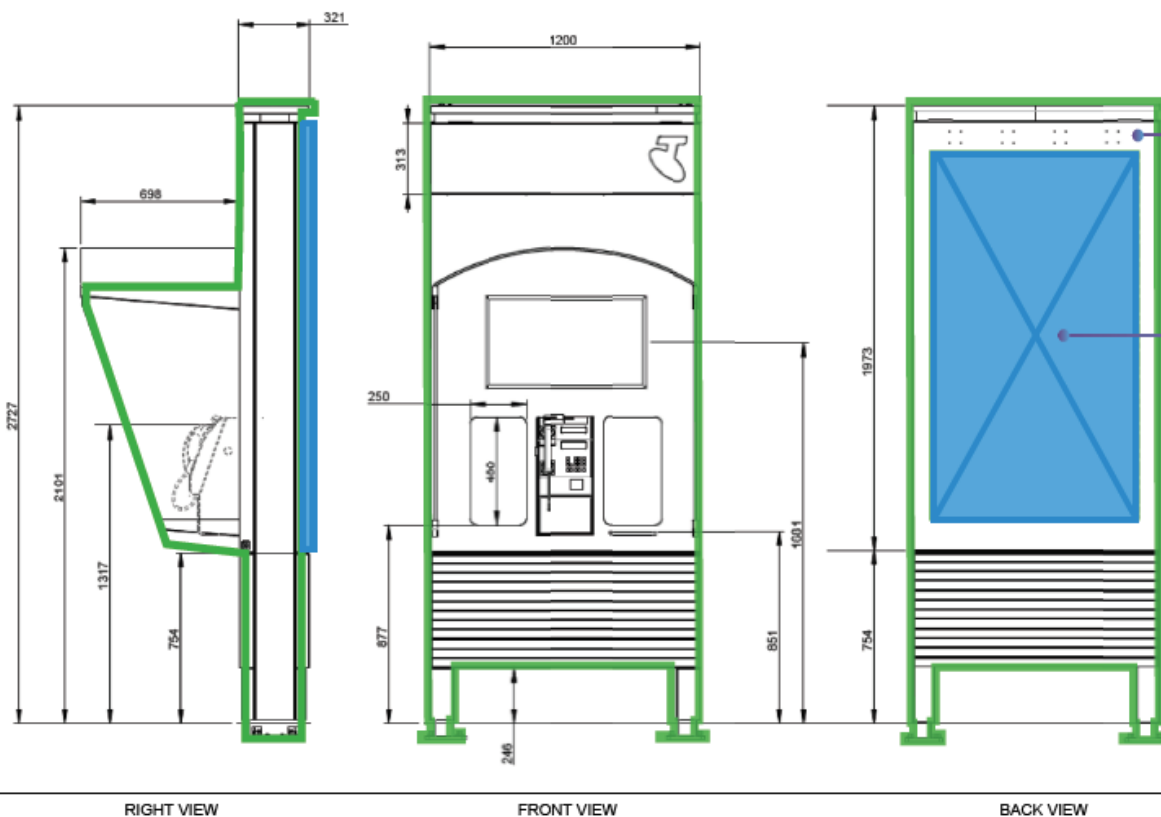
proposal seeks to allow for third-party advertising on the screen and will display a total of six (6) advertisements per one (1) minute with:

- An outdoor LCD flat panel display; and
- Automatic light-sensitive system

The applicant has indicated that the maximum luminance will be:

- 2,500 cd/m<sup>2</sup> – direct sun on panel
- 1,500 cd/m<sup>2</sup> – daytime
- 1,000 cd/m<sup>2</sup> – inclement weather
- 500 cd/m<sup>2</sup> – night time

An image of the proposed signage is illustrated in Figure 3 below.



**Figure 3: Proposed electronic sign on a payphone structure.**

## REFERRALS

### INTERNAL REFERRALS

#### Traffic Comments

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

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



DA2019/017 - 191 The Boulevard, Strathfield  
Lot 2 in DP 221064 (Cont'd)

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

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

**(i) any environmental planning instrument**

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

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

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

The proposal is seeking approval for the display of third-party advertising in an advertisement on a payphone structure and as such, it is not inconsistent with the aims of this SEPP.

**State Environmental Planning Policy No 55 – Remediation of Land**

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

Clause 7(1) of SEPP 55 states:

- (1) *A consent authority must not consent to the carrying out of any development on land unless:*
- (a) *it has considered whether the land is contaminated, and*
  - (b) *if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*
  - (c) *if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.*

As the proposal is for the change of content in an advertisement on a payphone structure, from Telstra Standard Telephone service (STS) advertising to allow for third party, no groundworks are involved and therefore no further site investigation is required. The objectives outlined within SEPP55 are considered to be satisfied.

**State Environmental Planning Policy No 64 – Advertising and Signage**

Clause 13 of SEPP 64 requires Council to consider the aims and objectives of SEPP 64 as well as the assessment criteria outlined in Schedule 1, in the assessment of the proposed more comprehensive advertising. An assessment of the proposed development against the requirements of SEPP 64 is found below:

Part 1, Clause 3:

- 1) *This policy aims to:*
- a. *To ensure that signage (including advertising):*
    - i. *Is compatible with the desired amenity and visual character of an area, and*
    - ii. *Provides effective communication in suitable locations, and*
    - iii. *Is of high quality design and finish.*

**Comments:** The development application is for the change of content in an advertisement on a payphone structure, from Telstra Standard Telephone service (STS) advertising to allow for third

DA2019/017 - 191 The Boulevarde, Strathfield  
Lot 2 in DP 221064 (Cont'd)

party. The proposal does not enlarge the size of the advertisement on the payphone structure and it will not be dissimilar to existing advertising on the payphone structure nor what is commonplace for other payphone structures in Strathfield.

Section	Assessment Criteria	Required	Proposed	Compliance
1	Character of the Area	Compatible with existing and future likely character of the area.	The proposed third party advertising will be on the same screen as the STS advertising on the payphone structure. As such, the proposed advertising will not be any further in/out of character than the existing advertising structure.	Yes.
2	Special Areas	Does the proposal detract from the amenity or visual quality of environmentally sensitive areas, heritage areas, natural or other conservation areas, open space, waterways, rural landscapes or residential areas?	The advertisement is not located in close proximity to environmentally sensitive areas, heritage areas, natural or other conservation areas, open space, waterways, rural landscapes or residential areas.  The proposed advertisement will include measures to automatically adjust the light intensity and consequent glare according to different times and associated light levels of the day. A condition of consent is recommended to control luminance levels.	Yes.
3	Views and Vistas	Does the proposal: a) Obscure or compromise important view? b) Dominate the skyline and reduce the quality of vistas? c) Respect the viewing rights of other advertisers?	The proposed advertisement will be in the same location as the existing advertisement (affixed to the back of the Telstra payphone) and will have the same dimensions. Therefore the proposal will not obscure or compromise any views.	Yes.
4	Streetscape, Setting or Landscape	Is the scale, proportion and form appropriate?  Does the proposal: a) Contribute to visual interest?  b) Reduce clutter by rationalising and simplifying existing signage?  b) Screen unsightliness?	The development application does not propose to alter the scale, proportion and form of the existing advertisement.  a) The proposal will not detract from the visual quality of the surrounding area as it is not out of character with existing commercial development along The Boulevarde.  b) The proposal is for the change of content within an advertisement and therefore no additional clutter will result from the proposal.  c) The proposal does not	Yes.  Yes.  Yes.

DA2019/017 - 191 The Boulevarde, Strathfield  
 Lot 2 in DP 221064 (Cont'd)

Section	Assessment Criteria	Required	Proposed	Compliance
		c) Protrude above buildings, structures or tree canopies?  d) Require ongoing vegetation management?	screen unsightliness.  d) The proposal does not protrude above the height of the payphone.  e) The proposal does not require ongoing vegetation management.	Yes.  Yes.  Yes.
5	Site and Building	Is the proposal compatible with the scale, proportion and other characteristics of the site?  Does the proposal respect important features of the site or building or both?  Does the proposal show innovation and imagination in its relationship to the site or building or both?	The proposal will be compatible with the payphone structure which already comprises STS advertising.  The advertisement to which this proposal relates is located on the rear side of the payphone structure and respects the predominant use of the structure being the telephone.  The proposal utilises modern technology enabling the advertisements to be displayed in an efficient manner.	Yes.  Yes.  Yes.
6	Associated Devices and Logos	Have any safety devices, platforms, lighting devices or logos been designed as part of the structure?	The advertisement will have flexible brightness levels that can be changed manually or automatically based on the light of the surrounding environment. (See Section for details on illumination.) A condition of consent is recommended for the illuminance levels to comply with Australian Standards.  The advertising content will display a total of six (6) advertisements per minute and given this and the controlled luminance levels, it is not anticipated to be a distraction to road users on The Boulevarde.	Yes.
7	Illumination	Would illumination: a) Result in unacceptable glare? b) Affect safety for pedestrians, vehicles or aircraft? c) Distract from nearby residence or accommodation?	The advertisement proposes a maximum luminance of 2,500cd/m <sup>2</sup> . The proposed advertisement will have built-in ambient light sensors to adjust the brightness of the screen based on the environment. As such, it is unlikely to incur unreasonable glare, spill-over impacts or affect the safety of road users on The Boulevarde. Furthermore, a	Yes, refer to conditions.

DA2019/017 - 191 The Boulevarde, Strathfield  
Lot 2 in DP 221064 (Cont'd)

Section	Assessment Criteria	Required	Proposed	Compliance
			condition of consent is recommended which requires the illumination of the advertisement to comply with Australian Standards.	
8	Safety	Would the proposal: a) Reduce safety for any public road? b) Reduce safety for pedestrians or cyclists? c) Reduce safety, for children by obscuring sight lines from public areas?	The proposed advertising content will not adversely affect road safety on The Boulevarde as the payphone structure to which the advertisement relates is setback and oriented away from The Boulevarde, and conditions to restrict luminance levels and flashing are recommended in the consent. As the advertisement will be affixed to the back of the Telstra payphone structure, in the same location as the existing advertisement, sightlines will not be affected.	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)	To achieve high quality urban form by ensuring that new development exhibits design excellence and reflects the existing or desired future character of particular localities and neighbourhoods in Strathfield	Yes
(b)	To promote the efficient and spatially appropriate use of land, the sustainable revitalisation of centres, the improved integration of transport and land use, and an appropriate mix of uses by regulating land use and development	Yes
(c)	To promote land uses that provide a wide range of employment, recreation, retail, cultural, service, educational and other facilities for the local community	Yes
(d)	To provide opportunities for economic growth that will enhance the local community	Yes
(e)	To promote future development that integrated land use and transport planning, encourages public transport use, and reduced the traffic and environmental impacts of private vehicle use	Yes
(f)	To identify and protect environmental and cultural heritage	Yes
(g)	To promote opportunities for social, cultural and community activities	Yes
(h)	To minimise risk to the community by identifying land subject to flooding and restricting incompatible development	Yes

**Comments:** The proposed development is for the change of content in an advertisement on a payphone structure, from Telstra Standard Telephone service (STS) advertising to allow for third party. The proposal will not alter the size and scale of the existing advertisement and it is compatible with surrounding commercial developments along The Boulevarde. As the advertisement is affixed to the back of a Telstra payphone structure, it will not adversely affect flooding in the surrounding area.

DA2019/017 - 191 The Boulevarde, Strathfield  
Lot 2 in DP 221064 (Cont'd)

### Permissibility

The subject site is Zoned B2 Local Centre under Strathfield Local Environmental Plan (SLEP) 2012.

Advertisements are permissible within the B2 Zone with consent and is defined under SLEP 2012 as follows:

*“A sign, notice device or representation in the nature of an advertisement visible from any public place or public reserve or from any navigable water”.*

The proposed development for the purpose of an advertisement is consistent with the definition above and is permissible within the B2 Zone with consent. Whilst the advertisement is to be attached to a payphone, consent for the payphone is not a part of this application.

### Zone Objectives

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

<b>Objectives</b>	<b>Complies</b>
➤ <b><i>To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area.</i></b>	<b>Yes</b>
➤ <b><i>To encourage employment opportunities in accessible locations.</i></b>	<b>Yes</b>
➤ <b><i>To maximise public transport patronage and encourage walking and cycling.</i></b>	<b>Yes</b>

**Comments:** The proposed development is suitable for the payphone structure and other commercial developments surrounding the site. The advertisement (and content) is angled away from The Boulevarde and appropriately setback 5.9m from the road reserve so as to not impact on the safe operation of The Boulevarde.

### Part 4: Principal development standards

There are no relevant provisions contained within Part 4 of the SLEP 2012 which relate to the proposed development.

### Part 5: Miscellaneous Provisions

There are no relevant provisions contained within Part 5 of the SLEP 2012 which relate to the proposed development.

### Part 6: Local Provisions

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

#### 6.1 Acid sulfate soils

The subject site is identified as having Class 5 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. Furthermore, the proposal is for a change in advertising content (located above ground), and so will not impact on the acid sulfate soils.

#### 6.2 Earthworks

The development application is for a change in advertising content to an advertisement affixed to a payphone structure and does not require any earthworks.

DA2019/017 - 191 The Boulevarde, Strathfield  
Lot 2 in DP 221064 (Cont'd)

#### 6.4 Essential services

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

#### 6.6 Erection or display of signage

The proposed third party advertisement content is typical for a payphone structure and it is not out of character with other advertisements in surrounding commercial areas. The size of the advertisement will be unchanged and will not detract from the visual quality of the surrounding area. The advertisement provides effective communication through the use of a high quality electronic design and finish and is suitably located on the footpath reserve retaining adequate pedestrian access. Accordingly, the proposed development satisfies the requirements of Clause 6.6 of the SLEP 2012.

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

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

#### 4.151)(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 J – ERECTION AND DISPLAY OF ADVERTISING SIGNS AND STRUCTURES

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

Cl. 1.3	Aims	Complies
1	To encourage signage which complements the dominant urban character of an area, including the built and landscape character.	Yes
2	To provide guidelines for the display of advertisements and ensure that outdoor advertising: (a) conveys an advertiser's messages and images while complementing and conforming with the visual appearance of the building or structure on which it is displayed and the amenity of the surrounding environment; (b) does not adversely affect the area in which it is located in terms of appearance, size, illumination, overshadowing, loss of amenity, or in any other way; (c) does not lead to visual clutter through the proliferation of signs; (d) is designed and installed to an acceptable level of safety and serviceability; and (e) is designed to have minimal adverse impacts on driver or pedestrian safety.	Yes
3	To implement a plan which enables an assessment of the proposed advertisement to be made.	Yes

**Comments:** The proposal is for the change in advertising content and it will not add visual clutter as the dimensions and size of the advertisement screen remain unchanged. The third-party advertising content is considered appropriate for the payphone structure and the commercial character of the surrounding area. The proposed advertising content will not result in any adverse

**DA2019/017 - 191 The Boulevarde, Strathfield  
Lot 2 in DP 221064 (Cont'd)**

amenity impacts to neighbouring properties, nor result in any safety hazards, subject to the imposition of conditions.

**2.1: Signs in all areas**

	<b>Special Provisions</b>	<b>Complies</b>
(ii)	Sign is not prone to deterioration in appearance and is not redundant, unsightly or objectionable	Yes
(iii)	Advertisements, signs and advertising structures are not displayed in a manner which obscures or interferes with road traffic signs	Yes
(iv)	Advertising sign must be displayed in English and can be translated in another language. Translation is accurate and complete. Wording and/or numbers is not greater than the English message.	Yes

The advertisement/ sign is not any of the following:

(a)	Roof sign or wall sign projecting above the roof or wall to which it is affixed;	Yes
(b)	Flashing or moving signs or advertisements;	Yes
(c)	Signs, not defined as a temporary sign, made of canvas, fabric, or any type of airborne sign except a temporary sign;	Yes
(vi)	(d) Fly posters	Yes
(e)	Signs affixed to the surface of a public footway or public roadway	Yes
(f)	Signs which may obscure, obstruct or interfere with any road traffic	Yes
(g)	Signs prohibited under the Tobacco Advertising Prohibition Act 1992	Yes
(h)	Signs other than a business identification sign, directional sign, real estate sign or temporary sign within the R2, R3 and R4 zones.	Yes

**Comments:** The proposed advertisement will display a total of six (6) advertisements per one (1) minute and will have built in ambient sensors to adjust the brightness of the screen based on the natural light available. The proposed advertisement will be setback 5.9m from the road reserve and angled away from The Boulevarde so as to not distract road users. A condition of consent has been included to ensure that the illuminance of the advertisement complies with Australian Standards.

**2.3: Signage in the B Zones – Commercial Areas**

	<b>Aims</b>	<b>Satisfactory</b>
(i)	Permit the adequate display of information concerning the identification of premises, the name of the occupier and the activity conducted on the land;	Yes

DA2019/017 - 191 The Boulevarde, Strathfield  
Lot 2 in DP 221064 (Cont'd)

(ii)	Enhance and add to the commercial/retail vitality of the area without adversely affecting the amenity of the locality;	Yes
(iii)	Ensure that signs are in keeping with the scale and character of the building to which they are affixed and not detract from the architectural treatment;	Yes
(iv)	Ensure that all businesses have the opportunity for reasonable exposure for the purposes of identification.	Yes

**Comments:** The proposed advertisement will retain the same dimensions and form as the existing advertisement. The proposal is considered appropriate for the existing Telstra payphone structure and other surrounding commercial developments.

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

A Waste Management Plan is not required for the change in advertising content due to the minor nature of the works.

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

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

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

Not applicable.

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

Overall, the proposal has been considered with respect to adjoining properties to minimise adverse impacts to adjoining neighbours and achieve an appropriate level of streetscape compatibility. Visual and safety impacts will be mitigated through the imposition of conditions relating to luminance and flashing.

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

The proposed advertisement is considered suitable for the site and is unlikely to result in adverse impacts upon the presentation of the streetscape or public safety.

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

The application was notified in accordance with Part L of the SCDCP 2005 from **25 February 2019** to **11 March 2019**, with **no** submissions received as a result.

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

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

#### **SECTION 7.11 CONTRIBUTIONS**



DA2019/017 - 191 The Boulevard, Strathfield  
Lot 2 in DP 221064 (Cont'd)

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

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

### STRATHFIELD INDIRECT SECTION 7.12 CONTRIBUTIONS PLAN

Section 7.12 Contributions are not applicable to the proposed development as the cost of works is less than \$100,000, which is the threshold which triggers a contribution payment under the Strathfield Indirect Development Contributions Plan 2010-2030.

### CONCLUSION

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

### PEER REVIEW

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

### RECOMMENDATION

That Development Application No. DA2019/017 for the change of content from Telstra Standard Telephone service (STS) advertising to allow for third party advertising at 191 The Boulevard, Strathfield be **APPROVED**, subject to the following conditions:

### SPECIAL CONDITIONS (SC)

#### 1. SIGNAGE DISPLAY

The proposed development must not have/use:

- a) Flashing lights;
- b) Animated display, moving parts or stimulated movement;
- c) Complex displays that hold a driver's attention beyond 'glance appreciation'; and
- d) Display resembling traffic signs or signals.
- e) A method of illumination that distracts or dazzles
- f) Red or green as dominant colours

(Reason: to ensure road safety along The Boulevard.)

#### 2. LIGHTING (SC)

Illumination levels are not to exceed a maximum luminance of 2,500 cd/m<sup>2</sup>.

Any lighting 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.

**DA2019/017 - 191 The Boulevard, Strathfield  
Lot 2 in DP 221064 (Cont'd)**

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.)

**GENERAL CONDITIONS (GC)**

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

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

Plans affixed with Council's 'Development Consent' stamp relating to Development Consent No. DA2019/017:

Title/Description	Prepared by	Issue / Revision & Date	Date received by Council
Municipality of Strathfield – Telstra Payphone	JCDecaux Pty Ltd Australia	8 November 2018	20 February 2019
Telstra Digital Phone	JCDecaux Pty Ltd Australia	7 June 2018	20 February 2019

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

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

**4. CONSTRUCTION HOURS (GC)**

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

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

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

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

**5. BUILDING CODE OF AUSTRALIA - COMPLIANCE WITH (GC)**

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).

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

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

**6. OBSTRUCTION OF PUBLIC WAY NOT PERMITTED DURING WORKS (DW)**

**DA2019/017 - 191 The Boulevard, Strathfield  
Lot 2 in DP 221064 (Cont'd)**

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.)

**ATTACHMENTS**

1. [↓](#) DA2019.017- Elevation-191 The Boulevard
2. [↓](#) DA2019.017-Survey - 191 The Boulevard



**NOTES:**

- All dimensions are in millimetres
- Construction to be undertaken in accordance with the requirements of AS1428 1-4 Design for Access and Mobility.
- All works shall comply with the ACCESSIBILITY OF PAYPHONES INDUSTRY GUIDELINE 2005



**JCDecaux Australia Pty Ltd**  
 Units 2 & 3, 152 -190 Euroa Road,  
 Alexandria NSW 2015  
 T: 02 9557 6555  
 F: 02 9557 6982

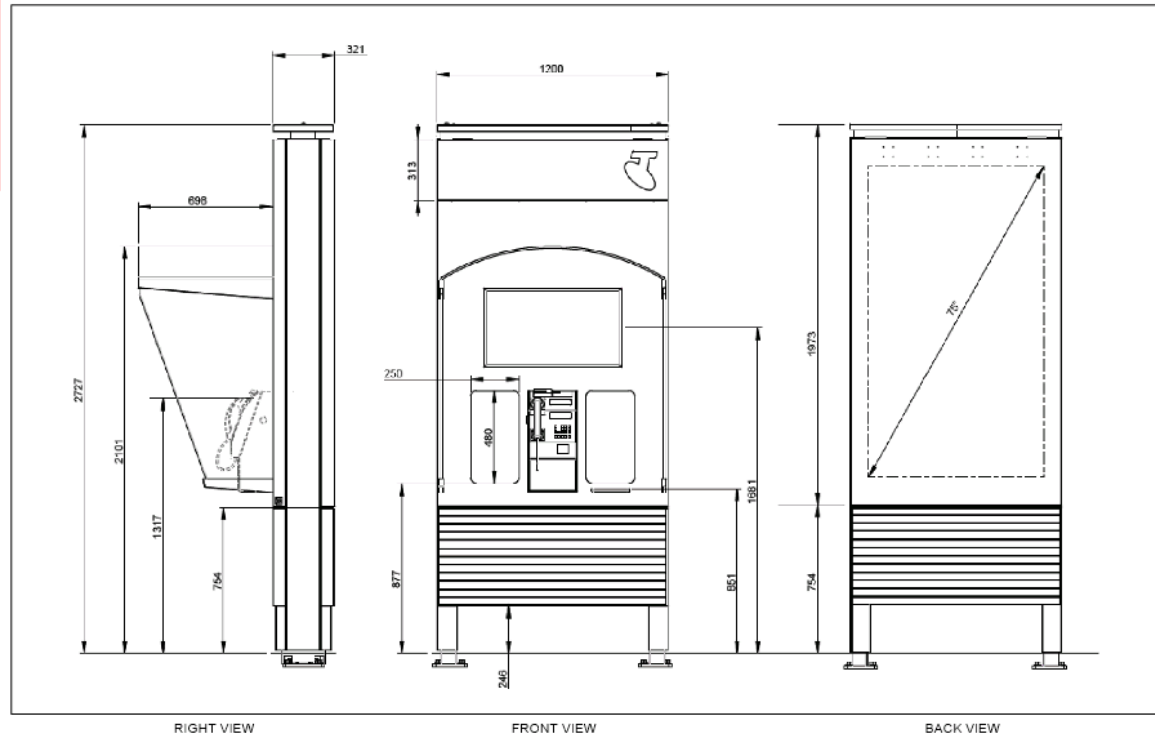
PROJECT TITLE  
**TELSTRA DIGITAL PHONE**

DATE	7 JUNE 2018	Issue	Description	Date	Drawn
SCALE	1:20 (A3)				
DESIGN	JCDECAUX				
DRAWN	JCD				
REVISION					
DRAWING NO.	TEL-001				

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**RATHFIELD COUNCIL  
 RECEIVED**

**DA2019/017  
 20 February 2019**





















Commercial in Confidence

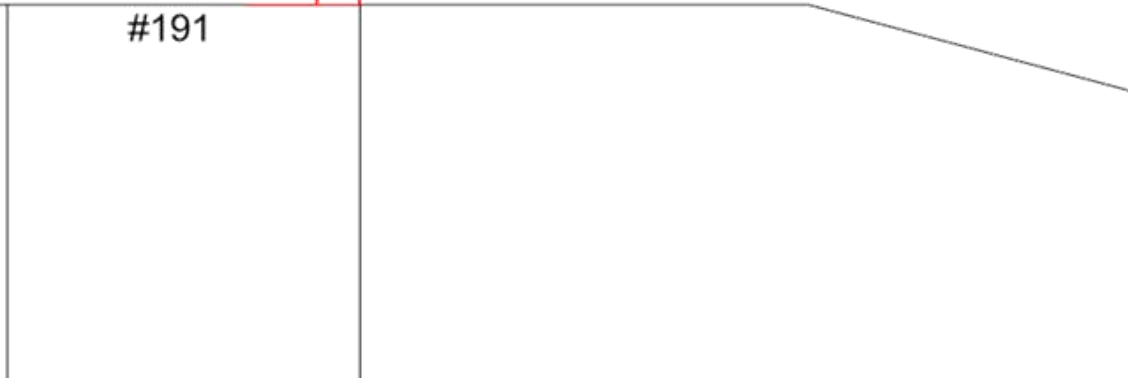
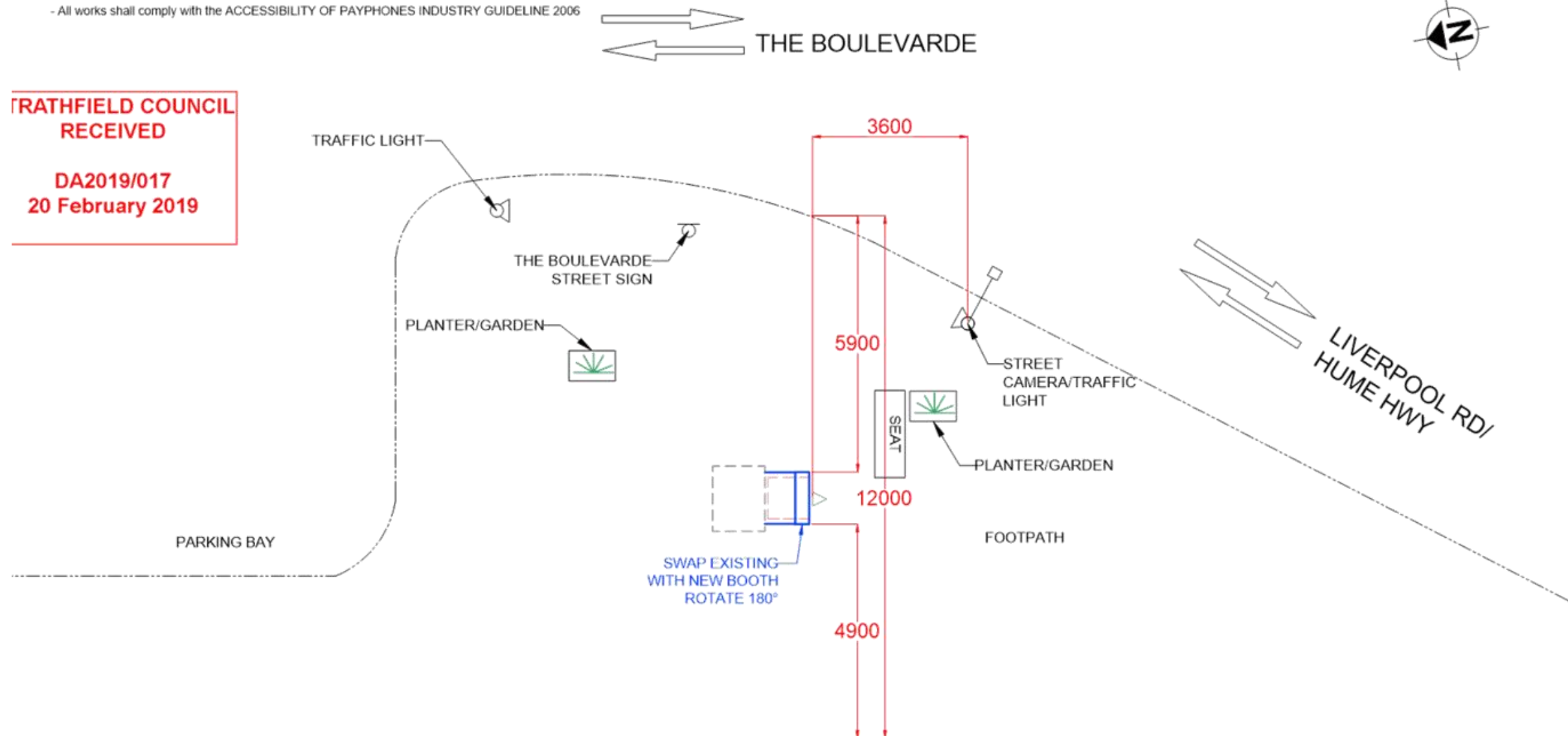
Cab ID: 02964208X2		 <b>JCDecaux Australia Pty Ltd</b> Units 2 & 3, 182 -190 Euston Road, Alexandria NSW 2015 T: 02 9557 6555 F: 02 9557 6982	PROJECT TITLE	Municipality of Strathfield <b>TELSTRA PAYPHONE</b>	DATE	08/11/2018	Issue	Description	Date	Drawn
Main Street: 191 The Boulevard, Strathfield NSW 2135			SCALE	1:100 (A3 Full Bleed)	PRELIMINARY SITE SURVEY		-	-	-	-
Before/After / Outside / Opp: LIVERPOOL RD			DESIGN	JCDECAUX	DRAWN		DE	REVISION		
Road Direction: NB			JCDECAUX ASSET NO:		NO RELOCATION		< 10 m RELOCATION	SURVEY NO.		NSW-MOS-004
GPS Info: Latitude: -33.887631 Longitude: 151.091249		<input checked="" type="checkbox"/> ADBOOTH <input type="checkbox"/> TON <input type="checkbox"/> TELSTRA		<input checked="" type="checkbox"/> NO RELOCATION <input type="checkbox"/> < 10 m RELOCATION <input type="checkbox"/> >200 m / GREENFIELD <input type="checkbox"/> >10 -<200 m RELOCATION						

**Note:** - All dimensions are in millimetres  
 - Dimensions are estimated and should be used only as indication.  
 - Construction to be undertaken in accordance with the requirements of AS1428.1-4 Design for Access and Mobility  
 - All works shall comply with the ACCESSIBILITY OF PAYPHONES INDUSTRY GUIDELINE 2006

**LEGEND**

-  NEW PAYPHONE BOOTH L 1019 x W 1200 mm
-  EXISTING PAYPHONE BOOTH 950 x 950 mm
-  EXCLUSION ZONE 1200 X 1500 mm
-  TREE
-  POWER POLE
-  LIGHT POLE
-  COMMS PIT
-  POWER PIT
-  ELECTRICITY PILLAR
-  GAS PIT
-  WATER PIT
-  TRAFFIC LIGHT
-  SIGN POST
-  FIRE HYDRANT
-  BIKE RACK
-  GRASS / BERM
-  BIN
-  SEAT

**STRATHFIELD COUNCIL RECEIVED**  
 DA2019/017  
 20 February 2019



Reinstatement:			
Asphalt	Brick	Concrete	Concrete paving
Specialist paving:		Blue stone	Green granite
Unmade	Other:		
Checked / Signature:		Powerline arrangement:	
		<input checked="" type="checkbox"/> Overhead	<input type="checkbox"/> Underground



**TO:** Strathfield Local Planning Panel Meeting - 4 April 2019  
**REPORT:** SLPP – Report No. 3  
**SUBJECT:** DA2019/018 - 32-36 BURLINGTON ROAD, HOMEBUSH  
LOT 1 DP 1016764  
**DA NO.** DA2019/018

## SUMMARY

**Proposal:** Change of content from Telstra Standard Telephone service (STS) advertising to allow for third-party advertising. (Adjacent to 32-36 Burlington Road, Homebush)

**Applicant:** JCDecaux Australia Pty Ltd

**Owner:** Strathfield Municipal Council

**Date of lodgement:** 20 February 2019

**Notification period:** 25 February 2019 to 11 March 2019

**Submissions received:** Nil (0)

**Assessment officer:** DS

**Estimated cost of works:** \$1,500

**Zoning:** B4 Mixed Use - SLEP 2012

**Heritage:** Located adjacent to C5 “Village of Homebush” Retail Heritage Conservation Area under SLEP 2012.

**Flood affected:** Yes

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

**Reason for Referral** Development located on Council owned land

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

## EXECUTIVE SUMMARY

- 1.0 The subject application seeks approval for the change of content in an advertisement on a payphone structure, from Telstra Standard Telephone service (STS) advertising to allow for third party advertising.
- 2.0 The application was notified in accordance with Part L of the Strathfield Consolidated Development Control Plan 2005. No submissions were received as a result.
- 3.0 On 13 March 2019, a revised Statement of Environmental Effects was submitted to Council which contains an updated assessment against the Part P controls of the Strathfield Development Control Plan 2005.
- 4.0 The proposed works are of a minor nature and are unlikely to adversely impact on the significance of the adjoining Heritage Conservation Area. The proposal is recommended for approval, subject to the recommended conditions of consent.

## BACKGROUND

23 August 2007: Council approved DA0506/090 for the installation and display of

**DA2019/018 - 32-36 Burlington Road, Homebush  
LOT 1 DP 1016764 (Cont'd)**

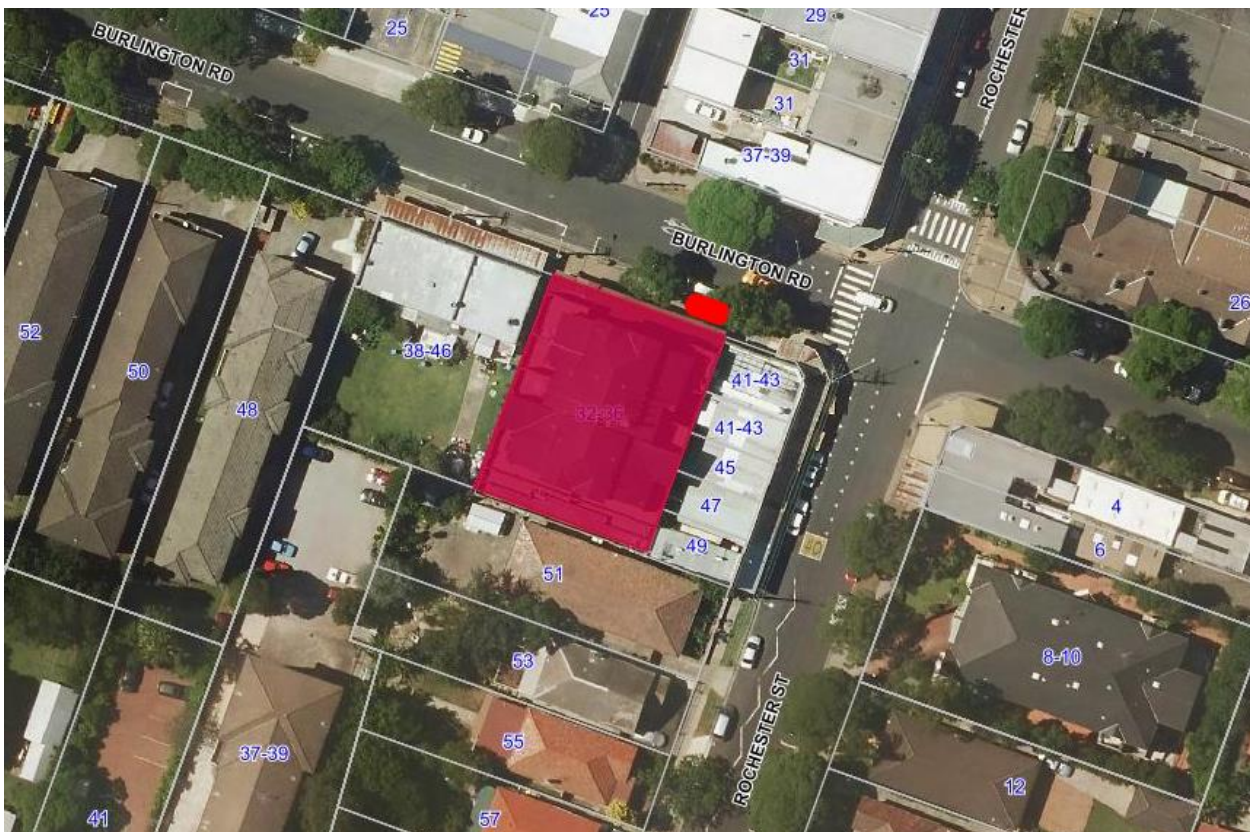
- 20 February 2019: commercial advertising signage on a Telstra telephone booth on the road reserve adjacent to 41 Rochester Street, Homebush West.  
The subject application was lodged and allocated to the responsible officer.
- 25 February 2019: The subject development application was neighbour notified and no objections were received as a result.
- 13 March 2019: The applicant was advised that the application would be considered at the Strathfield Local Planning Panel (SLPP) in April.

**DESCRIPTION OF THE SITE AND LOCALITY**

The subject site relates to the payphone structure located on the road reserve adjacent to Lot 1 in DP 1016764, commonly known as 32-36 Burlington Road, Homebush (Figure 1 and Figure 3). The existing payphone structure is to be replaced and the proposed advertising content relates to the replacement payphone structure, however, the replacement payphone structure itself does not form part of this proposal.

No. 32-36 Burlington Road currently contains a part three-part four-storey top shop housing with a number of food and beverage tenancies located on the ground floor level. The immediate area predominately comprises commercial uses however, the site is also surrounded by residential developments further east, south and west of the site.

Located to the east of the site is a heritage listed item (Item I36 under Schedule 5 of SLEP 2012) at 4-6 Rochester Street, and located to the north-east is Homebush Public School which is also a heritage item (Item I43 under Schedule 5 of SLEP 2012). The adjoining properties to the north and north-east form part of a heritage conservation area (C5, "Village of Homebush Retail Conservation Area) which is characterised by a number of federation and interwar style buildings (Figure 2).





DA2019/018 - 32-36 Burlington Road, Homebush  
LOT 1 DP 1016764 (Cont'd)

Figure 1: Locality plan with the location of the existing payphone structure highlighted in red.

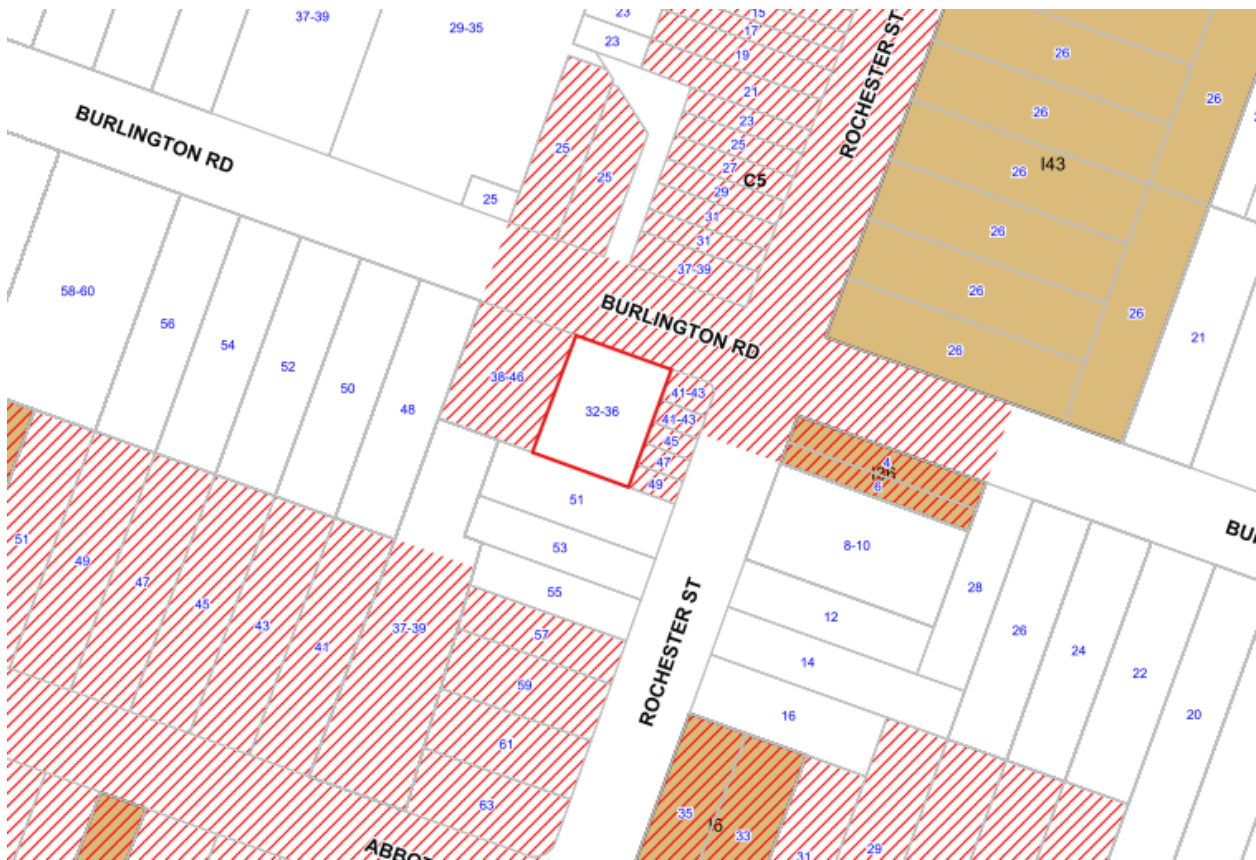


Figure 2: Map of the surrounding area with heritage listed items shaded brown and heritage conservation areas hatched in red.



DA2019/018 - 32-36 Burlington Road, Homebush  
 LOT 1 DP 1016764 (Cont'd)

**Figure 3: Existing payphone structure and associated signage.**

**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 to change the content in an advertisement on a payphone structure, from Telstra Standard Telephone Service (STS) advertising to allow for third-party advertising. There is an existing payphone structure which is to be replaced and the proposed advertising relates to this replacement structure. However, the subject application does not relate to the replacement payphone structure itself.

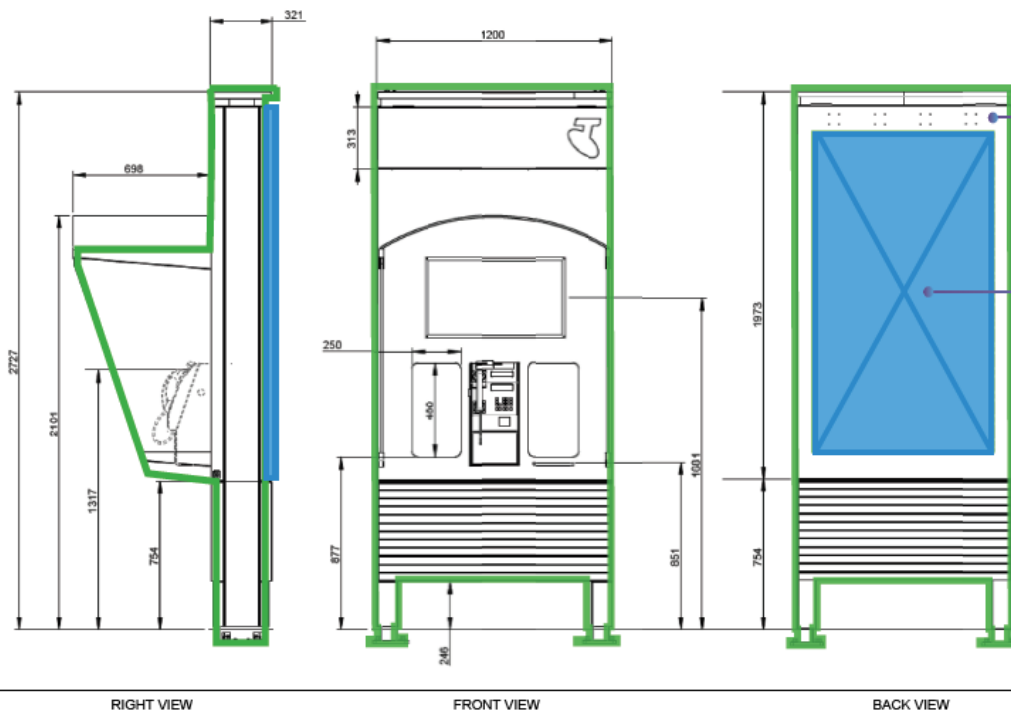
The replacement payphone structure comprises a 75-inch advertising screen on the rear side which is a maximum 1.973m in height, 1.2m in width, and located 2.727m from ground level. The proposal seeks to allow for third-party advertising on the screen and will display a total of six (6) advertisements per one (1) minute with:

- An outdoor LCD flat panel display; and
- Automatic light-sensitive system

The applicant has indicated that the maximum luminance will be:

- 2,500 cd/m<sup>2</sup> – direct sun on panel
- 1,500 cd/m<sup>2</sup> – daytime
- 1,000 cd/m<sup>2</sup> – inclement weather
- 500 cd/m<sup>2</sup> – night time

An image of the proposed signage is illustrated in Figure 4 below.



**Figure 4: Proposed electronic sign on a payphone structure.**

DA2019/018 - 32-36 Burlington Road, Homebush  
LOT 1 DP 1016764 (Cont'd)

## REFERRALS

### INTERNAL REFERRALS

#### Traffic Comments

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

#### Heritage Comments

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

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

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

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

#### (i) any environmental planning instrument

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

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

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

The proposal is seeking approval for the display of third-party advertising in an advertisement on a payphone structure and as such, it is not inconsistent with the aims of this SEPP.

#### State Environmental Planning Policy No 55 – Remediation of Land

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

Clause 7(1) of SEPP 55 states:

- (1) A consent authority must not consent to the carrying out of any development on land unless:
- (a) it has considered whether the land is contaminated, and
  - (b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and
  - (c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.

As the proposal is for the change of content in an advertisement on a payphone structure, from Telstra Standard Telephone service (STS) advertising to allow for third party, no groundworks are involved and therefore no further site investigation is required. The objectives outlined within SEPP55 are considered to be satisfied.

DA2019/018 - 32-36 Burlington Road, Homebush  
 LOT 1 DP 1016764 (Cont'd)

### State Environmental Planning Policy No 64 – Advertising and Signage

Clause 13 of SEPP 64 requires Council to consider the aims and objectives of SEPP 64 as well as the assessment criteria outlined in Schedule 1, in the assessment of the proposed extension of content in an advertisement. An assessment of the proposed development against the requirements of SEPP 64 is found below:

Part 1, Clause 3:

1) *This policy aims to:*

a. *To ensure that signage (including advertising):*

i. *Is compatible with the desired amenity and visual character of an area, and*

ii. *Provides effective communication in suitable locations, and*

iii. *Is of high quality design and finish.*

**Comments:** The development application is for the change of content in an advertisement on a payphone structure, from Telstra Standard Telephone service (STS) advertising to allow for third party. The proposal does not enlarge the size of the advertisement on the payphone structure and it will not be dissimilar to existing advertising on the payphone structure nor what is commonplace for other payphone structures in Strathfield.

Section	Assessment Criteria	Required	Proposed	Compliance
1	Character of the Area	Compatible with existing and future likely character of the area.	The proposed third party advertising will be on the same screen as the STS advertising on the payphone structure. As such, the proposed advertising will not be any further in/out of character than the existing advertising structure.	Yes.
2	Special Areas	Does the proposal detract from the amenity or visual quality of environmentally sensitive areas, heritage areas, natural or other conservation areas, open space, waterways, rural landscapes or residential areas?	<p>Whilst heritage items, conservation areas and residential areas surround the subject site, the advertisement is adequately setback and oriented away from these residential and heritage buildings. Given this and the modest size of the advertising screen, the proposal is unlikely to detract from the amenity of residents or the significance of heritage items.</p> <p>The proposed advertisement will include measures to automatically adjust the light intensity and consequent glare according to different times and associated light levels of the day. A condition of consent is recommended to control luminance levels.</p>	Yes.
3	Views and Vistas	<p>Does the proposal:</p> <p>a) Obscure or compromise important view?</p> <p>b) Dominate the skyline and reduce the quality of vistas?</p>	The proposed advertisement will be in the same location as the existing advertisement (affixed to the back of the Telstra payphone) and will have the same dimensions. Therefore the	Yes.

DA2019/018 - 32-36 Burlington Road, Homebush  
 LOT 1 DP 1016764 (Cont'd)

Section	Assessment Criteria	Required	Proposed	Compliance
		c) Respect the viewing rights of other advertisers?	proposal will not obscure or compromise any views.	
4	Streetscape, Setting or Landscape	Is the scale, proportion and form appropriate?  Does the proposal: a) Contribute to visual interest?  b) Reduce clutter by rationalising and simplifying existing signage?  b) Screen unsightliness?  c) Protrude above buildings, structures or tree canopies?  d) Require ongoing vegetation management?	The development application does not propose to alter the scale, proportion and form of the existing advertisement.  a) The proposal will not detract from the visual quality of the surrounding area as it is not out of character with existing commercial development along Burlington Road and Rochester Street.  b) The proposal is for the change of content within an advertisement and therefore no additional clutter will result from the proposal.  c) The proposal does not screen unsightliness.  d) The proposal does not protrude above the height of the payphone structure.  e) The proposal does not require ongoing vegetation management.	Yes.  Yes.  Yes.  Yes.  Yes.
5	Site and Building	Is the proposal compatible with the scale, proportion and other characteristics of the site?  Does the proposal respect important features of the site or building or both?  Does the proposal show innovation and imagination in its relationship to the site or building or both?	The proposal will be compatible with the payphone structure which already comprises STS advertising.  The advertisement to which this proposal relates is located on the rear side of the payphone structure and respects and does not restrict the predominant use of the structure being the telephone.  The proposal utilises modern technology enabling the advertisements to be displayed in an efficient manner.	Yes.  Yes.  Yes.
6	Associated Devices and Logos	Have any safety devices, platforms, lighting devices or logos been designed as part of the structure?	The advertisement will have flexible brightness levels that can be changed manually or automatically based on the light of the surrounding environment. (See Section for details on illumination.) A condition of consent is recommended for the	Yes.

DA2019/018 - 32-36 Burlington Road, Homebush  
 LOT 1 DP 1016764 (Cont'd)

Section	Assessment Criteria	Required	Proposed	Compliance
			<p>illuminance levels to comply with Australian Standards.</p> <p>The advertising content will display a total of six (6) advertisements per minute and given this and the controlled luminance levels, it is not anticipated to be a distraction to road users on Burlington Road.</p>	
7	Illumination	<p>Would illumination:</p> <p>a) Result in unacceptable glare?</p> <p>b) Affect safety for pedestrians, vehicles or aircraft?</p> <p>c) Detract from nearby residence or accommodation?</p>	<p>The advertisement proposes a maximum luminance of 2,500cd/m<sup>2</sup>. The proposed advertisement will have built-in ambient light sensors to adjust the brightness of the screen based on the environment. As such, it is unlikely to incur unreasonable glare, spill-over impacts or detract from the amenity of residents opposite the subject site on Burlington Road. Furthermore, a condition of consent is recommended which requires the illumination of the advertisement to comply with Australian Standards.</p>	Yes, refer to conditions.
8	Safety	<p>Would the proposal:</p> <p>a) Reduce safety for any public road?</p> <p>b) Reduce safety for pedestrians or cyclists?</p> <p>c) Reduce safety, for children by obscuring sight lines from public areas?</p>	<p>The proposed advertising content will not adversely affect road safety on Burlington Road as the payphone structure to which the advertisement relates is setback and oriented away from Burlington Road, and conditions to restrict luminance levels and flashing are recommended in the consent. As the advertisement will be affixed to the back of the Telstra payphone structure, in the same location as the existing advertisement, sightlines will not be affected.</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>	<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>N/A</b>

DA2019/018 - 32-36 Burlington Road, Homebush  
 LOT 1 DP 1016764 (Cont'd)

(c)	<i>To promote land uses that provide a wide range of employment, recreation, retail, cultural, service, educational and other facilities for the local community</i>	N/A
(d)	<i>To provide opportunities for economic growth that will enhance the local community</i>	N/A
(e)	<i>To promote future development that integrated land use and transport planning, encourages public transport use, and reduced the traffic and environmental impacts of private vehicle use</i>	N/A
(f)	<i>To identify and protect environmental and cultural heritage</i>	Yes
(g)	<i>To promote opportunities for social, cultural and community activities</i>	N/A
(h)	<i>To minimise risk to the community by identifying land subject to flooding and restricting incompatible development</i>	N/A

**Comments:** The proposed development is for the change of content in an advertisement on a payphone structure, from Telstra Standard Telephone service (STS) advertising to allow for third party. The proposal will not alter the size and scale of the existing advertisement and it is compatible with surrounding commercial developments along Burlington Road and Rochester Street. As the advertisement is affixed to the back of a Telstra payphone structure, it will not adversely affect flooding in the surrounding area.

### Permissibility

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

Advertisements are permissible within the B4 Zone with consent and is defined under SLEP 2012 as follows:

*“A sign, notice device or representation in the nature of an advertisement visible from any public place or public reserve or from any navigable water”.*

The proposed development for the purpose of an advertisement is consistent with the definition above and is permissible within the B4 Zone with consent. Whilst the advertisement is to be attached to a payphone, consent for the payphone is not a part of this application.

### Zone Objectives

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

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

**Comments:** The proposed development is considered suitable for the payphone structure and other commercial developments surrounding the site. The advertisement (and content) is angled away from Burlington Road and appropriately setback 1m from the road reserve so as to not impact on the safe operation of Burlington Road.

### Part 4: Principal development standards

There are no relevant provisions contained within Part 4 of the SLEP 2012 which relate to the proposed development.

DA2019/018 - 32-36 Burlington Road, Homebush  
LOT 1 DP 1016764 (Cont'd)

## **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**

To the east of the site is a heritage listed item (I36) at 4-6 Rochester Street and to the north-east of the site on the north-east corner of Rochester Street and Burlington Street (Homebush Public School) is also a heritage listed item (I43) under Schedule 5 of the SLEP 2012 (Figure 2). The surrounding area contains a number of federation and interwar style buildings apart of the heritage conservation area (C5, "Village of Homebush Retail Conservation Area) in the SLEP 2012. Given that the proposal is for a change in advertising content and is of a minor nature, it will not adversely affect the heritage significance of the nearby heritage items or the surrounding conservation area.

## **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. Furthermore, the proposal is for a change in advertising content (located above ground), and so will not impact on the acid sulfate soils.

### **6.2 Earthworks**

The development application is for a change in advertising content to an advertisement affixed to a payphone structure and does not require any earthworks.

### **6.3 Flood planning**

The subject site is identified as being within the 1 in 100yr ARI storm event extent in accordance with Cooks River and Cox Creek flood study. The flood area affecting the site is minor and given that the proposal is for a change in advertising content to an advertisement affixed to a payphone structure, a Flood Impact Statement is not required.

### **6.4 Essential services**

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

### **6.6 Erection or display of signage**

The proposed third party advertisement content is typical for a payphone structure and it is not out of character with other advertisements in surrounding commercial areas. The size of the advertisement will be unchanged and will not detract from the visual quality of the surrounding area. The advertisement provides effective communication through the use of a high quality electronic design and finish and is suitably located on the footpath reserve retaining adequate pedestrian access. Accordingly, the proposed development satisfies the requirements of Clause 6.6 of the SLEP 2012.

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



DA2019/018 - 32-36 Burlington Road, Homebush  
 LOT 1 DP 1016764 (Cont'd)

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

#### 4.151)(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.

#### Heritage and Conservation

Cl. 1.11	Aims	Complies
A	To preserve and enhance the visual and environmental amenity of heritage items and heritage conservation areas within the municipality of Strathfield	Yes
B	Ensure all new development affecting heritage items and conservation areas is designed to be compatible in setting, scale, setbacks, form, materials and character with the building and surrounding area	Yes
C	Ensure that development in the vicinity of a heritage item or conservation area does not have any adverse impact on the heritage significance or setting and that development is compatible in setting, scale, setbacks, form, materials and character with the item or conservation area	Yes
D	Conserve archaeological sites and places of Aboriginal significance	Yes
Cl. 1.11	Controls	Complies
(1)	A Statement of Heritage Impact is required for proposed development: <ul style="list-style-type: none"> <li>a) affecting a heritage item;</li> <li>b) within a heritage conservation area; or</li> <li>c) in the vicinity of an item or heritage conservation area</li> </ul>	N/A
(2)	This statement must set out the heritage significance of the structure or place and assess the extent to which carrying out of the proposed development would affect the significance of the heritage item or heritage conservation area concerned and outline measures to minimise any identified impact	N/A

**Comments:** The subject site is located adjacent to a Heritage Conservation Area (C5, "Village of Homebush Retail Conservation Area) and is located in close proximity to heritage listed item I36 and I43 under Schedule 5 of the SLEP 2012. The development application is for the change of content in an advertisement on a payphone structure, from Telstra Standard Telephone service (STS) advertising to allow for third party. The advertisement is substantially setback from these heritage items and it will not detract from the visual quality of these heritage items. The application was referred to Council's Heritage Advisor for comments and no objections were raised to the proposal, subject to conditions of consent.

### PART J – ERECTION AND DISPLAY OF ADVERTISING SIGNS AND STRUCTURES

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

Cl. 1.3	Aims	Complies
1	To encourage signage which complements the dominant urban character of an area, including the built and landscape character.	Yes
2	To provide guidelines for the display of advertisements and ensure that outdoor advertising: <ul style="list-style-type: none"> <li>(a) conveys an advertiser's messages and images while complementing and</li> </ul>	Yes

DA2019/018 - 32-36 Burlington Road, Homebush  
 LOT 1 DP 1016764 (Cont'd)

conforming with the visual appearance of the building or structure on which it is displayed and the amenity of the surrounding environment;  
 (b) does not adversely affect the area in which it is located in terms of appearance, size, illumination, overshadowing, loss of amenity, or in any other way;  
 (c) does not lead to visual clutter through the proliferation of signs;  
 (d) is designed and installed to an acceptable level of safety and serviceability;  
 and  
 (e) is designed to have minimal adverse impacts on driver or pedestrian safety.

<b>3</b>	To implement a plan which enables an assessment of the proposed advertisement to be made.	<b>Yes</b>
----------	---	------------

**Comments:** The proposal will not add visual clutter as the dimensions and size of the advertisement screen remain unchanged. The third-party advertising content is considered appropriate for the payphone structure and the commercial character of the surrounding area. The proposed advertising content will not result in any adverse amenity impacts to neighbouring properties, nor result in any safety hazards, subject to the imposition of conditions.

### 2.1: Signs in all areas

	<b>Special Provisions</b>	<b>Complies</b>
<b>(ii)</b>	Sign is not prone to deterioration in appearance and is not redundant, unsightly or objectionable	<b>Yes</b>
<b>(iii)</b>	Advertisements, signs and advertising structures are not displayed in a manner which obscures or interferes with road traffic signs	<b>Yes</b>
<b>(iv)</b>	Advertising sign must be displayed in English and can be translated in another language. Translation is accurate and complete. Wording and/or numbers is not greater than the English message.	<b>Yes</b>

The advertisement/ sign is not any of the following:

<b>(a)</b>	Roof sign or wall sign projecting above the roof or wall to which it is affixed;	<b>Yes</b>
<b>(b)</b>	Flashing or moving signs or advertisements;	<b>Yes</b>
<b>(c)</b>	Signs, not defined as a temporary sign, made of canvas, fabric, or any type of airborne sign except a temporary sign;	<b>Yes</b>
<b>(vi)</b>	<b>(d)</b> Fly posters	<b>Yes</b>
<b>(e)</b>	Signs affixed to the surface of a public footway or public roadway	<b>Yes</b>
<b>(f)</b>	Signs which may obscure, obstruct or interfere with any road traffic	<b>Yes</b>
<b>(g)</b>	Signs prohibited under the Tobacco Advertising Prohibition Act 1992	<b>Yes</b>
<b>(h)</b>	Signs other than a business identification sign, directional sign, real estate sign or temporary sign within the R2, R3 and R4 zones.	<b>Yes</b>

**Comments:** The proposed advertisement will display a total of six (6) advertisements per one (1) minute and will have built in ambient sensors to adjust the brightness of the screen based on the natural light available. The proposed advertisement will be setback 1m from the road reserve and

DA2019/018 - 32-36 Burlington Road, Homebush  
 LOT 1 DP 1016764 (Cont'd)

angled away from Burlington Road so as to not distract road users. A condition of consent has been included to ensure that the illuminance of the advertisement complies with Australian Standards.

### 2.3: Signage in the B Zones – Commercial Areas

	<b>Aims</b>	<b>Satisfactory</b>
(i)	Permit the adequate display of information concerning the identification of premises, the name of the occupier and the activity conducted on the land;	Yes
(ii)	Enhance and add to the commercial/retail vitality of the area without adversely affecting the amenity of the locality;	Yes
(iii)	Ensure that signs are in keeping with the scale and character of the building to which they are affixed and not detract from the architectural treatment;	Yes
(iv)	Ensure that all businesses have the opportunity for reasonable exposure for the purposes of identification.	Yes

**Comments:** The proposed advertisement will retain the same dimensions and form as the existing advertisement. The proposal is considered appropriate for the existing Telstra payphone structure and other surrounding commercial developments.

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

A Waste Management Plan is not required for the change in advertising content due to the minor nature of the works.

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

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

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

Not applicable.

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

Overall, the proposal has been considered with respect to adjoining properties to minimise adverse impacts to adjoining neighbours and achieve an appropriate level of streetscape compatibility. Visual and safety impacts will be mitigated through the imposition of conditions relating to luminance and flashing.

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

The proposed advertisement is considered suitable for the site and is unlikely to result in adverse impacts upon the presentation of the streetscape or public safety.

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

DA2019/018 - 32-36 Burlington Road, Homebush  
LOT 1 DP 1016764 (Cont'd)

The application was notified in accordance with Part L of the SCDCP 2005 from **25 February 2019** to **11 March 2019**, with **no** submissions received as a result.

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

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

### **SECTION 7.11 CONTRIBUTIONS**

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

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

### **STRATHFIELD INDIRECT SECTION 7.12 CONTRIBUTIONS PLAN**

Section 7.12 Contributions are not applicable to the proposed development as the cost of works is less than \$100,000, which is the threshold which triggers a contribution payment under the Strathfield Indirect Development Contributions Plan 2010-2030.

### **CONCLUSION**

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

### **PEER REVIEW**

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

### **RECOMMENDATION**

That Development Application No. DA2019/018 for the change of content from Telstra Standard Telephone service advertising to allow for third party advertising at 32-26 Burlington Road be **approved**, subject to the following conditions:

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

#### **1. SIGNAGE DISPLAY**

The proposed development must not have/use:

- a) Flashing lights;
- b) Animated display, moving parts or stimulated movement;
- c) Complex displays that hold a driver's attention beyond 'glance appreciation'; and
- d) Display resembling traffic signs or signals.
- e) A method of illumination that distracts or dazzles
- f) Red or green as dominant colours

DA2019/018 - 32-36 Burlington Road, Homebush  
 LOT 1 DP 1016764 (Cont'd)

(Reason: to ensure road safety along Burlington Road and Rochester Street.)

## 2. LIGHTING (SC)

Illumination levels are not to exceed a maximum luminance of 2,500 cd/m<sup>2</sup>.

Any lighting 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.)

## GENERAL CONDITIONS (GC)

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

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

Plans affixed with Council's 'Development Consent' stamp relating to Development Consent No. DA2019/018:

Title/Description	Prepared by	Issue / Revision & Date	Date received by Council
Municipality of Strathfield – Telstra Payphone	JCDecaux Pty Ltd Australia	Issue A 20 December 2018	20 February 2019
Telstra Digital Phone	JCDecaux Pty Ltd Australia	7 June 2018	20 February 2019

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

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

### 4. CONSTRUCTION HOURS (GC)

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

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

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

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

### 5. BUILDING CODE OF AUSTRALIA - COMPLIANCE WITH (GC)

DA2019/018 - 32-36 Burlington Road, Homebush  
LOT 1 DP 1016764 (Cont'd)

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).

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

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

**6. 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.)

**ATTACHMENTS**

1. [↓](#) DA2019.018-Elevation- 32-36 Burlington Road
2. [↓](#) DA2019.018-Survey Plan - 32-36 Burlington Road



NOTES:  
 - All dimensions are in millimetres  
 - Construction to be undertaken in accordance with the requirements of AS1428 1-4 Design for Access and Mobility.  
 - All works shall comply with the ACCESSIBILITY OF PAYPHONES INDUSTRY GUIDELINE 2006

**STRATHFIELD COUNCIL  
 RECEIVED**  
  
**DA2019/018  
 20 February 2019**

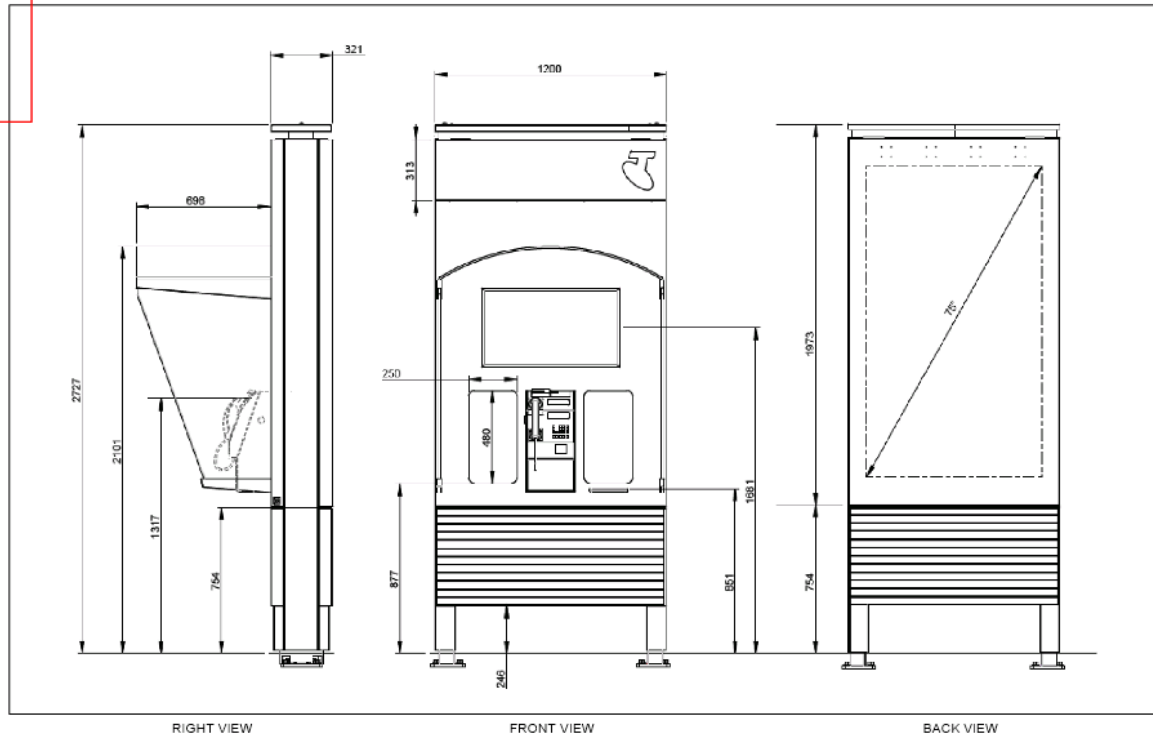


**JCDecaux Australia  
 Pty Ltd**  
 Units 2 & 3, 152 - 190 Euroa Road,  
 Alexandria NSW 2015  
 T: 02 9557 6555  
 F: 02 9557 6982

PROJECT TITLE  
**TELSTRA DIGITAL PHONE**

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DATE	7 JUNE 2018	Issue	Description	Date	Drawn
SCALE	1:20 (A3)				
DESIGN	JCDECAUX				
DRAWN	JCD				
REVISION					
DRAWING NO.	TEL-001				



Commercial in Confidence





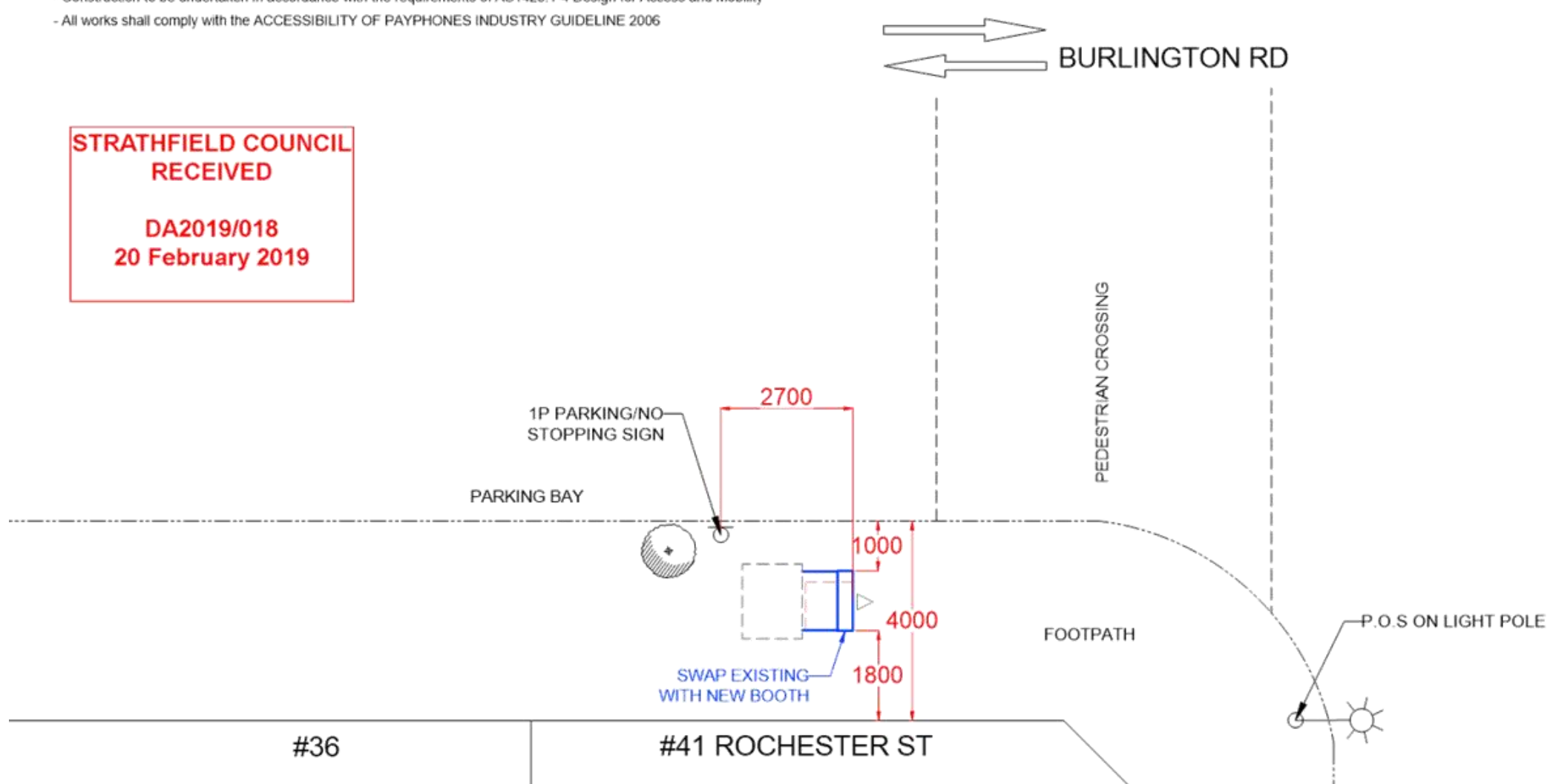
Cab ID: 02974603X2		 <b>JCDecaux Australia Pty Ltd</b> Units 2 & 3, 182 -190 Euston Road, Alexandria NSW 2015 T: 02 9557 6555 F: 02 9557 6982	PROJECT TITLE	Municipality of Strathfield <b>TELSTRA PAYPHONE</b>	DATE	08/11/2018	Issue		Description	Date	Drawn
Main Street: 32 Burlington Rd, Homebush NSW 2140			SCALE	1:100 (A3 Full Bleed)	DESIGN	JCDECAUX	Issue	A	PAMS: Move to 1000 mm off Curb to maintain standard DDA	20/12/2018	DE
Before/After/ Outside / Opp: ROCHESTER ST			<small>© This drawing and design is protected by copyright and may not be copied or used without the written approval of JCDecaux Australia Pty Ltd</small>		DRAWN	DE	Issue				
Road Direction: NWB			JCDECAUX ASSET NO:		REVISION	A	Issue				
GPS Info: Latitude: -33.867762 Longitude: 151.084282		<input checked="" type="checkbox"/> ADBOOTH <input type="checkbox"/> TON <input type="checkbox"/> TELSTRA	<input checked="" type="checkbox"/> NO RELOCATION <input type="checkbox"/> < 10 m RELOCATION <input type="checkbox"/> >200 m / GREENFIELD <input type="checkbox"/> >10 -<200 m RELOCATION	SURVEY NO.	NSW-MOS-003						

**Note:**



















- All dimensions are in millimetres
- Dimensions are estimated and should be used only as indication.
- Construction to be undertaken in accordance with the requirements of AS1428.1-4 Design for Access and Mobility
- All works shall comply with the ACCESSIBILITY OF PAYPHONES INDUSTRY GUIDELINE 2006

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**DA2019/018  
20 February 2019**



**LEGEND**

	NEW PAYPHONE BOOTH L 1019 x W 1200 mm
	EXISTING PAYPHONE BOOTH 950 x 950 mm
	EXCLUSION ZONE 1200 X 1500 mm
	TREE
	POWER POLE
	LIGHT POLE
	COMMS PIT
	POWER PIT
	ELECTRICITY PILLAR
	GAS PIT
	WATER PIT
	TRAFFIC LIGHT
	SIGN POST
	FIRE HYDRANT
	BIKE RACK
	GRASS / BERM
	BIN
	SEAT

Reinstatement:			
Asphalt	Brick	Concrete	Concrete paving
Specialist paving:		Blue stone	Green granite
Unmade	Other:		
Checked / Signature:		Powerline arrangement:	
		<input checked="" type="checkbox"/> Overhead	
		<input type="checkbox"/> Underground	





**TO:** Strathfield Local Planning Panel Meeting - 4 April 2019  
**REPORT:** SLPP – Report No. 4  
**SUBJECT:** DA2019/019 - 488 LIVERPOOL ROAD, STRATHFIELD SOUTH  
LOT 2 IN DP 555183  
**DA NO.** DA2019/019

## SUMMARY

**Proposal:** Change of content from Telstra Standard Telephone service (STS) advertising to allow for third-party advertising. (Adjacent to 488 Liverpool Road, Strathfield South).

**Applicant:** JCDecaux Australia Pty Ltd

**Owner:** Strathfield Municipal Council

**Date of lodgement:** 20 February 2019

**Notification period:** 28 February 2019 to 14 March 2019

**Submissions received:** Nil (0)

**Assessment officer:** DS

**Estimated cost of works:** \$1,500

**Zoning:** B4 Mixed Use - SLEP 2012

**Heritage:** No

**Flood affected:** No

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

**Reason for Referral** Development located on Council owned land

**RECOMMENDATION OF OFFICER:** APPROVAL

## EXECUTIVE SUMMARY

- 1.0 The application seeks council approval for the change of content in an advertisement on a payphone structure, from Telstra Standard Telephone service (STS) to allow for third party advertising.
- 2.0 The application was notified in accordance with Part L of the Strathfield Consolidated Development Control Plan 2005. No submissions were received as a result.
- 3.0 On 15 March 2019, confirmation was provided by the applicant in relation to night time luminance levels.
- 4.0 The proposed works are of a minor nature and are unlikely to adversely impact on the road safety of Liverpool Road. The proposal is recommended for approval, subject to the recommended conditions of consent.

## BACKGROUND

23 August 2007: Council approved DA0506/88 for the installation and display of commercial advertising signage on a Telstra telephone booth.

20 February 2019: The subject application was lodged and allocated to the responsible

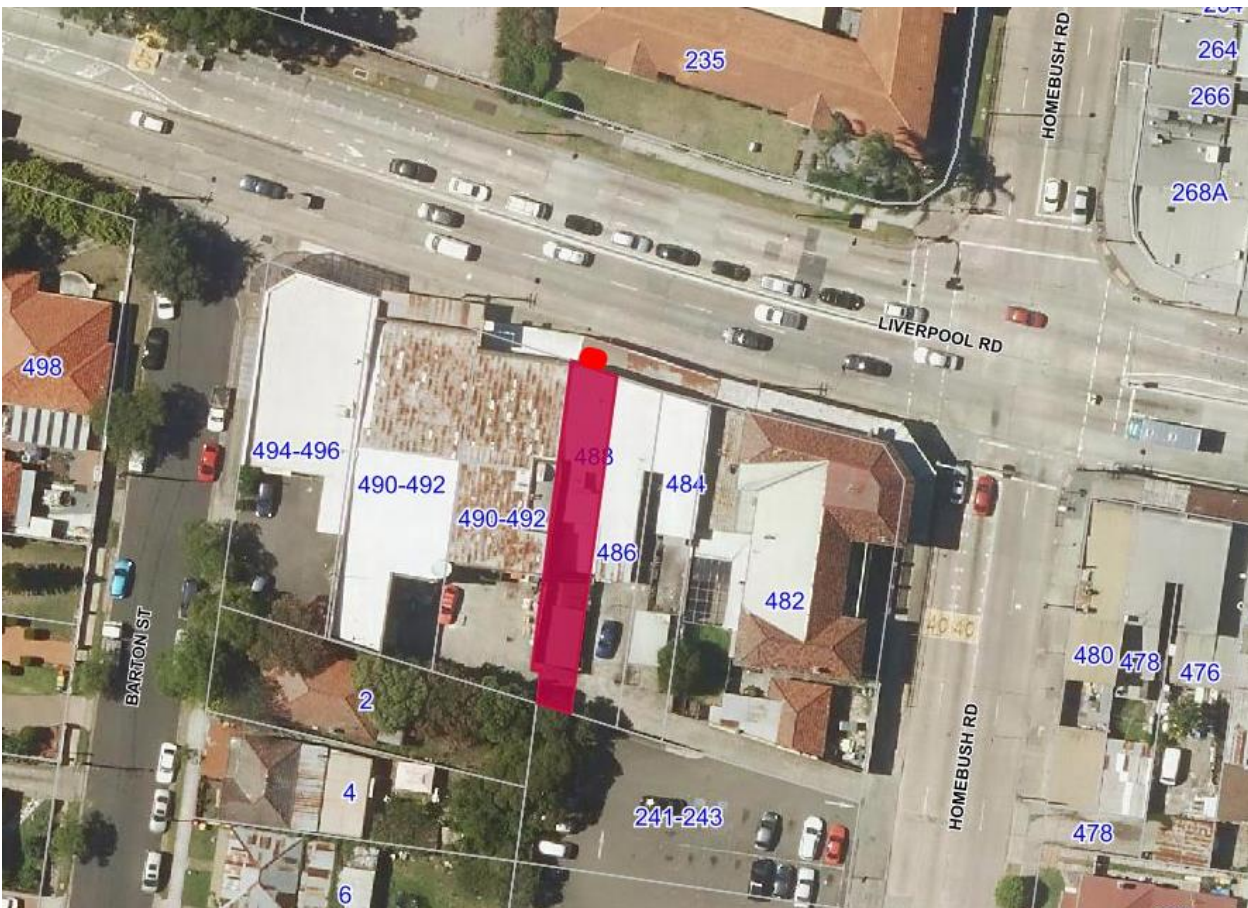
DA2019/019 - 488 Liverpool Road, Strathfield South  
 Lot 2 in DP 555183 (Cont'd)

- 25 February 2019: officer.  
 The subject application was neighbour notified for a period of two (2) weeks. No submissions were received as a result.
- 13 March 2019: The applicant was advised that the application would be considered at the Strathfield Local Planning Panel (SLPP) in April.
- 15 March 2019 Confirmation was provided by the applicant in relation to night time luminance levels.

**DESCRIPTION OF THE SITE AND LOCALITY**

The subject site relates to the payphone structure located on the road reserve adjacent to Lot 2 in DP 555183, commonly known as 488 Liverpool Road, Strathfield South (Figure 1 and 2). The existing payphone is to be replaced and the proposed advertising content relates to the replacement payphone structure, however, the replacement payphone structure itself does not form part of this proposal.

No. 488 Liverpool Road, Strathfield South is currently occupied by two storey top shop housing with a Post Office located on the ground floor level. The immediate area predominately comprises commercial uses however, the site is also surrounded by residential developments further north, south-west and west of the site.



**Figure 1: Locality plan with the location of the existing telephone structure highlighted in red.**

DA2019/019 - 488 Liverpool Road, Strathfield South  
 Lot 2 in DP 555183 (Cont'd)



**Figure 2: Existing payphone structure and associated signage.**

## 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 to change the content in an advertisement on a payphone structure, from Telstra Standard Telephone Service (STS) advertising to allow for third-party advertising. There is an existing payphone structure which is to be replaced and the proposed advertising relates to this replacement structure. However, the subject application does not relate to the replacement payphone structure itself.

The replacement payphone structure comprises a 75-inch advertising screen on the rear side which is a maximum 1.973m in height, 1.2m in width, and located 2.727m from ground level. The proposal seeks to allow for third-party advertising on the screen and will display a total of six (6) advertisements per one (1) minute with:

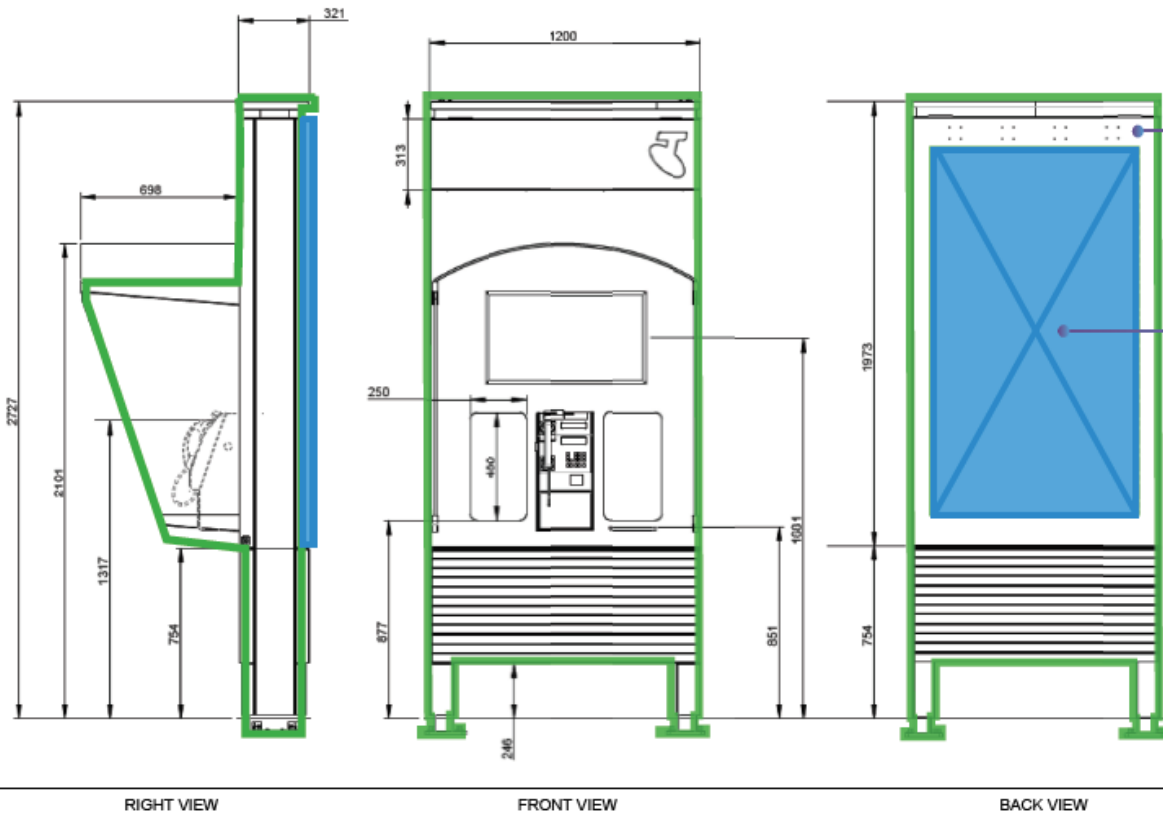
- An outdoor LCD flat panel display; and
- Automatic light-sensitive system

DA2019/019 - 488 Liverpool Road, Strathfield South  
 Lot 2 in DP 555183 (Cont'd)

The applicant has indicated that the maximum luminance will be:

- 2,500 cd/m<sup>2</sup> – direct sun on panel
- 1,500 cd/m<sup>2</sup> – daytime
- 1,000 cd/m<sup>2</sup> – inclement weather
- 500 cd/m<sup>2</sup> – night time

An image of the proposed signage is illustrated in Figure 3 below.



**Figure 3: Proposed electronic sign on a payphone structure.**

**REFERRALS**

**INTERNAL REFERRALS**

**Traffic Comments**

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

**EXTERNAL REFERRALS**

**Roads and Maritime Services (RMS) NSW**

RMS raised no objections to the proposal, subject to the imposition of recommended conditions of consent.

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

**DA2019/019 - 488 Liverpool Road, Strathfield South  
Lot 2 in DP 555183 (Cont'd)**

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

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

**(i) any environmental planning instrument**

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

The proposal is located on a classified road (Liverpool Road) and therefore, the development application was referred to RMS in accordance with the requirements of Clause 100 (2) of the Infrastructure SEPP 2007. A response was received on 27 February 2019, raising no objections to the proposal subject to the imposition of conditions of consent. These conditions have been included in the recommended conditions of consent.

The objectives of Clause 101 (1) of the Infrastructure SEPP 2007 require development:

- (a) To ensure that new development does not compromise the effective and ongoing operation and function of classified roads, and*
- (b) To prevent or reduce the potential impact of traffic noise and vehicle emission on development adjacent to classified roads.*

The proposal seeks to change the content in an advertisement on a payphone structure, from Telstra Standard Telephone service (STS) advertising to allow for third party advertising. The proposed development will not compromise the effective and ongoing operation of Liverpool Road, as the advertisement on the payphone structure will be setback 600mm and oriented away from Liverpool Road. The advertisement will display a total of six (6) advertisements per one (1) minute with a maximum luminance of 2,500 cd/m<sup>2</sup>. It is considered suitable to impose a condition requiring the advertisement to comply with Australian Standard 4282-1997: Control of the Obtrusive Effects of Outdoor Lighting regarding maximum luminance levels. Accordingly, the proposal is unlikely to create a distraction for road users on Liverpool Road, and therefore satisfies the requirements of the Infrastructure SEPP 2007, subject to the imposition of conditions of consent.

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

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

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

The proposal is seeking approval for the display of third-party advertising in an advertisement on a payphone structure and as such, it is not inconsistent with the aims of this SEPP.

**State Environmental Planning Policy No 55 – Remediation of Land**

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

Clause 7(1) of SEPP 55 states:

- (1) A consent authority must not consent to the carrying out of any development on land unless:
  - (a) it has considered whether the land is contaminated, and**

DA2019/019 - 488 Liverpool Road, Strathfield South  
 Lot 2 in DP 555183 (Cont'd)

- (b) *if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*
- (c) *if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.*

As the proposal is for the change of content in an advertisement on a payphone structure, from Telstra Standard Telephone service (STS) advertising to allow for third party, no groundworks are involved and therefore no further site investigation is required. The objectives outlined within SEPP55 are considered to be satisfied.

**State Environmental Planning Policy No 64 – Advertising and Signage**

Clause 13 of SEPP 64 requires Council to consider the aims and objectives of SEPP 64 as well as the assessment criteria outlined in Schedule 1, in the assessment of the proposed more comprehensive advertising. An assessment of the proposed development against the requirements of SEPP 64 is found below:

Part 1, Clause 3:

- 1) *This policy aims to:*
  - a. *To ensure that signage (including advertising):*
    - i. *Is compatible with the desired amenity and visual character of an area, and*
    - ii. *Provides effective communication in suitable locations, and*
    - iii. *Is of high quality design and finish.*

**Comments:** The proposal does not enlarge the size of the advertisement on the payphone structure and it will not be dissimilar to existing advertising on the payphone structure nor what is commonplace for other payphone structures in Strathfield.

Section	Assessment Criteria	Required	Proposed	Compliance
1	Character of the Area	Compatible with existing and future likely character of the area.	The proposed third party advertising will be on the same screen as the STS advertising on the payphone structure. As such, the proposed advertising will not be any further in/out of character than the existing advertising structure.	Yes.
2	Special Areas	Does the proposal detract from the amenity or visual quality of environmentally sensitive areas, heritage areas, natural or other conservation areas, open space, waterways, rural landscapes or residential areas?	The advertisement is not located in close proximity to environmentally sensitive areas, heritage areas, natural or other conservation areas, open space, waterways or rural landscapes.  Whilst residential uses are located to the north of the subject site, the advertisement on the payphone structure is oriented away and adequately setback from these residential properties. As such, the proposal is unlikely to detract from the amenity of residents.  The proposed advertisement will	Yes.



DA2019/019 - 488 Liverpool Road, Strathfield South  
 Lot 2 in DP 555183 (Cont'd)

Section	Assessment Criteria	Required	Proposed	Compliance
			include measures to automatically adjust the light intensity and consequent glare according to different times and associated light levels of the day. A condition of consent is recommended to control luminance levels.	
3	Views and Vistas	Does the proposal: a) Obscure or compromise important view? b) Dominate the skyline and reduce the quality of vistas? c) Respect the viewing rights of other advertisers?	The proposed advertisement will be in the same location as the existing advertisement (affixed to the back of the Telstra payphone) and will have the same dimensions. Therefore the proposal will not obscure or compromise any views.	Yes.
4	Streetscape, Setting or Landscape	Is the scale, proportion and form appropriate?  Does the proposal: a) Contribute to visual interest?  b) Reduce clutter by rationalising and simplifying existing signage?  b) Screen unsightliness?  c) Protrude above buildings, structures or tree canopies?  d) Require ongoing vegetation management?	The development application does not propose to alter the scale, proportion and form of the existing advertisement.  a) The proposal will not detract from the visual quality of the surrounding area as it is not out of character with existing commercial development along Liverpool Road.  b) The proposal is for the change of content within an advertisement and therefore no additional clutter will result from the proposal.  c) The proposal does not screen unsightliness.  d) The proposal does not protrude above the height of the payphone.  e) The proposal does not require ongoing vegetation management.	Yes.  Yes.  Yes.  Yes.  Yes.
5	Site and Building	Is the proposal compatible with the scale, proportion and other characteristics of the site?  Does the proposal respect important features of the site or building or both?	The proposal will be compatible with the payphone structure which already comprises STS advertising.  The advertisement to which this proposal relates is located on the rear side of the payphone structure and respects the predominant use of the structure being the telephone.	Yes.  Yes.

DA2019/019 - 488 Liverpool Road, Strathfield South  
 Lot 2 in DP 555183 (Cont'd)

Section	Assessment Criteria	Required	Proposed	Compliance
		Does the proposal show innovation and imagination in its relationship to the site or building or both?	The proposal utilises modern technology enabling the advertisements to be displayed in an efficient manner.	Yes.
6	Associated Devices and Logos	Have any safety devices, platforms, lighting devices or logos been designed as part of the structure?	<p>The advertisement will have flexible brightness levels that can be changed manually or automatically based on the light of the surrounding environment. (See Section for details on illumination.) A condition of consent is recommended for the illuminance levels to comply with Australian Standards.</p> <p>The advertising content will display a total of six (6) advertisements per minute and given this and the controlled luminance levels, it is not anticipated to be a distraction to road users on Liverpool Road.</p>	Yes.
7	Illumination	<p>Would illumination:</p> <p>a) Result in unacceptable glare?</p> <p>b) Affect safety for pedestrians, vehicles or aircraft?</p> <p>c) Distract from nearby residence or accommodation?</p>	<p>The advertisement proposes a maximum luminance of 2,500cd/m<sup>2</sup>. The proposed advertisement will have built-in ambient light sensors to adjust the brightness of the screen based on the environment. As such, it is unlikely to incur unreasonable glare, spill-over impacts or affect the safety of road users on Liverpool Road.</p> <p>A condition of consent is recommended which requires the illumination of the advertisement to comply with Australian Standards.</p>	Yes, refer to conditions.
8	Safety	<p>Would the proposal:</p> <p>a) Reduce safety for any public road?</p> <p>b) Reduce safety for pedestrians or cyclists?</p> <p>c) Reduce safety, for children by obscuring sight lines from public areas?</p>	<p>The proposed advertising content will not adversely affect road safety on Liverpool Road as the payphone structure to which the advertisement relates is setback and oriented away from Liverpool Road, and conditions to restrict luminance levels and flashing are recommended in the consent.</p> <p>As the advertisement will be affixed to the back of the Telstra payphone structure, in the same location as the existing advertisement, sightlines will not be affected.</p>	Yes.

DA2019/019 - 488 Liverpool Road, Strathfield South  
Lot 2 in DP 555183 (Cont'd)

## 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>Yes</b>
(d)	<i>To provide opportunities for economic growth that will enhance the local community</i>	<b>Yes</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>Yes</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 proposal will not alter the size and scale of the existing advertisement and it is compatible with surrounding commercial and residential developments along Liverpool Road.

### Permissibility

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

Advertisements are permissible within the B4 Zone with consent and is defined under SLEP 2012 as follows:

*“A sign, notice device or representation in the nature of an advertisement visible from any public place or public reserve or from any navigable water”.*

The proposed development for the purpose of an advertisement is consistent with the definition above and is permissible within the B4 Zone with consent. Whilst the advertisement is to be attached to a payphone, consent for the payphone is not a part of this application.

### Zone Objectives

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

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

DA2019/019 - 488 Liverpool Road, Strathfield South  
Lot 2 in DP 555183 (Cont'd)

**Comments:** The proposed development is considered suitable for the payphone structure and other commercial developments surrounding the site. The advertisement (and content) is angled away from Liverpool Road and appropriately setback 600mm from the road reserve so as to not impact on the safe operation of Liverpool Road.

#### **Part 4: Principal development standards**

There are no relevant provisions contained within Part 4 of the SLEP 2012 which relate to the proposed development.

#### **Part 5: Miscellaneous Provisions**

There are no relevant provisions contained within Part 5 of the SLEP 2012 which relate to the proposed development.

#### **Part 6: Local Provisions**

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

##### **6.1 Acid sulfate soils**

The subject site is identified as having Class 5 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. Furthermore, the proposal is for a change in advertising content (located above ground), and so will not impact on the acid sulfate soils.

##### **6.2 Earthworks**

The development application is for a change in advertising content to an advertisement affixed to a payphone structure and does not require any earthworks.

##### **6.4 Essential services**

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

##### **6.6 Erection or display of signage**

The proposed third party advertisement content is typical for a payphone structure and it is not out of character with other advertisements in surrounding commercial areas. The size of the advertisement will be unchanged and will not detract from the visual quality of the surrounding area. The advertisement provides effective communication through the use of a high quality electronic design and finish and is suitably located on the footpath reserve retaining adequate pedestrian access. Accordingly, the proposed development satisfies the requirements of Clause 6.6 of the SLEP 2012.

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

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

#### **4.151(a)(iii) any development control plan**

DA2019/019 - 488 Liverpool Road, Strathfield South  
 Lot 2 in DP 555183 (Cont'd)

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

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

**PART J – ERECTION AND DISPLAY OF ADVERTISING SIGNS AND STRUCTURES**

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

<b>Cl. 1.3</b>	<b>Aims</b>	<b>Complies</b>
1	<i>To encourage signage which complements the dominant urban character of an area, including the built and landscape character.</i>	<b>Yes</b>
2	<i>To provide guidelines for the display of advertisements and ensure that outdoor advertising:                      (a) conveys an advertiser’s messages and images while complementing and conforming with the visual appearance of the building or structure on which it is displayed and the amenity of the surrounding environment;                      (b) does not adversely affect the area in which it is located in terms of appearance, size, illumination, overshadowing, loss of amenity, or in any other way;                      (c) does not lead to visual clutter through the proliferation of signs;                      (d) is designed and installed to an acceptable level of safety and serviceability;                      and                      (e) is designed to have minimal adverse impacts on driver or pedestrian safety.</i>	<b>Yes</b>
3	<i>To implement a plan which enables an assessment of the proposed advertisement to be made.</i>	<b>Yes</b>

**Comments:** The proposal is for the change in advertising content and it will not add visual clutter as the dimensions and size of the advertisement screen remain unchanged. The third-party advertising content is considered appropriate for the payphone structure and the commercial character of the surrounding area. The proposed advertising content will not result in any adverse amenity impacts to neighbouring properties, nor result in any safety hazards, subject to the imposition of conditions.

**2.1: Signs in all areas**

	<b>Special Provisions</b>	<b>Complies</b>
(ii)	Sign is not prone to deterioration in appearance and is not redundant, unsightly or objectionable	<b>Yes</b>
(iii)	Advertisements, signs and advertising structures are not displayed in a manner which obscures or interferes with road traffic signs	<b>Yes</b>
(iv)	Advertising sign must be displayed in English and can be translated in another language. Translation is accurate and complete. Wording and/or numbers is not greater than the English message.	<b>Yes</b>

The advertisement/ sign is not any of the following:

(vi)	(a)	Roof sign or wall sign projecting above the roof or wall to which it is affixed;	<b>Yes</b>
	(b)	Flashing or moving signs or advertisements;	<b>Yes</b>
	(c)	Signs, not defined as a temporary sign, made of canvas, fabric, or any type of airborne sign except a temporary sign;	<b>Yes</b>

DA2019/019 - 488 Liverpool Road, Strathfield South  
Lot 2 in DP 555183 (Cont'd)

(d)	Fly posters	Yes
(e)	Signs affixed to the surface of a public footway or public roadway	Yes
(f)	Signs which may obscure, obstruct or interfere with any road traffic	Yes
(g)	Signs prohibited under the Tobacco Advertising Prohibition Act 1992	Yes
(h)	Signs other than a business identification sign, directional sign, real estate sign or temporary sign within the R2, R3 and R4 zones.	Yes

**Comments:** The proposed advertisement will display a total of six (6) advertisements per one (1) minute and will have built in ambient sensors to adjust the brightness of the screen based on the natural light available. The proposed advertisement will be setback 600mm from the road reserve and angled away from Liverpool Road so as to not distract road users. A condition of consent has been included to ensure that the illuminance of the advertisement complies with Australian Standards.

### 2.3: Signage in the B Zones – Commercial Areas

	<b>Aims</b>	<b>Satisfactory</b>
(i)	Permit the adequate display of information concerning the identification of premises, the name of the occupier and the activity conducted on the land;	Yes
(ii)	Enhance and add to the commercial/retail vitality of the area without adversely affecting the amenity of the locality;	Yes
(iii)	Ensure that signs are in keeping with the scale and character of the building to which they are affixed and not detract from the architectural treatment;	Yes
(iv)	Ensure that all businesses have the opportunity for reasonable exposure for the purposes of identification.	Yes

**Comments:** The proposed advertisement will retain the same dimensions and form as the existing advertisement. The proposal is considered appropriate for the existing Telstra payphone structure and other surrounding commercial developments.

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

A Waste Management Plan is not required for the change in advertising content due to the minor nature of the works.

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

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

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

Not applicable.

DA2019/019 - 488 Liverpool Road, Strathfield South  
Lot 2 in DP 555183 (Cont'd)

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

Overall, the proposal has been considered with respect to adjoining properties to minimise adverse impacts to adjoining neighbours and achieve an appropriate level of streetscape compatibility. Visual and safety impacts will be mitigated through the imposition of conditions relating to luminance and flashing.

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

The proposed advertisement is considered suitable for the site and is unlikely to result in adverse impacts upon the presentation of the streetscape or public safety.

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

The application was notified in accordance with Part L of the SCDCP 2005 from 28 February to 14 March 2019, with no submissions received as a result.

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

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

## **SECTION 7.11 CONTRIBUTIONS**

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

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

## **STRATHFIELD INDIRECT SECTION 7.12 CONTRIBUTIONS PLAN**

Section 7.12 Contributions are not applicable to the proposed development as the cost of works is less than \$100,000, which is the threshold which triggers a contribution payment under the Strathfield Indirect Development Contributions Plan 2010-2030.

## **CONCLUSION**

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

## **PEER REVIEW**

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

DA2019/019 - 488 Liverpool Road, Strathfield South  
Lot 2 in DP 555183 (Cont'd)

## RECOMMENDATION

That Development Application No. DA2019/019 for the change of content from Telstra Standard Telephone service (STS) advertising to allow for third-party advertising at 488 Liverpool Road, Strathfield South be **APPROVED**, subject to the following conditions.

## SPECIAL CONDITIONS (SC)

### 1. SIGNAGE DISPLAY (SC)

The proposed development must not have/use:

- a) Flashing lights;
- b) Animated display, moving parts or stimulated movement;
- c) Complex displays that hold a driver's attention beyond 'glance appreciation'; and
- d) Display resembling traffic signs or signals
- e) A method of illumination that distracts or dazzles
- f) Red or green as dominant colours

(Reason: To ensure road safety along Liverpool Road.)

### 2. SIGNAGE PROXIMITY TO TRAFFIC SIGNALS (SC)

Prior to the operation of the third party advertising content, proof shall be provided of current public liability to \$20 million, noting the interests of the Roads and Maritime, to RMS. This is due to the proposed installation's close proximity to traffic signals.

(Reason: To ensure road safety along Liverpool Road.)

### 3. LIGHTING (SC)

Illumination levels are not to exceed a maximum luminance of 2,500 cd/m<sup>2</sup>.

Any lighting 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.)

### 4. SIGNAGE WORKS

All works associated with the proposed advertisement, including maintenance activities, shall be at no cost to Roads and Maritime Services.

## GENERAL CONDITIONS (GC)

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

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



**DA2019/019 - 488 Liverpool Road, Strathfield South**  
**Lot 2 in DP 555183 (Cont'd)**

Plans affixed with Council's 'Development Consent' stamp relating to Development Consent No. DA2019/019:

Title/Description	Prepared by	Issue / Revision & Date	Date received by Council
Municipality of Strathfield – Telstra Payphone	JCDecaux Pty Ltd Australia	30 January 2019	20 February 2019
Telstra Digital Phone	JCDecaux Pty Ltd Australia	7 June 2018	20 February 2019

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

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

**6. CONSTRUCTION HOURS (GC)**

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

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

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

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

**7. BUILDING CODE OF AUSTRALIA - COMPLIANCE WITH (GC)**

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).

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

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

**8. 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.)

**ATTACHMENTS**

1. [↓](#) DA2019.019- Survey - 488 Liverpool Rd
2. [↓](#) DA2019.019-Elevation - 488 Liverpool Rd



Cab ID: 02974204X2		 <b>JCDecaux Australia Pty Ltd</b> Units 2 & 3, 182 -190 Euston Road, Alexandria NSW 2015 T: 02 9557 6555 F: 02 9557 6982	PROJECT TITLE	Municipality of Strathfield <b>TELSTRA PAYPHONE</b>	DATE	08/11/2018	Issue		Description	Date	Drawn
Main Street: 488 Liverpool Rd, Strathfield South NSW 2136			SCALE	1:100 (A3 Full Bleed)	A	Added Details			30/01/2019	DE	
Before/ After / Outside / Opp: BARTON ST			DESIGN	JCDECAUX							
Road Direction: NWB			DRAWN	DE							
GPS Info: Latitude: -33.891769 Longitude: 151.082904		<input checked="" type="checkbox"/> ADBOOTH <input type="checkbox"/> TON <input type="checkbox"/> TELSTRA		<input checked="" type="checkbox"/> NO RELOCATION <input type="checkbox"/> < 10 m RELOCATION <input type="checkbox"/> >200 m / GREENFIELD <input type="checkbox"/> >10 -<200 m RELOCATION		REVISION A SURVEY NO. NSW-MOS-005					

**Note:** - All dimensions are in millimetres  
 - Dimensions are estimated and should be used only as indication.  
 - Construction to be undertaken in accordance with the requirements of AS1428.1-4 Design for Access and Mobility  
 - All works shall comply with the ACCESSIBILITY OF PAYPHONES INDUSTRY GUIDELINE 2006



















**STRATHFIELD COUNCIL RECEIVED**

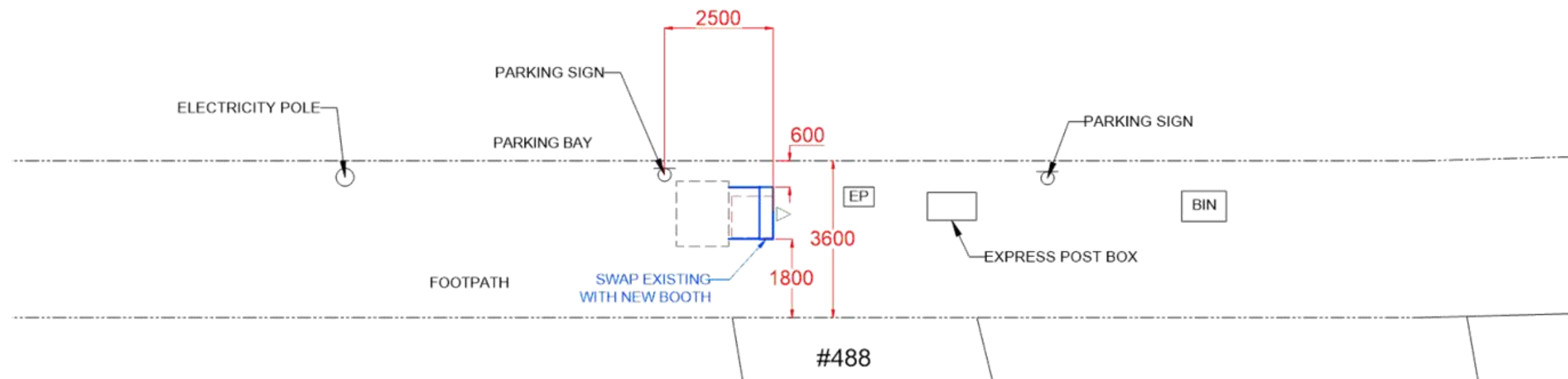
**DA2019/019**  
**20 February 2019**

⇨ ⇩ ⇨  
 LIVERPOOL RD

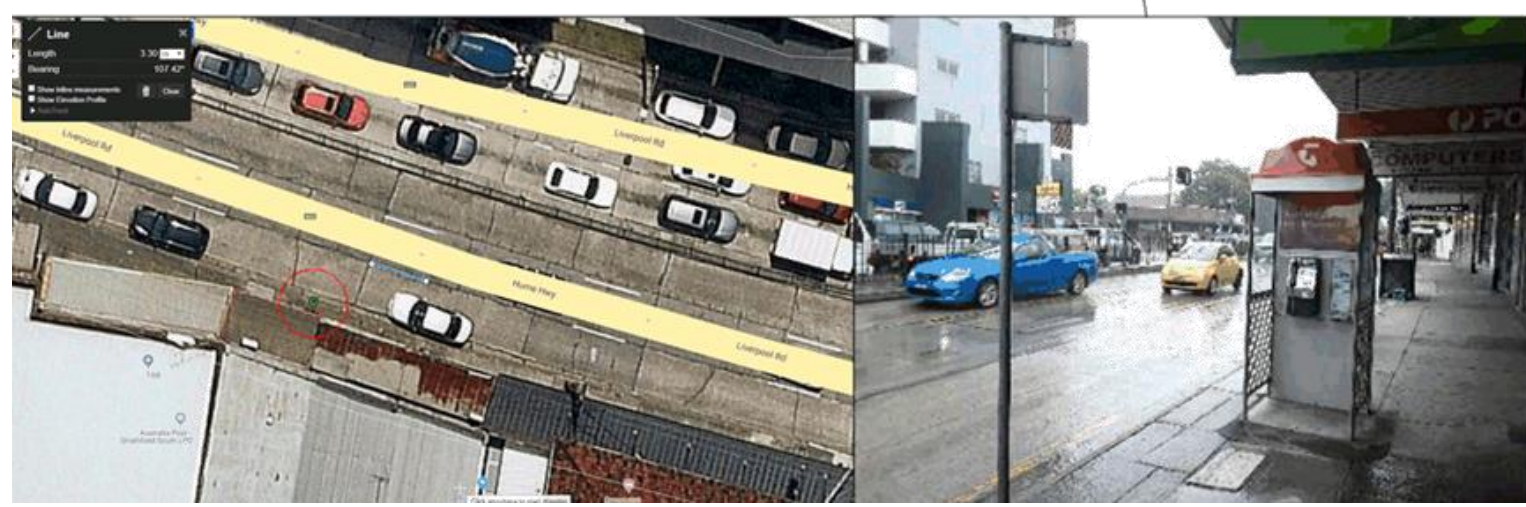


**LEGEND**

-  NEW PAYPHONE BOOTH L 1019 x W 1200 mm
-  EXISTING PAYPHONE BOOTH 950 x 950 mm
-  EXCLUSION ZONE 1200 X 1500 mm
-  TREE
-  POWER POLE
-  LIGHT POLE
-  COMMS PIT
-  POWER PIT
-  ELECTRICITY PILLAR
-  GAS PIT
-  WATER PIT
-  TRAFFIC LIGHT
-  SIGN POST
-  FIRE HYDRANT
-  BIKE RACK
-  GRASS / BERM
-  BIN
-  SEAT



#488



Reinstatement:			
Asphalt	Brick	<u>Concrete</u>	Concrete paving
Specialist paving:		Blue stone	Green granite
Unmade	Other:		
Checked / Signature:		Powerline arrangement:	
		<input checked="" type="checkbox"/> Overhead	<input type="checkbox"/> Underground





**NOTES:**  
 - All dimensions are in millimetres  
 - Construction to be undertaken in accordance with the requirements of AS1428 1-4 Design for Access and Mobility.  
 - All works shall comply with the ACCESSIBILITY OF PAYPHONES INDUSTRY GUIDELINE 2005



**JCDecaux Australia Pty Ltd**  
 Units 2 & 3, 152 -190 Euston Road,  
 Alexandria NSW 2015  
 T: 02 9557 6555  
 F: 02 9557 6982

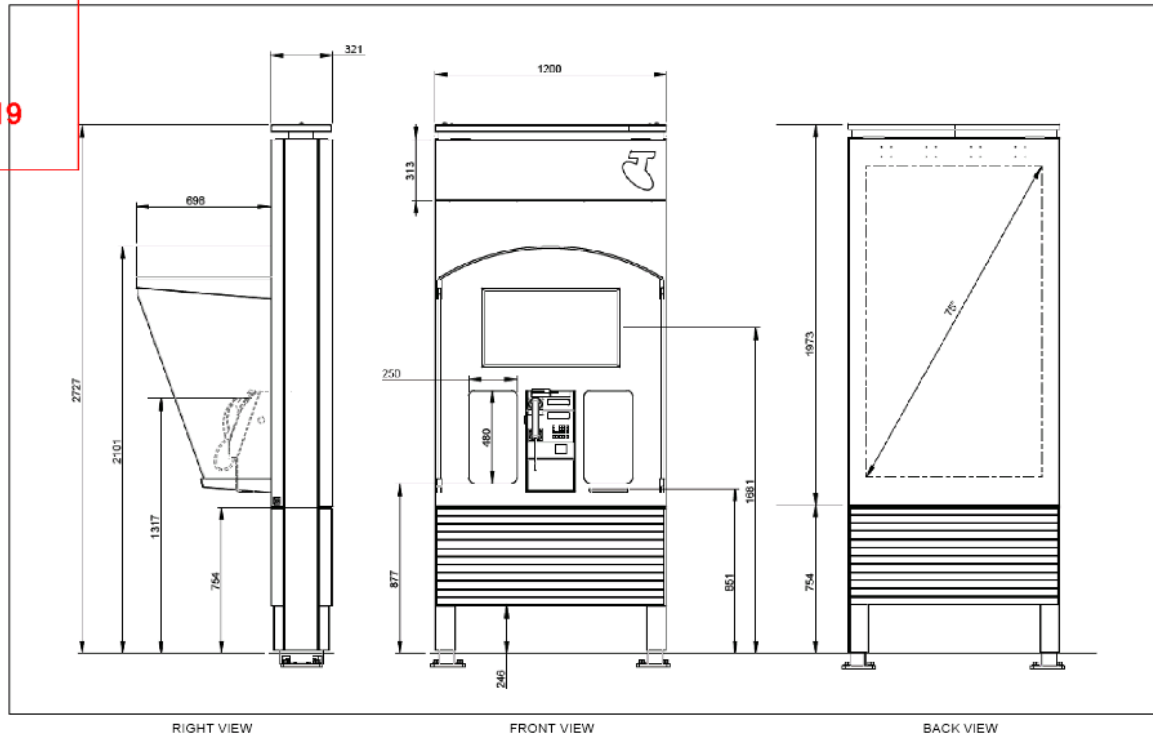
PROJECT TITLE  
**TELSTRA DIGITAL PHONE**

DATE	Issue	Description	Date	Drawn
7 JUNE 2018				
SCALE	1:20 (A3)			
DESIGN	JCDECAUX			
DRAWN	JCD			
REVISION				
DRAWING NO.	TEL-001			

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**STRATHFIELD COUNCIL  
 RECEIVED**

**DA2019/019  
 20 February 2019**



Commercial in Confidence

**TO:** Strathfield Local Planning Panel Meeting - 4 April 2019  
**REPORT:** SLPP – Report No. 5  
**SUBJECT:** DA2018/165 - 50-52 REDMYRE ROAD, STRATHFIELD - LOT F IN DP 376063  
**DA NO.** DA2018/165

## SUMMARY

**Proposal:** Construction of business identification sign within Redmyre Road Heritage Conservation Area  
**Applicant:** Smile ConfiDENTAL  
**Owner:** Strathfield Municipal Council  
**Date of lodgement:** 29 November 2018  
**Notification period:** 11 December 2018 to 4 January 2019  
**Submissions received:** One (1)  
**Assessment officer:** DS  
**Estimated cost of works:** \$3,355  
**Zoning:** R2 Low Density Residential - SLEP 2012  
**Heritage:** Yes.  
Redmyre Road Conservation Area (C14)  
**Flood affected:** Yes  
**Is a Clause 4.6 variation proposed?** No  
**Reason for Referral** Development located on Council owned land  
**RECOMMENDATION OF OFFICER:** Approval

## EXECUTIVE SUMMARY

- 1.0 The subject application seeks approval for the replacement of business identification pylon signage within the Redmyre Road Heritage Conservation Area.
- 2.0 The application was notified in accordance with Part L of the Strathfield Consolidated Development Control Plan 2005. One (1) submission was received as a result.
- 3.0 On 4 February 2019, additional information was confirmed by the applicant in relation to the demolition of the existing business identification signage located on site.
- 4.0 The proposal is considered suitable and appropriate for the existing use on the site. The application is recommended for approval, subject to the conditions of consent.

## BACKGROUND

29 November 2018 The subject application was lodged and allocated to the responsible officer.

11 December 2018 The subject application was neighbour notified for a period of four (4) weeks. One (1) objection was received as a result.

31 January 2019 Correspondence was forwarded to the applicant, requesting additional information in relation to the existing signage located on site.

## DA2018/165 - 50-52 Redmyre Road, Strathfield - Lot F in DP 376063 (Cont'd)

4 February 2019

Correspondence was provided by the applicant, which confirmed the demolition of the existing signage located on the subject site.

**DESCRIPTION OF THE SITE AND LOCALITY**

The subject site is legally described as Lot F in DP 376063 and is commonly known as 50-52 Redmyre Road, Strathfield. The site is located on the south-eastern side of Redmyre Road and has an area of 3183.4m<sup>2</sup> (**Figure 1**). The subject site is currently operating as health consulting rooms (**Figure 2**) and the surrounding uses along Redmyre Road are predominately residential uses.

The existing signage to be replaced by the proposal is located on the eastern side of the front boundary (**Figure 3**).



**Figure 1: Locality plan**

DA2018/165 - 50-52 Redmyre Road, Strathfield - Lot F in DP 376063 (Cont'd)



**Figure 2: Subject site and existing health consulting rooms.**



**Figure 3: Existing signage proposed to be replaced.**

**PROPERTY BURDENS AND CONSTRAINTS**



**DA2018/165 - 50-52 Redmyre Road, Strathfield - Lot F in DP 376063 (Cont'd)**

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

**DESCRIPTION OF THE PROPOSED DEVELOPMENT**

The application seeks Council approval for the construction of replacement business identification signage within Redmyre Road Conservation Area.

The existing business identification signage is located on the eastern side of the property frontage and the proposed new business identification signage is located fairly centrally and to the west of the vehicular access along the site frontage.

The specific elements of the proposed replacement business identification signage are:

- 2x vertical steel posts set 2m apart
- 4x individual aluminum signboards (2000mm x 250mm) affixed to the steel posts
- The overall sign structure will be 2100mm high, 2000mm wide and 78mm in depth
- Signboards will detail the business names, contact details and logos

**REFERRALS****INTERNAL REFERRALS****Heritage Comments**

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

*"The signage proposed is overly high, too wide and visually dominates the street frontage. The signage is not appropriate in the residential heritage conservation area and is not supported on heritage grounds. The existing signage sits quietly within the site and if greater identification is required, the provision of larger type on the existing sign would have a lesser impact than the proposed signage scheme.*

*The proposal is not acceptable on Heritage grounds due to the size of the signage proposed and the undesirable precedent that may be set for future signage in the low density residential Heritage Conservation Areas. Furthermore, the matter of the retention of the existing signage must be confirmed prior to determination."*

Conditions of consent have been imposed to address the concerns raised by Council's Heritage Advisor, specifically in relation to the proposed location and size of the signage (**Refer to Special Condition 1 and 2**).

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

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

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

- (i) any environmental planning instrument**

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

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

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

No trees are proposed to be removed as part of this application, and given the nature of the proposal and the substantial separation between the proposed replacement signage and any tree, no further investigation is required.

**State Environmental Planning Policy No 64 – Advertising and Signage**

Clause 13 of SEPP 64 requires Council to the assessment criteria outlined in Schedule 1 in the assessment of the proposed replacement signage. An assessment of the proposed development against the requirements of SEPP 64 is found below:

Section	Assessment Criteria	Required	Proposed	Compliance
1	Character of the Area	Compatible with existing and future likely character of the area.	<p>The proposed signage through the use of images and text provides information of the health consulting rooms approved on the subject site.</p> <p>The light colour tones on the proposed signage are complemented by the neutral colour tones along the main building façade so as to integrate with the surrounding residential area.</p>	Yes.
2	Special Areas	Does the proposal detract from the amenity or visual quality of environmentally sensitive areas, heritage areas, natural or other conservation areas, open space, waterways, rural landscapes or residential areas?	<p>The site is located within the Redmyre Road Heritage Conservation Area (C14).</p> <p>It is noted that the existing building located at 50-52 Redmyre Road will be visually obscured by the proposed 2.1m signage which is located at the centre of the site's frontage. A condition of consent has been imposed recommending the relocation of the new pylon sign to the location of the existing signage to be replaced. Locating the sign to the eastern side of the front boundary will allow for efficient communication of the health consulting rooms without compromising the visual contribution that the house makes to the Redmyre Road Conservation Area (<b>Condition 2</b>).</p> <p><b>Condition 1</b> is also recommended to reduce the overall size of the replacement signage and therefore its visual prominence within the Heritage Conservation Area.</p>	Yes, with conditions.

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Section	Assessment Criteria	Required	Proposed	Compliance
3	Views and Vistas	Does the proposal: a) Obscure or compromise important view? b) Dominate the skyline and reduce the quality of vistas? c) Respect the viewing rights of other advertisers? d)	The proposal does not obscure or compromise any important views.	Yes
4	Streetscape, Setting or Landscape	Is the scale, proportion and form appropriate?  Does the proposal: a) Contribute to visual interest? b) Reduce clutter by rationalising and simplifying existing signage? c) Screen unsightliness? e) Protrude above buildings, structures or tree canopies? f) Require ongoing vegetation management?	a) The design of the signage is simplistic and clearly conveys the nature of the business. b) The proposed pylon sign will replace the existing sign and therefore no additional clutter will result from the proposal. c) The proposal does not screen unsightliness. d) The proposal does not protrude above the existing building. e) The proposal does not require ongoing vegetation management.	Yes.  Yes. Yes. Yes. Yes.
5	Site and Building	Is the proposal compatible with the scale, proportion and other characteristics of the site?  Does the proposal respect important features of the site or building or both?  Does the proposal show innovation and imagination in its relationship to the site or building or both?	The proposed pylon business identification signage will be located adjacent to the front boundary of the site, located in a Heritage Conservation Area. Given the heritage significance of the surrounding area, Condition 1 is recommended so that the replacement signage is reduced in height, thereby reducing its visual dominance.  The proposed scale and colours of the signage are compatible with the scale and colours of the building, and will not detract from significance of the HCA.	Yes, with conditions.  Yes.
6	Associated Devices and Logos	Have any safety devices, platforms, lighting devices or logos been designed as part of the structure?	The proposed pylon sign will not be illuminated.  The names and logos of the	Yes.

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Section	Assessment Criteria	Required	Proposed	Compliance
			health facilities operating on site are included on the signage. The logos are considered appropriate as it directly relates to the health businesses operating on the site.	
7	Illumination	Would illumination: a) Result in unacceptable glare? b) Affect safety for pedestrians, vehicles or aircraft? c) Detract from nearby residence or accommodation?	The proposed pylon sign will not be illuminated.	Yes.
8	Safety	Would the proposal: a) Reduce safety for any public road? b) Reduce safety for pedestrians or cyclists? c) Reduce safety, for children by obscuring sight lines from public areas?	The proposed sign will not affect road safety on Redmyre Road, as the sign is not illuminated and it will be appropriately setback 500mm from the property boundary ( <b>Refer to Condition 3</b> ).  As the sign will be wholly within the subject site and it will replace the existing sign, sightlines will not be affected.	Yes, with conditions.

**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>N/A</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>Yes</b>
(d)	<i>To provide opportunities for economic growth that will enhance the local community</i>	<b>Yes</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>N/A</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>

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**Comments:** The proposed pylon sign will incorporate colours and materials that will enable the businesses operating on site to be clearly identifiable without compromising the heritage significance of the Redmyre Road Conservation Area, subject to the imposition of conditions of consent. As such, the proposal is considered to be consistent with the aims of the SLEP 2012.

**Permissibility**

The subject site is Zoned R2 Low Density Residential under Strathfield Local Environmental Plan (SLEP) 2012. The site is currently operating as ‘health consulting rooms’, defined by SLEP 2012 as follows:

*“Health consulting room means premises comprising one or more rooms within (or within the curtilage of) a dwelling house used by not more than 3 health care professionals at any one time.”*

Health consulting rooms are permissible within the R2 Zone with consent under SLEP 2012. The proposed works do not involve a change of use of the site, rather, works involve signage that is ancillary to the existing health consulting rooms. Development for the purposes of advertising and signage is permissible with consent under SEPP 64.

**Zone Objectives**

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

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

**Comments:** The proposed development is for the purposes of business identification signage which is considered appropriate to the current use of the site as health consulting rooms. In the event of an approval, conditions of consent will be imposed to reduce the size of the signage and locate the sign in the same location of the sign to be replaced so as not to result in adverse impacts to the heritage significance of the Redmyre Road conservation area (**Condition 1 and 2**).

**Part 4: Principal development standards**

There are no relevant provisions contained within Part 4 of the SLEP 2012 which relate to the proposed development.

**Part 5: Miscellaneous Provisions**

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

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### **5.10 Heritage Conservation**

The proposal involves replacement business identification signage adjacent to the front boundary of the subject site. The existing use of the site is health consulting rooms, and the signage successfully relates to the use, including details of the business names, the nature of the health consulting rooms and their logos.

The subject site is located within the Redmyre Road Conservation Area (C14) and Council's Heritage Advisor provided comment on the proposal, detailing that the size of the proposed replacement signage visually dominates the street and would not be in keeping with the significance of the Heritage Conservation Area.

Condition 1, 2 and 3 of the consent is recommended to be imposed to reduce the overall size of the sign and to ensure that it is positioned in the same location of the existing signage to be replaced so as to remove visual obstruction to the existing building on the site, and to reduce the visual dominance of the signage within the streetscape and Heritage Conservation Area.

As such, the proposal is considered to accord with the objectives of this Clause.

## **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.

### **6.2 Earthworks**

The development application is for a pylon business identification signage, whereby the pylons are 78mm in width and a length of 900mm will be dug into the ground for support. As the proposal does not require any significant earthworks, no further investigation is required.

### **6.3 Flood planning**

The subject site is identified as being within the 1 in 100yr ARI storm event extent in accordance with Cooks River and Cox Creek flood study. The flood area affecting the site is minor and given that the proposal is for replacement signage, a Flood Impact Statement is not required.

### **6.4 Essential services**

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

### **6.6 Erection or display of signage**

Clause 6.6 of the SLEP 2012 requires consideration to be given for the compatibility of the proposed signage with the desired amenity and visual character of the area. The proposed development incorporates a pylon sign identifying the name and nature of the health consulting rooms operating on the site. Conditions of consent will be imposed to ensure both the design and scale of signage is compatible with the Redmyre Road Conservation Area.

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

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

**4.15 (1)(a)(iii) any development control plan****STRATHFIELD CONSOLIDATED DEVELOPMENT CONTROL PLAN (SCDCP) 2005**

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

**Heritage and Conservation**

<b>Cl. 1.11</b>	<b>Aims</b>	<b>Complies</b>
<b>A</b>	<i>To preserve and enhance the visual and environmental amenity of heritage items and heritage conservation areas within the municipality of Strathfield</i>	<b>Yes</b>
<b>B</b>	<i>Ensure all new development affecting heritage items and conservation areas is designed to be compatible in setting, scale, setbacks, form, materials and character with the building and surrounding area</i>	<b>Yes</b>
<b>C</b>	<i>Ensure that development in the vicinity of a heritage item or conservation area does not have any adverse impact on the heritage significance or setting and that development is compatible in setting, scale, setbacks, form, materials and character with the item or conservation area</i>	<b>Yes</b>
<b>D</b>	<i>Conserve archaeological sites and places of Aboriginal significance</i>	<b>N/A</b>
<b>Cl. 1.11</b>	<b>Controls</b>	<b>Complies</b>
<b>(1)</b>	<i>A Statement of Heritage Impact is required for proposed development:</i> a) <i>affecting a heritage item;</i> b) <i>within a heritage conservation area; or</i> c) <i>in the vicinity of an item or heritage conservation area</i>	<b>Yes</b>
<b>(2)</b>	<i>This statement must set out the heritage significance of the structure or place and assess the extent to which carrying out of the proposed development would affect the significance of the heritage item or heritage conservation area concerned and outline measures to minimise any identified impact</i>	<b>Yes</b>

**Comments:** The proposal involves replacement business identification signage adjacent to the front boundary of the subject site.

The subject site is located within the Redmyre Road Conservation Area (C14) and Council's Heritage Advisor provided comment on the proposal, detailing that the size of the proposed replacement signage visually dominates the street and would not be in keeping with the significance of the Heritage Conservation Area.

Condition 1, 2 and 3 of the consent is recommended to be imposed to reduce the overall size of the sign and to ensure that it is positioned in the same location of the existing signage to be replaced so as to remove visual obstruction to the existing building on the site, and to reduce the visual dominance of the signage within the streetscape and Heritage Conservation Area. As such, the proposal is considered to accord with the objectives of this Clause.

**PART J – ERECTION AND DISPLAY OF ADVERTISING SIGNS AND STRUCTURES**

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

**1: Part A- General**

<b>1.3</b>	<b>Objectives</b>	<b>Satisfactory</b>
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1.	<i>To encourage signage which complements the dominant urban character of an area, including the built and landscape character</i>	<b>Yes</b>
<i>To provide guidelines for the display of advertisements and ensure that outdoor advertising:</i>		
2.	<p>(a) <i>conveys an advertiser's messages and images while complementing and conforming with the visual appearance of the building or structure on which it is displayed and the amenity of the surrounding environment;</i></p> <p>(b) <i>does not adversely affect the area in which it is located in terms of appearance, size, illumination, overshadowing, or loss of amenity;</i></p> <p>(c) <i>does not lead to visual clutter through the proliferation of signs;</i></p> <p>(d) <i>is designed and installed to an acceptable level of safety and serviceability; and</i></p> <p>(e) <i>is designed to have minimal adverse impacts on driver or pedestrian safety</i></p>	<b>Yes</b>

**Comments:**The proposed signage is simplistic in design and as it replaces an existing sign it will not lead to visual clutter, nor detract from the amenity of the surrounding environment. The signage is considered appropriate to the health consulting room use of the site, whilst respecting the predominant residential character of the streetscape. Given the nature of the proposal, it will not result in any loss of amenity or overshadowing for adjoining neighbours nor will it result in any safety hazards.

**2.1: Signs in all areas**

<b>Special Provisions</b>		<b>Complies</b>
(i)	Table A indicates the types of signage which are permissible without development consent, permissible only with development consent and prohibited within various zones under the SLEP 2012. Schedule 2 – Exempt Development of SLEP 2012 identifies those advertising signs and structures which do not require development consent	<b>Yes</b>
(ii)	Sign is not prone to deterioration in appearance and is not redundant, unsightly or objectionable	<b>Yes</b>
(iii)	Advertisements, signs and advertising structures are not displayed in a manner which obscures or interferes with road traffic signs	<b>Yes</b>
(iv)	Advertising sign must be displayed in English and can be translated in another language. Translation is accurate and complete. Wording and/or numbers is not greater than the English message.	<b>Yes</b>
(vi)	The advertisement/ sign is not any of the following:	
	(a) Roof sign or wall sign projecting above the roof or wall to which it is affixed;	<b>Yes</b>
	(b) Flashing or moving signs or advertisements;	<b>Yes</b>
	(c) Signs, not defined as a temporary sign, made of canvas, fabric, or any type of airborne sign except a temporary sign;	<b>Yes</b>
	(d) Fly posters	<b>Yes</b>
	(e) Signs affixed to the surface of a public footway or public roadway	<b>Yes</b>



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(f)	Signs which may obscure, obstruct or interfere with any road traffic	Yes
(g)	Signs prohibited under the Tobacco Advertising Prohibition Act 1992	Yes
(h)	Signs other than a business identification sign, directional sign, real estate sign or temporary sign within the R2, R3 and R4 zones.	Yes

**Comments:** The proposed replacement pylon sign is a business identification sign that clearly displays the name, contact details and logo of the health consulting businesses operating on the subject site. The sign will not interfere with road traffic signs or create any road safety concerns for pedestrians as the sign is not illuminated and it will be appropriately setback 0.5m from the front boundary line (**Condition 3**).

## 2.3: Signage in the R2, R3 and R4 zones

<i>Aims</i>		<i>Satisfactory</i>
(i)	<i>Permit the adequate display of information concerning the identification of premises, the name of the occupier and the activity conducted on the land;</i>	Yes
(ii)	<i>Enhance and add to the commercial/retail vitality of the area without adversely affecting the amenity of the locality;</i>	Yes
(iii)	<i>Ensure that signs are in keeping with the scale and character of the building to which they are affixed and not detract from the architectural treatment;</i>	Yes
(iv)	<i>Ensure that all businesses have the opportunity for reasonable exposure for the purposes of identification.</i>	Yes
<i>Performance Criteria</i>		<i>Complies</i>
(i)	Advertisements and signs displayed within the Strathfield Town Centre are also subject to certain controls contained with Development Control Plan No 13 - Strathfield Town Centre DCP No.13 (Site Specific DCP)	N/A

**Comments:** The proposed business identification sign will display the name and nature of the health consulting businesses currently operating on the subject site as well as the relevant contact details. Conditions of consent will be imposed to reduce the dimensions of the sign and relocate it to the location of the existing signage so as to ensure that it is clearly visible from the streetscape without adversely affecting the significance of the HCA (**Conditions 1 and 2**). An additional condition will also be imposed, requiring the sign to be setback a minimum of 500mm from the front property boundary (**Condition 3**). The 500mm setback will also ensure the foundations of the structure do not interfere with the integrity of the brick planter box located in the front setback. The existing planting will be in front of the proposed sign, thereby softening the appearance of the sign within the street (Figure 4).

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Figure 4: Hedges located at 48 Redmyre Road along the eastern adjoining boundary.

4: Schedule 2

ITEM 10- Pole or pylon signs

	<i>Development Controls</i>	<i>Complies</i>
(a)	The pole or pylon sign does not project more than 1.2m over any road alignment	<b>Yes</b>
(b)	In cases where it does project over any road alignment, it is not less than 2.6m above the ground where it so projects	<b>Yes</b>
(c)	The pole or pylon sign has a maximum advertising area of 44.6m <sup>2</sup>	<b>Yes</b>
(d)	The pole or pylon sign is not more than 15.2m above the ground.	<b>Yes</b>

**Comments:** The pylon sign will be located wholly within the site and will not project over any road alignment. The pylon sign has a maximum advertising area of 2m<sup>2</sup> and will occupy 10% of the site frontage. Conditions of consent will be imposed to ensure the sign does not project 2m above the ground (**Condition 1**).

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

A Waste Management Plan did not accompany with the development application. To ensure the proposal is undertaken in accordance with the required standards under Part H of the SCDCP

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2005, a condition of consent is recommended requiring a Waste Management Plan to be submitted to and approved by the PCA.

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

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

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

Not applicable.

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

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

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

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

**4.15(1)(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 **11 December 2018** to **4 January 2019**, with **one** submission received, raising the following concerns:

1. *Sign is overly wide and too high.*

Assessing officer's comments: In the event of approval, conditions of consent will be imposed to reduce the size of the signage to a maximum height of 2m and width of 1.5m (refer to **Condition 1**).

2. *The sign is an advertising sign.*

Assessing officer's comments: The sign will identify the name, contact details and logo of the health consulting rooms operating on the subject site. The sign does not advertise or promote any product or service that does not associate with the businesses in operation. Additionally, it is noted that the proposal is for replacement signage. As such, the proposed business identification sign is considered compatible with the use of the site.

3. *Its large size and proposed placement will detract from the heritage character of Redmyre Road Conservation Area.*

Assessing officer's comments: In the event of approval, conditions of consent will be imposed to reduce the size and have it relocated to the position of the existing business identification signage. This will ensure that the proposed replacement signage will not detract from the significance of the Redmyre Road Conservation Area (**Condition 1 and 2**).

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

The public interest is served through the detailed assessment of this development application under the relevant local planning controls and legislation and consideration of any submissions

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received relating to it by Council. The proposed development is not considered to be contrary to the public interest.

**LOCAL INFRASTRUCTURE CONTRIBUTIONS**

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

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

**STRATHFIELD INDIRECT SECTION 7.12 CONTRIBUTIONS PLAN**

Section 7.12 Contributions are not applicable to the proposed development as the cost of works is less than \$100,000, which is the threshold which triggers a contribution payment under the Strathfield Indirect Development Contributions Plan 2010-2030.

**CONCLUSION**

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

**PEER REVIEW**

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

**RECOMMENDATION**

That Development Application No. DA2018/165 for the construction of business identification signage at 50-52 Redmyre Road, Strathfield be **APPROVED**, subject to the following conditions:

**SPECIAL CONDITIONS (SC)****1. SIGNAGE DIMENSIONS**

The replacement signage is to be reduced in size to have a maximum height of 2m above natural ground level and width of 1.5m.

(Reason: to ensure that the signage does not detract from the significance of the Redmyre Road Conservation Area).

**2. LOCATION OF SIGNAGE**

The proposed sign is to replace the existing pylon business identification sign and positioned in the same location (adjacent to the eastern side of the front boundary).

(Reason: to ensure that the signage does not detract from the significance of the Redmyre Road Conservation Area).

**3. SIGNAGE SETBACK**

The sign is to be setback a minimum of 500mm from the front boundary line.

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(Reason: to ensure that the signage does not detract from the significance of the Redmyre Road Conservation Area).

4. **SIGNAGE DISPLAY**

The proposed development must not have/use:

- a) Flashing lights;
- b) Animated display, moving parts or stimulated movement;
- c) Complex displays that hold a driver's attention beyond 'glance appreciation'; and
- d) Display resembling traffic signs or signals.

(Reason: to ensure that the signage does not detract from the significance of the Redmyre Road Conservation Area).

**GENERAL CONDITIONS (GC)**

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

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

Plans affixed with Council's 'Development Consent' stamp relating to Development Consent No. DA2018/165:

Title/Description	Prepared by	Issue / Revision & Date	Date received by Council
Site Plan	Signarama	N/A	29 November 2018
Front Elevation	Signarama	N/A	29 November 2018

6. **CONSTRUCTION HOURS (GC)**

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

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

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

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

7. **LIGHTING (GC)**

Any lighting 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.)

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

#### **8. 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.)

#### **9. 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, all proposals to re-use, recycle or dispose of the waste and designs of the waste storage and collection areas. The WMP is to be submitted to council for comment prior to approval by the Principal Certifying Authority, approval must be provided prior to the issuing of the Construction Certificate.

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

NOTE: The property must be inspected by a Council Waste Officer prior to the issue of an Occupation Certificate so as to ensure that the correct number of general waste and recycling bins are ordered from Strathfield Council.

(Reason: To ensure appropriate management of waste.)

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

#### **10. 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:

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- 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.)

**CONDITIONS TO BE SATISFIED DURING DEMOLITION AND BUILDING WORKS (DW)****11. HERITAGE - HISTORIC RELICS FOUND DURING WORKS (DW)**

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

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

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

**12. 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.)

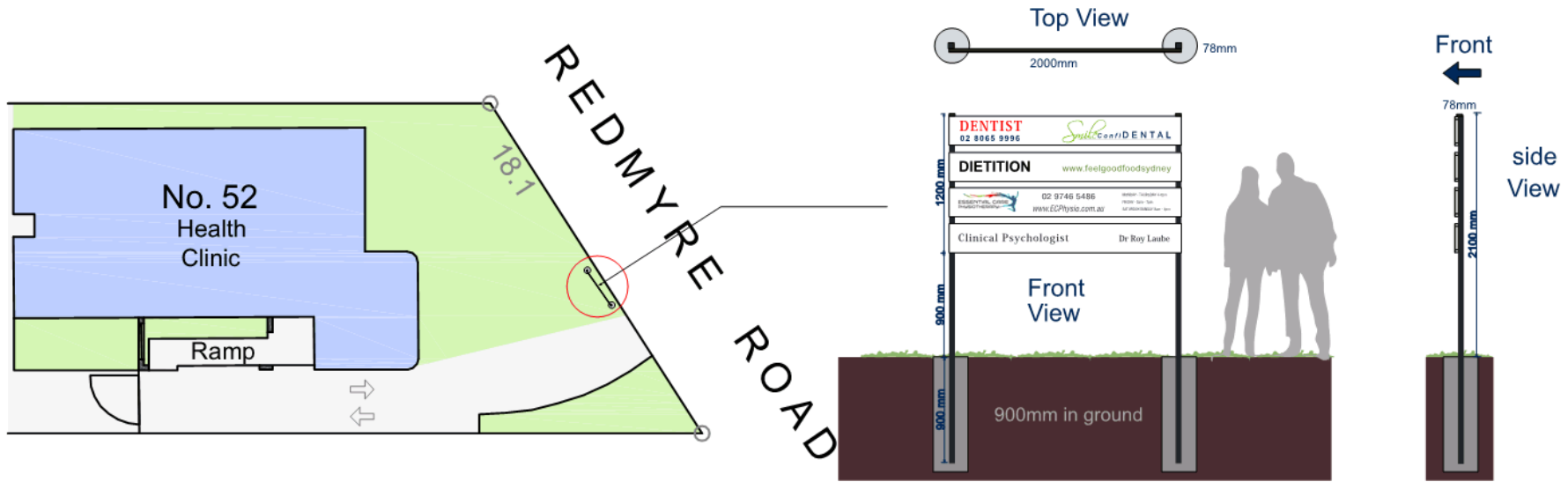
DA2018/165 - 50-52 Redmyre Road, Strathfield - Lot F in DP 376063 (Cont'd)

**ATTACHMENTS**

1. [↓](#) DA2018.165- Signage site plan 52 Redmyre-50-52 Redmyre rd
2. [↓](#) DA2018.165-Signage-50-52 Redmyre rd



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**TO:** Strathfield Local Planning Panel Meeting - 4 April 2019  
**REPORT:** SLPP – Report No. 6  
**SUBJECT:** ADDENDUM REPORT - DA NO. 2018/041 - 81-85 ALBERT ROAD AND 58 BERESFORD ROAD, STRATHFIELD - LOT 2, 7 & 8 DP 20594  
**DA NO.** DA2018/041

## SUMMARY

**Proposal:** Alterations and additions to existing aged care facility involving demolition of dwelling at No.58 Beresford Road and construction of a new community building as well as partial demolition of existing aged care facility and construction of a new three (3) storey care wing with new car parking facilities.

**Applicant:** Jesmond Aged Care c/- GMD Architects

**Owner:** Jesmond Aged Care

**Date of lodgement:** 29 March 2018

**Notification period:** 17 April – 9 May 2018; and  
24 October – 15 November 2018

**Submissions received:** 52 submissions (over two notification periods)

**Assessment officer:** RG

**Estimated cost of works:** \$18,733,282.00

**Zoning:** R2 - SLEP 2012 (Lot 8 DP20594)  
R3 – SLEP 2012 (Lot 2 and 7 DP20594)

**Heritage:** Heritage item (I69) under SLEP 2012 directly adjoins the site to the west at 87-89 Albert Road

**Flood affected:** Yes  
Yes – Floor space ratio  
(complies with Seniors Housing SEPP FSR development standard)

**Is a Clause 4.6 variation proposed?** Yes – Height  
16.84%

**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.

**Reason for Referral** Application previously deferred by Local Planning Panel (March 2019)

**RECOMMENDATION OF OFFICER:** DEFERRED COMMENCEMENT

**ADDENDUM REPORT - DA No. 2018/041 - 81-85 Albert Road and 58 Beresford Road, Strathfield - Lot 2, 7 & 8 DP 20594 (Cont'd)****EXECUTIVE SUMMARY**

- 1.0 The subject application was recommended for refusal by planning officer's at the March 2019 Strathfield Local Planning Panel (SLPP). SLPP deferred their decision to allow the applicant additional time to provide additional and amended documentation to address the matters raised in the officers report and community concerns raised at the meeting.
- 2.0 The applicant submitted amended plans and additional information which has addressed a number of the previous recommended reasons for refusal. The outstanding matters primarily relate to the Beresford Road building.
- 3.0 A Deferred Commencement consent is recommended which deletes development located on the lot fronting Beresford Road, increases the amount of landscaping on site, a schedule of materials and finishes and to address outstanding concerns relating to the building height and built form of the uppermost level of the eastern portion of the Albert Road building (located on R2 zoned land).

**BACKGROUND**

This report is to be read as an addendum to the Officers recommendation report prepared for the Strathfield Local Planning Panel (Report No. 3) on 7 March 2019.

**7 March 2019**

The subject application was recommended for refusal at the Strathfield Local Planning Panel meeting. The reasons that the application was recommended for refusal by the assessment officer are as follows:

1. *A written request under State Environmental Planning Policy No. 1 Development Standards has not been received in order for the Council to consider the acceptability of a variation to the height development standards set out in Chapter 3, Part 4, Clause 40(4)(a) and (b) of the State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004.*
2. *The written request made by the applicant pursuant to Clause 4.6 of the Strathfield Local Environmental Plan 2012 to vary the height development standard contained in Clause 4.3 of the Strathfield Local Environmental Plan 2012 is not well founded and there are insufficient planning grounds to justify contravening the standard.*
3. *The proposal does not result in the efficient and spatially appropriate use of land, as it results in the isolation of No.60 Beresford Road, and thereby undermining the neighbouring sites redevelopment potential. As such, the proposal is contrary to Clause 1.2(2)(b) of the Strathfield Local Environmental Plan 2012*
4. *The proposal does not align with the desired medium density consolidation pattern for No. 58 and 60 Beresford Road, Strathfield, as set out in Appendix 1 of Part C of the Strathfield Consolidated Development Control Plan 2005*

**ADDENDUM REPORT - DA No. 2018/041 - 81-85 Albert Road and 58 Beresford Road, Strathfield - Lot 2, 7 & 8 DP 20594 (Cont'd)**

5. *The proposal is not of good design, by reason of the excessive height, unarticulated facades, reduced front and side setback, unsuccessful height transition between zones, predominate flat roof form and materials and finishes which do not accord with the character of the surrounding area, and thereby does not accord with the aims of Chapter 2, Clause 2(c) of the State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 and Part Q of the Strathfield Consolidated Development Control Plan 2005.*
6. *The proposed building height of the Albert Road building is not compatible with the scale of adjacent development, and does not provide a gradual stepping of the built form at its interface with existing low rise development, thereby contrary to Part Q of the Strathfield Consolidated Development Control Plan 2005.*
7. *The proposal does not provide safe pedestrian links within the site, in particular between the two residential care facility buildings, and accordingly does not comply with the accessibility design principle of Chapter 3, Part 3, Division 2, Clause 38 of the State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*
8. *The proposal does not conserve the significance of the adjacent heritage item, and is contrary to Clause 1.2(2)(f) and Clause 5.10 of the Strathfield Local Environmental Plan 2012, and Clause 33(b) of the State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*
9. *The proposed new building is not setback to be sympathetic with the existing predominate building line of properties on the south-eastern side of Beresford Road, and does not accord with the design principle set out in Clause 33 of the State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*
10. *The proposed Beresford Road building results in a sense of enclosure and cumulative visual overbearing appearance, thereby it does not comply with Clause 33 of the State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*
11. *The proposal does not achieve high quality urban form exhibiting design excellence and does not accord with Clause 1.2(2)(a) of the Strathfield Local Environmental Plan 2012*
12. *The proposal results in the loss of substantial landscaping, and reduces the width of the landscaping strip adjacent to the south-western side boundary, thereby comprising the ability of substantial landscaping to grow, resulting in*

**ADDENDUM REPORT - DA No. 2018/041 - 81-85 Albert Road and 58 Beresford Road, Strathfield - Lot 2, 7 & 8 DP 20594 (Cont'd)**

*an adverse visual impact to the street and neighbouring property at 87-89 Albert Road.*

**7 March 2019 cont.** At the Strathfield Local Planning Panel meeting the applicant tabled additional information, including:

- An addendum report addressing the recommended reasons for refusal, including a SEPP 1 objection;
- Additional plans and information showing the existing and proposed streetscape elevations, pictures of the front elevation, details of the front setbacks along Beresford Road and an existing and proposed landscaping plan.
- A statutory declaration from the owner, detailing attempts to purchase No. 60 Beresford Road;
- A Core Logic report dated 28 July 2017, detailing the estimated value of 60 Beresford Road.

**7 March 2019 cont.** The Strathfield Local Planning Panel resolved to defer their decision due to insufficient information submitted with the development application which prevented its determination at the time. The Panel's decision is detailed as follows:

*The Panel has considered the Council officer's report and recommendation together with the submissions made oral and written and with the benefit of a site inspection has decided that the matter be **DEFERRED** by the panel at this time.*

*This will allow the applicant the opportunity to consider matters raised in Council Officer's report including an assessment under SEPP 1 and a written objection to vary the height standard. Any further documentation: including the SEPP 1; site amalgamation; plan of management, including site deliveries and waste management is to be submitted by the 25 March 2019 for the Council Officer's assessment. The applicant may wish to amend the plans in the light of submissions made to resolve community concerns, including side boundary fencing, laundry impacts, existing mechanical plant, landscaping and material finishes and colours.*

*The applicant is to submit any additional information it seeks to rely upon to the Council for assessment by the 25 March 2019. The development will be determined by electronic means if appropriate otherwise the matter will be referred back to a Panel for determination.*

**REASONS:**

*Insufficient information has been lodged with the application to enable its determination at this time. It is noted that some of the above information has been requested by Council previously. However, in the circumstances the Panel considers the applicant should be given the opportunity to address these matters formally.*

**14 March 2019** The neighbour at No.60 Beresford Road submitted two (2) statutory declarations (one from the owner and another from their son-in-law) relating to the attempts made by the applicant to purchase No.60 Beresford Road.

**20 March 2019** A meeting was held at Council's offices with the applicant's team to discuss the outcome of the Local Planning Panel meeting held in March, Council's



**ADDENDUM REPORT - DA No. 2018/041 - 81-85 Albert Road and 58 Beresford Road, Strathfield - Lot 2, 7 & 8 DP 20594 (Cont'd)**

position on the applicability of submitting a SEPP 1 and the additional information required.

**22 March 2019** Council received amended plans and additional information including an updated SEPP 1 objection and Clause 4.6 variation (height), plan of management, revised colour and material schedule and supporting information for the justification of the proposal.

**ASSESSMENT**

This report is to be read as an addendum report to the officer's original report, Report No. 3 of Strathfield Local Planning Panel meeting, held on 7 March 2019. This addendum report responds to the additional information submitted by the applicant and also the neighbor at No.60 Beresford Road.

This report will set out the additional matters raised by the Strathfield Local Planning Panel and whether these matters have been addressed in subsequent submission of information. It then sets out the previous recommended reasons for refusal and whether these matters have been addressed by the applicant.

**Matters Raised by the Local Planning Panel**

The March Local Planning Panel resolved that there was insufficient information lodged with the application to enable its determination at the time. The Panel requested the submission of amended plans/ additional documents to resolve a number of outstanding issues and these are listed below, along with the officer's response to the additional information submitted by the applicant on 22 March 2019.

*a) Assessment under SEPP 1 and a written objection to vary the height standard*

Chapter 3, Part 4, Clause 40 of the Seniors Housing SEPP sets out development standards to be complied with and an assessment of the proposal against the standards is provided in the table below. Clause 40(1) sets out that a consent authority must not consent to a development application made pursuant to this Chapter unless the proposed development complies with the standards specified in this Clause.

The applicant has submitted a State Environmental Planning Policy No 1 – Development Standards (SEPP 1) objection to vary the development standards set out in Clause 40(4)(a) and (b) of the Seniors Housing SEPP which are:

- (a) the height of all buildings in the proposed development must be 8 metres or less, and*
- (b) a building that is adjacent to a boundary of the site (being the site, not only of that particular development, but also of any other associated development to which this Policy applies) must be not more than 2 storeys in height, and*

*Note. The purpose of this paragraph is to avoid an abrupt change in the scale of development in the streetscape.*

The submitted SEPP 1 objection addressed the relevant clauses of SEPP 1 as follows:

The aims and objectives of SEPP 1 are set out in Clause 3 and are to:

*Provide flexibility in the application of planning controls operating by virtue of development standards in circumstances where strict compliance with those standard would, in any particular case, be unreasonable or unnecessary or tend to hinder the attainment of the objects specified in section 5 (a) (i) and (ii) of the Act.*

**ADDENDUM REPORT - DA No. 2018/041 - 81-85 Albert Road and 58 Beresford Road, Strathfield - Lot 2, 7 & 8 DP 20594 (Cont'd)**

It is noted that Section 5(a)(i) and (ii) of the EP&A Act 1979 referred to in Clause 3 have been superseded. However, it is noted that they originally stated:

- (i) the proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forests, minerals, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment,*
- (ii) the promotion and co-ordination of the orderly and economic use and development of land,*

The objects referred to in SEPP 1 are not strictly represented in the current version of the EP&A Act 1979 however, Sub clauses (i) and (ii) are best reflected in cl 1.3(a) and (c) of the Act, which state:

- (a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,*
- (c) to promote the orderly and economic use and development of land,*

**Applicants response:**

- The height development standard under the SLEP 2012 is more generous than the height standards set out in the Seniors Housing SEPP
- The variations to the height standards are minor, including one additional storey (from 2 to 3 storeys) and an exceedance to the height development standard of 800mm (10%)
- Despite the additional storey, there is no abrupt change in height between buildings evident in any of the streetscape views of the site and adjoining development, which is densely screened by vegetation along the street frontage and boundary between allotments. This is also due to the setbacks between the buildings and the shared boundary
- There is ~1.4m physical height difference between the proposed new building on 81 Albert Road and the existing building at 79 Albert Road
- The adjoining development has a 9.5m HOB limit, which is inconsistent with the height of building standard limit imposed under the Seniors Housing SEPP for the same zoned land.
- The height of building difference of the proposed alteration is below the height of building standard permitted under the SLEP 2012 and the potential of the adjoining site to redevelop to the height of building standard limit under the SLEP 2012 would potentially reverse any apparent perceived height discrepancies if the proposed building were limited to 8m in height.
- A pitched roof sitting above the 8m ceiling height standard expressed under the Seniors Housing SEPP could exceed the height of building standard under the SLEP 2012 to create a greater physical difference in building heights between the building than what is proposed.
- There is no adverse overshadowing or loss of privacy.
- Provide additional residential care beds, including for persons with dementia of which there is a demonstrable need
- The existing building is in need of renovation and there is a demonstrable need for additional care beds in the community, as well as catering for special needs of dementia residents
- The proposed renovations and additional rooms go directly to addressing a better environment for the social welfare of the existing, new and future residents of the facility
- The proposal is a responsible approach to the orderly and economic use of the existing land and development by renovation and building on an existing facility to take advantage of existing services, facilities and staffing
- The proposal provides modernised facilities with easier circulation for residents and staff

Clause 7 of SEPP 1 sets out when consent may be granted as follows:

**ADDENDUM REPORT - DA No. 2018/041 - 81-85 Albert Road and 58 Beresford Road, Strathfield - Lot 2, 7 & 8 DP 20594 (Cont'd)**

*Where the consent authority is satisfied that the objection is well founded and is also of the opinion that granting of consent to that development application is consistent with the aims of this Policy as set out in clause 3, it may, with the concurrence of the Director, grant consent to that development application notwithstanding the development standard the subject of the objection referred to in clause 6.*

Matters which shall be taken into consideration in deciding whether concurrence should be granted are set out in Clause 8 of SEPP 1 and include:

*The matters which shall be taken into consideration in deciding whether concurrence should be granted are:*

- (a) whether non-compliance with the development standard raises any matter of significance for State or regional environmental planning, and*
- (b) the public benefit of maintaining the planning controls adopted by the environmental planning instrument.*

**Applicants response:**

- The non-compliance with the development standard does not raise any matter of significance for State or regional environmental planning
- To comply with the development standards would be a disbenefit to the public as it would result in the reduction in number of rooms for aged care in an established facility that has been granted additional bed capacity by the Commonwealth funding. Furthermore, it would affect the allocation of care beds to dementia residents
- The adjoining site has a 9.5m height of building limit (under SLEP 2012) which is inconsistent with the height of building standard limit imposed under the Seniors Housing SEPP for land with the same zoning
- Despite the additional storey, there is no abrupt change in height between buildings evident in any of the streetscape views of the site and adjoining development, which is densely screened by vegetation along the street frontage and boundary between allotments. This is also due to the setbacks between the buildings and the shared boundary

The SEPP 1 objection is considered to be well-founded and has addressed the relevant Clauses of SEPP 1. A variation to Clause 40(4)(a) and (b) of the Seniors Housing SEPP can be accepted subject to conditions of consent which setback the uppermost floor from the front elevation of the levels below. This is so that the eastern side of the building at 81 Albert Road appears as a two storey development from the street. This will provide a more successful height and scale transition between the R2 and R3 zoned properties along Albert Road, in accordance with the purpose of the development standard of Clause 40(4)(b) of the Seniors Housing SEPP.

*Site amalgamation*

The applicant has submitted a Statutory Declaration by the owner of the subject site which, details attempts made to purchase No.60 Beresford Road. A Core Logic Valuation Report has been submitted for No 60 Beresford Road, dated 28 July 2017.

The assessment contained within the officers report for the March SLPP meeting is reiterated, particularly with the applicability of Part C – Multiple Unit Housing contained within SDCP 2005, and the Planning Principle for site amalgamation set out in *Karavellas v Sutherland Shire Council [2004] NSWLEC 251*.

With consideration to the site amalgamation planning principle, the general questions to be answered are:

- *'Firstly, is amalgamation of the sites feasible?*

**ADDENDUM REPORT - DA No. 2018/041 - 81-85 Albert Road and 58 Beresford Road, Strathfield - Lot 2, 7 & 8 DP 20594 (Cont'd)**

*The principles to be applied in determining the answer to the first question are set out by Brown C in **Melissa Grech v Auburn Council** [2004] NSWLEC 40. The Commissioner said:*

*Firstly, where a property will be isolated by a proposed development and that property cannot satisfy the minimum lot requirements then negotiations between the owners of the properties should commence at an early stage and prior to the lodgement of the development application.*

*Secondly, and where no satisfactory result is achieved from the negotiations, the development application should include details of the negotiations between the owners of the properties. These details should include offers to the owner of the isolated property. A reasonable offer, for the purposes of determining the development application and addressing the planning implications of an isolated lot, is to be based on at least one recent independent valuation and may include other reasonable expenses likely to be incurred by the owner of the isolated property in the sale of the property.*

*Thirdly, the level of negotiation and any offers made for the isolated site are matters that can be given weight in the consideration of the development application. The amount of weight will depend on the level of negotiation, whether any offers are deemed reasonable or unreasonable, any relevant planning requirements and the provisions of s 79C of the Environmental Planning and Assessment Act 1979.*

On this matter the applicant has submitted a Statutory Declaration by the owner of the subject site, which sets out his version of attempts made to purchase No.60 Beresford Road as follows:

- Late 2013 – Offer made of \$1.8 million, the owner of No.60 Beresford Road rejected the offer and requested \$2.5 million.
- Mid 2014 – Offer made of \$2.5 million, the owner of No.60 Beresford Road rejected the offer and requested \$3.5 million.
- May 2015 – Jesmond indicated willingness to purchase No.60 Beresford Road however the owners advised that they did not want to sell. No price discussed.
- May 2016 - Jesmond indicated willingness to purchase No.60 Beresford Road however they were advised by relatives that the owners would not sell. No price discussed.
- May 2017 - Offer made of \$4.8 million, the owner of No.60 Beresford Road rejected the offer and requested \$6.4 million.
- July 2017 – No.60 Beresford Road requested \$5.8-\$5.9 million. Jesmond had Core Logic Valuation Report detailing the value of No.60 Beresford Rd as \$2.4-2.65 million and so did not make an offer.

The neighbour at No. 60 Beresford Road also submitted Statutory Declarations setting out their version of events with regards to attempts made to purchase the site. These Statutory Declarations deny that the attempts dated late 2013, mid 2014 and May 2017 occurred. In regards to the May 2016 attempt, the neighbour sets out that they said that their property was worth in the vicinity of \$3.5 million but did not hear from Jesmond after this. The neighbour's Statutory Declaration also notes that an attempt was made by Jesmond to purchase their site 6-7 years ago however, this was not detailed by the applicant.

It is evident that the Statutory Declarations submitted by the applicant and owner of 60 Beresford Road are contradictory and do not provide reliable evidence of negotiations between the owners of the properties.

Notwithstanding the inconsistencies around the alleged July 2017 offer, the applicant has still not provided evidence that this was a genuine and reasonable offer, based on at least one recent independent valuation (dated within 3 months of the date of the development application lodgement) and which takes account the value of the land as a development site.

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The Core Logic Valuation report does not qualify on this basis, as it is dated 28 July 2017 and it is not clear as to whether this valuation takes into account the value of the land as a development site. Furthermore, a reasonable offer should include any other reasonable expenses likely to be incurred by the owner of the isolated property in the event of the sale of the property.

- *Secondly, can orderly and economic use and development of the separate sites be achieved if amalgamation is not feasible?’*

*‘In the decision **Cornerstone Property Group Pty Ltd v Warringah Council** [2004] NSWLEC 189, I extended the principles of *Brown C* to deal with the second question and stated that:*

*The key principle is whether both sites can achieve a development that is consistent with the planning controls. If variations to the planning controls would be required, such as non compliance with a minimum allotment size, will both sites be able to achieve a development of appropriate urban form and with acceptable level of amenity.*

*To assist in this assessment, an envelope for the isolated site may be prepared which indicates height, setbacks, resultant site coverage (both building and basement). This should be schematic but of sufficient detail to understand the relationship between the subject application and the isolated site and the likely impacts the developments will have on each other, particularly solar access and privacy impacts for residential development and the traffic impacts of separate driveways if the development is on a main road.*

*The subject application may need to be amended, such as by a further setback than the minimum in the planning controls, or the development potential of both sites reduced to enable reasonable development of the isolated site to occur while maintaining the amenity of both developments.*

In considering this second matter, No.60 as an isolated site would not satisfy the minimum area requirement of 1,000sqm detailed in SLEP 2012 and a 30 metre frontage width for multiple-unit housing as set out in Part C of the SDCP 2005. Furthermore, the applicant has failed to submit an envelope for the isolated site, indicating the height, setback and/or the resultant site coverage to demonstrate whether it is capable of successfully being redeveloped as an isolated site. Subsequently no analysis has been provided on the likely impacts the developments will have on each other, such as solar access, visual and acoustic privacy and the impact of development of the isolated site on the streetscape.

In answering this question the applicant has relied upon the previous development of individual sites along the same side of Beresford Road for multiple-unit housing. However, these sites were redeveloped prior to the adoption of SLEP 2012 and No.60 Beresford Road does not meet the minimum lot size for multiple unit housing within SLEP 2012. The applicant fails to answer this question posed by the Planning Principle as they have not submitted an envelope for the isolated site demonstrating a suitable development could be achieved on the site. This is required to provide a degree of certainty in answering this question.

In consideration of the above, as the proposal would result in the isolation of No.60 Beresford Road and the abandonment of the amalgamation pattern, the applicant has still not satisfied the requirements of the Planning Principle for site amalgamation. As such, this remains an outstanding matter and the previously recommended reason for refusal remains pertinent.

**ADDENDUM REPORT - DA No. 2018/041 - 81-85 Albert Road and 58 Beresford Road, Strathfield - Lot 2, 7 & 8 DP 20594 (Cont'd)***Plan of management, including site deliveries and waste management*

The applicant has submitted a Plan of Management (Section 3.0 of the Additional Information Report) which includes details of the site deliveries and waste management for the Panel's consideration.

*The applicant may wish to amend the plans in the light of submissions made to resolve community concerns, including side boundary fencing, laundry impacts, existing mechanical plant, landscaping and material finishes and colours.*

In the amended submission, the applicant has considered a number of community concerns raised at the March Planning Panel meeting (Section 4.0 of the Additional Information Report). The applicant has incorporated the following amendments:

- i. Replacement of all existing window louvre screens to the north-east façade with fixed louvre privacy screens;
- ii. Replacement of the existing eastern side boundary fence shared with No. 79 Albert Road with a 1.8m high boundary fence; and
- iii. Indicated willingness to replant along the eastern side boundary to provide additional screening to the neighbouring property (to be conditioned).

**Previous Recommended Reasons for Refusal**

1. *A written request under State Environmental Planning Policy No. 1 Development Standards has not been received in order for the Council to consider the acceptability of a variation to the height development standards set out in Chapter 3, Part 4, Clause 40(4)(a) and (b) of the State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004.*

The applicant has submitted a revised SEPP 1 objection and it is considered to be well-founded. The variation to the height development standard can be accepted, subject to the imposition of conditions requiring the uppermost level of the eastern portion of the Albert Road building located on R2 zoned land being of recessive scale, in the form of an attic-style form, set in from the eastern and southern elevations below no less than 2500mm. This is so that the eastern side of the building at No.81 Albert Road provides an appropriate height and building form transition between the R2 and R3 zones along Albert Road which is seemingly residential nature (as opposed to commercial) in built form. Such condition would be consistent with the purpose of the development standard of Clause 40(4)(b) of the Seniors Housing SEPP.

2. *The written request made by the applicant pursuant to Clause 4.6 of the Strathfield Local Environmental Plan 2012 to vary the height development standard contained in Clause 4.3 of the Strathfield Local Environmental Plan 2012 is not well founded and there are insufficient planning grounds to justify contravening the standard.*

The applicant has submitted a revised Clause 4.6 Variation to vary the height of building development standard (set out in Clause 4.3) of SLEP 2012.

The applicant provides the following environmental planning grounds in support of their revised request:

- The particular roof form for the western wing on Albert Road has been derived to complement the Albert Road streetscape although from the street it is generally not possible to discern the roof forms of adjoining buildings as a visual continuum;

**ADDENDUM REPORT - DA No. 2018/041 - 81-85 Albert Road and 58 Beresford Road, Strathfield - Lot 2, 7 & 8 DP 20594 (Cont'd)**

- The western wing roof exceeds the height plane mainly due to the roof gable and dormer at the front and as the building extends northwards along the western façade. These roof elements along the southern façade facing Albert Road are all below 10% variable, which is less than the adopted 10% variable guideline. Other elements of the parapet and lift over runs exceed the height plane along the western façade and centre part of the building which are out of public domain view;
- The roof form of the rear part of the western wing above the new reception area also exceeds the height plane but those elements exist and virtually wholly within the centre of the Site and would have no discernible effect;
- The roof form does not result in any significant additional overshadowing;
- The new building height is controlled in part by the existing ground floor level of the western wing. One of the issues in the existing building is that there is a number of varying floor levels which makes access, servicing and circulation difficult and unsatisfactory and so the proposed alterations and additions would rationalise the floor levels for improved access;
- The western wing has a building height exceedance of ~1.6m or ~16.8% about half way along the western wall. This maximum height exceedance for the new western wing is due to the slope of the ground falling to the north and maintaining the floor level near to ground level along the Albert Road frontage. It would not be appropriate in this instance due to circulation issues to step the building down the slope to match the maximum building height plane;
- The proposal is consistent with the objectives of the R2 and R3 zone under SLEP 2012
- Provides for the housing needs of residents by providing additional care facility beds including for persons with dementia;
- There is a 4.6m separation between the building and the adjoining heritage item to the west and 18m open and landscaped setback from the Albert Road frontage, which contains a driveway access along the western boundary that ramps does to the rear.

The applicant has provided a more detailed and robust Clause 4.6 variation to the height development standard. It is considered unreasonable and unnecessary to require the development to comply with the height standard of Clause 4.3 of the SLEP 2012 in that:

- i. The proposal provides additional beds within the existing facility, including for persons with dementia of which there is an identified need;
- ii. The extent of the non-compliance is seemingly minor, if an appropriately scaled upper level in the composition of an attic-like form was provided which was setback not less than 2500mm from the eastern and southern elevations of the levels below. This is to provide a more successful height transition between the R2 and R3 zones;
- iii. A stepped building which responds to the levels of the site would adversely affect the internal circulation and access where level access is important for the safe operation of the care facility;
- iv. A Deferred Commencement condition could be imposed requiring a revised materials and colours schedule, and additional planting along the western side boundary to improve the overall relationship to the adjoining heritage item.

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3. *The proposal does not result in the efficient and spatially appropriate use of land, as it results in the isolation of No.60 Beresford Road, and thereby undermining the neighbouring sites redevelopment potential. As such, the proposal is contrary to Clause 1.2(2)(b) of the Strathfield Local Environmental Plan 2012*

As detailed earlier in this addendum report, this reason for refusal has not been addressed.

4. *The proposal does not align with the desired medium density consolidation pattern for No.58 and No.60 Beresford Road, Strathfield, as set out in Appendix 1 of Part C of the Strathfield Consolidated Development Control Plan 2005*

As detailed earlier in this addendum report, this reason for refusal has not been addressed.

5. *The proposal is not of good design, by reason of the excessive height, unarticulated facades, reduced front and side setback, unsuccessful height transition between zones, predominate flat roof form and materials and finishes which do not accord with the character of the surrounding area, and thereby does not accord with the aims of Chapter 2, Clause 2(c) of the State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 and Part Q of the Strathfield Consolidated Development Control Plan 2005.*

The amended plans and additional information have justified the overall height of the building and breach of development standards (through the submission of a SEPP 1 objection and Clause 4.6 variation). A condition is recommended requiring the uppermost level of the eastern portion of the Albert Road building located on R2 zoned land being of recessive scale, in an attic-style form, set in from the eastern and southern elevations below not less than 2500mm in order to minimize the apparent wall height and provide a more appropriate scale and building form transition between the R2 and R3 zoned land. This would also address the concerns regarding the proposed roof form.

Whilst the articulated facades and front and side setbacks have not been amended, additional information was provided to demonstrate that the proposal appears to be of good design when viewed from the street.

Officers concerns remain outstanding relating to the extent, colour and quality of the CFC panels on the front elevation, and loss of substantial landscaping adjacent to the western side boundary. Conditions are recommended with regards to the submission of a revised materials and finishes schedule, and additional landscaping adjacent to the western side boundary.

Overall, this recommended reason for refusal can be addressed, subject to the imposition of conditions.

6. *The proposed building height of the Albert Road building is not compatible with the scale of adjacent development, and does not provide a gradual stepping of the built form at its interface with existing low rise development, thereby contrary to Part Q of the Strathfield Consolidated Development Control Plan 2005.*

The applicant has submitted a revised SEPP 1 objection and Clause 4.6 Variation Statement which adequately justifies a variation to the height development standards of the Seniors Housing SEPP and SLEP 2012. However, acceptance of the variation is on the basis of the imposition of a condition requiring the uppermost level of the eastern portion of



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the Albert Road building requiring the uppermost level of the eastern portion of the Albert Road building located on R2 zoned land being of recessive scale. The uppermost level is to take the composition of an attic-style built form, set in from the eastern and southern elevations below not less than 2500mm. This is so that the eastern side of the building at No.81 Albert Road provides an appropriate height and building form transition between the R2 and R3 zones along Albert Road and remains seemingly residential nature (as opposed to commercial) in built form. Subject to the imposition of a condition requiring architectural amendments to the uppermost level, the recommended reason for refusal is addressed.

7. *The proposal does not provide safe pedestrian links within the site, in particular between the two residential care facility buildings, and accordingly does not comply with the accessibility design principle of Chapter 3, Part 3, Division 2, Clause 38 of the State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*

The additional information and plans have confirmed that the rear access to the Albert Road building would be secured at all times, and boom gates installed between the residential care buildings and at the entrance of the ambulance bay. These measures are considered suitable to provide a safe pedestrian link between the two (2) buildings on the site.

8. *The proposal does not conserve the significance of the adjacent heritage item, and is contrary to Clause 1.2(2)(f) and Clause 5.10 of the Strathfield Local Environmental Plan 2012, and Clause 33(b) of the State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*

A condition is recommended requiring the submission of a revised materials and colours schedule which increases the extent of face brick and reconsiders the extent, quality and colour of the CFC panels, and replanting of substantial vegetation within the landscaped strip adjacent to the western side boundary. This is to improve the visual relationship with the adjacent heritage item. Subject to the imposition of a condition by way of Deferred Commencement, this recommended reason for refusal is addressed.

9. *The proposed new building is not setback to be sympathetic with the existing predominate building line of properties on the south-eastern side of Beresford Road, and does not accord with the design principle set out in Clause 33 of the State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*

The amended plans and additional information fail to adequately address the reason for refusal. Appendix 5 of the Additional Information package indicates a predominate residential front building line along Beresford Road. The proposed building on Beresford Road is not consistent with this (nor the anomaly located on the adjacent property at No.60 Beresford Road).

10. *The proposed Beresford Road building results in a sense of enclosure and cumulative visual overbearing appearance, thereby it does not comply with Clause 33 of the State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*

The additional information and revised plans have not addressed this reason for refusal.

11. *The proposal does not achieve high quality urban form exhibiting design excellence and does not accord with Clause 1.2(2)(a) of the Strathfield Local Environmental Plan 2012*

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The proposal is considered to be capable of achieving high quality design, subject to the imposition of conditions which delete the Beresford Road building from the proposal, and require the submission of an amended landscape plan (to improve landscaping adjacent to side and rear boundary) and material and finishes schedule (to increase the extent of face brick and reconsider the extent and colour of the CFC panels).

12. *The proposal results in the loss of substantial landscaping, and reduces the width of the landscaping strip adjacent to the south-western side boundary, thereby comprising the ability of substantial landscaping to grow, resulting in an adverse visual impact to the street and neighbouring property at 87-89 Albert Road.*

The additional information submitted provided a statement from the landscape architect confirming that substantial planting can be achieved within the landscape strip adjacent to the south-western side boundary. However, the amended plans did not include any additional landscaping beyond that which was previously proposed. A condition is recommended requiring an amended landscaping plan to include the replanting of substantial landscaping adjacent to the south-western side boundary. Subject to the imposition of a condition, this recommended reason for refusal could be addressed.

**Summary**

The outstanding reasons for refusal not addressed by the submission of additional information, primarily relate to the proposed building at No.58 Beresford Road. The amended submission provides greater clarity on issues relating to access, noise, and emergency procedures. Consideration of the justifications detailed in the amended Cl.4.6 variation and the submission of the SEPP 1 objection supports a reasonableness in favouring the presence of a submissive built element on the uppermost level of the building fronting Albert Road located within the R2 zone.

In light of this, a Deferred Commencement consent is recommended which includes conditions requiring the deletion of development located on Beresford Road, the incorporation of a passive upper level that is set in from the eastern and southern elevations in the component of the building located on R2 zoned land, submission of a revised landscape plan and schedule of materials and finishes.

**CONCLUSION**

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

Signed: Rachel Gardner  
**Senior Development Assessment Planner**

**PEER REVIEW**

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

Signed: Kandace Lindeberg  
**Executive Manager, Statutory Planning**

**RECOMMENDATION**

In consideration of the written request made by the applicant pursuant to Clause 4.6 of the

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Strathfield Local Environmental Plan 2012, the consent authority is satisfied that compliance with the development standard contained in Clause 4.3 (Building Height) of the SLEP 2012 is well founded and that there are sufficient environmental planning grounds to justify contravening the development standard.

In consideration of the written request made by the applicant pursuant to State Environmental Planning Policy No 1 – Development Standards, the consent authority is satisfied that compliance with the development standard contained in Clause 40(4) of the State Environmental Planning Policy (Housing for Seniors of People with a Disability) 2004 is well founded and that there are sufficient environmental planning grounds to justify contravening the development standard.

That Development Application No. 2018/041 for the alterations and additions to the existing aged care facility involving the demolition of the dwelling at 58 Beresford Road, and construction of a new community building as well as partial demolition of the existing aged care facility and construction of a new three (3) storey care wing with new car parking facilities at 81-85 Albert Road and 58 Beresford Road be **APPROVED**, subject to the following conditions:

**1. DEFERRED COMMENCEMENT CONDITIONS (DC)****1.1 DEFERRED COMMENCEMENT APPROVAL**

This is a Deferred Commencement Consent under Section 4.16(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 4.16(3) of the EP&A Act 1979)

**SCHEDULE A****D1 AMENDED PLANS**

The building located on Beresford Road is to be deleted and amended plans which reflect its deletion are to be submitted to Council. Amended plans include:

- Full set of Architectural plans;
- Landscape plans which incorporate additional landscaping across the portion of the rear boundary (No.81-85 Albert Road, Strathfield) shared with No.58 Beresford Road;
- Detailed Stormwater Management Plan consistent with Council's Stormwater Management Code, prepared and certified by a practicing Chartered Professional Engineer on the National Professional Engineer's Register (NPER) at Engineers Australia with updated calculations.

The above listed documents are to be submitted to the Council for approval.

(Reason: To delete the Beresford Road building from the proposal and ensure

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adequate landscaping and stormwater management is provided by the remainder of the site.)

**D2 UPPER LEVEL OF EASTERN PORTION OF ALBERT ROAD BUILDING**

The second level of the eastern portion of the Albert Road building, for the extent to which the building is located on R2 zoned land, is to be set in no less than 2500mm on the eastern and southern elevations and comprise an attic-style built form such that the scale and built element of the uppermost level and roof element remains recessive to the levels immediately below.

Amended plans satisfying the requirements of this condition are to be submitted to and approved by Council.

(Reason: To improve the height and building form transition between the R2 and R3 zoned land.)

**D3 SCHEDULE OF MATERIALS AND COLOURS**

A revised schedule of materials, finishes and colours is to be submitted to the Council for approval. The amended schedule of materials, finishes and colours is to increase the extent of face brick on the front façade of the building fronting Albert Road, and reconsider the extent, colour and quality of the CFC panels.

(Reason: To improve the appearance of the building within the streetscape, to positively respond to the character of the surrounding area and adjacent heritage listed buildings.)

**D4 LANDSCAPING PLAN**

A revised Landscaping Plan is to be submitted to the Council for approval. The Landscape Plan is to include:

- The planting of a minimum of three (3) additional trees with a minimum mature height of 10 metres at the northern end of the landscape strip adjacent to the south-western side boundary; and
- Planting of substantial plants along the eastern side boundary shared with No. 79 Albert Road, Strathfield to provide privacy screening.

(Reason: To increase the extent of substantial soft landscaping across the site and to improve the amenity of neighbouring properties.)

**2. SPECIAL CONDITIONS (SC)****2.1 STAINED GLASS WINDOW (SC)**

The 1891 stained glass window identified for reuse in the new building must be removed with great care to avoid damage, where possible, to the glazing units or the spread of hazardous materials arising from any degraded lead comes. The applicant must seek the advice of a stained glass conservator familiar with historic stained glass regarding the appropriate removal, handling, remediation, storage and restoration of the stained glass window. This advice must be sought prior to the issue of the Construction Certificate or the commencement of works on the site,

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whichever occurs first.

*(Reason: To protect significant elements and achieve a good heritage outcome)*

**2.2 INTERPRETATION (SC)**

The historical development of Agincourt is to be the subject of interpretation by the use of introduced devices (e.g. plaques, signage) that illustrate the history and development of the site. Details of the interpretative devices to be installed must be submitted to Council prior to the issue of the Construction Certificate.

*(Reason: To ensure that appropriate interpretation of "Agincourt" is included in the new development)*

**2.3 TREE REMOVAL METHOD (SC)**

Trees 7, 15-21 and 35 are noted to contain hollows suited to habitation by arboreal fauna;

1. The removal of these trees is to be conducted in a manner that will not harm any fauna that may be present,
2. A registered wildlife carer is to be on-site during the removal of these trees to manage any fauna that may be displaced,
3. Hollow sections of trunks and branches are to be retained within the proposed landscape to provide shelter for ground dwelling fauna.

*(Reason: To protect habitation by arboreal fauna.)*

**2.4 NOISE MITIGATION (SC)**

All plant and machinery on-site must have broadband quakers where work health and safety is appropriately considered to reduce noise nuisances to neighbouring properties.

*(Reason: To minimise noise impacts to neighbouring properties.)*

**2.5 DELIVERIES (SC)**

Deliveries during demolition and construction must occur during hours of operation.

*(Reason: To minimise traffic impacts and amenity impacts to neighbours.)*

**2.6 LOADING AND UNLOADING (SC)**

All loading and unloading is to occur on the premises. There is to be no loading or unloading on the street or within driveways.

*(Reason: To ensure safety on the site, and to minimise traffic impacts.)*

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**2.7 DUST NUISANCE MITIGATION (SC)**

The site is sealed/ adequately vegetated to reduce dust nuisances during demolition, construction and ongoing use. If dust nuisance complaints are received, the business must implement and apply dust mitigation procedures where appropriate.

(Reason: To minimise adverse dust impacts.)

**2.8 SEDIMENT AND EROSION CONTROL MEASURES (SC)**

All sediment and erosion control measures must comply with Soil and Construction Volume One; Managing Urban Stormwater March 2004.

(Reason: To minimise adverse dust impacts.)

**3. GENERAL CONDITIONS (GC)**

**3.1 APPROVED PLANS AND REFERENCE DOCUMENTATION (GC)**

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

Plans affixed with Council's 'Development Consent' stamp relating to Development Consent No. 2018/041:

Drawing No.	Title/Description	Prepared by	Issue / Revision & Date	Date received by Council
DA-1	Site Analysis Plan	GMD Architects	B – 08.10.2018	22 March 2019
DA-2	Site & Roof Plan	GMD Architects	C – 22.03.2019	22 March 2019
DA-3	Existing/ Demolition Plans	GMD Architects	B – 08.10.2018	22 March 2019
DA-4	Ground Floor Plan	GMD Architects	B – 08.10.2018	22 March 2019
DA-5	First Floor Plan	GMD Architects	B – 08.10.2018	22 March 2019
DA-6	Second Floor Plan	GMD Architects	B – 08.10.2018	22 March 2019
DA-7	Lower Ground Floor Plan	GMD Architects	C – 22.03.2019	22 March 2019
DA-8	Elevations 1	GMD Architects	B – 08.10.2018	22 March 2019
DA-9	Elevations 2	GMD Architects	C – 19.03.2019	22 March 2019
DA-10	Sections	GMD Architects	B – 08.10.2018	22 March 2019
DA-13	Streetscape Elevation Albert & Beresford Rd	GMD Architects	B – 08.10.2018	22 March 2019
DA-14	Existing and	GMD	B – 08.10.2018	22 March 2019

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	Proposed Landscaping	Architects		
LP01	Landscape Plan 01	Landscape Architecture Pty Ltd	Issue D	16 October 2018
LP02	Landscape Plan 02	Landscape Architecture Pty Ltd	Issue D	16 October 2018
LP03	Sensory Garden & Schedule	Landscape Architecture Pty Ltd	Issue D	16 October 2018
LP04	Communal Garden	Landscape Architecture Pty Ltd	Issue D	16 October 2018
SW01	Site and Roof Plan	Sparks & Partners	Rev A	29 March 2018
SW02	Lower Ground Floor Plan	Sparks & Partners	Rev A	29 March 2018
SW03	Ground Floor Plan	Sparks & Partners	Rev A	29 March 2018
SW04	First Floor Plan	Sparks & Partners	Rev A	29 March 2018
SW05	58 Beresford Plans	Sparks & Partners	Rev A	29 March 2018
SW06	Detail Sheet No. 1	Sparks & Partners	Rev A	29 March 2018
SW07	Erosion & Sediment Control Plan	Sparks & Partners	Rev A	29 March 2018
SW08	WSUD Catchment Plan	Sparks & Partners	Rev A	29 March 2018

Reference Documentation affixed with Council's 'Development Consent' stamp relating to Development Consent No.2018/041:

Title / Description	Prepared by	Issue/Revision & Date	Date received by Council
Accessibility Design Report	ABE Consulting	Dated 27 February 2018	29 March 2018
Acoustic Report	Vipac Engineers & Scientists Limited	Dated 8 March 2018	29 March 2018
Arboricultural Impact Report	Above All Tree Services	Dated 1 March 2018	29 March 2018
Heritage Impact Statement	John Oultram Heritage & Design	Dated March 2018	29 March 2018
Water Sensitive Urban Design Report	Sparks & Partners	Dated 15 December 2017	29 March 2018
Waste Management Plan	Jesmond Aged Care	Dated 30 January 2018	29 March 2018
Staging & Construction Management Report	GMD Architects Pty Ltd	Dated 22 January 2018	29 March 2018
Flood Risk Management Report	Sparks & Partners	Dated 16 February 2018	29 March 2018
Construction Traffic	ML Traffic Engineers	Dated February 2018	29 March 2018

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Management Plan			
Traffic & Parking Impact	ML Traffic Engineers	Version 1b	16 October 2018
Plan of Management (section 3.0 of Additional Supplementary Information)	McKenzie Land Planning Services Pty Limited	-	22 March 2019

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

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

**3.2 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.)

**3.3 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.)

**3.4 DEMOLITION – GENERALLY (GC)**

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

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

**3.5 DEMOLITION - SITE SAFETY FENCING (GC)**

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

If applicable, a separate Hoarding Application for the erection of an A class (fence type) or



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B class (overhead type) hoarding/fencing along the street frontage(s) complying with WorkCover requirements must be obtained including:

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

(Reasons: Statutory requirement and health and safety.)

**3.6 LANDSCAPING - TREES REMOVALS AND REPLACEMENTS (GC)**

Trees numbered 4-9, 13, 15-25, 27-31, 35-36 and 40 in the approved Arboricultural Report have been assessed as low to medium retention value and are recommended for removal as part of the proposed works.

A minimum of eight (8) replacement trees that will attain a minimum height of 10 metres at maturity, are to be planted within the site and additionally one (1) replacement *Lophostemon confertus* (Brush Box) is to be planted within the area available following the removal of the existing driveway to the north-eastern section of the Albert Road frontage.

All trees permitted to be removed by this consent shall be replaced (two (2) trees for each tree removed) by species selected from Council's Recommended Tree List and must have a minimum mature height of ten (10) metres.

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

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.)

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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 Section 4, Tree protection measures, and Appendix C Tree Protection Zone Sign, of Australian Standard AS4970 - 2009, Protection of Trees on Development Sites, prior to the commencement of any works (including any demolition and excavation) and maintained for the duration of the works.

In this regard the street tree and all protected trees on or adjacent to the site will be protected as described below;

- i. A Tree Protection (Management) Plan prepared by a AQF Level 5 Arborist is to be available on site at all times prior to the issue of the Construction Certificate, for all demolition and site works. This Tree Protection (Management ) Plan must be shown on the demand of Authorised Council staff.
- ii. Protective perimeter fencing must be consistent with AS 4687, using metal fence posts greater than 20mm diameter and solid or chain wire mesh 2 metres in height supported on concrete pads/feet at 2-2.5 metre spacing. Fencing placement should not be closer than 2.5 metres from the trunk of each protected tree, or at a distance as specified by the approved Tree Protection (Management) Plan and approved by Council's Tree Management Officer. Shade cloth is to be used to prevent entry of dust and contaminated liquids into the root protection area.
- iii. Signs must be placed on the Fencing. These signs must comply with AS1319. The signs must state the purpose of the fencing and the name and contact details of the builder and the appointed AQF Level 5 consultant arborist.
- iv. Root protection is to be provided in the form of mulching to a depth of 50-100mm, inside of the fenced tree protection zone.
- v. Ground (Root) Trunk and Branch Protection must comply with the diagram of Figure 4 of AS4970 – 2009. Ground protection within the tree protection zone and drip line should be in the form of heavy steel plates or timber rumble boards over mulch or aggregate. Trunk and branch protection should be to a minimum height of 2 metres and must include measures to protect the tree/s against damage from the movement of trucks, plant equipment and materials at greater heights above ground level.
- vi. Temporary signs, cables, wires must not be attached to, or suspended, on any street tree or protected tree.
- vii. Above ground utilities must not be placed within the canopy of an existing protected tree, or create the future need for clearance pruning.
- viii. Below ground utilities/services must not be located inside the fenced tree protection zone.
- ix. Scaffolding must not be located in the fenced tree protection zone unless authorised by the approved Tree Protection (Management) Plan and Council's Tree Management Officer
- x. Council must be notified in writing within 24 hours, for all temporary removal of the tree protection fencing ground (root) trunk and branch protection within the root protection area.
- xi. Pruning of a street tree is prohibited without the written consent of Council.

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

**3.8 LANDSCAPING - TREE PROTECTION (GC)**

Trees numbered 1, 2, 3, 10-12, 14, 26, 32-34, 37-39 and 41-67 in the approved Arboricultural Report are to be retained and protected as part of the proposed works. Tree protection measures are as follows:

- a. All development and construction documentation to be amended to show the retention of trees numbered 1, 2, 3, 10-12, 14, 26, 32-34, 37-39 and 41-67, including accurate location of the trunk, canopy circumference and Tree Protection Zone (TPZ).
- b. Except for the proposed basement access stairs, the area between the building and the north-eastern property boundary and the area to the east of tree number 14, are to be treated with soft landscape works including planting and permeable paving on or above existing grade. Footings for proposed seats and gazebo within TPZ areas are to be excavated by hand or Airspade under the supervision of a minimum AQF Level 5 Arborist, and adjusted where necessary to avoid the severing of tree roots greater than 50mm diameter.
- c. The proposed driveway adjacent to tree number 41 is to be constructed on or above existing grade.
- d. All proposed storm water and underground services proposed within the TPZ areas for trees numbered 11, 14 and 42 are to be installed using Airspade, hand excavation under the supervision of a minimum AQF Level 5 Registered Arborist. The Arborist is to cleanly sever the tree roots less than 50mm diameter using sharp sterilised secateurs or hand saw. Where roots greater than 50mm in diameter are encountered the Arborist is required to make a decision for either severing of the tree root or adjustment to the relocation of the proposed service.
- e. The existing boundary fences are to remain in place for the duration of the works to act as tree protection fencing for trees to be retained within adjoining properties.
- f. Proposed silt fence locations are to be adjusted to go around the perimeter of the fenced tree protection areas for trees numbered 3 and 14.
- g. Prior to the commencement of works on site, tree protection fencing using 1.8 metre high chainmesh fence with 50mm posts will be required to be installed in the locations shown at Appendix D – Tree Impact & Protection Plan. Signs will be required to be placed on the fences and are to clearly identify the areas as Tree Protection Areas and supply the name and contact details for the Project Arborist.

The following activities should not be undertaken within the fenced tree protection areas for the trees: driving of vehicles or plant, excavation, storage of materials or fill, preparation of chemicals and cement products, dumping of waste and/or wash down or cleaning of equipment.

Tree protection fencing is to be removed at the completion of building construction works to allow for the installation of fencing, soft landscaping and permeable paving within the TPZ areas.

- h. Any excavations for approved works within marked TPZ's for trees to be retained will be required to be undertaken by hand or using Airspade and supervised by a minimum AQF Level 5 Arborist. No roots larger than 50mm diameter are to be severed without prior

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approval from the Project Arborist. Any smaller roots that are required to be severed are to be cleanly cut using a sterilised hand saw or secateurs.

(Reason: To ensure tree preservation and pruning is undertaken in accordance with AS4373:2007 – Pruning of amenity trees.)

**3.9 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.)

**3.10 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.)

**3.11 SITE MANAGEMENT (DURING DEMOLITION AND CONSTRUCTION WORKS)**

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

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

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

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

**3.12 WASTE – TRACKABLE (GC)**

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

(Reason: To ensure compliance with legislation.)

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Prior to the exportation of waste (including fill or soil) from the site, the waste materials must be tested and classified in accordance with the provisions of the protection of the environment operations act 1997 and the NSW EPA waste classification guidelines, part 1: classification of waste (November 2014). Testing is required prior to off-site disposal. In accordance with DECC waste classification guidelines (2014) materials identified for off-site disposal must be removed by a suitably qualified contractor to an appropriately licensed waste facility.

Note: attention is drawn to part 4 of the NSW DECC waste classification guidelines (2014) which makes particular reference to the management and disposal of acid & potential acid sulfate soils. The classification of the material is essential to determine where the waste may be legally taken. The protection of the environment operations act 1997 provides for the commission of an offence for both the waste owner and the transporters if the waste is taken to a place that cannot lawfully be used as a waste facility for the particular class of waste. For the transport and disposal of industrial, hazardous or group a liquid waste advice should be sought from the EPA.

Evidence that the requirements specified above have been satisfied must be provided to the Council and/or Principal Certifying Authority prior to the issue of an occupation certificate. Where an occupation certificate is not required this evidence must be provided to the satisfaction of Council.

(Reason: To ensure compliance with legislation.)

**3.14 HAZARDOUS GOODS AND WASTE (GC)**

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.

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.

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.)

**3.15 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.

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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.)

**3.16 UTILITIES AND SERVICES - PROTECTION OF (GC)**

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

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

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

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

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

(Reason: To ensure protection of Council assets.)

**4. CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE (CC)****4.1 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.)

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Plans and details of the disabled toilet/s complying with the relevant Australian Standards, the Building Code of Australia, and with regard to the Disability Discrimination Act 1992. Plans shall be notated demonstrating compliance and approved by the Principal Certifying Authority, prior to the issue of a Construction Certificate.

Note: Disability (Access to Premises - Buildings) Standards 2010 - As of 1 May 2011, if access is provided to the extent covered by this Standard, then such access cannot be viewed as unlawful under the Disability Discrimination Act 1992.

(Reason: To provide equitable access for people(s) with disabilities in accordance with the relevant legislation and Australian Standards.)

**4.3 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.)

**4.4 CAR PARKING - BASEMENT CAR PARKING REQUIREMENTS (CC)**

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

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

(Reason: To ensure suitable development.)

**4.5 CAR PARKING - VEHICULAR ACCESS RAMPS (CC)**

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

- i) Longitudinal section along the extreme wheel paths of each driveway/access ramp



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at a scale of 1:25 demonstrating compliance with the scraping provisions of AS/NZS 2890.1:2004. It shall include all levels and grades, including those levels stipulated as boundary levels, both existing and proposed. It shall extend from the centre-line of the roadway through to the parking area.

- ii) Sections showing the clearance to the underside of any overhead structure (minimum headroom requirements 2200mm minimum for standard headroom clearance or 2400mm where disabled access provisions are to be provided) demonstrating compliance with the provisions of AS/NZS 2890.1:2004.
- iii) Longitudinal section along the gutter line showing how it is intended to transition the vehicular crossing into the existing kerb and gutter. Boundary levels shall generally run parallel with the kerb levels.
- iv) Location of verge trees, street furniture and service installations.
- v) Superimposition of vehicle turning circles for access into parking spaces.
- vi) Certification that the design complies with AS/NZS 2890.1:2004 by a Qualified Engineer.

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

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

**4.6 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.)

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

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

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

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

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

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

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

(Reason: Compliance with SCDPC 2005.)

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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 Construction Certificate.

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

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

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

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

(Reason: To ensure compliance with statutory provisions.)

**4.11 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;

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- 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 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

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- 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.)

**4.12 COUNCIL PERMITS – FOR ALL ACTIVITIES ON COUNCIL LAND (CC)**Works Permit

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

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

Standing Plant Permit

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

Skip Bin Permit

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

Temporary Full or Part Road Closure Permit

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

Hoarding/Fencing Permit

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

Work Zone Permit

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

Ground Anchoring Permit

This permit must be applied for, for the installation of ground anchors under Council's footway/road reserve. It does not cover ground anchors under private properties. A

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separate approval is required to be obtained from Roads and Maritime Services (RMS) if it is proposed to install ground anchors under a State or Classified Regional Road (please refer to the end of this application form for more information).

(Reason: Council requirement.)

**4.13 DILAPIDATION REPORT - PRE-COMMENCEMENT (CC)**

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

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

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

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

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

**4.14 DRIVEWAY WIDTH**

The internal driveway must be a minimum 5.50m wide (clear width) for the first 6 metres inside the property so as to allow entering & exiting vehicles to pass within the site. Should the driveway narrow after this point it is then to be designed with a minimum 1.5m x 1.5m splay to allow the passing to work. Details demonstrating compliance shall be submitted to the Principal Certifying Authority, prior the issue of a Construction Certificate.

(Reason: Safety and traffic management.)

**4.15 DRIVEWAY DESIGN - SPEED HUMP AND STOP SIGN ON EXIT (CC)**

The applicant shall install a stop sign and a speed hump at the exit from the site. The stop sign must be accompanied by the associated line marking and the speed hump shall be set back by 1.5 metres from the boundary alignment. The devices shall be designed and constructed in accordance with the provision of all relevant Australian Standards. The building plans shall indicate compliance with this requirement, prior to the issue of a Construction Certificate.

(Reason: Traffic safety and management.)

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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.)

**4.17 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.)

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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.)

**4.19 FLOODING - COMPLY WITH FLOOD IMPACT REPORT (CC)**

The applicant shall comply with the flood recommendations provided in the Flood Impact Report prepared by Sparks and Partners Consulting Engineers rev 1 ref no. 17032 dated 16 February 2018. A certificate from a suitably qualified Engineer shall be submitted to the Certifying Authority stating compliance with these recommendations, prior to the issue of a Construction Certificate.

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

**4.20 GEOTECHNICAL REPORT (CC)**

A comprehensive geotechnical engineering report assessing the impact and safety of the proposed works shall be prepared by a suitably experienced and qualified geo-practitioner and submitted with any Construction Certificate. The report must include the results of subsurface investigations involving either test pits to rock, or preferably the drilling of cored boreholes (to 1m below the proposed final excavation level). The report shall provide:

- i) an indication of the nature and depth of any uncontrolled fill at the site;
- ii) an indication of the nature and condition of the material to be excavated;
- iii) indications of groundwater or seepages;
- iv) required temporary measures for support of any excavations deeper than 1m adjacent to property boundaries;
- v) a statement of required excavation methods in rock and measures required to restrict ground vibrations; and
- vi) other geo-technical information or issues considered relevant to design and construction monitoring.

(Reason: Structural safety.)

**4.21 NOISE – VIBRATION (CC)**

The construction of the development and preparation of the site, including operation of vehicles, must be conducted so as to avoid unreasonable noise or vibration and cause no interference to adjoining or nearby occupations. Special precautions must be taken to avoid nuisance in neighbouring residential areas, particularly from machinery, vehicles, warning sirens, public address systems and the like.

(Reason: Noise attenuation.)

**ADDENDUM REPORT - DA No. 2018/041 - 81-85 Albert Road and 58 Beresford Road, Strathfield - Lot 2, 7 & 8 DP 20594 (Cont'd)****4.22 NOISE – PLANT (CC)**

All works carried out on site during construction/demolition/excavation or earthworks shall comply with the NSW Protection of the Environment Operations Act 1997. Approved and effective silencing measures shall be provided and maintained on all power-operated plant used on site if required.

(Reason: Safety and amenity.)

**4.23 NOISE – CONSTRUCTION CC)**

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

- Construction period of 4 weeks and under – The L90 Level measured over a period of not less than 15 minutes when the construction site is operating must not exceed the background level by more than 20 dB(A) at the boundary.
- Construction period greater than 4 weeks but not exceeding 26 weeks – The L90 level measured over a period of not less than 15 minutes when the construction site is operating must not exceed the background level by more than 10 dB(A) at the boundary.
- Construction period exceeding 26 weeks – The L90 level measured over a period of not less than 15 minutes when the construction site is operating must not exceed the background level by more than 5 dB(A) at the boundary.

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

(Reason: Noise attenuation.)

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

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

Local Amenity Improvement Levy	<b>\$187,332.82</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.



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

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

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

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

A security (damage deposit) of **\$33,000.00** (calculated in accordance with Council's adopted Fees and Charges) shall be paid to Council, prior to the issue of a Construction Certificate.

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

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

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

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

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

(Reason: Protection of Council infrastructure.)

**4.26 STORMWATER DRAINAGE (CC)**

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

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

**ADDENDUM REPORT - DA No. 2018/041 - 81-85 Albert Road and 58 Beresford Road, Strathfield - Lot 2, 7 & 8 DP 20594 (Cont'd)**

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

**4.27 HERITAGE - SUBMISSION OF PHOTOGRAPHIC SURVEY (CC)**

A photographic archival record is to be made of remains of the house "Agincourt" (including the interiors and exteriors and their setting) in accordance with NSW Heritage Council Guidelines 'Photographic Recording of Heritage Items Using Film or Digital Capture' prior to commencement of works or any demolition works. The record is to include measured drawings of the existing buildings. Two copies are to be submitted to Council's satisfaction prior to the issue of a Construction Certificate. Written confirmation that the Council reserves the right to use the photographs for its own purposes and genuine research purposes is also to be included.

(Reason: To provide a historic record of heritage significant works on the site for archival purposes.)

**4.28 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.)

**4.29 TREE BONDS (CC)**

A tree bond of **\$83,500** (calculated in accordance with Council's adopted Fees and Charges) shall be paid to Council, prior to the issue of a Construction Certificate.

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

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

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

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

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

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

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

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

**4.31 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.

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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.)

**4.32 WASTE AND RECYCLING STORAGE ROOMS (CC)**

Waste (including grease arrestor rooms) and recycling storage rooms must meet all of the following conditions:

- i) The waste and recycling storage room must be of adequate dimensions to comfortably accommodate the required number of waste and recycling bins
  - 240L bin must have 1.1m<sup>2</sup> of space per bin
  - 660L bin must have 2.03m<sup>2</sup> of space per bin
- ii) The layout of the waste and recycling storage room must allow easy unobstructed access to all bins (stacked bin arrangements are not acceptable) and allow the bins to be easily removed for servicing purposes.
- iii) A smooth concrete floor graded and drained to a floor waste connected to the sewer of the Water Board.
- iv) The walls being cement rendered with the intersection of the walls and floor being coved to a radius of not less than 25mm.
- v) The door being close fitting to prevent the access of rats and mice.
- vi) A cold water hose cock being provided for the cleaning of containers and the room itself.
- vii) Ventilation being provided by means of direct connection to the outside air to the satisfaction of the Principal Certifying Authority.
- viii) The ceiling of all waste storage rooms must be constructed of a rigid smooth faced non-absorbent material. The ceiling must be a minimum of 2.4m high to accommodate Councils standard bins. This enables access for use, cleaning and enables the lids of bins to be fully opened.
- ix) Contain a sign, minimum size 600mm x 600mm, directing staff and residents not to place recyclables in garbage carts and encouraging residents to recycle. Sample artwork and signs available from Council.
- x) Arrangements must be in place regarding the regular maintenance and cleaning of waste management facilities.
- xi) A caretaker or individual(s) shall be nominated as being responsible for transferring the bins to the collection point and back into the waste storage room/area.
- xii) Detailed plans of waste and recycling storage rooms must be submitted along with Waste Management Plan and Waste and Recycling Storage Room/Area Design Checklist.

(Reason: To keep garbage rooms in a clean and sanitary condition to protect public health.)

**4.33 ONSITE WASTE COLLECTION**

Onsite waste and recycling collection is to be provided, all onsite collection areas must meet the following conditions:

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- i) Minimum vehicle access and standing area dimensions:
  - Width 3.6m
  - Height 3.6m
  - Length 12.5m
  - Path of travel of waste collection vehicle must be identified on plans; ensure turning circle, height and width requirements are met throughout entire path of travel.
- ii) Maximum grade of ramps and driveway 1:5 (20%) suitable for collection vehicle access.
- iii) Waste collection area must have room for all waste receptacles and the waste collection vehicle.
- iv) Applicant can select between either of the following:

Underground collection

- A waste collection point is to be provided within the first level of the basement.
- Vehicles must enter and exit the site in a forward direction.
- Collection area can be a loading dock or specialised waste collection area

**OR**

At-grade collection

- A waste collection point is to be provided:
  - behind the front building line,
  - alongside the driveway into the site.
  - Collection vehicles may access the at grade collection point in a forward or backwards direction and exit in a forward direction only (waste vehicles must not reverse along a main road).
- v) Collection vehicles must not impede access to, within or from the site for other users.
- vi) The path of travel for moving bins from the storage area to the identified collection point (if collection is to occur away from the storage area) should be clearly identified.
- vii) The waste collection point shall be no more than 15m from the property boundary at the street.
- viii) There should be convenient and step free access between the waste storage room/area and the collection point.
- ix) The collection area must be designed so that the bin standing area, and the standing area for the vehicle, is level.
- x) The collection area must be designed so that there is sufficient room for the standing and manoeuvring of all waste receptacles as well as standing room for the collection vehicle.
- xi) Any shutter or roller door providing access to the site/waste collection point must be fitted with a master key to Council's requirements to allow access.

(Reason: To ensure an efficient and effective collection system.)

**4.34 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

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Construction Certificate.

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

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

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

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

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

All civil engineering works adjacent/near/outside 81-85 Albert Road, Strathfield and 58 Beresford Road, Strathfield are to be fully supervised by Council. A maintenance period of six (6) months shall apply to the work, after it has been completed and approved. In that period the Applicant shall be liable for any part of the work which fails to perform in the manner outlined in Council's specifications, or as would reasonably be expected under the design conditions.

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

**4.35 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.)

**4.36 DUST CONTROL (CC)**

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

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modified as directed by the Council should it fail to adequately control any dust nuisance.

**Major Works**

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

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

(Reason: Environmental amenity.)

**4.37 PREVENTION OF NUISANCE (CC)**

All possible and practical steps shall be taken to prevent nuisance to the inhabitants of the surrounding neighbourhood from windblown dust, debris, noise and the like during the demolition, excavation and building works.

(Reason: Health and amenity.)

**5. CONDITIONS TO BE SATISFIED PRIOR TO THE COMMENCEMENT OF WORKS (CW)****5.1 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

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- unless that person is the principal contractor, notified the principal contractor of any critical stage inspections and other inspections that are to be carried out in respect of the building work.
- v) The person having the benefit of the development consent has given at least 2 days' notice to the Council of the person's intention to commence the erection of the building.

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

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

(Reason: Statutory requirement.)

**5.2 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.)

**6. CONDITIONS TO BE SATISFIED DURING DEMOLITION AND BUILDING WORKS (DW)****6.1 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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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.)

**6.3 HERITAGE - HISTORIC RELICS FOUND DURING WORKS (DW)**

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

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

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

**6.4 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.)

**6.5 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.)

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

### **7.1 CAR PARKING - SURPLUS VEHICULAR CROSSINGS (OC)**

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

(Reason: Maintenance of public infrastructure.)

### **7.2 CAR PARKING - VISITOR CAR PARKING SIGNAGE (OC)**

A sign shall be erected in a suitable location on the property near the driveway entrance indicating where visitor parking is available on the site. Signage shall also be erected above the visitor parking itself. Details demonstrating compliance shall be demonstrated to the Principal Certifying Authority, prior to the issue of any Occupation Certificate.

(Reason: Adequate access and egress.)

### **7.3 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.)

### **7.4 FIRE SAFETY CERTIFICATION (OC)**

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

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

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

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

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

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

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

(Reason: Fire safety and statutory requirement.)

**7.5 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.)

**7.6 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.)

**ADDENDUM REPORT - DA No. 2018/041 - 81-85 Albert Road and 58 Beresford Road, Strathfield - Lot 2, 7 & 8 DP 20594 (Cont'd)****7.7 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 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.)

**7.8 ACOUSTIC ASSESSMENT (OC)**

All recommendations contained in the approved acoustic assessment report prepared, shall be adopted, implemented, and adhered to.

The Principal Certifying Authority (PCA) shall obtain a certificate from an appropriately qualified acoustic consultant, stating that the recommendations outlined in the above stated report have been completed and that relevant noise criteria have been satisfied prior to the issue of any Occupation Certificate.

Any changes made to the proposal that would alter the outcome will require a further assessment and a copy of this further report shall be provided to the PCA for approval and all recommendations of the report shall be adopted, implemented and available upon request of the Council.

(Reason: Noise control and amenity.)

**7.9 POLLUTION CONTROL (OC)**

The use of the premises must incorporate facilities that will prevent the discharge of any pollutant, which may degrade the environment or be prejudicial to its inhabitants including but not limited to:

- (a) all pollution control devices (including drainage systems, sumps and traps) must be regularly maintained;
- (b) all liquid wastes must be collected and disposed of in a manner which does not pollute the stormwater system;
- (c) the repair, servicing and maintenance of all vehicles must take place in a bunded work bay drained holding tank or like device so that any liquid wastes produced from such repair, servicing and maintenance can either be:
  - (i) retained for recycling; or
  - (ii) disposed of in accordance with the requirements of Sydney Water;
- (d) all paints, chemicals and other liquids shall be stored in approved receptacles which are

**ADDENDUM REPORT - DA No. 2018/041 - 81-85 Albert Road and 58 Beresford Road, Strathfield - Lot 2, 7 & 8 DP 20594 (Cont'd)**

- to be housed in a suitably constructed bunded area;
- (e) no spray painting of vehicles shall take place outside the spray booth; and
  - (f) appropriate equipment and absorbent material must be provided and maintained in a prominent position in order to combat any spill.

(Reason: Environmental protection.)

**8. CONDITIONS TO BE SATISFIED DURING ONGOING USE OF THE PREMISES (OU)****8.1 DELIVERIES (OU)**

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

(Reason: To control noise impacts.)

**8.2 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.)

**8.3 FOOD PREMISES - ONGOING USE OF (OU)**

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

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

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

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

All loading and unloading operations including fork lift trucks or other similar loading, lifting

**ADDENDUM REPORT - DA No. 2018/041 - 81-85 Albert Road and 58 Beresford Road, Strathfield - Lot 2, 7 & 8 DP 20594 (Cont'd)**

and/or carrying appliances used in conjunction with the premises, shall be carried out wholly within the boundaries of the site, at all times. There shall be no obstruction of any public roadway or footway at any time, without the prior

(Reason: Public safety.)

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

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

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

(Reason: Noise control and amenity.)

**8.6 NOISE - COMPLIANCE WITH ACOUSTIC ASSESSMENT REPORT (OU)**

All recommendations contained in the approved Acoustic Assessment Report prepared by Vipac Engineers & Scientists Limited shall be adopted, implemented, and adhered to.

The Principal Certifying Authority (PCA) shall obtain a statement from an appropriately qualified acoustic consultant, certifying that the acoustic mitigation measures outlined in the above stated report have been suitably incorporated into the development and that relevant noise criteria have been satisfied prior to the issue of any Occupation Certificate.

Any changes made to the proposal that would alter the acoustic assessment will require a further acoustic assessment and a copy of this further report shall be provided to Council for approval prior to the commencement of works and any recommendations adopted, implemented, and adhered to.

(Reason: Noise control and amenity.)

**8.7 POLLUTION - COMPLIANCE WITH PEOA 1997 GENERALLY (OU)**

The activities carried out on site shall not constitute a nuisance in relation to noise, air or water pollution as specified under the Protection of the Environment Operations Act 1997.

(Reason: Environmental protection.)

**8.8 VISITOR PARKING RESTRICTION (OU)**

All visitor parking spaces must not at any time be allocated sold or leased to an individual owner/occupier and must be strictly retained as common property by the Owners Corporation.

(Reason: Compliance with approved visitor parking provision.)

**ADDENDUM REPORT - DA No. 2018/041 - 81-85 Albert Road and 58 Beresford Road, Strathfield - Lot 2, 7 & 8 DP 20594 (Cont'd)****8.9 WASTE AND RECYCLING COLLECTION (MUNICIPAL) (OU)**

- i) The collection of waste and recycling must only occur between 5:00am and 7:00pm weekdays, weekends and public holidays, to avoid noise disruption to the surrounding area (modifications may be made to this condition at Councils discretion).
- ii) Garbage, Garden Waste and Recycling must not be placed on the kerbside for collection more than 12 hours prior to collection day.
- iii) Garbage, Garden Waste and Recycling must not be left kerbside for longer than 12 hours after collection (unless advised by Council).
- iv) The garbage and recyclable storage and bins must be adequate to contain the volume and type of garbage and recyclable matter on the premises, all garbage and recyclable matter must be enclosed in the waste bins with lids completely closed at all times.
- v) Each dwelling shall be provided with an area to be used to store Council's standard garbage, garden waste and recycling containers with such area not visible from the street and easily accessible to all dwelling occupiers (Multi Dwelling Housing Developments may utilise communal bin storage).
- vi) Council's standard garbage, garden waste and recycling containers must be present on the property prior to OC

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

**9. ADVISORY NOTES**

Please note: the following may not apply to all consents.

**9.1 DIAL BEFORE YOU DIG**

Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial Before You Dig at [www.1100.com.au](http://www.1100.com.au) or telephone 1100 before excavating or erecting structures. (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial Before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial Before You Dig service in advance of any construction or planning activities.



Telecommunications Act 1997 (Commonwealth)

Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's mobile network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the Criminal Code Act 1995 (Cth) and is liable for prosecution. Furthermore, damage to Telstra's infrastructure may result in interruption to the provision or essential services and significant costs. If you are aware of any works or proposed work s which may affect or impact on Telstra's assets in any way, you are required to

**ADDENDUM REPORT - DA No. 2018/041 - 81-85 Albert Road and 58 Beresford Road, Strathfield - Lot 2, 7 & 8 DP 20594 (Cont'd)**

contact: Telstra's Network Integrity Team on Phone Number 1800 810 443.

**9.2 DIVIDING FENCES**

The erection of dividing fences under this consent does not affect the provisions of the Dividing Fences Act 1991. Under this Act, all relevant parties must be in agreement prior to the erection of any approved dividing fence/s under this consent.

Council has no regulatory authority in this area and does not adjudicate civil disputes relating to the provision of or payment for the erection of dividing fences.

If there is a neighbour dispute about the boundary fence and you are seeking mediation, you may contact the Community Justice Centre or if legal advice or action is required, you may contact the Chamber Magistrate.

**9.3 LAPSING OF CONSENT**

In accordance with Section 95 of the Environmental Planning and Assessment Act 1979, this Development Consent lapses five (5) years after the date from which it operates unless building, engineering or construction work has physically commenced. A Construction Certificate must be obtained and the works commenced in accordance with the approved plans and specifications within five (5) years from the date of this Development Consent.

**9.4 OWNER BUILDERS**

Under the Home Building Act 1989 any property owner who intends undertaking construction work to a dwelling or dual occupancy over the value of \$5,000 must complete an approved education course and obtain an owner-builder permit from the Office of Fair Trading (refer [www.fairtrading.nsw.gov.au](http://www.fairtrading.nsw.gov.au)).

**9.5 PROCESS TO MODIFY A CONSENT**

The plans and/or conditions of this Consent are binding and may only be modified upon written request to Council under Section 4.55 of the Environmental Planning and Assessment Act, 1979. The request shall be accompanied by the appropriate fee and application form. You are not to commence any action, works, contractual negotiations, or the like, on the requested modification unless and until the written authorisation of Council is received by way of an amended consent.

**9.6 REVIEW OF DETERMINATION**

In accordance with the provisions of Section 8.2 of the Environmental Planning and Assessment Act 1979(as amended) the applicant can request Council to review this determination. The request must be made within a period of 6 months from the date shown on this determination. A fee, as prescribed under Council's current Management Plan - Fees and Charges, is payable for such a review.



**ADDENDUM REPORT - DA No. 2018/041 - 81-85 Albert Road and 58 Beresford Road, Strathfield - Lot 2, 7 & 8 DP 20594 (Cont'd)****9.7 RIGHT OF APPEAL**

Section 8.3 of the Environmental Planning and Assessment Act 1979, gives the applicant the right to appeal to the Land and Environment Court within six (6) months after the date on which you receive this notice. Section 97 does not apply to the determination of a development application for State significant development or local designated development that has been the subject of a Commission of Inquiry.

**9.8 SIGNAGE APPROVAL**

A separate development application for any proposed signs which are either externally fitted or applied must be submitted for the approval of Council, prior to the erection or display of any such signs. This does not apply to signs which are classified as being 'exempt development'.

**9.9 SKIPS ON COUNCIL FOOTPATH**

The applicant must apply to Council's Customer Services Centre and pay the respective minimum ten (10) day application fees and deposit, should a mini-skip type or larger builder's waste container be required to be left on Council's footpath, nature strip or roadway for the removal of any builder's waste etc. These fees must be paid prior to the container's placement. In the event of the container being removed within the ten day period, and the Council being notified, a pro -rata refund will be made. If the container is to remain at the site for longer than ten days, a further fee must be paid before the ten day period expires. No consultation is necessary if placing the container within the property to which this application is related. However, caution should be exercised in placing the bin to ensure no damage occurs to Council property.

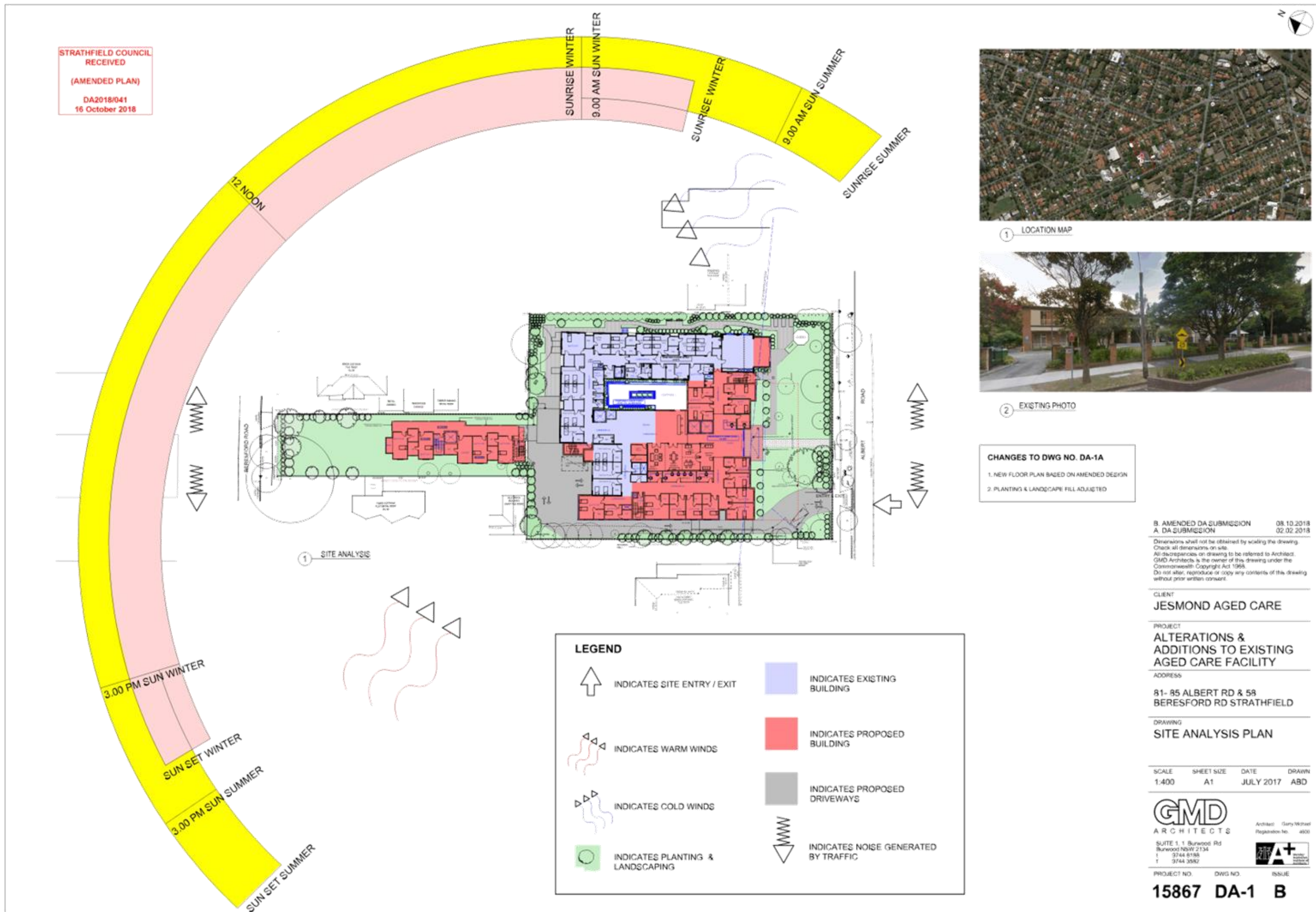
**9.10 WORKCOVER REQUIREMENTS**

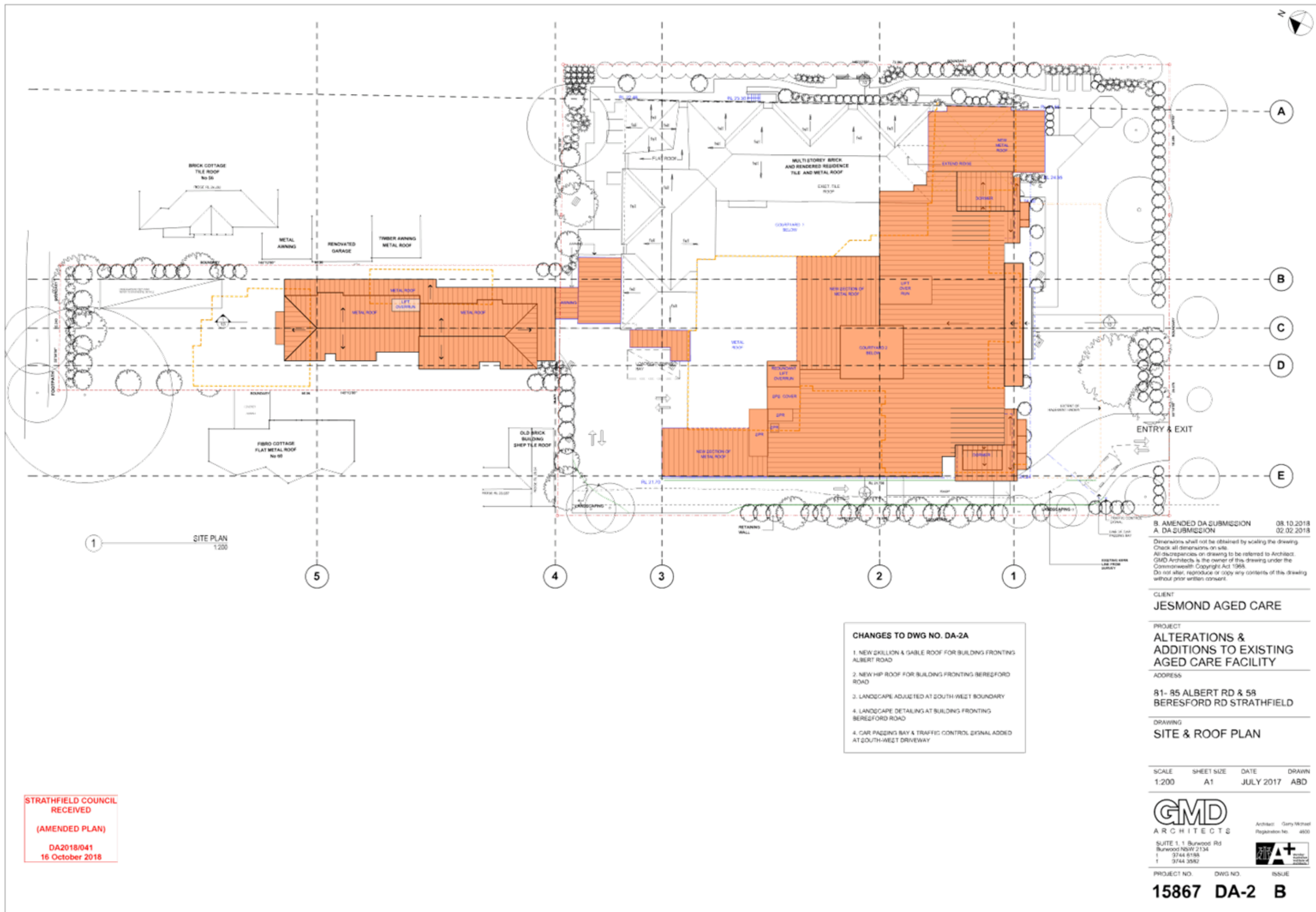
The Work Health and Safety Act 2011 and subordinate regulations, codes of practice and guidelines control and regulate the development industry. Further information can be obtained from WorkCover NSW's website.

**ATTACHMENTS**

1. [↓](#) DA2018.041(Amended)-Architecturals-Colour-81-85 Albert rd
2. [↓](#) DA2018.041- SLPP Report from 7 Mar 19-81-85 Albert rd & 58 Beresford rd







1 SITE PLAN  
1:200

B. AMENDED DA SUBMISSION 08.10.2018  
A. DA SUBMISSION 02.02.2018

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CLIENT  
**JESMOND AGED CARE**

PROJECT  
**ALTERATIONS & ADDITIONS TO EXISTING AGED CARE FACILITY**

ADDRESS  
**81- 85 ALBERT RD & 58 BERESFORD RD STRATHFIELD**

DRAWING  
**SITE & ROOF PLAN**

- CHANGES TO DWG NO. DA-2A**
1. NEW SKILLION & GABLE ROOF FOR BUILDING FRONTING ALBERT ROAD
  2. NEW HIP ROOF FOR BUILDING FRONTING BERESFORD ROAD
  3. LANDSCAPE ADJUSTED AT SOUTH-WEST BOUNDARY
  4. LANDSCAPE DETAILING AT BUILDING FRONTING BERESFORD ROAD
  4. CAR PASSING BAY & TRAFFIC CONTROL SIGNAL ADDED AT SOUTH-WEST DRIVEWAY

SCALE 1:200 SHEET SIZE A1 DATE JULY 2017 DRAWN ABD

**GMD ARCHITECTS**

Architect: Garry Michael  
Registration No: 4800

SUITE 1.1 Burwood Rd  
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PROJECT NO. 15867 DWG NO. DA-2 ISSUE B

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 A. DA SUBMISSION 02.02.2018

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PROJECT  
**ALTERATIONS & ADDITIONS TO EXISTING AGED CARE FACILITY**

ADDRESS  
**81- 85 ALBERT RD & 58 BERESFORD RD STRATHFIELD**

DRAWING  
**EXISTING / DEMOLITION PLANS (LGF, GF, FF)**

SCALE SHEET SIZE DATE DRAWN  
 1:200 A1 JULY 2017 ABD

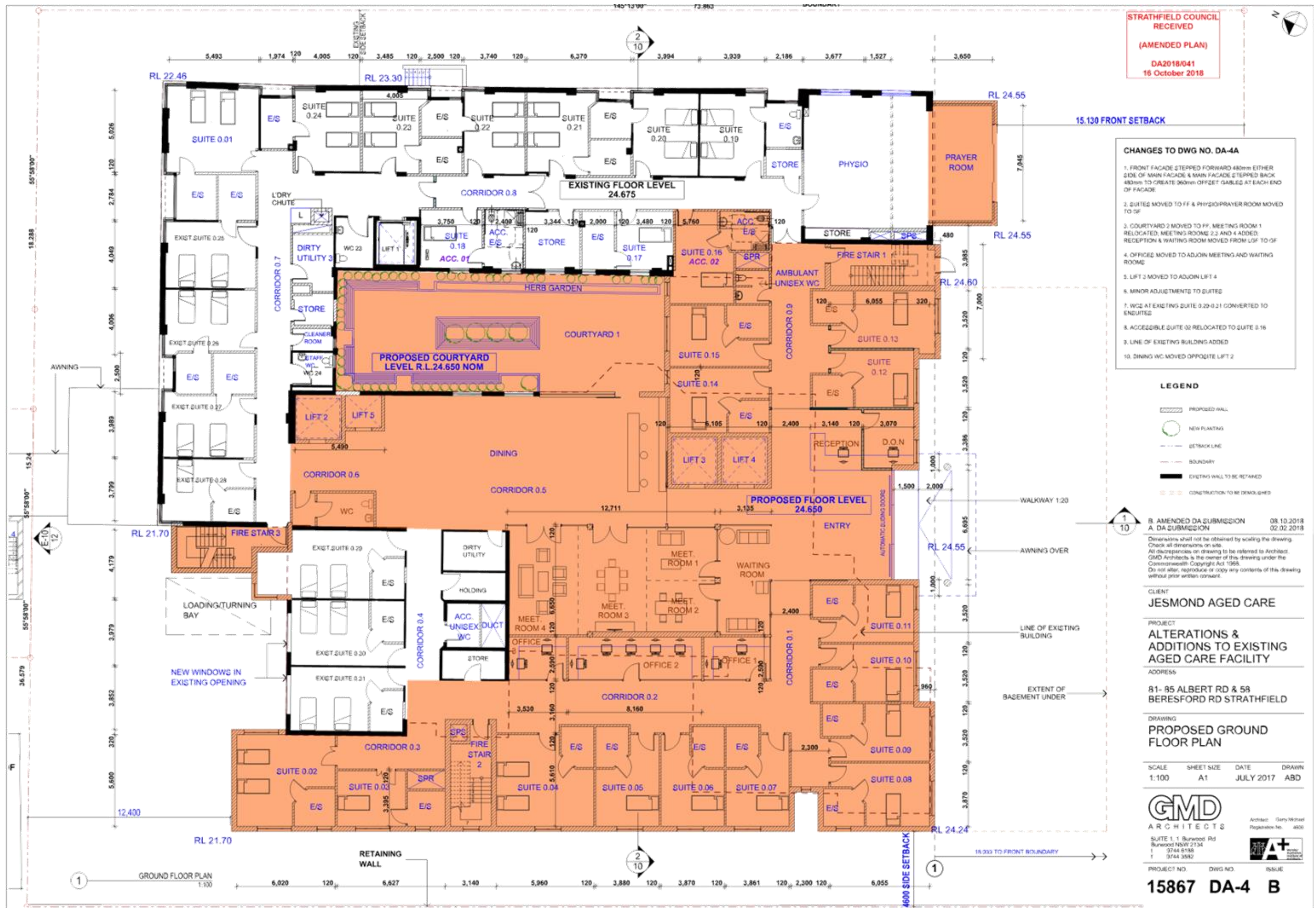
**GMD ARCHITECTS**  
 Architect: Garry Michael  
 Registration No: 4800

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PROJECT NO. DWG NO. ISSUE  
**15867 DA-3 B**

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 DA2018/041  
 16 October 2018

**CHANGES TO DWG NO. DA-3A**  
 1. DEMOLISHED ELEMENTS UPDATED AT GROUND/FIRST FLOOR BASED ON AMENDED DESIGN



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DA2018/041  
16 October 2018

- CHANGES TO DWG NO. DA-4A**
- FRONT FACADE STEPPED FORWARD 480mm EITHER SIDE OF MAIN FACADE & MAIN FACADE STEPPED BACK 480mm TO CREATE 360mm OFFSET GABLES AT EACH END OF FACADE.
  - SUITES MOVED TO FF & PHYSIO/PRAYER ROOM MOVED TO SF
  - COURTYARD 2 MOVED TO FF, MEETING ROOM 1 RELOCATED, MEETING ROOM 2,3 AND 4 ADDED, RECEPTION & WAITING ROOM MOVED FROM LGF TO GF
  - OFFICE MOVED TO ADJOIN MEETING AND WAITING ROOM
  - LIFT 2 MOVED TO ADJOIN LIFT 4
  - MINOR ADJUSTMENTS TO SUITES
  - WC AT EXISTING SUITE 0.20-0.21 CONVERTED TO ENLITES
  - ACCESSIBLE SUITE 02 RELOCATED TO SUITE 0.16
  - LINE OF EXISTING BUILDING ADDED
  - DINING WC MOVED OPPOSITE LIFT 2

**LEGEND**

- PROPOSED WALL
- NEW PLANTING
- SETBACK LINE
- BOUNDARY
- EXISTING WALL TO BE RETAINED
- CONSTRUCTION TO BE DEMOLISHED

B. AMENDED DA SUBMISSION 08.10.2018  
A. DA SUBMISSION 02.02.2018  
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PROJECT  
**ALTERATIONS & ADDITIONS TO EXISTING AGED CARE FACILITY**  
ADDRESS  
**81- 85 ALBERT RD & 58 BERESFORD RD STRATHFIELD**

DRAWING  
**PROPOSED GROUND FLOOR PLAN**  
SCALE SHEET SIZE DATE DRAWN  
1:100 A1 JULY 2017 ABD

**GMD ARCHITECTS**  
Architect: Garry Whelan  
Registration No. 4800  
SUITE 1.1 Burwood Rd  
Burwood NSW 2134  
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PROJECT NO. DWG NO. ISSUE  
**15867 DA-4 B**



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DA2018/041  
16 October 2018

- LEGEND**
- PROPOSED WALL
  - NEW PLANTING
  - SETBACK LINE
  - BOUNDARY
  - EXISTING WALL TO BE RETAINED

- CHANGES TO DWG NO. DA-5A**
1. FRONT FACADE STEPPED AS NOTED ON GF PLAN
  2. EXTERNAL WALLS CHANGED TO LIGHTWEIGHT WALLS TO MATCH ELEVATIONS
  3. BALCONIES ADDED TO SUITES 1.31, 1.22 AND 1.21 AT SOUTH EAST FACADE
  4. PHYSIO-PRAYER ROOM MOVED TO GF & SUITES MOVED TO FF
  5. COURTYARD 2 MOVED TO FF
  6. LIFT 3 MOVED TO ADJOIN LIFT 4
  7. LOUNGE ADDED NEAR LIFTS 3 & 4
  8. MINOR ADJUSTMENTS TO SUITES
  9. COVERED LINK REMOVED, SUITE ADDED TO REPLACE
  10. DINING WC MOVED OPPOSITE LIFT 2

B. AMENDED DA SUBMISSION 08.10.2018  
A. DA SUBMISSION 02.02.2018

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PROJECT  
**ALTERATIONS & ADDITIONS TO EXISTING AGED CARE FACILITY**

ADDRESS  
**81- 85 ALBERT RD & 58 BERESFORD RD STRATHFIELD**

DRAWING  
**PROPOSED FIRST FLOOR PLAN**

SCALE	SHEET SIZE	DATE	DRAWN
1:100	A1	JULY 2017	ABD

**GMD ARCHITECTS**

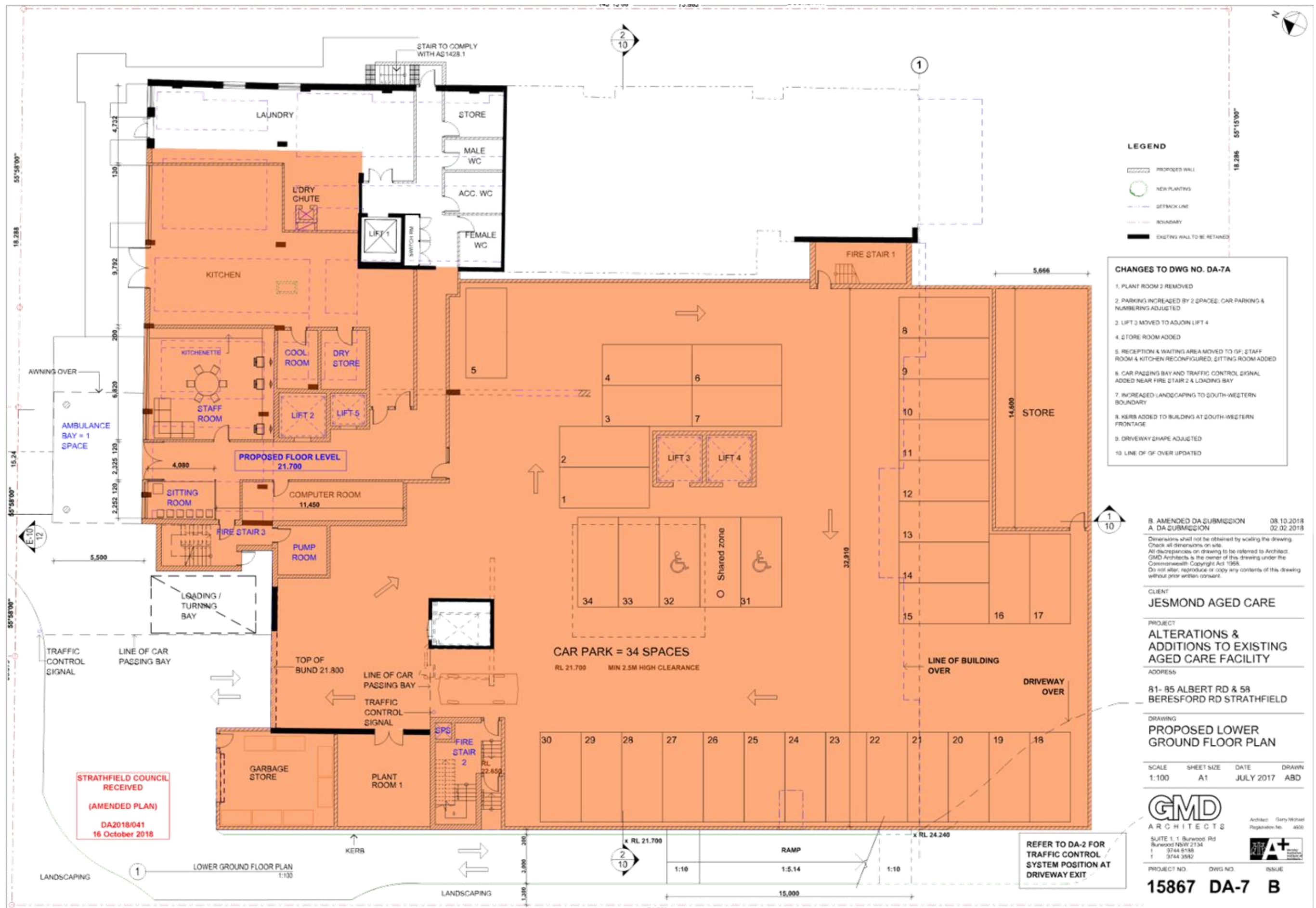
Architect: Garry Mitchell  
Registration No. 4800

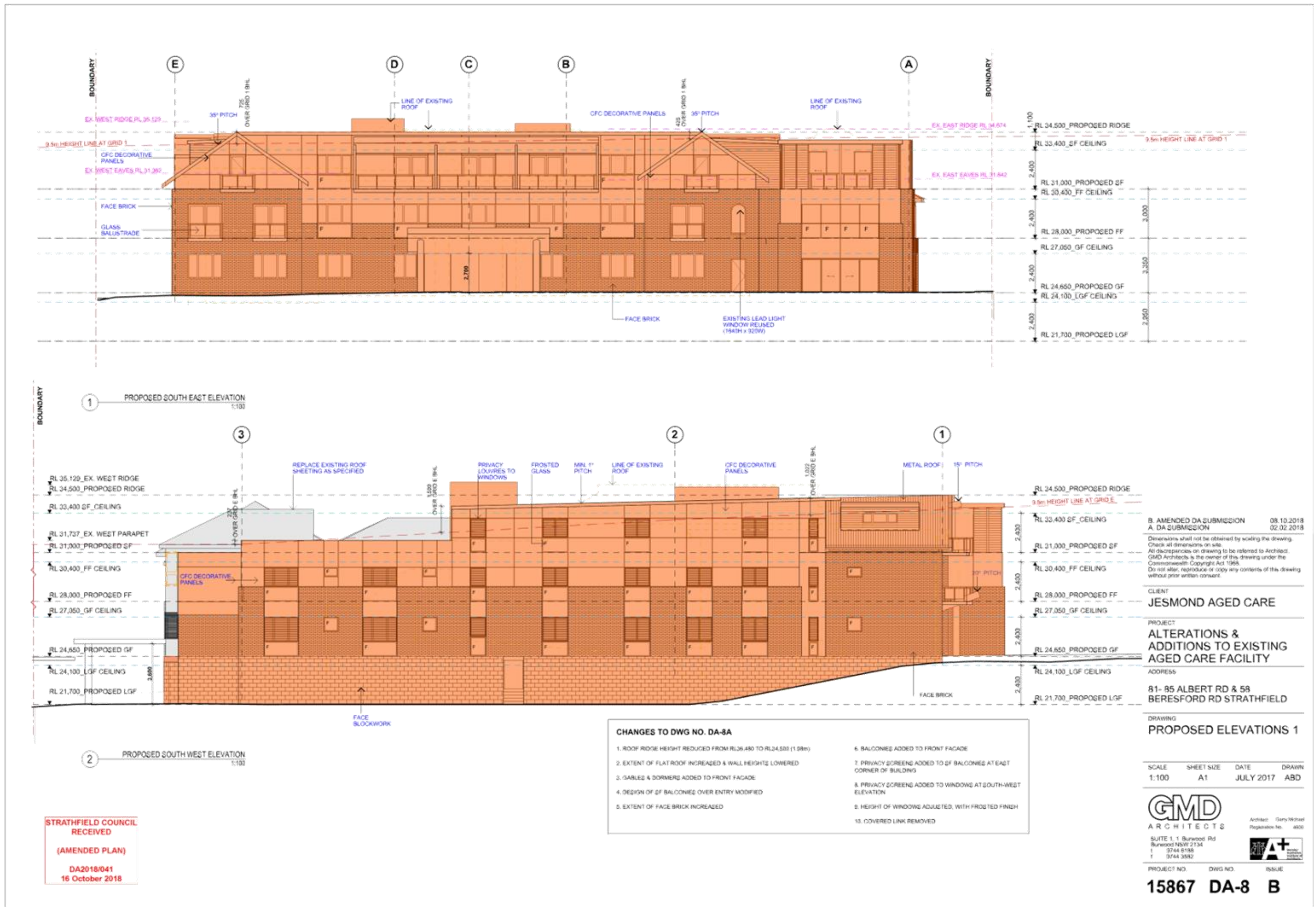
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**15867 DA-5 B**









B. AMENDED DA SUBMISSION 08.10.2018  
 A. DA SUBMISSION 02.02.2018

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PROJECT  
**ALTERATIONS & ADDITIONS TO EXISTING AGED CARE FACILITY**

ADDRESS  
**81- 85 ALBERT RD & 58 BERESFORD RD STRATHFIELD**

- CHANGES TO DWG NO. DA-8A**
- 1. ROOF RIDGE HEIGHT REDUCED FROM RL36.480 TO RL24.500 (1.98m)
  - 2. EXTENT OF FLAT ROOF INCREASED & WALL HEIGHTS LOWERED
  - 3. GABLES & DORMERS ADDED TO FRONT FACADE
  - 4. DESIGN OF SF BALCONIES OVER ENTRY MODIFIED
  - 5. EXTENT OF FACE BRICK INCREASED
  - 6. BALCONIES ADDED TO FRONT FACADE
  - 7. PRIVACY SCREENS ADDED TO SF BALCONIES AT EAST CORNER OF BUILDING
  - 8. PRIVACY SCREENS ADDED TO WINDOWS AT SOUTH-WEST ELEVATION
  - 9. HEIGHT OF WINDOWS ADJUSTED, WITH FROSTED FINISH
  - 10. COVERED LINK REMOVED

**STRATHFIELD COUNCIL RECEIVED**  
 (AMENDED PLAN)  
 DA2018/041  
 16 October 2018

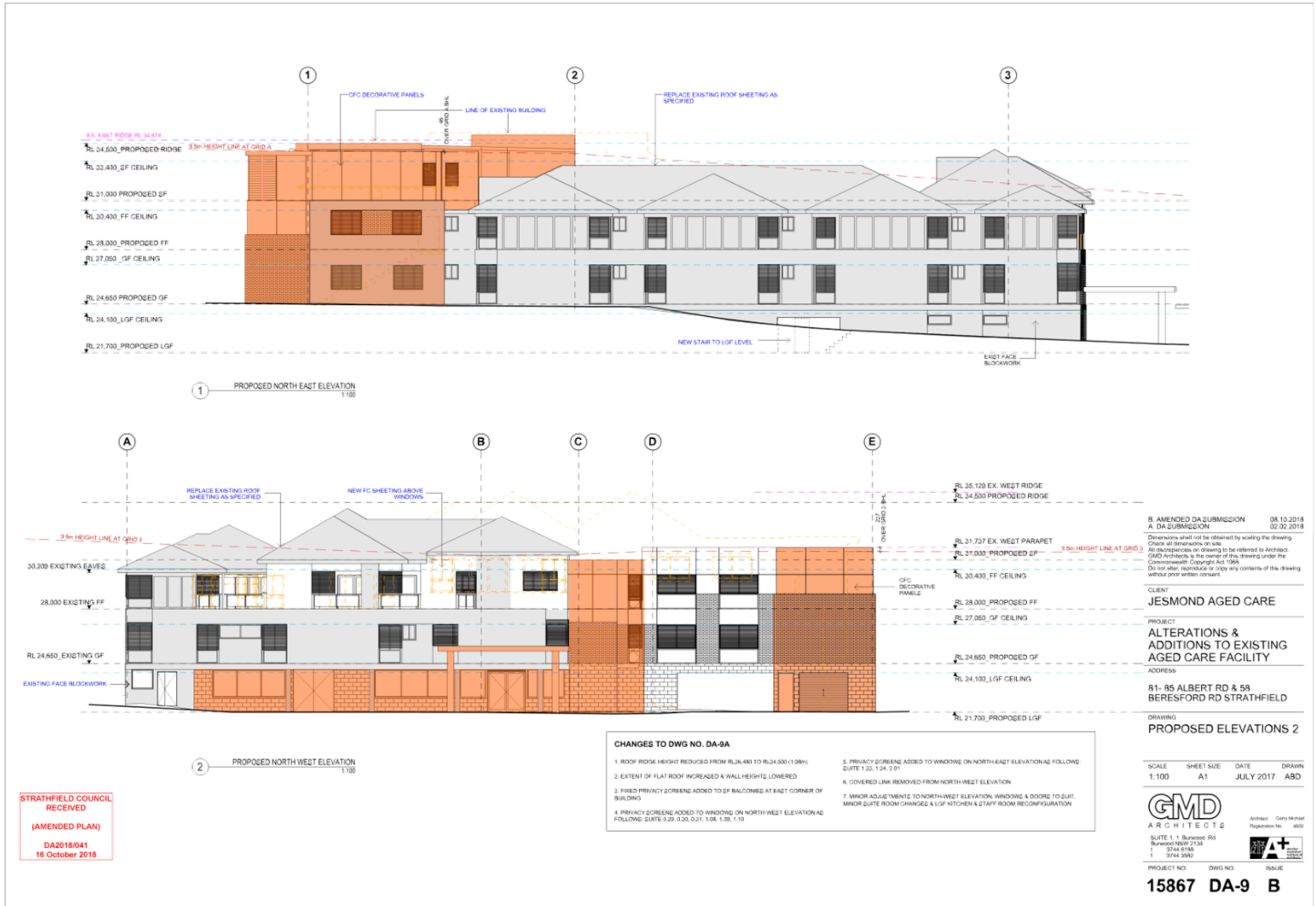
DRAWING  
**PROPOSED ELEVATIONS 1**

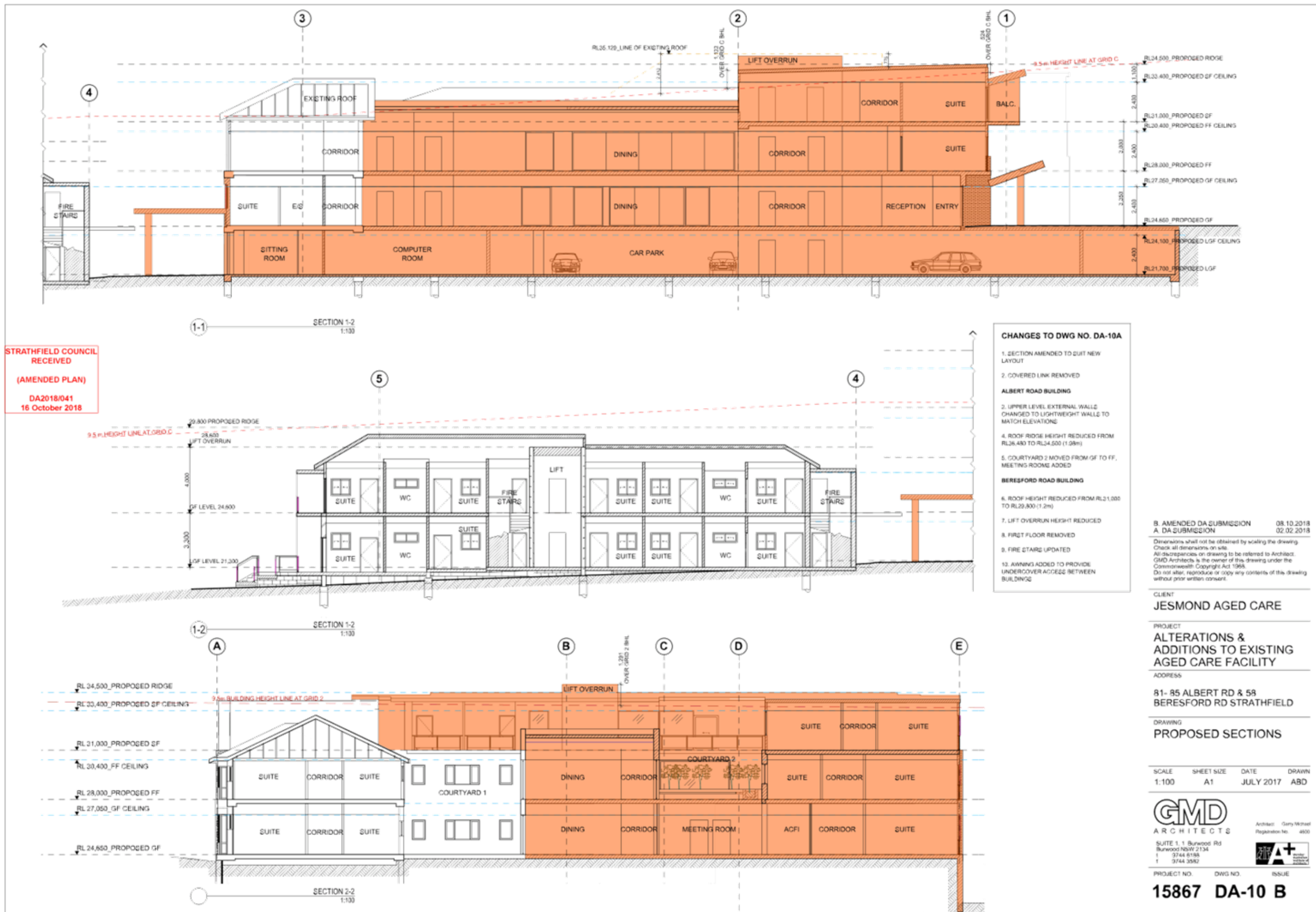
SCALE	SHEET SIZE	DATE	DRAWN
1:100	A1	JULY 2017	ABD

**GMD ARCHITECTS**  
 Architect: Gerry McNeil  
 Registration No. 4800

SUITE 1.1 Buresford Rd  
 Buresford NSW 2134  
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PROJECT NO. DWG NO. ISSUE  
**15867 DA-8 B**





STRATHFIELD COUNCIL  
RECEIVED  
(AMENDED PLAN)  
DA2018/041  
16 October 2018

- CHANGES TO DWG NO. DA-10A**
- SECTION AMENDED TO SUIT NEW LAYOUT
  - COVERED LINK REMOVED
- ALBERT ROAD BUILDING**
- UPPER LEVEL EXTERNAL WALLS CHANGED TO LIGHTWEIGHT WALLS TO MATCH ELEVATIONS
  - ROOF RIDGE HEIGHT REDUCED FROM RL36,400 TO RL34,500 (1.9m)
  - COURTYARD 2 MOVED FROM GF TO FF, MEETING ROOMS ADDED
- BERESFORD ROAD BUILDING**
- ROOF HEIGHT REDUCED FROM RL31,000 TO RL29,800 (1.2m)
  - LIFT OVERRUN HEIGHT REDUCED
  - FIRST FLOOR REMOVED
  - FIRE STAIRS UPDATED
  - AWNING ADDED TO PROVIDE UNDERCOVER ACCESS BETWEEN BUILDINGS

B. AMENDED DA SUBMISSION 08.10.2018  
A. DA SUBMISSION 02.02.2018

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CLIENT  
**JESMOND AGED CARE**

PROJECT  
**ALTERATIONS & ADDITIONS TO EXISTING AGED CARE FACILITY**

ADDRESS  
**81- 85 ALBERT RD & 58 BERESFORD RD STRATHFIELD**

DRAWING  
**PROPOSED SECTIONS**

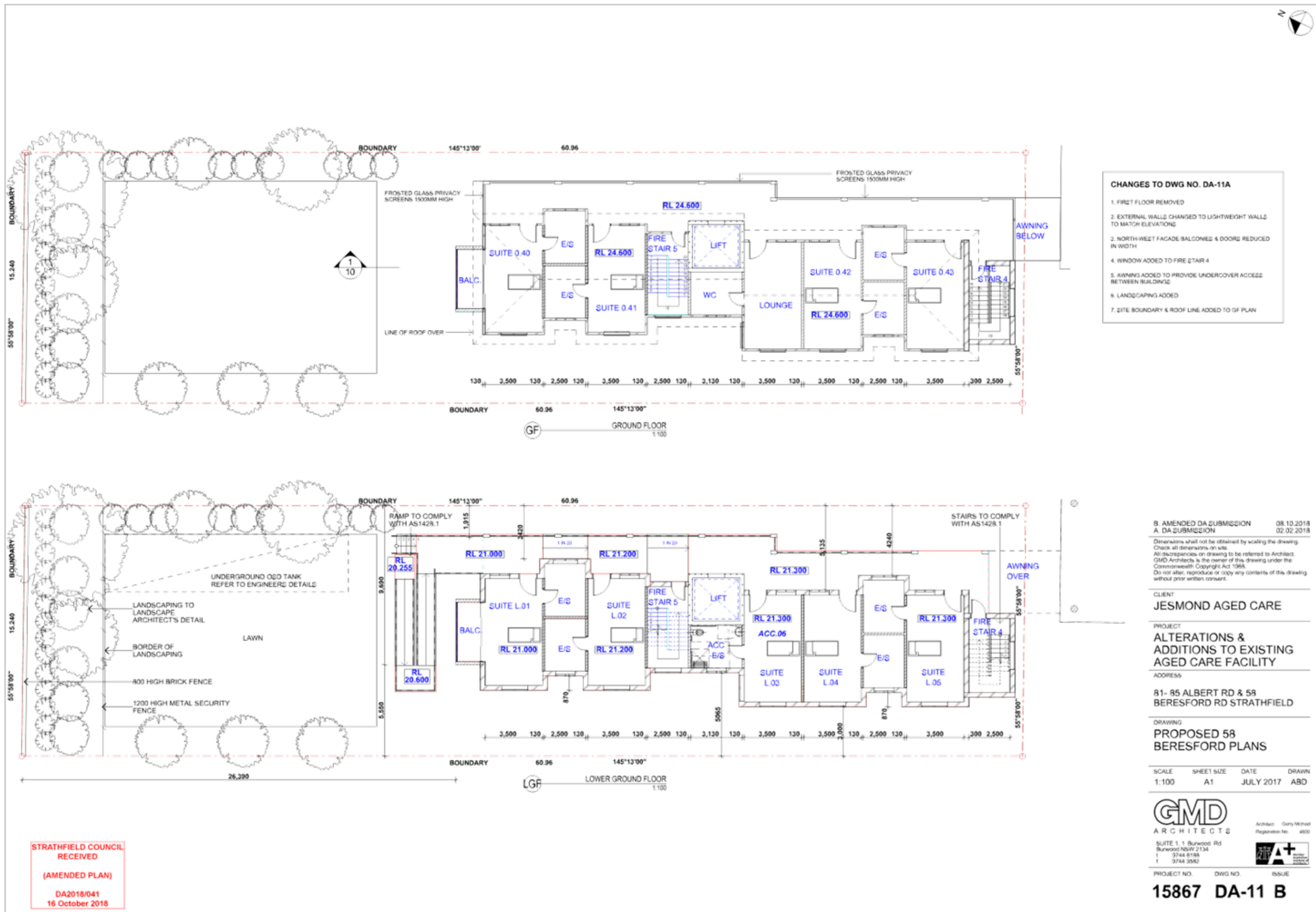
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1:100	A1	JULY 2017	ABD

**GMD ARCHITECTS**

Architect: Garry Mitchell  
Registration No: 4600

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Burwood NSW 2134  
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PROJECT NO. DWG NO. ISSUE  
**15867 DA-10 B**



- CHANGES TO DWG NO. DA-11A**
1. FIRST FLOOR REMOVED
  2. EXTERNAL WALLS CHANGED TO LIGHTWEIGHT WALLS TO MATCH ELEVATIONS
  3. NORTH-WEST FACADE BALCONIES & DOORS REDUCED IN WIDTH
  4. WINDOW ADDED TO FIRE STAIR 4
  5. AWNING ADDED TO PROVIDE UNDERCOVER ACCESS BETWEEN BUILDINGS
  6. LANDSCAPING ADDED
  7. SITE BOUNDARY & ROOF LINE ADDED TO GF PLAN

B. AMENDED DA SUBMISSION 08.10.2018  
 A. DA SUBMISSION 02.02.2018

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PROJECT  
**ALTERATIONS & ADDITIONS TO EXISTING AGED CARE FACILITY**

ADDRESS  
**81- 85 ALBERT RD & 58 BERESFORD RD STRATHFIELD**

DRAWING  
**PROPOSED 58 BERESFORD PLANS**

SCALE	SHEET SIZE	DATE	DRAWN
1:100	A1	JULY 2017	ABD

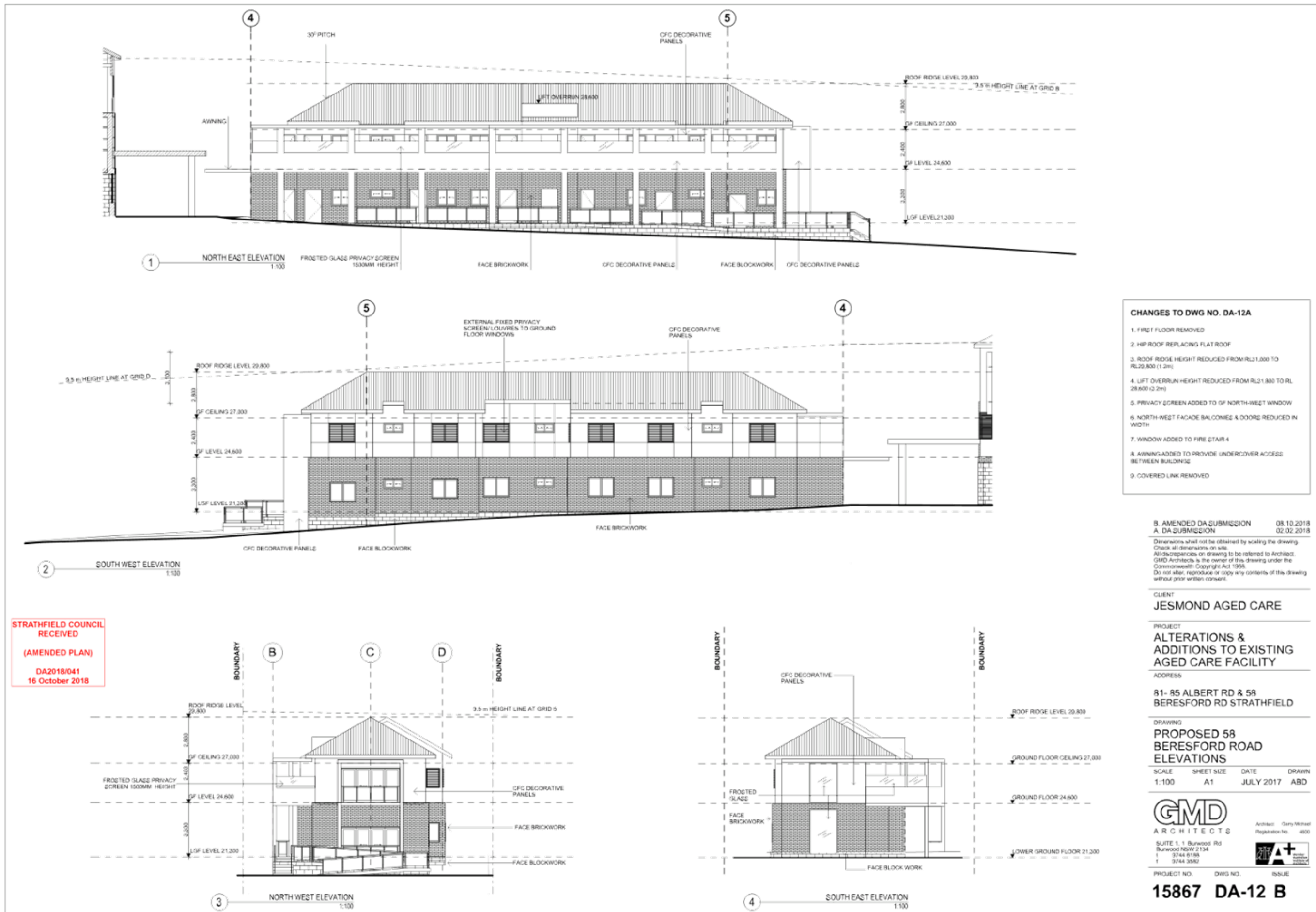
**GMD ARCHITECTS**

Architect: Garry Michael  
 Registration No. 4800

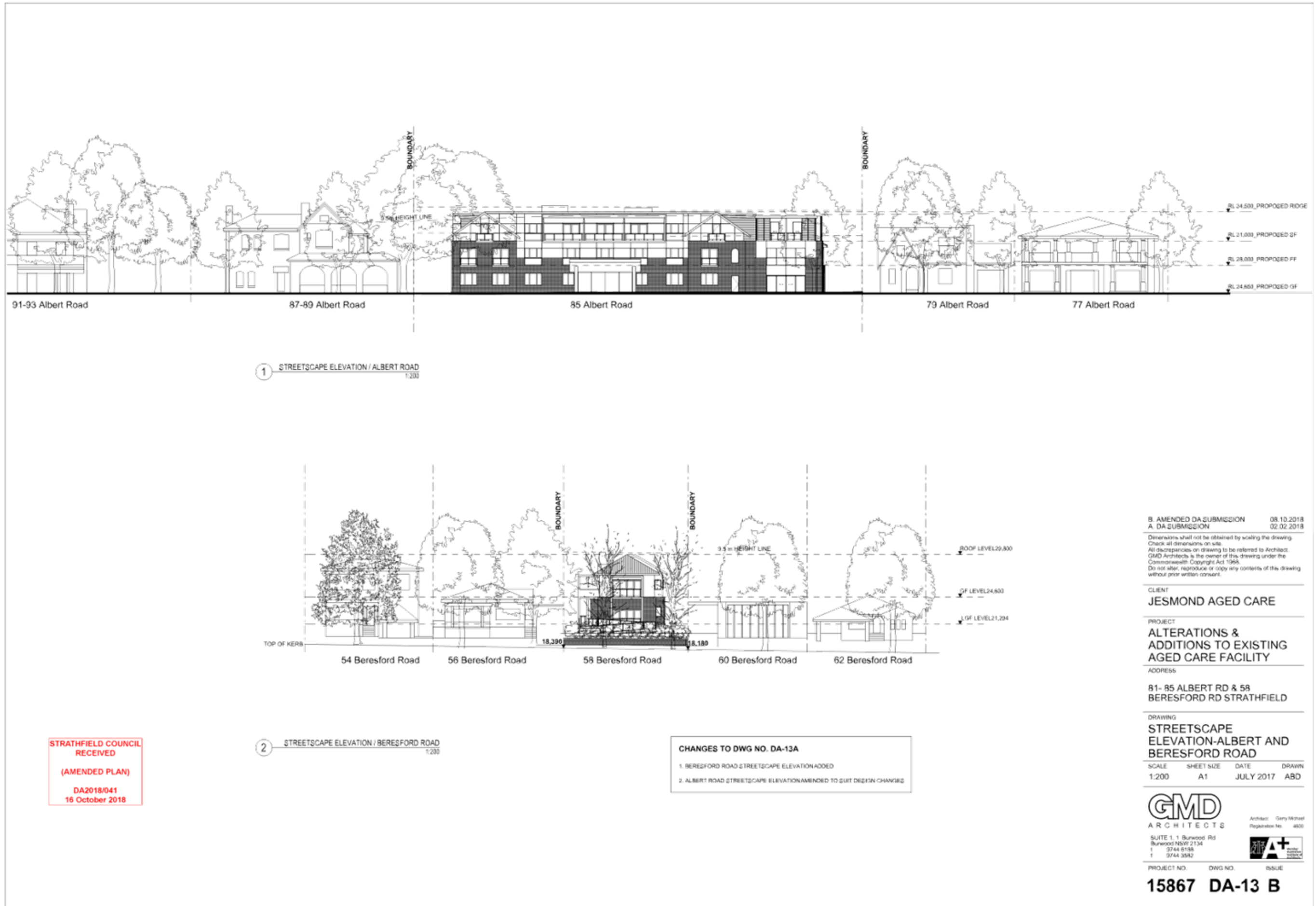
SUITE 1.1 Burwood Rd  
 Burwood NSW 2134  
 T 3744 6188  
 F 3744 3582

PROJECT NO. DWG NO. ISSUE  
**15867 DA-11 B**

**STRATHFIELD COUNCIL RECEIVED**  
 (AMENDED PLAN)  
 DA2018/041  
 16 October 2018



STRATHFIELD COUNCIL RECEIVED (AMENDED PLAN) DA2018/041 16 October 2018



B. AMENDED DA SUBMISSION 08.10.2018  
A. DA SUBMISSION 02.02.2018

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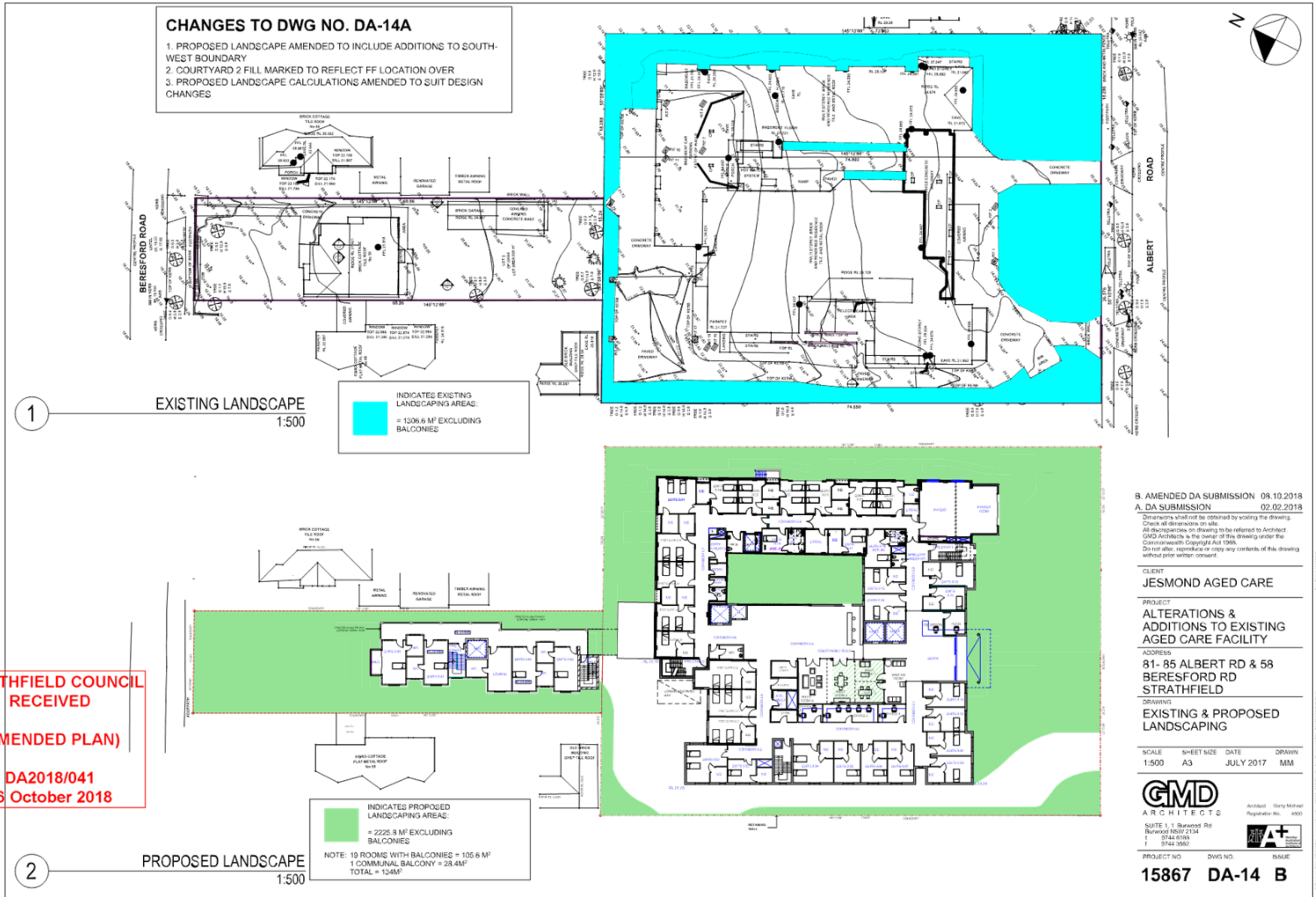
CLIENT  
**JESMOND AGED CARE**

PROJECT  
**ALTERATIONS & ADDITIONS TO EXISTING AGED CARE FACILITY**

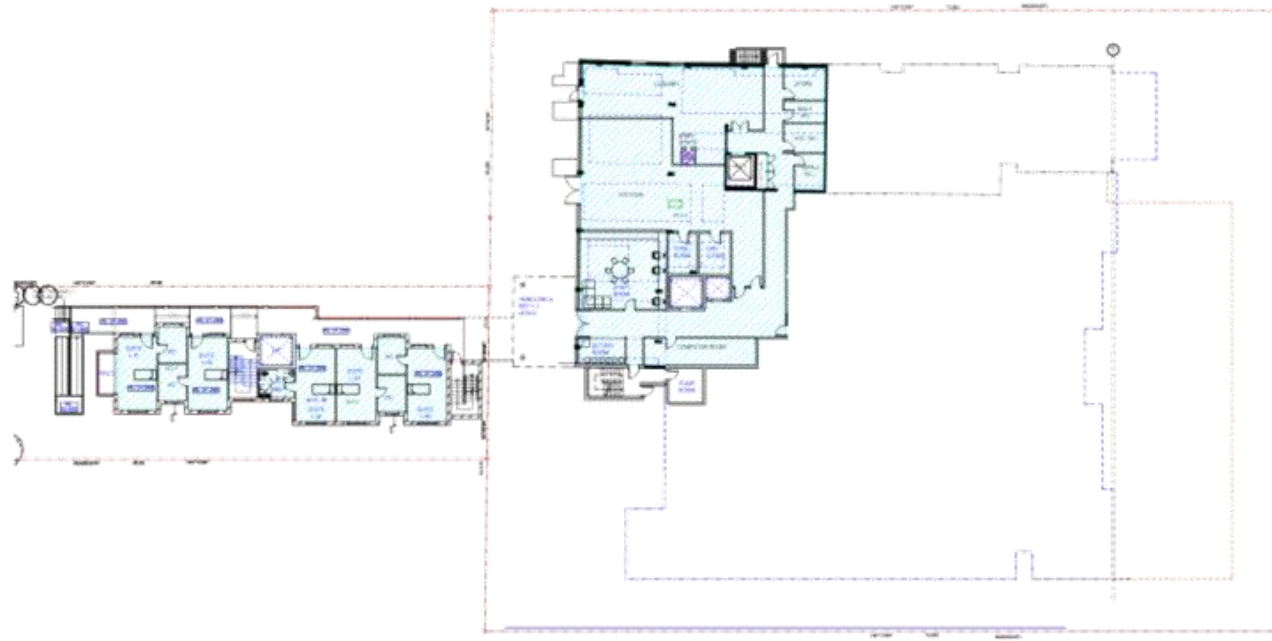
ADDRESS  
**81- 85 ALBERT RD & 58 BERESFORD RD STRATHFIELD**

DRAWING  
**STREETScape ELEVATION-ALBERT AND BERESFORD ROAD**

SCALE	SHEET SIZE	DATE	DRAWN
1:200	A1	JULY 2017	ABD







1 LOWER GROUND FLOOR PLAN



2 GROUND FLOOR PLAN

SITE AREA	5000.09m <sup>2</sup>	
FLOOR LEVEL	GFA	FGR
LOWER GROUND FLOOR	626m <sup>2</sup>	0.127 : 1
GROUND FLOOR	1862.2m <sup>2</sup>	0.372 : 1
FIRST FLOOR	1645.2m <sup>2</sup>	0.329 : 1
SECOND FLOOR	666.13m <sup>2</sup>	0.132 : 1
TOTAL	4820.7m <sup>2</sup>	0.961 : 1



3 FIRST FLOOR PLAN



4 SECOND FLOOR PLAN

STRATHFIELD COUNCIL  
RECEIVED  
(AMENDED PLAN)  
DA2018/041  
16 October 2018

**CHANGES TO DWG NO. 15-A**  
1. FLOOR PLANS & GFA FILL AMENDED TO SUIT DESIGN CHANGES  
2. CALCULATION TABLE AMENDED TO SUIT DESIGN CHANGES

B. AMENDED DA SUBMISSION 08.10.2018  
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CLIENT  
**JESMOND AGED CARE**

PROJECT  
**ALTERATIONS &  
ADDITIONS TO EXISTING  
AGED CARE FACILITY**

ADDRESS  
**81- 85 ALBERT RD & 58  
BERESFORD RD STRATHFIELD**

DRAWING  
**FLOOR SPACE RATIO  
CALCULATION PLAN**

SCALE SHEET SIZE DATE DRAWN  
1:300 A1 JULY 2017 MM

**GMD**  
ARCHITECTS  
Architect: Gary Whittall  
Registration No. 4800  
SUITE 1.1 Bureswood Rd  
Bureswood NSW 2134  
T 3744 6188  
F 3744 3582

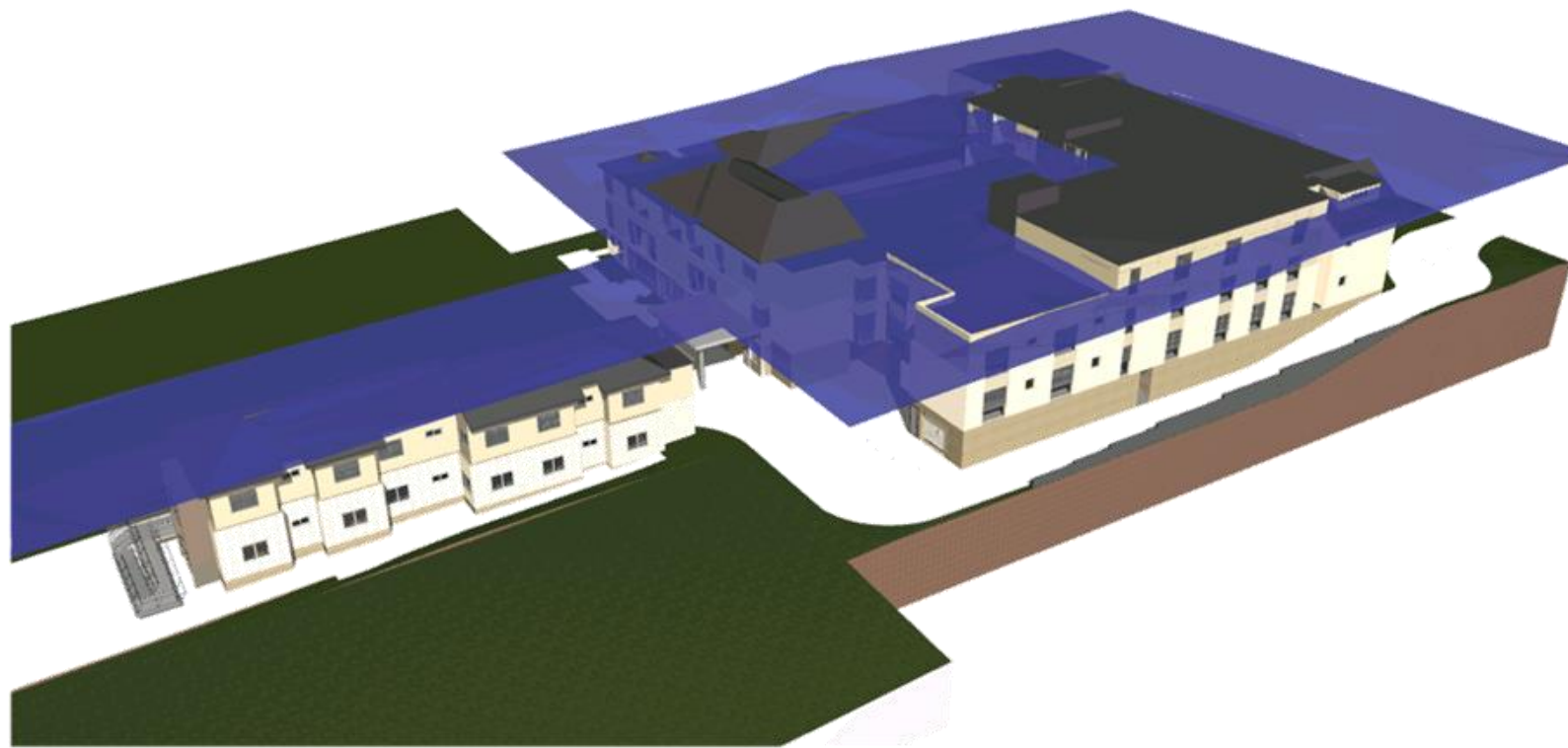
PROJECT NO. DWG NO. ISSUE  
**15867 DA-15 B**

**CHANGES TO DWG NO. DA-16A**  
 1. UPDATED SITE MODEL BASED ON AMENDED DESIGN



1 10.45m HEIGHT PLAN

**STRATHFIELD COUNCIL RECEIVED**  
 (AMENDED PLAN)  
 DA2018/041  
 16 October 2018



2 9.5m HEIGHT PLAN

B. AMENDED DA SUBMISSION 08.10.2018  
 A. DA SUBMISSION 02.02.2018

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CLIENT  
**JESMOND AGED CARE**

PROJECT  
**ALTERATIONS & ADDITIONS TO EXISTING AGED CARE FACILITY**

ADDRESS  
**81- 85 ALBERT RD & 58 BERESFORD RD STRATHFIELD**

DRAWING  
**BUILDING HEIGHT PLAN**

SCALE	SHEET SIZE	DATE	DRAWN
	A3	JULY 2017	ABD

**GMD ARCHITECTS**  
 Architect Gary Michael  
 Registration No. 4900

SUITE 1.1 Buresford Rd  
 Buresford NSW 2134  
 T 9744 6186  
 F 9744 3562

PROJECT NO.	DWG NO.	ISSUE
15867	DA-16	B



**TO:** Strathfield Local Planning Panel Meeting - 7 March 2019  
**REPORT:** SLPP – Report No. 3  
**SUBJECT:** DA2018/041 - 81-85 ALBERT ROAD & 58 BERESFORD ROAD  
 LOT 2, 7 & 8 DP 20594  
**DA NO.** DA2018/041

### SUMMARY

**Proposal:** Alterations and additions to existing aged care facility involving demolition of dwelling at 58 Beresford Road and construction of a new community building as well as partial demolition of existing aged care facility and construction of a new three (3) storey care wing with new car parking facilities.

**Applicant:** Jesmond Aged Care c/- GMD Architects

**Owner:** Jesmond Aged Care

**Date of lodgement:** 29 March 2018

**Notification period:** 17 April – 9 May 2018; and  
24 October – 15 November 2018

**Submissions received:** 52 (in two notification periods)

**Assessment officer:** RG

**Estimated cost of works:** \$18,733,282.00

**Zoning:** R2 - SLEP 2012 (Lot 8 DP20594)  
R3 – SLEP 2012 (Lot 2 and 7 DP20594)

**Heritage:** Heritage item (I69) under SLEP 2012 directly adjoins the site to the west at 87-89 Albert Road

**Flood affected:** Yes  
Yes – Floor space ratio  
(complies with Seniors Housing SEPP FSR development standard)

**Is a Clause 4.6 variation proposed?** Yes – Height  
16.84%

**Peer review of Clause 4.6 variation:** A peer review of the Clause 4.6 variations have been undertaken and the assessment officer's recommendation is supported.

**RECOMMENDATION OF OFFICER:** **REFUSAL**

### EXECUTIVE SUMMARY

1.0 The application seeks council approval for the alterations and additions to an existing aged care facility involving demolition of the existing dwelling at 58 Beresford Road and construction of a new community building as well as partial demolition of existing aged care facility and construction of a new three (3) storey care wing with new car parking facilities.

DA2018/041 - 81-85 Albert Road & 58 Beresford Road  
Lot 2, 7 & 8 DP 20594 (Cont'd)

- 2.0 The application was publicly notified from 17 April 2018 to 9 May 2018 and re-notified from 24 October to 15 November 2018, in accordance with the provisions of Part L of the Strathfield Consolidated Development Control Plan 2005.
- 3.0 18 submissions were received during the original notification period and 34 submissions were received during the re-notification period.
- 4.0 The key issues raised in these submissions include that the proposal does not follow desired consolidation patterns, is out of character with the streetscapes, overdevelopment by non-compliance with FSR controls, non-compliance with Seniors Housing SEPP (landscaping), overshadowing and overlooking, dust and noise impacts, traffic and parking impacts and impact on the significance of the adjoining heritage item.
- 5.0 On 25 June 2018, a deferral letter was sent to the applicant outlining a number of outstanding matters and issues with the proposal. Amended plans and documents were submitted on 16 October 2018 however, it is considered that a number of matters have not been addressed.
- 6.0 The principal issues of the proposal include:
- The proposal contravenes the development standard for height and number of storeys set out in Chapter 3, Part 4, Clause 40(4)(a) and (b) of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004, and a SEPP 1 objection has not been submitted;
  - The proposal does not follow the desired consolidation patterns set out in Part C of SDCP 2005;
  - The proposal is not considered to be in keeping with the streetscape character of Beresford Road and Albert Road;
  - The proposal does not provide a successful height and massing transition between the R2 and R3 zonings;
  - The proposal does not protect the significance of the adjoining heritage item.
- 7.0 The proposal is accompanied by written requests pursuant to Clause 4.6(3) of Strathfield Local Environmental Plan 2012 that seek to justify the contraventions of the building height and floor space ratio development standards. These requests have been reviewed and it is considered that the request to contravene the floor space ratio standard is well founded as the proposed floor space ratio complies with the floor space ratio development standard set out in Clause 48(b) of the State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 (Seniors Housing SEPP), and pursuant to Chapter 1, Clause 5 of the Seniors Housing SEPP where there is an inconsistency between the Seniors Housing Policy SEPP and any other environmental planning instrument, the Seniors Housing SEPP prevails for the extent of the inconsistency. However, the request to contravene the height development standard is not considered to adequately address the matters required to be demonstrated by that sub-clause and more particularly the matter of sufficient environmental planning grounds
- 8.0 Accordingly, the proposal is recommended for refusal.

## **BACKGROUND**

### Pre-DA Background

**Pre-Application**

**Summary of the Proposal**

**Summary of Council advice**

## STRATHFIELD LOCAL PLANNING PANEL MEETING

7 MARCH 2019

DA2018/041 - 81-85 Albert Road & 58 Beresford Road  
Lot 2, 7 & 8 DP 20594 (Cont'd)

## Date

- |                |   |   |
|----------------|---|---|
| June 2015      | <ul style="list-style-type: none"> <li>• Demolition of dwelling at 58 Beresford Road</li> <li>• Demolition of NE section of existing RACF</li> <li>• New level access driveway from Beresford Road to loading/delivery dock</li> <li>• New on-grade car parking and community building above on 58 Beresford Road for a 'Day Care' facility and ancillary offices</li> <li>• New 3-storey care wing on the NW corner of RACF.</li> <li>• New lower ground level to accommodate care for persons with dementia</li> <li>• <b>Additional 24 single beds (resulting in total 123 beds)</b></li> <li>• <b>Additional ~1,600m<sup>2</sup> of floor space, resulting in FSR of ~0.96:1</b></li> </ul>   | <ul style="list-style-type: none"> <li>• At grade car parking to be suitably screened and landscaped</li> <li>• Under provision of landscaping</li> <li>• Acoustic impact from open car park, after hour access for mortuary/ ambulance access, loading dock and building ventilation</li> <li>• Provision of a prayer room</li> <li>• Provision of a private visiting room</li> <li>• Provision of a north-facing courtyard potentially with communal gardening opportunities.</li> </ul>  |
| November 2016  | <ul style="list-style-type: none"> <li>• Demolition of the existing dwelling at 58 Beresford Road</li> <li>• Demolition of the western part of the existing two storey RACF building and proposed additions to replace this with a 2 and 3 storey addition <b>providing an additional 29 beds (resulting in total 128 beds)</b></li> <li>• Provision of a café/ shop</li> <li>• Additional car parking and landscaping over 58 Beresford Road</li> <li>• Reformation of the existing driveway along the south western side of the site and proposed new landscaping buffer along this boundary line</li> <li>• Reduced number of car parking spaces</li> <li>• <b>Additional ~1,200m<sup>2</sup> of floor space, resulting in a FSR of ~0.89:1</b></li> </ul> | <ul style="list-style-type: none"> <li>• Proposed building height exceeds the height development standard in SLEP 2012.</li> <li>• Under provision of on-site car parking (deficient of 3 spaces) as required by Seniors Housing SEPP</li> <li>• Under provision of landscaping (2,100m<sup>2</sup>) as required by Seniors Housing SEPP</li> <li>• Shop/ café is a prohibited use in R2 and R3 zone under SLEP 2012. The use may be permissible as ancillary to the RACF however, justification required as to the ancillary nature of such use.</li> <li>• Staging plans required to be submitted</li> <li>• Acoustic report is required to be submitted</li> </ul> |
| September 2017 | <ul style="list-style-type: none"> <li>• Demolition of the existing residence at 58 Beresford Road.</li> <li>• Demolition of the western part of the existing two storey RACF building</li> <li>• Proposed new building on 58 Beresford Road site to provide</li> </ul>   | <ul style="list-style-type: none"> <li>• Under provision of landscaping and use of courtyard spaces</li> <li>• Privacy amenity impacts due to placement of windows in relation to neighbouring properties</li> <li>• Position, scale and bulk of new</li> </ul>   |

## STRATHFIELD LOCAL PLANNING PANEL MEETING

7 MARCH 2019

DA2018/041 - 81-85 Albert Road & 58 Beresford Road  
Lot 2, 7 & 8 DP 20594 (Cont'd)

- 26 beds for decanting of main building during construction period & reverting to 13 beds once all construction works are completed.
- Proposed additions to replace the western part of the existing RACF building comprising 2 & 3 storeys
  - An additional 23 beds in this building – which when combined with the beds in the new building on 58 Beresford Road will result in a **net increase of 36 beds for the facility (a total of 135 beds)**.
  - The reformation of the existing driveway along the south western side of the site to provide access to a new basement car park at lower ground floor under main building.
  - Additional undercover outdoor car parking at 58 Beresford Road.
  - Provision of additional landscaping and amenities to the northern boundary and internal courtyards with soft landscaping.
  - The proposed reformation of driveway and parking within the front setback and new landscaping.
  - **Additional ~1,700m<sup>2</sup> of floor space, resulting in a FSR of ~0.99:1**
- building structure at 58 Beresford Rd, including exceeding maximum building height
- Acoustic impacts from garage door to basement car parking
  - Staging constructions plans to address off street parking
  - Overshadowing of adjoining properties
  - Waste management consideration
  - Not supportive of driveway access from Beresford Road.

Subject Application

- 29 March 2018** The subject application was lodged with Council. The original submission increased the number of beds from 99 to 131 (increase of 32 new beds).
- 17 April –  
9 May 2018** The application was advertised and notified for a period of 21 days. 18 submissions were received, whereby 11 of these were identical.
- 25 June 2018** A letter was sent to the applicant detailing a number of outstanding matters and concerns with the proposal, including:
- a poor design outcome;
  - inconsistency with the prevailing streetscape character of Albert and Beresford Road (including materials and finishes, transition, form and height, scale, setbacks, roof form);
  - lack of articulation of facades;
  - building height is not compatible with scale of adjacent development and Clause 4.6 to vary height development standard is not accepted;

## STRATHFIELD LOCAL PLANNING PANEL MEETING

7 MARCH 2019

DA2018/041 - 81-85 Albert Road & 58 Beresford Road  
Lot 2, 7 & 8 DP 20594 (Cont'd)

- position, bulk and scale of the building (lack of articulation, inadequate side and rear setbacks, poor transition to R2 zone);
- under provision of landscaping and loss of landscaping to SW boundary and western corner is not supported;
- external materials and finishes (materials to Beresford Road building is inconsistent with streetscape character); pitched roof form to be included for both buildings;
- traffic report to be updated to reflect the current traffic conditions and surveys and under provision of on-site car parking;
- the proposed front fence to Beresford Rd is not in keeping with the prevailing streetscape character; and
- require updated plans to include all property boundaries and streetscape elevation provided for Beresford Road frontage.

**16 October 2018** Amended plans and documents received, including amended architectural plans, landscape plans, shadow diagrams, swept paths, supplementary planning report, traffic parking impact report, traffic carpark certification, 3D models.

**24 October –  
15 November 2018** The application was re-notified for a period of 21-days. An additional 34 additional submissions received, whereby 22 of these were identical.

**18 February 2019** A meeting was held between planning officers and the applicant and their team to discuss the reasons why the application is not supported.

#### DESCRIPTION OF THE SITE AND LOCALITY

The subject site is located on the north-western side of Albert Road and south-eastern side of Beresford Road, and comprises 81-85 Albert Road (Lot 7 and 8 DP 20594) and 58 Beresford Road (Lot 2 DP 20594) (**Figure 1**).

No. 81- 85 Albert Road currently comprises a two-storey residential care facility (**Figure 2-7**) with on-site parking partly within an undercroft area at the rear of the site. Vehicular access is gained via two vehicle crossovers at the front of the site and a driveway adjacent to the south-western side boundary (**Figure 7**).

No. 58 Beresford Road currently comprises a single storey dwelling house (**Figure 8**) with a detached outbuilding adjacent to the north-eastern side boundary. Vehicle access is gained by a single vehicle crossing and driveway adjacent to the north-eastern side boundary.

The Albert Road frontage is 54.862m in width (Lot 8 – 18.286m and Lot 7 – 36.576m), and the Beresford Road frontage is 15.24m in width. The site has a total area of 5,000.09m<sup>2</sup>.

The site slopes down from the south-east to north-west and has a cross-fall of approximately 7.08m.

The current streetscape of Albert Road is characterised predominately by low density residential dwellings however, Strathfield Girls High School is located directly opposite the site, on the south-eastern side of Albert Road. Also in close proximity to the site on Albert Road (between Homebush Road and Dickson/ Heyde Avenue) is the Catholic Institute Sydney and the Strathfield NSW Education Office).

DA2018/041 - 81-85 Albert Road & 58 Beresford Road  
 Lot 2, 7 & 8 DP 20594 (Cont'd)

The current streetscape of Beresford Road is characterized predominately by low and medium density residential accommodation, including single dwelling houses and multi dwelling housing. There is a telecommunications facility located to the south-west of the site along Beresford Road.

The adjoining site at No. 87-89 Albert Road is a designated heritage item (I69) under Schedule 5 of the SLEP 2012.



Figure 1: Locality plan with the site outlined in blue



DA2018/041 - 81-85 Albert Road & 58 Beresford Road  
Lot 2, 7 & 8 DP 20594 (Cont'd)



**Figure 2: North- eastern portion of the front elevation of the existing residential care facility**



**Figure 3: South- western portion of the front elevation of the existing residential care facility**

DA2018/041 - 81-85 Albert Road & 58 Beresford Road  
Lot 2, 7 & 8 DP 20594 (Cont'd)



**Figure 4: Portion of the front elevation of the existing residential care facility (orientated north- east)**



**Figure 5: Portion of the south- western side elevation of the existing residential care facility**

DA2018/041 - 81-85 Albert Road & 58 Beresford Road  
Lot 2, 7 & 8 DP 20594 (Cont'd)



**Figure 6: Rearmost portion of the existing residential care facility, including car parking area (and undercroft parking area)**



DA2018/041 - 81-85 Albert Road & 58 Beresford Road  
 Lot 2, 7 & 8 DP 20594 (Cont'd)

Figure 7: Existing vehicle access adjacent to the south- western side boundary



Figure 8: Front elevation of the existing dwelling house at 58 Beresford Road

**PROPERTY BURDENS AND CONSTRAINTS**

The site is affected by two (2) easements to drain water, both 1.0m wide. The easements are located adjacent to the north-eastern side boundary of the Beresford Road property (Lot 2) and adjacent to part of the rear boundary shared with No. 56 Beresford Road (Figure 9).

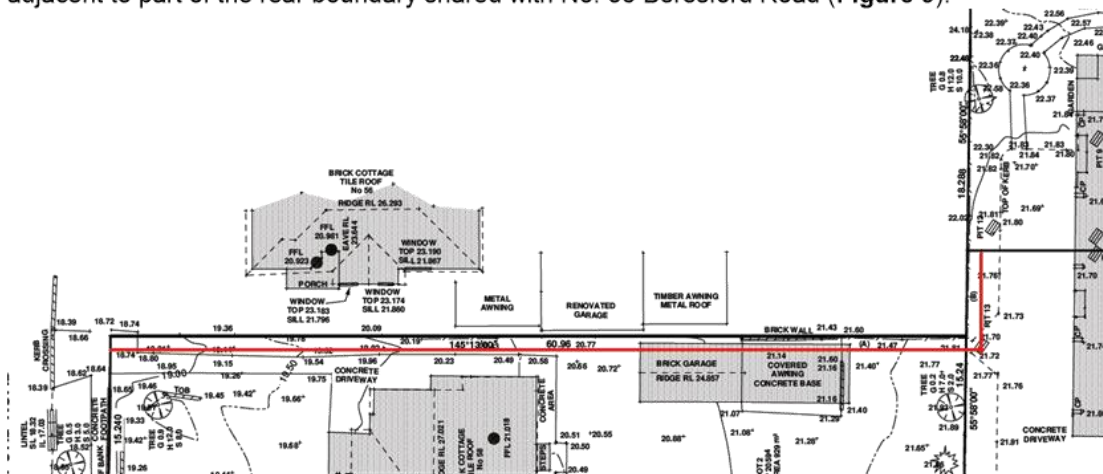


Figure 9: Approximate location of the easements located on the site and marked in red.

DA2018/041 - 81-85 Albert Road & 58 Beresford Road  
Lot 2, 7 & 8 DP 20594 (Cont'd)

### DESCRIPTION OF THE PROPOSED DEVELOPMENT

The application seeks Council approval for the alterations and additions to an existing aged care facility involving demolition of the dwelling house at 58 Beresford Road, and construction of a new residential care building (at 58 Beresford Road) as well as partial demolition of the existing aged care facility (at 81-85 Albert Road) and construction of a new three (3) storey addition with new basement car parking facilities.

The main elements of the originally submitted proposal were:

- Demolition of existing dwelling at 58 Beresford Road;
- Partial demolition of the existing residential care facility (western portion);
- Construction of a new three-storey residential care facility at 58 Beresford Road (containing 13 new beds) linked to the main building via a covered awning;
- Part 2, part 3--storey addition to the existing residential care facility (providing an additional 19 beds);
- Provision of an additional 32 beds, resulting in a total of 131 beds on site;
- Extension of the lower ground level to incorporate parking for 32 car parking spaces, including two (2) disabled bays, new kitchen, staff room, reception, computer store, garbage store, and plant rooms;
- Provision of an at-grade ambulance bay at the rear of the building;
- Proposed FSR of 0.99:1
- Clause 4.6 Variations submitted to vary height and FSR development standards under SLEP 2012.

The applicant submitted revised plans and documents on 16 October 2018, whereby the main amendments involved:

- Decrease in 9 beds;
- Provision of an additional 2 car parking spaces,
- Revised roof form to Albert Road building, including two (2) gables and skillion roof;
- Reduced loss of landscaping along south-western side boundary;
- Removal of the covered link between Beresford Road and Albert Road buildings;
- Albert Road building - reduction in roof ridge height (by maximum ~1.98m)
- Beresford Road building - reduction in roof ridge height (by maximum ~1.2m)
- Removal of uppermost floor of proposed Beresford Road building;
- Extent of face brick on external elevations increased;
- Addition of privacy screens;
- Updated Traffic Report to reflect most recent traffic studies;
- Reduced FSR of 0.96:1;
- Updated Clause 4.6 Variation (height).

The specific elements of the amended proposal are:

- Provision of an additional 23 beds, resulting in a total of 122 beds; and

Lower ground level:

- 34 car parking spaces (including 2 disabled bays)
- Plant and store room
- Garbage store
- Computer room
- Staff room
- Kitchen
- Fire stair and lift access

## STRATHFIELD LOCAL PLANNING PANEL MEETING

7 MARCH 2019

DA2018/041 - 81-85 Albert Road & 58 Beresford Road  
Lot 2, 7 & 8 DP 20594 (Cont'd)

Ground floor level:

- Demolition of, and new addition to, the western wing of the residential aged care facility;
- New dining room
- Prayer room
- Internal courtyard
- Meeting rooms
- Lift and fire stair access
- New suites

First floor level:

- New suites
- Internal courtyard
- Lift and fire stair access

Second floor level:

- 17 new suites
- Terrace
- Lift and fire stair access

External works:

- Loading/ turning bay
- One (1) ambulance parking bay
- Removal of 26 trees
- Removal of the most eastern vehicle crossover along Albert Road and reinstate the kerb;
- Removal of the vehicle crossover along Beresford Road and reinstate the kerb;
- Reconfiguration and enlargement of most western vehicle entry and driveway;
- Landscaping works across the site including loss of landscaping along the south-western boundary;
- Stormwater provisions including OSD adjacent to Beresford Road frontage.

The construction works is proposed in three (3) stages, as outlined in the Staging & Construction Management Report submitted with the application, and includes:

- Stage 1: North and east wings of Albert Road building;
- Stage 2: Balance of Albert Road building;
- Stage 3: Beresford Road building.

DA2018/041 - 81-85 Albert Road & 58 Beresford Road  
Lot 2, 7 & 8 DP 20594 (Cont'd)



Figure 10: Extract of the proposed site plan



Figure 11: Photomontage of the proposed front elevation of the Albert Road building

DA2018/041 - 81-85 Albert Road & 58 Beresford Road  
 Lot 2, 7 & 8 DP 20594 (Cont'd)

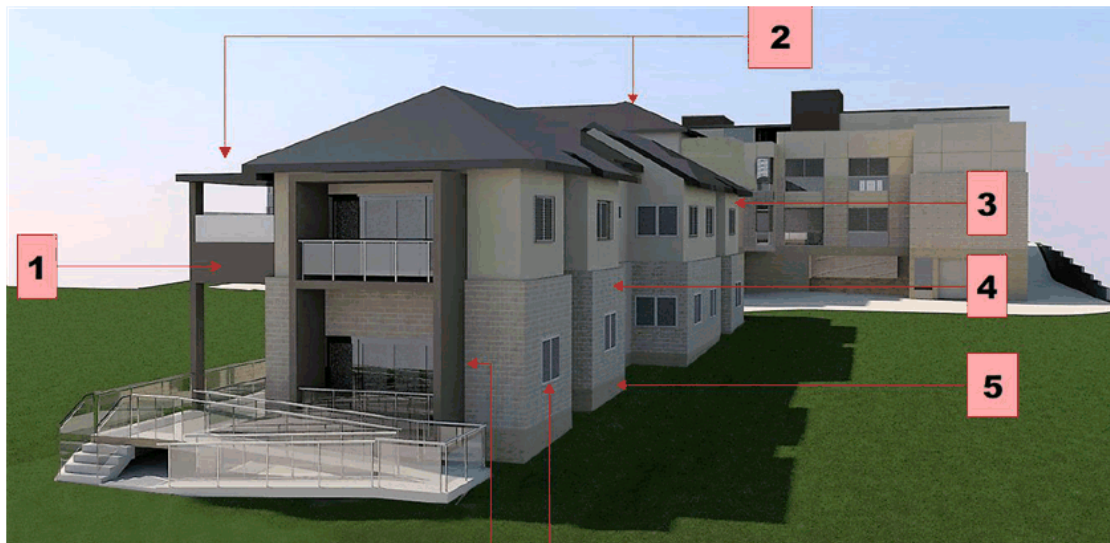


Figure 12: Photomontage of the proposed Beresford Road building (view from Beresford Road)

## REFERRALS

### INTERNAL REFERRALS

#### Stormwater Engineering Comments

Council's Engineer has commented on the proposal as follows:

*"I have reviewed the stormwater drainage concept plan prepared by Sparks & Partners Consulting Engineers rev A drawing no. SW01 – SW08 job no. 17032 dated 19.02.2018. The subject site has a natural fall to the rear but, presence of Council's drainage system in Beresford Road has enabled the applicant to submit a compliant design. Water sensitive urban design principles have been incorporated into the stormwater drainage design and Council's requirements have been met. The site discharges to Council's drainage system in Beresford Road, Strathfield by gravity pipe means via proposed below ground OSD tank. The proposed alterations and additions roof runoff drains into the OSD tank by gravity means via downpipes. Subsoil seepage drains into the OSD tank by gravity means via subsoil drainage. Driveway access runoff drains into the OSD tank by gravity means via grated trench drain. OSD tank has been designed with internal mechanism to negate likelihood of internal flooding. 278.6m<sup>2</sup> (5.57%) of total site area bypasses the OSD tank. From an engineering perspective, the concept plan is feasible and there are no objections to its approval subject to the following conditions attached."*

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



## STRATHFIELD LOCAL PLANNING PANEL MEETING

7 MARCH 2019

DA2018/041 - 81-85 Albert Road & 58 Beresford Road  
Lot 2, 7 & 8 DP 20594 (Cont'd)

**Building Comments**

Council's Building Compliance Officer has commented on the proposal as follows:

*"As the demo is of part of the facility and the rest of the facility will still be occupied. A report of the existing fire measures and how the proposed demo will impact on travel distances, fire compartments, fire suppression and any proposed fire safety measures.*

*The lift doors on the Basement carpark level open directly into the path of car turning circle. Bollards would be required there complying with the circulation space for accessible access."*

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

**Waste Comments**

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

*"Applicant has not submitted a waste management plan with sufficient detail to properly assess"*

The comments are summarised as follows:

- Site plan to be included with application detailing location of bins and vehicular access to bins for collection. Must include the correct dimensions, include multiple bins for waste and truck turning circles.
- Include waste contractors and tipping locations in Waste Management Plan.
- Need to include calculations for waste generation, size of bins and bin store area
- Written evidence of valid contracts for the regular collection and disposal of waste and recyclables generated on the site (e.g. medical related waste, trade waste or excessive waste volumes generated etc) by a licensed waste contractor must be supplied.
- Caretaker or individual identified who is responsible for maintaining waste rooms and moving bins for collection.

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 raised no objection to the proposal subject to the imposition of conditions including imposing the recommendations contained within the submitted Arborist Report as conditions of consent.

**Traffic Comments**

Council's Traffic Engineer has commented on the original proposal as follows:

*"I refer to the Traffic and Parking report, Car Park Certification Report and Swept Paths Plans submitted for the development application, 81-85 Albert Road, 58 Beresford Road, (DA 2018/041).*

DA2018/041 - 81-85 Albert Road & 58 Beresford Road  
Lot 2, 7 & 8 DP 20594 (Cont'd)

The existing traffic scenario at the surrounding intersection shown in the report for the analysis of traffic impact assessment is based on the survey conducted in Feb 2017. However, the peak hour traffic volume on Homebush Rod is around 600 vehicles/hr according to the traffic study on Homebush Road near Albert Road of Council (Survey conducted in Feb 2018). Hence the current traffic scenario represented in the report is unacceptable based on which traffic generation and impact analysis are justified. It is necessary to update the existing traffic condition with surveys to be conducted.

The increased parking spaces are justified sufficient enough for the increase in the staff member for the proposed development. However, it is required to provide the additional parking spaces to be justified for the increase in the number of beds. With the proposed operation of the extended aged care as day care, the proposed number of parking bays will not be adequate to cater the demand.

According to Traffic Generating Development - Updated Surveys, Technical Direction TDT 2013/04a, the Weekday peak hour trip generation rate to be considered for Housing for seniors must be 0.4 per dwelling. Kindly update the analysis accordingly.

The width of the entry driveway between walls is narrowed to 4.3 which is insufficient to accommodate two way traffic movement. It was mentioned that Traffic control devices will be used to manage two-way movement. Kindly elaborate in detail how will this be addressed.

Considering the existing traffic condition on Albert Road and Homebush Road it is required to distribute the traffic generated from this development on the roads. It will be more appropriate if there is an additional access arrangement on Beresford Road which will ease the traffic on Albert Road.

The Construction Traffic Management Plan submitted for this development is not required at this stage and it is advised to resubmit this document to Council when it is conditioned in DA approval with conditions of consent. Hence, it is not accepted and reviewed."

Council's Traffic Engineer reviewed the amended proposal and raised no objections subject to the imposition of recommended conditions of consent.

### Heritage Comments

Council's Heritage Advisor commented on the amended proposal as their comments are summarised as follows:

- Site is adjacent to a listed heritage item, 'Tuxedo' located at 87- 89 Albert Road (I69)
- The proposed building is out of scale with the neighbouring heritage item and there is opportunity to lessen the impact of the proposed on the heritage item through increasing the setback of the uppermost level to maintain a predominately two-storey presentation to the Albert Road frontage
- Concern raised regarding the proximity of the basement driveway access along the western boundary and the potential damage to the adjacent heritage item arising from the proposed excavation. However, this may be addressed through appropriate conditions of consent
- The proposal include face brickwork to the front elevation adjacent to the listed heritage item. 'Tuxedo' features brickwork that is red-brown in colour with contrasting orange-red brick detailing to the archways and soldier courses. The proposed brick is of a pale cream colour and are not in keeping with the materials of the neighbouring heritage item or the general locality. It is recommended that the face brickwork proposed for the lower two (2) level be of a colour and hue that is more in keeping with the materiality of the neighbouring heritage item or the general locality. This will necessarily require reconsideration of the CFC cladding

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proposed to the upper floors. This will also help anchor the building in its locality.

The subject site comprises "Agincourt" which is not a listed heritage item and, while there are parts of the current building where the former Victorian era mansion can be identified, these areas are limited and, as noted above and demonstrated in the pictures below, much of the detailing is either compromised or lost. The compromised state of the Victorian era element is such that it does not warrant retention or listing. However, there is a detailed stained glass window in the stairwell which indicates the year and the initials of the original owner, John Paul.

- The heritage impact statement submitted with the development application from John Oultram makes recommendations for the reuse of the stained glass element (**Figure 13 and 14**) and the recording of the building to be demolished, and for interpretation to be included in the new building. It is noted that the reuse of the stained glass window is included in the front elevation as shown below. These recommendations are considered to be appropriate and these are included as recommended conditions and are accompanied by appropriate conditions addressing the protection, storage and reuse of this element.



**Figure 13 and 14: Existing stainglass window of Agincourt (LHS) and proposed reuse of the stainglass window (RHS)**

Overall, Council's Heritage Advisor noted that a better relationship between the building and the adjoining heritage item could be improved by setting back the uppermost floor and a reconsideration of the proposed materials and finishes. Conditions of consent were also recommended in relation to the reuse of the stain glass window and appropriate interpretation of 'Agincourt' included in the new development.

#### **Environmental Health Comments**

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

*The development is classified as class 5 ASS – and no further assessment is required for acid sulfate soils.*

*During the construction, there will be temporary stockpiles – sediment and erosion controls will be implemented. During the demolition and construction of the development, there will be excavation equipment which has the potential to cause noise and vibration nuisances. An acoustic assessment has been conducted, however a vibration assessment is*

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*recommended. To minimise dust during demolition and construction the development will use spray carts to wet dusty surfaces.*

*As the acoustic measurements were conducted in May 2017, the proposal follows the EPA Industrial Noise Policy 2000. Table 3.4 Project Specific Noise Level sets out each receiver and the project specific noise level. The criteria specified in this table seems to meet the requirements of the INP 2000. Section 4.1 discusses Construction Noise. The assessment includes a brief statement about vibration, specifically Section 4.1.4. The report mentions that the plant and equipment to be used for the construction should be provided by the construction contractor. Section 4 does attempt to provide as much information as possible to manage noise and vibration from the development – however, a detailed vibration management plan is required to ensure that equipment used throughout demolition and construction is managed and will not cause a nuisance to neighbouring properties.*

*Section 4.2 discusses Operational Noise, specifically in relation to mechanical noise from ventilation, air conditioning units and mechanical plants.*

#### *Architectural Plans*

- 1. An acoustic wall is proposed around the whole boundary of the site.*
- 2. Has the development considered access for people with disabilities?*

#### **Recommendation**

*Environmental Services does not have any current objections to this proposal. However, further information and a referral to State Government are required. I have noted Special Conditions below. However, in addition the following items must be addressed;*

- 1. A referral to the NSW Food Authority may be required in relation to increasing the number of people that the kitchen will be servicing and if it will be adequate.*
- 2. A noise and vibration assessment must be completed by a suitably qualified person to address the use of excavation equipment and the vibration associated with its use.*
- 3. Confirm how many deliveries/ truck movements are expected during demolition, construction, and ongoing use of the premises.*

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

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

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

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

- (i) any environmental planning instrument**

#### **State Environmental Planning Policy No 55 – Remediation of Land**

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

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

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The objectives outlined within SEPP55 are considered to be satisfied.

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

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

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

The proposal was referred to Council's Tree Management Officer who outlined specific conditions to be imposed with any development consent in order to ensure the protection of these trees. Further, no objection was raised to the removal of a number of trees on the site subject to replacement planting and imposition of a number of recommended conditions.

### STATE ENVIRONMENTAL PLANNING POLICY (HOUSING FOR SENIORS OR PEOPLE WITH A DISABILITY) 2004

An assessment of the proposal against the general aims of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 (Seniors Housing SEPP) is included below:

Cl. 2	Aims	Complies
(1)	<i>This Policy aims to encourage the provision of housing (including residential care facilities) that will:</i>	
(a)	<i>Increase the supply and diversity of residences that meet the needs of seniors or people with a disability, and</i>	<b>Yes</b>
(b)	<i>Make efficient use of existing infrastructure services, and</i>	<b>Yes</b>
(c)	<i>Be of good design</i>	<b>No</b>

**Comment:** *The proposal involves alterations and additions to the existing residential care facility, to provide an additional 23 beds within the facility. As such, it is acknowledged that the proposal will assist in meeting the needs of seniors or people with a disability.*

However, officers do not consider the proposal to be of good design for the following reasons:

- *The Albert Road and Beresford Road buildings do not successfully relate to the surrounding streetscape (through use of a flat roof form, materials which do not accord with the surrounds, reduced setbacks and excessive height),*
- *The Albert Road building does not provide a successful height transition between the R2 and R3 zones*
- *The Albert Road building is not sympathetic to, nor conserves the significance of the adjoining heritage item*
- *The Beresford Road building comprises building elements, including a prominent bulky front entrance ramp and external access balcony which does not positively contribute to the character of the streetscape*
- *Loss of landscaping between the Albert Road building and the south-western side boundary*

*These matters are discussed in more detail later in this report.*

Chapter 1 Clause 4 of the Seniors Housing SEPP sets out the land to which this Policy applies in New South Wales and states:

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(1) **General**

*This Policy applies to land within New South Wales that is land zoned primarily for urban purposes or land that adjoins land zoned primarily for urban purposes, but only if:*

- (a) *development for the purpose of any of the following is permitted on the land:*
  - (i) *dwelling-houses,*
  - (ii) *residential flat buildings,*
  - (iii) *hospitals,*
  - (iv) *development of a kind identified in respect of land zoned as special uses, including (but not limited to) churches, convents, educational establishments, schools and seminaries, or*
- (b) *the land is being used for the purposes of an existing registered club.*

The subject site comprises a split zoning, including R2 – Low Density Residential and R3- Medium Density Residential under the Strathfield Local Environmental Plan 2012 (SLEP 2012), and therefore the site is land zoned primarily for urban purposes. ‘Dwelling-houses’ are a permissible use within the R2 zone under SLEP 2012, and ‘dwelling-houses’ and ‘residential flat buildings’ are permissible uses within the R3 zone under SLEP 2012. Therefore this policy is applies to the subject site.

Chapter 2, Clause 11 of the Seniors Housing SEPP sets out that a ‘residential care facility’ is residential accommodation for seniors or people with a disability that includes:

- (a) *Meals and cleaning services, and*
- (b) *Personal care or nursing care, or both, and*
- (c) *Appropriate staffing, furniture, furnishings and equipment for the provision of that accommodation and care,*  
*Not being a dwelling, hostel, hospital or psychiatric facility.*

The proposal is for alterations and additions to an existing residential care facility, which is consistent with the definition of a residential care facility defined under Chapter 2, Clause 11 of the Seniors Housing SEPP.

Chapter 3, Part 2, Clause 26 sets out the site-related requirements for seniors housing, including the location and access to facilities. The proposal relates to an existing residential care facility, and therefore the proposal is considered to be acceptable in terms of its location and access to facilities.

Chapter 3, Part 3, Division 2 of the Seniors Housing SEPP sets out the design principles for seniors housing. A summary of the design principles and an assessment of the proposal against these are provided in the table below:

<b>Cl.</b>	<b>Aims</b>	<b>Complies</b>
<b>33</b>	<p><b>Neighbourhood amenity and streetscape</b>  <i>The proposed development should:</i></p> <ul style="list-style-type: none"> <li>(a) <i>recognise the desirable elements of the location’s current character (or, in the case of precincts undergoing a transition, where described in local planning controls, the desired future character) so that new buildings contribute to the quality and identity of the area, and</i></li> <li>(b) <i>retain, complement and sensitively harmonise with any heritage conservation areas in the vicinity and any relevant heritage items that are identified in a local environmental plan, and</i></li> <li>(c) <i>maintain reasonable neighbourhood amenity and appropriate residential character by:</i></li> </ul>	<b>No</b>

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	<ul style="list-style-type: none"> <li>(i) providing building setbacks to reduce bulk and overshadowing, and</li> <li>(ii) using building form and siting that relates to the site's land form, and</li> <li>(iii) adopting building heights at the street frontage that are compatible in scale with adjacent development, and</li> <li>(iv) considering, where buildings are located on the boundary, the impact of the boundary walls on neighbours, and</li> </ul>	
	(d) be designed so that the front building of the development is set back in sympathy with, but not necessarily the same as, the existing building line, and	
	(e) embody planting that is in sympathy with, but not necessarily the same as, other planting in the streetscape, and	
	(f) retain, wherever reasonable, major existing trees, and	
	(g) be designed so that no building is constructed in a riparian zone.	
<b>34</b>	<b>Visual and acoustic privacy</b> <ul style="list-style-type: none"> <li>- Consider visual and acoustic privacy of the neighbours through positioning of windows and balconies, use of screening and landscaping</li> <li>- Ensure acceptable noise levels in bedrooms of new dwellings by locating them away from driveways, parking areas and paths</li> </ul>	<b>Yes</b>
<b>35</b>	<b>Solar access and design for climate</b> <ul style="list-style-type: none"> <li>- Ensure adequate daylight to main living areas of neighbours in the vicinity and adequate sunlight to substantial areas of private open space</li> <li>- Reduce energy use and make practical use of natural ventilation solar heating and lighting by locating windows of living and dining area in a northerly direction</li> </ul>	<b>Yes</b>
<b>36</b>	<b>Stormwater</b> <ul style="list-style-type: none"> <li>- Control and minimise disturbance and impacts of stormwater runoff on adjoining properties and receiving waters</li> <li>- Include where practical, on-site stormwater detention or re-use for second quality water uses</li> </ul>	<b>Yes</b>
<b>37</b>	<b>Crime Prevention</b> <ul style="list-style-type: none"> <li>- to provide personal property security for residents and visitors and encourage crime prevention</li> </ul>	<b>Yes</b>
<b>38</b>	<b>Accessibility</b> <ul style="list-style-type: none"> <li>- have obvious and safe pedestrian links from the site that provide access to public transport services or local facilities</li> <li>- provide attractive and safe environments for pedestrians and motorists with convenient access and parking for residents and visitors</li> </ul>	<b>No</b>
<b>39</b>	<b>Waste Management</b> <ul style="list-style-type: none"> <li>- Provide waste facilities that maximise recycling</li> </ul>	<b>Yes</b>

**Comments:**

**Neighbourhood amenity and streetscape**

(a) recognise the desirable elements of the location's current character (or, in the case of precincts undergoing a transition, where described in local planning controls, the desired future character) so that new buildings contribute to the quality and identity of the area, and

The surrounding area is in part, is leafy in character including significant trees and substantial planting. The proposal involves the removal of a number of camphor laurel trees along the south-western side boundary. Whilst these trees are in a poor- fair condition and Council's Tree Officer recommends their removal, the trees are still considered to make a position contribution to the street, providing a substantial vegetative buffer between the subject site and the adjoining heritage item. The loss of trees in this location, without their replacement is considered to result in an

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adverse visual impact to the streetscape and adversely affect the heritage significance of the neighbouring heritage item.

*(b) retain, complement and sensitively harmonise with any heritage conservation areas in the vicinity and any relevant heritage items that are identified in a local environmental plan, and*

The subject site is located adjacent to 'Tuxedo', a listed heritage item (169) under Schedule 5 of SLEP 2012, located at 87-89 Albert Road, Strathfield.

Council's Heritage Advisor stated that the proposed additions to the Albert Road building are out of scale with the neighbouring heritage item. The Advisor identified that there is opportunity to lessen the impact of the proposal on the heritage item through increasing the setback of the uppermost level to maintain a predominately two-storey presentation to the Albert Road frontage. This would require a reconsideration of the proposed gable and skillion roof form.

Given that the proposal involves a reduced setback to the south-western side boundary, substantial increase in height, and a roof form which does not reflect the predominate roof form in the surrounding area, the resultant building will appear bulky, and overly dominant thereby detracting from the significance of the heritage item. Furthermore, it is noted that there is a loss of substantial landscaping on the subject site along the south-western side boundary (shared with No. 87-89 Albert Road). The existing landscaping forms part of the setting of the listed building and provides a vegetation buffer and break between the existing residential care facility and the heritage item. The removal of trees along this boundary, and the reduction in width of this landscaping strip, may also compromise the significance of the heritage item.

Furthermore, Council's Heritage Advisor noted that the proposal includes face brickwork to the front elevation, adjacent to the listed heritage item. 'Tuxedo' features brickwork that is red-brown in colour with contrasting orange-red brick detailing to the archways and soldier courses. The proposed brick is of a pale cream colour and are not in keeping with the materials of the neighbouring heritage item or the general locality.

There is opportunity for the proposal to setback the uppermost floor of the Albert Road building from the front and side of the floor level below, retain and maximise the landscaping along the south-western side boundary and reconsider the external materials and finishes to be more sympathetic to the heritage item. However, in the current form, the proposal is not considered to conserve the heritage significance of the adjoining heritage item and is contrary to the design principle set out in Clause 33(b), thereby forming a reason for refusal.

- (c) maintain reasonable neighbourhood amenity and appropriate residential character by:*
- (i) providing building setbacks to reduce bulk and overshadowing, and*
  - (ii) using building form and siting that relates to the site's land form, and*
  - (iii) adopting building heights at the street frontage that are compatible in scale with adjacent development, and*
  - (iv) considering, where buildings are located on the boundary, the impact of the boundary walls on neighbours, and*

The application has been accompanied by shadowing diagrams which have demonstrated that adequate sunlight and daylight has been retained to the neighbouring habitable windows and private open space.

#### *Beresford Road Building*

The proposed Beresford Road building is setback a minimum 1.915m from the north-eastern side boundary and a minimum 3m from the south-western side boundary. The building is two-storeys in



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height and extends right up to the rear of Lot 2 (and the rear boundary of the adjoining properties). The adjoining properties on Beresford Road comprise dwelling houses and the protrusion of the proposed building 2 -storeys in height right up to their rear boundaries will result in an adverse visual amenity impact as the proposed building will enclose the neighbouring dwellings at their side boundary. This is particularly of concern to No. 56 which already has the rear of their property enclosed by the existing residential care facility, which appears as three storeys from the rear yard of No. 56 (see **Figure 15** and **Figure 16**).



**Figure 15:** Photo of the rear of the existing residential care facility viewed from the rear of No. 56 Beresford Road

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**Figure 16:** Photo taken from the rear of No. 56 Beresford Road, looking towards the rear of the existing residential care facility and shared side boundary with No. 58 Beresford Road (location of proposed new two-storey residential care facility wing)

The side windows and external balcony access are provided with adequate screening measures so that no privacy impacts will result to these neighbouring properties.

The building height of the Beresford Road building is considered to be compatible in scale with adjacent development, when viewed from the street frontage.

#### *Albert Road Building*

The subject site comprises a split zoning, whereby Lot 8 on Albert Road is zoned R2 Low Density Residential, and Lot 7 on Albert Road is zoned R3 – Medium Density Residential (**Figure 18**). The properties adjoining the Albert Road site comprise two-storey dwelling houses, whereby the property to the south-west (No. 87-89 Albert Road) is a heritage item (169) under Strathfield Local Environmental Plan 2012. The proposal involves additions to the south-western side of the existing residential care facility, as well as an additional storey to the existing building, resulting in a three-storey presentation to Albert Road.

The proposed three-storey height right up to the north-eastern elevation of the building does not provide a successful height transition to the adjoining two-storey dwelling at No. 79 Albert Road and land zoned R2 –Low Density Residential. This adjoining dwelling presents more as a single storey dwelling with accommodation within the roof space due to the steep roof pitch, and this further accentuates the differing and jarring building heights. A transitional and stepped height along this side of the building would greatly assist in providing a more sympathetic building height within the streetscene.

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Furthermore, the additional height and reduced setback to the south-western side boundary is not sympathetic to the height and scale of the adjoining heritage item at 87-89 Albert Road. The additional height and reduced setback results in an overly dominant building within the streetscape which further detracts from the visual prominence of the heritage item within the streetscene.

A third storey may be acceptable (subject to compliance with development standards and suitable justification to any variations), subject to setting back the upper floor from the front and sides, in order to be more sympathetic to the significance of the adjoining heritage item, and providing a more sympathetic height transition between the R2 and R3 zones.

The alterations and additions to the Albert Road building involve a new roof form which includes two gables on the front elevation and a skillion roof behind. The skillion roof form would be highly visible within the street, and this roof form is not characteristic of the surrounding area. If the skillion roof is required to provide sufficient head height for the uppermost storey, a more acceptable roof form would be pitched/ gabled roof form which restricts view to a skillion roof behind.

*(d) be designed so that the front building of the development is set back in sympathy with, but not necessarily the same as, the existing building line, and*

The proposed alterations and additions to the Albert Road building reduce the existing front setback to Albert Road by approximately 2.7m. Whilst this is fairly substantial, the front building line will still align with the predominate front building line of dwellings located to the north- east of the subject site along Albert Road, including No. 75 and 77 Albert Road.

The existing dwelling at 58 Beresford Road which is to be demolished is setback approximately 16m from the front boundary. Whilst the neighbouring property at No. 60 comprises a front setback of approximately 18m, the predominate front setback of properties on the south-eastern side of Beresford Road is approximately 9.5m (**Figure 17**). As the new two-storey residential care facility wing is setback approximately 27m from the Beresford Road boundary, this does not accord with, or is sympathetic to the predominate building line of Beresford Road. The substantial setback to Beresford Road will reduce the visual presence of the building within the street however, it will still be highly visible due to proposed tree removal. As the proposed building on Lot 2 does not align with the front building line of 58 Beresford Road, this forms a reason for refusal.

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**Figure 17:** Properties on the south-eastern side of Beresford Road which subject site outlined in red, and the predominate front building line marked in yellow, and the approximate building line of the proposed Beresford Road building marked in blue.

*(e) embody planting that is in sympathy with, but not necessarily the same as, other planting in the streetscape, and*

The application was accompanied by a landscaping plan and it is considered to incorporate planting which is in sympathy with the streetscape.

*(f) retain, wherever reasonable, major existing trees, and*

The proposal involves the removal of 26 trees and an Arboricultural Report has accompanied the development application. Council’s Tree Officer reviewed the proposal and accompanying report and raised no objection to the proposed tree removal, subject to the imposition of conditions of consent including protection of trees to be retained, protection of fauna species which may be inhabiting the proposed trees to be removed and replacement planting.

*(g) be designed so that no building is constructed in a riparian zone.*

The subject site is not located within a riparian zone.

**Visual and acoustic privacy**

*Visual privacy*

The proposed new side facing windows have been treated with a mixture of frosted glass and louvre screens to the Albert Road building, and privacy louvres to the Beresford Road building and it is considered that these treatments will protect the visual privacy of adjoining properties.

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#### *Acoustic Privacy*

The application has been accompanied by an Acoustic Report. Council's Environmental Health Officers raised no objections however, had the application been supported it would have been considered necessary to impose conditions recommended by the Environmental Health Officer, including requiring a noise and vibration assessment to be completed to address use of excavation equipment and vibration associated with its use. Furthermore, the recommendations contained within the Acoustic report would need to be complied with.

#### *Solar access and design for climate*

The proposal has been accompanied by shadow diagrams which have demonstrated that adequate daylight to main living areas of the neighbours in the vicinity, and adequate sunlight to substantial areas of private open space is retained.

Given the south-eastern orientation of the existing building fronting Albert Road, it is acknowledged that there are existing constraints to provide northerly aspect windows for the suites in the proposed addition. Nevertheless, the northerly aspect for the Beresford Road building has not been maximised as the north-eastern elevation comprises a covered awning in front of the entrance to the suites, and the main windows are provided to the south-western elevation. It is noted that open space has been provided to the north of this building however, the front setback does not align with the predominate building line of the street.

#### *Stormwater*

The applicant has submitted Stormwater Management Plans prepared by Sparks and Partners. The subject site has a natural fall to the rear and there Council has a stormwater pit in front of the site on Beresford Road. Council's Stormwater Engineer provided comments on the proposal and confirmed that water sensitive urban design principles have been incorporated into the stormwater drainage design. The site discharges to Council's drainage system in Beresford Road by gravity pipe means via a proposed below ground OSD tank. The proposed alterations and additions roof runoff drains into the OSD tank by gravity means via downpipes and subsoil seepage drains into the OSD tank by gravity means via subsoil drainage. Driveway access runoff drains into the OSD tank by gravity means via grated trench drain. The OSD tank has been designed with an internal mechanism to negate likelihood of internal flooding. Council's Stormwater Engineer has further confirmed that the stormwater concept plan is feasible and no objections are raised, subject to the imposition of conditions.

Had the application been supported, conditions would be recommended in regards to the stormwater management of the site, in order to comply with the stormwater design principle.

#### *Accessibility*

The proposal incorporates obvious and safe pedestrian links from Albert Road to the building fronting Albert Road. However, officers have concern with the pedestrian safety of persons moving between the front building along Albert Road, and the rear building on Beresford Road. A persons moving from the Albert Road building would need to exit the doors at the rear of lower ground level, between the proposed sitting room and staff roof and walk across an ambulance bay to access the rear building. This poses a safety risk due to the proximity of moving vehicles/ an ambulance, particularly if an emergency situation is occurring. This is particularly a safety concern for visitors to the site who may not be as aware of the site layout as employees of the care facility. Whilst there are another set of rear doors at lower ground level, this is from a kitchen and members of the public would not be able to access this. It would not be safe for persons who

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have parked their vehicle in the lower ground level to walk back out of the vehicle access of this area, in order to gain access to the rear building.

As such, the proposal is not considered to provide safe pedestrian links within the site, and this forms a reason for refusal.

### **Waste Management**

The proposal has incorporated a garbage store at lower ground level that is approximately 40m<sup>2</sup> in area. Council's Waste Officer has commented on the proposal and stated that insufficient information has been provided to assess the acceptability of waste management across the site. Nevertheless, the proposed garbage store appears capable of accommodating sufficient capacity of waste, and had the application been supported conditions of consent would be recommended in regards to waste management to address the Waste Officer's concerns.

Chapter 3, Part 4, Clause 40 of the Seniors Housing SEPP sets out development standards to be complied with and an assessment of the proposal against the standards is provided in the table below. Clause 40(1) sets out that a consent authority must not consent to a development application made pursuant to this Chapter unless the proposed development complies with the standards specified in this Clause.

<b>Cl. 40</b>	<b>Aims</b>	<b>Complies</b>
<b>(1)</b>	<b>General</b> <i>A consent authority must not consent to a development application made pursuant to this Chapter unless the proposed development complies with the standards specified in this clause.</i>	
<b>(2)</b>	<b>Site size</b> <i>The size of the site must be at least 1,000 square metres.</i>	<b>Yes</b>
<b>(3)</b>	<b>Site frontage</b> <i>The site frontage must be at least 20 metres wide measured at the building line</i>	<b>Yes</b>
<b>(4)</b>	<b>Height in zones where residential flat buildings are not permitted</b> If the development is proposed in a residential zone where residential flat buildings are not permitted: (a) the height of all buildings in the proposed development must be 8 metres or less, and	<b>No</b>
	Note. Development consent for development for the purposes of seniors housing cannot be refused on the ground of the height of the housing if all of the proposed buildings are 8 metres or less in height. See clauses 48 (a), 49 (a) and 50 (a).  (b) a building that is adjacent to a boundary of the site (being the site, not only of that particular development, but also of any other associated development to which this Policy applies) must be not more than 2 storeys in height, and  Note. The purpose of this paragraph is to avoid an abrupt change in the scale of development in the streetscape.  (c) a building located in the rear 25% area of the site must not exceed 1 storey in height.	
<b>(5)</b>	Development applications to which clause does not apply Subclauses (2), (3) and (4) (c) do not apply to a development application made by any of the following: (a) the Department of Housing, (b) any other social housing provider.	<b>N/A</b>

### **Comment:**

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The north-western portion of the site, Lot 8, is zoned R2- Low Density Residential under SLEP 2012 and 'residential flat buildings' are a prohibited use in this zone. The development standards set out in Chapter 3, Part 4, Clause 40(4) of the Seniors Housing SEPP require the height of part of the building located on the Lot zoned R2, to not exceed 8m in height, and two- storeys in height (as this portion of the building is adjacent to a boundary of the site).

The portion of the building located on Lot 8 is 8.75m in height (height defined by the Seniors Housing SEPP) and is partially three-storeys in height. As such, the proposal does not comply with the development standards set out in Chapter 3, Part 4, Clause 40(4)(a) and (b) of the Seniors Housing SEPP.

State Environmental Planning Policy No 1- Development Standards (SEPP 1) sets out in Clause 6, that:

*Where development could, but for any development standard, be carried out under the Act (either with or without the necessity for consent under the Act being obtained therefor) the person intending to carry out that development may make a development application in respect of that development, supported by a written objection that compliance with that development standard is unreasonable or unnecessary in the circumstances of the case, and specifying the grounds of that objection.*

The applicant has not submitted a written objection under SEPP 1, that compliance with the development standards of the Seniors Housing SEPP would be unreasonable or unnecessary in the circumstances of the case. As such, Officers are not able to consider a variation to development standards as set out in Chapter 3, Part 4, Clause 40(4)(a) and (b) of the Seniors Housing SEPP and this forms a reasons for refusal.

In terms of Chapter 3, Part 4, Clause 40(4), the proposal does not increase the height to the building in the rear 25% area of the site zoned R2 – Low Density Residential.

Chapter 3, Part 7, Division 2, Clause 48 sets out the development standards for residential care facilities that cannot be used as ground to refuse consent, and an assessment of the proposal against these standards is provided in the table below:

<i>Cl. 48</i>		<i>Complies</i>
<b>(a)</b>	<b>Building height:</b> if all proposed buildings are 8 metres or less in height (and regardless of any other standard specified by another environmental planning instrument limiting development to 2 storeys), or	<b>Noted</b>
<b>(b)</b>	<b>Density and scale:</b> if the density and scale of the buildings when expressed as a floor space ratio is 1:1 or less,	<b>Yes</b>
<b>(c)</b>	<b>Landscaped area:</b> if a minimum of 25 square metres of landscaped area per residential care facility bed is provided,	<b>No</b>
<b>(d)</b>	<b>parking for residents and visitors:</b> if at least the following is provided:	<b>Yes</b>
	(i) 1 parking space for each 10 beds in the residential care facility (or 1 parking space for each 15 beds if the facility provides care only for persons with dementia), and	
	(ii) 1 parking space for each 2 persons to be employed in connection with the development and on duty at any one time, and	
	(iii) 1 parking space suitable for an ambulance.	

**Comments:**

*Building Height*

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The proposal involves a maximum building height of 8.75m (height defined by the Seniors Housing SEPP) which exceeds the development standard set out in Clause 48(a). Whilst this development standard cannot be used as a ground to refuse consent, it is noted that a height in excess of 8m can be used as a ground to refuse consent under Clause 40(4) of the Seniors Housing SEPP.

The Beresford Road building complies with the building height set out in Clause 48(a).

#### *Density and Scale*

The proposal involves a FSR of 0.961 (4,809.7m<sup>2</sup>) which complies with Clause 40(b) of the Seniors Housing SEPP which allows for a maximum FSR of 1:1. It is noted that where there is an inconsistency between the Seniors Housing SEPP and another environmental planning instrument, the provisions within the Seniors Housing SEPP prevails to the extent of the inconsistency.

#### *Landscaped Area*

The proposal includes a total of 2,225.8m<sup>2</sup> of landscaped area, which equates to 18.24m<sup>2</sup>/ residential care facility bed. Clause 48(c) requires a minimum 25m<sup>2</sup>/ residential care facility bed to be provided however, noting that this is not a development standard which can be used as a ground to refuse consent.

Whilst the proposal results in a shortfall to the landscaping standards in the Seniors Housing SEPP, it is noted that the existing development provides only 13.19m<sup>2</sup> of landscaped area per residential care facility bed, and therefore the proposal provides a substantial increase in the amount of landscaping per residential care facility bed across the site.

Officers have concern with the loss of the landscaping adjacent to the western side boundary however, the overall provision of landscaping across the site can be accepted given the quality of the spaces provided, and the increase in proportion of landscaping to residential care facility beds provided.

#### *Parking for Residents and Visitors*

The proposal increases the capacity of the residential care facility to 122 beds, whereby 15 of these are for persons with dementia. The Statement of Environmental Effects has set out that a maximum 39 staff would be working at any one time, and therefore a total of 31.2 car parking spaces would be required. As the proposal involves the provision of 34 car parking spaces, including 2 disabled parking bays, at lower ground level, it complies with the minimum requirements for car parking.

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

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

<i>Cl. 1.2(2)</i>	<i>Aims</i>	<i>Complies</i>
<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 character of particular localities and neighbourhoods in Strathfield</i>	<b>No</b>
<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>No</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>



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<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>No</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:**

- (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*

The proposal does not achieve high quality urban form that exhibits design excellence and reflects the existing or desired future character of the surrounding area.

The Beresford Road building comprises a substantial setback to Beresford Road which does not accord with the predominate front setback of buildings on the south-eastern side of Beresford Road. A bulky and incongruous ramp is provided on the Beresford Road frontage, and whilst it is acknowledged that this is required for access, it is highly visible within the street and is a building element which does not accord with the surrounding developments on Beresford Road. The external balcony excess to the ground and first floor has not been integrated in the overall design of this building, including the privacy screens affixed to the balustrading. Overall this building is not considered to be of a high quality which reflects the surrounding locality.

The Albert Road building does not provide a successful height transition between the R2 and R3 zones. The proposed building is three-storeys in height right up to the north-eastern side of the building which results in an abrupt change in height to the two-storey height of the adjoining properties to the north-east of the site along Albert Road. A stepped height would be more appropriate to provide a successful height transition between the R2 and R3 zones.

- (b) *To promote the efficient and spatially appropriate use of land...*

The proposal does not result in the efficient and spatially appropriate use of land, as it results in the isolation of No. 60 Beresford Road, a property which is identified to be amalgamated with No. 58 Beresford Road, under Part C of the SDCP 2005. This is discussed in more detail under Part C of the SDCP 2005.

- (f) *To identify and protect environmental and cultural heritage*

The proposal is not considered to protect environmental and cultural heritage, and this is discussed below in more detail under Clause 5.10 of the SLEP 2012.

**Permissibility**

The subject site comprises a split zoning, whereby Lot 2 (Beresford Road site) and Lot 7 (south-western lot along Albert Road) are zoned R3 – Medium Density Residential under Strathfield Local Environmental Plan 2012 (SLEP 2012), and Lot 8 (the north-eastern lot along Albert Road) are zoned R2 – Low Density Residential under SLEP 2012 (**Figure 18**).

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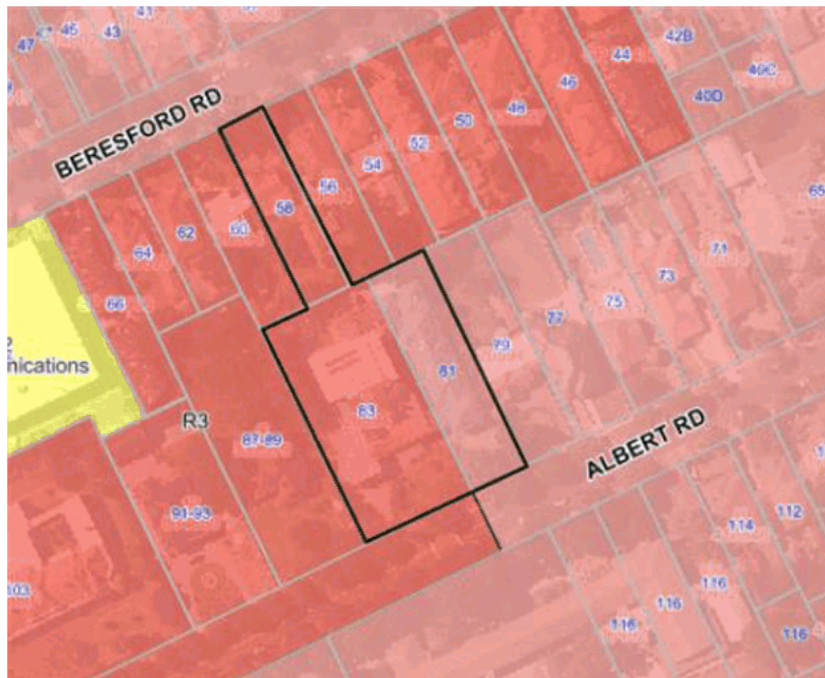


Figure 18: Image showing the split zoning of the subject site (outlined in black)

Residential care facilities are permissible within the R2 and R3 Zone with consent and is defined under SLEP 2012 as follows:

- means accommodation for seniors or people with a disability that includes:
  - (a) meals and cleaning services, and
  - (b) personal care or nursing care, or both, and
  - (c) appropriate staffing, furniture, furnishings and equipment for the provision of that accommodation and care,

but does not include a dwelling, hostel, hospital or psychiatric facility.

The proposed development for the purpose of residential care facility is consistent with the definition above and is permissible within the R2 and R3 Zone with consent.

**Zone Objectives**

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

Objectives	Complies
➤ To provide for the housing needs of the community within a low density residential environment.	No
➤ To enable other land uses that provide facilities or services to meet the day to day needs of residents.	Yes
➤ To ensure that development of housing does not adversely impact the heritage significance of adjacent heritage items and conservation areas.	Yes

**Comments:** The north-eastern portion of the site along Albert Road (Lot 8), as well as the properties located to the north-east of the site, and on the opposite side of Albert Road, are zoned R2 – Low Density Residential (Figure 18).

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Overall the proposed alterations and additions to the existing residential care facility will result in an increased number of beds at the facility, assisting to address the need for this type of residential accommodation in the local area.

The proposal involves a second floor addition to the existing two-storey building (presenting a three-storey building in the streetscape). The most north-eastern side of the building comprises a flat roof form and is three-storeys in height for 13.95m in depth. As a result, this portion of the building is considered to be bulky and does not provide a successful transition to the low density residential zone. Whilst it is noted that the existing building comprises a flat roof form on the north-eastern portion, the additional height and bulk at this level no longer provides a successful transition between the R2 and R3 zones.

The R2 zoned land of the subject site does not adversely impact the significance of any nearby heritage items or heritage conservation areas.

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

<i>Objectives</i>	<i>Complies</i>
➤ <i>To provide for the housing needs of the community within a medium density residential environment.</i>	<b>Yes</b>
➤ <i>To provide a variety of housing types within a medium 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>

**Comments:** The proposed alterations and additions to the existing residential care facility are not inconsistent with the objectives of the R3 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.

#### Height of building

<i>Cl.</i>	<i>Standard</i>	<i>Controls</i>	<i>Proposed</i>	<i>Complies</i>
4.3	Height of building	9.5m	11.1m	<b>No</b>

	<i>Objectives</i>	<i>Complies</i>
(a)	<i>To ensure that development is of a height that is generally compatible with or which improves the appearance of the existing area</i>	<b>No</b>
(b)	<i>To encourage a consolidation pattern that leads to the optimum sustainable capacity height for the area</i>	<b>No</b>
(c)	<i>To achieve a diversity of small and large development options.</i>	<b>Yes</b>

#### Comments:

The proposal comprises a maximum building height (as defined by the SLEP 2012) of 11.1m which exceeds to maximum 9.5m building height development standard allowed under Clause 4.3 of SLEP 2012. The application was accompanied by a Clause 4.6 Variation submission, which was updated with the amended package submitted on 16 October 2018. It is noted that the variation to the building height development standard applies to the Albert Road building, and the Beresford Road building complies with the allowable maximum height. The extent of the non-compliance with the 9.5m building height development standard, as well as the non-compliance with the 10% variation to the maximum building height (10.45m) is shown in **Figure 19**.

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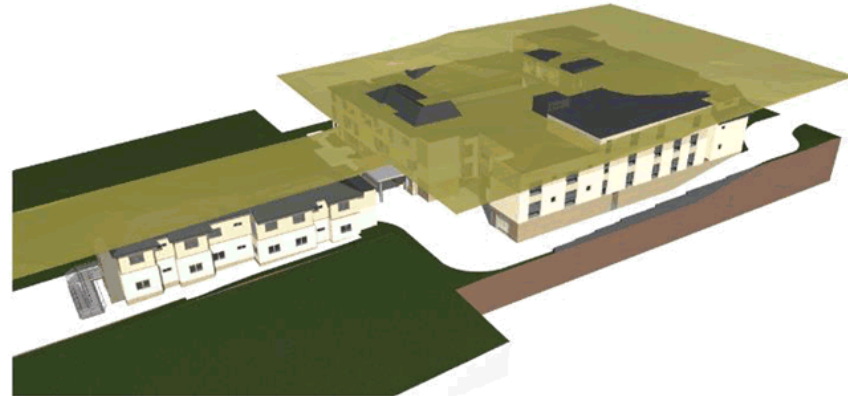
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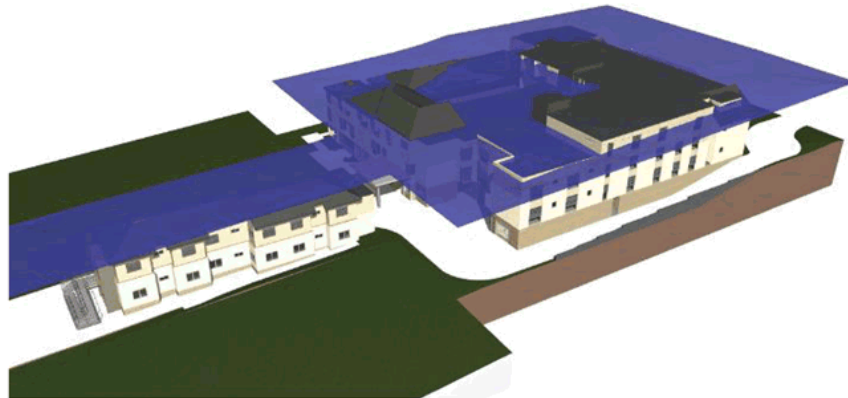
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18/041  
ber 2018ES TO DWG  
16AS SITE MODEL  
AMENDED DESIGN

10.45m HEIGHT PLAN



9.5m HEIGHT PLAN



**Figure 19:** Height plane diagrams showing the extent of the non-compliance with the 9.5m maximum height standard (bottom, shown in blue), and non-compliance with a 10.45m height plane (top, shown in yellow)

*To ensure that development is of a height that is generally compatible with or which improves the appearance of the existing area*

The subject site comprises a split zoning, whereby Lot 7 and Lot 2 (Beresford Road) are zoned R3 – Medium Density Residential and Lot 8 is zoned R2 – Low Density Residential. The Beresford Road building complies with the height development standard whilst the Albert Road building exceeds the height development standard by 1.6m.

The Albert Road building presents as a three-storey building within the streetscape. The property to the north-east of the site along Albert Road, No. 79 Albert Road, is a two-storey dwelling however, the dwelling comprises a steep pitched roof form and the upper level is situated within the roof form. As a result, the north-eastern portion of the subject building (located on R2 zoned land) is three-storeys in height which is juxtaposed with the adjacent dwelling which appears more as a single storey dwelling within accommodation within the roof. As such, the proposal is not considered to provide a successful height transition between the R2 and R3 residential zonings, and the exceedance to the height limit is not compatible with the adjoining low density residential zone.

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*To encourage a consolidation pattern that leads to the optimum sustainable capacity height for the area*

The proposal is not consistent with the desired consolidation pattern outlined in Appendix 1 of Part C of the SDCP 2005. In Appendix 1 it is identified that for the optimum and efficient use of the land, No. 58 Beresford Road (part of the subject site) and No. 60 Beresford Road are to be amalgamated. The applicant has failed to submit any evidence to demonstrate that a reasonable attempt has been made to purchase this neighboring land (more on this under Part C of SDCP 2005). It is considered that by following the desired consolidation pattern, that this would provide the opportunity for the optimum sustainable capacity height for the two properties, and the surrounding area. As such, the proposal in its current form fails to result in the optimum sustainable capacity height for the area.

**Floor space ratio**

<b>Cl.</b>	<b>Standard</b>	<b>Controls</b>	<b>Proposed</b>	<b>Complies</b>
<b>4.4 and 4.4C</b>	<i>Floor space ratio</i>	R2 Zone 0.5:1 (2,500.045m <sup>2</sup> )	0.96:1 (4,800m <sup>2</sup> )	<b>No</b>
		R3 zone 0.65:1 (3,250.0585m <sup>2</sup> )		

<b>Objectives</b>		<b>Complies</b>
<b>(a)</b>	<i>To ensure that dwellings are in keeping with the built form character of the local area</i>	<b>No</b>
<b>(b)</b>	<i>To provide consistency in the bulk and scale of new dwellings in residential areas</i>	<b>No</b>
<b>(c)</b>	<i>To minimise the impact of new development on the amenity of adjoining properties</i>	<b>Yes</b>
<b>(d)</b>	<i>To minimise the impact of development on heritage conservation areas and heritage items</i>	<b>No</b>
<b>(e)</b>	<i>In relation to Strathfield Town Centre:</i> i. <i>to encourage consolidation and a sustainable integrated land use and transport development around key public transport infrastructure, and</i> ii. <i>to provide space for the strategic implementation of economic, social and cultural goals that create an active, lively and people-oriented development</i>	<b>N/A</b>
<b>(f)</b>	<i>In relation to Parramatta Road Corridor – to encourage a sustainable consolidation pattern that optimises floor space capacity in the Corridor</i>	<b>N/A</b>

**Comments:** *The proposal does not comply with the FSR development standards for the site and the consideration of the Clause 4.6 Variation submission is provided below.*

**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.

The provisions of this clause prescribe partly as follows:

- (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:*

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- (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...*

As outlined above, the proposal contravenes the development standards relating to building height and floor space ratio, as prescribed in clauses 4.3 and 4.4A respectively. The applicant's written requests in accordance with sub-clause (3) along with the other matters for consideration outlined in sub-clause (4) are addressed as follows.

#### Height of Buildings

A maximum building height of 9.5m is prescribed for the site. The roofing above the proposed above the additional floor level exceeds this height limit by up to ~1.6m (16.84%). There are existing parts of the building which exceed the height development standards, but this is to the central portion of the rear of the Albert Road building. The extent of non-compliance is shown in **Figure 19**.

The non-compliance with height development standard is not consistent with the objective of the development standard set out in Part 4, Clause 4.3(1)(a) of SLEP 2012. The Albert Road building presents as a three-storey building within the streetscape. The property to the north-east of the site along Albert Road, No. 79 Albert Road, is a two-storey dwelling however, the dwelling comprises a steep pitched roof form and the upper level is situated within the roof form. As a result, the north-eastern portion of the subject building (located on R2 zoned land) is three-storeys in height which is awkwardly juxtaposed with the adjacent dwelling which appears more as a single storey dwelling with accommodation within the roof. As such, the proposal is not considered to provide a successful height transition between the R2 and R3 residential zonings, and the exceedance to the height limit is not compatible with the adjoining low density residential zone.

The breach in height does not arise because of some topographical challenge or other site constraint, but rather arises because of the applicant's desire to increase the residential density of the site by way of adding another floor level to the existing building. As noted above, the additional level does not integrate well with the adjoining low density residential zone and heritage item.

The applicant provides the following environmental planning grounds in support of their request:

- The roof form of the western wing of the Albert Road building has been derived in part as an architectural roof feature to match the roof form of the Albert Road streetscape. An alternative roof feature would be to have a flat roof at or only marginally above the maximum building height at the Albert Road frontage for the whole façade and this is not considered to be a satisfactory urban design response
- The gable elements are an architectural roof feature – they are decorative, match the adjoining building and streetscape character, do not comprise advertising, do not create

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additional floor area, do not cause any additional overshadowing and plant and lift overruns are not visible from the street level.

- The adjoining properties along Albert Road also have a maximum building height of up to ~11.8m or ~2.3m over the maximum building height
- Elements of the parapet and lift over runs exceed the height plane along the western and northern facades, which are predominantly out of public domain view
- The roof form of the rear part of the western wing above the new reception area also exceeds the height plane but those elements are existing and virtually wholly within the centre of the site
- To comply a flat roof form would be required and this is not desirable for the streetscape
- Constraints due to existing floor level, site slope and issues concerning circulation for staff and care residents by avoiding split floors stairs and ramps
- Unreasonable to comply with the height as this would require the removal of the uppermost floor, and thereby reducing the number of beds provided (which are in short supply)
- No adverse impact to the adjoining heritage item or adjoining R2 zone
- The height has been exceeded partly due to the incorporation of a basement level
- The exceedance is generally less than 10% for the majority of the building.

The following comments are made in response to the above grounds:

- The objectives of the height development standard have not been met (Clause 4.3(1)(a) of SLEP 2012)
- The basis for the applicant's argument that the proposal involves an architectural roof feature is not substantiated as the gable roof element comprises floor space, and as such does not meet the definition of an architectural roof feature as prescribed in Clause 5.6 of SLEP 2012
- The basis for the applicant's argument that there are existing constraints concerning circulation for staff and care residents has not been supported by any substantive evidence
- Whilst the assessing officer agrees that compliance with the building height development standard may reduce the number of beds which can be provided, this should not be at the expense of adverse impacts to the streetscape and relationship to an adjoining heritage item
- A pitched roof form could still be achieved with a two-storey building
- Additionally, it is noted that a SEPP 1 objection has not been received in relation to the exceedance of the height development standard within the Seniors Housing SEPP.

#### Floor Space Ratio

The applicant has provided a written request that seeks to justify the proposed contravention of the floor space ratio development standard on the following grounds:

- The proposal complies with Clause 48(b) of Seniors Housing SEPP, which sets out that the maximum FSR for residential care facilities is 1:1 or less
- The existing residential care facility already exceeded the floor space ratio development standard for the site;
- Allows for a more efficient use of the site
- Provide more RCF beds to address shortage and growing demand for this type of care accommodation
- Built form is considered compatible with the streetscape

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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. Clause 48(b) of the State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 sets out that a density and scale of the building expressed as a floor space ratio of 1:1 or less, and this is a development standard that cannot be used to refuse development consent for residential care facilities. As the proposal incorporates a maximum FSR of 0.96:1, it would comply with the FSR development standard under the Seniors Housing SEPP.

Chapter 1, Clause 5(3) states that where the Seniors Housing SEPP is inconsistent with any other environmental planning instrument, made before or after the Seniors Housing SEPP, the Seniors Housing SEPP prevails to the extent of the inconsistency.

In conclusion, the applicant's written request to justify the contravention of the floor space ratio 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.

#### **Part 5: Miscellaneous Provisions**

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

##### **5.3 Development near zone boundaries**

*The objective of this clause is to provide flexibility where the investigation of a site and its surroundings reveals that a use allowed on the other side of a zone boundary would enable a more logical and appropriate development of the site and be compatible with the planning objectives and land uses for the adjoining zone.*

The subject site comprises a split zone, including R2 and R3 zonings and the site is not within 10m of any other zones. Nevertheless, the subject proposal is for a residential car facility which is a permissible use within both the R2 and R3 zone under SLEP 2012.

##### **5.6 Architectural roof features**

The applicant has set out in their Supporting Planning Report that the proposal incorporates an architectural roof feature, by way of the two (2) gable elements on the front elevation. Clause 5.6 of SLEP 2012 states that:

- (1) The objectives of this clause are as follows:
  - (a) to ensure that architectural roof features to which this clause applies are decorative elements only,
  - (b) to ensure that the majority of the roof features are contained within the prescribed building height.
- (2) Development that includes an architectural roof feature that exceeds, or causes a building to exceed, the height limits set by clause 4.3 may be carried out, but only with development consent.
- (3) Development consent must not be granted to any such development unless the consent authority is satisfied that:



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- (a) the architectural roof feature:
  - (i) comprises a decorative element on the uppermost portion of a building, and
  - (ii) is not an advertising structure, and
  - (iii) does not include floor space area and is not reasonably capable of modification to include floor space area, and
  - (iv) will cause minimal overshadowing, and
- (b) any building identification signage or equipment for servicing the building (such as plant, lift motor rooms, fire stairs and the like) contained in or supported by the roof feature is fully integrated into the design of the roof feature.

The gable roof elements are not considered to be an architectural roof feature as it includes floor space area. As such, this is not considered to be an adequate justification to exceed the height limit set by Clause 4.3.

### **5.10 Heritage Conservation**

The subject site is located adjacent to 'Tuxedo', a listed heritage item (169) under Schedule 5 of SLEP 2012, located at 87-89 Albert Road. Tuxedo is a two-storey dwelling house with a pitched roof form.

Council's Heritage Advisor stated that the proposed additions to the Albert Road building are out of scale with the neighbouring heritage item. The Advisor identified that there is opportunity to lessen the impact of the proposal on the heritage item through increasing the setback of the uppermost level to maintain a predominately two-storey presentation to the Albert Road frontage. This would require a reconsideration of the current gable and skillion roof form.

Given that the proposal involves a reduced setback to the south-western side boundary, substantial increase in height, and a roof form which does not reflect the predominate roof form in the surrounding area, the proposal will appear bulky and dominant, thereby detracting from the significance of the heritage item. Furthermore, it is noted that there is a loss of substantial landscaping on the subject site along the south-western side boundary (shared with No. 87-89 Albert Road). The existing landscaping forms part of the setting of the listed building and provides a vegetation buffer and break between the existing residential care facility, and the heritage item. The removal of trees along this boundary, and the reduction in width of this landscaping strip, may also compromise the significance of the heritage item.

Furthermore, Council's Heritage Advisor noted that the proposal includes face brickwork to the front elevation adjacent to the listed heritage item. 'Tuxedo' features brickwork that is red-brown in colour with contrasting orange-red brick detailing to the archways and soldier courses. The proposed brick is of a pale cream colour and are not in keeping with the materials of the neighbouring heritage item or the general locality.

There is opportunity for the proposal to setback the uppermost floor from the front and side of the level below, retain and maximise the landscaping along the shared boundary and reconsider the external materials and finishes to be more sympathetic to the heritage item. However, in the current form, the proposal is not considered to conserve the heritage significance of the adjoining heritage item and is contrary to the objectives of Clause 5.10 of 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:

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### 6.1 Acid sulfate soils

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

### 6.2 Earthworks

The proposal involves the extension of the lower ground level to primarily provide on-site car parking, and thereby requiring the excavation and removal of soil. Had the application been supported conditions would have been recommended including a pre-commencement dilapidation report on the adjoining properties. The lower ground floor level is primarily within the building footprint, except for the protrusion towards the front boundary along Albert Road, and as a result cut and fill has been minimized..

### 6.3 Flood planning

The subject site is identified as being affected by overland floodwaters in the 1 in 100 year flood event. The application was accompanied by a Flood Risk management Report prepared by Sparks and Partners, dated 16<sup>th</sup> February 2018. The submitted plans demonstrate compliance with Council's 1 in 100 year flood event habitable and non-habitable finished floor level requirements. Additionally, a driveway ramp crest is proposed above the flood level to prevent floodwater entering the basement. Council's Stormwater Engineer reviewed the proposal and raised no objections, subject to the imposition of recommended conditions. Overall, the proposal is consistent with the Flood Planning objectives under Clause 6.3 of the *SLEP 2012* is satisfied. Had the application been supported, conditions would have been recommended for flood planning and stormwater management.

### 6.4 Essential services

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

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

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

#### 4.151)(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.

#### Heritage and Conservation

<i>Cl. 1.11</i>	<i>Aims</i>	<i>Complies</i>
<b>A</b>	<i>To preserve and enhance the visual and environmental amenity of heritage items and heritage conservation areas within the municipality of Strathfield</i>	<b>Yes</b>
<b>B</b>	<i>Ensure all new development affecting heritage items and conservation areas is designed to be compatible in setting, scale, setbacks, form,</i>	<b>Yes</b>

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	<i>materials and character with the building and surrounding area</i>	
<b>C</b>	<i>Ensure that development in the vicinity of a heritage item or conservation area does not have any adverse impact on the heritage significance or setting and that development is compatible in setting, scale, setbacks, form, materials and character with the item or conservation area</i>	<b>Yes</b>
<b>D</b>	<i>Conserve archaeological sites and places of Aboriginal significance</i>	<b>Yes</b>
<b>Cl. 1.11</b>	<b>Controls</b>	<b>Complies</b>
<b>(1)</b>	<i>A Statement of Heritage Impact is required for proposed development:</i> a) <i>affecting a heritage item;</i> b) <i>within a heritage conservation area; or</i> c) <i>in the vicinity of an item or heritage conservation area</i>	<b>Yes</b>
<b>(2)</b>	<i>This statement must set out the heritage significance of the structure or place and assess the extent to which carrying out of the proposed development would affect the significance of the heritage item or heritage conservation area concerned and outline measures to minimise any identified impact</i>	<b>Yes</b>

**Comments:** The subject application was accompanied by a Heritage Impact Statement which was reviewed by Council's Heritage Advisor. The proposal is not considered to conserve the heritage significance of the adjoining heritage item, due to the proposed additional height, reduced setback to the south-western side boundary and loss of landscaping along the same boundary. This is discussed in more detail under Clause 5.10 of SLEP 2012.

### PART C – MULTIPLE UNIT HOUSING (SCDCP 2005)

Part C of SDCP 2005 sets out the design requirements for multiple unit housing and Section 1.2 sets out the objectives of Part C. The first objective states:

1. To maintain and improve the amenity and character of medium density residential areas in the Council area.

Whilst the proposal does not comprise multiple unit housing, Lot 2 and Lot 7 are zoned R3 - Medium Density Residential, and so the design guidance of Part C is still relevant to the proposal, as indicated by the first objective of this Part.

Appendix 1 of Part C sets out the desired consolidation pattern for a number of medium density residential areas across the local government area. Map 4 specially relates to the site, and stipulates that No. 58 Beresford Road should be amalgamated with No. 60 for the purposes of townhouses and villas (**Figure 20**). Whilst the proposal is not for townhouses and villas, without amalgamating the site with No. 60, this will result in the potential isolation of No. 60 and thereby comprising its redevelopment potential in the R3- Medium Density Residential zone. As shown in **Figure 20** and **Figure 21**, the south-western side of Beresford Road has already partly been redeveloped for townhouses and villas and the consolidation pattern in Map 4 has been followed. The redevelopment of the other properties, namely No. 46 and No. 52 Beresford Road was undertaken before the implementation of SDCP 2005.

Furthermore, it is noted that Section 2.2(1) of Part C of SDCP 2005 states that multiple- unit housing shall not be permitted on allotments less than 1,000m<sup>2</sup> in area and 30m in width. Both No. 58 and No. 60 Beresford Road are below 30m in width and 1,000m<sup>2</sup> in area, and so the amalgamation of these sites would be required to meet these size requirements.

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MAP 4



KEY:  CONSOLIDATION PATTERN  
 DENSITY ZONE

Figure 20: Extract of the consolidated plan included in Appendix 1 of Part C SDCP 2005

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**Figure 21: The subject site highlighted in blue, consolidated plan identified in Appendix 1 of Part C outlined in red and the isolated site identified as No. 60 Beresford Road.**

Karavellas v Sutherland Shire Council [2004] NSWLEC 251 sets out the planning principle for site amalgamation, including the general questions to be answered when dealing with amalgamation of sites or when a site is to be isolated through redevelopment. The questions are:

- 'Firstly, is amalgamation of the sites feasible?

18 The principles to be applied in determining the answer to the first question are set out by Brown C in *Melissa Grech v Auburn Council* [2004] NSWLEC 40. The Commissioner said:

*Firstly, where a property will be isolated by a proposed development and that property cannot satisfy the minimum lot requirements then negotiations between the owners of the properties should commence at an early stage and prior to the lodgement of the development application.*

*Secondly, and where no satisfactory result is achieved from the negotiations, the development application should include details of the negotiations between the owners of the properties. These details should include offers to the owner of the isolated property. A reasonable offer, for the purposes of determining the development application and addressing the planning implications of an isolated lot,*

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*is to be based on at least one recent independent valuation and may include other reasonable expenses likely to be incurred by the owner of the isolated property in the sale of the property.*

*Thirdly, the level of negotiation and any offers made for the isolated site are matters that can be given weight in the consideration of the development application. The amount of weight will depend on the level of negotiation, whether any offers are deemed reasonable or unreasonable, any relevant planning requirements and the provisions of s 79C of the Environmental Planning and Assessment Act 1979.*

On this matter, the applicant has not submitted any information in regards to attempts to purchase No. 60. In a meeting between the Council and the applicant on 18 February 2019, the applicant stated that attempts have been made to purchase No. 60 however, their offer was never accepted. Nevertheless, no written evidence of this has been provided including details of negotiations between the owners of the property, offers to the owner of the isolated property, and evidence that a reasonable offer has been made (i.e. based upon at least one recent independent valuation and inclusion of other reasonable expenses likely to be incurred by the owner of the isolated site in the sale of the property).

As no documentation to this effect has been received, officers are unable to give any weight to the claims made in the meeting of the 18 February 2019.

- *Secondly, can orderly and economic use and development of the separate sites be achieved if amalgamation is not feasible?*

*'19 In the decision **Cornerstone Property Group Pty Ltd v Warringah Council** [2004] NSWLEC 189, I extended the principles of Brown C to deal with the second question and stated that:*

*The key principle is whether both sites can achieve a development that is consistent with the planning controls. If variations to the planning controls would be required, such as non compliance with a minimum allotment size, will both sites be able to achieve a development of appropriate urban form and with acceptable level of amenity.*

*To assist in this assessment, an envelope for the isolated site may be prepared which indicates height, setbacks, resultant site coverage (both building and basement). This should be schematic but of sufficient detail to understand the relationship between the subject application and the isolated site and the likely impacts the developments will have on each other, particularly solar access and privacy impacts for residential development and the traffic impacts of separate driveways if the development is on a main road.*

*The subject application may need to be amended, such as by a further setback than the minimum in the planning controls, or the development potential of both sites reduced to enable reasonable development of the isolated site to occur while maintaining the amenity of both developments.*

In considering this second matter, No. 60 as an isolated site would not meet the minimum area requirement of 1,000m<sup>2</sup> and 30 metre width for multiple-unit housing as set out in Part C of the SDCP 2005. Furthermore, the applicant has not submitted an envelope for the isolated site, indicating the height, setbacks, resultant site coverage to demonstrate whether it is capable of successfully being redeveloped as an isolated site.

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In consideration of the above, as the proposal would result in the isolation of No. 60 Beresford Road and the applicant has not satisfied the requirements of the planning principle for site amalgamation, this forms a reason for refusal.

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

The application has been accompanied by a Waste Management Plan. Council's Waste Officer has provided comments on the proposal stating that insufficient information has been provided to properly assess the proposal, and its compliance with Part H of SDCP 2005. More specifically, a site plan would be required to be included which details the location of bins and vehicular access to the bin for collection during demolition and construction, as well as details of the waste contractors and tipping location. In terms of the ongoing use of the site, written evidence of valid contracts for the regular collection and disposal of waste and recyclables generated on the site would be required, as well as details of caretaker or individual responsible for maintaining waste rooms and moving bins for collection.

The proposed garbage store is approximately 40m<sup>2</sup> in size and is considered to be of a sufficient size to accommodate adequate waste storage on the site.

Had the application been supported, suitable conditions of consent could have been imposed alongside the other conditions recommended by the Waste Officer, to address the abovementioned matters and in order to ensure efficient and satisfactory waste minimization and management across the site, in accordance with Part H of SDCP 2005.

#### PART I – PROVISION OF OFF STREET PARKING (SCDCP 2005)

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

##### 1.3: Objective of Part I

1.3	Objectives	Satisfactory
A.	To inform members of the public and developers of Council's requirements concerning the number, layout and design of off-street parking spaces to be provided in association with all development applications for the erection, alteration, addition or change of use of any premises within the Strathfield Council Area.	Yes

##### 2.0: Part B – Main Provisions

2.0	Provisions	Complies
I	Parking Dimensions	
	(a) The minimum dimensions set out in Appendix A of Part I shall apply to all off-street parking areas.	Yes
II	Plans	
	(a) The provisions of off-street car parking, loading/unloading and service areas shall be clearly defined and dimensioned on the submitted plan.	Yes
III	Paving / Drainage	

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	(a)	All stormwater run-off from the roof and hardpaved areas associated with the proposed development is to be collected and piped by means of a gravity induced system to an adequate Council drainage system.	Yes
	(b)	A physical barrier at least 150mm high and 150mm wide is to be constructed along the street frontage and paved areas, with the exception of vehicular access driveways and pedestrian access points, to prevent the discharge of surface water onto the road reserve.	Yes
	(c)	Full width grated drains shall be constructed across the vehicular access crossing(s) at the street alignment for the collection of surface water; such drains are to be connected to the proposed drainage system.	See below
	<i>Grade of Ramps</i>		
<b>IX</b>	(a)	The slope of ramps shall not be in excess of 1 in 7 and access points into a public space shall be designed to the Municipal Engineer's satisfaction.	Yes
	<i>Service Loading Facilities</i>		
<b>X</b>	(a)	Off-street loading and unloading facilities will be required for certain uses. In such instances, the criteria outlined in Appendix C of the DCP will apply.	Yes

**Comments:** *The size of the proposed car parking spaces and loading bays comply with the requirements of Part I of SDCP 2005. Details of grated drains across the vehicle access crossing has not been provided however, it is noted that the vehicle crossing is existing and if considered necessary it could have been addressed by way of condition. The SDCP 2005 does not include guidance on the number of parking spaces to be provided for residential care facilities however, in any case the standards set out in the Seniors Housing SEPP prevail.*

#### **PART N – WATER SENSITIVE URBAN DESIGN (SCDCP 2005)**

The application has been accompanied by a Water Sensitive Urban Design Report prepared by Sparks and Partners. The report has confirmed that water sensitive urban design measures have been incorporated through the treatment of stormwater once collected in the OSD tank. Council's Stormwater Engineer has reviewed these measures and is satisfied that the objectives of Part N – Water Sensitive Urban Design of SDCP 2005 have been met.

#### **PART O – TREE MANAGEMENT (SCDCP 2005)**

The application has been accompanied by an Arboricultural Impact Report, prepared by Above All Tree Services Pty Ltd. The report details the proposed removal of trees 4-9, 15-25, 27-31, 35, 36 and 40 and the retention of the remainder of the trees. Council's Tree Officer commented on the proposal and had no objection to the removal of the specified trees, subject to the imposition of a number of conditions, including compliance with the recommendations contained within the Arborist Report, adequate protection of retained trees and tree replacement planting.

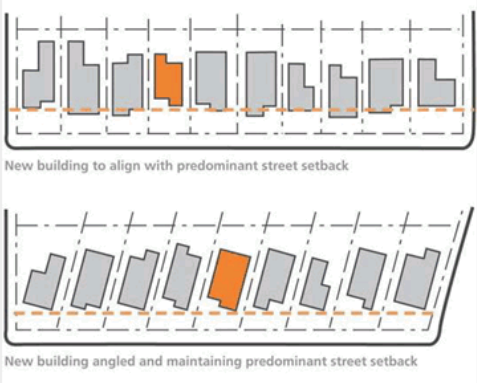


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Had the application been supported, conditions of consent as recommended by Council's Tree Officer would need to be imposed to ensure that the aims and objectives of Part O of the SDCP 2005 were met.

**PART Q – URBAN DESIGN CONTROLS (SCDCP 2005)**

An assessment of the proposal against the most relevant objectives and development controls contained within Part Q of SDCP 2005 is included below:

<i>Provisions</i>		<i>Comments</i>
<i>Streetscape</i>		
2.2	1) Building height at the street frontage and building alignment must maintain a compatible scale with adjacent development, whilst having regard to this Plan's height controls; and  6) Building setbacks from the street boundary must be consistent with prevailing setbacks of adjoining and nearby buildings  	No – The 3-storey building height to the north-eastern portion of the building fronting Albert Road does provide a successful height transition to the adjoining R2 zone.  No – The Beresford Road building is setback substantially further from the Beresford Road boundary than the neighbouring properties on the south-eastern side of Beresford Road.
<i>Siting</i>		
2.3	8) Possible future development on adjoining sites must be considered as part of any design.	No – The applicant has not submitted any indicative redevelopment envelopes of the isolated site at No. 60 Beresford Road (see assessment under Part C of the SDCP 2005).
<i>Building Massing and Scale</i>		
2.5	3) Building heights are to be reduced and setbacks increased to provided appropriate transitions to heritage buildings and places or sensitive uses such as public recreation areas and schools.	No – The Albert Road building is 3-storeys in height right up to the south-western elevation of the building, and a reduced setback to the south-western side boundary is proposed,

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		thereby resulting in a building which is not sympathetic to the adjoining heritage item at No. 87-89 Albert Road.
6)	The form and massing of buildings must provide a transition between adjoining land use zones and building types.	No – The 3-storey building height to the north-eastern portion of the building fronting Albert Road does provide a successful height transition to the adjoining R2 zone, and the adjoining property at No. 79 Albert Road which is a two-storey dwelling house (with the first floor located within the roof).
2.6	<i>Transition zones</i>	
	1)	Development proposing to be higher than adjoining development must incorporate gradual stepping up of the built form at its interface with existing low rise development.
	2)	Development proposals are to be sensitive and complementary in scale and site location to surrounding properties of identified heritage and/or streetscape value, and which contributes positively to the desired character of the street or area concerned
		No – The Albert Road building is 3-storeys in height right up to the south-western elevation of the building, and a reduced setback to the south-western side boundary is proposed, thereby resulting in a building which is not sympathetic to the adjoining heritage item at No. 87-89 Albert Road.
<i>Building Frontages to Public Domain</i>		
2.7	(a)	Demonstrated design consideration must be given to the underlying building elements that contribute to the character of the area. Such things include roof shape, pitch and overhangs; entry porches, verandas, balconies and terraces; materials, finishes, fixtures, patterns, fenestrations, colours and detailing; the location and proportion of windows and doors.
		No – The proposed Albert Road building comprises a predominately skillion roof with two gable elements. The surrounding area is characterized by pitched roof forms and it is considered that the gabled roof elements are not significant in their size and proportions to detract from the prominence of the proposed skillion roof, which is not a building element characteristic of the surrounding area.
<i>Roof Forms</i>		
2.8	1)	Plant and lift overrun structures must be
		No – The lift overruns of both the Albert Road and Beresford

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	<p>incorporated into the roof design. Plant equipment, vents or lift over-runs or solar energy and stormwater collectors are to be designed to avoid visibility from the surrounding spaces and buildings.</p>	<p>Road are not incorporated in to roof design. However, they are not anticipated to be highly visible within the streetscene and can be accepted.</p>
<p>4)</p>	<p>Roof forms are to respond to the neighbouring roofs, in particular in terms of scale and pitch. Roof forms should complement, but not necessarily replicate the predominant form in the locality and in particular those of adjacent buildings.</p>	<p>No – The proposed Albert Road building comprises a predominately skillion roof with two gable elements. The surrounding area is characterized by pitched roof forms and it is considered that the gabled roof elements are not significant in their size and proportions to detract from the prominence of the proposed skillion roof, which is not a building element characteristic of the surrounding area.</p>

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

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

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

Not applicable.

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

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

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

The site is suitable for the proposal in that it is appropriately zoned for residential care facility purposes and not subject to any major environmental constraints.

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

The application was notified in accordance with Part L of the SDCP 2005 from **17 April to 9 May 2018** and 21 submissions were received. Amended plans and documents were submitted and the application was re-notified from **24 October to 15 November 2018**. An additional 35 submissions were received, noting a number of submissions were received from persons who did not make a submission to the original proposal.

1. *The proposal does not follow the consolidation plan set out in SDCP 2005 and it will isolate No. 60 Beresford Road*

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Assessing officer's comments: The officer agrees with this matter and this is discussed in more detail earlier in this report.

*2. Building height is excessive and non-compliant with Seniors Housing SEPP*

Assessing officer's comments: The officer agrees with this matter and this is discussed in more detail earlier in this report.

*3. Proposal does not integrate successfully with the character of the street – form, number of storeys, bulk, scale, setbacks*

Assessing officer's comments: The officer agrees with this matter and this is discussed in more detail earlier in this report.

*4. FSR non-compliance*

Assessing officer's comments: The proposal incorporates a FSR of 0.96:1, which complies with the maximum FSR allowed under the Seniors Housing SEPP. Whilst it is acknowledged that the proposed FSR does not comply with the FSR development standard under SLEP 2012, the applicant has submitted a Clause 4.6 variation to vary this development standard. The Clause 4.6 Variation is considered to be well-founded as Chapter 1, Clause 5 of the Seniors Housing SEPP states that where there is an inconsistency between the environmental planning instruments, the Seniors Housing SEPP prevails to the extent of the inconsistency.

*5. Insufficient on-site landscaping (non-compliant with Seniors Housing SEPP) and tree removal*

Assessing officer's comments: This has been addressed previously in this report.

*6. Adverse traffic and parking impacts to Beresford Road*

Assessing officer's comments: The proposal does not involve vehicle access from Beresford Road, except during the demolition/ construction phase. The applicant needs to confirm the number of truck/ vehicle movements during this period, and had the application been supported it would have been considered necessary to impose a condition requiring a construction management plan to be prepared to minimize amenity impacts to neighbouring properties, including traffic and parking impacts.

The proposal complies with Chapter 3, Part 7, Division 2, Clause 48(d) of the Seniors Housing SEPP and the minimum requirement for on-site parking. Therefore, sufficient on-site parking has been provided for the proposed development.

*7. Safety impacts due to increased traffic*

Assessing officer's comments: The proposal will increase the comings and goings from the site however, this is not anticipated to result in safety impacts to other road users and pedestrians. The proposal removes two (2) vehicle crossings to the site, and had the application been supported, appropriate conditions could be imposed requiring signage on the site such as, speed limits on the site, and stop sign at the exit..

*8. Traffic Assessment is not accurate*

Assessing officer's comments: In response to Council's Traffic Engineer's original comments, the applicant submitted a revised Traffic Assessment Report reflecting the most recent traffic studies

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that were undertaken in February 2018. Council's Traffic Engineer has reviewed the amended Report and has raised no objections.

*9. Object to vehicle access to the site from Beresford Road*

Assessing officer's comments: Vehicle access is not proposed from Beresford Road, except during the demolition and construction period. This is a temporary measure only, and had the application been supported it is considered suitable that a condition of consent be imposed requiring a construction management plan to be submitted which identifies measures to minimise impacts to neighbouring properties and the surrounding road network.

*10. Cause damage to surrounding roads*

Assessing officer's comments: Had the application been supported, a condition of consent would be imposed requiring the payment of Section 7.11 Contributions, which would in part, financially contribute towards the upgrades of roads (and other services) within the local government area.

*11. Proposal does not comply with Clause 40 of the Seniors Housing SEPP*

Assessing officer's comments: The officers assessment of the proposal against Clause 40 of the Seniors Housing SEPP is provided earlier in this report.

*12. Adverse overshadowing to neighbouring properties*

Assessing officer's comments: This is addressed earlier in the report. The application has been accompanied by shadowing diagrams which has demonstrated that adequate sunlight/ daylight has been retained to windows and private open space of neighbouring properties.

*13. Dust and noise impacts*

Assessing officer's comments: Had the application been supported, dust and noise impacts during the demolition and construction phases could be addressed through conditions of consent which require a construction management plan and acoustic and vibration assessment report to be submitted.

An acoustic report has been submitted with the application, and had the application been supported it would have been considered suitable to impose the recommendations contained within the Acoustic Report to protect the

*14. Overlooking and privacy impacts*

Assessing officer's comments: This is addressed earlier in the report. The new side facing windows of the Albert Road building have been treated with a mixture of frosted glass and privacy louvres, and the side facing windows of the Beresford Road building have been treated with privacy louvres so as to protect the visual privacy of the adjoining properties.

*15. Adverse impact on the significance of the neighbouring heritage item*

Assessing officer's comments: The assessing officer agrees that the proposal would have an adverse impact on the significance of the neighbouring heritage item and this has been discussed in more detail earlier in this report.

*16. Set a precedence for further development in the surrounding area*

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Assessing officer's comments: Each development applications will be assessed on its own merits.

*17. Plans and elevations not illustrative of what is proposed*

Assessing officer's comments: The submitted plans appear to be of a sufficient quality to make an accurate assessment of the proposal.

*18. De-value neighbouring properties*

Assessing officer's comments: This is not a material planning consideration.

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

The public interest is served through the detailed assessment of this development application under the relevant local planning controls and legislation and consideration of any submissions received relating to it by Council. The proposed development is considered to be contrary to the public interest.

**SECTION 7.11 CONTRIBUTIONS**

As the development application is recommended for refusal, no calculations for development contributions have been completed.

**CONCLUSION**

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

Signed: Rachel Gardner  
**Senior Development Assessment Planner**

**PEER REVIEW**

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

Signed: Kandace Lindeberg  
**Manager, Development Assessment**

**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 not satisfied that the non-compliance with the development standard contained in Clause 4.3 (Building Height) of the SLEP 2012 is not well founded and that there are insufficient environmental planning grounds to justify contravening the development standard.

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That Development Application No. 2018/041 for the alterations and additions to the existing aged care facility involving the demolition of the dwelling at 58 Beresford Road, and construction of a new community building as well as partial demolition of the existing aged care facility and construction of a new three (3) storey care wing with new car parking facilities at 81-85 Albert Road and 58 Beresford Road be **REFUSED**, for the following reasons:

1. A written request under State Environmental Planning Policy No. 1 Development Standards has not been received in order for the Council to consider the acceptability of a variation to the height development standards set out in Chapter 3, Part 4, Clause 40(4)(a) and (b) of the State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004.
2. The written request made by the applicant pursuant to Clause 4.6 of the Strathfield Local Environmental Plan 2012 to vary the height development standard contained in Clause 4.3 of the Strathfield Local Environmental Plan 2012 is not well founded and there are insufficient planning grounds to justify contravening the standard.
3. The proposal does not result in the efficient and spatially appropriate use of land, as it results in the isolation of No.60 Beresford Road, and thereby undermining the neighbouring sites redevelopment potential. As such, the proposal is contrary to Clause 1.2(2)(b) of the Strathfield Local Environmental Plan 2012
4. The proposal does not align with the desired medium density consolidation pattern for No. 58 and 60 Beresford Road, Strathfield, as set out in Appendix 1 of Part C of the Strathfield Consolidated Development Control Plan 2005
5. The proposal is not of good design, by reason of the excessive height, unarticulated facades, reduced front and side setback, unsuccessful height transition between zones, predominate flat roof form and materials and finishes which do not accord with the character of the surrounding area, and thereby does not accord with the aims of Chapter 2, Clause 2(c) of the State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 and Part Q of the Strathfield Consolidated Development Control Plan 2005.
6. The proposed building height of the Albert Road building is not compatible with the scale of adjacent development, and does not provide a gradual stepping of the built form at its interface with existing low rise development, thereby contrary to Part Q of the Strathfield Consolidated Development Control Plan 2005.
7. The proposal does not provide safe pedestrian links within the site, in particular between the two residential care facility buildings, and accordingly does not comply with the accessibility design principle of Chapter 3, Part 3, Division 2, Clause 38 of the State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004
8. The proposal does not conserve the significance of the adjacent heritage item, and is contrary to Clause 1.2(2)(f) and Clause 5.10 of the Strathfield Local Environmental Plan 2012, and Clause 33(b) of the State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004
9. The proposed new building is not setback to be sympathetic with the existing predominate building line of properties on the south-eastern side of Beresford Road, and does not accord

DA2018/041 - 81-85 Albert Road & 58 Beresford Road  
Lot 2, 7 & 8 DP 20594 (Cont'd)

with the design principle set out in Clause 33 of the State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004

10. The proposed Beresford Road building results in a sense of enclosure and cumulative visual overbearing appearance, thereby it does not comply with Clause 33 of the State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004
11. The proposal does not achieve high quality urban form exhibiting design excellence and does not accord with Clause 1.2(2)(a) of the Strathfield Local Environmental Plan 2012
12. The proposal results in the loss of substantial landscaping, and reduces the width of the landscaping strip adjacent to the south-western side boundary, thereby comprising the ability of substantial landscaping to grow, resulting in an adverse visual impact to the street and neighbouring property at 87-89 Albert Road.



**TO: Strathfield Local Planning Panel Meeting - 4 April 2019**  
**REPORT: SLPP – Report No. 7**  
**SUBJECT: PLANNING PROPOSAL - 1-5 UNDERWOOD ROAD, HOMEBUSH**  
**LOT 100 DP 1042833**  
**DA NO. N/A**

## **PURPOSE**

The purpose of this report is to inform the Strathfield Local Planning Panel of a Planning Proposal submitted by Vicinity Centres for 1-5 Underwood Road, Homebush. A copy of the Planning Proposal is included at Attachment 1.

The proposal seeks to amend Schedule 1 of the Strathfield Local Environmental Plan (SLEP) 2012 by including 'Shops' and 'Specialised Retail' as additional permitted uses for the subject site.

The subject site currently operates as a factory outlet specifically for the purpose of bulky goods and retailing and is known as DFO Homebush.

The subject site is currently zoned IN1 General Industrial Zone under Strathfield LEP 2012 and 'Shops' and 'Specialised Retail' are prohibited uses within the zone.

## **BACKGROUND**

The subject site has been the subject of an extensive planning history.

In May 2000 development consent was granted to DA9900/377 for alterations to Level 3 of the existing distribution centre on the site to be used as a factory outlet centre (now known as DFO Homebush) and the continued use of Level 2 as an exhibition space. This approval related specifically to Level 3 and the existing floor space on the 'mezzanine' level of Level 2.

This remains the applicable consent for retail uses within Level 3 of the DFO Homebush.

In 2009, consent was granted by the Land and Environment Court to DA2008/87 for alterations and additions to level 2 of a Woolworths distribution centre to enable a change of use to a bulky goods retail centre now known as DFO

This consent combined with the previous DFO approval (DA9900/377) permitted a total of 42,209m<sup>2</sup> of Gross Floor Area (GFA) was approved with the following land use breakdown:

- Bulky goods (Level 2): 19,817m<sup>2</sup> GFA; and
- DFO Retailing (Level 3): 22, 451m<sup>2</sup> GFA

At the time of this consent the site was subject to the *Strathfield Planning Scheme Ordinance 1969* (Strathfield PSO) which included site specific provisions that enabled development for the sale of retail items from a bulky goods, sales room and showroom on the site, subject to certain provisions being satisfied

In accordance with Condition 2.1 of DA2008/87, separate Development Applications (DA) were lodged with and approved by Council for the fit-out and use of each of the tenancies on Level 2.

Subsequently, each of the Level 2 tenancies relies on the approval of DA2008/87 to permit the use of each tenancy and must demonstrate in each subsequent application that the proposed use meets the definition of "bulky goods salesroom or showroom" under Strathfield PSO.

**PLANNING PROPOSAL - 1-5 UNDERWOOD ROAD, HOMEBUSH  
LOT 100 DP 1042833 (Cont'd)**

In addition, a Development Application must be submitted to Council every time there is a change in a retail tenancy as the requirements of the SEPP (Exempt and Complying Development Codes) 2008 does not apply.

**DESCRIPTION OF THE SITE AND SURROUNDING DEVELOPMENT****Subject Site**

The subject site is legally described as Lot 100 in DP 1042833 and is commonly known as 1-5 Underwood Road, Homebush (**Figure 1**).

The site is irregular in shape with a frontage to Homebush Bay Drive of approximately 220m to the south and side length of approximately 80m to the east of Underwood Road.

The site currently contains a large commercial/warehouse building of three (3) levels. The upper levels of the building consist of a direct factory outlet (DFO) retail centre with approximately (79) tenancies (**Figure 2** and **3**). Vehicular access to the site is provided via Homebush Bay Drive and Underwood Road, leading to a multi-storey car park located to the south of the building (**Figure 4**).

The site does not contain any Heritage listed items and is not located within a Heritage Conservation Area.

The site is located in the vicinity of major infrastructure projects including the West Connex, Sydney West Metro and the Parramatta Light Rail.



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

**PLANNING PROPOSAL - 1-5 UNDERWOOD ROAD, HOMEBUSH  
LOT 100 DP 1042833 (Cont'd)**

**Figure 2:** Level 2 of DFO Homebush.  
*Source: Ethos Urban*



**Figure 3:** Level 2 of DFO Homebush.  
*Source: Ethos Urban*

**Surrounding Development**

The site is surrounded by various land uses, including industrial (by way of electricity infrastructure), commercial and residential uses, in addition to the recreation lands of Sydney Olympic Park:

To the north of the site is public open space, providing local sporting fields at Mason Park, regional open space of Bicentennial Park as well as the sporting and leisure facilities associated with Sydney Olympic Park.

Industrial office development directly adjoins the site to the east on Underwood Road. Further east of the site is North Strathfield and Concord West Stations, and low-medium density residential development within the suburbs of Homebush, North Strathfield and Concord West.

Infrastructure services adjoin the site directly to the south. Further to the south provides services associated with WestConnex construction and the M4 motorway. Beyond the motorway is the Sydney Market precinct.

An electricity substation is located on the western boundary of the site. Further west are sporting facilities associated with Sydney Olympic Park. Also to the west, a new school site is to be located on Rod Laver Drive. The school has been identified to receive funding in 2018/2019, with site investigation works currently ongoing

PLANNING PROPOSAL - 1-5 UNDERWOOD ROAD, HOMEBUSH  
 LOT 100 DP 1042833 (Cont'd)



**Figure 4:** The existing multi-storey car park located south of the premises.  
 Source: Ethos Urban

**PLANNING CONTROLS**

**Existing Planning Controls**

Strathfield LEP 2012 applies to the subject site. The following provisions are relevant:

Planning Control	Standard
Land Zoning	The site is zoned <b>IN1 General Industrial</b> under the SLEP 2012 ( <b>Figure 5</b> ). Refer to <b>Table 1</b> for the permissible uses in the IN1 General Industrial Zone.
Building Height	The site has a maximum building height of <b>12m (Figure 6)</b> .
Floor Space Ratio	The site has a maximum floor space ratio of <b>1:1 (Figure 7)</b> .

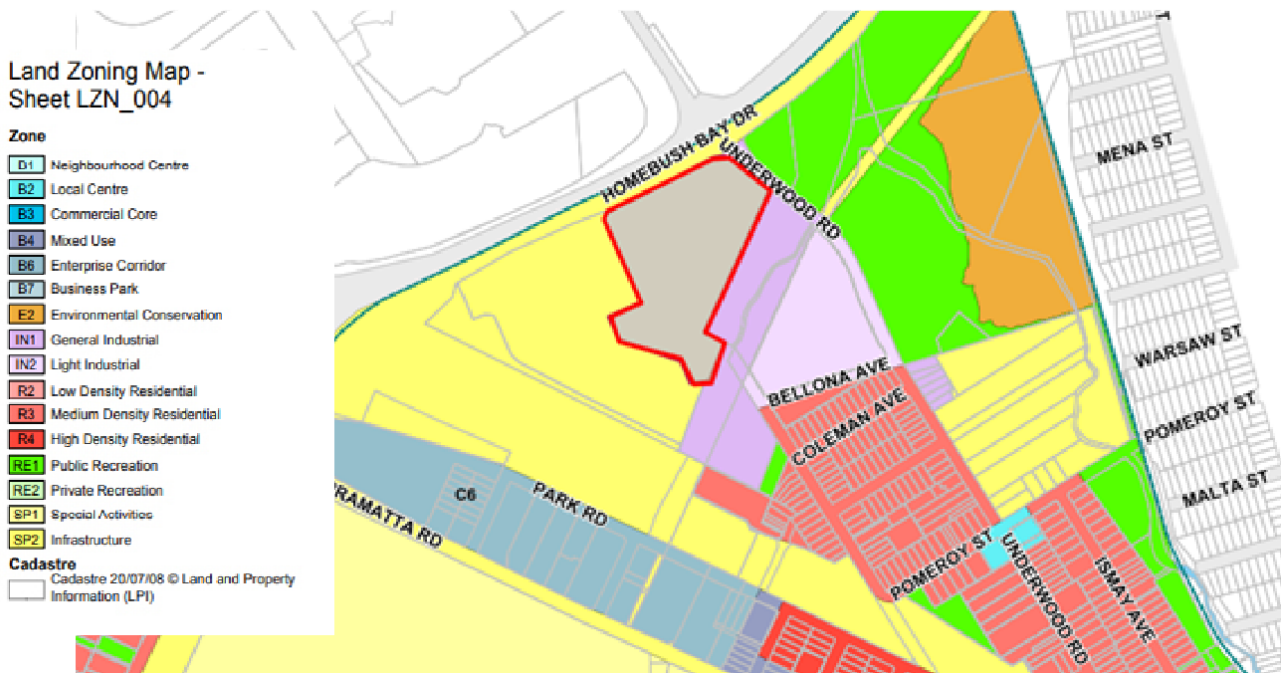
Permissible uses for the **IN1 General Industrial** zone under the SLEP 2012 are provided in the Table 1 below:

**Table 1: Land Use Table – IN1 General Industrial Zone – SLEP 2012**

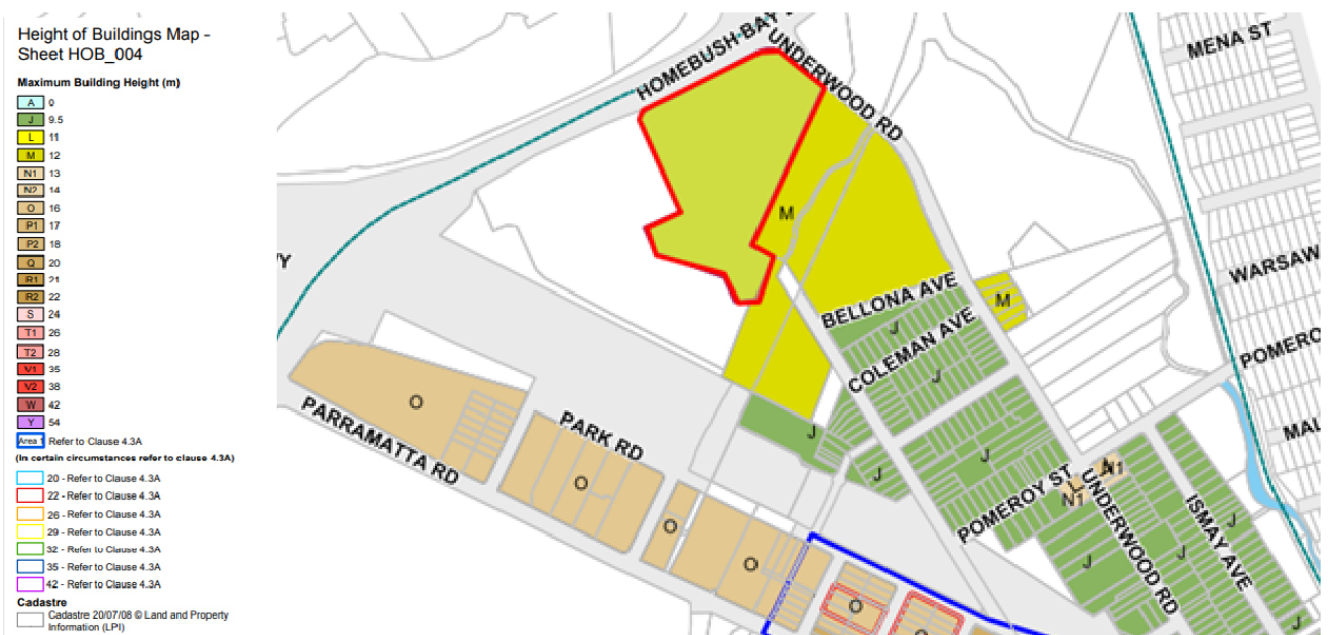
Zone	IN1 General Industrial	Land Uses
2. Permitted without consent	without	<i>Nil</i>
3. Permitted with Consent	with	<i>Agricultural produce industries; Animal boarding or training establishments; Boat building and repair facilities; Car parks; Depots; Environmental protection works; Freight transport facilities;</i>

PLANNING PROPOSAL - 1-5 UNDERWOOD ROAD, HOMEBUSH  
 LOT 100 DP 1042833 (Cont'd)

	<i>Garden centres; General industries; Hardware and building supplies; Industrial retail outlets; Industrial training facilities; Kiosks; Landscaping material supplies; Light industries; Neighbourhood shops; Places of public worship; Plant nurseries; Recreation areas; Roads; Sex services premises; Signage; Storage premises; Take away food and drink premises; Timber yards; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Veterinary hospitals; Warehouse or distribution centres; Wholesale supplies.</i>
<b>4. Prohibited</b>	<i>Any development not specified in item 2 or 3 above.</i>



**Figure 5:** Land Zoning Map under the SLEP 2012 where the site is outlined in red.  
 Source: Strathfield Local Environmental Plan 2012



PLANNING PROPOSAL - 1-5 UNDERWOOD ROAD, HOMEBUSH  
 LOT 100 DP 1042833 (Cont'd)

**Figure 6:** Building Heights Map under the SLEP 2012 where the site is outlined in red.  
 Source: Strathfield Local Environmental Plan 2012.



**Figure 7:** Floor Space Ratio Map under the SLEP 2012 where the site is outlined in red.  
 Source: Strathfield Local Environmental Plan 2012

**PROPOSED AMENDEMENTS TO STRATHFIELD LOCAL ENVIRONMENTAL PLAN 2012**

The objective of this Planning Proposal is to facilitate the orderly and efficient ongoing operation of the existing Discount Factory Outlet (DFO) in its current form. As the existing land uses are prohibited on the site, the current operation of the centre relies on the ‘existing use rights’.

The prohibition of the existing uses prevents works relating to DFO from being sought as complying development, and the subsequent issue of Complying Development Certificates (CDC).

This Planning Proposal intends to rectify the above prohibitions by amending Schedule 1 of the SLEP 2012 to list ‘shops’ and ‘specialised retail’ as additional permitted uses on the site.

In this regard, the proposed uses are defined as follows:

**shop** means premises that sell merchandise such as groceries, personal care products, clothing, music, homewares, stationery, electrical goods or the like or that hire any such merchandise, and includes a neighbourhood shop and neighbourhood supermarket, but does not include food and drink premises or restricted premises.

**Specialised retail premises** means a building or place the principal purpose of which is the sale, hire or display of goods that are of a size, weight or quantity, that requires:

- (a) a large area for handling, display or storage, or
- (b) direct vehicular access to the site of the building or place by members of the public for the purpose of loading or unloading such goods into or from their vehicles after purchase or hire,

but does not include a building or place used for the sale of foodstuffs or clothing unless their sale is ancillary to the sale, hire or display of other goods referred to in this definition.

Both ‘shops’ and ‘specialised retail’ are defined as a ‘retail premises’ under the SLEP 2012. Retail premises is defined as the following:

**PLANNING PROPOSAL - 1-5 UNDERWOOD ROAD, HOMEBUSH  
LOT 100 DP 1042833 (Cont'd)**

**retail premises** means a building or place used for the purpose of selling items by retail, or hiring or displaying items for the purpose of selling them or hiring them out, whether the items are goods or materials (or whether also sold by wholesale), and includes any of the following:

...

- (l) shops,
- (la) specialised retail premises

Schedule 1 is proposed to be amended by including an additional clause as follows:

**4. Use of certain land at 1-5 Underwood Road, Homebush**

- (1) This clause applies to land at 1-5 Underwood Road, Homebush, identified as "Item 4" on the Additional Permitted Uses Map.
- (2) Development for the purpose of shops is permitted with development consent.
- (3) Development for the purpose of specialised retail is permitted with development consent.



**Figure 13 Strathfield 2012 LEP Map Additional Permitted Uses (MAP APU\_004) with amendments**

Source: Strathfield Local Environmental Plans 2012, edits by Ethos Urban



**Figure 14 Strathfield 2012 LEP Map Additional Permitted Uses (MAP APU\_001) with amendments**

Source: Strathfield Local Environmental Plans 2012, edits by Ethos Urban

## PLANNING STRATEGIES

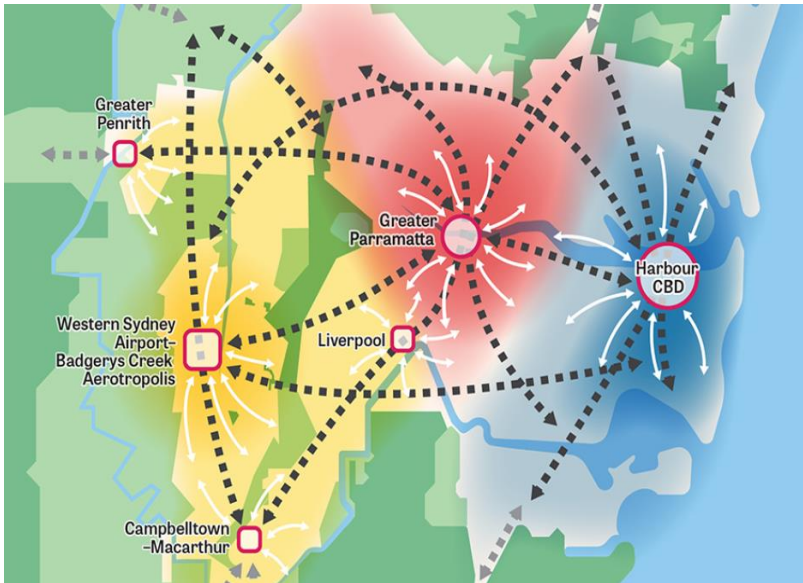
### Strategic Context

The site is subject to three major Metropolitan Plans. They are detailed further below.

### Greater Sydney Regional Plan – A Metropolis of Three Cities

In March 2018, The Greater Sydney Commission finalised the Greater Sydney Region Plan which sets out the 40 year vision, priorities and actions for Greater Sydney. Specifically, the plan seeks to create a 'three city metropolis' model, which includes The Western Parkland City, The Central River City and the Eastern Harbour City (**Figure 8**).

**PLANNING PROPOSAL - 1-5 UNDERWOOD ROAD, HOMEBUSH  
LOT 100 DP 1042833 (Cont'd)**



**Figure 8:** The three cities identified in the Metropolis of Three Cities.  
Source: Greater Sydney Commission 2018.

The primary vision identified in The Plan is to promote a '30 Minute City' by 2056 across greater Sydney by way of developing greater housing choices in the vicinity of jobs and other key services.

The site is also located within Precinct 12 of the Greater Parramatta to Olympic Park Corridor and the Greater Parramatta Growth Area, which is earmarked for future commercial and residential development.

The Planning Proposal aligns with this Vision.

### **The Eastern City District Plan**

The subject site is within the Eastern City District Plan was finalised and released by the Greater Sydney Commission in March 2018 (refer to **Figure 9**). The plan provides a 20 year vision to manage jobs and growth.

Within the Eastern City District Plan, 18 Planning Priorities have been identified under four (4) key Directions, being Infrastructure, Liveability, Productivity and Sustainability.

The Planning Proposal gives effect to the Eastern City District Plan, as follows:

**Planning Priority E10 Delivering integrated land use and transport planning and a 30-minute city** – the Planning Proposal does not propose an intensification of development on the site and does not alter infrastructure and servicing demands.

**Planning Priority E11 – Growing investment, business opportunities and jobs in strategic centres** – the Planning Proposal regularises the existing land uses on the site, allowing for the orderly operation of the existing DFO, which is a significant employment generator in the local area;

**Planning Priority E12 - Retaining and managing industrial and urban services land** – The Planning Proposal retains the existing IN1 zoning applying to the site and does not prevent the potential future use of the site for industrial or urban services;



PLANNING PROPOSAL - 1-5 UNDERWOOD ROAD, HOMEBUSH  
 LOT 100 DP 1042833 (Cont'd)



**Figure 9:** The Eastern City District.  
 Source: Greater Sydney Commission 2018.

### The Central City District Plan

The site is located on the boundary of the Central City District Plan and as such the proposal has sought to give effect to the Planning Priorities of this Plan.

The site is located within the Greater Parramatta Olympic Park (GPOP) corridor and is consistent with the following Planning Priorities:

**Planning Priority C8 Delivering a more connected and competitive GPOP Economic Corridor** - The Planning Proposal will enable the efficient and competitive operation of the existing DFO, a significant employment generator and support to the GPOP economy;

**Planning Priority C10 Growing investment, business opportunities and jobs in strategic centres** - It is consistent with Planning Priority C10 in that the proposal facilitates the streamlined change over of tenants within the DFO Homebush centre to continue to meet the goods and services needs of the local community as an extension of the Sydney Olympic Park strategic centre; and

**PLANNING PROPOSAL - 1-5 UNDERWOOD ROAD, HOMEBUSH  
LOT 100 DP 1042833 (Cont'd)**

The proposal does not facilitate an intensification of development on the site and therefore does not alter the infrastructure and servicing demands, remaining consistent with the actions detailed in Planning Priority C8 and C9;

**Parramatta Road Corridor Urban Transformation Strategy**

The site is located within the Parramatta Road Corridor Urban Transformation Urban Renewal Area, and as such, the Parramatta Road Corridor Urban Transformation Strategy (the Corridor Strategy) applies to the site.

The Strategy sets out the long-term visions and framework to support co-ordinated employment and housing growth in the Parramatta Road Corridor. The Strategy identifies Parramatta Road as Sydney's 'economic spine', employing over 50,000 workers within the corridor.

The Strategy identifies the site as a future R3 Medium Density Residential zone, with relevant development standards to deliver this type of development. Whilst this Planning Proposal does not directly implement the R3 land use zone, it remains consistent with the Corridor Strategy.

**CONCLUSION**

The Planning Proposal for 1-5 Underwood Road, Homebush seeks to amend the Strathfield Local Environmental Plan 2012 by amending Schedule 1 to include the following additional permitted uses 'specialised retail' and 'shops' for the subject site.

The Planning Proposal has considered all the relevant strategies and is considered to be consistent Council planning staff have undertaken an assessment of the Planning Proposal and are satisfied that there is adequate justification to support the request.

Should a Gateway determination be issued to proceed, clause 3.34 of the EP&A Act requires the relevant planning authority (RPA) to consult with the community in accordance with the Gateway determination.

It is therefore anticipated that the planning proposal would be required to be publicly exhibited for 28 days in accordance with the requirements of the DPE guidelines A Guide to Preparing Local Environmental Plans and dependent on the outcome of the Gateway determination.

The public exhibition would be undertaken by Council by way of:

- A public notice in the local newspaper(s).
- A notice on the Council website.

The planning proposal would be publicly exhibited at Council's offices and any other locations considered appropriate to provide interested parties with the opportunity to view the submitted documentation.

**FINANCIAL IMPACT STATEMENT**

There are no financial implications for Council relating to this report.

**RECOMMENDATION**

- A. THAT the planning proposal be referred to the Strathfield Local Planning Panel for advice in accordance with the Local Planning Panels Direction – Planning Proposals issued by the Minister for Planning on 27 September 2018.
- B. THAT Council be provided with the advice of the Strathfield Local Planning Panel regarding

**PLANNING PROPOSAL - 1-5 UNDERWOOD ROAD, HOMEBUSH  
LOT 100 DP 1042833 (Cont'd)**

the planning proposal.

- C. THAT Council supports the planning proposal set out in Attachment 1 to this report to amend Strathfield LEP 2012 in respect of No 1-5 Underwood Road, Homebush, being submitted to the Department of Planning and Environment for a Gateway Determination to proceed to formal public exhibition that proposes the following:
- i) Amend Schedule 1 of Strathfield LEP 2012 to include the following additional clause:
    - 4. Use of certain land at 1-5 Underwood Road, Homebush*
    - (1) *This clause applies to land at 1 -5 Underwood Road, Homebush as identified as "Item 4" on the Additional Permitted Uses Map*
    - (2) *Development for the purpose of shops is permitted with development consent*
    - (3) *Development for the purpose of specialised retail is permitted with development consent*
- D. THAT when requesting a gateway determination for the planning proposal, the Council seek delegation of the plan-making steps under section 3.36 of the Environmental Planning and Assessment Act 1979.

**ATTACHMENTS**

1. [↓](#) Planning Proposal Documentation

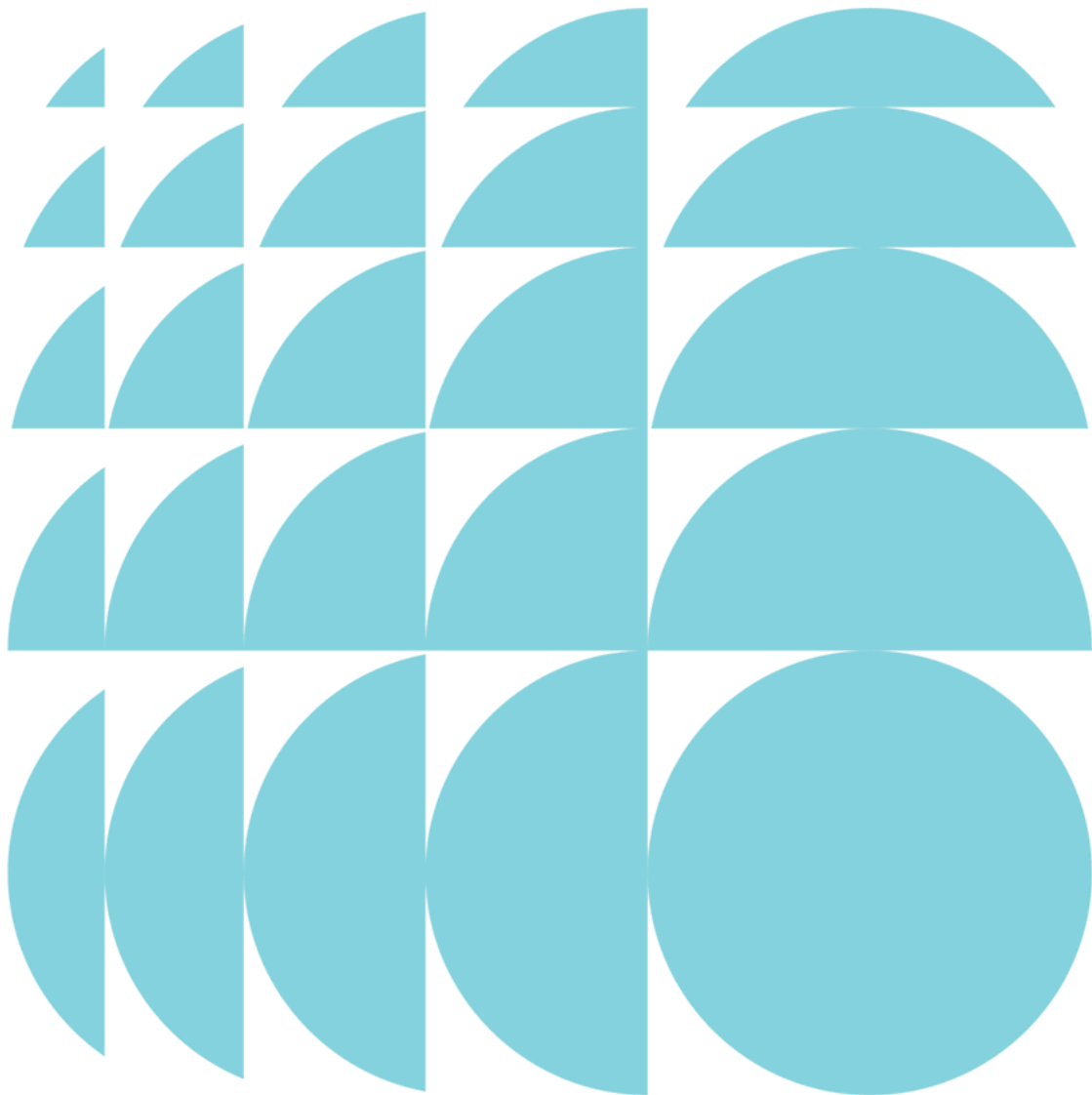
# ETHOS URBAN

## Planning Proposal

1-5 Underwood Road, Homebush  
Amendment to the Strathfield Local Environmental  
Plan 2012

Submitted to Strathfield Council  
On behalf of Vicinity Centres

12 February 2019 | 17468



CONTACT

Jennie Buchanan Director JBuchanan@ethosurban.com 02 9956 6962

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This document has been prepared by:

This document has been reviewed by:




Emily Hatfield 12 FEB 2019 Samantha Miller 12 FEB 2019

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01	12 FEB 2019	EH	SM/JB

Ethos Urban Pty Ltd  
 ABN 13 615 087 931.  
 www.ethosurban.com  
 173 Sussex Street, Sydney  
 NSW 2000 t 61 2 9956 6952

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- A Revised SLEP 2012 Additional Permitted Uses Maps  
*Ethos Urban*

## 1.0 Introduction

This report has been prepared by Ethos Urban in support of a Planning Proposal to amend the *Strathfield Local Environmental Plan 2012* (SLEP 2012). This report has been prepared on behalf of Vicinity Centres (the Landowner) and relates to 1-5 Underwood Road, Homebush (the site).

The objective of this Planning Proposal is to facilitate the orderly use of the existing DFO Homebush centre currently operating on the site. The existing land uses, namely shops and specialised retail, are currently prohibited in the IN1 General Industrial zone that applies to the site. The existing centre currently operates under 'existing use rights' (within the meaning of Division 4.11 of the *Environmental Planning and Assessment Act 1979* (EP&A Act 1979)).

The proposed amendments relate exclusively to Schedule 1 Additional Permitted Uses of the SLEP 2012, to permit 'shops' and 'specialised' retail on the site. A description and justification of the proposed amendments are detailed in **Section 4.0**. This proposal does not propose to alter the land use zone or any development standard that applies to the site, nor does it involve changes to the Strathfield Consolidated Development Control Plan 2005.

This Planning Proposal has been prepared in accordance with Section 3.33 of the *Environmental Planning & Assessment Act 1979* (EP&A Act) and 'A Guide to Preparing Planning Proposals' prepared by the NSW Department of Planning and Environment (DPE). **Section 5.0** of this report sets out the strategic justification for the Planning Proposal and provides an assessment of the relevant strategic plans, State Environmental Planning Policies, Ministerial Directions and the environmental, social and economic impacts of the proposed amendment.

## 2.0 Background

The site has been the subject of an extensive planning history with key approvals detailed below. It is noted that the intent of the Planning Proposal is to rationalise the various approvals that apply to the site, resulting in a more homogenous operation of the existing DFO Homebush.

### 2.1 Development Consent DA9900/377

In May 2000 development consent was granted to DA9900/377 for alterations to Level 3 of the existing distribution centre on the site, for use of this level as a factory outlet centre (now known as DFO Homebush) and the continued use of Level 2 as an exhibition space. The approval related specifically to Level 3 and the existing floor space on the 'mezzanine' level of Level 2. It did not relate to the Woolworths distribution centre below on Level 1. This remains the applicable consent for retail uses within Level 3 of the DFO Homebush.

### 2.2 Development Consent DA2008/087

In 2009, consent was granted by the Land and Environment Court to DA2008/87 for alterations and additions to level 2 of a Woolworths distribution centre to enable a change of use to a bulky goods retail centre now known as DFO (Direct Factory Outlet).

This consent (as amended) combined with the previous DFO approval, permitted a total of 42,209m<sup>2</sup> of Gross Floor Area (GFA) on the site with the following land use breakdown:

- Bulky goods retailing (Level 2): 19,817m<sup>2</sup> GFA; and
- DFO retailing (Level 3): 22,451m<sup>2</sup> GFA<sup>1</sup>.

<sup>1</sup> It is noted that the DFO retailing was existing on the site at the time of DA2008/87, in accordance with DA99/337.



At the time of this consent the site was subject to the *Strathfield Planning Scheme Ordinance 1969* (Strathfield PSO), which included site-specific provisions that enabled development for the sale of retail items from a bulky goods, sales room or showroom on the site, subject to certain provisions being satisfied.

In accordance with Condition 2.1 of DA2008/87, separate Development Applications (DA) were lodged with and approved by Council for the fit-out and use of each of the tenancies on Level 2. These works were not completed as Complying Development owing to SLEP 2012 being in force that prohibited bulky goods retailing within the IN1 zone and as such prevents the fit-out and use of these tenancies to be completed under a Complying Development Certificate (see **Section 2.4**).

Accordingly, each of the Level 2 tenancies relies on the approval of DA2008/87 to permit the use of each tenancy and must demonstrate in each subsequent application that the proposed use meets the definition of a 'bulky goods salesroom or showroom' under the Strathfield PSO.

### 2.3 Complying Development at DFO Homebush

*State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* (the Codes SEPP) establishes the requirements in which development must be satisfied in order to qualify as 'Exempt or Complying Development'. The Codes SEPP was introduced in NSW to streamline the planning assessment process for simple and compliant development to reduce the need for development applications to be made to local Councils. This instrument has widespread use in retail centres and changes in tenants can be processed as either exempt or complying development in most cases.

To meet the requirements of Complying Development, a proposal must be permitted with development consent in its applicable land use zone. As retail uses are prohibited within the IN1 General Industrial zone, complying development is not an available process on the DFO Homebush site for the majority of tenants of the centre. Therefore, unless the development meets the requirements of exempt development, a development application is required to be prepared, assessed and determined by Council under the existing use rights afforded by the above consents, for development that would ordinarily be considered complying development.

### 2.4 Pre-lodgement Consultation

#### Strathfield Council

Ahead of preparing and submitting this Planning Proposal, Vicinity Centres has met with Council to discuss the short-, medium- and long-term objectives for the DFO Homebush site and how this accords with the strategic planning framework for the Strathfield LGA. As an outcome of meetings held with Council (15 March, 10 October and 26 November 2018), Vicinity Centres has elected to proceed with this proposal, seeking to regularise the existing land uses operating on the site. This will provide for complying development opportunities on the site and reduce the need for minor works to be the subject of development applications with Council.

Vicinity Centres are continuing to actively engage with Council as to the long-term planning for the site, as part of a comprehensive review of the SLEP 2012 being completed to implement the District Plans finalised in 2018. The proposed amendments to the SLEP 2012 that form part of this Planning Proposal do not limit or pre-empt the strategic planning review currently underway.

#### Department of Planning and Environment

The Department of Planning and Environment (DPE) are currently progressing a strategic planning exercise for the Homebush Precinct under the Greater Parramatta Priority Growth Area in which the site is located. Vicinity Centres has met twice with DPE staff to discuss the long-term vision for the DFO Homebush centre and how this relates to the strategic importance of the Greater Parramatta Olympic Park (GPOP) corridor. The proposed amendments to the SLEP 2012 that form part of this Planning Proposal do not limit or pre-empt the outcomes of the Homebush Precinct plan.

### 3.0 The Site

#### 3.1 Site Description

The site is located within the suburb of Homebush and the Strathfield Local Government Area (LGA). The site is located north-east of the Homebush Bay Drive and the M4 Western Motorway intersection, as shown in **Figures 1**. The site is located at the edge of the Strathfield LGA boundary, aligning with the Parramatta LGA boundary to the north.

The site, known as 1-5 Underwood Road, is located on the southern corner of Underwood Road and Homebush Bay Drive intersection (as illustrated in **Figure 1**). The site is legally described as Lot 100 DP 1042833. The lot is irregular in shape and has an area of approximately 5.2 hectares. The site has a frontage to Homebush Bay Drive of approximately 220m and Underwood Road of approximately 80m.

The site currently contains a large commercial/warehouse building of three levels (as illustrated in **Figures 3-12**). The upper levels of the building consist of a direct factory outlet (DFO) retail centre with approximately 79 tenancies. Vehicle access to the site is provided by Homebush Bay Drive and Underwood Road leading to a multi-storey car parking located south of the site. The site currently operates in accordance with the development consents as described in **Section 2.0**.



**Figure 1** Aerial photograph identifying the site boundaries

Source: Nearmap, Ethos Urban



**Figure 2** DFO Homebush's frontage to Underwood Road

Source: Ethos Urban



**Figure 3** Vehicle access to the multi-storey car park on the site

Source: Ethos Urban



**Figure 4** Level 2 of the DFO Homebush

Source: Ethos Urban



**Figure 5** Level 2 of the DFO Homebush

Source: Ethos Urban



**Figure 6** Level 2 of the DFO Homebush

Source: Ethos Urban



**Figure 7** External car parking area located south of the site

Source: Ethos Urban



**Figure 8** Homebush Bay Drive overpass, located immediately north of the site

Source: Ethos Urban



**Figure 9** Loading entrance located adjacent Homebush Bay Drive (site's north-west boundary)

Source: Ethos Urban



**Figure 10** Loading area located west of the site

Source: Ethos Urban



**Figure 11** Coach parking located along the site's frontage to Underwood Road

Source: Ethos Urban

### 3.2 Strategic Context

The site's strategic context is described in **Figure 13** and is located within an area that is undergoing significant transition in line with multiple strategic planning policies. A Metropolis of Three Cities – the Greater Sydney Region Plan, reinforces the strategic importance of the Greater Parramatta to Olympic Peninsula (GPOP) corridor as a primary growth corridor to provide jobs, housing and community facilities to service the Central City. The (GPOP) is a 4,000 hectare Priority Precinct earmarked for significant development and urban renewal. The site is specifically identified as being within 'Precinct 12' of the GPOP, and within the greater 'Olympic Park Lifestyle Super Precinct' when combined with other precincts to the north and west.

The site also forms part of the Parramatta Road Corridor Urban Transformation Strategy. The strategy is informed by a number of Strategic Actions developed around housing choice and affordability, a diverse and resilient economy, access, community infrastructure, green spaces and links, and sustainability and resilience. The Homebush Precinct of this plan, in which the site is located, is targeted to accommodate 1,030,000m<sup>2</sup> of residential GFA and 283,000m<sup>2</sup> of employment GFA by 2050. The site is also in proximity of a number of significant medium-term transport projects including Sydney West Metro and Parramatta Light Rail.

### 3.3 Surrounding Development

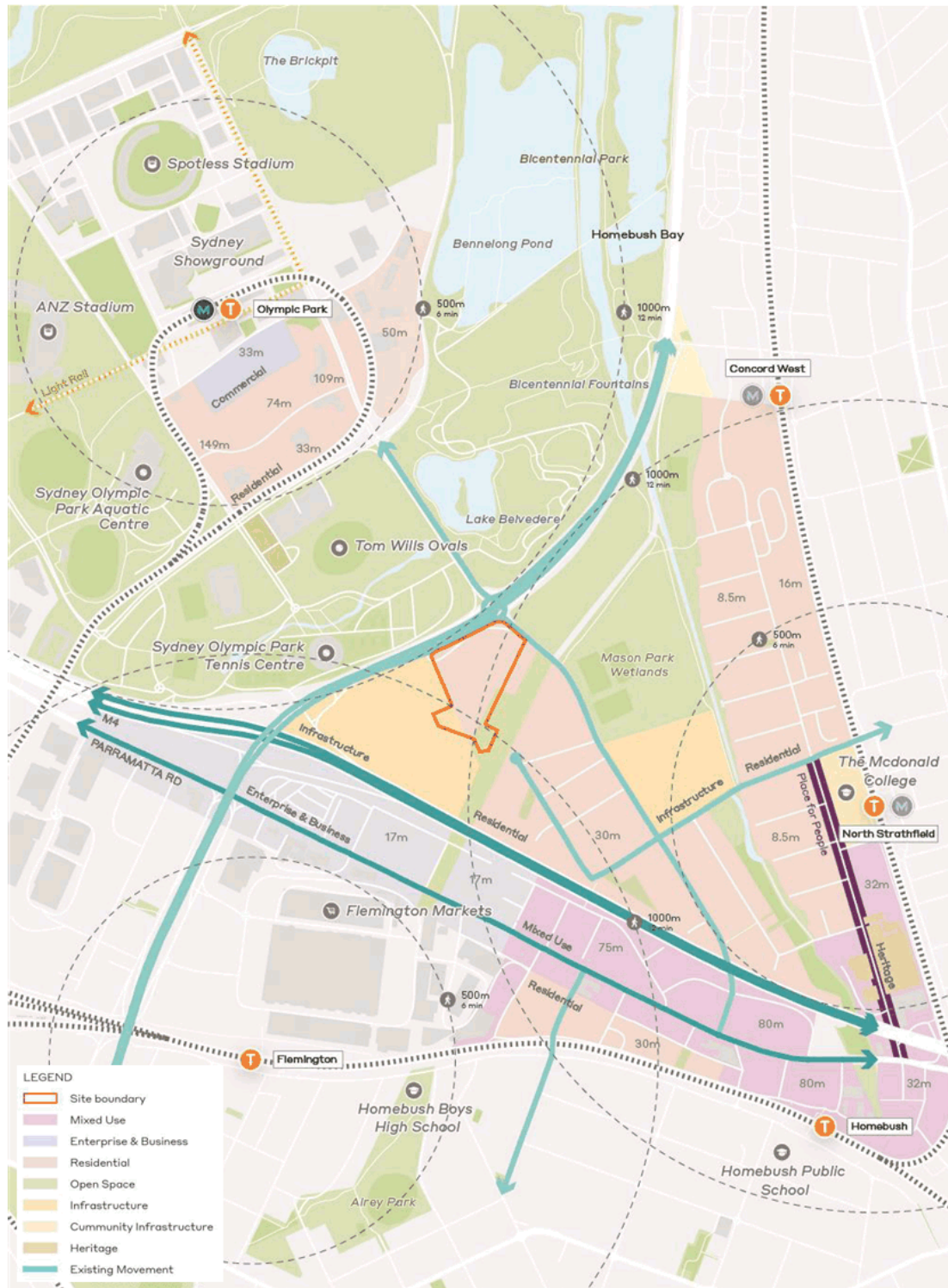
The site is surrounded by various land uses, including industrial (by way of electricity infrastructure), commercial and residential uses, in addition to the recreation lands of Sydney Olympic Park:

- **North:** Public open space, providing local sporting fields at Mason Park, regional open space of Bicentennial Park as well as the sporting and leisure facilities associated with Sydney Olympic Park.

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- **East:** Industrial office development directly adjoins the site to the east on Underwood Road. Further east of the site is North Strathfield and Concord West Stations, and low-medium density residential development within the suburbs of Homebush, North Strathfield and Concord West.
- **South:** Infrastructure services adjoin the site directly to the south. Further to the south provides services associated with WestConnex construction and the M4 motorway. Beyond the motorway is the Flemington Market precinct.
- **West:** An electricity substation is located on the western boundary of the site. Further west are sporting facilities associated with Sydney Olympic Park. Also to the west, a new school site is to be located on Rod Laver Drive. The school has been identified to receive funding in 2018/2019, with site investigation works currently ongoing



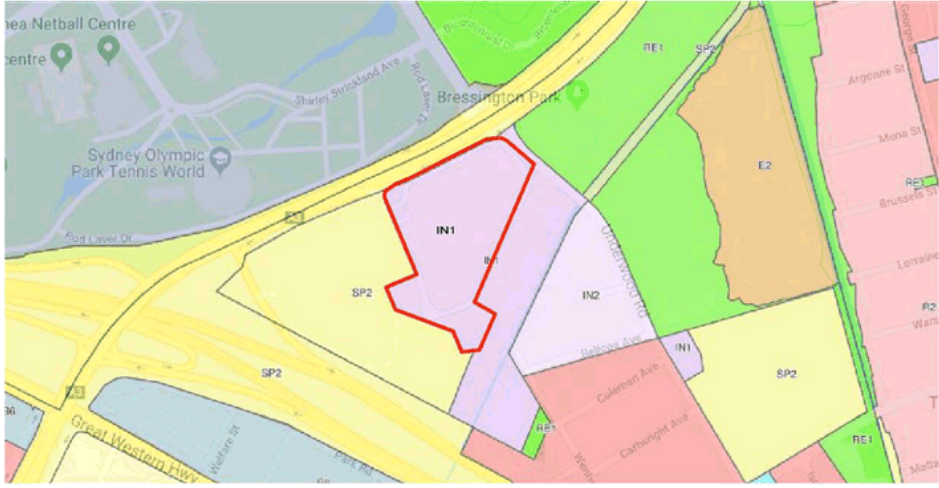
**Figure 12 The site within its surrounding context**

Source: Google, Ethos Urban

**3.4 Current Planning Controls**

The primary planning instrument applying to the site is the Strathfield Local Environmental Plan 2012 (SLEP 2012). The current planning controls applying to the site are described in **Table 1**.

**Table 1 Applicable planning controls as specified in SLEP 2012**

Clause	Control
Land Use Zone	<p>The site is zoned <b>IN1 - General Industrial</b> under the SLEP 2012</p>  <p style="text-align: center;"> <span style="border: 1px solid red; display: inline-block; width: 15px; height: 10px; margin-right: 5px;"></span> Site Boundaries             </p>
	<p><u>1. Objectives of Zone</u></p> <ul style="list-style-type: none"> <li>• To provide a wide range of industrial and warehouse land uses.</li> <li>• To encourage employment opportunities.</li> <li>• To minimise any adverse effect of industry on other land uses.</li> <li>• To support and protect industrial land for industrial uses.</li> <li>• To minimise fragmentation of valuable industrial land, and provide large sites for integrated and large floorplate activities.</li> </ul> <p><u>2. Permitted without consent</u> Nil</p> <p><u>3. Permitted with consent</u> Agricultural produce industries; Animal boarding or training establishments; Boat building and repair facilities; Car parks; Depots; Environmental protection works; Freight transport facilities; Garden centres; General industries; Hardware and building supplies; Industrial retail outlets; Industrial training facilities; Kiosks; Landscaping material supplies; Light industries; Neighbourhood shops; Places of public worship; Plant nurseries; Recreation areas; Roads; Sex services premises; Signage; Storage premises; Take away food and drink premises; Timber yards; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Veterinary hospitals; Warehouse or distribution centres; Wholesale supplies</p> <p><u>4. Prohibited</u> Any development not specified in item 2 or 3</p> <p>As the existing uses are not specified as permitted with consent, they are prohibited in the IN1 General Industrial zone.</p>
Height of Building	12 metres
Floor Space Ratio	1:1
Heritage	Not applicable

## 4.0 Planning Proposal

This Planning Proposal has been prepared in accordance with Section 3.33 of the EP&A Act and 'A Guide to Preparing Planning Proposals' prepared DPE. The guide requires the following matters be addressed:

- Objectives and intended outcomes of the amendment to the LEP;
- Explanation of provisions;
- Justification;
- Relationship to strategic planning frameworks;
- Environmental, social and economic impact;
- State and Commonwealth interests; and
- Community consultation.

The following Section outlines the objectives, intended outcomes and provides an explanation of provisions in order to achieve those outcomes, including relevant mapping. The justification and evaluation of impacts is addressed in **Section 5.0** of this report.

### 4.1 Objectives and Intended Outcomes

The objective of this Planning Proposal is to facilitate the orderly and efficient ongoing operation of the existing DFO Homebush centre in its current form. As the existing land uses are prohibited on the site, the current operation of the centre relies on the 'existing use rights' as described in **Section 2.3**. The prohibition of the existing uses prevents works relating to the DFO Homebush centre from being sought as complying development, and the subsequent issue of Complying Development Certificates (CDC).

This Planning Proposal intends to rectify the above prohibitions by amending Schedule 1 of the SLEP 2012 to list 'shops' and 'specialised retail' as additional permitted uses on the site<sup>2</sup>. This amendment would align the permissible land uses with the existing land uses operating on the site in accordance with the active development consents described in **Section 2**. This amendment is intended to bring the land use definitions applying to operation of the site into line with the current planning framework, being the Standard Instrument, as opposed to the Strathfield PSO.

In permitting shops and specialised retail on the site, this will open opportunities for complying development for specific development and reduce the need for individual development applications to be lodged for minor work and change of tenants, in line with the intended implementation of the Codes SEPP.

It should be noted that this proposed does not seek to alter the IN1 zoning which applies to the site. The proposal does not seek to alter the development standards applying to the site or any further provisions in the SLEP.

<sup>2</sup> The Strathfield Local Environmental Plan 2012 defines 'shops' and 'specialised retail' as the following:

**shop** means premises that sell merchandise such as groceries, personal care products, clothing, music, homewares, stationery, electrical goods or the like or that hire any such merchandise, and includes a neighbourhood shop and neighbourhood supermarket, but does not include food and drink premises or restricted premises.

**specialised retail premises** means a building or place the principal purpose of which is the sale, hire or display of goods that are of a size, weight or quantity, that requires:

- a large area for handling, display or storage, or
  - direct vehicular access to the site of the building or place by members of the public for the purpose of loading or unloading such goods into or from their vehicles after purchase or hire,
- but does not include a building or place used for the sale of foodstuffs or clothing unless their sale is ancillary to the sale, hire or display of other goods referred to in this definition.

Both 'shops' and 'specialised retail' are defined as a 'retail premises' under the SLEP 2012. Retail premises is defined as the following:

**retail premises** means a building or place used for the purpose of selling items by retail, or hiring or displaying items for the purpose of selling them or hiring them out, whether the items are goods or materials (or whether also sold by wholesale), and includes any of the following:

- ...
- shops,
  - specialised retail premises



#### 4.2 Explanation of Provisions

The intended outcome will be achieved through an amendment to Schedule 1 of the SLEP 2012. Schedule 1 identifies additional permitted uses on certain sites within the Strathfield LGA. An additional clause to be included within Schedule 1 is detailed below:

##### **4. Use of certain land at 1-5 Underwood Road, Homebush**

- (1) This clause applies to land at 1-5 Underwood Road, Homebush, identified as "Item 4" on the Additional Permitted Uses Map.
- (2) Development for the purpose of shops is permitted with development consent.
- (3) Development for the purpose of specialised retail is permitted with development consent.

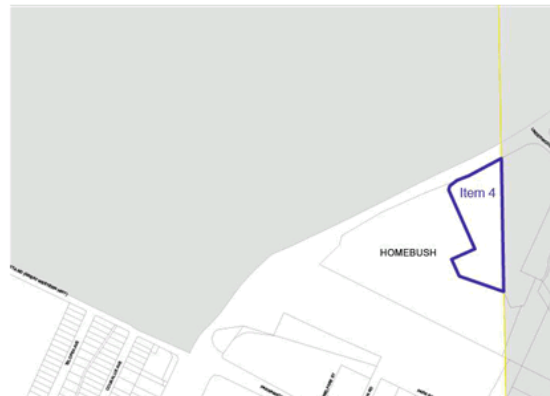
#### 4.3 Mapping

The proposed amendments would require the identification of the site within the SLEP 2012 Additional Permitted Uses Maps. The subject site would be identified as "Item 4". The boundary of the existing site is identified in both Additional Permitted Uses Maps APU\_001 and APU\_004. The proposed amendments are illustrated in **Figure 13-14**. The proposed Additional Permitted Uses Maps APU\_001 and APU\_004 are included in **Appendix A**.



**Figure 13 Strathfield 2012 LEP Map Additional Permitted Uses (MAP APU\_004) with amendments**

Source: Strathfield Local Environmental Plans 2012, edits by Ethos Urban



**Figure 14 Strathfield 2012 LEP Map Additional Permitted Uses (MAP APU\_001) with amendments**

Source: Strathfield Local Environmental Plans 2012, edits by Ethos Urban

## 5.0 Strategic Justification

### 5.1 The Need for a Planning Proposal

#### Q1 – Is the Planning Proposal a result of any strategic study or report?

No. The Planning Proposal only relates to regularising the existing uses on the site with the planning framework, by applying the Standard Instrument definitions and making the specific land uses permissible with consent. The proposed amendment does not propose wholesale uses or built form changes.

#### Q2 – Is the Planning Proposal the best means of achieving the intended outcome?

Yes. In preparing this Planning Proposal, four options were considered to facilitate the intended outcomes as set out in **Section 4.1**. These are listed and discussed below:

- **Option 1:** Maintain current operations under 'existing use rights' (Do Nothing);
- **Option 2:** Amend the land use table of the SLEP to permit shops and specialised retail with consent in the IN1 General Industrial zone;
- **Option 3:** Rezone the site to B4 mixed use;
- **Option 4:** Rezone the site to R3 Medium Density Residential; and
- **Option 4:** Add 'shops' and 'specialised retail premises' as additional permitted uses on the site (**This Proposal**).

#### Option 1 – Maintain current operations under 'existing use rights' (Do Nothing)

This option is not desirable as it does not rationalise the site's operation. In maintaining the status-quo, current and future tenants of the DFO Homebush centre are required to lodge a DA for a change of use and minor works. These works would otherwise be sought under the Complying Development pathway if their use was permissible on the site. As such, this option is inconsistent with the aims of the Codes SEPP which generally seek to streamline the assessment process for development resulting in minimal environmental impact. Additionally, DAs relating to land use would be required to continue to rely on existing use rights and be assessed against the land use definitions of the Strathfield PSO in contrast to the NSW-wide standard definitions. This option is viewed as a sub-optimal outcome and has not been pursued as it does not allow for a transparent and consistent understanding of the planning framework as understood by the general public.

#### Option 2 – Amend the land use table of the SLEP to permit shops and specialised retail with consent in the IN1 General Industrial zone.

Whilst this option would facilitate the outcomes and objectives set out in **Section 4.1**, it would have the unintended consequence of permitting the specified land uses on all IN1-zoned land within the SLEP 2012. Accordingly, this option is not considered appropriate in the circumstances as it results in a significant change to industrial lands within the LGA and go beyond the intended site-specific resolution sought by this Planning Proposal.

#### Option 3 – Rezone the site to B4 Mixed Use

Both 'shops' and 'specialised retail' are permissible with consent in the B4 Mixed Use zone as these land uses are included within the umbrella definition of commercial premises. Whilst rezoning the site to B4 would achieve the objective to permit the existing land uses on the site, the range of other land uses permissible as a consequence would represent a significant land use change that is beyond the scope of the planning framework and infrastructure services at this time. This option would also limit the potential future use of the site for industrial purposes.

Opportunities and constraints for broadscale land use change should be considered as part of the strategic review being conducted by both Council and the DPE.

#### Option 4 – Rezone the site to R3 Medium Density Residential

The Parramatta Road Corridor Urban Transformation Strategy recommends a R3 Medium Density land use zone for the site as part of the delivery of the Strategy. 'Shops' and 'specialised retail' are prohibited in the R3 zone and therefore this option does not achieve the intended outcomes of this Planning Proposal.

### **Option 5 – Add ‘shops’ and ‘specialised retail premises’ as additional permitted uses on the site**

This Planning Proposal seeks to add ‘shops’ and ‘specialised retail’ as additional permitted uses on the site without amending the land use zone. This option provides a site-specific solution to rectify the prohibition of the existing uses without altering the primary planning controls and objectives that apply. This option achieves the intended objectives of the Planning Proposal without limiting the future strategic review of the site and the consideration of long term land use change in accordance with the strategic planning framework.

## **5.2 Relationship with the Strategic Planning Framework**

### **5.2.1 Q3 – Is the Planning Proposal consistent with the objectives and actions of the applicable regional, sub-regional or district plan or strategy (including any exhibited draft plans or strategies)?**

*A Guide to Preparing Planning Proposals* sets out that in order to respond to Q3, a planning proposal needs to justify that it meets the Strategic Merit Test. The consistency of this Planning Proposal with the mandated assessment criteria is set out below.

#### **a) Does the proposal have strategic merit?**

For the proposal to be considered to have strategic merit, it is required to give effect to the Greater Sydney Regional Plan and the relevant district plan, in this case both the Eastern City District Plan and the Central City District Plan are relevant to the proposal. The Parramatta Road Corridor Urban Transformation Strategy is also a mandated strategic plan applying to the site. The proposal gives effect to, and does not impede the ongoing implementation of these strategic plans as demonstrated below.

#### ***A Metropolis of Three Cities – the Greater Sydney Region Plan***

A Metropolis of Three Cities – the Greater Sydney Region Plan was released by the Greater Sydney Commission in 2018. The Plan sets out the strategic vision and objectives for the Greater Sydney area. Specifically, the Plan details objectives for a Productive City which are relevant to the proposal, these include:

- Objective 15: The Eastern, Greater Parramatta and Olympic Peninsula (GPOP) and Western Economic Corridors are better connected and more competitive;
- Objective 22: Investment and business activity in centres; and
- Objective 23: Industrial and urban services land is planned, retained and managed;

Facilitating shops and specialised retail within the existing industrial lands of the DFO Homebush, as sought by this Planning Proposal, is consistent with the above objectives. The Planning Proposal will support the continued use of the site for economic purposes by permitting a more orderly operation of the DFO Homebush centre. Further, the Planning Proposal will retain the existing IN1 General Industrial land use zoning of the site (consistent with Objective 23 of the Region Plan) or until such time that an employment lands study finds the industrial zoning to be superfluous to the site’s existing use and operation.

#### ***Eastern City District Plan***

This Planning Proposal gives effect to the Eastern City District Plan in that:

- It is consistent with Planning Priority E11 as it regularises the existing land uses on the site, allowing for the orderly operation of the existing DFO Homebush centre, which is a significant employment generator in the local area;
- The site is not bound by the industrial lands strategies and actions of Planning Priority E12 as it is located on land to which the Parramatta Road Corridor Urban Transformation Strategy applies. Notwithstanding this, the proposal retains the existing IN1 zoning applying to the site and does not prevent the potential future use of the site for industrial or urban services;
- The proposal does not facilitate an intensification of development on the site and therefore does not alter the infrastructure and servicing demands, remaining consistent with Planning Priority E1 and E10; and

- The proposal does not impede the implementation of other Planning Priorities within the Eastern City District Plan, including priorities on liveability and sustainability.

#### **Central City District Plan**

The site is located on the boundary of the Central City District Plan and it is therefore this proposal has sought to give effect to the Central City District Plan in that:

- The site is located within the GOP corridor and consistent with Planning Priority C7 and C8, this Planning Proposal will enable the efficient and competitive operation of the existing DFO Homebush centre, a significant employment generator and support to the GOP economy;
- The proposal does not facilitate an intensification of development on the site and therefore does not alter the infrastructure and servicing demands, remaining consistent with the actions detailed in Planning Priority C8 and C9;
- It is consistent with Planning Priority C10 in that the proposal facilitates the streamlined change over of tenants within the DFO Homebush centre to continue to meet the goods and services needs of the local community as an extension of the Sydney Olympic Park strategic centre; and
- The proposal does not impede the implementation of other Planning Priorities within the Central City District Plan, including priorities on liveability and sustainability.

#### **Parramatta Road Corridor Urban Transformation Strategy**

The site is located within the Parramatta Road Corridor Urban Transformation Urban Renewal Area, and as such, the Parramatta Road Corridor Urban Transformation Strategy (the Corridor Strategy) applies to the site. The Strategy sets out the long-term visions and framework to support co-ordinated employment and housing growth in the Parramatta Road Corridor. The Strategy identifies Parramatta Road as Sydney's 'economic spine', employing over 50,000 workers within the corridor.

The Corridor Strategy identifies the site as a future R3 Medium Density Residential zones, with relevant development standards to deliver this type of development. Whilst this Planning Proposal does not directly implement the R3 land use zone, it remains consistent with the Corridor Strategy for the following reasons:

- The proposed inclusion of additional permitted uses on the site does not restrict the future rezoning of the site to R3 consistent with the Strategy;
- The inclusion of 'shops' and 'specialised retail' does not impede the attainment of the R3 zone objectives in that it enables other uses on the site that will service the day-to-day needs of future residents within the precinct;
- The proposal does not facilitate an intensification of the existing land use and accordingly does not give rise to any increased infrastructure demands;
- Pre-lodgement consultation has been undertaken with Council to determine the appropriateness of the site-specific provisions to resolve the existing use rights at DFO Homebush; and
- The proposal does not impede the delivery of the objectives of the Strategy, particularly in relation to urban renewal, sustainability and infrastructure provision.

#### **b) Does the proposal have site-specific merit?**

Yes. The proposal has site-specific merit.

The existing planning framework applying to the site gives rise to a number of undesirable planning outcomes due to the reliance on existing use rights and the reliance on out-dated planning controls of the Strathfield PSO. As described in **Section 4.1**, this Planning Proposal seeks a site-specific solution to align the relevant planning controls with existing operations of the DFO Homebush centre. As set out in **Section 5.1**, identifying the specific existing land uses as additional uses permitted on the site (by way of amendment to Schedule 1 of the SLEP 2012) represents the optimum planning pathway. The Planning Proposal has site-specific merit for the following reasons:

- The proposed amendment will enable the land uses currently operating on the site to be considered permissible with consent, removing the reliance on existing use rights;

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- The proposed amendments will align the existing uses with the current NSW-wide land use definitions of the Standard Instrument as opposed to the definitions prescribed by the Strathfield PSO;
- The proposed amendment will enable the efficient ongoing operation of the DFO Homebush centre by increasing the opportunities for low-impact works to be assessed and determined as complying development;
- The proposed amendments do not facilitate an intensification of the existing land use and therefore do not give rise to increased demand on existing infrastructure;
- Overall, the proposal will enable the orderly and economic use of the DFO Homebush centre and the site, consistent with the clause 1.3(g) of the EP&A Act 1979, without altering the desired planning outcomes for the site.

#### Summary

This Planning Proposal achieves the assessment criteria as it demonstrates both strategic merit and site-specific merit. Therefore, it is considered that this Planning Proposal meets the Strategic Merit Test. It is noted that SLEP 2012 is greater than five years old. Accordingly, the amendments to the SLEP 2012 as sought by this Planning Proposal will not undermine the strategic merit of the SLEP 2012 itself. This is consistent with the Planning Proposal assessment criteria as detailed in the *A Guide to Preparing Planning Proposals*. Such an amendment is considered reasonable in the lifespan of the SLEP 2012.

#### Q4 – Is the Planning Proposal consistent with a Council’s local strategy or other local strategic plan?

No relevant Council strategies apply to the site or the proposed amendments. However, this Planning Proposal does not prevent or limit any future local strategies.

#### Q5 – Is the Planning Proposal consistent with applicable State Environmental Planning Policies?

Yes. An assessment of the Planning Proposal against relevant State Environmental Planning Policies (SEPPs) is set out in **Table 2** below.

**Table 2 Consistency with State Environmental Planning Policies**

SEPP	Consistency		N/A	Comment
	Yes	No		
SEPP No. 1 Development Standards			✓	SEPP 1 does not apply to Strathfield Council.
SEPP (State and Regional Development) 2011			✓	Not relevant to proposed LEP amendment.
SEPP (Affordable Rental Housing)			✓	Not relevant to proposed LEP amendment.
SEPP (Exempt and Complying Development Codes)			✓	Not relevant to proposed LEP amendment. It is noted that the proposed amendments would allow future development to be sought as Exempt or Complying Development.
SEPP No. 55 Remediation of Land			✓	Not relevant to proposed LEP amendment.
SEPP No. 64 Advertising and Signage			✓	Not relevant to proposed LEP amendment,
SEPP No. 65 Design Quality of Residential Apartment Development			✓	This Planning Proposal will not change the current permissibility of residential uses on the subject site. Residential uses will remain prohibited on the site.

#### Q6 – Is the Planning Proposal consistent with applicable Ministerial Directions (s.9.1 directions)?

Yes. An assessment of the Planning Proposal against applicable section 9.1 Directions is set out in **Table 3** below.

**Table 3 Consistency with section 9.1 directions**

Direction	Consistency			Comment
	Yes	No	N/A	
<b>1. Employment and Resources</b>				
1.1 Business and Industrial Zones	✓			<p>The proposal is intended to rationalise the centre's operation by making the existing retail uses on the subject site. It does not propose to amend conditions relating to height of building and floor space ratio. Accordingly, the proposal will not result in a change in floor space currently existing of the DFO Homebush centre.</p> <p>The proposal is consistent within this Direction as it facilitates additional uses on industrial lands while retaining the current industrial zoning. The proposal specifically seeks additional uses as a means of retaining the existing industrial land uses and industrial land stock, rather than a rezoning.</p>
1.2 Rural Zones			✓	The proposal is not applicable to rural areas
1.3 Mining, Petroleum Production and Extractive Industries			✓	The proposal is not relevant to extractive industries
1.4 Oyster Aquaculture			✓	The proposal is not relevant to oyster aquaculture
1.5 Rural Lands			✓	The proposal is not applicable to rural areas
<b>2 Environment and Heritage</b>				
2.1 Environmental Protection Zones			✓	The proposal does not affect Environmental Protection Zones
2.2 Coastal Protection			✓	The site is not within a coastal zone.
2.3 Heritage Conservation			✓	The site is not within a heritage conservation area and is not identified as an item of heritage significance.
2.4 Recreational Vehicle Area			✓	The site is not within a recreational vehicle area
<b>3. Housing, Infrastructure and Urban Development</b>				
3.1 Residential Zones			✓	The proposal does not result in residential land uses
3.2 Caravan Parks and Manufactured Home Estates			✓	The proposal is not relevant to caravan parks or estate homes
3.3 Home Occupations			✓	No change is proposed to the current permissibility of home occupations.
3.4 Integrating Land Use and Transport	✓			<p>This Direction applies to Planning Proposals that relate to industrial zones. The Direction states that a Planning Proposal must be consistent with the aims, objectives and principles of:</p> <ul style="list-style-type: none"> <li>Improving Transport Choice – Guidelines for planning and development (DUAP 2001), and</li> <li>The Right Place for Business and Services – Planning Policy (DUAP 2001).</li> </ul> <p>The Planning Proposal is broadly consistent with the aims, objectives and principles of the above documents in that it will not alter the transport demands of the existing DFO Homebush Centre.</p>
3.5 Development Near Licensed Aerodromes			✓	The proposal is unrelated to aerodromes
3.6 Shooting Ranges			✓	The proposal is unrelated to shooting ranges
<b>4. Hazard and Risk</b>				
4.1 Acid Sulfate Soil			✓	The Planning Proposal does not incorporate built form construction.
4.2 Mine Subsidence and Unstable Land			✓	The proposal is not related to mining activities.

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Direction	Consistency			Comment
	Yes	No	N/A	
4.3 Flood Prone Land			✓	The proposal will not affect the existing flood risk to the site.
4.4 Planning for Bushfire Protection			✓	The site is not identified as being at risk of bushfire
<b>5. Regional Planning</b>				
5. Regional Planning			✓	The site is not identified within the areas defined by this Direction.
<b>6. Local Plan Making</b>				
6.1 Approval and Referral Requirements	✓			This Planning Proposal is consistent with this Direction in that it does not introduce any provisions that require any additional concurrence, consultation or referral.
6.2 Reserving Land for Public Purposes	✓			This Planning Proposal is consistent with this Direction in that it does not create, alter or reduce existing zonings or reservations of land for public purposes.
6.3 Site Specific Provision	✓			This Planning Proposal is consistent with this Direction as it facilitates the additional uses without imposing development standards or requirements in addition to those already contained in the SLEP 2012.  Restrictive site-specific planning controls are not proposed; therefore this Planning Proposal is consistent with the objectives and requirements of this direction.
<b>7. Metropolitan Planning</b>				
7.1 Implementation of A Plan for Growing Sydney	✓			The Planning Proposal is consistent with the applicable metropolitan plan (now <i>A Metropolis of Three Cities</i> ), as discussed in <b>Section 5.2.1</b> .

### 5.3 Environmental, Social and Economic Impacts

#### Q7 – Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

No. The Planning Proposal relates to a site currently designated for industrial use and currently operating as a bulky goods and retail centre. The site is free from significant vegetation. Further, this Planning Proposal seeks to rationalise existing retail uses of the DFO Homebush centre and does not facilitate significant built form works or an intensification of the existing land use. As such, the Planning Proposal will have a negligible effect on the ecological communities within the site and the surrounds.

#### Q8 – Are there any other likely environmental effects as a result of the Planning Proposal and how are they proposed to be managed?

The Planning Proposal will not result in adverse environmental impacts on the site and the surrounding environment. This Planning Proposal seeks only to permit the uses currently operating of the site. Accordingly, the Planning Proposal will result in the use of the site that is consistent with its existing uses and will not generate any additional environmental impacts.

#### Q9 – Has the Planning Proposal adequately addressed any social and economic impacts?

The Planning Proposal seeks to facilitate the orderly and efficient use of the existing DFO Homebush centre. Whilst this amendment will not result in an intensification of the existing use, it will improve the operating capacity of the existing centre by streamlining the process of tenant renewal and change over by increasing the opportunity for complying development on the site. This will encourage ongoing financial investment in the existing centre, retaining existing local employment and a retail offering to the local community.

#### 5.4 State and Commonwealth Interests

##### Q10 – Is there adequate public infrastructure for the Planning Proposal?

Not Applicable. The Planning Proposal does not meet the criteria as specified in the *Guide to Preparing Planning Proposals* in respect of public infrastructure. Further, the Planning Proposal does not facilitate an increase in the intensity of land uses on the site as it does not alter the relevant development standards that currently apply to the site.

##### Q11 – What are the views of State or Commonwealth public authorities consulted in accordance with the Gateway determination?

State and Commonwealth authorities will have the opportunity to provide comment on the Planning Proposal as part of its formal exhibition. Any future DA will be referred to the relevant authorities as required.

#### 5.5 Community Consultation

Community consultation will be conducted in accordance with section 3.34 and Schedule 1 of EP&A Act and *A Guide to Preparing Planning Proposals*. Confirmation of the public exhibition period and requirements for consultation will be detailed as part of the LEP Gateway determination. Any future DA for the site would also be exhibited in accordance with Council requirements, at which point the relevant authorities and the general public will have the opportunity to provide comments.

## 6.0 Conclusion

This Planning Proposal seeks to amend Schedule 1 of the Strathfield Local Environmental Plan 2012 to permit 'shops' and 'specialised retail uses' on the site identified as 1-5 Underwood Road, Homebush. The aim of this amendment is to rationalise the existing land uses which are currently operating on the site but prohibited in IN1 zone. The proposal does not seek to alter the applicable IN1 zone and does not seek to increase the intensity of development on the site. Accordingly, a Schedule 1 amendment is considered the most appropriate means of achieving the objectives of the proposal. The site-specific application of a Schedule 1 amendment permitting the existing uses on the subject site does not pre-empt or restrict future development on the site.

This Planning Proposal is justified for the following reasons:

- The proposal is consistent with the objects of the EP&A Act, in that it promotes the orderly and economic use and development of land;
- The proposal is consistent with the various strategic planning frameworks that relate to the site and gives effect to the Greater Sydney Regional Plan, the East City Regional Plan and the Central City Regional Plan;
- The proposal does not impede or undermine the long-term strategic planning for the Strathfield LGA or the Greater Paramatta and Olympic Peninsular;
- The proposal is consistent with the applicable SEPPs and Ministerial Directions; and
- The proposal does not give rise to any adverse environmental impact.

In light of the above, we would have no hesitation in recommending that the Planning Proposal proceeds through the Gateway to public exhibition.



**TO:** Strathfield Local Planning Panel Meeting - 4 April 2019  
**REPORT:** SLPP – Report No. 8  
**SUBJECT:** PLANNING PROPOSAL- REQUEST BY APPLICANT FOR REVIEW OF  
RESOLUTION  
NOS 2-6 PILGRIM AVENUE, 9 ALBERT ROAD AND 11-13 ALBERT ROAD,  
STRATHFIELD  
**DA NO.** N/A

### PURPOSE OF THE REPORT

1. The purpose of the report is to present correspondence to the Strathfield Local Planning Panel from Ethos Urban, on behalf of the proponent Convertia Pty Ltd
2. The correspondence which was received by Council on 15 March 2019 is seeking reconsideration by the Strathfield LPP of their resolution of 6 October 2019 in relation to the requirement for the preparation of an independent traffic study that takes into account the cumulative impact of existing approved developments in the Strathfield CBD.

### BACKGROUND

3. A report on the Planning Proposal was presented to the Strathfield Local Planning Panel on 4 October 2019. The Planning Proposal seeks to amend Strathfield LEP 2012 to:
  - Increase the maximum building height from 35m to 54m (increase of 19m); and
  - Increase the maximum floor space ratio (FSR) from 3.5:1 to 5:1 (increase of 1.5:1)
4. The Officer's report included the following recommendation:
  - a) *That the Strathfield Local Planning Panel recommends to the Council that the Planning Proposal to amend Strathfield LEP 2012 in relation to 2-6 Pilgrim Avenue, 9 Albert Road and 11-13 Albert Road, Strathfield to:*
    - i. *Amend the Height of Buildings Map (HOB) to increase the height of buildings for Nos.2-6 Pilgrim Avenue, 9 Albert Road and 11-13 Albert Road, Strathfield to 54m*
    - ii. *Amend the Floor Space Ratio Map (FSR) to increase the maximum floor space ratio for Nos.2-6 Pilgrim Avenue, 9 Albert Road and 11-13 Albert Road, Strathfield to 5:1*

*Subject to a minimum of 5% of the total number of units being provided as affordable housing and the requirement for affordable housing being included as a provision in Strathfield LEP 2012.*
  - b) *That the Strathfield Local Planning Panel recommends to the Council that as part of any future redevelopment of the subject sites, a minimum of 30 parking spaces be provided for use as public/commuter parking. The details of the provision of the public/commuter parking are to be negotiated with Council as part of any future Development Application for the redevelopment of Site 1 and/or Site 2.*
  - c) *That the Strathfield Local Planning Panel recommends to Council to prepare an amendment to the Strathfield Comprehensive Development Control Plan 2005 to reflect detailed urban design considerations for any future development of the site including the provision of public access, built form, boundary setbacks, deep soil areas, tree retention,*

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*vehicular access and any other relevant issues. The DCP is to be prepared at the proponent's cost*

- d) *That the Strathfield Local Planning Panel notes the submissions received during the public exhibition of the Planning Proposal for Nos.2-6 Pilgrim Avenue, 9 Albert Road and 11-13 Albert Road, Strathfield and recommends to Council that all persons who made a submission to the Planning Proposal be advised of Council's decision.*

5. A copy of this report is included at Attachment 1

6. Following consideration of the Council Officer's report, the Panel resolved the following (changes indicated in red):

- a) *That the Strathfield Local Planning Panel recommends to the Council that the Planning Proposal to amend Strathfield LEP 2012 in relation to 2-6 Pilgrim Avenue, 9 Albert Road and 11-13 Albert Road, Strathfield to:*

- i. *Amend the Height of Buildings Map (HOB) to increase the height of buildings for Nos.2-6 Pilgrim Avenue, 9 Albert Road and 11-13 Albert Road, Strathfield to 54m*
- ii. *Amend the Floor Space Ratio Map (FSR) to increase the maximum floor space ratio for Nos.2-6 Pilgrim Avenue, 9 Albert Road and 11-13 Albert Road, Strathfield to 5:1*

*Subject to a minimum of 5% of the total number of units being provided as affordable housing and the requirement for affordable housing being included as a provision in Strathfield LEP 2012.*

- b) *That the Strathfield Local Planning Panel recommends to the Council that as part of any future redevelopment of the subject sites, a minimum of 30 parking spaces be provided for use as public/commuter parking. The details of the provision of the public/commuter parking are to be negotiated with Council as part of any future Development Application for the redevelopment of Site 1 and/or Site 2.*
- c) *That the Strathfield Local Planning Panel recommends to Council to prepare an amendment to the Strathfield Comprehensive Development Control Plan 2005 to reflect detailed urban design considerations for any future development of the site including the provision of public access, built form, boundary setbacks, deep soil areas, tree retention, vehicular access, **the potential for a pedestrian access link to the railway station, the residential character of Pilgrim Avenue**, and any other relevant issues. The DCP is to be prepared at the proponent's cost.*
- d) ***That an independent traffic study be undertaken having regard to the Council's Parramatta Road Traffic Strategy being prepared by Bitzios and also taking into account the cumulative impact of existing approved developments and potential developments in the Strathfield CBD and inclusive of this site.***
- e) *That the Strathfield Local Planning Panel notes the submissions received during the public exhibition of the Planning Proposal for Nos.2-6 Pilgrim Avenue, 9 Albert Road and 11-13 Albert Road, Strathfield and recommends to Council that all persons who made a submission to the Planning Proposal be advised of Council's decision*

7. A report and the resolution of the Strathfield LPP was considered by Council at its meeting on 6 November 2018.

8. Council, at its meeting on 6 November 2018 resolved the following (Minute #259/18):

**Planning Proposal- Request by Applicant for Review of Resolution  
Nos 2-6 Pilgrim Avenue, 9 Albert Road and 11-13 Albert Road, Strathfield (Cont'd)**

9. Council wrote to the proponent on 13 November 2018 advising of Council's resolution of 6 November 2019.
10. Following Council's resolution, Council wrote to the DPE requesting an extension of time to complete the Planning Proposal. An amended Gateway Determination was received on 30 November 2018 advising that the timeframe for completion of the amendment to the LEP is 6 August 2019. A copy of the amended Gateway Determination is included at Attachment 2.

**REQUEST BY PROPONENT**

11. The proponent submitted a request to Council on 15 March 2019 requesting that the Strathfield LPP reconsider (d) of their recommendation from the meeting on 4 October 2018. A copy of the letter from Ethos Urban, on behalf of the proponent is included at Attachment 3.
12. The proponent has advised that they are working towards satisfying all of the conditions raised in Council's resolution of 6 November 2018, with the exception of 1(b), being:  
  
*That an independent traffic study be undertaken having regard to the Council's Parramatta Road Traffic Strategy being prepared by Bitzios and also taking into account the cumulative impact of existing approved developments and potential developments in the Strathfield CBD and inclusive of this site.*
13. A traffic study was submitted as part of the original Planning Proposal submitted to Council.
14. Following consideration by the Sydney East Joint Regional Planning Panel (JRPP) and the Department of Planning & Environment (DPE) at Gateway Determination, a further Traffic and Parking Impact Assessment, prepared by McLaren Consultants was submitted responding to the requirements of the JRPP and DPE.
15. The subsequent Traffic and Parking Impact Assessment included detailed traffic modelling and testing, McLaren Traffic Consultants conclude in their report that the traffic generation associated with the planning proposal site will have '*no noticeable impact on the surrounding road network in terms of intersection delays or queue lengths.*'
16. Following Council's resolution of 6 November 2018, the proponent has investigated undertaking such an analysis that satisfies the Panel's requirement:

*Discussions with McLaren traffic engineers and other companies has revealed that such an analysis is an almost impossible task for the following reasons:*

- *the Planning Proposal only seeks a 1.5:1 increase above the existing FSR for the site (equating to approximately 40 additional apartments on the Proponents site and 30 additional apartments on the adjacent site), has already had its traffic impacts assessed in detail and found to be satisfactory....;*

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- *the plans provided in support of the Planning Proposal satisfy Council's Development Control Plan requirements in terms of servicing and loading, exceed the bicycle and car parking requirements, and included a provision of 30 additional spaces for public parking;*
  
- *conducting a cumulative assessment of approved and 'potential' developments in the Strathfield CBD cannot be completed as it is not possible to identify 'potential' developments within the immediate area;*
  - *establishing development schemes for the entire CBD area not under the Proponent's control is difficult, as there is no ability to predict future potential developments.*
  - *any assumption on future planning controls to establish potential development schemes would be highly speculative, with Strathfield to undergo transformation as part of the State Government's Planned Precinct program which would result in current planning controls becoming obsolete;*
  - *any cumulative traffic study completed now would become outdated in the very near future based on changes to planning controls;*
  
- *any cumulative traffic assessment should be completed as part of a broader LEP review process based on future intended redevelopment of the CBD area; and*
  
- *the subject site and Strathfield CBD are not situated within or near to the Parramatta Road corridor that is the subject of the Parramatta Road Traffic Strategy being prepared by Bitzios and is separated from the strategy area by the railway corridor.*
  - *it is not clear whether any independent CBD-wide traffic study that is to have 'regard to the Council's Parramatta Road Traffic Strategy being prepared by Bitzios' is required to wait until that report has been completed. There has been no draft of that strategy released and no indication of its modelling parameters;*
  - *there are significant unknowns relating to the timeframe for finalisation of that traffic report as Transport for NSW and RMS do not currently agree on the scope of the traffic modelling used for the Bitzios report;*
  - *waiting on an unknown traffic report to be completed imposes further time delays on the Proponent.*

**COUNCIL OFFICERS COMMENTS**

17. As outlined above, the resolution of both the Strathfield LPP and Council require *that an independent traffic study be undertaken having regard to the Council's Parramatta Road Traffic Strategy being prepared by Bitzios and also taking into account the cumulative impact of existing approved developments and potential developments in the Strathfield CBD and inclusive of this site*

**Planning Proposal- Request by Applicant for Review of Resolution  
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18. Burwood, Strathfield and Canada Bay Councils are preparing a *Parramatta Road Strategy Traffic and Transport Study*, which was due for completion in the mid to late 2018. This Study will, amongst other things, consider the transport infrastructure augmentations required to support increased densities along the Parramatta Road Corridor recommended by PRCUTS.
19. Although Council's consultant has been working closely with Transport for NSW (TfNSW) and RMS, there has not yet been agreement by both stakeholders on the assumptions used to generate the model. In this regard, further work has had to be undertaken by Council's consultants to develop new assumptions that align with both TfNSW and RMS's requirements.
20. Based on the additional work having to be undertake the Study has now been further delayed – the reasons for the delay have been out of Council's control and Council's consultant is working closely with RMS and Transport for NSW to review assumptions and finalise a model that all parties are in agreement with.
21. In accordance with the Action Plan 2016-2023 for the Homebush Precinct in the ***Parramatta Road Corridor Implementation Plan 2016-2023*** prior to any rezoning commencing, a Precinct-wide traffic study and supporting modelling is required to be **completed** which considers the recommended land uses and densities, as well as future Westconnex conditions, and identifies the necessary road improvements and upgrades required to be delivered as part of any proposed renewal in the Precinct. This applies to any Planning Proposal lodged within the Parramatta Road Corridor Precinct.
22. The Planning Proposal for Nos 2-6 Pilgrim, 9 Albert Road and 11-13 Albert Road, Strathfield is outside the Parramatta Road Corridor and as such the requirements of the Action Plan 2016-2023 does not apply.
23. As outlined by the proponent the Planning Proposal is seeking an additional density uplift of 1.5:1 above the existing FSR on the site. The subject sites are also situated within the Strathfield Town Centre, which is outside the boundary of the Parramatta Road Corridor.
24. A number of detailed traffic assessments have been submitted and assessed as part of the Planning Proposal. Both the Sydney East JRPP and DPE made requests for additional traffic assessment to be undertaken, including:

**Sydney East JRPP recommendation:** *'That a traffic study be prepared which applies to the whole street block and which takes into account any public commuter parking provided.'*

**DP&E Gateway Determination requirement:** *'Provide an updated traffic and transport assessment to address the cumulative effect of traffic generation on the intersection of Raw Street and Everton Road.'*

**Planning Proposal- Request by Applicant for Review of Resolution  
Nos 2-6 Pilgrim Avenue, 9 Albert Road and 11-13 Albert Road, Strathfield (Cont'd)**

25. Detailed traffic assessments have been prepared by the proponent's traffic consultant, McLaren Consultants which respond to the requirements of the Sydney East JRPP and DPE as part of the Gateway Determination. These have been assessed by Council, DPE and RMS to be acceptable for the purposes of the Planning Proposal and take into account the proposed uplift and its impact on traffic movements in and around the subject site.
26. It is considered that the request made by the applicant is reasonable in that such an analysis that satisfies the resolution of *conducting a cumulative assessment of approved and 'potential' developments in the Strathfield CBD cannot be completed as it is not possible to identify 'potential' developments within the immediate area;*
27. It should also be noted that further detailed traffic assessment will also be required as part of any future development application on the site.
28. Depending on the scale of any future development an assessment may also be required for the development by RMS, who will, if required, identify an upgrade works that may be required to the road network. Should this be the case, then Council can impose these requirements as part of any development consent and the applicant will be responsible to undertake these works.
29. For the reasons outlined above, the proponent's request is considered reasonable subject to all other requirements of Council's resolution of 6 November 2019 being met. This includes:

*That a site specific Development Control Plan for Nos 2-6 Pilgrim Avenue, 9 Albert Road and Nos 11-13 Albert Road, Strathfield be prepared to reflect detailed urban design considerations for any future development of the site including the provision of public access, built form, boundary setbacks, deep soil areas, tree retention, vehicular access, the potential for a pedestrian access link to the railway station, the residential character of Pilgrim Avenue and any other relevant issues. The DCP is to be prepared at the proponent's cost and is to be exhibited prior to the finalisation of the Planning Proposal and is to include provisions relating to the following:*

- i. A total of 60 spaces are to be provided as part of any redevelopment of Site 1 and Site 2 (30 spaces for Site 1 and 30 spaces for Site 2). The parking spaces are to be provided as public parking and wording is to be provided as to how these spaces will be provided to Council as part of any future Development Application; and*
  - ii. Provision of access to the car parking areas for both Site 1 and Site 2, if vehicular access is limited to Pilgrim Avenue; and*
  - iii. Detailed urban design considerations of any future development of the site including provision of public pedestrian access, built form, boundary setbacks, deep soil areas, tree retention and the provision of tree canopy, vehicular access, the residential character of Pilgrim Avenue and any other relevant issues.*
30. The proponent has also advised that they agree to a provision being incorporated into Strathfield LEP 2012 requesting that a minimum of 5% of the total number of units be provided as affordable housing in Council ownership.

Planning Proposal- Request by Applicant for Review of Resolution  
Nos 2-6 Pilgrim Avenue, 9 Albert Road and 11-13 Albert Road, Strathfield (Cont'd)

## CONCLUSION

31. The proponent submitted a request to Council on 15 March 2019 requesting that the Strathfield LPP reconsider (d) of their recommendation from the meeting on 4 October 2018. A copy of the letter from Ethos Urban, on behalf of the proponent is included at Attachment 3.
32. The proponent has advised that they are working towards satisfying all of the conditions raised in Council's resolution of 6 November 2018, with the exception of 1(b), being:

*That an independent traffic study be undertaken having regard to the Council's Parramatta Road Traffic Strategy being prepared by Bitzios and also taking into account the cumulative impact of existing approved developments and potential developments in the Strathfield CBD and inclusive of this site.*

33. It is considered that It is considered that the request made by the applicant is reasonable in that such an analysis that satisfies the resolution of *conducting a cumulative assessment of approved and 'potential' developments in the Strathfield CBD cannot be completed as it is not possible to identify 'potential' developments within the immediate area.*
34. The proponent has agreed in writing to undertake all of the other requirements of the resolution, including:
- The preparation of a site specific DCP; and
  - The provision of 60 public spaces (30 spaces for Site 1 and 30 spaces for Site 2); and
  - Detailed urban design considerations including the provision of public pedestrian access; and
  - A minimum of 5% of the total number of units be provided as affordable housing in Council ownership

## RECOMMENDATION

1. *That the Strathfield Local Planning Panel recommends to Council that reconsideration be given to Council's resolution dated 6 November 2019 in relation to the Planning Proposal to amend Strathfield LEP 2012 in relation to 2-6 Pilgrim Avenue, 9 Albert Road and 11-13 Albert Road, Strathfield.*
2. *That the Strathfield Local Planning Panel recommends to Council that the Planning Proposal to amend Strathfield LEP 2012 in relation to 2-6 Pilgrim Avenue, 9 Albert Road and 11-13 Albert Road, Strathfield to:*
  - *Amend the Height of Buildings Map (HOB) to increase the height of buildings for Nos.2-6 Pilgrim Avenue, 9 Albert Road and 11-13 Albert Road, Strathfield to 54m*
  - *Amend the Floor Space Ratio Map (FSR) to increase the maximum floor space ratio for Nos.2-6 Pilgrim Avenue, 9 Albert Road and 11-13 Albert Road, Strathfield to 5:1*

*Subject to the following information being provided to, and approved by Council:*

- a) *That a site specific Development Control Plan for Nos 2-6 Pilgrim Avenue, 9 Albert Road and Nos 11-13 Albert Road, Strathfield be prepared to reflect detailed urban design considerations for any future development of the site including the provision of public access, built form, boundary setbacks, deep soil areas, tree retention, vehicular access, the potential for a pedestrian access link to the railway station, the residential*

**Planning Proposal- Request by Applicant for Review of Resolution  
Nos 2-6 Pilgrim Avenue, 9 Albert Road and 11-13 Albert Road, Strathfield (Cont'd)**

*character of Pilgrim Avenue and any other relevant issues.*

b) *The DCP is to be prepared at the proponent's cost and is to be exhibited prior to the finalisation of the Planning Proposal and is to include provisions relating to the following:*

- (i) A total of 60 spaces are to be provided as part of any redevelopment of Site 1 and Site 2 (30 spaces for Site 1 and 30 spaces for Site 2). The parking spaces are to be provided as public parking and wording is to be provided as to how these spaces will be provided to Council as part of any future Development Application; and*
- (ii) Provision of access to the car parking areas for both Site 1 and Site 2, if vehicular access is limited to Pilgrim Avenue; and*
- (iii) Detailed urban design considerations of any future development of the site including provision of public pedestrian access, built form, boundary setbacks, deep soil areas, tree retention and the provision of tree canopy, vehicular access, the residential character of Pilgrim Avenue and any other relevant issues.*

3. *That a further report on the Planning Proposal be submitted to Council following the public exhibition of the draft DCP.*

4. *That once Council is satisfied that a and b in Point 2 above has been addressed, Council request the Parliamentary Counsel's Office for an Opinion to finalise the Local Environmental Plan under Section 3.36 of the Environmental Planning and Assessment Act 1979.*

5. *That Council write to the Department of Planning & Environment seeking that a provision be incorporated into Strathfield LEP 2012 requesting that a minimum of 5% of the total number of units be provided as affordable housing in Council ownership and consistent with the Eastern City District Plan.*

## **ATTACHMENTS**

- 1. [↓](#) Report to Council - Planning Proposal 2-6 Pilgrim, 9 Albert Road and 11-13 Albert Road, Strathfield
- 2. [↓](#) Amended Gateway Determination - Nos 2-6 Pilgrim Avenue, 9 Albert Road and Nos 11-13 Albert Road, Strathfield
- 3. [↓](#) Request by Proponent - Reconsideration of Council's Resolution





COUNCIL MEETING  
6 NOVEMBER 2018

**ID3**  
**PLANNING PROPOSAL - NO 2-6 PILGRIM AVENUE, 9 ALBERT ROAD AND 11-13 ALBERT ROAD, STRATHFIELD TO AMEND THE HEIGHT OF BUILDINGS AND FSR IN STRATHFIELD LEP 2012 - POST EXHIBITION REPORT**

**AUTHOR:** Rita Vella, Principal Strategic Planner

**APPROVER:** Stephen Clements, Director Infrastructure, Development and Environment

**RECOMMENDATION**

1. That Council endorse the recommendation of the Strathfield Local Planning Panel dated 4 October 2018 with respect to the Planning Proposal to amend Strathfield LEP 2012 in relation to 2-6 Pilgrim Avenue, 9 Albert Road and 11-13 Albert Road, Strathfield to:
  - i. Amend the Height of Buildings Map (HOB) to increase the height of buildings for Nos. 2-6 Pilgrim Avenue, 9 Albert Road and 11-13 Albert Road, Strathfield to 54m
  - ii. Amend the Floor Space Ratio Map (FSR) to increase the maximum floor space ratio for Nos. 2-6 Pilgrim Avenue, 9 Albert Road and 11-13 Albert Road, Strathfield to 5:1

Subject to the following information being provided to, and approved by Council:

- a. That a site specific Development Control Plan for Nos 2-6 Pilgrim Avenue, 9 Albert Road and Nos 11-13 Albert Road, Strathfield be prepared to reflect detailed urban design considerations for any future development of the site including the provision of public access, built form, boundary setbacks, deep soil areas, tree retention, vehicular access, the potential for a pedestrian access link to the railway station, the residential character of Pilgrim Avenue and any other relevant issues. The DCP is to be prepared at the proponent's cost and is to be exhibited prior to the finalisation of the Planning Proposal and is to include provisions relating to the following:
    - i. A total of 60 spaces are to be provided as part of any redevelopment of Site 1 and Site 2 (30 spaces for Site 1 and 30 spaces for Site 2). The parking spaces are to be provided as public parking and wording is to be provided as to how these spaces will be provided to Council as part of any future Development Application; and
    - ii. Provision of access to the car parking areas for both Site 1 and Site 2, if vehicular access is limited to Pilgrim Avenue; and
    - iii. Detailed urban design considerations of any future development of the site including provision of public pedestrian access, built form, boundary setbacks, deep soil areas, tree retention and the provision of tree canopy, vehicular access, the residential character of Pilgrim Avenue and any other relevant issues.
  - b. That an independent traffic study be undertaken having regard to the Council's Paramatta Road Traffic Strategy being prepared by Bitzios and also taking into account the cumulative impact of existing approved developments and potential developments in the Strathfield CBD and inclusive of this site.
2. That a further report on the Planning Proposal be submitted to Council following the public exhibition of the draft DCP.
  3. That Council write to the Department of Planning & Environment seeking an extension to the Gateway Determination, which requires that the proposed LEP amendment be finalised by 6 November 2018 and advising of Council's resolution.
  4. That once Council is satisfied that a and b in Point 1 has been addressed, Council request the Parliamentary Counsel's Office for an Opinion to finalise the Local Environmental Plan under Section 3.36 of the *Environmental Planning and Assessment Act 1979*.
  5. That Council write to the Department of Planning & Environment seeking that a provision be

Item ID3

Para 1

## COUNCIL MEETING

6 NOVEMBER 2018

**Planning Proposal - No 2-6 Pilgrim Avenue, 9 Albert Road and 11-13 Albert Road, Strathfield to Amend the Height of Buildings and FSR in Strathfield LEP 2012 - Post Exhibition Report (Cont'd)**

incorporated into Strathfield LEP 2012 requesting that a minimum of 5% of the total number of units be provided as affordable housing in Council ownership and consistent with the Eastern City District Plan.

6. That Council notes the submissions received during the public exhibition of the Planning Proposal for Nos.2-6 Pilgrim Avenue, 9 Albert Road and 11-13 Albert Road, Strathfield.
7. That the Department of Planning & Environment be notified in writing of Council's resolution.

**PURPOSE OF REPORT**

The purpose of this report is to seek Council's endorsement of the Strathfield Local Planning Panel's (SLPP) recommendation on the Planning Proposal for Nos 2-6 Pilgrim Avenue, 9 Albert Road and 11-13 Albert Road, Strathfield (refer to Figure 1 below).

The SLPP considered the post exhibition report at its meeting on 4 October 2018. A copy of the report is included at Attachment 1.

The Planning Proposal seeks to amend Strathfield Local Environmental Plan (LEP) 2012 as follows:

- i. Amend the Height of Buildings Map (HOB) to increase the height of buildings **from 35m to 54m** as it applies to the site; and
- ii. Amend the Floor Space Ratio Map (FSR) to increase the maximum floor space ratio **from 3.5:1 to 5:1** as it applies to the site.

The Planning Proposal was placed on public exhibition from **1 May 2018 – 1 June 2018**, in accordance with the provisions of the Act and Regulations.

During the exhibition, 20 submissions were received and the comments raised which specifically relate to the Planning Proposal are considered in this report. A total of 16 Community Submissions were received during the exhibition period. Of the 16 objections received, 9 were form letters which were identical in form and content. However, as per the requests of the objectors, these have been noted as individual submissions.

These submissions predominantly came from adjoining residents and included issues relating to overshadowing, excessive height, lack of affordable housing, traffic and parking, residential amenity and overcrowding/overdevelopment of the site.

The following is a summary of issues raised in the Community submissions:

- Reduced ventilation for existing residents in surrounding buildings
- Overshadowing of Pilgrim Avenue and properties to south
- Overdevelopment of the site
- Height increase considered excessive
- Exacerbates overcrowding at Strathfield station
- Lack of affordable housing and housing mix
- Lack of direct sunlight and cross ventilation in proposed units
- Request to demonstrate compliance with Apartment Design Guidelines at Planning Proposal stage
- Excessive provision of car parking spaces
- Concerns over provision of ground floor commercial and retail floorspace and separation from the existing town centre
- Perceived negligible effect on employment in the local area
- The traffic study does not consider the cumulative impacts of traffic in the local area

## COUNCIL MEETING

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**Planning Proposal - No 2-6 Pilgrim Avenue, 9 Albert Road and 11-13 Albert Road, Strathfield to Amend the Height of Buildings and FSR in Strathfield LEP 2012 - Post Exhibition Report (Cont'd)**

- Traffic study does not model 'worst case' scenario and assumes majority of residents will utilise public transport

No changes have been recommended to the Planning Proposal as a result of the community submissions as the issues raised are anticipated to be considered in the future development application (DA) as part of the SEPP No.65 and Apartment Design Guide (ADG) compliance.

It was however considered appropriate to request the following prior to the finalisation of the Planning Proposal:

- An amended DCP for the site that includes specific provisions including (but not limited to) detailed urban design considerations for any future development of the site including the provision of public access, built form, boundary setbacks, deep soil areas, tree retention and/or future greening and planting, vehicular access and any other relevant issues. This is to be prepared at the proponent's cost and must be submitted to Council for consideration and review
- The provision of a minimum of 5% of the total number of units being provided as affordable housing and the requirement for affordable housing being included as a provision in Strathfield LEP 2012

Also as part of any future redevelopment of the subject sites, a minimum of 30 parking spaces be provided for use as public/commuter parking. The details of the provision of the public/commuter parking are to be negotiated with Council as part of any future Development Application for the redevelopment of Site 1 and/or Site 2.

In addition, the SLPP resolved that the amended DCP for the site also include the potential for a pedestrian access link to the railway station and the residential character of Pilgrim Avenue.

The Panel also resolved that an independent traffic study be undertaken having regard to the Council's Parramatta Road Traffic Strategy being prepared by Bitzios and also taking into account the cumulative impact of existing approved developments and potential developments in the Strathfield CBD and inclusive of this site.

Accordingly, the SLPP on 4 October 2018 resolved the following:

- That the Strathfield Local Planning Panel recommends to the Council that the Planning Proposal to amend Strathfield LEP 2012 in relation to 2-6 Pilgrim Avenue, 9 Albert Road and 11-13 Albert Road, Strathfield to:*
  - Amend the Height of Buildings Map (HOB) to increase the height of buildings for Nos.2-6 Pilgrim Avenue, 9 Albert Road and 11-13 Albert Road, Strathfield to 54m*
  - Amend the Floor Space Ratio Map (FSR) to increase the maximum floor space ratio for Nos.2-6 Pilgrim Avenue, 9 Albert Road and 11-13 Albert Road, Strathfield to 5:1*

*Subject to a minimum of 5% of the total number of units being provided as affordable housing and the requirement for affordable housing being included as a provision in Strathfield LEP 2012:*

- That the Strathfield Local Planning Panel recommends to the Council that as part of any future redevelopment of the subject sites, a minimum of 30 parking spaces be provided for use as public/commuter parking. The details of the provision of the public/commuter parking are to be negotiated with Council as part of any future Development Application for the redevelopment of Site 1 and/or Site 2.*
- That the Strathfield Local Planning Panel recommends to Council to prepare an amendment to the Strathfield Comprehensive Development Control Plan 2005 to reflect detailed urban design considerations for any future development of the site including the provision of public access, built form, boundary setbacks, deep soil areas, tree retention, vehicular access, the potential for a pedestrian access link to the railway station, the residential character of Pilgrim Avenue, and any other relevant issues. The DCP is to be prepared at the proponent's cost.*

## COUNCIL MEETING

6 NOVEMBER 2018

**Planning Proposal - No 2-6 Pilgrim Avenue, 9 Albert Road and 11-13 Albert Road, Strathfield to Amend the Height of Buildings and FSR in Strathfield LEP 2012 - Post Exhibition Report (Cont'd)**

- d. That an independent traffic study be undertaken having regard to the Council's Parramatta Road Traffic Strategy being prepared by Bitzios and also taking into account the cumulative impact of existing approved developments and potential developments in the Strathfield CBD and inclusive of this site.
- e. That the Strathfield Local Planning Panel notes the submissions received during the public exhibition of the Planning Proposal for Nos.2-6 Pilgrim Avenue, 9 Albert Road and 11-13 Albert Road, Strathfield and recommends to Council that all persons who made a submission to the Planning Proposal be advised of Council's decision.

It is recommended that Council endorses the SLPP recommendation.

## REPORT

### Background

This report is based on Revision 2 which was lodged in September 2017 and proposes a height of 54m and a FSR of 5:1, as recommended by the Sydney East Joint Regional Planning Panel in October 2016.

Table 1 below provides a summary of the planning proposal, and its revisions. The subject site has an existing height of 35m and FSR of 3.5:1 under Strathfield LEP 2012:

**Table 1: Summary of Planning Proposal Revisions**

	Date of Lodgement	Proposed Height	Proposed FSR
Planning Proposal (as originally lodged)	July 2015	70m	8.3:1
Planning Proposal – Revision 1	March 2016	60m	6.1:1
Planning Proposal – Revision 2	September 2017	54m	5:1

Table 2 below provides a chronological overview of the Planning Proposal. Further detail is provided in the report presented to the SLPP which is included at **Attachment 1**.

**Table 2: Chronological Overview of the Planning Proposal**

Date	Details
July 2015	<p>Planning Proposal lodged with Strathfield Council. The Planning Proposal sought to amend Strathfield LEP 2012 as follows:            Height – from 35m to 70m            FSR – from 3.5:1 to 8.3:1</p> <p>This is known as the original planning proposal. All other versions are referred to as Revisions.</p>
March 2016	<p>A revision to the Planning Proposal was submitted to Strathfield Council.</p> <p>Revision 1 sought to amend Strathfield LEP 2012 as follows:            Height – from 35m to 60m            FSR – from 3.5:1 to 6.1:1</p>
6 June 2016	<p>Revision 1 submitted to the Department of Planning &amp; Environment (DPE) as a Pre-Gateway Review due to Council not indicating its</p>

## COUNCIL MEETING

6 NOVEMBER 2018

**Planning Proposal - No 2-6 Pilgrim Avenue, 9 Albert Road and 11-13 Albert Road, Strathfield to Amend the Height of Buildings and FSR in Strathfield LEP 2012 - Post Exhibition Report (Cont'd)**

Date	Details
	support within 90 days.
21 June 2016	<p>Report to Council on the original planning proposal.</p> <p>The report to Council was based on the original Planning Proposal scheme of 8.3:1 FSR and 70 metres.</p> <p>Council resolved the following (Minute No 187/16):</p> <ol style="list-style-type: none"> <li>1. <i>That Council not support the Planning Proposal for 2-6 Pilgrim Avenue &amp; 11-13 Albert Road Strathfield relating to 8, 12 and 18 storey building heights and 6.1:1 FSR, proceeding to the Department of Planning &amp; Environment's Gateway assessment process for the reasons outlined in this report.</i></li> <li>2. <i>That Council endorse amending the Planning Proposal with maximum building heights of 8, 11 and 14 storeys and 4.5:1 FSR consistent with David Lock &amp; Associates' Urban Design Review.</i></li> <li>3. <i>That Council Officers explore the potential to value capture from the Planning Proposal prior to the matter being notified to the Department of Planning and Environment.</i></li> <li>4. <i>That the Department of Planning &amp; Environment be notified accordingly.</i></li> </ol>
18 October 2016	<p>The Sydney East Joint Regional Planning Panel (JRPP) considered that the proposal had merit and recommended it should proceed to Gateway Determination subject to the following:</p> <ul style="list-style-type: none"> <li>▪ The proposal should extend over the whole street block including the adjoining service station;</li> <li>▪ The permissible FSR over the whole street block should be 5:1;</li> <li>▪ The maximum permissible height should be 54m;</li> <li>▪ A development control plan should be prepared and exhibited with the draft LEP showing the proposed distribution of height. That part of the site which adjoins the residential area should have the lowest height, while the part which is closest to the station should have the highest;</li> <li>▪ A new traffic study should be prepared which applies to the whole street block which takes into account any public commuter parking provided; and</li> <li>▪ Given that the planning proposal does not include any changes in permissible use, land contamination and hydraulic studies may be left to the development assessment stage.</li> </ul>
July 2016	Formal comments were provided to the DPE outlining Council's position in relation to the Planning Proposal.
20 July 2017	Council formally accepts the Relevant Planning Authority (RPA) role for the Planning Proposal.
September 2017	Proponent submits an updated Planning Proposal (Revision 2) which seeks to amend Strathfield LEP 2012 as follows:

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**Planning Proposal - No 2-6 Pilgrim Avenue, 9 Albert Road and 11-13 Albert Road, Strathfield to Amend the Height of Buildings and FSR in Strathfield LEP 2012 - Post Exhibition Report (Cont'd)**

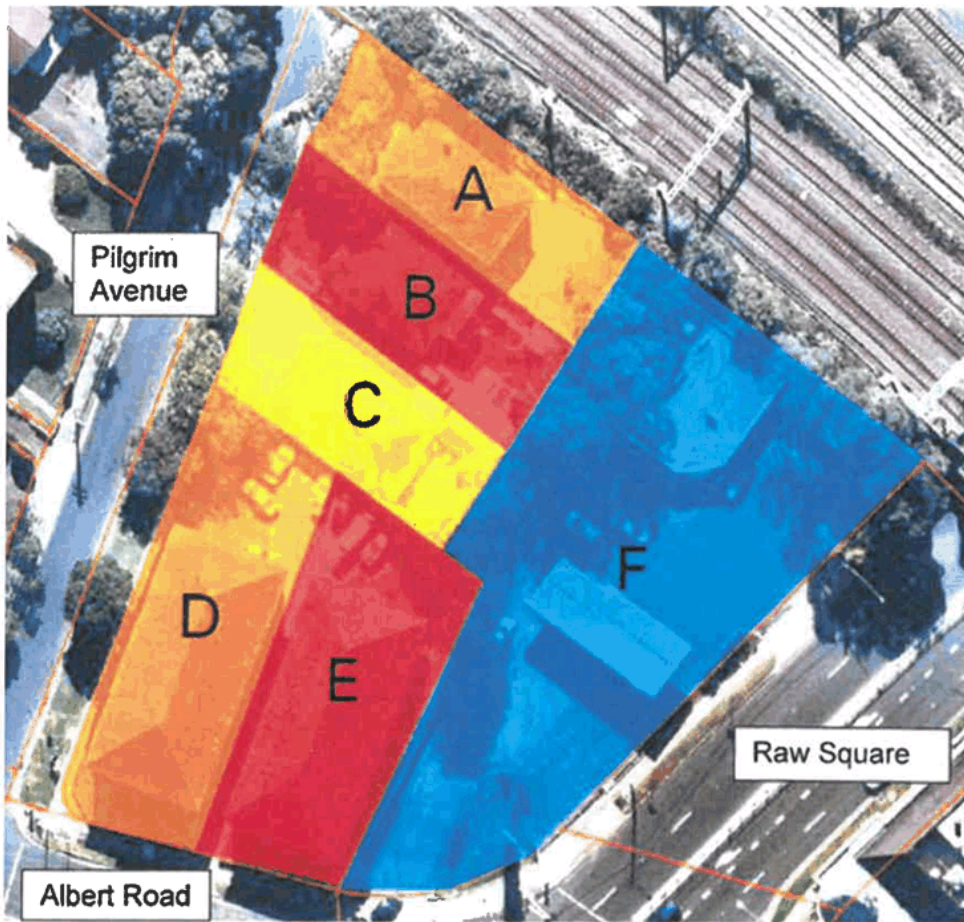
Date	Details
	<p>Height – from 35m to 54m FSR – from 3.5:1 to 5:1</p> <p>This is in accordance with the recommendation of the JRPP.</p>
11 September 2017	<p>DPE submits the Planning Proposal (Revision 2) for a Gateway Determination.</p> <p>This is the Planning Proposal that has been assessed as part of this report.</p>
6 November 2017	<p>Gateway Determination issued for the Planning Proposal (Revision 2).</p> <p>The Gateway Determination included a number of conditions which had to be addressed prior to exhibition of the Planning Proposal.</p> <p>The Gateway Determination requires Council to finalise the amending LEP by 6 November 2018.</p>
31 August 2017	<p>Council forwards the Planning Proposal for a Gateway Determination. Council raised a number of concerns.</p>
February 2018	<p>Amended Planning Proposal submitted to the Department of Planning &amp; Environment satisfying the conditions of the Gateway Determination.</p>
8 March 2018	<p>DPE advises Council of compliance of the Planning Proposal with the Gateway conditions.</p>
1 May – 1 June 2018	<p>Public exhibition of the Planning Proposal.</p>

**THE SITE AND LOCALITY**

The site comprises six lots, is irregular in shape and has a total area of approximately 4,885sqm.

Three of the lots (Sites A-C) have a sole frontage to Pilgrim Avenue and contain detached single storey residential dwellings with separate driveway access. Two of the lots (Sites D and E) contain separate residential flat buildings with a central driveway access from Albert Road. A service station is located on the remaining lot (Site F) on the corner of Raw Square and Albert Road (Figure 1 below):

Planning Proposal - No 2-6 Pilgrim Avenue, 9 Albert Road and 11-13 Albert Road, Strathfield to Amend the Height of Buildings and FSR in Strathfield LEP 2012 - Post Exhibition Report (Cont'd)



Reference	Street address	Legal description	Area
Site A (proponent owned)	2 Pilgrim Avenue	SP8785	500 m <sup>2</sup>
Site B (proponent owned)	4 Pilgrim Avenue	Lot 9 DP15917	472 m <sup>2</sup>
Site C (proponent owned)	6 Pilgrim Avenue	Lot 8 DP15917	433 m <sup>2</sup>
Site D (proponent owned)	13 Albert Road	Lot A DP 100558	748 m <sup>2</sup>
Site E (proponent owned)	11 Albert Road	Lot B DP 100558	715 m <sup>2</sup>
Site F	9 Albert Road	Lot 100 DP807807	2,017 m <sup>2</sup>

Figure 1: Site Plan (Source: JBA)

The site is largely covered with concrete and asphalt with a low level of vegetation. Street trees are located along the Pilgrim Street verge adjacent to the north-wester side of the site. This land is not part of the site and is identified as being owned by Railcorp. The site does not contain any heritage items and is not located within a heritage conservation area. The closest heritage conservation area is located approximately 100m to the south-west of the site.

Figure 4 below provides an overview of the surrounding land uses. Further to the east of the Service Station is the Sandalwood Apartments residential tower (approximately 18 storeys high) and the Strathfield Railway Station approximately 200m from the site.

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**COUNCIL MEETING****6 NOVEMBER 2018****Planning Proposal - No 2-6 Pilgrim Avenue, 9 Albert Road and 11-13 Albert Road, Strathfield to Amend the Height of Buildings and FSR in Strathfield LEP 2012 - Post Exhibition Report (Cont'd)**

Strathfield Railway Station is a key interchange on the Sydney Trains rail network with a number of key rail services stopping at the station including the T1 North Shore, Northern and Western Line and the T2 Airport, Inner West and South Line provide frequent services from the station into wider Sydney.

Across Albert Road to the immediate south of the site is a mix of single and double storey detached residential dwellings, with a new residential tower development on the corner currently under construction, to be approximately 11 storeys.

The Regal Court mixed use development (approximately 18 storeys high) is located to the site's south-east and comprises a number of smaller ground level retail shops with residential above. Further to the south-east is the Strathfield Plaza shopping complex and a mix of commercial and residential buildings.

West of the site across Pilgrim Avenue are a number of older style 1970's residential flat buildings that vary between two to four storeys in height. The higher residential unit blocks generally front Elva Street, and overlook the rail corridor. Further to the west the height of the residential flat buildings along Elva Street increases to approximately 10 storeys.

The site overlooks the rail corridor to the north. Additional residential areas, within the Canada Bay LGA, are located to the north-east, and generally comprise single storey detached dwellings. A light industrial and warehouse precinct is located approximately 400m to the north-west of the site (Refer to Figures 3-5).



Planning Proposal - No 2-6 Pilgrim Avenue, 9 Albert Road and 11-13 Albert Road, Strathfield to Amend the Height of Buildings and FSR in Strathfield LEP 2012 - Post Exhibition Report (Cont'd)



- The Site
- Existing Sydney Train Lines (T1, T2)

Figure 2: Subject site and surrounding land uses (Source: JBA)



Figure 3: View east along Pilgrim Avenue

Planning Proposal - No 2-6 Pilgrim Avenue, 9 Albert Road and 11-13 Albert Road, Strathfield to Amend the Height of Buildings and FSR in Strathfield LEP 2012 - Post Exhibition Report (Cont'd)



**Figure 4: View north along Pilgrim Avenue**



**Figure 5: View south along Pilgrim Avenue**

**OVERVIEW OF THE PLANNING PROPOSAL**

**Existing Planning controls**

The Strathfield LEP 2012 applies to the subject site. The following provisions are relevant to the Planning Proposal, extracts of which are shown in Figures 6 to 8 below:

- Land Zoning**      The site is zoned B4 Mixed Use under Strathfield LEP 2012. It is not proposed to change the zoning of the land.

The current zoning is shown in Figure 6
- Height**            The site has a current height limit of 35m applied under the Strathfield LEP, as shown in Figure 7.
- FSR**                The site has a maximum floor space ratio of 3.5:1 applied under the Strathfield LEP, as shown in Figure 8.

Planning Proposal - No 2-6 Pilgrim Avenue, 9 Albert Road and 11-13 Albert Road, Strathfield to Amend the Height of Buildings and FSR in Strathfield LEP 2012 - Post Exhibition Report (Cont'd)

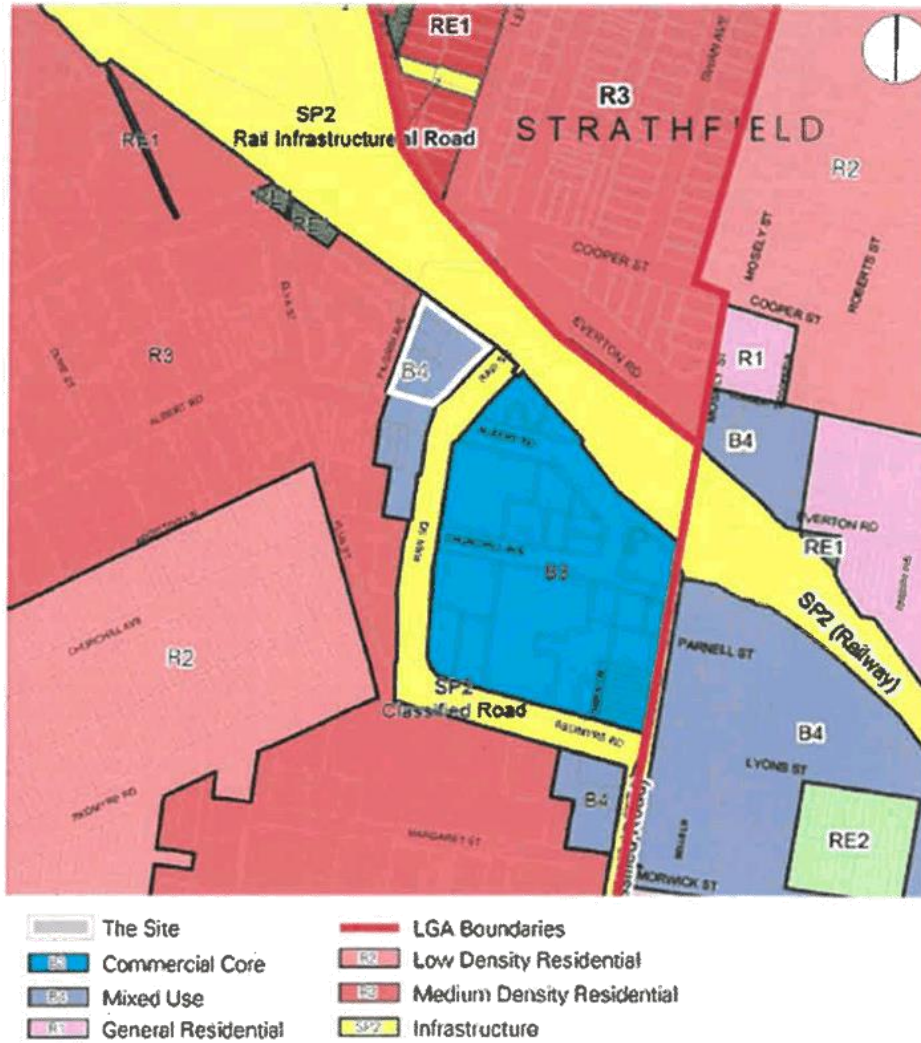


Figure 6: Strathfield LEP Zoning Map (Source: SLEP 2012)

Planning Proposal - No 2-6 Pilgrim Avenue, 9 Albert Road and 11-13 Albert Road, Strathfield to Amend the Height of Buildings and FSR in Strathfield LEP 2012 - Post Exhibition Report (Cont'd)

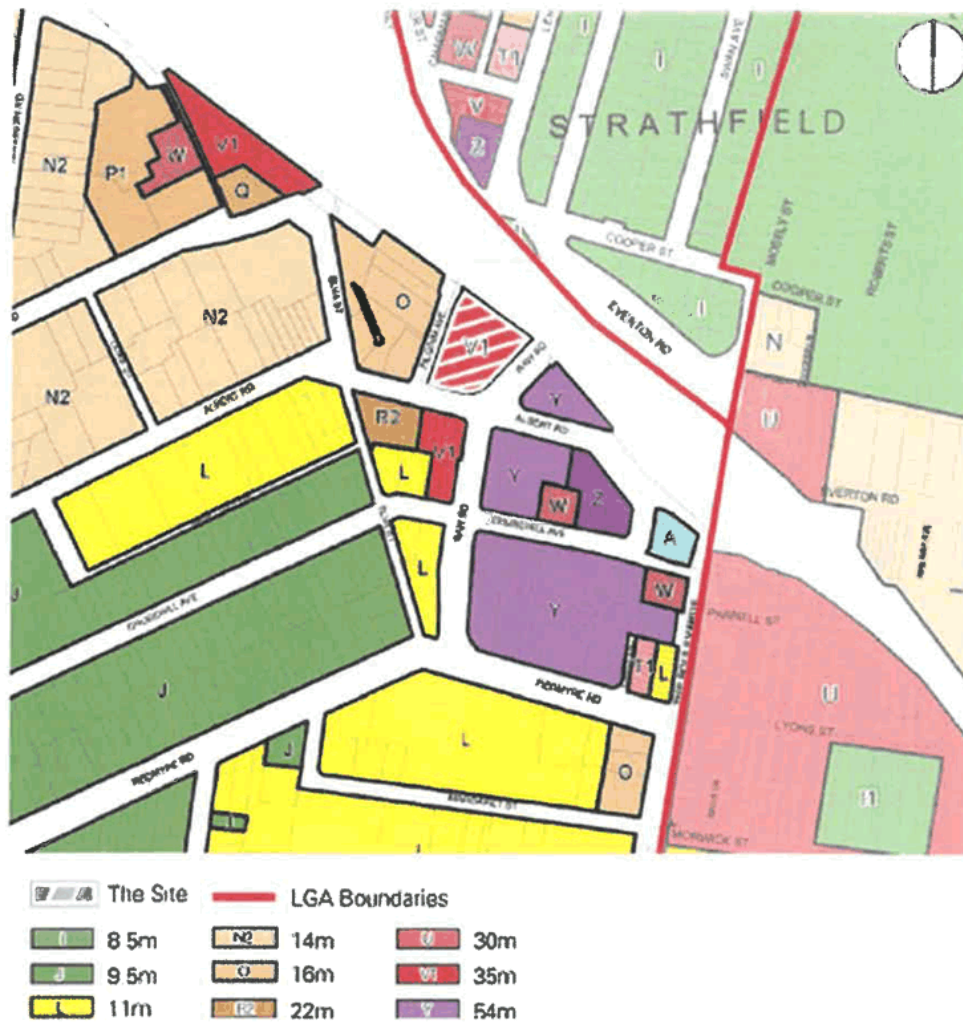


Figure 7: Strathfield LEP Building Height Map (Source: SLEP 2012)

Planning Proposal - No 2-6 Pilgrim Avenue, 9 Albert Road and 11-13 Albert Road, Strathfield to Amend the Height of Buildings and FSR in Strathfield LEP 2012 - Post Exhibition Report (Cont'd)

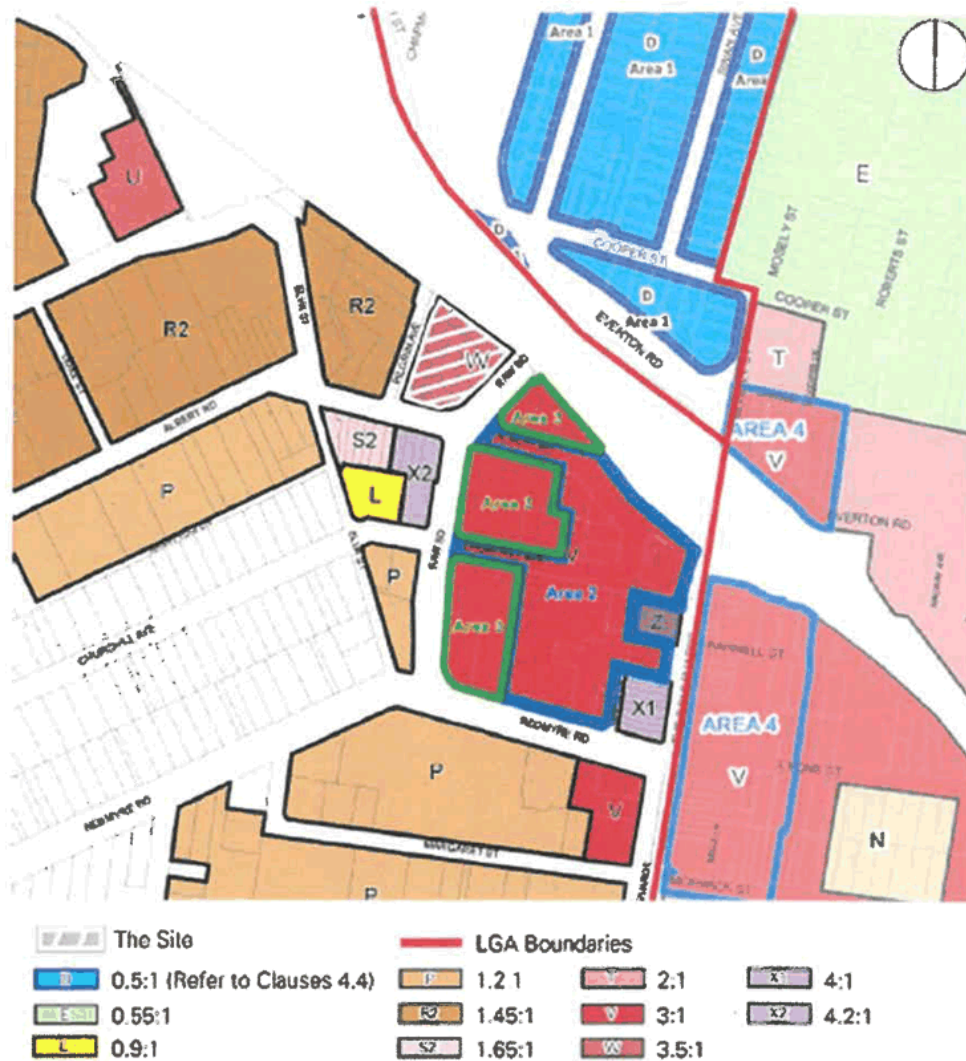


Figure 8: Strathfield LEP FSR Map (Source: SLEP 2012)

Adjoining sites to the east of the subject site have an existing height of 54m and a FSR of between 3:1 – 5:1 if the size of the lot exceeds 1,500sqm (Area 3 - Clause 4.4B of Strathfield LEP 2012).

**Description of Current Planning Proposal**

In summary, this planning proposal requests an amendment to Strathfield LEP 2012 as outlined in Table 3 below:

## COUNCIL MEETING

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Planning Proposal - No 2-6 Pilgrim Avenue, 9 Albert Road and 11-13 Albert Road, Strathfield to Amend the Height of Buildings and FSR in Strathfield LEP 2012 - Post Exhibition Report (Cont'd)

**Table 3: Summary of current controls and controls in the Planning Proposal**

Property	Current Controls in SLEP 2012	Planning Proposal
2-6 Pilgrim Avenue – 'Site 1' (1,405sqm)	B4 – Mixed Use 35m (10storeys) 3.5:1 (4,917.5sqm)	B4 – Mixed Use 54m (15 storeys) 5:1 (7,025sqm)
11-13 Albert Road – 'Site 1' (1,463sqm)	B4 – Mixed Use 35m (10storeys) 3.5:1 (5,120.5sqm)	B4 – Mixed Use 54m (15 storeys) 5:1 (7,315sqm)
9 Albert Road – 'Site 2' (2,017sqm)	B4 – Mixed Use 35m (10storeys) 3.5:1 (7,059.5sqm)	B4 – Mixed Use 54m (15 storeys) 5:1 (10,085sqm)

The ownership of five of the lots is with one owner with the adjacent lot (9 Albert Road) owned separately and listed in Table 4 below:

**Table 4: Ownership of lots subject to Planning Proposal**

Street Address	Owner
2 Pilgrim Avenue, Strathfield	Convertia Pty Ltd
4 Pilgrim Avenue, Strathfield	Convertia Pty Ltd
6 Pilgrim Avenue, Strathfield	Convertia Pty Ltd
9 Albert Road, Strathfield	Ver Custodian P/L
11 Albert Road, Strathfield	Convertia Pty Ltd
13 Albert Road, Strathfield	Convertia Pty Ltd

The proposed amendments to Strathfield LEP 2012 as identified in Table 4 above are shown in Figures 9 & 10 below:

Planning Proposal - No 2-6 Pilgrim Avenue, 9 Albert Road and 11-13 Albert Road, Strathfield to Amend the Height of Buildings and FSR in Strathfield LEP 2012 - Post Exhibition Report (Cont'd)

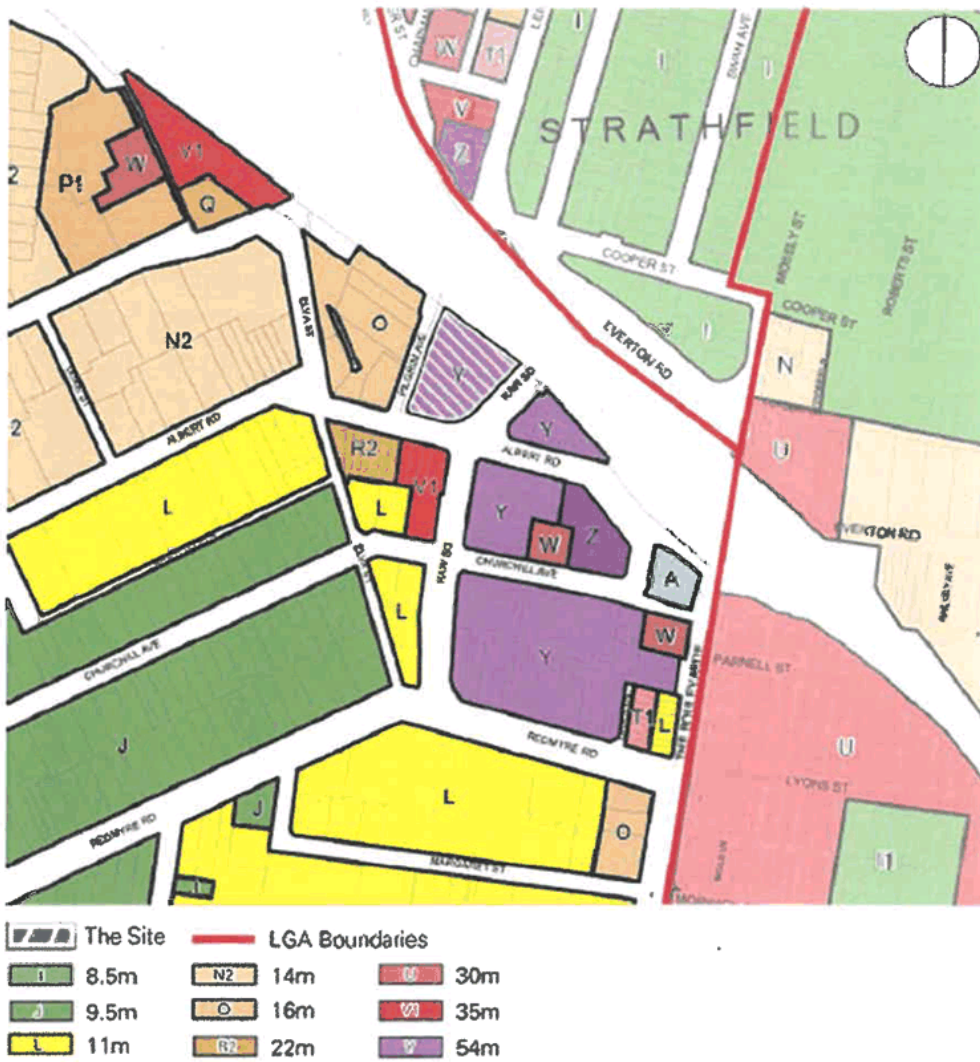


Figure 9: Planning Proposal Maximum Building Heights Map - Proposed

Planning Proposal - No 2-6 Pilgrim Avenue, 9 Albert Road and 11-13 Albert Road, Strathfield to Amend the Height of Buildings and FSR in Strathfield LEP 2012 - Post Exhibition Report (Cont'd)

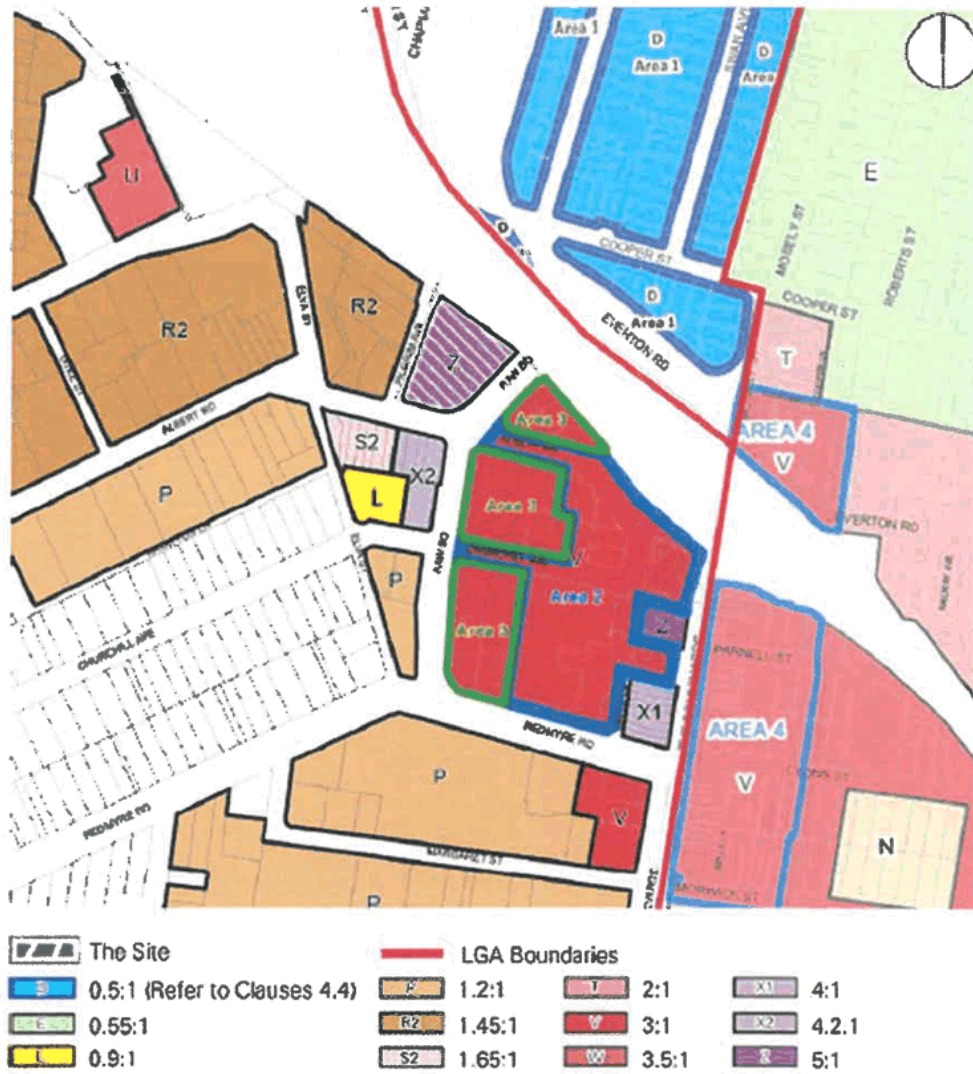


Figure 10: Planning Proposal Maximum Floor Space Ratio Map - Proposed



## COUNCIL MEETING

6 NOVEMBER 2018

Planning Proposal - No 2-6 Pilgrim Avenue, 9 Albert Road and 11-13 Albert Road, Strathfield to Amend the Height of Buildings and FSR in Strathfield LEP 2012 - Post Exhibition Report (Cont'd)

**Assessment of the Planning Proposal****Strategic Planning Context**

Consideration of the Planning Proposal request in relation to the *Greater Sydney Region Plan (A Metropolis of Three Cities)*, the *Eastern District Plan*, the State and Regional Statutory Framework and Section 9.1 Directions is provided in the report to the SLPP, which is included at Attachment 1.

**Local Planning Context**

Consideration of the Planning Proposal in relation to Council's local strategic plans is provided below:

**Strathfield Community Strategic Plan 2030**

The Community Strategic Plan is a primary document that represents the community's aspirations for the next twelve years. It is accompanied by an annual Operational Plan, three year Delivery Program and a Resourcing Strategy. The Plan identifies five key themes (called 'pillars') that underpin the future work. They include:

1. Connectivity
2. Community Wellbeing
3. Civic Pride and Place Management
4. Liveable Neighbourhoods
5. Responsible Leadership

The Planning Proposal is considered to satisfy a number of these themes.

**PUBLIC EXHIBITION OF THE PLANNING PROPOSAL**

The Planning Proposal was placed on public exhibition from **1 May 2018 – 1 June 2018**, in accordance with the provisions of the Act and Regulations.

The notification for the public exhibition included the following:

- Statutory notice in the Inner West Courier (1 May 2018)
- Dedicated page on Council's website (under 'Planning Proposals')
- Update on Council's e-News
- Displays in Council's Customer Service Centre and libraries including the public exhibition information, the Planning Proposal and appendices, draft Strathfield Local Environmental Plan 2012 Maps, Gateway Determination, relevant Council reports and other legislative documents and information (e.g. Section 9.1 Directions compliance table, State Environmental Planning Policy compliance, Strathfield LEP 2012 written instrument and Maps)
- Just under 2,000 letters were sent to the affected and adjoining land owners and the key transport agencies
- Telephone and face to face contact with Strategic Planning and Council's Duty Planner

During the exhibition, 20 submissions were received and the comments raised which specifically relate to the Planning Proposal are considered in this report. Acknowledgement letters/emails were sent to all submitters following the end of the public exhibition/notification period.

For the purpose of reviewing and summarising the key issues raised the submissions received during the public exhibition are grouped in the following categories: Community submissions and Public Authority submissions. A summary table is provided below in **Table 5**:

Planning Proposal - No 2-6 Pilgrim Avenue, 9 Albert Road and 11-13 Albert Road, Strathfield to Amend the Height of Buildings and FSR in Strathfield LEP 2012 - Post Exhibition Report (Cont'd)

**Table 5: Submissions received on the subject Planning Proposal**

Submission	Number Received
Community	16
Public Authority	4
Total	20

A summary of all submissions received during the public exhibition (1 May 2018 to 1 June 2018) is provided in **Attachment 2**. A copy of the submissions received have been distributed under separate cover.

#### Community Submissions

A total of 20 Community Submissions were received during the exhibition period (as detailed in Table 5 above). Of the 16 objections received, 9 were form letters which were identical in form and content. However, as per the requests of the objectors, these have been noted as individual submissions.

These submissions predominantly came from adjoining residents and included issues relating to overshadowing, excessive height, lack of affordable housing, traffic and parking, residential amenity and overcrowding/overdevelopment of the site. A detailed summary of the submissions received and a response to the submissions is provided in **Attachment 2**.

The following is a summary of issues raised in the Community submissions (note that an individual submission may raise more than one topic):

- Reduced ventilation for existing residents in surrounding buildings
- Overshadowing of Pilgrim Avenue and properties to south
- Overdevelopment of the site
- Height increase considered excessive
- Exacerbates overcrowding at Strathfield station
- Lack of affordable housing and housing mix
- Lack of direct sunlight and cross ventilation in proposed units
- Request to demonstrate compliance with Apartment Design Guidelines at Planning Proposal stage
- Excessive provision of car parking spaces
- Concerns over provision of ground floor commercial and retail floorspace and separation from the existing town centre
- Perceived negligible effect on employment in the local area
- The traffic study does not consider the cumulative impacts of traffic in the local area
- Traffic study does not model 'worst case' scenario and assumes majority of residents will utilise public transport.

No changes have been recommended to the Planning Proposal as a result of the community submissions as the issues raised are anticipated to be considered in the future development application (DA) as part of the SEPP No.65 and Apartment Design Guide (ADG) compliance.

Independent urban design advice was sought from *David Lock & Associates* (DLA) to conduct a peer review of the proposal and to advise on what was considered to be an appropriate FSR and height for the site as part of undertaking a preliminary assessment of the proposal.

#### Public Authority Submissions

The following public authorities were consulted and submissions received during the public exhibition of the Planning Proposal:

- Transport for NSW – Sydney Trains
- Transport for NSW – Roads and Maritime Services

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- NSW Department of Education and Communities
- NSW Fire and Rescue
- Ambulance NSW
- NSW Police Force
- NSW State Emergency Service
- NSW Ministry of Health
- Energy Australia; and
- Sydney Water

A detailed summary of the comments received and a response to the submissions is provided in **Attachment 2**.

A response was received from four Public Authorities being, TfNSW – Sydney Trains, TfNSW – Roads and Maritime Services, NSW Department of Education and Communities and Energy Australia. No objection was raised in these submissions.

TfNSW – RMS advised that the proposal would not have significant traffic impacts on the state road network, and provided general comments on connectivity, safety and accessibility for pedestrians and bicycle riders to the existing networks and public transport links.

**Draft DCP for the Subject Site**

The Planning Proposal was supported by a draft DCP in accordance with the requirements of the Gateway Determination. In this regard, the condition required that the proponent:

- (1) *Prepare a site specific DCP reflecting the distribution of height across the entire site. This must ensure that the site which adjoins the residential area should have the lowest, while the part which is closest to the station should have the highest.*

A draft DCP has been submitted and is included as one of the attachments at **Attachment 1**. The draft DCP was exhibited as part of the Planning Proposal. Council considers that the draft DCP does not go far enough to address a number of issues such as building massing and active street frontages.

It is recommended that an amended DCP for the site be prepared that includes specific provisions including (but not limited to) detailed urban design considerations for any future development of the site including the provision of public access, built form, boundary setbacks, deep soil areas, tree retention and/or future greening and planting, vehicular access and any other relevant issues. This is to be prepared at the proponent's cost and must be submitted to Council for consideration and review.

The SLPP has also recommended that proponent also identify as part of the preparation of the draft DCP the potential for a pedestrian access link to the railway station. This has been included in the recommendation to Council

**Updated Traffic and Parking Assessment**

As part of the Gateway Conditions, the applicant was required to provide an updated traffic and transport assessment to address the cumulative effect of traffic generation on the intersection at Raw Square and Everton Road.

An updated Traffic and Parking Assessment was prepared by McLaren Traffic Engineering and Road Safety Consultants (dated 6 February 2018).

The traffic assessment is based on the redevelopment of the two (2) sites, upon which a total of four buildings are proposed. The development of Site one (1) will include the amalgamation of a

**Planning Proposal - No 2-6 Pilgrim Avenue, 9 Albert Road and 11-13 Albert Road, Strathfield to Amend the Height of Buildings and FSR in Strathfield LEP 2012 - Post Exhibition Report (Cont'd)**

total of five (5) existing residential lots. The details of the site relevant to this traffic and parking impact assessment are summarised below:

Site 1 includes the following:

- 51 one-bedroom units;
- 117 two-bedroom units;
- 888m<sup>2</sup> ground floor retail area;
- 5 levels of basement parking including 355 car parking spaces;
- Two-way driveway access to Pilgrim Avenue.

Site 2 includes the following:

- 113 two-bedroom units;
- 471m<sup>2</sup> ground floor retail area;
- Two-way driveway access to Raw Square.

In addition to the above, a total of 30 parking spaces will be provided to the public for commuters.

It is considered that as part of any future redevelopment of the subject sites, a minimum of 30 parking spaces be provided for use as public/commuter parking. The details of the provision of the public/commuter parking are to be negotiated with Council as part of any future Development Application for the redevelopment of Site 1 and/or Site 2. A recommendation has been included in this regard.

The SLPP also resolved in relation to traffic that an independent traffic study be undertaken having regard to the Council's Parramatta Road Traffic Strategy being prepared by Bitzios and also taking into account the cumulative impact of existing approved developments and potential developments in the Strathfield CBD and inclusive of this site. This has been included in the recommendation.

**Provision of Affordable Housing**

As part of the Planning Proposal the proponent has not offered any public benefit. The Eastern city District Plan makes provision for the development of affordable housing. A recent approval by the Sydney Eastern City Planning Panel for a Planning Proposal at No 11- 17 Columbia Lane required that the proponent provide a minimum 5% affordable housing as part of the Planning Proposal.

Strathfield Council is not currently listed in State Environmental Planning Policy No 70 (SEPP 70) and there isn't currently a mechanism available within Strathfield LEP 2012 to "lock in" affordable housing as part of an amending LEP.

The proponent of the subject Planning Proposal has not negotiated to enter into a Voluntary Planning Agreement (VPA) with Council to provide any public benefit, however Council considers that the need for affordable housing as part of any development is important.

In seeking consistency with respect to the provision of affordable housing it is recommended that a minimum of 5% of the overall number of units be provided as affordable housing and that the proponent advise in writing of its intention to provide this as part of any future development application.

Based on the details provided with the Planning Proposal with respect to the total number of units, a 5% minimum would yield approximately 8 affordable housing units for Site 1 and 5 affordable housing units for Site 2.

**Conclusion and Next Steps**

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**COUNCIL MEETING****6 NOVEMBER 2018****Planning Proposal - No 2-6 Pilgrim Avenue, 9 Albert Road and 11-13 Albert Road, Strathfield to Amend the Height of Buildings and FSR in Strathfield LEP 2012 - Post Exhibition Report (Cont'd)**

Council in relation to 2-6 Pilgrim Avenue, 9 Albert Road and 11-13 Albert Road, Strathfield has exhibited the Planning Proposal.

Council received 20 submissions from the community and public authorities in relation to the Planning Proposal. No changes have been recommended to the Planning Proposal as the issues raised in the community submissions were design and traffic related rather than to the Planning Proposal. These issues will be addressed in the assessment of any future development application

The public authorities did not raise any objections to the Planning Proposal and therefore, no changes are required to the Planning Proposal as a result.

It is recommended that prior to the submission of the Planning Proposal back to the Department of Planning to:

- i. Amend the Height of Buildings Map (HOB) to increase the height of buildings for Nos.2-6 Pilgrim Avenue, 9 Albert Road and 11-13 Albert Road, Strathfield to 54m; and
- ii. Amend the Floor Space Ratio Map (FSR) to increase the maximum floor space ratio for Nos.2-6 Pilgrim Avenue, 9 Albert Road and 11-13 Albert Road, Strathfield to 5:1

That the following be undertaken and submitted to Council for consideration and approval:

- A site specific Development Control Plan for Nos 2-6 Pilgrim Avenue, 9 Albert Road and Nos 11-13 Albert Road, Strathfield be prepared to reflect detailed urban design considerations for any future development of the site including the provision of public access, built form, boundary setbacks, deep soil areas, tree retention, vehicular access, the potential for a pedestrian access link to the railway station, the residential character of Pilgrim Avenue, and any other relevant issues. The DCP is to be prepared at the proponent's cost and is to be exhibited prior to the finalisation of the Planning Proposal.
- An independent traffic study be undertaken having regard to the Council's Parramatta Road Traffic Strategy being prepared by Bitzios and also taking into account the cumulative impact of existing approved developments and potential developments in the Strathfield CBD and inclusive of this site.

Once the required documentation has been submitted, a further report will be presented to Council seeking endorsement to exhibit the draft DCP.

**FINANCIAL IMPLICATIONS**

There are no financial implications.

**ATTACHMENTS**

1. Report to Strathfield Local Planning Panel - 4 October 2018
2. Submission Summary - No 2-6 Pilgrim Avenue, 9 Albert Road and 11-13 Albert Road, Strathfield



IRF18/3895

Mr Henry Wong  
General Manager  
Strathfield Municipal Council  
PO Box 120  
Strathfield NSW 2135

Dear Mr Wong

**Planning proposal RR\_2017\_STRAT\_004\_00 – Alteration of Gateway determination**

I refer to your letter seeking an extension of time to complete planning proposal RR\_2017\_STRAT\_004\_00 seeking to amend floor space ratio and building height provisions under Strathfield Local Environmental Plan 2012 at 2-6 Pilgrim Avenue, 9 Albert Road and 11-13 Albert Road, Strathfield.

I have determined as the delegate of the Greater Sydney Commission, in accordance with section 3.34(7) of the *Environmental Planning and Assessment Act 1979*, to alter the Gateway determination dated 6 November 2017 for RR\_2017\_STRAT\_004\_00. The Alteration of Gateway Determination is enclosed.

If you have any questions in relation to this matter, I have arranged for Mr Lewis Demertzi to assist you. Mr Demertzi can be contacted on 8275 1191.

Yours sincerely

  
20/11/18  
Amanda Harvey  
Director, Sydney Region East  
Planning Services

Encl: Alteration of Gateway determination



## Alteration of Gateway Determination

**Planning proposal (Department Ref: RR\_2017\_STRAT\_004\_00)**

I, the Director Regions, Sydney Region East, Planning Services, at the Department of Planning and Environment, as delegate of the Greater Sydney Commission, have determined under section 3.34(7) of the *Environmental Planning and Assessment Act 1979* to alter the Gateway determination dated 6 November 2017 for the proposed amendment to the Strathfield Local Environmental Plan 2012 as follows:

1. Delete:

"condition 7"

and replace with:

a new condition 7 "The time frame for completing the LEP is by 6 August 2019"

Dated *30<sup>th</sup>* day of *November* 2018.

  
**Amanda Harvey**  
Director, Sydney Region East  
Planning Services  
Department of Planning and  
Environment

**Delegate of the Greater Sydney  
Commission**

[Planning proposal no] (IRF number)

# ETHOS URBAN

15 March 2019

14474

Stephen Clements  
Deputy CEO/General Manager Planning, Environment & Urban Services  
Strathfield Council  
65 Homebush Road  
Strathfield NSW 2135

Attention: Rita Vella, Principal Strategic Planner

Dear Mr Clements,

## **2-6 Pilgrim Avenue, 9 Albert Road and 11-13 Albert Road, Strathfield – Planning Proposal**

We act on behalf of Convertia Pty Ltd who are the proponents for a Planning Proposal at 2-6 Pilgrim Avenue, 9 Albert Road and 11-13 Albert Road, Strathfield. The Planning Proposal seeks to amend the Strathfield Local Environmental Plan 2012 (LEP) to:

- increase the height of buildings for the site from 35m to 54m, an increase of 19m; and
- increase the floor space ratio of the site from 3.5:1 to 5:1, an increase of 1.5:1.

The Planning Proposal seeks to provide an uplift on the proponent's site, allowing for a further 40 apartments (approximately) to be delivered on their site, as well as an additional 30 apartments (approximately) on the adjacent site that is currently occupied by the Shell Service Station.

The Planning Proposal was reported to the Strathfield Local Planning Panel at its meeting of 6 October 2018, at which time the Panel resolved to forward the Planning Proposal to Strathfield Council for consideration, subject to several resolutions. At the Council meeting of 6 November 2018, Council resolved to support the recommendations of the Panel.

This letter outlines a request for the Panel to reconsider a part of their resolution of 6 October 2018 due to the inability of the proponent to satisfy one of the components of that resolution.

An explanation this request is set out below along with the justification to support the request for an amended resolution.

## **The Resolution**

### **Original Council Officer Recommendation**

Following a three-year assessment of the Planning Proposal that involved numerous agencies and decision-making bodies, including Strathfield Council, the Joint Regional Planning Panel, Department of Planning and Environment (DP&E) and the RMS, the Council officers prepared their assessment report and recommendation for the Local Planning Panel's consideration. The Council officer's original recommendation was as follows:

*a. That the Strathfield Local Planning Panel recommends to the Council that the Planning Proposal to amend Strathfield LEP 2012 in relation to 2-6 Pilgrim Avenue, 9 Albert Road and 11-13 Albert Road, Strathfield to:*

- Amend the Height of Buildings Map (HOB) to increase the height of buildings for Nos.2-6 Pilgrim Avenue, 9 Albert Road and 11-13 Albert Road, Strathfield to 54m*

Smart People,  
People Smart

T. +61 2 9956 6962

E. [sydney@ethosurban.com](mailto:sydney@ethosurban.com)  
W. [ethosurban.com](http://ethosurban.com)

173 Sussex St  
Sydney NSW 2000

ABN.  
13 615 087 931



- ii. Amend the Floor Space Ratio Map (FSR) to increase the maximum floor space ratio for Nos. 2-6 Pilgrim Avenue, 9 Albert Road and 11-13 Albert Road, Strathfield to 5:1

Subject to a minimum of 5% of the total number of units being provided as affordable housing and the requirement for affordable housing being included as a provision in Strathfield LEP 2012.

- b. That the Strathfield Local Planning Panel recommends to the Council that as part of any future redevelopment of the subject sites, a minimum of 30 parking spaces be provided for use as public/commuter parking. The details of the provision of the public/commuter parking are to be negotiated with Council as part of any future Development Application for the redevelopment of Site 1 and/or Site 2.

- c. That the Strathfield Local Planning Panel recommends to Council to prepare an amendment to the Strathfield Comprehensive Development Control Plan 2005 to reflect detailed urban design considerations for any future development of the site including the provision of public access, built form, boundary setbacks, deep soil areas, tree retention, vehicular access and any other relevant issues. The DCP is to be prepared at the proponent's cost

- d. That the Strathfield Local Planning Panel notes the submissions received during the public exhibition of the Planning Proposal for Nos. 2-6 Pilgrim Avenue, 9 Albert Road and 11-13 Albert Road, Strathfield and recommends to Council that all persons who made a submission to the Planning Proposal be advised of Council's decision.

#### Panel Resolution

At its meeting on 6 October 2018, the Strathfield Local Planning Panel resolved to support the officer's recommendation, but made further changes to the resolution as highlighted below (**our emphasis**):

- a. That the Strathfield Local Planning Panel recommends to the Council that the Planning Proposal to amend Strathfield LEP 2012 in relation to 2-6 Pilgrim Avenue, 9 Albert Road and 11-13 Albert Road, Strathfield to:

- i. Amend the Height of Buildings Map (HOB) to increase the height of buildings for Nos. 2-6 Pilgrim Avenue, 9 Albert Road and 11-13 Albert Road, Strathfield to 54m
- ii. Amend the Floor Space Ratio Map (FSR) to increase the maximum floor space ratio for Nos. 2-6 Pilgrim Avenue, 9 Albert Road and 11-13 Albert Road, Strathfield to 5:1

Subject to a minimum of 5% of the total number of units being provided as affordable housing and the requirement for affordable housing being included as a provision in Strathfield LEP 2012.

- b. That the Strathfield Local Planning Panel recommends to the Council that as part of any future redevelopment of the subject sites, a minimum of 30 parking spaces be provided for use as public/commuter parking. The details of the provision of the public/commuter parking are to be negotiated with Council as part of any future Development Application for the redevelopment of Site 1 and/or Site 2.

- c. That the Strathfield Local Planning Panel recommends to Council to prepare an amendment to the Strathfield Comprehensive Development Control Plan 2005 to reflect detailed urban design considerations for any future development of the site including the provision of public access, built form, boundary setbacks, deep soil areas, tree retention, vehicular access, **the potential for a pedestrian access link to the railway station, the residential character of Pilgrim Avenue**, and any other relevant issues. The DCP is to be prepared at the proponent's cost.

- d. That an independent traffic study be undertaken having regard to the Council's Parramatta Road Traffic Strategy being prepared by Bitzios and also taking into account the cumulative impact of existing approved developments and potential developments in the Strathfield CBD and inclusive of this site.

e. That the Strathfield Local Planning Panel notes the submissions received during the public exhibition of the Planning Proposal for Nos. 2-6 Pilgrim Avenue, 9 Albert Road and 11-13 Albert Road, Strathfield and recommends to Council that all persons who made a submission to the Planning Proposal be advised of Council's decision.

### Key Matters for Consideration

With regards to the Panel's resolution, the Proponent confirms that they are willing to prepare a draft DCP addressing the matters raised in the resolutions by the Panel, and that they willing to provide the public parking and incorporate the provision of affordable housing.

Whilst these elements of the resolution can be satisfied, the proponent wishes to advise the Panel that item (d) of the Panel's resolution requiring the preparation of a cumulative traffic study for the Strathfield CBD is something that they are unable to satisfy. We discuss the reasons for this below.

### Independent Traffic Study

It is requested that the Panel reconsider the imposition of the resolution requiring the proponent to prepare an independent cumulative traffic study for the Strathfield CBD.

It is noted that a detailed traffic study was prepared for the site that addressed all the matters previously raised by the Council, the then Sydney East JRPP and the DP&E in their Gateway Determination, specifically we note that the requests made by the Sydney East JRPP and the DP&E were as follows:

- **Sydney East JRPP recommendation** – *'That a traffic study be prepared which applies to the whole street block and which takes into account any public commuter parking provided.'*
- **DP&E Gateway Determination requirement** – *'Provide an updated traffic and transport assessment to address the cumulative effect of traffic generation on the intersection of Raw Street and Everton Road.'*

The Traffic and Parking Impact Assessment undertaken by McLaren Consultants was specifically prepared to respond to the requirements set by the Sydney East JRPP and the DP&E Gateway Determination. Following detailed traffic modelling and testing, McLaren Traffic Consultants conclude in their report that the traffic generation associated with the planning proposal site will have *'no noticeable impact on the surrounding road network in terms of intersection delays or queue lengths.'*

This Traffic and Parking Impact Assessment was the subject of heavy scrutiny during the assessment process for the Planning Proposal, with both the Council's own traffic engineers and the RMS concluding that the assessment was technically sound and that there was sufficient justification of the Planning Proposal. Both the Council traffic engineers and the RMS confirmed they had no objections to the Planning Proposal on traffic grounds.

Given the level of scrutiny placed on traffic by DP&E, Council and the RMS during the assessment of Planning Proposal, and the fact that all authorities agreed with the results of the technical analysis prepared by McLaren Traffic Consultants, we were surprised with the Local Planning Panel's decision to amend the Council officer's recommendation to include a further new requirement for an additional and more expansive cumulative traffic assessment. Specifically, the Panel's resolution added a further requirement as follows:

***"That an independent traffic study be undertaken having regard to the Council's Parramatta Road Traffic Strategy being prepared by Bitzios and also taking into account the cumulative impact of existing approved developments and potential developments in the Strathfield CBD and inclusive of this site."***

Since the Local Planning Panel's resolution, the proponent has investigated the possibility of undertaking such an analysis that satisfies the Panel's requirement. Discussions with McLaren traffic engineers and other companies has revealed that such an analysis is an almost impossible task for the following reasons:

- the Planning Proposal only seeks a 1.5:1 increase above the existing FSR for the site (equating to approximately 40 additional apartments on the Proponents site and 30 additional apartments on the adjacent site), has already had its traffic impacts assessed in detail and found to be satisfactory by Council, DP&E and the RMS;
- the plans provided in support of the Planning Proposal satisfy Council's Development Control Plan requirements in terms of servicing and loading, exceed the bicycle and car parking requirements, and included a provision of 30 additional spaces for public parking;
- conducting a cumulative assessment of approved and 'potential' developments in the Strathfield CBD cannot be completed as it is not possible to identify 'potential' developments within the immediate area;
  - establishing development schemes for the entire CBD area not under the Proponent's control is difficult, as there is no ability to predict future potential developments.
  - any assumption on future planning controls to establish potential development schemes would be highly speculative, with Strathfield to undergo transformation as part of the State Government's Planned Precinct program which would result in current planning controls becoming obsolete;
  - any cumulative traffic study completed now would become outdated in the very near future based on changes to planning controls;
- any cumulative traffic assessment should be completed as part of a broader LEP review process based on future intended redevelopment of the CBD area; and
- the subject site and Strathfield CBD are not situated within or near to the Parramatta Road corridor that is the subject of the Parramatta Road Traffic Strategy being prepared by Bitzios and is separated from the strategy area by the railway corridor.
  - it is not clear whether any independent CBD-wide traffic study that is to have 'regard to the Council's Parramatta Road Traffic Strategy being prepared by Bitzios' is required to wait until that report has been completed. There has been no draft of that strategy released and no indication of its modelling parameters;
  - there are significant unknowns relating to the timeframe for finalisation of that traffic report as Transport for NSW and RMS do not currently agree on the scope of the traffic modelling used for the Bitzios report;
  - waiting on an unknown traffic report to be completed imposes further time delays on the Proponent.

## Conclusion

As outlined above the Proponent is willing to prepare a draft DCP addressing the matters raised in the resolutions by the Panel, and that they willing to provide the public parking and incorporate the provision of affordable housing per the Panel's resolution. It is not, however, possible for the Proponent to prepare an independent traffic study that assesses the cumulative impacts of the development and other nearby 'potential' developments within the Strathfield CBD, that relies on the un-released Parramatta Road Traffic Strategy being prepared by Bitzios for the reasons outlined above.

At all stages of the Planning Proposal process, Convertia Pty Ltd has sought to respond to all of Council's concerns, including amending the concept down from 8:1 to 5:1, changing the building design to respond to comments from Council's independent urban designer (David Lock & Associates), preparing additional information, agreeing to provide basement parking across the block for 30 car spaces etc. Despite the willingness of the Proponent to undertake the resolutions imposed by the Panel, there is significant concern related to the preparation of an independent traffic study that cannot practically be completed.

Based on the information above, it is requested that the Panel resolve to remove item (d) from their resolution of 6 October 2018, which requires the preparation of an independent traffic study:

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***d. That an independent traffic study be undertaken having regard to the Council's Parramatta Road Traffic Strategy being prepared by Bitzios and also taking into account the cumulative impact of existing approved developments and potential developments in the Strathfield CBD and inclusive of this site.***

I trust this is what you require at this stage and look forward to hearing confirmation that the Panel will revisit and reconsider their resolution. We understand that once the Panel have resolved a new recommendation for the Planning Proposal, it will proceed to the next Council meeting to be further considered.

Should have any queries please do not hesitate to contact me on 9956 6962.

Yours sincerely,



**Benjamin Craig**  
Director  
02 9956 6962  
bcraig@ethosurban.com



**Christopher Curtis**  
Senior Urbanist  
02 9956 6962  
ccurtis@ethosurban.com